

EXHIBIT B

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



In the Matter of the Request for Annexation and Zoning of 8 acres of land with the R-15 zoning district to develop a 42,408 SF 1-story college preparatory school by Gem Innovation School.

Case No(s). H-2020-0043

For the City Council Hearing Date of: July 7, 2020 (Findings on July 21, 2020)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of July 7, 2020, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of July 7, 2020, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of July 7, 2020, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of July 7, 2020, 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 7, 2020, incorporated by reference. The conditions are concluded to be

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

C. Decision and Order

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

1. The applicant's request for Annexation and Zoning is hereby approved per the conditions of approval in the Staff Report for the hearing date of July 7, 2020, attached as Exhibit A.

D. Notice of Applicable Time Limits

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. Notice of Final Action and Right to Regulatory Takings Analysis

1. The Applicant is hereby notified that pursuant to Idaho Code 67-8003, denial of a development application entitles the Owner to request a regulatory taking analysis. Such request must be in writing, and must be filed with the City Clerk not more than twenty-eight (28) days after the final decision concerning the matter at issue. A request for a regulatory takings analysis will toll the time period within which a Petition for Judicial Review may be filed.
2. **Please take notice** that this is a final action of the governing body of the City of Meridian. When applicable and pursuant to Idaho Code § 67-6521, any affected person being a person who has an interest in real property which may be adversely affected by the final action of the governing board may within twenty-eight (28) days after the date of this decision and order seek a judicial review as provided by Chapter 52, Title 67, Idaho Code.

F. Attached: Staff Report for the hearing date of July 7, 2020

By action of the City Council at its regular meeting held on the 21st day of July, 2020.

COUNCIL PRESIDENT TREG BERNT VOTED YEA

COUNCIL VICE PRESIDENT BRAD HOAGLUN VOTED YEA

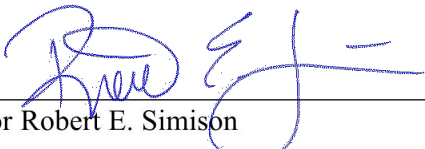
COUNCIL MEMBER JESSICA PERREAULT VOTED YEA

COUNCIL MEMBER LUKE CAVENER VOTED YEA

COUNCIL MEMBER JOE BORTON VOTED


COUNCIL MEMBER LIZ STRADER VOTED YEA

MAYOR ROBERT SIMISON VOTED
(TIE BREAKER)



Mayor Robert E. Simison

Attest:



Chris Johnson
City Clerk



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

By: Charlene Way Dated: 7-21-2020
City Clerk's Office

EXHIBIT A

STAFF REPORT

COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 7/7/2020

TO: Mayor & City Council

FROM: Alan Tiefenbach, Associate Planner

208-489-0573

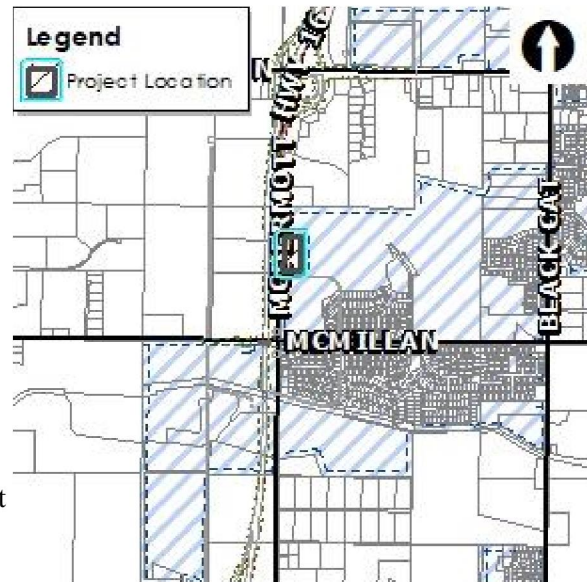
Bruce Freckleton, Development
Services Manager

208-887-2211

SUBJECT: H-2020-0043

Gem Innovation School

LOCATION: The site is located at 5390 N. McDermott Rd, approximately ¼ mile north of the W. McMillan Rd / N. McDermott Rd intersection, in the SW ¼ of Section 28, Township 4N., Range 1W.



I. PROJECT DESCRIPTION

Annexation & zoning of 8 acres of land with the R-15 zoning district to develop a 42,408 SF 1-story college preparatory school for grades K-12. Enrollment estimate is approximately 600 children. The applicant is Gem Innovation Schools.

II. SUMMARY OF REPORT

A. Project Summary

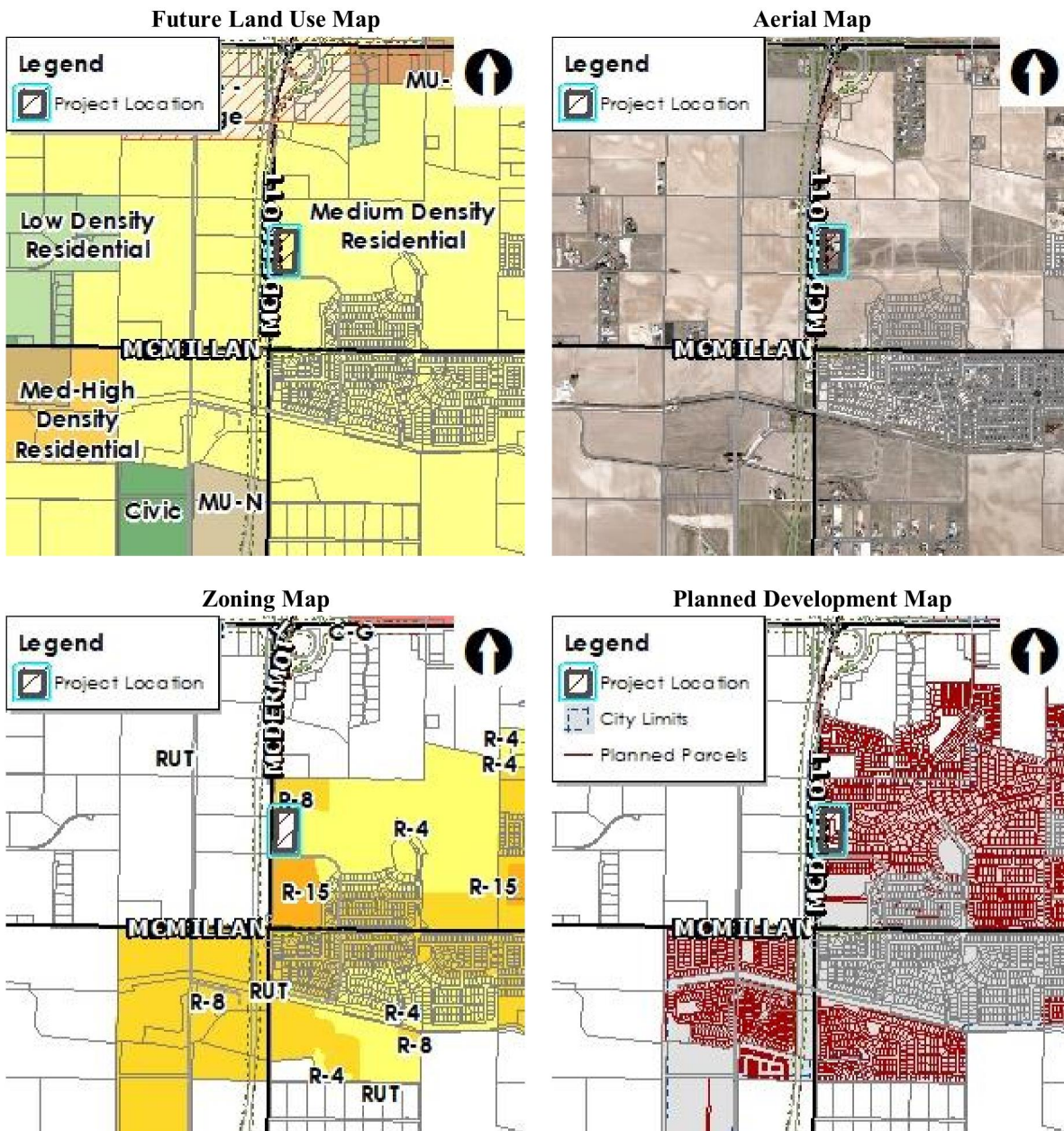
Description	Details	Page
Acreage	8 acres	
Future Land Use Designation	Medium Density Residential	
Existing Land Use(s)	SFR / Rural	
Proposed Land Use(s)	Educational Facility	
Current Zoning	RUT in Ada County	
Proposed Zoning	R-15	
Neighborhood meeting date; # of attendees:	March 3, 2020 – 6 attendees.	

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)	Three accesses are proposed. There are two accesses proposed from N. McDermott Rd to the west, a collector, and there is a third northern access planned to connect Gem Street to a proposed stub street in the Oaks North Subdivision.	
Stub Street/Interconnectivity/Cross Access	The property is proposed to connect to a stub street in the Oaks North Subdivision to the north. The eastern stub street is not being extended into the site however, the applicant is proposing a pedestrian connection to the residential development. This connectivity has been coordinated with ACHD, Toll Brothers and the applicant.	
Existing Road Network	No existing streets within the site, property will connect to a stub street at the north, N. McDermott Road exists to the west.	
Existing Arterial Sidewalks / Buffers	There are no existing buffers or sidewalk along N. McDermott Rd at the west boundary of the site.	
Proposed Road Improvements	ACHD is requiring applicant to construct McDermott Road as ½ of a 36 foot with curb, gutter and detached sidewalk. There will also be a new internal road (Gem Way) connecting to the Oaks North.	
Distance to nearest City Park (+ size)	2.3 miles to Keith Bird Legacy Park	
Fire Service	The building will provide fire sprinklers. There is a future fire station planned within the 5-minute response time.	
<ul style="list-style-type: none"> Distance to Police Station 	8.5 miles	
<ul style="list-style-type: none"> Police Response Time 	There is no available data, but the expected response time to this area in an emergency is about 3-5 minutes. The average response time in the City of Meridian is just under 4 minutes.	
<ul style="list-style-type: none"> Calls for Service 	56 within 1-mile radius.	
<ul style="list-style-type: none"> Accessibility 	No issues with the proposed access	
<ul style="list-style-type: none"> Specialty/resource needs 	None	
<ul style="list-style-type: none"> Crashes 	Between 3/1/2019- 2/29/2020, the Meridian Police Department responded to 4 crashes within a mile of the proposed development. See attached documents for details.	
Wastewater		
<ul style="list-style-type: none"> Distance to Sewer Services 	Approximately 360-feet to the east in The Oaks North Subdivision.	
<ul style="list-style-type: none"> Sewer Shed 	North McDermott Trunkshed	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See Application	
<ul style="list-style-type: none"> WRRF Declining Balance 	13.92	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes	

Description	Details	Page
Water		
• Distance to Water Services	Applicant must connect water to the north in Gem Way to Oaks North Subdivision. Also, stub a water main and hydrant to the west at McDermott Rd.	
• Pressure Zone	1	
• Estimated Project Water ERU's	See Applicant	
• Water Quality	No concerns	
• Project Consistent with Water Master Plan	Yes	
• Impacts/Concerns	None	

Project Area Maps



III. APPLICANT INFORMATION

A. Applicant:

Paul Bierlein, Bouma USA. – 445 Pettis, Suite 201., Ada, MI 49301

B. Owner:

Gem Innovation Schools – 2750 E. Gala Street., Meridian, ID 83642

C. Representative:

Paul Bierlein, Bouma USA. – 445 Pettis, Suite 201., Ada, MI 49301

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	5/13/2020	6/19/2020
Radius notification mailed to properties within 300 feet	5/12/2020	6/16/2020
Site Posting Date	5/14/2020	6/22/2020
Nextdoor posting	5/12/2020	6/16/2020

V. STAFF ANALYSIS

a. Annexation:

The proposed annexation area is contiguous to City annexed property and is within the Area of City Impact Boundary. A legal description and exhibit map for the annexation area is included in Section VII.A.

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

Medium Density Residential – This designation allows for dwelling units at gross densities of three to eight dwelling units per acre. Density bonuses may be considered with the provision of additional public amenities such as a park, school, or land dedicated for public services.

The applicant is requesting the R-15 zoning district because schools are a permitted use in this zoning district and would result in a more expeditious review. A subsequent development agreement will limit the allowed uses to an educational facility in perpetuity. A DA is recommended as a condition of the 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.

The MDR designation of the FLUM emphasizes the importance of adequate access to schools. Providing adequate schools is supported in the Comprehensive Plan as discussed below. Staff finds the proposed annexation and zoning to R-15 with a development agreement that restricts uses only to an educational facility to be generally consistent with the Future Land Use Map designation of Medium Density Residential.

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

Goals, Objectives, & Action Items: Staff finds the following Comprehensive Plan policies to be applicable to this application and apply to the proposed use of this property (staff analysis in italics):

2.03.01 – “Jointly plan and site schools and subdivisions to ensure mutual benefits, neighborhood identity, and community health.”

Several large subdivisions have been approved recently in the vicinity. This includes the Oaks North and South which comprise approximately 1,000 lots total. Many of the lots in the Oaks South are presently building out. The proposed school and adjacent neighborhoods are generally developing along similar timelines, and the school is proposed to be integrated into these surrounding neighborhoods via an internal road at the north and two pedestrian pathways. The first pathway is a 14' wide pathway at the south perimeter of the property which will begin at N. McDermott Road and run along the Creason Lateral at the south perimeter of the property. The second pathway is a pedestrian connection into the eastern portion of the North Oaks neighborhood at Double Rock Road.

The capacity of educational facilities has been a concern often raised in recent public meetings. The Gem Innovation School will be a charter school, open to the public, which is planned to serve approximately 600 children and is proposed to be developed along a similar timeline as the Oaks North and South neighborhoods. Facilities within an easy walk to the adjacent neighborhood is a mutual benefit to the school and the adjacent community. Also, local educational facilities are often associated with a neighborhood's identity and serve as community meeting places.

2.03.01D Ensure the location and design of schools are compatible with existing and planned neighborhoods and land uses.

In general, a school is a community use that can be very compatible with a residential neighborhood. The more the school is integrated into the neighborhood, the more of a benefit to the community and the safer for the students. That said, compatibility with the neighborhood can also be a function of design. This proposal includes landscape buffers of a minimum width of 10' along the perimeter of the property as well as a 40' landscape buffer along N. McDermott Road. Building heights have been kept below 30', primary access is being directed to McDermott Road, and there are requirements of the UDC regarding lighting being downcast and shielded. In addition, the building design will be subject to the City's design review standards in the UDC and the Architectural Design Manual.

2.03.01E Work with West Ada School District to locate and connect schools to safe and accessible walking, bicycle, transit, and automobile routes.

As mentioned, there are two non-motorized connections being provided into the adjacent neighborhood via a pathway along the Creason Lateral and from the eastern side of the school to Double Rock Road. There is an internal vehicular access to the local neighborhood at the north, and primary access occurs from N. McDermott Road, a Principal Arterial. There is also a 10' wide proposed pathway planned along the length of the property fronting N. McDermott Road.

d. Existing Structures/Site Improvements:

An existing residence, constructed in 1940, exists on the property. This residence is proposed for removal. All structures should be removed from the property with development of the school site.

e. Proposed Use Analysis:

This proposal includes an approximately 42,500 square foot charter school providing education from kindergarten to 12th grade, including college preparation. This is considered an educational use and is allowed by right in the R-15 zone district, subject to the specific use standards below.

f. Specific Use Standards (UDC 11-4-3-14):

UDC 11-4-3-14. (Education Institutions) requires elementary schools to be located within the center of neighborhoods with access encouraged from local streets. Middle and high schools may take access off a designated arterial or collector street. Elementary school locations adjacent to public parks or open space are encouraged. At least thirty percent (30%) of the perimeter of an elementary school site should be open to streets or open space areas.

Gem Innovation School is intended to serve Kindergarten to Grade 12. The school is located adjacent to the developing Oaks North and South Subdivisions, and will be connected to the neighborhood via Gem Way (local street) at the north. There are also two proposed access from N. McDermott Rd, a collector street. A significant percentage of the site is open to streets and open space; a 10' wide multiuse pathway is proposed along the entire western perimeter of the site (adjacent to N. McDermott Road) and a 10' multiuse pathway is proposed along the southern periphery. In addition, 440' of the 775' eastern perimeter remains open by locating playfields in this area.

g. Dimensional Standards (UDC 11-2):

The zoning is proposed to be R-15. This requires a street setback of 25' (for garages), rear setback of 12' and interior side setbacks of 3'. Landscape buffers of 25' are required along arterial streets. Building height is limited to 40'.

The building maintains a street setback from N. McDermott Road and a rear setback from the property line of at least 170'. There is more than a 200' setback from the north property line and 75' from the eastern side property line. There is a 40' landscape buffer proposed along N. McDermott Road which is comprised of Kentucky Bluegrass, a 10' wide pathway and a landscaped berm of undulating height east of the pathway. The height of the building is proposed at 30', 10' less than the allowed maximum. As will be discussed in the landscaping section, landscape buffers are proposed along all four perimeters of the property as well.

h. Access / Traffic (UDC 11-3A-3):

As mentioned above, three accesses are proposed. There are two accesses proposed from N. McDermott Rd to the west, a collector, and there is a third northern access planned to connect Gem Street to a proposed stub street in the Oaks North Subdivision. Three pedestrian pathways are proposed to connect the site. The first is a 10' pathway the applicant will construct that runs along the property paralleling N. McDermott Road. The second will be a 10' multiuse pathway along the southern periphery adjacent to the Creason Lateral. The third is a pedestrian connection into the eastern portion of the North Oaks neighborhood at Double Rock Road.

ACHD did not express any additional issues regarding access and supported the road extension and McDermott Road access. Further, ACHD communicated to staff that the stub street on the east boundary did not need to extend into the site. Pedestrian connection would suffice. This was discussed with ACHD, and both affected land owners. However, Staff has not received a staff report from ACHD to verify the connectivity is acceptable by the transportation authority.

i. Parking (UDC 11-3C):

Parking requirements for Educational Institutions per section 11-4-3-14 of the UDC requires one parking space for every four hundred (400) square feet of gross floor area.

Based on a proposed size of 42,398 square feet this amounts to 106 spaces. The concept plan shows 110 parking spaces of a minimum size of 9' x 19' as required by 11-3C-5 of the UDC.

The conceptual site plan, circulation plan and landscape plan reflect multiple drive aisles and a design which shows separate drop off and pick up areas. Staff understands the incentive to ensure safety and satisfactory circulation but believes a significant amount of asphalt is being employed. If there were a more efficient design, less paving would be required. This would reduce heat island effects, reduce the amount of necessary drainage improvements and decrease impairment to water quality. Staff will discuss these issues with the Applicant at length during the subsequent Certificate of Zoning Compliance (CZC).

j. Pathways (UDC 11-3A-8):

There is proposed 10-foot multi-use pathway proposed along N. McDermott Road and another 10-foot multi-use pathway proposed along the southern perimeter, paralleling Creason Lateral. This pathway is an extension from a future phase of the Oaks North development. Per UDC 11-3B-12C, the applicant shall provide 5-feet of landscaping along both sides of the pathway. Prior to occupancy of the structure, the applicant should submit and obtain approval of a pedestrian pathway easement from City Council. Further, the applicant should coordinate with the applicable irrigation district and conform to any requirements of the district.

k. Sidewalks (UDC 11-3A-17):

No sidewalks presently exist along N. McDermott Road. The Applicant proposes to install a 10' detached walkway along the length of the property in this area. 6' wide sidewalks are proposed on both sides of Gem Street which connects the site to the neighborhood at the north.

l. Parkways (UDC 11-3A-17):

No parkways are proposed with this application.

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

The Creason Lateral runs along the south boundary. This proposal includes a paved walkway paralleling this area. The Applicant intends to culvert this ditch. Any improvements that occur within the easement area will require coordination with the irrigation district.

n. Fencing (UDC 11-3A-6, 11-3A-7):

The landscape plan indicates 6' high vinyl coated chain link fence along the eastern portion of the site. The applicant will be required to comply with the fence standards in the UDC 11-3A-7.

o. Utilities (UDC 11-3A-21):

Connection to City water and sewer services is proposed in accord with UDC 11-3A-21. The property will have an 8-inch water and sewer lines which will connect to Doublerock Drive. Street lighting is required to be installed in accord with the City's adopted standards, specifications and ordinances. See Section VIII.B below for Public Works comments/conditions.

p. Landscaping (UDC 11-3B):

A landscape buffer of at least 35' is required along N. McDermott Road, an entryway corridor. A minimum density of one tree per thirty-five (35) linear feet is required in this buffer. A five-foot (5') wide minimum landscape buffer is required adjacent to parking, loading, or other paved vehicular use areas, including driveways. Interior parking lot landscaping shall be required on any parking lot with more than twelve (12) spaces. No linear grouping of parking spaces shall exceed twelve (12) in a row, without an internal planter island.

The conceptual site plan shows a landscape buffer of 40' wide along N. McDermott Road. This includes grass directly adjacent to the road, a 10' wide paved pathway, and additional landscaped area of widths varying between 20' and 25' east of the pathway, terminating in undulating berms.

Based on a frontage length of approximately 776 feet, 22 trees are required within the buffer. It appears at least 28 trees are in this area. The final landscape plan will be reviewed at the time of the CZC.

q. Tree Preservation (UDC 11-3B-10):

The UDC requires mitigation for all existing trees four inch (4") caliper or greater that are removed from the site. This mitigation includes equal replacement of the total calipers lost on site up to an amount of one hundred percent (100%) replacement.

The Applicant has requested a "council waiver" of the required tree mitigation. According to their narrative, 37 trees must be removed, which amounts to a total caliper of 508 inches. The Applicant's calculations deduce this to be 254 additional trees of 2" caliper whereas they are proposing replacing the 37 trees being removed with 167 new trees. The Applicant states it is important to provide sufficient open space including sports courts and playfields and requiring additional trees would prove difficult.

The City Arborist considered the Applicant's request and noted there are several trees which are probably in such a condition as to not require mitigation and is amenable to deeming them inappropriate for mitigation. However, staff is not convinced there are no other options for either retention of existing trees or replacement with new trees. Also, there is a significant amount of paving proposed for the parking area as well as the paved playfields at the eastern perimeter of the site. Staff believes there are additional opportunities to buffer the site and reduce heat island effects. Staff will work with the Applicant on the required trees and tree preservation during the subsequent Certificate of Zoning Compliance. A Council Waiver is not the appropriate mechanism; any deviations would occur through the Alternative Compliance process as indicated in Section 11-5B-5 of the UDC.

r. Building Elevations (UDC 11-3A-19 | Architectural Standards Manual):

The Applicant has submitted colored elevations that proposes a flat-roofed design with muted earth tone colors and building materials including lap siding, hardie board, and metal panels. The proposed architecture will be reviewed in detail during the Certificate of Zoning Compliance and must meet the requirements of the City of Meridian Architectural Standards Manual and the site and structure design standards in UDC 11-3A-19.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed Annexation with the requirement of a Development Agreement per the provisions and comments included in Section VII in accord with the Findings in Section VIII.

B. The Meridian Planning & Zoning Commission heard this item on May 28, 2020. At the public hearing, the Commission moved to recommend approval of the subject AZ request.

1. Summary of Commission public hearing:
 - a. In favor: Dan Henrickson and Bill Hadlock, Paradigm Design (Applicant's Representative)
 - b. In opposition: None
 - c. Commenting: Dan Henrickson and Bill Hadlock, Paradigm Design (Applicant's Representative)
 - d. Written testimony: None
 - e. Staff presenting application: Alan Tiefenbach
 - f. Other Staff commenting on application: Bill Parsons
2. Key issue(s) of public testimony:
 - a. None
3. Key issue(s) of discussion by Commission:
 - a. Commission discussed whether Meridian Fire was supporting the proposed turn-around at the northeast portion of the site. Applicant responded that they did support it as proposed.
 - b. Commission discussed staff's recommended condition to pipe the Creason Lateral. The applicant stated this had already been done.
 - c. Commission discussed the applicant's request to change the condition of approval that the required the applicant to comply with tree preservation mitigation standards to "the applicant and staff will work with the City arborist to provide a tree mitigation plan." The Commission was agreeable to this request.
 - d. Commission discussed staff's recommendation for a 10' buffer along the north side of Gem Way. The applicant was initially opposed to this because they believed the adjacent property owner had already designed a buffer tract into their development. As it ended up, they had not. Since this time, the applicant is agreeable to this condition and has revised the site plan and landscape plan accordingly.
4. Commission change(s) to Staff recommendation:
 - a. Remove Condition a.viii that requires tiling of the Creason Lateral.
 - b. Change the language of Condition a. v.iii that requires the applicant to comply with all tree mitigation requirements to "the applicant will work with the City Arborist to provide a tree mitigation plan at time of CZC."
5. Outstanding issue(s) for City Council:
 - a. Add the following Public Works conditions of approval:

1. The applicant shall be required to pay the Oaks Lift Station and Pressure Sewer Reimbursement Fees in the amount of \$265.25 per equivalent residential unit (ERU). The reimbursement fees for this application shall be paid with the first building permit.
2. The applicant shall be required to pay the Oaks Lift Station Pump Upgrades Reimbursement Fees in the amount of \$185.43 per equivalent residential unit (ERU). The reimbursement fees for this application Shall be paid with the first building permit.

C. The Meridian City Council heard these items on July 7, 2020. At the public hearing, the Council moved to approve the subject Annexation and Zoning request.

1. Summary of the City Council public hearing:
 - a. In favor: Paul Bierlein from Bouma USA.
 - b. In opposition: None
 - c. Commenting: Paul Bierlein from Bouma USA..
 - d. Written testimony: None
 - e. Staff presenting application: Alan Tiefenbach
 - 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. Add the following Public Works conditions of approval:
 1. The applicant shall be required to pay the Oaks Lift Station and Pressure Sewer Reimbursement Fees in the amount of \$265.25 per equivalent residential unit (ERU). The reimbursement fees for this application shall be paid with the first building permit.
 2. The applicant shall be required to pay the Oaks Lift Station Pump Upgrades Reimbursement Fees in the amount of \$185.43 per equivalent residential unit (ERU). The reimbursement fees for this application Shall be paid with the first building permit.

VII. EXHIBITS

A. Annexation Legal Description and Exhibit Map



EXHIBIT ____
ANNEXATION DESCRIPTION
GEM PREP MERIDIAN NORTH
TAX PARCEL NO. S042832566

A parcel of land within the Southwest 1/4 of the Northwest 1/4 of the Southwest 1/4 of Section 28, Township 4 North, Range 1 West, Boise Meridian, Ada County, Idaho, and more particularly described as follows.

COMMENCING at the Southwest Corner of Section 28 monumented by a found brass cap as described in CP&F Instrument No. 2019-017185 at the intersection of N. McDermott Road and W. McMillan Road, thence along the section line, North 01°00'44" East, 1315.33 feet to the S 1/16 Corner to Sections 28 & 29, the southwest corner of the Gem Prep Meridian North parcel and the **POINT OF BEGINNING**;

Thence continuing North 01°00'44" East, 774.50 feet to the northwest corner of the Gem Prep Meridian North parcel and the existing limits of Meridian City;

Thence along the existing limits of Meridian City and The Oaks North preliminary plat boundary, South 89°21'13" East, 450.06 feet to the northeast corner of the Gem Prep Meridian North parcel;

Thence continuing along the existing limits of Meridian City and The Oaks North preliminary plat boundary, South 01°00'44" West, 774.77 feet to the southeast corner of the Gem Prep Meridian North parcel;

Thence along the existing limits of Meridian City and the Oakwind preliminary plat boundary, North 89°19'10" West, 450.06 feet to the **POINT OF BEGINNING**.

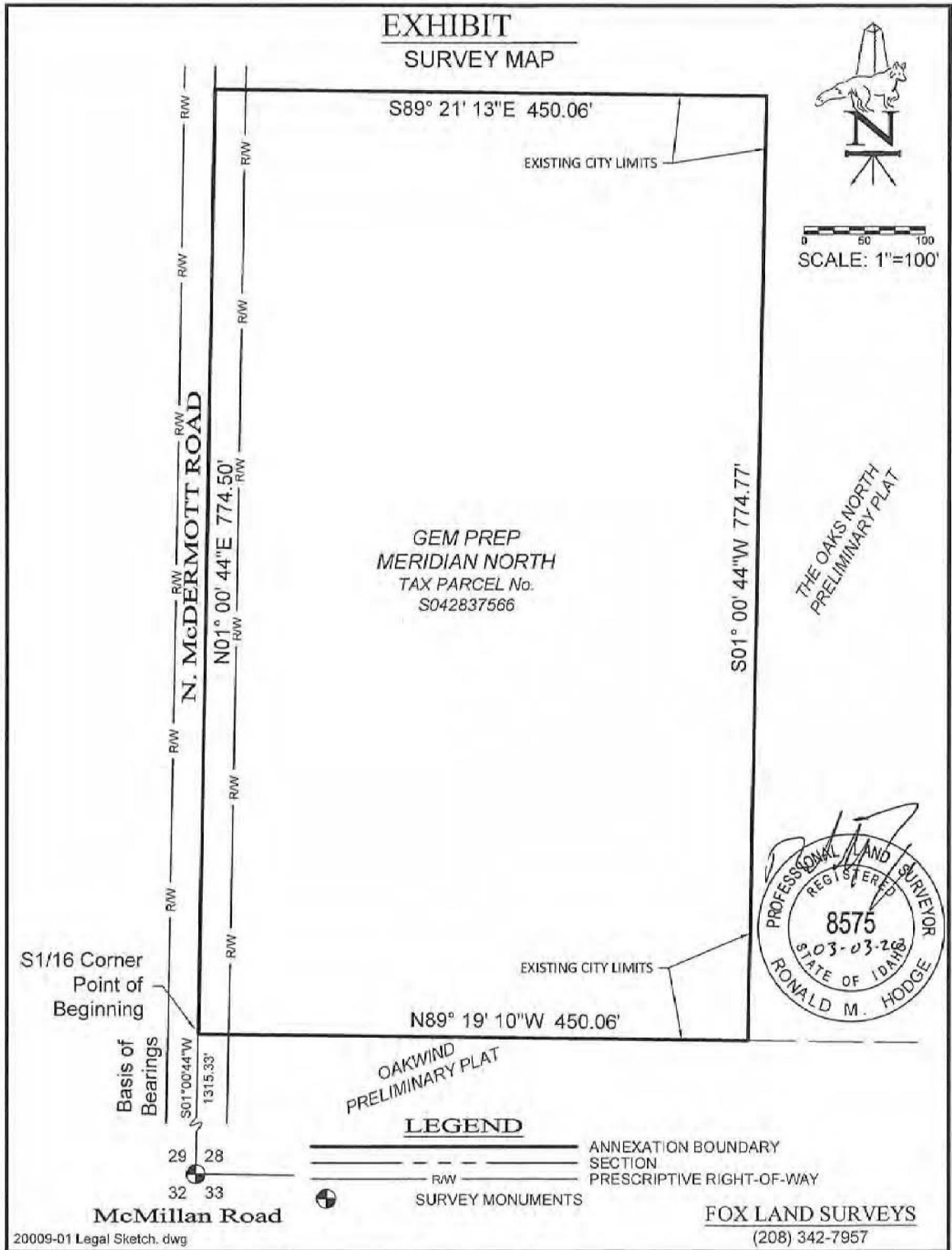
Containing 8.00 acres more or less.
Refer to the attached EXHIBIT Survey Map.
END OF DESCRIPTION

Prepared by:
Ronald M. Hodge, PLS
03-03-2020

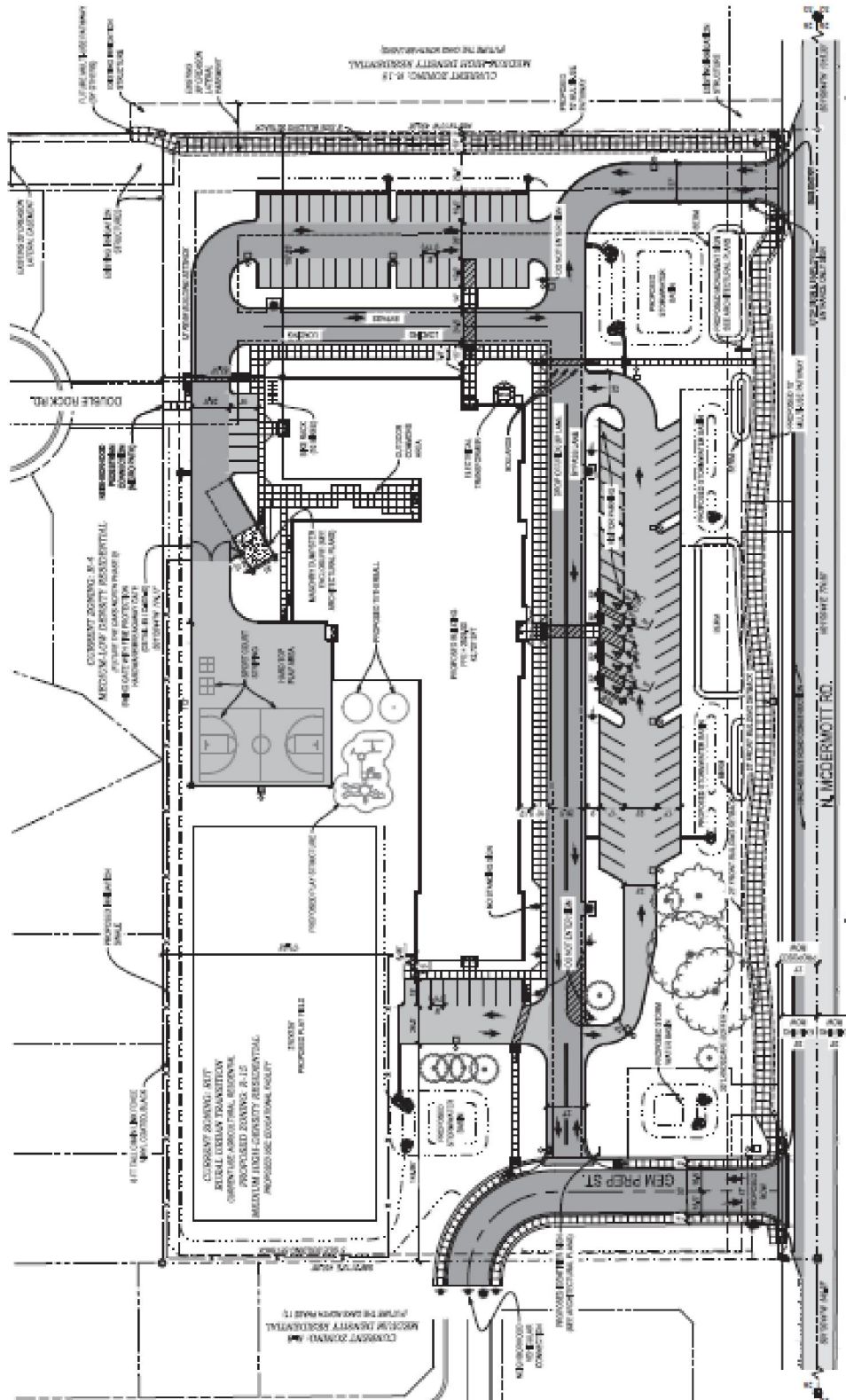
A handwritten signature in black ink, appearing to read "RMH", is written over the printed name and date.



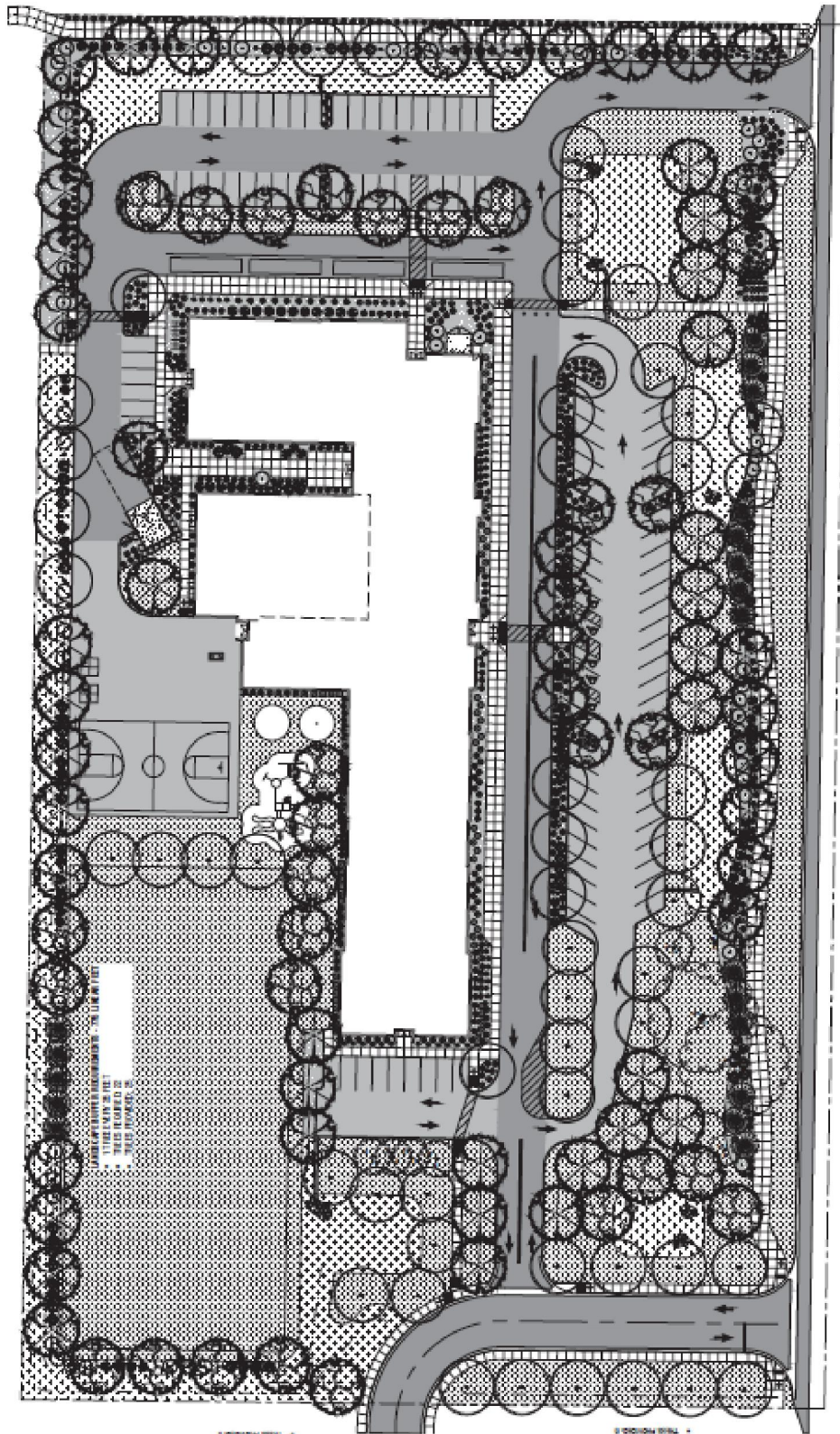
680 S. Progress Ave., Suite #2B • Meridian, Idaho 83642 • Tel: 208-342-7957 • Web: hmh-llc.com
Equal Opportunity Employer



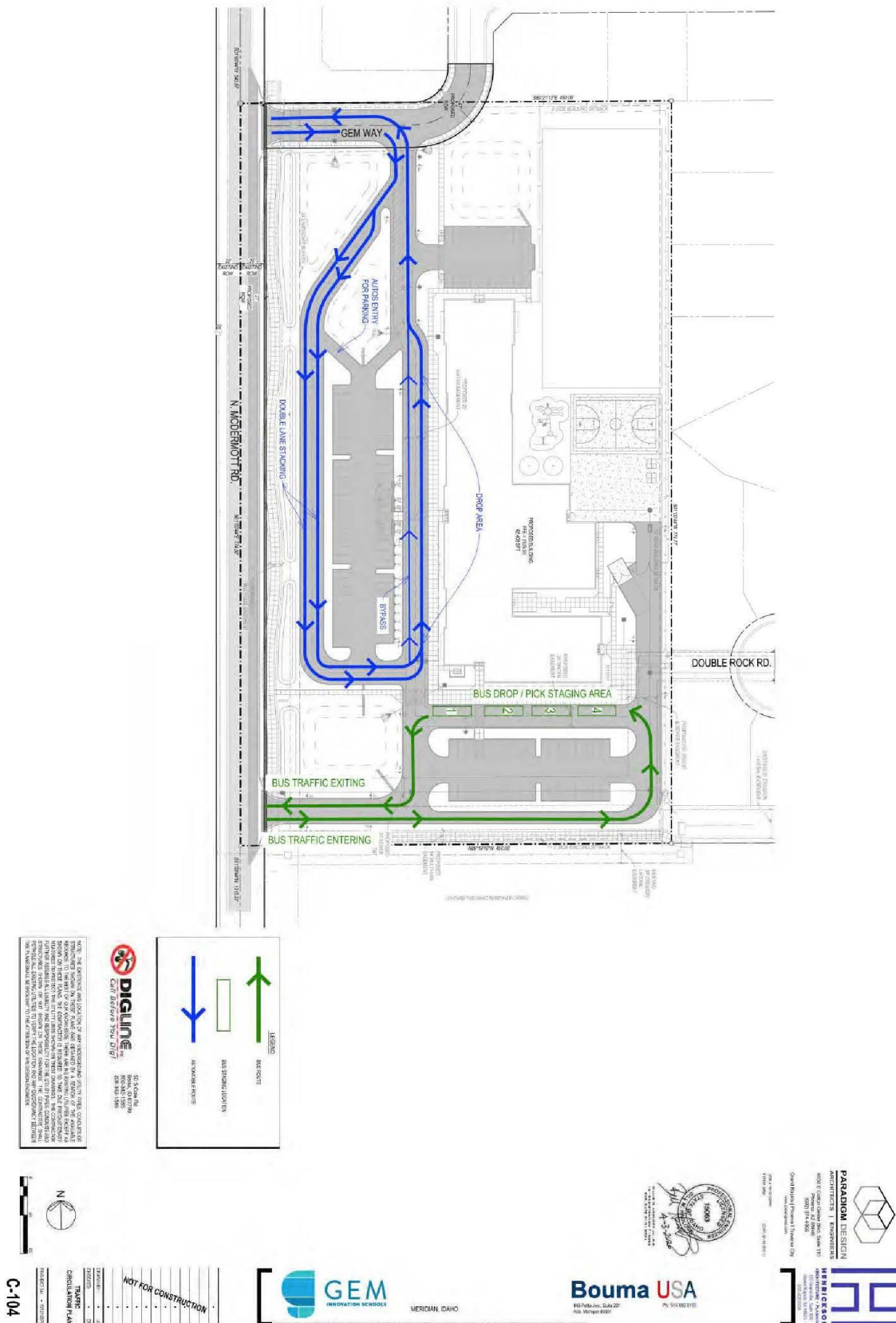
B. Revised Conceptual Site Plan (date: 6/22/2020)



C. Revised Conceptual Landscape Plan (date: 6/23/2020)

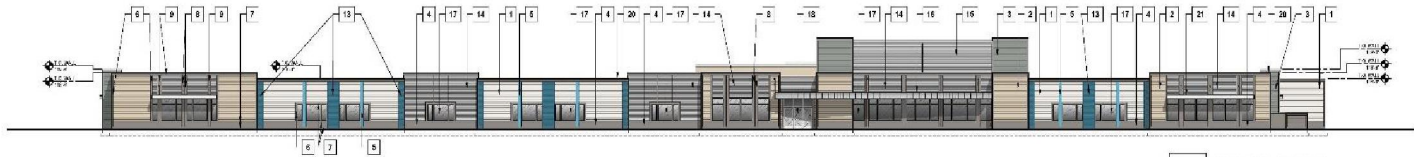


D. Conceptual Circulation Plan

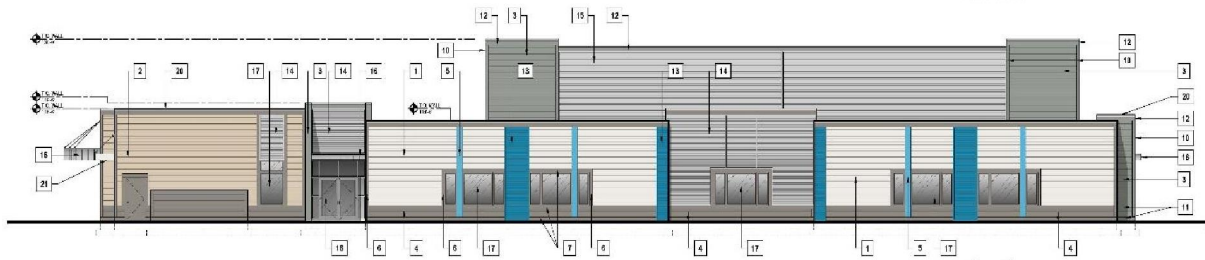


E. Conceptual Building Elevations (date: 3/27/2020)

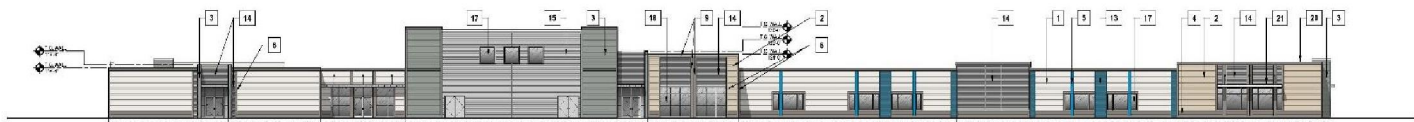
EXTERIOR FINISHES											
1	JAMES HARDIE FIBRECEMENT	ROOFING OVER 2" POLYSTYRENE INSULATION	7	JAMES HARDIE FIBRECEMENT	EXPOSED TIMBER SHAKES OVER 2" POLYSTYRENE INSULATION	13	PAINT PAINT 1	ALL EXTERIOR WALLS AND ROOFING EXCEPT WHERE NOTED OTHERWISE	19	DOOR & WINDOW	PAINT 1 (EXCEPT WHERE NOTED OTHERWISE)
2	JAMES HARDIE FIBRECEMENT	ROOFING OVER 2" POLYSTYRENE INSULATION	8	JAMES HARDIE FIBRECEMENT	EXPOSED TIMBER SHAKES OVER 2" POLYSTYRENE INSULATION	14	PAINT PAINT 2	ALL EXTERIOR WALLS AND ROOFING EXCEPT WHERE NOTED OTHERWISE	20	CONCRETE	PAINT 1 (EXCEPT WHERE NOTED OTHERWISE)
3	JAMES HARDIE FIBRECEMENT	ROOFING OVER 2" POLYSTYRENE INSULATION	9	JAMES HARDIE FIBRECEMENT	EXPOSED TIMBER SHAKES OVER 2" POLYSTYRENE INSULATION	15	PAINT PAINT 3	ALL EXTERIOR WALLS AND ROOFING EXCEPT WHERE NOTED OTHERWISE	21	PAVING	PAINT 1 (EXCEPT WHERE NOTED OTHERWISE)
4	JAMES HARDIE FIBRECEMENT	ROOFING OVER 2" POLYSTYRENE INSULATION	10	JAMES HARDIE FIBRECEMENT	EXPOSED TIMBER SHAKES OVER 2" POLYSTYRENE INSULATION	16	PAINT PAINT 4	ALL EXTERIOR WALLS AND ROOFING EXCEPT WHERE NOTED OTHERWISE			
5	JAMES HARDIE FIBRECEMENT	ROOFING OVER 2" POLYSTYRENE INSULATION	11	JAMES HARDIE FIBRECEMENT	EXPOSED TIMBER SHAKES OVER 2" POLYSTYRENE INSULATION	17	PAINT PAINT 5	ALL EXTERIOR WALLS AND ROOFING EXCEPT WHERE NOTED OTHERWISE			
6	JAMES HARDIE FIBRECEMENT	ROOFING OVER 2" POLYSTYRENE INSULATION	12	JAMES HARDIE FIBRECEMENT	EXPOSED TIMBER SHAKES OVER 2" POLYSTYRENE INSULATION	18	PAINT PAINT 6	ALL EXTERIOR WALLS AND ROOFING EXCEPT WHERE NOTED OTHERWISE			



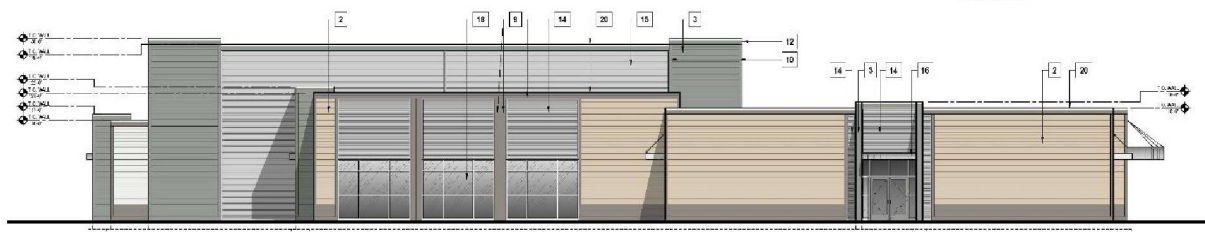
4 WEST ELEVATION
DATE: 3/27/2020



3 SOUTH ELEVATION
DATE: 3/27/2020



2 EAST ELEVATION
DATE: 3/27/2020



1 NORTH ELEVATION
DATE: 3/27/2020



VIII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

- a. 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.

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:

- i. Future development of this site shall be generally consistent with the conceptual site plan, conceptual building elevations, conceptual landscape plan and the provisions contained herein.
- ii. All structures shall comply with the design standards listed in the Architectural Standards Manual and the design standards listed in UDC 11-3A-19. An application for Design Review shall be submitted concurrently with the Certificate of Zoning Compliance application and approved prior to submittal of building permit applications.
- iii. Applicant shall construct a segment of the City's 10-foot multi-use pathway along N. McDermott Road and the south boundary in accord with UDC 11-3A-8 and 11-3B-12. Prior to occupancy of any building, the applicant shall obtain City Council's approval of a public pedestrian easement and record said document.
- iv. Applicant shall comply with any ACHD conditions of approval.
- v. The applicant shall comply with the ordinances in effect at the time of application submittal.
- vi. The only use allowed to develop on the property is an education institution. Said use shall comply with the specific use standards in UDC 11-4-3-14.
- vii. ~~The applicant shall be required to comply with tree preservation mitigation standards per UDC 11-3B-10.~~ The applicant shall work with Staff and the City Arborist to provide tree mitigation plan at time of CZC.
- viii. ~~The applicant shall be required to tile the Creason Lateral in accordance with UDC 11-3A-6. Any improvements in the easement shall require the approval of the Nampa and Meridian Irrigation District.~~

- ix. The applicant shall construct a 10-foot wide landscape buffer on the north boundary of Gem Street in accord with UDC 11-3B-7C.
- x. The applicant shall be required to pay the Oaks Lift Station and Pressure Sewer Reimbursement Fees in the amount of \$265.25 per equivalent residential unit (ERU). The reimbursement fees for this application shall be paid with the first building permit.
- xi. The applicant shall be required to pay the Oaks Lift Station Pump Upgrades Reimbursement Fees in the amount of \$185.43 per equivalent residential unit (ERU). The reimbursement fees for this application Shall be paid with the first building permit.

B. PUBLIC WORKS

- 1. Applicant will be responsible for the off-site extension of new sanitary sewer and water mainlines to the east to connect with the mainlines in The Oaks North Subdivision.
- 2. Applicant shall be responsible for the water mainline extension in Gem Way, from the north boundary to N. McDermott Road. A stub and hydrant will also be required west to McDermott Rd.

C. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=190639&dbid=0&repo=MeridianCity>

D. CITY ARBORIST

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188578&dbid=0&repo=MeridianCity>

E. POLICE DEPARTMENT

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188194&dbid=0&repo=MeridianCity>

F. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=188577&dbid=0&repo=MeridianCity>

G. NMID

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;

The Council finds annexation of the subject site with an R-15 zoning designation is consistent with the Comprehensive Plan MDR FLUM designation for this property use will be limited to educational facility by a subsequent development restriction (see Section V for more information).

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

The Council finds that a map amendment to the R-15 zoning district is consistent with Comprehensive Plan as the Plan puts high priority on the provision of adequate educational facilities.

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

The 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

The 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

As the need for adequate educational facilities is supported by Comprehensive Plan, the Council finds that the proposed annexation is in the best interest of the City.