

**REGULAR COUNCIL**  
**February 7, 2022**

Mayor Kling called the meeting to order at 5:30 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Mutchie, Levi, Haverfield, Bower were present.

❖ **(1) Consent Agenda (Action Items)** ❖

**MOVED** by Haverfield and **SECONDED** by Bower to **approve the Consent Agenda which had the following items presented:**

**Item #1-1.** - Minutes

- a. Planning and Zoning Commission – 01-11-2022
- b. Board of Appraisers – 01-19-2022 Special Meeting
- c. Venue Management Advisory Commission – 11-18-2021
- d. Design Review Committee – December 20, 2021
- e. Council on Aging Committee – 12-14-2021
- f. Council on Aging Committee – 01-11-2022
- g. Housing Authority – 12-15-2021
- h. Building and Fire Appeals Board – August 18, 2021

**Item #1-2.** - The Nampa City Council dispenses with the Three (3) Reading Rule of Idaho Code § 50-902 for all ordinances

**Item #1-3.** - Plat Approvals

- a. Final
  - **Sharpe's Orchard** Subdivision at 7928 Birch Ln (Parcel #R2095400000) in the RS4 (Single Family Residential 4,000 sq. ft.) zoning district; located on part of Lots 25 and 26, Courland Place Subdivision - a 6.46-acre portion of the SW ¼ of the NW ¼ of Section 11, T3N, R2W, BM) for Taylor Schmidt / SI Construction LLC (SPF 179-21). Original Concept: 33 single family lots and 1.14 acres of qualified open space; a gross density of 5.10 & net density of 8.14.
    - **Jasper Ridge** No. 1 Subdivision at 0 Middleton Rd - a portion of Parcel #R3145601200 (A 17.51-acre portion of land located in the NE ¼ of Section 19, T3N, R2W, BM, Canyon County) for **Schultz Development** representing Endurance Holdings LLC (SPF 178-21). Original Concept: 66 single-family lots and 9 common lots; a gross density of 3.76 & net density of 6.06.
    - **Silver Star** No. 3 Subdivision, a 22.1-acre portion of 0 Star Rd - Parcel #R3036200000; located in the NW ¼ of Section 5, T3N, R1W, BM) for Toll West Inc. (SPF 176-21) Original concept: Original concept: 61, single-family residential lots, 9 common lots - 19.3% open space, and 4.81 acres of right-of-way, for a gross density of 2.76 and a net density of 4.68.

- **Southern Ridge** No. 10 Subdivision, a 20.17-acre portion of three parcels all addressed as 0 E Locust Ln - Parcel #R0801000, R2908701200, & R2908801300; located in the SE 1/4 of Section 1, T2N, R2W, BM) for Kent Brown, representing Southern Ridge Properties (SPF 181-21) Original concept: 64, single-family residential lots, 5 common lots, and 3.81 acres of right-of-way, for a gross density of 3.17 and a net density of 5.22.

- **Smith Townhomes** Subdivision, on three existing properties totaling 1.61 acres & addressed as 336 & 322 Smith Ave, and 0 Davis Ave - parcel #R16142010, R161520100, & R1614501000; located in the SE 1/4 of the NW 1/4 of Section 21, T3N, R2W, BM); for Mateo Echeverria representing Trifecta Development (SPF 180-21). Original concept: Seven 2-unit townhouse buildings, and two 3-unit townhouse buildings - each unit on a separate property for sale; a net density of 12.42 and 60% open space.

b. Preliminary

- None

**Item #1-4.** - Authorize Public Hearings

a. Conditional Use Permit for a public storage - **Club Storage Condos**, in preparation for a future commercial condominium plat where each storage condo is sold separately in the BC (Community Business) zoning district at 4751 Ustick Rd - Parcel #R303630120 (a 9.15-acre parcel in the NW 1/4 of Section 5, T3N, R1W, BM) for Justin Reynolds representing JABR LLC (CUP 260-21).

b. Zoning Map Amendment from RS6 PUD (Single Family Residential 6,000 sf) to RD (Two-family DUPLEX Residential) zoning district; development agreement modification to rescind and replace the existing agreement (Ordinance 3610); and Subdivision Preliminary Plat for **Middlebury North Subdivision** at 0, 0, & 0 Midway Road (Parcel #'s R32799010A0, R3279800000, & R32799010B0); totaling 121.09 acres (located in the S 1/2 of Section 13, T3N, R3W, BM) for Jane Suggs - Gem State Planning representing Endurance Holdings LLC (ZMA 156-21, DAMO 051-21, & SPP 097-21). Original Concept: 244 single family lots, 36 duplex lots, 38 4-plex lots, 69 common lots, and 28.79 acres of right-of-way - totaling 468 dwelling units and over 24% common area, for a gross density of 3.86 and a net density of 7.57.

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c. Zoning Map Amendment from RS6 (Single Family Residential 6,000 sf) to RP (Residential Professional) zoning district; and potential development agreement, at 3 N Midland Blvd. - Parcel # R1613101000; (a .45-acre parcel located in the SE 1/4 of Section 20, T3N, R2W, BM) for **Ronald J Pierce** (ZMA 159-21). Original Concept: to allow the conversion of an existing home into a three- bedroom apartment upstairs and two office spaces downstairs.

d. Annexation and Zoning to BC (Community Business) zoning district at 920 Lake Lowell Ave (parcel # R16270516, located in the SW 1/4 of Section 28, T3N, R2W, BM) for Nampa City Parks Division - Cody Swander (ANN 223-21). Original Concept: Conversion of two existing buildings to Parks Division Office and Storage and construction of the **Matthew Peltzer Trailhead for Wilson Creek Pathway**.

e. Authorize to hold a public hearing at the March 7, 2022, Council Meeting regarding **Fee Increases for Ridgecrest and Centennial** Golf Courses.

**Item #1-5.** - Authorize to Proceed with Bidding Process.

Council authorize Engineering Division to proceed with formal bid process for the **Annual Traffic Improvements** FY22 project (Approved in FY22 budget).

**Item #1-6.** - Authorization for Execution of Contracts and Agreements

a. Authorize Finance Director to sign contract with **Eide Bailly** for Audit Services in the amount of \$57,970 (approved in FY22 Budget).

b. Authorize Mayor to sign Lease of Property with **Union Pacific Railroad** for 11th Avenue South pedestrian bridge for an annual amount of \$5,000 (Approved by legal).

c. Authorize the immediate piggyback purchase of 7,000 gallons of traffic paint from **Ennis Flint** at an estimated cost of \$75,460.00 for the Street Division (Approved in FY22 budget).

d. Authorize immediate piggyback purchase of pavement marking thermo plastics from **Flint Trading**, contract BPO20210476, at an estimated cost of \$60,000.00 for the Street Division (Approved in FY22 budget).

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**Item #1-7. – Resolutions**

- a. A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NAMPA, A MUNICIPAL CORPORATION OF IDAHO, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS. (AIRPORT)

**Item #1-8. - Monthly Cash Report**

- b. None

**Item #1-9. - Planning & Zoning Formal Findings**

- a. None

**Item #1-10. - Licenses for 2022**

- a. Alcohol Renewal
  - None
- b. Alcohol New
  - None

**Item #1-11. - Miscellaneous items**

- a. None

**Item #1-12. – Approval of Agenda**

Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. Mayor Kling declared the

MOTION CARRIED

❖ **(2) Proclamation** ❖

**Item #2-1 – Declaring February as Career and Technical Education Month**

**Whereas**, career & technical education prepares students for high-skill, in-demand careers, while providing a talent pipeline for Idaho businesses who have reported increasing challenges in finding a skilled workforce; and

**Whereas**, career & technical education gives students experience in practical and meaningful applications of skills such as reading, writing, and mathematics, thus

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improving the quality of their education, motivating students and giving them leadership opportunities in their fields and in their communities; and

**Whereas**, 94% of Idaho secondary CTE Concentrators graduate high school, compared to 82% overall; 49% of Idaho secondary CTE concentrators went on to college, compared to 38% overall;

**Whereas**, Idaho postsecondary CTE students earned a total of 91,939 credits last academic year and over 50,000 individuals were trained through Idaho’s workforce training centers; and

**Whereas**, last year 1,183 total certifications were earned by CTE students in the Nampa School District and this year 2,400 Nampa School District students are enrolled in a CTE Pathway; and

**Whereas**, last year the College of Western Idaho had 764 CTE certificate and degree graduates; and

**Whereas**, career & technical education offers individual lifelong opportunities to learn new skills, which provide them with career choices; and

**Whereas**, the month of February is established as “Career & Technical Education Month” and is supported by Idaho Career & Technical Education Foundation and the Association for Career and Technical Education.

**Now Therefore**, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim February 2022 as:

### **“Career Technical Education Month”**

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 7th day of February in the year of our Lord two thousand twenty-two.

❖ **Mayor Kling asked if Nampa Residents Wishing to Speak on an Agenda (5 persons limit) or Non-Agenda Item (persons limit) (3-minute limit). Comments Related to Zoning and Land Use Matters May only be Made During Properly Noticed Public Hearings:** ❖

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- Adrian Danilac - 13176 S. Jeannette Way, Nampa, wished to speak on item 5-1, Mayor Kling advised that he could not be due to this being part of a potential upcoming land use hearing.

❖ (3) Agency/External Communications ❖

Item #3-1. - None

❖ (4) Staff Communications ❖

Item #4-1. – Doug Racine presented that the ACFR award that the City of Nampa recently received from the Government Finance Officers Association.

❖ (5) New Business ❖

Item #5-1. – Mayor Kling presented the Request for Reconsideration of Annexation and Zoning to RS6 (Single-Family Residential 6,000 sf) zoning district, potential development agreement, and Subdivision Preliminary Plat for **Salazar Point** Subdivision at 11496 Lake Lowell Ave (Parcel #R3204401000 totaling 6.93 acres in SE ¼ of Section 30, T3N, R2W, BM, Canyon County), for Monica E. Salazar (ANN 216-21 & SPP 093-21). Original Concept: 20 single family lots (4.86 acres), 2 common lots (1.11 acres), and 1 common driveway (.10 acres); for a gross density of 3.28 and a net density of 4.15 (PH was 01-18-2021).

**MOVED** by Rodriquez and **SECONDED** by Bruner to **APPROVE** the request for reconsideration. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the

MOTION CARRIED

Item #5-2. - Authorize the Mayor, City of Nampa Public Works Department and City legal counsel to prepare an agreement for Class A Biosolids Management with **Timber Creek Recycling**

**MOVED** by Bruner and **SECONDED** by Bower to **authorize** the preparation of the agreement with Timber Creek Recycling. Mayor Kling asked for a roll call vote with Councilmembers Rodriquez, Bruner, Jangula, Bower and Levi present voting YES, Councilman Haverfield recused himself due to potential financial interest in this project. Mayor Kling declared the

MOTION CARRIED

Item #5-3. - Authorize to award the construction of the Nampa Dog Park 2 project to **LaRiviere** Inc. in the amount of \$2,180,179.25 (Funded by Park Impact Fees & approved in FY22 budget)

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**MOVED** by Bruner and **SECONDED** by Haverfield to **award** the bid for the construction of the Nampa Dog Park 2 project to **LaRiviere Inc.** in the amount of \$2,180,179.25. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the  
MOTION CARRIED

**Item #5-4.** - Authorize Mayor to sign agreement for construction management for the Nampa Dog Park Project 2 with **T-O Engineering** for the amount, not to exceed, \$129,216 (Funded with Park Impact Fees & Budgeted FY22)

**MOVED** by Haverfield and **SECONDED** by Bruner to **authorize** the Mayor to sign agreement for construction management for the Nampa Dog Park Project 2 with **T-O Engineering** in the amount, not to exceed, \$129,216. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the  
MOTION CARRIED

**Item #5-5.** - 1st reading of street naming ordinance (Exhibit B) for **South Three Ranch Lane**

The following Ordinance was read by title:

*AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO NAMING A PRIVATE STREET SOUTH THREE RANCH LANE.*

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Haverfield and **SECONDED** by Bower to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4648** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #5-6.** - Authorize Engineering staff to proceed with negotiations for **Right-of-Way** acquisition required to construct the Midland Boulevard & Iowa Avenue Intersection project up to the estimated amount of \$490,000.00 (Approved in FY22 budget)

**MOVED** by Bruner and **SECONDED** by Haverfield to Authorize Engineering staff to proceed with negotiations for **Right-of-Way** acquisition. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the  
MOTION CARRIED

**Item #5-7.** - Council authorize Engineering Division to proceed with formal bid process for **Midland Boulevard & Lake Lowell** Avenue Intersection (Approved in FY22 budget)

**MOVED** by Rodriquez and **SECONDED** by Haverfield to proceed with formal bid process for the **Midland Boulevard & Lake Lowell** Avenue Intersection. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the  
MOTION CARRIED

**Item #5-8.** - Authorize the Mayor and Public Works Director to sign a contract with **Challenger Companies**, Inc. to construct the Western Regional Lift Station Upgrades project in the amount of \$323,500.00 (Approved in FY22 budget)

**MOVED** by Bruner and **SECONDED** by Rodriquez to Authorize the Mayor and Public Works Director to sign a contract with **Challenger Companies**, Inc. to construct the Western Regional Lift Station Upgrades project in the amount of \$323,500.00. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the  
MOTION CARRIED

**Item #5-9.** - Authorize Mayor and Public Works Director to sign task order with **SPF Water Engineering**, LLC for 2022 Water Right Master Plan in the amount of \$62,450.00 T&M NTE (Approved in FY22 budget) (Approved by legal)

**MOVED** by Haverfield and **SECONDED** by Bower to sign task order with **SPF Water Engineering**, LLC. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the  
MOTION CARRIED

❖ (7) Unfinished Business ❖

**Item #7-1.** – The following Ordinance was read by title:

1st reading of ordinance correcting ordinance 4619, Annexation and Zoning for multiple portions of road right-of-way to include the following: 1) a section of Midway Rd to be zoned RA (Suburban Residential); 2) a section of Cherry Ln to be zoned BC (Community Business); 3) a section of Northside Blvd. to be zoned IL (Light Industrial); 4) a section of Cherry Ln. to be zoned IL (Light Industrial); 5) a section of Madison Rd. to be RS 7 (Single Family Residential 7000 sq. ft.); 6) a section of Star Rd. to be zoned RS 8.5 (Single Family Residential 8500 sq. ft.); 7) sections



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of N. Kings Rd. and E. Victory Rd. to be zoned RS 6 (Single Family Residential 6000 sq. ft.) and IL (Light Industrial); and 8) property necessary for the recently constructed Happy Valley Rd and Victory Rd round-about to be zoned IL (Light Industrial) - for Daniel Badger representing City of Nampa, Engineering Division (ANN 206-21) (PH was 10-04-2021).

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Haverfield and **SECONDED** by Bower to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4649** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #7-2.** – The following Ordinance was read by title:

1st reading of ordinance for Development Agreement Modification to modify the concept plan (Exhibit B) and conditions of approval (Exhibit C) of Ordinance No. 3631, changing the use from commercial buildings and associated parking to a concept plan for 3 multiple-family residential buildings; and, Conditional Use Permit for Multi-Family Residential in a BC (Community Business) zoning district, for 60 residential units on 3.09 acres for 19.41 gross lot density; located at 3211, 3217, 3225, and 3255 E Greenhurst Rd - County Parcel #s - R2113800000, R2113900000, R2114001000, & R2114000000 (located in NW 1/4 of Section 1, T2N, R2W, BM) for Vertical Equity, LLC representing Jones Development, LLC (DAMO 044-21 & CUP 232-21) (PH was 9-20-2021).

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Haverfield and **SECONDED** by Bower to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4650** and directed the Clerk to record it as required.

MOTION CARRIED

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**Item #7-3.** – The following Ordinance was read by title:

1st reading of ordinance for Annexation and Zoning to RA (Suburban Residential) zoning district, and potential development agreement, at 11255 Greenhurst Rd and 11968 Meredith Ct. (Parcels #R2930326600 and R29303265A0 totaling 4.16 acres in NE ¼ of Section 6, T2N, R2W, BM, Canyon County), for David and Anne Martin (ANN 221-21). Original Concept: 1 existing single-family home and construction of 1 additional single-family home (**PH was 01-18-2021**)

The Mayor declared this the first reading of the Ordinance.

Mayor Kling presented a request to pass the preceding Ordinance under suspension of rules.

**MOVED** by Bower and **SECONDED** by Haverfield to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4651** and directed the Clerk to record it as required.

MOTION CARRIED

### ❖ (6) Public Hearings ❖

**Item #6-1.** - Mayor Kling opened a **public hearing** for Annexation and Zoning to RS8.5 (Single-Family Residential 8,500 sf.) zoning district, potential Development Agreement, and Subdivision **Preliminary Plat for Terrace Falls Subdivision** at 0 E Locust Lane (parcel # R2886601100, located in the SE 1/4 of the SW 1/4 and the SW 1/4 of the SE 1/4 of Section 6, T2N, R1W, BM) for Cleve & Murvelle Cushing Trust representing Cushing Family Trust (ANN 219-21 & SPP 094-21). Original Concept: 97 single family lots; and 21 common lots; for a 2.12 gross density and a 3.58 net density.

David Bailey presented the request

Doug Critchfield presented the following staff report explaining:

### **PROPERTY DETAILS**

#### **History:**

Pre-Application meeting June 23, 2021:

The Owner originally considered developing in the County with a utility hookup and annexation agreement to allow connection to City water and sewer. The Owner funded a joint sewer capacity analysis with the Harvest Creek Subdivision developer to verify sufficient capacity to serve up to 340 single-family home sites. The analysis reflected there was sufficient capacity.

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The Harvest Creek Subdivision is utilizing 214 of the requested 340 connections leaving 126 connections available for Terrace Falls Estates. Based on this analysis, the Owner requested establishment of a hookup and annexation agreement from the Nampa Board of Appraisers and Nampa City Council. The agreement was approved and fully executed in May 2021. Since the Harvest Creek Subdivision annexation was approved it provided a path to annexation for the Terrace Falls Estates Subdivision. As a result, the Owner has initiated annexation and development within the City as required by the executed agreement.

Application received September 2, 2021: The Subdivision code that existed prior to the October 5, 2021 update applies.

December 14, 2021: Planning and Zoning Commission Hearing – item was tabled for City Attorney review Commission questions regarding the Right-to-Farm Act.

January 11, 2022: Counsel feedback was shared with the Planning and Zoning Commission. Counsel stated that the City does not give legal advice to private parties, and that if the farming operations are carried out following regulatory law, the farmer has the right to farm per the State of Idaho’s Right-to-Farm Act (IC 22-4501, 22-4502, 22-4503, and 22-4505) – see Todd Lakey email dated December 15, 2021, attached to this staff report.

**Current Jurisdiction/Status:**

The Property is currently in Canyon County

**Comprehensive Plan (current):**

Medium Density Residential

**Surrounding Zoning/Land Uses:**

**North:** Canyon County Agricultural

**South:** Canyon County Agricultural

**East:** Canyon County Agricultural with a residence to the southeast

**West:** Canyon County Agricultural

**Southwest corner:** Future Harvest Creek Subdivision – RS6 Zoning – approved by City Council on September 7, 2021

**Utilities (per Nampa Engineering Division):**

The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The city maintains the following utilities in the vicinity of the project:

10” gravity sewer main located at E Stone Falls Dr and Happy Valley Road;

12” water main in S Happy Valley Road stubbed 400’ north of Locust Lane;

12” water main in E Locust Lane stubbed 1,800’ west of Happy Valley Road; and,

12” pressure irrigation main at the E Locust Lane and Happy Valley Road intersection.

**Legal Access (per Nampa Engineering Division):**

The project is located northeast of the Locust Lane and Happy Valley Rd intersection with public access to the following roads:

E Locust Lane – classified as a ”Principal Arterial”, speed limit 45-mph, managed by Nampa Highway District No. 1.

The following right-of-way dedication is required for this project:

E Locust Lane – 50’ from Section Line.

## **APPLICABLE REGULATIONS AND ANALYSIS**

### **Annexation:**

#### **Idaho State Code Title 50-222(3) and Nampa City Code Title 10 Chapter 2(4.C.1):**

Conclusions of Law required for approval of Annexation as a category A annexation, specifically:

1. Be contiguous with the city limits or be enclaved by other properties so annexed.
2. The area can reasonably be assumed to be available for the orderly development of the City.
3. The proposed zoning district is consistent with the adopted Comprehensive Plan Future Land Use Map.

OR...

- a. All involved private landowners raise no objection to annexation.

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### **Zoning/Rezoning:**

#### **NCC § 10-2-3-C: Conclusions of Laws Pertinent to Proposed Zoning Map Amendments:**

Before the commission recommends an amendment to the city's official zoning map and before the council approves any proposed zoning map amendment(s), the commission and the council must individually find and conclude:

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map; and,
2. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and,
3. The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and,
4. The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and,
5. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.

#### **NCC § 10-3-2: Schedule of uses in a RS8.5 (Single-Family Residential, 8,500 sq. ft. Min. Lot Size) Zoning District:**

See "Single Family Residential (RS) District Land Uses" attached to this staff report.

### **Preliminary Plat (SPP)**

#### **Nampa City Code, Title 10, Chapter 27-1.C. Subdivision:**

No person or party shall subdivide any zoned property that is located wholly or in part in the city after June 11, 2002, or subdivide land within the area of city impact after June 14, 1977, into more than two (2) parcels, unless he shall first have made, or cause to have made, a subdivision plat thereof as required by Idaho Code title 50, chapter 13, and as set forth within this chapter,

save where allowed otherwise in this chapter.

**Staff Analysis of the Preliminary Plat:**

Plat review was done to analyze the Project's compliance to code in the context of this Project having already been, theoretically, annexed, and zoned.

**Overall Plat Area:** 45.82 acres (excluding ROW to be dedicated)

**Total Proposed Lot Count:** 118

**Total Buildable Lot Count:** 97

**Total Common Lot Count:** 13

**Minimum buildable lot size:** 12,000 sq. ft.

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**Average buildable lot size:** 13,360 sq. ft.

**Largest buildable lot size:** 19,560 sq. ft.

**Density Proposed:** without canals and interior open space not required by previous code – gross density is 2.67 DU/acre

**RS8.5 Zoning District:**

The RS Single-Family Residential District is intended for low density, urban single-family residential and compatible uses. A stable and healthful environment, together with the full range of urban services, makes this an important land use district within the community.

**Min. Allowed Bldg. (or "Master") Lot Size:** 8,500 sq. ft.

**Periphery Compatibility Applicability:** NA

**Min. Allowed RS8.5 Bldg. Lot Widths:** 70'

**Lot Averaging:** NA

**Plat Development Data/Notes:** Per plat sheets

**Staff Analysis Findings:**

The matter or act of plat review before the Commission by virtue of the application package made the subject of this report is to determine whether the preliminary plat, as proposed, is acceptable.

Platting of this Project will serve to divide the land. It must be done in accordance with state law, Nampa City Code § 10-27, Nampa City Code § 10-8, Nampa City Code § 10-33, and, in cooperation with the City's currently adopted Engineering Design and Specification manuals. Accordingly, plat review was done to analyze the Project's compliance to code in the context of this Project having already been annexed and zoned.

**Minimum Lot Areas:**

That because the proposed Development is slated for development in conjunction with RS8.5 zoning, this requirement applies...all master or standard building lots meet or exceed 8,500 sq. ft. in area. The smallest standard buildable lot is 8,500 sq ft., the Project is deemed compliant in this regard.

**Lot Averaging:** NA.

**Lot Compatibility:** NA.

**Lot Width:**

All lots demonstrate required lot width; therefore, the Project is deemed compliant in this regard.

**Right-Of-Way Dedication(s)/Improvements:**

The following right-of-way dedication is required for this project:

E Locust Lane – 50’ from Section Line.

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**Landscaping:**

A landscape plan was submitted with the application paperwork. The City Forester reviewed the plans and has recommended that the River Birch (*Betula nigra*) specified on the plan be replaced with an alternate species. If corrections are not received prior to the City Council public hearing, the corrections will be made on the final plat submittals for this project.

**Fencing:**

A 5’ wrought iron fence is proposed around the perimeter of the development, and between lots and access pathways. 6’ vinyl privacy fence is proposed between lots and play areas.

**Pathway(s)/Open Space:**

Per the applicable code for this application, none was required.

The plan indicates **6.19 acres** of common open space area. This constitutes **12.76%** of the residential acreage.

Per the Applicant: There are small pocket parks, a tot lot and landscaped pedestrian pathways within the community. These pathways meandering through the blocks will allow for pedestrian access throughout the neighborhood outside of the typical sidewalks along the roadways. Along the Ridenbaugh Canal, that cuts along the North & West portions of the residential property, there will be a pedestrian pathway that will run along the east and south side of the canal. This pathway will be fully landscaped and connect to the path located north of the sound berm along Locust Lane and eastern perimeter. Terrace Falls Estates will establish a HOA for maintenance of all common areas as well as the private streets within the development. It is important to note that City code does not allow drainage easements to be counted as open space. The area along the Noble Drain, landscaped and with a pathway is useable recreation space that is not included in the overall open space calculation.

**CORRESPONDENCE**

**Public/Agency/City Department** comments have been received regarding the entitlement request associated with this matter [and report]. Such correspondence, by way of information, as received from agencies or the citizenry regarding the application package [received by 12 pm February 2, 2022] is hereafter attached to this report. The following is a summary of correspondence received, with full details attached as an exhibit.

**PUBLIC CORRESPONDENCE**

1. An email dated December 7, 2021, authored by Jim Hendrickson opposing the development and indicating concerns about the impact of this residential development on hundreds of acres of row-crop land, the impact of the application of pesticides and herbicides on future residents, concerns about construction trash and intrusion by residents on adjacent farmland, increased traffic on Happy Valley Road. Asks to support farmers rather than destroy family farms in this area.
2. A letter with detailed attachments dated December 8, 2021, opposing the development,

authored by Terry Hendrickson indicating that the family has been seed farming for over a century on their property. The operations are intensive and involve pesticide application. The Terrace Falls Estates lies adjacent to the east, north and west of the Hendrickson property. The family expresses concern about the impact of residential development where ag operations and pesticides are applied regularly. Terrace Falls appears to be a “leap-frog” type of development.

3. A form dated December 13, 2021, authored by Zachary Kuzniar indicating opposition.  
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4. An email dated January 6, 2022, authored by David Bailey, Bailey Engineers indicating support for the project and that if Mr. Hendrickson operates his farming operations within the scope of the law, he is protected by the Right-to-Farm Act.

5. An email dated January 28, 2022, authored by Steve and Kristi Hendrickson indicating support for the project, their comments are separate from Terry Hendrickson, who operates Greenhurst Farms. They support selling farmland for retirement purposes and refute some of the statements made by Terry Hendrickson.

6. A letter dated February 1, 2022, authored by Cleve Cushing indicating support for the project indicating that Terry Hendrickson is protected by the Right-to-Farm Act if he operates within legal requirements.

7. An email dated February 1, 2022, authored by Jim Hendrickson indicating opposition citing the need to preserve this area as farmland operations and concerns about impacts that may come with development in the area.

#### **AGENCY/CITY DEPARTMENT CORRESPONDENCE**

##### **1. NAMPA PARKS DEPARTMENT:**

Request that a 20’ wide permanent easement be given to the City of Nampa along the east/southeast side of the Ridenbaugh Canal for the location as indicated on the City of Nampa Bicycle and Pedestrian Master Plan. Request that the pathway be built by the developer to the specifications in the plan as the subdivision phases are constructed.

##### **2. NAMPA HIGHWAY DISTRICT #1:**

Nampa Highway District #1 has no objection to the subject development subject to the MOU, General Cooperation of Planning and Zoning, Annexation, Development and Maintenance Activities development agreement that was signed by the Nampa Highway District #1 on 11-29-16 and subject to the following comments:

1. Nampa highway District #1 requests a copy of the Traffic Impact Study be submitted for review.

We recommend these items be addressed before the development proceeds further.

##### **3. NAMPA BUILDING DEPT.:**

The project will be subject to all required building codes and related permits based on the requirements of City Ordinance -Title 4 – Building Regulations.

Construction drawings with a grading plan indicating minimum and maximum top of wall elevations from top back of curb and a drainage plan for individual lots will be required at time of

final plat review.

A complete Geo Technical report, specifying foundation construction, soil bearing capacity, and drainage recommendations will be required at time of Final Plat Review.

4. NAMPA CODE COMPLIANCE: No violations

5. NAMPA MERIDIAN IRRIGATION DISTRICT:

All private laterals and waste ways must be protected. The Districts Ridenbaugh Canal lies along the north side of this proposed development. The districts easement for the Ridenbaugh Canal at this location is a minimum of eighty feet (80') total, forty feet ( 40') each side. A fence will be required off the easement to keep the public away from this large waterway.

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The District's Fogarty Lateral bisects this property and has a minimum easement of thirty feet (30') total, fifteen feet ( 15 ' ) from centerline each side. The District will require the Fogarty Lateral be piped by the developer to reduce issues with trash and risks of drownings.

This easement must be protected. Any encroachment without a signed License Agreement and approved plan before construction is unacceptable.

All municipal surface drainage must be retained on site. If any municipal surface drainage leaves the site, the NM ID must review drainage plans. Developer must comply with Idaho Code 3 1-3 805.

6. NAMPA FIRE DEPT.:

Approves with comments:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).

2. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)

3. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)

4. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)

5. Monument signage for addressing will be required at the entrance and at all intersections within the project. (IFC 505.1)



6. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)

7. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)

8. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)

9. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)

10. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8)

11. Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).

*Emergency Response Time Analysis and Service Impact:*

1. The City of Nampa 2040 comprehensive plan states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1 ½ miles from the nearest fire station. This development is located approximately 3.9 miles from Nampa Fire Station 2 with an approximate response time of 9 minutes.

2. To properly serve the public for an all-hazards response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 291 residents to 97 single family homes, with an increased personnel demand of .291 firefighter positions.

*General Requirement:*

Fire Department required fire hydrants, access, and street identification shall be installed prior to

construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

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Specific building construction requirements of the International Building Code, International Fire Code

and City of Nampa Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

#### 7. NAMPA SCHOOL DISTRICT

The children from these homes will attend the following schools:

- Ronald Reagan Elementary School
- East Valley Middle School
- Columbia High School

We do have concerns about capacity at these schools at this time. Additions to Columbia High School at this time will likely have to compete in the 5A sports and activities classification. The district does allow for open enrollment at any school where capacity allows it.

We encourage the development of sidewalks and street lighting to allow for safe routes to school and safe areas for bus stops.

#### 8. COMPASS

Housing within 1 mile: 570

Jobs within 1 mile: 180

Jobs/Housing Ratio: 0.3

Nearest police station: >4 miles

Nearest fire station: 3.9 miles

Farmland consumed: Yes

Farmland within 1 mile: 1,151

Nearest bus stop: >4 miles

Nearest public school: 1.9 miles

Nearest public park: 1.5 miles

Nearest grocery store: >4 miles

Additional details in the attached correspondence.

#### 9. NAMPA POLICE

Recommending a commitment to fund 0.43 additional officers and 0.14 additional support staff if this project is approved in order to maintain current police service levels. Current authorization from council adds 8 officers and 4 support staff after October 1, 2021. We have also received funding through a COPS grant for 2 additional officers. This will bring our total to 144 sworn officers when at full capacity.

The cost for the additional officers is \$42,190 and additional support staff is \$10,503 for the first year of employment.

The following factors impact police response and demand on police resources and is provided as a reference for decision making:

1. The closest police department is 5.30 miles away. Officers patrol in different areas of

the city and are often closer when calls occur, but support units are frequently at the police department or in other areas of the city further away when priority calls requiring multiple units occur.

2. Developments in this reporting district (RD) have a call volume of 307 service calls annually.

3. The following are the top 10 call types that we receive in the reporting district of the proposed development:

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Rank Calls for Service Total

1 Traffic Stop 51

2 Susp Vehicle 27

3 Suspicious 26

4 Welfare Check 25

5 Attempt-Locate 19

6 Alarm 17

7 AC Animal at Lg 16

8 K-9 Assist 14

9 AC Stray/Contnd 14

10 Fraud 13

10. ENGINEERING DIVISION:

The Engineering Division has completed a review of the Comprehensive Plan Map Revision, Annexation, and Preliminary Plat applications for the Terrace Falls Estates Subdivision and provide

the following comments and recommended conditions.

**Review Comments**

**General:**

1. A pre-application meeting was held with Nampa Engineering Division, Planning Department, and Fire Department staff on June 23, 2021.

2. The Owner originally considered developing in the County with a utility hookup and annexation agreement to allow connection to City water and sewer. The Owner funded a joint sewer capacity analysis with the Harvest Creek Subdivision developer to verify sufficient capacity to serve up to 340 single-family home sites. The analysis reflected there was sufficient capacity. The Harvest Creek Subdivision is utilizing 214 of the requested 340 connections leaving 126 connections available for Terrace Falls Estates. Based on this analysis the Owner requested establishment of a hookup and annexation agreement from the Nampa Board of Appraisers and Nampa City Council. The agreement was approved and fully executed in May 2021. Since the Harvest Creek Subdivision annexation was approved it provided a path to annexation for the Terrace Falls Estates development. As a result, the Owner has initiated annexation and development within the City as required by the executed agreement.

**Preliminary Plat:**

3. The preliminary plat as submitted is complete with all required information in accordance with City standards.

4. The Nampa GIS Division notes the following required street name changes in their letter dated September 9, 2021:

Combine S Snow Creek Falls Dr with E Bridal Veil Falls Dr.  
E Terrace Falls Pl should be E Terrace Falls Ct.

**Access/Layout:**

5. The project is located northeast of the Locust Lane and Happy Valley Rd intersection with public access to the following roads:

E Locust Lane – classified as “Principal Arterial”, speed limit 45-mph, managed by Nampa Highway District No. 1.

6. The following right-of-way dedication is required for this project:

E Locust Lane – 50’ from Section Line.

7. A Traffic Impact Study is not warranted for this project in accordance with Nampa Engineering policy. However, the Engineering Division required the Developer performed a turn lane warrant analysis. The memorandum prepared by Kimely-Horn dated September 23, 2021 concluded turn lanes were not warranted at site accesses.

8. This project will contribute toward future failing intersection conditions at Locust Lane and Happy Valley Rd identified in the Harvest Creek Subdivision Traffic Impact Study. This intersection is not identified in the City’s Transportation Master Plan Capital Projects list for impact fee contribution. An extra-ordinary impact fee may be warranted for this project and Harvest Creek to contribute towards future improvements at this intersection. The Engineering Division is in the process of coordinating with the Nampa Highway District No. 1 to determine appropriate mitigation. The project would contribute approximately 6.7% toward the total PM Peak Hour traffic at the intersection in 2027.

9. Frontage road improvements will be required in accordance with Nampa City Code Section 9-3-1 to be reflected on final construction drawing, including:

E Locust Lane – Sidewalk and drainage; refer to Nampa Standard Drawing N-822.

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10. The proposed site accesses meet the City’s Access Management Policy for spacing. There are no sight distance concerns at the accesses.

11. The onsite circulation system meets all City of Nampa policy and design standards with the exception of:

Traffic calming measures required on the following road segments in accordance with NCC §10-27-6.C:

S Bridal Veil Falls Dr

Curb radius for knuckles and cul-de-sacs shall be 50.5’ minimum with 61.5’ Right-of-Way radius per City Standard Drawing No. N-805B.

Curb return radius for accesses on Collector’s and Arterials shall be 30’ minimum.

12. Nampa Highway District No. 1 has jurisdiction over E Locust Lane at this location. All design and permitting within the public right-of-way will require review, approval, and permit from

them.

13. The Nampa Bicycle & Pedestrian Plan reflects the following pathways which should be constructed by the Development

Riddenbaugh Canal – 10' pathway.

Pathway construction will need to be coordinated with Nampa & Meridian Irrigation District. The pathways should be located within a 20' wide public pathway easement created via separate deed and agreement.

14. This project will be subject to standard traffic impact fees as mitigation for its contribution to regional traffic.

**Utilities:**

15. The City's water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The city maintains the following utilities in the vicinity of the project:

10" gravity sewer main located at E Stone Falls Dr and Happy Valley Road;

12" water main in S Happy Valley Road stubbed 400' north of Locust Lane;

12" water main in E Locust Lane stubbed 1,800' west of Happy Valley Road; and,

12" pressure irrigation main at the E Locust Lane and Happy Valley Road intersection.

16. The project will be required to construct utilities to and through the property at the time of development, including the following Master Planned utilities:

Extend 12" pressure irrigation main in Locust Lane.

Extend 12" water main in Locust Lane.

17. The property is in the City's water pressure Zone 3, which has a service hydraulic grade of approximately 2,730-feet. The project ground elevations vary from approximately 2,556 to 2,568 feet. Static water pressures should be on the order of 68 to 74-psi with available fire flow exceeding 1,500-gpm.

18. Street lights shall be provided at street intersections, cul-de-sac ends, sharp curves, and at 400' maximum spacing on all internal roads and at site accesses on all frontage Collector/Arterial roads.

19. Fire hydrants shall be provided at 400' maximum spacing on all roads including frontage roads.

20. The utility alignments should be refined at final design to minimize main line crossings at sharp road bends and reduce sewer manholes along curves.

**Drainage:**

21. The property is not located within a defined floodplain.

22. The Geotechnical Report indicates groundwater as shallow as 6' in some locations.

Additional groundwater monitoring should be conducted through the irrigation season and included with final design submittals along with site specific infiltration testing at proposed drainage facilities.

23. The Final Drainage Report shall adhere to Section 106 of the Nampa Engineering Development Process and Policy Manual (Drainage Policy) and address the following comments:

Provide calculations for gutter/inlet capacity, particularly for on-grade inlets to determine if

there is bypass flow.

Provide drainage area specific weighted runoff coefficient accounting for on lot impervious coverage.

Provide design Locust Lane drainage facilities.

Modify design as needed based on groundwater monitoring data.

24. Developer shall account for any historic drainage from adjacent properties in accordance with Nampa Drainage Policy.

**Irrigation:**

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25. The property is constrained by multiple drains and laterals managed by Nampa & Meridian Irrigation District, including:

Elijah Drain along the south boundary.

Fogarty Lateral through the middle of the site.

Ridenbaugh Canal along the west and north boundary.

26. The property shall be annexed into the Nampa Municipal Irrigation District at the time of Final Plat recording.

27. Developer shall maintain any historic gravity irrigation conveyance facilities through the site to/from adjacent properties in accordance with Idaho state statute.

**Staff Analysis of the Proposed Annexation and Zoning:**

The location of the development is in an active agricultural area. State law protects the surrounding farming operations if they are conducted following the laws and regulations associates with those operations. Staff recommends that if the annexation, zoning and preliminary plat are approved by Council, the applicant and City enter into a development agreement that includes, but not be limited to exhibits, legal descriptions, plat concept, conditions stated in this staff report and any other conditions added by the City Council.

**CONDITIONS OF APPROVAL**

Should the Council approve the annexation, zoning and preliminary plat request to the City Council, staff would suggest the following as (a) Condition(s) of Approval. The Council may add, subtract and/or modify conditions as it deems appropriate:

1. Dedicate the following public right-of-way prior to finalizing annexation:

E Locust Lane – 50’ from Section Line.

2. Frontage Road improvements along S Happy Valley Road and E Locust Lane shall be constructed in accordance with Nampa City Code Section 9-3-1.

3. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.

4. Property shall be annexed into the Nampa Municipal Irrigation District at the time of Final Plat recording. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and head gate report for any surface water delivery prior to Final Plat submittal to support annexation into the district.

5. Utilities shall be constructed to and through the site at the time of property

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development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City's Master Plans:

Extend 12" pressure irrigation main in Locust Lane.

Extend 12" water main in Locust Lane.

6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.

7. Developer shall address all layout and utility comments described in the memo from Nampa Engineering Division dated November 10, 2021, prior to Final Plat submittal.

8. Developer shall address all street name comments identified in the letter from Nampa Engineering Division dated September 9, 2021, prior to Final Plat submittal.

9. Development shall pay an extraordinary impact fee toward traffic mitigation improvements to the Locust Lane and Happy Valley Road intersection as determined by the City of Nampa Engineering Division and Nampa Highway District No. 1. Fee to be based on the project's  
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percent contribution toward the total 2027 PM Peak Hour intersection traffic as determined by the Harvest Creek Subdivision Traffic Impact Study.

10. Developer shall adhere to the requirements and conditions of all public agencies with interest or jurisdiction over the property, including those that provided comments for this application and are listed in this staff report.

11. 6' vinyl fencing that provides a visual screen between properties shall be emplaced on the property line between individual lots at the time that lots are developed. Other fencing and common area landscaping shall be emplaced prior to the release of landscape bonds for individual final phases of the project.

12. Applicant shall enter into a Development Agreement with the City that shall contain, but not be limited to: exhibits of the legal descriptions, plat, conditions stated in this staff report and any other conditions added by the Commission and City Council.

13. Landscape Plan shall be corrected to replace the 'Betula nigra' shown on the plan with an alternate species to be approved by the City Forester.

Appearing in opposition was:

Kathy Henrickson - 5705 E. Greenhurst Rd, Nampa

Terry Henrickson - 5705 E. Greenhurst Rd, Nampa

Appearing in Favor was:

Cleve Cushing - 4680 N Lagacy Woods Place. Meridian ID

The Mayor disclose that she knows both Cleve & Murrelle Cushing and Kathy & Terry Henrickson

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**MOVED** by Haverfield and **SECONDED** by Rodriguez to **close** the **public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

**MOVED** by Bruner and **SECONDED** by Bower to approve the Annexation and Zoning to RS 8.5 with a minimum lot size of 12,000 square feet and with conditions of approval and the preliminary plat for Terrance Falls Subdivision and that the development agreement requires that the HOA notify buyers of the farming activities nearby. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Jangula, Haverfield voting **YES** Councilmembers Bower and Levi voting **NO**. The Mayor declared the

MOTION CARRIED

**Item #6-2.** - Mayor Kling opened a **public hearing** for Reconsideration of Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district and potential development agreement for a future **Wood Poppy Subdivision** at 0 Northside Blvd. (Parcel #R34373011, a 9.51 acre parcel in SW ¼ of the SW ¼ of Section 34, T4N, R2W, BM, Nampa, Canyon County), for Jarom Wagoner & Trilogy Development, representing Corey Barton/Endurance Holdings LLC (ANN 204-21) **Public Hearing will be continued to a date certain of April 4, 2022**

**MOVED** by Bower and **SECONDED** by Haverfield to **open** the public hearing and continue it until a date certain of April 4, 2022. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-3.**- Mayor Kling opened a **public hearing** for Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district, potential development agreement, and Subdivision Preliminary Plat for **Valente Subdivision** at 0 Ustick Rd. (Parcel #R3083300000, a 37.72-acre parcel in SW ¼ of the NW ¼ of Section 3, T3N, R2W, BM, Nampa, Canyon County), for Jarom Wagoner & Trilogy Development, representing Corey Barton/Endurance Holdings LLC (ANN 205-21 & SPP 083-21). Original Concept: 115 single family lots (totaling 19.44 acres), 18 common lots (totaling 6.25 acres), and ROW (totaling 9.02 acres); for a gross density of 3.05 and a net density of 5.9. Continued from November 15, 2021. **Public Hearing will be continued to a date certain of April 4, 2022.**

**MOVED** by Bower and **SECONDED** by Haverfield to **open** the public hearing and continue it until a date certain of April 4, 2022. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the



MOTION CARRIED

**Item #6-4.-** Mayor Kling opened a **public hearing** for Zoning Map Amendment from BC PUD (Community Business Planned Unit Development) to IL (Light Industrial) zoning district, and potential Development Agreement, at 0 **Shannon Dr** - Parcel #R3129700000 (a 42.47-acre parcel located in the NE 1/4 of Section 16, T3N, R2W, BM) for LDK Ventures, LLC representing Northside Logistic Center LLC (ZMA 155-21). Original Concept: for light manufacturing, warehousing, and distribution facility(ies).

Jeff Bower presented the request

Parker Bodily presented the following staff report:

**PROPERTY DETAILS**

**Current Jurisdiction/Status:**

The property is currently in city limits and is zoned BC. This project was originally advertised as being zoned BC PUD, but the PUD portion was added in error. The property is currently vacant.

**Surrounding Land Use and Zoning:** See attached Vicinity Map:

**North:** I-84

**South:** IL (Nampa Wastewater Treatment Plant)

**East:** BC (Norco & Awaken Church)

**West:** IH (Ag land)

**Public Utilities & Services:**

City water and sewer are existing at Shannon Dr/ Broadmore Way intersection, and a 42” sewer trunk runs north-south through the property. City pressure irrigation is currently located approx. 325’ south of, or 365’ east of the Shannon Dr/ Broadmore Way intersection.

**History:**

**September 1976:** Annexation and zoning to BC

**December 2020:** Pre-application meeting held

**June 2021:** Pre-application meeting held

**December 2021:** The Planning and Zoning Commission recommended approval of the zoning map amendment with all conditions of staff except for the last condition in which the Commission changed to be:

- “The developer shall enter into a development agreement which includes the design review requirements as listed in the **draft development agreement submitted by the developer** with the inclusion that design review applies to the north side of phase 1, the east sides of phases 1, 2 and 3, and the north and south sides of phase 3.”

**APPLICABLE REGULATIONS**

**Zoning/Rezoning Conclusions of Law - NCC § 10-2-3 (c)**

C. Conclusions of Laws Pertinent to Proposed Zoning Map Amendments: Before the commission recommends an amendment to the city's official zoning map and before the council approves any proposed zoning map amendment(s), the commission and the council must individually find and conclude:

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map; and
2. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and
3. The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and
4. The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and
5. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.

**DEVELOPMENT AGREEMENTS**

**Nampa City Code, Title 10, Chapter 2**

In accordance with allowances made by state law, a property owner or developer may request, or the City may require, that an application for rezone or zoning map amendment be processed in conjunction with the execution of a development agreement. Through such agreements, a property owner or developer may agree to make written conditional commitments concerning the use or development of a subject parcel in exchange for the change of zoning requested. The purpose of such agreements shall be to allow development that provides benefits for both the property owner or developer and the city by providing a balance between the owner's or developer's desire for certainty in the development process and the City's desire for control of the impacts of the project.

Conditional commitments made under such agreements are in addition to the regulations provided for in the zoning district by ordinance, and are established to ensure compatibility of the

resulting land use with the surrounding area. Unless multiple land use zones are used/applied within a project in accordance with that which is allowed by the table at § 10-3-2 of this title, the use of a PUD permit process shall be the only means whereby the city of Nampa will/shall entertain allowing uses in a zone not normally allowed therein; development agreement conditions not excepting.

**NCC § 10-3-2: Schedule of uses in IL Zone:**

See attached chart of allowed uses in the IL zone.

**TABLE 10-23-20(f)**

**PERMANENT SIGNS PERMITTED IN THE IL ZONES**

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Type Of Sign	Number Allowed	Maximum Allowable Height Above Grade	Maximum Display Surface Area Per Establishment	Spacing And Location <sup>1</sup>	Illumination <sup>4</sup>
Freestanding pole, monument, projecting, or roof <sup>2</sup>	1 per street <sup>3</sup>	40'	1 1/2 sq. ft. per linear foot of street frontage or 300 sq. ft. maximum, whichever is more restrictive		Indirect or internal
Freestanding pole, monument, projecting or billboard <sup>2</sup>	1 per street <sup>3</sup>	40'	400 sq. ft. maximum		Indirect or internal
Freestanding pole, billboard	1 per lot	40'	672 sq. ft. maximum	Only if oriented to, and on property abutting, I-84	Indirect or internal
Wall or marquee	1 or more up to maximum square feet allowed <sup>2</sup>	5' above building	25% of building or tenant wall (as pertinent)		Indirect or internal

**Footnotes:**

1. If not noted, see § 10-23-3 of this chapter for general provisions and § 10-23-7 of this chapter for exemptions.
2. The combined maximum sign area for these signs shall not exceed the total area.
3. 1 additional sign per street may be allowed when street frontage exceeds 500 feet and signs are at least 300 feet apart.
4. Not to be confused with or construed as the presence of an electronic reader board message center component in a sign.

**NCC § 10-19-1: (IL Light Industrial District/Zone) Description/Purpose**

“The IL light industrial district is intended to create, preserve and enhance areas containing a wide range of manufacturing and related establishments, and is typically appropriate to areas providing a wide variety of sites with good rail or highway access.”

**CORRESPONDENCE**

Agency/City department comments have been received regarding this matter. Such

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correspondence as received from agencies or the citizenry regarding this application package [received by noon February 2, 2022] is hereafter attached. Agency comments that indicate no comment/issues/concerns will not be listed here but are attached to this staff report.

**Nampa Building Department:**

The project will be subject to all required building codes and related permits based on the requirements of City Ordinance-Title 4 – Building Regulations.

**Nampa Parks Department:**

Nampa Parks has reviewed the rezoning request for Shannon 42 Logistics Center, Project: ZMA-00155-2021. We have no requests for the rezone but do plan to request accommodations for the Indian Creek Pathway to be built along the north bank of Indian Creek at the time of platting.

**Lumen:**

"We have no reservations about the rezoning request, if LUMEN Facilities are not encroached upon or in conflict with any construction. If there is construction that would encroach upon our facilities or any construction would conflict with our facilities, then the developer/ owner would be responsible for sending plans for the construction to me. They then would be responsible for the cost for all facility moves required. We would have no reservations for the change in use once arrangements for the relocation of conflicting facilities have been made".

**Nampa Engineering Department:**

1. A pre-application meeting was held for this property on 6/9/2021.
2. The property has public access from the following roads.
  - a. Shannon Dr – classified as “local road”.
3. City water and sewer are existing at Shannon Dr/ Broadmore Way intersection, and a 42” sewer trunk runs north-south through the property.
4. City pressure irrigation is currently located approx. 325’ south of, or 365’ east of the Shannon Dr/ Broadmore Way intersection.
5. A portion of the property along the southwesterly property line is located within the 500-yr floodplain (Zone X) and the floodway (Zone AE) of Indian Creek.
6. Scope of the proposed development will require a traffic impact study be prepared and submitted for review.

NOTE: City staff has created an on-line registry for citizenry to request notification of upcoming all hearings. Newly scheduled projects are added to this webpage to give ample time to ask questions or do any research necessary to formulate a response to the request for public input.

<https://www.cityofnampa.us/list.aspx>

**STAFF ANALYSIS**

**Comprehensive Plan:** The development is designated as Commercial. The proposed IL zone would not fit within that designation however the parcel is adjacent to Industrial designated property to the West. This designation can be stretched one parcel deep to cover this parcel.

**Land Uses:** The property is surrounded by a variety of uses. Predominately it is industrial uses in the area, but there is also a church and Idaho Arts Charter School adjacent to the property. The Wastewater Treatment Plant is also adjacent to the property. The businesses that would occupy the area would be those allowed in the IL zone.

**Promotion of Zoning Purpose(s):** That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the IL Zone regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.).

**Public Interest:** The change in zoning would increase the amount of industrial land which has been desirable for the city.

**Development Agreement:** If a development agreement is requested, one has been drafted by the applicant, which includes a concept plan and design review requirements. The design review guidelines drafted by the applicant have several differences from those requirements found in NCC 10-34. They are as follows:

	Proposed by applicant	Current requirements in NCC 10-34
Façades considered	façades adjacent to or facing I-84	Applies to all façades at varying degrees
Screening	Screening of mechanical units & trash receptacles not required	Mechanical units & trash receptacles required to be screened
Glazing	5% of façade facing I-84	25% for primary façades and 0% for other façades
Materials	Unpainted or untextured concrete added as acceptable material	Only painted or textured concrete allowed
Material change	60% change required with paint color change added as acceptable change	50% required for primary façades and 70% for other façades
Fencing	Type not restricted	Restricted to ornamental fencing and only to areas of storage or screening of mechanical units

Several of the buildings in the Broadmore Subdivision have completed design review because the area is partly zoned BC. This includes the Industrial buildings at the southeast corner of Shannon Dr and N Broadmore Way as well as Idaho Arts Charter School. All the buildings that have completed design review have been analyzed and approved to meet the City’s design

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review standards at the time. It is the desire of city staff that the requirement of design review be maintained for this property due to the positioning of the property along I-84.

It should be noted that specific design requirements found in NCC 10-34 can be waived or amended by the City Council if called out in the motion.

**Pathway:** The Nampa Bicycle and Pedestrian Master Plan calls for a pathway to be installed along Indian Creek. This will be a 20' wide easement along the north side of the creek with a 10' wide pathway.

### **RECOMMENDED CONDITIONS OF APPROVAL**

If the City Council approves the zoning map amendment from BC to IL, recommended conditions of approval are as follows:

1. Prepare and submit a traffic impact study for City review as part of the development plan review process; and,
2. Floodplain Development Permit will be required as part of the development plan review process; and,
3. The property must be annexed into the City's Municipal Irrigation District prior to connection to the pressure irrigation utility and, at the discretion of the city engineer, pressurized irrigation to the property may be provided by a local on-site well; and,
4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment; and,
5. Developer shall provide a 10' wide asphalt pathway within a 20' wide easement on the south side of the property to extend the existing pathway along Indian Creek through the property, which path shall be complete and easement granted prior to any occupancy permit being issued on the property; and,
6. The developer shall enter into a development agreement which includes the design review requirements listed within **Title 10 of the Nampa City Code**; and,
7. Any additional conditions that the Commission wishes to impose.

No one appeared in favor of or in opposition to the request.

**MOVED** by Haverfield and **SECONDED** by Bower to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

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**MOVED** by Haverfield and **SECONDED** by Bower to **Grant** the Rezone as presented with conditions of approval and rather than this go before design review commission, we accept the presentation as far as the building elevations as stated on the east sides of phase 1, 2, & 3 and north and south side of phase 3 so that the freeway side and the school side and east side of the buildings will be sensitive to design review as presented. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

**Item #6-5.** - Mayor Kling opened a **public hearing** for Zoning Map Amendment from BC (Community Business) to RS8.5 (Single-Family Residential 8,500 sf) zoning districts; and Subdivision Preliminary Plat for **Steven's Place Subdivision** at 0 Iowa Ave (Parcel #R32065012A0); located on a 6.24-acre portion of the SE ¼ of the SE ¼ of Section 31, T3N, R2W, BM) for Patrick Colwell (T-O Engineers) representing Blackhawk Investments Idaho LLC (ZMA 158-21 & SPP 098-21).

Patrick Colwell presented the request

Kristi Watkins presented the following staff report explaining:

Original Concept: 17 single family lots (3.44 acres), 2 commercial lots (1.08), 4 common lots (.49 acres), and 1.23 acres in right-of-way.

### **PROPERTY DETAILS**

Surrounding Zoning:

North: RS8.5 (Carriage Hill North)

South: RS8.5 (Carriage Hill & Canyon County Residences)

East: BC (Vacant)

West: RS8.5 (Carriage Hill North)

History:

July 2002 – Annexation and Zoning to RA

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July 2004 – Rezone a portion from RS6 to BC – Ord 3357 w/ DA that pertains to a separate portion zoned RS 8.5 (now Carriage Hill North), DA does not apply to BC portion other than to outline allowed uses.

July 2021 – Rezone to RD with Preliminary Plat for duplex style townhomes – Denied

December 2021 – P & Z Recommended Approval

DA States, “Approximately 4.6 acres are zoned BC and shall be restricted from the following permitted uses: mobile home, manufactured home and RV sales; automobile or truck sales, new; automobile or truck sales, used; bar, nightclub or cocktail lounge (stand alone, no restaurant); tavern; manufactured/ mobile home park.”

Services:

1. The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:

- 8” gravity sewer in Iowa Ave and Middleton Rd;
- 12” water main in Iowa Ave and Middleton Rd; and,
- 12” and 10” pressure irrigation mains in Iowa Ave and Middleton Rd.

2. The project will be required to construct utilities to and through the property at the time of development, including the following Master Planned utilities:

- 12” irrigation main extension along Middleton Rd frontage;
- 12” irrigation main extension along Iowa Ave frontage; and,
- Vault and isolation valves to support future Pressure Reducing Valve installation in accordance with Irrigation Master Plan CIP 2.2.

#### APPLICABLE REGULATIONS

Zoning/Rezoning:

10-2-3-(c). Conclusions of Laws Pertinent to Proposed Zoning Map Amendments: Before the commission recommends an amendment to the city's official zoning map and before the council



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approves any proposed zoning map amendment(s), the commission and the council must individually find and conclude:

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map; and
2. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and
3. The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and
4. The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and
5. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.

#### NCC § 10-8: RS (Single-Family Residential) District/Zone

“The RS Single-Family Residential District is intended for low density, urban single-family residential and compatible uses. A stable and healthful environment, together with the full range of urban services, makes this an important land use district within the community. “

#### Nampa City Code, Title 10, Chapter 27-1.C. Subdivision:

No person or party shall subdivide any zoned property that is located wholly or in part in the city after June 11, 2002, or subdivide land within the area of city impact after June 14, 1977, into more than two (2) parcels, unless he shall first have made, or cause to have made, a subdivision plat thereof as required by Idaho Code title 50, chapter 13, and as set forth within this chapter, save where allowed otherwise in this chapter; et, al.

#### CORRESPONDENCE

Agency/City department comments have been received regarding both the entitlement request and platting approval request associated with this matter [and report]. Such correspondence, by way of information, as received from agencies or the citizenry regarding the application package [received by noon December 8, 2021 and/or February 2, 2022] is hereafter attached to this report. Agency

comments that indicate no comment/issues/concerns will not be listed here but are attached to this staff report.

1. PUBLIC INPUT:

a. Jenisa Oberbeck, supports the single-family homes and thinks the commercial element will be a welcome addition. Is concerned about access onto Iowa Ave and would like a second access onto Middleton Rd.

b. Cheryl Higley, supports the zoning and new layout for single-family homes. She also appreciates retaining some commercial. Is concerned about access onto Iowa Ave and would like a second access onto Middleton Rd and is concerned about the asphalt pathway remaining, would like to see sidewalk.

c. Belinda McBurney, supports the development and appreciates the developer's efforts. Has shared the new layout with others and they also appreciate the efforts made. Is concerned about access onto Iowa Ave and would like a second access onto Middleton Rd.

d. Paul Haskew appreciates that the developer listened to the neighbors, is wondering if curb and gutter will be installed along Middleton Rd, is there a play area for residents, what do the commercial properties look like, plat doesn't show residential building footprints or parking.

e. James Haner opposes any entrance or exit on Iowa Ave.

f. Bill & Sarah Punkoney, developer should be required to complete curb and gutter on Iowa Ave so that the sidewalk connects to the adjoining subdivision. The Developer should also be required to include landscaping in the swale to create a barrier on Iowa a Middleton Rds. The One Exit on Iowa Ave is too close to Carriage Hill, conflicts with bus stop and slope of the road, a secondary exit on Middleton is preferred.

g. Pauleen Stancic, would like to see the sidewalk completed around the perimeter of the project and no exit onto Middleton Rd.

h. Brandon & Jennifer Cheyney appreciates the modification of their plan, but has concerns about the exit onto Iowa and sidewalk/curbing along Iowa to cross Middleton Rd.

2. An email dated October 21, 2021, authored by Rob Willis with the Nampa Building Department stating that all development and construction on this property shall be subject to the requirements of Title 4 – Building Regulations. Construction drawings shall include grading plan indicating minimum and maximum top of wall elevations from top back of curb and a drainage plan for individual lots for review at time of final plat.

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3. A letter from Peter Jurhs, Nampa School District, stating that they have concerns about capacity at these schools. Additions to the High School will move it into the 5A classification for sports and activities. They do allow open enrollment. They encourage sidewalks and lighting to allow for safe routes to school and safe bus stops.

Also, pedestrian safety improvements for the intersection of Middleton Rd and Iowa Ave are needed to help solidify it as a safe route to school for students walking to and from school.

4. Nampa Police Dept. has a current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Steven's Place is 49.98. Recommend City Council commit to fund 0.07 additional officers and 0.02 additional support staff (\$7,394 and \$1,841 respectively) to maintain current police service levels. Closest police department is 4.01 miles away.

5. A letter dated November 18, 2021, authored by Brent Hoskins, Nampa Fire Dept, commenting on the location of fire hydrants, the height of structures, the length and width of access roads (width of turning radius), and signage for the subdivision. Comments also include the following statement:

“The City of Nampa Comprehensive Plan 2040 states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1.5 miles from the nearest fire station. This development is located approximately 3.4 miles from Nampa Fire Station #4 with an approximate response time of 9 minutes.

To properly serve the public for an all hazard response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 51 residents to 17 single family homes, with an increased personnel demand of .051 firefighter positions.”

6. A memo, dated November 19, 2021, authored by Caleb LaClair, Nampa Engineering Division, stating the following:

The Engineering Division has completed a review of the modified Rezone and Preliminary Plat applications for Steven's Place Subdivision located at the northwest corner of S Middleton Rd and W Iowa Ave, and provide the following comments and recommended conditions.

Engineering Review Comments

General:

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3. A pre-application meeting was held with Nampa Engineering Division, Planning Department, and Fire Department staff on August 19, 2020 and February 3, 2021, and then met again on September 15, 2021 after the original project applications were denied.

Preliminary Plat:

4. The modified preliminary plat as submitted is complete with all required information in accordance with City standards.

Access/Layout:

5. The project is located north and west of S Middleton Rd and W Iowa Ave, with frontage on the following public roads:

- S Middleton Rd – classified as “Principal Arterial”, speed limit 45-mph, partially improved.
- W Iowa Ave – classified as “Collector”, speed limit 35-mph, partially improved.

6. The following right-of-way dedication is required for this project:

- W Iowa Ave – 40’ from Section Line

7. Frontage road improvements will be required in accordance with Nampa City Code Section 9-3-1 to be reflected on final construction drawing, including:

- W Iowa Ave – Sidewalk and drainage; refer to Nampa Standard Drawing N-821A.
- S Middleton Rd – Sidewalk and drainage; refer to Nampa Standard Drawing N-822.

8. A roundabout is planned for the Iowa/Middleton intersection. The Engineering Division has analyzed a conceptual layout and determined the existing public right-of-way is sufficient.

9. A Traffic Impact Study is not warranted for the residential portion of this project in accordance with Nampa Engineering policy. We recommend the need for a TIS be reevaluated once a commercial use is identified for the two commercial lots.

10. The proposed site accesses off of Iowa and Middleton meet the City’s Access Management Policy for spacing and are more than 300’ away from the intersection.

11. Additional access onto W Iowa Ave and Middleton Rd will not be allowed for the commercial lot at the intersection corner. A cross access easement should be created between Lots 21 and 22.

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12. The plat has been revised to reflect public internal roads in place of the previously proposed private roads.

Utilities:

13. The City's water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The city maintains the following utilities in the vicinity of the project:

- 8" gravity sewer in Iowa Ave and Middleton Rd;
- 12" water main in Iowa Ave and Middleton Rd; and,
- 12" and 10" pressure irrigation mains in Iowa Ave and Middleton Rd.

14. The project will be required to construct utilities to and through the property at the time of development, including the following Master Planned utilities:

- 12" irrigation main extension along Middleton Rd frontage;
- 12" irrigation main extension along Iowa Ave frontage; and,
- Vault and isolation valves to support future Pressure Reducing Valve installation in accordance with Irrigation Master Plan CIP 2.2.

15. The property is located at the split between the City's water pressure Zone 2 and 3. The water main Middleton Road is Zone 2, while the water main in Iowa Ave is Zone 3. Zone 2 has a service hydraulic grade of approximately 2,640-feet, while Zone 3 has a hydraulic grade of approximately 2730-feet. The project ground elevations vary from approximately 2,505 to 2,520 feet. Static water pressures for Zone 2 will be approximately 50 to 55-psi, and for Zone 3 approximately 90 to 95-psi. Available fire flow should exceed 1,500-gpm. Pressure reducing valves will be required on all water services if the water system is connected to the Zone 3 main in Iowa Ave. Cross connection between the two zones is not allowed.

16. The property is located at the split between the Upper and Main irrigation system pressure zones. The irrigation main in Middleton Rd is in the Main Zone, while the irrigation main in Iowa Ave is in the Upper Zone. The property could connect to either zone, however, cross-connection between zones is not allowed.

17. The internal irrigation main should be relocated to the internal public road in accordance with city standards. The city does not desire to have public irrigation main in the rear lots.

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18. Street lights shall be provided at street intersections, sharp curves, and at 400' maximum spacing on all local roads.

19. Fire hydrants shall be provided at 400' maximum spacing internal to the site.

Drainage:

20. The property is not located within a defined floodplain.

21. The Final Drainage Report shall adhere to Section 106 of the Nampa Engineering Development Process and Policy Manual (Drainage Policy).

22. Private drainage facilities on the commercial lots will require an Operation & Maintenance Agreement be established with the City in accordance with City ordinance.

Irrigation:

23. Our records indicate the Herron Lateral may run through the property in some form. The Applicant/Developer shall coordinate with Boise Project Board of Control and Boise-Kuna Irrigation District regarding this lateral and any potential easements.

24. The property shall be annexed into the Nampa Municipal Irrigation District at the time of Final Plat recording.

25. Developer shall maintain any historic gravity irrigation conveyance facilities through the site to/from adjacent properties in accordance with Idaho state statute.

Engineering Conditions of Approval

1. Dedicate the following public right-of-way prior to finalizing rezone:

· W Iowa Ave – 40' from the Section Line.

2. Developer shall create a cross access easement between lots 21 and 22. Direct access to Iowa Ave and Middleton Road will not be allowed for Lot 21 due to insufficient frontage to accommodate access spacing from the intersection.

3. Frontage road improvements shall be constructed in accordance with Nampa City Code Section 9-3-1.

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4. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.

5. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system. Applicant/Owner shall provide documentation to the Nampa

Engineering Division verifying water rights for the full parcel and head gate report for any surface water delivery prior to Final Plat submittal to support annexation into the district.

6. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer, including the following Master Planned utilities:

- 12" irrigation main extension along Middleton Rd frontage.
- 12" irrigation main extension along Iowa Ave frontage; and,
- Vault and isolation valves to support future Pressure Reducing Valve installation in accordance with Irrigation Master Plan CIP 2.2.

7. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.

#### STAFF ANALYSIS

1. Land Uses: The development is surrounded by residential uses on the north and south sides by the Carriage Hill and Carriage Hill North Subdivisions and the east and southeast by BC zoned properties.

2. Comprehensive Plan: The future land use designation is Commercial but intends to stretch the Medium Density Residential designation to the portion proposed to become RS 8.5. The RS 8.5 zoning district allows for single-family development. The density proposed for the Steven's Place is a gross density of 2.72.

#### 5.5.3 Medium Density Residential (2.51 – 8 Dwelling Units Per Acre (Gross))

With a gross density of 2.51 to 8 dwelling units per acre (gross), this is the most common land use setting in the Nampa Area of City Impact. Its character is more urban than rural but can contain rural elements such as open space. This land use setting contains single-family-detached homes,

patio homes, townhomes, medium-density apartments, duplexes and condominiums. These units will be highly compatible with adjoining properties. High-density development is not allowed in this land use setting. The character of Medium-Density Residential development in Nampa typically consists of traditional streetscapes with sidewalks, street trees, covered entries, and a diversity of architectural styles. Access to garages is provided from the street or loaded by an alley at the rear of the property. As was mentioned earlier, the addition of limited mixed-use neighborhood-scale commercial development in this zone should be explored (see 5.4.1.4).

The City's Zoning Code should differentiate between specific commercial uses that are appropriate to the scale and fit with adjacent land uses.

5.8.1.1 Commercial development near neighborhoods is typically adjacent to a local and collector or classification of roadway. This supports small-scale commercial uses which could be directly connected to or within proximity of residential development. These are not strip malls. The transition from residential to commercial will include well-designed landscaping with building orientations that preserve a quiet residential neighborhood setting. Access to these types of commercial developments from residential neighborhoods will be by internal access from a residential dwelling unit, walking, biking or short vehicular trips. Commercial building and environmental footprints will be small in comparison to a larger commercial building complex.

Commercial development near neighborhoods would include groupings of services (barber shops, hair stylist, day care, etc.), professional offices and services (administrative, accounting, clerical, insurance, real estate sales offices, neighborhood markets, banks, restaurants and other types of services). This land use could also be designed to act as a transitional buffer between other more intense non-residential uses and high-density residential uses.

5.8.1.2 General Commercial land use would be located adjacent to collector and minor arterial streets based on design and function. General Commercial land uses provide the City's population with a wide range of goods and services, including certain business and professional offices that are appropriately located throughout the community, but the districts are not generally expected to include residential uses. This fulfills the needs for local access to goods and services. Districts should be relatively compact located along roadways, and larger commercial districts.

General Commercial land uses should provide some supporting uses to adjacent neighborhoods with attractive interface and convenient pedestrian connections. Examples of commercial land use would include retail, service industries, professional offices, banks, grocery stores, automobile-oriented establishments, some wholesale, office-front/warehouse/shop businesses, local distribution, coffee shops, restaurants, entertainment and related uses, health care clinics and facilities, hotel, motels, small shopping centers, etc.



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3. Public Interest: That Nampa has determined that it is in the public interest to provide single-family residential development opportunities within its confines with slightly higher density in infill areas. Expressions of that policy are published in Nampa's adopted Comprehensive/Master Plan.

4. Safe Routes to School:

Nampa High School = 2 miles (not within walking distance)

Lone Star Middle School = 1 mile (within walking distance)

Owyhee Elementary School= 827' miles (within walking distance)

5. Environmental: An environmental impact study (EIS) was not called for in conjunction with the Application package submittal as such is not normally required saved when called for by City Engineering under special circumstances.

6. Promotion of Zoning: That among the general purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the RS and BC Zoning Chapters and Design Review adopted regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.). This project proposes to rezone 5.06 acres from BC to RS 8.5 leaving 1.18 acres as BC.

7. Traffic:

1. The project is located north and west of S Middleton Rd and W Iowa Ave, with frontage on the following public roads:

a. S Middleton Rd – classified as “Principal Arterial”, speed limit 45-mph, partially improved.

b. W Iowa Ave – classified as “Collector”, speed limit 35-mph, partially improved.

2. The following right-of-way dedication is required for this project:

a. W Iowa Ave – 40' from Section Line

3. Frontage road improvements will be required in accordance with Nampa City Code Section 9-3-1 to be reflected on final construction drawing, including:

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- a. W Iowa Ave – Sidewalk and drainage; refer to Nampa Standard Drawing N-821A.
- b. S Middleton Rd – Sidewalk and drainage; refer to Nampa Standard Drawing N-822.
4. A roundabout is planned for the Iowa/Middleton intersection. The Engineering Division has analyzed a conceptual layout and determined the existing public right-of-way is sufficient.
5. A Traffic Impact Study is not warranted for the residential portion of this project in accordance with Nampa Engineering policy. We recommend the need for a TIS be reevaluated once a commercial use is identified for the two commercial lots.
6. The proposed site accesses off of Iowa and Middleton meet the City’s Access Management Policy for spacing and are more than 300’ away from the intersection.
7. Additional access onto W Iowa Ave and Middleton Rd will not be allowed for the commercial lot at the intersection corner. A cross access easement should be created between Lots 21 and 22.
8. The plat has been revised to reflect public internal roads in place of the previously proposed private roads.

#### STAFF ANALYSIS REGARDING PLAT

Overall Site Area- 6.25 acres

Total, Proposed RS 8.5 Lot Count- 23

Total Common Lot Count- 4

Total Commercial Lot Count - 2

Total Residential Lot Count- 17

Regarding “RS 8.5 Building Lots”:

Density – FLUM Designation (Medium Density Residential)

Recommended density in Comp Plan Designation, 2.51 – 8 dwelling units per gross acre

#### **Density Proposed**

Gross density of 2.72 and a net density of 4.33

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Min. Allowed RS 8.5 Bldg. (or “Master”) Lot Size- 8,500 sq. ft.

Min. Proposed RS 8.5 Bldg. Lot Size- 8,503 sq. ft.

Min. Allowed RS 8.5 (or “Master”) Bldg. Lot Widths- 50’

Min. Allowed RS 8.5 (or “Master”) Bldg. Lot Depth- 80’

Platting of this Project will serve to divide the land. It must be done in accordance with state law, Nampa City Code § 10-27, Nampa City Code § 10-8, Nampa City Code § 10-33, and, in cooperation with the City’s currently adopted Engineering Design and Specification manuals.

1. Minimum Lot Areas: That because the proposed Development is slated for development in conjunction with RS 8.5 zoning, this requirement applies...all master or standard building lots meet or exceed 8,500 sq. ft. in area. The smallest standard buildable lot is 8,503 sq ft., therefore, the Plat is deemed compliant in this regard.

2. Lot Width & Depth: All master lots demonstrate required lot width and depth; therefore, the Project is deemed compliant in this regard.

3. Right-Of-Way Dedication(s)/Improvements: As needful, ~40’ from the section line along W Iowa Ave per City...see City Engineering comments.

4. Landscaping: A landscape plan was submitted with the application paperwork. The City Arborist has reviewed and approved the landscape plan.

5. Pathway(s)/Open Space: For projects under 5 acres, 10% qualified open space is required. This project proposes 10.14% open space that includes grassy area with a meandering walking path and benches.

### **CONDITIONS OF APPROVAL**

Should City Council vote to approve of the zoning map amendment and plat, then Staff would suggest the following as (a) Condition(s) of Approval for adoption with any such vote/action (note: Council may obviously add, subtract and/or modify conditions as it deems appropriate):

1. Dedicate the following public right-of-way prior to finalizing rezone:

a. W Iowa Ave – 40’ from the Section Line.

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2. Developer shall create a cross access easement between lots 21 and 22. Direct access to Iowa Ave and Middleton Road will not be allowed for Lot 21 due to insufficient frontage to accommodate access spacing from the intersection.
3. Frontage road improvements shall be constructed in accordance with Nampa City Code Section 9-3-1.
4. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to City services.
5. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the city's pressure irrigation system. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and head gate report for any surface water delivery prior to Final Plat submittal to support annexation into the district.
6. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer, including the following Master Planned utilities:
  - a. 12" irrigation main extension along Middleton Rd frontage;
  - b. 12" irrigation main extension along Iowa Ave frontage; and,
  - c. Vault and isolation valves to support future Pressure Reducing Valve installation in accordance with Irrigation Master Plan CIP 2.2.
7. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.

Appearing in favor of this project was:  
Slobodan Stevanovid - 11244 W Rosette Dr, Nampa  
Cheryl Higley - 12441 S. Abbott-Downing Way, Nampa  
Bob Higley - 12441 S. Abbott-Downing Way, Nampa

These individuals spoke regarding the public hearing but did not clearly indicate support or opposition to the project.

Gregg Newcomb - 12550 S. Carriage Hill Way, Nampa

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Paul Haskew 12325 Landau Way, Nampa

**MOVED** by Haverfield and **SECONDED** by Bower to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Bruner to **allow the zoning map amendment from BC to RS8.5 with the plat as presented with conditions of approval as listed in the packet**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-6.** - Mayor Kling opened a **public hearing** for to consider increases in Irrigation Rates, and Irrigation Hookup Fees, by an overall amount in excess of five percent (5%) for operations, maintenance, and systematic replacement of supply and infrastructure in order to continue to provide continuous and reliable utility services.

Tom Points presented the following staff report explaining that the

Appearing in Favor was:  
Christian Case - 435 Arrowhead Dr  
David Peterson - 718 Wisperwood Ct.  
Sharron Harris – 612 S Miller Way

**MOVED** by Haverfield and **SECONDED** by Bower to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

**MOVED** by Bruner and **SECONDED** by Bower to **Authorize** the mayor to sign a resolution implementing an increase of 13.7% to irrigation rates. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

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**MOVED** by Bruner and **SECONDED** by Bower to **Authorize** the mayor to sign a resolution implementing an increase of 13.7% to irrigation hookup fees. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

**Item #6-7.** - Mayor Kling opened a **public hearing** to Public Hearing for creation of Sidewalk LID 172

### CREATION OF LOCAL IMPROVEMENT DISTRICT (LID)172

For Sidewalk Work in Zone ‘A’

- LID 172 will provide a funding mechanism for property owners within the identified boundaries, as shown on Exhibit “A” to construct or reconstruct curb, gutter, sidewalks, pedestrian ramps and drive approaches as an improvement to their property
- The area identified in exhibit “A” contains approximately 5,641 parcels
- Resolution of Intent number 03-2022 was passed by Nampa City Council January 3, 2022
- Notice of public hearing on this resolution was published in the Idaho Press Tribune for 3 consecutive weekly issues starting on January 09, 2022
- Engineering has completed the following:
  - o Notified the 26 voluntary property owners of this public hearing via letters and newspaper publication.
- \$185,000.00 is the total estimated cost for the improvements. An estimated \$135,000.00 of this total will be assessed to property owners for the cost of improvements. \$50,000.00 of the funds will be provided by Street Division for pedestrian ramps and alley approaches.

REQUEST: Council authorize creation of Sidewalk LID 172.

Daniel Badger presented the following staff report explaining that:

No one appeared in favor of or in opposition to the request.

Regular Council  
February 7, 2022

**MOVED** by Haverfield and **SECONDED** by Bower to **close the public hearing**. Mayor Kling asked all in favor say aye with all Councilmembers present voting **AYE**. Mayor Kling declared the

MOTION CARRIED

**MOVED** by Haverfield and **SECONDED** by Bower to **approve the LID** as presented. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**❖ (8) Pending Ordinances (Postponed Due to Lack of Supporting Documentation) ❖**

**8-1.** Zoning Map Amendment from BC (Community Business) to RS6 (Single Family Residential 6,000 sq. ft.) and Modification of Development Agreement Ordinance #3561 rescinding the conditions for a commercial building to match nearby architectural facades, building orientation, limiting impact of commercial lighting and fencing to the neighborhood, specifying commercial signage, landscaping, etc. for a commercial building at 904 7th Ave N (a .58 acre portion of land in the Sylvan Heights Subdivision in the NE 1/4 of Section 22, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho) for James K. Hagen representing Zechariah P. Dean (ZMA 125-20, DAMO 038-20) (**PH was 12-07-2020**) (with City Attorney for ordinance and DA)

**8-2.** Vacation of an approximately 322' by 5.45' (approximately 1,754 sq. ft) water main easement, a portion of 0 S Rising Sun Dr., county parcel #R3210338400 (located in the NW 1/4 of Section 32, T3N, R2W, BM) for Epic Development Idaho, LLC (VAC-049-21) (**PH was 04-19-2021**)

**8-3.** Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district, potential development agreement, and Subdivision Preliminary Plat for Magnolia Estates Subdivision at 0 and 18189 Northside Blvd. (Parcels #R3435700000 and #R343570100 totaling 23.6 acres in SE ¼ of Section 33, T4N, R2W, BM, Nampa, Canyon County), for Trilogy Development, representing Corey Barton and Melodee Barrus (ANN 215-21 & SPP 091-21). Original Concept: 38 single family lots, 14 fourplex lots (56 units), 13 common lots (totaling 6.2 acres), and ROW (totaling 2.17 acres); for a gross density of 4.24 and a net density of 8.44 (**PH was 12-06-2021**)

**8-4.** Annexation and Zoning to BC (4.5 acres), IL (3.66 acres), RMH (16.15 acres), & RS6 (22.09 acres) - all located within four parcels numbered: #R3078101100, R3078100000, R3078301100, & R3078300000 (addressed as 7755, 0, 0, & 0 Ustick Rd), and potential development agreement, for Trestle Creek Subdivision (to be subdivided at a future date), a mixed-use development including commercial, industrial, multi-family, single-family attached and detached, and open space land uses (located in the NW 1/4 of Section 2, T3N, R2W, BM, Canyon County) for Jane Suggs/Gem State Planning representing Endurance Holdings LLC (ANN 212-21) (**PH was 12-06-2021**)

**8-5.** Annexation and Zoning to RS7 (Single-Family Residential 7,000 sq. ft) zoning district, potential development agreement, and Subdivision Preliminary Plat for Fenway Subdivision at 0 Alma Ln (Parcel #R2952901200, a 28.25-acre parcel in NE ¼ of the SW ¼ of Section 12, T2N, R2W, BM, Nampa, Canyon County), for Trilogy Idaho (Shawn Brownlee) representing Endurance Holdings LLC (ANN 208-21 & SPP 085-21). Original Concept: 85 single family lots (totaling 16.08 acres), 18 common lots (totaling 5.68 acres), and 6.49 in ROW and other; for a gross density of 3.01 and a net density of 5.28 (**PH was 12-06-2021**)

**8-6.** Comprehensive Plan Map Amendment from Commercial and Medium Density Residential to Residential Mixed-Use designation, Zoning Map Amendment to adjust the boundaries of the BC (Community Business), RMH (High Density Residential), and RS6 (Single Family Residential 6,000 sq. ft.) zoning districts, Development Agreement Modification to remove requirements related to: design guidelines, minimum home sizes, Article VI. Use and Building Restrictions; and Subdivision, Preliminary Plat for a mixed-use development - Franklin Village North subdivision at 0, 7354, & 7882 Cherry Ln. (parcel #s R2093901000, R2094000000, & R2093900000, located in the SW 1/4 of Section 2, T3N, R2W, BM) for Providence Properties (Patrick Connor) representing Donald Brandt (CMA 049-21, ZMA 150-21, DAMO 049-21, SPP 092-21). Revised Concept: 98 single-family lots averaging 6,162 sf, 55 averaging 7,040 sf, 68 averaging 7,867 sf, 82 averaging 9,865 sf; 17 multi-family lots with a fourplex on each - totaling 68 units; 15 common lots (including 13.5 acres, or 15% of usable open space); and 6 shared driveway lots; for a 4.14 gross density and a 6.36 net density (**PH was 12-06-2021**)

**8-7.** Zoning Map Amendment from IP (Industrial Park) to RS6 (Single-Family Residential, 6,000 sf) zoning district and potential Development Agreement at 16127 N Franklin Blvd (a .38-acre parcel #R2200900000 located in the SE ¼ of Section 10, T3N, R2W, BM, Nampa, Canyon County) for Albert Bradley (ZMA 151-21). Original Concept: Continue as residential (**PH was 12-20-2021**)

**8-8.** Zoning Map Amendment from RS6 (Single-Family Residential 6,000 sf) and RA (Suburban Residential) to RD (Two-Family Residential - Duplex) zoning district and potential development agreement at 941 Davis Ave (a 1.67-acre parcel #R1616300000 located in the NW ¼ of Section 21, T3N, R2W, BM, Canyon County) for Taylor Jene Homes Inc. (ZMA 152-21). Revised Concept: 18 residential units in five separate buildings to be platted at a future date into 4 four-plex lots and one duplex lot; a gross and net density of 12 (**PH was 01-03-2021**)

**8-9.** Annexation and Zoning to RS6 (Single-Family Residential 6,000 sf) zoning district, potential development agreement, and Subdivision Preliminary Plat for Salazar Point Subdivision at 11496 Lake Lowell Ave (Parcel #R3204401000 totaling 6.93 acres in SE ¼ of Section 30, T3N, R2W, BM, Canyon County), for Monica E. Salazar (ANN 216-21 & SPP 093-21). Original Concept: 20 single family lots (4.86 acres), 2 common lots (1.11 acres), and 1 common driveway (.10 acres); for a gross density of 3.28 and a net density of 4.15 (**PH was 01-18-2021**)



**8-10.** Annexation and Zoning to RS12 (Single-Family Residential 12,000 sf) zoning district, and potential development agreement, at 345 W Dooley Ln (Parcel #R2924201100 totaling 1.25 acres) in order to connect existing single-family home to city water utilities; (located in SE ¼ of Section 4, T2N, R2W, BM, Canyon County), for Jean Hennis (ANN 222-21) (**PH was 01-18-2021**)

❖ (9) Executive Session ❖

**Item #9-1-** Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1)

- Idaho Code 74-206 (1) (f) To communicate with legal counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated. The mere presence of legal counsel at an executive session does not satisfy this requirement.
- Idaho Code 74-206 (1) (b) To consider the evaluation, dismissal or disciplining of, or to hear complaints or charges brought against, a public officer, employee, staff member or individual agent, or public-school student.

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **adjourn into executive session at 10:28 PM.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

**MOVED** by Bruner and **SECONDED** by Bower to **adjourn** out of executive session at 11:15 PM. The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

**MOVED** by Rodriguez and **SECONDED** by Jangula to **adjourn the meeting** at 11:15 p.m. The Mayor declared the

MOTION CARRIED

Passed this 4th day of April 2022.

Regular Council  
February 7, 2022

MAYOR

ATTEST:

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NAMPA CITY CLERK