

ADDENDUM TO DEVELOPMENT AGREEMENT

- PARTIES:**
1. **City of Meridian**
 2. **Cole Valley Christian Schools, Inc., Owner/Developer**

THIS ADDENDUM TO DEVELOPMENT AGREEMENT (“ADDENDUM”) is made and entered into this 12th day of March, 2024, 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 **Cole Valley Christian Schools, Inc.** (“OWNER/DEVELOPER”), whose address is 200 E. Carlton Avenue, Meridian, ID, 83642.

RECITALS

A. OWNER/DEVELOPER submitted an application for a Modification to the existing Development Agreement concerning Cole Valley Christian School (H-2023-0011) (“Development Agreement”). 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 67-6511A.

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 except as amended as follows:

That Section 6 of said Development Agreement shall be replaced in its entirety with the following:

6. **APPROVAL PERIOD:** This Agreement must be fully executed within six (6) months after the date of the Findings (“Approval Period”) or it shall be null and void. Notwithstanding the foregoing, the City may, in its sole discretion, enlarge the Approval Period (“Enlarged Approval Period”) in accord with the UDC, in which case this Agreement must be fully executed within the Enlarged Approval Period or it shall be null and void.

ACKNOWLEDGMENTS

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

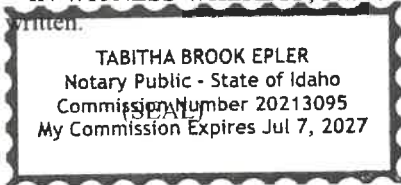
OWNER/DEVELOPER:
Cole Valley Christian Schools, Inc.

Alan Howlett
By:

STATE OF IDAHO)
 : ss:
County of Ada)

On this 12 day of March, 2024, before me, the undersigned, a Notary Public in and for said State, personally appeared Alan Howlett, known or identified to me to be the superintendent of Cole Valley Christian Schools, Inc. and the person who signed above and acknowledged to me that they executed the same.

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



Tabitha Epler
Notary Public
My Commission Expires: 7/7/27

CITY OF MERIDIAN

ATTEST:

By: _____
Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF IDAHO)
 : ss:
County of Ada)

On this ____ day of _____, 2024, before me, a Notary Public, personally appeared **Robert E. Simison** and **Chris Johnson**, known or identified to me to be the Mayor and Clerk, respectively, of the **City of Meridian**, who executed the instrument or the person that executed the instrument of behalf of said City, and acknowledged to me that such City executed the same.

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

(SEAL)

Notary Public for Idaho
My Commission Expires: _____

EXHIBIT A

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



In the Matter of the Request for a Six (6) Month Time Extension for the Property Owner to Sign and Return the Development Agreement to the City for Cole Valley Christian School (H-2023-0011), by LKV Architects.

Case No(s). H-2024-0002

For the City Council Hearing Date of: March 26, 2024 (Findings on March 26, 2024)

A. Findings of Fact

1. Hearing Facts (see attached Staff Report for the hearing date of March 26, 2024, incorporated by reference)
2. Process Facts (see attached Staff Report for the hearing date of March 26, 2024, incorporated by reference)
3. Application and Property Facts (see attached Staff Report for the hearing date of March 26, 2024, incorporated by reference)
4. Required Findings per the Unified Development Code (see attached Staff Report for the hearing date of March 26, 2024, 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 March 26, 2024, 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 6-month time extension to sign and return the development agreement to the City is hereby approved in accord with the Staff Report for the hearing date of March 26, 2024, 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. 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 March 26, 2024

By action of the City Council at its regular meeting held on the _____ day of _____, 2024.

COUNCIL PRESIDENT JOE BORTON VOTED _____

COUNCIL VICE PRESIDENT LIZ STRADER VOTED _____

COUNCIL MEMBER DOUG TAYLOR VOTED _____

COUNCIL MEMBER LUKE CAVENER VOTED _____

COUNCIL MEMBER JOHN OVERTON VOTED _____

COUNCIL MEMBER ANNE LITTLE ROBERTS VOTED _____

MAYOR ROBERT SIMISON VOTED _____
(TIE BREAKER)

Mayor Robert Simison

Attest:

Chris Johnson
City Clerk

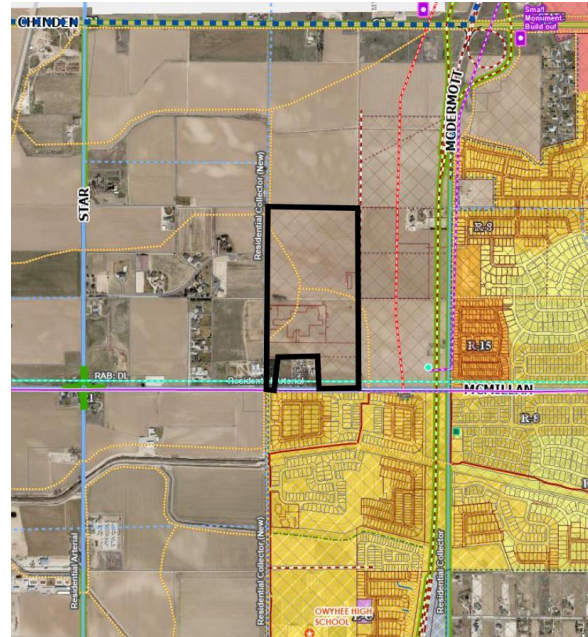
Copy served upon Applicant, Community Development Department, Public Works Department and City Attorney.

By: _____ Dated: _____
City Clerk's Office

STAFF REPORT
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: March 26, 2024
 TO: Mayor & City Council
 FROM: Sonya Allen, Associate Planner
 208-884-5533
 SUBJECT: [H-2024-0002](#)
 Cole Valley Christian School – MDA
 LOCATION: 7080 W. McMillan Rd., in the NE ¼ of Section 29, Township 4N., Range 1W. (Parcel #S0429427800)



I. PROJECT DESCRIPTION

Request for a 6-month time extension for the property owner to sign the development agreement required with H-2023-0011 for Cole Valley Christian School.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details
Acreage	71.28-acre
Future Land Use Designation	Medium Density Residential (MDR) with a school designation
Existing Land Use	Agricultural
Proposed Land Use(s)	Private education institution for pre-K through 12th grades
Current Zoning	RUT in Ada County
Proposed Zoning	R-15 (Medium-High Density Residential)
Physical Features (waterways, hazards, flood plain, hillside)	None
Neighborhood meeting date	1/17/24
History (previous approvals)	ROS #2713 (1993) and ROS #14284 (2024)

III. APPLICANT INFORMATION

A. Applicant:

Amber Van Ocker, LKV Architects – 2400 E. Riverwalk, Boise, ID 83706

B. Owner:

Cole Valley Christian Schools – 200 E. Carlton Ave., Meridian, ID 83642

C. Representative:

Same as Applicant

IV. NOTICING

	City Council Posting Date
Newspaper notification published in newspaper	3/10/24
Radius notification mailed to property owners within 300 feet	3/1/24
Public hearing notice sign posted on site	3/13/24
Nextdoor posting	3/4/24

V. STAFF ANALYSIS

The Findings of Fact, Conclusions of Law and Decision and Order associated with annexation (H-2023-0011) of the subject property were approved by City Council on July 25, 2023. The UDC ([11-5B-3F](#)) requires the Development Agreement (DA) associated with the annexation to be signed by the property owner(s) and returned to the City within six (6) months of the City Council granting the annexation. A modification to the DA may be initiated prior to the end of the six (6) month period to extend the time allowed for the agreement to be signed.

The Applicant submitted the subject request for a 6-month time extension for the property owner to sign the development agreement prior to the end of the six (6) months as required.

The reason for the delay in signing the agreement is that a provision of the annexation required the Applicant to obtain final approval of the property boundary adjustment (Project #202300414-PBA) from Ada County prior to City Council approval of the Annexation Ordinance. The property boundary adjustment was approved by Ada County on March 7, 2024 (ROS #14284) and the DA has been signed by the property owner and returned to the City. City Council approval of the subject modification for a time extension is needed in order for City Council to approve the associated DA (and addendum for a time extension) and the annexation ordinance.

VI. DECISION

A. Staff:

Staff recommends approval of the proposed modification to the Development Agreement to extend the period of time in which the DA can be signed and returned to the City for six (6) months.