

DEVELOPMENT AGREEMENT

PARTIES: 1. **City of Meridian**
 2. **Franklin Storage, LLC, Owner/Developer**

THIS DEVELOPMENT AGREEMENT (this Agreement), is made and entered into this _____ day of _____, 2022, by and between **City of Meridian**, a municipal corporation of the State of Idaho, hereafter called CITY, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, and **Franklin Storage, LLC**, whose address is 4549 N. Mackenzie Lane, Boise, ID 83703, hereinafter called OWNER/DEVELOPER.

1. **RECITALS:**

- 1.1 **WHEREAS**, Owner/Developer is the sole owner, in law and/or equity, of certain tract of land in the County of Ada, State of Idaho, described in Exhibit “A”, which is attached hereto and by this reference incorporated herein as if set forth in full, herein after referred to as the Property; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner/Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code (“UDC”), which authorizes development agreements upon the annexation and/or re-zoning of land; and
- 1.4 **WHEREAS**, Owner/Developer have submitted an application for annexation and zoning of 6.304 acres of land with a request for the I-L (Light Industrial) zoning district on the property as shown in Exhibit “A” under the Unified Development Code, which generally describes how the Property will be developed and what improvements will be made; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before Planning and Zoning Commission and the Meridian City Council as to how the Property will be developed and what improvements will be made; and
- 1.6 **WHEREAS**, the record of the proceedings for requested rezoning held before Planning and Zoning Commission and the City Council includes responses of

government subdivisions providing services within the City of Meridian planning jurisdiction and includes further testimony and comment; and

- 1.7 **WHEREAS**, on the 21st day of June, 2022, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into a Development Agreement before the City Council takes final action on final plat; and
- 1.9 **WHEREAS**, Owner/Developer deem it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request; and
- 1.10 **WHEREAS**, City requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designation are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11.

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

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

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

- 3.1 **CITY:** means and refers to the **City of Meridian**, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.
- 3.2 **OWNER/DEVELOPER:** means and refers to **Franklin Storage, LLC**, whose address is 4549 N. Mackenzie Lane, Boise, ID 83703, hereinafter called OWNER/DEVELOPER, the party that owns and is developing said Property and shall include any subsequent owners(s)/developer(s) of the Property.

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

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

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

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

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

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

- a. Future development of the subject site shall be substantially consistent with the proposed concept plan, preliminary plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. Prior to issuance of any building permits, the applicant shall subdivide the property in accord with UDC 11-6B.
- c. The uses allowed on this property are those listed in UDC Table 11-2C-2 for the I-L zoning district.
- d. The Applicant shall comply with the ordinances in effect at the time of application submittal.
- e. Applicant shall comply with the specific use standards outlined in UDC 11-4-3-34 and UDC 11-4-3-18 for the proposed uses of Self-service Storage Facility and Flex space Building, respectively.
- f. The Applicant shall comply with the Commercial architectural design standards in the City of Meridian’s Architectural Standards Manual (ASM) at the time of Certificate of Zoning Compliance and Design Review submittal for the elevations facing Franklin and the east elevations of the two storage buildings adjacent to the existing residence on Parcel S1109438907.

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

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

ZONING DESIGNATION:

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

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

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

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

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

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

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

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

CITY:	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:
Franklin Storage, LLC
4549 N. Mackenzie Lane
Boise, ID 83703

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

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

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

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

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

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

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

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

21.1 No condition governing the uses and/or conditions governing re-zoning of the subject Property herein provided for can be modified or amended without the approval of the

City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

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

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

ACKNOWLEDGMENTS

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

OWNER/DEVELOPER:

Franklin Storage, LLC


By: Greg Ferney

CITY OF MERIDIAN

ATTEST:

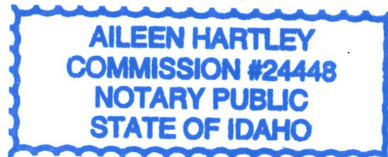
By: _____
Mayor Robert E. Simison

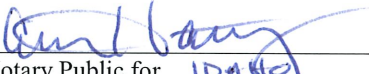
Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss:
County of Ada)

On this 7th day of July, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared **Greg Ferney**, known or identified to me to be the manager of **Franklin Storage, LLC**, and the person who signed above and acknowledged to me that he executed the same on behalf of said Company.

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




Notary Public for IDAHO
Residing at: Caldwell
My Commission Expires: 11/22/2025

STATE OF IDAHO)
 : ss:
County of Ada)

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

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

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

EXHIBIT A



Job No. 19-274

Land Description

Annexation/Rezone

A parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 9, Township 3 North, Range 1 East of the Boise Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the found aluminum cap monument at the Quarter Corner common to Sections 9 and 16, T3N, R1E as perpetuated by document 113006165, Records of Ada County, from which the found aluminum cap monument at the corner common to Sections 9, 10, 15 and 16, T3N, R1E as perpetuated by document 11084522, Records of Ada County bears S 89° 20' 44" E a distance of 2702.61 feet; thence S 89° 20' 44" E along the section line for a distance of 639.62 feet to the **REAL POINT OF BEGINNING**;

Thence N 00° 34' 57" E for a distance of 1248.15 feet to the northerly railroad right-of-way;

Thence S 88° 27' 42" E along said northerly right-of-way for a distance of 59.31 feet to a found 5/8th inch iron pin with a plastic cap labeled PLS 972;

Thence N 01° 41' 28" E for a distance of 50.00 feet to a found 5/8th inch iron pin with a plastic cap labeled PLS 972 at the northerly railroad right-of-way;

Thence S 88° 27' 42" E along said northerly right-of-way for a distance of 153.84 feet;

Thence S 00° 34' 55" W for a distance of 1294.86 feet to the section line;

Thence N 89° 20' 44" W along the section line for a distance of 214.10 feet to the **REAL POINT OF BEGINNING**.

Parcel contains 6.304 acres, more or less.



ANNEXATION AND REZONE FOR HATCH DESIGN ARCHITECTURE
A PORTION OF THE SW 1/4 OF THE SE 1/4 OF SECTION 9, T.3N., R.1E., B.M.
COUNTY OF ADA — STATE OF IDAHO

LINE	BEARING	DISTANCE
L1	N 00°34'57" E	42.00'
L2	S 00°34'55" W	42.00'
L3	S 88°27'42" E	59.31'
L4	N 01°41'28" E	50.00'
L5	S 88°27'42" E	153.84'

LINE TABLE




SCALE: 1"=200'

1/4 CORNER
CP&F No. 113006165
3" ALUMINUM CAP IN
MONUMENT WELL,
PLS 1029

SECTION CORNER
CP&F No. 11084522
2 1/2" ALUMINUM
CAP IN ASPHALT,
PLS 13551

LEGEND

_____ ANNEX AND REZONE
 _____ BOUNDARY LINE
 _____ PARCEL LINE
 _____ ROW _____ RIGHT-OF-WAY
 _____ SECTION LINE

 FOUND ALUMINUM CAP
 IN ASPHALT
 FOUND 5/8" IRON PIN
 CALCULATED POINT

SEYAM EAST
SUBDIVISION

N 00°34'57" E 1248.15'

1006.12'

S1109438871

6.304 AC.

1002.82'

S 00°34'55" W 1294.86'

UNPLATTED

N 89°20'44" W 2702.61'
BASIS OF BEARING
W. FRANKLIN RD.



15 Accurate Surveying & Mapping

1520 W. Washington
Boise, Idaho 83702
(208) 488-4227

www.accuratesurveyors.com

DATE: JUNE 2022

JOB 19-274

EXHIBIT B

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



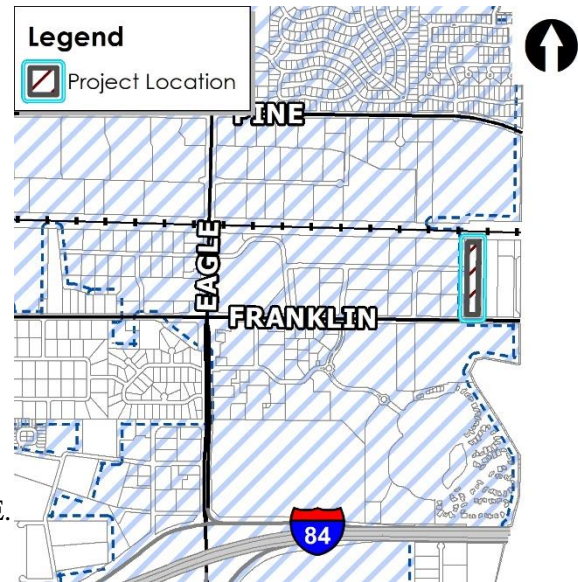
HEARING DATE: 6/7/2022

TO: Mayor & City Council

FROM: Joseph Dodson, Associate Planner
208-884-5533

SUBJECT: H-2021-0103
Ferney Subdivision

LOCATION: The site is located near the half mile mark on the north side of E. Franklin Road, between S. Eagle Road and S. Cloverdale Road, in the SW ¼ of the SE ¼ of Section 9, Township 3N., Range 1E.



I. PROJECT DESCRIPTION

Annexation and Zoning of 5.64 acres with a request for the I-L zoning district and a Preliminary Plat consisting of two (2) building lots on 4.93 acres of land in the requested I-L zoning district.

NOTE: *The Applicant is seeking a Council Waiver to reduce a required landscape use buffer per the specific use standards for the proposed use of self-service storage facility (UDC 11-4-3-34). Analysis is provided throughout the report below.*

II. SUMMARY OF REPORT

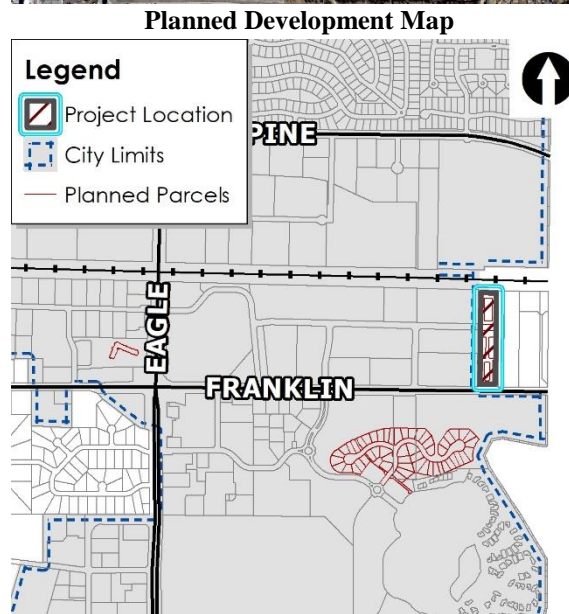
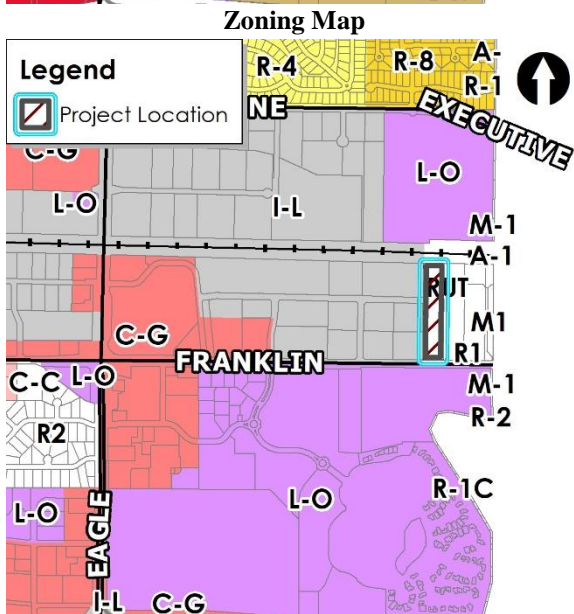
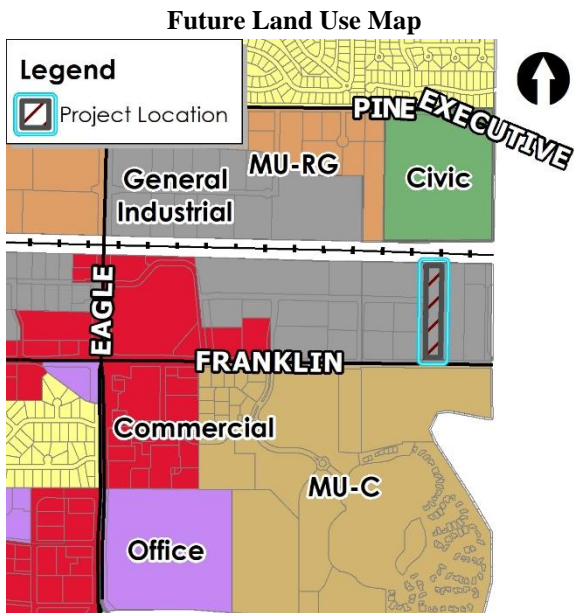
A. Project Summary

Description	Details	Page
Acreage	AZ – 5.64 acres; PP – 5.143 acres	
Future Land Use Designation	General Industrial	
Existing Land Use	Vacant	
Proposed Land Use(s)	Future self-storage facility and Flex Space building	
Current Zoning	RUT in Ada County	
Proposed Zoning	I-L	
Lots (# and type; bldg/common)	2 industrial building lots	
Physical Features (waterways, hazards, flood plain, hillside)	Evans Drain runs along norther boundary of property (minimal flood hazard).	
Neighborhood meeting date	November 22, 2021	
History (previous approvals)	Subject site was denied annexation and zoning approval in 2020 (H-2020-0033) because no development plan accompanied annexation request but the Applicant withdrew the application before Findings of Denial were approved by the Council.	

B. Community Metrics

Description	Details	Page
Ada County Highway District		
<ul style="list-style-type: none"> • Staff report (yes/no) 	Yes	
<ul style="list-style-type: none"> • Requires ACHD Commission Action (yes/no) 	No	
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Two (2) driveway accesses to Franklin Rd. currently exist; Main access will be provided via proposed extension of E. Lanark St (an industrial collector roadway) and one emergency-only access is proposed to Franklin to comply with code.	
Stub Street/Interconnectivity/Cross Access	E. Lanark is proposed to be stubbed to eastern property boundary with attached sidewalks. See analysis in Section V below for more information.	
Existing Road Network	W. Franklin Road is built to its ultimate configuration. 5-travel lanes, bike lanes, curb, gutter and detached sidewalk.	
Existing Arterial Sidewalks / Buffers	There is existing attached sidewalk. A landscape buffer is required along Franklin frontage.	
Fire Service		
<ul style="list-style-type: none"> • Distance to Fire Station 	Approximately 2 miles from Fire Station #1	
<ul style="list-style-type: none"> • Fire Response Time 	The project lies <i>inside</i> of the Meridian Fire response time goal of 5 minutes	
<ul style="list-style-type: none"> • Resource Reliability 	Fire Station #4 reliability is 76% (below the goal of 80%)	
<ul style="list-style-type: none"> • Accessibility 	Proposed project meets all required road widths, and turnaround dimensions.	
Wastewater		
<ul style="list-style-type: none"> • Distance to Sewer Services 	Directly adjacent	
<ul style="list-style-type: none"> • Project Consistent with WW Master Plan/Facility Plan 	Yes	
<ul style="list-style-type: none"> • Impacts/Concerns 	<ul style="list-style-type: none"> • Flow is committed • See Public Works Site Specific Conditions 	
Water		
<ul style="list-style-type: none"> • Distance to Services 	Directly adjacent	
<ul style="list-style-type: none"> • Pressure Zone 	5	
<ul style="list-style-type: none"> • Project Consistent with Water Master Plan 	Yes	
<ul style="list-style-type: none"> • Water Quality Concerns 	None	
<ul style="list-style-type: none"> • Impacts/Concerns 	See Public Works Site Specific Conditions	

C. Project Area Maps



III. APPLICANT INFORMATION

A. Applicant/Representative:

Becky McKay, Engineering Solutions, LLP – 1029 N. Rosario Street, Meridian, ID 83642

B. Owner/Developer:

Greg Ferney, Franklin Storage, LLC – 4549 N. Mackenzie Lane, Boise, ID 83703

C. Contact:

Same as Applicant Representative

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper notification published	4/19/2022	5/22/2022
Radius notification mailed to properties within 500 feet	4/18/2022	5/20/2022
Public hearing notice sign posted	4/25/2022	5/25/2022
Nextdoor posting	4/18/2022	5/18/2022

V. STAFF ANALYSIS

A. Future Land Use Map Designation (<https://www.meridiancity.org/compplan>)

General Industrial – This designation allows a range of uses that support industrial and commercial activities. Industrial uses may include warehouses, storage units, light manufacturing, flex, and incidental retail and offices uses. In some cases, uses may include processing, manufacturing, warehouses, storage units, and industrial support activities. Sample zoning include: I-L and I-H.

The subject property is noted as Industrial on the future land use map (FLUM) and shares this designation with multiple properties to the east and west along the north side of Franklin Road. The Applicant is proposing to annex the property into the City with the I-L zoning district and propose two different uses on the property, self-storage and flex space—both of these uses are listed above as anticipated uses in this designation and the proposal for the I-L zoning district complies with the industrial future land use designation.

The subject property has a planned extension of an industrial collector street (E. Lanark) that will bisect the property into two parcels which accounts for the main reason a preliminary plat is required and was submitted. According to the submitted plat, the Applicant is proposing the self-storage buildings on the front parcel (approximately 2.89 acres) and a flex space building on the back parcel along the railroad corridor (approximately 1.75 acres). Further analysis on the proposed uses are in subsequent sections below.

In terms of nearby and adjacent development, there is existing industrial zoning to the west with developing flex and other industrial type buildings. The parcel directly abutting to the east is still a county RUT parcel that contains a single-family residence and still maintains some farm animals. Directly east of the county parcel is an ACHD facility that is currently under construction. Therefore, the county parcel to the east would be surrounded by industrial uses until such time that parcel redevelops. Because of the existing residential use to the east, this Applicant is required to provide a landscape buffer to that use. Staff has had conversations with that homeowner and they anticipate selling the property in the next five (5) years once their parents decide to leave that home. The applicant is seeking a Council waiver to reduce the buffer along the parcel as the City anticipates this property will redevelop with industrial uses in the future.

Based on the proposed uses and plat, Staff finds the subject development to be consistent with the comprehensive plan. Specific policies are analyzed below in the next section.

The City may require a development agreement (DA) in conjunction with an annexation pursuant to Idaho Code section 67-6511A. In order to ensure the site develops as proposed with this application, Staff recommends a DA as a provision of annexation with the provisions included in Section VIII.A1. The DA is required to be signed by the property owner(s)/developer and returned to the City within 6 months of the Council granting the annexation for approval by City Council

and subsequent recordation. A final plat will not be accepted until the DA is executed and the AZ ordinance is approved by City Council.

B. Comprehensive Plan Policies (<https://www.meridiancity.org/compplan>):

Staff finds the following Comprehensive Plan policies are applicable to this development; Staff analysis is in italics:

“Plan for industrial areas with convenient access to state highways or the rail corridor, where appropriate.” (3.06.02D). The subject property abuts the railroad corridor along its north boundary. The subject development preserves this property as an industrial use along the rail corridor despite not utilizing that service at this time. Staff finds the most important factor being that this development does not eliminate that option nor proposes a use that is non-compatible with the rail corridor.

“Require all new development to create a site design compatible with surrounding uses through buffering, screening, transitional densities, and other best site design practices” (3.07.01A). As noted above, the Applicant is required to provide a landscape buffer along the east property boundary as an existing county residence is present on the parcel directly to the east. This is a requirement of the specific use standards for the proposed self-storage use; specifically, that the use is required to be wholly enclosed which should help minimize the impact to the existing homeowner. The Applicant is depicting a buffer along this entire boundary but is proposing a reduced buffer width because the property to the east is anticipated to be redeveloped with an industrial use similar to what exists in this area. Within the reduced buffer, the Applicant appears to depict code compliant landscaping and elevated building design facing the existing residence. To help ensure this buffer closest to the existing residence (the southern quarter of the site) provides adequate screening, Staff is recommending the Applicant include additional trees for the first 150 feet of this buffer to show the trees touching at maturity. Staff believes with this additional landscaping, the proposed development offers compatible site design, buffering, and screening to the existing development to the east.

“Establish and maintain levels of service for public facilities and services, including water, sewer, police, transportation, schools, fire, and parks” (3.02.01G). All public utilities are available for this project site due to the existing network abutting the site to the west and south, per Public Works comments. Subsequently, all public utilities will be extended at the Applicant’s expense in order to connect to the existing services within the right-of-way. Further, the site is within the Fire Department response time goal of 5-minutes.

Franklin Road is widened to its ultimate width in this location adjacent to the site and the Applicant is required to extend Lanark Street through the site to its east boundary. The subject development is only allowed an emergency access to Franklin because access to Lanark will be available. The required access to the public street network helps appropriately disperse vehicle trips for the subject site and the nearby uses as well.

“Preserve the industrial base within designated industrial land use areas by discouraging non-industrial uses and focusing on light manufacturing, distribution, flex-space, and base-employment.” (3.07.01D). The subject development does not propose non-industrial uses by proposing self-storage and flex space which are uses supported by the future land use designation as a whole and by this specific policy.

“Require appropriate landscaping, buffers, and noise mitigation with new development along transportation corridors (setback, vegetation, low walls, berms, etc.).” (3.07.01C). As noted above, the Applicant is required to provide landscaping adjacent to the existing residence to the east but additionally the Applicant is required to provide a 35-foot landscape buffer along Franklin, an entryway corridor. Furthermore, the required E. Lanark extension is a collector

roadway which requires a minimum 20-foot landscape buffer with detached sidewalks. The Applicant is depicting both of these buffers and, as shown, should provide noise mitigation and buffer the transportation corridors from the proposed development.

With the recommended revisions, Staff finds this development to be generally consistent with the Comprehensive Plan.

C. Annexation:

The Applicant is proposing to annex approximately 5.64 acres of land which is larger than the property size of 4.93 acres. This discrepancy is due to the Applicant being required to annex land to the centerline of adjacent right-of-way. In this case, this area includes Franklin Road right-of-way south of the property and railroad right-of-way north of the property.

With previous applications north of the subject site, Applicants did not annex to the centerline of the railroad right-of-way which was a mistake and the City did not catch it. In light of this, Staff is asking the Applicant to revise their annexation and zoning request to include the full railroad right-of-way instead of just to the centerline. Staff has included this comment within the conditions of approval.

D. Access (UDC 11-3A-3):

Main access to the project is proposed via two driveway connections to the extension of E. Lanark, an industrial collector street. According to the submitted plat that depicts the proposed layouts for each use, each property is proposed to have one driveway connection to Lanark in alignment with each other located approximately 45 feet west of the east property line (measured from property line to center of driveways). No other access is proposed for the flex building on the north property. The south property containing the self-storage use is proposed to have an emergency only-access to Franklin Road; a secondary access is required to satisfy the specific use standards of the proposed use. Lanark is stubbed to the subject property's west boundary and is required to be extended into and through the property. Lanark is not able to be extended further than the subject property so the Applicant is required to terminate Lanark in a temporary cul-de-sac near the east boundary, according to the ACHD staff report.

However, because the timeline of extension is not known and temporary cul-de-sacs require a large amount of area, the Applicant has proposed an alternative temporary turnaround by incorporating the needed space for a hammerhead type turnaround within the Lanark right-of-way and the driveways proposed to Lanark. This alternative was proposed after the ACHD staff report was issued so Staff is not aware if ACHD will approve this alternative. The Applicant should continue working with ACHD on the type of temporary turnaround allowed. The Meridian Deputy Fire Chief have given their approval of the alternative temporary turnaround shown on the submitted plat with the requirement that Lanark be signed "no parking" on both sides; the Applicant has agreed to this. Therefore, Staff finds the proposed alternative to be sufficient for approval by the City but understands revisions may occur to satisfy ACHD. These revisions would not affect the layout but would only increase the amount of asphalt on the property. Because the Applicant has to obtain final approval from ACHD on the proposed alternative turnaround and Staff includes a general provision to comply with ACHD conditions of approval,

Staff does not find it necessary to include a specific condition as part of this application and will confirm the outcome of the temporary turnaround at the time of final plat submittal.

No other accesses are proposed or required with the submitted plat or proposed uses and each access complies with UDC requirements.

E. Existing Structures/Site Improvements:

No existing structures or site improvement appear to be present on the subject site. Two curb cuts exist to Franklin Road and both are proposed to be removed in lieu of the emergency access to Franklin for the proposed self-storage use. The Applicant is required to construct vertical curb, gutter, and repair any sidewalk while closing the two existing curb cuts.

F. Proposed Use Analysis:

The Applicant is proposing two industrial type uses, self-storage and flex space. Both uses are permitted use in the requested I-L zoning district, per UDC Table 11-2C-2. Self-service Storage Facilities are subject to specific use standards outlined in UDC 11-4-3-34 and Flex Space is subject to the specific use standards outlined in UDC 11-4-3-18. **Although self-storage is an anticipated use on the subject property, Staff has expressed that more flex space and less storage is preferred in order to help provide more employment opportunities and contribute to the overall need of flex space in the Valley. Commission and Council should also determine if the proposed mix of uses is preferred by the City.**

According to the submitted plans, Staff finds the proposed self-service storage facility complies with all specific use standard except for the requirement to screen the property and the minimum 25-foot buffer to any residential use. It is unclear on the submitted plans whether any fencing is proposed. The Applicant should clarify this and provide an exhibit showing the type of fencing/wall proposed to satisfy this requirement. As noted above, the Applicant is proposing a 15-foot buffer adjacent to the residential use along the east boundary. Reducing a landscape use buffer requires a City Council waiver and is not eligible for Alternative Compliance, per UDC 11-5B-5. According to the resident's child to the east, it is not anticipated for their parents to be in this location long-term and this property is also shown as industrial on the future land use map. Staff is recommending denser landscaping is proposed along the first 150 feet of this buffer measured from the back of the required street buffer (185 feet from back of sidewalk). Further, the Applicant is required to provide a solid fence/wall to satisfy the specific use standards. With Staff's recommendation, the specific use standards, and the fact the property to the east is planned to be an industrial zoned property, Staff is supportive of the reduced buffer.

Future development applications that show the floor plan of the proposed flex building will determine compliance with the flex space specific use standards in UDC 11-4-3-18. Staff typically verifies code compliance for flex space buildings at the time of Certificate of Zoning Compliance (CZC) which is a required approval prior to submitting for building permits. Staff notes, all buildings on the subject property will be required to obtain CZC and Design Review approval prior to building permit submittal.

G. Dimensional Standards ([UDC 11-2](#)):

The proposed building lots meet all UDC dimensional standards for the requested I-L zoning district for setbacks, building height, and proposed use.

All subdivision developments are also required to comply with Subdivision Design and Improvement Standards (UDC 11-6C-3). This applies to the subject development because a preliminary plat was submitted. Staff finds the proposed plat complies with the standards outlined in UDC 11-6C-3.

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

Off-street parking is required to be provided in accord with the standards listed in [UDC Table 11-3C-6B](#) for nonresidential buildings based on the gross floor area of the flex building and the area of the office for the self-storage facility at the ratio of 1 space per 2,000 square feet.

Staff will confirm code compliance with this code section at the time of CZC and Design Review submittal. However, initial review of the submitted landscape plan depict parking in excess of code requirements on each site and for both uses.

I. Sidewalks & Pathways ([UDC 11-3A-17](#) & [UDC 11-3A-8](#)):

5-foot wide detached sidewalks are required along the E. Lanark Street extension per UDC 11-3A-17C. There is existing 7-foot attached sidewalk along the Franklin Road frontage that is proposed to remain. The proposed sidewalks comply with UDC requirements and the existing sidewalk along Franklin is required to be maintained or repaired should it sustain damage during construction.

A multi-use pathway segment is shown within the railroad corridor north of the subject property. Per the Meridian Parks Department, the City is requiring a 14-foot wide pedestrian easement along the north property boundary for the preservation of a potential regional pathway segment along the rail corridor consistent with the Master Pathways Plan. *According to the submitted plat, the Applicant is showing the required 14-foot easement along the north property line.*

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

A minimum 35-foot wide street buffer is required adjacent to E. Franklin Road, an arterial street and labeled as an entryway corridor. This buffer is required to be landscaped per the standards listed in [UDC 11-3B-7C](#). According to the submitted plat and landscape plans, a minimum 35-foot landscape easement is depicted adjacent to Franklin, measured from the back of sidewalk. *The submitted landscape plans confirm the minimum width of the landscape buffer but do not appear to show code compliant vegetation. Per UDC 11-3B-7C.3, no more than 65% of the landscape buffer area shall be comprised of grasses and additional landscape design is required along entryway corridors. Therefore, additional vegetative ground cover beyond that of grasses and additional landscape features are required to meet UDC standards. For example, as outlined in code, landscape features may include berms of no less than four to one (4:1) slope at a three-foot minimum height, decorative landscape walls (no greater than three (3) feet in height), decorative open vision fencing (no greater than four (4) feet in height), or a dry creek design with river rock, boulders, etc. are acceptable to meet this standard. Staff has included a condition of approval to comply with this standard. However, there are existing power poles along the Franklin frontage so the Applicant will be limited to Class I trees only; this does not preclude the Applicant from meeting the maximum ground cover percentage noted above.*

A 20-foot wide landscape buffer is required on both sides of the E. Lanark Street extension, an industrial collector street—the submitted plat depicts at least a 20 feet wide easement on both sides of this road extension measured from approximately the middle of the detached sidewalk. Therefore, the parkway strips between the sidewalks and back of curb for Lanark are not shown as part of the landscape easement.

Staff has concerns with the parkways strips not being included within the landscape buffer easements along Lanark and the lack of any vegetation shown within these parkways on the submitted landscape plans. Staff recommends the landscape buffer easement be extended to the back of curb to comply with the UDC and to revise the landscape plans to show additional grasses within the parkway strip. Further, the landscape buffers along Lanark do not show the required vegetative ground cover, similar to the Franklin buffer. Therefore, Staff is also including

a condition of approval to add additional vegetative ground cover beyond grass to comply with UDC 11-3B-7C.3.

K. Fencing (UDC [11-3A-7](#)):

All fencing is required to comply with the standards listed in UDC 11-3A-7 and those areas applicable to the specific use standards for the proposed self-service storage facility (UDC 11-4-3-34).

No fencing is shown on the submitted landscape plan but fencing is required per the specific use standards for the proposed self-service storage facility use adjacent to the existing residential use to the east. Staff is including a condition of approval to include code compliant fencing along the entire east property boundary.

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

The applicant has submitted conceptual elevations of the proposed storage buildings and flex space building. All new nonresidential buildings require Administrative Design Review (DES) approval prior to building permit submittal. DES was not submitted concurrently with these applications so the Applicant will be required to submit for this with the future Certificate of Zoning Compliance (CZC) application.

The conceptual elevations submitted depict 17-foot tall storage buildings at their highest and a 21-foot tall flex building. The storage buildings vary in overall size but appear to show varying roof profiles and finish materials facing relevant areas (roadways and the residence to the east). However, it is not entirely clear if the paneling shown facing the residence is metal or otherwise; metal paneling will not be allowed as a future field material. Overall, Staff finds the conceptual elevations should comply with the relevant standards but will review it in more detail at the time of CZC and Design Review submittal.

M. Waterways (UDC 11-3A-6):

The Evans Drain runs along the north property line with a majority of its easement on the subject property. No floodplain exists on the subject site nor along the Evans Drain in the vicinity. According to the submitted plat, this drain is proposed to be piped compliant with UDC 11-3A-6.

Because this area of the plat is adjacent to a vehicular use area around the Flex building, parking lot landscaping is required per UDC 11-3B-8 and should include trees and other vegetative ground cover. The submitted landscape plans do not depict any trees within this area as the irrigation easement does not allow trees. Further, the Applicant will need to obtain a license agreement with the irrigation district in order to construct what is shown on the landscape plans. Staff does not find what is proposed on the landscape plans to comply with the minimum code requirements discussed. The Applicant should submit for Alternative Compliance with the future final plat to propose an equal or superior means of complying the landscaping outlined in UDC 11-3B-8 within or adjacent to the Evans Drain easement.

VI. DECISION

A. Staff:

Staff recommends approval of the Applicant's request for annexation & zoning with the requirement of a Development Agreement and the preliminary plat request with the conditions noted in Section VIII.A per the Findings in Section IX of this staff report.

B. The Meridian Planning & Zoning Commission heard these items on May 5, 2022. At the public hearing, the Commission moved to recommend approval of the subject Annexation and Zoning and Preliminary Plat requests.

1. Summary of Commission public hearing:
 - a. In favor: Becky McKay, Applicant Representative; Jeff Hatch, Applicant Architect;
 - b. In opposition: None
 - c. Commenting: Becky McKay; Jeff Hatch;
 - d. Written testimony: None
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. Support of project and synopsis of previous application in 2020 – by Jeff Hatch
3. Key issue(s) of discussion by Commission:
 - a. Applicant's request to reduce landscape buffer to the east and discussion on landscaping along Franklin that needs to be revised to meet code.
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. None of the revised plans have been submitted consistent with the conditions of approval.

C. The Meridian City Council heard these items on June 7, 2022. At the public hearing, the Council moved to approve the subject Annexation and Zoning and Preliminary Plat requests.

1. Summary of the City Council public hearing:
 - a. In favor: Becky McKay, Applicant Representative; Greg Ferney, Applicant.
 - b. In opposition: None
 - c. Commenting: Becky McKay.
 - d. Written testimony: None
 - e. Staff presenting application: Joseph Dodson, Associate Planner
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by City Council:
 - a. None
4. City Council change(s) to Commission recommendation:
 - a. Council approved the Applicant's waiver request for the reduced buffer along the east property line.

VII. EXHIBITS

A. Annexation & Zoning Legal Description and Exhibit Map



Job No. 19-274

Land Description

Annexation/Rezone

A parcel of land located in the Southwest Quarter of the Southeast Quarter of Section 9, Township 3 North, Range 1 East of the Boise Meridian, Ada County, Idaho being more particularly described as follows:

Commencing at the found aluminum cap monument at the Quarter Corner common to Sections 9 and 16, T3N, R1E as perpetuated by document 113006165, Records of Ada County, from which the found aluminum cap monument at the corner common to Sections 9, 10, 15 and 16, T3N, R1E as perpetuated by document 11084522, Records of Ada County bears S 89° 20' 44" E a distance of 2702.61 feet; thence S 89° 20' 44" E along the section line for a distance of 639.62 feet to the **REAL POINT OF BEGINNING**;

Thence N 00° 34' 57" E for a distance of 1148.13 feet to the centerline of the railroad right-of-way;

Thence S 88° 27' 42" E along said centerline for a distance of 214.12 feet;

Thence S 00° 34' 55" W for a distance of 1144.83 feet to the section line;

Thence N 89° 20' 44" W along said line for a distance of 214.10 feet to the **REAL POINT OF BEGINNING**.

Parcel contains 5.635 acres, more or less.



EXHIBIT MAP

ANNEXATION AND REZONE FOR HATCH DESIGN ARCHITECTURE
A PORTION OF THE SW 1/4 OF THE SE 1/4 OF SECTION 9, T.3N., R.1E., B.M.
COUNTY OF ADA — STATE OF IDAHO

BASIS OF BEARING
S 89°20'44" E BETWEEN FOUND
MONUMENTS AT THE THE SOUTH
1/4 CORNER AND SOUTHEAST
CORNER OF SECTION 9 COMMON
TO SECTIONS 9 & 16.

SCALE: 1"=200'

LEGEND

- ANNEX AND REZONE
- BOUNDARY LINE
- PARCEL LINE
- ROW
- RIGHT-OF-WAY
- - - SECTION LINE
- FOUND ALUMINUM CAP
IN ASPHALT
- FOUND 5/8" IRON PIN, WITH
PLASTIC CAP, PLS 7881
OR AS NOTED
- FOUND 1/2" IRON PIN, WITH
WITH PLASTIC CAP, PLS 7881
- SET 5/8" IRON PIN WITH
2" ALUMINUM CAP, PLS 12720
- △ CALCULATED POINT

LINE TABLE

LINE	BEARING	DISTANCE
L1	S 00°34'57" W	42.00'
L2	N 00°34'55" E	42.00'

1/4 CORNER
CP&F No. 113006165
3" ALUMINUM CAP IN
MONUMENT WELL,
PLS 1029

SECTION CORNER
CP&F No. 11084522
2 1/2" ALUMINUM
CAP IN ASPHALT,
PLS 13551

N 89°20'44" W 2702.61'
BASIS OF BEARING
W. FRANKLIN RD.



**Accurate
Surveying &
Mapping**

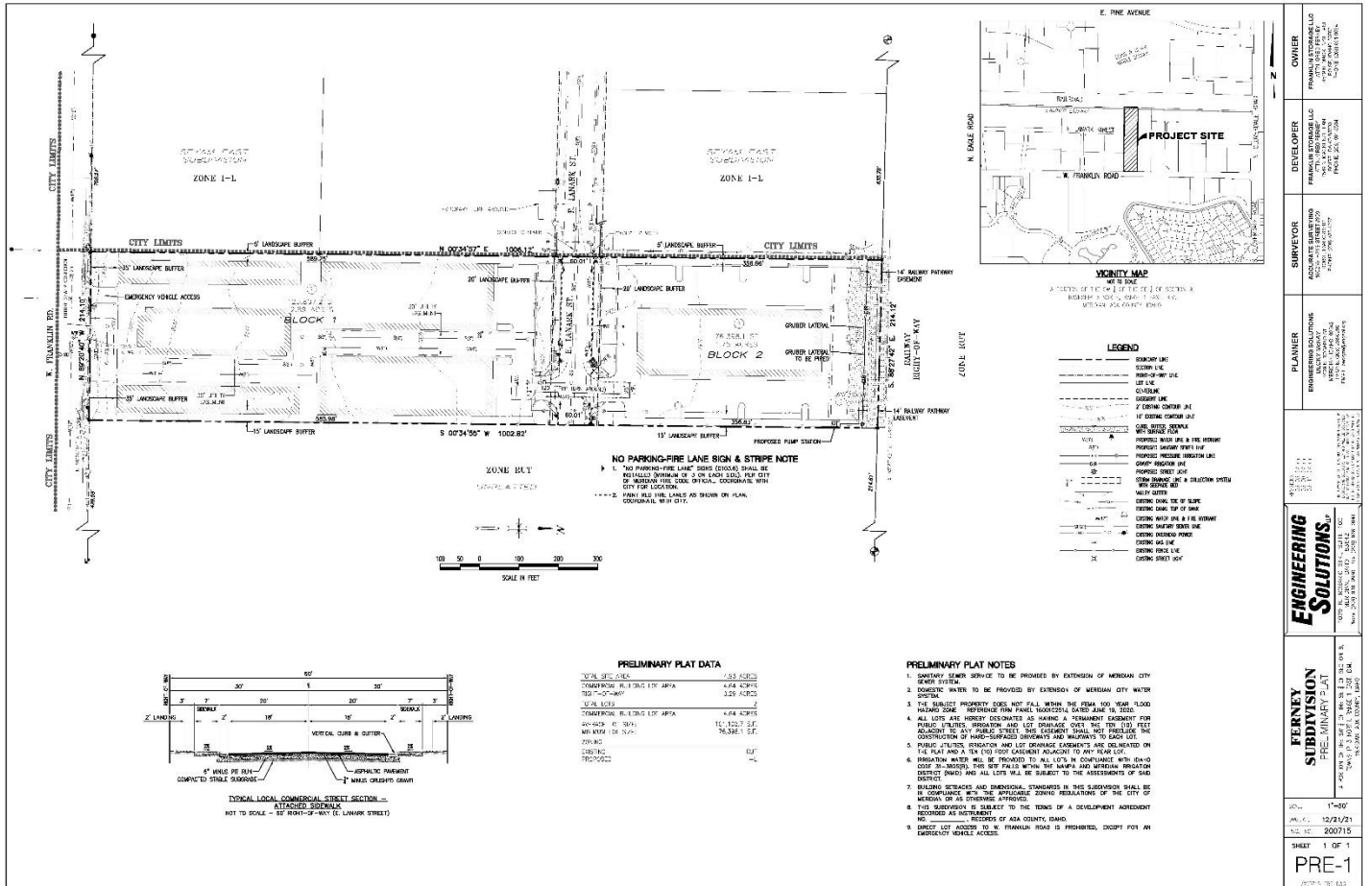
1520 W. Washington
Boise, Idaho 83702
(208) 488-4227

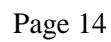
www accuratesurveyors.com

DATE: JAN. 2022

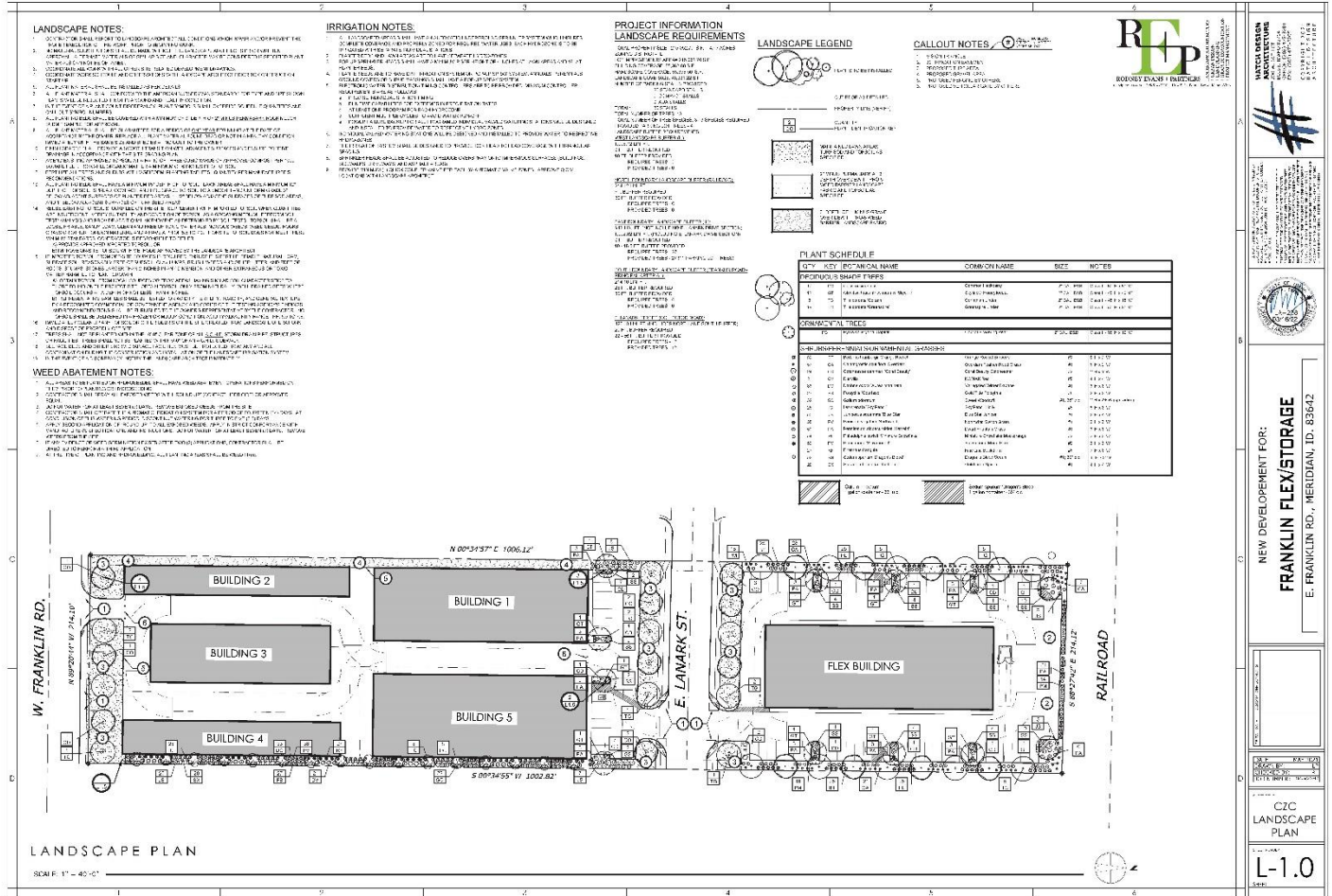
JOB 19-274

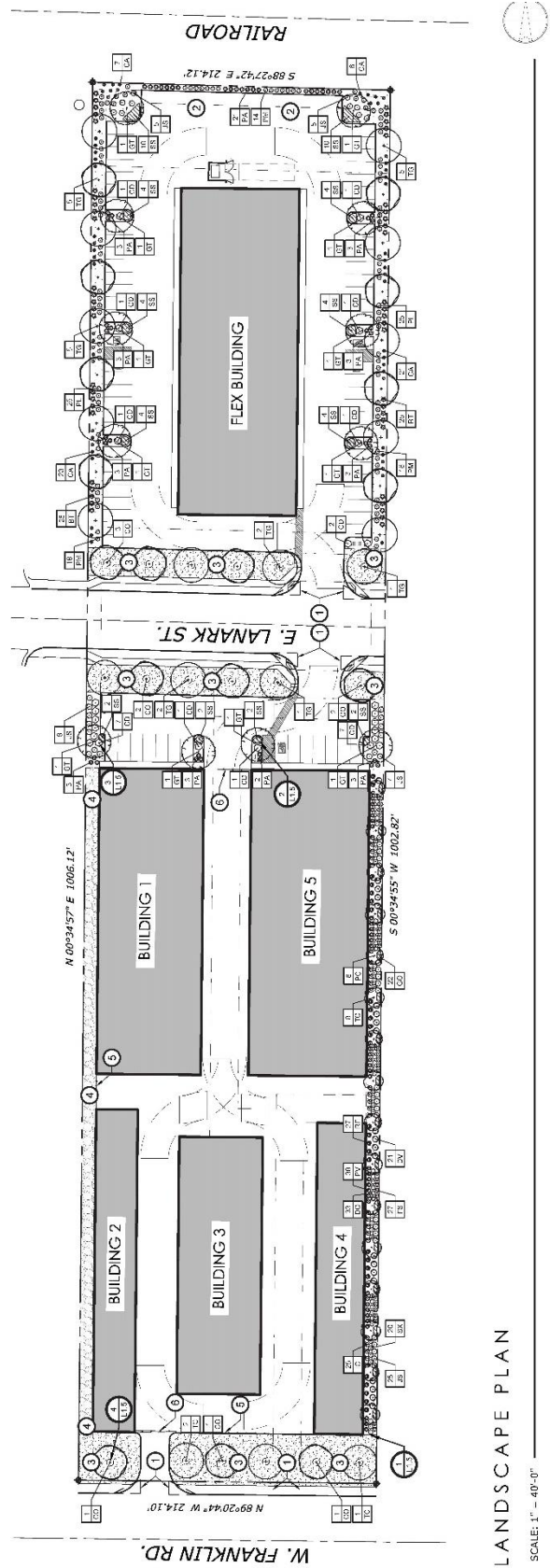
B. Preliminary Plat (dated: December 21, 2021)





C. Landscape Plan (stamped date: March 16, 2022)

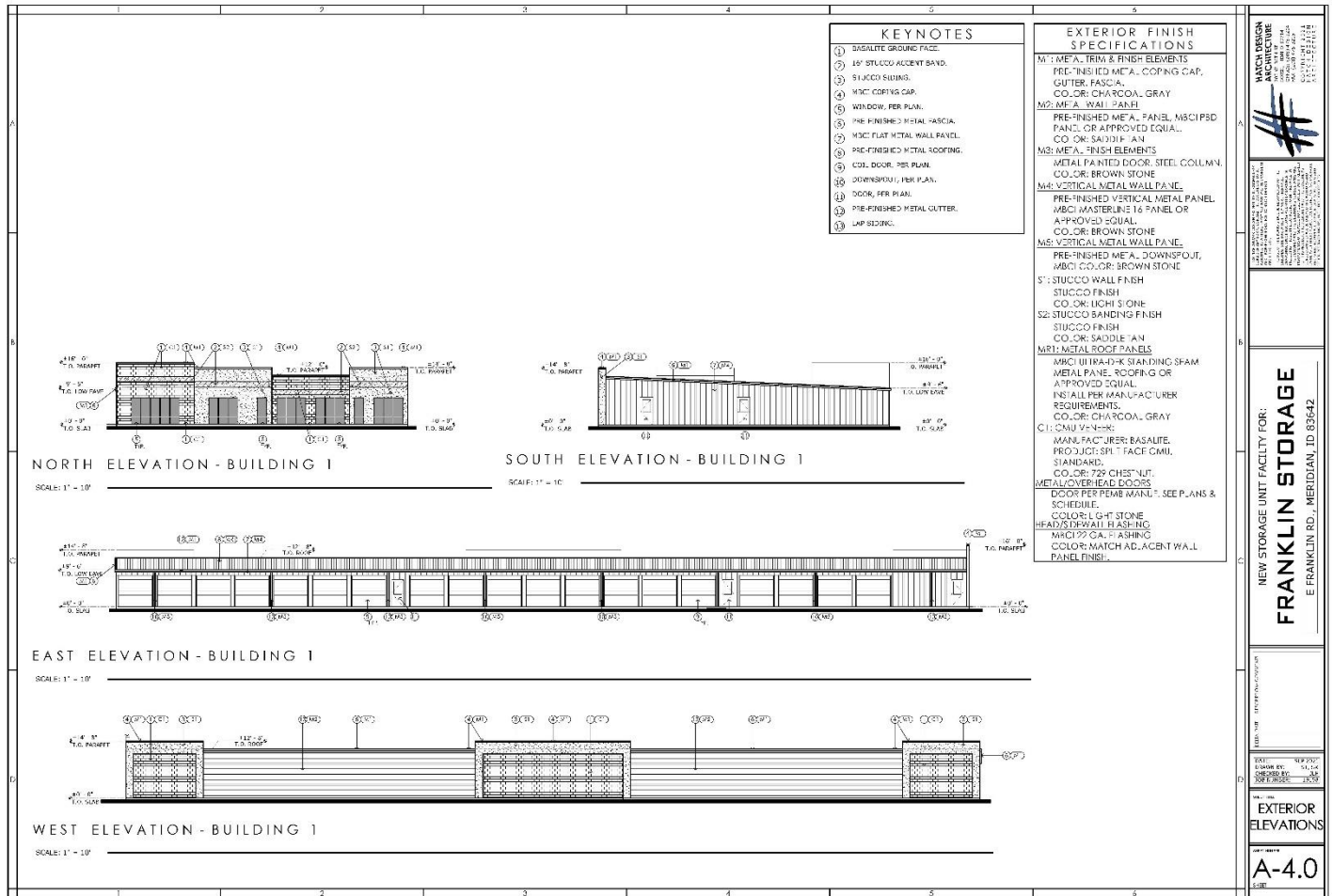


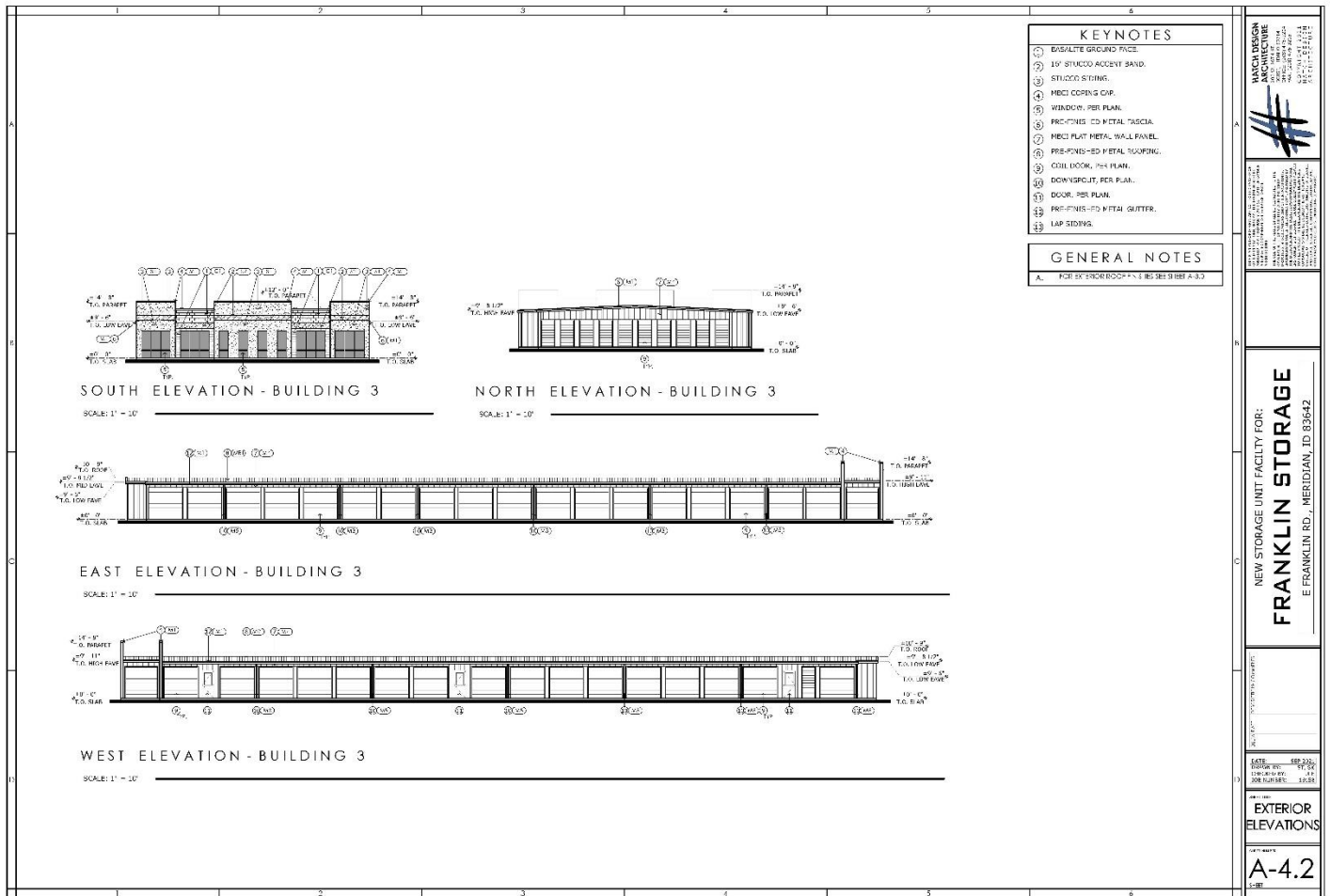


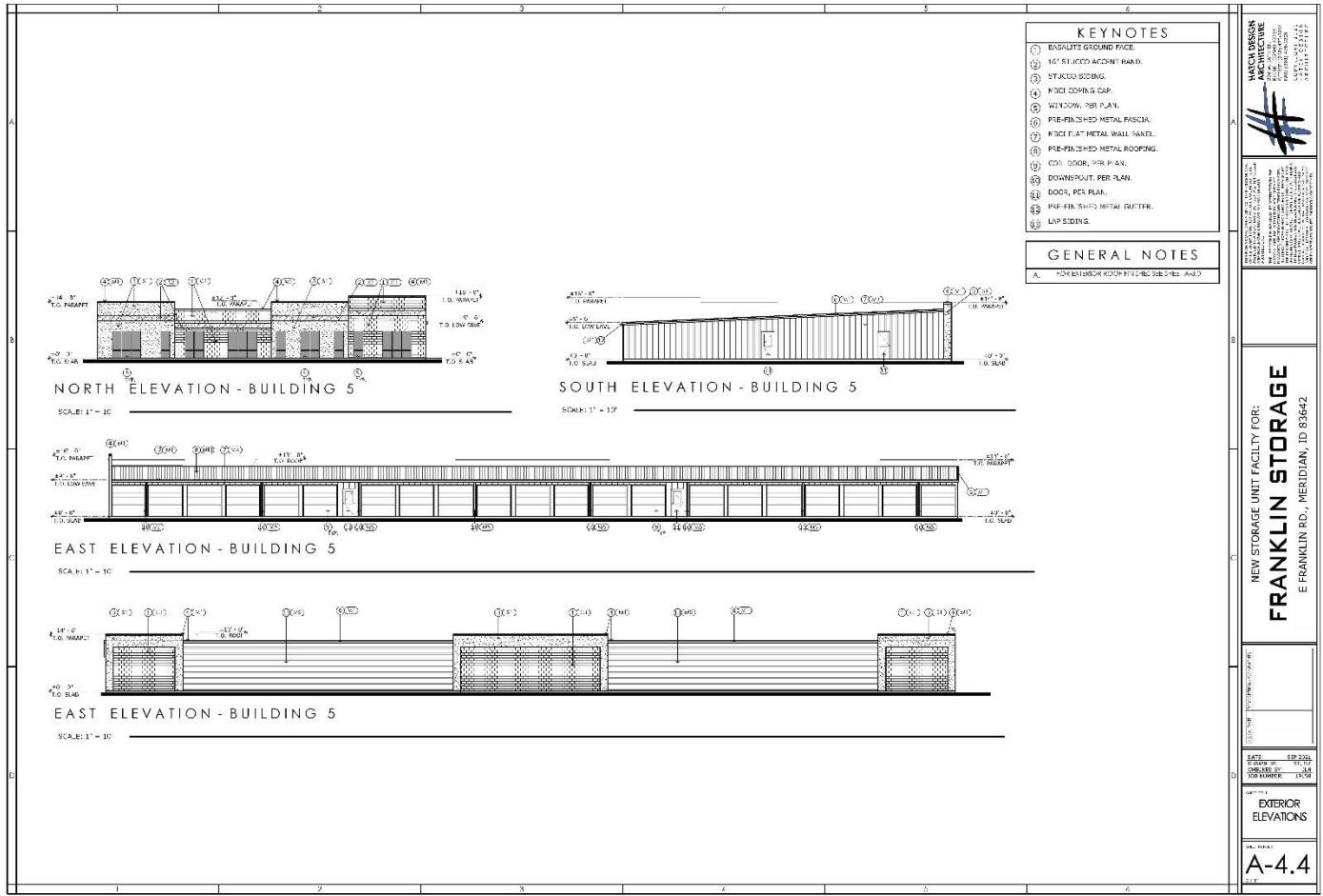
LANDSCAPE PLAN

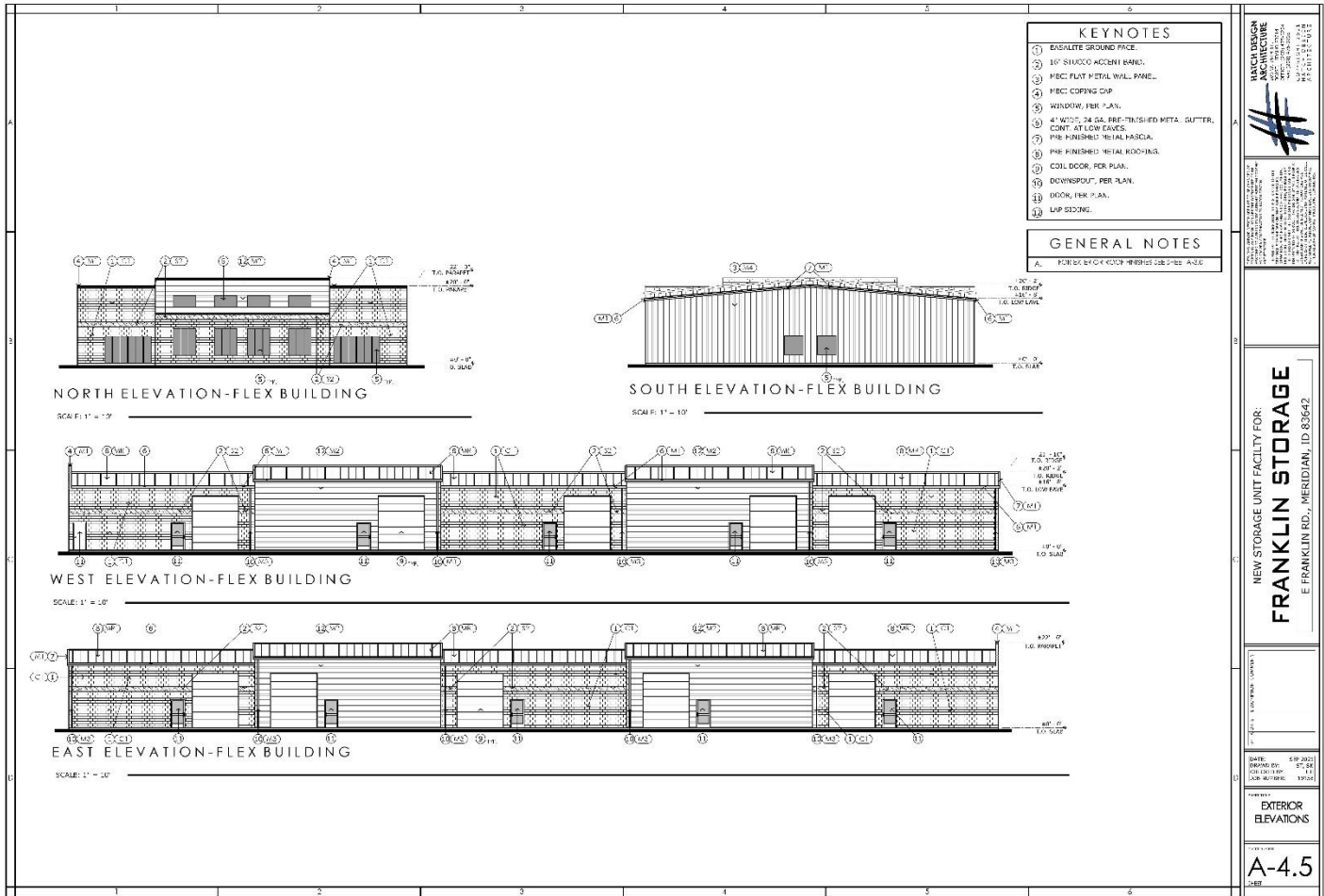
SCALE: 1" = 40'-0"

D. Conceptual Building Elevations (full file linked [here](#))









VIII. CITY/AGENCY COMMENTS

A. PLANNING DIVISION

Please submit a revised annexation legal description and exhibit map 15 days prior to the City Council hearing that includes the full width of the railroad right-of-way north of the subject site.

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 final plat will not be accepted until the DA is executed and AZ ordinance has been approved.

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

- a. Future development of the subject site shall be substantially consistent with the proposed concept plan, preliminary plat, landscape plan, and conceptual building elevations included in Section VII and the provisions contained herein.
- b. Prior to issuance of any building permits, the applicant shall subdivide the property in accord with UDC 11-6B.
- c. The uses allowed on this property are those listed in UDC Table 11-2C-2 for the I-L zoning district.
- d. The Applicant shall comply with the ordinances in effect at the time of application submittal.
- e. Applicant shall comply with the specific use standards outlined in UDC 11-4-3-34 and UDC 11-4-3-18 for the proposed uses of Self-service Storage Facility and Flex Space Building, respectively.
- f. The Applicant shall comply with the Commercial architectural design standards in the City of Meridian's Architectural Standards Manual (ASM) at the time of Certificate of Zoning Compliance and Design Review submittal for the elevations facing Franklin and the east elevations of the two storage buildings adjacent to the existing residence on Parcel S1109438907.

Preliminary Plat Conditions:

2. The preliminary plat included in Section VII.B, dated December 21, 2021, shall be revised as follows at least fifteen (15) days prior to the City Council hearing:
 - a. Show the required landscape easements adjacent to E. Lanark Street to include the parkways along Lanark and start at the back of curb.
3. The landscape plan included in Section VII.D, stamped on March 16, 2022, shall be revised as follows at least fifteen (15) days prior to the City Council hearing:
 - a. Per UDC 11-3B-7C.3, depict no more than 65% of the landscape buffer area to be comprised of grasses for all required landscape street buffers (adjacent to Franklin and Lanark).

- b. Per UDC 11-3B-7C.3 for development along entryway corridors, depict additional landscape features within the 35-foot buffer along E. Franklin Road.
 - c. Include additional trees and show they will touch at maturity along the east property boundary for a minimum of the first 185 feet measured from the back of the existing sidewalk for additional screening.
 - d. Depict the proposed type of fencing on a sheet within the landscape plans to ensure compliance with UDC 11-3A-7 and the applicable specific use standards. Chainlink fencing with or without slats does not qualify as a screening material in accord with UDC 11-3B-5M.
4. The Applicant shall comply with all ACHD conditions of approval.
 5. Off-street parking is required to be provided in accord with the standards listed in UDC Table 11-3C-6B for nonresidential uses in the I-L zoning district.
 6. Prior to City Engineers signature on a final plat, the applicant shall submit a public access easement for the multi-use pathway segment along the north boundary to the Planning Division for approval by City Council and subsequent recordation. The easement shall be a minimum of 14' in width (10' pathway and 2' shoulder on each side).
 7. Comply with the outdoor service and equipment area standards as set forth in UDC 11-3A-12.
 8. Provide a pressurized irrigation system consistent with the standards as set forth in UDC 11-3A-15, UDC 11-3B-6 and MCC 9-1-28.
 9. Upon completion of the landscape installation, a written Certificate of Completion shall be submitted to the Planning Division verifying all landscape improvements are in substantial compliance with the approved landscape plan as set forth in UDC 11-3B-14.
 10. The preliminary plat approval shall become null and void if the applicant fails to either: 1) obtain the City Engineer signature on a final plat within two years of the date of the approved findings; or 2) obtain approval of a time extension as set forth in UDC 11-6B-7.
 11. Applicant shall tile all irrigation facilities within the development area per UDC 11-3A-6, unless waived by City Council.
 12. At the public hearing on June 7, 2022, the City Council approved the Applicant's waiver request to reduce the required land use buffer along the east property line to less than 15 feet wide.

B. Public Works Department

Site Specific Conditions of Approval

1. City utility easements must be clear of any permanent structure including but not limited to buildings, carports, trees, shrubs, fences, infiltration trenches, light poles, etc. There appears to be a fence separating the property from Franklin Road which will need to be removed to allow for a water crossing and easement.
2. The water main in East Lanark Street must end in a blow-off for future extension.
3. Sewer must be extended to the southern boundary at Franklin Road.

4. Easements must be a minimum of 20-foot-wide per utility, or 30-foot-wide for combined utility easement, as long as the minimum separation is maintained between water and sewer mains. The depicted easement going south is currently shown as 25-foot-wide, which does not meet this requirement.
5. No permanent structures can be within a City utility easement including but not limited to buildings, carports, trash enclosures, trees, bushes, fences, light poles, infiltration trenches, etc.
6. Ensure no sewer services cross infiltration trenches.

General Conditions of Approval

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

- any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
 9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
 10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
 11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
 12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
 13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
 14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
 15. Developer shall coordinate mailbox locations with the Meridian Post Office.
 16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
 17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
 18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
 19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
 20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
 21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an

irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

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

C. Ada County Highway District (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=260239&dbid=0&repo=MeridianCity>

D. Nampa & Meridian Irrigation District (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=258728&dbid=0&repo=MeridianCity>

IX. FINDINGS

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

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

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

City Council finds annexation of the subject site with an I-L zoning designation is consistent with the Comprehensive Plan General Industrial FLUM designation for this property (see Section V for more information).

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

City Council finds that a map amendment to the I-L zoning district is consistent with the purpose statement for the industrial districts in UDC 11-2C-1.

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

City Council finds that the proposed zoning map amendment should not be detrimental to the public health, safety, or welfare. Staff recommends the Commission and Council consider any oral or written testimony that may be provided when determining this finding.

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

City Council finds that the proposed zoning amendment will not result in any adverse impact upon the delivery of services by any political subdivision providing services to this site.

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

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

B. Preliminary Plat (UDC 11-6B-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;

City Council finds that the proposed plat is in substantial compliance with the adopted Comprehensive Plan (Please see Comprehensive Plan Policies in, Section V of this report for more information.)

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

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

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

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

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

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

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

City Council is not aware of any health, safety, or environmental problems associated with the platting of this property.

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

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