

ADDENDUM TO DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
 2. **West Valley Medical Center, Inc., Owner/Developer**

THIS ADDENDUM TO DEVELOPMENT AGREEMENT is dated this ____ day of _____, 20____, (“ADDENDUM”), by and between **City of Meridian**, a municipal corporation of the State of Idaho (“CITY”), whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642 and **West Valley Medical Center, Inc.** (“OWNER/DEVELOPER”), whose address is c/o HCA Healthcare, Inc., One Park Plaza, Nashville, Tennessee, 37203.

RECITALS

A. OWNER/DEVELOPER has submitted an application for a Modification to the existing Development Agreement recorded September 8, 2021 as Instrument #2021-132724 in Ada County Records for the purpose of updating the phasing plan and to modify the provision requiring noise abatement to be provided along W. Chinden Blvd./State Highway 20-26 to allow for alternative compliance. The Meridian City Council approved said application with Findings of Fact and Conclusions of Law as in the attached Exhibit “A.”

B. CITY and OWNER/DEVELOPER now desire to amend said Development Agreement, which terms have been approved by the Meridian City Council in accordance with Idaho Code Section 67-6511.

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

1. OWNER/DEVELOPER shall be bound by the terms of the Development Agreement recorded as Instrument #2021-132724, except as amended as follows:
 - a. The phasing plan included in Section VIII.B shall replace the original phasing plan in the existing Development Agreement (DA) (Inst. #2021-132724).
 - b. Provision #5.1.3 in the existing agreement shall be modified as follows, “Noise abatement shall be provided in the form of a berm or a berm and wall combination parallel to W. Chinden Blvd./SH 20-26 constructed in accord with the standards listed in UDC 11-3H-4D or by an alternative compliance proposal as defined in UDC 11-3H-4D.4.”
2. That Owner/Developer agrees to abide by all ordinances of the City of Meridian and the Property shall be subject to de-annexation if the Owner/Developer, or their assigns, heirs, or successor shall not meet the conditions of this Addendum, and the Ordinances of the City of Meridian as herein provided.
3. This Addendum 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 Addendum shall be binding on the Owner/Developer of the Property, each subsequent owner and any other person(s) 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 hereon 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 Addendum if City, in its sole and reasonable discretion, had determined that Owner/Developer have fully performed its obligations under this Addendum.

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

5. This Addendum sets forth all promises, inducements, agreements, condition, and understandings between Owner/Developer and City relative to the subject matter herein, 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 Addendum 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.

- a. Except as herein provided, no condition governing the uses and/or conditions governing development of the subject Property herein provided for can be modified or amended within 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.

6. This Addendum shall be effective as of the date herein above written.

7. Except as amended by the Addendums, all terms of the previous Agreements shall remain in full force and effect.

[End of text. Acknowledgements, signatures, and Exhibit A follow.]

ACKNOWLEDGMENTS

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

OWNER/DEVELOPER:
West Valley Medical Center, Inc.

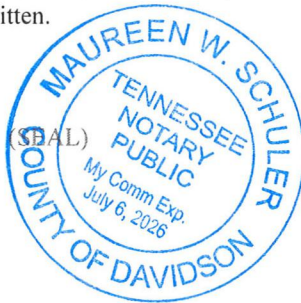
Nicholas L. Paul (handwritten signature)

By: Nicholas L. Paul
Its: Vice President

STATE OF TENNESSEE)
) ss.
County of Davidson)

On this 27th day of December, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Nicholas L. Paul, known or identified to me to be the Vice President of West Valley Medical Center, Inc. and the person who signed above and acknowledged to me that he executed the same on behalf of said corporation.

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



Maureen W. Schuler (handwritten signature)
Notary Public
My commission expires: July 6, 2026

CITY OF MERIDIAN

ATTEST:

By: Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
: ss
County of Ada)

On this day of , 20, before me, a Notary Public, personally appeared Robert E. Simison and Chris Johnson, known or identified to me to be the Mayor and City Clerk, respectively, of the City of Meridian, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

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

(SEAL)

Notary Public for Idaho
My commission expires:

EXHIBIT A

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



In the Matter of the Request for a Modification to the Existing Development Agreement for Prescott Ridge (Hospital Portion) (Inst. #2021-132724) to Update the Phasing Plan and Modify the Provision Requiring Noise Abatement to be Provided along W. Chinden Blvd./State Highway 20-26 to Allow for Alternative Compliance; and Conditional Use Permit for a Hospital (i.e. emergency center) in the C-G Zoning District, by Fulmer Lucas Engineering, LLC.

Case No(s). H-2022-0065

For the City Council Hearing Date of: December 13, 2022 (Findings on December 20, 2022)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of December 13, 2022, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of December 13, 2022, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of December 13, 2022, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of December 13, 2022, 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 [date], 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 [application type] is hereby [approved/denied] per the conditions of approval in the Staff Report for the hearing date of [date], attached as Exhibit A.

D. Notice of Applicable Time Limits

Notice of Preliminary Plat Duration

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

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

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

Notice of Conditional Use Permit Duration

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

Upon written request and filed by the applicant prior to the termination of the period in accord with 11-5B-6.G.1, the Director may authorize a single extension of the time to commence the

use not to exceed one (1) two (2) year period. Additional time extensions up to two (2) years as determined and approved by the City Council may be granted. With all extensions, the Director or City Council may require the conditional use comply with the current provisions of Meridian City Code Title 11(UDC 11-5B-6F).

Notice of Development Agreement Duration

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

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

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

E. Judicial Review

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

F. Notice of Right to Regulatory Takings Analysis

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

G. Attached: Staff Report for the hearing date of [date]



By action of the City Council at its regular meeting held on the 20th day of December, [year].

COUNCIL PRESIDENT BRAD HOAGLUN	VOTED <u>AYE</u>
COUNCIL VICE PRESIDENT JOE BORTON	VOTED _____
COUNCIL MEMBER JESSICA PERREAULT	VOTED <u>AYE</u>
COUNCIL MEMBER LUKE CAVENER	VOTED <u>AYE</u>
COUNCIL MEMBER TREG BERNT	VOTED _____
COUNCIL MEMBER LIZ STRADER	VOTED <u>AYE</u>
MAYOR ROBERT SIMISON (TIE BREAKER)	VOTED _____



Mayor Robert E. Simison 12-20-2022
By Brad Hoaglund, Council President

Attest:

Chris Johnson 12-20-2022
City Clerk

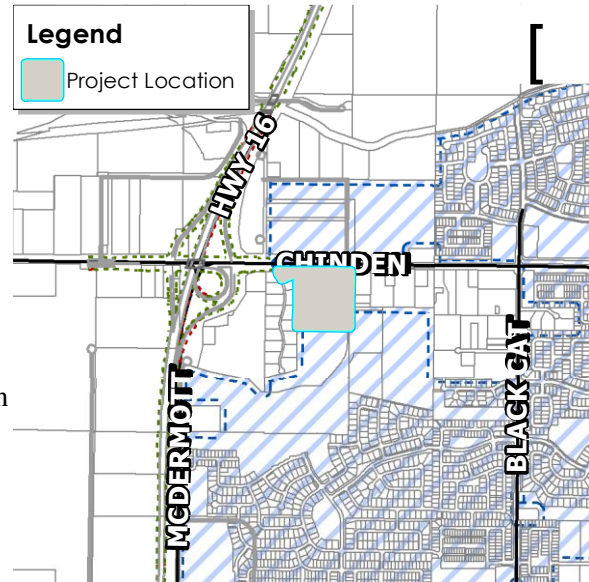
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By:  _____ Dated: 12-20-2022
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: December 13, 2022
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: H-2022-0065 – West Valley Emergency Center – MDA, CUP, ALT
 LOCATION: Southwest corner of N. Levi Ln./N. Rustic Oak Way, in the NW ¼ of Section 28, Township 4N., Range 1W. (Parcel #R699122250)



I. PROJECT DESCRIPTION

Modification to the existing Development Agreement for Prescott Ridge (Hospital Portion) (Inst. #2021-132724) to update the phasing plan and modify the provision requiring noise abatement to be provided along W. Chinden Blvd./State Highway 20-26 to allow for alternative compliance; and conditional use permit for a hospital (i.e. emergency center) in the C-G zoning district.

Alternative compliance is requested to UDC 11-3H-4D, which requires noise abatement to be provided for residential and other noise sensitive uses, including hospitals, adjoining state highways.

Alternative compliance is also requested to UDC 11-3B-7C, which requires trees to be planted within the required 35-foot wide street buffer along W. Chinden Blvd., an entryway corridor.

II. SUMMARY OF REPORT

A. Project Summary

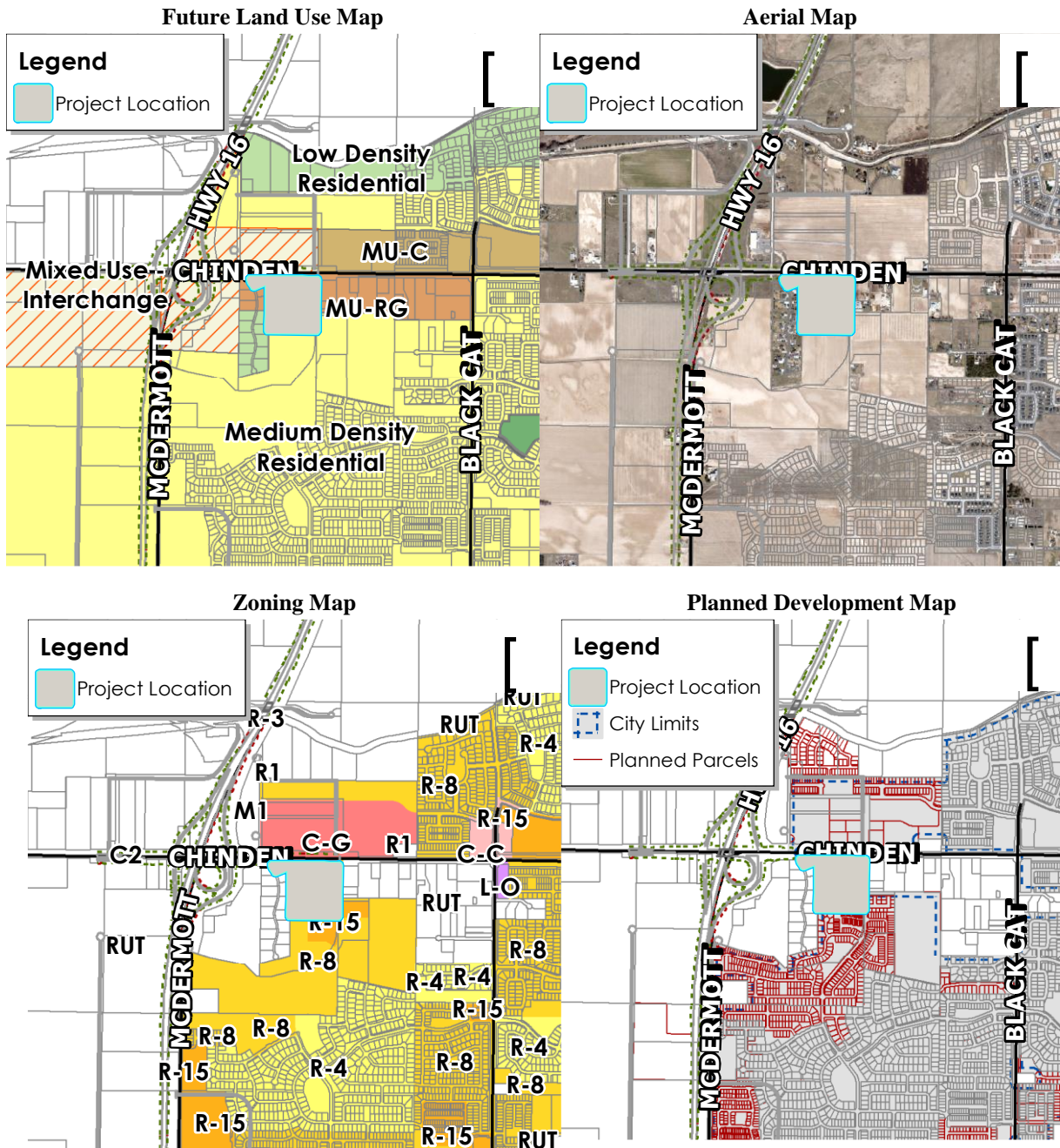
Description	Details
Acreage	16.46
Future Land Use Designation	Mixed Use – Regional (MU-R) & Medium Density Residential (MDR)
Existing Land Use	Vacant/undeveloped land
Proposed Land Use(s)	Hospital with an emergency center
Current Zoning	General Retail & Service Commercial (C-G)
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date; # of attendees:	7/11/2022

B. Community Metrics

Description	Details
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
Traffic Impact Study (yes/no)	No
Access (Arterial/Collectors/State Hwy/Local) (Existing and Proposed)	Access is proposed from Rustic Oak Way via W. Chinden Blvd. at the east boundary of the site. An emergency access is proposed from N. Serenity Ln. via W. Chinden Blvd. at the northwest corner of the site.
Trip Generation	279 additional vehicle trips per day & 17 additional vehicle trips per hour in the PM peak hour (estimate)
Wastewater	
<ul style="list-style-type: none"> Distance to Sewer Services 	Sewer will come from the Prescott Ridge Development to the South.
<ul style="list-style-type: none"> Sewer Shed 	
<ul style="list-style-type: none"> Estimated Project Sewer ERU's 	See Application
<ul style="list-style-type: none"> WRRF Declining Balance 	
<ul style="list-style-type: none"> Project Consistent with WW Master Plan/Facility Plan 	Yes
<ul style="list-style-type: none"> Impacts/Concerns 	
Water	
<ul style="list-style-type: none"> Distance to Water Services 	
<ul style="list-style-type: none"> Pressure Zone 	
<ul style="list-style-type: none"> Estimated Project Water ERU's 	See application
<ul style="list-style-type: none"> Water Quality 	
<ul style="list-style-type: none"> Project Consistent with Water Master Plan 	Yes

Description	Details
<ul style="list-style-type: none"> Impacts/Concerns 	

C. Project Maps



III. APPLICANT INFORMATION

A. Applicant:

Hugh Lucas, Fulmer Lucas Engineering, LLC – 2002 Richard Jones Rd., Ste. B200, Nashville, TN 37215

B. Owner:

West Valley Medical Center, Inc. – c/o HCA Healthcare, Inc. – One Park Plaza, Nashville, TN 37203

C. Agent/Representative:

Same as Applicant

IV. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	11/16/2022	11/27/2022
Radius notification mailed to properties within 300 feet	11/10/2022	11/28/2022
Public hearing notice sign posted on site	11/18/2022	12/2/2022
Nextdoor posting	11/10/2022	12/2/2022

V. COMPREHENSIVE PLAN ([HTTPS://WWW.MERIDIANCITY.ORG/COMPPLAN](https://www.meridiancity.org/compplan)):

Land Use:

This property is designated Mixed Use – Regional (MU-R) on the Future Land Use Map (FLUM).

The purpose of the MU-R designation is to provide a mix of employment, retail, and residential dwellings and public uses near major arterial intersections. The intent is to integrate a variety of uses together, including residential, and to avoid predominantly single use developments such as a regional retail center with only restaurants and other commercial uses. Developments should be anchored by uses that have a regional draw with the appropriate supporting uses. The developments are encouraged to be designed consistent with the conceptual MU-R plan depicted in Figure 3D (pg. 3-17).

The Applicant proposes to develop a hospital with an emergency room and medical offices on this site. This use was conceptually approved with the annexation for Prescott Ridge subdivision. This site is located near a major arterial intersection, W. Chinden Blvd. and N. McDermott Rd. and the future SH-16/Chinden Blvd. interchange.

Transportation:

ACHD’s Master Street Map (MSM) depicts a residential collector street along the eastern boundary of this. A collector street (Rustic Oak Way) is planned with development along the east boundary consistent with the MSM.

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*):

- “Permit new development only where it can be adequately served by critical public facilities and urban services at the time of final approval, and in accord with any adopted levels of service for public facilities and services.” (3.03.03F)

City water and sewer services are available and can be extended by the developer with development in accord with UDC 11-3A-21.

- “Ensure that quality fire protection, rescue and emergency medical services are provided within Meridian.” (4.11.03)

The proposed hospital with an emergency room and medical offices will provide much needed medical services in north Meridian.

- “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)

The proposed development incorporates an 8-foot tall solid CMU wall and a 30-foot wide densely landscaped buffer along the west property boundary adjacent to existing residential uses to assist in screening and buffering the proposed use.

- “Encourage compatible uses and site design to minimize conflicts and maximize use of land.” (3.07.00)

The proposed emergency room associated with the hospital is located approximately 460-feet away from the residential neighborhood to the west, which should minimize conflicts between land uses.

- “Ensure development is connected to City of Meridian water and sanitary sewer systems and the extension to and through said developments are constructed in conformance with the City of Meridian Water and Sewer System Master Plans in effect at the time of development.” (3.03.03A)

The proposed development will connect to City water and sewer systems; services are required to be provided to and through this development in accord with current City plans.

- “Require urban infrastructure be provided for all new developments, including curb and gutter, sidewalks, water and sewer utilities.” (3.03.03G)

Urban sewer and water infrastructure and curb, gutter and sidewalks are required to be provided with development as proposed.

- “Slow the outward progression of the City's limits by discouraging fringe area development; encourage development of vacant or underutilized parcels currently within City limits.” (4.05.03B)

Development of the subject vacant land, currently in the City limits, is encouraged over parcels on the fringe of the City. The development of this property will result in better provision of City services.

VI. STAFF ANALYSIS

A. DEVELOPMENT AGREEMENT MODIFICATION (MDA)

A modification to the existing Development Agreement (DA) (Prescott Ridge – Hospital Portion [H-2022-0047](#), Inst. #[2021-132724](#)) is proposed to update the phasing plan and modify the provision requiring noise abatement to be provided along W. Chinden Blvd./State Highway 20-26 to allow for alternative compliance.

The existing phasing plan is for the overall Prescott Ridge development, which is being developed separately from the proposed development. A phasing plan for the subject property is proposed to replace the existing plan. The emergency room and perimeter buffers along the north, west and south boundaries of the site are proposed to develop with the first phase; the medical office building with retail and restaurant uses is proposed to develop with the second phase; and the hospital is proposed to develop with the third and final phase of development. The collector street (Rustic Oak Way) and associated street buffer will be constructed by the developer of Prescott Ridge Subdivision with their first phase of development. *See phasing plans in Sections VIII.A & B. Staff is supportive of the proposed change to the*

phasing plan that includes more detailed phasing for the subject property and separation from the residential portion of the development under separate development.

DA provision #5.1.3 states, “Noise abatement shall be provided in the form of a berm or a berm and wall combination parallel to W. Chinden Blvd./SH 20-26 constructed in accord with the standards listed in UDC [11-3H-4D](#).” The Applicant proposes a modification to the provision as follows, “Noise abatement shall be provided in the form of a berm or a berm and wall combination parallel to W. Chinden Blvd./SH 20-26 constructed in accord with the standards listed in UDC 11-3H-4D or by an alternative compliance proposal as defined in UDC 11-3H-4D.4.” *Staff is amenable to the proposed change as UDC 11-3H-4D.4 states, “The Director may approve alternative compliance as set forth in Chapter 5, “Administration”, of this title where the Applicant has a substitute noise abatement proposal in accord with ITD standards and prepared by a qualified sound engineer.”*

B. CONDITIONAL USE PERMIT (CUP)

A CUP is proposed for an 11,241 square foot emergency medical facility on 2.4-acres of land, ultimately planned to be part of a hospital campus, on a total of 16.46-acres of land in the C-G zoning district as required by UDC [Table 11-2B-2](#). The emergency facility is proposed in Phase 1 and the hospital is proposed in Phase 3, per the phasing plan in Section VIII.B. An application for a modification to the CUP will be required to be submitted for approval of the hospital.

Dimensional standards: Compliance with the dimensional standards listed in UDC [Table 11-2B-3](#) is required.

Specific Use Standards (UDC 11-4-3):

The proposed use is subject to the specific use standards listed in UDC [11-4-3-22](#), as follows: *Staff’s comments in italics.*

- A. If the hospital provides emergency care, the location shall have direct access on an arterial street. *The City Council previously deemed the access for the emergency room via Rustic Oak, a collector street, meets the intent of this standard as noted in the DA (provision #5.1.10).*
- B. Accessory retail uses including, but not limited to, retail shops, food or beverage service, and personal service shops, may be allowed if designed to serve patrons of the hospital and their visitors only.
- C. No hospital shall be located within one thousand (1,000) feet of the following uses: Explosive manufacturing or storage, flammable substance storage, foundry, freight and truck terminal, manufacture or processing of hazardous chemicals, power plant, food product storage and processing plant.

Access: Access is proposed from two (2) access driveways via Rustic Oak Way, a future collector street along the east boundary of the site; an emergency only access driveway is proposed from the west via Serenity Ln., a private street. Direct access via Chinden Blvd./SH 20-26 is prohibited.

An access easement is needed for the proposed emergency access via Serenity Ln. If an easement isn’t attainable, a minimum 20-foot wide emergency access driveway constructed to Fire Dept. standards shall be provided to the south to N. Backcountry Pl. between Lots 5 and 7, Block 12 in Prescott Ridge Subdivision No. 3; and a barrier prohibiting access shall be erected at the west end of the frontage road. The frontage road may be extended in the future if/when the property to the west redevelops. Emergency access is *not* required with the emergency center; however, it will be required with the hospital if the overall area of the building exceeds 124,000 square feet or 3+ stories in height. **If an easement is obtained prior to submittal of the Certificate of Zoning Compliance for the emergency center, a copy of the recorded easement should be submitted to the Planning Division; otherwise, access should be depicted on the site plan from the south with the expansion of the hospital.** *Note: The Peregrine Heights subdivision plat note #6 states all lots except Lots 18 and 19 have*

an interest in Lot 10, the private street lot for Serenity Ln.; note #7 states direct access to W. Chinden Blvd. is limited to Lots 18 and 19 – therefore, the subject property has no interest or right to access Serenity Ln. unless an access easement is obtained.

Sidewalks: A detached sidewalk is required along W. Chinden Blvd. per UDC 11-3A-17. Because the Pathways Master Plan depicts a 10-foot wide pathway along Chinden, Staff recommends a 10-foot wide detached pathway is provided within the street buffer in lieu of a sidewalk.

Pathways: Ten-foot (10') wide pathways are proposed within the street buffer along Chinden and within the land use buffers to residential uses along the west and south boundaries of the site in accord with the Pathways Master Plan. **These pathways are required to be placed in a 14-foot wide public pedestrian easement. An easement for such should be submitted to the Planning Division for Council approval and recordation prior to issuance of Certificate of Occupancy for the proposed use.**

Landscaping: A 35-foot wide street buffer is required to be provided on this site along W. Chinden Blvd./SH 20-26, an entryway corridor, landscaped per the standards listed in UDC 11-3B-7C. The street buffer is measured from the back of curb; where the transportation authority is anticipating future widening of the street, the width of the buffer is measured from the ultimate curb location. There is a large expanse of land within the right-of-way along Chinden that can be counted toward the street buffer requirement if landscaped per the standards in UDC [11-3B-7C.3](#); landscaping may be allowed through a license agreement with ITD. Because this is an entryway corridor, enhanced landscaping should be installed in accord with the standards listed in UDC [11-3B-7C.3](#). **A revised landscape plan should be submitted with the Certificate of Zoning Compliance application that reflects compliance with standards listed in UDC [11-3B-7C](#), including enhanced landscaping along the entryway corridor (i.e. Chinden Blvd).**

Alternative Compliance is requested to the landscape standards in UDC 11-3B-7C.3, which require a minimum density of one (1) tree per 35 linear feet along with shrubs, lawn or other vegetative groundcover, to be installed within the street buffer along W. Chinden Blvd. On the western portion of the site, the buffer area is constrained where the emergency access road is proposed to the north of Peregrine Heights Subdivision. In this area, the trees are proposed on the south side of the driveway. Because driveways are an allowed impervious surface in street buffers and the required number of trees are proposed on the south side of the driveway, Staff sees no purpose for the request as the proposed landscaping appears to meet UDC standards; thus, Staff recommends denial of the request.

A 25-foot wide buffer is required to adjacent residential uses to the west and south, landscaped per the standards listed in UDC 11-3B-9C as proposed. A 30-foot wide buffer is proposed with an 8-foot tall wall, landscaped with a mix of evergreen and deciduous trees, shrubs and lawn, which should result in a barrier that allows trees to touch at the time of maturity.

Irrigation: All landscape areas shall be served with an automatic underground irrigation system that complies with the performance specifications listed in UDC [11-3B-6B](#) (this includes the native dryland seeded areas within the right-of-way along Chinden Blvd.).

Noise Abatement: Because a noise sensitive use (i.e. a hospital) is proposed adjacent to W. Chinden Blvd./State Highway (SH) 20-26, noise abatement in the form of a berm or a berm and wall combination is required to be provided within the street buffer along the state highway in accord with the standards listed in UDC [11-3H-4D](#). The top of the berm or berm/wall is required to be a minimum of 10-feet higher than the elevation at the centerline of the highway. The Applicant requests alternative compliance to this standard to *not* provide noise abatement along the entire frontage of the site adjacent to the state highway. *Per UDC 11-3H-4D.4, the Director may approve alternative compliance as set forth in UDC 11-5 where the Applicant has a substitute noise abatement proposal in accord with ITD standards and prepared by a qualified sound engineer.*

The Applicant states that strict conformance to these standards is not possible due to physical constraints present on the property. The emergency vehicle access from Serenity Lane via W. Chinden Blvd./SH 20-26 from the west is required to be a minimum of 20-feet wide – at its narrowest point it’s only 20.9-feet wide, which is not sufficient to accommodate construction of the emergency access *and* a berm or berm/wall combination, as required. There is room for landscaping within ITD’s right-of-way (ROW) along Chinden Blvd./SH 20-26 with a license agreement; however, ITD does not allow walls within their ROW. Additionally, the first 20-feet of the property south of the northern property boundary is encumbered with a 20-foot wide ITD easement (Inst. #2015-010191) which further constrains the property. **The Applicant states this is an irrigation easement for a waste ditch that served this site; if no longer needed, the Applicant should pursue abandonment of this easement.** To mitigate the noise impacts to the building/use, the structure is proposed to be set back over 400-feet south of the northern right-of-way line along the state highway. The Applicant states this setback provides significant reduction in noise levels (even when accounting for future traffic growth) and brings the noise levels to within national hospital design standards which require no noise abatement and meets the UDC requirements’ intended purpose.

A [Site Noise Study and Barrier Wall Evaluation](#) was performed by a licensed acoustical engineer and submitted with this application. Their findings state that the current and predicted future noise levels at the site meet the 2018 FGI Minimal category at both the proposed hospital façade and outdoor use area. The Minimal category indicates that mitigation is not needed at outdoor patient seating areas and that the façade could be constructed using typical means and materials with mechanical ventilation.

Staff is amenable to the Applicant’s proposal to located the building 400+ feet to the south of the state highway to lessen the noise impacts as proposed; however, Staff recommends a minimum 3-foot tall berm with no less than 4:1 slope is provided within the street buffer for aesthetic reasons (i.e. to screen the parking area) since the site is located along an entryway corridor into the City, consistent with UDC [11-3B-7C.3f](#).

Parking: Off-street vehicle parking is required per the standards listed in UDC 11-3C-6B.1. Based on the 11,241 square foot facility, a minimum of 22 parking spaces are required. A total of 47 spaces are proposed, in excess of UDC standards.

Bicycle parking is required per the standards listed in UDC 11-3C-6G. Based on 47 vehicle parking spaces, a minimum of two (2) bicycle spaces are required. A total of three (3) spaces are proposed, in excess of UDC standards. **Bicycle parking facilities should comply with the location and design standards listed in UDC 11-3C-5C.**

Building Elevations ([UDC 11-3A-19](#) | [Architectural Standards Manual](#)): Conceptual building elevations were submitted for the proposed structure as shown in Section VIII.E. Building materials consist of EIFS, thin stone veneer and corrugated roof screen wall panels. Final design is required to comply with the design standards in the Architectural Standards Manual.

VII. DECISION

A. Staff:

Staff recommends approval of the proposed modification to the existing Development Agreement and Conditional Use Permit per the provisions included in Section IX in accord with the Findings in Section X. The Director has conditionally approved the request for Alternative Compliance to the noise abatement standards listed in UDC 11-3H-4D; and denied the request for Alternative Compliance to the landscape standards listed in UDC 11-3B-7C for the reasons noted above in Section VI, per the Findings in Section X.

B. The Meridian Planning & Zoning Commission heard these items on December 1, 2022. At the public hearing, the Commission moved to recommend approval of the subject CUP request.

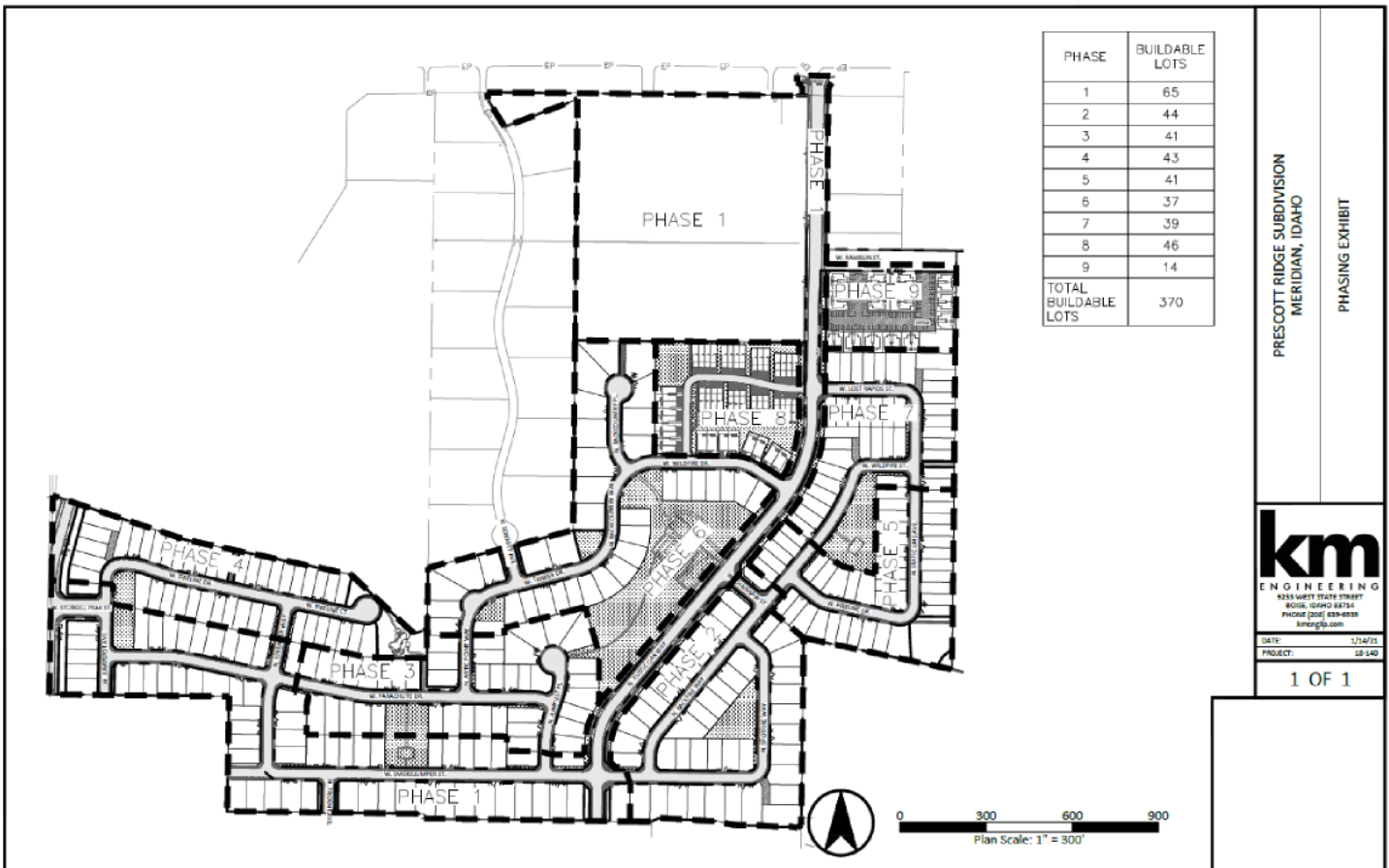
1. Summary of Commission public hearing:
 - a. In favor: Betsy Hunsicker
 - b. In opposition: None
 - c. Commenting: Cory Coltrin
 - d. Written testimony: Val Stack & Paul Hoyer
 - e. Staff presenting application: Bill Parsons
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. An access easement hasn't been granted via Serenity Ln., a private street, for the proposed emergency access at the northwest corner of the site; therefore, emergency access should be provided from the south from the cul-de-sac in Prescott Ridge Subdivision.
 - b. If a frontage road isn't provided to Serenity Ln., there would be adequate room to construct a sound attenuation berm and wall and the Applicant could comply with UDC standards for noise abatement for the hospital.
3. Key issue(s) of discussion by Commission:
 - a. None
4. Commission change(s) to Staff recommendation:
 - a. None
5. Outstanding issue(s) for City Council:
 - a. Condition #8 in Section IX.A incorrectly states a 4-foot tall berm is required. It should be a 3-foot tall berm consistent with condition #3b – Staff requests Council make this correction.

C. The Meridian City Council heard these items on December 13, 2022. At the public hearing, the Council moved to approve the subject MDA and CUP requests.

1. Summary of the City Council public hearing:
 - a. In favor: Betsy Hunsicker, Ross Lucas
 - b. In opposition: None
 - c. Commenting: Doug Haneborg
 - d. Written testimony: None
 - e. Staff presenting application: Sonya Allen
 - f. Other Staff commenting on application: None
2. Key issue(s) of public testimony:
 - a. Residential neighbors' objections to emergency access via Serenity Ln.
3. Key issue(s) of discussion by City Council:
 - a. None
4. City Council change(s) to Commission recommendation:
 - a. None

VIII. EXHIBITS

A. Existing Phasing Plan for Overall Development (Prescott Ridge)



PRESOTT RIDGE SUBDIVISION
MERIDIAN, IDAHO

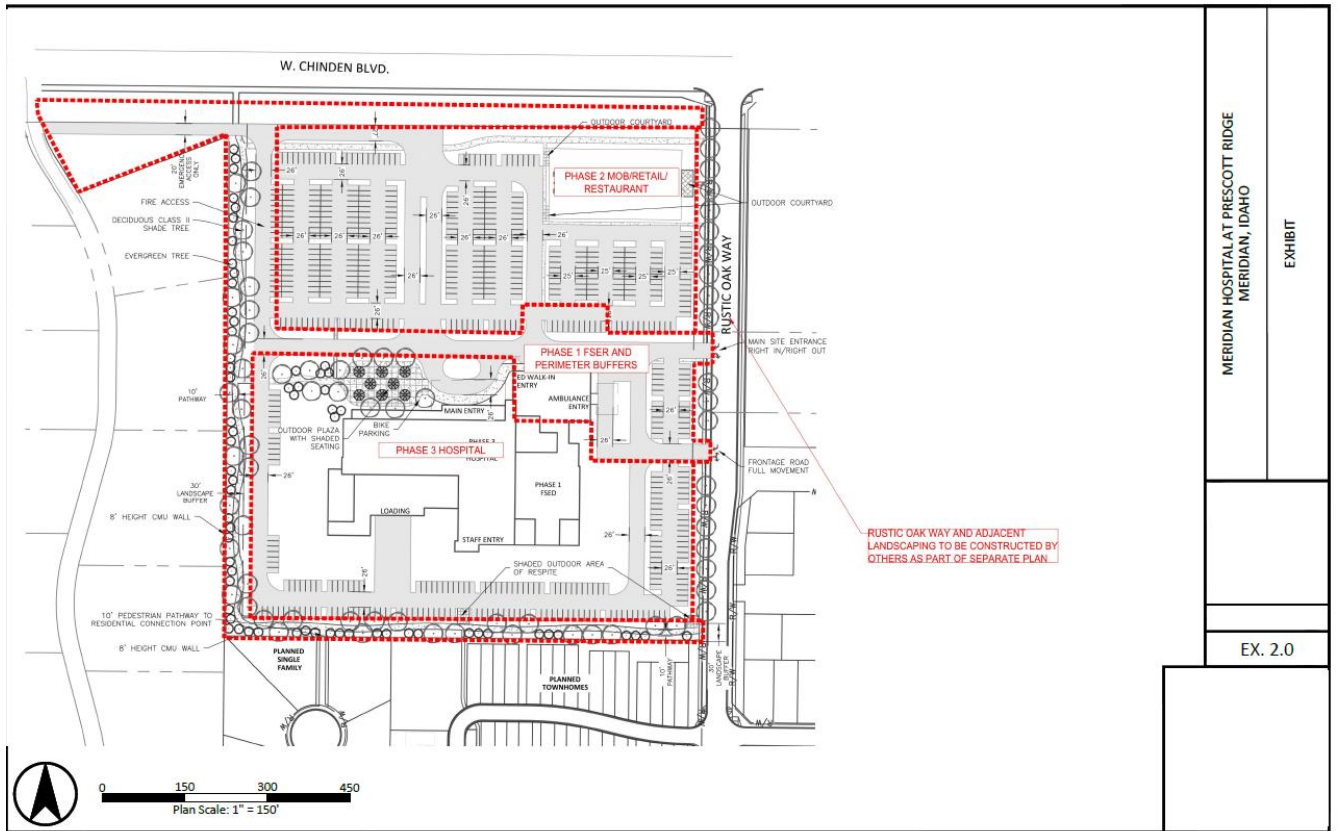
PHASING EXHIBIT

km
ENGINEERING
2024 WEST TUCKER STREET
BOISE, IDAHO 83714
PHONE (208) 838-8838
kme@kmg.com

DATE: 1/24/21
PROJECT: 18-140

1 OF 1

B. Proposed Phasing Plan for Hospital/Medical Center Site

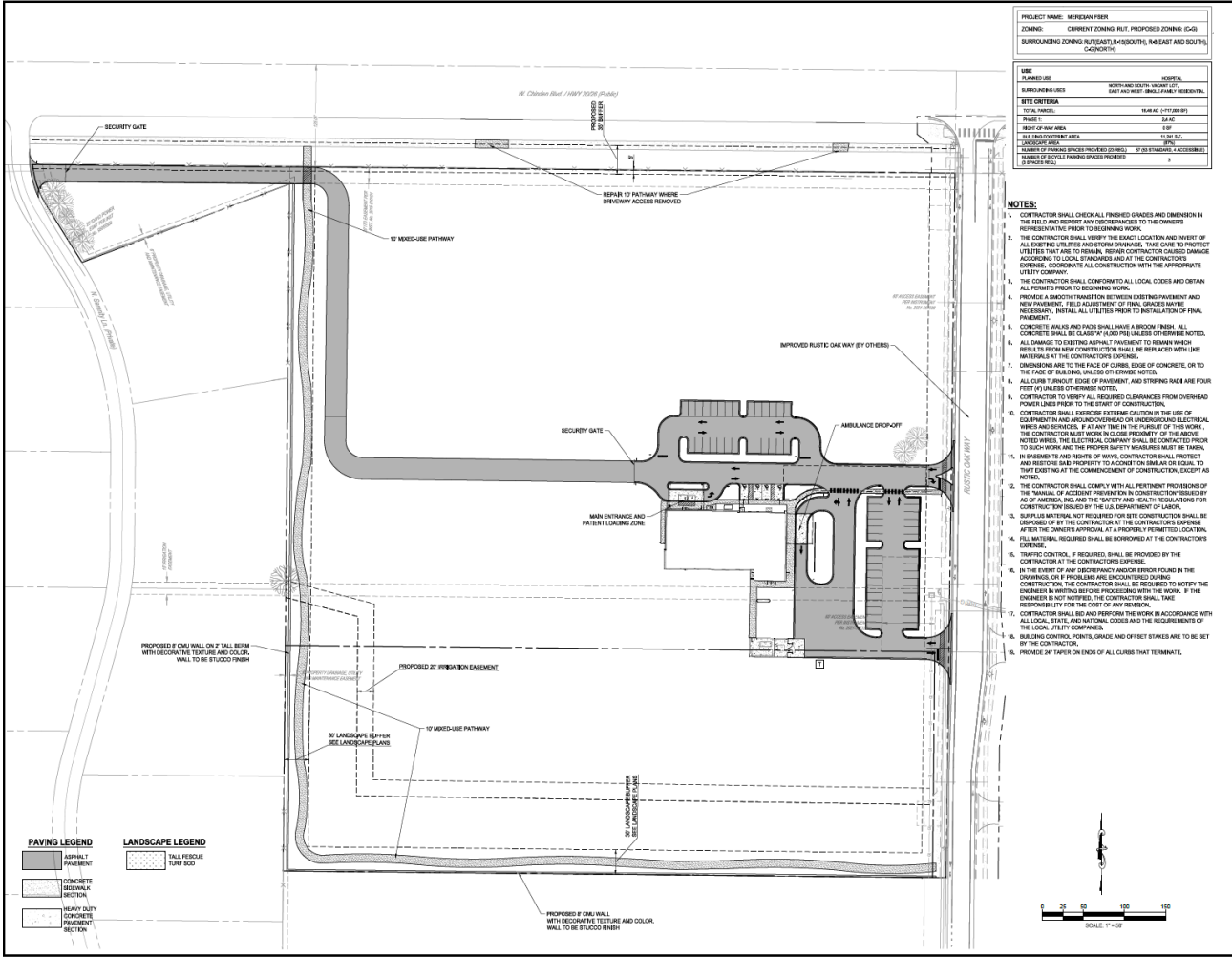


MERIDIAN HOSPITAL AT PRESCOTT RIDGE
MERIDIAN, IDAHO

EXHIBIT

EX. 2.0

C. Site Plan (dated: 9/29/2022)



Devenney
 CONSULTING ARCHITECTS
 201 W. Idaho School Road
 Phoenix, Arizona 85013
 T: 602.943.8900
 F: 602.943.7648
 www.devenneygroup.com

FULMER LUCAS
 2002 REVISED PLAN SET: SEE ESD
 10/09/2022 11:58 AM
 PROJECT: WEST VALLEY ER-MERIDIAN
 ESD# 07100000216-0310-02

WEST VALLEY ER-MERIDIAN
 HCA - WEST VALLEY ER-MERIDIAN
 5775 WEST CHINDEN BLVD.
 MERIDIAN, IDAHO 83646

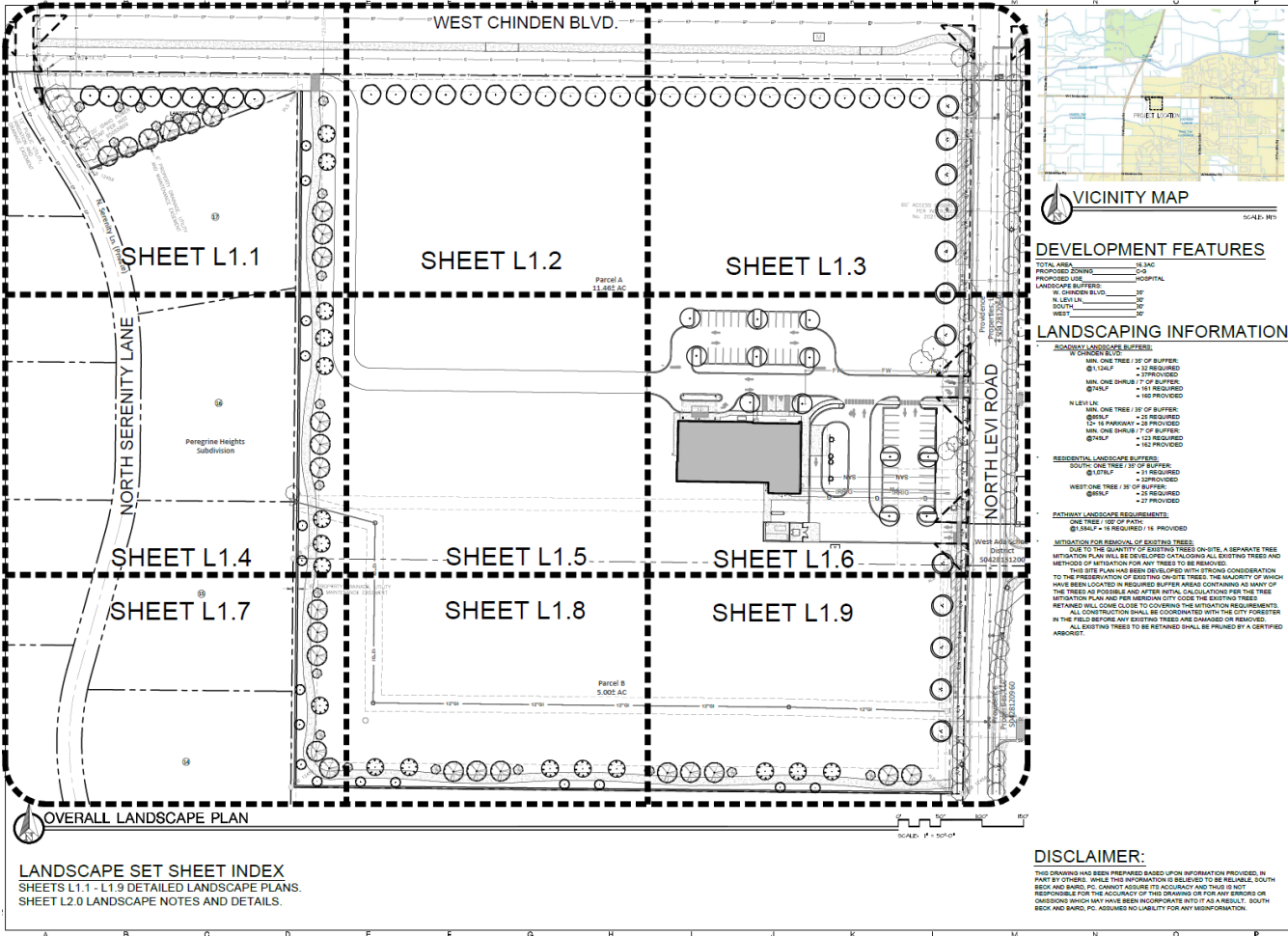
Authority Having Jurisdiction:
 CITY OF MERIDIAN
 BOARD OF HEALTH
 BOARD STATE HEALTH SERVICES

Authority Having Jurisdiction's Project No.:

Facility Number:

Agency Approval:

D. Landscape Plan (dated: 7/22/2022) – [full plan set](#)



DATE: 7/22/2022

SOUTH BECK AND BARDI, INC.
 2021 South Ave
 Suite 1000
 Meridian, ID 83646
 Phone: 208.333.1111
 Fax: 208.333.1112
 Email: info@southbeckandbardi.com
 Web: www.southbeckandbardi.com

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OVERALL LANDSCAPE PLAN
 West Valley EIR
 5615 W. Chinden Blvd. Meridian, ID 83646

DRAWN BY: [Signature]
 CHECKED BY: [Signature]
 PROJECT NUMBER: 22-173
 SHEET: L1.0

LANDSCAPE SET SHEET INDEX
 SHEETS L1.1 - L1.9 DETAILED LANDSCAPE PLANS.
 SHEET L2.0 LANDSCAPE NOTES AND DETAILS.

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E. Elevations (date: 4/27/2022)



Devenney GROUP

Devenney Group LLC, Architects
201 W. Idaho Street, Boise
Boise, Idaho 83725
P: 208.342.8888
F: 208.342.7445
www.devenneygroup.com

Consultant

PRELIMINARY
NOT FOR
CONSTRUCTION

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WEST VALLEY ER-MERIDIAN

HCA - WEST VALLEY MEDICAL CENTER
5775 W. CHINDEN BLVD., MERIDIAN, IDAHO, 83646

AUTHORITY HAVING JURISDICTION:
CITY OF MERIDIAN BUILDING DEPT
IDAHO DEPARTMENT OF HEALTH
SEAL STATE FIRE MARSHAL

AUTHORITY HAVING JURISDICTIONS PROJECT NO:

FACILITY NUMBER:

AGENCY APPROVAL:

REVISION	DESCRIPTION	DATE

DATE: 01/19/2022
DRAWN: AS
REVIEWED: SA
JOB NUMBER: HCA-31201000-0
E310100

EXTERIOR ELEVATIONS

A201

IX. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

Development Agreement Modification:

1. The phasing plan included in Section VIII.B shall replace the original phasing plan in the existing Development Agreement (DA) (Inst. #[2021-132724](#)).
2. Provision #5.1.3 in the existing agreement shall be modified as follows, “Noise abatement shall be provided in the form of a berm or a berm and wall combination parallel to W. Chinden Blvd./SH 20-26 constructed in accord with the standards listed in UDC 11-3H-4D or by an alternative compliance proposal as defined in UDC 11-3H-4D.4.”

The amended DA shall be signed by the property owner(s) and returned to the City within six (6) months of City Council granting the subject modification.

Conditional Use Permit:

3. The site and/or landscape plan submitted with the Certificate of Zoning Compliance shall be revised as follows:
 - a. Depict the location and a detail of the bicycle rack that complies with the location and design standards listed in UDC [11-3C-5C](#).
 - b. Depict a minimum 35-foot wide street buffer along W. Chinden Blvd. with landscaping in accord with the updated standards listed in UDC [11-3B-7C.3](#). Enhanced landscape design features shall be provided within the street buffer along Chinden Blvd., an entryway corridor, in accord with UDC [11-3B-7C.3f](#), including a minimum 3-foot tall berm with no less than 4:1 slope to screen the parking area. Include calculations that demonstrate compliance with the standards. *Landscaping may be allowed within the right-of-way along Chinden Blvd. with a license agreement with ITD.*
 - c. If an easement for emergency access via Serenity Lane is not attainable prior to submittal of the Certificate of Zoning Compliance application for the proposed emergency center, a barrier prohibiting access shall be erected at the west end of the frontage road. If an access easement is obtained, submit a copy of the recorded easement to the Planning Division. *Emergency access is not required with the emergency center; however, it will be required with the hospital expansion if the overall area of the building exceeds 124,000 square feet or 3+ stories in height.*
4. A 14-foot wide public pedestrian easement shall be submitted to the Planning Division for the proposed multi-use pathways within the site along the north, west and south property boundaries, prior to issuance of Certificate of Occupancy for the proposed use.
5. The Applicant should pursue abandonment of the 20-foot wide ITD easement (Inst. #2015-010191) that runs along the northern boundary of this site and constrains the property if the easement is no longer needed.
6. All landscape areas shall be served with an automatic underground irrigation system that complies with the performance specifications listed in UDC [11-3B-6B](#) (this includes the native dryland seeded areas within the right-of-way along Chinden Blvd.).
7. Comply with the standards listed in UDC 11-4-3-22 for hospitals.
8. The Applicant’s request for Alternative Compliance to the noise abatement standards listed in UDC 11-3H-4D was approved by the Director with the condition a minimum ~~4-foot~~ 3-foot tall berm is installed within the street buffer along W. Chinden Blvd.

9. An application for a modification to the Conditional Use Permit shall be submitted for approval of the hospital prior to the third phase of development.
10. Certificate of Zoning Compliance and Administrative Design Review applications shall be submitted and approved for the proposed use prior to submittal of a building permit application.
11. The conditional use permit is valid for a maximum period of two (2) years unless otherwise approved by the City. During this time, the Applicant shall commence the use as permitted in accord with the conditions of approval, satisfy the requirements set forth in the conditions of approval, and acquire building permits and commence construction of permanent footings or structures on or in the ground as set forth in UDC 11-5B-6. A time extension may be requested as set forth in UDC 11-5B-6F.

B. PUBLIC WORKS

1. Site Specific Conditions of Approval

- 1.1 Extend 8" water main to area of hydrant and then install the 6" lateral and hydrant. See mark up on sheet C-3.0. This would also allot the fire line and water meter runs to be shorter.
- 1.2 Both the fire hydrant lateral and the Fire line are called out as "Fire Lines". Call them out differently as the fire hydrant lateral is public and requires an easement where the fire line is private and does not require an easement.
- 1.3 The fire hydrant lateral has a tee. No other item can connect to an 6" fire hydrant lateral except a single hydrant. So tee would not be allowed.
- 1.4 Provide a 20' easement for the water line, fire hydrant lateral, and service up to the meter. Extend easement 10' beyond the hydrant and water meter.
- 1.5 Subject to the Oaks Lift Station and Pressure Sewer reimbursement agreement.
- 1.6 Sewer will come from the Prescott Ridge Development to the South.
- 1.7 Ensure no sewer services cross infiltration trenches.
- 1.8 To and through must be brought to parcels S0428120750, S0428120715, and S0428120651.
- 1.9 Any unused stubs must be abandoned per City requirements.
- 1.10 A future install agreement for Chinden Blvd will be required for the development of this property in the amount of \$140,000.00.

2. General Conditions of Approval

- 2.1 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 than alternate materials shall be used in conformance of City of Meridian Public Works Departments Standard Specifications.
- 2.2 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.

- 2.3 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.
- 2.4 The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (MCC 12-13-8.3). 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.
- 2.5 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.
- 2.6 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.
- 2.7 Any existing domestic well system within this project shall be removed from domestic service per City Ordinance Section 9-1-4 and 9 4 8 contact the City of Meridian Engineering Department at (208)898-5500 for inspections of disconnection of services. Wells may be used for non-domestic purposes such as landscape irrigation if approved by Idaho Department of Water Resources Contact Robert B. Whitney at (208)334-2190.
- 2.8 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.
- 2.9 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.
- 2.10 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.
- 2.11 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.
- 2.12 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.
- 2.13 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.

- 2.14 Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
- 2.15 Developer shall coordinate mailbox locations with the Meridian Post Office.
- 2.16 All grading of the site shall be performed in conformance with MCC 11-12-3H.
- 2.17 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.
- 2.18 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.
- 2.19 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.
- 2.20 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.
- 2.21 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.
- 2.22 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.
- 2.23 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. FIRE DEPARTMENT

No comments were submitted.

D. POLICE DEPARTMENT

No comments were submitted.

E. NAMPA & MERIDIAN IRRIGATION DISTRICT (NMID)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=278539&dbid=0&repo=MeridianCity>

F. ADA COUNTY HIGHWAY DISTRICT (ACHD)

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=276952&dbid=0&repo=MeridianCity>

X. FINDINGS

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

The Commission shall base its determination on the Conditional Use Permit requests upon the following:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.

The City Council finds that the subject property is large enough to accommodate the proposed use and dimensional and development regulations of the C-G district (see Analysis, Section V for more information).

2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this Title.

The City Council finds that the proposed use is consistent with the Comprehensive Plan and is allowed as a conditional use per UDC Table 11-2B-2 in the C-G zoning district.

3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.

The City Council finds the proposed design of the development, construction, operation and maintenance should be compatible with the mix of other uses planned for and existing in this area and with the intended character of the area and that such uses will not adversely change the character of the area.

4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The City Council finds that if the applicant complies with the conditions outlined in this report, the proposed use should not adversely affect other property in the area.

5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

The City Council finds that essential public services are available to this property and that the use will be adequately served by these facilities.

B. Alternative Compliance (UDC 11-5B-5):

In order to grant approval of an alternative compliance application, the Director shall determine the following:

In regard to the request for alternative compliance to the standards listed in UDC 11-3H-4D:

1. Strict adherence or application of the requirements is not feasible; OR

The Director finds strict adherence to the standards listed in UDC 11-3H-4D is not feasible for the western portion of the site where site constraints exist north of Peregrine Heights Subdivision; however, the Director finds it would be feasible on the eastern portion of the site outside of the ITD easement area.

2. The alternative compliance provides an equal or superior means for meeting the requirements; and
The Director finds the proposed alternative means of compliance of providing a building setback of over 400 feet from the state highway provides an equal means for meeting the requirement.
3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.
The Director finds that the proposed alternative means will not be detrimental to the public welfare or impair the intended use/character of the surrounding properties.

In regard to the request for alternative compliance to the standards listed in UDC 11-3B-7C:

1. Strict adherence or application of the requirements is not feasible; OR
The Director finds strict adherence to the standards listed in UDC 11-3B-7C is feasible.
2. The alternative compliance provides an equal or superior means for meeting the requirements; and
The Director finds the proposed alternative means of compliance of providing trees on the south side of the emergency access driveway does not conflict with the required landscape standards; therefore, alternative compliance is not needed.
3. The alternative means will not be materially detrimental to the public welfare or impair the intended uses and character of the surrounding properties.
The Director finds that the proposed alternative means complies with UDC standards as-is – alternative compliance is not needed.