

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



Date of Order: September 22, 2026
Case No.: H-2026-0011
Applicant: Julie Hekking, Kimley-Horn
In the Matter of: Request for (A) a development agreement modification to the existing development agreement (Instrument No. 109134179, AZ-08-001, Overland Village) to update certain provisions, the conceptual site plan, and building elevations; and (B) a conditional use permit to construct a 24,000 square-foot hospital; and (C) a preliminary plat consisting of two (2) buildable lots and one (1) common lot on approximately 5.21 acres of land in the C-G (General Retail and Service Commercial) zoning district

Pursuant to testimony and evidence received regarding this matter at the public hearing before the City Council of the City of Meridian (the “City Council”) on September 8, 2026, as to this matter, the City Council enters the following findings of fact, conclusions of law, decision, and order.

A. Findings of fact.

1. The facts pertaining to the Applicant’s property (the “Property”), the Applicant’s request, and the process are set forth in the staff report for Case No. H-2026-0011, which is incorporated herein by reference.
2. The Property is encumbered by an existing development agreement (Instrument No. 109134179) (the “Existing Development Agreement”).
3. The Applicant is requesting a modification to the Existing Development Agreement to update certain provisions, the conceptual site plan, and building elevations (the “New Development Agreement”) to facilitate a proposed 24,000 square-foot hospital and two (2) buildable lots and one (1) common lot.
4. The Applicant is requesting a conditional use permit (“CUP”) for the proposed 24,000 square-foot hospital, which is contingent on City Council approval of a modification to the Existing Development Agreement, because the proposed hospital is inconsistent with the Existing Development Agreement.
5. The Existing Development Agreement contemplates a C-G zoning designation for 9.06 acres to accommodate future development of retail, office, and restaurant uses.
6. The Existing Development Agreement contemplates vacation of the existing right of way via Rackham Way.
7. A portion of the property encumbered by the Existing Development Agreement is currently utilized by the Ada County Highway District as a park-and-ride parking lot. The parking lot was proposed to remain.

8. The proposed hospital includes emergency care services in its business model. Per UDC 11-4-3-22, if a hospital provides emergency care, the location shall have direct access on an arterial roadway. The proposed hospital concept plan does not have direct access to either Overland Road or Eagle Road, the abutting arterial roadways.
9. The City Council held a public hearing on September 8, 2026, and received testimony from the Applicant and the public concerning the proposed modification to the Existing Development Agreement, CUP, and Preliminary Plat.
10. The City Council finds, based on testimony received and information in the record, that the proposed project does not meet UDC 11-4-3-22, as the proposed site lacks direct arterial access as required for hospitals providing emergency care services.
11. Based on the foregoing, the City Council finds that the proposed New Development Agreement is inferior to the Existing Development Agreement.
12. Because the New Development Agreement is inferior to the Existing Development Agreement, the City Council finds it is not in the City's best interest to modify the Existing Development Agreement as proposed by the Applicant.
13. Because the City Council finds it is not in the City's best interest to modify the Existing Development Agreement, the City Council finds the Applicant's concurrent request for a CUP and Preliminary Plat are inconsistent with the Existing Development Agreement.

B. Conclusions of law.

1. The City Council takes judicial notice of the Unified Development Code of the City of Meridian ("UDC"), codified at title 11, Meridian City Code; all current zoning maps; and the City of Meridian Comprehensive Plan.
2. The City Council takes judicial notice of the Local Land Use Planning Act ("LLUPA"), codified at chapter 65, title 67, Idaho Code, including, but not limited to, sections 67-6519(5) and 67-6535.
3. A development agreement is a binding contract. *Wylie v. State*, 151 Idaho 26, 32, 253 P.3d 700, 706 (2011). The legal effect of a development agreement is determined by the plain meaning of the agreement. *Id.*
4. A decision to modify a development agreement shall be made by the City Council. UDC § 11-5B-3(F)(2).
5. The City Council may modify an existing development agreement, but it is not mandated to do so. UDC § 11-5B-3(F)(2). Similar to other binding contracts, the City Council may deny a request to modify a development agreement if the proposed modification is not in the best interest of the City. *See id.*
6. Courts in the Fourth Judicial District of the State of Idaho have held that a City Council decision to approve or deny a request to modify a development agreement is not subject to

judicial review. *Brown v. City of Meridian*, CV01-19-06894, slip op. at 12 (District Court of the Fourth Judicial District of the State of Idaho, County of Ada, Nov. 11, 2021).

- C. Order.** Pursuant to the above findings of fact and conclusions of law, the City Council hereby denies the Applicant's request to modify the Existing Development Agreement because the proposed modification is not in the best interest of the City. Additionally, the City Council hereby denies the Applicant's request for a CUP and Preliminary Plat because the proposed hospital is inconsistent with the Existing Development Agreement.
- D. Final decision.** Upon approval by majority vote of the City Council, this is a final decision of the governing body of the City of Meridian.
- E. Judicial review.** Pursuant to Idaho Code section 67-6521(1)(d), if this final decision concerns a matter enumerated in Idaho Code section 67-6521(1)(a), an affected person aggrieved by this final decision may, within twenty-eight (28) days after all remedies have been exhausted, including requesting reconsideration of this final decision as provided by Meridian City Code section 1-7-10, seek judicial review of this final decision as provided by chapter 52, title 67, Idaho Code. This notice is provided as a courtesy; the City of Meridian does not admit by this notice that this decision is subject to judicial review under LLUPA.
- F. Notice of right to regulatory takings analysis.** Pursuant to Idaho Code sections 67-6521(1)(d) and 67-8003, an owner of private property that is the subject of a final decision may submit a written request to the Meridian City Clerk for a regulatory takings analysis.

IT IS SO ORDERED by the City Council of the City of Meridian, Idaho, on this 22nd day of September, 2026.

Robert E. Simison
Mayor

Attest:

Chris Johnson
City Clerk