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May 30, 2025

Meridian City Council
33 E. Broadway Ave.
Meridian, Idaho 83642

Re: Decision to be reviewed:

Case No. H-2024-0058

In the Matter of the Request for Conditional Use Permit for a Drive- Through Establishment in the C- G Zoning District within 300 Feet of Another Drive- Through Facility, Existing Residences, and a Residential District with Business Hours of Operation from 10: 30 AM until 1: 00 AM Sunday Through Thursday and From 10: 30 AM until 1: 30 AM Friday and Saturday, Located at 5985 & 6037 N. Ten Mile Rd., by In- N- Out Burger.

Name and address of person seeking review:

**Cassie Ruiz
13502 Hamburger Lane
Baldwin Park, CA 91706-5885**

Dear City Council Members:

I. Introduction

In-N-Out Burgers (“In-N-Out”) respectfully submits the following letter appealing (“Appeal”) the City of Meridian (“City”) Planning and Zoning Commission’s (“Commission”) decision (“Commission Decision”) denying In-N-Out’s application for a Conditional Use Permit (“Application”) for a drive-through establishment as an accessory to a permitted restaurant (“Project”) located at 5985 & 6037 North Ten Mile Road in Meridian, Idaho (“Property”).

In support of this Appeal, In-N-Out has evaluated the feedback to its Application and hereby submits the following proposed conditions and supplemental information, which illustrate that the Project’s compliance with the Meridian City Code standards, Meridian’s Comprehensive Plan, and original development plan for the Property.

A. Factual Background

In-N-Out intends to operate 3,886 square foot restaurant with indoor seating for 74 people and outdoor seating for 46 people located at 5985 and 6037 North Ten Mile Road in Meridian, Idaho. Because In-N-Out's business is renowned for its drive-throughs, a drive-through is the essential element to the Project. As discussed in more detail below, operating a drive-through within the City requires a conditional use permit in certain circumstances.

The Property is located in the C-G district, which permits the restaurant but requires a conditional use permit for the drive-through. Within this C-G district are already several commercial businesses including, but not limited to:

- Burger King operating from 6:00am to 12:00am on Monday through Saturday, and 7:00am to 12:00am on Sunday.
- Café Rio operating from 10:30am to 10:00pm Monday through Saturday, and 11:00am to 10:00pm on Sunday.
- Costco operating from 10:00am to 8:30pm on weekdays, with reduced operations on Saturday and Sunday (9:30am to 6:00pm and 10:00am to 6:00pm, respectively)
- Costco gas station operating from 6:00am to 10:00pm on weekdays, with reduced operations on Saturday and Sunday (6:00am to 8:30 PM and 6:00am–7:30 PM, respectively)

Several nearby businesses including Dutch Bros Coffee, Café Rio, Burger King, Swig, Slim Chickens, and Firehouse Subs also operate drive-throughs. is the Project is ideally located near important community pillars, including several public parks, churches and schools. In-N-Out views the neighboring communities as important assets and hopes that many residents and customers who frequent this area will become In-N-Out customers. In-N-Out takes pride in its wholesome reputation offering a safe and clean space for families and friends to hang out and enjoy a burger.

The Property is located within a larger shopping complex ("Shopping Complex"). The two parcels involved here were originally proposed to house two individual businesses, rather than just one. The Shopping Complex was proposed in two phases: (1) Phase 1, involving the construction of a 166,000 square-foot Costco warehouse and (2) Phase 2, involving the construction of 60,000 square feet of retail pads, 115 apartment units, and 162 residential homes. Currently, the retail portion of Phase 2 of the Shopping Complex is nearly built out with only three of 10 lots remaining to be developed. However, on a square footage basis, only 31,008 square feet of the originally contemplated 60,000 square feet (less by nearly half) has been built. When the City approved the Shopping Complex's development application, the underlying traffic impact study was a key part of the City's approval. Based on this impact study, the City agreed that Costco shopping complex would require transportation infrastructure improvements and even determined that a variance would help relieve traffic flow concerns. As such, the City required that prior to the first Certificate of Occupancy, SH 20-26/W. Chinden Blvd. be widened to four lanes with signal/intersection upgrades from Tree Farm to Linder (1.5 miles); North Ten Mile Road would be widened to 4 lanes from Chinden to Walmart (0.80 of a mile); and that

signals would be installed at North Black Cat Road and West Lost Rapids Drive.¹ These improvements were developed after City Staff held several additional meetings to review and discuss the Costco application with the Ada County Highway District (“ACHD”), Idaho Transportation Department (“ITD”), and the Community Planning Association of Southwest Idaho (“COMPASS”).² These conditions of approval took into account significant traffic increases expected by 2040 as detailed in the Communities in Motion 2040 Plan.³ Based on these discussions and a detailed traffic study, the City approved the development with these specific conditions so that the full buildout of the Shopping Complex—not just Costco—would be supported. These required road improvements are complete. Currently, even with In-N-Out’s drive-through proposal, the Shopping Complex is still far below the size and density of the original assumptions identified in the Shopping Complex’s site and development plans.

B. Procedural Background

The Staff Report for this Application was issued on April 12, 2025. In-N-Out received the Staff Report on April 15, 2025 shortly before the April 17, 2025 Planning and Zoning Commission hearing (“Hearing”). In-N-Out was disappointed to see that City Staff did not recommend approving the Application; however, because the Hearing was rapidly approaching, In-N-Out was not able to work with City Staff to revise its Application, submit supplemental information or draft mutually agreeable conditions of approval.

At the Hearing, the Commission considered In-N-Out’s Conditional Use Permit Application and public comments on the same. Ultimately, the Commission denied the Application on the basis that the proposed restaurant location’s hours of operation were not compatible with the residential area to the west and determined that there were substantial traffic concerns, including traffic conflicts that will have a negative impact on the north-south private drive aisle that serves the surrounding commercial area. City’s Findings of Fact, Conclusions of Law and Decision & Order (Case No. H-2024-0058 In-N-Out Burger at Ten Mile).⁴

At the Hearing, the Commission determined that In-N-Out was unwilling to “deviate from its corporate plan,” that operational hours and other matters were “non-negotiable,” and

¹ See Findings of Fact and Conclusions of Law, H-2018-0004 (<https://weblink.meridiancity.org/WebLink/PDF10/c3da143f-7d0e-4bf7-a1cb-ac935d7407e6/147764>), p. 7. Exhibit B.1.1.b.15., c.12.,

² *Id.* at p.8.

³ *Id.* at p.11.

⁴ The Staff Report provides a “note for clarification” stating, “The notice of public hearing included “extended” business hours of operation as the use was believed to abut a residential use and zoning district, which would have limited hours from 6:00 am to 11:00 pm per UDC 11-2B-3B; *however, upon closer examination, prior to issuance of the staff report, Staff found the proposed use is actually separated from the residential use/zoning by a 20 foot wide strip of commercially zoned land. Therefore, business hours are not expressly limited by the UDC although they may be limited through the Conditional Use Permit as a condition of approval for compatibility with adjacent uses.* The staff report clarified this matter in Section III.C below and Staff also clarified it verbally at the public hearing. Any references in the staff report to “extended” business hours of operation should be disregarded.

that In-N-Out “made it perfectly clear that they’re not willing to deviate from their standard business hours.”⁵ The Commission asked In-N-Out whether it was aware of other In-N-Out locations with operating hours outside of In-N-Out’s proposed business hours of operations. In-N-Out acknowledged that some stores do close at midnight, and that In-N-Out was willing to provide additional information regarding store operational hours and delivery hours, specifically In-N-Out stated that operational hours were something it would discuss.⁶ While this response may not have been a clear acknowledgement that In-N-Out is willing to accept conditions of approval, it was certainly not the refusal that the Commissioners construed In-N-Out’s response to be.

As a result of the Commission’s, City Staff’s and public’s feedback in response to the Application, In-N-Out hereby submits additional material to supplement the record, including a revised proposed site plan dated May 19, 2025 (**Exhibit A**), revised proposed landscape plan dated May 27, 2025 (**Exhibit B**), updated queuing observations of the three existing Idaho stores performed in May 2025 (**Exhibit C**), a proposed photometric plan (**Exhibit D**), and an operational noise study (**Exhibit E**). This material is addressed in this appeal and included in this submission. Since the Hearing, In-N-Out also met with City Staff to gather important feedback necessary to address alleged impacts. For example, In-N-Out originally sought to operate from 10:30am to 1:00am Sunday through Thursday, and from 10:30am to 1:30 am on Friday through Saturday, with deliveries occurring between 2:00am and 9:00am. As discussed in its proposed conditions of approval, In-N-Out now offers that it will operate only until 12:00am every day of the week, and that delivery hours will be restricted to 6:00am until 10:00pm.

Thus, this appeal serves two purposes. First, this appeal explains why the Meridian City Council (“City Council”) should reverse the Commission’s decision because the Commission’s decision was legally insufficient and based on inappropriate considerations, given the limited scope of the conditional use request at issue. Second, this appeal sets forth In-N-Out’s proposed conditions of approval, which are (a) consistent with the interdepartmental memoranda attached to the original Staff Report, (b) address City Staff’s incompatibility concerns, and (c) address a number of concerns expressed by in public comment or by the Commission. Accordingly, In-N-Out respectfully requests approving approval of its Application based on the based on the information and supplemental material provided and discussed herein.

II. Legal Standards

A. Restaurants are permitted uses in the C-G District and only the proposed drive-through’s impacts should be considered.

Meridian’s Uniform Development Code (“UDC”) defines a restaurant as “the use of a site for the primary purpose of food preparation, having a commercial kitchen and cooking

⁵ See <https://www.youtube.com/watch?v=8yLJuAXbeX4> at 4:06:00 (Chair Lorcher’s comments); 4:09:40 (Commissioner Rust’s comments suggesting a continuance to create conditions of approval for operational hours and other matters); 4:10:35 (Commissioner Sandoval’s Comments).

⁶ See <https://www.youtube.com/watch?v=8yLJuAXbeX4> at 3:32:00.

facilities, and where meals are regularly served to the public for compensation.” UDC § 11-1A-1. In-N-Out’s proposed restaurant would be located in a “General Retail and Service Commercial District” generally referred to as the “C-G” district. The purpose of a commercial district is “to provide for the retail and service needs of the community in accordance with the Meridian Comprehensive Plan.” Specifically in a C-G district, there is the “largest scale and broadest mix of retail, office, service, and light industrial uses.” *Id.* at Table § 11-2B-1.

Restaurants are permitted uses within the C-G district, meaning that “the use of land or a structure allowed in a specific district as distinguished from an accessory or conditional use.” UDC § 11-1A-A (defining “Principal Permitted Use”). In the C-G district, business hours of operation are limited to 6:00am to 11:00pm only “when the subject property abuts a residential use or district.” UDC § 11-2B-3(B).⁷ However, when the proposed use does not abut a residential use or district, there are no operational hour restrictions, unless imposed through a conditional use permit as a condition of approval.

Drive-throughs, including stacking lanes, speaker and order areas, pickup windows and exit lanes, are typically an accessory use, meaning the drive-through is “incidental and secondary to the principal use and is conducted upon the same property.” *See* UDC § 11-4-3-11(A); UDC § 11-1A-A (“accessory use, nonresidential”). When a drive through is located within 300 feet of another drive-through facility, a residential district, or an existing residence; separated by an arterial street from any other drive-through facility, residential district, or existing residence, or within an O-T zoning district, then a conditional use permit is required. *Id.* § 11-4-3-11.A.1-3. Such is the case here. As identified in In-N-Out’s Application and the Staff Report, In-N-Out’s new proposed restaurant location is within 300 feet of another drive-through restaurant (Café Rio). Thus, the proposed drive-through is subject to conditional approval.

For the drive-through feature, In-N-Out must meet the specific-use standards outlined at UDC § 11-4-3-11(B), (C), and (D). Under UDC § 11-4-3-11(B), In-N-Out must “identify the stacking lane, menu and speaker location (if applicable), and window location on the certificate of zoning compliance or the conditional use permit.”⁸ UDC § 11-4-3-11(C) requires In-N-Out to submit a site plan that demonstrates “safe pedestrian and vehicular access and circulation on the site and between adjacent properties.” In-N-Out must show that:

⁷ “Hours of operation. Business hours of operation within the L-O and C-N Districts shall be limited from 6:00 a.m. to 10:00 p.m. Business hours of operation within the C-C and C-G Districts shall be limited from 6:00 a.m. to 11:00 p.m. *when the property abuts a residential use or district.* Extended hours of operation in the C-C and C-G Districts may be requested through a conditional use permit. These restrictions apply to all business operations occurring outside an enclosed structure, including, but not limited to, customer or client visits, trash compacting, and deliveries. These restrictions do not apply to business operations occurring within an enclosed structure, including, but not limited to, cleaning, bookkeeping, and after hours work by a limited number of employees. UDC § 11-2B-3(B) (emphasis added).

⁸ UDC § 11-4-3-11(B) also prohibits the use of speakers. As In-N-Out’s proposed location is not within an O-T zoning district, this limitation does not apply.

- stacking lanes have sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons.
- the stacking lane has a separate lane from the circulation lanes needed for access and parking, except that stacking lanes may provide access to designated employee parking.
- the stacking lane is not located within 10 feet of any residential district or existing residence.
- if the stacking lane is greater than 100 feet in length, In-N-Out's site design has provided an escape lane.
- the drive-through is visible from a public street for surveillance purposes.

UDC § 11-4-32-11(C)(1)-(5).

More generally, under the UDC, all conditional uses must adhere to several Conditional Use Standards. "In approving any conditional use, the decision-making body may prescribe appropriate conditions, bonds and safeguards in conformity with this title [the UDC] that (1) Minimize adverse impact of the use on other property; (2) Control the sequence and timing of the use; (3) Control the duration of the use; (4) Assure that the use and the property in which the use is located is maintained properly; (5) Designate the exact location and nature of the use and the property development; (6) Require the provision for on site or off-site public facilities or services; (7) Require more restrictive standards than those generally required in this title; (8) Require mitigation of adverse impacts of the proposed development upon service delivery by any political subdivision, including school districts, that provides services within the city." UDC § 11-5B-6. The decision-making body, must "base its determination on the conditional use permit" on the following findings:

1. That the site is large enough to accommodate the proposed use and meet all the dimensional and development regulations in the district in which the use is located.
2. That the proposed use will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of this title.
3. That the design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.
4. That the proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.
5. That the proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.
6. That the proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community.
7. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.
8. That the proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

9. Additional findings for the alteration or extension of a nonconforming use:
 - a. That the proposed nonconforming use does not encourage or set a precedent for additional nonconforming uses within the area; and
 - b. That the proposed nonconforming use is developed to a similar or greater level of conformity with the development standards as set forth in this title as compared to the level of development of the surrounding properties.⁹

UDC § 11-5B-6.

In-N-Out's proposed restaurant is permitted by right, subject only to design-related standards outlined above. For the purposes of approving or denying In-N-Out's Application, the City Council should only consider the proposed drive-through operation and its impacts, and not the operation of a restaurant as a whole. Thus, any impacts that would arise from operating a restaurant without a drive-through (e.g., noise from slamming car doors, vehicle headlights in a parking lot pointed toward the Olivia residential development, building and parking lot lighting) should not be considered for the purposes of evaluating the conditional use required findings, approval, denial, or adopting conditions of approval. However, the City Council may consider such impacts that arise specifically from operating a drive-through when evaluating these matters.

B. Standard of Review

The City Council reviews Commission decisions under a de novo standard of review. UDC § 11-5A-7(C) ("All requests for review of the action of the Director or commission, shall require a de novo public hearing before the City Council as set forth in [UDC] Section 11-5A-6") "A de novo review means 'a trying of the matter anew--the same as if it had never been heard before.'" *Marcia T. Turner, L.L.C. v. City of Twin Falls*, 144 Idaho 203, 211, 159 P.3d 840, 848 (2007) (upholding a city council's decision to consider emails sent to the Council after a P&Z Commission decision); *see also Gilbert v. Moore*, 108 Idaho 165, 168, 697 P.2d 1179, 1182 (1985). When the City Council reviews a decision under a de novo standard of review, it is not confined to the record made before the P&Z Commission and may consider new information. *Twin Falls*, 144 Idaho at 211; UDC § 11-5A-7(D). The City Council is "not required to address the P&Z Commission's findings or decision, nor [is] it required to find that the Commission made a legal error or that its findings lacked support in the record." *Twin Falls*, 144 Idaho at 211. The Council's de novo review has "the effect of removing the P&Z Commission's decision from the record." *Id.* (citations omitted).

III. Proposed Conditions of Approval

In-N-Out understands that it is atypical for a conditional use permit applicant to present its own conditions of approval without input from City Staff. However, In-N-Out presents these proposed conditions of approval to show its good faith efforts to mitigate or resolve any alleged impacts from its proposed drive through. In-N-Out suggests the following conditions of approval:

⁹ City Staff determined, and In-N-Out agrees, that the conditional use requirement number nine does not apply to In-N-Out's Application because there is no nonconforming use involved here. Therefore, In-N-Out does not discuss this conditional use requirements in this appeal.

1. All mechanical equipment on the back of the building and outdoor service and equipment areas should be incorporated into the overall design of the building and landscaping so that visual and acoustic impacts of these functions are contained and out of view from adjacent properties as set forth in UDC 11-3A-12.
2. Food service hours of operation shall be from 6:00 am-12:00 am, seven days a week.
3. In-N-Out shall provide pedestrian sidewalks along the western and northern edges of the property connecting the public right of way between Lost Rapids Drive at the southwest and N. 10 Mile Road at the northeast as shown on the attached revised site plan dated May 19, 2025 .
4. Landscaping along the western and southern portions of the property shall be as provided in In-N-Out's revised landscape plan dated May 27, 2025.
5. Routine ingredient deliveries shall take place between the hours of 6:00 am – 10:00 pm.
6. The primary delivery access for In-N-Out-operated delivery trucks shall be from the driveway access via N. Ten Mile Road approximately 660 feet north of W. Lost Rapids Drive. The driveway access via W. Lost Rapids Drive driveway approximately 350 feet west of N. Ten Mile Road may be used when access to the Lost Rapids/Ten Mile traffic signal is needed.
7. Parking lot lighting shall be designed with lighting levels in conformance to the attached photometric plan.
8. Parking lot lights and signs shall be turned off after closing to the public, with the exception of those lights necessary to maintain public and In-N-Out Burger Associates' safety and security.
9. No stacking is permitted in outside travel lane serving as an escape lane; In-N-Out shall install signage that notifies patrons to not block escape lanes or exits.

In-N-Out also agrees to all Ada County Highway District and Meridian Public Works proposed conditions, as set forth in **Exhibit F**.

IV. Grounds for Appeal

As mentioned above, the City Council should reverse the Commission's decision for several reasons: (1) the Commission's decision was legally insufficient under Idaho case law; (2) the Commission made its decision based on considerations outside the limited scope of the conditional use request; and (3) as shown by the record below, and in the supplemental information discussed here, In-N-Out has met the conditional use required findings. These points are covered more fully below.

A. The Commission's decision was insufficient under Idaho case law and should be set aside by the City Council.

The Commission's one-and-a-half-page long decision does not meet the "reasoned statement" standards outlined in Idaho's Local Land Use Planning Act ("LLUPA") or the case law arising out of this Act. As a result, the Commission's decision is invalid and must be overturned by the City Council.

Idaho Code § 67-6535 requires that any “approval or denial of any application required or authorized pursuant to [LLUPA] shall be based upon standards and criteria which shall be set forth in the comprehensive plan, zoning ordinance or other appropriate ordinance or regulation of the city or county.” An approval or denial must be “in writing and accompanied by a reasoned statement that explains the criteria and standards considered relevant, states the relevant contested facts relied upon, and explains the rationale for the decision based on the applicable provisions of the comprehensive plan, relevant ordinance and statutory provisions, pertinent constitutional principles and factual information contained in the record.” Idaho Code § 67-6535(2). If a decision-making body “fail[s] to identify the nature of compliance or noncompliance with express approval standards or fail[s] to explain compliance or noncompliance with relevant decision criteria” in writing, the denial shall be invalidated on appeal. *Id.* § 65-6735(2)(a).

Recently the Idaho Supreme Court reiterated that “[i]t is well established that LLUPA requires a decision-maker to issue a written statement in support of its decision, setting forth the relevant contested facts relied upon, and explaining the criteria and standards it considered relevant.” *Veterans Park Neighborhood Ass’n, Inc. v. City of Boise*, 564 P.3d 350, 364 (Idaho 2025) (“*VPNA*”). A mere recitation of portions of the record, rather than determinations of facts disputed is insufficient under LLUPA. *Id.* citing *Jasso v. Camas Cnty.*, 151 Idaho 790, 794, 264 P.3d 897, 901 (2011). When a decision does not measure up to LLUPA’s “reasoned statement” standard, it violates an Applicant’s substantial right to due process. *Jasso v. Camas Cnty.*, 151 Idaho 790, 792, 264 P.3d 897, 899 (2011).

The *VPNA* case involved Interfaith Sanctuary’s request for a conditional use permit operate a homeless shelter in Boise, Idaho near the Veterans Park Neighborhood. The matter first went before the Boise City Planning and Zoning Commission which denied the conditional use permit primarily because Interfaith Sanctuary had not created a security plan, and there would be adverse impacts to neighboring communities, city-funded emergency responders like firefighters and police, and Interfaith Sanctuary would not provide assurances that it would mitigate the homeless shelter’s adverse impacts on the community. *VPNA v. City of Boise*, 564 P.3d 350, 356 (Idaho 2025). Further, according to the Boise Planning and Zoning Commission, Interfaith Sanctuary’s materials did not provide enough information to allow the Commissioners to craft conditions of approval. Interfaith Sanctuary then appealed to the Boise City Council which reversed the conditional use permit denial. After this approval, VPNA brought a judicial appeal which ended up before the Idaho Supreme Court.

The Idaho Supreme Court specifically found that the Boise City Council’s one and one-half page reasoned statement, and conditions of approval were inadequate even when referencing nearly 40 hours of public hearing and thousands of pages of submissions. The Court noted that the Boise City Council’s decision offered only summary conclusions, but did not “attempt to wrestle with any of the controversy.” For example, the Boise City Council’s decision offered the blanket statement that “[c]onditions of approval will ensure that the shelter does not adversely impact other property in the vicinity.” But the City Council’s decision stopped short of explaining how conditions of approval would address concerns raised by VPNA and other members of the public. The Court also criticized the Boise City Council for incorporating by reference 30 conditions of approval to provide explanatory support for the Council’s decision. *Id.* at 368. While the Court agreed that it could read these conditions in concert with the reasoned

statement, the conditions alone did not render valid the conclusory opinion by providing a clear explanation or guidance demonstrating the facts that the Boise City Council relied on.

Similarly, in *Jasso v. Camas County*, the Court invalidated a Board of County Commissioners' decision when the findings of fact were mere recitations of procedural history. In that case, the Board of County Commissioners merely recited that a preliminary plat application and reports were submitted, that expert and agency recommendations were made, that fees were paid, and hearings were held. These facts were not enough to create the required reasoned statement under LLUPA. 151 Idaho 790, 795, 264 P.3d 897, 902 (2011). Further, the Board of County Commissioners' conclusions of law consisted of merely eight short statements detailing the contents of the record (e.g., that a warranty deed and easement were included in the application file; that an engineering report had been submitted and deemed complete). This decision was both legally insufficient to withstand judicial review, and violated the applicant's due process rights. *Id.*

The Commission's decision here is similarly inadequate. The Commission's findings of fact here are not full sentences and merely list "Hearing Facts," "Process Facts," "Application and Property Facts," and Required Findings per the Unified Development Code" with cross references to the Staff Report. The Commission provided no explanation as to why some facts were accepted as relevant, valid, or truthful, while others were disregarded. Indeed, In-N-Out is not able to fully refute the findings of fact simply because it unclear which facts the Commission specifically relied on. To refute each and every fact brought before the Commission by City Staff and the public would result in a far lengthier appeal than this document.

In addition, the conclusions of law are not actually conclusions of law determining how the UDC applies to the facts before the Commission. Instead, they are simply sentences discussing that the Commission has power under LLUPA; an acknowledgement of the UDC and Comprehensive Plan; an acknowledgement that the Commission considered comments from agencies; and a statement that the Commission granted an order of denial. The conclusion of law #4 even states that "[i]t 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." Decision, at 1. Yet, there are no conditions of approval attached, nor are there any factual findings discussing governmental services outside of the record's contents.

It is difficult and nearly impossible for In-N-Out to fully refute the facts the Commissioners relied on, and the conclusions made by the Commissioners simply because they are no where to be found in the Commission's Decision. And even when reviewing the record, In-N-Out must infer the facts the Commissioners deemed relevant. In-N-Out acknowledges that there is no "particular form required, and no magic words need be employed," to establish a sufficient statement. *Jasso*, 151 Idaho at 796. But without a more detailed reasoned statement, In-N-Out will be denied the opportunity to seek meaningful judicial review of any denial and thus, In-N-Out's right to substantial due process will be denied should the Commission decision remain in place. *Id.* Thus the City Council must reverse the Commission's decision.

And, as outlined below, it is not appropriate for the City Council to simply issue a more detailed denial of In-N-Out's proposed conditional use. Instead, based on the credible, reliable,

and substantial evidence already provided by In-N-Out at the Hearing, and provided here as supplemental information, the City Council should approve this conditional use.

B. In-N-Out's Application meets each of the conditional use requirements.

1. In-N-Out's proposed location is large enough to accommodate the proposed use and meets all the dimensional development requirement regulations in the district in which the use is located.

The Property consists of two parcels, totaling approximately 2.2 acres. Other Treasure Valley locations are nearly an acre smaller than this proposed location. The In-N-Out located at The Village Shopping Center is 1.2 acres. The Nampa location is 1.4 acres. The In-N-Out location in the Boise Town Square mall is 0.86 acres. Here, the restaurant itself would be 3,886 square feet, leaving the remainder of the Site (91,946 square feet or about 2.1 acres) available for parking, queue stacking, an escape lane, landscaping, and family-friendly outdoor seating.

City Staff determined that the proposed use will comply with the dimensional standards for the C-G District identified in Table 11-2B-B. Drive through establishments must also comply with the specific design standards set forth at UDC § 11-4-3-11. With certain design modifications, which In-N-Out is agreeable to, the Project will also comply with § 11-4-3-11, the design standards for a drive-through establishment.

City Staff determined that the Property would not have “sufficient capacity to prevent obstruction of driveways, drive aisles, and the public right-of-way by patrons.” Decision, at 11 (marked as p. 84 in Department Report). Yet, City Staff also acknowledged that since opening “activity at that location [the Meridian Village location] has decreased, resulting in reduced stacking and impact on adjacent properties” Staff Report at § III.C.3(3).

Under In-N-Out's proposed plan, parking at the Property can accommodate 73 cars, which far exceeds the UDC requirement that In-N-Out provide 16 parking spaces (one parking space is required for every 250 square foot of gross floor area under UDC § 11-4-3-49). Further, In-N-Out's site design shows capacity for 29 vehicles in the stacking lanes. After operations normalize after opening, In-N-Out anticipates this capacity being sufficient to manage on and offsite impacts. At its Village location, the maximum observed queue during a survey occurring in December 2024 was 46 cars. The weekday dinner average queue for that location was about 30 cars. In response to Commission's concerns regarding traffic, In-N-Out Burger commissioned an additional survey of its drive through queues at the Village, Boise, and Nampa locations (attached hereto as Exhibit C). The results of this study show that there will be sufficient capacity at the Site. Each metric measured - average, 85th percentile, 95th percentile and max peak queues - *decreased* from the original observations from December 2024. Specifically at The Village, the results from the recent May 2025 survey yielded a decrease of over 20% in the maximum observed queue to 34 cars and the weekday dinner average queue decreased by over 25% to 22 cars. It should be noted that these queue counts can be accommodated within the proposed site without impacting the southernmost driveway access to the Site, nor the private access road from West Lost Rapids Drive into the shopping center. Per the original Focused Traffic Analysis provided with the initial application, the average queue for stores in comparable

areas is about 27 cars, once restaurant operations normalize, which is accommodated by the dedicated drive-through lane proposed in the Site Plan.

Should queuing exceed capacity, In-N-Out effectively implements overflow management plans. Store associates are trained in directing traffic and managing vehicles in an orderly fashion. As noted in the Hearing through public comment and reiterated here, the In-N-Out location in Nampa is considerably smaller size, yet In-N-Out has proven to responsibly manage car queues and crowds such that there is not spillover onto neighboring properties, drive aisles, or other offsite locations.

2. In-N-Out's proposed location will be harmonious with the Meridian Comprehensive Plan and in accord with the requirements of the UDC.

The Commission adopted into its Findings of Fact the Staff Report created for the Hearing. For this required finding, City Staff wrote “the proposed infill development will not be harmonious with the Comprehensive Plan in that the proposed use and hours of operation will negatively impact abutting existing residential development, area residents that live nearby traveling on Lost Rapids and patrons of other commercial uses in the area due to excessive noise, traffic and congestion.” Decision, at 11 (marked as p. 84 in Department Report).

In adopting the Staff's findings, the Commission provided no references to the Comprehensive Plan itself and instead offers a blanket statement about the incompatibility of the uses. However, In-N-Out refutes this incompatibility finding. In-N-Out's proposed location is harmonious with the Meridian City Comprehensive Plan and consistent with the Comprehensive Plan's focus on private property rights. Comprehensive Plan, 3-3.

It goes without saying that Meridian in general, and the Ten Mile and Chinden Road area specifically, is bustling with economic growth. Meridian's Comprehensive Plan (“Comprehensive Plan”) highlights the importance of a vibrant, diverse, clean, safe, and secure community in which to live, work, and thrive. As noted in the Comprehensive Plan, “Meridian has seen a significant increase in population over the last decade and it is predicted to grow another 52% between 2017 and 2040.” Plan at 1-7. The City's economic goals and objectives include:

- Promoting “business retention, expansion, and improvement programs”;
- “Proactively recruit[ing] and attract[ing] new businesses to the area”;
- “Capitaliz[ing] on the City's central location by promoting more tourism and business growth along entryways and key corridors.”
- “Creat[ing] positive, vibrant, and accessible commercial activity centers within the community.”

Comprehensive Plan, at 2-13, -14.

In-N-Out shares these values, making Ten Mile and Chinden an ideal location for its business. In-N-Out's proposed location is nestled near several other successful businesses and community gathering places, including Costco, several churches, and other restaurants. In-N-Out specifically identified this location as desirable due to customer convenience, its proximity

to In-N-Out owned and operated distribution centers (ensuring fresh delivery of ingredients), and the location's high visibility.

In-N-Out is renowned for its workplace practices and paying its associates significantly higher wages than industry standards. In fact, In-N-Out was recently named the number three best place to work nationwide on Glassdoor's 2025 Best Places to Work, with reviewers positively citing In-N-Out's company culture, pay, flexible hours, benefits, and ability to advance in the company. Starting wage for store associates is \$17.50 per hour and the average associate makes \$19.21 per hour, far better than Idaho's \$7.25 minimum wage. In-N-Out also prides itself in attracting, training, and retaining talented employees who often make In-N-Out their lifelong company. This is consistent with the Comprehensive Plan's Economic Excellence goals which focus on increasing average income and stimulating economic investment in the community.¹⁰ In-N-Out locations, on average, employ 95 associates per store, offering each of them the opportunity to grow with the company should they so choose. These careers are also diverse, offering both full and part-time positions.

This location also offers a thoughtful transition between residential and commercial uses. The proposed restaurant, located in a commercial C-G district, is also located near an R-40 district (high-density residential). The Comprehensive Plan acknowledges that high-density residential districts are "typically located around or near mixed use commercial or employment areas to provide convenient access to services and jobs for residents." The nearby R-8 district (medium-density residential) is buffered from the C-G district where the proposed restaurant would be located by limited office and the higher density residential district by a roadway, and significant landscaping area. This ensures a gradual and appropriate transition between residential and higher-density commercial uses. Given the proximity of the residential areas, churches, schools, and parks, this location offers a central location for community members to gather and enjoy an affordable fresh meal, in a clean family-friendly atmosphere. In-N-Out has also discussed revisions to its Site Design with City Staff and implemented those in its updated Site Plan to further improve the Site's safe pedestrian access and community connectedness.

Overall the proposed location is consistent with the Comprehensive Plan's goals to achieve a premier, evolving, livable, vibrant and connected Meridian. To the limited extent that the record shows alleged incompatibility with neighboring land, such impacts can be reduced or eliminated by In-N-Out's proposed conditions of approval. And to the extent that City Staff determined that the proposed use is inconsistent with the Comprehensive plan due to excessive noise, traffic and congestion, In-N-Out has provided additional information refuting these findings as discussed further herein.

- 3. In-N-Out's drive-through design, construction, operation and maintenance will be compatible with other uses in the general neighborhood and with the existing or intended character of the general vicinity and that such use will not adversely change the essential character of the same area.**

¹⁰ <https://meridiacity.org/community-development/planning/comprehensive-plan/premier/>

The Commission's Decision City Staffs' findings that the proposed In-N-Out location's "design and operation of the proposed use will not be compatible with other residential and commercial uses in the general neighborhood, due to noise, air quality and transportation impacts, which are already challenging in this area and will be exacerbated with the proposed use ...which will adversely change the essential character of the area. Each of these impacts is discussed below.

a. Noise

First, it should be noted that In-N-Out's proposed location is already in a heavily populated and trafficked area. Costco, with its many daily deliveries and hundreds of customers per day, is of course a bustling location throughout most of the day. Carts rumbling, car doors slamming, cars honking, people talking loudly, and the general machine noise that comes from operating a warehouse with large HVAC systems, garage doors, parking lot maintenance are all inherent to commercial development located in a C-G zone. This noise is consistent with the essential character of a C-G zone. Adjacent to In-N-Out's proposed location, Ten Mile Road is a main roadway and, with its arterial status, there is road noise from cars and truck traffic. Additionally, there are several other drive-through locations, including Café Rio and Burger King, near In-N-Out's proposed location, which also have speaker systems. The noise that would be generated by In-N-Out's drive-through is consistent with these uses.

Much of the noise identified during Hearing by the public and the Commissioners would still exist for *any* permitted use allowed at this location. Animal care facilities, churches, educational institutions, food truck courts, minor vehicle repairs and other permitted uses will all involve outdoor conversational, car, and delivery noises.

That said, In-N-Out has heard the concerns of neighboring residents in the Olivia Apartments and Townhomes and the residential area beyond. To the extent that noise concerns remain, In-N-Out has completed and provided a Noise Study (attached Exhibit E) assessing and discussing operational noise impacts. This Noise Study took measurements over the course of 24 hours and determined that the daytime (7:00AM -7:00PM) ambient noise level was around 67 dBA; the evening (7:00PM-10:00PM) ambient noise level was about 71.9 dBA; and the nighttime (10:00PM – 7:00AM) ambient noise level was about 67.3 dBA. The 24-hour CNEL (community noise equivalent) was 67.5 dBA. This noise level correlates to a normal conversation or a business office.¹¹ In-N-Out's Noise Study considers noise related to drive-through traffic, parking, amplified speech emanating from a speaker and considers its range accounting for changes in topography. Even when modeling for operational noise and truck deliveries, the Noise Study does not anticipate noise exceedances over this level of ambient noise. Further the study illustrates that there will be no increases in noise that would be generally perceptible to the human ear or otherwise result in disturbance to everyday speech and sleep conditions. Exhibit E.

To the extent that the Commission and residents identified noise concerns, these are likely to go unrealized given In-N-Out's thoughtful approach to its store operations. First, with

¹¹ See Yale University Health & Safety, Decibel Level Comparison Chart, at <https://ehs.yale.edu/noise-hearing-conservation>.

respect to truck deliveries, In-N-Out has designed this project such that trucks may pull through with deliveries. There should be little need for delivery trucks to back up, and thus, very little need for backup beepers. Should the need to back up to the restaurant building arise, In-N-Out owns, operates, and controls its delivery trucks and thus can set strict time parameters for when a driver would be allowed to back up at the Site, effectively eliminating concerns regarding backup beepers. And, as mentioned above, In-N-Out is agreeable to conditions limiting ingredient deliveries to specific hours between 6:00am and 10:00pm. Further, truck noise associated with ingredient deliveries would generally occur, at most, once per day. There are very few instances where trucks must deliver ingredients more than once per day, and more typically, deliveries occur every other day.

Further, to take and receive orders, In-N-Out uses speaker systems that involve Manual Volume Control and Ambient Noise Compensation. These speakers ensure clear communication between the customer and the speaker, reducing the need for repeating orders. These systems also adjust to ambient noise levels, resulting in an overall quieter speaker. In-N-Out maintains control of the noise emanating from the Property by its manual controls. Further, In-N-Out places its speakers accordance with operational manuals and best management practices to ensure that these speaker systems are not a nuisance. This project was designed specifically placing the speakers along the North Ten Mile frontage of the site near the existing noise and activity of the five-lane arterial road. In-N-Out is also aware of the Meridian City Code provisions prohibiting horns and sirens, building noises, audio equipment and more set forth in Meridian Code § 6-3-6 and will comply with those code requirements.

Thus, operational noise is compatible with other uses, including the residential uses, the commercial uses in the general area, and the intended character of the C-G district, and is consistent with the essential character of the already industrialized area.

b. Traffic and Congestion

City Staff also determined that traffic congestion would be incompatible with the character of the general area and would adversely change the essential character of the area. The arguments that an In-N-Out location would cause excessive traffic and congestion were based on anecdotal evidence presented by the public. In-N-Out reiterates that traffic generated by a permitted use should not have been considered by the Commission in reaching its Decision. The information provided below shows that a drive-through operation is a prudent choice for this location.

It appears that the Commission incorrectly correlated increased traffic impacts with drive-through queue impacts as a potential source for backup into public roads. However, the drive-through queue will not back up into public roads, as discussed in the Traffic Study presented to the Commissioners.

In-N-Out provided a detailed traffic study that came to the following important conclusions:

- Based on the Ganddini Group's analysis, it is not anticipated that In-N-Out's proposed use will negatively impact the intersection of Lost Rapids Drive and Ten

Mile Road. Data show that intersection queuing has only a five percent probability of being exceeded during a given time period.

- This location has been specifically designed to accommodate large crowds such that they enter and exit the location efficiently. This Property, consisting of two parcels, is significantly larger than other Treasure Valley locations, which have proven to operate efficiently and without traffic impacts to neighboring properties, and contains significantly more drive through queuing. This location will also be operated with three grills, to ensure consistent queue service. In all In-N-Out locations, once queue lengths reach the menu board and speaker box, associates are directed to take orders via wireless handheld ordering systems allowing orders to be processed sooner and ready by the time the vehicle reaches a pickup window. At all times, locations are monitored by a camera system so that management-level employees can control and assist with queue management.
- The two proposed drive-through stacking lanes are quite long, and data show that the proposed queuing capacity and additional site vehicular storage are sufficient to accommodate even the largest crowds for peak business, and contain patrons within the footprint of the In-N-Out location's boundaries.
- As In-N-Out continues to expand throughout the Treasure Valley, Idaho in general, and in neighboring states, customer demand distributes more evenly across numerous stores. This trend has been observed and confirmed through data shown at multiple In-N-Out locations. In-N-Out stores located in the same city typically have a symbiotic relationship where multiple stores work together to serve customers more efficiently, resulting in shorter queue lengths over time.

There is no evidence, outside of anecdotes, that operating a drive through will create congestion on public roads. While the public's insights here are important, anecdotes and hypothetical concerns are not equal to the data and studies that In-N-Out has performed, not only in preparation for this Application, but in choosing this location in general. Indeed, this shopping complex was designed recognizing traffic congestion in this area, as discussed above. These data show that increased traffic and congestion in the area directly attributable to In-N-Out's proposed drive-through operation are unlikely because expanded area road systems and light-guided intersections can adequately distribute traffic. To claim now that the project cannot support In-N-Out's traffic or circulation belies the data that City Council unanimously adopted with the original Costco shopping complex application. Further, ACHD was intimately involved traffic planning for In-N-Out's Village location, and offered significant feedback during that proposal. In-N-Out notes that ACHD offered no comments here besides those providing routine comments that In-N-Out must comply with its policies for any future work within the roadway right-of-way or related matters. It is telling that ACHD "determined that there are no improvements required to the adjacent street(s)."¹²

¹² Letter from Matt Pak, Development Services Planner, ACHD to Todd Smith, In-N-Out Burger (Nov. 1, 2024), at 1-3.

The above-discussed factors show that In-N-Out's proposed drive-through is compatible with the neighboring C-G district, uses beyond the immediately adjacent districts, and does not negatively change the essential character of this area. Thus, the Council should find that this conditional use requirement is met here.

4. In-N-Out's proposed use, if it complies with all conditions of the approval imposed, will not adversely affect other property in the vicinity.

The Commission incorporated City Staffs' findings that the proposed In-N-Out location will "adversely affect other properties in the vicinity of, and thus denies the proposed use." Decision at, 12 (marked as p. 85 in Department Report). But neither City Staff, nor the Commission identified measured data supporting this finding and also failed to offer any potential conditions of approval to mitigate their concerns, and In-N-Out's proposed conditional use necessitated more discussion than this abbreviated response.

First, since Commission determined that there would be adverse effects in its Decision and Order (notably, only that "hours of operation are not compatible with the residential area to the west" and that there would be "substantial traffic concerns, including traffic conflicts" Decision, at 2.C.1.), it must consider whether conditions of approval and adherence to those conditions of approval could mitigate or eliminate those adverse effects. City Staff presented no proposed conditions of approval to Commission. And although the Commissioners did question whether conditions of approval could mitigate these effects, the Commissioners ultimately determined that they would not explore this discussion and summarily denied In-N-Out's conditional use application.

To the limited extent that the Commission identified these potential impacts, the proposed conditions of approval discussed above mitigate such concerns by keeping In-N-Out's operating hours and practices consistent with those already existing in the C-G district, including housing, Costco, and several other drive-through establishments. In-N-Out's proposed conditions of approval ensure during the evenings, residents will not be disturbed through additional noise and visual impacts beyond what already exists near these residential uses, and what would exist for any permitted use. And, as discussed above, there is no true incompatibility related to traffic impacting the north-south drive aisle that serves the surrounding commercial area. But, to the extent that such impacts are predicted, they can be mitigated by In-N-Out's proposal to direct site access via certain routes when specific conditions are present. Therefore, the City Council should find that In-N-Out's proposed use will not adversely affect property in its vicinity when it acts in compliance with In-N-Out's proposed conditions of approval.

5. In-N-Out's proposed use will be served adequately by essential public facilities and services such as highways, streets, schools, parks, police and fire protection, drainage structures, refuse disposal, water, and sewer.

City Staff determined that In-N-Out's location will be adequately served by essential public facilities and services. All In-N-Out locations are designed with police, fire, and emergency services access in mind. In-N-Out anticipates no school impacts. Public Works and

transportation agencies (ACHD and ITD) identified no adverse impact to roads and no need for additional infrastructure beyond what In-N-Out identified in its Application, specifically its site plan. Further, these matters were already taken into consideration during the design of the Shopping Complex, as discussed above. Thus, City Council should find that this conditional use requirement is met.

6. In-N-Out's proposed use will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community

The Commission incorporated City Staff's findings that the proposed In-N-Out location "will not create excessive additional costs for public facilities and services and will not be detrimental to the economic welfare of the community." Decision, at 12 (marked as p. 85 in Department Report). In-N-Out agrees and reiterates that there are not excessive additional public costs associated with the proposed development. As evidenced by the record, transportation, school, and environmental agencies and entities offered no comments illustrating the need for additional public services. To the extent that Meridian Public Works requested general and specific conditions of approval for water and fire hydrant easements, specific water and sewer development standards, and similar, In-N-Out accepts these suggested conditions of approval as workable within its site design and will work with Meridian Public Works to meet these goals. Thus, the City Council should find that this conditional use requirement is met.

7. In-N-Out's proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors.

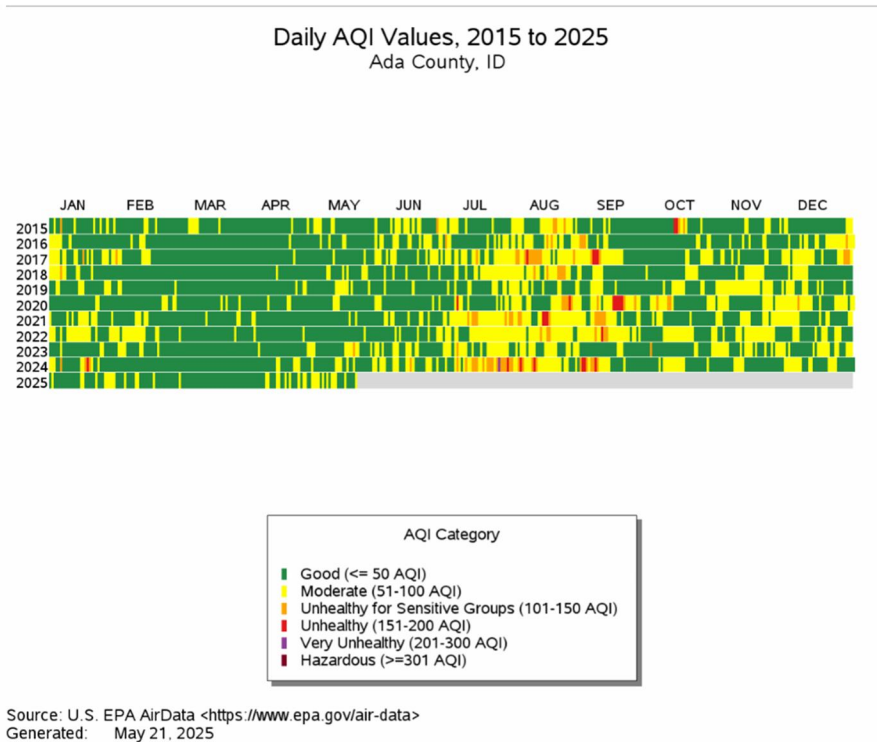
City Staff found that In-N-Out's proposed use will involve conditions that will be detrimental to persons, property, and the general welfare based on excessive exhaust fumes and traffic congestion. Because traffic was addressed above in Section IV.B.3, these points are not repeated here.

a. Air Quality

With respect to air quality, In-N-Out's proposed location is already in a heavily populated and trafficked area. During the Hearing, Commissioners noted the high likelihood that another drive-through restaurant would likely be developed in this location if In-N-Out did not develop here. Any other restaurant and/or drive-through would likely have similar air quality impacts, and many permitted uses, including food trucks operating from diesel generators or minor vehicle repairs would also involve idling motors contributing to air quality issues, perhaps to an extent greater than In-N-Out's proposed use.

The agency charged with air quality regulation, the Idaho Department of Environmental Quality, offered no comments or recommendations regarding air quality concerns. In fact, United States Department of Environmental Protection Agency ("EPA") air quality data show that Ada County as a whole has good to moderate air quality, with most days with unhealthy air quality likely being attributable to factors like wildfire and weather-driven inversions common in the

Treasure Valley.¹³ The graph below, showing EPA data, confirms this fact. It is unlikely that operating this drive-through creates the excessive fumes needed to tip the Meridian’s scales to unhealthy to hazardous air quality, such that the general welfare would be put at risk. Thus, air quality impacts do not render the proposed drive through detrimental to persons, property, or general welfare by excessive fume production.



b. Light

In-N-Out has prepared a photometric plan, included here as Exhibit D, to reflect the proposed lighting levels of the property associated with the In-N-Out development. As shown , the light impacts from In-N-Out’s drive through are minimal. Further, any commercial retail user developing this site will have light impacts, as any such user would have similar parking lot lighting for safety and operational purposes, in conformance with the UDC’s lighting mandates. As is customary with all retail uses, parking lot lights remain on at night during business operational hours and, except for the minimum security lights for public safety and security purposes, parking lot lights and lighted signs would be turned off upon closing. Similar lighting

¹³ See EPA, Air Now Interactive Map of Air Quality and archived information, <https://gispub.epa.gov/airnow/index.html?tab=3>; Boise State University, Air Quality and Smoke, <https://www.boisestate.edu/research-hcri/resources-hazards/air-quality-and-smoke/#:~:text=Another%20cause%20of%20poor%20air,air%20quality%20reaches%20unhealthy%20conditions>; Idaho Department of Environmental Quality, Regional Air Quality Plans and Reports, <https://www.deq.idaho.gov/air-quality/regional-air-quality-reports/#:~:text=Air%20quality%20in%20the%20Lewiston,report%20available%20at%20this%20time>.

is installed for all of the existing commercial uses, including the access road lighting abutting the residential uses to the west.

Further, In-N-Out's site plan shows that vehicle lights, when waiting in the drive-through queue, are not pointed toward residences. Vehicle lights are instead pointed toward Ten Mile Road, and eventually hidden behind the In-N-Out store. Only when vehicles exit the drive-through lane will vehicle lights be pointed toward the residences. And, as shown in In-N-Out's landscaping plans, In-N-Out has proposed landscaping that minimizes such impacts. Thus, the alleged light impacts from operating a drive-through do not render the proposed drive through detrimental to persons, property, or general welfare by excessive glare or light production. In-N-Out's proposed lighting plan ensures that pedestrians and employees remain safe during nighttime hours.

8. In-N-Out's proposed use will not result in the destruction, loss or damage of a natural, scenic or historic feature considered to be of major importance.

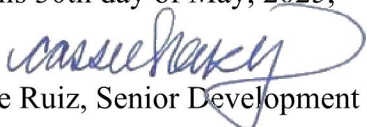
City Staff found that the proposed location "will not result in the destruction, loss or damage of any such features." Decision, at 12 (marked as p. 85 in the Department Report). In-N-Out agrees and reiterates here that there are no natural, scenic, or historic features at the Site that will be impaired or impacted by any future construction or operation of an In-N-Out location. Thus, City Council should find that this conditional use requirement is met.

V. Conclusion

As set forth here, and supported by substantial evidence in the record, In-N-Out has met the required findings for a conditional use permit outlined in UDC § 11-5B-6. And, as shown in its site plan, will comply with all necessary design standards outlined in the UDC. In-N-Out has repeatedly demonstrated that it operates its Treasure Valley restaurants responsibly and has kept its promises to efficiently manage its restaurants. In-N-Out has cultivated good relationships with neighboring landowners and government agencies providing services to In-N-Out, as evidenced by those individuals who spoke in In-N-Out's favor during the Commission Hearing. These conclusions are supported both in anecdote from government officials and data presented here by In-N-Out.

Thus, In-N-Out respectfully requests that the City Council reverse the Commission's denial of In-N-Out's requested drive through conditional use permit, and approve In-N-Out's construction and operation of this drive through.

Respectfully submitted this 30th day of May, 2025,


Cassie Ruiz, Senior Development Manager

Attachments:

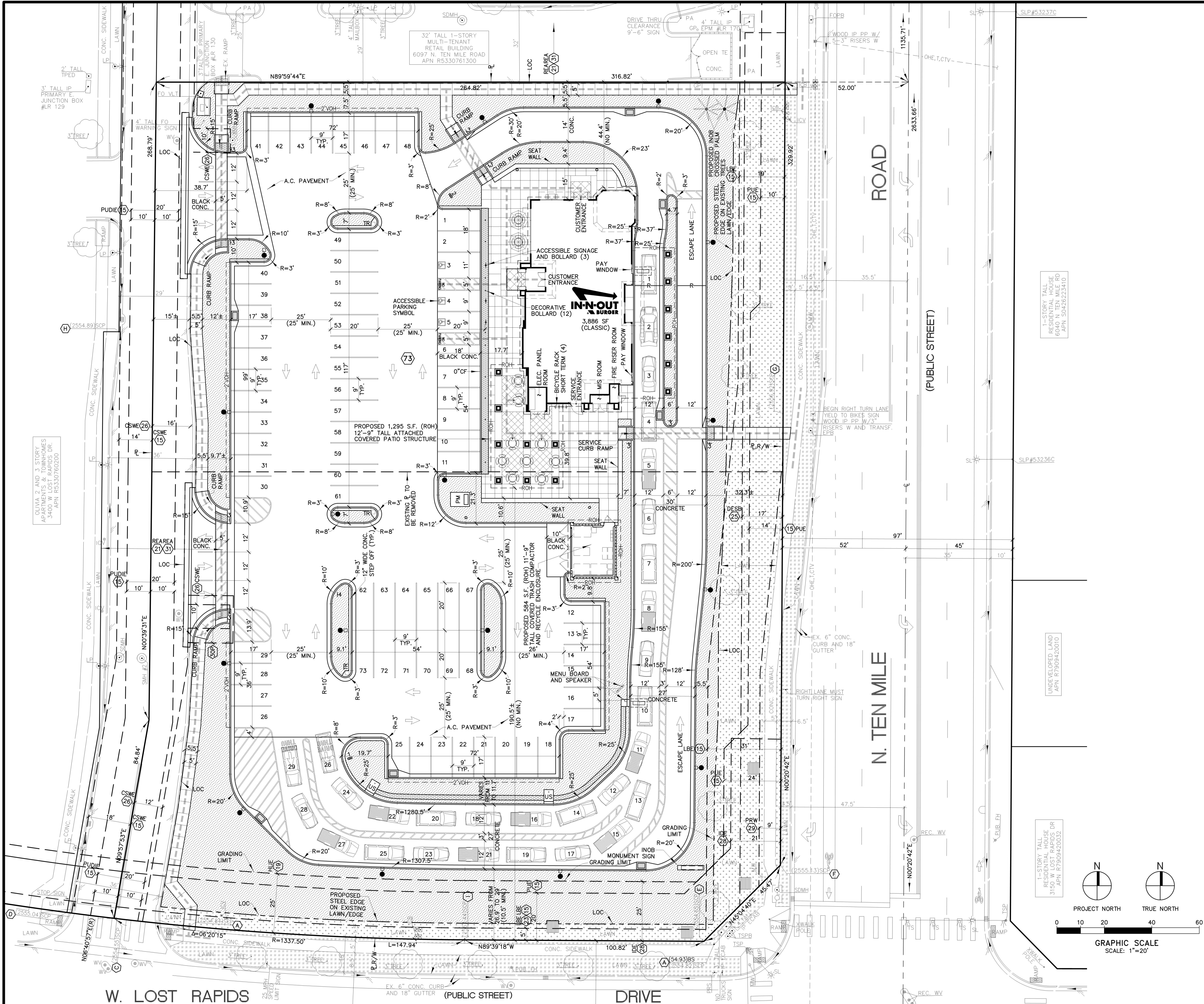
Exhibit A: Meridian Revised Site Plan Dated 5.19.25

Exhibit B: Meridian Revised Landscape Plan Dated 5.27.25

Exhibit C: Updated Queuing Observations May 2025

Exhibit D: Exhibit Photometric Plan
Exhibit E: Operational Noise
Exhibit F: Public Works
Exhibit G: ACHD Project Memo

Exhibit A - Meridian Revised Site Plan dated 5.19.25



LEGEND

NEW 24"x36" CONCRETE DRAIN BOX INLET WITH A FLOODGATE PLUS FOSSIL FILTER INSERT FOR THE PRE-TREATMENT OF STORMWATER RUNOFF.

PROPOSED INOB INSTALLED AND MAINTAINED 22'-6" TALL FIXTURE HEIGHT LIGHT POLE ON TOP OF A 30" TALL 24" DIAMETER CONCRETE BASE FOR A TOTAL HEIGHT OF 25' TALL MAXIMUM.

PROPOSED INOB INSTALLED AND MAINTAINED LANDSCAPED PLANTER AND IRRIGATION SYSTEM ONSITE, INCLUDING AREA UNDER BUILDING ROOF OVERHANG (ROH), CONSISTING OF APPROXIMATELY 17,698 SQUARE FEET (18.5%).

BLACK TRUNCATED DOWNS DETECTABLE WARNING STRIP.

VEHICLE DETECTOR LOOP.

PROPERTY LINE.

OUTDOOR SEATING PATIO TABLE WITH NO UMBRELLA (4 SEATS).

OUTDOOR SEATING PATIO TABLE WITH NO UMBRELLA (2 SEATS).

NEW 3' TALL 18"x24" LIT "DRIVE THRU" DIRECTIONAL SIGN.

NEW 3' TALL 18"x24" LIT "THANK YOU, DO NOT ENTER" DIRECTIONAL SIGN.

NEW PEDESTRIAN CROSSWALK SIGN.

NEW ACCESSIBILITY ENTRY SIGN.

INOB IN-N-OUT BURGER.

CF CURB FACE.

MW MONITORING WELL.

HUE HARRELL LATERAL IRRIGATION EASEMENT IN FAVOR OF SID FOR IRRIGATION, DRAINAGE AND INCIDENTAL PURPOSES.

PUE PUBLIC UTILITY, CITY STREET LIGHTS, OWNERS ASSOCIATION PRESSURIZED IRRIGATION, AND LOT DRAINAGE EASEMENT.

DESB ADA COUNTY HIGHWAY DISTRICT DRAINAGE EASEMENT AND INCIDENTAL PURPOSES FOR SEEPAGE BED MAINTENANCE.

PRW PUBLIC RIGHT OF WAY, HIGHWAY AND RIGHTS OF ACHD, UTILITIES AND IRRIGATION DISTRICTS.

IDE SID EASEMENT FOR IRRIGATION AND DRAINAGE WATER AND ACCESS TO THE HARRELL LATERAL.

CSWE CITY SEWER AND WATER MAIN, AND INCIDENTAL PURPOSES, EASEMENT.

PROPOSED CITY WATER MAIN EASEMENT.

INOB LIMITS OF PROPOSED CONSTRUCTION.

2' VEHICLE OVERHANG WITH NO OBSTRUCTIONS INCLUDING LIGHT POLES, TREES AND SIGNAGE.

ADA ACCESSIBLE PATH OF TRAVEL. ACCESSIBLE PATH OF TRAVEL IS NOT LESS THAN 4 FEET WIDE, AND DOES NOT EXCEED A RUNNING SLOPE OF 1:20 (5%) OR A CROSS SLOPE IN EXCESS OF 1:50 (2%). REFER TO SHEET C33 FOR SPECIFIC SLOPES AND GRADES.

EXISTING IDAHO POWER ELECTRIC PAD MOUNT TRANSFORMER WITH BOLLARDS.

PORTABLE TRASH RECEPTACLE ON A MINIMUM 24"x24"x4" CONCRETE PAD.

NEW CONCRETE SIDEWALK.

BOUNDARY MONUMENT AND SURVEY CONTROL POINT DESCRIPTION SHOWN ON SHEET C38.

SIMPLIFIED PLOTTABLE EASEMENT DESCRIPTION SHOWN ON SHEET C38.

DRIVE-THRU CATWALK CONCRETE PAD WITH UMBRELLA STAND.

24" WIDE MATTED INOB ASSOCIATE WALKWAY CONSISTING OF APPROXIMATELY 251 SQUARE FEET.

EXISTING COSTCO INSTALLED AND MAINTAINED LANDSCAPED LAWN AND IRRIGATION SYSTEM ONSITE WITHIN THE LANDSCAPE BUFFER EASEMENT CONSISTING OF APPROXIMATELY 9,038 SQUARE FEET (9.4%).

PROPOSED 18" TO 27" TALL 22" WIDE STUCCO COVERED SEAT/SCREEN WALL PAINTED TO MATCH THE BUILDING WITH A CONCRETE CAP.

SID SETTLERS IRRIGATION DISTRICT.

LBE LANDSCAPE BUFFER EASEMENT.

ACHD ADA COUNTY HIGHWAY DISTRICT.

PUDIE PUBLIC UTILITY, LOT DRAINAGE AND OWNER'S ASSOCIATION PRESSURIZED IRRIGATION EASEMENT.

GI HARRELL LATERAL GRAVITY IRRIGATION PIPE.

PI PRESSURE IRRIGATION PIPE.

IP IDAHO POWER.

EXISTING COSTCO INSTALLED AND MAINTAINED LANDSCAPED LAWN AND IRRIGATION SYSTEM OFFSITE IN THE PUBLIC STREET CONSISTING OF APPROXIMATELY 5,033 SQUARE FEET.

REA PRIVATE RECIPROCAL EASEMENT AGREEMENT.

GENERAL NOTES

1. IN-N-OUT BURGER PREMISES AREA = 95,830 SQUARE FEET OR 2.200 ACRES.

2. EXISTING CITY ZONE: C-G (GENERAL RETAIL & SERVICE COMMERCIAL).

3. COMPREHENSIVE PLAN LAND USE DESIGNATION: COMMERCIAL.

4. EXISTING LAND USE: VACANT LAND.

PROPOSED LAND USE: NEW IN-N-OUT BURGER SIT DOWN RESTAURANT WITH A DRIVE-THRU LANE PERMITTED IN CITY ZONE WITH CONDITIONAL USE PERMIT, (1) ADMINISTRATION DESIGN PLAN REVIEW (ADPR), AND CERTIFICATE OF ZONING COMPLIANCE (CZC).

5. PROPOSED SCOPE OF WORK:
(A) CONSTRUCT 3,886 SQUARE FOOT SIT-DOWN (74 SEATS INSIDE) RESTAURANT BUILDING, A 29 VEHICLE LONG DRIVE THRU QUEUE AND 73 SPACE SHARED PAVED SURFACE PARKING LOT.

6. IN-N-OUT BURGER CLASSIC BUILDING AREA = 3,886 S.F., ATTACHED COVERED PATIO STRUCTURE, ROOF OVERHANG = 1,295 S.F., COVERED TRASH ENCLOSURE ROOF OVERHANG = 584 S.F., INDOOR SEATING = 74 SEATS, OUTDOOR SEATING = 48 SEATS (12 TABLES), OUTDOOR SEATING AREA = 1,295 S.F. STRUCTURE PLUS 64 S.F. EACH FOR 2-4 SEAT TABLE (128 S.F.) PLUS 20 S.F. EACH FOR 1-2 SEAT TABLES (20 S.F.) = 1,443 S.F.

7. REQUIRED PARKING: 1 SPACE PER 500 SQUARE FEET OF GROSS FLOOR AREA (8) PLUS OUTDOOR DINING PATIO AREA (3) = 11 SPACES.

8. MAXIMUM FLOOR AREA RATIO (FAR) = NONE FOUND. FAR PROVIDED = 0.04.

9. REQUIRED SITE LANDSCAPE AREA = NONE FOUND.

10. LANDSCAPE AREA PROVIDED WITHIN PROPERTY = 26,736 S.F. (27.9%)

11. IN-N-OUT BURGER PARKING SPACE DETAILED SUMMARY TABLE

DESCRIPTION	REQUIRED	PROPOSED
1. STANDARD SPACE (9'x19')	10	29
2. STANDARD SPACE (9'x17' PLUS A 2' VOH)	0	33
3. ACCESSIBLE VAN SPACE (16'x18' PLUS A 1' VOH)	1	1
4. ACCESSIBLE SPACE (14'x18' PLUS A 1' VOH)	0	2
5. STANDARD SPACE (9'x18' PLUS A 1' VOH)	0	8
6. TOTAL	11	73
7. IN-N-OUT BURGER DRIVE THRU VEHICLE QUEUE (20' LONG INOB VEHICLE)	0	29
8. SHORT-TERM BICYCLE PARKING WITHIN DESIGNATED BIKE RACK	3	4
9. LONG-TERM BICYCLE PARKING WITHIN A LOCKABLE PERMANENTLY ANCHORED LOCKER ON A CONCRETE SLAB-AMERICAN BICYCLE SECURITY COMPANY BIKE-SHELL, MODEL 302, FINISH: MEDIUM GRAY	0	0

12. ALL NEW SIGNS SHALL BE APPROVED BY A SEPARATE CITY PERMIT.

13. ASSESSOR PARCEL NUMBERS: R5330761410 AND R5330761510.

14. EXISTING TREES ONSITE = 6.
ONSITE TREES TO BE PROTECTED IN PLACE = 6.
OFFSITE STREET TREES TO BE REMOVED = 0.
TOTAL ONSITE TREES TO BE REMOVED = 0.

15. SITE PLAN SHALL MEET ALL ENGINEERING AND NPDES REQUIREMENTS.

SHEET INDEX OF CITY ENTITLEMENT DRAWINGS

NO.	SHEET TITLE
C30.0	CITY ENTITLEMENT NEW SITE PLAN
C31	CITY ENTITLEMENT EXISTING SITE PLAN
C32	CITY ENTITLEMENT DEMOLITION PLAN
C33	CITY ENTITLEMENT GRADING AND DRAINAGE PLAN
C34	CITY ENTITLEMENT STORM DRAIN AND UTILITY PLAN
C35	CITY ENTITLEMENT PRELIMINARY STORMWATER MANAGEMENT PLAN
C36.0	CITY ENTITLEMENT HYDROLOGY STUDY MAP - EXISTING CONDITION
C36.1	CITY ENTITLEMENT HYDROLOGY STUDY MAP - PROPOSED CONDITION
C37	CITY ENTITLEMENT TOPOGRAPHY SURVEY MAP
C38	CITY ENTITLEMENT BOUNDARY AND EASEMENT MAP
LPP.1	CITY ENTITLEMENT LANDSCAPE PLANTING PLAN
LCP.1	CITY ENTITLEMENT LANDSCAPE COLOR PLAN

DEVELOPER:
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13502 HAMBURGER LANE
BALDWIN PARK, CA 91706
CONTACT: CASSIE RUIZ
PHONE: 626 813-8266
CONTACT: BRIGID WILLIAMS
PHONE: 626 813-5398

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REVISIONS

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Apogee
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A Signi-Land Company
16775 ADDISON ROAD, SUITE 350
ADDISON, TX 75001
PH: (469) 960-2222

CIVIL ENGINEER:
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Aaron D. Pellow
AARON D. PELLOW R.C.E. 20320
05-19-2025 DATE

IN-N-OUT BURGER
5985 AND 6037 N. TEN MILE ROAD
MERIDIAN, ID 83646

**CITY ENTITLEMENT
NEW SITE PLAN**

C30.0

5/19/2025 10:23:33 PM: MSI ENGINEERING, INC. AP

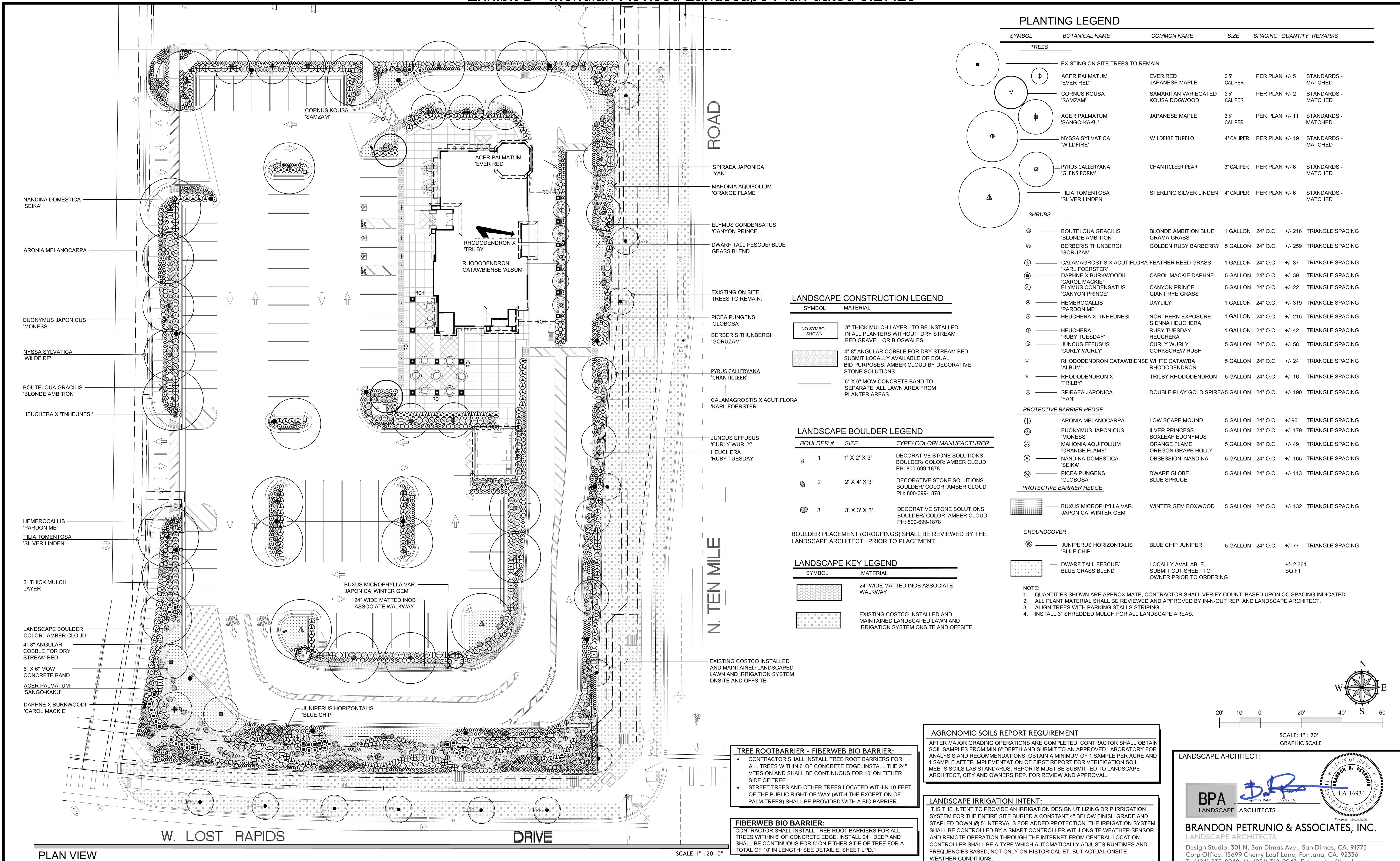
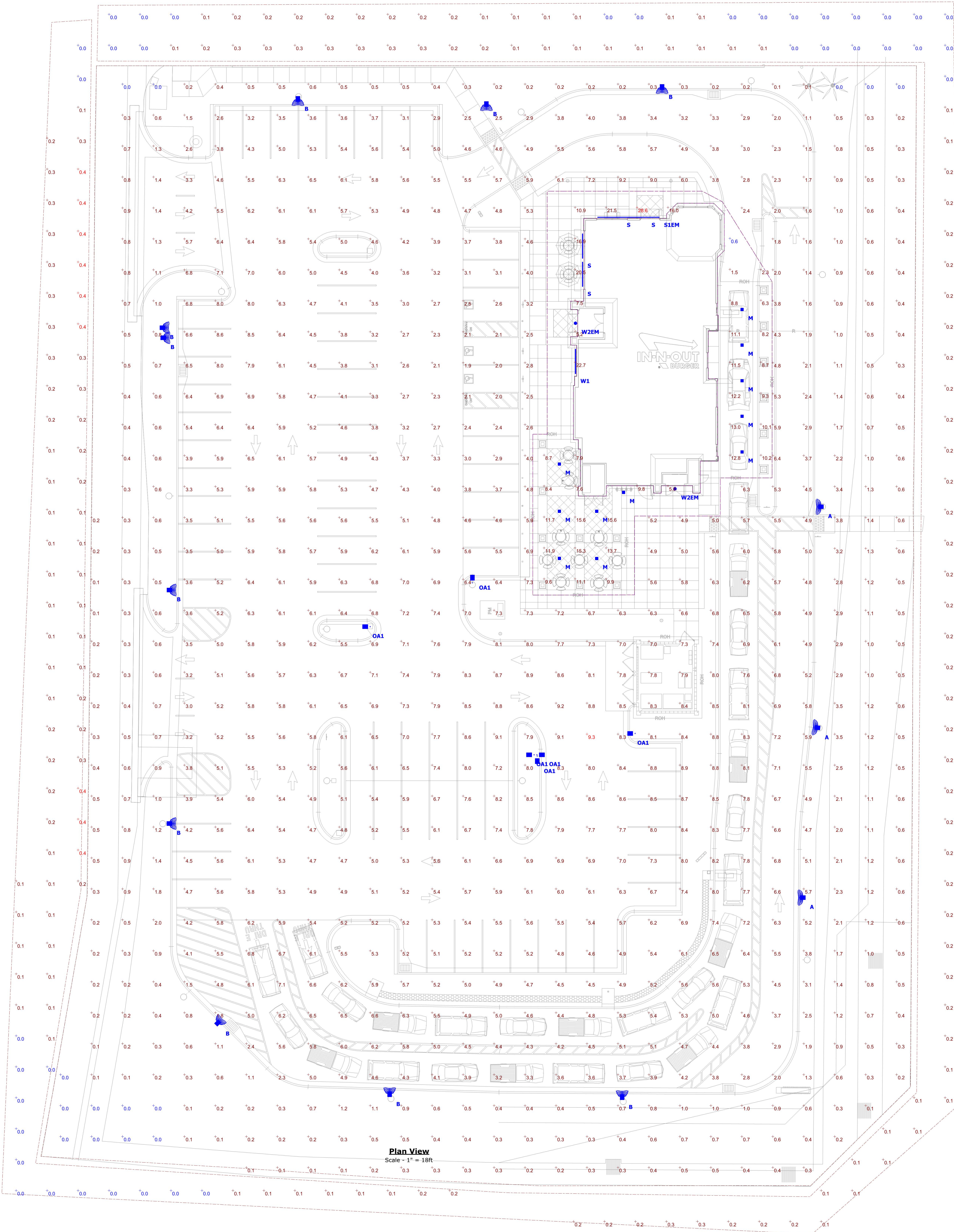


Exhibit C - Updated Queuing Observations May 2025

Table A
Summary of May 2025 In-N-Out Burger Drive Through Queue Surveys

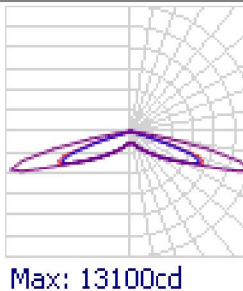
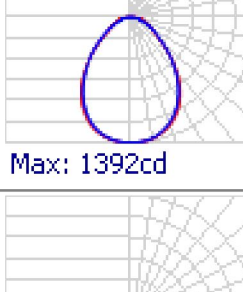
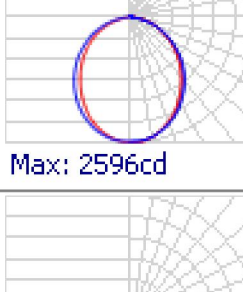
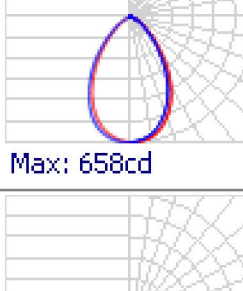
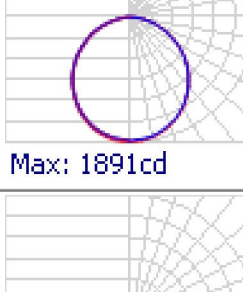
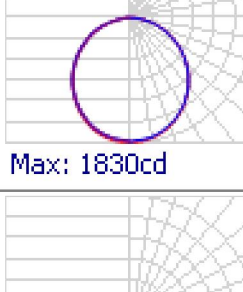
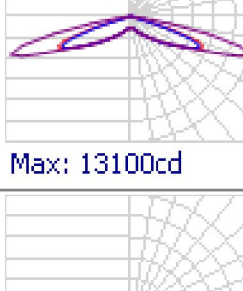
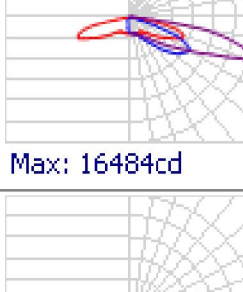
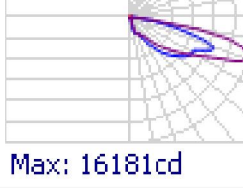
Survey Site	Observed Queue Length (Vehicles)			
	Mid-Week Lunch Period (11a-2p)	Mid-Week Dinner Period (5-8p)	Saturday Lunch Period (11a-2p)	Saturday Dinner Period (5-8p)
Boise				
Average	18	18	20	25
85th Percentile	23	22	28	32
95th Percentile	25	24	30	33
Maximum	27	30	32	35
Meridian				
Average	17	22	20	30
85th Percentile	22	28	24	32
95th Percentile	25	31	26	33
Maximum	29	33	28	34
Nampa				
Average	16	17	14	23
85th Percentile	19	20	18	30
95th Percentile	20	23	21	32
Maximum	21	28	24	35

Source: Surveys conducted on Thursday, May 1, 2025 and Saturday May 3, 2025.



Plan View

Scale = 1" = 10ft

Schedule											
Symbol	Label	Image	QTY	Catalog Number	Description	Lamp	Number Lamps	Lumens per Lamp	LLF	Wattage	Polar Plot
	OA1		6	DSX2 LED P2 40K 80CRI T5M	D-Series Size 2 Area Luminaire P2 Performance Package 4000K CCT 80 CRI Type 5 Medium		1	23880	0.9	179.22	 Max: 13100cd
	M		11	12X12 Square Recessed with Prismatic Lens, SYL30, 40K	LED - 12X12 Square Recessed		1	2808	0.9	32.2	 Max: 1392cd
	W1		1	#25 4 d S40KS(80CRI) 085 8' D WHT UNV	8' EXTERIOR RECESSED IN EXTERIOR SOFFIT SLOT		1	6869	0.9	41	 Max: 2596cd
	W2EM		2	REL437-700L-DIMTR-120-40K-90-W-WH		SAM 3030	1	896	0.9	11.1114	 Max: 658cd
	S		4	TZL1F L96 6000LM MDD MVOLT 40K 80 CRI	TZL1F 96" 6,000 Lumens , Medium Diffuse, MVOLT, 4,000K, 80CRI		1	5339	0.9	56.26	 Max: 1891cd
	S1EM		1	ZL1F L48 6000LM MDD MVOLT 40K 80 CRI	ZL1F 48" 6,000 Lumens , Medium Diffuse, MVOLT, 4,000K, 80CRI		1	5166	0.9	56.26	 Max: 1830cd
	OA2@90		0	DSX2 LED P2 40K 80CRI T5M	D-Series Size 2 Area Luminaire P2 Performance Package 4000K CCT 80 CRI Type 5 Medium		1	23880	0.9	358.44	 Max: 13100cd
	A		3	DSX2 LED P2 40K 80CRI T3M HS	D-Series Size 2 Area Luminaire P2 Performance Package 4000K CCT 80 CRI Type 3 Medium Houseside Shield		1	19823	1	179.2228	 Max: 16484cd
	B		10	DSX2 LED P2 40K 80CRI BLC4	D-Series Size 2 Area Luminaire P2 Performance Package 4000K CCT 80 CRI Type 4 Extreme Backlight Control		1	17180	1	179.22	 Max: 16181cd

Statistics

Description	Symbol	Avg	Max	Min	Max/Min	Avg/Min
Off Site Calcs	+	0.1 fc	0.4 fc	0.0 fc	N/A	N/A
SITE LIGHTING	+	3.9 fc	9.3 fc	0.0 fc	N/A	N/A
BUILDING LIGHTS	+	11.3 fc	28.6 fc	0.6 fc	47.7:1	18.8:1



Exhibit E

OPERATIONAL NOISE STUDY

IN-N-OUT BURGER RESTAURANT PROJECT

*5985 and 6037 N. Ten Mile Road
Meridian, Idaho 83646*

PREPARED BY:



860 Hampshire Road, Suite P
Westlake Village, CA 91361
www.meridianconsultantsllc.com

MAY 2025

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Appendices

1.0	Noise Monitoring Data Sheets
2.0	SoundPLAN Output Sheets

A. EXECUTIVE SUMMARY

This *Noise Study* assesses and discusses the potential operational noise impacts that may occur with the In-N-Out Burger Restaurant Project (Project), located within the C-G Zone (General Retail & Service Commercial) in the City of Meridian, Idaho.

The analysis describes the existing environment in the Project area; estimates future noise levels at surrounding land uses resulting from operation of the Project; and identifies the potential for significant impacts. The study summarizes the potential for the Project to conflict with applicable noise regulations, standards, or thresholds, and to identify any measures that may be necessary to reduce potentially significant impacts.

1. Operational Noise

The Project site is located within 300 feet of another drive-through facility directly to the north (i.e. Café Rio), and existing residences and a residential district directly to the west south of Costco (i.e. Olivia Apartments and Townhomes). Single-family residential uses and zoning also exist to the east across N. Ten Mile Road but are separated from the site by the 5-lane arterial street.

Sources of noise generated by operation of the Project include parking activities from mobile vehicles, drive-through queuing, outdoor seating area and amplified speech from the speaker box. Additionally, deliveries are proposed to occur between the hours of 2:00 AM and 9:00 AM during non-business hours. Noise levels would not result in a 3 or 5 dBA increase above the measured daytime, evening, nighttime and 24-hour CNEL ambient during both operation and delivery activities.

B. PROJECT DESCRIPTION

The 95,860 square foot (2.2 acre) Project site is located at 5985 and 6037 N. Ten Mile Road in the City of Meridian (refer to **Figure 1: Project Site Location**). The property was annexed as part of a larger development area consisting of residential and commercial property zoned R-40 and C-G. The Project site is currently vacant and undeveloped.

The Project would include construction of a 3,886 square foot In-N-Out Burger Restaurant with a drive-through lane. The restaurant would provide indoor seating with a capacity of 74 seats and outdoor seating with a capacity of 46 seats (12 tables). The drive-through would have a queueing capacity of 29 cars and parking spaces for up to 73 vehicles (refer to **Figure 2: Proposed Site Plan**).

This restaurant will be equipped with three burger grills. Two grills will operate at all times, and activation of the third grill will be done in response to high dine-in or, more typically, high drive-through demand as activating the third grill significantly increases the speed at which drive-through orders are delivered to customer vehicles. Standard store operating procedure requires that as soon as the drive-through queue reaches the 8th or 9th car (where the menu board/order speaker is located), In-N-Out associates are deployed outside to take orders using hand-held ordering tablets. The use of these tablets allows orders to funnel into the kitchen faster than ordering at the menu board resulting in the shortest possible drive-through vehicle queues. Awareness of the queue reaching the menu board (and deployment of associates with hand-held tablets) is enhanced with outdoor cameras and indoor monitors. There will be between 4 and 6 outdoor cameras on this site, with 3 or 4 of them specifically viewing the drive-through lane. These cameras display on multiple monitors located inside the restaurant including at the manager's office, above the grills, and at both the pay and pickup windows.

There is no delivery dock or designated delivery parking bay required on the premises as deliveries are made only by In-N-Out owned operated vehicles, after the restaurant is closed to the public between the hours of 2:00 AM and 9:00 AM. Delivery trucks operate after hours to allow the parking and queue management to be at its most effective throughout the day. Allowing trucks to deliver after-hours ensures that truck traffic is not on the road during either morning or evening peak hours. Site access for these delivery trucks would be from N. Ten Mile Road and W. Lost Rapids and would unload at the service entrance located adjacent to parking stalls #1 through #11.

The restaurant would operate seven days a week, from 10:30 AM to 1:00 AM Sunday through Thursday, and from 10:30 AM to 1:30 AM on Friday and Saturday. The restaurant, drive-through, and parking lot, as with all In-N-Out Burger restaurants, would be well-lit and meticulously maintained. The restaurant would be staffed by approximately 10 to 12 associates per shift, with 3 shifts per day.

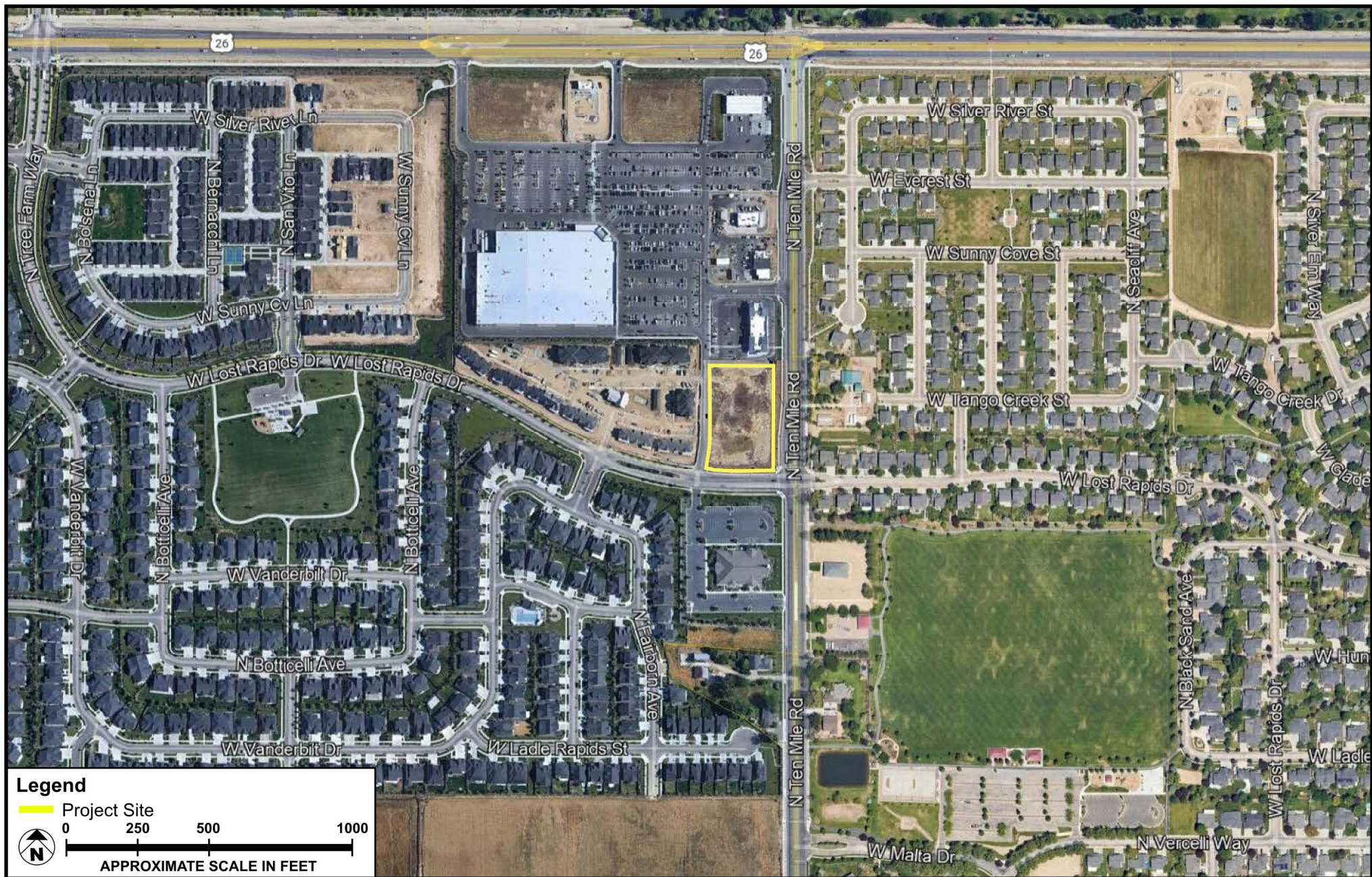


FIGURE 1

SOURCE: MSL Engineering – 2025

FIGURE 2

C. EXISTING CONDITIONS

1. Ambient Noise Levels

Long-term sound monitoring was conducted within the Project site to measure the ambient sound environment in the vicinity. Measurements were taken over 24-hour period between April 29 – April 30, 2025, and provided in **Table 1: Ambient Noise Measurements**. **Figure 3: Noise Monitoring Location** depicts locations where the long-term ambient noise measurements were conducted. As shown in **Table 1**, ambient noise level averages were 67.0 dBA during the daytime period (7:00 AM – 7:00 PM), 71.9 dBA during the evening period (7:00 PM – 10:00 PM) and 67.3 dBA during the nighttime period (10:00 PM – 7:00 AM). Additionally, 24-hour CNEL averages were 67.5 dBA CNEL.

TABLE 1: AMBIENT NOISE MEASUREMENTS				
Location	Daytime (7:00 AM – 7:00 PM)	Evening (7:00 PM – 10:00 PM)	Nighttime (10:00 PM – 7:00 AM)	24-hour CNEL
Project site	67.0 dBA	71.9 dBA	67.3 dBA	67.5 dBA

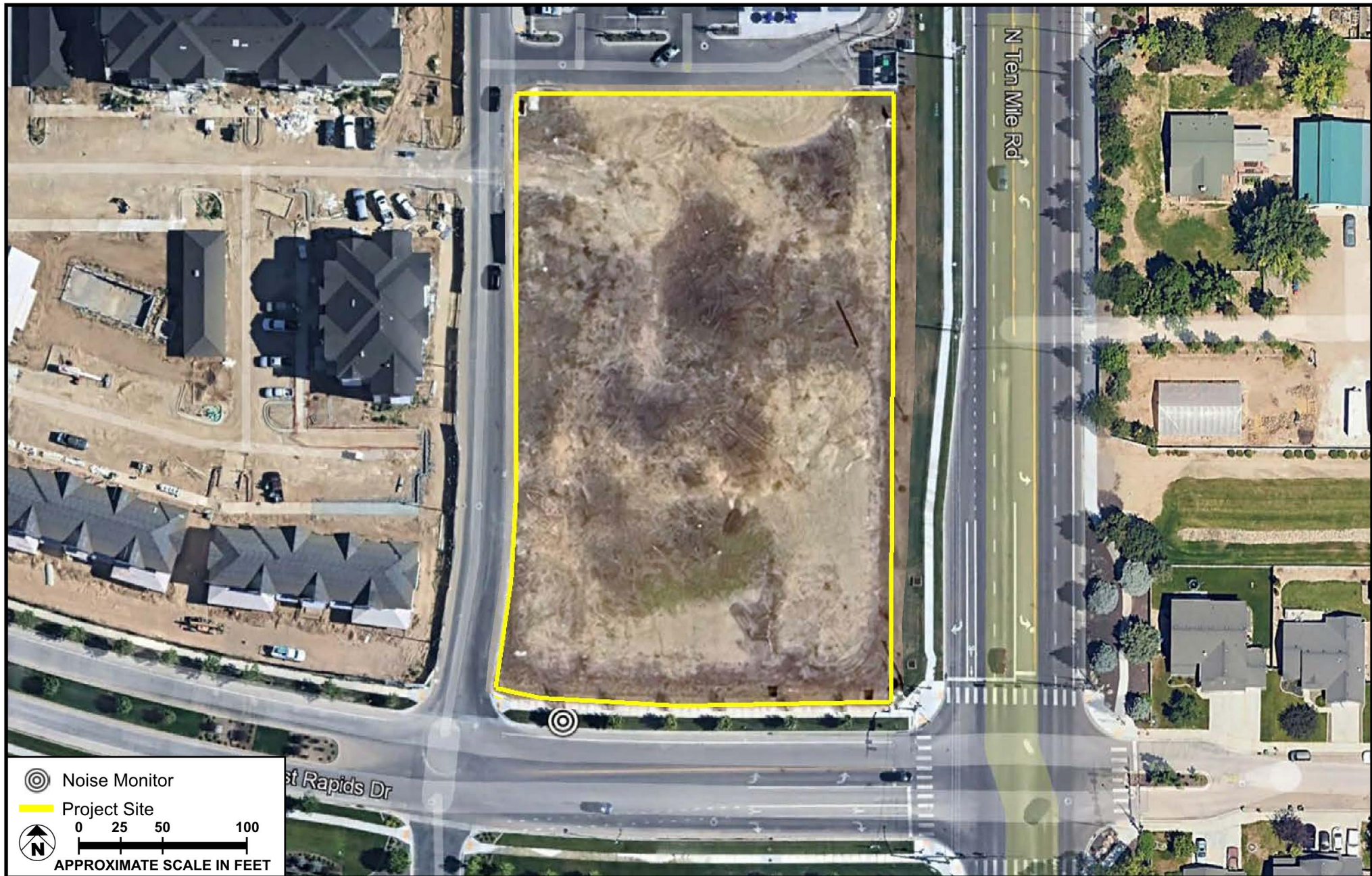
Notes: dBA = A-weighted decibels; Leq = average equivalent sound level.
Source: Refer to **Appendix 1.0: Noise Monitoring Data Sheets**.

2. Sensitive Land Uses

As mentioned previously, the property was annexed as part of a larger development area consisting of residential and commercial property zoned R-40 and C-G. The Project site is within 300 feet of another drive-through facility directly to the north (i.e. Café Rio), and existing residences and a residential district directly to the west (i.e. Olivia Apartments and Townhomes, zoned R-40). Single-family residential uses and zoning also exist to the east across N. Ten Mile Road, but are separated from the site by a 5-lane arterial street (refer to **Figure 4: Sensitive Receptor Map**).

For purposes of this analysis, the following sensitive receptors were identified:

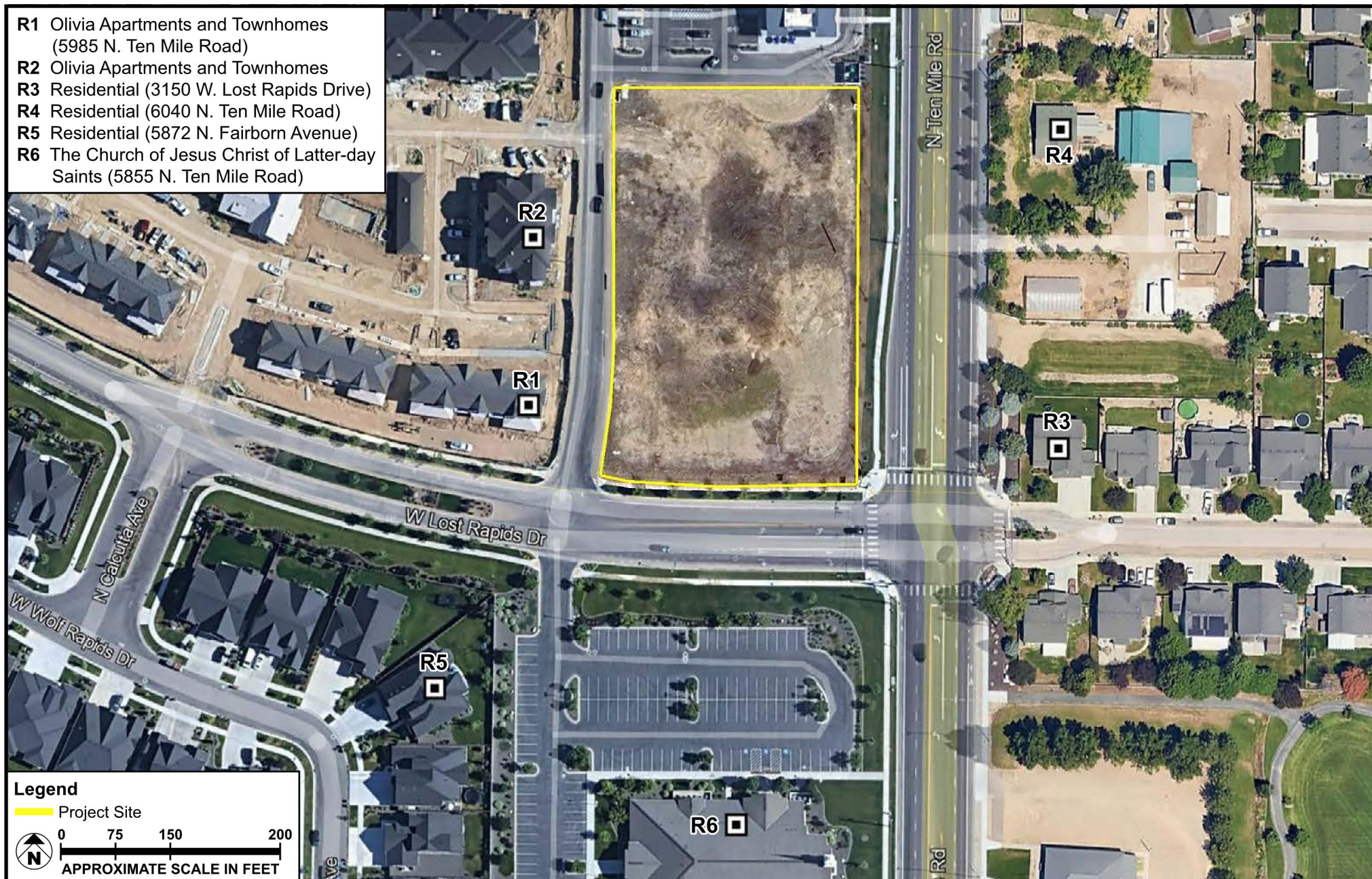
- **Receptor #1 (R1):** Olivia Apartments and Townhomes (5985 N. Ten Mile Road).
- **Receptor #2 (R2):** Olivia Apartments and Townhomes (located adjacent to the west).
- **Receptor #3 (R3):** Residential uses located on the corner of N. Ten Mile Road and W. Lost Rapids Drive (3150 W. Lost Rapids Drive).
- **Receptor #4 (R4):** Residential uses located along N. Ten Mile adjacent to the east (6040 N. Ten Mile Road).
- **Receptor #5 (R5):** Residential uses located along N. Fairborn Avenue (5872 N. Fairborn Avenue).
- **Receptor #6 (R6):** The Church of Jesus Christ of Latter-day Saints (5855 N. Ten Mile Road).



SOURCE: Google Earth - 2025

FIGURE 3

- R1** Olivia Apartments and Townhomes (5985 N. Ten Mile Road)
- R2** Olivia Apartments and Townhomes
- R3** Residential (3150 W. Lost Rapids Drive)
- R4** Residential (6040 N. Ten Mile Road)
- R5** Residential (5872 N. Fairborn Avenue)
- R6** The Church of Jesus Christ of Latter-day Saints (5855 N. Ten Mile Road)



SOURCE: Google Earth – 2025

FIGURE 4

D. APPLICABLE REGULATIONS

1. City of Meridian

The City of Meridian addresses noise disturbances under Title 6, Chapter 3 of its Municipal Code. Key provisions include:

- **Quiet Hours:** Noise is prohibited between 11:00 PM and 6:00 AM.
- **Public Disturbance Noises:** Certain sounds are considered public disturbances if they unreasonably interfere with the peace and comfort of others. These include
 - Frequent or continuous sounding of horns or sirens, except as a warning of danger.
 - Repetitive motor vehicle sounds in residential areas.
 - Yelling, shouting, or singing on public streets that disturb nearby residents.
 - Loud sounds emanating from buildings, such as music or social gatherings.
 - Motor vehicle sound systems audible beyond 50 feet.
 - Audio equipment operated at volumes audible beyond 60 feet or that disturb others.
- **Exemptions:** Certain sounds are exempt, including those from emergency vehicles, authorized public events, and specific equipment used within zoning regulations.
- **Enforcement:** Violations are classified as misdemeanors.

E. METHODOLOGY

1. Ambient Noise Measurements

Noise-level monitoring was conducted between April 29 – April 30, 2025 at the Project site, as shown in **Figure 3**. Ambient noise levels were measured over a 24-hour period to assess baseline acoustic conditions at the site and evaluate the potential impact of new noise sources. Specifically, the analysis aimed to determine whether any future changes could result in increases of 3 dBA or 5 dBA, which are standard thresholds for perceptible and potentially significant noise increases.

2. Operational Noise

Operational noise levels related to the drive-through, parking, and amplified speech emanating from the speaker were calculated with the noise model SoundPLAN, a commercially available software that produces computer simulations of noise propagation from sources. The SoundPLAN modeling software accounts for large differences in topography, and the presence of intervening structures or landscaping that would block a direct line of sight between operation activities from the proposed Project Site and nearby sensitive receptors. The operational noise levels were calculated for sensitive-receptor locations using SoundPLAN. It was assumed operating hours would take place between 10:00 AM and 1:30 AM. The SoundPLAN model includes real-world noise levels and contains noise data in a reference library. To quantify events related to the noise sources generated by the proposed use, the following assumptions were used:

- Cars entering and exiting the parking lot and queuing of 29 cars at the drive through, a line source was modeled with a sound power level¹ (LwA) of 47 dB/m, m², as referenced in the SoundPLAN noise library for cars driving on asphalt at less than 30 kilometers per hour (18.6 miles per hour);
- The menu board and speaker, a point source was modeled with a LwA of 65 dB, as referenced in the SoundPLAN noise library for speaking, normal voice; and
- The outdoor seating area, an area source was modeled with a LwA of 65 dB, as referenced in the SoundPLAN noise library for speaking, normal voice.
- Truck deliveries at any point between the hours of 2:00 AM and 9:00 AM, a line source was modeled with a LwA of 80 dB, as referenced in the SoundPLAN noise library for truck loading general cargo

It is important to note the trash compactor would be positioned behind a wall enclosure. Because of its placement, noise generated by the trash compactor will be attenuated by the wall.

¹ The Sound Power Level represents the total sound energy produced by the source under the specified operating conditions. Sound Power Levels cannot be measured directly; instead they are computed from reference sound pressure level measurements.

F. IMPACT ANALYSIS

The City of Meridian does not specify a quantitative noise threshold or land use compatibility standard in its municipal code. Therefore, for the purpose of this technical analysis, the following threshold of significance is applied based on guidance from the Federal Interagency Committee on Noise (FICON), the Federal Transit Administration (FTA), and general industry standards for community noise.

A Project would result in a significant noise impact if the operational noise associated with the proposed use would:

- Result in a substantial permanent increase in ambient noise levels at nearby sensitive receptors (e.g., residences, schools) of 5 dBA CNEL or more, where the existing ambient noise level is less than 60 dBA CNEL;
- Result in an increase of 3 dBA CNEL or more where existing ambient noise levels are 60 dBA CNEL or greater; or
- Exceed a cumulative ambient noise level of 65 dBA CNEL at residential property lines, which represents a generally accepted upper threshold for “normally acceptable” noise exposure for residential uses under Housing and Urban Development (HUD)

These thresholds reflect changes in noise that are generally perceptible to the human ear and have the potential to result in community annoyance or interference with speech and sleep. Where applicable, these thresholds are compared against measured ambient conditions to assess potential impacts from project-related noise.

1. Operation Impacts

(a) *Restaurant Noise*

As mentioned previously, sources of operational noise include parking activities from mobile vehicles, drive-through queuing for a capacity of 29 vehicles, outdoor seating area and amplified speech from the speaker box.

Source contributed noise levels throughout the daytime, evening, nighttime and 24-hour CNEL periods from operation of the proposed project are shown in **Table 2: Modeled Exterior Noise Levels from Restaurant Operational Sources**. For illustrative purposes, noise levels generated from the Proposed Project to the adjacent sensitive receptors are shown graphically in **Figure 5: Operational Noise Level Contour Map (Daytime)**, **Figure 6: Operational Noise Level Contour Map (Evening)**, **Figure 7: Operational Noise Level Contour Map (Nighttime)** and **Figure 8: Operational Noise Level Contour Map (24-hour CNEL)**. Sensitive receptors shown graphically include the residential district directly to the west (i.e. Olivia Apartments and Townhomes, zoned R-40) and the single-family residential uses and zoning to the east across N. Ten Mile Road

Table 2 compares the modeled exterior noise levels from Project-related noise sources that operate on a daily basis to the ambient noise measurements provided in **Table 1** above. As shown in **Table 2**, modeled daytime noise levels generated from the Project site would range from a low of 28.9 dBA at the residential uses along N. Fairborn Avenue (R5) to a high of 38.7 dBA at the Olive Apartments and Townhomes (R2). Evening noise levels would range from a low of 30.4 dBA (R5) to a high of 40.2 dBA (R2). Nighttime noise levels would range from a low of 26.3 dBA (R5) to a high of 36.1 dBA (R2). Additionally, 24-hour CNEL noise levels would range from a low of 33.8 dBA CNEL (R5) to a high of 43.7 dBA CNEL (R2).

Noise levels generated from the Project would not result in a 3 or 5 dBA increase at the adjacent sensitive receptors above the daytime, evening, nighttime or 24-hour CNEL measured baseline levels identified in **Table 1**. As such, operational noise level impacts would not be considered significant.

TABLE 2: MODELED EXTERIOR NOISE LEVELS FROM RESTAURANT OPERATIONAL SOURCES				
Monitoring Site	Time Period	Modeled Noise Levels	Ambient Noise Levels	Exceedance over Ambient
R1 (Olivia Apartments and Townhomes, 5985 N. Ten Mile Road)	Daytime	35.5	67.0	--
	Evening	37.0	71.9	--
	Nighttime	32.9	67.3	--
	24-hour CNEL	40.4	67.5	--
R2 (Olivia Apartments and Townhomes, adjacent to the west)	Daytime	38.7	67.0	--
	Evening	40.2	71.9	--
	Nighttime	36.1	67.3	--
	24-hour CNEL	43.7	67.5	--
R3 (3150 W. Lost Rapids Drive)	Daytime	33.8	67.0	--
	Evening	35.3	71.9	--
	Nighttime	31.2	67.3	--
	24-hour CNEL	38.8	67.5	--
R4 (6050 N. Ten Mile Road)	Daytime	31.7	67.0	--
	Evening	33.2	71.9	--
	Nighttime	29.1	67.3	--
	24-hour CNEL	36.6	67.5	--
R5 (5872 N. Fairborn Avenue)	Daytime	28.9	67.0	--
	Evening	30.4	71.9	--
	Nighttime	26.3	67.3	--

TABLE 2: MODELED EXTERIOR NOISE LEVELS FROM RESTAURANT OPERATIONAL SOURCES				
Monitoring Site	Time Period	Modeled Noise Levels	Ambient Noise Levels	Exceedance over Ambient
R6 (5855 N. Ten Mile Road)	24-hour CNEL	33.8	67.5	--
	Daytime	29.0	67.0	--
	Evening	30.5	71.9	--
	Nighttime	26.4	67.3	--
	24-hour CNEL	33.9	67.5	--

Note: Daytime: 7:00 AM – 7:00 PM; Evening: 7:00 PM – 10:00 PM; Nighttime: 10:00 PM – 7:00 AM.
Source: Refer to **Appendix 2.0** for SoundPLAN Output Sheets.

(b) *Truck Deliveries*

As mentioned previously, truck deliveries would take place no more than once daily between the hours of 2:00 AM to 9:00 AM lasting less than an hour. Site access for these delivery trucks would be from W. Lost Rapids Drive and would unload at the service entrance located adjacent to parking stalls #1 through #11.

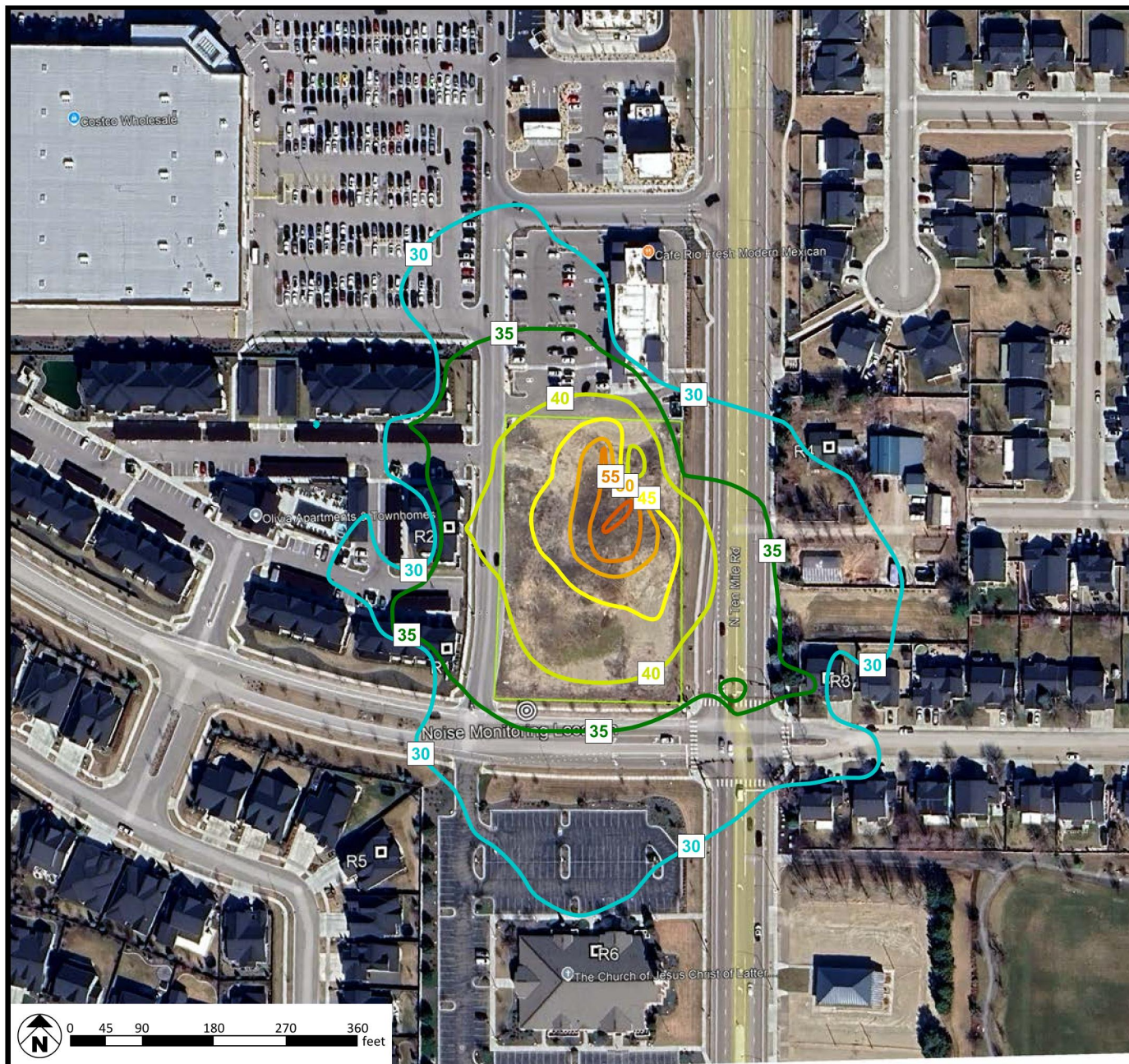
Table 3: Modeled Exterior Noise Levels from Truck Deliveries, compares the modeled exterior noise levels from truck deliveries that operate on a daily basis to the ambient noise measurements provided in **Table 1** above. As shown in **Table 3**, modeled daytime noise levels would range from a low of 15.0 dBA at the residential use along N. Ten Mile Road (R4) to a high of 31.8 dBA at the Olivia Apartments and Townhomes (R1). Nighttime noise levels would range from a low of 18.7 dBA (R4) to a high of 37.1 dBA (R1). Additionally, 24-hour CNEL noise levels would range from a low of 24.6 dBA CNEL (R4) to a high of 43.0 dBA CNEL at the Olivia Apartments and Townhomes (R1 and R2). Truck deliveries would not take place during the evening period.

Noise levels generated from the Project would not result in a 3 or 5 dBA increase at the adjacent sensitive receptors above the daytime, evening, nighttime or 24-hour CNEL measured baseline levels identified in **Table 1**. As such, impacts from truck deliveries would not be considered significant.

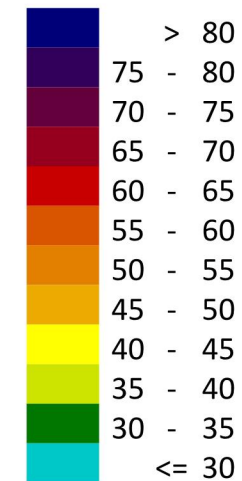
TABLE 3: MODELED EXTERIOR NOISE LEVELS FROM TRUCK DELIVERIES

Monitoring Site	Time Period	Modeled Noise Levels	Ambient Noise Levels	Exceedance over Ambient
R1 (Olivia Apartments and Townhomes, 5985 N. Ten Mile Road)	Daytime	31.8	67.0	--
	Evening	--	71.9	--
	Nighttime	37.1	67.3	--
	24-hour CNEL	43.0	67.5	--
R2 (Olivia Apartments and Townhomes, adjacent to the west)	Daytime	31.4	67.0	--
	Evening	--	71.9	--
	Nighttime	37.0	67.3	--
	24-hour CNEL	43.0	67.5	--
R3 (3150 W. Lost Rapids Drive)	Daytime	16.1	67.0	--
	Evening	--	71.9	--
	Nighttime	21.3	67.3	--
	24-hour CNEL	27.3	67.5	--
R4 (6050 N. Ten Mile Road)	Daytime	13.5	67.0	--
	Evening	--	71.9	--
	Nighttime	18.7	67.3	--
	24-hour CNEL	24.6	67.5	--
R5 (5872 N. Fairborn Avenue)	Daytime	16.1	67.0	--
	Evening	--	71.9	--
	Nighttime	21.3	67.3	--
	24-hour CNEL	27.2	67.5	--
R6 (5855 N. Ten Mile Road)	Daytime	15.0	67.0	--
	Evening	--	71.9	--
	Nighttime	20.2	67.3	--
	24-hour CNEL	26.2	67.5	--

Note: Note: Daytime: 7:00 AM – 7:00 PM; Evening: 7:00 PM – 10:00 PM; Nighttime: 10:00 PM – 7:00 AM.
Deliveries would not occur during the evening period of 7:00 PM – 10 :00 PM
Source: Refer to **Appendix 2.0** for SoundPLAN Output Sheets.

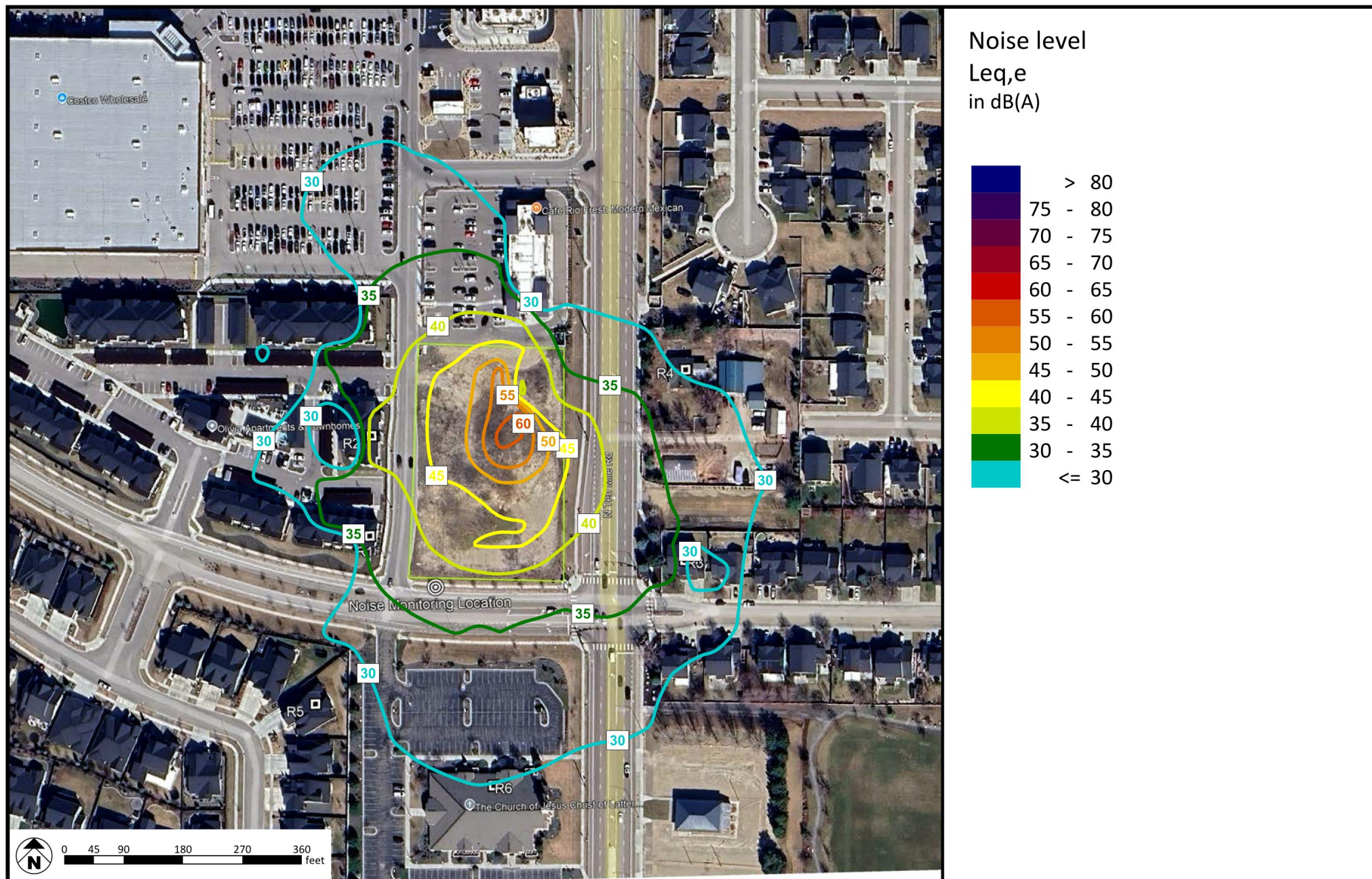


Noise level
Leq,d
in dB(A)



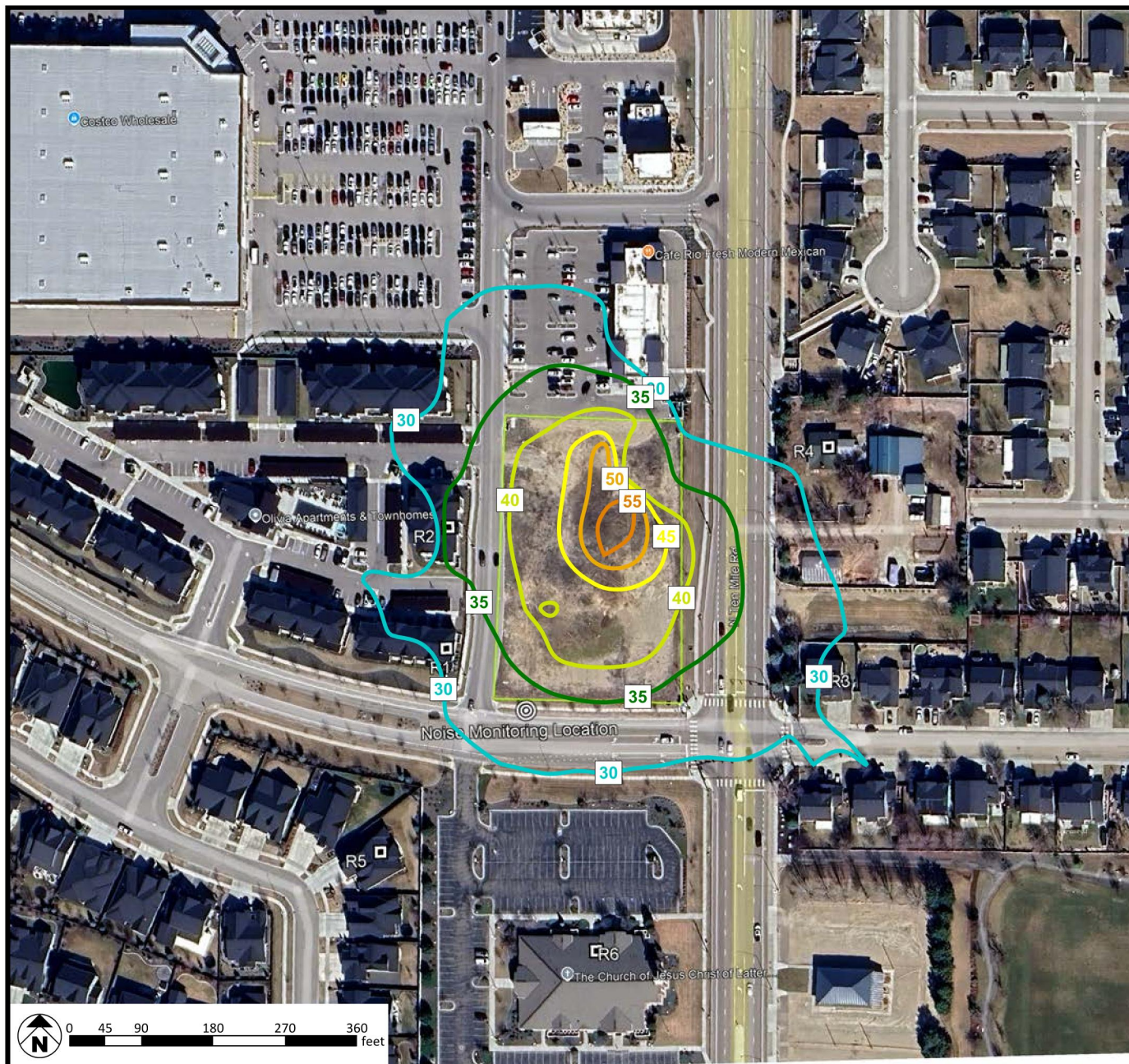
SOURCE: Meridian – 2025

FIGURE 5

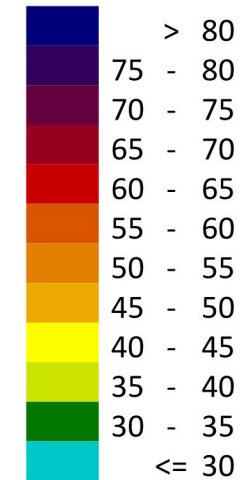


SOURCE: Meridian – 2025

FIGURE 6

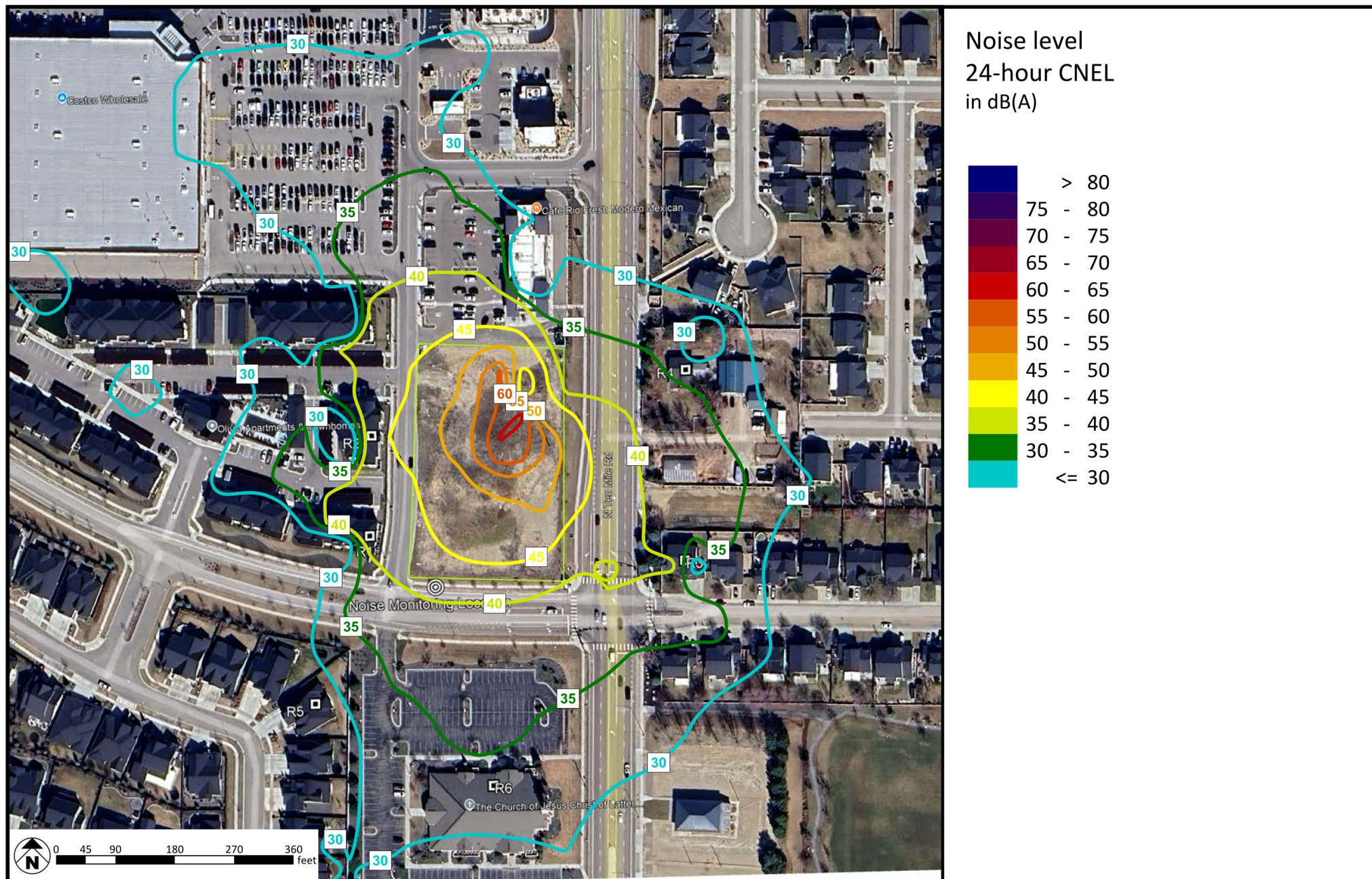


Noise level
Leq,n
in dB(A)



SOURCE: Meridian – 2025

FIGURE 7



SOURCE: Meridian – 2025

FIGURE 8

G. CERTIFICATION

The contents of this noise study represent an accurate depiction of the noise environment and impacts associated with the proposed In-N-Out Burger Restaurant Project. The information contained in this noise study is based on the best available information at the time of preparation. If you have any questions, please contact me directly at (818) 415-7274.

Sincerely,



Christ Kirikian, INCE

Partner | Director of Air Quality & Acoustics

ckirikian@meridianconsultantsllc.com

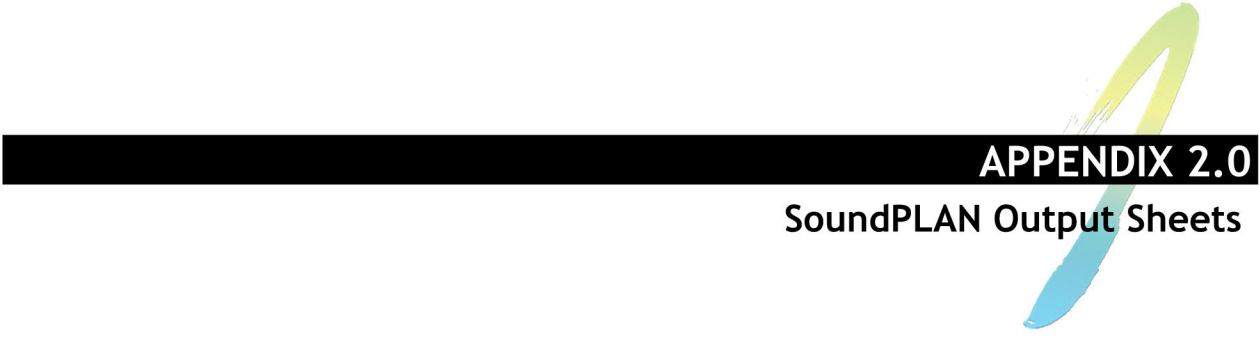


APPENDIX 1.0

Noise Monitoring Data Spreadsheets

Monitoring Location: Site A
Date: April 29 - 30, 2025

Monitoring Period			Monitored Logarithmic		Evening/Night Adjustments				
					Leq	Equivalent	10 dB	5 dB	
am	Midnight	0 / 24	54.5	278853	2788531	881811	Leq Morning Peak Hour 7:00-10:00 a.m.		
	1:00	100	46.9	48879	488786	154568	65.6 dBA		
	2:00	200	47.0	50030	500299	158208			
	3:00	300	56.1	408811	4088114	1292775	Leq Evening Peak Hour 4:00-8:00 p.m.		
	4:00	400	53.3	215303	2153033	680849	66.6 dBA		
	5:00	500	58.9	773072	7730715	2444667			
	6:00	600	63.1	2025180	20251802	6404182			
	7:00	700	65.1	3259473	32594731	10307359			
	8:00	800	66.2	4184042	41840421	13231103			
	9:00	900	65.3	3373948	33739481	10669361	Leq Daytime 7:00 am-7:00 p.m.		
	10:00	1000	65.4	3506548	35065476	11088677	67.0		Leq Evening 7:00 pm-10:00 p.m.
	11:00	1100	70.5	11296187	112961874	35721681			Leq Nighttime 10:00 pm-7:00 a.m.
pm	12:00	1200	65.5	3586013	35860132	11339969	67.3 dBA		
	1:00	1300	65.7	3716230	37162300	11751751	Leq 24-Hour		
	2:00	1400	69.2	8309957	83099575	26278393	64.9 dBA		
	3:00	1500	66.8	4739693	47396926	14988224	Ldn: 10 dB adjustment between 10:00 p.m. & 7:00 a.m.		
	4:00	1600	67.0	4978597	49785970	15743706	66.9 dBA		
	5:00	1700	67.1	5104251	51042515	16141060	CNEL: 5 dB adjustment between 7:00p.m. & 10:00 p.m., & 10 dB adjustment between 10:00 p.m. & 7:00 a.m.		
	6:00	1800	66.6	4531425	45314251	14329624	67.5 dBA		
	7:00	1900	65.4	3475818	34758177	10991501			
	8:00	2000	64.2	2639660	26396599	8347338			
	9:00	2100	62.9	1927799	19277992	6096236			
	10:00	2200	58.2	656471	6564712	2075944	Difference between CNEL and Ldn		
	pm	11:00	2300	56.0	399578	3995777	1263576	CNEL - Ldn 0.60095095	



APPENDIX 2.0

SoundPLAN Output Sheets

INOB Meridian

Contribution level - Operational Noise

9

Source	Source group	Source type	Ldn dB(A)	Leq,d dB(A)	Leq,e dB(A)	Leq,n dB(A)	
Receiver Site 1 FI G Ldn 39.8 dB(A) Leq,d 34.9 dB(A) Leq,e 36.4 dB(A) Leq,n 32.3 dB(A)							
Drive Thru 1	Default industrial noise	Line	25.2	20.3	21.8	17.7	
Drive-Thru 2	Default industrial noise	Line	25.4	20.4	21.9	17.8	
Menu Board and Speaker	Default industrial noise	Point	18.9	14.0	15.5	11.4	
Parking Lot Activity	Default industrial noise	Line	29.6	24.7	26.2	22.1	
Table 1	Default industrial noise	Point	28.8	23.8	25.3	21.2	
Table 2	Default industrial noise	Point	29.0	24.0	25.5	21.4	
Table 3	Default industrial noise	Point	27.9	23.0	24.5	20.4	
Table 4	Default industrial noise	Point	28.2	23.2	24.7	20.6	
Table 5	Default industrial noise	Point	28.7	23.7	25.2	21.1	
Table 6	Default industrial noise	Point	29.0	24.0	25.5	21.4	
Table 7	Default industrial noise	Point	29.0	24.1	25.6	21.5	
Table 8	Default industrial noise	Point	28.6	23.7	25.2	21.1	
Table 9	Default industrial noise	Point	28.6	23.7	25.2	21.1	
Table 10	Default industrial noise	Point	28.3	23.3	24.8	20.7	
Table 11	Default industrial noise	Point	28.3	23.3	24.8	20.7	
Receiver Site 1 FI F2 Ldn 40.4 dB(A) Leq,d 35.5 dB(A) Leq,e 37.0 dB(A) Leq,n 32.9 dB(A)							
Drive Thru 1	Default industrial noise	Line	25.4	20.4	21.9	17.8	
Drive-Thru 2	Default industrial noise	Line	25.4	20.5	22.0	17.9	
Menu Board and Speaker	Default industrial noise	Point	19.7	14.7	16.2	12.1	
Parking Lot Activity	Default industrial noise	Line	29.6	24.7	26.2	22.1	
Table 1	Default industrial noise	Point	29.3	24.4	25.9	21.8	
Table 2	Default industrial noise	Point	29.6	24.6	26.1	22.0	
Table 3	Default industrial noise	Point	28.6	23.7	25.2	21.1	
Table 4	Default industrial noise	Point	28.9	23.9	25.4	21.3	
Table 5	Default industrial noise	Point	29.4	24.5	26.0	21.9	
Table 6	Default industrial noise	Point	29.7	24.8	26.3	22.2	
Table 7	Default industrial noise	Point	29.8	24.8	26.3	22.2	
Table 8	Default industrial noise	Point	29.3	24.4	25.9	21.8	
Table 9	Default industrial noise	Point	29.4	24.5	26.0	21.8	
Table 10	Default industrial noise	Point	29.0	24.1	25.6	21.5	
Table 11	Default industrial noise	Point	29.0	24.0	25.5	21.4	
Receiver Site 2 FI G Ldn 42.8 dB(A) Leq,d 37.9 dB(A) Leq,e 39.4 dB(A) Leq,n 35.3 dB(A)							
Drive Thru 1	Default industrial noise	Line	24.1	19.1	20.6	16.5	
Drive-Thru 2	Default industrial noise	Line	21.2	16.3	17.8	13.7	
Menu Board and Speaker	Default industrial noise	Point	18.4	13.5	15.0	10.9	
Parking Lot Activity	Default industrial noise	Line	33.0	28.1	29.6	25.5	
Table 1	Default industrial noise	Point	32.7	27.8	29.3	25.2	
Table 2	Default industrial noise	Point	32.9	28.0	29.5	25.4	
Table 3	Default industrial noise	Point	33.7	28.7	30.2	26.1	
Table 4	Default industrial noise	Point	31.3	26.4	27.9	23.8	
Table 5	Default industrial noise	Point	31.5	26.5	28.0	23.9	
Table 6	Default industrial noise	Point	31.7	26.7	28.2	24.1	
Table 7	Default industrial noise	Point	31.4	26.5	28.0	23.9	

INOB Meridian

Contribution level - Operational Noise

9

Source	Source group	Source type	Ldn dB(A)	Leq,d dB(A)	Leq,e dB(A)	Leq,n dB(A)	
Table 8	Default industrial noise	Point	30.8	25.8	27.3	23.2	
Table 9	Default industrial noise	Point	31.1	26.2	27.7	23.6	
Table 10	Default industrial noise	Point	30.8	25.9	27.4	23.3	
Table 11	Default industrial noise	Point	30.5	25.6	27.1	23.0	
Receiver Site 2: FI F2 Ldn 43.7 dB(A) Leq,d 38.7 dB(A) Leq,e 40.2 dB(A) Leq,n 36.1 dB(A)							
Drive Thru 1	Default industrial noise	Line	24.1	19.2	20.7	16.6	
Drive-Thru 2	Default industrial noise	Line	21.3	16.4	17.9	13.8	
Menu Board and Speaker	Default industrial noise	Point	19.1	14.2	15.7	11.6	
Parking Lot Activity	Default industrial noise	Line	33.0	28.1	29.6	25.5	
Table 1	Default industrial noise	Point	33.6	28.7	30.2	26.1	
Table 2	Default industrial noise	Point	33.8	28.9	30.4	26.3	
Table 3	Default industrial noise	Point	34.7	29.7	31.2	27.1	
Table 4	Default industrial noise	Point	32.3	27.4	28.9	24.8	
Table 5	Default industrial noise	Point	32.5	27.6	29.1	25.0	
Table 6	Default industrial noise	Point	32.7	27.8	29.3	25.2	
Table 7	Default industrial noise	Point	32.4	27.5	29.0	24.9	
Table 8	Default industrial noise	Point	31.7	26.8	28.3	24.2	
Table 9	Default industrial noise	Point	32.1	27.2	28.7	24.6	
Table 10	Default industrial noise	Point	31.8	26.8	28.3	24.2	
Table 11	Default industrial noise	Point	31.4	26.5	28.0	23.9	
Receiver Site 3: West Lost Rapids Drive 3150 FI G Ldn 38.8 dB(A) Leq,d 33.8 dB(A) Leq,e 35.3 dB(A) Leq,n 31.2 dB(A)							
Drive Thru 1	Default industrial noise	Line	24.1	19.1	20.6	16.5	
Drive-Thru 2	Default industrial noise	Line	20.2	15.3	16.7	12.6	
Menu Board and Speaker	Default industrial noise	Point	20.9	16.0	17.5	13.4	
Parking Lot Activity	Default industrial noise	Line	24.0	19.0	20.5	16.4	
Table 1	Default industrial noise	Point	6.2	1.2	2.7	-1.4	
Table 2	Default industrial noise	Point	6.3	1.4	2.9	-1.2	
Table 3	Default industrial noise	Point	26.6	21.6	23.1	19.0	
Table 4	Default industrial noise	Point	26.7	21.8	23.3	19.2	
Table 5	Default industrial noise	Point	29.3	24.3	25.8	21.7	
Table 6	Default industrial noise	Point	29.2	24.2	25.7	21.6	
Table 7	Default industrial noise	Point	29.3	24.4	25.9	21.8	
Table 8	Default industrial noise	Point	27.6	22.7	24.2	20.1	
Table 9	Default industrial noise	Point	29.4	24.5	26.0	21.9	
Table 10	Default industrial noise	Point	29.6	24.6	26.1	22.0	
Table 11	Default industrial noise	Point	29.8	24.8	26.3	22.2	
Receiver Site 4: North Ten Mile Road 6040 FI G Ldn 36.6 dB(A) Leq,d 31.7 dB(A) Leq,e 33.2 dB(A) Leq,n 29.1 dB(A)							
Drive Thru 1	Default industrial noise	Line	25.1	20.1	21.6	17.5	
Drive-Thru 2	Default industrial noise	Line	15.8	10.9	12.4	8.3	
Menu Board and Speaker	Default industrial noise	Point	17.2	12.3	13.8	9.7	
Parking Lot Activity	Default industrial noise	Line	22.0	17.0	18.5	14.4	
Table 1	Default industrial noise	Point	11.6	6.6	8.1	4.0	
Table 2	Default industrial noise	Point	9.6	4.7	6.2	2.1	
Table 3	Default industrial noise	Point	9.6	4.6	6.1	2.0	

INOB Meridian

Contribution level - Operational Noise

9

Source	Source group	Source type	Ldn dB(A)	Leq,d dB(A)	Leq,e dB(A)	Leq,n dB(A)	
Table 4	Default industrial noise	Point	11.9	7.0	8.4	4.3	
Table 5	Default industrial noise	Point	23.0	18.0	19.5	15.4	
Table 6	Default industrial noise	Point	27.6	22.7	24.2	20.1	
Table 7	Default industrial noise	Point	27.7	22.7	24.2	20.1	
Table 8	Default industrial noise	Point	28.0	23.1	24.6	20.5	
Table 9	Default industrial noise	Point	27.9	23.0	24.5	20.4	
Table 10	Default industrial noise	Point	28.3	23.3	24.8	20.7	
Table 11	Default industrial noise	Point	28.4	23.4	24.9	20.8	
Receiver Site 5: North Fairborn Avenue 5872 FI G Ldn 33.8 dB(A) Leq,d 28.9 dB(A) Leq,e 30.4 dB(A) Leq,n 26.3 d							
Drive Thru 1	Default industrial noise	Line	18.6	13.7	15.2	11.1	
Drive-Thru 2	Default industrial noise	Line	17.4	12.4	13.9	9.8	
Menu Board and Speaker	Default industrial noise	Point	13.7	8.8	10.3	6.2	
Parking Lot Activity	Default industrial noise	Line	21.3	16.4	17.9	13.8	
Table 1	Default industrial noise	Point	23.6	18.7	20.2	16.1	
Table 2	Default industrial noise	Point	23.8	18.8	20.3	16.2	
Table 3	Default industrial noise	Point	22.2	17.3	18.8	14.7	
Table 4	Default industrial noise	Point	22.3	17.4	18.9	14.8	
Table 5	Default industrial noise	Point	22.7	17.7	19.2	15.1	
Table 6	Default industrial noise	Point	22.8	17.9	19.4	15.3	
Table 7	Default industrial noise	Point	22.9	17.9	19.4	15.3	
Table 8	Default industrial noise	Point	22.7	17.8	19.3	15.2	
Table 9	Default industrial noise	Point	22.7	17.8	19.3	15.2	
Table 10	Default industrial noise	Point	22.5	17.6	19.1	15.0	
Table 11	Default industrial noise	Point	22.6	17.6	19.1	15.0	
Receiver Site 6: The Church of Jesus Christ of Latter-day Saints FI G Ldn 33.9 dB(A) Leq,d 29.0 dB(A) Leq,e 30.5 d							
Drive Thru 1	Default industrial noise	Line	19.4	14.5	16.0	11.9	
Drive-Thru 2	Default industrial noise	Line	18.0	13.1	14.6	10.5	
Menu Board and Speaker	Default industrial noise	Point	14.9	10.0	11.5	7.4	
Parking Lot Activity	Default industrial noise	Line	21.1	16.2	17.7	13.6	
Table 1	Default industrial noise	Point	22.3	17.4	18.9	14.8	
Table 2	Default industrial noise	Point	21.0	16.0	17.5	13.4	
Table 3	Default industrial noise	Point	23.6	18.7	20.2	16.1	
Table 4	Default industrial noise	Point	23.8	18.8	20.3	16.2	
Table 5	Default industrial noise	Point	22.5	17.6	19.1	14.9	
Table 6	Default industrial noise	Point	22.6	17.7	19.2	15.1	
Table 7	Default industrial noise	Point	22.8	17.8	19.3	15.2	
Table 8	Default industrial noise	Point	22.8	17.8	19.3	15.2	
Table 9	Default industrial noise	Point	22.6	17.7	19.2	15.1	
Table 10	Default industrial noise	Point	22.5	17.6	19.0	14.9	
Table 11	Default industrial noise	Point	24.8	19.8	21.3	17.2	

INOB Meridian

Contribution level - Truck Deliveries

9

Source	Source group	Source type	Ldn dB(A)	Leq,d dB(A)	Leq,e dB(A)	Leq,n dB(A)	
Receiver Site 1 FI G Ldn 43.0 dB(A) Leq,d 31.8 dB(A) Leq,e dB(A) Leq,n 37.1 dB(A)							
Truck Delivery	Default industrial noise	Line	43.0	31.8		37.1	
Receiver Site 1 FI F2 Ldn 42.5 dB(A) Leq,d 31.3 dB(A) Leq,e dB(A) Leq,n 36.6 dB(A)							
Truck Delivery	Default industrial noise	Line	42.5	31.3		36.6	
Receiver Site 2 FI G Ldn 43.0 dB(A) Leq,d 31.8 dB(A) Leq,e dB(A) Leq,n 37.0 dB(A)							
Truck Delivery	Default industrial noise	Line	43.0	31.8		37.0	
Receiver Site 2 FI F2 Ldn 42.5 dB(A) Leq,d 31.3 dB(A) Leq,e dB(A) Leq,n 36.6 dB(A)							
Truck Delivery	Default industrial noise	Line	42.5	31.3		36.6	
Receiver Site 3: West Lost Rapids Drive 3150 FI G Ldn 27.2 dB(A) Leq,d 16.1 dB(A) Leq,e dB(A) Leq,n 21.3 dB(A)							
Truck Delivery	Default industrial noise	Line	27.2	16.1		21.3	
Receiver Site 4: North Ten Mile Road 6040 FI G Ldn 24.6 dB(A) Leq,d 13.5 dB(A) Leq,e dB(A) Leq,n 18.7 dB(A)							
Truck Delivery	Default industrial noise	Line	24.6	13.5		18.7	
Receiver Site 5: North Fairborn Avenue 5872 FI G Ldn 27.2 dB(A) Leq,d 16.1 dB(A) Leq,e dB(A) Leq,n 21.3 dB(A)							
Truck Delivery	Default industrial noise	Line	27.2	16.1		21.3	
Receiver Site 6: The Church of Jesus Christ of Latter-day Saints FI G Ldn 26.2 dB(A) Leq,d 15.0 dB(A) Leq,e dB(A)							
Truck Delivery	Default industrial noise	Line	26.2	15.0		20.2	

NON-PLAT CONDITIONS

PUBLIC WORKS DEPARTMENT

Site Specific Conditions of Approval

1. Existing Easement does not meet current City Standards and will need to be updated. Easements should be 20' wide with the Water main centered in the Easement. The city requests the easement extend 10' past the end of the main but only 5' is required.
2. The water service should connect to the Water main stub within 3' of the dead-end.
3. The sewer service should not be within 6' of the water meter.
4. Carports and other permanent structures (trees, bushes, buildings, trash receptacle walls, fences, infiltration trenches, light poles, etc.) cannot be built within the utility Easement.
5. Ensure no Sewer services cross infiltration trenches. Sewer service lines through underground seepage beds or swales are not allowed unless approved by the City Engineer.
6. Water services require a 20' easement up to and 10' beyond the meter or as close to 10' as possible.
7. Fire Hydrants require a 20' easement up to and 10' beyond the hydrant.

General Conditions of Approval

1. Applicant shall coordinate water and sewer main size and routing with the Public Works Department.
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). Sewer/water easement varies depending on sewer depth. Sewer 0-20 ft deep require a 30 ft easement, 20-25 ft a 40 ft easement, and 25-30 ft a 45 ft easement. Ensure no permanent structures (trees, bushes, buildings, carports, trash receptacle walls, fences, infiltration trenches, light poles, etc.) are built within the utility easement. 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.
4. The City of Meridian requires that pressurized irrigation systems be supplied by a year-round source of water (UDC 11-3B-6). The applicant should be required to use any existing surface or well water for the primary source. If a surface or well source is not available, a single-point connection to the culinary water system shall be required. If a single-point connection is utilized, the developer will be responsible for the payment of assessments for the common areas prior to receiving development plan approval.
5. 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

Exhibit F - Public Works

- the development, and if so, how they will continue to be used, or provide record of their abandonment.
8. Any existing septic systems within this project shall be removed from service per City Ordinance Section 9-1-4 and 9 4 8. Contact Central District Health for abandonment procedures and inspections (208)375-5211.
 9. All improvements related to public life, safety and health shall be completed prior to occupancy of the structures.
 10. 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.
 11. 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.
 12. Applicant shall be responsible for application and compliance with any Section 404 Permitting that may be required by the Army Corps of Engineers.
 13. Developer shall coordinate mailbox locations with the Meridian Post Office.
 14. 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.
 15. 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.
 16. 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.
 17. 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.
 18. 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.
 19. 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.
 20. 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.



Alexis Pickering, President
Miranda Gold, Vice-President
Jim Hansen, Commissioner
Kent Goldthorpe, Commissioner
Dave McKinney, Commissioner

November 1st, 2024

To: Todd Smith, via email
In-N-Out Burger
13502 Hamburger Lane
Baldwin Park, CA 91706

Subject: MER24-0107/H-2024-0058
5985 & 6037 N Ten Mile Road
In-N-Out Burger Ten Mile

The Ada County Highway District (ACHD) has reviewed the submitted application for the application referenced above and has determined that there are no improvements required to the adjacent street(s).

The applicant shall be required to:

1. Pay a traffic impact fee, if applicable. For any questions regarding the traffic impact fee please contact ACHD's Impact Fee Administrator at impactfees@achdidaho.org.
2. If applicable, a traffic impact fee shall be assessed by ACHD and will be due prior to the issuance of a building permit by the lead agency. This is a separate review process and it is the applicant's responsibility to submit plans directly to ACHD.
3. Payment can be accepted over the phone by calling (208) 387-6170 or can be sent/ delivered to the following address:

Ada County Highway District
Attn: Development Services
1301 N Orchard St, Suite 200
Boise, ID 83706

- Reference the file number above when making the payment.
- Please note:
 - Fees are subject to change if not paid prior to October 1st
 - All card payments are subject to a 3% processing fee
 - All e-check payments are subject to a \$1.50 processing fee
- 4. Submit a driveway approach request for any proposed driveways. Driveway approach permits can be found at:
<https://www.achdidaho.org/home/showpublisheddocument/988/638245965711600000>
- 5. Comply with all ACHD Policies and ACHD Standard Conditions of Approval for any improvements or work in the right-of-way.
- 6. Obtain a permit for any work in the right-of-way prior to the construction, repair, or installation of any roadway improvements (curb, gutter, sidewalk, pavement widening, driveways, culverts, etc.).

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Exhibit G - ACHD Project Memo

If you have any questions, please feel free to contact me at (208) 387-6171.

Sincerely,

A handwritten signature in black ink, appearing to read "Matt Pak", enclosed within a simple, slightly irregular oval outline.

Matt Pak
Planner
Development Services

cc: City of Meridian (Sonya Allen), via email

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Standard Conditions of Approval

1. All proposed irrigation facilities shall be located outside of the ACHD right-of-way (including all easements). Any existing irrigation facilities shall be relocated outside of the ACHD right-of-way (including all easements).
2. Private Utilities including sewer or water systems are prohibited from being located within the ACHD right-of-way.
3. In accordance with District policy, 7203.3, the applicant may be required to update any existing non-compliant pedestrian improvements abutting the site to meet current Public Right-of-Way Accessibility Guidelines (PROWAG) requirements. The applicant's engineer should provide documentation of compliance to District Development Review staff for review.
4. Replace any existing damaged curb, gutter and sidewalk and any that may be damaged during the construction of the proposed development. Contact Construction Services at 208-387-6280 (with file number) for details.
5. A license agreement and compliance with the District's Tree Planter policy is required for all landscaping proposed within ACHD right-of-way or easement areas.
6. All utility relocation costs associated with improving street frontages abutting the site shall be borne by the developer.
7. It is the responsibility of the applicant to verify all existing utilities within the right-of-way. The applicant at no cost to ACHD shall repair existing utilities damaged by the applicant. The applicant shall be required to call DIGLINE (1-811-342-1585) at least two full business days prior to breaking ground within ACHD right-of-way. The applicant shall contact ACHD Traffic Operations 387-6190 in the event any ACHD conduits (spare or filled) are compromised during any phase of construction.
8. Utility street cuts in pavement less than five years old are not allowed unless approved in writing by the District. Contact the District's Utility Coordinator at 208-387-6258 (with file numbers) for details.
9. All design and construction shall be in accordance with the ACHD Policy Manual, ISPWC Standards and approved supplements, Construction Services procedures and all applicable ACHD Standards unless specifically waived herein. An engineer registered in the State of Idaho shall prepare and certify all improvement plans.
10. Construction, use and property development shall be in conformance with all applicable requirements of ACHD prior to District approval for occupancy.
11. No change in the terms and conditions of this approval shall be valid unless they are in writing and signed by the applicant or the applicant's authorized representative and an authorized representative of ACHD. The burden shall be upon the applicant to obtain written confirmation of any change from ACHD.
12. If the site plan or use should change in the future, ACHD Planning Review will review the site plan and may require additional improvements to the transportation system at that time. Any change in the planned use of the property which is the subject of this application, shall require the applicant to comply with ACHD Policy and Standard Conditions of Approval in place at that time unless a waiver/variance of the requirements or other legal relief is granted by the ACHD Commission.