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

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

Mayor Kling amended the agenda by postponing items #7-1. Thru 7-4. Until the next regular council meeting.

❖ (1) Consent Agenda (Action Items) ❖

MOVED by Haverfield and SECONDED by Rodriguez to approve the Consent Agenda as presented with the above-mentioned amendments; Item #1-1. - Regular Council Minutes of October 21, 2019; Special Council and Planning and Zoning Minutes of October 28, 2019; Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; Airport Commission Minutes; Planning & Zoning Commission Minutes of October 8, 2019; Library Commission Minutes; Golf Commission Minutes of September 23, 2019; Item #1-2. - The 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) Subdivision Final Plat Approval for Ridgeview Estates Subdivision No. 2 in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district at 18314 and 18360 Madison Ave. (42 Single Family Residential dwellings on 9.6 acres for 3.74 dwelling units per gross acre - Located in a part of the NW ¼ SE ¼ and a part of the SW ¼ SE ¼, Section 34, T4N, R2W, BM) for Mason and Associates representing MRH Homes (SPF 106-19); 2) (Final Plat Extension) Request for a first 1-year Extension of Final Plat Approval for Brookdale Estates Subdivision No. 6 between E. Cherry Lane and E. Birch Lane and between 11th Ave. No. and Kensington Ave. in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district (28 single family residential lots on 7.95 acres, 3.52 dwelling units per acre - A parcel of land situated in Tract 3 of Silver Valley Tracts, in the north ½ of the northwest ¼ of Section 12, T3N, R2W, BM) for JUB Engineers, Inc. representing Trilogy Development (SPF 066-18). Request to extend 10/15/18 approval which expires 10/15/19 to 10/15/20; 3) (Short Plat) Subdivision Short Plat Approval for Was A Wheatfield Subdivision in an IL (Light Industrial) zoning district at 3303 and 3305 Caldwell Blvd. (2 industrial lots on 1.35 acres – A portion of Lots 1 and 2 of Portners Subdivision located in a portion of the N ½ of Section 7 T3N R2W BM), for Aspen Engineers, representing Was A Wheat Field, LLC (SPP-00024-2019) Item #1-3. - Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3
North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition) for Dena and Jason Baker for a Legal Office (ZMA 112-19) **Item #1-5. - Authorize to Proceed with Bidding Process:** 1) None; **Item #1-6. - Authorization for execution of Contracts and Agreements:** 1) Parks and Recreation requests authorization to go out for bid for Midway Park Phase 1B (Approved in FY20 Budget); 2) Parks and Recreation requests authorization to go out for bid for Phase 2 of Orah Brandt Park (Approved in FY20 Budget); 3) Council authorize Engineering Division to proceed with the formal bid process for the Indian Creek Sample Stations project (Approved in FY20 Budget) **Item #1-7. - Monthly Cash Report:** 1) None; **Item #1-8. - Resolutions:** 1) None; **Item #1-9. - License for 2019:** a) **Renewal Alcohol:** (transfers) **Gem Stop #20,** 1520 South Middleton Road; **Gem Stop #32,** 111 South Midland Boulevard; **Gem Stop #10,** 323 Caldwell Boulevard; **Gem Stop #15,** 1604 2nd Street South; **Gem Stop #8,** 1400 North Franklin Boulevard; **Gem Stop #11,** 4624 East Amity Avenue; **Jacksons Food Stores** has purchases and the Gem Stops and transferring all of the off-premise beer and wine licenses; b) **New Alcohol:** 1) None; **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. – National Hospice and Palliative Care Month**

**Whereas,** as Medicare’s first proven coordinated care model, hospice is a program that works offering person-centered, compassionate care, ensuring people dignity, choice, and quality of life; and

**Whereas,** the hospice model involves an interdisciplinary, team-oriented approach to treatment, including expert medical care, quality symptom control, and comprehensive pain management as a foundation of care; and

**Whereas,** beyond providing physical treatment, hospice attends to the patient’s emotional, spiritual and family needs, and provides family services like respite care and bereavement counseling; and

**Whereas,** in an increasingly fragmented health care system, hospice is one of the few sectors that demonstrates how healthcare can and should work at its best for its patient; and

**Whereas,** a growing body of peer-reviewed research indicates timely access to hospice and palliative care can decrease hospitalizations and emergency room visits and increase quality of life for patients and family caregivers; and
Whereas, every year more than 1.5 million Americans living with life-limiting illness, and their families, received care from the nation’s hospice programs in communities throughout the United States; and

Whereas, hospice and palliative care organizations are advocates and educators about advanced care planning that help individuals make decisions about the care they want; and

Whereas, the Centers for Medicare and Medicaid Services have pledged to put patients first in all of its programs, including hospice, ensuring a coordinated and patient-led approach to care, protecting patient choice and access to individualized services based on a patient’s unique care needs and wishes;

Now Therefore, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim November 2019 to be:

“NATIONAL HOSPICE AND PALLIATIVE CARE MONTH”

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 4th day of November in the year of our Lord two thousand nineteen.

Torrie Campbell spoke out on reaching out to Hospice for patient care and care givers support.

Item #2-2. – VFW Buddy Poppies Days

Whereas, the annual distribution of Buddy Poppies by the Veterans of Foreign Wars of the United States has been officially recognized and endorsed by governmental leaders since 1922; and

Whereas, VFW Buddy Poppies are assembled by disabled veterans and the proceeds of this worthy fund-raising campaign are used exclusively for the benefit of disabled veterans in need, and the widows and orphans of deceased veterans; and

Whereas, the basic purpose of the annual distribution of Buddy Poppies by the Veterans of Foreign Wars is eloquently reflected in the desire to “Honor the Dead by Helping the Living.”

Now Therefore, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim November 7, 8, and 9, 2019 as:

“VFW BUDY POPPIES DAY”

I urge the citizens of this community to recognize the merits of this cause and support their efforts to recognize the sacrifices of our honored dead. I also urge all patriotic citizens to wear a Buddy
Poppy as mute evidence of our gratitude to the men and women of this country who have risked their lives in defense of the freedoms we continue to enjoy as American citizens.

IN WITNESS WHEREOF, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 4th day of November in the year of our Lord two thousand nineteen.

Lou Randolph explained that Buddy Poppies Days has been going on since 1983. For the 7th, 8th and 9th of November the VFW buddy Poppies will be out in the community.

Mayor Kling asked if there was any Nampa Residents wishing to speak on any agenda item (5 persons limit) or non-agenda item (5-person limit) (3-minute limit). Testimony on quasi-judicial matters can only be given in properly noticed public hearings. Item 5-3 and 6-1 on tonight’s agenda are quasi-judicial:

- Joan Fraizer, 2016 5th Street South – Non-agenda item – follow up on the egress for basements and that the Mayor might want to put department reports twice a month in the Idaho Press Tribune
- Michael Marion, 3100 South Montego Way – Non-agenda item – follow up on the speeding problem in and around neighborhood and a shout out to the police department for following up on the situation - would like more signs in the neighborhood for speed limits

Mayor Kling’s and Council Comments

- Mayor Kling
  - Remember to Vote tomorrow
  - Discussion on handheld devices will be on the November 18, 2019 council agenda
  - The Grand Opening for the Job Corp – 100 non-residents and 50 residents
  - Rake up Nampa is Saturday
  - Robert Schaffer passed on October 19, 2019
- Councilmember Bruner
  - Thursday at the Brandt Center is the Push You movie at 7:00 p.m.
  - NNU new Student Commons dedication is Friday at 3:00 p.m.
  - Mayors CUP is a week from Tuesday at 7:00 p.m. (basketball)
- Councilmember Haverfield
  - Industrial business LISTEN TO AUDIO
- Councilmember Hogaboam
  - Thanked the vendors downtown for handing out candy for Halloween
  - There are new murals at H & M Meats and Rolling H
- Councilmember Rodriguez
  - Gave a shout out to the Downtown Nampa
Downtown Vision Statement - Downtown Nampa is a sparkling example of the mixing of office, specialty retail, and residential uses. The family-friendly, turn of the century park-like atmosphere has become an outdoor living room for the entire community. (2002)

Board Members –
- Julie Vincent, BID Board President & longtime downtown business owner, Cameo Salon
- Mark Schiebout, BID Vice President, owner 2C Family Brewing
- Connie Runia, Attorney in Downtown
- Jordan Yankovich, Chair Arts and Historic Preservation Commission
- Marie Baker, Small Business Development Center, entrepreneur and event management experience
- Jose DeLeon, Idaho Department of Labor, Nampa Resident
- Mitch Minnette, Nampa Chamber of Commerce, non-profit guru
- Adam Haynes, Property owner in downtown and owner Rolling H
- Grant Miller, Vice Chair NDC Commission and NNU representative
- Ex-Officio Mayor Kling
- City Staff Representatives: Jay Snyder, Main Street Manager, Amy Bowman, Communications Manager, Robyn Sellers, Assistant Economic Development Director and Beth Ineck, Economic Development Director

2020 Focus –
- City and NDC committed funding for staff in FY2020 budget
• Jay Snyder, Main Street Manager
  • Establishing Main Street structure separate from BID
  • Geographic Focus: Historic District, gateways into Historic District
  • Create Organizational Sustainability Plan
  • Coalesce strategic planning efforts into one comprehensive approach
    • Identify transformational strategies for implementation
    • Project development and implementation
  • Establish communications strategy

❖ (4) Staff Communications ❖

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

Recognition of Wastewater Industrial Users for Meeting Permit Standards – DuBois Chemicals; MicroSil Silicon Services; ON Semiconductor; Porvair Filtration Group; JR Simplot Company; Steelhead Metal; The Amalgamated Sugar Company; Silicon Mountain and Hart & Cooley.

Item #4-2. – Chief of Staff Clay Long presented the following staff report:

❖ (5) New Business ❖

Item #5-1. - Mayor Kling presented the request for appointment of Ron Wormser to the Nampa Arts & Historic Prevention.
MOVED by Levi and SECONDED by Hogaboam to approve the appointment of Ron Wormser to the Nampa Arts & Historic Prevention. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the
MOTION CARRIED

Item #5-2. - Mayor Kling presented the request for appointment of Jeanne Marie Lopez to the Nampa Library Board.

MOVED by Hogaboam and SECONDED by Rodriguez to approve the appointment of Jeanne Marie Lopez to the Nampa Library Board. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the
MOTION CARRIED

Item #5-3. – Mayor Kling presented the request to request reconsideration of a Conditional Use Permit (CUP) issued to V-Cut Lounge located at 217 14th Avenue South.

Mayor Kling recused herself from the following item and in the absence of the Council President City Attorney Mark Hilty presided over the matter.

City Attorney Mark Hilty presented a staff report explaining that the City of Nampa has received a request for reconsideration of the City Council’s decision on Case No. CUP 149-19, granting a CUP for the V-Cut Cigar Bar to sell liquor by the drink at 217 14th Ave S. The purpose of this Memo is to assist the Council in conducting the initial, limited action on the request.

Whether the decision will be reconsidered is within the discretion of the City Council. In other words, Council is not obligated to conduct another hearing simply because reconsideration has been requested. Rather, Council must first determine whether or not to allow the reconsideration to move forward to a new hearing. Nampa City Code permits counsel to “stand by” its initial decision on the matter and deny a request for reconsideration.

On the other hand, if the request for reconsideration suggests that it may be appropriate to “take another look” at the application, Council may instruct staff to issue formal notice of a new public hearing. A general discussion of the merits of the application, and the objections thereto, should only occur in a properly noticed public hearing and only if reconsideration is granted. This process protects the quasi-judicial and procedural requirements of Idaho law.

Tonight, Council is only deciding whether a new public hearing is warranted. Based upon Nampa City Code, that decision must be made only on the basis of the letter submitted by the party requesting reconsideration.
Regular Council
November 4, 2019

“No testimony or evidence will be submitted in connection with the request [for reconsideration], and the City Council shall grant or deny the request at its discretion solely on the basis of the written request for reconsideration.” Nampa City Code 10-2-10(B)

Because there is no formal notice of the request for reconsideration, and because quasi-judicial rules still apply to the application, Council should refrain from asking questions or deliberating on the matter. Rather, Council should by simple motion either permit reconsideration to proceed to a new hearing or deny the request for reconsideration.

To assist you, I direct your attention to Nampa City Code 10-2-10 which provides, in relevant part, as follows:

A. On any application brought before the City Council affecting the use, occupancy or development of real property... a party may request that the City Council reconsider a decision....

To make such a request for reconsideration, the following criteria must be met:

1. The requesting party must have been a party interested in the underlying action in one of the following ways: the property owner of the subject property; the applicant for the project; or, any interested person who presented written or oral testimony at the public hearing on the application in question; and

2. The request must be made in writing and presented to the City Clerk no more than fourteen (14) calendar days after the adoption of written findings of fact, conclusions of law, and/or an order of decision, or, if no such written decision is required or will be issued, within fourteen (14) days of the date on which the decision was made; and

3. The request must state the basis for the request, including a brief statement of the issues and decision that the requesting party is asking to be reconsidered; and

4. The request must either include new and relevant information challenging claims made during the Council's prior deliberation or be made pursuant to Idaho Code section 67-6535(2)(b).

With respect to subsections A(1) and (2), City staff has determined that this application for reconsideration was made by an “interested person” and was submitted timely. Further, it does not appear that the request for reconsideration was made pursuant to Idaho Code 67-6535(2)(b) as referenced in the second clause in subsection A(4). Therefore, significant consideration in your analysis should be given to whether this request for reconsideration includes new and relevant
information challenging claims made during the Council’s prior deliberation as required by the first clause in subsection A(4).

Finally, the request for reconsideration suggests that Nampa employed “improper hearing procedures” and disregarded state law concerning the proximity of the site to a nearby church. I have reviewed the hearing procedures employed and find no due process violation occurred and no such objection was made at the hearing. Idaho Code 23-913 provides that “[no] license shall be issued for any premises... within 300 feet of any... church..., measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the governing body of the municipality….“ The measurement should be made from the entrance of the V-Cut Cigar Bar to the nearest property line of the nearby church. Provided, however, that the City Council is expressly authorized to approve the sale of liquor by the drink at a particular site, presumably through issuance of the license and approval of the CUP, without regard to the statutory distance limit.

MOVED by Rodriguez and SECONDED by Levi to reconsider of the Conditional Use Permit (CUP) issued to the V-Cut Lounge located at 217 14th Avenue South to get the process in correct fashion.

Councilmember Levi asked if there was a violation in the due process.

Mark Hilty explained the hearing procedures didn’t go the way that we would have liked, and we are learning from that. I analyzed from a legal perspective – were those procedures sufficient to meet the due process requirements under the code based on the way hearing was noticed and conducted, my opinion is that we did meet the due process requirement.

Mark Hilty asked for a roll call vote with Councilmembers Rodriguez voting YES, Councilmembers Bruner, Hogaboam, Haverfield, Levi voting NO. Councilmember Skaug was ABSENT. Mark Hilty declared the MOTION DENIED

MOVED by Haverfield and SECONDED by Hogaboam to deny the request for reconsideration of the Council decision for the CUP for the V-Cut Lounge. Mark Hilty asked for a roll call vote with Councilmembers Bruner, Levi, Hogaboam, Haverfield voting YES. Councilmember Rodriguez voting NO. Councilmember Skaug ABSENT. Mark Hilty declared the MOTION CARRIED

Item #5-4. - Mayor Kling presented the request to authorize the adoption of the City of Nampa fiscal year 2019 Bike and Pedestrian Master Plan.
Deputy Public Works Director Jeff Barnes presented a staff report explaining that the Public Works Department staff presented the City of Nampa Fiscal Year 2019 Bike and Pedestrian Master Plan (BPMP) for final review at the Special Nampa City Council meeting on October 7, 2019. All comments have been addressed in the final document (see Exhibit A).

A high-quality, non-motorized transportation network is the hallmark of desirable communities that are pleasant to live, work and play. The first City of Nampa Fiscal Year 2011 Bike and Pedestrian Plan, adopted by Nampa City Council in 2012, has been a giant step forward in Nampa realizing its walking and biking potential. Spearheaded by the Nampa Bike and Pedestrian Committee, the 2011 BPMP has been a catalyst to launch the following improvements:

- Establishment of a Bike and Pedestrian Advisory Committee
- Helped secure $15 million in multimodal grant funding
- Installation of more than five (5) miles of public pathway
- Student safety improvements at nine (9) Nampa schools
- Seven (7) HAWK pedestrian beacon crossings
- 10 rapid flashing beacon crossings
- Nampa Lloyd Square downtown pathway improvements
- Frontage and pathway improvements to Nampa High School
- Five (5) miles of bike lanes
- Five (5) miles of shared use bike lanes
- Two (2) miles of sidewalk, and hundreds of pedestrian ramps
- Lighting, signage and striping improvements throughout Nampa

The Fiscal Year 2011 BPMP was developed out of a citywide desire to create more trails, pathways, sidewalks, and on-street bicycle infrastructure. This original plan provided a framework to prioritize projects and compete for state and federal funding. Since the inception of the BPMP, over $15 million dollars in bicycle and pedestrian infrastructure has been constructed in Nampa. The updated Fiscal Year 2019 BPMP will build upon this incredible progress by establishing new projects and strategies.

The development of the 2019 BPMP was a collaboration between Nampa staff, Nampa Bicycle and Pedestrian Committee, Bicycle and Pedestrian Master Plan Steering Committee, Nampa citizens, and Nampa City Consultant Alta Planning + Design. The Steering Committee included representatives from a variety of public agencies, educational institutions, irrigation districts, and local advocacy groups. The Steering Committee also served as community liaisons to help promote the online survey, public input web maps, and an open house event.

Public input was gathered through a variety of methods including an online survey, interactive web map, and public open houses. Details and results of the community input can be found in Chapter 2 of the Fiscal Year 2019 BPMP.
Nampa City staff, Nampa Bicycle and Pedestrian Committee, and Nampa City consultant Alta Planning + Design, recommend adoption of the City of Nampa Fiscal Year 2019 Bike and Pedestrian Master Plan.

MOVED by Haverfield and SECONDED by Rodriguez to authorize the Adoption of City of Nampa Fiscal Year 2019 Bike and Pedestrian Master Plan. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the MOTION CARRIED.

Item #5-5. - Mayor Kling presented the request to authorize the adoption of the City of Nampa fiscal year 2019 Transportation Master Plan.

Jeff Barnes presented a staff report explaining that the Public Works Department staff presented the City of Nampa Fiscal Year 2019 Transportation Master Plan (TMP) for final review at the Special Nampa City Council meeting on October 7, 2019. All comments have been addressed in the final document (see Exhibit A).

The TMP provides a long-range blueprint for a citywide transportation network that is in alignment with the City of Nampa’s land use plan, is consistent with other planning efforts within the city, and is compatible with planned regional transportation improvements. The “horizon year” for the TMP is 2040.

The vision for the 2019 TMP is to provide an integrated transportation system that supports all users, provides mobility and accessibility for all modes of transportation, and prioritizes safety for everyone.

The TMP was developed with input from many residents and stakeholders. A Transportation Master Plan Advisory Group, made up of public stakeholders from both nonprofit and the private sector, helped to develop strategies and policies. Three public workshops helped to craft goals and objectives, identify current system deficiencies, and develop priorities for implementation.

The City of Nampa's last TMP was adopted in April of 2012. Since that time, much has changed across the Treasure Valley in general, and specifically within the city. This change – increases in residential development and population, employment, industry, health care, and retail – has resulted in major growth and changing travel patterns within the city. Current trends indicate that this growth will continue over the coming years.

Infrastructure planning should reflect these projections to ensure that systems are in place to support the changes that growth will bring, and to continue to provide a safe, functioning, connected transportation network that allows people to get to the places they live, work, shop, and enjoy recreation.
The TMP provides a blueprint to meet funding needs over the next 10 to 15 years. The increased Development Impact Fees, approved in March 2019 by Council, is the first phase component of the Transportation Funding Plan.

Public Works Department staff, and Nampa City consultant Parametrix, recommend adoption of the Fiscal Year 2019 City of Nampa Transportation Master Plan.

MOVED by Haverfield and SECONDED by Bruner to authorize the Adoption of City of Nampa Fiscal Year 2019 Transportation Master Plan. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

(6) Public Hearings

Item #6-1. - Mayor Kling explained that the public hearing that was Continued from October 7, City Council Meeting Annexation and Zoning to BC (Community Business) for 1.851 acres or 80,630 sq. ft., and to RS6 (Single Family Residential – 6,000 sq. ft.) for .482 acres or 20,996 sq. ft. at 2123 N. Middleton Rd. located in a portion of the NE ¼ NE ¼ of Section 18, T3N, R2W, BM for Alfredo Escobedo. The Planning and Zoning Commission recommended approval (ANN 130-19) needs to be continued to the December 16, 2019 council meeting.

MOVED by Haverfield and SECONDED by Rodriguez to continue the above public hearing until the December 16, 2019 council meeting. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

Item #6-2. - Mayor Kling opened a public hearing for Midland Boulevard restriping from Greenhurst Road to Caldwell Boulevard.

Nampa City Engineer Daniel Badger presented the following staff report explaining that the city identified Midland Boulevard from W. Greenhurst Road to Caldwell Blvd., for re-stripping to increase safety and efficiency along Midland Boulevard. The roadway segment spans approximately 3.5 miles. (Exhibit A)

The project is intended to increase safety and capacity by modifying striping along Midland Boulevard to include dual northbound and southbound lanes with a two-way left turn lane.

The new transportation masterplan identifies this stretch of the corridor be reviewed for safety and lane configuration with widening as needed to achieve two travel lanes in each direction.

Page 12
The draft comprehensive master plan identifies a future corridor study that will try to coordinate city and neighborhood goals and visions for this area. It will look to address land use, safety, access for private and public landowners and connectivity issues due to limited pavement width.

A conceptual pavement marking layout for the Midland Boulevard corridor has been completed as part of a previous project. However, further development requires additional design and public involvement to coordinate access and parking with adjacent property owners. (Exhibit B)

Public Works Director Tom Points and Deputy Public Works Director Jeff Barnes answered questions of Council.

<table>
<thead>
<tr>
<th>Arterial Roadway Configuration</th>
<th># of Lanes per Direction</th>
<th>LOS D Thresholds (ADT)</th>
</tr>
</thead>
<tbody>
<tr>
<td>No left-turn lane</td>
<td>1</td>
<td>5,500</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>11,000</td>
</tr>
<tr>
<td>Continuous Center Turn Lane</td>
<td>1</td>
<td>7,500</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>16,000</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>24,400</td>
</tr>
<tr>
<td>Median Controlled</td>
<td>1</td>
<td>7,900</td>
</tr>
<tr>
<td></td>
<td>2</td>
<td>16,800</td>
</tr>
<tr>
<td></td>
<td>3</td>
<td>25,600</td>
</tr>
</tbody>
</table>

Based on the 2012 masterplan volume thresholds, Midland Boulevard should have two lanes per direction from Iowa Avenue to Caldwell Boulevard.

An open house was held at the West Middle School on April 4, 2019 from 4pm to 6pm to discuss with the public options for corridor restriping.

The open house was well attended and there were significant concerns regarding the project including access to and from Midland Boulevard, mail delivery, and trash services.

Nampa City staff requested additional analysis and evaluation of mitigation options to address some of the concerns identified through the initial public involvement process. (Exhibit C)

The following recommendations were determined from the additional evaluation:
Install double door mailboxes to provide residents access to the mailbox without leaning into or stepping out into a vehicle travel lane.

- Widening sidewalks to provide a walk around area adjacent to mailboxes and trash containers.

- Hammerhead turn arounds would only work on a handful of properties due to the proximity of the garage, property lines, and back of sidewalk thus was not recommended for implementation.

This public hearing will allow the public to express their concerns regarding the project. No decision is requested to be made this evening; this is an opportunity to listen to the concerns of the citizens as well as recommendations from staff.
Those appearing with questions or concerns were: Steve and Beth Tarter, 945 Scotts Avenue; John Wydiell, 905 West Iowa Avenue; LaRita Schandorff, 1108 South Stanford; Bonnie Triano, 39 North Midland.

MOVED by Hogaboam 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

Item #6-3. - Mayor Kling opened a public hearing for amendment of Title 10, Chapter 1, Section 19 pertaining to Professional, Public Self-Storage Facility Design and Regulations: locations allowed, structure appearance, project design and layout, lighting and security, and signage; and Amendment of Title 10, Chapter 3, Section 2 pertaining to Land Use Controls for Storage Space Rental and Storage – Conditioned Multi-Level Building for the City of Nampa. The Planning and Zoning Commission recommended approval (ZTA 010-19).
Principal Planner Rodney Ashby presented the following staff report explaining that the request is for 1) Amendment of Title 10, Chapter 1, Section 19 pertaining to Professional, Public Self-Storage Facility Design and Regulations: locations allowed, structure appearance, project design and layout, lighting and security, and signage and Amendment of Title 10, Chapter 3, Section 2 pertaining to Land Use Controls for Storage Space Rental and Storage Conditioned Multi-Level Building.

Nampa Planning and Zoning Commission

The Nampa Planning & Zoning Commission, during their regularly scheduled public hearing of 9/16/2019, voted to recommend approval of the above referenced request, with the following conditions/changes:

1. Removal of the following sections of the proposed NCC 10-1-19 ordinance:
   a. Introduction stating: “Additionally, a Conditional Use Permit shall be required from the Nampa City Council after a recommendation from the Planning and Zoning Commission and all such development shall require design review pursuant to Title 10, Chapter 34, Nampa City Code.”
   The Nampa Planning & Zoning Commission was concerned about the due process given to applicants or those with interest in a proposal. They felt that it is an undue burden to require applicants go through two public hearings, which is unique from other projects needing conditional use permits. They also were concerned about eliminating the ability to appeal the decision outside of the judicial process. They expressed that a zoning ordinance change by Nampa City Council would allow them to ensure that specific requirements, they wish to emplace on a type of project, are met.

   b. A.1. “Exception for primary roadway corridors: Projects along the following roadways shall place storage unit buildings a minimum of one-hundred-fifty feet (150’) from the primary roadway corridor right-of-way and may extend beyond three hundred (300) feet from the right-of-way, when the project has direct access to the roadway; and Caldwell Blvd, Garrity Blvd, Idaho Center Blvd, Cherry Ln, Franklin Blvd, Ustick Rd, State Highway 20/26 (Chinden Blvd), Midland Blvd, State Highway 55 (Karcher Rd), Midland Blvd, Middleton Rd, Roosevelt Ave, State Highway 45 (12th Ave Rd), Southside Blvd, Northside Blvd, Amity Ave, and Lake Lowell Ave.”
   The Nampa Planning & Zoning Commission was concerned that this list of roadways was arbitrary. They felt that a setback from major roadways, that allows for alternative uses to be placed fronting the roadway should be handled on a case by case basis through the Conditional Use Permit process. They recommended the following wording to replace this section: “Up to a one-hundred-fifty-foot (150’) setback from a roadway may be required by the Planning & Zoning Commission as a condition of approval for a Conditional Use Permit.”
Regular Council  
November 4, 2019

c. A.2. “New public storage facilities shall be located a minimum distance of two thousand five hundred feet (2,500’) from an existing or permitted storage facility’s property lines; expansion of storage facilities shall be limited to the property boundaries existing at date of securing planning & zoning entitlement; storage facilities having obtained a building permit for construction of a storage facility as of October 7, 2019, shall be permitted to expand within the boundaries of the property/properties as those property boundaries existed on October 7, 2019;”  
The Nampa Planning & Zoning Commission felt that this regulation would ultimately have the effect of preventing future storage units from being constructed. They felt it was an overreach of government and should be left to the market to decide how many storage units get developed and where they should go.

d. B.4. “All buildings made a part of a facility shall feature a residential roof structure with a minimum two to twelve (2:12) pitch.”  
The Nampa Planning & Zoning Commission agreed with Engineering Division’s suggestion that we allow flat and single pitched storage structure roofs because we have new provisions to separate storage units from residential uses and there isn’t as much need to give a similar residential roof pitch appearance.

2. Additional changes are also recommended for NCC 10-3 Service and Office Land Use table, footnote four (4), including removing the statement, “from the Nampa City Council after a recommendation is made by the Planning & Zoning Commission…”  

This change is necessary to comply with the Commission’s requested change following “1” above, and regarding the desire to protect due process rights of applicants and appellants.

Correspondence

Nampa Engineering Division –
1) Questioned the purpose behind limiting a service drive to 300’ in NCC10-1-19A.1.
2) Requested we clarify that the minimum distance from the freeway is measured from the right-of-way.
3) Requested clarification about how a one-hundred-foot (100’) building setback from residential relates to the twenty-five-foot (25’) landscape buffer required next to residential.
4) Point out that NCC10-1-19B.4 and NCC10-1-19B.7 make a crowned, or pitched, roof style a requirement. Questioned whether a flatter single pitch roof style should be allowed.
5) Questioned whether a 16’ height maximum identified for RV/Boat/ATV etc. storage will adequately provide sufficient depth when the roof pitch is restricted to 3:12.

Idaho Transportation Department: No objection
Applicable Regulations

Section 10-2-3 D Conclusions of Law Pertinent to Proposed Zoning Ordinance Text Amendments: Before the commission recommends a text (content) amendment to the zoning ordinance, and, before the Nampa City Council approves any proposed zoning code amendment(s), the Commission and the Nampa City Council must individually find and conclude: 1. That the proposed amendment(s) is, are or would be reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.

History and Basis for Code Amendment
Nampa City Council adopted a moratorium on storage units on June 3, 2019. The moratorium stated several reasons for placing a hold on storage unit applications. First, the City of Nampa needed additional time to evaluate how to better regulate storage unit proposals after a dramatic increase in applications for entitlements. The City of Nampa wished to manage visual conflict with surrounding land uses, such as residential. In addition, the City of Nampa wished to maintain continuity within zoning districts, a pleasant appearance on major roadways, and regulate an overabundance of storage units leading to impacts on surrounding properties’ marketability and value. Finally, the City of Nampa wished to evaluate the preservation of industrially zoned properties for more intense land uses that bring greater numbers of jobs, require more utility services, and improve economic vitality of the community.

At the June 3, 2019 Nampa City Council meeting, staff presented a market study done by Yardi Systems Inc. at the beginning of 2019, showing that the national average square footage of self-storage per capita is 5.4 square feet, while Nampa’s current self-storage square footage is 15.7 per capita (based on population of 102,000). Recently, another interested storage unit developer, Watchman Properties, hired StorTrack to conduct a market analysis of the Nampa market. This market analysis was completed September 25, 2019 and identified a very low average rental rate per square foot and an oversupply of storage in the Nampa market. After reviewing the market study, the developer wrote, “I’ve never been more spooked by a market as I have with this one.” Both the developer’s e-mail and StorTrack analysis are attached to this report.

On August 26, 2019 the Planning & Zoning Commission attended a joint workshop with Mayor Kling, Nampa City Council, and the Design Review Committee. At that workshop, staff presented draft changes to the Nampa Zoning code to address the stated concerns in the moratorium. At that joint meeting, the Commission and Council reviewed the proposed draft changes to the ordinance and agreed to have those changes brought before the Planning & Zoning Commission and then Nampa City Council for review and consideration for adoption.

The proposed Nampa 2040 Comprehensive Plan includes new proposed language to address concerns about storage units. The Plan highlights Council’s direction to staff to revise the Nampa City Zoning Code to better manage storage unit development. Then states: “These regulations
should include codes that require lengthy set-backs, generous landscape buffering from the street and residential properties, development of multi-story units with retail at street level and significant design review, limits to proximity of other storage units, and an approval process that is based on a specific set of design criteria.”

Summary of Ordinance Content
The proposed ordinance, changing the zoning code for storage units, is attached as an exhibit. The following is a summary of the most critical changes being proposed.

1. Currently, Storage Facilities are permitted uses in the BC (Community Business), BF (Freeway Business), IP (Industrial Park), IL (Light Industrial), and IH (Heavy Industrial Zones). The proposed changes eliminate the possibility of developing new storage unit facilities in the IH (Heavy Industrial) zoning district and require developers to obtain a CUP (Conditional Use Permit) for all other zones that previously permitted storage unit facilities. This CUP is unique in that it must first be recommended by the Planning & Zoning Commission, then approved by the Nampa City Council. Typically, a CUP does not go to Nampa City Council for approval unless a decision by the P&Z Commission is appealed to Nampa City Council.
   a. Any Self Storage Unit shall be required to meet the architectural, landscaping, location, setback, lighting, and safety standards identified in 10-1-19 of the Nampa City Code.

2. An additional land use category: Storage – Conditioned Multi-Level Building, is proposed on the “Schedule of District/Zone Land Use Controls” in 10-3-2 of the Nampa City Code. This use is proposed to require a CUP in the following districts: DB (Downtown Business), DV (Downtown Village), BC (Community Business), GB1&2 (Gateway Business). This land use will also require design review and shall ensure a minimum of 50% of the ground floor square footage to be used for retail, office, or restaurant. (please see the following article for reference: https://www.thejaxsonmag.com/article/packed-murray-hill-house-debates-self-storage-proposal/)

3. Nampa City Code 10-1-19 proposed changes include the following:
   a. Projects along the following roadways shall place storage unit buildings a minimum of one-hundred-fifty feet (150’) from the primary roadway corridor right-of-way: Caldwell Blvd, Garrity Blvd, Idaho Center Blvd, Cherry Ln, Franklin Blvd, Usticket Rd, State Highway 20/26 (Chinden Blvd), Midland Blvd, State Highway 55 (Karcher Rd), Midland Blvd, Middleton Rd, Roosevelt Ave, State Highway 45 (12th Ave Rd), Southside Blvd, Northside Blvd, Amity Ave, and Lake Lowell Ave. Exception for Interstate/Freeway: Public storage facility buildings shall be placed a minimum of two-hundred-fifty feet (250’) from the interstate freeway.
   b. New public storage facilities shall be located a minimum distance of two thousand five hundred feet (2,500’) from an existing or permitted storage facility’s property lines; expansion of storage facilities shall be limited to the property boundaries existing at date of securing planning & zoning entitlement; storage facilities having
obtained a building permit for construction of a storage facility as of DATE of ADOPTION, shall be permitted to expand within the boundaries of the property/properties as those property boundaries existed on DATE of ADOPTION.

c. Public storage facility buildings shall be located a minimum distance of one hundred feet (100’) from any RS (Single Family Residential) or RD (Residential Duplex) zoning district, from any low or medium density designation on the Comprehensive Plan Future Land Use Map not annexed into the city, and one hundred feet (100’) from any existing residential building.

d. Public storage facility properties that are contiguous to RS (Residential Single Family) or RD (Residential Duplex) zoning districts, or that are located in a BN (Neighborhood Business) or RP (Residential Professional) zoning district shall limit the height of storage buildings to ten feet (10’) at the edge of eaves.

e. Landscape buffer: The fifteen-foot (15’) landscape buffer as described in 10-33-4 A.1 shall be expanded to twenty-five feet (25’) and apply to any portion of the project property/properties that are contiguous to street, pathway, or sidewalk right-of-way, and along any property line shared by a residentially zoned property or a property designated as low or medium density residential in the Comprehensive Plan Future Land Use Map.

Response to Correspondence:
The Nampa Engineering Division had several concerns they expressed in the attached memo. First, they questioned the purpose behind limiting a service drive to 300’ in NCC10-1-19A.1. Staff has not recommended any changes to the 300’ maximum driveway requirement. It is unclear what the intent was when this was adopted by Nampa City Council, however, it may have been related to the need to protect residential land uses from frequent vehicle trips through residential roadways to access storage facilities. Since the proposed changes to the code limit the locations of storage units near residential, it may be appropriate to eliminate this condition.

Second, they requested we clarify that the minimum distance from the freeway is measured from the right-of-way. Staff agrees with this recommendation and have made this change to the proposed ordinance.

Third, they requested clarification about how a one-hundred-foot (100’) building setback from residential relates to the twenty-five-foot (25’) landscape buffer required next to residential. This one-hundred-foot setback is for storage buildings on the property where the proposed development is near residential. There is no requirement for landscaping anything beyond the required twenty-five-feet (25’). A developer may choose to place other land uses in that 100’ setback. The office for the storage facility or even drive-aisles could be placed within that setback if all other setback requirements are met.
Regular Council  
November 4, 2019

Fourth, they pointed out that NCC10-1-19B.4 and NCC10-1-19B.7 make a crowned, or pitched, roof style a requirement and questioned whether a flat or a single pitch roof style should be allowed. The 2:12 pitch was a hold over requirement from when this section of the code was intended for the RP and BN zones next to residential. The pitch was required to match the residential feel. Since we are restricting the location of storage units to prevent them near residential, this may not make sense to have in the code anymore. If desired, we could remove this requirement from the proposed ordinance.

Fifth, they questioned whether a sixteen-foot (16’) height maximum identified for RV/Boat/ATV etc. storage will adequately provide sufficient depth when the roof pitch is restricted to 3:12. The 3:12 reference is incorrect. On April 1, 2019 the Nampa City Council adopted changes to allow for a 2:12 pitched roof. We may want to allow a more modern flat roof style but would recommend other conditions such as a minimum 18” facia, and minimum 6” columns for RV/boat style parking structures in order to preserve a quality appearance.

**Nampa City Council Decision:**
The Nampa City Council may:
1. Approve the ordinance as presented by staff and included as an attachment to this report. A summary of changes includes the following:
   - Require a Conditional Use Permit for all storage units
   - No longer allowed in IH (Heavy Industrial) district
   - New land use category: “Conditioned Multi-Level Building”
   - All new storage units shall comply with NCC 10-1-19 (architectural, lighting, setback, etc. requirements):
     - Design Review required for all storage units
     - 150’ setback from “primary roadway corridors” right-of-way
     - 2,500’ buffer from ANY storage facilities
     - 100’ buffer from residential districts and Low/Med Density Residential on Future Land Use Map
     - 25’ landscape buffer next to roadway, pathway, or residential
     - Conditional Use Permit recommended by P&Z Commission and approved by the Nampa City Council

2. Approve the ordinance as presented by staff, but with the changes recommended by the Planning & Zoning Commission. A summary of changes to the attached ordinance include the following:
   - Remove the requirement for a Conditional Use Permit public hearing before Nampa City Council
   - Remove the requirement for storage units to be placed a minimum of 150’ from the list of “primary roadway corridors” and state that the P&Z Commission may require a setback of up to 150’ from the right-of-way, as part of the Conditional Use Permit.
   - Remove the two thousand five hundred feet (2,500’) buffer from any other storage units
Regular Council
November 4, 2019

- Remove the requirement for a 2:12 pitched roof for self-storage and RV/Boat storage structures, allowing a single pitched or flat roof as long as building codes are followed.
- Raise the maximum height for RV/Boat storage structures from sixteen feet (16’) to the industry standard of nineteen feet (19’) and require a minimum eighteen-inch (18”) fascia and minimum of six-inch (6”) columns.

3. Approve the ordinance with any changes that the Nampa City Council finds are reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.

**Staff Recommended Findings**

The following findings are recommended by staff:

1) Section 10-2-3 D. of Nampa City Code provides the standards for amending the city’s zoning ordinance.
2) The proposed Ordinance Amendments are appropriate because they are “reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.” Nampa City Code § 10-2-3-D.
3) The proposed Ordinance Amendments are in harmony with the city’s comprehensive plan—Nampa 2035, as well as the proposed Nampa 2040 Comprehensive Plan.
4) The proposed Nampa City Code Text Amendments would also help achieve Nampa 2035 Comprehensive Plan’s Land Use Goal 7: Update the City of Nampa’s Land Use Ordinances, and Objective 13 and the associated 2 Strategies regarding amending the Zoning and Subdivision Ordinances.

Mayor Kling and Councilmembers asked questions and made comments.

Those appearing in favor of the request were: Butch Henry, 2219 Caldwell Boulevard; Jeff Milich, 815 Meadowbrook Lane; Jerry Henry, 2219 Caldwell Boulevard.

No one appeared in opposition to the request.

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

**MOTION CARRIED**

Mayor Kling and Councilmembers made comments and asked questions of staff.
Regular Council  
November 4, 2019

MOVED by Haverfield and SECONDED by Hogaboam to allow the amendments to be made with the changes that were recommended by the Planning and Zoning Commission.

Mayor Kling asked questions and made comments.

Councilmembers asked questions and made comments.

Nampa City Attorney Mark Hilty presented the Council with different options that could take place.

Councilmember Haverfield and Councilmember Hogaboam rescinded their first and second motions.

MOVED by Hogaboam and SECONDED by Haverfield to adopt everything that Planning and Zoning recommended except for 1. Removal of the following sections of the proposed NCC 10-1-19 ordinance: a. introduction stating: "Additionally, a Conditional Use Permit shall be required from the Nampa City Council after a recommendation from the Planning and Zoning Commission and all such development shall require design review pursuant to Title 10, Chapter 34, Nampa City Code." And 2. Additional changes are also recommended for NCC 10-3 Service and office Land Use table, footnote four (4), including removing the statement, "from the city council after a recommendation is made by the Planning & Zoning Commission...", the 150 foot, the 2500 foot, the roof pitch those items would be removed from the code change and that it only comes to Nampa City Council for approval. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Haverfield, Hogaboam voting YES. Councilmember Levi voting NO. Councilmember Skaug was ABSENT. The Mayor declared the MOTION CARRIED

Item #6-4. - Mayor Kling opened a public hearing for amendment of Title 10, Chapter 33 Corridor Beautification changing the title heading to include Landscaping; Amending Section 10-33-01 pertaining to the Description and Purpose of the Corridor Beautification and Landscaping Provisions; Amending Section 10-33-02 pertaining to General Landscaping Requirements; Amending Section 10-33-03 pertaining to the Definition of Corridors; and Amending Section 10-33-04 pertaining to Corridor Landscaping Requirements for the City of Nampa. The Planning and Zoning Commission recommended approval (ZTA 011-19)

Rodney Ashby presented the following staff report explaining that the request is for Amendment of Title 10, Chapter 33 Corridor Beautification changing the title heading to include Landscaping; Amending Section 10-33-01 pertaining to the Description and Purpose of the Corridor Beautification and Landscaping Provisions; Amending Section 10-33-02 pertaining to General Landscaping Requirements; Amending Section 10-33-03 pertaining to the Definition of Corridors;
and Amending Section 10-33-04 pertaining to Corridor Landscaping Requirements. (ZTA 011-19)

**Correspondence**

**Nampa Planning & Zoning Commission –**
1) Recommended approval of the proposed Zoning Code amendment with the following exception:
   a. Change the ordinance to authorize the Planning Director to make adjustments to the placement of required trees and deep root shrubs when utility infrastructure conflicts with placement of landscaping.

The Commission also recommended we research ways to use less irrigation water in the landscaping we require (xeriscaping) and present these findings and recommendations back to the Planning & Zoning Commission for consideration.

**Nampa Engineering Division –**
6) Recommended adding a Section that speaks to tree and deep-rooted shrub planting adjacent to utilities.
7) Recommended adding language to allow for drought tolerant and xeriscape landscape design and encouraging/requiring drip style irrigation.

**Applicable Regulations**

**Section 10-2-3 D Conclusions of Law Pertinent to Proposed Zoning Ordinance Text Amendments:** Before the commission recommends a text (content) amendment to the zoning ordinance, and, before the Nampa City Council approves any proposed zoning code amendment(s), the Commission and the Nampa City Council must individually find and conclude: 1. That the proposed amendment(s) is, are or would be reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.

**Staff Analysis**

As part of the City of Nampa’s efforts to update Planning & Zoning Code, we have worked closely with our Nampa City Attorney to improve clarity so that less subjective interpretation is necessary and so that city boards, residents, and developers can better understand what is expected. Some changes were also necessary to eliminate repetition, to create more concise direction, to meet the current needs of the community, and to better match established city processes. We have worked closely with the Nampa City Forester and Parks Division to update this chapter of our code.

On August 26, 2019 the Planning & Zoning Commission attended a joint workshop with Mayor Kling, Nampa City Council, and the Design Review Committee. At that workshop, staff presented
draft changes to the Nampa Zoning code NCC Title 10 Chapter 33 Corridor Beautification. At that joint meeting, the Commission and Council reviewed the proposed draft changes to the ordinance and agreed to have those changes brought before the Planning & Zoning Commission and then Nampa City Council for review and consideration for adoption.

The proposed ordinance, changing NCC 10-33 is attached as an exhibit. The following is a summary of the most critical changes being proposed.

1) A new residence or subdivision in the RA, RS and RD zoning districts shall plant two (2) trees per dwelling unit; one (1) ‘Class II’ tree in the Right-of-Way, and one (1) ‘any class’ tree on each lot. If the right-of-way planting area is less than 100 square feet, the tree that is required in the right-of-way may, in lieu, be planted in the front yard of the property. This requirement was a change from a minimum requirement of two trees in the front yard -one in the right-of-way and one in the yard. In some cases, due to the shape and size of a yard, it was very difficult to plant two trees.

2) New Multi-Family residences and subdivisions in the RML, RMH and RP zoning districts shall plant street trees in the right-of-way per Section 10:33-4.A.2: Corridor Landscaping. In addition, a minimum of one (1) ‘any class’ tree for every 2,500 square feet of landscape area shall be planted, with exception to parking lots which require Class II trees.

3) No trees shall be allowed in the airport runway protection zone (RPZ), building restriction line (BRL), or within five hundred feet (500’) of the North Kings Road/Airport Road or Victory Road/Happy Valley Road intersection centers. Trees near the airport attract birds and create a safety concern for pilots.

4) All trees shall be selected from the Treasure Valley Tree Selection Guide (TVTSG), incorporated herein by reference, with the exception of the Acer Rubrum and the Acer Freemanii species. This is a regionally produced tree list for our area.

5) Trees specified for planting in the Right-of-Way shall be deciduous and selected from the TVTSG Class I and Class II Tree List. The city forester and city planning director shall have discretion to require a substitution for any tree species specified. Tree species that are not specified in the TVTSG list and trees placed in common areas shall require review and approval from the city forester or planning director.

6) The City of Nampa may request or require a deferral agreement requiring specific landscaping in the event of such redesign or redevelopment. For landscaping that cannot be installed due to weather between November 1 and May 1 of the following year, a deferral agreement shall be required.

City of Nampa Engineering Comments
The Nampa Engineering Division recommended adding a section to the ordinance that speaks to tree and deep-rooted shrub planting adjacent to utilities. Their concern primarily was the placement requirement for trees and bushes within required landscape buffers along right-of-way. When the code requires a placement of a tree within a certain location that is also designed as a location of a seepage bed or drainage basin, there is a significant conflict. They requested that the Planning
Regular Council
November 4, 2019

Director be given the flexibility to allow that tree/those trees, to be placed elsewhere in the buffer. Staff agrees that this is a reasonable and needed approach and recommends that change be made to the ordinance.

Engineering also recommended adding language to allow for drought tolerant and xeriscape landscape design and encouraging/requiring drip style irrigation. Staff discussed this recommendation with the Parks Superintendent and concluded the following – xeriscape is a widely used term that is interpreted in many ways and may lead to conditions not favorable to the aesthetics of our community. Plant-life provides an aesthetic appeal, reduces heat, and provides environmental benefits. If it is the City of Nampa’s will to preserve irrigation water by regulating landscaping, a thorough definition of what is intended needs to be developed. It may be appropriate to encourage native plants or plants that require no more water than native plants. If it is the City of Nampa’s will to require these types of plants, the ordinance will need to reflect what plants are permitted. Enforcement of such an ordinance will require greater staff time and may need to be required/allowed for new development. Staff finds this a reasonable request and plans to research this approach and come back to the Commission with proposed changes.

Staff Recommended Findings

The following findings are recommended by staff:

5) Section 10-2-3 D. of Nampa City Code provides the standards for amending the city’s zoning ordinance.
6) The proposed Ordinance Amendments are appropriate because they are “reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.” Nampa City Code § 10-2-3-D.
7) The proposed Ordinance Amendments are in harmony with the city’s comprehensive plan—Nampa 2035.
8) The proposed Nampa City Code Text Amendments would also help achieve Nampa 2035 Comprehensive Plan’s Land Use Goal 7: Update the City of Nampa’s Land Use Ordinances, and Objective 13 and the associated 2 Strategies regarding amending the Zoning and Subdivision Ordinances.

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

Those appearing with question or comments were: Jay Gibbons, 6615 Henry Place.

Mayor Kling and Councilmembers asked questions and made comments.

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 Haverfield and SECONDED by Bruner to approve the request with staff conditions. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

❖ (5) New Business ❖

Item #5-6. – The following Ordinance was read by title and item #5-7. 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 ACCORDINGLY. (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 Levi 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 4470 and directed the Clerk to record it as required.

MOTION CARRIED

Item #5-8. - Mayor Kling presented the request to approve the First Interstate Bank public utility easement encroachment. (approved by legal)

Tom Points presented a staff report explaining that the First Interstate Bank has requested for the allowance of an ADA compliant entrance that encroaches into an existing public right-of-way on 8th Street South, located adjacent to their property at 804 12th Avenue South.

The ramp location is shown on the attached map.

Engineering Division staff and Legal have reviewed the requested encroachment agreement and recommend approval.
MOVED by Bruner and SECONDED by Haverfield to approve the public right-of-way encroachment requested by First Interstate Bank for their ADA compliant entrance to be located on and adjacent to their property at 804 12th Avenue South and authorize the Mayor to sign the attached Encroachment Agreement (Exhibit C) under the following conditions: Tenant Improvement plans are submitted and approved by the building department and all other appropriate city departments prior to construction - A licensed public works contractor performs the installation and all future work/maintenance - All of the current and future permits needed for installation and maintenance be obtained through the City of Nampa prior to start of work. 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 authorize the Mayor to sign the fiscal year signal equipment procurement Zone B1 addendum to Cooperative Agreement and Change order. (approved in the FY19 Budget)

Tom Points presented a staff report explaining that the Streets Division will upgrade existing signal cabinets and adjust signal timing for the Garrity corridor at seven (7) intersections in the city, three (3) of which are shared with ITD, two (2) are exclusively the Idaho Transportation Department (ITD) (Exhibit A):

1. Flamingo Avenue & Happy Valley Road (City)
2. Stamm Lane & Happy Valley Road (City)
3. Garrity Boulevard & Flamingo Avenue (City and ITD)
4. Garrity Boulevard & Stamm Lane (City and ITD)
5. Garrity Boulevard & Kings Road (City and ITD)
6. Idaho Center & I-84 Exit 38 West Bound Ramp (ITD)
7. Idaho Center & I-84 Exit 38 East Bound Ramp (ITD)

This is part of the City of Nampa’s Asset Management Program implemented in 2007 to strategically and cost effectively replace equipment. The City of Nampa and ITD entered into a cooperative agreement for the upgrading signal equipment Project Key No. 13471 (Exhibit B). The project was awarded to Econolite Control Products, Inc. in August 2019.

To complete the project two (2) additional cabinets and (5) controllers are needed to be added into the project for a cost of $80,200.

- ITD cabinets for the ramps at I-84 and Garrity Blvd Interchange $64,200
- Nampa City controllers for the remaining intersections $16,000
- Total Change Order #1 $80,200

This additional work requires is to be cost shared by ITD and the City of Nampa. An addendum to the cooperative agreement needs to be executed (Exhibit C). This agreement increases ITD share of the construction cost to cover the I-84/Garrity Blvd Interchange.
Regular Council  
November 4, 2019

- Original Agreement ITD Share $ 76,778
- Additional ITD cabinets $ 64,200
- Addendum to Agreement $144,500

A subsequent change order is required for purchase and installation of the additional equipment by Econolite Control Products (Exhibit D).

- Original Contract $144,500
- Change Order #1 $80,200
- New Contract Amount $224,700

The Streets Division had budgeted $234,570 in the FY19 budget.

Engineering Division has reviewed the documents and recommend approval.

THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN ADDENDUM TO THE AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF NAMPA. HEREAFTER CALLED THE CITY, FOR TRAFFIC SIGNAL EQUIPMENT UPGRADES.

MOVED by Haverfield and SECONDED by Rodriguez to authorize the Mayor to sign the addendum to the ITD cooperative agreement that increases ITD’s share of the cost to $140,978 and authorize the Mayor to sign change order #1 in the amount of $80,200 for additional equipment needed to complete the FY19 Signal Equipment Procurement Zone B1 project and approve the resolution and number it 52-2019. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the MOTION CARRIED.

❖ (7) Unfinished Business ❖

The following 4 items were postponed until the next regular council meeting of November 18, 2019 due to clerical errors.

Item #7-1. – 1st Reading of Ordinance for Zoning Map Amendment from RA (Suburban Residential) to RS6 (Single Family Residential - 6,000 sq. ft.) at 409 S. Midland Blvd. for a .71 acre or 30,747 sq. ft. portion of the SE ¼ of the SE ¼ of Section 29, T3N, R2W, BM for Christopher K Shultze. (ZMA 111-19) (PH was 10-7-19)

Item #7-2. – 1st Reading of Ordinance for Annexation and Zoning to the adjacent RS7 (Single Family Residential – 7,000 sq. ft.), RS8.5 (Single Family Residential – 8,500 sq. ft.), or RS22 (Single Family Residential – 22,000 sq. ft.) Zoning District for Lake Lowell Avenue located in the NW ¼ of Section 31 and the SW ¼ of Section 30, T3N, R2W, BM, Canyon County, Idaho being the northerly 25 feet of said NW ¼ of Section 31 and the southerly 25 feet of said SW ¼ of Section
30 (50 feet X 2,640 feet – 3.03 acres or 132,000 sq. ft.) for the City of Nampa. (ANN 129-19) (PH was 10-7-19)

**Item #7-3.** – 1st Reading of Ordinance for Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) zoning district for Calvary Springs Subdivision at 1713 E. Iowa Ave. (64 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 NW ¼ SW ¼ Section 35, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho. The Planning and Zoning Commission recommended approval (ANN 123-19) (PH was 9-3-2019)

**Item #7-4.** – 1st Reading of Ordinance for Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 1700 E. Iowa Avenue (A .37 acre or 16,117 sq. ft. parcel situated in the SW ¼ NW ¼ of Section 35, T3N, R2W, BM) for Ronald and Janette Hanson for connection to city water and sewer services and construction of a new home. (ANN 131-19) (PH was 10-7-19)

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

8-1. 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. (ANN 121-19) (PH was 7-15-2019)

8-2. 1st reading of Ordinances 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. (ANN 122-19, ZMA 107-19) (PH was 8-5-2019)

8-3. 1st reading of Ordinances for Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located at 1460 Lake Lowell Ave in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split. (ANN 125-19) (PH was 8-19-2019)

8-4. 1st Reading of Ordinance for Vacation of the road right-of-way in the Amended Plat of Elmwood Place Addition lying between Lot B - 523 18th Ave. No., and Lot C – 611 18th Ave. No. for Ludmila and Viktor Dudlya (VAC 041-19). (PH was 9-3-2019)

8-5. 1st Reading of Ordinance for Annexation and Zoning to IL (Light Industrial) zoning district for manufacturing facilities at 39 N. Picard Lane (A 7.83 acre or 341,054 sq. ft. portion of SE ¼ of Section 24, T3N, R2W, BM - Tax 19044 in the S ½) for Tom Hines (ANN 127-19) (PH was 9-16-2019)

8-6. 1st Reading of Ordinance for Annexation and Zoning to RS6 Single Family Residential – 6,000 sq. ft.) at 700 W. Mariah Ave. (A 7.44-acre portion of Lots 7, 8, and 9 of Home
Regular Council  
November 4, 2019

Acres Subdivision No. 14 lying within the NE ¼ SW ¼ of Section 33, T3N, R2W, BM) for Nick Babak for The Promised Land Subdivision. (ANN 128-19) (PH was 10-7-19)

♦ (9) Executive Session ♦

Item #9-1- None

MOVED by Haverfield and SECONDED by Bruner to adjourn the meeting at 9:17 p.m. The Mayor declared the

MOTION CARRIED

Passed this 18th day of November 2019.

____________________________________
MAYOR

____________________________________
NAMPA CITY CLERK