



CITY COUNCIL WORK SESSION

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho
Tuesday, March 15, 2022 at 4:30 PM

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Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: <https://us02web.zoom.us/j/85423406329>

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

Webinar ID: 854 2340 6329

ROLL CALL ATTENDANCE

___ Jessica Perreault

___ Joe Borton

___ Brad Hoaglun

___ Treg Bernt

___ Liz Strader

___ Luke Cavener

___ Mayor Robert E. Simison

ADOPTION OF AGENDA

CONSENT AGENDA [Action Item]

1. [Approve Minutes of the March 1, 2022 City Council Work Session](#)
2. [Approve Minutes of the March 1, 2022 City Council Regular Meeting](#)
3. [Artemisia Subdivision Sanitary Sewer and Water Main Easement](#)
4. [Quartet Northeast Subdivision No. 2 Sanitary Sewer and Water Main Easement No. 1](#)
5. [TM Crossing Lot 15 Partial Release of Water Main Easement](#)
6. [TM Crossing Lot 16 Partial Release of Water Main Easement](#)
7. [Final Order for Meridian Movado Village Subdivision \(FP-2022-0002\) by Breckon Land Design, Located on the South Side of E. Overland Rd. Between S. Eagle Rd. and S. Cloverdale Rd.](#)
8. [Findings of Fact, Conclusions of Law for Healthy Living Condominiums \(SHP-2022-0001\) by KM Engineering, LLP, Located at 5155 S. Hillsdale Ave.](#)

9. [Development Agreement \(H-2021-0065 Aviator Springs\) Between the City of Meridian and Acclima, Inc. for Property Located at 3235 N. McDermott Rd.](#)
10. [Development Agreement \(H-2021-0075 - Rackham East Subdivision\) Between the City of Meridian and BVA Rolling Hills No. 1 \(Owner\) and Brighton Development, Inc. \(Developer\) for Property Located on the South Side of I-84, 1/4 Mile East of S. Eagle Rd.](#)
11. [Agreement Between the City of Meridian and Meridian Youth Baseball \(MYB\) for Priority Use of Sports Facilities for the 2022 Season](#)
12. [Sole Source Purchase of Andritz Centrifuge Equipment and Related Software and Associated Replacement Parts Through Andritz Separation, Inc.](#)
13. [Parks and Recreation Department: Meridian Community Pool Fees](#)

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

DEPARTMENT / COMMISSION REPORTS [Action Item]

14. [Solid Waste Advisory Commission Annual Update](#)
15. [Police Department: Request to Transition the Part-Time Anti-Drug Coordinator Position to a Full-Time Position](#)
16. [Mayor's Office: Discussion to Plan Use of Federal American Rescue Plan Act \(ARPA\) Funds](#)

ADJOURNMENT



AGENDA ITEM

ITEM TOPIC: Approve Minutes of the March 1, 2022 City Council Work Session

Meridian City Council Work Session

March 1, 2022.

A Meeting of the Meridian City Council was called to order at 4:30 p.m., Tuesday, March 1, 2022, by Mayor Robert Simison.

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

Members Absent: Jessica Perreault.

Also present: Chris Johnson, Bill Nary, Alan Tiefenbach, Tracy Basterrechea, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

<input checked="" type="checkbox"/> Liz Strader	<input checked="" type="checkbox"/> Joe Borton (4:56 p.m.)
<input checked="" type="checkbox"/> Brad Hoaglun	<input checked="" type="checkbox"/> Treg Bernt
<input type="checkbox"/> Jessica Perreault	<input checked="" type="checkbox"/> Luke Cavener
<input checked="" type="checkbox"/> Mayor Robert E. Simison	

Simison: Council, we will call the meeting to order. For the record it is March 1st, 2022, at 4:32 p.m. We will begin this City Council work session with roll call attendance.

ADOPTION OF AGENDA

Simison: Next item is adoption of the agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Cavener: 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: FOUR AYES. TWO ABSENT.

CONSENT AGENDA [Action Item]

- 1. Approve Minutes of the February 15, 2022 City Council Work Session**

2. **Approve Minutes of the February 15, 2022 City Council Regular Meeting**
3. **Apex Southeast Subdivision No. 2 Sanitary Sewer Easement**
4. **Future State Highway 16 Crossing Water Main Easement**
5. **Final Plat for Meridian Movado Village Subdivision (FP-2022-0002) by Breckon Land Design, Located on the South Side of E. Overland Rd. Between S. Eagle Rd. and S. Cloverdale Rd.**
6. **Final Order for Prescott Ridge No. 1 (FP-2021-0053) by KM Engineering, LLP, Generally Located 1/3 Mile South of W. Chinden Blvd., on the East Side of N. McDermott Rd.**
7. **Memorandum of Agreement Between Meridian Library District and City Of Meridian for Design and Installation of Mural**

Simison: Next up is the Consent Agenda.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

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

Cavener: Second.

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

MOTION CARRIED: FOUR AYES. TWO ABSENT.

ITEMS MOVED FROM THE CONSENT AGENDA [Action Item]

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

DEPARTMENT / COMMISSION REPORTS [Action Item]

8. **License Agreement Between the City of Meridian and Concept Investments, LLP for Landscape Improvements and Maintenance**

Simison: So, we will move on to Item No. 8 under Department/Commission Reports. First item up is a license agreement between the City of Meridian and Concept Investments, LLP, and I will turn this over to Mr. Barton.

Barton: Good afternoon, Mayor and Council Members. In October of 2021 we were here in front of you discussing a project -- possible project to beautify one of the remnant parcels on Meridian Road. This idea was brought to us, so we kind of looked into it and talked to the owner and they were receptive of that, so -- and Council gave us direction to -- to trudge forward on this and so that's what we did. Legal Department prepared a license agreement and we presented that to the owner. We finally got it back on January 14th and so we are bringing that to you this evening for approval.

Simison: Thank you. Council, questions for staff? Maybe one, Mike, just for the record. What do we intend on doing with the property?

Barton: Yeah. So, that -- that leads us into the next item. If you want to take them both at the same time I can just keep right on going.

Simison: Yes.

9. Parks and Recreation Department: Fiscal Year 2022 Budget Amendment in the Amount of \$45,000.00 for Meridian Road Island Beautification

Barton: So, at that time when we talked about this project it was -- the cost was discussed and, then, we also discussed on the timing and that we could run it through the budget process and if that was the case, then, we -- we couldn't actually execute the project until the spring of '23, whereas if we brought forward a budget amendment that we could do the project this spring and kind of lock in the cost that we -- the costs that we received at that time. So, Council's direction was to bring back not only the license agreement, but a budget -- budget amendment of 45,000 dollars. So, that's what we are doing and I will answer any questions you have.

Simison: And this will just be primarily for grass?

Barton: Correct. Yeah.

Simison: Council, any additional questions for staff?

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Nary, I assume you want us to approve the agreement and, then, the budget amendment in two separate actions?

Nary: Yes.

Cavener: All right. Mr. Mayor?

Simison: Councilman Cavener.

Cavener: I move we approve the license agreement between the City of Meridian and Concept Investments, LLP, for landscape improvements and maintenance.

Bernt: Second the motion.

Simison: I have a motion and a second to approve Item 8. Is there any discussion? If not, all in favor to signify by saying aye. Opposed nay? The ayes have it and the agreement is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Cavener: Mr. Mayor?

Simison: Councilmen Cavener.

Cavener: I move that we approve a fiscal year '22 budget amendment in the amount of 45,000 dollars for Meridian Road island beautification.

Hoaglun: Second the motion.

Simison: I have a motion and a second to approve Item 9. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes and the item is agreed to.

MOTION CARRIED: FOUR AYES. TWO ABSENT.

Simison: Thank you, Mike.

Barton: We are on it.

**10. Community Development: Ustick Road Center Median Options
Between Ten Mile Road and Linder Road**

Simison: Next item up is Item 10, Community Development Ustick Road central median options. I will turn this over to Mr. Hood.

Hood: Thank you, Mr. Mayor, Members of the Council. A little theme here this afternoon. We are going to talk about beautification of another corridor in the center of the road on Ustick. So, there are some options. Let me provide a little bit of background information. Parametrix was contracted with Ada County Highway District this last year and completed a concept study for the first mile of Ustick roadway that's up for widening west of Linder Road, so between Linder and Ten Mile. Part of that concept, the preferred alternative from that concept includes widening Ustick from two lanes to -- one in each direction to two lanes in each direction with the center median. Where there isn't a center median so that left-hand turns can be made, ACHD is designing in some 11 foot wide concrete medians. They will also be putting in some -- a vertical barrier. So, wrought iron fencing or something similar, probably at 36 inches, to provide some vertical obstruction. So, the medians are being included really largely -- solely for transportation related purposes. If they didn't put something in the center median they would likely have to sign the speed limit of the corridor at 45 or 50 miles an hour, because it would just be -- feel like a race track straight and not a lot of access points to conflict with somebody going, again, in excess of 35 or 40 miles an hour. So, they are putting in a center median and they are trying to make it feel like you should drive slower. So, there is a lot of psychology in the -- in the transportation engineering practice. So, part of the discussion was if -- if the city chooses to do nothing we will basically get concrete or asphalt -- likely concrete center median with, again, some vertical barriers, split rail or -- or a wrought iron fence type of a thing to provide that vertical relief and obstruction. What I thought I would take to you -- and this is similar to Miranda Carson last year had a similar request on a quarter -- and I can't remember if it was Lake Hazel or Eagle, but in that area to look at one of those corridors to potentially landscape the center median instead. This is a largely residential part of our community. Personal opinion it would -- it would look a lot nicer, it would -- it would look more premier to landscape this, put a little bit of life in there, it wouldn't be so sterile. There is landscaping on the sides on most all of the subdivisions that are there. Bridgetower is a large subdivision that's on the north side in this mile segment. A Long story short, this -- I'm here asking you if you would like to invest in the corridor, invest in some landscaping and -- and, really, the long term maintenance of that. Let me run you through the corridor a little bit. This is also included in the memo that I prepared, but I think it will probably show up a little bit better on your screens than on eight and half by 11. So, this is starting on the western boundary of the project at Ten Mile Road. So, I'm going to go from west to east kind of in the concept. Can everybody see that? Yeah. It looks like it's on the screen. Make sure the full pages are -- just as a quick aside, one of the things we are talking with them as well is the ability to make a U-turn at this location, because you put those center medians in, if you miss your turn there is really not a whole lot of opportunity to -- to go back and those center medians, again, prohibit left turns in certain locations. So, this is the concept level. It isn't the ultimate design. That's -- that's what we are getting ready to do is take that concept design that Parametrix did and TO Engineers is actually working with the -- with the highway district on -- on designing this project for construction. So, likely the ability to make a U-turn at this intersection. So, this segment -- sorry. I got to move pictures around. There is one smaller median in this area. In total there are six different segments of these medians, approximately 1,900 linear feet. So, again, 11 feet wide by 19 feet in length in six different segments. This is one of the smaller segments. I think it will be a little bit more evident in the next slide.

There is a county parcel right here that still has full access, so that's one of the reasons this median can extend further is there is that county parcel where full access needs to be maintained, at least in the interim. You can see their driveway here. So, these -- on the western side ideally you would have a longer run of median here, but to preserve the access points for these two right now, anyways, it's being designed with those three smaller segment medians that could potentially be landscaped. There is a new traffic signal. Again, sort of an aside, not necessarily before you today, but they will be signaling the Towerbridge Way intersection that goes into Bridgetower. This is the collector roadway that feeds into the Bridgetower project. This median isn't subject to the -- the landscaping I'm talking to you about. There would be -- this would be a refuge area that if someone weren't able to make the full crossing they could pause here and do a two phase crossing as a pedestrian to get all the way across the street. So, most of the pedestrians would likely cross in this location. But, again, a signal as part of the project. And, then, we do get some of the larger runs of the medians. So, again, we have done a pretty good job. I think the Five Mile Creek helps with that. Not too many bridges for access points, but only one access point here. So, there is really not a reason to have this center turn lane, no one is turning left or right here because there is nowhere to turn to. Two longer turns here. Two longer medians here. And, then, where two of -- the recently improved intersection at Linder Road. So, the scope of this project would tie into the work that was done -- again, the existing Linder-Ustick intersection as it's -- in its ultimate configuration. So, that -- let's -- let's end here. Those longer medians I think were in the neighborhood of six to seven hundred feet. So pretty substantial. And, again, the three on the -- on the west were substantially smaller. So, depending on -- on the level of design and the materials installed -- I did some -- some rough estimates with Mike, but just kind of made some assumptions that if we -- if we were to put in some landscaping, with some trees, some shrubs, some rock mulch with an irrigation system, would cost around 75 dollars per linear foot or approximately 150,000 dollars for this mile segment. That's just to design and install -- improve this with something other than that hardscaping I was talking about. Further annual maintenance costs are estimated about 5,000 dollars. I would pause and just say that 150 number is a pretty rough estimate. You know, today's dollars, with today's -- you know. And this project wouldn't -- this -- this isn't scheduled to be constructed until 2025. So, they are designing it this year, would do right of way next year, and, then, constructed in 2025. So, who knows how much a tree is going to cost in a couple three years or the shrubs or the irrigation or the labor to install those things. But, again, in today's dollars that's a pretty -- pretty good estimate anyways. And same with maintenance. Who knows what our maintenance contract looks like. We can control some of that, but we would hope to design -- design something that is fairly low maintenance and that's actually part of -- I'm jumping ahead a little bit. I did talk about this with our transportation commission. Punch line. They are generally supportive of this, but they do want to do something that is virtually no maintenance or very low maintenance in -- in a design. That is ultimately their recommendation to you. But we would have to go out to bid. I will also note here -- typically ACHD does require a partner agency. So, the city, an urban renewal agency, and other government-related partner to pay for the design and the installation costs. In this scenario I'm pretty confident -- I don't want to jinx us, but I'm pretty confident I can convince them, because they are putting these medians in for a transportation need, they have to have these in there to, again,

sign the corridor to an ideal speed limit for them in a residential district on an arterial. Basically it's a wash for them. They are going to have to -- if they hardscape this in concrete they are going to be spending roughly 150,000 dollars anyways. So, instead of spending that money on concrete, put it towards the installation -- the design and installation of the irrigation and a couple trees and shrubs, if the city is willing to maintain it. I know they don't want to maintain it. So, it's not a full package deal. They aren't -- if -- if we can convince them to put in this material we still have to at least commit to the maintenance, if not the design, installation, and the maintenance. So, there is kind of a -- the question to you, ultimately, is are we interested in partnering with the highway district and does that change anything? Are we only willing to partner with ACHD if they are willing to -- to put in landscape materials or if worst case, are we willing to design, install, and maintain the landscape materials here. So, that's one of the questions and I guess one -- the main question. Just a little bit more context. So, from staff's perspective -- and -- and this is part of our presentation to the transportation commission as well. I see a real opportunity here, kind of a bigger picture zooming back out, if you look at State Highway 16 coming in. There is going to be an interchange there and anyone getting off at Ustick that wants to come into Meridian, I think there is an opportunity. I'm not asking you to commit future councils to doing something similar in the next two miles to the county line, but there is an opportunity I think in this corridor to have a boulevard feel, welcome to Meridian, and -- and set this corridor out as something special in our community. You know, Ustick back to the east -- the next mile to the east was recently widened and we didn't put medians in there. I think there is even -- even further we could potentially even retrofit that corridor and do something similar, but which brings you to Meridian Road and could have a four mile of a major arterial -- Ustick Road is a major thoroughfare that kind of sets us apart. Again, I will use the premiere word again potentially. Again, I'm not having you commit to that, but I -- there is some vision involved in this conversation. This isn't just a one-off mile segment where we put some medians in, there would be some level of understanding that we would at least have a conversation about the next mile to the -- to the west and, then, the third mile to the west, which gets us to the county line. So, we aren't committing to that, but that's at least some of the thought process. If you say no this one I don't -- I -- I don't see us doing it for the other two miles probably. We can ask you again if you would like next year when that mile is designed, but that's kind of the thought process. So, one more -- one more thing and, then, I will look for questions or feedback. That next mile -- so, west of Ten Mile to Black Cat is also going into design and should be complete in '23 as well, with construction shortly after and, then, the third mile, Black Cat to McDermott or State Highway 16 is planned for design by ACHD in 2026. So, these three miles are going to be designed back to back to back. The construction of that last mile is unfunded right now, so I don't know when they will actually construct that, but they are going to design all three of these in the next three years. So, I think with that I already mentioned that the transportation commission supports landscaping the center medians with a preference towards lower maintenance materials and with that I will stand for any questions, feedback, direction you want to give.

Simison: Thank you, Caleb. Council, questions, comments, feedback?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Caleb -- and I know some of these questions might be more appropriate for ACHD and I just want to start up high and, then, we will go granular -- is -- when I first opened the packet and read this I was just shocked to see medians in this area. So, you answered one of the questions. That is they are going to do it from the western end. I -- I have never seen this part of the road. I live on this road -- just off this road -- as being the gateway to Meridian. I mean that's just not -- not a deal and -- and -- and people are coming down Ten Mile and they are coming down Linder, access points and whatnot, river crossings, the whole bit for -- for those roads and, then, McMillan, of course, to the north and, then, Chinden. The -- one of the things that I'm -- I'm concerned about, especially here with the picture that you have got up, you have got Five Mile Creek on the right-hand side -- on the north side there and, then, you have got Tumble Creek down here farther. For -- for maintenance staff to get out there, if we do any weeding and whatever, irrigation repair, that's -- that's a tough stretch, because there are no sections -- I mean it's -- you got the creek on one side and you do have the sidewalk on the other, but that's a long, tough stretch. It's kind of like parts of Ten Mile up there at the interchange where you are -- you are kind of out there on your own and it's -- the safety is -- you know, they -- they do it right, but at the same time there is always that -- that concern someone is not paying attention. So, that -- that makes me a little concerned about that and -- and that kind of makes me lean towards more of a hardscape than -- I mean -- I mean we want it pretty, but at the same time it's just -- it's added cost on our end of things. Caleb, one thing I wanted to find out, there is going to be a ten foot path on the south side of Ustick Road here?

Hood: So, Mr. Mayor, Council President, actually, ten foot path on both sides. So, some of it exists, so in what I have still got on the map, right, the -- the existing pathway is a little bit off because of the creek and -- and some of those slopes, they are going to continue to use the pathway here. But let me go to the next segment. But I -- the typical section includes a ten foot path on both sides. So, that's the multi-use pathway that ACHD is moving towards on pretty much all their capital projects these days.

Hoaglun: Wow. Because there is an existing sidewalk -- Mr. Mayor and Caleb. You know, where it's red, that's the existing sidewalk that -- that exists. I -- I really wonder, because that creek -- and I know they are going to put in a barrier and coming across, they are going to have to take a lot of that -- that median -- the median area or the, you know, extra area, which was left when, fortunately, in these areas Meridian planned well and said, okay, here is going to be the setback for future expansion. But it's still going to be a lot. I'm -- I'm thinking that ten foot is going to be right up to their fence. It's going to be very very close. Again, that's more of an ACHD thing than -- than our thing.

Hood: Mr. Mayor, Council President, if you want to just spend a second there, I can walk you through that a little bit more. So, here is a typical for this section. So, yeah, the Turtle Creek and -- and this Glenfield Way area, we have done a better job and you can see

what's going to be left after the project, about 19 and -- a little over 19 feet to the fence line there. So, actually, in this segment -- pretty good still. There is over 25 feet there now, so we do lose some of that, but that -- that existing sidewalk is being removed. Ten foot pathway, with a six foot buffer, and, then, the travel lane. So, in this -- in this segment you are good. If we go a little bit further to the west, though, it does get pretty tight here. So, this is the subdivision -- if you look at the typical there, we are 3.8 feet away from that fence line. The existing sidewalk is going to be removed in favor of that ten foot wide pathway, but this is the most constrained. So, for these eight, nine homes that are there, that pathway does come pretty darn close to their -- their backyard or their fence line. I just wanted to -- it does vary a little bit on the corridor, I guess. But we -- we looked at that and -- and in the ten foot wide pathway.

Hoaglund: Let's go back to that other slide as we -- as we go to the west. I notice they are putting in a new crossing at Five Mile Creek up here. What I find interesting -- there was a triangle spot there. I -- I was surprised at that, because now if we go to the next slide -- again go west, the entrance to Tower Bridge Way accesses the -- the Five Mile pathway and -- and, then, just right there where your pointer is -- right there is a bridge I helped build back in -- it had been a wood structure. We put in the concrete. That was strong enough to let milk trucks -- full milk trucks go across, because up there to the north was my father-in-law's dairy. So, I -- I'm thinking I -- I know we -- that's private property to some degree. A lot of it's irrigation right of way. And -- and so people are going to take this sidewalk to nowhere heading east on that north side and, then, if you go back and, then, access that -- that new bridge and -- and I just -- and see the sidewalk does not continue, I was just surprised they didn't -- even if they don't use that actual -- the bridge we built, but not go down Tower Bridge, just to that point, if we go back up -- just make -- up to the next slide again. So, where it says North Tower Bridge Way, right there you can see it where it -- where it goes out of the picture, you see the pathway. Yeah. Right -- right there. And that's a crosswalk and the whole bit. I'm just surprised they don't have people go -- follow that to access the pathway, instead of building a new bridge. I mean money is money.

Hood: Well, Mr. Mayor, Councilman -- Council President Hoaglund, a little bit on that. So, again, this -- what you are looking at here is the preferred concept. They haven't gotten to that level of design and this is preferred concepts. So, some of those conversations need to still happen with the irrigation district. A little more study of the existing bridge. So, it's not a done deal that a new bridge will replace that bridge. I think some of why it's in the preferred option for that, though, is what we kind of alluded to before and that the pathway serves as the de facto sidewalk in getting people back in corridor almost as soon as possible, rather than having them go away from where they want -- you know, the sidewalk paralleling the road, instead of having to feed everybody -- either into Bridgetower or away from. I think that was some of the thought process why I talked to the irrigation district, at least see what a new bridge -- it's going to be costly for them, to your point. So, I'm not holding my breath that this is a new bridge. I guess that's my disclaimer that this is a preferred alternative. That existing bridge may -- may function fine and may stay. This was something to trigger that discussion and see if it does make sense to build a new bridge.

Hoaglund: Thanks for that -- that background on that, Caleb. Appreciate that. And let's just jump one more to the -- to the -- to the west, Quarrystone Way, we have that. Just for people's information, Quarrystone Stone Way and, then, the county sub -- it's now in the city -- that's to the -- to the west here. Shafers live in that property that's open. They have stub streets just off the screen on both sides that will access that property when that developed someday, so -- and -- and same with the property on the south side, they have got a stub street I think coming from -- yeah, back there and -- and access point for -- for that, so -- that will work.

Hood: And again -- sorry to interrupt again, Council President, but that is -- again, to today's situation I envision this median being larger, because access to those parcels you just called out will be internal and, hopefully, we can limit -- you know. But for today we need to provide them with an access to Ustick, because that's historically what they have enjoyed.

Hoaglund: And -- and to that point, Caleb and Mr. Mayor, the -- making those longer -- again, we are in a heavily traveled corridor and having staff find a way to -- where to park, to get out there to access that, that's just a -- that's just the way it's going to be, you know, all the way -- if they do this all the way down -- down Ustick. So, that makes it a little more -- more difficult, but --

Hood: So, Mr. Mayor, Council President, a little bit -- a little bit more on that -- and Mike and I were on the -- the team, actually, at the Meridian Road interchange and we designed in some of those pull out areas for maintenance vehicles as well. So, there are some spots that are strategically designed into something. So, there may be some hardscape areas still within these medians that you can pull a truck and trailer up and -- potentially and they can, you know, pull their toters up there with them as they trim stuff off. But, again, we are really trying to have these be lower maintenance. So maybe a few times a year. I don't -- don't quote me on that. But -- but, again, not -- certainly not there every week mowing lawn. Something that's a lower maintenance where spring and fall we will go and trim things up type of a thing and maybe the garbage every once in awhile. But we haven't gotten to that level. But I will just say -- I mean you mentioned at Ten Mile. That -- we do thoughtfully need to think about that and I'm glad you brought it up, because there is a safety concern and we need to have pullouts for their trucks, because there is not a shoulder here for them to pull in and we don't want them up on the multi-use pathway type of thing. So, if we move forward that will be a consideration we will ask them to design in.

Hoaglund: I appreciate that, Mr. Mayor and Caleb.

Simison: Councilman Hoaglund.

Hoaglund: That's a good point that we -- we would have to keep the safety -- it's one of those things -- love to see them landscaped and look beautiful, because that's my street, local street if you will. My local arterial. But at the same time if safety is a concern, then, let's not -- let's not do that. But if we can design it in a way that keeps our workers safe,

then -- then by all means, then, we should -- we should do that. I don't think I had anything further -- to the west, if you want to go to that. Yeah. That was a county subdivision that came in. So, if you see houses that are all vinyl, that's -- that's why. It wasn't our choice at the time, so -- and, then, they -- when the other subdivision came in they -- they just matched. That is a difficult intersection to get in and out of the way it is that close to -- close to Ten Mile. So, it is what it is, but -- and that one does have -- have a -- a little bit of -- no, it doesn't. Not yet. No median yet. So, yeah, it just was a surprise to see that out there -- what used to be a country road and if I regale you with a story, that was where, when you took driver's training in school they would take you out, once you learn the basics of operating a car and would take you down Ustick Road right there, two -- two lanes, country road, no guardrails and Five Mile Creek right there. That was the white knuckle moment they took beginning drivers to make sure can they handle it. Are they going to panic and drive this car into the ditch? So -- so, a lot of kids talked about how scary that was to them, because it was right there and no guardrail, so --

Simison: Councilman Hoaglun, I think when this City Council gig is over we have got something for you on historic preservation.

Strader: Mr. Mayor?

Simison: Real quick. For the -- for the record, Councilman Borton joined us at 4:56 p.m. Council Woman Strader.

Strader: Thank you. Thanks, Caleb. I guess the question I had in terms of -- totally agree on trying to get the long-term maintenance cost of this down if we were to move forward. I -- just some feedback. If our transportation professionals are recommending this as something that's needed to get the speed to a reasonable level, I understand that. I would be curious -- what's the difference in long term maintenance cost between like, you know, a boulevard with trees versus something that has more -- just like xeriscaping. I'm thinking about like -- there is kind of a very strange looking roundabout near Hill Road as you go to Bogus, but it has some really beautiful xeriscaping and I think, you know, we live in a desert, hopefully, it wouldn't take much water, if any water. Maybe native plants and if it's something that low maintenance could we really cut down on the maintenance cost if we went with something more like that, as opposed to trees that had to be trimmed? Just curious kind of what the options would be down the road.

Hood: Yeah. I'm going to have -- Mike is here for some of that and I wouldn't do justice to any answer there.

Barton: Mr. Mayor and Council Woman Strader. It's a -- it's a good question. I mean I -- I would say in this corridor that turf grass is definitely not an option, just because of the frequency and the -- by the time you have to unload equipment and -- it's just not very practical. But, you know, the xeriscaping refers to maybe a low water consumptive plant material that is -- you know, as far as maintenance it's probably not any less than typical shrubs. I don't see shrubs out there -- like you wouldn't be there with shearing hedges and that kind of stuff, but trees and plants that are well suited for that -- for our environment

and our climate would be more appropriate. I think that, you know, you do what you can with -- to reduce the -- at least the frequency of maintenance and -- and maybe it's a two times a month type visit and, then, in the spring and fall you -- you do a clean up or a cut down or something like that. One of the -- one of the -- probably the biggest maintenance considerations for this would be the -- the amount of repair that it needs, because it seems like on Ten Mile -- Ten Mile Road just before the interchange -- and you don't even know why or when or how it happened, but there is always tire tracks in there and it's like somebody -- somebody doesn't see stopped traffic and they bail out and they -- they go in the landscaping. So, there is some of that. But long term and -- and to the safety point, I think that the crews would pull up -- well, first of all, we contract these out. This would be one of those sites. It wouldn't be city crews maintaining this. But they would likely pull up in the center turn lane right before the median and just park and get out and walk it and get back in the truck. I mean if there was a major cut down or clean up, like a spring and fall kind of thing, they would probably do that either on a Saturday or -- well not even early in the morning. It would probably be a Saturday. Just -- just to get in there and get it done and get out of the way.

Strader: Thanks, Mike.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mike, since you are up here, I guess kind of a question about trees. If I -- my memory is correct, after a certain period of time don't we take out mature trees and, then, kind of replace them with less mature trees? I feel like that we did that in downtown a few years ago and -- so I guess if we -- if we plant something it's -- it's there, really, in theory temporarily.

Barton: Mr. Mayor, Councilman Cavener, in -- in a -- in an 11 foot wide planter strip where there is enough soil volume to accommodate the root system these would be in their long term and the only reason we did that downtown is because we were stuffing trees in a six foot by six foot box. So, these would -- these trees, you know, theoretically, they are going to be allowed to be there and mature and -- and you can keep limbed up so they don't get -- you know, block sight lines and that kind of stuff. So, it's totally appropriate.

Simison: So, it's -- okay. I have a question. From a practical standpoint, the stuff that's further on the west where you really don't have any connectivity to items, is the thought that you would do the half now of this road that has -- you could actually do something with and the other half later when those county parcels redevelop and you can do a complete median through those areas? Because it seems -- it seems to be very awkward and weird to do something in that existing space personally, but -- yeah.

Hood: So, just to confirm, you are talking about these couple of parcels here or further west of Ten Mile?

Simison: Just the ones that -- the ones that are showcase where we were -- you have a little period, then, you have an open space for an access, then, you have another one, then, you had an open space. I'm just wondering if it makes sense to do that later when that area redevelops.

Hood: So, yeah, we -- we should ask Mr. Hoaglund what -- when he thinks those properties are going to develop. Knock on your neighbors' door and see -- because I would -- I -- I'm going to just guess that those -- I mean those parcels are ripe for additional development there and I -- honestly, in the next couple of years, by the time they get to construction, they may have preliminary plats on them to -- to redevelop and that's really how we are kind of approaching this with ACHD, is this is short term, so if we wanted to enter into something now and say, you know what, let's not make the investment in these little things, because it's going to be, you know, a bigger thing in the future and do a separate agreement with ACHD potentially then, instead of something here that needs to be retrofitted in the future, that could be -- be part of the conversation. Because I -- I don't disagree with you, it looks -- it looks a little odd here. I'm also hopeful to some degree that through -- again, this is a concept plan that -- through right of way negotiations we can even potentially work with those property owners to leave their existing access as right-in, right-out, construct a median, but also have them use the -- either a U-turn or use the stub streets to their property if they really want to turn left and get out to a signal. I can't guarantee that. We haven't had those conversations with those property owners. I hear what you are saying and I agree with you. I don't -- I'm not necessarily a fan of how this is shown on the screen. I do think it would take some -- you know, ideally would be retrofitted, if not built with the center median initially.

Simison: Okay. Thank you.

Hoaglund: Mr. Mayor, one last question.

Simison: Councilman Hoaglund.

Hoaglund: Caleb, there to -- on Tower Bridge to the east they show -- they are showing green -- on the north side they are showing green right there. Yep. That's all rock right now. Just -- they put in gravel. That's -- is that -- I think that's part of the subdivision, would it not be? So, does that fall to the HOA to maintain that?

Hood: Yeah. Typically, Mr. Mayor, Council President Hoaglund, yeah, we are in -- so, the ACHD policy and -- and how we work with ACHD is when a subdivision has improved out to the existing right of way, a landscape buffer, ACHD will -- will do what they call patch back, essentially, what was there before. So, that will still be HOA property and -- and maintained by the homeowners. But, again, there is some negotiation with that and even the design of that will be coordinated to some degree with the HOA to patch back. I don't want to go too far down this road, but Ustick, over by Locust Grove -- between Locust Grove and Meridian, if you -- if you look at that sometime, there is a mix mash of different things in that planter area between the sidewalk and the curb, because different subdivisions wanted different things in those areas. So, take the green with a little bit of

salt there. Most subdivisions, though, they want to maintain that look and not have just a two inch rock out there. They -- there is some degree of pride, if you will, and they -- they recognize they got to water it and maintain it, but most people tend to say that's more attractive. But, again, I don't know if this will actually be landscaped materials, but it is owned and maintained by the HOA.

Hoaglund: Okay. Thank you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I guess just for some feedback, I'm more interested under the scenario where ACHD is helping to pay for the cost of it. You know, it feels like the motivation behind it is a transportation and safety related motivation and I love beautification strategically in certain areas of Meridian. I think it helps us a lot with our property value and our, you know, premier community. But I do -- I do think it's worth pursuing that agreement with ACHD and trying to convince them.

Cavener: Mr. Mayor?

Simison: Councilman Cavener.

Cavener: Mr. Mayor, a question for you or for -- for Caleb. What does our community think about these? I mean is this something that they say is important? Is it something they say is nice to have? Is it -- is it a priority of theirs? Do they -- I mean I think some people don't notice them. I think some people sometimes struggle with like, oh, this is getting in the way of my ability to go 50 miles an hour down the road. I'm just trying to get a flavor for what our citizens think about this type of stuff, if you have got feedback or --

Simison: I don't think we have ever had any comment, except for on the ones in downtown. I will refrain comment from what those comments are about the ones in downtown, but I think it -- it varies greatly by who you speak to and there is not a consensus about their aesthetic value. I think they definitely do what they accomplish -- set out to do and slow people down and everyone recognizes that element. But, otherwise, I have not had a request for people to -- you know, most people complain about the weeds that are growing in places that are not upkept, more so than having or not having landscape areas, boulevards, medians. Personally, I hadn't really thought about this until you mentioned it. It seems to me a hardscaped fence that was done appropriately would be as nice of an amenity as grass or something else with less maintenance and, quite frankly, based on the costs that are mentioned, I would think less cost. I don't know that though. If -- but if -- especially if ACHD is already looking at putting some sort of decorative fence structure here, that almost seems like as good of an option as anything else in a lot of ways form a cost and maintenance and everything else. Councilman Cavener.

Cavener: Mr. Mayor, I -- I -- I tend to agree. Well, I think it sounds like the ongoing maintenance is fairly low considering, I do kind of come from a place where simple the better. I think trees -- understanding they could be there long term would make sense, too, but a fence or a decorative art piece, something that doesn't require a lot of ongoing maintenance or support was something I would be more supportive of.

Hood: Mr. Mayor, if I can maybe just add a little bit more to -- to your answers to Councilman Cavener, although it doesn't -- this isn't citywide, I do want to put this back into perspective, this project a little bit. So, ACHD -- again, with a concept plan there are two alternatives, again, for the first time for you. Because of the Five Mile Creek there is really a split option and I -- I hovered there, but I didn't really call it out -- what they are doing with retaining wall. It's a pretty intense retaining wall. They were initially looking at saving some dollars and putting that retaining wall back kind of over here where this travel lane was and really scrunching that -- this landscape buffer over here and to their credit they got some feedback from some of the neighbors. But some of the public involvement process for the concept plan has been done in the heat of COVID and so they didn't have any in person. They sent e-mails and had some virtual open houses. Some of the feedback that -- that Councilman Cavener was just asking about will come as they get further into design here and reach out to -- particularly BridgeTower and some of the adjacent -- so, I'm not talking citywide what do we think about this, but these neighbors that are most directly impacted, there will be some feedback. So, we are at a stage right now where ACHD is asking the city -- is there any level of interest from the city in potentially greening these up with the caveat that, yeah, they still have to design it and go out to the public and get some of that feedback as well. Now, they aren't going to do it under the guise of the city, but they will still -- if -- if -- if the initial design from ACHD shows them being landscaped and people are like why are we wasting money on trees, ACHD may go, hey, we are getting a bunch of feedback on what a waste it is to put trees out there -- so, that is part of the next steps in the process. But they need to know earlier if -- if there is any level of interest or if the concept should show concrete with wrought iron fence. They probably won't do artwork. Just telling you. They -- that's another like upgrade; right? The baseline, what we would get is probably some orangish, red, pink stamped concrete out there with a wrought iron fence. That's what we will -- we will get and if that's what everyone is fine with, then, that's fine. But there is an opportunity to -- again, I -- beauty is in the eye of the beholder -- but to dress it up a little bit.

Simison: And I think that -- I'm not going to downplay the fact we have our two chiefs here this evening. Honestly, I thought we would hear more from public safety about -- especially if we start putting things in the middle that prevent or slow down or hamper the ability of public safety moving around traffic through areas. Definitely has been the case on Eagle Road. We have heard that before. They didn't want any landscaping on Eagle Road, so they could traverse when necessary. I would assume that anyplace we talk about these that becomes a potential issue and that might be -- I don't know, Mr. Hood, if you have had any conversation with public safety on this if they have -- yeah, I know you have somebody at the transportation commission, but I -- I want to -- maybe I want to start back with them and say what should be our standard and our expectations?

Hood: So -- so, Mr. Mayor, I appreciate that. I am trying to recall if -- if Chief Bongiorno has been part of this conversation. It -- it seems like he's aware of it. I have talked to him. But I haven't -- mountable curbs and I -- I can bring that up certainly with -- with fire and, then, bring that back to ACHD. I don't know how much stock they are going to put in that, because they have to have something vertical in these. Again, not to be a broken record, but to sign this at a residential arterial speed the -- the -- the medians in Eagle Road -- that's signed at 55 miles an hour as you know. So, if they were to put up vertical things here, then, they could sign that at 35 or 40 miles an hour. But I can bring that up and we -- we can coordinate some more on that. At least express the concern to ACHD and say, hey, these should be hard scaped and mountable and fire trucks should be able to drive all the way down them, if that's, in fact, what fire, you know, has concerns with. But right now, whether it's trees or -- or a fence, that is something that gets in your line of sight vertical obstruction for motorists.

Simison: Yeah. And, again, I don't know what the answer is.

Hood: A good point. I will coordinate with -- with Chief Bongiorno a little bit more and see what concerns he may have.

Simison: Okay.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, one more consideration. So, I would assume if we would like to have this landscaping in there, Caleb, and maybe you don't know this yet, if the landscaping were damaged by vehicles, is it the city's responsibility to replace it or would it be ACHD's responsibility to replace it? Because my guess is if it's a fence they will -- ACHD will replace it. If it's a tree are they going to do the same thing.

Hood: So, I -- I am going to, with some assurance, agree with you on the first one, that if -- we are out -- we don't have any obligations or responsibilities if -- they are going to design in whatever they need to design in to sign it, whatever they need to sign it. Once we say can you include this in your project, that's when -- now in new rules that agreement gets to be written and your example of someone, you know, pushing over a tree I would guess would be on us, but I have not done -- we have done some similar things. Usually the landscaping is -- we design it, we install it, we maintain it, including -- and maybe we go, you know, through our insurance -- ICRMP or something, go after that motorist, but I think we are ultimately responsible for that.

Nary: Yeah. That -- but my only comment, Mr. Mayor -- and just for consideration, I -- those things generally are not real expensive. It is not likely most of the time that they are hit and runs. We usually know who did it. We are usually able to collect on it and we are usually able to collect it back. Or ICRMP is able to collect it back. So, from a cost standpoint it's not -- not a real concern, because, again, trees and rocks and bushes don't

cost a whole lot of money compared to poles, giant flower pots, fences and those kinds of things. So, I'm not concerned from that standpoint of replacement. If needed, if these were to get hit -- again, they don't get hit a ton. I mean there is some. But there isn't a lot of that it, especially on a five lane road. But it just is another factor to consider or it's going to be potentially some future cost possibly.

Simison: Yeah. It's only anecdotal, but I know our roundabouts down where I live have been hit. The -- you know, there is damage to the landscaping. I'm trying to remember what we have seen on social media about people's viewpoints on landscaping or not about the Pine 43 roundabout, because there is a community expectation out there and I -- I just can't remember from that standpoint. Yeah. The one question I was going to ask -- are streetlights considered a vertical element if they were to go into the median to provide lighting down this corridor and -- or not necessarily?

Hood: So, Mr. Mayor, roadway lighting -- so, typically, ACHD's typical policy is to light the intersections and these medians are not at intersections. So, potentially -- and we don't have anybody from Public Works here, but potentially we are going to partner with ACHD to -- to provide roadway lighting, so maybe there is a dual headlight that could go in the middle of these that provides that roadway lighting, but I am not the roadway lighting expert on that. So, potentially, but it wouldn't be ACHD paying for that, because they basically say we -- we light intersections and -- just trying to give the vertical element that we can all be supportive of and, you know, there -- there didn't used to do medians either, but now look at them. And ten foot pathways. Maybe they will change their tune on lights.

Nary: Mr. Mayor?

Strader: Mr. Mayor?

Nary: The only thing I would add on -- on those, we -- when you add lighting, similar to the downtown islands, you are going to probably need more barriers to prevent them from getting hit, because those are a lot more expensive to replace. So those are the -- it does add some cost to it if you add that. I agree it certainly provides a greater visual of there, but it certainly is an additional cost and expense if they get hit versus trees and bushes.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just maybe one thought. Just sort of bigger picture. It might -- it might be nice at some point to get an agreement or just like an understanding of a cohesive citywide kind of approach to cases when we do landscape, just so they are consistent. I don't know if we are doing that, but I think to the extent that we are doing it, if it makes the city feel more cohesive and kind of a commonality to them, so that every single one is in a totally different concept, I think that might be beneficial.

Simison: I think we have that for the size of the roads. This is the first time we are really being presented with this issue and -- and that's kind of what Caleb -- the previous conversations were. If we -- if -- where do we want to do this, if at all, and this is now becoming the -- if we start doing this what's it going to look like? So, it is the precursor to that conversation to a certain extent.

Strader: Got it.

Simison: And, honestly, Council, I'm -- I'm torn on whether or not there is value in doing these. I -- I -- I think that, you know, our parkways that have separated areas with grass, with fences, are -- are really nice. I -- you know, streets that you are driving on in subdivisions -- you know, I drive in a subdivision that's got trees in the median that's perfect and great and love it, just don't know if citywide what makes the most appropriate sense to even implement in certain areas or not, so --

Hood: And, Mr. Mayor, just maybe to follow that -- that thought and -- and Councilman Strader's question a little better. Or -- or request. You know, we won't read into this as being precedent setting for any other road or projects that may -- may contain center medians. We are going to come back to you on a quarter by quarter basis -- hopefully not just mile by mile, necessarily, but say, hey, there is a potential here anyways to do some of this. Maybe to lead you to some direction for staff and if I'm not reading the tea leaves correctly certainly you can let me know. But I can just approach -- again, we are fairly early in the process. I mean it's moved along into the -- through this stage, but I can't approach ACHD saying there is some level of interest in some beautification here with an emphasis on low maintenance, maybe figuring out what some of those details may look like, who -- who is responsible in instances of a -- a crash into something. Say, well -- but we are not really interested. You know, quick aside -- and, you know, taxpayer dollars are taxpayer dollars. City or ACHD, it's, essentially, coming from the same source. But there could be some efficiencies, though, if they -- they trade out the concrete for some landscape material -- and maybe there is still some hardscape. Maybe it's a combination of hardscape and some way to dress this up and say, but the city isn't interested in designing and installing all this, but maybe if ACHD is we would consider maintenance of that and, then, report back. We are not committing to anything. But start the negotiations there and, then, I can report back and say, hey, no, ACHD says you need to design these to be all green and shrubs and 40 trees. We can say, well, just hardscape works then. I don't know that -- that's --

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Just want to make sure, because I -- I have been told I talk a lot and never say anything. That low maintenance or even a fence type of thing can -- is -- is something I -- I can -- I can go for as well. It doesn't have to be elaborate, no trees, nothing major. It's something that we just have to figure out and -- and -- and make work, but just want to make sure you understood that.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: My only strong preference is I hate nonfunctional turf. I just think it's a waste. We are a city of trees. I think if -- if they are really well suited to this and it would work, I'm -- I'm into those. I'm -- if a fence works that might be fine, too. I don't have a super strong preference. I'm -- I'm okay with you investigating it and kind of coming back.

Hoaglun: Well, Mr. Mayor, you know --

Simison: Councilman Hoaglun.

Hoaglun: -- running for reelection in 2023, can we run on build the wall?

Simison: Caleb, do you -- do you have enough to move back to further conversations?

Hood: No decision. I will investigate further and throw basically -- there is some level of interest. I recognize not everybody is -- yep, we got to do something out there. Maybe their baseline is what we end up with. But let me see. What -- what level of partnership ACHD is what -- and, I'm sorry, just one more. Yes, I think I have got direction. We will also see what -- if I can encourage them to really explore this further with, again, the neighborhoods that are adjacent as they go further into the design and really get to see what the stakeholders would prefer out here.

Simison: Okay. Thank you. With that, Council, we have reached the end of our items. Do I have a motion to adjourn?

Hoaglun: Mr. Mayor, I move we adjourn.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 5:25 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 March 1, 2022 City Council Regular Meeting

Meridian City Council

March 1, 2022.

A Meeting of the Meridian City Council was called to order at 6:01 p.m., Tuesday, March 1, 2022, by Mayor Robert Simison.

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

Members Absent: Jessica Perreault.

Also present: Chris Johnson, Bill Nary, Alan Tiefenbach, Tracy Basterrechea, Kris Blume and Dean Willis.

ROLL-CALL ATTENDANCE

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

Simison: Council, we will call the meeting to order. For the record it is March 1st, 2022, at 6:01 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, which will be delivered this evening by David Reis. Reis. I always get that one wrong. Sorry, David. If you would all join us in the community invocation or take this is a moment of silence and reflection.

Reis: Our Heavenly Father, we are grateful to begin this meeting this night with a request for thy blessings. We are grateful for those who devote their professional hours for the welfare of our community, for the Mayor and Council and staff, especially for our first responders. We ask thy blessings upon them and their families and associates. We ask thy blessings upon the proceedings this night, that all will be done for the welfare of our community. We ask my blessings upon the weather, that we will receive the moisture which we need to replenish our water table, our aquifers and reservoirs and that our farmers will receive the moisture they need for their crops. And, Heavenly Father, we especially and unitedly ask thy blessings upon those involved in the war in the Ukraine. We asked they tender mercies upon the victims on all sides. We ask they blessings on

the leaders of nations that their hearts will be softened for the benefit of their citizenries and that where ever and however possible peace will be prevailed and we ask this unitedly in the name of the Prince of Peace, thy Son Jesus Christ, Amen.

ADOPTION OF AGENDA

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

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I move adoption of the agenda as published.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

PUBLIC FORUM – Future Meeting Topics

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

Johnson: Mr. Mayor, we did not.

ACTION ITEMS

1. **Public Hearing for Healthy Living Condominiums (SHP-2022-0001) by KM Engineering, LLP, Located at 5155 S. Hillsdale Ave.**
 - A. Request: Short Plat to condominiumize portions of an existing building to create two (2) units for ownership purposes with five (5) limited common areas.

Simison: Okay. Then we will move on to tonight's Action Items. First item up is a public hearing or Healthy Living Condominiums, SHP-2022-0001. We will open this public hearing with staff comments.

Tiefenbach: Greetings, Mr. Mayor, Members of the Council. Alan Tiefenbach, associate planner with Meridian, presenting this very simple short plat for Sonya this evening. So, this is a short plat to condominiumize two areas within an existing building. The site is located south of -- or excuse me -- yes. South of East Amity Road, east of Eagle Road. The property is zoned C-N. There was already a condo plat that was done on this, the

Healthy Living Condominiums, and it was approved in 2017 and what it did was it subdivided the air space in this property -- that was the YMCA building -- to allow ownership to be shared between YMCA and St. Luke's. You can see on the presentation here that the build -- the existing building footprint. What this is doing is just additionally subdividing, again, air space within the existing building. So, this unit eight here would be one subdivision and this unit nine here would be another subdivision. So, again, it's just airspace within the existing building. This is for the purpose of allowing common areas and additional office space for St. Luke's and for the YMCA, but that staff believes it's in substantial compliance with the UDC and I believe that the applicant is here to speak to this remotely if you have any other questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thanks, Alan. I guess my question is more around -- I'm actually surprised that this requires a City Council approval. I just thought it could be a staff level approval. Could you just explain that to me.

Tiefenbach: Well, I don't know if I could explain it to you. Unfortunately, a short -- it's -- it's part of the short plat process. A short plat process in our UDC requires City Council approval. Certainly we support the City Council allowing us to do something like this administratively, but at present we cannot do that.

Strader: Thanks. That's helpful.

Simison: Mr. Nary, do you have anything to add to that?

Nary: So, Mr. Mayor, Members of the Council, so Idaho Code requires it, because it is a division of land. Even though it is airspace it still qualifies as a plat, which as a division of land requires Council approval.

Strader: Thank you.

Simison: Council, any additional questions for staff? Okay. Is the applicant here?

Hopkins: Good evening. Stephanie Hopkins with KM Engineering.

Simison: Hi, Stephanie. If you could state your name and address for the record.

Hopkins: Stephanie Hopkins. 5725 North Discovery Way, Boise. 83713. I'm here on behalf of the YMCA. Alan did a really great job of summarizing our request. This is an existing building. We are looking to divide up extra airspace, because they did a tenant improvement to kind of expand into the -- the previous condo plat or the previous short

plat, so now we are divvying up two extra units, eight and nine, that are shown on the plat and we are going to be delineating five limited common areas as well. So, those are shown in the kind of hatched areas on the plat. But the resulting condominium conforms to UDC requirements and it's an existing building, so I will stand for any questions if you have them.

Simison: Thank you. Council, any questions for the applicant? Okay. Mr. Clerk, do we having one signed up to provide testimony on this item?

Johnson: Mr. Mayor, we did not.

Simison: Is there anybody in the audience that would like to come forward and provide testimony on this item? Or online if you can use the raise your hand feature if you are online. Seeing no one, would the applicant like to provide any final comments?

Hopkins: No, I don't think so. Thank you for your consideration.

Simison: Okay. Then with that, Council, I will turn it over to you.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: I think we have all read the file. It looks really straightforward to me. I move that we close the public hearing.

Cavener: Second.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: After considering all staff, applicant, and public testimony, I move to approve File No. SHP-2022-0001 as presented in the staff report for today's hearing date.

Cavener: Second the motion.

Simison: I have a motion and a second to approve SHP-2022-0001. Is there any discussion? If not, Clerk will call the roll.

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

Simison: All ayes. Motion carries.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

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

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

Simison: Next item up is a public hearing continued from December 21st, 2021, for Black Cat Industrial Project, H-2021-0064. I will turn this over to staff for any additional comments.

Tiefenbach: Thank you, Mr. Mayor. Just -- I will do kind of a quick summary about where we came just for maybe the people that have shown up this evening or to refresh everybody, including my memory. So, this is an application for annexation and a zoning. Here are the maps. The property is about 130 acres. It's unincorporated. It's located -- the -- the majority of it is located on the west side of South Black Cat, south of Franklin. There is a teeny little one acre piece of property, which you can see here on the other side of Black Cat. This project originally came to the Council in December of 2021. It's a proposal to annex and rezone -- again, about one acre of the property is R-15. The applicant proposes to annex the remainder of the 129 acres to the west as I-L. The applicant proposes to annex the one acre property in order to meet the contiguity requirements of state law. The intent of this is to construct seven buildings ranging in size between 6,800 and 33,000 square feet. That's directly adjacent to Black Cat and, then, there would be an additional nine larger buildings, those are ranging in size between 131 to almost 300 thousand square feet, with the total amount of square footage being close to two million square feet. Staff did not support this proposal based on the lack of conformance with the Ten Mile plan, potential for low job generation, that it doesn't comply with the Ten Mile plan and, most importantly, staff had concerns in regard to the lack of road infrastructure regarding this project. The Planning Commission also recommended denial on this project. Just, again, to -- to refresh your memory and, basically, this was the layout that was proposed to Council. So, the smaller buildings that you see that are directly adjacent to Black Cat and, then, these would be the larger buildings ranging, again, from I believe 150 to 300 thousand square feet. Okay. So, just to quickly talk about the road infrastructure, because this is really the purpose of why this was continued tonight. Black Cat currently is two lanes with no curb, gutter, or sidewalk. That is here. West Franklin, which is here, is presently two lanes with no curb and gutter here and, then, it narrows down to just one lane each side of west of Black Cat. Black Cat is due to be widened to five lanes in -- between 2036 and 2040. West Franklin is planning to be

widened to five lanes between 2026 and 2030. Staff, during our last presentation, we noted that in the staff report for tenant Meridian, the traffic study that was done found that the network in and around the -- the Ten Mile and the Franklin interchange, it was already failing and it lacked the sufficient storage capacity. In addition there was also a study that was done by COMPASS. This was a freight study talking about larger trucks, specially for Amazon, and this showed -- and there were congestion maps that were shown and these maps showed that the Franklin-Garrity interchange was also failing. It was experiencing extreme delays and because of that that was one of the significant issues that staff had with the intersections already being failing and, then, putting in large trucks onto those intersections we had significant -- we had significant concerns with that. At the December 21st hearing the Council noted that they generally supported the use. They were okay with it. They were okay with the design, but they also had significant concerns in regard to the traffic and the infrastructure. The direction was given to the applicant to consider doing a traffic impact study, which we didn't have at the time, to discuss with ACHD the timing of future road improvements and also there was a comment from one of the Council to discuss as far as to Canyon county and even to discuss beyond the traffic impact study the larger improvements that -- that would be necessary, basically, for the whole network beyond just what would be recommended by the traffic impact study. Since this time staff has received a letter from ACHD, dated February 15th, 2022. This was in the online file. This letter, basically, just asked for additional information from the traffic study that was supported to them. They -- they haven't given us a position on it, they were just saying please submit this, please submit that. They have, however, in an e-mail that you also find on the online file that was put in there recently, there was an e-mail from ACHD talking about that the integrated -- the five year integrated work plan has recently been completed, like on the 26th of February, and the improvements in around Franklin and Black Cat are not being moved up. There was some discussions -- I'm sure the applicant will get into it. They have got much more knowledge of it than I do. They were talking about widening Franklin and what kind of improvements could be maybe accelerated or moved or whether they could do some right of way dedication. ACHD was not amenable to this. Again, their -- their position was the five year integrated work plan is done. These projects aren't involved. With that that's I think everything that I have as far as update with new information this evening, Council.

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

Tiefenbach: I'm working on it here. Sorry. Yeah. Here you go. I think we are fighting with a pointer. Hold on. I was trying to open this up for you. Sorry. Okay. There you go.

Nelson: Great. Thank you. Mayor, Members of the Council, Deborah Nelson. 601 West Bannock Street, here on behalf of the applicant. I'm going to start with just a few topics, a brief overview, a recap of the last hearing for Council Member Strader's benefit, but -- and also just to touch on a few additional points from Alan's recap there for about why this project, why this project now, and also get into some proposed phasing with the road improvements. So why this project? This project provides needed industrial space. Meridian has less than one percent vacancy for industrial versus over 14 percent vacancy

for office. There is no industrial land available for development in the near term. Industrial is ideal next to I-84 and the new Highway 16 interchange. The project meets the Ten Mile plan's jobs goals supporting 2,000 jobs. As called for in the Ten Mile plan, the project provides buildings that range from 17,000 square feet to 350,000 square feet, each divisible into smaller segments supporting a variety of business sizes as they grow and very important to our topic this evening about transportation, industrial uses generate six to eight times less traffic than office and retail uses, so you can improve your jobs-to-housing ratio with the least amount of traffic with this project. So, for all of these reasons at our December hearing the Council Members commented that this is a great project, that light industrial on this site makes a lot of sense with its proximity to I-84 and Highway 16. But, of course, you had questions about the timing, especially in relation to the timing of road improvements. So, why this project now? Jobs are needed now. 78.5 percent of Meridian residents currently get in their cars to drive outside of your city to Boise, Nampa, or further for work. Industrial space is needed now. This is a short term and a long term problem. Less than one percent vacancy means new businesses cannot site here and existing businesses who need to expand and want to stay in Meridian are forced to relocate outside of Meridian. You have received letters and testimony from area businesses talking about this problem that they are facing, that they need industrial space now, including letters from Scentsy, Northwest Fulfillment, Infinity Pools and others. And, finally, as to why this project now -- because it can be responsibly phased with road improvements. Here is what we know about the timing of road improvements now, responsive to your questions in December. We have submitted our TIS. We are continuing to work with ACHD on the final review comments. So, we now know what mitigation, to expect with the project. We also know the timing of the Highway 16 interchange now. The interchange connection with Franklin is funded and scheduled to begin this summer and be completed in 2024. 2024 is the earliest we would have our first occupancy for this project. It isn't until 960,500 square feet that mitigation is required by the TIS and this is to either widen Black Cat or construct the north-south collector from our northwest corner of the site to Franklin. To build out that 960,500 square feet will take approximately three to five years, building out approximately 2025 to 2027. We know Franklin Road has an existing level of service deficiency in the p.m. peak hour for road segments, but it's scheduled to be widened in the CIP 2026 to 2030 and it's scheduled in the work plan to be designed in 2026. We are working to expedite this as best we can. More on this in a minute. But even before Franklin is widened we know that with our project up to 960,500 square feet Franklin Road intersections function at the level of service. We also know that the -- the 960,500 square foot buildout is less than ten percent of the trips on Franklin. City Council asked at the last hearing not just what we will be doing pursuant to the TIS, we, of course, have to mitigate the impacts there, but you also asked what more can we do beyond those requirements to address your timing concerns. We agree to cap the project to that 960,500 square foot threshold until there is an improved direct connection from the site to Highway 16. There are three great options to provide this connection, all of which are near term. We are working to expedite these with right-of-way acquisition now. We are furthest along with option two. We have secured nearly all of the right-of-way from our site to Highway 16 in option two. As the Council requested, we also proposed to ACHD that we would be willing to construct portions of their arterial system with a cooperative development agreement. They are not

interested in this at that time. At this time will continue to work with the city and ACHD on your priorities for this area, but ACHD said that with the help of the right-of-way that we are acquiring that will help shorten the time between design and construction and with that right-of-way we can move forward to construct off-site collectors. The project is going to be making significant investments in the area's roadways. This includes approximately 3.5 million in on-site improvements because of the two major collectors east-west and north-south that are within the boundaries, as well as Black Cat frontage. In addition, we will be paying 1.4 million in impact fees, which is our proportionate share for area roadways. Plus we are working more to do more, as I mentioned, to expedite the timing of area roadways. We have already committed over a million dollars on right-of-way. Expect to commit another two to three million or more for off-site road improvements. And the biggest give to address your concerns about timing is agreeing to the cap of 960,500 square feet. So, not just for the Black Cat or the north-south collector as the TIS calls for, but until there is a direct improved connection all the way from the site to Highway 16. The Council told us you recognized the importance of this use, but you wanted to understand the timing. Since the last hearing we now know that Highway 16 is imminent. It's funded and scheduled for completion in 2024, concurrent with our earliest occupancy. We now know that at 960,500 square feet we meet everything in the TIS. We aren't triggering any additional new failures of levels of service. We know that the Franklin intersections continue to function at levels of service. We know that we are less than ten percent of the trips on Franklin. We have secured significant right-of-way to expedite the timing of planned road improvements. We are really doing everything in our power to provide that something more on the timing that the Council asked for and we continue to believe that there are many opportunities for expediting roadways in this important area of the city. But even if we are wrong in that -- in that belief, we are taking the risk by agreeing to the cap or taking the risk on the timing of those additional roadways coming into place to connect our project to Highway 16. So, here is an additional -- here is an opportunity to add an additional thousand jobs just with this first phase without any need for additional infrastructure and you get a motivated developer to find a solution to unlock the second half of the development for another thousand jobs and here is an opportunity to provide industrial space that is desperately needed now to keep Meridian businesses, who need to expand, in Meridian. With that I will stand for questions.

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

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you, Deb. I did review the previous meeting and I'm up to speed on it. Could you walk me through -- clearly it's a significant amount of the total square footage of your site, 960,000 square feet. Would that represent your one large potential anchor in -- or what -- what would that equate to? How many of the buildings would that equate to?

Nelson: Mr. Mayor, Council Member Strader, it would encompass a variety of size buildings, since we have got ranges all the way from 17,000 up to 350,000, that gives you an idea with that range what 960,000 could encompass; right? So, that could be, you know, two to three of the larger buildings and a handful of smaller, depending on how you do that math. So, it gives flexibility to -- to meet that need, but still within the range of the road capacities.

Strader: One more?

Simison: Council Woman Strader.

Strader: So, I read the letter from the highway district regarding the TIS. I guess what's the rationale with your timing today? You are offering certainly some solutions and I appreciate that. I think you are being really proactive. I agree that industrial is desperately needed and I actually think it really works well with where the economy is heading. I guess my question is why come today and not flush out these questions with the highway district on the TIS?

Nelson: Mr. Mayor, Council Member Strader, because we are far enough along with that effort we -- you know, I think in December we -- granted we weren't. But at this point the TIS has been completed and submitted. We have received the review comments and we are comfortable where they are. The work to respond to those is -- is underway and with that effort with what's in the TIS, with the review comments we have received so far, we are comfortable that we can understand what those requirements will be. Keep in mind we are subject to whatever it is. We are agreeing to meet the mitigation whatever is imposed there. So, we are taking that risk as well. But I think we feel comfortable what it is and we feel comfortable that it's identifiable at this threshold. That is the first trigger for mitigation and we can live with that level, not just for what's in that TIS, but even further.

Strader: Thank you.

Simison: Council, any additional questions for the applicant?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Total square footage of the -- the entire -- refresh my memory what the total square footage of all the buildings are.

Nelson: Mr. Mayor, Council Member Bernt, 2.2 million, approximately.

Simison: All right. With that I think we will be good for now, but stay in the front row.

Nelson: Won't go far.

Simison: Mr. Clerk, do we have anyone that's signed up to provide testimony on this item?

Johnson: Mr. Mayor, we do. We have four. First is Kayla Rich.

Simison: And a reminder when you come forward state your name and address for the record and be recognized for three minutes.

Rich: Thank you, Mr. Mayor, Councilmen. My name is Kayla Rich and I live at 9349 West Deerfawn in Star, Idaho. And I just wanted to make a couple quick comments based on some of the staff notes on the packet. One of the things that was suggested in the staff notes in response to the applicant's request to have a little bit more of the light industrial mixed in, instead of the -- the employment. One of the comments was that they -- we felt like we needed to address long-term growth in Meridian, not just current trends, and as I was thinking about this I was thinking about since this -- the City Council had proposed this Ten Mile plan in 2007, how much has changed not only in our community, but in the economy in the way that we do business. Since 2007 we now have Facebook and Facebook Marketplace and everything that you can buy at your fingertips on your smart device, which was not very smart in 2007. We also have Grubhub where I can order every single meal that I want right from the comfort of my own couch, as well as getting groceries delivered and I can even have my dog bathed from my front door. So, the economy is changing and not only that is in our world we were met with a difference of a lot of the ability to do commerce without actually having to go and drive places, mixed in now with the very reality of global pandemics, which, then, keep us at home and isolated. Through this, as you will find with most of the studies if you reach out and look at Forbes and Gallup, they are realizing that a lot of the employment is now staying at home and so our -- our employment use that was proposed in 2007 for this area may need to change a little bit based on where we are going in the global economy. We no longer need to have so many people leaving their homes to go to the office and so having our focus be on light industrial, so that we can have what made America great to begin with where we have manufacturing and we have storage and shipping of things I think is a really good move for our community. And one more thing that I wanted to mention real quick was that a lot of people have been talking about the time. The time is now. There is so much growth in our valley and I know that we weren't prepared for this much growth being the fastest growing area in the country, but the Highway 16 improvement has moved up their timeline, because they have seen it and this will also meet that timeline as well and it appears as though the whole area is growing. So, the time is now, because it's not now, it's 2024 before the first occupant is there. So, the planning starts now and as a member of the community I have just seen that the applicant has reached out to the City Council many times working, trying to be as agreeable as possible to make this plan work and I think it would be a missed opportunity if their application was denied. Thank you.

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

Johnson: Mr. Mayor, next is Corinne Kaddas. Good evening.

Kaddas: My name is Corinne Kaddas. I live at 935 South Black Cat Road, Meridian. As I stated last time I was here, I feel this is a very good project that should come to Meridian. We remember last time they kind of -- I stated they -- they really tried to accommodate everything that you have asked and I think here we are again, they have really accommodated everything that you have asked again this time of them. So, to me this is a very good company that really wants to do the right thing here in Meridian and I just feel that this project is going to be a very good project for Meridian and that's my statement on this. They are very proactive I think in regards to trying to make it, again, you know, meet your requirements, so thank you.

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

Kaddas: Thank you.

Johnson: Mr. Mayor, next is Julie Olsen.

Olsen: Hi. I have been against this from the beginning.

Simison: Ma'am, could you --

Olsen: And the reason is everything that's being --

Simison: State your name and address for the record.

Olsen: Oh. Julie Olsen. 6104 West Viewpoint Drive, Meridian.

Simison: Thank you.

Olsen: The reason I have been against it is -- and what I'm hearing today is everybody is talking about the connector and about Franklin. I'm curious about Frank -- Black Cat. There is so much traffic on that road right now that it's next to impossible to get down off the hill down to the bottom part and when I first addressed this in a letter I was under the impression there was going to be a traffic light. Well, no, nothing is going to be done to Franklin -- or to Black Cat until after 2030 and probably closer to 2040. In the meantime, traffic is going to be astronomical in that area and I wouldn't have no problems with what they want to do, but this is not the right time. Do the infrastructure first. I sit here and I watch what goes on on the freeway, because I overlook it, and in the morning and in the evening it's a parking lot out there and that's with no accidents. It's just a flat parking lot. Black Cat is going to end up being a parking lot like that. I -- like I said, I have no problems with this project, with what they want to do. The timing is wrong. The infrastructure on Black Cat needs to be addressed. All I heard about was Franklin and the interchange. So, at this point I'm asking you to deny it. Thank you for your time.

Simison: Council, questions?

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Ms. Olsen, I want to make sure I understand. The light you are talking about. On Black Cat up on top of the hill where Overland comes in -- T's in or at what -- where on Black Cat are you talking about a light?

Olsen: Well, when I come into Meridian I go down Overland, over the freeway, and that's going to be at the bottom. It's two lane. I mean there is -- the people that are on View Place, it's next to impossible for them to even get out onto Black Cat now and it's going to be even worse, because it's going to add traffic. Plain and simple. While they are doing construction it's going to add traffic.

Hoaglund: Thank you, Mr. Mayor. Thank you.

Olsen: Any other questions?

Simison: We are good. Thank you.

Olsen: Thank you for your time.

Johnson: Mr. Mayor, the last person signed up in advance is Terry Nyborg.

Nyborg: Terry Nyborg. 5160 West View Drive, Meridian. So, I have a similar concern about Black Cat. I think the statement was made that the first 900,000 feet would not -- not exceed the current streets. Maybe I misunderstood that. I have -- that's here nor there. Black Cat needs -- something needs to be done on it, because there is a blind spot -- if you have ever tried to come out of Vaquero Ridge, there is a blind spot at the bottom of the hill where cars go out of sight completely coming up the hill and that whole hillside where Overland comes out and where View Drive comes out, is a series of -- series of blind spots really. They have got it posted 35. If cars are going 35 it's okay, but they are not always going that speed. My concern, again, is just timing. I don't object to the project, but I object to the fact that the infrastructure does not support the project. Any questions?

Simison: Thank you. Council, any questions?

Hoaglund: Mr. Mayor?

Simison: Mr. Hoaglund.

Hoaglund: Sir, if I recall testimony from last time -- it wasn't from you, but Wright Brothers has a -- a pit that is being filled in. They are taking material out, but they are also filling it and I -- do you know the timing when that is to be completed?

Nyborg: I have no idea. I own the land right above the freeway west and I -- I receive dirt there as well, but not like the gravel pit.

Hoaglund: Okay.

Nyborg: And if you would have -- if you had been out there in the last month or two, the truck traffic is pretty significant on Black Cat, not only because of the backfill, but because Wright Construction, who pours the asphalt out of there, there is no material in that pit. So, all the materials hauled in for the concrete, the concrete is hauled out, fills hauled in and out. Truck traffic really is significant.

Hoaglund: Thank you.

Simison: Thank you, sir. This is a public hearing. If there is anybody that would like to provide testimony, please, come forward at this time or if you are online use to the raise your hand feature and we will bring you in for comments. Seeing nobody raising their hand or coming forward, would the applicant like to come forward for any last comments?

Nelson: Mr. Mayor, Members of Council, thank you. First a correction. Council Member Bernt, our current design that's shown in the concept plan is two million square feet. We began at 2.2 million in our application, but the various changes that were made along the way in response to staff's request for different buildings and building orientation, reduced that down to about two million. The -- the concerns that we have heard tonight are about Black Cat, so I just want to provide some additional comments specific to Black Cat. We will be widening and improving Black Cat in front of our access points and in front -- and doing the frontage improvements at the beginning of the project. So, when we make the access connection to Black Cat there will be turn lanes that are added then that will address the concerns that were raised about there not being room to access the site there within the existing road. We will also be putting in a signal along Black Cat at the access as soon as it's warranted and allowed. The additional widening along Black Cat is what's not triggered until the 960,500 square feet, but, again, we will do what's required by the TIS. And as noted we are working on a number of different routes to direct traffic that, hopefully, also is appealing to the neighbors who have concerns specific to Black Cat, that with our efforts we think that there will be other opportunities to connect to Highway 16 as well. So, with that we hope that we have provided you enough information to address your concerns about timing, to understand how this project fits in with the area improvements and to accept a condition of approval that limits the buildout consistent with the area improvements. We would ask for your support. We would also ask for you to direct staff in their development of findings and conditions that aren't yet before you, that, you know, will need to be worked out before this comes back for any final decision. We ask for consideration of the design standards flexibility we requested in the prior hearing, where we did ask for some flexibility from design standards for industrial on glazing and minor changes on parking in front of buildings that was in our last hearing. So, we just ask for the opportunity to work with staff on that and your direction in that regard. And with that stand for more questions.

Simison: Thank you. Council, more questions for the applicant at this time?

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Deb, I just wanted to make sure -- Highway 16 you talked about the improvements and we know the state has done funding -- full funding for that and whatnot. I want to be certain. You said completion in 2024?

Nelson: Mr. Mayor, Council Member Hoaglund, that's correct. We have been in contact with ITD and that's what they say. They have -- they have got it fully funded all the way. The -- the project phases that include the connection to Franklin going out to bid this spring, expect to commence construction this summer and they plan to be completed in 2024. So, it's been expedited.

Hoaglund: Mr. Mayor, follow up?

Simison: Councilman Hoaglund.

Hoaglund: That was the question I was going to have for ACHD, but I think you answered it there, that because ACHD -- you know, the connections weren't originally funded, have those connections been funded by ITD to -- for the local road? Because I know ACHD had some issues when this was going to be completed and not having fund -- funding for -- for those connections into that expressway I call it, so --

Nelson: Mr. Mayor, Council Member Hoaglund, yes, I know there is continued discussions between the state and the highway districts about how to support that and that we understand that's part of why ACHD at this point has not moved up their design year from 2026, that they are open to other ways that this could be expedited. I think they are very respectful of the city's priorities and so if this were a priority area for the city I think ACHD has expressed an interest in working with the city on that. But at this time the design is still at 2026 to move forward with this. We are helping to shorten the one to two years of right of way acquisition that would normally follow that. We are hoping -- we are cutting that significantly and, then, they can move into construction.

Simison: And, Mr. Hoaglund, we do have Kristy from ACHD on if we need to.

Hoaglund: Thank you.

Simison: Was that your comment that you were trying to --

Hoaglund: Yes.

Simison: So, Council, would you like to hear anything from ACHD at this point in time? Is that -- so, Kristy, if you could provide an update on what you have heard to date.

Inselman: Mr. Mayor, Council Members, as of -- as of this evening I don't know that we have any additional updates on what was already provided in the testimony or in the written information given to you. The five year work plan was adopted on January 26th

and it does have, as stated, those sections of Franklin for design in '26. They have not been moved up yet to date. There are other corridors that will tie into Highway 16 that were accelerated with the adoption of this plan. Ustick being one of those. But, obviously, we would look at the next update to the five year plan on what potentially could be and what funding is available to accelerate those and we, obviously, have to work with ITD on those -- those items. But currently, no, we don't have those slated for acceleration.

Simison: Council, any specific questions related to where that stands?

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Those dates of when those are currently to be constructed from ACHD.

Inselman: Mr. Mayor, Council Member -- I believe that was Bernt. Sorry. It doesn't always show me on my screen who was talking. We don't have a construction date for those segments. They are in for design and everything else is -- is future. We -- we did identify -- so, our capital improvement plan is our 20 year plan and it gives a forecasted need of when those improvements -- we anticipate those improvements would be needed and I believe those are in the staff report. I think Franklin is '26 to -- '26 to '30. So, we -- we would anticipate during that time frame, but we don't have an actual construction date until it gets moved up in the plan and more funding is identified.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: I was talking about the -- the connections to Highway 16 that Mr. Hoaglund referenced earlier.

Inselman: Are you talking about the connection at Franklin and Highway 16?

Bernt: And Ustick.

Inselman: Oh, Ustick and 16. Oh. I apologize. I don't have that -- that map is on a separate screen. Let me see. My system is a little slow. Give me one moment.

Bernt: Both.

Inselman: Okay. So, for -- for Ustick Road. Those both -- both the intersection and the roadway between McDermott and Black Cat are in design in '26. We had accelerated the two miles of roadway east of that. We did not accelerate all of the roadways all the way out to Highway 16. And Black Cat -- that intersection also was accelerated. That one we have a construction year '24 and things east of that were all accelerated and we included it into the plan this year and accelerated design to '26.

Bernt: Mr. Mayor. Franklin?

Simison: Councilman Bernt.

Bernt: And Franklin Road? Can you clarify, Kristy, the time frame on the connection of Franklin Road?

Inselman: Yeah. Franklin Road we do not have a construction year. We just have design in at '26.

Bernt: Okay. Thank you.

Simison: My answer is right after Linder Road overpass. But that's a different meeting. But --

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Kristy, I'm curious for Franklin Road, you know, if there is an accident on the freeway or things are particularly jammed up, Franklin Road becomes the alternative way if you are going between Boise, Nampa, Meridian and you talked about funding is going to tie in Ustick to 16, but not Franklin. Can you give me some insight into that?

Inselman: Insight into what -- the timing of -- we have both in for design in '26. This was a little bit of a -- when ITD accelerated Highway 16 it accelerated much faster than what we had anticipated it was going to be. So, we don't have the funding to be quite as responsive to those significant accelerations. So, we did accelerate both projects, both Ustick and Franklin, in the Integrated five year work plan to be designed in '26. We don't have a construction year on either. There were a few sections of Ustick that were accelerated east of that, because there is -- but that -- that -- those were another request of the city. But, yeah, that's where we sit with both of those. Obviously, we reevaluate it every year and we coordinate that with the city as well as to what your priorities are.

Hoaglun: Mr. Mayor, follow up.

Simison: Councilman Hoaglun.

Hoaglun: Yes. And, then, we know what Mayor Simison's priorities are, of course. But Kristy -- and I don't know if you can answer this question, but I -- I think it was Commissioner Goldthorpe had mentioned previously at another meeting we had with him about, you know, this -- there was no funding coming from the state for connections into Highway 16 and it was all up to the local jurisdictions. I know in Nampa they are concerned about where that ties in on the south side that ITD had said, nope, that's up on -- on you to the local -- to their highway district there. Which, you know, causes some problems, because, as you said, this has been accelerated, the planning that has to go

into this, preparing for that. Is there -- I -- can you give me some insight into the effort being made to try and get ITD to free up funding for those connections for our local highway districts to -- to connect to this vital transportation corridor?

Inselman: Mr. Mayor, Council Member Hoaglund, unfortunately, I don't have that information as to the funding sources for that. I know for -- for -- on our side we -- primarily for those major roadways, it's -- it's impact fee collections, but I have not been involved in any conversations directly with ITD on additional funding to accelerate those connections.

Simison: The short answer is, yes, there are ongoing conversations, but there is no commitments is what my understanding is.

Nelson: Mr. Mayor, may I also address that question about connections? So, just to be clear, the connection to Franklin Road is included in ITD's funding. Their -- their package, when they construct, they will connect the roadway. So, it will physically connect and be functional from Franklin Road to the new Highway 16 interchange. That's the piece that will be completed in 2024. So, I mean they have bike lanes, they have sidewalks, they widened it, they have all of the connections. The piece that ACHD will have later that Kristy is talking about is widening Franklin Road. So, this -- I just wanted to be clear about what the connection is. It will connect. It will serve enough -- what we were talking about -- that even up to 960,000 square feet. Our project now can connect to the Highway 16 and doesn't continue to deteriorate Franklin, because we are less than ten percent of the trips and we don't trigger any level of service problem with intersections. It's because that we -- we can already go straight there. What we are saying -- what we are self imposing is that we don't go further until Franklin is widened, so that the uncertainty that Kristy was funding, we are taking on that risk with you and truly we are partnering with the city to be as motivated as possible to try to expedite that where it makes sense. If not, we won't be able to continue to build out above that initial threshold.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And, then, your acquisition of right of way, then, on Franklin helps to facilitate that; correct?

Nelson: Mr. Mayor, Council Member Hoaglund, that's right. That's -- we are trying to help the timeline.

Hoaglund: Okay. Thank you.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: Deb -- and -- and the cap that you are putting on yourself of 960,000 square feet, that doesn't include anything on Black Cat, only Franklin? Any improvements?

Nelson: Mr. Mayor, Council Member Bernt, I want to make sure I understand your question. So, we will be improving Black Cat frontage right at the beginning, including turn lanes right at the beginning with our access. We will put in the signal as soon as it's warranted. But we won't be doing further widening offsite until after 960,500 square feet or another path opens up; right? We are pursuing all three options to see what we can pull together.

Bernt: Right. Mr. Mayor, follow up. So, we are widening Franklin -- or that's what we are talking about after that connection is made, but are you saying that you are also going to widen Black Cat as well after that connection is made is?

Nelson: Alan, would you mind pulling up the slide that illustrates this? I think it's easier to see a picture. The slide that has the three --

Tiefenbach: Your slide or my slide?

Nelson: Yes. Mine, please.

Tiefenbach: This one?

Nelson: I can advance if that's all right then. Thank you. Okay. Here we go. So, Council Member Bert, if you look at option one, I think that's what you were asking about. That involves widening Black Cat all the way to the signal. That involves Franklin being widened all the way from Black Cat to the interchange. Option two, of course, we still have our frontage improvements. All of our interior collectors there. Then the north-south collector. And, then, widening of Franklin all the way to the interchange. Option three would be building a new east-west collector further and connecting up McDermott. Obviously, everything would have to be compliant with whatever mitigation is required for this level of trips, but these are options that exist for taking us even further, including improvements that benefit the city and the area and help expedite area roadways planned here. These roadways that we are showing are all planned on the master street map in your Ten Mile plan.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Deb, if you would just walk us through the likelihood -- I think you mentioned earlier option two seems more likely. If you could just sort of handicap each of these options and maybe give us a -- yeah, just a better flavor for what is most likely.

Nelson: Mr. Mayor, Council Member Strader, yeah, we are certainly further along on option two on the right of way and feel good about that direction. I mean we like this use

of the north-south collector to serve our site and so we have got almost a hundred percent of that right of way. Now, we are still subject to -- this is ACHD's arterial roadway, Franklin, so we are still subject to their timing on when they are willing to let that be widened and so, you know, as mentioned we -- we have offered to help with that. We have offered to help through a cooperative development agreement. You know, we will -- we will stay in contact with ACHD to see if that -- if those, you know, priorities change in discussions with the city. We are certainly on board to partner with the agencies as they do that, but that's -- that's our favored approach and we think we have pushed it the furthest along with right-of-way acquisition, but we have got other efforts underway as well.

Cavener: Mr. Mayor?

Simison: Councilmen Cavener.

Cavener: Thanks, Mr. Mayor. Deb, this question is kind of similar to -- to Council Member Strader's question from earlier, which is -- and I will just be frank, I'm frustrated. We continued this to give you guys ample time to get this project sured up. I do not like when a project -- when you have ample time to have it sured up to come back with lots of questions. This one here is driving me a little crazy. I think that you guys had ample time to get this resolved and bring us back a finished solution and so I'm curious why come before us tonight when you had ample time to get this resolved?

Nelson: Mr. Mayor, Council Member Cavener, I -- maybe we need to understand a little bit more about what we could do. I'm actually blown away that in two months they were able to acquire so much right of way as they have. They have accepted a cap on development that addresses all required mitigation, with no further impacts on the area roadway. So, I thought that is exactly what you guys asked for; right? You asked for help on -- comfort, certainty on timing to align this development's build out with the area roadway. So, rather than talking about what's the likelihood of the future development, what's the likelihood of Franklin getting expedited with Highway 16, they have just taken that on themselves and said, okay, we will work on that.

Cavener: Sure.

Nelson: We can only control so much. But in the meantime we will accept the cap, so they -- I think this is -- as far along as they can get it. They can't -- you know, they can't make ACHD allow them to build their roads, but they will keep in that discussion over the next period -- a few years. So, help me understand -- I -- I guess I'm not following the what we should have done.

Cavener: I guess -- Mr. Mayor?

Simison: Councilman Cavener.

Cavener: And I'm not interested in -- in a back and forth on this. You bring three options to help I think address some of the concerns from the Council, which is where -- I am very

concerned about the impact of this project, as much as I love it, on Black Cat and Franklin. You have got three options that I think any one of them could help address that and it would bring me great comfort. But none of them are finalized. You are working close towards option two and, again, you know your business way better than I do, but I would know that if that's the concern of the Council I would have option two finalized before I come back from the -- to the Council to ask for approval. That's me. And you chose not to and that's fine. We didn't ask you to come back in 30 days. We didn't ask you to come back in 60 days. We said take as much time as you want until this project is right and you came back because you think the project was right and I will just tell you right now that I disagree.

Nelson: Well, Mr. Mayor, Council Member Cavener -- and we -- we might just have to agree to disagree. So, I don't want to have back and forth like you said either. I just -- but I will respond as briefly that just so I guess that I'm communicating as clearly as I can that these are future phase options that are out of our control, other than the best we can do to acquire and to work with agencies. These are year long efforts. Not, you know, 30 days, 90 days. But what we can present to you and what I have tried to communicate -- and maybe not as well as I could have -- is that the phasing that we have proposed does address your concern stated about Black Cat and others, because Black Cat is not over capacity with our project up to 960,000 square feet and so it isn't triggered -- there is nothing there that's needed that we are not doing. We will be actually ahead of what it needs with the widening that we will be adding and, then, with the cap until it's further widened, we are just making sure that that is addressed. On Franklin it is an existing problem with the - the westbound direction. That's an issue now. It will be resolved with widening of Franklin. It's resolved in the normal course in the near term, within project timelines that the city sees all the time of, okay, that's in the CIP, there is no mitigation required, that's a common response from ACHD when it's in the CIP and it's near term. But, regardless of that, you know, timing that is out of our control, but we just identify those facts, we do not have impacts on the intersection with this build out either. So, we don't make that worse and we are less than ten percent, which I think you understand very well as ACHD's threshold there for how they look at how you impact existing deficiency. So, I -- I do hear you, that we -- we don't have a solution to ACHD widening Franklin faster than what's identified in their CIP. We will keep working on it. But if we don't -- if we fail on that we have still accepted the condition that helps to keep it at the right level now. I know that may not address all your questions, but thank you for letting me respond.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Deb, I want to encourage you a little bit, too, just to -- just to give you a little bit -- a little bit of balance. I think to me this makes a lot of progress. I -- I think if you were to tell me that, you know, you will cap until option two, but that your end state at the completion of your project was a combination of option one and option two, that -- that to me would -- would more than proactively solve the entirety of the concern in this area.

Do you -- do you -- just so -- and I don't want to throw anybody under the bus, but the ACHD letter provided me with a little bit of frustration, too, because I felt like they just weren't at a point that they were ready to work with you to just let you build or let you move forward. I think there is even a comment that it would be premature in some subsequent e-mails and, you know, that -- that to me is a -- I just want to express that's a frustration for me, because I feel like this is a critical project. I want to see this project happen, so, you know, what do you think is the main hurdle toward executing -- you are -- you are taking an equity risk on half of your project and I -- I appreciate that. So, you know, I guess my questions are, number one, are you -- and maybe I'm pushing too much and being a little greedy, but are you open to a scenario where you build option two, you know, after your -- you know, you are going to have the cap, you are going to do option two to exceed your cap and, then, the end state, though, that the city gets and everybody gets is a combination of option one and option two, by some -- you know, at some point, just because you -- you can feel the pain in this area; right? This is a huge project. I don't think we would ask for something that big from somebody that wasn't this size of a user, this amount of land. I think to some precedence ACHD is a totally different animal than ITD, but, you know, when Costco came, when Winco came, dang if we didn't get Chinden just totally -- almost totally solved and that's the kind of -- that's what I'm hoping to get, ultimately, out of this is a comprehensive solution. I think option two was really far. I think the cap is huge. It -- it helps provide incentive on both sides. You can move forward and your project's rocking, you are leasing it up, you are motivated, but I would love to see a combination of option one and option two at the end of the day. That's just to share some feedback.

Nelson: Mr. Mayor, Council Member Strader, I will -- I will provide an answer and if the development team has something to offer or add to that I welcome them to come do so, but -- I mean I guess, first of all, with ACHD, yeah, we -- you know, we -- we did offer to -- to fund this. The city asked us to. We are definitely willing to do that. We will keep working with them. I think, as Kristy said, you know, they just got everything expedited pretty quickly by ITD. We are excited about that, because it creates a great opportunity, but they have -- you know, they have got to digest this. I think the city has an opportunity to work with them to express your priorities and so I -- I think there is some great opportunities here for -- for that going forward and we will continue to be a part of that and, hopefully, you know, partnering with both of you on that effort. I think it's likely that some combination of these is going to end up here. You know, we have got -- obviously we have got other parties that control the right of way on Black Cat, so some of this is third party out of our control we are trying to acquire. Doing our best. But some of it's a little bit out of our control. Now, you know, to the east of Black Cat is developer owned. It's likely that this is going to get developed and some of that's going to free up within the scope of this build out. So, I think you are going to end up seeing both of these, you know, build out during the time frame of that second -- you know, the subsequent phases. We are very focused on that northwest collector, because we think it provides a great opportunity for our trips to access Highway 16, but, honestly, we are going to push on all of it and accept what we can get and it may end up being a combination. You know, whatever is required by the TIS mitigation. And I -- what else do you want add?

Felker: Shane Felker. Ketchum, Idaho. Part of the development team. A combination is fine with us. I think it's important to leave option three in there, because with the uncertainty with how ACHD is going to handle Franklin, creating an improved right of way directly to the freeway I think would be a great benefit that might be able to happen sooner and why we are pursuing it as well.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Just to be super direct -- and I'm the only person asking these questions, so I don't want anybody else to get -- but would you be willing to say that you would do option two or option -- really, any of these options, but I'm more concerned about option two or option three with the addition of Black Cat up to Franklin, because I think that that's kind of an acute area and I -- I would like to see that area a little bit better solved for, you know, either prior to the cap being exceeded or -- I -- I think these provide a solution, but I don't think it provides a comprehensive solution of this area. So, I guess my -- my request would be are you open to something that, you know, includes option one if it gets you there, option two with the addition of Black Cat up to Franklin or option three with the addition of Black Cat up to Franklin in terms of it being, you know, widened out fully.

Felker: It's tough to give you a definitive answer when it involves landowners that we continue to work with. I think somewhere between those two hurdles the midpoint 960 and the end, that's probably a victory that we could, you know, put a pretty serious bet on. There is just a lot of right of way to acquire. I don't know if that answers it clearly, but --

Strader: Mr. Mayor?

Felker: If the hurdle was correct I think that's something we would be able to handle.

Simison: Council Woman Strader.

Strader: So, maybe, though, it sounds like there is some openness to one of these three options up to your cap of 960,000 square feet and, then, perhaps there is an additional hurdle of -- and maybe the -- maybe the totality of -- I will pick that midpoint and, then, at that point to exceed that additional threshold we need to see the completion of Black Cat all the way up to Franklin. I'm just pushing around. Everybody's giving me a funny look, but I -- I'm just curious if there is an iteration of that that works possibly.

Felker: I think it's quite possible that that would work. It would take a little bit of number crunching.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Thank you. This gives me a lot to chew on. I think there is a lot of details that need to be worked out. It probably would have given me more comfort and I -- and I know you guys are going to work through the TIS at ACHD. I'm just a control freak. But if -- if you guys had worked through that piece on the TIS at ACHD, I think that would -- that would give me a little more visibility as well, but I appreciate where you are coming out on this. I think it's proactive. Like to me I think there is a deal to be had. Personally for me I think I could support the project if, you know, it was one of these options, but option two or option three had an additional hurdle that you are going to finish that Black Cat segment, because I think that -- and don't take this the wrong way, there are other developers -- and I get it, but you are the big one, right, in this area, so -- that -- that's just me. Thanks.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: And I think that the -- the thing that's giving me a little bit of, you know, just uneasiness is -- well, to put some clarity to my statement, when we did Chinden, we widened Chinden, there was a STARS agreement and we were -- we were -- the two developers that were involved with that, those projects -- you are familiar with them. That funded at the end. So, I guess my question -- and we have ACHD in the -- if -- if the developer is willing to do a cooperative type agreement where these roads can be made with some type of reimbursement on the back end, I don't know what's the big deal. I mean what's -- what's holding this deal up? Now, when you have -- she's there. I will let her answer the question in a minute. But that's -- that's -- I -- I would like to know that, because, honestly, if -- if -- if we can have that deal done, then, what we are talking about is moot and so if we could get some clarity from ACHD of why they are not wanting to do a cooperative agreement with a developer who is willing to be proactive, I -- I just don't understand what the big deal is. Maybe I'm missing something. I -- you know, I'm not -- I'm never the smartest guy in the room, I promise you, but, you know, this sort of makes sense to me.

Simison: Kristy?

Inselman: Mr. Mayor, Councilman Bernt, with regard to a CDA, I -- again, I wasn't -- I was not involved in those conversations. I mean all I have to go off of is what I saw in the packet materials and didn't have an opportunity to speak to staff before this meeting, because it looked like that happened just within the last couple of days, that conversation has happened, so it's still early in the process of that conversation and I mean we do CDAs on other projects and that's certainly something that we can have a conversation with the developer in more detail on, but I am not in the position or prepared today to say absolutely we will enter into that.

Bernt: Sure. Sure.

Inselman: Obviously, the details of that would have to be -- to be worked out, but it's -- I think it's still -- I think it's just so early in that conversation --

Bernt: Right.

Inselman: -- because when we -- when we respond to this type of an application this is just an annexation of reason and there is no development tied to it, it's a little different of a conversation than when we have a full actual development application that we are working on. I'm not sure if that is part of that, but it's certainly something that we would continue -- continue and have a conversation on.

Bernt: Thank you, Mr. Mayor, Kristy, and I certainly didn't want to put you on the spot like that. I have just been trying to think about this tonight and I'm like, you know, it seems like it's not that -- you know.

Simison: Maybe the applicant would like to put some words on the record related to this comment.

Felker: Well, part of the reason we came with options wasn't to look unprepared. I'm -- we apologize for that. It's just that with so many moving pieces and trying to work with ACHD and -- and also guessing a little bit on what the city's priorities are, we wanted to make sure that we could show you a road map that had the options to be -- to get complete access -- complete improved access to the freeway no matter what. If we run into a hurdle with a landowner, if ACHD is unable to move funding forward, you know, that we could sit here with a clear conscience and say we are going to get you there fully improved right to the freeway and start eliminating some of the traffic concerns that are on Black Cat.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: So, would -- if we could -- you know, if there were further conversations with ACHD about a CDA I mean would this process with the roads take place immediately? I mean it's like -- I know that there is some right of way that you are working on on Black Cat, so I get that there is a little bit of -- you know, there is a little bit of homework that you need to do. But like would you -- if you had the -- the right of way and with the CDA agreed upon by ACHD, would you get -- would you wait until you hit one million square feet or would you start working on those roadways with improvements as soon as possible?

Felker: It's a pretty expensive roadway to build and there is a bit of a blend of being able to put some building up -- buildings up that can help finance that, so certainly all the improvements in the millions that we have to put into our property would be happening immediately, along with a signal and the turn lanes that were discussed, but moving beyond that and starting to build roads far away from us, you know, requires us to be able

to bring in some money from the development to make that happen. Unfortunately there is a threshold before we start creating an impact that, you know, would allow us to do that.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: Mr. Mayor. I think you have moved the ball forward. I mean progress is being made. It can be maddeningly slow -- maddeningly slow at times, but in option two and three one of the things I like about those is the fact that you are not adding to Black Cat in the traffic and in the -- in the TIS they -- they do talk about the study recommends widening Black Cat to five lanes -- I'm reading from the TIS. However, there isn't enough existing right of way. You don't control that. They don't control that at this time. So, two and three you have committed to adding the turn lanes in front of your site and putting in a signal when -- when allowed and, then, we know coming -- marching from the east, heading west, is development in that next section. That's right there to the east. So, there will be a signal there at some point in time and I think that will help traffic on -- on Black Cat. Under option two you -- you guys control -- do you have control of the access road going north to connect into Franklin?

Felker: We do.

Hoaglund: Okay. And then -- to follow up, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: And you are acquiring right of way from Franklin to the Highway 16 future interchange.

Felker: Have almost all of it. Over 90 percent of that.

Hoaglund: Okay. So, to continue, Mr. Mayor, progress -- progress is being made. It's -- it's there and I -- I guess this -- to jump -- this is more -- you might be able to answer it, but Kristy I think would -- would know. Kristy, it looks like that interchange under option two is at the half mile. So, likely will have a light at that interchange and it's -- for you, I guess -- I guess, Kristy, if you could answer that yea or nay.

Inselman: Mr. Mayor, Councilman -- I think that was Hoaglund.

Hoaglund: Yes.

Inselman: Sorry. I'm getting much better at the voices on knowing who is talking. It -- I would say that is -- that's quite likely. I don't have the master street map in front of me, but my best guess is we typically do some type of -- whether it be a roundabout -- it looks like they have a roundabout identified -- either a roundabout or signalized intersection at mid mile.

Hoaglun: Okay. And Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Follow up with Kristy. In -- in the TIS, item number three, it talks about the McDermott Road-Franklin Road interchange and, you know, the plan is to ultimately have Franklin Road five lanes, but in the interim maybe having a three by three signalized intersection. Is -- is that something that -- where does that fit in, even though Franklin hasn't been widened and it's -- it will be in design, but there is no plans at this time, is that something that can be accomplished sooner, as opposed to later?

Inselman: That one is -- I apologize, Mr. Mayor, Council Member Hoaglun. That one I -- and I believe this was somewhat addressed in the e-mail. Because McDermott is the dividing line between our county and Nampa area, we would have to coordinate any improvements to that intersection -- if they are wanting to do a three by three -- it would have to be coordinated and additionally -- additional funds from our neighbors to do that, so I -- I mean I'm not going to say that it is not something that can't be looked into, but it's not just our jurisdiction that would have a -- a say in funding and accelerating that or not.

Hoaglun: Well, Mr. Mayor and Kristy, I appreciate that and I understand there is a lot of things to be worked out.

Inselman: Uh-huh.

Hoaglun: I guess just to comment, too, in looking at the Black Cat widening, I think with other property owners if this gets underway and half of this development is built, I think that's going to spur other activity and, then, there will be coordination to make those things happen. I think more players come to the table that can move things a little -- a little quicker. But just my observation.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. Maybe one just to pile on to one of Councilman Hoaglun's comments. I do agree that option two and option three are superior in the sense that you are providing independent route into Highway 16. I -- you know, I have a vast preference over those options and, then, again, with the addition of some additional widening of the rest of Black Cat up to Franklin I think -- I think that's helpful, but I'm not sure at least for me that option one stands on its own. I don't think you are going that way anyway as a part of the matter, but -- yeah, I just wanted to agree with that comment.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: I did forget one question I had for you, Deb. You talked about capping the project, 960,500 square feet, which is approximately half the size, until an improved direct connection to Highway 16 is -- is completed. I guess we need to define what -- what does improved connection to Highway 16 really mean.

Nelson: Yeah. Mr. Mayor, Council Member Hoaglund, we are happy to work through whatever language makes sense, but for us that meant the widening that's needed to mitigate these issues. So, on Franklin that's widening to five lanes and on Black Cat, if that option is, is it's widening to five lanes. It's putting in the collector road up to its full build out on the -- the new north-south collector. So, that -- you know, what -- the roadway has called for to address the planned traffic improvements.

Hoaglund: Thank you.

Simison: Do you have any -- I got nowhere to go, so I'm just waiting for Council to ask their questions or motions or anything else.

Hoaglund: Well, Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: We have been seeing Councilman Borton on online, he's not sleeping, absolutely not, so I didn't know if he had any questions. He's been very quiet, but he doesn't have to comment or -- or ask any questions, obviously, but -- just want people to know he's here and paying attention.

Borton: Mr. Mayor?

Simison: Councilman Borton.

Borton: I appreciate that. It's -- it's just continued thought over the last time we heard this in December. It's such a struggle in this discussion, because it just highlights what I think was an issue before was the challenge of timing. It's really hard on a big project to successfully have a -- a ready, fire, aim sequence and so that's what I -- I struggled with before and I struggled with now. The -- the staff perspective and Planning and Zoning's perspective weighs heavily on that as well. So, in this -- and -- and I don't -- I -- I struggle, you know, bringing a developer to accomplish extremely difficult tasks and be tied with a bunch of off-site things that they are being asked to, because the timing here is challenging. It's -- it's -- it's off, frankly. The zoning issue is something I had struggled with a little bit before as well, but when I listened to what Deb was describing, the concept and Council Woman Strader's question, the concept of option -- you know, having a cap until option one and either two or three as a solution, I think you are going to have everyone on Black Cat -- whether you go two or three, you are still going to have people all over Black Cat. So, I just -- but I struggle with even that benchmark, because that's a big ask. So, all of that just -- that's why I'm -- I'm just quietly contemplating can you get over the challenge that this property -- which will develop. It might not be ripe to develop

right now in light of all of the big picture moving parts and the applicant's done a phenomenal job trying to make it work, but I don't know if I'm there yet.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: So, I'm wondering if it's worth taking a little -- a little bit of time. I know you guys need to get moving, but I'm kind of wondering if it's worth taking a little bit of time to try to finalize some details with ACHD, pursue the cooperative development agreement angle a little bit with them. Maybe at the same time flush out with staff some sort of a hybrid option where, you know, we ultimately get -- yeah, whether it's an enhanced cap with more roadway improvements or a -- an additional second cap that -- that gets us there, wondering if it's worth kind of -- I hate pushing -- I -- I hate -- and I apologize, it's really kind of crappy to like throw out a solution like that and try and negotiate it with you right here. I think that's kind of a messed up thing. I didn't mean to do it that way, but we don't have a choice, we are like public officials, we have to have public meetings to have these conversations. It's just how it works. So, it -- and maybe it's worth like -- if you guys want to chew on that, I -- I would suggest a continuance personally to chew on that option, but maybe finding out if other Council Members are supportive of some type of a hybrid with two caps, because if the rest of Council isn't into that I don't know if that's worth doing. So, I don't know. I'm kind of just looking around, trying to make eye contact and --

Felker: I don't know if there was a question, but --

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: If the applicant would like to talk about whether a continuance feels like it makes sense at this point or what -- where you are on the thing.

Felker: I think it would not take us long to hone in on a -- a more definitive singular option that had the caps and enhancements and phases that you are talking about, but it would be good to get the opinion of Council that could help us go along with that. So, it wouldn't take us much time to come back. We -- we were really trying to make sure we were hitting the buttons and I feel like we have much clearer direction right now.

Simison: Well -- and I -- I will just speak in for one very -- we have one new Council Member who wasn't here last time, who has, quite frankly, changed the direction of the conversation and one who is not here who would take the conversation in another direction from the -- so, it's going to be a jump ball when you come back one way or the other with where Council was and/or is or as they move forward with what they see. That's -- I -- I think on one hand I'm -- I'm hearing openness. On the other hand I think that you could come back and find yourself at a jump ball and no idea no matter what you do. Based upon timing or other factors that could -- so, I don't want to mis -- I don't want to

mis -- I don't want to mislead you because one person is not here and who knows who is going to be here next time and you can -- you can see what I'm seeing from that standpoint, so -- yeah.

Felker: Do we take the jump ball now or later.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I'm curious on -- on -- on the hybrid option. If -- if Council Woman Strader would -- would kind of help fill that in when the hybrid option was including option one, but my only hesitation is there is where asking -- and we have done this -- had these conversations before where asking them to do something where there is no control by them on the parties involved. So, that's why I'm kind of hesitant on that, because that's just like -- we don't know, they can't force them, I mean if they don't want to sell, I mean -- their -- their hands are tied. That's why I kind of was leaning more to options two and three in that -- and -- and seeing if that was the possible solution.

Simison: Options two and three have the exact same issues. There is no option that doesn't -- there is no option that they can complete themselves without other people -- whether it's ACHD, whether it's a private property owner, someone has to give them the ability to -- to do anything on any of these options.

Felker: We have the most control over option three and followed closely by option two. Option one there is so many owners involved, so many vested parties that it's odd. They are significantly lower.

Strader: Mr. Mayor?

Simison: Council Woman Strader.

Strader: Yeah. I guess part of my rationale was that would be at an additional point in the future; right? So, what I was proposing was option two or three and, then, an additional cap and I'm assuming, depending on leasing activity, the progression of this project, the -- you know, how things are going that that gives a lot of time, line of sight motivation, alignment of interest and I don't think we really care like how it happens; right? So, it's -- to me it's more like that's the principle -- like the end state of where I would love to see this -- by the completion of the whole thing is I just really want to see kind of a combination of these at a minimum to me. It's -- it's actually just the extension of Black Cat all the way up to Franklin. I would hate to throw the full option one, plus option two or three at them. It feels like a lot, but -- I don't know. I'm just sort of thinking out loud trying to be proactive. I think option two and three, you know, on their own --- my -- my only struggle is I -- I either wish there was a really clear line of sight into Black Cat getting completed up to Franklin with ACHD through some kind of an agreement or something. I just feel like Black Cat -- Black Cat is a real pain point. Kind of with you, though, in the

sense that option two and three I think give me a lot of comfort this moving forward. I think there could be a lot of -- and don't take this the wrong way, Deb, but, you know, up until you get to that 960,000 square feet, no matter what grade they are giving this thing, it's going to be painful. I mean there is -- there is a couple painful years that are potentially -- that was my thinking.

Bernt: Mr. Mayor?

Simison: Councilman Bernt.

Bernt: You know, I -- there is a lot of great things about this project. Honestly, it's -- there is -- I think you have provided enough information to let us know that this is a project that's needed, you know, jobs whatever. The -- the industrial portion of his job. I think that it's the wave of the future and how commerce is going to take place in society. I think that the fine woman who spoke earlier in testimony, I think that she was exactly right and there was no debating it. I -- I know that you guys -- I'm familiar with other projects that you guys have done. You are going to keep them. You are not going to sell them. I mean there is -- you check all the boxes. The -- the only thing that is holding me back is just the complexities of the roadways and it just causes -- this is such a huge project, this is such a big, big, big project that I feel uncomfortable saying, well, it could be a portion of option three, it could be a little bit of option two, we really like option one and so it just -- it -- it's hard. When we did those other projects on Chinden it was spelled out. They cannot open and get a C of O until those roads are completed and it brought a bunch of, you know, relief to -- to those -- those who live in that area and it made sense. Here for me it's just -- there is just too much -- there is -- there is too much open-endedness to this and I'm not saying I'm for or against, but it's just -- for me it's just -- I'm not quite there. I need a little bit more definitiveness with the roadways and if that's -- you know, ACHD and, you know, a CDA, maybe that changes things. I would like to see what that looks like. But that's where I'm at right now.

Hoaglund: So, Council, what I'm hearing and seeing is a continuance to a date Councilman Cavener won't be in town.

Hoaglund: Mr. Mayor?

Simison: Councilman Hoaglund.

Hoaglund: I -- I -- to weigh in on -- on a continuance, I -- I'm not opposed to that, but I don't -- I don't know if we have a goal with a continuance. I mean what is it that we want to accomplish with a continuance?

Simison: I think Councilman Cavener -- or Councilman Bernt just spelled it out is what more can be done with ACHD on a cooperative development agreement for the road improvements for timing and other information. If they are willing to enter into that or if they are not. If -- if not I want to know why. You know, I think that's an important question, you know, and if -- if it comes back to say, well, they will do it, but it's going to be at -- at

the cost of Ustick Road or the cost of something else for some reason, is that there why? Or they just don't have time to deal with it right now, because they are short staffed and everything else. That to me would be the -- at least what I'm hearing is flushing out options or not options, so it's fairly clear.

Cavener: Mr. Mayor?

Simison: Councilman Cavener. And I want you to be here.

Cavener: I appreciate that and I recognize I'm especially cantankerous tonight, no offense, I just -- my -- my understanding was that we continued our meeting in December to get some of these things answered and I recognize that you weren't able to get them all answered, but I guess my request would be is if we are going to continue this again, which I'm fully in support of, whether I'm here or not, because I really do like this project -- is that we give you ample time to make sure that when you come back to us that we as Council can communicate to our citizens how the roadway network is going to be positively impacted and when.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I -- I would -- I would like the applicant to -- to respond to our discussion at this point. We haven't closed the public hearing and want to get some feedback.

Felker: Well, I think one of the goals with providing these options wasn't a lack of clarity. We took the information we got from the TIS and the second we made a demonstrable impact, we are limiting ourselves to a requirement to make a clear and improved connection all the way to the freeway. So, I don't feel like there is a lot of question in what we are bringing forward or -- or lack of clarity on our ability to solve traffic impact and -- and make the area better. In all of these scenarios, all the development that's occurring, just to the east of us will have a new access to the freeway that wouldn't be created otherwise and so we see this as a tremendous benefit to all the development that's happening all around us.

Simison: The public testimony is not closed yet, but at this point in time we are not going to open back up to the public, unless we decide to do another hearing.

Felker: I think with a short continuance we could complete total clarity on an option that I think would satisfy -- at least the comments that I have heard this evening.

Hoaglun: Well, Mr. Mayor, if I might --

Simison: Councilman Hoaglun.

Hoaglun: -- inquire of our city clerk. What does a short continuance calendar look like?

Johnson: Mr. Mayor, Councilman Hoaglun, the next available date would be April 5th. However, I believe Councilman Cavener is on vacation. After that planning staff is on vacation. So, the next date would be April 26th.

Nelson: Chris, would you repeat that? What was the date?

Johnson: April 26th.

Hoaglun: Well, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: That's -- you know, April 5th that's -- that's five weeks. That's -- some would say that's short in our planning scheme of things and in other ways it's not very short and is staff here for April 5th?

Tiefenbach: Mr. Hoaglun and Mr. Mayor, Members of the Council, we are -- I am here on April 5th. I'm a little concerned just about how long it's going to take them to discuss with ACHD before we even see this project. It's been months just to get here. So, that's my concern.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: Kristy is still on. I'm sure with this riveting testimony she hasn't fallen asleep. Kristy, is -- is it possible to have those discussions with -- with the applicant and -- and see if some things can be decided? I -- I know you can't predict, but just from a meeting time perspective -- and I know you have a lot on your plate -- is that possible?

Inselman: Mr. Mayor, Council Member Hoaglun, are you -- you are talking about the April 5th; correct? And I did not fall asleep. I never fall asleep in your guys' meetings. I think it's certainly doable to have a meeting or two between now and then and at least provide some clarity on ACHD's stance on a few things. Because that's -- that's, what, four or five weeks?

Hoaglun: Mr. Mayor, Kristy, yes, five weeks.

Inselman: I think it's -- it's likely doable at least to provide some clarification. I don't know that we -- you know, I, obviously, can't say for certain that we can, you know, nail out details, but I -- I think certainly some clarification that the Council has specified that they would like from ACHD, I believe that's something we can get done in the next five weeks.

Nary: Mr. Mayor?

Simison: Mr. Nary.

Nary: Mr. Mayor, Members of the Council, and for the applicants as well, I mean it's not really five weeks, it's like three, because realistically they need to, then, provide something back to staff, staff needs to have time to comment and that comment has to be, then, submitted into the record by a minimum of a week before. So, it is three weeks, which is a pretty tight turnaround for another agency sometimes. So, just to be aware that it's not really five weeks, it's a little bit less. So, Alan is going to end up maybe even shorter window than I do, but I know it's a tight time frame.

Tiefenbach; Mr. Mayor, Members of the Council, Alan Tiefenbach. Just to tag under what Bill said, I guess my real concern is -- what I'm hearing the Council say -- the applicant is to have a pretty clear idea of what you are going to do and give us some examples and just with the amount of time that we are trying to push this into I'm not sure if you are going to get that confidence.

Simison: Councilman Bernt.

Bernt: I have full faith in ACHD, you know. If they -- it's just -- yeah. I mean this -- let's just pick a date and let's go.

Hoaglun: Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglun: I mean the other option is April 26th. That gives everybody a little more time and Councilman Cavener would be here and -- and, Alan, is -- is staff able to -- does that provide more time?

Tiefenbach: Certainly more is better. That will be the week I come back from vacation, but I will be here. I will have something to look forward to when I come back from vacation.

Hoaglun: Mr. Mayor. Alan, you will be well rested. I -- I mean that is -- that is an option. I mean if we can -- if we go with that -- I know it's -- you know, some hesitation, because I realize on the business end of things time is money and -- and it's something that -- so, if the applicant would like to care to respond for April 26th, that way we can be assured that meetings can be held and things hammered out, but --

Felker: I think that would work well for us, since we are talking about getting as specific as possible and discussing potential conditions for approval. If we could just make sure that we could see the rest of the findings from staff, so that we knew the package of -- of what we were going to be spending, yeah, in order to accomplish the goals that we would be presenting.

Hoaglun: So, Mr. Mayor?

Simison: Councilman Hoaglun.

Hoaglund: Question for Alan then. Is that something that can be accomplished?

Tiefenbach: Mr. Mayor, Members of the Council, we are talking about two different things. We are talking about findings. Findings have not been prepared. In this particular case we would probably recommend similar to what had happened with Sky Break, is where we would let Ms. Nelson at least do some crack at writing findings, but we are talking two different things. We would have to, first of all, see what they are doing with what they are coming up with with the road first; right? Which is not going to happen within the next week or two. And, then, we would have to write some kind of conditions of approval based on that. That's my hesitance. I'm not saying we can't do it, it just depends on how much you expect.

Hoaglund: Mr. Mayor, I probably --

Simison: Councilman Hoaglund.

Hoaglund: I wouldn't use findings per se. I think conditions, because they have had some requests of conditions and -- and I recall glazing and there was some parking out front and those types of things -- having a sheet of what conditions they are asking, what conditions staff is -- you know, thinks is acceptable or not acceptable, that way we have it in front of us and can hash those out as well.

Tiefenbach: Mr. Hoaglund, again, Members of the Council, yes, this would be, again, something we probably would -- would be best that Ms. Nelson would draft what she would be proposing as the conditions. We would add standard conditions. I can't -- I can't attest to whether those conditions are going to relate to the -- to the road construction, because I don't know when we are going to have that road construction. So, sure, we can -- we can craft general conditions of approval and Ms. Nelson can craft what she proposes for those conditions as well.

Hoaglund: Thank you, Alan. And, Mr. Mayor, one comment to that.

Simison: One comment.

Hoaglund: One comment. Yes, I -- I would hate to have the resolution to the road come up and, then, we are sitting up here scratching your head going, now, what were the conditions -- the other stuff that we haven't talked about much? So, that way it's all packaged together, so we can make -- ultimately make a -- make a final decision. With Councilman Cavener present.

Simison: And, again, I -- I don't want to lead anybody on either way or the other, you know, again, if we have the full Council at that hearing -- you are already sitting about a 50/50 still based on Council Woman Perreault. So, expectations are what they are. Regardless of what we call them, conditions of approval or not, there is still issues about timing. Maybe the roadway fixes and solves it. I just don't want there to be an undue expectation that we talked about conditions of approval today for a hearing we are going

to -- I don't know -- two of these Council Members may not be here and one more may be added in. Just want to set the bar of expectations. That's all. But we need to know about the other things for the conversation that evening. Fair enough. Do I have a motion?

Strader: Mr. Mayor, I will absolutely be here. Let's do it. Let's continue this. Mr. Mayor?

Simison: Council Woman Strader.

Strader: I move that we continue this to April 26th.

Cavener: Second the motion.

Simison: I have a motion and a second to continue to April 26th. Is there any discussion? If not, all in favor signify by saying aye. Opposed nay? The ayes have it and the item is continued to April 26th. Thank you.

MOTION CARRIED: FIVE AYES. ONE ABSENT.

ORDINANCES [Action Item]

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

Simison: So, with that we will move on to the last item for this evening, which is Ordinance No. 22-1972. Ask the Clerk to read this ordinance by title.

Johnson: Thank you, Mr. Mayor. This is an ordinance repealing and replacing Meridian City Code Section 1-7-1, regarding election; districts; terms of office; residency requirement; amending Meridian City Code Section 1-7-2, regarding City Council Member qualifications; repealing and replacing Meridian City Code Section 1-7-4, regarding City Council seat vacancies; adding a new section to Meridian City Code, Section 1-7-11, regarding Meridian districting committee; city council districts; adopting a savings clause; and providing an effective date.

Simison: Thank you. Council, you have heard this ordinance read by title. Mr. Nary, we are just doing the first --

Nary: Yes. Mr. Mayor, Members of Council, so our intention was because of the significance of this that we do this in three readings. So, this is just reading -- first reading.

Simison: Okay. You have heard this ordinance read by title. Is there anybody that would like it read in its entirety? Okay. Seeing none, we will put it on next week for a second reading and public hearing.

FUTURE MEETING TOPICS

Simison: Council, anything under future meeting topics? Or do I have a motion to adjourn?

Hoaglund: Move to adjourn, Mr. Mayor.

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

MOTION CARRIED: FIVE AYES. ONE ABSENT.

MEETING ADJOURNED AT 7:48 P.M.

(AUDIO RECORDING ON FILE OF THESE PROCEEDINGS)

MAYOR ROBERT SIMISON

_____/_____/_____
DATE APPROVED

ATTEST:

CHRIS JOHNSON - CITY CLERK



AGENDA ITEM

ITEM TOPIC: Artemisia Subdivision Sanitary Sewer and Water Main Easement

ESMT-2022-0138 Artemisia Subdivision
Sanitary Sewer and Water Main Easement

SANITARY SEWER AND WATER MAIN EASEMENT

THIS Easement Agreement, made this 15th day of March, 2022, between Idaho Auto Mall LLC (“Grantor”) and the City of Meridian, an Idaho Municipal Corporation (“Grantee”);

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

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

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

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

(SEE ATTACHED EXHIBITS A and B)

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

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

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

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

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

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

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

IN WITNESS WHEREOF, the said Grantor has hereunto subscribed its signature the day and year first hereinabove written.

GRANTOR : IDAHO AUTO MALL LLC




David E. Blewett, Manager

STATE OF IDAHO)
) ss
County of Ada)

This record was acknowledged before me on March 3, 2022 (date) by David E. Blewett on behalf of Kendall Development Group LLC, Manager of Idaho Auto Mall LLC, in the following representative capacity: Manager





Notary Signature
Residing at Boise, Idaho
My Commission Expires: 7/13/22

EXHIBIT A

Legal Description
City of Meridian Sanitary Sewer and Water Easements
Artemisia Subdivision

Easements being located in the SE ¼ of the SE ¼ of Section 14, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows:

EASEMENT A

Commencing at a Brass Cap monument marking the southeast corner of said Section 14, from which an Aluminum Cap monument marking the southwest corner of the SE ¼ of said Section 14 bears N 89°19'41" W a distance of 2661.68 feet;

Thence along the easterly boundary of said SE ¼ of the SE ¼ N 0°32'59" E a distance of 297.50 feet to a point;

Thence leaving said boundary N 89°19'41" W a distance of 51.00 feet to a point on the westerly right-of-way of S. Linder Road being the **POINT OF BEGINNING**;

Thence leaving said right-of-way and continuing N 89°19'41" W a distance of 559.71 feet to a point;

Thence N 0°40'19" E a distance of 42.00 feet to a point;

Thence S 89°19'41" E a distance of 559.62 feet to a point on the westerly right-of-way of S. Linder Road;

Thence along said right-of-way S 0°32'59" W a distance of 42.00 feet to the **POINT OF BEGINNING**.

Said Easement A contains 23,506 square feet (0.540 acres) and is subject to any other easements existing or in use.

EASEMENT B

Commencing at a Brass Cap monument marking the southeast corner of said Section 14, from which an Aluminum Cap monument marking the southwest corner of the SE ¼ of said Section 14 bears N 89°19'41" W a distance of 2661.68 feet;

Thence along the easterly boundary of said SE ¼ of the SE ¼ N 0°32'59" E a distance of 1113.47 feet to a point;

Thence leaving said boundary N 89°33'51" W a distance of 246.47 feet to a point;

Thence S 87°30'50" W a distance of 65.23 feet to a point on the southerly right-of-way of Interstate 84 being the **POINT OF BEGINNING**,

Thence leaving said right-of-way S 0°32'59" W a distance of 20.03 feet to a point;

Thence S 87°30'50" W a distance of 334.58 feet to a point;

Thence N 89°36'31" W a distance of 275.80 feet to a point;

Item #3.

Thence N 0°23'29" E a distance of 20.00 feet to a point on said southerly right-of-way of Interstate 84;

Thence along said right-of-way S 89°36'31" E a distance of 275.30 feet to a point;

Thence continuing along said right-of-way N 87°30'50" E a distance of 335.13 feet to the **POINT OF BEGINNING.**

Said Easement B contains 12,208 square feet (0.280 acres) and is subject to any other easements existing or in use.

Clinton W. Hansen, PLS
Land Solutions, PC
October 13, 2021



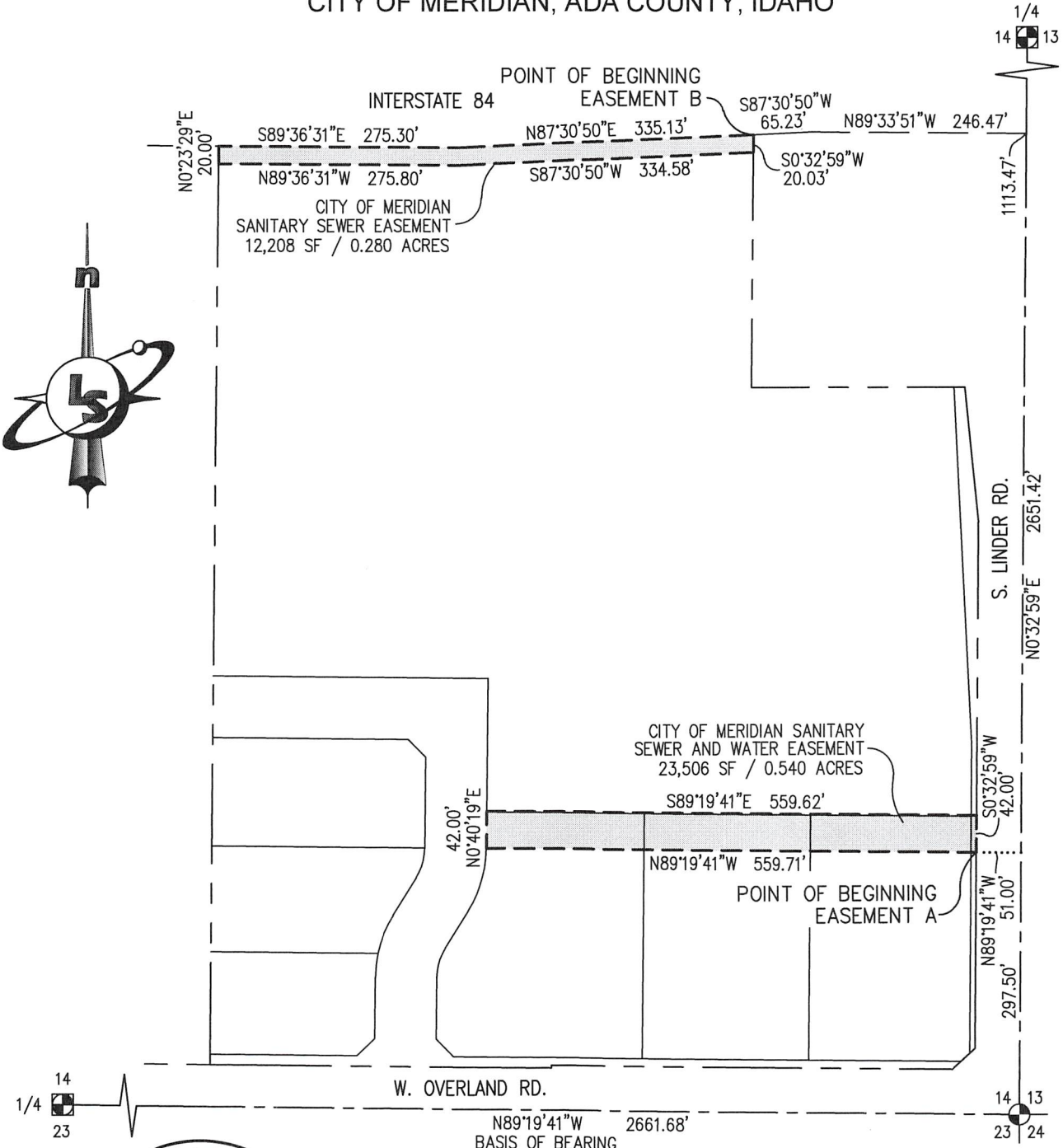
EXHIBIT B

Item #3.

CITY OF MERIDIAN SEWER & WATER EASEMENTS

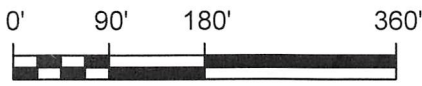
ARTEMISIA SUBDIVISION

LOCATED IN THE SE 1/4 OF THE SE 1/4 OF SECTION 14, T.3N., R.1W., B.M.
CITY OF MERIDIAN, ADA COUNTY, IDAHO



14
23

14 13
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LandSolutions
Land Surveying and Consulting

231 E. 5TH ST., STE. A
MERIDIAN, ID 83642
(208) 288-2040 (208) 288-2557 fax
www.landsolutions.biz

JOB N



AGENDA ITEM

ITEM TOPIC: Quartet Northeast Subdivision No. 2 Sanitary Sewer and Water Main Easement No. 1

ESMT-2022-0129 Quartet Northeast Subdivision No. 2
Sanitary Sewer and Water Main Easement No. 1

SANITARY SEWER AND WATER MAIN EASEMENT

THIS Easement Agreement, made this 15th day of March 2022 between Quenzer Farms LLLP who took title as Quenzer Farms L. P. (“Grantor”) and the City of Meridian, an Idaho Municipal Corporation (“Grantee”);

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

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

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

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

(SEE ATTACHED EXHIBITS A and B)

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

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

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

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

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

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

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

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

[END OF TEXT; SIGNATURES TO FOLLOW]

GRANTORS:

QUENZER FARMS LLLP,
an Idaho limited liability limited partnership

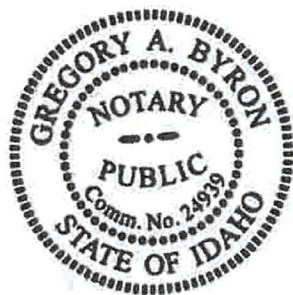
By: 
Dean Quenzer, General Partner

By: 
Marvin Quenzer, General Partner

STATE OF IDAHO)
 :SS.
County of Ada)

On this 24th day of February, 2022, before me, a Notary Public in and for said State, personally appeared Dean Quenzer, known or identified to me to be a general partner of Quenzer Farms LLLP, an Idaho limited liability limited partnership, and acknowledged to me that he executed the within instrument of behalf of said limited liability limited partnership.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.




Notary Public for Idaho
My Commission Expires: 1/13/2025



January 4, 2022
Project No. 21-024
Quartet Northeast Subdivision No. 2
City of Meridian Water and Sewer Easement
Legal Description

Exhibit A

A parcel of land for a City of Meridian Water and Sewer Easement situated in a portion of the Southeast 1/4 of the Northwest 1/4 of Section 34, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at an aluminum cap marking the Center-North 1/16 corner of said Section 34, which bears S89°26'06"E a distance of 2,647.62 feet from a 5/8-inch rebar marking the North 1/16 corner of Sections 33 and 34;

Thence following the northerly line of said Southeast 1/4 of the Northwest 1/4 of Section 34, N89°26'06"W a distance of 347.56 feet to the northeast corner of proposed Quartet Northeast Subdivision No. 2;

Thence leaving said northerly line and following the subdivision boundary of said proposed Quartet Northeast Subdivision No. 2, the following two (2) courses:

1. S00°33'54"W a distance of 136.30 feet;
2. 235.19 feet along the arc of a circular curve to the right, said curve having a radius of 681.50 feet, a delta angle of 19°46'23", a chord bearing of S10°27'05"W and a chord distance of 234.02 feet to the POINT OF BEGINNING.

Thence leaving said subdivision boundary, S69°29'38"E a distance of 16.00 feet;

Thence 39.73 feet along the arc of a circular curve to the right, said curve having a radius of 697.50 feet, a delta angle of 03°15'50", a chord bearing of S21°58'25"W, and a chord distance of 39.73 feet;

Thence N66°28'36"W a distance of 16.00 feet to said subdivision boundary;

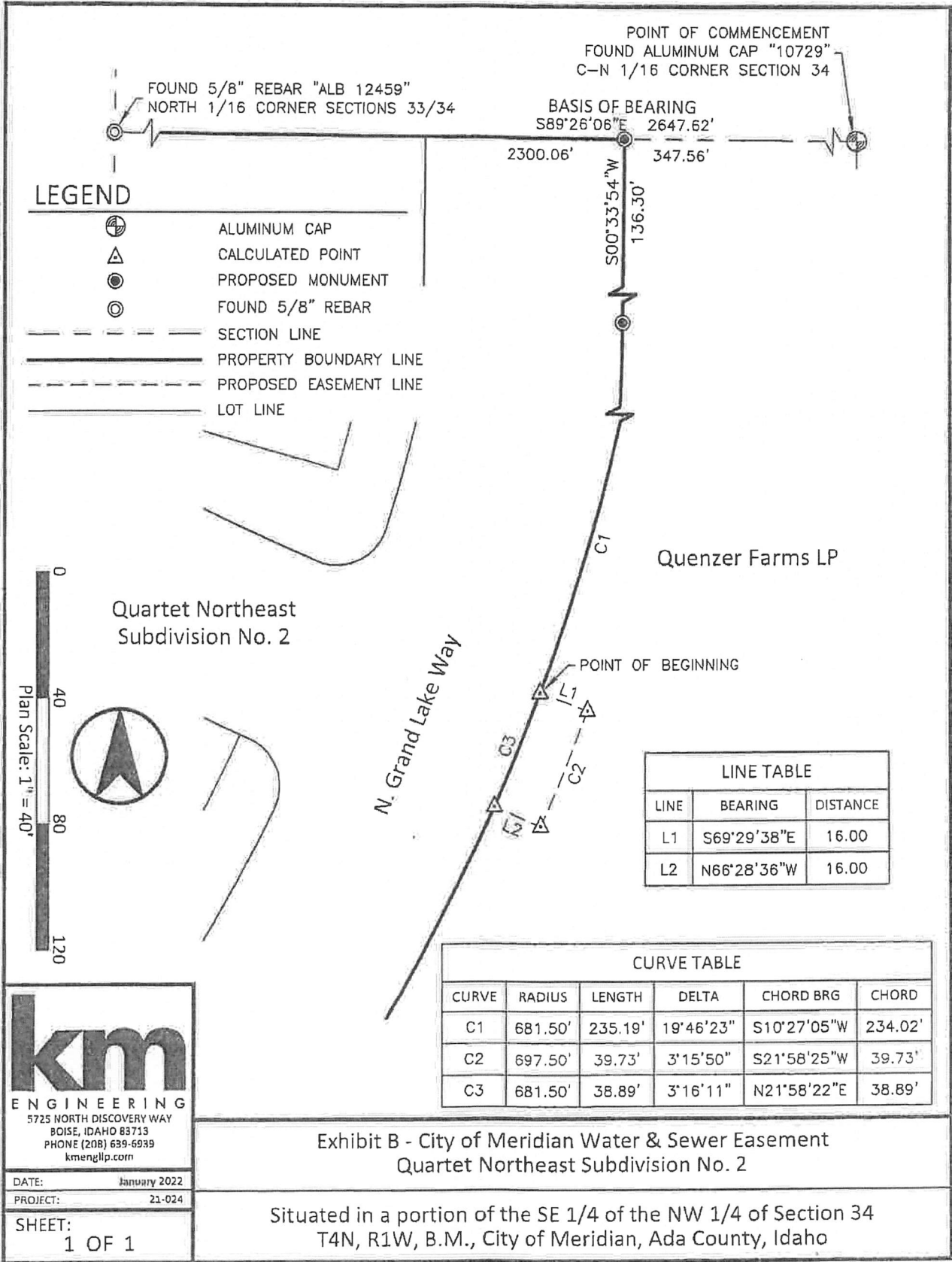
Thence following said subdivision boundary, 38.89 feet along the arc of a circular curve to the left, said curve having a radius of 681.50 feet, a delta angle of 03°16'11", a chord bearing of N21°58'22"E, and a chord distance of 38.89 feet to the POINT OF BEGINNING.

Said parcel contains 629 Sq. Ft., more or less, and is subject to any existing easements and/or rights-of-way of record or implied.

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



C:\KME\ENGINEERING\KM-GENERAL - DOCUMENTS\REMOTE WORK\PROJECT\21-024\CAD\SURVEY\EXHIBITS\21-024 CITY OF MERIDIAN WATER SEWER EASEMENT.dwg, DWG TO PDF.PC3, 08.5X11 P [PDF]



LEGEND

- ALUMINUM CAP
- CALCULATED POINT
- PROPOSED MONUMENT
- FOUND 5/8" REBAR
- SECTION LINE
- PROPERTY BOUNDARY LINE
- PROPOSED EASEMENT LINE
- LOT LINE



LINE TABLE		
LINE	BEARING	DISTANCE
L1	S69°29'38"E	16.00
L2	N66°28'36"W	16.00

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	681.50'	235.19'	19°46'23"	S10°27'05"W	234.02'
C2	697.50'	39.73'	3°15'50"	S21°58'25"W	39.73'
C3	681.50'	38.89'	3°16'11"	N21°58'22"E	38.89'

km
ENGINEERING
 5725 NORTH DISCOVERY WAY
 BOISE, IDAHO 83713
 PHONE (208) 639-6939
 kmengllp.com

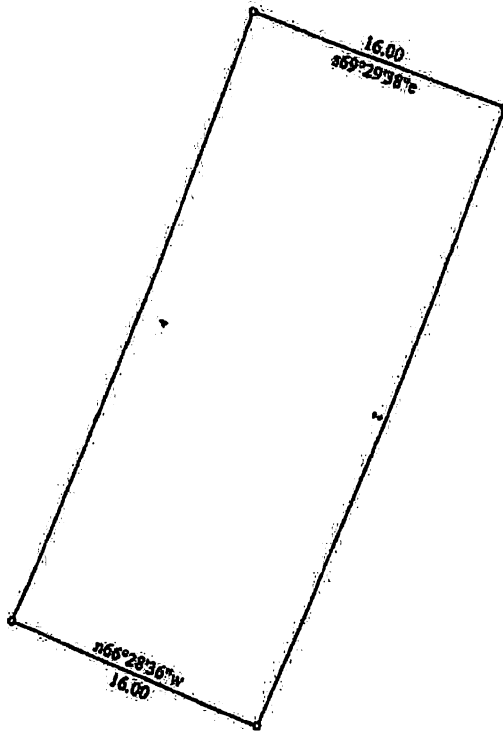
DATE: January 2022
 PROJECT: 21-024

SHEET:
 1 OF 1

**Exhibit B - City of Meridian Water & Sewer Easement
 Quartet Northeast Subdivision No. 2**

Situated in a portion of the SE 1/4 of the NW 1/4 of Section 34
 T4N, R1W, B.M., City of Meridian, Ada County, Idaho

Item #4.



Title:		Date: 01-05-2022
Scale: 1 inch = 10 feet	File: Deed Plotter.des	
Tract 1: 0.014 Acres: 629 Sq Feet: Closure = s26.2551w 0.00 Feet: Precision >1/9999999: Perimeter = 111 Feet		
001=s69.2938e 16.00 002: R2, P=697.50, Dela=03.1550 Eng=s21.5825w, Chd=39.73	003=n66.2836w 16.00 004: L4, P=681.50, Dela=03.1611 Eng=s21.5825e, Chd=38.89	



AGENDA ITEM

ITEM TOPIC: TM Crossing Lot 15 Partial Release of Water Main Easement

ESMT-2022-0135 TM Crossing Lot 15
Partial Release of Water Main Easement

PARTIAL RELEASE OF EASEMENT
TYPE OF EASEMENT BEING PARTIALLY RELEASED: Water Main Easement
GRANTEE: CITY OF MERIDIAN
GRANTORS: see below, INCLUDING SUCCESSORS AND ASSIGNS
SCS Investments LLC, DWT Investments LLC, BVASB Ten Mile Phase 2 Building LLC

WHEREAS, by easement dated May 28, 2020 and recorded as **Instrument Number 2020-063466** in the land records of **Ada County, State of Idaho**, an easement of the type and nature set forth in the above-captioned title was granted to the City of Meridian, an Idaho Municipal Corporation ("the Easement"), upon the real property legally described therein.

WHEREAS, the continuance of a certain portion of the Easement is no longer necessary or desirable.

NOW, THEREFORE, in consideration of the premises, the City of Meridian does hereby release, vacate, and abandon that certain portion of the Easement on the lands more particularly described on Exhibit A, and depicted on Exhibit B, attached hereto and incorporated herein.

All rights and privileges under the under the above-described document in and to the remaining lands covered by the Easement shall remain and continue in the Grantee and shall not be affected in any way hereby.

IN WITNESS WHEREOF, THE CITY OF MERIDIAN has caused these presents to be executed by its proper officers thereunto duly authorized this 15th day of March, 20 22.

CITY OF MERIDIAN

Robert E. Simison, Mayor 3-15-2022

Attest by Chris Johnson, City Clerk 3-15-2022

STATE OF IDAHO,)
 : ss.
County of Ada)

This record was acknowledged before me on 3-15-2022 (date) by Robert E. Simison and Chris Johnson on behalf of the City of Meridian, in their capacities as Mayor and City Clerk, respectively.

(stamp)

Notary Signature
My Commission Expires: 3-28-2028



AGENDA ITEM

ITEM TOPIC: TM Crossing Lot 16 Partial Release of Water Main Easement

ESMT-2022-0134 TM Crossing Lot 16
Partial Release Water Main Easement

PARTIAL RELEASE OF EASEMENT
TYPE OF EASEMENT BEING PARTIALLY RELEASED: Water Main Easement
GRANTEE: CITY OF MERIDIAN
GRANTORS: see below, INCLUDING SUCCESSORS AND ASSIGNS
SCS Investments LLC, Brighton Investments LLC, Ten Mile Crossing Inc.

WHEREAS, by easement dated March 12, 2018 and recorded as **Instrument Number 2018-021997** in the land records of **Ada County, State of Idaho**, an easement of the type and nature set forth in the above-captioned title was granted to the City of Meridian, an Idaho Municipal Corporation ("the Easement"), upon the real property legally described therein.

WHEREAS, the continuance of a certain portion of the Easement is no longer necessary or desirable.

NOW, THEREFORE, in consideration of the premises, the City of Meridian does hereby release, vacate, and abandon that certain portion of the Easement on the lands more particularly described on Exhibit A, and depicted on Exhibit B, attached hereto and incorporated herein.

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IN WITNESS WHEREOF, THE CITY OF MERIDIAN has caused these presents to be executed by its proper officers thereunto duly authorized this 15th day of March, 2022.

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 : ss.
County of Ada)

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(stamp)

Notary Signature
My Commission Expires: 3-28-2028



AGENDA ITEM

ITEM TOPIC: Final Order for Meridian Movado Village Subdivision (FP-2022-0002) by Breckon Land Design, Located on the South Side of E. Overland Rd. Between S. Eagle Rd. and S. Cloverdale Rd.

BEFORE THE MERIDIAN CITY COUNCIL

HEARING DATE: MARCH 1, 2022
ORDER APPROVAL DATE: MARCH 15, 2022

IN THE MATTER OF THE)
REQUEST FOR FINAL PLAT)
CONSISTING OF 5 BUILDING)
LOTS ON 6.8 ACRES OF LAND IN)
THE C-G ZONING DISTRICT FOR)
MERIDIAN MOVADO VILLAGE)
SUBDIVISION.)
)
BY: CLAIRE SMARDA, BRECKON)
LAND DESIGN)
APPLICANT)
_____)
)

CASE NO. FP-2022-0002
ORDER OF CONDITIONAL
APPROVAL OF FINAL PLAT

This matter coming before the City Council on March 1, 2022 for final plat approval pursuant to Unified Development Code (UDC) 11-6B-3 and the Council finding that the Administrative Review is complete by the Planning and Development Services Divisions of the Community Development Department, to the Mayor and Council, and the Council having considered the requirements of the preliminary plat, the Council takes the following action:

IT IS HEREBY ORDERED THAT:

1. The Final Plat of “PLAT SHOWING MERIDIAN MOVADO VILLAGE SUBDIVISION, LOCATED IN THE NW ¼ OF THE NE ¼ AND THE NE ¼ OF THE NE ¼ OF SECTION 21, TOWNSHIP 3N, RANGE 1E, BOISE MERIDIAN, MERIDIAN, ADA COUNTY, IDAHO, 2021, HANDWRITTEN

DATE: 1/10/2022, by Jeff Beagley, PLS, SHEET 1 OF 1,” is conditionally approved subject to those conditions of Staff as set forth in the staff report to the Mayor and City Council from the Planning and Development Services divisions of the Community Development Department dated March 1, 2022, a true and correct copy of which is attached hereto marked “Exhibit A” and by this reference incorporated herein.

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

NOTICE OF FINAL ACTION

AND RIGHT TO REGULATORY TAKINGS ANALYSIS

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

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

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

By:

Robert Simison
Mayor, City of Meridian

Attest:

Chris Johnson
City Clerk

Copy served upon the Applicant, Planning and Development Services Divisions of the Community Development Department and City Attorney.

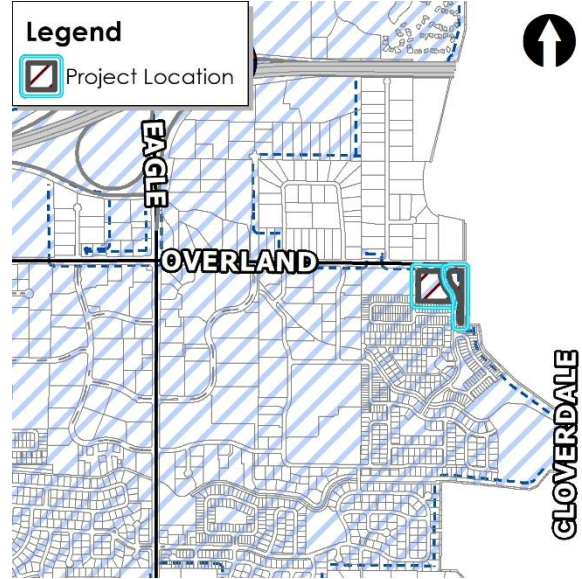
By: _____ Dated: _____

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



DATE: 3/1/2022
 TO: Mayor & City Council
 FROM: Joseph Dodson, Associate Planner
 208-884-5533
 SUBJECT: FP-2022-0002
 Meridian Movado Village

PROPERTY LOCATION:
 The site is located on the south side of E. Overland Road between S. Eagle Road and S. Cloverdale Road, in a portion of the NW ¼ of the NE ¼ of Section 21, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

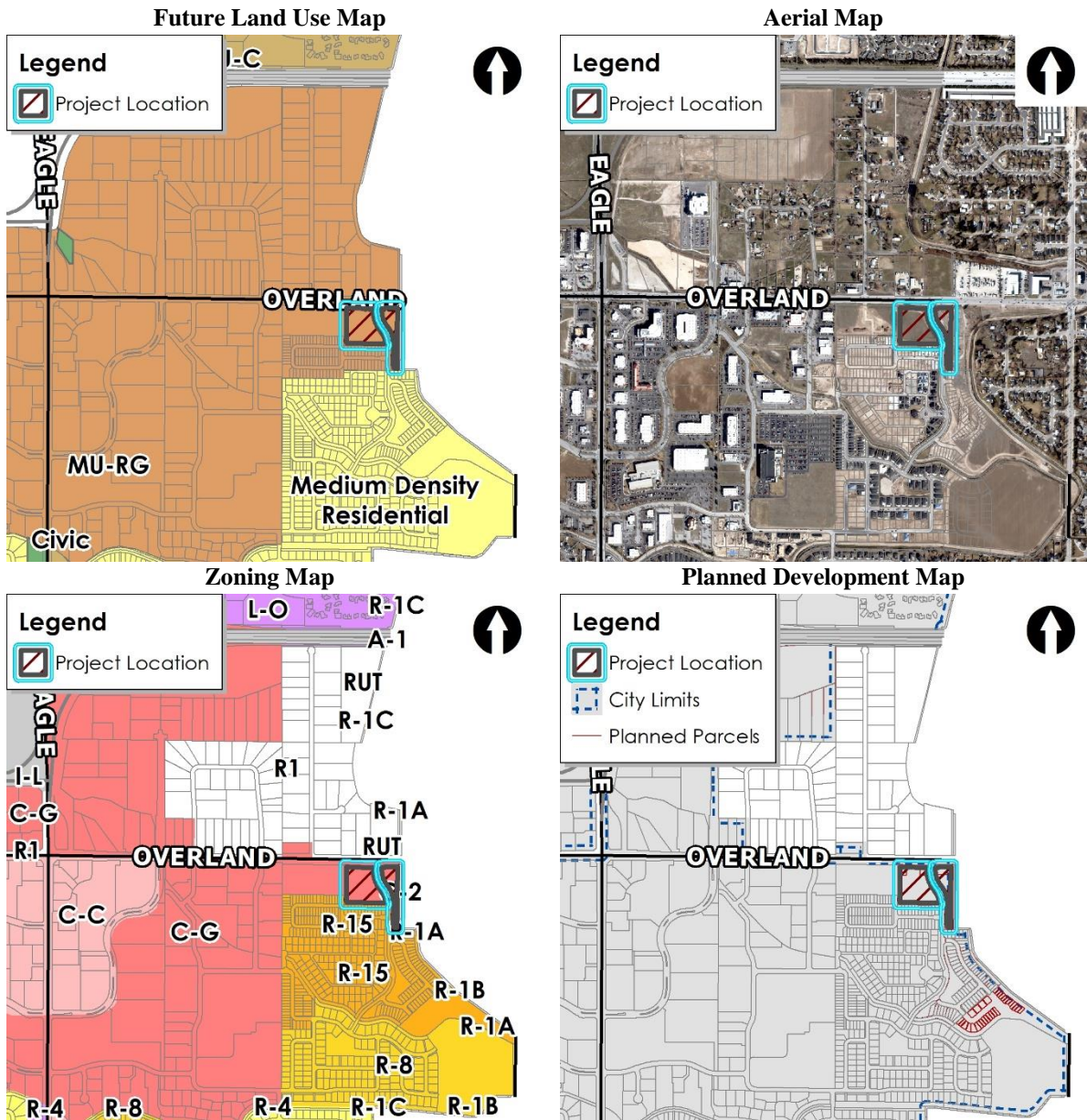
A final plat consisting of 5 building lots (3 commercial lots and 2 multi-family residential lots) on 6.8 acres of land in the C-G zoning district.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	6.8	
Future Land Use Designation	Mixed Use Regional	
Existing Land Use	Vacant	
Approved Land Use(s)	Multi-Family Residential and future Commercial	
Current Zoning	C-G	
Lots (# and type; bldg/common)	5 total lots – 3 commercial lots; 2 multi-family lots	
Physical Features (waterways, hazards, flood plain, hillside)	N/A	
History (previous approvals)	Part of Movado Estates AZ, PP, PS (H-2016-0112); Movado Greens/Silverstone Apartments MCU, MDA, PP, RZ (H-2017-0104); Silverstone Apartments MDA (H-2019-0099) & Silverstone Apartments MCU (H-2019-0014) that were withdrawn; DA Inst. #'s 2017-012608 & #2018-012456; Movado Mixed-Use CUP, MDA (H-2020-0123).	

B. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant

Claire Smarda, Breckon Land Design – 6661 N. Glenwood Street, Garden City, ID 83714

B. Owner:

Kevin Raymes, Meridian Movado Village Investors, LP – 7761 W. Riverside Dr., Boise, ID 83714

- C. Representative:
Same as Applicant

IV. STAFF ANALYSIS

The proposed final plat consists of 5 building lots, three (3) commercial lots and two (2) multi-family residential lots in the existing C-G zoning district. The number of lots are one (1) less than approved with the preliminary plat in 2016 and all required landscape buffers along Overland Road and Movado Way are existing and were installed with other phases of the Movado Estates Subdivision to the south.

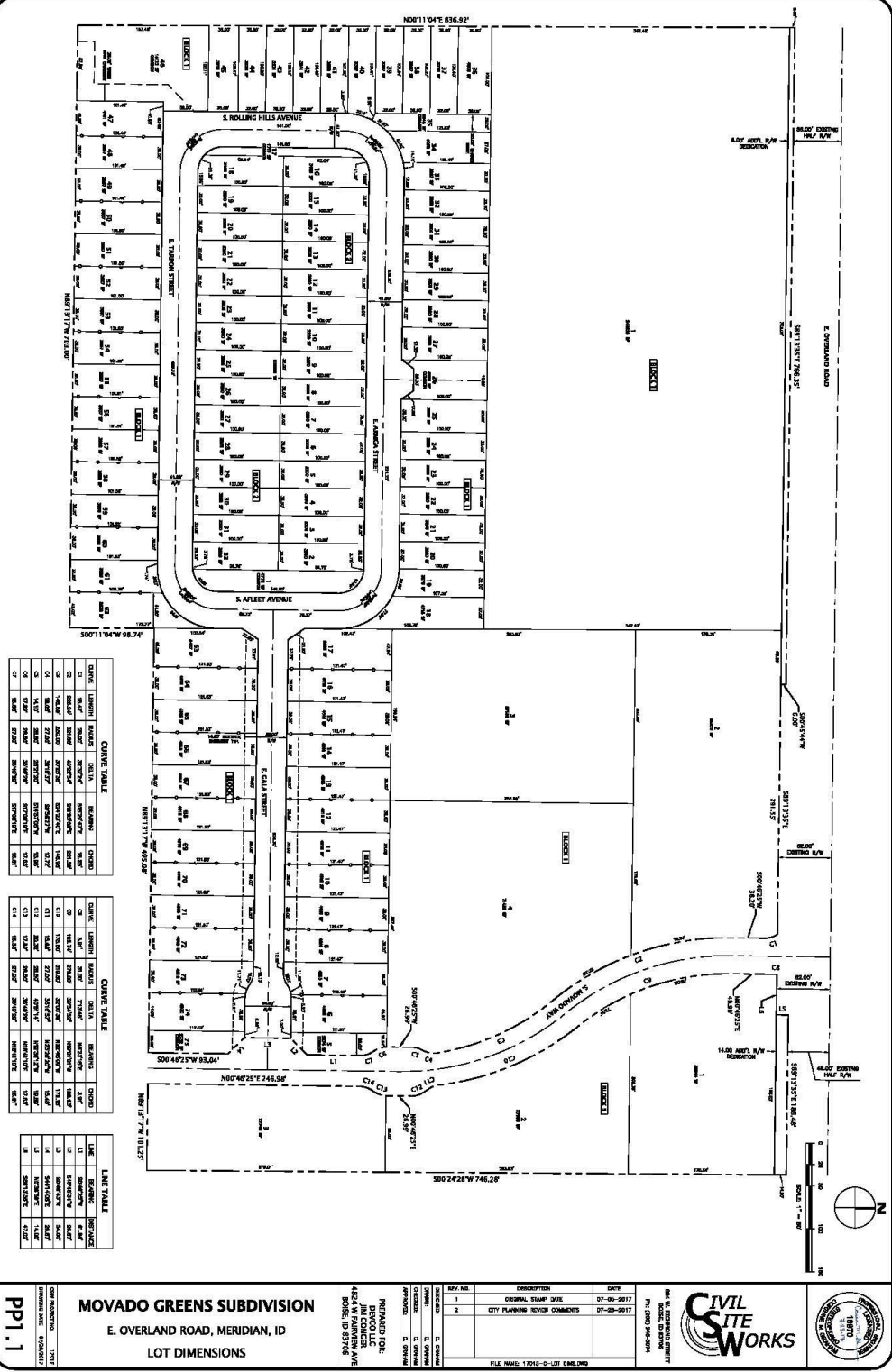
Because the number of building lots has not increased and the proposed final plat complies with all conditions of approval from the latest Conditional Use Permit and Development Agreement Modification, staff finds the proposed final plat to be in substantial compliance with the approved preliminary plat as required by UDC11-6B-3C.2. **This is the final area of land in the Movado Estates Subdivision (H-2016-0112) and Movado Greens Subdivision (H-2017-0104) to be platted.**

V. DECISION

- A. Staff:

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

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OWNER	ADDRESS	PHONE	EMAIL
CHANG	1000 S. ROLLING HILLS AVENUE	208-333-1111	chang@movado.com
CHANG	1000 S. ROLLING HILLS AVENUE	208-333-1111	chang@movado.com
CHANG	1000 S. ROLLING HILLS AVENUE	208-333-1111	chang@movado.com
CHANG	1000 S. ROLLING HILLS AVENUE	208-333-1111	chang@movado.com
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CHANG	1000 S. ROLLING HILLS AVENUE	208-333-1111	chang@movado.com
CHANG	1000 S. ROLLING HILLS AVENUE	208-333-1111	chang@movado.com

LINE	DESCRIPTION	START	END	LENGTH
1	BOUNDARY	1000	1000	0.00
2	BOUNDARY	1000	1000	0.00
3	BOUNDARY	1000	1000	0.00
4	BOUNDARY	1000	1000	0.00
5	BOUNDARY	1000	1000	0.00
6	BOUNDARY	1000	1000	0.00
7	BOUNDARY	1000	1000	0.00
8	BOUNDARY	1000	1000	0.00
9	BOUNDARY	1000	1000	0.00
10	BOUNDARY	1000	1000	0.00

MOVADO GREENS SUBDIVISION
 E. OVERLAND ROAD, MERIDIAN, ID
 LOT DIMENSIONS

REV. NO.	DESCRIPTION	DATE
1	ORIGINAL DUMP FILE	11-09-09
2	CITY PLANNING REVIEW COMMENTS	02-28-10

PREPARED FOR:
 JIM CONNER
 440 S. CENTER
 BOISE, ID 83724

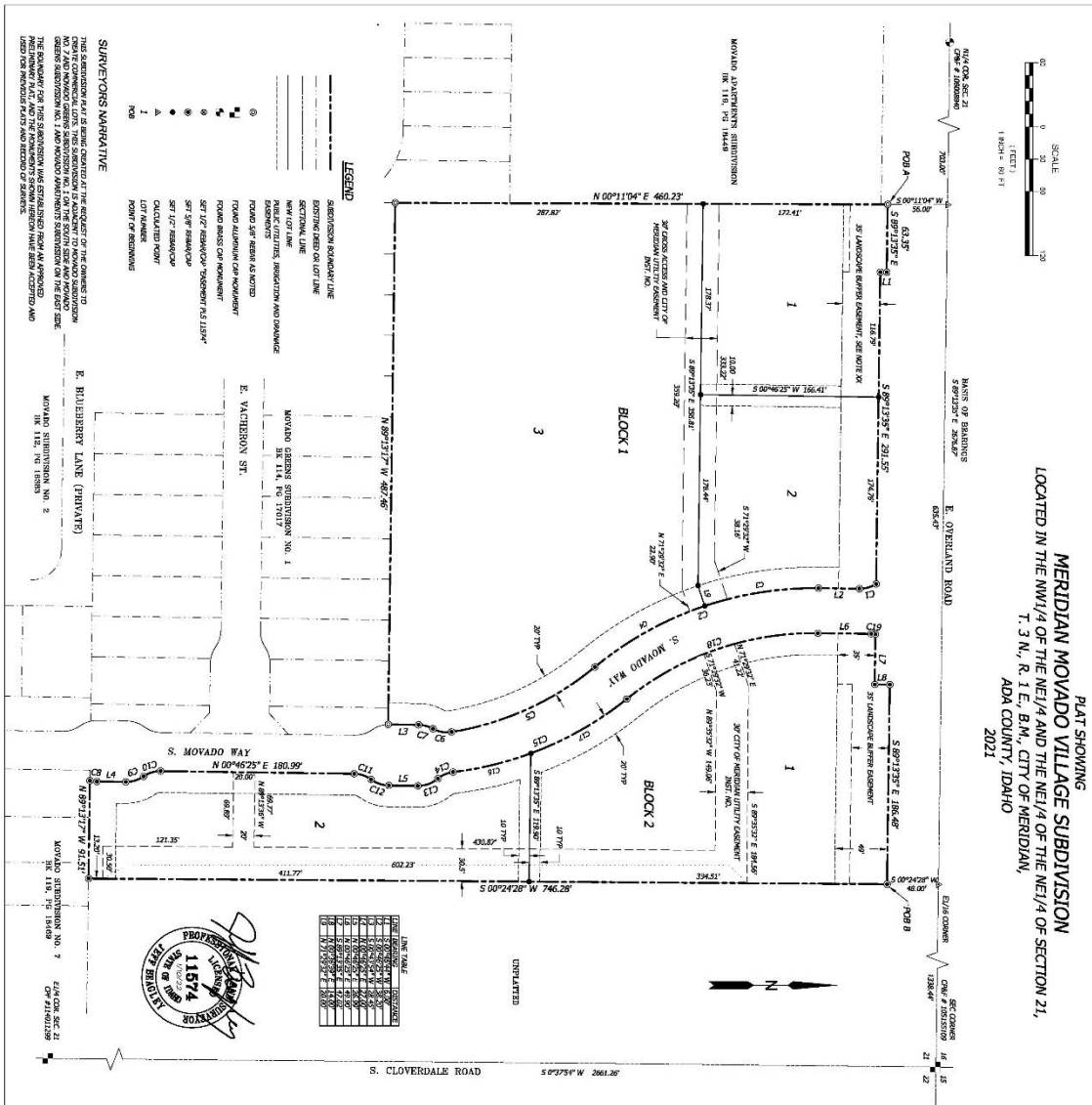
CIVIL SITE WORKS

800 W. 2000 S. BOISE, ID 83725
 TEL: 208-333-1111
 FAX: 208-333-1112

LICENSED PROFESSIONAL ENGINEER
 LICENSE NO. 11870

FILE NAME: 170415-5-101-000.DWG

B. Final Plat (dated: January 10, 2022)



SAWTOOTH
 Land Surveying LLC
 2030 S. WASHINGTON AVE.
 EMAMETI, ID 83617
 (208) 398-8104
 FAX (208) 398-8105
 WWW.SAWTOOTHLLC.COM

REFERENCES

NO. 1. 2021 I.D. 11874
 NO. 2. 2021 I.D. 11874
 NO. 3. 2021 I.D. 11874
 NO. 4. 2021 I.D. 11874
 NO. 5. 2021 I.D. 11874
 NO. 6. 2021 I.D. 11874
 NO. 7. 2021 I.D. 11874
 NO. 8. 2021 I.D. 11874
 NO. 9. 2021 I.D. 11874
 NO. 10. 2021 I.D. 11874
 NO. 11. 2021 I.D. 11874
 NO. 12. 2021 I.D. 11874

OWNER NAME

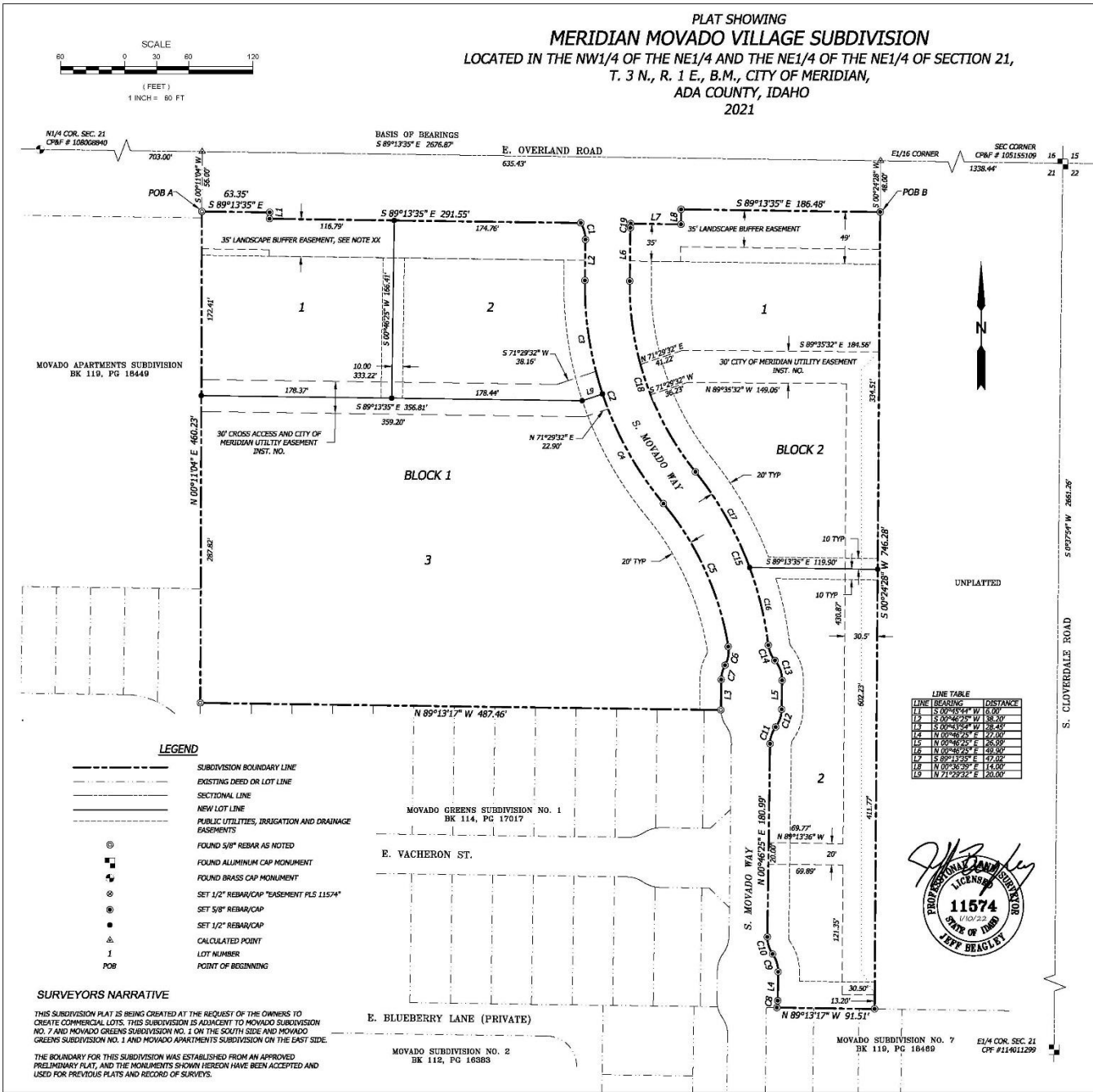
LOT	OWNER NAME	ACRES
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12

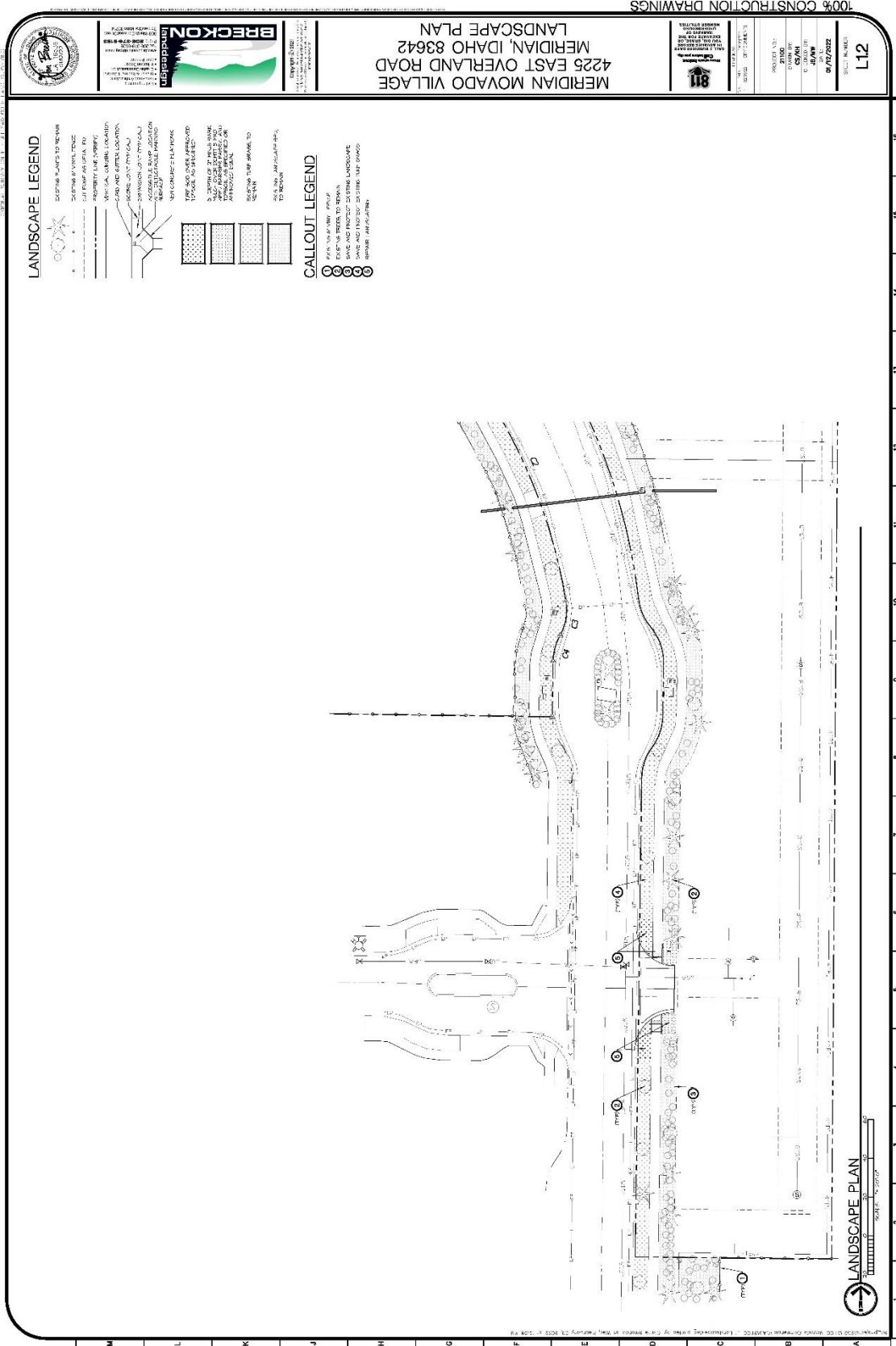
PLAT NOTES

1. EXISTING... (text continues)
2. THE DEVELOPER... (text continues)
3. THE SUBDIVISION... (text continues)
4. THE CITY OF... (text continues)
5. THE CITY OF... (text continues)
6. THE CITY OF... (text continues)
7. THE CITY OF... (text continues)
8. THE CITY OF... (text continues)
9. THE CITY OF... (text continues)
10. THE CITY OF... (text continues)
11. THE CITY OF... (text continues)
12. THE CITY OF... (text continues)
13. THE CITY OF... (text continues)

PLAT SHOWING
MERIDIAN NOVADO VILLAGE SUBDIVISION
 LOCATED IN THE NW 1/4 OF THE NE 1/4 AND THE NE 1/4 OF SECTION 21,
 T. 3 N., R. 1 E., B.M., CITY OF MERIDIAN,
 ADA COUNTY, IDAHO
 2021

BOOK _____ PAGE _____





VII. PLANNING AND PUBLIC WORKS COMMENTS & CONDITIONS

1. The Applicant is to meet all terms of the approved annexation and preliminary plats (H-2016-0112, H-2017-0104), conditional use permit (H-2020-0123), and amended development agreement (Instrument #2021-102395) for this development.
2. The Applicant has until June 3, 2023, two years from the date of signature on the most recently signed final plat phase (Movado No. 9), to obtain the City Engineer's signature on this final plat or apply for a time extension in accord with UDC 11-6B-7.
3. Prior to submittal for the City Engineer's signature, have the Certificate of Owners and the accompanying acknowledgement signed and notarized.
4. Prior to signature on the final plat by the City Engineer, the final plat prepared by Sawtooth Land Surveying, LLC (Exhibit B), dated January 10, 2022, shall be revised as follows:
 - a. Note #8: Include encumbered lots within this subdivision.
 - b. Note #11: Include the latest DA instrument number for these properties (2021-102395).
 - c. Note #13: Include recorded instrument number.
 - d. Add a note addressing any shared parking and/or access between the commercial and multi-family lots. Provide a copy of the recorded shared parking/access agreement with the Planning Division at the time of Certificate of Zoning Compliance application submittal.
 - e. Add a note addressing cross-access to the Boise parcel to the east (S1121110200), as required by the Development Agreement. Visually showing the location of this cross-access would also be a benefit.
5. The landscape plan prepared by Breckon Land Design (Exhibit C), dated January 12, 2022, is approved as shown. All buffer landscaping has been installed and shall remain protected during construction.
6. The applicant shall comply with the submitted elevations within the approved Conditional Use Permit (H-2020-0123).
7. All fencing shall be installed in accordance with UDC 11-3A-7 and the vinyl fencing along Overland Road shall be removed as proposed at the public hearing for Movado Mixed-Use (H-2020-0123).
8. Stormwater integration facilities shall comply with the standards listed in UDC 11-3B-11C.
9. Prior to signature of the final plat by the City Engineer, the applicant shall provide a letter from the United States Postal Service stating that the applicant has received approval for the location of mailboxes. Contact the Meridian Postmaster for more information.
10. Staff's failure to cite specific ordinance provisions or conditions from the preliminary plat does not relieve the applicant of responsibility for compliance.
11. Prior to the issuance of any building permit Certificate of Occupancy, the final plat shall be recorded.
12. Prior to the issuance of any building permit, Applicant shall obtain applicable Certificate of Zoning Compliance and Administrative Design Review approvals for any commercial or multi-family building.
13. Sewer main cannot pass through infiltration trenches, a 10-foot separation between the structures should be maintained. A gap in the infiltration trench to accommodate the sewer main is an acceptable layout.

14. A minimum 20-foot-wide easement is required for all sewer outside of right-of-way which must be free from all encroachment including but not limited to other easements, buildings, carports, overhangs, infiltration trenches, light poles, fences, trees, shrubs, etc. The sewer main along the eastern edge of the subdivision does not currently comply with this requirement.
15. A 14-foot-wide access road is required to cover all manholes if the area remains unpaved.
16. Along the eastern boundary of the subdivision a single 8'' water main should be connected from Movado Way through the two buildings; fire hydrants and water meters can be installed from that 8'' main.
17. The proposed water main near the proposed infiltration trench shall be a solid piece of pipe with no joints.
18. Streetlights are required along Overland frontage. A streetlight plan must be submitted and approved prior to final plat signature, and installation of streetlights must be completed prior to any type of occupancy.
19. If the required fire flow is greater than 1500 gallons per minute, contact Public Works Department for modeling.

VII. GENERAL REQUIREMENTS

1. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
2. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
3. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
4. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
5. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
6. The City of Meridian requires that the owner post with the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
7. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration

of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

8. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
9. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
10. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
11. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
12. Developer shall coordinate mailbox locations with the Meridian Post Office.
13. All grading of the site shall be performed in conformance with MCC 11-1-4B.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.
19. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 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 Healthy Living Condominiums (SHP-2022-0001) by KM Engineering, LLP, Located at 5155 S. Hillside Ave.

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



In the Matter of the Request for Short plat to Condominiumize Portions of an Existing Building to Create Two (2) Units for Ownership Purposes with Five (5) Limited Common Areas for Healthy Living Condominiums No. 2, by KM Engineering, LLP.

Case No(s). SHP-2022-0001

For the City Council Hearing Date of: March 1, 2022 (Findings on March 15, 2022)

A. Findings of Fact

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

B. Conclusions of Law

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

- 7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of March 1, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

- 1. The applicant’s request for a short plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of March 1, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

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 March 1, 2022

By action of the City Council at its regular meeting held on the _____ day of _____, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED_____

COUNCIL VICE PRESIDENT JOE BORTON VOTED_____

COUNCIL MEMBER JESSICA PERREAULT VOTED_____

COUNCIL MEMBER LUKE CAVENER VOTED_____

COUNCIL MEMBER TREG BERNT VOTED_____

COUNCIL MEMBER LIZ STRADER VOTED_____

MAYOR ROBERT SIMISON 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



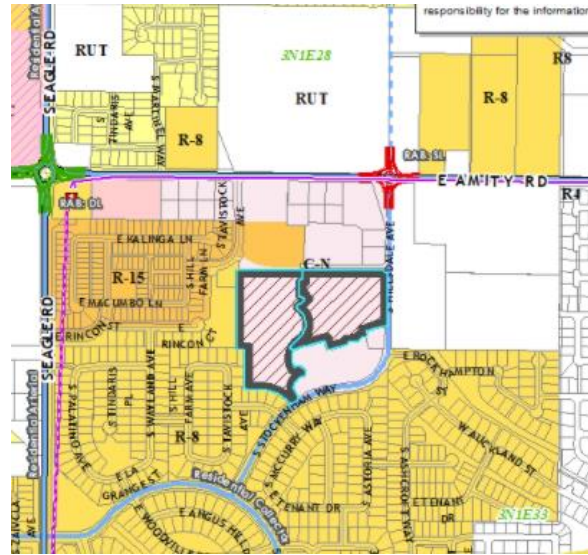
HEARING DATE: 3/1/2022

TO: Mayor & City Council

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

SUBJECT: SHP-2022-0001
Healthy Living Condominiums No. 2

LOCATION: 5155 S. Hillsdale Ave., located in the NW 1/4 of Section 33, T.3N. R.1E.



I. PROJECT DESCRIPTION

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

II. APPLICANT INFORMATION

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

III. NOTICING

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

IV. STAFF ANALYSIS

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

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

V. DECISION

A. Staff:

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

B. The Meridian City Council heard this item on March 1, 2022. At the public hearing, the Council moved to approve the subject SHP request.

1. Summary of the City Council public hearing:

- a. In favor: Stephanie Hopkins, KM Engineering (Applicant’s Representative)
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: Stephanie Hopkins, KM Engineering (Applicant’s Representative)
- 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:

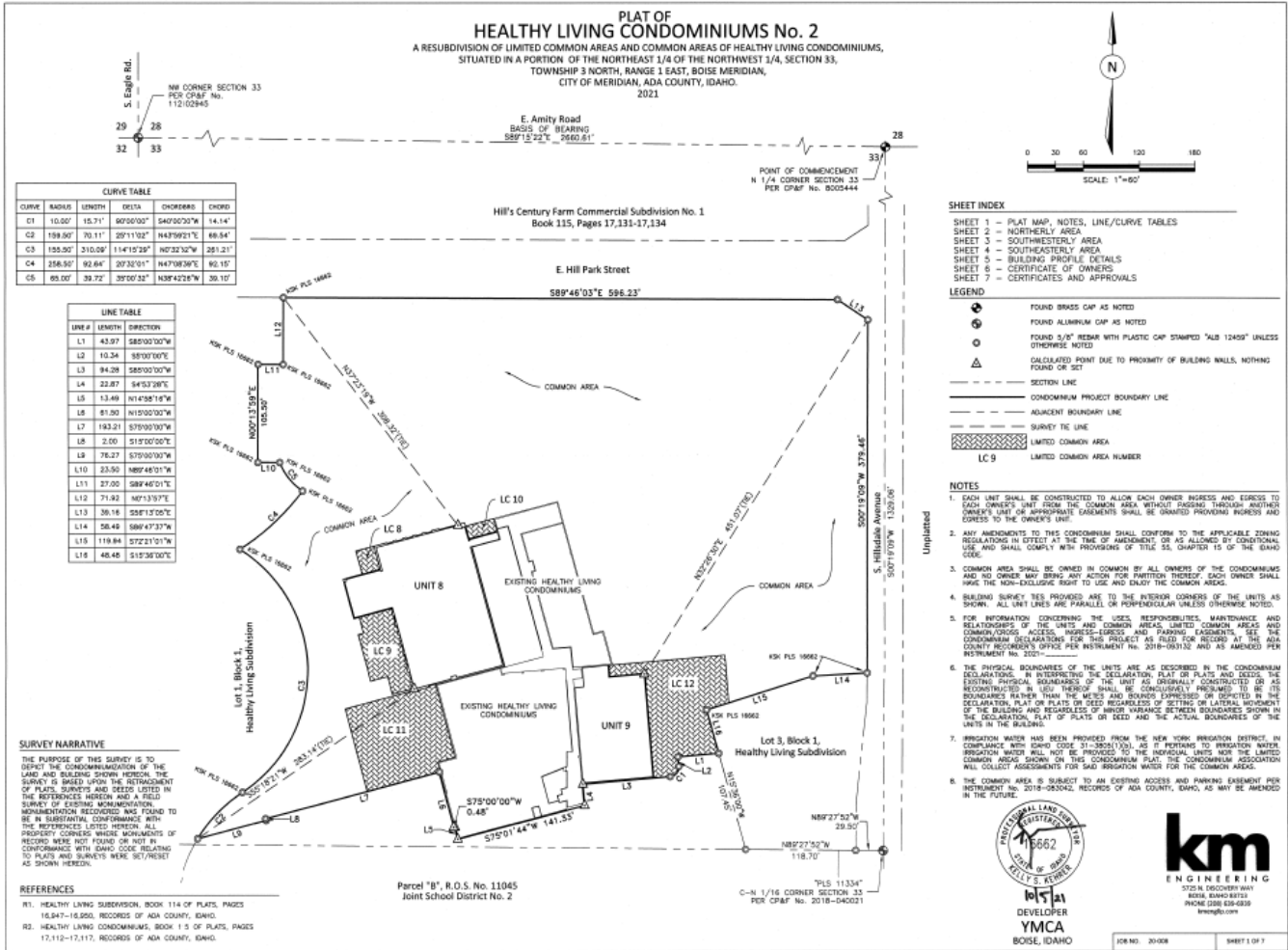
- a. None

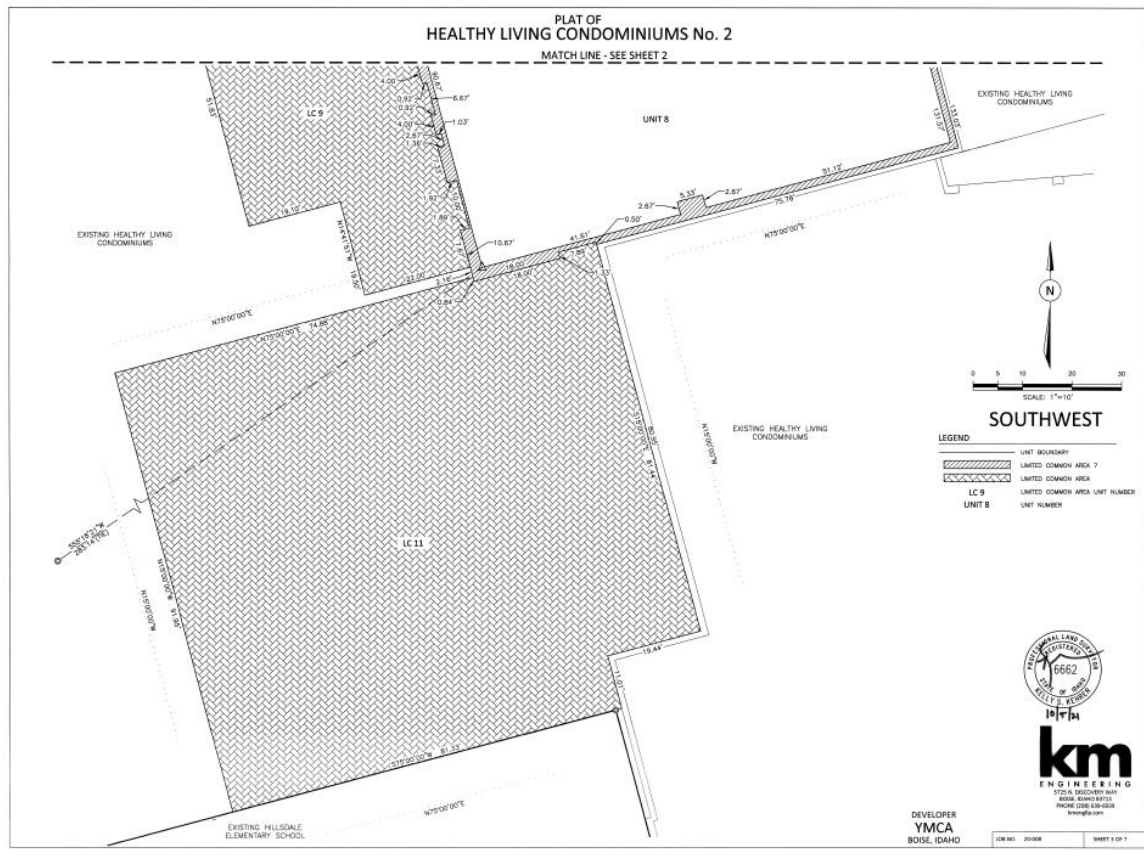
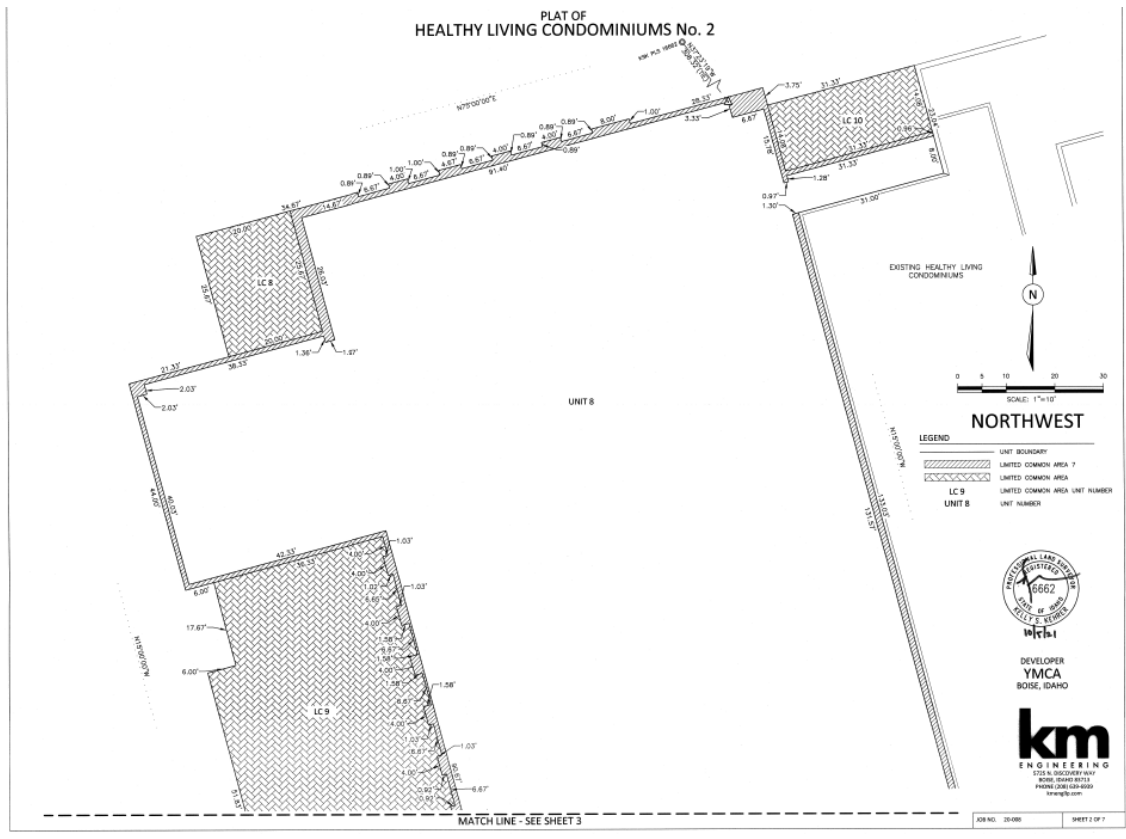
4. City Council change(s) to Commission recommendation:

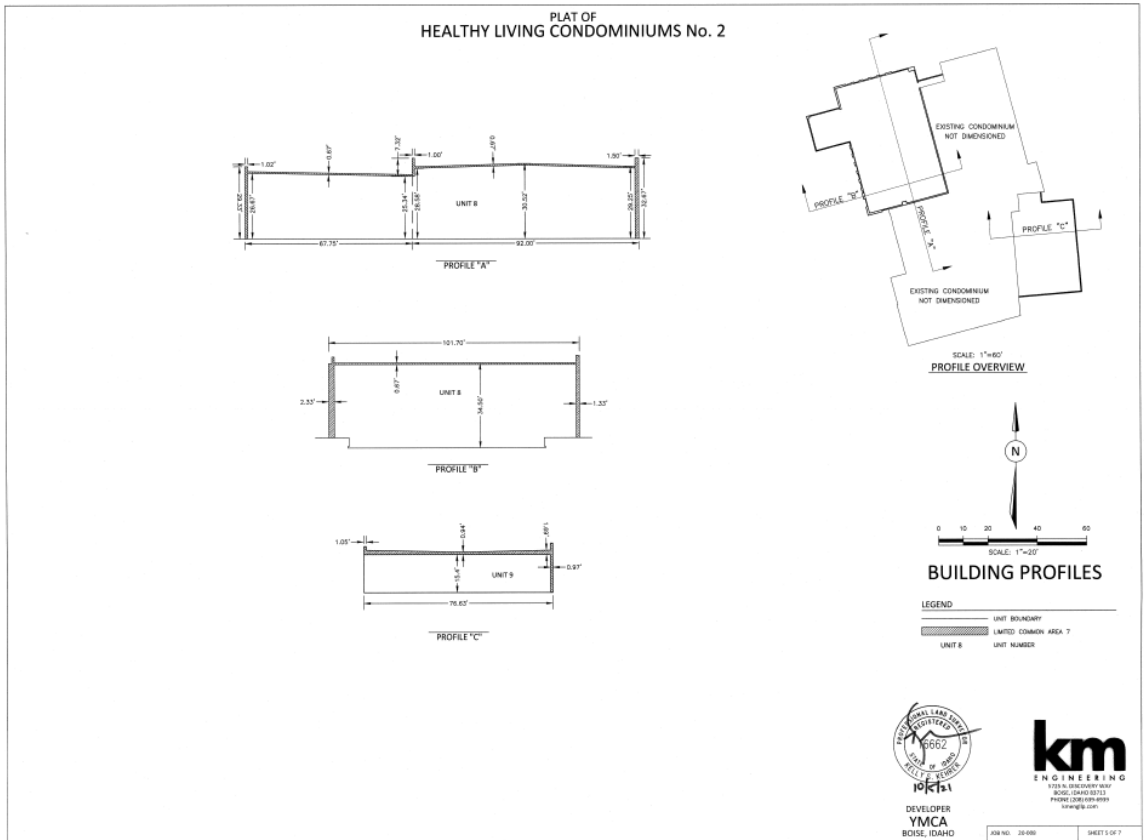
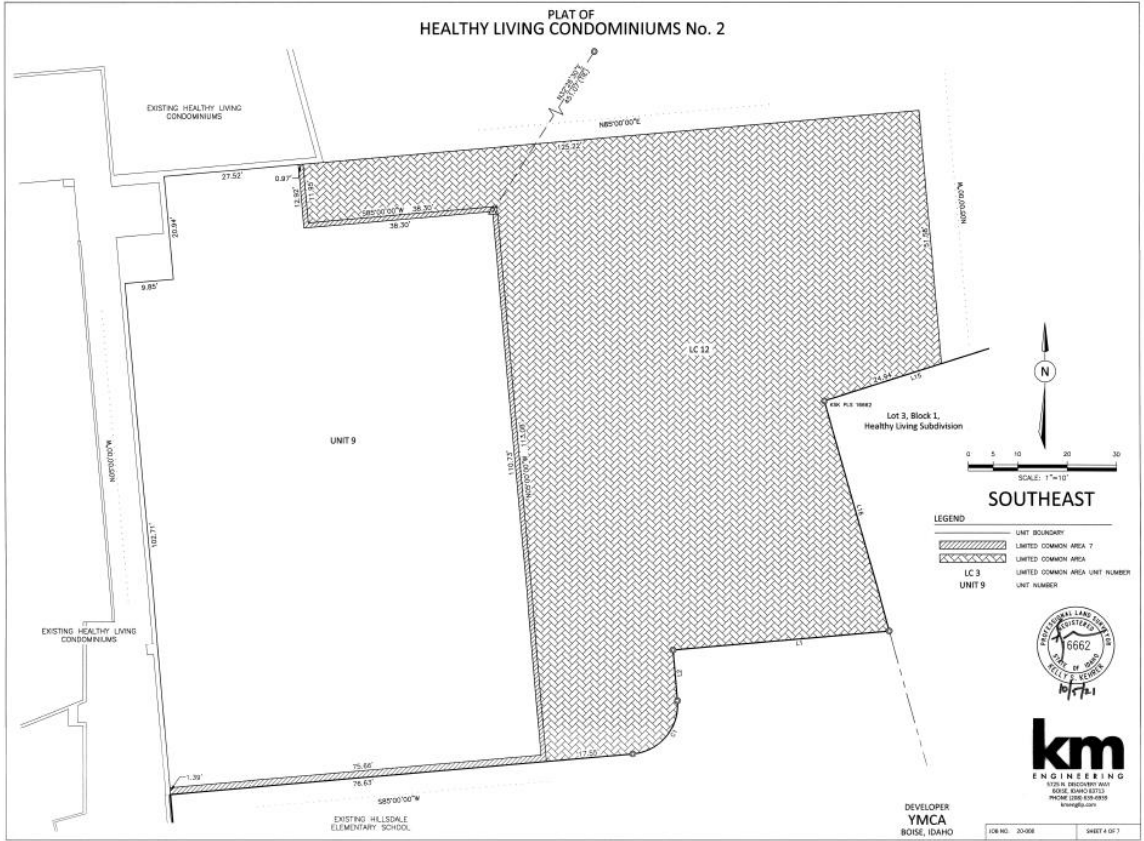
- a. None

VI. EXHIBITS

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







VII. CITY/AGENCY COMMENTS & CONDITIONS

A. Planning Division

Site Specific Conditions:

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

B. Public Works

Site Specific Conditions:

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

General Conditions:

2. Sanitary sewer service to this development is available via extension of existing mains adjacent to the development. The applicant shall install mains to and through this subdivision; applicant shall coordinate main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
3. Water service to this site is available via extension of existing mains adjacent to the development. The applicant shall be responsible to install water mains to and through this development, coordinate main size and routing with Public Works.
4. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
5. Upon installation of the landscaping and prior to inspection by Planning Department staff, the applicant shall provide a written certificate of completion as set forth in UDC 11-3B-14A.
6. A letter of credit or cash surety in the amount of 110% will be required for all incomplete fencing, landscaping, amenities, pressurized irrigation, prior to signature on the final plat.
7. The City of Meridian requires that the owner post with the City a performance surety in the

amount of 125% of the total construction cost for all incomplete sewer, water infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The applicant shall be required to enter into a Development Surety Agreement with the City of Meridian. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

8. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, and water infrastructure for a duration of two years. This surety amount will be verified by a line item final cost invoicing provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
9. In the event that an applicant and/or owner cannot complete non-life, non-safety and non-health improvements, prior to City Engineer signature on the final plat and/or prior to occupancy, a surety agreement may be approved as set forth in UDC 11-5C-3C.
10. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
11. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. All grading of the site shall be performed in conformance with MCC 11-1-4B.
15. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
16. The engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
17. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
18. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
19. Street light plan requirements are listed in section 6-7 of the Improvement Standards for Street Lighting (http://www.meridiancity.org/public_works.aspx?id=272). All street lights shall be installed at developer's expense. Final design shall be submitted as part of the development plan set for approval, which must include the location of any existing street lights. The contractor's work and materials shall conform to the ISPWC and the City of Meridian

Supplemental Specifications to the ISPWC. Contact the City of Meridian Transportation and Utility Coordinator at 898-5500 for information on the locations of existing street lighting.

- 20. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-foot wide for a single utility, or 30-foot wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian’s standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2” x 11” map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to signature of the final plat by the City Engineer.
- 21. Applicant shall be responsible for application and compliance with and NPDES permitting that may be required by the Environmental Protection Agency.
- 22. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer’s Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 23. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact the Central District Health Department for abandonment procedures and inspections.
- 24. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C.1). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to development plan approval.
- 25. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

VIII. REQUIRED FINDINGS FROM THE UNIFIED DEVELOPMENT CODE

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

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

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

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

The City Council finds that public services are adequate to serve the site.

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

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

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

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

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

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

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

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



AGENDA ITEM

ITEM TOPIC: Development Agreement (H-2021-0065 Aviator Springs) Between the City of Meridian and Acclima, Inc. for Property Located at 3235 N. McDermott Rd.

DEVELOPMENT AGREEMENT

- PARTIES:**
- 1. **City of Meridian**
 - 2. **Acclima, Inc., Owner/Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this 2nd day of March, 2022, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642 and **Acclima, Inc.**, whose address is 1763 W. Marcon Lane, Suite 175, Meridian, Idaho 83642 hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A”, which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer has submitted an application for a annexation and rezone on the property as shown in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council, as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested rezoning held before Planning and Zoning Commission and the City Council, includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction, and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 8th day of February, 2022, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/ Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

3. **DEFINITIONS:** For all purposes of this Agreement the following words, terms, and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:

3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.

3.2 **OWNER/DEVELOPER:** means and refers to **Acclima, Inc.**, whose address is 1763 W. Marcon Lane, Suite 175, Meridian, ID 83642 hereinafter called OWNER/DEVELOPER, the party that owns and is developing said Property and shall include any subsequent owner(s) and/or developer(s) of the Property.

3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit “A” describing a parcel to bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

- 4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

- 5.1. Owners/ Developer shall develop the Property in accordance with the following special conditions:
 - a. Development of the subject property shall be generally consistent with the preliminary plat, phasing plan, landscape plan, open space exhibit, conceptual development plan and conceptual building elevations.
 - b. A mix of uses shall be developed on this site consistent with that proposed (i.e. residential, church/civic and commercial) and as required in the MU-N designation.
 - c. The commercial buildings proposed in the development area on the east side of future SH-16 shall be arranged to create some form of common, usable area, such as a plaza or green space in accord with the development guidelines in the Comprehensive Plan for Mixed Use – Neighborhood designated areas and as shown on the conceptual development plan in Section VII.H of the Staff Report attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit “B”.
 - d. One building permit for the LDS seminary building shall be allowed prior to subdivision of the property.
 - e. Noise abatement is required to be provided within the street buffer along future SH-16 in accord with the standards listed in UDC 11-3H-4D and as required by City Council in previous developments to the north (i.e. Chukar Ridge and Gander Creek Subdivisions - 6-foot tall berm with a 6-foot tall wall on top of berm).

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

- 7.1 **Acts of Default.** In the event Owner/Developer, or Owner’s/Developer’s heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.

- 7.2 **Notice and Cure Period.** In the event of Owner/Developer’s default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.
- 7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City’s decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.
- 7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.
- 7.5 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.
- 7.6 **Waiver.** A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

8. **INSPECTION:** Owner/Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer’s inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.

9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owner/Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the re-zoning of the Property by the City Council. If for any reason after such recordation, the City Council fails to adopt the ordinance in

connection with the annexation and zoning of the Property contemplated hereby, the City shall execute and record an appropriate instrument of release of this Agreement.

10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance zoning the Property as specified herein.

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owner/Developer agree to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the City, or sufficient surety of performance is provided by Owner/Developer to the City in accordance with Paragraph 11 above.

13. **ABIDE BY ALL CITY ORDINANCES:** That Owners and/or Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.

14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

CITY:	with copy to:
City Clerk	City Attorney
City of Meridian	City of Meridian
33 E. Broadway Ave.	33 E. Broadway Avenue
Meridian, Idaho 83642	Meridian, Idaho 83642

OWNER/DEVELOPER:
Acclima, Inc.
1763 W. Marcon Lane, Suite 175
Meridian, ID 83642

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney’s fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties' respective heirs, successors, assigns and personal representatives, including City's corporate authorities and their successors in office. This Agreement shall be binding on the Owner/Developer, each subsequent owner and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owner/Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and reasonable discretion, had determined that Owner/Developer have fully performed their obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.

19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.

20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

21. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owner/Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

21.1 No condition governing the uses and/or conditions governing re-zoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

22. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[end of text; acknowledgements, signatures and Exhibits A and B follow]

ACKNOWLEDGMENTS

IN WITNESS WHEREOF, the parties have herein executed this agreement and made it effective as hereinabove provided.

OWNERS/DEVELOPER:

Acclima, Inc.

X [Signature]
By: _____

CITY OF MERIDIAN

ATTEST:

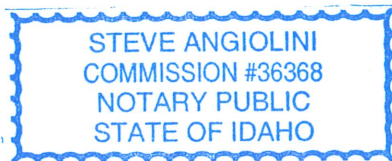
By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss:
County of Ada)

On this 2nd day of March, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Scott Anderson known or identified to me to be the President of **Acclima, Inc.** and the person who signed above and acknowledged to me that he executed the same on behalf of said corporation.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.



[Signature]
Notary Public for IDAHO
Residing at: _____
My Commission Expires: _____

**RESIDING IN MERIDIAN
COMMISSION EXPIRES: 11/21/2026**

STATE OF IDAHO)
 : ss:
County of Ada)

On this _____ day of _____, 2022, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at: _____
Commission expires: _____

EXHIBIT A

LEGAL DESCRIPTION



July 9, 2021
Project No.: 120124

EXHIBIT "A"
ANNEXATION / REZONE
AVIATOR SPRINGS SUBDIVISION
ACCLIMA INC.

An area of land being the Northeast one quarter of the Southeast one quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

BEGINNING at the East One Quarter corner of said Section 32 (from which the Southeast corner of said Section 32 bears South 00° 29' 50" West, 2633.22 feet distant);
Thence South 00° 29' 50" West, 1316.11 feet, to the South One Sixteenth East corner of said Section 32;
Thence North 89° 20' 14" West, 1324.23 feet, to the Southeast One Sixteenth corner of said Section 32;
Thence North 00° 33' 03" East, 1316.33 feet, to the Center East One Sixteenth corner of said Section 32;
Thence South 89° 19' 39" East, 1323.00 feet, to the **POINT OF BEGINNING**:

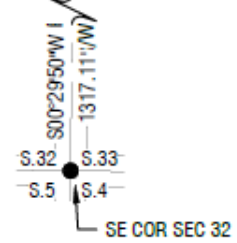
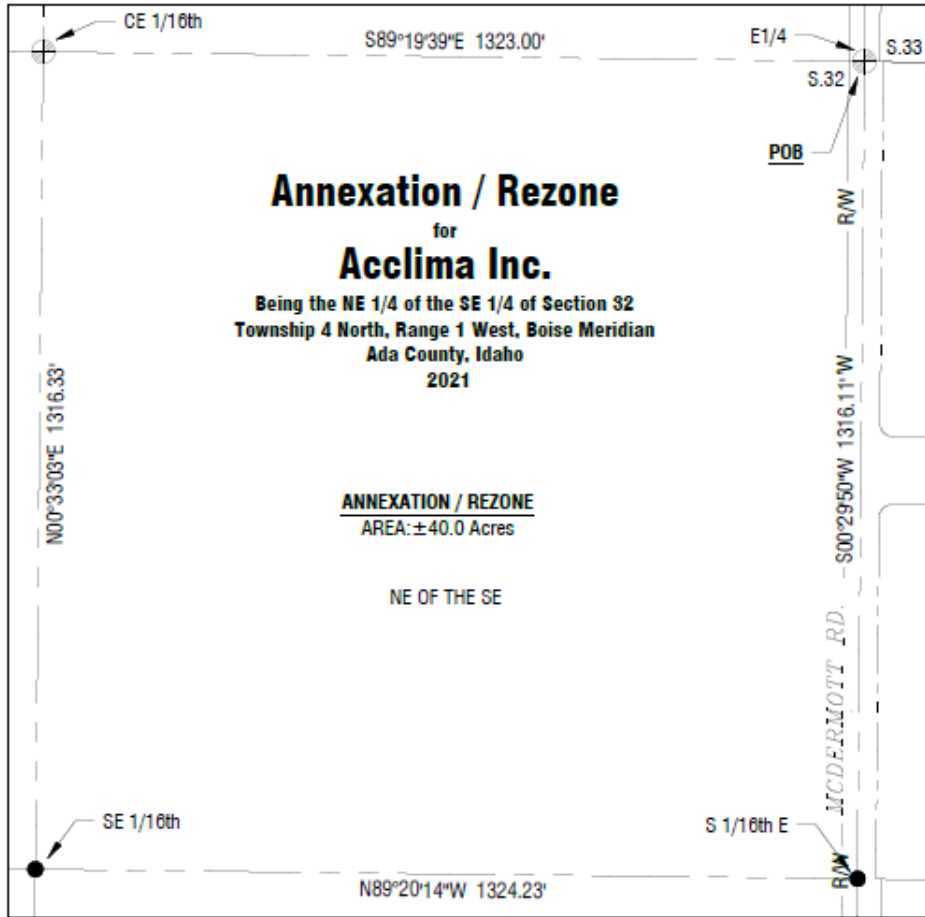
The above described area of land contains 40.0 acres, more or less.

PREPARED BY:
The Land Group, Inc.
Michael Femenia, PLS



07/09/2021

EXHIBIT A

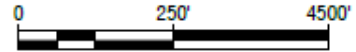


File Location: C:\GIS\2021\GIS\Aviator\H-2021-0065\H-2021-0065-001.dwg
 Last Printed By: Mike Brown
 Date Printed: Friday, July 9, 2021 10:05:00 AM



Exhibit "B"

Horizontal Scale: 1"=250'



120194
Date of Issuance: July 9, 2021



**Annexation / Rezone
Aviator Springs Subdivision
Acclima Inc.**

1 of 1

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



In the Matter of the Request for Annexation of 40-Acres of Land with R-8 (27.63 acres), L-O (1.64 acres) and M-E (10.72 acres) Zoning Districts; and Preliminary Plat Containing a Total of 112 Lots Consisting of (93) Buildable Lots and (13) Common Open Space Lots on 27.63-Acres of Land in the R-8 Zoning District; (2) Buildable Lots on 1.64-Acres of Land in the L-O Zoning District; (1) Buildable Lot on 10.72-Acres of Land in the M-E Zoning District; and (3) Future Right-of-Way lots on 40-Acres of Land for Aviator Springs Subdivision, by The Land Group.

Case No(s). H-2021-0065

For the City Council Hearing Dates of: December 14, 2021 and January 25, 2022 (Findings on February 8, 2022)

A. Findings of Fact

- 1. Hearing Facts (see attached Staff Report for the hearing date of January 25, 2022, incorporated by reference)
- 2. Process Facts (see attached Staff Report for the hearing date of January 25, 2022, incorporated by reference)
- 3. Application and Property Facts (see attached Staff Report for the hearing date of January 25, 2022, incorporated by reference)
- 4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of January 25, 2022, incorporated by reference)

B. Conclusions of Law

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

Community Development Department, the Public Works Department and any affected party requesting notice.

- 7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of January 25, 2022, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

- 1. The applicant’s request for Annexation & Zoning is hereby approved with the requirement of a Development Agreement; and Preliminary Plat is hereby approved per the conditions of approval in the Staff Report for the hearing date of January 25, 2022, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Development Agreement Duration

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

A development agreement may be modified by the city or an affected party of the development agreement. Decision on the development agreement modification is made by the city council in accord with this chapter. When approved, said development agreement shall be signed by the

property owner(s) and returned to the city within six (6) months of the city council granting the modification.

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

E. 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 January 25, 2022

By action of the City Council at its regular meeting held on the 8th day of February, 2022.

COUNCIL PRESIDENT TREG BERNT VOTED AYE

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED AYE

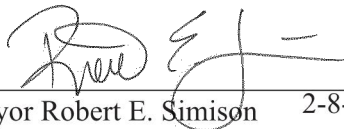
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER JOE BORTON VOTED AYE

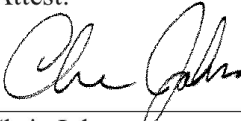
COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison 2-8-2022

Attest:



Chris Johnson 2-8-2022
City Clerk



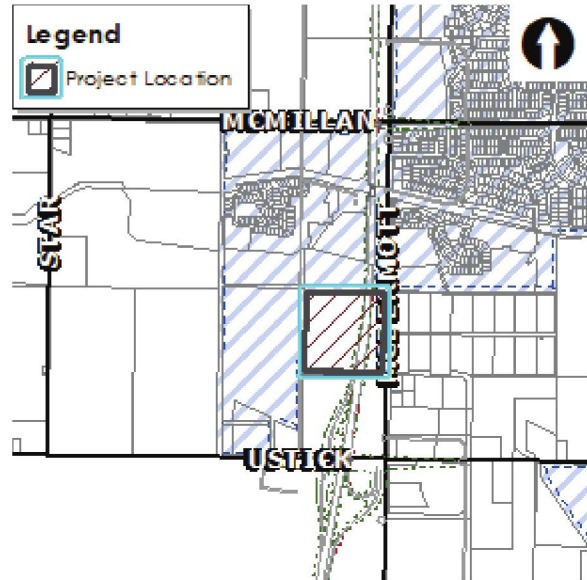
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  Dated: 2-8-2022
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: January 25, 2022
 DATE: *Continued from: December 14, 2021*
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: H-2021-0065
 Aviator Springs – AZ, PP
 LOCATION: 3235 N. McDermott Rd., in the SE ¼ of Section 32, T.4N., R.1W. (Parcels #R7824220044 & #R7824220042)



I. PROJECT DESCRIPTION

Annexation of 40 acres of land with R-8 (31.59 27.63 acres), L-O (1.64 acres) and M-E (6.77 10.72 acres) zoning districts; and Preliminary plat containing a total of 112 lots consisting of (93) buildable lots and (13) common open space lots on 31.59 27.63 acres of land in the R-8 zoning district; (2) buildable lots on 1.64 acres of land in the L-O zoning district; (1) buildable lot on 6.77 10.72 acres of land in the M-E zoning district; and (3) future right-of-way lots on 40 acres of land.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	40 acres	
Existing/Proposed Zoning	RUT in Ada County	
Future Land Use Designation	Mixed Use – Neighborhood (MU-N)	
Existing Land Use(s)	Agricultural land	
Proposed Land Use(s)	Single-family residential (SFR) & a church (seminary)	
Lots (# and type; bldg./common)	112 lots (96 buildable/13 common/3 future ROW)	
Phasing Plan (# of phases)	2 phases	
Number of Residential Units (type of units)	93 SFR detached dwellings	
Density (gross & net)	3.0 units/acre (gross); 3.92 units/acre (net)	
Open Space (acres, total [%]/buffer/qualified)	7.64 acres (or 23.8%) common open space	
Amenities	Community swimming pool & changing rooms, multi-use pathway, qualified open space in excess of 20,000 square feet.	

Description	Details	Page
Physical Features (waterways, hazards, flood plain, hillside)	The Eight Mile Lateral crosses the southwest corner of this site.	
Neighborhood meeting date; # of attendees:	7/7/21; 3 attendees	
History (previous approvals)	None	

B. Community Metrics

Description	Details	Pg
Ada County Highway District		
<ul style="list-style-type: none"> Staff report (yes/no) Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	Access is proposed via the extension of two local streets (N. Keklik Ave. and N. Alameda Creek Ave.) at the north boundary of the site.	
Traffic Level of Service	Ustick Rd. – Better than “E”	
Stub Street/Interconnectivity/Cross Access	A stub street is proposed to the property to the south for future extension.	
Existing Road Network	A north/south collector street (Owyhee Storm Ave.) exists ¼ mile to the west of this site, which provides access via a local street to this site through Chukar Ridge Subdivision to the north.	
Existing Arterial Sidewalks / Buffers	NA	
Proposed Road Improvements	Ustick Rd. is listed in the CIP to be widened to 5-lanes from Star Rd. to McDermott Rd. between 2026 and 2030.	
Fire Service		
<ul style="list-style-type: none"> Distance to Fire Station Fire Response Time 	<p>4.5 miles</p> <p>Falls outside the 5:00 minute response time area - nearest station is Fire Station #2 – <i>cannot</i> meet response time goals. <i>When Fire Station #8 is constructed in late summer of 2023, it will be within the 5:00 minute response time area.</i></p>	
<ul style="list-style-type: none"> Resource Reliability Risk Identification Accessibility 	<p>85% - <i>does</i> meet the target goal of 80% or greater</p> <p>2 – current resources would be adequate to supply service</p> <p>Project meets all required access, road widths and turnaround. Project will require a secondary emergency access in order to exceed 30 lots or buildings will need to be sprinklered.</p>	
<ul style="list-style-type: none"> Special/resource needs 	Project will <i>not</i> require an aerial device; cannot meet this need in the required timeframe if a truck company is required.	
<ul style="list-style-type: none"> Water Supply Other Resources 	Requires 1,500 gallons per minute for two hours, may be less if buildings are fully sprinklered.	
Police Service		
<ul style="list-style-type: none"> Distance from police station 	4.2 miles	

- Police Response Time

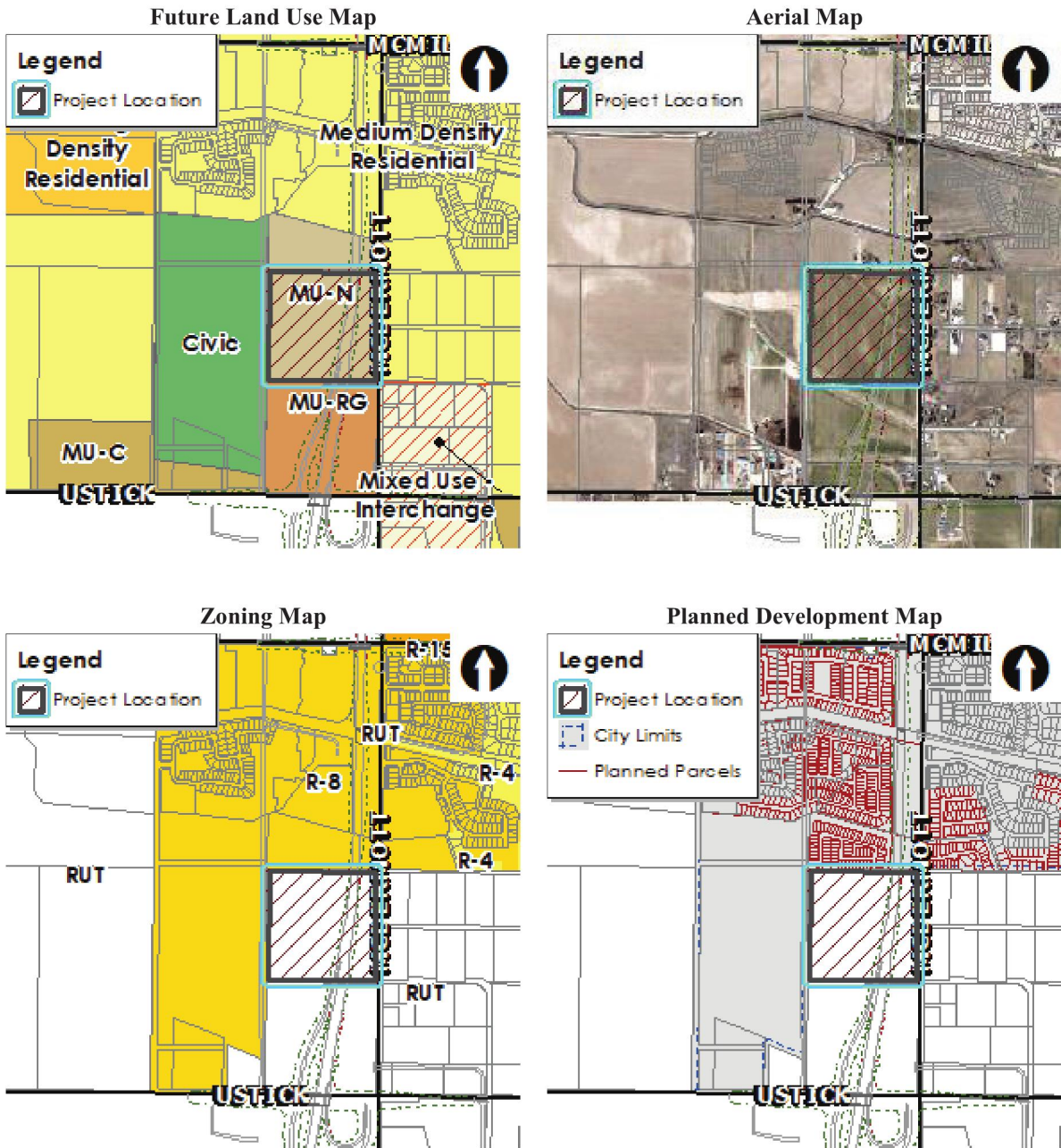
Priority 3 (goal is within 3 to 5 minutes): 3:47
 Priority 2 (goal is within 8 to 10 minutes): 7:06
 Priority 1 (goal is within 15 to 20 minutes): 10:43

West Ada School District		Enrollment	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Miles (Dev. to School)
• Distance (elem, ms, hs)	Pleasant View Elementary	546	650	3089	21	2.9
• Capacity of Schools	Star Middle School	823	1000	7967	278	7.1
• # of Students Enrolled	Owyhee High School	1477	1800	5782	58	0.0
• # of Students Predicted from this development	<u>School of Choice Options</u>					
	Chief Joseph School -Arts	507	700	N/A	N/A	6.8
	Barbara Morgan - STEM	659	750	N/A	N/A	4.5
	93 school aged children predicted from this development by WASD. School Impact Table					

Wastewater	
• Distance to Sewer Services	Directly adjacent
• Sewer Shed	North McDermott Trunkshed
• Estimated Project Sewer ERU's	See application
• WRRF Declining Balance	14.21
• Project Consistent with WW Master Plan/Facility Plan	Yes
• Impacts/concerns	<ul style="list-style-type: none"> • Flow is committed • Property is subject to the Oaks Lift Station and Pressure Sewer Reimbursement Agreement

Water	
• Distance to Water Services	Directly adjacent
• Pressure Zone	1
• Estimated Project Water ERU's	See application
• Water Quality	None
• Project Consistent with Water Master Plan	Yes
• Impacts/Concerns	See Public Works site specific conditions

C. Project Area Maps



A. Applicant:

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

B. Owner:

Acclima, Inc. – 1763 W. Marcon Ln., Ste. 175, Meridian, ID 83642

C. Representative:

Same as Applicant

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	10/5/2021	11/28/2021
Notification mailed to property owners within 300 feet	10/5/2021	12/2/2021
Applicant posted public hearing notice on site	10/11/2021	12/2/2021
Nextdoor posting	10/5/2021	12/6/2021

IV. COMPREHENSIVE PLAN ANALYSIS (*Comprehensive Plan*)

The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Mixed Use - Neighborhood (MU-N).

The purpose of the Mixed-Use designation is to provide for a combination of compatible land uses within a close geographic area that allows for easily accessible and convenient services for residents and workers. The intent is to promote developments that offer functional and physical integration of land uses, to create and enhance neighborhood sense of place, and to allow developers a greater degree of design and use flexibility.

NOTE: Given the limitations with surrounding land uses, existing development pattern, poor access and bifurcation of the property with the extension of SH 16, it is not feasible to achieve full integration of uses as desired in MU-N areas. However, the applicant’s narrative does discuss how they believe the proposed development is consistent with the MU-N designation.

The purpose of the MU-N designation is to assign areas where neighborhood-serving uses and dwellings are seamlessly integrated into the urban fabric. The intent is to avoid predominantly single-use developments by incorporating a variety of uses. Land uses in these areas should be primarily residential with supporting non-residential services. Non-residential uses in these areas tend to be smaller scale and provide goods or services that people typically do not travel far for (approximately one mile) and need regularly. Employment opportunities for those living in the neighborhood are encouraged. Connectivity and access between the non-residential and residential land uses is particularly critical in MU-N areas. Tree-lined, narrow streets are encouraged. Developments are also encouraged to be designed according to the conceptual MU-N plan depicted in Figure 3B of the Comprehensive Plan.

The proposed development consists of a total of 93 single-family detached dwellings, an LDS seminary, a lot to be donated to the Boys and Girls Club for a future facility and commercial (research & development) uses consisting of one (1) 20,000 square foot (s.f.) research and development facility and one (1) 12,000 s.f. research and development greenhouse with 8,000 s.f. tenant offices. The gross density of the residential area is 3.00 units per acre, which is significantly less than the desired range of 6 to 12 units per acre in MU-N designated areas. The primary use proposed is residential as desired; however, no supporting non-residential services are proposed. Although commercial uses (i.e. employment opportunities) are proposed on the east side of the development, they are not directly accessible from the proposed neighborhood due to the future extension of SH-16 through the site which will separate the residential from the commercial uses.

In reviewing development applications, the following items will be considered in MU-N areas: (*Staff’s analysis is in italics*)

- Development should comply with the items listed for development in all Mixed-Use areas as follows:
 - A mixed-use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high density residential development alone. *The proposed development includes ~~three (3)~~ four (4) different land use types (i.e. residential, commercial, office and civic).*
 - Where appropriate, higher density and/or multifamily residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH-55, SH-16 or SH-69. *Due to limited access for the western portion of this site and constraints due to the future extension of SH-16 through this site with no access allowed via the highway, Staff is of the opinion a higher density development is not appropriate for this site. Additionally, for the same access constraints, the western portion of this site is not viable as an employment center.*
 - Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezone request, a development agreement will typically be required for developments with a Mixed-Use designation. *Staff recommends a Development Agreement (DA) is required as a provision of annexation to ensure certain MU-N guidelines are met in the absence of a conceptual development plan. A conceptual development plan was submitted after the Commission hearing for the non-residential portion of the development as shown in Section VII.H. A development agreement is required as a provision of annexation with the provisions listed in Section VIII.A.1.*
 - 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. *If multiple buildings are proposed in the commercial development area on the east side of future SH-16, the site should be designed and buildings arranged in accord with this guideline. The conceptual development plan shown in Section VII.H depicts a plaza area between the two commercial buildings.*
 - The site plan should depict a transitional use and/ or landscaped buffering between commercial and existing low- or medium-density residential development. *Commercial uses consisting of research & development facilities and tenant offices are proposed on the east side of future SH-16. The future highway will provide a separation between the commercial and residential uses.*
 - Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments. *An LDS seminary and a lot for a future Boys & Girls Club is proposed on the L-O zoned lots which will provide community-serving uses within the 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 are expected; outdoor seating areas at restaurants do not count. *A high school (Owyhee) abuts this site on the west. A plaza is proposed on the conceptual development plan between the two commercial structures.*
 - Mixed-use areas should be 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. *Although a mix of residential, civic and commercial uses are proposed, this isn't a typical mixed-use development due to the*

limited access & connectivity available to the site and the future extension of SH-16 through this site.

- All mixed-use projects should be 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. *Two vehicular accesses (local streets) with pedestrian sidewalks alongside and a pathway through a connected common area (i.e. Lot 9, Block 2) are proposed between the development to the north (Chukar Ridge) and the subject development. Pedestrian connections are also proposed for interconnectivity between the high school campus to the west and the proposed seminary and lot where a Boys & Girls Club is anticipated to develop along the west boundary of the site. A multi-use pathway is proposed through the common area along the east boundary of the site, which will provide a connection between adjacent developments to the north & south. Because SH-16 will bisect this site, it's not feasible for the commercial portion of the site to be connected to the residential/civic portion of the site.*
- A mixed-use project should serve as a public transit location for future park-and-ride lots, bus stops, shuttle bus stops and/or other innovative or alternative modes of transportation. *Because this site doesn't have direct access via a collector or arterial street, a public transit facility is not feasible on this site.*
- Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types. *Roadways are proposed as a transition between residential and civic uses. Only one housing type (i.e. single-family detached) is proposed.*
- Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein. *This guideline is not applicable.*

In reviewing development applications, the following items will be considered in MU-N areas: (Staff's analysis in italics)

- Development should comply with the items listed for development in all Mixed-Use areas.
See analysis above.
- Residential uses should comprise a minimum of 40% of the development area at gross densities ranging from 6 to 12 units/acre. *Residential uses comprise 76% of the developable area including open space; however, the gross density proposed of 3.0 units per acre is significantly below the target density noted in the guidelines for development in MU-N designated areas. Because this site does abut a future highway, staff has also calculated what the residential acreage would be if the buffer along the state highway was removed. With the buffer removed, the developable acreage would total approximately 21.22 acres; increasing the density for 3 units to the acre to 4.38. Staff is of the opinion that additional density can be accommodated within the proposed development. The applicant could provide a more diverse mix of dwelling units in the form of alley-load, townhomes, or secondary dwelling units, as submitted one type of dwelling is proposed. The feasibility of multi-family in the area is desirable as there is no employment proposed for the portion of the property that is mostly residential. Staff anticipates higher densities to development on the property directly south of this one based on its designation of Mixed-use Regional. In making the finding for consistency with the plan the Commission and Council should determine if the proposed density is appropriate for this project due to the limiting factors noted in this section of the report.*

- Non-residential buildings should be proportional to and blend in with residential buildings. *Future civic buildings should comply with this guideline.*
- Three specific design elements should be incorporated into a mixed-use development: a) street connectivity, b) open space, and c) pathways. *Street connectivity, open space and pedestrian pathways are proposed in this development and connect to the abutting residential development to the north and the future development to the south.*
- 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 20,000 square-foot building footprint. For the development of public school sites, the maximum building size does not apply. *None of the proposed structures exceed a 20,000 square foot building footprint.*
- Supportive and proportional public and/or quasi-public spaces and places such as parks, plazas, outdoor gathering areas, open space, libraries, and schools should comprise a minimum of 10% of the development area. Outdoor seating areas at restaurants do not count towards this requirement. *Although not on this site, a high school exists on the adjacent property to the west; a large amount of open space (5+/- acres) is proposed along the east boundary of the residential development abutting the SH-16 corridor. A total of 19.1% qualified open space is proposed overall.*
- Where the development proposes public and quasi-public uses to support the development above the minimum 10%, the developer may be eligible for additional residential densities and/or an increase to the maximum building footprint. *None are requested.*
- A straight or curvilinear grid or radiating street pattern is encouraged for residential areas, and most blocks should be no more than 500' to 600' long, similar to Old Town or Heritage Commons; larger blocks are allowed along arterial streets. *The proposed development generally meets this guideline.*

The following Comprehensive Plan Policies are applicable to this development:

- “Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian’s present and future residents.” (2.01.02D)
*Only one housing type, single-family detached, is proposed in this development. Other housing types (i.e. single-family attached units, townhomes, secondary dwellings or multi-family) could be added to this development for variety, which would increase the density of the development more in line with the guidelines for mixed use designated areas. However, because of the limited access to this site, Staff is hesitant to recommend more units be provided in this development. **If Commission feels a variety of housing types at a higher density should be provided more in line with the MU-N designation, Commission should require revisions to the plat accordingly.***
- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)
City water and sewer service is available in Chukar Ridge Subdivision to the north and can be extended by the developer with development in accord with UDC 11-3A-21. The emergency response time for the Police Dept. falls within the established goals. At this time, the emergency response time for the Fire Dept. falls outside of the 5-minute response time area; once Fire Station No. 8 is constructed in the summer of 2023, it will meet the response time goal.

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

Staff believes the proposed uses and site design are compatible with each other and with the existing high school to the west.

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

The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development in accord with current City plans.

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

A 10-foot wide multi-use pathway is proposed within the common open space area adjacent to future SH-16, which stubs to the north and south for interconnectivity with adjacent development; other pathway connections are proposed to this pathway throughout the development. A pedestrian pathway is also proposed to the high school campus to the west. A substantial amount of usable open space & quality amenities is proposed in this development.

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

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

WASD submitted comments stating that approximately 93 school aged children are estimated to be generated by this development; enrollment at the affected schools is currently under capacity.

The closest City Park to this site is Seasons Park, a neighborhood park consisting of 7.13 acres, to the southeast of W. Ustick Rd. and N. McDermott Rd. A future City Park is designated on the FLUM within a half mile of this site to the northwest.

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

The proposed site design features a large linear common open space area as a transition and buffer between the proposed residential area and future SH-16. Lots proposed along the northern boundary are compatible in size and area with those in Chuker Ridge.

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

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

In summary, Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan per the analysis above. Although the proposed density is below that desired in MU-N designated areas and there are no supporting services for the residential development, Staff believes the proposed development is appropriate for this area based on the lack of access available to the site from collector or arterial roadways. The LDS seminary and land proposed to be donated for a Boys & Girls Club will provide religious and childcare

facilities within close proximity to the high school on the abutting property to the west which will be a benefit for area residents and the community.

V. UNIFIED DEVELOPMENT CODE ANALYSIS (UDC)

A. Annexation:

The proposed annexation area consists of 40 acres of land with R-8 (~~31.59~~ 27.63 acres), L-O (1.64 acres) and M-E (~~6.77~~ 10.72 acres) zoning districts. As discussed above in Section IV., the uses proposed in this development are consistent with the MU-N FLUM designation.

The proposed residential use (i.e. single-family detached homes) is principally permitted in the R-8 district; future development should comply with the dimensional standards listed in UDC Table 11-2A-8. The LDS seminary (i.e. church or place of religious worship) is principally permitted in the L-O district, subject to the specific use standards listed in UDC 11-4-3-6; the Boys & Girls Club (i.e. civic, social or fraternal organization) is a conditional use in the L-O district, subject to the specific use standards listed in UDC 11-4-3-7; and research and development is a principal permitted use in the M-E district – future development should comply with the dimensional standards for the applicable district in UDC Table 11-2B-3.

The property is contiguous to City annexed land to the north and west and is within the City’s Area of City Impact boundary. A legal description and exhibit map of the overall annexation area along with individual legal descriptions and exhibit maps for the R-2 and R-4 zoning districts are included in Section VIII.A.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. **To ensure future development is consistent with the development plan proposed with this application and with the Comprehensive Plan, Staff recommends a new DA is required with this application, containing the provisions noted in Section VIII.A, as discussed herein.**

~~Because a conceptual development plan wasn’t included in this application for the commercial M-E zoned portion of the site, Staff recommends the DA is amended to include a conceptual development plan for that area that is consistent with the development guidelines in the Comprehensive Plan for the MU-N designation. After the Commission hearing, a conceptual development plan was submitted for the commercial M-E zoned portion of the site that is consistent with the development guidelines in the Comprehensive Plan for the MU-N designation.~~

B. Preliminary Plat:

The proposed preliminary plat consists of a total of 112 lots consisting of (93) buildable lots and (13) common open space lots on ~~31.59~~ 27.63 acres of land in the R-8 zoning district; (2) buildable lots on 1.64 acres of land in the L-O zoning district; (1) buildable lot on ~~6.77~~ 10.72 acres of land in the M-E zoning district; and (3) future right-of-way lots on 40 acres of land for Aviator Springs Subdivision. The future ROW for SH-16 totals 7.9 acres and the McDermott ROW is 0.8 of an acre.

The subdivision is proposed to develop in two (2) phases as shown on the preliminary plat. The first phase will contain the land on the west side of future SH-16 and the second phase will contain the land on the east side.

The Applicant requests approval for one building permit for the LDS seminary building to be issued prior to subdivision of the property. Because there are no structures on this property, Staff is amenable to the request.

Existing Structures/Site Improvements:

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

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

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

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

Access is proposed to the western portion of the development via the extension of two (2) local streets from the north from Chukar Ridge Subdivision. A temporary emergency access easement has been granted to the subject property by WASD through the school property until such time as another acceptable secondary access is provided to the site that meets Fire Dept. requirements. Future SH-16 is planned to bisect this site on Lot 1, Block 5. Access is proposed to the eastern portion of the site via N. McDermott Rd. Direct access via future SH-16 is prohibited. One (1) stub street is proposed to the south for future extension and interconnectivity.

Typically, a street generally paralleling the state highway is required with development to provide connectivity and access to all properties fronting the state highway that lie between the Applicant's property and the nearest section line road and/or half mile collector road. Because the developments to the north (i.e. Chukar Ridge & Gander Creek) did not provide such a road, Staff is not requiring one with this development. The stub street to the south is located at the back edge of the street buffer along future SH-16, which can be extended to the south to Ustick Rd. in accord with UDC 11-3H-4B.3.

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

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

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

Off-street parking is also required for the 600 square foot building/changing rooms at the community swimming pool. A minimum of (1) space is required; a total of 11 spaces are proposed, including (1) ADA space, in excess of UDC standards.

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

The Pathways Master Plan does not depict any required multi-use pathways on this property. A 10' wide multi-use pathway is proposed within the common open space area adjacent to future SH-16. **The pathway is required to be placed in a 14-foot wide public use easement, which shall be submitted to the Planning Division prior to submittal for City Engineer signature on the final plat(s) for Phase 1.**

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

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

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

Eight-foot wide parkways are proposed along all internal public streets where detached sidewalks are proposed. All parkways should be constructed in accord with the standards listed in UDC [11-3A-17E](#). **Because tree-lined streets are desired in MU-N designated areas, Staff recommends**

trees and landscaping are added within all parkways per the standards in UDC 11-3A-17E and 11-3B-7C.

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

A 35-foot wide street buffer is required on both sides of future SH-16, a state highway and entryway corridor. Landscaping is required to be installed within the buffer per the standards listed in [UDC 11-3B-7C](#), which require a *mix* of trees and shrubs, lawn, or other vegetative groundcover – shrub should be included in the buffer in accord with this standard. A dense buffer is proposed on the west side of future SH-16 consisting of a mix of deciduous & coniferous trees; **shrubs should be added as required by UDC 11-3B-7C. No buffer is depicted on the east side of future SH-16; a minimum 35-foot wide street buffer is required in a common lot or a permanent dedicated buffer with landscaping included on the landscape plan in accord with UDC standards.**

Common open space is required to be landscaped in accord with the standards listed in UDC 11-3G-3E. At a *minimum*, one tree per 8,000 square feet of common area is required to be provided along with lawn or other vegetative groundcover. Landscaping is proposed in *excess* of UDC standards as shown on the landscape plan in Section VII.C.

Landscaping is required adjacent to all pathways per the standards in UDC [11-3B-12C](#). A 5’ wide landscape strip is required on both sides of pathways planted with a *mix* of trees, shrubs, lawn and/or other vegetative ground cover. **The Landscape Requirements table should include the linear feet of pathway with the required vs. proposed number of trees to demonstrate compliance with UDC standards.**

Landscaping is required within parkways per the standards listed in UDC [11-3A-17](#) and [11-3B-7C](#). **The Landscape Requirements table should include the linear feet of parkways within the development with the required vs. proposed number of trees to demonstrate compliance with UDC standards.**

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

A minimum of 10% *qualified* open space meeting the standards listed in UDC 11-3G-3B is required for developments over 5 acres in size. Based on the area of the plat, 40 acres, a minimum of 4 acres of qualified open space is required. The open space exhibit in Section VII.D depicts 7.64 acres (or approximately 23.8%) of common open space for the development in excess of the minimum standards. The exhibit includes all of the street buffer along future SH-16, whereas only 50% of the buffer qualifies per UDC 11-3G-3B.4; however, the amount of open space still exceeds the minimum standards.

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

A minimum of one (1) *qualified* site amenity is required for developments over 5 acres in size and up to 20 acres, with one (1) additional amenity required for each additional 20 acres of development area.

Based on a total of 40 acres of the residential development area, a minimum of two (2) qualified site amenities are required. A swimming pool with changing rooms, pedestrian pathways, additional qualified open space of at least 20,000 square feet in area and children’s natural play structures are proposed as amenities in excess of the minimum UDC standards.

Storm Drainage:

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

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

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

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

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

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

The Eight Mile Lateral is a large open waterway that crosses the southwest corner of the site lies within a 50-foot wide irrigation easement that is proposed to be piped.

The UDC allows waterways such as this to remain open when used as a water amenity or linear open space as defined in UC 11-1A-1; otherwise, they are required to be piped or otherwise covered per UDC 11-3A-6B. The decision-making body may waive this requirement if it finds the public purpose requiring such will not be served and public safety can be preserved.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. A 6-foot tall open vision metal fence is proposed adjacent to internal common open space areas to distinguish common from private areas. A 6-foot tall solid vinyl fence is proposed at the back edge of landscape buffers along local streets and at the rear of building lots facing future SH-16. A 6

Noise Attenuation Wall ([11-3H-4D](#)):

Noise abatement is required for residential uses adjoining a state highway. A berm or berm and wall combination is required to be constructed parallel to the state highway that meets the standards listed in UDC 11-3H-4D. A 6-foot tall fence/wall is proposed on the landscape plan that does *not* meet the required standards as there is no berm proposed.

In accord with City Council's direction on previous developments to the north (i.e. Chukar Ridge & Gander Creek subdivisions), Staff recommends a 6-foot tall berm with a 6-foot tall wall on top of the berm is constructed within the buffer along future SH-16. The berm/wall is required to be a minimum of 10-feet higher than the elevation at the centerline of the state highway; the wall must meet the standards in UDC 11-3H-4D.3. A detail of the proposed berm/wall combination that demonstrates compliance with the standards listed in UDC 11-3H-4D and as recommended by Staff should be was submitted with the final plat for the first phase of development after the Commission hearing. *Alternative compliance may be approved by the Director as set forth in UDC 11-5B-5 where the applicant has a substitute noise abatement proposal in accord with ITD standards and prepared by a qualified sound engineer per UDC 11-3H-4D.4.*

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

Two (2) conceptual building elevations were submitted for future homes in this development as shown in Section VII.G. *Single-family detached dwellings are exempt from the design standards in the Architectural Standards Manual.*

A Certificate of Zoning Compliance and Design Review application shall be submitted for the non-residential portions of the development and approved prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.

Because homes on lots that abut future SH-16 will be highly visible, the rear and/or side of structures on lots that face the highway should incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements

to break up monotonous wall planes and roof lines that are visible from the subject public street. Single-story structures are exempt from this requirement.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation and preliminary plat with the requirement of a DA with the conditions noted in Section VIII per the Findings in Section IX.

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

1. Summary of Commission public hearing:

- a. In favor: Matt Adams, The Land Group
- b. In opposition: None
- c. Commenting: Todd Tucker, Boise Hunter Homes (BHH)
- d. Written testimony: None
- e. Staff presenting application: Bill Parsons
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. BHH requested the stub street to the south be shifted further to the east to align with the planned location of the street in their future development;
- b. The Applicant stated they'd like to pursue development of the LDS seminary and residential portions of the development first and restrict development of the Boys & Girls Club lot until a second public street access is available consistent with the ACHD conditions of approval.

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

- a. The single public street access to this development;
- b. Secondary emergency access and parameters of the M-E zone.

4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

- a. None

C. The Meridian City Council heard these items on December 14, 2021 and January 25, 2022. At the public hearing on January 25th, the Council moved to approve the subject AZ and PP requests to January 25, 2022.

1. Summary of the City Council public hearing:

- a. In favor: Matt Adams, The Land Group; Ron Hopper; Hethe Clark, Clark Wardle
- b. In opposition: None
- c. Commenting: Todd Tucker, Boise Hunter Homes; Travis Hunter, Boise Hunter Homes; Sue Waggoner; Mark Waggoner.
- d. Written testimony: Bart Hamilton, David Austin, Holly Miller, Jen Johnson, Jennifer Reese, Lance & Camie Olsen, Maile Thomas, Mathew & Nicole Gamette, Megan Roos, Trish Dildine, Troy Ball, Greg Borup, Paula Horsager, Melanie Evans; Matt Adams, The Land Group
- e. Staff presenting application: Sonya Allen
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Many letters in support of the LDS seminary were submitted;
- b. The Applicant submitted a response to the Commission recommendation (in agreement);

- c. Todd Tucker, Boise Hunter Homes, requested the stub street to the south be shifted further to the east closer to future SH-16 to align with the planned location of the street in their future development;
 - d. Concern pertaining to impacts on water usage and from traffic generated from this development and public safety;
 - e. Updated school enrollment calculations resulting in 53 fewer students generated from this development than originally anticipated.
 - f. The property owner to the south requests Council approval of a reduction to the width of the street buffer at the southeast corner of this site along future SH-16 to facilitate a shift of the stub street to the south closer to SH-16 to allow for a reduced buffer width in the future on the adjacent property to the south when it comes in for development;
 - g. Not in favor of the density of the proposed development, desire for it to be less dense.
3. Key issue(s) of discussion by City Council:
- a. Mr. Tucker's request for the stub street to the south to be shifted further to the east closer to future SH-16;
 - b. Concern pertaining to this development's impact on enrollment at area schools;
 - c. Concern pertaining to this development's impact on transportation in this area;
 - d. Impact on the proposed development from the adjacent school (i.e. traffic, parking, possibility of students using the common area and pool, trash, etc.);
 - e. Possible realignment of future SH-16 and resulting impact on the proposed development.
4. City Council change(s) to Commission recommendation:
- a. None

VII. EXHIBITS

A. Annexation/Zoning Legal Descriptions & Exhibit Maps



LEGAL DESCRIPTION

Page 1 OF 1

July 9, 2021
Project No.: 120124

EXHIBIT "A"
ANNEXATION / REZONE
AVIATOR SPRINGS SUBDIVISION
ACCLIMA INC.

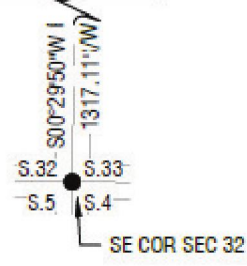
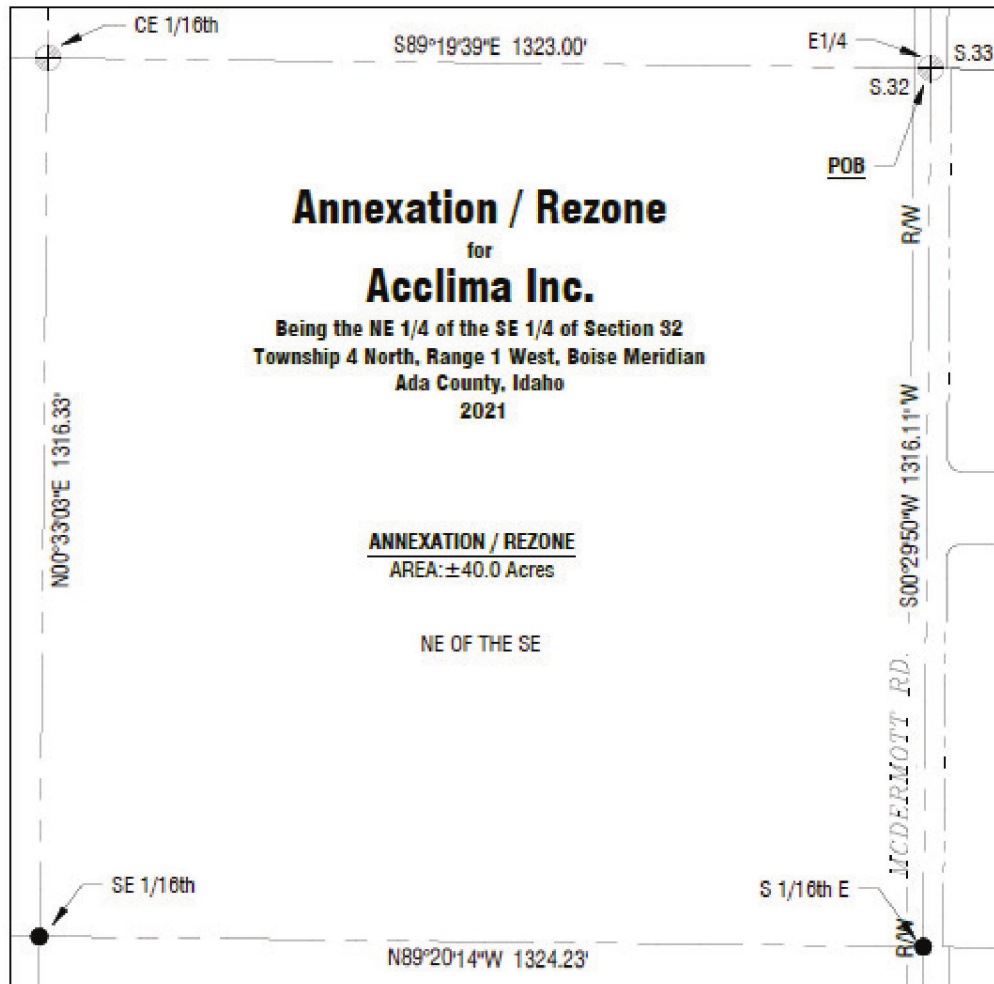
An area of land being the Northeast one quarter of the Southeast one quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

BEGINNING at the East One Quarter corner of said Section 32 (from which the Southeast corner of said Section 32 bears South 00° 29' 50" West, 2633.22 feet distant);
Thence South 00° 29' 50" West, 1316.11 feet, to the South One Sixteenth East corner of said Section 32;
Thence North 89° 20' 14" West, 1324.23 feet, to the Southeast One Sixteenth corner of said Section 32;
Thence North 00° 33' 03" East, 1316.33 feet, to the Center East One Sixteenth corner of said Section 32;
Thence South 89° 19' 39" East, 1323.00 feet, to the **POINT OF BEGINNING**:

The above described area of land contains 40.0 acres, more or less.

PREPARED BY:
The Land Group, Inc.
Michael Femenia, PLS





File Location: C:\GIS\2019\Aviator\Aviator\120194.mxd, aviator\120194.mxd
 Last Printed By: Mike Brown
 Date Printed: Friday, July 9, 2021 10:00:06 AM



Exhibit "B"
 Horizontal Scale: 1"=250'



120194
 Date of Issuance: July 9, 2021



**Annexation / Rezone
 Aviator Springs Subdivision
 Acclima Inc.**

1 of 1



LEGAL DESCRIPTION

October 18, 2021
Project No.: 120194

EXHIBIT "A"

AVIATOR SRINGS SUBDIVISION
ACCLIMA INC.
ZONE R-8 REZONE DESCRIPTION

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 32 of said Township 4 North, Range 1 West, (from which point the South 1/16th corner common to Section 32 and Section 33 bears South 00°29'50" West, 1316.11 feet distant);

Thence North 89°19'39" West, a distance of 262.39 feet on the east-west mid-section line of said Section 32 to a point of curve, said point being the POINT OF BEGINNING;

- Thence 673.35 feet on the arc of a curve to the left, said curve having a radius of 13,000.00 feet, a central angle of 02° 58' 04", a chord bearing of South 08° 15' 59" West, and a chord length of 673.28 feet on the proposed centerline of Highway 16;
- Thence South 09° 45' 00" West, a distance of 657.04 feet on the proposed centerline of Highway 16 to a point on the south line of said Northeast Quarter of the Southeast Quarter of Section 32;
- Thence North 89° 20' 14" West, a distance of 865.18 feet on said south line to the southeast 1/16th corner of said Section 32;
- Thence North 00° 33' 03" East, a distance of 570.42 feet on the west line of said Northeast Quarter of the Southeast Quarter of Section 32;
- Thence South 89° 25' 18" East, a distance of 217.12 feet;
- Thence North 00° 40' 21" East, a distance of 176.00 feet;
- Thence North 89° 25' 18" West, a distance of 217.49 feet to a point on the west line of said Northeast Quarter of the Southeast Quarter of Section 32;
- Thence North 00° 33' 03" East, a distance of 19.62 feet on said west line;
- Thence South 89° 25' 18" East, a distance of 217.54 feet;
- Thence North 00° 40' 21" East, a distance of 155.94 feet;
- Thence North 89° 19' 39" West, a distance of 41.70 feet to a point of curve;
- Thence 25.23 feet on the arc of a curve to the right, said curve having a radius of 67.00 feet, a central angle of 21° 34' 42", a chord bearing of North 78° 32' 18" West, and a chord length of 25.08 feet;
- Thence South 22° 15' 03" West, a distance of 11.20 feet;
- Thence North 89° 25' 18" West, a distance of 147.39 feet to a point on the west line of said Northeast Quarter of the Southeast Quarter of Section 32;

October 19, 2021

Page 2

Thence North 00° 33' 03" East, a distance of 399.96 feet on said west line to a point on the east-west mid-section line of said Section 32;
Thence South 89° 19' 39" East, a distance of 1060.61 feet on said mid-section line to the POINT OF BEGINNING.

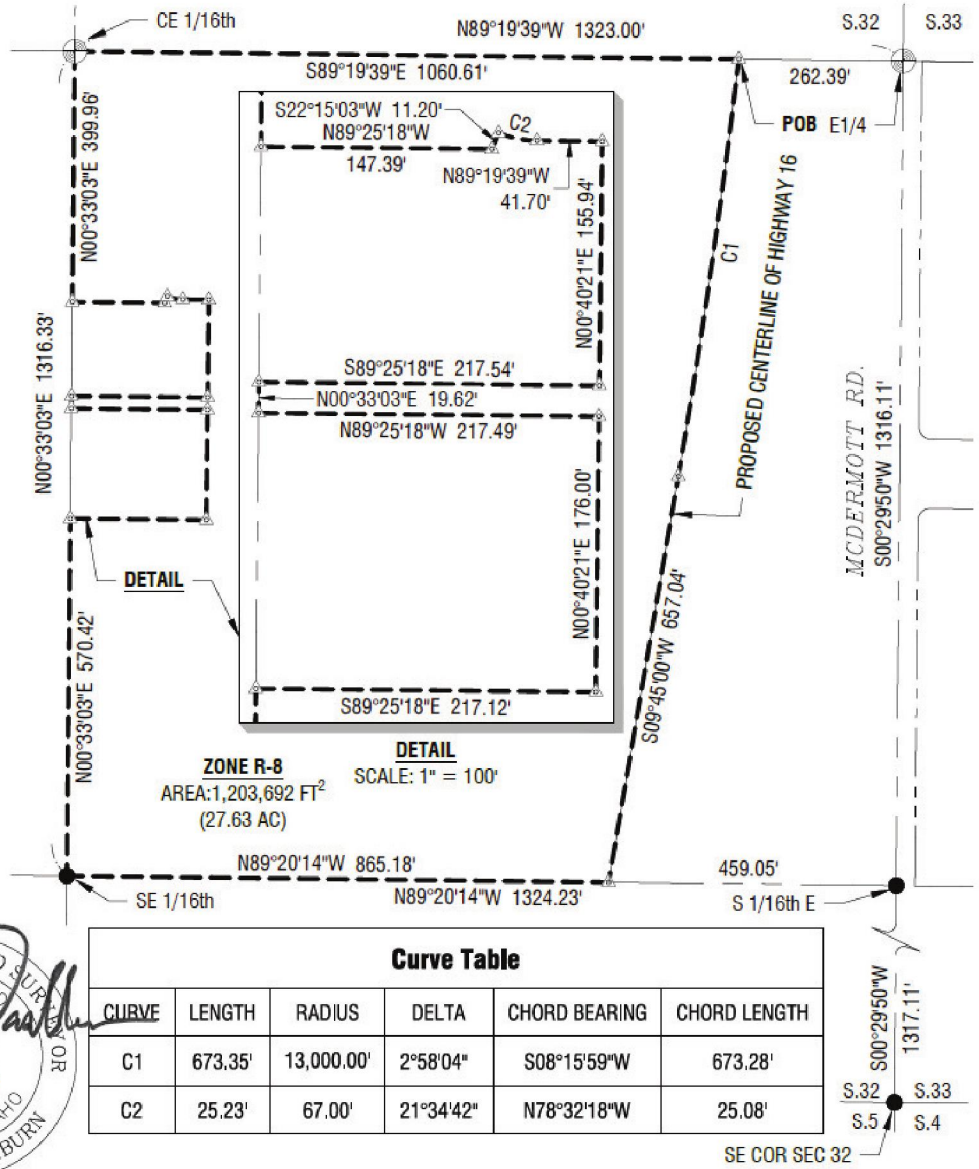
The above described contains 27.63 acres more or less.

PREPARED BY:
The Land Group, Inc.

James R. Washburn



Item #9.



Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	673.35'	13,000.00'	2°58'04"	S08°15'59"W	673.28'
C2	25.23'	67.00'	21°34'42"	N78°32'18"W	25.08'

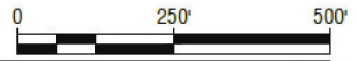


File Location: g:\2020\120194\cad\summary\exhibitb\211018 rezone zone r-8 120194.dwg
 Last Plotted By: cjm ltrk
 Date Plotted: Tuesday, October 19, 2021 10:20 AM



Exhibit "B"

Horizontal Scale: 1"=250'



120194
 Date of Issuance: 10/19/2021



Rezone Exhibit
 Zone R-8

1 of 1



LEGAL DESCRIPTION

August 20, 2021
Project No.: 120194

EXHIBIT "A"

**AVIATOR SRINGS SUBDIVISION
ACCLIMA INC.
REZONE – ZONE L-0**

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 32 of said Township 4 North, Range 1 West, (from which point the South 1/16th corner common to Section 32 and Section 33 bears South 00°29'50" West, 1316.11 feet distant);
Thence North 89°19'39" West, 1323.00 feet on the east-west mid-section line to the Center East One Sixteenth corner of said Section 32;
Thence South 00°33'03" West, a distance of 399.96 feet on the west line of the Northeast Quarter of the Southeast Quarter of Section 32 to the POINT OF BEGINNING;

- Thence South 89° 25' 18" East, a distance of 147.39 feet;
- Thence North 22° 15' 03" East, a distance of 11.20 feet to a point of curve;
- Thence 25.23 feet on the arc of a curve to the left, said curve having a radius of 67.00 feet, a central angle of 21° 34' 42", a chord bearing of South 78° 32' 18" East, and a chord length of 25.08 feet;
- Thence South 89° 19' 39" East, a distance of 41.70 feet;
- Thence South 00° 40' 21" West, a distance of 155.94 feet;
- Thence North 89° 25' 18" West, a distance of 217.54 feet to a point on the west line of the Northeast Quarter of the Southeast Quarter of Section 32;
- Thence North 00° 33' 03" East, a distance of 150.33 feet on said west line to the POINT OF BEGINNING.

The above described parcel contains 33,162 square feet (0.76 acres) more or less.

TOGETHER WITH

REZONE – ZONE L-0

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 32 of said Township 4 North, Range 1 West, (from which the South 1/16th corner common to Section 32 and Section 33 bears South 00°29'50" West, 1316.11 feet distant);

August 20, 2021

Page 2

Thence North 89°19'39" West, 1323.00 feet on the east-west mid-section line to the Center East One Sixteenth corner of said Section 32;
Thence South 00°33'03" West, a distance of 569.91 feet on the west line of the Northeast Quarter of the Southeast Quarter of Section 32 to the POINT OF BEGINNING;

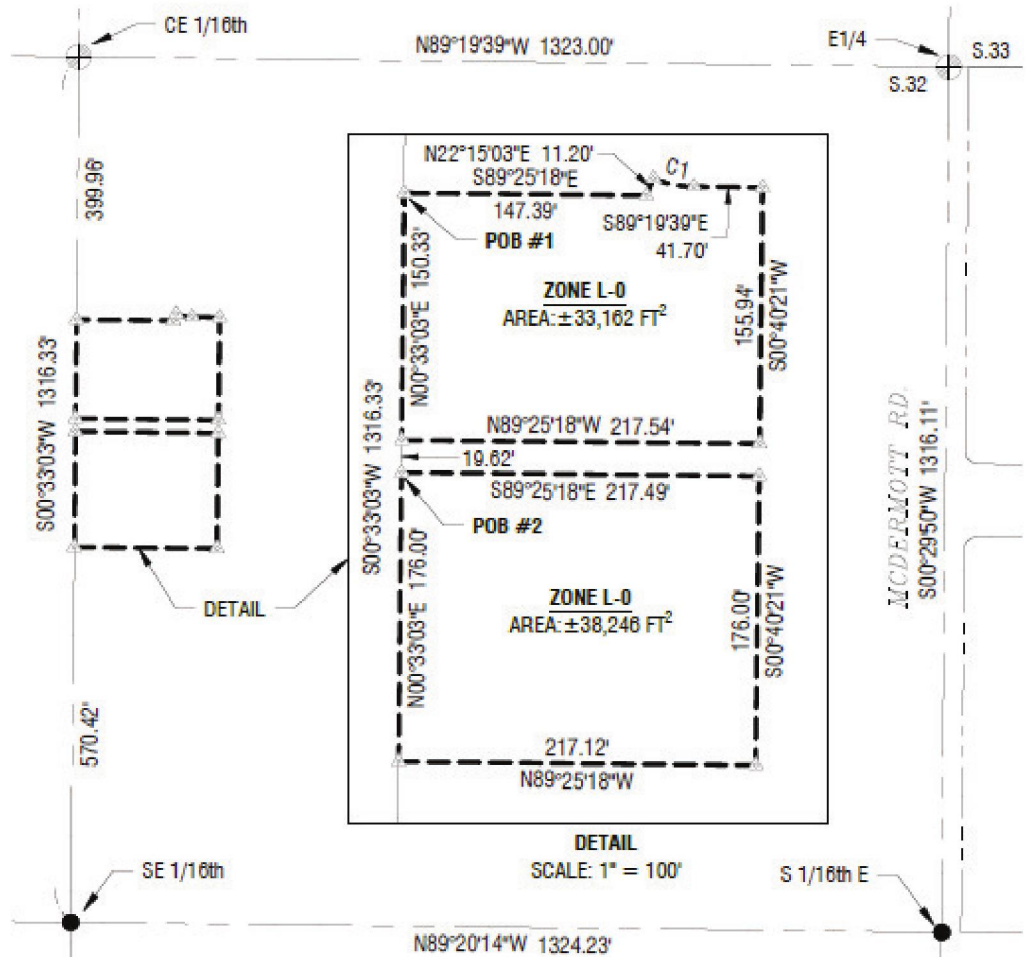
Thence South 89°25'18" East, 217.49 feet;
Thence South 00°40'21" West, a distance of 176.00 feet;
Thence North 89°25'18" West, a distance of 217.12 feet to a point on the west line of the Northeast Quarter of the Southeast Quarter of Section 32;
Thence North 00°33'03" East, 176.00 feet on said west line to the POINT OF BEGINNING.

The above described contains 38,246 square feet (0.88 acres) more or less.

PREPARED BY:
The Land Group, Inc.

James R. Washburn





Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	25.23'	67.00'	21°34'42"	S78°32'18"E	25.08'

File Location: C:\Users\jrwashburn\Documents\Projects\2021\8-20-21\120194.dwg
 Last Printed: 08/11/2021
 Date Plotted: Wednesday, August 11, 2021 4:12:10 PM



Exhibit "B"
 Horizontal Scale: 1"=250'



120194
 Date of Issuance: 08/11/2021



**Rezone Exhibit
 Zone L-0**



LEGAL DESCRIPTION

October 19, 2021
Project No.: 120194

EXHIBIT "A"

AVIATOR SRINGS SUBDIVISION
ACCLIMA INC.
ZONE M-E REZONE DESCRIPTION

A parcel of land located in the Northeast Quarter of the Southeast Quarter of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the East Quarter Corner of Section 32 of said Township 4 North, Range 1 West, (from which point the South 1/16th corner common to Section 32 and Section 33 bears South 00°29'50" West, 1316.11 feet distant), said East Quarter Corner of Section 32 being the POINT OF BEGINNING;

Thence South 00° 29' 50" West, a distance of 1316.11 feet on the east line of said Section 32 to the South 1/16th corner common to Section 32 and Section 33;

Thence North 89° 20' 14" West, a distance of 459.05 feet on the south line of the Northeast Quarter of the Southeast Quarter of Section 32;

Thence North 09° 45' 00" East, a distance of 657.04 feet to a point of curve;

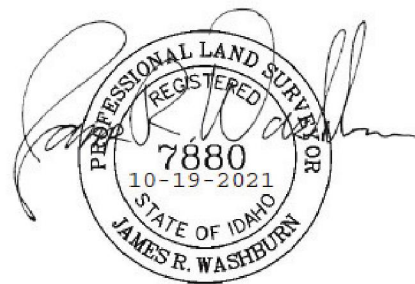
Thence 673.35 feet on the arc of a curve to the right, said curve having a radius of 13,000.00 feet, a central angle of 02° 58' 04", a chord bearing of North 08° 15' 59" East, and a chord length of 673.28 feet to a point on the east-west mid-section line of said Section 32;

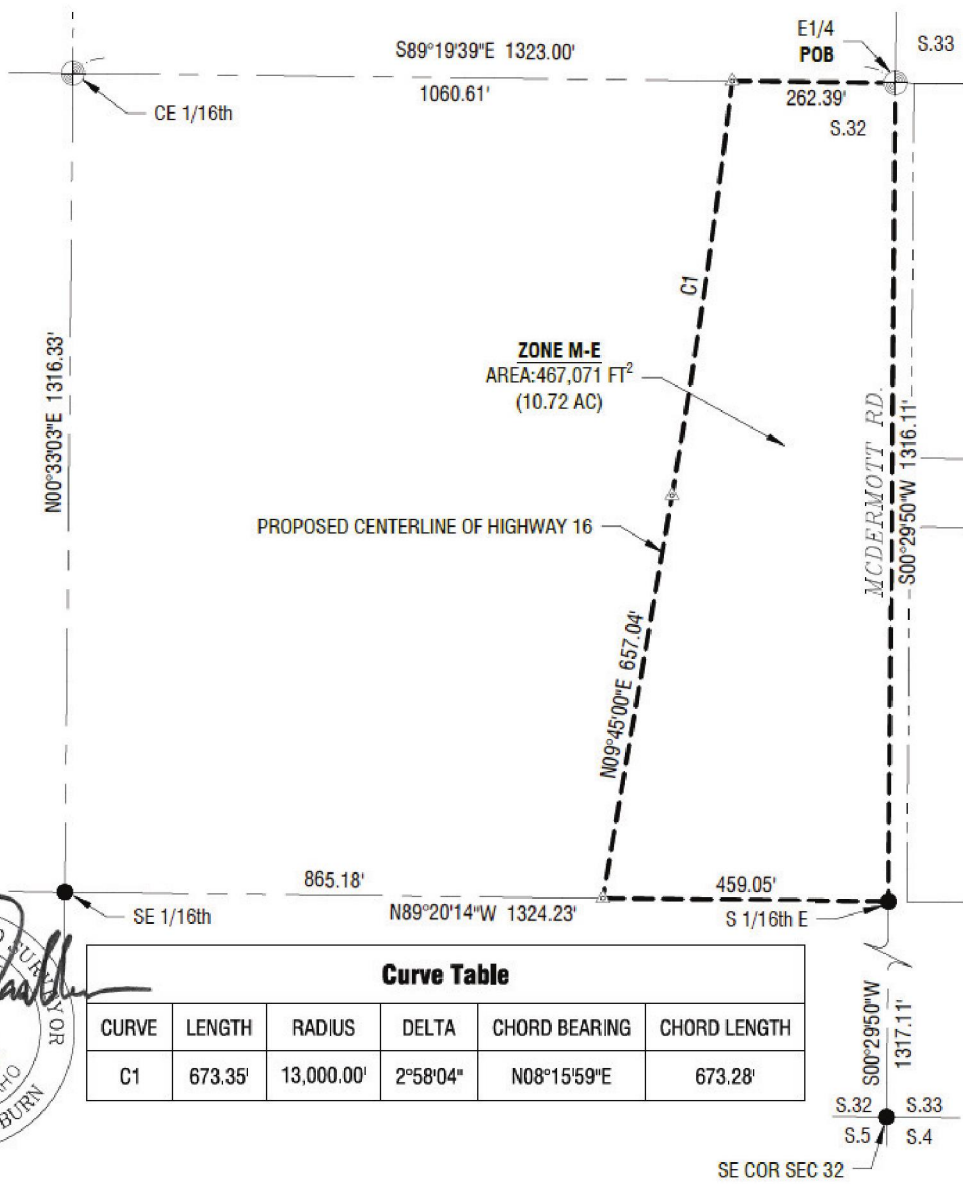
Thence South 89° 19' 39" East, a distance of 262.39 feet on said mid-section line to the POINT OF BEGINNING.

The above described parcel contains 10.72 acres more or less.

PREPARED BY:
The Land Group, Inc.

James R. Washburn





James R. Washburn
 PROFESSIONAL LAND SURVEYOR
 REGISTERED
 7880
 10/18/2021
 STATE OF IDAHO
 JAMES R. WASHBURN

Curve Table					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	673.35'	13,000.00'	2°58'04"	N08°15'59"E	673.28'

File Location: g:\30261\2019\Kandamney\exhibits\211016_rezone_zone_m-e_120194.dwg
 Date Plotted: Monday, October 19, 2021 10:22:19 PM



Exhibit "B"
 Horizontal Scale: 1"=250'



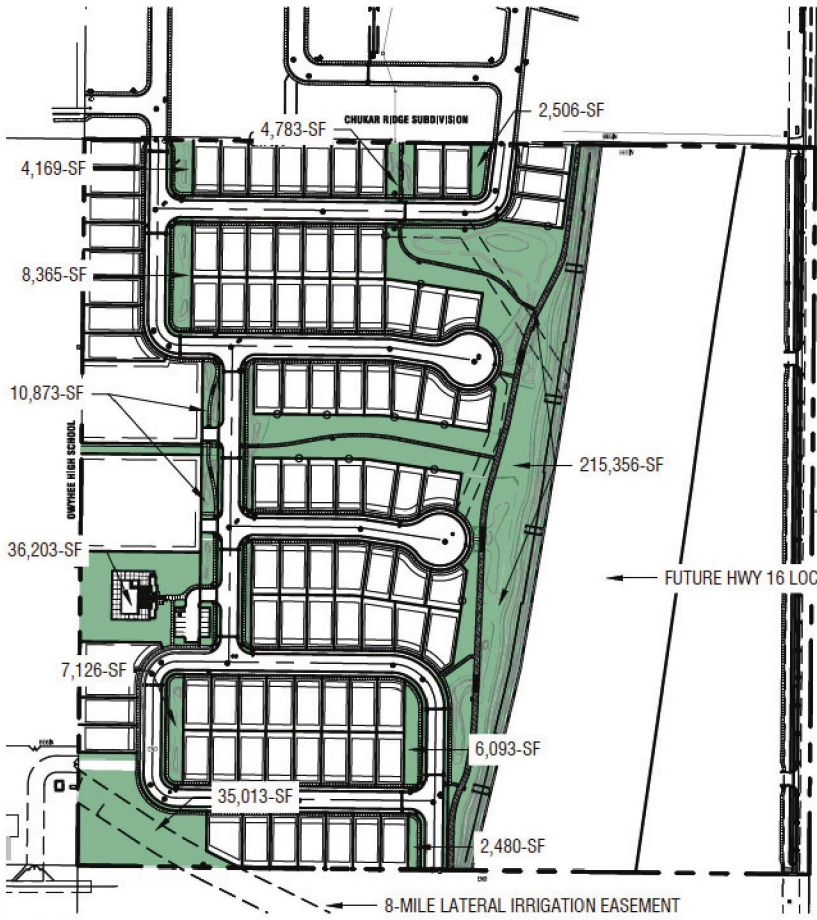
120194
 Date of Issuance: 10/18/2021



**Rezone Exhibit
 Zone M-E**

1 of 1

D. Open Space Exhibit (dated: 9/3/21)



OPEN SPACE CALCULATION:

QUALIFIED OPEN SPACE:	332,967 SQ FT
TOTAL BOUNDARY SQUARE FOOTAGE:	1,742,400 SQ FT
BOUNDARY SQUARE FOOTAGE MINUS HWY 16:	1,399,108 SQ FT
PCT. OF QUALIFIED OPEN SPACE OVERALL:	19.1%
PCT. OF QUALIFIED OPEN SPACE MINUS HWY 16:	23.8%

*NOTE: OPEN SPACE CALCULATIONS DEPICTED ON THIS SHEET ONLY INCLUDE FUNCTIONAL OPEN SPACE AREA. COMMON/OPEN SPACE LOT CALCULATION ON PRE-PLAT OVERVIEW INCLUDES ADDITIONAL COMMON AREA SUCH AS THE POOL PARKING AREA AND THE SECONDARY EMERGENCY ACCESS. CALCULATIONS INCLUDE BOTH RESIDENTIAL AND COMMERCIAL USES.



Agency Submittal
Aviator Springs Subdivision
IAG Capital, LLC
LP-04

File Location: G:\2020\120194 Aviator Springs plat\03_30_21\194\194.dwg
 User: jhughes
 Date Plotted: Friday, September 3, 2021 10:07:00 AM



Preliminary Plat-Open Space Exhibit

Horizontal Scale: 1" = 250'



Project No.: 120194
Date of Issuance: 09.03.2021

G. Conceptual Building Elevations



H. Conceptual Development Plan (dated: 9/3/21)



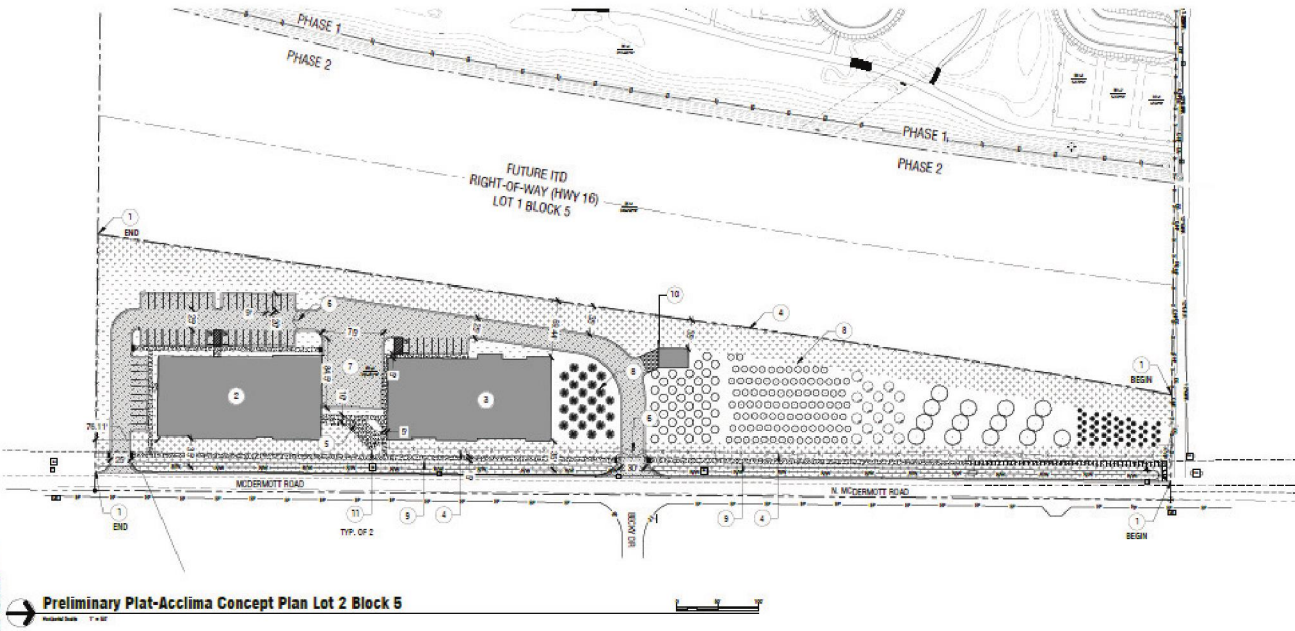
Property Owner:
 AVIATOR SPRINGS
 10000 AVIATOR SPRINGS
 10000 AVIATOR SPRINGS
 10000 AVIATOR SPRINGS

Project Description (Lot 2 Block 5)
 1. LOTS 1-10 (10 LOTS) - RESIDENTIAL AND DEVELOPMENT FACILITY (BLDG SPACES) ONLY

KEYNOTES:
 1. ALL LOTS ARE TO BE DEVELOPED IN PHASE 1.
 2. ALL LOTS ARE TO BE DEVELOPED IN PHASE 2.
 3. ALL LOTS ARE TO BE DEVELOPED IN PHASE 3.
 4. ALL LOTS ARE TO BE DEVELOPED IN PHASE 4.
 5. ALL LOTS ARE TO BE DEVELOPED IN PHASE 5.
 6. ALL LOTS ARE TO BE DEVELOPED IN PHASE 6.
 7. ALL LOTS ARE TO BE DEVELOPED IN PHASE 7.
 8. ALL LOTS ARE TO BE DEVELOPED IN PHASE 8.
 9. ALL LOTS ARE TO BE DEVELOPED IN PHASE 9.
 10. ALL LOTS ARE TO BE DEVELOPED IN PHASE 10.

Material Legend:
 ASPHALT PAVING
 GRAVEL SURFACING
 LANDSCAPE PAVING
 LANDSCAPE SURFACING
 LANDSCAPE LAND
 STABILIZED CONCRETE PAVING
 LANDSCAPE SURFACING

Fencing Legend:
 1/4" WOOD



Aviator Springs Subdivision
IAG Capital, LLC
 10000 AVIATOR SPRINGS
 10000 AVIATOR SPRINGS
 10000 AVIATOR SPRINGS

PP-11

VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

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

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

- a. Development of the subject property shall be generally consistent with the preliminary plat, phasing plan, landscape plan, open space exhibit, conceptual development plan and conceptual building elevations.
 - b. A mix of uses shall be developed on this site consistent with that proposed (i.e. residential, church/civic and commercial) and as required in the MU-N designation.
 - c. ~~Prior to development of the M-E zoned portion of the site, the development agreement shall be amended to include a conceptual development plan that is consistent with UDC standards and the guidelines for development in the MU-N designation. If multiple~~ The commercial buildings are proposed in the development area on the east side of future SH-16, the buildings shall be arranged to create some form of common, usable area, such as a plaza or green space in accord with the development guidelines in the Comprehensive Plan for Mixed Use – Neighborhood designated areas and as shown on the conceptual development plan in Section VII.H.
 - d. One building permit for the LDS seminary building shall be allowed prior to subdivision of the property.
 - e. Noise abatement is required to be provided within the street buffer along future SH-16 in accord with the standards listed in UDC 11-3H-4D and as required by City Council in previous developments to the north (i.e. Chukar Ridge and Gander Creek Subdivisions - 6-foot tall berm with a 6-foot tall wall on top of berm).
2. The final plat shall include the following revisions:
 - a. Depict a minimum 35-foot wide street buffer along the east side of future SH-16 in a common lot or on a permanent dedicated buffer on Lot 1, Block 5; include a note stating the buffer will be maintained by the property owner or business owner's association in accord with UDC 11-3B-7C.2.
 - b. Include a note prohibiting access to future SH-16.
 3. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Add Class II trees and landscaping within all parkways within the development in accord with the standards listed in UDC 11-3A-17E and 11-3B-7C as desired in MU-N designated areas.
 - b. Depict a minimum 35-foot wide street buffer along the east side of future SH-16 either in a common lot or a permanent dedicated buffer on Lot 1, Block 5; depict landscaping within the buffer in accord with the standards listed in UDC 11-3B-7C. Include shrubs within all required street buffers.

- c. Include calculations in the Project Calculations table that demonstrate compliance with the standards for pathway ([11-3B-12C](#)) and parkway ([11-3B-7C](#)) landscaping; include required vs. provided number of trees.
 - d. Include a detail of the berm or berm and wall combination required for noise abatement along future SH-16 that demonstrates compliance with the standards listed in UDC 11-3H-4D and is consistent with what City Council required on previous developments to the north (i.e. Chukar Ridge & Gander Creek – a 6-foot tall berm with a 6-foot tall wall on top of the berm); or apply for alternative compliance as allowed by UDC 11-3H-4D.4 as set forth in UDC 11-5B-5.
4. A 14-foot wide public use easement shall be submitted to the Planning Division for the multi-use pathway within the common open space area along future SH-16 prior to submittal of the Phase 1 final plat for City Engineer signature.
 5. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables [11-2A-6](#) for the R-8 zoning district and [11-2B-3](#) for the L-O and M-E zoning districts.
 6. Off-street parking is required to be provided for all residential units in accord with the standards listed in [UDC Table 11-3C-6](#) based on the number of bedrooms per unit.
 7. The rear and/or sides of structures on lots that are visible from future SH-16 shall incorporate articulation through changes in two or more of the following: modulation (e.g. projections, recesses, step-backs, pop-outs), bays, banding, porches, balconies, material types, or other integrated architectural elements to break up monotonous wall planes and roof lines that are visible from the subject public street. *Single-story structures are exempt from this requirement.*
 8. Non-residential buildings shall be proportional to and blend in with residential buildings as set forth in the Comprehensive Plan.
 9. All waterways on this site shall be piped as set forth in UDC [11-3A-6B](#) unless otherwise waived by City Council (i.e. the Eight Mile Lateral).
 10. A conditional use permit application is required to be submitted and approved for the Boys and Girls Club (i.e. civic, social or fraternal organization) in the L-O zoning district as required by UDC Table 11-2B-2. Compliance with the specific use standards listed in UDC [11-4-3-7](#) is required.
 11. A Certificate of Zoning Compliance and Design Review applications shall be submitted for the non-residential portions of the development and approved prior to submittal of applications for building permits. All non-residential structures shall comply with the design standards listed in the Architectural Standards Manual.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 The [geotechnical investigative report](#) prepared by GeoTek, Inc. indicates some very specific construction considerations. The applicant shall be responsible for the adherence of these recommendations.
- 1.2 The applicant shall be required to pay the Oaks Lift Station and Pressure Sewer Reimbursement Fees in the amount of \$265.25 per building lot. The aggregate amount of the reimbursement fees for the entire preliminary plat area must be paid with the first final plat application.

- 1.3 The applicant shall be required to pay the Oaks Lift Station Pump Upgrades Reimbursement fees in the amount of \$185.43 per building lot. The aggregate amount of the reimbursement fees for the entire preliminary plat area must be paid prior to city signatures on the first final plat.
- 1.4 Ensure infiltration trenches are located so that sewer service lines do not pass through them.
- 1.5 Install blow-off valve per standard drawing W13 at the southern property boundary.
- 1.6 Ensure no permanent structures (trees, fences, bushes, buildings, car ports, trash enclosures, infiltration trenches, light poles, etc.) are placed within utility easements.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-foot wide for a single utility, or 30-foot wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 2.17 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
- 2.18 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
- 2.19 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
- 2.20 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.

2.21 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

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

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237898&dbid=0&repo=MeridianCity&cr=1>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237478&dbid=0&repo=MeridianCity>

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239097&dbid=0&repo=MeridianCity>

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=238412&dbid=0&repo=MeridianCity>

G. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250217&dbid=0&repo=MeridianCity> (Updated)

H. COMMUNITY DEVELOPMENT SCHOOL IMPACT ANALYSIS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239278&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240021&dbid=0&repo=MeridianCity>

J. PARK'S DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240082&dbid=0&repo=MeridianCity>

IX. FINDINGS

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

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

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

The City Council finds the proposed zoning map amendment to R-8, L-O and M-E and subsequent development is generally consistent with the Comprehensive Plan due to surrounding land uses, existing development patterns, future extension of Hwy 16 and limited access.

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

The City Council finds the proposed map amendment will allow for the development of single-family detached homes which will contribute to the range of housing opportunities available within the City consistent with the purpose statement of the residential districts.

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

The City Council finds the proposed zoning map amendment 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

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

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

The City Council finds the proposed annexation is in the best interest of the City.

B. Preliminary Plat Findings:

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

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

The City Council finds that the proposed plat is generally consistent with the adopted Comprehensive Plan due to surrounding land uses, existing development patterns, future extension of Hwy 16 and limited access. (Please see Comprehensive Plan Policies in, Section IV. of this report for more information.)

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

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

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

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

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

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

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

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

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

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



AGENDA ITEM

ITEM TOPIC: Development Agreement (H-2021-0075 - Rackham East Subdivision) Between the City of Meridian and BVA Rolling Hills No. 1 (Owner) and Brighton Development, Inc. (Developer) for Property Located on the South Side of I-84, 1/4 Mile East of S. Eagle Rd.

DEVELOPMENT AGREEMENT

- PARTIES:**
1. City of Meridian
 2. BVA Rolling Hills No. 1, LLC, Owner
 3. Brighton Development, Inc., Developer

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this _____ day of _____, 2022, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642 and **BVA Rolling Hills No. 1, LLC**, whose address is 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642, hereinafter called OWNER and **Brighton Development, Inc.**, whose address is 2929 W. Navigator Drive, Ste 400, Meridian, ID 83642, hereinafter called DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A”, which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner and/or Developer has requested annexation of 25.76 acres of land with a C-G (General Commercial) and R-40 (High Density Residential) zoning districts on the property listed in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner and/or Developer made representations at the public hearings before the Meridian City Council and the Meridian Planning and

Zoning Commission, as to how the Property will be developed and what improvements will be made; and

- 1.6 **WHEREAS**, the record of the proceedings held before the City Council, includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction, and includes further testimony and comment; and
- 1.7 **WHEREAS**, on the 22nd day of February, 2022, the Meridian City Council approved certain Revised Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner and/or Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/ Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner and/or Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

2. **INCORPORATION OF RECITALS:** That the above recitals are contractual and binding and are incorporated herein as if set forth in full.

3. **DEFINITIONS:** For all purposes of this Agreement the following words, terms, and phrases herein contained in this section shall be defined and interpreted as herein provided for, unless the clear context of the presentation of the same requires otherwise:

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.

3.2 **OWNER:** means and refers to **BVA Rolling Hills No. 1, LLC**, whose address is 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642 hereinafter called OWNER, the party that owns said Property and shall include any subsequent owner(s) of the Property.

3.3 **DEVELOPER:** means and refers to **Brighton Development, Inc.**, whose address is 2929 W. Navigator Drive, Ste 400, Meridian, ID 83642 hereinafter called DEVELOPER, the party that owns said Property and shall include any subsequent developer(s) of the Property.

3.4 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit "A" describing a bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

4. **USES PERMITTED BY THIS AGREEMENT:** This Agreement shall vest the right to develop the Property in accordance with the terms and conditions of this Agreement.

4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.

4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

5. **CONDITIONS GOVERNING DEVELOPMENT OF SUBJECT PROPERTY:**

5.1. Owners/ Developer shall develop the Property in accordance with the following special conditions:

a. Development of the subject property shall be generally consistent with the preliminary plat, landscape plan, phasing plan, conceptual development plan, pedestrian circulation plan and conceptual building elevations submitted with the application contained herein.

b. The two (2) office buildings proposed on the northern portion of the site shall be arranged to create some form of common, usable gathering area, such as a plaza or green space in accord with the mixed-use guidelines in the *Comprehensive Plan* (see pg. 3-13).

c. Provide a pedestrian pathway within the street buffer along I-84 as depicted on the conceptual development plan with landscaping along the pathway as set forth in UDC *11-3B-12C*. Also provide internal pedestrian walkways throughout the site for interconnectivity; where pedestrian walkways cross vehicular use areas they shall be distinguished through the use of pavers, colored or scored concrete, or bricks as set forth in UDC *11-3A-19B.4*.

d. All future structures constructed on this site shall comply with the design standards in

the Architectural Standards Manual.

- e. The final plat shall be recorded or the existing PUDI easements and right-of-way for S. Rolling Hill Dr. shall be vacated and a property boundary adjustment application approved to consolidate the existing lots into one (1) parcel prior to submittal of any building permit applications for the site.
- f. Compliance with the specific use standards listed in UDC 11-4-3-27: Multi-Family Development, is required.
- g. Access for the project shall be provided via S. Silverstone Way from E. Overland Rd.; emergency only access shall be provided via Rolling Hill Dr. *Note: With review of future projects to the south, Rolling Hill Dr. may be opened back up for public access to this site as determined by the City and ACHD.*
- h. Construction traffic for the proposed development shall access the site from the west via Silverstone Way rather than from S. Rolling Hill Dr. as committed to by the Applicant.
- i. The out-parcel (Parcel #S1116427890) along the northern boundary of the site shall be annexed into the City within one (1) year of recordation of the Development Agreement; the western C-G zoned portion of the multi-family development shall be rezoned to R-40 at the same time.

6. **COMPLIANCE PERIOD** This Agreement must be fully executed within six (6) months after the date of the Findings for the annexation and zoning or it is null and void.

7. **DEFAULT/CONSENT TO DE-ANNEXATION AND REVERSAL OF ZONING DESIGNATION:**

- 7.1 **Acts of Default.** Either party’s failure to faithfully comply with all of the terms and conditions included in this Agreement shall constitute default under this Agreement.
- 7.2 **Notice and Cure Period.** In the event of Owner and/or Developer’s default of this Agreement, Owners/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.
- 7.3 **Remedies.** In the event of default by Owner and/or Developer that is not cured after notice as described in Section 7.2, Owner and/or Developer shall be deemed to have consented to modification of this Agreement and de-annexation and reversal of the zoning designations described herein, solely against the offending portion of Property and upon City’s compliance with all

applicable laws, ordinances and rules, including any applicable provisions of Idaho Code §§ 67-6509 and 67-6511. Owner and/or Developer reserve all rights to contest whether a default has occurred. This Agreement shall be enforceable in the Fourth Judicial District Court in Ada County by either City or Owner and/or Developer, or by any successor or successors in title or by the assigns of the parties hereto. Enforcement may be sought by an appropriate action at law or in equity to secure the specific performance of the covenants, agreements, conditions, and obligations contained herein.

7.4 **Delay.** In the event the performance of any covenant to be performed hereunder by either Owner and/or Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

7.5 **Waiver.** A waiver by City of any default by Owner and/or Developer of any one or more of the covenants or conditions hereof shall apply solely to the default and defaults waived and shall neither bar any other rights or remedies of City nor apply to any subsequent default of any such or other covenants and conditions.

8. **INSPECTION:** Owner and/or Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.

9. **REQUIREMENT FOR RECORDATION:** City shall record this Agreement, including all of the Exhibits, and submit proof of such recording to Owner and/or Developer, prior to the third reading of the Meridian Zoning Ordinance in connection with the re-zoning of the Property by the City Council. If for any reason after such recordation, the City Council fails to adopt the ordinance in connection with the annexation and zoning of the Property contemplated hereby, the City shall execute and record an appropriate instrument of release of this Agreement.

10. **ZONING:** City shall, following recordation of the duly approved Agreement, enact a valid and binding ordinance zoning the Property as specified herein.

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the UDC, to insure the installation of required improvements, which the Owner and/or Developer agree to provide, if required by the City.

12. **CERTIFICATE OF OCCUPANCY:** No Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the

City, or sufficient surety of performance is provided by Owner and/or Developer to the City in accordance with Paragraph 11 above.

13. **ABIDE BY ALL CITY ORDINANCES:** That Owners and/or Developer agree to abide by all ordinances of the City of Meridian unless otherwise provided by this Agreement.

14. **NOTICES:** Any notice desired by the parties and/or required by this Agreement shall be deemed delivered if and when personally delivered or three (3) days after deposit in the United States Mail, registered or certified mail, postage prepaid, return receipt requested, addressed as follows:

CITY:
City Clerk
City of Meridian
33 E. Broadway Ave.
Meridian, Idaho 83642

with copy to:
City Attorney
City of Meridian
33 E. Broadway Avenue
Meridian, Idaho 83642

OWNER:
BVA Rolling Hills No. 1, LLC
2929 W. Navigator Dr., Ste. 400
Meridian, ID 83642

DEVELOPER:
Brighton Development, Inc.
2929 W. Navigator Dr., Ste. 400
Meridian, ID 83642

14.1 A party shall have the right to change its address by delivering to the other party a written notification thereof in accordance with the requirements of this section.

15. **ATTORNEY FEES:** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorney’s fees as determined by a Court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.

16. **TIME IS OF THE ESSENCE:** The parties hereto acknowledge and agree that time is strictly of the essence with respect to each and every term, condition and provision hereof, and that the failure to timely perform any of the obligations hereunder shall constitute a breach of and a default under this Agreement by the other party so failing to perform.

17. **BINDING UPON SUCCESSORS:** This Agreement shall be binding upon and inure to the benefit of the parties’ respective heirs, successors, assigns and personal representatives, including City’s corporate authorities and their successors in office. This Agreement shall be binding on the Owner and/or Developer, each subsequent owner and any other person acquiring an interest in the Property. Nothing herein shall in any way prevent sale or alienation of the Property, or portions thereof, except that any sale or alienation shall be subject to the provisions hereof and any successor owner or owners shall be both benefited and bound by the conditions and restrictions herein expressed. City agrees, upon written request of Owner and/or Developer, to execute appropriate and recordable evidence of termination of this Agreement if City, in its sole and

reasonable discretion, had determined that Owner and/or Developer have fully performed their obligations under this Agreement.

18. **INVALID PROVISION:** If any provision of this Agreement is held not valid by a court of competent jurisdiction, such provision shall be deemed to be excised from this Agreement and the invalidity thereof shall not affect any of the other provisions contained herein.

19. **DUTY TO ACT REASONABLY:** Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.

20. **COOPERATION OF THE PARTIES:** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision in this Agreement, the parties agree to cooperate in defending such action or proceeding.

21. **FINAL AGREEMENT:** This Agreement sets forth all promises, inducements, agreements, condition and understandings between Owner and/or Developer and City relative to the subject matter hereof, and there are no promises, agreements, conditions or understanding, either oral or written, express or implied, between Owner and/or Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by them or their successors in interest or their assigns, and pursuant, with respect to City, to a duly adopted ordinance or resolution of City.

21.1 No condition governing the uses and/or conditions governing re-zoning of the subject Property herein provided for can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

22. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective on the date the Meridian City Council shall adopt the amendment to the Meridian Zoning Ordinance in connection with the annexation and zoning of the Property and execution of the Mayor and City Clerk.

[end of text; signatures, acknowledgements, and Exhibits A and B follow]

STATE OF IDAHO)
 : ss
County of Ada)

On this _____ day of _____, 2022, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

(SEAL)

Notary Public for Idaho
Residing at: _____
Commission expires: _____

BVA ROLLING HILLS

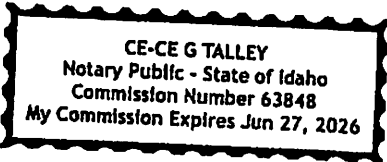
BVA Rolling Hills No. 1, LLC,
an Idaho limited liability company

By: BV Management Services, Inc.
an Idaho corporation, the Executive Manager

By: [Signature]
Cortney Liddiard, President
Date: 3.2.22

STATE OF IDAHO)
) ss.
County of Ada)

This record was acknowledged before me on this 2 day of March, 202~~0~~², by Cortney Liddiard, as President of BV Management Services, Inc., the Idaho corporation that is an Executive Manager of BVA Rolling Hills No. 1, LLC




[Signature]
Notary Public for Idaho
Residing at Boise, Idaho
My commission expires 6.27.26

BVA ROLLING HILLS

BVA Rolling Hills No. 1, LLC,
an Idaho limited liability company

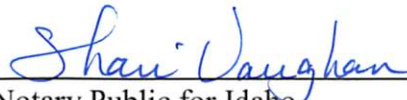
By: BRIGHTON CORPORATION
an Idaho corporation, the Executive Manager

By: 
Robert L. Phillips, President

Date: 3/4/2022

STATE OF IDAHO)
) ss.
County of Ada)

This record was acknowledged before me on this 4th day of March, 2022, by Robert L. Phillips, as President of Brighton Corporation, the Idaho corporation that is an Executive Manager of BVA Rolling Hills No. 1, LLC.


Notary Public for Idaho
Residing at Eagle, ID
My commission expires 6-1-2024

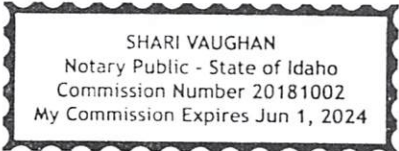


EXHIBIT A



February 8, 2022
Project No. 20-219

Exhibit A Legal Description for Annexation Eagle View Landing

A parcel of land being Lots 13 through 16, Block 1, Lots 8 through 12, Block 2 of Rolling Hill Subdivision (Book 18 of Plats at Page 1,202, records of Ada County, Idaho) and unplatted land situated in a portion of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 3 North, Range 1 East, B.M., Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the Center 1/4 corner of said Section 16, which bears N00°05'15"W a distance of 2,653.59 feet from a brass cap marking the South 1/4 corner of said Section 16, thence following the westerly line of said Northwest 1/4 of the Southeast 1/4, S00°05'15"E a distance of 227.22 feet to a 5/8-inch rebar on the southerly right-of-way line of Interstate 84 and being the **POINT OF BEGINNING**.

Thence leaving said westerly line and following said southerly right-of-way line, S89°34'32"E a distance of 672.76 feet;

Thence leaving said southerly right-of-way line, S00°00'07"E a distance of 14.37 feet;

Thence S89°15'23"E a distance of 478.72 feet to the westerly boundary of Ironwood Subdivision No. 3 (Book 77 of Plats at Page 8,098, records of Ada County, Idaho) and the centerline of the Ridenbaugh Canal;

Thence following said westerly boundary and said centerline the following two (2) courses:

1. S12°52'54"W a distance of 489.50 feet;
2. S14°05'22"W a distance of 627.49 feet to a 5/8-inch rebar on the southerly line of said Northwest 1/4 of the Southeast 1/4;

Thence leaving said westerly boundary and said centerline and following said southerly line, N89°14'19"W a distance of 887.95 feet to the Southwest corner of said Northwest 1/4 of the Southeast 1/4 (Center-South 1/16 corner);

Thence leaving said southerly line and following the westerly line of said Northwest 1/4 of the Southeast 1/4, N00°05'15"W a distance of 1099.57 feet to the **POINT OF BEGINNING**.

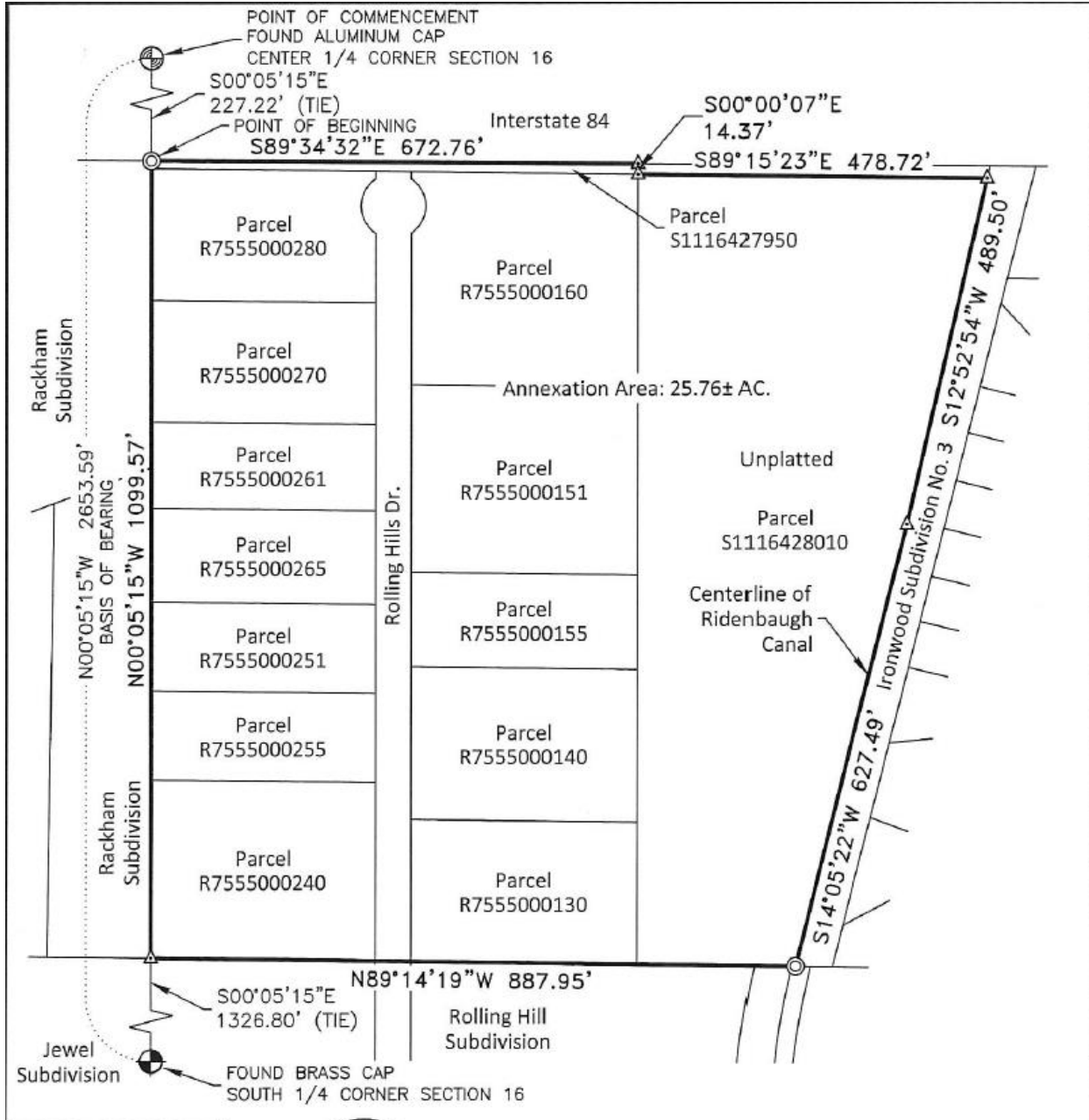
Said parcel contains a total of 25.76 acres, more or less.

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

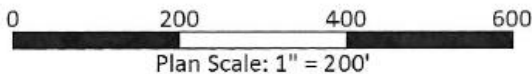


5725 North Discovery Way • Boise, Idaho 83713 • 208.639.6939 • kmengllp.com

EXHIBIT A



km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com



DATE:	February 2022
PROJECT:	20-219
SHEET:	1 OF 1

Exhibit B - Annexation
Eagle View Landing

Lots 13-16, Block 1, Lots 8-12, Block 2 and unplatted land in a portion of the NW 1/4 of the SE 1/4 of Sec. 16, T3N., R1E., B.M., Ada County, Idaho

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



In the Matter of the Request for Annexation and Zoning of 25.76 acres of Land with a C-G Zoning District; Preliminary Plat Consisting of Two (2) Multi-Family Residential Building Lots and Six (6) Commercial Building Lots on 29.7 Acres of Land; and Conditional Use Permit for a Multi-Family Development Consisting of 396 Units on 15.94 Acres of Land in the Proposed C-G Zoning District for Eagle View Apartments, by Brighton Development, Inc. Case No(s). H-2021-0075

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

A. Findings of Fact

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

B. Conclusions of Law

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

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

C. Decision and Order

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

- 1. The applicant’s requests for annexation and zoning, preliminary plat and conditional use permit is hereby approved with the requirement of a Development Agreement per the conditions of approval in the Staff Report for the hearing date of February 8, 2022, attached as Exhibit A. **Note: A modification to the zoning was approved with the annexation as follows: 13.76 acres with a C-G zoning district and 12 acres with an R-40 zoning district, instead of all C-G as originally requested.**
- 2. The applicant’s request for City Council review of the Director’s decision in regard to the Alternative Compliance request to the private usable open space standard in UDC 11-4-3-27B.3 is hereby approved.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

Please take notice that the conditional use permit, when granted, shall be valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the

requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground. For conditional use permits that also require platting, the final plat must be signed by the City Engineer within this two (2) year period.

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

Notice of Development Agreement Duration

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

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

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

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

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

F. Attached: Staff Report for the hearing date of February 8, 2022

By action of the City Council at its regular meeting held on the 22 day of February, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED AYE

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

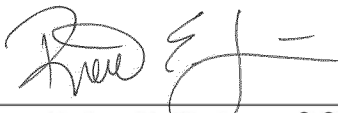
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER TREG BERNT VOTED AYE


COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison 2-22-2022

Attest:



Chris Johnson 2-22-2022
City Clerk



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

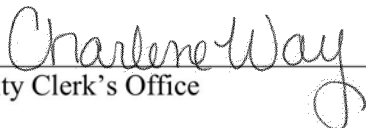
By:  _____ Dated: 2-22-2022
City Clerk's Office

EXHIBIT A

STAFF REPORT COMMUNITY DEVELOPMENT DEPARTMENT



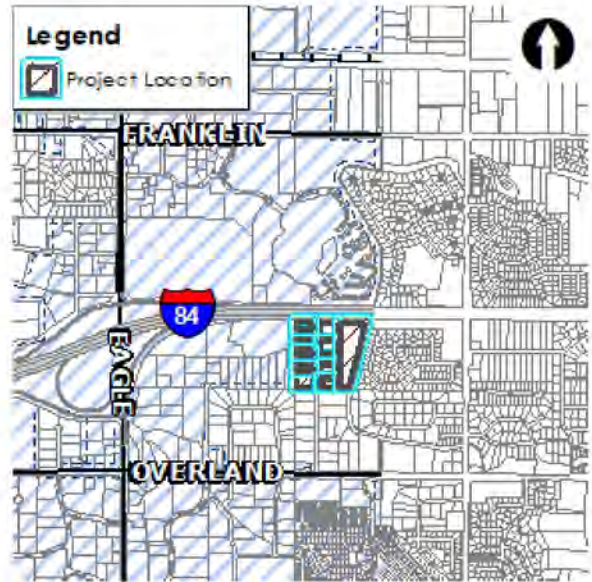
HEARING DATE: February 8, 2022

TO: Mayor & City Council

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

SUBJECT: [H-2021-0075](#); [CR-2022-0001](#)
Rackham East – AZ, PP
Eagle View Apartments – CUP, ALT, CR

LOCATION: South side of I-84, ¼ mile east of S. Eagle Rd., in the south ½ of Section 16, T.3N., R.1E.



I. PROJECT DESCRIPTION

Annexation (AZ) of 25.76 acres of land with a C-G zoning district; Preliminary Plat (PP) consisting of two (2) multi-family residential building lots (i.e. Lots 1-2, Block 1) and six (6) commercial building lots (i.e. Lots 3-8, Block 1) on 29.7 acres of land; and Conditional Use Permit (CUP) for a multi-family development consisting of 396 units on 15.94 acres of land in the proposed C-G zoning district.

Alternative Compliance is requested to the following UDC standards with the CUP application:

- UDC 11-3A-19B.3, which requires no more than 50% of the total off-street parking area for the site to be located between building facades and abutting streets, to be allowed due the site design which enhances usable site amenities by placing them internal to the development with parking mostly on the periphery of the site;
- UDC Table 11-3C-6, which doesn't include off-street parking standards for studio unit apartments, to allow the parking standards for vertically integrated residential to apply;
- UDC 11-4-3-27B.3, which requires a minimum of 80 square feet of private, usable open space to be provided for each unit, to allow zero (0) for studio units (0% of the standard), 54-60 square feet (s.f.) for 1-bedroom units (67.5%-75% of the standard) and 58-85 s.f. for 2-bedroom units (68%-106% of the standard).

Note: The Applicant filed a request for City Council review of the Director's decision on this matter, see Section V.C, highlighted text, for more information.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	25.76-acres (AZ); 29.7-acres (PP); 15.94-acres (CUP)	
Existing/Proposed Zoning	R1 and RUT in Ada County (existing)/C-G (proposed)	
Future Land Use Designation	Mixed Use – Regional (MU-R)	
Existing Land Use(s)	Vacant land (formerly single-family homes)	
Proposed Land Use(s)	Commercial (mixed use) and multi-family apartments	
Lots (# and type; bldg./common)	8 buildable lots (2 multi-family & 6 commercial)/0 common lots	
Phasing Plan (# of phases)	1 phase (plat); 2 phases (CUP)	
Number of Residential Units (type of units)	396 multi-family apartment units	
Physical Features (waterways, hazards, flood plain, hillside)	The Ridenbaugh Canal runs along the east boundary of the site.	
Neighborhood meeting date; # of attendees:	3/3/21 – 6 attendees; and 9/1/21 – 7 attendees	
History (previous approvals)	None	

B. Community Metrics

Description	Details	Pg
Ada County Highway District		
<ul style="list-style-type: none"> • Staff report (yes/no) • Requires ACHD Commission Action (yes/no) 	<p>Yes</p> <p>No</p> <p>A Traffic Impact Study (TIS) was submitted.</p>	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	One access is proposed via S. Rolling Hill Dr. from E. Overland Rd. to the south; and two driveways will provide access from the commercial development to the west via S. Silverstone Way from E. Overland Rd. (a signalized intersection exists at Silverstone/Overland)	
Traffic Level of Service	All road segments are projected to meet ACHD's acceptable level of service (LOS) thresholds for a 5-lanes principal arterial road under all conditions, except for during the PM peak hour for the segment of Overland Road between Eagle Road and Silverstone Way and Rolling Hill Drive under the 2023 total traffic conditions.	
Stub Street/Interconnectivity/Cross Access	Two (2) driveways will be extended into the site from the west boundary. S. Rolling Hill Dr. will stub at the southern boundary of the site.	
Existing Road Network	S. Rolling Hill Dr., a local street, extends from the south from Overland Rd. to the north boundary of the site.	
Existing Arterial Sidewalks / Buffers	There are no existing arterial streets on or abutting this site.	
Proposed Road Improvements	<p>Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):</p> <ul style="list-style-type: none"> • The intersection of Overland Road and Eagle Road is scheduled in the CIP to be widened to 7-lanes on the north and south legs, and 8-lanes on the east and west legs, and reconstructed/signalized in the future. The design year is listed as 2025 in the IFYWP and the is listed to be improved between 2031 and 2035 • Overland Road is listed in the CIP to be widened to 7-lanes from Eagle Road to Cloverdale Road between 2036 and 2040 and is listed as unfunded. • The intersection of Cloverdale Road and Overland Road is listed in the CIP to be widened to 7-lanes on the north and south legs and 8 lanes on the east and west legs and signalized between 2026 and 2030. 	
West Ada School District		

Description	Details			Pg		
		Enrollment	Capacity	Approved prelim plat parcels per attendance area	Approved MF units per attendance area	Miles (Rev. to School)
• Distance (elem, ms, hs)						
• Capacity of Schools	Pepper Ridge Elementary	542	675	313	360	1.6
	Lewis & Clark Middle School	886	1000	774	1331	2.5
• # of Students Enrolled	Centennial High School	1946	1900	443	1358	4.9
	<u>School of Choice Options</u>					
	Christine Donnell-Arts	489	500	N/A	N/A	5.3
	Spalding Elementary - STEM	657	750	N/A	N/A	1.5
• Predicted # of students generated from proposed development	40 +/-					

Police Service

• Distance to Police Station	2.7 miles	
• Police Response Time	Meets response time goals	
• Calls for Service	3,400 (in RD 'M752') – between 10/16/19 and 10/15/21)	
• % of calls for service split by priority	% of P3 CFS 2.9% % of P2 CFS 76.0% % of P1 CFS 19.9% % of P0 CFS 1.3%	
• Accessibility		
• Specialty/resource needs		
• Crimes	185 (RD – M752 – between 10/16/19 and 10/15/21)	
• Crashes	224 (RD – M752 – between 10/16/19 and 10/15/21)	
• Other	MPD can service this area if approved. For more info, see: https://weblink.meridiancity.org/WebLink/DocView.aspx?id=241580&dbid=0&repo=MeridianCity&cr=1	

Wastewater

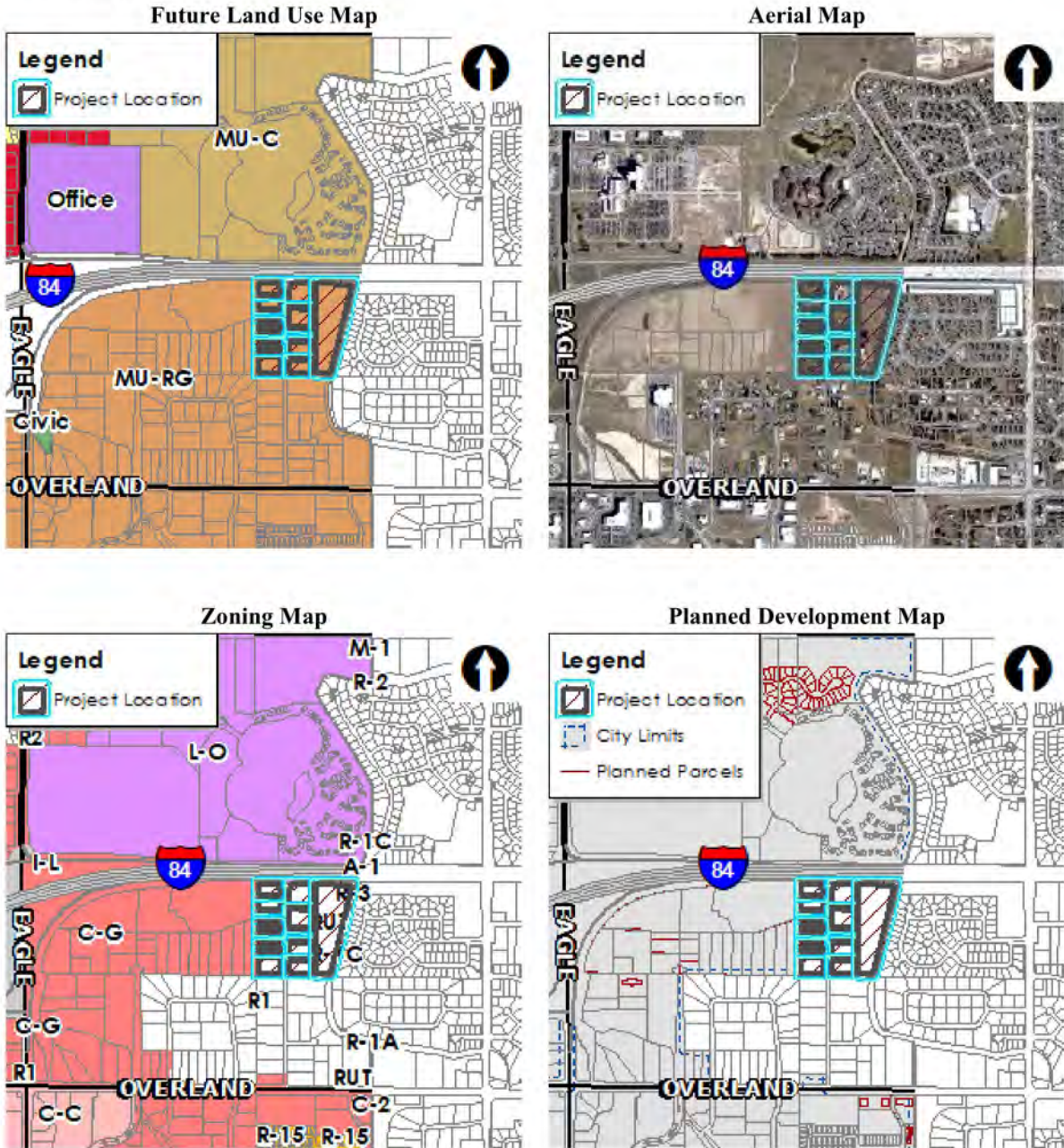
• Distance to Sewer Services	Directly adjacent	
• Sewer Shed	Five Mile Trunk Shed	
• Estimated Project Sewer ERU's	See application	
• WRRF Declining Balance	14.25	
• Project Consistent with WW Master Plan/Facility Plan	Yes	
• Impacts/concerns	• Flow is committed • Do not have a sewer stub to the south on Rolling Hill Dr. These properties will be serviced from Overland Rd.	

Water

• Distance to Water Services	Directly adjacent	
• Pressure Zone	4	
• Estimated Project Water ERU's	See application	
• Water Quality Concerns	None	
• Project Consistent with Water Master Plan	Yes	

Description	Details	Pg
<ul style="list-style-type: none"> Impacts/Concerns 	The development needs a second connection to water. There are two options to do so; either connect to Overland Rd via S Rolling Hills Dr or connect to the northwest existing 16'' water main.	

C. Project Area Maps



A. Applicant:

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

B. Owners:

BVA Rolling Hills No. 1, LLC – 2929 W. Navigator Dr., Ste. 400, Meridian, ID 83642

C. Representative:

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

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Notification published in newspaper	11/16/2021	1/23/2022
Notification mailed to property owners within 300 feet	11/12/2021	1/21/2022
Applicant posted public hearing notice on site	11/22/2021	1/28/2022
Nextdoor posting	11/12/2021	1/21/2022

IV. COMPREHENSIVE PLAN ANALYSIS (*Comprehensive Plan*)

Land Use: The Future Land Use Map (FLUM) contained in the Comprehensive Plan designates this property as Mixed Use – Regional (MU-R).

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D (pg. 3-17).

The Applicant proposes to develop the site with office (and possibly some secondary retail uses) and multi-family residential uses. The site is located near S. Eagle Rd. and E. Overland Rd., a major arterial intersection, and the Eagle Rd./I-84 interchange. The proposed offices will provide nearby employment opportunities and services for residents in the vicinity. Other commercial uses (offices, entertainment, multi-tenant retail, hotel, etc.) exist to the west in the larger MU-R designated area for a larger mix of uses as desired in MU-R designated areas. Pedestrian walkways are proposed for interconnectivity within the overall area.

In reviewing development applications, the following items will be considered in all Mixed-Use areas, per the Comprehensive Plan (pg. 3-13): (*Staff’s analysis in italics*)

- “A mixed-use project should include at least three types of land uses. Exceptions may be granted for smaller sites on a case-by-case basis. This land use is not intended for high density residential development alone.”

The proposed development includes office and multi-family residential (i.e. apartments) which will add to the variety of uses planned in the larger MU-R designated area to the west consisting of office, retail, entertainment and hotel uses.

- “Where appropriate, higher density and/or multi-family residential development is encouraged for projects with the potential to serve as employment destination centers and when the project is adjacent to US 20/26, SH-55, SH-16 or SH-69.”

The proposed multi-family high density development should provide housing options in close proximity to nearby employment uses located along SH-55 and I-84.

- “Mixed Use areas are typically developed under a master or conceptual plan; during an annexation or rezone request, a development agreement will typically be required for developments with a Mixed-Use designation.”

A conceptual development plan was submitted with the proposed annexation application for the subject property that's located within the MU-R designation. A Development Agreement that ties future development to this plan and the general guidelines for mixed use developments and specifically the MU-R designation is recommended as a provision of annexation.

- “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.”

The conceptual development plan depicts a common area between the two office buildings that appears to meet this guideline; more details should be submitted on a site plan submitted for development of these buildings that comply with this guideline.

- “The site plan should depict a transitional use and/or landscaped buffering between commercial and existing low- or medium-density residential development.”

Multi-family residential uses are proposed on the southern portion of the site adjacent to existing rural residential properties as a transition and buffer to commercial office uses on the northern portion of the site. A 25-foot wide landscaped buffer with dense landscaping is also required in the C-G zoning district along the southern boundary of the site to residential uses. Staff also recommends a 6-foot tall sight obscuring fence is constructed along the southern boundary of the site as an added buffer to adjacent rural residential properties.

- “Community-serving facilities such as hospitals, clinics, churches, schools, parks, daycares, civic buildings, or public safety facilities are expected in larger mixed-use developments.”

No such uses are specifically proposed in this development – the tenants of the office buildings are unknown at this time; however, St. Luke's hospital and medical offices are less than a mile away to the northwest of this site.

- “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 are expected; outdoor seating areas at restaurants do not count.”

An outdoor gathering area is depicted on the conceptual development plan between the two office buildings on the northern portion of the site. Details should be submitted with development of these buildings that demonstrate compliance with this guideline.

- “Mixed use areas should be 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.”

The proposed conceptual development plan depicts a plaza/gathering area between the two office buildings on the northern portion of the site. A pedestrian circulation network, which will connect to the larger 90-acre Eagle View/Rackham development to the west, is proposed around the perimeter of the overall development as well as throughout the site that provide pedestrian connections to the multi-family development, office, retail, restaurant and hospitality uses within the development.

- “All mixed-use projects should be directly accessible to neighborhoods within the section by both vehicles and pedestrians.”

The proposed development is directly accessible to residents in Rolling Hill Subdivision to the south by vehicle via S. Rolling Hill Dr. There are no pedestrian pathway stubs to this site from the adjacent residential development. S. Rolling Hill Dr. is currently a substandard street and lacks pedestrian facilities; ACHD ~~is requiring~~ may require off-site improvements with this application consisting of a sidewalk along one side of Rolling Hill and possibly pavement widening if access via Rolling Hills isn't restricted to emergency access only.

The Ridenbaugh Canal provides a barrier between the subject property and the residential development to the east; no vehicular or pedestrian connections exist across the canal to this site.

Staff recommends pathway stubs are provided at the southern boundary of the site near the west and east boundaries of the site for future extension upon redevelopment of the properties to the south for pedestrian connectivity with adjacent developments.

- “Alleys and roadways should be used to transition from dissimilar land uses, and between residential densities and housing types.”

A 25-foot wide densely landscaped buffer and a driveway is proposed along the southern boundary of the site as a transition and buffer between existing rural residential properties and the proposed high-density multi-family residential development.

- “Because of the parcel configuration within Old Town, development is not subject to the Mixed-Use standards listed herein.”

The subject property is not located in Old Town; therefore, this item is not applicable.

In reviewing development applications, the following items will be considered in MU-R areas, per the Comprehensive Plan (pgs. 3-16 thru 3-17):

- Development should generally comply with the general guidelines for development in all Mixed-Use areas.

Staff's analysis on the proposed project's compliance with these guidelines is included above.

- Residential uses should comprise a minimum of 10% of the development area at gross densities ranging from 6 to 40 units/acre. There is neither a minimum nor maximum imposed on non-retail commercial uses such as office, clean industry, or entertainment uses.

The total development area consists of 29.7 acres; the multi-family residential portion consists of 15.94 acres, which is 53% of the site in accord with this guideline. Multi-family apartments are proposed at a gross density of 24.8 units/acre, which falls within the desired density range.

- Retail commercial uses should comprise a maximum of 50% of the development area.

A mix of non-residential commercial uses will be provided on 47% of the development area in accord with this guideline. Retail uses are expected to comprise only a small portion of the development.

Where the development proposes public and quasi-public uses to support the development, the developer may be eligible for additional area for retail development (beyond the allowed 50%),

based on the ratios below:

- For land that is designated for a public use, such as a library or school, the developer is eligible for a 2:1 bonus. That is to say, if there is a one-acre library site planned and dedicated, the project would be eligible for two additional acres of retail development.
- For active open space or passive recreation areas, such as a park, tot-lot, or playfield, the developer is eligible for a 2:1 bonus. That is to say, if the park is 10 acres in area, the site would be eligible for 20 additional acres of retail development.
- For plazas that are integrated into a retail project, the developer would be eligible for a 6:1 bonus. Such plazas should provide a focal point (such as a fountain, statue, and water feature), seating areas, and some weather protection. That would mean that by providing a half-acre plaza, the developer would be eligible for three additional acres of retail development.

This guideline is not applicable as no public/quasi-public uses are proposed in the MU-R designated area on this site.

Comprehensive Plan Policies: The following Comprehensive Plan Policies are applicable to this development:

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

City water and sewer service is available and can be extended by the developer with development in accord with UDC 11-3A-21. Urban services are available to be provided upon development.

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

The proposed commercial uses should be compatible with existing and future commercial uses to the west and the proposed residential apartments should be compatible with existing residential uses to the south.

- “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.” (3.06.02B)

The proposed mix of residential and office uses will provide opportunities to live and work in close proximity. The existing and planned office, retail and entertainment uses to the west will provide nearby shopping, work and play opportunities to enhance livability and sustainability.

- “Encourage the development of supportive commercial near employment areas.” (3.06.02C)

Ancillary retail uses may be provided in the proposed office buildings; no stand-alone retail uses are proposed on the site. However, retail/restaurant uses are anticipated in the multi-tenant building(s) within the development to the west.

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

The conceptual development plan depicts a pathway within the street buffer along I-84. The pedestrian plan included in Section VII.H depicts internal pedestrian walkways throughout

the site for safe and convenient access.

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

The proposed development will connect to City water and sewer systems; services are required to be provided to and though this development in accord with current City plans.

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

City water and sewer services are available to this site and can be extended by the developer with development in accord with UDC 11-3A-21. The emergency response times for Police Dept. and Fire Dept. meets the established goals.

- “Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.).” (3.07.01C)

A 50-foot wide landscaped street buffer is required to be provided along the northern boundary of the site on land that abuts I-84; noise mitigation is not required per UDC 11-3H-4D.

- “Evaluate the feasibility of annexing existing county enclaves and discourage the creation of additional enclaves.” (3.03.03I)

Excluding the outparcel (#S1116427890) along the northern boundary of the east portion of the site from the subject annexation and development plan will create a County enclave surrounded by City annexed land, which is not desired. Note: The Applicant is attempting to acquire this parcel.

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

Urban infrastructure is required to be provided with development in accord with UDC standards.

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

V. UNIFIED DEVELOPMENT CODE ANALYSIS (UDC)

A. Annexation:

The proposed annexation is for 25.76-acres of land with a C-G (General Retail and Service Commercial) zoning district. The proposed use of the property will include multi-family residential apartments and office uses. A multi-family development requires approval of a CUP in the C-G zoning district and is subject to the specific use standards for such listed in UDC 11-4-3-27; office uses are principally permitted in the C-G zoning district as are retail uses.

Staff recommended in the pre-application meeting to the Applicant that they request R-40 zoning for the multi-family portion of the development – they did not do so. The proposed use still requires approval of a CUP in the R-40 district; however, the R-40 zoning would more accurately reflect the land uses developed on the site when looking at the City’s zoning map. For this reason, Staff recommends the multi-family portion of the site is zoned R-40 instead of C-G; the remainder of the site should be zoned C-G as requested. With this

change, new legal descriptions and exhibit maps should be submitted prior to the City Council hearing. *Because the R-40 district is less intense than the C-G district, the project does not need to be re-noticed.*

The proposed C-G zoning and recommended R-40 zoning is consistent with the associated MU-R FLUM designation as are the proposed uses.

The property is contiguous to City annexed land and is within the City’s Area of City Impact boundary. A legal description and exhibit map of the overall annexation area is included in Section VIII.A.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. Because this site is part of a larger 90-acre overall development that includes the property to the west, Staff recommends that DA (Inst. #2019-037825 – Rackham) is amended to include this property and the provisions noted in Section VIII.A., To ensure future development is consistent with the Comprehensive Plan and with the development plan proposed with this application, Staff recommends a DA is required with this application, containing the provisions noted in Section VIII.A, as discussed herein.

B. Preliminary Plat:

The proposed plat is a re-subdivision of Lots 18 and 19, Block 1, Rackham Subdivision No. 1 and Lots 8-12, Block 2 and Lots 13-16, Block 1, Rolling Hill Subdivision. The proposed plat consists of two (2) multi-family residential building lots (i.e. Lots 1-2, Block 1) and six (6) commercial building lots (i.e. Lots 3-8, Block 1) on 29.7 acres of land and is proposed to be developed in one phase. *Note: The Applicant anticipates that many of the commercial lots will be consolidated or realigned at the time of final plat as users determine precise site area requirements.*

Staff recommends the property is subdivided prior to application for any building permits for the site; or, the existing PUDI easements and right-of-way for S. Rolling Hill Dr. may be vacated and a property boundary adjustment application approved to consolidate the existing lots into one (1) parcel. Either method should be done prior to submittal of applications for building permits.

Note: There is a 14-foot wide sliver of land (Parcel #S1116427890) that exists to the north of the eastern portion of Lot 6 and Lots 7 and 8 that is not included in the proposed subdivision (see preliminary plat exhibit in Section VII.B). It appears to previously have been part of the right-of-way (ROW) for I-84 that was sold off as surplus ROW. It was not included as part of the adjacent building lots in the Rolling Hill Subdivision plat in 1968; therefore, Staff determines it to be an original parcel of record as defined in UDC 11-1A-1. As such, the subject property is deemed to be eligible for development without that parcel. However, Staff strongly urges the Applicant pursue obtaining the parcel and include it in this development; otherwise, there will be an undeveloped enclave with County zoning surrounded by City annexed land with no access and likely no maintenance of the property. Ideally, it would be included in the subject annexation and preliminary plat application, which would require re-noticing and a continuance of the hearing – Staff has suggested this to the Applicant but they wish to proceed without it as they continue trying to acquire the property. Since it is not included with this application, the applicant will have to submit a subsequent AZ application to the City for review and approval.

Existing Structures/Site Improvements:

There are no existing structures on this site; the previous homes and accessory structures have been removed.

Dimensional Standards:

Development of the proposed lots is required to comply with the dimensional standards of the C-G and R-40 zoning districts in UDC Tables [11-2B-3](#) and [11-2A-8](#).

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

Development of the subdivision is required to comply with the subdivision design and improvement standards listed in UDC 11-6C-3.

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

Access to the site exists via S. Rolling Hill Dr., a local public street that currently extends from E. Overland Rd. to the south and runs through this site to the north boundary; this street will ultimately stub at the south boundary and may be restricted to emergency access only. **The portion of Rolling Hill north of the southern boundary of the site is required to be vacated prior to signature on the final plat.**

Rolling Hills Dr. is not improved to urban standards (i.e. it's narrow, lacks street lights and doesn't have curb, gutter or sidewalk). Two (2) driveway accesses are proposed to be extended from the commercial property to the west for access via S. Silverstone Way from E. Overland Rd. ACHD has requested the Applicant submit an updated analysis to Staff for the intersection of Silverstone Way/Overland Rd. to see if the intersection can handle all of the traffic for this development if Rolling Hill Dr. is restricted to emergency access only. If so, ACHD will not require additional off-site improvements to Rolling Hill Dr. Cross-access/ingress-egress easements should be provided between all lots in the subdivision as well as to the properties to the west (Parcel # R7319432000 & R7319431900) via a note on the final plat or a separate recorded easement in accord with UDC [11-3A-3A.2](#).

Road Improvements: The intersection of Overland Rd. & Eagle Rd. is scheduled in the CIP to be widened to 7-lanes on the north and south legs, and 8-lanes on the east & west legs, and reconstructed/signalized in the future. The design year is listed as 2025 in the IFYWP and is listed to be improved between 2031 and 2035. Overland Rd. is listed in the CIP to be widened to 7-lanes from Eagle Rd. to Cloverdale Rd. between 2036 and 2040 and is listed as unfunded. The intersection of Cloverdale Rd. & Overland Rd. is listed in the CIP to be widened to 7-lanes on the north & south legs and 8-lanes on the east & west legs and signalized between 2026 and 2030.

If Rolling Hill Dr. isn't restricted to emergency access only, ACHD is requiring will likely require the following improvements for Rolling Hill Dr.: restriction to right-in/right-out only; construction of passive traffic calming measures; improvement with 24-feet of pavement, 3-foot wide gravel shoulders and a 6-foot wide concrete sidewalk on one side of the street within existing right-of-way; and construction of a mini roundabout at the terminus. The segment of Rolling Hill Dr. within the site is required to be vacated. See ACHD's staff report in Section VIII.I for more information.

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

There are no pathways depicted on the Pathways Master Plan for this site. **Staff recommends internal pedestrian walkways are provided throughout the site for interconnectivity; where pedestrian walkways cross vehicular use areas they should be distinguished through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4.**

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

There are no public streets proposed within this site; therefore, sidewalks are not required. Sidewalks are not required along I-84; however, a pathway is proposed within the buffer. **ACHD is requiring a sidewalk to be constructed off-site along one side of S. Rolling Hill Dr. with development of this site.**

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

A 50-foot wide street buffer is required on Lots 3-6 along the north boundary of the site adjacent to I-84 per UDC [Table 11-2B-3](#), landscaped per the standards listed in UDC [11-3B-7C](#). The buffer depicted on the landscape plan complies with this standard. The street buffer is required to be maintained by the property owner or business owners' association per UDC [11-3B-7C.2b](#) and should be depicted on the plat in a common lot or permanent dedicated buffer.

Landscaping is required adjacent to the pathway proposed along the northern boundary of the site in accord with the standards listed in UDC [11-3B-12C](#). **A 5-foot wide landscape strip is required on both sides of the pathway planted with a mix of trees, shrubs, lawn and/or other vegetative ground cover.**

Storm Drainage:

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction is required to follow Best Management Practices as adopted by the City. The Applicant submitted a [Geotechnical Engineering Report](#) for the subdivision. Stormwater integration is required in accord with the standards listed in UDC [11-3B-11C](#).

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

Underground pressurized irrigation water is required to be provided for each and every lot in the subdivision as required in UDC 11-3A-15. This property lies within the Nampa-Meridian Irrigation District boundary.

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

Utilities are required to be provided to the subdivision as required in UDC 11-3A-21. **Staff recommends street lights are installed along S. Rolling Hill Dr. in accord with the City's adopted standards, specifications and ordinances in accord with UDC [11-3A-21](#).**

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

The Ridenbaugh Canal is a large open waterway that lies within a 100-foot wide NMID easement (50 feet on each side) along the east boundary of the site. **The Applicant requests approval from City Council of a waiver to UDC 11-3A-6B, which requires canals to be piped when not used as a water amenity or linear open space as defined in UDC 11-1A-1, to leave the canal open due to its large capacity. Council may grant a waiver if it finds that the public purpose requiring such will not be served and public safety can be preserved.** In order to ensure public safety can be preserved if the canal is approved to be left open, the Applicant proposes to construct a 6-foot tall open vision (wrought iron) fence along the eastern boundary of the site at the edge of the irrigation easement.

This project is not within the flood plain.

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

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is not depicted on the landscape plan; however, a 6-foot tall open vision wrought iron fence is proposed along the Ridenbaugh Canal to preserve public safety if Council approves a waiver to allow it to remain open and not be piped.

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

Conceptual building elevations were submitted for the future 5-story office buildings, 4-story multi-family residential buildings, leasing and fitness buildings as shown in Section VII.I. **Final design must comply with the design standards in the Architectural Standards Manual.**

C. Conditional Use Permit (CUP):

A CUP is requested for a multi-family development consisting of 396-units in four (4) 4-story buildings on 15.94 acres of land in the proposed C-G zoning district. Unit types consist of 48 studio, 196 1-bedroom and 152 2-bedroom units. The proposed gross density of the development is 24.8 units per acre, which is consistent with that desired in MU-R designated areas. *Note: Staff is recommending R-40 zoning, instead of C-G, for the multi-family residential portion of the development.*

Specific Use Standards (UDC 11-4-3-27):

The proposed use is subject to the following standards: *(Staff's analysis/comments in italic text)*

11-4-3-27: MULTI-FAMILY DEVELOPMENT:

Site Design:

1. Buildings shall provide a minimum setback of ten feet (10') unless a greater setback is otherwise required by this title and/or [title 10](#) of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *Staff is unable to determine if the buildings depicted on the concept plan meet the minimum setback standard. The site plan submitted with the Certificate of Zoning Compliance application should clearly depict the property lines in order to determine compliance with this standard.*
2. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street. *The plans submitted with the Certificate of Zoning Compliance application should demonstrate compliance with this standard.*
3. A minimum of eighty (80) square feet of private, usable open space shall be provided for each unit. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Landscaping, entryway and other access ways shall not count toward this requirement. In circumstances where strict adherence to such standard would create inconsistency with the purpose statements of this section, the Director may consider an alternative design proposal through the alternative compliance provisions as set forth in section [11-5B-5](#) of this title.

Alternative Compliance is requested to this standard to allow zero (0) for studio units (0% of the standard), 54-60 square feet (s.f.) for 1-bedroom units (67.5%-75% of the standard) and 58-85 s.f. for 2-bedroom units (68%-106% of the standard). The Applicant's justification for the request is that the extraordinary site amenities proposed coupled with innovative, new urban design with an emphasis on integrated, internal open space, facilities, form the basis of the request in lieu of the standard. The Director is of the opinion that the requested reduction is too much for this site. As an alternative, the Director approves a 20% reduction (i.e. 64 square feet) for the reasons offered by the Applicant as justification for the reduction.

The Applicant requests City Council review ([CR-2022-0001](#)) of the Director's decision in this matter as they feel their request is warranted based on, "the extraordinary site amenities that are proposed for the site, the unit type and mix, and the innovative and integrated design of the internal open space." City Council should make a determination on this request with the subject CUP application. If the action of the Director is upheld, the City Council's decision should state the reasons for the decision as set forth in UDC [11-5A-7D.1b](#).

4. For the purposes of this section, vehicular circulation areas, parking areas, and private usable open space shall not be considered common open space. *These areas were not included in the common open space calculations for the site.*
5. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area. *The Applicant should comply with this requirement.*
6. The parking shall meet the requirements set forth in [chapter 3](#), "Regulations Applying to All Districts", of this title. *The proposed parking meets and exceeds UDC standards (see parking analysis below).*
7. Developments with twenty (20) units or more shall provide the following:
 - a. A property management office.
 - b. A maintenance storage area.
 - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access.
 - d. A directory and map of the development at an entrance or convenient location for those entering the development. (Ord. 18-1773, 4-24-2018)

These items should be depicted on the site plan submitted with the Certificate of Zoning Compliance application.

C. Common Open Space Design Requirements:

1. A minimum area of outdoor common open space shall be provided as follows:
 - a. One hundred fifty (150) square feet for each unit containing five hundred (500) or less square feet of living area. *All units contain more than 500 square feet of living area.*
 - b. Two hundred fifty (250) square feet for each unit containing more than five hundred (500) square feet and up to one thousand two hundred (1,200) square feet of living area. *All 396 units contain between 500 and 1,200 square feet of living area.*
 - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *None of the units exceed 1,200 square feet of living area.*

At a minimum, a total of 99,000 s.f. (or 2.27 acres) of outdoor common open space is required to be provided in the proposed development. A total of 3.49 acres is proposed consisting of street/driveway buffers, area around leasing building, landscaped areas in parking lot and amenity areas, in excess of the minimum requirement as shown on the exhibit in Section VII.G.

2. Common open space shall be not less than four hundred (400) square feet in area, and shall have a minimum length and width dimension of twenty feet (20'). *All of the common open space areas depicted on the open space exhibit in Section VII.G meet this requirement.*
3. In phased developments, common open space shall be provided in each phase of the development consistent with the requirements for the size and number of dwelling units. *This project is proposed to develop in two phases. The first phase will consist of the west two buildings along with their associated garages and carports, the west courtyard amenities, the leasing office and the fitness building. The second phase will consist of the*

east two residential buildings along with their associated garages and carports, and the east courtyard amenities (see phasing plan in Section VII.E).

4. Unless otherwise approved through the conditional use process, common open space areas shall not be adjacent to collector or arterial streets unless separated from the street by a berm or constructed barrier at least four feet (4') in height, with breaks in the berm or barrier to allow for pedestrian access. (Ord. 09-1394, 3-3-2009, eff. retroactive to 2-4-2009) *None of the common open space areas are located adjacent to a collector or arterial street.*
- D. Site Development Amenities:
1. All multi-family developments shall provide for quality of life, open space and recreation amenities to meet the particular needs of the residents as follows:
 - a. Quality of life:
 - (1) Clubhouse.
 - (2) Fitness facilities.
 - (3) Enclosed bike storage.
 - (4) Public art such as a statue.
 - b. Open space:
 - (1) Open grassy area of at least fifty by one hundred feet (50 x 100') in size.
 - (2) Community garden.
 - (3) Ponds or water features.
 - (4) Plaza.
 - c. Recreation:
 - (1) Pool.
 - (2) Walking trails.
 - (3) Children's play structures.
 - (4) Sports courts.
 2. The number of amenities shall depend on the size of multi-family development as follows:
 - a. For multi-family developments with less than twenty (20) units, two (2) amenities shall be provided from two (2) separate categories.
 - b. For multi-family development between twenty (20) and seventy-five (75) units, three (3) amenities shall be provided, with one from each category.
 - c. For multi-family development with seventy-five (75) units or more, four (4) amenities shall be provided, with at least one from each category.
 - d. For multi-family developments with more than one hundred (100) units, the decision-making body shall require additional amenities commensurate to the size of the proposed development.

- 3. The decision-making body shall be authorized to consider other improvements in addition to those provided under this subsection D, provided that these improvements provide a similar level of amenity. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

Based on 396-units, a minimum of 5 amenities are required but the decision-making body is authorized to consider additional similar amenities if they believe the proposed amenities aren't adequate for the size of the development.

Amenities are proposed from each of the three categories in excess of the minimum standards (see list and exhibit in Section VII.G). Amenities include several outdoor sport courts/games (snook ball, cornhole boards, bocce ball, ping pong table, volleyball), open grassy areas at least 50' x 100' in size, walking trails, a swimming pool, a clubhouse with a fitness facility, kitchen and lounge, shade structures with seating and outdoor seating around a fire table.

E. Landscaping Requirements:

- 1. Development shall meet the minimum landscaping requirements in accord with [chapter 3](#), "Regulations Applying to All Districts", of this title.
- 2. All street facing elevations shall have landscaping along their foundation. The foundation landscaping shall meet the following minimum standards:
 - a. The landscaped area shall be at least three feet (3') wide.
 - b. For every three (3) linear feet of foundation, an evergreen shrub having a minimum mature height of twenty-four inches (24") shall be planted.
 - c. Ground cover plants shall be planted in the remainder of the landscaped area.

The landscape plan submitted with the Certificate of Zoning Compliance application should depict landscaping on all elevations facing the private drives in accord with these standards.

- F. Maintenance and Ownership Responsibilities: All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features. ***The Applicant shall comply with this requirement.***

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

Street buffer landscaping is required to be provided with the subdivision improvements as noted above in Section V.B.

Landscaping is required to be provided along all pathways per the standards listed in UDC [11-3B-12C](#). **A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway.**

A minimum 25-foot wide buffer to residential uses is required with development along the southern boundary of the site per UDC Table 11-2B-3, landscaped per the standards in UDC 11-3B-9C, which requires a mix of evergreen and deciduous trees, shrubs, lawn, or other vegetative ground cover. **The buffer depicted on the landscape plan needs to be widened and additional landscaping depicted in accord with these standards.**

Parking: Off-street vehicle parking is required for the proposed multi-family dwellings as set forth in UDC Table [11-3C-6](#). The UDC standards applicable to this application do not include minimum parking standards for studio units; the code has since been updated (on 10/5/21) to require one (1) space per studio unit. The Applicant has requested alternative compliance to allow the parking standards for vertically integrated residential to apply. Because one (1) space is

required for vertically integrated residential uses, which is the same as the current code for studio units, the Director finds this request acceptable and grants the request.

Based on 48 studio, 196 1-bedroom units and 152 2-bedroom units, a minimum of ~~570~~ 646 off-street spaces are required with ~~396~~ 348 of those being in a covered carport or garage. Off-street parking is required for the clubhouse as set forth in UDC 11-3C-6B.1 for non-residential uses. Based on 6,952 square feet, a minimum of 14 spaces are required to be provided. Overall, a *minimum* of ~~584~~ 660 standard parking spaces are required.

A total of ~~651~~ 651 off-street spaces are proposed on-site with ~~391~~ 398 of those being covered in garages (88 90)/carports (303 308); another 20 on-street spaces are proposed on the updated site plan along the future private street along the north boundary – these spaces can serve as guest parking but do not count toward the “off-street” parking requirement, ~~which includes compact spaces; compact stalls are discouraged but may be used for parking above the number of required parking spaces.~~ **Additional parking (5 spaces) should be provided to meet the minimum standards; the site/landscape plan submitted with the Certificate of Zoning Compliance application should be revised to reflect compliance.** *Note: The calculations on the landscape plan state 651 spaces are proposed, which differs from that on the site plan.*

Bicycle parking is required per the standards listed in UDC [11-3C-6G](#) and should comply with the standards listed in UDC [11-3C-5C](#). **Based on 651 spaces, a minimum of 26 spaces are required. Bike racks should be provided in central locations for each building.**

Alternative Compliance (ALT) is also requested to UDC 11-3A-19B.3, which requires no more than 50% of the total off-street parking area for the site to be located between building facades and abutting streets, to be allowed due the site design which enhances usable site amenities by placing them internal to the development with parking mostly on the periphery of the site. Because the parking areas on the east and west sides of the site are screened by garages and there is only one drive aisle with parking on each side on the north and south sides of the site and internal parking between the structures, leaving less than 50% of the off-street parking visible from the abutting street/driveway. Staff is of the opinion the site design complies with UDC standards without approval of ALT.

Fencing: No fencing is depicted on the landscape plan for this development. A 6-foot tall open vision wrought iron fence is proposed along the Ridenbaugh canal to preserve public safety if Council approves a waiver to allow the canal to remain open and not be piped.

As an added buffer to the two adjacent rural residential properties to the south in Rolling Hill Subdivision, Staff recommends a 6-foot tall sight obscuring fence or wall is constructed along the southern boundary of the site.

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

Conceptual building elevations were submitted for the proposed 4-story multi-family residential buildings, leasing and fitness buildings as shown in Section VII.I. Final design must comply with the design standards in the Architectural Standards Manual. **A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the site and building design prior to submittal of building permit applications.**

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation with the requirement of a development agreement, preliminary plat and conditional use permit with the provisions noted in Section VIII, per the Findings in Section IX.

- B. The Meridian Planning & Zoning Commission heard these items on December 2, 2021 and January 6, 2022. At the public hearing on January 6th, the Commission moved to recommend approval of the subject AZ, PP and CUP requests.
1. Summary of Commission public hearing:
 - a. In favor: Jon Wardle, Brighton Corp. (Applicant's Representative); Geoffrey Wardle
 - b. In opposition: None
 - c. Commenting: Alicia Eastman, Mike Blowers, Amy Wattles, Chris Majorca, Lynette Adsitt, Matt Adsitt, Chris Maiocca, Pam Haynes
 - d. Written testimony: Pam Haynes
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: Bill Parsons
 2. Key issue(s) of public testimony:
 - a. Concern pertaining to high volume of traffic this project will generate on S. Rolling Hill Dr. (commercial traffic through a residential neighborhood) – request for bollards to be installed at the terminus of Rolling Hill Dr. at the southern boundary of this site that would block off traffic but that would provide emergency access to the site;
 - b. Concern pertaining to construction traffic using S. Rolling Hill Dr. to access the site;
 - c. Against proposed development due to loss of current lifestyle (livestock and effects to them from noise and traffic);
 - d. The Applicant committed to limiting construction traffic via S. Rolling Hill Dr. and making Silverstone Way the primary access;
 - e. Concern pertaining to location of wells along Rolling Hill Dr. and impact on such if improvements to Rolling Hill Dr. are required.
 3. Key issue(s) of discussion by Commission:
 - a. Concern pertaining to generation of traffic from this development on S. Rolling Hill Dr. and lack of urban improvements on Rolling Hill Dr.; possibility of restricting public access for the site via S. Rolling Hill Dr. for the development;
 - b. Desire for the sliver of land along the northern boundary of the site (Parcel #S1116427890) to be included in the annexation and preliminary plat boundary so as not to create an enclave surrounded by City annexed land and an access easement to be provided to that property for maintenance purposes;
 - c. Need for additional off-street parking to be provided on the site in accord with UDC standards and possibility of a shared parking agreement with the adjacent property to the north as an alternative to on-site parking;
 4. Commission change(s) to Staff recommendation:
 - a. Include a condition for construction traffic for the proposed development to access the site from the west via Silverstone Way rather than from S. Rolling Hill Dr. as committed to by the Applicant (see condition #VIII.A.1h);
 - b. Requirement for the Applicant to submit a copy of the purchase agreement for the out-parcel at the north boundary in lieu of granting an access easement to that property (see condition #VIII.A.2a).
 5. Outstanding issue(s) for City Council:
 - a. The Commission requested the study of the Overland/Silverstone intersection with respect to sole access to the site from Silverstone be completed and reviewed by ACHD prior to the City Council hearing. This was completed and reviewed by ACHD with the following findings: The analysis and original study show that the intersection will operate exceeding level of service thresholds with & without the additional traffic from this development. ACHD is supportive of restricting Rolling Hill Dr. to emergency access only with this development since this intersection mainly serves the Rackham/ICCU development, this development is part of the overall Rackham

- development area and the applicant understands the impacts of this additional traffic. Currently, there is not enough existing right-of-way at Silverstone Way/Overland Road intersection for additional improvements.
- b. The Applicant requests a new DA is required with the proposed annexation rather than an amendment to the existing DA as recommended initially – Staff is amenable to this request.
 - c. The Applicant submitted a request for City Council review of the Director’s decision on the request for alternative compliance to the private usable open space standards listed in UDC 11-4-3-27B.3.
 - d. A waiver to UDC 11-3A-6B is requested to allow the Ridenbaugh Canal along the east boundary of the site to remain open and not be piped. A 6-foot tall open vision wrought iron fence is proposed along the canal to preserve public safety.
- C. The Meridian City Council heard these items on February 8, 2022. At the public hearing, the Council moved to approve the subject AZ, PP, CUP and CR requests.
1. Summary of the City Council public hearing:
 - a. In favor: Jon Wardle, Brighton Corp. (Applicant’s Representative)
 - b. In opposition: None
 - c. Commenting: Michael Blowers, Amy Wattles, Pam Haynes
 - d. Written testimony: Chris Maiocca, Michael Blowers
 - e. Staff presenting application: Caleb Hood
 - f. Other Staff commenting on application: None
 2. Key issue(s) of public testimony:
 - a. Request for Rolling Hill Dr. to be used as an emergency access only for the development;
 - b. Ongoing issues with construction traffic using Rolling Hill Dr.;
 - c. Concern with where the cul-de-sac planned at the end of Rolling Hill Dr. will be placed and doesn’t want traffic turning around in her driveway (Pam Haynes);
 - d. Applicant committed to closing Rolling Hill Dr. access to the site as soon as possible.
 3. Key issue(s) of discussion by City Council:
 - a. The Applicant’s request for City Council review of the Director’s decision in regard to the private usable open space required by UDC 11-4-3-27B.3;
 - b. Adequacy of transition in uses between proposed development and existing rural residential uses;
 - c. Annexation of the out-parcel into the City once it’s acquired by the developer and setting a time limit of one (1) year in which it should be annexed;
 - d. Annexation of the multi-family portion of the development with R-40 rather than C-G zoning as recommended by Staff and agreed upon by the Applicant;
 - e. Integration of uses and pedestrian connectivity within the development and the great expanse of parking between the multi-family and office uses;
 - f. Long-term planning in regard to emergency access only to the site via Rolling Hill Dr. and when/if it would be re-opened for public access if properties to the south begin redeveloping;
 - g. Concern pertaining to the high volume of traffic on Silverstone that will be generated from this development and traffic backing up at the signal if it’s the only access for the site;
 - h. Concern if Rolling Hill Dr. is closed for public access to the site, how it will get re-opened at some point in the future;
 - i. Shortage of on-site parking for the multi-family development; availability of overflow parking in the office-portion of the development;

- j. Desire for a parking garage to be provided within the commercial portion of the development;
- k. Impact of proposed development on area schools – Council not very concerned.
- 4. City Council change(s) to Commission recommendation:
 - a. The Council approved a waiver to allow the Ridenbaugh canal to remain open & not be piped with construction of a 6' tall open vision wrought iron fence along the canal to preserve public safety;
 - b. The Council approved the Applicant's request for City Council review of the Director's decision pertaining to the private usable open space to allow the amount originally requested;
 - c. At Staff's request, Council required the Applicant to enter into a new DA for the project rather than amend the existing DA as originally required;
 - d. Council required a DA provision requiring the out-parcel sliver of land along the northern boundary of the site to be annexed within one (1) year of recordation of the DA (the western C-G zoned portion of the multi-family development should be rezoned to R-40 at the same time);
 - e. Council required Rolling Hill Dr. to be used as emergency access only for the site and be closed for public access to the site as committed to and presented;
 - f. Council approved the proposed parking without requiring additional spaces to be provided.

VII. EXHIBITS

A. Annexation Legal Description & Exhibit Map



February 8, 2022
Project No. 20-219

Exhibit A
Legal Description for Annexation
Eagle View Landing

A parcel of land being Lots 13 through 16, Block 1, Lots 8 through 12, Block 2 of Rolling Hill Subdivision (Book 18 of Plats at Page 1,202, records of Ada County, Idaho) and unplatted land situated in a portion of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 3 North, Range 1 East, B.M., Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the Center 1/4 corner of said Section 16, which bears N00°05'15"W a distance of 2,653.59 feet from a brass cap marking the South 1/4 corner of said Section 16, thence following the westerly line of said Northwest 1/4 of the Southeast 1/4, S00°05'15"E a distance of 227.22 feet to a 5/8-inch rebar on the southerly right-of-way line of Interstate 84 and being the POINT OF BEGINNING.

Thence leaving said westerly line and following said southerly right-of-way line, S89°34'32"E a distance of 672.76 feet;

Thence leaving said southerly right-of-way line, S00°00'07"E a distance of 14.37 feet;

Thence S89°15'23"E a distance of 478.72 feet to the westerly boundary of Ironwood Subdivision No. 3 (Book 77 of Plats at Page 8,098, records of Ada County, Idaho) and the centerline of the Ridenbaugh Canal;

Thence following said westerly boundary and said centerline the following two (2) courses:

1. S12°52'54"W a distance of 489.50 feet;
2. S14°05'22"W a distance of 627.49 feet to a 5/8-inch rebar on the southerly line of said Northwest 1/4 of the Southeast 1/4;

Thence leaving said westerly boundary and said centerline and following said southerly line, N89°14'19"W a distance of 887.95 feet to the Southwest corner of said Northwest 1/4 of the Southeast 1/4 (Center-South 1/16 corner);

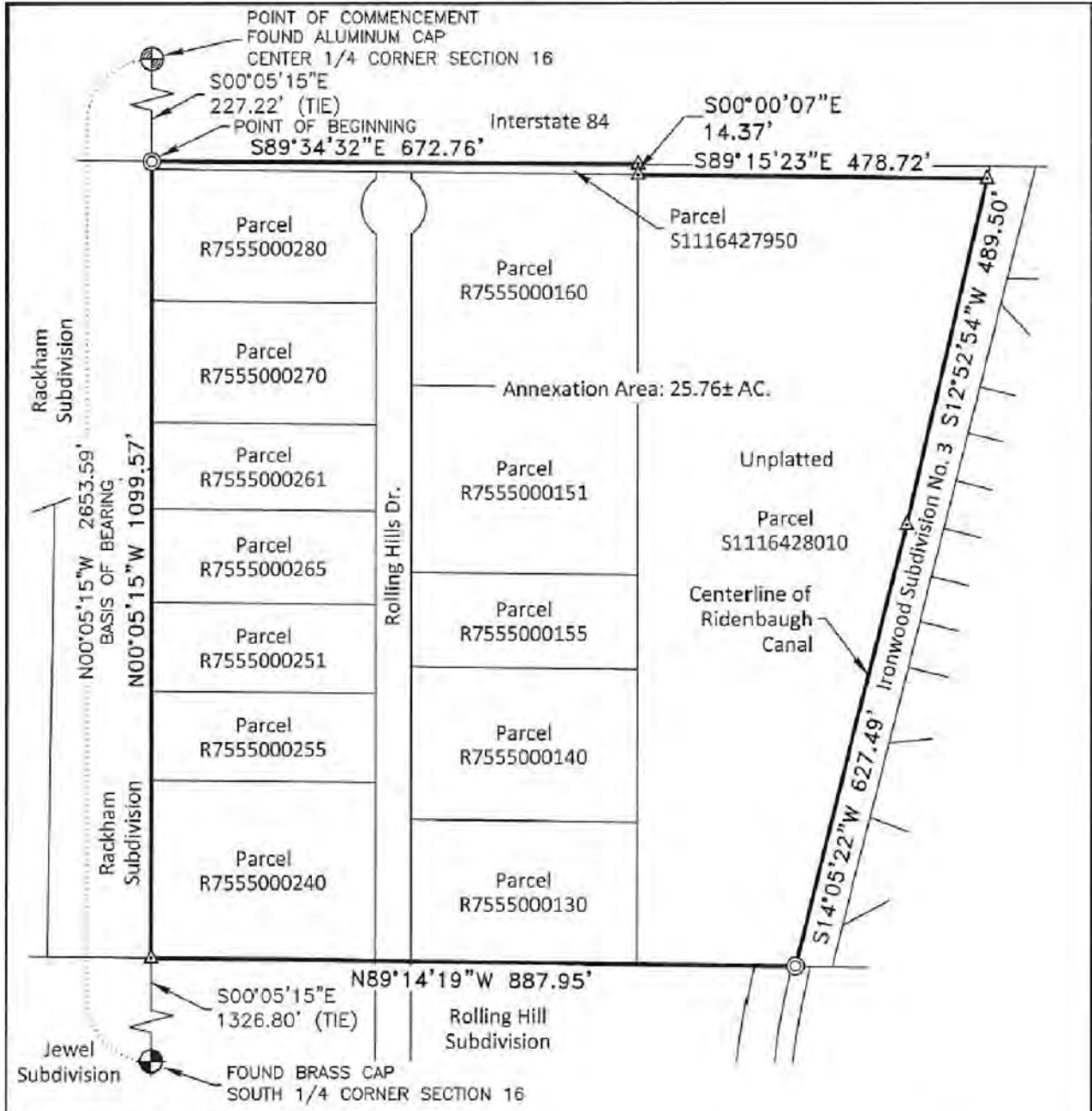
Thence leaving said southerly line and following the westerly line of said Northwest 1/4 of the Southeast 1/4, N00°05'15"W a distance of 1099.57 feet to the POINT OF BEGINNING.

Said parcel contains a total of 25.76 acres, more or less.

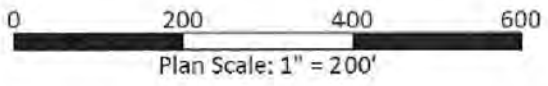
Attached hereto is Exhibit B and by this reference is made a part hereof.



5725 North Discovery Way • Boise, Idaho 83713 • 208.639.6939 • kmengllp.com



km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmenglp.com



DATE:	February 2022
PROJECT:	20-219
SHEET:	1 OF 1

**Exhibit B - Annexation
Eagle View Landing**

Lots 13-16, Block 1, Lots 8-12, Block 2 and unplatted land in a portion of the NW 1/4 of the SE 1/4 of Sec. 16, T3N., R1E., B.M., Ada County, Idaho



February 8, 2022
Project No. 20-219

Exhibit A
Legal Description for Rezone to C-G
Eagle View Landing

A parcel of land being Lot 16, a portion of Lot 15, Block 1, Lots 11 through 12, a portion of Lot 10, Block 2 of Rolling Hill Subdivision (Book 18 of Plats at Page 1,202, records of Ada County, Idaho) and unplatted land situated in a portion of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 3 North, Range 1 East, B.M., Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the Center 1/4 corner of said Section 16, which bears N00°05'15"W a distance of 2,653.59 feet from a brass cap marking the South 1/4 corner of said Section 16, thence following the westerly line of said Northwest 1/4 of the Southeast 1/4, S00°05'15"E a distance of 227.22 feet to a 5/8-inch rebar on the southerly right-of-way line of Interstate 84 and being the **POINT OF BEGINNING**.

Thence leaving said westerly line and following said southerly right-of-way line, S89°34'32"E a distance of 672.76 feet;

Thence leaving said southerly right-of-way line, S00°00'07"E a distance of 14.37 feet;

Thence S89°15'23"E a distance of 478.72 feet to the westerly boundary of Ironwood Subdivision No. 3 (Book 77 of Plats at Page 8,098, records of Ada County, Idaho) and the centerline of the Ridenbaugh Canal;

Thence following said westerly boundary and said centerline the following two (2) courses:

1. S12°52'54"W a distance of 489.50 feet;
2. S14°05'22"W a distance of 62.66 feet;

Thence leaving said westerly boundary and said centerline, N89°54'38"W a distance of 619.66 feet;

Thence N89°52'56"W a distance of 239.55 feet;

Thence 153.33 feet along the arc of a curve to the right, said curve having a radius of 339.50 feet, a delta angle of 25°52'36", a chord bearing of N75°27'32"W and a chord distance of 152.03 feet;

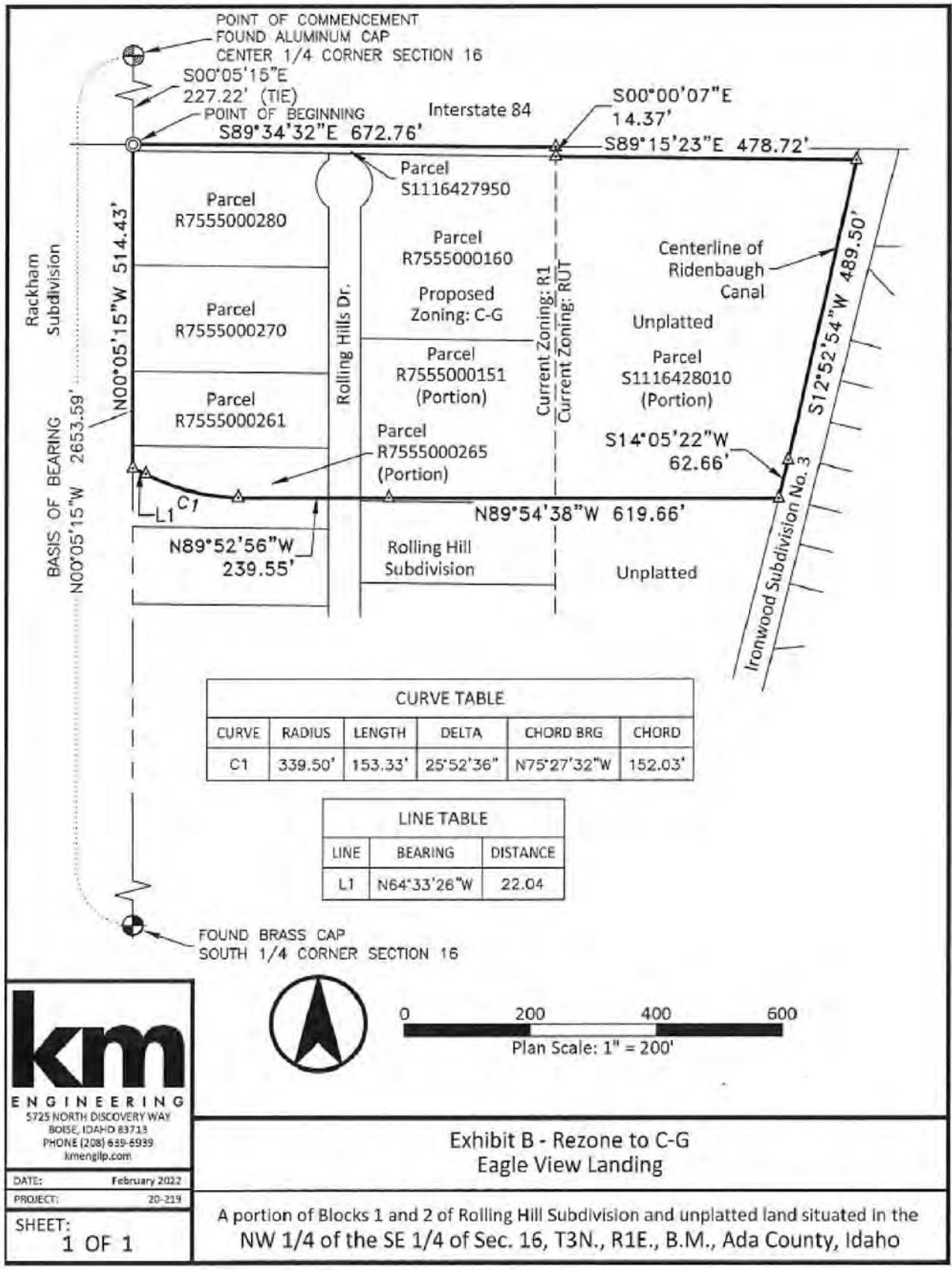
Thence N64°33'26"W a distance of 22.04 feet to the westerly line of said Northwest 1/4 of the Southeast 1/4;

Thence following said westerly line, N00°05'15"W a distance of 514.43 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 13.76 acres, more or less.

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





km
ENGINEERING
5725 NORTH DISCOVERY WAY
BOISE, IDAHO 83713
PHONE (208) 639-6939
kmengllp.com

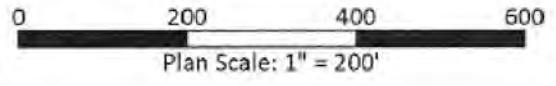


Exhibit B - Rezone to C-G
Eagle View Landing

DATE: February 2022
PROJECT: 20-219
SHEET: 1 OF 1

A portion of Blocks 1 and 2 of Rolling Hill Subdivision and unplatted land situated in the NW 1/4 of the SE 1/4 of Sec. 16, T3N., R1E., B.M., Ada County, Idaho



February 14, 2022
Project No. 20-219A

Exhibit A
Legal Description for Rezone to R-40
Eagle View Apartments

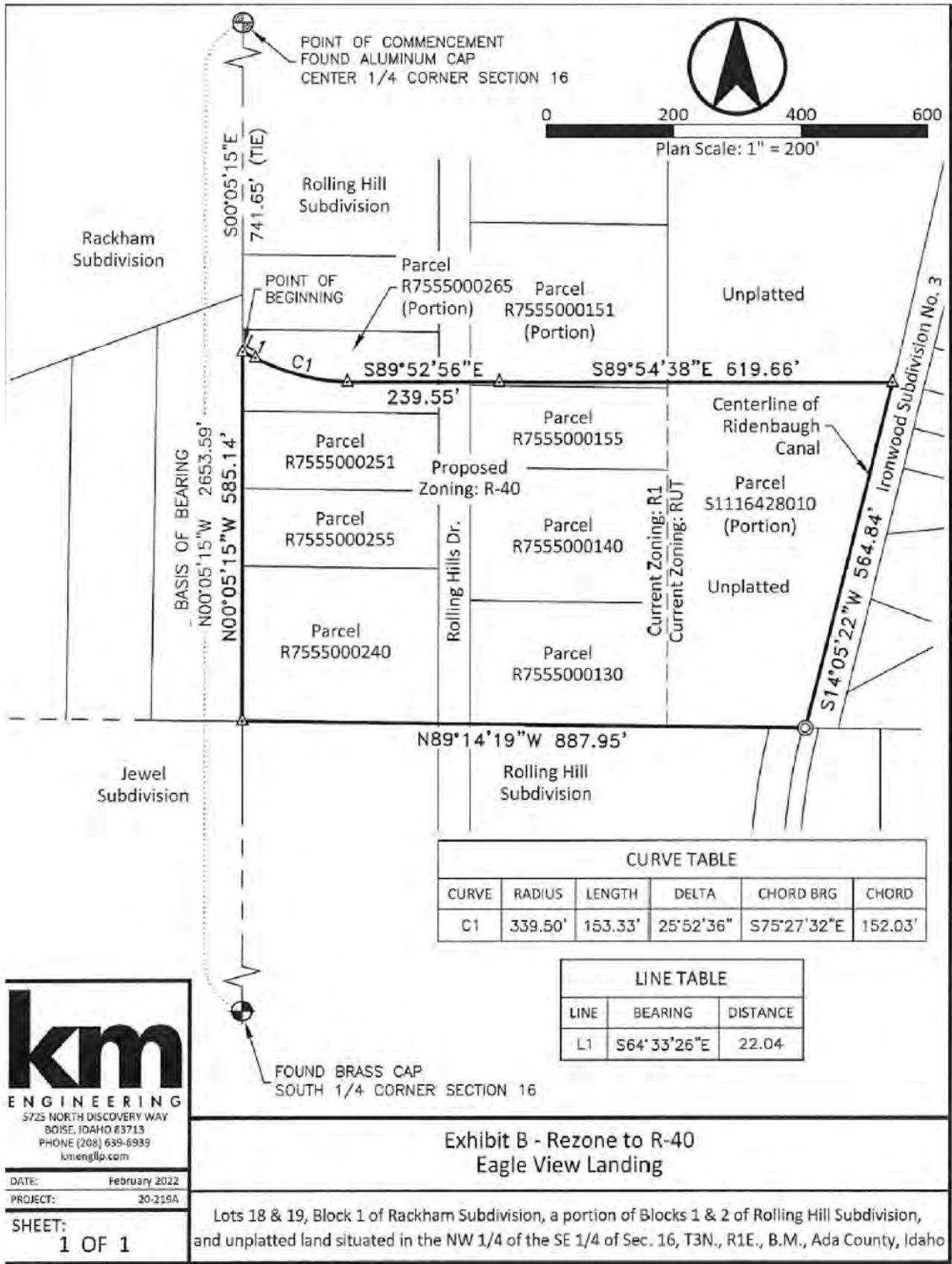
A parcel of land being Lots 13 through 14, a portion of Lot 15, Block 1, Lots 8 through 9, a portion of Lot 10, Block 2 of Rolling Hill Subdivision (Book 18 of Plats at Page 1,202, records of Ada County, Idaho), and unplatted land all situated in a portion of the Northwest 1/4 of the Southeast 1/4 of Section 16, Township 3 North, Range 1 East, B.M., Ada County, Idaho being more particularly described as follows:

Commencing at an aluminum cap marking the Center 1/4 corner of said Section 16, which bears N00°05'15"W a distance of 2,653.59 feet from a brass cap marking the South 1/4 corner of said Section 16; thence following the westerly line of said Northwest 1/4 of the Southeast 1/4, 500°05'15"E a distance of 741.65 feet to the **POINT OF BEGINNING**.

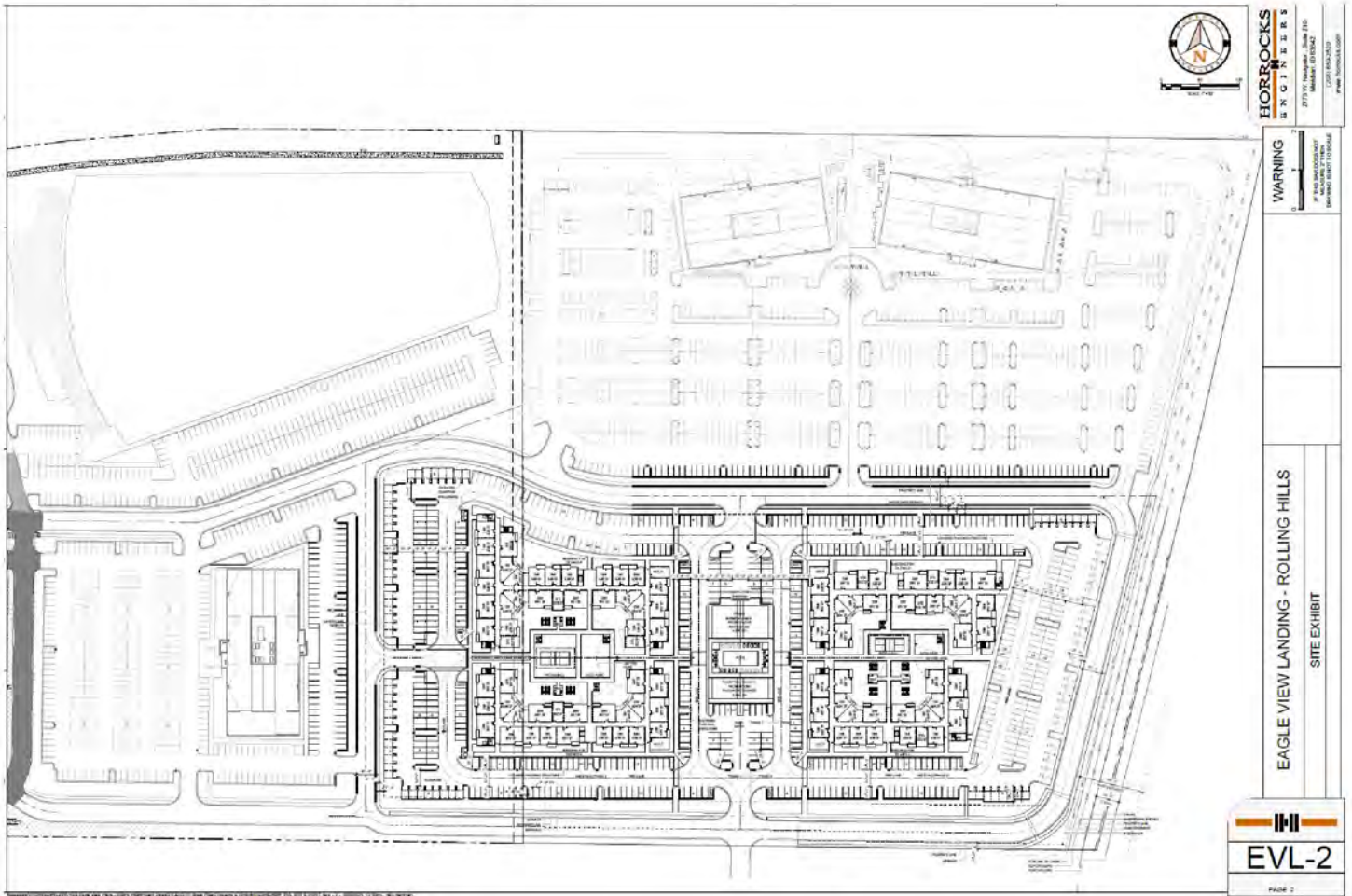
Thence leaving said westerly line, S64°33'26"E a distance of 22.04 feet;
Thence 153.33 feet along the arc of a circular curve to the left, said curve having a radius of 339.50 feet, a delta angle of 25°52'36", a chord bearing of S75°27'32"E, and a chord distance of 152.03 feet;
Thence S89°52'56"E a distance of 239.55 feet;
Thence S89°54'38"E a distance of 619.66 feet to the westerly boundary of Ironwood Subdivision No. 3 (Book 77 at Page 8,098, records of Ada County, Idaho) and the centerline of the Ridenbaugh Canal;
Thence following said westerly boundary and said centerline, S14°05'22"W a distance of 564.84 feet to a found 5/8-inch rebar on the southerly line of said Northwest 1/4 of the Southeast 1/4;
Thence leaving said westerly line and said centerline and following said southerly line, N89°14'19"W a distance of 887.95 feet to the Southwest corner of said Northwest 1/4 of the Southeast 1/4 (Center-South 1/16 corner);
Thence leaving said southerly line and following the westerly line of said Northwest 1/4 of the Southeast 1/4, N00°05'15"W a distance of 585.14 feet to the **POINT OF BEGINNING**.

Said parcel contains a total of 12.00 acres, more or less.






D. Conceptual Development Plan



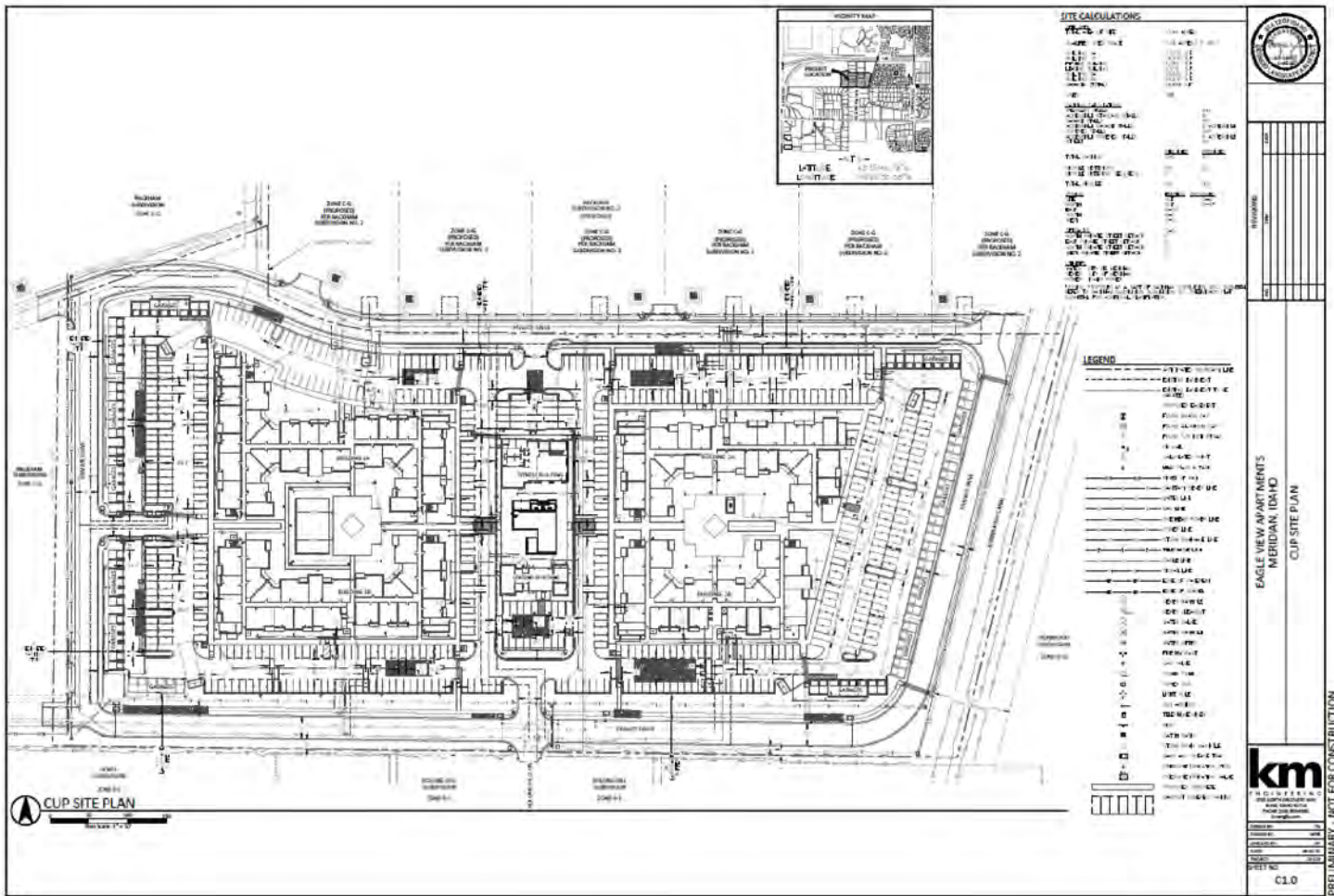
HORROCKS
ENGINEERS
2775 W. WASHINGTON ST.
MILWAUKEE, WI 53227
TEL: 414.224.2322
WWW.HORROCKS.COM

WARNING
THIS PLAN IS PRELIMINARY.
NO WARRANTY IS MADE
HEREIN FOR ANY PURPOSE.

EAGLE VIEW LANDING - ROLLING HILLS
SITE EXHIBIT

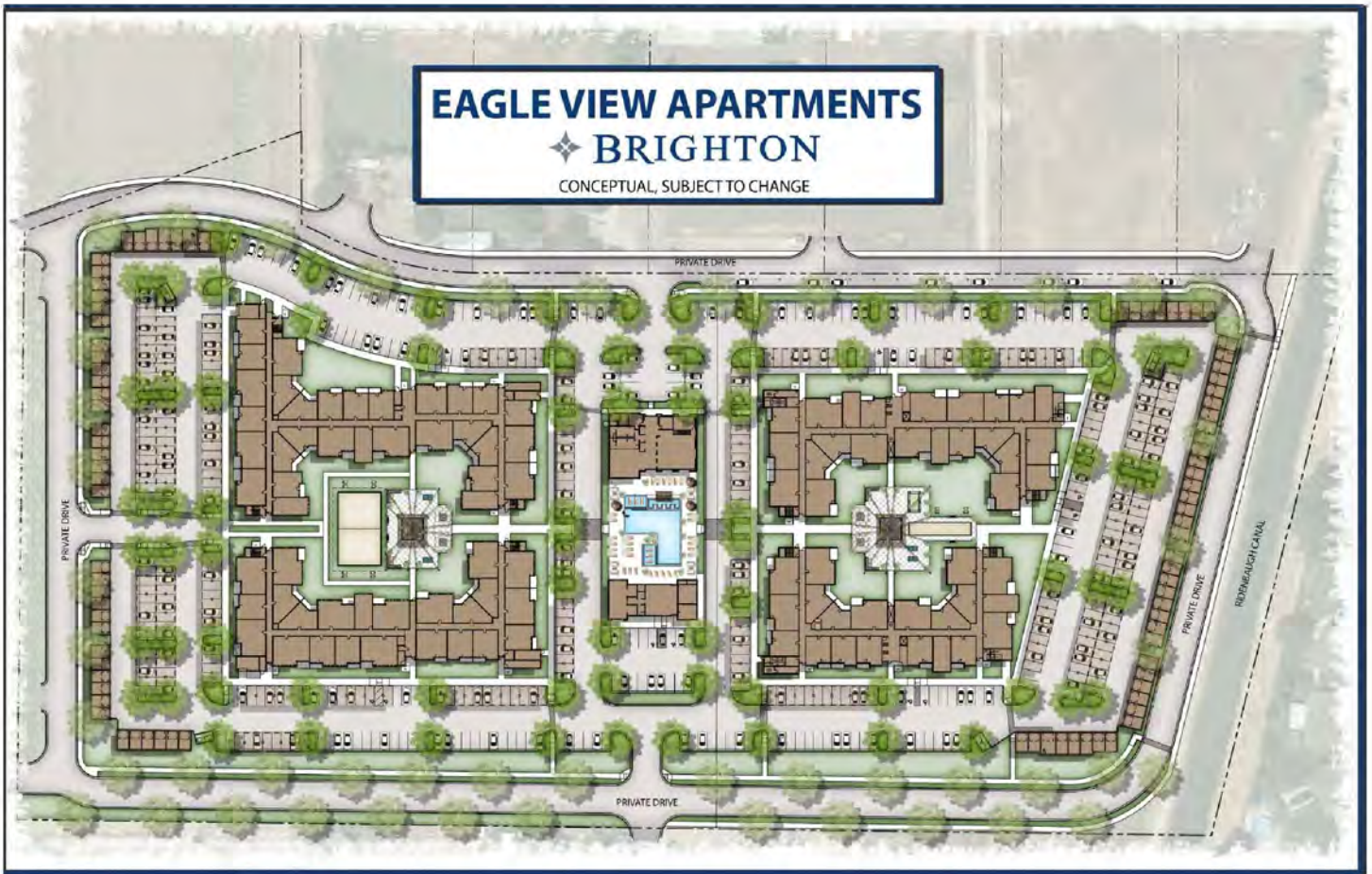
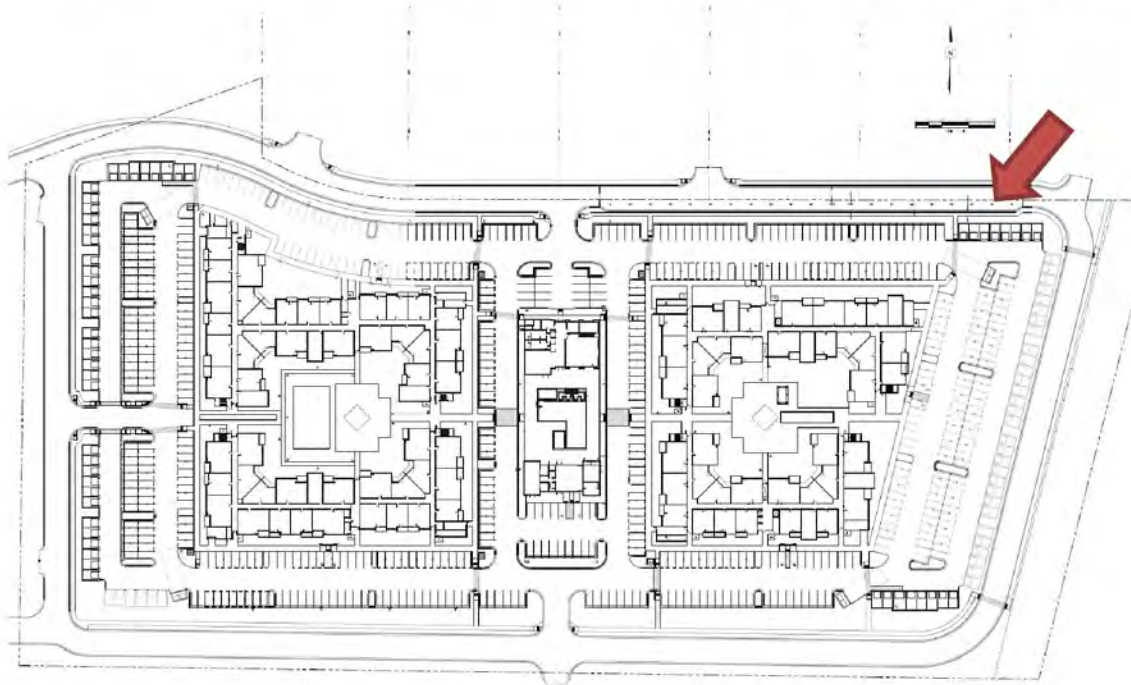

EVL-2
PAGE 2

E. Site Plan – Conditional Use Permit (dated: 6/3/21 1/6/22) & Phasing Plan

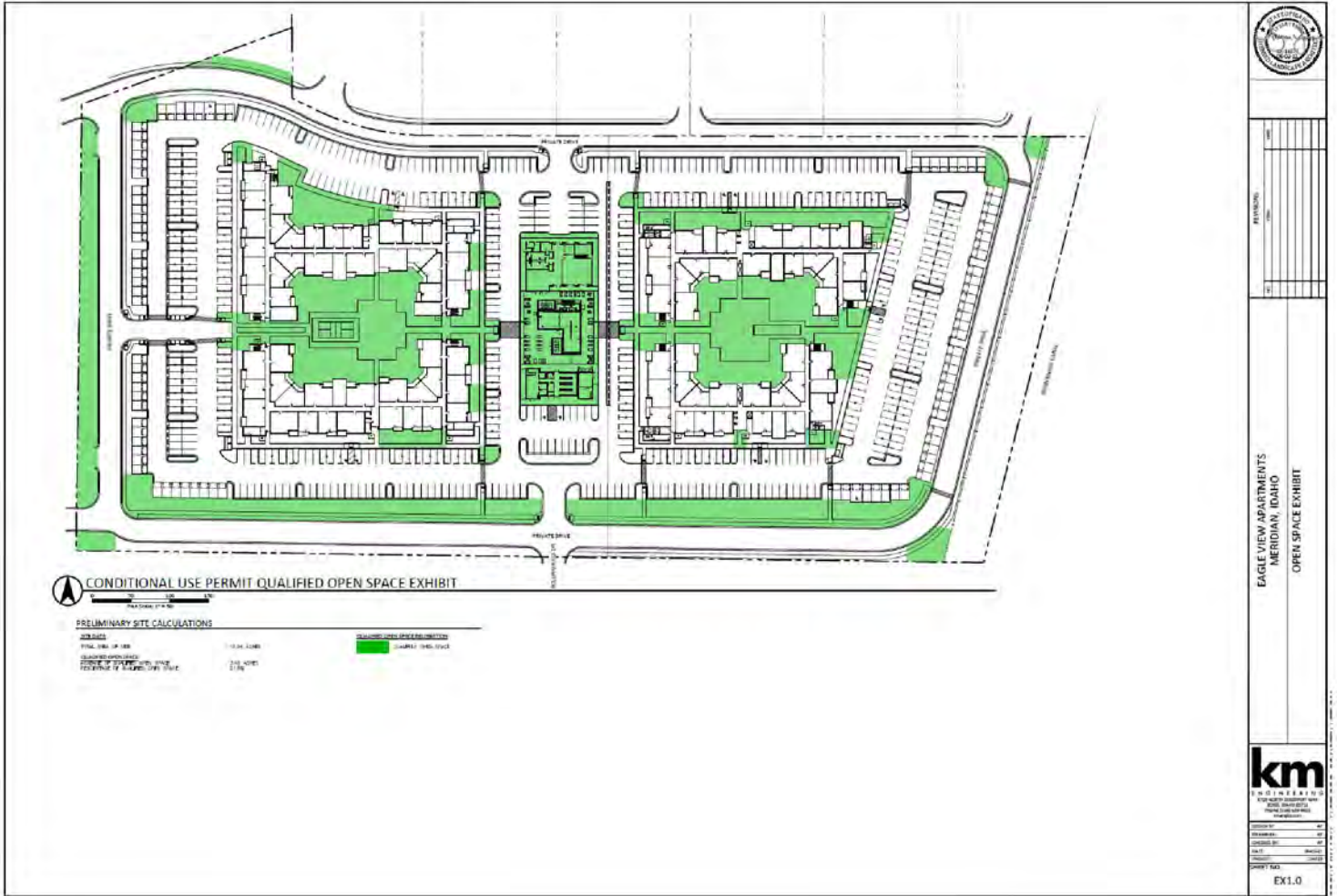




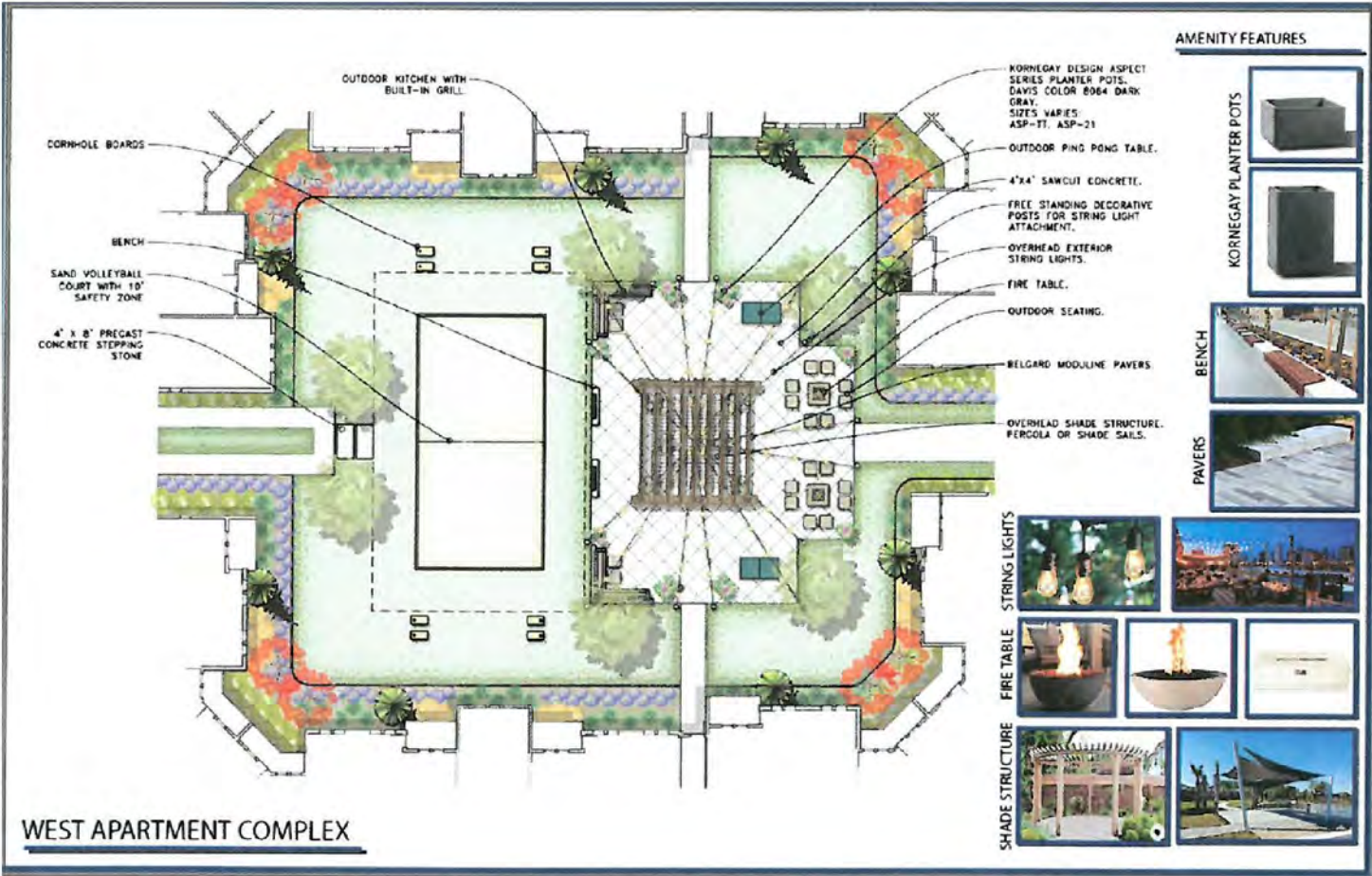
Updated Site Plan with on-drive aisle parking (1/3/22): (20 extra parallel parking spaces)

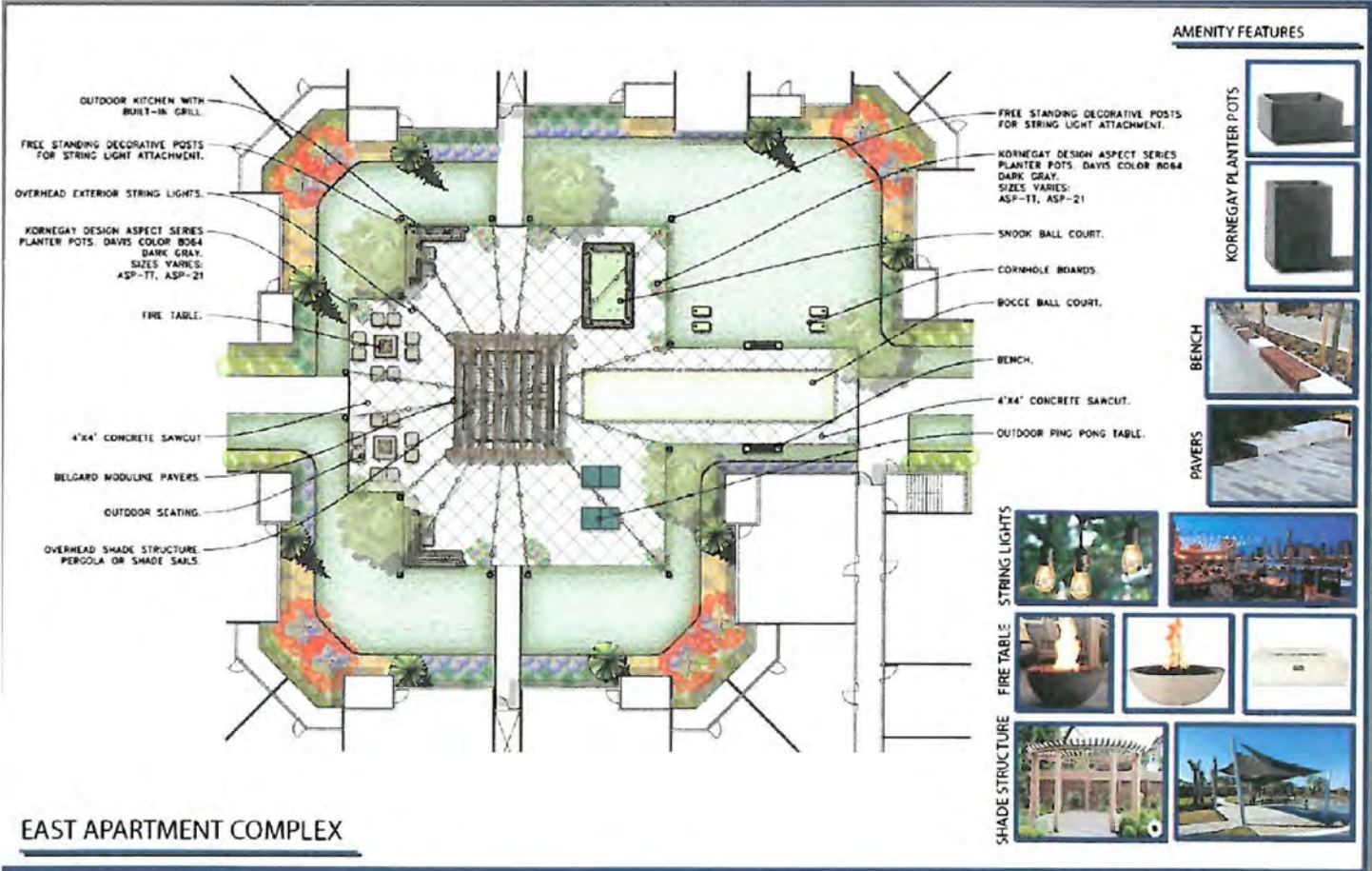


G. Open Space Exhibit for Multi-Family Development (dated: 6/3/21) & Amenities



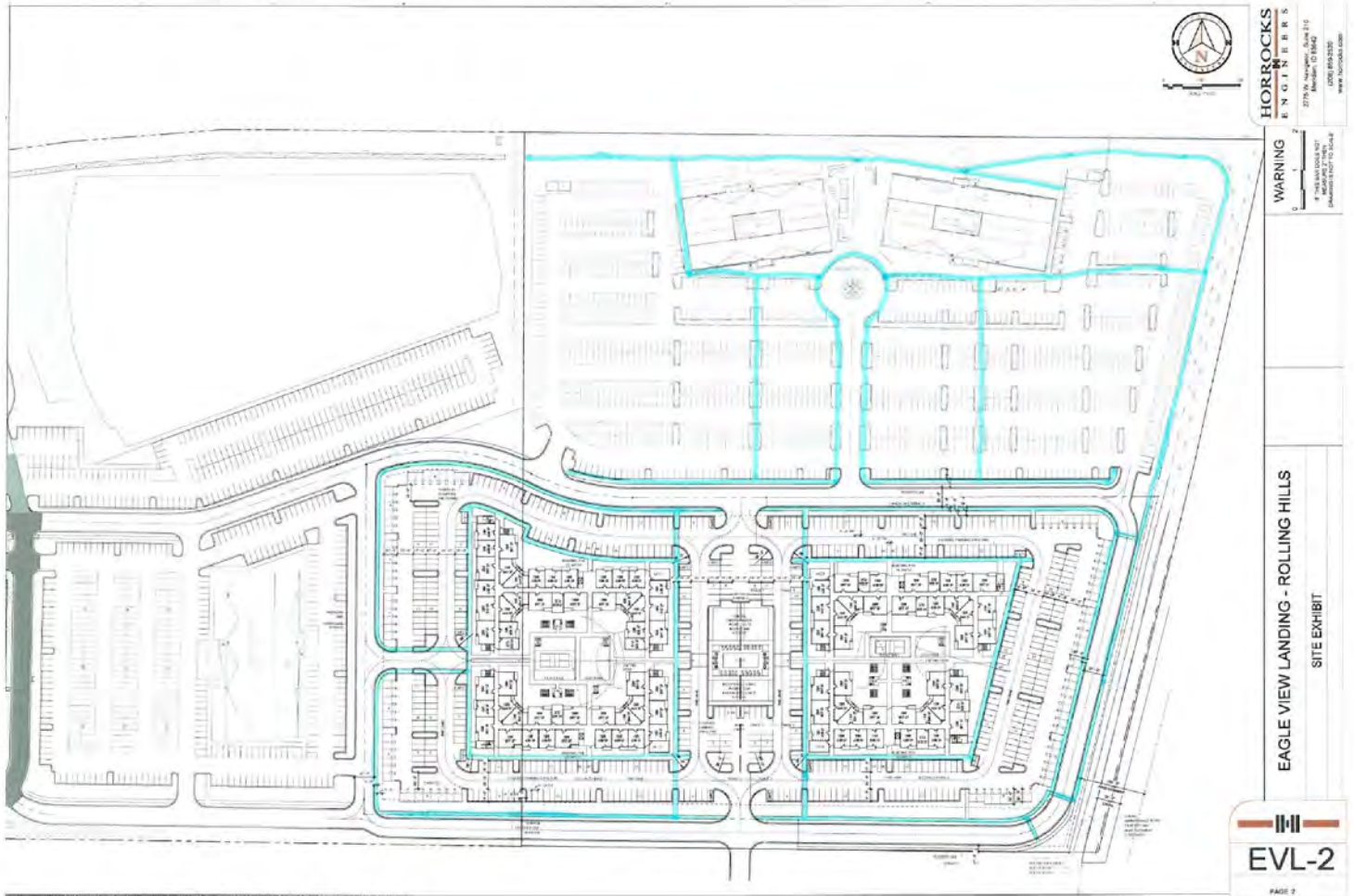
- Amenities
 - Central Core Amenities
 - 24-hour resident lounge
 - Warming kitchen
 - Entertainment area
 - Game area
 - 24-hour fitness center featuring Rogue equipment
 - Locker Rooms with showers
 - Zoom conference room(s)
 - Wi-fi throughout all amenity areas
 - Resort style pool & year-round spa
 - Pool-side patio and grilling area
 - Outdoor pool lounge
 - Amazon parcel system
 - Dwelo Smart Home Technology
 - West Courtyard (*see page 10 for exhibit*)
 - Shade structure
 - Outdoor Kitchen with BBQ Grill
 - Benches
 - Outdoor seating surrounding a Fire Table
 - Festoon lighting
 - Cornhole
 - Outdoor Ping Pong Table
 - Sand Volleyball
 - East Courtyard (*see page 10 for exhibit*)
 - Shade Structure
 - Outdoor Kitchen with BBQ Grill
 - Benches
 - Outdoor seating surrounding a Fire Table
 - String Lights
 - Cornhole
 - Outdoor Ping Pong Table
 - Snook Ball Court
 - Bocce Ball Court





Item #10.

H. Pedestrian Circulation Plan



I. Conceptual Building Elevations (dated: 5/31/2021)



1



2



EAGLE VIEW LANDING - BUILDING - P1A
3D VIEW #10 (06/06/21)
3000 Eagle View Landing, Suite 100, Denver, CO 80202



1



2



EAGLE VIEW LANDING - BUILDING - P1A
3D VIEW #10 (06/06/21)
3000 Eagle View Landing, Suite 100, Denver, CO 80202

Item #10.



 EAGLE VIEW LANDING - BUILDING - P18
3D VIEWS AND RENDERINGS
1811 Lake City - 12 Exchange Plaza 3rd Floor (NY, NY) 10017 | 800.531.1344 | 800.531.1344 (toll-free) | 212.693.1344 (local) | 212.693.1344 (toll-free) | 212.693.1344 (local)



 EAGLE VIEW LANDING - BUILDING - P18
3D VIEWS AND RENDERINGS
1811 Lake City - 12 Exchange Plaza 3rd Floor (NY, NY) 10017 | 800.531.1344 | 800.531.1344 (toll-free) | 212.693.1344 (local) | 212.693.1344 (toll-free) | 212.693.1344 (local)

Item #10.



1 | WEST CORNER



2 | NORTHWEST CORNER



3 | SOUTHWEST CORNER



4 | SOUTHEAST CORNER

EAGLE VIEW LANDING - FITNESS BUILDING
3D VIEWS AND RENDERINGS
Salt Lake City | 32 Exchange Place Salt Lake City, UT 84111 | 801.531.1144 | Suite 300 N. Main Street Suite 140 | 801.437.0252 | 206.424.7470 | info@dbdesign.com

08.21.2021



4 | SOUTH VIEW



1 | WEST CORNER



2 | NORTH CORNER



3 | VIEW FROM SOUTH

EAGLE VIEW LANDING LEASING BUILDING
3D VIEWS AND RENDERINGS
Salt Lake City | 32 Exchange Place Salt Lake City, UT 84111 | 801.531.1144 | Suite 300 N. Main Street Suite 140 | 801.437.0252 | 206.424.7470 | info@dbdesign.com

08.21.2021

Item #10.



VIII. CITY/AGENCY COMMENTS & CONDITIONS

Staff recommends the multi-family portion of the site is zoned R-40 instead of C-G; the remainder of the site should be zoned C-G as requested. With this change, updated legal descriptions and exhibit maps shall be submitted prior to the City Council hearing. *Note: The existing C-G zoned area that was annexed with Rackham Subdivision that is the western portion of the multi-family development should be rezoned to R-40 when the out-parcel is obtained and annexed into the City.*

A. PLANNING DIVISION

- 1. ~~An amendment to the existing Development Agreement (DA) (Inst. #2019-037825 H 2019-0005) for the Rackham development is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, an amended DA shall be entered into between the City of Meridian and the property owner(s) at the time of annexation ordinance adoption, and the developer.~~

~~An application for such shall be submitted to the City, preferably so that it can go to Council concurrently with the subject applications; a development plan for the overall area should be submitted with the application that is consistent with the MU-R FLUM designation.~~ Currently, a fee of \$303.00 shall be paid by the Applicant to the Planning Division prior to commencement of the DA. The ~~amended~~ 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 specific provisions for the amended DA pertaining to this site will be determined at the time of submittal of the application; the following provisions may be included:~~ The DA shall, at minimum, incorporate the following provisions:

- a. Development of the subject property shall be generally consistent with the preliminary plat, landscape plan, phasing plan, conceptual development plan, pedestrian circulation plan and conceptual building elevations submitted with the application contained herein.
- b. The two (2) office buildings proposed on the northern portion of the site shall be arranged to create some form of common, usable gathering area, such as a plaza or green space in accord with the mixed-use guidelines in the *Comprehensive Plan* (see pg. 3-13).
- c. Provide a pedestrian pathway within the street buffer along I-84 as depicted on the conceptual development plan with landscaping along the pathway as set forth in UDC 11-3B-12C. Also provide internal pedestrian walkways throughout the site for interconnectivity; where pedestrian walkways cross vehicular use areas they shall be distinguished through the use of pavers, colored or scored concrete, or bricks as set forth in UDC 11-3A-19B.4.
- d. All future structures constructed on this site shall comply with the design standards in the Architectural Standards Manual.
- e. ~~The final plat shall be recorded prior to issuance of building permits for any structures on this site; or, the existing PUDI easements and right-of-way for S. Rolling Hill Dr. shall be vacated and a property boundary adjustment application approved to consolidate the existing lots into one (1) parcel prior to submittal of any building permit applications for the site.~~
- f. Compliance with the specific use standards listed in UDC 11-4-3-27: Multi-Family Development, is required.

- g. Provide off-site improvements for S. Rolling Hill Dr. consistent with Ada County Highway District's requirements, including but not limited to, pavement widening to 24-foot where needed, 3-foot wide gravel shoulders and 6-foot wide sidewalk on one side of the street. If off-site improvements are required to Rolling Hill Dr. by ACHD, the Applicant shall comply with those requirements. Streetlights shall also be installed along S. Rolling Hill Dr. in accord with the City's adopted standards, specifications and ordinances in accord with UDC 11-3A-21 if ACHD requires off-site improvements to S. Rolling Hill Dr. Access for the project shall be provided via S. Silverstone Way from E. Overland Rd.; emergency only access shall be provided via Rolling Hill Dr. *Note: With review of future projects to the south, Rolling Hill Dr. may be opened back up for public access to this site as determined by the City and ACHD.*
- h. Construction traffic for the proposed development shall access the site from the west via Silverstone Way rather than from S. Rolling Hill Dr. as committed to by the Applicant.
- i. The out-parcel (Parcel #S1116427890) along the northern boundary of the site shall be annexed into the City within one (1) year of recordation of the Development Agreement; the western C-G zoned portion of the multi-family development shall be rezoned to R-40 at the same time.

Preliminary Plat:

- 2. The final plat shall include the following revisions:
 - a. Include a note granting cross-access/ingress-egress easements between all lots in the subdivision as well as to the properties to the west (Parcel # R7319432000 & R7319431900) and to the north (Parcel #S1116427890) via a note on the final plat or a separate recorded easement in accord with UDC 11-3A-3A.2. In lieu of granting an access easement to Parcel #S1116427890, the Applicant shall submit a copy of the purchase agreement or warranty deed in their name for the out-parcel.
 - b. Depict the street buffer along I-84 on Lots 3-6 in a common lot or a permanent dedicated buffer, maintained by the property owner or business owners' association per UDC 11-3B-7C.2b.
- 3. The landscape plan submitted with the final plat shall be revised as follows:
 - a. Depict a pathway within the street buffer along I-84 as shown on the CUP landscape plan with landscaping in accord with the standards listed in UDC 11-3B-12C. *A 5-foot wide landscape strip is required on both sides of the pathway planted with a mix of trees, shrubs, lawn and/or other vegetative ground cover.*
 - b. Depict a 6-foot tall wrought iron fence along the east boundary of the site adjacent to the Ridenbaugh Canal outside of the NMID's irrigation easement.
- 4. Future development shall be consistent with the minimum dimensional standards listed in UDC Tables 11-2B-3 for the C-G zoning district and 11-2A-8 for the R-40 zoning district.
- 5. All waterways on this site shall be piped as set forth in UDC 11-3A-6B unless otherwise waived by City Council. *The Applicant requests approval of a waiver from City Council to leave the Ridenbaugh Canal open – Council approved the request to leave the Ridenbaugh Canal open.*
- ~~6. Cross-access/ingress-egress easements shall be provided between all lots in the subdivision as well as to the properties to the west (Parcel # R7319432000 & R7319431900) via a note on~~

~~the final plat or a separate recorded easement in accord with UDC 11-3A-3A.2. Included in condition #2a above.~~

7. The right-of-way for the portion of S. Rolling Hill Dr. north of the southern boundary of the site shall be vacated prior to signature on the final plat.
8. ~~The property shall be subdivided prior to issuance of any building permits for the site. *Not necessary to include as a plat condition as it's included as a DA provision above in Section VIII.A.1e.*~~

Conditional Use Permit:

9. Compliance with the specific use standards listed in UDC [11-4-3-27](#): Multi-Family Development is required.
10. The site/landscape plans included in Section VII shall be revised as follows:
 - a. ~~Depict a minimum 25-foot wide buffer to residential uses along the southern boundary of the site as set forth in UDC Table [11-2B-3](#), landscaped per the standards listed in UDC [11-3B-9C](#). *A mix of evergreen and deciduous trees, shrubs, lawn, or other vegetative ground cover is required within the buffer, which shall be installed at the time of lot development. Not required with R-40 zoning.*~~
 - b. Depict all property lines in order to demonstrate compliance with the minimum setback requirements listed in UDC Table ~~[11-2B-3](#)~~ [11-2A-8](#) and [11-4-3-27B.1](#).
 - c. All on-site service areas, outdoor storage areas, waste storage, disposal facilities, and transformer and utility vaults shall be located in an area not visible from a public street, or shall be fully screened from view from a public street in accord with UDC [11-4-3-27B.2](#).
 - d. Depict the location of the property management office; maintenance storage area; central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access; and a directory and map of the development at an entrance or convenient location for those entering the development in accord with UDC [11-4-3-27B.7](#).
 - e. Depict a 6-foot tall sight obscuring fence or wall along the southern boundary of the site as an added buffer to the rural residential properties to the south in Rolling Hill Subdivision.
 - f. Depict landscaping along all elevations that face the private drives in accord with the standards listed in UDC [11-4-3-27E](#).
 - g. Depict landscaping along all pathways per the standards listed in UDC [11-3B-12C](#). *A mix of trees, shrubs, lawn and/or other vegetative ground cover with a minimum of one (1) tree per 100 linear feet of pathway.*
 - h. Depict pathway stubs at the southern boundary of the site near the west and east boundaries of the site for future extension upon redevelopment of the properties to the south for pedestrian connectivity with adjacent developments.
 - i. Depict a minimum of 26 bicycle parking spaces per the standards listed in UDC 11-3C-6G; bicycle parking facilities shall comply with the standards listed in UDC [11-3C-5C](#). Bike racks shall be provided in central locations for each building.
 - j. ~~Compact parking stalls are discouraged but may be used for parking above the number of required parking spaces per UDC [11-3C-5A.6](#).~~ Based on the number of bedrooms per unit

and square footage of the clubhouse proposed, a minimum of 660 standard off-street parking spaces are required with 348 of those being in a covered carport or garage. If these numbers/square footage change, parking may be adjusted accordingly to comply with applicable UDC standards. Parking standard alternatives are listed in UDC 11-3C-7. City Council approved the proposed parking as-is with no additional parking required.

- k. Minimum 7-foot wide sidewalks shall be provided where parking abuts sidewalks if wheel stops aren't proposed to prevent vehicle overhang in accord with UDC 11-3C-5B4; if 7-foot sidewalks are proposed, the length of the stall may be reduced to 17 feet.
- 11. The ~~Director~~ City Council approved the Applicant's request for Alternative Compliance to the private usable open space standards in UDC 11-4-3-27.B.3 with a modification to the request to allow a *maximum* reduction of 20% (i.e. 64 square feet) to the standard to allow zero (0) for studio units, 54-60 square feet (s.f.) for 1-bedroom units and 58-85 s.f. for 2-bedroom units.
- 12. No recreational vehicles, snowmobiles, boats or other personal recreation vehicles shall be stored on the site unless provided for in a separate, designated and screened area as set forth in UDC 11-4-3-27B.5.
- 13. All multi-family developments shall record legally binding documents that state the maintenance and ownership responsibilities for the management of the development, including, but not limited to, structures, parking, common areas, and other development features as set forth in UDC 11-4-3-27F. A recorded copy of the document shall be submitted prior to issuance of the first Certificate of Occupancy for the development.
- 14. A Certificate of Zoning Compliance and Design Review application is required to be submitted for approval of the site and building design prior to submittal of building permit applications.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Instead of running parallel 6'' and 8'' water main, change the layout to a single 8'' water main, connect the hydrant, then install a jurisdictional valve to the fire service line.
- 1.2 Do not have a sewer stub to the south on S Rolling Hills Dr. These properties will be served from Overland Rd.
- 1.3 Ensure no permanent structures are within any City easements including but not limited to buildings, car ports, trash enclosures, trees, shrubs, fences, light poles, infiltration trenches, etc.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet then alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.

- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
- 2.5 All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 2.6 All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 2.7 Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 2.8 Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 2.9 Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 2.10 A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 2.11 All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 2.12 Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.

- 2.13 It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
 - 2.17 Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
 - 2.18 The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
 - 2.19 The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
 - 2.20 At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
 - 2.21 A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
 - 2.22 The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
 - 2.23 The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

C. FIRE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=241985&dbid=0&repo=MeridianCity>

D. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=241580&dbid=0&repo=MeridianCity>

E. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242184&dbid=0&repo=MeridianCity>

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=243206&dbid=0&repo=MeridianCity>

G. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244287&dbid=0&repo=MeridianCity>

H. WEST ADA SCHOOL DISTRICT (WASD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=244309&dbid=0&repo=MeridianCity>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240968&dbid=0&repo=MeridianCity>

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=250050&dbid=0&repo=MeridianCity>

IX. FINDINGS

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

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

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

The City Council finds the proposed zoning map amendment to C-G and subsequent development is consistent with the Comprehensive Plan and the MU-R FLUM designation.

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

The City Council finds the proposed map amendment will allow for the development of a mix of office and multi-family residential uses which will assist in providing for the service needs of area residents consistent with the purpose statement of the commercial districts in accord with the Comprehensive Plan.

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

The City Council finds the proposed zoning map amendment 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

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

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

The City Council finds the proposed annexation is in the best interest of the City.

B. Preliminary Plat:

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

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

The City Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use and transportation. (Please see Comprehensive Plan Policies in, Section IV of this report for more information.)

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

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

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

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

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

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

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

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

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

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

C. Conditional Use Permit (UDC 11-5B-6E)

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

- 1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The City Council finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the R-40 and C-G district (see Analysis, Section V for more information).

- 2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

The City Council finds that the proposed use is consistent with the future land use map designation of MU-R and is allowed as a conditional use in UDC Table 11-2B-2 in the C-G zoning district.

- 3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

The City Council finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for this area and with the intended character of the area and that such uses will not adversely change the character of the area.

- 4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The City Council finds that if the applicant complies with the conditions outlined in this report, the proposed use will not adversely affect other property in the area.

- 5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The City Council finds that essential public services are available to this property and that the use will be adequately served by these facilities.

D. Alternative Compliance (UDC 11-5B-5):

In order to grant approval of an alternative compliance application, the Director shall determine the following:

The Applicant requested City Council review of the Director's decision on the request for Alternative Compliance to UDC 11-4-3-27B.3. City Council approved the Applicant's request as originally proposed.

- 1. Strict adherence or application of the requirements is not feasible; OR

The Director finds UDC Table 11-3C-6 does not include parking requirements for studio units; therefore, this finding does not apply.

The ~~Director~~ City Council finds strict adherence or application of the requirements in UDC 11-4-3-27B.3 is feasible but to comply, the number of units may need to be reduced or other changes made to the development plan.

- 2. The alternative compliance provides an equal or superior means for meeting the requirements; and

The Director finds the proposed alternative compliance of providing parking for studio units consist with the standards for vertically integrated residential units, which is also consistent

with current updated standards for studio units, provides an equal means for meeting the requirement.

The ~~Director~~ City Council finds the proposed alternative compliance to the private usable open space standards in UDC 11-4-3-27B.3 for each unit ~~unacceptable~~ but does find a reduction of 20% ~~acceptable~~ due to the extraordinary site amenities proposed along with the innovative, new urban design with an emphasis on integrated, internal open space and facilities proposed.

3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.

The Director finds that the proposed alternative means of compliance to UDC Table 11-3C-6 will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties. The City Council finds ~~and the Director's alternative approval to the Applicant's proposal for alternative compliance to 11-4-3-27B.3~~ will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties.



AGENDA ITEM

ITEM TOPIC: Agreement Between the City of Meridian and Meridian Youth Baseball (MYB) for Priority Use of Sports Facilities for the 2022 Season

AGREEMENT FOR PRIORITY USE OF SPORTS FACILITIES – 2022 SEASON

This AGREEMENT FOR PRIORITY USE OF SPORTS FACILITIES – 2022 SEASON is made this _____ day of _____, 2022, by and between the City of Meridian, a municipal corporation organized under the laws of the State of Idaho (“City”), and Meridian Youth Baseball, a nonprofit corporation organized under the laws of the State of Idaho (“MYB”).

WHEREAS, City and MYB have historically worked together to enhance the Meridian community’s quality of life by providing and supporting recreational opportunities for members of the Meridian community;

WHEREAS, MYB desires to use, for its baseball programming, the baseball fields at Fuller Park, 3761 W Park Creek Drive, Meridian, Idaho, including all associated facilities, amenities, infrastructure, infields, outfields, fences, and/or vegetation (“Fields”);

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

I. PRIORITY USE OF FIELDS.

Throughout the term of this Agreement, MYB shall be entitled to priority use of the Fields for baseball practice sessions, games, tournaments, classes, camps, and related preparatory activities, which priority use shall preclude non-MYB uses of the Fields, at the following times:

March 7 to May 26, 2022: Monday through Friday from 5:30 p.m. to 8:00 p.m. and Saturdays from 8:30 a.m. to 6:00 p.m.

May 27, 2022: 12:00 p.m. to 8:00 p.m.

May 28 to May 29, 2022: 7:30 a.m. to 8:00 p.m.

May 30 to June 2, 2022: Monday through Friday from 6:00 p.m. to 8:00 p.m.

June 3, 2022: 12:00 p.m. to 8:00 p.m.

June 4 and 5, 2022: 7:30 a.m. to 8:00 p.m.

June 6 to June 16, 2022: Monday through Friday from 6:00 p.m. to 8:00 p.m.

June 17, 2022: 12:00 p.m. to 8:00 p.m.

June 18 and 19, 2022: 7:30 a.m. to 8:00 p.m.

June 20 to July 16, 2022: Monday through Friday from 6:00 p.m. to 8:00 p.m. and Saturdays from 8:00 a.m. to 8:00 p.m.

August 15 to October 15, 2022: Wednesday through Friday from 5:00 p.m. to 8:00 p.m. and Saturdays from 7:30 a.m. to 6:00 p.m.

MYB shall not be entitled to use the Fields for any purpose on any date or time other than those listed above, except where MYB makes a separate facility reservation through the Meridian Parks and Recreation Department.

II. MO BROOKS FIELD RESERVATIONS

MYB shall be entitled to use of Mo Brooks Field at Storey Park, 205 E. Franklin Road, Meridian, Idaho, including all associated facilities, amenities, infrastructure, infields, outfields, fences, and/or vegetation, for baseball tournaments, at the following times:

June 3, 2022: 12:00 p.m. to 8:00 p.m.

June 4 and 5, 2022: 7:30 a.m. to 8:00 p.m.

June 17, 2022: 12:00 p.m. to 8:00 p.m.

June 18 and 19, 2022: 7:30 a.m. to 8:00 p.m.

MYB shall not be entitled to use Mo Brooks Field for any purpose on any date or time other than those listed above, except where MYB makes a separate facility reservation through the Meridian Parks and Recreation Department.

III. RIGHTS AND OBLIGATIONS OF PARTIES.

A. General rights and obligations of MYB regarding Fields.

1. **Consideration.** In consideration for the priority use granted by this Agreement, MYB shall pay to City the amount of fourteen thousand, three hundred sixty dollars and eighty eight cents (\$14,360.88). MYB shall make such payment by remitting to City two (2) installments. MYB shall pay to City the first installment of ten thousand, seven hundred seventy dollars and sixty-six cents (\$10,770.66) by August 1, 2022, and the second installment of three thousand, five hundred ninety dollars and twenty-two cents (\$3,590.22) by November 1, 2022.
2. **Communication of MYB Fields use.** Communication between MYB and City regarding Fields use and scheduling shall occur by e-mail between MYB Contact and City Contact. Each party shall have the right to rely upon such communication in scheduling its uses of Fields.
3. **Tournament staffing not included.** MYB's payment to City pursuant to this Agreement shall include staffing for routine maintenance as set forth herein. MYB shall be responsible for payment of all fees due and owing for additional City staffing and services necessitated by tournament play.
4. **Reserve other use.** MYB's use of the Fields on days or times other than as specifically set forth in section I.A., above, shall be scheduled in accordance with City policy regarding field reservations and scheduling, including all applicable reservation and use fees. Reservation of the Fields on days or times other than as specifically set forth in section I.A., above, shall be scheduled on a first-come, first-served basis, and at such days and times, MYB shall be on an equal footing with the general public regarding its

use of Fields, which shall include, but shall not be limited to, reservation requirements, priority of reservation of Fields, and payment of reservation and other applicable fees.

5. **General field preparation.** Except as expressly provided in this Agreement, MYB shall be solely responsible at all times for any and all necessary field preparation necessary for its baseball programming, including, but not limited to, raking and chalking.
6. **Reasonable use.** MYB shall employ best efforts to ensure that its use of Fields and Fields facilities, amenities, infrastructure, and/or vegetation is appropriate and reasonable. Where MYB's use of Fields and Fields facilities, infrastructure, and/or vegetation causes disproportionately excessive damage to same, MYB shall reimburse City for the cost or proportionate cost of necessary repairs and/or replacement. MYB shall exercise best efforts to see that any and all use of Fields, where such use is scheduled or authorized by MYB, is in compliance with all laws and with City's policies regarding use of City parks and/or facilities, including, but not limited to, such reasonable policies as may be adopted or enacted by the Director of the Meridian Parks and Recreation Department.
7. **Collection of fees.** MYB shall have right to assess and collect reasonable fees for participation from members of the MYB program. MYB shall not collect any admission fee for access to Fields facilities. Except as otherwise agreed in writing, City shall not be entitled to any fee assessed and/or collected by MYB.
8. **Equipment.** Except as specifically set forth in this Agreement, MYB shall be solely responsible for providing, maintaining, preparing, repairing, and/or replacing any and all necessary equipment for any and all MYB activities at Fields. Any and all known and unknown risks and costs related to or arising from the use or storage of MYB's equipment, including, but not limited to, loss or theft of, damage to, and damage or injury caused by such equipment, shall be borne solely by MYB.
9. **Banners.** MYB shall be responsible for removing from Fields any banners or notices posted by MYB.
10. **No right to exclude conveyed.** Any exclusive use granted to MYB by this Agreement shall include neither the right to exclude any law-abiding person from Fields where such person is not interfering with MYB's use thereof, nor the right to interfere with any person's concurrent, lawful use of Fuller Park, where such concurrent use does not conflict or interfere with MYB's use. MYB shall exercise any exclusive use granted by this Agreement only in accordance with the terms of this Agreement and in accordance with any and all applicable laws and City policies.

B. General rights and obligations of City regarding Fields.

1. **Notification of Fields closure.** City shall provide thirty (30) days' notice to MYB when a field or fields at Fuller Park will be closed for routine or scheduled maintenance or repair of Fields facilities, infrastructure, vegetation, or other component, except that City may undertake, with fewer days' notice or no notice, emergency maintenance or repairs necessary to protect the health, safety, and/or welfare of the public, or where such alterations, construction, or improvements will not unreasonably affect MYB's use of Park or Park amenities or facilities as set forth in this Agreement.
2. **Maintenance and utilities.** City shall provide all necessary utilities and services to MYB and Fields, including, but not limited to, electricity, restrooms, water, sewer, and/or waste removal. City shall maintain the turf, including re-seeding, sod laying, weed and/or pest control, fertilizing, mowing, and irrigating. City shall be responsible for general fence, field, and facility maintenance.
3. **Bases.** City shall provide bases for MYB's use on the Fields. MYB shall ensure that bases are left on the Fields for use by other Fields users.
4. **Stop use; field location.** Any duly authorized agent or employee of City may stop priority or scheduled use of Fields and/or City facilities, including play in progress, at any time where such action is warranted due to field or other conditions, or coach, player, or spectator conduct. Any duly authorized agent or employee of City may require that MYB utilize or not utilize a particular field or fields due to weather conditions and/or turf quality.
5. **Public park.** The parties hereto expressly acknowledge that Fields are public spaces, the management and scheduling of which shall at all times be within the sole purview of City. City shall have the right to use or allow the use of Fields for any and all purposes and under any and all conditions, so long as such use does not conflict or interfere with MYB's priority or scheduled use of the Fields.
6. **Scheduling; collection of fees.** City shall be solely responsible for scheduling all use of Fields and Fields facilities and amenities. In accordance with its policies, City shall have right to assess and collect reasonable user fees from persons who use Fields; however, the amount of such user fees shall not exceed costs and expenses actually incurred. MYB shall not be entitled to any Fields user fee assessed and/or collected by City.

IV. GENERAL PROVISIONS.

- A. **Day-to-day communications.** Communication between MYB and City regarding day-to-day matters (e.g., issues related to use, scheduling, and maintenance of Fields) shall occur via e-mail, facsimile, or telephone. City shall provide MYB the name, e-mail address, and telephone number of specific City personnel ("City Contact") who shall serve as the liaison between City and MYB for all matters regarding the day-to-day scheduling, use, and

maintenance of Fields and Fields. MYB shall provide City the name, e-mail address, and telephone number of specific MYB personnel (“MYB Contact”) who shall serve as the liaison between MYB and City for all matters regarding the day-to-day scheduling, use, and maintenance of Fields and Fields.

B. All other notice. All other notices required to be given by either of the parties hereto shall be in writing and be deemed communicated when sent via electronic mail (“e-mail”), personally served, or mailed via United States mail, to the following personnel and address:

Steve Siddoway	Ryan Bias
Parks and Recreation Dept. Director	President
City of Meridian	Meridian Youth Baseball
33 E. Idaho Avenue	13601 W. McMillan Road
Meridian, Idaho 83642	Boise ID 83713
ssiddoway@meridiancity.org	dr.ryanbias@gmail.com

Either party may change its authorized representative and/or address for the purpose of this paragraph by giving written notice of such change to the other party in the manner herein provided.

C. Quarterly review. The MYB Contact and the City Contact shall meet quarterly to review Fields use and scheduling, address any problems which may have arisen, and discuss improvements regarding the parties’ joint use of Fields.

D. Conflict Resolution. If either party believes that the other party is not fulfilling its obligations as established by this Agreement, the complaining party shall give written notice of its complaint to the other party. The party receiving the complaint shall, within fifteen (15) calendar days, correct the situation and confirm the correction in writing, or reject the complaint, explaining the mitigating circumstances and why a remedy cannot be achieved.

E. Assignment. MYB shall not assign or sublet all or any portion of MYB’s interest in this Agreement or any privilege or right hereunder, either voluntarily or involuntarily, without the prior written consent of City. City shall not assign or sublet all or any portion of City’s interest in this Agreement or any privilege or right hereunder, either voluntarily or involuntarily, without the prior written consent of MYB. This Agreement and each and all of the terms and conditions hereof shall apply to and are binding upon the respective organizations, legal representative, successors, and assigns of the parties.

F. No agency. Neither MYB nor its employees, agents, contractors, officials, officers, servants, guests, and/or invitees shall be considered agents of City in any manner or for any purpose whatsoever in their use and occupancy of Fields.

G. Indemnification; insurance. MYB and each and all of its employees, agents, contractors, officials, officers, servants, guests, and/or invitees, and all participants in MYB programming, shall indemnify and save and hold harmless City from and for any and all

losses, claims, actions, judgments for damages, or injury to persons or property and losses and expenses caused or incurred by MYB or any MYB employee, agent, contractor, official, officer, servant, guest, and/or invitee, or any participant in or observer of MYB programming, at or in its use of Fields, Fuller Park, Mo Brooks Field, Storey Park, and/or any amenity or appurtenance thereto, or any lack of maintenance or repair thereon, which is not caused by or arising out of the tortious conduct of City. MYB shall maintain, and specifically agrees that it will maintain, throughout the term of this Agreement, liability insurance in the minimum amount as specified in the Idaho Tort Claims Act set forth in Title 6, Chapter 9 of the Idaho Code. The limits of insurance shall not be deemed a limitation of the covenants to indemnify and save and hold harmless City; and if City becomes liable for an amount in excess of the insurance limits herein provided due to the actions or omissions of MYB or any MYB employee, agent, contractor, official, officer, servant, guest, and/or invitee, or any participant in or observer of MYB programming, MYB covenants and agrees to indemnify and save and hold harmless City from and for all such losses, claims, actions, or judgments for damages or liability to persons or property. City makes no warranty or promise as to the condition, safety, usefulness, or habitability of the premises; MYB accepts Fields for use as is, both at the Effective Date of this Agreement and for each practice session, game, and/or tournament, and any portion thereof.

- H. Compliance with Laws.** In performing the scope of services required hereunder, City and MYB shall comply with all applicable laws, ordinances, and codes of Federal, State, and local governments.
- I. Cancellation.** The Director of the Parks & Recreation Department may, in his sole discretion, elect to close Fuller or Storey Park, the Fields, and/or Mo Brooks Field, and cancel MYB's priority use and/or reservation, with no notice to MYB, where closure is in the best interest of City or the public health, safety, or welfare, due to weather, Act of God, or other reason. City shall neither assume nor incur any liability for costs, damages, or losses incurred due to such cancellation, except that City shall prorate the amount due and owing under this Agreement, following mutual negotiation and written amendment of this Agreement by the Parties. For purposes of this agreement, an Act of God shall include, but shall not be limited to: fire, storm, flooding, disease, national or local emergency, natural or human-caused disaster, or any other emergency or hazard under which it is illegal, impractical, or unsafe for use of the parks, fields, or other facilities to proceed as scheduled.
- J. Attorney Fees.** Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction. This provision shall be deemed to be a separate contract between the parties and shall survive any default, termination or forfeiture of this Agreement.
- K. Term of Agreement.** This Agreement shall become effective as of the Effective Date upon execution by both parties, and shall expire as of October 16, 2022. If the parties to this

Agreement fail to mutually extend this Agreement, and neither has terminated the Agreement, the term of this Agreement, or such other terms as the parties have agreed upon in writing, shall be renewed automatically for one-year periods thereafter unless terminated by either party in the manner provided in this Agreement.

- L. Grounds for termination.** Grounds for termination of this Agreement shall include, but shall not be limited to:
1. An act or omission by either party which breaches any term of this Agreement.
 2. An Act of God or other unforeseeable event which precludes or makes impossible the performance of the terms of this Agreement by either party.
 3. A change in circumstances that renders the performance by either party a detriment to the public health, safety, or welfare.
 4. A decision by either party that termination will serve its best interests.
- M. Termination process.** Either party may terminate this Agreement by providing thirty (30) days' advance written notice of intention to terminate. Such written notice shall include a description of the breach or circumstances providing grounds for termination. A seven (7) day cure period shall commence upon mailing of the notice of intention to terminate. If, upon the expiration of such cure period, cure of the breach or circumstances providing grounds for termination has not occurred, this Agreement may be terminated upon provision of written notice of termination.
- N. Construction and severability.** If any part of this Agreement is held to be invalid or unenforceable, such holding will not affect the validity or enforceability of any other part of this Agreement so long as the remainder of the Agreement is reasonably capable of completion.
- O. Entire agreement.** This Agreement contains the entire agreement of the parties and supersedes any and all other agreements or understandings, oral or written, whether previous to the execution hereof or contemporaneous herewith.
- P. Non-waiver.** Failure of either party to promptly enforce the strict performance of any term of this Agreement shall not constitute a waiver or relinquishment of any party's right to thereafter enforce such term, and any right or remedy hereunder may be asserted at any time after the governing body of either party becomes entitled to the benefit thereof, notwithstanding delay in enforcement.
- Q. Applicable law.** This Agreement shall be governed by and construed and enforced in accordance with the laws of the State of Idaho.
- R. Approval required.** This Agreement shall not become effective or binding until approved by the respective governing bodies of both City and MYB. The parties signatory hereto

represent and warrant that each is duly authorized to bind, respectively, City and MYB to this Agreement in all respects.

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

MERIDIAN YOUTH BASEBALL:



Ryan Bias
President

CITY OF MERIDIAN:

BY: _____
Robert E. Simison
Mayor

Attest: _____
Chris Johnson
City Clerk



AGENDA ITEM

ITEM TOPIC: Sole Source Purchase of Andritz Centrifuge Equipment and Related Software and Associated Replacement Parts Through Andritz Separation, Inc.



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Keith Watts **Meeting Date:** 3/15/2022
Presenter: N/A **Estimated Time:** N/A
Topic: Approval of Sole Source purchase of Andritz Centrifuge Equipment and related software and associated replacement parts through Andritz Separation, Inc.

Recommended Council Action:

Approval of Sole Source purchases for Andritz Centrifuge equipment, software and associated parts. These items are only available through the manufacturer.

Background:

The City has installed Andritz Liquid/Solid Separation Equipment at the WRRF. Only Andritz equipment, parts, accessories and software are compatible with the existing system.



November 11, 2021

City of Meridian
3401 N. Ten Mile Rd.
Meridian ID 83646

Kimberly Bullard
Office Operations & Marketing Manager- NA
Sales, Business Development &
Communications
SEPARATION

p: 817-419-1746
f: 817-419-1946
Kimberly.Bullard@andritz.com

Page: 1 (total 1)

SUBJECT: SOLE SOURCE SUPPLIER

Andritz Separation, Inc. is an original equipment manufacturer (OEM) of the liquid/solid separation equipment and hold the sole rights and ownership to the Andritz-Ruthner, Bird Machine, Netzsch, R & B and Humboldt product lines. We are the sole source for all replacement parts, accessories, proprietary control system logic and services.

All manufacturing components are based on Andritz's proprietary drawings, operating control systems are based on intellectual property programs and developed code. Commercial items are based on Andritz engineered specifications, they hold the highest manufacturing tolerances, and we strive to achieve and maintain the most optimized efficiency in all of our products.

Andritz Separation, Inc. is the exclusive supplier of these components and we do not operate with local distributor networks. We have multiple facilities throughout North America and regional Sales Engineers available to handle all of your service needs. Please feel free to contact Andritz Separation, Inc. directly or visit our website at www.usa.Andritz.com.

Kimberly Bullard

ANDRITZ SEPARATION INC
Office Operations & Marketing Manager – NA
Sales, Business Development & Communications
SEPARATION

ANDRITZ Separation Inc.
1010 Commercial Blvd. South
Arlington, Texas 76001 USA
Direct Phone: 817-419-1746
Direct Fax: 817-419-1946
Kimberly.Bullard@andritz.com
www.andritz.com





PURCHASING MANAGER

33 East Broadway Avenue

Meridian, ID 83642

Phone: 208-888-4433 Fax: 208-887-4813

CITY OF MERIDIAN

SOLE SOURCE FORM

Date: 3/8/2022

Item or Service: ANDRITZ LIQUID SEPARATION EQUIPMENT (CENTRIFUGE)

Sole Source: Item is available from only one vendor. Item is one-of-a kind item and is not sold through distributors. Manufacturer is a sole distributor.

JUSTIFICATION: (Attach additional pages if needed)

The Public Works Department is seeking a Sole Source purchase justification for Andritz equipment, parts, accessories, software and service. Public Works has a current need to upgrade the Programmable Logic Controller (PLC) equipment and programming for two (2) dewatering centrifuges. The Andritz centrifuges are utilized at the Wastewater Resource Recovery Facility (WRRF) and are critical for proper solids processing and cost-efficient disposal. Programming support is necessary for continued operation of the centrifuges. Andritz will only support Andritz-provided PLC's and Andritz programming on their equipment. Andritz equipment, parts, accessories, software and service are only available through the manufacturer.


CERTIFICATION:

I am aware of the requirements set forth in the City's Purchasing Policy & Procedures Manual for competitive bidding and the established criteria for justification for sole source/sole brand purchasing. I have gathered technical information and have made a concerted effort to review comparable/equal equipment. I hereby certify as to the validity of the information and feel confident that this justification for sole source/sole brand meets the City's criteria and is accurate.

Council Approval

Date: _____

Procurement Division Approval



Keith Watts, Procurement Manager

Requestor (Print Name)

Marshal Latham



AGENDA ITEM

ITEM TOPIC: Parks and Recreation Department: Meridian Community Pool Fees

**City Council Members:**Treg Bernt
Joe Borton
Luke CavenerBrad Hoaglund
Jessica Perreault
Liz Strader

March 4, 2022

MEMORANDUM

TO: Mayor Robert Simison and City Council

FROM: Garrett White, Recreation Manager, MPR Dept.

RE: Meridian Pool Fees

Background

For many years the Western Ada Recreation District (WARD) has offered swim lessons, public swim, and swim team practice space for our community. The fees attached are the fees WARD has adopted and planned to use for the upcoming 2022 season. Now that the Pool Operations and Maintenance Agreement has been approved by both the City and WARD, our plan is to adopt the same fees that WARD set for the 2022 season. We have researched what other municipalities—such as Boise, Nampa, and Caldwell—are charging for these programs and found that their fees are comparable.

The Parks & Recreation Department is currently updating the Parks & Recreation Master Plan. A portion of the Master Plan Update is based on “cost recovery” and what that means for each program and/or facility. The pool is included in this study, and as we operate the pool this summer and come closer to completing the Master Plan update, we will have a better understanding of where the pool lands in regards to cost recovery.

Registration for swim lessons is fast approaching. The goal is to open registration on Wednesday, April 6th pending fee approval from Council.

Proposal

To approve publishing the proposed fees for public hearing on April 5th for discussion and adoption.

Meridian Pool Pricing

Swim lesson type:	Price per session:
Group Lesson	\$42.45 plus tax = \$45.00/child
Private lesson	\$94.34 plus tax = \$100.00/1 child
Semi-Private	\$141.51 plus tax = \$150.00/2 children

Open Swim age:	Price:
Adult (18+)	\$3.77 plus tax = \$4.00
Ages 4-17	\$2.83 plus tax = \$3.00
3 and under	\$1.89 plus tax = \$2.00

Family Season Pass:	Price:
Family of 4	\$150.94 plus tax = \$160.00
Each additional family member	\$18.87 plus tax = \$20.00

Lap Swim:	Price:
Adult/Child	Refer to open swim pricing

Private Party Size:	Price:
1-50 people	\$141.51 plus tax = \$150.00/hour
50-100 people	\$188.68 plus tax = \$200.00/hour
100-150 people	\$283.02 plus tax = \$300.00/hour
Party room (30 people max)	\$47.17 plus tax = \$50.00/hour

Swim Team:	Price:
Swim Meet	\$1132.07 plus tax = \$1,200.00/meet
Practice	Billed for use of Guards (hourly wage)



AGENDA ITEM

ITEM TOPIC: Solid Waste Advisory Commission Annual Update

City of Meridian Solid Waste Advisory Commission



- J. Scott Walters – Seat 1
- Mark Nelson – Seat 2
- Rand Spiwak– Seat 3
- Steven Cory – Seat 4
- Megan Larsen – Seat 5
- Taryn Richmond – Seat 6
- Shawn Keating – Seat 7
- Kayleigh Philippi (Youth)– Seat 8
- Tom Otte – Seat 9

To: The Mayor and City Council
 From: Steve Cory, Chair
 Re: 2021 SWAC Annual Report

SWAC is pleased to submit its 2021 Annual Report:

A. Membership:

The Commission has appreciated being at full staff this year. Commissioner Steve Cory served as Chair and Commissioner Meg Larsen served as Vice Chair. Isabel Kau completed 2 years of stellar service as the Youth Commissioner and we are pleased to welcome Kayleigh Philippi as the current Youth Commissioner.

B. Community Recycling Fund Program (CRFP):

1. Fund Revenue: During FY21, despite the global market, the CRFP received revenue:

\$ 38,740.32	Beginning balance for FY21;
\$ <u>13,534.18</u>	Revenue for FY21 (from Hand in Hand We Recycle)
\$ 52,274.50	Sum Beginning Balance and Revenue (as of Sep. 30, 2021)

2. Fund Expenses: During FY21, the following fund’s expenses were incurred:

\$ 1,633.47	Actual FY21 Squishy Water Bottle Pilot Program (\$2,255 Budget)
--------------------	---

3. FY21 Approved Projects – Final accounting yet to be completed – None

\$ 50,641.03 **FY21 Ending Fund Balance**

C. Trash or Treasure:

This innovative program was again conducted throughout the city. The event occurred the weekend prior to the 2021 Spring Collection week. Residents set out unwanted items, allowing others to come by, pick them up, and give them a new home thus diverting items from the landfill. City Staff and Republic Services worked together to market the event utilizing newsletters, social media, and Republic’s “Call em’ all” service to reach out to residents directly via phone or text message. Republic Services picked up remaining items as part of its Spring Cleanup collection services. Post-event feedback continues to be positive though residents still express desire for additional communication prior to the event. Both Republic Services and the

City of Meridian Solid Waste Advisory Commission



- J. Scott Walters – Seat 1
- Mark Nelson – Seat 2
- Rand Spiwak– Seat 3
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- Tom Otte – Seat 9

City continue to market the program and use it as an educational platform in a variety of forums (website, newsletters, etc.).

D. SWAC Annual Activity:

Due to COVID, the PW Expo event was not conducted.

E. Recycle a Bicycle:

SWAC provided support to Republic’s Recycle a Bicycle program last year. Recipients were students at Meridian Elementary School, along with their siblings and families. These Meridian residents received 90 bicycles.

F. Global Recycling Markets:

Recycling markets and recycling revenue continued to recover from China’s Green Sword program, however, revenue losses continued for Meridian’s commingled recyclable stream. Revenues from recovered commodities increased, but processing and labor costs offset the improvement. SWAC continued to work with Republic Services and City staff to review the request from Republic Services for sharing of recycling processing losses agreeing to propose approval of a one-year extension of the processing fee. No changes to the \$1.03 per household recycled material processing fee were proposed for FY22.

G. Ada County Solid Waste Advisory Committee:

SWAC Chair, Steve Cory, represents the City of Meridian’s interests on the Ada County Solid Waste Advisory Committee. This committee allows stakeholders to work in concert with one another to research and develop proposals for improving solid waste collection systems and services, including maintaining reasonable financial costs for the operations of the Ada County Landfill. Steve Cory reports back to Meridian SWAC periodically throughout the year providing valuable insight and information about valley-wide solid waste matters.

H. FY22 Annual Solid Waste Rate Adjustment:

SWAC reviewed and recommended to City Council approval of Republic Service’s proposed FY22 Annual SW Rate Adjustment. The rate adjustment for both commercial and residential services was comprised of the contractual CPI adjustment and the continuance of sharing the residential recycling processing costs for another year as set forth in a separate contract amendment and acceptance of a fee increase to cover a significant spike in labor costs incurred in

City of Meridian
Solid Waste
Advisory Commission



J. Scott Walters – Seat 1
Mark Nelson – Seat 2
Rand Spiwak – Seat 3
Steven Cory – Seat 4
Megan Larsen – Seat 5
Taryn Richmond – Seat 6
Shawn Keating – Seat 7
Kayleigh Philippi (Youth) – Seat 8
Tom Otte – Seat 9

FY2021. SWAC continues to be pleased that collection and processing costs to recycle have been set forth separately from trash collection rates. SWAC continues to believe that this transparency assists the City and public in better understanding the recycling industry's strengths and weaknesses when contemplating future programs or changes to existing ones.

I. Subscription services:

Subscriptions for curbside grass pickup have increased to 521 subscribers as opposed to 384 last year. Subscriptions for curbside glass pickup have increased to 170 subscribers as opposed to 134 last year. These are out of essentially 40,000 active residential accounts.

J. Ada County Household Hazardous Waste Quarterly Meetings:

Commissioner Nelson attends the quarterly meetings to stay current on the county HHW program and related topics. He reports back to SWAC after each meeting to review what was discussed.

K. Presentations:

Throughout the year SWAC received presentations regarding the following topics:

1. Quarterly and annual reports covering Republic Services' collection services, donated services, the Household Hazardous Waste Program, and secondary market conditions for recycled materials (Republic Services);
2. Solid Waste Program metrics and data (City Staff);
3. Contamination issues at recycling containers at transfer station (Republic Services);
4. Squishy Water Bottle pilot program reports (Republic Services);
5. Eagle Glass Collection (Republic Services); and
6. FY21 proposed SW rates and new fees (Republic Services, City staff).

L. Upcoming Commission Business:

In 2022, SWAC is looking forward to working with Republic Services and City staff on the following projects:

1. Furthering improvements in recycling efforts including reviewing third party needs, opportunities to reduce contamination, and evaluating improving material separation technologies.
2. Promoting Meridian's Trash or Treasure, Hand in Hand, and Recycle a Bicycle programs;
3. Monitoring yard composting market trends and construction/demolition waste diversion efforts;

City of Meridian
Solid Waste
Advisory Commission



J. Scott Walters – Seat 1
Mark Nelson – Seat 2
Rand Spiwak– Seat 3
Steven Cory – Seat 4
Megan Larsen – Seat 5
Taryn Richmond – Seat 6
Shawn Keating – Seat 7
Kayleigh Philippi (Youth)– Seat 8
Tom Otte – Seat 9

4. Attending the quarterly Ada County Household Hazardous Waste Program meetings and reporting back to SWAC and the Mayor and City Council as appropriate;
5. Partnering outside the city through the Ada County Solid Advisory Committee to develop an amplified, unified message to divert materials from the landfill and reduce contamination of materials collected for recycling;
6. Continued expansion of educational outreach to decrease contamination in the commingled residential recycling stream;
7. Looking for opportunities to reach out to new residents of Meridian; and
8. Looking for opportunities to reach out to the youth of Meridian.

M. Solid Waste Plan Subcommittee:

1. SWAC worked with City Staff to finalize the goals and expectations for the City's Solid Waste plan. An emphasis on outreach and education will be a theme of the Plan. SWAC looks forward to staff presenting the report and the opportunity to provide advice and consultation to finalize and implement the Plan.

In conclusion, it has been an active year for SWAC despite COVID. We continue to gain experience and appreciation of the many challenges facing the solid waste and recycling industries. Our commitment is steadfast to work in partnership with staff and Republic Services to identify and recommend to the Mayor and City Council improved fiscally sound trash and recycling services and programs for the benefit of Meridian residential and commercial customers. SWAC looks forward to another productive the year.



AGENDA ITEM

ITEM TOPIC: Police Department: Request to Transition the Part-Time Anti-Drug Coordinator Position to a Full-Time Position



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Police Department **Meeting Date:** March 15, 2022
Presenter: Chief Tracy Basterrechea **Estimated Time:** 15 Minutes
Topic: Police Department: Request to Transition the Part-Time Anti-Drug Coordinator Position to a Full-Tim Position

Recommended Council Action:

Approval

Background:



Anti-Drug Coalition Coordinator: Part-time to Full-time

The fulltime Substance Abuse Prevention Coordinator and part-time Anti-drug Coordinator have been working at capacity limiting new opportunities and increased expansion of prevention programming to Meridian community members, especially the youth in our community.

Growth Comparison:

Growth Category	2015	2019 (pre COVID)	2021 (COVID)
Average number of <i>active</i> MADC members	15+	30+	30+
MADC community partners	20+	40+	40+
Prevention education at events annually	30+	70+	60+
Email distribution subscribers	100+	400+	350+
Community members reached	Not tracked	21,000+	*5,000+

*Prevention education shifted from in-person to online, impacting tracking rates for community members reached.

Efficiencies: while the coalition has grown substantially over the last five years, further expansion of prevention outreach and programming has plateaued due to staff constraints. If this position became fulltime, one of our top priorities would be increasing prevention education to youth through our longtime partnership with West Ada School District. In addition, we would expand our local and state partnerships accepting invitations to serve on workgroups and collaborate on expanding prevention programming.

Communication: our substance abuse prevention education and resource referrals are done through a variety of communication methods. With the addition of a fulltime position we could increase:

- Prevention communications throughout the City, State and Police Department
- Prevention education in collaboration with community partners
- Social media

Recruitment: making this position fulltime would help attract candidates who are more likely to remain in the position for an extended amount of time (long-term cost savings benefit to the City) and come to the City with a broader set of prevention knowledge and skills to build upon.

Our Mission: to strengthen our community through substance abuse prevention.
Our Vision: to build Meridian into a drug free community where people can safely live, work and raise a family.



AGENDA ITEM

ITEM TOPIC: Mayor's Office: Discussion to Plan Use of Federal American Rescue Plan Act (ARPA) Funds



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From: Dave Miles **Meeting Date:** March 15, 2022
Presenter: Dave Miles **Estimated Time:** 20 mins
Topic: American Rescue Plan Act (ARPA) Funding Discussion

Recommended Council Action:

Provide approval for allocation of Phase I project recommendations.

Background:

The Federal Government has allocated a new round of COVID relief funding under what is now known as the American Rescue Plan Act (ARPA). Council last held discussion on the ARPA funding options on September 7, 2021. Through the Coronavirus State and Local Recovery Funds Program (SLFRF), the City has been allocated direct funding of \$12.8M. To date, the City has not requested or received any of the SLFRF funds, however an initial reporting was required and provided by Finance to the Federal Treasury by August 31, 2021 indicating that the City has requested and expended \$0 of SLFRF funds available to date.

As stated by the US Treasury, the ARPA funding also deviates from past COVID-19 funding efforts in that the Treasury recognizes that within the funding categories, each jurisdiction has substantial flexibility to meet local needs of the community. Within the ARPA funding guidance, the Treasury has identified four general categories of uses:

- Responding to the public health emergency or its negative economic impacts
- Providing premium pay to eligible workers
- Providing government services (via replaced lost revenue)
- To make necessary investments in water, sewer, and broadband infrastructure

In January of 2022, the US Treasury published the final rule regarding the use of ARPA funding. Changes were made in many areas of the rule and guidance including broadening the set of eligible uses for public health response as well as eligible water and sewer projects (mainly to address both affordability and reliability); clarifying that reasonably proportional capital expenditures may be allowable; and streamlining options to provide premium pay to those who qualify. Most significantly, the final rule now provides a standard allowance of \$10 million for revenue loss toward "government services"¹. This change in revenue loss methodology allows Meridian to apply up to \$10 million of the total \$12.8 million Meridian ARPA funding to government services projects, compared to the previously presented \$4.66 million (approx.).

¹ US Department of Treasury. 2022. *Coronavirus state & local fiscal recovery funds: Overview of the final rule*. Retrieved from <https://home.treasury.gov/system/files/136/SLFRF-Final-Rule-Overview.pdf>

Discussion:

Staff is seeking approval from City Council to move forward with projects listed as Phase I projects. Our goal is also for Council approval for Phase II projects, however phase II projects will be discussed further at future Council meetings.

With the ARPA funding being one-time money, strategies to expend the money on one-time capital needs make the most sense, rather than spending funds toward on-going expenses. ARPA funds are generational funds that will be spent. Like it or not, if Meridian does not utilize these funds, others will as they are projected to be returned to the Treasury and redistributed. With this in mind and following the State Legislature’s spending plan for State funds, it is prudent that Meridian consider projects that satisfy broad community needs, lower capital costs, meet long-term investment goals, and lower ongoing (operational) costs to the community.

As a reminder, the guidance and funding can be attributed to the four funding categories in the following ways based on follow up with the Treasury final rule guidance, and our Legal and Finance teams:

Responding to the public health emergency or its negative economic impacts	Some or all of \$12.8M
Providing premium pay to eligible workers	Some or all of \$12.8M
Providing government services (via replaced lost revenue)	Up to \$10M of \$12.8M
To make necessary investments in (water, sewer, broadband) infrastructure	Some or all of \$12.8M

Since the September, 2021 discussion and considering these categories, an internal team of senior leadership, along with Councilwoman Strader and Councilman Borton developed a list of project ideas (Attachment A). This list considered the ARPA rules, operational savings, community benefit, project timing and whether or not a similar project was related to the current strategic plan and comprehensive financial plan as the necessary hurdles to determine whether or not a project should be considered.

The projects have various benefits and scope, and many of the listed projects have an associated (calculable) return-on-investment (ROI). As you will find in Attachment B, there are project narratives provided to provide greater project detail and any relevant ROI consideration as well. Of note, you will not find a summary of the City’s benefits trust COVID impacts repayment. That item came to light after the senior leadership group met, and was being evaluated by the Legal Department as to its validity under the Treasury guidance. It was determined to be a viable item for cost recovery as those costs are directly related to the COVID impacts on the City employee base.

Phase I projects along with their estimated costs and the ARPA funding category they pertain to are listed below:

- Facility HVAC NPBI COVID Response ~\$160K
- COVID Testing COVID Response ~\$15K
- Benefits Trust COVID Impacts Repayment COVID Response ~\$190K
- Biosolids Drying Water, Sewer, Broadband ~\$5M
- Cybersecurity SCADA Improvements Water, Sewer, Broadband ~\$250K
- Energy Efficiency Study @ Utilities Water, Sewer, Broadband ~\$100K
- Energy Efficiency Study @ Facilities Revenue Loss ~\$100K
- Streetlight Improvements Revenue Loss ~\$1.0M

With an allocation of \$6,815,000 in phase I projects, remaining funds of a little more than \$6,000,000 are available for a variety of elements including possible costs overruns above estimates, the possibility of future COVID impacts if the virus increases in activity again, or other projects and reserves to future phase II projects.

Future phase II projects include the Linder Road Overpass among others. The Linder Road Overpass project has wide community benefit and is able to address a frequently-noted, top citizen concern. In fact, transportation related improvements have been one of the top citizen concerns since 2014. In 2020 alone, over 95% of the community noted that transportation projects were the highest priority of the community.²

In light of the current state of the golf course needs (including irrigation) and the support for a budget amendment approach for current capital improvements needed; the needed future work to clarify the community center needs and its current CFP allocation; the unclear project specifics for any broadband effort; and the variability of the availability of land for regional parks and whether the parks department is ready to move forward with future acquisition, these additional phase II projects should be further considered.

With approval of the phase I estimated project costs, the remaining +\$6M of funds are recommended to be considered for the following phase II projects below:

- Reserve Set-Aside ~\$2.5M
- Linder Road Overpass Revenue Loss ~\$2.5M
- Community Center Revenue Loss ~\$8-10M
- Golf Course Irrigation Water, Sewer, Broadband ~\$4.85M
- Regional Park Land Revenue Loss ~\$5M
- Broadband Water, Sewer, Broadband ~\$tbd

Staff is looking for acceptance of the phase I projects at this time. Follow up conversations will occur regarding the phase II projects and reserve funding.

<end>

² City of Meridian. (2020). *2020 City Survey*. Retrieved from <https://meridiancity.org/mayor/priorityissues/city-survey>

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ARPA Section	Program Options	Project Timeframe	Cost (Approx.)	Regulatory Compliance	Operational Savings	Strategic Plan Alignment	Current CFP	Community Benefit
COVID Response	Facility HVAC NPBI	3-6 mos.	\$160,000	Public space ventilation to improve Public Health Uses	None projected. Capital cost, operational	Government excellence - to promote increased accessibility during COVID	No	General benefit to users of public facilities as well as protected employee base limiting sick time loss
COVID Response	COVID Testing	through 2026	\$15,000	Responding to COVID as a public health emergency	None projected. Contract services cost	Government excellence - investing in employees	No	Testing can reduce sick time loss which could effect service
W, S, BrdBnd	Biosolids Drying	24-36 mos.	\$5,000,000	To make investments in infrastructure per CWSRF eligible projects	Projected 4 yr. payback with ARPA funds; projected 50% reduction in tons produced and trips to LF, Approx \$200-300K annual cost savings. (Change in rates at LF can impact this)	Vibrant & sustainable community - financially responsible projects to promote waste stream reduction.	No	Predicted long-term operational savings, and environmental benefit.
W, S, BrdBnd	Biogas (CHP)	24-36 mos.	\$1,500,000	To make investments in infrastructure per CWSRF eligible projects	Projected immediate payback with ARPA funds (14 yrs. w/o). Approx. \$109K annual cost savings.	Vibrant & sustainable community - financially responsible projects to promote waste stream reduction.	No	Predicted long-term operational savings, and environmental benefit.
W, S, BrdBnd	Well Site Solar	TBD	TBD	To make investments in infrastructure per DWSRF eligible projects	Varies- would qualify for net metering	Vibrant & sustainable community - financially responsible projects to promote waste stream reduction.	No	Predicted long-term operational savings, and environmental benefit.
W, S, BrdBnd	Energy Efficiency Plan (Ut.)	6-12 mos.	\$100,000	To make investments in infrastructure per CWSRF / DWSRF eligible projects	Study would determine whether utility future state operational savings and which are most favorable	Vibrant & sustainable community - financially responsible projects to promote waste stream reduction.	No	Predicted long-term operational savings, and environmental benefit.
W, S, BrdBnd	Cybersecurity (SCADA)	24 mos. (up to)	\$250,000	To make investments in infrastructure per CWSRF / DWSRF eligible projects	None projected. Increased security in system operations	Public Health and Safety - invest in technologies	No	Increased cyber security reducing risk of hacks/attacks
Revenue Loss	Energy Efficiency Plan (City)	6-12 mos.	\$100,000	Providing government services through revenue loss	Study would determine whether city-wide future state operational savings and which are most favorable	Vibrant & sustainable community - financially responsible projects to promote waste stream reduction.	No	Predicted long-term operational savings, and environmental benefit.
W, S, BrdBnd; Revenue Loss	Golf Irrigation	12 -18 mos.	\$4,850,000	To make investments in infrastructure per CWSRF / DWSRF eligible projects; Providing government services through revenue loss	Potential to have improved efficiencies leading to cost/operational savings	Vibrant & sustainable community - improve public programs	Yes	Improved experience at golf course amenity; improved delivery of water/irrigation services to amenity
Revenue Loss	Linder Rd Overpass	24 mos.	\$4,500,000	Providing government services through revenue loss	None projected	Transportation and infrastructure - advance transportation projects to reduce commute times and improve movement within Meridian	No	Improved commute times, reduced congestion, increased connectivity.
Revenue Loss	Streetlight Upgrades	60 mos.	\$1,575,000	Providing government services through revenue loss	5-10 yr payback depending on investment made	Vibrant & sustainable community - financially responsible projects to promote energy efficiency.	Yes	Reduced operational costs through lower electric utility demand

Committee Evaluation

Item #16.

Revenue Loss	Community Center	24-36 mos.	\$8-10M	Providing government services through revenue loss	None projected. Operational ongoing costs	Vibrant and sustainable community - develop premier indoor facilities	Yes	New gathering/programs space for community
Revenue Loss	Land - Regional Park(NW)	6 mos. (willing seller dependent)	\$5,000,000	Providing government services through revenue loss	None projected.	Vibrant and sustainable community - develop premier outdoor spaces	No	New gathering/programs space for community
COVID Response; Revenue Loss	Housing Affordability	unknown	Unknown	Responding to public health emergency through household assistance; Providing government services through revenue loss	None projected	Responsible growth - establish enhanced housing affordability options in new subdivisions	No	Attainable housing for community members who might otherwise not enter market.

Removed

W, S, BrdBnd	WRRF Solar	24-36 mos.	\$6-19M	To make investments in infrastructure per CWSRF eligible projects	Varies- 11-33 yr payback with ARPA funds; cannot sell power back	Vibrant & sustainable community - financially responsible projects to promote waste stream reduction.	No	Predicted long-term operational savings, and environmental benefit.
Project is not viable to complete within funding timelines								
W, S, BrdBnd	Broadband Deployment			To make investments in infrastructure for broadband projects	None projected	Vibrant and sustainable community - improve public spaces	No	Increased service availability accessible by citizens.
Project not viable due to limited impact and current broadband capital installations								
W, S, BrdBnd; Revenue Loss	Golf Irrigation (reclaim)	24-26 mos.	\$6,500,000	To make investments in infrastructure per CWSRF / DWSRF eligible projects; Providing government services through revenue loss	Potential to have improved efficiencies leading to cost/operational savings	Vibrant & sustainable community - improve public programs	No	Improved experience at golf course amenity; improved delivery of water/irrigation services to amenity; reduction of potable water use at course amenity
Project not viable due to limited benefit and funding timelines								
Eligible Pay	Premium Pay	3 mos.	tbd	Providing premium pay to eligible workers.	None projected. Operational one time costs	Government excellence - investing in employees	No	
Project not viable due to regulatory risk, narrow scope and limited position impact								
Pipe Replacement				Low return due to age of pipe, upfront costs, low return, funding plan already accounted for.				
Anderson Ranch Dam Raise				Not viable to complete project within funding timelines.				
Property Tax Relief				Project is not allowed per current Treasury guidance and financial auditor review.				

ent B – Project Narratives

Facility HVAC NPBI: The installation of the air filtration technology will add additional protection to customers and employees in local jurisdiction facilities. This technology has been proven through independent laboratory testing to reduce pathogen content within facilities. Improved filtration can protect customers and employees operating in various City facilities, keeping those facilities open and people at lower risk of exposure of pathogens. This proposal would cover installation of units at City Hall, Home Court, Water and Wastewater Administration facilities, the Public Safety Training Center, Parks Maintenance facility as well as the Police Department and the Fire stations and training. Total cost is estimated to be approximately \$160,000.

COVID Testing: During surge periods, testing of COVID becomes a strained resource. While we are not aware of an inability to get tested, results can be delayed due to volume. Through research and contact, three firms were/are able to provide (essentially) the same service, either through contract or their existing testing formats for all patients. If the City were to contract specifically with a firm, it is still subject to their patient loading. The cost of a specific contract is roughly around \$10,000-\$15,000 based on total employee population, insurance charge and approximation of employee population needing testing in any given year. The City also has “self-test” kits available for employees to use should they request them.

Golf Course Irrigation: The existing irrigation system at Lakeview Golf Club is old, outdated, and falling apart. Details can be found in the Lakeview Master Plan final report. The plan identifies the critical replacement of the irrigation system, including the addition of a ground water well and replacement of the pump system. Key sections of the golf cart paths will also be rebuilt so that they interface properly with the new irrigation upgrades.

Linder Rd. Overpass: For the last 6, almost 7 years, we have heard in our surveys that over at least 70% of the population rates transportation needs as the highest importance. In 2020 alone, over 95% of the community noted that transportation projects are the highest priority of the community. The proposed funding will advance the construction of the overpass. The overpass will save 6-14 minutes/peak trip. COMPASS analysis shows that average weekday congested vehicle miles of travel is reduced by 7,000 miles in 2025 and 92,000 hours in 2040. Study also shows that average weekday vehicle hours of delay is reduced by 60 hours in 2025 and 510 hours in 2040 with the addition of the overpass. Local businesses have found that this new overpass would also lessen operating costs. A new overpass would also help improve emergency response times by providing greater connectivity and access as emergency vehicles would not have to go to Ten Mile or Meridian to go north over I-84 to service properties like The Landing Subdivision and Peregrine Elementary.

Community Center: The existing Community Center in downtown Meridian will be removed later next year with construction of the redevelopment project on the Civic Block by River Caddis Development. We are currently surveying the public and preparing concept plans for a new community center to serve our growing population. The new community center will provide a place to attend classes and camps for all ages, host business and community meetings, and more. The goal is for the new community center to enhance the quality of life and help fill currently unmet desires of our residents by hosting quality activities and services and providing diverse recreational opportunities. The specifics of the uses in the community center are being refined through the current feasibility study.

Land – Regional Park (NW): The Fields District Specific Area Plan is built around a large regional park and pathways that converge near McMillan and Star Road. This land is not in our current CFP and is not currently eligible for Park Impact Fees, based on the 2019 impact fees study. We are interested in developing a new regional park to support the vision, but will need to identify a funding source to acquire and develop the property. The cost estimate assumes \$100K per acre for 50 acres.

Housing Affordability: There are many efforts that would require additional research to determine the specifics of how funds can be allocated to housing affordability projects. The State is advancing an initiative to establish the Idaho Workforce Housing Commission and Fund. Partnerships can also be evaluated, whether contributing to a partnership project, investing in land to leverage or any number of other ideas.

Proposed ARPA Project Title:	Biosolids Drying Facility
Project Sponsor:	Public Works
Projected Project Timeline:	3 Years (1-year project design, 2 years project construction)
Estimated Project Cost:	\$5,000,000
Estimated Operational Savings (Annual, After POM Costs):	\$250,000
Estimated ROI:	Using \$4M in ARPA Funds: 4 years Without ARPA Funds: 20 years

Project Description:

This proposed project would fund the design and installation of a biosolids drying facility. Currently the City’s biosolids, which are an end product of the treatment process at the WRRF, are treated and disposed of at the Ada County landfill. The current technology at the WRRF treats the biosolids to a level that meets all landfill regulations but is currently not treated to a level that could be disposed of in another manner (example: land application, compost). At the landfill, the City is charged to dispose of the biosolids by the ton (weight based).

A biosolids drying facility would accomplish three things.

- This equipment would reduce the weight and volume of the biosolids. By removing the moisture content in the biosolids, the City could reduce the number of trips to the landfill annually by approximately 50%. This would reduce the hauling and disposal costs at the landfill resulting in annual savings.
- This equipment would treat the City’s biosolids to a higher regulatory standard, giving the City the ability to utilize the biosolids for other uses (land application, compost).
*Note: additional costs (land, equipment, personnel) could be needed to execute these other disposal methods.
- While not a major source of odor for the facility, drying the biosolids would reduce odors at the facility from the biosolids storage area.

Project Benefits:

- Hauling and Disposal Costs Reduced
 - If either the landfill disposal costs or contracted hauling costs increase over time, the projected project savings increase.
- Trips to the Landfill Reduced
- Facility Odors Reduced
- Long Term Regulatory Benefit
 - This project would allow the City additional flexibility for disposal options with its biosolids if regulations changed in the future that did not allow landfilling of biosolids (not anticipated, but has occurred in other areas of the Country).

Project Challenges:

- Large Capital Project
- May need additional fund contribution from Enterprise Fund depending on amount of ARPA funding allocated

Alternative Funding Options:

This project is currently included in the Enterprise Fund CFP (FY31-FY33). The reason it is not sooner in the CFP schedule is because of the current ROI which is dependent on landfill and hauling costs and no imminent regulatory needs are identified. If landfill or hauling costs increase or regulations change, Public Works would move this project up in its planned project portfolio.

Proposed ARPA Project Title:	Biogas Energy Conversion (CHP)
Project Sponsor:	Public Works
Projected Project Timeline:	3 Years (1-year project design, 1 to 2 years project construction)
Estimated Project Cost:	\$1,500,000
Estimated Operational Savings (Annual, After POM Costs):	\$100,000
Estimated ROI:	Using \$1.5M in ARPA Funds: Immediate annual savings Without ARPA Funds: 15 years

Project Description:

This proposed project would fund the design and installation of facility that would convert the excess biogas produced at the facility into electrical power that would offset some of the facility’s power costs. Biogas is a natural biproduct of the anaerobic digestion process that the WRRF uses to treat the solids at the WRRF. Currently approximately 40% of the gas produced is used to heat the facility’s digesters and approximately 60% of the facility’s biogas is flared to the atmosphere.

A biogas energy conversion facility would accomplish two things.

- This equipment would reduce the amount of biogas that is flared to the atmosphere. The flaring of this excess biogas is permitted under the facility’s air permit.
- This equipment would produce energy for the facility that would offset some of the facility’s electrical power needs.

Project Benefits:

- Reduced facility electrical costs
 - If electrical costs increase over time, the projected project savings increase.
- Reduced flare emissions

Project Challenges:

- Large Capital Project

Alternative Funding Options:

This project is not currently included in the Enterprise Fund CFP. If electrical costs increase, the Enterprise Fund would pull this project into its planned portfolio.

Proposed ARPA Project Title:	Well and/or Lift Station Solar
Project Sponsor:	Public Works
Projected Project Timeline:	2 Years (1-year project design, 1-year project construction)
Estimated Project Cost:	TBD
Estimated Operational Savings (Annual, After POM Costs):	TBD
Estimated ROI:	Using TBD in ARPA Funds: TBD Without ARPA Funds: TBD

Project Description:

This proposed project would fund the design and installation of solar panels at our well and/or lift station sites.

Additional analysis is needed to determine site specific feasibility and site conditions/constraints. The Public Works Department is currently working with Idaho Power on further analysis.

Project Benefits:

- Reduced facility electrical costs
 - If electrical costs increase over time, the projected project savings increase.

Project Challenges:

- Each site needs analysis conducted on feasibility
- Current projected lifespan of solar panels/equipment is 15 years

Alternative Funding Options:

This project is not currently included in the Enterprise Fund CFP. If electrical costs increase, the Enterprise Fund would pull this project into its planned project portfolio.

Proposed ARPA Project Title:	Energy Efficiency Plan (Utilities)
Project Sponsor:	Public Works
Projected Project Timeline:	1 Year
Estimated Project Cost:	\$100,000
Estimated Operational Savings (Annual, After POM Costs):	TBD
Estimated ROI:	TBD

Project Description:

This proposed project would fund the completion of an energy efficiency study by an external consultant to evaluate the various energy uses, potential technologies, and areas of potential savings in the Water and Wastewater Utilities.

Project Benefits:

- Identification of energy efficiency projects and operational activities that could result in energy savings.

Project Challenges:

- None anticipated

Alternative Funding Options:

This project is not currently included in the Enterprise Fund CFP.

Proposed ARPA Project Title:	Cybersecurity (SCADA)
Project Sponsor:	Public Works and IT
Projected Project Timeline:	1-2 Years (1-year project design, 1-year project construction)
Estimated Project Cost:	\$250,000
Estimated Operational Savings (Annual, After POM Costs):	\$0
Estimated ROI:	N/A

Project Description:

This proposed project would fund the installation of equipment and software that would allow the IT Department to isolate the City’s SCADA system from the main City servers in the case of an emergency. This would provide important security for both the SCADA system and City network.

Project Benefits:

- Increased cyber security

Project Challenges:

- None anticipated

Alternative Funding Options:

This project is not currently included in the Enterprise Fund CFP. However, if this project is not funded with ARPA funds, the Enterprise Fund will look for other funding opportunities including using planned CFP SCADA funds.

Proposed ARPA Project Title:	Energy Efficiency Plan (City)
Project Sponsor:	Public Works and Mayor's Office
Projected Project Timeline:	1 Year
Estimated Project Cost:	\$100,000
Estimated Operational Savings (Annual, After POM Costs):	TBD
Estimated ROI:	TBD

Project Description:

This proposed project would fund the completion of a City-wide facility energy efficiency study by an external consultant to evaluate the various energy uses, potential technologies, and areas of potential savings in all the City facilities.

Project Benefits:

- Identification of energy efficiency projects and operational activities that could result in energy savings.

Project Challenges:

- None anticipated

Alternative Funding Options:

This project is not currently included in the Enterprise or General Fund CFPs.

Proposed ARPA Project Title:	Streetlights
Project Sponsor:	Public Works
Projected Project Timeline:	Up to 5 years
Estimated Project Cost:	\$1,500,000
Estimated Operational Savings (Annual, After POM Costs):	Varies- \$64,000 to \$79,000
Estimated ROI:	Breakeven point for single LED light conversion: <ul style="list-style-type: none"> • 100W- approximately 8 years • 250w- approximately 5 years

Project Description:

This proposed project would fund the conversion of high-pressure sodium (HPS) streetlights to LED resulting in energy and maintenance costs savings.

Historically the General Fund has allocated between \$50,000 and \$375,000 per year to complete streetlight LED upgrades. As of November 2021, the City has approximately 4,248 HPS left to convert.

Logistically, the Public Works Department is constrained by project management resource in completing more than a certain number of change outs per year. If the Department is fully staffed, it is estimated that they could handle no more than 1,000 conversions per year (approx. ~\$600,000). Alternatively, the City could look at contracting out this project management, although this option has not been fully vetted for additional costs.

Each converted streetlight results in the following annual savings:

	Electrical Savings (Annual per Light)	Maintenance Savings (Annual per Light)	Total Savings (Annual per Light)
100w (3,789 lights remaining)	\$11.75	\$52.50	\$64.25
250w (459 lights remaining)	\$43.50	\$52.50	\$96.00

Project Benefits:

- Reduced electrical and maintenance costs
 - If electrical costs increase over time, the projected project savings increase.

Project Challenges:

- Project management constraints
- Supply chain constraints
- Creating a future replacement bubble by installing all the lights at once (they will age out at the same time in the future)

Alternative Funding Options:

This project is currently included in the General Fund CFP at the following level.

- FY23- \$75,000
- FY24- \$75,000
- FY25 through FY32- \$100,000 per year