

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



Date of Order: April 26, 2022
Case No.: H-2021-0104
Applicant: Wadsworth Development Group
In the Matter of: Request for modification to an existing Development Agreement (Instrument No. 2019-121599) for the purpose of updating the existing concept plan.

Pursuant to testimony and evidence received regarding this matter at the public hearing before the City Council of the City of Meridian (“City Council”) on March 22, 2022, and April 12, 2022, as to this matter, the City Council enters the following findings of fact, conclusions of law, final decision, and order.

A. Findings of Fact. The City Council finds that:

1. The facts pertaining to the Applicant’s property (“the Property”), the Applicant’s request, and the process are set forth in the staff report for Case No. H-2021-0104, which is fully incorporated herein by reference.
2. The Property is encumbered by an existing Development Agreement (Instrument No. 2019-121599), which includes a Conceptual Development Plan.
3. Pursuant to Section 5.1(c) of the Development Agreement, development of the Property shall substantially comply with the Conceptual Development Plan. Failure to substantially comply with the Conceptual Development Plan shall constitute a default under Section 7.1 of the Development Agreement.
4. The Applicant wishes to develop the Property in a manner that differs from the existing Conceptual Development Plan. Therefore, the Applicant has requested that the City modify the Development Agreement for the purpose of updating the existing Conceptual Development Plan.
5. The Applicant’s request is described in the staff report for Case No. H-2021-0104, which is incorporated herein by reference.
6. The City Council held a public hearing on March 22, 2022, and April 12, 2022, to consider the Applicant’s request to modify the existing Development Agreement. The City Council received testimony from the Applicant and the public concerning several issues, including ingress, egress, and internal traffic circulation.
7. Under the proposed Conceptual Development Plan, ingress, egress, and internal traffic circulation will be detrimental to the community.
8. After carefully considering all the testimony received and all the information in the record, the City Council finds that the Applicant has failed to demonstrate that the Applicant’s

proposed Conceptual Development Plan is superior to the existing Conceptual Development Plan in the Development Agreement.

9. Based on the foregoing, the City Council finds that it would not be in the City's best interest to modify the Development Agreement.

B. Conclusions of law. The City Council concludes that:

1. The City Council takes judicial notice of the Unified Development Code of the City of Meridian ("UDC"), codified at Title 11, Meridian City Code; all current zoning maps; and the City of Meridian Comprehensive Plan.
2. The City Council takes judicial notice of the Local Land Use Planning Act ("LLUPA"), codified at Chapter 65, Title 67, Idaho Code.
3. A development agreement is a binding contract. *Wylie v. State*, 151 Idaho 26, 32, 253 P.3d 700, 706 (2011). The legal effect of a development agreement is determined by the plain meaning of the agreement. *Id.*
4. A decision to modify a development agreement shall be made by the City Council. UDC § 11-5B-3(F)(2).
5. The City Council **may** modify an existing development agreement, but it is not required to do so. UDC § 11-5B-3(F)(2). The City Council may deny a request to modify a development agreement if the proposed modification is not in the best interest of the City. *See id.*
6. Courts in the Fourth Judicial District of the State of Idaho have held that a City Council's decision to approve or deny a request to modify a development agreement is not subject to judicial review. *Brown v. City of Meridian*, CV01-19-06894, slip op. at 12 (District Court of the Fourth Judicial District of the State of Idaho, County of Ada, Nov. 11, 2021).

C. Order. Pursuant to the above findings of fact and conclusions of law, the City Council hereby denies the Applicant's request to modify the Development Agreement because the proposed modification is not in the best interest of the City.

D. Final decision. Upon approval by majority vote of the City Council, this is a final decision of the governing body of the City of Meridian.

E. Judicial review. Pursuant to Idaho Code section 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code section 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 section 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 sections 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.

IT IS SO ORDERED by the City Council of the City of Meridian, Idaho, on this 26th day of April, 2022.

Robert E. Simison
Mayor

Attest:

Chris Johnson
City Clerk