

REGULAR COUNCIL

August 5, 2019

Mayor Kling called the meeting to order at 6:00 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Hogaboam, Levi, Haverfield, Skaug were present.

❖ (1) Consent Agenda (Action Items) ❖

MOVED by Haverfield and **SECONDED** by Hogaboam to **approve the Consent Agenda as presented; Item #1-1.** - Regular Council Minutes of **July 15, 2019**; Special Council Minutes of **July 16, 2019** and **July 17, 2019**; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes; Planning & Zoning Commission Minutes of **July 9, 2019**; Library Commission Minutes; Golf Commission Minutes of **July 16, 2019**; Local 804 Fire Negotiation – **July 30, 2019**; **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.** - **Final and Preliminary Plat Approvals:** **1) Final** - Meadowcrest Subdivision No. 3, in an RS-6 (Single Family Residential – 6000 sq. ft minimum lot size) at the Northeast corner of Lake Lowell Ave and S Middleton Rd. (A portion of the SW ¼ of Section 29 T3N R2W BM – 83 Single Family Residential lots on 17.12 acres or 4.85 lots per gross acre), for Hayden Homes Idaho, LLC, Tim Mokwa. (SPF-00094-2019); **2) Final** - White Pines Subdivision in an RS-6 (Single Family Residential – 6000 sq. ft minimum lot size) zoning district on the south side of Smith Ave, at 48 N Sagehen Way. (7 Two-Unit Single Family Attached townhome lots for a total of 14 residential lots on 1.67 acres, or 72,745 sq. ft for 8.38 lots per gross acre – A portion of the SW ¼ of Section 20 T3N R2W BM), for Warnick/Sparrow-MSI, LLC (SPF-00095-2019) **Item #1-4.** - **Authorize Public Hearings:** **1)** Annexation and Zoning to RS-6 (Single Family Residential – 6000 sq. ft minimum lot size) zoning district, and Subdivision Preliminary Plat Approval for Calvary Springs Subdivision at 1713 E Iowa Ave. (62 single family detached lots on 16.79 acres for 3.81 dwelling units per gross acre – a 16.79 acre or 731,372 sq. ft portion of the SWS ¼ Section 35 T3N R2W BM), for Kent Brown representing Trilogy Idaho. (ANN-00123-2019, SPP-00041-2019); **Item #1-5.** - **Authorize to Proceed with Bidding Process:** **1)** Aerial Sewer Replacement (Site 1) Project; **Item #1-6.** - **Authorization for execution of Contracts and Agreements:** **1)** Blue Cross of Idaho Foundation for Health Grant Agreement; **Item #1-7.** - **Monthly Cash Report:** **1)** None; **Item #1-8.** - **Resolutions:** **1)** None; **Item #1-9.** - **License for 2019:** a) *Renewal Alcohol:* **1)** None; b) *New Alcohol:* **1)** Los Panchos Tortilleria, 3116 Garrity Boulevard Suite 102, on-premise beer; Local First, 1228 North Galleria Drive, on-premise beer, wine and liquor; **Item #1-10.** - **Miscellaneous Items:** 1) None. 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 - None

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❖ **Mayor Kling asked if there was any Nampa Residents wishing to speak on any item not on the agenda item were (5 persons limit):** ❖

- Brock Lister, Boy Scouts – Eagle Scout project was to paint the Army Tank in Lakeview Park
- Theresa Laird, Leann Schneider, Tammy Moffit– Interfaith Food Donation there was a concert and other functions to bring in 28,630 pounds of food
- Treasure Valley Blue Star Mothers of America – Councilmember Levi was presented with a Blue Star Banner for her children that are serving in the military
- Chris Schmierer, 14404 N San Juan Avenue – Cars parked in the area of Middleton Road south of Smith Avenue, just south of the single exit coming out of Mission Point – requested sign of Nampa City Code

❖ **Mayor Kling asked if there was any Nampa Residents wishing to speak on any agenda item on the agenda (5 persons limit):** ❖

- None

❖ **Mayor Kling’s and Council Comments** ❖

- Mayor – Hate crimes are unacceptable – City of Nampa is concerned for the welfare of the citizens – we need to pray for the community
- Councilmember Skaug confirmed Mayors comments
- Councilmember Rodriguez had to explain to his grandchildren going to Walmart after the shooting was okay

❖ **(3) Agency/External Communications** ❖

- None

❖ **(4) Staff Communications** ❖

Item #4-1. – Public Works Director Tom Points presented a staff report to update the council on current projects as follows:

Nampa City Clerk’s Office Commends Street Division’s Chip Sealing Operation – Nathan Haveman, Nampa City Clerk Services Specialist, sent the following commendation for a successful 2019 chip sealing operation to Don Barr, Street Superintendent, and crew:

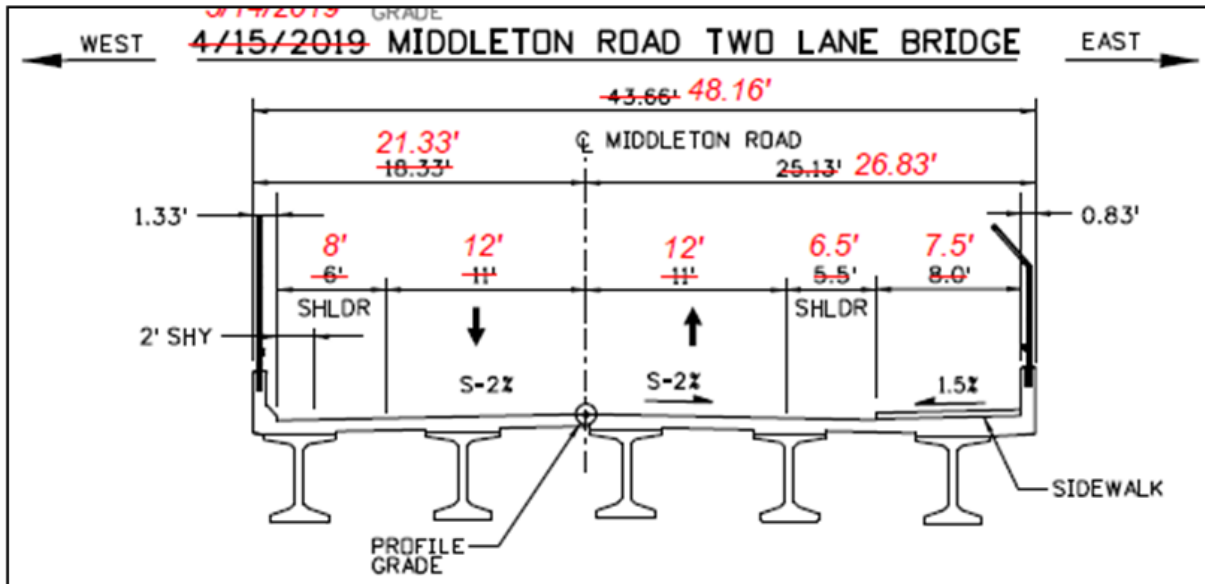
“On behalf of the Clerk’s Office, we commend you and your team for what we view as very successful chip sealing season. We received NO claims related to chip sealing—a significant reduction compared to years past. We wanted to take the time to thank you for your efforts to minimize the effects of chip sealing on Nampa citizens and in turn reduce the risks to the city as well.”

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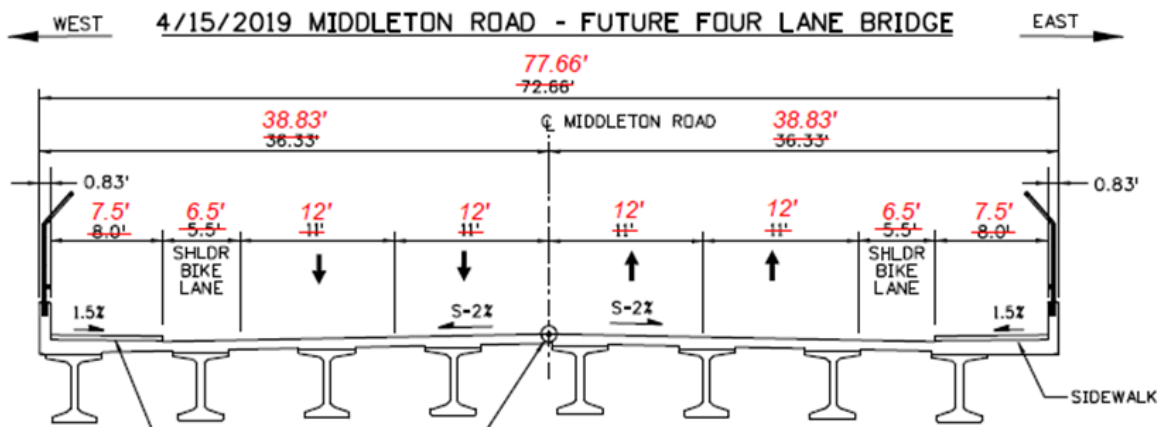
Once again, thank you to you and your team for all your hard work.”

I-84 Middleton Overpass Design Update/I-84 Widening Project (Nampa-Caldwell) –

- Phase II of the I-84 Widening Project, from the Karcher Interchange in Nampa to the Franklin Interchange in Caldwell, is underway. The improvements are part of a major project addressing needs on I-84 from Nampa to Caldwell. The work is expected to improve safety, address congestion, and benefit the regional economy for many years.
- The Idaho Transportation Department (ITD) is working with staff to complete the design for the Middleton Overpass Project. The existing structure will be demolished and replaced with a new overpass with bike lanes, sidewalk and travel lanes.
- ITD presented the City of Nampa with the option of expanding the width of the bridge abutment foundation to provide for future expansion. The additional foundation work would cost the city approximately \$400,000 and would reduce construction cost when the bridge is expanded from two lanes to four lanes in the long-term future (anticipated by 2045).
- The Middleton Overpass widening is not on the City of Nampa Master Plan and not a current priority project. Staff directed ITD to build the abutments with no additional width for future widening.
- The City of Nampa also reaffirms its preference for a temporary traffic signal installation on the north end of the overpass at the intersection with Cherry Lane.
- Current and future design options are proposed. The proposed construction plan (current) is a two-lane option, that is projected to meet capacity needs until 2045, with added bike lanes and pedestrian facilities. The proposed section is shown below (changes recommended by City of Nampa staff in red):



- The long-term option is the full build of Middleton Road according to Nampa City standards as shown below:



- ITD will pay for the cost of the current two-lane proposal, but not the full build out. Expanding the two-lane to the full build out option would be an additional \$4 to \$6 million dollars.

❖ (5) New Business ❖

Item #5-1. – The following Resolution was presented:

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AN ESTIMATE OF EXPENSES AND REVENUES OF THE CITY OF NAMPA, IDAHO FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2019 TO AND INCLUSIVE OF SEPTEMBER 30, 2020; AND NOTICE OF PUBLIC HEARING ON THE PROPOSED BUDGET BY THE NAMPA CITY COUNCIL.

WHEREAS, Section 50-1002 Idaho Code, requires the Nampa City Council, prior to passing the annual appropriation ordinance, to estimate the probable amount of money necessary for all purposes during the fiscal year and;

WHEREAS, a proposed budget has been prepared that includes an estimate of expenses and revenues for FY 2019 which fiscal year runs from October 1, 2018 through and including September 30, 2020;

THEREFORE, it is hereby ordered by the Nampa City Council that this classification and estimate be entered into the minutes of the Council of the City of Nampa and the Nampa City Clerk be directed to cause the same to be published in the Idaho Press, a newspaper published in said city and having a general circulation therein.

ESTIMATED EXPENDITURES		ENTERPRISE & SPECIAL REVENUE FUNDS	
GENERAL FUND			
Nampa City Clerk	\$ 381,508	911 Fees	\$ 1,051,040
Code Enforcement	539,137	Airport	\$ 1,079,608
Economic Development	467,336	Cemetery	\$ 306,313
Engineering	2,743,404	Civic Center	\$ 1,064,019
Facilities Development	1,739,074	Development Services	\$ 4,269,214
Finance	1,151,713	Family Justice Center	\$ 304,621
Fire	15,139,857	Idaho Center	\$ 5,232,306
General Government	3,612,386	Library	\$ 2,361,097
Human Resource	591,737	Nampa Recreation Center	\$ 3,367,238
Information Technology	1,535,484	Parks & Recreation	\$ 4,065,427
Legal	1,143,481	Golf	\$ 3,010,466
Mayor & Council	646,727	Sanitation Collection	\$ 11,405,255
Planning & Zoning	705,656	Street	\$ 13,430,438
Police	25,590,873	Utility Billing	\$ 1,721,415
		Wastewater	\$ 43,275,186

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Public Works Admin	604,599	Water	\$ 17,892,334
Fleet Management	1,436,326	SUBTOTAL	\$ 113,835,977
SUBTOTAL	\$ 58,029,298		
GRANT FUNDS	\$ 9,076,610	CAPITAL & DEBT SERVICE FUNDS	
		Electric Franchise Fees/Capital Fund	\$ 2,024,730
		Development Impact Fees	7,508,264
		GO Bond Debt Service	2,694,750
		SUBTOTAL	\$ 12,227,744
		GRAND TOTAL	\$ 193,169,629

ESTIMATED REVENUES

PROPERTY TAXES		FRANCHISE FEES	
General Fund	\$34,630,920	Electric Franchise	970,109
Library	\$2,257,916	Gas Franchise	730,000
Parks & Recreation	\$1,999,710	SUBTOTAL	1,700,109
Streets	\$2,161,544	OTHER FEES	
Cemetery	\$198,916	Contracted Services	4,435,001
Airport	\$113,437	Impact Fee	4,519,564
SUBTOTAL NON-EXEMPT	\$41,362,443	Utility Hook-up Fees	1,350,000
Exempt Property Taxes (GO Bond)	2,465,337	Licenses & Permits	3,042,774
SUBTOTAL PROPERTY TAXES	\$43,827,780	SUBTOTAL	13,347,339
STATE REVENUE SHARING		GRANTS & DONATIONS	5,900,374
Sales Tax	7,840,172	LOAN PROCEEDS	14,170,324
Personal Property Tax Replacement	534,151	FINES & FORFEITURES	
911 Fees	944,000	General	557,298
Intergovernmental	9,364,713	Library	30,000
SUBTOTAL	\$18,683,036	SUBTOTAL	587,298
CHARGES FOR SERVICES		TRANSFERS & FUND BALANCE	
Airport	464,056	Transfers - In	\$11,507,622
Cemetery	99,000	Allocations - In	\$3,311,268
Civic Center	406,762	Fund Balance	23,956,502
Development Services	30,000	SUBTOTAL	\$38,775,392
General Government	972,649	MISCELLANEOUS	
Golf Courses	2,396,000	Interest Earnings	712,906
Idaho Center	3,306,685		
Library	31,000		
Nampa Recreation Center	3,273,250		
Parks & Recreation	410,500		
Sanitation/Trash Collection	11,405,255		

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Utility Billing	1,414,140	Miscellaneous	535,713
Wastewater	17,052,570	SUBTOTAL	\$1,248,619
Water	13,667,491		
SUBTOTAL	\$54,929,358	GRAND TOTAL	\$193,169,629

CITY OF NAMPA, IDAHO

FISCAL YEAR 2020 PROPOSED BUDGET

FUND	2018 Actual	2018 Actual	AMENDED	AMENDED	PROPOSED	PROPOSED
	Expenses	Revenue*	2019 Budget	2019 Budget	2020 Budget	2020 Budget
			Expenses	Revenue*	Expenses	Revenue*
GENERAL FUND						
Nampa City Clerk	287,008		340,430		381,508	
Code Enforcement	403,124		388,412		539,137	
Economic Development	351,762		408,511		467,336	
Engineering	1,772,243		2,717,055		2,743,404	
Facilities Development	1,485,221		4,983,603		1,739,074	
Finance	909,309		1,064,871		1,151,713	
Fire	14,214,742		15,178,288		15,139,857	
General Government	3,508,243		2,937,793		3,612,386	
Human Resource	456,865		518,791		591,737	
Information Technology	1,548,749		1,559,761		1,535,484	
Legal	923,498		1,152,640		1,143,481	
Mayor & Council	544,307		589,860		646,727	
Parks & Rec Admin	135,016		-		-	
Planning & Zoning	574,524		660,010		705,656	
Police	21,258,649		25,549,778		25,590,873	
Public Works Admin	478,014		522,311		604,599	
Fleet Management	1,181,923		1,326,096		1,436,326	
SUBTOTAL	\$ 50,033,197	\$ 50,647,928	\$ 59,898,210	\$ 59,898,210	\$ 58,029,298	\$ 58,029,298
	2018 Actual	2018 Actual	2019 Budget	2019 Budget	2020 Budget	2020 Budget
ENTERPRISE & SPECIAL REVENUE FUNDS						
911 Fees	917,088	1,011,229	1,316,594	953,000	1,051,040	1,051,040
Airport	519,006	613,391	989,237	634,959	1,079,608	590,193

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Cemetery	317,721	347,926	418,514	348,322	306,313	301,016
Civic Center	920,795	968,061	1,075,460	1,075,460	1,064,019	1,064,019
Development Services	2,308,841	32,449,788	3,771,264	3,377,000	4,269,214	4,269,214
Family Justice Center	247,108	250,444	257,632	257,632	304,621	304,621
Idaho Center	5,737,695	6,244,639	4,578,761	4,578,761	5,232,306	5,232,306
Library	2,063,824	2,296,761	2,233,593	2,334,216	2,361,097	2,361,097
Nampa Recreation Center	3,110,096	3,378,010	4,231,469	3,519,869	3,367,238	3,354,750
Parks & Recreation	3,598,989	3,744,048	4,288,246	3,969,899	4,065,427	3,386,323
Golf	2,898,860	2,487,472	3,789,878	2,555,720	3,010,466	3,010,466
Sanitation Collection	10,305,827	10,305,827	10,293,050	10,293,050	11,405,255	11,405,255
Street, Traffic, & Stormwater	10,017,780	8,675,977	11,208,398	11,208,398	13,430,438	13,430,438
Utility Billing	1,072,939	1,030,768	1,169,755	1,169,755	1,721,415	1,721,415
Wastewater	14,877,058	28,586,400	37,393,923	20,549,572	43,275,186	43,275,186
Water	13,417,149	11,739,763	14,208,025	14,208,025	17,892,334	17,892,334
Workers Comp Fund	64,378	64,378	30,395	30,395		
SUBTOTAL	\$ 72,395,154	\$ 114,194,882	\$ 101,254,194	\$ 81,064,033	\$113,835,977	\$ 113,835,977
GRANTS & DONATIONS	4,385,177	4,004,275	7,465,555	7,465,555	9,076,610	9,076,610
CAPITAL PROJECTS & DEBT SERVICE FUNDS						
Capital Projects	1,352,824	2,286,555	2,397,327	2,397,327	2,024,730	2,024,730
Development Impact Fees	3,244,820	1,722,732	5,348,404	5,348,404	7,508,264	7,508,264
GO Bond Debt Service	<u>2,696,150</u>	<u>2,737,752</u>	<u>2,692,650</u>	<u>2,692,650</u>	<u>2,694,750</u>	<u>2,694,750</u>
SUBTOTAL	\$ 7,293,794	\$ 6,747,039	\$ 10,438,381	\$ 10,438,381	\$ 12,227,744	\$ 12,227,744
TOTAL	\$ 134,107,322	\$ 175,594,124	\$ 179,056,340	\$ 158,866,179	\$193,169,629	\$ 193,169,629
*Amount from property tax		37,951,591		39,533,822	43,827,780	\$43,827,780

I, Deborah Rosin, Clerk of the City of Nampa, Idaho do hereby certify that this is a true and correct statement of the proposed expenditures and revenues for the Fiscal Year 2020. Citizens are invited to attend the budget hearing on August 19th at 7:30 p.m. and have the right to provide written or oral comments concerning the entire city budget. A copy of the proposed city budget in detail is available in the Nampa Finance Office at Nampa City Hall for inspection during regular hours, 8:00 a.m. to 5:00 p.m.

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MOVED by Rodriguez and **SECONDED** by Haverfield to pass the **resolution** as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **35-2019** and directed the clerk to record it as required.

MOTION CARRIED

Item #5-2. - Mayor Kling presented the request to accept **community wellness grant** from **National Network of Libraries of Medicine** in the amount of **\$91,943.00**.

Library Director Claire Connley presented a staff report explaining that the Nampa Public Library serves as a cornerstone for our community providing diverse gathering spaces, opportunities to learn, access to vital resources and programs for the enrichment of all. The Library continually evaluates ways to accommodate emerging community needs and to engage the public outside of the library to strengthen community relationships.

With funding from this grant, the Library plans to launch an eight-month Be Well Nampa project for the primary objective of improving the quality of life in our community. Our goal is to enhance access to existing health services by offering the Library as a centralized, neutral location. The project will employ four primary outreach methods; provide individualized treatment and referral services with professional healthcare workers and educators; increase access to reliable online health information at our Be Well Nampa library computer center; offer a variety of health and fitness classes and events led by certified health practitioners and; develop an information campaign to promote awareness of the rise in sexually transmitted diseases in our area.

The City of Nampa is one of the more impoverished and underserved communities in Idaho. Be Well Nampa will make use of key partnerships to create an innovative approach to offering health, medical and wellness information to our residents. By using the Library as a central location, the public will be able to consult with healthcare providers, use on-line resource and attend interactive workshops on nutrition, weight loss, fitness and other needed wellness related topics. By providing bilingual services and training library staff, we will be better prepared to lead patrons to accurate, current and relevant health and medical resources.

MOVED by Bruner and **SECONDED** by Haverfield to **authorize the Library to receive the grant**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-3. – The following Ordinance was read by title:

Tom Points presented a staff report explaining that the City of Nampa Engineering Division received a Private Street Name Assignment Request for a new street along parcels R2795501000

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and R2796800000 located at 5716 E VICTORY RD, West of N Robinson Blvd. This parcel is in Nampa's Area of Impact and will be accessed by a new private access road.

Canyon County Code and City of Nampa Code require a street name assignment where there is an existing common driveway providing access to more than three (3) permanent residences.

Section 9-1-1 of the Nampa City Code requires the Nampa City Council to approve the names for new or additional streets.

Engineering received a private street name application from Ben Radchuk. Mr. Radchuk is completing an administrative lot split, creating three properties out of parcel R2795501000 and building a private access road for those properties.

- The developing property owner is the only impacted property owner.
- The private access road will serve three properties.
 - One parcel has an existing residential structure.
- The existing structure will retain addressing and access off E Victory Rd.
 - The three remaining parcels will be developed in the future.
- The new parcels and structure's address will coincide with the new street name and be assigned once development applications are received.

Property owners request and staff recommends the following street name assignment:

- North Watermill Lane

This proposed change is shown on exhibit "A" attached

Emergency Services supports this naming

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO NAMING A NEW PRIVATE LANE ***NORTH WATERMILL LANE***. (Applicant Engineering Department)

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 Hogaboam 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 **4454** and directed the Clerk to record it as required.

MOTION CARRIED

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Item #5-4. and item #5-5. – The following Ordinance was read by title and approval of the summary of publication:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, **ANNEXING A PORTION OF THE UNDERLYING IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION DISTRICT OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AND CHANGING THE BOUNDARIES THEREOF; AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDING.** (Applicant Engineering Department)

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 Hogaboam to **pass** the preceding **Ordinance** under suspension of rules and approve the summary of publication. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4455** and directed the Clerk to record it as required.

MOTION CARRIED

Item #5-6. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign** a **Memorandum of Understanding** for regional irrigation pump station for Stella's Point Subdivision.

Tom Points presented a staff report explaining that the City Engineering Division has required KNT Investments, LLC to construct a regional pressure irrigation pump station as part of the Stella's Point Subdivision; see Exhibit A-1 for approved construction drawings. The project is located north and east of the intersection of Lake Lowell Avenue and Midway Road. The following facts are associated with this requirement:

The regional pump station is a necessary improvement to allow the City of Nampa to provide irrigation service for this subdivision as well as additional land in the vicinity.

The pump station provides a regional benefit to the city; therefore, the City of Nampa should enter a Memorandum of Understanding (see Exhibit A) with KNT Investments, LLC to define responsibilities for construction and funding of the facility.

The Nampa City Attorney reviewed and approved the Memorandum of Understanding language on June 27, 2019.

KNT Investments, LLC reviewed and approved the Memorandum of Understanding language on July 8, 2019.

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KNT Investments, LLC procured three (3) bids for the design and construction of the pump station and supplied the bid information to the City of Nampa on July 18, 2019 (see Exhibit B). Upon receiving the bids, Nampa City staff updated the MOU language and construction cost estimate to reflect the low bid. The low bid amount for the pump station including Supervisory Control and Data Acquisition (SCADA) integration was \$346,156.00 by Irminger Construction Inc. The total reimbursable cost including gravity irrigation, access, fencing and power is \$493,690 (see Exhibit A-2).

KNT Investments, LLC intends to proceed with entering into contract with the low bidder, Irminger Construction Inc., to begin design and construction of the pump station. Construction is anticipated to begin in the fall of 2019 with the pump station operational in time for the 2020 irrigation season.

MOVED by Bruner and **SECONDED** by Haverfield to **approval** to **allow** the **Mayor** to **sign** the **Memorandum of Understanding** for the **Stella's Point regional pressure irrigation pump station** on behalf of the City of Nampa. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #5-7. - Mayor Kling presented the request to **authorize U-turns** on westbound **Caldwell Boulevard** approach at Karcher Road signal and authorize ITD staff to create and install appropriate signage.

Nampa City Engineer Daniel Badger presented a staff report explaining that the Idaho Transportation Department has recently made a request to allow a U-turn for westbound traffic along Caldwell Boulevard at the Karcher Road Signal.

Medians were installed along Caldwell Boulevard in 2016 between Karcher Road and the Karcher Mall entrance to improve safety and access along the corridor.

Nampa City Code 7-1-8 forbids U-Turns at signalized intersections without Council authorization.

Authorizing U-Turns at westbound Caldwell Boulevard at Karcher Road will facilitate access to businesses and properties affected by the medians.

In 2016 at the request of ITD Nampa City Council approved U-turns for the southeast bound traffic at the entrance signal to Karcher Mall.

The roadway configuration at Karcher and Caldwell Boulevard is at a minimum the same turning area as the previously approved U-turn movement at the Karcher Mall entrance.

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Implementation costs will be paid for by the local businesses to the Idaho Transportation Department and installed by the Idaho Transportation Department.

Mayor and Councilmembers asked questions and made comments.

MOVED by Hogaboam and **SECONDED** by Rodriguez to **reject the request for U-Turns on westbound Caldwell Boulevard approach** at Karcher Road Signal and authorize ITD staff to create and install appropriate signage. The Mayor asked for a roll call vote with Councilmembers Bruner, Haverfield, Skaug, Rodriguez, Hogaboam voting **YES**. Councilmember Levi voting **NO**. The Mayor declared the

MOTION CARRIED

Item #5-8. - Mayor Kling presented the request to **authorize an all way stop at the Cherry Lane and 11th Avenue North intersection.**

Tom Points presented a staff report explaining that the increased crashes at the intersection of Cherry Lane and 11th Avenue North prompted an engineering signal warrant analysis evaluation for the intersection. (See Exhibit A).

Between 2012 and 2017, there were 28 total crashes.

- 1 Type A (Serious Injury)
- 5 Type B (Evident Injury)
- 6 Type C (Minor Injury)
- 16 Property Damage

Accident data provided by Nampa Police indicate 41 total crashes from 2017 to July 2019.

Engineering Division tasked Paragon Consulting to complete a signal warrant analysis (See Exhibit B).

The following improvements have been made:

- Nampa City staff installed warning plaques, flashing warning signs and flashing stop signs on February 25, 2019 along 11th Avenue North to help notify drivers of the two way stop at the intersection.

Since the installation of the flashing signs there have been 8 crashes at the intersection.

As a result of recent crashes Engineering staff completed a sight distance analysis and verified that there are no vision obstructions causing safety issues, the weeds that were becoming an issue located on the northwest corner of the intersection were trimmed by Streets Division staff.

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Engineering Division, Streets Division and Nampa Police have been discussing options to increase safety and recommend implementation of an all way stop at the Cherry Lane and 11th Avenue North intersection.

The improvements will include the installation of new advanced warning and stop signs along Cherry Lane. (See Exhibit C)

A level of service analysis based on the PM peak resulted in the following:

Intersection Approach	Proposed Level of Service (All Way Stop Control)
Eastbound Cherry Lane	B
Westbound Cherry Lane	C
Northbound 11 th Avenue North	B
Southbound 11 th Avenue North	B

Nampa Highway District recently modified the intersection of 11th Avenue North and Ustick Road to an all way stop condition just north of the 11th Avenue North and Cherry Lane intersection.

If approved, Streets Division will install the new LED signage along Cherry Lane.

MOVED by Haverfield and **SECONDED** by Skaug to **authorize** an **all way stop** at the **Cherry Lane and 11th Avenue North intersection**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Item #5-9. - Mayor Kling presented the request to **reject bid** for the **Indian Creek Pathway Extension** (Taffy to Peppermint) Key No. 20141 project.

Tom Points presented a staff report explaining that in 2016 the City of Nampa was awarded Federal funding through the Transportation Alternatives Program (TAP) to extend the Indian Creek multi-use pathway from Taffy Drive to Peppermint Drive.

The project will fill a critical gap in the city's multi-use pathway system. The improvements include 633' of 10' wide asphalt pathway along Indian Creek (between Taffy Dr & Peppermint Dr), slope stabilization, (see Exhibit A, Vicinity Map).

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The City of Nampa received one bid, with an apparent low bid from Knife River Corporation in the amount of \$610,765.00. Engineers construction estimate was \$403,454. There is not enough budget to complete the construction.

Indian Creek Pathway Extension, Taffy to Peppermint, cannot move forward even with additional funds allocated from COMPASS. Below is an estimated project cost based on the recent bid for construction.

Design Costs (spent in FY18)	\$ 95,475.00
Estimated Construction Costs	\$ 610,765.00
<u>Estimated Construction Engineering & Inspection Costs</u>	<u>\$ 51,450.00</u>
Total	\$ 757,690.00

Engineering Division made a request to the Community Planning Association of Southwest Idaho (COMPASS) for additional funding to address estimated project overages.

An addendum to the existing State Local Agreement has been drafted, reviewed and is recommended for execution by the Engineering Division to increase the total project funding by \$101,657 to a total of \$601,657.

Engineering has notified the bidder of the project and our recommendation to reject the bid due to budgetary constraints.

Engineering has reached out to the design engineer as well as the Army Corps of Engineers to explore all other alternatives regarding stream channel realignment that may allow for reduction in project costs.

Engineering Division recommends rejecting bids for the Indian Creek Pathway Extension Taffy to Peppermint project.

MOVED by Bruner and **SECONDED** by Haverfield to **reject bid** for the **Indian Creek Pathway Extension** (Taffy to Peppermint), Key No. 20141, project. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

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Item #5-10. - Mayor Kling presented the request to **authorize** the **Mayor** to **sign** the **Addendum** to the **State and Local agreement** with ITD for the Indian Creek Pathway Extension (Taffy to Peppermint), Key No. 20141.

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Tom Points presented a staff report explaining that in 2016 the City of Nampa was awarded Federal funding through the Transportation Alternatives Program (TAP) to extend the Indian Creek multi-use pathway from Taffy Lane to Peppermint Lane.

The TAP program targets projects that advance mobility, safety, and economic opportunity.

The project will fill a critical gap in the city's multi-use pathway system. The improvements include 633' of 10' wide asphalt pathway along Indian Creek (between Taffy Dr & Peppermint Dr), slope stabilization, (see Exhibit A).

The project is recognized as high priority in the City of Nampa Bicycle and Pedestrian Master Plan.

The State/Local Agreement for the Indian Creek Pathway Extension project was executed December 21, 2017 and included the following key points (see Exhibit B):

- Estimated design and construction costs were \$500,780
- Federal participation is \$464,022.75
- Nampa City's match is approximately \$36,757.25

The addendum to the State/Local Agreement for the Indian Creek Pathway Extension project modifies increases the total funding for the project as summarized below:

TAP Federal Funding (92.66%)	\$ 557,495
<u>Nampa City Match (7.34%)</u>	<u>\$</u>
44,162	
<i>Total</i>	<i>\$ 601,657</i>

The addendum to the State/Local Agreement for the Indian Creek Pathway Extension project modifies key points (see Exhibit C):

- Estimated design and construction costs are increased to \$601,657.
- Federal participation is increased to \$557,495.
- Nampa City's match is increased to \$44,162.

Engineering has reviewed and recommends executing the addendum to the State/Local Agreement with ITD for design and construction of the Indian Creek Pathway Extension.

THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE **STATE**, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE **STATE** AND THE **CITY OF NAMPA**, HEREAFTER CALLED THE **CITY**, FOR DESIGN AND CONSTRUCTION OF INDIAN CREEK PATHWAY; (TAFFY TO PEPPERMINT).

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MOVED by Bruner and **SECONDED** by Haverfield to **authorize** the **Mayor** to **sign** the **Addendum** to the **State Local Agreement** with **ITD** for the **Indian Creek Pathway Extension** (Taffy to Peppermint), Key No. 20141 and approve the resolution and number it **36-2019**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

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Item #5-11. - Mayor Kling presented the request to **award** the **quote** to **Professional Construction Services** and **authorize** the **Mayor** to **sign contract** for **Manhole & Valve Collar Adjustment** FY19 in the amount of **\$29,650**.

Tom Points presented a staff report explaining that the chip sealed roadways in Zone D will require manholes and valve lids to be raised to grade, providing better ride quality for motorists and bicyclists.

The project will be performed within all roads chip sealed in Zone D (proposed project limits shown on Exhibit A).

The Council has authorized FY19 budget for the bid of Manhole & Valve Collar Adjustments.

The project was solicited to three contractors, the city received two quotes from Hess Construction and Professional Construction Services.

Professional Construction Services was the apparent low bidder with a quote of \$29,650.

The total amount of manhole and valve construction needed is approximately \$30,000. Total budget available through Streets, Water and Wastewater operations is \$40,000.

Engineering reviewed the quote and recommends awarding the project to Professional Construction Services.

MOVED by Haverfield and **SECONDED** by Skaug to **award quote** to **Professional Construction Services** and **authorize** the **Mayor** to **sign contract** for **Manhole & Valve Collar Adjustments** FY19 in the amount of **\$29,650**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

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Item #5-12. - Mayor Kling presented the request for **discussion** of **liquor licensing** and **sale of liquor, beer and wine** in the City of Nampa and their impact on the general welfare of the City of Nampa.

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Senior Planner Kristi Watkins presented the following staff report:

10-1- Definitions: Restaurant:

Any premises (other than a boarding house) where meals are provided for compensation. In order to serve beer, wine or liquor (as defined in Title 23, Idaho Code) in a restaurant, liquor receipts shall constitute less than forty percent (40%) of gross receipts for food and liquor combined. Restaurants whose liquor receipts constitute forty percent (40%) or more of gross receipts for liquor and food combined shall be classified as taverns.

Permitting Process:

- Conceptual Plan Review Meeting – Pre project meeting with all departments to answer general building and site questions (Optional)
- Apply for Building Permit
 - Tenant Improvement
 - Certificate of Occupancy
- Building Department Routes the application to P & Z
- P & Z reviews address for zoning requirements
 - DB, DH, BC, BF, IL, IP all require a CUP for a stand-alone Bar
 - GBE (Idaho Center) is a permitted use for a stand-alone Bar
 - Restaurants are allowed uses when alcohol is only 40% of their overall sales
- If an allowed use, no comment is generally made on the building permit. However, going forward staff will be adding their approval or denial in Energov, with notes re: any discussion that was had.
- If a CUP is required, the permit will be put on hold and the CUP process should be initiated. The permit for occupancy of the space and the alcohol license should not be issued until the CUP is approved by Planning and Zoning.

Conditional Use Permit:

*Is heard by Planning and Zoning Commission **ONLY***

10-25-1: Certain types of uses require special consideration prior to their being permitted in a particular district. The reason for special consideration involves, among other things, the size of

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the area required for the full development of such uses, the nature of the traffic problems incidental to the operation, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

10-25-2: No building permit shall be issued when a CUP is required...

10-25-4: Evaluation Criteria

- A) That the location, size, design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.
- B) That the location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.
- C) That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or, will provide an essential service to the community or region.

Discussion:

- In the Downtown Historic Zone there are 12 documented stand-alone bars (1 being an event center, not a public venue).
- On this map, the brown area designates the two downtown zones that allow a stand-alone bar with a conditional use permit, the blue are the Commercial type zones that allow a stand-alone bar with a conditional Use permit, the purple is the one area where stand-alone bars are an Allowed use and the grey area is the rest of the city where stand-alone bars are not a permitted use at all.

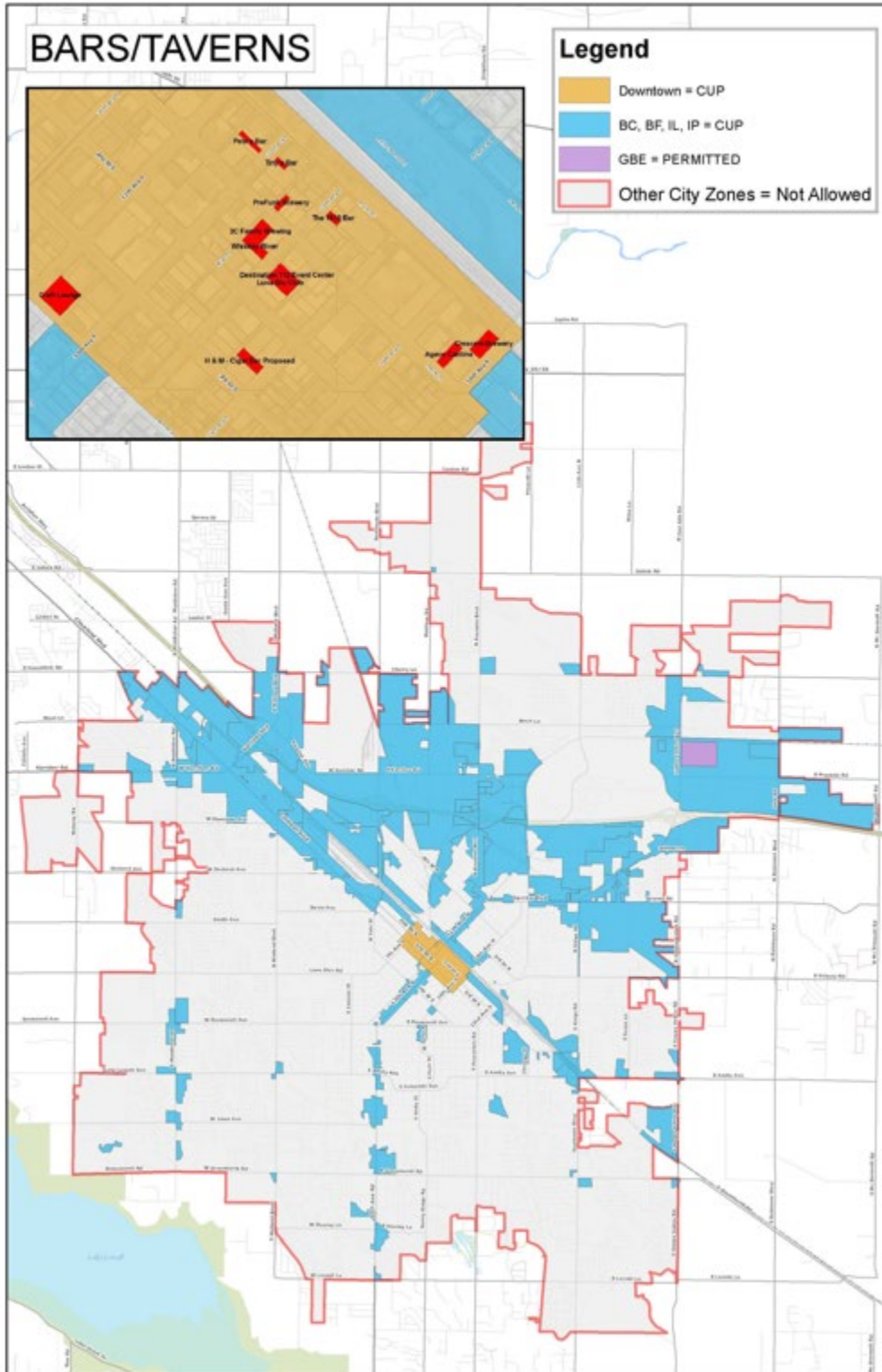
Other Bar Related Language:

10-16-2: PERMITTED AND NONPERMITTED BUILDINGS AND USES:

Bars, taverns, and cocktail lounges are not and shall not be allowed within the BC Zone in or on any property having frontage on or within three hundred feet (300') of Garrity Boulevard Existing bars, taverns, cocktail lounges fronting that boulevard are considered legally nonconforming in

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accordance with the provisions of chapter 3 of this title but may not be expanded as also stated in that chapter. (Ord. 3761, 12-17-2007)



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Nampa City Attorney Douglas Waterman made comments on the process.

Mayor and Council asked questions and made comments.

❖ (6) Public Hearings ❖

Item #6-1. - Mayor Kling opened a **public hearing** for **annexation** and **zoning** to BC (Community Business) for **.525 acres** or 22,866 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot C at 0 N. Franklin Blvd.; Zoning Map Amendment from AG (Agricultural) to BC (Community Business) for **2.24 acres** or 97,574 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot B at **1414 E. Karcher Rd.** for Dean Anderson. The Planning and Zoning Commission recommended approval (ANN 122-19, ZMA 107-19) **AND variance** of Section 10-16-4 Building Height Regulations for the BC (Community Business) zoning district allowing proposed apartment buildings to exceed the 30' allowed building height by 9' for peak height of 39' for 90 luxury apartment buildings at 0, 0, and 1414 E. Karcher Rd. and 0 N in the SE ¼ Section 10, T3N, R2W, BM Franklin Rd. for **Dean Anderson** (VAR 075-19).

Councilmember Skaug recused himself from the public hearing.

Dean Anderson, 3875 Twilight Rise Way, Meridian presented the request.

Principal Planner Rodney Ashby presented the following staff report:

Annexation & Zoning

Annexation and Zoning to BC (Community Business) for .525 acres or 22,866 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot C at 0 N. Franklin Blvd and .22 acres of city right-of-way fronting Franklin Rd and adjacent to Plot C at 0 N. Franklin Blvd.

Zoning Map Amendment

Zoning Map Amendment from AG (Agricultural) to BC (Community Business) for 2.24 acres or 97,574 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot B at 1414 E. Karcher Rd.

Variance

Variance to City of Nampa Zoning Ordinance Section 10-16-4 requiring a fifty-foot (50') setback from the property line when abutting a Residentially zoned property for buildings taller than that allowed within a Residential zoning district for parcels R31024010000 (0 E Karcher Rd) and R2200600000 (1414 E Karcher Rd).

Existing Zoning: AG (Agricultural); **Proposed Zoning:** BC (Community Business); **Location:** Four parcels on the NW quadrant of the E Karcher Rd and N Franklin Blvd intersection as

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described under “Requested Action Approval(s) and Location(s)” of this report. **Existing Land Use:** A single family home at 1414 E Karcher Rd- near the Karcher Rd and Franklin Blvd intersection. An existing driveway on parcel 3102401100 (0 Karcher Rd). **Proposed Land Use:** Multi-family housing apartments – ninety (90) units in five (five), 3-story buildings. Amenities proposed to be included: dog park, gazebo/picnic areas, firepit, walking paths, upgraded landscaping, and carports.

General Information

Planning & Zoning History:

1414 E Karcher Rd

Annexation and Zoning to AG (Agricultural) occurred in April of 1996. A portion of the property nearest the Franklin/Karcher intersection was purchased by the City of Nampa earlier this year in preparation for a future round-about at the intersection. The property is currently being used as a single-family residence with outbuildings and vacant land.

0 North Franklin Blvd (Parcel #22007010)

The applicant is requesting annexation and zoning to BC (Community Business) for this property. A portion of this property nearest the Franklin/Karcher intersection was purchased by the City of Nampa earlier this year in preparation for a future round-about at the intersection. The property is currently vacant, with a gravel access drive to N Franklin Blvd.

0 E Karcher Rd (Parcel # 310240100)

Annexation and zoning to BC (Community Business) occurred in April of 1996. This parcel is currently vacant and is accessed via a shared private drive from E Karcher Rd.

0 E Karcher Rd (Parcel # 310240110)

Annexation and zoning to BC (Community Business) occurred in April of 1996. The parcel is currently being used as an egress access for Skaug Law office at 1226 E Karcher Rd. There is a joint agreement for the subject property to use this private drive for access to the property.

The Nampa Planning & Zoning Commission, during their regularly scheduled public hearing of 6/25/2019, voted to recommend approval of the above referenced annexation & zoning request and the zoning map amendment request. They also voted to approve a conditional use permit for Five Eighteen-Unit Luxury Apartment Buildings in a BC zoning district for a total of 90 units on 4.37 acres or 190,357 sq. ft. located on the properties listed above. The Planning & Zoning Action Letter is included as an attachment to this report and outlines the Commission’s conditions of approval, which staff has included as recommended conditions of approval for this request.

Surrounding Land Use and Zoning:

North-

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Single Family home on an enclaved residential lot (R1 Single Family Residential zoning)
Light Industrial buildings and uses
Landscaping business
Vacant land

South-

Storage of vehicles, shipping containers, and shop
Single Family Homes (RS6 zoning)
Skaug Law – Attorney’s Office (BC zoning)
Vacant light industrial land south of Karcher

East-

Vacant light industrial land east of Franklin
Single Family Homes (RS6 zoning)

West-

Single Family Home (RS6 zoning)
Single Family home on an enclaved residential lot (R1 Single Family Residential zoning)
Enclaved small office building
Vacant light industrial land

Comprehensive Plan Designation: General Commercial and Light Industrial (see exhibit).

Public Utilities/Services: Water, sewer, and pressure irrigation services are available from Karcher and Franklin Roads. All other city service providers serve this area.

Transportation: According to the Nampa Engineering Division, the primary access to the property will be off Franklin Rd. as shown on the concept plan attached to this staff report. In addition, the project also has access from a private drive shared with Skaug Law off Karcher Rd. This private drive is currently being used as a one-way egress drive. The private drive will need to be widened and striped to allow 20’ of width and ingress/egress access.

Applicable Regulations

Annexation and Zoning

For a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel connects with the city limits at its south-western boundary. The parcel is part of a 3-parcel, 1.56-acre enclaved area.

Zoning Map Amendment

Rezoning must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted future land use plan for the neighborhood. Section 10-3-2 Schedule of District Land Use Controls requires a conditional use permit (CUP) for multiple-family dwelling in the BC (Community Business) zone.

Variance

10-24-1: [Variance] Purpose:

The Nampa City Council is empowered to grant variances to prevent or to lessen practical development difficulties, unique site circumstances and unnecessary physical, geographical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain bulk or quantifiable regulations prescribed by zoning ordinance.

A variance shall not be considered a right or special privilege but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and b) the variance is not in conflict with the public interest. Hardships must result from special site characteristics relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street locations or traffic conditions or other unique circumstances.

Variances are not intended to allow something that others do not have a permitted right to do. The purpose of a variance is to provide fair treatment and to see that individuals are not penalized because of site characteristics beyond their control. (Ord. 2140; and. Ord. 2978)

10-24-2: Actions:

A. Granting of Variance Permit: The council may grant a variance permit with respect to requirements for fences and walls, site, area, width, frontage, depth, coverage, front yard, rear yard, side yards, outdoor living area, **height of structures**, distances between structures or landscaped areas as the variance was applied for or in modified form if, based on application, investigation and evidence submitted, the council concludes the following:

1. Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

3. Literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

10-16-4: Building Height Regulations:

In the BC District there is no building height limitation, except when said district abuts upon a Residential District, in which case the maximum permitted building height allowed on a BC property shall not exceed the maximum building height permitted in that Residential District for a distance, into the commercial property, fifty feet (50') from the abutting boundary. (Ord. 3761, 12-17-2007).

10-8-4: Building Height Regulations: (in any RS district)

No principal building shall exceed two and one-half (2 ½) stories or thirty feet (30') in height. (Ord. 2140)

Correspondence

Community Planning Association (COMPASS)

The valley's metropolitan planning organization (COMPASS), reviewed the annexation and zoning and provided a development review of the project. The report is attached as an exhibit. In summary, the report highlights the following findings:

1. A high "Level of Stress" on Karcher Rd indicates that the roadway poorly supports bicycle and pedestrian comfort levels.
2. There are higher numbers of jobs in the area which should/could be supported by more housing.
3. Proximity to a fire station is close enough to be considered an efficiency and safety benefit, but a police station is above the recommended distance from the site.
4. The project impacts/consumes important farmland.
5. Proximity to other common walking/biking destinations are beyond the recommended ½ mile distance, except for a grocery store.
6. The proposal exceeds residential growth forecasts for the area and may cause a strain on transportation infrastructure (traffic). However, this may be mitigated by the number of jobs in the immediate area and housing densities that may support public transportation in the future.
7. Expansion of Franklin Boulevard corridor is in the Communities in Motion 2040 2.0 plan as an unfunded project. COMPASS recommends limiting access to the corridor to mitigate traffic concerns.

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Idaho Transportation Department (ITD)

The Idaho Transportation Department had no comments regarding the project approval. However, they did suggest that a current project to widen I-84 in the area, may alleviate some of the traffic congestion that currently exists around the proposed site.

City of Nampa Engineering Division

The Engineering Division does not oppose the request, with the following conditions:

1. At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current Nampa City Policy and Master Plans.
2. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by the overseeing agencies.
3. At time of development or redevelopment, with new impact fees in effect, frontage improvements required will include:
 - a. Sidewalk
 - b. Landscaping as required
 - c. Storm drainage
 - d. Access and pavement widening and striping as needed to provide safe access to site relative to the future round a-bout subject to Nampa Street Division approval.
4. If the parcel is divided, each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and building permit issuance.

Nampa & Meridian Irrigation District

The Nampa & Meridian Irrigation District (NMIC) had no comment on the project.

Other Correspondence

We received a letter from Nampa City Council Member Bruce Skaug noting that he was not opposed to the project, but expressed some concerns about impacts to his law office at 1226 E Karcher Rd. He asked for clarification about how ingress and egress would be handled safely to the apartments on the joint private drive for his office and the apartments. He also expressed a desire to have the development build a six-foot fence as a barrier between the two properties and a four-foot fence along parts of the private driveway.

Thomas C. Schaefer, Jr., the owner of a neighboring property at 1314 E. Karcher Road submitted a letter opposing the granting of the requested variance. His grounds for opposition are that the development will make his property less attractive to potential developers and will “destroy the privacy” of his sister’s home (a neighboring parcel).

Brant and Tonianne Wurtz, of 1402 E. Karcher also wrote a letter of opposition to the variance request. They argue that the variance would allow taller apartments nearer to the property line than is allowed by code and that this would impact their privacy in their back yard and pool. They also argue that Mr. Anderson has rented the 1414 E Karcher property for many years and that it has

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been very poorly maintained. They have concerns about the long-term maintenance of the proposed “luxury” apartments. Finally, they assert that the odd shape of the property does not constitute a hardship because the properties 1402 and 1304 E Karcher were available for sale within the last year and “would square up his parcels,” making it possible to have the required fifty foot (50’) setback.

Any correspondence from agencies or citizens is attached to this document.

Staff Findings & Discussion

Annexation & Zoning

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as “General Commercial” and as “Light Industrial.” These land use boundaries are not intended to be used as definitive boundaries, but rather, can be stretched to nearby properties. As such, the proposed zoning is compatible with the Comprehensive Plan for this area.

The Nampa City Council may determine that this development qualifies as an infill development, which is encouraged by the Comprehensive Plan because of the many benefits in-fill development provides to the city. As such, the Council will need to determine whether the proposed development location, size, and design will adversely affect the livability or appropriate development of the abutting properties and the surrounding neighborhood. The Commission should also determine whether it is consistent with the appearance of the area and whether it enhances the area in its basic community functions.

If the Nampa City Council approves of the requested annexation and zoning the following findings are suggested:

- 1) The requested annexation parcel connects with the city limits along its south western boundary. The parcel is part of a 3-parcel 1.56-acre enclaved area.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city’s comprehensive plan future land use map General Commercial and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requested annexation and zoning to BC to develop the property as apartments.

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Zoning Map Amendment

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as being compatible with the zoning that has been requested and consistent with abutting zoning designations. Staff finds this zoning amendment to follow city code and state regulations.

Variance

The applicant stated, and the notice of the variance repeats, that the variance is for 10-6-4 of our city code. I believe this to be a typo and should have been referring to 10-16-4. The description of the code requirements and the purpose for the variance is correct, but the number was misstated. This variance is necessary because the applicant is proposing to exceed the 2.5 story and 30’ maximum height limit in the RS6 zones which abut the properties.

The applicant states that a variance should be permitted because the area has been allowed to be developed with a variety of zones that are not consistent with the Comprehensive Plan and thus creates a hardship for developing the property to follow the Future Land Use Map. Though there are residences in the area, and they are zoned residential, the zoning is not consistent with the adopted comprehensive plan. The applicant also states that not granting the variance would lead to a 20-40 percent reduction in units. They argue that a previous project, The Orchard Lofts, was positively viewed by their lender and has been an asset to the community. They state that the reduction of units may impact the “positive feedback” from their lender and make the project less economically feasible.

Staff finds the claim that the area has developed and been zoned in diverse ways is true. The area includes the following zoning districts: IL (Light Industrial), IP (Industrial Park), RS6 (single family 6,000 sf lots), BC (Community Business), AG (Agricultural), and enclaved larger lot residential. As the applicant stated, the Comprehensive Plan designates this areas’ future development as commercial and industrial. Nampa City Council may wish to use this as justification for granting a variance. The hardship that the Council may wish to accept is that the previous zoning district assignments in the area do not reflect the desired vision for land use and prevent the area from developing in accordance with the Future Land Use Map.

On the other hand, the residences in the area already exist and residents are complying with the zoning districts assigned to their properties. They have some expectation, after legally obtaining zoning designation from the city, to have their land use protected. The conditions in the code requiring setbacks, it could be argued, are for scenarios such as this one. Setbacks and height restrictions next to residential, are intended to help minimize the privacy, light, and noise concerns felt by residential property owners.

In summary, the question before Nampa City Council regarding the variance is whether the shape of the property and/or the zoning of parcels in the area surrounding the property constitute a hardship that justify a variance.

Suggested Conditions of Approval

Should the Nampa City Council vote to approve the requested Variance, staff recommends that approval be justified by the required findings found under “Applicable Regulations” of this report and listed in 10-24-2 of the Nampa City Code.

Should the Nampa City Council vote to approve of annexation and zoning to BC, rezoning from AG to BC, and a variance to Nampa City Code 10-16-4 requiring a 50’ setback from the property line abutting residentially zoned properties, to allow a 90-unit multi-family residential development in the BC zone, then Staff suggests the following as conditions of approval:

1. Generally, the Applicant/Development shall:
 - a. Comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by city agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the city’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property; and,
2. Specifically, the Applicant/Development shall:
 - a. Comply with the conditions recommended by City of Nampa Engineering Division under the “Correspondence” section of this report.
 - b. Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by city agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the city’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property.
 - c. At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current Nampa City Policy and Master Plans.
 - d. Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by the overseeing agencies.
 - e. At time of development or redevelopment, with new impact fees in effect, frontage improvements required will include:
 - i. Sidewalk
 - ii. Landscaping as required
 - iii. Storm drainage

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- iv. Access and pavement widening and striping as needed to provide safe access to site relative to the future round a-bout subject to Nampa Street Division approval.
- f. If the parcel is divided, each parcel shall be provided with separate domestic water, sewer, and pressure irrigation services at time of lot development and building permit issuance.
- g. Install a six-foot tall fence between the Skaug Law property and the development, as well as a four-foot tall fence along parts of the joint private driveway as agreed to by Skaug Law.
- h. Comply with all conditions clarified by Nampa Engineering Division staff for access to public right-of-way and as shown on the concept layout for the development.
- i. Install a six-foot tall privacy fence and make a good faith attempt to provide additional materials (e.g. landscaping, berm, etc.) to create a screen between the development and 1206 E Karcher Rd.
- j. Any other condition Nampa City Council wishes to place upon the applicant...

Councilmembers asked questions of staff.

Those appearing in opposition to the request were: Steven Buckley, 1206 East Karcher; Tina Buckley in opposition but didn't speak.

Those appearing in favor of the request were: Bruce Skaug, 6866 West Roxi Cove Court.

Those appearing with questions were: Adrian Castento, 7708 Arlington Drive.

The applicant presented a rebuttal to the questions brought forward.

Mayor and Councilmembers asked questions of the applicant.

MOVED by Rodriguez and **SECONDED** by Bruner 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 Hogaboam and **SECONDED** by Bruner to **approve the annexation and zoning** to BC (Community Business) for **.525 acres** or 22,866 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot C at 0 N. Franklin Blvd.; Zoning Map Amendment from AG (Agricultural) to BC (Community Business) for **2.24 acres** or 97,574 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot B at **1414 E. Karcher Rd.** for Dean Anderson. (ANN 122-19, ZMA 107-19) **AND variance** of Section 10-16-4 Building Height Regulations for the BC (Community Business) zoning district allowing proposed apartment buildings to exceed

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the 30' allowed building height by 9' for peak height of 39' for 90 luxury apartment buildings at 0, 0, and 1414 E. Karcher Rd. and 0 N in the SE ¼ Section 10, T3N, R2W, BM Franklin Rd. for **Dean Anderson** (VAR 075-19) the variance was approved with a 20 foot setback near the residences and staff conditions were approved and authorize the city attorney to draw the appropriate ordinance for the annexation and rezone. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Haverfield, Bruner, Hogaboam voting **YES**. Councilmember Levi voting **NO**. Councilmember Skaug recused his vote. The Mayor declared the

MOTION CARRIED

Item #6-2. - Mayor Kling opened a **public hearing** for **Comprehensive Plan Future Land Use Map Amendment** from Low Density Residential to High Density Residential at **525 E. Greenhurst Rd.** (A 2.90-acre parcel of land and Tax 3, Tax 5, and Tax 6, Lot 3, Asselins Subdivision in the NW ¼, Section 3, T2N, R2W, BM) for **Gavin King**. The Planning and Zoning Commission recommended denial (CMA 046-19).

The applicant was not in attendance.

Senior Planner Doug Critchfield presented the following staff report: enter into the record a letter from Jack and Margo Luttons.

1. **Comprehensive Plan Future Land Use Map Amendment** from “Medium Density Residential” (4-9 units per acre) to “High Density Residential” (greater than 9 units per acre) (hereinafter, collectively, the “Project”, alternatively the “Development”, or “Application package”, or “Entitlements”)

Property Area and Location(s): Appertaining to one (1) parcel of land located at 525 E. Greenhurst Rd. totaling some 2.91 acres of county land positioned in the NW ¼ of Section 03, T2N, R2W, Boise Meridian, Canyon County, Nampa (hereinafter the “Property”)...

Abbreviated History: The Property is an enclaved parcel in Canyon County. The applicant attempted to annex and zone the Property to RD (two-family residential) at the May 18, 2017 Planning and Zoning Commission meeting. The request was denied. On June 5, 2017, the Nampa City Council upheld the denial citing incompatibility with adjoining lands and lack of open space planned within the development. The applicant applied for a Comprehensive Plan Land Use Map Amendment for the Property on May 15, 2019. The Nampa City Planning and Zoning Commission, during their regularly scheduled public meeting of June 25, 2019, voted to recommend to the Nampa City’s Council that they deny the above reference request citing incompatibility with Medium Density Residential land use setting that surrounds the Property.

Comprehensive Plan Map Amendment

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In the 2010 Idaho Legislative session, House Bill no. 608 was signed into law. This law provides that changes to a comprehensive plan land use map may be recommended by a Planning & Zoning Commission at any time, unless the local governing Board has established by Resolution a minimum interval between requested amendments not to exceed six months.

More important to this matter, the two criteria that used to found in state law to guide the Commission and Council in determining whether to allow the modification or not are [now] absent from the same and from Nampa City ordinance(s). Thus, approving or not a requested comprehensive plan change/amendment becomes a purely subjective matter and decision on the part of a City like Nampa. In our case, Staff has been suggested that [both the Commission and] Council still give some consideration as to whether the area around a property under review for a Comprehensive Plan amendment is in flux and/or whether an error of some kind was made in the original Plan or on its associated Future Land Use Map that the current proposal would be fixing – or that an update to the same is warranted.

As to the matter made the subject of this report, the Property is currently positioned in a “Medium Density Residential” setting, which allows for 4 – 9 dwelling units per acre. The Applicant seeks conversion of the future land use setting assigned to the Property to “High-Density Residential”, which allows for greater than 9 dwelling units per acre. The Applicant stated during his presentation to the Planning and Zoning Commission at their regularly scheduled meeting on June 25, 2019 that he desired to construct several 4-plex buildings on the site.

Staff reviewed the Future Land Use Map and zoning designations in proximity to the Property. The Future Land Use Map has assigned the lands surrounding the Property to be within the “Medium Density Residential” setting. Parcels immediately adjacent to the Property are zoned RS-6 (Single-Family Residential 6,000 sq. ft. minimum lot size) and RD (Two-Family Residential with a 7,000 sq. ft. minimum lot size).

In summary, the applicant seeks to change the Future Land Use Map setting of the Property from “Medium Density Residential” to “High Density Residential”. The Nampa City Planning and Zoning Commission, during their scheduled public meeting of June 25, 2019, voted to recommend to Nampa City’s Council that they deny the Applicant’s request citing incompatibility with Medium Density Residential land use setting that surrounds the property adjacent to the parcel.

Recommended Conditions of Approval

Should the Nampa City Council vote to approve the requested Comprehensive Plan Map Amendment, as desired by the Applicant, then Staff would recommend that the Nampa City Council consider recommending imposition of the following Condition(s) of Approval against the requests/Applicant(s):

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1. <Any condition(s) as the Nampa City Council concludes benefit(s) the application package...>

No one appeared in favor of the request.

Those appearing in opposition to the request were: Susan Saint, 2316 River Oaks Drive – did not speak; Wynnette Sherman, 2314 River Oaks Drive – did not speak.

MOVED by Bruner and **SECONDED** by Haverfield 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 Rodriguez to **deny the request for Comprehensive Plan Future Land Use Map Amendment** from Low Density Residential to High Density Residential at **525 E. Greenhurst Rd.** (A 2.90-acre parcel of land and Tax 3, Tax 5, and Tax 6, Lot 3, Asselins Subdivision in the NW ¼, Section 3, T2N, R2W, BM) for **Gavin King**. 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 **Zoning Map Amendment** from RML (Limited Multiple-Family Residential) to IL (Light Industrial) for a 2.38 acre or 103,673 sq. ft. portion of the NE ¼ NW ¼ of Section 23, T3N, R2W, BM located at **1504 Garrity Blvd.** for **Dean and Loni R. Monson**. The Planning and Zoning Commission recommended approval (ZMA 108-19).

Applicant was not in attendance.

MOVED by Rodriguez to postpone the public hearing to have the applicant in attendance. Councilmember Rodriguez withdrew his motion.

Planning and Zoning Director Norm Holm presented the following staff report:

Requested Action: Zoning Map Amendment (Rezone) from RML (Limited Multiple-Family Residential) to IL (Light Industrial). **Existing Zoning:** RML (Limited Multiple-Family Residential) **Proposed Zoning:** IL (Light Industrial) **Location:** 1504 Garrity Blvd. **Size of Property:** A 2.38 acre or 103,673 sq. ft. portion of the NE ¼ NW ¼ of Section 23, T3N, R2W, BM. **Existing Land Use:** Existing developed Industrial property.

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Planning and Zoning Commission Recommendation: The Planning and Zoning Commission voted to recommend to the Nampa City Council approval of the Rezone from RML (Limited Multiple-Family Residential) to IL (Light Industrial) with no conditions.

Planning and Zoning History: The property was originally owned by the City of Nampa and was part of the old Snake River Stampede complex. Pipeco purchased the property from the City of Nampa shortly after the Snake River Stampede Rodeo was relocated to the Ford Idaho Center.

The applicant indicates that they want to build a new building to replace the old one they purchased from the City of Nampa. Staff is uncertain as to when and why the parcel was originally zoned RML, or how and when Pipeco occupied the original building for industrial purposes.

Proposed Land Uses: No change in use is proposed, just the construction of a new building for the same Pipeco business. The rezone to IL is required for the land to be properly zoned for continued use/occupancy in the proposed new building.

Surrounding Land Use and Zoning:

North- Snake River Elementary and associated Nampa City Park land, RML (Limited Multiple-Family Residential) and RA (Suburban Residential)
South- Lakeview Park, RS 6 (Single Family Residential – 6,000)
East- Commercial/Industrial, IL (Light Industrial) and BC (Community Business)
West- Stampede Ball Park, Boys & Girls Club Commercial, RML (Limited Multiple-Family Residential)

Comprehensive Plan Designation: Parks, but adjacent Public, High Density Residential and Industrial. The requested zoning map amendment from RML to IL therefore complies with the adjacent Light Industrial designation to the east under the map note: *“The mapped boundary between two adjoining land use designations is considered flexible and may be interpreted as being stretchable to include the abutting parcels in the direction of either designation.”*

Applicable Regulations: Rezones or zoning map amendments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted comprehensive plan for the neighborhood.

Special Information

Public Utilities: 10” sewer main located in N Sugar St. across the Railroad to the east. 6” water main located in Garrity Blvd. with a 3” line into the subject property. 6” irrigation main located in the adjacent city owned property to the north and along the southside of Garrity Blvd. to the south. **Public Services:** All present. **Transportation and Traffic:** The property has frontage on and access to Cavalry St. on the west side. **Environmental:** The rezone to IL would have little

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effect on the adjoining properties. The adjoining property to the east across the railroad is zoned IL, and surrounding land uses are reasonably compatible with the proposed industrial zoning.

Staff Findings and Discussion

The requested rezone is appropriate. The parcel is interpreted to have a Light Industrial use designation on the Comprehensive Plan future land use map as noted above. The requested zoning map amendment is therefore interpreted as complying.

If the Nampa City Council concurs with the Planning and Zoning Commission and approves the rezone the following findings are suggested:

- 1) Rezone of the subject property to IL is reasonably necessary in order to allow the applicant to obtain the required land use entitlement for a new building for the Irrigation Pipe Supply business.
- 2) Rezone of the subject property to IL is in the interest of the property owner and is interpreted as conforming with the comprehensive plan future land use map designation of Light Industrial.
- 3) The proposed Irrigation Pipe Supply business use of the subject property will be compatible with the existing commercial/industrial uses in the immediate area.
- 4) The use of a development agreement to establish any conditions for the requested zoning amendment serves no purposes.

At the date of this memo I have received no statements of opposition or support from any property owners, businesses, or residents in or around the area.

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

MOVED by Hogaboam and **SECONDED** by Bruner 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 Hogaboam to **approve the Zoning Map Amendment** from RML (Limited Multiple-Family Residential) to IL (Light Industrial) for a 2.38 acre or 103,673 sq. ft. portion of the NE ¼ NW ¼ of Section 23, T3N, R2W, BM located at 1504 Garrity Blvd. for Dean and Loni R. Monson with staff conditions and authorize the city attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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Item #6-4. - Mayor Kling opened a **public hearing** for **vacation** of the southerly 10' of E. Sheridan Ave. adjacent. (Lot 12, Block 62, Kurtz Addition – A 6,276 sq. ft. portion of Lot 12, Block 62 of the Amended Plat of Kurtz Addition lying in the SW ¼ SE ¼ of Section 27, T3N, R2W, BM) for Carey Lytle (VAC 040-19).

Carey Lytle, 523 West Edwards Avenue presented the request.

Senior Planner Kristi Watkins presented the following staff report:

Requested Action: Decision to approve Vacation of ten (10) feet of public right of way.

Purpose: To allow enough space for a second off-street parking space for each living unit in the proposed duplex (two living units) on the subject lot.

General Information

Location: A portion of Tax 19215 in Lot 12 Bk 62 Kurtz Addition, Canyon County Parcel R111680100, Nampa. **Size of Vacation Area:** 1,400 sq. ft. **Existing Zoning:** RML (Limited Multiple Family) **Comprehensive Plan Designation:** HD-Res (High Density Residential). **Surrounding Land Use and Zoning:** **North-** RML (Limited Multiple Family) - **South-** RML (Limited Multiple Family) - **East-** RS6 (Single Family Residential) - **West-** RS6 (Single Family Residential). **Description of Existing Uses:** Surrounding uses are all residential. 3 of the 5 adjacent corner lots, have been split to accommodate 2 single family dwellings, one remains single family in its entirety and the one directly north is a duplex.

Applicable Regulations

Respecting easement vacation requests, our code states that,

10-27-12-D-3: Vacation to Erase Easement or Right of Way: Vacation approval shall be required in order to either erase some or all of an easement or right of way. Vacation approval shall be required in order to move the location of all or part of an already platted and recorded right of way or easement. Processing of vacation requests for easements and/or rights of way shall be executed in accordance with provisions of Idaho state code. Right of way vacations shall be done by ordinance of the city council and approved first by the same during a public hearing. Alternatively, a replat of a subdivision may also serve to vacate easements and/or rights of way when filed, approved by the city, and then recorded. (Ord. 4070, 10-7-2013)

10-11-8: Parking, Parking Lot Landscaping, Signage and Property Landscaping: All uses shall conform to the parking, parking lot landscaping, signage and property landscaping requirements in chapters 22, 23, and 33 of this title.

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10-22-6B: Number of spaces required: Dwelling, Two-family or multiple = 2 per dwelling unit...

State law does not require the consent of adjoining property owners for the vacation of easements.

Staff Findings of Fact

Planning & Zoning History: N/A

Parking requirements: Whereas, NCC §10-22-6B states that two parking spaces per dwelling unit be provided, and the applicant proposes a duplex attached by two single car garages, one space per unit still needs to be provided within the driveway in front of the garage areas. The proposed concrete pad that creates the driveway encroaches into the right of way. By vacating 10' of the prescribed right of way, it allows for enough room to provide the second required parking space.

Public Utilities: The City of Nampa does not maintain any utilities in this portion of the ROW and the existing 80' ROW exceeds the required local road ROW by more than 20 feet.

Environmental: No Affect.

Correspondence: Any correspondence from Nampa City departments/divisions and outside agencies or the citizenry is attached to this document. Comments may express opinions regarding the application or be geared towards recommending Conditions of Approval should the application be approved. The correspondence from agencies are listed as follows:

1. A letter, dated July 23, 2019, authored by Chris Jacky, Idaho Power, stating that Idaho Power does not maintain electrical facilities within the ROW, however, they would like to retain all existing rights related thereto for potential future use; and,
2. An email dated, July 29, 2019, authored by Sarah Arjona, Idaho Transportation department, stating that ITD has no comment on this project; and,
3. An email dated, July 29, 2019, authored by Eddy Theil, Nampa Highway District #1, stating that NHD#1 has no comment; and,
4. A letter dated, July 30, 2019, authored by Ben Marconi, Intermountain Gas Company, stating that they find the request acceptable in its proposed location if the utility easement is retained in the alley ROW; and,
5. A memo date July 30, 2019, authored by Caleb LaClair, Nampa Engineering Department, which states that Engineering does not oppose this request because the city does not

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maintain any utilities in this portion of the ROW and the existing 80' ROW exceeds the required local road ROW by more than 20 feet.

Planning staff sees no reason why the requested easement vacation should not be approved.

Recommended Approval Conditions

Should the Nampa City Council vote to vacate the land(s) associated with this application as described in certain documents and by exhibit(s) hereafter attached and made a part of this record, then Staff recommends that the Council condition their approval to vacate on Applicant/application compliance with the following Conditions of Approval:

1. That the applicant complies with all city department/division or outside agency requirements pertinent to this matter; and,
2. Provide documentation to Idaho Power after resolution is recorded, including the right of ingress/egress thereto; and,
3. Retain the utility easement in the alley ROW; and,
4. Any other conditions as per city council.

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

MOVED by Rodriguez and **SECONDED** by Hogaboam 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 Rodriguez and **SECONDED** by Hogaboam to **approve the vacation** of the southerly 10' of E. Sheridan Ave. adjacent. (Lot 12, Block 62, Kurtz Addition – A 6,276 sq. ft. portion of Lot 12, Block 62 of the Amended Plat of Kurtz Addition lying in the SW ¼ SE ¼ of Section 27, T3N, R2W, BM) for **Carey Lytle** with staff recommendations and authorize the Nampa City Attorney to draw the appropriate ordinance. 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 annexation and zoning** to IL (Light Industrial) at **16261, 16285, and 16317 N. Madison Road** for 4.02 acres or 175,111 sq. ft. (Lots 1, 2, and 3, Block 1, Madison Acres situated in the SW ¼ of Section 10, T3N, R2W, BM) for Adler Industrial LLC represented by **Kent Brown**. The Planning and Zoning Commission recommended approval (ANN 124-19).

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Kent Brown presented the request.

Rodney Ashby presented the following staff report:

Requested Actions: Annexation & Zoning to IL (Light Industrial)

Purpose: The applicant states: “The proposed site helps us meet the demands for industrial development in Nampa.” The surrounding industrially zoned properties are all owned by the Adler organization and the applicant stated that they will be coming back to the city for entitlements necessary to develop the properties into light industrial uses and divide the property accordingly.

General Information

Planning and Zoning History: All three properties are enclaved properties functioning as rural residential properties. The applicant has requested annexation and zoning to IL (Light Industrial). **Status of Applicant:** All three properties are owned by Adler AB Owner V LLC represented by Kent Brown. **Annexation Location:** 16261, 16285, and 16317 N Madison Road, Lots 1, 2, and 3, Block 1, Madison Acres situated in the SW ¼ of Section 10, T3N, R2W, BM. **Proposed Zoning:** IL (Light Industrial). **Total Size:** Approximately 4.2 acres or 175,111 sf. **Existing Zoning:** County M1 (Light Industrial). **Comprehensive Plan Designation:** Light Industrial. **Surrounding Land Use and Zoning:** North- Vacant land (farmland), City- IL - South- Vacant land (farmland), City- IL - East- Gogo Squeeze facility, City- IL - West- Vacant land (farmland), City- IL. **Applicable Regulations:** In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The enclaved area connects with the city limits on all sides. **Existing Uses:** Residential parcels with single family dwelling and landscaped yards.

Special Information

Public Utilities: 12” water main in Madison Blvd. - A 12” sewer main is available - approximately 850’ to the north in Birch Ave. A 10” irrigation main is available approximately 850’ to the north in Birch Ave. **Public Services:** Police and fire already service city incorporated areas near the location. **Physical Site Characteristics:** Existing rural residential parcels with single family residences and landscaped yards. **Transportation:** Access to the property is from Madison Rd.

Correspondence: No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to IL.

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The Nampa Planning & Zoning Commission voted to recommend approval of the proposed annexation subject to the Recommended Conditions of Approval outlined in this report. The action letter following the Planning & Zoning Commission meeting is attached as an exhibit.

The Nampa Highway District #1 indicated that they had no comment.

The Nampa Engineering Division noted that water sewer, and irrigation systems have capacity to serve the property and supported the application with the following conditions:

1. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to Nampa City services.
2. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City of Nampa at the time of property development/redevelopment, and prior to connection to City services.
3. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.

Staff Findings and Discussion

The location is shown on the comprehensive plan “future land use map” as being compatible with the zoning that has been requested. The Planning & Zoning Commission recommended approval of the requested annexation and zoning. The following findings are suggested:

- 1) The requested annexation properties make up an enclaved area that connects with the city limits along each boundary.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city’s comprehensive plan future land use map for light industrial land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requested annexation and zoning to IL for future connection to city services and development of the properties and surrounding properties to light industrial uses.

Recommended Conditions of Approval

Staff suggests the Nampa City Council approve the Annexation and Zoning subject to the following engineering required conditions of approval:

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1. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to Nampa City services.
2. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the city at the time of property development/redevelopment, and prior to connection to Nampa City services.
3. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.

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

MOVED by Rodriguez and **SECONDED** by Skaug 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 Levi and **SECONDED** by Rodriguez to **approve the annexation and zoning** to IL (Light Industrial) at **16261, 16285, and 16317 N. Madison Road** for 4.02 acres or 175,111 sq. ft. (Lots 1, 2, and 3, Block 1, Madison Acres situated in the SW ¼ of Section 10, T3N, R2W, BM) for Adler Industrial LLC represented by Kent Brown with staff conditions and authorize the Nampa City Attorney to draw up the appropriate ordinance. 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** to **approve sale of surplus property**, that is 2,481.60 sf, and located on the **Elijah Pathway** near **S. Happy Valley Rd.** and set minimum sale price for property.

Parks and Recreation Director Darrin Johnson presented the following staff report explaining that at the April 15, 2019, Nampa City Council meeting an irregular shaped piece of property that is 2481.6 square feet in size, as described on exhibit A & B, was declared surplus property. The property was declared surplus because it is not needed for the pedestrian pathway and the property would only be a maintenance expense to the city. With this, we are holding a public hearing regarding the sale of the property. The Parks and Recreation Department supports selling the property.

If the Nampa City Council supports selling the property, a minimum value would need to be determined and the property would be sold through auction, according to state code.

Beth Ineck, Nampa Economic Development Director, reviewed assessed property values of nearby properties. The two closest properties have assessed values of \$1.52 per square foot and \$4.68 per

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square foot. When evaluating the value, it should be recognized that the lot the city is selling has limitations and is not a buildable lot. Below is a chart that shows information regarding comparison.

Comparable Properties	Square Feet	Assessed Land Value	Price Per Square Foot
4641 E. Stone Falls Dr.	11,325.60	\$53,000.00	\$4.68
3717 S. Happy Valley Road	45,738	\$69,500.00	\$1.52

Subject Property

Minimum Value Options	Square Feet	Minimum Price	Price Per Square Foot
Priced at \$4.68 per sf	2,481.60	\$11,613.89	\$4.68
Priced at \$1.52 per sf	2,481.60	\$3,772.03	\$1.52
Averaged at \$3.10 per sf	2,481.60	\$7,692.96	\$3.10

Nampa City Engineer Daniel Badger said that the property was part of the Royal Meadows Phase 4. The pathway went a different way because of the property boundary leaving the surplus property.

Mayor and Councilmembers asked questions and made comments.

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

MOVED by Hogaboam 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 Haverfield and **SECONDED** by Hogaboam to **allow the sale of property at \$3.10 per square foot as proposed and if the property is not sold it can be put out in the market**. 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 adopt and approve the 2019 Annual Action plan** and **authorize the Mayor to sign for submittal** of the City of Nampa CDBG 2019 Annual Action Plan to HUD.

Community Development Program Manager Matthew Jamison presented the following staff report:

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Every year a determination on the allocation of funds and associated activities are made that will be accomplished during the following fiscal year. On June 10, Nampa City Council made the allocation decision including entitlement funds and the anticipated Program Income. The funding decisions are subject to CDBG regulations and are to include the following:

2019 Program Year Grant Allocation		\$	796,464.00
Administration		Adopted Budget	
CDBG Administration and Planning		\$	155,866.02
Max Available 20% Cap		\$	159,292.80
Difference		\$	3,426.78
Public Service Activities		Recommended	
Saint Alphonsus - Meals on Wheels		\$	35,000.00
CATCH of Canyon County		\$	20,000.00
The Salvation Army		\$	40,000.00
Nampa Family Justice Center		\$	16,500.00
Total Public Service		\$	111,500.00
Max Available at 14% Cap		\$	111,504.96
Difference		\$	4.96
Non Public Service Activities		Recommended	
Salvation Army Remodel Project		\$	89,946.00
Nampa Family Justice Center		\$	81,637.00
Orchard Avenue Pedestrian Improvements		\$	98,520.00
Downtown Slum and Blight Activities		\$	172,968.51
Lions Park Shelter		\$	32,064.24
Lions Park Playground		\$	70,000.00
Housing Repair Loan Program		\$	100,112.54
Brush-Up Nampa		\$	15,734.00
Sidewalk Repair Program		\$	41,084.20
Total Non-Public Service		\$	702,066.49
Total 2019 Entitlement Grant		\$	796,464.00
Prior Years Entitlement Funds Available to Allocate in PY2019		\$	172,968.51
Total Entitlement Funds Available to Allocate in PY2019		\$	969,432.51
Admin Cap (20% max) = \$159,292.80		\$	155,866.02
Total Public Service Cap (14% max) = \$111,504.96		\$	111,500.00
Total Non-Public Service		\$	702,066.49
Remainder		\$	-

At the June 10, 2019 Special Council meeting the Community Development Block Grant funding recommendations were made for the full amount of Nampa's 2019 CDBG grant allocation totaling \$796,464.00. As of July 15th, the CDBG staff have identified an additional \$172,968.51 of entitlement funds available for a combined total of \$969,432.51 in entitlement funds available to

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allocate to 2019 program year activities. The following represents the dollar amount and associated program years where the \$172,968.51 entitlement funds will come from.

<u>Program Years</u>	<u>Funding Available</u>
2014	\$ 49,401.97
2015	\$ 5,841.16
2016	\$ 6,790.25
2017	\$ 49,125.13
2018	\$ 61,810.00
<u>Total Amount to Allocate</u>	<u>\$ 172,968.51</u>

At the June 10th, meeting CDBG Staff had forecasted approximately \$100,000.00 in prior year funds that needed to be allocated and asked Council to identify activities those funds should be allocated to. Council's recommendation was to fund up to \$40,000 to Lions Park Shelter and up to \$60,000.00 to the Sidewalk Repair Program. Upon review of the prior year funding staff identified \$172,968.51 available to reallocate. CDBG staff recommends that Council amends the June 10th recommendation to reallocate \$172,968.51 of prior years' funding as detailed above to Program Year 2019 Downtown Slum and Blight Projects.

Staff is working on identifying a suitable sidewalk project in the Historic Downtown District that would address general sidewalk improvements, ADA sidewalk improvements, or some combination of both. Once a suitable project is identified and a budget is determined CDBG staff will bring the project before Council for final

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

Mayor and Councilmembers asked questions and made comments.

MOVED by Rodriguez and **SECONDED** by Haverfield 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 Skaug to **adopt and approve with the adjustments 2019 Annual Action plan. Authorize the Mayor to sign for submittal of the City of Nampa CDBG 2019 Annual Action Plan to HUD and approve** the reallocation of prior years' entitlement funds totaling \$172,968.51 to the 2019 Downtown Slum and Blight Project. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (7) Unfinished Business ❖

Item #7-1. - Request to **approve** the **reallocation** of **prior years' entitlement** funds totaling **\$172,968.51** to the **2019 Downtown Slum and Blight Project** was approved with Item #6-7. Public hearing.

Item #7-6. – The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS THE **UNADDRESSED PARCEL ON HIGH AVENUE**, APPROXIMATELY ONE HUNDRED THIRTY (130') FEET WEST OF N. JOSEPH DRIVE, COMPRISING APPROXIMATELY 0.84 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS SHOULD BE ANNEXED INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE RS 6 (SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 6,000 SQUARE FEET) ZONE; DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HERewith; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Mark and Alina Kondratyuk)

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 Rodriguez 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 **4456** and directed the Clerk to record it as required.

MOTION CARRIED

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

- 8-1. 1st reading of ordinance for modification of an Annexation and Zoning Development Agreement (Ord. 3554 – Instr. # 200629961) between BB One LLC and the City of Nampa by amending Exhibit B - Commitments and Conditions, and introducing an Exhibit C - Preliminary Plat for Laguna Farm Apartments pertaining to Parcel #R3041700000 (1652 Idaho Center Blvd.) a 24.53-acre property in a GB2 (Gateway Business 2) zoning district in Government Lot 1 and the NE ¼ of the NW ¼ of Section 7, T3N, R1W, BM - for Kent Brown representing FIG Laguna Farms LLC (DAMO 027-18) **(PH was 2-4-2019)**
- 8-2. 1st reading of ordinance for Annexation and Zoning to BC at 0 Star Rd (Parcel R3036301200) on the south side of Ustick Road, east of Star Road, for access to Nampa City utilities for a mixed-use development. (A 4.72-acre parcel situated in the NW ¼ Section 5 T3N R1W BM, Tax 99106 in Lot 4) for Matt Garner representing JABR, LLC (Justin Reynolds and Alan Bean). (ANN-00112-2019) **(PH was 4-15-2019)**
- 8-3. 1st reading of Ordinance for Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) and Conditional Use Permit for a Towing Business at 3315 Caldwell Blvd. (A .9 acre or 39,204 sq. ft parcel being Tax 4-A in Block 1, Portner Subdivision in the NW ¼ Section 7 T3N R2W BM), for Byron Healy. (ZMA-00106-2019, CUP-00138-2019) **(PH was 6-17-2019)**
- 8-4. 1st reading of Ordinances for Annexation and Zoning to RML (Limited Multiple-Family Residential) at 1111 E. Iowa Ave. (A .34 acre or 14,938 sq. ft. portion of NE ½, SE ¼ Section 34, T3N, R2W, BM) for Anthony Sparks for construction of a Fourplex. The Planning and Zoning Commission recommended RD Zoning (ANN 121-19) **(PH was 7-15-2019)**

❖ **(9) Executive Session** ❖

Item #9-1.- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (c) to acquire an interest in real property which is not owned by a public agency; (Clay Long)

Item #9-2.- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code; (Attorney Doug Waterman)

Item #9-3.- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (j) to consider labor contract matters authorized under section 67-2345A [74-206A](1)(a) and (b), Idaho Code.

MOVED by Skaug and **SECONDED** by Hogaboam to **NOT adjourn** into **executive session** pursuant to Idaho Code 74-206 (1) (c) to acquire an interest in real property which is not owned

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by a public agency; and Idaho Code 74-206 (1) (d) to consider records that are exempt from disclosure as provided in chapter 1, title 74, Idaho Code and Idaho Code 74-206 (1) (j) to consider labor contract matters authorized under section 67-2345A [74-206A](1)(a) and (b), Idaho Code. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Skaug to **adjourn** the **meeting** at 9:36 p.m. The Mayor declared the

MOTION CARRIED

Passed this 19th day of August 2019.

MAYOR

ATTEST:

NAMPA CITY CLERK