

DEVELOPMENT AGREEMENT

PARTIES: 1. City of Meridian (City)
2. Lynn L. Moore

THIS DEVELOPMENT AGREEMENT (this "Agreement"), is made and entered into this _____ day of _____, 2022, by and between City of Meridian, a municipal corporation of the State of Idaho, whose address is 33 E. Broadway Avenue, Meridian, Idaho 83642, hereinafter called "CITY", and Lynn L. Moore, whose address is 350 S Black Cat Road, Meridian, Idaho 83642, hereinafter called "OWNER/DEVELOPER".

1. RECITALS:

- 1.1 **WHEREAS**, Owner is the sole owner, in law and/or equity, of that certain tract of land in the County of Ada, State of Idaho, legally described in Exhibit "A", which is attached hereto and by this reference incorporated herein as if set forth in full, hereinafter referred to as the "Property"; and
- 1.2 **WHEREAS**, Idaho Code § 67-6511A provides that cities may, by ordinance, require or permit as a condition of zoning that the Owner/Developer make a written commitment concerning the use or development of the subject Property; and
- 1.3 **WHEREAS**, City has exercised its statutory authority by the enactment of Section 11-5B-3 of the Unified Development Code ("UDC"), which authorizes development agreements upon the annexation and/or re-zoning of land and further authorizes the modification and amendment of development agreements; and
- 1.4 **WHEREAS**, the Owner/Developer has submitted an application to annex and zone the Property; and
- 1.5 **WHEREAS**, Owner/Developer made representations at the public hearings before the Meridian Planning and Zoning Commission and the Meridian City Council, as to how the Property will be developed and what improvements will be made; and

- 1.6 **WHEREAS**, the record of the proceedings for the annexation and zoning of the Property held before the Planning and Zoning Commission and the Meridian City Council includes responses of government subdivisions providing services within the City of Meridian planning jurisdiction, and includes further testimony and comment; and
- 1.7 **WHEREAS**, on the 6th day of September, 2022, the Meridian City Council approved certain Findings of Fact and Conclusions of Law and Decision and Order (“Findings”), which have been incorporated into this Agreement and attached as Exhibit “B”; and
- 1.8 **WHEREAS**, the Findings require the Owner/Developer to enter into this Agreement governing the development of the Property prior to the City Council taking final action on annexation and zoning; and
- 1.9 **WHEREAS**, City further requires the Owner/Developer to enter into a development agreement for the purpose of ensuring that the Property is developed and the subsequent use of the Property is in accordance with the terms and conditions of this Agreement, herein being established as a result of evidence received by the City in the proceedings for zoning designation from government subdivisions providing services within the planning jurisdiction and from affected property owners and to ensure zoning designations are in accordance with the amended Comprehensive Plan of the City of Meridian on December 19, 2019, Resolution No. 19-2179, and the UDC, Title 11; and
- 1.10 **WHEREAS**, Owner/Developer deems it to be in its best interest to be able to enter into this Agreement and acknowledges that this Agreement was entered into voluntarily and at its urging and request.

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

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

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

3.1 **CITY:** means and refers to the City of Meridian, a party to this Agreement, which is a municipal Corporation and government subdivision of the state of Idaho, organized and existing by virtue of law of the State of Idaho, whose address is 33 East Broadway Avenue, Meridian, Idaho 83642.

3.2 **OWNER/DEVELOPER:** means and refers to Lynn L. Moore, whose

address is 350 S Black Cat Road, Meridian, Idaho 83642, hereinafter called "Owner/Developer", the party that owns and is developing the Property and shall include any subsequent owner(s)/developer(s) of the Property.

- 3.3 **PROPERTY:** means and refers to that certain parcel(s) of Property located in the County of Ada, City of Meridian and described in Exhibit "A", attached hereto and by this reference incorporated herein as if set forth at length, which land is subject to this Development Agreement upon recording.

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

- 4.1 The uses allowed pursuant to this Agreement are only those uses allowed under the UDC.
- 4.2 No change in the uses specified in this Agreement shall be allowed without modification of this Agreement.

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

- 5.1. Owner/ Developer shall develop the Property in accordance with the following special conditions:
- a. The Property shall be used consistent with the uses and dimensional standards allowed in the R-15 zone.
 - b. The existing home located at 350 S Black Cat shall hook up to City water and sewer services within 60 calendar days of such services becoming available in accord with MCC 9-1-4 and 9-4-8. At such time, all septic and wells shall be abandoned.
 - c. Development or redevelopment beyond the existing single-family use on the Property shall require approval of a development agreement modification application with a conceptual development plan.

6. **COMPLIANCE PERIOD:** This Agreement must be fully executed within six (6) months after the date the Meridian City Council approves the Findings or it is null and void.

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

- 7.1 **Acts of Default.** In the event Owner/Developer, or Owner's/Developer's heirs, successors, assigns, or subsequent owners of the Property or any other person acquiring an interest in the Property, fail to faithfully comply with all of the terms and conditions included in this Agreement in connection with the Property, this Agreement may be terminated by the City upon compliance with the requirements of the UDC and Idaho law.

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

8. **INSPECTION:** Owner/Developer shall, immediately upon completion of any portion or the entirety of said development of the Property as required by this Agreement or by City ordinance or

policy, notify the City Engineer and request the City Engineer's inspections and written approval of such completed improvements or portion thereof in accordance with the terms and conditions of this Agreement and all other ordinances of the City that apply to said Property.

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

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

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

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

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

CITY:

City Clerk
City of Meridian
33 E. Broadway Ave.
Meridian, Idaho 83642

with copy to:

City Attorney
City of Meridian
33 E. Broadway Avenue
Meridian, Idaho 83642

OWNER/DEVELOPER:

Lynn L. Moore
350 S Black Cat Road,
Meridian, Idaho 83642

with copy to:

Sawtooth Development Group
371 N. Main St, Ste 201
PO Box 4767
Ketchum, ID 83340

Deborah Nelson
Givens Pursley LLP
601 W Bannock St
Boise, ID 83702

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

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

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

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

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

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

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

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

21.1 No condition governing the uses and/or conditions governing re-zoning of the Property can be modified or amended without the approval of the City Council after the City has conducted public hearing(s) in accordance with the notice provisions provided for a zoning designation and/or amendment in force at the time of the proposed amendment.

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

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

ACKNOWLEDGMENTS

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

OWNER/DEVELOPER:

By: _____

Lynn L. Moore

CITY OF MERIDIAN

ATTEST:

By: _____

Mayor Robert E. Simison

Chris Johnson, City Clerk

STATE OF _____)

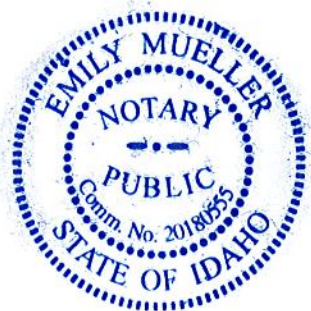
: ss:

County of _____)

On this 12 day of September, 2022, before me, the undersigned, a Notary Public in and for said State, personally appeared Lynn L. Moore known or identified to me to be Lynn L. Moore 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.

(SEAL)



Emily Mueller
Notary Public for Idaho

Residing at: Eagle ID

My Commission Expires: 3-28-2024

STATE OF IDAHO)
 : ss
County of Ada)

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

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

(SEAL)

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

Exhibit A
Legal Description of the Property

EXHIBIT A

**BLACKCAT ROAD-MOORE PARCEL
ANNEXATION DESCRIPTION**

A parcel of land located in the West Half of the Northwest One Quarter of Section 15, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Section Corner common to Sections 9, 10, 15 and 16 of said Township 3 North, Range 1 West, (from which point the West One Quarter Corner of said Section 15 bears South 00° 43' 09" West, 2657.25 feet distant);

Thence from said Section Corner, South 00° 43' 09" West, a distance of 1117.31 feet on the West line of said Section 15 to the Northwest Corner of that Parcel shown on Record of Survey Number 639 of Ada County Records, said point being the POINT OF BEGINNING;

Thence South 89° 16' 46" East, a distance of 176.25 feet on the north line of said Record of Survey Number 639;

Thence South 00° 43' 09" West, a distance of 263.50 feet on the east line of said Record of Survey Number 639;

Thence North 75° 41' 51" West, a distance of 181.32 feet on the south line of said Record of Survey Number 639 to a point on the west line of said Section 15;

Thence North 00° 43' 09" East, a distance of 220.92 feet on the west line of said Section 15 to the POINT OF BEGINNING.

The above described parcel contains 0.98 acres more or less.

PREPARED BY:
THE LAND GROUP, INC.

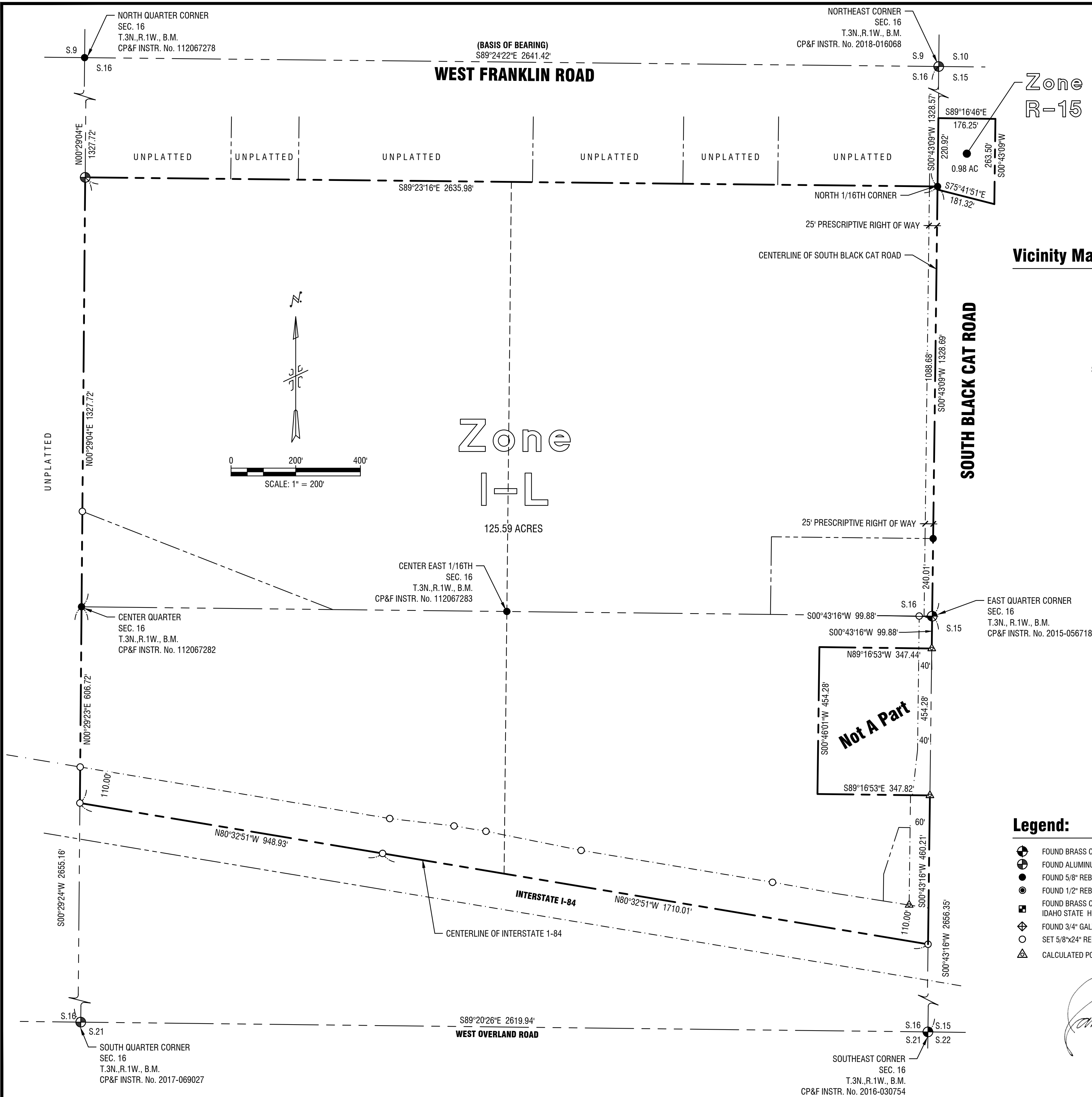
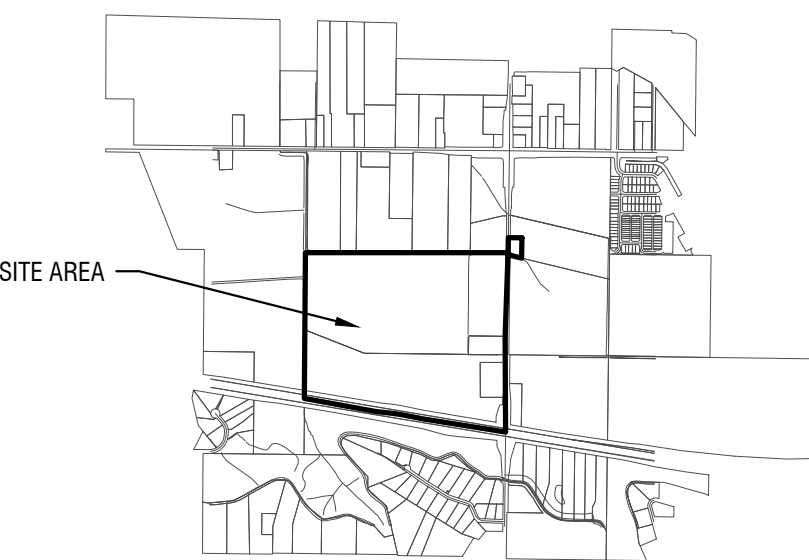
James R. Washburn



Annexation Map
for
AT Aquisitions, LLC
Situate in the East 1/2 of Section 16
Township 3 North, Range 1 West, Boise Meridian
Ada County, Idaho
2022

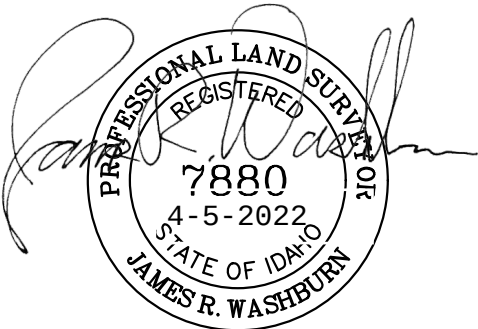
Zone
R-15

Vicinity Map:



Legend:

- | | | | |
|---|---|-----|--------------------------|
| ⊕ | FOUND BRASS CAP MONUMENT | --- | BOUNDARY LINE |
| ⊙ | FOUND ALUMINUM CAP MONUMENT | --- | ADJACENT PROPERTY LINE |
| ● | FOUND 5/8" REBAR, NO CAP | --- | SECTION LINE |
| ⦿ | FOUND 1/2" REBAR "PLS 3627" | --- | RIGHT-OF-WAY LINE |
| ⊠ | FOUND BRASS CAP | --- | INTERSTATE 84 CENTERLINE |
| ⦶ | IDAHO STATE HIGHWAY RIGHT OF WAY MONUMENT | --- | EASEMENT LINE |
| ⦶ | FOUND 3/4" GALVANIZED PIPE | | |
| ○ | SET 5/8"x24" REBAR W/PLASTIC CAP "PLS 7880" | | |
| △ | CALCULATED POINT, NOTHING FOUND OR SET | | |



462 East Shore Drive, Suite 100
Eagle, ID 83616 PH:(208) 939-4041

EXHIBIT B

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



In the Matter of the Request for Annexation of 126.57 Acres of Land from RUT in Ada County to the I-L (125.59 Acres) and R-15 (0.98 Acres) Zoning Districts, by Sawtooth Development.

Case No(s). H-2021-0064

For the City Council Hearing Date of: August 16, 2022 (Findings on September 6, 2022)

A. Findings of Fact

1. Hearing Facts (hearing date of August 16, 2022; original CC staff report date: December 21, 2021, incorporated by reference)
2. Process Facts (hearing date of August 16, 2022; original CC staff report date: December 21, 2021, incorporated by reference)
3. Application and Property Facts (hearing date of August 16, 2022; original CC staff report date: December 21, 2021, incorporated by reference)
4. Required Findings per the Unified Development Code (hearing date of August 16, 2022; original CC staff report date: December 21, 2021, 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 development agreement provisions set forth in the attached Staff Report for the hearing date of August 16, 2022, incorporated by reference. The provisions

are concluded to be reasonable and the applicant shall meet such requirements in accord with the 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 is hereby approved per the development agreement provisions in the Staff Report for the hearing date of August 16, 2022, 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 August 16, 2022

By action of the City Council at its regular meeting held on the 6th day of September, 2022.

COUNCIL PRESIDENT BRAD HOAGLUN VOTED _____

COUNCIL VICE PRESIDENT JOE BORTON VOTED AYE

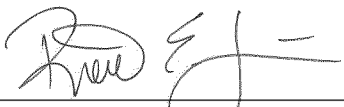
COUNCIL MEMBER JESSICA PERREAULT VOTED AYE

COUNCIL MEMBER LUKE CAVENER VOTED AYE

COUNCIL MEMBER TREG BERNT VOTED AYE

COUNCIL MEMBER LIZ STRADER VOTED AYE

MAYOR ROBERT SIMISON
(TIE BREAKER) VOTED _____



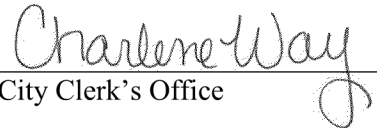
Mayor Robert E. Simison 9-6-2022

Attest:

Chris Johnson 9-6-2022
City Clerk

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

By:  Dated: 9-6-2022
City Clerk's Office

STAFF REPORT

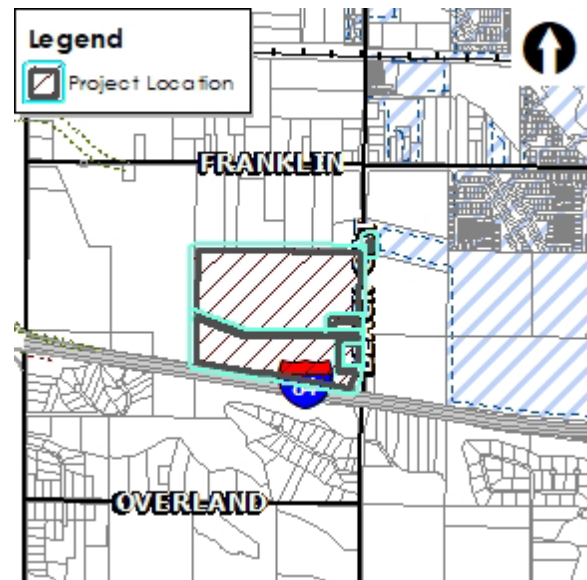
COMMUNITY DEVELOPMENT DEPARTMENT



HEARING DATE: 12/21/2021
TO: Mayor & City Council
FROM: Alan Tiefenbach
208-884-5533

SUBJECT: H-2021-0064
Black Cat Industrial

LOCATION: The site is located at 350, 745, 935, and
955 S. Black Cat Road and Parcel
S1216131860



I. PROJECT DESCRIPTION

Annexation of 129.21 acres of land with the I-L zoning districts to allow industrial development. This application also includes a proposal to annex a 0.98-acre property with the R-15 zone district to provide the required annexation path.

NOTE: Staff has met with the applicant numerous times to discuss this project. Staff has expressed many concerns including the lack of compliance with the Ten Mile Interchange Specific Area Plan (TMISAP) in both use and design, potential traffic impacts, probability of low job generation, and whether the timing is right for a development of this magnitude in this location when other properties on the east side of N. Black Cat Road have not fully built out as approved.

II. SUMMARY OF REPORT

A. Project Summary

Description	Details	Page
Acreage	130.2 acres	
Future Land Use Designation	Medium High Density Residential for the 0.98-acre parcel to the east, Mixed Employment and Low-Density Employment for the 129 acres to the west.	
Existing Land Use(s)	Vacant and Single Family Residential	
Proposed Land Use(s)	Industrial business complex	
Lots (# and type; bldg./common)	5 existing lots, no platting proposed with this application	
Phasing Plan (# of phases)	Phase Plan indicates 3 phases	
Number of Residential Units (type of units)	One single family residence being retained.	

Description	Details	Page
Density (gross & net)	N/A	
Physical Features (waterways, hazards, flood plain, hillside)	The Rosenlof Drain is indicated along the northern property line, but not on the subject property.	
Neighborhood meeting date; # of attendees:	August, 9, 2021, 22 attendees including the applicants	

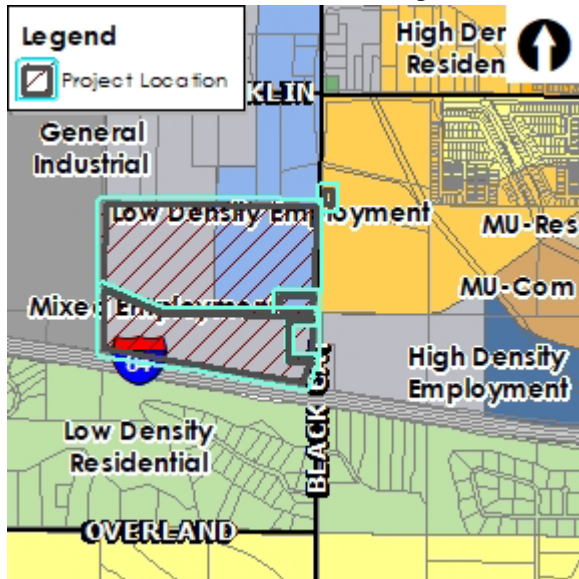
B. Community Metrics

Description	Details	Page
Ada County Highway District		
- Staff report (yes/no) - Requires ACHD Commission Action (yes/no)	Yes No	
Access (Arterial/Collectors/State Hwy/Local)(Existing and Proposed)	S. Black Cat Rd. is existing, concept plan indicates east-west collector through the middle of the site, and new north-south collector at west property line.	
Traffic Level of Service	Better than "E".	
Stub Street/Interconnectivity/Cross Access	East west collector bisecting the property, and a north-south collector running along western property line proposed.	
Existing Road Network	S. Black Cat Rd and W. Franklin Rd	
Existing Arterial Sidewalks / Buffers	There are no existing buffers or sidewalks along S. Black Cat Rd.	
Proposed Road Improvements	Applicant would be required to improve S. Black Cat Rd with 17 feet of pavement and curb, gutter and sidewalk. Applicant would also be required to construct two east-west collectors (one through the middle of the site, one along the northern property line, and one north-south collector along the western property line.	
Fire Service		
- Fire Response Time - Comments	- Project can be served, but will be out of 5-minute response time. - Station 6 is closest at about 6 to 7 minutes away. All buildings will be sprinklered and may need fire pumps to meet fire flow. The entire project will require secondary access that meets the 2018 IFC. - The proposed fire station property is in a good location for the MFD future station areas, but at this time there is no avenue to trade the property for impact fees. The city would need to purchase the property outright.	
Police Service		
	No comments	
Wastewater		
- Distance to Sewer Services - Sewer Shed - WRRF Declining Balance - Project Consistent with WW Master Plan/Facility Plan - Issues / Comments	Directly Adjacent South Black Cat Trunkshed 14.21 Yes Flow is committed.	

Description	Details	Page
	Public works is okay with the building up of the site to accommodate sewer as long as surface slopes are no more than 3:1 All drainage is retained onsite. - There are multiple 8" lines without easements. Easements must be provided for 8" mains, however, based off flows these could be decreased to 6" service lines. - Ensure no sewer services pass through infiltration trenches.	
Water		
Distance to Water Services	340 ft.	
Pressure Zone	1	
Water Quality	No concerns	
Project Consistent with Water Master Plan	Yes	
Impacts/Concerns	- Water will be provided initially from pressure zone 1, but will be from pressure zone 2 when development from the east connects. Pressure change will be approximately 22 psi higher. - Provide for water connections at future road connections to east and west (blind flange or stub to PL as appropriate. - Ensure adequate valving is provided to allow future pressure zone change. - Existing wells must be decommissioned according to IDWR rules which include employing methods to ensure grout fills the annular space outside of the well casing. Record of abandonment must be provided to the City prior to final plat signature.	

Project Area Maps

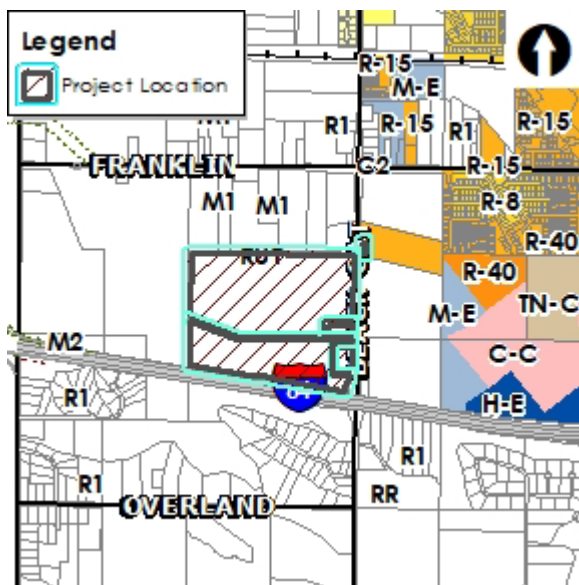
Future Land Use Map



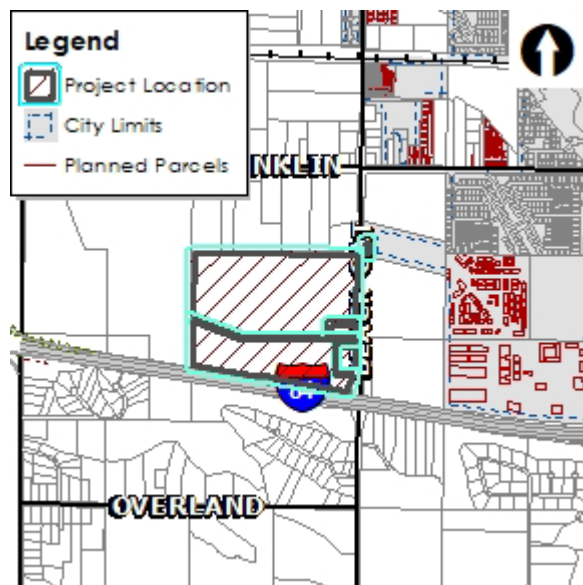
Aerial Map



Zoning Map



Planned Development Map



Applicant Information

A. Applicant / Owner:

Will Goede, Sawtooth Development – 371 N. Main St. Ste 201, Ketchum, ID 83340

B. Representative:

The Land Group – 462 E. Shore Dr, Ste 100, Eagle, ID 83616

III. NOTICING

	Planning & Zoning Posting Date	City Council Posting Date
Newspaper Notification	11/2/2021	7/31/2022
Radius notification mailed to properties within 300 feet	10/28/2021	7/28/2022
Sign Posting	10/29/2021	12/2/2021
Nextdoor posting	10/28/2021	7/29/2022

IV. STAFF ANALYSIS

This is a proposal for annexation of 129.21 acres of land with the I-L zoning districts to allow an industrial development including 9 buildings ranging in size from 131,000 to 342,160 sq. ft. (Buildings A-J) and 7 smaller commercial buildings ranging in size between 6,800 to 33,600 sq. ft. (Buildings K1-M1). This application also proposes to annex an 0.98-acre property with the R-15 zoning district for the sole purpose of making this property contiguous with City limits in order to request annexation.

A. Annexation and Zoning

The applicant proposes to annex the 0.98-acre parcel with the R-15 zoning district in order to achieve the contiguity to be eligible to annex the 129.21 acres of property on the west side of S. Black Cat Rd. The applicant proposes to rezone the remaining 129.21 acres west of S. Black Cat Rd. to I-L (Light-Industrial). As is discussed below, staff does not support rezoning to I-L and finds M-E would be the appropriate zoning as indicated in the TMISAP. Staff does find the Plan supports rezoning the 0.98-acre parcel to R-15, although the applicant has not offered any additional details regarding future use of this property other than the existing residence will remain.

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

The subject properties are within the *Ten Mile Interchange Specific Area Plan (TMISAP)*. The Plan designates 745 S. Black Cat Road and the eastern half of Parcel # S1216131860 for Low Density Employment (Buildings K1-M1). The Plan designates the western half of Parcel #S1216131860, 935 S. Black Cat Rd and all of Parcel #S1216417365 for Mixed Employment (Buildings A-J). The property at 350 S. Black Cat Rd (east side of N. Black Cat Rd) is designated for High Density Residential (density range of 8 to 15 dwellings / acre).

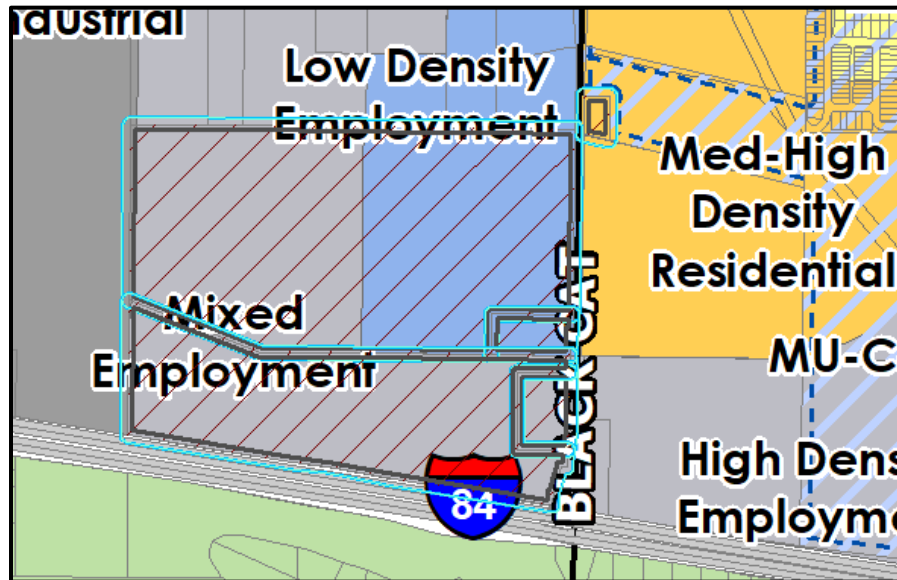
i. Low Density Employment

This use is defined by the TMISAP as low-rise office and specialized employment areas. Low Density Employment areas should provide a variety of flexible sites for professional offices and similar businesses. Low Density Employment areas should be designed with elements of Traditional Neighborhood Design. Design and development standards such as landscaping, pedestrian circulation and connection to open spaces, are recommended to help make developments more attractive, engaging and accessible places. Appropriate land uses include corporate and business offices as well as research facilities and laboratories.

ii. Mixed Employment

This use is described by the TMISAP as an area to encourage a diversity of compatible land uses that may include a mixture of office, research and specialized employment

areas, **light industrial including manufacturing and assembly**, and other miscellaneous uses. Mixed Employment areas should provide a variety of flexible sites for small, local or start-up businesses, as well as sites for large national or regional enterprises. Mixed density employment will accommodate a wide variety of employers and serve as a primary gateway to Meridian and Meridian's prosperity.



Applicant's proposal:

The applicant requests to annex and zone the 129.21 acres of property west of S. Black Cat Rd to I-L. The applicant requests to annex and zone the 0.98-acre parcel at 350 S. Black Cat Rd to R-15. The applicant's narrative states their proposal meets the TMISAP intent of low-density employment and mixed employment areas as it would provide a variety of flexible sites and allow the larger double and single loaded light-industrial buildings to be divided into spaces as small as 18,000 square feet. The narrative states the Black Cat Business center would provide in-demand manufacturing, heavier office build-out, flex industrial and accessory retail, warehousing and distributing facilities in this region. It mentions the Mixed Employment designation in the TMISAP does list light industrial as one of the appropriate uses. Finally, the narrative notes the City of Meridian has less than a 1 percent vacancy rate for industrial business uses, and the Treasure Valley as a whole lags behind its peer markets.

The concept plan submitted by the applicant indicates 7 buildings ranging in size between 6,800 to 33,600 sq. ft directly adjacent to the west side of S. Black Cat Rd (Buildings K1-M1). The applicant's narrative states that in this area the project includes flex incubator buildings which could be divided into spaces as small as 2,500 square feet. The applicant also proposes to set-aside an approximately 18,000 sq. ft. lot for a potential 10,000 sq. ft. fire/emergency services station.

On the remainder of the subject properties to the west, the concept plan reflects 9 very large buildings ranging in size from between 131,820 sq. ft. to 293,280 sq. ft. to a total of 1,897,480 sq. ft. (Buildings A-J). These buildings are oriented with one row north of a new collector and one row south of the new collector. The concept plan shows multiple loading bays on all buildings and a wide collector street to accommodate large truck traffic.

Staff Response:

Staff does not support annexation and zoning to I-L as I-L would allow uses not supported by the Plan in this area. Staff's response to the applicant has been that the TMISAP vision for the area adjacent to I-84 is an employment district that will support the creation of more than 20,000 jobs offered by a wide variety of employers. It should serve as a primary gateway to Meridian and Meridian's prosperity, and provide local employment to the large amount of new residential across S. Black Cat Rd to the east and W. Franklin Rd to the north and east. Staff notes the TMISAP states "the City knows that this is one of the last remaining large, contiguous areas of highly visible, easily accessible, and developable land within the City of Meridian's Area of Impact."

The applicant's narrative mentions light industrial is listed as one of the appropriate uses in the Mixed Employment Plan Area. This is correct, **but the TMISAP refers to light industrial as manufacturing and assembly**, which is consistent with the definition of light industrial per UDC 11-1A-1. **Although the I-L Zoning District could allow numerous primary jobs, it also allows uses by right that would not be consistent with the goal for Mixed Employment per the TMISAP. This includes warehousing, distribution and self-storage, which typically does not produce a large number of primary jobs.** Other uses allowed by right which staff believes are not consistent with the Plan include contractor's yards, equipment rental and sales, vehicle repair, and car dealerships. The plan designates these types of industrial uses to occur adjacent to W. McDermott Rd, further west of the subject property, away from the residential that is intended to develop across S. Black Cat Rd to the east.

Based on the concept plan that has been provided by the applicant, the majority of the plan suggests a warehouse and distribution / storage development. This is in contrast to the TMISAP vision for sense of place, traditional neighborhood design, streets designed to serve all users, and multi-story construction (although the smaller Buildings K1-M1 directly adjacent to S. Black Cat Rd, would be closer to the TMISAP vision).

Staff has recommended the applicant apply to rezone to Mixed Employment (M-E), which allows the mixture of office, research, specialized employment areas and the type of light industrial (manufacturing and assembly) which is intended for this area by the Plan. The applicant has elected to proceed with I-L zoning.

Staff agrees there may be a strong market demand for industrial uses, but the Plan specifically says the intent of the TMISAP is to create a place that will add to the long-term economic stability of the City of Meridian, not just respond to immediate market forces and trends (page 3-3).

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

- Focus on developing industries that exceed the living wage, such as technology, healthcare and other similar industries. (2.06.01E)

The TMISAP designates the subject property (except for 0.98-acre 350 S. Black Cat Rd) for low density and mixed employment. These areas are intended to capture full economic advantage of the Ten Mile interchange to enhance the long-term fiscal health of the City of Meridian and the Treasure Valley. Although annexing and zoning this area to I-L could create primary jobs as anticipated by the Plan, it could also allow uses such as distribution, warehousing and self-storage that would not create a significant amount of primary-wage jobs.

- Ensure that regulations and plans support and encourage desired development and land use patterns within the Area of City Impact. (3.01.01C)
-

*The TMISAP specifically targets the subject property to accommodate a wide variety of employers and serve as a primary gateway to Meridian and Meridian's prosperity. There are additional design guidelines to create an environment that has a significant degree of coherence and continuity. **The annexation of the subject property for the industrial uses described by the narrative and depicted on the concept plan do not meet the intent of the Plan in both use and design. Also, the Community Planning Association of Southwest Idaho (COMPASS) has submitted a development review letter. The summary of the letter indicates that COMPASS finds the level of stress on the roads would be "R" (unsatisfactory), it would lead to further decrease in the jobs / housing balance, and is not within the ½ mile walkable distance preferred for transit and goods and services.***

- Evaluate development proposals based on consistency with the vision as well as physical, social, economic, environmental, and aesthetic criteria. (3.01.01D)

The TMISAP vision for this area is an employment-generating center that buffers the community from I-84 and the future extension of Highway 16, and serves the employment areas with easy access to markets, high-speed transportation facilities, and employees across the Treasure Valley. The TMISAP contains additional design standards for this area to create a sense of place and a unique identity. The proposed annexation and zoning to I-L to allow an industrial development of large distribution-style warehouses bisected by a wide collector road to facilitate freight traffic is not consistent with the Plan vision or the design for this area.

- Promote Ten Mile, Downtown, and The Village as centers of activity and growth. (2.09.03B)

As already mentioned, the TMISAP designates this area for an employment center for the local population in close proximity to nearby residences. Rezoning to I-L to allow a distribution and warehousing development would provide growth, but not the type anticipated by the Plan.

Establish distinct, engaging identities within commercial and mixed-use centers through design standards. (2.09.03A)

The Ten Mile Interchange Specific Area Plan focuses on developing an area that has an identity of its own, but which links to the nearby development. The current application could allow numerous uses not desired by the Plan, with monotonous architecture and design not consistent with the design guidelines. This does not further the intent of the Plan to create a unique sense of place.

- 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)

*This applicant proposes to annex 129 acres of undeveloped property which is surrounded by unincorporated land on all sides except at the northeast corner, in which the 0.98-acre parcel is being annexed in order to achieve the required contiguity. Further, much of the property to the east is not annexed or annexed with development agreements, but not built-out to their full capacity, further exacerbating the strain on the transportation network in the area. Full impacts on the transportation system will not be known with this development until the applicant completes a traffic study for ACHD to review and approve. **There are no anticipated improvements to S. Black Cat Rd and W. Franklin Rd in the short term, and the closest water and sewer connection is approximately 340 feet to the north of the property. This would be considered unorderedly and fringe development.***

D. Existing Structures/Site Improvements:

The majority of the property is vacant, except there is single family and agricultural development located at 935 and 745 S. Black Cat Rd. If these properties were rezoned to I-L, the residential and agricultural buildings should be removed.

E. Proposed Use Analysis:

The applicant proposes to zone to I-L. As mentioned above, staff believes the I-L district allows uses by-right which are not consistent with the high employment-generating uses intended for this area by the Plan, and the concept plan suggests a distribution and warehousing (or self-storage) development. **Staff finds Mixed Employment (M-E) is the zone district which is more consistent with the TMISAP for this area.**

Staff believes the proposal to annex and zone 350 S. Black Cat Rd to R-15 would generally be consistent with the Medium High-Density Residential designation of the TMISAP. The applicant has not submitted any additional information for this property other than annexation of this property is necessary for the remaining 129.21 acres to be eligible for annexation. If the subject annexation is approved, the existing residence would need to connect to City services.

F. Specific Use Standards (*UDC 11-4-3*):

UDC 11-4-3-25 (Industry, light and heavy) requires all shipping and delivery and outdoor activity areas to be at least 300 ft. from any abutting residential district. Applications should identify how proposed use will address impacts of noise and other emissions on residential districts.

The concept plan shows the outdoor loading and activity areas are at least 300 ft. from the adjacent residential district to the east. The applicant does not provide an explanation regarding potential impacts and / or how they would be mitigated.

G. Dimensional Standards (*UDC 11-2*):

The I-L zoning district requires a 35' street setback, 20' landscape buffer along collector streets, 25' wide buffer along arterial streets, and allows height up to 50'. The concept plan and elevations submitted appear to meet these requirements.

The TMISAP introduces basic rules of good design. This includes buildings built to public rights-of-way, easy pedestrian access, narrow streets to slow traffic, and the facades of larger commercial buildings being broken down into short frontages with "big boxes" being wrapped in smaller commercial, residential, and office uses.

With some revisions, staff believes Buildings K1-M1 as shown on the concept plan could mostly reflect these principles, although the buildings are oriented around a central parking lot rather than a courtyard. Also, the TMISAP mentions building frontages, rather than surface parking lots and landscaped areas, should "hold the corners" by framing sidewalks or public spaces whereas the entrance of this development from S. Black Cat Rd consists of landscaping and parking lots with building maintaining larger setbacks.

The larger buildings A-J are oriented to a wide collector street, have larger front setbacks, have single building frontages between 180 ft. and 470 ft. in length, and are not broken down or wrapped with smaller buildings. Staff does not believe this encapsulates the TMISAP principals for design envisioned for this area and is skeptical the concept plan could be designed to meet these principles for the use as proposed. **The City Council should decide whether this type of industrial use is appropriate in this area.**

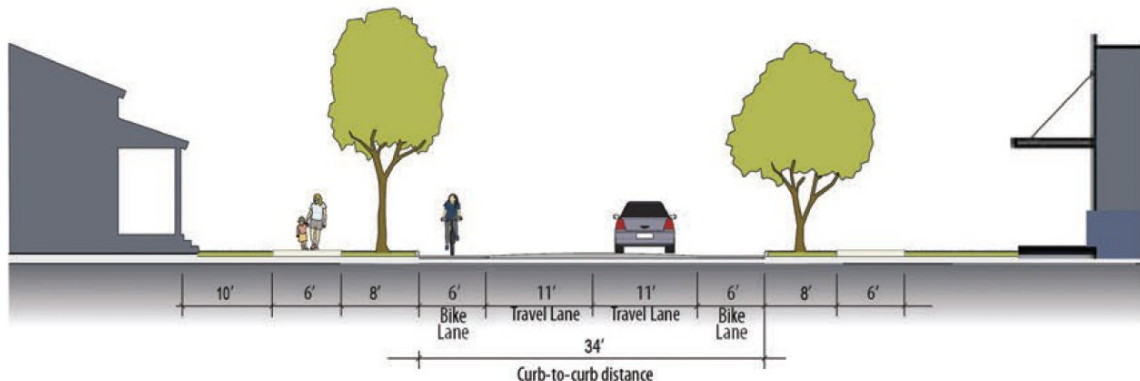
H. Access (*UDC 11-3A-3, 11-3H-4*):

W. Franklin Rd west of the subject property is presently 2 lanes with no curb, gutter or sidewalk, and narrows to one lane west of S. Black Cat Rd. S. Black Cat Rd. is presently 2 lanes with no curb, gutter or sidewalk. The ACHD Capital Improvements Integrated Five Year Work Plan (IFYWP) shows the intersection of Franklin Road and McDermott Road to be constructed as a multi-lane roundabout sometime after 2026. Black Cat Rd is listed to be widened to 5 lanes between W. Overland Rd. to W. Franklin Road in 2036 to 2040. W. Franklin Rd. is planned to be widened to 5 lanes between W. McDermott Rd and S. Black Cat Rd from 2026 to 2030. W. Franklin Rd is eventually intended to connect to SH 16 by a signalized intersection.

The TMISAP Transportation System Map shows a new collector street bisecting the property east to west and a new north-south collector street at the western property line (page 3-18). The TMISAP notes the primary purpose of the collector is to serve short length neighborhood trips and to channel traffic from local streets and abutting properties to minor and principal arterials (page 3-19).



The TMISAP Street Section Map designates new collectors in this area to be Street Section C (page 3-20). Section C represents the major collector streets to provide access from adjacent arterial streets into the employment areas. Street Section C (below) includes 11 ft. wide travel lanes, 6 ft. wide bike lanes, 8 ft. wide carriage strips, 6 ft. wide sidewalks and approximately 10 ft. setback from the back of detached sidewalks to the building wall (to a total width of 68'). This is consistent with the “complete street” concept discussed by the TMISAP to provide a street that works for motorists, bus riders, bicyclists, and pedestrians, including people with disabilities and to provide traffic calming.



The concept plan provided by the applicant reflects the east-west collector bisecting the site to be 60' wide with all of this being travel lanes, and detached pathways and landscaping outside of the 60' of travel lanes. Rather than on-street parking, there are several rows of parking between building fronts and the road. Page 7 of the narrative states that the “new collector road bisecting

the development site will “provide easy freight access to the project” which is indicative of a typical industrial development. This is not consistent with the mixed employment area and with the street design principals on Page 3-20 of the TMISAP which state that “streets should be designed and sized to optimize pedestrian comfort and to facilitate slow-moving vehicular traffic.”



In addition to the collectors shown on the TMISAP Transportation System Map, the TMISAP Land Use Map (Page 3-16) shows a desired local street bisecting the site north to south. Also, ACHD has commented a third collector street is required along the Rosenlof Drain, at the northern perimeter of the property (the local street would connect the two east-west collectors). Although staff has mentioned to the applicant to provide this north-south local street, this connectivity is not provided on the concept plan. The northernmost collector as required by ACHD is also not shown.

A traffic impact study is not a required item for an annexation application. However, staff notes this application proposes almost 2 million sq. ft. of new commercial or industrial square footage. Although the immediate area is mostly undeveloped, there is a significant amount of development in the vicinity which can be or has already been built, has been approved, or is in the development application stage. This includes 330 single family lots and 240 apartments in the Braya Subdivision across S. Black Cat Rd. to the east, and the large amount of commercial and residential development occurring at the 10 at Meridian, Vanguard Village, Ten Mile Crossing and TM Creek Crossing developments on both sides of N. Ten Mile Rd. south of W. Franklin Rd. Staff has mentioned to the applicant that the traffic impacts of nearby development already entitled have yet to be realized, there are no anticipated road improvements to W. Franklin Rd and S. Ten Mile Rd. in this area in the short term, and has expressed concerns regarding how the impacts of 2 million square footage of new industrial would affect the road network. The applicant has not provided any additional analysis.

I. Parking (UDC 11-3C):

UDC 11-3C-6 requires one space for every two thousand sq. ft. of gross floor area in industrial districts. With Buildings A-J listed on the concept plan as comprising 1,900,000 sq. ft. +/-, this amounts to 950 parking spaces, whereas based on the numbers given on the concept plan, the number of parking spaces provided well exceeds this requirement. Future planning land use applications will determine the required number of parking spaces for all uses.

The TMISAP encourages on-street parking throughout the Ten Mile Interchange Area where appropriate. Not only does on-street parking significantly add to the supply of needed parking

spaces, it provides an additional layer of physical and psychological separation between cars moving along the street and pedestrians, shoppers, diners and others on the sidewalks. Parking lots should not dominate the frontage of pedestrian-oriented streets or interrupt key pedestrian routes. Ideally, parking lots should be located behind or underneath buildings or within the interior of blocks. Less ideally, lots can be located beside the structures they serve. All parking lots visible from public thoroughfares should be screened by plantings or walls or a combination of the two. (page 3-26).

As mentioned in the access section above, the concept plan reflects a wide collector street designed for truck traffic with no on-street parking. The majority of parking is provided to the side of Buildings A-J, but there are two rows of parking between Buildings G, H and the collector street. There is also a parking lot directly adjacent to S. Black Cat Rd south of Building M1, and Buildings L2 and L3 are oriented around a central parking lot which is adjacent to S. Black Cat Rd and parking. This is not consistent with the Traditional Neighborhood Design principles of the TMISAP which would support buildings oriented around a plaza, open space or courtyard and buildings rather than landscaping or parking “holding the corners.”

J. Pathways (*UDC 11-3A-8*):

The Pathways Master Plan (PMP) reflects a 10 ft. wide multiuse pathway aligned east-west at the southern perimeter of the site, adjacent to I-84. The concept plan indicates a 10’ wide pathway along the southern perimeter of the site in the general location of the alignment shown on the PMP. It does appear the required 5 ft. wide landscape strip is provided along both sides of the pathway except near the southwest portion of the site.

K. Sidewalks (*UDC 11-3A-17*):

The concept plan indicates detached sidewalks of an unspecified width paralleling the new collector street on both sides, along S. Black Cat Rd., along the western property line, and along landscaped islands running north-south between Buildings K1-M1 and Buildings A-J. Landscaping and / or parkways of an unspecified width are provided on both sides of the detached sidewalks. The sidewalks do provide connectivity throughout the development and to adjacent properties to the north and south. As mentioned in the access section above, the sidewalks are not consistent with Street Section C as it is reflected in the TMISAP. Instead of being components of a walkable street section, they run along a series of parking lots and drive aisles, consistent with what would be expected in a large industrial development.

L. Parkways (*UDC 11-3A-17*):

UDC 11-3A-17 requires parkways of a minimum width of 8 feet. It does appear parkways are incorporated into both sides of all detached sidewalks, although the width of these parkways is not provided.

M. Landscaping (*UDC 11-3B*):

A 50 ft. buffer is required along I-84, a 20-foot wide landscape buffer is required adjacent to collector streets, and a 25-foot wide buffer required adjacent to arterial streets (S. Black Cat Rd). UDC 11-3B-8 has landscape requirements for parking lots including 5 ft. perimeter streets and islands of at least 50 sq. ft. per every 12 parking spaces. The concept plan as submitted does appear to show the minimum landscape requirements are met, although as mentioned in the access section, the proposed collector streets do not appear to meet the Street Section C requirements as mentioned in the access section above. Landscaping requirements would be analyzed with future development.

N. Qualified Open Space (*UDC 11-3G*):

As the development is proposed to be an industrial development, it is not subject to the qualified open space requirements of UDC 11-3G. However, the concept plan does indicate small parks on either side of the collector at the entrance of the development near where it connects to S. Black Cat Rd. Staff does believe this is a nice amenity, although the TMISAP notes that care must be taken to ensure that the programming and use of the space is not disrupted by vehicular traffic (page 3-43).

O. Utilities

Connection to City water and sewer services is required in accord with UDC 11- 3A- 21. Water and sewer are available in S. Black Cat approximately 340 feet north of the property. The applicant will be required to extend the sewer main and provide a connection for the properties across S. Black Cat to the east and south. The applicant will be required to extend the water main, stub the water line at the west property line and loop the line to the north to W. Franklin Rd. Street lighting is required to be installed in accord with the City' s adopted standards, specifications and ordinances and the TMISAP. See Section VIII.B below for Public Works comments/ conditions.

P. Architecture (*UDC 11-3A-19* | *Architectural Standards Manual*):

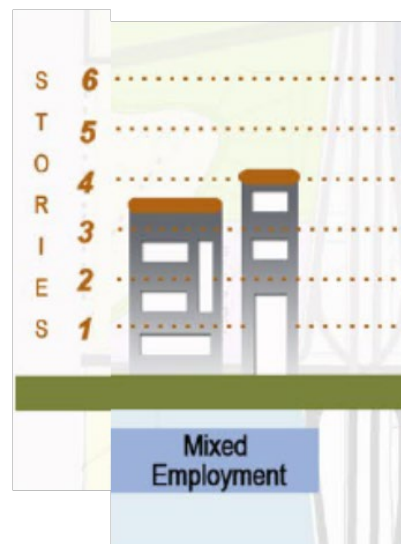
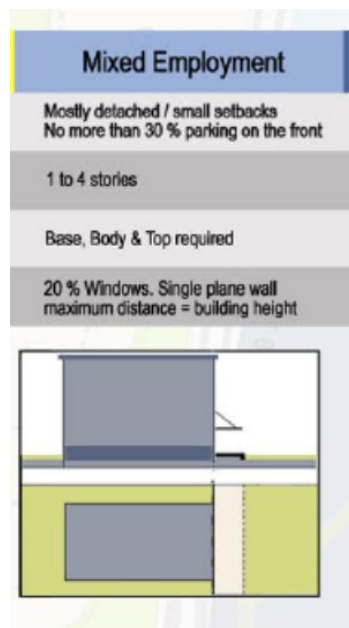
The Architectural Standards Manual (ASM) has specific requirements for industrial developments. Building design should address scale, mass, form, and use a variety of materials and architectural features to ensure an aesthetic contribution compatible with surrounding buildings. There should be modulation in surface plane at no less than 50 ft. intervals. Developments should consider the scale of surrounding buildings. There should be at least 2 pedestrian-scale architectural features, physical distinctions to anchor the building. There should be at least two different field materials, with at least one accent material.

The Design Section of the TMISAP is intended to serve as the basic framework on any given project within the Ten Mile Interchange Area and the basis for development of future design guidelines. Guidelines include the primary façades always including entries into buildings, being faced toward the streets, and entries being located so as to provide direct access from adjacent public spaces, primary streets and activity areas. In the low-density employment and mixed employment areas, low rise buildings of 2-4 stories with shallow setbacks are recommended over much of the area (page 3-38). At least 40% of the linear dimension of the street level frontages shall be in windows or doorways, and buildings should have three separate components – base, body and top. Page 1-3 of the TMISAP contains photographs and design graphics to illustrate the architectural character desired in the Low Density and Mixed Employment Areas.



Low Density Employment

Mixed Employment



The concept elevations provided by the applicant reflect large one-story industrial buildings (with higher ceilings and upper windows to appear as two-story) comprised of tilt-up concrete, CMU, moderate to large setbacks from the street, and frontages with less than the 20% required windows along the streets. Primary entrances are oriented inward toward the parking lots rather than toward the street. The applicant's narrative states that due to security and visibility concerns, the light industrial use of the buildings does not support windows across the entire frontage. As an alternative, they propose enhanced glazing at corner entry elements as shown in the renderings.

Staff notes design can be addressed during the time of the Certificate of Zoning Compliance (CZC). However, due to the proposed use it is unlikely the applicant's proposal as submitted could meet all the design requirements of TMISAP for Low Density and Mixed Employment in this area (such as variation in building height, orientation of primary frontages and massing and ground floor transparency). This proposal is for a large industrial complex with a concept plan suggesting warehousing, storage and / or distribution which would be challenging to design as the TMISAP discusses. **The Planning Commission and City Council should discuss whether the I-L zone district, and the uses that would be allowed, is appropriate in this location.**

V. DECISION

A. Staff:

Staff recommends **DENIAL** of the requested annexation and zoning to I-L and R-15 based on the Findings in section IX.

B. The Meridian Planning & Zoning Commission heard this item on November 18, 2021. At the public hearing, the Commission voted to recommend denial of the subject annexation request.

1. Summary of the Commission public hearing:

- a. In favor: Deb Nelson, Mark Bottles
- b. In opposition: None
- c. Commenting: Deb Nelson and Mark Bottles
- d. Written testimony: Jim and Julie Olsen
- e. Staff presenting application: Alan Tiefenbach
- f. Other Staff commenting on application: None

2. Key issue(s) of public testimony:

- a. Traffic Impacts
- b. One citizen stated that many of the projected traffic improvements in this area are being removed due to lack of funding.

3. Key issue(s) of discussion by Commission:

- a. Asked applicant why I-L zoning was being requested and why M-E would not work.
- b. One Commissioner commented that although this was designated as employment center, jobs create more traffic.
- c. Commission voiced concern that the 0.98-acre parcel being annexed was only part of this proposal to make it eligible for annexation.
- d. Mentioned there is a lack of infrastructure, traffic was already an issue and this proposal seemed premature.

4. Commission change(s) to Staff recommendation:

- a. None

C. The Meridian City Council heard this item on December 21, 2021, March 1, April 26 and August 16, 2022. At the public hearing, the Council voted to approve the subject AZ request.

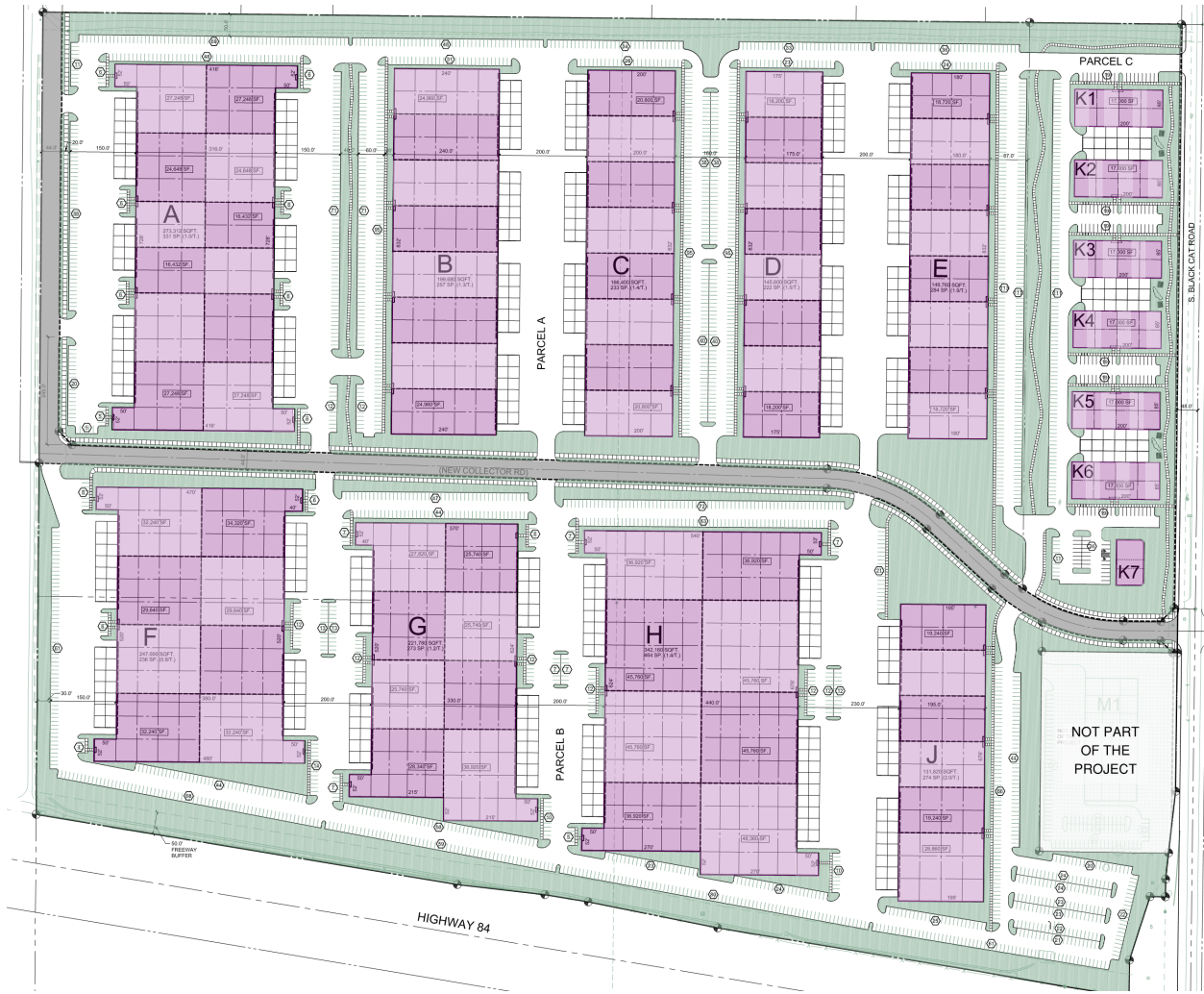
1. Summary of the City Council public hearing:

- a. In favor: Deb Nelson, Tim Wolff, and Shane Felker
 - b. In opposition: None
 - c. Commenting: Kayla Rich, Corinne Kaddas, Julie Olsen, Terry Nyborg, Kristy Inselman, Paul Sevoy, Drew Eggers, Chris Pearson, Mark Bottles, and Bri Earley
 - d. Written testimony: Jim and Julie Olsen, Drew Eggers, Jake Merrill, Jarron Langston, Ronald Van Auker, Chase Weaver, Sam Johnson, Chris Nolan, Jesse Adame, Kathy McManus, Mark Bottles, Terri O'Neal, and Guy Shinn
 - e. Staff presenting application: Alan Tiefenbach and Caleb Hood
-

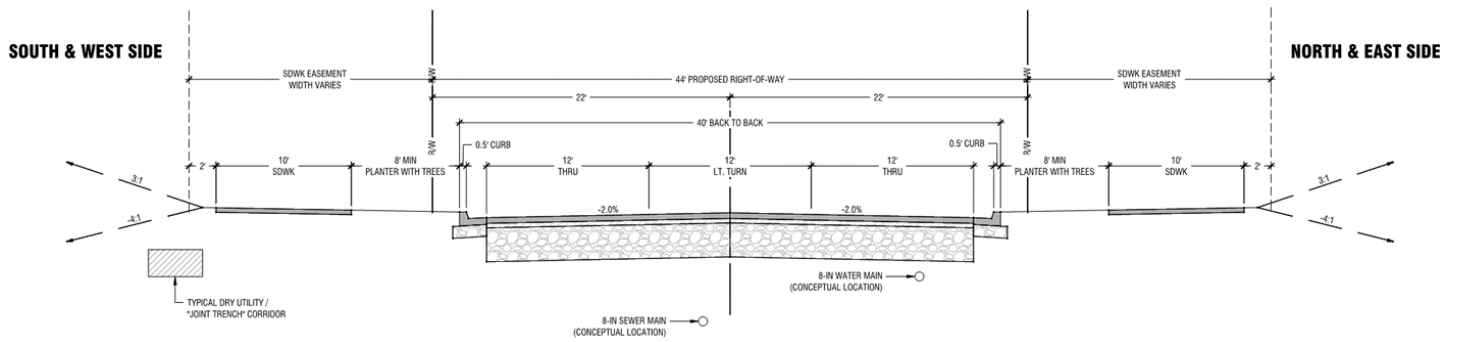
- f. Other Staff commenting on application: Bill Nary and Tori Cleary
 - 2. Key issue(s) of public testimony:
 - a. Additional truck traffic on Black Cat Road
 - b. Need for industrial zoned land in the City
 - 3. Key issue(s) of discussion by City Council:
 - a. Prohibiting certain uses from developing on the property
 - b. Franklin and Black Cat Road improvements
 - c. Design of the proposed industrial buildings and ensuring some consistency with the TMISAP
 - d. Piping of the Rosenlof of Drain
 - e. Timing for the complete extension of the east/west collector
 - f. Timing for the completion of the traffic study
 - g. Cross access with properties north of the Rosenlof Drain
 - h. Offsite extension of a north/south collector on the Asumendi property
 - i. Timing for the development may be premature
 - j. Comparison of the M-E vs. I-L zoning districts
 - k. Anticipated employment generated from the proposed industrial development
 - 4. City Council change(s) to Commission recommendation:
 - a. See section VII. for the applicable development agreement provisions.
-

VI. EXHIBITS

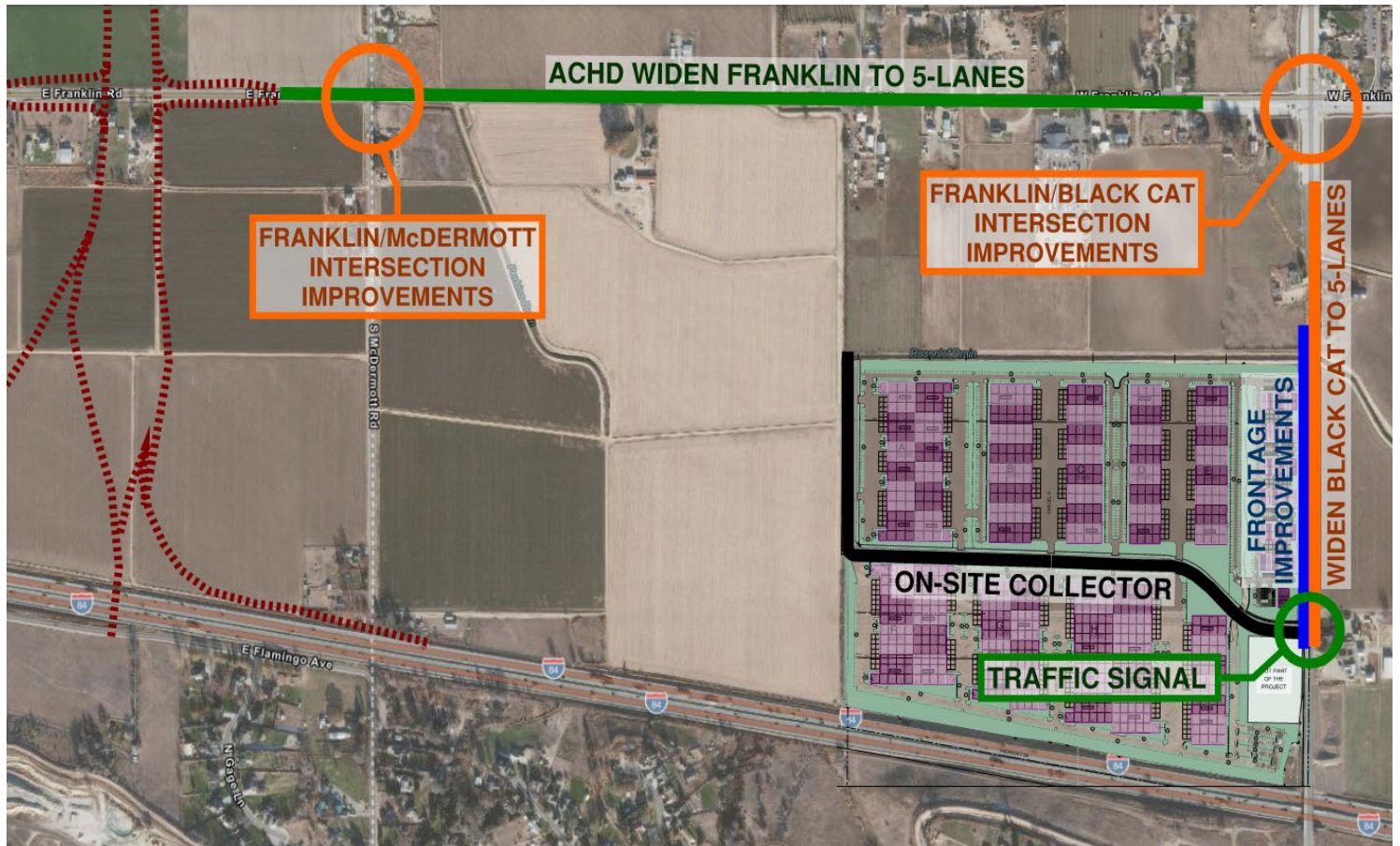
A. Proposed Concept Plan (date: 8/16/2022) (NOT APPROVED)



B. East/West Collector Street Section



C. Roadway Improvement Graphic



D. Annexation Legal Descriptions and Exhibit Map

April 5, 2022

Project No. 121102

EXHIBIT A

BALCK CAT ROAD COMBINED ANNEXATION DESCRIPTION

A parcel of land located in the East Half of Section 16, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Section Corner common to Sections 9, 10, 15 and 16 of said Township 3 North, Range 1 West, (from which point the North One Quarter Corner of said Section 16 bears North 89° 24' 22" West, 2641.42 feet distant);

Thence from said Section Corner, South 00° 43' 09" West, a distance of 1328.57 feet on the East line of said Section 16 to the North 1/16th Corner common to said Sections 15 and 16, said point being the POINT OF BEGINNING;

Thence South 00° 43' 09" West, a distance of 1328.69 feet on the East line of said Section 16 to the East One Quarter Corner of said Section 16;

Thence South 00° 43' 16" West, a distance of 99.88 feet on the East line of said Section 16;

Thence North 89° 16' 53" West, a distance of 347.44 feet;

Thence South 00° 46' 01" West, a distance of 454.28 feet;

Thence South 89° 16' 53" East, a distance of 347.82 feet to a point on the East line of Section 16;

Thence South 00° 43' 16" West, a distance of 460.21 feet on the East line of Section 16 to a point on the centerline of Interstate I-84;

Thence North 80° 32' 51" West, a distance of 2658.94 feet on the centerline of Interstate I-84 to a point on the north-south mid-section line of said Section 16;

Thence North 00° 29' 23" East, a distance of 606.72 feet on the north-south mid-section line of said Section 16 to the Center Quarter Corner of said Section 16;

Thence North 00° 29' 04" East, a distance of 1327.72 feet on the north-south mid-section line of said Section 16 to the Center-North 1/16th Corner of said Section 16;

Thence South 89° 23' 16" East, a distance of 2635.98 feet on the east-west 1/16th line of the Northwest Quarter of said Section 16 to the POINT OF BEGINNING.

The above described parcel contains 125.59 acres more or less.

TOGETHER WITH:

A parcel of land located in the West Half of the Northwest One Quarter of Section 15, Township 3 North, Range 1 West, Boise Meridian, Ada County, Idaho, being more particularly described as follows:

Commencing at the Section Corner common to Sections 9, 10, 15 and 16 of said Township 3 North, Range 1 West, (from which point the West One Quarter Corner of said Section 15 bears South 00° 43' 09" West, 2657.26 feet distant);

Thence from said Section Corner, South 00° 43' 09" West, a distance of 1117.31 feet on the West line of said Section 15 to the Northwest Corner of that Parcel shown on Record of Survey Number 639 of Ada County Records, said point being the POINT OF BEGINNING;

Thence South 89°16'46" East, a distance of 176.25 feet on the north line of said Record of Survey Number 639;

Thence South 00° 43' 09" West, a distance of 263.50 feet on the east line of said Record of Survey Number 639;

Thence North 75° 41' 51" West, a distance of 181.32 feet on the south line of said Record of Survey Number 639 to a point on the west line of said Section 15;

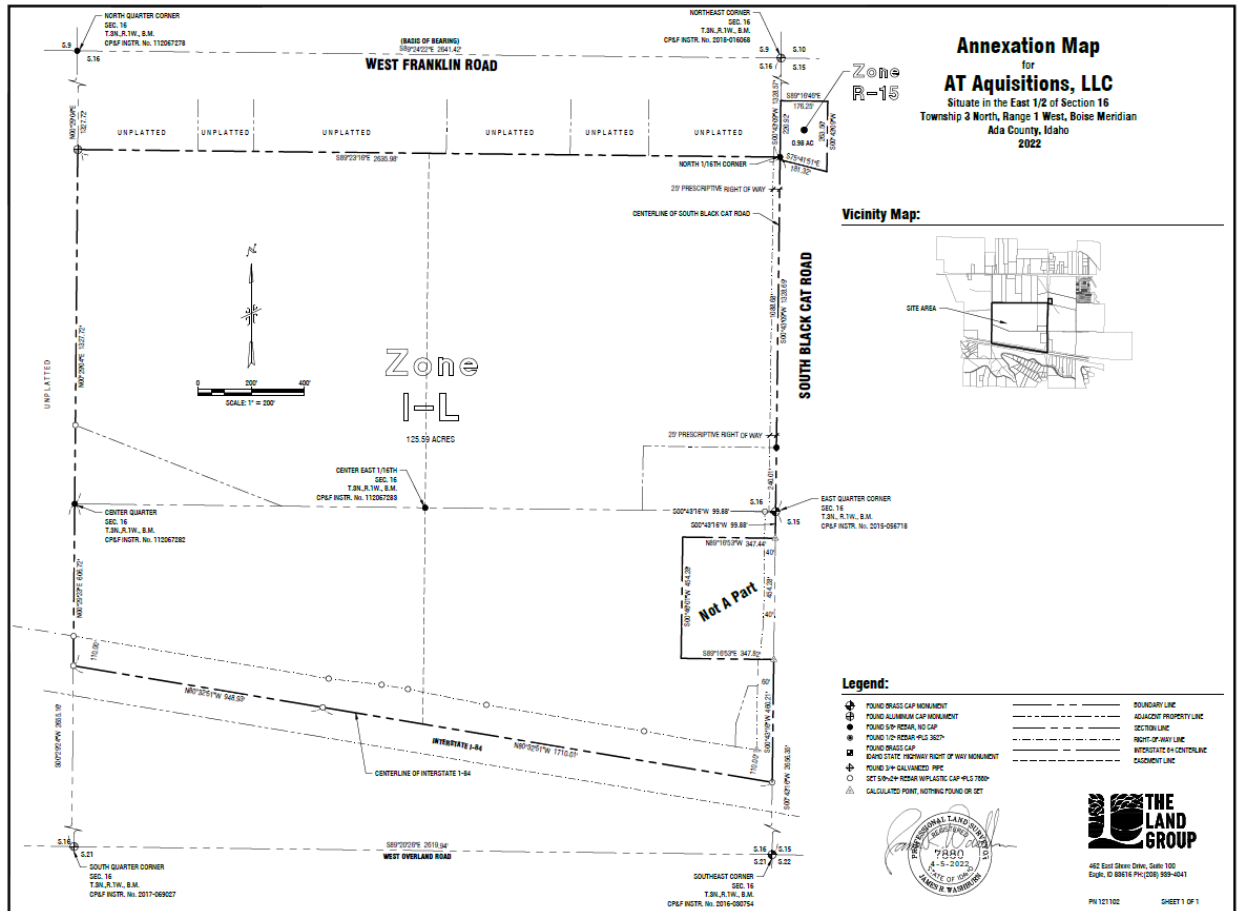
Thence North 00° 43' 09" East, a distance of 220.92 feet on the west line of said Section 15 to the POINT OF BEGINNING.

The above described parcel contains 0.98 acres more or less.

PREPARED BY:
THE LAND GROUP, INC.

James R. Washburn





VII. CITY/AGENCY COMMENTS & CONDITIONS

A. PLANNING DIVISION

1.1. A Development Agreement (DA) for the I-L zoned property is required, which shall at a minimum, incorporate the following provisions:

- a. The property shall be used consistent with the uses and dimensional standards allowed in the I-L zone, which include but are not limited to light manufacturing, research and development, warehousing and distributing (i) "storage facility, self-service"¹ will not be a permitted use on the property; and (ii) vehicle impound sales and repair use must be entirely indoors; otherwise a conditional use permit is required.
- b. Development of the subject property shall be generally consistent with the approved conceptual site plan, attached as Exhibit A.
- c. Development in the I-L Zone shall be generally consistent with the development guidelines contained in the Ten Mile Interchange Specific Area Plan (TMISAP) for Mixed Employment (ME) designated areas, with the following clarifications and exceptions:
 - 1) Only building façades fronting on and adjacent to Black Cat Road, Interstate-84, and the east to west collector road running through the middle of the site shall be considered frontage for the purpose of applying the TMISAP development guidelines. The TMISAP development guidelines shall not apply to any other building façades.
 - 2) Notwithstanding any provision in the TMISAP development guidelines, building façades fronting on and adjacent to the east to west collector road running through the middle of the site, along Interstate-84, and the northern boundary of the site shall be required to have an average of 15% of the linear dimension of the frontage in windows or doorways.
 - 3) Parking is allowed along building frontage, provided that the maximum length of parking along a building frontage does not exceed 30% of the linear dimension of total frontage of all planned buildings combined. Frontage parking restrictions do not apply along Interstate-84 or the northern boundary of the site.
 - 4) When required to be constructed, the east to west collector shall be constructed in conformity with the street section design attached as Exhibit B.
- d. Development in the I-L Zone shall be generally consistent with the Meridian Architectural Standards Manual, and subject to the administrative design review process, with the following exceptions:
 - 1) Requirements shown on Building Scale, Building Form, Architectural Elements, and Materials Standards Tables apply to building facades along Black Cat Road, I-84, and the east to west collector running through the middle of the site. They do not apply to other building facades.

- 2) Loading Docks will be allowed on the western façade along the western boundary of the site.
 - 3) The north facing facades along the northern boundary of the site will use similar colors, materials, and parapet height variation as the southern facades of the buildings. The north facing facades along the northern boundary of the site will also have score markings to create architectural accents in the wall panels and appropriate landscaping.
- e. Certificate of Zoning Compliance and Design Review applications cannot be submitted until after ACHD accepts the Traffic Impact Study.
- f. The applicant shall submit a Certificate of Zoning Compliance and Design Review application to the Planning Division for approval of all future uses on the site to ensure compliance with the Unified Development Code, Comprehensive Plan, Architectural Standards Manual, prior to issuance of building permits for any structure(s) within this site.
- g. The Rosenlof Drain shall be left open and may not be piped.
- h. The total square footage (SF) of approved building occupancy on the site shall be dependent on substantial completion, by owner/developer or any agency or third-party, of the following roadway improvements:
- 1) Greater than 0 SF: Prior to any occupancy being granted: (i) frontage improvements on Black Cat from the east to west on-site collector to Franklin must be complete; and (ii) turn lanes at the intersection of Black Cat and the east to west on-site collector must be completed as recommended by ACHD. Completion of the above improvements permit occupancy for up to 960,000 SF. Secondary access shall be constructed and approved by the fire department.
 - 2) Greater than 960,000 SF: To exceed 960,000 SF of occupied space on the site: (i) Black Cat must be widened to five lanes between the east to west collector and Franklin; (ii) the intersection of Black Cat and Franklin must be improved as recommended by ACHD; and (iii) the intersection of McDermott and Franklin must be improved with a two-way left turn lane, unless Franklin has been widened to five lanes.. Completion of the above improvements permit occupancy for up to 1,500,000 SF.
 - 3) Greater than 1,500,000 SF: To exceed 1,500,000 SF of occupied space on the site Franklin must be widened to five lanes between Black Cat and State Highway 16. A traffic signal must be constructed at the intersection of Black Cat and the east to west on-site collector when a signal warrant analysis shows it is required.
 - 4) East to West On-Site Collector: The east to west on-site collector will be extended from Black Cat Road west incrementally as development progresses subject to the following. The east to west on-site collector
-

shall be fully constructed to the western boundary upon the earlier of: (i) prior to issuance of a Building Permit for Building A or F as shown on Exhibit A, or, (ii) within 90 days after ACHD's acceptance of a connecting public street from the property to the west (commonly known as 5925 W. Franklin Road, Ada County Tax Parcel Number S1216212855).

During the building permit review process, Applicant and City staff will work together to confirm the above roadway improvements are reasonably on schedule to be completed consistent with the above occupancy thresholds. The scope and location of the roadway improvements detailed above are summarized on Exhibit C.

- i. ACHD required frontage improvements, landscape buffer and pathway shall be constructed along S. Black Cat Rd. with the first phase of development.
- j. The Applicant shall provide a 10' wide detached multi-use pathway, parallel to the east to west on-site collector road, within either a 14' wide easement (10' pathway + 2' shoulder each side) or within ACHD's right-of-way.
- k. With the submittal of the first Certificate of Zoning Compliance application on the south side of the east to west on-site collector roadway, provide the City a copy of a recorded cross-access, ingress-egress in favor of the approximately 3-acre property commonly known as 935 S Black Cat Road (Ada County Tax Parcel Number S1216417240).
- l. All buildings shall have code compliant fire sprinklers and an Automated External Defibrillator (AED) installed near the main entrance of each individual building.

1.2 A Development Agreement (DA) for the R-15 zoned property is required, which shall at a minimum, incorporate the following provisions:

- a. The property zoned R-15 shall be used consistent with the uses and dimensional standards allowed in the R-15 zone.
- b. The existing home located at 350 S Black Cat shall hook up to City water and sewer services within 60 calendar days of such services becoming available in Black Cat Road and in accordance with MCC 9-1-4 and 9-4-8. At such time, all septic and wells shall be abandoned.
- c. Development or redevelopment beyond the existing single-family use of the R-15 zoned property shall require approval of a development agreement modification application with a conceptual development plan.

B. PUBLIC WORKS

~~Public Works acknowledges the recommendation for denial mentioned above, and is providing site specific and general conditions in the event that an approval is granted.~~

1. Site Specific Conditions of Approval:

1. Surface slopes shall not exceed 3:1
2. All drainage must be retained onsite
3. If the onsite 8'' sewer lines are services, they should be decreased to 6'', based off flows this should be sufficient.
4. Any 8'' water or sewer main outside of right-of-way shall be covered by a City easement.
5. Sewer services shall not pass through infiltration trenches.
6. When the development connects to the east, the water pressure zone will change from 1 to 2 which will result in an approximately 22 psi pressure increase. Provide stubs or blind flanges to the property lines at the future road connections to both the east and west.

2. General Conditions of Approval:

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

UDC 11-3A-6. In performing such work, the applicant shall comply with Idaho Code 42-1207 and any other applicable law or regulation.

7. Any wells that will not continue to be used must be properly abandoned according to Idaho Well Construction Standards Rules administered by the Idaho Department of Water Resources. The Developer's Engineer shall provide a statement addressing whether there are any existing wells in the development, and if so, how they will continue to be used, or provide record of their abandonment. Record of abandonment must be provided to the City prior to signature of the final plat.
 8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
 9. Street signs are to be in place, sanitary sewer and water system shall be approved and activated, road base approved by the Ada County Highway District and the Final Plat for this subdivision shall be recorded, prior to applying for building permits.
 10. A letter of credit or cash surety in the amount of 110% will be required for all uncompleted fencing, landscaping, amenities, etc., prior to signature on the final plat.
 11. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures. Where approved by the City Engineer, an owner may post a performance surety for such improvements in order to obtain City Engineer signature on the final plat as set forth in UDC 11-5C-3B.
 12. Applicant shall be required to pay Public Works development plan review, and construction inspection fees, as determined during the plan review process, prior to the issuance of a plan approval letter.
 13. It shall be the responsibility of the applicant to ensure that all development features comply with the Americans with Disabilities Act and the Fair Housing Act.
 14. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
 15. Developer shall coordinate mailbox locations with the Meridian Post Office.
 16. Compaction test results shall be submitted to the Meridian Building Department for all building pads receiving engineered backfill, where footing would sit atop fill material.
 17. The design engineer shall be required to certify that the street centerline elevations are set a minimum of 3-feet above the highest established peak groundwater elevation. This is to ensure that the bottom elevation of the crawl spaces of homes is at least 1-foot above.
 18. The applicants design engineer shall be responsible for inspection of all irrigation and/or drainage facility within this project that do not fall under the jurisdiction of an irrigation district or ACHD. The design engineer shall provide certification that the facilities have been installed in accordance with the approved design plans. This certification will be required before a certificate of occupancy is issued for any structures within the project.
-

19. At the completion of the project, the applicant shall be responsible to submit record drawings per the City of Meridian AutoCAD standards. These record drawings must be received and approved prior to the issuance of a certification of occupancy for any structures within the project.
20. A street light plan will need to be included in the civil construction plans. Street light plan requirements are listed in section 6-5 of the Improvement Standards for Street Lighting. A copy of the standards can be found at http://www.meridiancity.org/public_works.aspx?id=272.
21. The City of Meridian requires that the owner post to the City a performance surety in the amount of 125% of the total construction cost for all incomplete sewer, water and reuse infrastructure prior to final plat signature. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.
22. The City of Meridian requires that the owner post to the City a warranty surety in the amount of 20% of the total construction cost for all completed sewer, water and reuse infrastructure for duration of two years. This surety will be verified by a line item cost estimate provided by the owner to the City. The surety can be posted in the form of an irrevocable letter of credit, cash deposit or bond. Applicant must file an application for surety, which can be found on the Community Development Department website. Please contact Land Development Service for more information at 887-2211.

B. ACHD

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=242157&dbid=0&repo=MeridianCity>

C. COMPASS

<https://weblink.meridiancity.org/WebLink/DocView.aspx?id=240474&dbid=0&repo=MeridianCity&cr=1>

VIII. FINDINGS

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:

A. ANNEXATION AND REZONE

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

The City Council finds that the I-L zoning district and proposed light industrial use is consistent with the existing Mixed Employment FLUM and TMISAP designations for this site and is compatible with existing and planned future uses in the area. The TMISAP provides that Mixed Employment areas should provide a variety of flexible sites for small businesses as well as large national or regional enterprises. (3-11). The proposed industrial development provides flex and light industrial uses in a variety of building sizes, each of which is demisable into smaller spaces to serve a variety of business sizes. TMISAP also seeks to “provide for industrial opportunities in consideration of future improvements to Highway 16” (3-3). The site provides an ideal location for local and regional light industrial businesses to access Highway 16, providing jobs close to home for Meridian residents.

The City Council finds that the proposed initial zoning of R-15 for the approximately 1-acre residential property on the east side of Black Cat Road is consistent with the existing Medium High Density Residential designation for this site and is compatible with existing and planned future uses in the area.

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

The City Council finds the proposed I-L zoning district and proposed use is consistent with the regulations and purpose statements of the I-L district, which is to provide for convenient employment centers of light manufacturing, research and development, warehousing and distributing.

The City Council finds the proposed R-15 zoning district is consistent with the regulations and purpose statement of the R-15 district.

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

The City Council finds the proposed zoning map amendment will not be detrimental to the public health, safety and welfare. The development will build new roads and pathways consistent with TMISAP design standards to provide safe vehicular and non-vehicular connections for employees and area residents.

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

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

The City Council finds that the annexation is in the best interest of the City. The proposed industrial use will provide needed industrial business space to support and complement the commercial and residential uses planned within the TMISAP area.
