

DEVELOPMENT AGREEMENT

PARTIES:

1. **City of Meridian**
2. **Idaho Power Company, Owner/Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this _____ day of _____, 2025, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, and **Idaho Power Company**, whose address is P.O. Box 70, Boise, Idaho 83707, hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A,” which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the “**Property**”; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner and/or Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer have submitted an application for annexation and zoning of 2.69 acres of land with a request for the R-15 (Medium High-Density Residential) zoning district on the property as shown in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested rezoning held before Planning and Zoning Commission and the City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and
- 1.7 **WHEREAS**, on the 12th day of August, 2025, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and

- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation is in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

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

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

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER/DEVELOPER:** means and refers to **Idaho Power Company**, whose address is P.O Box 70, Boise, Idaho 83707, hereinafter called OWNER/DEVELOPER, the party that owns and is developing said Property and shall include any subsequent owner(s)/developer(s) of the Property.
- 3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian as in Exhibit "A" describing a parcel to bound by this Development Agreement and attached hereto and by this reference incorporated herein as if set forth at length.

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

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

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

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

- 5.1. Owner/Developer shall develop the Property in accordance with the following special conditions:
- a. Future development of this site shall be generally consistent with the concept plan and conceptual building elevations included in Section VII of the Staff Report attached to the Findings of Fact and Conclusions of Law attached hereto as Exhibit “B” and the provisions contained herein.
 - b. Other than the access specifically approved with this application, direct lot access is prohibited to McMillan Road and Owyhee Storm Avenue.
 - c. Future development of the site shall comply with the ordinances in effect at the time of development.
 - d. Development of the subject property shall comply with the R-15 standards listed in UDC 11-2A-7 and UDC 11-4-3-31 Public Utility, Major, and Public Infrastructure.
 - e. No portion of the outside storage areas and/or outside activity areas may be visible from the roadways.
 - f. As irrigation is not currently available at the site, the Owner/Developer shall enter into an agreement to utilize City water for irrigation purposes.
 - g. The Conditional Use Permit shall be valid for a maximum period of five (5) years as approved by the City Council.

6. **APPROVAL PERIOD:** If this Agreement has not been fully executed within six (6) months after the date of the Findings, the City may, at its sole discretion, declare the Agreement null and void.

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

- 7.1 **Acts of Default.** In the event Owner/Developer, or Owner/Developer’s heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the Zoning Ordinance.
- 7.2 **Notice and Cure Period.** In the event of Owner/Developer’s default of this agreement, Owner/Developer shall have thirty (30) days from receipt of written notice from City to initiate commencement of action to correct the breach and cure the default, which action must be prosecuted with diligence and completed within one hundred eighty (180) days; provided, however, that in the case of any such default

that cannot with diligence be cured within such one hundred eighty (180) day period, then the time allowed to cure such failure may be extended for such period as may be necessary to complete the curing of the same with diligence and continuity.

7.3 **Remedies.** In the event of default by Owner/Developer that is not cured after notice from City as described in Section 7.2, City shall, upon satisfaction of the notice and hearing procedures set forth in Idaho Code section 67-6511A, have the right, but not a duty, to de-annex all or a portion of the Property, reverse the zoning designations described herein, and terminate City services to the de-annexed Property, including water service and/or sewer service. Further, City shall have the right to file an action at law or in equity to enforce the provisions of this Agreement. Because the covenants, agreements, conditions, and obligations contained herein are unique to the Property and integral to City's decision to annex and/or re-zone the Property, City and Owner/Developer stipulate that specific performance is an appropriate, but not exclusive, remedy in the event of default. Owner/Developer reserves all rights to contest whether a default has occurred.

7.4 **Choice of Law and Venue.** This Agreement and the rights of the parties hereto shall be governed by and construed in accordance with the laws of the State of Idaho, including all matters of construction, validity, performance, and enforcement. Any action brought by any party hereto shall be brought within Ada County, Idaho.

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

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

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

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

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

11. **SURETY OF PERFORMANCE:** The City may also require surety bonds, irrevocable letters of credit, cash deposits, certified check or negotiable bonds, as allowed under the

UDC, to insure the installation of required improvements, which the Owner/Developer agree to provide, if required by the City.

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

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

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

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

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

OWNER/DEVELOPER:
Idaho Power Company
P.O. Box 70
Boise, Idaho 83707

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

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

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

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

had determined that Owner and/or Developer have fully performed their obligations under this Agreement.

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

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

20. **REMOVED PROPERTY:** The City is hereby authorized, in its sole discretion, to remove a portion of the Property (“Removed Property”) from this Agreement at any time, provided that the City and the owner of the Removed Property concurrently enter into a modified development agreement governing the development and use of the Removed Property. The remaining portion of the Property, which has not been removed from this Agreement as described above, shall continue to be bound by the terms of this Agreement.

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

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

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

23. **EFFECTIVE DATE OF AGREEMENT:** This Agreement shall be effective upon execution of the Mayor and City Clerk.

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

ACKNOWLEDGMENTS

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

OWNER/DEVELOPER:
Idaho Power Company


By (name): David Heazle
Its (title): Senior PM

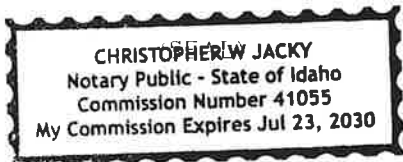
State of Idaho)

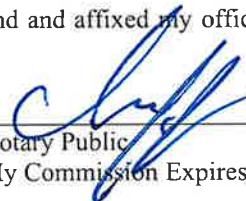
: ss:

County of Ada)

On this 8 day of September, 2025, before me, the undersigned, a Notary Public in and for said State, personally appeared David Heazle, known or identified to me to be the Senior Project Manager of Idaho Power Company and the person who signed above and acknowledged to me that he executed the same.

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




Notary Public
My Commission Expires: 7-23-30

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

State of Idaho)

: ss:

County of Ada)

On this _____ day of _____, 2025, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

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

(SEAL)

Notary Public for Idaho
My Commission Expires: _____

EXHIBIT A



February 19, 2025
Project No. 22-189
Annexation and Rezone to R-15
Legal Description

Exhibit A

A parcel of land situated in a portion of the Northeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

BEGINNING at a found aluminum cap marking the North 1/4 corner of said Section 32, which bears S89°22'22"E a distance of 2,646.45 feet from a found aluminum cap marking the Northwest corner of said Section 32;

Thence following the northerly line of said Northwest 1/4 of the Northeast 1/4, S89°21'51"E a distance of 25.00 feet to the centerline of N. Owhyhee Storm Ave.;

Thence leaving said northerly line and following said centerline, S00°36'45"W a distance of 330.00 feet;

Thence leaving said centerline, N89°22'22"W a distance of 25.00 feet to a found 5/8-inch rebar;

Thence N89°22'22"W a distance of 330.00 feet to a found 5/8-inch rebar;

Thence N00°36'45"E a distance of 330.00 feet to a found 5/8-inch rebar on the northerly line of said Northeast 1/4 of the Northwest 1/4;

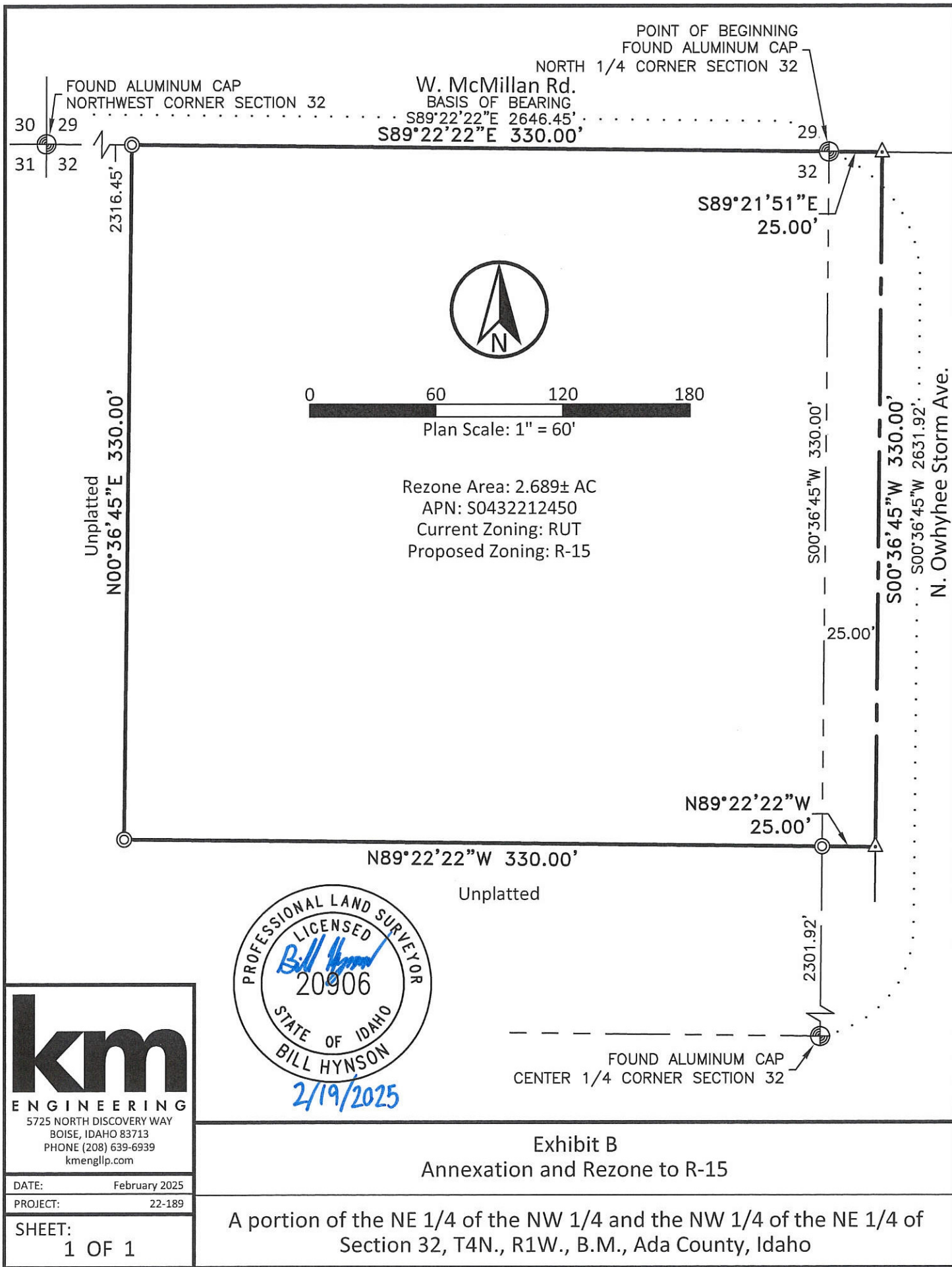
Thence following said northerly line, S89°22'22"E a distance of 330.00 feet to the **POINT OF BEGINNING**.

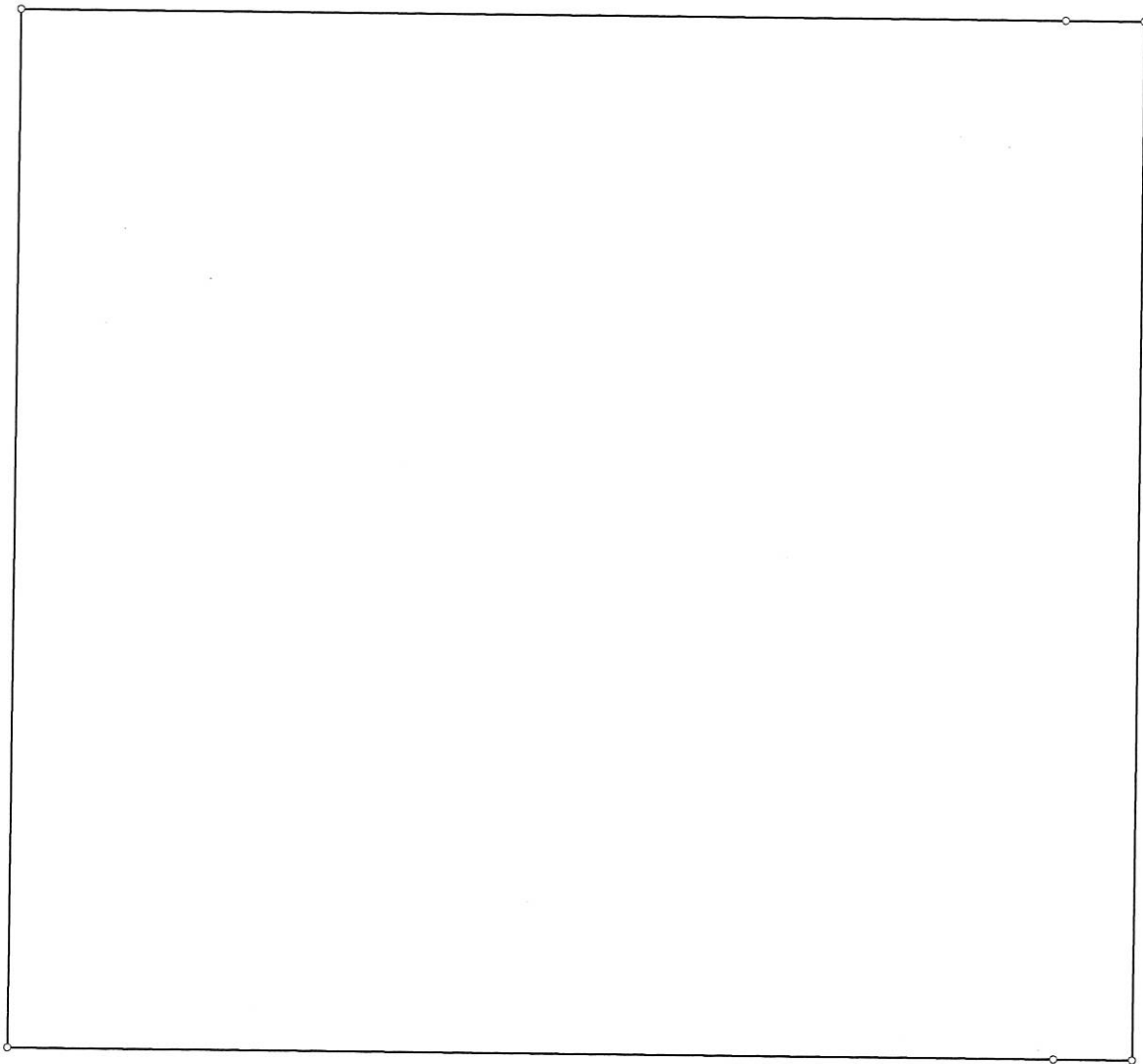
Said parcel contains 2.689 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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



P:\IDAHO POWER\22-189 MCDERMOTT SUBSTATION\CAD\SURVEY\EXHIBITS\22-189 ANNEXATION REZONE EXHIBIT.DWG, ALEX GREEN, 2/19/2025, ESTUDIO907.PC3, 08.5X11.P





Title:		Date: 02-12-2025
Scale: 1 inch = 60 feet	File: Deed Plotter.des	
Tract 1: 2.689 Acres: 117151 Sq Feet: Closure = n00.3754e 0.00 Feet: Precision =1/364623: Perimeter = 1370 Feet		
001=s89.2151e 25.00	004=n89.2222w 330.00	
002=s00.3645w 330.00	005=n00.3645e 330.00	
003=n89.2222w 25.00	006=s89.2222e 330.00	

EXHIBIT B

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



In the Matter of the Request for annexation and Conditional Use Permit, by Stephanie Hopkins, KM Engineering.

Case No(s). H-2025-0008

For the City Council Hearing Date of: July 22, 2025 (Findings on August 12, 2025)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of July 22, 2025, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 22, 2025, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 22, 2025, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 22, 2025, incorporated by reference)

B. Conclusions of Law

1. The City of Meridian shall exercise the powers conferred upon it by the "Local Land Use Planning Act of 1975," codified at Chapter 65, Title 67, Idaho Code (I.C. §67-6503).
2. The Meridian City Council takes judicial notice of its Unified Development Code codified as Title 11 Meridian City Code, and all current zoning maps thereof. The City of Meridian has, by ordinance, established the Impact Area and the Comprehensive Plan of the City of Meridian, which was adopted December 17, 2019, Resolution No. 19-2179 and Maps.
3. The conditions shall be reviewable by the City Council pursuant to Meridian City Code § 11-5A.
4. Due consideration has been given to the comment(s) received from the governmental subdivisions providing services in the City of Meridian planning jurisdiction.
5. It is found public facilities and services required by the proposed development will not impose expense upon the public if the attached conditions of approval are imposed.
6. That the City has granted an order of approval in accordance with this Decision, which shall be signed by the Mayor and City Clerk and then a copy served by the Clerk upon the applicant, the Community Development Department, the Public Works Department and any affected party requesting notice.
7. That this approval is subject to the Conditions of Approval all in the attached Staff Report for the hearing date of July 22, 2025, incorporated by reference. The conditions are concluded to be

reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for annexation and Conditional Use Permit is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 22, 2025, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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

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

City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

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

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

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

E. Judicial Review

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

F. Notice of Right to Regulatory Takings Analysis

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

G. Attached: Staff Report for the hearing date of July 22, 2025.

By action of the City Council at its regular meeting held on the 12th day of August, 2025.

COUNCIL PRESIDENT LUKE CAVENER VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED AYE

COUNCIL MEMBER DOUG TAYLOR VOTED AYE

COUNCIL MEMBER JOHN OVERTON VOTED AYE

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED AYE

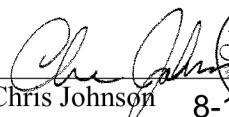
COUNCIL MEMBER BRIAN WHITLOCK VOTED AYE

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)



Mayor Robert E. Simison 8-12-2025

Attest:



Chris Johnson 8-12-2025
City Clerk

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

By:  Dated: 8-12-2025

City Clerk's Office

COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 7/22/2025

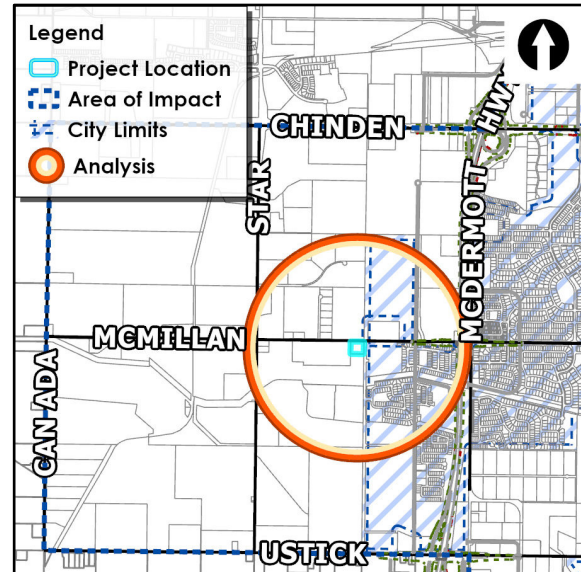
TO: Mayor & City Council

FROM: Linda Ritter, Associate Planner
208-884-5533
lritter@meridiancity.org

APPLICANT: Stephanie Hopkins, KM Engineering, LLP

SUBJECT: H-025-0008
Idaho Power McDermott Substation
Annexation and CUP

LOCATION: SW corner of McMillan Road and N. Owyhee Storm Avenue, located in the NW ¼ NW ¼ SEC 32 4N 1W, Parcel No. S0432212450



I. PROJECT OVERVIEW

A. Summary

Annexation of 2.69 acres of land from RUT in Ada County to the R-15 zoning district and a Conditional Use Permit (CUP) to allow the development of an Idaho Power substation.

B. Issues/Waivers

The applicant will be requesting alternative compliance to increase the height of the proposed wall and fence to eight (8) feet in order to maintain site security and deter trespassing at a later date upon approval of the annexation.

C. Recommendation

Staff recommends approval of the requested annexation per the conditions of approval included in Section IV in accord accordance with Findings in Section V.

D. Decision

II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)	Vacant	-
Proposed Land Use(s)	Public infrastructure	-
Existing Zoning	RUT	VII.A.2
Proposed Zoning	R-15	
Adopted FLUM Designation	Medium High Density Residential	VII.A.3
Proposed FLUM Designation	NA	

Table 2: Process Facts

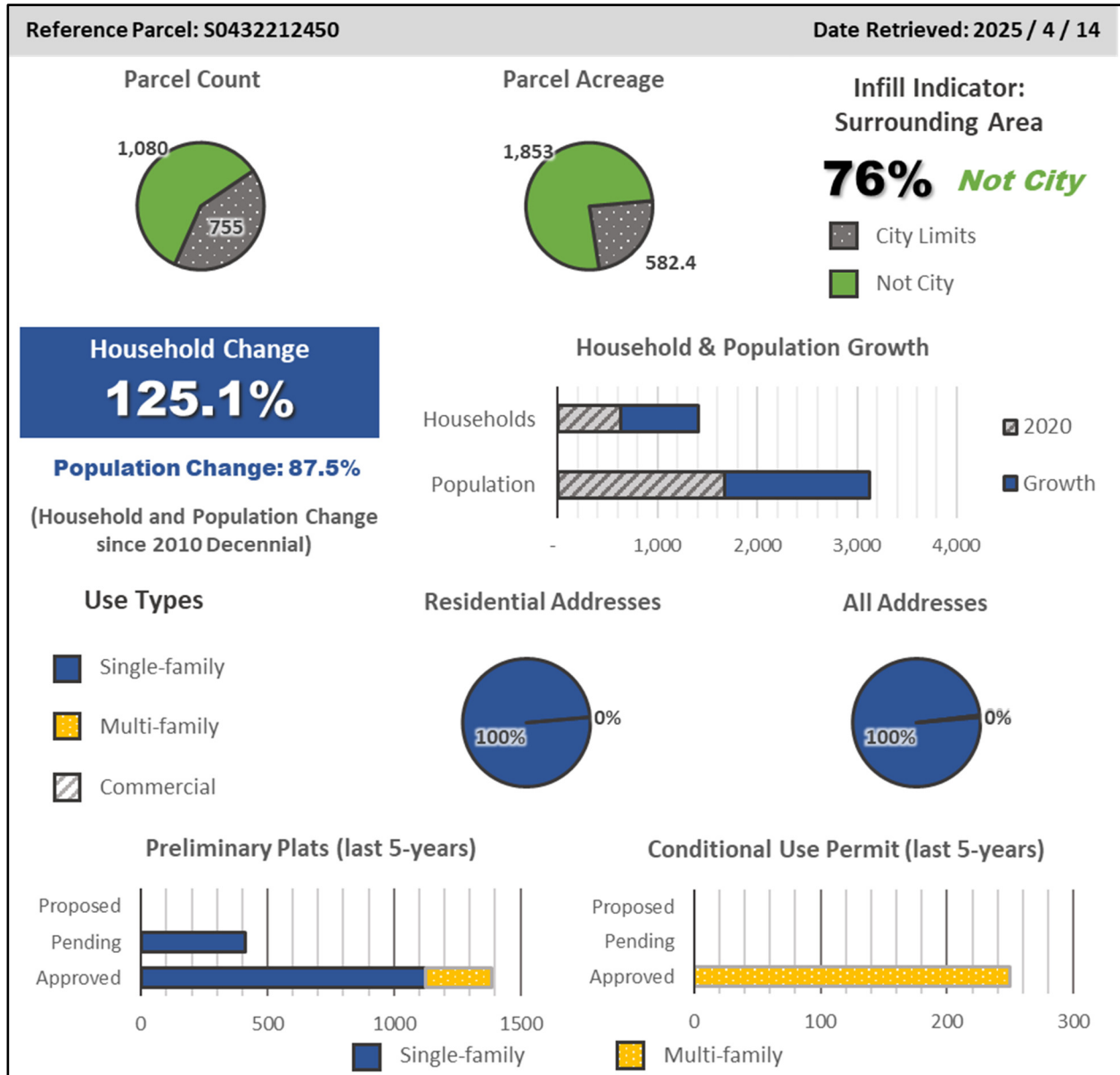
Description	Details
Preapplication Meeting date	1/7/2025
Neighborhood Meeting	2/26/2025
Site posting date	5/22/2025

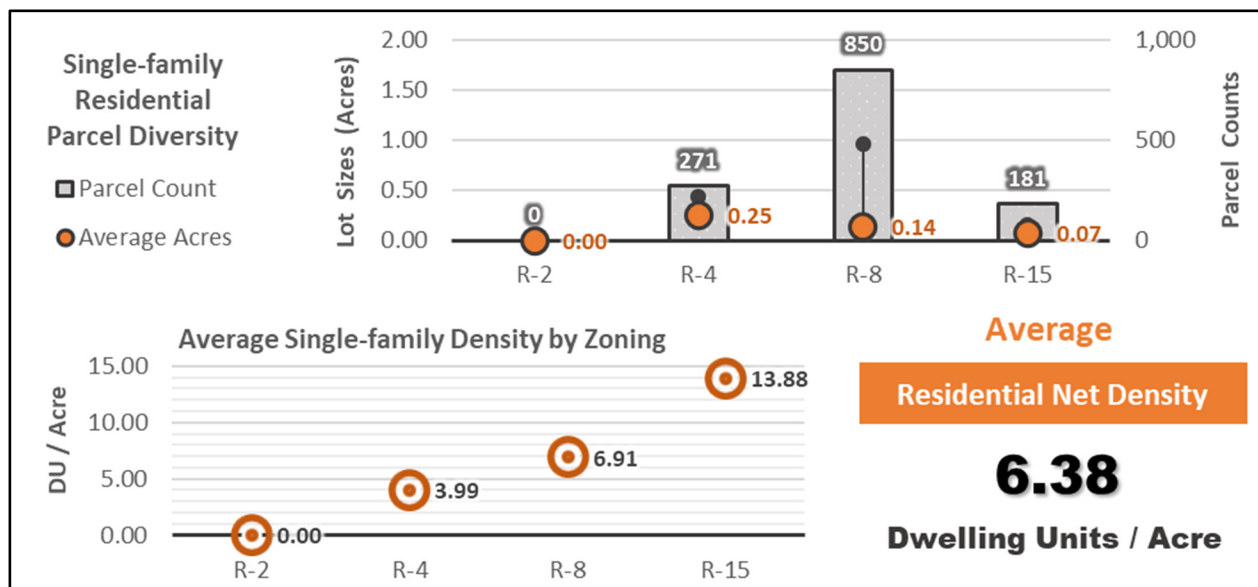
Table 3: Community Metrics

Agency / Element	Description / Issue	Reference
Ada County Highway District		IV.E
• Comments Received	Yes/Staff Report	-
• Commission Action Required	No	-
• Access	McMillian Road existing arterial	-
• Traffic Level of Service	Better than E	-
ITD Comments Received	No comments	IV.F
Meridian Public Works Wastewater		IV.B
• Distance to Mainline	Sewer available at the site	
• Impacts or Concerns	See Public Works site specific conditions	
Meridian Public Works Water		IV.B
• Distance to Mainline	Water available at the site	
• Impacts or Concerns	None	

Note: See section IV. City/Agency Comments & Conditions for comments received.

Figure 1: One-Mile Radius Existing Condition Metrics





Notes: See VIII. Additional Notes & Details for Staff Report Maps, Tables, and Charts.

Figure 2: ACHD Summary Metrics

Level of Service Planning Thresholds

1. Condition of Area Roadways

Traffic Count is based on Vehicles per hour (VPH)

Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service
McMillan Road	330-feet	Minor Arterial	386	Better than "E"
Owyhee Storm Avenue	305-feet	Collector	230	Better than "D"

* Acceptable level of service for a two-lane minor arterial is "E" (575 VPH).

* Acceptable level of service for a two-lane collector is "D" (425 VPH).

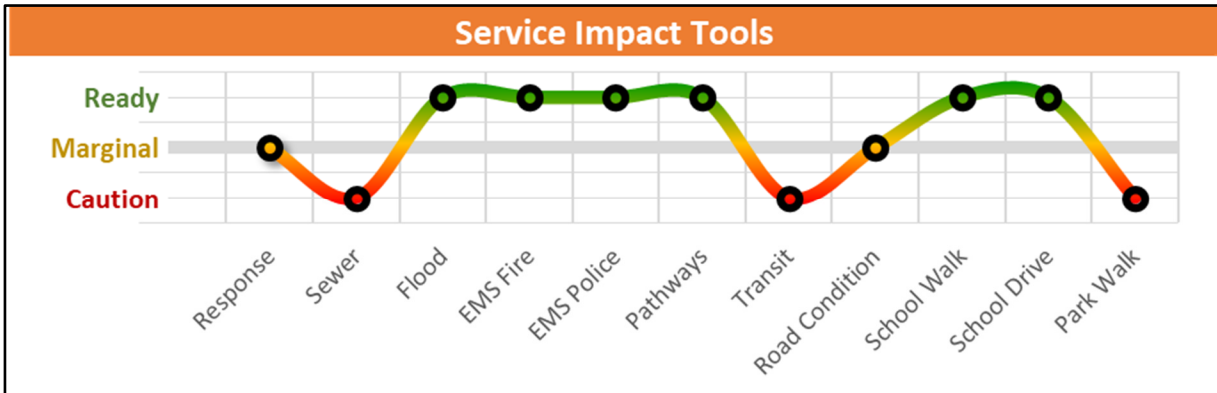
2. Average Daily Traffic Count (VDT)

Average daily traffic counts are based on ACHD's most current traffic counts.

- The average daily traffic count for McMillan Road east of McDermott Road was 6,747 on January 25, 2024.
- The average daily traffic count for Owyhee Storm Avenue south of McMillan Road was 4,321 on January 25, 2024.

Notes: See VIII. Additional Notes & Details for Staff Report Maps, Tables, and Charts.

Figure 3: Service Impact Summary



Notes: See VIII. Additional Notes & Details for Staff Report Maps, Tables, and Charts.

III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

A. General Overview

The Future Land Use Map (FLUM) designates the area proposed to be annexed as "Medium High Density." This designation allows for a mix of dwelling types including townhouses, condominiums, and apartments. Residential gross densities should range from eight to twelve dwelling units per acre. These areas are relatively compact within the context of larger neighborhoods and are typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents. Developments need to incorporate high quality architectural design and materials and thoughtful site design to ensure quality of place and should also incorporate connectivity with adjacent uses and area pathways, attractive landscaping and a project identity. The applicant is requesting to zone the property R-15.

The applicant is proposing the construction of a new Idaho Power substation to enhance the reliability and resilience of electrical service in Meridian and the surrounding areas of Ada County. Currently, customers in this region are served by the Can-Ada Substation in Nampa and the Ten Mile Substation in Meridian. However, rapid and ongoing growth throughout the Treasure Valley has placed increased demand on these existing facilities, leading to service strain and reduced reliability.

The proposed substation is strategically designed to accommodate future growth and development, while also alleviating pressure on the existing infrastructure. By re-routing service lines, the new facility will not only serve new residential and commercial customers but also improve service continuity and reliability for current users.

This use is permitted within the R-15 zoning district upon the approval of a Conditional Use Permit and compliance with the specific use standards for both Public Utility, Major and Public Infrastructure. The proposed project aligns with these standards and is essential to support the area's long-term utility needs.

Table 4: Project Overview

Description	Details
History	ROS No. 13689
Physical Features	Vacant Lot
Acreage	2.50 acres

B. History

The property resides within Ada County and is currently zoned RUT. The property owner did a one-time property division on October 26, 2022, to create this 2.50-acre lot. See Record of Survey below.

C. Site Development and Use Analysis

1. Existing Structures/Site Improvements (*UDC 11-1*):

The property is currently vacant, the applicant is proposing to construct, maintain, and operate an electrical substation on an undeveloped parcel of land in northwest Meridian. The new McDermott Distribution Substation will connect to the existing electrical grid and provide increased capacity and reliability to existing and new customers in Meridian, Ada County, and the surrounding area. The applicant will need to submit a Certificate of Zoning Compliance (CZC) and Design Review (DES) application for review and approval prior to building submittal.

2. Proposed Use Analysis (*UDC 11-2 and 11-4-3-31*):

The proposed use “public infrastructure” requires a conditional use permit for the R-15 zoning district.

- A. Accessory uses directly related to the maintenance and fueling of vehicles (including, but not limited to, truck and trailer washing, fuel pumps, garages for minor repair) may be allowed.

Not applicable

- B. Installation of underground fuel tanks shall require written approval from the Idaho Division of Environmental Quality, Idaho Department of Water Resources, and the appropriate fire authority.

Not applicable as the applicant is not proposing underground fuel tanks.

- C. No portion of the outside storage areas and/or outside activity areas may be visible from any highway, interstate, gateway corridor, principal arterial, or minor arterial as herein defined.

Staff determined no outside storage will be visible from the roadways and this will be a condition of the permit.

- D. All driveways into and through the facility and any open area with a driving surface shall be surfaced with a dustless material including, but not limited to, asphalt, concrete, pavers or bricks.

Staff determined the all driving surfaces are being constructed with dustless material.

- E. For any use requiring the storage of fuel or hazardous material, the use shall be located a minimum of one thousand (1,000) feet from a hospital.

Staff determined the facility is located at a minimum of 1,000 feet from a hospital.

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

The proposal will be required to meet the dimensional standards for setbacks, parking requirements, maximum building height, landscape buffers and landscape requirements and for the R-15 zoning district and the requirements of UDC 11-4-3-31 Public Utility, Major; and Public Infrastructure.

D. Design Standards Analysis

1. Structure and Site Design Standards (*Comp Plan, UDC 11-3A-19*):

The applicant is proposing to develop the site with a substation that includes the following: up to two transformers, each to serve four distribution feeders; up to two breakers beneath the transmission termination structure; up to two metalclad structures, which manage switching of distribution feeders; one small control building, which houses racks of switches and communication equipment; and one transmission dead-end structure, which connects with the transmission line on McMillan Road).

The substation yard is graveled to allow for safe operation of the ground -grid system underneath the surface. The gravel is specific for utility use, typically 3-inch rock that also allows for water drainage. Since no vehicle parking occurs within the substation, there will be no paved surfaces inside the yard.

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

i. Landscape buffers along streets

A 25-foot landscape buffer is required along McMillan Road and a 20-foot landscape buffer along Owyhee Storm Avenue. Both street buffers will include a ten (10') foot wide

detached sidewalk/multi-use pathway and landscaping in accordance with the requirements of the UDC. The applicant will need to revise the landscape plan to meet UDC -11-3B-7, if the unimproved street right-of-way is ten (10) feet or greater from the edge of pavement to edge of sidewalk or property line, the developer shall maintain a ten-foot compacted shoulder meeting the construction standards of the transportation authority and landscape the remainder with lawn or other vegetative ground cover.

ii. Landscape buffers to adjoining uses

Although the development of the power substation is located within a residential zoning district, the applicant is proposing a thirty (30) foot landscape buffer to the west and south of the property to mitigate any noise that may be generated from the substation.

iii. Tree preservation

Per UDC 11-3B-10, the applicant shall preserve existing trees four-inch caliper or greater from destruction during the development.

Mitigation shall be required for all existing trees four-inch caliper or greater that are removed from the site with equal replacement of the total calipers lost on site up to an amount of one hundred (100) percent replacement (Example: Two (2) ten-inch caliper trees removed may be mitigated with four 5-inch caliper trees, five (5) four-inch caliper trees, or seven (7) three-inch caliper trees). Deciduous specimen trees four-inch caliper or greater may count double towards total calipers lost, when planted at entryways, within common open space, and when used as focal elements in landscape design.

iv. Storm integration

Per UDC 11-3B-11, the applicant shall meet the intent to improve water quality and provide a natural, effective form of flood and water pollution control through the integration of vegetated, well designed stormwater filtration swales and other green stormwater facilities into required landscape areas, where topography and hydrologic features allow if part of the development.

Development will be required to meet UDC 11-3B-11 for stormwater integration.

v. Pathway landscaping

Landscaping for pathways shall meet the requirements outlined in UDC 11-3B-12. The applicant is required to provide a landscape strip a minimum of five (5) feet wide shall along each side of the pathway. Designs are encouraged in which the width of the landscape strip varies to provide additional width to plant trees farther from the pathway, preventing root damage. The minimum width of the landscape strip shall be two (2) feet to allow for maintenance of the pathway. The landscape strips shall be planted with a mix of trees, shrubs, lawn, and/or other vegetative ground cover.

The applicant is proposing landscaping along the multiuse pathways along McMillian Road and Oywhoe Storm Avenue.

3. Parking (UDC 11-3C):

i. Residential parking analysis

Not applicable

ii. Nonresidential parking analysis

As there is no building and this is an unmanned site, parking spaces are not required.

Bicycle parking analysis

As there is no building and this is not a manned site, bicycle parking is not required.

4. Building Elevations (*Comp Plan 5.01.02D, Architectural Standards Manual*):
Conceptual elevations were submitted for the proposed substation as shown in Section VII.D. Although there is no building, that applicant is proposing an eight (8) foot tall A pre-cast stamped concrete wall along the McMillan Road and Owyhee Storm Avenue frontages. Staff is requiring the wall extended around the entire substation. Final design is required to comply with the design standards in the Architectural Standards Manual and recorded development agreement.
The Comprehensive Plan's goal is to require appropriate building design, and landscaping elements to buffer, screen, beautify, and integrate commercial, multifamily, and parking lots into existing neighborhoods.
5. Fencing (*UDC 11-3A-6, 11-3A-7*):
All fencing constructed on the site is required to comply with the standards listed in UDC 11-3A-7.
The applicant is proposing a pre-cast stamped concrete wall along the McMillan Road and Owyhee Storm Avenue frontages. The applicant is also proposing a chain-link fence with barbed wire along the west and south boundaries. However, barbed wire is prohibited in residential zoning districts. As the proposed substation will eventually be surrounded by residential development, staff recommends that the applicant install the pre-cast stamped concrete wall along all sides of the substation for consistency and compliance with residential standards.

E. Transportation Analysis

1. Access (*Comp Plan, UDC 11-3A-3, UDC 11-3H-4*):
The applicant is requesting access points on W. McMillan Road and N. Owyhee Storm Avenue, to be designed in accordance with Ada County Highway District (ACHD) requirements. These two access points are necessary to safely accommodate the maneuvering of large transport vehicles during infrequent deliveries of major electrical equipment such as transformers, breakers, or metal-clad switchgear to the substation. Under typical operating conditions, a single access point will generally be sufficient to support routine inspection and maintenance activities.
2. Multiuse Pathways (*UDC 11-3A-5*):
Multiuse pathways shall be constructed in accord with the city's comprehensive plan, the Meridian Pathways Master Plan, the Ada County Highway District Master Street Map and Roadways to Bikeways Master Plan.
3. Sidewalks (*UDC 11-3A-17*):
All sidewalks constructed as part of this proposal are required to comply with the standards listed in UDC 11-3A-17.
The applicant is proposing a ten (10') foot wide detached sidewalk/multi-use pathway along McMillan Road and Owyhee Storm Avenue frontages.

F. Services Analysis

1. Waterways (*Comp Plan, UDC 11-3A-6*):
Not applicable
2. Pressurized Irrigation (*UDC 11-3A-15*):
The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-

point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.

3. Storm Drainage (UDC 11-3A-18):

An adequate storm drainage system is required in all developments by the City's adopted standards, specifications, and ordinances. Design and construction shall follow best management practices as adopted by the City as outlined in UDC 11-3A-18. Storm drainage will be proposed with a future Certificate of Zoning Compliance application and shall be constructed to City and ACHD design criteria.

4. Utilities (Comp Plan 3.03.03G, UDC 11-3A-21):

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. All utilities are available to the site. Water main, fire hydrant and water service require a twenty-foot (20) wide easement that extends ten (10) feet past the end of main, hydrant, or water meter. No permanent structures, including trees are allowed inside the easement.

Comprehensive Plan policy 3.03.03G requires urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.

IV. CITY/AGENCY COMMENTS & CONDITIONS

A. Meridian Planning Division

1. A Development Agreement (DA) is required as a provision of annexation of this property. Prior to approval of the annexation ordinance, a DA shall be entered into between the City of Meridian, the property owner(s) at the time of annexation ordinance adoption, and the developer. **A certificate of zoning compliance application will not be accepted until the annexation ordinance and development agreement are approved by City Council.**

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

- a. Future development of this site shall be generally consistent with the concept plan and conceptual building elevations included in Section VII and the provisions contained herein.
- b. Other than the access specifically approved with this application, direct lot access is prohibited to McMillan Road and Owyhee Storm Avenue.
- c. Future development of the site shall comply with the ordinances in effect at the time of development.
- d. Development of the subject property shall comply with the R-15 standards listed in UDC 11-2A-7 and UDC 11-4-3-31 Public Utility, Major, and Public Infrastructure.
- e. No portion of the outside storage areas and/or outside activity areas may be visible from the roadways.
- f. As irrigation is not currently available at the site, the applicant shall enter into an agreement to utilize City water for irrigation purposes.

- g. The Conditional Use Permit shall be valid for a maximum period of five (5) years as approved by the City Council.

CONDITIONAL USE PERMIT

1. Outdoor lighting shall comply with the standards listed in UDC 11-3A-11. Lighting details shall be submitted with the Certificate of Zoning Compliance application that demonstrates compliance with these standards.
2. The landscape plan shall be revised to meet UDC -11-3B-7, if the unimproved street right-of-way is ten (10) feet or greater from the edge of pavement to edge of sidewalk or property line, the developer shall maintain a ten-foot compacted shoulder meeting the construction standards of the transportation authority and landscape the remainder with lawn or other vegetative ground cover.
3. The applicant shall submit an alternative compliance request for the 8-foot tall stamped concrete wall along all boundaries of the site for review and approval. Barbed wire is prohibited in residential districts per UDC 11-3A-7.
4. Provide a 30-foot landscape buffer to the south and west side of the property per the approved site plan.
5. A Certificate of Zoning Compliance (CZC) and Design Review application shall be submitted and approved for the proposed wall prior to submitting a building permit application. The design of the site and structures shall comply with the standards listed in UDC 11-3A-19; the design standards listed in the Architectural Standards Manual.
6. The Applicant shall comply with all conditions of ACHD.
7. Staff's failure to cite all relevant UDC requirements does not relieve the applicant from compliance.
8. The conditional use permit is valid for a maximum period of ~~two (2)~~ five (5) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC 11-5B-6. A time extension may be requested as set forth in UDC 11-5B-6F.

B. Meridian Public Works

Site Specific Conditions of Approval

1. All dry utilities need to be at least 4' from the water main. Power poles need to be at least 5' from the Water main.
2. No permanent structures are allowed in easements including covered parking, light poles and trees. Correct all areas that apply.
3. Engineer to verify if there is a well onsite. If a well is located on the site it must be abandoned per regulatory requirements and proof of abandonment must be provided to the City.

General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department.
2. Per Meridian City Code (MCC), Extension of sewer mains to and through the site is **not required** as part of this application, per direction from the City Engineer. 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). Sewer/water easement varies depending on sewer depth. Sewer 0-20 ft deep require a 30 ft easement, 20-25 ft a 40 ft easement, and 25-30 ft a 45 ft easement. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. Submit an executed easement (on the form available from Public Works), a legal description prepared by an Idaho Licensed Professional Land Surveyor, which must include the area of the easement (marked EXHIBIT A) and an 8 1/2" x 11" map with bearings and distances (marked EXHIBIT B) for review. Both exhibits must be sealed, signed and dated by a Professional Land Surveyor. DO NOT RECORD.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. Any structures that are allowed to remain shall be subject to evaluation and possible reassignment of street addressing to be in compliance with MCC.
6. All irrigation ditches, canals, laterals, or drains, exclusive of natural waterways, intersecting, crossing or laying adjacent and contiguous to the area being subdivided shall be addressed per UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.
7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
10. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
11. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
13. Developer shall coordinate mailbox locations with the Meridian Post Office.
14. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
15. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.

16. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
17. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
18. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
19. 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.
20. 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. Meridian Park's Department

1. The project developer shall design and construct multi-use pathways consistent with the location and specifications set forth in the Meridian Pathways Master Plan Map and Master Pathways Plan Document Chapter 3). Any proposed adjustments to pathway alignment shall be coordinated through the Pathways Project Manager. *Interactive Pathway Map*
2. Prior to final plat approval the applicant shall dedicate a public access easement for the detached multi-use pathways within the landscape buffers along W. McMillan Rd. and S. Owyhee Storm Ave.

Easements shall be a minimum of 14' wide (10' pathway + 2' shoulder each side). Easement need only be dedicated to the City for multi-use pathways that lie outside the public ROW.

*Use standard City template for public access easement. **Submit all easements online through Citizen's Access Portal.***
3. Construct multi-use pathways per paving section based on existing site conditions as recommended by project civil engineer in accord with UDC 11-3A-8 and 11-3B-12. Prior to final approval the applicant's engineer shall provide written documentation that the pathway segment was constructed per the recommended specifications.
4. The owner (or representative association) of the property affected by each public access easement shall have an ongoing obligation to maintain the multi-use pathway.

D. Idaho Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=389735&dbid=0&repo=MeridianCity>
y

E. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=389735&dbid=0&repo=MeridianCity>
y

F. Idaho Transportation Department (ITD)

<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=389735&dbid=0&repo=MeridianCity>
y

G. Ada County Development Services

<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=389735&dbid=0&repo=MeridianCity>
y

H. Irrigation Districts

1. Nampa & Meridian Irrigation District

<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=389735&dbid=0&repo=MeridianCity>

V. FINDINGS

A. Annexation (UDC 11-5B-3E)

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;
Council finds the Future Land Use Map (FLUM) designates the site as Med-High Density Residential (“MHDR”). In accordance with this designation, Idaho Power has requested annexation and zoning to R-15 zoning designation.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
Council finds the planned use of the subject property is a substation that will be operated and maintained by Idaho Power. The UDC identifies the proposed use as “public infrastructure” that is permitted in the R-15 zone with the approval of a CUP.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
Council finds annexation with an R-15 zoning designation will not be detrimental to public health, safety, and/or welfare. Idaho Power is committed to the safety, health, and welfare of their employees, customers, and the communities that they serve. Proposed site design, fencing and vegetation has been designed to ensure the security of the substation while providing an attractive facility.
4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
Council finds the annexation of the subject property and the proposed use of a substation will not impact the delivery of public services by any provider.

5. The annexation (as applicable) is in the best interest of city.
Council finds the annexation of the site is in the best interest of the City as it will facilitate the expansion of Idaho Power's service in this area and throughout the Treasure Valley.

B. Conditional Use (UDC 11-5B-6E)

The commission shall base its determination on the conditional use permit request 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.
Council finds the site is large enough to accommodate the proposed substation and provide adequate space to safely operate and maintain the facility.
2. That the proposed use will be harmonious with the Meridian comprehensive plan and in accord with the requirements of this title.
Council finds the proposed substation is in accordance with the goals and policies found in the City's Comprehensive Plan.
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.
Council finds the proposed substation is an integral part of the landscape, similar to other types of infrastructure that deliver essential services to our communities. Idaho Power is proposing to make every effort to keep the property compatible with the character of the area. The design, construction, operation, and maintenance of the substation will complement the existing agriculture and residential character and the intended medium high density residential character by improving the capacity of Idaho Power's operations to effectively serve existing and future customers in the area. The applicant is proving a site obscuring wall and landscaping around the perimeter of the site to screen the operation.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
Commission finds the proposed substation will be located entirely on private property. A combination of site obscuring fencing and a landscape buffer will be installed around the perimeter of the site, ensuring that the substation will not negatively impact neighboring properties. The proposed Idaho Power substation will enhance service to local customers and positively affect the surrounding area.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
Council finds the proposed Idaho Power substation will be served adequately by essential public facilities required for the operation of the facility.
6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.
Council finds the substation will not create additional costs for public facilities and services. As the proposed Idaho Power substation operations will improve the economic welfare of the community.

7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
Council finds the proposed Idaho Power substation will not produce excessive traffic, noise, smoke, fumes, glare or odors as traffic will be limited to Idaho Power employees only. Idaho Power employees typically visit a substation once a month. No excessive noise will be generated during the operations of the proposed substation. Any operational noises will not exceed 65 dB (decibels) per the Code of Federal Registry Section 24. An analogy of 65 dB sound level would be a normal conversation at a three (3') foot distance. No other activities will be occurring at the site.
8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.
Council finds the subject parcel has been used as agriculture and no natural, scenic, or historic features were identified.
9. Additional findings for the alteration or extension of a nonconforming use:
Not Applicable
10. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and,
Not Applicable
11. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.
Not Applicable

VI. ACTION

A. Staff:

Staff recommends approval of the requested annexation per the conditions of approval included in Section IV in accord accordance with Findings in Section V.

B. Commission:

The Meridian Planning & Zoning Commission heard these items on June 26, 2025. At the public hearing, the Commission moved to recommend approval of the subject annexation and conditional use permit requests.

1. Summary of Commission public hearing:

- a. In favor: Stephanie Hopkins and David Garrett representing the property owner
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Linda Ritter
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Stamped concrete wall surrounding the entire property rather than a chain link fence on the south and west side of the property as the project will eventually be surrounded by residential development on all sides.

4. Commission change(s) to Staff recommendation:

- a. None

5. Outstanding issue(s) for City Council:

- a. None

C. City Council:

The Meridian City Council heard these items on July 22, 2025. At the public hearing, the Council moved to approve the subject annexation and Conditional Use Permit requests.

1. Summary of the City Council public hearing:

- a. In favor: Stephanie Hopkins and David ? representing the property owner
- b. In opposition: None
- c. Commenting: None
- d. Written testimony: None
- e. Staff presenting application: Linda Ritter
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. None

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

- a. Deferral of the landscaping and irrigation system
- b. Extending the Conditional Use Permit from two (2) years to five (5) years

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

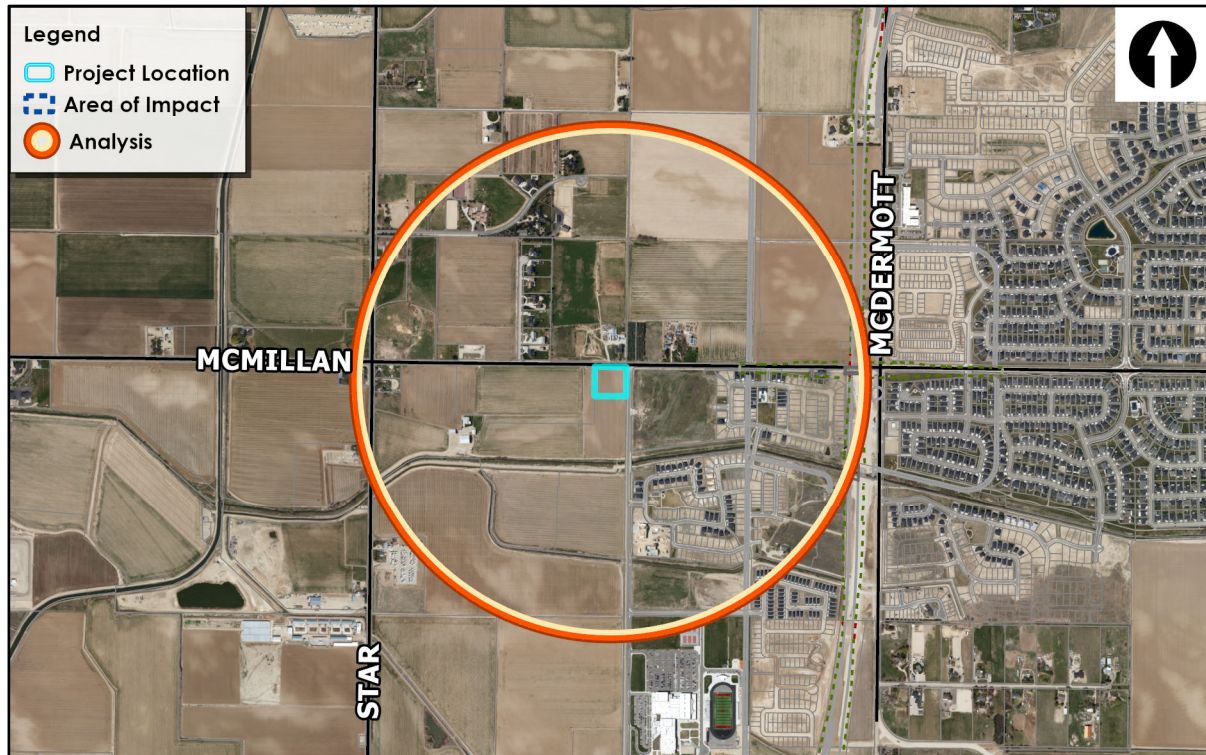
- a. Added a DA provision to extend the Conditional Use Permit to a maximum period of five (5) years

VII. EXHIBITS

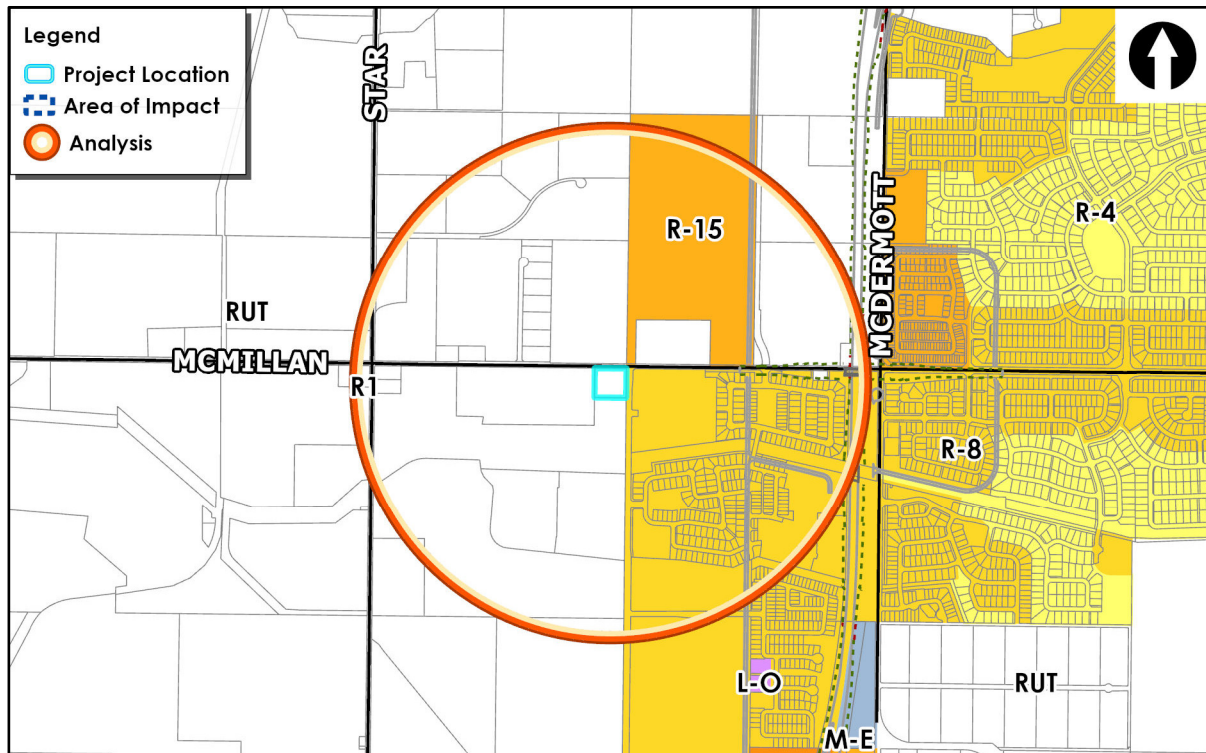
A. Project Area Maps

(link to [Project Overview](#))

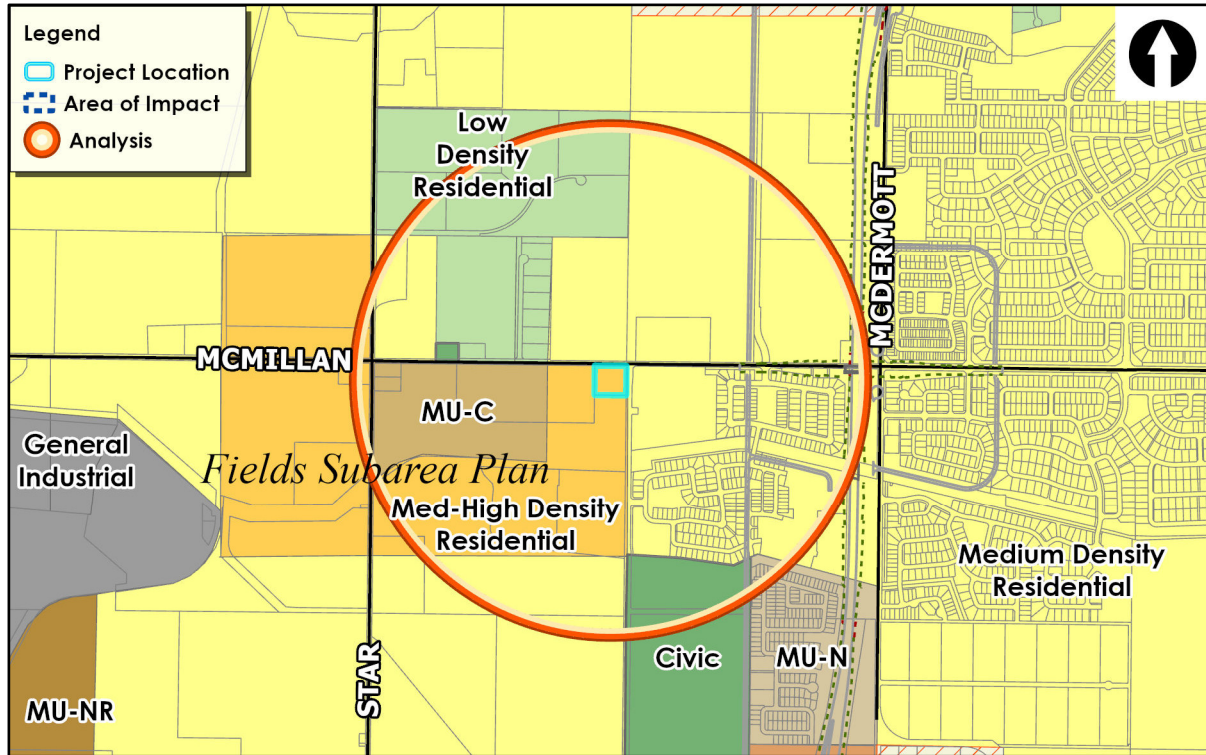
1. Aerial



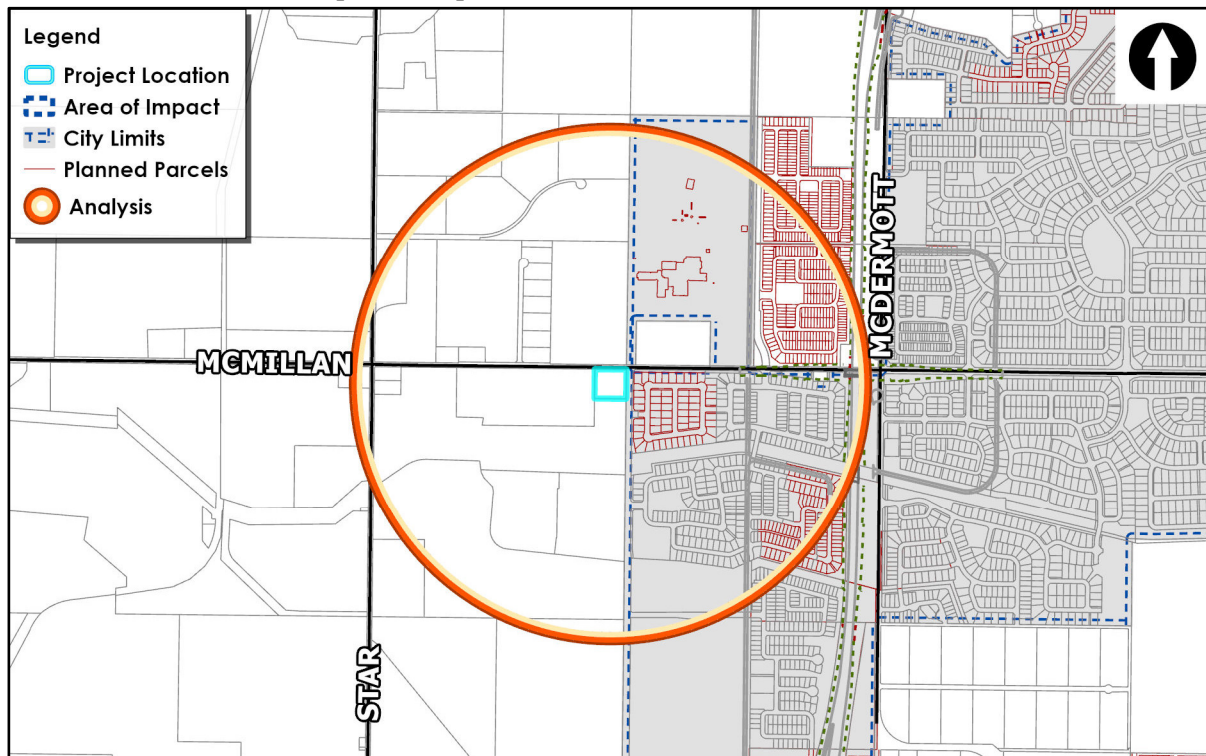
2. Zoning Map



3. Future Land Use



4. Planned Development Map



5. Map Notes

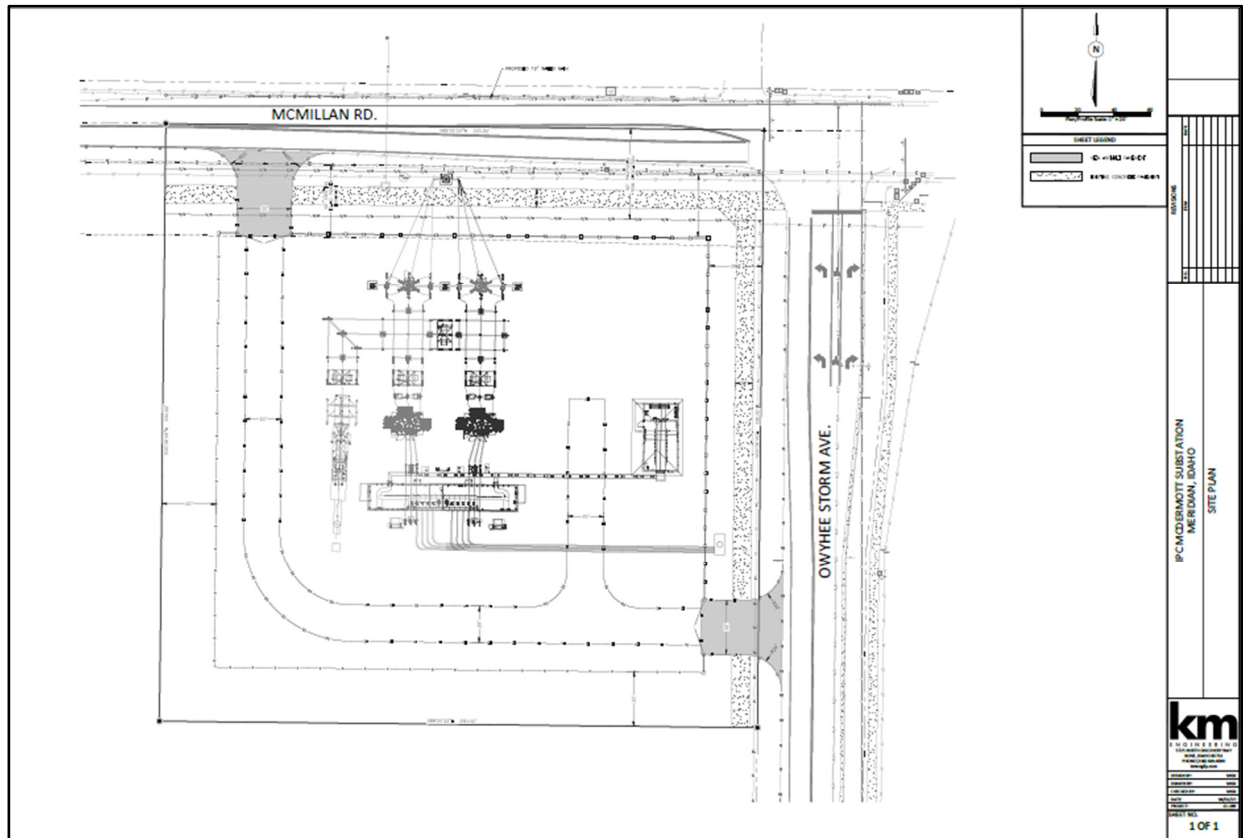
Nearby Recent Preliminary Plats (within last 5-years)

H-2018-0075 H-2021-0078 H-2022-0052 H-2022-0056 H-2023-0011

Nearby Recent Conditional Use Permits (within last 5-years)

H-2019-0013 H-2019-0133 H-2020-0025 H-2020-0093 H-2021-0065 H-2022-0056
H-2020-0047

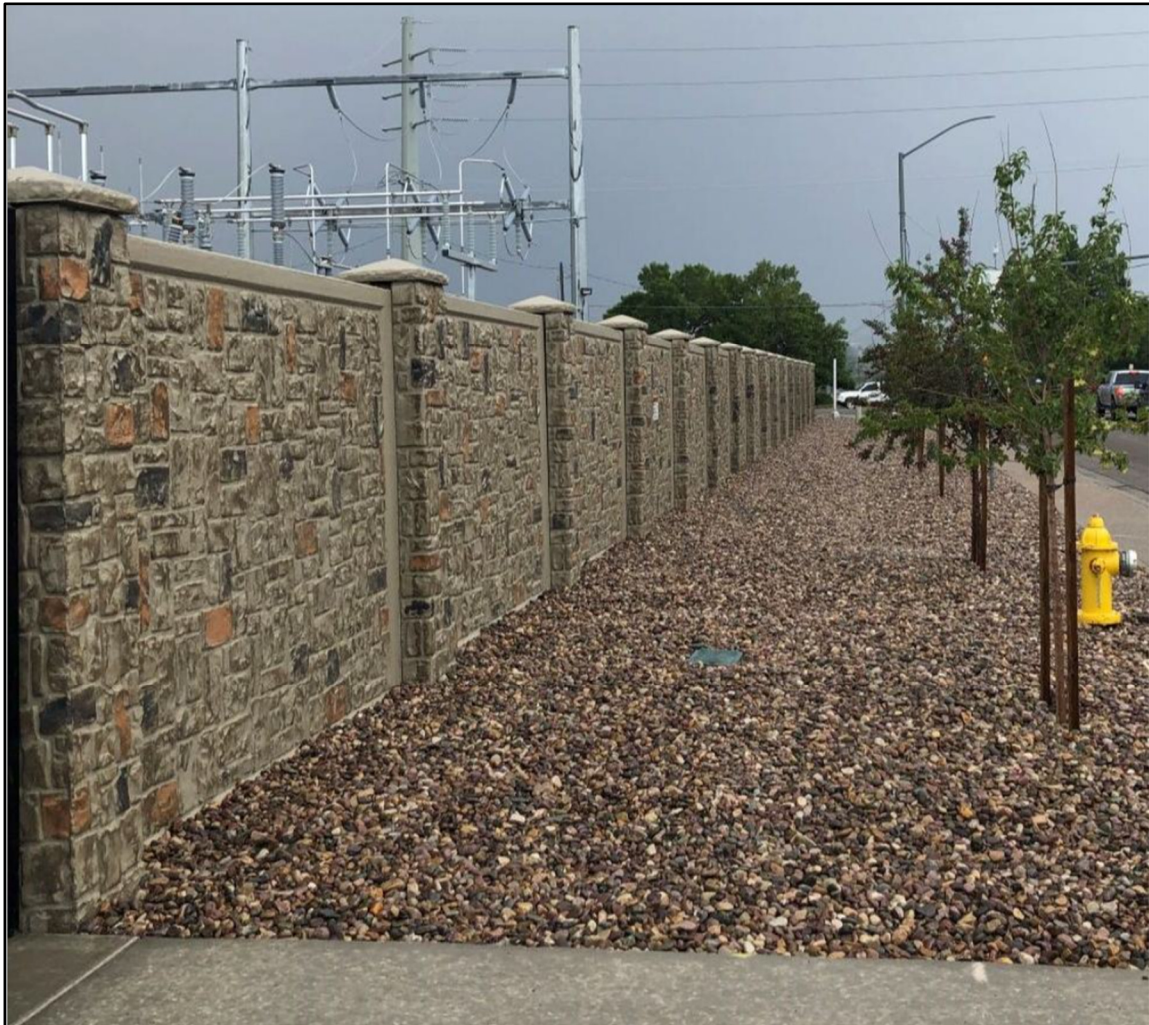
B. Site Plan (date: 4/3/2025)



[illegible]

D. Building Elevations (date: 3/5/2025)





E. Annexation Legal Description & Exhibit Map



February 19, 2025
Project No. 22-189
Annexation and Rezone to R-15
Legal Description

Exhibit A

A parcel of land situated in a portion of the Northeast 1/4 of the Northwest 1/4 and the Northwest 1/4 of the Northeast 1/4 of Section 32, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho and being more particularly described as follows:

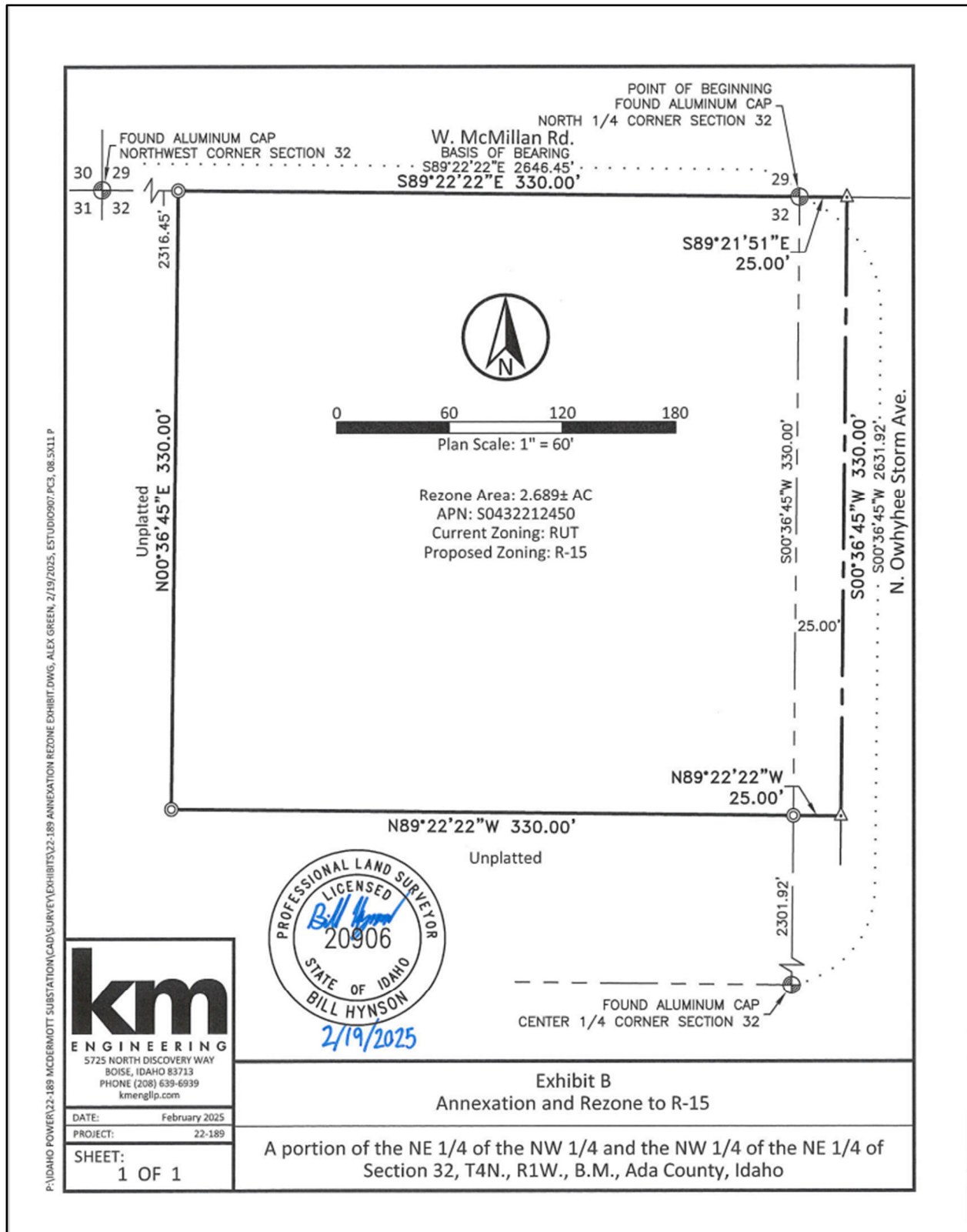
BEGINNING at a found aluminum cap marking the North 1/4 corner of said Section 32, which bears S89°22'22"E a distance of 2,646.45 feet from a found aluminum cap marking the Northwest corner of said Section 32;
Thence following the northerly line of said Northwest 1/4 of the Northeast 1/4, S89°21'51"E a distance of 25.00 feet to the centerline of N. Owhyhee Storm Ave.;
Thence leaving said northerly line and following said centerline, S00°36'45"W a distance of 330.00 feet;
Thence leaving said centerline, N89°22'22"W a distance of 25.00 feet to a found 5/8-inch rebar;
Thence N89°22'22"W a distance of 330.00 feet to a found 5/8-inch rebar;
Thence N00°36'45"E a distance of 330.00 feet to a found 5/8-inch rebar on the northerly line of said Northeast 1/4 of the Northwest 1/4;
Thence following said northerly line, S89°22'22"E a distance of 330.00 feet to the **POINT OF BEGINNING**.

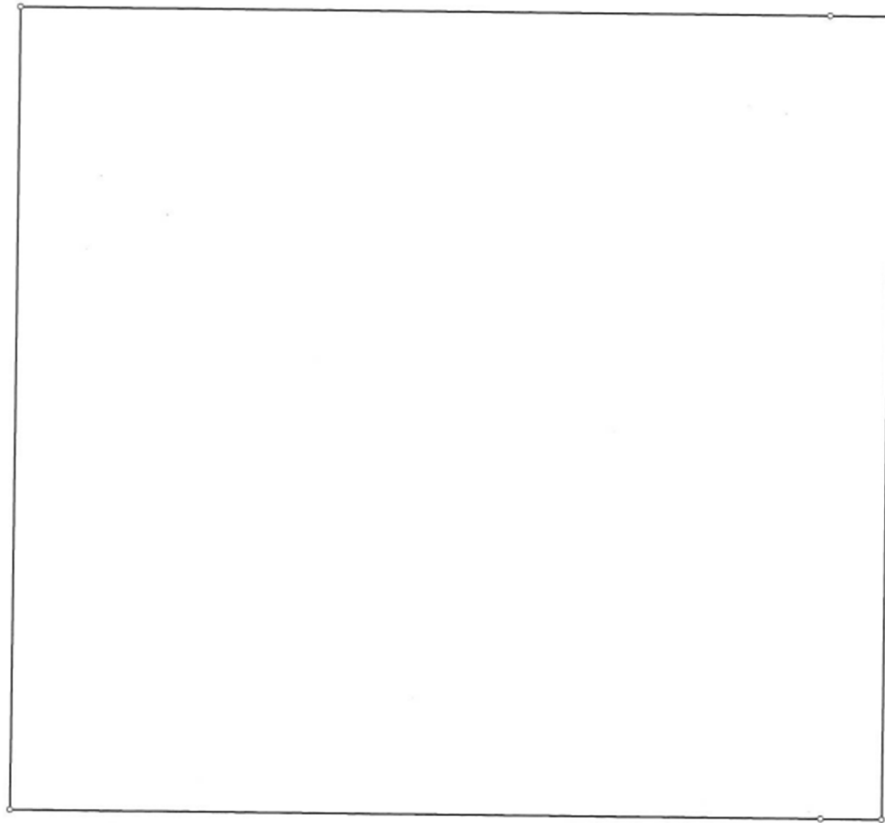
Said parcel contains 2.689 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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



5725 North Discovery Way • Boise, Idaho 83713 • 208.639.6939 • kmengllp.com





Title:		Date: 02-12-2025
Scale: 1 inch = 60 feet	File: Deed Plotter.des	
Tract 1: 2.689 Acres: 117151 Sq Feet: Closure = n00.3754e 0.00 Feet: Precision = 1/364623: Perimeter = 1370 Feet		
001=s89.2151e 25.00	004=n89.2222w 330.00	
002=s00.3645w 330.00	005=n00.3645e 330.00	
003=n89.2222w 25.00	006=s89.2222e 330.00	

**RECORD OF SURVEY
FOR A
ONE-TIME DIVISION
NORTHERN LAND HOLDINGS, LLC**

A PARCEL OF LAND SITUATED IN A PORTION OF THE NORTH 1/2 OF THE NORTHWEST 1/4 OF
SECTION 32, TOWNSHIP 4 NORTH, RANGE 1 WEST, BOISE MERIDIAN, ADA COUNTY, IDAHO.
2022

W. McMillan Road
BASIS OF BEARINGS
S89°22'22"E 2046.45'

R. ROSS
150' 300' 450'
Plan Scale: 1" = 150'

Parcel A
59.626± AC

Parcel B
2.500± AC

LEGEND

- PROPERTY BOUNDARY LINE
- SURVEY LINE
- ADJACENT BOUNDARY LINE
- CHUNKLINE, AS NOTED
- EASEMENT LINE, AS NOTED
- SURVEY TIE/DETAIL LINE
- FOUND ALUMINUM CAP MONUMENT
- CALCULATED POINT
- FOUND 5/8" INCH REBAR, AS NOTED
- FOUND 1/2" INCH REBAR, AS NOTED
- SET 5/8"-INCH REBAR WITH PLASTIC CAP MARKED "KSK 16662"
- SET 5/8"-INCH REBAR WITH PLASTIC CAP MARKED "KSK 16662"
- SET 5/8"-INCH REBAR WITH PLASTIC CAP MARKED "KSK 16662"

REFERENCE

- RECORD OF SURVEY NO. 4790, RECORDS OF ADA COUNTY, IDAHO.
- RECORD OF SURVEY NO. 7659, RECORDS OF ADA COUNTY, IDAHO.
- PLAT OF GANDER CREEK SOUTH SUBDIVISION NO. 1, BOOK 121 OF PLATS, PAGES 1887B-1888C, RECORDS OF ADA COUNTY, IDAHO.
- SPECIAL WARRANTY DEED PER INSTRUMENT NO. 2019-059622, RECORDS OF ADA COUNTY, IDAHO.

SURVEY NARRATIVE

THIS SURVEY DEPICTS THE ONE-TIME DIVISION OF A PARCEL OF LAND AS DESCRIBED IN WARRANTY DEED PER INSTRUMENT NO. 2021-030557, INTO PARCELS A AND B, AS SHOWN HEREON, AND AS RECORDED IN DEEDS PER INSTRUMENT NO. 2022-081029 AND 2022-081029. THIS SURVEY IS BASED UPON THE REPRODUCTION OF THE ORIGINAL SURVEY BOUNDARY AND A FIELD SURVEY OF EXISTING MONUMENTATION. MONUMENTATION RECOVERED WAS FOUND TO BE IN SUBSTANTIAL CONFORMANCE WITH THE RECORD.

CERTIFICATE OF COUNTY RECORDER

STATE OF IDAHO }
ADA COUNTY } SS
INSTRUMENT NUMBER: **2022-081029**
I HEREBY CERTIFY THAT THIS SURVEY FILED AT THE REQUEST OF **KL Engineering** AT **2:25** MINUTES PAST **1** O'CLOCK P.M. THIS DAY OF **2022** A.D., IN MY OFFICE AND WAS DULY RECORDED.

DEPUTY **Phil McGowan**
EX-OFFICIO RECORDER

CERTIFICATE OF SURVEYOR

I, KELLY KEMNER, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY PERSONAL SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY.

PHOTOGRAPHIC SURVEY

16662
KELLY KEMNER

10/15/22

INDEX NO. 414-32-4-1-00-00
BOOK NO. 414-32-4-4-00-00-00

JOB NO. 23-189 SHEET 1 OF 1

G. Service Accessibility Report

PARCEL S0432212450 SERVICE ACCESSIBILITY

Overall Score: 21	8th Percentile
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Criteria	Description	Indicator
Location	Within 1/2 mile of City Limits	YELLOW
Extension Sewer	Trunkshed mains > 2,000 ft. from parcel	RED
Floodplain	Either not within the 100 yr floodplain or > 2 acres	GREEN
Emergency Services Fire	Response time < 5 min.	GREEN
Emergency Services Police	Meets response time goals most of the time	GREEN
Pathways	Within 1/4 mile of current pathways	GREEN
Transit	Not within 1/4 of current or future transit route	RED
Arterial Road Buildout Status	Ultimate configuration (# of lanes in master streets plan) > existing (# of lanes) & road IS in 5 yr work plan	YELLOW
School Walking Proximity	Within 1/2 mile walking	GREEN
School Drivability	Either a High School or College within 2 miles OR a Middle or Elementary School within 1 mile driving (existing or future)	GREEN
Park Walkability	No park within walking distance by park type	RED

[illegible]

VIII. ADDITIONAL NOTES & DETAILS FOR STAFF REPORT MAPS, TABLES, AND CHARTS

(link to [Community Metrics](#))

A. One-Mile Radius Existing Condition Notes

This data is automatically derived from enterprise application and GIS databases, and exported dynamically. Date retrieved notes generally reflect data acquired or processed within the last 30-days. Analysis is based on a one-mile radius from the centroid of the identified parcel. Parcel based data excludes certain properties and represents land as it exists now. Properties considered are only those with a total assessed value greater than 0 (i.e. excludes most HOA area, transitional development, government, and quasi government facilities). The following values also constrain included property acreage to reduce outliers and non-conforming instances from distorting averages: R-2 < 5.0; R-4 < 2.0; R-8 < 1.0; R-15 < 0.5; R-40 < 0.25.

Conditional Use Permits and Preliminary plat data likely include duplicate project submittals as they may be for the same project, approved at different times through multiple application types. Consider each independently or review prior application approvals. Some approved entitlements, and particularly older ones, may be constructed.

Decennial population counts and household counts are based on the most recent Decennial Census. Current population and current household values are COMPASS estimates, usually for the year previous, and are based on traffic analysis zone boundaries (TAZ's).

B. Mixed Use Analysis Notes

This data is derived from enterprise application and GIS databases, and exported dynamically. Data considered for analysis are only those areas overlapping the overall Mixed Use boundary area. Mixed Use areas across arterial roadways are distinct, separate, and not considered as they do not meet the mixed use principles in the Comprehensive Plan (e.g. pedestrian safety, transportation efficiency, etc.). Mixed Use parcel areas may be greater or smaller than the future land use area designation boundary due parcel size, configuration, right-of-way, and other factors. Conditional Use Permits and Preliminary plat data likely include duplicate project submittals as they may be for the same project, approved at different times through multiple application types. Consider each independently or review prior application approvals.

C. Service Assessment Notes

This data represents existing conditions derived from our enterprise application and GIS database, exported through dynamic reporting. The system references the most recent available data from various sources, including sewer main lines, sewer trunksheds, floodplain, fire service areas and response times, police crime reporting, pathway information, existing and planned transit, roadway improvements, school and park proximity, and other resources.

The tool provides context for project review, using multiple indicators consistently. Data from similar topics may vary based on different levels of review.

The overall score is based on weighted criteria (not a ranked order), and the percentile score compares the parcel to others in the city (higher is better). This tool was developed as a City Council priority and outcome of the 2019 Comprehensive Plan. Scores, whether high or low, are just one data point and should not be the sole basis for decisions.

D. ACHD Roadway Infographic Notes

The Ada County Highway District utilizes a number of planning and analysis tools to understand existing and future roadway conditions.

- **Existing Level of service (LOS).** LOS indicator is a common metric to consider a driver's experience with a letter ranking from A to F. Letter A represents free flow conditions, and on the other end Level F represents forced flow with stop and go

conditions. These conditions usually represent peak hour driver experience. ACHD considers Level D, stable flow, to be acceptable. The LOS does not represent conditions for bikes or pedestrians, nor indicate whether improvements: are possible; if there are acceptable tradeoffs; or if there is a reasonable cost-benefit.

- **Integrated Five Year Work Plan (IFYWP).** The IFYWP marker (yes/no) indicates whether the specified roadway is listed in the next 5-years. This work may vary, from concept design to construction.
- **Capital Improvement Plan (CIP).** The CIP marker (yes/no) indicates whether the specified roadway is programmed for improvement in the next 20-years.