

DEVELOPMENT AGREEMENT

PARTIES:

- 1. City of Meridian**
- 2. Cory Thacker and Rachel Thacker, Owner/Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this _____ day of _____, 2026, 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 **Cory Thacker and Rachel Thacker**, whose address is 5900 W. Ustick Rd., Meridian, ID, 83646, hereinafter called OWNER/DEVELOPER.

1. RECITALS:

- 1.1 WHEREAS**, Owner is the sole owner, in law and/or equity, of certain 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 has submitted, or authorized the submission of, an application for annexation and zoning of 4.31 acres of land with a request for the C-C (Community Business) zoning district on the Property as shown in Exhibit “A” under the UDC, which, together with this Agreement, generally describes how the Property will be developed and what improvements will be made; and
- 1.5 WHEREAS**, Owner/Developer and/or its representatives 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 the requested rezoning held before Planning and Zoning Commission and the Meridian 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 28th day of July, 2026, the Meridian City Council approved certain Findings of Fact, and Conclusions of Law and Decision & 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 Meridian City Council takes final action to annex the Property into the City of Meridian; 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 **Cory Thacker and Rachel Thacker**, whose address is 5900 W. Ustick Rd., Meridian ID 83646, 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 to be bound by this Agreement and located in the County of Ada, City of Meridian, legally described 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 as permitted, conditional and/or accessory uses under the UDC, as amended.

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

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

5.1. Owner/Developer shall develop or cause the Property to be developed in accordance with the following special conditions:

a. Future development of the Property shall be generally consistent with the conceptual development plan and building elevations, preliminary plat, landscape plan, and buffer exhibits included in Section VII of the Staff Report attached to the Findings and the provisions contained herein. One of the two conceptual drive-throughs may be a Tier 3 subject to Conditional Use Permit approval by City Council.

b. The final design of all structures shall comply with the design standards in the Architectural Standards Manual (ASM).

c. The development is subject to the Oaks lift station and West Ada School District Reimbursement Agreements.

d. The site design shall comply with the site design standards in UDC 11-3A-19.B.2b, which require a minimum of thirty (30) percent of the buildable frontage of the property to be occupied by building facades and/or public space.

e. Lot 1, Block 1 may operate 24 hours a day, 7 days a week.

f. Access to W. Ustick Road is prohibited in accord with UDC 11-3A-3.

g. Any future development of the Property must comply with the City of Meridian ordinances in effect at the time of the development.

h. The Owner/Developer is allowed to obtain one building permit prior to recording a final plat. Prior to issuing the Certificate of Occupancy, the Owner/Developer shall subdivide the Property.

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 UDC.

- 7.2 **Notice and Cure Period.** In the event of Owner/Developer's breach 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, and Owner shall have all rights and remedies available at law or in equity.
- 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.

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

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

OWNER/DEVELOPER:
Cory Thacker and Rachel Thacker
5900 W. Ustick Rd.
Meridian, ID 83646

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 runs with the property and shall be binding on the Owner/Developer, each subsequent owner of the Property, 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, determines Owner and/or Developer has fully performed its 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 Meridian City Council after a 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:

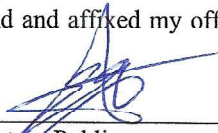

Cory Thacker

State of Idaho)
: ss:
County of Ada)

On this 3rd day of August, 2026, before me, the undersigned, a Notary Public in and for said State, personally appeared **Cory Thacker**, known or identified to me to be the person who signed above and acknowledged to me that they 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.

ESMERALDA SANCHEZ
COMM. #68082
NOTARY PUBLIC
STATE OF IDAHO


Notary Public
My Commission Expires: 8/17/2028

OWNER/DEVELOPER:

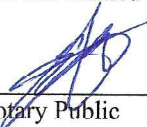

Rachel Thacker

State of Idaho)
: ss:
County of Ada)

On this 3rd day of August, 2026, before me, the undersigned, a Notary Public in and for said State, personally appeared **Rachel Thacker**, known or identified to me to be the person who signed above and acknowledged to me that they 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)
ESMERALDA SANCHEZ
COMM. #68082
NOTARY PUBLIC
STATE OF IDAHO


Notary Public
My Commission Expires: 8/17/2028

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

State of Idaho)
 : ss
County of Ada)

On this _____ day of _____, 2026, 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

November 20, 2025
Project No. 25-106
Rezone to C-C
Legal Description

Exhibit A

A parcel of land situated in a portion of the South 1/2 of the Southwest 1/4 of Section 33, 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 West 1/16 corner of said Section 33, which bears S89°19'00"E a distance of 1,319.12 feet from a found aluminum cap marking the Southwest corner of said Section 33, thence following the southerly line of said South 1/2 of the Southwest 1/4, N89°19'00"W a distance of 35.00 feet;

Thence leaving said southerly line, N00°29'45"E a distance of 388.48 feet to the centerline of Sky Pilot Drain;

Thence following said centerline the following two (2) courses:

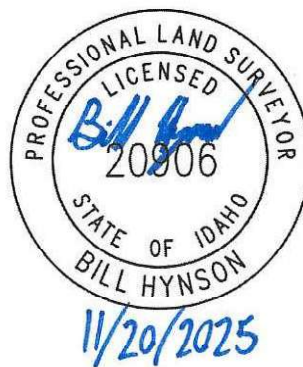
1. S89°40'10"E a distance of 386.32 feet;
2. 100.55 feet along the arc of a curve to the right, said curve having a radius of 220.00 feet, a delta angle of 26°11'15", a chord bearing of S76°34'27"E and a chord distance of 99.68 feet;

Thence leaving said centerline, S00°29'28"W a distance of 368.87 feet to said southerly line of the South 1/2 of the Southwest 1/4;

Thence following said southerly line, N89°19'00"W a distance of 448.50 feet to the **POINT OF BEGINNING**.

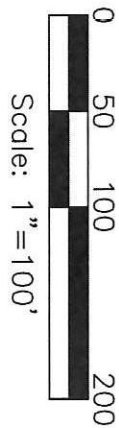
Said parcel contains 4.312 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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



LEGEND

- FOUND ALUMINUM CAP
- FOUND 1/2" REBAR
- CALCULATED POINT
- BOUNDARY LINE
- ADJACENT BOUNDARY LINE
- SECTION LINE



UNPLATTED

UNPLATTED

℄ Sky Pilot Drain

S89°40'10"E 386.32'

C1

CURVE TABLE					
CURVE	RADIUS	LENGTH	DELTA	CHORD BRG	CHORD
C1	220.00'	100.55'	26°11'15"	S76°34'27"E	99.68'

APN: S0433346925
Proposed Zoning: C-C
Current Zoning: RUT
AREA: 4.312± AC

UNPLATTED

N. McDermott Bypass
N00°29'45"E 388.48'

N89°19'00"W 35.00'

POINT OF BEGINNING
WEST 1/16 CORNER
SECTION 33

N89°19'00"W 448.50'

T.4N.,R.1W.
T.3N.,R.1W.

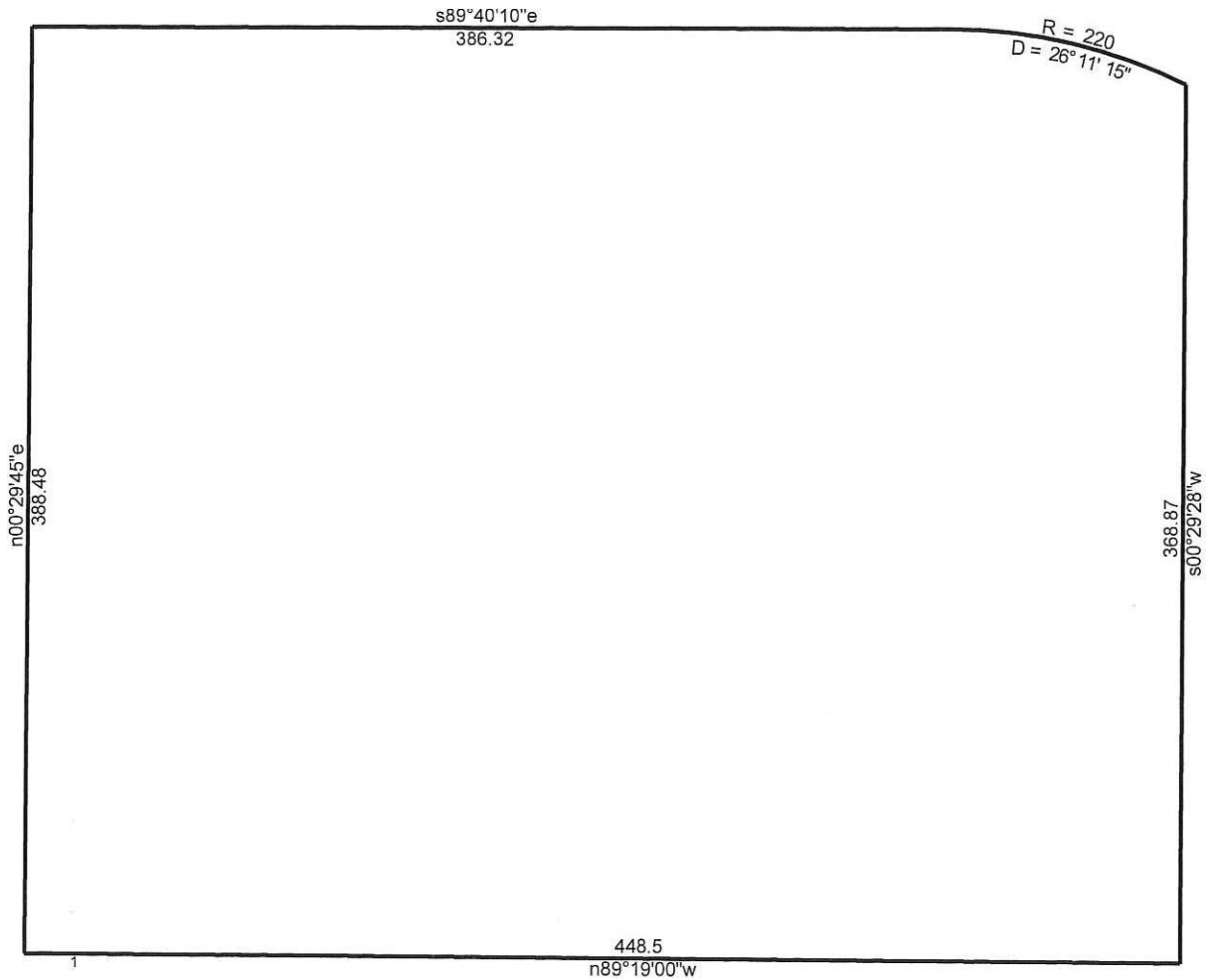
SOUTHWEST CORNER
SECTION 33
1284.12'
S89°19'00"E 1319.12'
BASIS OF BEARING
Ustick Road

Exhibit B
Annexation and Rezone

A portion of the South 1/2 of the Southwest 1/4 of Section 33,
Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho

DATE: November, 2025
PROJECT: 25-106
SHEET: 1 OF 1

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



11/20/2025

Scale: 1 inch= 80 feet

File:

Tract 1: 4.3119 Acres (187827 Sq. Feet), Closure: n00.0000e 0.00 ft. (1/395952), Perimeter=1728 ft.

01 n89.1900w 35

02 n00.2945e 388.48

03 s89.4010e 386.32

04 Rt, r=220.00, delta=026.1115, chord=s76.3427e 99.68

05 s00.2928w 368.87

06 n89.1900w 448.5

EXHIBIT B

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



In the Matter of the Request for Comprehensive Plan Map Amendment to Change the Future Land Use Map (FLUM) Designation on 4-Acres of Land from Medium Density Residential (MDR) to Commercial; Annexation of 4.31 Acres of Land with a C-C Zoning District; and Preliminary Plat Consisting of Four (4) Building Lots on 4-Acres of Land in the C-C Zoning District for McUstick Subdivision, by Hawkins Companies.

Case No(s). H-2025-0059 (CPAM); H-2026-0007 (AZ, PP)

For the City Council Hearing Date of: July 14, 2026 (Findings on July 28, 2026)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of July 14, 2026, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 14, 2026, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 14, 2026, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 14, 2026, 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 14, 2026, incorporated by reference. The conditions are concluded to be reasonable and the applicant shall meet such requirements as a condition of approval of the application.

C. Decision and Order

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

1. The applicant's request for a Comprehensive Plan map amendment, annexation and zoning, and preliminary plat is hereby approved with the requirement of a Development Agreement per the provisions in the Staff Report for the hearing date of July 14, 2026, attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Development Agreement Duration

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

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

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

E. 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 14, 2026

By action of the City Council at its regular meeting held on the 28th day of July, 2026.

COUNCIL PRESIDENT JOHN OVERTON

VOTED AYE

COUNCIL VICE PRESIDENT ANNE LITTLE ROBERTS

VOTED AYE

COUNCIL MEMBER DOUG TAYLOR

VOTED _____

COUNCIL MEMBER LUKE CAVENER

VOTED _____

COUNCIL MEMBER LIZ STRADER

VOTED AYE

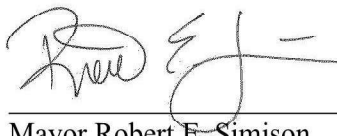
COUNCIL MEMBER BRIAN WHITLOCK

VOTED AYE

MAYOR ROBERT SIMISON

VOTED _____

(TIE BREAKER)



Mayor Robert E. Simison 7-28-2026

Attest:



Chris Johnson
City Clerk 7-28-2026

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

By: Charlene Way Dated: 7-28-2026
City Clerk's Office

COMMUNITY DEVELOPMENT DEPARTMENT REPORT



HEARING DATE: 7/14/2026

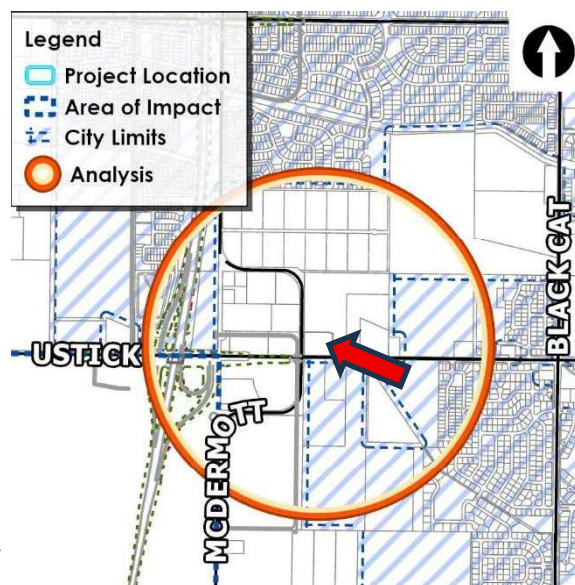
TO: Mayor & City Council

FROM: Sonya Allen, Associate Planner
208-884-5533
sallen@meridiancity.org

APPLICANT: Hawkins Companies

SUBJECT: Ustick Commercial and McUstick
Subdivision
H-2025-0059 (CPAM); H-2026-0007
(AZ, PP)

LOCATION: 5900 W. Ustick Rd., in the southwest 1/4
of Section 33, T.4N., R.1W.



I. PROJECT OVERVIEW

A. Summary

The Applicant has submitted the following applications:

- Comprehensive Plan map amendment to change the Future Land Use Map (FLUM) designation on 4-acres of land from Medium Density Residential (MDR) to Commercial;
- Annexation of 4.31 acres of land with a C-C zoning district; and
- Preliminary plat consisting of four (4) building lots on 4-acres of land in the C-C zoning district for McUstick Subdivision.

B. Issues/Waivers

Staff is not in support of the proposed map amendment from MDR to Commercial for the following reasons:

- The proposed development plan is entirely auto-oriented and the uses will create a high volume of trips, which will create traffic conflicts in this area – none of which are desired in such close proximity to the Ustick/McDermott interchange area.
- The proposed development is not consistent with key policies in the Comprehensive Plan, as follows:
 - o There is no transition in uses, zoning or buffering provided between the proposed commercial uses and future residential uses to the north, which negatively impacts quality of life for those living in the immediate area;
 - o There is no landscape buffer and/or wall proposed along the northern boundary of the site to assist in buffering the future residential uses to the north from noise, lighting, and odor impacts from the proposed uses;

- o The proposed auto-oriented commercial development will not improve air quality or reduce air pollution, which will negatively affect air quality in the Meridian and Treasure Valley airshed due to added vehicular traffic and vehicles idling in drive-thru lines.
- o The proposed commercial uses, associated business hours of operation and site design will create conflicts with adjacent future residential uses and is not compatible.
- o The Dayspring project on the south side of Ustick includes commercial uses that haven't been realized yet. Additionally, their concept plan did not include auto-dominated uses.

C. Recommendation

Staff: Denial of the proposed map amendment and consequently the proposed annexation and preliminary plat.

Planning and Zoning Commission: Recommended approval at the May 28, 2026, hearing. The issues listed above were shared with the Commission during the hearing. Based on the discussion at the hearing, the Commission overturned staff's recommendation of denial and recommended approval. Applicable DA provisions, conditions of approval and updated Findings are provided below.

D. Decision

City Council: Approved

E. Table of Contents

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II. COMMUNITY METRICS

Table 1: Land Use

Description	Details	Map Ref.
Existing Land Use(s)	Rural residential	-
Proposed Land Use(s)	Commercial (e.g. convenience store/fuel facility, coffee shop, oil change facility, financial institution, or other commercial uses allowed in the C-C district)	-
Existing Zoning	RUT in Ada County	VII.A.2
Proposed Zoning	C-C (Community Business District)	
Adopted FLUM Designation	Medium Density Residential (MDR)	VII.A.3
Proposed FLUM Designation	Commercial	

Table 2: Project Overview

Description	Details
History	None
Phasing Plan	1 phase
Physical Features	The Sky Pilot Drain lies on the northern boundary of this site; 50' of the 100' easement for the drain lies on this property
Acreage	4 acres
Lots	4 building lots/0 common lots

Table 3: Process Facts

Description	Details
Preapplication Meeting date	12/2/2025
Neighborhood Meeting	11/19/2025

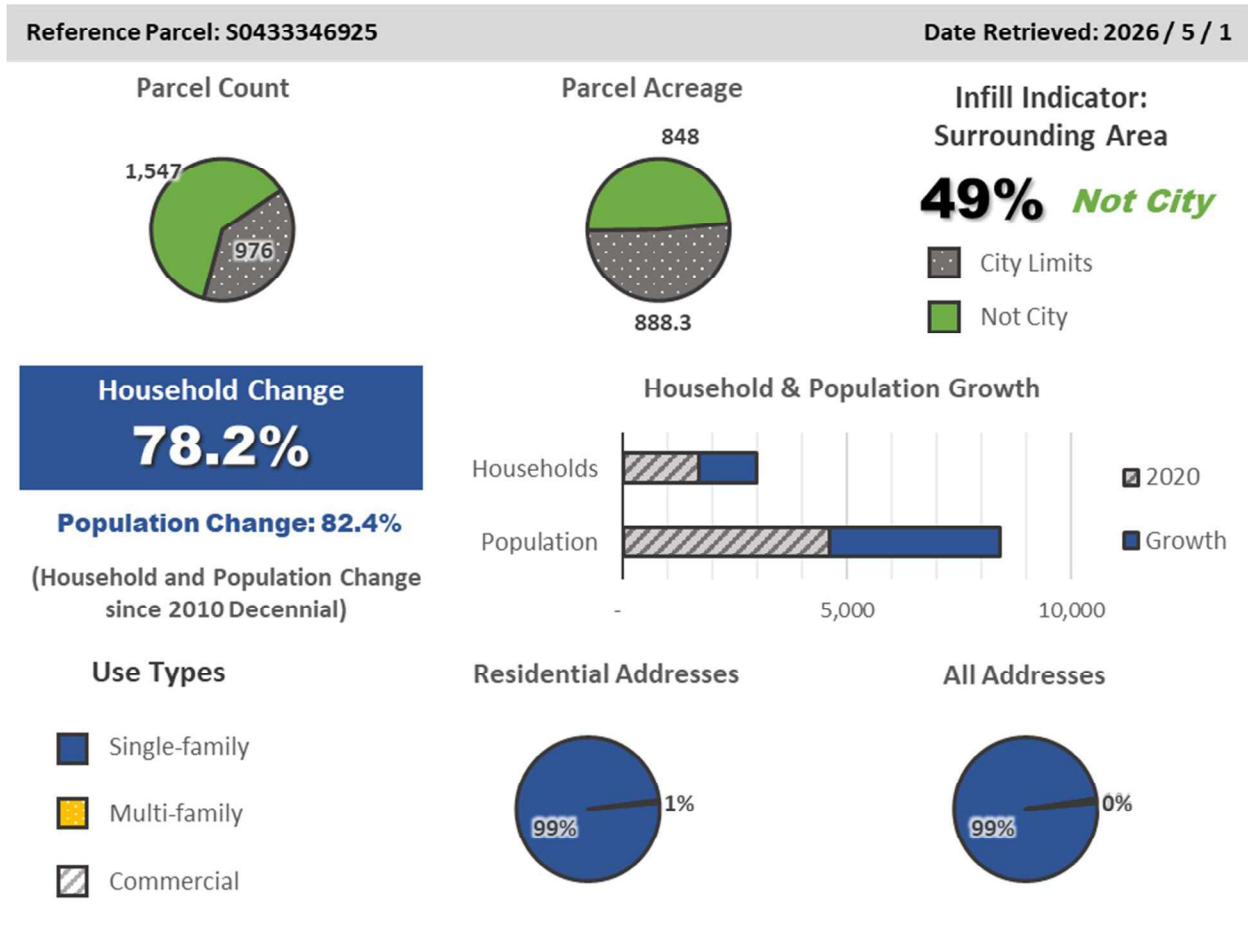
Table 4: Agency Comments

Agency / Element	Description / Issue	Reference															
Ada County Highway District		IV.E															
• Comments Received	Yes – Draft report	-															
• Commission Action Required	No	-															
• Access	Full access driveway to McDermott Bypass and RIRO to Ustick as temporary access if cross access isn’t provided from the Durango development.	-															
• Traffic Level of Service	<table><tr><th>Roadway</th><th>Frontage</th><th>Functional Classification</th><th>PM Peak Hour Traffic Count</th><th>PM Peak Hour Level of Service</th></tr><tr><td>Ustick Road</td><td>448-feet</td><td>Principal Arterial</td><td>493</td><td>Better than “E”</td></tr><tr><td>McDermott Bypass</td><td>363-feet</td><td>Future Collector</td><td>N/A</td><td>** N/A</td></tr></table> * Acceptable level of service for a two-lane principal arterial is “E” (690 VPH). ** ACHD does not set level of service thresholds for ITD roadways.	Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service	Ustick Road	448-feet	Principal Arterial	493	Better than “E”	McDermott Bypass	363-feet	Future Collector	N/A	** N/A	-
Roadway	Frontage	Functional Classification	PM Peak Hour Traffic Count	PM Peak Hour Level of Service													
Ustick Road	448-feet	Principal Arterial	493	Better than “E”													
McDermott Bypass	363-feet	Future Collector	N/A	** N/A													
• TIS submitted?	Yes																
ITD Comments Received	No comments received	Error! Reference source not found.															
Meridian Public Works Wastewater		IV.A															
• Distance to Mainline	Sewer to this property is contingent on others extending the sewer from McDermott Rd.																
• Impacts or Concerns	No																
Meridian Public Works Water		IV.A															
• Distance to Mainline	Water is available to the site.																
• Impacts or Concerns	No																

Note: See section IV. City/Agency Comments & Conditions for comments received or see the public record. Paste the following link into your browser to access the public record:

<https://weblink.meridiancity.org/WebLink/Browse.aspx?id=435499&dbid=0&repo=MeridianCity>

Figure 1: One-Mile Radius Existing Condition Metrics



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

III. STAFF ANALYSIS

Comprehensive Plan and Unified Development Code (UDC)

A. History

None

B. General Overview

The subject property is currently zoned RUT in Ada County and designated Medium Density Residential (MDR) on the Future Land Use Map (FLUM) in the Comprehensive Plan. The MDR designation allows residential dwellings at gross densities of three (3) to eight (8) units per acre.

The adjacent property to the north and east has a development application (i.e. Durango Subdivision H-2025-0017) in process for annexation with R-8 and L-O zoning and a preliminary plat, scheduled to be heard by the Commission on May 28th. That property is proposed to develop with single-family detached residential homes and offices along Ustick Rd., as shown below. The configuration of the proposed Office area has shifted from the east to the west from that shown on the FLUM.



The property directly to the south across W. Ustick Rd. (Dayspring Subdivision H-2024-0070) was recently annexed and is proposed to develop with neighborhood commercial non-auto-oriented uses along Ustick Rd. and single-family residences to the south. The McDermott Road Bypass runs along the west side of the property, which is currently under the jurisdiction of the Idaho Transportation Department (ITD).

The Applicant proposes an amendment to the FLUM to change the future land use designation of this property from MDR to Commercial, annexation of 4-acres of land with a C-C (Community Business District) zoning district, and a preliminary plat consisting of four (4) buildable lots on 4-acres of land.

Per the Comprehensive Plan, the Commercial designation provides for a full range of commercial uses to serve area residents and visitors and is the most intense of the commercial designations. Per the UDC (11-2B-1), the purpose of the commercial districts is to provide for the retail and service needs of the community in accord with the Comprehensive Plan. The proposed C-C zoning district allows a larger scale and broader mix of retail, office and service uses with access to arterial streets than the C-N district but is less intense than the C-G district, which allows the largest scale of these uses along with industrial uses.

A conceptual development plan and building elevations are proposed with the annexation application that demonstrate how the site is proposed to develop with a convenience store/fuel sales facility, oil change facility, coffee shop, financial institution and/or other commercial uses as allowed in the proposed C-C zoning district. Four (4) building pads are proposed, two (2) of which have drive-through establishments.

The proposed development plan is entirely auto-oriented, which is not desired in such close proximity to the Ustick/McDermott interchange. This area is not intended for high volume trips and is to be protected from traffic conflicts, which are created by high traffic-generating uses, thus the reason the MDR FLUM designation was determined to be the most appropriate for this site and the Mixed Use – Interchange (MU-I) designation most appropriate for across the street to the west adjacent to the interchange.

As noted above, the adjacent development to the north and east of this site (Durango Subdivision) is not scheduled to be heard by the Commission until *after* the subject application is heard. If office uses aren't approved along the frontage of Ustick Rd. on that property, residential uses will likely develop in that area, which will abut the commercial uses proposed on this site making the use even more inappropriate due to incompatibility of uses.

At the pre-application meeting, Staff requested the Applicant submit a market analysis to support the proposed change to the FLUM – the Applicant did not do so but their narrative does include their reasoning for why the property should be designated Commercial rather than Residential. The Applicant also recommended waiting until the project to the east (Durango) obtains entitlements before submitting an application for this property – that application as noted is in process but scheduled to be heard by the Commission after this application.

Beyond the desire for low intensity uses to be located in close proximity to the interchange area, Staff is concerned about the negative impact approving the proposed development might have on nearby planned retail and restaurant uses in Commercial and Mixed-Use designated properties in the nearby area. Therefore, Staff is of the opinion the existing entitled and designated commercial uses should develop first in order to determine if the market will support additional commercial uses beyond those planned in this area.

C. Comprehensive Plan Policies (*Staff analysis in italic text*)

- 3.07.01A – Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices. *There is no transition in uses or zoning between the proposed commercial uses and future residential uses to the north, which negatively impacts quality of life for those living in the immediate area. No landscape buffer and/or walls are proposed outside of the 50' wide Sky Pilot drain easement along the northern boundary of the site to adequately buffer/screen the proposed commercial development from the future residential development to the north.*
- 5.01.01F – Minimize noise, lighting, and odor disturbances from commercial developments to residential dwellings by enforcing city code. *The UDC limits business hours of operation in the C-C district adjacent to residential uses and zoning from 6 am to 11 pm to minimize these disturbances; however, extended hours may be requested through a conditional use permit as set forth in UDC 11-2B-3B. It's anticipated extended hours will be needed for the fuel facility and drive-through uses.*
- 6.01.01J – Encourage new development to include buffered sidewalks, a sidewalk separated from the motor vehicle lane by a planter strip, especially on collector and arterial roadways. *The proposed sidewalks along the arterial streets (McDermott Bypass & Ustick) are separated from the motor vehicle lane by a planter strip.*

- 3.07.02B – Locate smaller-scale, neighborhood-serving commercial and office use clusters so they complement and provide convenient access from nearby residential areas, limiting access to arterial roadways and multimodal corridors. *The proposed convenience store/fuel facility, drive-through establishments and oil change facility uses are larger scale and more intense than neighborhood-serving uses listed in the Comprehensive Plan with direct access to adjacent arterial roadways and no vehicular connectivity with the future residential neighborhood.*
- 4.06.00 – Improve air quality and reduce air pollution in the Meridian and Treasure Valley airshed. *The proposed development would negatively affect air quality for adjacent residential uses due to added vehicular traffic and vehicles idling in drive-thru lines.*
- 3.01.01A – 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). *The existing FLUM designation for this property in the Comprehensive Plan is MDR, which has a much lower traffic impact than the proposed development plan. As noted in the Applicant's narrative, the McDermott Bypass/Ustick intersection is expected to be extremely busy – the proposed uses will exacerbate traffic in this area where low traffic generating uses are desired. The study that went into the FLUM determined that residential use was the best use for this property with higher intensity/traffic generating uses located further away from the interchange area.*
- 3.07.00 – Encourage compatible uses and site design to minimize conflicts and maximize use of land. *Residential uses as currently planned on this property which are more compatible with future adjacent residential uses and the nearby interchange area than the proposed commercial uses. Residential uses will create less traffic than commercial uses, which is more appropriate and will create less conflicts in this area. The proposed commercial uses, associated business hours of operation and site design will create conflicts and is not compatible with adjacent residential uses.*
- 3.07.01 – Proactively address potential conflicts between incompatible uses. *The proposed convenience store/fuel facility, drive-through and vehicle service uses and associated hours of operation will likely conflict with future residential uses due to impacts pertaining to lighting, noise and air quality, which are not proposed to be buffered and/or mitigated.*

D. Site Development and Use Analysis

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

There is an existing home and accessory structures on the property that will be removed with development.

2. Proposed Use Analysis (UDC 11-2):

The proposed convenience store & fuel sales facility and restaurant (coffee shop) are principal permitted uses in the C-C district, subject to the specific use standards in UDC 11-4-3-20 (and 11-3A-16 if applicable) and 11-4-3-49 (and 11-4-3-11 Drive-through Establishment if applicable), respectively. The proposed vehicle service (oil change facility) use requires conditional use permit approval in the C-C district, subject to the specific use standards in UDC 11-4-3-38. A financial institution is a principal permitted use in the C-C district, subject to the specific use standards in 11-4-3-17 (and 11-3A-16 if applicable). See UDC Table 11-2B-2 for additional uses allowed in the C-C district.

3. Dimensional Standards (*UDC 11-2*):
Compliance with the dimensional standards of the C-C zoning district in UDC Table 11-2B-3 is required.

E. Design Standards Analysis

1. Structure and Site Design Standards (*UDC 11-3A-19*):
All structures and site design is required to comply with the standards listed in UDC 11-3A-19.

The conceptual development plan depicts an interconnected network of walkways and drive aisles that promote pedestrian and vehicular mobility within the development and to the adjacent development to the east; a pathway is proposed to the future residential development to the north for pedestrian access and connectivity, no vehicular connectivity is proposed.

For lots with frontage on a public street, a minimum of thirty (30) percent of the buildable frontage of the property shall be occupied by building facades and/or public space per UDC 11-3A-19B.2b. A drive aisle is proposed along the frontage of the property adjacent to Ustick Rd., which separates the buildings from the street – parking is proposed at the rear of the buildings. **If the proposed development is approved, compliance with this standard is required. A revised conceptual development plan should be submitted that demonstrates compliance with this standard.**

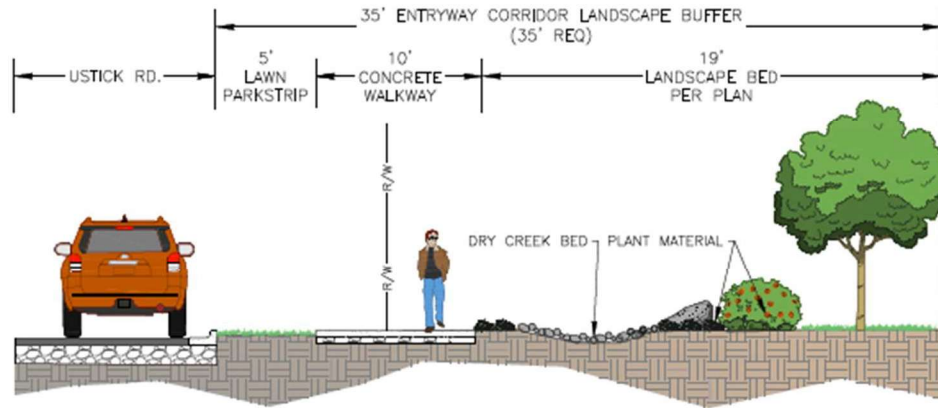
Pedestrian pathways are proposed from the perimeter sidewalk to the main building entrances. **Where the pathway crosses vehicular driving surfaces, it is required to be distinguished through the use of pavers, colored or scored concrete, or bricks, per UDC 11-3A-19B.4b.**

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

- i. Landscape buffers along streets

UDC Requirement	Proposed/Analysis
Entry Way Corridor: 35 Feet	W. Ustick Rd. – the proposed buffer width is 35', which complies with this standard
Arterial Road: 25 Feet	N. McDermott Rd. Bypass – the proposed buffer width is 26', which complies with this standard

Landscaping must comply with the standards in UDC 11-3B-7C. **Lawn and other grasses requiring regular mowing shall comprise no more than sixty-five (65) percent of the vegetated coverage of a landscape buffer; calculations demonstrating compliance should be included on the plan.** Because W. Ustick Rd. is an entryway corridor, additional landscape design features are required within the buffer as set forth in UDC 11-3B-7C.3f. The additional design features consist of a dry creek bed with river rock and boulders as shown on the cross-section below and on the landscape plan below in Section VII.H.



USTICK RD. LANDSCAPE BUFFER SECTION



DRY CREEK BED REFERENCE IMAGE

ii. Parking lot landscaping

Landscaping is required to be provided in all parking areas with future development per the standards listed in UDC 11-3B-8. Analysis of the plans for consistency with these standards will take place with the Certificate of Zoning Compliance and/or Conditional Use Permit application, as applicable.

iii. Landscape buffers to adjoining uses

A minimum 25-foot-wide buffer is required adjacent to residential land uses in the C-C district in accord with UDC Table 11-2B-3 landscaped per the standards in UDC 11-3B-9C. Where the adjacent property is vacant, the FLUM designation determines use. Although no residential land uses currently exist on the adjacent property to the north and east, the FLUM designation on that property is MDR. With the pending Durango Subdivision application for that property, residential uses are proposed to the north and office uses are proposed to the east.

Because there is a 50' wide easement for the Sky Pilot Drain along the north property boundary, which prohibits trees/shrubbery, the buffer should be placed outside of the

easement. **The width of the buffer may be modified by City Council at a public hearing with notice to surrounding property owners if requested by the Applicant.**

iv. Tree preservation

Per UDC 11-3B-10, 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).

There are existing trees on the site that will be removed with development. **Mitigation should be assessed prior to removal of any trees from the site and information should be included on the landscape plan that demonstrates compliance with the standards in UDC 11-3B-10C.5.**

v. Storm integration

An adequate storm drainage system shall be 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.

A geotech report was submitted with this application for Durango Subdivision; a report for the proposed subdivision and not the adjacent subdivision should be submitted.

vi. Pathway landscaping

A minimum 5' wide landscape strip is required along each side of all pathways landscaped per the standards in UDC 11-3B-12C.

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

i. Nonresidential parking analysis

UDC Requirement	Proposed/Analysis
Commercial: 1 Parking Stall per 500 Square Feet of Gross Floor Area	Future development should comply with this standard.
Specific Use Standards: Restaurants: 1 Parking Stall per 250 Square Feet of Gross Floor Area	Future development should comply with this standard. Coffee shops are considered a restaurant.

ii. Bicycle parking analysis

A minimum of one (1) bicycle parking space must be provided for every 25 vehicle spaces or portion thereof per UDC *11-3C-6G*; bicycle parking facilities are required to comply with the location and design standards listed in UDC *11-3C-5C*.

Review of compliance with parking standards will take place with future Certificate of Zoning Compliance and Conditional Use Permit applications, as applicable.

4. Building Elevations (*Architectural Standards Manual*):

Conceptual building elevations were submitted for the proposed convenience store, fuel canopy, coffee shop and oil change facility as shown below in Section VII.J. All structures are proposed to be a single story in height. **Final design is required to comply with the design standards in the Architectural Standards Manual (ASM).**

5. Fencing (*UDC 11-3A-6, 11-3A-7*):
No fencing is proposed on the landscape plan.
6. Parkways (*UDC 11-3A-17*):
Parkways are required to comply with the standards in UDC 11-3A-17.

F. Transportation Analysis

1. Roadway Improvements (FYWP & CIP):
Ustick Road, between McDermott and Black Cat, is planned to be widened to 5-lanes (2-thru lanes in each direction with center medians and turn pockets where appropriate) in 2027 per the adopted North Meridian Neighborhood Plan & the Capital Improvement Plan (CIP). The project includes adding multi-use pathways.

State Highway 16 and an interchange at Ustick/McDermott Roads are currently being constructed ¼+ mile to the west.

A Traffic Impact Study (TIS) was submitted to ACHD for this development at the request of the city. The TIS included trip generation information for the current MDR designation and the proposed commercial designation as follows:

Land Use Type	Average Daily Trips	PM Peak Hour Trips
Residential	467	27
Commercial	3,703	396
Increase in Trips	3,236	369
Percent Increase	693%	1,367%

2. Access (*UDC 11-3A-3, UDC 11-3H-4*):
One (1) full access is proposed via N. McDermott Bypass on the west side of the site at the north boundary; and one (1) right-in/right-out temporary access is proposed via W. Ustick Rd. at the east boundary of the site. The McDermott Bypass is currently under the jurisdiction of ITD but is expected to be turned over to ACHD at some point in the future. ITD has stated they won't support access via McDermott Bypass.

Staff is not supportive of an access via W. Ustick Rd. ACHD states that the TIS did not demonstrate a need for this driveway. Further ACHD, like City policy, requires access to be taken from lesser-classified roadways, which is McDermott Bypass; a collector roadway once under the jurisdiction of ACHD.

Drive aisle stubs are proposed to the property to the east but no vehicular connectivity is proposed to the future residential development to the north. **If approved, Staff recommends a drive aisle connection be provided to the north for interconnectivity with the residential neighborhood. Cross-access/ingress-egress easements are required between all lots in the subdivision and to adjoining properties either by recorded easement or as a note on the final plat as set forth in UDC 11-3A-3A.2.**

3. Pedestrian Connectivity (*UDC 11-3A-5, UDC 11-3A-8, UDC 11-3A-17*):
A 10' wide detached sidewalk/multi-use pathway is required on this site along W. Ustick Rd. per the Pathways Master Plan; and a 10' wide detached sidewalk is also required along N. McDermott Road Bypass, as proposed.

All pathways should comply with the standards in UDC 11-3A-8. **If any portion of the multi-use pathway lies outside of the adjacent right-of-way, it shall be included in a public use easement as required by the Park's Dept.**

G. Services Analysis

1. Waterways (*UDC 11-3A-6*):
The Sky Pilot Drain lies along the northern boundary of this site within a 100' wide easement, 50' of which lies on this property. The drain is proposed to be relocated and piped by the developer.
2. Pressurized Irrigation (*UDC 11-3A-15*):
An underground pressurized irrigation system is required to be installed in the development for each lot as set forth in UDC 11-3A-15.
3. Storm Drainage (*UDC 11-3A-18*):
An adequate storm drainage system is required for this development in accord with the City's adopted standards, specifications and ordinances per UDC 11-3A-18. Design and construction shall follow Best Management Practice as adopted by the City.
4. Utilities (*UDC 11-3A-21*):
All utilities for an approved use shall be installed at or below grade in accord with the City's adopted standards, specifications and ordinances.

Street lighting shall be installed in accord with the city's adopted standards, specifications and ordinances.

The development shall be connected to the City of Meridian water and sewer systems in accord with the standards in UDC 11-3A-21C. *Toll Brothers, the developer of the adjacent Dayspring and Springday developments to the south and east, recently reached an agreement with the City to extend sewer service from the north down McDermott Rd. and east on Ustick Road to serve their projects earlier than the City project to do so. This extension of services is planned to occur at the same time as the Ustick Rd. widening project and would also provide service to this development if approved. This development is subject to the Oaks lift station & West Ada School District reimbursement agreement:*
<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=178931&dbid=0&repo=MeridianCity>

Adequate fire protection is required in accord with Fire Dept. standards. An emergency access plan is included below in Section VII.I.

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 fee for the DA 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 date of City Council approval of the Findings of Fact, Conclusions of Law and Decision & Order for the Annexation request. The DA shall, at minimum, incorporate the following provisions:
- i. Future development of this site shall be generally consistent with the conceptual development plan and building elevations, preliminary plat, landscape plan, and buffer exhibits included below in Section VII and the provisions contained herein. One of the two conceptual drive-throughs may be a Tier 3 subject to conditional use permit approval by City Council.
 - ii. The final design of all structures shall comply with the design standards in the Architectural Standards Manual (ASM).
 - iii. The development is subject to the Oaks lift station & West Ada School District reimbursement agreements.
 - iv. The site design shall comply with the site design standards in UDC 11-3A-19.B.2b, which require a minimum of thirty (30) percent of the buildable frontage of the property to be occupied by building facades and/or public space.
 - v. Lot 1, Block 1 may operate 24 hours a day, 7 days a week.
 - vi. Access to W. Ustick Road is prohibited in accord with UDC 11-3A-3.
 - vii. Any future development of the site must comply with the City of Meridian ordinances in effect at the time of the development.
 - vii. The applicant is allowed to obtain one building permit prior to recording a final plat. Prior to the issuing the certificate of occupancy, the applicant shall subdivide the property.
2. The final plat(s) shall include the following revisions:
- i. Depict cross-access/ingress-egress easements between all lots in the subdivision and to adjoining properties either by recorded easement or as a note on the final plat as set forth in UDC 11-3A-3A.2.
3. The landscape plan submitted with the final plat application(s) shall include the following revisions:
- i. Where pedestrian pathways are proposed from perimeter sidewalks to the main building entrances, pathways shall be distinguished from vehicular driving surfaces through the use of pavers, colored or scored concrete, or bricks, per UDC 11-3A-19B.4b.
 - ii. Lawn and other grasses requiring regular mowing shall comprise no more than sixty-five (65) percent of the vegetated coverage of a landscape (street) buffer per UDC 11-3B-7C.3e; calculations or a note demonstrating compliance should be included on the plan.
 - iii. Mitigation information shall be included for all existing trees four-inch caliper or greater that are removed from the site as set forth in UDC 11-3B-10.
 - iv. Depict a 25-foot-wide buffer to adjoining residential land uses with landscaping per the standards in UDC 11-3B-9C.
4. Additional design features consisting of a dry creek bed with river rock and boulders shall be included in the street buffer along W. Ustick Rd., an entryway corridor, as proposed, in accord with UDC 11-3B-7C.3f.
5. A public use easement shall be submitted for all multi-use pathways/sidewalks located outside of the adjacent ACHD right-of-way, as required by the Park's Dept.
6. Staff's failure to cite all relevant UDC requirements does not relieve the applicant from compliance.
7. A Certificate of Zoning Compliance and Design Review application shall be submitted for the commercial development and approved by the Planning Division prior to submittal of application(s) for building permits.

8. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer's signature on a final plat within two years of the date of the approved findings; or obtain approval of a time extension as set forth in UDC 11-6B-7.

B. Meridian Public Works

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=435509&dbid=0&repo=MeridianCity>

Site Specific Conditions of Approval

1. 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.
2. Ensure no sewer services pass through infiltration trenches.
3. Provide 20' Easements for mains, hydrant laterals and water services. Easements should extend up to the end of main/hydrant/water meter and 10' beyond it.
5. No permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) to be built within the utility easement.

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), 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). 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 (IDWR). The Developer, Owner, or project 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. If wells are to be abandoned, the project owner or their representative must contact the IDWR Groundwater Protection Section (Aaron Skinner, Hydrogeologist 208-287-4972) BEFORE any work is done to decommission an existing well (even if it is believed that the well is less than 18 ft deep). Proof of communication with IDWR must be submitted to the City prior to any work being done to decommission the well. Failure to communicate with IDWR may result in additional work and expense to decommission the well.
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

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=435517&dbid=0&repo=MeridianCity>

D. Idaho Department of Environmental Quality (DEQ)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=436100&dbid=0&repo=MeridianCity>

E. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=441442&dbid=0&repo=MeridianCity>

F. Idaho Transportation Department (ITD)



**Your Safety • Your Mobility
Your Economic Opportunity**

IDAHO TRANSPORTATION DEPARTMENT

P.O. Box 8028 • Boise, ID 83707-2028

(208) 334-8300 • itd.idaho.gov

May 1, 2026

Sonya Allen
Planner
City of Meridian Planning & Zoning

VIA EMAIL

Development Application	H-2025-0059 & H-2026-0007
Project Name	Ustick Commercial
Project Location	5900 W. Ustick Rd
Project Description	Annexation, Preliminary Plat & Comp Plan Amendment
Applicant	Ethan Mansfield; Hawkins Companies

The Idaho Transportation Department (ITD) reviewed the referenced application(s) and has the following comments:

1. The McDermott Bypass is under ITD's jurisdiction until it is accepted and transferred to Ada County Highway District. While the Department will not currently grant new access to the Bypass, we will continue coordinating with the applicant and ACHD. The timeline for the transfer is uncertain, but efforts are underway.
2. Apart from the comment above, ITD does not have any concerns with the proposed development.
3. ITD reserves the right to make further comments upon review of the submitted documents.

If you have any questions, you may contact me at 208-334-8377.

Sincerely,

Kendra Conder

Kendra Conder
Development Services Coordinator
Kendra.conder@itd.idaho.gov

V. FINDINGS

A. Comprehensive Plan (UDC 11-5B-7D)

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

1. The proposed amendment is consistent with the other elements of the comprehensive plan.
The City Council finds the proposed amendment is consistent with key elements of the Comprehensive Plan pertaining to compatibility and transition of land uses; specifically to the adjacent residential and office.

2. The proposed amendment provides an improved guide to future growth and development of the city.
The City Council finds the proposed amendment provides an improved guide for future growth and development of the city and that the proposed Commercial FLUM designation is more appropriate for this property.
3. The proposed amendment is internally consistent with the goals, objectives and policies of the Comprehensive Plan.
The City Council finds the proposed map amendment consistent with the goals, objectives and policies of the Comprehensive Plan.
4. The proposed amendment is consistent with this Unified Development Code.
The City Council finds the proposed map amendment is consistent with UDC 11-5B-7, which requires the amendment to be compatible with existing and planned surrounding land uses. The proposed land uses are compatible with the adjacent Ustick/McDermott interchange area and may provide services near future residential uses planned for the area.
5. The amendment will be compatible with existing and planned surrounding land uses.
The City Council finds the proposed map amendment to Commercial is compatible with abutting planned residential uses to the north and proposed office to the east.
6. The proposed amendment will not burden existing and planned service capabilities.
The City Council finds the proposed amendment will not burden existing and planned transportation capabilities if the FLUM is changed from MDR to Commercial.
7. The proposed map amendment (as applicable) provides a logical juxtaposition of uses that allows sufficient area to mitigate any anticipated impact associated with the development of the area.
The City Council finds the proposed map amendment does provide a logical juxtaposition of uses that allows sufficient areas to mitigate any anticipated impact associated with the development of the area.
8. The proposed amendment is in the best interest of the City of Meridian.
The City Council finds the proposed map amendment is in the best interest of the City.

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

1. The map amendment complies with the applicable provisions of the comprehensive plan;
The City Council finds annexation of the subject property with the recommended changes to the C-C zoning district is consistent with the proposed Comprehensive Plan FLUM designation of Commercial.
2. The map amendment complies with the regulations outlined for the proposed district, specifically the purpose statement;
The City Council finds the proposed map amendment to the C-C district complies with the purpose statement for the commercial districts in that it contributes to the range of commercial opportunities for the surrounding area.
3. The map amendment shall not be materially detrimental to the public health, safety, and welfare;
The City Council finds that the map amendment will not be detrimental to the public health, safety and welfare with compliance of the conditions in section IV.

4. The map amendment shall not result in an adverse impact upon the delivery of services by any political subdivision providing public services within the city including, but not limited to, school districts; and
The City Council finds the proposed map amendment will not result in adverse impacts if the applicant complies with the conditions in section IV as required.
5. The annexation (as applicable) is in the best interest of city.
The City Council finds the proposed annexation is in the best interest of the City if the property develops in accord with the provisions in Section IV as required.

C. Preliminary Plat (UDC-6B-6)

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 and is consistent with this unified development code;
The City Council finds the uses proposed with the preliminary plat is in conformance with the Comprehensive Plan and should generally conform with the UDC if the Applicant complies with the conditions of approval in Section IV.
2. Public services are available or can be made available and are adequate to accommodate the proposed development;
The City Council finds that public services are available or will be made available for the subject development.
3. The plat is in conformance with scheduled public improvements in accord with the city's capital improvement program;
The City Council finds the plat is in conformance with scheduled public improvements in accord with the city's capital improvement program.
4. There is public financial capability of supporting services for the proposed development;
The City Council finds there is financial capability of supporting services for the proposed development with the conditions listed in Section IV.
5. The development will not be detrimental to the public health, safety or general welfare; and
The City Council finds the subject development will not be detrimental to the public health, safety, or general welfare.
6. The development preserves significant natural, scenic or historic features.
There are no significant natural, scenic, or historical features.

VI. ACTION

A. Staff:

Staff recommends denial of the proposed Comprehensive Plan Map Amendment for the reasons noted above in Section III. Consequently, Staff recommends denial of the associated annexation & zoning and preliminary plat requests because the proposed development plan isn't consistent with the MDR FLUM designation in effect for this property.

B. Commission:

The Meridian Planning & Zoning Commission heard these items on May 7 and 28, 2026. At the public hearing, the Commission voted to recommend approval of the subject CPAM, AZ and PP requests.

1. Summary of Commission public hearing:
 - a. In favor: Ethan Mansfield, Hawkins Companies
 - b. In opposition: None
 - c. Commenting: Connor Lindstrom, Corey and Rachel Thacker
 - d. Written testimony: None
 - e. Staff presenting application: Bill Parsons
 - f. Other Staff commenting on application: Kurt Starman
2. Key issue(s) of public testimony:
 - a. Impacts current road improvements have on surrounding residents.
 - b. Traffic congestion in the area.
3. Key issue(s) of discussion by Commission:
 - a. Hours of operation for the proposed commercial development.
 - b. The number and types of drive-throughs proposed for the proposed commercial development.
 - c. Temporary access to Ustick Road.
 - d. Landscape improvements within and adjacent to the Sky Pilot Drain easement.
4. Commission change(s) to Staff recommendation:
 - a. Commission overturned staff's recommendation for denial. During the May 28th hearing, Staff prepared a memo for the Commission that addressed development agreement provisions and conditions of approval, which have been included in section IV above.
5. Outstanding issue(s) for City Council:
 - a. None

C. City Council:

The Meridian City Council heard these items on July 14, 2026. At the public hearing, the Council moved to approve the subject AZ, PP and CPAM requests.

1. Summary of the City Council public hearing:
 - a. In favor: Ethan Mansfield, Hawkins Companies (Applicant)
 - b. In opposition: None
 - c. Commenting: Corey Thacker (property owner)
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: Bill Parsons
2. Key issue(s) of public testimony:
 - a. Traffic congestion in this area
3. Key issue(s) of discussion by City Council:
 - a. Opinion commercial use is more appropriate than residential use for this property.
 - b. Desire for services to develop on this property that will benefit nearby residents.
4. City Council change(s) to Commission recommendation:
 - a. None

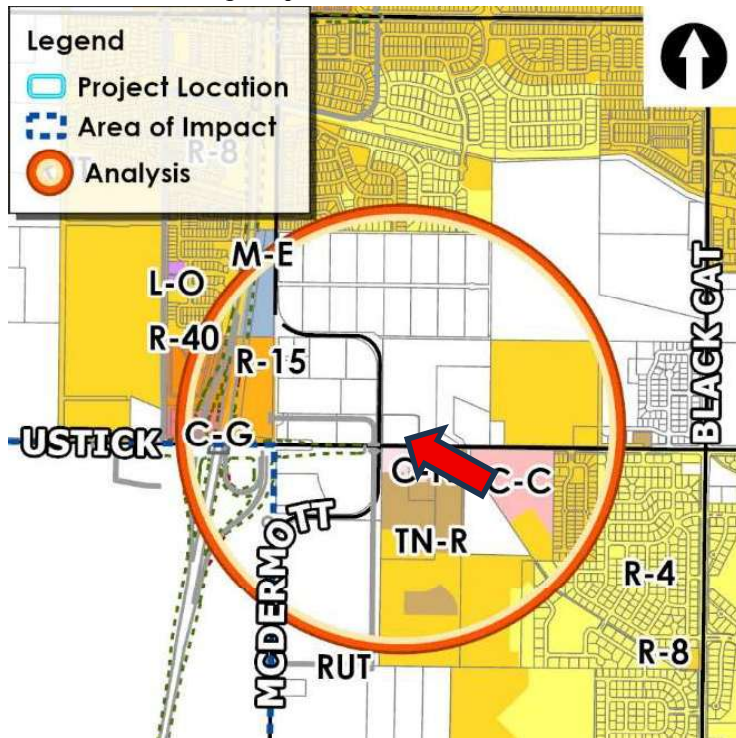
VII. EXHIBITS

A. Project Area Maps

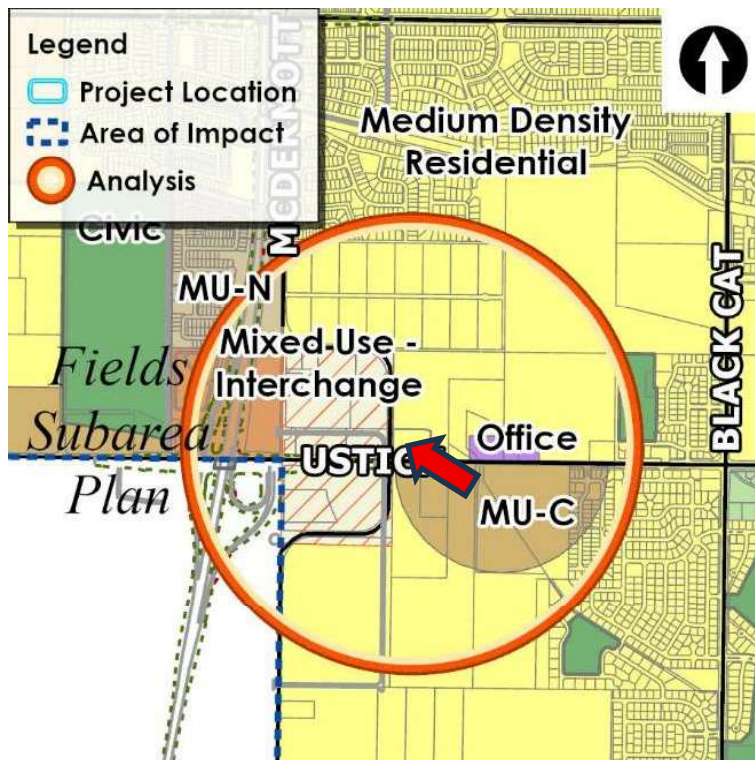
1. Aerial



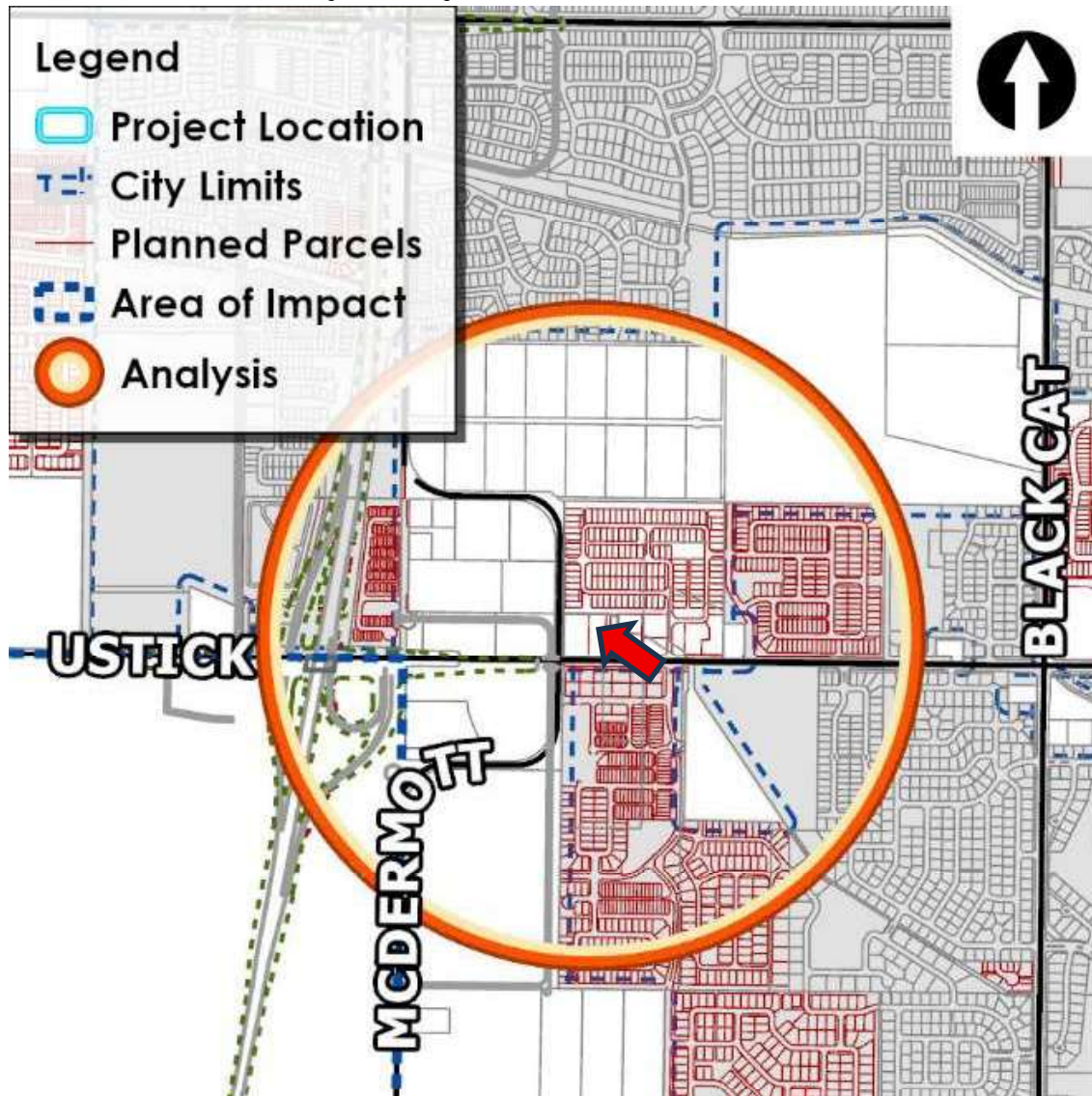
2. Zoning Map



3. Future Land Use



4. Planned Development Map



B. Service Accessibility Tool (Existing Conditions)

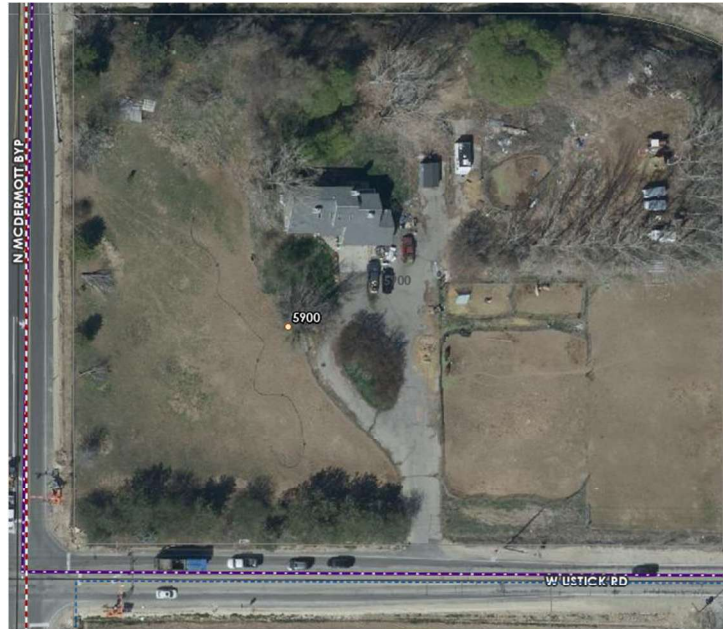
PARCEL S0433346925 SERVICE ACCESSIBILITY

Overall Score: 12	2nd Percentile
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Criteria	Description
Location	Within 1/2 mile of City Limits
Extension Sewer	Trunkshed mains > 2,000 ft. from parcel
Floodplain	Either not within the 100 yr floodplain or > 2 acres
Emergency Services Fire	Response time < 5 min.
Emergency Services Police	Reporting District meets response time goals some of the
Pathways	Within 1/4 mile of future pathways
Transit	Not within 1/4 of current or future transit route
Arterial Road Buildout Status	Ultimate configuration (# of lanes in master streets plan)
School Walking Proximity	From 1/2 to 1 mile walking
School Drivability	Either a High School or College within 2 miles OR a
Park Walkability	No park within walking distance by park type

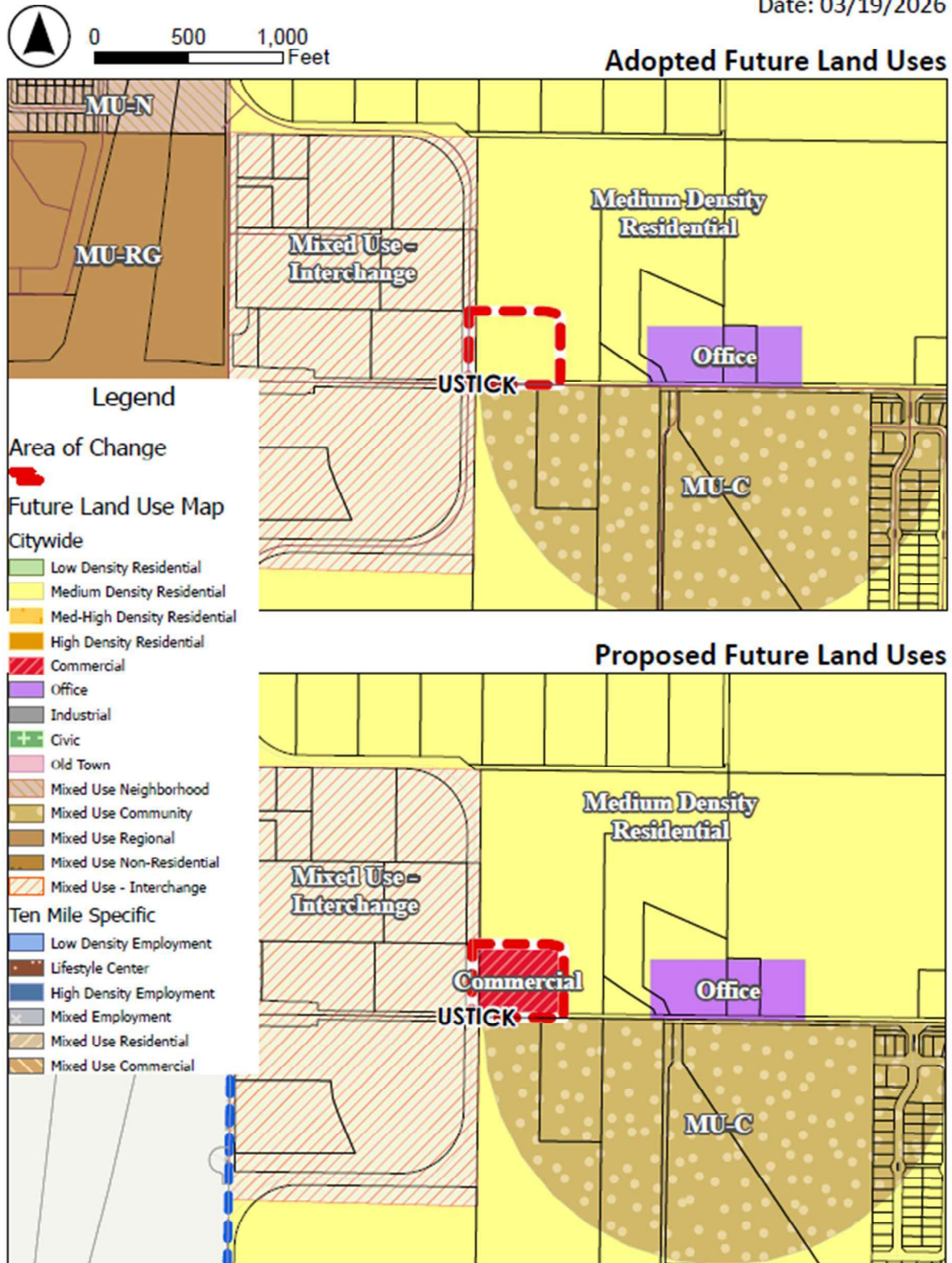
Report generated on 04-11-2026 by MERIDIAN\sallen

C. Aerial View of Property/Site Photos

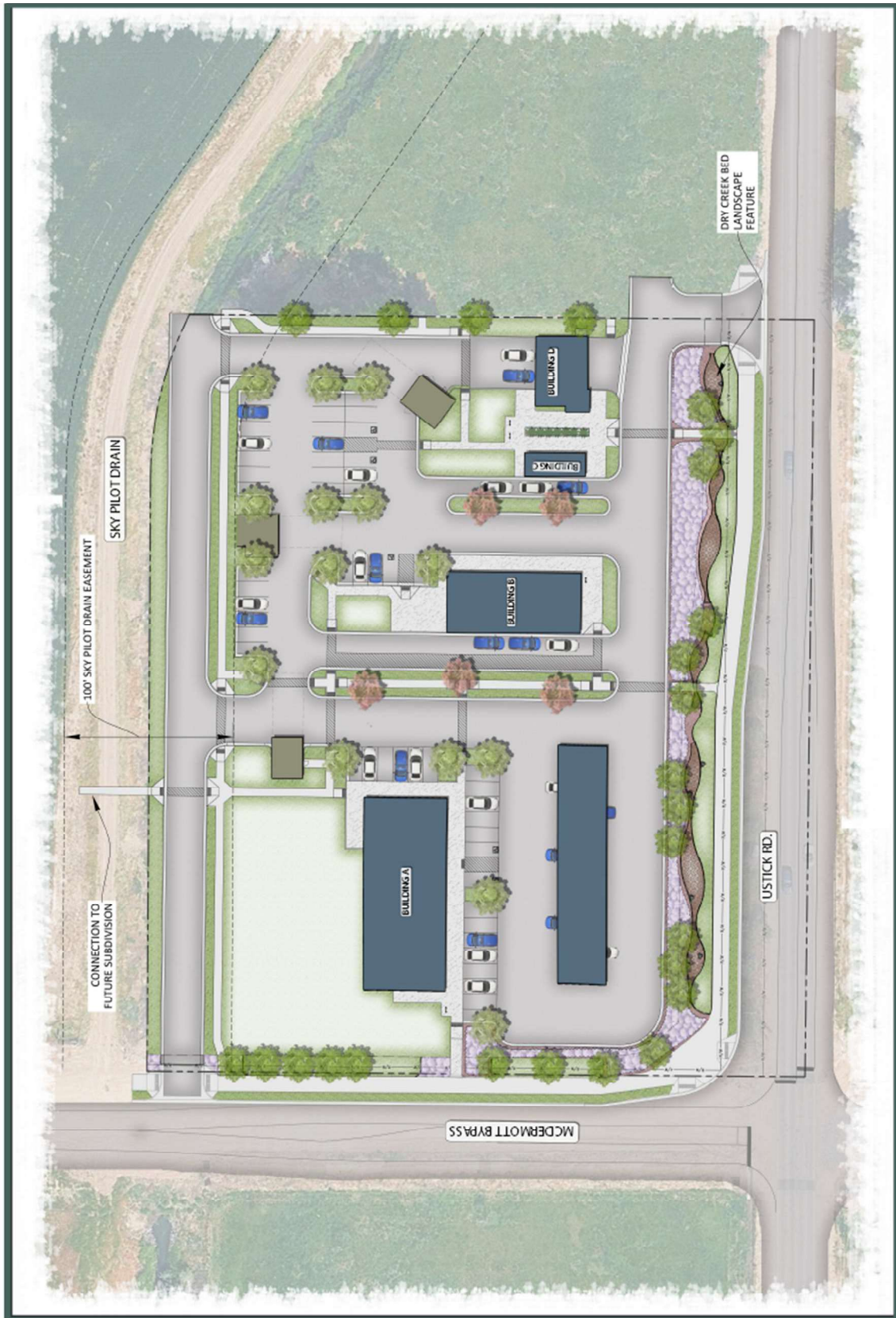


D. Adopted vs. Proposed Future Land Use Map

Date: 03/19/2026

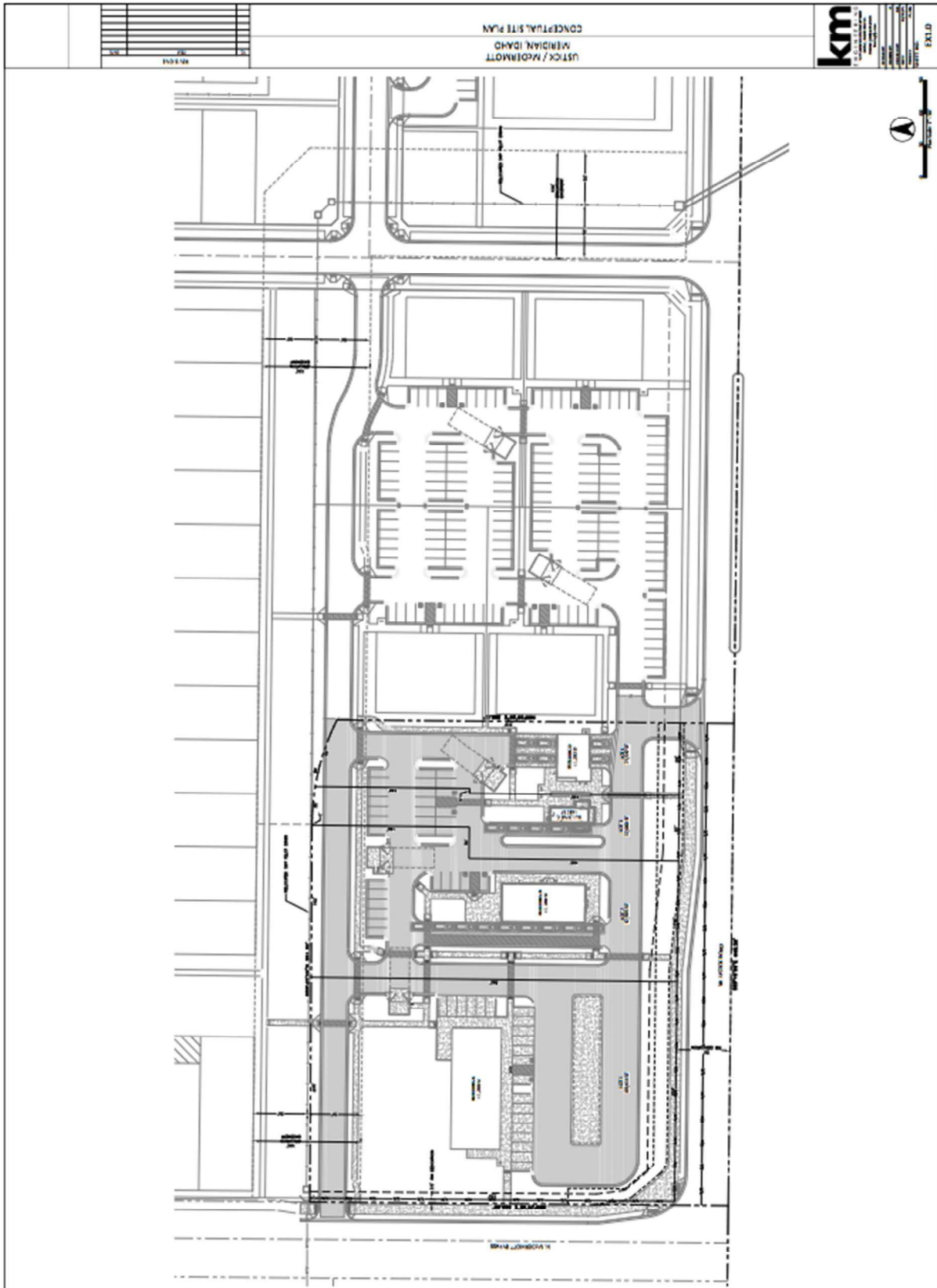


E. Conceptual Development Plan

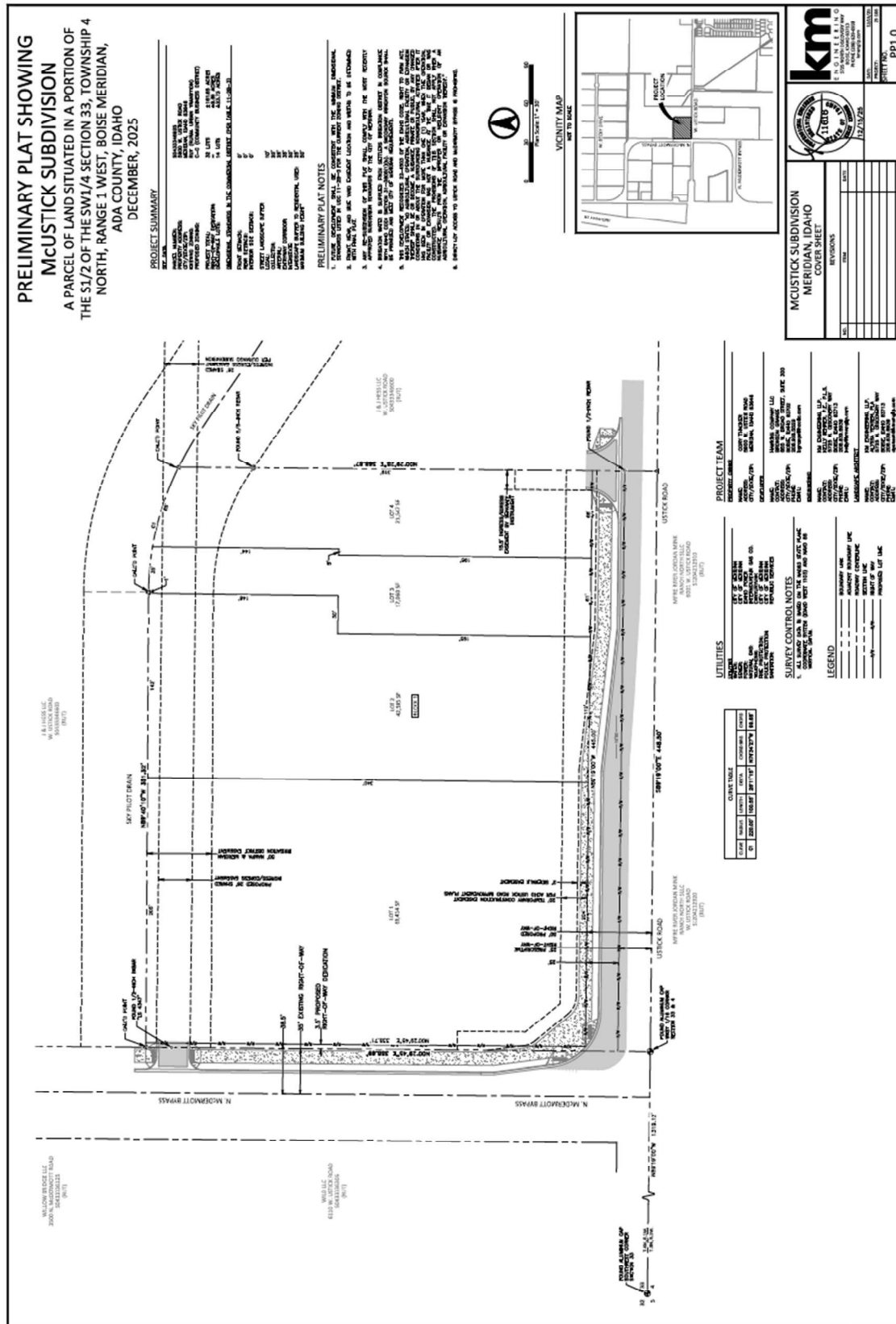


CONCEPTUAL, SUBJECT TO CHANGE

F. Concept Plan with Durango Subdivision



VII. Exhibits

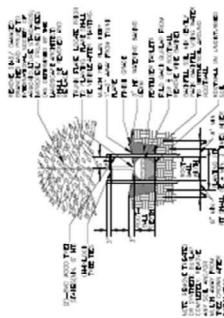


H. Landscape Plan and Buffer Exhibit (date: 12/15/2025)

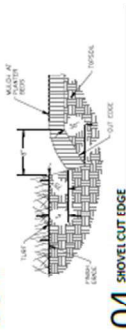


CONCEPTUAL, SUBJECT TO CHANGE

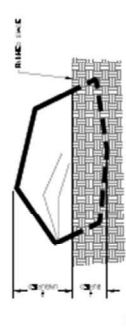




03 DECIDUOUS TREE PLANTING AND STAKING DETAIL



04 SHOVEL CUT EDGE



05 BOULDER INSTALLATION DETAIL



06 DRY CREEK BID REFERENCE IMAGE



MCUSTICK SUBDIVISION

MERIDIAN, IDAHO

PRELIMINARY PLAT LANDSCAPE PLAN

km

ENGINEERING

LANDSCAPE ARCHITECTURE

1000 S. 10TH AVE. SUITE 100

BOISE, IDAHO 83702

PHONE: 208.333.1111

WWW.KMENGINEERING.COM

PROJECT NO.

DATE

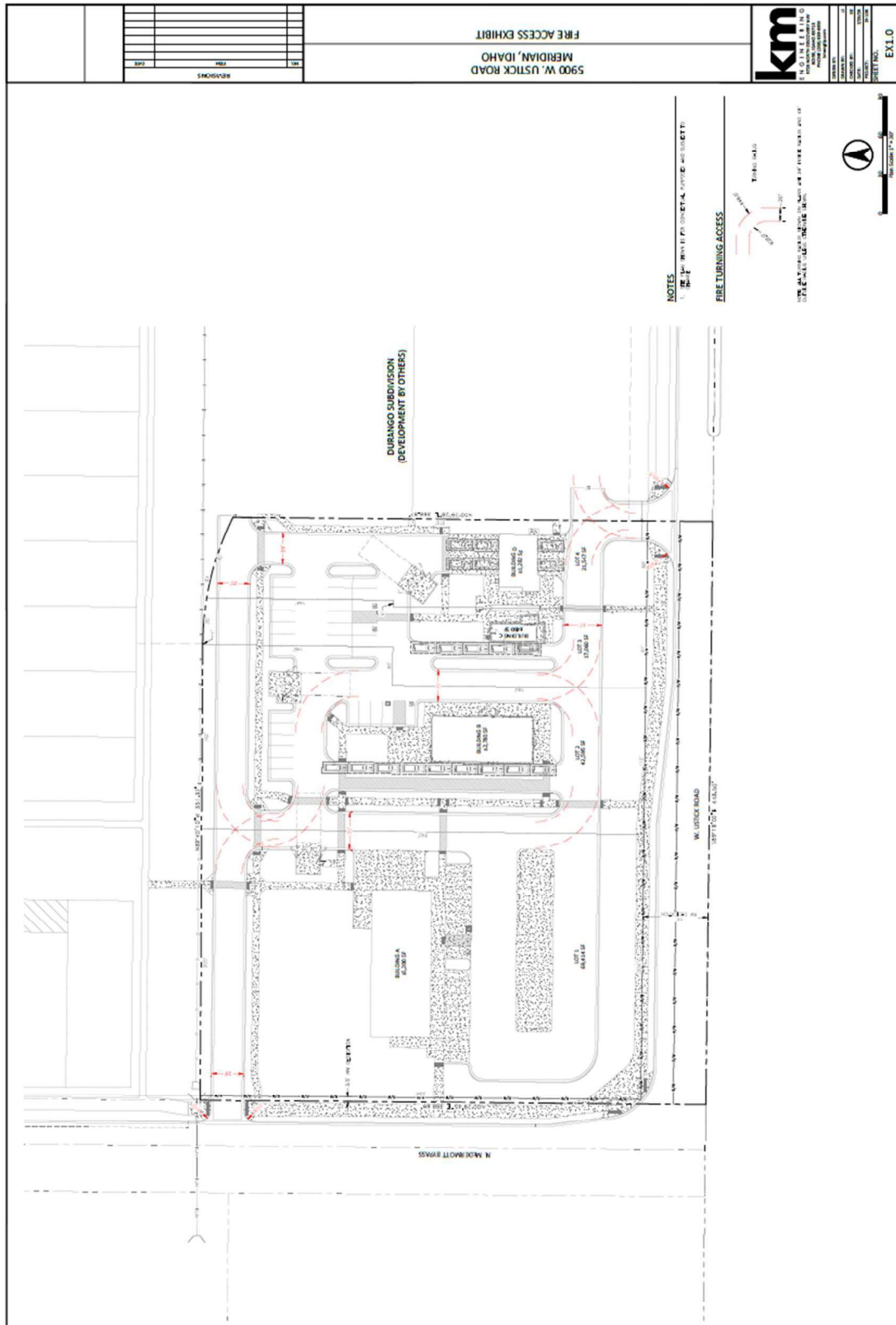
SCALE

BY

CHECKED

APPROVED

I. Fire Access Exhibit



J. Annexation Legal Description and Exhibit Map (C-C Zone)



November 20, 2025
Project No. 25-106
Rezone to C-C
Legal Description

Exhibit A

A parcel of land situated in a portion of the South 1/2 of the Southwest 1/4 of Section 33, 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 West 1/16 corner of said Section 33, which bears S89°19'00"E a distance of 1,319.12 feet from a found aluminum cap marking the Southwest corner of said Section 33, thence following the southerly line of said South 1/2 of the Southwest 1/4, N89°19'00"W a distance of 35.00 feet;

Thence leaving said southerly line, N00°29'45"E a distance of 388.48 feet to the centerline of Sky Pilot Drain; Thence following said centerline the following two (2) courses:

1. S89°40'10"E a distance of 386.32 feet;
2. 100.55 feet along the arc of a curve to the right, said curve having a radius of 220.00 feet, a delta angle of 26°11'15", a chord bearing of S76°34'27"E and a chord distance of 99.68 feet;

Thence leaving said centerline, S00°29'28"W a distance of 368.87 feet to said southerly line of the South 1/2 of the Southwest 1/4;

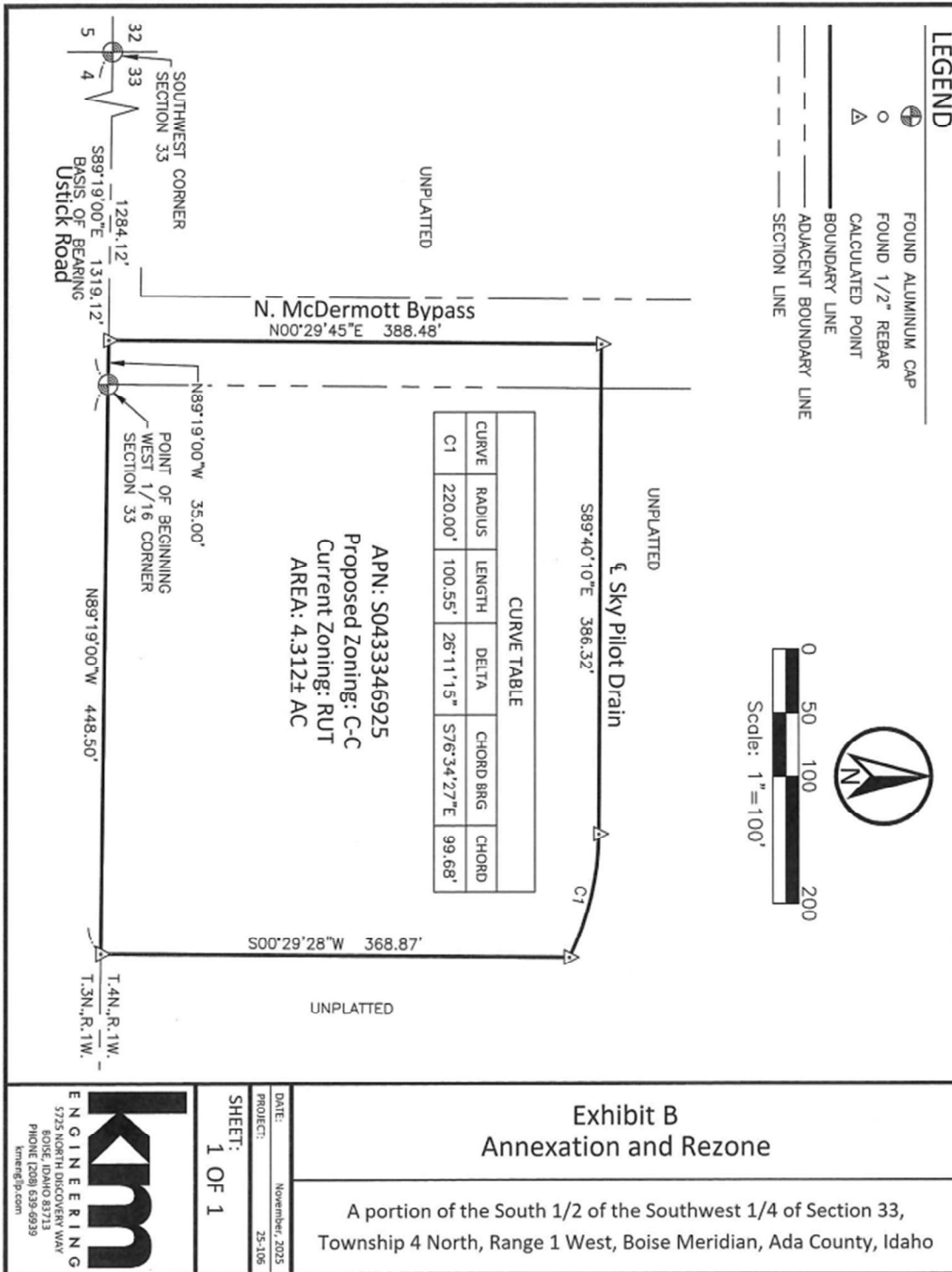
Thence following said southerly line, N89°19'00"W a distance of 448.50 feet to the **POINT OF BEGINNING**.

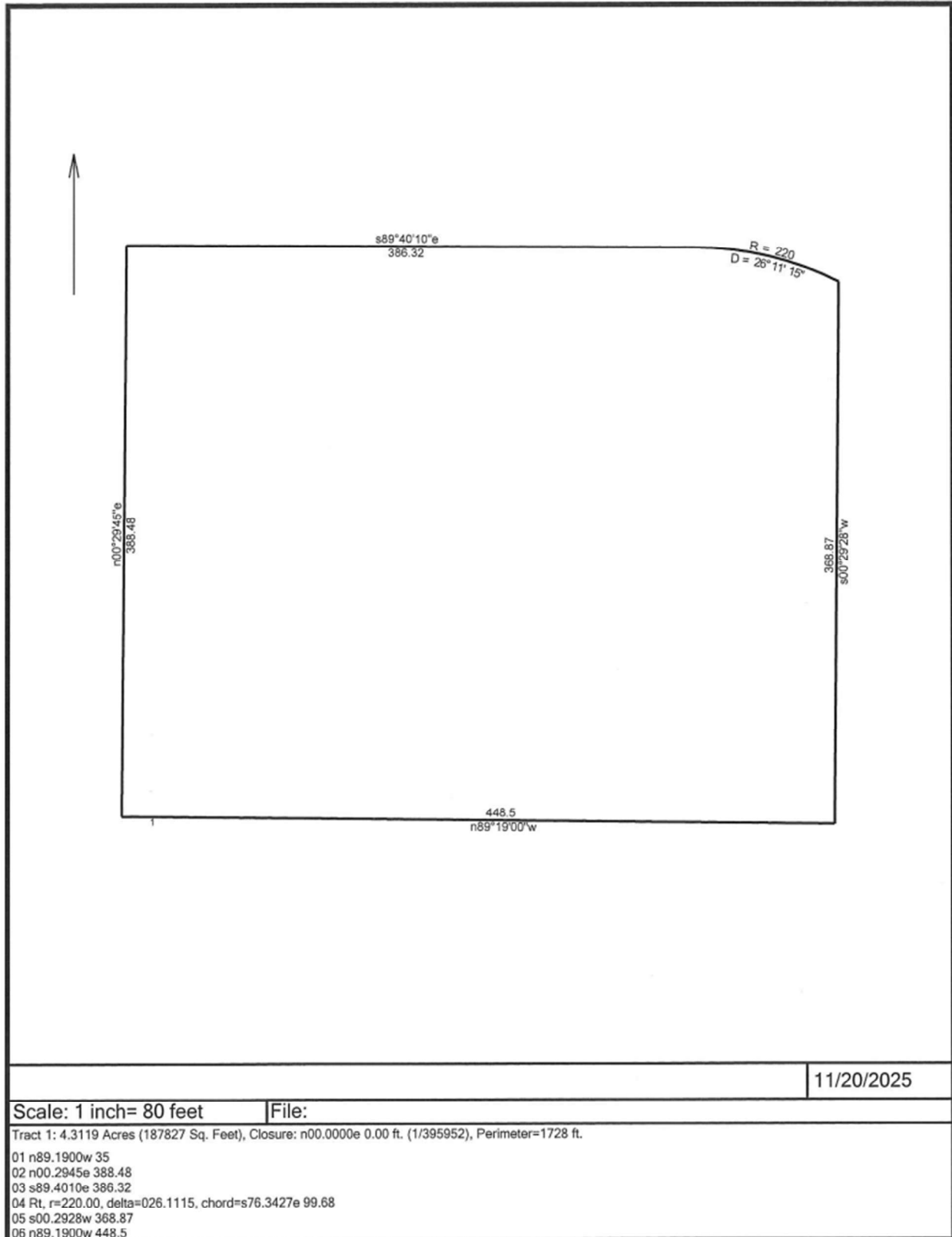
Said parcel contains 4.312 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.

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

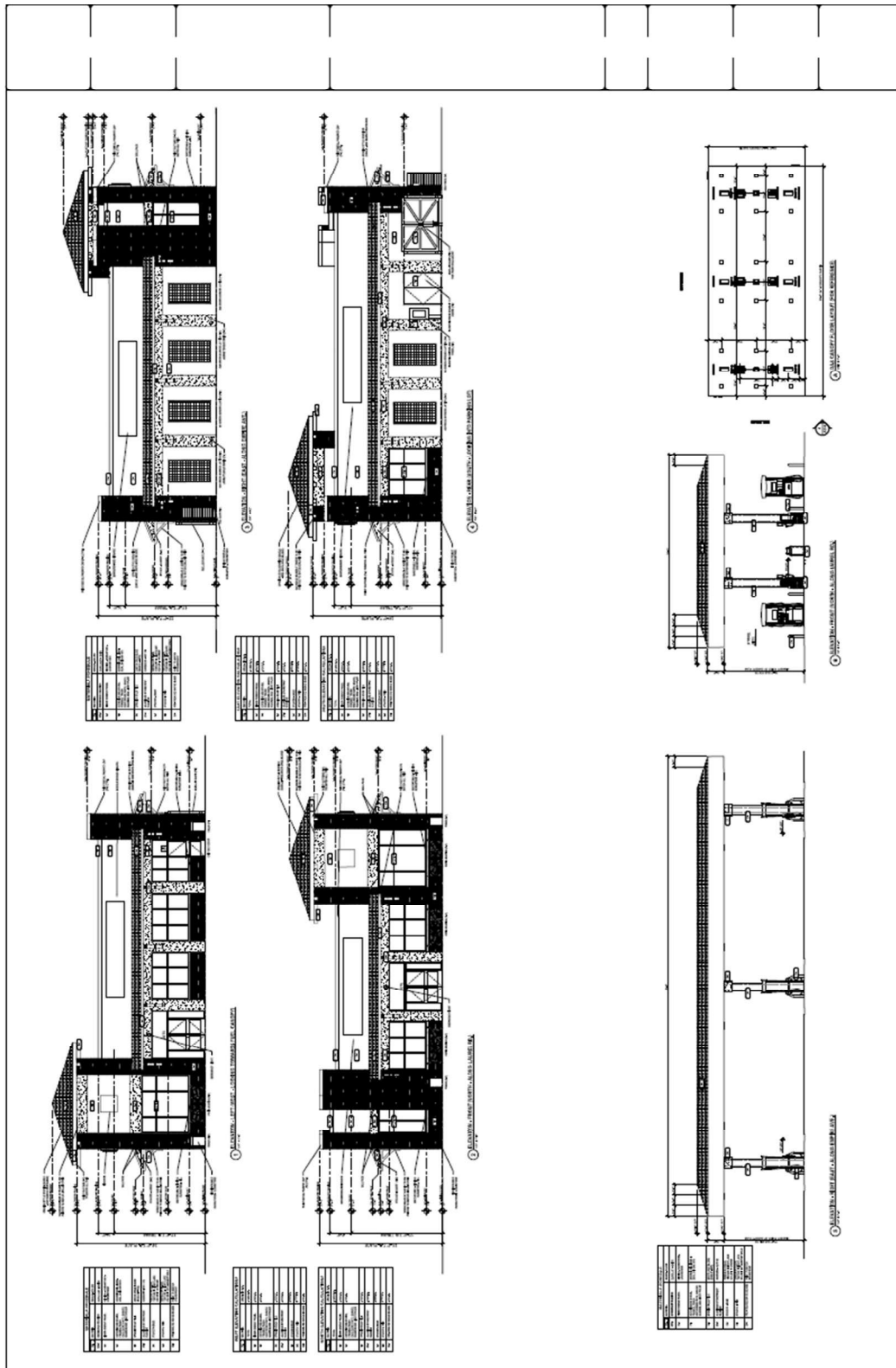


5725 North Discovery Way • Boise, Idaho 83713 • 208.639.6939 • kmengllp.com

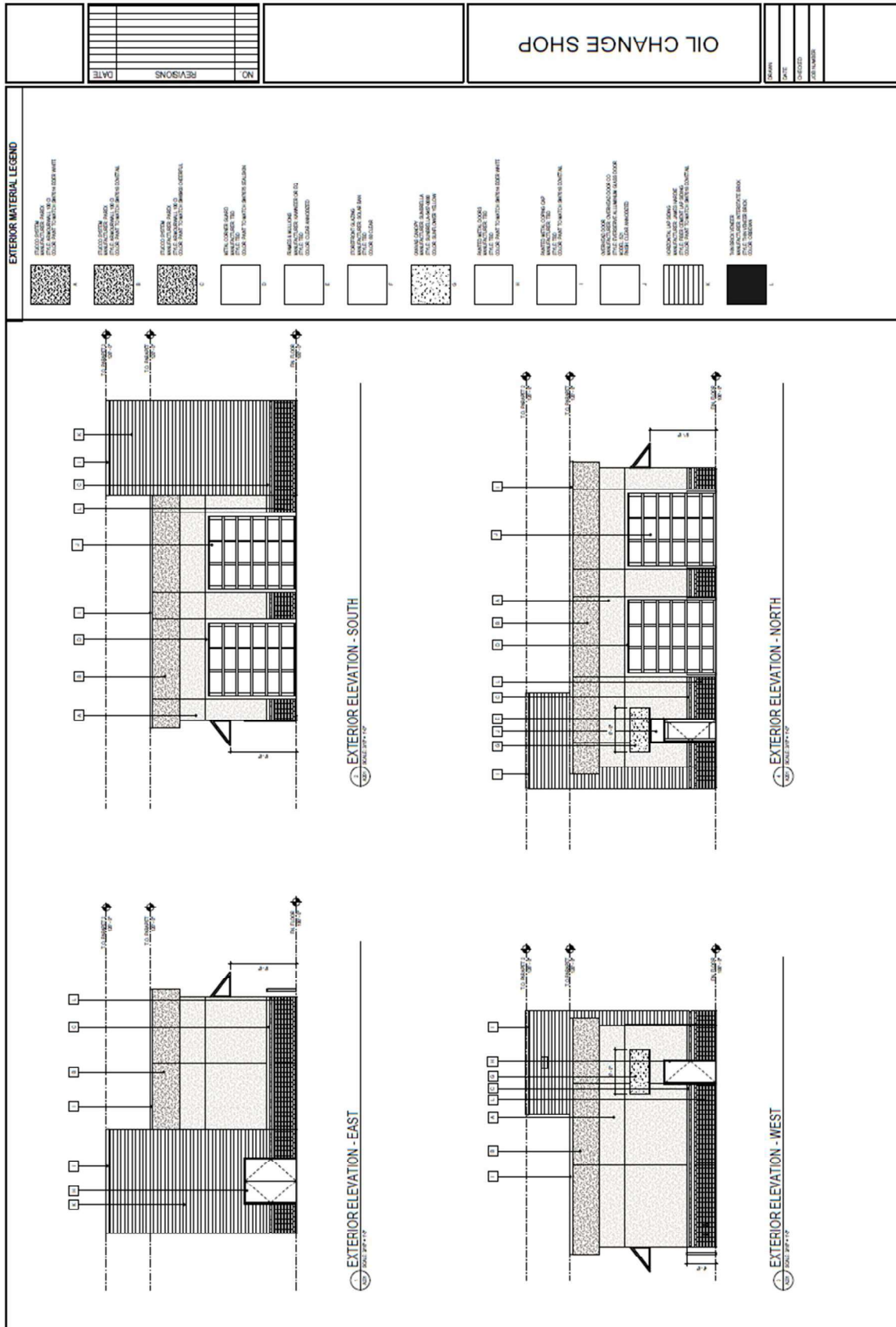




K. Conceptual Building Elevations



4 **WEST ELEVATION**
 $1/4" = 1'-0"$



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. 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 trunk sheds, 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.

C. 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.