

CITY COUNCIL REGULAR MEETING

City Council Chambers, 33 East Broadway Avenue Meridian, Idaho Tuesday, December 14, 2021 at 6:00 PM

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

Agenda

VIRTUAL MEETING INSTRUCTIONS

To join the meeting online: https://us02web.zoom.us/j/89698091279

Or join by phone: 1-669-900-6833 Webinar ID: 896 9809 1279

ROLL CALL ATTENDANCE

____ Jessica Perreault

____ Treg Bernt

____ Joe Borton ____ Liz Strader

Mayor Robert E. Simison

____ Brad Hoaglun ____ Luke Cavener

PLEDGE OF ALLEGIANCE

COMMUNITY INVOCATION

ADOPTION OF AGENDA

PUBLIC FORUM - Future Meeting Topics

The public are invited to sign up in advance of the meeting at www.meridiancity.org/forum to address elected officials regarding topics of general interest or concern of public matters. Comments specific to active land use/development applications are not permitted during this time. By law, no decisions can be made on topics presented at Public Forum. However, City Council may request the topic be added to a future meeting agenda for further discussion or action. The Mayor may also direct staff to provide followup assistance regarding the matter.

ACTION ITEMS

Public Hearing process: Land use development applications begin with presentation of the project and analysis of the application by Planning Staff. The applicant is then allowed up to 15 minutes to present their project. Members of the public are then allowed up to 3 minutes each to address City Council regarding the application. Citizens acting as a representative of a Homeowner's Association may be allowed up to 10 minutes to speak on behalf of represented homeowners who have consented to yielding their time. After all public testimony, the applicant

is allowed up to 10 minutes to respond to questions and comments. City Council members may ask questions throughout the public hearing process. The public hearing is then closed, and no further public comment is heard. City Council may move to continue the application to a future meeting or approve or deny the application. The Mayor is not a member of the City Council and pursuant to Idaho Code does not vote on public hearing items unless to break a tie vote.

- **1. Public Hearing** and Reading of Ordinance No. 21-1958: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the Urban Renewal Plan for the Linder District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; Providing for Waiver of the Reading Rules; and Providing an Effective Date
- 2. **Public Hearing** for Pera Place Subdivision (H-2021-0056/H-2021-0091) by Leavitt & Associates Engineers, Located at 4600 W. Daphne St., 4546 W. Daphne St., and Parcel S0427325702, Near the Northeast Corner of N. Black Cat Rd. and W. McMillan Rd.

A. Request: Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district.

B. Request: A Rezone of 6.84 acres of land from the R-4 zoning district to the R-8 zoning district.

C. Request: A Preliminary Plat consisting of 65 single-family detached building lots and 7 common lots on 16.63 acres of land.

D. Request: Development Agreement Modification (H-2021-0091) to terminate the existing Development Agreement (Bellhaven Subdivision, AZ-07-011 & PP-07-016, Inst. #108057324) to incorporate the subject parcel (S0427325702) into a new Development Agreement consistent with the proposed Preliminary Plat and Annexation for Pera Place Subdivision (H-2021-0056).

3. Public Hearing for Outer Banks Subdivision/The 10 Meridian (H-2021-0063) by J-U-B Engineers, Inc., Located at the Southwest Corner of W. Franklin Rd. and S. Ten Mile Rd.

A. Request: Preliminary Plat consisting of 25 buildable lots on 36+/- acres of land in the R-40 and C-C zoning districts.

B. Request: Conditional use permit for a multi-family development containing a total of 516 residential dwelling units consisting of (364) high-density apartment, (126) flat and (26) townhome style units in the R-40 and C-C zoning districts.

<u>4.</u> Public Hearing for Aviator Springs (H-2021-0065) by The Land Group, Inc., Located at 3235 N. McDermott Rd.

A. Request: 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.

B. Request: A 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.

FUTURE MEETING TOPICS

ADJOURNMENT



ITEM TOPIC: Public Hearing and Reading of Ordinance No. 21-1958: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the Urban Renewal Plan for the Linder District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; Providing for Waiver of the Reading Rules; and Providing an Effective Date



MEMO TO CITY COUNCIL

Request to Include Topic on the City Council Agenda

From:	Victoria Cleary, Community Development Meeting Date: December 14, 2021
Presenter:	Meghan Conrad, MDC Special Legal Counsel Estimated Time: 10 minutes
Topic:	Ordinance No. 21-1958: An Ordinance of the City Council of the City of Meridian, Idaho, Approving the Urban Renewal Plan for the Linder District Urban Renewal Project, Which Plan Includes Revenue Allocation Financing Provisions; Authorizing the City Clerk to Transmit a Copy of This Ordinance and Other Required Information to County and State Officials and the Affected Taxing Entities; Providing Severability; Approving the Summary of the Ordinance; Providing for Waiver of the Reading Rules; and Providing an Effective Date

Recommended Council Action

Ordinance No. 21-1958 to approve the Urban Renewal Plan for the Linder District Urban Renewal Project (the "Plan"). Following the public hearing, the Council may subsequently waive the second and third readings and pass the Ordinance.

Background

Early this year, Community Development Department and Urban Renewal Agency of Meridian, Idaho also known as Meridian Development Corporation ("MDC") staff began to explore strategies to encourage development in the area between Ten Mile and Linder Roads, south of Interstate 84 and north of Overland Road. This area includes parcels within City limits, as well as parcels located within unincorporated Ada County, yet within the City's Area of City Impact. While there has been interest in the area, a lack of sewer infrastructure and development requirements for local east-west transportation improvements are limiting private investment in the area. This area is located within the Ten Mile Interchange Specific Area Plan area.

The following required actions and approvals have preceded this proposed ordinance approving the Linder District Plan:

MDC Acceptance and Transmittal of Eligibility Report to the O	City May 26, 2021
Ada County Presentation	June 14, 2021
ACHD Presentation	August 11, 2021
Obtain Agricultural Operation Consents/Meet & Confer with Property Owners and Stakeholders	On or before September 30, 2021
Ada County Acceptance of Eligibility Report	September 30, 2021
City Council Acceptance of Eligibility Report	October 5, 2021

MDC Approval of Linder District Urban Renewal Plan	October 27, 2021
Planning and Zoning Commission Confirmation of Conformanc Linder District Urban Renewal Plan with City Comprehensive I	-
Plan Transmitted to the Overlapping Taxing Districts	On or before November 12, 2021
Publication of the Notice of Hearing in the Idaho Press	November 12 and 26, 2021
Ada County Adoption of the Transfer of Powers Ordinance and Approval of Intergovernmental Agreement	December 7, 2021
ACHD Approval of Agreement Pursuant to Idaho Code 50-290	8 December 8, 2021

Alignment with City Initiatives

This is one of the few remaining undeveloped areas of significant size within the City's Area of City Impact that can accommodate substantial future employment supporting family-wage jobs.

The proposed Linder District addresses several goals and strategies identified in three of the six Focus Areas in the Citywide Strategic Plan:

Focus Area	Goal	Strategy
Responsible Growth	Utilize impact fees, cooperative agreements, urban renewal districts and other tools to ensure that development pays its proportionate share of service impacts.	Utilize urban renewal districts for redevelopment and infrastructure needs in the community.
Transportation & Infrastructure	Advance construction of transportation projects on priority arterial roadways to reduce commute times and improve efficient movement within and about Meridian.	Utilize City funds and partnership to advance construction of identified priority road projects.
Business &	Support business development that increases the number of family wage jobs to allow employees to live and work in Meridian.	Work with the development community to facilitate the creation of business/industrial/research parks.
Economic Vitality	Utilize urban renewal areas and specific area plans to promote business investment in targeted areas to meet community needs.	Create targeted urban renewal areas to spur investment and needed infrastructure improvements.

The Plan & District Improvements

This urban renewal effort is strategic and intentional, limited in size and scope, restricted to three transportation and utility improvements. The Linder District is approximately 188.6 acres (including rights-of-way), encompassing 17 parcels owned by seven private entities and one parcel owned by the City.





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Linder Overpass: In addition to the City's \$2.5 million commitment, tax increment generated by private investment in the Linder District will help to accelerate the project. Tax increment funds are planned to support ACHD improvements related to construction of the south approach to the overpass bridge.

The Linder overpass will improve emergency response times and alleviate congestion at the Meridian and Ten Mile interchanges, providing an alternative route for local and regional commuters, businesses and others, including West Ada School District and Republic Services, which both have facilities on Franklin Road, west of Linder Road.

Sewer Installation: To-date, no single property owner or developer has been willing to undertake the necessary costs for sewer installation to accommodate development. The significant sewer extension, comprised of 8-, 10- and 12-inch lines, planned south of and parallel to I-84, is needed to serve approximately 60 percent of the developable land. Financial projections estimate that installation of sewer improvements early in the life of the Linder District will spur private investments to generate the revenue necessary to fund the identified improvements.



Local Roadway: The City's 2007 Ten Mile Interchange Specific Area Plan calls our requirements for installation of a local roadway to provide east-west connectivity and minimize impacts to ACHD's Overland arterial.

Once the qualifying public infrastructure costs for the three identified projects are reimbursed, the District will sunset. Staff anticipates this could occur well before the 20-year District lifespan permitted by State statute should private development occur as projected.

Property Owner Engagement: City staff has engaged with all seven property owners over the past six months, beginning with a certified mailing in June 2021 which included an introductory letter, a document explaining urban renewal, and the Eligibility Report. Staff has obtained consent agreements for the six parcels that have been used for agriculture operations within the past three years, as required by Idaho Code §50-2903(8)(f).

Future Actions

After publication of the Ordinance Summary, the City Clerk will notify the taxing districts and the State Tax Commission of the creation of the Linder District Urban Renewal Area.

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CITY OF MERIDIAN ORDINANCE NO. 21-1958

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER, HOAGLUN PERREAULT, STRADER

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE LINDER DISTRICT URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY; APPROVING THE SUMMARY OF THE ORDINANCE; PROVIDING FOR WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Meridian City Council and Mayor of Meridian respectively on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation ("MDC" or the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, on October 8, 2002, the City Council (the "City Council") of the City of Meridian, Idaho (the "City"), after notice duly published conducted a public hearing on the Meridian Revitalization Plan Urban Renewal Project, which is also referred to as the Downtown District (the "Downtown District Plan");

WHEREAS, following said public hearing, the City Council on December 3, 2002, adopted Ordinance No. 02-987 approving the Downtown District Plan, making certain findings and establishing the Downtown District revenue allocation area (the "Downtown District Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Ten Mile Road -An Urban Renewal Project (the "Ten Mile Plan"). The public hearing was continued to June 21, 2016, for further testimony;

WHEREAS, following said public hearings, the City Council adopted its Ordinance No. 16-1695 on June 21, 2016, approving the Ten Mile Plan, making certain findings and establishing the Ten Mile revenue allocation area (the "Ten Mile Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the First Amendment to the Meridian Revitalization Plan Urban Renewal Project (the "First Amendment to the Downtown District Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 20-1881 on June 9, 2020, approving the First Amendment to the Downtown District Plan deannexing certain parcels from the Downtown District Project Area and making certain findings; **WHEREAS**, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Union District Urban Renewal Project (the "Union District Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 20-1882 on June 9, 2020, approving the Union District Plan, making certain findings, and establishing the Union District revenue allocation area, which included the parcels deannexed pursuant to the First Amendment to the Downtown District Plan (the "Union District Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project (the "Second Amendment to the Downtown District Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 21-1933 on July 13, 2021, approving the Second Amendment to the Downtown District Plan deannexing certain parcels from the Downtown District Project Area and making certain findings (collectively, the Downtown District Plan, and amendments thereto, are referred to as the "Existing Downtown District Plan," and the Downtown District Project Area, and amendments thereto, are referred to as the "Existing Downtown District Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the (Option A) Urban Renewal Plan for the Northern Gateway District Urban Renewal Project (the "Northern Gateway District Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 21-1954 on December 7, 2021, approving the Northern Gateway District Plan, making certain findings, and establishing the Northern Gateway District revenue allocation area, which included a portion of the parcels deannexed pursuant to the Second Amendment to the Downtown District Plan (the "Northern Gateway District Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the First Amendment to the Urban Renewal Plan for the Union District Urban Renewal Project (the "First Amendment to the Union District Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 21-1956 on December 7, 2021, approving the First Amendment to the Union District Plan, making certain findings, and annexing 1.461 acres into the existing Union District revenue allocation area, which included a portion of the parcels deannexed pursuant to the Second Amendment to the Downtown District Plan (the "First Amendment to the Union District Project Area");

WHEREAS, the Existing Downtown District Plan, the Ten Mile Plan, the Union District Plan, as amended by the First Amendment to the Union District Plan, and the Northern Gateway District Plan are collectively referred to as the "Existing Urban Renewal Plans" and their respective revenue allocation project areas are collectively referred to as the "Existing Project Areas;"

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a

deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, an urban renewal plan shall (a) conform to the general plan for the municipality as a whole, except as provided in Section 50-2008(g), Idaho Code; and (b) shall be sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes, if any, land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, based on inquiries and information presented by certain public entities, certain interested parties and property owners, the City and MDC commenced certain discussions concerning examination of an area, a portion of which was located within the City, and a portion of which was located within the City's area of operation within unincorporated Ada County, to determine whether the area may be deteriorating or deteriorated and should be examined as to whether such an area is eligible for an urban renewal project;

WHEREAS, in 2021, MDC authorized Kushlan | Associates to commence an eligibility study and preparation of an eligibility report for an area approximately 195 acres in size, including rights-of-way, and referred to as the Linder District Study Area ("Study Area"). The Study Area is generally bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south, and what would be an unimproved section of Linder Road on the east. Additionally, the Study Area includes three (3) parcels located west of Linder Road and north of I-84. All properties are included within the boundaries of the Ten Mile Interchange Specific Area Plan;

WHEREAS, MDC obtained an eligibility report entitled Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), which examined the Study Area, which area also included real property located within unincorporated Ada County for the purpose of determining whether such area was a deteriorating area, a deteriorated area, or a combination of both a deteriorating area and a deteriorated area, as those terms are defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which define the qualifying conditions of a deteriorating area and a deteriorated area, several of the conditions necessary to be present in such an area are found in the Study Area, i.e.,

- a. age or obsolescence;
- b. the predominance of defective or inadequate street layout; and
- c. faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting;

WHEREAS, the Study Area contains open land;

WHEREAS, under the Act a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. See, Idaho Code § 50-2903(8)(c);

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list the additional conditions applicable to open land or open areas, including open land areas to be acquired by MDC, which are the same or similar to the conditions set forth in the definitions of "deteriorating area" and "deteriorated area;"

WHEREAS, to the extent the Study Area is considered "predominantly" open, the Report addresses the necessary findings concerning including open land within any urban renewal area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, the MDC Board, on May 26, 2021, adopted Resolution No. 21-024, accepting the Report and authorized the Chair, Vice-Chair, or Administrator of MDC to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct MDC to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by the Act;

WHEREAS, the MDC Board also authorized the transmittal of the Report to the Ada County Board of County Commissioners for purposes of obtaining a resolution determining such areas outside the boundaries of the incorporated City and within unincorporated Ada County to be deteriorated and/or deteriorating and finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, under the Law and Act, Idaho Code Sections 50-2903(8)(f) and 50-2018(8) and (9), the definition of a deteriorating area and a deteriorated area shall not apply to any agricultural operation as defined in Section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Study Area includes parcels subject to such consent;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the Study Area included certain real property located outside the City limits, but with the City's area of operation within unincorporated Ada County;

WHEREAS, MDC submitted true and correct copies of MDC Resolution No. 21-024 and the Report to the Ada County Board of County Commissioners, and the Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, on June 14, 2021, representatives of the City and MDC presented the Report to the Ada County Commissioners requesting the Commissioners to consider adopting the findings concerning the Study Area;

WHEREAS, the Commissioners did not take action at that time, and the City and MDC were directed to obtain the agricultural operation consents from the property owners located within unincorporated Ada County, which consents for agricultural operations were obtained from the property owners south of Interstate 84;

WHEREAS, following transmittal to the Ada County Board of County Commissioners, and based on ongoing discussions, it appeared the proposed project area would be smaller than the Study Area. Specifically, the parcels located north of Interstate 84 and west of Linder Road were included within the Study Area boundary; however, those parcels would not be included in any proposed urban renewal plan or project area boundary;

WHEREAS, additional information was transmitted to the Ada County Board of County Commissioners' staff as requested;

WHEREAS, the Ada County Board of County Commissioners adopted MDC's findings concerning the proposed Study Area by adopting Resolution No. 2676 on September 30, 2021, and further limited the unincorporated Ada County parcels to be included in any proposed Linder District project area to those certain parcels south of Interstate 84;

WHEREAS, the City Council on October 5, 2021, adopted Resolution No. 21-2289, and declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29 of Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, that the Ada County Board of County Commissioners directed the parcels north of Interstate 84 and west of Linder Road should not be included in any proposed Linder District revenue allocation area, and directed MDC to commence preparation of an urban renewal plan for the area designated;

WHEREAS, in order to implement the provisions of the Act and the Law either MDC may prepare a plan, or any person, public or private, may submit such plan to MDC;

WHEREAS, the City, MDC and its consultants embarked on the planning of an urban renewal project referred to as the Urban Renewal Plan for the Linder District Urban Renewal Project (the "Linder District Plan") to develop and/or redevelop a portion of the City, as well as an area within unincorporated Ada County adjacent and contiguous to the City, that is intended to be annexed into the City prior to development, pursuant to the Law and the Act, as amended;

WHEREAS, the Linder District Plan proposes to create an urban renewal and revenue allocation area commonly known as the Linder District Project Area, which area is shown on the "Boundary Map of Linder District Urban Renewal Project Area and Revenue Allocation Area" and

described in the "Legal Description of Linder District Urban Renewal Project Area and Revenue Allocation Area," which are attached to the Linder District Plan as Attachments 1 and 2 respectively;

WHEREAS, the area included in the Linder District Project Area is smaller than the area assessed in the Report;

WHEREAS, the Act authorizes MDC to adopt revenue allocation financing provisions as part of an urban renewal plan;

WHEREAS, the Linder District Plan contains revenue allocation financing provisions as allowed by the Act;

WHEREAS, MDC and the City Council reviewed and considered the proposed public improvements within the Linder District Project Area at several meetings during 2021;

WHEREAS, the MDC Board considered all comment and information submitted to the Agency during several earlier Board meetings throughout 2021, in addition to the establishment of the Linder overpass task force and City staff's efforts to meet with property owners, taxing districts, and other stakeholders, in order to promote input into the Linder District Plan;

WHEREAS, on October 27, 2021, the MDC Board passed Resolution No. 21-053 proposing and recommending the approval of the Linder District Plan;

WHEREAS, the Agency submitted the Linder District Plan to the Mayor and City Council;

WHEREAS, the Mayor and City Clerk have taken the necessary action in good faith to process the Linder District Plan consistent with the requirements set forth in Idaho Code Sections 50-2906 and 50-2008;

WHEREAS, pursuant to the Law, at a meeting held on November 4, 2021, the Meridian Planning and Zoning Commission considered the Linder District Plan and found by P & Z Resolution No 21-07 that the Linder District Plan is in all respects in conformity with the City of Meridian Comprehensive Plan, as may be amended (the "Comprehensive Plan") and forwarded its findings to the City Council, a copy of which is attached hereto as <u>Exhibit 1</u>;

WHEREAS, the notice of public hearing of the Linder District Plan was caused to be published by the Meridian City Clerk in the *Idaho Press* on November 12 and 26, 2021, a copy of said notice is attached hereto as <u>Exhibit 2</u>;

WHEREAS, as of November 12, 2021, the Linder District Plan was submitted to the affected taxing entities and separately to the Ada County Highway District ("ACHD"), available to the public, and under consideration by the City Council;

WHEREAS, that an administration of a revenue allocation financing provision extending beyond the municipal boundary of the City has been negotiated with the Ada County Board of County Commissioners, specifically the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b) ("Agreement") and that the Agreement has been formalized by a transfer of power ordinance adopted by the Ada County board of County Commissioners. A copy of the transfer of power ordinance, Ada County Ordinance No. 932, is attached hereto as Exhibit 5;

WHEREAS, the City Council has approved or will approve the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-3906(3)(b) with Ada County by adopting Resolution No. 932. A copy of City Council Resolution No. 21-2299 is attached hereto as Exhibit 6.

WHEREAS, the City Council during its regular meeting of December 14, 2021, held such public hearing on the Linder District Plan as noticed;

WHEREAS, as required by Idaho Code sections 50-2905 and 50-2906, the Linder District Plan contains the following information with specificity which was made available to the general public and all affected taxing districts prior to the public hearing on December 14, 2021, the regular meeting of the City Council, at least thirty (30) days but no more than sixty (60) days prior to the date set forth final reading of the Ordinance: (1) a statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality; (2) the kind, number, and location of all proposed public works or improvements within the revenue allocation area; (3) an economic feasibility study; (4) a detailed list of estimated project costs; (5) a fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds, notes and/or other obligations are repaid, upon all taxing districts levying taxes upon property in the revenue allocation area; (6) a description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred; (7) a termination date for the plan and the revenue allocation area as provided for in section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the urban renewal plan; and (8) a description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets;

WHEREAS, the Linder District Plan authorizes certain projects to be financed by owner/developer participation agreements and proceeds from revenue allocation. Revenue allocation bonds or loans are permissible;

WHEREAS, appropriate notice of the Linder District Plan and revenue allocation provision contained therein has been given to the affected taxing districts and to the public as required by Idaho Code§§ 50-2008 and 50-2906;

WHEREAS, it is necessary and in the best interest of the citizens of the City, to adopt the Linder District Plan and to adopt, as part of the Linder District Plan, revenue allocation financing provisions that will help finance urban renewal projects to be completed in accordance with the Linder District Plan, in order to: encourage private development in the urban renewal area; prevent and arrest decay of the City due to the inability of existing financing methods to provide needed

public improvements; encourage taxing districts to cooperate in the allocation of future tax revenues arising in the Linder District Project Area in order to facilitate the long-term growth of their common tax base; encourage private investment within the City; and to further the public purposes of the Agency;

WHEREAS, the City Council finds that the equalized assessed valuation of the taxable property in the revenue allocation area as shown and described in Attachments 1 and 2 of the Linder District Plan is likely to increase, and continue to increase, as a result of initiation and continuation of urban renewal projects in accordance with the Linder District Plan;

WHEREAS, under the Law and Act any such plan should provide for (1) a feasible method for the location of families who will be displaced from the urban renewal area in decent, safe, and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan should conform to the general plan of the municipality as a whole; (3) the urban renewal plan should give due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of the children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan should afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise;

WHEREAS, if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe, and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe, and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality; or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in the Law, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area;

WHEREAS, pursuant to Chapter 14, Title 40, Idaho Code, the Ada County Highway District ("ACHD") is granted certain authority and jurisdiction over public rights of way within the Linder District Project Area;

WHEREAS, ACHD also has the opportunity to provide comments on the proposed Linder District Plan;

WHEREAS, the Agency obtained written consent concerning certain property owners within the Linder District Project Area, which may have been deemed an agricultural operation, as stated above. A true and correct copy of the agricultural operation consents are included as Attachment 6 to the Linder District Plan;

WHEREAS, the base assessment roll of the Linder District Project Area, together with the base assessment roll values of the Existing Project Areas, cannot exceed ten percent (10%) of the current assessed values of all the taxable property in the City;

WHEREAS, it is necessary, and in the best interests of the citizens of the City to adopt the Linder District Plan;

WHEREAS, the City Council at its regular meeting held on December 14, 2021, considered the Linder District Plan as proposed and made certain comprehensive findings.

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

<u>SECTION 1</u>: It is hereby found and determined that:

- (a) The Linder District Project Area as defined in the Linder District Plan is a deteriorated area or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, development and redevelopment of the urban renewal area pursuant to the Linder District Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Linder District Plan conforms to the City of Meridian Comprehensive Plan as a whole.
- (e) The Linder District Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the commercial and industrial components of the Plan and the need for public improvements to support the goals of the mixed employment area as set forth in the Ten Mile Specific Area Plan), and shows consideration for the health, safety, and welfare of any children, residents, or businesses in the general vicinity of the urban renewal area covered by the Linder District Plan.
- (f) The Linder District Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.

- (g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(l), the Linder District Plan provides a feasible method for relocation obligations of any displaced families residing within the Linder District Project Area.
- (h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas and the Linder District Project Area, do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The Linder District Plan includes the requirements set forth in Idaho Code § 50-2905 with specificity.
- (j) The Linder District Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes (if any), land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9) and Idaho Code section 50-2903(8)(f), does include agricultural operations for which the Agency has received written consent, or which have not been used for agricultural purposes for three (3) consecutive years.
- (1) The portion of the Linder District Project Area which is identified for non-residential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.
- (m) The portion of the Linder District Project Area which is identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

SECTION 2: The City Council finds that the Linder District Project Area has a substantial portion of open land, that the Agency may acquire any open land within the Linder District Project Area, and that the Linder District Project Area is planned to be redeveloped in a manner that may primarily include nonresidential uses, with some opportunity for limited residential uses. Provided, however, the City Council finds that for the portions of the Linder District Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that one of the Linder District Plan objectives to increase the residential opportunity does meet the sound needs of the City and will provide housing opportunities in an area that does not now contain such opportunities, and the portion of the Linder District Project Area which is identified for nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City's Comprehensive Plan, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

SECTION 4: The Linder District Plan, a copy of which is attached hereto and marked as Exhibit 3 and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 14, 2021, hearing and incorporate changes or modifications, if any.

<u>SECTION 5</u>: As required by Idaho Code §§ 50-2906(3)(b) and 50-2907(2), and as further defined above, the Ada County Board of County Commissioners and the City have entered into, or will enter into an Agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and Agreement has been formalized by a transfer of power ordinance adopted by the Ada County Board of Commissioners in Ada County Ordinance No. 932 (attached hereto as Exhibit 5), and by City Council Resolution No. 21-2299 (attached hereto as Exhibit 6).

SECTION 6: The boundaries of the Linder District Project Area overlap the boundaries of the ACHD, which has the responsibility for the maintenance of roads and highways within the City. The Agency has negotiated an agreement with the ACHD pursuant to Idaho Code Section 50-2908(2)(a)(iv).

<u>SECTION 7</u>: The City Council declares that nothing within the Linder District Plan is intended or shall be interpreted to usurp the jurisdiction and authority of ACHD as defined in chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, ACHD has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights of way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, ACHD shall take into consideration the principles contained in the Plan.

SECTION 8: No direct or collateral action challenging the Linder District Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Northern Gateway District Plan.

<u>SECTION 9</u>: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Ada County Assessor, and to the appropriate officials of Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, Western Ada Recreation District, Pest Extermination District, and Meridian Fire District and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of

the Revenue Allocation Area, and a map indicating the boundaries of the Linder District Project Area.

SECTION 10: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Linder District Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the Linder District Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Linder District Plan.

<u>SECTION 11</u>: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Linder District Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

<u>SECTION 12</u>: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code section 50-2006 to designate itself as the Agency Board.

SECTION 13: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2021, to the extent permitted by the Act.

SECTION 14: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such determination shall not affect the validity of remaining portions of this Ordinance.

<u>SECTION 15</u>: The Summary of this Ordinance, a copy of which is attached hereto as <u>Exhibit 4</u>, is hereby approved.

SECTION 16: All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

<u>SECTION 17</u>: Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

SECTION 18: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1) reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

PASSED by the City Council of the City of Meridian, Idaho, this _____ day of December 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this _____ day of December 2021.

APPROVED:

ATTEST:

Robert E. Simison, Mayor

Chris Johnson, City Clerk

Exhibit 1

A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the Urban Renewal Plan for the Linder District Urban Renewal Project with the City of Meridian's Comprehensive Plan

CITY OF MERIDIAN

BY THE PLANNING AND ZONING COMMISSION

A RESOLUTION OF THE PLANNING AND ZONING COMMISSION FOR THE CITY OF MERIDIAN, IDAHO, VALIDATING CONFORMITY OF THE URBAN RENEWAL PLAN FOR THE LINDER DISTRICT URBAN RENEWAL PROJECT WITH THE CITY OF MERIDIAN'S COMPREHENSIVE PLAN

WHEREAS, the Urban Renewal Agency of the City of Meridian (the "City"), Idaho, also known as Meridian Development Corporation (hereinafter "MDC"), the duly constituted and authorized urban renewal agency of the City, has submitted the proposed Urban Renewal Plan for the Linder District Urban Renewal Project (the "Linder District Plan") to the City; and

WHEREAS, the Mayor and Meridian City Council referred the Linder District Plan to the City Planning and Zoning Commission for review and recommendations concerning the conformity of said Linder District Plan with the City's Comprehensive Plan, as amended (the "Comprehensive Plan"); and

WHEREAS, on November 4, 2021, the City Planning and Zoning Commission met to consider whether the Linder District Plan conforms with the Comprehensive Plan as required by Idaho Code § 50-2008(b); and

WHEREAS, the City Planning and Zoning Commission has reviewed said Linder District Plan in view of the Comprehensive Plan; and

WHEREAS, the City Planning and Zoning Commission has determined that the Linder District Plan is in all respects in conformity with the Comprehensive Plan.

NOW, THEREFORE, BE IT RESOLVED BY THE PLANNING AND ZONING COMMISSION FOR THE CITY OF MERIDIAN, IDAHO:

<u>Section 1</u>. That the Linder District Plan, submitted by MDC and referred to this Commission by the Mayor and City Council for review, is in all respects in conformity with the City's Comprehensive Plan.

<u>Section 2</u>. That Exhibit A, the memorandum from Brian McClure, Comprehensive Associate Planner dated October 26, 2021, outlining the analysis supporting the determination that the Linder District Plan is in conformity with the City's Comprehensive Plan, is hereby adopted and incorporated as part of this Resolution.

Section 3. That the City Clerk is hereby authorized and directed to provide the Mayor and Meridian City Council with a signed copy of this Resolution relating to said Linder District Plan.

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

ADOPTED by the Planning and Zoning Commission of the City of Meridian, Idaho, this 4th day of November 2021.

APPROVED:	ATTEST:
<i>Rhonda McCan</i> Chair, Planning and Zoning Commission	City Clerk
By Rhonda McCarvel	By Adrienne Weatherly, Deputy Clerk

4866-4420-0704, v. 1



Mayor Robert E. Simison

City Council Members: Treg Bernt Brad Hoaglun Joe Borton Jessica Perreault Luke Cavener Liz Strader

October 26, 2021

MEMORANDUM

TO:	Mayor Robert Simison Meridian City Council Meridian Planning & Zoning Commission
CC:	David Miles, Chief of Staff Cameron Arial, Community Development Director Victoria Cleary, Economic Development Administrator Caleb Hood, Planning Division Manager
FROM:	Brian McClure, Comprehensive Associate Planner
RE:	Urban Renewal Plan for the Linder District Urban Renewal Project

This memo is intended to provide Comprehensive Plan related analysis for the proposed Urban Renewal Plan for the Linder District Urban Renewal Project (Linder District). The Linder District operates within the framework provided by State statute related to general Urban Renewal, and is intended to spur private investment and development enabling further implementation of the City's adopted Comprehensive Plan and Ten Mile Interchange Specific Area Plan (Ten Mile SAP).

The implementation strategies and goals of the Linder District, which are well defined, describe projects and activities aimed to "eliminate and prevent the spread of deteriorating conditions and deterioration in the Project Area by employing a strategy to improve and develop public and private lands, to increase connectivity and transit options, and to grow the economy and employment opportunities in the Project Area, while recognizing the importance of high design as set forth in the Ten Mile SAP." The three primary projects described include: support developing the Linder Overpass Project; support developing the Local Road Project; and support developing the Sewer Main Project. The Linder District also includes several other activities, some of which include: support developing other infrastructure, such as stormwater; supporting

public-private-partnerships; site demolition and cleanup including addressing environmental quality; and other financial assistance for business.

All of the described projects are intended to directly implement the Ten Mile SAP. None of the other listed activities are inconsistent with the Comprehensive Plan, and all of them may help to achieve the desired vision with future activities and development within the district boundaries.

Recommendation

Based on the outlined activities in the Linder District, Staff believes establishing an Urban Renewal District Plan in this area of town may be an effective tool in implementing the City of Meridian Comprehensive Plan and Ten Mile Interchange SAP. Accordingly, Staff recommends that the Commission move to approve the associated Resolution identifying the proposed Linder District as conforming to the City of Meridian's Comprehensive Plan.

General Comprehensive Plan Analysis

While the Linder District is limited in scope outside of the three projects, the following text describes general applicable policies that should be considered with future activities and development of the urban renewal district area. This analysis is in consideration of future needs, concerns, and activities, and how the Linder District may fit within this context, but not of the proposed plan itself. Application of the City's Comprehensive Plan (Comp Plan) to the proposed district area (see Attachment A) is very relevant. Most every major theme (chapter) in the Comp Plan ranging from economic development and land use to transportation contain policies that are directly applicable. Additionally, the Comp Plan adopts other documents by reference, for inclusion in consideration of land use decisions and to direct staff activities.

The future land use designations, policies, and Ten Mile SAP adopted by reference in the Comprehensive Plan, should be considered with all <u>future</u> Urban Renewal Agency, City of Meridian, and private development activity whenever applicable. The following analysis describes the associated text, policies, and referenced plans.

Note: The Ten Mile SAP has its own future land use designations; see the General Ten Mile Interchange Analysis section for those descriptions.

Plan Text General Compliance:

With the Linder District entirely integrated within the existing boundaries of a specific area plan, expectations are clearly described. Aside from being listed as adopted by reference in the beginning of the Comprehensive Plan, the primary text referencing the Ten Mile SAP is in the Evolving section (Chapter 3). This section of text states,

The City developed a specific plan for approximately 2,800 acres bordered (roughly) by Linder Road to the east; McDermott Road to the west: the Union Pacific Railroad line to the north and ½ mile south of Overland Road on the south. The specific area plan is an

addendum to this Comprehensive Plan and places an emphasis on a mix of uses, both residential and commercial; new employment areas; higher density residential; a planned collector road network and design guidelines.

The Linder District indicates a strong correlation to the Ten Mile SAP in the Introduction section, and which states,

In this case, pursuant to the Ten Mile SAP, and the City's Future Land Use Map, development within the Project Area will be focused on a diverse employment center, including office, research facilities and light industrial opportunities, which can include start-ups to regional/national enterprises. A portion of the Project Area contemplates mixeduse commercial, which focuses on increased commercial and employment, and some residential uses. All intended development scenarios will focus on transportation connectivity for all types of users (vehicle traffic, pedestrian and bicycle uses), as well as ensuring open space amenities, such as pathways, plazas, and other urban amenities that will fit into the overall area designs and support a strong employment base.

Plan Policies

The following text relates to the policies found throughout the major themes in the Comprehensive Plan (Chapters 2 through 6). Additional context for these policies can be found in the Related Policies section (see Attachment B), which includes parent Goals and Objectives, for the referenced policies. The first number of a policy ID references the Chapter.

• 2.06.02B, Pursue public-private partnerships and economic development grants that bring additional job opportunities to the community.

The Linder District will provide an additional funding mechanism which may be used in public-private partnerships, and for the specific purpose of furthering the Ten Mile SAP vision. Not just development that increases the tax levy, but local jobs paying family-wages that further the local economy long-after entitlements are gained and a new building is constructed.

• 2.09.03B, Promote Ten Mile, Downtown, and The Village as centers of activity and growth.

The Linder District seeks to encourage development of the Ten Mile area by addressing infrastructure deficiencies in support of employment opportunities needed for the local and citywide job base.

• 3.03.03G, Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.

The City has land use authority over the project area and urban infrastructure will be required with all redevelopment. Further, the Linder District calls out specific implementation projects to support new development with local and regional improvements that are needed to support community benefit. An overpass will enhance life-safety through improved emergency response efficiencies, and greatly improve stakeholder access to services and jobs. Local roadway and utility infrastructure improvements will increase opportunities for new jobs and services.

• 4.05.01E, Assess environmental impact of potential new development, infill, and redevelopment.

The Linder District includes addressing environmental quality and remediation as participating activities. Outside of floodplain impacts however, which do not exist in the project area, the City does not have much in the way of requirements towards this end.

• 6.01.02D, Consider needed sidewalk, pathway, landscaping, and lighting improvements with all land use decisions.

The City has land use authority over the project area and redevelopment will be required to provide infrastructure. The Linder District specifically references all of these elements as projects for implementation.

Referenced Plans

The following plans are adopted by reference in the City of Meridian Comprehensive Plan, and are relevant material to the proposed Gateway Plan.

• Ten Mile Interchange Specific Area Plan

This was the City's first and only specific area plan. Where Destination Downtown and other subarea plans have stayed within the realm of vision, or worked exclusively within the realm of existing land uses and other citywide standards, the Ten Mile SAP addresses local context both through land use and transportation. The plan has a number of vision and goal statements, but what perhaps describes the reason for the plan, is its statement on The Use of a Limited Resource. This states,

...the Ten Mile Interchange Area has a number of unique and highly desirable attributes that make the land in the area a key resource for the City of Meridian's future. **Meridian has one area left within its Area of Impact with the access and visibility this area offers. The area is a key to Meridian's long term prosperity.** Meridian is the next community in the Treasure Valley to run out of land for future development. Hemmed in by Boise and Garden City to the east and northeast, Eagle to the north, Nampa to the west, and Kuna to the south, Meridian has a limited land base with which to secure its future.

Another guiding element of the Ten Mile SAP, the mission, provides the following context,

In the Ten Mile Interchange Area, the mission is to create a place that will add to the long-term economic stability of the City of Meridian, not just respond to immediate market forces and trends. To achieve the economic development vision for Meridian as a place that is "Built for Business and Designed for Living," the Ten Mile Interchange Specific Area Plan promotes a complete and integrated mix of uses that will create a place where people can live, work and raise a family.

The Ten Mile SAP represents the integration of transportation and land use through a framework defined by location. Freeway visibility creates new opportunities for long-term economic resiliency through a diversity of employment opportunities, and that is purposefully

considerate of jobs-housing, accessibility, and the intentional buildout of commensurate land uses.

Ada County Highway District Master Street Map

The ACHD Master Street Map (MSM) is a key element of implementing the Ten Mile SAP. This MSM is part of a broader Transportation and Land Use Integration Plan, and which succinctly summarizes a core tenant of the Ten Mile SAP. Jobs and housing balance, mix, transition, and access are critical in preserving quality of life and ensuring opportunities for economic development. The wrong use or the right use in the wrong location could undermine this effort. The MSM has been updated to include all arterial and collector roadways shown in the Ten Mile SAP, including references and support for identified crosssection and intersection treatments.

All of these plans are available on the City's Comprehensive Plan website at: <u>https://meridiancity.org/planning/compplan/resources</u>.

General Ten Mile Interchange SAP Analysis

Future Land Use

Mixed Employment, which states:

The purpose of the Mixed Employment areas is to encourage a diversity of compatible land uses that may include a mixture of office, research and specialized employment areas, light industrial including manufacturing and assembly, and other miscellaneous uses. These areas generally do not include retail and consumer service uses serving the wider community. However, a small amount of retail and service establishments, primarily serving employees and users of the Mixed Employment areas or nearby industrial areas, are allowed. Such retail would be the exception and not the rule.

Mixed Employment areas should provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises. Mixed Employment areas should be designed to encourage multimodal travel and convenient circulation to supporting uses located within the area. This would include multiple access points to help disperse traffic, and a complete system of streets, sidewalks and pedestrian and bicycle paths

to provide circulation within the area and connections to the surrounding roadway, pedestrian and trail systems.

Mixed Employment areas should be designed as lower density suburban-style developments. Design and development standards are recommended that would help to make developments more attractive, engaging and accessible places.

While there are no fixed limits on size of establishment or development intensity in Mixed Employment areas, it is anticipated that buildings will range in height from 1-4 stories, have total floor areas of 10,000-1,000,000 square feet, and that FAR will exceed .75.

Land Use Types in Mixed Employment Areas

- Corporate and business offices
- Research facilities and laboratories
- Light Industrial uses including manufacturing and assembly
- Occasional, complementary uses which focus on serving area employees and users, such as business services, child care, and convenience retail

The bulk of the future land use designation for the Linder District is Mixed Employment. This is a hybrid designation intended primarily to support the local job base. The designation usually functions as a transitional land use nearer to residential, and separating other more intense employment areas that are incompatible with local residential uses. The local roadway network is essential in distributing traffic away from arterial roadways.

In the context of the Linder District, uses should seek to maximize freeway visibility by realizing increased FAR and higher job to acre ratios. The purpose is in providing for employment opportunities near to significant residential developments, and to limit trip generation and distance. The employment focus is on the creation of goods and ideas, and those jobs that pay a higher wage to more people.

Mixed Use Commercial, which states:

The purpose of the Mixed Use Commercial designation is to encourage the development of a mixture of office, retail, recreational, employment, and other miscellaneous uses, with supporting multifamily or single family attached residential uses. While the focus of these areas is on commercial and employment uses, the horizontal and vertical integration of residential uses is essential to securing entitlements. As with all mixed use areas, this designation requires developments to integrate the three major use categories—residential, commercial, and employment. In Mixed Use Commercial areas three or more significant uses also tend to be larger scale projects. This designation is intended to provide flexibility and encourage developers to build innovative projects.

Traditional neighborhood design concepts with a strong pedestrian-oriented focus are essential. The goal in these areas is to achieve a FAR of 1.00- 1.25 or more. Development within these areas exhibit quality building and site design and an attractive pedestrian environment with a strong street character. The mix of residential uses may be achieved vertically within buildings; however, some horizontal mixes may be allowed. Where existing parcel sizes are small, development plans should be prepared in collaboration with the adjacent property owners in order to establish an integrated mixed use project across several parcels. This land use designation calls for an overall target density of 8-12 dwelling units per acre, with higher densities allowed on individual projects. No more than 30 percent of the ground level development within the Mixed Use Commercial designation should be used for residences.

There is very little mixed use commercial within the project area. Most of this designation within the Ten Mile SAP falls to the south, or north across I-84 and Ten Mile Road. As stated, the focus of Mixed Use Commercial is commercial and employment uses, but some supporting residential is allowed. The previously entitled land (application H-2021-0014) within the Linder District, on the north-west corner of Linder and Overland, includes an employment area with supporting commercial uses. This project incorporates a north-south public street connection across Overland at Spanish Sun Way, and then heading west which will eventually connect into Tasa Drive.

Transportation

The transportation element of the Ten Mile SAP is essential. The interconnectivity and balance of residential and employment uses is critical to the proposed street network presented. Within the Linder District, Tasa Drive is expected to be connected on the west near the roundabout at Jersey Way, and east towards a planned northward extension of Spanish Sun Way (see Attachment C). This will limit impacts to Overland Road, by providing safe and consistent access to future development in the area. The exact alignment of this road may vary, but the beginning and ending points have already been set. The Linder District identifies this local roadway as a project that tax increment financing could support.

Complete streets are also important to the Ten Mile SAP, with sidewalk, bike lanes (or equivalent), refuge medians, and other landscape and street furnishings being required.

Building Form and Character

The Ten Mile SAP identifies what is the equivalent of a blend between traditional zoning and form based code, as the basis for development and building development. The City's Architectural Standards Manual is the presiding document for design review, but entitlements should consider and set the stage for future design review activities within development agreements. Consideration for floor area ratio (FAR), building form, and described design principles such as "Base, Body, and Top" should not be forgotten.



Attachment A: Linder District (Urban Renewal District)

8

Attachment B: Related Policies

The policies below are from the City of Meridian Comprehensive Plan. For policy type: G = Goal; O = Objective, and A = Action. Goals and Objectives are shown with referenced actions for additional context, along with a referenced section.

ID	Policy Type	Policy	Section
2.06.00	G	Enhance Meridian's economic vitality and position in the local and regional economy.	Economic Excellence
2.06.02	0	Support economic opportunities for a community with diverse income levels.	Economic Excellence
2.06.02B	А	Pursue public-private partnerships and economic development grants that bring additional job opportunities to the community.	Economic Excellence
2.09.00	G	Create positive, vibrant, and accessible commercial activity centers within the community.	Economic Excellence
2.09.03	0	Cultivate unique and diverse destination-type activities within Meridian's centers.	Economic Excellence
2.09.03B	A	Promote Ten Mile, Downtown, and The Village as centers of activity and growth.	Economic Excellence
3.03.00	G	Direct and prioritize development in strategic areas and in accordance with corridor and special area plans.	Growth and Population
3.03.01	0	Plan for an appropriate land use mix, recreational and civic facilities, and phased service extension within specific area plans and urban renewal districts.	Growth and Population
3.03.03G	A	Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.	Growth and Population
4.05.00	G	Preserve, protect, enhance, and wisely use natural resources.	Stewardship
4.05.01	0	Protect and enhance existing waterways, groundwater, wetlands, wildlife habitat, air, soils, and other natural resources.	Stewardship
4.05.01E	A	Assess environmental impact of potential new development, infill, and redevelopment.	Stewardship
6.01.00	G	Facilitate the efficient movement of people and products to and from the City.	Transportation and Streets
6.01.02	0	Enhance existing transportation systems.	Transportation and Streets
6.01.02D	A	Consider needed sidewalk, pathway, landscaping, and lighting improvements with all land use decisions.	Transportation and Streets

9



Attachment C: Urban Renewal District Projects

Exhibit 2

Notice Published in the Idaho Press
LEGAL NOTICE

NOTICE OF REGULAR MEETING AND PUBLIC HEARING BY THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO TO CONSIDER THE URBAN RENEWAL PLAN FOR THE LINDER DISTRICT URBAN RENEWAL PROJECT OF THE URBAN RENEWAL AGENCY OF MERIDIAN, IDAHO, ALSO KNOWN AS MERIDIAN DEVELOPMENT CORPORATION

NOTICE IS HEREBY GIVEN that on **Tuesday, December 14, 2021, at 56:00** pm. in City Council Chambers, Merdian City Hall, 33 E. Broadway Avenue, Merdian, Idaho, 83642, and/or in virtual meeting as may be no-ticed on the City's vebsite (webstreeming to consider for adoption the proposed Urban Renewa Plan hold, during its regular meeting, a public hearing to consider for adoption the proposed Urban Renewa Plan for the Linder Datrice Urban Renewal Plan for the Linder Datrice Urban Renewal Digital (hearing to consider for adoption the proposed Urban Renewal Plan boundary is colterminous and is hereinafter described. The Plan proposes that the Agency undertake urban us allocation financing prevision pursuant to the Local Renewal Law of 1965, chapter 20, Bite 50, Idaho Code, as amended. The Plan proposes that the Agency undertake urban us allocation financing prevision pursuant to the Local Renewal Law of 1965, chapter 20, Bite 50, Idaho Code, as amended. The Plan porposes that the Agency undertake urban elevation financing prevision pursuant to the Local Renewal Law of the 50, Idaho Code, as amended. The Plan being considered for adoption contains a rev-a elevation financing prevision pursuant to the Local Renewal Law of the 50, Idaho Code, as amended. The Plan being considered for adoption contains a reveal elevation financing prevision pursuant to the Local Renewal Law of the 50, Idaho Code, as amended approval of the Plan. Following the public hearing, the City Council will consider an ordinance adopting the Plan.

The general scope and objectives of the Plan are:

a. The engineering, design, installation, construction, and/or reconstruction of the southern approach to the inder Overpass bridge, including related streetscapes, which for purposes of this Plan, the term streetscapes (blind), blind, and scape), bonches, signage, wayfinding, bline skas, public at, na dis initiar ame-tiles between the curb and right-of-way line, and pedestrian facilities, curb and gutter, intersection improv-ents, and traffic contor measures.

b. The engineering, design, installation, construction, and/or reconstruction of the Local Road Pro ng related streetscapes (defined above) and pedestrian facilities, curb and gutter, intersection imp and traffic control measures;

c. The engineering, design, installation, construction, and/or reconstruction of the Sewer Main Project, includ ng but not limited to lift station and/or other such improvements related to the Sewer Main Project;

d. The engineering, design, installation, construction, and/or reconstruction of storm

er management infrastructure to support compliance with federal, state, and local regulations for storr discharge related to the Projects;

e. The provision for participation by property owners and developers within the Project Area to achieve th bjectives of this Plan and the Ten Mile Specific Area Plan (SAP);

f. The acquisition of real property for public right-of-way improvements and underground util evelopment opportunities consistent with the Ten Mile SAP;

g. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streets ape (as defined above) improvements, pedestrian facilities, utility undergrounding extension and upgrade encourage and enhance transportation and mobility options, decrease underuilized parcets, to eliminate inhealtifut, unsanitary, or unselfe conditions, eliminate obsolete or other uses detrimental to the public welfar otherwise or to prevent the spread of deteriorating or deterioratic conditions;

h. The development or redevelopment of land by private enterprise or public agencies for uses in accordanc ith this Plan and the Ten Mile SAP;

The provision of financial and other assistance to encourage and attract business enterprise including but ot limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;

j. The provision of financial and other assistance to encourage greater residential and/or employment densit is contemplated by the Ten Mile SAP;

k. In collaboration with property owners and other stakeholders, working with the City to amend zoning regula tions (if necessary) and establish standards and guidelines for the design of the Mixed Employment and Mixes Use Commercial uses as contemplated in the Tan Mite SAP as needed to support implementation of this Plas

I. In conjunction with the City, the establishment and implementation of performance criteria to assure hig site design standards and environmental quality and other design elements which provide unity and integrit to the entire Project Area as contemplated by the To Miles APA achieving high standards of development, an leveraging such development to achieve public objectives and efficient use of scarce resources; m. To the extent allowed by law, lend or invest federal funds to facilitate development and/or rede

n. The provision for relocation assistance to displaced Project Area occupants, as

required by law, or within the discretion of the Agency Board for displaced businesses;

Other related improvements to those set forth above as further set forth in Attachment 5 of the Plan (the Economic Feasibility Study).

Any such land uses as described in the Plan will be in conformance with zoning for the City and the City's Comprehensive Plan, as amended, or as may be applicable, zoning for Ada County (and the Ada County Com-prehensive Plan. Land made available will be developed by private enterprises or public agencies as authorized by law. The Plan identifies various public and private improvements which may be made within the Project Area. The Urban Renewal Project Area and Revenue Allocation Area herein referred to is described as follows

An area consisting of approximately 188 acres, inclusive of rights-of-way, and is generally bounded by Ter file Road on the west, Interstate 84 on the north, Overfand Road on the south and what would be an unim rowd socion of Linder Road on the east and as more particularly described in the Plan and depicted in the proved sec Man below:

SKETCH TO ACCOMPANY URBAN RENEVAL DISTRICT DESCRIPTION FOR MERIDIAN DEVELOPMENT CORPORATION LOCATED IN THE 5% 1/4 OF SECTION 13, AND IN THE 5 1/2 OF SECTION 14, AND IN THE NW 1/4 OF SECTION 23, ALL IN TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA CONTY, IDAHO



The urban renewal project area and revenue allocation area include certain property outside the corporate city limits of the CBy, Ada County has adopted a resolution declaring the need for an urban renewal project for the Linder District uill enter into a sparsate intergor-ernmental agreement with Ada County concerning administration of the revenue allocation financing provision extending beyond the municipal boundary of the City, and concerning implementation of the Paria for those properties outside the city limits of the City and within the boundaries of unicorporated Ada County as may be required by (adhor Code Section 50-2906(3)). Tha agreement with Ada County will be or has been formalized by a transfer of power ordinance adopted by Ada County.

Copies of the proposed Plan are on file for public inspection and copying at the office of the City Clerk Merdian City Hall, 33 E. Broadway Avenue, Merdian, Idaho 85%2, between the houro 8 600 a.m. and 500 100.7m proposed Plan can also be accessed online at <u>Habs/clityInfine/HabLP</u> For additional assistance in obtaining a copy of the Plan in the event of business office interruptions, contact the office of the City Clerk abs888-4433.

At the hearing date, time, and place noted above (December 14, 2021, at 6:00 p.m.), all persons interes in the above matters may appear and be heart. Because social distancing orders may be in effect at the to of the hearing, where testimony is encouraged. Within the settimory must be submitted at least the working d prior to the hearing. Oral testimory may be limited to three minutes per person. Information on assessing metriting motion will be posted on the polisheit ageneration, to list than 46 hours prior to the metring at the metriting anothy approximate. Additional information of the polisheit ageneration of the setting with the polisheit ageneration of the setting and the the distancing orders in effect may be betained by calling 208-888-4433 or by email at <u>clipclet & metrificancing</u>. king day

Aeridian City Hall is accessible to persons with disabilities. All information presented in the hearing shall als available upon advance request in a form usable by persons with hearing or visual impairments. Individual or hother disabilities may receive assistance by contacting the City twenty-four (24) hours prior to the hearing

DATED: November 5, 2021.

Chris Johnson, City Clerk

November 12, 26, 2021

167504

Exhibit 3

Urban Renewal Plan for the Linder District Urban Renewal Project

URBAN RENEWAL PLAN FOR THE LINDER DISTRICT URBAN RENEWAL PROJECT

MERIDIAN URBAN RENEWAL AGENCY (also known as Meridian Development Corporation)

CITY OF MERIDIAN, IDAHO

Ordinance No. _____ Adopted _____ Effective _____

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Attachments

Attachment 1	Boundary Map of Linder District Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Linder District Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by the Agency
Attachment 4	Map Depicting Expected Land Use and Current Zoning Map of the Project Area
Attachment 5	Economic Feasibility Study
Attachment 6	Agricultural Operation Consents
Attachment 7	Ada County Board of County Commissioners Resolution No. 2676 (eligibility)
Attachment 8	Ada County Board of County Commissioners Ordinance No. 932 (Intergovernmental Agreement and Transfer of Powers Ordinance)
Attachment 9	City Council Resolution No. 21-2299 (Intergovernmental Agreement)

100 INTRODUCTION

This is the Urban Renewal Plan (the "Plan") for the Linder District Urban Renewal Project (the "Project") in the City of Meridian (the "City"), county of Ada, state of Idaho. Attachments 1 through 9 attached hereto (collectively, the "Plan Attachments") are incorporated herein and shall be considered a part of this Plan.

The term "Project" is used herein to describe the overall activities defined in this Plan and conforms to the statutory definition of an urban renewal project. Reference is specifically made to Idaho Code Sections 50-2018(10) and 50-2903(13) for the various activities contemplated by the term "Project." Such activities include both private and public development of property within the urban renewal area. The Linder District Project Area is also referred to as the "Project Area" or the "Revenue Allocation Area."

This Plan was prepared by the Board of Commissioners (the "Agency Board") of the Meridian Urban Renewal Agency, also known as Meridian Development Corporation (the "Agency" or "MDC"), consultants, and staff, and reviewed and recommended by the Agency pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), and all applicable local laws and ordinances.

Idaho Code Section 50-2905 identifies what information the Plan must include with specificity as follows:

- (1) A statement describing the total assessed valuation of the base assessment roll of the revenue allocation area and the total assessed valuation of all taxable property within the municipality;
- (2) A statement listing the kind, number, and location of all proposed public works or improvements within the revenue allocation area;
- (3) An economic feasibility study;
- (4) A detailed list of estimated project costs;
- (5) A fiscal impact statement showing the impact of the revenue allocation area, both until and after the bonds are repaid, upon all taxing districts levying taxes upon property on the revenue allocation area;
- (6) A description of the methods of financing all estimated project costs and the time when related costs or monetary obligations are to be incurred;
- (7) A termination date for the plan and the revenue allocation area as provided for in Section 50-2903(20), Idaho Code. In determining the termination date, the plan shall recognize that the agency shall receive allocation of revenues in the calendar

year following the last year of the revenue allocation provision described in the urban renewal plan; and

(8) A description of the disposition or retention of any assets of the agency upon the termination date. Provided however, nothing herein shall prevent the agency from retaining assets or revenues generated from such assets as long as the agency shall have resources other than revenue allocation funds to operate and manage such assets.

This Plan includes the above information with specificity.

The Project Area includes parcels within the City limits, as well as parcels outside of the City limits and within unincorporated Ada County. Pursuant to Idaho Code Sections 50-2018(18) and 50-2906(1), the Ada County Board of County Commissioners has deemed the Project Area eligible for an urban renewal project (Attachment 7). Further, for purposes of implementing this Plan, the Ada County Board of County Commissioners entered into an intergovernmental agreement and adopted a transfer of powers ordinance (Attachment 8). The City and County intend for the Project Area to be fully annexed into the City prior to or simultaneous with development of the Project Area.

The proposed development and redevelopment of the Project Area as described in this Plan conforms to the City of Meridian Comprehensive Plan (the "Comprehensive Plan"), adopted by the Meridian City Council (the "City Council") on December 17, 2019, by Resolution No. 19-2179. The Agency intends to rely heavily on any applicable City zoning and design standards.¹ This Plan also conforms to and supports the design and planning goals set forth in the Ten Mile Interchange Specific Area Plan: A Strategy to Enhance Meridian's Prosperity, adopted June 2007 (the "Ten Mile SAP"), which is a vision plan for the long-term future of the development of the area in and around the Ten Mile Interchange, which seeks to become a mixed-use employment and commercial center. As one of the last open land areas to support the development goals of the City, particular attention will be paid to proposed developments within the Project Area to confirm such projects are meeting the City's overall goals set forth in the Ten Mile SAP.

This Plan is subject to the Plan modification limitations and reporting requirements set forth in Idaho Code Section 50-2903A. Subject to limited exceptions as set forth in Idaho Code Section 50-2903A, if this Plan is modified by City Council ordinance, then the base value for the year immediately following the year in which modification occurs shall include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream.

A modification shall not be deemed to occur when "[t]here is a plan amendment to make technical or ministerial changes to a plan that does not involve an increase in the use of revenues allocated to the agency." Idaho Code § 50-2903A(1)(a)(i). Annual adjustments

¹ As the Project Area will ultimately be annexed into the City prior to development, the City's Comprehensive Plan will guide development as addressed in the intergovernmental agreement between the City and the County.

as more specifically set forth in the Agency's annual budget will be required to account for more/less estimated revenue and project timing, including prioritization of projects. Any adjustments for these stated purposes are technical and ministerial and are not modifications under Idaho Code Section 50-2903A.

This Plan provides the Agency with powers, duties, and obligations to implement and further the program generally formulated in this Plan for the development, redevelopment, rehabilitation, and revitalization of the area within the boundaries of the Project Area. The Agency retains all powers allowed by the Law and Act. This Plan presents a process and a basic framework within which plan implementation, including contracts, agreements and ancillary documents will be presented and by which tools are provided to the Agency to fashion, develop, and proceed with plan implementation. The Plan has balanced the need for flexibility over the twenty (20)-year timeframe of the Plan to implement the improvements identified in Attachment 5, with the need for specificity as required by Idaho Code Section 50-2905. The Plan narrative addresses the required elements of a plan set forth in Idaho Code Section 50-2905(1), (2), (5), (7) and (8). Attachment 5, together with the Plan narrative, meet the specificity requirement for the required plan elements set forth in Idaho Code Section 50-2905(2)-(6), recognizing that actual Agency expenditures are prioritized each fiscal year during the required annual budgeting process.

Allowed projects are those activities which comply with the Law and the Act and meet the overall objectives of this Plan. The public-private relationship is crucial in the successful development and redevelopment of the Project Area. Typically, the public will fund enhanced public improvements like utilities, streets, and sidewalks which, in turn, create an attractive setting for adjacent private investment. In this case, pursuant to the Ten Mile SAP, and the City's Future Land Use Map, development within the Project Area will be focused on a diverse employment center, including office, research facilities and light industrial opportunities, which can include start-ups to regional/national enterprises. A portion of the Project Area contemplates mixed-use commercial, which focuses on increased commercial and employment, and some residential uses. All intended development scenarios will focus on transportation connectivity for all types of users (vehicle traffic, pedestrian and bicycle uses), as well as ensuring open space amenities, such as pathways, plazas, and other urban amenities that will fit into the overall area designs and support a strong employment base.

The purpose of the Law and Act will be attained through the implementation of the Plan. The master goals of this Plan are:

- a. To support the planning, design, and construction of a new Linder overpass site, focusing on the funding participation with the Ada County Highway District and others on the southern approach to the overpass bridge;
- b. The installation and construction of a new local roadway to provide additional east-west connectivity north of Overland Road, which would minimize impacts to Overland Road between S. Linder Road and S. Ten Mile Road, and related intersection improvements, including the installation of traffic control measures,

including traffic signals; installation of curbs, gutters and streetscapes, which for purposes of this Plan, the term "streetscapes" includes sidewalks, lighting, landscaping, benches, bike racks, wayfinding, public art and similar amenities between the curb and right of way line; and installation of storm drainage facilities;

- c. The installation and construction of a new sewer main extension proposed to be located south of and parallel to Interstate 84, which is necessary to serve more than sixty (60%) percent of the Project Area. Installation of this public infrastructure would allow the Project Area to develop consistent with the Ten Mile SAP and the Future Land Use Map;
- d. The replanning, redesign, and development of undeveloped or underdeveloped areas which are stagnant or improperly utilized because of limited traffic access, underserved utilities, and other site conditions to incent new mixed-use employment and commercial centers as identified in the Ten Mile SAP and the Future Land Use Map;
- e. The strengthening of the economic base of the Project Area and the community by the installation of needed public improvements to stimulate new private development providing for economic growth through diverse, resilient, regionally supportive, enhanced employment opportunities;
- f. The provision of adequate land for open space, plazas, and pedestrian rights-ofway, to promote the goals set forth in the Ten Mile SAP;
- g. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area, including achieving high standards of development, and leveraging such development to achieve public objectives as set forth in the Ten Mile SAP and efficient use of scarce resources;
- h. The strengthening of the tax base by encouraging private development, thus increasing the assessed valuation of properties within the Project Area as a whole and benefiting the various taxing districts in which the urban renewal area is located;
- i. The acquisition of real property as may be necessary consistent with the Law and Act to support right-of-way and utility improvements, particularly, the southern approach to the proposed Linder overpass bridge; and
- j. The funding of necessary public infrastructure to accommodate both public and private development.

101 General Procedures of the Agency

The Agency is a public body, corporate and politic, as defined and described under the Law and the Act. Under the Law, the Agency is governed by the Idaho open meeting law; the Public Records Act; the Ethics in Government Act of 2015, Chapters 1, 2 and 4 of Title 74, Idaho Code; reporting requirements pursuant to Idaho Code §§ 67-450B, 67-1076, 50-2903A and 50-2913; and the competitive bidding requirements under Chapter 28, Title 67, Idaho Code, as well as other procurement or other public improvement delivery methods. The Agency is also governed by its bylaws as authorized by the Law and adopted by the Agency.

Subject to limited exceptions, the Agency shall conduct all meetings in open session and allow meaningful public input as mandated by the issue considered or by any statutory or regulatory provision.

The Agency may adopt separate policy statements. Any modification to any policy statement is a technical or ministerial adjustment and is not a modification to this Plan under Idaho Code § 50-2903A.

102 Procedures Necessary to Meet State and Local Requirements: Conformance with Idaho Code Sections 50-2008 and 50-2906

Idaho law requires that the City Council, by resolution, must determine a geographic area be a deteriorated area or a deteriorating area, or a combination thereof, and designate such area as appropriate for an urban renewal project prior to preparation of an urban renewal plan. A consultant was retained to study a proposed project area (the "Study Area") and prepare an eligibility report. The Study Area included parcels located within the City limits as well as outside the boundaries of the City and within unincorporated Ada County. The Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), was submitted to the Agency. The Agency accepted the Report by Agency Resolution No. 21-024 on May 26, 2021, and thereafter submitted the Report to the Ada County Board of County Commissioners and the City Council for their consideration.

As properties within the Study Area included parcels that were within the City limits as well as outside the boundaries of the City and within unincorporated Ada County, and in accordance with Idaho Code § 50-2018(18), the Ada County Board of County Commissioners considered adoption of a resolution finding the Study Area to be a deteriorated area and/or deteriorating area and finding a need for the urban renewal plan. On June 14, 2021, representatives of the City and the Agency presented the Report to the Ada County Board of County Commissioners. The Commissioners did not take action at that time, and the Agency was directed to obtain the agricultural operation consents from the property owners located within unincorporated Ada County prior to the Commissioners considering the adoption of a resolution.

Under the Law and Act, Idaho Code Sections 50-2903(8)(f) and 50-2018(8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in

section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years.

Following transmittal of the Report to the Ada County Board of County Commissioners and the presentation of the Report, and based on ongoing discussions, it was determined the proposed Project Area would be smaller than the Study Area. Specifically, the parcels located north of Interstate 84 and west of Linder Road included within the Study Area boundary would not ultimately be included in any proposed urban renewal plan or project area boundary.

The necessary agricultural operation consents (attached hereto as Attachment 6), together with additional information concerning any proposed future project area boundary adjustments, was transmitted to the Ada County Board of County Commissioners to support consideration of the necessary resolution pursuant to Idaho Code § 50-2018(18). The Ada County Board of County Commissioners adopted the Agency's findings concerning the proposed Study Area by adopting Resolution No. 2676 on September 30, 2021. A copy of Resolution No. 2676 is attached hereto as Attachment 7.

Thereafter, the Study Area was deemed by the City Council to be a deteriorating area and/or a deteriorated area and therefore eligible for an urban renewal project by adoption of Resolution No. 21-2289 on October 5, 2021. With the adoption of Resolution No. 21-2289, the City Council declared the Study Area described in the Report to be a deteriorated area and/or a deteriorating area as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project, that the Ada County Board of County Commissioners directed the parcels north of Interstate 84 and west of Linder Road should not be included in any proposed Linder District project area, and directed the Agency to commence preparation of an urban renewal plan.

In addition to the discussions occurring at several Ada County Board of County Commissioners, Ada County Highway District, City Council and Agency Board meetings in 2021, and the establishment of the Linder overpass task force, City staff met with property owners, taxing districts and other stakeholders regularly in an effort to provide an opportunity for all to weigh in on the scope of the Plan and Project Area.

The Plan was prepared and submitted to the Agency for its review and approval. The Agency approved the Plan by the adoption of Agency Resolution No. 21-053, on October 27, 2021, and submitted the Plan to the Board of County Commissioners and the City Council with its recommendation for adoption.

In accordance with the Law, this Plan was submitted to the Planning and Zoning Commission of the City.² After consideration of the Plan, the Commission reported to the City Council that this Plan is in conformity with the City's Comprehensive Plan.

² It is anticipated the parcels currently located within the boundaries of unincorporated Ada County will be annexed into the City prior to development occurring on those parcels.

In accordance with the Law and the Act, the City Council and Ada County Board of County Commissioners entered into an intergovernmental agreement concerning the administration and implementation of the Plan and the Ada County Board of County Commissioners adopted a transfer of powers ordinance on December 7, 2021, by Ordinance No. 932 (Attachment 8).

Pursuant to the Law and Act, the City Council having published due notice thereof, a public hearing was held on this Plan. Notice of the hearing was duly published in the *Idaho Press*, a newspaper having general circulation in the City. The City Council adopted this Plan on December 14, 2021, by Ordinance No. 21-1958.

103 History and Current Conditions of the Area

This Project Area includes an estimated 171 acres (including right-of-way), and is an area generally bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south and what would be an unimproved section of Linder Road on the east. The Project Area includes parcels within the City limits, as well as parcels outside the City limits, within unincorporated Ada County. The Project Area is, or will be upon annexation into the City be, zoned for primarily commercial, industrial, and residential uses. The Project Area is fully within the boundaries of the Ten Mile SAP.

The Project Area represents an area of transition from historical agricultural uses to a proposed mix of residential, commercial, and industrial uses. The Ten Mile SAP refers to the current Future Land Use Map to support the desired development goals to support Mixed Employment and Mixed-Use Commercial Uses. A significant impediment to development is the extent of infrastructure necessary to develop the Project Area. The Report cites a number of deteriorating conditions existing within the Project Area, including age or obsolescence; predominance of defective or inadequate street layout; and faulty lot layout in relation to size, adequacy, accessibility, or usefulness/obsolete platting. Current infrastructure within the Project Area is not of a nature to support the high-density mixed-uses identified in the Ten Mile SAP. As a result, development potential within the Project Area is currently restricted. The impact of the lack of necessary capital facilities on growth in this area is evidenced by the significant growth occurring north of the Ten Mile Interchange, which has not yet been able to spur development south of Interstate 84. The majority of the Project Area lacks an internal street network to serve interior development creating connectivity issues. Further, existing parcel sizes appropriate for historic agricultural uses are not properly configured for the development patterns envisioned in the Ten Mile SAP. Extension of a sewer main is necessary in order to develop 60% of the Project Area consistent with uses contemplated in the Ten Mile SAP. In order to implement a broader transportation plan for the Project Area, an east-west local road is necessary to relieve some of the traffic burden from Overland Road in this area. Finally, for long-range planning in this area and to relieve congestion at the Ten Mile Interchange, a Linder Overpass is critical from a land use and transportation planning perspective. At this time, the Project Area lacks the public infrastructure necessary to properly serve economic development as contemplated by the City's Comprehensive Plan and the Ten Mile SAP.

The Plan is limited in scope and proposes three (3) public infrastructure improvements within the Project Area to encourage development in this area to support Mixed Employment and Mixed-Use Commercial Uses: 1) to participate in the funding of a portion of the Linder Overpass, in partnership with the City, the Ada County Highway District and the Idaho Transportation Department, which participation would be limited to the southern approach to the overpass bridge and related real property acquisition (the "Linder Overpass Project"). The Linder Overpass Project is a priority; 2) the installation of a new sewer main extension south of and parallel to Interstate 84, and related real property acquisition (the "Sewer Main Project"); and 3) the design and construction of an east-west local road (including streetscape improvements and any traffic control measures) to aid in the overall transportation plan for the Project Area and related real property acquisition (the "Local Road Project"). These projects will aid in removing the development impediments in this Project Area and will create additional opportunities to work with private property owners and developers to develop this area in a way that is supportive of the goals set forth in the Ten Mile SAP, including any related design and/or zoning overlays for this Project Area.

A significant portion of the Project Area is underdeveloped and/or vacant and is not being used to its highest and best use due to the deteriorating conditions present within the Project Area. As noted above, these conditions have arrested or impaired growth in the Project Area.

The preparation and approval of an urban renewal plan, including a revenue allocation financing provision, gives the City additional resources to solve the public infrastructure, transportation/connectivity, and development impediment issues in this area. Revenue allocation financing should help to improve the situation. In effect, property taxes generated by new developments within the Project Area may be used by the Agency to finance these needed public improvements and facilities. Finally, a significant goal of the new developments within the Project Area is to support growth in employment opportunities, from start-ups to regional/national enterprises and planned designs that support the land use and transportation planning goals set forth in the Ten Mile SAP. This includes office and commercial spaces, which may be mixed with research and light industrial uses. A portion of the Project Area also contemplates mixed residential, employment and commercial uses, with a design supportive of increased pedestrian activity.

It is unlikely individual developers will take on the prohibitive costs of constructing the necessary infrastructure in the Project Area without the ability of revenue allocation funds to help offset at least some of these costs. But for urban renewal and revenue allocation financing, the proposed public improvements to support development of the Project Area into a thriving mixed-use commercial, industrial and employment center would not occur.

104 Purpose of Activities

Attachment 5 includes the public improvements lists identifying with specificity the proposed public improvements and projects contemplated in the Project Area. The description of activities, public improvements, and the estimated costs of those items are intended to create an

outside limit of the Agency's activity. Due to the inherent difficulty in projecting future levy rates, future taxable value, and the future costs of construction, the Agency reserves the right to:

- a. Change funding amounts from one Project to another.
- b. Re-prioritize the Projects described in this Plan and the Plan Attachments.
- c. Retain flexibility in funding the various activities in order to best meet the Plan and the needs of the Project Area.
- d. Retain flexibility in determining whether to use the Agency's funds or funds generated by other sources.
- e. Alter the location of proposed improvements set forth in Attachment 5 to support development when it occurs. The information included in Attachment 5 presents a realistic siting of improvements recognizing it is difficult to project with any certainty where the improvements will be sited until any future projects submit plans to the City for design review and permitting.

The Agency intends to discuss and negotiate with any owner or developer of the parcels within the Project Area seeking Agency assistance related to the Linder Overpass Project, the Sewer Main Project, and the Local Road Project during the duration of the Plan and Project Area. During such negotiation, the Agency will determine the eligibility of the activities sought for Agency funding, the amount the Agency may fund by way of percentage or other criteria including the need for such assistance. The Agency will also take into account the amount of revenue allocation proceeds estimated to be generated from the developer's activities. The Agency also reserves the right to establish, by way of policy, its funding percentage or participation, which would apply to all developers and owners and may prioritize the projects as development occurs.

Throughout this Plan, there are references to Agency activities, Agency funding, and the development, and contribution of public improvements. Such references do not necessarily constitute a full, final, and formal commitment by the Agency but, rather, grant to the Agency the discretion to participate as stated subject to achieving the objectives of this Plan and provided such activity is deemed eligible under the Law and the Act. The activities listed in Attachment 5 will be determined or prioritized as the overall Project Area develops and through the annual budget setting process.

The activities listed in Attachment 5 are prioritized by way of importance to the Agency by the amounts funded, and by year of funding, with earlier years reflecting the more important activities, achievement of higher objectives, long term goals, and commitments. Successful completion of the Linder Overpass Project is the first priority; however, it is recognized the Sewer Main Project and/or the Local Road Project timing will depend on how development occurs within the Project Area. It is possible the Sewer Main Project and/or the Local Road Project could occur prior to the Linder Overpass Project. As required by the Law and Act, the Agency will adopt more specific budgets annually. The projected timing of funding is primarily a function of the availability of market conditions and financial resources but is also strategic, considering the timing of private development partnership opportunities and the ability of certain strategic activities to stimulate development at given points in time within the planned 20-year period of the urban renewal district and revenue allocation area.

The Study (Attachment 5) has described a list of prioritized public improvements and other related activities with an estimated cost in 2021 dollars of approximately \$7,000,000. This amount does not take into account inflationary factors, such as increasing construction costs, which would increase that figure depending on when the owner, developer and/or Agency is able to develop, construct or initiate those activities. The Study has concluded the capacity of revenue allocation funds through the term of the Plan based on the assumed development projects and assessed value increases will likely generate an estimated \$11,314,976 in revenue allocation proceeds. The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts predicted in the event higher increases in assessed values occur during the term of the Plan for the improvements and activities identified. Additionally, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified.

105 Open Land Criteria

This Plan contemplates Agency acquisition of property within the Project Area, in part, to support the Linder Overpass Project, the Sewer Main Project and the Local Road Project. The Project Area includes open land requiring the area meet the conditions set forth in Idaho Code § 50-2008(d). These conditions include defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout, all of which are included in one form or another in the definitions of deteriorated area or deteriorating area set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8). The issues listed only in Idaho Code § 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area."

Open land areas qualify for Agency acquisition and development for primarily nonresidential uses if acquisition is necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives if any of the deteriorating area conditions set forth in Idaho Code §§ 50-2018(8), (9) and 50-2903(8) apply. But such areas also qualify if any of the issues listed only in Idaho Code § 50-2008(d)(4)(2) apply. The age or obsolescence of existing uses, a predominance of defective or inadequate street layout and faulty lot layout in relation to size, adequacy, accessibility or usefulness/obsolete platting, and economic disuse, are all conditions which delay or impair development of the open land areas and satisfy the open land conditions as more fully supported by the Report, which was prepared by Kushlan | Associates. This Plan does anticipate Agency acquisition of property within the Project Area; however, the acquisition of specific parcels is unknown at this time, but is anticipated to be related to the Linder Overpass Project, the Sewer Main Project, and the Local Road Project. Should the Agency determine the need to acquire property as further set forth in Attachment 3, then the open land areas qualify for Agency acquisition and development.

200 DESCRIPTION OF PROJECT AREA

The boundaries of the Project Area and the Revenue Allocation Area are shown on the Boundary Map of Linder District Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 1, and incorporated herein by reference, and are described in the Legal Description of Linder District Urban Renewal Project Area and Revenue Allocation Area, attached hereto as Attachment 2, and incorporated herein by reference. For purposes of boundary descriptions and use of proceeds for payment of improvements, the boundary shall be deemed to extend to the outer boundary of rights-of-way or other natural boundary unless otherwise stated.

300 PROPOSED REDEVELOPMENT ACTIONS

301 General

The Agency proposes to eliminate and prevent the spread of deteriorating conditions and deterioration in the Project Area by employing a strategy to improve and develop public and private lands, to increase connectivity and transit options, and to grow the economy and employment opportunities in the Project Area, while recognizing the importance of high design as set forth in the Ten Mile SAP. Implementation of the strategy includes, but is not limited to the following actions:

- a. The engineering, design, installation, construction, and/or reconstruction of the southern approach to the Linder Overpass bridge, including related streetscapes, which for purposes of this Plan, the term streetscapes include sidewalks, lighting, landscaping, benches, signage, wayfinding, bike racks, public art, and similar amenities between the curb and right-of-way line, and pedestrian facilities, curb and gutter, intersection improvements, and traffic control measures;
- b. The engineering, design, installation, construction, and/or reconstruction of the Local Road Project, including related streetscapes (defined above) and pedestrian facilities, curb and gutter, intersection improvements, and traffic control measures;
- c. The engineering, design, installation, construction, and/or reconstruction of the Sewer Main Project, including but not limited to lift station and/or other such improvements related to the Sewer Main Project;

- d. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge related to the Projects;
- e. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan and the Ten Mile SAP;
- f. The acquisition of real property for public right-of-way improvements and underground utilities to encourage development opportunities consistent with the Ten Mile SAP;
- g. The demolition or removal of certain buildings and/or improvements for public rights-of-way and streetscape (as defined above) improvements, pedestrian facilities, utility undergrounding extension and upgrades to encourage and enhance transportation and mobility options, decrease underutilized parcels, to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;
- h. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan and the Ten Mile SAP;
- i. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;
- j. The provision of financial and other assistance to encourage greater residential and/or employment density as contemplated by the Ten Mile SAP;
- k. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and establish standards and guidelines for the design of the Mixed Employment and Mixed-Use Commercial uses as contemplated in the Ten Mile SAP as needed to support implementation of this Plan;
- 1. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area as contemplated by the Ten Mile SAP, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;
- m. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;

- n. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;
- o. Other related improvements to those set forth above as further set forth in Attachment 5.

In the accomplishment of these purposes and activities and in the implementation and furtherance of this Plan, the Agency is authorized to use all the powers provided in this Plan and all the powers now or hereafter permitted by Law and Act.

302 Urban Renewal Plan Objectives

Urban renewal activity is necessary in the Project Area to combat problems of physical deterioration or deteriorating conditions. As set forth in greater detail in Section 103, the Project Area has a history of stagnant growth and development compared to other areas of the City based on deteriorated or deteriorating conditions that have arrested or impaired growth in the Project Area primarily attributed to: age or obsolescence; the predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting; and inadequate utility infrastructure needed for larger residential, commercial and industrial developments. The Plan for the Project Area is a proposal to work in partnership with public and private entities to improve, develop, and grow the economy within the Project Area by the implementation of a strategy and program set forth in Section 301 and in Attachment 5.

The provisions of this Plan are applicable to all public and private property in the Project Area. The provisions of the Plan shall be interpreted and applied as objectives and goals, recognizing the need for flexibility in interpretation and implementation, while at the same time not in any way abdicating the rights and privileges of the property owners which are vested in the present and future zoning classifications of the properties. All development under an owner participation agreement shall conform to those standards specified in Section 303.1 of this Plan.

It is recognized that the Ada County Highway District has exclusive jurisdiction over all public street rights-of-way within the Project Area, except for state highways. Nothing in this Plan shall be construed to alter the powers of the Ada County Highway District pursuant to Title 40, Idaho Code.

This Plan must be practical in order to succeed. Particular attention has been paid to how it can be implemented, given the changing nature of market conditions. Transforming the Project Area into a vital, thriving part of the community requires an assertive strategy. The following list represents the key elements of that effort:

a. Initiate simultaneous projects designed to revitalize the Project Area. From street and utility improvements to significant new public or private development, the

Agency plays a key role in creating the necessary momentum to get and keep things going.

- b. Support development opportunities consistent with the Ten Mile SAP, and to encourage development projects that support the goals of developing vibrant Mixed Employment and Mixed-Use Commercial areas consistent with the plan set forth in the Ten Mile SAP.
- c. Support development that includes public open space amenities.
- d. Initiate projects designed to increase mixed density employment opportunities, mixed income and mixed density residential projects, commercial projects, and to encourage transportation planning to support connectivity and efficient circulation of all transportation means.

Without direct public intervention, much of the Project Area could conceivably remain unchanged and in a deteriorated and/or deteriorating condition for the next twenty (20) years. The Plan creates the necessary flexible framework for the Project Area to support the City's economic development while complying with the "specificity" requirement set forth in Idaho Code § 50-2905.

Land use in the Project Area may be modified to the extent that underutilized, underdeveloped, deteriorated, deteriorating and vacant land and land now devoted to uses inconsistent with the future land uses of the area will be converted to commercial, industrial, and employment uses consistent with the Ten Mile SAP. In implementing the activities described in this Plan, the Agency shall give due consideration to the provision of adequate open space, park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety, and welfare of residents in the general vicinity of the Project Area covered by the Plan, recognizing, however, the primary purpose of this Plan and Project Area is to support new private development providing for economic growth through diverse, resilient, regionally supportive, enhanced employment opportunities and to establish a thriving commercial and industrial area.

303 Participation Opportunities and Agreement

303.1 Participation Agreements

The Agency shall enter into various development participation agreements with any existing or future owner of property in the Project Area, in the event the property owner seeks and/or receives assistance from the Agency in the development and/or redevelopment of the property. The term "owner participation agreement," "participation agreement," or "development agreement" are intended to include all participation agreements with a property owner, including reimbursement agreements, grant agreements or other forms of participation agreements. In that event, the Agency may allow for an existing or future owner of property to remove the property and/or structure from future Agency acquisition subject to entering into an owner participation agreement. The Agency may also enter into owner participation agreements with other future owners and developers within the Project Area throughout the duration of this Plan in order to implement the infrastructure improvements set forth in this Plan.

Each structure and building in the Project Area to be rehabilitated or to be constructed as a condition of the owner participation agreement between the Agency and the owner pursuant to this Plan will be considered to be satisfactorily rehabilitated and constructed pursuant to the requirements of the Law and Act, and the Agency will so certify, if the rehabilitated or new structure meets the standards set forth in an executed owner participation agreement and complies with the applicable provisions of this Plan, local codes and ordinances and the Idaho Code. Additional conditions described below:

- a. Any such property within the Project Area shall be required to conform to applicable provisions, requirements, and regulations of this Plan. The owner participation agreement may require as a condition of financial participation by the Agency a commitment by the property owner to meet the greater objectives of the land use elements identified in the Comprehensive Plan, the Ten Mile SAP, and applicable zoning ordinances and other requirements deemed appropriate and necessary by the Agency. Upon completion of any rehabilitation each structure must be safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition that will continue throughout an estimated useful life for a minimum of twenty (20) years.
- b. Any owner shall give due consideration to the provision of adequate open space and pathways.
- c. All such buildings or portions of buildings which are to remain within the Project Area shall be rehabilitated or constructed in conformity with all applicable codes and ordinances of the City.
- d. Any new construction shall also conform to all applicable provisions, requirements, and regulations of this Plan, as well as to all applicable codes and ordinances of the City.

All owner participation agreements will address development timing, justification and eligibility of project costs, and achievement of the objectives of the Plan. The Agency shall retain its discretion in the funding level of its participation. Obligations under owner participation agreements shall terminate no later than the termination date of this Plan, December 31, 2041. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any owner participation agreement.

In all participation agreements, participants who retain real property shall be required to join in the recordation of such documents as may be necessary to make the provisions of this Plan applicable to their properties. Whether or not a participant enters into a participation

agreement with the Agency, the provisions of this Plan are applicable to all public and private property in the Project Area.

In the event a participant under a participation agreement fails or refuses to rehabilitate, develop, use, and maintain its real property pursuant to this Plan and a participation agreement, the real property or any interest therein may be acquired by the Agency in accordance with Section 305.1 of this Plan and sold or leased for rehabilitation or development in accordance with this Plan.

Owner participation agreements may be used to implement the following objectives:

- a. Encouraging property owners to revitalize and/or remediate deteriorated areas or deteriorating areas of their parcels to accelerate development in the Project Area consistent with the Ten Mile SAP.
- b. Subject to the limitations of the Law and the Act, providing incentives to property owners to encourage utilization and expansion of existing permitted uses during the transition period to prevent a decline in the employment base and a proliferation of vacant and deteriorated parcels in the Project Area during the extended redevelopment of the Project Area.
- c. To accommodate improvements and expansions allowed by City regulations and generally consistent with this Plan for the Project Area.
- d. Subject to the limitations of the Law and Act, providing incentives to improve nonconforming properties so they implement the design guidelines contained in this Plan and the Ten Mile SAP to the extent possible and to encourage an orderly transition from nonconforming to conforming uses through the term of the Plan.
- e. Provide for advance funding by the developer/owner participant of those certain public improvements related to or needed for the private development and related to the construction of certain public improvements. In that event, the Agency will agree as set out in the participation agreement to reimburse a portion of, or all of, the costs of public improvements identified in the participation agreement from the revenue allocation generated by the private development.

304 Cooperation with Public Bodies

Certain public bodies are authorized by state law to aid and cooperate, with or without consideration, in the planning, undertaking, construction, or operation of this Project. The Agency shall seek the aid and cooperation of such public bodies and shall attempt to coordinate this Plan with the activities of such public bodies in order to accomplish the purposes of redevelopment and the highest public good.

The Agency, by law, is not authorized to acquire real property owned by public bodies without the consent of such public bodies. The Agency will seek the cooperation of all public bodies which own or intend to acquire property in the Project Area. All plans for development of property in the Project Area by a public body shall be subject to Agency approval, in the event the Agency is providing any financial assistance.

Subject to applicable authority, the Agency may impose on all public bodies the planning and design controls contained in this Plan to ensure that present uses and any future development by public bodies will conform to the requirements of this Plan; provided, however, the Ada County Highway District has exclusive jurisdiction over Ada County Highway District streets. The Agency is authorized to financially (and otherwise) assist any public entity in the cost of public land, buildings, facilities, structures, or other improvements of the Project Area as allowed by the Law and Act.

The Agency intends to cooperate to the extent allowable with the City and the Ada County Highway District (or the Idaho Transportation Department), as the case may be, for the engineering, design, installation, construction, and/or reconstruction of public infrastructure improvements, including, but not limited to those improvements set forth in Section 301 and in Attachment 5. The Agency shall also cooperate with the City and the Ada County Highway District (or the Idaho Transportation Department) on various relocation, screening, or undergrounding projects and the providing of fiber optic capability. To the extent any public entity, including the City and/or the Ada County Highway District, has funded certain improvements following adoption of this Plan, the Agency may reimburse those entities for those expenses. The Agency also intends to cooperate and seek available assistance from state, federal and other sources for economic development.

In the event the Agency is participating in the public development by way of financial incentive or otherwise, the public body shall enter into a participation agreement with the Agency and then shall be bound by the Plan and other land use elements and shall conform to those standards specified in Section 303.1 of this Plan.

This Plan does not financially bind or obligate the City, Agency and/or any other public entity to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any owner participation agreement and in the annual budget adopted by the Agency Board.

305 Property Acquisition

305.1 Real Property

Only as specifically authorized herein, the Agency may acquire, through the voluntary measures described below, but is not required to acquire, any real property located in the Project Area where it is determined that the property is needed for construction of public improvements,

required to eliminate or mitigate the deteriorated or deteriorating conditions, to facilitate economic development, including acquisition of real property intended for disposition to qualified developers through a competitive process, and as otherwise allowed by law. The acquisition shall be by any means authorized by law, including, but not limited to, the Law, the Act, and the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended, but shall not include the right to invoke eminent domain authority except as authorized by Idaho law and provided herein. The Agency is authorized to acquire either the entire fee or any other interest in real property less than a fee, including structures and fixtures upon the real property, without acquiring the land upon which those structures and fixtures are located.

The Agency intends to acquire any real property through voluntary or consensual gift, devise, exchange, or purchase. Such acquisition of property may be for the development of the public improvements identified in this Plan. Such properties may include properties owned by private parties or public entities. This Plan anticipates the Agency's use of its resources for property acquisition.

In the event the Agency identifies certain property which should be acquired to develop certain public improvements intended to be constructed under the provisions of this Plan, the Agency shall coordinate such property acquisition with any other public entity (e.g., without limitation, the City, the state of Idaho, or any of its authorized agencies), including the assistance of the Agency of funds to acquire said property either through a voluntary acquisition or the public entity's invoking of its eminent domain authority as limited by Idaho Code Section 7-701A.

The Agency is authorized by this Plan to acquire the properties for the uses identified in Attachment 3 hereto, including but not limited to property to be acquired for the extension or expansion of certain rights-of-way or to accommodate underground public facilities.

The Agency is authorized by this Plan and Idaho Code §§ 50-2010 and 50-2018(12) to acquire the properties identified in Attachment 3 hereto for the purposes set forth in this Plan. The Agency has identified its intent to acquire and/or participate in the development of certain public improvements, including, but not limited to those identified in Section 301 of the Plan, Attachment 5, and the Linder Overpass Project, the Sewer Main Project, and the Local Road Project. The Agency's property acquisition will result in remediating deteriorating conditions in the Project Area by facilitating the development of mixed-use, residential, commercial, industrial and employment centers. The public improvements are intended to be dedicated to the City, the Ada County Highway District and/or other appropriate public entity, as the case may be, upon completion. The Agency reserves the right to determine which properties identified, if any, should be acquired. The open land areas qualify for Agency acquisition as further set forth in Section 105 of this Plan.

It is in the public interest and may be necessary, in order to eliminate the conditions requiring redevelopment and in order to execute this Plan, for the power of eminent domain to be

employed by the Agency, or by the City with the Agency acting in an advisory capacity,³ to acquire real property in the Project Area for the public improvements identified in this Plan, which cannot be acquired by gift, devise, exchange, purchase, or any other lawful method.

Under the provisions of the Act, the urban renewal plan "shall be sufficiently complete to indicate such land acquisition, demolition, and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area." Idaho Code § 50-2018(12). The Agency has generally described those properties by use as set out in Attachment 3 for acquisition for the construction of public improvements. The Agency may also acquire property for the purpose of developing streetscape and public utilities. The Agency reserves the right to determine which properties, if any, should be acquired.

305.2 Personal Property

Generally, personal property shall not be acquired. However, where necessary in the execution of this Plan, the Agency is authorized to acquire personal property in the Project Area by any lawful means, including eminent domain as limited by Idaho Code Section 7-701A for the purpose of developing the public improvements described in section 305.1.

306 Property Management

During the time real property, if any, in the Project Area is owned by the Agency, such property shall be under the management and control of the Agency. Such property may be rented or leased by the Agency pending its disposition for development and/or redevelopment, and such rental or lease shall be pursuant to such policies as the Agency may adopt.

307 Relocation of Persons (Including Individuals and Families), Business Concerns, and Others Displaced by the Project

If the Agency receives federal funds for real estate acquisition and relocation, the Agency shall comply with 24 C.F.R. Part 42, implementing the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970, as amended.

The Agency reserves the right to extend benefits for relocation to those not otherwise entitled to relocation benefits as a matter of state law under the Act or the Law. The Agency may determine to use as a reference the relocation benefits and guidelines promulgated by the federal government, the state government, or local government, including the State Department of Transportation and the Ada County Highway District. The intent of this section is to allow the Agency sufficient flexibility to award relocation benefits on some rational basis, or by payment of some lump-sum per case basis. The Agency may also consider the analysis of replacement value for the compensation awarded to either owner occupants or businesses displaced by the Agency to achieve the objectives of this Plan. The Agency may adopt relocation guidelines which would define the extent of relocation assistance in non-federally assisted projects and

³ House Bill 1044, adopted by the Idaho Legislature during the 2021 Legislative Session, limited the Agency's ability to exercise eminent domain.

which relocation assistance to the greatest extent feasible would be uniform. The Agency shall also coordinate with the various local, state, or federal agencies concerning relocation assistance as may be warranted.

In the event the Agency's activities result in displacement, the Agency shall comply with, at a minimum, the standards set forth in the Law. The Agency shall also comply with all applicable state laws concerning relocation benefits and shall also coordinate with the various local, state, or federal agencies concerning relocation assistance.

308 Demolition, Clearance and Site Preparation

The Agency is authorized (but not required) to demolish and clear buildings, structures, and other improvements from any real property in the Project Area as necessary to carry out the purposes of this Plan.

Further, the Agency is authorized (but not required) to prepare, or cause to be prepared, as building sites any real property in the Project Area owned by the Agency including site preparation and/or environmental remediation. In connection therewith, the Agency may cause, provide for, or undertake the installation or construction of streets, utilities, pedestrian walkways, parking facilities, drainage facilities, and other public improvements necessary to carry out this Plan.

309 Property Disposition and Development

309.1 Disposition by the Agency

For the purposes of this Plan, the Agency is authorized to sell, lease, lease/purchase, exchange, subdivide, transfer, assign, pledge, encumber by mortgage or deed of trust, or otherwise dispose of any interest in real property under the reuse provisions set forth in Idaho law, including Idaho Code § 50-2011 and pursuant to any disposition policies adopted by the Agency. To the extent permitted by law, the Agency is authorized to dispose of real property by negotiated lease, sale, or transfer without public bidding.

Real property acquired by the Agency may be conveyed by the Agency and, where beneficial to the Project Area, without charge to any public body as allowed by law. All real property acquired by the Agency in the Project Area shall be sold or leased to public or private persons or entities for development for the uses permitted in this Plan.

Air rights and subterranean rights may be disposed of for any permitted use within the Project Area boundaries.

309.2 Disposition and Development Agreements

To provide adequate safeguards to ensure that the provisions of this Plan will be carried out and to prevent the recurrence of deteriorating conditions, all real property sold, leased, or conveyed by the Agency is subject to the provisions of this Plan.

The Agency shall reserve such powers and controls in the disposition and development documents as the Agency deems may be necessary to prevent transfer, retention, or use of property for speculative purposes and to ensure that development is carried out pursuant to this Plan.

Leases, lease/purchases, deeds, contracts, agreements, and declarations of restrictions of the Agency may contain restrictions, covenants, covenants running with the land, rights of reverter, conditions subsequent, equitable servitudes, or any other provisions necessary to carry out this Plan. Where appropriate, as determined by the Agency, such documents, or portions thereof, shall be recorded in the office of the Recorder of Ada County, Idaho.

All property in the Project Area is hereby subject to the restriction that there shall be no discrimination or segregation based upon race, color, creed, religion, sex, age, national origin, or ancestry in the sale, lease, sublease, transfer, use, occupancy, disability/handicap, tenure, or enjoyment of property in the Project Area. All property sold, leased, conveyed, or subject to a disposition and development agreement shall be expressly subject by appropriate documents to the restriction that all deeds, leases, or contracts for the sale, lease, sublease, or other transfer of land in the Project Area shall contain such nondiscrimination and nonsegregation clauses as required by law.

As required by law or as determined in the Agency's discretion to be in the best interest of the Agency and the public, the following requirements and obligations shall be included in the disposition and development agreement.

That the developers, their successors, and assigns agree:

- a. That a detailed scope and schedule for the proposed development shall be submitted to and agreed upon by the Agency.
- b. That the purchase or lease of the land and/or subterranean rights and/or air rights is for the purpose of redevelopment and not for speculation.
- c. That the building of improvements will be commenced and completed as jointly scheduled and determined by the Agency and the developer(s).
- d. That the site and construction plans will be submitted to the Agency for review as to conformity with the provisions and purposes of this Plan and to support the planning, design and transportation goals set forth in the Ten Mile SAP.

- e. All new construction shall have a minimum estimated life of no less than twenty (20) years.
- f. That rehabilitation of any existing structure must assure that the structure is safe and sound in all physical respects and be refurbished and altered to bring the property to an upgraded marketable condition which will continue throughout an estimated useful life for a minimum of twenty (20) years.
- g. That the Agency receives adequate assurance acceptable to the Agency to ensure performance under the contract for sale.
- h. All such buildings or portions of the buildings which are to remain within the Project Area shall be reconstructed in conformity with all applicable codes and ordinances of the City.
- i. All disposition and development documents shall be governed by the provisions of Section 409 of this Plan.
- j. All other requirements and obligations as may be set forth in any participation policy established and/or amended by the Agency.

The Agency also reserves the right to determine the extent of its participation based upon the achievements of the objectives of this Plan. Obligations under any disposition and development agreement and deed covenants, except for covenants which run with the land beyond the termination date of this Plan, shall terminate no later than December 31, 2041. The Agency shall retain its discretion to negotiate an earlier date to accomplish all obligations under any disposition and development agreement.

309.3 Development by the Agency

To the extent now or hereafter permitted by law, the Agency is authorized to pay for, develop, or construct public improvements within the Project Area for itself or for any public body or entity, which public improvements are or would be of benefit to the Project Area. Specifically, the Agency may pay for, install, or construct the public improvements authorized under Idaho Code §§ 50-2007, 50-2018(10) and (13), and 50-2903(9), (13), and (14), and as otherwise identified in Attachment 5, attached hereto, and incorporated herein by reference, and this Plan, and may acquire or pay for the land required, therefore.

Any public facility ultimately owned by the Agency shall be operated and managed in such a manner to preserve the public purpose nature of the facility. Any lease agreement with a private entity or management contract agreement shall include all necessary provisions sufficient to protect the public interest and public purpose.

The Agency may enter into contracts, leases, and agreements with the City, the Ada County Highway District or other public body or private entity pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code § 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under Idaho Code § 50-2908(2)(b) and Section 500 of this Plan or out of any other available funds.

310 Development Plans

All development plans (whether public or private) prepared pursuant to an owner participation or disposition and development agreement, shall be submitted to the Agency Board for approval and architectural review. All development in the Project Area must conform to those standards specified in Section 409. Additionally, development must be consistent with all City ordinances, design overlays and be supportive of the goals set forth in the Ten Mile SAP.

311 Participation with Others

Under the Law, the Agency has the authority to lend or invest funds obtained from the federal government for the purposes of the Law if allowable under federal laws or regulations. The federal funds that may be available to the Agency are governed by regulations promulgated by the Department of Housing and Urban Development for the Community Development Block Grant Program ("CDBG"), the Economic Development Administration, the Small Business Administration, or other federal agencies. In order to enhance such grants, the Agency's use of revenue allocation funds is critical.

Under those regulations the Agency may participate with the private sector in the development and financing of those private projects that will attain certain federal objectives.

The Agency may, therefore, use the federal funds for the provision of assistance to private for-profit business, including, but not limited to, grants, loans, loan guarantees, interest supplements, technical assistance, and other forms to support, for any other activity necessary or appropriate to carry out an economic development project.

As allowed by law, the Agency may also use funds from any other sources or participate with the private or public sector with regard to any programs administered by the Idaho Department of Commerce, or other State or federal agencies, for any purpose set forth under the Law or Act.

The Agency may enter into contracts, leases, and agreements with the City, the Ada County Highway District, or other public body or private entity, pursuant to this section, and the obligation of the Agency under such contract, lease, or agreement shall constitute an indebtedness of the Agency as described in Idaho Code § 50-2909 which may be made payable out of the taxes levied in the Project Area and allocated to the Agency under Idaho Code § 50-2908(2)(b) and Section 500 of this Plan or out of any other available funds.

312 Conforming Owners

The Agency may, at the Agency's sole and absolute discretion, determine that certain real property within the Project Area presently meets the requirements of this Plan, and the owner of such property will be permitted to remain as a conforming owner without a participation agreement with the Agency, provided such owner continues to operate, use, and maintain the real property within the requirements of this Plan.

400 USES PERMITTED IN THE PROJECT AREA

401 Designated Land Uses

The Agency intends to rely upon the overall land use designations and zoning classifications of the City, as may be amended, and as depicted on Attachment 4 and as set forth in the City's Comprehensive Plan, the Ten Mile SAP, and within the City zoning ordinance and requirements, including the future land use map and zoning classifications, as may be amended. For the most part, the Project Area includes a mix of uses including mixed-use residential, commercial, industrial and employment areas. Provided, however, nothing herein within this Plan shall be deemed to be granting any particular right to zoning classification or use.

402 [Reserved]

403 Public Rights-of-Way

The Project Area contains existing maintained public rights-of-way included within the boundaries, as set forth on Attachment 1. Any new roadways, including the Linder Overpass Project and the Local Road Project to be engineered, designed, installed, and constructed in the Project Area, will be constructed in conjunction with any applicable policies and design standards of the City or Ada County Highway District (and State and Federal standards, as the case may be) regarding dedicated rights-of-way. Additional public streets, alleys, and easements may be created in the Project Area as needed for proper development, and other potential roadways generally shown in Attachment 5.

Additional improvements to existing streets, alleys and easements may be created, improved, or extended in the Project Area as needed for development. Existing dirt roadways, streets, easements, and irrigation or drainage laterals or ditches may be abandoned, closed, or modified as necessary for proper development of the Project Area, in accordance with any applicable policies and standards of the Idaho Transportation Department, the City or Ada County Highway District regarding changes to dedicated rights-of-way, and appropriate irrigation or drainage districts regarding changes to laterals or ditches.

Any development, maintenance, and future changes in the interior or exterior street layout shall be in accordance with the objectives of this Plan and the design standards of the City, Ada County Highway District, or the Idaho Department of Transportation as may be applicable; and shall be effectuated in the manner prescribed by State and local law; and shall be guided by the following criteria:

- a. A balancing of the needs of proposed and potential new developments for adequate pedestrian and vehicular access (including cars, trucks, bicycles, etc.), vehicular parking, and delivery loading docks with the similar needs of any existing developments permitted to remain. Such balancing shall take into consideration the rights of existing owners and tenants under the rules for owner and tenant participation adopted by the Agency for the Project and any participation agreements executed thereunder, together with the design, planning and transportation goals set forth in the Ten Mile SAP;
- b. The requirements imposed by such factors as topography, traffic safety, and aesthetics; and
- c. The potential need to serve not only the Project Area and new or existing developments, but to also serve areas outside the Project Area by providing convenient and efficient vehicular access and movement.

The public rights-of-way may be used for vehicular and/or pedestrian traffic, as well as for public improvements, public and private utilities, and activities typically found in public rights-of-way.

404 Interim Uses

Pending the ultimate development of land by developers and participants, the Agency is authorized to use or permit the use of any land in the Project Area for interim uses that are not in conformity with the uses permitted in this Plan. However, any interim use must comply with applicable City Code or Ada County Code.

405 Development in the Project Area Subject to the Plan

All real property in the Project Area, under the provisions of either a disposition and development agreement or an owner participation agreement, is made subject to the controls and requirements of this Plan. No such real property shall be developed, redeveloped, rehabilitated, or otherwise changed after the date of the adoption of this Plan, except in conformance with the provisions of this Plan.

406 Construction Shall Comply with Applicable Federal, State, and Local Laws and Ordinances and Agency Development Standards

All construction in the Project Area shall comply with all applicable state laws, the Meridian City Code, as may be amended from time to time, and any applicable City Council ordinances pending codification, including but not limited to, regulations concerning the type, size, density and height of buildings; open space, landscaping, light, air, and privacy; the undergrounding of utilities; limitation or prohibition of development that is incompatible with the surrounding area by reason of appearance, traffic, smoke, glare, noise, odor, or similar factors; parcel subdivision; off-street loading and off-street parking requirements.

In addition to applicable codes, ordinances, or other requirements governing development in the Project Area, additional specific performance and development standards may be adopted by the Agency to control and direct redevelopment activities in the Project Area in the event of a disposition and development agreement or owner participation agreement.

407 [Reserved]

408 Nonconforming Uses

This Section applies to property owners seeking assistance from the Agency regarding their property. The Agency may permit an existing use to remain in an existing building and site usage in good condition, which use does not conform to the provisions of this Plan, provided that such use is generally compatible with existing and proposed developments and uses in the Project Area. The owner of such a property must be willing to enter into an owner participation agreement and agree to the imposition of such reasonable restrictions as may be necessary to protect the development and use of the Project Area.

The Agency may authorize additions, alterations, repairs, or other improvements in the Project Area for uses which do not conform to the provisions of this Plan where such improvements are within a portion of the Project Area where, in the determination of the Agency, such improvements would be compatible with surrounding Project uses and development.

All nonconforming uses shall also comply with the City codes and ordinances.

409 Design Guidelines for Development under a Disposition and Development Agreement or Owner Participation Agreement

Within the limits, restrictions, and controls established in this Plan, the Agency is authorized to establish heights of buildings, density, land coverage, setback requirements, design criteria, traffic circulation, traffic access, and other development and design controls necessary for proper development of both private and public areas within the Project Area to support the goals set forth in the Ten Mile SAP. Any development must also comply with the City's zoning ordinance regarding heights, setbacks, density, and other like standards.

In the case of property which is the subject of a disposition and development agreement or owner participation agreement with the Agency, no new improvement shall be constructed, and no existing improvement shall be substantially modified, altered, repaired, or rehabilitated, except in accordance with this Plan. Under a disposition and development agreement or owner participation agreement, the design guidelines and land use elements of the Plan shall be achieved to the greatest extent feasible, though the Agency retains the authority to grant minor variations under this Plan and subject to a negotiated agreement between the Agency and the developer or property owner.

Under those agreements, the architectural, landscape, and site plans shall be submitted to the Agency and approved in writing by the Agency. In such agreements, the Agency may impose additional design controls. One of the objectives of this Plan is to create an attractive pedestrian environment in the Project Area. Therefore, such plans shall give consideration to good design and amenities to enhance the aesthetic quality of the Project Area. The Agency shall find that any approved plans do comply with this Plan. The Agency reserves the right to impose such design standards on an ad hoc basis through the approval process of the disposition and development agreement or owner participation agreement. Any change to such approved design must be consented to by the Agency and such consent may be conditioned upon reduction of Agency's financial participation towards the Project.

In the event the Agency adopts design standards or controls, those provisions will thereafter apply to each site or portion thereof in the Project Area. These additional design standards or controls will be implemented through the provisions of any disposition and development agreement or owner participation agreement. These controls are in addition to any standards and provisions of any applicable City building or zoning ordinances; provided, however, each and every development shall comply with all applicable City zoning and building ordinances.

500 METHODS OF FINANCING THE PROJECT

501 General Description of the Proposed Financing Method

The Agency is authorized to finance this Project with revenue allocation funds, financial assistance from the City (loans, grants, other financial assistance), state of Idaho, federal government or other public entities, interest income, developer advanced funds, donations, loans from private financial institutions (bonds, notes, line of credit), the lease or sale of Agency-owned property, public parking revenue, or any other available source, public or private, including assistance from any taxing district or any public entity.

The Agency is also authorized to obtain advances, lines of credit, borrow funds, and create indebtedness in carrying out this Plan. The Agency may also consider an inter-fund transfer from other urban renewal project areas. The principal and interest on such advances, funds, and indebtedness may be paid from any funds available to the Agency. The City, as it is able, may also supply additional assistance through City loans and grants for various public improvements and facilities. The City or any other public agency, as properly budgeted, may expend money to assist the Agency in carrying out this Project.

As allowed by law and subject to restrictions as are imposed by law, the Agency is authorized to issue notes or bonds from time to time, if it deems appropriate to do so, in order to finance all or any part of the Project. Neither the members of the Agency nor any persons executing the bonds are liable personally on the bonds by reason of their issuance.

502 Revenue Allocation Financing Provisions

The Agency hereby adopts revenue allocation financing provisions as authorized by the Act, effective retroactively to January 1, 2021. These revenue allocation provisions shall apply to all taxing districts which are located in or overlap the Revenue Allocation Area shown and described on Attachments 1 and 2 to this Plan. The Agency shall take all actions necessary or convenient to implement these revenue allocation financing provisions. The Agency specifically finds that the equalized assessed valuation of property within the Revenue Allocation Area is likely to increase as a result of the initiation of the Project.

The Agency, acting by one or more resolutions adopted by its Board, is hereby authorized to apply all or any portion of the revenues allocated to the Agency pursuant to the Act to pay as costs are incurred (pay-as-you-go) or to pledge all or any portion of such revenues to the repayment of any moneys advance-funded by developers or property owners, borrowed, indebtedness incurred, or notes or bonds issued by the Agency to finance or to refinance the Project Costs (as defined in Idaho Code § 50-2903(14)) of one or more urban renewal projects.

The Agency may consider a note or line of credit issued by a bank or lending institution premised upon revenue allocation funds generated by a substantial private development contemplated by the Study, as defined in Section 502.1, which would allow the Agency to more quickly fund the public improvements contemplated by this Plan. Likewise, a developer/owner advanced funding of certain eligible public infrastructure improvements to be reimbursed pursuant to an owner participation agreement could achieve the same purpose.

Upon enactment of a City Council ordinance finally adopting these revenue allocation financing provisions and defining the Revenue Allocation Area described herein as part of the Plan, there shall hereby be created a special fund of the Agency into which the County Treasurer shall deposit allocated revenues as provided in Idaho Code § 50-2908. The Agency shall use such funds solely in accordance with Idaho Code § 50-2909 and solely for the purpose of providing funds to pay the Project Costs, including any incidental costs, of such urban renewal projects as the Agency may determine by resolution or resolutions of its Board.

A statement listing proposed public improvements and facilities, a schedule of improvements, the location of proposed public infrastructure improvements, an economic feasibility study, estimated project costs, fiscal impact upon other taxing districts, and methods of financing project costs required by Idaho Code § 50-2905 is included in this Plan and in Attachment 5 to this Plan. This statement necessarily incorporates estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Agency is hereby authorized to adjust the presently anticipated urban renewal projects and use of revenue allocation financing of the related Project Costs to effectuate the general objections of the Plan in order to account for revenue inconsistencies, market adjustments, future priorities, developers/owners seeking Agency assistance pursuant to an owner participation agreement, and unknown future costs. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in the annual budget.

The Agency may appropriate funds consisting of revenue allocation proceeds on an annual basis without the issuance of notes or bonds. The Agency may also obtain advances or loans from the City or Agency, or private entity and financial institutions in order to immediately commence construction of certain of the public improvements. Developer advanced funding of public improvements could also achieve the same purpose. The revenue allocation proceeds are hereby irrevocably pledged for the payment of the principal and interest on the advance of monies or making of loans or the incurring of any indebtedness such as bonds, notes, and other obligations (whether funded, refunded, assumed, or otherwise) by the Agency to finance or refinance the Project in whole or in part, including reimbursement to any owner/developer or public entity for the cost of eligible public improvements pursuant to a participation agreement.

Revenues will continue to be allocated to the Agency until termination of the revenue allocation area as set forth in Section 800. Attachment 5 incorporates estimates and projections based on the Agency's and its consultants' present knowledge and expectations concerning the length of time to complete the improvements and estimated future revenues. The activity may take longer depending on the significance and timeliness of development. Alternatively, the activity may be completed earlier if revenue allocation proceeds are greater or the Agency obtains additional funds from another source.

The Agency is authorized to make such pledges as to specific advances, loans, and indebtedness as appropriate in carrying out the Project. The Agency reserves the right to either pay for Project Costs from available revenue (pay-as-you-go basis) or borrow funds by incurring debt through notes or other obligations.

Revenue allocation proceeds are deemed to be only a part of the proposed funding sources for the payment of public improvements and other project improvements. Additionally, project funding is proposed to be phased for the improvements, allowing various sources of funds to be accumulated for use.

502.1 Economic Feasibility Study

Attachment 5 constitutes the Economic Feasibility Study (the "Study"), prepared by Kushlan | Associates. The Study constitutes the financial analysis required by the Act and is based upon existing information from property owners, developers, the Agency, the City, and others.

502.2 Assumptions and Conditions/Economic Feasibility Statement

The information contained in Attachment 5 assumes certain completed and projected actions. All debt is projected to be repaid no later than the duration period of the Plan. The total amount of indebtedness (and all other loans or indebtedness), developer reimbursement and the amount of revenue generated by revenue allocation are dependent upon the extent and timing of private development. Should the proposed development take place as projected, the project indebtedness could be extinguished earlier, dependent upon the bond sale documents or other

legal obligations. Should private development take longer to materialize, or should the private development be substantially less than projected, then the amount of revenue generated will be substantially reduced and debt may continue for its full term.

The Plan and the Plan Attachments incorporate estimates and projections based on the Agency's and consultants' present knowledge and expectations. The Plan proposes certain public improvements as set forth in Attachment 5, which will facilitate mixed-use commercial, residential, industrial developments and employment opportunities in the Revenue Allocation Area as more fully guided by the design, planning and transportation goals set forth in the Ten Mile SAP.

The assumptions set forth in the Study are based upon the best information available to the Agency and its consultants through public sources or discussions with property owners, developers, overlapping taxing districts, the City, and others. The information has been analyzed by the Agency and its consultants in order to provide an analysis that meets the requirements set forth under the Law and Act. At the point in time when the Agency may seek a loan from lenders or others, a more detailed and then-current financial pro forma will be presented to those lenders or underwriters for analysis to determine the borrowing capacity of the Agency. As set forth herein, the Agency reserves the right to fund the Project on a "pay-as-you-go" basis. The Agency Board will prioritize the activities set forth in this Plan and determine what funds are available and what activities can be funded. The Agency will establish those priorities through its mandated annual budgetary process.

The list of public improvements, or activities within Attachment 5 are prioritized by way of feasibility based on estimated revenues to be received, amounts funded, and by year of funding. The projected timing of funding is primarily a function of the availability of financial resources and market conditions but is also strategic, considering the timing of anticipated or projected private development partnership opportunities and the ability of certain strategic activities to stimulate development at a given point in time within the duration of the Plan and Project Area.

The assumptions concerning revenue allocation proceeds are based upon certain anticipated or projected new developments, assessed value increases, and assumed tax levy rates as more specifically set forth in Attachment 5. Further, the financial analysis set forth in Attachment 5 has taken into account and excluded levies that do not flow to the Agency consistent with Idaho Code § 50-2908. In projecting new construction, the Study considered parcels identified as expected to develop over the life of the Project Area, communications with potential developers and City staff, and historical market absorption rates for commercial, and residential improvements.

The types of new construction expected in the Project Area are mixed-use residential (mixed income and mixed density); industrial; and commercial. The Project Area has potential for a significant increase in residential, commercial, and industrial growth due to the location of the Project Area, and in realization of the goals set forth in the Ten Mile SAP. However, without a method to construct the identified public improvements: the Linder Overpass Project, the
Sewer Main Project and the Local Road Project development is unlikely to occur in much of the Project Area.

It is understood that application of certain exemptions, including the homeowner's exemption and Idaho Code § 63-602K, which provides for personal property tax exemption to businesses may have the effect of reducing the increment value, which in turn reduces revenue.

502.3 Ten Percent Limitation

Under the Act, the base assessed valuation for all revenue allocation areas cannot exceed gross/net ten percent (10%) of the current assessed taxable value for the entire City. According to the Ada County Assessor, the assessed taxable value for the City as of January 1, 2020,⁴ less homeowners' exemptions, is \$10,375,837,804. Therefore, the 10% limit is \$1,037,583,780.

The adjusted base assessed value of each of the existing revenue allocation areas as of January 1, 2020, is as follows:

Downtown District ⁵	\$146,334,050
Ten Mile District	\$39,539,125
Union District	\$2,144,360
Proposed Northern Gateway District	\$68,832,974
Proposed Linder District	\$11,978,500
Proposed Union District Addition	\$3,414,100

The adjusted base values for the combined existing and proposed revenue allocation areas and the estimated base value for the proposed Project Area, less homeowners' exemptions, is \$272,243,109, which is less than 10% of the City's 2020 taxable value.

502.4 Financial Limitation

The Study identifies several capital improvement projects. Use of any particular funding source for any particular purpose is not assured or identified. Use of the funding source shall be conditioned on any limitations set forth in the Law, the Act, by contract, or by other federal regulations. If revenue allocation funds are unavailable, then the Agency will need to use a different funding source for that improvement.

The amount of funds available to the Agency from revenue allocation financing is directly related to the assessed value of new improvements within the Revenue Allocation Area. Under the Act, the Agency is allowed the revenue allocation generated from inflationary

⁴ Due to the timing of the assessment process and creation of this Plan, the 2020 certified values have been used to establish compliance with the 10% limitation. Using the 2020 values, the total adjusted base value of the existing and proposed revenue allocation areas combined with the value of this Project Area are less than 2.62% of the total taxable value of the City. Even assuming an increase in values for 2021, the combined adjusted base values of the revenue allocation areas would not exceed 10% of the current assessed taxable value for the entire City.

⁵ Less area deannexed by the First Amendment to the Meridian Revitalization Plan Urban Renewal Project, and the Second Amendment to the Meridian Revitalization Plan Urban Renewal Project.

increases and new development value. Increases have been assumed based upon the projected value of new development as that development occurs along with possible land reassessment based on a construction start.

The Study, with the various estimates and projections, constitutes an economic feasibility study. Costs and revenues are analyzed, and the analysis shows the need for public capital funds during the project. Multiple financing sources including annual revenue allocations, developer contributions, city, or other public entity contributions, interfund loan, federal funding, grants, property disposition and other financing sources as permitted by law. This Study identifies the kind, number, and location of all proposed public works or improvements, a detailed list of estimated project costs, a description of the methods of financing illustrating project costs, and the time when related costs or monetary obligations are to be incurred.⁶ Based on these funding sources, the conclusion is that the Project is feasible.

The Agency reserves the discretion and flexibility to use revenue allocation proceeds in excess of the amounts projected in the Study for the purpose of funding the additional identified projects and improvements. The projections in the Study are based on reasonable assumptions and existing market conditions. However, should the Project Area result in greater than anticipated revenues, the Agency specifically reserves the ability to fund the additional activities and projects identified in this Plan. Further, the Agency reserves the discretion and flexibility to use other sources of funds unrelated to revenue allocation to assist in the funding of the improvements and activities identified, including but not limited to owner participation agreements and disposition and development agreements. The Agency may also re-prioritize projects pursuant to market conditions, project timing, funding availability, etc., as more specifically detailed in the annual budget.

The proposed timing for the public improvements may have to be adjusted depending upon the availability of some of the funds and the Agency's ability to finance any portion of the Project. Any adjustment to Project timing or funding is technical or ministerial in nature and shall not be considered a modification of the Plan pursuant to Idaho Code § 50-2903A.

Attachment 5 lists those public improvements the Agency intends to construct or fund through the term of the Plan. The costs of improvements are estimates only as it is impossible to know with any certainty what the costs of improvements will be in future years. There is general recognition that construction costs fluctuate and are impacted by future unknowns, such as, the cost of materials and laborers. Final costs will be determined by way of construction contract public bidding or by an agreement between the developer/owner and/or public entity and Agency. The listing of public improvements does not commit the Agency, City, or other public entity, to any particular level of funding; rather, identification of the activity in the Plan allows the Agency to negotiate the terms of any reimbursement with the developer and/or the public entity to any project or property acquisition; rather, for purposes of determining the economic feasibility of the Plan certain projects and expenditures have been estimated and included in the analysis. The City and Ada County Highway District have not committed to fund any public infrastructure

⁶ See Idaho Code § 50-2905.

improvements within the Project Area. Such decisions concerning capital improvement projects and/or other expenditures are made by the City (or the Ada County Highway District) annually pursuant to this budget and appropriates process. Agency revenue and the ability to fund reimbursement of eligible Project Costs is more specifically detailed in any participation agreement and in the annual budget adopted by the Agency Board. The proposed location and siting of the proposed public infrastructure and other improvement projects in the Project Area are generally shown in Attachment 5 recognizing that the specific location of the projects will depend on the type and timing of development. The change in the location of the improvements shown in Attachment 5 does not constitute a modification to the Plan.

The Agency reserves its discretion and flexibility in deciding which improvements are more critical for development or redevelopment, and the Agency intends to coordinate its public improvements with associated development by private developers/owners. Where applicable, the Agency also intends to coordinate its participation in the public improvements with the receipt of certain grants or loans which may require the Agency's participation in some combination with the grant and loan funding.

Generally, the Agency expects to develop those improvements identified in Attachment 5 first, in conjunction with private development within the Project Area generating the increment as identified in Attachment 5.

The Plan has shown that the equalized valuation of the Revenue Allocation Area as defined in the Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Plan.

502.5 [Reserved]

502.6 Participation with Local Improvement Districts and/or Business Improvement Districts

Under the Idaho Local Improvement District ("LID") Code, Chapter 17, Title 50, Idaho Code, the City has the authority to establish local improvement districts for various public facilities, including, but not limited to, streets, curbs, gutters, sidewalks, storm drains, landscaping, and other like facilities. To the extent allowed by the Law and the Act, the Agency reserves the authority, but not the obligation, to participate in the funding of local improvement district facilities. This participation may include either direct funding to reduce the overall cost of the LID or to participate as an assessed entity to finance the LID project. Similarly, to the extent allowed by the Law and the Act, the Agency reserves the authority, but not the obligation, to participate in the funding of the purposes specified under the Business Improvement Districts, Chapter 26, Title 50, Idaho Code.

502.7 Issuance of Debt and Debt Limitation

Any debt incurred by the Agency as allowed by the Law and Act shall be secured by revenue identified in the debt resolution or revenue allocation funds as allowed by the Act. All such debt shall be repaid within the duration of this Plan, except as may be authorized by law.

502.8 Impact on Other Taxing Districts and Levy Rate

An estimate of the overall impact of the revenue allocation project on each taxing district is shown in the Study through the new development projections set forth in Attachment 5.

The assessed value for each property in a revenue allocation area consists of a base value and an increment value. The base value is the assessed value as of January 1 of the year in which a revenue allocation area is approved by a municipality, with periodic adjustments allowed by Idaho law. The increment value is the difference between the adjusted base assessed value and current assessed taxable value in any given year while the property is in a revenue allocation area. Under Idaho Code § 63-802, taxing entities are constrained in establishing levy rates by the amount each budget of each taxing district can increase on an annual basis.⁷ Taxing entities submit proposed budgets to the County Board of Commissioners, which budgets are required to comply with the limitations set forth in Idaho Code § 63-802. Therefore, the impact of revenue allocation on the taxing entities is more of a product of the imposition of Idaho Code § 63-802, then the effect of urban renewal.

The County Board of Commissioners calculates the levy rate required to produce the proposed budget amount for each taxing entity using the assessed values which are subject to each taxing entity's levy rate. Assessed values in urban renewal districts which are subject to revenue allocation (incremental values) are not included in this calculation. The combined levy rate for the taxing entities is applied to the incremental property values in a revenue allocation area to determine the amount of property tax revenue which is allocated to an urban renewal agency. The property taxes generated by the base values in the urban renewal districts and by properties outside revenue allocation areas are distributed to the other taxing entities. Properties in revenue allocation areas are subject to the same levy rate as they would be outside a revenue allocation area. The difference is how the revenue is distributed. If the overall levy rate is less than assumed, the Agency will receive fewer funds from revenue allocation.

In addition, without the Revenue Allocation Area and its ability to pay for public improvements and public facilities, fewer substantial improvements within the Revenue Allocation Area would be expected during the term of the Plan; hence, there would be lower increases in assessed valuation to be used by the other taxing entities. The Study's analysis is premised upon the fact the proposed development would not occur but for the ability to use revenue allocation funds to fund certain significant public infrastructure improvements.

⁷ House Bill 389 passed during the 2021 Legislative Session, effective in significant part as of January 1, 2021, further limits a taxing entity's ability to increase the property tax portion of its budget. The Study has considered the impact of House Bill 389 on the Project's overall feasibility.

One result of new construction occurring outside the revenue allocation area (Idaho Code §§ 63-802 and 63-301A) is the likely reduction of the levy rate as assessed values increase for property within each taxing entity's jurisdiction.⁸ From and after December 31, 2006, Idaho Code § 63-301A prohibits taxing entities from including, as part of the new construction roll, the increased value related to new construction within a revenue allocation area until the revenue allocation authority is terminated. Any new construction within the Project Area is not available for inclusion by the taxing entities to increase their budgets. Upon termination of this Plan or Project Area or deannexation of area, the taxing entities will be able to include a percentage⁹ of the accumulated new construction roll value in setting the following year's budget and revenue pursuant to Idaho Code Sections 63-802 and 63-301A.

As the 2021 certified levy rates will not be determined until October/early November 2021, the 2020 certified levy rates have been used in the Study for purposes of the analysis.¹⁰ For Tax Year 2020, those taxing districts and rates for the parcels located within the City are as follows:¹¹

Taxing Districts:	Levy Rates:
The City of Meridian	.002230856
The West Ada School District (School District No. 2) Ada County	.000014472 .002149935
Emergency Medical District/Ada County Ambulance Mosquito Abatement District	.000118422 .000021106
The Ada County Highway District	.000701539
Meridian Library District	.000430489
Meridian Cemetery District Western Ada Recreation District	.000048343 .000037736
College of Western Idaho	.000124266
TOTAL ¹²	.005877164

⁹ Pursuant to House Bill 389, 80% of the total eligible increment value is added to the new construction roll.

⁸ House Bill 389 amended Idaho Code Sections 63-802 and 63-301A limiting the value placed on the new construction roll and available to a taxing district for a budget capacity increase. This could result in lower levy rates over time.

¹⁰ Due to the timing of the taxing districts' budget and levy setting process, certification of the 2021 levy rates did not occur until this Plan had been prepared. In order to provide a basis to analyze the impact on the taxing entities, the 2020 levy rates are used. Use of the 2020 levy rates provides a more accurate base than estimating the 2021 levy rates.

¹¹ It is unclear how the personal property tax exemption set forth in Idaho Code § 63-602KK may impact the levy rate.

¹² Net of voter approved bonds and levies.

For Tax Year 2020,¹³ those taxing districts and rates for the parcels located within the unincorporated County are as follows:¹⁴

Taxing Districts:	Levy Rates:
The West Ada School District (School District No. 2)	.000014472
Ada County	.002149935
Emergency Medical District/Ada County Ambulance	.000118422
Mosquito Abatement District	.000021106
The Ada County Highway District	.000701539
Meridian Library District	.000430489
Meridian Cemetery District	.000048343
Western Ada Recreation District	.000037736
College of Western Idaho	.000124266
Pest Extermination	.000098171
Meridian Fire	.001017848
TOTAL ¹⁵	0.004762327

House Bill 587, as amended in the Senate, effective July 1, 2020, amends Idaho Code Section 50-2908 altering the allocation of revenue allocation funds to the Agency from the Ada County Highway District levy. This amendment will apply to this Project Area and provides: "[i]n the case of a revenue allocation area first formed or expanded to include the property on or after July 1, 2020, all taxes levied by any highway district, unless the local governing body that created the revenue allocation area has responsibility for the maintenance of roads or highways" will be allocated to the applicable highway district, which in this case is the Ada County Highway District.

However, amended Idaho Code Section 50-2908 further provides the highway district and Agency may enter into an agreement for a different allocation. A copy of any agreement is required to be submitted to the Idaho State Tax Commission and to the Ada County Clerk by the Ada County Highway District as soon as practicable after the parties have entered into the agreement and by no later than September 1 of the year in which the agreement takes effect. The Plan includes significant transportation elements, and the Agency intends to work with the Ada County Highway District to enter into an agreement allowing the Agency to retain the revenues from the highway district levies.

The Study has made certain assumptions concerning the levy rate. It is anticipated the parcels currently located outside the City limits and within unincorporated Ada County will be

¹³ Due to the timing of the taxing districts' budget and levy setting process, certification of the 2021 levy rates did not occur until this Plan had been prepared. In order to provide a basis to analyze the impact on the taxing entities, the 2020 levy rates are used. Use of the 2020 levy rates provides a more accurate base than estimating the 2021 levy rates.

¹⁴ It is unclear how the personal property tax exemption set forth in Idaho Code § 63-602KK may impact the levy rate.

¹⁵ Net of voter approved bonds and levies.

annexed into the City. As a result, the levy rate applied to parcels within the City has been used to estimate revenue generation over the life of the Project Area. Second, the levy rate is estimated to be 10% lower than the combined 2020 certified levy rates for the City to adjust for the impact of House Bill 389, as well as considering the rapidly increasing property values. The levy rate is anticipated to remain level for the life of the Project Area. As the actual impact of the property value fluctuations on the levy rate is unknown, the Study has assumed a combined conservative levy rate of .0053. Land values are estimated to inflate at 8%/year for five (5) years and then inflate at a rate of 4%/year for the remaining duration of the Project Area. Improvement values are estimated to inflate at a rate of 5%/year for the duration of the Project Area. If the overall levy rate is less than projected, or if expected development fails to occur as estimated, the Agency shall receive fewer funds from revenue allocation.

Pursuant to Idaho Code § 50-2908, the Agency is not entitled to revenue allocation proceeds from certain levy increases which are allowed by either specific statutory authorization or approved by an election of the qualified electors of the particular taxing district. Therefore, for any levy election, the Agency will not receive revenue allocation funds which would have been generated by imposing that levy on the assessed valuation within the Project Area. The Study has taken this statute into account.

503 Phasing and Other Fund Sources

The Agency anticipates funding only a portion of the entire cost of the public improvements shown on Attachment 5. Other sources of funds shall include City, other public entity partners, and owner/developer participation. It is important to note this Plan does not financially bind or obligate the City, Agency and/or any other public entity to any project or property acquisition. Agency and/or other public entity participation in any project shall be determined by the amount of revenue allocation funds generated and pursuant to the annual budgeting process.

504 Lease Revenue and Bonds

Under the Law (Idaho Code § 50-2012), the Agency is authorized to issue revenue bonds to finance certain public improvements identified in the Plan. Under that type of financing, the public entity would pay the Agency a lease payment annually which provides certain funds to the Agency to retire the bond debt. Another variation of this type of financing is sometimes referred to as conduit financing, which provides a mechanism where the Agency uses its bonding authority for the Project, with the end user making payments to the Agency to retire the bond debt. These sources of revenues are not related to revenue allocation funds and are not particularly noted in the Study, because of the "pass through" aspects of the financing. Under the Act, the economic feasibility study focuses on the revenue allocation aspects of the Agency's financial model.

These financing models typically are for a longer period of time than the 20-year period set forth in the Act. However, these financing models do not involve revenue allocation funds,

but rather funds from the end users which provide a funding source for the Agency to continue to own and operate the facility beyond the term of the Plan as allowed by Idaho Code § 50-2905(8) as those resources involve funds not related to revenue allocation funds.

505 Membership Dues and Support of Community Economic Development

The Act is premised upon economic development being a valid public purpose. To the extent allowed by the Law and the Act, the Agency reserves the authority to use revenue allocation funds to contract with non-profit and charitable organizations established for the purpose of supporting economic development and job creation. Additionally, the Agency reserves the authority to expend revenue allocation funds to join, participate and support non-profit organizations established to support Agency best practices and administration. The District Operating Expenses identified in the Study shall be deemed to include expenditures for the purposes described in this section as may be deemed appropriate during the annual budgetary process.

600 ACTIONS BY THE CITY AND OTHER PUBLIC ENTITIES

The City shall aid and cooperate with the Agency in carrying out this Plan in support of the design, planning and transportation goals set forth in the Ten Mile SAP, and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan and to prevent the recurrence or spread in the area of conditions causing deterioration. Actions by the City, or other public entities, may include, but not be limited to, the following:

- a. Institution and completion of proceedings necessary for changes and improvements in private and publicly owned public utilities within or affecting the Project Area.
- b. Revision of zoning (if necessary) within the Project Area to permit the land uses and development authorized by this Plan.
- c. Imposition, wherever necessary, of appropriate controls within the limits of this Plan upon parcels in the Project Area to ensure their proper development and use.
- d. Provision for administrative enforcement of this Plan by the City after development. The City and the Agency may develop and provide for enforcement of a program for continued maintenance by owners of all real property, both public and private, within the Project Area throughout the duration of this Plan.
- e. Building Code enforcement.
- f. Performance of the above actions and of all other functions and services relating to public peace, health, safety, and physical development normally rendered in accordance with a schedule which will permit the development and/or

redevelopment of the Project Area to be commenced and carried to completion without unnecessary delays.

- g. Institution and completion of proceedings necessary for the establishment of a local improvement district under Chapter 17, Title 50, Idaho Code, or a business improvement district.
- h. The undertaking and completing of any other proceedings necessary to carry out the Project.
- i. Administration of Community Development Block Grant funds that may be made available for this Project.
- j. Appropriate agreements with the Agency for administration, supporting services, funding sources, and the like.
- k. Joint funding of certain public improvements, including but not limited to those identified in this Plan and Attachment 5 to the Plan.
- 1. Use of public entity labor, services, and materials for construction of the public improvements listed in this Plan.
- m. Assist with coordinating and implementing the public improvements in the Project Area identified in the Study.

The foregoing actions, if taken by the City and/or the Ada County Highway District, do not constitute any commitment for financial outlays by the City or the Ada County Highway District.

In addition to the above, other public entities may aid and cooperate with the Agency in carrying out this Plan and shall take all actions necessary to ensure the continued fulfillment of the purposes of this Plan. Actions by the County may include, but not be limited to, entering into an agreement with the Agency and/or the City as may be necessary to make improvements to the portion of the Project Area located within the boundaries of the County and to coordinate with the City on annexation proceedings. The foregoing actions, if taken by the County, do not constitute any commitment for financial outlays by the County.

601 Maintenance of Public Improvements

The Agency has not identified any commitment or obligation for long-term maintenance of the public improvements identified. The Agency will need to address this issue with the appropriate entity, public or private, who has benefited from or is involved in the ongoing preservation of the public improvement. The Agency expects to dedicate public improvements to the City or the Ada County Highway District, as the case may be.

700 ENFORCEMENT

The administration and enforcement of this Plan, including the preparation and execution of any documents implementing this Plan, shall be performed by the Agency and/or the City.

800 DURATION OF THIS PLAN, TERMINATION, AND ASSET REVIEW

Except for the nondiscrimination and nonsegregation provisions which shall run in perpetuity, the provisions of this Plan shall be effective, and the provisions of other documents formulated pursuant to this Plan, shall be effective for twenty (20) years from the effective date of the Plan subject to extensions set forth in Idaho Code § 50-2904. The revenue allocation authority will expire on December 31, 2041, except for any revenue allocation proceeds received in calendar year 2042, as contemplated by Idaho Code § 50-2905(7). The Agency may use proceeds in 2042 to complete the projects set forth herein. As stated in the Plan, any owner participation agreement or disposition and development agreement obligations will cease as of December 31, 2041.

Idaho Code § 50-2903(5) provides the Agency shall adopt a resolution of intent to terminate the revenue allocation area by September 1. In order to provide sufficient notice of termination to the affected taxing districts to allow them to benefit from the increased budget capacity, the Agency will use its best efforts to provide notice of its intent to terminate this Plan and its revenue allocation authority by May 1, 2042, or if the Agency determines an earlier terminate date, then by May 1 of the early termination year:

- When the Revenue Allocation Area plan budget estimates that all financial a. obligations have been provided for, the principal of and interest on such moneys, indebtedness, and bonds have been paid in full or when deposits in the special fund or funds created under this chapter are sufficient to pay such principal and interest as they come due, and to fund reserves, if any, or any other obligations of the Agency funded through revenue allocation proceeds shall be satisfied and the Agency has determined no additional project costs need be funded through revenue allocation financing, the allocation of revenues under Idaho Code § 50-2908 shall thereupon cease; any moneys in such fund or funds in excess of the amount necessary to pay such principal and interest shall be distributed to the affected taxing districts in which the Revenue Allocation Area is located in the same manner and proportion as the most recent distribution to the affected taxing districts of the taxes on the taxable property located within the Revenue Allocation Area; and the powers granted to the urban renewal agency under Idaho Code § 50-2909 shall thereupon terminate.
- b. In determining the termination date, the Plan shall recognize that the Agency shall receive allocation of revenues in the calendar year following the last year of the revenue allocation provision described in the Plan.

For the fiscal year that immediately predates the termination date, the Agency c. shall adopt and publish a budget specifically for the projected revenues and expenses of the Plan and make a determination as to whether the Revenue Allocation Area can be terminated before January 1 of the termination year pursuant to the terms of Idaho Code § 50-2909(4). In the event that the Agency determines that current tax year revenues are sufficient to cover all estimated expenses for the current year and all future years, by May 1, but in any event, no later than September 1, the Agency shall adopt a resolution advising and notifying the local governing body, the county auditor, and the State Tax Commission, recommending the adoption of an ordinance for termination of the Revenue Allocation Area by December 31 of the current year, and declaring a surplus to be distributed as described in Idaho Code § 50-2909 should a surplus be determined to exist. The Agency shall cause the ordinance to be filed with the office of the county recorder and the Idaho State Tax Commission as provided in Idaho Code § 63-215.

Upon termination of the revenue allocation authority of the Plan to the extent the Agency owns or possesses any assets, subject to the following paragraph, the Agency intends to dispose of any remaining assets by granting or conveying or dedicating such assets to the City, unless based on the nature of the asset, disposition to another public entity is more appropriate.

As allowed by Idaho Code § 50-2905(8), the Agency may retain assets or revenues generated from such assets as long as the Agency shall have resources other than revenue allocation funds to operate and manage such assets. Similarly, facilities which provide a lease income stream to the Agency for full retirement of the facility debt will allow the Agency to meet debt services obligations and provide for the continued operation and management of the facility. For those assets which do not provide such resources or revenues, the Agency will likely convey such assets to the City or the Ada County Highway District, depending on the nature of the asset.

900 PROCEDURE FOR AMENDMENT OR MODIFICATION

To the extent there are any outstanding loans or obligations, this Plan shall not be modified pursuant to the provisions set forth in Idaho Code § 50-2903A. Modification of this Plan results in a reset of the base value for the year immediately following the year in which the modification occurred to include the current year's equalized assessed value of the taxable property in the revenue allocation area, effectively eliminating the Agency's revenue stream as more fully set forth in Idaho Code § 50-2903A subject to certain limited exceptions contained therein. As more specifically identified above, the Agency's projections are based on estimated values, estimated levy rates, estimated future development, and estimated costs of future construction/improvements. Annual adjustments, as more specifically set forth in the Agency's annual budget, will be required to account for more/less estimated revenue and prioritization of projects. Any adjustments for these stated purposes are technical and ministerial and are not deemed a modification under Idaho Code § 50-2903A(1)(a)(i).

1000 SEVERABILITY

If any one or more of the provisions contained in this Plan to be performed on the part of the Agency shall be declared by any court of competent jurisdiction to be contrary to law, then such provision or provisions shall be null and void and shall be deemed separable from the remaining provisions in this Plan and shall in no way affect the validity of the other provisions of this Plan.

1100 ANNUAL REPORT AND OTHER REPORTING REQUIREMENTS

Under the Law, the Agency is required to file with the City, on or before March 31 of each year, a report of the Agency's activities for the preceding calendar year, which report shall include the financial data and audit reports required under sections 67-1075 and 67-1076, Idaho Code. This annual report shall be considered at a public meeting to report these findings and take comments from the public.

Additionally, the Agency must comply with certain other reporting requirements as set forth in Idaho Code § 67-1076, Idaho Code § 50-2913, the tax commission plan repository, and Idaho Code § 50-2903A, the tax commission's plan modification annual attestation. Failure to report the information requested under any of these statutes results in significant penalties, including loss of increment revenue, and the imposition of other compliance measures by the Ada County Board of County Commissioners.

1200 APPENDICES, ATTACHMENTS, EXHIBITS, TABLES

All attachments and tables referenced in this Plan are attached and incorporated herein by their reference. All other documents referenced in this Plan but not attached are incorporated by their reference as if set forth fully.

Boundary Map of Linder District Urban Renewal Project Area and Revenue Allocation Area



EXHIBIT B

SKETCH TO ACCOMPANY URBAN RENEWAL DISTRICT DESCRIPTION FOR MERIDIAN DEVELOPMENT CORPORATION LOCATED IN THE SW 1/4 OF SECTION 13, AND IN THE S 1/2 OF SECTION 14, AND IN THE NW 1/4 OF SECTION 23, ALL IN TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO





EXHIBIT B

SKETCH TO ACCOMPANY URBAN RENEWAL DISTRICT DESCRIPTION FOR MERIDIAN DEVELOPMENT CORPORATION LOCATED IN THE SW 1/4 OF SECTION 13, AND IN THE S 1/2 OF SECTION 14, AND IN THE NW 1/4 OF SECTION 23, ALL IN TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO



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EXHIBIT B

SKETCH TO ACCOMPANY URBAN RENEWAL DISTRICT DESCRIPTION FOR MERIDIAN DEVELOPMENT CORPORATION LOCATED IN THE SW 1/4 OF SECTION 13, AND IN THE S 1/2 OF SECTION 14, AND IN THE NW 1/4 OF SECTION 23, ALL IN TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO





Legal Description of Linder District Urban Renewal Project Area and Revenue Allocation Area

EXHIBIT A

URBAN RENEWAL DISTRICT BOUNDARY DESCRIPTION FOR MERIDIAN DEVELOPMENT CORPORATION

A description for Urban Renewal District purposes located in the SW 1/4 of Section 13, and in the S 1/2 of Section 14, and in the NW 1/4 of Section 23, all in Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at an aluminum cap monument marking the southwesterly corner of said NW 1/4 of Section 23, from which an aluminum cap marking the northwesterly corner of said Section 23 bears N 0°56′24″ E a distance of 2629.55 feet;

Thence N 0°56′24″ E along the westerly boundary of said NW 1/4 of Section 23 a distance of 717.33 feet to the POINT OF BEGINNING;

Thence continuing N 0°56'24" E a distance of 1305.34 feet to a point;

Thence leaving said westerly boundary S 34°10′57″ E a distance of 83.43 feet to a point on the westerly boundary of *PARCEL 8* as described in Warranty Deed Inst. No. 110000589;

Thence along the westerly boundary of said PARCEL 8 the following described courses:

Thence continuing S 34°10′57″ E a distance of 110.05 feet to a point;

Thence N 0°31'15" E a distance of 345.95 feet to a point;

Thence N 2°34′10″ E a distance of 419.76 feet to a point marking the northwesterly corner of said *PARCEL 8*, said point being on the southerly boundary of said S 1/2 of Section 14;

Thence leaving said westerly boundary N 89°14'58" W along said southerly boundary a distance of 40.72 feet to a point on the easterly right-of-way of S. Ten Mile Road;

Thence leaving said southerly boundary and along said easterly right-of-way the following described courses:

Thence N 0°30′03" E a distance of 25.00 feet to a point;

Thence N 89°14'58" W a distance of 10.99 feet to a point;

Thence N 0°30'03" E a distance of 312.82 feet to a point;

Thence N 89°29'57" W a distance of 22.30 feet to a point;

Thence N 3°31'49" E a distance of 306.84 feet to a point;

Thence N 12°12'51" E a distance of 97.93 feet to a point;

Thence N 41°11′00″ E a distance of 121.02 feet to a point on the southerly right-of-way of Interstate I-84;

Thence leaving said easterly right-of-way and along said southerly right-of-way the following described courses:

Thence N 73°28'13" E a distance of 79.08 feet to a point;

Thence N 82°32'26" E a distance of 110.11 feet to a point;

Thence N 79°31'11" E a distance of 326.57 feet to a point;

Thence N 81°59'42" E a distance of 85.13 feet to a point;

Thence S 4°51'25" E a distance of 41.68 feet to a point;

Thence N 81°31′45" E a distance of 285.56 feet to a point;

Thence N 84°21'46" E a distance of 291.43 feet to a point on the easterly boundary of the SW 1/4 of the SW 1/4 of said Section 14;

Thence N 0°32'50" E along said easterly boundary a distance of 38.29 feet to a point;

Thence leaving said easterly boundary N 87°22'04" E a distance of 95.86 feet to a point;

Thence N 89°27'34" E a distance of 1098.46 feet to a point;

Thence S 56°41'50" E a distance of 36.06 feet to a point;

Thence N 89°36'46" E a distance of 160.00 feet to a point;

Thence N 55°55'22" E a distance of 36.06 feet to a point;

Thence N 89°21'36" E a distance of 680.00 feet to a point;

Thence S 88°05'48" E a distance of 100.08 feet to a point;

Thence N 89°52'45" E a distance of 463.52 feet to a point on the easterly boundary of the SW 1/4 of the SE 1/4 of said Section 14;

Thence N 0°34'12" E along said easterly boundary a distance of 10.81 feet to a point;

Thence leaving said easterly boundary S 89°34'09" E a distance of 684.00 feet to a point;

Thence N 87°34'06" E a distance of 400.50 feet to a point;

Thence S 89°34′09″ E a distance of 346.49 feet to a point marking northwesterly corner of *PARCEL A* as shown on Record of Survey No. 8165, Inst. No. 107167073;

Thence leaving said southerly right-of-way and along the westerly boundary of said *PARCEL A* the following described courses:

Thence S 4°48'23" W a distance of 700.57 feet to a point;

Thence S 0°32'47" W a distance of 327.82 feet to a point;

Thence leaving said westerly boundary and continuing S 0°32′47″ W on an extension of said westerly boundary a distance of 88.00 feet to a point on the southerly boundary of said SW 1/4 of Section 13;

Thence leaving said extended boundary N 89°07′36″ W along said southerly boundary a distance of 48.00 feet to the southeasterly corner of said Section 14;

Thence N 89°19'40" W along the southerly boundary of said S 1/2 of Section 14 a distance of 2661.71 feet to the southeasterly corner of the SW 1/4 of said Section 14;

Thence N 89°14'58" W along the southerly boundary of said SW 1/4 of said Section 14 a distance of 179.31 feet to a point marking the intersection of said southerly boundary and the centerline of W. Overland Road;

Thence leaving said southerly boundary and along said centerline the following described courses:

Thence a distance of 1406.96 feet along the arc of a 1000.00 foot radius curve left, said curve having a central angle of 80°36′46″ and a long chord bearing S 50°26′39″ W a distance of 1293.75 feet to a point;

Thence S 10°08'16" W a distance of 241.51 feet to a point;

Thence a distance of 1406.65 feet along the arc of a 1000.00 foot radius curve right, said curve having a central angle of 80°35'42" and a long chord bearing S 50°26'07" W a distance of 1293.51 feet to a point;

Thence N 89°16'02" W a distance of 466.87 feet to the POINT OF BEGINNING.

This parcel contains approximately 188.6 acres.

NOTE: This description was prepared using record information including Record of Surveys, Subdivision Plats and Deeds acquired from the Ada County Recorder's office. No field survey has been performed.

Prepared by: Kyle A. Koomler, PLS Civil Survey Consultants, Incorporated October 22, 2021



Private Properties Which May Be Acquired by the Agency

- 1. The Agency has not identified any particular parcel for the construction of public improvements or for private redevelopment. Properties which may be subject to acquisition include parcels to:
 - a) assemble with adjacent parcels to facilitate development and/or redevelopment;
 - b) assemble with adjacent rights-of-way to improve configuration and enlarge parcels for development and/or redevelopment;
 - c) reconfigure sites for development and possible extension of streets or pathways;
 - d) assemble for the construction of certain public improvements, including but not limited to streets, streetscapes, water and sewer improvements, environmental and floodplain remediation/site preparation, public parking, community facilities, pedestrian/bike paths and trails, recreation access points, and other public facilities.
- 2. The Agency reserves the right to acquire any additional right-of-way or access routes near or around existing or planned rights-of-way.
- 3. The Agency reserves the right to acquire property needed to provide adequately sized sites for high priority projects for the development of public improvements (the exact location of which has not been determined), including the Linder Overpass Project, the Sewer Main Project, and the Local Road Project.
- 4. Other parcels may be acquired for the purpose of facilitating catalyst or demonstration projects, constructing public parking, constructing new streets or pathways, enhancing public spaces, or to implement other elements of the urban renewal plan strategy and/or any master plan for the Project Area.

Map Depicting Expected Land Uses and Current Zoning Map of the Project Area





Economic Feasibility Study

ATTACHMENT 5.1

Public Improvements within the Revenue Allocation Area

This Attachment includes a projected list of proposed public works or improvements within the Linder District Project Area (the "Project Area"). The proposed improvements within the Project Area include improvements to streets, utilities, and other public rights-of-way amenities as well as partial participation in the development of the Linder Road Overpass, which may include property acquisition costs.

The Linder District Improvement List set forth below identifies needed investments to support private investment in capital facilities. Capital facilities generally have long useful lives and significant costs. The overall project and the infrastructure to support it are all consistent with the vision articulated in the City of Meridian Comprehensive Plan, The Ten Mile Interchange Specific Area Plan, the future land use map and as required in City development regulations. The cost estimates provided by the City are based upon prices for similar construction in the area and by the Ada County Highway District (ACHD) for the Linder Road overpass.

Estimated costs expected to be incurred in implementing the urban renewal plan are as follows:

Linder District Improvement List

Linder Overpass Project- Southern Approach (including real property acquisition)	\$1,500,000
Sewer Main Project (including real property acquisition)	\$3,500,000
Local Road Project – East-West Connection Between S. Linder Road and S. Ten Mile Road (including real property acquisition)	\$2,000,000
Grand Total	\$7,000,000

The projects and estimated costs have been derived from the City of Meridian, the Meridian Development Corporation (MDC) and the Ada County Highway District, in part, based upon similar works being carried out in the broader community. The costs are estimated in 2021 dollars and are not inflated. Costs will likely vary from the costs detailed here, as they will be subject to inflation and further project refinement and timing. The cost estimates used in this analysis are considered estimates for the purpose of financial planning.

The Project Area is estimated to generate \$11,314,976¹ in tax increment revenue between 2022 and 2041² in addition to the initial \$50,000 loan from MDC to activate the program.

The total from both sources is estimated to be \$11,364,976. There are presently \$7,000,000 of project costs identified in the Linder District Improvement List. It is generally understood that the Sewer Main and Local Roadway Projects will be funded through an owner/developer advanced funding of projects, which eligible costs would then be reimbursed through an Owner Participation Agreement (OPA), or other similar agreement, from resources derived from the Project Area. Funding for the Agency's anticipated participation in the Linder Overpass Project is through funding a reserve account over twelve (12) years. Funding for the Linder Overpass Project could be advanced by ACHD and the Idaho Transportation Department, which eligible costs for the southern approach would be reimbursed to ACHD through a reimbursement agreement, or other similar agreement.

Administrative costs over the 20-year life of the district are estimated at \$975,000 or approximately 8.6% of total estimated revenue. The initial inter-district loan to support startup costs is assumed to be repaid at 5% simple interest for a total obligation of \$52,500.

The total estimated expenditures equal \$9,577,500, leaving a \$1,787,476 positive program balance of at the end of the 20-year term. See attached cash flow analysis for detailed estimates.

The Urban Renewal Plan for the Linder District Urban Renewal Project (the "Plan") provides for the Plan and Project Area to extend through its maximum term of 20 years. The substantial fund balance at the end of the 20-year term may allow for early termination of the District if projects are realized as projected and costs do not substantially exceed forecasted estimates.

Project Funding

Secure funding includes revenue allocation funds and is money MDC is highly likely to receive. The funds may not be in MDC's possession at the beginning of the Plan period, but it is virtually certain that MDC will receive the funds. MDC may need to take specific actions to generate the funding, but those actions are within its powers. Despite the high probability of secure funding, no project can proceed until a specific, enforceable funding plan is in place.

¹ The difference in the revenue model is due to rounding.

² As the Idaho property tax system provides for taxes being paid in arears, revenue allocation funds will be received in FY 2042. However, the final year of income has not been considered in determining the economic feasibility of the District.

Potential funding is money that might be received by MDC. In every case MDC is eligible for the funding, and the source of funding exists under current law. However, each potential funding source requires one or more additional steps or decisions before MDC can obtain the resources, and the ultimate decision is outside of MDC's independent control. The City's capital contributions or Community Development Block Grant funding are examples of potential funding. Thus, potential funding is not assumed in determining financial feasibility.

Unfunded projects, or portions of projects lack secure or potential funding. At this time, all projects are anticipated to be funded.

The amount of tax increment contributed to the project may vary depending upon the actual cost of infrastructure.

The Plan proposes certain public improvements that will facilitate development in the Project Area. The overall investment package will be funded from a variety of financing methods and sources. The primary method of financing MDC's obligation will be through the use of tax increment revenue (i.e., incremental property taxes from the revenue allocation area). This Plan anticipates that at least a portion of the tax increment revenue will be used to reimburse an owner/developer and/or a public entity through a negotiated agreement for some or all of the eligible improvement costs. The issuance of bonds is not anticipated in this analysis of financial feasibility.

Other sources of funding for project may include, but are not limited to:

- Local Improvement District (LID)
- Business Improvement District (BID)
- Development Impact Fees
- Franchise Fees
- Grants from federal, state, local, regional agencies and/or private entities
- Other bonds, notes and/or loans
- Improvements and/or payments by developers

The total project costs and the amount of tax increment are estimates. The estimated project costs and revenues are based on MDC's present knowledge and expectations supported by detailed information from property owners, City and MDC staff, and the Ada County Highway District based in part upon current construction projects in the broader community.



Map of Proposed Linder Road District

Summary of Projects

Based on the Linder District Improvement List set forth above, the estimated total costs for the public improvements are \$7,000,000. Financing costs through an OPA bring the total Project costs to \$9,577,500

Year	Secure Funding (TIF & MDC Loan)	Potential Funding	District Operating Expenses	Overpass Reserve Contribution	Infrastructure & Loan Debt Service	Total Project Liabilities
2021	\$50,000	\$0	\$0	\$0	\$0	\$0
2022	\$9,743	\$0	\$25,000	\$0	\$0	\$25,000
2023	\$82,313	\$0	\$50,000	\$0	\$25,000	\$75,000
2024	\$99,932	\$0	\$50,000	\$25,000	\$25,000	\$100,000
2025	\$118,885	\$0	\$50,000	\$25,000	\$42,500	\$117,500
2026	\$139,277	\$0	\$50,000	\$50,000	\$40,000	\$140,000
2027	\$269,959	\$0	\$50,000	\$50,000	\$165,000	\$265,000
2028	\$289,081	\$0	\$50,000	\$100,000	\$140,000	\$290,000
2029	\$309,070	\$0	\$50,000	\$100,000	\$150,000	\$300,000
2030	\$447,964	\$0	\$50,000	\$150,000	\$250,000	\$450,000
2031	\$475,703	\$0	\$50,000	\$175,000	\$250,000	\$475,000
2032	\$504,727	\$0	\$50,000	\$200,000	\$250,000	\$500,000
2033	\$653,094	\$0	\$50,000	\$200,000	\$400,000	\$650,000
2034	\$690,769	\$0	\$50,000	\$200,000	\$450,000	\$700,000

Cost of Operations and Improvements by Year (2021-2041)

2035	\$730,211	\$0	\$50,000	\$225,000	\$460,000	\$735,000
2036	\$889,505	\$0	\$50,000	\$0	\$840,000	\$890,000
2037	\$938,638	\$0	\$50,000	\$0	\$890,000	\$940,000
2038	\$990,098	\$0	\$50,000	\$0	\$940,000	\$990,000
2039	\$1,161,995	\$0	\$50,000	\$0	\$1,100,000	\$1,150,000
2040	\$1,224,346	\$0	\$50,000	\$0	\$685,000	\$735,000
2041	\$1,289,669	\$0	\$50,000	\$0	\$0	\$50,000
2042	\$0	\$0	0	\$0	\$0	\$0
Total	\$11,364,976	\$0	\$975,000	\$1,500,000	\$7,102,500	\$9,577,500

Note: This analysis anticipates a positive fund balance of \$1,787,476 the end of the project.

ATTACHMENT 5.2

Economic Feasibility Study

The Plan, as currently envisioned, is economically feasible because the proposed development is sufficient to fully cover the anticipated cost of redevelopment program.

The economic feasibility of the Plan is based on the following factors:

- The amount of development anticipated in the Project Area
- The timing of the proposed taxable development
- The nature of the proposed development
- The amount of tax revenue to be generated by the proposed development
- The cost of public improvement projects
- If revenue equals or exceeds project costs, the Plan is economically feasible.

The following is a summary of the analysis and estimates of the factors used to determine the economic feasibility of the Plan.

The Economic Feasibility Analysis

Summary:

Over the course of the Plan and the Linder District, \$11,314,976 of Tax Increment Revenue will be generated using the development scenarios proposed by the City and MDC, in consultation with property owners within the Linder District, as well as information from ACHD. The Economic Feasibility Study assumes a minimum of 10% annual revenue allocation area proceeds, or TIF revenue, in the amount of \$25,000 in year 2022, and thereafter at \$50,000/year, will be used for administration of the Linder District, supplemented by inter-district loan proceeds in the early years of the term. That amount of District Operating Expenses is capped at \$50,000 per year, for a total of \$975,000 for administration costs over the 20-year lifespan of the District.

The attached spreadsheets entitled "Linder District TIF Projections" and "Linder District Cash Flow Analysis" gives a more detailed outlook on the revenues and expenses of the development scenario.

The following assumptions were made in the formulation of the Financial Feasibility Analysis:

• The land currently located within unincorporated Ada County will be annexed into the City prior to development occurring.

- $\circ~$ Land Value Increase @ 8% /Year for 5 years, then 4% /year for the balance of the term.
- $\circ~$ Improvement Value Increase @ 10% / Year for 5 years, then 5% / year for the balance of the term.
- \circ $\;$ Tax Rate is reduced 10% and held constant through the life of the Plan $\;$
- Total Capital Cost of Improvements over the life of the project:
 \$7,000,000 (City and consultants' estimates, including ACHD estimates related to the southern approach to the Linder District Overpass)
- Interest costs to support the anticipated Owner Participation Agreements related to the Sewer Main and Local Roadway Projects
- \$1,500,000 reserve to fund the southern approach to the Linder Overpass Project
- Tax rate does not include levies excluded pursuant to Idaho Code 50-2908, such as voter approved bonds/levies after 2007, judgment levies or the School District Plant or supplemental levies excluded by law.

The Economic Feasibility Analysis shows that the project will generate adequate funds within the Project Area to fund the necessary capital improvements.



Linde	r District TI	F Projectio	ns														
Year	In-City Land Value (+8% for 5 yrs then 4%)	Initial Improvem ent Value (+ 10% for 5 yrs then 5%)	Total Assessed Value w/o ag values	Annual New Const. Value	Co	umulative onstruction Value nflated at 5%	n	meow ers' mptio n	Taxable Value	ncrement Value (I - Base)	Levy Rate (· 10%)	In	Tax crement Yield	Su (1	Admin Cost upport 0%) of TIF *	Pi	nding for Capital rojects / Debt Service
2021	\$ 25,383,880	\$ 971,700	\$ 26,355,580	\$ -	\$	-	\$		\$ 26,355,580	\$ -	0.0053						
2022	\$ 27,414,590	\$ 1,068,870	\$ 28,483,460	\$ -	\$	-	\$	-	\$ 28,483,460	\$ 1,651,380	0.0053	\$	9,743	\$	974	\$	8,769
2023	\$ 29,607,758	\$ 1,175,757	\$ 30,783,515	\$ 10,000,000	\$	10,000,000	\$	-	\$ 40,783,515	\$ 13,951,435	0.0053	\$	82,313	\$	8,231	\$	74,082
2024	\$ 31,976,378	\$ 1,293,333	\$ 33,269,711	\$ -	\$	10,500,000	\$	-	\$ 43,769,711	\$ 16,937,631	0.0053	\$	99,932	\$	9,993	\$	89,939
2025	\$ 34,534,489	\$ 1,422,666	\$ 35,957,154		\$	11,025,000	\$	-	\$ 46,982,154	\$ 20,150,074	0.0053	\$	118,885	\$	11,889	\$	106,997
2026	\$ 37,297,248	\$ 1,564,933	\$ 38,862,180	\$ -	\$	11,576,250	\$	-	\$ 50,438,430	\$ 23,606,350	0.0053	\$	139,277	\$	13,928	\$	125,350
2027	\$ 38,789,137	\$ 1,643,179	\$ 40,432,317	\$ 20,000,000	\$	32,155,063	\$	-	\$ 72,587,379	\$ 45,755,299	0.0053	\$	269,956	\$	26,996	\$	242,961
2028	\$ 40,340,703	\$ 1,725,338	\$ 42,066,041	\$-	\$	33,762,816	\$	-	\$ 75,828,857	\$ 48,996,777	0.0053	\$	289,081	\$	28,908	\$	260,173
2029	\$ 41,954,331	\$ 1,811,605	\$ 43,765,936	\$-	\$	35,450,956	\$	-	\$ 79,216,893	\$ 52,384,813	0.0053	\$	309,070	\$	30,907	\$	278,163
2030	\$ 43,632,504	\$ 1,902,185	\$ 45,534,690	\$ 20,000,000	\$	57,223,504	\$	-	\$ 102,758,194	\$ 75,926,114	0.0053	\$	447,964	\$	44,796	\$	403,168
2031	\$ 45,377,805	\$ 1,997,295	\$ 47,375,099	\$-	\$	60,084,679	\$	-	\$ 107,459,779	\$ 80,627,699	0.0053	\$	475,703	\$	47,570	\$	428,133
2032	\$ 47,192,917	\$ 2,097,159	\$ 49,290,076	\$ -	\$	63,088,913	\$		\$ 112,378,989	\$ 85,546,909	0.0053	\$	504,727	\$	50,000	\$	454,727
2033	\$ 49,080,633	\$ 2,202,017	\$ 51,282,651	\$ 20,000,000	\$	86,243,359	\$	-	\$ 137,526,010	\$ 110,693,930	0.0053	\$	653,094	\$	50,000	\$	603,094
2034	\$ 51,043,859	\$ 2,312,118	\$ 53,355,977	\$ -	\$	90,555,527	\$	-	\$ 143,911,504	\$ 117,079,424	0.0053	\$	690,769	\$	50,000	\$	640,769
2035	\$ 53,085,613	\$ 2,427,724	\$ 55,513,337	\$-	\$	95,083,303	\$	-	\$ 150,596,640	\$ 123,764,560	0.0053	\$	730,211	\$	50,000	\$	680,211
2036	\$ 55,209,038	\$ 2,549,110	\$ 57,758,148	\$ 20,000,000	\$	119,837,469	\$	-	\$ 177,595,616	\$ 150,763,536	0.0053	\$	889,505	\$	50,000	\$	839,505
2037	\$ 57,417,399	\$ 2,676,566	\$ 60,093,965	\$ -	\$	125,829,342	\$	-	\$ 185,923,307	\$ 159,091,227	0.0053	\$	938,638	\$	50,000	\$	888,638
2038	\$ 59,714,095	\$ 2,810,394	\$ 62,524,489	\$ -	\$	132,120,809	\$	-	\$ 194,645,298	\$ 167,813,218	0.0053	\$	990,098	\$	50,000	\$	940,098
2039	\$ 62,102,659	\$ 2,950,914	\$ 65,053,573	\$ 20,000,000	\$	158,726,850	\$	-	\$ 223,780,422	\$ 196,948,342	0.0053	\$	1,161,995	\$	50,000	\$	1,111,995
2040	\$ 64,586,765	\$ 3,098,459	\$ 67,685,225	\$-	\$	166,663,192	\$	-	\$ 234,348,417	\$ 207,516,337	0.0053	\$	1,224,346	\$	50,000	\$	1,174,346
2041	\$ 67,170,236	\$ 3,253,382	\$ 70,423,618	\$ -	\$	174,996,352	\$	-	\$ 245,419,970	\$ 218,587,890	0.0053	\$	1,289,669	\$	50,000	\$	1,239,669
				\$ 110,000,000								\$:	11,314,978	\$	724,193	\$	10,590,786
Assumptions:

Land Values inflate at 8% per year for 5 years then at 4% for remainder of the term

- Improvement Values inflate at 10% per year for 5 years then 5% for remainder of the term
- Property tax income available in year following Certificate of Occupancy
- Tax rate reduced by 10% then held constant
- Administrative costs capped at \$50,000 per year

* 10% of TIF Yield dedicated to Administrative expenses, supplemented by inter-district loan in early years of term

Linder District Cash Flow Analysis

	2021	2022	2023	2024	2025	2026	2027	2028	2029	2030	2031
Beginning Balance	\$ -	\$ 50,000	\$ 34,743	\$ 42,056	\$ 41,988	\$ 43,373	\$ 42,650	\$ 47,606	\$ 46,687	\$ 55,757	\$ 53,721
Source of Funds											
Total Revenue Allocation	\$	\$ 9,743	\$ 82,313	\$ 99,932	\$ 118,885	\$ 139,277	\$ 269,956	\$ 289,081	\$ 309,070	\$ 447,964	\$ 475,703
MDC Inter-District Loan *	\$ 50,000		\$ -	\$ 	\$ -	\$ -	\$ -	\$ -	\$ -	\$ - 1	\$ -
Total Funds Available	\$ 50,000	\$ 59,743	\$ 117,056	\$ 141,988	\$ 160,873	\$ 182,650	\$ 312,606	\$ 336,687	\$ 355,757	\$ 503,721	\$ 529,424
<u>Use of Funds</u>											
District Operating Expenses	\$ -	\$ 25,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000
Repay Inter-District Loan @ 5%	\$ e.	\$ -	\$ 25,000	\$ 25,000	\$ 2,500	\$	\$ -	\$ ÷	\$ <i></i>	\$ -	\$ -
Reserve for Linder Overpass				\$ 25,000	\$ 25,000	\$ 50,000	\$ 50,000	\$ 100,000	\$ 100,000	\$ 150,000	\$ 175,000
OPA Debt Service on \$5,500,000		\$ -	\$ -	\$ -	\$ 40,000	\$ 40,000	\$ 165,000	\$ 140,000	\$ 150,000	\$ 250,000	\$ 250,000
Total Use of Funds	\$ -	\$ 25,000	\$ 75,000	\$ 100,000	\$ 117,500	\$ 140,000	\$ 265,000	\$ 290,000	\$ 300,000	\$ 450,000	\$ 475,000
Ending Balance	\$ 50,000	\$ 34,743	\$ 42,056	\$ 41,988	\$ 43,373	\$ 42,650	\$ 47,606	\$ 46,687	\$ 55,757	\$ 53,721	\$ 54,424
	2032	2033	2034	2035	2036	2037	2038	2039	2040	2041	Total
Beginning Balance	\$ 54,424	\$ 59,151	\$ 62,245	\$ 53,014	\$ 48,225	\$ 47,730	\$ 46,368	\$ 46,466	\$ 58,461	\$ 547,807	
Source of Funds											
Total Revenue Allocation	\$ 504,727	\$ 653,094	\$ 690,769	\$ 730,211	\$ 889,505	\$ 938,638	\$ 990,098	\$ 1,161,995	\$ 1,224,346	\$ 1,289,669	\$ 11,314,976
MDC Inter-District Loan	\$ -	\$ ~	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ -	\$ 50,000
Total Funds Available	\$ 559,151	\$ 712,245	\$ 753,014	\$ 783,225	\$ 937,730	\$ 986,368	\$ 1,036,466	\$ 1,208,461	\$ 1,282,807	\$ 1,837,476	\$ 11,364,976
Use of Funds											
District Operating Expenses	\$ 50,000	\$ 50,000	\$ 50,000	\$ 50,000	\$ 975,000						
Repay Inter-district Loan @ 5%	\$ -	\$ ×	\$	\$ λ.	\$ -	\$ -	\$ -	\$ Ξ.	\$ -	\$ Ξ	\$ 52,500
Reserve for Linder Overpass	\$ 200,000	\$ 200,000	\$ 200,000	\$ 225,000							\$ 1,500,000
OPA Principal	\$ 250,000	\$ 400,000	\$ 450,000	\$ 460,000	\$ 840,000	\$ 890,000	\$ 940,000	\$ 1,100,000	\$ 685,000	\$ -	\$ 7,050,000
Total Use of Funds	\$ 500,000	\$ 650,000	\$ 700,000	\$ 735,000	\$ 890,000	\$ 940,000	\$ 990,000	\$ 1,150,000	\$ 735,000	\$ 50,000	\$ 9,577,500
Ending Balance	\$ 59,151	\$ 62,245	\$ 53,014	\$ 48,225	\$ 47,730	\$ 46,368	\$ 46,466	\$ 58,461	\$ 547,807	\$ 1,787,476	

Linder District Cash Flow Analysis

<u>Assumptions</u>						
Initial District Start-up costs supported by MDC Inter-district Loan of \$50,000 to be repaid at 5% Simple Interest						
District operating Expens	es, capped at \$50,000, Yr.					
Land Values will increase at an average of 8% annually for 5 years then at 4% over the remaining life of the District						
Improvement Values will increase at a rate of 10% for 5 years then at 5% over the remaining life of the District						
\$1,500,000 reserve for Linder Overpass Contribution accrued over 12 years						
Debt Service for \$5,500,000 infrastructure investment reimbursed through an Owner Participation Agreement (OPA) over 16 years						
\$1,787,476 Fund Balance at end of term - possible accelerated OPA Reimbursement or early District termination						

ltem #1.

Attachment 6

Agricultural Operation Consents

[Exhibits B and C Were Originally Attached to Each Consent; To Avoid Duplication and to Reduce Document Size Exhibits B and C Are Attached One Time to the Last Consent]

AGRICULTURAL OPERATION CONSENT FORM

COMES NOW David E. Blewett, Manager of Kendall Development Group LLC, an Oregon limited liability company, as Manager of Idaho Auto Mall LLC, an Oregon limited liability company ("Owner"), owns that certain property generally described as Parcel Identification Number S1214449107 the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

 that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated April 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, David E. Blewett, Manager of Kendall Development Group LLC, as Manager of Idaho Auto Mall LLC, hereby provides his consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 27th day of <u>Anewer</u>, 2021.

IDAHO AUTO MALL LLC

By: Kendall Development Group LLC Its: Manager

Name: David E. Blewett Title: Manager

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ltem #1.
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STATE OF IDAHO)) ss COUNTY OF ADA)

On this 27TH day of August, 2021, before me, a notary public, personally appeared David E. Blewett, known to me or proved on the basis of satisfactory evidence to be the person(s) whose name is subscribed to this document, and acknowledged he executed the same as Manager of Kendall Development Group LLC, the Manager of Idaho Auto Mall LLC.

Witness my hand and official seal.

JOANNA HARBESTON Notary Public - State of Idaho Commission Number 20202567 My Commission Expires Jul 20, 2026

NOTARY PUBLIC in and for said County and State

EXHIBIT A

PARCEL NUMBER: S1214449107

ADDRESS: 1690 W. Overland Rd

EXHIBIT A

LEGAL DESCRIPTION

A parcel being a portion of 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:

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 southerly boundary of said SE ¼ of the SE ¼ N 89°19'41" W a distance of 76.61 feet to a point;

Thence leaving said southerly boundary N 0°40'19" E a distance of 51.00 feet to a 5/8 inch diameter rebar on the northerly right-of-way of W. Overland Road as shown in Warranty Deed Instrument No. 106137107, records of Ada County, Idaho, and the **POINT OF BEGINNING**;

Thence along said northerly right-of-way N 89°19'41" W along a line being parallel to and 51.00 feet northerly of the southerly boundary of said SE ¼ of the SE ¼ a distance of 458.45 feet to a 5/8 inch diameter rebar;

Thence continuing along said right-of-way S 0°40'19" W a distance of 3.00 feet to a 5/8 inch diameter rebar on the northerly right-of-way of W. Overland Road as shown in Warranty Deed Instrument No. 110022694, records of Ada County, Idaho;

Thence along said northerly right-of-way N 89°19'41" W along a line being parallel to and 48.00 feet northerly of the southerly boundary of said SE ¼ of the SE ¼ a distance of 388.83 feet to a 5/8 inch diameter rebar;

Thence leaving said northerly right-of-way N 0°40'19" E a distance of 1041.05 feet to a ½ inch diameter rebar on the southerly right-of-way of Interstate 84 as shown in Deed Instrument Nos. 570841 and 663257, records of Ada County, Idaho;

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

Thence continuing along said southerly right-of-way N 87°30'50" E a distance of 335.13 feet to a point on the westerly boundary of that parcel as described on Page 2 of 3 of Exhibit A of Warranty Deed Instrument Nos. 106056918 and 106070020, records of Ada County, Idaho;

Thence along said westerly boundary S 0°32'59" W a distance of 286.05 feet to a 1/2 inch rebar;

Thence S 89°57'34" E a distance of 243.86 feet to an Aluminum Cap monument on the westerly right-of-way of S. Linder Road as shown on Page 1 of 3 of Exhibit A of said Warranty Deed Instrument Nos. 106056918 and 106070020;

Thence along said westerly right-of-way S 5°44'46" E a distance of 152.76 feet to a ½ inch diameter rebar marking an angle point in said westerly right-of-way as shown in said Warranty Deed Instrument No. 106137107;



Kendall Overland and Linder Property Job No. 19-72 Page 1 of 2 Thence continuing along said westerly right-of-way S 0°32'59" W along a line being parallel to and 51.00 feet westerly of the easterly boundary of said SE ¼ of the SE ¼ a distance of 598.69 feet to a 5/8 inch diameter rebar;

Thence continuing along said right-of-way S 47°20'54" W a distance of 34.98 feet to the POINT OF BEGINNING.

This parcel contains 19.26 acres and is subject to any easements existing or in use.

Clinton W. Hansen, PLS Land Solutions, PC September 3, 2019





AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Soo W. Lee, an Individual, and states that Individual, owns that certain property generally described as Parcel Identification Number S1214346705 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated April 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Soo W. Lee, an Individual, hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 10 day of August , 2021.

Soo W. Lee An Individual

STATE OF IDAHO)
) ss:
County of Ada)

On this 10th day of August 2021, before me, a Notary Public for the state of Idaho, personally appeared Soo W. Lee, known or identified to me to be the person who executed this instrument.



Notary Public My Commission Expires on 10 22 24

ltem #1.

EXHIBIT A

PARCEL NUMBER

S1214346705

ADDRESS

West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #6705 N'LY & E'LY POR SE4SW4 S OF INTERSTATE SEC 14 3N 1W PARCEL 2 R/S 4360 EXC R/W #346072-B

SURVEY RECORD



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Michael S. Adler, President of Adler Industrial, LLC, and states that Adler Industrial, LLC serves as Manager for Adler AB Owner I, LLC, a Delaware Limited Liability Company, which owns that certain property generally described as Parcel Identification Number S1214438600 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Michael S. Adler, President of Adler Industrial, LLC, Manager for Adler AB Owner I, LLC hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 20th day of 406W3T, 2021.

Adler AB Owner I, LLC A Delaware Limited Liability Company

By: Adler Industrial, LLC Its: Manager

Michael S. Adler President

STATE OF IDAHO

County of Ada

This record was acknowledged before me on August 20, 2021 (date) by Michael S. Adler (Signer), known or identified to me to be the President of Adler Industrial, LLC (Constituent Entity), the Manager of Adler AB Owner I, LLC (Maker), who subscribed said Maker Entity's name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said Constituent Entity, and that such Constituent Entity executed the same in the name of said Maker Entity.

(stamp)

)) ss:

)

Notary Public My Commission Expires on 04/08/2027

EXHIBIT A

PARCEL NUMBER

S1214438600

ADDRESS

2090 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8600 OF SW4SE4 SEC 14 3N 1W #438423-B



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Michael S. Adler, President of Adler Industrial, LLC, and states that Adler Industrial, LLC serves as Manager for Adler AB Owner I, LLC, a Delaware Limited Liability Company, which owns that certain property generally described as Parcel Identification Number S1214438420 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Michael S. Adler, President of Adler Industrial, LLC, Manager for Adler AB Owner I, LLC hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this ____ day of _____, 2021.

Adler AB Owner I, LLC A Delaware Limited Liability Company

By: Adler Industrial, LLC Its: Manager

Michael S. Adler President



EXHIBIT A

PARCEL NUMBER

S1214438420

ADDRESS

2390 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #4200 @ W SIDE SW4SE4 SEC 14 3N 1W R/S 4746 #8416-B



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Paul R. Blomberg, Trustee of the Paul R. Blomberg Revocable Trust 9-3-2002 and states that the Paul R. Blomberg Revocable Trust 9-3-2003 owns that certain property generally described as Parcel Identification Number S1214449021 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Paul R. Blomberg, Trustee of the Paul R. Blomberg Revocable Trust 9-3-2002, hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 23 day of Aug w t, 2021.

) ss:

Paul R. Blomberg Trustee

STATE OF IDAHO

County of Ada

On this 200 day of 201 before me, a Notary Public for the state of Idaho, personally appeared Paul R. Blomberg, known or identified to me to be the Manager of the Paul R. Blomberg Revocable Trust 9-3-2002, who executed this instrument in his capacity as Trustee.



Notary Public My Commission Expires on 10 22 2

EXHIBIT A

PARCEL NUMBER

S1214449021

ADDRESS

1940 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #9021 OF SE4SE4 SEC 14 3N 1W R/S 2412 EXC R/W #449020-B

SURVEY RECORD

RECORD OF SURVEY NO. 24/2



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Jon Brennan, Manager of 5B1031 LLC, an Idaho Limited Liability Company, and states that 5B1031 LLC owns that certain property generally described as Parcel Identification Number S1214346905 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has NOT been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Jon Brennan, Manager of 5B1031 LLC, hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 20th day of August

2021

Jon Brennan Manager

STATE OF IDAHO

) ss:

This record was acknowledged before me on <u>August 20, 2021</u> (date) by Jon Brennan on behalf of 5B1031 LLC in his capacity as its Manager.

(stamp) TINA M PAYNE Notary Public - State of Idaho Commission Number 60473 Commission Expires Nov 2, 2024

Notary Public My Commission Expires on <u>11-02-2021</u>

EXHIBIT A

PARCEL NUMBER

S1214346905

ADDRESS

2960 West Dutch Farm Road, Meridian, Idaho

DESCRIPTION

PAR #6905 @ SW COR SE4SW4 SEC 14 3N 1W PARCEL 1 R/S 4360 EXC R/W #346610-B

SURVEY RECORD



EXHIBIT B

EXCERPTS OF STATUTES

IDAHO CODE §§ 50-2018(8) AND (9)

(8)"Deteriorated area" shall mean an area in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, or open spaces, high density of population sanitation, and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors is conducive to ill health, transmission of disease, infant mortality, juvenile delinguency, or crime, and is detrimental to the public health, safety, morals or welfare. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

(9)"Deteriorating area" shall mean an area which by reason of the presence of a substantial number of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, adequacy, accessibility or usefulness, insanitary or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinguency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use; provided, that if such deteriorating area consists of open land the conditions contained in the proviso in section 50-2008(d), Idaho Code, shall apply; and provided further, that any disaster area referred to in section 50-2008(g), Idaho Code, shall constitute a deteriorating area. Provided however, this definition shall not apply to any agricultural operation, as defined in section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation or to any forest land as defined in section 63-1701(4), Idaho Code, absent the consent of the forest landowner, as defined in section 63-1701(5), Idaho Code, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

Item #1.

IDAHO CODE § 50-2008

50-2008. PREPARATION AND APPROVAL OF PLAN FOR URBAN RENEWAL PROJECT. (a) An urban renewal project for an urban renewal area shall not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or a deteriorating area or a combination thereof and designated such area as appropriate for an urban renewal project.

(b) An urban renewal agency may itself prepare or cause to be prepared an urban renewal plan, or any person or agency, public or private, may submit such a plan to an urban renewal agency. Prior to its approval of an urban renewal project, the local governing body shall submit such plan to the planning commission of the municipality, if any, for review and recommendations as to its conformity with the general plan for the development of the municipality as a whole. The planning commission shall submit its written recommendations with respect to the proposed urban renewal plan to the local governing body within sixty (60) days after receipt of the plan for review. Upon receipt of the recommendations of the planning commission, or if no recommendations are received within said sixty (60) days, then without such recommendations, the local governing body may proceed with the hearing on the proposed urban renewal project prescribed by subsection (c) hereof.

(c) The local governing body shall hold a public hearing on an urban renewal project, after public notice thereof by publication in a newspaper having a general circulation in the area of operation of the municipality. The notice shall describe the time, date, place and purpose of the hearing, shall generally identify the urban renewal area covered by the plan, and shall outline the general scope of the urban renewal project under consideration.

Following such hearing, the local governing body may approve (d) an urban renewal project and the plan therefor if it finds that (1) a feasible method exists for the location of families who will be displaced from the urban renewal area in decent, safe and sanitary dwelling accommodations within their means and without undue hardship to such families; (2) the urban renewal plan conforms to the general plan of the municipality as a whole; (3) the urban renewal plan gives due consideration to the provision of adequate park and recreational areas and facilities that may be desirable for neighborhood improvement, with special consideration for the health, safety and welfare of children residing in the general vicinity of the site covered by the plan; and (4) the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as

a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street deterioration of site, economic patterns, disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

(e) An urban renewal plan may be modified at any time: Provided that if modified after the lease or sale by the urban renewal agency of real property in the urban renewal project area, such modification may be conditioned upon such approval of the owner, lessee or successor in interest as the urban renewal agency may deem advisable and in any event shall be subject to such rights at law or in equity as a lessee or purchaser, or his successor or successors in interest, may be entitled to assert.

(f) Upon the approval by the local governing body of an urban renewal plan or of any modification thereof, such plan or modification shall be deemed to be in full force and effect for the respective urban renewal area, and the urban renewal agency may then cause such plan or modification to be carried out in accordance with its terms.

(g) Notwithstanding any other provisions of this act, where the local governing body certifies that an area is in need of redevelopment or rehabilitation as a result of a flood, fire, hurricane, earthquake, storm, or other catastrophe respecting which the governor of the state has certified the need for disaster assistance under 42 U.S.C. section 5121, or other federal law, the local governing body may approve an urban renewal plan and an urban renewal project with respect to such area without regard to the provisions of subsection (d) of this section and the provisions of this section requiring a general plan for the municipality and a public hearing on the urban renewal project.

(h) Any urban renewal plan containing a revenue allocation financing provision shall include the information set forth in section 50-2905, Idaho Code.

IDAHO CODE §50-2903(8)

(8) "Deteriorated area" means:

(a) Any area, including a slum area, in which there is a predominance of buildings or improvements, whether residential or nonresidential, which by reason of dilapidation, deterioration, age or obsolescence, inadequate provision for ventilation, light, air, sanitation, or open spaces, high density of population and overcrowding, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, is conducive to ill health, transmission of disease, infant mortality, juvenile delinquency, or crime, and is detrimental to the public health, safety, morals or welfare.

Any area which by reason of the presence of a substantial number (b) of deteriorated or deteriorating structures, predominance of defective or inadequate street layout, faulty lot layout in relation to size, accessibility or usefulness, insanitary adequacy, or unsafe conditions, deterioration of site or other improvements, diversity of ownership, tax or special assessment delinquency exceeding the fair value of the land, defective or unusual conditions of title, or the existence of conditions which endanger life or property by fire and other causes, or any combination of such factors, results in economic underdevelopment of the area, substantially impairs or arrests the sound growth of a municipality, retards the provision of housing accommodations or constitutes an economic or social liability and is a menace to the public health, safety, morals or welfare in its present condition and use.

(c) Any area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008 (d), Idaho Code, shall apply to open areas.

(d) Any area which the local governing body certifies is in need of redevelopment or rehabilitation as a result of a flood, storm, earthquake, or other natural disaster or catastrophe respecting which the governor of the state has certified the need for disaster assistance under any federal law.

(e) Any area which by reason of its proximity to the border of an adjacent state is competitively disadvantaged in its ability to attract private investment, business or commercial development which would promote the purposes of this chapter.

(f) "Deteriorated area" does not mean not developed beyond agricultural, or any agricultural operation as defined in section $\frac{22-4502}{4502}(1)$, Idaho Code, or any forest land as defined in section $\frac{63-1701}{64}(4)$, Idaho Code, unless the owner of the agricultural operation or the forest landowner of the forest land gives written consent to be included in the deteriorated area, except for an agricultural operation or forest land that has not been used for three (3) consecutive years.

EXHIBIT C



Linder Urban Renewal District (Proposed)

Eligibility Report

Prepared for

The City of Meridian and The Meridian Development Corporation May 2021



Kushlan | Associates Boise, Idaho **Introduction:** Kushlan | Associates was retained by the Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation (the "MDC") and the City of Meridian (the "City") to assist in their consideration of establishing a new urban renewal district¹ in the City of Meridian, Idaho, and its area of operation.

Elected Officials serving the City of Meridian are:	
Mayor:	Robert Simison
Council President:	Treg Bernt
Council Vice President:	Brad Hoaglun
Council Members:	Joe Borton
	Luke Cavener
	Liz Strader
	Jessica Perreault
City Staff	
Community Development Director:	Cameron Arial

Idaho Code § 50-2006 states: "URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality..." to carry out the powers enumerated in the statutes. The Meridian City Council adopted Resolution 01-397 on July 24, 2001 bringing forth those powers within the City of Meridian.

The Mayor, with the confirmation of the City Council, has appointed nine members to the MDC Board of Commissioners (the "MDC Board"). The MDC Board currently oversees the implementation of three urban renewal districts. Two are focused on the revitalization of downtown Meridian. The first, the Meridian Revitalization Plan Urban Renewal Project (the "Downtown District") was established by the City Council's adoption of Ordinance No. 02-987 on December 3, 2002. The second district, the Urban Renewal Plan for the Union District Urban Renewal Project (the "Union District") was established with the adoption of Ordinance No. 20-1882 on June 9, 2020. Both the Downtown District and the Union District are focused on redevelopment activities in and around the City's downtown core. The third district, the Urban Renewal Plan for the Ten Mile Road- A Urban Renewal Project (the "Ten Mile District") was established by Ordinance No. 16-1695 adopted on June 21, 2016, and is focused on economic development outside of the City's core to support implementation of the Ten Mile Interchange Specific Area Plan.

The current membership of the Commission is as follows:

Chair:	
Vice Chairman	
Secretary/ Treasurer	
Commissioners	

David Winder Nathan Mueller Steve Vlassek Dan Basalone Rob McCarvel Treg Bernt Tammy deWeerd Diane Bevan Kit Fitzgerald

¹ Throughout this Study, urban renewal/revenue allocation area will be referred to as an "urban renewal district."

Staff: Urban Renewal Administrator: Legal Counsel:

Ashley Squyres Todd Lakey



Map of the Downtown District (excluding shaded area)

Map of Union District





Map of Ten Mile Road District

Background:

While Native Americans inhabited the area for centuries, the development of the community of Meridian, as we know it today, evolved through the late nineteenth century. European settlement started in the 1880s and was originally located on a farm owned by the Onweiler family. A school was opened in 1885. The U.S. Postal Service established a mail drop along the Oregon Short Line Railroad and the site was named Hunter after its superintendent. Community activity grew around this mail stop focused on the railroad. In 1893 an Odd Fellows lodge was organized and called itself Meridian, acknowledging that it was located on the Boise Meridian the primary North-South survey benchmark for Idaho. That name grew in primary use as the name of the settlement and the Village of Meridian was incorporated in 1903 with a population of approximately 200.

The economy had traditionally been focused on the support of the surrounding agricultural activities. A major creamery was established in the community in 1897 to support the nearby dairies. Fruit orchards were located throughout the area.

Meridian was a significant stop on the Interurban electric railway from 1908 to 1928. This service provided convenient access for passengers and freight in both easterly and westerly directions.

Throughout most of the 20th century, Meridian remained a relatively quiet community focused on its agricultural roots. US Census Bureau data, reflects a 1910 population of 619 people growing to 2,616 by 1970. However, starting in 1970 the pace of growth in Southwest Idaho quickened and Meridian's growth initially reflected, and then exceeded

the regional rates by significant margins. Over the past twenty-five years the rate of growth has been startling by any reasonable standard. The following table reflects that population growth over the city's history.

1903 (Incorporation Estimate)	200
1910	619
1920	1,013
1930	1,004
1940	1,465
1950	1,500
1960	2,100
1970	2,600
1980	6,658
1990	9,596
2000	34,919
2010	75,092
2020	114,200
2021 (Estimate)	129,555

When income statistics are compared to statewide numbers, the population of Meridian compares favorably with the rest of Idaho in these categories. The median household income in Meridian is \$71,389, approximately 28% above the statewide figure of \$55,785. Per capita money income for the Meridian population is \$33,328 as compared to the statewide number of \$27,970. The percentage of the Meridian population below poverty level is 8.6% as compared to the statewide number of 11.2%.

Investment Capacity: Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation, communication, electrical distribution and other systems are all integral elements of an economically viable community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. They face stringent statutory and constitutional limitations on revenue generation and debt as well as near total dependence upon state legislative action to provide funding options. These strictures severely constrain capital investment strategies.

The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and the Local Economic Development Act are some of the few that are available to assist communities in their efforts to support economic vitality. New sources of State support are unlikely to become available in the foreseeable future, thus the City of Meridian's interest in exploring the potential for establishing their fourth urban renewal district is an appropriate public policy consideration.

The City of Meridian initially established its Urban Renewal Agency in 2001. As noted above, the Downtown District's exclusive focus, limited by the boundaries of the district, is on the traditional downtown area of Meridian. The Ten Mile District was created in 2016 and was designed to support the implementation of the Ten Mile Interchange Specific Area Plan. A third urban renewal district was created in 2020 from an area deannexed from the original Downtown District to support a significant mixed use-project. The Linder Road urban renewal district is being considered in further support of the implementation of Ten Mile Interchange Specific Area Plan.

<u>Ten Mile Interchange Specific Area Plan</u>

The Idaho Transportation Department initiated planning for the development of a new interchange with Interstate 84 at Ten Mile Road in the 1990s. Construction of the interchange was completed in 2012. In support of the State's investment and in anticipation of the resultant development pressure from the opening of the new interchange on the area immediately west of the Meridian City limits, the City initiated a broad-based planning effort for the general area. The Plan that was produced was the Ten Mile Interchange Specific Area Plan and was adopted by the City Council on June 19, 2007. The Plan remains in effect and is intended to guide development decisions within the study area. A map of the Ten Mile Interchange Specific Area Plan is provided below:



As indicated in the Plan map, substantial public infrastructure is called for in implementing the development pattern envisioned. Development opportunities considered for the area covered by the Plan were insufficient in scale to support the required public facility investment. This imbalance had thwarted the orderly implementation of the planning undertaken by the City and the property owners. This lack of progress stimulated the interest in exercising the powers granted under State Law in the establishment of the Ten Mile District in 2016. A similar situation exists in that portion of the Specific Plan area located south of I-84, generating the desire on the part of City officials in considering a new urban renewal district to stimulate the envisioned development activity similar to the successful response north of the freeway

Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the "Study Area."

The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal

sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities:

- 1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
- 3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
- 4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
- 6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
- 8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]
- 9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]
- 10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

If the Eligibility Report finds that one or more of the conditions noted above exists within the Study Area, then the Agency may accept the findings and forward the Eligibility Report to the City Council for their consideration. If the City Council concurs with the determination of the Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

The Agency then acts to prepare the Urban Renewal Plan for the new District establishing a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the District and Revenue Allocation Area are completed, the Agency Board forwards it to the City Council for their consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission to determine whether the Plan, as presented, is consistent with the City's Comprehensive Plan and make a corresponding finding. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with formal consideration.

Based on legislative changes to Idaho Code § 50-2908(2)(a), effective July 1, 2020, the Ada County Highway District (ACHD) is allocated all of the taxes levied by ACHD within

a revenue allocation area first formed or expanded to include property on or after July 1, 2020 (including taxes levied on the base and increment values), which would apply to this proposed district, if formed. However, ACHD and MDC may enter into an agreement for a different allocation, which agreement shall be submitted to the State Tax Commission and to the Ada County Clerk by ACHD as soon as practicable after the parties have entered in the agreement and by no later than September 1 of the year in which the agreement takes effect. In the case of the Linder Study Area, the affected taxing districts for those properties located within the city limits of Meridian are:

- The City of Meridian
- The West Ada School District (School District No. 2)
- Ada County
- Emergency Medical District/Ada County Ambulance
- Mosquito Abatement District
- The Ada County Highway District
- Meridian Library District
- Meridian Cemetery District
- Western Ada Recreation District
- College of Western Idaho

For those properties located in unincorporated Ada County, the affected taxing districts are:

- The West Ada School District (Joint School District No. 2)
- Ada County
- Emergency Medical District/Ada County Ambulance
- Mosquito Abatement District
- The Ada County Highway District
- Meridian Library District
- Meridian Cemetery District
- Western Ada Recreation District
- College of Western Idaho
- Meridian Fire District
- Pest Extermination District

Once the Planning and Zoning Commission makes their finding of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value of the district to be created plus the Base Assessed Value of any existing Urban Renewal / Revenue Allocation Area does not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in their discretion chooses to proceed, they will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the affected taxing districts, County Assessor and Idaho State Tax Commission.

The Agency then proceeds to implement the Plan.

Description of the Linder Study Area:

The Study Area subject to the current review is generally located on the east side of Ten Mile Road, primarily south of the Interstate 84 right-of-way, north of Overland Road and west of what would be an unimproved section of Linder Road. All properties included are within the boundaries of the Ten Mile Interchange Specific Area Plan. The Study Area consists of twenty (20) tax parcels ranging in size from 0.34 acres to 28.67 acres. The eastern portion of the Study Area north and south of I-84 lies outside the corporate limits of the City of Meridian, within unincorporated Ada County, but within the City's Area of City Impact. Unless the unincorporated parcels are annexed into the City prior to the creation of the urban renewal district, an intergovernmental agreement between the City and Ada County will be required to allow the creation of the District to proceed to include area outside the City.

The size and value information presented in Table 1 was derived from the Ada County Assessor's on-line parcel information system. The current taxable value of the portion of the Study Area located in unincorporated Ada County, represents exceptionally low assessed values as compared to the more developed area in the westerly portion of the Study Area located within the corporate limits of the City of Meridian. Land values in the more developed, commercially zoned areas range from \$4.00 to \$6.00 per square foot. The agricultural lands reflect a current assessed value of \$.02 per square foot consistent with assessed values assigned to agricultural properties north of I-84.



Linder Urban Renewal District Study Area
Parcel #	Ownership	Acreage	Land Value	Improvement Value	2020 Taxable Value
				value	value
S1223233820	Cabra Creek LLC	4.07	\$708,600	\$ 0	\$708,600
S1223223255	Cabra Creek LLC	9.05	\$737,400	\$o	\$737,400
S1223233670	Cabra Creek LLC	11.28	\$918,800	\$o	\$918,800
S1223223010	Cabra Creel LLC	28.67	\$1,773,500	\$ 0	\$1,773,500
S1223212620	Cabra Creek LLC	2.69	\$241,800	\$ 0	\$241,800
S1214336375	Cabra Creek LLC	6.56	\$1,143,400	\$o	\$1,143,400
S1214336415	Cabra Creek LLC	5.88	\$1,025,200	\$o	\$1,025,200
S1214336100	Cabra Creek LLC	4.9	\$,1280,900	\$ 0	\$1,280,900
S1214336350	Cabra Creek LLC	6.13	\$1,601,600	\$o	\$160,1600
S1214336450	Cabra Creek LLC	0.34	\$59,900	\$ 0	\$59,900
S1214346705	Lee, Soo	26.22	\$18,100	\$o	\$18,100
S1214346905	5b1031 LLC	4.78	\$296,100	\$o	\$296,100
S1214346905	Adler, AB LLC	4.96	\$4,200	\$333,600	\$337,800
S1214438600	Adler, AB LLC	25.27	\$25,500	\$o	\$25,500
S1214438705	Michael Seabolt	0.93	\$175,100	\$146,100	\$321,200
S1214449021	P. Bloomberg Tr.	9.74	\$8,900	4265,000	\$273,900
S1214449107	Idaho Auto Mall	19.33	\$17,500	\$227,000	\$244,500
R7192800710	Hk&M LLC	1.12	\$163,000	\$149,500	\$312,500
R7192800700	Bird, Michael	0.96	\$155,700	\$154,300	\$210,000 *
R7192800676	Towns, Larry	0.96	\$175,100	\$172,700	\$247,800*
Total Line	ler Study Area	173.84	\$10,530,300	\$1,448,200	\$11,978,500

Table 1

- Note: These acreages are exclusive of adjacent public rights-of-way for Ten Mile Road, West Overland Road, Linder Road, South Jersey Way, West Dutch Farm Road, and Tasa Road that should be included in the ultimate boundaries of any district established. Publicly owned properties are assigned no value in Idaho assessments, so including them makes no difference to the value calculation but will slightly increase the ultimate acreage.
- Parcels designated by an * are owner-occupied residential properties and thus the taxable value is reduced by \$100,000² in each base reflecting the Homeowner Property Tax Exemption. There are two such properties located north of I-84.

Description of the Linder Study Area:

As noted in the table above, the Linder Study Area consists of twenty (20) tax parcels. Nearly eighty (80) acres are under a single ownership located at the westerly end of the Study Area. This area, representing approximately 45.8% of the acreage in the Study Area, is currently zoned for Medium Density Residential and Commercial uses. Full urban services are in place to support development consistent with the City's plan for the area.

² Based on the adoption of H389, the Homeowner Property Tax Exemption will increase to a maximum of \$125,000. This is anticipated to further reduce the base. As the 2021 tax assessments are not yet available, the 2020 data has been used. The 10% analysis will ultimately be revisited in any further urban renewal plan.

While some transportation and site infrastructure in in place at the western end of the Study Area, water and sewer service is not yet available to serve these parcels.

The balance of the Study Area located south of I-84 is undeveloped. The largest parcel located in the easterly portion of the Study Area is 26.22 acres. A similarly sized parcel (25.27) is located nearby. These two parcels remain primarily in agricultural use. The undeveloped portion of the Study Area consists of approximately 91 acres and is located in unincorporated Ada County. These parcels carry an Ada County zoning designation of Rural Urban Transition (RUT) recognizing potential for changing into more active urban uses similar to adjacent properties. Additionally, these parcels are included in the Ten Mile Interchange Specific Area Plan which has been adopted by the City as an element of their Comprehensive Plan. The undeveloped portion of the Study Area consists of seven (7) parcels ranging in size from 0.93 acres up to the larger parcels noted above. The easterly potion of the Study Area also contains four (4) parcels on which single-family residences are located. One residence was constructed in 1913 with the others built in the last 30 years. None of the residences reflect a Homeowner Property Tax exemption suggesting that they are not owner-occupied and do not reflect uses consistent with City planning documents. A derelict section of West Overland Road remains on the property even though a new high-capacity section has replaced it. The old section had served an historic farm located on the site, but all buildings associated with that use have been razed. It has been renamed West Dutch Farm Road and provides legal access to the adjacent parcel but is not improved to current urban standards. An unimproved right-of-way for Linder Road is located on the east edge of the Study Area and is currently used by the adjacent business for the storage of recreational vehicle inventory. That right-of way should be included within the ultimate boundaries of any district created as a result of this review. The recently constructed improvement to West Overland Road abuts the southerly edge of the Study Area. Other than this street, no public infrastructure is in place to support development of the majority (53.4%) of the Study Area.

The Ridenbaugh canal bifurcates the extreme southwesterly portion of the Study Area from the balance of the included parcels. The canal extends across the site in an east-west direction at the top of a bench separating the upland potion from the majority of the Study Area.

The land within the Study Area, south of I-84 is owned by seven (7) different entities. The western 80 acres are owned by a single entity, Cabra Creek LLC. Six (6) entities own the remaining parcels with just two owners controlling 62% of the 91 acres in the easterly portion of the Study Area.

Three parcels are located along Linder Road north of I-84. All three of these are residential properties on large lots in unincorporated Ada County with Ada County R-1 zoning. Each property has an existing residential structure, two built in the early twentieth century, but updated in recent years, and one constructed in 1978. The uses currently in place on these parcels is not anticipated to change under the Ten Mile Interchange Specific Area Plan.



Images reflecting conditions in the westerly portion of the Study Area

Images reflecting conditions in the easterly portion of the Study Area



Analysis of the Study Area:

A review of the Study Area reflects a pattern of delayed investment or an area in transition. This is particularly notable given the area's proximity to substantial public investment in the Ten Mile interchange and street improvements to both Ten Mile Road and West Overland Road. The majority of the parcels do not have City utilities and no individual owner or developer has been willing to assume the significant cost to extend those services.

The Ten Mile Interchange Specific Area Plan provides a clearly articulated vision for a high-density mixed-use development pattern in this area that would capitalize on the access and utility investments already made by public entities. To date, however, while some planning has been done consistent with the Plan, and limited transportation and site infrastructure has been installed in the west portion of the Study Area, little progress has been made to implement the vision. The Plan calls for substantial investment in public infrastructure throughout the entire Study Area but the market to date has proven incapable of supporting that level of capital cost. It appears as though meaningful progress may depend upon some level of public intervention to support the desired private investment in the balance of the Planning Area to bring the Plan to reality.

For the convenience of the reader, the statutory criteria are reiterated, at least one of which must be found to qualify an area for urban renewal activities. Those conditions are:

- 1. The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
- 3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]

- 4. Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
- 6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 7. Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
- 8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]
- 9. Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]
- 10. Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

Analysis: Linder Study Area

Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site: The historic farmstead previously located in the Study Area has been removed. Of the four remaining structures located south of I-84, one is over one hundred years old but the other three are relatively modern residences constructed in the last 30 years. Two of the structures located north of I-84 were constructed approximately 100 years ago and have been updated within the recent past. The other residence north of I-84 was constructed in 1978 and appears serviceable for its current and intended use. Since the majority of the structures previously located on the properties have been removed, there is no "substantial number of deteriorated or deteriorating structures" remaining within the Study Area. Therefore, criterion #1 is not met.

Criterion #2: Age or Obsolescence: Again, as noted above, the structures that remain south of I-84, were built to serve the historic agricultural use. While the remaining structures are not old, they are not of a nature to support the high-density mixed-use envisioned in the Plan. Therefore, the remaining structures located south of I-84 are obsolete in this context and as such, criterion #2 is met.

Criterion #3: Predominance of Defective or Inadequate Street Layout: As noted above, it is recommended to include the Ten Mile Road and West Overland Road rights-of- way within the boundaries of the proposed district. As such, the improvements made to these facilities in recent years appear adequate to serve the anticipated development. However, there are no streets in place to serve the internal development of the relatively large parcels in the eastern portion of the Study Area which represents a majority of the land under consideration. Linder Road between West Overland Road and I-84 is unimproved and not accessible to the travelling public. Implementation of the Specific Area Plan requires circulation throughout the planning area and since no streets currently exist to serve the anticipated interior development to the east, criterion #3 is met.

Criterion #4: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting: The parcels in the Study Area are of a size and

configuration appropriate for the historic agricultural use for which they have been deployed for several decades. However, as the City and region have developed around these properties, the large lots in the easterly portion of the Study Area are not properly configured to accommodate the development pattern envisioned in the Specific Area Plan. A more fine-grained and high-density development pattern is represented in the adopted Plan. Therefore criterion #4 is met.

Criterion #5: Insanitary or Unsafe Conditions: Again, given the current agricultural use and general lack of development "insanitary and unsafe conditions" are not present. Therefore, criterion #5 is not met.

Criterion #6: Diversity of Ownership: The ownership of the 173.84 acres in the Study Area is in the hands of ten (10) entities. The westerly 80 acres (45.8% of the entire area) is under a single ownership. The easterly portion (94 acres) is held by eight (8) entities, however 61% of that area is held by two entities. Thus, the vast majority of the Study Area is controlled by only three entities. Therefore criterion #6 is not met.

Criterion #7: Tax or Special Assessment Delinquency: According to Ada County Assessor records, no delinquencies exist. Therefore, criterion *#*7 is not met.

Criterion #8: Defective or unusual condition of title: No defective or unusual conditions of title are reflected in Ada County records. Therefore, criterion #8 is not met.

Criterion #9: Results in Economic Underdevelopment of the Area: While the Ten Mile Interchange and the Ten Mile Road and West Overland Road improvements provide good access to the area for the broader regional community, the internal circulation system is non-existent in the majority if the Study Area at this point in time. Additionally, enhanced north-south access across I-84 will better connect the planned activities within the Study Area with the rest of Meridian. The Specific Area Plan calls-out specific locations for access points into the Study Area so as to coordinate access into adjacent properties and thus allowing future signalization enhancing traffic safety in the area. While curb returns have been installed at specific locations, no means of providing streets connecting to these access points is currently in place so criterion #9 is met.

Criterion #10: Substantially Impairs or Arrests the Sound Growth of a Municipality: The State of Idaho, the City of Meridian and the Ada County Highway District have made substantial investment in the transportation and utility facilities serving this and the surrounding areas. The City of Meridian has expressed its vision for this area in the creation and adoption of the Ten Mile Interchange Specific Area Plan, but without the capacity to provide full public infrastructure, the Study Area will remain an under-utilized area in the midst of the fastest growing area in the State of Idaho. Criterion #10 is met.

Findings: Linder Study Area: Conditions exist within the Study Area to allow the Board of Commissioners of the Meridian Development Corporation and the Meridian City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

Summary of Findings

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site		Х
2	Age or Obsolescence	X	
3	Predominance of Defective or Inadequate Street Layout	Х	
4	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting	Х	
5	Insanitary or Unsafe Conditions		Х
6	Diversity of Ownership		Х
7	Tax or Special Assessment Delinquency		Х
8	Defective or unusual condition of title		Х
9	Results in Economic Underdevelopment of the Area	Х	
10	Substantially Impairs or Arrests the Sound Growth of a Municipality	Х	

Analysis: Open Land Conditions: In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the "open land" conditions. Idaho Code Section 50-2903(8)(c) states: "[a]ny area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas."

The eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). "Diversity of ownership" is the same, while "obsolete platting" appears to be equivalent to "faulty lot layout in relation to size, adequacy, accessibility, or usefulness." "Deterioration of structures or improvements" is the same or similar to "a substantial number of deteriorated or deteriorating structures" and "deterioration of site or other improvements." There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008 primarily addresses the urban renewal plan approval process and Idaho Code Section 50-2008(d)(4) sets forth certain conditions and findings for agency acquisition of open land as follows:

the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall

determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinguency. improper subdivisions, outmoded street patterns. deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area's development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All of the stated conditions are included in one form or another in the definition of a deteriorated area and/or a deteriorating area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area."

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities in the Study Area; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

Based on the above analysis, to the extent the Study Area is "predominantly open land," which is not a defined term, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

Other Relevant Issues:

Agricultural Landowners Concurrence:

The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for an agricultural operation without the express written consent of the property owner. An agricultural operation is broadly defined in Idaho Code § 22-4502(2) and means "an activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel and other lawful uses..." One method of determining whether there exists an agricultural operation on a parcel is the presence of an agricultural property tax exemption³. As of the date of this Eligibility Study, several parcels, particularly located in the eastern portion of the Study Area, maintain assessed values consistent with other agricultural lands and appear, from a visual inspection, to be active agricultural operations. As a result, property owner consent is required prior to final consideration of the proposed district's creation.

CONCLUSION:

Based upon the data and the conditions that exist within the Study Area as noted above, the Meridian Development Corporation Board and Meridian City Council may determine that the Linder Study Area is eligible for the establishment of an urban renewal district.

10% Analysis: In addition to the findings reported above, verification that the assessed value of the proposed Study Area is within the statutory limits is needed. State Law limits the percentage of values on the combined base assessment rolls that can be included in urban renewal / revenue allocation districts to 10% of the current assessed valuation of all taxable property within the City. According to Ada County Assessor records, the most recent total certified value for the City of Meridian is \$13,230,528,301 (does not include operating property). This number does not reflect exemptions. Therefore taking a more conservative approach, the net taxable value for this calculation is used. That number is \$10,375,837,804. As shown in the analysis in Table 1 the current taxable value of the entire Study Area is estimated to be \$11,978,500. This value then must be added to the Base Assessed Values of the Downtown District, the Ten Mile District and the Union District to test for the 10% limitation. The analysis for these purposes in presented in Table 2, below. The combined base assessment roll values are well below the statutory limit.

³ With House Bill 560 (2020) effective July 1, 2020, eliminating the property tax exemption for agricultural land and replacing it with a method to value agricultural land, going forward the method to determine the existence of an agricultural operation will change.

Table 2		
Statutory 10% Limitat	ion Analysis	
Area	Taxable Value	Percentage
Total City	\$10,375,837,804	100%
Downtown URD Base Value	\$146,334,050	1.41%
Ten Mile URD	\$ 39,539,125	0.38%
Union URD	\$2,144,360	0.02%
Proposed Linder URD	\$11,978,500	0.12%
Total UR Base Assessed Value Percentage	\$199,996,035	1.93%

The effect of creating this district on the capacity of the City and MDC to consider future districts should they choose to do so is also explored. The table below shows there is capacity to consider additional districts.

Table 3

Remaining Urban Renewal Capacity					
Maximum 10% Limitation	\$1,323,052,830	10%			
Downtown URD	\$146,334,779	1.41%			
Ten Mile URD	\$ 39,539,125	0.38%			
Union URD	\$2,144,360	0.02%			
Proposed Linder URD	\$11,996,035	0.12%			
Available AV within limitation	\$1,124,027,095	8.07%			

Attachment 7

Ada County Board of County Commissioners Resolution No. 2676 (eligibility)

A RESOLUTION OF THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, ADOPTING THE FINDINGS OF THE URBAN RENEWAL AGENCY OF THE CITY OF MERIDIAN, IDAHO, A/K/A THE MERIDIAN DEVELOPMENT CORPORATION, ADOPTED BY RESOLUTION NO. 21-024 ON MAY 26, 2021; ACCEPTING THAT CERTAIN REPORT, PREPARED FOR THE MERIDIAN DEVELOPMENT CORPORATION ON THE ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE LINDER DISTRICT AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT SUBJECT TO CERTAIN CONDITIONS: FINDING A PORTION OF THE LINDER DISTRICT AREA INCLUDES CERTAIN PROPERTIES WITHIN THE UNINCORPORATED AREA OF ADA COUNTY; FINDING AND DECLARING THE NEED FOR AN URBAN RENEWAL PROJECT FOR THE LINDER DISTRICT AREA; APPROVING CREATION OF AN URBAN RENEWAL PROJECT INCLUDING CERTAIN PARCELS, BUT NOT ALL, FOR THAT PORTION OF THE LINDER DISTRICT AREA LYING OUTSIDE OF THE CORPORATE BOUNDARIES OF THE CITY OF MERIDIAN AND WITHIN THE UNINCORPORATED AREA OF ADA COUNTY; FINDING THAT THE JURISDICTIONAL BOUNDARIES OF THE CITY OF MERIDIAN AND ADA COUNTY REMAIN THE SAME; AND PROVIDING AN EFFECTIVE DATE.

At a meeting of the Board of Ada County Commissioners, State of Idaho, on the 30th day of September, 2021, the following Resolution was adopted, to-wit:

WHEREAS, the Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation, an independent public body corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act"), is a duly created and functioning urban renewal agency for Meridian, Idaho, hereinafter referred to as the "Agency;"

WHEREAS, the City Council of the City of Meridian (the "City Council") and Mayor of the City of Meridian (the "City"), on or about July 24, 2001, adopted and approved Resolution No. 01-367, establishing the Agency pursuant to the Law, authorizing the Agency to transact business and exercise the powers granted by the Law and the Act, upon making the findings of necessity required for creating the Agency;

WHEREAS, there are several existing urban renewal project areas in the City;

WHEREAS, based on inquiries and information presented, the City commenced certain discussions concerning examination of an additional area, including parcels within the City, as well as parcels located within unincorporated Ada County as appropriate for an urban renewal project, primarily to support the goals set forth in the Ten Mile Interchange Specific Area Plan and to further the objectives of supporting the proposed Linder overpass; WHEREAS, in 2021, the City authorized Kushlan | Associates to commence an eligibility study and preparation of an eligibility report for an area including properties and roadway generally referred to as the Linder District Study Area, which is an area generally bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south and what would be an unimproved section of Linder Road on the east, together with several parcels located north of Interstate 84 and west of Linder Road (the "Study Area"), which legal description of the proposed Study Area is attached hereto as **Exhibit A**;

WHEREAS, the Agency obtained the Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), a copy of which is attached hereto as **Exhibit B**, which examined the Study Area, which area also included real property located within unincorporated Ada County and within the City's Area of City Impact for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which list the definition of deteriorating area and deteriorated area, many of the conditions necessary to be present in such areas are found in the Study Area, specifically, age or obsolescence; the predominance of defective or inadequate street layout; faulty lot layout in relation to size, adequacy, accessibility, or usefulness; obsolete platting; conditions which result in economic underdevelopment of the area and which substantially impair or arrest the sound growth of the municipality;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. *See* Idaho Code § 50-2903(8)(c);

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list additional conditions applicable to open land areas, including open land areas to be acquired by the Agency;

WHEREAS, the Report addresses the necessary findings concerning including open land within any urban renewal area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, under the Law and Act, specifically Idaho Code Sections 50-2903(8)(f) and 50-2018(8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in Section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Report setting forth the Study Area boundary includes parcels subject to such consent;

RESOLUTION NO. 2676

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval by resolution of the governing body of the other city or county declaring the need for an urban renewal project for the proposed area;

WHEREAS, a portion of the Study Area includes certain real property located in unincorporated Ada County;

WHEREAS, the Agency accepted the Report by way of Resolution No. 21-024 at the May 26, 2021 meeting of the Agency Board, a copy of which Resolution (without exhibits) is attached hereto as **Exhibit C**;

WHEREAS, the Agency authorized transmittal of the Report to the Ada County Board of County Commissioners for purposes of obtaining a resolution determining such area to be deteriorated and/or deteriorating and finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, following transmittal, and based on ongoing discussions, it appears the proposed project area will be smaller than the Study Area set forth in Exhibit A. Specifically, the parcels located north of Interstate 84 and west of Linder Road are included within the Study Area boundary; however, those parcels will not be included in the proposed urban renewal plan or project area boundary. A copy of the proposed project area map noting those eligible parcels that are not intended to be included in any future project area is attached hereto as **Exhibit D**;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the proposed Study Area has no impact on the jurisdictional boundaries of Ada County;

WHEREAS, on June 14, 2021, representatives of the City and the Agency presented the Report to the Ada County Commissioners requesting the Commissioners to consider adopting the findings concerning the proposed Linder District Area;

WHEREAS, the Commissioners did not take action at that time, and the Agency was directed to obtain the agricultural operation consents from the property owners located within unincorporated Ada County, which consents for agricultural operations have been obtained from the property owners south of Interstate 84, which consents are attached hereto as **Exhibit E** (without Exhibits B and C). The parcels north of Interstate 84 will not be included within the boundaries of any future project area;

WHEREAS, on September _, 2021, representatives of the City and the Agency presented the Report to the Ada County Commissioners requesting the Commissioners to consider adopting the findings concerning the proposed Linder District Area and limiting the unincorporated County parcels to be included in the proposed Linder District project area.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO, AS FOLLOWS:

Section 1. That the above statements are true and correct.

<u>Section 2</u>. That the findings of the Agency made on May 26, 2021, in Resolution No. 21-024 are hereby adopted by the Board of Ada County Commissioners.

<u>Section 3.</u> That there is a need for an urban renewal plan for the Linder District Area; however, the Commissioners specifically limit the unincorporated County parcels to be included in any proposed Linder District project area to those certain parcels south of Interstate 84 as more specifically shown in **Exhibit D**.

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

APPROVED AND ADOPTED this 30th day of September, 2021.

Board of Ada County Commissioners

By:

Rod Beck, Commissioner

By:

Ryan Davidson, Commissioner

Kendra Kenyon, Commissioner

By:

ATTEST:

Phil McGrane, Ada County Clerk

by Katie Reed, Assistant Deputy Clerk

ltem #1.

Exhibit A

Legal description of the Proposed Urban Renewal District Boundaries (4 pages attached)

RESOLUTION NO. 2676 - EXHIBIT A

ltem #1.

EXHIBIT A

URBAN RENEWAL DISTRICT BOUNDARY DESCRIPTION FOR MERIDIAN DEVELOPMENT CORPORATION

A description for Urban Renewal District purposes located in the SW 1/4 of Section 13, and in the S 1/2 of Section 14, and in the NW 1/4 of Section 23, all in Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Commencing at an aluminum cap monument marking the southwesterly corner of said NW 1/4 of Section 23, from which an aluminum cap marking the northwesterly corner of said Section 23 bears N 0°56′24″ E a distance of 2629.55 feet;

Thence N 0°56'24" E along the westerly boundary of said NW 1/4 of Section 23 a distance of 717.33 feet to the POINT OF BEGINNING;

Thence continuing N 0°56'24" E a distance of 1305.34 feet to a point;

Thence leaving said westerly boundary \$ 34°10'57" E a distance of 83.43 feet to a point on the westerly boundary of *PARCEL* 8 as described in Warranty Deed Inst. No. 110000589;

Thence along the westerly boundary of said PARCEL 8 the following described courses:

Thence continuing \$ 34°10'57" E a distance of 110.05 feet to a point;

Thence N 0°31'15" E a distance of 345.95 feet to a point;

Thence N 2°34'10" E a distance of 419.76 feet to a point marking the northwesterly corner of said *PARCEL* 8, said point being on the southerly boundary of said S 1/2 of Section 14;

Thence leaving said westerly boundary N 89°14′58" W along said southerly boundary a distance of 40.72 feet to a point on the easterly right-of-way of S. Ten Mile Road;

Thence leaving said southerly boundary and along said easterly right-of-way the following described courses:

Thence N 0°30'03" E a distance of 25.00 feet to a point;

Thence N 89°14'58" W a distance of 10.99 feet to a point;

Thence N 0°30'03" E a distance of 312.82 feet to a point;

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Item #1.

Thence N 89°29'57" W a distance of 22.30 feet to a point;

Thence N 3°31'49" E a distance of 306.84 feet to a point;

Thence N 12°12'51" E a distance of 97.93 feet to a point;

Thence N 41°11'00" E a distance of 121.02 feet to a point on the southerly right-of-way of Interstate I-84;

Thence leaving said easterly right-of-way and along said southerly right-of-way the following described courses:

Thence N 73°28'13" E a distance of 79.08 feet to a point;

Thence N 82°32'26" E a distance of 110.11 feet to a point;

Thence N 79°31'11" E a distance of 326.57 feet to a point;

Thence N 81°59'42" E a distance of 85.13 feet to a point;

Thence 5 4°51'25" E a distance of 41.68 feet to a point;

Thence N 81°31'45" E a distance of 285.56 feet to a point;

Thence N 84°21'46" E a distance of 291.43 feet to a point on the easterly boundary of the SW 1/4 of the SW 1/4 of said Section 14;

Thence N 0°32'50" E along said easterly boundary a distance of 38.29 feet to a point;

Thence leaving said easterly boundary N 87°22'04" E a distance of 95.86 feet to a point;

Thence N 89°27'34" E a distance of 1098.46 feet to a point;

Thence S 56°41'50" E a distance of 36.06 feet to a point;

Thence N 89°36'46" E a distance of 160.00 feet to a point;

Thence N 55°55'22" E a distance of 36.06 feet to a point;

Thence N 89°21'36" E a distance of 680.00 feet to a point;

Thence S 88°05'48" E a distance of 100.08 feet to a point;

Thence N 89°52'45" E a distance of 463.52 feet to a point on the easterly boundary of the SW 1/4 of the SE 1/4 of said Section 14;

Page 2 of 4

Thence N 0°34'12" E along said easterly boundary a distance of 10.81 feet to a point;

Thence leaving said easterly boundary \$ 89°34'09" E a distance of 684.00 feet to a point;

Thence N 87°34'06" E a distance of 231.72 feet to a point on an extension of the westerly boundary of Lots 23 and 24 of Block 4 of *PRIMROSE SUBDIVISION* as found in Book 25 of plats at Page 1576 in the office of the Recorder, Ada County, Idaho;

Thence leaving said southerly right-of-way N 0°32'47" E along said extended boundary a distance of 221.77 feet to a point marking the southwesterly corner of said Lot 24;

Thence continuing N 0°32'47" E along the westerly boundaries of said Lots 23 and 24 a distance of 232.38 feet to a point marking the northwesterly corner of said Lot 23;

Thence S 89°12′43" E along the northerly boundary of said Lot 23 a distance of 195.00 feet to a point marking the southwesterly corner of the E 1/2 of Lots 21 and 22 of Block 4 of said *PRIMROSE SUBDIVISION*;

Thence leaving said northerly boundary N 0°32'47" E along the westerly boundary of said E 1/2 a distance of 214.00 feet to a point marking the northwesterly corner of said E 1/2;

Thence continuing N 0°32'47" E on an extension of the westerly boundary of said E 1/2 a distance of 25.00 feet to a point on the centerline of W. Verbena Drive;

Thence S 89°12′43" E along said centerline a distance of 220.00 feet to a point of intersection of said centerline and the easterly boundary of said S 1/2 of Section 14;

Thence continuing S 89°12′43″ E on an extension of said centerline a distance of 65.49 feet to a point on the westerly boundary of Lot 1 of Block 4 of *MARLIN SUBDIVISION NO. 1* as found in Book 85 of plats at Page 9500 in said office of the Recorder;

Thence leaving said extended centerline \$ 3°40′04" E along said westerly boundary a distance of 469.64 feet to a point marking the southwesterly corner of said Lot 1;

Thence leaving said Lot 1 boundary 5 0°32′08″ W a distance of 213.29 feet to a point marking the northwesterly corner of *PARCEL A* as shown on Record of Survey No. 8165, Inst. No. 107167073;

Thence along the westerly boundary of said PARCEL A the following described courses:

Thence S 4°48'23" W a distance of 700.57 feet to a point;

Thence S 0°32'47" W a distance of 327.82 feet to a point;

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Thence leaving said westerly boundary and continuing S 0°32′47″ W on an extension of said westerly boundary a distance of 88.00 feet to a point on the southerly boundary of said SW 1/4 of Section 13;

Thence leaving said extended boundary N 89°07′36″ W along said southerly boundary a distance of 48.00 feet to the southeasterly corner of said Section 14;

Thence N 89°19′40″ W along the southerly boundary of said S 1/2 of Section 14 a distance of 2661.71 feet to the southeasterly corner of the SW 1/4 of said Section 14;

Thence N 89°14′58″ W along the southerly boundary of said SW 1/4 of said Section 14 a distance of 179.31 feet to a point marking the intersection of said southerly boundary and the centerline of W. Overland Road;

Thence leaving said southerly boundary and along said centerline the following described courses:

Thence a distance of 1406.96 feet along the arc of a 1000.00 foot radius curve left, said curve having a central angle of 80°36′46″ and a long chord bearing S 50°26′39″ W a distance of 1293.75 feet to a point;

Thence S 10°08'16" W a distance of 241.51 feet to a point;

Thence a distance of 1406.65 feet along the arc of a 1000.00 foot radius curve right, said curve having a central angle of 80°35'42" and a long chord bearing S 50°26'07" W a distance of 1293.51 feet to a point;

Thence N 89°16'02" W a distance of 466.87 feet to the POINT OF BEGINNING.

This parcel contains approximately 195.4 acres.

NOTE: This description was prepared using record information including Record of Surveys, Subdivision Plats and Deeds acquired from the Ada County Recorder's office. No field survey has been performed.

Prepared by: Kyle A. Koomler, PLS Civil Survey Consultants, Incorporated April 27, 2021



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ltem #1.

Exhibit B

The Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (19 pages attached)

RESOLUTION NO. 2676 - EXHIBIT B



Linder Urban Renewal District (Proposed)

Eligibility Report

Prepared for

The City of Meridian and The Meridian Development Corporation May 2021



Kushlan | Associates Boise, Idaho **Introduction:** Kushlan | Associates was retained by the Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation (the "MDC") and the City of Meridian (the "City") to assist in their consideration of establishing a new urban renewal district¹ in the City of Meridian, Idaho, and its area of operation.

Elected Officials serving the City of Meridian are:

Robert Simison
Treg Bernt
Brad Hoaglun
Joe Borton
Luke Cavener
Liz Strader
Jessica Perreault
Cameron Arial

Idaho Code § 50-2006 states: "URBAN RENEWAL AGENCY. (a) There is hereby created in each municipality an independent public body corporate and politic to be known as the "urban renewal agency" that was created by resolution as provided in section 50-2005, Idaho Code, before July 1, 2011, for the municipality..." to carry out the powers enumerated in the statutes. The Meridian City Council adopted Resolution 01-397 on July 24, 2001 bringing forth those powers within the City of Meridian.

The Mayor, with the confirmation of the City Council, has appointed nine members to the MDC Board of Commissioners (the "MDC Board"). The MDC Board currently oversees the implementation of three urban renewal districts. Two are focused on the revitalization of downtown Meridian. The first, the Meridian Revitalization Plan Urban Renewal Project (the "Downtown District") was established by the City Council's adoption of Ordinance No. 02-987 on December 3, 2002. The second district, the Urban Renewal Plan for the Union District Urban Renewal Project (the "Union District") was established with the adoption of Ordinance No. 20-1882 on June 9, 2020. Both the Downtown District and the Union District are focused on redevelopment activities in and around the City's downtown core. The third district, the Urban Renewal Plan for the Ten Mile Road- A Urban Renewal Project (the "Ten Mile District") was established by Ordinance No. 16-1695 adopted on June 21, 2016, and is focused on economic development outside of the City's core to support implementation of the Ten Mile Interchange Specific Area Plan.

The current membership of the Commission is as follows:

Chair:
Vice Chairman
Secretary/ Treasurer
Commissioners

David Winder Nathan Mueller Steve Vlassek Dan Basalone Rob McCarvel Treg Bernt Tammy deWeerd Diane Bevan Kit Fitzgerald

¹ Throughout this Study, urban renewal/revenue allocation area will be referred to as an "urban renewal district."

Staff: Urban Renewal Administrator: Legal Counsel:

Ashley Squyres Todd Lakey

Map of the Downtown District (excluding shaded area)



Map of Union District





Map of Ten Mile Road District

Background:

While Native Americans inhabited the area for centuries, the development of the community of Meridian, as we know it today, evolved through the late nineteenth century. European settlement started in the 1880s and was originally located on a farm owned by the Onweiler family. A school was opened in 1885. The U.S. Postal Service established a mail drop along the Oregon Short Line Railroad and the site was named Hunter after its superintendent. Community activity grew around this mail stop focused on the railroad. In 1893 an Odd Fellows lodge was organized and called itself Meridian, acknowledging that it was located on the Boise Meridian the primary North-South survey benchmark for Idaho. That name grew in primary use as the name of the settlement and the Village of Meridian was incorporated in 1903 with a population of approximately 200.

The economy had traditionally been focused on the support of the surrounding agricultural activities. A major creamery was established in the community in 1897 to support the nearby dairies. Fruit orchards were located throughout the area.

Meridian was a significant stop on the Interurban electric railway from 1908 to 1928. This service provided convenient access for passengers and freight in both easterly and westerly directions.

Throughout most of the 20th century, Meridian remained a relatively quiet community focused on its agricultural roots. US Census Bureau data, reflects a 1910 population of 619 people growing to 2,616 by 1970. However, starting in 1970 the pace of growth in Southwest Idaho quickened and Meridian's growth initially reflected, and then exceeded

the regional rates by significant margins. Over the past twenty-five years the rate of growth has been startling by any reasonable standard. The following table reflects that population growth over the city's history.

1903 (Incorporation Estimate)	200
1910	619
1920	1,013
1930	1,004
1940	1,465
1950	1,500
1960	2,100
1970	2,600
1980	6,658
1990	9,596
2000	34,919
2010	75,092
2020	114,200
2021 (Estimate)	129,555

When income statistics are compared to statewide numbers, the population of Meridian compares favorably with the rest of Idaho in these categories. The median household income in Meridian is \$71,389, approximately 28% above the statewide figure of \$55,785. Per capita money income for the Meridian population is \$33,328 as compared to the statewide number of \$27,970. The percentage of the Meridian population below poverty level is 8.6% as compared to the statewide number of 11.2%.

Investment Capacity: Cities across the nation actively participate in the economic vitality of their communities through investment in infrastructure. Water and sewer facilities as well as transportation, communication, electrical distribution and other systems are all integral elements of an economically viable community. Idaho cities have a significant challenge in responding to these demands along with the on-going need to reinvest in their general physical plant to ensure it does not deteriorate to the point of system failure. They face stringent statutory and constitutional limitations on revenue generation and debt as well as near total dependence upon state legislative action to provide funding options. These strictures severely constrain capital investment strategies.

The tools made available to cities in Title 50, Chapters 20 and 29, the Urban Renewal Law and the Local Economic Development Act are some of the few that are available to assist communities in their efforts to support economic vitality. New sources of State support are unlikely to become available in the foreseeable future, thus the City of Meridian's interest in exploring the potential for establishing their fourth urban renewal district is an appropriate public policy consideration.

The City of Meridian initially established its Urban Renewal Agency in 2001. As noted above, the Downtown District's exclusive focus, limited by the boundaries of the district, is on the traditional downtown area of Meridian. The Ten Mile District was created in 2016 and was designed to support the implementation of the Ten Mile Interchange Specific Area Plan. A third urban renewal district was created in 2020 from an area deannexed from the original Downtown District to support a significant mixed use-project. The Linder Road urban renewal district is being considered in further support of the implementation of Ten Mile Interchange Specific Area Plan.

Ten Mile Interchange Specific Area Plan

The Idaho Transportation Department initiated planning for the development of a new interchange with Interstate 84 at Ten Mile Road in the 1990s. Construction of the interchange was completed in 2012. In support of the State's investment and in anticipation of the resultant development pressure from the opening of the new interchange on the area immediately west of the Meridian City limits, the City initiated a broad-based planning effort for the general area. The Plan that was produced was the Ten Mile Interchange Specific Area Plan and was adopted by the City Council on June 19, 2007. The Plan remains in effect and is intended to guide development decisions within the study area. A map of the Ten Mile Interchange Specific Area Plan ange Specific Area Plan is provided below:



As indicated in the Plan map, substantial public infrastructure is called for in implementing the development pattern envisioned. Development opportunities considered for the area covered by the Plan were insufficient in scale to support the required public facility investment. This imbalance had thwarted the orderly implementation of the planning undertaken by the City and the property owners. This lack of progress stimulated the interest in exercising the powers granted under State Law in the establishment of the Ten Mile District in 2016. A similar situation exists in that portion of the Specific Plan area located south of I-84, generating the desire on the part of City officials in considering a new urban renewal district to stimulate the envisioned development activity similar to the successful response north of the freeway

Steps in Consideration of an Urban Renewal District:

The first step in consideration of establishing an urban renewal district in Idaho is to define a potential area for analysis as to whether conditions exist within it to qualify for redevelopment activities under the statute. We have called this the "Study Area."

The next step in the process is to review the conditions within the Study Area to determine whether the area is eligible for creating a district. The State Law governing urban renewal

sets out the following criteria, at least one of which must be found, for an area to be considered eligible for urban renewal activities:

- The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
- Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]
- Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
- Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
- 8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]
- Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]
- Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

If the Eligibility Report finds that one or more of the conditions noted above exists within the Study Area, then the Agency may accept the findings and forward the Eligibility Report to the City Council for their consideration. If the City Council concurs with the determination of the Agency, they may direct that an Urban Renewal Plan be developed for the area that addresses the issues raised in the Eligibility Report.

The Agency then acts to prepare the Urban Renewal Plan for the new District establishing a Revenue Allocation Area to fund improvements called for in the Plan. Once the Plan for the District and Revenue Allocation Area are completed, the Agency Board forwards it to the City Council for their consideration.

The City Council must refer the Urban Renewal Plan to the Planning and Zoning Commission to determine whether the Plan, as presented, is consistent with the City's Comprehensive Plan and make a corresponding finding. At the same time, other taxing entities levying property taxes within the boundaries of the proposed Urban Renewal District are provided a thirty-day opportunity to comment on the Plan to the City Council. While the taxing entities are invited to comment on the Plan, their concurrence is not required for the City Council to proceed with formal consideration.

Based on legislative changes to Idaho Code § 50-2908(2)(a), effective July 1, 2020, the Ada County Highway District (ACHD) is allocated all of the taxes levied by ACHD within

a revenue allocation area first formed or expanded to include property on or after July 1, 2020 (including taxes levied on the base and increment values), which would apply to this proposed district, if formed. However, ACHD and MDC may enter into an agreement for a different allocation, which agreement shall be submitted to the State Tax Commission and to the Ada County Clerk by ACHD as soon as practicable after the parties have entered in the agreement and by no later than September 1 of the year in which the agreement takes effect. In the case of the Linder Study Area, the affected taxing districts for those properties located within the city limits of Meridian are:

- The City of Meridian
- The West Ada School District (School District No. 2)
- Ada County
- Emergency Medical District/Ada County Ambulance
- Mosquito Abatement District
- The Ada County Highway District
- Meridian Library District
- Meridian Cemetery District
- Western Ada Recreation District
- College of Western Idaho

For those properties located in unincorporated Ada County, the affected taxing districts are:

- The West Ada School District (Joint School District No. 2)
- Ada County
- Emergency Medical District/Ada County Ambulance
- Mosquito Abatement District
- The Ada County Highway District
- Meridian Library District
- Meridian Cemetery District
- Western Ada Recreation District
- College of Western Idaho
- Meridian Fire District
- Pest Extermination District

Once the Planning and Zoning Commission makes their finding of conformity and the thirty-day comment period has passed, the City Council is permitted to hold a public hearing and formally consider the adoption of the Plan creating the new Urban Renewal District and Revenue Allocation Area.

The City Council must also find that the taxable value of the district to be created plus the Base Assessed Value of any existing Urban Renewal / Revenue Allocation Area does not exceed the statutory maximum of 10% of the citywide assessed valuation.

If the City Council, in their discretion chooses to proceed, they will officially adopt the Urban Renewal Plan and Revenue Allocation Area and provide official notification of that action to the affected taxing districts, County Assessor and Idaho State Tax Commission.

The Agency then proceeds to implement the Plan.

Description of the Linder Study Area:

The Study Area subject to the current review is generally located on the east side of Ten Mile Road, primarily south of the Interstate 84 right-of-way, north of Overland Road and west of what would be an unimproved section of Linder Road. All properties included are within the boundaries of the Ten Mile Interchange Specific Area Plan. The Study Area consists of twenty (20) tax parcels ranging in size from 0.34 acres to 28.67 acres. The eastern portion of the Study Area north and south of I-84 lies outside the corporate limits of the City of Meridian, within unincorporated Ada County, but within the City's Area of City Impact. Unless the unincorporated parcels are annexed into the City prior to the creation of the urban renewal district, an intergovernmental agreement between the City and Ada County will be required to allow the creation of the District to proceed to include area outside the City.

The size and value information presented in Table 1 was derived from the Ada County Assessor's on-line parcel information system. The current taxable value of the portion of the Study Area located in unincorporated Ada County, represents exceptionally low assessed values as compared to the more developed area in the westerly portion of the Study Area located within the corporate limits of the City of Meridian. Land values in the more developed, commercially zoned areas range from \$4.00 to \$6.00 per square foot. The agricultural lands reflect a current assessed value of \$.02 per square foot consistent with assessed values assigned to agricultural properties north of I-84.





Potential Future URD: Overland - Ten Mile to Linder

Parcel #	Ownership	Acreage	Land Value	Improvement Value	2020 Taxable Value
S1223233820	Cabra Creek LLC	4.07	\$708,600	\$0	\$708,600
S1223223255	Cabra Creek LLC	9.05	\$737,400	\$0	\$737,400
S1223233670	Cabra Creek LLC	11.28	\$918,800	\$0	\$918,800
S1223223010	Cabra Creel LLC	28.67	\$1,773,500	\$0	\$1,773,500
S1223212620	Cabra Creek LLC	2.69	\$241,800	\$0	\$241,800
S1214336375	Cabra Creek LLC	6.56	\$1,143,400	\$0	\$1,143,400
S1214336415	Cabra Creek LLC	5.88	\$1,025,200	\$0	\$1,025,200
S1214336100	Cabra Creek LLC	4.9	\$,1280,900	\$0	\$1,280,900
S1214336350	Cabra Creek LLC	6.13	\$1,601,600	\$0	\$160,1600
S1214336450	Cabra Creek LLC	0.34	\$59,900	\$0	\$59,900
S1214346705	Lee, Soo	26.22	\$18,100	\$0	\$18,100
S1214346905	5b1031 LLC	4.78	\$296,100	\$0	\$296,100
S1214346905	Adler, AB LLC	4.96	\$4,200	\$333,600	\$337,800
S1214438600	Adler, AB LLC	25.27	\$25,500	\$0	\$25,500
S1214438705	Michael Seabolt	0.93	\$175,100	\$146,100	\$321,200
S1214449021	P. Bloomberg Tr.	9.74	\$8,900	4265,000	\$273,900
S1214449107	Idaho Auto Mall	19.33	\$17,500	\$227,000	\$244,500
R7192800710	Hk&M LLC	1.12	\$163,000	\$149,500	\$312,500
R7192800700	Bird, Michael	0.96	\$155,700	\$154,300	\$210,000 *
R7192800676	Towns, Larry	0.96	\$175,100	\$172,700	\$247,800*
Total Line	ler Study Area	173.84	\$10,530,300	\$1,448,200	\$11,978,500

Table 1

- Note: These acreages are exclusive of adjacent public rights-of-way for Ten Mile Road, West Overland Road, Linder Road, South Jersey Way, West Dutch Farm Road, and Tasa Road that should be included in the ultimate boundaries of any district established. Publicly owned properties are assigned no value in Idaho assessments, so including them makes no difference to the value calculation but will slightly increase the ultimate acreage.
- Parcels designated by an * are owner-occupied residential properties and thus the taxable value is reduced by \$100,000² in each base reflecting the Homeowner Property Tax Exemption. There are two such properties located north of I-84.

Description of the Linder Study Area:

As noted in the table above, the Linder Study Area consists of twenty (20) tax parcels. Nearly eighty (80) acres are under a single ownership located at the westerly end of the Study Area. This area, representing approximately 45.8% of the acreage in the Study Area, is currently zoned for Medium Density Residential and Commercial uses. Full urban services are in place to support development consistent with the City's plan for the area.

² Based on the adoption of H389, the Homeowner Property Tax Exemption will increase to a maximum of \$125,000. This is anticipated to further reduce the base. As the 2021 tax assessments are not yet available, the 2020 data has been used. The 10% analysis will ultimately be revisited in any further urban renewal plan.

While some transportation and site infrastructure in in place at the western end of the Study Area, water and sewer service is not yet available to serve these parcels.

The balance of the Study Area located south of I-84 is undeveloped. The largest parcel located in the easterly portion of the Study Area is 26.22 acres. A similarly sized parcel (25.27) is located nearby. These two parcels remain primarily in agricultural use. The undeveloped portion of the Study Area consists of approximately 91 acres and is located in unincorporated Ada County. These parcels carry an Ada County zoning designation of Rural Urban Transition (RUT) recognizing potential for changing into more active urban uses similar to adjacent properties. Additionally, these parcels are included in the Ten Mile Interchange Specific Area Plan which has been adopted by the City as an element of their Comprehensive Plan. The undeveloped portion of the Study Area consists of seven (7) parcels ranging in size from 0.93 acres up to the larger parcels noted above. The easterly potion of the Study Area also contains four (4) parcels on which single-family residences are located. One residence was constructed in 1913 with the others built in the last 30 years. None of the residences reflect a Homeowner Property Tax exemption suggesting that they are not owner-occupied and do not reflect uses consistent with City planning documents. A derelict section of West Overland Road remains on the property even though a new high-capacity section has replaced it. The old section had served an historic farm located on the site, but all buildings associated with that use have been razed. It has been renamed West Dutch Farm Road and provides legal access to the adjacent parcel but is not improved to current urban standards. An unimproved right-of-way for Linder Road is located on the east edge of the Study Area and is currently used by the adjacent business for the storage of recreational vehicle inventory. That right-of way should be included within the ultimate boundaries of any district created as a result of this review. The recently constructed improvement to West Overland Road abuts the southerly edge of the Study Area. Other than this street, no public infrastructure is in place to support development of the majority (53.4%) of the Study Area.

The Ridenbaugh canal bifurcates the extreme southwesterly portion of the Study Area from the balance of the included parcels. The canal extends across the site in an east-west direction at the top of a bench separating the upland potion from the majority of the Study Area.

The land within the Study Area, south of I-84 is owned by seven (7) different entities. The western 80 acres are owned by a single entity, Cabra Creek LLC. Six (6) entities own the remaining parcels with just two owners controlling 62% of the 91 acres in the easterly portion of the Study Area.

Three parcels are located along Linder Road north of I-84. All three of these are residential properties on large lots in unincorporated Ada County with Ada County R-1 zoning. Each property has an existing residential structure, two built in the early twentieth century, but updated in recent years, and one constructed in 1978. The uses currently in place on these parcels is not anticipated to change under the Ten Mile Interchange Specific Area Plan.

Images reflecting conditions in the westerly portion of the Study Area



Images reflecting conditions in the easterly portion of the Study Area



Analysis of the Study Area:

A review of the Study Area reflects a pattern of delayed investment or an area in transition. This is particularly notable given the area's proximity to substantial public investment in the Ten Mile interchange and street improvements to both Ten Mile Road and West Overland Road. The majority of the parcels do not have City utilities and no individual owner or developer has been willing to assume the significant cost to extend those services.

The Ten Mile Interchange Specific Area Plan provides a clearly articulated vision for a high-density mixed-use development pattern in this area that would capitalize on the access and utility investments already made by public entities. To date, however, while some planning has been done consistent with the Plan, and limited transportation and site infrastructure has been installed in the west portion of the Study Area, little progress has been made to implement the vision. The Plan calls for substantial investment in public infrastructure throughout the entire Study Area but the market to date has proven incapable of supporting that level of capital cost. It appears as though meaningful progress may depend upon some level of public intervention to support the desired private investment in the balance of the Planning Area to bring the Plan to reality.

For the convenience of the reader, the statutory criteria are reiterated, at least one of which must be found to qualify an area for urban renewal activities. Those conditions are:

- The Presence of a Substantial Number of Deteriorated or Deteriorating Structures and Deterioration of Site or Other Improvements [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 2. Age or Obsolescence [50-2018(8) and 50-2903(8)(a)]
- 3. Predominance of Defective or Inadequate Street Layout [50-2018(9) and 50-2903(8)(b)]

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- Faulty Lot Layout in Relation to Size, Adequacy, Accessibility, or Usefulness; Obsolete Platting [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- 5. Insanitary or Unsafe Conditions [50-2018(9) and 50-2903(8)(b)]
- 6. Diversity of Ownership [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]
- Tax or Special Assessment Delinquency [50-2018(9) and 50-2903(8)(b)]
- 8. Defective or Unusual Conditions of Title [50-2018(9) and 50-2903(8)(b)]
- Results in Economic Underdevelopment of the Area [50-2903(8)(b); 50-2903(8)(c)]
- Substantially Impairs or Arrests the Sound Growth of a Municipality [50-2018(9) and 50-2903(8)(b); 50-2903(8)(c)]

Analysis: Linder Study Area

Criterion #1: The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site: The historic farmstead previously located in the Study Area has been removed. Of the four remaining structures located south of I-84, one is over one hundred years old but the other three are relatively modern residences constructed in the last 30 years. Two of the structures located north of I-84 were constructed approximately 100 years ago and have been updated within the recent past. The other residence north of I-84 was constructed in 1978 and appears serviceable for its current and intended use. Since the majority of the structures previously located on the properties have been removed, there is no "substantial number of deteriorated or deteriorating structures" remaining within the Study Area. Therefore, criterion #1 is not met.

Criterion #2: Age or Obsolescence: Again, as noted above, the structures that remain south of I-84, were built to serve the historic agricultural use. While the remaining structures are not old, they are not of a nature to support the high-density mixed-use envisioned in the Plan. Therefore, the remaining structures located south of I-84 are obsolete in this context and as such, criterion #2 is met.

Criterion #3: Predominance of Defective or Inadequate Street Layout: As noted above, it is recommended to include the Ten Mile Road and West Overland Road rights-of- way within the boundaries of the proposed district. As such, the improvements made to these facilities in recent years appear adequate to serve the anticipated development. However, there are no streets in place to serve the internal development of the relatively large parcels in the eastern portion of the Study Area which represents a majority of the land under consideration. Linder Road between West Overland Road and I-84 is unimproved and not accessible to the travelling public. Implementation of the Specific Area Plan requires circulation throughout the planning area and since no streets currently exist to serve the anticipated interior development to the east, criterion #3 is met.

Criterion #4: Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting: The parcels in the Study Area are of a size and

configuration appropriate for the historic agricultural use for which they have been deployed for several decades. However, as the City and region have developed around these properties, the large lots in the easterly portion of the Study Area are not properly configured to accommodate the development pattern envisioned in the Specific Area Plan. A more fine-grained and high-density development pattern is represented in the adopted Plan. Therefore criterion #4 is met.

Criterion #5: Insanitary or Unsafe Conditions: Again, given the current agricultural use and general lack of development "insanitary and unsafe conditions" are not present. Therefore, criterion #5 is not met.

Criterion #6: Diversity of Ownership: The ownership of the 173.84 acres in the Study Area is in the hands of ten (10) entities. The westerly 80 acres (45.8% of the entire area) is under a single ownership. The easterly portion (94 acres) is held by eight (8) entities, however 61% of that area is held by two entities. Thus, the vast majority of the Study Area is controlled by only three entities. Therefore criterion #6 is not met.

Criterion #7: Tax or Special Assessment Delinquency: According to Ada County Assessor records, no delinquencies exist. Therefore, criterion #7 is not met.

Criterion #8: Defective or unusual condition of title: No defective or unusual conditions of title are reflected in Ada County records. Therefore, criterion #8 is not met.

Criterion #9: Results in Economic Underdevelopment of the Area: While the Ten Mile Interchange and the Ten Mile Road and West Overland Road improvements provide good access to the area for the broader regional community, the internal circulation system is non-existent in the majority if the Study Area at this point in time. Additionally, enhanced north-south access across I-84 will better connect the planned activities within the Study Area with the rest of Meridian. The Specific Area Plan calls-out specific locations for access points into the Study Area so as to coordinate access into adjacent properties and thus allowing future signalization enhancing traffic safety in the area. While curb returns have been installed at specific locations, no means of providing streets connecting to these access points is currently in place so criterion #9 is met.

Criterion #10: Substantially Impairs or Arrests the Sound Growth of a Municipality: The State of Idaho, the City of Meridian and the Ada County Highway District have made substantial investment in the transportation and utility facilities serving this and the surrounding areas. The City of Meridian has expressed its vision for this area in the creation and adoption of the Ten Mile Interchange Specific Area Plan, but without the capacity to provide full public infrastructure, the Study Area will remain an under-utilized area in the midst of the fastest growing area in the State of Idaho. Criterion #10 is met.

Findings: Linder Study Area: Conditions exist within the Study Area to allow the Board of Commissioners of the Meridian Development Corporation and the Meridian City Council to determine that the area is eligible for urban renewal activities as prescribed in State Law.

Summary of Findings

	Criteria	Met	Not Met
1	The Presence of a Substantial Number of Deteriorated or Deteriorating Structures; and Deterioration of Site		X
2	Age or Obsolescence	X	
3	Predominance of Defective or Inadequate Street Layout	X	
4	Faulty Lot Layout in Relation to Size, Adequacy, Accessibility or Usefulness; Obsolete Platting	x	
5	Insanitary or Unsafe Conditions		X
6	Diversity of Ownership		X
7	Tax or Special Assessment Delinquency		X
8	Defective or unusual condition of title		X
9	Results in Economic Underdevelopment of the Area	X	
10	Substantially Impairs or Arrests the Sound Growth of a Municipality	x	

Analysis: Open Land Conditions: In addition to the eligibility conditions identified above, the geographic area under review is also required to satisfy the "open land" conditions. Idaho Code Section 50-2903(8)(c) states: "[a]ny area which is predominately open and which because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. The provisions of section 50-2008(d), Idaho Code, shall apply to open areas."

The eligibility criteria set forth in Idaho Code Section 50-2903(8)(c) for predominantly open land areas mirror or are the same as those criteria set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b). "Diversity of ownership" is the same, while "obsolete platting" appears to be equivalent to "faulty lot layout in relation to size, adequacy, accessibility, or usefulness." "Deterioration of structures or improvements" is the same or similar to "a substantial number of deteriorated or deteriorating structures" and "deterioration of site or other improvements." There is also an additional qualification that the provisions of Idaho Code Section 50-2008(d) shall apply to open areas.

Idaho Code Section 50-2008 primarily addresses the urban renewal plan approval process and Idaho Code Section 50-2008(d)(4) sets forth certain conditions and findings for agency acquisition of open land as follows:

the urban renewal plan will afford maximum opportunity, consistent with the sound needs of the municipality as a whole, for the rehabilitation or redevelopment of the urban renewal area by private enterprise: Provided, that if the urban renewal area consists of an area of open land to be acquired by the urban renewal agency, such area shall not be so acquired unless (1) if it is to be developed for residential uses, the local governing body shall
determine that a shortage of housing of sound standards and design which is decent, safe and sanitary exists in the municipality; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the municipality, or (2) if it is to be developed for nonresidential uses, the local governing body shall determine that such nonresidential uses are necessary and appropriate to facilitate the proper growth and development of the community in accordance with sound planning standards and local community objectives, which acquisition may require the exercise of governmental action, as provided in this act, because of defective or unusual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, economic disuse, unsuitable topography or faulty lot layouts, the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area.

In sum, there is one set of findings if the area of open land is to be acquired and developed for residential uses and a separate set of findings if the land is to be acquired and developed for nonresidential uses.

Basically, open land areas may be acquired by an urban renewal agency and developed for nonresidential uses if such acquisition is necessary to solve various problems, associated with the land or the infrastructure, that have delayed the area's development. These problems include defective or usual conditions of title, diversity of ownership, tax delinquency, improper subdivisions, outmoded street patterns, deterioration of site, and faulty lot layout. All of the stated conditions are included in one form or another in the definition of a deteriorated area and/or a deteriorating area set forth in Idaho Code Sections 50-2903(8)(b) and 50-2018(9). The conditions listed only in Section 50-2008(d)(4)(2) (the open land section) include economic disuse, unsuitable topography, and "the need for the correlation of the area with other areas of a municipality by streets and modern traffic requirements, or any combination of such factors or other conditions which retard development of the area."

The conclusion of this discussion concerning open land areas is that the area qualifies if any of the eligibility conditions set forth in Idaho Code Sections 50-2018(9) and 50-2903(8)(b) apply. Alternatively, the area under consideration qualifies if any of the conditions listed only in Idaho Code Section 50-2008(d)(4)(2) apply. The parcel size, the lack of water and sewer facilities in the Study Area; a nonexistent access and internal street system; an inadequate storm drain system; and lack of fire protection, are all conditions which delay development of the Study Area.

Based on the above analysis, to the extent the Study Area is "predominantly open land," which is not a defined term, obsolete platting/faulty lot layout and economic underdevelopment are conditions found in the Study Area, and therefore, the open land condition is satisfied.

Item #1.

Other Relevant Issues:

Agricultural Landowners Concurrence:

The statutory provisions concerning the creation of an urban renewal district prohibit inclusion of any land used for an agricultural operation without the express written consent of the property owner. An agricultural operation is broadly defined in Idaho Code § 22-4502(2) and means "an activity or condition that occurs in connection with the production of agricultural products for food, fiber, fuel and other lawful uses…" One method of determining whether there exists an agricultural operation on a parcel is the presence of an agricultural property tax exemption³. As of the date of this Eligibility Study, several parcels, particularly located in the eastern portion of the Study Area, maintain assessed values consistent with other agricultural lands and appear, from a visual inspection, to be active agricultural operations. As a result, property owner consent is required prior to final consideration of the proposed district's creation.

CONCLUSION:

Based upon the data and the conditions that exist within the Study Area as noted above, the Meridian Development Corporation Board and Meridian City Council may determine that the Linder Study Area is eligible for the establishment of an urban renewal district.

10% Analysis: In addition to the findings reported above, verification that the assessed value of the proposed Study Area is within the statutory limits is needed. State Law limits the percentage of values on the combined base assessment rolls that can be included in urban renewal / revenue allocation districts to 10% of the current assessed valuation of all taxable property within the City. According to Ada County Assessor records, the most recent total certified value for the City of Meridian is \$13,230,528,301 (does not include operating property). This number does not reflect exemptions. Therefore taking a more conservative approach, the net taxable value for this calculation is used. That number is \$10,375,837,804. As shown in the analysis in Table 1 the current taxable value of the entire Study Area is estimated to be \$11,978,500. This value then must be added to the Base Assessed Values of the Downtown District, the Ten Mile District and the Union District to test for the 10% limitation. The analysis for these purposes in presented in Table 2, below. The combined base assessment roll values are well below the statutory limit.

³ With House Bill 560 (2020) effective July 1, 2020, eliminating the property tax exemption for agricultural land and replacing it with a method to value agricultural land, going forward the method to determine the existence of an agricultural operation will change.

Table 2

Statutory 10% Limitation Analysis				
Area	Taxable Value	Percentage		
Total City	\$10,375,837,804	100%		
Downtown URD Base Value	\$146,334,050	1.41%		
Ten Mile URD	\$ 39,539,125	0.38%		
Union URD	\$2,144,360	0.02%		
Proposed Linder URD	\$11,978,500	0.12%		
Total UR Base Assessed Value Percentage	\$199,996,035	1.93%		

The effect of creating this district on the capacity of the City and MDC to consider future districts should they choose to do so is also explored. The table below shows there is capacity to consider additional districts.

Table 3

Remaining Urban Renewal Capacity			
Maximum 10% Limitation	\$1,323,052,830	10%	
Downtown URD	\$146,334,779	1.41%	
Ten Mile URD	\$ 39,539,125	0.38%	
Union URD	\$2,144,360	0.02%	
Proposed Linder URD	\$11,996,035	0.12%	
Available AV within limitation	\$1,124,027,095	8.07%	

Exhibit C

The Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation, Resolution No. 21-024, dated May 26, 2021, Accepting the The Linder Urban Renewal District Eligibility Report, dated May 2021 (5 pages attached)

MERIDIAN DEVELOPMENT CORPORATION THE URBAN RENEWAL AGENCY OF THE CITY OF MERIDIAN

RESOLUTION NO. 21-024

BY THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF MERIDIAN, IDAHO, A/K/A THE MERIDIAN DEVELOPMENT CORPORATION:

> A RESOLUTION OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF MERIDIAN. IDAHO, ALSO KNOWN AS THE MERIDIAN DEVELOPMENT CORPORATION, ACCEPTING THAT CERTAIN REPORT ON ELIGIBILITY FOR CERTAIN PROPERTY REFERRED TO AS THE LINDER DISTRICT AREA AS AN URBAN RENEWAL AREA AND REVENUE ALLOCATION AREA AND JUSTIFICATION FOR DESIGNATING THE AREA AS APPROPRIATE FOR AN URBAN RENEWAL PROJECT: AUTHORIZING AND DIRECTING THE CHAIR. VICE-CHAIR OR ADMINISTRATOR TO TRANSMIT THE REPORT AND THIS RESOLUTION TO THE ADA COUNTY BOARD OF COUNTY COMMISSIONERS AND THE CITY COUNCIL OF THE CITY OF MERIDIAN REQUESTING THEIR CONSIDERATION FOR DESIGNATION OF AN URBAN RENEWAL AREA AND SEEKING FURTHER DIRECTION FROM THE COMMISSION AND COUNCIL; AND PROVIDING AN EFFECTIVE DATE.

THIS RESOLUTION, made on the date hereinafter set forth by the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation, an independent public body, corporate and politic, authorized under the authority of the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law") and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), a duly created and functioning urban renewal agency for Meridian, Idaho, hereinafter referred to as the "MDC";

WHEREAS, on July 24, 2001, the City Council (the "City Council") of the City of Meridian, Idaho (the "City"), adopted Resolution No. 01-367 establishing MDC pursuant to the Law;

WHEREAS, on October 8, 2002, the City Council, after notice duly published, conducted a public hearing on the Meridian Revitalization Plan Urban Renewal Project, which is also referred to as the Downtown District (the "Downtown District Plan"):

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Item #1.

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 02-987 on December 3, 2002, approving the Downtown District Plan, making certain findings and establishing the Downtown District revenue allocation area (the "Downtown District Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Ten Mile Road Urban Renewal Plan (the "Ten Mile Plan"). The public hearing was continued to June 21, 2016, for further testimony;

WHEREAS, following said public hearings, the City Council adopted its Ordinance No. 16-1695 on June 21, 2016, approving the Ten Mile Plan, making certain findings and establishing the Ten Mile revenue allocation area (the "Ten Mile Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the First Amendment to the Meridian Revitalization Plan Urban Renewal Project ("First Amendment to the Downtown District Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 20-1881 on June 9, 2020, approving the First Amendment to the Downtown District Plan deannexing certain parcels and making certain findings (collectively, the Downtown District Plan, and amendments thereto, are referred to as the "Existing Downtown District Plan," and the Downtown District Project Area, and amendments thereto, are referred to as the "Existing Downtown District Project Area");

WHEREAS, the City Council, after notice duly published, conducted a public hearing on the Urban Renewal Plan for the Union District Urban Renewal Project (the "Union District Plan");

WHEREAS, following said public hearing, the City Council adopted its Ordinance No. 20-1882 on June 9, 2020, approving the Union District Plan, making certain findings and establishing the Union District revenue allocation area (the "Union District Project Area");

WHEREAS, the Existing Downtown District Plan, the Ten Mile Plan, and the Union District Plan and their project areas are collectively referred to as the "Existing Project Areas;"

WHEREAS, it has become apparent that additional property, a portion of which is located within the City, and a portion of which is located within the City's area of operation within unincorporated Ada County, may be deteriorating or deteriorated and should be examined as to whether such an area is eligible for an urban renewal project;

WHEREAS, in 2021, Kushlan | Associates commenced an eligibility study and preparation of an eligibility report for an area including properties and roadway, referred to as the Linder District Study Area, which is an area bounded by Ten Mile Road on the

RESOLUTION NO. 21-024 - 2

west, Interstate 84 on the north, Overland Road on the south and what would be an unimproved section of Linder Road on the east (the "Study Area");

WHEREAS, MDC has obtained the Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), a copy of which is attached hereto as **Exhibit A**, which examined the Study Area, which area also included real property located within unincorporated Ada County, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, pursuant to Idaho Code Sections 50-2018(8), (9) and 50-2903(8), which lists the definition of deteriorating area and deteriorated area, many of the conditions necessary to be present in such an area are found in the Study Area;

WHEREAS, the effects of the listed conditions cited in the Report result in economic underdevelopment of the areas, substantially impairs or arrests the sound growth of a municipality, constitutes an economic or social liability, and is a menace to the public health, safety, morals, or welfare in its present condition or use;

WHEREAS, the Report includes a preliminary analysis concluding the base assessment roll value for the Study Area along with the base assessment rolls for the Existing Project Areas do not exceed 10% of the current assessed valuation of all taxable property within the City;

WHEREAS, under the Act, a deteriorated area includes any area which is predominantly open and which, because of obsolete platting, diversity of ownership, deterioration of structures or improvements, or otherwise, results in economic underdevelopment of the area or substantially impairs or arrests the sound growth of a municipality. See Idaho Code § 50-2903(8)(c);

WHEREAS, Idaho Code Sections 50-2018(9), 50-2903(8) and 50-2008(d) list additional conditions applicable to open land areas, including open land areas to be acquired by MDC;

WHEREAS, the Report addresses the necessary findings concerning the eligibility of open land within the Study Area as defined in Idaho Code Sections 50-2018(9), 50-2903(8)(c), and 50-2008(d);

WHEREAS, under the Law and Act, Idaho Code Sections 50-2903(8)(f) and 50-2018(8) and (9), the definition of a deteriorating area shall not apply to any agricultural operation as defined in Section 22-4502(2), Idaho Code, absent the consent of the owner of the agricultural operation except for an agricultural operation that has not been used for three (3) consecutive years;

WHEREAS, the Study Area includes parcels subject to such consent. While the

RESOLUTION NO. 21-024 - 3

Item #1.

necessary consents have not been obtained, any and all consents shall be obtained prior to City Council consideration of any urban renewal plan;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, a portion of the Study Area includes certain real property located within unincorporated Ada County;

WHEREAS, the Ada County Board of County Commissioners will be asked to adopt a resolution finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, pursuant to Idaho Code Section 50-2008, an urban renewal project may not be planned or initiated unless the local governing body has, by resolution, determined such area to be a deteriorated area or deteriorating area, or combination thereof, and designated such area as appropriate for an urban renewal project;

WHEREAS, Idaho Code Section 50-2906, also requires that in order to adopt an urban renewal plan containing a revenue allocation financing provision, the local governing body must make a finding or determination that the area included in such plan is a deteriorated area or deteriorating area;

WHEREAS, the MDC Board finds it in the best public interest to accept the Report.

NOW, THEREFORE, BE IT RESOLVED BY THE MEMBERS OF THE BOARD OF COMMISSIONERS OF THE URBAN RENEWAL AGENCY OF MERIDIAN, IDAHO, AS FOLLOWS:

Section 1 That the above statements are true and correct.

Section 2. That the MDC Board acknowledges acceptance and receipt of the Report.

Section 3. That there are one or more areas within the City and within unincorporated Ada County that are a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8), and as more fully set forth in the Report, attached hereto as **Exhibit A**.

Section 4. That one such area is an area approximately 174 acres (excluding rights-of-way) in size and is more commonly referred to as the Linder District Study Area, and as more fully described in the Report.

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Section 5. That the rehabilitation, conservation, and redevelopment, or a combination thereaf, of such area is necessary in the interest of the public health, safety, and welfareof the residents of the City.

Section 6. That the Chair or Vice-Chair of the MDC Board of Commissioners, or the Administration, are hereby authorized to transmit the Report to the City Council requesting that the City Council:

a. Determine whether the Study Area identified in the Report qualifies as an urban reneval project and there is justification for designating the area, as appropriate, for an urban renewal project; provided, however, MDC requests the City Council not take such action until the Ada County Board of County Commissioners has adopted a resolution declaring the need for an urban renewal project for the Study Area;

 If such designation is made, whether MDC should proceed with the preparation of an irban renewal plan for the area, which plan may include a revenue allocation provisionas allowed by law;

c. Coordinate with MDC to obtain the required agricultural operation consents from the property owners.

Section 7. That the Chairman of the MDC Board or Administrator is hereby authorized to transnit the Report to Ada County Board of County Commissioners for its consideration pursuant to Idaho Code Section 50-2018(18).

Section 8. That this Resolution shall be in full force and effect immediately upon its adoption and approval.

PASSED AID ADOPTED by the Urban Renewal Agency of the City of Meridian, Idaho, also knownas the Meridian Development Corporation, on May 26, 2021. Signed by the Chair of theBoard of Commissioners and attested by the Secretary to the Board of Commissioners, on May 26, 2021.

APPROVED:

By Chair of the Board

ATTES By Secretar

RESOLUTION NO.21-024 - 5

Exhibit D

Map Showing Eligible Parcels that Will Not Be Included Within the Boundaries of any Future Urban Renewal Project Area (1 page attached)



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Exhibit E

Consent forms (12 pages attached)

AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Soo W. Lee, an Individual, and states that Individual, owns that certain property generally described as Parcel Identification Number S1214346705 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated April 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Soo W. Lee, an Individual, hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 10 day of August, 2021.

) SS:

Soo W. Lee

An Individual

STATE OF IDAHO County of Ada

On this 10th day of August 2021, before me, a Notary Public for the state of Idaho, personally appeared Soo W. Lee, known or identified to me to be the person who executed this instrument.



Notary Public

My Commission Expires on 10 22 2

ltem #1.

EXHIBIT A

PARCEL NUMBER

S1214346705

ADDRESS

West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #6705 N'LY & E'LY POR SE4SW4 S OF INTERSTATE SEC 14 3N 1W PARCEL 2 R/S 4360 EXC R/W #346072-B

SURVEY RECORD



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Michael S. Adler, President of Adler Industrial, LLC, and states that Adler Industrial, LLC serves as Manager for Adler AB Owner I, LLC, a Delaware Limited Liability Company, which owns that certain property generally described as Parcel Identification Number S1214438600 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Michael S. Adler, President of Adler Industrial, LLC, Manager for Adler AB Owner I, LLC hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 20th day of 406W3T , 2021.

Adler AB Owner I, LLC A Delaware Limited Liability Company

By: Adler Industrial, LLC Its: Manager

Michael S. Adler President County of Ada

Item #1.

1.8

This record was acknowledged before me on August 20, 2021 (date) by Michael S. Adler (Signer), known or identified to me to be the President of Adler Industrial, LLC (Constituent Entity), the Manager of Adler AB Owner I, LLC (Maker), who subscribed said Maker Entity's name to the foregoing instrument, and acknowledged to me that he executed the within instrument on behalf of said Constituent Entity, and that such Constituent Entity executed the same in the name of said Maker Entity.

(stamp)

) ss:



Notary Public My Commission Expires on 04/08/2023

ltem #1.

EXHIBIT A

PARCEL NUMBER

S1214438600

ADDRESS

2090 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8600 OF SW4SE4 SEC 14 3N 1W #438423-B



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Michael S. Adler, President of Adler Industrial, LLC, and states that Adler Industrial, LLC serves as Manager for Adler AB Owner I, LLC, a Delaware Limited Liability Company, which owns that certain property generally described as Parcel Identification Number S1214438420 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Michael S. Adler, President of Adler Industrial, LLC, Manager for Adler AB Owner I, LLC hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this _____ day of _____ . 2021.

Adler AB Owner I, LLC A Delaware Limited Liability Company

By: Adler Industrial, LLC Its: Manager

Michael S. Adler President

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document. State of California County of Los Angeles) On August 23, 2021 before me, Andrea Myers, Notary Public (insert name and title of the officer) personally appeared Michael S. Adler, who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person acted, executed the instrument. I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct. ANDREA MYERS WITNESS my hand and official seal. commission No. 2224933 NOTARY PUBLIC-CALIFORNIA LOS ANGELES COUNTY My Comm, Explicit JANUARY 7, 2022 Indias Signature (Seal)

CALIFORNIA ALL PURPOSE ACKNOWLEDGMENT

ltem #1.

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EXHIBIT A

PARCEL NUMBER

S1214438420

ADDRESS

2390 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #4200 @ W SIDE SW4SE4 SEC 14 3N 1W R/S 4746 #8416-B



AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Paul R. Blomberg, Trustee of the Paul R. Blomberg Revocable Trust 9-3-2002 and states that the Paul R. Blomberg Revocable Trust 9-3-2003 owns that certain property generally described as Parcel Identification Number S1214449021 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

(1) that the Property has been used, within the last three (3) years, as an agricultural operation; and

(2) that the undersigned has reviewed the materials provided in Exhibit B, and has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Ten Mile – Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Paul R. Blomberg, Trustee of the Paul R. Blomberg Revocable Trust 9-3-2002, hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 23 day of August, 2021.

Paul R. Blomberg Trustee

STATE OF IDAHO

County of Ada

)) ss:

On this day of 2021, before me, a Notary Public for the state of Idaho, personally appeared Paul R. Blomberg, known or identified to me to be the Manager of the Paul R. Blomberg Revocable Trust 9-3-2002, who executed this instrument in his capacity as Trustee.



Notary Public

My Commission Expires on 10 00 0

ltem #1.

EXHIBIT A

PARCEL NUMBER

S1214449021

ADDRESS

1940 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #9021 OF SE4SE4 SEC 14 3N 1W R/S 2412 EXC R/W #449020-B

SURVEY RECORD

RECORD OF SURVEY NO. 24/2



Item #1.

AGRICULTURAL OPERATION CONSENT FORM

COMES NOW Jon Brennan, Manager of 5B1031 LLC, an Idaho Limited Liability Company, and states that 5B1031 LLC owns that certain property generally described as Parcel Identification Number S1214346905 in the real property records of Ada County, Idaho, and more particularly described on Exhibit A attached hereto and incorporated herein by reference (the "Property"), and hereby certifies:

that the Property has NOT been used, within the last three (3) years, as an (1)agricultural operation; and

that the undersigned has reviewed the materials provided in Exhibit B, and (2)has had an opportunity to review the urban renewal eligibility report, dated May 2021, entitled Ten Mile - Linder Urban Renewal District Eligibility Report, prepared by Kushlan | Associates and as attached hereto as Exhibit C.

Further, Jon Brennan, Manager of 5B1031 LLC, hereby provides consent and approval that the subject Property may be included within a proposed urban renewal area and may be deemed appropriate for inclusion within an urban renewal project area as defined by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended, as the property possesses certain characteristics of eligibility.

DATED this 20th	day of August	, 2021	
		JonBrennan	
		Manager	
STATE OF IDAHO)		
County of Ada Elmore) ss:)		

This record was acknowledged before me on August 20, 2021 (date) by Jon Brennan on behalf of 5B1031 LLC in his capacity as its Manager.



a M Payne

Notary Public My Commission Expires on 11-02 -2021

ltem #1.

2.11

EXHIBIT A

PARCEL NUMBER

S1214346905

ADDRESS

2960 West Dutch Farm Road, Meridian, Idaho

DESCRIPTION

PAR #6905 @ SW COR SE4SW4 SEC 14 3N 1W PARCEL 1 R/S 4360 EXC R/W #346610-B

SURVEY RECORD



Attachment 8

Ada County Board of County Commissioners Ordinance No. 932 (Intergovernmental Agreement and Transfer of Powers Ordinance)

[To Be Inserted Upon Adoption]

TRANSFER OF POWERS ORDINANCE:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF ADA COUNTY, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN FOR THE LINDER DISTRICT URBAN RENEWAL PROJECT; PROVIDING THE CITY OF MERIDIAN WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL/REVENUE ALLOCATION AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE REVENUE ALLOCATION AREA LYING WITHIN UNINCORPORATED ADA COUNTY TO THE URBAN RENEWAL AGENCY OF MERIDIAN, IDAHO, ALSO KNOWN AS THE MERIDIAN DEVELOPMENT CORPORATION; ADOPTING **INTERGOVERNMENTAL** THE AGREEMENT IMPLEMENTING THIS ORDINANCE; AND AUTHORIZING THE CHAIR TO SIGN SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO:

Section 1: That the Board of County Commissioners, after reviewing the Linder District Plan delivered to Ada County on November 2, 2021, finds: (a) the Linder District Plan and Project Area is eligible under the statutory criteria and is appropriate for an urban renewal project; (b) the adjusted base assessed values of all existing and proposed revenue allocation areas within the City do not exceed ten percent of the current assessed taxable value of the City; (c) the proposed Linder District Plan and Project Area is financially feasible given the assumptions used in the Linder District Plan; (d) the required consents from the owners of agricultural operation lands within the proposed Project Area have been given; and (e) the City has the authority to proceed with the creation of the Linder District Plan and Project Area after the adoption of this Ordinance by the Board of Ada County Commissioners.

<u>Section 2</u>: That this Ordinance is adopted to approve and confirm the duties, roles, and responsibilities of the City of Meridian, Idaho (the "City"), the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation (the "Agency"), and Ada County, Idaho for that portion of the revenue allocation area, as defined and described in the proposed Urban Renewal Plan for the Linder District Urban Renewal Project (the "Plan") lying outside the corporate boundaries of the City, as illustrated in **Exhibit 1**, and to transfer power as provided in Idaho Code Section 50-2906(3)(b) and to reconfirm the necessary declaration set forth in Idaho Code Section 50-2018(18).

Section 3: The revenue allocation proceeds from areas lying within the boundaries of the Linder District Plan and Project Area shall be devoted to the statutory purposes as described in the Linder District Plan and as authorized by the Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code.

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<u>Section 4</u>: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code § 50-2906(3)(b) (the "Agreement") (which also supports the County's declaration as required by Idaho Code Section 50-2018(18) as also set forth in Resolution No. 2676) is hereby approved and accepted.

Section 5: That the Chair is hereby authorized to execute any further documents necessary to carry out the intent of the Board of Commissioners as expressed in this Ordinance and in the Agreement. A copy of this Ordinance and the Agreement shall be held on file in the office of the County Clerk.

<u>Section 6</u>: <u>Severability</u>. The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

<u>Section 7</u>: <u>Effective Date</u>. This Ordinance shall become effective upon its publication pursuant to Idaho Code Section 31-715.

ADOPTED this 7th day of December, 2021.

Board of Ada County Commissioners

By

Rod Beck, Chairman

By

Ryan Davidson

By

Kendra Kenyon

ATTEST:

Phil McGrane, Ada County Clerk

ltem #1.

.

Exhibit 1

(Properties subject to the Ordinance)

ORDINANCE NO. 932 - 3



INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this _____ day of _____, 2021, by and between Ada County, Idaho (the "County") and the City of Meridian, Idaho (hereinafter, "Meridian"), and is made for the purpose of complying with Idaho Code Section 50-2906(3)(b).

RECITALS

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, Meridian is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the Meridian City Council and Mayor of Meridian respectively on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently three (3) existing urban renewal and revenue allocation project areas in Meridian, which are commonly referred to as follows: the Downtown District, the Ten Mile District, and the Union District. The Downtown District includes parcels located within unincorporated Ada County, which is governed by the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b), by and between the County and Meridian, dated March 18, 2003;

WHEREAS, based on inquiries and information presented, certain interested property owners, the County and Meridian commenced certain discussions concerning examination of an additional area within Meridian and within the unincorporated County as eligible for an urban renewal project;

WHEREAS, in 2021, Kushlan | Associates commenced an eligibility study and preparation of an eligibility report for an area approximately 195 acres in size including properties and roadway, referred to as the Linder District Study Area, which is an area generally bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south, and what would be an unimproved section of Linder Road on the east. Additionally, the Linder District Study Area included three (3) parcels located west of Linder Road and north of I-84 (the "Study Area");

WHEREAS, the Agency obtained an eligibility report entitled Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), which examined the Study

Area, which area also included real property located within unincorporated Ada County, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, the Agency, on May 26, 2021, adopted Resolution No. 21-024 accepting the Report and authorizing the Chair, Vice-Chair, or Administrator of MDC to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct MDC to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, the Agency also authorized the transmittal of the Report to the Ada County Board of County Commissioners for purposes of obtaining a resolution determining such areas outside the boundaries of incorporated Meridian and within unincorporated Ada County to be deteriorated and/or deteriorating and finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the area considered within the Report included certain properties within unincorporated Ada County;

WHEREAS, the Report was submitted to the Ada County Board of County Commissioners, and the Ada County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, the Ada County Board of County Commissioners adopted the Agency's finding concerning the proposed Study Area by adopting Resolution No. 2676 on September 30, 2021;

WHEREAS, the Meridian City Council, by Resolution No. 21-2289, dated October 5, 2021, declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, that the Ada County Board of County Commissioners directed the parcels north of Interstate 84 and west of Linder Road should not be included in any proposed revenue allocation area, that the Ada County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the City and the Agency embarked on the planning of an urban renewal project referred to as the Urban Renewal Plan for the Linder District Urban Renewal Project (the "Linder District Plan") to develop and/or redevelop a portion of Meridian, a portion of which is

within unincorporated Ada County adjacent and contiguous to the City, that is intended to be annexed into the City prior to development, pursuant to the Law and the Act, as amended;

WHEREAS, the Linder District Plan proposed to create an urban renewal and revenue allocation area commonly known as the Linder District project area (the "Linder District Project Area");

WHEREAS, the Agency and its consultants have undertaken the planning process during 2021;

WHEREAS, the area included in the Linder District Project Area is smaller than the area assessed in the Report, which Linder District Project Area is illustrated in **Exhibit 1**;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Linder District Project Area have been obtained by the Agency;

WHEREAS, the Linder District Plan contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board on October 27, 2021, adopted Resolution No. 21-053 proposing and recommending the Linder District Plan;

WHEREAS, the Agency, by letter of transmittal dated October 28, 2021, submitted the Linder District Plan to the Mayor and Meridian City Clerk;

WHEREAS, the Mayor and City Clerk are taking the necessary action to process the Linder District Plan consistent with the requirements set forth in Idaho Code §§ 50-2906 and 50-2008;

WHEREAS, appropriate notice of the Linder District Plan and revenue allocation provision contained therein has been given to the affected taxing districts and the public as required by Idaho Code § 50-2906;

WHEREAS, after notice duly published, the Meridian City Council at its regular meeting to be held on December 14, 2021, will hold a public hearing and will consider the Linder District Plan as proposed;

WHEREAS, Idaho Code Section 50-2906(3)(b), requires an agreement between the Meridian City Council and the Ada County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond Meridian's municipal boundary and located within the unincorporated County, and such agreement must be formalized by a transfer of power ordinance adopted by the County;

WHEREAS, there are certain properties within the Linder District Plan and Project Area which extend beyond Meridian's municipal boundaries and into the County, as illustrated in

Exhibit 1, and as more particularly described in **Exhibit 2** attached hereto and incorporated herein by reference;

WHEREAS, the Meridian City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the Meridian City Council's jurisdiction and authority to establish the Linder District Project Area and the Agency's authority to implement the Linder District Plan concerning those properties which are outside Meridian's municipal limits and within the County;

WHEREAS, the Meridian City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

AGREEMENT

1. <u>PURPOSE OF AGREEMENT</u>

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

2. <u>GENERAL PROVISIONS</u>

The Ada County Board of County Commissioners does hereby agree that the Meridian City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Linder District Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the Linder District Plan, which property extends beyond Meridian's municipal boundary and into the unincorporated County. The property governed by this Agreement is illustrated in **Exhibit 1** and more particularly described in **Exhibit 2** of this Agreement. The County, by passing Resolution No. 2676, has declared the need for urban renewal activity in the area which extends beyond Meridian's municipal boundaries and into the unincorporated County.

By agreeing to the administration of this property by the Meridian City Council for the limited purposes of implementing the Linder District Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Linder District Plan. Following the establishment of the Linder District Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Linder District Plan. Additionally, the Board of County Commissioners acknowledges the Linder District Plan will be reviewed by the Meridian Planning & Zoning Commission for the Linder District Plan's conformity with the general plan for the development of Meridian as a whole consistent with and

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)- 4 (Linder District – Meridian) limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the Meridian Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Linder District Plan. The Meridian City Council expressly acknowledges the parcels located within unincorporated Ada County are subject to and shall be developed in conformity to the 2019 City of Meridian_Comprehensive Plan as adopted by Ada County Resolution No. 2620, Ada County Zoning and Development Codes as well as the Linder District Plan, recognizing the intent to seek annexation of the parcels located within the unincorporated County into Meridian prior to development, which development is intended to occur in phases over the life of the Linder District Plan and Project Area. Ada County defers to the Agency to implement and carry out the Linder District Plan.

The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of power ordinance and the Meridian City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the Meridian City Council shall take the necessary steps through the Meridian City Clerk to transmit a copy of the County Transfer of Power Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. <u>SPECIAL PROVISIONS</u>

<u>Public Improvements</u>. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the Linder District Plan which may be acquired, constructed or installed on certain rights-of-way not within the Meridian city limits.

4. <u>EFFECTIVE TERM</u>

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the Meridian City Council and shall remain in effect for the duration of the Linder District Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels as illustrated and described in **Exhibit 1** and **Exhibit 2** upon those properties or portions of those properties then being included within the municipal boundaries of Meridian, currently, or through Meridian's annexation process.

5. <u>MODIFICATION</u>

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the Meridian City Council.

6. <u>ENTIRE AGREEMENT</u>

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the Board of County Commissioners and the Meridian City Council have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY:

BOARD OF ADA COUNTY COMMISSIONERS

By _____

Rod Beck, Chairman

By _____

Ryan Davidson

By _____

Kendra Kenyon

ATTEST:

Phil McGrane, Ada County Clerk

CITY:

CITY OF MERIDIAN, IDAHO

Ву _____

Robert Simison, Mayor

ATTEST:

Chris Johnson, Meridian City Clerk

Exhibit 1

(Map of Properties Within Unincorporated Ada County)


Exhibit 2

(Description of Properties Within Unincorporated Ada County)

4848-7171-9628, v. 3

PARCEL NUMBER

S1214438705

ADDRESS

2010 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8705 @ SE COR SW4SE4 SEC 14 3N 1W #438702



PARCEL NUMBER

S1214346705

ADDRESS

West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #6705 N'LY & E'LY POR SE4SW4 S OF INTERSTATE SEC 14 3N 1W PARCEL 2 R/S 4360 EXC R/W #346072-B

SURVEY RECORD



ltem #1.

PARCEL NUMBER

1

S1214438600

ADDRESS

2090 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8600 OF SW4SE4 SEC 14 3N 1W #438423-B



PARCEL NUMBER

j.

S1214438420

ADDRESS

2390 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #4200 @ W SIDE SW4SE4 SEC 14 3N 1W R/S 4746 #8416-B



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ltem #1.

PARCEL NUMBER

.____i

S1214449021

ADDRESS

1940 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #9021 OF SE4SE4 SEC 14 3N 1W R/S 2412 EXC R/W #449020-B

SURVEY RECORD



ltem #1.

PARCEL NUMBER

S1214346905

ADDRESS

2960 West Dutch Farm Road, Meridian, Idaho

DESCRIPTION

PAR #6905 @ SW COR SE4SW4 SEC 14 3N 1W PARCEL 1 R/S 4360 EXC R/W #346610-B

SURVEY RECORD



Attachment 9

City Council Resolution No. 21-2299 (Intergovernmental Agreement)

[To Be Inserted Upon Adoption]

4840-9372-3624, v. 7

CITY OF MERIDIAN

RESOLUTION NO. 21-2299

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER, HOAGLUN, PERREAULT, STRADER

A RESOLUTION BY THE MAYOR AND THE COUNCIL OF THE CITY OF MERIDIAN, IDAHO, TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN ADA COUNTY, IDAHO AND THE CITY OF MERIDIAN, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor (the "Mayor") and City Council ("City Council") of the city of Meridian, Idaho (the "City") have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the State of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

WHEREAS, the City Council on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation ("MDC"), authorizing MDC to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act") upon making the findings of necessity required for creating the MDC;

WHEREAS, there are currently three existing urban renewal/revenue allocation areas in the City;

WHEREAS, MDC obtained the Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Eligibility Report"), which examined an area of operation of the City, in an area known as the Linder District Study Area, which area also included real property located within unincorporated Ada County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, the MDC Board, on May 26, 2021, adopted Resolution No. 21-024 accepting the Eligibility Report and authorizing the MDC Chair, Vice-Chair, or Administrator of MDC to transmit the Eligibility Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Linder District Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency

cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the area considered within the Eligibility Report included certain properties within unincorporated Ada County;

WHEREAS, the MDC Board also authorized the transmittal of the Eligibility Report to the Ada County Board of County Commissioners for purposes of obtaining a resolution accepting the Eligibility Report and determining such area outside the boundaries of the City and within unincorporated Ada County to be a deteriorated area and/or a deteriorating area and finding the need for an urban renewal project for the proposed Linder District Study Area;

WHEREAS, the Eligibility Report was submitted to the Ada County Board of County Commissioners, and the Ada County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Linder District Study Area;

WHEREAS, the Ada County Board of County Commissioners adopted MDC's findings concerning the proposed Linder District Study Area by adopting Resolution No. 2676 on September 30, 2021;

WHEREAS, the City Council, by Resolution No. 21-2289, dated October 5, 2021, declared the Linder District Study Area described in the Eligibility Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project, that the Ada County Board of County Commissioners directed the parcels north of Interstate 84 and west of Linder Road should not be included in any proposed revenue allocation area, that the Ada County Board of County Commissioners adopted the necessary resolutions and directed MDC to commence preparation of an urban renewal plan;

WHEREAS, the City and MDC have undertaken the planning process during 2021;

WHEREAS, MDC prepared the Urban Renewal Plan for the Linder District Urban Renewal Project (the "Linder District Plan"), which Linder District Plan proposed to create an urban renewal and revenue allocation area commonly known as the Linder District project area (the "Project Area" or "Revenue Allocation Area") to develop and/or redevelop a portion of the area designated as eligible for urban renewal planning pursuant to the Law and Act, as amended, located within the City, and a portion of which is within unincorporated Ada County adjacent and contiguous to the City, that is intended to be annexed into the City prior to development;

WHEREAS, the area included in the Project Area is smaller than the area assessed in the Eligibility Report;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Project Area have been obtained by MDC;

WHEREAS, the Linder District Plan contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the MDC Board on October 27, 2021, adopted Resolution No. 21-053 proposing and recommending the Linder District Plan;

WHEREAS, the Agency, by letter of transmittal dated October 28, 2021, submitted the Linder District Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk took the necessary action to process the Linder District Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, appropriate notice of the Linder District Plan and revenue allocation provision contained therein has been given to the affected taxing districts and the public as required by Idaho Code §§ 50-2906 and 40-1415;

WHEREAS, after notice duly published, the City Council at its regular meeting to be held on December 14, 2021, will hold a public hearing and thereafter may consider the Linder District Plan as proposed;

WHEREAS, Idaho Code Section 50-2906(3)(b) contemplates an agreement between the Ada County Board of County Commissioners and the City Council, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located within unincorporated Ada County, and such agreement must be formalized by a transfer of powers ordinance adopted by the Ada County Board of County Commissioners;

WHEREAS, there are certain properties within the Linder District Plan and Project Area which extend beyond the City's municipal boundaries and into unincorporated Ada County;

WHEREAS, the Ada County Board of County Commissioners adopted Ordinance No. 932, the Transfer of Powers Ordinance, on December 7, 2021, which Ordinance authorized the Chair to sign and enter into the Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Ada County and the City (the "Agreement");

WHEREAS, the Mayor and City Council deem it expedient and in the best interests of the City to establish and enter into the Agreement, to confirm the consent of Ada County under Idaho Code §50-2018(18), and to assure compliance with the Act and Law.

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

<u>Section 1</u>: That the above statements are true and correct.

<u>Section 2:</u> That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code \$50-2906(3)(b) (the "Agreement"), attached hereto as **Exhibit A**, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 3: That the Mayor is hereby authorized to sign and enter into the Agreement. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

<u>Section 4:</u> This Resolution shall be in full force and effect upon the execution of this Resolution by the Mayor.

PASSED BY THE COUNCIL OF THE CITY OF MERIDIAN, IDAHO, this day of ______ 2021.

APPROVED BY THE MAYOR OF THE CITY OF MERIDIAN, IDAHO, this day of 2021.

Robert E. Simison, Mayor

ATTEST:

Chris Johnson, City Clerk

Exhibit A

Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b)

4823-0318-4844, v. 1

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this _____ day of _____, 2021, by and between Ada County, Idaho (the "County") and the City of Meridian, Idaho (hereinafter, "Meridian"), and is made for the purpose of complying with Idaho Code Section 50-2906(3)(b).

RECITALS

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, Meridian is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the Meridian City Council and Mayor of Meridian respectively on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently three (3) existing urban renewal and revenue allocation project areas in Meridian, which are commonly referred to as follows: the Downtown District, the Ten Mile District, and the Union District. The Downtown District includes parcels located within unincorporated Ada County, which is governed by the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b), by and between the County and Meridian, dated March 18, 2003;

WHEREAS, based on inquiries and information presented, certain interested property owners, the County and Meridian commenced certain discussions concerning examination of an additional area within Meridian and within the unincorporated County as eligible for an urban renewal project;

WHEREAS, in 2021, Kushlan | Associates commenced an eligibility study and preparation of an eligibility report for an area approximately 195 acres in size including properties and roadway, referred to as the Linder District Study Area, which is an area generally bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south, and what would be an unimproved section of Linder Road on the east. Additionally, the Linder District Study Area included three (3) parcels located west of Linder Road and north of I-84 (the "Study Area");

WHEREAS, the Agency obtained an eligibility report entitled Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), which examined the Study

Area, which area also included real property located within unincorporated Ada County, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, the Agency, on May 26, 2021, adopted Resolution No. 21-024 accepting the Report and authorizing the Chair, Vice-Chair, or Administrator of MDC to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct MDC to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, the Agency also authorized the transmittal of the Report to the Ada County Board of County Commissioners for purposes of obtaining a resolution determining such areas outside the boundaries of incorporated Meridian and within unincorporated Ada County to be deteriorated and/or deteriorating and finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the area considered within the Report included certain properties within unincorporated Ada County;

WHEREAS, the Report was submitted to the Ada County Board of County Commissioners, and the Ada County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, the Ada County Board of County Commissioners adopted the Agency's finding concerning the proposed Study Area by adopting Resolution No. 2676 on September 30, 2021;

WHEREAS, the Meridian City Council, by Resolution No. 21-2289, dated October 5, 2021, declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, that the Ada County Board of County Commissioners directed the parcels north of Interstate 84 and west of Linder Road should not be included in any proposed revenue allocation area, that the Ada County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the City and the Agency embarked on the planning of an urban renewal project referred to as the Urban Renewal Plan for the Linder District Urban Renewal Project (the "Linder District Plan") to develop and/or redevelop a portion of Meridian, a portion of which is

within unincorporated Ada County adjacent and contiguous to the City, that is intended to be annexed into the City prior to development, pursuant to the Law and the Act, as amended;

WHEREAS, the Linder District Plan proposed to create an urban renewal and revenue allocation area commonly known as the Linder District project area (the "Linder District Project Area");

WHEREAS, the Agency and its consultants have undertaken the planning process during 2021;

WHEREAS, the area included in the Linder District Project Area is smaller than the area assessed in the Report, which Linder District Project Area is illustrated in **Exhibit 1**;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Linder District Project Area have been obtained by the Agency;

WHEREAS, the Linder District Plan contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board on October 27, 2021, adopted Resolution No. 21-053 proposing and recommending the Linder District Plan;

WHEREAS, the Agency, by letter of transmittal dated October 28, 2021, submitted the Linder District Plan to the Mayor and Meridian City Clerk;

WHEREAS, the Mayor and City Clerk are taking the necessary action to process the Linder District Plan consistent with the requirements set forth in Idaho Code §§ 50-2906 and 50-2008;

WHEREAS, appropriate notice of the Linder District Plan and revenue allocation provision contained therein has been given to the affected taxing districts and the public as required by Idaho Code § 50-2906;

WHEREAS, after notice duly published, the Meridian City Council at its regular meeting to be held on December 14, 2021, will hold a public hearing and will consider the Linder District Plan as proposed;

WHEREAS, Idaho Code Section 50-2906(3)(b), requires an agreement between the Meridian City Council and the Ada County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond Meridian's municipal boundary and located within the unincorporated County, and such agreement must be formalized by a transfer of power ordinance adopted by the County;

WHEREAS, there are certain properties within the Linder District Plan and Project Area which extend beyond Meridian's municipal boundaries and into the County, as illustrated in **Exhibit 1**, and as more particularly described in **Exhibit 2** attached hereto and incorporated herein by reference;

WHEREAS, the Meridian City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the Meridian City Council's jurisdiction and authority to establish the Linder District Project Area and the Agency's authority to implement the Linder District Plan concerning those properties which are outside Meridian's municipal limits and within the County;

WHEREAS, the Meridian City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

AGREEMENT

1. <u>PURPOSE OF AGREEMENT</u>

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

2. <u>GENERAL PROVISIONS</u>

The Ada County Board of County Commissioners does hereby agree that the Meridian City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Linder District Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the Linder District Plan, which property extends beyond Meridian's municipal boundary and into the unincorporated County. The property governed by this Agreement is illustrated in **Exhibit 1** and more particularly described in **Exhibit 2** of this Agreement. The County, by passing Resolution No. 2676, has declared the need for urban renewal activity in the area which extends beyond Meridian's municipal boundaries and into the unincorporated County.

By agreeing to the administration of this property by the Meridian City Council for the limited purposes of implementing the Linder District Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Linder District Plan. Following the establishment of the Linder District Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Linder District Plan. Additionally, the Board of County Commissioners acknowledges the Linder District Plan will be reviewed by the Meridian Planning & Zoning Commission for the Linder District Plan's conformity with the general plan for the development of Meridian as a whole consistent with and

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)- 4 (Linder District – Meridian) limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the Meridian Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Linder District Plan. The Meridian City Council expressly acknowledges the parcels located within unincorporated Ada County are subject to and shall be developed in conformity to the 2019 City of Meridian_Comprehensive Plan as adopted by Ada County Resolution No. 2620, Ada County Zoning and Development Codes as well as the Linder District Plan, recognizing the intent to seek annexation of the parcels located within the unincorporated County into Meridian prior to development, which development is intended to occur in phases over the life of the Linder District Plan and Project Area. Ada County defers to the Agency to implement and carry out the Linder District Plan.

The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of power ordinance and the Meridian City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the Meridian City Council shall take the necessary steps through the Meridian City Clerk to transmit a copy of the County Transfer of Power Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. <u>SPECIAL PROVISIONS</u>

<u>Public Improvements</u>. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the Linder District Plan which may be acquired, constructed or installed on certain rights-of-way not within the Meridian city limits.

4. <u>EFFECTIVE TERM</u>

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the Meridian City Council and shall remain in effect for the duration of the Linder District Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels as illustrated and described in **Exhibit 1** and **Exhibit 2** upon those properties or portions of those properties then being included within the municipal boundaries of Meridian, currently, or through Meridian's annexation process.

5. <u>MODIFICATION</u>

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the Meridian City Council.

6. <u>ENTIRE AGREEMENT</u>

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the Board of County Commissioners and the Meridian City Council have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY:

BOARD OF ADA COUNTY COMMISSIONERS

By _____

Rod Beck, Chairman

By _____

Ryan Davidson

By _____

Kendra Kenyon

ATTEST:

Phil McGrane, Ada County Clerk

CITY:

CITY OF MERIDIAN, IDAHO

Ву _____

Robert Simison, Mayor

ATTEST:

Chris Johnson, Meridian City Clerk

Exhibit 1

(Map of Properties Within Unincorporated Ada County)



Exhibit 2

(Description of Properties Within Unincorporated Ada County)

4848-7171-9628, v. 3

PARCEL NUMBER

S1214438705

ADDRESS

2010 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8705 @ SE COR SW4SE4 SEC 14 3N 1W #438702



PARCEL NUMBER

S1214346705

ADDRESS

West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #6705 N'LY & E'LY POR SE4SW4 S OF INTERSTATE SEC 14 3N 1W PARCEL 2 R/S 4360 EXC R/W #346072-B

SURVEY RECORD



ltem #1.

PARCEL NUMBER

1

S1214438600

ADDRESS

2090 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8600 OF SW4SE4 SEC 14 3N 1W #438423-B



PARCEL NUMBER

j.

ltem #1.

ÿ

S1214438420

ADDRESS

2390 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #4200 @ W SIDE SW4SE4 SEC 14 3N 1W R/S 4746 #8416-B



ltem #1.

PARCEL NUMBER

.____i

S1214449021

ADDRESS

1940 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #9021 OF SE4SE4 SEC 14 3N 1W R/S 2412 EXC R/W #449020-B

SURVEY RECORD



ltem #1.

PARCEL NUMBER

S1214346905

ADDRESS

2960 West Dutch Farm Road, Meridian, Idaho

DESCRIPTION

PAR #6905 @ SW COR SE4SW4 SEC 14 3N 1W PARCEL 1 R/S 4360 EXC R/W #346610-B

SURVEY RECORD



Exhibit 4

Summary of Ordinance No. 21-1958

NOTICE AND PUBLISHED SUMMARY OF ORDINANCE PURSUANT TO I.C. §50-901(A)

CITY OF MERIDIAN ORDINANCE NO. 21-1958

AN ORDINANCE OF THE CITY COUNCIL OF THE CITY OF MERIDIAN, IDAHO, APPROVING THE URBAN RENEWAL PLAN FOR THE LINDER DISTRICT URBAN RENEWAL PROJECT, WHICH PLAN INCLUDES REVENUE ALLOCATION FINANCING PROVISIONS; AUTHORIZING THE CITY CLERK TO TRANSMIT A COPY OF THIS ORDINANCE AND OTHER REQUIRED INFORMATION TO COUNTY AND STATE OFFICIALS AND THE AFFECTED TAXING ENTITIES; PROVIDING SEVERABILITY; APPROVING THE SUMMARY OF THE ORDINANCE; PROVIDING FOR WAIVER OF THE READING RULES; AND PROVIDING AN EFFECTIVE DATE.

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

<u>SECTION 1</u>: It is hereby found and determined that:

- (a) The Linder District Project Area as defined in the Linder District Plan is a deteriorated area or a deteriorating area as defined in the Law and the Act and qualifies as an eligible urban renewal area under the Law and Act.
- (b) The rehabilitation, conservation, development and redevelopment of the urban renewal area pursuant to the Linder District Plan are necessary in the interests of public health, safety, and welfare of the residents of the City.
- (c) There continues to be a need for the Agency to function in the City.
- (d) The Linder District Plan conforms to the City of Meridian Comprehensive Plan as a whole.
- (e) The Linder District Plan gives due consideration to the provision of adequate park and recreation areas and facilities that may be desirable for neighborhood improvement (recognizing the commercial and industrial components of the Plan and the need for public improvements to support the goals of the mixed employment area as set forth in the Ten Mile Specific Area Plan), and shows consideration for the health, safety, and welfare of any children, residents, or businesses in the general vicinity of the urban renewal area covered by the Linder District Plan.
- (f) The Linder District Plan affords maximum opportunity consistent with the sound needs of the City as a whole for the rehabilitation, development and redevelopment of the urban renewal area by private enterprises.

- (g) Pursuant to Idaho Code §§ 50-2007(h) and 50-2008(d)(l), the Linder District Plan provides a feasible method for relocation obligations of any displaced families residing within the Linder District Project Area.
- (h) The collective base assessment rolls for the revenue allocation areas under the Existing Project Areas and the Linder District Project Area, do not exceed ten percent (10%) of the assessed values of all the taxable property in the City.
- (i) The Linder District Plan includes the requirements set forth in Idaho Code § 50-2905 with specificity.
- (j) The Linder District Plan is sufficiently complete to indicate such land acquisition, demolition and removal of structures, redevelopment, improvements, and rehabilitation as may be proposed to be carried out in the urban renewal area, zoning and planning changes (if any), land uses, maximum densities, building requirements, and any method or methods of financing such plan, which methods may include revenue allocation financing provisions.
- (k) The urban renewal area, which includes the deteriorating area, as defined in Idaho Code section 50-2018(9) and Idaho Code section 50-2903(8)(f), does include agricultural operations for which the Agency has received written consent, or which have not been used for agricultural purposes for three (3) consecutive years.
- (1) The portion of the Linder District Project Area which is identified for nonresidential uses is necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of the Comprehensive Plan to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.
- (m) The portion of the Linder District Project Area which is identified for residential uses is necessary and appropriate as there is a shortage of housing of sound standards and design which is decent, safe and sanitary in the City; that the need for housing accommodations has been or will be increased as a result of the clearance of slums in other areas; that the conditions of blight in the area and the shortage of decent, safe and sanitary housing cause or contribute to an increase in and spread of disease and crime and constitute a menace to the public health, safety, morals, or welfare; and that the acquisition of the area for residential uses is an integral part of and essential to the program of the City.

<u>SECTION 2</u>: The City Council finds that the Linder District Project Area has a substantial portion of open land, that the Agency may acquire any open land within the Linder District Project Area, and that the Linder District Project Area is planned to be redeveloped in a manner that may primarily include nonresidential uses, with some opportunity for limited residential uses. Provided, however, the City Council finds that for the portions of the Linder

District Project Area deemed to be "open land," the criteria set forth in the Law and Act have been met.

SECTION 3: The City Council finds that one of the Linder District Plan objectives to increase the residential opportunity does meet the sound needs of the City and will provide housing opportunities in an area that does not now contain such opportunities, and the portion of the Linder District Project Area which is identified for nonresidential uses are necessary and appropriate to facilitate the proper growth and development standards in accordance with the objectives of City's Comprehensive Plan, to overcome economic disuse, the need for improved traffic patterns, and the need for the correlation of this area with other areas of the City.

<u>SECTION 4</u>: The Linder District Plan, a copy of which is attached hereto and marked as <u>Exhibit 3</u> and made a part hereof by attachment, be, and the same hereby is, approved. As directed by the City Council, the City Clerk and/or the Agency may make certain technical corrections or revisions in keeping with the information and testimony presented at the December 14, 2021, hearing and incorporate changes or modifications, if any.

<u>SECTION 5</u>: As required by Idaho Code §§ 50-2906(3)(b) and 50-2907(2), and as further defined above, the Ada County Board of County Commissioners and the City have entered into, or will enter into an Agreement on administration of a revenue allocation financing provision extending beyond the municipal boundary of the City and Agreement has been formalized by a transfer of power ordinance adopted by the Ada County Board of Commissioners in Ada County Ordinance No. 932 (attached hereto as Exhibit 5), and by City Council Resolution No. 21-2299 (attached hereto as Exhibit 6).

SECTION 6: The boundaries of the Linder District Project Area overlap the boundaries of the ACHD, which has the responsibility for the maintenance of roads and highways within the City. The Agency has negotiated an agreement with the ACHD pursuant to Idaho Code Section 50-2908(2)(a)(iv).

<u>SECTION 7</u>: The City Council declares that nothing within the Linder District Plan is intended or shall be interpreted to usurp the jurisdiction and authority of ACHD as defined in chapter 14, Title 40, Idaho Code. Further, pursuant to Section 40-1415, Idaho Code, ACHD has authority over the planning, location, design, construction, reconstruction, and maintenance of the City rights of way and accompanying curbs, gutters, culverts, sidewalks, paved medians, bulkheads, and retaining walls. In the planning process, ACHD shall take into consideration the principles contained in the Plan.

SECTION 8: No direct or collateral action challenging the Linder District Plan shall be brought prior to the effective date of this Ordinance or after the elapse of thirty (30) days from and after the effective date of this Ordinance adopting the Northern Gateway District Plan.

SECTION 9: Upon the effective date of this Ordinance, the City Clerk is authorized and directed to transmit to the County Auditor and Ada County Assessor, and to the appropriate officials of Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery

Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, Western Ada Recreation District, Pest Extermination District, and Meridian Fire District and the State Tax Commission a copy of this Ordinance, a copy of the legal description of the boundaries of the Revenue Allocation Area, and a map indicating the boundaries of the Linder District Project Area.

SECTION 10: The City Council hereby finds and declares that the Revenue Allocation Area as defined in the Linder District Plan, the equalized assessed valuation of which the City Council hereby determines is in and is part of the Linder District Plan is likely to increase as a result of the initiation and completion of urban renewal projects pursuant to the Linder District Plan.

SECTION 11: The City Council hereby approves and adopts the following statement policy relating to the appointment of City Council members as members of the Agency's Board of Commissioners: If any City Council members are appointed to the Board, they are not acting in an ex officio capacity but, rather, as private citizens who, although they are also members of the City Council, are exercising their independent judgment as private citizens when they sit on the Board. Except for the powers to appoint and terminate Board members and to adopt the Linder District Plan, the City Council recognizes that it has no power to control the powers or operations of the Agency.

<u>SECTION 12</u>: So long as any Agency bonds, notes or other obligations are outstanding, the City Council will not exercise its power under Idaho Code section 50-2006 to designate itself as the Agency Board.

SECTION 13: This Ordinance shall be in full force and effect immediately upon its passage, approval, and publication and shall be retroactive to January 1, 2021, to the extent permitted by the Act.

SECTION 14: The provisions of this Ordinance are severable, and if any provision of this Ordinance or the application of such provision to any person or circumstance is declared invalid for any reason, such determination shall not affect the validity of remaining portions of this Ordinance.

<u>SECTION 15</u>: The Summary of this Ordinance, a copy of which is attached hereto as <u>Exhibit 4</u>, is hereby approved.

<u>SECTION 16:</u> All ordinances, resolutions, orders, or parts thereof in conflict herewith are hereby repealed, rescinded, and annulled.

<u>SECTION 17:</u> Savings Clause. This Ordinance does not affect an action or proceeding commenced or right accrued before this Ordinance takes effect.

<u>SECTION 18</u>: That pursuant to the affirmative vote of one-half (1/2) plus one (1) of the Members of the full Council, the rule requiring two (2) separate readings by title and one (1)

reading in full be, and the same is hereby, dispensed with, and accordingly, this Ordinance shall be in full force and effect upon its passage, approval and publication.

PASSED by the City Council of the City of Meridian, Idaho, this _____ day of December 2021.

APPROVED by the Mayor of the City of Meridian, Idaho, this _____ day of December 2021.

EXHIBITS TO THE ORDINANCE

- Exhibit 1 A Resolution of the Planning and Zoning Commission for the City of Meridian, Idaho, Validating Conformity of the Urban Renewal Plan for the Linder District Urban Renewal Project with the City of Meridian's Comprehensive Plan
 Exhibit 2 Notice Published in the *Idaho Press*Exhibit 3 Urban Renewal Plan for the Linder District Urban Renewal Project
 Exhibit 4 Ordinance Summary
 Exhibit 5 Ada County Board of County Commissioners Ordinance No. 932 (Intergovernmental Agreement and Transfer of Powers Ordinance)
- Exhibit 6 Meridian City Council Resolution No. 21-2299 (Intergovernmental Agreement Ada County)

SUMMARY OF LINDER DISTRICT PLAN

The Urban Renewal Plan for the Linder District Urban Renewal Project ("Linder District Plan") was prepared by the Urban Renewal Agency of the City of Meridian aka the Meridian Development Corporation ("MDC" or the "Agency") pursuant to the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (the "Law"), the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act"), and all applicable laws and ordinances and was approved by the Agency. The Linder District Plan provides for the Agency to undertake urban renewal projects pursuant to the Law and the Act. The Linder District Plan contains a revenue allocation financing provision pursuant to the Act that will cause property taxes resulting from any increases in equalized assessed valuation in excess of the equalized assessed valuation as shown on the original base assessment roll as of January 1, 2021, to be allocated to the Agency for the urban renewal purposes. The duration of the Linder District Plan.

The general scope and objectives of the Plan include are:

a. The engineering, design, installation, construction, and/or reconstruction of the southern approach to the Linder Overpass bridge, including related streetscapes, which for purposes of this Plan, the term streetscapes include sidewalks, lighting, landscaping, benches, signage, wayfinding, bike racks, public art, and similar amenities between the curb and right-of-way line, and pedestrian facilities, curb and gutter, intersection improvements, and traffic control measures;

b. The engineering, design, installation, construction, and/or reconstruction of the Local Road Project, including related streetscapes (defined above) and pedestrian facilities, curb and gutter, intersection improvements, and traffic control measures;

c. The engineering, design, installation, construction, and/or reconstruction of the Sewer Main Project, including but not limited to lift station and/or other such improvements related to the Sewer Main Project;

d. The engineering, design, installation, construction, and/or reconstruction of storm water management infrastructure to support compliance with federal, state, and local regulations for storm water discharge related to the Projects;

e. The provision for participation by property owners and developers within the Project Area to achieve the objectives of this Plan and the Ten Mile SAP;

f. The acquisition of real property for public right-of-way improvements and underground utilities to encourage development opportunities consistent with the Ten Mile SAP;

g. The demolition or removal of certain buildings and/or improvements for public rights-ofway and streetscape (as defined above) improvements, pedestrian facilities, utility undergrounding extension and upgrades to encourage and enhance transportation and mobility options, decrease underutilized parcels, to eliminate unhealthful, unsanitary, or unsafe conditions, eliminate obsolete or other uses detrimental to the public welfare or otherwise to remove or to prevent the spread of deteriorating or deteriorated conditions;

h. The development or redevelopment of land by private enterprise or public agencies for uses in accordance with this Plan and the Ten Mile SAP;

i. The provision of financial and other assistance to encourage and attract business enterprise including but not limited to start-ups and microbusinesses, mid-sized companies and large-scale corporations and industries;

j. The provision of financial and other assistance to encourage greater residential and/or employment density as contemplated by the Ten Mile SAP;

k. In collaboration with property owners and other stakeholders, working with the City to amend zoning regulations (if necessary) and establish standards and guidelines for the design of the Mixed Employment and Mixed-Use Commercial uses as contemplated in the Ten Mile SAP as needed to support implementation of this Plan;
1. In conjunction with the City, the establishment and implementation of performance criteria to assure high site design standards and environmental quality and other design elements which provide unity and integrity to the entire Project Area as contemplated by the Ten Mile SAP, achieving high standards of development, and leveraging such development to achieve public objectives and efficient use of scarce resources;

m. To the extent allowed by law, lend or invest federal funds to facilitate development and/or redevelopment;

n. The provision for relocation assistance to displaced Project Area occupants, as required by law, or within the discretion of the Agency Board for displaced businesses;

o. Other related improvements to those set forth above as further set forth in Attachment 5.

Any such land uses as described in the Linder District Plan will be in conformance with zoning for the City and the City's Comprehensive Plan as adopted by the City Council, or as may be applicable, zoning for Ada County. Land made available will be developed by private enterprises or public agencies as authorized by law. All properties are included within the boundaries of the Ten Mile Interchange Specific Area Plan. The Linder District Plan identifies various public and private improvements which may be made within the Project Area.

The Linder District Project Area and Revenue Allocation Area herein referred to is described as follows:

An area consisting of approximately 188 acres, inclusive of rights-of-way, a portion of which is located within the City limits and a portion of which is located within unincorporated Ada County, and is generally bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south and what would be an unimproved section of Linder Road on the east and as more particularly described in the Plan and depicted in the Map below:

SKETCH TO ACCOMPANY URBAN RENEWAL DISTRICT DESCRIPTION FOR MERIDIAN DEVELOPMENT CORPORATION LOCATED IN THE SW 1/4 OF SECTION 13, AND IN THE S 1/2 OF SECTION 14, AND IN THE NW 1/4 OF SECTION 23, ALL IN TOWNSHIP 3 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO



Section 100 includes an introduction, general procedures of the Agency, necessary procedures, the history and current conditions of the Project Area, as well as the purpose of activities, and open land criteria.

Section 200 references the boundaries of the Project Area.

Sections 300 through 312 discuss the proposed redevelopment actions, Plan objectives, participation opportunities and agreements, cooperation with public bodies, property acquisition standards and requirements, property management, relocation, demolition, and property disposition, development, and participation with others.

Sections 400through 409 discusses the type of land uses authorized in the Project Area, public rights-of-way, development in the Project Area, construction requirements, nonconforming uses, and design guidelines.

The Linder District Plan also contains a significant section on financing. Among other sources, the Linder District Plan will utilize revenue allocation financing, authorized by the Act. This statute was approved in 1988 by the Idaho Legislature. Section 502 and Attachment 5 discuss revenue allocation financing and show how such financing has worked and would work in the Project Area in the future if certain new private developments occur as estimated.

Increases in assessed valuation of real and personal property in the Project Area that occur after January 1, 2021, will generate revenue for the Agency to pay project costs as set forth in the Linder District Plan. The assessed valuation of real and personal property on the base assessment roll is still available for use by the overlapping taxing districts, the Ada County Board of County Commissioners, City of Meridian, Ada County Highway District, West Ada School District, Ada County Ambulance/EMS, Meridian Cemetery Maintenance District, College of Western Idaho, Meridian Free Library District, Mosquito Abatement District, Western Ada Recreation District, Pest Extermination District, and the Meridian Fire District, to finance their operations. The Linder District Plan authorizes the Agency to sell revenue bonds to finance project costs and to use annual revenue allocations to pay the debt service. Additionally, the Agency is authorized to fund projects on a pay-as-you-go basis, through participation agreements, and others as further set forth in the Linder District Plan.

The program outlined in the Linder District Plan emphasizes the installation of needed public improvements, including but not limited to street improvements, utility work, and other costs to encourage private development.

Attachment 5 describes in detail the cost and financing methods for complete repayment of the debt incurred used to finance projects and to also fund the additional described activities.

The Linder District Plan follows the underlying zoning classifications of the City.

Sections 600 and 700 describe cooperative activities by the Agency with the City and other entities.

The duration of the Linder District Plan is for twenty (20) years. A termination process is described in Section 800 of the Linder District Plan.

Sections 900-1200 include procedures for amendments, severability, reporting requirements and incorporation of attachments.

ATTACHMENTS TO THE NORTHERN GATEWAY DISTRICT PLAN

Attachment 1	Boundary Map of Linder District Urban Renewal Project Area and Revenue Allocation Area
Attachment 2	Legal Description of Linder District Urban Renewal Project Area and Revenue Allocation Area
Attachment 3	Private Properties Which May be Acquired by the Agency
Attachment 4	Map Depicting Expected Land Use and Current Zoning Map of the Project Area
Attachment 5	Economic Feasibility Study
Attachment 6	Agricultural Operation Consents
Attachment 7	Ada County Board of County Commissioners Resolution No. 2676 (eligibility)
Attachment 8	Ada County Board of County Commissioners Ordinance No. 932 (Intergovernmental Agreement and Transfer of Powers Ordinance)
Attachment 9	City Council Resolution No. 21-2299 (Intergovernmental Agreement)

A full text of the Ordinance and the Linder District Plan are available for inspection at City Hall, City of Meridian, 33 East Broadway Avenue, Meridian, Idaho.

City of Meridian Mayor and City Council By: Chris Johnson, City Clerk

Public Hearing: 12/14/2021; Consolidated Readings 12/14/2021.

STATEMENT OF MERIDIAN CITY ATTORNEY AS TO ADEQUACY OF SUMMARY OF ORDINANCE NO. 21-1958

The undersigned, William L.M. Nary, City Attorney of the City of Meridian, Idaho, hereby certifies that he is the legal advisor of the City and has reviewed a copy of the attached Ordinance No. 21-1958 of the City of Meridian, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code § 50-901A (3).

DATED this _____ day of December , 2021.

William. L.M. Nary, City Attorney

4832-0443-4685, v. 1

Exhibit 5 Ada County Transfer of Power Ordinance

To Be Inserted Upon Adoption

TRANSFER OF POWERS ORDINANCE:

AN ORDINANCE OF THE BOARD OF COMMISSIONERS OF ADA COUNTY, IDAHO, ADOPTING FINDINGS ON THE NECESSITY OF THE URBAN RENEWAL PLAN FOR THE LINDER DISTRICT URBAN RENEWAL PROJECT; PROVIDING THE CITY OF MERIDIAN WITH THE RIGHT, POWER, AUTHORITY, AND OBLIGATION TO ADMINISTER THE URBAN RENEWAL/REVENUE ALLOCATION AREA PURSUANT TO CHAPTERS 20 AND 29, TITLE 50, IDAHO CODE, AS AMENDED; GRANTING THE REVENUE ALLOCATION PROCEEDS DERIVED FROM THE REVENUE ALLOCATION AREA LYING WITHIN UNINCORPORATED ADA COUNTY TO THE URBAN RENEWAL AGENCY OF MERIDIAN, IDAHO, ALSO KNOWN AS THE MERIDIAN DEVELOPMENT CORPORATION; ADOPTING **INTERGOVERNMENTAL** THE AGREEMENT IMPLEMENTING THIS ORDINANCE; AND AUTHORIZING THE CHAIR TO SIGN SUCH OTHER AND FURTHER DOCUMENTS AS MAY BE NECESSARY TO CARRY OUT THE INTENT OF THIS ORDINANCE.

BE IT ORDAINED BY THE BOARD OF COUNTY COMMISSIONERS OF ADA COUNTY, IDAHO:

Section 1: That the Board of County Commissioners, after reviewing the Linder District Plan delivered to Ada County on November 2, 2021, finds: (a) the Linder District Plan and Project Area is eligible under the statutory criteria and is appropriate for an urban renewal project; (b) the adjusted base assessed values of all existing and proposed revenue allocation areas within the City do not exceed ten percent of the current assessed taxable value of the City; (c) the proposed Linder District Plan and Project Area is financially feasible given the assumptions used in the Linder District Plan; (d) the required consents from the owners of agricultural operation lands within the proposed Project Area have been given; and (e) the City has the authority to proceed with the creation of the Linder District Plan and Project Area after the adoption of this Ordinance by the Board of Ada County Commissioners.

<u>Section 2</u>: That this Ordinance is adopted to approve and confirm the duties, roles, and responsibilities of the City of Meridian, Idaho (the "City"), the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation (the "Agency"), and Ada County, Idaho for that portion of the revenue allocation area, as defined and described in the proposed Urban Renewal Plan for the Linder District Urban Renewal Project (the "Plan") lying outside the corporate boundaries of the City, as illustrated in **Exhibit 1**, and to transfer power as provided in Idaho Code Section 50-2906(3)(b) and to reconfirm the necessary declaration set forth in Idaho Code Section 50-2018(18).

Section 3: The revenue allocation proceeds from areas lying within the boundaries of the Linder District Plan and Project Area shall be devoted to the statutory purposes as described in the Linder District Plan and as authorized by the Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended, and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code.

· *

Section 4: That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code § 50-2906(3)(b) (the "Agreement") (which also supports the County's declaration as required by Idaho Code Section 50-2018(18) as also set forth in Resolution No. 2676) is hereby approved and accepted.

Section 5: That the Chair is hereby authorized to execute any further documents necessary to carry out the intent of the Board of Commissioners as expressed in this Ordinance and in the Agreement. A copy of this Ordinance and the Agreement shall be held on file in the office of the County Clerk.

<u>Section 6</u>: <u>Severability</u>. The sections of this Ordinance are severable. The invalidity of a section shall not affect the validity of the remaining sections.

<u>Section 7</u>: <u>Effective Date</u>. This Ordinance shall become effective upon its publication pursuant to Idaho Code Section 31-715.

ADOPTED this 7th day of December, 2021.

Board of Ada County Commissioners

By

Rod Beck, Chairman

By

Ryan Davidson

By

Kendra Kenyon

ATTEST:

Phil McGrane, Ada County Clerk

ltem #1.

.

Exhibit 1

(Properties subject to the Ordinance)

ORDINANCE NO. 932 - 3



INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this _____ day of _____, 2021, by and between Ada County, Idaho (the "County") and the City of Meridian, Idaho (hereinafter, "Meridian"), and is made for the purpose of complying with Idaho Code Section 50-2906(3)(b).

RECITALS

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, Meridian is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the Meridian City Council and Mayor of Meridian respectively on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently three (3) existing urban renewal and revenue allocation project areas in Meridian, which are commonly referred to as follows: the Downtown District, the Ten Mile District, and the Union District. The Downtown District includes parcels located within unincorporated Ada County, which is governed by the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b), by and between the County and Meridian, dated March 18, 2003;

WHEREAS, based on inquiries and information presented, certain interested property owners, the County and Meridian commenced certain discussions concerning examination of an additional area within Meridian and within the unincorporated County as eligible for an urban renewal project;

WHEREAS, in 2021, Kushlan | Associates commenced an eligibility study and preparation of an eligibility report for an area approximately 195 acres in size including properties and roadway, referred to as the Linder District Study Area, which is an area generally bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south, and what would be an unimproved section of Linder Road on the east. Additionally, the Linder District Study Area included three (3) parcels located west of Linder Road and north of I-84 (the "Study Area");

WHEREAS, the Agency obtained an eligibility report entitled Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), which examined the Study

Area, which area also included real property located within unincorporated Ada County, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, the Agency, on May 26, 2021, adopted Resolution No. 21-024 accepting the Report and authorizing the Chair, Vice-Chair, or Administrator of MDC to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct MDC to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, the Agency also authorized the transmittal of the Report to the Ada County Board of County Commissioners for purposes of obtaining a resolution determining such areas outside the boundaries of incorporated Meridian and within unincorporated Ada County to be deteriorated and/or deteriorating and finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the area considered within the Report included certain properties within unincorporated Ada County;

WHEREAS, the Report was submitted to the Ada County Board of County Commissioners, and the Ada County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, the Ada County Board of County Commissioners adopted the Agency's finding concerning the proposed Study Area by adopting Resolution No. 2676 on September 30, 2021;

WHEREAS, the Meridian City Council, by Resolution No. 21-2289, dated October 5, 2021, declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, that the Ada County Board of County Commissioners directed the parcels north of Interstate 84 and west of Linder Road should not be included in any proposed revenue allocation area, that the Ada County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the City and the Agency embarked on the planning of an urban renewal project referred to as the Urban Renewal Plan for the Linder District Urban Renewal Project (the "Linder District Plan") to develop and/or redevelop a portion of Meridian, a portion of which is

within unincorporated Ada County adjacent and contiguous to the City, that is intended to be annexed into the City prior to development, pursuant to the Law and the Act, as amended;

WHEREAS, the Linder District Plan proposed to create an urban renewal and revenue allocation area commonly known as the Linder District project area (the "Linder District Project Area");

WHEREAS, the Agency and its consultants have undertaken the planning process during 2021;

WHEREAS, the area included in the Linder District Project Area is smaller than the area assessed in the Report, which Linder District Project Area is illustrated in **Exhibit 1**;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Linder District Project Area have been obtained by the Agency;

WHEREAS, the Linder District Plan contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board on October 27, 2021, adopted Resolution No. 21-053 proposing and recommending the Linder District Plan;

WHEREAS, the Agency, by letter of transmittal dated October 28, 2021, submitted the Linder District Plan to the Mayor and Meridian City Clerk;

WHEREAS, the Mayor and City Clerk are taking the necessary action to process the Linder District Plan consistent with the requirements set forth in Idaho Code §§ 50-2906 and 50-2008;

WHEREAS, appropriate notice of the Linder District Plan and revenue allocation provision contained therein has been given to the affected taxing districts and the public as required by Idaho Code § 50-2906;

WHEREAS, after notice duly published, the Meridian City Council at its regular meeting to be held on December 14, 2021, will hold a public hearing and will consider the Linder District Plan as proposed;

WHEREAS, Idaho Code Section 50-2906(3)(b), requires an agreement between the Meridian City Council and the Ada County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond Meridian's municipal boundary and located within the unincorporated County, and such agreement must be formalized by a transfer of power ordinance adopted by the County;

WHEREAS, there are certain properties within the Linder District Plan and Project Area which extend beyond Meridian's municipal boundaries and into the County, as illustrated in **Exhibit 1**, and as more particularly described in **Exhibit 2** attached hereto and incorporated herein by reference;

WHEREAS, the Meridian City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the Meridian City Council's jurisdiction and authority to establish the Linder District Project Area and the Agency's authority to implement the Linder District Plan concerning those properties which are outside Meridian's municipal limits and within the County;

WHEREAS, the Meridian City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

AGREEMENT

1. <u>PURPOSE OF AGREEMENT</u>

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

2. <u>GENERAL PROVISIONS</u>

The Ada County Board of County Commissioners does hereby agree that the Meridian City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Linder District Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the Linder District Plan, which property extends beyond Meridian's municipal boundary and into the unincorporated County. The property governed by this Agreement is illustrated in **Exhibit 1** and more particularly described in **Exhibit 2** of this Agreement. The County, by passing Resolution No. 2676, has declared the need for urban renewal activity in the area which extends beyond Meridian's municipal boundaries and into the unincorporated County.

By agreeing to the administration of this property by the Meridian City Council for the limited purposes of implementing the Linder District Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Linder District Plan. Following the establishment of the Linder District Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Linder District Plan. Additionally, the Board of County Commissioners acknowledges the Linder District Plan will be reviewed by the Meridian Planning & Zoning Commission for the Linder District Plan's conformity with the general plan for the development of Meridian as a whole consistent with and

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)- 4 (Linder District – Meridian) limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the Meridian Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Linder District Plan. The Meridian City Council expressly acknowledges the parcels located within unincorporated Ada County are subject to and shall be developed in conformity to the 2019 City of Meridian_Comprehensive Plan as adopted by Ada County Resolution No. 2620, Ada County Zoning and Development Codes as well as the Linder District Plan, recognizing the intent to seek annexation of the parcels located within the unincorporated County into Meridian prior to development, which development is intended to occur in phases over the life of the Linder District Plan and Project Area. Ada County defers to the Agency to implement and carry out the Linder District Plan.

The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of power ordinance and the Meridian City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the Meridian City Council shall take the necessary steps through the Meridian City Clerk to transmit a copy of the County Transfer of Power Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. <u>SPECIAL PROVISIONS</u>

<u>Public Improvements</u>. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the Linder District Plan which may be acquired, constructed or installed on certain rights-of-way not within the Meridian city limits.

4. <u>EFFECTIVE TERM</u>

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the Meridian City Council and shall remain in effect for the duration of the Linder District Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels as illustrated and described in **Exhibit 1** and **Exhibit 2** upon those properties or portions of those properties then being included within the municipal boundaries of Meridian, currently, or through Meridian's annexation process.

5. <u>MODIFICATION</u>

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the Meridian City Council.

6. <u>ENTIRE AGREEMENT</u>

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the Board of County Commissioners and the Meridian City Council have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY:

BOARD OF ADA COUNTY COMMISSIONERS

By _____

Rod Beck, Chairman

By _____

Ryan Davidson

By _____

Kendra Kenyon

ATTEST:

Phil McGrane, Ada County Clerk

CITY:

CITY OF MERIDIAN, IDAHO

Ву _____

Robert Simison, Mayor

ATTEST:

Chris Johnson, Meridian City Clerk

Exhibit 1

(Map of Properties Within Unincorporated Ada County)



Exhibit 2

(Description of Properties Within Unincorporated Ada County)

4848-7171-9628, v. 3

PARCEL NUMBER

S1214438705

ADDRESS

2010 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8705 @ SE COR SW4SE4 SEC 14 3N 1W #438702



PARCEL NUMBER

S1214346705

ADDRESS

West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #6705 N'LY & E'LY POR SE4SW4 S OF INTERSTATE SEC 14 3N 1W PARCEL 2 R/S 4360 EXC R/W #346072-B

SURVEY RECORD



ltem #1.

PARCEL NUMBER

1

S1214438600

ADDRESS

2090 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8600 OF SW4SE4 SEC 14 3N 1W #438423-B



PARCEL NUMBER

j.

ltem #1.

ÿ

S1214438420

ADDRESS

2390 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #4200 @ W SIDE SW4SE4 SEC 14 3N 1W R/S 4746 #8416-B



ltem #1.

PARCEL NUMBER

.____i

S1214449021

ADDRESS

1940 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #9021 OF SE4SE4 SEC 14 3N 1W R/S 2412 EXC R/W #449020-B

SURVEY RECORD



ltem #1.

PARCEL NUMBER

S1214346905

ADDRESS

2960 West Dutch Farm Road, Meridian, Idaho

DESCRIPTION

PAR #6905 @ SW COR SE4SW4 SEC 14 3N 1W PARCEL 1 R/S 4360 EXC R/W #346610-B

SURVEY RECORD



Exhibit 6 City Council Resolution Adopting Intergovernmental Agreement

To Be Inserted Upon Adoption

CITY OF MERIDIAN

RESOLUTION NO. 21-2299

BY THE CITY COUNCIL:

BERNT, BORTON, CAVENER, HOAGLUN, PERREAULT, STRADER

A RESOLUTION BY THE MAYOR AND THE COUNCIL OF THE CITY OF MERIDIAN, IDAHO, TO PROVIDE FOR AN INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b) BETWEEN ADA COUNTY, IDAHO AND THE CITY OF MERIDIAN, IDAHO; PROVIDING FOR AREAS OUTSIDE THE CITY LIMITS TO BE INCLUDED WITHIN AN URBAN RENEWAL AREA; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the Mayor (the "Mayor") and City Council ("City Council") of the city of Meridian, Idaho (the "City") have the authority (pursuant to Idaho Code §50-302) to establish resolutions not inconsistent with the laws of the State of Idaho as may be expedient, in addition to the special powers therein granted, to maintain the peace, good government and welfare of the corporation and its trade, commerce and industry;

WHEREAS, the City Council on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of the City of Meridian, Idaho, also known as the Meridian Development Corporation ("MDC"), authorizing MDC to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (the "Act") upon making the findings of necessity required for creating the MDC;

WHEREAS, there are currently three existing urban renewal/revenue allocation areas in the City;

WHEREAS, MDC obtained the Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Eligibility Report"), which examined an area of operation of the City, in an area known as the Linder District Study Area, which area also included real property located within unincorporated Ada County, for the purpose of determining whether such area was a deteriorating area or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, the MDC Board, on May 26, 2021, adopted Resolution No. 21-024 accepting the Eligibility Report and authorizing the MDC Chair, Vice-Chair, or Administrator of MDC to transmit the Eligibility Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct the Agency to prepare an urban renewal plan for the Linder District Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency

cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the area considered within the Eligibility Report included certain properties within unincorporated Ada County;

WHEREAS, the MDC Board also authorized the transmittal of the Eligibility Report to the Ada County Board of County Commissioners for purposes of obtaining a resolution accepting the Eligibility Report and determining such area outside the boundaries of the City and within unincorporated Ada County to be a deteriorated area and/or a deteriorating area and finding the need for an urban renewal project for the proposed Linder District Study Area;

WHEREAS, the Eligibility Report was submitted to the Ada County Board of County Commissioners, and the Ada County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Linder District Study Area;

WHEREAS, the Ada County Board of County Commissioners adopted MDC's findings concerning the proposed Linder District Study Area by adopting Resolution No. 2676 on September 30, 2021;

WHEREAS, the City Council, by Resolution No. 21-2289, dated October 5, 2021, declared the Linder District Study Area described in the Eligibility Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such area is appropriate for an urban renewal project, that the Ada County Board of County Commissioners directed the parcels north of Interstate 84 and west of Linder Road should not be included in any proposed revenue allocation area, that the Ada County Board of County Commissioners adopted the necessary resolutions and directed MDC to commence preparation of an urban renewal plan;

WHEREAS, the City and MDC have undertaken the planning process during 2021;

WHEREAS, MDC prepared the Urban Renewal Plan for the Linder District Urban Renewal Project (the "Linder District Plan"), which Linder District Plan proposed to create an urban renewal and revenue allocation area commonly known as the Linder District project area (the "Project Area" or "Revenue Allocation Area") to develop and/or redevelop a portion of the area designated as eligible for urban renewal planning pursuant to the Law and Act, as amended, located within the City, and a portion of which is within unincorporated Ada County adjacent and contiguous to the City, that is intended to be annexed into the City prior to development;

WHEREAS, the area included in the Project Area is smaller than the area assessed in the Eligibility Report;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Project Area have been obtained by MDC;

WHEREAS, the Linder District Plan contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the MDC Board on October 27, 2021, adopted Resolution No. 21-053 proposing and recommending the Linder District Plan;

WHEREAS, the Agency, by letter of transmittal dated October 28, 2021, submitted the Linder District Plan to the Mayor and the City Clerk;

WHEREAS, the Mayor and the City Clerk took the necessary action to process the Linder District Plan consistent with the requirements set forth in Idaho Code Section 50-2906 and Idaho Code Section 50-2008;

WHEREAS, appropriate notice of the Linder District Plan and revenue allocation provision contained therein has been given to the affected taxing districts and the public as required by Idaho Code §§ 50-2906 and 40-1415;

WHEREAS, after notice duly published, the City Council at its regular meeting to be held on December 14, 2021, will hold a public hearing and thereafter may consider the Linder District Plan as proposed;

WHEREAS, Idaho Code Section 50-2906(3)(b) contemplates an agreement between the Ada County Board of County Commissioners and the City Council, governing administration of a revenue allocation financing provision for any area extending beyond the City's municipal boundary and located within unincorporated Ada County, and such agreement must be formalized by a transfer of powers ordinance adopted by the Ada County Board of County Commissioners;

WHEREAS, there are certain properties within the Linder District Plan and Project Area which extend beyond the City's municipal boundaries and into unincorporated Ada County;

WHEREAS, the Ada County Board of County Commissioners adopted Ordinance No. 932, the Transfer of Powers Ordinance, on December 7, 2021, which Ordinance authorized the Chair to sign and enter into the Intergovernmental Agreement for Roles and Responsibilities under Idaho Code Section 50-2906(3)(b) between Ada County and the City (the "Agreement");

WHEREAS, the Mayor and City Council deem it expedient and in the best interests of the City to establish and enter into the Agreement, to confirm the consent of Ada County under Idaho Code §50-2018(18), and to assure compliance with the Act and Law.

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

<u>Section 1</u>: That the above statements are true and correct.

<u>Section 2:</u> That the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code \$50-2906(3)(b) (the "Agreement"), attached hereto as **Exhibit A**, is incorporated herein and made a part hereof by reference, and is hereby approved and accepted.

Section 3: That the Mayor is hereby authorized to sign and enter into the Agreement. A copy of this Resolution and the attached Agreement shall be held on file in the office of the City Clerk.

<u>Section 4:</u> This Resolution shall be in full force and effect upon the execution of this Resolution by the Mayor.

PASSED BY THE COUNCIL OF THE CITY OF MERIDIAN, IDAHO, this day of ______ 2021.

APPROVED BY THE MAYOR OF THE CITY OF MERIDIAN, IDAHO, this day of 2021.

Robert E. Simison, Mayor

ATTEST:

Chris Johnson, City Clerk

Exhibit A

Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b)

4823-0318-4844, v. 1

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)

This Intergovernmental Agreement is entered into this _____ day of _____, 2021, by and between Ada County, Idaho (the "County") and the City of Meridian, Idaho (hereinafter, "Meridian"), and is made for the purpose of complying with Idaho Code Section 50-2906(3)(b).

RECITALS

WHEREAS, the County is a duly organized and existing county under the laws and the Constitution of the State of Idaho;

WHEREAS, Meridian is a duly organized existing municipality under the laws and the Constitution of the state of Idaho;

WHEREAS, the Meridian City Council and Mayor of Meridian respectively on or about July 24, 2001, adopted and approved a resolution creating the Urban Renewal Agency of Meridian, Idaho, also known as the Meridian Development Corporation (the "Agency"), authorizing it to transact business and exercise the powers granted by the Idaho Urban Renewal Law of 1965, Chapter 20, Title 50, Idaho Code, as amended (hereinafter the "Law"), and the Local Economic Development Act, Chapter 29, Title 50, Idaho Code, as amended (hereinafter the "Act") upon making the findings of necessity required for creating said Agency;

WHEREAS, there are currently three (3) existing urban renewal and revenue allocation project areas in Meridian, which are commonly referred to as follows: the Downtown District, the Ten Mile District, and the Union District. The Downtown District includes parcels located within unincorporated Ada County, which is governed by the Intergovernmental Agreement for Roles and Responsibilities Under Idaho Code Section 50-2906(3)(b), by and between the County and Meridian, dated March 18, 2003;

WHEREAS, based on inquiries and information presented, certain interested property owners, the County and Meridian commenced certain discussions concerning examination of an additional area within Meridian and within the unincorporated County as eligible for an urban renewal project;

WHEREAS, in 2021, Kushlan | Associates commenced an eligibility study and preparation of an eligibility report for an area approximately 195 acres in size including properties and roadway, referred to as the Linder District Study Area, which is an area generally bounded by Ten Mile Road on the west, Interstate 84 on the north, Overland Road on the south, and what would be an unimproved section of Linder Road on the east. Additionally, the Linder District Study Area included three (3) parcels located west of Linder Road and north of I-84 (the "Study Area");

WHEREAS, the Agency obtained an eligibility report entitled Linder Urban Renewal District (Proposed) Eligibility Report, dated May 2021 (the "Report"), which examined the Study

Area, which area also included real property located within unincorporated Ada County, for the purpose of determining whether such area was a deteriorating area and/or a deteriorated area as defined by Idaho Code Sections 50-2018(8), (9) and 50-2903(8);

WHEREAS, the Agency, on May 26, 2021, adopted Resolution No. 21-024 accepting the Report and authorizing the Chair, Vice-Chair, or Administrator of MDC to transmit the Report to the City Council requesting its consideration for designation of an urban renewal area and requesting the City Council to direct MDC to prepare an urban renewal plan for the Study Area, which plan may include a revenue allocation provision as allowed by law;

WHEREAS, the Agency also authorized the transmittal of the Report to the Ada County Board of County Commissioners for purposes of obtaining a resolution determining such areas outside the boundaries of incorporated Meridian and within unincorporated Ada County to be deteriorated and/or deteriorating and finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, Idaho Code Section 50-2018(18) provides that an urban renewal agency cannot exercise jurisdiction over any area outside the city limits and within its area of operation without the approval of the other city or county declaring the need for an urban renewal plan for the proposed area;

WHEREAS, the area considered within the Report included certain properties within unincorporated Ada County;

WHEREAS, the Report was submitted to the Ada County Board of County Commissioners, and the Ada County Board of County Commissioners were asked to adopt a resolution finding the need for an urban renewal project for the proposed Study Area;

WHEREAS, the Ada County Board of County Commissioners adopted the Agency's finding concerning the proposed Study Area by adopting Resolution No. 2676 on September 30, 2021;

WHEREAS, the Meridian City Council, by Resolution No. 21-2289, dated October 5, 2021, declared the Study Area described in the Report to be a deteriorated area or a deteriorating area, or a combination thereof, as defined by Chapters 20 and 29, Title 50, Idaho Code, as amended, that such Study Area is appropriate for an urban renewal project, that the Ada County Board of County Commissioners directed the parcels north of Interstate 84 and west of Linder Road should not be included in any proposed revenue allocation area, that the Ada County Board of County Commissioners adopted the necessary resolutions and directed the Agency to commence preparation of an urban renewal plan;

WHEREAS, the City and the Agency embarked on the planning of an urban renewal project referred to as the Urban Renewal Plan for the Linder District Urban Renewal Project (the "Linder District Plan") to develop and/or redevelop a portion of Meridian, a portion of which is

within unincorporated Ada County adjacent and contiguous to the City, that is intended to be annexed into the City prior to development, pursuant to the Law and the Act, as amended;

WHEREAS, the Linder District Plan proposed to create an urban renewal and revenue allocation area commonly known as the Linder District project area (the "Linder District Project Area");

WHEREAS, the Agency and its consultants have undertaken the planning process during 2021;

WHEREAS, the area included in the Linder District Project Area is smaller than the area assessed in the Report, which Linder District Project Area is illustrated in **Exhibit 1**;

WHEREAS, the required property owner consents for any parcels deemed to be an agricultural operation included within the Linder District Project Area have been obtained by the Agency;

WHEREAS, the Linder District Plan contains the provisions of revenue allocation financing as allowed by the Act;

WHEREAS, the Agency Board on October 27, 2021, adopted Resolution No. 21-053 proposing and recommending the Linder District Plan;

WHEREAS, the Agency, by letter of transmittal dated October 28, 2021, submitted the Linder District Plan to the Mayor and Meridian City Clerk;

WHEREAS, the Mayor and City Clerk are taking the necessary action to process the Linder District Plan consistent with the requirements set forth in Idaho Code §§ 50-2906 and 50-2008;

WHEREAS, appropriate notice of the Linder District Plan and revenue allocation provision contained therein has been given to the affected taxing districts and the public as required by Idaho Code § 50-2906;

WHEREAS, after notice duly published, the Meridian City Council at its regular meeting to be held on December 14, 2021, will hold a public hearing and will consider the Linder District Plan as proposed;

WHEREAS, Idaho Code Section 50-2906(3)(b), requires an agreement between the Meridian City Council and the Ada County Board of County Commissioners, governing administration of a revenue allocation financing provision for any area extending beyond Meridian's municipal boundary and located within the unincorporated County, and such agreement must be formalized by a transfer of power ordinance adopted by the County;

WHEREAS, there are certain properties within the Linder District Plan and Project Area which extend beyond Meridian's municipal boundaries and into the County, as illustrated in **Exhibit 1**, and as more particularly described in **Exhibit 2** attached hereto and incorporated herein by reference;

WHEREAS, the Meridian City Council and the Board of County Commissioners desire to enter into this Agreement to avoid any uncertainty regarding the Meridian City Council's jurisdiction and authority to establish the Linder District Project Area and the Agency's authority to implement the Linder District Plan concerning those properties which are outside Meridian's municipal limits and within the County;

WHEREAS, the Meridian City Council and Board of County Commissioners deem it in their collective best interests to enter into this Agreement covering said properties and assuring compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

NOW, THEREFORE, it is mutually agreed as follows:

AGREEMENT

1. <u>PURPOSE OF AGREEMENT</u>

The purpose of this Agreement is to detail the duties, roles, and responsibilities to be provided by the parties with respect to compliance with the Act and Law, Idaho Code Sections 50-2906(3)(b) and 50-2018(18) respectively;

2. <u>GENERAL PROVISIONS</u>

The Ada County Board of County Commissioners does hereby agree that the Meridian City Council shall have the right, power, authority, and obligation to administer the Law, Act and particularly the revenue allocation financing provisions of the Linder District Plan for that certain property which is contained within the boundaries of the revenue allocation area as defined in the Act and the Linder District Plan, which property extends beyond Meridian's municipal boundary and into the unincorporated County. The property governed by this Agreement is illustrated in **Exhibit 1** and more particularly described in **Exhibit 2** of this Agreement. The County, by passing Resolution No. 2676, has declared the need for urban renewal activity in the area which extends beyond Meridian's municipal boundaries and into the unincorporated County.

By agreeing to the administration of this property by the Meridian City Council for the limited purposes of implementing the Linder District Plan, the Board of County Commissioners agree all revenue allocation proceeds generated from such property shall be available to the Agency for all purposes authorized under the Act and the Linder District Plan. Following the establishment of the Linder District Project Area, the Agency shall administer the revenue allocation provision affecting this property as allowed under the Act and the Linder District Plan. Additionally, the Board of County Commissioners acknowledges the Linder District Plan will be reviewed by the Meridian Planning & Zoning Commission for the Linder District Plan's conformity with the general plan for the development of Meridian as a whole consistent with and

INTERGOVERNMENTAL AGREEMENT FOR ROLES AND RESPONSIBILITIES UNDER IDAHO CODE SECTION 50-2906(3)(b)- 4 (Linder District – Meridian) limited to the requirements of Idaho Code § 50-2008(b). The Board of County Commissioners defers to the Meridian Planning & Zoning Commission's review and recommendations as required by Idaho Code § 50-2008(b) solely with regard to adopting the Linder District Plan. The Meridian City Council expressly acknowledges the parcels located within unincorporated Ada County are subject to and shall be developed in conformity to the 2019 City of Meridian_Comprehensive Plan as adopted by Ada County Resolution No. 2620, Ada County Zoning and Development Codes as well as the Linder District Plan, recognizing the intent to seek annexation of the parcels located within the unincorporated County into Meridian prior to development, which development is intended to occur in phases over the life of the Linder District Plan and Project Area. Ada County defers to the Agency to implement and carry out the Linder District Plan.

The Board of County Commissioners shall approve this Agreement by the adoption of a transfer of power ordinance and the Meridian City Council shall approve this Agreement by the adoption of a duly authorized resolution.

Upon approval and adoption of the ordinance and resolution referenced above, the Meridian City Council shall take the necessary steps through the Meridian City Clerk to transmit a copy of the County Transfer of Power Ordinance to the County Auditor, County Assessor, the County Recorder, the other taxing districts of the revenue allocation area, and the Idaho State Tax Commission.

3. <u>SPECIAL PROVISIONS</u>

<u>Public Improvements</u>. In consideration of this Agreement, the Board of County Commissioners hereby consents to those certain public improvements identified in the Linder District Plan which may be acquired, constructed or installed on certain rights-of-way not within the Meridian city limits.

4. <u>EFFECTIVE TERM</u>

This Agreement shall be deemed effective upon the execution of this Agreement by both the Board of County Commissioners and the Meridian City Council and shall remain in effect for the duration of the Linder District Plan. This Agreement shall be of no further force and effect as it relates to any parcel or parcels as illustrated and described in **Exhibit 1** and **Exhibit 2** upon those properties or portions of those properties then being included within the municipal boundaries of Meridian, currently, or through Meridian's annexation process.

5. <u>MODIFICATION</u>

This Agreement may be modified or amended in writing if executed by both the Board of County Commissioners and the Meridian City Council.
6. <u>ENTIRE AGREEMENT</u>

Except as provided otherwise herein, this Agreement and any attachments hereto constitute the entire Agreement between the parties concerning the subject matter hereto.

IN WITNESS WHEREOF, the Board of County Commissioners and the Meridian City Council have executed this Agreement by proper persons thereunto duly authorized as of the date first hereinabove written.

COUNTY:

BOARD OF ADA COUNTY COMMISSIONERS

By _____

Rod Beck, Chairman

By _____

Ryan Davidson

By _____

Kendra Kenyon

ATTEST:

Phil McGrane, Ada County Clerk

CITY:

CITY OF MERIDIAN, IDAHO

Ву _____

Robert Simison, Mayor

ATTEST:

Chris Johnson, Meridian City Clerk

Exhibit 1

(Map of Properties Within Unincorporated Ada County)



Exhibit 2

(Description of Properties Within Unincorporated Ada County)

4848-7171-9628, v. 3

PARCEL NUMBER

S1214438705

ADDRESS

2010 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8705 @ SE COR SW4SE4 SEC 14 3N 1W #438702



PARCEL NUMBER

S1214346705

ADDRESS

West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #6705 N'LY & E'LY POR SE4SW4 S OF INTERSTATE SEC 14 3N 1W PARCEL 2 R/S 4360 EXC R/W #346072-B

SURVEY RECORD



ltem #1.

PARCEL NUMBER

1

S1214438600

ADDRESS

2090 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #8600 OF SW4SE4 SEC 14 3N 1W #438423-B



PARCEL NUMBER

j.

ltem #1.

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S1214438420

ADDRESS

2390 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #4200 @ W SIDE SW4SE4 SEC 14 3N 1W R/S 4746 #8416-B



ltem #1.

PARCEL NUMBER

.____i

S1214449021

ADDRESS

1940 West Overland Road, Meridian, Idaho

DESCRIPTION

PAR #9021 OF SE4SE4 SEC 14 3N 1W R/S 2412 EXC R/W #449020-B

SURVEY RECORD



ltem #1.

PARCEL NUMBER

S1214346905

ADDRESS

2960 West Dutch Farm Road, Meridian, Idaho

DESCRIPTION

PAR #6905 @ SW COR SE4SW4 SEC 14 3N 1W PARCEL 1 R/S 4360 EXC R/W #346610-B

SURVEY RECORD





ITEM TOPIC: Public Hearing for Pera Place Subdivision (H-2021-0056/H-2021-0091) by Leavitt & Associates Engineers, Located at 4600 W. Daphne St., 4546 W. Daphne St., and Parcel S0427325702, Near the Northeast Corner of N. Black Cat Rd. and W. McMillan Rd. A. Request: Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district.

B. Request: A Rezone of 6.84 acres of land from the R-4 zoning district to the R-8 zoning district.

C. Request: A Preliminary Plat consisting of 65 single-family detached building lots and 7 common lots on 16.63 acres of land.

D. Request: Development Agreement Modification (H-2021-0091) to terminate the existing Development Agreement (Bellhaven Subdivision, AZ-07-011 & PP-07-016, Inst. #108057324) to incorporate the subject parcel (S0427325702) into a new Development Agreement consistent with the proposed Preliminary Plat and Annexation for Pera Place Subdivision (H-2021-0056).



PUBLIC HEARING INFORMATION

Staff Contact: Joseph DodsonMeeting Date:December 14, 2021Topic:Public Hearing for Pera Place Subdivision (H-2021-0056/H-2021-0091) by Leavitt
& Associates Engineers, Located at 4600 W. Daphne St., 4546 W. Daphne St., and
Parcel S0427325702, Near the Northeast Corner of N. Black Cat Rd. and W. McMillan
Rd.

- A. Request: Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district.
- B. Request: A Rezone of 6.84 acres of land from the R-4 zoning district to the R-8 zoning district.
- C. Request: A Preliminary Plat consisting of 65 single-family detached building lots and 7 common lots on 16.63 acres of land.
- D. Request: Development Agreement Modification (H-2021-0091) to terminate the existing Development Agreement (Bellhaven Subdivision, AZ-07-011 & PP-07-016, Inst. #108057324) to incorporate the subject parcel (S0427325702) into a new Development Agreement consistent with the proposed Preliminary Plat and Annexation for Pera Place Subdivision (H-2021-0056).

Information Resources:

Click Here for Application Materials

Click Here to Sign Up to Testify at the City Council Public Hearing

live there, so I guess if they can sell the product, then, I can support it.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: If nobody else wants to jump in I can throw a motion out.

McCarvel: There you go.

Seal: After considering all staff, applicant, and public testimony, I move to recommend approval to City Council of file numbers H-2021-0044 and H-2021-0005 as presented in the staff report for the hearing date of October 7th, 2021, with no modifications.

Grove: Second.

McCarvel: It has been moved and seconded to recommend approval on H-2021-0044 and H-2021-0005. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

- 9. Public Hearing Continued from October 7, 2021 for Pera Place Subdivision (H-2021-0056) by Leavitt & Associates Engineers, Located at 4600 W. Daphne St., 4546 W. Daphne St., and Parcel S0427325702, Near the Northeast Corner of N. Black Cat Rd. and W. McMillan Rd.
 - A. Request: Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district.
 - B. Request: Rezone of 6.84 acres of land from the R-4 zoning district to the R-8 zoning district.
 - C. Request: Preliminary Plat consisting of 65 single-family detached building lots and 7 common lots on 16.63 acres of land.

McCarvel: Next item on the agenda is also an application from -- being continued from October 7th, H-2021-0056, Pera Place Subdivision, and we will begin with staff comments.

Dodson: Thank you, Madam Chair. Give me one second just to get everything pulled up, please. Okay. So, as noted the application before you was continued from October 7th due to a site posting error. The site is correctly posted now, so we can move forward. The application is for Pera Place Subdivision. The requests are for annexation and zoning, rezone and preliminary plat. The entire site consists of three existing parcels, one of which is already zoned R-4 and the other two are currently zoned RUT or Rural Urban Transition in the county. History on the site is only for that R-4 parcel, which was

annexed and was approved for a preliminary plat in 2007. It has an existing DA. I -- I guess the other history -- before the two lots that are in the county currently it was part of a county subdivision. The future land use designation on this property is medium density residential, as seen on the screen to the left. This whole area is medium density, which allows residential uses from three to eight dwelling units per acre. The annexation and zoning of ten acres of land is before you tonight, with a request for R-8 zoning. There is also a rezone request for 6.84 acres of land from the R-4 zoning district to the R-8 zoning district and, finally, a preliminary plat consisting of 65 single family detached building lots and eight common lots on 16.63 acres of land. The property is approximately 16 and a half acres and includes three parcels as noted. The area to the north of this project is developed R-4 zoning with detached single family homes and an R-8 subdivision as approved to the west of this project, which would be these -- this property here and this property here. This is a separate property. That is Brody Square directly to the west. I guess this is better. And those are currently zoned R-8. The applicant is proposing Pera Place with 65 building lots, which equates to 3.91 units per acre. It's proposed use of detached single family is an allowed and anticipated use in the requested R-8 zoning district and as well in the medium density residential future land use designation. The area of R-4, as noted, created a county enclave in 2007 that is still owned by the same property owner and is referred to as the Poorman outparcel. This enclave is still not annexed and -- and was approved for a preliminary plat in 2007. The R-4 area. The plat has long expired, but the DA does still exist. Because the applicant is requesting to rezone this area to R-8 -- I'm sorry. The applicant is requesting to rezone this R-4 area to R-8 to match the requested zoning of the ten acres to the south, as well as that to the west. Because there is an existing DA tied to a plat that is no longer valid and the applicant is requesting to rezone this area, the applicant should submit a DA modification to replace the existing DA and incorporate its boundaries within the property included as the annexation request. The applicant did not submit that at this time, which was known. They need to submit that prior to going to the City Council hearing. That way it can run concurrently and it can be heard at the same time at Council. In general staff finds rezoning this area from R-4 to R-8 a logical expansion of existing zoning near the corner of Black Cat and McMillan. Staff finds the proposal to annex ten acres and rezone six and a half acres to R-8 offers an appropriate transitional density to the already developed R-4 to the north. There are two existing county residential single family homes on the ten acre site to the south -- or these two lots here. And both will be removed upon development of this project. The Poorman outparcel has a septic tank drain field on the small area just north of their property line near Black Cat Road, which is -- if you kind of see it's noted as a separate lot right here. The -- yeah. Again, the applicant has proposed a nonbuildable lot over this area. Staff does not support the inclusion of this nonbuildable lot for the shared use, but, instead, recommends the developer and the Poormans enter into a separate agreement that defines how this area is to be used and maintained. The proposed use of detached single family residential for the site, with an average lot size of 6,700 square feet and a minimum lot size of 5,300 square feet. The proposed use, lot sizes, and lot alignment should provide for a development that is cohesive with the adjacent development to the north and planned development to the west and southwest. All subdivision developments are also required to comply with subdivision design and improvement standards, which is UDC 11-6C-3. The -- only one of those standards that they do not comply with is the length of the cul-de-sac shown as West Philomena Court. The -- because it is greater than 500 feet. It is approximately 550 feet in length. The original plat did meet this requirement and included an access easement to the Poorman -- to the Poorman outparcel. However, I recommended that the applicant extend Philomena Court further to the west, so that actual right of way will touch the property line of the Poormans. The reason for this is because easements are more difficult to track and maintain than right of way being up against the property line. So, because of that the applicant understood, they extended the cul-de-sac there, so all it requires is a Council waiver by Council to extend it over 500 feet and, again, it's only 50 feet longer than what the permitted by right length is. Access to the site is proposed via multiple local street connections and there are no arterial or collector street connections. You have the North Sepino Access, which is an existing stub street at the north property line. Then you have two new north-south local street connections to Daphne. So, the only existing streets right now are Daphne Street here and the North Sepino, as well as Black Cat, I guess, but there is no access to there. Direct access at least. So, they are proposing to extend North Sepino Avenue and provide two new local streets here and also provide an eastwest street here, because Brody Square will construct Avilla Drive at this location. The applicant is proposing a common drive off of North Sepino Avenue, which is this here. By glancing it looks like there is five lots, which does not comply with code. However, only the rear three are taking access off of the common drive. These two are taking access off the North Sepino, so, therefore, the common drive meets our common drive standards. All local streets are proposed as 33 foot wide street sections, with a five foot attached sidewalk, within 47 feet of right of way meeting ACHD policy. As noted, the applicant is proposing to construct or extend West Avilla Drive and, then, stub it to the east property line in order to provide future connectivity to the east. Five foot attached sidewalks are proposed along all local streets and there is five foot detached sidewalk proposed along Black Cat within the required street buffer. As proposed this project and the existing conditions of the Poorman outparcel not being annexed into the city would create a sidewalk gap along the east side of Black Cat. This gap would be approximately 190 feet in length and equates to the Poorman outparcel's frontage along Black Cat. The sidewalk gap that is -- that would persist is why the project did require ACHD commission approval, rather than just staff level approval. The ACHD commission did approve the proposed layout without this additional sidewalk connection, but instructed the applicant to try and obtain additional right of way and buffer and sidewalk along the outparcel frontage. It is my understanding that did not occur, but ACHD has approved it. Staff has recommended a condition of approval along the same lines, because this sidewalk gap is going to persist as a major issue for safe access to Pleasant View to the northeast here. Consistent with other approvals in the area, staff does recommend an interim sidewalk along the outparcel frontage for pedestrian safety and to eliminate the sidewalk gap until frontage improvements are required and that would be when the Poorman outparcel is either annexed and redeveloped or if Commission and Council decided that needs to be part of it now. The applicant is proposing approximately 2.84 acres of qualified open space, which amounts to approximately 17 percent, which exceeds our minimum requirements by quite a lot. Their three qualified amenities are a shade structure with a picnic table, the tot lot, and, then, 20,000 square feet of open space in excess of the required code levels. Staff finds that the proposed open space and amenities are thoughtfully designed

and placed for appropriate recreation and use. The applicant has stated they are in agreement with the staff report and, therefore, staff recommends approval of the subject applications and I will stand for any and all questions.

McCarvel: Would the applicant like to come forward?

Dodson: He will be online tonight.

Weatherly: Mr. Lardie, you have the authority to unmute yourself and turn on your camera.

Lardie: Thank you, Madam Clerk. I did. Is that -- is that getting you any feedback? Madam Clerk?

McCarvel: Pardon me?

Weatherly: No, it is not.

Lardie: Thank you. Madam Chair, Commissioners, thank you this evening. Dan Lardie. Leavitt & Associates. 1324 1st Street South, Nampa, Idaho. Again, before -- before you tonight the Pera Place, it's -- glad -- glad to be here. Is my PowerPoint available, Madam Clerk?

Weatherly: You do have permission to share your screen, Mr. Lardie, if you would like.

Lardie: Oh. I do not have it.

Weatherly: You should have a share screen button at the bottom of your -- or, excuse me, at the bottom of your Zoom screen. It's a green share screen.

Lardie: I do have that. I do not have the -- I do not have the PowerPoint handy. So, can I -- can I go back to -- can I borrow some of -- some of Joe's presentation, please? I apologize. I -- it's not on this computer and I wasn't -- I sent it into the clerk's office this morning.

Dodson: Dan, give us a second. We got to find it. I didn't save it to our file, because I thought you would have it.

Lardie: I'm sorry, I -- thank you, Joe.

Dodson: We got it, Dan. Hold on. Just tell me when to click and I will be your hands.

Lardie: Thank you. So, again, I want to say thank you for -- to staff. We really do appreciate it. Joe -- Joe and Bill has been great to work with this -- this -- this time and it's been -- it's been kind of an interesting -- it's a nice project. I think we have -- they -- with working together with staff I think we have come up with something that's pretty nice.

Next slide, please. So, some of the particulars from Joe's staff report are up there in the upper -- upper left. I'm not going to regurgitate the information to bore you to death, but -- and, then, the general location over here on the left, the -- the piece on the north that is that R-4 parcel currently zoned, we do know we need to get a DA agreement or a DA modification application into Joe. I have it prepared, I just haven't submitted it just yet. It will probably be on his desk -- or at least in the Planning and Zoning Department tomorrow and so we are aware of that. Next slide, please. So, over off to the left there, this is that sidewalk gap that Joe had mentioned in his staff report. This is also mentioned in the ACHD staff report. They didn't make it a requirement for us to construct this. They did ask us to try and work with the landowner to come up with a solution of that and possibly gain that right of way. We have had some discussions with the Poormans. They are concerned and hesitant about being forced to annex and -- and losing their access off of Black Cat with the construction of that, so they are not guite ready to participate. I think as time goes on we still will attempt to work with the Poormans to the best we can. Next slide, please. So, this just -- just an overall of the -- the open space. That open space up in the upper corner, the large mature area, it is full of mature trees. We are going to work with an arborist to try and groom this for homeowners use and we provided a pathway out to the Black Cat sidewalk extension and in Joe's staff report they asked for some lighting and I think that's -- we are all agreeing -- in agreement on that for public safety. There is that existing septic. This -- this existing septic was kind of an interesting situation. It cropped up and we thought that maybe putting it on its own separate lot was the right way to go, but it sounds like an agreement would be easier and more palatable to the city and I think we are all in agreement with that. We might need some help with the city with some -- some of that language that they might be agreeable to. Next slide, please. Just an overall set of the landscape plan that we have, showing -- showing the mature landscaping up on the left and some of the ponds and just trying to give an overall so you could piece it all together as I go through the next few slides. Next slide, please. Again this is that area with a -- with mature trees. We are going to work with an arborist to try and preserve those trees and groom them to make that area suitable for the homeowners use and keep it for public safety. The neighbors to our north, they really enjoy this area and it was a -- it was a -- in our neighborhood meeting it came up that they really wanted to try and preserve those areas -- this area. We thought it was beneficial to both us, to them, to the city and to the future homeowners. Next slide, please. So, this one -- we have these ponds here and people might be scratching their head going why are all the ponds there and the ponds are there for irrigation supply for our pump station. Our pump station is at the north end of that lot right -- just south of Avilla Drive. Those ponds need to be aerated in order to make -- so we are not creating a bunch of places for mosquitoes to breed. There is a pathway along there to provide a scenic route from Daphne up to Avilla, along with a pergola and a picnic structure about lot -- between Lots 13 and 14 there on the -- on the right. Next slide, please. This is the -- the existing sidewalk coming down from Black Cat. This is our northern connection. It also shows that area of trees that will definitely need to be groomed and maybe even a little bit of thinning to try and gain it to make it -- to make it safe for the public and for just general enjoyment. Next slide, please. And, then, this is -- this is a hard picture to look at. This is -- this is the Poorman's frontage road. This is their frontage right along -- right along Black Cat and with the mature landscaping and it's -- and it's pretty well groomed, they are -- that -- it's

one of the reasons why they are hesitant about putting a sidewalk in. That sidewalk will probably take out -- if it goes in at its regular location it will probably take out the majority of those trees. If we try and do something temporary, if we can get that approved through the city, we might be closer out here to the -- the hedge up front closer to us. Next slide, please. So, with that thank you all and I appreciate your time and I look forward for your approval and I will stand for any questions.

McCarvel: Any questions for the applicant or staff?

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: Dan, those ponds for irrigation, will they be dry in the winter?

Lardie: Madam Chair, Commissioner, more than likely they will be dry and they are -they are to be -- we have had -- we are showing some landscaping to them, so they don't look -- so, they are not just big dry basins. So, that, hopefully, they will be aesthetically pleasing. That's our goal.

McCarvel: Okay.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: The Poormans, they own this entire R-4 piece; is that correct?

Lardie: Madam Chair, Commissioner Seal, yes, they do.

Seal: Okay. Thank you.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: So, it was my understanding when -- as this is all county land, these were all five acre parcels; is that correct? And so two of them, plus a little extra, have been proposed for the Pera Subdivision; is that correct?

Dodson: Commissioner Lorcher, this parcel up here, if you can see my cursor.

Lorcher: Yes.

Dodson: This is already existing R-4. It was zoned in 2007. These are five acre parcels, yes. From -- they are currently in the county.

Lorcher: So -- but the rest of Daphne going along to Joy, they are additional five acre parcels; correct?

Dodson: Yes, ma'am. Yes, ma'am.

Lorcher: And so have developers bought the -- are there single family homes?

Dodson: They are -- I believe it's one single family home to the east that takes up -- it's the same owner for both five acre parcels.

Lorcher: So, the transition between a five acre parcel, low density to R-4 -- I know it's county versus city, because we are -- we are annexing this. Isn't that what we are trying to do tonight?

Dodson: Yes, ma'am.

Lorcher: Is -- is that the right transition for this area?

Dodson: As this gets built out, yes, same as it was when Brody Square got approved to the west when there were these two existing homes next to -- almost the exact same number of lots, if not the same number of lots. It's anticipated for all of this. These are the dominoes that are falling. It's coming from this side, as well as from the east with some of the Vicenza Commons. So, it's happening.

Lorcher: And has the single family residents to the east objected or they -- did they make any comments one way or another?

Dodson: There is no written testimony on this.

Lorcher: Okay. Thank you.

Dodson: You are welcome.

McCarvel: Any other questions for staff or the applicant?

Dodson: Madam Chair, I did want to make one comment about the ponds that -- Brody Square had to do the same thing, because there is apparently an issue with pressurized irrigation out here, so they need the ponds in order to provide what we require for pressurized irrigation. It's not something that they just decided to throw in there to have a water feature. So, that's -- that's why we are not counting any of that as an amenity.

McCarvel: Thank you. Madam Clerk, do we have anybody signed up to testify on this application?

Weatherly: Madam Chair, we do. We have a few people signed in. One -- or excuse me. The first one is Paul Poorman.

Madam Chairman and Members of the Commission, my name is Paul Poorman: Poorman and I live at 6230 North Black Car Road in Meridian and I realize I don't have a lot of time, so let me just say that I'm hoping that the P&Z will vote to approve the Pera Place Subdivision development agreement and let me tell you why. Several months ago we got a notice that there was a neighborhood meeting to discuss a proposed subdivision on the land that we are selling to Applied Media Corporation and, of course, we went to the meeting. We saw the plan and had several issues that we brought up. Many of our neighbors also brought their own concerns and voiced them. Having been to many of these meetings I wasn't expecting much. Well, a few of us noticed -- but there was a young man seated in the back of the room who didn't say a word. He just listened and a month or so later we got notice that there was going to be a second neighborhood meeting and this was a surprise, since usually they only have one meeting. Well, it turns out that the gentleman in the back of the room at the first meeting was Tony Tseng, who is their primary developer for Applied Media, and contrary to most of our expectation, his engineer showed a completely different plan than the first one and, lo and behold, he had incorporated most, if not all of the suggestions that myself and our neighbors had voiced at the first meeting. Instead of trying to ram a subdivision down our throats that would make him and his company the most money, he actually had a plan that his company would take a hit on, but for the surrounding community was going to be a much more inviting neighborhood and so the only suggestion I have is that the required lights along the path through the existing forest be pointed down and away from our house, which is to the south of this, if that's at all possible. So, I said at the beginning here I hope that P&Z will approve the plan. Tony is a first class guy who is working to build a community that will be a desirable home for generations to come. Meridian needs to encourage more developers like Tony to build our future here. Thank you.

Weatherly: Madam Chair, next is Gayle Poorman.

G.Poorman: Good evening, Madam Chairman, Members of the Planning and Zoning Committee. My name is Gayle Poorman and I live with my husband at 5230 North Black Cat Road in Meridian. In an effort to support this Pera plan -- development plan, but not repeat too much of what my husband just testified, I would like to provide you with a little background regarding our property, if you would humor me for a little short story here. Almost 40 years ago when we bought our property that area was open farmland. Excuse me. Our acreage was open field grass. Paul decided to plant spruce trees, some 500 of them. In the middle of the desert I asked. And the -- and the endeavor became lovingly known as Poorman's Folly. Over the years as we watered, nurtured, and planted hundreds of more trees of different varieties, such as Scotch Pine, Ponderosa Pine Norway Spruce, Ash, Willow and Birch, people would come to us wanting to purchase our young trees for landscaping around their homes. So, we purchased a tree digger and thus began our small business. As we kept many of our trees for our own enjoyment, our little forest grew into the haven -- into the haven that it is today for all those guails, pheasants and migratory birds of all kinds. What remains is a little island of habitat in the sea of subdivisions and our new neighbors love our little forest. What inspires me about the Pera Place development -- and I would like to also thank Tony Tseng -- is that he has found a way to preserve some of our forest by making it into a community park. My hope

is that this park will be a place where families can enjoy a little bit of nature in their own backyards. As older trees die or are thinned perhaps young children, students, can come and plant new seedlings and learn about trees and the animals that thrive there. Thank you for listening to my story and I hope you will approve the Pera Place development.. Thank you.

Weatherly: Madam Chair, next is Joel Tague.

Tague: Good evening, Commission and Madam Commissioner. My name is Joel Tague. 4625 West Twisted Creek Drive. Might I get you to put that map up, the very last one that you had, those green ones. Let me echo some of what the Poormans said. Grateful for the efforts the developer has put in place in terms of maintaining that green space. Mrs. Poorman failed to mention that in addition to the -- to the birds that she stated, there is also a family of -- call it a family of hawks -- a nest and hawks were raised there, as well as owls you can see and -- kind of a rare sight. So, we are grateful that they have kept that. There is a -- a couple of changes or concerns that I have and they are generally minor, especially this cul-de-sac -- I guess I have to say how grateful we are for the way they have moved that around. It does show a path and I know this may not be the way that it actually turns out, but on the record I would at least like to point out that that path being up next to a fence line -- and I live there to the north. Maybe like that more in the middle of the -- out more exposed than up next to a fence where at least half the residents could see what's going on behind that fence might make sense. A general concern -- and I don't know how it can really be addressed. The -- the transition between R-4 and R-8 really kind of happens along our fence, as opposed to within the development. We would like that change, but if we had to choose -- if I had to choose between having R-8 homes next to R-4 subdivision and -- but not be able to keep the green space, I think I would -- I would rather have that green space, because it is so nice and invaluable I think, especially in what will become evermore a sea of homes and less natural space. That's all. Thank you.

McCarvel: Thank you.

Weatherly: Madam Chair, next is Gabi Harter. Madam Chair, that's the last we have indicating a wish to testify tonight.

McCarvel: Okay. That being said, is there anybody else on Zoom or in the room that would like to testify on this application? Okay. Would the applicant like to respond?

Lardie: Madam Chair, Commissioners, thank you. For -- just to address a couple of comments that were made. The Poormans are concerned about the lighting and we all agree that the lighting needs to be ambient enough to provide for safety, but not overbearing to -- to kill off the light -- the -- the nature or even disturb the neighbors. I think something can be worked with on -- on that particular case. Mr. Tague, the pathway being up against the fence, yes, we drew it in that way. I think we can certainly pull it away from the -- away from his fence line a little bit and -- and maybe even a lot, we will have to determine with the field and, then, some of the trees that are there and, then, of

course, trying to protect the trees as we go around with the pathway. We don't want to try -- we want to try and preserve as many trees as possible, but we can certainly pull that pathway off away from that fence line. With that I can stand for any questions and look forward to your approval. Thanks.

McCarvel: I do you have one question. Are you in agreement with everything that's in the staff report at this point?

Lardie: We are in agreement with the staff report.

Dodson: Madam Chair? It's Joe.

McCarvel: Oh. Yeah.

Dodson: Sorry. Every time. It wasn't Andy this time. I just wanted to address those same things. The lights -- I didn't put a specific example in my staff report, but I'm thinking more of those -- they almost look like bollards with a little like -- the ones that you see on like a college campus pathway kind of thing. Just ambient lighting, nothing to really keep it wide open spaces like a ball field or anything, just -- just to help with being able to see through it. That's all. And, then, the lot sizes between the R-4 and R-8, I knew that was going to come up, so I -- I understand the desire if it was similar zoning or lot sizes. Usually a way to mitigate that would be to line up the lot lines as much as possible. They clearly have space where they can adjust some of those lots and push them a little further west and line those up a little bit more and that would probably help I think with that concern a little bit. They have ample open space, so I think they -- they could easily make that accommodation. And the interim sidewalk issue, I -- the way that I have seen it done and understood -- hopefully you can do it within the existing right of way along Black Cat. The interim is usually where ACHD allows an extruded curb, a vertical curb on the edge of the right of way or on the edge of the driving surface. That way people can, then, walk on the shoulder almost as a sidewalk as an added form of safety to be able to traverse that area, because there will be sidewalk along this entire eastern corridor, except for that gap. So, it is an important gap. It is not intended, based upon my conditions, to remove any of those -- the lush vegetation, et cetera, there. At least not with the interim. And it would not have to align with what would be required otherwise. That's just why it's an interim. If Commission and Council determines, as I discussed in my staff report, that there should be further improvements to that frontage, that is a separate conversation and I do understand that as well. If that includes recommending denial for this or approval with the proposal to annex the Poorman outparcel, understood as well if it doesn't, but there is a requirement to get the frontage improvements. That also makes sense. Both of those things were discussed in my staff report, but I could not find that I had the authority within code to require it. But with annexation and rezones there is vast discretion by our elected officials. So, I leave that up to you.

McCarvel: Thank you. Any other --

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: I have a question for Dan, but in the meantime, Joe, do you have a plat map of -- is it Brody Square and how that would fit into this? But, Dan, can you comment -the -- the -- that shared driveway, those lots -- and I'm not looking at it now, but the lots off that shared driveway are larger than all the rest. How did you come to that configuration, as opposed to kind of following the lot sizes across -- across that one street on the -- off the cul-de-sac?

Lardie: Madam Chair, Commissioner Cassinelli, the -- those lots -- that area seemed to be -- seemed to fit okay with some of the -- the one we had the R-4 to the north and there was the -- the Peras themselves, who own the five acres to the south, they are looking to relocate to those and they requested specific -- specifically larger lots in this -- and, then, so -- between us, them, our developer -- and that's where they decided that they would like to put those. It did provide a little bit of a buffer for the R-4 on that side, since we have all that green space on the west side for buffer. It kind of balanced out. And as far as Joe's question -- or not question, but his discussion about maybe widening those lots up on that R-4 side, maybe providing a little bit wider of a lot and lining those up, I believe that can be done and I think everyone would be fine with that -- on our side at least.

Cassinelli: Does that mean you would remove a lot in there?

Lardie: We probably wouldn't lose a lot. I believe we have enough room -- we would lose a little bit of open space, but since we are so -- we have so much open space.

Dodson: Commissioner Cassinelli, I have -- the best I can do for you to kind of line it up is just zoom in on this wonderful map we have here. Well, that's all it's letting me zoom in. But you can kind of see -- they -- they lined up in that center where the -- the west boundary of this and, then, Brody Square, they lined up the lots line to line. So, it's the same density along the shared boundary. And, then, they have the same lot depth on the north side of West Avilla Drive.

Cassinelli: Thank you.

Dodson: You are welcome.

McCarvel: Any other questions or are we ready to close the public hearing? Sorry.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I move we close the public testimony for File No. H-2021-0056.

Grove: Second.

McCarvel: It has been moved and seconded to close the public hearing on H-2021-0056. All those in favor say aye. Opposed? Motion carries.

MOTION CARRIED: ALL AYES.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: I'm going to let other people go first to get -- see what other folks are thinking. The R-8s -- I have got no issues with at all. It's the R-4 that really -- that's the rub for me with that. The outparcel there that's not going to be annexed, I -- we have just run into problems with -- with when that has happened in the past where now all of a sudden you have this really small piece of land and, then, when it sells you have to figure out how to develop it, you have to figure out what to put on it, how it's going to fit in. We always feel sorry, because now they are a really small piece of land and how do you get them to get into city services and things like that. So, I can see a lot of problems from that. That and their septic drainfield is -- is -- I mean they are going to have their septic drainfield is moving into this as part of another piece of property that's wholly owned by someone else or response -- you know, the HOA would be responsible for that, so I see that being problematic as well. I just -- I can't wrap my head around the R-4 part of this moving forward. Again, the R-8 pieces of it -- I mean that seems to blend in well. It works well. It's laid out well. It has a common area. I mean the ponds are in there because they are going to need them. But even the back end -- or the east end of the R-4 with that common drive, I mean it's going to be an allowed common drive basically because of a technicality, because they are going to face those other houses to the west and I would have much rather seen the -- I think it's Litchfield --go up and connect in and get rid of that common drive, because the common drive -- I mean if you have got trash cans and services and things like that, you have a Super Bowl party back there or whatever, it's just going to be crammed full of cars. It's going to be hard to get in and out. I just see that as nothing but problematic. Understand why they want to do it, if they are trying to accommodate the homeowners so they can still have their little piece of heaven back there and -- I would probably want the same thing, but from my perspective it just makes it even -- makes something that's problematic even more problematic in my mind. I just -- I mean, again, if we were just looking at the R-8s I would have no issues with this, but as a whole I can't support this.

Cassinelli: Madam Chair?

McCarvel: Commissioner Cassinelli.

Cassinelli: And I realize we are -- we are working -- that R-4 piece is such a -- an odd piece of land, the shape of it, and, then, those two five acre parcels, it really combines to be -- it's -- it's pretty tricky. But I would -- I would like to -- I would like to see some other configurations here. I -- one of the things that gets me is the way that -- with Brody Square -- and Joe's comment was the dominoes are falling. What's going to be -- what -- what's

going to happen here was the additional five acre parcels, as they do fall, this is just going to be square blocks from Black Cat to Joy with the same lot lines, the same configuration. I wouldn't mind having that kind of configuration south of Daphne, but north of Daphne I think it's -- there needs to be -- I don't know what the word I'm looking for is, but there -there needs to be a little bit more undulation in the -- in the lots and in the streets here to match the -- what's to the north of it. It's -- it's a tough one. I have got -- I have got an issue with that private drive, too. It's -- the forest over there is fantastic. You know, that's kind of a unique feature. It's just a -- it's a tough one to try and figure out how to get everything to fit. But I would like to -- I would like to see at least better transition throughout that whole northern thing. They did it with those lots off the private drive. They put the private drive in there to keep some big lots at the request of -- of the seller. I would like to see that somehow incorporated all along there and -- which would require -- I'm scratching my head looking at this, trying to figure out how you -- how you fit it, because it is such a -- such a unique lot -- it's such a unique shape there. But I have got issues with it. I don't like the square layouts, the square blocks that are going to wind up going from Black Cat all the way down to Joy. I don't like the private drive. I would -- I would -- I would love to see some other iterations of how this is laid out.

Grove: Madam Chair?

McCarvel: Commissioner Grove.

Grove: I understand the concerns that have been brought up by the -- my fellow Commissioners, but I think one of the things that I'm looking at is, you know, the Brody Square that's already in, it's already been approved, and where those streets line up and just the configuration that, you know, we are left with here there is -- there is going to be limited options as we go forward with this. I typically am not a fan of shared drives, but having these lots be a lot bigger I'm not as concerned and if we look at the other parcels that are around it, the lot lines line up really well, which is not always something we are going to see, especially when we are having different transitions. I think one of the things that stands out to me for this project is the -- the public testimony that we did receive tonight was all positive for the developer, which is -- I would say uncommon for most of the projects that we see. You know, most people don't want to see things that are -- any development that comes next to them and I appreciate the comments that we got and the applicant working with those neighbors to address the concerns before they came here tonight. With that I'm -- I'm in favor of the project and would be happy moving forward with it.

McCarvel: Any other comments? I would -- I'm not as opposed to the way -- I think it's a decent layout for what's around it, but I do have an issue with that small piece being left out of everything and remaining not in the city, because it's developed all around and it's -- I know we have had similar things in front of us before and it's kind of -- you want -- I'm sorry, but the owners -- and I don't blame them. They want their cake and they want to eat it, too. They want to keep their little spot in the county, but they want to sell off and develop everything around them, but, then, that leaves that piece that doesn't get incorporated into anything. At the very minimum I would say it's got to be -- you know,

the sidewalk and everything has to go through. I am with Commissioner Seal, I hate leaving that little piece out.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I agree. I don't think we should be -- if we are going to do this we are all in or we are out, in my opinion. We need to clean this up and -- and get it -- making those sidewalks is going to be a critical path and I have lived in areas in the city that were finally starting to get sidewalks out there after 15 years for access and so I don't think we should allow that.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Yeah. I would like to just see it cleaned up just a little bit. I like the idea. I like the use of it. But you only have one time to do it right and I think it would be best if we put that little bit of effort into making that just a little cleaner.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: Instead of possibly doing a denial, do we want to offer a continuance so that the developer and the landowner can talk to them about possible incorporation of that parcel together and maybe a different design for the shared driveway?

Dodson: Madam Chair? Thank you. I -- I know that the applicant would appreciate a continuance versus a denial. However, it is my understanding that they have had multiple discussions with the -- the owners of the property already and I don't know if -- I don't know what a continuance would garner in -- in those kinds of -- getting to the outcome that we want, I guess. I don't know what that would do. I think a recommendation of approval with conditions or denial with some recommendations is going to garner the same kind of outcome. If there is going to be discussions they will occur anyways. I think if we -- because they have to wait for a DA mod to come through and we got to do all that anyways, this will probably be out in six weeks. So, I think there is time in that area, rather than a continuance, if Commission is comfortable doing that. Again, that's just from my understanding of previous conversations that have occurred. I don't know if anything will come from that.

McCarvel: I guess I would be comfortable with recommending approval with certain conditions, because I do -- I mean there is -- you know, you can tweak the layout forever, but I mean the fact that they are keeping this little forest there, the green area, I think is -- there is a lot of stuff right with this, but I do think leaving that one little section out of it

and having everything develop all around it without holding that piece of property to the same standards is making things difficult long term.

Seal: Madam Chair?

McCarvel: Commissioner Seal.

Seal: And I don't mean -- yeah. And I agree it's nice to see that they have given some thought to keeping that area wooded and nice and approachable. When I first looked at it I was kind of scratching my head like what in the heck is going on there, but, then, when you look at it, even on Google Earth or something like that, you understand that it's -- it would be appropriate to keep that there. It's nice to keep it there. That way I mean when you are driving along Black Cat Road, you know, which is going to be an endless sea of fences and garages, you see a nice little wooded area, it's -- it's nice for sure. That said I think without annexing the entire property it's just going to lend itself to problems that we don't want to have in the future and that we have experienced in the past with pieces of property like this, because they will -- it will come back in and it will be difficult to integrate and it's going to be -- you know, I mean we are already talking about jogging a sidewalk around or working around that and -- you know, I mean I -- I can see why, you know, folks would want to sell it and keep their piece of it, but at the same time it has to fit with what we are trying to do with the city and what our charge is in doing that and I just don't think it does that. I just don't know how we get to a recommend for approval with something in there that, you know, we can't require them to annex into the city. I don't see any way to do that. That said we can deny a project until they do do it. So, I don't know that we have any other choice at this point if a continuance isn't going to get us there.

Parsons: Madam Chair, Members of the Commission, if I could just add to some of the conversation to try to put things in a little more context for you. So, keep in mind, even with annexation there is -- there is other things we have to analyze here. It's -- sidewalk is important, but, then, we also have to look at the Poorman's access, because now they have access to an arterial roadway. Now do we want them part of the plat, because we need a common lot along the front edge of their property so that we have a consistent landscaping along the whole corridor. So, that's why when we were having many discussions with the Poormans and good to see you this evening. Glad you could join us. There are some challenges with hooking the home up to the city utilities. There is a great expense to do that and there is some typography issues. So, yes, I don't disagree with you, we don't want to create enclaves and that's why we brought it to your attention in the staff report, but you have to realize when this was annexed in 2007 I worked on the project. There was no other subdivisions around this property except to the north. So, at that time it made sense to just annex that piece in, because it was tying into Volterra North, which is a development to the north. Now that we have gradually increased development around them they have -- essentially we have created the enclave and they finally have the ability to sell their property. So, that's why we are here this evening. We have heard you loud and clear that both the Commission and Council they don't want enclaves; right? We want to grow in a logical manner. But this -- this project -- this property does have some challenges with it. I'm not trying to sway you one way or the

other, I'm just trying to give you some context as to why it's not been included and some of the conversations that we have had with the Poormans not only this year, but probably over the last several years as they have tried to do something with this piece. Because, like I said, it's been annexed in for guite a while and we have met with many different developers on this and from our perspective what we have -- we have had at those preapplication meetings we have discussed them acquiring more property to make this a more viable project and that's what this applicant has done. They have acquired ten more acres. They are trying to connect it with this piece and tie it into the property to the north, which allows people to get to the school. So, you know, in our opinion, yes. Is it -- is it a perfect situation? No. But what staff tried to do is, one, give you the ability to analyze that and talk about it this evening and see if it does make sense, but we are also providing a stub street, essentially, the cul-de-sac and utilities. So, if and when the Poormans are ready to move farther out in the country or change their lifestyle, this property more likely could develop with two or three more lots with a common drive off that cul-de-sac. Now if you would like you can certainly continue this and ask for the applicant to bring forth a redevelopment plan for their property, so that you can see how it could integrate with the rest of the surrounding developments. That's certainly within your purview as well. So, I will go ahead and guit rambling a little bit here, but I thought it's something you can at least consider as you deliberate this evening.

McCarvel: With that any other thoughts at this time?

Grove: Madam Chair, it sounds like we kind of have a split going here, so just trying to get an idea of -- if people's opinions have changed on any of this, like how our -- so, I guess we could just throw out motions, but maybe have some idea of --

McCarvel: Yeah. I think we have had several -- so, I think that's -- run through some more thoughts before and get a direction now that we have heard other comments.

Lorcher: Madam Chair?

McCarvel: Commissioner Lorcher.

Lorcher: In the subdivision that I live in there is actually one parcel that is actually still Ada county and the rest of it is the City of Meridian and it's right smack dab in the middle where it's not on a main street, it's kind of stuck in the middle. It was the original farm house that was part of the subdivision and that particular homeowner chose to keep two to three lots for themselves and they also chose to stay in part of Ada county. The only thing that we notice -- I mean there is still sidewalks, because the subdivision kind of built around it and the only thing we noticed is that the trash company is different. So, different trash company comes for one person in our subdivision, compared to the rest of the city and it seems to have incorporated. The only difference with this one is that it happens to be on Black Cat. So, I think the conversation is among sidewalks and access to a busy street, as opposed to one parcel being part of a subdivision. I'm -- I'm inclined to approve this and deal with the homeowner -- homeowner's parcel that's in Ada county and incorporating into Meridian when the family feels that they no longer wish to be part of it.

Yearsley: Madam Chair?

McCarvel: Commissioner Yearsley.

Yearsley: I guess in light of wiser words, I will say, I -- ultimately I think the subdivision is actually a nice layout. I don't have a problem with the three lots on the private drive and the overall layout looks good. With that I would be in favor of approving this project. The only two conditions that I would recommend is realigning the lots up against the northern property to line up with the lots -- the adjacent lots and to move this pathway a little farther south away from the property.

Wheeler: Madam Chair?

McCarvel: Commissioner Wheeler.

Wheeler: Yeah. In light of what staff shared, I, too, have kind of changed my position on it and it's something that I would approve. Like I said, it's a good layout, it's a good use of the space. There is a lot of open space there. I do like the idea, too, that Commissioner Yearsley mentioned about moving that pathway down further to the south in order to make room for that property, but -- again, especially since he's saying this is kind of in the -- as we were growing we were annexing and we might have some culpability on kind of creating this as Meridian grew. So, yeah, to speak -- and there has been a lot of talk with the developer and staff over many meetings. It sounds like this is -- they are trying to do what they can in order to make this work. So, I would be in favor of this.

Grove: Madam Chair?

McCarvel: It sounds like we have the makings for a motion.

Grove: It does. All right. After considering all staff, applicant, and public testimony, I move to recommend approval to the City Council of File No. H-2021-0056 as presented in the staff report for the hearing date of November 4th, 2021, with the following modifications: That the pathway in the northwest portion is realigned and that the lot lines for the Block 1 of the northern portion be realigned with the lot lines to the neighbors to the north.

Yearsley: I will second that.

McCarvel: It has been moved and seconded to recommend approval for H-2021-0056, Pera Place Subdivision. All those in favor say aye. Opposed? Madam Clerk, would you do a roll call.

Roll call: Wheeler, yea; Grove, yea; Seal, nay; Lorcher, yea; Cassinelli, nay; Yearsley, yea; McCarvel, yea.

McCarvel: Motion carries. Congratulations.

MOTION CARRIED: FIVE AYES. TWO NAYS.

10. Public Hearing for Meridian Swim School (H-2021-0069) by CSHQA, Located at 2730 E. State Ave.

A. Request: Conditional Use Permit for an indoor recreation facility on 1.1 acres of land in the I-L zoning district.

McCarvel: Next on the agenda is H-2021-0069, Meridian Swim School. We will begin with the staff report.

Allen: Thank you, Madam Chair, Members of the Commission. The next application before you is a request for a conditional use permit. This site consists of 1.1 acres of land. It's zoned I-L, light industrial, and is located at 2730 East State Avenue. A little history on this project. A conditional use permit was approved back in 1991 for a planned unit development general, which included the subject property. Comprehensive Plan future land use map designation is mixed use nonresidential. A conditional use permit for an indoor recreation facility or a swim school as proposed on 1.1 acres of land in the I-L zoning district, consistent with the mixed use nonresidential future land use map designation and the previously approved planned unit development. Access is proposed via one driveway from East State Avenue and one driveway from North -- North Rosario Street, both existing local streets. ACHD has approved the location of both driveways. A ten foot wide landscape street buffer is proposed along these streets in accord with UDC standards. A revised site plan and landscape plan was submitted that complies with the conditions in the staff report. Parking is proposed in excess of the minimum UDC standards. Seventeen spaces are required, 48 are proposed. Conceptual building elevations were submitted as shown for the proposed structure. Building materials consists primarily of EIFS and stone with glazing and wood accents and trim and metal roofing. No public testimony was received. The applicant did submit a letter in agreement with the staff report. Staff is recommending approval with the conditions in the report.

McCarvel: Thank you. Would the applicant like to come forward?

Brozo: Mandie Brozo. CSHQA. 200 Broad Street, Boise, Idaho. 83702. I'm a little short. Sorry, guys. Thank you, Madam Commissioner, Members -- or Madam Chair, Members of the Commission. Tonight we are here to talk about the conditional use permit for a interior recreational facility, Adventures In Aquatics. Current zoning is light industrial. This is an approved use within the zoning with the conditional use. We feel that it is a great buffer between the office to the east and to the north and, then, the industrial to the west and, then, open space to the south. We do have the owners here tonight if you guys have any specific questions about operation. Otherwise, you know, we think that it would be a great addition to that neighborhood.

McCarvel: Okay. Any questions for the applicant or staff? Okay. Thank you.

Brozo: Yeah.

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



DATE:

- TO: Mayor & City Council
- FROM: Joe Dodson, Associate Planner 208-884-5533
- SUBJECT: H-2021-0056 & H-2021-0091 (MDA) Pera Place Subdivision
- LOCATION: The site is located at 4600 W. Daphne Street, 4546 W. Daphne Street, and Parcel S0427325702, near the northeast corner of N. Black Cat Road and W. McMillan Road, in the NW ¼ & the SW ¼ of the SW ¼ of Section 27, Township 4N., Range 1W.



ERIDI

I. PROJECT DESCRIPTION

- Annexation and Zoning of 10 acres of land with a request for the R-8 zoning district;
- Rezone of 6.84 6.99 acres of land from the R-4 zoning district to the R-8 zoning district,
- Preliminary Plat consisting of 65 single-family detached building lots and 8 common lots on 16.63 acres of land, and;
- Development Agreement Modification to terminate the existing DA (Bellhaven Subdivision, AZ-07-011 & PP-07-016, Inst. #108057324) to incorporate the subject parcel (S0427325702) into a new DA consistent with the proposed Preliminary Plat and Annexation for Pera Place Subdivision (H-2021-0056).

II. SUMMARY OF REPORT

Description	Details	Page
Acreage	AZ - 10 acres; Plat - 16.63 acres	
Future Land Use Designation	Medium Density Residential (3-8 du/ac)	
Existing Land Use(s)	Vacant land and County Residential	
Proposed Land Use(s)	Detached Single-family Residential	
Lots (# and type;	73 total lots – 65 residential building lots; 8 common	
bldg./common)	lots	
Phasing Plan (# of phases)	No phasing plan submitted	
Number of Residential Units	65 single-family units	
Density	Gross – 3.91 du/ac	

A. Project Summary

Description	Details	Page
Open Space (acres, total	3.14 acres total open space -2.84 acres of qualified	
[%]/buffer/qualified)	open space (approximately 17%)	
Amenity	Additional qualified open space above the	
	requirement (at least 20,000 square feet); Pergola	
	with a picnic table; and a Tot-lot.	
Neighborhood meeting date; #	June 30, 2021 – 12 attendees; September 13, 2021 –	
of attendees:	No attendees	
History (previous approvals)	AZ-07-011 & PP-07-016 (for the R-4 parcel); DA	
	Inst. #108057324; Black Cat Estates Subdivision No.	
	2 (County subdivision that includes the remaining 10	
	acres and two parcels).	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
 Staff report (yes/no) Requires ACHD Commission Action (yes/no) 	Yes – Applicant received ACHD Commission approval on October 6, 2021.	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed) Stub Street/Interconnectivity/Cross Access	Access is proposed via extension of existing and planned stub streets; two new access points to Daphne Street are also proposed. Proposed stub street extensions include one from the north through Vicenza Commons (N. Sepino Avenue) and one from the west through Brody Square that is currently under construction. All existing and planned stub streets are shown as being extended into the project site, per the submitted plat. The Applicant is proposing internal local streets for all interconnectivity; no collector or arterial streets traverse the	
Existing Road Network Existing Arterial Sidewalks /	project area. No No; submitted plat shows new arterial sidewalk and buffer along short	1
Buffers Proposed Road Improvements	segment abutting N. Black Cat Road. The Applicant is required to improve W. Daphne Street as ½ of a 33-foot wide street section with curb, gutter, and 5-foot wide attached sidewalk with this application. CIP/Five Year Work Plan for nearby roads: Capital Improvements Plan (CIP)/ Integrated Five Year Work Plan (IFYWP):	
	 The intersection of McMillan Road and Black Cat Road is scheduled in the IFYWP for the installation of an interim traffic signal in 2022. Black Cat Road is listed in the CIP to be widened to 5-lanes from Ustick Road to McMillan Road between 2031 and 2035. Black Cat Road is listed in the CIP to be widened to 5-lanes from McMillan Road to Chinden Boulevard between 2036 and 2040. McMillan Road is listed in the CIP to be widened to 5-lanes from Black Cat Road to Ten Mile Road between 2031 and 2035. The intersection of McMillan Road and Black Cat Road is listed in the CIP to be reconstructed on a multipleae roundebut with 4 lange on the path lag. 4 lange on the path lag. 	
Distance to nearest City Park (+ size)	 as a multi-lane roundabout with 4-lanes on the north leg, 4-lanes on the south, 2-lanes east, and 2-lanes on the west leg, and between 2031 and 2035. 1.5 miles to Keith Bird Legacy Park (7.5 acres) 	

Descri	iption	Details	Page		
Fire Service					
• • • Police	Distance to Fire Station Fire Response Time Resource Reliability Risk Identification Accessibility Service	 2.5 miles from Fire Station #5 (project would be serviced by future Fire Station #8, scheduled for completion in Summer 2023). The project lies within the Meridian Fire response time goal of 5 minutes. Fire Station #5 reliability is 84% (above the goal of 80%) Risk Factor 2 – Residential with hazards (proposed pond/drainage facility) Proposed project meets all required road widths, and turnaround dimensions. See link in Section VIII.D 			
Waster	Wastewater				
•	Distance to Sewer Services Project Consistent with WW Master Plan/Facility Plan	N/A Yes			
•	Impacts/Concerns	 Provide to-and-through to 4448, 4500, and 4520 W. Daphne St. Manholes need to be extended to property line at the east and into Daphne St at the south. Ensure no sewer services pass through infiltration trenches. Ensure that angles of pipe into/out of manhole is a minimum of 90 degrees in the direction of flow. Parcel S0427325702 is part of the Black Cat Main Reimbursement agreement. 			
Water					
•	Distance to Services Project Consistent with Water Master Plan	0' Yes			
•	Impacts/Concerns	 Any well that will no longer be used must be abandoned according to IDWR requirements. Assuming existing blow-offs at the west boundary. Call out blow off removal. Blow offs at the east side to be called out as per Standard Drawing W13. 			

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Dan Lardie, Leavitt & Associates Engineers, Inc – 1324 1st Street South, Nampa, ID 83651

B. Developer:

Tony Tseng, Applied Media, Inc. – 6518 N. Fairborn Avenue, Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	9/17/2021	11/28/2021
Radius notification mailed to properties within 500 feet	9/15/2021	12/2/2021
Site Posting	10/15/2021	12/1/2021
Nextdoor posting	9/16/2021	12/6/2021

V. STAFF ANALYSIS

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

Medium-Density Residential (MDR) – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The subject project is approximately sixteen and a half acres (16.5) and includes three (3) existing parcels, one of which was annexed into the City with the R-4 zoning district in 2007 and has an existing Development Agreement (DA). The area to the north of this project is developed R-4 zoning with detached single-family homes and an R-8 subdivision is approved to the west of this project, Brody Square. Consistent with the future land use designation of MDR (3-8 du/ac), the Applicant is proposing Pera Place Subdivision with 65 building lots equating to a gross density of 3.91 units per acre. Therefore, the Applicant is proposing a residential project at the low end of the allowable density. Furthermore, the proposed use of detached single-family residential is an allowed and anticipated use in the requested R-8 zoning district and MDR future land use designation.

REZONE: As noted, a portion of this project is already annexed and zoned R-4. This area of the project created a county enclave that is still owned by the same property owner and is referred to as the Poorman outparcel. This enclave is currently not annexed into the City and was not required to annex when the R-4 property was annexed and approved for a preliminary plat in 2007.

The previously approved plat is no longer valid as it is long expired but the existing DA is tied to previous layout and the existing R-4 zoning. The Applicant is requesting to rezone this area to the R-8 zoning district to match the requested zoning of the 10 acres to the south and the approved projects to the south/southwest. Because there is an existing DA tied to a plat that is no longer valid and the Applicant is requesting to rezone this area, the Applicant should submit a Development Agreement Modification application to replace the existing DA and incorporate its boundary with the property included with the concurrent annexation request. This will ensure that the subdivision will develop as proposed. The MDA application should be submitted prior to scheduling this project for the future was submitted prior to the Council hearing. Staff's recommended DA provisions are already in the conditions section of this report, Section VIII, and supports the MDA request to ensure a more connected road network and cohesive project is proposed. If the Poorman outparcel is not included in the project boundary, the project area within the annexation boundary (approximately 10 acres) could likely stand on its own merits. However, the project was not analyzed in this manner so Staff cannot guarantee 100 percent compliance with UDC standards for this area alone. For example, the required amount of qualified open space. Should Council decide the R-4 parcel

<u>should not be a part of this project, Staff recommends a continuance to allow Staff time to</u> analyze just the 10 acres associated with the annexation request.

In general, Staff finds rezoning this area from R-4 to R-8 a logical expansion of existing zoning nearer the corner of Black Cat and McMillan Roads to the southwest of the subject site. Brody Square Subdivision is an approved R-8 subdivision directly to the west/southwest of this area and the Applicant has aimed to match the lot lines along the abutting project boundary. This same density is proposed throughout the proposed project; Staff finds the proposal to annex 10 acres and rezone 6.5 acres to the R-8 zoning district offers an appropriate transitional density to the developed R-4 area to the north.

Staff finds the proposed project to be generally consistent with the Comprehensive Plan. Specific Comprehensive Plan policies are discussed and analyzed below.

The City may require a development agreement (DA) in conjunction with an annexation and rezone pursuant to Idaho Code section 67-6511A. *In order to ensure the site develops as proposed with this application, Staff recommends a new DA that encompasses the land proposed to be rezoned and annexed with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the rezone and annexation approval. A final plat will not be accepted until the new DA is executed and the RZ and AZ ordinances are approved by City Council.*

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

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

"Avoid the concentration of any one housing type or lot size in any geographical area; provide for diverse housing types throughout the City" (2.01.01G). *The proposed project offers a density and site design similar to project approved to the west. Despite proposing a similar density and lot size as that to the west, this Applicant is proposing a large linear open space lot and varying lot sizes throughout the development that should offer different home design. In addition, the overall combined density of projects in the area near the corner of Black Cat and McMillan offer a transition between the arterial roadways and the existing R-4 zoning to the north. It is anticipated and planned within this corridor along McMillan that detached single-family homes will be proposed. Furthermore, proposing a density near the lowest allowed provides the City a relief to the transportation network and area schools when compared to a project at twice the density, which would be allowed within the same future land use designation.*

"Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks" (3.02.01G). All public utilities are available for this project site due to the existing stubs abutting the site to the west and north. This project also lies within the Fire Department response time goal and Fire has approved the accesses to and through the site. West Ada School District anticipates an additional 45 school aged children from this development, according to the ratio of 0.7 kids per household. With the anticipated additional school aged children in the vicinity of project area, Staff anticipates adequate capacity for the designated middle and high school but overcrowding at Pleasant View Elementary, the elementary school approximately ¹/₄ mile to the north through the adjacent subdivision. Unfortunately, the City does not control the construction of new schools but Staff is aware of the potential for overcrowding at the neighborhood elementary school. Because of this, West Ada anticipates utilizing the options of charter schools and specialty schools.

Staff finds that the existing and planned development of the immediate area create appropriate conditions for levels of service to and for this proposed project.
"Preserve, protect, and provide open space for recreation, conservation, and aesthetics" (4.05.01F). The Applicant is proposing this project with two large open space lots totaling 2.75 acres. These two lots are located at different areas of the plat with one being 97-foot wide linear open space in the south portion of the site and the other located along Black Cat and is proposed with a vast number of existing trees that are remaining. Both areas have ample recreation opportunity and pedestrian connections through them. Preserving the existing trees and creating an area of open space that links through the subdivision in the south present adequate usable open space, appropriate conservation, and ample aesthetics for the project.

"Require pedestrian access in all new development to link subdivisions together and promote neighborhood connectivity." (2.02.01D). *Proposed project is extending the attached sidewalks from the south to allow easy access to the future pedestrian facilities and amenities within Prevail Subdivision*.

"Ensure that new development within existing residential neighborhoods is cohesive and complementary in design and construction." (2.02.02F). As discussed, the Applicant is proposing lot sizes and lot lines similar to that of the approved Brody Square subdivision directly abutting the site to the west. In addition, R-8 zoning is an appropriate zoning to transition to the R-4 zoning to the north. The Applicant could revise the lot sizes along the north boundary to meet the R-4 minimum lot size of 8,000 square feet but due to the proposed road layout, aligning lot lines may still be difficult. Furthermore, in this area of the site, the Applicant is proposing six lots adjacent to five existing lots in Vicenza Commons offering similar density along this shared boundary. Therefore, Staff finds the proposed density and lot placement should provide a cohesive project with Vicenza Commons to the north and provide adequate transitional density overall.

"Require new development to establish street connections to existing local roads and collectors as well as to underdeveloped adjacent properties." (6.01.02C). The Applicant is required to and is proposing to extend all abutting stub streets – N. Sepino Avenue from the north, a local street from the west in Brody Square Subdivision, and two new connections to Daphne Street, the existing local street along the south project boundary. The Applicant is also proposing a new stub street to the east boundary for future connectivity and development opportunity for those parcels to the east. Further discussion and analysis on this are below in Section G, Access. Staff finds the Applicants proposed street connections comply with this policy.

"Eliminate existing private treatment and septic systems on properties annexed into the City and instead connect users to the City wastewater system; discourage the prolonged use of private treatment septic systems for enclave properties." (4.08.02A). As discussed, a portion of this project surrounds a county enclave that utilizes private septic and well systems. Staff has had multiple discussions with that landowner and they do not have an interest in annexing into the City and connecting to City services at this time. The submitted plans show their septic drain field on a small portion of the already annexed R-4 parcel (discussed in more detail below) perpetuating prolonged use of the private systems. Staff finds these conditions do not comply with this policy.

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

C. Existing Structures/Site Improvements:

There are two existing county residential single-family homes with accessory structures on the two 5-acre sites abutting Daphne Street. Both homes are proposed to be removed upon development of this project.

Within the existing R-4 parcel, the Poorman outparcel has their septic tank drain field on a small area just north of their property line near Black Cat Road. According to the

submitted plat, the Applicant has proposed a non-buildable lot over this area. Staff does not support the inclusion of a non-buildable lot for this shared use and instead recommends the developer and the Poorman's enter into a separate agreement that defines how this area is to be used and maintained. This recommendation would remove the non-buildable lot and incorporate this area into the larger common lot as previously proposed by the Applicant. This agreement should be included with a future final plat application and include a termination clause when the Poorman outparcel redevelops or connects to City services.

D. Proposed Use Analysis:

The proposed use is detached single-family residential with an average lot size of 6,705 square feet and a minimum lot size of 5,297 square feet. This use is a permitted use in the requested R-8 zoning district per UDC Table 11-2A-2 and all lots meet the minimum lot size requirement of 4,000 square feet. The Applicant has not noted if this is a phased project, however Staff anticipates it to develop as one phase.

The proposed use, lot sizes, and lot alignment should provide for a development that is cohesive with the adjacent development to the north and the planned development to the west/southwest.

E. Dimensional Standards (<u>UDC 11-2</u>):

The residential lots appear to meet all UDC dimensional standards per the submitted plat. In addition, all subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). *The proposed preliminary plat and submitted plans appear to meet all UDC requirements except for the length of the proposed east-west cul-de-sac shown as W. Philomena Court in the north portion of the site. This cul-de-sac measures approximately 550 feet in length, 50 feet beyond the allowed length by UDC 11-6C-3. Therefore, the Applicant requires a Council Waiver to exceed the 500 foot limit for a dead-end street.*

Note: The original preliminary plat met this requirement and included an access easement to the Poorman outparcel. At Staff's recommendation, the Applicant extended Philomena Court further west so that right-of-way would touch the Poorman outparcel instead of an easement. Staff recommended this because easements are more difficult to track and maintain than having abutting right-of-way. With the current layout, the City will have more means of requiring the Poorman outparcel take access from Philomena Court instead of Black Cat should that property ever redevelop. Therefore, Staff recommends Council approve the waiver for the dead-end street to exceed 500 feet.

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

The Applicant submitted conceptual building elevations for the proposed detached single-family homes. Note that detached single-family homes do not require Design Review approval therefore Staff does not review these for compliance with any standards.

However, the submitted elevations depict single and two-story homes with two-car garages. The elevations depict field materials of lap siding and faux shingles with varying roof profiles offering an overall array of potential homes. Because these homes do not abut an arterial or collector roadway, staff is not requiring any additional design review with the building permit submittal.

G. Access (UDC <u>11-3A-3</u>, <u>11-3H-4</u>):

Access is proposed via multiple local street connections and no arterial or collector street connections. One access is via extension of N. Sepino Avenue, a local street stubbed to the northern boundary from the Vicenza Commons Subdivision. The Applicant is also proposing two new north-south local street connections to W. Daphne Street, an existing county local street along the southern boundary. Daphne Street is the access point for the existing county residences

and is proposed to be improved with half-plus-twelve feet of pavement, curb, gutter, and 5-foot attached sidewalk, per the ACHD staff report (see section VIII.I). The submitted plat shows these north-south local streets intersecting a new east-west local street that would be an extension of Avilla Drive from Brody Square to the west (Brody square is currently under construction but no roads have been constructed at this time). The proposed N. Sepino extension intersects Avilla Drive and is the access point for the noted Philomena Court. In addition, the Applicant is proposing a common drive off of N. Sepino that serves three (3) building lots; the two other lots adjacent to the common drive are proposed to take access from N. Sepino instead of the common drive. All local streets are proposed as 33-foot wide street sections with 5-foot attached sidewalk within 47 feet of right-of-way consistent with ACHD policy.

The Applicant is also proposing to extend Avilla Drive to the east boundary as a stub street for future road connectivity to adjacent properties. The improvement of Daphne Street will also allow for future connectivity to the east with the assumption that redevelopment of the parcel(s) to the south will be required to complete the south half of Daphne and continue the pedestrian connectivity.

Staff supports the overall road layout and stub street locations as proposed on the revised preliminary plat.

H. Parking (*UDC* <u>11-3C</u>):

Off-street parking is required to be provided in accord with the standards listed in <u>UDC Table 11-</u> <u>3C-6</u> for single-family dwellings based on the number of bedrooms per unit. Staff will confirm compliance with these standards at the time of building permit submittal for each residence. In addition, the proposed 33-foot wide street section accommodates on-street parking where no driveways exist. Furthermore, no on-street parking is allowed within any part of the cul-de-sac at the end of W. Philomena Court unless the Applicant revises it to be constructed with a 57-foot radius.

Because each lot is at least 50 feet wide and there are areas where no driveways exist on the local streets, Staff is not concerned with the amount of parking in this subdivision.

I. Sidewalks (*UDC* <u>11-3A-17</u>):

5-foot wide attached sidewalks are proposed along all proposed streets except for that sidewalk along N. Black Cat—the Applicant is proposing to construct 5-foot wide detached sidewalk within the required street buffer consistent with code requirements. In addition, the Applicant is proposing 5-foot wide micro-paths through each large open space lot for added pedestrian connectivity. The proposed sidewalks meet UDC 11-3A-17 and ACHD standards.

As proposed, the project and existing conditions of the Poorman outparcel not being annexed into the City would create a sidewalk gap along the east side of Black Cat. This gap would be approximately 190 feet in length and equates to the Poorman out-parcel's frontage along Black Cat. This sidewalk gap is why the project required ACHD Commission approval instead of the standard staff-level review and approval. The ACHD Commission approved the road layout and the overall project without this additional sidewalk connection but instructed the Applicant try to obtain the additional right-of-way and sidewalk along the outparcel frontage.

Because the Poorman outparcel was allowed to remain unannexed in 2007 from the parcel that is part of this application despite common ownership, Staff does not find it feasible to include a condition of approval to require it be annexed into the City at this time or to require the arterial street buffer and detached sidewalk along the Poorman outparcel frontage. However, consistent with other approvals in the area, Staff recommends an interim sidewalk is constructed along the outparcel frontage for pedestrian safety and to eliminate this sidewalk

gap until frontage improvements are required at such time the Poorman outparcel is redeveloped.

J. Landscaping (<u>UDC 11-3B</u>):

The required landscaping regulated by code within the proposed development are the following areas: the common open space areas and the required landscape buffer to N. Black Cat Road. The submitted landscape plans show landscaping in these areas as proposed.

The Applicant is proposing two end-cap common lots on the west side of N. Sepino Avenue that are not wide enough to count as qualified open space but are still required to comply with UDC 11-3B-7, buffers along streets. The submitted landscape plans show compliance with code requirements for the number of trees and other vegetative ground cover.

In addition, common open space is required to be landscaped with one (1) tree for every 8,000 square feet of open space. The large open space area in the south area of the site is shown as 46,319 square feet on the preliminary plat requiring at least six (6) qualifying trees. The submitted landscape plans show a number of trees exceeding this UDC requirement. The large open space lot in the northwest corner of the site adjacent to Black Cat is over one-and-a-half acres in size and has an unknown number of existing and mature trees. In addition to these existing trees, the Applicant is proposing at least eight (8) additional qualifying shade trees. Overall, Staff finds the submitted landscape plans show landscaping in excess of code requirements.

The landscape buffer along N. Black Cat Road is required to be 25' wide and vegetated in accord with UDC 11-3B-7. The submitted landscape plans show compliance with UDC requirements for the number of trees, tree spacing/grouping, and additional vegetative ground cover with two (2) new trees and the existing conditions of multiple existing and mature trees in the buffer area. The landscape plans and plat also show this buffer to be within a 30-foot common lot exceeding the 25-foot requirement.

As noted above, the Applicant is proposing a micro-pathway from the cul-de-sac to the detached sidewalk along Black Cat through the existing tree area. Because this area is densely vegetated and has a relatively large gap between any roads (approximately 400 feet of micro-path), Staff is concerned with safety while traversing this path. Staff is unaware if these trees are pruned to accommodate better visibility or the level of visibility between the proposed culde-sac and Black Cat. Therefore, Staff is including a DA provision to install and maintain lights along this micro-path to help with pedestrian safety and meet CPTED policies in this area.

The Applicant is required to dedicate additional right-of-way for Black Cat total 50 feet from centerline. This additional dedication is for future widening of Black Cat but in the meantime, UDC 11-3B-7C.5 requires a gravel shoulder of no more than 10 feet with the remaining area to be vegetated with lawn or other vegetative ground cover; gravel is not a sufficient ground cover material. According to the submitted landscape plans, the Applicant is not showing compliance with this code section. So, Staff is recommending a condition of approval to revise the landscape plans to meet this requirement prior to Final Plat submittal.

K. Qualified Open Space and Amenities (UDC 11-3G):

The proposed preliminary plat area is approximately 16.6 acres in size in size requiring at least one (1) amenity and 1.66 acres (approximately 72,300 square feet) of qualified open space per UDC 11-3G-3. The Applicant is proposing a pergola shade structure with a picnic bench, a tot-lot, and at least 20,000 square feet of qualified open space to meet the amenity requirements; *Staff finds the proposed amenities exceed code requirements*.

According to Staff calculations, the Applicant is proposing approximately 2.84 acres of qualified open space (approximately 17%) to include half of the Black Cat buffer, and the two large open space lots within the project. As discussed throughout the report, Staff finds the proposed open space to be thoughtfully designed and placed for appropriate recreation and use.

Note: the large linear open space lot in the south end of the site contains three (3) separate pond facilities that are needed to provide pressurized irrigation for the project. According to the submitted landscape plans, these facilities are shown as small open water ponds with landscaping and rock around each one creating aesthetic open space amenities. Staff finds these small ponds add to the overall beautification and recreation of the open space area so long as they are maintained in accord with UDC standards to include recirculating water and are maintained such that they do not become mosquito breeding grounds.

L. Fencing (*UDC* <u>11-3A-6</u>, <u>11-3A-7</u>):

All fencing is required to comply with the standards listed in UDC 11-3A-7. Fencing is proposed as shown on the landscape plan and appears to meet UDC standards as proposed including open vision fencing adjacent to common open space areas.

VI. DECISION

A. Staff:

Staff recommends approval of the requested annexation, rezone, preliminary plat, and DA Modification application with the requirement of a new Development Agreement per the Findings in Section IX of this staff report.

- B. The Meridian Planning & Zoning Commission heard these items on November 4, 2021. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning, Rezone, and Preliminary Plat requests.
 - 1. <u>Summary of Commission public hearing:</u>
 - a. In favor: Dan Lardie, Applicant Representative; Tony Tseng, Applicant; Mr. & Mrs. Poorman, sellers of the R-4 parcel.
 - b. In opposition: None
 - c. Commenting: Dan Lardie; Paul Poorman; Gayle Poorman; Joel Tague, neighbor;
 - d. Written testimony: Don Applegarth, neighbor.
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: Bill Parsons, Planning Supervisor.
 - 2. Key issue(s) of public testimony:
 - a. Location of proposed micro-path in open space lot in northwest corner of the site and a desire to move it to further from the existing homes;
 - b. Transition in lot sizes/lot lines between proposed R-4 lots and existing R-4 lots to the north;
 - c. Overall desire for applications to be approved as proposed because of Applicant's willingness to work with sellers.
 - <u>d.</u> <u>City's place in creating the Poorman outparcel starting in 2007 and onward by not requiring the parcel be annexed originally.</u>
 - 3. Key issue(s) of discussion by Commission:
 - a. Confirmation of use for proposed irrigation ponds in central open space;
 - b. Configuration of remaining parcels to the south and east is proposal adequate transition to the larger 5-acre parcels.
 - c. Size and configuration of lots on proposed common drive;

- <u>d.</u> <u>Issues of allowing existing Poorman outparcel to remain and not become part of plat/annexation area what are the City's options with this parcel;</u>
- 4. <u>Commission change(s) to Staff recommendation:</u>
 - a. <u>Move the micro-path in the large open space lot along Black Cat to be further away</u> from the fence along the north boundary to a more centralized location in the open <u>space lot;</u>
 - b. Revise the plat to show the lot lines along the north boundary (Lots 2-7, Block 1) to align with the existing lot lines to the north in Vicenza Commons Subdivision.
- 5. Outstanding issue(s) for City Council:
 - <u>a.</u> <u>None</u>
- C. City Council:

To be heard at future date.

VII. EXHIBITS

A. Annexation and Rezone Legal Descriptions and Exhibit Maps



9955 W Emerald St Boise, ID 83704

Phone: (208) 846-8570 Fax: (208) 884-5399

Boundary Description for Pera Place - City of Meridian Annexation August 5, 2021

A parcel of land situated in the southwest quarter of Section 27, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, including Lots 2 and 3, Block 2 of Black Cat Estates Subdivision No. 2, (instrument number 870382, records of Ada County, Idaho); and being more particularly described as follows:

Commencing at the southwest corner of Section 27, Township 4 North, Range 1 West, Boise Meridian, which bears S00°31'09"W, 2637.37 feet from the west quarter-section corner of Section 27;

Thence N00°31'09"E, 1318.65 feet along the west line of Section 27 to the south sixteenth-section corner of Section 27;

Thence S89°17'46"E, 660.80 feet along the north line of the southwest quarter of the southwest quarter of Section 27 (City of Meridian annexation instrument number 2020-138111, records of Ada County, Idaho) and the south line of the north half of the southwest quarter of Section 27 (City of Meridian annexation instrument number 108057325, records of Ada County, Idaho) to the POINT OF BEGINNING:

Thence continuing S89°17'46"E, 728.47 feet along the south line of the north half of the southwest quarter of Section 27, and the current boundary of the City of Meridian (City of Meridian annexation instrument number 108057325, records of Ada County, Idaho), to the corner of Vicenza Commons Subdivision (instrument number 2018-085335, records of Ada County, Idaho) on the north boundary of Lot 4, Block 2 of Black Cat Estates Subdivision No. 2 (Record of Survey instrument number 112020950, records of Ada County, Idaho);

Thence N89°25'46"W, 67.40 feet along the north boundary of Lot 4 to the northeast corner of Lot 3, Block 2 of Black Cat Estates Subdivision No. 2;

Thence S00°32'04"W, 659.59 feet along the boundary of Lots 3 & 4 and the southerly extension thereof to the center line of W. Daphne St.;

Thence N89°16'00"W, 660.89 feet along the center line of W. Daphne St. to the southerly extension of the boundary of Lots 1 & 2, Block 2 of Black Cat Estates Subdivision No. 2, and the current boundary of the City of

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9955 W Emerald St Boise, ID 83704

Phone: (208) 846-8570 Fax: (208) 884-5399

Meridian (City of Meridian annexation instrument number 2020-13811, records of Ada County, Idaho);

Thence N00°31'08"E, 659.41 feet along the boundary of Lots 1 & 2, the southerly extension thereof, and the current boundary of the City of Meridian to the POINT OF BEGINNING.

The above-described parcel contains 10.01 acres, more or less.



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9955 W Emerald St Boise, ID 83704

Phone: (208) 846-8570 Fax: (208) 884-5399

Boundary Description for Pera Place - City of Meridian Rezone R4 to R8 Project No. 21-252 December 6, 2021

A parcel of land situated in the north half of the southwest quarter of Section 27, Township 4 North, Range 1 West, Boise Meridian, City of Meridian, Ada County, Idaho, and being more particularly described as follows:

Commencing at the southwest corner of Section 27, Township 4 North, Range 1 West, Boise Meridian, which bears S00°31'09"W, 2637.37 feet from the west quarter-section corner of Section 27;

Thence N00°31'09"E, 1505.03 feet along the west line of Section 27 to the southwest corner of Parcel B (Record of Survey 7768, records of Ada County, Idaho), the POINT OF BEGINNING:

Thence continuing N00°31'09"E, 255.13 feet along the west line of Section 27 and Parcel B to the corner with Vicenza Subdivision No. 2 (Book 110 of Plats at Pages 15670 thru 15673, records of Ada County, Idaho);

Thence S89°38'12"E, 291.82 feet along the boundary of Parcel B, Vicenza Subdivision No. 2, and Vicenza Subdivision No. 4 (Book 117 of Plats at Pages 17790 thru 17793, records of Ada County, Idaho);

Thence S19°35'11"E, 111.85 feet along the boundary of Parcel B and Vicenza Subdivision No. 4 to the corner with Vicenza Commons Subdivision No. 2 (Book 117 of Plats at Pages 17794 thru 17797, records of Ada County, Idaho);

Thence S34°24'46"E, 79.39 feet along the boundary of Parcel B and Vicenza Commons Subdivision No. 2;

Thence S50°46'23"E, 89.27 feet along the boundary of Parcel B and Vicenza Commons Subdivision No. 2;

Thence S88°11'48"E, 896.60 feet along the boundary of Parcel B and Vicenza Commons Subdivision No. 2 to the corner with Vicenza Commons Subdivision (Book 114 of Plats at Pages 17014 thru 17016, records of Ada County, Idaho);

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9955 W Emerald St Boise, ID 83704

Phone: (208) 846-8570 Fax: (208) 884-5399

Thence S12°47'30"E, 206.28 feet along the boundary of Parcel B and Vicenza Commons Subdivision to the south line of the north half of the southwest quarter of Section 27;

Thence N89°17'46"W, 728.47 feet along the south line of the north half of the southwest quarter and the boundary of Parcel B to the corner with the 5120 N. Black Cat Rd. Parcel (Record of Survey 12801, records of Ada County, Idaho);

Thence N89°17'41"W, 319.20 feet along the boundary of Parcel B and the 5120 N. Black Cat Rd. Parcel to the corner with Parcel A (Record of Survey 7768, records of Ada County, Idaho);

Thence N00°26'34"E, 155.40 feet along the boundary of Parcel B and Parcel A;

Thence N44°20'33"W, 42.57 feet along the boundary of Parcel B and Parcel A;

Thence N89°07'48"W, 311.37 feet along the boundary of Parcel B and Parcel A to the POINT OF BEGINNING.

The above-described parcel contains 6.99 acres, more or less.



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B. Preliminary Plat (dated: 9/17/2021)





C. Landscape Plans (date: 10/7/2021)









D. Open Space Exhibit



E. Conceptual Building Elevations









VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

A Development Agreement (DA) is required as a provision of annexation and rezone of this property. Prior to approval of the annexation and rezone ordinances, a new DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation and rezone ordinance adoption, and the developer. Prior to the City Council hearing being scheduled, the Applicant shall submit for a Development Agreement Modification to replace the existing DA for the R-4 parcel and incorporate the entire rezoned and annexed property under a new DA. A fee of \$502.00 shall be paid at the time of application submittal.

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 and rezone. The DA shall, at minimum, incorporate the following provisions:

- a. Future development of this site shall be consistent with the approved plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. The Applicant shall install and maintain lights along the micro-path proposed within the large open space lot in the northwest corner of the site (Lot 8, Block 1) to help with pedestrian safety and use of this open space area.
- c. With final plat submittal, the Applicant shall provide a copy of the executed agreement with the Poorman outparcel (Parcel #S0427325830) outlining the use, maintenance, and termination of the septic drain field that is part of the large open space lot in the northwest corner of the project, shown as Lot 8, Block 1.
- d. The Applicant shall construct an interim 5-foot wide sidewalk along the Poorman outparcel (Parcel #S0427325830) to eliminate the sidewalk gap on the east side of N. Black Cat Road and provide safe pedestrian access along this corridor. Coordinate with the transportation authority on approved construction methods for this interim sidewalk.
- 2. Prior to the City Council hearing, the Applicant shall provide a revised Rezone legal description and exhibit map for the existing R-4 parcel noting the rezone request to the R-8 zoning district.
- 3. The revised preliminary plat included in Section VII.B, dated September 17, 2021, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Add a plat note stating that direct lot access to N. Black Cat Road is prohibited.
 - b. Remove the non-buildable lot (Lot 10, Block 1) for the Poorman outparcel septic drain field and show it as part of the larger common lot (Lot 8, Block 1).
- 4. The landscape plan included in Section VII.C, dated October 7, 2021, shall be revised as follows prior to submitting for Final Plat approval:
 - a. Any landscaping within the ACHD right-of-way shall be landscaped in accord with UDC 11-3B-7C.5.
- 5. Future development shall be consistent with the minimum dimensional standards listed in UDC Table 11-2A-6 for the R-8 zoning district.

- 6. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6 for single-family dwellings based on the number of bedrooms per unit.
- 7. The Applicant shall comply with all ACHD conditions of approval.
- 8. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
- 9. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
- 10. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.

B. PUBLIC WORKS

Site Specific Conditions of Approval

- 1. The blow off at the west boundary of the subdivision must be removed.
- 2. The new blow off at the east boundary of the subdivision should be called out using Standard Drawing W13.
- 3. City requires developers to provide sewer to and through this project to adjacent properties. In accordance with the to-and-through policy, sewer must be extended to 4448, 4500, and 4520 W. Daphne Street.
- 4. Ensure no sewer service lines pass through infiltration trenches.
- 5. Ensure that angles of pipe into and out of manholes is a minimum of 90 degrees in the direction of flow.

General Conditions of Approval

- 1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2. Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 3. The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.

- 4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
- 5. All existing structures that are required to be removed shall be prior to signature on the final plat by the City Engineer. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
- 6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
- 7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
- 8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
- 9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
- 10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
- 11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
- 12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
- 13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
- 14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 15. Developer shall coordinate mailbox locations with the Meridian Post Office.
- 16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
- 17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.

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

C. FIRE DEPARTMENT

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=236733&dbid=0&repo=MeridianC</u> <u>ity</u>

D. POLICE DEPARTMENT

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237247&dbid=0&repo=MeridianC ity

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237895&dbid=0&repo=MeridianC</u> <u>ity</u>

F. WEST ADA SCHOOL DISTRICT (WASD)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=238205&dbid=0&repo=MeridianC</u> <u>ity</u>

G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=237323&dbid=0&repo=MeridianC ity

H. COMMUNITY DEVELOPMENT SCHOOL IMPACT TABLE

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239277&dbid=0&repo=MeridianC</u> <u>ity</u>

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240450&dbid=0&repo=MeridianC</u> <u>ity</u>

IX. FINDINGS

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

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

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

Commission finds the proposed zoning map amendment to annex the property into the City of Meridian with the R-8 zoning district and Rezone a portion of the project from R-4 to the R-8 zoning district with the proposed preliminary plat and site design is consistent with the Comprehensive Plan, if all conditions of approval are met.

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

Commission finds the proposed zoning map amendment and the request for the development complies with the regulations outlined in the requested R-8 zoning district and is consistent with the purpose statement of the requested zone.

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

Commission finds the proposed zoning map amendment should not be detrimental to the public health, safety and welfare.

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

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

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

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

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;

Commission finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan in regard to land use, density, transportation, and pedestrian connectivity. (Please see Comprehensive Plan Policies in, Section V of this report for more information.)

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

Commission finds that public services will be provided to the subject property with development. (See Section VIII 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, Commission finds that the subdivision will not require the expenditure of capital improvement funds.

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

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

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

Commission is not aware of any health, safety, or environmental problems associated with the platting of this property. ACHD considers road safety issues in their analysis and has offered their support of the proposed development with the proposed road layout in mind.

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

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



Item #3.



ITEM TOPIC: Public Hearing for Outer Banks Subdivision/The 10 Meridian (H-2021-0063) by J-U-B Engineers, Inc., Located at the Southwest Corner of W. Franklin Rd. and S. Ten Mile Rd. A. Request: Preliminary Plat consisting of 25 buildable lots on 36+/- acres of land in the R-40 and C-C zoning districts.

B. Request: Conditional use permit for a multi-family development containing a total of 516 residential dwelling units consisting of (364) high-density apartment, (126) flat and (26) townhome style units in the R-40 and C-C zoning districts.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya AllenMeeting Date:November 4, 2021Topic:Public Hearing for Outer Banks Subdivision/The 10 Meridian (H-2021-0063) by J-
U-B Engineers, Inc., Located at the Southwest Corner of W. Franklin Rd. and S. Ten
Mile Rd.

- A. Request: Preliminary Plat consisting of 25 buildable lots on 36+/- acres of land in the R-40 and C-C zoning districts.
- B. Request: Conditional use permit for a multi-family development containing a total of 516 residential dwelling units consisting of (364) high-density apartment, (126) flat and (26) townhome style units in the R-40 and C-C zoning districts.

Information Resources:

Click Here for Application Materials

Click Here to Sign Up to Testify at the Planning and Zoning Commission Public Hearing

STAFF REPORT Community Development Department



HEARING December 14, 2021 Legend DATE: Project Location TO: Mayor & City Council FROM: Sonya Allen, Associate Planner 208-884-5533 **FRAN** SUBJECT: H-2021-0063 – Outer Banks Subdivision/The 10 Meridian LOCATION: SWC of W. Franklin Rd. & S. Ten Mile Rd., in the NE ¼ of Section 15, Township 3N., Range 1W. (Parcel: S1215110058)

I. PROJECT DESCRIPTION

Preliminary plat (PP) consisting of 25 buildable lots on 36+/- acres of land in the R-40 and C-C zoning districts for Outer Banks Subdivision; and a Conditional use permit (CUP) for a multi-family development containing a total of 516 residential dwelling units consisting of (364) high-density apartments, (126) flat and (26) townhome style units in the R-40 and C-C zoning districts for The 10 Meridian.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	36-acres (plat boundary)	
Future Land Use Designation	Mixed Use – Commercial (MU-COM); High Density	
	Residential (HDR); and Mixed Use – Residential (MU-RES)	
	in the Ten Mile Interchange Specific Area Plan (TMISAP)	
Existing Land Use	Vacant/undeveloped land	
Proposed Land Use(s)	Commercial, multi-family development, vertically integrated	
	residential	
Current Zoning	Community Business (C-C) & High-Density Residential (R-	
	40)	
Proposed Zoning	NA	
Lots (# and type; bldg/common)	25 buildable lots/0 common lots	
Phasing plan (# of phases)	2	
Number of Residential Units (type	516 units [(364) high density apartments, (126) flat and (26)	
of units)	townhome style units]	

Density (gross & net)	23.07 (gross) units/acre	
Open Space (acres, total [%] / buffer / qualified)	4.74 acres	
Amenities	A clubhouse with a swimming pool, fitness center, dog wash facilities, internet café, co-working center, game room; (6) BBQ's; (2) plazas; a fire pit;(2) sports courts (i.e. bocce ball, pickle ball); children's play equipment; open grassy areas of at least 50' x 50' in size; a dog park; a plaza; and a children's play structure.	
Physical Features (waterways, hazards, flood plain, hillside)	The Kennedy Lateral bisects this site.	
Neighborhood meeting date; # of attendees:	July 26, 2021; no attendees other than the Applicant	
History (previous approvals)	H-2021-0025 (DA Inst. #2021-132704 – The 10 at Meridian)	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
• Staff report (yes/no)	Yes	
 Requires ACHD Commission Action (yes/no) 	No	
Traffic Impact Study (yes/no)	Yes	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed via W. Franklin Rd., S. Ten Mile Rd. and W. Cobalt Dr. as shown on the plat.	
Traffic Level of Service	W. Franklin Rd. – better than "D"/existing plus project "F"; S. Ten Mile Rd. – Better than "D" (acceptable level of service is "E")	
Stub Street/Interconnectivity/ Cross Access	No stub streets exist to this site from the property to the west; therefore, none can be extended.	
Existing Road Network	There are no existing internal roadways within the site; W. Franklin Rd. and S. Ten Mile Rd. are existing arterial streets that border the site along the north and east boundaries.	
Existing Arterial Sidewalks / Buffers	Curb, gutter and a 7-foot wide attached asphalt path exists along S. Ten Mile Rd. Curb, gutter and a 7-foot wide attached (near the intersection) and 5-foot wide detached (outside of the influence area of the intersection) concrete sidewalk exists along W. Franklin Rd. No buffers exist on this site along either roadway.	
Proposed Road Improvements	There are no roadways, bridges or intersections in the general vicinity that are in the IFYWP or the CIP.	
Fire Service		
• Distance to Fire Station	1.9 mile from Station #2	
• Fire Response Time	Within 5-minute response time goal	
• Resource Reliability	85% (goal is 80% or greater)	

Description	De	Details			Pag	
• Risk Identification	4 -	4 – current resources would <i>not</i> be adequate to supply service to this project.				
Accessibility	Me	Meets all required access, road widths and turnarounds				
• Special/resource needs		Will require an aerial device – can meet this need in the required time frame if a truck company is required.			fa	
• Water Supply	W	Will vary depending on building size and occupancy types.				
• Other						
Police Service	Se	e Section IX.D				
West Ada School District						
• Distance (elem, ms, hs	3)		//	Projected 21-22 Enrollment	<u>Capacity</u>	<u>Miles</u> (Dev. to School)
Capacity of Schools	Chaparral Elemen			494	700	1.1
• # of Students Enrolled	d Meridian Middle			1062 1831	1250 2075	3.3 2.0
 Predicted # of student generated from proposed development 		56				
Community Development School Impact Table		https://weblink.meridiancity.org/WebLink/DocView.aspx?id=241147&dbid=0&rep MeridianCity			<u>id=0&repo=</u>	
Wastewater						
Distance to Sewer Services		Directly adjacent				
Sewer Shed		South Black Cat Trunk Shed				
• Estimated Project Sewer ERU's		See Application				
WRRF Declining Balance		14.21				
 Project Consistent with WW Master Plan/Facility Plan 		Yes				
Impacts/Concerns		• Flow is commi • See Public Wo	tted rks Site Specific condit	tions in Section	IX.B	
Water						
	ica		Directly adjacen	t		
• Distance to Water Serv	vices			L Contraction of the second seco		
Drassura Zono		2			1	

Distance to water services		
Pressure Zone	2	
• 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 in Section IX.B	

C. Project Maps





III. APPLICANT INFORMATION

A. Applicant:

Wendy Shrief, JUB Engineers, Inc. - 250 S. Beechwood Ave., Ste. 201, Boise, ID 83709

B. Owner:

10 Mile Franklin, LLC - 837 Jefferson Blvd., West Sacramento, CA 95691

C. Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	10/19/2021	11/28/2021
Radius notification mailed to properties within 300 feet	10/12/2021	12/2/2021
Public hearing notice sign posted on site	10/22/2021	11/29/2021
Nextdoor posting	10/15/2021	12/6/2021

V. COMPREHENSIVE PLAN (HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN):

LAND USE: The majority of this property is designated Mixed Use Commercial (MU-COM) (northeast 22+/- acres) and High Density Residential (HDR) (southwest 11+/- acres) on the Future Land Use Map (FLUM) in the <u>Comprehensive Plan</u> with a narrow sliver of Mixed Use Residential (MU-RES) (3+/- acres) along the southern boundary which will be mostly be right-of-way for W. Cobalt Dr. This property is located within the area governed by the <u>Ten Mile Interchange Specific Area Plan</u> (TMISAP).

The purpose of the MU-COM designation is to encourage the development of a mixture of office, retail, recreational, employment, and other miscellaneous uses, with supporting multi-family or single-family attached residential uses (see pg. 3-9 in the TMISAP for more information).

HDR designated areas are multiple-family housing areas where relatively larger and taller apartment buildings are the recommended building type. HDR areas should include a mix of housing types that achieve an overall average density target of at least 16-25 dwelling units per gross acre (see pg. 3-7 in the TMISAP for more information).

The purpose of the MU-RES designation is to encourage a diversity of compatible land uses that may include a mixture of residential, office, retail, recreational, employment, and other miscellaneous uses (see pg. 3-8 in the TMISAP for more information).

Mixed use designated areas in the TMISAP are recommended locations for development of activity centers that are specifically planned to include both residential and non-residential uses. Mixed use areas are anticipated to have 3 or more significant income producing uses (i.e. retail, office, residential and lodging facilities) with significant functional and physical integration in conformance with a coherent plan (pgs. 3-7 & 3-8).

The site is proposed to develop with a mix of uses (horizontal and vertical) as shown on the site plan in Section VIII.D. High-density 4-story multi-family residential apartments (200 1-bedroom & 164 2-bedroom units) are proposed in the HDR designated area on the southwest portion of the site. Four-story multi-family flats (68 1-bedroom and 58 2-bedroom units) and 3-story multi-family townhouse style (26 3-bedroom units) units with a 15,525 square foot clubhouse/recreation center, 2-story vertically integrated mixed use [primarily retail uses on the 1st floor (28,600 s.f.) with residential (22 1-bedroom and 11 2-bedroom units) on the 2nd floor], commercial (113,200 s.f.) and QSR (i.e. fast food restaurant) with drive-throughs (8,450 s.f.) are proposed in the MU-COMM designated portion of the site adjacent to W. Franklin

Rd. and S. Ten Mile Rd. A total of 549 residential units and 150,250 s.f. of commercial uses are proposed to develop on the overall site.

Staff finds the mix of income producing uses proposed as well as the vertical and horizontal integration of such uses and residential densities interconnected by pedestrian walkways and amenities is generally consistent with the goals of the TMISAP for this area.

Transportation: W. Franklin Rd. and S. Ten Mile Rd. are existing 5-lane arterial streets that run along the north and east boundaries of the site that are fully built out.

Cobalt Drive is proposed to be extended as a collector street from S. Ten Mile Rd. at the southeast corner and off-site along the southern boundary of the site to the project's west boundary consistent with the Master Street Map in the Comprehensive Plan and the Transportation System Map in the TMISAP. The Transportation System Map depicts the Ten Mile intersection with Cobalt as right-in/right out. The Street Section Map depicts this segment of Cobalt as Street Section D, which is a residential collector street per the Transportation System Map. Buildings on such streets have limited setbacks behind the sidewalk and a tree-lawn is required. A 5-foot wide dry-utilities corridor should be provided along both sides of the street curb. Both wet utilities may be located in the street. Streetlights should be placed in the dry utilities corridor on either side of the street.



Street Section D

Note: ACHD has requested the City and ITD consider requiring the Applicant to extend the southbound left turn lane at the I-84/Ten Mile Rd. intersection to 700 feet and modify the landscape median to accommodate additional vehicle stacking. ACHD has not accepted the right-of-way for the segment of Ten Mile Rd. that would encompass the extension of the southbound left turn lane so this is not within their right-of-way. Staff believes the City does not have the authority to require a roadway improvement that is not on the Applicant's property and is not directly related to the application. However, staff encourages the applicant to mitigate the concerns raised and seek ITD approval to make the necessary modifications as noted above.

Design: Conceptual building elevations were submitted for the high density, flats and townhome style multi-family residential and mixed-use/vertically integrated structures and the associated clubhouse. The design of the proposed multi-family structures appears to be of a high quality and are generally consistent in style, materials and colors. Elevations weren't submitted for the commercial portion of the development as tenants are unknown at this time. Final design of the site and all structures is required to comply with the design elements of the TMISAP per the Application of Design Elements matrix on pg. 3-49 of the TMISAP and the design standards in the Architectural Standards Manual in accord with the Development Agreement (Inst. #2021-132704, provision #5.1b). The commercial portion of the development as the residential portion of the development.

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in *italics*):
• "Encourage a variety of housing types that meet the needs, preferences, and financial capabilities of Meridian's present and future residents." (2.01.02D)

A variety of multi-family housing is proposed in this development consisting of flats, townhome and high-density apartment style units, which will contribute to the variety of housing types in the City, specifically in the Ten Mile area as desired, that should cater to different financial capabilities.

• "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 and can be extended by the developer with development in accord with UDC 11-3A-21.

The school impact table prepared by the Community Development Dept. shows capacity at area schools below capacity although only slightly so for the middle and high school currently serving this area.

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

The site is located at a major intersection along two major mobility arterials (Franklin and Ten Mile Roads) and in close proximity to employment centers. Transit services exist in the Ten Mile Crossing development to the east at the intersection of Vanguard/Wayfinder to serve this area – other transit stops may be added in the future. Transit services are available to serve this site via Route 40.

• "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 project with multi-family residential and a grocery store with nearby employment (retail/office uses) and restaurant uses, should provide a good mix of uses that residents won't have to travel far for, thus reducing vehicle trips and enhancing overall livability and sustainability.

• "Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits." (4.05.03B)

This property is an enclave surrounded by City annexed land. Annexation and development of this property will maximize public services.

• "Annex lands into the corporate boundaries of the City only when the annexation proposal conforms to the City's vision and the necessary extension of public services and infrastructure is provided." (3.03.03)

The proposed development plan is generally consistent with the City's vision for this property through the Comprehensive Plan; the developer will extend public services and infrastructure as needed for the development.

Staff believes the proposed development plan is generally consistent with the vision of the Comprehensive Plan as discussed above and is consistent with the approved Development Agreement.

VI. STAFF ANALYSIS

A. PRELIMINARY PLAT

A preliminary plat (PP) consisting of 25 buildable lots on 36+/- acres of land in the R-40 and C-C zoning districts is proposed for Outer Banks Subdivision (see Section VIII.A). The plat is proposed to develop in two (2) phases; the first phase is the high density apartments in the R-40 district on the southwest portion of the site (southwest of the Kennedy Lateral) mixed-use area in the C-C district on the northeast portion of the site (northeast of the Kennedy Lateral) and the second phase is the mixed-use area in the C-C district on the northeast portion of the site (northeast portion of the site (northeast of the Kennedy Lateral) high-density apartments in the R-40 district on the southwest portion of the site (southwest of the Kennedy Lateral).

Right-of-way (ROW) for the extension of W. Cobalt Dr. on the subject property is proposed to be dedicated with the plat; ROW for the portion on the property to the south will be dedicated separately via deed with approval from that property owner.

Existing Structures/Site Improvements:

There are no existing structures on this site. Curb, gutter and a 7-foot wide attached asphalt path exists along S. Ten Mile Rd. Curb, gutter and 7-foot wide attached (near the intersection) and 5-foot wide detached (outside the influence area of the intersection) sidewalk exists along W. Franklin Rd.

Dimensional Standards (UDC 11-2):

The proposed plat and subsequent development is required to comply with the dimensional standards listed in UDC <u>*Table 11-2A-8*</u> for the R-40 zoning district and <u>*Table 11-2B-3*</u> for the C-C zoning district. In the C-C district, there are no minimum setback requirements; however, future buildings may not encroach within required street buffers and residential structures must have minimum 20-foot separation between structures per Building Code.

Access (UDC <u>11-3A-3</u>):

Access is proposed via W. Franklin Rd., a commercial arterial; S. Ten Mile Rd., a residential mobility arterial; and the future extension of W. Cobalt Dr., a residential collector street, as shown on the plat.

Two (2) access driveways are proposed via W. Franklin Rd. – one (1) full-access, 930' west of Ten Mile Rd. and one (1) right-in/right-out only, 450' west of Ten Mile Rd. *ACHD has approved the full access as a temporary full access and the right-in/right-out only as proposed with an eastbound right-turn lane.*

Two (2) access driveways are proposed via S. Ten Mile Rd. – one (1) right-out only, 375' south of Franklin Rd. and one (1) right-in/right-out only, 775' south of Franklin Rd. *ACHD has approved the right-out and the right-in/right-out only as proposed with an eastbound right-turn lane*.

Two (2) full-access access driveways are proposed via W. Cobalt Dr. – one (1) 388' west of Ten Mile Rd. and one (1) at the site's west boundary. A cul-de-sac meeting Fire Dept. standards is required to be constructed at the terminus of the road. The Applicant has been working with the property owner to the south on the location and design of the portion of Cobalt Drive that's on their property (Parcel #S1215131400) (see road plan in Section VIII.B). A *Road Construction and Cooperative Development Agreement* has been signed by the two property owners in accord with the Development Agreement (provision #5.1f) but is in the process of being amended. The extension of Cobalt will be constructed prior to or with the first phase of development.

The abutting property to the west has recently developed and no streets, driveways or pathway stubs were provided to this site. For this reason, Staff isn't recommending a cross-access easement/driveway is provided.

A Fire Protection Access/Phasing plan was submitted with this application, which is included in the Fire Dept. comments in Section IX.C.

Based on ACHD's traffic counts, with development of this property Franklin Rd. will still operate at an acceptable level of service (i.e. "D") but Ten Mile Rd. will not (it'll go from "D" to "F"). An acceptable level of service is "E". The improvements requested by ACHD (i.e. the extension of the southbound left turn lane at the I-84/Ten Mile Rd. intersection to accommodate additional vehicle stacking) would not change the level of service.

Road Improvements: Ten Mile Rd. and Franklin Rd. are fully improved with 5-lanes; road widening is not required.

ACHD is requiring additional ROW to be dedicated for the extension of the eastbound right-turn lane storage on Franklin Rd. with the first phase of development; the intersection of Cobalt/Ten Mile is restricted to right-in/right-out/left-in; and a dedicated southbound right-turn lane is required to be constructed on Ten Mile Rd. at Cobalt Dr.

Cobalt Dr. is proposed to be extended from Ten Mile Rd. to the west boundary of the site within 70 feet of ROW (46-foot back of curb to back of curb, see Section VIII.B). Cobalt will be partially on this site and partially on the abutting property to the south and will include a bridge across the Kennedy Lateral.

As noted above in Section V, the Transportation System Map in the TMISAP depicts a right-in/right out collector street at the intersection at Cobalt/Ten Mile. ACHD has approved Cobalt as a public street with a right-in/right-out/left-in only from Ten Mile Rd. based on the TIS. Because the TIS supports this access, Staff is amenable to this change from the TMISAP.

As noted above in Section V, Cobalt is designated as Street Section D, a residential collector street, on the Street Section Map in the TMISAP. As such, it should have (2) 11-foot wide travel lanes, 6-foot wide on-street bike lanes and 8-foot wide parallel parking within 50-feet curb to curb, 8-foot wide planter strips (i.e. tree lawn/parkway) and detached 6-foot wide sidewalks as shown on the diagram above. The proposed street section reflects 3-lanes (2-travel lanes with a center turn lane), 3.5-foot wide bike lanes, curb, gutter, 7-foot wide planter strips and 5-foot wide detached sidewalks.

ACHD's staff report states if parallel parking is required by the City, it should be located to the west of the horizontal curve for Cobalt Dr. and be located beyond the sight distance required for the access proposed on Cobalt Dr. (parking is not allowed to be striped on ACHD roadways). Bike lanes are required to be a minimum of 6-feet wide. **Staff recommends Cobalt is constructed in accord with Street Section D in the TMISAP, as recommended by ACHD.**

Pathways (*UDC* <u>11-3A-8</u>):

There are no multi-use pathways depicted on the Pathways Master Plan for this site. However, a pathway is proposed through the common area that separates the high-density apartments from the mixed-use area within the Kennedy Lateral easement. Walkways are proposed throughout the site for pedestrian access and interconnectivity.

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

A 7-foot wide attached sidewalk exists along Franklin Rd. abutting the site within the influence area of the intersection transitioning to a 5-foot wide detached sidewalk for the remaining site frontage. A 7-foot wide attached asphalt pathway exists along Ten Mile Rd. which should be replaced with a minimum 6-foot wide detached sidewalk, separated from the curb by a minimum 8-foot wide tree lawn/parkway, consistent with Street Section A in the TMISAP (see pg. 3-20). A 10-foot wide pathway is preferred based on ACHD's adopted Livable Streets Performance Measures but not required.

Landscaping (UDC <u>11-3B</u>):

Street buffer landscaping is required to be provided with the subdivision in accord with the widths specified in UDC <u>*Table 11-2A-8*</u> for the R-40 zoning district and <u>*11-2B-3*</u> for the C-C zoning district based on the street classification and planted in accord with the standards listed in UDC <u>*11-3B-7C*</u>. A landscape plan was submitted for the proposed subdivision landscaping, included in Section VIII.B.

Required street buffer widths are as follows: 25-feet along W. Franklin Rd., an arterial street; 35-feet along S. Ten Mile Rd., an arterial street and entryway corridor; and 20-feet along W. Cobalt Dr., a collector street. The street buffers along Franklin Rd., Cobalt Dr. and the portion along Ten Mile Rd. north of the driveway access nearest the intersection appear to meet the minimum width standard; however, the portion along Ten Mile Rd. south of the driveway nearest the intersection does not meet the minimum width standard and needs to be widened (see UDC <u>11-3B-7C.1a</u> for measurement standards); the plans should be revised accordingly. A common lot or a permanent dedicated buffer for the street buffers should be depicted on the plat and should be maintained by the property owner or business owners' association in accord with UDC 11-3B-7C.2b.

The number of trees proposed in buffers meets the minimum standard; however, a mix of trees *and* shrubs with lawn or other vegetative groundcover is required – shrubs should be added to the buffers in accord with UDC 11-3B-7C.3a. Tree lawns need to be provided along Franklin Rd., Ten Mile Rd. and Cobalt Dr. consistent with the TMISAP where not proposed.

Landscaping is required along all pathways per the standards listed in UDC 11-3B-12C, which requires a *mix* of trees, shrubs, lawn, and/or other vegetative ground cover – a minimum of one (1) tree per 100 linear feet of pathway is required. **The landscape plan should be revised accordingly to include shrubs along the pathway.**

Landscaping is required in common open space areas in the R-40 portion of the development in accord with the standards listed in UDC $\underline{11-3G-3E}$.

With development of the C-C zoned portion of the site, a 25-foot wide buffer to residential uses is required along the west boundary of the site landscaped per the standards in UDC <u>11-3B-9C</u>.

A calculations table should be included on the landscape plan submitted with the final plat application that demonstrates compliance with the above standards.

Common Open Space & Site Amenities (UDC <u>11-3G-3</u>): The standards for common open space & site amenities listed in UDC 11-3G-3 only apply to residential districts; therefore, only the R-40 zoned portion of the site is required to comply with these standards.

A minimum of 10% qualified open space is required to be provided within the multi-family development in the R-40 district, which consists of approximately 13 acres. Therefore, a minimum of 1.3 acres of qualified open space area is required.

A minimum of one (1) qualified site amenity is required to be provided for every 20 acres of development area. Based on 13 acres, a minimum of one (1) qualified site amenity is required.

The proposed open space and site amenities meet and exceed the minimum standards; see CUP analysis below for details on the open space & site amenities proposed.

Waterways (*UDC* <u>11-3A-6</u>):

The Kennedy Lateral bisects this site and is proposed to be piped throughout the development in accord with UDC 11-3A-6, which requires laterals to be piped unless improved as a water amenity or linear open space.

Utilities (UDC <u>11-3A-21</u>):

Connection to City water and sewer services is required in accord with UDC 11-3A-21.

Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances. Pedestrian-scale street lights consistent with Street Sections A and B in the TMISAP are required along W. Franklin Rd. and S. Ten Mile Rd. (see pg. 3-22). Streetlights shall be placed in the dry utilities corridor on either side of the Cobalt in accord with Street Section D in the TMISAP (pg. 3-23).

Dry utilities should be located at the back of the curb in the dry utilities corridor along S. Ten Mile Rd. and W. Franklin Rd. in accord with Street Sections A and B in the TMISAP (pg. 3-22).

A 5-foot wide dry-utilities corridor should be provided along both sides of Cobalt Dr.; both wet utilities may be located in the street.

Pressurized Irrigation System (UDC <u>11-3A-15</u>):

Underground pressurized irrigation water is required to be provided to each lot within the subdivision as set forth in UDC 11-3A-15.

Storm Drainage (UDC <u>11-3A-18</u>):

An adequate storm drainage system is required in all developments in accord with the City's adopted standards, specifications and ordinances. Design and construction shall follow best management practice as adopted by the City as set forth in UDC 11-3A-18. A <u>Preliminary Geotechnical</u> <u>Engineering Report</u> dated 12/11/2018 was submitted with this application; an updated copy should be submitted prior to or with the first final plat application.

B. CONDITIONAL USE PERMIT FOR MULTI-FAMILY DEVELOPMENT

Conditional use permit (CUP) for a multi-family development containing a total of 516 residential dwelling units consisting of 364 high-density apartments (200 1-bedroom and 164 2-bedroom units), 126 flats (68 1-bedroom and 58 2-bedroom units) and 26 townhome (3-bedroom units) style units in the R-40 and C-C zoning districts for The 10 Meridian. *Note: A vertically integrated residential project is also proposed that contains 33 dwelling units; however, it's a principal permitted use in the C-C zoning district so it's not included in the CUP request.*

The proposed development plan is in substantial compliance with the conceptual development plan and building elevations included in the Development Agreement (Inst. #2021-0025) as required.

Specific Use Standards (UDC 11-4-3):

The proposed use is subject to the following standards: (Staff's analysis/comments in italic text)

<u>11-4-3-27</u>: 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 <u>title 10</u> of this Code. Building setbacks shall take into account windows, entrances, porches and patios, and how they impact adjacent properties. *Flats F-3 and the garages along the west boundary do not meet the minimum setback requirement of 10'; revise accordingly.*
- 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 site plan depicts screened trash enclosures not visible from a public street; all proposed transformer/utility vaults and other service areas shall comply with this requirement.*
- 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 <u>11-5B-5</u> of this title. *The floor plans submitted with this application depict patios and balconies that meet this standard. Floor plans should be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with this standard.*

- 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 shall comply with this requirement*.
- 6. The parking shall meet the requirements set forth in <u>chapter 3</u>, "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. Located in clubhouse.
 - b. A maintenance storage area. Located in clubhouse.
 - c. A central mailbox location, including provisions for parcel mail, that provide safe pedestrian and/or vehicular access. *Depict on site plan*.
 - 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) *Depict on site plan*.

The site plan submitted with the Certificate of Zoning Compliance application should depict the location of these items in accord with this standard.

- 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. *NA*
 - 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 516 multi-family units are between 500 and 1,200 square feet*.
 - c. Three hundred fifty (350) square feet for each unit containing more than one thousand two hundred (1,200) square feet of living area. *NA*

At a minimum, a total of 129,000 s.f. (or 2.96-acres) of outdoor common open space is required to be provided in the proposed development. A total of $\frac{206,622}{225,000}$ square feet (or $\frac{4.74-5.17}{5.17}$ -acres) is proposed to be provided in excess of UDC standards. Note: Although street buffers along the arterial & collector streets do not qualify toward the open space standards in UDC 11-4-3-27C, they do qualify toward the open space standards in UDC 11-3G-3 (i.e. half the buffer along arterials and the entire buffer along collectors qualify). Overall, the proposed qualified open space complies with the standards in UDC 11-3G-3 and 11-4-3-27C.

- 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'). *The common open space areas depicted on the open space exhibit in Section VIII.E 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. *The Applicant shall comply with this requirement.*
- 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) *All of the common open space area required for the multi-family development is located internally.*
- 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 decisionmaking 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)

A total of 516 units are proposed. The following amenities are proposed from each category: a clubhouse with a swimming pool, fitness center, dog wash facilities, internet café, co-working center, game room; (6) BBQ's; (2) plazas; a fire pit;(2) sports courts (i.e. bocce ball, pickle ball); children's play equipment; open grassy areas of at least 50' x 50' in size; a dog park; a plaza; and a children's play structure. Staff is of the opinion the proposed amenities are appropriate for the development proposed and doesn't recommend any additional amenities are provided.

- E. Landscaping Requirements:
 - 1. Development shall meet the minimum landscaping requirements in accord with <u>chapter 3</u>, "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 along the street facing elevations adjacent to W. Cobalt Dr. 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 <u>11-3B</u>):

Street buffer landscaping is required to be provided with the subdivision improvements as noted above in Section VI.A.

Landscaping is required to be provided along pathways per the standards listed in UDC <u>11-3B-12C</u>. 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 is required all pathways.

Parking: Off-street vehicle parking is required for the proposed multi-family dwellings as set forth in UDC Table <u>11-3C-6</u>. Based on (268) 1-bedroom units, (248) 2- and 3-bedroom units, a minimum of 898 off-street spaces are required with 516 of those being in a covered carport or garage. A total of **902** <u>995</u> spaces are proposed, including <u>530</u> <u>517</u> covered and <u>62</u> <u>41</u> compact spaces – compact stalls are discouraged but may be used for any parking above the number of required spaces per UDC <u>11-3C-5A.6</u>. Because there are four (4) extra spaces above the minimum required, a minimum of 58 compact spaces should be converted to full-size spaces in order to meet the minimum parking standards. Although the proposed parking meets the minimum standards, Staff is concerned there may not be adequate parking for the site to accommodate guests. The

Commission and Council should determine if additional parking should be provided as a condition of approval of the CUP.

Off-street parking is required for the clubhouse as set forth in UDC 11-3C-6B.1 for non-residential uses. Based on 15,525 square feet, a minimum of 31 spaces are required to be provided; 37 <u>31</u> spaces are proposed in excess of accord with the minimum standard. Overall, a *minimum* of 646 <u>929</u> spaces are required.

Bicycle parking is required per the standards listed in UDC <u>11-3C-6G</u> and should comply with the standards listed in UDC <u>11-3C-5C</u>. One bicycle parking space is required for every 25 proposed vehicle parking spaces or portion thereof. Based on <u>902</u> <u>1,026</u> spaces, a minimum of <u>36</u> <u>41</u> spaces are required. The site plan states a total of <u>50</u> <u>52</u> spaces are proposed for the overall development which includes commercial and vertically integrated/mixed use portions of the development. **Bike racks should be provided in central locations for each building as proposed and comply with the standards listed in UDC <u>11-3C-5C</u>.**

Fencing (UDC <u>11-3A-7</u>): No fencing is depicted on the landscape plan for this development.

Building Elevations (UDC 11-3A-19; Architectural Standards Manual; TMISAP)

Conceptual building elevations were submitted for the various types of multi-family units proposed in this development as shown in Section VIII.F. All of the structures appear to be of a high quality of design and consist of a complementary mix of materials, including wood-look siding, Hardie siding, metal siding, stucco, tile, stone veneer and glazing, and colors.

The high-density and flats are 4-story buildings and the townhome style buildings are 3-stories in height. The high-density apartments will have secure entrances and be accessed by an internal hallway. The Applicant should work with the Police Dept. on a plan for emergency police access into each building entry point using a multi-technology keypad (see Section IX.D for more information).

An administrative Design Review application is required to be submitted for approval of the design of the multi-family structures and clubhouse prior to submittal of building permit application for those structures. An application for Certificate of Zoning Compliance is also required to be submitted along with the Design Review application. The design of the structures is required to be consistent with the design standards in the Architectural Standards Manual and the design guidelines in the <u>TMISAP</u> as noted in the Development Agreement (Inst. #2021-132704) (see the Application of the Design Elements table on pg. 3-49 of the TMISAP).

VII. DECISION

A. Staff:

Staff recommends approval of the proposed Preliminary Plat and Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X.

- B. The Meridian Planning & Zoning Commission heard these items on November 4, 2021. At the public hearing, the Commission moved to recommend approval of the subject PP and CUP requests.
 - <u>1.</u> <u>Summary of Commission public hearing:</u>
 - a. In favor: Wendy Shrief, JUB Engineers; Lane Borges; Hethe Clark, Spink Butler
 - b. In opposition: None
 - <u>c.</u> <u>Commenting: None</u>
 - d. Written testimony: None
 - e. <u>Staff presenting application: Sonya Allen</u>
 - f. Other Staff commenting on application: Bill Parsons
 - 2. Key issue(s) of public testimony:

- a. <u>The Applicant requests the extension of Cobalt is within 70-feet of right-of-way as</u> proposed and requests to work with Staff on the details of the street section.
- 3. Key issue(s) of discussion by Commission:
 - a. Concern pertaining to traffic generated from the proposed development and its effect on area streets, especially the functionality of Ten Mile Rd. which will be at level of service <u>"F"</u>;
 - b. Concern pertaining to adequacy of proposed parking in the multi-family development and garages being used as storage instead of parking.
- 4. <u>Commission change(s) to Staff recommendation:</u>
 - a. <u>No changes were made to Staff's recommendation; however, the Commission did direct</u> <u>the Applicant to work with Staff on the road section for Cobalt Dr. and improve the</u> <u>parking ratios for the development.</u>
- 5. Outstanding issue(s) for City Council:
 - a. Since the Commission meeting, the Applicant worked with Staff on the design of Cobalt Dr. and has added more parking for the multi-family development. Revised plans were submitted that reflect the following changes: 1) a re-design of Cobalt Dr. that complies with the street section in the TMISAP as recommended by Staff; 2) a re-design of the residential parking areas to provide a surplus of 97 spaces above the minimum required (compact spaces were reduced from 58 to 41 and are provided above the minimum requirements); 3) the garages along the western boundary have been relocated to comply with the minimum setback; 4) the property lines at Building F-3 have been adjusted to comply with the minimum setback; and 5) the sidewalk along Ten Mile Rd. has been modified to reflect a 6-foot wide detached sidewalk with an 8-foot wide planter/parkway area – the staff report has been updated to include these revisions.

VIII. EXHIBITS



A. Preliminary Plat (date: 09/22/2021) & Phasing Plan – Revised Phasing Plan





B. Cobalt Road Plan and Road Construction & Cooperative Development Agreement - APPROVED

Road Construction and Cooperative Development Agreement - Updated

C. Landscape Plan for Preliminary Plat (dated: <u>9/16/21_12/6/2021</u>) – <u>REVISED</u>





D. Site Plan for Multi-Family Portion of Development (date: 8/23/2021 12/03/2021) - REVISED

OUTER BANKS SUBDIVISION SITE PLAN

A MIXED USE COMMUNITY - MERIDIAN . IDAHO 20013

08.23.2021 REV. 12.03.2021 1478 STONE POINT DRIVE SUITE 350 ROSEVILLE, CA 85861 T | 916 78

A-100 Borges



Conditional Use Permit Residential Project Summary

High Density Apartments HD1 - HD3 1 BR - 200 units = 55 % 2 BR - 164 units = 45 %	364 units
Flats B1 - B3 1 BR - 68 units = 54 % 2 BR - 58 units = 46 %	126 units
Townhomes D1 - D3 3 BR - 26 units	26 units
Total Residential Units	516 units
Parking Required Parking Provided	929 spaces 1026 spaces



Outer Bank Subdivision - Preliminary Site Development Plan

December 1, 202

ñ., PLANT SCHEDULE MAIN Ű Terry T. King **CHHIH** 1H Ī ᆘ * ່ອ Landscape Plan Open Space ۲ 0 ---------. • . d, Adhachadha Adha Robachala Adhachadha Adhachadha Adha Adha **Outer Banks Subdivision** Arite sheethed Related to Relation Rela ₩ n. 1 0000000 Ì 10 Mile and Franklin Parcel Number S1215110058 Meridian • Idaho • 83642 one or coase-screet <u>conset</u> Note . . . me halles Facilités Acités Patiles Facilités Patrici Cris 4 Solge/Concole (Aust 16 St But Focus/Neuropea Nila Nila Nila Nila an Tanan' Ngan' ti Band 127,415 sf 64,359 sf 30,160 sf <u>3,066 sf</u> ERCENTAGE OF BUFFER ecked by: te: Dec. 7, 2021 DOG PARK 06.622 # OPEN AREA TOTAL: 225,000 s PARCEL SIZE: 1,571,232 sf OPEN SPACE REQUIRED: 10% of 1,571,232 8F = 157,123 sf OPEN SPACE PROVIDED: 225,000 (14.3%) ON AND SPECIFICATIONS. TWEEN DOWNINGS AND THE S and the second second 005.329 d IRRIGATED AREA 6.15 Hone (005.329 d/ 43.550 z 6.15 Ho L-3.0a SHEET

E. Qualified Open Space Exhibit (dated: 9/16/21-12/7/2021) - REVISED

Item #3.



F. <u>Conceptual Building Elevations & Renderings</u> for Multi-Family Structures & Clubhouse





OUTER BANKS SUBDIVISION FLATS (F-1 & F-2) FROM NORTHWEST A-901.1 BOrges

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A-902 Borges

TER BANKS SUBDIVISION HIGH DENSITY (HD-1 & HD-2) FROM COBALT



OUTER BANKS SUBDIVISION	HIGH DENSITY (HD-1) ENTRY		A-902.2 Borges
A MIXED USE COMMUNITY - MERIDIAN , IDAHO	20013 08.23.2021	1478 STONE POINT DRIVE BUTTE 100	HOLEVILLE, CA 19981 T \$18 NE 7290 torgenants.com







OUTER BANKS SUBDIVISION HIGH DENSITY (HD-3) FROM SOUTHEAST A-902.3 Borges



OUTER BANKS SUBDIVISION HIGH DEP	SITY (HD-3) FROM EAST (OPEN SPACE)	A-902.4 Borges
A MIXED LISE COMMUNITY - MERIDIAN (DAHO, 2001)	08.23.2021 WINNING POINT INVESTIGATION CANNEL T	1 ANA TAO TINE Assessments own



OUTER BANKS SUBDIVISION HIGH DENSITY (HD-3) WESTENTRY A-902.5
AMEDIA COMMANY - MERICAN, IGMO 2003 102.2021 VISION PARTICLE STRUCTURE INTERNATIONAL COMMUNITY IN THE NUMBER

















OUTER BANKS SUBDIVISION A MEETING COMMUNITY - MERINAN IDAHO 20013 06.23.2021 AND ADDRESS OF THE OWNER OWNER



Page 32





OUTER BANKS SUBDIVISION CLUB HOUSE POOL AREA

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IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1. Future development shall comply with the provisions in the existing Development Agreement (Inst. #2021-132704, H-2021-0025) and the conditions in this report.

Preliminary Plat:

- 2. The final plat shall include the following revisions:
 - a. All street buffers are required to be placed in a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association, as set forth in UDC <u>11-3B-7C.2b</u>. Required street buffers are as follows: minimum 25-feet wide along W. Franklin Rd., an arterial street; minimum 35-feet wide along S. Ten Mile Rd., an entryway corridor; and minimum 20-feet wide along W. Cobalt Dr., a collector street. Street buffers are measured from the back of sidewalk where attached sidewalks are provided and from the back of curb where detached sidewalks are provided per UDC 11-3B-7C.1a.
 - b. The extension of W. Cobalt Dr. from the east to the west property boundary shall be included in the construction drawings for the first phase of development; or, may be included in a separate submittal to ACHD.
 - c. Depict the Irrigation District's easement for the Kennedy Lateral.
 - d. The street section for Cobalt Dr. shall include (2) 11-foot wide travel lanes, 6-foot wide bike lanes, 8-foot wide parallel parking, curb, gutter, 8-foot wide planter strips (i.e. tree lawn/parkway) and detached 6-foot wide sidewalks consistent with Street Section D in the <u>TMISAP</u> (see Pg. 3-21). Parallel parking shall be located to the west of the horizontal curve for Cobalt Dr. and be located beyond the sight distance required for the access proposed on Cobalt Dr. as required by ACHD.
 - e. A 5-foot wide dry-utilities corridor shall be provided along both sides of Cobalt Dr.; both wet utilities may be located in the street. Streetlights shall be placed in the dry utilities corridor on either side of the street in accord with Street Section D in the *TMISAP* (pg. 3-23).
 - f. Provide a minimum 8-foot wide tree lawn/parkway along S. Ten Mile Rd. in accord with the TMISAP.
 - g. Dry utilities shall be located at the back of the curb in the dry utilities corridor along S. Ten Mile Rd. and W. Franklin Rd. in accord with Street Sections A and B in the TMISAP (pg. <u>3-</u><u>22</u>).
- 3. The landscape plan included in Section VIII.C shall be revised as follows:
 - a. Include shrubs (along with the trees and lawn or other vegetative groundcover) in the proposed street buffers as set forth in UDC <u>11-3B-7C.3a</u> and along pathways as set forth in UDC <u>11-3B-12C.2</u>.
 - b. Street buffers at the required width are required to be placed in a common lot or on a permanent dedicated buffer, maintained by the property owner or business owners' association as set forth in UDC <u>11-3B-7C.2</u> (see #2a above for required widths).
 - c. Include a calculations table on the landscape plan that demonstrates compliance with the landscape standards for street buffers listed in UDC <u>11-3B-7C.3b</u>; common open space areas listed in UDC <u>11-3G-3E.2</u>; and pathways listed in UDC <u>11-3B-12C</u>.
 - d. Depict a minimum 5-foot wide detached sidewalk along S. Ten Mile Rd. in accord with UDC <u>11-3A-17A</u>.

- e. Depict a tree lawn along S. Ten Mile Rd. (minimum 8-feet wide) and W. Franklin Rd. and pedestrian-scale street lights consistent with Street Sections A and B in the TMISAP (see pg. <u>3-22</u>).
- f. Depict a minimum 8-foot wide tree lawn along W. Cobalt Dr. with street lights in the dry utilities corridor on either side of the street consistent with Street Section D in the TMISAP (see pg. <u>3-23</u>).
- g. Depict a minimum 6-foot wide detached sidewalk within the street buffer along S. Ten Mile Rd. consistent with Street Section A in the TMISAP (see pg. <u>3-20</u>). A 10-foot wide pathway is preferred based on ACHD's adopted Livable Streets Performance Measures but not required.
- 4. The subject property shall be subdivided prior to issuance of the first Certificate of Occupancy for the development as set forth in the Development Agreement (Inst. #2021-132704, provision #5.1d).
- 5. Submit an updated Geotechnical Engineering Report prior to or with the first final plat application.
- 6. The entirety of Cobalt Dr. from the east to the west property boundary, on-site and off-site, shall be constructed prior to or with the first phase of development in accord with the specifications noted herein.
- 7. A Certificate of Zoning Compliance and Design Review application shall be submitted for each structure (or group of structures if desired) and approved prior to submittal of application(s) for building permits. The plans submitted shall comply with the design elements of the Ten Mile Interchange Specific Area Plan (TMISAP) and the design standards in the Architectural Standards Manual (see the Application of Design Elements matrix on pg. 3-49 of the Plan) as required by the Development Agreement. The commercial portion of the development should incorporate similar design elements, colors and materials as the residential portion of the development.
- 8. Public art shall be provided within the development consistent with the Development Agreement and the TMISAP (pg. 3-49). A detail of such shall be included with the final plat application.

Conditional Use Permit:

- 8. The multi-family development shall have an ongoing obligation to comply with the specific use standards listed in UDC 11-4-3-27.
- 9. For each of the multi-family units, a minimum of eighty (80) square feet of private, usable open space shall be provided for each unit as set forth in UDC 11-4-3-27B.3. This requirement can be satisfied through porches, patios, decks, and/or enclosed yards. Floor plans with square footage noted for patios and balconies shall be submitted with the Certificate of Zoning Compliance application that demonstrate compliance with this standard.
- 10. The multi-family development shall record a legally binding document that states 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 said document shall be submitted to the Planning Division prior to issuance of the first Certificate of Occupancy for the development.
- 11. Comply with building code requirements for separation between structures within the development.
- 12. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:

- a. Landscaping is required along all pathways per the standards listed in UDC <u>11-3B-12C</u>; depict shrubs in addition to the trees along the pathways.
- b. Depict the locations 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.
- c. All transformer and utility vaults and other service areas 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. The configuration/location of the Flats F-3 building and the garage structures along the project's west boundary need to be revised to comply with the minimum setback requirement of 10-feet in UDC <u>11-4-3-27B.1</u>; the configuration of Lot 16 may be revised on the plat in order for the building (i.e. F-3) to meet the required setback.
- e. Depict landscaping along the foundations of all street facing elevations adjacent to W. Cobalt Dr. in accord with the standards listed in UDC <u>11-4-3-27E.2</u>.
- f. Include a detail of the fire pit, BBQ's, public art and children's play structure.
- g. A minimum of 902 995 off-street parking spaces shall be provided as proposed, including 530 517 covered spaces. Compact stalls are discouraged but may be used for any parking above the number of required spaces per UDC <u>11-3C-5A.6</u>. This does not include the 31 spaces required for the clubhouse, vertically integrated/mixed use or commercial uses.
- A minimum of 36 bicycle parking spaces that comply with the standards listed in UDC <u>11-3C-5C</u> shall be provided in central locations for each building (High Density, Flats and Townhomes).
- 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 as set forth in UDC <u>11-</u> <u>4-3-27C.3</u>.
- 13. A Certificate of Zoning Compliance and Design Review application(s) shall be submitted for the multi-family development and approved prior to submittal of application(s) for building permits. The plans submitted shall substantially comply with those approved with this application and with any required modifications noted herein. The design of structures shall comply with the design elements of the Ten Mile Interchange Specific Area Plan (TMISAP) (see the Application of Design Elements matrix on pg. 3-49 of the Plan) and the design standards in the Architectural Standards Manual. *One application may be submitted for the entire multi-family development*.
- 14. Public art shall be provided within the development consistent with the Development Agreement and the TMISAP (pg. 3-49). A detail of such shall be included with the first Certificate of Zoning Compliance/Design Review application for the development.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Extend water main to existing blow off to the west
- 1.2 Extend water main to the southern boundary in the right-of-way.
- 1.3 Eliminate dead ends by looping water through the development.
- 1.4 Dead end water mains must end in a hydrant.
- 1.5 Water and sewer mains require a minimum 20-foot-wide easement per utility or 30 foot combined with minimum separation maintained between mains. All easements must be free from permanent structures including but not limited to buildings, carports, streetlights, infiltration trenches, trees, bushes, trash enclosures, etc.
- 1.6 Manholes should not be placed in curb or gutter.
- 1.7 Proposed manhole SSWR-16 at the corner of Ten Mile and Cobalt should be removed from the sidewalk.
- 1.8 Access roads and easements are required for all manholes outside of right-of-way.
- 1.9 Angles in and out of manholes must be a minimum 90 degrees in the direction of flow.
- 1.10 No sewer service lines should pass through infiltration trenches.

2. General Conditions of Approval

- 2.1 Applicant shall coordinate water and sewer main size and routing with the Public Works Department, and execute standard forms of easements for any mains that are required to provide service outside of a public right-of-way. Minimum cover over sewer mains is three feet, if cover from top of pipe to sub-grade is less than three feet than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 Per Meridian City Code (MCC), the applicant shall be responsible to install sewer and water mains to and through this development. Applicant may be eligible for a reimbursement agreement for infrastructure enhancement per MCC 8-6-5.
- 2.3 The applicant shall provide easement(s) for all public water/sewer mains outside of public right of way (include all water services and hydrants). The easement widths shall be 20-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to 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 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=238635&dbid=0&repo=MeridianCity

D. POLICE DEPARTMENT

The Police Department can service this area if the application is approved.

Do these units have climate-controlled hallways (not garden style) with controlled access entry points? If that is the case the applicant will be required to plan for emergency police access into each building entry point using a multi-technology keypad. This will allow police access, if there is an emergency, into the building if someone isn't able to come to the door to allow police entrance. Otherwise, police would have to breach the door to gain access which isn't ideal for anyone and delays our response. The Loft project at 10-mile/Franklin and the Bri at the Village use a product police recommend for this purpose. Police can work with the applicant on placement of the access. Police will have their own access code (same for each building) to use in an emergency.

All townhomes and or multi-family units shall be clearly marked with addresses and unit numbers visible day or night for emergency response. The applicant shall place a way-finding map at each entrance.

All qualified open space provided in the development, to include all amenities, must be in an open area in order to allow for natural observation opportunities. Pathways and landscaping should not create hiding spots or blind spots that would promote criminal opportunities.

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240473&dbid=0&repo=MeridianCity

F. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

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G. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239094&dbid=0&repo=MeridianCity

H. WEST ADA SCHOOL DISTRICT (WASD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=241148&dbid=0&repo=MeridianCity

I. COMMUNITY DEVELOPMENT DEPARTMENT – SCHOOL IMPACT TABLE <u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=241147&dbid=0&repo=MeridianCity</u>

J. ADA COUNTY HIGHWAY DISTRICT (ACHD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242630&dbid=0&repo=MeridianCity

X. FINDINGS

A. Preliminary Plat (UDC 11-6B-6)

In consideration of a preliminary plat, combined preliminary and final plat, or short plat, the decisionmaking body shall make the following findings: (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

1. The plat is in conformance with the comprehensive plan and is consistent with this unified development code; (Ord. 08-1372, 7-8-2008, eff. 7-8-2008)

The Commission finds the proposed plat is generally in conformance with the UDC if the Applicant complies with the Development Agreement provisions and conditions of approval in Section IX.

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

The Commission finds public services can be made available to the subject property and will be adequate to accommodate the proposed development.

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

The Commission finds there are no roadways, bridges or intersections in the general vicinity that are in the IFYWP or the CIP.

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

The Commission finds there is public financial capability of supporting services for the proposed development.

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

The Commission finds the proposed development will not be detrimental to the public health, safety or general welfare.
6. The development preserves significant natural, scenic or historic features. (Ord. 05-1170, 8-30-2005, eff. 9-15-2005)

The Commission is unaware of any significant natural, scenic or historic features that need to be preserved with this development.

B. 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 Commission finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the R-40 and C-C zoning districts (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 Commission finds that the proposed use is consistent with the future land use map designations of HDR, MU-COM and MU-RES and is allowed as a conditional use in UDC Table 11-2B-2 in the R-40 and C-C zoning districts.

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 Commission 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 Commission 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. The Council should weigh any public testimony provided to determine if the development will adversely affect other properties in the vicinity.

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 Commission finds that essential public services are available to this property and that the use should be adequately served by these facilities with the exception of Ten Mile Rd., which the ACHD report states will not function at an acceptable level of service upon development of this project based on traffic counts.



ITEM TOPIC: Public Hearing for Aviator Springs (H-2021-0065) by The Land Group, Inc., Located at 3235 N. McDermott Rd.

A. Request: 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.

B. Request: A 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.



PUBLIC HEARING INFORMATION

Staff Contact: Sonya Allen

Topic:

Meeting Date: December 14, 2021

- **Public Hearing** for Aviator Springs (H-2021-0065) by The Land Group, Inc., Located at 3235 N. McDermott Rd.
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Information Resources:

<u>Click Here for Application Materials</u>

Click Here to Sign Up to Testify at the City Council Public Hearing

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE:	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 ¹ / ₄

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 ($\frac{31.59}{27.63}$ acres), L-O (1.64 acres) and M-E ($\frac{6.77}{10.72}$ acres) zoning districts; and Preliminary plat containing a total of 112 lots consisting of (93) buildable lots and (13) common open space lots on $\frac{31.59}{27.63}$ 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 $\frac{6.77}{10.72}$ 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
Physical Features (waterways	The Fight Mile Lateral crosses th

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

B. Community Metrics

ltem #4.

Description	Details	Pg
Ada County Highway		
District		
• Staff report (yes/no)	Yes	
Requires ACHD Commission Action (yes/no)	No	
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/Cros s 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 ¹ / ₄ 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	Ustick Rd. is listed in the CIP to be widened to 5-lanes from Star	
Improvements	Rd. to McDermott Rd. between 2026 and 2030.	
Fire Service		
Distance to Fire Station	4.5 miles	
• Fire Response Time	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>	
Resource Reliability	85% - does meet the target goal of 80% or greater	
Risk Identification	2 – current resources would be adequate to supply service	
Accessibility	Project meets all required access, road widths and turnaround. Project will require a secondary emergency access in order to exceed 30 lots or buildings will need to be sprinklered.	
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.	
• Water Supply	Requires 1,500 gallons per minute for two hours, may be less if buildings are fully sprinklered.	
Other Resources		

Police Service	
• Distance from police station	4.2 miles

• Police Response Time	Priority 3 (goal is with Priority 2 (goal is with Priority 1 (goal is with	in 8 to 10 m	inutes):	7:06		
			,			
West Ada School District • Distance (elem, ms, hs)	Pleasant View Elementary Star Middle School	Enrollment 546 823	<u>Capacity</u> 650 1000	Approved prelim plat parcels per attendance area 3089 7967	Approved MF units per attendance area 21 278	Miles (Dev. to School) 2.9 7.1
Capacity of Schools	Owyhee High School School of Choice Options	1477	1800	5782	58	0.0
• # of Students Enrolled	Chief Joseph School -Arts Barbara Morgan - STEM	507 659	700 750	N/A N/A	N/A N/A	6.8 4.5
# of Students Predicted from this development	93 school aged children School Impact Table	n predicted	from thi	s development	by WASD.	
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	Flow is committedProperty is subject to Agreement	o the Oaks I	Lift Stati	on and Pressure	e Sewer Reimbu	rsement
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 con	ditions			

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 singleuse 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. <u>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.* </u>
 - 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 <u>and tenant offices</u> 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. <u>A plaza is proposed on the conceptual development plan</u> <u>between the two commercial structures.</u>
 - 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*)

- <u>Development should comply with the items listed for development in all Mixed-Use areas.</u> 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 though this development in accord with current City plans.

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

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 <u>11-2A-8</u>. 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 <u>11-4-3-6</u>; 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 <u>11-4-3-7</u>; 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 <u>11-2B-3</u>.

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 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 <u>11-6C-3</u>):

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. <u>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.</u>

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

Off-street parking is required to be provided in accord with the standards listed in <u>UDC Table 11-</u> <u>3C-6</u> 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* <u>11-3A-8</u>):

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

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

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 <u>11-</u><u>3A-17E</u>. 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 <u>11-3B</u>):

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 <u>UDC 11-3B-7C</u>, 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 <u>11-3B-12C</u>. 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 <u>11-3A-17</u> and <u>11-3B-</u><u>7C</u>. 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 <u>11-3G</u>):

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 <u>11-3G</u>):

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 <u>Limited</u> <u>Geotechnical Engineering Report</u> for the subdivision.

Pressure Irrigation (UDC <u>11-3A-15</u>):

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 <u>11-3A-21</u>):

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

Waterways (*UDC* <u>11-3A-6</u>):

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

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 (<u>11-3H-4D</u>):

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 <u>11-3A-19</u> | <u>Architectural Standards Manual</u>):

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. <u>Summary of Commission public hearing:</u>
 - 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. <u>Staff presenting application: Bill Parsons</u>
 - f. Other Staff commenting on application: None
 - 2. Key issue(s) of public testimony:
 - a. <u>BHH requested the stub street to the south be shifted further to the east to align with the</u> 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. <u>Commission change(s) to Staff recommendation:</u>
 - <u>a.</u> <u>None</u>
 - 5. Outstanding issue(s) for City Council:
 - <u>a.</u> <u>None</u>

VII. EXHIBITS

A. Annexation/Zoning Legal Descriptions & Exhibit Maps

LEGAL DESCRIPTION

Page 1 OF 1



July 9. 2021 Project No.: 120124

EXHIBIT "A" <u>ANNEXATION / REZONE</u> AVIATOR SRINGS 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





LEGAL DESCRIPTION

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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

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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





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);

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August 20, 2021

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



LEGAL DESCRIPTION

Page 1 OF 1



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

462 East Shore Drive, Suite 100, Eagle, Idaho 83616 208.939.4041 thelandgroupinc.com





B. Preliminary Plat & Phasing Plan (date: 9/3/2021-12/2/21) - Revised



C. Landscape Plan (date: 9/3/2021)

- Page 26 -



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



E. Parking Exhibit



F. Circulation Exhibit



I Aviator Springs Subdivision

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EX

LAND

G. Conceptual Building Elevations







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



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 <u>The</u> 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 (<u>11-3B-12C</u>) and parkway (<u>11-3B-7C</u>) 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 multiuse pathway within the common open space area along future SH-16 prior to submittal of the Phase 1 final plat for City Engineer signature.
- Future development shall be consistent with the minimum dimensional standards listed in UDC Tables <u>11-2A-6</u> for the R-8 zoning district and <u>11-2B-3</u> 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 <u>UDC Table 11-3C-6</u> 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 <u>11-3A-6B</u> unless otherwise waived by City Council (i.e. the Eight Mile Lateral).
- 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 <u>11-4-3-7</u> 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-feet wide for a single utility, or 30-feet wide for two. The easements shall not be dedicated via the plat, but rather dedicated outside the plat process using the City of Meridian's standard forms. The easement shall be graphically depicted on the plat for reference purposes. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 81/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD. Add a note to the plat referencing this document. All easements must be submitted, reviewed, and approved prior to development plan approval.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a yearround source of water (MCC 9-1-28.C). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to prior to receiving development plan approval.
- 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

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

D. POLICE DEPARTMENT

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

E. COMMUNITY PLANNING ASSOCIATION OF SOUTHWEST IDAHO (COMPASS)

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

F. DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=238412&dbid=0&repo=MeridianC ity

G. WEST ADA SCHOOL DISTRICT (WASD)

<u>https://weblink.meridiancity.org/WebLink/DocView.aspx?id=239724&dbid=0&repo=MeridianC</u> <u>ity</u>

H. COMMUNITY DEVELOPMENT SCHOOL IMPACT ANALYSIS

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

I. ADA COUNTY HIGHWAY DISTRICT (ACHD)

https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240021&dbid=0&repo=MeridianCi ty

J. PARK'S DEPARTMENT

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

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;

Staff 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 Commission finds the proposed map amendment will allow for the development of singlefamily 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 Commission 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 Commission finds the proposed zoning map amendment will not result in an adverse impact on the delivery of services by any political subdivision providing public services within the City.

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

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

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

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

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

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

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

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

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

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