

**City of Nampa  
Regular Council Meeting  
May 16, 2016**

**REGULAR COUNCIL WILL START AT 6:30 P.M.  
PUBLIC HEARINGS START AT 7:00 P.M.**

**Call to Order and Pledge to Flag**

**Invocation – Rev. Phil Bence, Southside United Methodist Church**

**Roll Call**

*All matters listed within the Consent Agenda are considered to be routine by the Council and will be enacted by one motion. There will be no separate discussion on these items unless a Councilmember or citizen so requests in which case the item will be removed from the Consent Agenda and placed on the Regular Agenda.*

**Proposed Amendments to Agenda**

Any Items Added Less Than 48 Hours Prior to the Meeting are Added by Council Motion at This Time

**Consent Agenda**

- 1) Minutes of the Regular Council Meeting of May 2, 2106; Airport Commission Meeting; the Nampa Bicycle and Pedestrian Advisory Committee; the Board of Appraisers Minutes; the Planning & Zoning Commission Meeting; the Library Board Meeting; IT Steering Committee Meeting
- 2) Bills
- 3) The City Council Dispenses With the Three (3) Reading Rule of Idaho Code § 50-902 for all Ordinances
- 4) Final Plat Approvals
  - a) Franklin Village No. 1 in an RS-6 Zoning District for Taunton Group
- 5) Authorize Public Hearings
  - a) Adoption of the Updated Capital Improvement Plan/Impact Fees for Police, Fire, Parks and Streets
- 6) Authorize to Proceed With Bidding Process
  - a) Midland Boulevard and Roosevelt Avenue Intersection Project
  - b) Procurement of Laboratory Grade Autoclave Equipment for Environmental Compliance Division
- 7) Monthly Cash Reports
- 8) Licenses for 2016-2017 (All Licenses Subject to Police Approval): **See Attached Liquor Renewal List**
- 9) Approval of Agenda

**Communications**

The Jesse Tree of Idaho – Eladia Brown

**Staff Communications**

Staff Report – Michael Fuss

**Unfinished Business**

- 1) Second Reading of Ordinance Annexing and Zoning to RS 8.5, RS 12, and RS 18 for 178.41 acres at 8142 W Ustick Rd, 17535 Star Rd, 17547 Star Rd, and three parcels addressed as 0 Star Rd for Engineering Solutions, LLP representing Star Development, Inc
- 2) Second Reading of Ordinance Annexing and Zoning to RS 6 for 2208 Sunny Ridge Rd for Nathan Pyles
- 3) Second Reading of Ordinance Annexing and Zoning to RMH for a 99-bed Skilled Nursing Facility at 820 and a Portion of 1002 N Happy Valley Rd for Zoke, LLC – Nate Hosac
- 4) Clarification on Council Decision Concerning Waivers for Britannia Heights

**New Business**

- 1) Resolution Allowing for the Destruction of Records for the Parks Department
- 2) Discussion on Selling Downtown Open Air Parking Lots
- 3) Authorize Bidding UPRR Overpass Deck Repairs (Amity Ave & Kings Rd) Project Using Existing Street Budget Spending Authority

- 4) Authorize Staff to Submit State Wide Transportation Alternatives Program (TAP) Grant Applications for Indian Creek Pathway Extension (Taffy to Peppermint) and Sherman Multimodal (Powerline to Chicago) Projects
- 5) First Reading of Ordinance for Irrigation Annexation from Nampa Meridian Irrigation District
- 6) Authorize Summary of Publication for Preceding Ordinance
- 7) Appointment of the Following Individuals to the Nampa Fire & Building Code Board of Appeals: Matt Hildebrandt, Reese Leavitt, Dennis Koontz, Jeff Wade, Greg Toolson, Patrick Sullivan
- 8) Adopt Amended Public Works Wastewater Industrial Incentives Policy
- 9) Authorize Mayor and Public Works Director to Sign Amended Task Order with Keller Associates, Inc., for Wastewater Treatment Plant Phase 1 Upgrades Final Design Group B-Solids Handling Project for Wastewater Division
- 10) Authorize Mayor to Sign Federal Aviation Administration Grant Agreement for Airport Improvement Program (AIP-27), Phase 1 Environmental for the Purchase of Land in the Runway 11 Runway Protection Zone for Nampa Municipal Airport
- 11) 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
- 12) Authorize Mayor and/or Public Works Director to Execute any Necessary Documents Pertaining to Right-of-Way Purchase Contracts up to the Project Budget Amount for the 39th Street and Garrity Boulevard

#### **Public Hearings**

- 1) Comprehensive Plan Amendment Future Land Use Map Amendment from Employment Center to Low Density Residential, and Annexation and Zoning to RA for a Parcel Split at 1906 S Powerline Road for Mark and Sheri Murray
- 2) Modification of Annexation/Zoning Development Agreement Between Patrick Scheffler/Shady Grove, LLC and the City of Nampa, - Amending Exhibit "B" to Incorporate an Amended Preliminary Plat, and Amending Exhibit "C" Conditions of Approval Deleting Conditions #2 and #5 Regarding the Relief Trunk Sewer Line and the Required Minimum Dwelling Size for Shady Grove Place Subdivision in a RS 7 Zoned Area on the West Side of Chicago Street North of the Elijah Drain for Shady Grove, LLC
- 3) Annexation and Zoning to RS 7 for Connection to Sewer at 2714 E Amity Avenue for Michael McCarver
- 4) Annexation and Zoning to RA for Connection to Pressure Irrigation at 80 N Sugar Street for Lori and Victor Cordell
- 5) Vacation of 93.39 Feet of the Five Feet Easements Between 4020 South Raintree Drive & 4102 Draco Court for Matthew Phillips
- 6) Extension of the Area of City Impact Boundary and Consideration of Swapping Part of the Current Area of City Impact Boundary with the City of Caldwell

#### **Adjourn**

#### **Next Meeting**

◆ **Regular Council at 6:30 p.m. – Monday, June 6, 2016 City Council Chambers**

*Individuals, who require language interpretation or special assistance to accommodate physical, vision, hearing impairments, please contact the Planning Department at Nampa City Hall, (208) 468-5484.*

Any invocation that may be offered before the official start of the Council meeting shall be the voluntary offering of a private citizen, to and for the benefit of the Council. The views or beliefs expressed by the invocation speaker have not been previously reviewed or approved by the Council and do not necessarily represent the religious beliefs or views of the Council in part or as a whole. No member of the community is required to attend or participate in the invocation and such decision will have no impact on their right to participate actively in the business of the Council. Copies of the policy governing invocations and setting forth the procedure to have a volunteer deliver an invocation are available upon written request submitted to the City Clerk.

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Mayor Henry called the meeting to order at 6:30 p.m.

Clerk made note that Councilmembers Skaug, Haverfield, Levi, White, Bruner, Raymond were present.

**MOVED** by Haverfield and **SECONDED** by White to **approve the Consent Agenda with the above mentioned amendments; Regular Council Minutes of April 18, 2016; and Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; and Airport Commission Minutes; Planning & Zoning Commission Minutes; Library Commission Minutes; IT Steering Committee Minutes; department reports, bills paid; The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; final and preliminary plat approvals:** 1) Madison Industrial Park in an IL Zoning District at 16563 Madison Road for Mason & Stanfield Inc. representing James Brunel; and **authorize** the following **public hearings:** 1) Rezone from Unzoned to IL and IH zoning for 62.25 acres at 100, 212, 300, 310, 360 and 0 West Railroad Street for Daniel Badger representing the City of Nampa Public Works; **Authorization to Proceed with the Bidding Process:** 1) None; and **2015-2016 Licenses:** (all licenses subject to police approval): **1918 Lounge**, 10 13th Avenue South, on-premise beer and liquor; **Brewer's Haven**, 1311 12th Avenue Road, on-premise beer and wine; **The Rusty Canteen**, 1911 1st Street North, on-premise beer, wine and liquor; **El Rodeo Restaurant**, 910 3rd Street South, on-premise beer and wine; **Hispanic Cultural Center of Idaho**, 315 Stampede Drive, on-premise beer and liquor; **La Ranchera Nampa**, 122 Holly Street, on-premise beer and wine; **Howard's Tackle Shoppe Inc.**, 1707 Garrity Boulevard, off-premise beer and wine; **Messenger**, 1224 1st Street South, on-premise beer and wine; **Nampa Bowl**, 485 Caldwell Boulevard, on-premise beer, wine and liquor; **Campos Market Nampa**, 3302 Caldwell Boulevard, on-premise beer and wine; **Idaho Center Chevron**, 5950 East Franklin Road, off-premise beer and wine; **Little Saigon Vietnamese**, 1305 2nd Street South Suite 100, on-premise beer and wine; **approval of the agenda.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

Public Works Director Michael Fuss presented a staff report to update the council on current projects as follows:

**Domestic Water Sampling** – In the wake of Flint, Michigan, and the National attention that has been brought to concerns over lead in domestic drinking water, Public Works Water Division staff is working with the Idaho Department of Environmental Quality (IDEQ) to be proactive by selecting additional sampling sites. 60 sites throughout the City will be sampled from homes and businesses built prior to 1987. Municipalities throughout the State are to include lead levels in annual reporting of drinking water quality to IDEQ. The City's 2014 water quality report is attached for review (see Exhibit A). As in the past, no samples exceeded the maximum contaminant level or the action level.

**Change in Industrial Customer Billing** – To provide better customer service, with more convenient payment options and online services, beginning May 1 industrial customer billing will be performed by Utility Billing staff. Wastewater staff has worked with Utility Billing over

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the last couple of months to ensure a smooth transition. Environmental Compliance Division will continue to sample and complete the calculation process and be available to answer customer questions.

Industrial customers were notified of this change via a letter, and a sample invoice, in their March 2016 billings. The most noticeable change in the new customer invoice is the appearance and improved payment options.

**National Public Works Week, May 15 – 21, 2016** - National Public Works Week is celebrated the third week of May every year to call attention to the importance of public works projects, programs and services. This year's theme, "Public Works Always There" recognizes the role public works plays in planning, building and maintaining infrastructure projects that will allow future generations to enjoy a higher quality of life.

On Wednesday, May 18, City of Nampa Public Works Week activities include a field trip for Nampa School District elementary students and a career fair for high school students. Students will tour the Wastewater Treatment Plant and participate in a variety of age appropriate, hands on activities and demonstrations at the Street Division yard. Heavy equipment will be on display, mechanics will demonstrate how they work on fire trucks, and students will learn about the water aquifer. On Thursday, May 19, Public Works employees will be honored with an appreciation picnic at Lions Park.

The following Ordinance was read by title:

**AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, MODIFYING THE ANNEXATION & ZONING DEVELOPMENT AGREEMENT TO WHICH THE REAL PROPERTY COMMONLY KNOWN AS TIMBERCREEK SUBDIVISION, IN NAMPA, CANYON COUNTY, IDAHO, COMPRISING APPROXIMATELY 11.01 ACRES, MORE OR LESS, IS SUBJECT, DESCRIBED IN ORDINANCE NO. 4129 AND RECORDED ON AUGUST 7, 2014, AS INSTRUMENT NO. 2014-028508, RECORDS OF CANYON COUNTY, IDAHO, SO AS TO AMEND THE ORIGINAL CONCEPTUAL LAYOUT AND COMMON AREAS OF SAID SUBDIVISION; DIRECTING THE CITY PLANNING DIRECTOR TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Horrocks Engineers/Wendy Schrief/Evans Trust)**

The Mayor declared this the third reading.

The Mayor presented a request to pass the preceding ordinance under suspension of rules.

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**MOVED** by Haverfield and **SECONDED** by Skaug to **pass** the preceding ordinance as presented. The Mayor asked for a roll call vote with all councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4248** and directed the clerk to record it as required.

The following Ordinance was ready by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS 8142 W. USTICK ROAD, 17535 STAR ROAD, 17547 STAR ROAD, AND THREE PARCELS ADDRESSED MUTUALLY AS 0 STAR ROAD, NAMPA, IDAHO, COMPRISING A TOTAL OF APPROXIMATELY 190.37 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, WITH APPROXIMATELY 5.35 ACRES BEING PART OF THE RS 18 (SINGLE FAMILY RESIDENTIAL – WITH A “REQUIRED PROPERTY AREA” OF AT LEAST 18,000 SQUARE FEET) ZONE, 6.61 ACRES BEING PART OF THE RS-12 (SINGLE FAMILY RESIDENTIAL – WITH A “REQUIRED PROPERTY AREA” OF AT LEAST 12,000 SQUARE FEET) ZONE, AND APPROXIMATELY 178.41 ACRES BEING PART OF THE RS 8.5 (SINGLE FAMILY RESIDENTIAL – WITH A “REQUIRED PROPERTY AREA” OF AT LEAST 8,500 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; 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 Engineering Solutions representing Star Development Inc.)

The Mayor declared this the first reading.

The following Ordinance was ready by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS 2208 SUNNYRIDGE ROAD, NAMPA, IDAHO, COMPRISING APPROXIMATELY .66 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); DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE

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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; 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 Nathan Pyles)

The Mayor declared this the first reading.

The following Ordinance was ready by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS 820 AND A PORTION OF 1002 N. HAPPY VALLEY ROAD, NAMPA, IDAHO, COMPRISING APPROXIMATELY 4.536 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 RMH (MULTIPLE-FAMILY RESIDENTIAL) 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; 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 Zoke, LLC – Nate Hosac)

The Mayor declared this the first reading.

Mayor Henry presented a request to **authorize the Mayor to sign an enterprise agreement with Microsoft for the purchase of software licenses.**

IT Director Dennis Elledge presented a staff report explaining that this is the budgeted software replacement or upgrades for our windows licensing, our office licensing and our share point server licensing. Microsoft has transitioned from a owned license model to a subscription license model as many organizations are doing and this contract is the State of Idaho contract

**MOVED** by Haverfield and **SECONDED** by White to **authorize the Mayor to sign an enterprise agreement with Microsoft for the purchase of software licenses.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

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Mayor Henry presented a request to **authorize the Mayor to sign an agreement allowing the placement of an Idaho Power electrical easement located at the Nampa Recreation Center.**

Parks and Recreation Director Darrin Johnson presented a staff report explaining that Idaho Power has approached Parks and Recreation staff with the desire to create a new easement for power on the west portion of the Nampa Recreation Center property. The easement, requested by Idaho Power is 1076 wide and 176.98' long. The location is identified on the full color exhibit included Exhibit B lists more detail with measurements to scale

In exchange for adding the new easement, Idaho Power will release an easement already located on the Nampa Rec Center property. The easement is identified on the full color exhibit included to show good faith, Idaho Power has already released the easement. Staff support the exchange because it will release an easement large in size that cuts through our parking lot

Nampa Parks recommend council authorize a new easement for Idaho Power located on the west portion for the property as described in Exhibit B.

**MOVED** by Haverfield and **SECONDED** by White to **authorize the Mayor to sign an agreement allowing the placement of an Idaho Power electrical easement located at the Nampa Recreation Center.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **authorize the Parks & Recreation Director to sign an agreement with Healthy Contributions, as a Third Party, Calculating City of Nampa Wellness Program Participation at the Nampa Recreation Center.**

Councilmember Raymond recommended to Council and Mayor that all contracts that are approved by the Council – agreements, memorandums be signed by you and/or a department head. If you want a department head also, but the Mayor should sign all contracts.

City Attorney Aaron Seable said that he would agree it is best practice always to have the Mayor sign. I have not read the specific contract to see if it makes sense in this situation but would recommend it as a general practice to have the Mayor signature on all agreements approved by Council.

Recreation Center Director Kortnie Mills presented a staff report explaining that the City of Nampa employees are eligible to participate in a Wellness Program through Humana When City of Nampa employees participate in authorized wellness activities they earn points and can submit the points for prizes. Recently, Humana changed the third party vendor that processes fitness facility usage and now uses Healthy Contributions as their processing company.

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Attached is the agreement that describes the relationship between the Nampa Recreation Center and Healthy Contributions. Our City attorney's office has reviewed the agreement and has addressed concerns.

We request the City Council authorize the Parks and Recreation Director to sign the agreement with Healthy Contributions.

Aaron Seable stated that the Mayor could sign with the department head on this contract.

Mayor Henry asked the attorney to present a policy on the signing of contract.

**MOVED** by Raymond and **SECONDED** by Skaug to **authorize the Mayor to sign an agreement with Healthy Contributions, as a Third Party, Calculating City of Nampa Wellness Program Participation at the Nampa Recreation Center.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
**MOTION CARRIED**

Mayor Henry presented a request to **authorize the Parks & Recreation Director to sign an agreement with Healthy Contributions** which is a company that tracks attendance for the purpose of **invoicing Union Pacific Rail Road Employee's Usage at the Nampa Recreation Center.**

Kortnie Mills presented a staff report explaining that the Nampa Recreation Center has had a long-standing agreement with Union Pacific Railroad to provide facility access to Union Pacific employees. Until recently, Union Pacific employees would sign an entry registry as they entered the Nampa Recreation Center. On a monthly basis the Nampa Recreation Center would invoice Union Pacific for services rendered.

Recently Union Pacific hired Healthy Contributions a third party fitness incentive processor to handle their billing and record keeping for their fitness programs. This third party company will process the usage information and the usage attendance to the Nampa Recreation Center each month and compensate according.

Attached is an agreement describing the relationship between the City of Nampa and Healthy Contributions. Our attorney's office has reviewed this contract and has addressed any concerns.

We request council authorize the Parks and Recreation Director to sign the agreement between the Nampa Recreation Center and Healthy Contributions.

**MOVED** by Skaug and **SECONDED** by Haverfield to **authorize the Mayor to sign an agreement with Healthy Contributions** which is a company that tracks attendance for the

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purpose of **invoicing Union Pacific Rail Road Employee's Usage at the Nampa Recreation Center**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

Mayor Henry presented a request for **waivers** for **Brittania Heights No. 2**.

Michael Fuss presented a staff report explaining that the Brittania Heights Subdivision is located on McDermott Road south of Victory Road within Canyon County and is by agreement served by City domestic water.

Brittania Heights, LLC has requested approval for private streets and waiver of the following City development standards for Phase 2 of the Brittania Heights Subdivision:

- Internal landscaping requirements, (landscape strip between the curb and sidewalk)
- Installation of curb, gutter, and sidewalk
- Installation of street lights

This request was previously heard and approved by the Nampa City Council in 2008.

Because the approvals for Brittania Heights Subdivision Phase 2 expired and are now being renewed Canyon County Development Services has requested that City Council reapprove the requested waivers.

Current practice by the City has been to approve deferral of the requested improvements until such time as the development is annexed into the City and the City deems it appropriate to require the installation of the deferred improvements.

The Engineering Division staff has reviewed the request and recommends approval of the private streets and deferral of the items requested for waiver.

Councilmember Haverfield asked about where the water would go? (rural streets go into swales) So if we are allowing them to build that type of section how does the City take it over if we end up now require it to be a public street instead of a private street.

There was more discussion on the curb, gutter and sidewalk for the subdivision.

Councilmember Raymond asked if there was an annexation agreement? There is an agreement to pay substitute impact fees and to agree to annex if they should become contiguous that was part of the deal to get the water.

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Mayor Henry asked about an impact area and the subdivision that at some time will be annexed and waiving the City requirements.

MOVED by Raymond and SECONDED by Skaug to authorize a deferral of Internal landscaping requirements, (landscape strip between the curb and sidewalk); installation of curb, gutter, and sidewalk; installation of street lights with the caveat that the curb and gutter be designed for and a parcel of land be set aside for storm drainage.

Councilmember Haverfield asked why not have then put in the curb and gutter and have it channeled to the retention area now instead of having the go to the expense of putting in swale areas that. . . .

Councilmember White asked can they be required by grade so it will facilitate the water movement but still not require the curb and gutter.

**MOVED** by Raymond and **SECONDED** by Skaug to **amend the previous motion to design curb and gutter and a storm drain basin be installed for the Britannia Heights No. 2** as requested.

MOVED by Raymond and SECONDED by Skaug to authorize the deferral of streets lights and the sidewalk and require the construction of curb, gutter and retention basin of the appropriate size and dimension to accommodate the stormwater. The Mayor asked all in favor say aye with Councilmembers Haverfield, Levi, Bruner, Skaug, Raymond voting **AYE**. Councilmember White voted **NAY**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **award the bid and authorize the Mayor to sign a contract for 6th Street North Roadway and waterline improvements.** (16th Ave. N. to 1st Ave. N.)

Michael Fuss presented a staff report explaining that Engineering, as part of the FY16 Public Works Asset Management Program, identified 6<sup>th</sup> Street North from 16<sup>th</sup> Avenue North to 1<sup>st</sup> Avenue North as a failed roadway and in need of rehab or reconstruction (see Exhibit A, Vicinity Map).

In addition, portions of existing water and pressure irrigation (PI) lines in 6<sup>th</sup> Street North are deteriorated and scheduled for zone maintenance replacement.

Project improvements include replacing existing water/PI lines, water services, fire hydrants, pedestrian ramps, miscellaneous curb/gutter and rebuilding 6th Street North from 1<sup>st</sup> Avenue North to 16<sup>th</sup> Avenue North.

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A successful public open house was held on February 17<sup>th</sup> to communicate and seek input from stakeholders including nearby residents, businesses, churches, and Idaho Arts Charter School. Public communications and coordination will continue throughout the project.

On March 7, 2016, City Council authorized bidding the Project.

The City received five (5) bids from (see Exhibit B):

- 1) Nampa Paving Co.
- 2) C&A Paving Co., Inc.
- 3) Staker & Parson Companies dba Idaho Materials & Construction
- 4) Knife River Corporation
- 5) Central Paving Co., Inc.

The apparent low bidder is Nampa Paving Co. at \$1,526,790.64. All necessary public bidding requirements appear to be satisfied.

Estimated Project Costs:

o Construction	\$ 1,526,790.64
o Union Pacific RR Crossing (Design & Construction)	\$ 205,990.00
o Design Consulting	\$ 224,219.00
o Construction Engineering & Inspection	<u>\$ 148,744.48</u>
o <i>Total</i>	<u>\$ 2,105,744.12</u>

Funding for the project is summarized below:

FY16 Streets	\$ 864,000.00
FY16 Streets (Additional PM Funding Approved by Council)	\$ 500,000.00
FY15 Streets (FY15 PM Cost Savings & Reallocation)	\$ 410,000.00
FY16 Water Enterprise	\$ 481,360.00
FY 16 Water Enterprise (Additional Water/PI, UPRR Rebuild)	<u>\$ 176,000.00</u>
<i>Total</i>	<u>\$ 2,431,360.00</u>

The bid came in \$325,615.88 under anticipated cost. In addition to this cost savings, approximately \$200,000 was saved on the 11<sup>th</sup> Avenue N. Rebuild Project (bid in May 2016). Engineering is examining the possibility of extending the project west with an ultimate goal of reaching Northside Boulevard. If extending the project is viable, Engineering will present a Change Order and Task Order Amendment at a future Council meeting.

T-O Engineers has completed the professional design services for the project. HDR Engineering will oversee the Construction Engineering and Inspection (CE&I) services.

A 5 month construction schedule is anticipated, starting in June of 2016.

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Contractor will be required to provide necessary bonds, insurance and other documents before the agreement can be executed and the Notice to Proceed issued.

Engineering Staff and T-O Engineers have reviewed the bids and recommend award to Nampa Paving Co.

**MOVED** by Haverfield and **SECONDED** by Skaug to award the bid and authorize the Mayor to sign the sign a contract with Nampa Paving Co. in the amount of \$1,526,790.64 for 6th Street North Roadway and waterline improvements. (16th Ave. N. to 1st Ave. N.) The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to authorize the Mayor to sign a Local Professional Services Agreement for 12<sup>th</sup> Avenue Pedestrian Hybrid Beacon Crossings (10<sup>th</sup> Ave. S. to 12<sup>th</sup> Ave. S. and Sherman to Dewey)

Michael Fuss presented a staff report explaining that the Local Highway Safety Improvement Program (LHSIP) is funded by the state's Highway Safety Program through the Federal Transportation Act SAFETE-LU and is aimed at improving safety at high accident locations.

Based on pedestrian and traffic safety concerns, the City sought out and received LHSIP funding to install PHB crossings on 12<sup>th</sup> Avenue South at the following locations (see Exhibit A, Vicinity Map):

- o Between 10<sup>th</sup> Street South and 12<sup>th</sup> Street South
- o Between Sherman Avenue and Dewey Avenue

Each project will include the installation of a PHB crossing light, signage, striping, pedestrian ramps and enhanced lighting.

The exact final location for each PHB crossing will be determined as part of the SH45 Safety and Access Study (Lake Lowell Avenue to 7<sup>th</sup> Street South) currently underway. Council authorized the Cooperative Agreement with ITD and Professional Services Authorization for the study on October 19, 2015.

Council authorized the State and Local Agreement for project development between the City and ITD on November 16, 2015.

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The next step is for a Local Professional Services Agreement to be executed between the City, ITD and Parametrix Engineering to complete the detailed design effort for the PHB's. The consulting contract is in the amount of \$69,000 (Exhibit B).

The Estimated cost for the project is \$582,000 (\$69,000 Consulting, \$513,000 Construction).

Funding is as follows:

LHSIP Federal Grant—10 <sup>th</sup> St to 12 <sup>th</sup> St (92.66%)	\$ 269,600
LHSIP Federal Grant—Dewey to Sherman (92.66%)	\$ 269,600
City Match FY16 Streets—10 <sup>th</sup> St to 12 <sup>th</sup> St (7.34%)	\$ 21,400
City Match FY16 Streets—Dewey to Sherman (7.34%)	<u>\$ 21,400</u>
<b>Total</b>	<b>\$ 582,000</b>

Design will be completed in FY16, construction in FY17.

Engineering recommends authorization of the agreement.

**MOVED** by Skaug and **SECONDED** by Raymond to **authorize the Mayor to sign a Local Professional Services Agreement** with Idaho Transportation Department (ITD) and Parametrix Engineering for **12<sup>th</sup> Avenue Pedestrian Hybrid Beacon Crossings** (10<sup>th</sup> Ave. S. to 12<sup>th</sup> Ave. S. (Key #19600) and Sherman to Dewey (Key #19396)) in the amount of \$69,000 (NTE). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

Mayor Henry presented a request to **accept final selection of firm and authorize staff to proceed with contract negotiations for 2016 Transportation Master Plan Update.**

Michael Fuss presented a staff report explaining that the existing Transportation Master Plan for the City of Nampa was adopted in 2012, based largely on data and forecasts up to three years older.

Changes in demographics, COMPASS' long range plan (CIM 2040), and the scale of commercial development highlight the need to update this plan.

City Council approved funding for the Transportation Master Plan in the FY 2016 Street Impact Fee budget. However this is likely an 18 month project and some additional funding will need to be rolled over to FY 2017.

Regular Council  
May 2, 2016

City Council authorized a Qualification Based Selection (QBS) process to select a provider of professional services for this project.

Five Statements of Qualifications were submitted by the April 1 deadline.

All Statements of Qualifications were reviewed by an evaluation committee of City Council, Idaho Transportation Department and Nampa City staff.

The evaluation committee recommends final selection of Parametrix.

Upon Council approval, staff will begin contract negotiations with firm.

Staff anticipates completion of the transportation master plan update in eighteen months or less after contract approval

**MOVED** by Skaug and **SECONDED** by Haverfield to **accept the evaluation committee recommendation for final selection, and 2) authorize staff to proceed with contract negotiations** for completion of the **Transportation Master Plan Update**. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the  
MOTION CARRIED

Mayor Henry presented a request to **authorize the Mayor to sign an Encroachment Agreement for All Star's Property Management**.

Michael Fuss presented a staff report explaining that the All Star's Property Management has requested to locate a sign five feet into the right-of-way at 11 6<sup>th</sup> Street North (See Exhibit A).

There is a pressurized irrigation main that runs in the right-of-way behind the sidewalk (See Exhibit B). The proposed sign location is 5' from the irrigation main (See Exhibit C).

Engineering does not oppose granting the requested encroachment agreement.

**MOVED** by Skaug and **SECONDED** by Bruner to **authorize the Mayor to sign an Encroachment Agreement with Craig Everitt with All Star's Property Management**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

The following Resolution was presented:

Regular Council  
May 2, 2016

Michael Fuss presented a staff report explaining that an Idaho Transportation Department (ITD) project to improve safety at the intersection of Karcher Road/SH-55 with Caldwell Boulevard (the Boulevard) will begin construction within the next few weeks.

The ITD project includes installing a center curb on the Boulevard continuously from Karcher Road/SH-55 southeast to the signal at the entrance to Karcher Mall and Lowe's center. All left turns will be prohibited on this section of the Boulevard after its construction.

Initial design for the ITD project did not account for southeast-bound traffic to reverse direction and access businesses northeast of the Boulevard.

ITD has committed to provide a safe U-Turn for southeast-bound traffic on the Boulevard at the Karcher Mall/Lowe's signal (See Exhibit "A").

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

ITD will provide roadway improvements and appropriate signage at its expense if Council authorizes U-Turns at the intersection of Caldwell Boulevard and the Karcher Mall/Lowe's signal.

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AUTHORIZING A U-TURN FOR SOUTHEASTERLY-BOUND TRAFFIC AT THE TRAFFIC LIGHT LOCATED AT INTERSECTION OF CALDWELL BLVD. AND THE ENTRANCE TO KARCHER MALL AND LOWE'S CENTER PURSUANT TO NAMPA CITY CODE § 7-1-8 AND REQUIRING APPROPRIATE SIGNAGE TO BE INSTALLED.

**MOVED** by Bruner and **SECONDED** by White to pass the **resolution** as presented and authorization for ITD to provide roadway improvements and appropriate signage for a U-Turn on Caldwell Boulevard at the signalized intersection for Karcher Mall/Lowe's. The Mayor asked for a roll call vote with Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **19-2016** and directed the clerk to record it as required

**MOTION CARRIED**

The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ANNEXING A PORTION OF THE NAMPA MERIDIAN IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION DISTRICT OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AND

Regular Council  
May 2, 2016

CHANGING THE BOUNDARIES THEREOF; AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY.

The Mayor declared this the first reading.

The Mayor presented a request to pass this ordinance under suspension of rules.

**MOVED** by White and **SECONDED** by Haverfield to **pass** the preceding ordinance under suspension of rules and the summary of publication. The Mayor asked for a roll call vote with all councilmembers presented voting **YES** The Mayor declared the ordinance duly passed, numbered it **4249** and directed the clerk to record it as required.

The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ANNEXING A PORTION OF THE NAMPA MERIDIAN 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.

The Mayor declared this the first reading.

The Mayor presented a request to pass this ordinance under suspension of rules.

**MOVED** by Skaug and **SECONDED** by Haverfield to **pass** the preceding ordinance under suspension of rules and approve the summary of publication. The Mayor asked for a roll call vote with all councilmembers presented voting **YES** The Mayor declared the ordinance duly passed, numbered it **4250** and directed the clerk to record it as required.

The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, CONTRACTING THE BOUNDARIES OF THE NAMPA MUNICIPAL IRRIGATION DISTRICT OF THE CITY OF NAMPA, BY EXCLUSION OF CERTAIN LEGALLY DESCRIBED LANDS; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO REFLECT SAID CONTRACTION OF BOUNDARIES ON THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE WITH THE OFFICE OF THE CANYON COUNTY RECORDER, AND

Regular Council  
May 2, 2016

WITH THE SUPERINTENDENT(S) OF THE UNDERLYING IRRIGATION DISTRICT(S)  
PERTAINING TO THE PROPERTY DESCRIBED HEREIN.

The Mayor declared this the first reading.

The Mayor presented a request to pass this ordinance under suspension of rules.

**MOVED** by White and **SECONDED** by Haverfield to **pass** the preceding ordinance under suspension of rules and approve the summary of publications. The Mayor asked for a roll call vote with all councilmembers present voting **YES** The Mayor declared the ordinance duly passed, numbered it **4251** and directed the clerk to record it as required.

Mayor Henry presented a request to **authorize the Mayor to sign a contract with Lurre Construction for additional parking at City Hall.**

**MOVED** by Haverfield and **SECONDED** by Raymond to **authorize the Mayor to sign a contract with Lurre Construction for additional parking at City Hall.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the  
MOTION CARRIED

Mayor Henry presented a request to **declare property located at 1744 Garrity Boulevard (Parcel #R1428551800) underutilized, or not used for public purposes, and authorize the sale of property via public auction at Nampa City Hall, Council Chambers, at a time and date to be determined.**

Michael Fuss presented a staff report explaining that the In March of 2005 the City purchased approximately one acre of land (1744 Garrity Boulevard, Parcel No. R1428551800) for \$34,000.00 near Garrity Boulevard. The parcel was proposed to be a stormwater pond to collect run-off from the Garrity Road Widening GO Bond project (see Exhibit A)

A "Pond Site Initial Environmental Sampling" report, dated April 4, 2005, documents that in the process of evaluating percolation rates for infiltration, additional soil samples were taken and evaluated for potential site contamination. The initial sampling indicated a potential for site contamination and warranted a Phase 1 ESA test was recommended

A review of the file finds no additional analysis or testing was performed for this parcel.

Subsequent to the purchase, additional investigation found an unused flood irrigation tile that extended from the Garrity project through Lakeview Park and discharged into Mason Creek.

The acre was never used for the Garrity project.

Regular Council  
May 2, 2016

An adjacent land owner recently approached the City to purchase the acre.

Staff can find no public use for this acre and recommends disposing of the parcel.

Staff recommends that the acre be declared surplus and put up for disposal via public auction.

Staff further recommends a minimum starting bid of \$34,000.00 to recover the initial investment.

**MOVED** by Skaug and **SECONDED** by Haverfield to declare property (1744 Garrity Boulevard, Parcel No. R1428551800) underutilized, or not used for public purposes, and authorize sale of property with a minimum value of \$34,000 via public auction at Nampa City Hall, Council Chambers, at a time and date to be determined. The Mayor asked all in favor with all Councilmembers present voting **AYE**. The Mayor declared the

**MOTION CARRIED**

Mayor Henry presented a request to **approve** and **authorize** the **Mayor to sign an agreement** with **J.R. Simplot Company** for the **transfer of Wastewater Treatment Capacity**.

Michael Fuss presented a staff report explaining that the In October 2015 J. R. Simplot Company (Simplot) was assessed a Capacity Optimization Fee (COFee) in accordance with the Wastewater Industrial Incentive Policy.

In December 2015 Simplot and Public Works staff started discussions about mitigation options for the COFee. The City and Simplot recognized a common interest to make the unused wastewater capacity available for sale.

Together, Public Works Staff and Simplot developed an Agreement for the Transfer of Wastewater Treatment Capacity (*see Attachment 1*). Results of the Agreement are:

- Simplot transfers capacity to the City in order for the City to sell capacity to new sewer system customers.
- The increase of available sewer capacity is equivalent to 10 years of residential growth based on last year's growth rate.
- Additional sewer capacity reduces capital investments at the wastewater treatment plant.
- City waives Simplot's COFee.
- Simplot's wastewater permit will be reduced by 40% of current limits.

The Agreement is structured to align with the City's Wastewater Industrial Incentive Policy.

This Agreement creates an alternative to the COFee for all Nampa industrial customers.

Regular Council  
May 2, 2016

The effective date of the Agreement is October 1, 2016.

Public Works staff supports approval of the Agreement.

The Agreement was presented to the Board of Appraisers at its quarterly meeting on April 14. The BOA unanimously recommend approval of the Agreement.

**MOVED** by Bruner and **SECONDED** by Haverfield to **approve and authorize the Mayor to sign Agreement with J.R. Simplot Company for the Transfer of Wastewater Treatment Capacity.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

**MOTION CARRIED**

Mayor Henry presented a request to **approve Materne North America Corp Wastewater capacity loan and authorize Public Works to issue a new Wastewater Industrial Acceptance Permit** with an expiration date of September 1, 2016.

Michael Fuss presented a staff report explaining that on November 13, 2015, Materne North America Corp (Materne) purchased additional wastewater discharge capacity to accommodate future facility growth. Since that time Materne has continued to add production capacity.

Materne had minor exceedances of permitted capacity discharge limits in February 2016.

On April 14, 2016, pretreatment staff received a formal request from Materne to utilize the Wastewater Industrial Incentives Policy (Policy) for a loan of discharge capacity until September 1, 2016. The capacity loan request in the Policy is a great benefit offered to Nampa industrial customers.

On April 15, 2016, Materne was issued a short-term (30 day) capacity increase in accordance with the Policy. Materne's new permit includes the increased capacity listed in Materne's petition request dated April 14 (see Exhibit A).

Materne plans to begin an engineering study in May 2016 to identify long-term operational options; either add onsite pretreatment or purchase additional wastewater capacity in order to meet future growth.

Materne is been very proactive and engaged with pretreatment staff to ensure discharge conditions are met.

Regular Council  
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Materne is aware that a loan is not a reservation of capacity. At the end of the loan period a new permit will be issued reflecting pre-loan permit capacities.

Public Works staff reviewed Materne's request and recommends approval:

- o Engineering confirmed collection system capacity.
- o Wastewater confirmed treatment plant capacity.
- o Pretreatment confirmed Materne is in compliance with current permit conditions.

The director of the Economic Development Department supports the approval of this loan.

**MOVED** by White and **SECONDED** by Haverfield to **approve Materne North America Corp wastewater capacity loan** and authorize Public Works to issue a new Wastewater Industrial Acceptance Permit with an expiration date of September 1, 2016. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the **MOTION CARRIED**

The following Resolution was presented:

Michael Fuss presented a staff report explaining that the Wastewater staff request the following outdated equipment be declared as surplus property in order to facilitate disposal:

Item	Item Number	Estimated Value
Powermax 65 Plasma Cutter	HYP 083270	\$ 225.00
Syncrowave TIG/WIG Welder	MIL 951616	\$ 200.00
Estimated Total Value		\$ 425.00

The equipment is 35 years old; performance and operational demands are not being met.

Norco contacted to obtain estimated value and possible purchase of new equipment.

- o Through a trade-in program, an estimated value of \$425.00 was offered

Oxarc, Inc., contacted for trade-in value; no response received.

Musick Auction contacted for auction value.

- o An estimate of \$70-\$500 was stated, depending on equipment condition

Pacific Recycling contacted to identify scrap metal pricing.

- o A quote of \$85.00 per ton given; the equipment weighs roughly 250lbs

Regular Council  
May 2, 2016

Wastewater staff and disposal team recommend acceptance of estimated \$425.00 trade-in value from Norco, to be used towards purchase of new equipment.

Disposal falls within Public Works guidelines for funding, acquisition, maintenance, replacement and disposal of City assets.

A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NAMPA, A MUNICIPAL CORPORATION OF IDAHO, AUTHORIZING THE DISPOSITION OF CERTAIN CITY PROPERTY. (WWTP)

**MOVED** by Haverfield and **SECONDED** by Raymond to pass the **resolution** as presented. The Mayor asked for a roll call vote with Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **20-2016** and directed the clerk to record it as required

**MOTION CARRIED**

Mayor Henry presented a request to **authorize the Mayor to sign the First Amendment to Lease Agreement with Precision Flight Training, Inc., and Wings ‘N’ Rotors, LLC for 3315 Airport Road for Nampa Municipal Airport.**

Michael Fuss presented a staff report explaining that on September 15, 2014, Precision Flight Training, Inc. (Gary Iverson, Sr.), signed a five year lease for a City owned building located at 3315 Airport Road.

In April 2015 Mr. Iverson passed away unexpectedly.

- Mr. Iverson’s estate continued to cover the expenses of the business, Precision Flight Training, Inc.
- The Airport Commission was notified by the estate representative of its intention to sell the business.

On September 14, 2015, the Commission was notified by the estate representative of a potential buyer; Wings ‘N’ Rotors, LLC (Mr. Arlyn Miller).

- The Commission agreed if Mr. Miller is to buy the business he may continue the existing lease.

In February 2016 Precision Flight Training Inc., and Wings ‘N’ Rotors, LLC (Mr. Arlyn Miller) completed the sale of the business.

The City Attorney’s office reviewed the sales agreement and drafted the land lease agreement amendment.

Regular Council  
May 2, 2016

On April 13, 2016, the Nampa Airport Commission moved to recommend that City Council authorize the Mayor to sign the First Amendment to Nampa Municipal Airport Land Lease Agreement with Precision Flight Training Inc., and Wings 'N' Rotors, LLC for 3315 Airport Road (see Exhibit A).

**MOVED** by Haverfield and **SECONDED** by Bruner to **authorize the Mayor** to sign the First Amendment to Nampa Municipal Airport Land Lease Agreement with Precision Flight Training Inc., and Wings 'N' Rotors, LLC for 3315 Airport Road at Nampa Municipal Airport. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **authorize the Mayor to sign a Nampa Municipal Airport Land Lease Agreements** with **Gary Bartlow**, with effective date of April 19, 2016, for lots 2004, 2006, and 2008.

Michael Fuss presented a staff report explaining that on July 17, 2015, Gary Bartlow submitted a lease application/lot reservation and paid associated processing fees for Storage Hanger Lots 2004, 2006 and 2008 for new construction.

On April 13, 2016, Gary Bartlow submitted his building and drainage plans to the Airport Commission.

- o The Airport Commission approved and stamped the building plans (this is required before the building department will accept airport plans).

On April 4, 2016, Gary Bartlow signed and returned the Land Lease Agreements for lots 2004, 2006 and 2008.

On April 13, 2016, the Nampa Airport Commission moved to recommend that City Council authorize the Mayor to sign the Nampa Municipal Airport Land Lease Agreements (see Attachments A, B and C) with Gary Bartlow, effective April 19, 2016, for Storage Hanger Lots 2004, 2006 and 2008.

**MOVED** by Haverfield and **SECONDED** by Raymond by **Bartlow**, effective April 19, 2016, for Lot **2004**, and **authorize the Mayor** to sign Nampa Municipal Airport Land Lease Agreement with **Gary Bartlow**, effective April 19, 2016, for Lot **2006**, and **authorize the Mayor** to sign Nampa Municipal Airport Land Lease Agreement with **Gary Bartlow**, effective April 19, 2016, for Lot **2008**. The Mayor asked for a roll call vote with Councilmembers Skaug, Levi, White, Raymond, Haverfield voting **YES**. Councilmember Bruner **RECUSED** himself from voting. The Mayor declared the

MOTION CARRIED

Regular Council  
May 2, 2016

The Mayor adjourned the meeting at 7:30 p.m.

Passed this 16th day of May, 2016.

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MAYOR

ATTEST:

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CITY CLERK

**CONSENT TO BID**  
**MIDLAND BOULEVARD AND ROOSEVELT AVENUE**  
**INTERSECTION PROJECT**

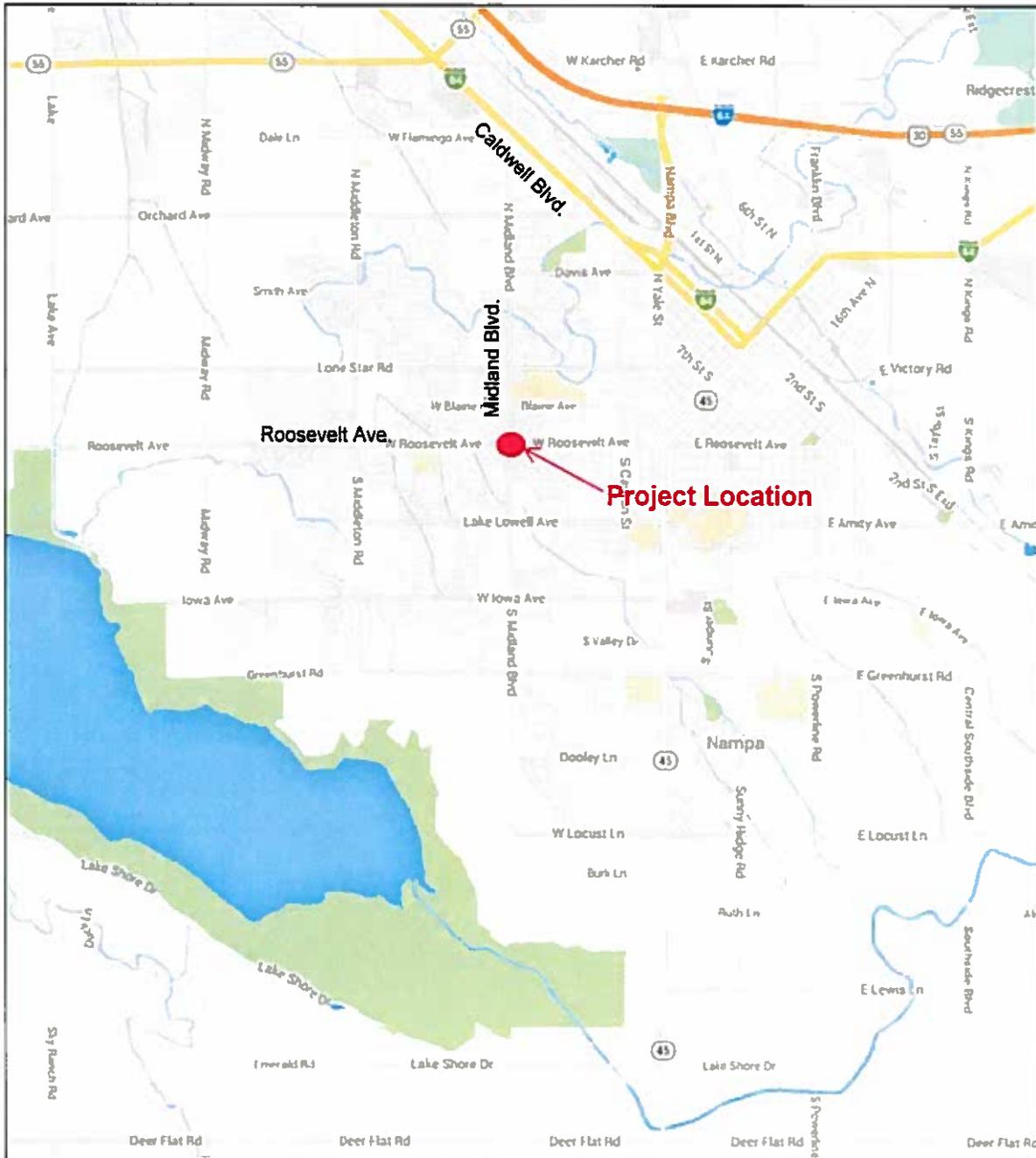
- As a result of increasing traffic congestion and driver delays, the intersection of Midland and Roosevelt has been identified for an intersection capacity improvement project (see Vicinity Map - Exhibit A)
- The Nampa Citywide Transportation Plan indicates the intersection warrants capacity improvements and recommends signalization.
- The project includes the following improvements:
  - Traffic signal to accommodate traffic lanes within the existing fully developed roadway width of Midland Boulevard and Roosevelt Avenue.
  - Pavement surface repairs adjacent to the reconstructed curb and sidewalk areas.
  - Signal interconnect conduit for future system wide communication and integration.
  - Pedestrian facility upgrades to meet ADA standards.
  - Updated pavement and cross walk markings.
  - LED intersection lighting.
- Estimated project costs are:

Design Engineering	\$ 60,000.00
Construction Engineering & Inspection	\$ 52,000.00
Construction Estimate	<u>\$ 650,000.00</u>
Total Estimate	\$ 762,000.00
- The Final Draft Nampa Impact Fee Study and Capital Improvement Plan identifies Midland and Roosevelt as one of thirteen priority intersections recommended for Impact Fee funding.
- Approved FY16 funding is through Impact Fees (65%) and Streets (35%).
- Construction is anticipated to begin in the summer of 2016.
- Engineering recommends proceeding with the formal bid process.

**REQUEST:** Council authorize Engineering to proceed with the formal bid process for the Midland Boulevard and Roosevelt Avenue Intersection Project.

# S. Midland Blvd. and W Roosevelt Ave. Intersection Project

## Vicinity Map



**Consent to Bid  
Laboratory Grade Autoclave Equipment for  
Environmental Compliance Division**

- The Environmental Compliance Division (ECD) laboratory uses an autoclave to sterilize lab glassware, plastic ware, and media that is used for bacteria testing
- The current laboratory autoclave does not function accurately; performance and operational demands are not being met
- ECD staff has identified a laboratory grade autoclave that will meet the current and future needs of the laboratory. The estimated cost of the autoclave is \$50,000
- A laboratory grade autoclave is much larger than the current undersized autoclave and requires infrastructure changes to the laboratory before installation. Facilities Development staff have assisted in scoping and cost estimating for modifications to the laboratory space. The estimated cost for the lab modifications is \$10,000
- The autoclave also requires a clean water source for steam generation and cooling. To prevent scale buildup in the drain line, as experienced in the current autoclave, a Reverse Osmosis (RO) System is needed. The estimated cost of the RO system, and having the supply routed to the room, is \$8,000
- The Laboratory Grade Autoclave Replacement Project includes
  - Laboratory Grade Autoclave           \$50,000
  - Reverse Osmosis System           \$ 8,000
  - Lab Room Modifications           \$10,000
  - Project Design                    \$ 7,000
  - \$75,000
- The project is funded under ECD's 2016 fiscal year budget
- ECD staff, and City consultant Brown and Caldwell, have prepared bid documents for the procurement of the autoclave
- Quotes for the lab modifications and RO system will be solicited separately
- The project is anticipated to be completed by September 30, 2016

**REQUEST:** Authorize Environmental Compliance Division to proceed with public bidding process for the procurement of the Laboratory Grade Autoclave equipment

**2016 – 2017  
LIQUOR RENEWAL LIST**

<u>BUSINESS NAME</u>	<u>ADDRESS</u>	
Greenhurst Chevron	3030 E Greenhurst Road	02/16/2016
Wing Nutz	1228 N Galleria Drive	02/16/2016
Chapala Mexican Restaurant	525 Caldwell Blvd	02/16/2016
Ridgecrest Golf Club	3730 Ridgecrest Drive	02/16/2016
Landmark Café	3143 E Greenhurst Rd	02/16/2016
Idaho Pizza Company	104 W Iowa	02/16/2016
Applebee's Grill & Bar	1527 Caldwell Blvd	02/16/2016
WingStop	2025 12 <sup>th</sup> Ave Rd #140	02/16/2016
Shari's	1807 Caldwell Blvd	03/07/2016
Shadow Hills LLC	112/114 13 <sup>th</sup> Ave South	03/07/2016
Friendly Fred's	507 16 <sup>th</sup> Ave No	03/07/2016
Brick 29 LLC	320 11 <sup>th</sup> Ave S	03/07/2016
Red Robin	222 Cassia Rd	03/07/2016
Starbuck's	1324 12 <sup>th</sup> Ave Rd	03/07/2016
Smoky Mountain Pizza&Pasta	2007 N Cassia	03/07/2016
Hong Kong Restaurant	117 12 <sup>th</sup> Ave So	03/07/2016
Texas Roadhouse	1830 Caldwell Blvd	03/07/2016
Cost Plus World Market	16412 N Market Blvd	03/21/2016
The Dutch Goose	1125 Caldwell Blvd	03/21/2016
Big Smoke #113	4211 Garrity Blvd	03/21/2016
Big Smoke #115	5687 Franklin Rd	03/21/2016
Big Smoke #109	2318 12 <sup>th</sup> Ave Rd	03/21/2016
Tobacco Connection#16	1107 12 <sup>th</sup> Ave S	03/21/2016
Tobacco Connection#23	16429 Midland Blvd	03/21/2016
Tobacco Connection#12	197 Caldwell Blvd	03/21/2016
Tobacco Connection#32	2918 Greenhurst	03/21/2016
Tobacco Connection#1	323 11 <sup>th</sup> Ave N	03/21/2016
Aces Place	1652 Garrity	04/4/16
Nampa Civic Center	411 3 <sup>rd</sup> St. South	04/4/16
Ford Idaho Center	16200 Idaho Center	04/4/16
La Botana	1512 1 <sup>st</sup> St.	04/4/16
Firehouse Sports Pub	1515 N Midland	04/4/16
The Olive Garden Italian Restaurant	16401 North Market Place	04/4/16
Airport Inn	3111 Garrity Blvd	04/04/2016
Monkey Bizness	724 1 <sup>st</sup> St South	04/04/2016
Jacksons#144	11950 W Karcher Rd	4/04/2016
Jacksons# 117	4315 Garrity Rd	4/04/2016
Jacksons# 85	612 Northside Blvd	4/04/2016
Jacksons# 62	100 Caldwell Blvd	4/04/2016
Jacksons#61	927 Caldwell Blvd	4/04/2016
Jacksons#60	224 22 <sup>nd</sup> Ave S	4/04/2016
Jacksons#59	2513 Caldwell	4/04/2016
Jacksons# 5	1407 Franklin	4/04/2016
Pete's Tavern	11 12 <sup>th</sup> Ave S	4/04/2016

**2016 – 2017  
LIQUOR RENEWAL LIST**

<u>BUSINESS NAME</u>	<u>ADDRESS</u>	
Gem Stop #20	1520 S. Middleton Rd	4/04/2016
Gem Stop#32	111 S Midland Blvd	4/04/2016
Gem Stop#15	1604 2 <sup>nd</sup> Ave South	4/04/2016
Gem Stop #11	4624 Amity Ave	4/04/2016
Gem Stop#10	323 Caldwell Blvd	4/04/2016
Gem Stop#8	1400 Franklin Blvd	4/04/2016
Chapala Mexican Restaurant III	2117 12 <sup>th</sup> Ave Rd	4/04/2016
Costeo Wholesale	16700 N. Market Place	4/18/2016
Fiesta Guadalajara	1202 N J Alcott Way	4/18/2016
Stinker Store #44	524 12th Ave	4/18/2016
Stinker Store #48	224 Holly St.	4/18/2016
Stinker Store #82	3319 Garrity Blvd.	4/18/2016
Stinker Store #113	803 12th Ave S	4/18/2016
Maverik #287	2211 N Franklin Blvd	4/18/2016
Maverik #522	2516 W Kareher Rd.	4/18/2016
Maverik #178	723 N. 12th Ave Rd.	4/18/2016
El Tenampa	248 Caldwell Blvd.	4/18/2016
Tacos El Ray	2707 Garrity Blvd	4/18/2016
Tangos Subs & Empanadas	337 Caldwell Blvd	4/18/2016
Nampa Gusher	324 3rd St S	4/18/2016
Agurhilla-Restaurant	324 11 Ave N	4/18/2016
Chicago Connection	523 12th Ave Rd	4/18/2016
Tiny's Lounge	10 12 <sup>th</sup> Ave South	4/18/2016
El Rinconcito	824 1st St. S.	4/18/2016
Prefunk Beer Bar	1214 1st St. S	4/18/2016
Asian Grocery	453 Caldwell Blvd.	4/18/2016
Flying M Coffee	1314 2nd St S.	4/18/2016
JP Thailand Express	2025 12th Ave Rd #130	4/18/2016
Denny's #6640	607 Northside Blvd	4/18/2016
1918 Lounge	10 13th Ave	5/2/2016
Brewer's Haven	1311 12th Ave Road	5/2/2016
The Rusty Canteen	1911 1st St North	5/2/2016
El Rodeo Restaurant	910 3rd St South	5/2/2016
Hispanic Cultural Center of Idaho	315 Stampede Drive	5/2/2016
La Ranchera Nampa	122 Holly St	5/2/2016
Howard's Tackle Shoppe Inc.	1707 Garrity Boulevard	5/2/2016
Messenger	1224 1st St S.	5/2/2016
Nampa-Bowl	485 Caldwell Blvd	5/2/2016
Campos Market Nampa	3302 Caldwell Blvd	5/2/2016
Idaho Center Chevron	5950 E Franklin Rd	5/2/2016
Little Saigon Vietnamese	1305 2nd St South Ste 100	5/2/2016
La Copa	1524 1st St N	5/16/2016
Nampa Elks Lodge #1389	1116 1st St S.	5/16/2016
Walgreens #12483	932 Caldwell Blvd.	5/16/2016

**2016 – 2017**  
**LIQUOR RENEWAL LIST**

<u>BUSINESS NAME</u>	<u>ADDRESS</u>	
Walgreens #10672	2219 12th Ave Rd	5/16/2016
Walgreens #05648	700 12th Ave S	5/16/2016
Canyon County Co-op	1415 1st St S	5/16/2016
Slicks Bar	525 E Karcher Rd	5/16/2016
Krung Thai Restaurant LLC	3008 Garrity Blvd	5/16/2016
Mongolian BBQ	1123 Caldwell Blvd	5/16/2016
Club 102 Bar & Grill	102 11th Ave N	5/16/2016
Jalapeno's Bar & Grill	1921 Caldwell Blvd	5/16/2016
Target Store T-2206	16300 N. Marketplace Blvd	5/16/2016
T.G.I. Fridays	16225 N. Marketplace Blvd	5/16/2016
WinCo Foods	2020 Caldwell Blvd	5/16/2016
The Woodshed	817 E Karcher Rd	5/16/2016
Outback Steakhouse	2011 W Karcher Rd	5/16/2016
The Social Bar & Grill	306 N Kings Rd	5/16/2016
Chipotle Mexican Grill #2508	1471 Caldwell Blvd	5/16/2016
Big Kmart #3189	1813 Caldwell Blvd	5/16/2016
Super Pollo Mexican Grill LLC	1204 12th Ave S	5/16/2016
Garrity 66	4423 Garrity Blvd	5/16/2016
Centennial Golf Course	2600 Centennial Drive	5/16/2016
RedHawk Golf Course LLC	12225 S Hunters Dr	5/16/2016
Italian to Go / Bit of Italy	122 12 Ave S	5/16/2016
Northern Light Cinema Grill	1509 Caldwell Blvd	5/16/2016
Albertsons #176	2400 12th Ave Rd	5/16/2016
Albertsons # 1602	715 12th Ave Rd	5/16/2016
The Getaway	512 12th Ave Rd	5/16/2016
IOU Sushi II	2107 W Cassia St	5/16/2016
Sizzler #434	501 Caldwell Blvd	5/16/2016
Winger's Restaurant & Alehouse	16250 Marketplace Blvd	5/16/2016
The Dewey Restaurant and Lounge	113 13th Ave S	5/16/2016
Whiskey River	1314 1st St S.	5/16/2016

CITY OF NAMPA  
REGULAR COUNCIL  
MAY 16, 2016  
**STAFF REPORT BY PUBLIC WORKS DEPARTMENT**  
MICHAEL FUSS, P.E., PUBLIC WORKS DIRECTOR

**Street Division Chip Sealing Campaign**

The City's Street Division will begin its annual chip sealing campaign in Zone A on June 6. A press release to notify Nampa citizens, along with a map and list of affected roadways (see Exhibit A), will be published. This information will also be made available on the Street Division's website. Crews will hang door hangers to notify individual property owners when chipping is to occur on their street. With good weather and a little luck, Street staff hopes to complete chipping, fog sealing, paint and thermoplastic applications by early August.

The chip sealing campaign is part of the Public Works Asset Management Program (see Exhibit B). There are seven (7) asset management zones, A-G, within Nampa city limits, where asset management activities are scheduled on an annual rotating basis. Utilities (water, irrigation, and sewer), Community Development Block Grant (CDBG) pedestrian ramp improvements, Local Improvement District (LID) sidewalk improvements, traffic modifications, and Safe Route to School evaluations and construction are also included in the program. To date, Street crews have completed all seven zones and this year's campaign begins the next seven year rotation. Staff is pleased to report this program has proven to be an effective way to prioritize limited funding to address the most important capital assets.

**6<sup>th</sup> Street North Roadway Improvement Project**

Transportation funding is a very limited resource; street projects can be impactful but rarely can all desired improvements be made. Sometimes the interest to make a project complete foreshadows the harsh reality of limited funding. It appears the 6<sup>th</sup> Street North Roadway Improvements project falls into this circumstance. Staff had proposed to use other improvement project savings to continue the rebuild of 6<sup>th</sup> Street North beyond original project limits, from 1<sup>st</sup> Street North to Northside Boulevard. However, in preparing the fiscal year 2017 budget, reality was brought to light that 2016 fiscal year budget project savings from 11<sup>th</sup> Avenue North and 6<sup>th</sup> Street North will be preserved for higher priority needs in the upcoming fiscal year.

Bob Henry  
Mayor



City Hall  
411 3<sup>rd</sup> Street  
South  
Nampa ID 83651  
208-468-5411

## News Release

### Nampa Chip Sealing Begins June 6

Weather permitting, the City of Nampa Street Division will begin to chip seal streets on Monday, June 6, 2016. Drivers will want to reduce speeds during the chip sealing process and avoid parking on affected streets when they receive notice of chip sealing in their areas.

There are fourteen road sections that will be chip sealed, the first being Franklin Blvd from Birch Lane to City Limit north of Elm Lane, followed by Elm Lane from Franklin Blvd east to Prescott Lane. The remaining chip seal will be on the north side of town beginning with Cherry Lane. A complete list of roads to be chip sealed is attached to this release, along with a map of affected areas. When all of the scheduled roads are chip sealed, crews will proceed to fog seal and then finally to re-stripe the roads.

The Street Division website will be updated with work progress, along with any weather related delays. To access this site go to <http://www.cityofnampa.us/streets>.

Chip sealing is a common, cost effective, pavement maintenance practice that extends pavement life and provides a good driving surface. Chip sealing is about one-fourth to one-fifth the cost of a conventional asphalt overlay.

###

Media Contact: Vickie Holbrook  
City of Nampa  
Communications Director  
468-5411  
[holbrookv@cityofnampa.us](mailto:holbrookv@cityofnampa.us)



## JUNE 2016 CHIP SEALING SCHEDULE

- JUNE 6– JULY 28** ----- **approximately**
1. Franklin Blvd ----- from Birch Lane to City Limit *north* of Elm Lane
  2. Elm Lane ----- from Franklin Blvd *east* to Prescott Lane
  3. Prescott Lane ----- from City Limit *south* to Elm Lane
  4. Cherry Lane City Limit ----- from Madison *east* to City Limit at Star Road
  5. 11<sup>th</sup> Ave North ----- from City Limit *south* to Cherry Lane
  6. Birch Lane ----- from Franklin Blvd *east* to Idaho Center Blvd
  7. 11<sup>th</sup> Ave North ----- from Birch Lane *south* to Comstock Ave
  8. East Karcher Rd ----- from Franklin Blvd around complex to Fargo Ave *west*  
back to Franklin Blvd
  9. 16<sup>th</sup> Ave North ----- from bridge deck (overpass) *north* to Garrity Blvd
  10. 3<sup>rd</sup> St North ----- from 16<sup>th</sup> Ave North *east* to Sugar
  11. 1<sup>st</sup> St North ----- from East Railroad to Northside Blvd
  12. Northside Blvd ----- from Exit 35 to Birch Lane
  13. 6<sup>th</sup> St North ----- from Northside Blvd to 1<sup>st</sup> Ave North
  14. Broadmore/West Railroad - from Northside Blvd to Traffic Bldg.

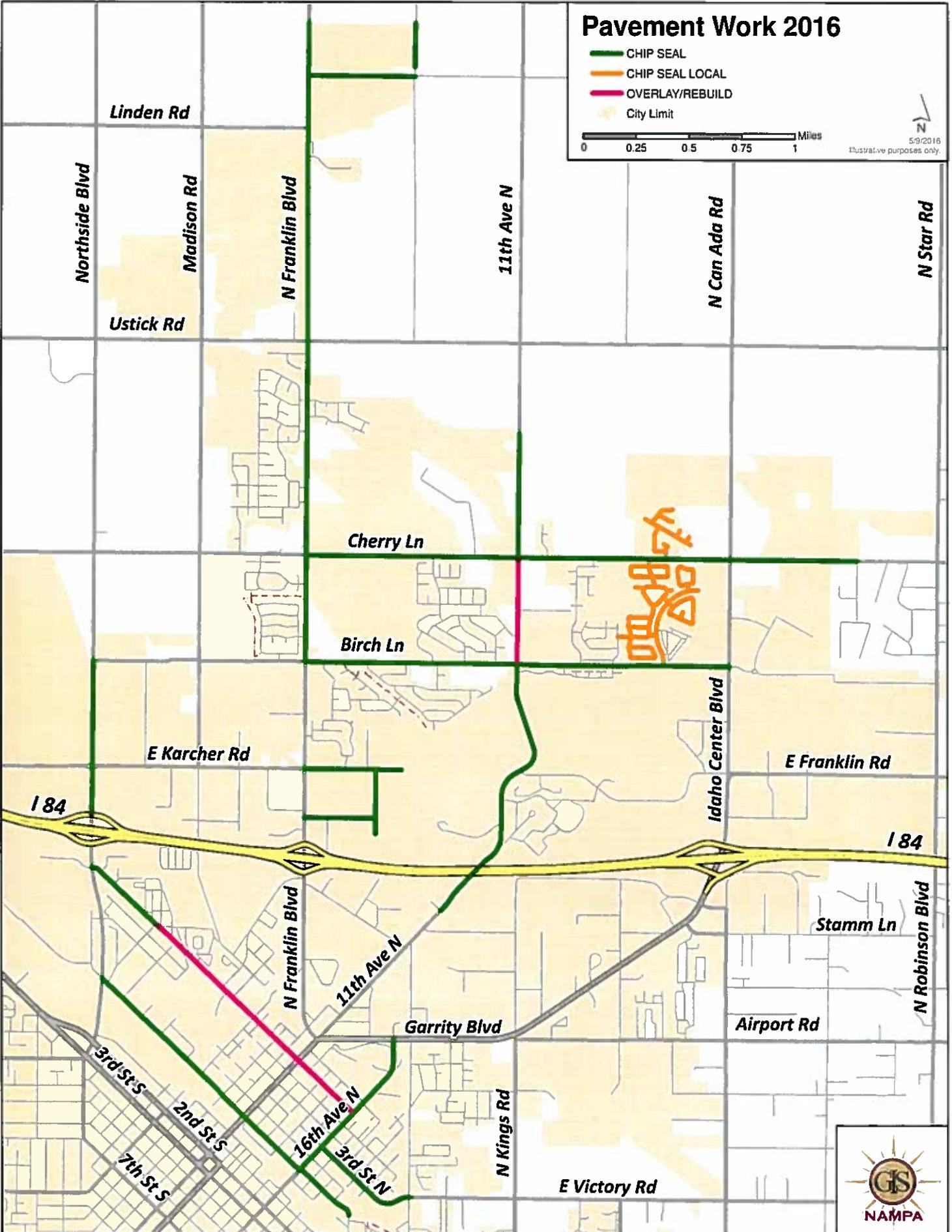
**FOG SEALING WILL BEGIN UPON COMPLETION OF CHIP SEALING**

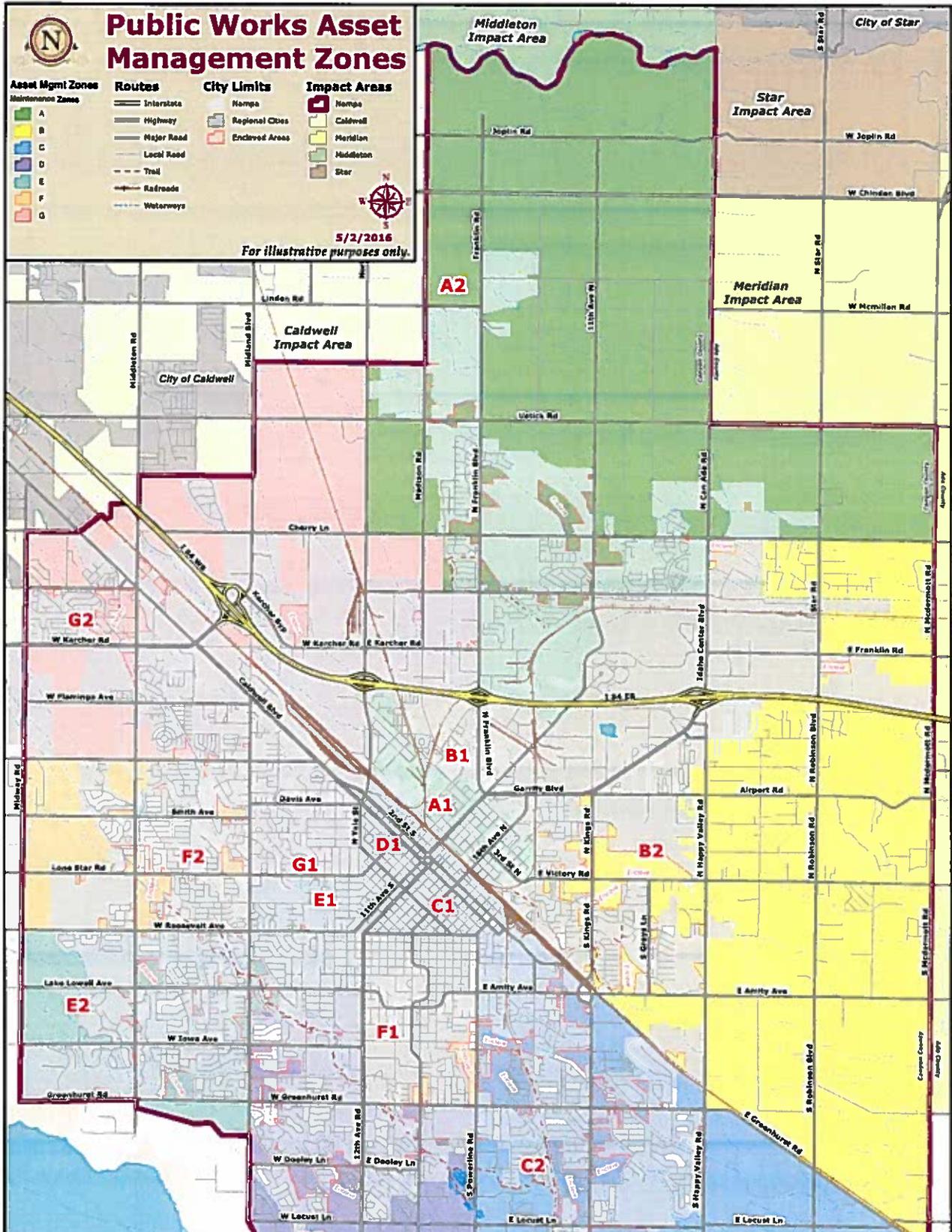
# Pavement Work 2016

- CHIP SEAL
- CHIP SEAL LOCAL
- OVERLAY/REBUILD
- City Limit



5/9/2016  
Illustrative purposes only.





**Public Works Asset Management Program Schedule**

Month	Utility Inspections	Utility Modifications	CDBG Ped Ramps	Develop S-W LID	Construct S-W LID	Pavement Inspection	Evaluation & Report	Rebuild	Chip Seal	Overlay	Traffic Modifications	SRS Evaluation	SRS Construct
	Feb - Mar	Jan - May	May - Dec	Dec - Mar	Mar - Oct	Feb - Mar	Apr	Apr - May	June	July	Zone	Zone	Zone
2015	B	A	B	B	A	B	B	G	G	A	F	A	F
2016	C	B	C	C	B	C	C	A	A	B	G	B	G
2017	D	C	D	D	C	D	D	B	B	C	A	C	A
2018	E	D	E	E	D	E	E	C	C	D	B	D	B
2019	F	E	F	F	E	F	F	D	D	E	C	E	C
2020	G	F	G	G	F	G	G	E	E	F	D	F	D
2021	A	G	A	A	G	A	A	F	F	G	E	G	E
2022	B	A	B	B	A	B	B	G	G	A	F	A	F



May 10, 2016

Robert Hobbs  
City of Nampa Planning and Zoning  
411 3rd Street South  
Nampa, ID 83651

Subject: Brittania Heights No. 2 Waiver Request

Dear Robert:

That's for taking the time to review our additional information with regard to Brittania Heights' request for the same waivers the City granted when the first phase was approved. Brittania Heights' preliminary plat for the remainder of the property owned by Brittania Heights LLC has the same characteristic and similar useable lot sizes as the first phase. We have purposely designed and built the subdivision to allow for a more rural feel and significantly larger lots to allow for outbuildings and RV garages that are not available now in the area. We would like to clarify our design for the road way section for the remainder of the development; in Phase I we designed a road section that included a 4 foot walking lane and concrete ribbon curbing so that drainage of rain water from the road half section would drain on to our lots and then be retained on each lot by a damn at each lot that keeps the water in a retainage swale to then perk into the landscape area. Our lots are mostly in the larger half to three quarter acres which have larger frontages to handle the retainage area. These areas are controlled by our existing CCR's and to date (almost 10 years) all of the swales have worked without incident. Each lot has significant depth (between 178 and 208 feet) to allow for swale we design in each lot. We believe that this design is a more sustainable method of handling rain runoff in the rural type subdivision we have created. With this design standard we have be able to eliminate the ongoing issues over large detention basins that tend to be neglected and become breeding grounds for mosquitos that cause a nuisance and health issues. We are very proud of the quality of our subdivision and want to continue to the next phases using similar quality and development standards.

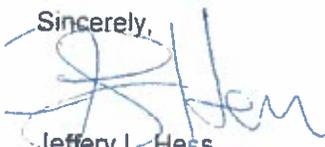
As part of the swale design it also brings our landscaping to the roads edge and to date our required landscaping in the CCR's has given us a subdivision that is much more landscaped than most city lot subdivisions. Again the overall design of the subdivision has created a more open rural feel even though it is within minutes of Nampa amenities.

The remaining issue is the difference in the arterial roadway right of ways between Canyon County and the City of Nampa. We have spoken to the Nampa Highway District and they are fine with using the City standard widths for both Dewey Ln and Amity. We ask the Council to agree that its standard be used on these two road sections.

1. We request that City internal landscaping requirements be waived.
2. We request that curb, gutter, and sidewalk requirements be waived.
3. We request that the City road widths on Amity and Dewey be recommended to the County Highway District.

Please contact me or John Carpenter of TO Engineering for additional information.

Sincerely,

  
Jeffery L. Hess  
Manager,  
Brittania Heights LLC  
208-850-2431  
jhess@hcollc.com

RESOLUTION NO. 21-2016

**A RESOLUTION OF THE MAYOR AND CITY COUNCIL OF THE CITY OF NAMPA, A MUNICIPAL CORPORATION OF IDAHO, AUTHORIZING THE DESTRUCTION OF CERTAIN CITY RECORDS.**

WHEREAS, I.C. §50-907 PROVIDES THAT the City Council must authorize the destruction of records that are not required to be retained as permanent records; such records that have met the minimum retention period provided by the City's Record Retention Schedule; and such records are no longer required by law or for City business; and

WHEREAS, the City Clerk of the City of Nampa has proposed for destruction of certain records that have exceeded the minimum retention period; and

WHEREAS the approval for the destruction of the below listed records has been obtained from the Idaho State Historical Society, when required, as provided by Idaho Code §50-907; and

WHEREAS the approval for the destruction of the below listed records has been obtained from the City Attorney or his designee, and is in compliance with City policy.

NOW THEREFORE, BE IT RESOLVED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF NAMPA, AS FOLLOWS:

1. That the attached listed records shall be destroyed under the direction and supervision of the City Clerk, and in accordance with City policy.
2. The staff of the City of Nampa is hereby authorized to take all necessary steps to carry out the authorization provided by this Resolution.

RESOLVED this 16th day of May, 2016.

Approved:

\_\_\_\_\_  
MAYOR ROBERT HENRY

ATTEST:

\_\_\_\_\_  
City Clerk or Deputy

**CITY OF NAMPA  
REQUEST FOR DESTRUCTION OF RECORDS FORM**

Department: Parks  
Date: 05-16-2016

<b>Records Description</b>	<b>Type of Record (Permanent, Transient, Temporary)</b>	<b>Date of Records From: To:</b>
Box 8 - 2003-2006 Grants, 2003-2006 Budgets for parks and cemetery		1998-2006
Box 129 - Area Files		2007-2009
Box 133 - Accounts Payable Records		2008-2009
Box 135 - AP Records, Budget Expense Reports and Payroll Reports for Parks & Cemetery		2009-2010
Tree Bonds		2009-2010
Subdivision Maps & Reviews - Forester's review		2012
Payroll reports for Parks & Cemetery		2002-2008

## APPROVAL SIGNATURES DESTRUCTION OF RECORDS

Request from Nampa City Clerk

Request dated \_\_\_\_\_/\_\_\_\_\_/\_\_\_\_\_

See Exhibit A

Approved by City Council					
DATE: _____/_____/_____					
REVIEWER	SIGNATURE	DATE	ATTACHMENTS		
Mayor			YES		NO
City Attorney			YES		NO
State Archivist			YES		NO
City Clerk			Date Schedule to Shred Files:	<b>Immediately upon approval</b>	

## **STAFF REPORT**

**Date:** May 11, 2016  
**To:** Mayor and City Council  
**From:** Robin Collins, Asst. Economic Development Director  
**RE:** Discussion on Sale of Downtown Open Air Parking Lots

### **Downtown Parking Lots Summary**

The City of Nampa owns several parking lots located within the Downtown Historic District. These lots consist of mostly leased parking, with some lots being a mix of leased parking and 2-hour parking. Leased within the lots are offered on a monthly, bi-annual, or annual contract basis. Most customers sign one-year lease agreements and pay a monthly lease fee of \$15.00 per space. Each leased customer is assigned a parking space(s) along with a window decal indicating the appropriate lot name. Parking management and enforcement for such lots is under the direction of the Economic Development Department, Code Compliance and Community Relations Division.

The following is a breakdown of the parking lots, their locations, and information on the number of spaces total, along with the number of spaces currently leased.

### **Academy Lot**

Located off of 12<sup>th</sup> Avenue South and Front Street

**Total Spaces: 34**  
City Employee Parking: 16  
Currently Leased: 10 stalls  
Available for lease: 7 stalls

### **Dewey Lot**

Located off of 1<sup>st</sup> Street South

**Total Spaces: 25**  
Currently Leased: 16 stalls  
Available for lease: 9 stalls

## **LongBranch Lot**

Located off of Front Street, between 12<sup>th</sup> Ave. S. & 13<sup>th</sup> Ave. S.

**Total Spaces: 63**

Two-Hour parking: 18 stalls

Museum parking: 26 stalls

Currently Leased: 45 stalls

Available for lease: 0 stalls

## **Mangum Lot**

Located off of 3<sup>rd</sup> Street S. & 13<sup>th</sup> Ave. S.

**Total Spaces: 20**

Currently Leased: 11 stalls

Available for lease: 9 stalls

## **Stampede Lot**

Located off of 2<sup>nd</sup> Street South

**Total Spaces: 29**

Currently Leased: 18 stalls

Available for lease: 11 stalls

## **Third Street Lot**

Located off of 3<sup>rd</sup> Street S. & 12<sup>th</sup> Ave. S.

**Total Spaces: 57**

Currently Leased: 14 stalls

Available for lease: 0 stalls

Library Employee parking: 43

## **Union Lot**

Located off of Front Street and 10<sup>th</sup> Ave. S.

**Total Spaces: 14**

Two hour parking: 8 stalls

Currently Leased: 6 stalls

Available for lease: 0 stalls

## FUNDS TRANSFER AND CONSENT TO BID UPRR OVERPASS DECK REPAIRS (KINGS RD. & AMITY AVE.)

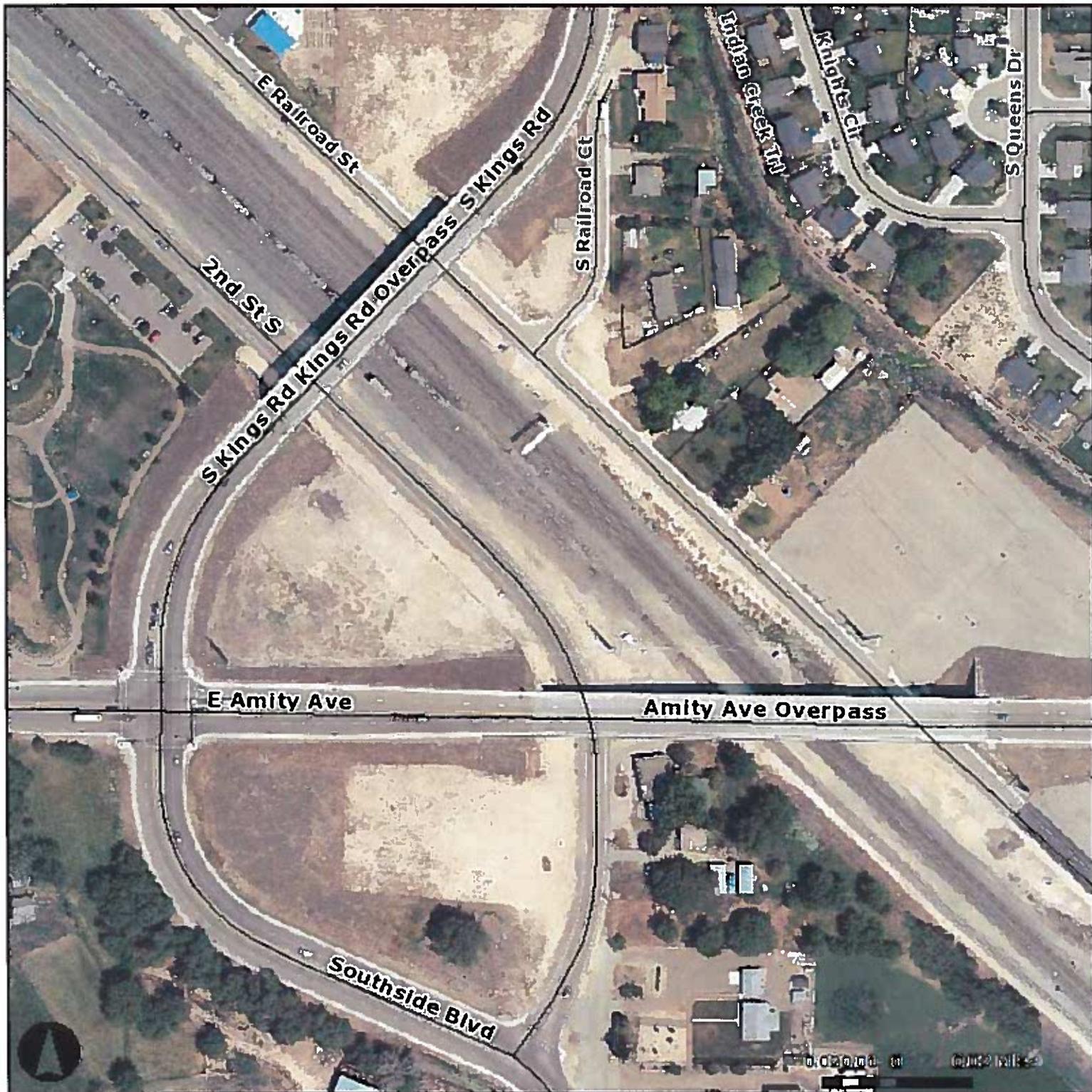
- The Kings Rd. and Amity Ave. overpasses (Exhibit A) were identified as requiring maintenance during routine asset inspection in December 2014. The decks have been in service for approximately eight (8) years and are beginning to wear. Routine deck maintenance is an effective way to extend the useful life of the two (2) overpasses.
- Keller Associates (Keller) was selected to design the project and assist the City with bidding and construction requests for information.
- Keller has completed the design of the project which will consist of a two parts, a sealer and an epoxy overlay. The deck rehabilitation has an estimated useful life of fifteen (15) years and a lower life-cycle cost than a full deck rebuild.
- The UPRR Overpass Deck Repairs (Kings Rd. & Amity Ave.) project has an approved FY16 Streets Division budget of \$243,694.

Design and Survey	\$	38,585
<i>Observation Estimate</i>	\$	<i>20,000</i>
<i>Construction Estimate</i>	\$	<i>470,000</i>
<b>Total</b>	<b>\$</b>	<b>528,585</b>

- The 39<sup>th</sup> and Garry Intersection Improvements project will not be completed in FY16.
  - a) \$1.1M of funding was authorized for this project in FY16
- Staff recommends using the spending authority from the 39<sup>th</sup> and Garry project to complete the Kings and Amity overpass deck repairs.
  - a) Replacement spending authority will be requested in the FY17 budget
- Keller has provided an engineer's estimate and the Engineering Division recommends proceeding with the formal bidding process.

**REQUEST:** Authorize the Engineering Division to proceed with the formal bidding process for the UPRR Overpass Deck Repairs (Kings Rd. & Amity Ave.) using existing Street budget spending authority.

Exhibit A



**AUTHORIZATION TO SUBMIT GRANT APPLICATIONS**  
**2016 STATE WIDE TRANSPORTATION ALTERNATIVES PROGRAM (TAP)**  
**Indian Creek Pathway Extension (Taffy Drive – Peppermint Drive) & Sherman**  
**Avenue Multimodal (Powerline Road –2<sup>nd</sup> Street S)**

- In an effort to advance transportation mobility, safety and economic opportunity, Public Works staff is requesting authorization to apply for the state wide Transportation Alternatives Program (TAP) Federal funding administered through the Idaho Transportation Department Community Choices for Idaho.
- This is a cooperative effort between Parks, Economic Development, Finance, Planning, and Public Works to evaluate city wide transportation needs and identify projects that would improve mobility and safety while meeting the requirements of the annual TAP Program.
- Since 2012, the City has received approximately \$750,000 in TAP funding for the following projects:
  - **Midland & Wilson Path Pedestrian Hybrid Beacon Signal (HAWK)**  
200,000, FY16-17 construction
  - **Lake Lowell & Wilson Pathway Pedestrian Hybrid Beacon Signal (HAWK)**  
\$228,000, constructed FY16-17 construction
  - **Greenhurst Rd & Stoddard Pathway Pedestrian Crossing Signal and Parking Lot Improvements—\$303,000, FY16-17 construction**
- This year, the following two projects are proposed:
  - **Indian Creek Pathway Extension (Taffy Drive – Peppermint Drive).** This project will close a critical gap in the southeastern section of the Indian Creek trail system by installing approximately 630 feet of 8-foot-wide multi-use asphalt pathway. In addition, an eroded portion of Indian Creek bank will be stabilized in the process and a Rapid Flashing Beacon (RFB) pedestrian crossing will be installed at the intersection of the Indian Creek Pathway and Kings Road (See Exhibits A).
    - *Estimated Cost \$490,000 (\$36,000 City match, \$454,000 Federal)*
  - **Sherman Avenue Multimodal (Powerline Road –2nd Street S).** This project will install bicycle shared use lanes on Sherman Avenue and Chicago Street providing multimodal accessibility parallel to the Amity Road corridor. In addition, improvements will be made to the intersection of Sherman Avenue and Powerline Road including a RFB crossing, ADA pedestrian ramps, lighting, sidewalk/curb/gutter, and asphalt repair. This project will improve safety for children traveling to and from Sherman Elementary (See Exhibits A).
    - *Estimated Cost \$580,000 (\$43,000 City match, 537,000 Federal)*
- These projects are consistent with the Nampa Citywide Transportation Plan, the Bicycle and Pedestrian Master Plan and the Nampa Comprehensive Plan.
- City match funding will be included in the FY18 budget proposal.

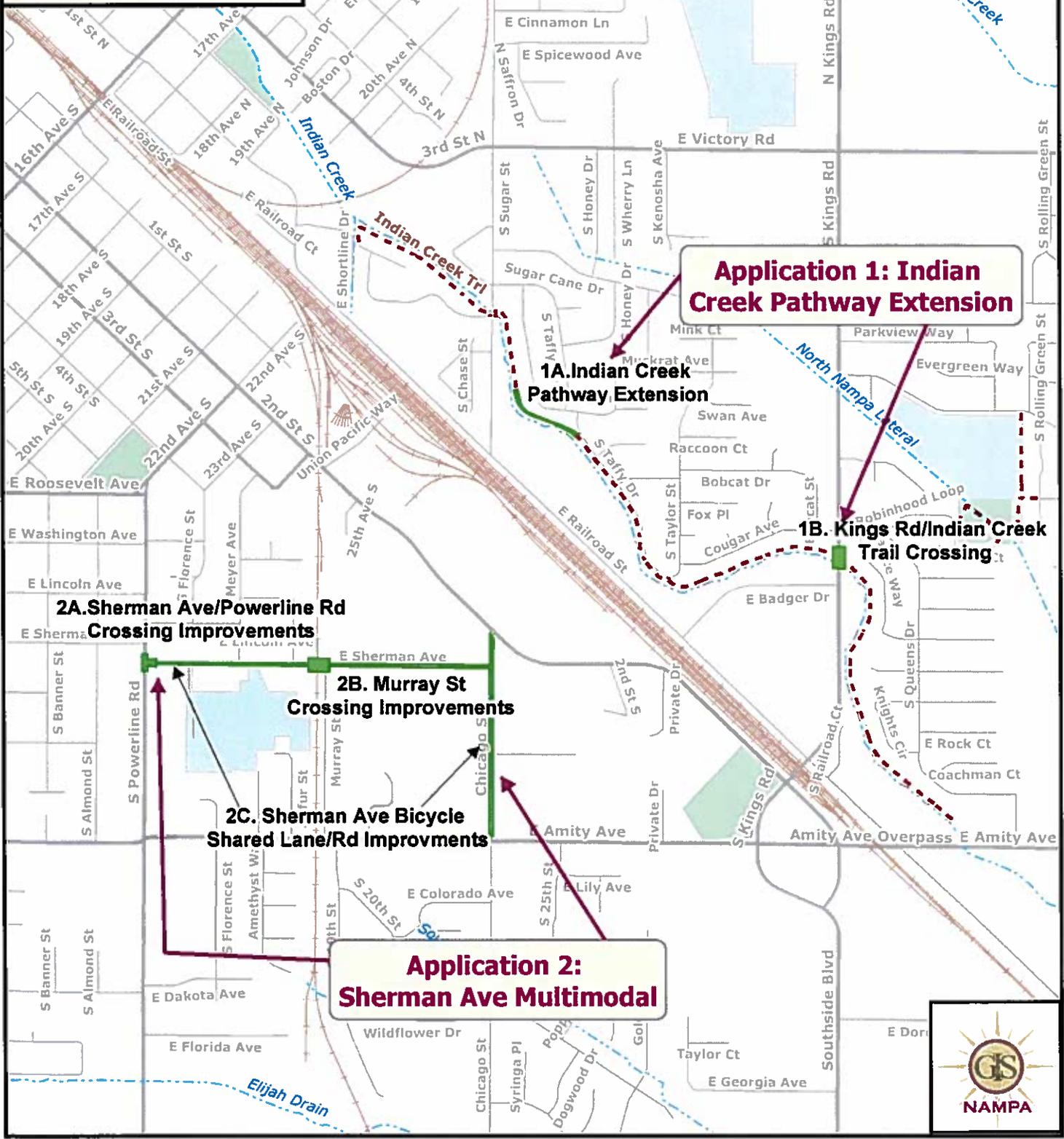
- Engineering recommends submittal of the grant application.

**REQUEST:** Authorize staff to submit a state wide Transportation Alternatives Program (TAP) application and associated 7.34% City match on behalf of the City of Nampa to fund the Indian Creek Pathway Extension (Taffy Drive – Peppermint Drive) & Sherman Avenue Multimodal (Powerline Road – 2<sup>nd</sup> Street S) projects.

# Exhibit A

Routes	Landuse
Interstate	Airport
Highway	Cemetery
Major Road	Golf Course
Local Road	Government
Trail	Medical
Railroads	Park
Waterways	School
Project Location	

5/10/2016  
For illustrative purposes only.



## Application 1: Indian Creek Pathway Extension

1A. Indian Creek Pathway Extension

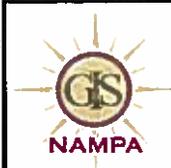
1B. Kings Rd/Indian Creek Trail Crossing

2A. Sherman Ave/Powerline Rd Crossing Improvements

2B. Murray St Crossing Improvements

2C. Sherman Ave Bicycle Shared Lane/Rd Improvements

## Application 2: Sherman Ave Multimodal



ORDINANCE NO. \_\_\_\_\_

**AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ANNEXING A PORTION OF THE NAMPA MERIDIAN 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.**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NAMPA, IDAHO:

**Section 1:** That the following described real property, and all thereof, be, and the same is hereby annexed and made a part of the Municipal Irrigation District of the City of Nampa, Idaho. That the real property hereby annexed is described as follows, to wit:

**See Exhibit "A" attached hereto and incorporated herein by this reference.**

**Section 2:** That the City Engineer is hereby directed to alter the Use and Area Map in accordance with this Ordinance.

**PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this 16<sup>th</sup> day of May, 2016**

**APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this 16<sup>th</sup> day of May, 2016**

Approved:

By \_\_\_\_\_  
ROBERT L. HENRY, Mayor

Attest:

By \_\_\_\_\_  
DEBORAH L. BISHOP, City Clerk

STATE OF IDAHO            )  
  ) ss.  
COUNTY OF CANYON        )

On this 16<sup>th</sup> day of May, 2016, before me the undersigned, a Notary Public in and for said State personally appeared ROBERT L. HENRY and DEBORAH L. BISHOP, known or identified to me to be the Mayor and City Clerk, respectively, of the City of Nampa, Idaho, an Idaho municipal corporation, that executed the said instrument, and acknowledged to me that such city executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

\_\_\_\_\_  
NOTARY PUBLIC FOR IDAHO  
Residence: \_\_\_\_\_  
My Commission Expires: \_\_\_\_\_

\*SEAL

## EXHIBIT "A"

### NAMPA & MERIDIAN IRRIGATION DISTRICT

- 809 Chicago Street, Nampa, Idaho, more particularly described in that certain Deed dated July 8, 2014, and recorded on July 11, 2014, as Instrument No. 2014-024733 in the office of the Canyon County Recorder, Canyon County, Idaho (comprising approximately .21 acres, more or less).
- 1130 S. Chestnut Street, Nampa, Idaho, more particularly described in that certain Deed recorded on July 20, 2006, as Instrument No. 2006-58674 in the office of the Canyon County Recorder, Canyon County, Idaho (comprising approximately .61 acres, more or less).
- 80 N. Sugar Street, Nampa, Idaho, more particularly described in that certain Warranty Deed dated March 20, 2015, and recorded on March 20, 2015, as Instrument No. 2015-009637 in the office of the Canyon County Recorder, Canyon County, Idaho (comprising approximately .77 acres, more or less).
- 16231 N. Brinson Street, Nampa, Idaho, more particularly described in that certain Warranty Deed dated May 12, 2015, and recorded on May 15, 2015, as Instrument No. 2015-017540 in the office of the Canyon County Recorder, Canyon County, Idaho (comprising approximately .77 acres, more or less).
- 16211 N. Brinson Street, Nampa, Idaho, more particularly described in that certain Warranty Deed dated January 29, 2015, and recorded on February 2, 2015, as Instrument No. 2015-003423 in the office of the Canyon County Recorder, Canyon County, Idaho (comprising approximately 1.32 acres, more or less).
- River Meadows Subdivision No. 3, more particularly described in the plat thereof, as shown by Book 44, Page 42 of Plats, records of Canyon County, Idaho (comprising approximately 18.10 acres, more or less).
- Copper River Basin Subdivision No. 4, more particularly described in the plat thereof, as shown by Book 44, Page 37 of Plats, records of Canyon County, Idaho (comprising approximately 6.16 acres, more or less).
- Nampa Gateway South Apartments, more particularly described in that certain Quitclaim Deed dated October 8, 2015, and recorded on October 14, 2015, as Instrument No. 2015-040164 in the office of the Canyon County Recorder, Canyon County, Idaho (comprising approximately 12.28 acres, more or less).

## NAMPA FIRE AND BUILDING CODE BOARD OF APPEALS

Matt Hildebrandt  
14115 Raptor Road  
Caldwell, ID 83607  
[Matth@stonelumber.com](mailto:Matth@stonelumber.com)  
(208) 466-2463

Stone Lumber/ Business Owner  
Term 4/7/14 thru 4/7/15  
Re-Appoint

Reese Leavitt PE  
7611 Murphy Road  
Melba, ID 83641  
[rleavitt@leavittengineers.com](mailto:rleavitt@leavittengineers.com)  
208-463-0333 Office  
208-495-2515 Home  
208-463-9229 Fax

Civil/ Structural Engineer  
Term 4/7/14 thru 4/7/16  
Re-Appoint

Dennis Koontz  
Team Realty  
985 Corporate Lane  
Nampa, ID 83651  
[dkoontz@teamrealtyofidaho.com](mailto:dkoontz@teamrealtyofidaho.com)  
208-880-2222 Cell  
208-465-7770 Office  
208-465-7709 Fax

Realtor  
Term 4/7/14 thru 4/7/16  
Re-Appoint

Jeff Wade  
Precision Builders  
13751 Locust Lane  
Nampa, ID 83686  
[jwadebldr@msn.com](mailto:jwadebldr@msn.com)  
208-890-4773

Builder/ Construction Owner  
Term 4/7/14 thru 4/7/16  
Re-Appoint

Greg Toolson  
JGT Architects  
1212 12<sup>th</sup> Ave South  
Nampa, ID 83651  
[gtoolson@jgt-architecture.com](mailto:gtoolson@jgt-architecture.com)  
208-463-9295 Office  
208-463-9299 Fax

Architect  
Term 4/7/14 thru 4/7/16  
Re-Appoint

Patrick Sullivan  
411 3<sup>rd</sup> Street South  
Nampa, ID 83651  
[sullivanp@cityofnampa.us](mailto:sullivanp@cityofnampa.us)  
208-468-5445

Building Official  
Non-Voting Member  
Re-Appoint

Mike Mussell  
Mussell Construction Inc.  
320 11<sup>th</sup> Ave South  
Nampa, ID 83653  
[mike@mussellconstruction.com](mailto:mike@mussellconstruction.com)  
208-466-3331

Builder/ Construction Owner  
Term 4/7/15 thru 4/7/17

Andy Cater, Fire Marshal  
Caldwell Fire Department  
310 South 7<sup>th</sup> Avenue  
Caldwell, ID 83605  
(208) 455-3032  
[acater@cityofcaldwell.org](mailto:acater@cityofcaldwell.org)

Fire Official  
4/7/15 thru 4/7/17

## **Adopt Amendments to Wastewater Industrial Incentives Policy**

- The Wastewater Industrial Incentives Policy (Policy) has afforded multiple industrial customers many favorable solutions to maximize the benefit of permitted wastewater capacity, e.g., sale of capacity, conversion of capacity, transfer of capacity, and loans of capacity
- On January 19, 2016, the Board of Appraiser reviewed the Policy and recommended that a timeline for the “Incentives” process be included
- The timeline proposed in the Policy will provide staff the flexibility to continue to successfully implement the Policy and establish expectations for the customer
- The key revisions to the Policy include:
  - Added the word “estimated” in front of the staff’s timeline
  - Establish 35 calendar days as the time it would take for a customer’s request to reach City Council final decision
- The adopted Policy will incorporate the “track changes” shown in Exhibit A
- Public Works supports adoption of the amended Policy

**REQUEST:** Adopt amended Public Works Wastewater Industrial Incentives Policy with an effective date of May 16, 2016.

City of Nampa Wastewater Industrial Incentives Policy

- 1
- 2
- 3 Section 1: Policy Purpose and the Relationship of Wastewater Capacity Reservation and Economic
- 4 Development Policy.
- 5 Section 2: Introduction.
- 6 Section 3: Goals.
- 7 Section 4: Definitions. (Reserved)
- 8 Section 5: Discharge and Pretreatment Requirements.
- 9 Section 6: Incentives.
- 10 Section 7: Capacity Optimization Fee.
- 11 Section 8: Economic Impact Benefit Requirements for Industrial Customer Incentives. (Reserved)
- 12 Section 9: Wastewater Industrial Incentive Policy Petition Form

13  
14 Section 1: Policy Purpose and the Relationship of Wastewater Capacity Reservation and Economic  
15 Development Policy.

16 There is a direct relationship between infrastructure and economic development. Municipalities  
17 that properly construct, finance, and operate water and wastewater systems, roads, bridges, and other  
18 transportation facilities are better able to serve the needs of the community on a sustainable basis. For  
19 industrial customers, the predictability of quality, quantity and cost of essential infrastructure services  
20 that are directly purchased through user fees is a key business consideration. Infrastructure cost of  
21 service, along with community attributes, quality of life, labor force, and other local conditions are  
22 factors in corporate decisions to locate or expand operations in a community.

23 The City of Nampa’s wastewater system provides an indirect discharging benefit to industrial  
24 customers that is in most cases more cost advantageous than directly discharging wastewater according  
25 to U.S. Clean Water Act requirements<sup>1</sup>. The effect of indirect discharging is that the City, rather than an  
26 individual industry, obtains a permit to discharge treated wastewater into the waters of the United  
27 States. There is an economy of scale that cannot easily be replicated by a single industry. At the same  
28 time, the value of the indirect discharge benefit to industry depends upon the effective operation and  
29 management, including financial management, of the wastewater system. The City of Nampa’s  
30 economic development plan and the implementation of that plan -- to the extent that the City’s

<sup>1</sup> 33 U.S.C. §1251 et seq. (1972)

1 economic development goals include the attraction, retention, and expansion of its industrial base --  
2 depends upon a sustainable wastewater treatment system.

3

4 Section 2: Introduction.

5 It is the policy of the City of Nampa that all customers pay their fair share of the cost of using the  
6 Nampa Wastewater System. That fair share includes the cost of reserving capacity to discharge  
7 wastewater to be treated. Each new customer or existing customer seeking greater discharge capacity  
8 is required to pay the proportionate share of the cost of capitalizing the wastewater system as available  
9 capacity to discharge is purchased. The unit cost of capacity to discharge is charged to all customers  
10 proportionately based on the wastewater discharge equivalent of a residential dwelling unit, commonly  
11 known as an equivalent residential unit (ERU). The cost of establishing wastewater discharge capacity is  
12 calculated for each customer by converting the volume and strength of wastewater discharge into the  
13 number of ERU units that need to be provided to each customer. This ensures that either the  
14 wastewater system capacity to serve new customers is available for new customers, or the financial  
15 resources needed to capitalize expansion of the system to serve new customers in the future are  
16 available.

17 The City Council recognizes that the proportionate purchase price of wastewater discharge  
18 capacity may create an actual or perceived cost burden to an industry during the establishment of  
19 and/or the expansion of an industry in the City of Nampa. Therefore, it is the policy of the City of  
20 Nampa to offer incentives to current and future wastewater dischargers that qualify as industrial  
21 customers.

22

23 Section 3: Goals.

24 This incentive policy is based on three guiding principles specifically chosen to balance the value  
25 of industrial customer base expansion against the wastewater capacity reservation costs that must be  
26 contributed by all wastewater service customers, including industrial customers. For industrial  
27 customers the number of Equivalent Residential Units that must be purchased in order to reserve  
28 capacity for the discharge volume and/or the strength and variety of additional waste stream  
29 constituents can be a significant cost to establishing or expanding in the City of Nampa. Therefore, the  
30 benefit of incentive policies is to mitigate the perception or actual financial burden that capacity  
31 reservation fees, while equitable, create a barrier to expansion of Nampa's industrial base compared to  
32 other communities.

- 1            These guiding principles for incentive policies are:
- 2            1. The incentive policies should be complementary with Nampa’s economic development
- 3            strategy.
- 4            2. The incentive policies should provide real value for industrial development and existing
- 5            industry expansion.
- 6            3. The financial impact of the implementation of the incentive policies must balance costs and
- 7            benefits to prevent the degradation of the financial integrity of the Wastewater Enterprise
- 8            Fund.
- 9

10 Section 4: Definitions. (Reserved)

- 11 A. Equivalent Residential Unit (ERU). (Reserved)
- 12 B. Fair Market Value. Fair Market Value is defined as the Equivalent Residential Unit Connection Fee as
- 13 determined by the cost-of-service analysis as adopted at the time of the submission of the
- 14 Incentives Petition.
- 15 C. Net Capacity. Net capacity is the difference between the amount of wastewater treatment capacity
- 16 used by the existing customers and eighty-five percent (85%) of the total available wastewater
- 17 treatment capacity.
- 18 D. Wastewater System Capacity Right. (Reserved)
- 19

20 Section 5: Discharge and Pretreatment Requirements.

21            This policy does not and is not intended to supersede existing Nampa City Code and regulations

22 regarding wastewater discharge and pretreatment requirements. Industrial customers seeking

23 incentives under this policy must still comply with all Nampa City Code and regulations governing

24 wastewater discharge permits and wastewater pretreatment.<sup>2</sup> If any portion of this incentives policy or

25 an agreement under this policy is found to be in conflict with discharge permit and pretreatment

26 requirements, the discharge and pretreatment requirements shall govern. Application for a discharge

27 permit should be done prior to or in conjunction with any incentives application so discharge and

28 pretreatment requirements are clarified before entering into an incentives agreement.

29

30

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<sup>2</sup> Title 8, Chapters 2 and 9 of Nampa City Code. Associated discharge permit regulations, forms, and applications are available from the Wastewater Division of the Public Works Department.

1 Section 6: Incentives.

2 The City Council authorizes the Public Works Director and the Economic Development Director  
3 to use any combination of the following incentive mechanisms to assist a current industrial class  
4 customer, or a prospective industrial class customer in acquiring wastewater discharge capacity. Any  
5 incentive(s) proposed to be provided as authorized by this section is subject to final approval of the City  
6 Council, which may accept, reject, or amend any proposed agreement, contract or other documentation  
7 that specifically implements such incentives. Discussions, verbal or written requests, or petitions  
8 relative to incentive mechanisms will not constitute or imply any right to wastewater discharge capacity  
9 prior to final approval of the City Council.

10 A. Loan of Wastewater System Capacity.

11 An industrial customer seeking to borrow wastewater treatment capacity shall submit a completed  
12 Wastewater Treatment Capacity Reservation Loan Petition to the City of Nampa Public Works  
13 Department.

- 14 i. A loan of wastewater treatment capacity may be provided for a period of up to two (2)  
15 years.
- 16 ii. Within an estimated ten (10) business days of receipt of the completed Loan Petition, the  
17 Engineering Division of the Public Works Department shall determine if the wastewater  
18 treatment system has the capacity and technical capability to serve the treatment needs of  
19 the industrial customer. The Engineering Division will accept, reject, or return the petition  
20 to the petitioner for additional or revised information, based on that capacity determination  
21 and technical evaluation.
  - 22 a. If additional or revised information is requested, the Engineering Division shall  
23 provide an explanation for the need for additional or revised information. A  
24 petition returned to the petitioner for additional or revised information may be  
25 resubmitted at any time and would be subject to the requirements of Section  
26 6.A.(ii).
  - 27 b. The Engineering Division shall provide written notification to the petitioner prior  
28 to the end of the estimated ten (10) business days deadline for petition  
29 determination if additional time is needed for review of the petition.
- 30 iii. Once the completed Loan Petition is received and reviewed, the Engineering Division may  
31 recommend that the City provide a portion of or all of the requested capacity of the

wastewater treatment capacity available at the time of the receipt of the loan petition subject to requisite assessment and measurement.

- iv. Any such recommendation for a Loan of Wastewater System Capacity will be forwarded to the Economic Development Director within an estimated three (3) business days.
- v. The provision of the loan of wastewater treatment capacity is subject to the economic impact requirements for industrial customer incentives specified in Section 8.
- vi. The Economic Development Director will receive and review the recommendation of the Public Works Department and will collect information necessary to determine that the economic impact requirements specified in Section 8 would be met through the provision of the loan of capacity.

vii. Following the economic impact determination required in subsection 6.A.(vi), the Economic Development Director will transfer the Loan Petition to the Public Works Director with one of the following actions:

1. Approved by the Economic Development Director and recommended for approval by the City Council;
2. Forwarded by the Economic Development Director for consideration of the City Council without recommendation; or,
3. Not recommended by the Economic Development Director.

viii. After receiving a loan petition from the Economic Development Director pursuant to subsection vii (1.) or vii (2.), the Public Works Director will forward the petition to the City Attorney who will prepare a Loan of Wastewater Capacity Agreement for consideration of the City Council.

- a. If a loan petition is not recommended by the Economic Development Director pursuant to subsection vii (3.), the Public Works Director may report this finding to the City Council.
- b. Further, the Public Works Director will provide written notification to the petitioner that the loan petition failed to meet the economic impact requirements for industrial customer incentives as specified in Section 8.

ix. The City Council may also further amend the Loan of Wastewater Capacity Agreement as provided in Section 6.H.

x. The City Council will make the final determination on the Loan of Wastewater Capacity

~~Agreement, estimated~~ Agreement, estimated to be 35 days after receipt of Petition.-

- xi. Loan of Capacity – Recall Provision. During the two (2) year loan period, and except for the last one-hundred and twenty (120) days of the loan period, a loan of wastewater capacity could be recalled by the City if;
  - a. In the City’s discretion, it wishes to sell or lease the loaned capacity to another qualifying industrial customer, or;
  - b. The City requires the loaned capacity to be returned to the City in order to meet its expansion planning requirements.
  - c. If the City recalls loaned capacity it will provide the borrower a written notice of intent to recall loaned capacity that includes a deadline for recall of one-hundred and twenty (120) calendar days from the date of issuance of the notice. The notice of intent will be provided to the borrower by certified mail.
  - d. The industrial customer that has borrowed wastewater treatment capacity has ninety (90) days from the date of issuance of the written notice of intent to recall loaned capacity to:
    - i. Agree to stop the use of all borrowed wastewater treatment capacity, or;
    - ii. Petition to lease or purchase all or part of the borrowed wastewater treatment capacity according to the requirements of Section 6.B. or Section 6.C.
      - 1. Upon written notice of intent to the City to lease all or part of the borrowed wastewater treatment capacity, a signed written agreement between the City and the industrial customer must be completed within an estimated ninety (90) days.
      - 2. Upon written notice of intent to the City to purchase all or part of the borrowed wastewater treatment capacity, a signed written agreement between the City and the industrial customer must be completed within an estimated ninety (90) days.

B. Lease of Wastewater System Capacity.

An industrial customer seeking to lease wastewater treatment capacity shall submit a completed Wastewater Treatment Capacity Reservation Lease Petition to the City of Nampa Public Works Department.

- i. The agreement to lease capacity shall not exceed five (5) years.
- ii. Within an estimated ten (10) business days of receipt of the completed Lease Petition, the Engineering Division of the Public Works Department shall determine if the wastewater

1 treatment system has the capacity and technical capability to serve the treatment needs of  
2 the industrial customer. The Engineering Division will accept, reject, or return the petition  
3 to the petitioner for additional or revised information, based on that capacity determination  
4 and technical evaluation.

5 a. If additional or revised information is requested, the Engineering Division shall  
6 provide an explanation for the need for additional or revised information. A  
7 petition returned to the petitioner for additional or revised information may be  
8 resubmitted at any time and would be subject to the requirements of Section  
9 6.B.(ii).

10 b. The Engineering Division shall provide written notification to the petitioner prior  
11 to the end of the estimated ten (10) business days deadline for petition  
12 determination if additional time is needed for review of the petition.

13 iii. Once the completed Lease Petition is received and reviewed, the Engineering Division may  
14 recommend that the City provide a portion of or all of the requested capacity of the  
15 wastewater treatment capacity available at the time of the receipt of the lease petition  
16 subject to requisite assessment and measurement.

17 iv. Any such recommendation for a Lease of Wastewater System Capacity will be forwarded to  
18 the Economic Development Director within an estimated three (3) business days.

19 v. If the petitioning industrial customer has not previously satisfied the requirements of  
20 Section 8, the provision of the lease incentive of wastewater treatment capacity is subject to  
21 the economic impact requirements for industrial customer incentives specified in Section 8.

22 vi. The Economic Development Director will receive and review the recommendation of the  
23 Public Works Department and will collect information necessary to determine that the  
24 economic impact requirements specified in Section 8 would be met through the provision of  
25 the lease of capacity.

26 vii. Following the economic impact determination required in subsection 6.A.(vi), the Economic  
27 Development Director will transfer the Lease Petition to the Public Works Director with one  
28 of the following actions:

29 1. Approved by the Economic Development Director and recommended for  
30 approval by the City Council;

31 2. Forwarded by the Economic Development Director for consideration of the  
32 City Council without recommendation; or,

3. Not recommended by the Economic Development Director.

- viii. After receiving a lease petition from the Economic Development Director pursuant to subsection vii (1.) or vii (2.), the Public Works Director will forward the petition to the City Attorney who will prepare a Lease of Wastewater Capacity Agreement for consideration of the City Council. If a lease petition is not recommended by the Director of the Office of Economic Development pursuant to subsection vii (3.), the Public Works Director may report this finding to the City Council.
  - a. Further, the Public Works Director will provide written notification to the petitioner that the lease petition failed to meet the economic impact requirements for industrial customer incentives as specified in Section 8.
- ix. The City Council may also further amend the Lease of Wastewater Capacity Agreement as provided in Section 6.H.
- x. The City Council will make the final determination on the Lease of Wastewater Capacity ~~Agreement, estimated~~ Agreement, estimated to be 35 days after receipt of Petition.-
- xi. Wastewater treatment capacity that is being used through the lease agreement is subject to recall. During the lease period, and except for the last one-hundred and twenty (120) days of the lease period, a lease of wastewater capacity could be recalled by the City if;
  - a. In the City’s discretion, it wishes to sell the leased capacity to another qualifying industrial customer, or;
  - b. The City requires the leased wastewater system capacity to be returned to the City in order to meet its expansion planning requirements.
- xii. If the City recalls leased capacity it must provide the lessee with a written notice of intent to recall leased capacity that includes a deadline for recall of one-hundred and twenty (120) calendar days from the date of issuance of the notice. The notice of intent must be provided to the lessee by certified mail.
- xiii. The industrial customer that has leased wastewater treatment capacity has ninety (90) days from the date of issuance of the written notice of intent to recall leased capacity to:
  - a. Agree to stop the use of all leased wastewater treatment capacity, or;
  - b. Petition to purchase all or part of the leased wastewater treatment capacity according to the requirements of Section 6.C.

1 C. Purchase of Wastewater System Capacity.

2 An industrial customer seeking to purchase wastewater treatment capacity shall submit a  
 3 completed Wastewater Treatment Capacity Reservation Purchase Petition to the City of Nampa  
 4 Public Works Department.

5 i. Within an estimated ~~ten~~ (10) business days of receipt of the completed Purchase  
 6 Petition, the Engineering Division shall determine if the wastewater treatment system has  
 7 the capacity and technical capability to serve the treatment needs of the industrial  
 8 customer. The Engineering Division will accept, reject, or return the petition to the  
 9 petitioner for additional or revised information, based on that capacity determination and  
 10 technical evaluation.

11 a. If additional or revised information is requested, the Engineering Division shall  
 12 provide an explanation for the need for additional or revised information. A  
 13 petition returned to the petitioner for additional or revised information may be  
 14 resubmitted at any time and would be subject to the requirements of Section  
 15 6.C.(i).

16 b. The Engineering Division shall provide written notification to the petitioner prior  
 17 to the end of the estimated ten (10) business days deadline for petition  
 18 determination if additional time is needed for review of the petition.

19 ii. If the Purchase Petition is accepted, the Engineering Division may recommend that the City  
 20 provide a portion of or all of the requested capacity of the wastewater treatment capacity  
 21 available at the time of the receipt of the purchase petition subject to requisite assessment  
 22 and measurement.

23 iii. If the industrial customer wishes to purchase a reservation of wastewater treatment  
 24 capacity without an amortization incentive, the industrial customer shall remit, within a  
 25 reasonable period determined by the Public Works Department, the full payment for the  
 26 fair market value of the reservation of system capacity.

27 iv. If an industrial customer seeking to purchase a reservation of wastewater treatment  
 28 capacity has submitted a completed Purchase Petition that includes a request for an  
 29 amortization incentive, and if the Engineering Division has recommended the purchase  
 30 petition based on the capacity determination and technical evaluation, then any such  
 31 recommendation for a purchase of Wastewater System Capacity will be forwarded to the  
 32 Economic Development Director within an estimated three (3) business days.

- 1 a. The amortization incentive allows the industrial customer to purchase wastewater  
2 system capacity by amortizing the purchase over a period of up to ten (10) years.
- 3 v. If the petitioning industrial customer has not previously satisfied the requirements of  
4 Section 8, the provision of the purchase incentive of wastewater treatment capacity is  
5 subject to the economic impact requirements for industrial customer incentives specified in  
6 Section 8.
- 7 vi. The Economic Development Director will receive and review the recommendation of the  
8 Public Works Department and will collect information necessary to determine that the  
9 economic impact requirements specified in Section 8 would be met through the provision of  
10 the purchase of capacity. The Economic Development Director will transfer the Purchase  
11 Petition to the Public Works Director with one of the following actions:
  - 12 1. Approved by the Economic Development Director and recommended for  
13 approval by the City Council;
  - 14 2. Forwarded by the Economic Development Director for consideration of the  
15 City Council without recommendation; or,
  - 16 3. Not recommended by the Economic Development Director.
- 17 viii. After receiving a purchase petition from the Economic Development Director pursuant to  
18 subsection vii (1.) or vii (2.), the Public Works Director will forward the petition to the City  
19 Attorney who will prepare a Purchase of Wastewater Capacity Agreement for consideration  
20 of the City Council.
  - 21 a. If a purchase petition is not recommended by the Economic Development Director  
22 pursuant to subsection vii (3.), the Public Works Director may report this finding to the  
23 City Council.
  - 24 b. Further, the Public Works Director will provide written notification to the petitioner that  
25 the purchase petition failed to meet the economic impact requirements for industrial  
26 customer incentives as specified in Section 8.
- 27 ix. As compensation to the City for the ability to acquire wastewater treatment capacity  
28 through an amortization agreement, the industrial customer shall pay, in addition to equal  
29 monthly installment payments, an interest charge.
  - 30 a. If the amortization period is ten (10) years, then the interest charge shall be equivalent  
31 to the Prime Rate as published in the Wall Street Journal on the nearest date to the

1 execution of the amortization agreement, plus one-hundred (100) basis points, on the  
 2 full cost of the purchased wastewater treatment capacity reservation.

3 b. If the amortization period is up to five (5) years, then the interest charge shall be  
 4 equivalent to the Prime Rate as published in the Wall Street Journal on the nearest date  
 5 to the execution of the amortization agreement, plus fifty (50) basis points, on the full  
 6 cost of the purchased wastewater treatment capacity reservation.

7 x. The City Council may also further amend the original or amended Purchase Petition as  
 8 provided in Section 6.H.

9 xi. The City Council will make the final determination on the Purchase Petition, estimated to be  
 10 35 days after receipt of Petition.

11 xii. A duly executed amortization agreement provides the industrial customer with certain  
 12 wastewater capacity rights. However, failure to complete the terms of the amortization  
 13 agreement relinquishes any rights for the unpaid portion of wastewater treatment capacity  
 14 to the City.

15 D. Short-Term Loan of Wastewater System Capacity

16 An industrial user holding a current Industrial Discharge Permit (“Customer”) seeking to borrow  
 17 wastewater treatment capacity for no more than thirty (30) days shall submit a completed  
 18 Wastewater Treatment Capacity Reservation Short-Term Loan Petition (“Short-Term Loan Petition”)  
 19 to the City of Nampa Public Works Department (“Department”).

20 i. Within an estimated two (2) business days of receipt of the completed Short-Term Loan  
 21 Petition, the Department shall determine if the wastewater treatment system has the  
 22 capacity and technical capability to safely and adequately provide the requested treatment  
 23 needs of the Customer. The Department will accept, reject, or return the Short-Term Loan  
 24 Petition to the Customer for additional or revised information.

25 ii. If additional or revised information is requested, the Department shall provide an  
 26 explanation of the need for the additional or revised information. A Short-Term Loan  
 27 Petition returned to the Customer for additional or revised information may be resubmitted  
 28 at any time and would be subject to the review required by Section 6.D.(i).

29 iii. The Department shall provide written notification to the Customer prior to the end of the  
 30 estimated two (2) business day deadline for determination if additional time is needed for  
 31 review.

- 1       iv.    If the Short-Term Loan Petition is accepted, the Department will provide all or a portion of
- 2            the requested treatment capacity subject to requisite assessment and measurement.
- 3       v.     The Department will present the results of the Short-Term Loan Petition to the City Council
- 4            at the next regularly scheduled City Council meeting as an information item. The City Council
- 5            may further amend the Department’s decision as provided in Section 6.H.
- 6       vi.    Short-term loans of wastewater treatment capacity are subject to the following:
- 7            a.    Short-term loans may only be granted if the Customer is in compliance with the
- 8            current Industrial Discharge Permit.
- 9            b.    The maximum duration of a short-term loan of wastewater treatment capacity is
- 10            thirty (30) days and any short-term loan approval shall specify its applicable
- 11            dates.
- 12            c.    Short-term loans of wastewater treatment capacity can only be requested once
- 13            every calendar year.
- 14            d.    The cost for short-term loans of wastewater treatment capacity shall be the
- 15            current constituent rate plus fifteen (15) percent. This rate will only apply to the
- 16            amount of wastewater treatment capacity approved by the City Council for the
- 17            short-term loan.

18   E.   Transferability of Purchased Wastewater Treatment Capacity Reservations.

19       Industrial customers that have purchased wastewater treatment capacity rights may, subject to the

20       approval of the Engineering Division of the Public Works Department, transfer all or some portion of

21       their capacity rights to another industrial facility owned by the same corporation. Such capacity

22       reservation right transfers would be subject to the following:

- 23       1.    The industry would be required to submit a completed Wastewater Capacity Reservation
- 24            Transfer Request Form for consideration by the Engineering Division.
- 25       2.    The transfer would be dependent on the capabilities of the City’s collection system to
- 26            handle the wastewater at the alternate location. Within an estimated thirty (30) days of
- 27            receiving the Wastewater Capacity Reservation Transfer Request, the Engineering Division
- 28            will provide a written response to the industry that determines whether or not the transfer
- 29            is technically feasible, and whether the Transfer Request is accepted or rejected.
- 30            a.    The assessment of technical feasibility shall include comparable analysis of the
- 31            physical facilities at both the donor and recipient sites (i.e. pump stations, pipelines,

1 and other physical facilities), and the comparable analysis of wastewater  
2 constituents discharged at both sites.

- 3 3. If the transfer request is technically feasible, and the Transfer Request is accepted by the  
4 Engineering Division, all costs related to the modification of the physical structures for the  
5 collection of wastewater at the proposed site will be the responsibility of the petitioning  
6 industrial customer.

7 **F. Industrial Customer Capacity Exchange.**

8 Industrial customers that have acquired wastewater capacity rights may make part or all of such  
9 capacity available for purchase by existing industrial customers, prospective industrial customers, or  
10 the City of Nampa. The exchange of capacity reservations between qualified industrial customers is  
11 subject to the following:

- 12 1. **Parties to the Exchange of Capacity Reservations.** The exchange of acquired wastewater  
13 capacity rights may occur between existing industrial customers, prospective industrial  
14 customers, and the City of Nampa. An existing industrial customer offering wastewater  
15 capacity rights for sale is required at the time of such offering to be in compliance with  
16 discharge permit requirements and to have been in compliance with discharge permit  
17 requirements for a period of six (6) months prior to the time of such offering.

- 18 a. The permit compliance requirement may be waived by the City if it is determined  
19 that the exchange of capacity rights will not create an adverse permit condition by  
20 either party to the exchange.

- 21 2. **Wastewater Capacity Rights Exchange Petition.** The parties to any exchange of capacity  
22 reservations shall submit a completed Wastewater Capacity Rights Exchange Petition for  
23 consideration by the Engineering Division of the Public Works Department.

- 24 3. **Technical Review of Proposed Capacity Exchanges.** The Engineering Division will evaluate  
25 any proposed capacity rights exchange submitted in accordance with Section 6.F.(2.) based  
26 on the technical requirements of the parties and the capacity of the wastewater system to  
27 accommodate the proposed exchange. The Engineering Division will prepare an evaluation  
28 report of the Capacity Rights Exchange Petition.

- 29 a. **Technical Review Administrative Cost Fee.** The Public Works Department shall  
30 assess a fee to recover the technical review and administrative costs of evaluating  
31 the proposed wastewater capacity rights exchange petition. Such fee shall be paid  
32 by the primary party bringing the petition for review.

1 4. Approval or Rejection of Capacity Exchanges. The Engineering Division will provide written  
2 response to the parties of the proposed wastewater capacity rights exchange within an  
3 estimated ten (10) business days. The Engineering Division may approve or reject the  
4 Wastewater Capacity Reservation Rights Petition.

5 G. Pretreatment and Voluntary Environmental Improvement Financing. (Reserved)

6 H. City Council Enhancements to Industrial Incentive Policy Wastewater Capacity Loan, Lease, and  
7 Purchase Agreements.

8 Notwithstanding the provisions of this Industrial Incentives Policy, the Nampa City Council may  
9 further incentivize the expansion of the industrial customer base by establishing contractual  
10 agreements with potential and existing industrial customers for wastewater treatment capacity  
11 rights.

12 I. Effective Date, Sunset, and Evaluation Requirement of Incentive Policies.

13 All sections of the Nampa Wastewater Fund Industrial Incentive Policies shall expire five (5) years  
14 after the date of enactment unless extended by a majority vote of the City Council.

15 1. One (1) year prior to the expiration of the Nampa wastewater Fund Industrial Incentive  
16 Policies, the Office of the Mayor will conduct a cost benefit analysis of the effectiveness of  
17 the policies and deliver said report to the City Council.

18 2. Notwithstanding Section I.(1.), any agreements implemented through this policy shall  
19 remain in force according to the specific terms contained in such agreements.  
20

21 Section 7: Capacity Optimization Fee.

22 The Capacity Optimization Fee (COFee) is established for the purpose of incentivizing the most  
23 efficient use of wastewater system capacity rights. Providing treatment capacity that is reserved and  
24 not utilized presents true costs to the community. The COFee compensates for those costs while  
25 incentivizing the exchange of unused capacity to other existing or new industrial customers.

26 A. The COFee will be assessed according to the following:

27 1. For the purposes of this section, full utilization of wastewater system capacity rights occurs  
28 when actual discharge is equal to the permit limits.

29 2. Full utilization of wastewater system capacity as permitted consists of maximum monthly  
30 discharge levels as indicated in each specific industrial discharge permit.

31 3. Such permitted discharge constituents include;

32 i. Flow

1           ii. Biological Oxygen Demand

2           iii. Total Suspended Solids

3           iv. Total Kjeldahl Nitrogen

4           v. Total Phosphorus

5       4. The Capacity Optimization Fee (COFee) will be assessed on the difference between the  
6       permitted capacity, as described in subsection 7.A.(1.), and one hundred and fifteen percent  
7       (115%) of the maximum monthly discharge level ~~on~~ for the previous twelve (12) months for  
8       each of the constituents in the industrial discharge permits. The calculation of the COFee  
9       assessment will be established through the rate policy. The COFee will be billed on an  
10      annual basis by fiscal year with the option for monthly payments.

11      5. At the discretion of the industrial customer, the COFee calculation for Biological Oxygen  
12      Demand (BOD) may be measured as Chemical Oxygen Demand (COD). If this option is  
13      exercised, the following shall apply;

14           i. The City shall at its sole discretion determine the appropriate conversion  
15           factor between BOD and COD based on historical industrial discharge data  
16           and the need to protect the City from permit violations.

17           ii. The use of COD as a surrogate for BOD for the COFee calculation shall not  
18           modify the limits of the Industrial Discharge Permit in any manner.

19  
20   Section 8: Economic Impact Benefit Requirements for Industrial Customer Incentives. (Reserved) [This  
21   section will be a direct reference to economic development policy, and will likely reflect the thresholds  
22   for economic development established by the current Community Development Block Grant program.]

23  
24   Section 9: Forms

25   A. Wastewater Industrial Incentives Policy Petition Form October 28, 2015. (Attachment A)

**CITY OF NAMPA WASTEWATER INDUSTRIAL INCENTIVES POLICY**

**SECTION 9: FORMS**

**ATTACHMENT A**

**“WASTEWATER INDUSTRIAL INCENTIVES POLICY PETITION  
FORM”**



# City of Nampa

ENVIRONMENTAL COMPLIANCE DIVISION

OFFICE (208) 468-5844

WWTP

340 W. Railroad St.

Nampa, Idaho 83687

FAX (208) 467-9194

## Wastewater Industrial Incentives Policy Petition Form (Owner A)

### A. Contact Information

Owner		Name of Facility			
Facility Contact Name	Phone #	Cell #	Email Address		
Facility Location	City	State	Zip Code		
Facility Mailing Address (if different from location)	City	State	Zip Code		

### B. Purpose of Petition (Please select from the options below).

- Capacity Short-term loan (Between Owner and City)
  - Starting Date: \_\_\_\_\_
  - Duration of Loan: 30 Days
  - Policy Reference: Sect.6.D
- Capacity Loan (Between Owner and City)
  - Starting Date: \_\_\_\_\_
  - Duration of Loan: \_\_\_\_\_ (Not to exceed 24 months)
  - Policy Reference: Sect.6.A
- Capacity Lease Agreement (Between Owner and City)
  - Starting Date: \_\_\_\_\_
  - Duration of Loan: \_\_\_\_\_ (Not to exceed 60 months)
  - Policy Reference: Sect.6.B
- Capacity Purchase (Between Owner and City)
  - Starting Date: \_\_\_\_\_
  - Policy Reference: Sect.6.C
- Capacity Transfer (Between Owner and City)
  - \* Submit Petition Form "Owner B" for Second Facility
  - Starting Date: \_\_\_\_\_
  - Policy Reference: Sect.6.E
- Capacity Exchange (Between Owner A and Owner B)
  - Starting Date: \_\_\_\_\_

- Policy Reference: Sect.6.F

**C. Modification to Permit Effluent Limitations**

PARAMETER	Existing Loadings	Requested Loading Changes	New Total
Flow, mgd			
Biochemical Oxygen Demand, lbs (BOD)			
Total Suspended Solids, lbs (TSS)			
Total Kjeldahl Nitrogen lbs/day (TKN)			
Total Phosphorus, lbs (TP)			

**D. Change in Operations.**

Provide description of new or modified operational processes on the Operational Changes Worksheet.

**E. Certification Statement**

*"I certify under penalty of law, this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment for knowingly perpetrating violations. "*

Printed Name: \_\_\_\_\_

Signature: \_\_\_\_\_

Date: \_\_\_\_\_

*Owner A*  
*Operational Changes Worksheet*

**A. Contact Information**

Owner		Facility Name			
Facility Contact Name	Phone #	Cell #	Email Address		
Facility Location	City	State	Zip Code		
Facility Mailing Address (if different from location)	City	State	Zip Code		

**B. Operational Changes**

1. Change in number of employees \_\_\_\_\_

2. Change in operational hours \_\_\_\_\_

3. List any changes in chemical usage

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

4. List any changes in equipment

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

5. List any changes of new or existing building structures

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

6. List any changes in discharge point location

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Additional Changes**

Please attach any additional information relevant to the Industrial Waste Acceptance Permit.

## Wastewater Industrial Incentive Policy Petition Form

(Owner B)

**A. Contact Information**

Owner		Name of Facility			
Facility Contact Name	Phone #	Cell #	Email Address		
Facility Location		City	State	Zip Code	
Facility Mailing Address (if different from location)		City	State	Zip Code	

**B. Purpose of Petition** (Please select from the options below).

- Capacity Short-term loan (Between Owner and City)
  - Starting Date: \_\_\_\_\_
  - Duration of Loan: 30 Days
  - Policy Reference: Sect.6.D
  
- Capacity Loan (Between Owner and City)
  - Starting Date: \_\_\_\_\_
  - Duration of Loan: \_\_\_\_\_ (Not to exceed 24 months)
  - Policy Reference: Sect.6.A
  
- Capacity Lease Agreement (Between Owner and City)
  - Starting Date: \_\_\_\_\_
  - Duration of Loan: \_\_\_\_\_ (Not to exceed 60 months)
  - Policy Reference: Sect.6.B
  
- Capacity Purchase (Between Owner and City)
  - Starting Date: \_\_\_\_\_
  - Policy Reference: Sect.6.C
  
- Capacity Transfer (Between Owner and City)
  - \* Submit Petition Form "Owner B" for Second Facility
  - Starting Date: \_\_\_\_\_
  - Policy Reference: Sect.6.E
  
- Capacity Exchange (Between Owner A and Owner B)
  - Starting Date: \_\_\_\_\_
  - Policy Reference: Sect.6.F

**C. Modification to Permit Effluent Limitations**

PARAMETER	Existing Loadings	Requested Loading Changes	New Total
Flow, mgd			
Biochemical Oxygen Demand, lbs (BOD)			
Total Suspended Solids, lbs (TSS)			
Total Kjeldahl Nitrogen lbs/day (TKN)			
Total Phosphorus, lbs (TP)			

**D. Change in Operations.**

Provide description of new or modified operational processes on the Operational Changes Worksheet.

**E. Certification Statement**

*"I certify under penalty of law, this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gathered and evaluated the information submitted. Based on my inquiry of the person or persons who manage the system or those persons directly responsible for gathering information, the information submitted is, to the best of my knowledge and belief, true, accurate and complete. I am aware there are significant penalties for submitting false information, including the possibility of fine and/or imprisonment for knowingly perpetrating violations."*

**Printed Name:** \_\_\_\_\_

**Signature:** \_\_\_\_\_

**Date:** \_\_\_\_\_

*Owner B*  
*Operational Changes Worksheet*

**A. Contact Information**

Owner		Facility Name			
Facility Contact Name	Phone #	Cell #	Email Address		
Facility Location	City	State	Zip Code		
Facility Mailing Address (if different from location)	City	State	Zip Code		

**B. Operational Changes**

1. Change in number of employees \_\_\_\_\_
2. Change in operational hours \_\_\_\_\_
3. List any changes in chemical usage  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
4. List any changes in equipment  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
5. List any changes of new or existing building structures  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_
6. List any changes in discharge point location  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**C. Additional Changes**

Please attach any additional information relevant to the Industrial Waste Acceptance Permit.

## **Approval of Amended Task Order for Wastewater Treatment Plant Phase 1 Upgrades Final Design Group B - Solids Handling Project**

- On December 16, 2013, City Council approved Public Works request to proceed with the Wastewater Treatment Plant (WWTP) Phase 1 Upgrades Final Design Project (Project)
- The Project was broken into three subprojects: 1) Group A - Liquid Stream Upgrades, 2) Group B - Solids Handling Upgrades, and 3) Group C - New Anaerobic Digester. The grouping of upgrades facilitated fast tracking the Project for construction to meet anticipated regulatory compliance deadlines
- By 2015 Public Works engagement with Environmental Protection Agency and Idaho Department of Environmental Quality achieved an extended regulatory compliance schedule. This created additional time for funding, planning, and sequencing of the Project. Group A started construction in June of 2015; Group B and Group C designs were placed on hold at 90% complete
- It is now time to continue moving forward with Group B
- The Wastewater Program Management Team (WPMT) and Keller Associates, Inc., have agreed on the scope of services and fees to complete Group B. The scope also includes additional identified project needs of a new reclaimed water pump station, chemical trim system, basement for sludge pumping, and a sludge mixing tank
- A preliminary design and cost estimate will be completed for the additional improvements, at such time the WPMT will make a final determination on the scope of the Group B construction project
- The Amended Task Order, in the amount of \$554,570.00, includes final design and bidding services (see Exhibit A)
- Public Works staff recommends approval of the Task Order Amendment
- Final design for Group B – Solids Handling is to be completed in the spring of 2017; construction is planned to begin in the summer of 2017

**REQUEST:** Authorize Mayor and Public Works Director to sign Amended Task Order with Keller Associates, Inc., for Wastewater Treatment Plant Phase 1 Upgrades Final Design Group B - Solids Handling Project, in the amount of \$554,570.00 time and material, not to exceed.

**TASK ORDER NO. 06.1-1305-B RFP-B FOR PROJECT NO. 06.1-1305 AND/OR PROJECT NAME GROUP B – SOLIDS HANDLING UPGRADES FOR MISCELLANEOUS PROFESSIONAL SERVICES TERM AGREEMENT FOR CITY OF NAMPA**

Consultant Project No. \_\_\_\_\_

THIS TASK ORDER, entered into this 16th day of May, 2016, between The City of Nampa, Canyon County Idaho, hereinafter referred to as the CITY, and **KELLER ASSOCIATES**, hereinafter referred to as the CONSULTANT, is subject to the provisions of the Professional Services Agreement Standard Terms and Conditions, dated May 16, 2016, hereinafter referred to as the AGREEMENT.

**WITNESSETH:**

WHEREAS, the CITY intends to **develop final design for Solid Design Upgrades as part of its Wastewater Treatment Plant Phase I Upgrades**, hereinafter referred to as the PROJECT. NOW, THEREFORE, the CITY and CONSULTANT in consideration of their mutual covenants herein agree in respect as set forth below.

**CLIENT INFORMATION AND RESPONSIBILITIES:**

The CITY will provide to CONSULTANT the data and/or services specified in the AGREEMENT.

In addition, the CITY will furnish to CONSULTANT: **N/A**

**SERVICES TO BE PERFORMED BY CONSULTANT:**

CONSULTANT will perform services as outlined in Task Order Nos. **06.1-1305 RFP-B, 06.1-1305-A RFP-B, AND Amendment No. 2 Scope and Budget Nampa Group B-Solids Handling Element 4-Final Design** dated May 16, 2016.

**MISCELLANEOUS PROFESSIONAL SERVICES CONTRACT**

**SCHEDULE OF SERVICES TO BE PERFORMED:**

CONSULTANT will perform said services within **381** calendar days related to this TASK ORDER.

**BASIS OF FEE AND BILLING SCHEDULE:**

The CITY will pay CONSULTANT for its services and reimbursable expenses as follows:

Task Order No. 06.1-1305	\$1,037,330.00 T&M NTE
Amended Task Order No. 06.1-1305-A	\$ 4,180.00 T&M NTE
Amended Task Order No. 06.1-1305-B	\$ 554,570.00 T&M NTE
<b>Total Contract Amount</b>	<b>\$1,596,080.00 T&amp;M NTE</b>

Remarks:



Task Order No. 06.1-1305-B RFP-B  
\$554,570.00 T&M NTE  
Date 05.16.16  
Contract Completion Date  
06.01.17

Amendment No. 2  
SCOPE AND BUDGET  
Nampa Group B – Solids Handling  
Element 4 – Final Design

The scope and budget provided herein is for final design and bidding of the Nampa Group B – Solids Handling Upgrades between the City of Nampa and Keller Associates. This effort was previously outlined in the *Nampa Wastewater Plant Phase I Upgrades Preliminary Engineering Report for Project Group B* dated October 2, 2013. It is understood that the Consultant previously completed a 90% level design effort for the original scope. This effort includes advancing that design to bid documents including refining the centrifuge procurement approach per the Wastewater Program Management Team's (WPMT) comments, revising the instrumentation procurement approach, planning space for future sludge screening in the basement, and , revising the instrumentation procurement approach (adding additional requirements in specification). In addition to advancing the original design this effort includes providing concept and design services for the following items.

1. **Concept Design Report – Evaluation** includes preliminary design of solids handling building basement and sludge holding mixing tank. Concept report to include an evaluation of a full basement, partial basement, and no basement including considerations for implementation of sludge storage tank. Report to include preliminary equipment/material selection, concept drawings, cost estimates, and associated advantages/disadvantages of each option. The concept design report is assumed to be reviewed by the WPMT. Upon reviewing the report the WPMT will provide direction to Consultant on proceeding with the final design for the solids handling basement and sludge holding mixing tank which are included in this scope as additional tasks.
2. **No. 4 Water Pump Station –** As described in the "City of Nampa – No. 4 Water System Evaluation (May 15, 2015)", the design assume replacement of all four existing pumps to meet future demands, connecting the Thickener System to the No. 4 Water System, a pressure reducing valve between the Thickening and No. 4 Water Systems, replacing the utility water automatic strainer, HVAC upgrades, associated electrical upgrades, and minor building modifications to the existing building to accommodate new pumps.
3. **Security Gate and Fence –** Design assumes a new automatic security gate, minor fence modifications, and replacing the fence along the south side of the plant. It is assumed that the security gate is controlled by a card reader or punch pad and that no CCTV will be provided.
4. **Chemical Trim System -** As described in the "City of Nampa Wastewater Treatment Plant – Chemical Trim Analysis (May 29, 2015)", the design assumes two 6,000-gallon tanks in the existing blower building, dosing pumps, a mixer at one location in the splitter box, and chemical piping to two injection points. It is assumed that the building can accommodate new chemical equipment with existing electrical and that a fill station is to be provided that includes a pipe through an exterior wall near an existing door with high tank level horn and strobe.

**Additional Tasks** - Consultant will proceed with the following additional tasks upon receiving written notice from Owner.

1. **Solids Handling Building Basement Final Design (Additional Task) –** The basement design assumes space for the sludge screening, centrifuge feed pumps, thickening feed pumps, and space for pumping equipment associated with the sludge mixing tank. It is assumed that the sludge screening evaluation does not include design (only conceptual footprint for future equipment and costs), electrical facilities will not be provided for future sludge screen in current

design, and existing electrical room footprint is adequate for centrifuge feed pumps (no footprint change from current design).

2. Sludge Holding Mixing Tank Final Design (Additional Task) – Design assumes an above grade, 100,000 gallon mixing tank. It is assumed that the pumps required for the sludge mixing tank will be installed in the solids handling basement, power will be provided from the solids handling building electrical room, and that a new building will not be required. The sludge mixing tank is to be a bid additive item and accommodations are to be made if the mixing tank is not selected.

It is also understood that a future addendum will be executed for Construction Phase Engineering Services. The Consultant’s final design phase includes Tasks 401, 410, 414, 415, and 416.

## **Task 401 – Phase I Design Coordination**

### **100 Project/Design Management**

1. Project management includes general project administration services including contract administration, monthly project reports, monthly invoicing, monthly status reports, conference calls, change management, risk management, and internal project administration. These management tasks are based on the requested services outlined in the *City of Nampa Wastewater Program Management Plan* dated October 2013. Project management will be spearheaded by Keller Associates, Inc., who will serve as the prime Consultant on this project. The project management budget assumes a design and approval timeline of 9 months and a bidding and award timeline of 3 months. This task does not include project management for construction phase services.
2. Deliverables include monthly progress reports, invoices, and status reports.

### **110 Internal Design Coordination Meetings**

1. One project kickoff meeting, one pre-design meeting for items not previously designed to 90%, one post-50% meeting for items not previously designed to a 90% level to coordinate comments from the WMPT, a post-90% meeting for items not previously designed to a 90% level to coordinate comments from the WMPT, a final design review meeting to coordinate documents for review submittal, and a bid document coordination meeting are also included.

### **140 Equipment Schedules**

1. This task includes the ongoing effort to update and maintain equipment schedules.
2. Deliverables include equipment schedules with the bid set documents.

### **150 Construction Schedules**

1. This task includes updating the construction schedule with sequencing, scheduling constraints, and milestones identified.
2. Deliverables include an updated construction scheduling and constraints specification.

### **210 Process Engineering**

1. Process engineering includes calculations to establish the design criteria and guidelines for the process design. This task includes calculations for additional process equipment including WAS pumps, chemical pumps, No. 4 water pumps, and mixers, and a review of final process calculations

and coordination with updated information provided by the WPMT, Group A and Group C design teams.

## **220 Cost Estimating**

1. Cost estimating includes an initial estimate that is a combination of the 90% estimate and new items at pre-design level, an updated 50% estimate, an update of the 90% class 1 estimate, and a bid set class 1 estimate. A short technical memorandum that describes the scope of the cost estimate, and any major assumptions used in preparing the estimate, are also included.
2. The scope does not assume a third party cost-estimator (such as a contractor) is used to develop the cost estimates. The Consultant's opinions of probable cost represent Consultant's judgment as an experienced and qualified design professional. Since Consultant has no control over the cost of labor, materials, equipment, or services furnished by others; the Owner's and other contractors' methods of determining prices; or over competitive bidding or market conditions, the Consultant cannot and does not guarantee that proposals, bids, or actual construction costs will not vary from opinions of probable cost prepared by the Consultant.

## **300 City Workshops**

1. Four design coordination meetings are included to coordinate design efforts with the WPMT. These meetings are to receive comments from the WPMT on the pre-design, 50% and 90% efforts of items not previously design to a 90% level and bid set coordination meeting. These meetings will also serve to coordinate design efforts on the next deliverable. Attendance at these meetings will include the project manager and one other engineer and an administrative assistant. Services include efforts to prepare for the meeting (agenda and agenda items), meeting time, and follow-up including meeting minutes. These meetings are anticipated to be held onsite at the City wastewater treatment plant (WWTP). Deliverables include workshop agenda and minutes.

## **410 Value Engineering**

1. NA.

## **420 Constructability Review**

1. Review and respond to constructability review comments received from WPMT.

## **Task 410 – General and Civil Design**

The scope and budget provided herein is for final design of the Nampa Group B – Solids Handling Upgrades which is updated to including revising the centrifuge procurement approach, adding a basement to the solids handling building to include pumping and miscellaneous items, adding a sludge holding/mixing tank as a bid alternate item, including accommodations if the mixing tank is not selected, space planning for a strain press, a No. 4 water pump station, a security gate and fence, revising the instrumentation procurement approach, and a chemical trim system.

Provide services required to prepare complete construction contract documents. Design documents shall be detailed to permit construction contractors to submit responsive bids. Plans shall be delivered with AutoCAD software as outlined in the *City of Nampa Wastewater Program Management Plan* dated October 2013. Electronic files of plans and specifications shall be provided upon request.

Deliverables include electronic and hardcopies of plans, reports, specifications, calculations, cost estimates. Design standards shall be as defined in the *Nampa Wastewater Plant Phase I Upgrades Preliminary Engineering Report for Project Group B* dated October 2, 2013 (with any amendments approved during previous design effort), and Owner requirements.

## **100 General**

1. Services include reviewing and providing modifications as necessary to the project specifications for Division 00 – Bidding Requirements, Contract Forms and Conditions of the Contract and Division 01 – General Requirements as outlined in the *City of Nampa Wastewater Program Management Plan* dated October 2013. Services also include providing general drawings sheets including cover, sheet indexes, abbreviations, design criteria, project overview, process flow diagram, and piping schedule.

## **200 Civil and Yard Piping**

1. Services under this task include providing the civil design for the project and specifications for earthwork, utilities, and exterior improvements. Services also include providing civil/site drawing sheets, including site layouts, grading and drainage, yard piping, drain pump station design and details, and miscellaneous civil structures.
2. Stormwater will be designed to convey stormwater on the project Group B site to existing stormwater infrastructure where it is collected and conveyed to the Headworks.
4. Potholing of existing piping has not been included. If this is determined necessary, it is understood that this service will be coordinated and executed by the City.

## **300 Yard Electrical**

1. Provide design for yard electrical drawing sheets showing the electrical site layout relative to the Group B Project. New duct banks to supply power to the new Solids Handling Building will be configured to minimize conflicts with existing yard piping and other facilities to the extent possible.

## **400 Yard Instrumentation and Controls**

1. Provide design for yard instrumentation and control drawing sheets, which will show the control's layout relative to the Group B Project. Control cables to the new Solids Handling Building will be configured to minimize conflicts with existing yard piping and other facilities to the extent possible.

## **500 Demolition**

1. Services include providing a design for demolition of structures and utilities required to make room for the new improvements. The demolition sheets shall indicate which structures and utilities require demolition and the extent of demolition. The sheets will also contain notes for any equipment the City prefers to obtain from the contractor for recycling or other use, and for specific items requiring protection from demolition.
2. Provisions will be included for the salvage of the belt filter press and waste activated sludge pumps to the Owner.

## **Task 414 – Solids Handling Facility**

The scope and budget provided herein is for final design of the Nampa Group B – Solids Handling Upgrades which is updated to including revising the centrifuge procurement approach, adding a basement to the solids handling building to include pumping and miscellaneous items, adding a sludge holding/mixing tank as a bid alternate item, including accommodations if the mixing tank is not selected, space planning for a strain press, a No. 4 water pump station, a security gate and fence, revising the instrumentation procurement approach, and a chemical trim system.

Provide services required to prepare complete construction contract documents. Design documents shall be detailed to permit construction contractors to submit responsive bids. Provide deliverables, such as plans, drawings, reports, specifications, cost estimates, and schedules, on paper and electronically. Plans shall be delivered with AutoCAD software as outlined in the *City of Nampa Wastewater Program Management Plan* dated October 2013. Electronic files of plans and specifications shall be provided upon request.

Design standards shall be as defined in the *Nampa Wastewater Plant Phase I Upgrades Preliminary Engineering Report for Project Group B* dated October 2, 2013 (with any amendments approved during previous design effort), and Owner requirements.

## **100 Architectural**

1. Provide architectural design for the new Solids Handling Building, including building component schedules, elevation views, plan views, code schedule, and specification sections. Architectural design shall be per standards defined in the *Nampa Wastewater Plant Phase I Upgrades Preliminary Engineering Report for Project Group B* dated October 2, 2013, and Owner requirements. This effort is based upon design of a multistory building. Building materials shall consist of CMU block, concrete foundation, and concrete/steel roofing components. Process areas shall be configured to accommodate the selected thickening and dewatering equipment and support facilities.

## **200 Electrical**

1. Provide electrical design for the new Solids Handling Building and equipment consisting of drawings and specifications, including one-line diagrams, load summaries, lighting plans, power plans, and panel schedules. Electrical feed requirements will be verified for the selected thickening and dewatering equipment, and for support facilities.

## **300 Instrumentation and Controls**

1. Provide instrumentation and control design for the new Solids Handling Building and equipment consisting of drawings and specifications, including process and instrumentation diagrams, control's architecture, and control's plan. Design shall accommodate local and remote control functionality as defined in the *Nampa Wastewater Plant Phase I Upgrades Preliminary Engineering Report for Project Group B* dated October 2, 2013, and as established during design workshops. Communication protocols shall be consistent with the WWTP SCADA system protocol established by Group A. It is understood that a system integrator will be contracted directly with the City.

## **400 Process Mechanical**

1. Provide process mechanical design for the selected thickening and dewatering equipment and support facilities per the findings of the *Nampa Wastewater Plant Phase I Upgrades Preliminary Engineering Report for Project Group B* dated October 2, 2013 and subsequent updated information. Design will consist of drawings and specifications, including equipment sizing, mechanical plans, mechanical sections, and mechanical details. Chemical facilities will also be designed to meet the requirements of the solids handling equipment. Additional tasks include coordination with electrical, structural, and civil designs.

## **500 Structural**

1. The Solids Handling Building consists of a multilevel masonry building enclosing the thickeners, centrifuges, polymer handling, and support systems for solids handling. Scope of structural design includes design of the building foundation, slabs on grade, and masonry to enclose the solids handling equipment. The foundation soil design parameters will be provided by others in the form of

a geotechnical report showing allowable soil foundations loads and other soil parameters to be used in the design.

2. The basement, intermediate floors, and roof are a combination of cast-in-place concrete, precast concrete, and steel bar joists. The structural design will include design of the concrete intermediate floors and roof structural systems.
3. Structural design of miscellaneous building features – including stairways, walkways, and guardrails – are included in the design of the building.
4. Design assumptions and structural design results will be documented in a set of structural design calculations prepared by a structural engineer.
5. Deliverables include drawings showing foundation, basement, intermediate floor, and roof plans, along with building sections, elevations, and details sufficient for use as construction plans. Specifications for all structural work shall also be provided.

## **600 Building Mechanical**

1. Provide building mechanical design for the solids handling building including heating, ventilation, and air conditioning (HVAC) and plumbing. Design will consist of drawings and specifications, including equipment sizing, plans, sections, and details. This task will be coordinated with process mechanical, electrical, structural, and civil designs.

## **Task 415 – Deliverables**

### **100 Pre-Design**

1. The pre-design deliverable will include the new items (revising the centrifuge procurement approach, adding a basement to the solids handling building to include pumping and miscellaneous items, adding a sludge holding/mixing tank as a bid alternate item, including accommodations if the mixing tank is not selected, space planning for a strain press, a No. 4 water pump station, a security gate and fence, revising the instrumentation procurement approach, and a chemical trim system).
2. Provide a draft deliverable report relevant to a pre-design. Including items consisting of basis of design, concept drawings, and a cost estimate, on paper and electronically. Electronic plans shall be delivered as pdf files. Up to 10 copies of paper deliverables are included as a deliverable.
3. Pre-design drawings include a site plan of the project area and plan view layouts of the new items.
4. Includes one internal review coordination meeting after QA/QC.

### **200 50% Deliverable**

1. The 50% deliverable will include the new items (revising the centrifuge procurement approach, adding a basement to the solids handling building to include pumping and miscellaneous items, adding a sludge holding/mixing tank as a bid alternate item, including accommodations if the mixing tank is not selected, space planning for a strain press, a No. 4 water pump station, a security gate and fence, revising the instrumentation procurement approach, and a chemical trim system).
2. Provide draft deliverables relevant to a 50% design, consisting of drawings, specifications, and an updated cost estimate, on paper and electronically. Electronic plans shall be delivered as pdf files. Up to 10 copies of paper deliverables are included as a deliverable.
3. 50% drawings include general sheets, site plan and yard piping layout sheets, architectural layouts and sections, structural plan sheets, mechanical process plan sheets, major mechanical sections and schedules, HVAC layout, and process instrumentation and control sheets.
4. Specifications include major specifications.
5. Includes one internal review meeting prior to 50% QA/QC, and one internal review coordination meeting after QA/QC. A quality control check will be performed in-house prior to each deliverable. This includes a crosscheck of disciplines and an independent reviewer checking the plan sets.
6. Deliverable also includes a short technical memorandum describing any major decisions or changes that occurred since the last deliverable.

### **300 90% Deliverable**

1. The 90% deliverable will include the new items (revising the centrifuge procurement approach, adding a basement to the solids handling building to include pumping and miscellaneous items, adding a sludge holding/mixing tank as a bid alternate item, including accommodations if the mixing tank is not selected, space planning for a strain press, a No. 4 water pump station, a security gate and fence, revising the instrumentation procurement approach, and a chemical trim system).
2. Provide draft deliverables relevant to a 90% design, consisting of drawings, specifications, and cost estimates, on paper and electronically. Electronic plans shall be delivered as pdf files. Up to 10 copies of paper deliverables are included as a deliverable.
3. 90% drawings will include all drawings, with only minor coordination items remaining.
4. Complete specifications with only minor coordination items remaining.

5. Includes one review meeting prior to 90% QA/QC, and one review coordination meeting after 90% QA/QC. A quality control check will be performed in-house prior to each deliverable. This includes a crosscheck of disciplines and an independent reviewer checking the plan sets.
6. Deliverable also includes a short technical memorandum describing any major decisions or changes that occurred since the last deliverable.

## **400 Bid Set Deliverable**

1. Provide final deliverables such as drawings, specifications, and cost estimates on paper and electronically. Plans shall be delivered with AutoCAD software as outlined in the *City of Nampa Wastewater Program Management Plan* dated October 2013. Up to 10 copies of paper deliverables are included as a deliverable. For bidding one set of sealed electronic documents are included, with no pre-selection of equipment.
2. Bid set deliverable includes completed drawings and specifications
3. Includes one post-90% meeting to coordinate comments from the WMPT, and one review coordination meeting prior to the bid set. A quality control check will be performed in-house prior to each deliverable. This includes a crosscheck of disciplines and an independent reviewer checking the plan sets.

## **Task 416 – Bid Phase Services**

### **100 Addenda Preparation**

1. Respond to questions received during the bid phase through the issuing of up to three (3) addenda.
2. It is understood that an electronic plan holder service will manage the bid documents, including the list of plan holders.

### **200 Site Tour**

1. Two pre-bid meetings with potential bidders will be attended by the Consultant.

### **300 Bid evaluation and Document Preparation**

1. Consultant will evaluate the bids and provide a bid recommendation.
2. Consultant will prepare conformed documents for contractor use during construction.

## **Base Project Budget**

For the base project budget, Consultant will be compensated on a time and material basis according to the attached task estimate, "Attachment A," with a not-to-exceed limit of three hundred eighty eight thousand three hundred ninety dollars (\$388,390). The Consultant will track expenses for each sub-task. The time-and-material targets for each task and sub-task will serve as a guide through the project process. However, the overall project budget for Tasks 401, 410, 414, 415, and 416 will not be exceeded without written approval of the City.

## **Additional Tasks Project Budget**

Upon receiving a written notice to proceed from the Owner, the Consultant will proceed with final design services for the solids handling building basement and sludge mixing tank. The Consultant will be compensated on a time and material basis according to the attached billing rates and labor estimate with a not-to-exceed limit of one hundred sixty six thousand one hundred eighty dollars (\$166,180). The Consultant will track expenses for each sub-task. The time-and-material targets for each task and sub-task will serve as a guide through the project process. However, the overall project budget for Tasks 401, 410, 414, 415, and 416 will not be exceeded without written approval of the City.

## **Project Schedule**

The Consultant's design services include the period from May 2016 to March 2017. The schedule assumes that the design notice to proceed is provided in May 2016, requested information is provided by the WPMT within the timeframes indicated in the scope of work, and that WPMT reviews are generally completed within one week. The schedule includes Pre-design from May to July with a review meeting the first two weeks of August and a decision on proceeding with Solids Handling Building Basement and Sludge Mix Tank by end of August.

Bidding services include the period from April 2017 to May 2017.

## **Exclusions**

The Consultant's design services do not include permitting, surveying, or geotechnical work; pilot testing; or work outside of the area identified as Group B in the *90% design documents*.

Attachment A

**City of Nampa - Group B Solids Handling Phase I Upgrades  
Task Breakout**

Scope Options	Task Total
1 Base Design (90% to 100%)	\$ 203,510
2 Chem Trim System Design	\$ 73,605
3 SHB Basement/Sludge Mixing Tank Preliminary Design Report	\$ 45,780
3.A SHB Basement Addition Final Design	\$ 120,383
3.B Sludge Mixing Tank Final Design	\$ 45,798
4 Security Gate	\$ 9,225
5 No. 4 Water Pump Station	\$ 56,270
<b>Total</b>	<b>\$ 554,570</b>

## **Federal Aviation Administration Grant Agreement for Airport Improvement Program (AIP-27)**

- In March 2016 the City submitted a grant application to the Federal Aviation Administration (FAA) for AIP-27 (Airport Improvement Program) for Phase 1 Environmental for the Purchase of Land in the Runway 11 Runway Protection Zone (RPZ) at the Nampa Municipal Airport
- On May 10, 2016, the FAA notified the City that AIP-27 has been awarded and is requesting the grant agreement be executed by May 27, 2016 (see Attachment 1)
- In anticipation of this grant and to meet project deadlines, a task order with J-U-B Engineers, Inc., was executed on March 21, 2016
- The project is anticipated to begin in May 2016 and be completed in July 2016
- The total project cost is \$65,426.00
  - FAA grant is 90%                      \$58,883.00
  - State grant is 2.5%                      \$ 1,963.00
  - City match is 7.5%                      \$ 4,580.00

**REQUEST:** Authorize Mayor to sign Federal Aviation Administration Grant Agreement for Airport Improvement Program (AIP-27), Phase 1 Environmental for the Purchase of Land in the Runway 11 Runway Protection Zone for Nampa Municipal Airport



U. S. Department  
Of Transportation

Federal Aviation  
Administration

Helena Airports District Office  
2725 Skyway Drive, Suite 2  
Helena, Montana 59602

Phone: (406) 449-5271  
Fax: (406) 449-5274

May 10, 2016

The Honorable Robert L. Henry, Mayor  
City of Nampa  
411 3<sup>rd</sup> Street South  
Nampa, Idaho 83651

Grant Offer, AIP Project No. 3-16-0043-027-2016  
Contract No. DOT-FA 16-NM-2007  
DUNs No. 072959430  
Nampa Municipal Airport  
Nampa, Idaho

Dear Mayor Henry:

We are enclosing two (2) copies of the Grant Offer for Airport Improvement Program (AIP) Project No. 3-16-0043-027-2016, Conduct Environmental Study (Phase I), Nampa Municipal Airport, Nampa, Idaho. This letter outlines expectations for success. Please read the conditions and assurances carefully.

To properly enter into this agreement, you must do the following:

- The sponsor's authorized representative must execute the grant, followed by your attorney's certification, no later than **May 27, 2016**, in order for the grant to be valid. The attorney's signature date must be on or after the sponsor's authorized representative's signature date.

If the sponsor's authorized representative is other than the legal signatory for the governing body, then the governing body must provide the Airports District Office with a letter on official letterhead signed by the legal signatory of the organization, or a resolution authorizing the individual to execute the grant.

- You may not make any modification to the text, terms, or conditions of the Grant Offer.
- We ask that you return one executed copy of the Grant Offer in the enclosed envelope. Please keep one (1) executed copy of the grant for your records.

Subject to the requirements in 2 CFR §200.305, each payment request for reimbursement under this grant must be made electronically via the Delphi eInvoicing System. Please see the attached Grant Agreement for more information regarding the use of this System.

Please note Grant Condition No. 5 requires you to complete the project without undue delay. We will be paying close attention to your progress to ensure proper stewardship of these Federal funds. **You are expected to submit payment requests for reimbursement of allowable incurred project expenses in accordance with project progress.** Should you fail to make draws on a regular basis, your grant may be placed in "inactive" status which will impact future grant offers.

Until the grant is completed and closed, you are responsible for submitting formal reports as follows:

- A signed/dated SF-270 (non-construction projects) or SF-271 or equivalent (construction projects) and SF-425 annually, due 90 days after the end of each federal fiscal year in which this grant is open (due December 31 of each year this grant is open); and
- Quarterly Performance Reports are due within 30 days from the end of every quarter.

A copy of a "Single Audit Certification Form" is also enclosed. Please complete and return a copy to this office with the executed Grant Agreement. Please make a copy for your files. As a condition of receiving Federal assistance under this award, you must comply with audit requirements as established under 2 CFR part 200. Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards.

Once the project(s) is completed and all costs are determined, we ask that you close the project without delay and submit the final closeout report documentation as required by your Airports District Office.

Diane Stilson is the assigned program manager for this grant and is available to assist you with the requirements stated herein. We sincerely value your cooperation in these efforts and look forward to working with you to complete this important project. If you have any questions please contact this office at (406) 449-5271.

Sincerely,



David S. Stelling, Manager  
Helena Airports District Office

Enclosures (4)

cc: Via e-mail  
Montgomery Hasl, Nampa Airport Superintendent  
Thomas Lemenager, JUB Engineers, Boise, ID  
Bill Statham, Idaho Division of Aeronautics  
Melissa Kaplan, Idaho Division of Aeronautics



## Single Audit Certification Form

As a condition of receiving Federal assistance under the Airport Improvement Program, you must comply with audit requirements as established under 2 CFR §200 (Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards).

Subpart F requires non-Federal entities that expend \$750,000 or more in Federal awards to conduct a single or program specific audit for that year. Note that this includes Federal expenditures made under other Federal-assistance programs. Please take appropriate and necessary action to assure your organization will comply with applicable audit requirements and standards. For more information on the audit requirements please reference the following web site: <https://harvester.census.gov/facweb>.

In accordance with your Airport Improvement Program (AIP) grant agreement, you must provide a copy of your audit to your local Airports District Office (ADO), whether or not there are any significant findings. Please fill out the information below by checking the appropriate line(s), sign, date, and return this form to the FAA local ADO identified at the bottom of the form.

### Airport Sponsor Information:

_____	_____
Sponsor Name	Fiscal/Calendar Year Ending
_____	
Airport Name	
_____	_____
Sponsor's Representative Name	Representative's Title
_____	_____
Telephone	Email

Please check the appropriate line(s):

- We are subject to the Single Audit requirements and are taking the following action:
  - The Single Audit for this fiscal/calendar year has been submitted to the FAA.
  - The Single Audit for this fiscal/calendar year is attached.
  - The Single Audit report will be submitted to the FAA as soon as this audit is available.
  
- We are exempt from the Single Audit requirements for the fiscal/calendar noted above.

Sponsor Certification:

_____	_____
Signature	Date

Return to: FAA, Helena Airports District Office  
2725 Skyway Drive, Suite 2  
Helena, MT 59602



U.S. Department  
of Transportation  
Federal Aviation  
Administration

**GRANT AGREEMENT**

**PART I – OFFER**

Date of Offer May 10, 2016

Airport/Planning Area Nampa Municipal

AIP Grant Number 3-16-0043-027-2016 (DOT-FA16-NM-2007)

DUNS Number 072959430

TO: City of Nampa, Idaho  
(herein called the "Sponsor")

FROM: The United States of America (acting through the Federal Aviation Administration, herein called the "FAA")

WHEREAS, the Sponsor has submitted to the FAA a Project Application dated March 21, 2016, for a grant of Federal funds for a project at or associated with the Nampa Municipal Airport, Nampa, Idaho, which is included as part of this Grant Agreement; and

WHEREAS, the FAA has approved a project for the Nampa Municipal Airport (herein called the "Project") consisting of the following:

**Conduct Environmental Study (Phase 1)**

which is more fully described in the Project Application.

NOW THEREFORE, According to the applicable provisions of the former Federal Aviation Act of 1958, as amended and recodified, 49 U.S.C. 40101, et seq., and the former Airport and Airway Improvement Act of 1982 (AAIA), as amended and recodified, 49 U.S.C. 47101, et seq., (herein the AAIA grant statute is referred to as "the Act"), the representations contained in the Project Application, and in consideration of (a) the Sponsor's adoption and ratification of the Grant Assurances dated March 2014, and the Sponsor's acceptance of this Offer, and (b) the benefits to accrue to the United States and the public from the accomplishment of the Project and compliance with the Grant Assurances and conditions as herein provided,

**THE FEDERAL AVIATION ADMINISTRATION, FOR AND ON BEHALF OF THE UNITED STATES, HEREBY OFFERS AND AGREES to pay ninety (90) percent of the allowable costs incurred accomplishing the Project as the United States share of the Project.**

This Offer is made on and **SUBJECT TO THE FOLLOWING TERMS AND CONDITIONS:**

## CONDITIONS

1. **Maximum Obligation.** The maximum obligation of the United States payable under this Offer is \$58,883.

The following amounts represent a breakdown of the maximum obligation for the purpose of establishing allowable amounts for any future grant amendment, which may increase the foregoing maximum obligation of the United States under the provisions of 49 U.S.C. § 47108(b):

\$58,883 for planning  
\$0 for airport development or noise program implementation  
\$0 for land acquisition.

2. **Period of Performance.** The period of performance begins on the date the Sponsor formally accepts this agreement. Unless explicitly stated otherwise in an amendment from the FAA, the end date of the project period of performance is 4 years (1,460 calendar days) from the date of formal grant acceptance by the Sponsor.

The Sponsor may only charge allowable costs for obligations incurred prior to the end date of the period of performance (2 CFR § 200.309). Unless the FAA authorizes a written extension, the sponsor must submit all project closeout documentation and liquidate (pay off) all obligations incurred under this award no later than 90 calendar days after the end date of the period of performance (2 CFR § 200.343).

The period of performance end date does not relieve or reduce Sponsor obligations and assurances that extend beyond the closeout of a grant agreement.

3. **Ineligible or Unallowable Costs.** The Sponsor must not include any costs in the project that the FAA has determined to be ineligible or unallowable.
4. **Determining the Final Federal Share of Costs.** The United States' share of allowable project costs will be made in accordance with the regulations, policies and procedures of the Secretary. Final determination of the United States' share will be based upon the final audit of the total amount of allowable project costs and settlement will be made for any upward or downward adjustments to the Federal share of costs.
5. **Completing the Project Without Delay and in Conformance with Requirements.** The Sponsor must carry out and complete the project without undue delays and in accordance with this agreement, and the regulations, policies and procedures of the Secretary. The Sponsor also agrees to comply with the assurances which are part of this agreement.
6. **Amendments or Withdrawals before Grant Acceptance.** The FAA reserves the right to amend or withdraw this offer at any time prior to its acceptance by the Sponsor.
7. **Offer Expiration Date.** This offer will expire and the United States will not be obligated to pay any part of the costs of the project unless this offer has been accepted by the Sponsor on or before **May 27, 2016**, or such subsequent date as may be prescribed in writing by the FAA.
8. **Improper Use of Federal Funds.** The Sponsor must take all steps, including litigation if necessary, to recover Federal funds spent fraudulently, wastefully, or in violation of Federal antitrust statutes, or misused in any other manner in any project upon which Federal funds have been expended. For the purposes of this grant agreement, the term "Federal funds" means funds however used or dispersed by the Sponsor that were originally paid pursuant to this or any other Federal grant agreement. The Sponsor must obtain the approval of the Secretary as to any determination of the amount of the Federal share of such funds. The Sponsor must return the recovered Federal share, including funds recovered by settlement, order, or judgment, to the Secretary. The Sponsor must furnish to the Secretary, upon request, all documents and records pertaining to the determination of the amount of the Federal share or to any settlement, litigation, negotiation, or other efforts taken to recover such funds. All settlements or other final positions of the Sponsor, in court or otherwise, involving the recovery of such Federal share require advance approval by the Secretary.

9. **United States Not Liable for Damage or Injury.** The United States is not responsible or liable for damage to property or injury to persons which may arise from, or be incident to, compliance with this grant agreement.
10. **System for Award Management (SAM) Registration And Universal Identifier.**
- A. Requirement for System for Award Management (SAM): Unless the Sponsor is exempted from this requirement under 2 CFR 25.110, the Sponsor must maintain the currency of its information in the SAM until the Sponsor submits the final financial report required under this grant, or receives the final payment, whichever is later. This requires that the Sponsor review and update the information at least annually after the initial registration and more frequently if required by changes in information or another award term. Additional information about registration procedures may be found at the SAM website (currently at <http://www.sam.gov>).
- B. Requirement for Data Universal Numbering System (DUNS) Numbers
1. The Sponsor must notify potential subrecipient that it cannot receive a contract unless it has provided its DUNS number to the Sponsor. A subrecipient means a consultant, contractor, or other entity that enters into an agreement with the Sponsor to provide services or other work to further this project, and is accountable to the Sponsor for the use of the Federal funds provided by the agreement, which may be provided through any legal agreement, including a contract.
  2. The Sponsor may not make an award to a subrecipient unless the subrecipient has provided its DUNS number to the Sponsor.
  3. Data Universal Numbering System: DUNS number means the nine-digit number established and assigned by Dun and Bradstreet, Inc. (D & B) to uniquely identify business entities. A DUNS number may be obtained from D & B by telephone (currently 866-705-5771) or on the web (currently at <http://fedgov.dnb.com/webform>).
11. **Electronic Grant Payment(s).** Unless otherwise directed by the FAA, the Sponsor must make each payment request under this agreement electronically via the Delphi eInvoicing System for Department of Transportation (DOT) Financial Assistance Awardees.
12. **Informal Letter Amendment of AIP Projects.** If, during the life of the project, the FAA determines that the maximum grant obligation of the United States exceeds the expected needs of the Sponsor by \$25,000 or five percent (5%), whichever is greater, the FAA can issue a letter amendment to the Sponsor unilaterally reducing the maximum obligation.
- The FAA can also issue a letter to the Sponsor increasing the maximum obligation if there is an overrun in the total actual eligible and allowable project costs to cover the amount of the overrun provided it will not exceed the statutory limitations for grant amendments. The FAA's authority to increase the maximum obligation does not apply to the "planning" component of condition No. 1.
- The FAA can also issue an informal letter amendment that modifies the grant description to correct administrative errors or to delete work items if the FAA finds it advantageous and in the best interests of the United States.
- An informal letter amendment has the same force and effect as a formal grant amendment.
13. **Air and Water Quality.** The Sponsor is required to comply with all applicable air and water quality standards for all projects in this grant. If the Sponsor fails to comply with this requirement, the FAA may suspend, cancel, or terminate this grant.
14. **Financial Reporting and Payment Requirements.** The Sponsor will comply with all federal financial reporting requirements and payment requirements, including submittal of timely and accurate reports.

15. **Buy American.** Unless otherwise approved in advance by the FAA, the Sponsor will not acquire or permit any contractor or subcontractor to acquire any steel or manufactured products produced outside the United States to be used for any project for which funds are provided under this grant. The Sponsor will include a provision implementing Buy American in every contract.
16. **Maximum Obligation Increase For Nonprimary Airports.** In accordance with 49 U.S.C. § 47108(b), as amended, the maximum obligation of the United States, as stated in Condition No. 1 of this Grant Offer:
- A. May not be increased for a planning project;
  - B. May be increased by not more than 15 percent for development projects;
  - C. May be increased by not more than 15 percent or by an amount not to exceed 25 percent of the total increase in allowable costs attributable to the acquisition of land or interests in land, whichever is greater, based on current credible appraisals or a court award in a condemnation proceeding.
17. **Audits for Public Sponsors.** The Sponsor must provide for a Single Audit in accordance with 2 CFR Part 200. The Sponsor must submit the Single Audit reporting package to the Federal Audit Clearinghouse on the Federal Audit Clearinghouse's Internet Data Entry System at <http://harvester.census.gov/facweb/>. The Sponsor must also provide one copy of the completed 2 CFR Part 200 audit to the Airports District Office.
18. **Suspension or Debarment.** When entering into a "covered transaction" as defined by 2 CFR § 180.200, the Sponsor must:
- A. Verify the non-federal entity is eligible to participate in this Federal program by:
    - 1. Checking the excluded parties list system (EPLS) as maintained within the System for Award Management (SAM) to determine if non-federal entity is excluded or disqualified; or
    - 2. Collecting a certification statement from the non-federal entity attesting they are not excluded or disqualified from participating; or
    - 3. Adding a clause or condition to covered transactions attesting individual or firm are not excluded or disqualified from participating.
  - B. Require prime contractors to comply with 2 CFR § 180.330 when entering into lower-tier transactions (e.g. Sub-contracts).
  - C. Immediately disclose to the FAA whenever the Sponsor: (1) learns they have entered into a covered transaction with an ineligible entity or (2) suspends or debar a contractor, person, or entity.
19. **Ban on Texting While Driving.**
- A. In accordance with Executive Order 13513, Federal Leadership on Reducing Text Messaging While Driving, October 1, 2009, and DOT Order 3902.10, Text Messaging While Driving, December 30, 2009, the Sponsor is encouraged to:
    - 1. Adopt and enforce workplace safety policies to decrease crashes caused by distracted drivers including policies to ban text messaging while driving when performing any work for, or on behalf of, the Federal government, including work relating to a grant or subgrant.
    - 2. Conduct workplace safety initiatives in a manner commensurate with the size of the business, such as:
      - a. Establishment of new rules and programs or re-evaluation of existing programs to prohibit text messaging while driving; and
      - b. Education, awareness, and other outreach to employees about the safety risks associated with texting while driving.

- B. The Sponsor must insert the substance of this clause on banning texting while driving in all subgrants, contracts and subcontracts.

**20. Trafficking in Persons.**

- A. Prohibitions: The prohibitions against trafficking in persons (Prohibitions) apply to any entity other than a State, local government, Indian tribe, or foreign public entity. This includes private Sponsors, public Sponsor employees, subrecipients of private or public Sponsors (private entity). Prohibitions include:
  - 1. Engaging in severe forms of trafficking in persons during the period of time that the agreement is in effect;
  - 2. Procuring a commercial sex act during the period of time that the agreement is in effect; or
  - 3. Using forced labor in the performance of the agreement, including subcontracts or subagreements under the agreement.
- B. In addition to all other remedies for noncompliance that are available to the FAA, Section 106(g) of the Trafficking Victims Protection Act of 2000 (TVPA), as amended (22 U.S.C. 7104(g)), allows the FAA to unilaterally terminate this agreement, without penalty, if a private entity –
  - 1. Is determined to have violated the Prohibitions; or
  - 2. Has an employee who the FAA determines has violated the Prohibitions through conduct that is either:
    - a. Associated with performance under this agreement; or
    - b. Imputed to the Sponsor or subrecipient using 2 CFR part 180, “OMB Guidelines to Agencies on Government wide Debarment and Suspension (Nonprocurement),” as implemented by the FAA at 2 CFR part 1200.d under this award is removed from an approved PFC application by amendment.

**21. Exhibit “A” Property Map.** The Exhibit “A” Property Map dated May 12, 2011, is incorporated herein by reference or is submitted with the project application and made part of this grant agreement.

**22. Financial Reporting Requirements.** The Sponsor agrees to submit a Federal Financial Report (FAA Form SF-425) for all open grants to the Airports District Office within 90 days following the end of each Federal fiscal year and with each Final Project Closeout Report.

The Sponsor further agrees to submit an **Outlay Report and Request for Reimbursement** (FAA Form SF-271 for construction projects) or **Request for Advance or Reimbursement** (FAA Form SF-270 for non-construction projects) to the Airports District Office within 90 days following the end of each Federal fiscal year and with each Final Project Closeout Report.

**23. Final Payment.** The Sponsor understands and agrees that in accordance with 49 USC 47111, no payments totaling more than 90 percent of United States Government’s share of the project’s estimated allowable cost may be made before the project is determined to be satisfactorily completed.

If the project is determined to be satisfactorily complete and proper documentation is submitted by the Sponsor to the Airports District Office (ADO), then the ADO may approve payments up to 97.5 percent of United States Government’s share of the project’s estimated allowable cost. “Satisfactorily complete” means the following: (1) The project results in a complete, usable unit of work as defined in the grant agreement; and (2) The sponsor submits necessary documents showing that the project is substantially complete per the contract requirements, or has a plan (that FAA agrees with) that addresses all elements contained on the punch list.

**24. Sponsor Performance Report.**

- A. **For non-construction projects** – the Sponsor understands and agrees that in accordance with 2 CFR 5200.328 the Sponsor shall submit a Quarterly Performance Report to the Airports District Office (ADO) within 30 calendar days from the end of the quarter, beginning in the quarter in which the project begins, and for each following quarter until the project is substantially complete. If a major project or schedule change occurs between Quarterly Performance Reports, the sponsor must submit an out of cycle performance report to the ADO. The performance report for non-construction projects shall include the following as a minimum:
1. A comparison of proposed objectives to actual accomplishments.
  2. Reasons for any slippage or lack of accomplishment in a given area.
  3. Impacts on other AIP-funded projects.
  4. Impacts to projects funded by PFC, other FAA programs, or the sponsor.
  5. Identification and explanation of any anticipated cost overruns.
- B. **For construction projects** – FAA Form 5370-1 Construction Progress and Inspection Report satisfies the performance reporting requirement. The sponsor must submit FAA Form 5370-1 to the ADO on a **weekly** basis during construction and at least quarterly when the project is in winter shutdown, until the project is substantially complete. Form 5370-1 requires the following information:
1. Estimated percent completion to date of construction phases.
  2. Work completed or in progress during the period.
  3. Brief Weather Summary during the period including approximate rainfall and period of below freezing temperature.
  4. Contract time: Number of days charged to date and last working day charged.
  5. Summary of laboratory and field testing during the period.
  6. Work anticipated by the contractor for the next period.
  7. Problem areas and other comments.

**25. Grant Approval Based Upon Certification.** The FAA and the Sponsor agree that the FAA approval of this grant is based on FAA acceptance of the Sponsor's certification to carry out the project in accordance with FAA policies, standards, and specifications. The Sponsor Certifications received from the Sponsor for the work included in this grant are hereby incorporated into this grant agreement. The Sponsor understands that:

- A. The Sponsor's certification does not relieve the Sponsor of the requirement to obtain prior FAA approval for modifications to any AIP standards or to notify the FAA of any limitations to competition within the project;
- B. The FAA's acceptance of a Sponsor's certification does not limit the FAA from reviewing appropriate project documentation for the purpose of validating the certification statements;
- C. If the FAA determines that the Sponsor has not complied with their certification statements, the FAA will review the associated project costs to determine whether such costs are allowable under AIP.

The Sponsor's acceptance of this Offer and ratification and adoption of the Project Application incorporated herein shall be evidenced by execution of this instrument by the Sponsor, as hereinafter provided, and this Offer and Acceptance shall comprise a Grant Agreement, as provided by the Act, constituting the contractual obligations and rights of the United States and the Sponsor with respect to the accomplishment of the Project and compliance with the assurances and conditions as provided herein. Such Grant Agreement shall become effective upon the Sponsor's acceptance of this Offer.

**UNITED STATES OF AMERICA  
FEDERAL AVIATION ADMINISTRATION**

  
*(Signature)*

**David S. Stelling**  
*(Typed Name)*

**Manager, Helena Airports District Office**  
*(Title of FAA Official)*

**PART II - ACCEPTANCE**

The Sponsor does hereby ratify and adopt all assurances, statements, representations, warranties, covenants, and agreements contained in the Project Application and incorporated materials referred to in the foregoing Offer, and does hereby accept this Offer and by such acceptance agrees to comply with all of the terms and conditions in this Offer and in the Project Application.

I declare under penalty of perjury that the foregoing is true and correct.<sup>1</sup>

Executed this \_\_\_\_\_ day of \_\_\_\_\_.

City of Nampa, Idaho

*(Name of Sponsor)*

\_\_\_\_\_  
*(Signature of Sponsor's Authorized Official)*

**By:**

\_\_\_\_\_  
*(Typed Name of Sponsor's Authorized Official)*

**Title:**

\_\_\_\_\_  
*(Title of Sponsor's Authorized Official)*

**CERTIFICATE OF SPONSOR'S ATTORNEY**

I, \_\_\_\_\_, acting as Attorney for the Sponsor do hereby certify:

That in my opinion the Sponsor is empowered to enter into the foregoing Grant Agreement under the laws of the State of Idaho. Further, I have examined the foregoing Grant Agreement and the actions taken by said Sponsor and Sponsor's official representative has been duly authorized and that the execution thereof is in all respects due and proper and in accordance with the laws of the said State and the Act. In addition, for grants involving projects to be carried out on property not owned by the Sponsor, there are no legal impediments that will prevent full performance by the Sponsor. Further, it is my opinion that the said Grant Agreement constitutes a legal and binding obligation of the Sponsor in accordance with the terms thereof.

Dated at \_\_\_\_\_ (location) this \_\_\_\_\_ day of \_\_\_\_\_.

**By:**

\_\_\_\_\_  
*(Signature of Sponsor's Attorney)*

\_\_\_\_\_

<sup>1</sup> Knowingly and willfully providing false information to the Federal government is a violation of 18 U.S.C. Section 1001 (False Statements) and could subject you to fines, imprisonment, or both.

## **39<sup>th</sup> AND GARRITY INTERSECTION IMPROVEMENTS CONSENT TO SIGN RIGHT-OF-WAY ACQUISITION DOCUMENTS**

- Substantial improvement to the intersection of 39<sup>th</sup> Street and Garrity Boulevard has been contemplated for a number of years.
- The Airport-Overland Corridor Study and the Runway Protection Zone Study separately recommended signaling this intersection. The Idaho Transportation Department has agreed.
- A Development Agreement with Saint Alphonsus further stipulates that signalization of the intersection by the City will be complete by the time its new hospital opens next summer.
- The FY2016 City of Nampa budget includes \$1,100,000 to design, improve and signalize this intersection.
- Initial contacts with adjacent property owners took place in March, 2016. A general public information meeting is scheduled for May 17 in the Holiday Inn Express at the north end of 39<sup>th</sup> Street.
- Preliminary work has now progressed to the point where the required right-of-way has been identified.
- In order to meet the construction schedule right-of-way acquisition needs to begin. Final design is dependent on knowing that all required right-of-way is available for the project.
- With time being of essence for this project, staff respectfully requests that the Mayor and/or Public Works Director be duly authorized by Council to execute, as the City's duly authorized agents, any and all necessary Real Estate Purchase Agreement(s), Right of Access Agreements, Temporary Construction Easements, and Permanent Easements for the improvements so long as the overall agreements stay within budget and scope of project.

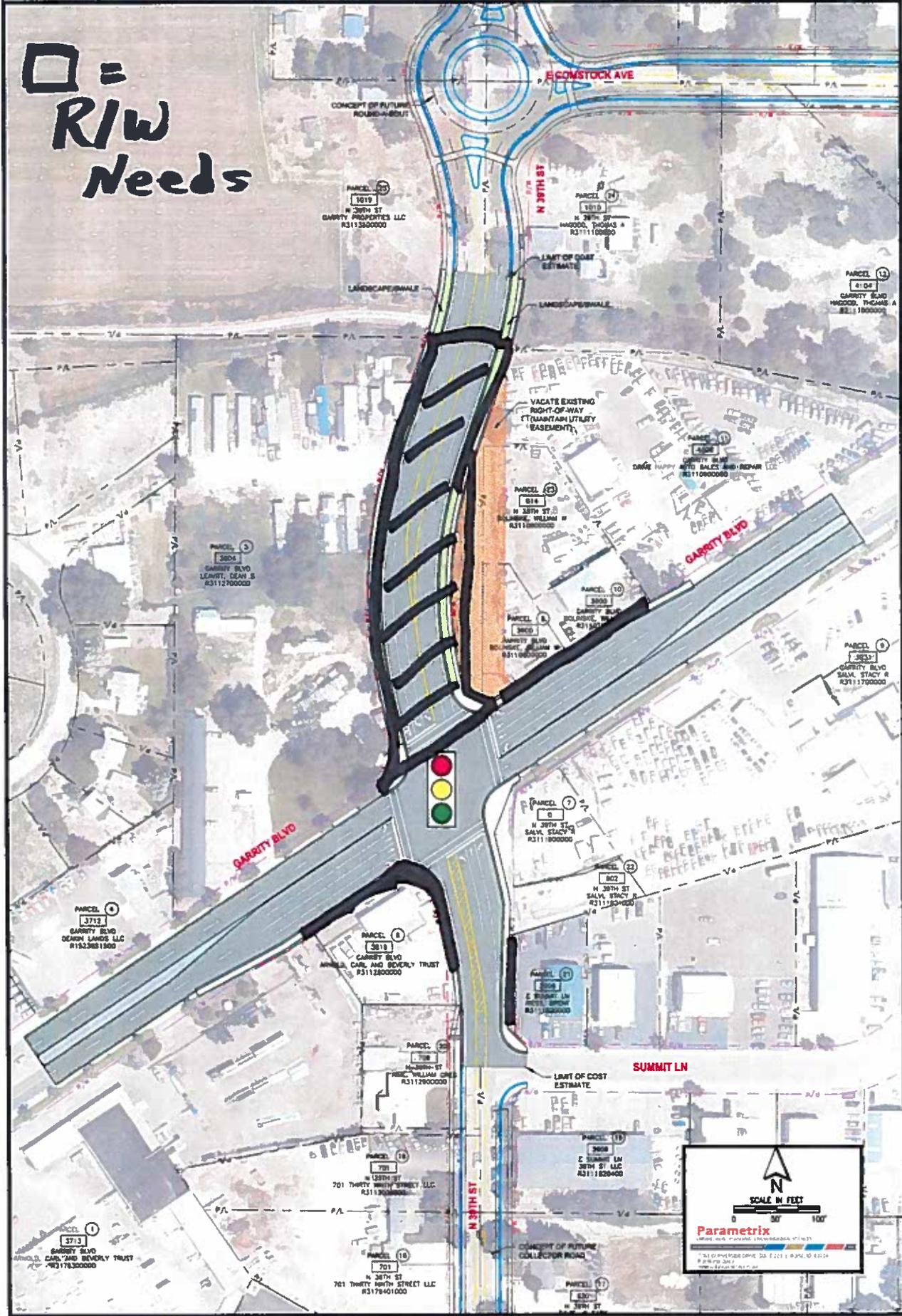
**REQUEST:** Authorize Mayor and/or Public Works Director to execute any necessary documents pertaining to right-of-way purchase contracts up to the project budget amount for the 39<sup>th</sup> Street and Garrity Boulevard Project.



# 39TH / GARRITY ULTIMATE DESIGN OPTION



□ =  
R/W  
Needs



**SCALE IN FEET**

0 50 100

**Parametrix**  
1110 CHASE DRIVE, SUITE 200, BOISE, IDAHO 83725  
 P: 208.333.7272  
 www.parametrix.com



## PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council  
Meeting of 16 MAY 2016

### PUBLIC HEARING ITEM NO. 1 STAFF REPORT

**Analyst:** Robert Hobbs

**Applicant(s):**

Mark and Sheri Murray

**File(s):** CMP 2167-16 & ANN 2168-16

**Requested Action Approval(s)**

**/Recommendation(s)/and Property Location(s):**

1. **Comprehensive Plan Future Land Use Map Amendment from "Employment Center" to "Low Density Residential"**

(Action Required: *Decision*) and, by association;

2. **Annexation from "County" into the City of Nampa and Zoning Assignment of land to "RA" (Suburban Residential) (Action Required: *Decision*)**

(Action Required: *Decision*)

**Pertaining to:**

A certain parcel of land addressed as 1906 S. Powerline Road; being a 4.683 acre portion of ground located in the SW  $\frac{1}{4}$  of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 35, T3N, R2W lying east of S. Powerline Road, and north of E. Greenhurst Road (hereinafter the "Property"...

**History:**

The Nampa City Planning and Zoning Commission, during their regularly scheduled public hearing of April 12, 2016, voted to recommend to the City Council that they approve the above captioned comprehensive plan map amendment and annexation and zoning assignment requests. There were no public comments regarding the matter aside from the Applicants' own testimony. A copy of the Commission hearing minutes is hereto attached.

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## 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 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 nestled in an “Employment Center” setting in Canyon County’s jurisdiction while being an “enclaved” parcel. Changing the Comprehensive Plan Future Land Use Map’s setting of “Employment Center” to “Low Density Residential” as requested would better acknowledge the current land use of the Property and surrounds, and provide a more realistic future development setting than the current Employment Center setting. Staff is of the opinion that the Comprehensive Plan’s Future Land Use Map’s assignment of the “Employment Center” setting on the Property is, after in a manner, equivalent to an error in the Plan.

Were the City to ultimately assign a residential setting to the Property and later to its surrounds, such a setting would provide the undergirding support to residential zones to be assigned to the land in question upon future, voluntary annexation. This, we believe, would be in care and keeping with both what current land uses occupy the area, would dovetail with City zones currently assigned to other lands nearby the Property, and, would support those land uses Staff believes would be proposed to be built out on ground in the area by future developers. Such harmonization between actual, existing land use of the Property, surrounding land uses, a revised Comprehensive Plan Map callout for the Property and surrounding area, and, use of City zones in care and keeping with the Comprehensive Plan Map would be considered, per industry practice and court decree, appropriate (i.e., needful/desirable/sustainable).

The impetus for this application package stems from the Applicants’ desire to split their property as County regulations will not allow for the parcel sizes contemplated by the split (i.e., for the new parcel and “remnant” parcel) as currently the County has Ag zoning superimposed on the Property (see Applicant’s narrative hereto attached). Staff has already provided correspondence relative to the animals intended to be kept on the two properties post annexation that will vouchsafe their legal, non-conforming (“grandfathered”) right to be on the Property in the event the same is brought into the incorporated limits of the City of Nampa.

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## ANNEXATION/[RE]ZONING CONCLUSIONS OF LAW

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**10-2-3 (C) Annexations and/or Rezones/Zoning assignments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and be in agreement with the adopted Comprehensive Plan for the neighborhood.**

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## ANNEXATION/[RE]ZONING FINDINGS OF FACT

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**(PERTAINING TO THE APPROXIMATELY 4.683 ACRES OF LAND REQUESTED TO BE ANNEXED):**

**Zoning: Regarding Applicant's Proposed/Desired Annexation and Zoning Assignment Request (to RA) Staff finds:**

1. **Surrounding Zoning:**  
That County land currently adjoins the Property to the north, east, south and west; an area of City RS 6 zoning abuts the northwest corner of the Property (see attached Vicinity Map); and,
2. **Immediately Surrounding Land Uses:**  
Generally: On all sides rural residential with a single-family residential subdivision to the northwest of the Property and a cemetery to the southeast (RS 22 zoned land); and,
3. **Connectivity of Property to City:**  
That the Property is eligible for consideration for annexation; it abuts City land at its northwest corner; and,
4. **Proposed Zoning:**  
That the RA district is Nampa's "suburban residential" zone, requiring 30,000 sq. ft. minimum lot sizes (about  $\frac{3}{4}$  of an acre) and constrains land use to housing and light agricultural uses for the most part. Given the Property's historic use, proposed split and use of the new parcel, and, the activities/nature of uses/properties surrounding the Applicants' Property, Staff believes RA zoning to be a "good fit" for the Property; and,
5. **Reasonable:**  
That it may be variously argued that consideration for annexing and zoning the Property is reasonable given that: a) the City has received an application to annex the Property and amend its official zoning map by the Property owner; and, b) annexation and zoning is a legally recognized legislative and quasi-judicial act long sanctioned under American administrative law; and, c) within the City of Nampa, annexing and zoning assignment is a long standing (and code sanctioned) practice; and, d) other lands in the vicinity of the Property have been added to the City via annexation with zoning assigned at time of their incorporation; and, e) the Property is eligible by law for annexation and zoning assignment; and, f) that the Applicant intends to further use of the Property (and a newly contemplated parcel to be split therefrom) in care and keeping with past practice and comparable to the land use employed by adjoining property owners; and, g) City utility services are available to the Property; and, h) emergency services are available to the Property; and,

**6. Public Interest:**

That Nampa has determined that it is in the public interest to provide varying residential development opportunities and diverse residential property and housing types. Expressions of that policy are made in Nampa's adopted Comprehensive/Master Plan as well as embodied in its decisions to date regarding similar applications; and,

**7. Promotion of Zoning Purpose(s):**

That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Included in our residential zoning regulations, therefore, are standards governing residential development which appertain to allowable land uses, building setbacks, building heights, provision of parking and service drives or driveways, property landscaping, etc. We find that this application proposes a basic, code compliant development plan – varying details of the same will be, in the future, addressed through the building permit review processes subsequent to any zoning land entitlement; and,

**8. Comprehensive Plan:**

That the adopted Comprehensive Plan designates the Property as being suitable for [an] "Employment Center" development (see attached Comprehensive Plan Map copy). Such a setting was expectedly superimposed to encourage development of the area around the Property into a mixed use (primarily light commercial) activity area. Again, the Applicants have submitted a request to change the Comprehensive Plan designation for the Property. Staff believes such a request to be logical given the less than ideal conditions associated with trying to foster commercial development of the Property and its surrounds, the veritable constraints associated with the rights-of-way providing access/connectivity to/from the Property to other City locales (i.e., due to road speeds, road sections' distance to main arterials, underdeveloped right-of-way, spot placement of the Employment Center setting, etc.) and the presence of pre-existing development (primarily residential) scattered unevenly in the vicinity of, and surrounding, the Property; and,

**9. Services:**

That utility and emergency services are, or can be made, available to the Property...

**In summary, the Property may be zoned RA, but nothing forces the Council to do so as it acts in its quasi-judicial capacity to decide on the proper land use zone/district to assign to the Property. Given the findings noted above, however, RA zoning is certainly an "entertainable" zone and recommend for imposition...**

**Public/Agency/City Department Comments:**

Any correspondence from agencies or the citizenry regarding this application package [received by noon May 11, 2016] is hereafter attached to this report. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

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## **RECOMMENDED CONDITIONS OF APPROVAL**

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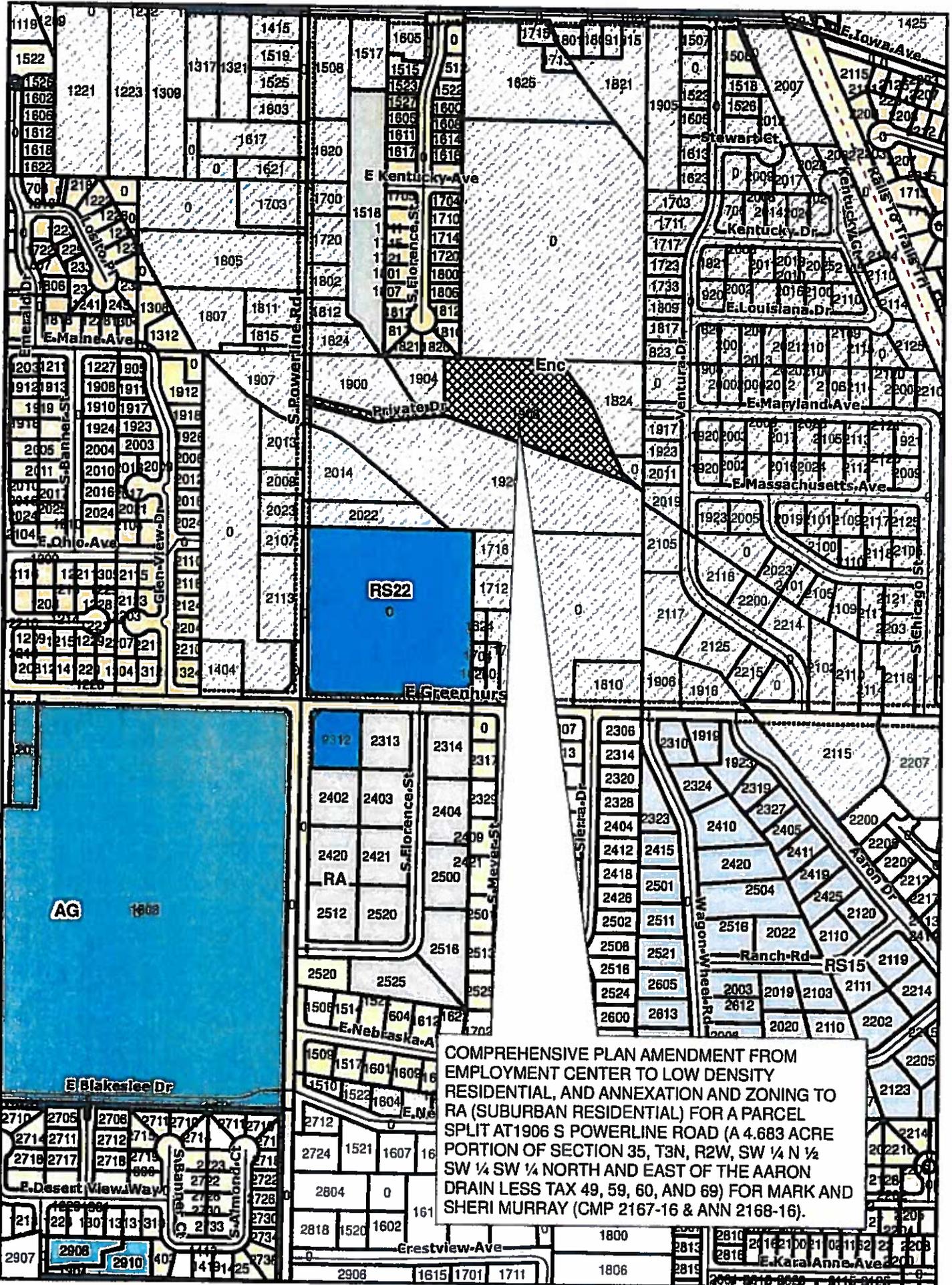
N/A at the time of this report's publication...

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## **ATTACHMENTS**

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- **Copy of Vicinity Map  
(page/Exhibit 6)**
- **Copy of Comprehensive Plan Future Land Use Map Amendment application form  
(page/Exhibit 7)**
- **Copy of Annexation application form  
(page/Exhibit 8)**
- **Copy of aerial photo of depicting Property and surrounds with zoning shown  
(page/Exhibit 9)**
- **Copy of Comprehensive Future Land Use Map section depicting Property and surrounds  
(page/Exhibit 10)**
- **Copy of aerial photo of the Property  
(page/Exhibit 11)**
- **Copy of Applicants' project explanation letter  
(page/Exhibit 12)**
- **Copy of [any] inter-departmental/agency/citizen correspondence  
(pages/Exhibits 13-14)**
- **Copy of April 12, 2016 Planning and Zoning Commission hearing minutes  
(pages/Exhibits 15-16)**



COMPREHENSIVE PLAN AMENDMENT FROM EMPLOYMENT CENTER TO LOW DENSITY RESIDENTIAL, AND ANNEXATION AND ZONING TO RA (SUBURBAN RESIDENTIAL) FOR A PARCEL SPLIT AT 1906 S POWERLINE ROAD (A 4.683 ACRE PORTION OF SECTION 35, T3N, R2W, SW ¼ N ½ SW ¼ SW ¼ NORTH AND EAST OF THE AARON DRAIN LESS TAX 49, 59, 60, AND 69) FOR MARK AND SHERI MURRAY (CMP 2167-16 & ANN 2168-16).



KZPZ  
Robert

# APPLICATION FOR AMENDMENT OF COMPREHENSIVE PLAN

City of Nampa, Idaho

CMP 2167-16 7

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$421.00 (for 1 acre or less), and \$842.00 (for more than 1 acre) for a map amendment; or \$213.00 for a text amendment.

Name of Applicant/Representative: Mark S. or Sheri L. Murray Phone: 631-1879/695-4308  
Address: 1906 S. Powerline Rd City: Nampa State: ID Zip Code: 83686  
Applicant's Interest in property: (circle one) Own Rent Other \_\_\_\_\_  
Owner Name: same Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Address of subject property: 1906 S. Powerline Road, Nampa, Idaho

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

### Subject Property Information

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the amendment):

Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)  
Old or illegible title documents will need to be retyped in a WORD formatted document

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

### Project Description

State (or attach a letter stating) the requested zoning, the land use change(s) and the reason for the proposed change(s) and the use(s) which will be involved: RA Suburban Residential / Plan to annex entire parcel, split, an sell 1.878 acres to son and daughter-in-law for building of their new house FROM EMPLOYMENT CENTER TO LOW DENSITY RES

If this application is for a change of plan text complete the following:

State (or attach a letter stating) the text changes requested, the page numbers in the plan, the reason for the proposed changes and why they would be in the interest of the public (attach the full text of the proposed amendment, as necessary):

Dated this 11<sup>th</sup> day of March, 2016

Sheri L. Murray  
Signature of applicant

### NOTICE TO APPLICANT

This application shall be referred to the Nampa Planning Commission for consideration at a public hearing. The Planning Commission will then make its recommendation to the City Council.

If the amendment is recommended for approval a second hearing shall be held before the City Council. If the amendment is recommended for denial you may appeal the decision to the City Council within 15 days from the date of such action by the Planning Commission. At least 15 days prior to each hearing, notice of time and place and a summary of the amendment(s) to be discussed shall be published in the Idaho Press-Tribune. In the case of map amendments notice shall also be posted on the premises not less than 1 week prior to the hearings and notices will be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

Any person may apply for a plan amendment at any time to correct errors in the original plan or to recognize substantial changes in the actual conditions of an area.

**For Office Use Only:**  
File Number: CMP 2167 - 2016 Project Name: \_\_\_\_\_



# APPLICATION FOR ANNEXATION/ZONING

City of Nampa, Idaho

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$452.00 (for 1 acre or less), and \$910.00 (for more than 1 acre).

### Applicant Information

Name of Applicant/Representative: Mark S. or Sheri Murray Phone: 631-1879/695-4308  
Address: 1906 S. Powerline Rd City: Nampa State: ID Zip Code: 83686  
Applicant's interest in property: (circle one) Own Rent Other \_\_\_\_\_  
Owner Name: Same Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Address of subject property: 1906 S. Powerline Road, Nampa, Idaho

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

### Subject Property Information

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the legal annexation):

Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)  
Old or illegible title documents will need to be retyped in a WORD formatted document

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

### Project Description

State the zoning desired for the subject property: RA Suburban Residential

State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for the use of the subject property:

Plan to annex entire parcel, split, and sell 1.878 acres to son and daughter-in-law for the building of their new house.

Dated this 11th day of March, 20 16

  
Applicant Signature

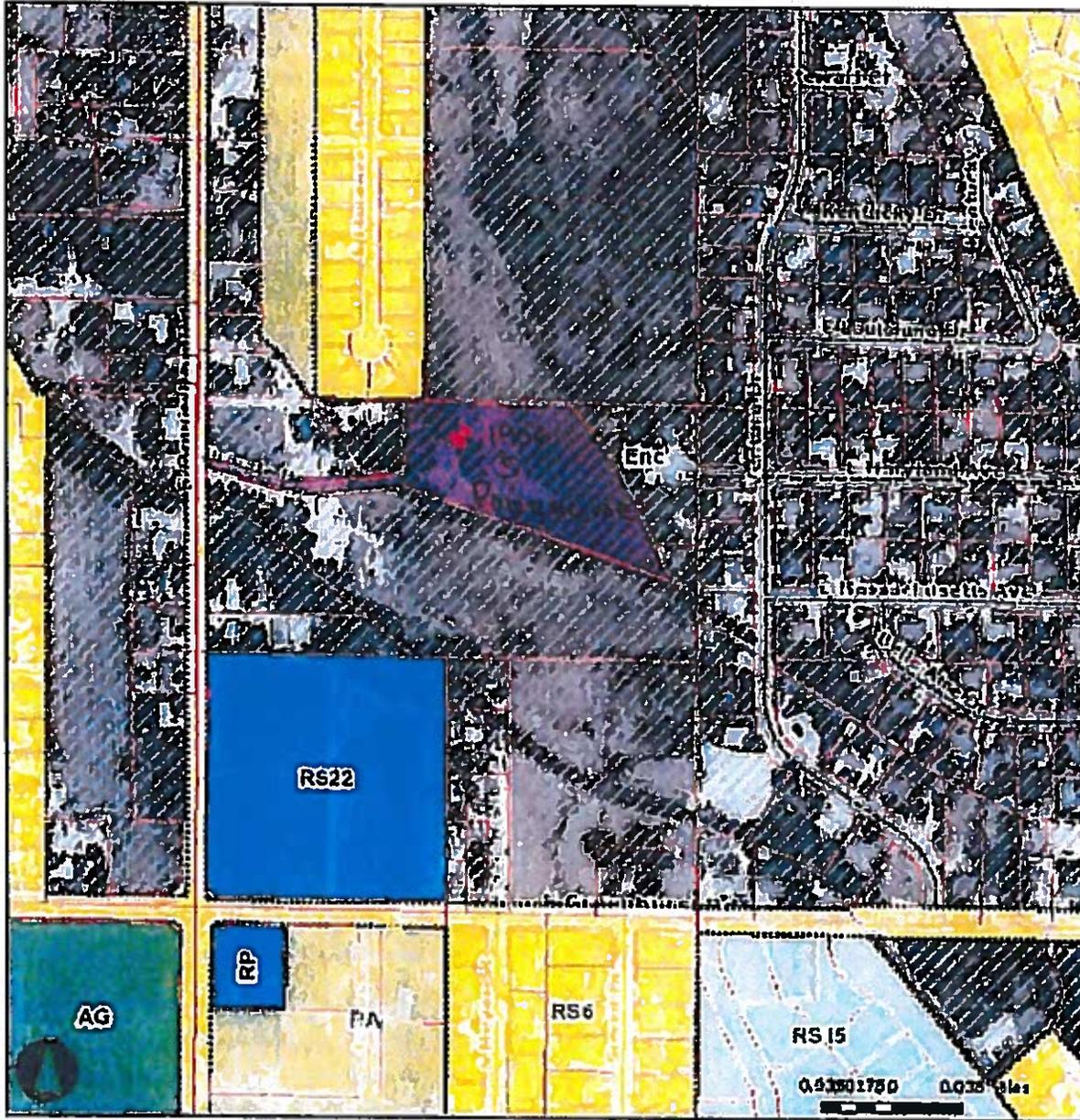
### NOTICE TO APPLICANT

This application will be referred to the Nampa Planning Commission for a recommendation on the requested zoning. The Planning Commission shall hold a public hearing and will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-Tribune 15 days prior to said hearings. Notice shall also be posted on the premises of the subject property not less than 1 week prior to the hearings. Notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

### For Office Use Only:

File Number: ANN \_\_\_\_\_ - 20\_\_\_\_ Project Name: \_\_\_\_\_

# Map



Address Candidates

- Address Candidates
- County Parcels

Proposed Parks & Open Space

- Future Interchanges

Specific Plan Areas

- Specific Plan Areas

Proposed Land Use

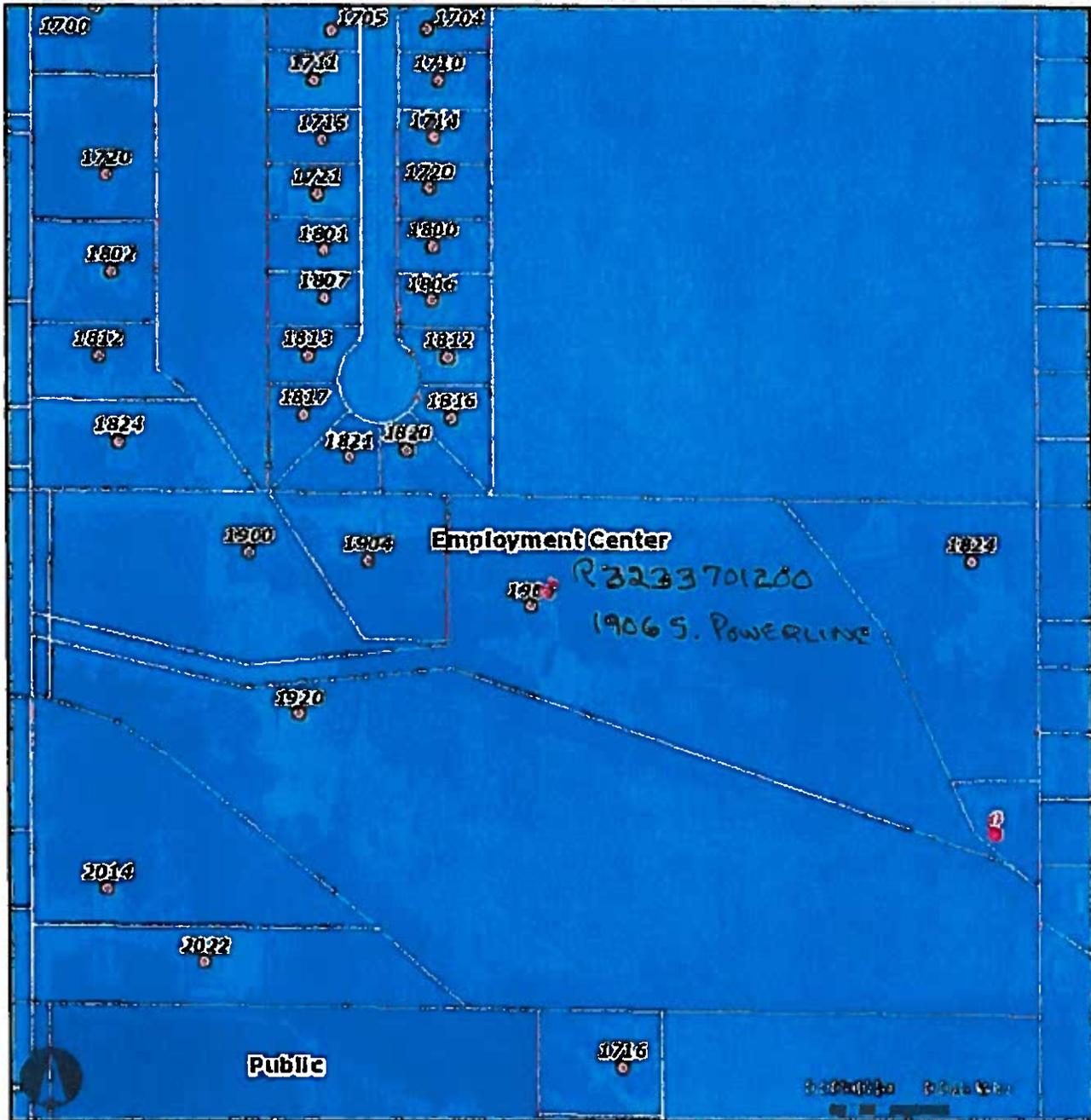
- Ag
- LD\_Res
- MD\_Res
- HD\_Res
- Residential Mixed Use
- Community Mixed Use
- Neighborhood Commercial
- Highway Commercial
- General Commercial

Proposed Land Use (continued)

- Business Park
- Downtown
- Employment Center
- Light Industrial
- Heavy Industrial
- Parks
- Public
- Airport

10

# Map



### Address Candidates



### Address Points

- Active
- Hold
- Proposed
- Retired
- Other

### Future Interchanges



### Specific Plan Areas



### Proposed Land Use

- Ag
- LD\_Res
- MD\_Res

### Proposed Land Use (continued)

- Highway Commercial
- General Commercial
- Business Park
- Downtown
- Employment Center
- Light Industrial
- Heavy Industrial



CMP 2167-16  
ANN 2168-16 12  
CUP 2169-16  
NOW-CONF. USE

March 17, 2016

Mr. Norm Holm  
Director  
Planning and Zoning Department  
City of Nampa  
411 Third Street South  
Nampa, ID 83651

RE: Annexation Request to Residential-Agricultural Suburban Residential District/Zone  
1906 South Powerline Road, Nampa, Idaho

Dear Mr. Holm,

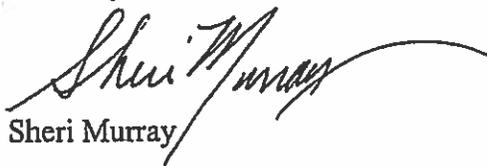
Please accept this letter as our request to be annexed into the City of Nampa.

My husband, Mark, and I have resided in Nampa since July 1992. We purchased almost five acres at 1906 South Powerline Road, an enclaved parcel. We built a new house and installed a private well and septic. Irrigation water is provided by Nampa and Meridian Irrigation District. Through the years we raised our children in the community of Nampa and have become accustomed to a rural way of life. We have at times owned up to eight head of horses, six dogs, several cats, sheep and goats. Our children participated in 4-H activities. Currently we have four dogs, two cats, and provide pasture for up to eight horses.

The purpose of this annexation request is to be able to split our parcel one time and sell 1.878 acres to our son and daughter-in-law. They intend to build their new house on this acreage. Contact has been made with the Idaho Department of Water Resources, and the Southwest District Health Department. Neither entity found issue with the permitting for well or septic.

Attached you will find the necessary applications and supporting documentation related to this annexation request. Your consideration is appreciated.

Sincerely,



Sheri Murray

cc: file

enclosures

## Christopher Daly

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**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Wednesday, March 30, 2016 1:59 PM  
**To:** Christopher Daly  
**Subject:** CMP 2167-16 & ANN 2168-16

Good Afternoon Christopher,

The Nampa Highway District #1 has no objection to the Comprehensive Plan Amendment from Employment Center to Low Density Residential, and Annexation and zoning to RA for a parcel split at 1906 S. Powerline Rd for Mark and Sheri Murray, as it is not within the Highway District's jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 Highway 45. • Nampa, id 83686  
TEL 208.467.6576 • FAX 208.467.9916

## Norm Holm

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**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Tuesday, May 03, 2016 7:50 AM  
**To:** Norm Holm  
**Subject:** CMP 2167-16 & ANN 2168-16

Good Morning Norman,

The Nampa Highway District #1 has no objection to the Comprehensive Plan Future Land Use Map Amendment from Employment Center to Low Density Residential and annexation and zoning to RA for a parcel split at 1906 S Powerline Rd for Mark and Sheri Murray as it is not within our Jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 Highway 45. • Nampa, Id 83686  
TEL 208.467.6576 • FAX 208.467.9916

*This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation*

15

**Motion carried.**

**Myers motioned and Kehoe seconded to approve the Linden Ridgevue Subdivision Short Plat for two (2) non-residential lots on 22.36 acres - .66 acre and 21.69 acres for Gene Ulmer representing the LDS Church, subject to:**

- 1. The Project's engineer shall comply with the requirement listed in the April 01, 2016 memorandum from the Nampa Engineering Division authored by Daniel Badger.**
- 2. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat to be provided to the City.**
- 3. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.**

**Motion carried.**

**Comprehensive Plan Amendment Future Land Use Map Amendment from Employment Center to Low Density Residential, and Annexation and Zoning to RA for a parcel split at 1906 S Powerline Rd. (A 4.683 acre portion of the SW ¼ Section 35 T3N R2W north and east of the Aaron Drain, less Tax 49, 59, 60 and 69) for Mark and Sheri Murray (CMP 2167-16 and ANN 2168-16)**

**Chairman McGrath proceeded to public hearing.**

**Sheri Murray of 1906 S Powerline Rd, Nampa – applicant:**

- Ms Murray stated she and her husband had resided at 1906 S Powerline Rd for almost 24 years.
- The property, added Ms Murray, consists of almost 5 acres, being an enclaved parcel surrounded by Nampa City limits.
- Ms Murray stated they were requesting annexation in order to split off 1.878 acres to their son and daughter-in-law who would like to build their new house on that adjacent parcel.
- An Amendment to the City's Comprehensive Plan had also been submitted, continued Ms Murray, in order to change the Comprehensive Plan Future Land Use Map from Employment Center to Low Density Residential for the subject property.
- In response to a question from **Chairman McGrath**, Ms Murray stated they had also submitted a request for Non-Conforming Use Status in order to allow large and medium animals (horses, goats, sheep), as well as the number of animals, to continue on the subject property when annexed and split.

**Assistant Planning Director Hobbs:**

- Hobbs reviewed the Staff Report for the Comprehensive Plan Amendment and Annexation and RA zoning for 1906 S Powerline Rd.
- Hobbs reviewed the criteria for a Comprehensive Plan Amendment and noted the current designation of "Employment Center" did not harmonize with the existing surrounding zoning designations or the current uses of the subject and surrounding properties.
- Hobbs considered the "Employment Center" designation was not a proper fit for the area and probably should not have been included in the original Comprehensive Plan.
- According to Hobbs, the subject property was abutting or adjoining existing City limits at the northwest corner.
- City services, explained Hobbs, were, or could be, made available to the subject property.
- Kehoe inquired about the grandfathered (non-conforming use status) for animals and questioned how long that approval would be for.
- Hobbs explained the legal non-conforming use criteria in order to keep that non-conforming status active, which typically carries with the land, not the owner.
- Myers inquired if the RA zoning designation would allow for more livestock than the RS designation.
- Hobbs stated the RA zone allowed for large and medium animals and a letter had gone out to the applicant that if the subject property were annexed then the number of animals on the property had been documented and would be allowed to continue.

**Chairman McGrath proceeded to public testimony.**

**No public comment forthcoming.**

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**Keim motioned and Myers seconded to close public hearing. Motion carried.**

**Keim motioned and Kropp seconded to recommend to City Council approval of the Comprehensive Plan Amendment from "Employment Center" to "Low Density Residential" for 4.683 acres located at 1906 S Powerline Road, for Mark and Sheri Murray.  
Motion carried.**

**Keim motioned and Kropp seconded to recommend to City Council annexation and RA (Suburban Residential) zoning for the 4.683 acres located at 1906 S Powerline Rd for Mark and Sheri Murray.  
Motion carried.**

Meeting adjourned at 8:42 p.m.

  
Norman L. Holm, Planning Director  
:sm



## PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council  
Meeting of 16 MAY 2016

### PUBLIC HEARING ITEM NO. 2 STAFF REPORT

**Applicant(s)/Engineer(s), Representative(s):**

Shady Grove LLC, Patrick Scheffler as Applicant (alternatively "Developer") with Idaho Survey Group and Patrick Scheffler as representatives and engineers

**File(s):** ANN 2150-16 (x. ref. SUB 0671-16)

**Analyst:** Robert Hobbs

**Requested Action Approval(s)/Recommendation(s) and Involved Property:**

1. **Modification of Annexation and Zoning Development Agreement** (Ordinance no. 3695), between Patrick Scheffler and the City of Nampa, recorded as Instrument Nos. 2007032293 and 2010003327 (to correct the legal description) by amending Exhibit "B" thereof in order to incorporate an amended preliminary plat into the Agreement, by amending "Exhibit C Conditions of Approval" by deleting conditions 2 and 5 regarding the trunk sewer line and the required minimum dwelling size –

(Action Required: *Decision*)

Appertaining to 8.70 acres of property located in a portion of the SE ¼ of the NW ¼ of Section 35, T3N, R2W, Boise Meridian, Canyon County, Nampa and positioned in the 1200 block (west side) of Chicago Street within a RS 7 (Single-Family Residential, 7,000 sq. ft. min. lot size) Zone (hereinafter the "Property")...

**Note:**

As the Development Agreement Modification request is purposed to allow design amendment of a previously approved plat, this report includes comments and findings provided to the Commission in April that are specific to the plat itself so that Council may better understand the nature and measure of code compliance of this application.

**History:**

Application for annexation and preliminary plat approval for Shady Grove Subdivision was originally submitted in the Fall of 2006 and entitled in 2007. The original annexation approval

coupled a Development Agreement to the ordinance that brought the Applicant's land into the incorporated limits of the City. Hindrance to the development of the Property arose from the provision of sewer service to the same and the downturn of the market in 2008. Applicant is now ready to move forward with development (but under slightly different terms if approved) and the sewer issue is resolved – hence this new application package. Applicant's representative's project narrative provides an explanation of, and justification(s) for, their request.

The Nampa City Planning and Zoning Commission, during their regularly scheduled public hearing of April 12, 2016, after receiving testimony and reviewing your application, voted to recommend to the City Council that they approve the above referenced Development Agreement Modification request. Subsequently, the Commission voted to approve the above referenced preliminary plat approval request.

The Commission made their recommendation and plat decision contingent on Developer/Development compliance with the following conditions:

**\*Generally:**

1. Applicant(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, etc.) as the entitlements granted by virtue of the City's approvals of the requested Development Agreement Modification(s) do not, and shall not have, the affect of abrogating requirements from those agencies in connection with [re]entitlement of the Property; and,

**Specifically:**

2. That the Applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement with the City of Nampa. The Agreement(s) shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request for the Property plat development plan be reconfigured [still to be used for residential housing development in a RS 7 Zone] versus its original entitlement(s). Inclusively, the Agreement shall contain any/the concept development plans proposed by virtue of this application submittal as ultimately accepted, or accepted with required changes, by the City's Council. (In conjunction with this condition, the Commission recommended that Lots 8-15 of Block 1 of the Development be limited to having only one-story homes [built] thereon.)

As pertaining to the request for Amended/Revised Preliminary Plat Approval:

**Generally:**

1. Applicant(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 entitlements granted by virtue of the City's approvals of the requested Annexation, Zoning and Preliminary Plat do not, and shall not have, the affect of abrogating requirements from those agencies in connection with entitlement of the Property; and,

**Specifically:**

2. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

- a. Developer/Development shall comply with the requirement(s) listed in the City Engineering GIS Section's one (1) page memorandum dated March 21, 2016 (copy hereto attached authored by Amanda Morse); and,
  - b. Developer/Development shall comply with the requirement(s) listed in the City Forester's one (1) page email printout (copy hereto attached) dated April 01, 2016 authored by Tanya Gaona; and,
  - c. Developer/Development shall comply with the requirement(s) listed in the Nampa and Meridian Irrigation District's one (1) page letter (copy hereto attached) dated March 29, 2016 authored by Greg Curtis; and,
3. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable; and,
  4. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the Plat face and/or in the proposed Plat development notes and include said corrections in a revised preliminary Plat. Such corrections/additions shall include, but not be limited to, the following:
    - a. Within the plat notes section, add a note as follows: "Building lots below 7,000 sq. ft. in size are City approved based on provisions, restrictions and conditions cited in N.C.C. § 10-27-4.A.3. and in conjunction with Shady Grove Subdivision"; and,
    - b. Inscribe upon on Lots 12-16 & 28-29 of Block 1 a reference back to the new plat note created in conformance with approval condition 4.a. above to facilitate identification of building lots affected by N.C.C. § 10-27-4.A.3; and,
  5. Any exceptions to City adopted subdivision design standards (e.g., common driveway lot usage count & easement dimensions) shall/will require separate design [exception] approval from the City Engineer or City Council as appropriate..."

After the Commission meeting, on April 25, the Applicant submitted to Staff a letter intended for Council consideration asking for a redaction in one of the Commission's recommended conditions as it relates to the proposed Development Agreement Modification. A copy of that letter is hereafter attached (see pages 13-15).

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## DEVELOPMENT AGREEMENT MODIFICATION

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Criteria to guide the Council in making, a determination/decision whether to allow a Development Agreement Modification as sought by an applicant are absent from state statute or City ordinance. Thus, approving or not in this instance this application becomes a purely subjective matter/decision on the part of the City in reaction to this contract modification application coming now before you/them. Hereafter attached is a copy of Ordinance 3695 (Instrument Nos. 2007032293 & 2010003327).

The parts of the Agreement associated with the revised Project that are proposed for modification are, expectedly in this instance, language in the RECITALS Section and substitution of exhibits of the [original] Agreement (to include a new plat plan), and the language of the Conditions of Approval (Exhibit C). *A copy of the original Agreement is hereto*

*attached along with the Applicant's newly proposed plat plan and application narrative letter to explain the changes to the original Agreement they are seeking and why. Staff has prepared a draft Development Agreement Modification document for Council's review, a copy of which is hereto attached. The draft does not include the Commission's recommended condition regarding building height maximums for single-family Lots 12-16 and 28-29, but that condition may be added into the Agreement if the Council so chooses.*

**Public/Agency/City Department Comments Regarding Proposed DA Mod.:**

Any correspondence from City departments, outside agencies or the citizenry regarding this application package – specifically regarding the DA Modification request – is hereafter attached. No opposition or support statements have been, to date (May 11, 2016), received respecting this matter.

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**SHADY GROVE SUBDIVISION -- STATISTICS AT A GLANCE**

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<b>Overall Platted Site Area-</b>	8.70 acres
<b>Total, Project Lot Count-</b>	41
<b>Total, Res. Bldg., Lot Count-</b>	37
<b>Total Common Lot Count-</b>	4
<b>Project Density-</b>	~ 4.25 du/a

**Regarding "RS 7 Residential Building Lots" \*:**

**Min. Allowed RS 7 Bldg. Lot Size-**

7,000 sq. ft. (N.C.C. § 10-8-6)

**Min. Proposed RS 7 Bldg. Lot Size-**

5,874 sq. ft.

**Min. Allowed, Weighted, Avg. RS 7 Bldg. Lot Size-**

8,000 sq. ft. (N.C.C. § 10-27-6.F(2))

**Proposed Avg. RS 7 Bldg. Lot Size-**

7,800 sq. ft. per plat/engineer; 8,084 per City analysis

**Periphery Compatibility Applicability-**

Applicable along northern side of Property against Crystal Springs where a portion of the same is juxtaposed against Shady Grove Subdivision (N.C.C. § 10-27-6.F(2))

**Periphery Compatibility Compliance-**

Achieved per engineer; according to the subdivision code section that appertains to RS7 Zones; Residential Lot Compatibility (including exemption offered by N.C.C. § 10-27-4.A.3)

**Min. Req. St. Frontage RS 7 Zone-**

22' (N.C.C. § 10-8-6)

**Min. Allowed RS 7 Bldg. Lot Widths-**

50' @ 20' front setback line (N.C.C. § 10-8-6)

**Min. Allowed RS 7 Bldg. Lot Depths-**

70' (N.C.C. § 10-8-6)

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

\* Note that per 10-27-4.A.3. the above standards may be deemed non-applicable to 20% of the Subdivision's building lots upon Developer request and proper plat labeling (during preliminary plat design and entitlement phase). The Applicant is using the allowance in this Plat's design as per their engineer's narrative (see attached letter).

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**COUNCIL FYI ONLY (No Action Required)  
FINDINGS OF FACT &  
NOTES  
REGARDING PLAT**

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

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

**Regarding the [new] Plat proposal, Zoning Staff finds:**

**1. Minimum Lot Areas \*:**

No issues; All building lots appear to meet or exceed minimum sizing required (80% at 7,000 sq. ft. or more, 20% at an allowed 2/5ths of 7,000 sq. ft., 2,800); the smallest building lot proposed is 5.874 sq. ft. in area...therefore, the Plat is deemed compliant in this regard; and,

- \* Please note that this plat is unusual in that it represents one of the few times that a developer has taken advantage of a section of subdivision code that has been on the books for about a decade. The referred to code section was recently revised by the City upon passage by Council of Ordinance No. 4159 on January 20, 2015. The code as amended is [hereafter] cited as follows:

**"10-27-4: SPECIAL SUBDIVISIONS AND DEVELOPMENTS:**

**A. Infill Homes/Lots, Condos, Townhouses, Urban Neo-traditional, Planned Unit And Other "Special" Developments:**

...

**3. Reduced Sized Lot in RS Districts:** Within a subdivision developed in a RS Zone, building lots sized below normal minimum required size (termed "infill lots") may be developed in accordance with the standards listed hereafter. Detached homes built on said lots are termed "infill homes" – though they might not be smaller than homes on regular sized lots in the same development. Furthermore, two-unit townhouses may be allowed without requiring a Conditional Use Permit to pre-authorize emplacement of the same in a subdivision, in accordance with the standards listed hereafter:

- a. The number of infill home or townhouse units does not comprise more than twenty percent (20%) of a subdivision if the same subdivision will also contain detached single-family dwelling units. The homes or units may be grouped together in a subdivision or spread out amongst other lots.
- b. The future locations of infill home or townhouse dwelling lots are designated on the preliminary plat.

c. Common party walls shall be constructed in accordance with the current building code adopted by the city of Nampa. Townhouses shall be developed in accordance with regulations found in section 10-8-3 of this title.

d. The minimum lot size per individual infill home or each two-unit townhouse shall be at least two-fifths ( $\frac{2}{5}$ ) that normally required in the RS zone within which the residential structure is proposed. (For example, the minimum lot size for 1 unit of a 2-unit townhouse in an RS6 zone shall be 2,400 square feet according to that standard.)

e. Reduced lots shall not be factored into the subdivision minimum lot size average requirement stated in section 10-27-6(F)(2)(a).

f. Front, side and rear yard setbacks, pertaining to infill home or townhouse building lot(s), shall be per pertinent district standards. The side setbacks between two (2) adjoining infill homes may be reduced below pertinent district standards, provided that the relevant plat also notes a one hour protective, fire resistant easement will be between the building envelopes of those future infill homes and a building envelope is shown to identify what separation between the two (2) units will be. Thus, this standard is applicable if the two (2) future infill homes will not be attached like townhouses yet are proposed to be located closer than three feet (3') to the intervening, interior property line between them. Otherwise the side setback between two (2) adjoining, but not abutting, infill homes shall be a minimum of five feet (5') (10 feet total) on either side of the property line separating the two (2) units.

The city council may further approve reductions in required setbacks for special developments during review of a plat wherein the units will be located. In such cases, the following conditions shall apply:

(1) In no case shall garages or carports be allowed closer than twenty feet (20') to the street giving access to a lot, although, the living space (non-parking) part of the home may be closer than twenty feet (20') to the street.

(2) If the council approves reduced setbacks in the plat review stage, then building envelopes reflecting council's allowances shall be depicted on the final plat.

(3) Any "developer proposed" building envelopes be depicted on preliminary plats where possible, and as noted above, if approved, be likewise noted on final plats (or portions of final plats where the provision for dwelling units was made).

(4) Any setback area waived via de facto variance approval given by the council during plat review be transferred to another part of the plat in equal measure. Such space shall be made into usable open space dedicated for use by "special" development lots in the subdivision."

## 2. Average Lot Size:

No issues; According to the Project engineer, the Subdivision appears to fall short of meeting the 8,000 sq. ft. minimum lot average size requirement by only providing 7,800 sq. ft. as applied to those lots that are required to be evaluated (80% of the building lots in this case). However, Staff calculates the 18 lots (fractions dropped re: # of analyzed lots) subject to the averaging rule to have an average of 8,084 sq. ft.). Therefore, the Plat is deemed compliant in this regard; and,

**3. Lot Compatibility:**

No issues; The Subdivision appears to meet or exceed cross subdivision boundary minimum lot sizing required (10,000 sq. ft.) which applies to Lots 8-11 of Block 1 only given the use of the 20% exception rule and the positioning of a portion of those exempted lots (Lots 12-16) against neighboring lots in Crystal Springs; therefore, the Plat is deemed compliant in this regard; and,

**4. Landscaping:**

A landscape plan was submitted for the Project. Per the plan, common areas (including along Chicago Street) are proposed to be landscaped. Landscaping layout, material(s), and quantity of elements appear to substantially meet code requirements. Landscape plan revisions are/will be required based on City Forester comments; and,

**6. Internal Street Design:**

City Engineering has deemed the proposed street sections and design acceptable; and,

**7. Path/Trailway(s):**

Neither the Parks Department nor our long range planning Staff has noted the need for a pathway in association with Project build-out. The Applicant is proposing a singular, internal micro-path between Lots 37 and 39 to connect the Subdivision to the Stoddard Trail walking path to the west of the Project; and,

**8. Misc./Correspondence:**

Any correspondence from agencies or the citizenry regarding the Project is hereafter attached to this report as already noted above. Agency comments are primarily geared towards recommending conditions for the Project should it be approved.

Staff does not fully object to the requested exceptions (termed Variances) to the Project save to note that by employing the 20% rule, the Developer is already getting a reduction in minimum lot size for some lots which do not have to be factored into lot averaging either...

**Public/Agency/City Department Comments:**

Any correspondence from agencies or the citizenry regarding this application package [received by noon April 06, 2016] is hereafter attached. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

- a. City Engineering has no objection(s) to the requested, revised Project (see attached comments authored by Daniel Badger) – 1 page memorandum dated April 05, 2016; and,
- b. City Engineering GIS Section has no objection(s) to the requested, revised Project (see attached comments authored by Amanda Morse) but have (a) requirement(s) related to the same – 1 page memorandum dated March 21, 2016; and,
- c. The City Forester has no objection(s) to the requested, revised Project (see attached comments authored by Tanya Gaona) but have (a) requirement(s) related to the same – 1 page email printout dated April 01, 2016; and,

- d. The Parks Department has no objection(s) to the requested, revised Project (see attached comments authored by Cody Swander) – 1 page email printout dated March 04, 2016; and,
- e. The Planning and Zoning Department (Long Range Planning) has no objection(s) to the requested, revised Project (see attached comments authored by Karla Nelson) – 1 page memorandum dated March 29, 2016; and,
- f. The Nampa Highway District has no objection(s) to the requested, revised Project (see attached comments authored by Daniel Badger) – 1 page memorandum March 02, 2016; and,
- g. The Nampa and Meridian Irrigation District has no objection(s) to the requested, revised Project (see attached comments authored by Greg Curtis) but have (a) requirement(s) related to the same – 1 page letter dated March 29, 2016; and,
- h. Code Enforcement has no objection(s) to the requested, revised Project (see attached comments authored by Marlen Salinas – 1 page email printout dated February 25, 2016); and,
- i. The Nampa Building Department has no objection(s) to the requested, revised Project (see attached comments authored by Neil Jones – 1 page email printout dated March 02, 2016)...

**Note:**

Any relevant recommended requirements alluded to above will be manifest in the recommended Conditions of Approval presented by Staff in this report hereafter...

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## **RECOMMENDED CONDITION(S) OF APPROVAL**

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Should the City Council vote to approve the requested Project related Development Agreement Modification(s) as desired by the Applicant, then Staff would recommend that the Council consider imposing the following Conditions of Approval on/to the Project/Applicant:

- I. As pertaining to the request for Development Agreement Modification Approval:**

**Generally:**

- 1. Applicant(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, etc.) as the entitlements granted by virtue of the City's approvals of the requested Development Agreement Modification(s) do not, and shall not have, the affect of abrogating requirements from those agencies in connection with [re]entitlement of the Property; and,

**Specifically:**

- 2. That the Applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement with the City of Nampa. The Agreement(s) shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant

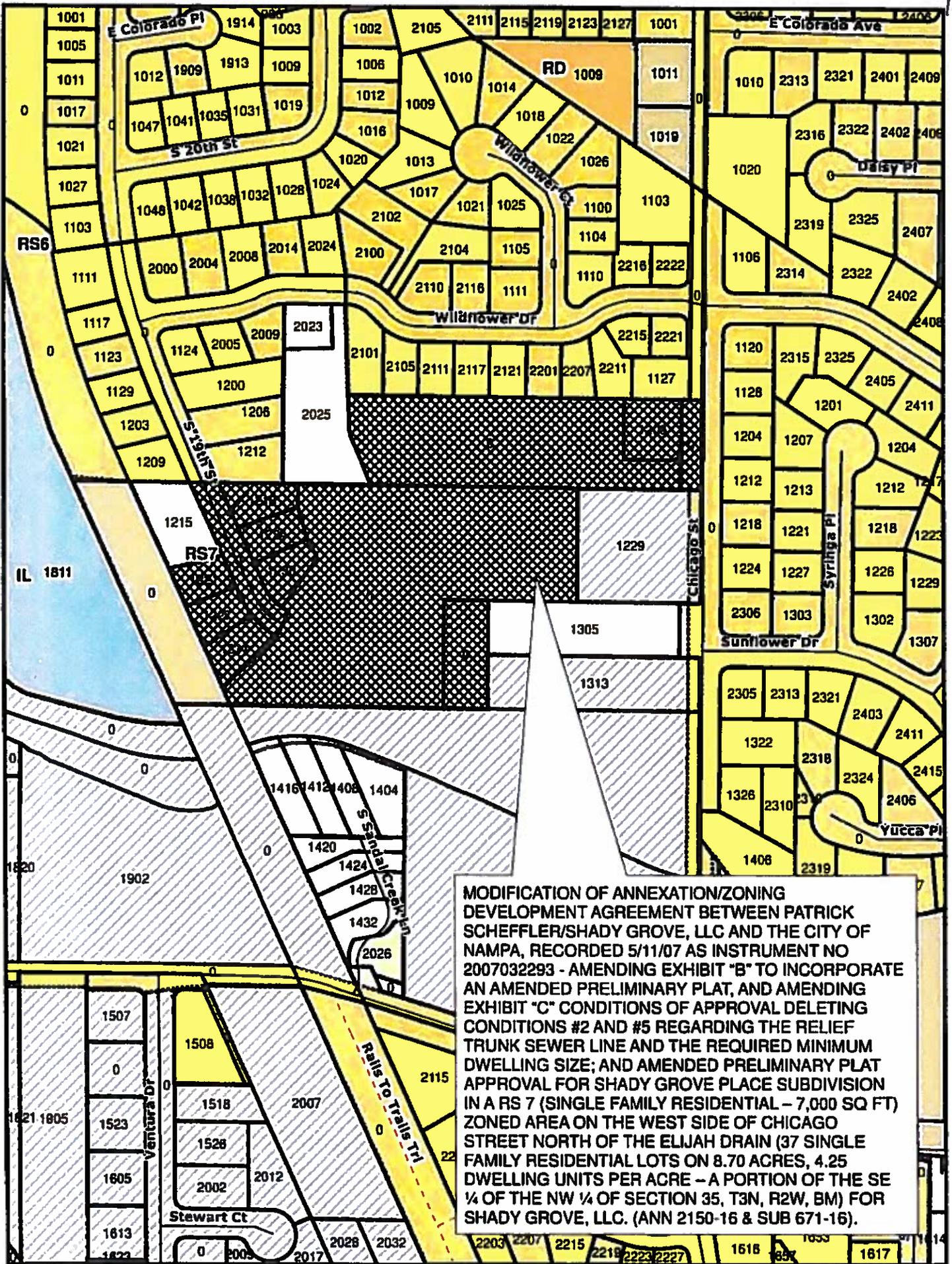
and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request for the Property plat development plan be reconfigured [still to be used for residential housing development in a RS 7 Zone] versus its original entitlement(s). Inclusive, the Agreement shall contain any/the concept development plans proposed by virtue of this application submittal as ultimately accepted, or accepted with required changes, by the City's Council...

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## ATTACHMENTS

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- Copy of Vicinity Map (page/Exhibit 10)
- Copy of Applicant's representative's Project narrative [letter] (pages/Exhibits 11-12)
- Copy of Applicant's representative's Commission Development Agreement recommended condition protest letter (pages/Exhibits 13-15)
- Copy of Commission hearing minutes (pages/Exhibits 16-19)
- Copy of Development Agreement Modification Application (page/Exhibit 20)
- Copy of Subdivision Application Form (pages/Exhibits 21-22)
- Copy of aerial photos (with zoning districts shown on one (pages/Exhibits 23-24)
- Copy of amended/revised preliminary plat page (page/Exhibit 25)
- Copy of common driveway detail (page/Exhibit 26)
- Copy of property legal description annotation (page/Exhibit 27)
- Copy of 2007 Development Agreement for Shady Grove (pages/Exhibits 28-49)
- Copy of preliminary plat notice agency/departement distribution list (page/Exhibit 50)
- Copy of [responding] agency correspondence (pages/Exhibits 51-58)
- Copy of draft, modified Development Agreement (pages/Exhibits 59-68)



**MODIFICATION OF ANNEXATION/ZONING DEVELOPMENT AGREEMENT BETWEEN PATRICK SCHEFFLER/SHADY GROVE, LLC AND THE CITY OF NAMPA, RECORDED 5/11/07 AS INSTRUMENT NO 2007032293 - AMENDING EXHIBIT "B" TO INCORPORATE AN AMENDED PRELIMINARY PLAT, AND AMENDING EXHIBIT "C" CONDITIONS OF APPROVAL DELETING CONDITIONS #2 AND #5 REGARDING THE RELIEF TRUNK SEWER LINE AND THE REQUIRED MINIMUM DWELLING SIZE; AND AMENDED PRELIMINARY PLAT APPROVAL FOR SHADY GROVE PLACE SUBDIVISION IN A RS 7 (SINGLE FAMILY RESIDENTIAL - 7,000 SQ FT) ZONED AREA ON THE WEST SIDE OF CHICAGO STREET NORTH OF THE ELIJAH DRAIN (37 SINGLE FAMILY RESIDENTIAL LOTS ON 8.70 ACRES, 4.25 DWELLING UNITS PER ACRE - A PORTION OF THE SE ¼ OF THE NW ¼ OF SECTION 35, T3N, R2W, BM) FOR SHADY GROVE, LLC. (ANN 2150-16 & SUB 671-16).**

February 10, 2016

Mr. Robert Hobbs  
City of Nampa Planning & Zoning  
411 3<sup>rd</sup> St. N.  
Nampa, ID

RE: Shady Grove Place Preliminary Plat Amendment Application

Dear Robert:

We are submitting this application for a preliminary plat amendment for Shady Grove Place Subdivision. The requested amendment is to revise the plat layout to take advantage of the 20% reduced lot size allowance that the City has added to the Subdivision Ordinances since our original application and approval. The original approved preliminary plat included 32 building lots. This amended pre-plat includes 37 building lots. Pursuant to this application for amending the preliminary plat, we are requesting the following exceptions, variances and revisions:

**PRELIMINARY PLAT:**

1. Approve exception to allow for a 50' wide Standard Local (2) Street. Existing 19<sup>th</sup> St is constructed with a 50' right-of-way width and attached sidewalks. This subdivision will contain less than 40 building lots. We would like to maintain this roadway width with 5' attached sidewalks throughout the project and then transition to the 4' wide detached sidewalk standard at Chicago Street.
2. Approve a variance to allow for an average lot size of 7,800 sq. ft. per the 20%-60%-20% formula. This average lot size will still be consistent with the adjoining R-6 Crystal Springs Subdivision lot sizes.
3. Approve exception to allow for 5 residential lots to take access from the common driveway shown on the amended plat. Lots 25,26,28 and 29 will take access from this common driveway. We would also like to include Lot 24 in the common driveway, which does have public street frontage, but would be better served taking access from the common driveway due to lot configuration.
4. Approve reducing the utility easement width along the exterior subdivision boundaries to 10 feet in width. We do not anticipate having any utilities placed within these easement areas.

**DEVELOPMENT AGREEMENT:**

1. Delete item #2 in Exhibit "C", Conditions of Approval. This condition required the owner to participate in the construction of an Iowa St parallel relief trunk sewer. The Nampa City Council in their May 4, 2009 Council meeting granted Shady Grove Place

the remainder of the existing trunk sewer capacity that became available with the expiration of the Lava Falls pre-plat. Therefore, this condition is no longer applicable to this project.

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2. Amend item #5 in Exhibit "C", Conditions of Approval to allow for a minimum floor area of 1,400 feet, exclusive of the garage area with one thousand two hundred (1,200) square feet on the main story of a 2-story home. This would be consistent with existing home sizes in the adjacent Crystal Springs development. We have consulted with several home builders and they recommended that this is necessary in order to build affordable homes on these lots in this particular neighborhood.

Thank you for your consideration in these requested amendments.

Sincerely,



Patrick J. Scheffler, Member  
Shady Grove, LLC

April 25, 2016

Nampa City Council  
c/o Robert Hobbs  
City of Nampa Planning Dept.  
411 3<sup>rd</sup> St. South  
Nampa, Idaho 83651

**RE: Application for Development Agreement Modification and Amended Preliminary Plat – Shady Grove Place Subdivision**

Dear Sirs:

I am writing to protest the Nampa City Planning and Zoning Commission’s decision to add a restrictive condition to the Development Agreement Modification for Shady Grove Place Subdivision during the April 12, 2016 public hearing.

The City Planning Department staff report did not indicate any objections to the proposed Development Agreement Modification. Nor was there any objection to the modification request during the public testimony phase of the hearing.

One individual property owner who cited his address as 2111 Wildflower Drive spoke not in favor of or opposed to the application, but as a neutral speaker. He expressed some privacy concerns about the possibility of having a 2-story home constructed adjacent to his property. I responded that I couldn't state whether the ultimate builder would construct a 1 or 2-story home on specific lots. The Commission then closed public testimony and, after hearing the staff report, voted unanimously to approve the Development Agreement Modification as originally proposed. The Commission then moved on to the amended preliminary plat request. During discussion on this agenda item, one commissioner suggested that all of the lots adjacent to the Crystal Springs Subdivision be restricted to 1-story homes only. The city planner, Robert Hobbs, informed the commission that any home construction restriction would have had to be conditioned with the development agreement. The Commission then returned to the Development Agreement Modification and added the restriction on lots 8-15 of the preliminary plat. They did not re-open the process to public testimony and did not allow me to address this additional restriction, just re-voting to revise the Development Agreement with the added condition.

I believe that this commission decision to restrict 25% of the lots in this subdivision to 1-story homes is both presumptuous and arbitrary. Presumptuous in that the commission is assuming that all of the Crystal Springs lot owners would have the same objections as the one lot owner who testified. Arbitrary in that the commission made this decision without benefit of knowing what the physical relationship is between all of the Crystal Springs homes and this development. I have attached an exhibit which shows this physical relationship. The Shady Grove Place lots adjacent to Crystal Springs are all 120 – 150

feet deep. The future homes will be constructed at the minimum 20 foot setback from the front line, leaving 50-70 feet of rear yard separation with the existing Crystal Springs rear property lines. The Crystal Springs homes have setbacks at varying distances ranging from 35 feet to over 100 feet from their rear property lines. This will result in 85 feet to over 100 feet of distance between homes. Consequently, any 2-story homes built in this subdivision will not be "towering over" the existing 1-story homes. To mitigate any privacy issues, trees can be planted in strategic locations in the rear yards.

Regarding the one individual homeowner's concern about privacy, I am willing to restrict Lot 10 immediately behind the property at 2111 Wildflower Drive to a single story home. But, I feel that to restrict all of these lots to single story homes is unreasonable. If the city wants to impose this type of restriction to infill developments well within the city Limits, as Shady Grove Place is situated, these restrictions should be incorporated in the city ordinances and applied evenly and fairly to all infill developments.

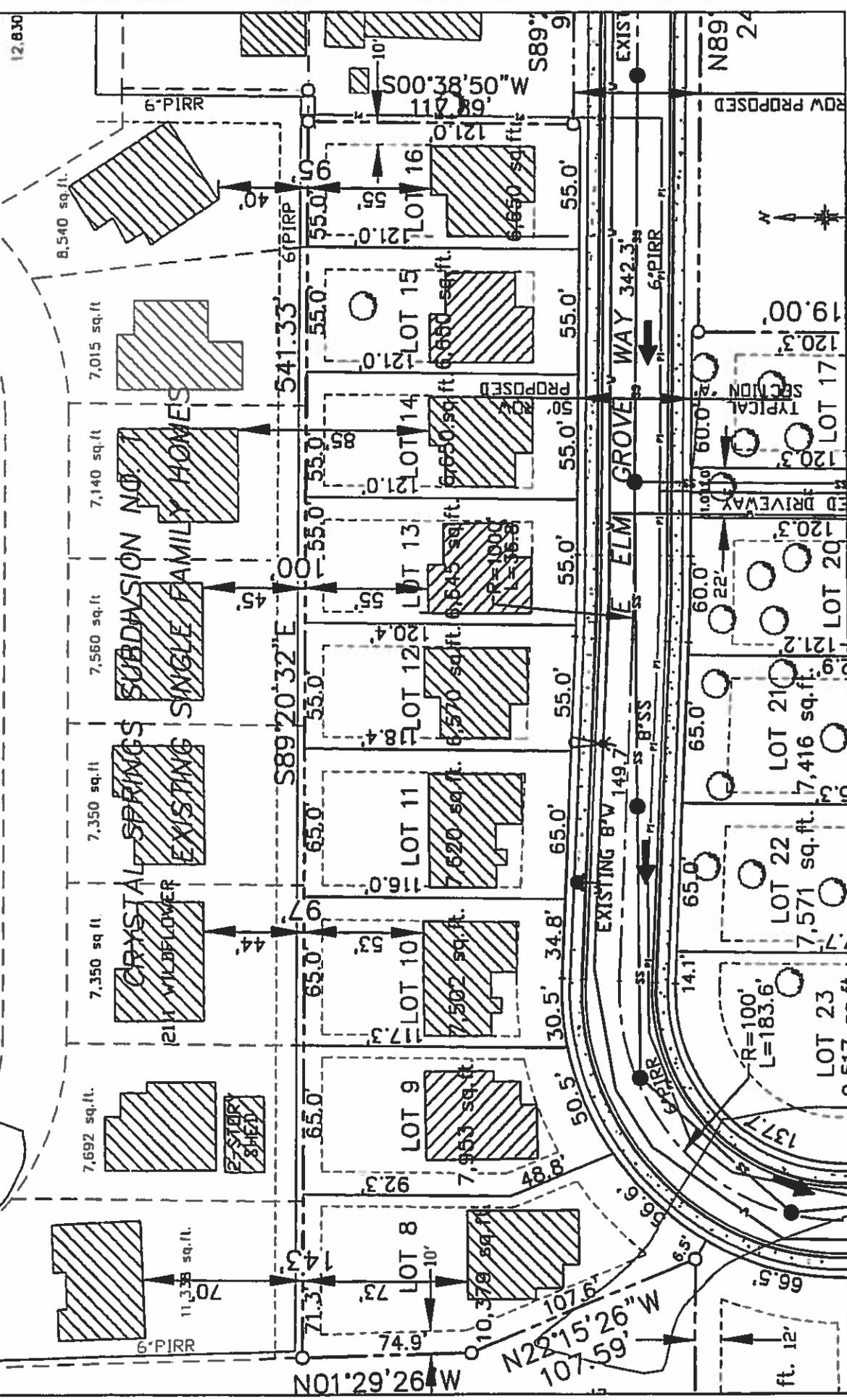
I request that the honorable council members consider this protest and make a fair and appropriated decision.

Sincerely,



Patrick J. Scheffler  
Member, Shady Grove Place, LLC

WILDFLOWER DR.



JOB NO. 08-230	SHEET NO. 1	DWG. DATE 04-26-16
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EXHIBIT DRAWING FOR  
**SHADY GROVE PLACE SUBDIVISION**  
 PROPOSED LAYOUT LOTS B-16  
 LOCATED IN THE SE ¼ OF THE NW ¼ OF SECTION 35, T.3N., R.2W., B.M., CANYON  
 COUNTY, IDAHO

**IDAHO SURVEY GROUP, P.C.**  
 1450 E. WATER TOWER ST.  
 SUITE 130  
 MERIDIAN, IDAHO 83412  
 (208) 644-5570



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- a) The Developer/Development shall comply with requirements listed in the April 1, 2016 memorandum from the Nampa Engineering Department authored by Daniel Badger.
  - b) The Developer/Development shall comply with requirements listed in the February 23, 2016 e-mail printout from the Nampa Building Department save that the elevations required by said department shall be shown on the grading plan submitted in conjunction with the final plat versus having the elevation numbers inscribed on each lot shown on the final plat page(s), authored by Neil Jones.
3. The water system for the development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the development in accordance with Fire Department policy or International Fire Code requirements as applicable.
  4. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat.
  5. CC&Rs, bylaws and articles shall be established, registered, recorded et al and one or more property/homeowners' association(s) shall be established (incorporated) to manage the common areas associated with [the] Sonata Pointe Subdivision.
  6. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.
  7. The Developer and those developing/building within the Project shall abide by the City's adopted landscape standards pertaining to subdivision development, including interior street tree planting and corridor street tree planting along Lone Star Rd and W Roosevelt Ave.
- Motion carried.

**Modification of Annexation/Zoning Development Agreement between Patrick Scheffler/Shady Grove, LLC and the City of Nampa, recorded 05/11/07 as Instrument No. 2007032293 – amending Exhibit “B” to incorporate an amended preliminary plat, and amending Exhibit “C” Conditions of Approval deleting conditions #2 and #5 regarding the relief trunk sewer line and the required minimum dwelling size; and Amended Preliminary Plat Approval for Shady Grove Place Subdivision in an RS-7 (Single Family Residential – 7000 sq ft) zoned area on the west side of Chicago Street, north of the Elijah Drain (37 single family residential lots on 8.70 acres, 4.25 dwelling units per acre – A Portion of the NW ¼ of Section 35 T3N R2W BM), for Shady Grove, LLC (ANN 2150-16 and SUB 671-16).**

Chairman McGrath proceeded to public hearing.

**Patrick Scheffler with Idaho Survey Group, 1450 E Watertower, Meridian, applicant - representing Shady Grove, LLC.**

- The application was originally submitted in 2006, stated Mr Scheffler and approved in 2007 as a 32 buildable lot infill development.
- In 2011, Phase 1 was constructed, comprising 6 lots. The remainder of the project lingered in the continuing recession.
- The current plan, added Mr Scheffler, proposes increasing the density from 32 buildable lots to 37, increasing the dwelling units per acre to 4.2.
- Mr Scheffler noted Ordinance Section 10-27-4.A.3 allows the request for reduced lot size.
- Mr Scheffler explained the changes to the Preliminary Plat, including the street alignment, the attached sidewalk instead of detached sidewalk, similar to Phase 1 and the adjacent subdivision.
- Mr Scheffler indicated the proposed micro path between Lots 37 and 39 that would connect to the Stoddard Trail walking path on the old railroad right-of-way to the west.
- There would also be a landscaped entry into the project from Chicago St.
- Mr Scheffler noted the proposed building elevations for homes within the 1400 to 1800 or 2,000 sq ft at a price point of under \$200,000 – between \$160,000 and \$190,000.
- The adjacent Crystal Springs Subdivision had homes averaging 1240 sq ft, therefore, the proposed Shady Grove Place Subdivision would be compatible with the adjoining neighborhoods.

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- Mr Scheffler stated they were also requesting a couple of common driveways that do meet City design criteria, but were asking to add another lot to one of the common driveways. The City only allows four accesses off a common driveway, and they were asking for a fifth.
  - Additionally, they were asking for reduced utility easements along the exterior subdivision boundary of 10 ft because they do not anticipate any utilities in those easements.
  - In response to a question from Keim, Mr Scheffler stated there would be 3 common drives, one near the front of the development was a shared driveway, there are two other common driveways, with one serving two lots and the other would serve five if permitted.

**Assistant Planning Director Hobbs:**

- Hobbs noted there were two requests, for a recommendation on the modification of the Development Agreement; and, the Preliminary Plat revision approval.
- Hobbs noted the exceptions to the Subdivision Ordinance would have to be approved by City Council.
- Hobbs discussed the process for modification of a Development Agreement.
- Hobbs reviewed the Staff Report and recommended conditions of approval.
- Kehoe inquired the City's position on attached sidewalks.
- Badger reported that in 2014/2015 the Engineering Division had a group of developers, builders, citizens review the standard policies for subdivision construction standards, including detached and attached walks.
- That review came up with a wider variety of street sections allowable under the standards and the configuration put forth by the applicant is one of the allowable street sections within the Policy Manual, allowing for a detached, attached or a reduced width section on some of the infill developments.
- Badger explained the applicant had not taken advantage of the reduced width roadways but did take advantage of the attached sidewalks which would reduce the required right-of-way.
- McGrath inquired if any research had been done regarding the safety aspects between attached sidewalks and detached sidewalks.
- Badger advised the only places where attached sidewalks would be permitted were local, minor use residential roadways, not on any of the arterials or collectors.
- Myers questioned the status on the railroad pathway.
- Badger replied that currently the pathway exists to the south of the subject project and the City was in long term negotiations with the railroad to take the pathway further north.
- Gunstream questioned the safety aspect for Fire Department/emergency vehicle access for the common driveway.
- Badger reviewed the common driveway standards, and noted the common driveway for access to five lots did meet the length standards, as it was not over 150 ft long.
- Badger added the common driveway did meet the 20 ft width, paved surface standards, which would allow for the fire truck access and would not require a turnaround/hammerhead as it was less than 150 ft long.

Chairman McGrath proceeded to public testimony.

**James Raff of 2111 Wildflower Dr, Nampa.**

- Mr Raff stated he did have a few concerns regarding the proposed development.
- Mr Raff stated he had lived at that address for 20 years and there was a beautiful field behind his property filled with wildlife.
- According to Mr Raff, at the present time he had a chain link fence at the back of his property, looking into the pasture.
- Mr Raff questioned if a privacy fence would be placed along the subdivision boundary so he would not have to look into someone's back yard.
- Mr Raff noted the applicant had indicated three building elevations for the house designs and was hoping there would be no two story homes looking into the backyards of the Wildflower properties.

**Patrick Scheffler:**

- Mr Scheffler indicated the northern property line for the proposed development, adjacent the Wildflower Dr properties.
- According to Mr Scheffler, it was anticipated there would be a 6 ft wood privacy fence between the Shady Grove Subdivision and the Wildflower Dr properties, and they would have to negotiate with the adjacent

property owners as to whether the chain link fence would be removed or build the Shady Grove wooden fence up against the chain link fence.

- Regarding the question of whether two story homes would be built adjacent the Wildflower Dr properties, Mr Scheffler stated he did not know what the builder would want to build on the individual lots. Individual plot plans were not available at this point, continued Mr Scheffler, and he could not anticipate one way or the other if there would be two story homes on those lots.
- Mr Scheffler indicated the area of the railroad pathway that had been graveled during Phase 1 of the development.
- The micro pathway from Shady Grove Subdivision to the railroad pathway will be paved, added Mr Scheffler.

**Kathy Nance of 2111 Wildflower Dr, Nampa:**

- Ms Nance voiced concern regarding the impact on the large amount of wildlife on the subject property, including hawks, foxes and quail.
- Ms Nance questioned if the Wildflower Dr homeowners would be paying for part of the new wood privacy fence for Shady Grove Place Subdivision.
- Chairman McGrath noted the 6 ft wooden privacy fence indicated by the applicant would be the fence around the proposed subdivision, and the negotiation the applicant referred to would be regarding whether the existing neighboring fences would be retained or removed.

**Kehoe motioned and Gunstream seconded to close public hearing. Motion carried.**

- Hobbs responded to a question from McGrath and explained that zoning regulations permit two story homes, up to 2 ½ stories or 30 ft, and the only way to control that would be to recommend to City Council placement of a restriction in the Development Agreement regarding single story homes only for certain lots.

**Rodriguez motioned and Kehoe seconded to recommend to City Council Modification of Annexation/Zoning Development Agreement between Patrick Scheffler/Shady Grove LLC and the City of Nampa, recorded 05/11/07 as Instrument No. 2007032293 – Amending Exhibit “B” to incorporate an amended preliminary plat, and amending Exhibit “C” Conditions of Approval deleting conditions #2 and #5 regarding the relief trunk sewer line and the required minimum dwelling size, subject to:**

1. To include in the Development Agreement the restriction to single story homes only, on Lots 8 – 15 Shady Grove Place Subdivision.
2. Applicant(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 the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions, etc) as the entitlements granted by virtue of the City’s approvals of the requested Development Agreement Modification(s) do not, and shall not, have the effect of abrogating requirements from those agencies in connection with [re]entitlement of the Property.
3. The Applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement with the City of Nampa. The Agreement(s) shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant’s request for the Property plat development plan be reconfigured [still to be used for residential housing development in an RS-7 Zone] versus its original entitlement(s). Inclusively, the Agreement shall contain any/the concept development plans proposed by virtue of this application submittal as ultimately accepted, or accepted with required changes, by the City Council.

**Motion carried.**

**Rodriguez motioned and Gunstream seconded to approve the Amended Preliminary Plat for Shady Grove Place Subdivision in an RS-7 zoned area on 8.70 acres on the west side of Chicago St, north of the Elijah Drain in a portion of the NW ¼ Section 35 T3N R2W BM, for 37 single family residential lots, for Shady Grove, LLC, subject to:**

1. Applicant(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 the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlements granted by virtue of the City's approvals of the requested Annexation, Zoning and Preliminary Plat do not, and shall not, have the effect of abrogating requirements from those agencies in connection with entitlement of the Property.
2. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically, the following:
  - a) Developer/Development shall comply with the requirement(s) listed in the City Engineering GIS Section's one (1) page memorandum dated March 21, 2016, authored by Amanda Morse.
  - b) Developer/Development shall comply with the requirement(s) listed in the City Forester's one (1) page e-mail printout dated April 1, 2016, authored by Tanya Gaona.
  - c) Developer/Development shall comply with the requirement(s) listed in the Nampa and Meridian Irrigation District's one (1) page letter, dated March 29, 2016, authored by Greg Curtis.
3. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the development in accordance with Fire Department policy or International Fire Code requirements as applicable.
4. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the Plat face and/or in the proposed Plat development notes and include said corrections in a revised Preliminary Plat. Such corrections/additions shall include, but not be limited to, the following:
  - a) Within the plat notes section, add a note as follows: "Building lots below 7,000 sq ft in size are City approved based on provisions, restrictions and conditions cited in N.C.C. § 10-27-4.A.3., and in conjunction with Shady Grove Place Subdivision.
  - b) Inscribe upon Lots 12-16 and 28-29 of Block 1 a reference back to the new plat note created in conformance with approval condition 4.a above to facilitate identification of building lots affected by N.C.C. § 10-27-4.A.3.
5. Any exceptions to City adopted subdivision design standards (e.g. common driveway lot usage count and easement dimensions) shall/will require separate design [exception] approval from the City Engineer or City Council as appropriate.

Motion carried.

Annexation and Zoning to RS-7 (Single Family Residential – 7000 sq ft minimum lot size) for connection to sewer at 2714 E Amity Ave. (.386 acre of 16,841 sq ft portion of the SE 1/4 Section 26 T3N R2W, Tax 40 in SE ¼ less Tax 96662 and less road) for Michael McCarver (ANN 2157-16).

Chairman McGrath proceeded to public hearing.  
The applicant was not present.

**Planning Director Holm:**

- Holm advised the annexation had been requested in order to connect to City water and sewer services.
- The City utilities were present in Amity Ave and accessible to the subject property, stated Holm.
- The subject property, continued Holm, was an enclaved parcel, still under County jurisdiction but surrounded by City limits.
- The applicants, continued Holm had requested RS-7 for the .386 acre or 16,814 sq ft property.
- Holm noted the requested RS-7 zoning would comply with the Comprehensive Plan Designation of Medium Density Residential.
- According to Holm, there had been no statements of opposition to the proposed annexation.

Chairman McGrath proceeded to public testimony.  
No public comment forthcoming.



DEVELOPMENT IT AGREEMENT  
APPLICATION FOR AMENDMENT OF ~~PLANNING ZONING ORDINANCE~~

4/20/20

2/12/16 RZ

City of Nampa, Idaho

ANN 2150-16

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$406.00 (for 1 acre or less), and \$811.00 (for more than 1 acre) for a map amendment; or \$213.00 for a text amendment.

Name of Applicant/Representative: PATRICK J. SCHEFFLER Phone: 208-870-9955

Address: 2097 WHITE PINE LN City: BOISE State: ID Zip Code: 83706

Applicant's interest in property: (circle one) Own Rent Other \_\_\_\_\_

Owner Name: SHADY GROVE LLC Phone: 208-870-9955

Address: 2097 WHITE PINE LN City: BOISE State: ID Zip Code: 83706

Address of subject property: 1200 BLOCK, CHICAGO ST., NAMPA, ID

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

Subject Property Information

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the amendment):

Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)  
Old or illegible title documents will need to be retyped in a WORD formatted document

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

Project Description

State the zoning desired for the subject property: (PER ATTACHED LETTER)

State (or attach a letter stating) the zoning amendment desired, text or map, and the reason for the change, together with any other information considered pertinent to the determination of the matter. In the case of a text amendment please attach the full text of the proposed amendment.

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

Dated this 19<sup>th</sup> day of FEBRUARY, 20 16

Patrick Scheffler  
Signature of applicant

**NOTICE TO APPLICANT**

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-Tribune 15 days prior to said hearings. In the case of map amendments notice shall also be posted on the premises not less than 1 week prior to the hearings and notices will be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

**For Office Use Only:**  
File Number: BEZ - 20 \_\_\_\_\_ Project Name: MOD OF D.A. FOR SHADY GROVE  
ANN 2150-16 SUB

88  
21

**A. GENERAL INFORMATION**

Subdivision Name SHADY GROVE PLACE  
 Total Acres 8.70  
 Intended Land Uses Circle (residential, single-family) multi-family, commercial, industrial)  
 Property Address(es) 1200 BLOCK OF CHICAGO ST.  
 Legal Description SE 1/4, NW 1/4, S. 35, T. 3N, R. 2W. BM  
 Canyon County Parcel Account Number(s) R3238801000 & R3237500000  
 Existing Zoning. (Circle one) RA (RS) RSM RD RML RMH RP BN CB BC BF IP IL IH AG  
 (County Zoning) \_\_\_\_\_

**B. OWNER/ APPLICANT INFORMATION**

**Owner of Record**

Name	SHADY GROVE LLC ATTN: PATRICK SCHEFFLER
Address	2097 WHITE PINE LN.
City	BOISE, ID
State	ID, 83706
Telephone	208-870-9955
Email	pscheffler@idahosurvey.com
Fax	208-884-5399

**Applicant**

Name	(SAME)
Address	
City	
State	
Telephone	
Email	
Fax	

**Engineer/Surveyor/Planner**

Name	IDAHO SURVEY GROUP, PATRICK SCHEFFLER, PLS
Address	1450 E. WATER TOWER ST / #130
City	MERIDIAN
State	ID 83642
Telephone	208-846-8570
Email	pscheffler@idahosurvey.com
Fax	208-884-5399

10/22

C. SUBDIVISION INFORMATION		
Lot Types	Number of Lots	Acres
Residential	37	8.11
Dwelling units per acre (gross /net)		
Commercial		
Industrial		
Common (Landscape, Utility, Other)	4	0.59
Open Space		
Total	41	8.70

**DEADLINES FOR SUBMITTALS**  
 The completed application and plat documents must be submitted to the Planning Department not later than \_\_\_\_\_. The Planning Commission meets on \_\_\_\_\_; applications are due approximately \_\_\_\_\_ weeks prior to that date.

All supplemental information to be added to the application file must be received by the Planning Department no later than 15 days prior to the public hearing date.

**\*\*\*Please do not submit a subdivision application until all items are completed. Incomplete applications will not be accepted or reviewed.\*\*\***

**I understand:**

1. This application is subject to acceptance by the City of Nampa upon determination that the application is complete.
2. The hearing date is tentative and subject to change with notice.
3. This application is subject to a public hearing before the Nampa Planning and Zoning Commission.
4. The application fee is non-refundable.

All information, statements, attachments, and exhibits included with this application submittal are true to the best of my knowledge.

Signature Katrina Schuyler Date 2/09/16

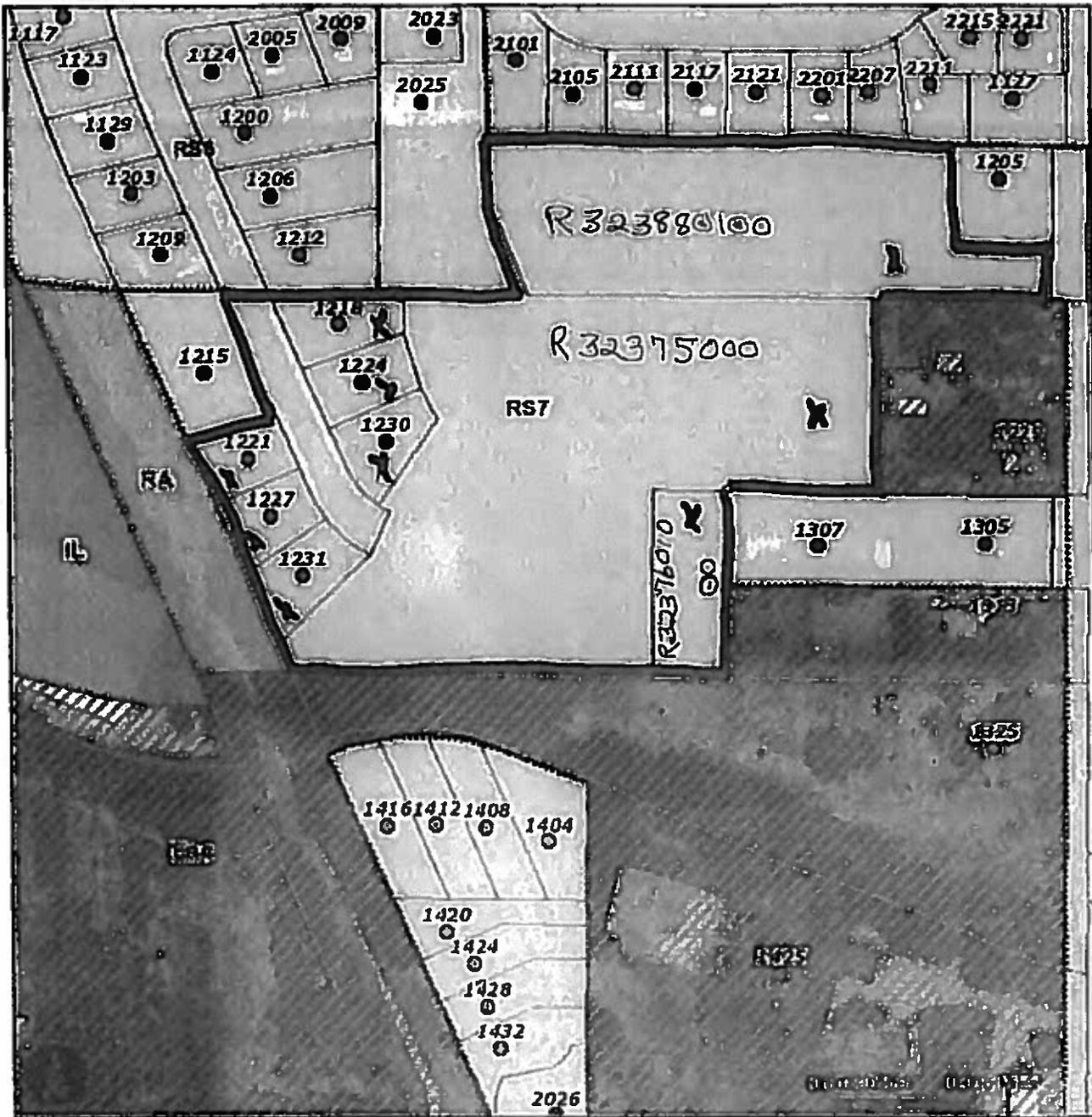
**For City Office Use Only**

FEES: \_\_\_\_\_ CASH: \_\_\_\_\_ CHECK: \_\_\_\_\_ RECEIPT NO.: \_\_\_\_\_

DATE RECEIVED: \_\_\_\_\_ RECEIVED BY: \_\_\_\_\_ HEARING DATE: \_\_\_\_\_

23

# Map



### Address Points

- Active
- Hold
- Proposed
- Retired
- Other

### County Parcels

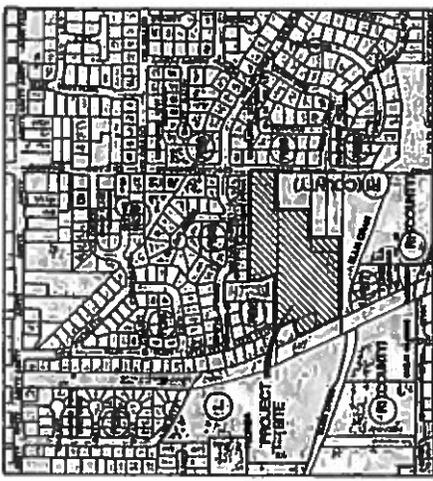


### Floodplain

- 0.2 PCT ANNUAL CHANCE FLOOD HAZARD, A, AE, AH, AO
- AE, FLOODWAY

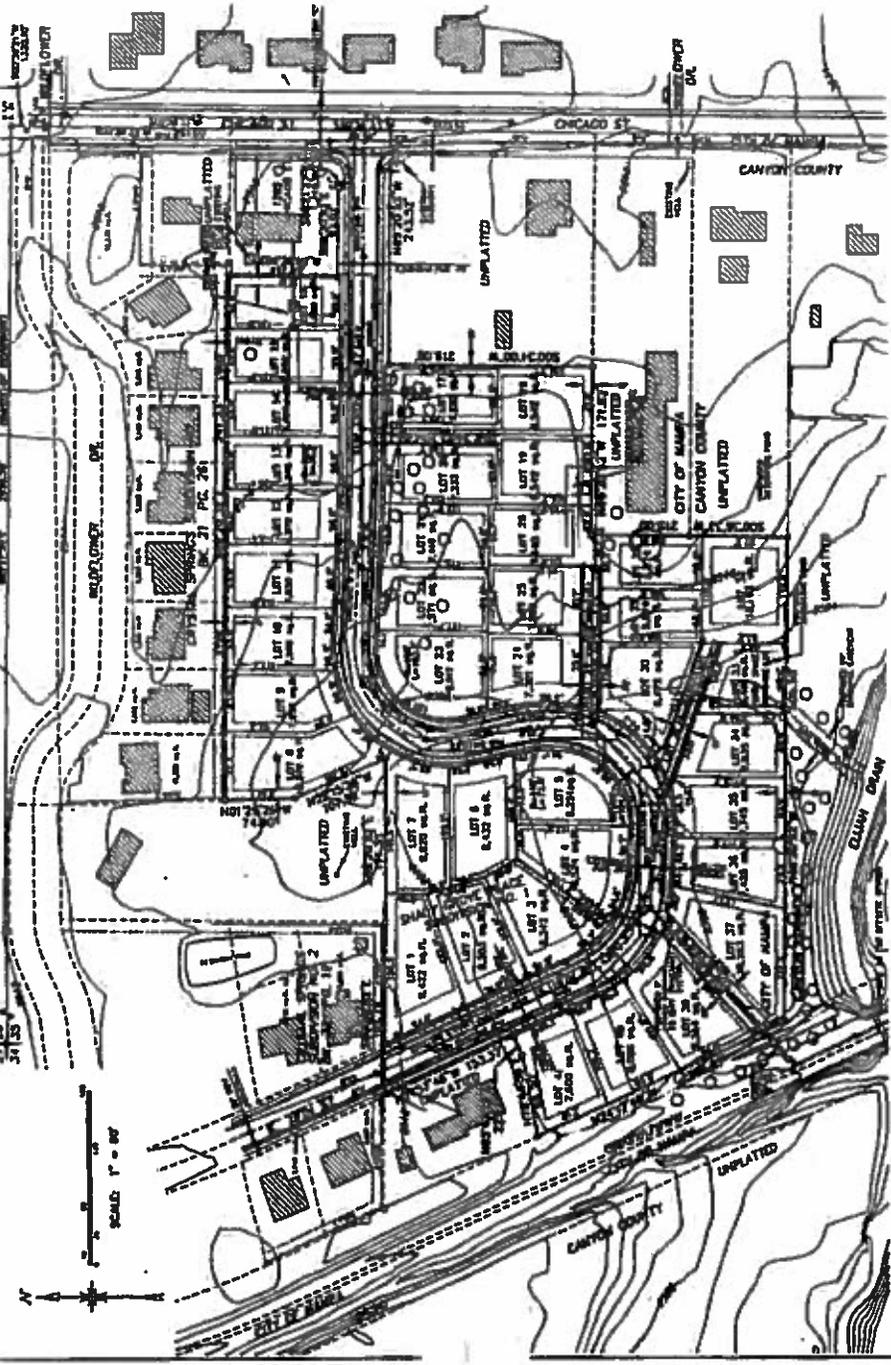


25



**NOTES:**

1. ALL LOTS AND AREAS SHOWN ON THIS MAP ARE SUBJECT TO THE CITY OF MAMPA, IDAHO, ZONING ORDINANCES AND THE CITY OF MAMPA, IDAHO, SUBDIVISION MAP ACT.
2. THE CITY OF MAMPA, IDAHO, HAS REVIEWED THIS MAP AND HAS DETERMINED THAT IT IS IN ACCORDANCE WITH THE CITY OF MAMPA, IDAHO, ZONING ORDINANCES AND THE CITY OF MAMPA, IDAHO, SUBDIVISION MAP ACT.
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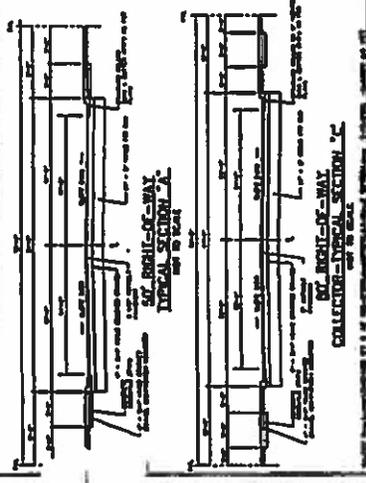


**REGULATED EXISTENCES & SUBMITTALS**

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**EXISTING DATA TABLE**

NO.	DESCRIPTION	DATE
1	EXISTING LOT LINES	1980
2	EXISTING STREET LINES	1980
3	EXISTING UTILITY LINES	1980
4	EXISTING EASEMENTS	1980
5	EXISTING ENCUMBRANCES	1980
6	EXISTING RECORDS	1980
7	EXISTING SURVEYS	1980
8	EXISTING ZONING	1980
9	EXISTING RECORDS	1980
10	EXISTING SURVEYS	1980



**LEGEND**

○	EXISTING LOT LINES
○	EXISTING STREET LINES
○	EXISTING UTILITY LINES
○	EXISTING EASEMENTS
○	EXISTING ENCUMBRANCES
○	EXISTING RECORDS
○	EXISTING SURVEYS
○	EXISTING ZONING
○	EXISTING RECORDS
○	EXISTING SURVEYS



**IDAHO SURVEY GROUP, P.C.**

**SHADY GROVE PLACE SUBMISSION**

**AMENDED PRELIMINARY PLAN**

LOCATED IN THE SE 1/4 OF SEC. 16, T. 34N., R. 27E., S. 11E., CANTON COUNTY, IDAHO

DATE: 7/20/78  
 DRAWN BY: [Name]  
 CHECKED BY: [Name]  
 SCALE: AS SHOWN

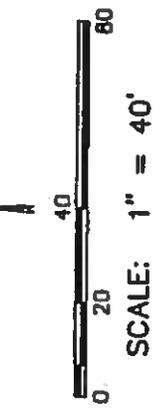
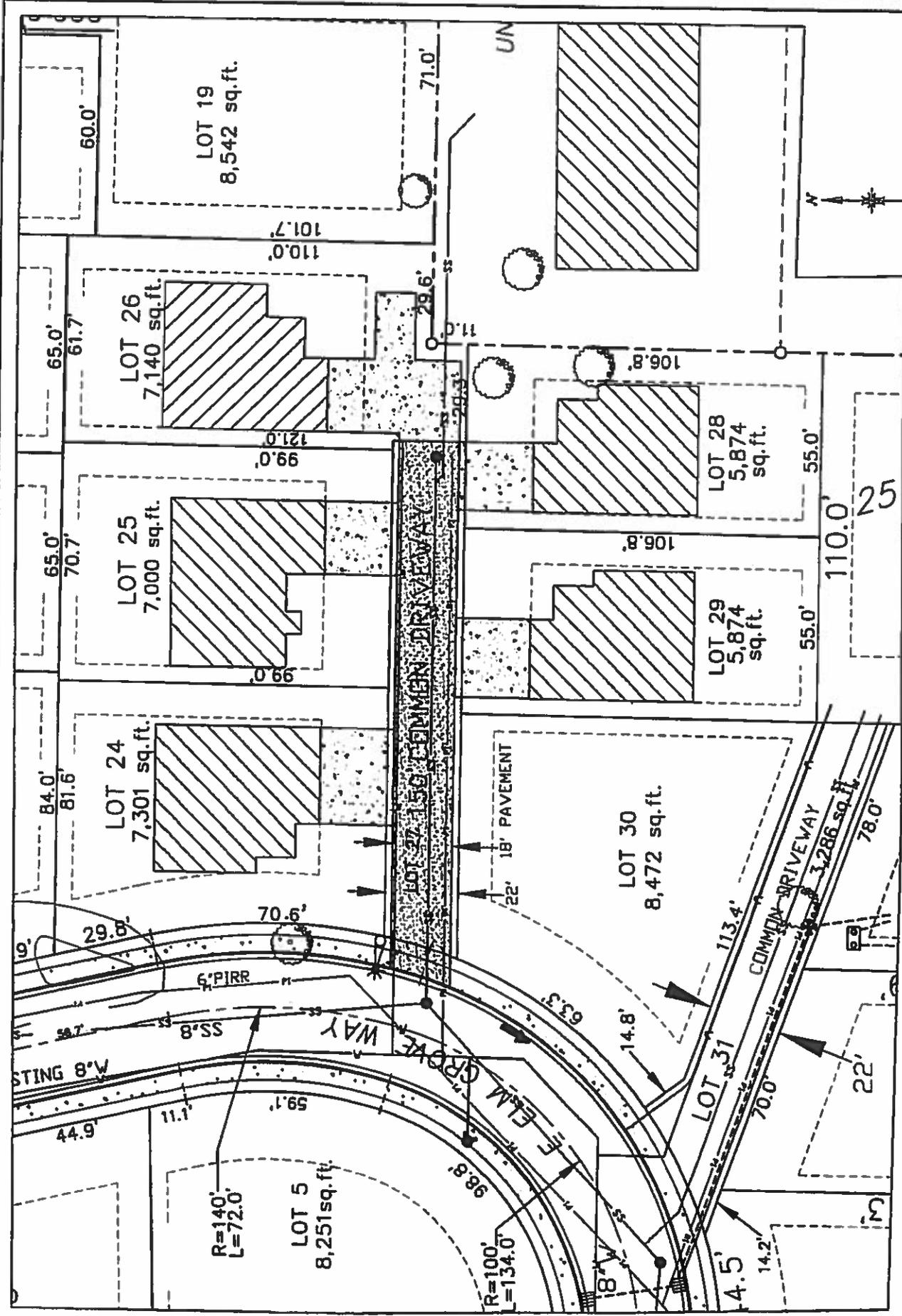


EXHIBIT DRAWING FOR  
**SHADY GROVE PLACE SUBDIVISION**  
 PROPOSED COMMON DRIVE—LOTS 24-26, 28-29  
 LOCATED IN THE SE ¼ OF SECTION 35, T.3N., R.2W., E.1M., CANYON COUNTY, IDAHO

JOB NO. 08-230	SHEET NO. 1
DWC. DATE 04-26-16	

1450 E. WATER TOWER ST.  
 SUITE 130  
 MERIDIAN, IDAHO 83442  
 (208) 848-8370

**IDAHO SURVEY GROUP, P.C.**

11 11

✓ 27

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**Sylvia Mackrill**

**From:** Patrick Scheffler <pscheffler@idahosurvey.com>  
**Sent:** Tuesday, February 23, 2016 12:04 PM  
**To:** Sylvia Mackrill  
**Subject:** RE: Shady Grove Subdivision

That is the case. 1205 Chicago is not part of the prelim. plat, but we are still required to make street frontage improvements in the public right-of-way fronting 1205 per original approvals.

Patrick Scheffler



**IDAHO  
SURVEY  
GROUP**

1450 East Watertower St.  
Suite 130  
Meridian, Idaho 83642  
Phone (208) 846-8570  
Fax (208) 884-5399

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**From:** Sylvia Mackrill [mailto:mackrill@cityofnampa.us]  
**Sent:** Tuesday, February 23, 2016 9:12 AM  
**To:** Patrick Scheffler  
**Subject:** Shady Grove Subdivision

Patrick,  
I notice the "project site" on the Preliminary Plat includes 1205 Chicago Street, but that is not the case on the plat itself. The County shows 1205 Chicago Street under the ownership of Stephen Dibene.  
Could you confirm that 1205 S Chicago should not be included in the plat.  
Thanks

Sylvia Mackrill  
City of Nampa Planning Department  
208-468-5484  
mackrill@cityofnampa.us

**Notice:** All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.

INSTRUMENT NO. 07032293

INSTRUMENT NO. 2010003327

28

ORDINANCE NO. 3695

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO ANNEXING AND ZONING RS-7 APPROXIMATELY 1.37 ACRES OF REAL PROPERTY LOCATED ON THE WEST SIDE OF CHICAGO STREET SOUTH OF WILDFLOWER DRIVE SUBJECT TO THE TERMS OF THAT CERTAIN DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE APPLICANT AND THE CITY OF NAMPA; CHANGING THE ZONE IDENTIFICATION SO AS TO REZONE APPROXIMATELY 9.01 ACRES OF REAL PROPERTY LOCATED ON THE WEST SIDE OF CHICAGO STREET SOUTH OF WILDFLOWER DRIVE FROM RA TO RS-7 SUBJECT TO THE TERMS OF THAT CERTAIN DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE APPLICANT AND THE CITY OF NAMPA; AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NAMPA, IDAHO:

Section 1: That the following described real property consisting of approximately 1.37 acres located on the west side of Chicago Street south of Wildflower Drive, and all thereof, be, and the same is hereby, annexed and made a part of the City of Nampa, Idaho. That the real property hereby annexed is described as follows, to-wit:

See Exhibit A attached hereto and, by this reference, incorporated herein as if set forth in full.

Section 2: That the real property so annexed, as described in Exhibit A above, shall be zoned RS-7.

Section 3: That the following described real property consisting of approximately 9.01 acres located on the west side of Chicago Street south of Wildflower Drive, and all thereof, which has been until this date zoned RA be, and the same is hereby, rezoned RS-7, and the use district or zone changed to RS-7, which said property so rezoned is described as follows, to wit:

See Exhibit B attached hereto and incorporated herein by this reference.

Property Address: West side of Chicago Street, South of Wildflower Drive

Section 4: That this annexation, zone and rezone ordinance is subject to and limited by that certain Development Agreement entered into between the parties.

Section 5: That the City Engineer is hereby directed to alter and change the Use and Area Map of the City of Nampa, Idaho, to comply with this Ordinance.

Re-record Ordinance with the correct legal

REQUEST NAMP  
CITY OF  
NAMP  
CITY OF

WILLIAM H. HURST  
CANYON COUNTY RECORDER

2007 MAY 11 AM 9 51

RECORDED

2007032293

29

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 7th DAY OF  
May, 2007.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 7th DAY OF  
May, 2007.

Approved:

By *Tom Dale*  
Mayor

Attest:  
*Alfred Lambing*  
City Clerk

The seal of the City of Nampa, Idaho, is circular and features a central figure, possibly a Native American or a historical figure, surrounded by the text "THE SEAL OF THE CITY OF NAMPA, IDAHO". The seal is partially obscured by the signature of the City Clerk.

30

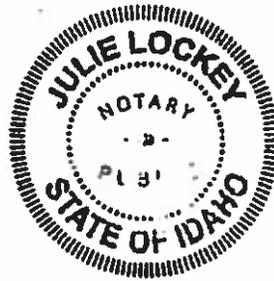
State of Idaho )

Canyon County )

On this 7<sup>th</sup> day of May, 2007, before me, the undersigned, a Notary Public in and for said State, personally appeared Tom Dale and Diana Lambing known to be the Mayor and City Clerk, of the City of Nampa, Idaho, a municipal corporation, who executed the foregoing instrument.

In Witness Thereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

Julie Lockey  
Julie Lockey  
Residing at: Nampa, Canyon County, Idaho  
My Commission Expires: 05/11/2011



DW  
31

**EXHIBIT "A"**

**Description for Annexation & Rezone to RS7  
Shady Grove Place Subdivision  
Corrected 12-14-09**

Being a parcel of land located in the Southeast 1/4 of the Northwest 1/4 of Section 35, Township 3 North, Range 2 West, B.M., Canyon County, Idaho, more particularly described as follows: Commencing at a railroad spike marking the Northeast corner of the Northwest 1/4 of Section 35, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, from which a brass cap monument marking the Northwest corner of said Section 35 bears North 89°17'55" West, 2659.58 feet; Thence South 00°39'21" West, 1320.10 feet along the East line of the Northeast 1/4 of the Northwest 1/4 of the aforesaid Section 35 to a brass cap monument marking the Center North 1/16 corner of said Section 35; Thence South 00°38'33" West, 195.13 feet along the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 35; Thence North 89°20'32" West, 25.00 feet to the intersection with the West right-of-way of Chicago Street and the **REAL POINT OF BEGINNING**.

Thence along said West right-of-way South 00°38'33" West, 173.88 feet to a point;

Thence North 89°20'52" West, 218.52 feet;

Thence South 00°34'00" West, 219.00 feet;

Thence North 89°20'52" West, 260.37 feet;

Thence South 00°38'33" West, 210.00 feet;

Thence North 89°20'52" West, 416.75 feet to the intersection with the easterly line of the abandoned Union Pacific Railroad right-of-way;

Thence along said easterly line North 24°17'46" West, 473.15 feet to the Southwest corner of Crystal Springs Subdivision No. 2 as filed in Book 22 of Plats at Page 19, official records of Canyon County, Idaho;

Thence along the South line of said Crystal Springs Subdivision No. 2 South 89°20'52" East, 298.81 feet to the Southeast corner thereof;

Thence continuing South 89°20'52" East, 171.35 feet;

Thence North 22°15'26" West, 107.59 feet;

32

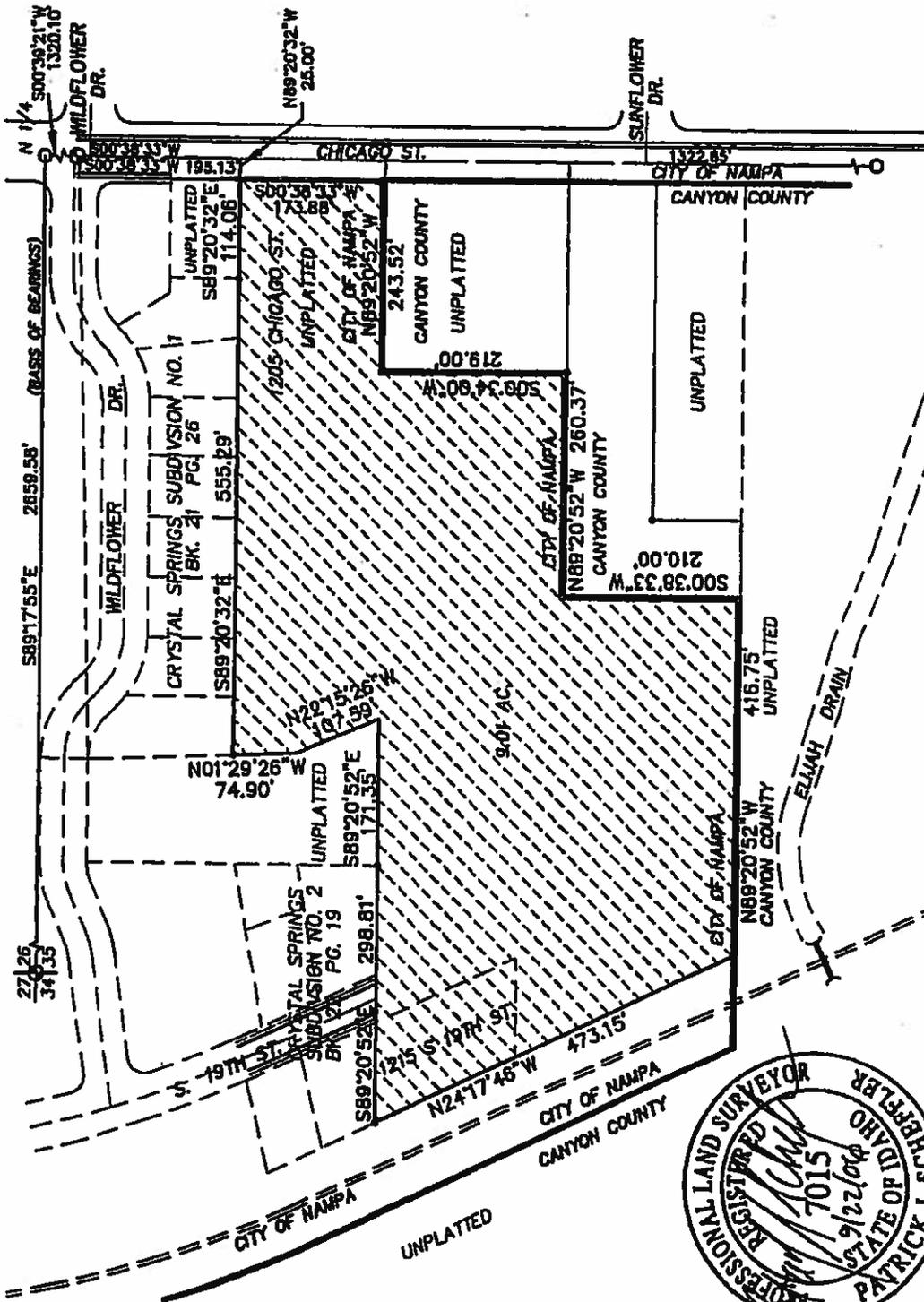
Thence North  $01^{\circ}29'26''$  West, 74.90 feet to the Southwest corner of Crystal Springs Subdivision No. 1 as filed in Book 21 at Page 26, official records of Canyon County, Idaho;

Thence along the South boundary of said Crystal Springs Subdivision No. 1 South  $89^{\circ}20'32''$  East, 555.29 feet to the Southeast corner thereof;

Thence continuing South  $89^{\circ}20'32''$  East, 114.06 feet to the **REAL POINT OF BEGINNING**. Contains an area of 9.01 acres, more or less.



SCALE: 1" = 200'



**OWNER**

SHADY GROVE, LLC  
 967 E. PARKCENTER BLVD #262  
 BOISE, IDAHO 83706  
 PHONE: (208) 870-9955  
 FAX: (208) 884-5399

**PLANNER**

SHAWN NICKEL  
 SLN PLANNING INC.  
 148 N. 2ND ST.  
 EAGLE, IDAHO 83616  
 PHONE: (208) 939-3812  
 FAX: (208) 938-5873

**SURVEYOR**

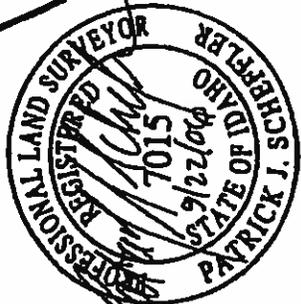
PATRICK SCHEFFLER, PLS  
 IDAHO SURVEY GROUP, P.C.  
 1450 E. WATERTOWER ST.,  
 SUITE 150  
 MERIDIAN, IDAHO 83642  
 PHONE: (208) 846-8570  
 FAX: (208) 884-5399  
 EMAIL: pscheffler@idahosurvey.com

JOB NO.	06-230
SHEET NO.	1 OF 1
DWG. DATE	9-20-06

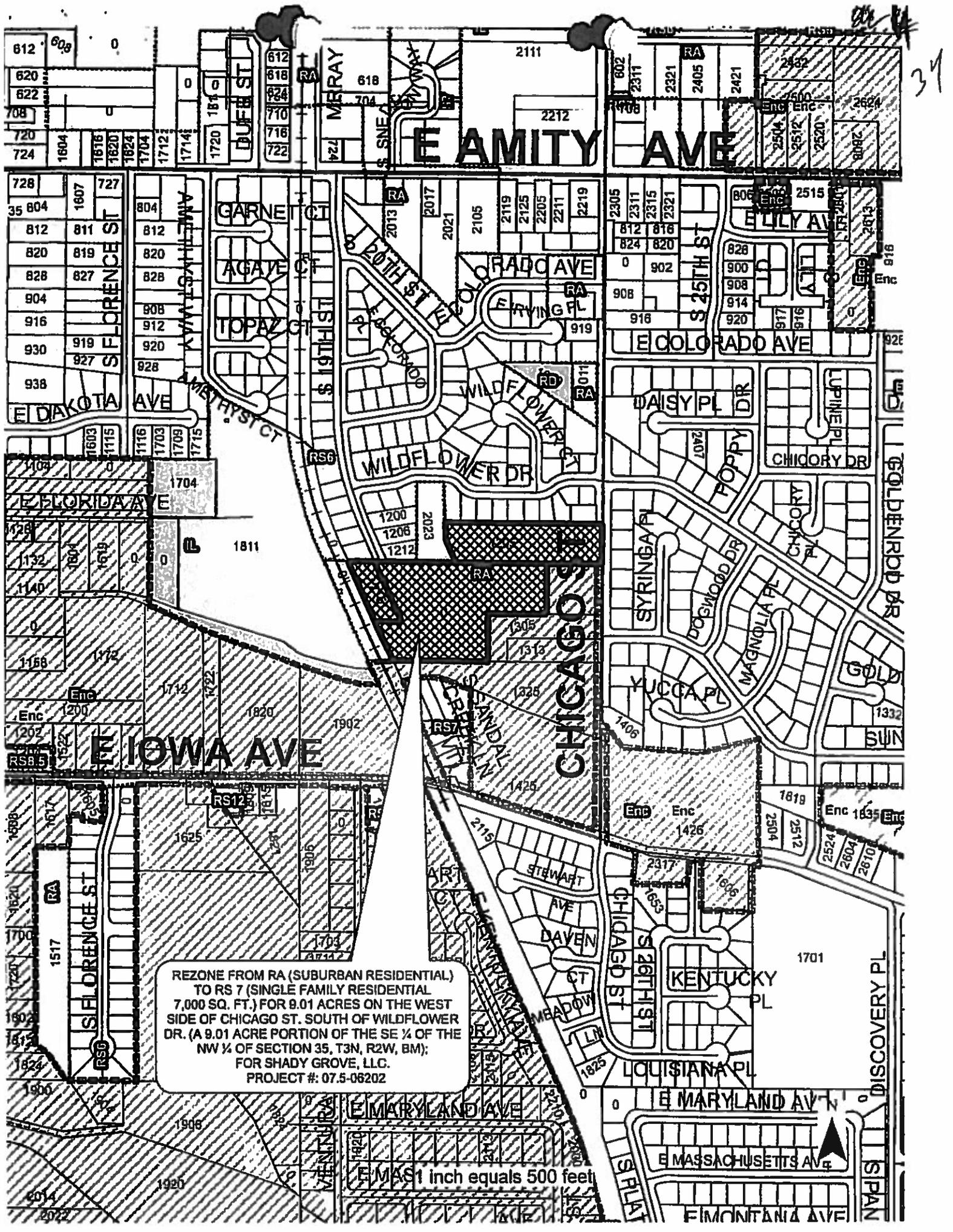
EXHIBIT FOR  
 CITY OF NAMPA REZONE TO RS7  
 SHADY GROVE PLACE SUBDIVISION  
 LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 35,  
 T.3N., R.2W., B.M., CANYON COUNTY, IDAHO

1450 E. WATERTOWER ST.  
 SUITE 150  
 MERIDIAN, IDAHO 83642  
 (208) 846-8570

**ISG**  
 SURVEY GROUP, P.C.



PLS 1450 E. WATERTOWER ST. SUITE 150 MERIDIAN, IDAHO 83642 (208) 846-8570



REZONE FROM RA (SUBURBAN RESIDENTIAL)  
 TO RS 7 (SINGLE FAMILY RESIDENTIAL  
 7,000 SQ. FT.) FOR 9.01 ACRES ON THE WEST  
 SIDE OF CHICAGO ST. SOUTH OF WILDFLOWER  
 DR. (A 9.01 ACRE PORTION OF THE SE ¼ OF THE  
 NW ¼ OF SECTION 35, T3N, R2W, BM);  
 FOR SHADY GROVE, LLC.  
 PROJECT #: 07.5-06202

1 inch equals 500 feet

34

D / tion for Annexation & Rezone to  
1305 Chicago Street, Nampa, ID.

35

Being a parcel of land located in the Southeast 1/4 of the Northwest 1/4 of Section 35, Township 3 North, Range 2 West, B.M., Canyon County, Idaho, more particularly described as follows: Commencing at a railroad spike marking the Northeast corner of the Northwest 1/4 of Section 35, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, from which a brass cap monument marking the Northwest corner of said Section 35 bears North 89°17'55" West, 2659.58 feet; Thence South 00°39'21" West, 1320.10 feet along the East line of the Northeast 1/4 of the Northwest 1/4 of the aforesaid Section 35 to a brass cap monument marking the Center North 1/16 corner of said Section 35; Thence South 00°38'33" West, 588.01 feet along the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 35; Thence North 89°20'32" West, 25.00 feet to the intersection with the West right-of-way of Chicago Street and the REAL POINT OF BEGINNING.

Thence along said West right-of-way South 00°38'33" West, 105.00 feet to a point;

Thence North 89°21'27" West, 389.85 feet;

Thence South 00°38'33" West, 104.93 feet;

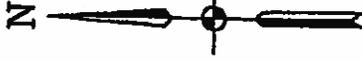
Thence North 89°20'52" West, 88.75 feet;

Thence North 00°38'33" East, 210.00 feet;

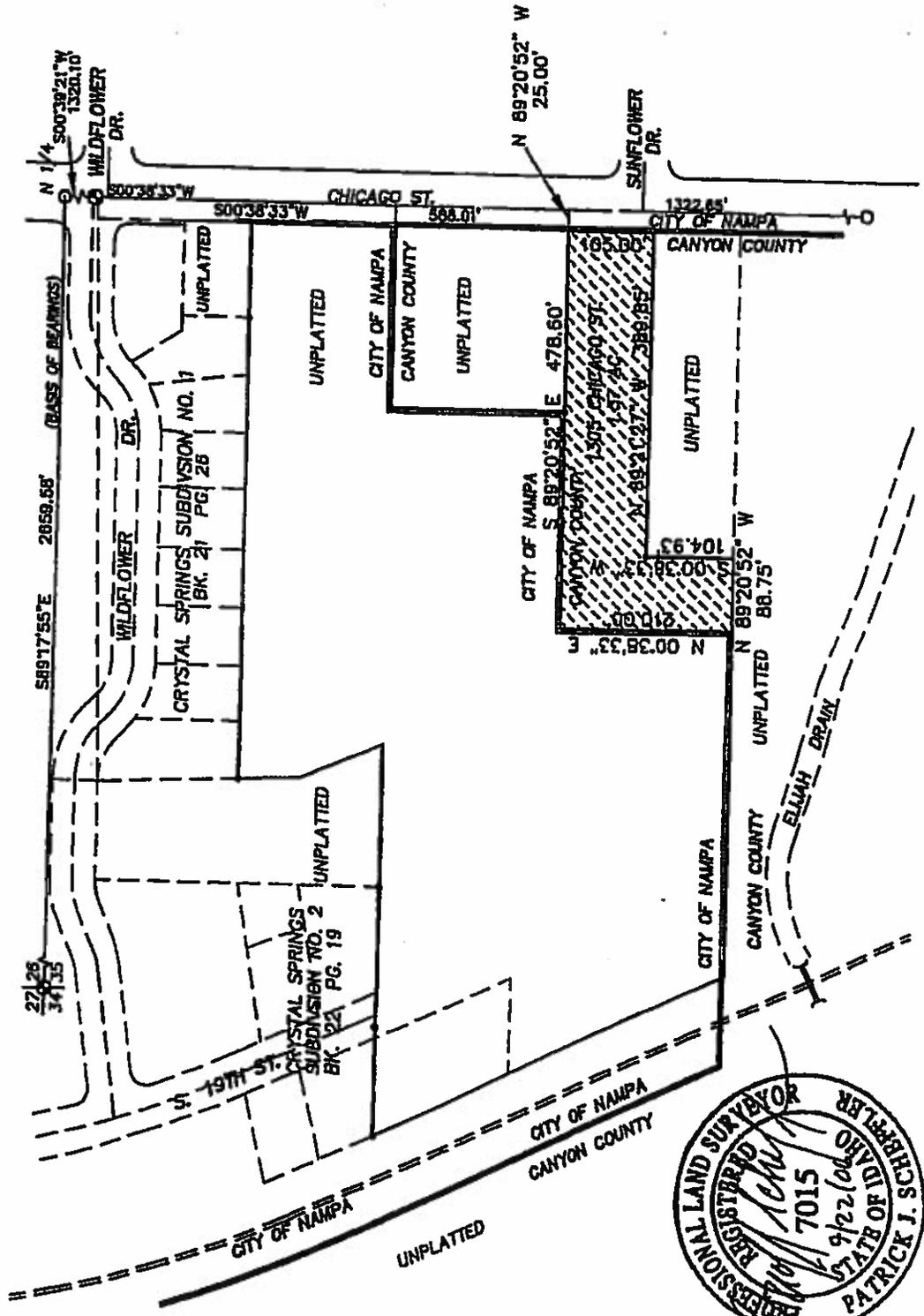
Thence South 89°20'52" East, 478.60 feet to the REAL POINT OF BEGINNING. Contains an area of 1.37 acres, more or less.



DR 36



SCALE: 1" = 200'



**OWNER**

SHADY GROVE, LLC  
 967 E. PARKCENTER BLVD #262  
 BOISE, IDAHO 83706  
 PHONE: (208) 870-9955  
 FAX: (208) 884-5399

**PLANNER**

SHAWN NICKEL  
 SLN PLANNING INC.  
 148 N. 2ND ST.  
 EAGLE, IDAHO 83616  
 PHONE: (208) 939-3812  
 FAX: (208) 938-5873

**SURVEYOR**

PATRICK SCHEFFLER, PLS  
 IDAHO SURVEY GROUP, P.C.  
 1450 E. WATERTOWER ST.,  
 SUITE 150  
 MERIDIAN, IDAHO 83642  
 PHONE: (208) 846-8570  
 FAX: (208) 884-5399  
 EMAIL: pscheffler@idahosurvey.com

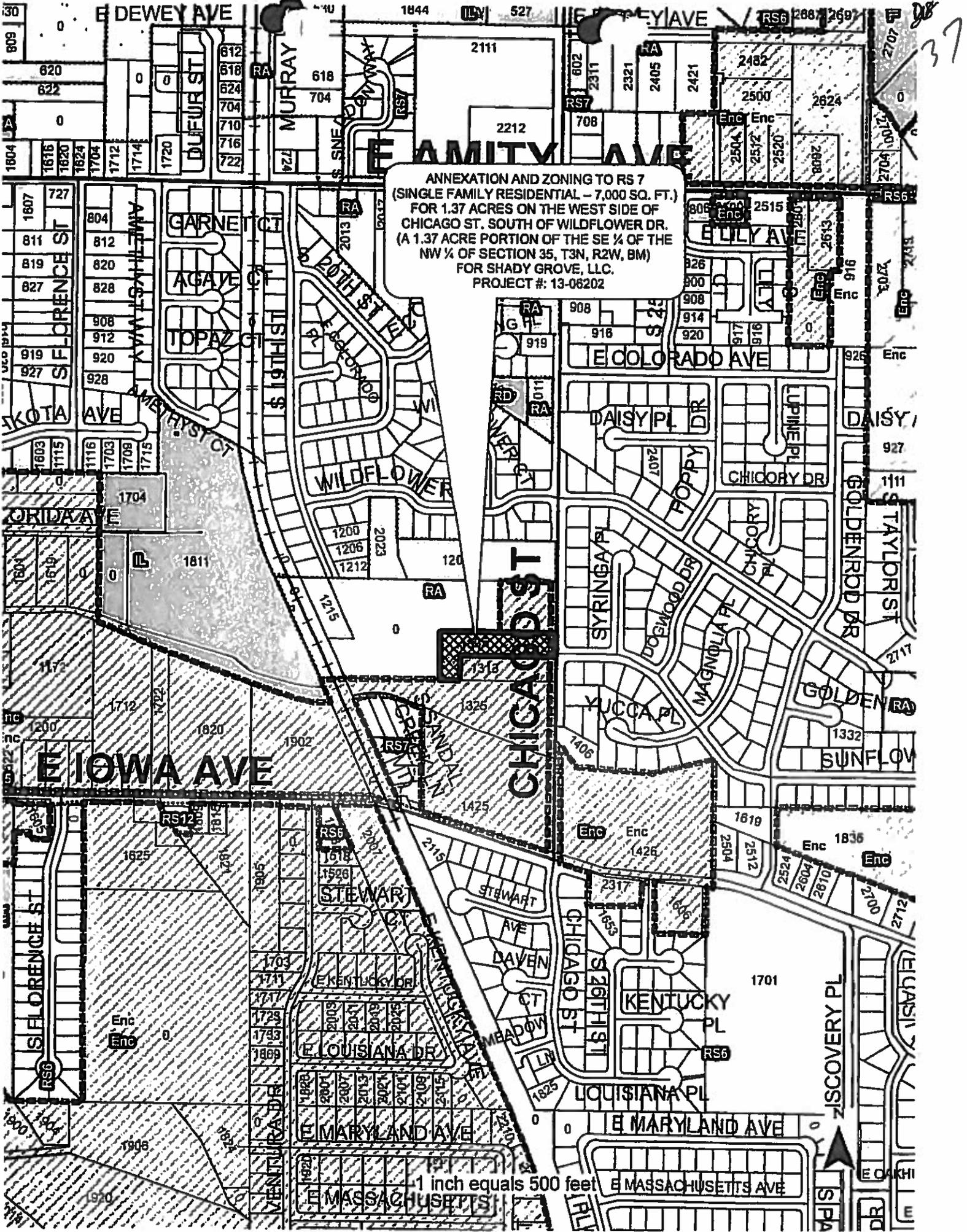
<b>EXHIBIT FOR</b>	
<b>CITY OF NAMPA ANNEXATION &amp; REZONE</b>	
<b>1305 CHICAGO ST. NAMPA</b>	
<b>LOCATED IN THE SE 1/4 OF THE NW 1/4 OF SECTION 35,</b>	
<b>T.3N., R.2W., E.M., CANYON COUNTY, IDAHO</b>	
<b>JOB NO.</b>	06-230
<b>SHEET NO.</b>	1 OF 1
<b>DWG. DATE</b>	9-20-06

1450 E. WATERTOWER ST.  
 SUITE 150  
 MERIDIAN, IDAHO 83642  
 (208) 846-8570

**IDAHO SURVEY GROUP, P.C.**



ALSO PROFESSIONAL SURVEYOR AND REGISTERED SURVEYOR, IDAHO PERMIT



ANNEXATION AND ZONING TO RS 7  
 (SINGLE FAMILY RESIDENTIAL - 7,000 SQ. FT.)  
 FOR 1.37 ACRES ON THE WEST SIDE OF  
 CHICAGO ST. SOUTH OF WILDFLOWER DR.  
 (A 1.37 ACRE PORTION OF THE SE ¼ OF THE  
 NW ¼ OF SECTION 35, T3N, R2W, 8M)  
 FOR SHADY GROVE, LLC.  
 PROJECT #: 13-06202

1 inch equals 500 feet

37

38

**DEVELOPMENT AGREEMENT**

THIS DEVELOPMENT AGREEMENT (this "Agreement"), is made and entered into this 7<sup>th</sup> day of May, 2007 (the "Effective Date"), by and between the City of Nampa, a municipal corporation, hereinafter referred to as the "City," and Shady Grove LLC, a Limited Liability Company, hereinafter referred to as "Owner/Developer and also Frank Sampaio, a separate party, hereinafter referred to as "Owner/Developer."

**RECITALS**

- A. Owner/Developer is the owner of approximately 10.38 acres of real property legally described in **Exhibit "A"** attached hereto and made a part hereof (the "Property").
- B. Owner/Developer applied to City on September 26, 2006 for annexation of the Property (1.37 acres) into the City and for rezoning of the Property (9.01 acres) to RS7 in anticipation of the development and construction of a residential subdivision (the "Project").
- C. City, pursuant to Section 10-2-5, Nampa City Code, and Idaho Code Section 67-6511A, has the authority to rezone the Property and enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area.
- D. City's Planning and Zoning Commission and City's City Council have held public hearings as prescribed by law with respect to the annexation, rezoning and development of the Property and this Agreement. City has approved the annexation and requested rezoning of the Property to RS7 subject to the terms and commitments contained in this Agreement.

**AGREEMENT**

**NOW THEREFORE**, in consideration of the above recitals, which are incorporated below, and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- 1. This Agreement shall not prevent City, in subsequent actions applicable to the Property, from applying new ordinances and regulations of general application adopted by City in the exercise of its police powers that do not conflict with the parties' commitments applicable to the Property as set forth herein, or the zoning designation approved hereby as the Property has been deemed suitable for the uses allowed within said zoning designation.
- 2. The Project shall be developed in general conformance with the Conceptual Plan attached hereto as **Exhibit "B"** and made a part hereof (the "Conceptual Plan"); provided, however, that Owner/Developer shall have limited flexibility to develop the Property to meet market conditions, and the only specific commitments concerning development of the Project which Owner/Developer is making are set forth herein. Upon recordation of this Agreement, Owner/Developer shall have all approvals required from City for development of the Project in general conformance with the Conceptual Plan. The Owner/Developer further agrees that

L

acceptance of the conceptual plan attached hereto as Exhibit "B" shall not be construed as City endorsement of said plan as the final design of the preliminary and/or final plat to be subsequently submitted, and that acceptance of the conceptual plan shall not preclude the City from requiring revision of the concept at the time of platting to address other planning issues and concerns, including but not limited to, the interconnectivity of streets between adjoining subdivision areas and undeveloped property, and the location of open space or parks.

3. This Agreement is intended to be supplemental to all other local, city, state and federal Code requirements, rules and regulations, and is established to help assure the compatibility of the resulting land use with the surrounding area. Provided, however, that to the extent this Agreement conflicts with any provision of the Nampa City Code, this Agreement shall prevail to the extent permitted by law.

4. The provisions and stipulations of this Agreement shall be binding on City, Owner/Developer, each subsequent owner of the Property or portion thereof, and each other person acquiring an interest in the Property and are, in no particular order, as set forth in the conditions of approval attached hereto as Exhibit "C", and by this reference incorporated herein.

5. This Agreement may be modified only by the written agreement of Owner/Developer and the City after complying with the notice and hearing procedures required under Idaho Code Section 67-6511A or Nampa City Code Section 10-2-5(D) or successor provisions.

6. The execution of this Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to its prior designation upon failure of Owner/Developer to comply with the terms and conditions of this Agreement. Provided, however, that no such consent shall be deemed to have been given unless City provides written notice of any such failure and Owner/Developer or its successors and/or assigns fails to cure such failure as set forth below.

7. This Agreement and the commitments contained herein shall be terminated, and the zoning designation reversed, upon the failure of Owner/Developer, or each subsequent owner or each person acquiring an interest in the Property, to comply with the commitments contained herein within two (2) years after the Effective Date, and after the notice and hearing requirements of Idaho Code Section 67-6509 have been complied with by City. Provided, however, no such termination or reversal shall occur unless City provides written notice of Owner/Developer's failure to comply with the terms and conditions of this Agreement to Owner/Developer and Owner/Developer fails to cure such failure within six (6) months of Owner/Developer's receipt of such notice. The two (2) year period of time for compliance with commitments may be extended by City for good cause upon application for such extension by Owner/Developer, and after complying with the notice and hearing provisions of Idaho Code Section 67-6509.

8. Except as specifically set forth in this Agreement, the rules, regulations and official policies governing permitted uses of land, density, design, improvements and construction standards and specifications applicable to the Project and the Property shall be those rules, regulations and official policies in effect as of the date of annexation. Provided, however, that the applicable building codes for structures shall be the codes in effect when a complete application for a building permit is file. Development impact fees, if imposed by ordinance, shall

7/11  
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be payable as specified in said ordinance even if the effective date is after the date of this agreement or the annexation pursuant thereto.

9. It is intended by the parties that this Agreement shall be recorded on the Effective Date or as soon as practicable thereafter. The parties further intend that the provisions of this Agreement shall run with the Property and shall be binding upon City, Owner/Developer, each subsequent owner of the Property, and each other person or entity acquiring an interest in the Property.

10. If any term or provision of this Agreement, to any extent, shall be held invalid or unenforceable, the remaining terms and provisions herein shall not be effected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

11. This Agreement sets forth all promises, inducements, agreements, conditions and understandings between Owner/Developer and City relative to the subject matter hereof. There are no promises, agreements, conditions or understandings, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by the parties or their successors-in-interests or their assigns, and pursuant, with respect to the City, to a duly adopted ordinance or resolution of the City.

12. Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction.

13. This Agreement may be executed in counterparts, each of which shall constitute an original, all of which together shall constitute one and the same Agreement.

14. In the event Owner/Developer, its successors, assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, or in the event City, fail to faithfully and materially comply with all of the terms and conditions included in this Agreement, enforcement of this Agreement may be sought by either City or Owner/Developer or by any successor or successors in title or interest or by the assigns of the parties hereto, in an action at law or in equity in any court of competent jurisdiction.

a. A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of City or apply to any subsequent breach of any such or other covenants and conditions. A waiver by Owner/Developer of any default by City of any one or more of the covenants and conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of Owner/Developer or apply to any subsequent breach of any such or other covenants and conditions.

b. Notwithstanding anything to the contrary herein, in the event of a material default of this Agreement, the parties agree that City and Owner/Developer shall have thirty (30) days after delivery of notice of such default to correct the same prior to the non-defaulting party's seeking of any remedy provided for herein; provided, however, that in the case of

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any such default which cannot with diligence be cured within such thirty (30) day period and thereafter shall prosecute the curing of same with diligence and continuity, then the time within which such may be cured shall be extended for such period as may be necessary to complete the curing of the same with diligence and continuity, but in any event not to exceed six (6) months; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by Owner/Developer for the portion of the Property still owned by Owner/Developer.

c. In the event the performance of any obligation to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

d. In addition to the remedies set forth above, in the event of a default by Owner/Developer, or any other party claiming an interest herein, City may withhold building permits for any remaining lots within the development until such time as the default is cured.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this day and year first above written.



CITY OF NAMPA

*Tom Dale*

Tom Dale, Mayor

*Diana Lambing*

Attest: Diana Lambing, City Clerk

OWNER/DEVELOPER

*Patrick J. Schaffler*

PATRICK J. SCHAFFLER

MANAGING MEMBER

SHADY GROVE, LLC.



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43

IN WITNESS WHEREOF, the additional parties hereto have hereunto set their hands on this day and year first above written.

OWNER/DEVELOPER

FRANK SAMPAIO

an unmarried person

By Frank Sampaio

STATE OF IDAHO )  
County of Ada : ss.  
~~Canyon~~ )

On this 12th day of April, 2007, before me Amy D. Peterson, a Notary Public, personally appeared Frank Sampaio, known or identified to me to be the person(s) whose name is (are) subscribed to the within instrument, and acknowledged to me that he (she) (they) executed the same.

(SEAL)



Amy D. Peterson  
Notary Public for Idaho  
Commission expires: 3/11/2011

Decription for Annexation & Rezone to 7  
1305 Chicago Street, Nampa, ID.

*Handwritten initials/signature*

Being a parcel of land located in the Southeast 1/4 of the Northwest 1/4 of Section 35, Township 3 North, Range 2 West, B.M., Canyon County, Idaho, more particularly described as follows: Commencing at a railroad spike marking the Northeast corner of the Northwest 1/4 of Section 35, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, from which a brass cap monument marking the Northwest corner of said Section 35 bears North 89°17'55" West, 2659.58 feet; Thence South 00°39'21" West, 1320.10 feet along the East line of the Northeast 1/4 of the Northwest 1/4 of the aforesaid Section 35 to a brass cap monument marking the Center North 1/16 corner of said Section 35; Thence South 00°38'33" West, 588.01 feet along the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 35; Thence North 89°20'32" West, 25.00 feet to the intersection with the West right-of-way of Chicago Street and the REAL POINT OF BEGINNING.

Thence along said West right-of-way South 00°38'33" West, 105.00 feet to a point;

Thence North 89°21'27" West, 389.85 feet;

Thence South 00°38'33" West, 104.93 feet;

Thence North 89°20'52" West, 88.75 feet;

Thence North 00°38'33" East, 210.00 feet;

Thence South 89°20'52" East, 478.60 feet to the REALPOINT OF BEGINNING. Contains an area of 1.37 acres, more or less.



200  
15

**EXHIBIT "A"**

**Description for Annexation & Rezone to RS7  
Shady Grove Place Subdivision  
Corrected 12-14-09**

Being a parcel of land located in the Southeast 1/4 of the Northwest 1/4 of Section 35, Township 3 North, Range 2 West, B.M., Canyon County, Idaho, more particularly described as follows: Commencing at a railroad spike marking the Northeast corner of the Northwest 1/4 of Section 35, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, from which a brass cap monument marking the Northwest corner of said Section 35 bears North 89°17'55" West, 2659.58 feet; Thence South 00°39'21" West, 1320.10 feet along the East line of the Northeast 1/4 of the Northwest 1/4 of the aforesaid Section 35 to a brass cap monument marking the Center North 1/16 corner of said Section 35; Thence South 00°38'33" West, 195.13 feet along the East line of the Southeast 1/4 of the Northwest 1/4 of said Section 35; Thence North 89°20'32" West, 25.00 feet to the intersection with the West right-of-way of Chicago Street and the **REAL POINT OF BEGINNING.**

Thence along said West right-of-way South 00°38'33" West, 173.88 feet to a point;

Thence North 89°20'52" West, 218.52 feet;

Thence South 00°34'00" West, 219.00 feet;

Thence North 89°20'52" West, 260.37 feet;

Thence South 00°38'33" West, 210.00 feet;

Thence North 89°20'52" West, 416.75 feet to the intersection with the easterly line of the abandoned Union Pacific Railroad right-of-way;

Thence along said easterly line North 24°17'46" West, 473.15 feet to the Southwest corner of Crystal Springs Subdivision No. 2 as filed in Book 22 of Plats at Page 19, official records of Canyon County, Idaho;

Thence along the South line of said Crystal Springs Subdivision No. 2 South 89°20'52" East, 298.81 feet to the Southeast corner thereof;

Thence continuing South 89°20'52" East, 171.35 feet;

Thence North 22°15'26" West, 107.59 feet;

Thence North  $01^{\circ}29'26''$  West, 74.90 feet to the Southwest corner of Crystal Springs Subdivision No. 1 as filed in Book 21 at Page 26, official records of Canyon County, Idaho;

Thence along the South boundary of said Crystal Springs Subdivision No. 1 South  $89^{\circ}20'32''$  East, 555.29 feet to the Southeast corner thereof;

Thence continuing South  $89^{\circ}20'32''$  East, 114.06 feet to the **REAL POINT OF BEGINNING**. Contains an area of 9.01 acres, more or less.

*[Handwritten signature]*  
46



48

## EXHIBIT "C"

### CONDITIONS OF APPROVAL

1. The Owner/Developer agree that they will not oppose the formation of a local improvement district for the construction of any infrastructure associated with the development of the Property.
2. The Owner/Developer shall be required to construct or participate in the construction of an 18" parallel relief sewer line in Iowa as detailed as Line A in the JUB study dated June 28, 2006. Reimbursement for this construction is proposed to be through the standard Sewer Construction Credit Policy.
3. Prior to the third reading of the annexation and zoning ordinance the Owner/Developer shall dedicate any additional right-of-way, as defined by the city engineer, adjacent the sides of the Property required for the ultimate build out of all adjacent public roadways.
4. Residential subdivision developments proposed by Owner/Developer on the Property shall conform to the following minimum design standards:
  - a. The average residential density for any subdivision development on the Property shall not exceed three and fifty eight hundredths (3.58) dwelling units per acre (Calculated according to the gross acreage of the development.)
  - b. The minimum allowable residential buildable lot size within any development shall be seven thousand (7,000) square feet as allowed by the RS 7 zone classification.
5. The Owner/Developer shall establish and enforce Covenants, Conditions, and Restrictions to be recorded against the Property proposed for residential subdivision development which contain the following minimum design standards for single family dwellings:
  - a. The minimum floor area or minimum dwelling size shall be one thousand six hundred (1,600) square feet, exclusive of the garage area with one thousand four hundred (1,400) square feet on the main story of a two-story home
  - b. All dwellings shall be provided with eaves which project not less than twelve (12) inches beyond the side of the exterior wall.
  - c. At least seventy-five (75) percent of the second story of two-story dwellings shall be set back a minimum of three (3) feet (from the wall plane) or set forward a minimum of two (2) feet (from the wall plane) when positioned over the garage; or two-story dwellings shall include architectural features such as but not limited to roof lines, belly bands, pop-outs, cantilevers, material variations, color variations, etc., and eave "eyebrows" constructed with a minimum overhang of thirty six (36) inches across the full width of the garage to break the plane of the lower and upper levels.
  - d. The roof pitches for dwellings shall be a minimum of 5/12 pitch.
  - e. Roof coverings for dwellings shall be of materials generally accepted as the industry standard. If the roof covering is asphalt shingles, shingles shall be "architectural" in style with a minimum warranty of twenty-five (25) years.

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- f. Elevations of dwellings shall incorporate varied wall planes or roof forms, and main entries shall be defined by incorporating architectural elements such as roof gables, dormers, stairways, vestibules, wainscoting, lighting, etc.
- g. Elevations of dwellings, including the garage, shall include stucco, stone, brick, or similar material, covering at least twenty (20) percent of each façade oriented to a street.
- h. Dwellings shall be encouraged which feature a side entry garage.
- i. Dwellings shall include design features such as recessed windows and entrance doors, pop-outs, or other architectural details around windows, entrance doors, sliding glass doors, and garage doors. Window treatments may also include additional trim, mullions, or shutters.
- j. No building elevation of any dwelling shall have less than five (5) percent of the gross wall area in glazing, excluding garage or unconditioned areas.
- k. Each dwelling shall contain a front porch, balcony or courtyard.
- l. Detached garages shall be architecturally compatible and consistent in material, design and colors with the dwelling and shall be situated to the side or rear of the site.

6. Developer/development shall adhere to conditions imposed on developer/development by the Planning and Zoning Commission and City Council as set forth in correspondence (with their attachments) including those dated November 30, 2006 and January 26, 2007 from the City to the developer and their engineer."

2010003327

RECORDED

2010 JAN 22 AM 11 44

WILLIAM H. HURST  
CANYON COUNTY RECORDER

BY *[Signature]*  
REQUESTER NAMPAL CITY OF  
TYPE QUITMENT FEE *[Signature]*

SUB671 16  
Shady Grove Preliminary Plat

4/14  
52

**Preliminary Plat – Memo Distribution Check List**

- ✓ Engineering Department Review – Daniel Badger – Staff Engineer - Memo, 2 Plats, Soils, Storm Water, 2 Traffic Studies (if available).  
To Cliff to log in
- ✓ Patrick Sullivan - Building Dept Review - Memo, 1 Plat
- ✓ Neil Jones – Building Department Review - Memo, 1 Plat, Geo Soils Report
- ✓ Craig Tarter – GIS Department - Memo, 1 Plat, CD
- ✓ Kate Runyan – Public Works - Memo, 1 Plat
- ✓ Karla Nelson – Long Range Planner - Memo, 1 Plat
- ✓ Robin Collins – Economic Development - Memo, 1 Plat
- ✓ Eric Skoglund - Nampa Police Dept - Memo, 1 Plat
- ✓ Brent Hoskins – Nampa Fire Dept - Memo, 1 Plat
- ✓ Ray Rice – Environmental Compliance - Memo, 1 Plat
- ✓ Darrin Johnson – Nampa Parks Dept - Memo, 1 Plat (Rec Center mailbox)
- ✓ Cody Swander/Earl Moran – Parks Dept - Memo, 1 Plat and Landscape Plan (Parks Dept Mailbox)
- ✓ Don Barr - Supt – Streets/Traffic Div - Memo, 1 Plat, 1 Traffic Study
- ✓ Chris Hopper – Canyon Highway District - Memo, 1 Plat
- ✓ Director – Nampa Highway District - Memo, 1 Plat, 1 Traffic Study
- ✓ Tim Wright – SWDH - Memo, 1 Plat
- ✓ Tina Fuller – COMPASS - ✓ E-mail – plat and general info
- ✓ Randy Dewey – NSD #131 - Memo, 1 Plat
- ✓ Allison Westfall – NSD #131 - Memo, 1 Plat
- ✓ Brent Carpenter – Brown Bus Co - Memo, 1 Plat
- ✓ Vallivue School District #139 - Memo, 1 Plat
- ✓ Boise Kuna Irrigation District - Memo, 1 Plat
- ✓ Nampa Meridian Irrigation District - Memo, 1 Plat
- ✓ Pioneer Irrigation District - Memo, 1 Plat
- cc: Robert Hobbs – Assist Planning Dir - Memo

NAMPA . MERIDIAN IRRIG.  
NAMPA SCHOOL DIST.  
NAMPA HWY DIST.



# City of Nampa

4/2  
51

**ENGINEERING DIVISION**

**OFFICE (208) 468-5444**

**CITY HALL 411 THIRD STREET SO. NAMPA, IDAHO 83651 FAX (208) 465-2261**

**DATE:** April 5, 2016  
**TO:** Planning and Zoning Commission  
**FROM:** Daniel Badger, P.E.   
**SUBJECT:** Shady Grove Subdivision Preliminary Plat

**Recommendation:** The Engineering has reviewed the amended preliminary plat and the requested design exceptions and recommends approval.



# City of Nampa

**ENGINEERING DIVISION**

**OFFICE (208) 468-5458**

**CITY HALL 411 THIRD STREET S**

**NAMPA, IDAHO 83651**

**FAX (208) 465-2261**

March 21, 2016

**RE: Shady Grove Place Subdivision - Preliminary Plat**

**To: Idaho Survey Group**

**cc: Sylvia Mackrill**

The following changes must be made prior to submitting final plat applications:

- Elm Grove Way should be E Elm Grove Way

Sincerely,

Amanda Morse  
GIS Technician  
Engineering Division  
City of Nampa  
(208) 468-5475

4/2  
52

402  
53

**Sylvia Mackrill**

---

**From:** Tanya Gaona  
**Sent:** Friday, April 01, 2016 10:21 AM  
**To:** Sylvia Mackrill  
**Subject:** Shady Grove Place Subdivision, Project No. SUB 671-16

Sylvia,

In regards to the preliminary plat review for Shady Grove Place Subdivision, per Earl Moran, City Forester, he had the following notes:

1. No evergreens shall be permitted to be planted on the right of way.
2. Select different variety than Autumn Blaze Maple. They will not perform well in the local soil. Soil PH is too alkaline.

*Tanya Gaona*  
Administrative Assistant II  
City of Nampa, Forestry Department  
468-5748

**Notice:** All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.

**Sylvia Mackrill**

---

*Handwritten initials and number:*  
4/8  
5-4

**From:** Cody Swander  
**Sent:** Friday, March 04, 2016 11:05 AM  
**To:** Sylvia Mackrill  
**Cc:** Darrin Johnson  
**Subject:** Shady Grove Place Subdivision Project No: SUB 671-16

**Follow Up Flag:** Follow up  
**Flag Status:** Completed

Hi Sylvia,

Nampa Parks has reviewed the preliminary plat for Shady Grove Place Subdivision Project No: SUB 671-16. We have no requests.

Thank you,

Cody Swander  
Nampa Parks Superintendent



Nampa Parks Department  
312 1st Street South  
Nampa, ID 83651  
208.468.5890

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OK  
5/5

# Memo

To: Planning and Zoning Commission  
From: Karla Nelson, Community Planner  
Date: March 29, 2016  
Re: Shady Grove Place Subdivision Preliminary Plat

---

Nampa's Safe Routes to School program does not oppose the Preliminary Plat for Shady Grove Place Subdivision. This infill development encourages walking and biking by connecting 19<sup>th</sup> Street with Chicago Street. Shady Grove Place residents will eventually be able to bike or walk on the adjacent Stoddard pathway to Sherman Elementary School and Downtown Nampa.

## Associated Schools:

Sherman Elementary School – The subdivision is within easy walking distance of the Elementary School. Students could walk the .75 miles along residential streets but they would have to cross Amity Avenue. Eventually students will be able to walk on the Stoddard pathway to Sherman Elementary school.

West Middle School – The subdivision is 3.5 mile from the Middle School which is not a reasonable walking distance for most students. Some students could bike the distance but they would have to travel on busy roadways without bike facilities.

Columbia High School – The subdivision is 2.4 miles from the high school. Some students may choose to bike to school. They would have to bike along Amity Avenue and Happy Valley Road, neither have bike facilities.

off  
26

**Christopher Daly**

---

**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Wednesday, March 30, 2016 1:43 PM  
**To:** Christopher Daly  
**Subject:** ANN 2150-16 & SUB 671-16

Good Afternoon Christopher,

The Nampa Highway District #1 has no objection to the Modification of Annexation/Zoning Development Agreement between Patrick Scheffler/Shady Grove, LLC and the City of Nampa regarding dwelling size and to amend the preliminary plat approval for Shady Grove Place Sub in a RS 7 zoned area for Shady Grove, LLC, as it is not within the Highway District's jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 Highway 45. • Nampa, Id 83686  
TEL 208.467.6576 • FAX 208.467.9916

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WTS  
57

**Sylvia Mackrill**

---

**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Wednesday, March 02, 2016 8:07 AM  
**To:** Sylvia Mackrill  
**Subject:** SUB 671-16 Shady Grove Place Sub

Good Morning Sylvia,

The Nampa Highway District #1 has no objection to the Preliminary Plat of the Shady Grove Place Sub, SUB 671-16, as it is not within our Jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 HIGHWAY 45 • NAMPA, ID 83686  
TEL 208.467.6576 • FAX 208.467.9916

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4/24/16  
58



ORGANIZED 1904

# Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH  
FAX #208-463-0092

NAMPA, IDAHO 83651-4395  
nmid.org

OFFICE: Nampa 208-466-7861  
SHOP: Nampa 208-466-0663

March 29, 2016

Norman L. Holm  
City of Nampa  
411 3<sup>rd</sup> Street  
Nampa, ID 83651

**RE: SUB671-16/ Shady Grove Subdivision**

Dear Norm:

Nampa & Meridian Irrigation District (NMID) requires that a Land Use Change Application be filed, for review, prior to final platting. Please contact Suzy Hewlett at 466-7861 for further information.

The District's Elijah Drain courses through the south boundary of this proposed project and must be protected. The District easement for the Elijah Drain at this location is a minimum of one hundred feet (100'); fifty feet (50') from centerline each direction.

**The easement must be protected. Any encroachment; without a signed License Agreement and approved plan before any construction; is started is unacceptable.**

All municipal surface drainage must be retained on site. If any municipal surface drainage leaves the site, the Nampa & Meridian Irrigation District (NMID) must review drainage plans. The developer must comply with Idaho Code 31-3805.

Sincerely,

Greg G. Curtis  
Water Superintendent  
Nampa & Meridian Irrigation District  
GGC/gnf

PC: Office/File

APPROXIMATE IRRIGABLE ACRES  
RIVER FLOW RIGHTS - 23,000  
BOISE PROJECT RIGHTS - 40,000

APPROXIMATE IRRIGABLE ACRES  
RIVER FLOW RIGHTS - 23,000  
BOISE PROJECT RIGHTS - 40,000

**AMENDMENT TO DEVELOPMENT AGREEMENT**

This Amendment to Development Agreement (the "Amendment") is entered into this \_\_\_\_\_ day of \_\_\_\_\_, 2016 (the "Effective Date") by and between the City of Nampa, a municipal corporation (the "City") and Shady Grove LLC hereinafter referred to as the "Owner(s)/Developer(s)".

**RECITALS**

The City and Owner(s)/Developer(s) entered into that certain Development Agreement (the [original] "Agreement") dated 07 May 2007 and recorded in the records of Canyon County, Idaho as Instrument Nos. 2007032293 and 2010003327, Ordinance 3695.

The Agreement was made in reference to the potential development of certain real property legally described in Exhibit A to the Agreement (the "Property").

The City and Owner(s)/Developer(s) as parties to this Amendment, wish, and mutually consent, to amend the original Agreement by executing a Development Agreement Modification (hereinafter the "Amendment") as set forth herein.

**AMENDMENT**

NOW, THEREFORE, for good and valuable consideration, including the covenants contained herein, the parties agree as follows:

1. **Defined Terms.** Except as set forth herein, the defined terms used in the original Agreement shall have the same meaning in this Amendment.
2. **Development Agreement Recitals.** The RECITALS section of the [original] Agreement is, and shall be, hereby amended to read, and require, as follows:

**RECITALS**

- A. **Owner(s)/Developer(s)** is [now] the owner of approximately 8.70 acres of land legally described in Exhibit "A" attached hereto and made a part hereof (the "Property").
- B. **Owner(s)/Developer(s)** applied to City on or about 19 February 2016 (the "date of application") for Development Agreement Modification approval in order to modify the preliminary plat associated with the original Agreement by amending Exhibit "B" thereof in order to incorporate an amended preliminary plat into the Agreement, by amending "Exhibit C Conditions of Approval", and, by deleting conditions 2 and 5 regarding the trunk sewer line and the required minimum dwelling size; and,
- C. **City**, pursuant to Section 10-2-5 of Nampa City Code, and, Idaho Code Section 67-6511A, has the authority to modify/amend a Development Agreement for the purpose

of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area or for modifying or nullifying former approvals. (Pursuant to N.C.C. § 10-27-12, City may also approve the modification of subdivision plats within its boundaries.)

D. City’s Planning and Zoning Commission and City’s City Council have held public hearings as prescribed by law with respect to the development of the **Property** and this **Agreement**. City originally approved the requested rezoning of the **Property** to RS 7 subject to the terms and commitments contained in the original **Agreement**. City has since approved the **Owner(s)/Developer(s)** requested modification thereto by agreeing to amend Exhibit “B” thereof in order to incorporate an amended preliminary plat into the **Agreement**, and, by agreeing to amend “Exhibit C Conditions of Approval” by deleting conditions 2 and 5 regarding the trunk sewer line and the required minimum dwelling size. **Owner(s)/Developer(s)** agree that “buildout” of the **Property** shall be in substantial accordance with the modification entitlement plans/exhibits submitted to and approved by the City, and, in conformance with City adopted codes, laws, fees and policies.

E. City, pursuant to Section 10-2-5 of Nampa City Code, and, Idaho Code Section 67-6511A, has accordingly and subsequently authorized this **Amendment**, with the following stipulations that:

1. RECITAL A. Recital paragraph “A” of the original **Agreement** shall be modified and re-stated as follows: “**Owner(s)/Developer(s)** is the owner of approximately 8.70 acre of land legally described in Exhibit “A” attached hereto and made a part hereof (the “**Property**”).

2. RECITAL B. Recital paragraph “B” of the original **Agreement** shall be modified and re-stated as follows: “**Owner/Developer** applied to City on February 19, 2016 for Development **Agreement** and Preliminary Plat Modification in anticipation of the continued development and “buildout” of a residential subdivision (the “**Project**”).

3. RECITAL D. Recital paragraph “D” of the original **Agreement** shall be modified and re-stated as follows: “**City’s Planning and Zoning Commission and City’s Council** have held public hearings as prescribed by law with respect to the package application of a Development **Agreement Modification** request coupled with an associated Preliminary Plat Amendment application and have approved the same -- with the Development **Agreement Modification** being made subject to the terms and commitments contained in this **Agreement**.”

F. Continued Effectiveness of Terms of **Agreement**. Except as provided in this **Amendment**, the [original] terms and conditions of the **Agreement** shall remain in full force and effect.

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**EXHIBIT "A"**  
**LEGAL DESCRIPTION**

62

**EXHIBIT "B"**

**NEW/AMENDED CONCEPTUAL PLAT PLAN**





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## EXHIBIT "C"

### CONDITIONS OF APPROVAL

1. The Owner/Developer agree that they will not oppose the formation of a local improvement district for the construction of any infrastructure associated with the development of the Property.
2. Prior to the third reading of the annexation and zoning ordinance the Owner/Developer shall dedicate any additional right-of-way, as defined by the City Engineer, adjacent to the Property as may be required for the ultimate build out of all adjacent public roadways.
3. Owner/Developer and Project shall comply with all requirements imposed on the Project by City divisions/departments and outside agencies as listed in documents furnished to the City and made a part of the record for the Project -- to include those associated with the plat of the Project.
4. The Owner/Developer shall cause that a six foot (6') high solid fence between those building lots proposed along the south property line of the Project starting twenty five feet (25') from the western right-of-way line of Can Ada Road and ending at the western end of [Canyon County] Parcel No. 3074001000 – a lineally distance of approximately 1,385 feet. The Owner/Developer may make emplacement of the fencing a covenant condition of their CC&Rs.
5. Lots 12-16 & 28-29 of Block 1 are below 7,000 sq. ft. in size but have been approved by the City based on provisions, restrictions and conditions cited in N.C.C. § 10-27-4.A.3.
6. The Owner/Developer shall establish and enforce Covenants, Conditions, and Restrictions (CC&R.s) to be recorded against the Property for that portion of the Project that is proposed to be devoted to single-family residential housing emplacement/development. Said C.C&Rs shall contain and maintain the following minimum design standards for each single-family dwelling therein:
  - a. The minimum floor area or minimum dwelling size therein shall be [at least] one thousand three hundred (1,200) square feet, exclusive of the garage area.
  - b. All dwellings shall be provided with eaves which project not less than twelve (12) inches beyond the side of the exterior wall.
  - c. At least seventy-five (75) percent of the second story of two-story dwellings shall be set back a minimum of three (3) feet (from the wall plane) or set forward a minimum of two (2) feet (from the wall plane) when positioned over the garage; or two-story dwellings shall include architectural features such as but not limited to roof lines, belly bands, pop-outs, cantilevers, material variations, color variations, etc., and eave "eyebrows" constructed with a minimum overhang

of thirty six (36) inches across the full width of the garage to break the plane of the lower and upper levels.

- d. The roof pitches for dwellings shall be a minimum of 3/12 pitch.
- e. Roof coverings for dwellings shall be of materials generally accepted as the industry standard. If the roof covering is asphalt shingles, shingles shall be "architectural" in style with a minimum warranty of twenty-five (25) years.
- f. Elevations of dwellings shall incorporate varied wall planes or roof forms, and main entries shall be defined by incorporating architectural elements such as roof gables, dormers, stairways, vestibules, wainscoting, lighting, etc.
- g. Elevations of dwellings, including the garage, shall include stucco, stone, brick, similar material, or custom millwork covering at least twenty (20) percent of each façade oriented to a street.
- h. Dwellings shall include design features such as recessed windows and entrance doors, pop-outs, or other architectural details around windows, entrance doors, sliding glass doors, and garage doors. Window treatments may also include additional trim, mullions, or shutters.
- i. No building elevation of any dwelling shall have less than five (5) percent of the gross wall area in glazing, excluding garage or unconditioned areas.
- j. Any detached garages and out/accessory buildings shall be architecturally compatible and consistent in material, design and colors with the dwelling and shall be situated to the side or rear of the site.







Planning & Zoning Department  
**Before the Mayor & City Council**  
May 16, 2016

## **Staff Report – Public Hearing #3**

**To:** Mayor & City Council  
**Applicant:** Michael McCarver  
**File No:** ANN 2157-16

**Prepared By:** Norman L. Holm  
**Date:** May 9, 2016

**Requested Actions:** Annexation & Zoning to RS 7 (Single Family Residential – 7,000 sq. ft.)

**Purpose:** For connection to city water and sewer service and continued use as personal residence.

---

### **GENERAL INFORMATION**

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**Planning & Zoning Commission Recommendation:** Approval with no required conditions.

**Zoning & Planning History:** The applicant has requested annexation and zoning with a request submitted to connect the property to city water and sewer service.

**Status of Applicant:** Owner

**Annexation Location:** 2714 E Amity Ave

**Proposed Zoning:** RS 7 (Single Family Residential – 7,000 sq ft)

**Total Size:** .386 acres or 16,814 sq ft

**Existing Zoning:** County AG (Agricultural)

**Comprehensive Plan Designation:** Medium Density Residential

**Surrounding Land Use and Zoning:**

North- Nampa Dog Park, Self Storage; City BC & IL

South- Rural Residential/Agricultural, County AG

East- Nampa Dog Park, City BC

West- Rural Residential, County A-40 then City RA & RS

**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. This property is a small part of a 13-parcel 23.59 acre enclaved area along the north side of E Amity Ave.

**Existing Uses:** Existing single family residential parcel.

---

**SPECIAL INFORMATION**

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**Public Utilities:**

12" water main in E Amity Ave

8" sewer main in E Amity Ave

12" irrigation main in E Amity Ave

**Public Services:** Police and fire already service city incorporated areas surrounding the location.

**Physical Site Characteristics:** Existing single family residential home site

**Transportation:** Access to the property is via E Amity Ave

**Correspondence:** No correspondence has been received from area property owners or others either opposing or supporting the annexation and zoning request.

---

**STAFF FINDINGS AND DISCUSSION**

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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. If the City Council votes to accept the Planning & Zoning Commission recommendation the following findings are suggested:

1. The requested annexation is a small part of a 13-parcel 23.59 acre enclaved area along the north side of E Amity Ave.
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 medium density residential land use and is reasonably compatible with existing and land uses in the area.
4. The property owner desires annexation in order to be eligible to connect the property to city water and sewer service.

---

## **RECOMMENDED CONDITIONS OF APPROVAL**

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Staff recommends approval of the Annexation and Zoning to the Planning & Zoning Commission and City Council with no conditions attached. The applicant has financed his connection fees through the City's Connection Fee LID program.

---

## **ATTACHMENTS**

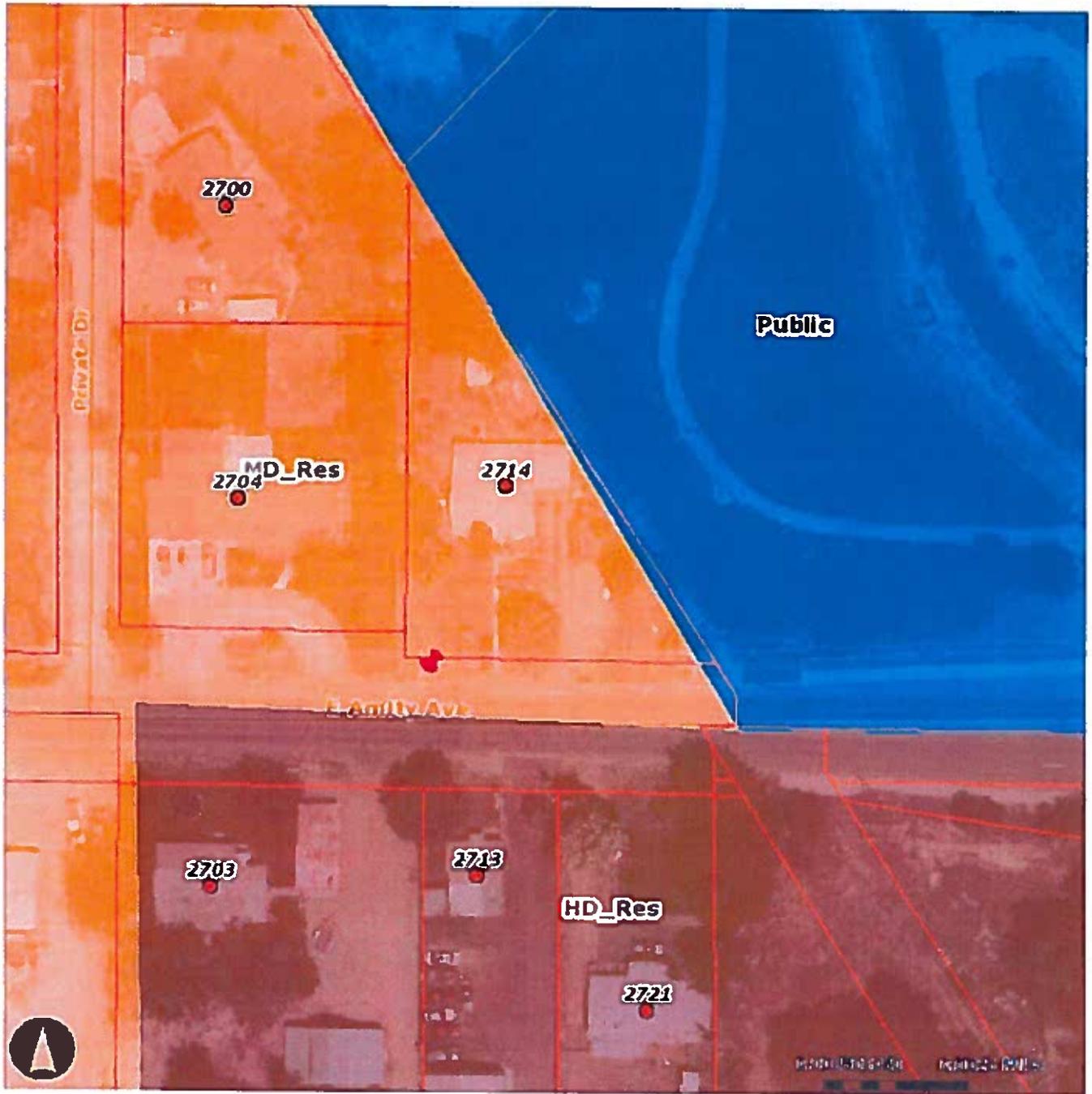
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Vicinity map  
Aerial photo of property  
Comprehensive plan map  
Application  
P&Z Commission hearing minutes  
Agency and other correspondence



ANNEXATION AND ZONING TO RS 7 (SINGLE FAMILY RESIDENTIAL - 7,000 SQ FT) FOR CONNECTION TO SEWER AT 2714 E AMITY AVE (A .386 ACRE OR 16,841 SQ FT PORTION OF SECTION 26, T3N, R2W, SE ¼, TAX 40 IN SE ¼ SE ¼ LESS TAX 96662 & LESS ROAD) FOR MICHAEL MCCARVER (ANN 2157-16).







4/12 FZ  
NORM

# APPLICATION FOR ANNEXATION/ZONING

City of Nampa, Idaho

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$452.00 (for 1 acre or less), and \$910.00 (for more than 1 acre).

### Applicant Information

Name of Applicant/Representative: Michael R. Richard McCarter Phone: 208 957 0409

Address: 2714 E Amity Ave City: Nampa State: Idaho Zip Code: 83686

Applicant's interest in property: (circle one) Own Rent Other \_\_\_\_\_

Owner Name: Michael Richard McCarter Phone: 208 957 0409

Address: 2714 E Amity Ave City: Nampa State: Idaho Zip Code: 83686

Address of subject property: 2714 E Amity Ave

is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

### Subject Property Information

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the legal annexation):

Original Legal description of property AND a legible WORD formatted document. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document

Subdivision see Attached Lot \_\_\_\_\_ Block \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

### Project Description

State the zoning desired for the subject property: RS-7

State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for the use of the subject property:  
to attach to sewer

Dated this 29 day of February, 20 16

Michael M  
Applicant Signature

### NOTICE TO APPLICANT

This application will be referred to the Nampa Planning Commission for a recommendation on the requested zoning. The Planning Commission shall hold a public hearing and will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-Tribune 15 days prior to said hearings. Notice shall also be posted on the premises of the subject property not less than 1 week prior to the hearings. Notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

**For Office Use Only:**  
File Number: ANN 2157 - 2016 Project Name: Annex 2714 Amity Ave / RS-7

**Annexation and Zoning to RS-7 (Single Family Residential – 7000 sq ft minimum lot size) for connection to sewer at 2714 E Amity Ave. (A .386 acre of 16,841 sq ft portion of the SE 1/4 Section 26 T3N R2W, Tax 40 in SE ¼ less Tax 96662 and less road) for Michael McCarver (ANN 2157-16).**

**Chairman McGrath proceeded to public hearing.  
The applicant was not present.**

**Planning Director Holm:**

- Holm advised the annexation had been requested in order to connect to City water and sewer services.
- The City utilities were present in Amity Ave and accessible to the subject property, stated Holm.
- The subject property, continued Holm, was an enclaved parcel, still under County jurisdiction but surrounded by City limits.
- The applicants, continued Holm had requested RS-7 for the .386 acre or 16,814 sq ft property.
- Holm noted the requested RS-7 zoning would comply with the Comprehensive Plan Designation of Medium Density Residential.
- According to Holm, there had been no statements of opposition to the proposed annexation.

**Chairman McGrath proceeded to public testimony.  
No public comment forthcoming.**

**Keim motioned and Gunstream seconded to close public hearing. Motion carried.**

**Keim motioned and Gunstream seconded to recommend to City Council Annexation and Zoning to RS-7 for 2714 E Amity Ave, for Michael McCarver.  
Motion carried**

## Shellie Lopez

---

**From:** Neil Jones  
**Sent:** Tuesday, March 01, 2016 1:12 PM  
**To:** Shellie Lopez  
**Cc:** Patrick Sullivan; Bret Caulder  
**Subject:** RE: Annex 2714 E Amity Ave to RS-7 ANN 2157 16

A plumbing permit will be required from the Building Department.

Neil Jones  
Assistant Building Official

**From:** Shellie Lopez  
**Sent:** Tuesday, March 01, 2016 1:01 PM  
**To:** Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@cityofnampa.us>; Marlen Salinas <salinasm@cityofnampa.us>; Michael Fuss <fussm@cityofnampa.us>; Neil Jones <jonesn@cityofnampa.us>; Patrick Sullivan <sullivanw@cityofnampa.us>; Ray Rice <ricer@cityofnampa.us>; Robin Collins <collinsrr@cityofnampa.us>; Sylvia Mackrill <mackrill@cityofnampa.us>; Tina Fuller <tfuller@compassidaho.org>; Tom Laws <tlaws@compassidaho.org>; Vickie Holbrook <holbrookv@cityofnampa.us>  
**Subject:** Annex 2714 E Amity Ave to RS-7 ANN 2157 16

**Good Afternoon!**

### ANN 2157-16

Michael McCarver has requested annexation and RS-7 zoning designation for approximately 0.49 acres (R3182700000), located West of Southside Blvd at 2714 E Amity Ave., to allow for sewer hook-up.

The application is scheduled to go before the Planning and Zoning Commission as a public hearing item on the April 12, 2016 agenda.

Please find attached the ANN 2157-16 file for your review and send all comments to my attention or to Sylvia Mackrill ([mackrill@cityofnampa.us](mailto:mackrill@cityofnampa.us)) prior to March 31, 2016.

Thank you & have a great day!

# Memorandum

**To:** Planning and Zoning

**Cc:** Daniel Badger, P.E., Staff Engineer

**Cc:** Michael Fuss, P.E., Nampa City Public Works Director

**From:** Jim Brooks – Engineering Division

**Date:** March 23, 2016

**Rev:**

**Re:** Annexation and Zoning – Connect to City Sewer

**Applicant:** Michael McCarver

**Address:** 2714 E. Amity

**ANN2157-16 for the April 12, 2016 P & Z Meeting**

---

The Engineering Division has no concerns with granting the applicant's request in order to connecting to the City's water and sewer. All connection fees have been financed through the City's Connection Fee LID program.

**Sylvia Mackrill**

---

**From:** Martin Bautista  
**Sent:** Thursday, March 31, 2016 2:28 PM  
**To:** Marlen Salinas  
**Subject:** CC16-000071/ 2714 ~~Amity~~ Amity

Inoperative vehicle on property, pile of debris next to garage and six foot old vegetation next to back fence line.

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## Christopher Daly

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**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Wednesday, March 30, 2016 1:46 PM  
**To:** Christopher Daly  
**Subject:** ANN 2158-16

Good Afternoon Christopher,

The Nampa Highway District #1 has no objection to the Annexation and Zoning to RS 7 for connection to sewer at 2714 E. Amity Ave. for Michael McCarver, as Amity Ave in this area is not within the Highway District's jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 Highway 45. • Nampa, id 83686  
TEL 208.467.6576 • FAX 208.467.9916

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## Norm Holm

---

**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Tuesday, May 03, 2016 7:43 AM  
**To:** Norm Holm  
**Subject:** ANN 2157-16

Good Morning Norman,

The Nampa Highway District #1 has no objection to the Annexation and Zoning to RS 7 for connection to sewer at 2714 E. Amity Ave for Michael McCarver as it is an enclave of the City and not within our jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 Highway 45. • Nampa, Id 83686  
TEL 208.467.6576 • FAX 208.467.9916

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# Planning & Zoning Department

Nampa, Idaho... Today's Vision is Tomorrow's Reality

April 13, 2016

Michael McCarver  
2714 E Amity Ave  
Nampa, ID 83686

Subject: Annexation and Zoning to RS 7 (Single Family Residential – 7,000 sq ft) for connection to sewer at 2714 E Amity Ave (A .386 acre or 16,841 sq ft portion of Section 26, T3N, R2W, SE ¼, Tax 40 in SE ¼ SE ¼ less Tax 96662 & less road (ANN 2157-16).

Dear Mr. McCarver:

The following is the decision of the Nampa Planning & Zoning Commission on the above matter heard before them on April 12, 2016. This letter will stand as the Findings of Fact, Conclusions of Law and Decision required by Idaho Code Section 67-6535. The Planning & Zoning Commission found the following concerning your annexation and zoning request:

- 1) The requested annexation is a small part of a 13-parcel 23.59 acre enclaved area along the north side of E Amity Ave.
- 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 medium density residential land use and is reasonably compatible with existing and land uses in the area.
- 4) The property owner desires annexation in order to be eligible to connect the property to city water and/or sewer service.

The Planning & Zoning Commission voted to recommend approval to the City Council with no conditions attached. The applicant financed his connection fees through the City's Connection Fee LID program.

Further consideration, public hearing and final action on the matter have been scheduled before the City Council on May 16, 2016. You should be present at this hearing to address any questions the City Council may have. Should you have any questions, please feel free to contact me at 468-5446.

Sincerely,



Norman L. Holm, Planning Director  
CITY OF NAMPA



Planning & Zoning Department  
**Before the Mayor & City Council**  
May 16, 2016

## **Staff Report – Public Hearing #4**

**To:** Mayor & City Council  
**Applicant:** Lori & Victor Cordell  
**File No:** ANN 2158-16

**Prepared By:** Norman L. Holm  
**Date:** May 9, 2016

**Requested Actions:** Annexation & Zoning to RA (Suburban Residential)

**Purpose:** For connection to city pressure irrigation and continued use as personal residence.

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### **GENERAL INFORMATION**

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**Planning & Zoning Commission Recommendation:** Approval subject to recommended Engineering Division conditions.

**Zoning & Planning History:** The applicant has requested annexation and zoning with a request submitted to connect the property to pressure irrigation service.

**Status of Applicant:** Owner

**Annexation Location:** 80 N Sugar St

**Proposed Zoning:** RS 7 (Single Family Residential – 7,000 sq ft)

**Total Size:** .772 acres or 33,635 sq ft

**Existing Zoning:** County R-1 (Single Family Residential)

**Comprehensive Plan Designation:** Medium Density Residential

**Surrounding Land Use and Zoning:**

North- Rural Residential; County R-1

South- Rural Residential; County R-1

East- Residential, City RS 6

West- Railroad then Residential, City RS 6

**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. This property part of a 3-parcel 2.54 acre enclaved area along the east side of N Sugar St.

**Existing Uses:** Existing rural residential parcel.

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**SPECIAL INFORMATION**

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**Public Utilities:**

10" water main in N Sugar St

21" sewer main in N Sugar St

8" irrigation main in N Sugar St

**Public Services:** Police and fire already service city incorporated areas surrounding the location.

**Physical Site Characteristics:** Existing rural residential home site

**Transportation:** Access to the property is via N Sugar St

**Correspondence:** No correspondence has been received from area property owners or others either opposing or supporting the annexation and zoning request.

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**STAFF FINDINGS AND DISCUSSION**

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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. If the Planning & Zoning Commission votes to recommend to the City Council approval of this request the following findings are suggested:

1. The requested annexation is a small part of a 3-parcel 2.54 acre enclaved area along the east side of N Sugar St.
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 medium density residential land use and is reasonably compatible with existing and land uses in the area.

4. The property owner desires annexation in order to be eligible to connect the property to city irrigation service.

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## **RECOMMENDED CONDITIONS OF APPROVAL**

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If the City Council votes accept the Planning & Zoning Commission recommendation for approval the following Engineering Division required conditions are recommended to be attached:

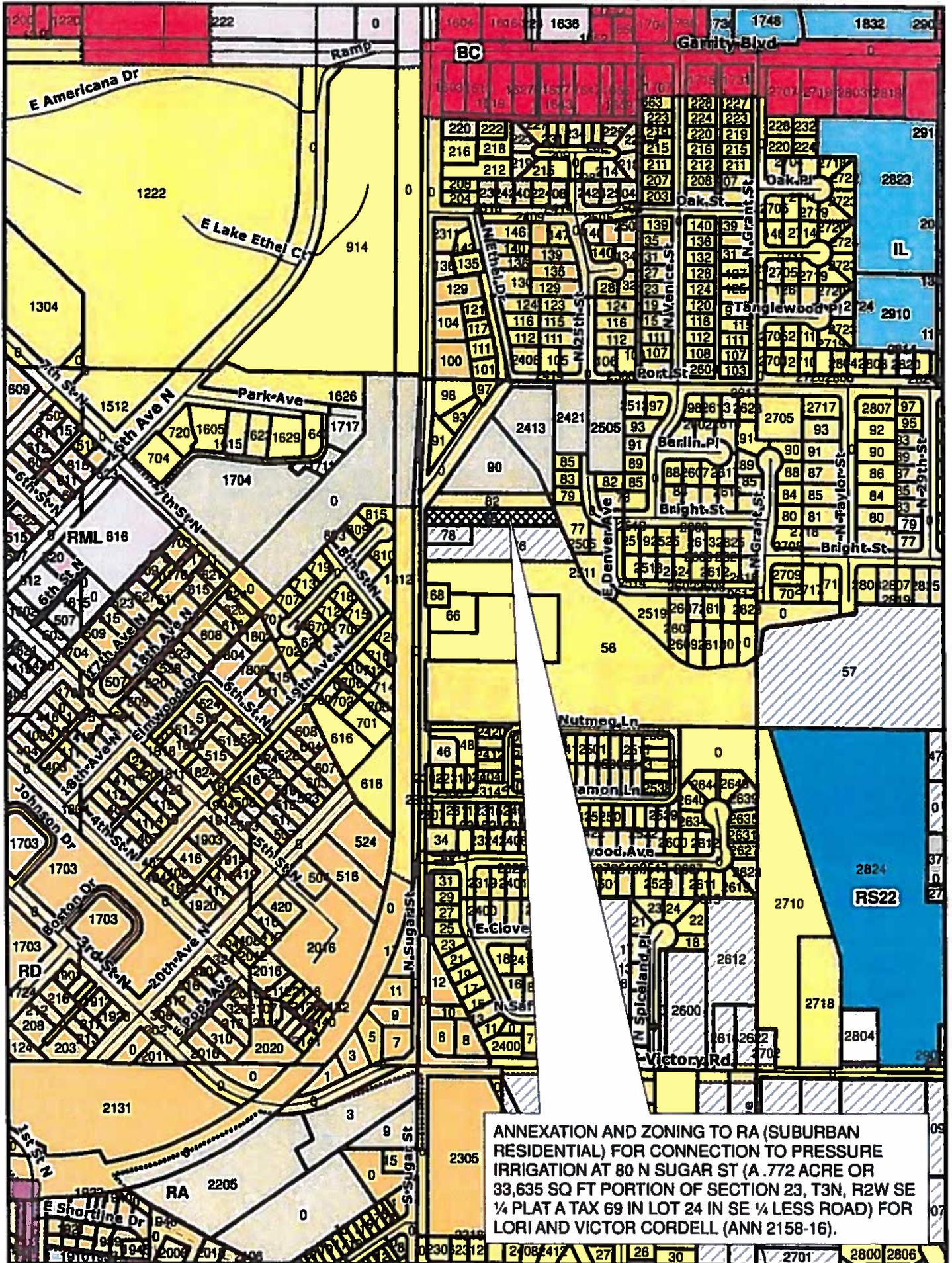
- 1) Annexation into the Municipal Pressure Irrigation System is required. Owner will sign consent form to be annexed into the Municipal Pressure Irrigation System.
- 2) Owner to dedicate 15-feet of right-of-way for future widening of Sugar Street.
- 3) Pay or arrange to pay hook-up fees prior to connection.

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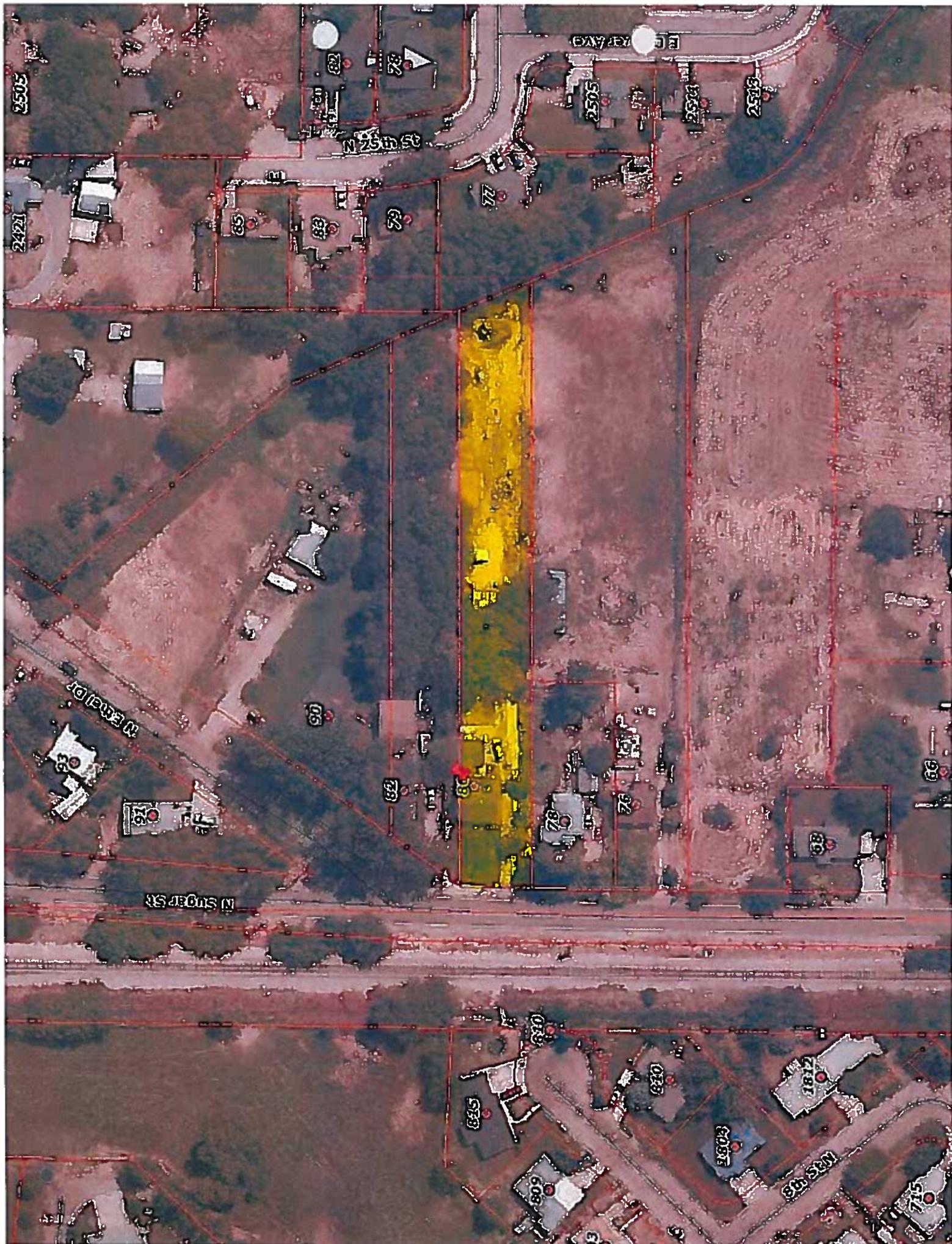
## **ATTACHMENTS**

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Vicinity map  
Aerial photo of property  
Application  
Planning & Zoning hearing minutes  
Agency and other correspondence



ANNEXATION AND ZONING TO RA (SUBURBAN RESIDENTIAL) FOR CONNECTION TO PRESSURE IRRIGATION AT 80 N SUGAR ST (A .772 ACRE OR 33,635 SQ FT PORTION OF SECTION 23, T3N, R2W SE ¼ PLAT A TAX 69 IN LOT 24 IN SE ¼ LESS ROAD) FOR LORI AND VICTOR CORDELL (ANN 2158-16).





ANN 2158-16

4/2/16 ~~RE~~ APPLICATION FOR ANNEXATION/ZONING  
City of Nampa, Idaho  
Noon

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$452.00 (for 1 acre or less), and \$910.00 (for more than 1 acre).

**Applicant Information**

Name of Applicant/Representative: Lori Cordell Phone: 208 371-1730

Address: 80 N Sugar St City: Nampa State: ID Zip Code: 83687

Applicant's interest in property: (circle one) Own Rent Other

Owner Name: Caleb + Lori Cordell Phone: 208 371-1730

Address: 80 N Sugar St City: Nampa State: ID Zip Code: 83687

Address of subject property: 80 N Sugar St Nampa, ID 83687

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

**Subject Property Information**

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the legal annexation):

Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)  
Old or illegible title documents will need to be retyped in a WORD formatted document

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

**Project Description**

State the zoning desired for the subject property: RA

State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for the use of the subject property:

Pressurized irrigation

Dated this \_\_\_\_\_ day of \_\_\_\_\_, 20 \_\_\_\_\_

Lori M. Cordell  
Applicant Signature

**NOTICE TO APPLICANT**

This application will be referred to the Nampa Planning Commission for a recommendation on the requested zoning. The Planning Commission shall hold a public hearing and will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-Tribune 15 days prior to said hearings. Notice shall also be posted on the premises of the subject property not less than 1 week prior to the hearings. Notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

<b>For Office Use Only:</b>	
File Number: ANN <u>2158</u> - 20 <u>16</u>	Project Name: <u>ANNEX + RA ZONING</u>
	<u>80 N. SUGAR ST</u>
	<u>LORI AND VIKTOR CORDELL</u>

**Annexation and Zoning to RA (Suburban Residential) for connection to pressure irrigation at 80 N Sugar St. (A .772 acre or 33,635 sq ft portion of the SE ¼ Section 23 T3N R2W Plat A Tax 69 in Lot 24 in SE ¼ less road) for Lori and Victor Cordell (ANN 2158-16).**

**Chairman McGrath** proceeded to public hearing.  
The applicant was not present.

**Planning Director Holm:**

- Holm stated the applicants were requesting annexation in order to connect to the City pressurized irrigation service. The pressurized irrigation line, along with the water and sewer lines, added Holm, were located in N Sugar St.
- The subject property, advised Holm, was located within an enclaved area, under Canyon County jurisdiction, but surrounded by properties within the City limits.
- Holm reviewed the Staff Report and recommended conditions of approval.
- Kehoe inquired if the applicant would be required to hook-up to City sewer if their septic system failed and Holm replied if the property was within 300 ft of the sewer line they would be required to hook up to City sewer if their septic system failed. Holm reiterated the City sewer line was located in N Sugar St, in front of the subject property.

**Chairman McGrath** proceeded to public testimony.  
No public comment forthcoming.

**Kropp** motioned and **Keim** seconded to close public hearing. Motion carried.

**Gunstream** motioned and **Rodriguez** seconded to approve the Annexation and RA zoning for 80 N Sugar Street, for Lori and Victor Cordell, subject to:

1. Annexation into the Municipal Pressure Irrigation System is required. Owner will sign consent form to be annexed into the Municipal Pressure Irrigation System.
2. Owner to dedicate fifteen (15) of right-of-way for future widening of Sugar Street.
3. Pay or arrange to pay hook-up fees prior to connection.

Motion carried.

# Memorandum

**To:** Planning and Zoning

**Cc:** Daniel Badger, P.E., Staff Engineer

**Cc:** Michael Fuss, P.E., Nampa City Public Works Director

**From:** Jim Brooks – Engineering Division

**Date:** April 1, 2016

**Rev:**

**Re:** Annexation and Zoning – Connect to City Pressure Irrigation

**Applicant:** Lori and Victor Cordell

**Address:** 80 Nor. Sugar Street

**ANN2158-16 for the April 12, 2016 P & Z Meeting**

---

The Engineering Division has no concerns with granting the applicant's request in order to connecting to the City's Pressurized Irrigation system with the following conditions:

1. Annexation into the Municipal Irrigation System is required. Owner will sign consent form to be annexed into the Municipal Irrigation System.
2. Right-of-way dedication for Sugar Street:
  - a. Owner to dedicate 15-feet of right-of-way for future widening of Sugar Street.
3. Pay or arrange to pay hook-up fees prior to connection.

## Christopher Daly

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**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Wednesday, March 30, 2016 1:50 PM  
**To:** Christopher Daly  
**Subject:** ANN 2158-16

Good Afternoon Christopher,

The Nampa Highway District #1 has no objection to the Annexation and Zoning to RA for connection to pressure irrigation at 80 N Sugar St. for Lori and Victor Cordell, as this area is not within the Highway District's jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 Highway 45. • Nampa, id 83686  
TEL 208.467.6576 • FAX 208.467.9916

*This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation*

## Sylvia Mackrill

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**From:** Neil Jones  
**Sent:** Tuesday, March 08, 2016 7:13 AM  
**To:** Sylvia Mackrill  
**Subject:** RE: ANN2158 16 Annexation and RA zoning for 80 N Sugar St for Lori and Victor Cordell

Building Department has no conditions on this at this time.

Neil Jones  
Assistant Building Official

**From:** Sylvia Mackrill  
**Sent:** Saturday, March 05, 2016 9:14 AM  
**To:** Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Jeff Barnes <barnesj@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@cityofnampa.us>; Kent Lovelace <lovelacek@cityofnampa.us>; Marlen Salinas <salinasm@cityofnampa.us>; Michael Fuss <fussm@cityofnampa.us>; Neil Jones <jonesn@cityofnampa.us>; Patrick Sullivan <sullivanw@cityofnampa.us>; Ray Rice <ricer@cityofnampa.us>; Robin Collins <collinsrr@cityofnampa.us>; Tina Fuller <tfuller@compassidaho.org>; Vickie Holbrook <holbrookv@cityofnampa.us>  
**Subject:** ANN2158 16 Annexation and RA zoning for 80 N Sugar St for Lori and Victor Cordell

ANN2158-16: Lori and Victor Cordell have requested Annexation and RA (Suburban Residential) zoning for 80 N Sugar Street, Nampa (Canyon County parcel R14285562) a .77 acre parcel located on the east side of N Sugar St, north of E Victory Rd and south of Garrity Blvd.

The applicants are requesting annexation in order to connect to the City of Nampa Pressurized Irrigation system. The application will go before the Planning and Zoning Commission as a public hearing item on their April 12, 2016 agenda.

Please review the attached application and forward any comments to my attention prior to April 1<sup>st</sup>.

Thank you,

Sylvia Mackrill  
City of Nampa Planning Department  
208-468-5484  
[mackrill@cityofnampa.us](mailto:mackrill@cityofnampa.us)

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.

## Shellie Lopez

---

**From:** Marlen Salinas  
**Sent:** Wednesday, March 09, 2016 11:54 AM  
**To:** Shellie Lopez  
**Subject:** FW: CC16-000002

**ANN2158-16:** Lori and Victor Cordell have requested Annexation and RA (Suburban Residential) zoning for 80 N Sugar Street, Nampa (Canyon County parcel R14285562) a .77 acre parcel located on the east side of N Sugar St, north of E Victory Rd and south of Garrity Blvd.

---

**From:** Juan Vergara  
**Sent:** Wednesday, March 09, 2016 11:42 AM  
**To:** Marlen Salinas  
**Cc:** Shellie Lopez  
**Subject:** CC16-000002

P/Z inspection NO code violations at this time.

**Notice:** All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.



ORGANIZED 1904

# Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH  
FAX #208-463-0092

NAMPA, IDAHO 83651-4395  
nmid.org

OFFICE: Nampa 208-466-7861  
SHOP: Nampa 208-466-0663

April 7, 2016

Norman L. Holm  
City of Nampa  
411 3rd St.  
Nampa, ID 83651

**RE: ANN2157-16/ Michael McCarver; 2714 E. Amity Ave.**

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID must review drainage plans.

Sincerely,

Greg G. Curtis  
Water Superintendent  
Nampa & Meridian Irrigation District  
GGC/gnf

PC: Office/File



APPROXIMATE IRRIGABLE ACRES  
RIVER FLOW RIGHTS - 23,000  
BOISE PROJECT RIGHTS - 40,000

# Planning & Zoning Department

Nampa, Idaho... Today's Vision is Tomorrow's Reality

April 13, 2016

Lori & Victor Cordell  
80 N Sugar St  
Nampa, ID 83687

Subject: Annexation and Zoning to RA (Suburban Residential) for connection to pressure irrigation at 80 N Sugar St (A .772 acre or 33,635 sq ft portion of Section 23, T3N, R2W SE ¼ Plat A Tax 69 in Lot 24 in SE ¼ less road) for Lori and Victor Cordell (ANN 2158-16).

Dear Mr. & Mrs. Cordell:

The following is the decision of the Nampa Planning & Zoning Commission on the above matter heard before them on April 12, 2016. This letter will stand as the Findings of Fact, Conclusions of Law and Decision required by Idaho Code Section 67-6535. The Planning & Zoning Commission found the following concerning your annexation and zoning request:

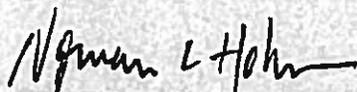
- 1) The requested annexation is a small part of a 3-parcel 2.54 acre enclaved area along the east side of N Sugar St.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city's comprehensive plan future land use map for medium density residential land use and is reasonably compatible with existing and land uses in the area.
- 4) The property owner desires annexation in order to be eligible to connect the property to city irrigation service.

The Planning & Zoning Commission voted to recommend approval to the City Council subject to the follow conditions:

- 1) Annexation into the Municipal Pressure Irrigation System is required. Owner will sign consent form to be annexed into the Municipal Pressure Irrigation System.
- 2) Owner to dedicate 15-feet of right-of-way for future widening of Sugar Street.
- 3) Pay or arrange to pay hook-up fees prior to connection.

Further consideration, public hearing and final action on the matter have been scheduled before the City Council on May 16, 2016. You should be present at this hearing to address any questions the City Council may have. Should you have any questions, please feel free to contact me at 468-5446.

Sincerely,



Norman L. Holm, Planning Director  
CITY OF NAMPA



Planning & Zoning Department

## Before the Mayor & City Council

May 16, 2016

### Staff Report – Public Hearing Item #5

**To:** Mayor & City Council

**Applicant:** Mathew Phillips representing Danny Nelson

**File No:** VAC 2188-16

**Prepared By:** Norman L. Holm

**Date:** May 9, 2016

**Requested Action:** Vacation of the two 5-foot drainage easements common to the lot line between Lots 1 & 2, Block 3 of Crystal Cove Subdivision.

**Purpose:** To allow one single family dwelling to be built overlapping both lots. The applicant will remove the common lot line to combine both lots into one.

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#### GENERAL INFORMATION

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**Status of Applicant:** Owner Representative

**Existing Zoning:** RS 7 (Single Family Residential – 7,000 sq ft)

**Location:** 4020 S Raintree Drive and 4102 S Draco Court

**Size of Vacation Area:** Approximately 10' x 93.39' or 933.9 sq ft

**Surrounding Land Use and Zoning:**

North- Residential, RS 6-7

South- Residential, RS 7

East- Agricultural, County AG

West- Rural Residential, County R-1

**Comprehensive Plan Designation:** Low Density Residential

**Applicable Regulations:** State law requires the consent of adjoining property owners. The property owner/applicant making this request is the only property owner adjacent the proposed easement vacation area.

**Description of Existing Uses:** Two vacant single family residential lots to be combined into one.

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## **SPECIAL INFORMATION**

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**Planning & Zoning History:** The subject property was originally platted as two single family residential lots. The applicant proposes to combine the lots into one to build one single family dwelling thereon requiring the vacation of the two 5-foot drainage easements common to the lot line between the two lots.

**Public Utilities:** No City maintained or other public utilities exist within the easement areas proposed for vacation.

**Environmental:** Approval of the vacation will have no effect on the immediate neighborhood, other than allowing the two lots to be combined and the easements eliminated.

**Correspondence:** As of the date of this staff report no objections have been raised by any utility companies or surrounding property owners. Fire, Building, and Engineering Departments do not oppose the easement vacation.

---

## **STAFF FINDINGS AND DISCUSSION**

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Planning staff sees no reason why the requested easement vacations should not be approved as requested. The easements proposed for vacation are not needed for any public purposes following the combining of the two lots into one.

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## **RECOMMENDED APPROVAL CONDITIONS**

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The Engineering Division does not oppose the granting of the easement vacation, but requests the following conditions:

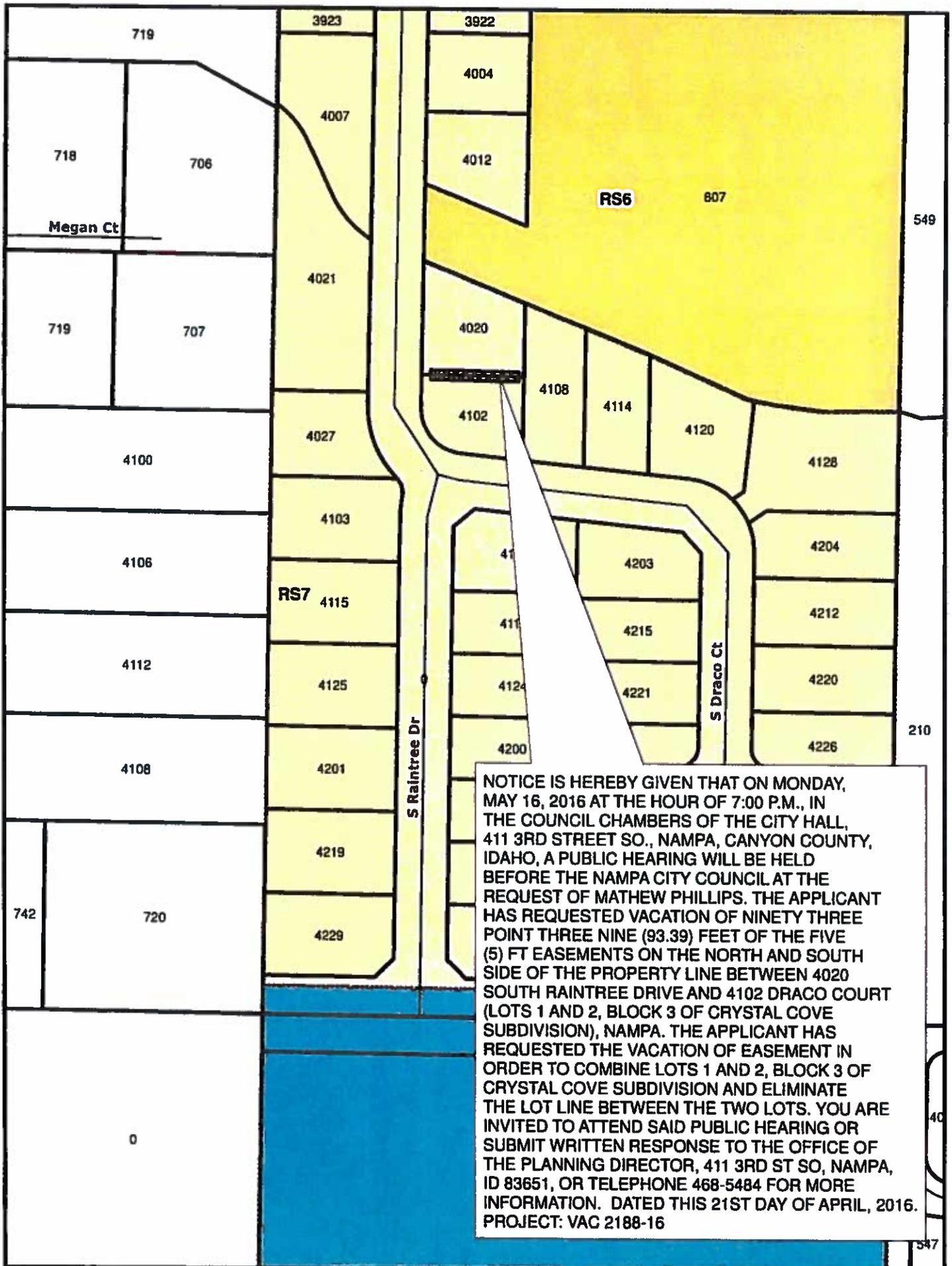
- 1) Owner provides City with a copy of the recorded record of survey/lot line adjustment. To be attached to the building permit application.
- 2) Building permit to not be issued until the easement is approved by Council.

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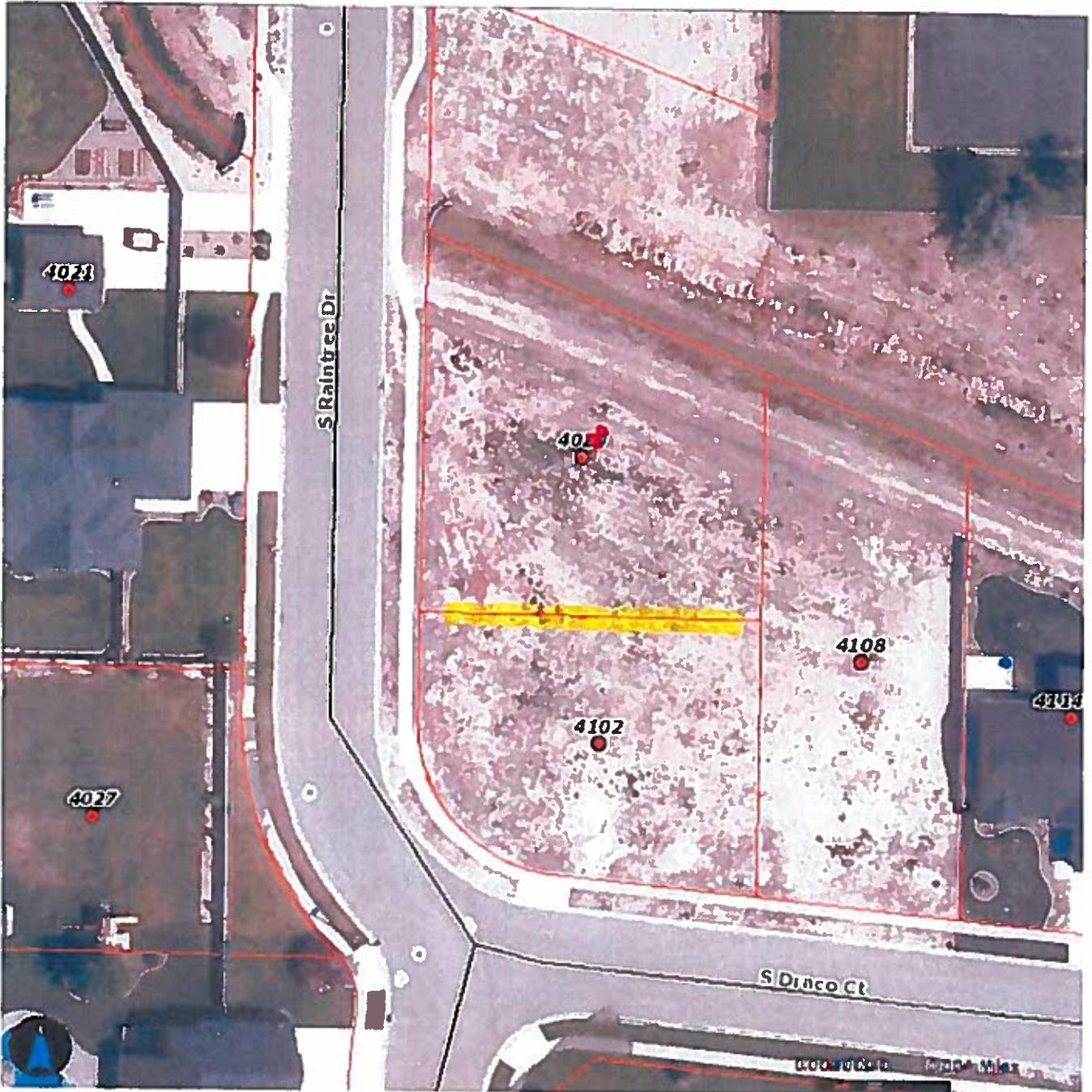
## **ATTACHMENTS**

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Vicinity map  
Aerial map  
Subdivision plat showing easements  
Easement vacation exhibit showing lots  
Application  
Agency and other correspondence



NOTICE IS HEREBY GIVEN THAT ON MONDAY, MAY 16, 2016 AT THE HOUR OF 7:00 P.M., IN THE COUNCIL CHAMBERS OF THE CITY HALL, 411 3RD STREET SO., NAMPA, CANYON COUNTY, IDAHO, A PUBLIC HEARING WILL BE HELD BEFORE THE NAMPA CITY COUNCIL AT THE REQUEST OF MATHEW PHILLIPS. THE APPLICANT HAS REQUESTED VACATION OF NINETY THREE POINT THREE NINE (93.39) FEET OF THE FIVE (5) FT EASEMENTS ON THE NORTH AND SOUTH SIDE OF THE PROPERTY LINE BETWEEN 4020 SOUTH RAINTREE DRIVE AND 4102 DRACO COURT (LOTS 1 AND 2, BLOCK 3 OF CRYSTAL COVE SUBDIVISION), NAMPA. THE APPLICANT HAS REQUESTED THE VACATION OF EASEMENT IN ORDER TO COMBINE LOTS 1 AND 2, BLOCK 3 OF CRYSTAL COVE SUBDIVISION AND ELIMINATE THE LOT LINE BETWEEN THE TWO LOTS. YOU ARE INVITED TO ATTEND SAID PUBLIC HEARING OR SUBMIT WRITTEN RESPONSE TO THE OFFICE OF THE PLANNING DIRECTOR, 411 3RD ST SO, NAMPA, ID 83651, OR TELEPHONE 468-5484 FOR MORE INFORMATION. DATED THIS 21ST DAY OF APRIL, 2016. PROJECT: VAC 2188-16



# PLAT OF CRYSTAL COVE SUBDIVISION

THE EAST 1/2 NE 1/4 NW 1/4, SECTION 9,  
T.2N., R.27W., B.M.  
NANPA, CANYON COUNTY, IDAHO  
2008



### LEGEND

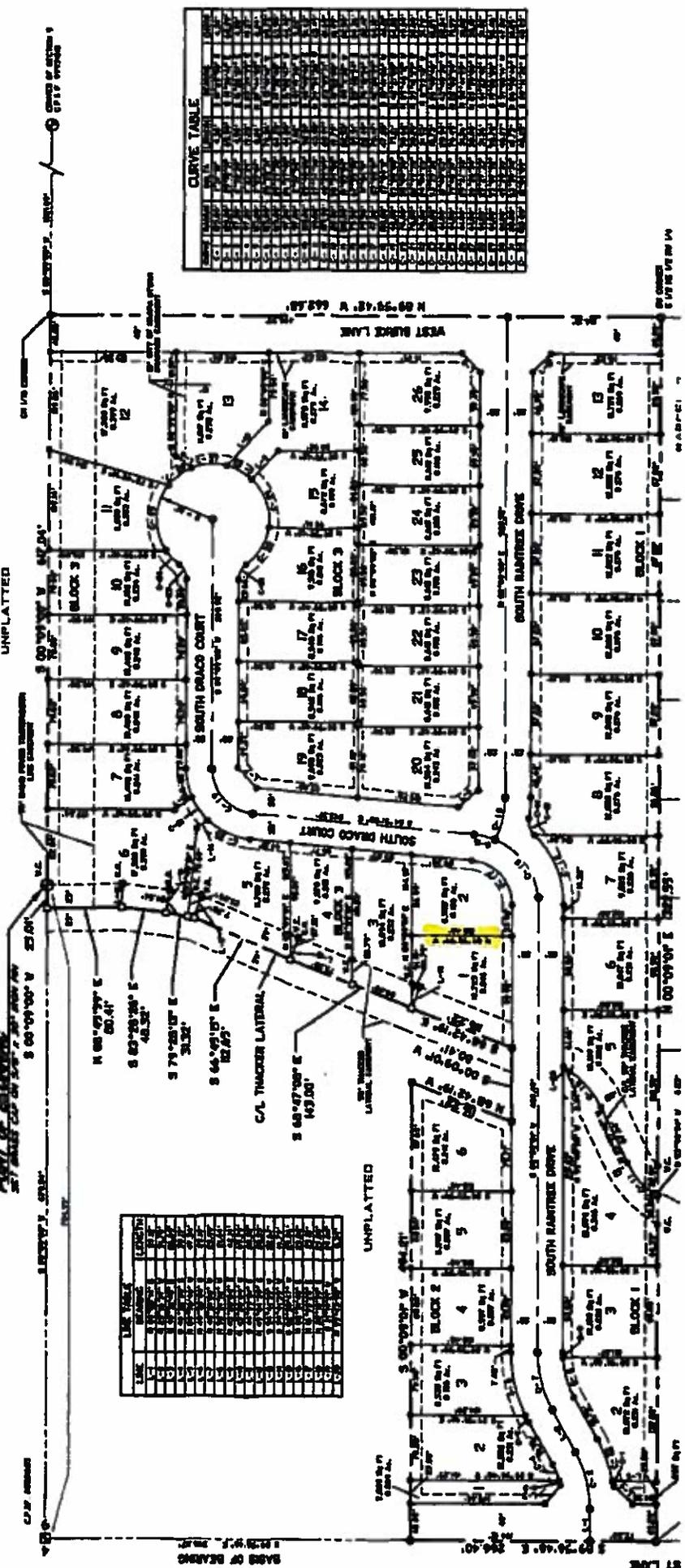
- BOUNDARY LINE
- EASEMENT BOUNDARY
- CENTER LINE
- FOUND BRASS CAP
- FOUND ALUMINUM CAP
- FOUND 3/8" BRONZE PIN
- SET 3/8" X 30" BRONZE PIN w/CAP
- SET 1/2" X 24" BRONZE PIN w/CAP
- W.C. WITNESS CORNER
- W.A. WITNESS ADJACENT
- CALCULATED POINT, NOT SET

2008001720

RECORDED

169 JAN 10 AM 8 15  
WILLIAM H. HURST  
CANYON CITY SURVEYOR  
BY: *[Signature]*

- ### NOTES
1. ANY REQUIREMENTS OF THIS PLAT SHALL COMPLY WITH THE APPLICABLE ZONING REGULATIONS IN EFFECT AT THE TIME OF RECORRING.
  2. BUILDING SETBACKS SHALL COMPLY TO THE APPLICABLE ZONING REGULATIONS OF THE CITY OF NANPA.
  3. IRRIGATION WATER HAS BEEN PROVIDED FROM THE CITY OF NANPA IN COMPLIANCE WITH IRRIGATION CODE 3-30000.1. LOTS WITHIN THE SUBDIVISION WILL BE ENTITLED TO IRRIGATION WATER RIGHTS, AND WILL BE CALCULATED PER AMENDMENTS FOR THE CITY OF NANPA.
  4. LOT 1, BLOCK 1, & LOT 1, BLOCK 2, ARE CHANGED LOTS DESIGNATED AS LANDSCAPE UTILITY, DRAINAGE AND IRRIGATION EASEMENTS AND WILL BE OWNED AND MAINTAINED BY THE CRYSTAL COVE HOMEOWNERS ASSOCIATION.
  5. NO LOT SHALL TAKE DIRECT ACCESS FROM WEST LOCUST LANE OR WEST BLAKE LANE.
  6. A PUBLIC UTILITY, DRAINAGE, IRRIGATION AND LIGHTING EASEMENT IS 60 FEET IN WIDTH IS HEREBY DESIGNATED ADJACENT TO ALL PUBLIC STREETS.
  7. UTILITY, DRAINAGE AND IRRIGATION EASEMENTS OF NEAR LOT LINES AND ADJACENT TO STREETS 5'. SEE LOT LINES UNDER OTHERS SYMBOL OF ADJACENT TO SUBDIVISION BOUNDARY UNLESS OTHERWISE SHOWN.
  8. FOR ADDITIONAL, PRELIMINARY INFORMATION, SEE RECORD OF SURVEY FILED FOR RECORD IN THE OFFICE OF THE CANYON COUNTY REGISTERED MEASURER INSTANTANT VOL. 2008001720.



### CURVE TABLE

CHORD	ANGLE	ARC LENGTH	AREA
10	10	10.4719755	0.4719755
20	20	20.9439510	1.8879020
30	30	31.4159265	4.2879020
40	40	41.8879020	7.6879020
50	50	52.3598775	12.0879020
60	60	62.8318530	17.4879020
70	70	73.3038285	23.8879020
80	80	83.7758040	31.2879020
90	90	94.2477795	39.6879020
100	100	104.7197550	49.0879020
110	110	115.1917305	59.4879020
120	120	125.6637060	70.8879020
130	130	136.1356815	83.2879020
140	140	146.6076570	96.6879020
150	150	157.0796325	111.0879020
160	160	167.5516080	127.4879020
170	170	178.0235835	145.8879020
180	180	188.4955590	166.2879020
190	190	198.9675345	188.6879020
200	200	209.4395100	213.0879020
210	210	219.9114855	239.4879020
220	220	230.3834610	267.8879020
230	230	240.8554365	298.2879020
240	240	251.3274120	330.6879020
250	250	261.7993875	365.0879020
260	260	272.2713630	401.4879020
270	270	282.7433385	439.8879020
280	280	293.2153140	480.2879020
290	290	303.6872895	522.6879020
300	300	314.1592650	567.0879020

**EASEMENT VACATION EXHIBIT**  
 LYING IN LOTS 1 AND 2, BLOCK 3,  
 PLAT OF CRYSTAL COVE SUBDIVISION,  
 CITY OF NAMPA,  
 CANYON COUNTY, IDAHO

POB POINT OF BEGINNING  
 POT POINT OF TERMINUS

SOUTH RAINTREE DR.  
 (56' WIDE)

N00°09'01"E 153.88'

119.90'

S68°42'19"E  
 116.22'

CENTERLINE OF  
 THACKER LATERAL  
 EASEMENT (R1)

PUBLIC UTILITY, DRAINAGE,  
 AND IRRIGATION EASEMENT  
 (TO BE RETAINED)

1

PUBLIC UTILITY, DRAINAGE,  
 AND IRRIGATION EASEMENT  
 TO BE VACATED

WC

25.00'

26.79'

33.98'

10.00'

93.39'

5.00'

5.00'

POT

N89°50'59"W 108.39'

POB

S00°09'01"W 164.97'

3

BLOCK 3

2

PUBLIC UTILITY, DRAINAGE,  
 AND IRRIGATION EASEMENT  
 (TO BE RETAINED)

5.00'

5.00'

86.99'

R=47.50' AL=70.47'  
 D=085°00'01"

N84°51'00"W  
 65.28'

SOUTH DRACO COURT  
 (56' WIDE)



30 15 0 30 60  
 SCALE: 1"=30'

FOX LAND SURVEYS INC.  
 (208) 342-7957



**APPLICATION FOR VACATION OF EASEMENT, PUBLIC RIGHT-OF-WAY OR PLAT**

City of Nampa, Idaho

5/16/16  
Norm

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$505.00

Name of Applicant/Representative: Mathew Phillips Phone: 503-409-0468

Address: 8111 Waterside Ave City: Nampa State: ID Zip Code: 83687

Applicant's interest in property: (circle one) Own Rent Other \_\_\_\_\_

Owner Name: Danny Jackson (R) Phone: 208-546-2114

Address: 16433 N Midland Blvd #302 City: Nampa State: ID Zip Code: 83687

Address of subject property: 4020 S Raintree Drive / 4102 Draco Court / Nampa, ID

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

**Subject Property Information**

Please provide the following REQUIRED DOCUMENTATION to complete the vacation:

- Original Legal description of property AND a legible WORD formatted document. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.
- Or Subdivision Crystal Cove Lot 142 Block 3 Book \_\_\_\_\_ Page \_\_\_\_\_
- List of names, addresses AND written consent of the owners and contract purchasers of all the property adjoining the vacated portion.
- Sketch drawing of the portion proposed to be vacated.

**Project Description**

State (or attach a letter stating) the reason you desire the easement, public right-of-way, plat or part thereof to be vacated:

Property (s) are squandered - need to build residential building/ house. Construction to keep from encroaching on easements. Will remove lot line to combine both lots.

Dated this 25<sup>th</sup> day of March, 20 16

Danny B. Jackson  
Applicant Signature

**NOTICE TO APPLICANT**

This application will be referred to the Nampa City Council. If the Council desires it may refer the application to the Planning Commission for its recommendation. If the application is recommended for approval the City Council shall hold a public hearing.

Written notice of the public hearing shall be sent to all property owners within 300 feet of the boundaries of the proposed vacation by certified mail with return receipt, at least 10 days prior to the date of the public hearing. Notice shall also be published once a week for 2 successive weeks in the Idaho Press-Tribune, with the last publication at least 7 days prior to the hearing. You will be given notice of the public hearings and should be present to answer any questions.

<b>For Office Use Only:</b>	
File Number: VAC <u>2188</u> - 20 <u>16</u>	Project Name: <u>4020 S Raintree Dr. + 4102 Draco Ct Easement Vacation</u>

# Memorandum

**To:** Mayor and City Council

**Cc:** Planning and Zoning

**Cc:** Daniel Badger, P. E., Staff Engineer

**Cc:** Michael Fuss, P. E., Nampa City Public Works Director

**From:** Jim Brooks – Engineering Division

**Date:** May 3, 2016

**Rev:**

**Re:** Vacation of the two 5-foot drainage easements common to the lot line between lots 1 & 2, block 3 of Crystal Cove Subdivision.

**Applicant:** Mathew Phillips on behalf of Danny Nelson

**Applicant Address:** 8111 Waterside Avenue, Nampa, ID. 83687

**Property Addresses:** 4020 So. Raintree Dr. & 4102 Draco Crt.

**VAC2188-16 for the May 16, 2016 City Council Meeting**

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Owner is desirous to vacate two 5-foot drainage easements common to the lot line between lots 1 & 2, Block 3 Crystal Cove Subdivision in order to construct a new residence upon the lots without encroaching into said easements.

The Engineering Division has no concerns with recommending granting this vacation with the following conditions:

- Owner provides City with a copy of the recorded record of survey/lot line adjustment. To be attached to the building permit application.
- Building permit not be issued until the easement vacation is approved by Council.

## Norm Holm

---

**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Tuesday, May 03, 2016 7:35 AM  
**To:** Norm Holm  
**Subject:** VAC 2188-16

Good Morning Norman,

The Nampa Highway District #1 has no objection to the vacation of the 93.39 feet of the 5' easements on the north and south side of the property line between 4020 South Raintree Dr. and 4102 Draco Court as it is not within the Highway District's jurisdiction.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 Highway 45. • Nampa, Id 83686  
TEL 208.467.6576 • FAX 208.467.9916

*This message may contain confidential and/or privileged information. If you are not the addressee or authorized to receive this for the addressee, you must not use, copy, disclose, or take any action based on this message or any information herein. If you have received this message in error, please advise the sender immediately by reply e-mail and delete this message. Thank you for your cooperation*



April 29, 2016

City of Nampa Planning & Zoning  
411 3<sup>rd</sup> St South  
Nampa, ID 83651

RE: 2188-16

To whom it may concern:

Intermountain Gas Company has received the request to vacate "Ninety three point three nine (93.39) feet of the five (5) foot easements on each side of the lot line between 4020 S Raintree Dr and 4102 Draco Court (Lots 1 & 2, Block 3 of Crystal Cove Subdivision), Nampa, Canyon County. After review, Intermountain Gas finds the vacation request acceptable if the utility easement "Ten (10) feet in width adjacent to all public streets" is retained for our existing utilities.

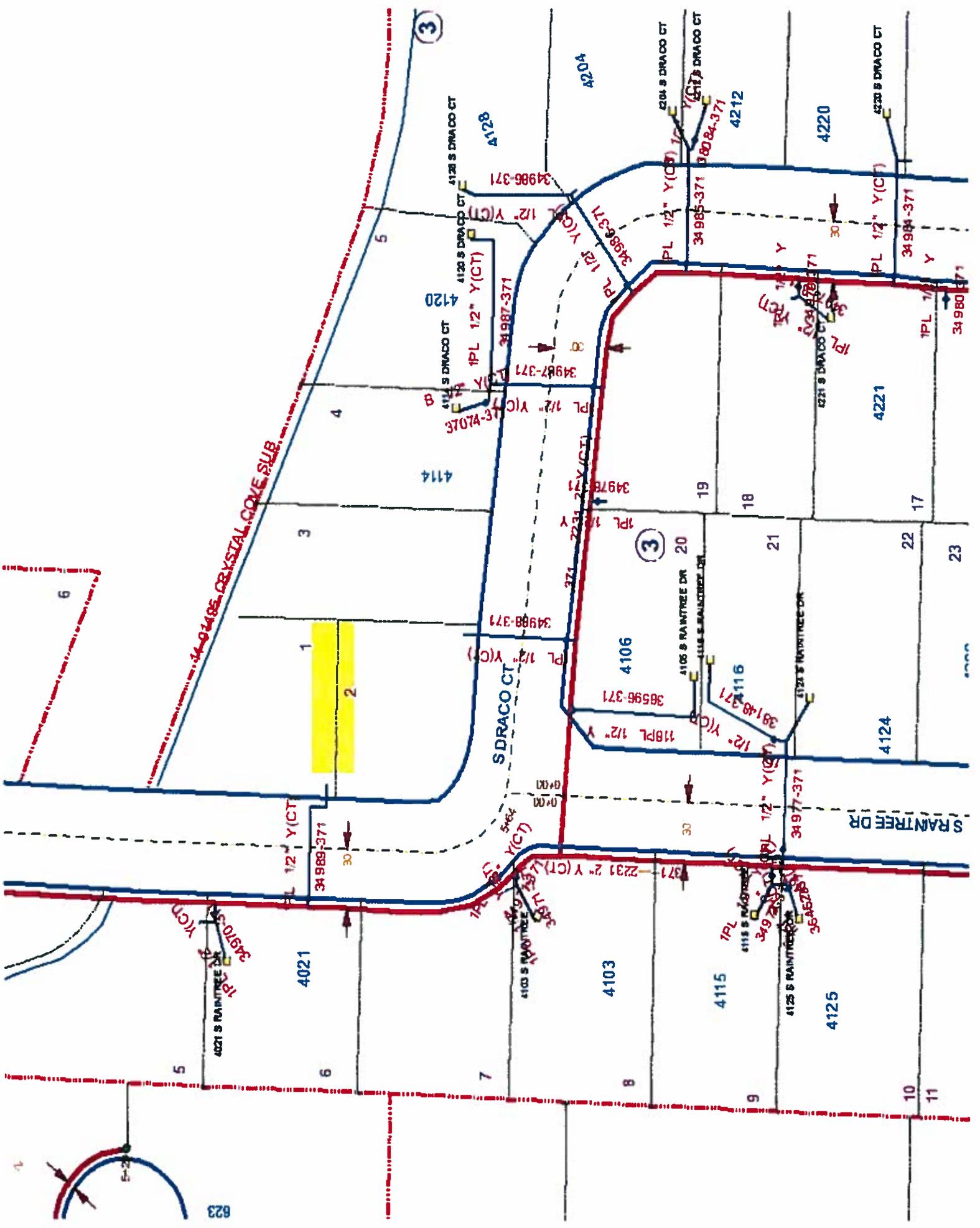
Enclosed is a drawing of the gas facility in the area, if there any questions please call Ben Melody at 208/468-6721. Thank you for your time and consideration in this matter.

Sincerely,  
Intermountain Gas Company

Greg Watkins  
Operations Manager

GW/jm

Enclosure



823





May 5, 2016

City of Nampa  
Office of the Planning Director  
433 3<sup>rd</sup> Street South  
Nampa, Idaho 83651

Re: The petition for vacation of a portion of the Public Utility Easement located between Lots 1 and 2, Crystal Cove Subdivision, City of Nampa, Canyon County, Idaho.

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To Whom it May Concern:

Idaho Power has reviewed the packet of information for the above-referenced item as provided by property owner Danny Nelson, and submits this letter of comment in response.

Our records and a physical inventory indicate that Idaho Power Company does need to maintain facilities within the general area and does require that the existing rights be partially maintained as defined below. IPC's approval is conditional:

1. IPC is able to approve the vacation within the area depicted on Exhibit A attached hereto.
2. IPC requires the 10' wide frontage easement and the 5' side ROW to be maintained.

Please consider this comment letter a written request for a copy of the recorded resolution of the City of Nampa's determination on this matter, and any other instrument that would pertain to a conveyance of the subject property, should the City of Nampa approve the requested vacation.

Idaho Power Company thanks you for providing the opportunity to comment on the vacation petition/application.

Thank you,

A handwritten signature in blue ink that reads "Mary K. Alandt".

Mary K. Alandt  
Associate Real Estate Specialist  
Land Management and Permitting Department  
Phone: (208) 388-2699  
Email: malandt@idahopower.com

EXHIBIT A



1515 S. Shoshone St., Boise, ID 83705  
Office (208)342-7957 Fax (208)342-7437

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**EASEMENT DESCRIPTION**

A 10.00-foot wide strip of land, lying in Lots 1 & 2, Block 3, Crystal Cove Subdivision, as recorded in Book 40 of plats, at Page 48, Canyon County Records, located in the E 1/2 of the NE 1/4 of the NW 1/4 of Section 9, Township 2 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County, Idaho, and more particularly described as follows:

**COMMENCING** at a found 1/2-inch rebar at the southeasterly corner of Lot 2, being also the northerly right-of-way of South Draco Court, thence N00°09'01"E, 86.99 feet to the easterly corner common to Lots 1 & 2;

Thence along said common line, N89°50'59"W, 5.00 feet to the **POINT OF BEGINNING**;

Thence being 5.00 feet left and right of the following described line:

Continuing along said common line, N89°50'59"W, 93.39 feet to the **POINT OF TERMINUS**.

**EXCEPTING:** That portion of the public utility easement being 10 feet wide and adjacent to South Raintree Drive.

*Any modification of this description shall render it void.*

End of description



**RON PLATT**  
CHAIRMAN OF THE BOARD

**RICHARD MURGOITTO**  
VICE CHAIRMAN OF THE BOARD

**TIMOTHY M. PAGE**  
PROJECT MANAGER

**ROBERT D. CARTER**  
ASSISTANT PROJECT MANAGER

**APRYL GARDNER**  
SECRETARY-TREASURER

**JERRI FLOYD**  
ASSISTANT SECRETARY-  
TREASURER

## BOISE PROJECT BOARD OF CONTROL.

(FORMERLY BOISE U.S. RECLAMATION PROJECT)

2485 OVERLAND ROAD  
BOISE, IDAHO 83705-3103

OPERATING AGENCY FOR 167,000  
ACRES FOR THE FOLLOWING  
IRRIGATION DISTRICTS

NAMPA-MERIDIAN DISTRICT  
BOISE-KUNA DISTRICT  
WILDER DISTRICT  
NEW YORK DISTRICT  
BIG BEND DISTRICT

TEL: (208) 344-1141  
FAX: (208) 344-1437

10 May 2016

Nampa, City of  
Planning & Zoning Dept.  
411 3<sup>rd</sup> St. S.  
Nampa, ID. 83651

RE: Matthew Phillips- Vacation of Easement      Project: VAC 2188-16  
4020 South Raintree Drive  
Boise-Kuna Irrigation District  
Thacker Lateral 81+70  
Sec. 9, T2N, R2W, BM.

Norman L. Holm:

The United States' Thacker Lateral lies within the boundary of the above-mentioned location. The easement for this lateral is held in the name of the United States through the Bureau of Reclamation under the authority of the Act of August 30, 1890. (26 Stat. 391; 43 U.S.C. 945)

The Boise Project Board of Control is contracted to operate and maintain this lateral. We assert this federal easement 25 feet north and 25 feet south of the lateral's centerline. Whereas this area is for the operation and maintenance of our facility, no activity should hinder our ability to do so.

Fencing (as may be required) must be constructed just off the canal easement, to insure public safety and prevent encroachments.

Utilities, which plan to cross irrigation facilities in order to service this development, must do so only in accordance with the master policies now held between the Bureau of Reclamation and each utility. In any case no work shall take place within the easement before the proper crossing agreements have been secured through both the Bureau of Reclamation and the Boise Project Board of Control.

Storm Drainage must be retained on site.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,



Bob Carter  
Assistant Project Manager, BPBC

bdc,bc

cc: Ray Moore            Watermaster, Div; 3 BPBC  
    Lauren Boehlke      Secretary – Treasurer, BKID  
    File



# Nampa City Council

## May 16, 2016

### Staff Report – Public Hearing # 6

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**To:** Mayor and City Council  
**File Number:** CMP 2155-16

**Prepared By:** Karla Nelson, Community Planner  
**Date:** May 9, 2016

**Subject:** Nampa Area of City Impact Boundary Expansion

**Proposed Action:** City Council decision regarding Nampa's proposed Area of City Impact boundary expansions and swap areas

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#### **HISTORY**

The City of Nampa and Canyon County originally agreed upon an Area of City Impact and governing ordinance in 1979. At that time the boundary was based on state standards of a rough one-mile zone around city limits. The map boundary was adjusted in 1995, 2000 and most recently in 2005.

The proposed expansion areas identified as Area 5 and 6 on the attached map have been contemplated for several years. The City of Nampa and Caldwell began to negotiate an appropriate division of the open land between the cities in 2005. Both Nampa and Caldwell City Councils subsequently accepted the division as shown and held initial public hearings in 2008 and 2009. While the cities of Nampa and Caldwell approved the proposed changes, the expansion request never completed the full public hearing process and consequently was not adopted.

Starting in the summer of 2015 staff from the Cities of Nampa and Caldwell along with Canyon County met to reconfirm the boundary expansion areas. During these meetings several areas were identified in the existing Area of Impact boundary that either split parcels or could be better served by the opposite city. Nampa and Caldwell City Councils and Canyon County Board of Commissioners all voted to proceed with the public hearing process for the expansion and swap areas identified in the attached map.

#### **Area of City Impact Definition**

The Area of City Impact is designed to address planning concerns associated with growth on the fringes of incorporated cities.

It is important that Nampa plans for growth outside of its current corporate boundaries. The aim of the Area of City Impact is to avoid difficulties that can result from lack of coordination and resulting inappropriate development in areas that in the future may become part of Nampa.

Nampa's current proposal is to update its Area of Impact boundary at locations around the community where growth is likely and where future public utilities can efficiently provide service.

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## **APPLICABLE REGULATION**

Idaho State legislators mandated that cities and counties create Areas of City Impact in 1975 as a planning tool to help provide for orderly growth on the urban fringe. Area of City Impact regulations are outlined in Idaho Statute 67-6526. The Area of City Impact is established by negotiations between city and county officials. These negotiations result in two ordinances, one establishing the area of city impact map and one setting forth the comprehensive plan, zoning and subdivision regulations that will apply to the area and is referred to as the agreement ordinance. The current proposal before City Council is to amend the map boundary ordinance.

### **Map Boundary Ordinance**

Cities and counties are to adopt by ordinance, a map, identifying an Area of City Impact within the unincorporated area of the county. Boundaries are to be defined through consideration of various factors, including trade areas, geographic factors; and areas that can reasonably be expected to become a part of the city in the future.

Trade considerations include residents' patterns of shopping, employment, schools attendance and use of transportation facilities.

Geographic factors might include topographic features like hills, roads, waterways, soil suitability, and existing and future land use considerations.

Reasonable expectation for future annexation includes areas where the city can provide urban services within a reasonable time (these include services such as police, fire, water, sewer, parks, and road maintenance, etc.).

### **Agreement Ordinance**

Once an Impact Area boundary is agreed upon, the city and county are required by law to apply to the Impact Area either the city comprehensive plan and zoning ordinances, or the county comprehensive plan and zoning ordinances or a combination of the two. The authority to make planning and zoning and other decisions may rest with either jurisdiction or both.

The agreement ordinance between Nampa and Canyon County currently set forth in Ordinance # 05-014 is not proposed to change at this time.

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## **PROPOSED BOUNDARY AMENDMENTS**

The Nampa Area of City Impact boundary expansion areas to be considered include:

**AREA 5 (Described as Area 6 in Nampa Planning and Zoning Public Hearing)**

The City of Nampa and Canyon County Planning and Zoning Commissions recommend removal of Area 5 from the proposed Area of City Impact expansion. The comprehensive plan designates Area 5 as agricultural and consequently population density increases are not envisioned.

Agricultural land uses that are not facing development pressure have minimal impact on the city. In addition, residents of Area 5 expressed strong opposition to being included in the Area of City Impact.

There are a number of reasons why Area 5 was initially included in the proposed expansion. The current city boundary touches Area 5 in three locations. As a result, if there is future development pressure, Area 5 property owners will turn to the city of Nampa for development entitlements and services. The area was planned for in the 2035 comprehensive plan and various city master plans. In addition, 6 parcels in Area 5 are partially in the City of Nampa Area of Impact which could create future confusion for property owners and local government entities. Despite valid reasons for inclusion, planning staff supports the Planning and Zoning Commission's recommendation with the expectation that Area 5 will remain agricultural.

**BEGINNING** at the intersection of Karcher Road and Midway Road thence heading south to West Greenhurst Road;  
Thence west along the northerly boundary of the Deer Flat National Wildlife Refuge, to a point;  
Thence north along the boundary of said Refuge to Iowa Avenue;  
Thence westerly along the boundary of said Refuge to a point;  
Thence continuing along the boundary of said Refuge in a northwesterly direction to Lake Avenue;  
Thence north on Lake Avenue to Roosevelt Avenue;  
Thence west on Roosevelt Avenue and following the northerly boundary of said Refuge, to a point approximately ¼ mile west of South Indiana Avenue;  
Thence north along the boundary of said Refuge to the westerly projected alignment of Lone Star Road;  
Thence east to Lake Avenue;  
Thence north to Orchard Avenue;  
Thence east to the intersection of Orchard Avenue and the Upper Embankment Drain;  
Thence northerly along the Upper Embankment Drain to the southeast corner of Canyon View Estates;  
Thence east to the Stone Lateral;  
Thence northerly along the Stone Lateral to Karcher Road;  
Thence east along Karcher Road to the **POINT OF BEGINNING**.  
Containing 3.62 square miles more or less.

**AREA 6 (described as Area 5 in Nampa Planning and Zoning Public Hearing)**

Proposed expansion Area 6 has been considered for many years. The boundary was negotiated with Canyon County starting in 2005. In some locations annexation has already occurred. Nampa Planning and Zoning Commission and Canyon County Planning and Zoning Commission both recommend that the portion of Area 6 south of Roosevelt Avenue be removed from the Area of Impact expansion. Similar to Area 5, Area 6 south of Roosevelt Avenue has an agricultural future land use designation and residents have expressed a strong opposition to being included in the Area of Impact.

**BEGINNING** at the intersection of Greenhurst Road and South Middleton Road thence heading south along South Middleton Road to the Thacker Lateral;  
Thence in a southeast direction along the Thacker Lateral to South Midland Boulevard;  
Thence south along South Midland Boulevard to the intersection of West Locust Lane;  
Thence in a southeast direction to a point where Tio Lane and the projected alignment of Ruth Lane intersect;  
Thence east approximately ½ mile to a point on the projected alignment of South Canyon Street;  
Thence south to the northeast corner of the Deer Flat National Wildlife Refuge;  
Thence meandering in a northwesterly direction along the northerly boundary of said Refuge to Coyote Cove Road;  
Thence north along Coyote Cove Road to Greenhurst Road;  
Thence east along Greenhurst Road to the **POINT OF BEGINNING**.  
Containing 1.24 square miles more or less.

The City of Nampa Planning and Zoning Commission and Canyon County Planning and Zoning Commission recommend approval of all proposed swap areas. The **Nampa Area of City Impact** swap locations for consideration include:

**AREA 1**

Area 1 is proposed to swap from Caldwell's Area of City Impact to Nampa's Area of City Impact. The current boundary splits a parcel. The parcel is in Nampa's industrial Urban Renewal area.

Northern part of Parcel R3436100000 addressed 9792 Ustick Road.  
Containing 36 acres more or less.

**AREA 2A**

Area 2A is proposed to swap from Caldwell's Area of City Impact to Nampa's Area of City Impact. The existing boundary splits parcels and places some of Nampa's Urban Renewal Area in Caldwell's Impact Area.

**BEGINNING** at the intersection of Middleton Road and Laster Lane thence heading south along Middleton Road to Interstate 84;  
Thence northwest along I84 Right of Way to the southwest corner of Parcel R3088401000;  
Thence north and east along the boundary of Parcel R3088401000 to the **POINT OF BEGINNING**.  
Containing 26 acres more or less.

**AREA 2B**

Area 2B is proposed to swap from Nampa's Area of City Impact to Caldwell's Area of City Impact. The existing boundary splits parcels.

**(BEGINNING** at the intersection of I84 and N. Middleton Road thence heading south along N. Middleton Road to the intersection N. Middleton Road and Chacartegui Lane;  
Thence west along the southern boundary of parcel R3089000000;  
Thence continuing west along the southern boundary of parcel R2034400000;

Thence northwest along the southwest boundary of parcels R2034400000 and R2034300000 to Hoffman Lane;  
Thence north along Hoffman Lane to the northern boundary of railroad Right of Way;  
Thence in a northeast direction to the northern boundary of I84 right of way;  
Thence east to the **POINT OF BEGINNING**.  
Containing 64 acres more or less.

### **AREA 3**

Area 3 is proposed to swap from Nampa's Area of City Impact to Caldwell's. The area can be served by Caldwell and helps to balance acreage between the cities.

Parcel R30970000 located at the southeast corner of Midway Road and E. Homedale Road.  
Containing 39 acres more or less.

### **AREA 4**

Area 4 is proposed to swap from Caldwell's Area of City Impact to Nampa's Area of City Impact. The area has already been annexed into the city of Nampa. This action will correct the Area of Impact map.

Parcels R3279600000, R3279701000, R3279700000 on the southwest corner of Karcher Road and Midway Road.  
Containing 33.5 acres more or less.

**(See Map for Reference)**

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## **FINDINGS:**

The national housing boom and in-migration that began in the late 1990s and continued through 2006 had a dramatic effect on Nampa. In 2005 the Area of Impact boundary was extended to deal with this growth. In 2008 the housing market slowed substantially. Despite slower growth, city boundaries have still expanded to reach the Impact Area boundary in several locations. Since 2005, when the Area of Impact was last adjusted, city population increased 19% from 72,211 to 89,210 in 2015. The proposed Impact Area expansions will allow Nampa to thoroughly plan for areas that reasonably can be expected to become part of the city in the future.

The proposed impact area expansion has concerned some property owners who do not want to be annexed. Several factors should help to alleviate these concerns. First, it remains city of Nampa policy to not use forced annexation. It is assumed that the Area of City Impact will eventually become city however the timeframe is not specified in Idaho code. There are properties that were brought into Nampa's Area of Impact in 1995 that are still far from city boundaries. Annexation occurs through property owner request or a need for city services. There are separate state laws that govern annexation and annexation can occur regardless of a properties inclusion in the Area of City Impact. Furthermore, properties can only annex if they are directly adjacent to the city boundary.

The impact area does not affect property taxation or current services. The impact area does provide property owners reassurance that utilities and other city services will likely be accessible to them in the future.

State planning law requires that three factors be considered when defining an impact area. Nampa has considered each factor.

#### Trade considerations

Residents living within the proposed impact area expansion come into Nampa to shop, attend school, receive medical care, work and to conduct business.

#### Geographic factors

Geography of the proposed expansion area has played a major role in determining the appropriate boundary. Nampa has conducted extensive analysis of the area through the Sewer Master Plan, Water and Irrigation Master Plan, Transportation Plan, and a Demographic Forecast and Land Use Analysis. Each study has indicated Nampa as the most suitable service provider for this area.

#### Development potential

The population and job forecast for the expansion areas is detailed in a memo from COMPASS dated March 8, 2016. The 2015 household estimate is 240 and is expected to be 1,375 by 2040. Jobs are also expected to increase dramatically from 258 to 1,795. Over the same time, total population for the existing impact area is expected to increase from 104,990 today to 160,886 in 2040.

Forecasted population growth will increase density in the expansion areas. Utilities will be needed and private development will continue to seek annexation in order to obtain those services. No other municipality will likely be able to provide the services demanded by population growth. It is reasonable to conclude that the expansion area will be a part of Nampa in the future.

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## **DECISION**

Nampa City Council should decide whether to approve the proposed expansion and swap areas as recommended by Nampa Planning and Zoning Commission. If the City Council decision is substantially different than the Planning and Zoning Commission recommendation then the matter will need to go back to the Planning and Zoning Commission. The changes will be final after they are approved by the Canyon County Board of Commissioners.

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## **ATTACHMENTS**

- Impact Area Expansion and Swap Area Map
- COMPASS Jobs and Population Forecast Memo
- Area of City Impact Hearing Minutes - March 22, 2016





## Working together to plan for the future

March 8, 2016

Norm Holm, Director  
Nampa Planning & Zoning Department  
411 3rd Street South  
Nampa, ID 83651

**Re: Nampa Area of City Impact (CMP 2155-16)**

Dear Mr. Holm,

The Community Planning Association of Southwest Idaho (COMPASS) received transmittal of notice of public hearing for the Nampa area of city impact boundary realignment (CMP 2155-16). COMPASS evaluates proposed land use and transportation decisions for consistency with the goals of *Communities in Motion 2040*, the regional long-range transportation plan, as a member service.

One purpose of this analysis is to identify a logical urban fringe area to be developed and planned for in an orderly manner. COMPASS has enclosed the requested information about changes in current and forecasted households and employment that Nampa and Caldwell could anticipate from the proposed area of impact revision.

For clarification, the household and employment estimates are provided for 2015 and forecasted for 2040. As the information is conducted at the Traffic Analysis Zone (TAZ) level, some of the areas of proposed expansion only consume a portion of the TAZ. In the attached table, these TAZs indicate the approximate percentage of area that would be consumed in the boundary revision. For these TAZs, Nampa may choose to use a portion of the estimate and forecast to predict a more refined change. The map also includes a table of the same demographics for the three TAZs being transferred to Caldwell.

If you have any questions or would like additional information or analysis, please contact Carl Miller at [cmiller@compassidaho.org](mailto:cmiller@compassidaho.org) or (208) 475-2239.

Sincerely,

A handwritten signature in black ink, appearing to read "S Minshall".

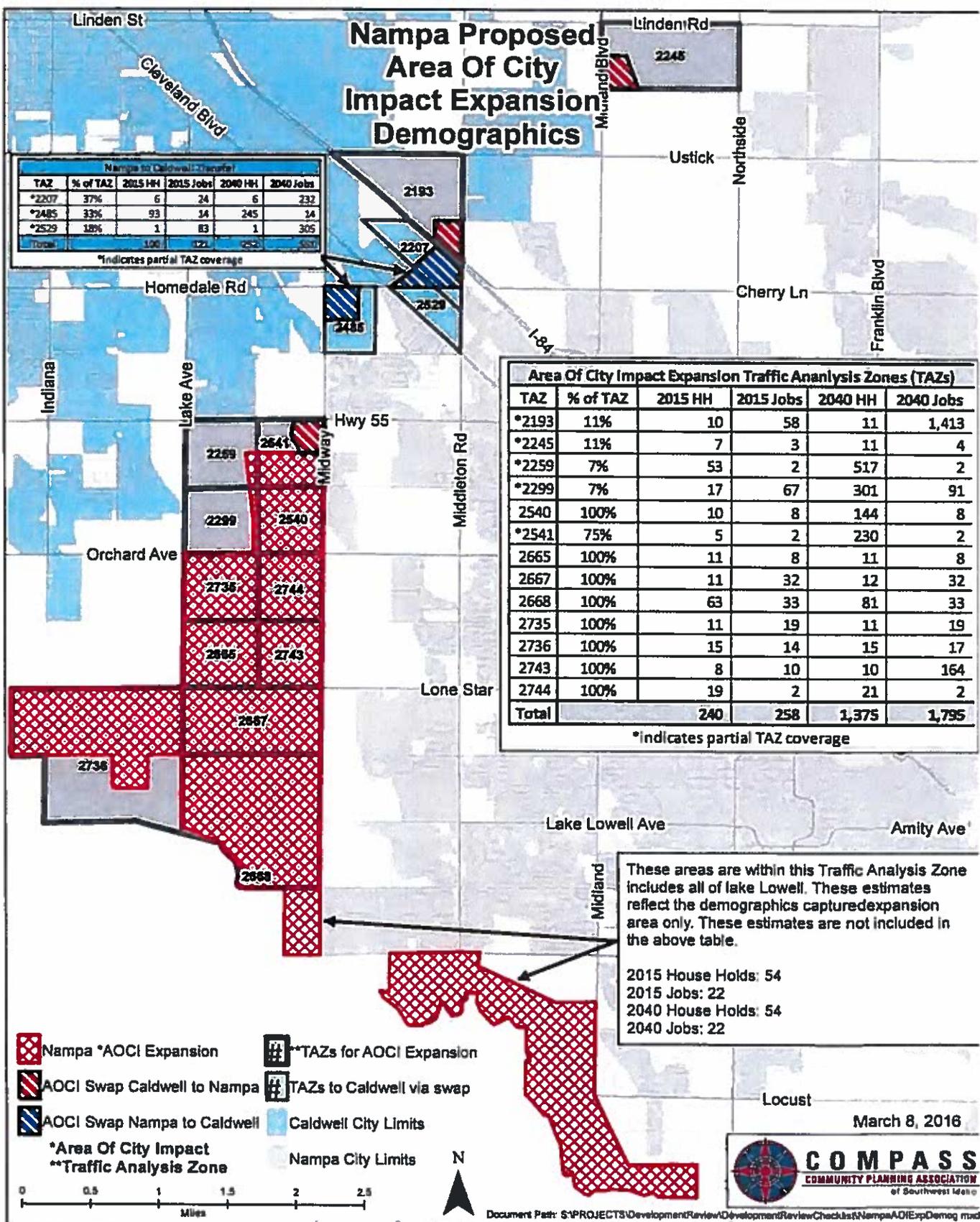
Sabrina C. Minshall, AICP  
Director of Planning

Enclosure: Nampa Proposed Area of City Impact Expansion Demographics

pc: Brian Billingsley, City of Caldwell  
Tricia Nilsson, Canyon County Development Services  
Jeff Barnes, City of Nampa  
Clair Bowman, City of Nampa

CM:nb T:\FY16\600 Projects\620 Demographics and Growth Monitoring\Development Monitoring\Development Tracking\Developments\Nampa AOI Exp\Nampa AOI letter.docx

# Nampa Proposed Area Of City Impact Expansion Demographics



**Nampa to Caldwell TAZs**

TAZ	% of TAZ	2015 HH	2015 Jobs	2040 HH	2040 Jobs
*2207	37%	6	24	6	232
*2485	33%	93	14	245	14
*2529	18%	1	83	1	305
<b>Total</b>	<b>100</b>	<b>100</b>	<b>111</b>	<b>252</b>	<b>351</b>

\*Indicates partial TAZ coverage

**Area Of City Impact Expansion Traffic Analysis Zones (TAZs)**

TAZ	% of TAZ	2015 HH	2015 Jobs	2040 HH	2040 Jobs
*2193	11%	10	58	11	1,413
*2245	11%	7	3	11	4
*2259	7%	53	2	517	2
*2299	7%	17	67	301	91
2540	100%	10	8	144	8
*2541	75%	5	2	230	2
2665	100%	11	8	11	8
2667	100%	11	32	12	32
2668	100%	63	33	81	33
2735	100%	11	19	11	19
2736	100%	15	14	15	17
2743	100%	8	10	10	164
2744	100%	19	2	21	2
<b>Total</b>		<b>240</b>	<b>258</b>	<b>1,375</b>	<b>1,795</b>

\*Indicates partial TAZ coverage

These areas are within this Traffic Analysis Zone includes all of lake Lowell. These estimates reflect the demographics captured expansion area only. These estimates are not included in the above table.

2015 House Holds: 54  
 2015 Jobs: 22  
 2040 House Holds: 54  
 2040 Jobs: 22

- Nampa \*AOCI Expansion
  - AOCI Swap Caldwell to Nampa
  - AOCI Swap Nampa to Caldwell
  - \*\*TAZs for AOCI Expansion
  - TAZs to Caldwell via swap
  - Caldwell City Limits
  - Nampa City Limits
- \*Area Of City Impact  
 \*\*Traffic Analysis Zone



March 8, 2016

Document Path: S:\PROJECTS\Development\Review\Checklist\NampaAOCIExpDemog.mxd

**NAMPA PLANNING & ZONING COMMISSION  
MINUTES OF AREA CITY IMPACT HEARING  
Tuesday, March 22, 2016, 7:00 P.M.**

Extending the boundary of the current Area of City Impact for the City of Nampa, Idaho. In order to create a more logical boundary. The Commission will also consider swapping part of the current Area of City Impact boundary with the City of Caldwell.

- a) **The Nampa Area of City Impact swap areas as follows: Area 1** from Caldwell to Nampa for the northern part of the parcel addressed as 9792 Ustick Road containing 36 acres more or less, **Area 2A** from Caldwell to Nampa at the intersection of Middleton Rd and Laster Lane containing 26 acres more or less, **Area 2B** from Nampa to Caldwell at the intersection of I-84 and N Middleton Rd, containing 64 acres more or less, **Area 3** from Nampa to Caldwell at the southeast corner of Midway Road and E Homedale Rd containing 39 acres more or less, and, **Area 4** located at the southwest corner of Karcher Rd and Midway Rd, containing 33.5 acres more or less.
- b) **The Nampa Area of City Impact boundary extension areas as follows: Area 5** on the west containing 3.62 square miles more or less; and, **Area 6** on the south containing 1.24 square miles more or less.

Acting Chairman Rodriguez proceeded to public hearing.

**Nampa Community Planner Nelson:**

- Nelson stated the City of Nampa was proposing changes to the Nampa Area of Impact.
- Nelson explained the proposed Area of Impact changes would not force any properties to annex into the City.
- Nelson advised it was not the policy of the city of Nampa to forcibly annex properties.
- Additionally, there are State wide regulations that govern annexation, and properties over 5 acres in size could not be forcibly annexed.
- Only those properties adjacent to Nampa City boundaries could be annexed, noted Nelson.
- Nelson stated the proposed Area of Impact changes would make no change to property taxes.
- The Nampa Area of Impact would not change the current zoning or current services, continued Nelson.
- Canyon County, added Nelson, would still have jurisdiction over the Area of Impact.
- According to Nelson, the proposed changes recognized areas that were likely to experience development pressure.
- Areas of Impact, reported Nelson, were long range planning tools and Areas of City Impact were part of the Planning Act and were meant to address rapid urban development on the fringes of cities.
- Nelson noted that growth and development near City boundaries did impact cities. These lands are likely to become part of the City in the future just by their proximity and if they are developed it is important they are developed to standards compatible with Nampa, particularly true for subdivisions.
- According to Nelson, there may become a time when septic systems fail and the urban fringe subdivisions will want to become part of Nampa. At that time the process would work better for everyone if the subdivisions follow Nampa's current subdivision standards when new subdivisions develop.
- The Area of Impact, reported Nelson, allows the City to plan for growth and services that will be needed in the future and to coordinate how those services will be provided. When development occurs on these lands, the Area of Impact makes it clear which rules apply and what is expected.
- The City of Nampa and Canyon County first agreed to an Area of Impact in 1979 and it was then adjusted in 1995, updated in 2000 and the present boundaries set in 2005, reported Nelson.
- Areas 5 and 6 on the map, continued Nelson, had been contemplated and agreed upon by Caldwell and Nampa for several years. Last summer, Nampa, Caldwell, and Canyon County staff met again to reconfirm those boundaries and discussed problem areas with the current boundary.
- Areas 1 through 4, stated Nelson, were the areas proposed for adjustments because those properties could be better served by the opposite City's Area of Impact.
- Nelson reported the Area of City Impact process is regulated and mandated by State Code, and the boundary is negotiated between the City and County officials and results in two Ordinances, the Map Boundary Ordinance, as well as an Agreement Ordinance which describes which plans and Ordinances will be used within the boundary area.
- The City, advised Nelson, was not proposing changes to the governing Ordinance at this time, although that may occur in the future. The governing Ordinance states, reported Nelson, that if a subdivision is developed within the City of Nampa Impact Area then it shall follow City of Nampa standards.

- According to Nelson, Canyon County also sends land use applications and zoning applications for comment to City of Nampa staff. The City of Nampa comments are not binding, noted Nelson, but the City does get a chance to review those applications.
- Canyon County zoning, stated Nelson, applies in the Area of Impact – and that would not change. Canyon County’s Comprehensive Plan also applies in the Area of Impact.
- Nelson indicated the proposed changes to the Area of Impact on the map.
- Nelson stated there were 3,895 acres in all of the expansion and swap areas.
- Nelson noted Area 1, near Ustick Rd and Midland Rd, and added that parcel was currently split between the Caldwell and Nampa Areas of City Impact. The parcel was also included in Nampa’s Urban Renewal Area so it made sense to Caldwell and Nampa to include it totally in the Nampa Area of Impact.
- Areas 2A and 2B, near Nampa Caldwell Blvd and Homedale Rd, located within the current Areas of City Impact boundaries do not touch. Therefore, added Nelson, Area 2A would go to Nampa Area of City Impact, Area 2B to Caldwell Area of City Impact, and Area 3 on Midway Rd and Homedale Rd would go to Caldwell Area of City Impact due to the fact it currently touched the Caldwell City boundary. Area 4 had already been annexed into the City of Nampa and this would have the Area of City Impact boundary match the City limits.
- Area 5, advised Nelson, was an expansion area discussed with the City of Caldwell, starting in 2005.
- Nelson stated it was important that property owners should know which jurisdiction they should go to when they want to develop or tie into a City service.
- Nelson emphasized it was important for Nampa and Caldwell to determine where the Area of Impact line will be in the future.
- According to Nelson, Area 5 had been included in the Nampa Comprehensive Plan and several Master Plans and the City of Nampa can serve the area in the future with water and sewer – and some of that area has already been annexed.
- Area 6, stated Nelson, had also been considered for several years and was included in the City’s Comprehensive Plan and designated as Agricultural – but it does touch City boundaries in a few locations so development pressure could occur.
- Nelson noted there had been a few inquiries and concerns about the Impact Area expansion – and those were primarily from Impact Area 6.
- Nelson noted a letter had been received from Alan Mills, dated March 17, 2016, representative for Tim Rambo, opposed to inclusion in the Nampa Area of Impact No. 6. If Area 6 was approved for inclusion in the Nampa Area of Impact, there would be no change, to Mr Rambo’s zoning, or any other zoning.
- Canyon County zoning, emphasized Nelson, would still apply.
- The Area of Impact will not affect taxation, reiterated Nelson.
- Property owners would only be affected if they wish to develop their land, noted Nelson, and the City Subdivision Ordinance would apply to subdivision development, and the City could comment on other land use applications.
- Nelson referred to State Code regarding the three factors determining Area of City Impact boundaries: Trade, Geography, and if those areas could reasonably be expected to become part of the City in the future.
- Regarding Trade, stated Nelson, residents of the subject areas certainly come to Nampa for goods, services, and employment as it was a trade center.
- There are no geographic boundaries that would prevent the City supplying services in the future, reported Nelson.
- According to Nelson, some development pressure had already been seen, and growth forecasts do suggest there will be more development in the subject areas.
- Nelson indicated the Population Density Forecast from COMPASS, for the year 2040 for the Traffic Analysis Zones.
- Kehoe inquired if inclusion in the Nampa Area of Impact would make any difference to the Rambo Gravel Pit.
- Nelson replied it would make no difference to that business, unless in the future they chose to annex the property into the City and develop it.
- In response to a question from Myers, Nelson stated the proposed expansion of the Nampa Area of Impact would be more of a planning tool that would allow the City to know where the City boundaries could be by the year 2040, and where the services would be needed and provided, and how Nampa would develop.

**Acting Chairman Rodriguez** proceeded to public testimony.

**Randall Peterman of 3865 N Julian Way, Boise – in favor:**

- Mr Peterman stated he and his wife Linda were the owners of the parcel labeled as Area 4 and were in favor of the proposed exchange from the City of Caldwell Area of Impact to the City of Nampa Area of Impact.
- Mr Peterman stated Area 4 was located at the southwest corner of Karcher Rd and Midway Rd.
- They purchased the property, added Mr Peterman, in 2013, it had been annexed into the City of Nampa in 2008 and they relied on that fact when they purchased the property.
- Mr Peterman emphasized that no matter what the Planning and Zoning Commission recommended for the other parcels, it should be recommended to City Council to bring Area 4 in the City of Nampa Area of Impact as the property had already been annexed into the City of Nampa.

**Brian Billingsley of 621 Cleveland Blvd, Caldwell – in favor:**

- Mr Billingsley stated he was the Planning and Zoning Director for the City of Caldwell and was present at the meeting tonight to confirm the City of Caldwell was in agreement with the boundary adjustments with the City of Nampa.
- Mr Billingsley confirmed the City of Caldwell was in agreement and there should be no conflict between the two cities.
- In response to a question from **Acting Chairman Rodriguez**, Mr Billingsley noted the City of Caldwell gave up Area 4 on Karcher Rd, in 2008, and considered Karcher Rd would probably become a commercial corridor in the future.
- Mr Billingsley noted the other areas of exchange between Caldwell and Nampa and considered the proposed exchanges would be fair to both cities.
- Mr Billingsley added Area 1 would still be under Canyon County services and jurisdiction until such time as the property annexed into the City of Nampa.

**Mr John Babcock of 12497 Midway Rd, Nampa – opposed:**

- Mr Babcock stated he owned 160 acres in the vicinity of Midway Rd and Lake Lowell Ave/Iowa Ave, located within Area 5 of the proposed Area of Impact.
- Mr Babcock calculated his property comprised 4 percent of the 3980 acres involved in the proposed Area of City Impact.
- Mr Babcock stated his parents homesteaded the property he now owns back in the 1950's when they took it out of sagebrush, they farmed 50 acres of the 80, and there were still 35 acres of sagebrush.
- According to Mr Babcock, he had boy scout troops that camp on his property, and there were also deer and Canadian geese that reside and travel through there.
- In addition, stated Mr Babcock, there were two other 40 acre parcels that he owned on Lake Lowell Ave.
- Mr Babcock discussed the crops and cattle that were raised on his ranch.
- Mr Babcock stated, for the record, his property will never be subdivided. At the present time, his church was evaluating his property to determine if their future plans could use his three parcels for a welfare farm, a recreational facility for the scouts, etc, for church buildings, or a combination thereof.
- Mr Babcock added the church would have to promise him they will keep the property together and never subdivide, if not, it will go into the Conservation Trust Land Bank where it can never be subdivided.
- Mr Babcock stated the City of Nampa had some disagreeable behavior which seemed to be greed motivated – and stated the people of Carriage Hill Subdivision were charged twice as much for water because they do not use the sewer.
- Mr Babcock cited concerns with his property being in the City limits because the Assessor would be required to tax it at full market value or forcing him to raise crops to prove it was not a subdivision, or telling him he would have to have animals on the property as had been done to a neighboring property owner.
- According to Mr Babcock, he did not want City sewer or City water, City Ordinances, or curfews or noise regulations, and preferred the Canyon County Sheriff's deputies.
- Mr Babcock considered the first step of annexation should not be taken.
- **Kehoe** inquired why Mr Babcock thought all those things that Mr Babcock had just stated would happen.
- **Mr Babcock** stated that the approval of the expanded Area of Impact would be the very first step in annexation.

Marilee Shoemaker of 13136 S Midway Rd – opposed but did not wish to speak.

Larry shoemaker of 13136 S Midway Rd – opposed but did not wish to speak.

Casey McGrew of 13157 S Midway Rd – opposed but did not wish to speak.

Denise Gilmore of 13157 S Midway Rd – opposed but did into wish to speak.

Cheryl Schaffer of 13063 Midway Rd – opposed but did not wish to speak.  
Boyd Schaffer of 13063 Midway Rd – opposed but did not wish to speak.  
Shayne Perdue of 12426 Iowa Ave, - opposed but did not wish to speak.  
Brett Cope of 12359 Moss Ln – opposed but did not wish to speak.

**Dennis DeBord, 13203 Rivendale Ct, Nampa – opposed:**

- Mr DeBord stated he agreed with Mr Babcock’s comments.
- According to Mr DeBord, he built his home in 2006 on 2 acres and the difference between City and County taxes would be almost twice as much in the City.
- Additionally, when he built his home in the Canyon County, continued Mr DeBord, the Nampa Fire Chief came to the property and stated they were stopping the construction because the home required a sprinkler system, and that system cost \$8,000 to put in, plus additional time renting. Now, the Nampa Fire Department had changed their mind and stated that fire sprinkling was not required.

**Howard Henning of 1110 Coyote Cove Rd, Nampa – opposed:**

- Mr Henning stated the Notice from the City of Nampa regarding the proposed Area of Impact had brought all the property owners together.
- Mr Henning presented two signed Petitions to the Commission, as a demonstration of their opposition to the proposed Area of Impact expansion, and requested they be removed from the proposed Area of Impact.
- Both Petitions, continued Mr Henning, covered Area 6. The first Petition represented property owners on S Middleton Rd, Coyote Cove Rd and Meredith Ct – encompassing a total of 26 households, and the Petition was signed by 23 of those households.
- The second Petition, continued Mr Henning, represented property owners within the West Greenhurst Homeowners Association, with households on the south side of W Greenhurst Rd and on Nez Perce Rd, a total of 17 households, and the Petition was signed by 13 of those households.
- Mr Henning noted the total of 61 signatures on the Petitions.
- Mr Henning referred to the fact how important property rights were to the founders of the country and noted those signing the Petitions do not consent to inclusion in the Area of Impact.

**Ginette Lanto of 11152 Coyote Cove Rd, Nampa – opposed:**

- Ms Lanto stated she and her husband had lived at that address since 2005.
- Ms Lanto referred to the Staff Report posted on the City of Nampa website, specifically the verbiage on Page 2, regarding the Area of Impact intended to be a safeguard to ensure protection of land....
- In 2005, continued Ms Lanto, it was determined that area would not be annexed or in the Area of Impact.
- Eight years prior to that, stated Ms Lanto, one of the areas was being considered for a subdivision and she came to a hearing where there had been a big discussion on the Wildlife Refuge area and the impact any buildings would have on that area.
- Page 2, under Map Boundary Ordinance, added Ms Lanto, "...consideration of various factors, including trade areas, geographic factors; and areas that can reasonably be expected to become a part of the City in the future."
- Ms Lanto referred to Page 5, under Findings, where it states, "State planning law requires that three factors be considered when defining an impact area. Nampa has considered each factor.....Trade considerations....have very few alternatives for accessing goods and services....and forces residents to travel significant distances for necessities..." Ms Lanto considered that statement would not apply to Area 6.
- Ms Lanto referred to "Geographic factors....Each study has indicated Nampa as the most suitable service provider for this area." Once again, that portion of Area 6 is a fully developed community of 26 homes that have signed the Petition and all 26 have their own septic and water systems and the lots will not be splitting any further.
- Regarding "Development potential....will increase density in the expansion areas. Utilities will be needed and private development will continue to seek annexation in order to obtain these services....It is reasonable to conclude that the expansion area will be a part of Nampa in the future." Again, stated Ms Lanto, the development would not be something that would apply to Area 6, so for that reason, she would like that portion of Area 6 to be exempt.
- Ms Lanto inquired if a certain portion of Area 6 could be exempt.

**Bill Deakins of 11882 Nez Perce Rd, Nampa – opposed:**

- Mr Deakins stated his comments represented the portion of Area 6 represents by households in Coyote Cove, Meredith Ct, S Middleton Rd, W Greenhurst Rd and Nez Perce Rd.
- As a group, stated Mr Deakins, they object to inclusion in the Area of Impact.
- Mr Deakins suggested it would be reasonable to be excluded from the Area of Impact because every single person they had talked to was not in favor of ever being included in the City of Nampa in relation to any future attempt to annex.
- Mr Deakins noted the Staff Report stated that it remained City policy not to use forced annexation. Mr Deakins noted if forced annexation would not be implemented and everyone in that area opposes annexation, then it would be reasonable to remove Area 6 from the Area of Impact.
- According to Mr Deakin, there was no room for future development in Area 6, because it was fully developed between Coyote Cove and Greenhurst Rd. The properties were self-sufficient and there would be no need for City services because each property had its own well and well maintained septic systems, and a separate irrigation well serves many of the acreages.
- Mr Deakins noted the fees included in his property taxes.
- Mr Deakins advised that neither he nor his wife wished to live in the City and again requested Area 6 be removed from the Area of Impact.

**Paul Cope of 12373 Moss Ln, Nampa – opposed:**

- Mr Cope stated his property was located in Area 5 of the proposed City of Nampa Area of Impact., with a 40 acre sand and gravel company.
- Mr Cope stated his company would be in operation for a while and have already obtained a C-U-P from the County for another 64 acres across the road, also in Area 5.
- Mr Cope noted that would be another 104 acres in Area 5 alone that was in operation as a sand and gravel operation.

**Dusty Dutcher of 11425 Greenhurst Rd, Nampa – opposed:**

- Mr Dutcher concurred Area 6 was not developing, not many people have moved to that area and it would not be developed.
- Mr Dutcher referred to the COMPASS Study which indicated that Area 6 would not have any development between 2015 and 2040.

**John Redding of 12888 Lake Avenue, Nampa – opposed:**

- Mr Redding stated his property was right in the middle of the upper Lake Lowell Dam.
- According to Mr Redding he had not received a letter regarding the Nampa Area of Impact.
- Mr Redding concurred with Mr Babcock's comments.
- The property owners, added Mr Redding, get along with the National Wildlife Refuge.
- There have been so many subdivisions going into that area, stated Mr Redding, that the deer have gone, and there are no more geese.
- Mr Redding noted his 140 acres near the Cope gravel pit and Mr Babcock's land that would not develop in the future.

**Laurie Marx of 12654 Wild Rose Lane, Nampa – opposed:**

- Ms Marx stated their property was also located in Area 5 and she was representing the Wild Rose Ranchettes Subdivision Homeowners Board.
- The subdivision, added Ms Marx, was fully developed with their own community water system and individual septic systems, and all of the amenities already provided. The majority of the members of the Wild Rose Ranchettes Subdivision would not be interested in being annexed into the City.
- According to Ms Marx, she and her husband had chosen to move to the country and it was nice to be in a quiet area and to be able to ride their horses in the vicinity.
- Ms Marx stated the Wild Rose Ranchettes already pay property taxes for the services they receive and do not seek any further assistance, and, therefore were requesting to be excluded from the Impact Area expansion.

**Wilma Huston of 12649 Memory Ln, Nampa – opposed:**

- According to Ms Huston, her family – the Bennetts, had owned the quarter section of property, next to the Babcocks.
- According to Ms Huston, her family sold the County the park at the end of the dam.

- Ms Huston stated her grandparents and family members helped to build the dam.
- Ms Huston stated that at the present time she owned 10 acres next to Lake Lowell and voiced concern regarding what would happen between the City and the Bureau of Reclamation because they were trying to encroach on the property owners all the time with the Wildlife Refuge and their demands about using the lake that had actually been formed by the farmers.

**Ken Feaster-Eytchison of 11349 Greenhurst, Nampa – opposed:**

- Mr Feaster-Eytchison stated the subdivisions in that section of Area 6 have in their CC&Rs that the lots cannot be further subdivided.
- In response to a question from **Acting Chairman Rodriguez** Mr Feaster-Eytchison stated that according to the CC&Rs the lots within the subdivision cannot be further subdivided to create more housing.

**Terry Bird of 12454 Iowa Ave, Nampa – opposed:**

- Mr Bird stated he had more questions.
- Mr Bird inquired at what capacity was the current sewer system operating at in the City of Nampa.
- What was the quality of the City of Nampa water system and the delivery system of the water, questioned Mr Bird.
- Mr Bird stated if the annexations went through, the property owners would lose their water rights.
- Mr Bird voiced concern regarding the haphazard sprawl situation going on in the City of Nampa and City of Caldwell.
- The location of the schools, the location of the Walmarts were contributing to the sprawl situation on what should be considered the best growing ground.

**Arlene Devlin of 22026 Rio Vista Dr, Caldwell – in favor of inclusion in Area of Impact expansion.**

- Ms Devlin stated she and her husband owned property in Area 1,
- According to Ms Devlin they owned 150 acres bordered by Ustick Rd, the railroad track and Midland Blvd and having the property split between the City of Nampa and the City of Caldwell Impact Areas would be difficult.
- Ms Devlin stated she was not aware that there would be this much opposition to the other areas involved in the City of Nampa Area of Impact expansion, but would like to be considered in favor for inclusion of Area 1, regardless of the decisions for Areas 5 and 6.

**Patricia Nilsson – Director of Canyon County Development Services:**

- Ms Nilsson stated she was present in order to listen and answer any questions.
- The County Planning and Zoning Commission, stated Ms Nilsson, will hold their public hearing on April 21<sup>st</sup>.
- Ms Nilsson noted that the City of Nampa staff, City of Caldwell staff and Canyon County have been working closely together on the proposal for Area of Impact expansion.
- In response to a question from **Acting Chairman Rodriguez**, Ms Nilsson advised that under State Law the Impact Area boundaries have to be mutually agreed upon negotiation, and typically the County likes to see each City's individual proposal.
- There was a meeting with Canyon County early in the process, added Ms Nilsson, and there was agreement to move forward and take it to public hearing. The cities and the County then embarked on the Planning and Zoning Commission hearings.
- After that, stated Ms Nilsson, would be the City Council public hearings and after that would be the County Commissioners' public hearing, and it would not be official until the County Commissioners adopt the Area of Impact.
- Ms Nilsson responded to a question from **Acting Chairman Rodriguez** and advised the County had updated their plan to reflect the existing zones in 2012.
- The County had also removed the ability to get subdivision approval by Conditional Use Permit, added Ms Nilsson.
- The densest development in the County, stated Ms Nilsson, would be the R-2 district – allowing half acre lots, and a 12,000 sq ft lot would be permitted if the lot was connected to City water and sewer – which would only be in the Impact Area where City services would be available.
- Discussion followed regarding the process for the Area of Impact expansion.
- In response to a question regarding any changes to property taxes on properties in the Area of Impact, Ms Nilsson stated the Assessor would assess any property at market rate and emphasized the Area of Impact would not affect property taxes at all, and the Assessor was covered by a whole set of other State laws.

- Ms Nilsson noted a Recreation Center might require sewer service, and it could be incredibly expensive to put in an advanced treatment system because there would be no access to City sewer.
- Properties located in the Area of City Impact might provide more choices to property owners in the future and there were some benefits available to property owners by having City services available should they need them in the future, noted Ms Nilsson.

**Charles Dennis 12657 Memory Ln – Nampa:**

- Mr Dennis referred to the fact he had done a study on the COMPASS long range planning on traffic patterns.
- There had been a long range plan, added Mr Dennis, to put a loop or beltway around the Treasure Valley, which would go either the north side or south side of Lake Lowell, and questioned if that plan was still in the works.

**Lois Troyer of 11001 Coyote Cove, Nampa:**

- Ms Troyer noted there had been some discussion about 8 years ago regarding bringing in City services and advised it had been cost prohibitive to bring in City sewer or water over to Coyote Cove when she checked.

**Mr John Babcock:**

- Mr Babcock marked on the map the areas noted by the property owners that had spoken.

**Karla Nelson – Nampa Community Planner:**

- Nelson reiterated that inclusion in the Area of Impact would not increase taxation.
- Nelson stated the City was not planning to forcibly annex any properties.
- Nelson considered the proposed Area of Impact would not make much impact to most property owners.
- **Kropp** inquired if certain areas could be excluded from the Area of Impact expansion.
- **Nelson** replied that could certainly be done, however, it would just mean going back to the drawing board with Canyon County, City of Caldwell and Nampa staff.

**Planning Director Holm:**

- Most of the changes, stated Holm, were on the southern boundary in Areas 5 and 6 and that boundary could be changed without effecting the division between Nampa and Caldwell in terms of the westerly boundary.

**Karla Nelson – Nampa Community Planner:**

- In response to a question from **Acting Chairman Rodriguez**, Nelson advised any expansion of the Area of Impact would mean the City of Nampa would not be taking over any services from the County.
- All the services, reiterated Nelson, would remain the same unless the property owners decided to annex into the City and then some services may change.
- Nelson advised if a developer wanted to connect to City services and was adjacent to City limits, they could annex and connect to City services if available. However, that development would not, continued Nelson, force any adjacent property owners to annex into the City or connect to City services.
- **Kehoe** noted there were already many enclaved areas in the city that had not been forced to annex into the City or connect to City services.
- Discussion followed on possibly changing the boundaries of the proposed Area of Impact expansion.
- **Nelson** responded to a question from **Acting Chairman Rodriguez** and referred to the Transportation Master Plan.

**Staff Engineer Badger:**

- **Badger** referred to the City of Nampa Master Transportation Plan for the entire City that looks at the City as it grows, and as identified by COMPASS. COMPASS, added **Badger**, does the large overall growth projections for the City, the entire County and Treasure Valley. In the Nampa Transportation Master Plan the City looks at the growth projections and determines what traffic improvements are needed - where and when.
- **Badger** stated the City also looked at those projections and planned for the Area of Impact.
- If the proposed Area of Impact expansion were to be approved, stated **Badger**, the next update of the Transportation Master Plan would look at the areas and determine what improvements would be needed and when. The more specific granular detail of those traffic patterns are done at the time of development and determine what needs to happen at specific intersections, as the Transportation Master Plan is more of a general overall plan for the entire City for mainly arterials and collectors.

- Regarding the water quality, Badger emphasized the City of Nampa water system meets all State and Federal water quality standards for a public municipal water system. There is a very robust well system throughout the City, continued Badger, with very good water quality.
- According to Badger, when Areas 5 and 6 were initially discussed back in the early 2000s, the City was in the process of doing Sewer Master Planning for the entire City and Areas 5 and 6 were incorporated into the Master Plans at that time – to identify the line sizing and lines that would need to be installed to serve those areas. As a developer comes in and applies for a subdivision they would be required to extend those services.
- Regarding sewer capacity, Badger stated the City of Nampa’s Wastewater Treatment Plant was continually being upgraded to increase the capacity, and based on the Master Planning efforts at buildout at the Wastewater Plan there would be adequate capacity to serve those areas at the time they develop.
- In response to a question from Myers, Badger stated the areas that were looked at in the Master Plans would be the Area of Impact. At the last iteration of the Master Plan Areas 5 and 6 were not included because they were not in the Area of Impact at that time, but some accommodations were made for the previous study to still allow what would need to happen inside the current Area of Impact to service the expansion of the Area of Impact.
- In response to a comment from Ms Troyer, Badger stated the Coyote Cove area did sit in a bit of a bowl and the Master Plan had identified that when sewer service was needed in that area it will require a sewer lift station to do that – and that would not happen until such time as they made that request.

**Patricia Nilsson – Canyon County Community Development Director:**

- Regarding the loop concept/beltway around Treasure Valley, Ms Nilsson stated there were a lot of public workshops regarding that subject and it finally ended up with the Kuna-Mora Rd corridor study, looking at a connection between Ada and Canyon County along Kuna-Mora Rd. According to Ms Nilsson, the ACHD had started the study and then discontinued it.

**Mr Peterman:**

- Mr Peterman noted the majority of the comments in opposition have involved Areas 5 and 6, which does not implicate the Statute. The Statute, added Mr Peterman, was intended to require negotiations between the cities and the county relative to Areas 1, 2, 3 and 4.
- Mr Peterman reiterated the Commission could defer the issues on Areas 5 and 6, but still approve the rest of Areas 1, 2, 3 and 4 in order to get things straightened out under the Statute.

**Myers motioned and Kropp seconded to close public hearing. Motion carried.**

- Kehoe suggested Areas 5 and 6 should be redesigned to address the concerns of those residents.
- Sellman concurred and suggested Areas 1 – 4 could still be considered for the Areas of Impact and exclude Areas 5 and 6 for review in the future.
- Myers stated the decisions could be made at the public hearing tonight.
- Holm agreed the decisions could be made at tonight’s meeting and suggested the dividing line could run along W Roosevelt, with Areas 1, 2, 3, 4 and 5 to the north of W Roosevelt to be included in the Area of Impact, and excluding Areas 5 and 6 to the south of W Roosevelt from the Area of Impact.
- Discussion followed regarding the areas to be included and excluded from the Area of Impact.

**Kehoe motioned and Sellman seconded to recommend to City Council that:**

**Area 6 be totally excluded from the proposed Area of Impact;**

**Area 5 from W Roosevelt Ave south be excluded from the proposed Area of Impact;**

**Areas 1, 2, 3 and 4 and Area 5 to the north of W Roosevelt Ave be included in the proposed Area of Impact.**

**Motion carried.**