

City of Nampa
Regular Council Meeting
August 1, 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 – Pastor Meggan Manlove – Trinity Lutheran 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 July 18, 2016; Airport Commission Meeting; Nampa Bicycle and Pedestrian Advisory Committee; Board of Appraisers Minutes; Planning & Zoning Commission Meeting of July 12, 2016; 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) WinCo Place Subdivision Located at 1175 N Happy Valley Road for WinCo Foods, LLC
- 5) Authorize Public Hearings
 - a) Zoning Map Amendment from RS-8.5 to RA at 17155, 17175, 17225, O Star Road & 0 Cherry Lane for John Low
 - b) Amendments to Title 10, Chapters 3, 4 and 22 Relating to Establishment of Gateway Business Entertainment (GBE) Zone, Allowable Land Uses, and Parking Provisions
 - c) Zoning Map Amendment from GB-1 to GBE at 16200 Idaho Center Boulevard
- 6) Authorize to Proceed With Bidding Process
 - a) NONE
- 7) Monthly Cash Reports
- 8) Resolutions – Disposal of Property With Value Under \$1000.00
 - a) None
- 9) Republic Services Rate Adjustment
- 10) Authorize the Mayor to Sign Lease Agreement with the Union Pacific Railroad Company
- 11) Licenses for 2016-2017 (*All Licenses Subject to Police Approval*):
- 12) Approval of Agenda

Communications

Staff Communications

Brush –Up Nampa – Andi McCreath
Staff Report – Michael Fuss

Unfinished Business

- 1) **Third 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. (**POSTPONED AT STAFF’S REQUEST DUE TO LACK OF DOCUMENTATION**)
- 2) **THIRD Reading** of Ordinance Annexing and Zoning to RML for a Fourplex Development at 1910 Sunny Ridge Road for Gavin King (**POSTPONED AT STAFF’S REQUEST DUE TO LACK OF DOCUMENTATION**)

- 3) **THIRD Reading** of Ordinance Annexing and Zoning to IH for a Headquarters and Warehousing for Fuel, Diesel, and Oil Distribution at 0, 9364, 9326, and 0 Cherry Lane for Zane Powell (**POSTPONED AT STAFF'S REQUEST DUE TO LACK OF DOCUMENTATION**)
- 4) First Reading of Ordinance for a Vacation at 1227 Eldoran Drive for Jennifer Trujillo

New Business

- 1) First Reading of Ordinance Amending Title 6, Chapter 2, Sections 06-2-22 Relating to Animals Becoming a Nuisance
- 2) Authorize Summary of Publication for Preceding Ordinance
- 3) Award Bid and Authorize Mayor to Sign Contract for 2016 CDBG Downtown Sidewalk and Tree Replacement Project Construction
- 4) Award Bid and Authorize Mayor to Sign Contract for 2016 Manhole & Lid Adjust to Grade Project Construction
- 5) Award Bid and Authorize Mayor to Sign Contract for FY16 Pavement Mark & Sign Installation Project Construction
- 6) Reject all Bids for Storm Water Repairs – Taffy Drive at Carmel Court and Peppermint Projects and Authorize Re-Bid
- 7) Award Bid and Authorize Mayor to Sign Contract for Well 5 Upgrades Project Construction
- 8) Authorize the Mayor and Council to Approve the Dissolution of Current Fueling Contract and Award to the Second Responsible Bidder
- 9) Resolution Authorizing the Destruction of Human Resource Records
- 10) Authorize Mayor to Sign Contract With MDS for Medical Director Services
- 11) First Reading of Ordinance to Approve the Budget for FY 2016 – 2017

Public Hearings

- 1) Program Year 2016 Action Plan for Submittal to HUD
- 2) Comprehensive Plan Map Amendment from Medium Density Residential to Community Mixed Use and Annexation and Zoning to BC at the Corner of Madison Road and Ustick Road for Mark L Hess Representing Jerry Hess
- 3) Rezone from IP and BC to IL at 415 N Kings Road for West Valley Construction Representing H M Clause Inc.
- 4) Variance to Zoning Ordinance Section 10-11-4.A Requiring that no Principal Building Shall Exceed either Three Stories or 30 Feet in Height for Property Located at 15 and 23 5th Street N for Vineyard at Broadmore II LP, Greg Urrutia Representing
- 5) 2016 – 2017 Fiscal Year Budget

Adjourn

Next Meeting

◆ **Regular Council at 6:30 p.m. – Monday, August 15, 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.

REGULAR COUNCIL
July 18, 2016

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 Raymond to **approve the Consent Agenda with the above mentioned amendments; 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) Subdivision Plat Final Approval for Sonata Pointe Subdivision No. 1 in an RS-7 {Single Family Residential - 7000 sq ft} zoning district on the south side of Lone Star Rd, west of Lone Star Middle School {47 single family residential lots on 15.23 acres, 3.09 du's per acre - situated in the NE ¼ of Section 30 T3N R2W BM), for Challenger Development; and authorize the following public hearings: 1) Comprehensive Plan Future Land Use Map Amendment from General Commercial to High Density Residential and Rezone from RML (Limited Multiple Family Residential) and RS-6 (Single Family Residential - 6000 sq ft) to RMH (Multiple Family Residential) and 34 7 W Orchard Ave. (A 1.655 acre portion of Section 2 T3N R2W, NE '4, BM, Westview Subdivision, Lot 4 North of the Canal less Tax 1 and 10 in the NE '4) for Dean and Daren Anderson; 2) Modification of Annexation/Zoning Development Agreement between Northwest Development company, LLC and the City of Nampa recorded 09/12/2005 as Inst. No. 200561243 amending the "Recitals" and "Agreement" sections to allow for a rezone from RMH to RS-6; and Rezone from RMH (Limited Multiple Family Residential) to RS-6 (Single Family Residential - 6000 sq ft) for Lots 11-14, Block 2 Yellow Fem Subdivision, according to the plat thereof filed in Book 42 of Plats at Page 29 -A 3.026 acre portion of the SE 1A of Section 11 T3N R2W BM) for Glen Rimbey; 3) Comprehensive Plan Future Land Use Map Amendment from Public and Parks to Community Mixed Use; Rezone from AG (Agricultural) to GB-1 (Gateway Business I); and Planned Unit Development Permit for Residential Uses at 1660 1 ph Ave N. (A 615.6 acre parcel of land located in Sections 11, 12, 13 and 14, T3N R2W BM, Canyon County, Idaho), for Doug Russell representing The Land Group, Inc, for the Idaho Department of Health and Welfare; Approve the following agreements: 1) None; Authorization to Proceed with the Bidding Process: 1) None; Monthly Cash Report; Resolutions – Disposal of Property with Value Under \$1,000.00: 1) Parks Department – two mowers; Authorize purchase from Public Works Water Division's approved 2016 Fiscal Year Budget of, (1) Additional Meter Transmission Units from Aclara Technologies, LLC, and (2) Additional Meters from Hydro Specialties Company; and 2015-2016 Licenses: (all licenses subject to police approval): Kool Rides LLC; approval of the agenda. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the**

MOTION CARRIED

Director of Building Safety and Facilities Patrick Sullivan presented an update on the Idaho Center Parking project explaining that he wanted to bring Council on the slurry sealing and the pavement repair and striping. Last week we had the opportunity to change by adding some work within the original budget. We have slurry sealed all of the west and most of the south and by

Regular Council
July 18, 2016

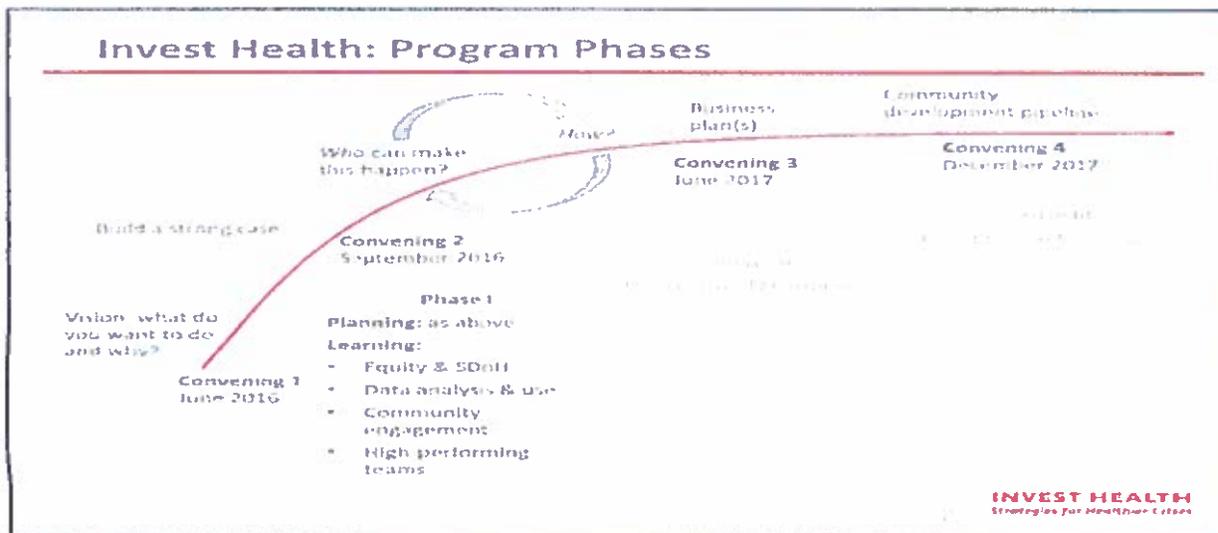
the horse park and we identified that we had enough budget capacity that we could take on what we had originally excluded which was an 85,000 square foot of asphalt. We have added a net add of \$45,821 to our original bids bringing our total bid amount of work to \$242,823 and we are still \$57,000 under budget.

We asked the Mayor if he would sign a change order last week because we had a window of time that we wanted to get done before the rodeo started.

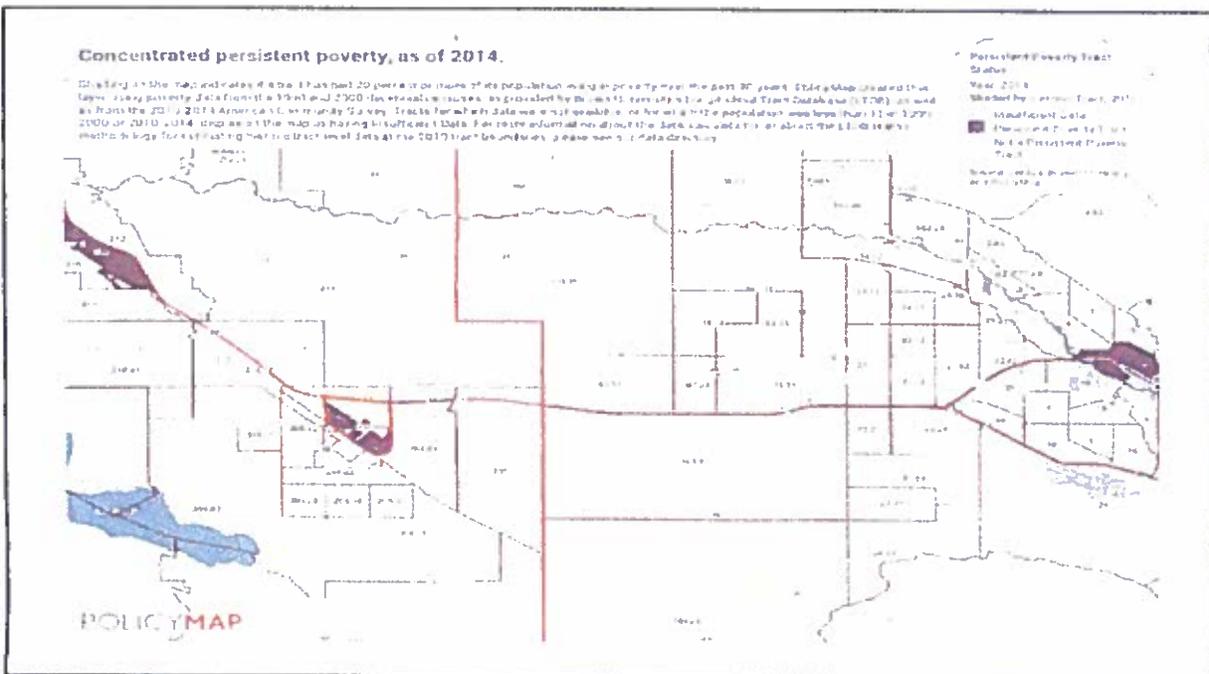
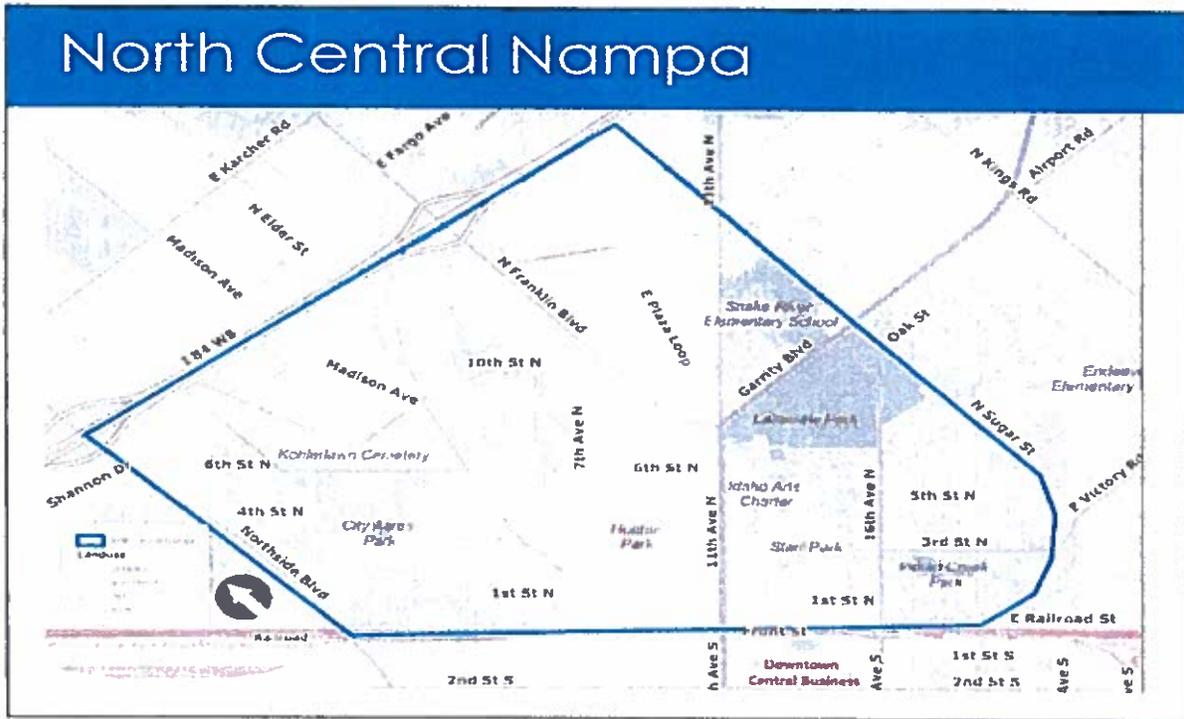
Councilmembers made comments on getting the job done in a timely manner.

Mayor Henry introduced Clair Huff.

Community Planner Karla Nelson presented a staff report on Invest Health Grant explaining that the City received a grant from Robert Wood Johnson Foundation – strategies for Healthier Cities - Invest Health. This partnership is unique because usually health professionals and community developers don't work very closely together, but there is a growing body of community design plays a significant role in health. Our Nampa team includes Allison Westfall, Nampa School District; Clint Childs, St. Al's; Beth ???, Terry Riley Health Services, Jennifer Yost and myself representing the City of Nampa.



The grant is going to be an 18 month process that hopefully will end with a strong case with a vision that will attract investment into Nampa. We are working on the vision part. We decided to focus our efforts on North Central Nampa. Which is in the area of the railroad to the south, Northside to the west and Sugar to the east. The reasons for that are many.



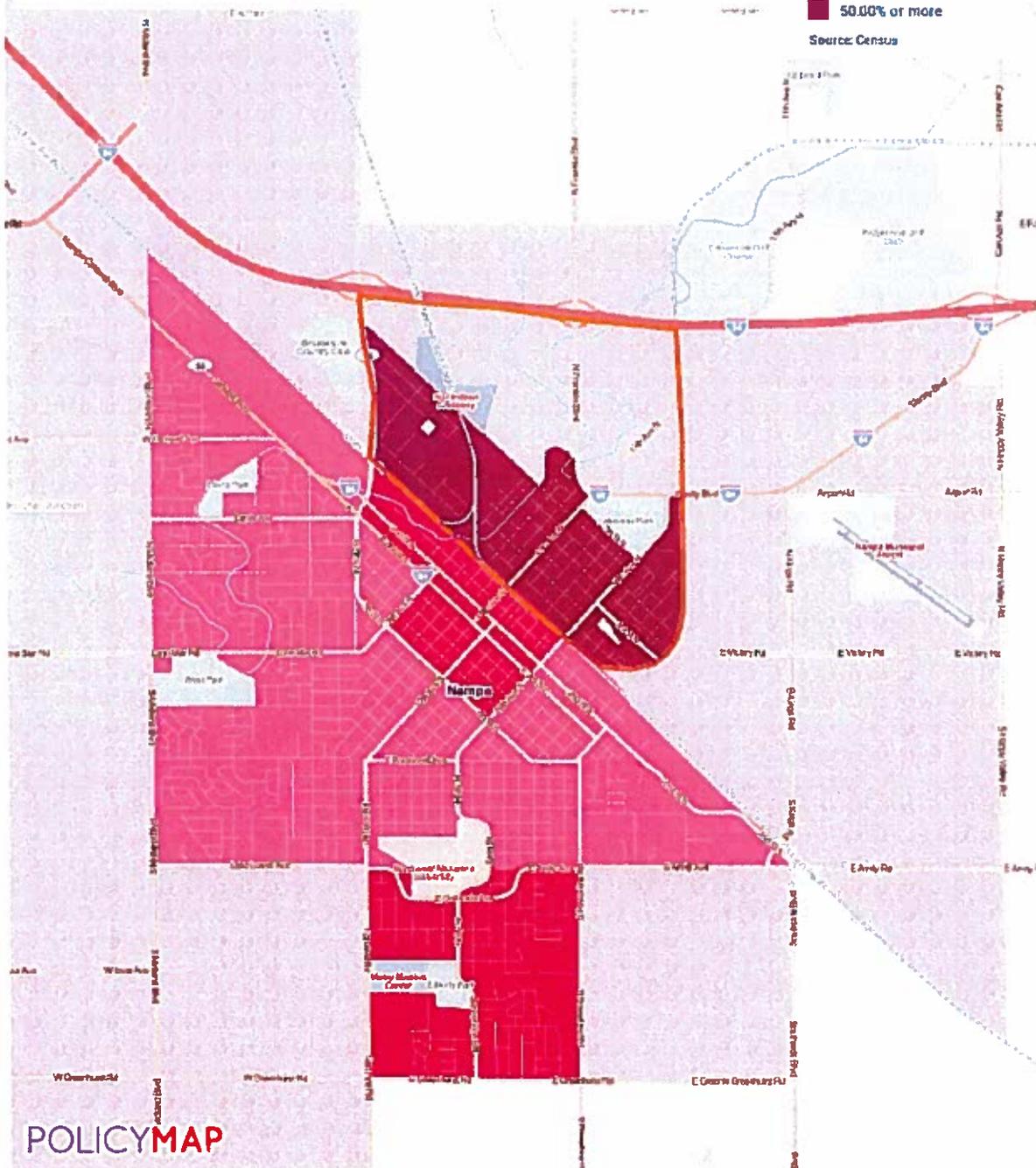
Estimated percent of all people that are living in poverty as of 2010-2014.

Estimated percent of population living below poverty level between 2010-2014. Percentage calculations were suppressed in cases where the denominator of the calculation was less than 10 of the unit that is being described (eg. households, people, householders, etc). Such areas are represented as having 'Insufficient Data' in the map. Denominators for percentage calculations were created by summing all of the component data items in a particular dataset.

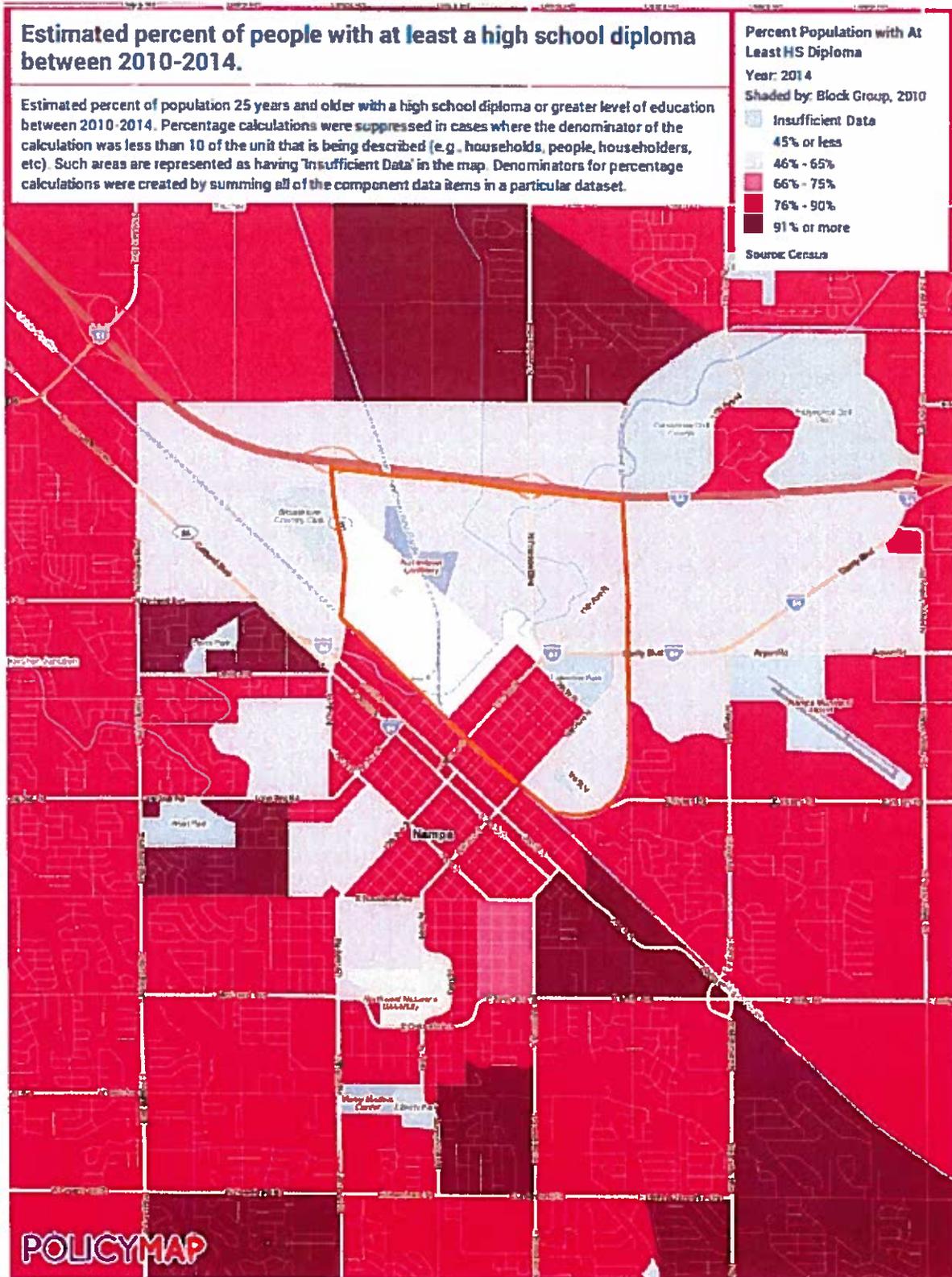
Percent of People in Poverty
Year: 2014
Shaded by: Census Tract, 2010

- Insufficient Data
- 14.99% or less
- 15.00% - 24.99%
- 25.00% - 39.99%
- 40.00% - 49.99%
- 50.00% or more

Source: Census



POLICYMAP



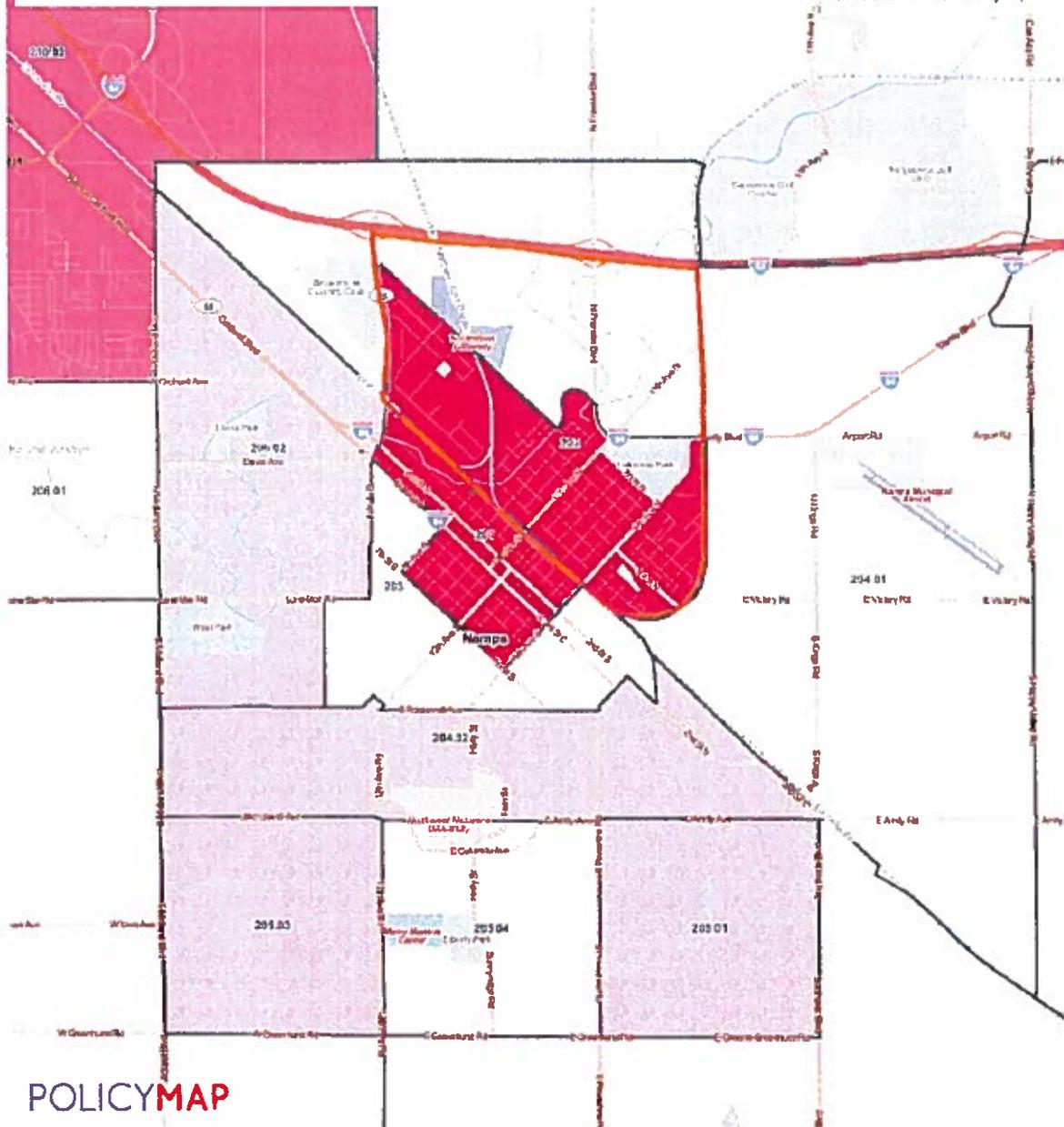
Estimated percent of adults ever diagnosed with diabetes in 2013.

Estimated percent of adults ever diagnosed with diabetes in 2013. Respondents answered yes to the question, "Has a doctor, nurse, or other health professional ever told you that you had diabetes?" Responses indicating diagnoses of borderline diabetes, pre-diabetes, and diabetes related to pregnancy are excluded. Estimates are population-weighted averages based on data from the CDC Behavioral Risk Factor Surveillance System survey, Census Metropolitan delineation files, and 2009-2013 Census American Community Survey 5-year estimates for adult population and household income by age and race. Estimates are suppressed in areas where the population for which ACS income by age and race data are available is less than 20; these areas are displayed as having "Insufficient Data" on the map.

Pct. of Adults Ever Diagnosed with Diabetes
 Year: 2013
 Shaded by: Census Tract, 2010

- Insufficient Data
- 9.60% or less
- 9.61% - 10.58%
- 10.59% - 12.29%
- 12.30% - 14.22%
- 14.23% or more

Source: CDC BRFSS & PolicyMap



POLICYMAP

Estimated percent of adults reporting fair or poor health in the past 30 days in 2013.

Estimated percent of adults reporting fair or poor health in the past 30 days in 2013. To determine self-assessed health, respondents were asked to rate their health as poor, fair, good, very good, or excellent. Estimates are population-weighted averages based on data from the CDC Behavioral Risk Factor Surveillance System survey, Census Metropolitan definition files, and 2009-2013 Census American Community Survey 5-year estimates for adult population and household income by age and race. Estimates are suppressed in areas where the population for which ACS income by age and race data are available is less than 20; these areas are displayed as having "Insufficient Data" on the map.

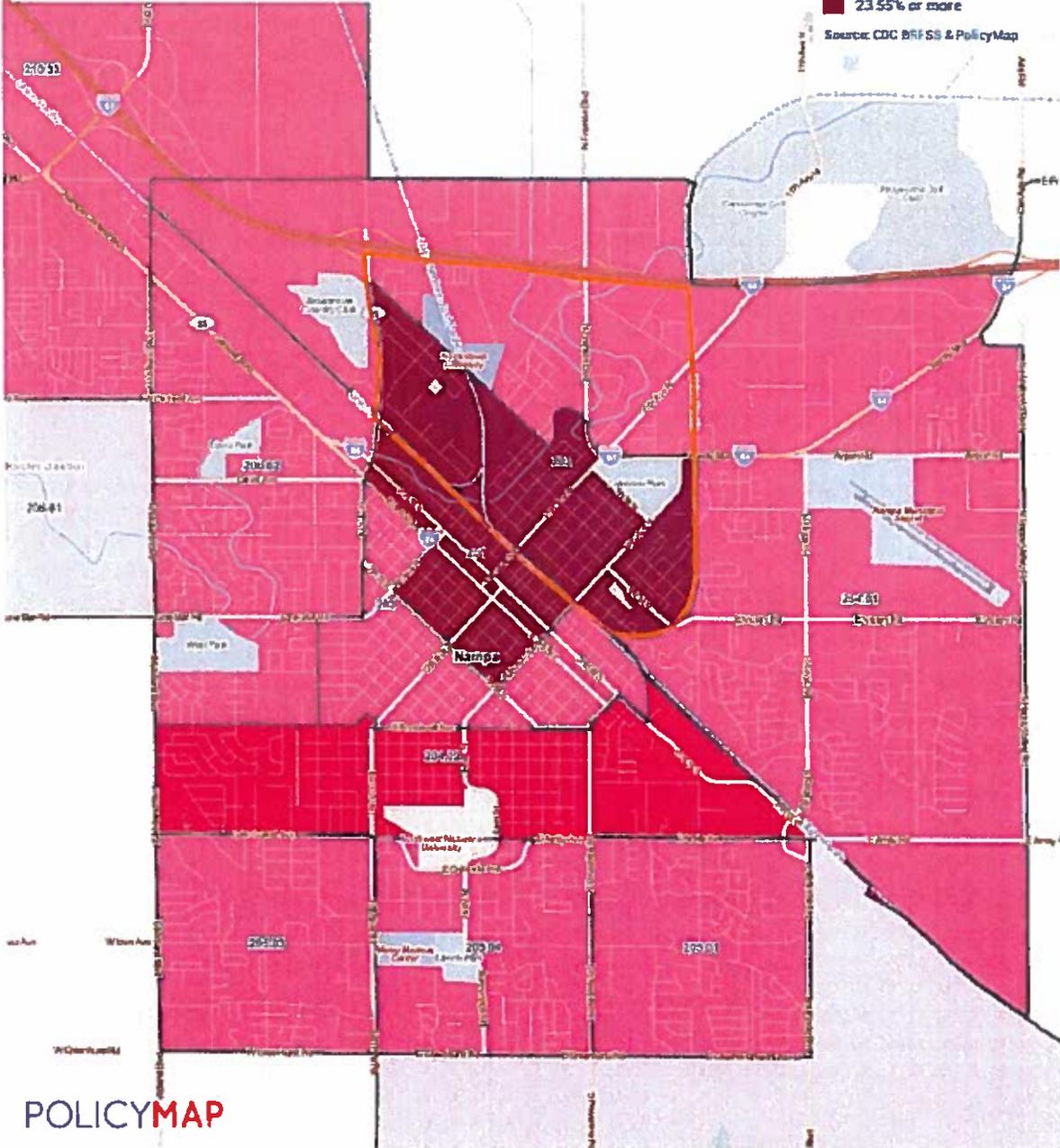
Pct. of Adults Reporting Fair or Poor Health in the Past 30 Days

Year: 2013

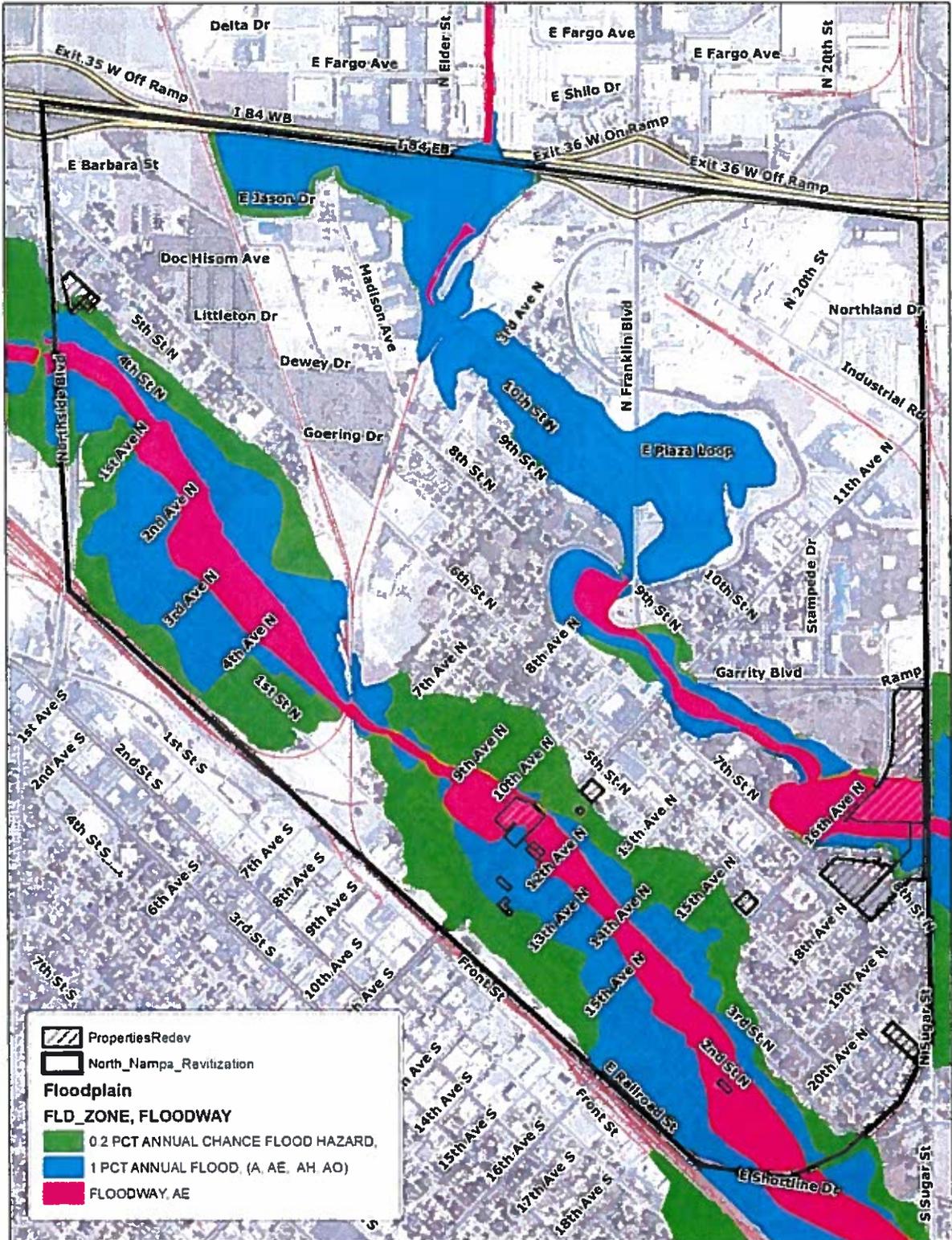
Shaded by: Census Tract, 2010

- Insufficient Data
- 14.59% or less
- 14.60% - 17.01%
- 17.02% - 19.65%
- 19.66% - 23.54%
- 23.55% or more

Source: CDC BRFSS & PolicyMap



POLICYMAP



Regular Council
July 18, 2016

There has been a survey that has been sent out that we are targeting and the survey is anonymous.

We received \$60,000 which is specifically meant for travel for the five core team members to different meetings around the nation. We are going to learn about different aspects related to community design and health and also to work on our vision and to pull together investors. We are supposed to end the 18 months with an idea of who can invest in projects in our neighborhood.

Projects could be a neighborhood that does not have access to a grocery store, in lower income areas sometimes they don't have a vehicle, so therefore you might eat few fruits and vegetables, maybe head start could help with, education.

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

Right of way Permit Road/Lane Closure Guidance - City Council members and staff received a number of complaints regarding significant delays and numerous road closure extensions on South Happy Valley Road. Council asked Staff if there was something that could be done to minimize the number of road closure extensions and/or encourage work on private sites to a conclusion.

Public Works Department's Engineering Division is working to draft guidance to administer contract time in right of way permits (see Attachment A). Minimizing traffic delays in work zones for the citizens and visitors of Nampa is an important customer service provided by the City. The guidance is intended to give developers the ability to hold roadway contractors accountable for contract time.

The following are some key points to the proposed right of way permit revisions:

- If this guidance is adopted as policy by the Engineering Advisory Committee and Council, the policy will be reviewed and revised based on the lessons learned in the first 12 months of implementation
- Applies only to projects with an expected duration over 21 calendar days
- The allowable calendar days for a lane closure or restriction shall be determined from the roadway contractor baseline construction schedule
- Road user costs will be based on the travel delays multiplied by the number of vehicles impacted
- Liquidated damages are used to recoup the costs for the City to administer the permit past the expected completion date

Regular Council
July 18, 2016

- Both road user costs and liquidated damages will be billed to the permittee based on the number of calendar days past the expected completion date
- Road user costs for road closures will vary depending on the functional classification of the roadway:
 - Principle Arterial - \$3,500/day
 - Minor Arterial - \$2,400/day
 - Collector - \$1,000/day
 - Residential - \$125/day
- Road user lane restriction costs will be 10% of the lane closure costs
- At the time of submitting the permit, the permittee shall pay a retainage fee. The retainage fee will be used to collect any liquidated damages and road user costs assessed on the project
- The permittee may request an extension of contract time for excusable days that are on contractor's baseline critical path. Several examples of excusable days include natural disasters, lost days due to weather, and delays caused by utilities or railroads
- For large roadway projects with a value of improvements within the right of way over \$1,000,000 the City will require the permittee to carry surety bonds and liability insurance
- The claim process and time frames for submittal will be in accordance with Idaho Standards for Public Works Construction

Mayor Henry explained that there was a letter explaining why the third reading still needs to be postponed.

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

Regular Council
July 18, 2016

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 following Ordinance was read 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 third reading.

MOVED by Skaug and **SECONDED** by Haverfield 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 **4266** and directed the clerk to record it as required.

The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, AMENDING TITLE 3, CHAPTER 7, SECTION 3-7-1, SECTION 3-7-4, AND SECTION 3-7-5, OF THE NAMPA CITY CODE, ALL PERTAINING TO DEVELOPMENT IMPACT FEES; PROVIDING FOR AN EFFECTIVE DATE OF OCTOBER 1, 2016; PROVIDING FOR

Regular Council
July 18, 2016

SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

The Mayor declared this the third reading.

MOVED by Haverfield and **SECONDED** by Skaug to **pass** the preceding ordinance and Summary of Publication 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 **4267** and directed the clerk to record it as required.

The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS **1910 SUNNY RIDGE ROAD**, NAMPA, IDAHO, COMPRISING APPROXIMATELY 1.58 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 **RML** (LIMITED MULTI-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; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Gavin King)

The Mayor declared this the second reading.

The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS **0, 9364, 9326, AND 0 CHERRY LANE**, NAMPA, IDAHO, COMPRISING APPROXIMATELY 39.25 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 **IH** (HEAVY INDUSTRIAL) **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

Regular Council
July 18, 2016

ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; PROVIDING AN EFFECTIVE DATE; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Zane Powell)

The Mayor declared this the second reading.

The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, VACATING A PORTION OF A CERTAIN TWELVE FOOT UTILITY EASEMENT LOCATED ON THE EAST SIDE OF THAT CERTAIN REAL PROPERTY COMMONLY KNOWN AS 6866 EAST ROXI COVE COURT, NAMPA, IDAHO, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH. (Applicant Caron Dennet, representing Kevin Lloyd)

The Mayor declared this the first reading.

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

MOVED by White and **SECONDED** by Haverfield to pass the preceding ordinance under suspension of rules. The Mayor asked for a roll call vote with all councilmembers present voting **YES** The Mayor declared the ordinance duly passed, numbered it **4268** and directed the clerk to record it as required.

The following Resolution was presented:

AN ESTIMATE OF **EXPENSES AND REVENUES** OF THE CITY OF NAMPA, IDAHO FOR THE FISCAL PERIOD BEGINNING **OCTOBER 1, 2016** TO AND INCLUSIVE OF **SEPTEMBER 30, 2017**, AND NOTICE OF PUBLIC HEARING ON THE PROPOSED BUDGET BY THE CITY COUNCIL.

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

Regular Council
 July 18, 2016

WHEREAS, a proposed budget has been prepared that includes an estimate of expenses and revenues for FY 2017 which fiscal year runs from October 1, 2016 through and including September 30, 2017;

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

ESTIMATED

EXPENDITURES

GENERAL FUND

City Clerk	\$ 326,875
Code Enforcement	498,141
Economic Development	461,771
Engineering	1,673,414
Facilities Development	1,447,267
Finance	810,496
Fire	11,901,269
General Government	640,787
Tfr to Family Justice	
Center	243,640
Tfr to Civic Center	365,451
Tfr to Idaho Center	799,842
Tfr to Parks & Rec	806,419
Human Resource	459,168
Information Technology	2,229,293
Legal	856,000
Mayor & Council	510,426
Parks & Rec Admin	377,160
Planning & Zoning	519,809
Police	20,266,589
Public Works Admin	395,332
Fleet Management	1,213,405
SUBTOTAL	\$46,802,554
GRANT FUNDS	
FAA	\$ 981,000

ENTERPRISE & SPECIAL REVENUE FUNDS

911 Fees	\$ 1,651,141
Airport	757,526
Cemetery	319,871
Civic Center	1,235,327
Development Services	1,742,688
Downtown Renewal/Electric	
Franchise Fees	-
Family Justice Center	284,207
Idaho Center	4,093,805
Library	2,158,329
Nampa Recreation Center	3,215,277
Parks & Recreation	3,696,122
Golf	2,411,595
Sanitation Collection	8,842,148
Street	10,655,176
Utility Billing	1,190,106
Wastewater	17,638,010
Water	11,337,870
Workers Comp Fund	65,128
SUBTOTAL	\$ 71,294,326
CAPITAL & DEBT SERVICE FUNDS	
Capital Projects	\$ 1,575,890
Library Major Capital	
Campaign	-
Development Impact Fees	2,384,000
GO Bond Debt Service	2,697,150
SUBTOTAL	\$ 6,657,040

Regular Council
July 18, 2016

Federal DOT	16,000		
Federal HUD	1,168,238		
Other Federal Grants	8,180,911	GRAND TOTAL	\$ 139,578,914
State of Idaho & Local Grants	4,470,054		
Private Grants	8,791		
SUBTOTAL	<u>\$14,824,994</u>		

ESTIMATED REVENUES

PROPERTY TAXES

Real Property Taxes	\$34,918,488
Exempt Property Taxes (GO Bond)	2,697,150
SUBTOTAL	<u>\$37,615,638</u>

STATE REVENUE SHARING

Sales Tax	5,373,230
Personal Property Tax Replacement	530,854
State Liquor	796,308
Highway Users	4,138,000
Road & Bridge	2,419,625
SUBTOTAL	<u>\$13,258,017</u>

CHARGES FOR SERVICES

Airport	422,986
Cemetery	91,278
Civic Center	633,000
Development Services	20,000
Family Justice Center	23,598
Federal HUD Fund	1,900
General Government	2,902,171
Golf Courses	2,214,000
Idaho Center	2,429,411
Local	1,386,000

OTHER FEES

911 Fees	987,669
Impact Fee	1,285,000
Licenses & Permits	1,962,000
SUBTOTAL	<u>4,234,669</u>

GRANTS & DONATIONS

Civic Center	2,350
Donations	634,881
FAA Grants	981,000
Federal Grants	9,357,250
Private Grant/Contributions	750
State Grants	77,250
Local Grants	296,000
SUBTOTAL	<u>11,349,481</u>

FINES & FORFEITURES

General	621,000
Airport	-
Library	62,000
SUBTOTAL	<u>683,000</u>

Regular Council
July 18, 2016

Library	22,000
Nampa Recreation Center	3,123,750
Parks & Recreation	349,038
Sanitation/Trash Collection	8,842,148
State of Idaho	2,710,804
Street & Traffic	0
Utility Billing	827,067
Wastewater	11,266,731
Water	10,729,097
Workers Compensation	55,528
SUBTOTAL	\$48,050,507

FRANCHISE FEES

Electric Franchise	988,800
Gas Franchise	730,000
SUBTOTAL	1,718,800

TRANSFERS & FUND BALANCE

Transfers In	\$10,962,081
Fund Balance	10,965,998
SUBTOTAL	\$21,928,079

MISCELLANEOUS

Interest Earnings	420,450
Miscellaneous	320,273
SUBTOTAL	\$740,723

GRAND TOTAL

\$139,578,914

\$0

CITY OF NAMPA, IDAHO

FISCAL YEAR 2017 PROPOSED BUDGET

FUND	2015	2015 Actual	AMENDED	AMENDED	PROPOSED	PROPOSED
	Expenses	Revenue*	2016 Budget	2016 Budget	2017 Budget	2017 Budget
			Expenses	Revenue*	Expenses	Revenue*
GENERAL FUND						
City Clerk	251,969		267,270		326,875	
Code Enforcement	361,616		466,759		498,141	
Economic Development	453,038		456,748		461,771	
Engineering	1,709,547		1,707,306		1,673,414	
Facilities Development	1,081,878		1,153,973		1,447,267	
Finance	710,479		1,129,989		810,496	
Fire	11,381,455		11,585,241		11,901,269	
General Government	3,102,869		3,020,632		2,856,139	
Human Resource	327,118		378,528		459,168	
Information Technology	1,289,546		2,151,486		2,229,293	
Legal	901,000		881,000		856,000	
Mayor & Council	511,140		528,466		510,426	
Parks & Rec Admin	363,740		365,786		377,160	
Planning & Zoning	447,340		487,559		519,809	
Police	19,048,112		19,408,089		20,266,589	
Public Works Admin	332,959		353,929		395,332	

Regular Council
July 18, 2016

Fleet Management	824,604		1,054,443		1,213,405	
SUBTOTAL	\$ 43,098,410	\$ 43,098,410	\$45,397,204	\$ 45,397,204	\$ 46,802,554	\$ 46,802,554
ENTERPRISE & SPECIAL REVENUE FUNDS						
911 Fees	1,090,903	1,090,903	987,669	987,669	1,651,141	1,651,141
Airport	599,208	599,208	570,644	570,644	757,526	757,526
Cemetery	290,769	290,769	304,042	304,042	319,871	319,871
Civic Center	1,063,374	1,063,374	1,166,963	1,166,963	1,235,327	1,235,327
Development Services	1,821,491	1,821,491	1,989,210	1,989,210	1,742,688	1,742,688
Downtown Electric Franchise	164,245	164,245	-	-	-	-
Family Justice Center	246,955	246,955	251,011	251,011	284,207	284,207
Idaho Center	5,053,201	5,053,201	5,071,390	5,071,390	4,093,805	4,093,805
Library	2,655,575	2,655,575	2,123,930	2,123,930	2,158,329	2,158,329
Nampa Development Corp	-	-	-	-	-	-
Nampa Recreation Center	4,165,129	4,165,129	3,707,360	3,707,360	3,215,277	3,215,277
Parks & Recreation	3,009,299	3,009,299	3,477,914	3,477,914	3,696,122	3,696,122
Golf	2,402,923	2,402,923	2,355,146	2,355,146	2,411,595	2,411,595
Sanitation Collection	8,050,000	8,050,000	8,685,969	8,685,969	8,842,148	8,842,148
Street & Traffic	9,620,487	9,620,487	10,808,059	10,808,059	10,655,176	10,655,176
Utility Billing	820,424	820,424	854,037	854,037	1,190,106	1,190,106
Wastewater	17,454,391	17,454,391	13,931,578	13,931,578	17,638,010	17,638,010
Water	12,273,439	12,273,439	11,563,547	11,563,547	11,337,870	11,337,870
Workers Comp	61,238	61,238	63,663	63,663	65,128	65,128
SUBTOTAL	\$ 70,843,051	\$ 70,843,051	\$67,912,132	\$ 67,912,132	\$ 71,294,326	\$ 71,294,326
GRANTS & DONATIONS						
FAA Grants	915,765	915,765	141,846	141,846	981,000	981,000
Federal DHS-Homeland Security	55,950	55,950	308,250	308,250	-	-
Federal DOI	5,654	5,654	-	-	-	-
Federal DOJ Grants	466,866	466,866	236,233	236,233	140,168	140,168
Federal DOT Grants	286,225	286,225	266,288	266,288	16,000	16,000
Federal EPA Grants	2,800,000	2,800,000	14,321,070	14,321,070	8,040,743	8,040,743
Federal Corporation For National & Community Service	-	-	-	-	-	-
Federal HUD Grants	1,150,710	1,150,710	1,342,919	1,342,919	1,168,238	1,168,238
Private Grant/Contributions	300,300	300,300	897,954	897,954	8,791	8,791
State Grants	9,420,144	9,420,144	2,083,842	2,083,842	2,788,054	2,788,054
Local Municipalities Grants	1,168,792	1,168,792	1,695,079	1,695,079	1,682,000	1,682,000
SUBTOTAL	\$ 16,570,406	\$ 16,570,406	\$21,293,481	\$ 21,293,481	\$ 14,824,994	\$ 14,824,994
CAPITAL PROJECTS & DEBT SERVICE FUNDS						
Capital Projects	1,132,235	1,132,235	1,450,922	1,450,922	1,575,890	1,575,890
Library Major Capital Campaign	455,235	455,235	-	-	-	-
Development Impact Fees	3,865,000	3,865,000	4,802,142	4,802,142	2,384,000	2,384,000

Regular Council
July 18, 2016

GO Bond Debt Service	2,798,575	2,798,575	2,696,900	2,696,900	2,697,150	2,697,150
SUBTOTAL	\$ 8,251,045	\$ 8,251,045	\$ 8,949,964	\$ 8,949,964	\$ 6,657,040	\$ 6,657,040
TOTAL	\$ 138,762,912	\$ 138,762,912	\$ 143,552,781	\$ 143,552,781	\$ 139,578,914	\$ 139,578,914
*Amount from property tax		34,903,674		36,201,477		37,615,638

I, Deborah Bishop, City Clerk of the City of Nampa, Idaho do hereby certify that this is a true and correct statement of the proposed expenditures and revenues for the fiscal year 2017. Citizens are invited to attend the budget hearing on August 1, 2016 at 7:00 p.m. and have the right to provide written or oral comments concerning the entire City Budget. A copy of the proposed City budget in detail is available in the Nampa Finance Office at City Hall, 411 Third Street South for inspection during regular hours, 8:00 a.m. to 5:00 p.m.

MOVED by Haverfield and **SECONDED** by Skaug 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 **30-2016**, and directed the clerk to record it as required

MOTION CARRIED

Mayor Henry presented a request for **approval** for the **Police Department** to **purchase** two new **vehicles** using **impact fees**.

Police Chief Joe Huff presented a staff report explaining that the Nampa Police Department and Nampa Fleet Services are requesting spending authority for the purchase of two (2) 2016 Chevrolet Police Tahoes currently in stock at Edmark Chevrolet. They are listed at State Bid Police pricing of approximately \$37,317. With additional equipment (lights, ballistic panels, cage, etc.) the total request is for \$48,000 each or a "Not to Exceeds" amount of \$96,000. This money will be allocated from Police Impact fees as per the proposed FY17 Fleet plan. The purchase of these two vehicles has been approved based on growth of the department over the last five years and is therefore not tied to the approval of the FY17 proposed Budget. We wish to proceed with these two purchases immediately while the vehicles are still available. Waiting to order the 2017 models will delay our ability to receive vehicles until approximately December of 2016 or January of 2017.

MOVED by White and **SECONDED** by Raymond to **approve** the **purchase** of two new vehicles using **impact fees** for the Police Department. The Mayor asked all in favor to say aye with all Councilmember presented voting **AYE**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **cancel body worn camera bid** and issue a new refined RFP.

Captain Brad Daniels presented a staff report explaining that I am requesting on behalf of the selection committee for Body Worn Cameras (BWC) to reject all proposals given by Watch Guard BWC and authorize the issuing of a new RFP with expanded conditions. The committee has reviewed and considered the bid response and subsequent contract negotiations, and has determined that it is in the City's best interest to reject all bids and rebid the project with a revised RFP that redefines the scope of needed equipment and services.

The City received several proposals in response to its RFP for BWC equipment and services. Based on the scoring and research done by the City's IT Department and the Nampa Police Department, it was determined that the WatchGuard system was the cheapest of the received bids, and seemed to offer the features that the City expected from the process. Due to this determination, on March 11, 2016, the City Council authorized the committee to begin contract negotiations with WatchGuard.

Since that time, the committee has attempted to settle on a contract that honors the bid process and meets the City's needs, but this has proven to be unsuccessful. Additionally, the committee has received feedback from at least one other agency that uses Watch Guard's equipment and services, and that feedback has been negative. Specifically, that agency is very displeased with the customer service, software support, and reports of poor product durability. In response, the committee has focused its contract negotiations on addressing these concerns in addition to our own as detailed in the original RFP. The negotiation has failed to yield terms that reasonably assure the City of the success of implementing WatchGuard's equipment and services.

The RFP response provided by WatchGuard did not clearly outline a complete solution that would meet the requirements of the published RFP. In order to do that, additional service warranty and software licensing was required, which materially impacted the cost of the project and added 54 percent to the cost of each camera for a no-fault protection plan.

Additionally, negotiations to obtain a guarantee of service for a reasonable service life (5 years), the City acted in good faith in requesting a pro-rated discounted replacement device cost in the case of damage and the ability to maintain warranty. WatchGuard was reluctant to extend replacement or warranty beyond 3 years. This contributed to a failure to reach an agreement to proceed.

Recent calls into WatchGuard support for their other product offering, In-Car Video, have been taking several days to get a call back, often after we call them several times, and are passed from one technician to another. This lack of responsiveness makes us hesitant to rely on WatchGuard support for a system as critical as body-worn cameras.

Regular Council
July 18, 2016

Additionally, one local agency has implemented the WatchGuard BWC's with difficulty. There was low/no training on the use of the software and hardware. They had made a call into customer service every day for the first 30 days and had to send back 13 of their 30 cameras for warrantee work all in the first few months. Customer service was difficult to work with during this process.

As stated in the RFP, a bidder may be disqualified for "poor performance or default, in the City's opinion, on previous contracts with other public entities." RFP p. 12. Additionally, the City "may make such investigations it deems necessary to determine the ability of the Vendor to perform the work proposed." RFP p. 29. The City may then "reject any proposal if the [...] investigation of the Vendor fails to satisfy the City that the Vendor is properly qualified to fulfill the obligation of the contract and to complete the work contemplated therein." RFP p. 29. The contract negotiations with WatchGuard were unsuccessful in reaching our level of satisfaction in this area and both parties, the committee and WatchGuard, mutually agreed that an agreement could not be reached at this time based on the conditions of the existing RFP.

As such, the committee is asking that the City Council reject all bids and rebid the BWC project with a revised RFP that redefines the scope of needed equipment and services provided.

MOVED by Haverfield and **SECONDED** by Raymond to **reject all bids** for body worn cameras and issue a new refined RFP. 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 for **reconsideration** of the **moratorium on billboard signs**.

Planning and Zoning Assistant Director presented a staff report explaining in 2006 the City of Nampa had in three or four months' time 16 different billboards come through the City and they were applied for by an out of state company at that time we did not have any kinds of controls on the quantity or inventory of billboards. As a resulting action to that we had two moratoriums one right after the other passed and then the Council instructed me to create a billboard ordinance that would create an inventory control cap, such that once we established the number of billboards in the City and we would say that number is allowed and no more unless we annexed property that by chance had a billboard sitting on it. However it does allow for companies to relocate billboards from one location to another, providing that they give us evidence that they are removing the billboard from the original location.

MOVED by White and **SECONDED** by Levi to **revisit the billboard sign ordinance and consider an amendment**. The Mayor asked all in favor say aye with Skaug, Bruner, Raymond, Levi, White voting **AYE** and Councilmember Haverfield voting **NAY**. The Mayor declared the

MOTION CARRIED

Councilmember Haverfield left the meeting at 7:08 p.m.

Mayor Henry opened a **public hearing** for regarding proposed changes to the Area of City Impact boundary for the City of Nampa, Idaho, pursuant to Idaho Code §67-6509(b) City Council must hold a subsequent hearing when their decision is materially different from the Planning and Zoning commission recommendation in matters related to plans. The Area of City Impact is a long term planning boundary that does not change taxation or service provision.

Karla Nelson presented a staff report explaining that Nampa City Council, on May 16, 2016, voted to remove Area 5 and the majority of Area 6 from the proposed impact area expansion. The Council decision did retain park land at Smith Avenue and Midway Road. Nampa City Council also voted to approve proposed swap areas 1 through 4.

The Nampa City Council decision differed from the Planning and Zoning Commission recommendation. Nampa Planning and Zoning Commission recommended that Area 6 north of Roosevelt Avenue remain in the proposed expansion. According to Idaho Statute 67-6509 regarding plans, a subsequent hearing is required when the governing board makes a material change to the Planning and Zoning Commission recommendation.

The July 18, 2016 reconsideration hearing should focus on land north of Roosevelt Avenue in Area 6 that the Planning and Zoning Commission recommended for inclusion and City Council removed from the proposed Area of Impact expansion.

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.

Regular Council
July 18, 2016

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 Area of City Impact helps to avoid difficulties that can result from a lack of coordination and resulting inappropriate development in areas that in the future may become part of Nampa. The boundary is also important for future planning. The City uses the Area of Impact for long term plans including the sewer, water, irrigation, and transportation master plan. COMPASS, the metropolitan planning organization, uses areas of impact to allocate growth and to determine future transportation needs.

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, school 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.

Regular Council
July 18, 2016

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.

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 recommended removal of Area 5 from the proposed Area of City Impact expansion. Nampa City Council also voted to remove the entirety of Area 5 from the proposed expansion. Since all hearings agreed that Area 5 should be removed, it is not the focus for reconsideration.

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;

Regular Council
July 18, 2016

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 and the City of Caldwell starting in 2005. In some locations annexation has already occurred. The Nampa Planning and Zoning Commission and Canyon County Planning and Zoning Commission both recommended 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.

However, Nampa Planning and Zoning Commission and Canyon County Planning and Zoning Commissions both recommended that land north of Roosevelt Avenue be included in the proposed expansion. Land north of Roosevelt Avenue has low to medium density residential future land use designations. Nampa City Council voted to remove all of Area 6 with the exception of the park at Smith Avenue and Midway Road. The City Council decision was largely based on new testimony from concerned property owners.

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.

SWAP AREAS

The City of Nampa Planning and Zoning Commission and Canyon County Planning and Zoning Commission recommended approval of all proposed swap areas with the City of Caldwell.

Regular Council
July 18, 2016

Nampa City Council also voted to approve the proposed swap areas. Since all hearings agreed on the proposed swaps these areas are not a focus of the reconsideration hearing.

However, Leo Taylor a property owner of swap Area 2B has since contacted the City of Nampa and City of Caldwell with concerns. Mr. Taylor owns 2 parcels (9.2 acres) in Area 2B that would become part of Caldwell's Area of City Impact and 3 parcels just south of Area 2B that would remain in Nampa's Area of City Impact. Mr. Taylor has expressed interest in keeping all of his parcels in Nampa's Area of City Impact.

The **Nampa Area of City Impact** swap locations 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;

Regular Council
July 18, 2016

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)

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 has increased 19% from 72,211 to 89,210. Expanding the Impact Area would 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

Regular Council
July 18, 2016

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 expansion areas through various master plans. Each study has indicated Nampa as the most suitable service provider.

Development potential - The reconsideration hearing is focused specifically on Area 6 north of Roosevelt Avenue. Excluding the park at Smith and Midway, and parcels that have already annexed into Nampa, there are 132 affected parcels. The parcels range in size from .3 acres to 103 acres, 28 of the parcels are larger than 10 acres.

Without talking with each property owner it is difficult to determine long term development plans. There are 32 parcels north of Roosevelt Avenue that are currently owned by Limited Liability Corporations (LLC's), another 7 parcels are in trusts or estates. In recent years most of Nampa's growth has occurred to the west and the north. Significant growth to the east of Nampa is unlikely; many of the parcels directly east of the city are large residential lots with individual septic systems and wells. Extending services past large residential lots to the east would result in high costs for developers. Therefore, as Nampa continues to grow, much of that growth is expected to the west (including Area 6) and to the north. The city of Nampa will not drive this growth but as more people move into the area, demand will drive growth.

COMPASS estimates that the total population for the existing impact area will increase from 104,990 today to 160,886 by 2040. Forecasted population growth will increase density in the expansion area. 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 expansion Area 6, north of Roosevelt Avenue will be a part of Nampa in the future. However, in all decisions it is

Regular Council
July 18, 2016

also important to consider property owner concerns and those need to be weighed against the long term planning benefit of an expanded Area of Impact.

DECISION - Nampa City Council should decide whether to maintain their May 16, 2016 decision to exclude the majority of Area 6 from Nampa's Area of Impact. Council can propose changes to Area 6 north of Roosevelt Avenue without necessitating another City Council or Planning and Zoning hearing.

To this point, all hearings have approved proposed swaps for Areas 1 through 4 and exclusion of Area 5, any substantial changes could cause additional hearings. The Area of Impact boundary will be final if/ when approved by the Canyon County Board of Commissioners.

Those appearing in favor of the request were: Linda Peterman, 3865 North Jullion, Boise.

Those appearing in opposition to the request were: Howard Henning, 11110 Coyote Cove Road; Kathy Deakins, 11882 Nez Perce Road; Ginette Lanto, 11152 Coyote Cove Road; Dustin Dutcher, 11425 Greenhurst Road; Wesley Schober, 422 West Locust Lane; Patricia Dennis, 12657 Memory Lane.

MOVED by White and **SECONDED** by Skaug to **close the public hearing**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Skaug and **SECONDED** by Raymond to **maintain the May 16, 2016 decision with the exception of 2B (Leo Taylors property that should be left in the City of Nampa area of impact)**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Mayor Henry opened a **public hearing** for **vacation** of the southerly 5 ft of the 10 ft easement running along the westerly 55 ft of the north property line, located at 1227 Eldoran Drive, Lot 15, Block 1 of Grange Park Subdivision, within an RS-6 (Single Family Residential - 6000 sq ft) zoning district, within the SE ¼ Section 17 T3N R2W BM. The applicant is requesting the Vacation of easement due to the fact an existing carport was constructed at an undetermined time in the past, and partially located within the subject easement and a **Variance** to the City of Nampa Zoning Ordinance Section 10-8-6-C requiring a 20 ft front yard setback for a structure, to allow for an existing carport located 5 ft from the front property line, for property located at 1227 Eldoran Drive (Lot 15, Block 1 of Grange Park Subdivision) within an RS-6 (Single Family Residential - 6000 sq ft) zoning district. The existing carport was constructed at an undetermined time in the past within the subject setback for Jennifer Trujillo.

Regular Council
July 18, 2016

Jennifer Trujillo presented the request.

Robert Hobbs presented a staff report explaining that the vacation is for the southerly five feet of a ten foot utility easement running along the westerly fifty-five feet of a lots north property line and a variance to Nampa City Code 10-8-6.C that requires a twenty foot front yard setback for/to a structure from a property's front property line in order to allow an existing carport to remain with a five foot front yard setback on the same lot for Jennifer Trujillo at 1127 Eldoran Drive in a RS-6 zoning district.

History: In seeking identification by our office of the Property as "real property", it was discovered that a carport that intrudes into the Property's front yard utility easement and setback was built at an indeterminate point in the past as an add-on to the existing manufactured home on the Property. It was revealed that a building permit was not issued to sanction the carport's construction and attachment, nor to facilitate a City inspector to review its structural integrity and the integrity of its connection to the manufactured home residence on the Property.

Applicable Regulations

10-27-12: Amended Plats; Vacations

C. Vacations: Vacation approval shall be required in order to either erase some or all of an easement or right of way. Vacation approval shall be required in order to move the location of all or part of an already platted and recorded right of way or easement. Processing of vacation requests for easements and/or rights of way shall be executed in accordance with provisions of Idaho state code. Right of way vacations shall be done by ordinance of the city council and approved first by the same during a public hearing. Alternatively, a re-plat of a subdivision may also serve to vacate easements and/or rights of way when filed, approved by the city, and then recorded. (Ord. 3573, 5-1-2006)

General Information/Narrated Findings

State law indicates that, "Easements shall be vacated in the same manner as streets." (§ 50-1325). Idaho Code Section 50-1321 requires that in order to vacate a street, among other prerequisites, "the owner or owners of the property abutting said public street...have been served with notice of the proposed abandonment in the same manner and for the same time as is now or may hereafter be provide for the service of the summons in an action at law." This appears distinct from a situation where a plat is being proposed for vacation and wherein lie one or more utility easements where a different set of notification requirements appertain (I.C. § 50-1306 (A) (5)).

Regular Council
July 18, 2016

Not too long ago, the subdivision ordinance section of the City's zoning code was amended with respect to vacation requests. Previously, the code indicated that Staff [could] review and approve utility easement Vacation requests. In such cases we customarily opted for review by City Council given requirements in state law that govern notification of easement vacations viewed as potentially "trumping" our code. (Legal counsel approved of causing Council review of easement Vacation applications after having met with Staff in January of 2013 to re-visit how we handle/process vacations of easements, etc.) In short, it was determined that convening a public hearing gives all interested parties/neighbors a chance to find out what is being proposed (concurrently satisfying State mandated notification requirements), and, to provide information regarding the endeavor to the City which may be of use/concern.

No set criteria govern the appropriateness of a Vacation request, the decision being left to the discretionary judgment of the authority hearing the request. Need to protect an easement to serve a public or other vital or prevailing interest may serve as rationale to reject a Vacation proposal.

To the matter at hand...based on information provided, this is a request to vacate a portion of a City imposed utility easement on the front of the Property that runs adjacent to Eldoran Drive. Opposition to the endeavor has not been raised by neighbors, City departments or outside agencies (Idaho Power, Intermountain Gas, Nampa Highway District, City Engineering -- see attached correspondence). Specifically, answering agencies have released/relinquished their interests in the easement area proposed for Vacation; however, the manner in which Intermountain Gas provided a statement of no opposition seems to offer contradictory statements. While not opposed to the Vacation of the easement section proposed, Intermountain Gas asked for reservation of an easement for their line(s). Yet, the map of their gas line locations in the area suggests that no such line is located in the easement section proposed for Vacation. Accordingly, Staff has no concerns about the easement Vacation request.

Recommended Conditions of Approval related to Vacation Application

N/A

Applicable Regulations

10-24-1: [VARIANCE] PURPOSE:

The council is empowered to grant variances in order to prevent or to lessen practical development difficulties, unique site circumstances, and unnecessary physical, geographical hardships inconsistent with the objectives of zoning as would result from a

literal interpretation and enforcement of certain of the bulk or quantifiable regulations prescribed by this title.

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

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

10-24-2: ACTIONS:

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

1. Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.

2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.

3. Literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.

5. The granting of the variance will not be detrimental to the public health, safety, or welfare or materially injurious to properties or improvements in the vicinity.

Staff Findings and Discussion

I. Variance Introduction:

Variations are traditionally offered zoning tools used as remedies to seek jurisdictional waivers or reductions of quantifiable, measurable development code requirements (e.g., setbacks, property dimensions, height standards, min. or maximum quantities or sizes, etc.) with which compliance in a given situation could not be attained due to site constraints (such as unusual topography) inherent to a property, rather than being the result of an applicant's own action(s)/development desires. Normally, economic considerations or "self-imposed hardships" or predicaments are not qualifying grounds to support a Variance application or its approval. As noted in the planning text The Practice of Local Government Planning (ICMA, 1988, 2nd ed.),

"Many requests for variances are for minor bulk variances in existing neighborhoods: for example, expansions of patios or carports one or two feet into designated side-yard setbacks. On such matters the zoning board becomes a sort of neighborhood arbitration board, dealing with physical hardships. Although these hardships are rarely great, this should be weighed against the extent of the public sector's stake in the somewhat arbitrary determination that a 10-foot- side yard is superior to a 9-foot one."

In Nampa, in order to justify a Variance Permit request, an applicant is tasked with arguing successfully to the City's Council that there is some aspect of the Property that physically, topographically or based on code requirements puts them at a disadvantage in trying to accomplish what they wish in comparison to like properties, especially in the surrounding area.

If the Council believes that there is no real topographical hardship associated with a Variance application (e.g., a river, a highway or a mountain in the way, etc.), then left to the applicant is the opportunity to argue that there is a "unique site circumstance" sufficient to justify their request. In times past, Variance Permits have been issued on a case by case basis where a unique situation could be determined to exist that pertained to a Variance application. Thus, historical matters, errors by the City or County, demonstrated lack of knowledge concerning a code by an

Regular Council
July 18, 2016

applicant or their contractor, common sense “solutioning”, development precedent and a variety of other mitigating factors have been evaluated in conjunction with these kinds of applications for relief from quantifiable, measurable standards adopted as law via Nampa’s zoning ordinance.

Council is at liberty to approve or deny a Variance. And, their vote should not necessarily be construed as setting precedent -- for nothing binds them to vote the same way twice other than their own perceptions and those of others that they may be concerned with. Still, consistency is a desirable goal when dealing with case by case Variance requests. As a Variance decision is a “quasi-judicial” matter, any vote to approve or deny should be accompanied by a reasoned statement listing the rationale for the decision made.

II. This Application:

As Variance Permits have been used to provide opportunity for an applicant to seek relief from a dimensional or quantifiable, metric standard, this request was received to ask the Council to consider allowing a front yard setback to be assigned to the Property of lesser depth than required of other similarly zoned lots in the City – or at least in the neighborhood within which the Property lies. Specifically, the Applicant petitions the Council to allow their Property to be encumbered with five foot (5’) front yard setback, in lieu of twenty feet (20’).

As this is a Variance request, it is the obligation of the Applicant to present such facts and persuasive arguments as to convince the Council that there exists some form of hardship or other unique site circumstance to justify issuance of the requested permit. The review criteria the Council is to use in assessing the application are those in bold font listed at the beginning of this report under the heading of “Applicable Regulations”, “Actions” 1-5. Those criteria serve as the “Conclusions of Law” to be associated with this matter.

III. Findings:

In Nampa, as pertaining to land use Variance Permit requests, a burden rests upon an applicant to argue persuasively to the City’s Council that one or more conditions related to the property they represent interfere(s) with the applicant’s use of their land in manner and form commensurate with that enjoyed, most particularly, by their neighbors or other properties in a similar situation and zoning district as that applicant’s land. Each Variance application is reviewed on a case by case basis and the merits of the matter are weighed in the public venue. Public testimony is received and the opinions of City departments or outside agencies submitted to the Council for their consideration.

With respect to the matter made the subject of this report, a justification statement was not provided by the Applicant per their narrative argues for their Variance request.

In the absence of arguments made by the Applicant in support of their application, Staff notes as follows:

- A) That the carport was possibly emplaced before the Applicant purchased the Property. Were it presented to the City for approval today as positioned, it would not be approved; and,
- B) The carport provides an amenity customary to single-family housing development by establishing a shelter for the Applicant's vehicle(s); and,
- C) That while the carport could have been set to the west side of the manufactured home (possibly as a detached/free-standing structure) it was connected to the northern roofline of the home. If the carport had been positioned about another fifteen feet (15') to the east, it would arguably not have had to meet a twenty foot (20') setback standard, but only five foot (5') instead given that part of the "front property line" of the Property does not abut the cul-de-sac terminus of Eldoran Drive but a neighboring lot instead; and,
- D) While not fully germane to this particular case/matter, there are other carport or temporary carport structures currently placed in violation of code in the fronts of houses in other parts of the City; and,
- E) No complaints have been advanced to the City by neighbors or governmental authorities respecting the carport, its condition, or position on the Property. No opposition has been expressed by those same parties respecting this request; and,
- F) To alter or remove the carport may introduce one or more inconveniences to the Applicant that would not have presented themselves had the Applicant not come to the City to seek identification/verification of their lot as "real property"...

Contrarily, Staff also finds as follows:

- A) That the Applicant should have investigated the viability of the carport before purchasing the Property; alternatively, if the carport was installed with the knowledge and consent of the Applicant, then they should have made assurance that a Building Permit was "pulled" for the addition -- which would have helped ensure the carport's compliance with zoning (and Building) codes, including property setbacks; and,
- B) Absent any mitigating issues, there appears to be at least another alternative location on site to erect a carport -- that is, to the western side of the Property; and,

- C) That the Property is not atypical in size, land use, slope, setback controls, etc. compared to similar properties in similar circumstances wherein improvements thereon have met code at the time of their emplacement. That is, there appears to be no “topographical hardship associated with the Property sufficient to compel the Council to consider the Applicant’s request favorably; and,
- D) Financial or convenience hardships are not of the type and variety normally relieved by Variance Permits by industry practice and are more exposed to legal challenge by any in opposition to their approval than Variances founded in reacting to circumstances derived from physical topography; and,
- E) That there is no known precedent that Staff is aware of where Council has in the past actually approved a similar application for a carport in a position such as the Applicant’s. A temporary carport was denied some years ago on Blaine Avenue, but that was on a rectangular lot with more direct street frontage than the Property enjoys (although the City has approved setback Variances from time to time...

III. Supplemental Variance [Related] Findings:

1. The Property (legal description within City case files VAC 0008-2016 and VAR 00010-2016) made the subject of this Variance request is located within the incorporated limits of the City of Nampa; and,
2. The Applicant has a controlling interest in the Property and is authorized to represent the same or allow another party to represent the same in this matter; and,
3. The Applicant proposes a reduced front yard setback (5’ in lieu of 20’) in association with an easement vacation request with intent to preserve an existing carport on the Property; and,
4. As authorized and mandated according to Idaho statute, the City has adopted a comprehensive zoning ordinance that applies to all properties within the City’s incorporated limits and, by limited form and fashion, to areas within its negotiated impact area; and,
5. The City’s zoning ordinance requires that properties in the RS 6 Zone comply with all relevant zoning code requirements appertaining thereto (including emplacement of any requisite, extant site improvements); and,

6. That among RS 6 zoning regulations, those portions of properties in the City of Nampa that abut/adjoin a right-of-way are required to provide/yield a twenty foot (20') wide/deep front yard setback within which no parking lot or building improvements (i.e., structures temporary or permanent) may be emplaced; and,
7. The Applicant seeks a Variance Permit from the City of Nampa in order to allow an existing carport positioned in the front yard setback to remain by reducing the required front yard setback from twenty feet (20') to five feet (5'); and,
8. The Applicant has submitted to the City a complete Variance Permit Application together with the requisite fee, and the City has received the application; and,
9. The Variance Application is being processed in conjunction with procedures compliant with the Local Land Use Planning Act, and Nampa Zoning Ordinance standards appertaining to such an application type; and,
10. Variances, as a rule, are not to be issued simply for economic reasons or convenience; they "shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity"; and,
11. A statement from the Applicant has not been provided to the City to justify the Variance request as some type of topographical or other physical site hardship or "unique site circumstance" that restricts Property development or "buildout" or use of land as allowed to other City properties or as granted already to City properties developed and/or used in similar fashion to that of the Applicant; and,
12. Adjacent property owners have not provided comment regarding the application; and,
13. The City's Engineering Division has expressed that they are not opposed to the application; and,
14. The City's Building Department has expressed that they are not opposed to the application, but are imposing a requirement that the Applicant obtain a Building Permit and structural calculations for the carport; and,
15. No direct physical impact on the general public by this request is foreseen by virtue of this request were it approved; expected impact would be center, rather, on the question any approval raises as to its propriety, possibly including a perceived setting of

precedence for similar setback code deviations given compliance to setback standards demonstrated by other persons/parties in the City; and,

16. Attached to this report is all of the information Staff had by the time this report was ready to go to print (12 noon, 13 July).

IV. Opinion:

Considered under a classical evaluation of a Variance, with its attendant criteria for approval (i.e., “Conclusions of Law”), Staff finds little merit or precedent in the area to suggest approval of this request. That said, given the extenuating circumstances, and our allowance by code of “unique site circumstances”, we see little to be gained at this point by denying the Variance. The unique layout and diminished frontage of the Property where it abuts a part of the cul-de-sac, and, lack of neighbor resistance to a possibly old [but not old enough presumably to be “grandfathered”] condition should be considered. We do note that the Building Department has issues with the carport structure (i.e., its construction and method of attachment) that may result in this matter being a mute issue if the carport is not “upgradable” and must be removed due to non-conformity with Building Code.

Recommend Condition(s) of Approval

Should the Council vote to approve this Vacation/Variance package request, then Staff recommends that they/you consider imposing the following Condition(s) of Approval against the same:

Generally:

1. Applicant(s) shall comply with all applicable requirements [including obtaining a Building Permit] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire [inspection], Building, Planning and Zoning and Engineering Departments, etc.) as the Variance(s) approval(s) do/does not, and shall not, have the effect of abrogating requirements from those agencies or City divisions/departments...

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

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

MOTION CARRIED

MOVED by White and **SECONDED** by Levi to **approve the vacation/variance** that requires a twenty foot front yard setback for/to a structure from a property’s front property line in order to allow an existing carport to remain with a five foot front yard setback at 1227 Eldoran Drive

Regular Council
July 18, 2016

with the conditions and authorize the City Attorney to draw the appropriate Ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

The following Ordinance was read by title only:

Michael Fuss presented a staff report explaining that the City of Nampa Building Department received building permit applications for new residential structures, within Nampa City Limits, that will be accessed by a new private lane.

Private lanes that provide access to three or more residences, or are longer than 500 feet are required to be named per City of Nampa Engineering Process & Policy Manual.

Engineering received an application signed by all impacted property owners requesting to name the private access lane.

- The private access lane will serve four parcels.
- The private access lane is over 500 feet in length.
- Engineering worked with the property owners on the street naming.
- The new residential structure's addresses will incorporate the new private street name.
 - No existing structure addresses will be changed.

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

- East Feather Creek Lane

This proposed assignment is shown on exhibit "A" attached.

Emergency Services supports this street naming.

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO NAMING A PRIVATE LANE EAST FEATHER CREEK LANE.

The Mayor declared this the first reading.

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

MOVED by Skaug and **SECONDED** by Bruner to pass the preceding ordinance under suspension of rules. The Mayor asked for a roll call vote with all councilmembers present voting YES. The Mayor declared the ordinance duly passed, numbered it **4269** and directed the clerk to record it as required.

Regular Council
July 18, 2016

Mayor Henry presented a request for **approval of proposed irrigation plan and deferral for required frontage improvements for Joplin View Subdivision.**

Michael Fuss presented a staff report explaining that Joplin View Subdivision is located in Canyon County, within the City of Nampa Impact Area, at the corner of Joplin Road and Franklin Road.

It is a 4 lot single family residential subdivision with approximately two acre lots.

Right of way for Franklin and Joplin will be dedicated to the Canyon Highway District.

Per the attached letter (see exhibit "A") the developer is requesting a waiver of the City's requirement to install curb, gutter, and sidewalk along the frontage of the development along with approval of their proposed irrigation plan (City Council approval of the Irrigation Plan is required under our joint powers agreement with Canyon County).

Engineering and Planning & Zoning have reviewed the proposed request and due to the location, size and nature of the development (see exhibit "B") we recommend approval of a deferral of the required frontage improvements including:

- Curb gutter and sidewalk
- Street lights
- Pavement widening
- Perimeter landscaping

Engineering has reviewed the proposed irrigation plan and recommends approval

MOVED by White and **SECONDED** by Raymond to **approve the proposed irrigation plan and deferral for required frontage improvements for Joplin View Subdivision.** 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 a contract with Pipeline Inspection Services, Inc** for construction of Zone B Pipe Repairs – CIPP Project.

Michael Fuss presented a staff report explaining that each year as part of the City's Asset Management program the Wastewater Division identifies sanitary sewer lines and infrastructure that are in need of rehabilitation or replacement.

Regular Council
July 18, 2016

For FY16 the Wastewater Division identified 2,400 feet (0.45 miles) sanitary sewer line in need of rehabilitation (Exhibit A). The rehabilitation method used for this project is Cured-in-place pipe (CIPP). CIPP is a specialized form of rehabilitation that is cost effective while reducing construction impacts.

The City solicited formal bids for the project in accordance with I.C. § 67-2805(3) and one (1) contractor(s) responded with the following bid(s):

1) Pipeline Inspection Services, Inc. \$182,835.75

The Zone B Pipe Repairs-CIPP project has an approved amended FY16 Wastewater Division budget of \$450,000. The budget was amended at the March 7, 2016 City Council Meeting.

Engineering	\$ 49,799
<i>Construction Observation Estimate</i>	\$ 18,284
Construction Bid	\$ 182,836
Total	\$ 250,918

JUB has provided a recommendation to award and the Engineering Division recommends awarding the bid to Pipeline Inspection Services, Inc.

MOVED by Skaug and **SECONDED** by Raymond to authorize the Mayor to sign a contract with Pipeline Inspection Services, Inc. to construct the Zone B Pipe Repairs – CIPP project in the amount of \$250,918. 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 Mayor to sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC, and 2) Nampa Municipal Airport Land Lease Agreement with Robert Minter as it relates to Lot 2016 at Nampa Municipal Airport.

Michael Fuss presented a staff report explaining that On January 21, 2016, Mad River, LLC (Tim and Julie Shelhorn), signed a 20 year land lease for Lot 2016.

On June 15, 2016, Airport Staff received a letter from Mad River, LLC (Lessee) offering Nampa Municipal Airport first right of refusal.

Regular Council
July 18, 2016

The Lessee also made known they had received an offer to purchase the land lease, with improvements, from Robert Minter.

On June 16, 2016, Robert Minter submitted a lease application.

On July 11, 2016, Lessee signed and returned the termination agreement

- The termination agreement is contingent upon the sale of the land lease with improvements

On July 6, 2016, Robert Minter signed and returned the Land Lease Agreement.

On July 11, 2016, the Nampa Airport Commission moved to recommend that City Council authorize the Mayor to sign the Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC (see Attachment A) dated January 21, 2016, and sign new Nampa Municipal Airport Land Lease Agreement (see Attachment B) with Robert Minter effective July 18, 2016, for Lot 2016.

MOVED by Raymond and **SECONDED** by Bruner to **Authorize Mayor** to sign Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC dated January 21, 2016, and Authorize Mayor to sign Nampa Municipal Airport Land Lease Agreement with Robert Minter, effective July 18, 2016, for Lot 2016. 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 Mayor** to Sign, (1) Agreement to **Waive First Right of Refusal and Terminate Lease** with Mad River, LLC, and 2) Nampa Municipal Airport Land Lease Agreement with **Charles Jones and Suzanne Paisley** as it relates to Lot 2012 at Nampa Municipal Airport.

Michael Fuss presented a staff report explaining that On January 21, 2016, Mad River, LLC (Tim and Julie Shelhorn), signed a 20 year land lease for Lot 2012.

On June 15, 2016, Airport Staff received a letter from Mad River, LLC (Lessee) offering Nampa Municipal Airport first right of refusal.

The Lessee also made known they had received an offer to purchase the land lease, with improvements, from Charles Jones and Suzanne Paisley.

On June 20, 2016, Charles Jones and Suzanne Paisley submitted a lease application.

Regular Council
July 18, 2016

On July 11, 2016, Lessee signed and returned the termination agreement

- The termination agreement is contingent upon the sale of the land lease with improvements

On July 7, 2016, Charles Jones and Suzanne Paisley signed and returned the Land Lease Agreement.

On July 11, 2016, the Nampa Airport Commission moved to recommend that City Council authorize the Mayor to sign the Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC (see Attachment A) dated January 21, 2016, and sign new Nampa Municipal Airport Land Lease Agreement (see Attachment B) with Charles Jones and Suzanne Paisley effective July 18, 2016, for Lot 2012.

MOVED by Bruner and **SECONDED** by Skaug to **Authorize Mayor to Sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC, and 2) Nampa Municipal Airport Land Lease Agreement with Charles Jones and Suzanne Paisley as it Relates to Lot 2012 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 Mayor to Sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC, and 2) Nampa Municipal Airport Land Lease Agreement with Tim Rambo as it relates to Lot 2010 at Nampa Municipal Airport.**

Michael Fuss presented a staff report explaining that the On January 21, 2016, Mad River, LLC (Tim and Julie Shelhorn), signed a 20 year land lease for Lot 2010.

On June 15, 2016, Airport Staff received a letter from Mad River, LLC (Lessee) offering Nampa Municipal Airport first right of refusal.

The Lessee also made known they had received an offer to purchase the land lease, with improvements, from Tim Rambo.

On June 16, 2016, Tim Rambo submitted a lease application.

On July 11, 2016, Lessee signed and returned the termination agreement

- The termination agreement is contingent upon the sale of the land lease with improvements

Regular Council
July 18, 2016

On July 11, 2016, Tim Rambo signed and returned the Land Lease Agreement.

On July 11, 2016, the Nampa Airport Commission moved to recommend that City Council authorize the Mayor to sign the Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC (see Attachment A) dated January 21, 2016, and sign new Nampa Municipal Airport Land Lease Agreement (see Attachment B) with Tim Rambo effective July 18, 2016, for Lot 2010.

MOVED by Raymond and **SECONDED** by Skaug to **Authorize Mayor to Sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Mad River, LLC, and 2) Nampa Municipal Airport Land Lease Agreement with Tim Rambo as it Relates to Lot 2010 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 Mayor to Sign First Amendment to Nampa Municipal Airport Land Lease Agreement, and Memorandum of Leave for Recording with Two Millers Holdings, LLC** as it relates to Lot 2234 at Nampa Municipal Airport.

Michael Fuss presented a staff report explaining that the On April 1, 2009, Mark Miller and John Kuzmic, signed a 30 year lease for the improvements on Lot 2234 at the Nampa Municipal Airport.

Mr. Miller has since purchased Mr. Kuzmic's half of the hangar.

City's legal counsel has prepared a lease amendment showing Mr. Kuzmic's interest in the hangar has been sold to Mark Miller, who at this time wishes to assign all interest in the hanger lease to Two Millers Holdings, LLC.

- The original lease has a Memorandum of Lease for Recording with Canyon County. A new memorandum has been prepared for signature and recording

On July 11, 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 (see Attachment A) and Memorandum of Lease for Recording (see Attachment B) with Two Millers Holdings, LLC for Lot 2234.

MOVED by Skaug and **SECONDED** by White to **Authorize Mayor to Sign First Amendment to Nampa Municipal Airport Land Lease Agreement, and Memorandum of Leave for Recording with Two Millers Holdings, LLC** as it Relates to Lot 2234 at Nampa

Regular Council
July 18, 2016

Municipal Airport. The Mayor asked for a roll call vote with all Councilmembers present voting YES. The Mayor declared the

MOTION CARRIED

The Mayor adjourned the meeting at 7:27 p.m.

Passed this 1st day of August, 2016.

MAYOR

ATTEST:

CITY CLERK

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, JULY 12, 2016, 6:30 P.M.
AT THE NAMPA CIVIC CENTER, 311 3RD ST S, NAMPA**

Members:	Lance McGrath, Chairman	Peggy Sellman
	Chad Gunstream- Vice Chairman	Norm Holm, Director
	Steve Kehoe	Robert Hobbs, Assistant Director
	Harold Kropp	Karla Nelson – Community Planner
	Kevin Myers	Tom Points – City Engineer
	Victor Rodriguez	Daniel Badger, Staff Engineer
Absent:	Sheila Keim	Bret Miller

Chairman McGrath called the meeting to order at 6:40 p.m.

Approval of Minutes. Kropp motioned and Sellman seconded to approve the Minutes of the June 28, 2016 Planning and Zoning Commission meeting.

Report on Council Actions. There were no City Council members present. Assistant Planning Director Hobbs stated City Council, on their July 5, 2016 meeting, approved the Vacation of Easement for 6866 E Roxi Cove Ct for Caron Dennet, representing Kevin Lloyd.

Chairman McGrath proceeded to the business item on the agenda.

Subdivision Final Plat Approval for Sonata Pointe Subdivision No. 1 in an RS-7 zoning district on the south side of W Lone Star Rd, west of Lone Star Middle School (47 single family residential lots on 15.23 acres, 3.09 dwelling units per acre – situated in the NE ¼ of Section 30 T3N R2W BM) for Challenger Development (SPF 012-16)

Assistant Planning Director Hobbs:

- Hobbs stated Staff had reviewed the Final Plat and found the Final Plat to be in care and keeping with the Preliminary Plat in all respects, conforms to the RS-7 zoning standards, as well as City of Nampa Subdivision standards.
- Hobbs reviewed the Staff Report and recommended conditions of approval.

Gunstream motioned and Sellman seconded to approve the Final Plat for Sonata Pointe Subdivision No. 1, located on 15.23 acres, on the south side of W Lone Star Rd, west of Lone Star Middle School, for Challenger Development, subject to:

1. Compliance with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to Sonata Pointe Subdivision.
Specifically,
 - a) Compliance with the requirements listed in the June 20, 2016 memorandum from the Nampa Engineering Division authored by Daniel Badger.
2. The water system for the Project 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.

3. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes.
4. Developer/Development shall comply with City of Nampa landscape standards as applicable to the subdivision, to include internal street tree planting and periphery landscape corridor landscape requirements.
5. Developer's engineer shall incorporate required plat revisions onto the final Mylar version of the same and revise the Project's landscape plan as required. A copy of a/the final landscape plan shall be remitted to Staff in conjunction with the Mylar submittal following Council approval of the final plat.

Chairman McGrath proceeded to the public hearing items on the agenda at 7:00 p.m.

Public Hearing No. 1:

Comprehensive Plan Future Land Use Map Amendment from General Commercial to High Density Residential; and, Rezone from RML and RS-6 to RMH at 347 W Orchard Ave. (A 1.655 acre portion of Section 2 T3N R2W, NE ¼ BM, Westview Subdivision Lot 4 North of the Canal, less Tax 1 and 10 in NW ¼, NE ¼) for Dean and Daren Anderson (CMA 026-16, ZMA 015-16)

Chairman McGrath proceeded to public hearing.

Dean Anderson of 3100 Crescent Rim, Boise – applicant:

Daren Anderson of 1104 Imperial Ln, Boise – applicant:

- Dean Anderson stated they were applying for the Rezone to RMH in order to provide 30 high-end luxury apartments
- Dean Anderson indicated pictures of a similar apartment complex in Boise – Depot Lofts at the end of Vista, near the Depot.
- Daren Anderson presented pictures of building elevations that would be similar to the proposed project.
- Daren Anderson noted the building elevation for the back of the building that would face the canal.
- Daren Anderson indicated the location of the proposed 12 unit building and the 18 unit building.
- The preliminary site plan was presented by Daren Anderson, showing the back of the larger building along the canal.
- The locations of the proposed double and single car garages were noted by Daren Anderson.
- Rodriguez inquired on the number of people that would be living in the proposed development.
- Daren Anderson stated he did not know the number of people that would be living there but there would be 15 one bedroom units, and 15 two bedroom units.
- Rodriguez inquired if there was an additional exit that would accommodate better traffic flow, other than the one entry way shown off of W Orchard Ave.
- Daren Anderson stated there would be one exit and one entrance, and added there would also be a full circle turnaround to accommodate fire trucks and other larger vehicles.
- Rodriguez inquired about an emergency exit and Daren Anderson replied there was no exit at the back because of the canal.
- Daren Anderson stated the architects had looked into the ingress and egress requirements for emergency vehicles and the residents, and had taken that into consideration with the proposed site plan.
- Additionally, stated Daren Anderson, another architect and civil engineer would be going over the proposed site design to make sure everything was up to Code and safe.

Assistant Planning Director Hobbs:

- Hobbs noted the applicants had applied for both a Comprehensive Plan Future Land Use Map Amendment to High Density Residential, as well as the Rezone to RMH.
- Hobbs reviewed the Staff Report and recommended conditions of approval.
- The Comprehensive Plan Map Amendment, continued Hobbs, was necessary in order to provide the underlying Comprehensive Plan support for the Rezone request to RMH.
- Hobbs reported the subject property was currently within a Commercial Comprehensive Plan Future Land Use Map designation, with Commercial designation also to the north, northwest and east.

- Hobbs reviewed the history of the State Code regarding Comprehensive Plan Amendments.
- The subject property, added Hobbs, was currently zoned RML on the north portion of the property, and RS-6 on the south side of the property. The zoning to the south was RS-6 – comprising single family residential homes, to the west was RS-6 and RML – with Nampa Christian School, RML to the northwest – with apartments, to the north BC and to the east BC – with the gas station on the corner of W Orchard Ave and Caldwell Blvd.
- According to Hobbs, the RMH zoning designation would allow for high density residential, and would also allow for buildings taller than 30 ft in height.
- Hobbs suggested the City Council would probably require the applicant to enter into a Development Agreement in order to control the density.

Chairman McGrath proceeded to public testimony:

Steve Van Atter – 15 Ord Blvd, Nampa – undecided:

- Mr Van Atter stated he had a couple of concerns.
- One concern, stated Mr Van Atter, was for some kind of sound barrier that would reduce the sound from the apartments across the canal.
- According to Mr Van Atter, the noise level from Caldwell Blvd was already pretty bad and adding more people could create a problem.
- The other concern, added Mr Atter, was the fact the traffic backed-up on Orchard Blvd from the lights at Caldwell Blvd in the morning, and considered adding more residential units in the proposed apartments would create more of a problem.

Daren Anderson:

- Regarding the noise from Orchard Ave, stated Mr Anderson, the apartment buildings would create a great sound barrier from both the apartment parking lot as well as W Orchard Ave.
- As far as the noise from Caldwell Blvd, continued Mr Anderson, the proposed apartment buildings would not help or hurt that noise.
- The back of the 18 unit apartment building would face the canal and the properties to the south, stated Mr Anderson, and the noise from the parking area would be blocked by the apartment complex.
- **Chairman McGrath** inquired what kind of fencing for safety would be place along the canal portion of the property.
- **Mr Anderson** replied they were proposing a 6 ft wrought iron fence that would allow vision but still block access to the canal.

Kropp motioned and **Rodriguez** seconded to close public hearing. **Motion carried.**

- **Rodriguez** noted the Nampa Christian School was located immediately to the west and questioned if there should be a Traffic Impact Study regarding the proposed rezone and apartment development.
- **Hobbs** replied the Engineering Division had indicated that per their standards, a Traffic Impact Study was not required at this time.
- **Myers** considered the proposed development would be located in a suitable location.

Myers motioned and **Gunstream** seconded to recommend to City Council Amendment of the Comprehensive Plan Future Land Use Map from General Commercial to High Density Residential for 347 W Orchard Avenue for Dean and Daren Anderson.
Motion carried.

Myers motioned and **Gunstream** seconded to recommend to City Council, Rezone from RS-6 (Single Family Residential – 6000 sq ft minimum lot size) and RML (Limited Multiple Family Residential) to RMH (Multiple Family Residential) for 347 W Orchard Ave for Dean and Daren Anderson.
Motion carried.

Public Hearing No. 2:

Modification of Annexation/Zoning Development Agreement between Northwest Development Company, LLC and the City of Nampa recorded 09/12/2005 as Inst. No. 200561243 amending the “Recitals” and “Agreement” sections to allow for a Rezone from RMH to RS-6, and Rezone from RMH to RS-6, for Lots 11-14, Block 2, Yellow Fern Subdivision, according to the plat filed in Book 42 of Plats at Page 29 – A 3.026 acre portion of the NE ¼ of the SE ¼ of Section 11 T3N R2W BM), for Glen Rimbey (DAM 004-16 and ZMA 017-16)

Chairman McGrath proceeded to public hearing.

Mr Glen Rimbey of 16437 11th Ave N, Nampa, the applicant:

- Mr Rimbey explained he was requesting the zoning on the subject properties in order to be reflective with what was already there.
- Mr Rimbey stated they were proposing to build four single family homes on the subject lots, and did not want anything high density built next to those lots.
- According to Mr Rimbey, the lots were originally zoned RMH for multi-family and they were now trying to rezone to single family residential.

Assistant Planning Director Hobbs:

- Hobbs noted the applicant was asking for Modification of the Development Agreement as well as a rezone to RS-6.
- Hobbs reviewed the Staff Report and recommended conditions of approval.
- According to Hobbs, the requested Rezone to RS-6 would not create non-conformity with adjacent properties.

Chairman McGrath proceeded to public testimony:

Debra Frost of 16463 11th Ave N, Nampa – in favor – but did not wish to speak.

Gunstream motioned and Sellman seconded to close public hearing. Motion carried.

Gunstream motioned and Rodriguez seconded to recommend to City Council Modification of the Annexation/Zoning Development Agreement between Northwest Development Company, LLC and City of Nampa recorded 09/12/2005 as Inst. No. 200561243 amending the “Recitals” and “Agreement” sections to allow for a rezone from RMH to RS-6 for Lots 11 – 14, Block 2, Yellow Fern Subdivision, for Glen Rimbey, subject to:

1. The Applicant, as Owner/Developer [shall] enter into a Modified Development Agreement with the City of Nampa. 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 to outside agencies properly involved in the review of the Applicant’s request for the Property to be re-identified for [continued] single family residential use in an RS-6 Zone versus its original RMH entitlements.

Motion carried.

Gunstream motioned and Sellman seconded to recommend to City Council Rezone from RMH (Multi Family Residential) for Lots 11 – 14, Block 2 Yellow Fern Subdivision, for Glen Rimbey, subject to:

- The Applicant, as Owner/Developer [shall] enter into a Modified Development Agreement with the City of Nampa. 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 to outside agencies properly involved in the review of the Applicant’s request for the Property to be re-identified for [continued] single family residential use in an RS-6 Zone versus its original RMH entitlements.

Motion carried.

Public Hearing No. 3:

Conditional Use Permit for a Home Occupation Day Care for up to 12 children in an RD zoning district at 807 14th Ave S. (A .138 acre portion of Section 27 T3N R2W BM NW ¼, Waterhouse Addition, SW 43 ft of Lot 3, Block 27), for Guerline Hyppolite (CUP 037-16).

Chairman McGrath proceeded to public hearing.

Guerline Hyppolite of 807 14th Ave S, Nampa – the applicant:

- Ms Hyppolite stated she had been running a daycare for over 20 years and added that she had an Associate's Degree in that field.
- Ms Hyppolite stated she would like to be approved and licensed for 12 children.
- In response to a question from Chairman McGrath, Ms Hyppolite stated she had been living at 807 14th Ave S since November.
- According to Ms Hyppolite she had been working in a daycare for two years, but had previously operated her own daycare.
- Myers noted the Fire Department required the 32 inch exit door to be in place in order to approve the property for a daycare for up to 12 children.
- Ms Hyppolite stated the 32 inch exit door had been installed.

Planning Director Holm:

- Holm stated the applicant had requested a Conditional Use Permit for a Home Occupation Daycare for up to 12 children.
- The property at 807 14th Ave S, stated Holm, comprised approximately 6000 sq ft.
- The applicant, continued Holm, resided at the property and was the owner.
- The surrounding properties, reported Holm were all single family residential within an established RD zoning district.
- Holm reviewed the Staff Report and recommended conditions of approval.
- According to Holm, no comments had been received from surrounding property owners or residents.
- Holm stated no complaints had been received from the Code Enforcement Division.
- Holm noted a copy of the Nampa Fire Department approved Inspection Form would be required, indicating the 32 inch exit door had been installed.

Chairman McGrath proceeded to public testimony.

Brandee Madsen of 16026 N 19th St, Nampa – in favor:

- Ms Madsen stated she had worked with Guerline Hyppolite and could vouch for her.
- Ms Madsen stated the kids loved Ms Hyppolite. Ms Madsen considered Ms Hyppolite was amazing, and added she would love to see her get a license for 12 children.

Dyann Aspiazu of 804 14th Ave S – opposed:

- Ms Aspiazu stated she lived right across the street from the subject property.
- Ms Aspiazu stated she was not opposed to the daycare because Ms Hyppolite does an excellent job and her customers appreciate the service she provides.
- However, added Ms Aspiazu, she did have safety concerns due to the fact that many people have problems with parking, and vehicles monopolizing other residents' parking spaces. There were also people that were double parking, and doing u-turns in the middle of the street – and those issues need to be addressed.
- Additionally, stated Ms Aspiazu, there was a registered sex offender within 150 ft of the daycare. Ms Aspiazu stated she and Ms Hyppolite had discussed that issue, and considered if she notified the children's parents there should not be a problem.
- Chairman McGrath inquired if the traffic issues were related to the applicant's property or parents of the children. Ms Aspiazu stated the traffic issues were caused by Ms Hyppolite's customers dropping off or picking up their children.

Ms Hyppolite:

- Ms Hyppolite stated she had advised her parents about the sex-offender.
- According to Ms Hyppolite, Central Elementary school was right down the street and there were a lot of children going back and forth to the school.
- Ms Hyppolite stated she had informed her parents that when parking they are not to park too close to the neighbors. Ms Hyppolite added there were other neighbors that also park in front of her house and she could not get in to park.
- Ms Madsen stated there were not more than 3 parents dropping off or picking up at any one time, and usually only two at most.
- Ms Madsen discussed ways to allow room for parents to park in front of the house.

Kropp motioned and Rodriguez motioned to close public hearing. Motion carried.

- Rodriguez stated he did not have a problem with the application as long as Ms Hyppolite resides at that residence.

Rodriguez motioned and Kropp seconded to approve the Conditional Use Permit for a Home Occupation Daycare for up to 12 children in an RD zoning district at 807 14th Ave S, for Guerline Hyppolite, subject to:

1. The operator obtains and maintains licensing with the State of Idaho Department of Health and Welfare.
2. The use as a Home Occupation Daycare does not substantially change the character of the home and shall be clearly secondary to the use of the home as a residence.
3. The outdoor play area and landscaping shall be maintained in a neat and orderly manner.
4. The outdoor play area shall be continuously fenced in order to retain children from wandering out of the area.
5. All requirements of the Nampa Building, Fire and Engineering Departments regarding daycare use shall be satisfied as per State Law prior to occupancy.
6. Installation of a second 32 inch exit required by IDAPA for a Group Daycare as required by the Nampa Fire Department in order to allow for the requested Daycare of up to 12 children.
7. The size of any advertising signs shall not exceed that allowed for Home Occupations of two (2) sq ft.
8. The Conditional Use Permit be granted to Guerline Hyppolite only, and shall not be transferable to any other operator or location.

Motion carried.

Public Hearing No. 4:

Conditional Use Permit for Permanent Keeping of 3 Dogs and Occasional Keeping of 4 Dogs for total of 7 Dogs in an RS-6 zoning district at 16697 N Yorkshire Lane. (A .198 acre portion of Section 11 T3N R2W BM, NE ¼, Sherwood Forest No. 4, Lot 31, Block 8) for Kimberly Callaghan (CUP 038-16).

Chairman McGrath proceeded to public hearing.

Kimberly Callaghan of 16697 N Yorkshire Lane, Nampa – the applicant:

- Ms Callaghan stated she had two dogs of her own, as well as her daughter's dog, her mother's 2 dogs and her son's 2 dogs.
- According to Ms Callaghan, she would only require the Conditional Use Permit approval for 7 dogs for one year.
- Chairman McGrath inquired if there had been any issues with the dogs and Ms Callaghan replied that two of the dogs had escaped.
- In response to a question from Chairman McGrath, Ms Callaghan advised all the dogs were small breeds, including Yorkie and Pomeranian. All the dogs have been sterilized, had all their shots and were licensed.
- Ms Callaghan informed the Commission regarding the approximate time frames for keeping her mother's dogs, her daughter's dog, and noted her son currently lived in Seattle and travelled a lot for work and she was keeping his dogs until he was settled.

- Ms Callaghan advised there was a complaint regarding the dogs getting loose and that issue has been remedied.

Planning Director Holm:

- Holm indicated the location of the property and an aerial view.
- According to Holm, there had been no comments received from surrounding property owners or residents.
- Code Enforcement, added Holm, has not indicated any recent violations.
- Holm stated the Conditional Use Permit request for a total of 7 dogs was only for one year.
- Holm reviewed the Staff Report and recommended conditions of approval.

Chairman McGrath proceeded to public hearing.

James R Boatman of 8186 E Jacob Dr, Nampa – opposed but did not wish to speak.

Dan Martinez of 11378 Fitzwilliam Lp, Nampa – opposed:

- Mr Martinez stated he believed one reason the neighborhood was very nice was because of the City regulations limiting the number of dogs to two. If the application were to be approved it would be setting a precedent for other people to have more than two dogs.
- Mr Martinez considered the statement regarding “occasional dogs” on the premises would be subject to interpretation and enforcement.
- Mr Martinez noted the close proximity of homes in the neighborhood.
- There were already problems with barking dogs in many of the neighborhoods, noted Mr Martinez.
- Mr Martinez suggested that anyone wanting that many dogs should move to the country in order for the dogs to have lots of room to roam.

Annette Asche of 16817 N Kettering, Nampa – opposed but did not wish to speak.

Tanya Pesaturo of 16817 N Kettering Ln, Nampa – opposed but did not wish to speak.

Chris McIntire of 16653 N Windsor Ln, Nampa – opposed but did not wish to speak.

Patricia Sankey of 7243 E Hampshire Ln, Nampa – opposed:

- Ms Sankey stated she agreed with the previous speaker.
- Ms Sankey considered it was too concentrated a neighborhood to allow 7 dogs on one property.
- According to Ms Sankey, she lived approximately 100 yards from the subject property and there were already problems with dogs barking continuously.
- Ms Sankey considered if approved for 7 dogs, it could create problems, as well as a precedent for other people.
- Ms Sankey stated it would be inappropriate to approve the application for 7 dogs.
- Rodriguez inquired if Ms Sankey could hear the applicant’s dogs barking and Ms Sankey replied she did not know who the barking dogs belonged to.
- According to Ms Sankey she had been working night shift and it was very difficult to sleep with all the barking dogs.

Debra Frost of 16463 11th Ave N – undecided:

- Ms Frost stated she did not know the subject property.
- According to Ms Frost she loved dogs, and added that her dogs wear bark collars.
- Little dogs, added Ms Frost, bark as much as large dogs.
- Ms Frost considered if someone owns a dog they should be a responsible dog owner.
- If the son was in Seattle and the two dogs were at the subject property, was he a responsible dog owner, added Ms Frost.

Ms Callaghan:

- Ms Callaghan agreed they should be living out in the country with the dogs and that was her goal, and added that when her husband gets home from deployment they will look at moving to the country.

- Ms Callaghan stated there were dogs barking throughout the entire neighborhood.
- According to Ms Callaghan, her son had lived in Boise but moved to Seattle for his job and she was caring for his dogs until he finds a home.
- **Chairman McGrath** inquired if the applicant had a plan in place for keeping all of the dogs under control and Ms Callaghan replied her property was more or less double fenced.
- Ms Callaghan emphasized she was home all day and all night to monitor the dogs and added the dogs had only got out of the yard that one time.

Kehoe motioned and Rodriguez seconded to close public hearing. Motion carried.

- Kehoe stated the neighbors had stated there was already a problem in the neighborhood with dogs barking and considered it would be inconsiderate to add four more dogs.
- Myers noted the applicant was doing everything she could to avoid any problems.
- Rodriguez considered with the existing barking dog problem, approval should not be given to add more dogs in to the area.
- Myers considered it would be a temporary situation for one year.
- **Chairman McGrath** suggested the application could be accommodated with a conditioned response.
- Gunstream stated he was not a pet owner but was in favor of the application and noted the applicant had taken all the steps to prevent any problems.

Myers motioned and Gunstream seconded to approve the Conditional Use Permit for a one (1) year time frame for Kimberly Callaghan for 16697 N Yorkshire Lane, subject to:

1. The applicant maintains their yard free from the accumulation of dog feces.
2. The applicant prevents the dogs from excessively barking so as to constitute a nuisance to the neighbors.
3. Three or more citations issued against the applicant by Animal Control officers be considered sufficient grounds to revoke the Conditional Use Permit and that such will be considered null and void upon receipt of the third citation.
4. The animals be restricted so as to not run at large off the property. This shall include completion and maintenance of adequate fencing at a condition and height to keep the dogs from getting away when let outside.
5. Yearly application by the applicant, and issuance of a Non-Commercial Kennel License for the seven (7) dogs on the premises at 16697 N Yorkshire Lane.

Motion denied with Gunstream and Myers in favor and Kropp, Kehoe, Rodriguez and Sellman opposed.

Public Hearing No. 5:

Comprehensive Plan Future Land Use Map Amendment from Public and Parks to Community Mixed Use; Rezone from AG to GB-1; and, Planned Unit Development Permit for Residential Uses at 1660 11th Ave N. (A 615.6 acre parcel of land located in Sections 11, 12, 13, and 14, T3N R2W BM, Canyon County, for Doug Russell representing the Land Group Inc, for the Idaho Department of Health & Welfare (CMA 029-2016, ZMA 016-2016, and PUD 002-2016.

Chairman McGrath proceeded to public hearing.

Doug Russell of The Land Group, 462 E Shore Dr, Eagle, representing the applicants, The Idaho Department of Health and Welfare.

- Mr Russell advised they had submitted the application in August of 2015 and after receiving Staff comments and concerns they worked with some additional outside consultants and resubmitted with revisions.
- Mr Russell reviewed the project and indicated an aerial view of the subject site, comprising approximately 613 acres, currently known as the Southwest Idaho Treatment Center.
- The 613 acres, added Mr Russell, was owned by the Idaho Department of Health and Welfare, a site that has cared for mentally ill patients. Over time, with the change in the care of mentally ill patients, the number of patients in the facility was now down to 25 residential clients.
- Mr Russell noted the Job Corps facility was located on the subject property.
- The golf courses were also on the subject property, as well as a hobby air strip.

- The Idaho Dept of Health and Welfare, explained Mr Russell, no longer needs all of the property and noted the SWITC land was becoming more and more valuable primarily because it fronts on to I-84, and roadway improvements would provide more access to the site.
- Mr Russell noted the adjacent GB-1 and Commercial zoning to the east, RS-6 zoning to the north, IP and IL and some BC zoning to the south, and IP, IL and some BC zoning to the west.
- Mr Russell indicated the three transmission lines coming through the site.
- In 2011, continued Mr Russell, The Idaho Dept of Health and Welfare, in cooperation with the Idaho Department of Public Works put out a Request for Proposal to create a Master Plan scenario developed in such a way as to achieve the highest and best use of the subject property, in order to be responsible stewards of the land, and use the resources for the benefit of the taxpayers of the State of Idaho.
- In 2014, stated Mr Russell, the leases for the two golf courses were extended to 2019, in order to provide enough time to get the Master Plan underway.
- According to Mr Russell, the State of Idaho was very aware that the golf courses are very dear to the City of Nampa and the surrounding area.
- Mr Russell presented information regarding: the forecast for the population growth in the area by 2035; property values in close proximity to the SWITC site; and, estimated property tax revenues.
- Mr Russell reviewed the history of the golf course since 1985 when the original 25 year lease was executed – with a cost of \$12,000 per annum or 1 percent of gross revenue, in 2010 the lease was extended to December of 2014 with an increase in the lease price from \$12,000 per annum to \$21,710 per annum, and in 2014 the lease was extended to December of 2019.
- Based on current land values, explained Mr Russell, the current returns were not maximizing the resources for the Idaho taxpayer.
- Mr Russell provided information on lease returns to the State and noted the potential income for the State from the sale of the golf courses would be approximately \$60,584,000.
- Mr Russell reviewed the proposed Master Plan for the subject property: the large amount of commercial/office development – including hotels; commercial campus/mixed use; multi-family residential; and, single family residential.
- The residential areas to the north, continued Mr Russell, would have similar uses adjacent their properties with the golf course area and single family residential.
- All the commercial development, added Mr Russell, would be kept close to the Interstate.
- Mr Russell noted there would be approximately 113 acres of commercial/office space, with almost 2,000,000 sq ft of building facilities – creating professional campuses for Research and Development, Technology, and uses that would create jobs in the area.
- Centrally located, reported Mr Russell, would be mixed use, retail and restaurant facilities to serve the key transportation corridor. To separate the driving range from the campus, noted Mr Russell, a small downtown core type of area had been provided.
- Mr Russell indicated the centrally located multi-family housing area of approximately 15.8 acres.
- To the north, stated Mr Russell, would be the single family residential areas close to the proposed golf course. There would also be 19 acres of proposed open space and soccer fields.
- A retirement community, with access to the golf course, was also proposed, reported Mr Russell.
- Mr Russell advised four hotels were proposed.
- Mr Russell discussed the proposed transit center along the UPRR in anticipation of potential future mass transit.
- According to Mr Russell, the Job Corps facility would remain.
- Mr Russell discussed the proposed new 18 hold golf course, the relocation of the golf clubhouse, and added the golf course would be in close proximity to the driving range and practice facility.
- Mr Russell reviewed the architectural design guidelines to assure that architectural styles are adhered to.
- Mr Russell stated the applicants would like to modify the Comprehensive Plan from Public Parks to Community Mixed Use, Rezone the entire property to GB-1, and, gain approval for a Planned Unit Development Permit for Residential Uses.
- The P-U-D request, along with the Development Agreement, added Mr Russell, would allow incorporation of a residential component, within the proposed GB-1 zoning district.
- Mr Russell noted the existing GB-1 zoning, adjacent to the east of the subject property.
- Mr Russell referred to sections of the City of Nampa Zoning Ordinance.

- According to Mr Russell, there would be a tax gain to the City of Nampa with approval of the proposed plan, with a projection of approximately \$17 million annually in taxes.
- Additionally, there would be a lot of infrastructure upgrades, added Mr Russell.
- Mr Russell stated they were well aware there would be a number of hurdles to be taken care of in the way of infrastructure development, including many of the intersections that surround the subject property.
- Two things that would be changed related to transportation: 1) Connection of Garrity Blvd to Karcher Rd – a through road with 3 to 5 lanes, with an overpass; 2) An overpass for N 39th St, due to the fact the previously discussed interchange would not be taking place.
- Regarding the lease situation, added Mr Russell, the State has agreed to extend the lease for the golf course land to 2019.
- Gunstream inquired about the proposed 18 hole golf course and if it would be leased to the City, or privately owned.
- Mr Russell replied the State Department of Health and Welfare would not be the developer of the subject property and did not know if the proposed golf course would be public or private.
- Rodriguez stated the State Dept of H & W had submitted the master plan knowing that it would not coincide or be in harmony with the Nampa 2035 Comprehensive Plan.
- Mr Russell replied the applicant had participated in discussions with the City of Nampa as they worked through the application process.
- Rodriguez suggested the Land Group, representing the Department of H & W wanted the City to amend the Comprehensive Plan and Rezone the property to GB-1 for the profit of business and the State Dept of H & W.
- Rodriguez considered if the State Dept of H & W wanted the profit to go back to the State Lands Dept they would have put the property up for auction, however, that process was not followed.
- Mr Russell responded that there were a lot of rules and regulations for the State to sell land. The applications tonight before the Planning and Zoning Commission were regarding the Comprehensive Plan Amendment to Community Mixed Use, re-zoning to GB-1, and the Planned Unit Development.
- Rodriguez considered the State was dealing with a community in Nampa that would be effected by the proposed plans -- which would make more money for the State but the City of Nampa taxpayers would subsidizing.
- Mr Russell disagreed with that comment.
- Rodriguez stated N 39th St was a City street and as it was only one lane would have to be expanded and the adjacent property owners would have to agree to the City purchasing their land, or under "eminent domain".
- Mr Russell stated that was not the direction the applicants were heading and they were fully aware that when the overpass was constructed to cross the Interstate the developers would have to purchase property on the south side of the freeway.
- Mr Russell reiterated, the developer of the subject property would fund the installation of the overpass.
- Discussion continued on whether the City of Nampa would have to support the development of infrastructure or the project if no one purchased the property.
- Mr Russell emphasized the costs for the infrastructure associated with the subject project would be borne by the developer/project and advised those conditions were in the proposed Development Agreement
- Kehoe inquired if the buildings related to the jail, the Job Corps and the hospital would be removed first or some time down the road.
- Mr Russell stated the Dept of Health and Welfare had been in discussions with the Dept of Corrections and they are fully aware of the current process. The understanding to date is that those facilities will move and the proceeds from the sale of the property would be utilized to relocate those facilities. There would be no further need for the State Hospital facilities and they would be removed.
- According to Mr Russell, the Job Corps would be the only facility to remain and continue to operate.
- Kehoe inquired what part of the proposed development would be constructed first.
- Mr Russell replied the next step in the process would be submittal of the Preliminary Plat that would comprise 8 to 10 mega lots. The mega lots would then require further Preliminary Plats for each mega lot.
- The idea, added Mr Russell, would be to start at the east end of the proposed development and then move west as things progress.
- As much of the golf course as possible would be kept in operation, until development required the courses to finish.

- Kehoe inquired when the two overpasses would go over the Interstate.
- Mr Russell stated that as each phase comes on line Traffic Impact Studies would be required and the results of those TIS statements would determine how much road infrastructure would have to be built per phase.
- Kehoe inquired about the proposed transit Center and Mr Russell advised the Transit Center was an item that had undergone a lot of discussion over the last four years and there were two different thoughts on that light rail line from one end of the valley to the other
- Kehoe noted discussions on a light rail line had been taking place for a long time and nothing had ever happened.
- Myers inquired if the applicants had considered, instead of the 39th St overpass, extending Flamingo Ave over to 11th Ave N and using the existing overpass.
- Mr Russell stated they had not taken that into consideration but were open to consider anything the City considered valid, and noted one of the key ideas was to have more than one crossing over the Interstate.
- Myers inquired if there were any historic buildings on the State Hospital site and Mr Russell replied the existing barn on the site was on the Historical Register and would be remaining on the site.

Karla Nelson – City of Nampa Community/Future Planner:

- Nelson noted the items before the Commission were: Comprehensive Plan Future Land Use Map Amendment from Public and Parks to Community Mixed Use; Rezone from AG to GB-1; and, Planned Unit Development Permit for Residential Uses at 1660 11th Ave N – a 615.6 acre parcel).
- The current uses, added Nelson, were currently residential to the north, commercial to the east and industrial to the south.
- Nelson indicated the utilities currently available to the site: domestic water lines; sewer mainline; and irrigation lines.
- Any future developer/owner of the SWITC property would connect the utility systems throughout the site with no cost to the City, and Nelson advised that condition was listed in the Development Agreement.
- In addition, there may be some additional sewer capacity improvements and transportation improvements to be borne by the developer or the owners of the property – not the City of Nampa.
- Nelson reviewed the relevant criteria for approval of the Comprehensive Plan Amendment and the rezone to GB-1, for the subject property.
- With the GB-1 zoning to the east, added Nelson, it would not be considered spot zoning.
- Nelson considered the most difficult question could be: would the Rezone to GB-1 be in the public interest, and was it reasonably necessary -- with the legality being the City does not own the golf course land.
- Many people in the community, added Nelson, had helped build the golf courses.
- The existing zoning, advised Nelson, was AG (Agricultural), and noted public buildings were a permitted use.
- Nelson reviewed the criteria for the Planning Commission to use in their decision making for the Comprehensive Plan Amendment, the Rezone to GB-1, and the Planned Unit Development (for the residential portion) application. Nelson reviewed the Development Agreement and recommended conditions of approval if the Commission determined to approve the applications. Nelson noted there could be some additional conditions of approval added by the City Council.
- Additional public hearings, reported Nelson, would be held for the Preliminary Plats.
- Gunstream questioned why the applicant had not requested specific zones, such as BC for the commercial area and RMH for the residential areas, and Nelson replied the applicant had desired the options and the mix of the P-U-D.
- Rodriguez stated he did not see a Fiscal Analysis by the City for the proposed project.
- Nelson stated that was not something the City typically performed.
- In response to Rodriguez inquiry, Nelson reiterated there would be no accepted costs by the City of Nampa, all the costs were iterated in the Development Agreement and would be paid for by the developer and not the City of Nampa.
- Rodriguez questioned if the proposed development was a good project for the City of Nampa if there were so many people opposed to it.
- Nelson stated the applications had come in for the subject property and those applications were then scheduled for the public hearing process.

- **Rodriguez** questioned the raise in City of Nampa residential irrigation fees and whether the domestic irrigation fees would be subsidizing commercial irrigation fees, specifically in relation to the subject development.
- **Staff Engineer Badger** explained the recent irrigation fee increase covered both commercial and residential properties. Badger explained the irrigation use by residential and commercial had been studied and the cost was shifted to those that use the most irrigation water – and noted with commercial properties there would be much less landscaping on their properties per acre and, therefore, they would use much less water.
- Badger advised when the project developed, the developer would pay to develop the pressurized irrigation system for the residential properties which would then be annexed into the Municipal Irrigation District and pay their fair share of irrigation fees.
- **Kehoe** inquired about the golf course lease that had been renewed to 2019 and inquired if the City had any recourse if the State refused to renew the golf course lease in 2019.
- **Nelson** considered the State had every right not to renew the golf course lease in 2019, and it could, in fact, be terminated earlier with notice from the State.

Chairman McGrath proceeded to public hearing.

Robert Willingham of 17635 N Parkdale Ave, Nampa – in favor:

- Mr Willingham stated his family had lived there for about 12 years and he had looked at the proposed Comp Plan Amendment, Rezone and PUD. He viewed those applications regarding his family's future and the future for the City.
- Mr Willingham stated if the applications were approved there would be significant taxes coming in for schools and road infrastructure.
- Mr Willingham asked the Commission to approve the applications so the site could be developed and tax revenue could come in and help the entire City.

Ron Fortner of 6970 E Greens Dr, Nampa – opposed:

- Mr Fortner stated he was President of the Men's Golf Association and would be speaking regarding the Ridgecrest and Centennial Golf Courses.
- Mr Fortner considered the entire issue was about money.
- According to Mr Fortner, with approval of the proposed development there would be more cars, traffic, more congestion, pollution, and less recreation.
- The two proposed roads would just lead to more congestion, continued Mr Fortner.
- According to Mr Fortner, he had been an educator, teacher and coach for 47 years and over the last 30 years there had been 3000 young men and women from the local high schools and NNU playing at Centennial and Ridgecrest golf courses. If those golf courses were to be terminated then they will have nowhere to practice, hold their matches, with no alternative golf courses available.
- The young people were the future of the Nampa golf programs, and those programs also keep kids out of trouble after school.
- Mr Fortner stated that more than 300 senior citizens play at Centennial and Ridgecrest every week, coming from all over Treasure Valley.
- Mr Fortner questioned what was the focal point of Nampa, and what do you see when you drive on the freeway through Nampa – the green grass and trees of Centennial and Ridgecrest golf courses. The City has the Centennial and Ridgecrest courses featured on the City website.
- In 1987, stated Mr Fortner, the City of Nampa asked Wendell Christiansen to build a golf course, and the citizens and businesses of Nampa built the golf course – not the City.
- Mr Fortner emphasized the quality of life in Nampa was more important to him than a few extra dollars.

Richard M Lord of 213 Walnut Creek Way, Nampa – opposed but did not wish to speak.

Mike Arnell of 6856 E Greens Drive, Nampa – opposed:

- Mr Arnell considered traffic would be his first concern which will increase on Garrity Blvd to over 17,000 vehicles per day once the Stamm Apartments, St Alphonsus Hospital, Winco, Bruneel Tire and CWI expand.
- The traffic on I-84 and Garrity would exceed 79,000 vehicles per day, adding thousands of additional trips to and from the proposed development.

- Also traffic on 11th Ave N will significantly increase in both directions with the proposed development and the newly constructed westbound two lane road from Idaho Center Blvd to the top of the proposed development will be hard pressed to handle westbound traffic. The east bound rush hour traffic on that roadway would become problematic as well.
- Mr Arnell cited concerns regarding hotels and the transit station traffic.
- According to Mr Arnell, the air quality in the Treasure Valley can be problematic and increased traffic over the next 20 years will worsen the air quality.
- Mr Arnell stated there was a landfill under the 10 acre site used by the Nampa Model Aviators and questioned if future construction would create an environmental concern.
- Mr Arnell considered the City of Nampa would be responsible to build and expand roads and utilities up to the proposed development and questioned how much property taxes would increase.
- Mr Arnell inquired what developer would be the financial anchor for the project and could that developer survive an economic downturn and back the project until it was finished.
- Mr Arnell asked the Commission to deny the proposal.

Gavin Powell of 17793 Polara Way, Nampa – opposed:

- Mr Powell stated he was a business owner, with 20 employees, and owned both commercial and private properties and added he was also a golfer.
- Mr Powell suggested Mr Russell's presentation had been given as if the proposed project and relevant applications were foregone conclusions they would be approved.
- According to Mr Powell, his children had grown up on the golf course, and the high schools and college use the course for practice.
- Mr Powell discussed the inherent value of the open space which would be replaced with urban sprawl, simply for increased tax dollars.
- Mr Powell stated it was important to look at the greater good for the community, and what were valuable assets for the City -- and make decisions that provide for quality of life.

Bill Haynes of 28 N Jefferson, Nampa – opposed but did not wish to speak.

Anne DeCloss of 6775 E Greens Dr, Nampa – opposed:

- Ms DeCloss considered the importance of having a municipal golf course, where children, and high school and college students get to take advantage of the golf course. Many people do not have the money to participate on a private golf course.
- Ms DeCloss stated she had seen the many benefits of golf with her father and grandfather.
- Ms DeCloss emphasized she was concerned about the fact the City did not own the land and the State could close the golf course in 90 days.

Grace Belliston of 409 Silvertip Circle, Nampa – opposed but did not wish to speak.

Earlyn Gilbert 1012 14th Ave S, Nampa – opposed:

- Ms Gilbert concurred with comments from the earlier speakers.
- Ms Gilbert noted how much busyness would be on the hill and she disagreed with the plan.

Dave and Nancy Shepherd of 6703 E Greens Dr, Nampa – opposed but did not wish to speak.

Michael Gee of 6578 E Greens Dr, Nampa – opposed but did not wish to speak.

Margaret LaLeef of 2412 E Amity Ave, Nampa – opposed but did not wish to speak.

Robin Bruneel of 307 Ruth Ln, Nampa – opposed but did not wish to speak.

Carol Johnson of 766 S Torine Ave, Meridian – opposed but did not wish to speak

Robert DeCloss of 6775 E Greens Dr, Nampa – opposed:

- Mr DeCloss stated the presentation for the proposed project was very impressive, however, he did have some concerns.

- Mr DeCloss inquired about the Transit Station to be located near Birch Ave and 11th Ave N which might create additional traffic problems on Birch Ave.
- Mr DeCloss considered it troubling that the City did not own the land and the State could come in at any time and build anything they want.
- Mr DeCloss questioned what controls the City would have to make sure it would be a nice development for the community.

James Dean of 505 Bay Hill Dr, Nampa – opposed but did not wish to speak.

David Ferdinand of 2419 W Herron Lp, Nampa – opposed.

- Mr Ferdinand recognized it would not be an easy decision for the Planning Commission.
- Mr Ferdinand suggested the City could be building its own competition.
- If the land was sold by the State of Idaho, continued Mr Ferdinand, and not sold under auction but someone else bought it, then he was not sure how the proposed development could be guaranteed.
- Mr Ferdinand inquired, how long the development would take and what was the impact on the community.
- According to Mr Ferdinand, the community golf courses did draw economic development to the City.
- Mr Ferdinand suggested the City stop and take a look because timing was everything in development.

Leroy Horne, no address given, Nampa – opposed but did not wish to speak.

Paul Schaffeld – no address given, Nampa – opposed.

- Mr Schaffeld stated he had been on the Golf Commission for 14 years and considered there was a great quality of life in Nampa and the Ridgecrest Centennial golf courses added to that quality of life.
- Mr Schaffeld discussed the Mayor's Golf Tournament that had been going on for 10 to 12 years and discussed the scholarships from that tournament given to kids to go to college.
- According to Mr Schaffeld, money from the golf tournament was also given to Youth Golf and to the Mayor's Teen Council.
- So losing money from the Mayor's Golf Tournament would really hurt the Nampa kids.
- Rodriguez inquired if the golf courses were self-sufficient and Mr Schaffeld stated the golf courses had made money every year.
- In response to a question from Rodriguez, Mr Schaffeld advised the Golf Commission had not been in any discussions with The Land Group regarding the proposed golf course.

Bill Hattran of 833 N Bristol St, Nampa – opposed but did not wish to speak.

Randall Nye of 5143 Canary Ln, Nampa – opposed:

- Mr Nye stated Nampa was a special place and discussed many of the things the City had done over the years to make Nampa special, such as the Recreation Center and the Civic Center.
- Ridgecrest and Centennial Golf Courses, added Mr Nye, from the very beginning and continuing on, had been a centerpiece of Nampa and something Nampa could always point to as a place of pride.
- Mr Nye stated his business was commercial real estate and with the numbers presented it seemed fairly obvious the proposed project would go through.
- However, there was more involved with the golf courses than just money and if the project does go through the personality of Nampa will change, the face of Nampa will change, and it will be a sad day for golfers and the citizens of Nampa.

Eddie Combs of 6907 E Greens Dr, Nampa – opposed but did not wish to speak.

Craig Stensgaard of 2404 S Morning Sun Ct, Nampa – opposed.

- Mr Stensgaard stated he was speaking as a citizen of Nampa, as a member of the Nampa Golf Commission, and as the Head Men's and Women's Golf Coach at Northwest Nazarene University for the past 17 years.
- The proposed plan, continued Mr Stensgaard indicated a golf course to be included in the proposed development, however, there was nothing to show a golf course would be assured to the community.

- With the requested zoning, suggested Mr Stensgaard, a private developer would have no requirement to build, or repurpose parts of two golf courses into a new golf course, with the requested zoning. Mr Stensgaard considered it was just a desire by the seller – the State of Idaho, that it would happen.
- Mr Stensgaard stated he was concerned with both the development of the golf course, and the private versus public golf course issue. Mr Stensgaard considered that issue could not be controlled by the City of Nampa after the fact.
- Mr Stensgaard noted the history of Redhawk Golf Course, which started as a private golf course, moved to semi-private and was now public again.
- Mr Stensgaard inquired if there would be the possibility of creating a specific new zoning designation designated as “Public Golf”, specific to surrounding the 18 proposed holes in the plan, to assure the community of a public 18 hole golf course, rather than leaving the construction of that course and the public/versus private status to the decision of the developer.

Marlin Steed – no address given – opposed did not wish to speak.

Brian Benson of 7165 E Hampshire Ln, Nampa – opposed but did not wish to speak.

Cheryl Katich of 319 W Dewey Ave, Nampa – opposed but did not wish to speak.

Rose Nicolosi of 6904 E Greens Dr, Nampa – opposed but did not wish to speak.

James Adamowski of 6833 E Greens Dr, Nampa – opposed but did not wish to speak.

James Coffey of 2520 S Florence St, Nampa – opposed.

- Mr Coffey stated he was attending as a representative of the Nampa Senior Golf Group, comprising 150 people.
- Mr Coffey added he was also a paid member of Centennial Golf Course and noted there were hundreds of members of the Centennial and Ridgecrest Golf Courses.
- A lot of the people playing at the Centennial and Ridgecrest Golf Courses, added Mr Coffey, come from Boise, Meridian and Caldwell, and added the quality of the golf courses speak for themselves.
- According to Mr Coffey, if the plan was to do away with the two existing golf courses and develop a new one it should be kept in mind that it would take at least 10 years to develop a golf course with trees and quality.
- Mr Coffey thanked the Planning Commission members that had asked questions regarding the Master Plan submitted by the State.
- According to Mr Coffey, the proposed Master Plan had a lot of holes in it and the Commission should study the plan carefully before approving.
- Mr Coffey stated if Nampa ever decided to build another golf course, they should never, ever, build on State property again.
- Mr Coffey reiterated his opposition to the applications, at least until they have been studied much more thoroughly.

Mark K Bell of 3524 Tayten Dr, Nampa – opposed but did not wish to speak.

Karen Schumacher of 6812 View Ln, Nampa – opposed but did not wish to speak.

Sean Beck of 910 W Riverstone Ct, Nampa – opposed but did not wish to speak.

John Rybarczyk of 1310 Arlington Caldwell:

- Mr Rybarczyk stated in 1984 and 1985 there were no golf courses in Nampa, only Broadmore which was a 9 hole private golf course.
- According to Mr Rybarczyk, Wendell Christiansen – Parks and Recreation Director for years and years, spearheaded a drive of volunteers to work and build Centennial Golf Course. There are hundreds of names of volunteers on golf course plaque.
- Mr Rybarczyk stated he had been one of those volunteers and had also done a lot of advertising for them because that was Nampa needed – a golf course that could really be used.

- A few years after the golf course got going they were running 60,000 to 70,000 rounds of golf per year.
- Mr Rybarczyk stated that a past Mayor and City Council worked with the citizens and built the great golf course entirely without raising a bond, by hard work and enthusiasm, and added that he hated to see those golf courses go by the wayside.
- A City the size of Nampa, added Mr Rybarczyk, deserves a golf course for the use of their juniors, high school students, college students, business and professional people, as well as for the good of the local retirees.
- Mr Rybarczyk considered the Chamber of Commerce had been very proud to tell prospective companies and businesses that Nampa has three of the finest golf courses in the State of Idaho

Ed Fulton of 2019 W Blossom Ave, Nampa – opposed but did not wish to speak.

Stephen R Roy of 1306 Virginia Circle, Nampa – opposed but did not wish to speak.

Clinton A Beers of 432 W Colorado, Nampa – opposed but did not wish to speak.

Brian Proehl of 8207 E McKenzie St, Nampa – opposed but did not wish to speak.

Kimberly Callaghan of 16697 N Yorkshire Ln, Nampa – opposed but did not wish to speak.

Bruce Wethered - no address given - opposed but did not wish to speak.

Debra Frost of 16463 11th Ave N, Nampa – opposed but did not wish to speak.

Mike Peters of 6795 E Greens Dr, Nampa – opposed but did not wish to speak.

Hal Poarch of 2110 Ranch Rd, Nampa – opposed but did not wish to speak.

Hubert Osborne of 4199 E Switzer Way, Nampa – undecided but did not wish to speak.

Mike DeArmand of 7802 S Saddle Bag Way, Nampa - opposed:

- Mr DeArmand stated he wanted to talk about process – and the fact the applicants and not the people of Nampa had determined the highest and best use of the golf course property.
- Mr DeArmand suggested the purchaser of the State property should come in with a master plan because then there would be control. Mr DeArmand stated there was no control with the current plan.
- Mr DeArmand considered the land did not belong to the Department of Health and Welfare because the Deeds he reviewed at the Canyon County Assessor's Office indicated the State of Idaho, and not the Department of Health and Welfare were the owners.
- Mr DeArmand referred to State Code regarding sale of land.
- Rodriguez referred to Mr DeArmand's e-mail to the Planning Commission regarding a Ten Mile Interchange and Mr DeArmand considered the Overpass would also cost about \$10 million.

Mark Bell of 427 W Island Ct, Nampa – opposed.

- Mr Bell concurred with the earlier speakers.
- Mr Bell stated he had lived in Nampa for 6 years, and prior to that lived in Oregon for 35 years.
- Mr Bell stated he did not understand the tax revenue argument because if the population was going to continue to grow, businesses will continue to come to Nampa. If a business does not locate here it will locate somewhere else.
- At the present time, people driving by can tell they are in Nampa when they see the golf courses.

Donnie Gregerson of 1107 Winther Ave – opposed but did not wish to speak.

Archie Yamamoto of 8434 Hwy 20-26, Nampa – opposed but did not wish to speak:

Jeremy Powers of 1465 Deer Crest St, Meridian – opposed but did not wish to speak.

Tim Bensley of 974 N Colchester Dr, Nampa – opposed but did not wish to speak.

Tanya Pesaturo of 16817 N Kettering Ln, Nampa – opposed but did not wish to speak.

Nicole Bradshaw of 1916 Fillmore St, Caldwell – opposed.

- Ms Bradshaw stated she lived in Caldwell, but was a business person in the City of Nampa.
- Ms Bradshaw added she was the Chair for the Chamber of Commerce, but was representing herself and her family at tonight's meeting.
- According to Ms Bradshaw, we are losing our green space. While traveling to different cities and towns it became evident it was very difficult to find a public golf course, and that was where the City of Nampa would be heading.
- Ms Bradshaw reiterated that losing the Ridgecrest and Centennial golf courses would also be losing City green space and it was very important to maintain those green spaces in the City of Nampa. Ms Bradshaw questioned if, under the proposed development, there would be any guarantee a golf course or park space would be included.

Lee Bradshaw of 1916 Fillmore St, Caldwell – opposed:

- Mr Bradshaw stated his opposition to the applications before the Commission.
- Mr Bradshaw concurred with comments from the previous speakers.
- Mr Bradshaw stated the Commission should consider that once a decision was made to go forward with the proposed development and the golf courses are gone, then they are gone.
- The proposed development, continued Mr Bradshaw had a lot of things that everyone liked, but it would be up to the developer on how it would be developed.
- Mr Bradshaw questioned the figures regarding land values presented by the applicant, and added there was no buyer for the property at this time.
- Nampa, emphasized Mr Bradshaw, was known for its golf courses.

Scott Myers of 1304 N 39th St, Nampa – opposed.

- Mr Myers spoke in opposition.

Sherrel Myers of 1304 N 39th St, Nampa – opposed but did not wish to speak.

Pierce Bradshaw of 1916 Fillmore St, Caldwell – opposed but did not wish to speak.

Dale Nordstrom of 524 Fletcher Dr, Nampa – opposed but did not wish to speak.

Eddie Combs of 6907 E Greens Dr, Nampa – opposed:

- Mr Combs voiced concern regarding what was happening to the golf courses.
- According to Mr Combs, he moved to Nampa in the early 1950s, and noted a portion of the golf course had been a garbage dump at that time.
- Mr Combs emphasized he had concerns with the traffic, the schools, the congestion, and the streets to access the freeway.
- Mr Combs noted how the freeway from Meridian currently narrowed down from four lanes to Nampa, then to three lanes, and then down to two lanes, and suggested the proposed development would incur major expense to take care of all the traffic issues.
- With the expansion of St Alphonsus, Win-Co, and CWI there would already be an increase in traffic.
- According to Mr Combs, they had built their house on the golf course side of The Greens at Ridgecrest 12 years ago to spend their retirement and he hated to see anything happen to that golf course.

Gale and Kathleen Mekelburg of 16433 N Golfview Ct, Nampa – opposed but did not wish to speak.

James and Kathleen Peterson of 16443 N Golfview Ct, Nampa – opposed but did not wish to speak.

William Nichols of 11204 W Victoria Dr, Nampa – opposed.

- Mr Nichols stated he was not a golfer and did not live close to the subject golf courses.

- Mr Nichols referred to his letter to the Commission dated July 12, 2016.
- It was his understanding, stated Mr Nichols, the Dept. of Health and Welfare had been considering the idea for the proposed project for 10 years.
- Mr Nichols referred to the City of Nampa Comprehensive Plan 2035, adopted in 2012 and noted the State Dept. of H & W had not come forward at that time to request a change for the subject property. The only thing different was the fact the State Dept. of H & W now has a plan and they want to get rid of some property.
- Mr Nichols considered there had not been a real change in the community that would warrant the proposed plan.
- Additionally, stated Mr Nichols, the City had a responsibility to some of the existing developers that had already received approval and noted the Gateway Center was half empty, and other projects that were still undeveloped, and considered there were a lot of potential developers that should be considered.
- Changing the zoning as requested, continued Mr Nichols, will make it very difficult to walk back that change at a later time.
- Mr Nichols noted the existing AG zone would allow for a number of different uses on the subject property but he did not think the State would be putting up public buildings.
- The suggestion was made by Mr Nichols that the Commission carefully go through the conditions of approval and look at every single part of the Development Agreement to make sure it was very tight, so that when a developer bought the property the development represented today would be the development that would be built.
- Mr Nichols asked for the Commission to consider prioritizing the timing some of the infrastructure to go in first, rather than waiting for a Traffic Impact Study.
- **Rodriguez** inquired if Mr Nichols considered the proposed development project would harm the Downtown Nampa businesses.
- **Mr Nichols** stated he was not qualified to offer an opinion regarding that issue.
- The proposed project, continued Mr Nichols, was a brand new development, similar to the nearby Gateway Center and completely different from downtown.

John Balsillie of 6874 E Greens Dr, Nampa – undecided but did not wish to speak.

Phyllis Charters of 16401 Putting Ct, Nampa – Undecided

- Ms Charters stated she understood they would be expanding the 11th Ave N overpass which would carry 18 wheelers and large trucks. At the intersection of Birch Lane and 11th Ave N was the Greens at Ridgecrest Subdivision and Birch Elementary School. Ms Charters stated they had been trying for a long time to get a traffic light, or even a crosswalk at the intersection so the children going to school could cross safely and that had not yet been accomplished.
- Ms Charters considered the school should have a “No Truck Zone”.
- The new subdivisions, the nearby college and the apartments had generated a tremendous amount of traffic to Birch Ln, stated Ms Charters, and the City should look at the existing road infrastructure and traffic before adding more with the proposed development.
- Ms Charters inquired about walking paths, green belts and parks for the subject property.

Mr Russell

- Mr Russell responded to comments received during the public hearing.
- Regarding coordinating with the Comprehensive Plan 2035 that was adopted in 2012, Mr Russell advised they had been in the early stages of the proposed development at that time and the City made the decision to pull that area out of the plan.
- Mr Russell noted there had been several meetings with the Mayor, and several meetings with the State Legislature, several meetings with the Governor’s office, and several meeting with various agencies of City Government, and it was definitely a project that was being driven by the executive branch of the State Government and the Department of Health and Welfare. It seemed to be pretty clear that the State Dept. of Health and Welfare did own and operate the subject property. Mr Russell added they had been asked to move the project forward by the State.
- Mr Russell referred to previous questions indicating the City would be required to subsidize future transportation improvements, utility infrastructure, etc,

- Mr Russell emphasized it was important to understand one of the reasons the applications were before the City was to make sure the Dept. of Health and Welfare appropriately handled their resources in favor of the Idaho taxpayers.
- Mr Russell reviewed the history of the leases on the subject property and advised the reality was that the State of Idaho had been subsidizing golf, with very inexpensive leases.
- The leases are now up, added Mr Russell, and the State has the responsibility to the taxpayers – and referred to State Code regarding the sale of properties when the department was not needful for the operation of the same.
- The Dept. of Health and Welfare, continued Mr Russell, has clearly identified the fact the hospital facility on the site was no longer needed and also recognized the fact the land has much more value than the \$43,000 a year the lease payments are providing.
- Mr Russell reiterated it was not the intent of the State to burden the City of Nampa residents with the cost of infrastructure.
- According to Mr Russell, the applicants had been working on the proposed development for four years and the reason the project was moving slowly was because the applicants had been very thoughtful and careful in their approach to design and making sure all the bases were covered.
- The idea, added Mr Russell, was not to push the golf courses out but to move through the process for a gateway, critical, strategic, piece of land in the City of Nampa.
- Mr Russell considered that who may or may not operate the golf course in the future was not a threat but was simply an unknown.
- The 615 acre master plan, continued Mr Russell, was not something that happened overnight and considered that a planned development was much better than sporadic development in various areas of the City, especially in light of utility infrastructure and transportation.
- Chairman McGrath inquired about the location of the old landfill.
- The old landfill, replied Mr Russell, was located directly underneath the hobby air strip and in the master plan the proposed golf course clubhouse and parking areas may encroach into that area.
- The air strip, added Mr Russell, was not included in the overall master plan because the City chooses not to include it.
- Mr Russell reiterated they were aware of the landfill and where it was located.
- Kehoe noted the concern of the public regarding no guaranty the golf course would actually be built.
- Mr Russell responded to the question regarding the State receiving approvals for the plan and then just walking away, and the future buyer not having to comply with the proposed plan.
- Mr Russell emphasized the intent was to get the entitlements for the master plan as requested and those entitlements would run with the land, the master plan, the zoning, as well as the approved P-U-D and would be tied to a Development Agreement, along with the design guidelines. Anyone, stated Mr Russell, whether the State or a private buyer, if they decide to move forward with the development they would be required to develop under the direction of the master plan.
- The master plan, continued Mr Russell, was definitely conceptual in nature, and there were things that could be revised in the process, but it was important the development stick with the square footages and densities as proposed and generally laid out as depicted.
- Today, reiterated Mr Russell, the applicants were requesting recommendation for approval of the Comprehensive Plan Amendment, and the Rezone from AG to GB-1, as well as approval of the P-U-D.
- Mr Russell stressed he had been directed by his client, the State Dept. of Health and Welfare, to make sure a golf component was kept in the proposed development, even though it had not been determined as yet if it would be a private or public golf course, it would be an element within the project – and would be an excellent amenity for the proposed type of development.

Randy Aldridge of 1715 S Edwards Dr, Nampa – opposed.

- Mr Aldridge inquired about the proposed Transit Center and noted it had cost the UPRR so much money to run the Boise Branch line, they sold it to a private railroad.
- Mr Aldridge inquired who would be maintaining the Transit Center and the branch line to Boise.

Mr Russell responded to questions regarding the Transit Center.

- Mr Russell confirmed that the UPRR does still own the right-of-way and has the last say in the running of the Transit Center.

- According to Mr Russell, the UPRR was not allowing any more ground level crossings and that was why the proposed development had an overpass over the railroad. The ground crossing would be kept at the north end of the subject property.
- Mr Russell stated it was his understanding the UPRR owns the right-of-way and WATCO in Boise operates the line.
- Regarding the termination of the leases for the golf courses, continued Mr Russell, those leases could be cancelled at any time by written mutual agreement.

Scott Myers of 1304 N 39th St, Nampa – opposed:

- Mr Myers referred to the proposed overpass at N 39th St.
- According to Mr Myers, N 39th St at the present time was very, very narrow and inquired if there would be a stop light at N 39th and Garrity Blvd.
- Mr Myers stated his house was located very close to N 39th St and the hospital would be locating very close to the back of his property and questioned if the front of his property would be taken to widen N 39th St.
- Mr Myers had questions regarding the time frame on the widening and whether the State or the developer would be widening N 39th St.
- Mr Myers stated some real answers were needed on the questions raised.
- According to Mr Myers, with the approval of the proposed development, downtown Nampa would die.

City Engineer Points:

- Regarding Garrity Blvd and N 39th St, Points stated a separate developer with the St Alphonsus expansion, would be putting in a signal for that project.

Kehoe motioned and Rodriguez motioned to close public hearing. Motion carried.

- **Rodriguez** listed his concerns regarding the proposed development: 1) traffic, businesses, especially downtown Nampa or local, will suffer; 3) air quality; 4) solid waste; 5) infrastructure costs; 6) tax increases; 7) loss of open space; 8) needing a municipal golf course for those who are less fortunate, children and seniors; 9) anti-transit; 10) building for the competition and damaging local businesses; 11) it is not in the best interest of the City of Nampa; 12) quality of life; 13) the personality of Nampa 14) it is not in the best interest of the City of Nampa taxpayers; 15) traffic congestion; 16) land use issues; and, 17) the surrounding landowners do not know what will happen to this property.
- **Kehoe** stated he was on the Comprehensive Plan 2035 Committee and heard nothing about the golf course project at that time.
- **Kehoe** explained it was his understanding from being on the Committee that the Comprehensive Plan was a living document, with the idea that things could change.
- **Gunstream** considered the decision before the Commission did not come easily.
- According to Gunstream, he was 17 when he helped plant trees at the golf course.
- Everyone, added Gunstream, defines quality of life differently.
- Gunstream considered the master plan conceptually fits with a huge development and noted it could take two years to develop Phase 1, another 4 years for Phase 2, and up to 15 to 20 years to develop from start to finish.
- According to Gunstream, the proposed project defines quality for many different people and noted how Nampa had progressively changed.
- **Chairman McGrath** noted the Commission had listened to a lot of testimony and what their town means to each person.
- However, added Chairman McGrath, the Commission has to be impartial.
- The State, being the landowner, added Chairman McGrath, was responsible to several million people, the citizens of the State of Idaho, and has to maximize the use of the subject land to benefit the entire State of Idaho. Change is hard, added Chairman McGrath.
- Chairman McGrath questioned whether the proposed development would negatively impact the downtown businesses.

- The Commission, added Chairman McGrath, was looking specifically at the Comprehensive Plan Amendment to Community Mixed Use; the Rezone from AG to GB-1; and the Planned Unit Development Permit.
- Myers stated he also moved to Nampa in 1992 and played both golf courses over the years.
- Myers added his parents had moved here a few years ago into the Greens at Ridgecrest Subdivision.
- The bottom line, stated Myers, was the City of Nampa did not own the golf course land and the City missed the boat a long time ago with the golf courses.
- The reality is, added Myers, the lease would be up in 2019.
- Myers stated that the proposed plan was a development the City could be proud of for generations to come and was thankful they would be keeping a portion of the land as a golf course.
- Myers stated he would like to see stronger language regarding enforcing the provision of a golf course in the Development Agreement and to retain the golf course as a public course.

Rodriguez motioned and Kropp seconded to: 1) Deny the application for a Comprehensive Plan Future Land Use Map Amendment from Public and Parks to Community Mixed Use; 2) Deny the application for Rezone from AG to GB-1 PUD; and, 3) Deny the application for a Planned Unit Development Permit to allow residential uses in a GB-1 zone; all for 1660 11th Ave N (615.6 acre parcel of land in Sections 11, 12, 13 and 14 T3N R2W BM) for Doug Russell representing the Land Group Inc, for the Idaho Department of Health and Welfare.

Motion failed with Rodriguez and Kropp in favor of the motion and Gunstream, Kehoe, Myers and Sellman opposed.

Gunstream motioned and Kehoe seconded to recommend to City Council approval of the Comprehensive Plan Future Land Use Map Amendment from Public and Parks to Community Mixed Use for 1660 11th Ave N (A 615.6 acre parcel of land located in Sections 11, 12, 13 and 14 T3N R2W BM in Canyon County) for Doug Russell representing The Land Group Inc, for the Idaho Department of Health & Welfare:

Motion carried with Gunstream, Kehoe, Myers and Sellman in favor and Kropp and Rodriguez opposed.

Gunstream motioned and Kehoe seconded to recommend to City Council approval of the Rezone from AG to GB-1 for 1660 11th Ave N (A 615.6 acre parcel of land located in Sections 11, 12, 13 and 14 T3N R2W BM, Canyon County), for Doug Russell representing the Land Group Inc, for the Idaho Department of Health & Welfare, subject to:

1. The project shall be developed in substantial conformance with the site plan. The owner shall have limited flexibility to develop the Property to meet market conditions.
2. Design guidelines 03.2 through 03.6 outlined in the Southwest Idaho Treatment Center Conceptual Master Plan Final Report dated July 2013 shall be followed with substantial conformance. The owner shall have limited flexibility to develop the Property to meet market conditions.
3. Up to 20% of the gross land area may be directed to uses not typically allowed in the GB-1 district, based on the proposal, the use exceptions will be residential.
4. Individual uses and structures in the P-U-D need not comply with the specific regulations of the underlying GB-1 district provided the requirements in (10-26-4 and 10-26-6) are adhered to, specifically:
 - a) Fire Regulations: where two walls oppose each other minimum separation shall be required by City fire regulations.
 - b) Light and Air: Building spacing may be reduced where there are no windows or very small window area and where rooms have adequate provisions for light and air from another direction.
 - c) Building Separation: Any detached structure shall be set at least six feet apart.
 - d) Parking Space Clearance: Any garages, carports or parking pads shall be no closer to the drive, street or ally which they access, than twenty feet.

- e) **Access:** Access to a public street is assured to each and every building lot/parcel by recorded easement.
 - f) **Setback:** At least five feet is maintained between any detached structure and a side or rear building lot property line.
 - g) **Height of Buildings:** Building heights, if increased beyond that normally allowed in the zone in which the PUD is located are not increased by more than two stories over and above the height normally allowed, and this only when the PUD does not abut an existing single-family residential subdivision on the side(s) of the PUD where the height increase is desired.
 - h) **Reduced Property Area:** For a structure it is sufficient to fully contain that structure on a single lot/parcel.
 - i) **Zero Lot Line Structure Placement(s):** Zero lot line construction is allowed provided the following requirements are met:
 - i. In the case of common wall construction all applicable City, State and Federal building regulations shall be complied with.
 - ii. Sites shall be selected to avoid drainage problems since it becomes more difficult for each lot to drain on its own with one side yard eliminated.
 - iii. Adjoining lot shall provide a five foot maintenance easement on the zero lot line side.
5. This is a long term development project that will be phased and implemented over an extended period of time. All land divisions of any size or kind shall be required to go through the City's preliminary and final plat process even if the size of the parcels might otherwise qualify for an exemption from the platting process. Platting shall include a compliance review with all applicable master plans, including the potential development of new master plans as well as review of roadways and utility infrastructure.
 6. Owner/Developer shall, upon finalization of the Comprehensive Plan Amendment and Rezone, submit to City for review and approval a Preliminary Plat which identifies mega lots and proposed phases. This application shall include submittal of a study for buildout impacts and transportation needs as well as initial major infrastructure required upon implementation of each phase or mega lot. The study shall look specifically at required sewer main, water main, pressurized irrigation, and roadway infrastructure within the development which connects to adjacent City facilities off site, as well as intersections within the impact area. A utility and roadway master plan for the Project shall be included as part of this submittal. All infrastructure shall be sized as required for final build out and shall be based on a comprehensive review of existing infrastructure needs.
 7. The parties recognize and Owner/Developer accepts that major infrastructure improvements will be required in order for the Conceptual Plan to be implemented consistently with the scope of this Agreement. The parties recognize that some infrastructure will be required immediately and other improvements may not be required until later phases. Owner/Developer accepts and shall construct the following as required infrastructure components:
 - a) Create a continuous four or five lane roadway ("New Roadway") through the project that connects to the intersection of Idaho Center Boulevard and Franklin Road on the east and to Karcher road on the west. Specific improvements include widening the current Ridgcrest Drive to four lanes from Idaho Center Boulevard to the eastern boundary of the Project; constructing a bridge from the western-most boundary of the Project over the irrigation canal and Union Pacific Railroad line to connect with Karcher Road.
 - b) Construct a north-south roadway from the New Roadway to connect with North 39th St south of Interstate 84, specifically including a minimum two-lane overpass over Interstate 84 complete with bicycle lanes and sidewalks per City requirements at the time of construction.
 - c) Intersection improvements at Karcher Road and Franklin Boulevard including but not limited to signalization or construction of a roundabout.
 - d) Intersection improvements at North 39th Street and Flamingo including but not limited to signalization or construction of a roundabout.
 8. The parties recognize and Owner/Developer accepts that roadway impacts of the Project extend well beyond the perimeter of the Project. Owner/Developer and city agree that at a

minimum, twenty-one intersections and connecting roadways will be directly impacted by the Project. Owner/Developer shall, at a minimum, address all of them in all Traffic Impact Studies ("TIS") prepared in compliance with this Agreement.

9. Owner/Developer shall prepare a TIS consistent with City's TIS policy whenever required by City as a component of each preliminary and final plat application noted above.
10. Owner/Developer shall at a minimum implement the following Water Utility improvements:
 - a) Install a network of mainlines through the development. Specific configuration shall be determined at the time of Preliminary Plats.
 - b) Install pressure reducing valves at the connections from the mainline network in the Project to the existing City water system at Karcher Road and 11th Avenue North.
 - c) Dedicate a 2 acre parcel for future water tank site; tank site shall be dedicated to the City by 2018. Site shall be located in the higher elevations of the development.
11. Owner/Developer shall implement one of the following Pressure Irrigation improvements:
 - a) Maintain the existing system as a private system and install a private distribution network to provide service to all lots; or
 - b) Upgrade the existing pressure irrigation facilities to meet City standards; installing public mainlines to provide service to all lots; and dedicating the system to the City.
12. Prior to submittal of a Preliminary Plat application, Owner/Developer shall engage in a sewer master planning exercise with the City of Nampa to help determine long range infrastructure needs associated with the implementation of this project. Costs associated with the sewer master plan update are estimated at \$8000 and shall be paid by the Owner/Developer for any planning associated with bringing the project on line.
13. Owner/Developer shall implement the following Gravity Irrigation improvement;
14. Provide for the continuation of all gravity irrigation supply and waste which enters and exits the site.
15. Construction of the overpass to E Karcher Road shall be designed to perpetuate all existing driveway accesses.

Motion carried with Gunstream, Kehoe, Myers and Sellman in favor and Kropp and Rodriguez opposed.

Chairman McGrath adjourned the meeting.

Rodriguez motioned and Gunstream seconded to reconvene the Planning and Zoning Commission meeting. Motion carried.

Gunstream motioned and Kehoe seconded to approve the Planned Unit Development Permit for residential uses at 1660 11th Ave No. (A 615.6 acre parcel of land located in Sections 11, 12, 13 and 14 T3N R2W BM, Canyon County), for Doug Russell representing The Land Group, Inc, for the Idaho Department of Health and Welfare, subject to

1. The project shall be developed in substantial conformance with the site plan. The owner shall have limited flexibility to develop the Property to meet market conditions.
2. Design guidelines 03.2 through 03.6 outlined in the Southwest Idaho Treatment Center Conceptual Master Plan Final Report dated July 2013 shall be followed with substantial conformance. The owner shall have limited flexibility to develop the Property to meet market conditions.
3. Up to 20% of the gross land area may be directed to uses not typically allowed in the GB-1 district, based on the proposal, the use exceptions will be residential.
4. Individual uses and structures in the P-U-D need not comply with the specific regulations of the underlying GB-1 district provided the requirements in (10-26-4 and 10-26-6) are adhered to, specifically:
 - a) Fire Regulations: where two walls oppose each other minimum separation shall be required by City fire regulations.
 - b) Light and Air: Building spacing may be reduced where there are no windows or very small window area and where rooms have adequate provisions for light and air from another direction.
 - c) Building Separation: Any detached structure shall be set at least six feet apart.

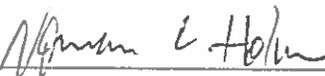
- d) **Parking Space Clearance:** Any garages, carports or parking pads shall be no closer to the drive, street or ally which they access, than twenty feet.
 - e) **Access:** Access to a public street is assured to each and every building lot/parcel by recorded easement.
 - f) **Setback:** At least five feet is maintained between any detached structure and a side or rear building lot property line.
 - g) **Height of Buildings:** Building heights, if increased beyond that normally allowed in the zone in which the PUD is located are not increased by more than two stories over and above the height normally allowed, and this only when the PUD does not abut an existing single-family residential subdivision on the side(s) of the PUD where the height increase is desired.
 - h) **Reduced Property Area:** For a structure it is sufficient to fully contain that structure on a single lot/parcel.
 - i) **Zero Lot Line Structure Placement(s):** Zero lot line construction is allowed provided the following requirements are met:
 - i. In the case of common wall construction all applicable City, State and Federal building regulations shall be complied with.
 - ii. Sites shall be selected to avoid drainage problems since it becomes more difficult for each lot to drain on its own with one side yard eliminated.
 - iii. Adjoining lot shall provide a five foot maintenance easement on the zero lot line side.
5. This is a long term development project that will be phased and implemented over an extended period of time. All land divisions of any size or kind shall be required to go through the City's preliminary and final plat process even if the size of the parcels might otherwise qualify for an exemption from the platting process. Platting shall include a compliance review with all applicable master plans, including the potential development of new master plans as well as review of roadways and utility infrastructure.
6. Owner/Developer shall, upon finalization of the Comprehensive Plan Amendment and Rezone, submit to City for review and approval a Preliminary Plat which identifies mega lots and proposed phases. This application shall include submittal of a study for buildout impacts and transportation needs as well as initial major infrastructure required upon implementation of each phase or mega lot. The study shall look specifically at required sewer main, water main, pressurized irrigation, and roadway infrastructure within the development which connects to adjacent City facilities off site, as well as intersections within the impact area. A utility and roadway master plan for the Project shall be included as part of this submittal. All infrastructure shall be sized as required for final build out and shall be based on a comprehensive review of existing infrastructure needs.
7. The parties recognize and Owner/Developer accepts that major infrastructure improvements will be required in order for the Conceptual Plan to be implemented consistently with the scope of this Agreement. The parties recognize that some infrastructure will be required immediately and other improvements may not be required until later phases. Owner/Developer accepts and shall construct the following as required infrastructure components:
- a) Create a continuous four or five lane roadway ("New Roadway") through the project that connects to the intersection of Idaho Center Boulevard and Franklin Road on the east and to Karcher road on the west. Specific improvements include widening the current Ridgecrest Drive to four lanes from Idaho Center Boulevard to the eastern boundary of the Project; constructing a bridge from the western-most boundary of the Project over the irrigation canal and Union Pacific Railroad line to connect with Karcher Road.
 - b) Construct a north-south roadway from the New Roadway to connect with North 39th St south of Interstate 84, specifically including a minimum two-lane overpass over Interstate 84 complete with bicycle lanes and sidewalks per City requirements at the time of construction.
 - c) Intersection improvements at Karcher Road and Franklin Boulevard including but not limited to signalization or construction of a roundabout.
 - d) Intersection improvements at North 39th Street and Flamingo including but not limited to signalization or construction of a roundabout.

8. The parties recognize and Owner/Developer accepts that roadway impacts of the Project extend well beyond the perimeter of the Project. Owner/Developer and city agree that at a minimum, twenty-one intersections and connecting roadways will be directly impacted by the Project. Owner/Developer shall, at a minimum, address all of them in all Traffic Impact Studies ("TIS") prepared in compliance with this Agreement.
9. Owner/Developer shall prepare a TIS consistent with City's TIS policy whenever required by City as a component of each preliminary and final plat application noted above.
10. Owner/Developer shall at a minimum implement the following Water Utility improvements:
 - a) Install a network of mainlines through the development. Specific configuration shall be determined at the time of Preliminary Plats.
 - b) Install pressure reducing valves at the connections from the mainline network in the Project to the existing City water system at Karcher Road and 11th Avenue North.
 - c) Dedicate a 2 acre parcel for future water tank site; tank site shall be dedicated to the City by 2018. Site shall be located in the higher elevations of the development.
11. Owner/Developer shall implement one of the following Pressure Irrigation improvements:
 - a) Maintain the existing system as a private system and install a private distribution network to provide service to all lots; or
 - b) Upgrade the existing pressure irrigation facilities to meet City standards; installing public mainlines to provide service to all lots; and dedicating the system to the City.
12. Prior to submittal of a Preliminary Plat application, Owner/Developer shall engage in a sewer master planning exercise with the City of Nampa to help determine long range infrastructure needs associated with the implementation of this project. Costs associated with the sewer master plan update are estimated at \$8000 and shall be paid by the Owner/Developer for any planning associated with bringing the project on line.
13. Owner/Developer shall implement the following Gravity Irrigation improvement;
14. Provide for the continuation of all gravity irrigation supply and waste which enters and exits the site.
15. Construction of the overpass to E Karcher Road shall be designed to perpetuate all existing driveway accesses.

Motion carried with Gunstream, Kehoe, Myers and Sellman in favor and Kropp and Rodriguez opposed.

Meeting adjourned at 11:30 p.m.

Norman L Holm, Planning Director

 _____

:sm



REPUBLIC
SERVICES

11101 West Executive Drive, Boise ID 83713
Office (208) 345-1265

July 21, 2016

Deborah Spille
Treasurer, City of Nampa
401 3rd Street South
Nampa, Idaho 83651

Dear Ms Spille.

This correspondence is a request for the rate adjustment as outlined in the contract between the city of Nampa and Allied Waste Services of North America, LLC, dba Republic Services of Idaho, which began on October 1, 2013. Based on the enclosed copy of the Consumer Price Index (CPI) for West Urban Wage Earners and Clerical Workers for the previous 12 month period ending May 31, 2016, the calculated base rate adjustment is 1.05%. The price adjustment takes effect for the billing cycle beginning October 1, 2016.

Please find attached a copy of the CPI data from the Department of Labor Statistics' website. If you have any questions or concerns, please give me a call at 685-7750.

Sincerely,

Rodney Remling
Republic Services of Idaho
Business Unit Controller
208-685-7750

Consumer Price Index - Urban Wage Earners and Clerical V
Original Data Value

Series Id: CWUR0400SA0
 Not Seasonally Adjusted
 Area: West urban
 Item: All items
 Base Period: 1982-84=100
 Years: 2006 to 2016

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec
2006	196.3	197.2	198.3	200.0	201.9	201.5	201.7	202.5	202.4	201.3	200.6	200.8
2007	201.946	203.036	205.173	206.521	207.795	207.311	206.927	206.624	207.164	208.304	209.629	209.488
2008	210.342	210.816	213.159	214.355	216.029	218.508	219.248	217.854	217.028	215.499	210.870	208.088
2009	209.367	210.492	210.661	211.386	212.263	213.973	213.541	213.988	214.490	214.718	214.228	213.919
2010	214.664	214.710	215.457	215.873	216.044	215.681	215.824	216.048	215.804	216.273	216.267	216.847
2011	217.995	219.368	221.830	223.268	223.944	223.237	222.815	223.204	224.237	224.268	223.785	222.968
2012	223.849	224.956	227.271	227.686	228.189	227.543	226.460	227.681	228.798	229.849	227.767	226.585
2013	227.197	229.319	230.226	230.056	230.555	230.723	230.882	231.084	231.553	231.244	230.390	230.356
2014	230.937	231.785	233.375	234.081	235.579	235.845	236.051	236.820	235.974	235.343	233.499	232.108
2015	230.843	232.364	234.802	235.222	237.509	237.441	238.151	237.791	236.999	236.728	236.003	235.728
2016	236.888	236.747	237.415	238.757	240.005	240.405						

2.496
 1.05%

Percentage Price Increase



MEMORANDUM

TO: Mayor Henry and Nampa City Council
FROM: Darrin Johnson, Parks and Recreation Director
RE: Lease Agreement Union Pacific Railroad
DATE: August 1, 2016

In some locations Nampa Parks and Recreation uses easements of the Union Pacific Railroad. When easement land is used Nampa Parks and Recreation pays a lease payment for property use to the UPRR.

Near Stampede Park, near Pipeco, we recently redefined the actual property that the Parks Division uses. In addition, the map exhibit was corrected to accurately reflect our agreement and use.

We request Nampa City Council authorize the Mayor to sign the enclosed lease agreement. The Nampa City attorney's office has reviewed this agreement.

SUPPLEMENTAL AGREEMENT

THIS SUPPLEMENTAL AGREEMENT is entered into on the ____ day of _____, 2016, between UNION PACIFIC RAILROAD COMPANY ("Lessor") and CITY OF NAMPA, IDAHO, an Idaho municipal corporation, whose address is 411 Third Street South, Nampa, Idaho 83651 ("Lessee").

RECITALS:

By instrument dated August 26, 1998, Lessor and Lessee, or their predecessors in interest, entered into an agreement ("Basic Agreement"), identified as Audit No. 206692, at Nampa, Idaho.

AGREEMENT:

IT IS AGREED between Lessor and Lessee to modify the Basic Agreement as follows:

Article 1. EFFECTIVE DATE.

This Supplemental Agreement is effective June 15, 2016.

Article 2. SUBSTITUTION OF PRINT.

The print dated May 27, 2016, attached as Exhibit 'A', shall be substituted for the print dated February 15, 2000, attached to the Basic Agreement.

Article 3. RENT.

A. Effective June 15, 2016, Lessee agrees to pay to Lessor Three Thousand One Hundred Sixty Dollars (\$3,160.00) annually. The rent shall be increased by Three Percent (3%) annually cumulative and compounded.

B. Not more than once every Three (3) years Lessor may redetermine the rent. In the event that Lessor does redetermine the rent, Lessor shall notify Lessee of such change.

Article 4. AGREEMENT SUPPLEMENT.

Nothing in this Supplemental Agreement shall be construed as amending or modifying the Basic Agreement unless specifically provided herein.

IN WITNESS WHEREOF, the parties have executed this Supplemental Agreement as of the day and year first written.

UNION PACIFIC RAILROAD COMPANY

CITY OF NAMPA, IDAHO

By: _____

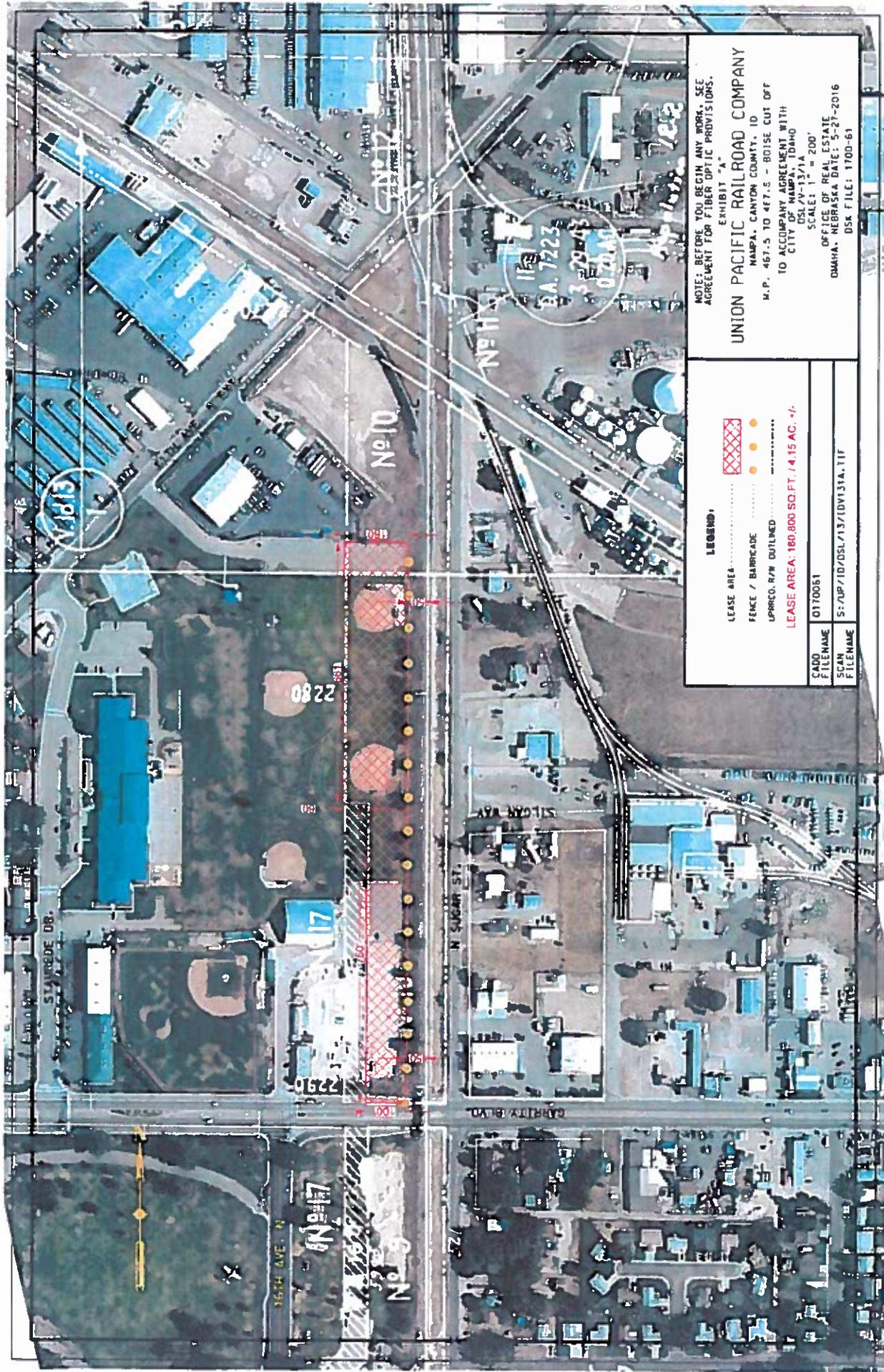
Jill Bazzell

Director - Real Estate

By: _____

Printed Name: _____

Title: _____



NOTE: BEFORE YOU BEGIN ANY WORK, SEE AGREEMENT FOR FIBER OPTIC PROVISIONS.

EXHIBIT "A"

UNION PACIFIC RAILROAD COMPANY

NAPPA, CANYON COUNTY, ID

M.P. 467.5 TO 467.6 - BOISE CUT OFF

TO ACCOMPANY AGREEMENT WITH
CITY DSL/13/131A.DIHO

SCALE: 1" = 200'

OFFICE OF REAL ESTATE
OMAHA, NEBRASKA DATE: 5-21-2016
DSK FILE: 1700-61

LEGEND:

- LEASE AREA: [Red hatched box symbol]
- FENCE / BARRICADE: [Yellow dashed line symbol]
- UPPRCD. R/W OUTLINED: [Red dashed line symbol]
- LEASE AREA: 180,800 SQ.FT. / 4.15 AC. +/-

PARC FILE NAME	0170061
SCAN FILE NAME	S:\7UP\1D\DSL\13\131A.TIF

CITY OF NAMPA
REGULAR COUNCIL
August 1, 2016
STAFF REPORT BY PUBLIC WORKS DEPARTMENT
MICHAEL FUSS, P.E., PUBLIC WORKS DIRECTOR

Stam Farms Infiltration Property – Option to Purchase Agreement Update

As part of the Wastewater Program Upgrades project, City Staff and the Wastewater Program Management Team (WPMT) continue to identify the best approach for long-term wastewater discharge to meet increasingly stringent National Pollutant Discharge Elimination System (NPDES) permit limits. Approaches that have been evaluated include Infiltration, Treat and Offset, Treat to EPA Levels.

On August 3, 2015, City Council approved the Option to Purchase Agreement for the Stam Farm Infiltration property. The WPMT began working with landowners of Stam Farms, LLC to evaluate the suitability of the property for potential long-term discharge to this potential site.

At the March 30th, 2016 Special City Council Meeting, the WPMT presented business case evaluation results of potential discharge options. Based on the new information, City Council directed Staff to continue with evaluating the “Treat” options and allow the Option to Purchase Agreement to expire. The Option Agreement is set to expire on August 27, 2016. In the current option the City could extend the option for an additional 18 months with an additional option payment of \$150,000. Staff will not be pursuing the Option extension.

The City Attorney has reviewed the Option Agreement conditions and WPMT findings for the property. No items were identified that would justify requesting a refund of option payment. It was recommended that the City offer a Release of Memorandum of Agreement (MOA) to the landowners of Stam Farms, a MOA between the City and Stam Farms had been previously filed in Canyon County.

ORDINANCE NO. _____

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 6, CHAPTER 2, SECTIONS 06-2-22 OF THE NAMPA CITY CODE, RELATING TO ANIMALS BECOMING A NUISANCE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

BE IT ORDAINED by the Mayor and Council of the City of Nampa, County of Canyon, State of Idaho:

Section 1. That Title 6, Chapter 2, Section 06-2-22, pertaining to animals becoming a nuisance, be amended as follows:

6-2-22: NUISANCE:

It is unlawful for any owner to fail to exercise proper care and control of his animal to prevent it from becoming a public nuisance.

Every person shall be guilty of allowing an animal to become a nuisance when the following is allowed:

...

C. Attacking another ~~other~~ domestic animal ~~animals~~;

...

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 3. This ordinance is hereby declared to be severable. If any portion of this ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purposes of the ordinance before the declaration of partial invalidity.

Section 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this 1st day of August, 2016.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this 1st day of August, 2016.

ATTEST:

Mayor Robert L. Henry

City Clerk (or Deputy)

**ORDINANCES OF THE CITY OF NAMPA
NOTICE OF ADOPTION AND SUMMARY OF
ORDINANCE NO. _____**

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 6, CHAPTER 2, SECTIONS 06-2-22 OF THE NAMPA CITY CODE, RELATING TO ANIMALS BECOMING A NUISANCE; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

Section 1: Amends Title 6, Chapter 2, Sections 06-2-22, by clarifying which animals will be declared a nuisance.

Sections 2 through 4: Provides that this ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law; provides for severability; repeals conflicting ordinances, resolutions, and orders.

Ordinance No. _____ provides an effective date, which shall be on the 8th day of August, 2016. Ordinance No. _____ was passed by the Council and approved by the Mayor on the 1st day of August, 2016. The full text of the Ordinance is available at Nampa City Hall, 411 3rd Street South, Nampa, Idaho 83651. The Mayor and City Council approved the foregoing summary on the 1st day of August, 2016, for publication on the 8th day of August, 2016, pursuant to Idaho Code § 50-901A.

Mayor Robert L. Henry

ATTEST: Deborah Bishop, City Clerk

STATEMENT OF LEGAL ADVISOR

I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. _____ and provides adequate notice to the public as to the contents of such ordinance.

DATED this 1st day of August, 2016.
Mark Hilty, Attorney for City of Nampa

BID AWARD
2016 CDBG DOWNTOWN SIDEWALK
& TREE REPLACEMENT PROJECT

- There are 10 tree wells that are located at corners, alleyways, driveways, and midblock with tree related trip hazards (see exhibit “A”). These contain brick work under the revised Streetscape plan. Community Development Block Grant (CDBG) monies can be used for this cost.
- Council directed Engineering to move forward with bidding of the top seven ranked locations per budgeted money at the June 6th council meeting. CDBG budget is \$229,000.

- The City received three bids from:

J2 Construction	\$58,271.00
Hess Construction	\$75,610.00
Paul Construction	\$97,909.58

- The estimated project costs are:

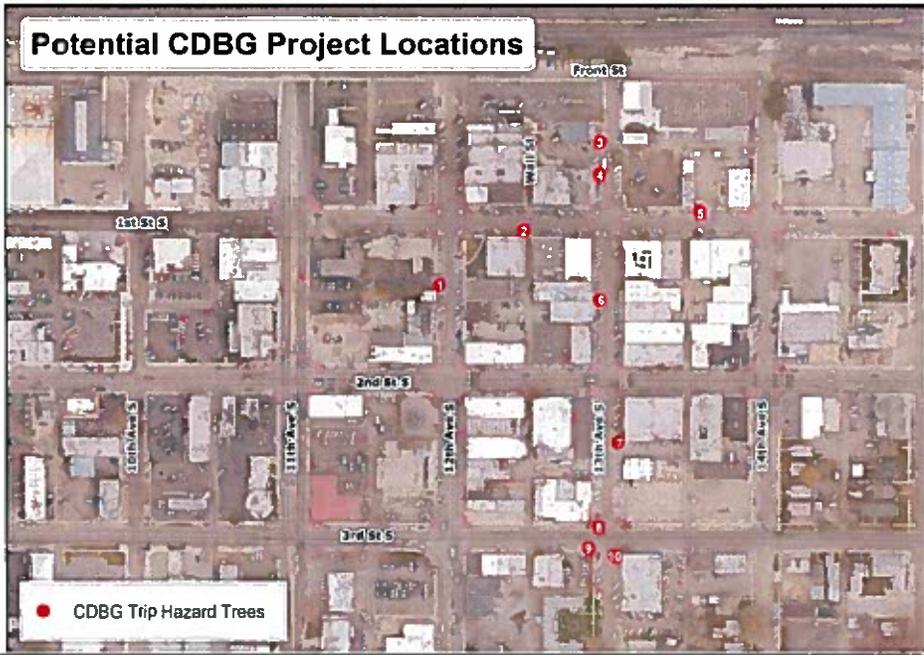
Design Engineering costs to date	\$33,000.00
Construction Engineering Estimate	\$4,200.00
Construction	<u>\$58,271.00</u>
Total	\$95,471.00

- A 46 calendar day contract time is anticipated.
- With the remaining grant money Engineering has asked T-O Engineers to provide an estimate for costs to design and construct the final rebuild locations that were ranked by the Downtown Business Association (see exhibit “B”). T-O will start design upon the award of this bid with construction anticipated for spring of 2017.
- As the total expected expenditures were unknown at the deadline for roll-over requests, Staff anticipates moving forward with extending the project up to the total available CDBG funding. A budget amendment up to the remaining CDBG funds may be necessary to complete the project in FY17.

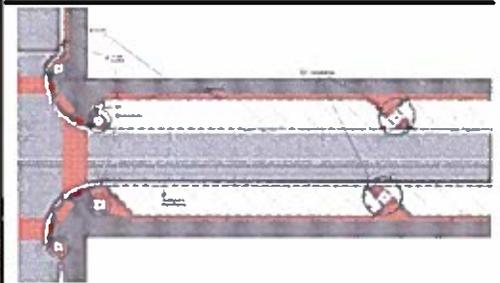
- Engineering Division has reviewed the bids and recommends award to J2 Construction.

REQUEST: Award bid and authorize Mayor to sign contract for 2016 CDBG Downtown Sidewalk and Tree Replacement Project with J2 Construction in the amount of \$58,271.00.

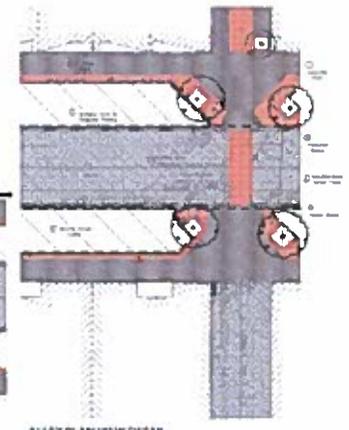
Exhibit A



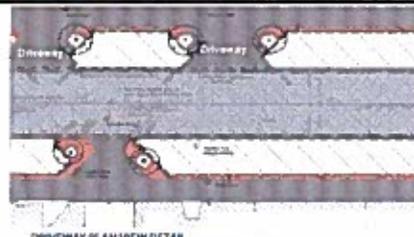
Downtown Historic District Streetscape Details



PLAN VIEW WITH MED-BLOCK BULB-OUTS
 *Details shown are for reference of aesthetics and are not a true representation of street widths or street design



ALLEY PLAN VIEW DETAIL



DRIVEWAY PLAN VIEW DETAIL

Downtown Business Association Project Ranking

The Downtown Business Association is being asked to rank Community Development Block Grant Project Locations. Eligible projects are shown in the above map and consist of end / mid-block bulb-outs, alleys and driveways in the Downtown Historic District.

Each of the above locations currently contains a tree which has caused a tripping hazard. These trees will be replaced when the damaged sidewalk is repaired to the streetscape standards shown to the right. Unfortunately there is not enough CDBG funding to make all of the repairs. The downtown association's top ranked projects will be presented to City Council for final project approval.



Exhibit B

T-O Engineers for the City of Nampa
 Nampa Downtown CDBG Project-Intersection
 Project # 140155
 Project Budget
 June 13, 2016

Task No.	Description of Work	Total Man-hours	Project Manager	Engineer	Survey Manager	Surveyor	Clerical	Direct Expenses	Subtotals
1	Project Management								
1.0.1	Budget and Tracking	6	4	2					\$ 1,824.00
1.0.2	Coordination with City	10	4	6					
2	Design Services								\$ 14,352.00
2.1	Survey Services								
2.1.1	Topographic Survey	12				12			
	GPS							\$ 660.00	
2.1.2	Base Mapping	10		4	2	4			
2.2	Preliminary Design Services	0							
2.2.1	Preliminary Design	28	4	24					
2.3	Final Design Services								
2.3.1	Final Design	28	4	24					
2.3.2	Specifications and Contract Documents	26	4	20			2		
2.3.3	Property Owner Coordination	8	8						
2.4	Other Design Services	0							
2.4.1	Engineers Estimate	12	4	8					
2.4.2	Final Design Review	14	6	8					
3	Bid Administration and Support								\$ 2,208.00
	Copies, Postage, Misc.							\$ 300.00	
3.0.1	Pre-Bid Meeting	6	2	4					
3.0.2	Bid Opening	6	2	4					
3.0.3	Bid Evaluation and Recommendation	6	2	4					
4	Construction Assistance								\$ 2,472.00
4.0.1	Pre-Construction Meeting	6	2	4					
4.0.2	Limited Construction Assistance	10	4	6					
4.0.3	Record Drawings	8	4	4	2	2			
	Total Estimated Hours	196	50	122	4	18	2		\$ 20,856.00

A. Summary of Estimated Labor Costs

Personnel	Man-hours	Rate	Extension
Project Manager (Ketterling)	50	\$ 138.00	\$ 6,900.00
Engineer (Feichtinger)	122	\$ 90.00	\$ 10,980.00
Survey Manager (Sorenson)	4	\$ 110.00	\$ 440.00
Surveyor (Stone)	18	\$ 82.00	\$ 1,476.00
Clerical (Potter)	2	\$ 50.00	\$ 100.00
Total Estimated Labor Costs	196		\$ 19,896.00

B. Direct Expenses

GPS Unit	12	\$ 55.00	\$ 660.00
Production Copies, Postage, Misc.			\$ 300.00
Total Estimated Direct Expenses			\$ 960.00

TOTAL ESTIMATED PROJECT COSTS

\$ 20,856.00

Time & Material Not To Exceed

BID AWARD
2016 MANHOLE & VALVE LID ADJUST TO GRADE PROJECT

- In past years the existing roadways have been chip sealed and overlaid leaving the manhole and valve lids low in the roadway.
- Adjusting the manhole and valve lids to grade will provide a better ride quality for the city's roads.
- The Manhole & Valve Lid Adjust to Grade Project will be performed in the current year's Chip Sealing Zone (proposed project limits shown in exhibit "A").
- The Council has authorized FY16 budget for this project.
- "Requests for Quotation" were sent to four concrete contractors and two contractors responded with a quote for the project.
- The apparent low bidder is Professional Construction Services, Inc. with a quote amount of \$39,212.00 (see exhibit "B").
- The project is funded by each Public Works Division with operations dollars.
- Notice to Proceed is estimated for Mid-August.
- Substantial Completion of this project will be September 23, 2016.

REQUEST: Award bid and authorize Mayor to sign contract for the 2016 Manhole & Lid Adjust to Grade Project in the amount of \$39,212.00 to Professional Construction Services, Inc.

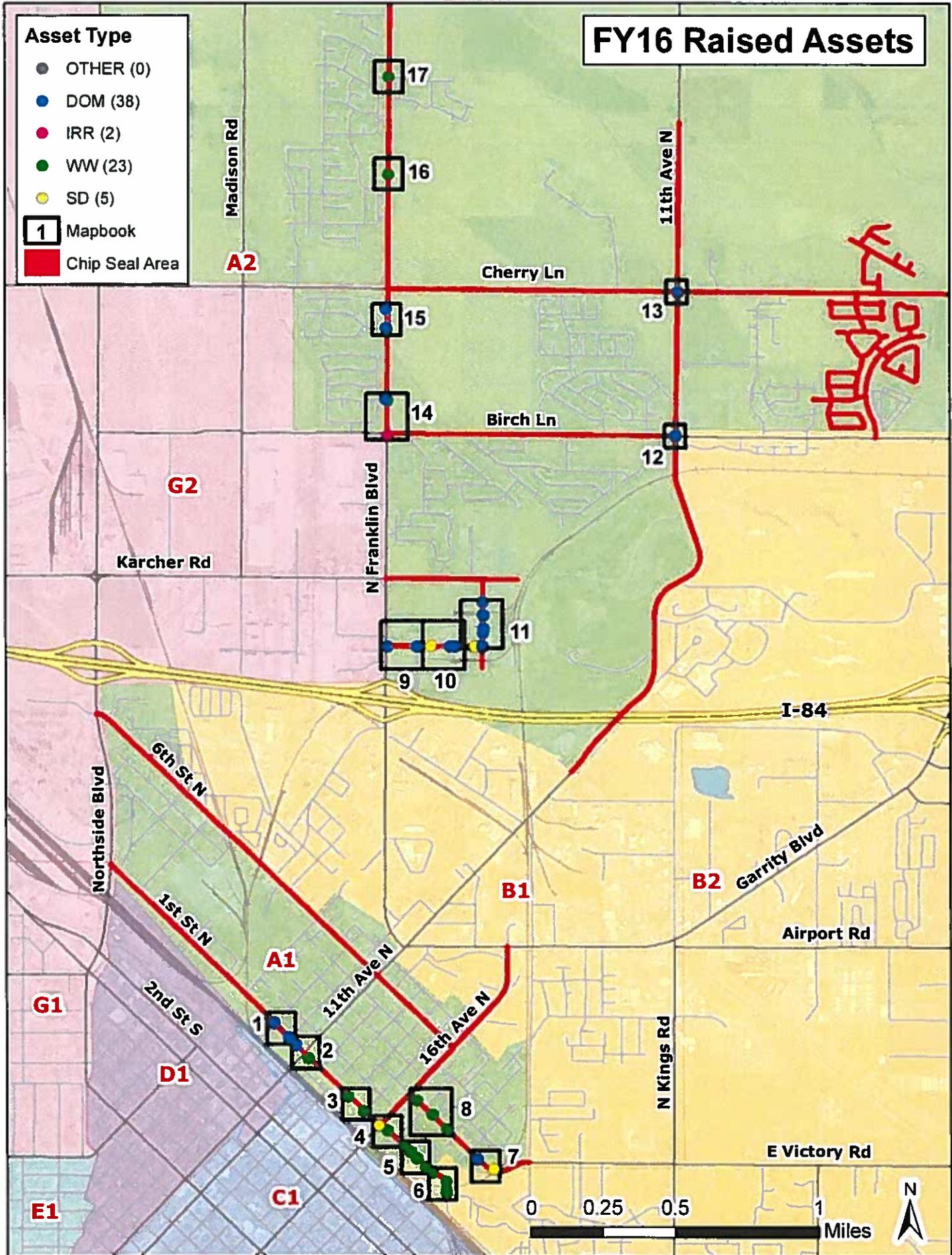
FY16 Raised Assets

Asset Type

- OTHER (0)
- DOM (38)
- IRR (2)
- WW (23)
- SD (5)

1 Mapbook

Chip Seal Area





**REQUEST FOR QUOTATION
2016 MANHOLE AND VALVE COVER ADJUSTMENTS**

City of Nampa, Idaho 83651
Engineering Division
411 3rd Street South
468-5458

Project Name: 2016 Manhole and Valve Cover Adjustments
Project Number: 06-1636
Date: July 6, 2016
Quote No Later Than: July 13, 2016, 2:00 p.m.
Substantial Completion Date: September 23, 2016

PROJECT SUMMARY INFORMATION

This project will adjust manhole and valve covers to grade and include the installation of new concrete collars along 1st Street N., 3rd Street N. and N. Franklin Blvd. along with other misc. locations.. See Appendix A for location map.

No road closures will be allowed. New concrete collars shall be covered with steel plates to maintain traffic flows during concrete cure time.

I. QUOTATION BID SCHEDULE

BID ITEM #	ISPWC Spec. #	Item Description	Estimated Quantity	Unit	Unit Price Bid	Amount Bid
Division 1000—Traffic						
1	1103.4.1.A.1	Construction Traffic Control	1	LS	3500 ^w	3500 ^w
2	1103.4.1.L.1	Traffic Control Flaggers	160	MH	23.00	3680 ^w
Division 2000—Miscellaneous						
3	2010.4.1.A.1	Mobilization (5%)	1	LS	1500 ^w	1500 ^w
4	2030.4.1.A.1	Manhole, Type , Adjust to Grade	28	EA	475 ^w	13300 ^w
5	2030.4.1.C.1	Valve Boxes, Adjust to Grade	40	EA	375 ^w	15000 ^w
Division 3000—Special Provisions						
6	3000.4.1.A.1	Erosion and Sediment Control	1	LS	180 ^w	180 ^w
7	3001.4.1.A.1	Right of Way Permit	1	LS	\$52.00	\$52.00
8	3002.4.1.A.1	Miscellaneous Site Work	1	LS	\$2000.00	\$2000.00

TOTAL PRICE \$ 39212.00

II. WORK SITE LOCATION

The project repair locations are along 1st Street N., 3rd Street N. and N. Franklin Blvd. along with other misc. locations in Nampa, Idaho. See Appendix A for location map.

III. COMPLETION TIME AND DATES

The work will be substantially complete no later than September 23, 2016. All items will be ready for final payment in accordance with paragraph 14.07 of the General Conditions no later than Sept. 30, 2016.

IV. MEASUREMENT AND PAYMENT

All prices above will include all labor, tools and materials necessary to complete the work per each, set in place. Payment will be made under the pay reference numbers listed above. Invoice by the 5th of each month for any items delivered the previous month.

V. INSURANCE REQUIREMENTS

Proof of insurance meeting the requirements of the Contract Documents.

VI. PERFORMANCE AND PAYMENT BONDS

Provide Performance and Payment Bonds, each in the amount at least equal to the Contract Price as security for the faithful performance and payment of all Contractor's obligations under the Contract Documents.

VII. SIGNATURE OF CONTRACTOR

Please contact our Engineering Division at (208) 468-5409 for more information. Minority and women's owned businesses are encouraged to quote. The City of Nampa is an Equal Employment Opportunity (EEO) employer.

The City reserves the right to reject any or all bids in the best interests of the City of Nampa.

RETURN THIS FORM TO:
City of Nampa
Engineering Division
411 3rd Street South
Nampa, ID 83651

Company Professional Construction Services Inc
Signature Timothy A. Taylor
Date 7/13/2016 Phone 208-442-8565
Public Works License # PWC-C-14902-C-4

BID AWARD

FY16 PAVEMENT MARKING & SIGN INSTALLATION

- The FY 16 Pavement Management program includes installing shared lane markings at the following locations (see exhibit "A"):
 - 1st Street North between 11th Avenue North and East Railroad Street
 - 11th Avenue North between Centennial Drive and Birch Lane
 - 16th Avenue North between 2nd Street North and Garrity Boulevard
 - 4th Avenue North and 3rd Avenue North between 6th Street North and North Franklin Boulevard
 - Birch Lane between North Franklin Boulevard and 11th Avenue North
 - East Karcher Road between Madison Road and North Franklin Boulevard

- It also include installing bicycle lanes at the following locations (also on exhibit "A"):
 - 11th Avenue North between East Comstock Avenue and Centennial Drive
 - Birch Lane between 11th Avenue North and Idaho Center Boulevard

- On June 6, 2016 City Council authorized no parking zones adjacent to the proposed bike lanes.

- In an effort to maintain or improve the streets operational efficiencies, it was decided to bid the significant amount of thermal plastic work

- On June 20, 2016 City Council authorized the bidding process for the project. The City received two (2) bids (see exhibit "B") from:
 - Curtis Clean Sweep, Inc.
 - Pavement Markings Northwest, Inc.

- Curtis Clean Sweep, Inc. is the apparent low bidder at \$59,016.00. All necessary public bidding requirements appear to be satisfied.

- Total project cost estimate:

○ Engineering and Construction Services	\$4,351.60
○ Construction Costs	<u>\$59,016.00</u>
○ Total	\$63,367.60

- FY-16 Pavement Management Budget will be used to pay for the project.

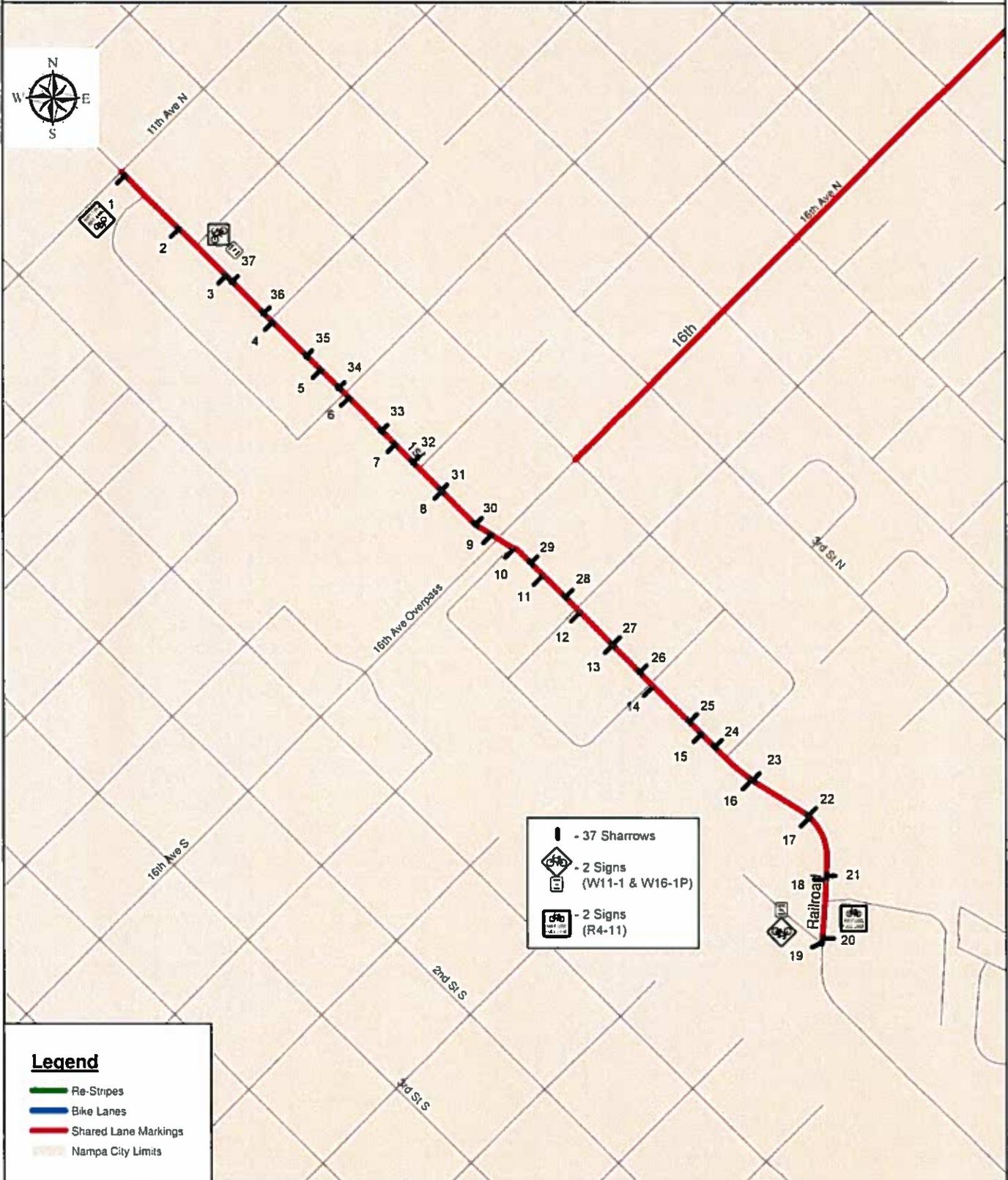
- Construction will begin in August.

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

- Engineering Division staff has reviewed the bids and recommend award to Curtis Clean Sweep, Inc.

REQUEST: City Council award bid and authorize Mayor to sign contract for the FY16 Pavement Marking & Sign Installation Project with Curtis Clean Sweep Inc., in the amount of \$59,016.00.

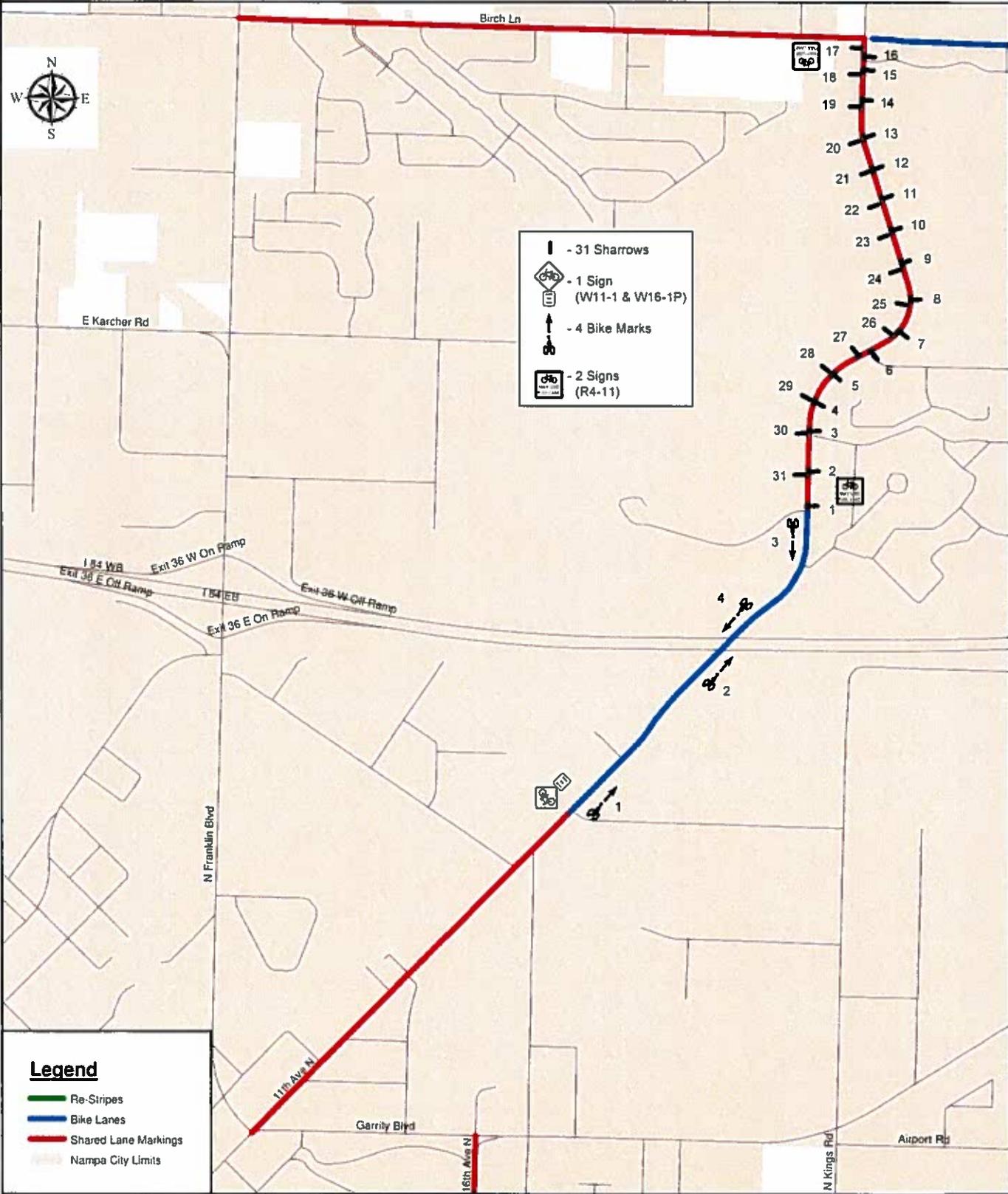
FY-16 PAVEMENT MARKING & SIGN INSTALLATION PROJECT 1ST STREET NORTH PLACEMENT MAP



FY-16 PAVEMENT MARKING & SIGN INSTALLATION PROJECT 11TH AVENUE NORTH PLACEMENT MAP



-  - 31 Sharrows
-  - 1 Sign (W11-1 & W16-1P)
-  - 4 Bike Marks
-  - 2 Signs (R4-11)



Legend

-  Re-Stripes
-  Bike Lanes
-  Shared Lane Markings
-  Nampa City Limits

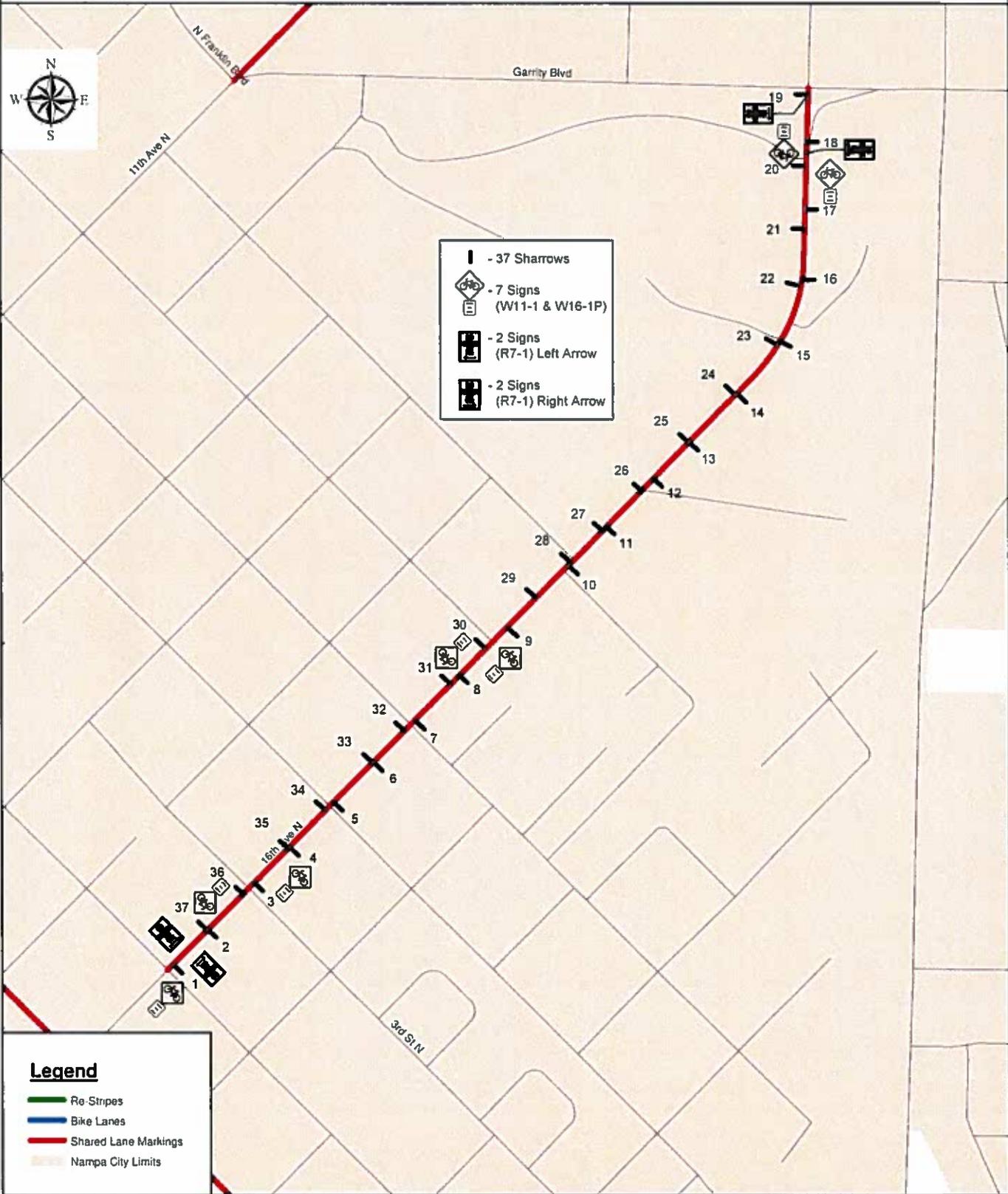


FY-16 PAVEMENT MARKING & SIGN INSTALLATION PROJECT 16TH AVENUE NORTH PLACEMENT MAP



- 37 Sharrows
- 7 Signs
(W11-1 & W16-1P)
- 2 Signs
(R7-1) Left Arrow
- 2 Signs
(R7-1) Right Arrow

- Legend**
- Re Stripes
 - Bike Lanes
 - Shared Lane Markings
 - Nampa City Limits

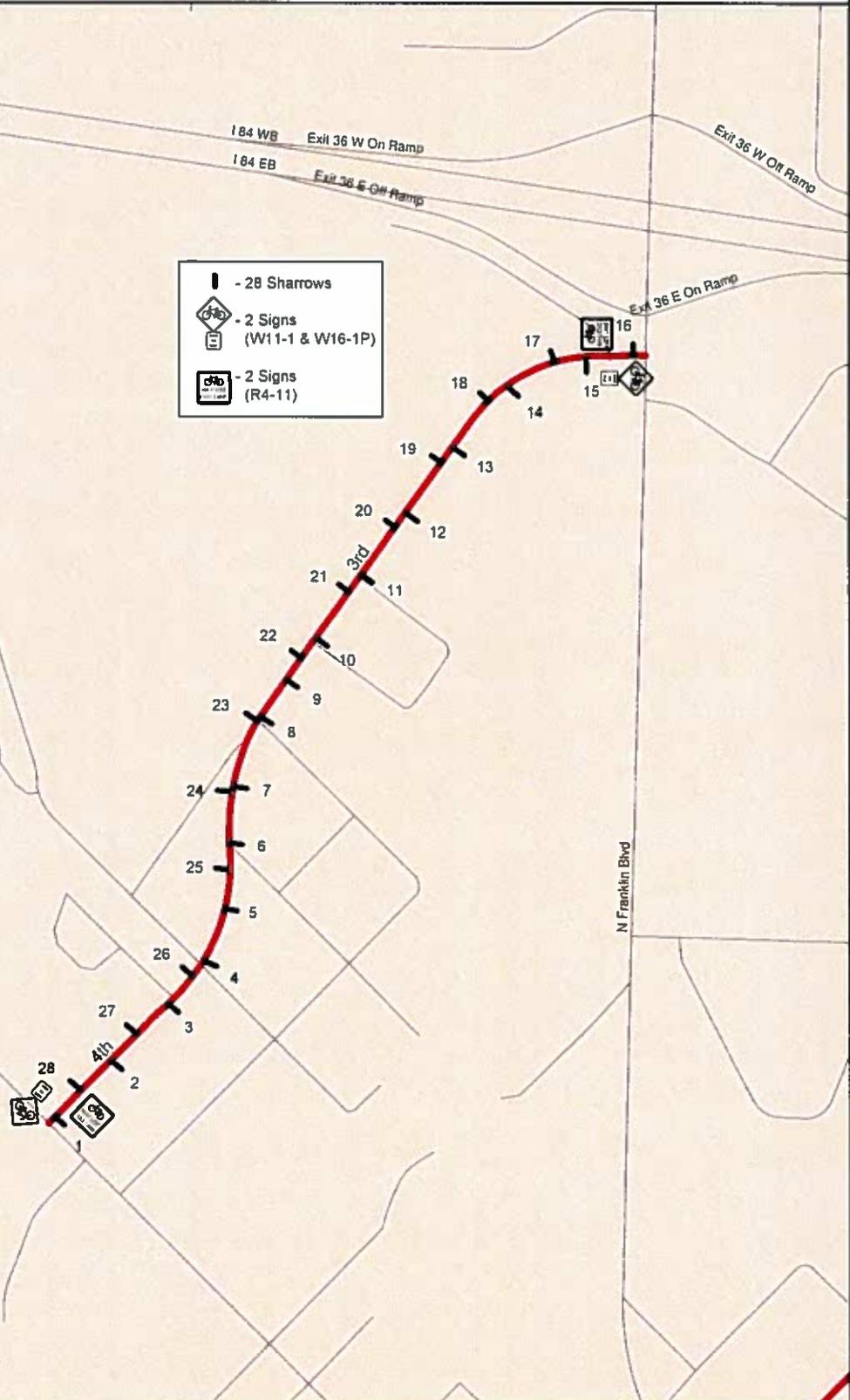


FY-16 PAVEMENT MARKING & SIGN INSTALLATION PROJECT 3RD & 4TH AVENUE NORTH PLACEMENT MAP

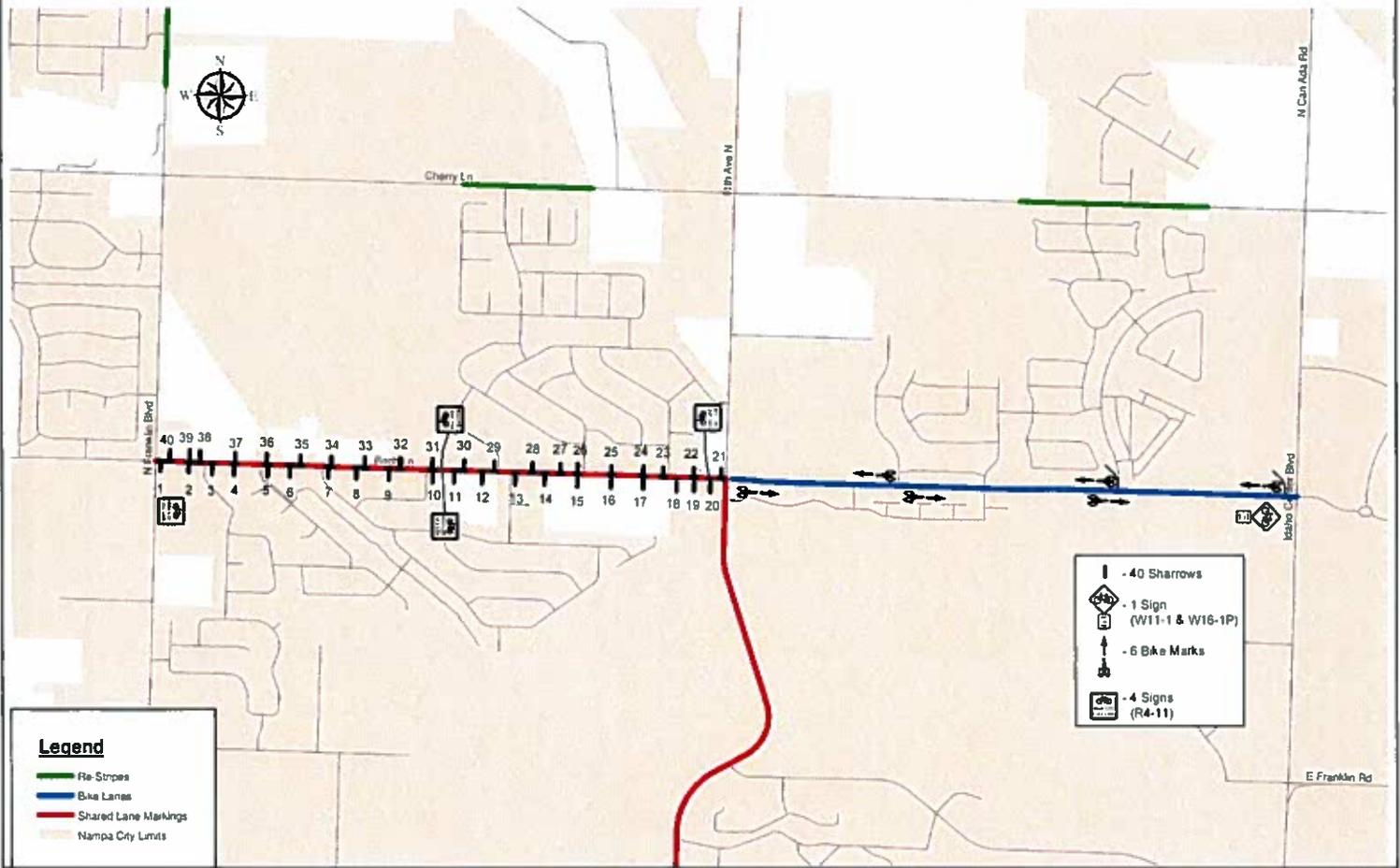


-  - 28 Sharrows
-  - 2 Signs (W1-1 & W16-1P)
-  - 2 Signs (R4-11)

- Legend**
-  Re Stripes
 -  Shared Lane Markings
 -  Bike Lanes
 -  Nampa City Limits



**FY-16 PAVEMENT MARKING & SIGN INSTALLATION PROJECT
BIRCH LANE PLACEMENT MAP**



Legend

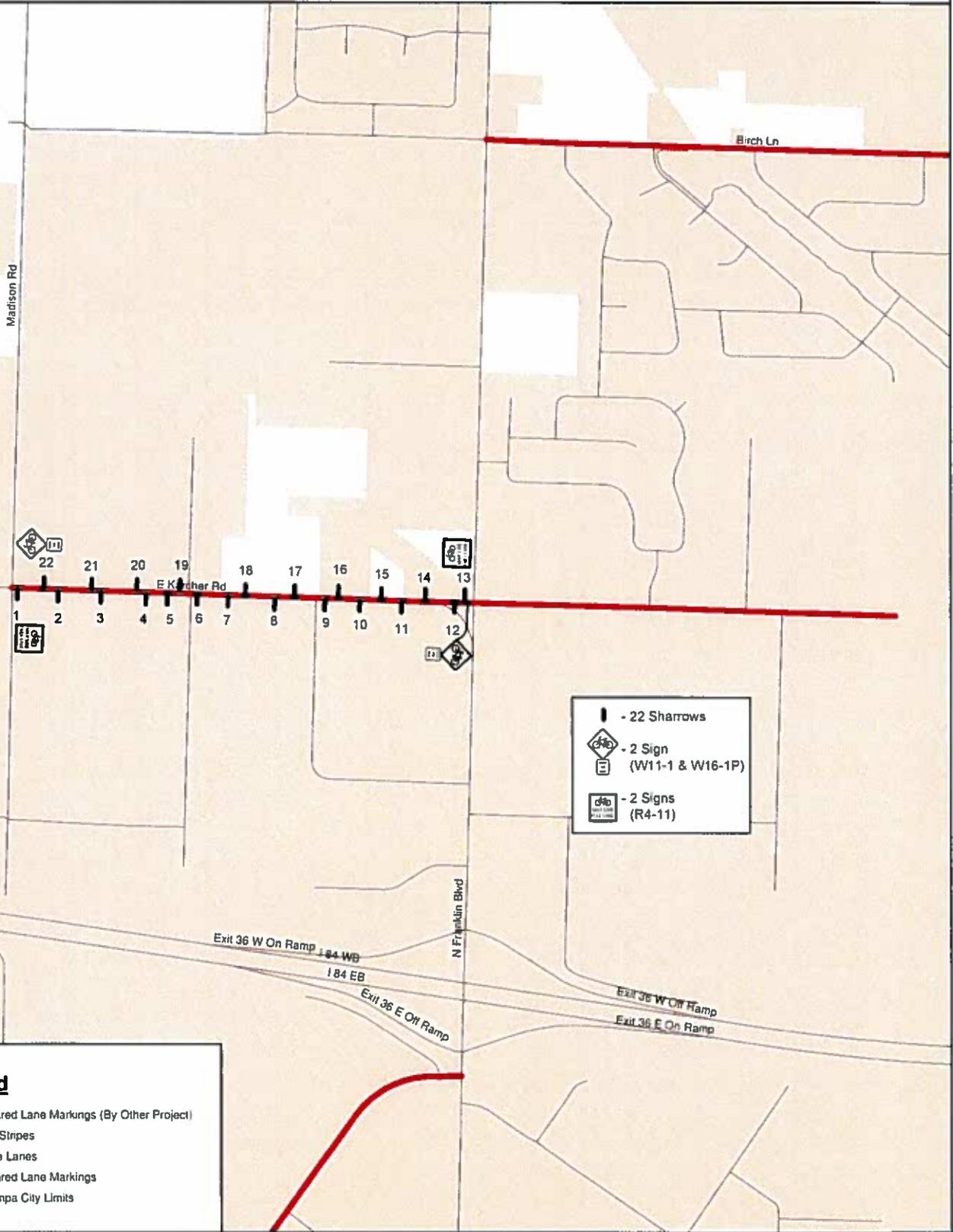
- Re-stripes
- Bike Lanes
- Shared Lane Markings
- Nampa City Limits

- | - 40 Sharrows
- 1 Sign (W11-1 & W16-1P)
- ↑ - 6 Bike Marks
- 4 Signs (R4-11)

EXHIBIT A - SHEET 5



FY-16 PAVEMENT MARKING & SIGN INSTALLATION PROJECT EAST KARCHER ROAD PLACEMENT MAP



	- 22 Sharrow
	- 2 Sign (W11-1 & W16-1P)
	- 2 Signs (R4-11)

Legend

- Shared Lane Markings (By Other Project)
- Re-Stripes
- Bike Lanes
- Shared Lane Markings
- Nampa City Limits

EXHIBIT A - SHEET 6



EXHIBIT B

Project: FY-16 PAVEMENT MARKING & SIGN INSTALLATION

Bids Opened July 12, 2016 2:00 p.m.

Item No.	Description	Quantity	Unit	Curtis Clean Sweep Inc		Pavement Markings Northwest Inc	
				Unit Price	Amount	Unit Price	Amount
1	Construction Traffic Control	1	LS	\$ 5,000.00	\$ 5,000.00	\$ 9,800.00	\$ 9,800.00
2	Thermoplastic Pavement Markings – Shared Lane Marking (3'4"w x 9'4"h) 31.11SF	195	EA	\$ 210.00	\$ 40,950.00	\$ 294.00	\$ 57,330.00
3	Thermoplastic Pavement Markings – Helmeted Bicyclist Symbol (3'4"w x 6'6"h) 21.67SF	10	EA	\$ 215.40	\$ 2,154.00	\$ 294.00	\$ 2,940.00
4	Traffic Sign Installations – R4-11 (30"x30") 6.25SF	12	EA	\$ 200.00	\$ 2,400.00	\$ 322.00	\$ 3,864.00
5	Traffic Sign Installations – W11-1 (24"x24") 4SF	15	EA	\$ 170.00	\$ 2,550.00	\$ 280.00	\$ 4,200.00
6	Traffic Sign Installations – W16-1P (18"x24") 3SF	15	EA	\$ 50.00	\$ 750.00	\$ 85.00	\$ 1,275.00
7	Traffic Sign Installations – R7-1 with Left Arrow (12"x18") 1.5SF	2	EA	\$ 140.00	\$ 280.00	\$ 272.00	\$ 544.00
8	Traffic Sign Installations – R7-1 with Right Arrow (12"x18") 1.5SF	2	EA	\$ 140.00	\$ 280.00	\$ 272.00	\$ 544.00
9	Mobilization (Maximum Allowed = 5% of Total Bid)	1	LS	\$ 2,600.00	\$ 2,600.00	\$ 4,100.00	\$ 4,100.00
10	Permits (ROW)	1	LS	\$ 52.00	\$ 52.00	\$ 52.00	\$ 52.00
11	Miscellaneous Site Work	1	CA	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00	\$ 2,000.00
TOTAL FOR BID SCHEDULE					\$ 59,016.00		\$ 86,649.00

REJECT ALL BIDS
STORM WATER REPAIRS – TAFFY DR AT CARMEL CT
AND 67 PEPPERMINT

- A major storm in 2013 caused flooding and wash outs at 29 locations within the City. Currently all emergency and/or imminent life safety repairs have been made. The remaining repairs to two of the locations within the Asset Management Zone are proposed by the following:
 - The collection swale on Taffy Drive (Exhibit A)
 - Peppermint Drive storm water detention pond with discharge to Indian Creek (Exhibit A)
- Over time both facilities have been filled in or eroded causing damage and ruining its effectiveness. In keeping with the general practice of City performing heavy maintenance and homeowners or associations performing the light maintenance, the repair of these projects were scheduled in FY16 Asset Management Cycle.
- Mason and Stanfield Engineers (M&S) were contracted to design stormwater repair solutions and bid documents for both Taffy Drive and Peppermint Drive.
- The City solicited formal bids for the project in accordance with I.C. § 67-2805(3) and four (4) contractors responded with the following bids:

1) Paul Construction, Inc.	\$166,755.80
2) Hawkeye Builder, Inc.	\$150,546.00
3) Gabbert & Edwards, LLC	\$121,269.40
4) Pavement Specialties of Idaho (PSI)	\$0.00
- Of the four (4) bids received, only Paul Construction and Hawkeye were responsive. Gabbert & Edwards did not acknowledge an addendum as required by the contract documents. PSI only bid on a companion project that is funded by the Parks Department despite clarification in an addendum that bids of this manner would not be considered.
- For the two responsive bidders there is conflicting information about a mandatory pre-bid meeting in the project specifications. Only Paul Construction attended the pre-bid meeting. Furthermore the bid from Paul exceeds the project budget for the companion project funded by the Parks Department.
- The City Attorney has reviewed the apparent bids and recommends re-bidding the project due to the risk of a bid protest from one or more bidders.
- Before re-bidding the project, conflicting language about the mandatory pre-bid meeting and the companion project from the Parks Department will be removed.

REQUEST: Authorize the Mayor and Public Works Director to reject all bids and re-bid the Storm Water Repairs – Taffy Dr at Carmel Ct and 67 Peppermint project.

BID AWARD

WELL 5 UPGRADES PROJECT

- Well 5 was drilled in 1950 and is in need of upgrades. It is approximately 500 feet deep and is a high quality artisan water source.
- The Well 5 Upgrades project will include a new motor and pump along with new building, mechanical and electrical improvements and is located in Starr Park on 3rd Street North.
- The Well 5 Upgrades project has an approved FY16 Water Division budget of \$600,000.
- The City Council authorized the bidding process for the project on July 5th 2016.
- The City received 2 bids for the proposed project. The apparent low bidder (Star Construction) submitted a bid with a math error that resulted in their withdrawal from the bid. Irminger Construction was the second lowest bidder with a bid of \$429,793.96 (see exhibit "A").
- Engineering Division staff and the consulting design engineer, Civil Survey Consultants, Inc. recommend award to the second lowest bidder and release of the bid bond to Star Construction.

REQUEST: Award bid and authorize Mayor to sign contract for the Well 5 Upgrades project in the amount of \$429,793.96 to Irminger Construction.

Exhibit A

City of Nampa
 Well No. 5 Upgrades
 Bid Abstract
 Bid Opening July 26, 2016

Item No	Description	Qty	Unit	Irminger Construction	
				Unit Price	Bid Item Total
201.4.1.C.1.	Removal of Obstructions	1	LS	\$ 31,807.00	\$ 31,807.00
202.4.1.A.1	Excavation	1	LS	\$ 8,388.00	\$ 8,388.00
307.4.1.E.1	Type C Surface Repair	22	SY	\$ 41.40	\$ 910.80
307.4.1.G.1	Type P Surface Repair	62	SY	\$ 40.60	\$ 2,517.20
401.4.1.A.1	10" PVC, AWWA C900, DR 18, Water Main	30	LF	\$ 147.00	\$ 4,410.00
402.4.1.A.1	10" Gate Valve	1	EA	\$ 2,409.00	\$ 2,409.00
404.4.1.A.1	Replace Water Service Line	1	EA	\$ 1,425.00	\$ 1,425.00
601.4.1.A.5	12" PVC, AWWA C900, DR25, By-Pass Pipe	144	LF	\$ 88.30	\$ 12,715.20
602.4.1.A.1	48" Type A, By-Pass Manhole	1	EA	\$ 2,802.00	\$ 2,802.00
2010.4.1.A.1	Mobilization	1	LS	\$ 10,655.00	\$ 10,655.00
2040.4.1.A.1.	Chain Link Fence w/Gates	170	LF	\$ 46.00	\$ 7,820.00
SP-1	Vertical Turbine Pump & Motor	1	LS	\$ 58,568.00	\$ 58,568.00
SP-2	Discharge Piping	1	LS	\$ 35,721.00	\$ 35,721.00
SP-3	Pump House	1	LS	\$ 104,249.16	\$ 104,249.16
SP-4	Chlorination Equipment	1	LS	\$ 20,582.00	\$ 20,582.00
SP-5	Electrical	1	LS	\$ 63,641.00	\$ 63,641.00
SP-6	Heating, Ventilation and Air Conditioning	1	LS	\$ 37,689.00	\$ 37,689.00
SP-7	Lawn Sod Repair	365	SF	\$ 2.80	\$ 1,022.00
SP-8	By-Pass Structure	1	EA	\$ 4,391.00	\$ 4,391.00
SP-9	Gravel Access Drive	135	SY	\$ 63.30	\$ 8,545.50
SP-10	Landscape Rock w/Fabric	1163	SF	\$ 3.70	\$ 4,303.10
SP-11	Modify Existing Sprinkler System	1	LS	\$ 2,913.00	\$ 2,913.00
SP-12	Storm Water Control	1	LS	\$ 2,310.00	\$ 2,310.00
TOTAL BASE BID				\$ 429,793.96	

CONTRACT DISSOLUTION AND NEW CONTRACT AWARD FOR CITY WIDE FUELING PROJECT, PROJECT NO. 15-1552

- Fleet Services Division is requesting on behalf of the selection committee for Citywide Fueling Project (RFP 15-1552) to dissolve the contract approved by Council and signed by the Mayor on April 22nd, 2016 with Gem-Stop (A.H. Schade Inc.) due to failure to comply with technical requirements as outlined within pg. 12, section 1, subsection 1.4 “*Accounting/Reporting information...*”, of the RFP.
 - Gem-Stop has failed to provide a useable fuel data report that properly interacts with *FASTER*, the City’s Fleet management software. The raw data files that Gem-Stop receives from the CFN network documenting fuel transactions are not provided in .CSV, .TXT, or .DAT formatting which is required by *FASTER* for importing purposes.
 - Staff has worked with Gem-Stop since the contract execution in an attempt to work out the *FASTER* software problem with no result. Gem-Stop has informed Staff that it is unable to provide the software interface.
- The Fleet Services *FASTER* software is the primary tool used for fleet maintenance documenting work orders, defining preventative maintenance and scheduled maintenance. The fuel use data and mileage information provided by the fuel supplier is critical to the function of the *FASTER* and the Fleet Management Program.
- The City received two (2) bid responses to RFP 15-1552. Both responses were for the same price but Gem Stop was chosen due to the increased location and anticipated convenience.
- Maverik Inc. has notified Staff that the raw data files utilized by Maverik Inc. are provided by the WEX network in .CSV formatting, which is compatible with the City’s *FASTER* software.
- Contract dissolution is authorized as outlined in the professional services contract section 19: “*Termination for Cause: If, through any cause, Supplier shall fail to fulfill in a timely and proper manner its obligations under this Agreement, or if Supplier shall violate any of the covenants, agreements, or stipulations of this Agreement, the City shall thereupon have the right to terminate this Agreement*”.

- Therefore, Staff recommends dissolution of the contract with Gem-Stop (A.H. Schade Inc.) for cause and authorization to contract with Maverik Inc. This recommended action meets the statutory bidding requirements, provides the City with the same low bid price for fuel and the necessary fuel data to operate and maintain the public fleet.

REQUEST: It is requested that the Mayor and Council approve the dissolution of the current fueling contract with Gem-Stop (A.H. Schade Inc.) and award to the second responsible bidder, Maverik Inc.

RESOLUTION NO. 31-2016

**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 1ST DAY OF AUGUST 2016.

Approved:

MAYOR ROBERT HENRY

ATTEST:

CITY CLERK OR DEPUTY

Exhibit "A"

All recruitment records dated prior to August 1, 2014

**CANYON COUNTY EMS AGENCIES
MDS PHYSICIAN CONSULTATION AGREEMENT**

THIS AGREEMENT is entered into this 25th day of July, 2016, by and between CANYON COUNTY AMBULANCE DISTRICT, CITY OF CALDWELL, CITY OF NAMPA, MIDDLETON RURAL FIRE DISTRICT, MELBA RURAL FIRE PROTECTION DISTRICT, WILDER RURAL FIRE PROTECTION DISTRICT and HOMEDALE RURAL FIRE PROTECTION DISTRICT (collectively referred to hereinafter as “Agencies”) and Medical Direction Services, PLLC (hereinafter “MDS”).

WITNESSETH:

WHEREAS, Agencies must fulfill certain requirements relating to continuing education and quality control, as established by the Idaho EMS Physician Commission and the Idaho Bureau of Emergency Medical Services; and

WHEREAS, Agencies desires to obtain certain services from MDS in order to assist Agencies in fulfilling such requirements; and

WHEREAS, Agencies are the licensed members and parties to that certain Joint Powers Agreement for Coordinated and Cooperative Provision of Emergency Medical Services Operating as the “Treasure Valley Emergency Medical Services System” in Canyon County Idaho [Here in after referred to as Treasure Valley Emergency Medical Services System], which Agreement in Article VII thereof provides for a System Medical Directorate: and

WHEREAS the Agencies desire to obtain services from MDS to perform the duties of the System Medical Directorate; and

WHEREAS, MDS is willing to provide such services, as more specifically set forth herein below;

NOW, THEREFORE in consideration of the mutual covenants contained herein, it is hereby agreed as follows:

1. **APPOINTMENT OF MEDICAL DIRECTOR.** The service of any physician as Medical Director shall be subject to the initial and continuing approval of all the Agencies, which approval may be withheld or withdrawn for any reason. Any physician appointed hereunder shall serve as Medical Director and as the System Medical Directorate for the full term of this Agreement unless such physician is no longer employed by MDS or approval is withdrawn by Agencies. The Medical Director assigned by MDS and approved by Agencies shall be listed on the Designation of Medical Director form in Exhibit "B". No terms of this Agreement shall be altered by the designation of a replacement Medical Director.

2. **MEDICAL DIRECTOR HOURS OF SERVICE.** The Medical Director shall provide thirty-six (36) hours per month of service to the Agencies to include but not be limited to the supervising duties, as defined in Idaho Code Section 6-902A(2)(a), and more particularly set forth in this Agreement. The Medical Director's monthly hours of service may be averaged per

month on a quarterly basis to allow flexibility in the hours delivered on a monthly basis. However, the Medical Director is not required to spend more than the allotted thirty-six (36) hours per month of service.

3. **AUTHORITY OF MEDICAL DIRECTOR.**

- a. Medical Director shall act as a Supervisory Physician in the manner consistent with Idaho Code Section 6-902A and as defined in 6-902A(2)(b), so that Medical Director and MDS will be covered by Agencies' respective ICRMP policy(s). Copies of the ICRMP policies will be provided to Medical Director and MDS upon request.
- b. Medical Director shall act as EMS Medical Director as required by and under the terms of, Idaho Department of Health and Welfare Rules.
- c. Unless otherwise limited by this agreement or state requirements the medical director has supervisory authority over all clinical and patient care aspects of the Agencies.

4. **DUTIES OF MEDICAL DIRECTOR.** The Medical Director shall perform the following supervisory duties:

- a. Perform the services of Supervisory Physician, as those duties are described in Idaho Code Section 6-902A, and the duties of EMS Medical Director, as that term is defined in the Idaho Department of Health and Welfare Rules, which rules are incorporated into this Agreement by this reference, faithfully, professionally, and in a workmanlike manner in accordance with all applicable laws, policies, and the community standard of health care.

- b. For the duration of this Agreement, the parties to this Agreement understand that services consistent with the definition of Supervisory duties provided in Idaho Code Section 6-902A(2)(a) provided by Medical Director in his or her capacity as Supervisory Physician are within the ICRMP policy held by Agencies, only to the extent those services are included within the definition of Supervisory duties as provided in Idaho Code 6-902A(2)(a).
- c. Medical Director understands that he/she shall not perform any duties or services on behalf of Agencies that are not within the scope of coverage provided by ICRMP. MDS agrees to indemnify and hold harmless from any liability, claims, or damages arising out of or in any way connected with Medical Director's performance, act, or omission not within the scope of coverage provided by this Agreement. Agencies agree to indemnify and hold Medical Director and MDS harmless from any liability, claims, or damages arising out of or in any way connected with Medical Director's performance, act, or omission within the scope of this Agreement.
- d. Serve as a patient advocate.
- e. Provide medical input and guidance for the countywide EMS System.
- f. Review annually and approve the Medical Supervision Plan compliant with Idaho EMS Physician Commission regulations.
- g. Develop and approve offline Standing Written Orders (SWO) with these SWO to be reviewed on an annual basis.
- h. Establish clinical performance standards for basic life support, advanced life support, and specialty care transport within the Treasure Valley EMS System.

- i. Attend Medical Directorate and other EMS community meetings when deemed applicable and beneficial by the Medical Director in collaboration with the Agencies' Director/Chief/President.
- j. Establish clinical performance standards to be used in evaluating applicants for employment in the new hire process.
- k. Evaluate and provide input on the process under which new hires are integrated, mentored, and evaluated within the individual agencies
- l. Provide input, approval, and credentialing of Agencies' medical staffing qualifications/standards.
- m. Advise, approve, and participate in the Continuous Quality Improvement ("CQI") Program.
- n. Evaluate the medical judgments and/or actions of Agencies' personnel in select cases, as requested by the Agencies' Director/Chief/President or, his designee, and provide the Agencies' Director/Chief/President with Medical Director's opinions regarding the medical judgments and/or actions taken by Agencies' personnel.
- o. At the request of the Agencies' Director/Chief/President or his designee or as determined through the CQI Program, conduct chart reviews, when requested, to determine that individual field medics have followed Standing Written Orders and/or followed specific medical direction within guidelines and clinical performance standards established by State of Idaho licensure, the Agencies and the community standard of care. Duties in connection with such participation may include, but shall not be limited to, review and evaluation of employee's

medical judgment and ability to perform job requirements in accordance with Agencies' standards.

- p. Advise and formally approve the Continuing Medical Education Program.
- q. Provide didactic and clinical continuing medical education for Agencies' EMT's and Paramedics.
- r. Assist in preparing a twelve (12) month Continuing Medical Education plan for the Agencies.
- s. Serve as Medical Director for initial and continuing education EMS training courses, including EMT and Paramedic certification and re-certification classes.
- t. Medical Director shall consult with Agencies' Director/Chief/President on a regular basis raising issues of a medical nature for discussion. Medical Director shall advise Agencies' Director/Chief/President on community standards of care, pre-hospital care, issues, quality of care, innovative techniques, and such other topics and concerns that will enable Agencies' Director/Chief/President to make informed decisions affecting the planning and operation of the Agencies based upon sound medical advice.
- u. Provide input and approval of medical record documentation standards and distribution process.
- v. Provide input and approval of new medical equipment and medical procedures.
- w. Provide input and approval of emergency medical dispatch protocols and call Triaging processes.
- x. Provide medical guidance and oversight of response time goals and performance.

- y. Medical Director may also respond to certain medical emergencies as described in the physician response plan to support EMS personnel as well as to provide field medical supervision and ongoing training/assessment of care in the field. The administrative and clinical requirements described in this Agreement hold a greater importance and take preference over field response.
- z. Chart review within the individual agencies
- aa. Quality Improvement Committees/development within the individual
- bb. agencies Treasure Valley Emergency Medical Services System
- cc. Development group Interacting with field staff by in-field observation of calls and station visits Educational development and delivery
- dd. Other agency specific meetings that address any clinical or patient care
- ee. aspects of the Agencies
- ff. Attending various EMS meetings as a representative of the Treasure Valley EMS
- gg. System Limit the care activity of those who deviate from established standard or do not meet training standards.
- hh. Remove a provider from medical care duties for due cause, using an appropriate review and appeals mechanism.
- ii. Recommend certification, recertification, and decertification of EMS personnel to the State of Idaho EMS Bureau.
- jj. Establish, implement, revise, and authorize the use medical protocols, policies and procedures for all patient care activities from dispatch through triage, treatment, transport, and/or non-transport.
- kk. Establish and approve standards for equipment used in patient care.

- ll. Establish criteria for level of minimal initial emergency response (e.g., Basic EMT, EMT-Intermediate, Paramedic).
- mm. Establish criteria for determining patient destination in a non-discriminatory manner.
- nn. Establish the procedures or protocols under which non-transport of patients may occur.
- oo. Require education and testing to the level of proficiency approved for licensed EMS personnel.
- pp. Implement and supervise an effective process improvement program. The medical director shall have access to all relevant records needed to accomplish this task.

5. **ADDITIONAL DUTIES OF MDS.** MDS shall perform the following additional duties:

- a. Provide on-line physician medical control to Agencies' EMTs and Paramedics twenty-four (24) hours a day, every day, during the term of this Agreement, inclusive of holidays and weekends via receiving hospital medical control.
- b. Serve as the System Medical Directorate and perform the duties of that Directorate as established by the Board of the Treasure Valley Emergency Medical Services System.
- c. Provide physician professional liability and other insurance as set forth in Exhibit "A".

6. DUTIES OF AGENCIES. Agencies shall perform the following duties:
- a. Agencies shall pay MDS at a rate of Twenty Thousand Five Hundred Twenty and No/100 Dollars (\$20,520.00) quarterly Canyon County Ambulance District shall pay Medical Director fees for City of Caldwell Fire Department, Middleton Rural Fire District, Wilder Rural Fire District, Homedale Ambulance and Melba Quick Response Unit in the amount of \$11,520.00 quarterly. The City of Nampa Fire Department shall pay Medical Director fees in the amount of \$9,000.00 quarterly. Canyon County Ambulance District and City of Nampa Fire Department shall make payments directly to MDS. If Medical Director chooses to attend Agencies'-related functions or provided Agencies'-related services other than those stated in this Agreement or approved in writing by the Agencies' Director/Chief/President, Medical Director does so at no additional cost to Agencies.
 - b. Agencies shall make payment to MDS quarterly upon receipt by Agencies of a voucher or statement from MDS, indicating the amount then due and owing.
 - c. Upon MDS's request, Agencies shall provide Medical Director with office supplies, equipment, and other appropriate support services (subject to availability) in order to assist the Medical Director in performing the services specified in the Agreement. Agencies shall also provide access to pertinent clinical, personnel, and operational records of Agencies as may be necessary or appropriate in order to facilitate performance of MDS's obligations hereunder.

¹ Because Medical Director shall be deemed an employee solely for purposes of Chapter 9, Title 6, Idaho Code, and for ICRMP insurance coverage, the Agencies will not withhold any tax of any kind from payments made to Medical Director and will not include Medical Director as an employee for any of the respective agencies for purposes of workers compensation or unemployment taxes and benefits.

7. **TERM: TERMINATION: RENEWAL.** This Agreement shall remain in effect from July 25, 2016, through July 24, 2017, unless terminated in the manner hereinafter provided. The term of this Agreement shall automatically renew for subsequent periods of the same length as the initial term, unless either party gives the other party written notice of non-renewal at least thirty (30) days prior to the expiration of the then-current Term. This Agreement may be terminated by a party at will (without cause and for any reason) at any time upon at least thirty (30) days written notice to the other parties.

8. **RELATIONSHIP OF PARTIES.** Except as provided for herein, neither MDS nor any physician serving as Medical Director shall be considered to be an employee of Agencies. Rather all services provided by MDS to Agencies are being provided by MDS solely in its capacity as an independent contractor. Further, nothing contained herein shall be construed so as to constitute the relationship created hereby as an agency, partnership, joint venture, or any arrangement other than an independent contractor relationship. However, the parties intend that for purposes of the Idaho Tort Claims Act, Chapter 9, Title 6, Idaho Code, and for purposes of insurance coverage provided by Idaho Counties Risk Management Program (hereinafter "ICRMP"), Medical Director is performing the supervising duties of, and is acting as, Supervisory Physician, as those terms are defined in Idaho Code Section 6-902A(2)(a) and (2)(b), and shall be deemed an "employee" of the respective agencies solely for purposes of Chapter 9, Title 6, Idaho Code, and ICRMP coverage.

9. **WORKERS' COMPENSATION.**

- a. MDS shall provide workers' compensation insurance as set forth in Exhibit "A".
- b. Agencies agrees to defend, indemnify and hold MDS and the Medical Director harmless from and against all claims, demands, judgments or causes of action

(including attorney's fees and costs) brought by an Agencies' employee against MDS and/or the Medical Director arising from or related to the services provided in accordance with the provisions of subparagraphs 3(gg), 3(hh) and 3(ii) above, to the extent such claim, demand, judgment or cause of action is not covered by MDS's and/or the Medical Director's professional malpractice and/or liability insurance. However, it is understood that the Agencies shall not defend and indemnify MDS and/or the Medical Director from and against any demands, judgments or causes of actions brought by a Agencies' employee against the Medical Director which arise from the Medical Director's gross negligence or reckless, willful and wanton conduct in performing services in accordance with the provisions of subparagraphs 3(gg), 3(hh) and 3(ii).

10. NOTICES. Any notice authorized to be given hereunder shall be sufficiently served or given for all purposes if delivered personally or if sent United States certified mail, return receipt requested, addressed to the party in question at the address as hereinafter set forth.

TO DISTRICT: Canyon County Ambulance District
Attn: Director
6116 Graye Ln.
Caldwell, ID 83607

TO MDS: Medical Direction Services, PLLC
Attn: Kari Peterson
1307 N 16th ST
Boise, ID 83702

For purposes of this Agreement, a notice served by mail shall be deemed to have been delivered on the date mailed, as indicated by the postal service postmark on the certified mail receipt or on the envelope containing the notice. Any party shall be entitled to change the address for service

of notice hereunder by serving upon the other parties, in the manner prescribed above, a notice specifying the new address.

11. **OTHER AGREEMENTS.** This Agreement supersedes all prior understanding and/or agreements between the parties hereto, regarding the subject matter contained herein, whether in writing or otherwise, and any such prior understanding and/or agreement is integrated and contains the entire agreement of the parties; no representations, inducements, promises, or agreements (oral or otherwise) not embodied herein shall be of any force or effect. All written agreements between any of the parties hereto related to other subject matters shall remain in full force and effect.

12. **HIPAA BUSINESS ASSOCIATE RELATIONSHIP OF PARTIES.**

a. Definitions for purposes of this section:

- i. **Business Associate.** “Business Associate” shall mean MDS.
- ii. **Covered Entity.** “Covered Entity” shall mean the Agencies.
- iii. **Individual.** “Individual” shall have the same meaning as the term “individual” in 45 CFR 164.501 and shall include a person who qualifies as a personal representative in accordance with 45 CFR 164.502(g).
- iv. **Privacy Rule.** “Privacy Rule” shall mean the Standards for Privacy of Individually Identifiable Health Information at 45 CFR Pat 160 And Parts 164, Subparts A and E.
- v. **Protected Health Information.** “Protected Health Information” shall have the same meaning as the term “protected health information” in 45 CFR 164.501, limited to the information created or received by Business Associate from or on behalf of Covered Entity.

- vi. Required By Law. “Required By Law” shall have the same meaning as the term “required by law” in 45 CFR 164.501.
 - vii. Secretary. “Secretary” shall mean the Secretary of the Department of Health and Human Services or his designee.
- b. **Obligations and Activities of Business Associate:**
- i. Business Associate agrees to not use or disclose Protected Health Information other than as permitted or required by the Agreement or as required by law.
 - ii. Business Associate agrees to use appropriate safeguards to prevent use or disclosure of the Protected Health Information other than as provided for by this Agreement.
 - iii. Business Associate agrees to mitigate, to the extent practicable, any harmful effect that is known to Business Associate of a use or disclosure of Protected Health Information by Business Associate in violation of the Requirements of this Agreement.
 - iv. Business Associate agrees to report to Covered Entity any use or disclosure of the Protected Health Information not provided for by this Agreement of which it becomes aware.
 - v. Business Associate agrees to ensure that any agent, including a subcontractor, to whom it provides Protected Health Information received from, or created or received by, Business Associate on behalf of Covered Entity, agrees to the same restrictions and conditions that apply through this Agreement to Business Associate with respect to such information.

- vi. Business Associate agrees to provide access, at the request of Covered Entity, to Protected Health Information in a Designated Record Set to Covered Entity or, as directed by Covered Entity, to an Individual in order to meet the requirements under 45 CFR 164.524.
- vii. Business Associate agrees to make any amendment(s) to Protected Health Information in a Designated Record Set that the Covered Entity directs or agrees to pursuant to 45 CFR 164.526 at the request of Covered Entity or an Individual, and in the time and manner designated by Covered Entity.
- viii. Business Associate agrees to make internal practices, books, and records, including policies and procedures and Protected Health Information, relating to the use and disclosure of Protected Health Information received from, or created or received by Business Associate on behalf of Covered Entity, available to the Covered Entity upon request, for purposes of the Secretary determining Covered Entity's compliance with the Privacy Rule.
- ix. Business Associate agrees to provide to Covered Entity or an Individual, in time and manner designated by Covered Entity, information collected in accordance with this Agreement, to permit Covered Entity to respond to a request by an Individual for an accounting of disclosures of Protected Health Information in accordance with 45 CFR 164.528.
- x. Except as otherwise limited in this Agreement, Business Associate may use or disclose Protected Health Information on behalf of, or to provide services to, Covered Entity for the following purposes, if such use or

disclosure of Protected Health Information would not violate the Privacy Rule if done by Covered Entity.

xi. Except as otherwise limited in this Agreement, Business Associate may use or disclose Protected Health Information to perform functions, activities, or services for, or on behalf of, Covered Entity as specified in this Agreement, provided that such use or disclosure would not violate the Privacy Rule if done by Covered Entity or the minimum necessary policies and procedures of the Covered Entity.

xii. Effect of Termination— Upon termination of this Agreement, for any reason, Business Associate shall return all Protected Health Information received from Covered Entity, or created or received by Business Associate on behalf of Covered Entity, This provision shall apply to Protected Health Information that is in the possession of subcontractors or agents of Business Associate. Business Associate shall retain no copies of the Protected Health Information.

IN WITNESS WHEREOF, the parties have executed this Agreement on the date and year written above.

Canyon County Ambulance District

By: _____
Robb Hickey, Chief

City of Nampa

By: _____

City of Caldwell

By: _____
Mark Wendelsdorf, Fire Chief

Middleton Rural Fire District

By: _____
Brad Trosky, Fire Chief

Melba Rural Fire Protection District

By: _____
John Engle, Fire Chief

Wilder Rural Fire Protection District

By: _____
Steve Rhodes, Fire Chief

Homedale Rural Fire Protection District

By: _____
Chairman, Board of Commissioners

Medical Direction Services, PLLC

By: _____
Kari Peterson, Owner/Operator

EXHIBIT A
INSURANCE

A. MDS, at its sole expense, shall procure and maintain in full force and effect insurance written by an insurance company or companies with AM Best's rating(s) of A VIII or better. All insurance companies must be authorized to do business in the state of Idaho. By requiring insurance herein, Agencies do not represent that coverage and limits are necessarily adequate to protect MDS, and such coverage and limits shall not be deemed as a limitation on MDS's liability under the indemnities granted to Agencies County in this contract.

B. Certificates of Insurance evidencing the coverages required herein shall be provided to Agencies prior to the start date of the project. All certificates must be signed by an authorized representative of the MDS's Insurance carrier and must state that the issuing company, its agents, or representative will provide Agencies thirty (30) days written notice prior to any policies being canceled or materially changed. Renewal certificates or binders must be provided to Agencies a minimum of five (5) days prior to the effective date of the renewal. If binders are used, they must be replaced by appropriate insurance certificates no more than thirty (30) days after the effective date.

C. Certificates shall be mailed to (for distribution to Agencies):

Canyon County Ambulance
District 6116 Graye Ln.
Caldwell, ID 83607

D. Certificates must evidence the following minimum coverages:

1. WORKERS' COMPENSATION insurance meeting the statutory requirements of the State of Idaho on all agents and/or employees, including any physician serving as Medical Director, performing services for Agencies in accordance with this agreement.
2. COMMERCIAL GENERAL LIABILITY insurance providing limits of liability in the following amounts:

General Aggregate:	\$2,000,000
Personal & Advertising Injury Liability:	\$1,000,000
Per Occurrence:	\$1,000,000
Fire Legal Liability:	\$50,000

The Commercial General Liability ("CGL") insurance policy shall be written on the "Occurrence" form and shall cover liability arising from premises, operations, independent contractors,

products, completed operations, personal injury, advertising injury, and liability assumed under an insured contract (including tort liability of another assumed in a contract). Agencies and their elected officials, agents, employees,

Successors and assigns shall be included as Additional Insured under the CGL.

3. PHYSICIANS PROFESSIONAL LIABILITY insurance with limits of not less than \$1,000,000 per claim and \$2,000,000 aggregate. If the insurance required by this section is obtained through a "Claims Made" policy, this coverage or its replacement shall have a retroactive date of no later than the inception of this Agreement. Such insurance or its replacements shall also provide a minimum of five (5) years extended reporting coverage, or the maximum time under the State of Idaho statute of limitations for claims under this coverage, whichever is greater, after the Services are last provided under this Agreement.

EXHIBIT B

**DESIGNATION OF MEDICAL
DIRECTOR**

Medical Direction Services, PLLC (“MDS”) has agreed to provide medical supervision for the Agencies. The physician identified as Medical Director by MDS and approved by the District is KARI PETERSON, M.D. KARI PETERSON, M.D. shall serve as Medical Director for the full term of this Agreement unless the physician separates employment from MDS or is released by the District. In such event, a replacement Medical Director shall be selected and a new DESIGNATION OF MEDICAL DIRECTOR for shall be completed.

I, Kari Peterson, M.D. as designated Medical Director for the Agencies, am a duly licensed physician in the State of Idaho, have read the Physician Consultation Agreement between MDS and the Agencies, understand the requirements of Medical Director, and attest to fulfill my duties to the best of my abilities.

Medical Director

Date

The Canyon County Ambulance District has entered into this Agreement with MDS to provide medical supervision.

District Chief

Date

The City of Nampa Fire Department has entered into this Agreement with MDS to provide medical supervision.

City of Nampa Fire Chief

Date

The City of Caldwell Fire Department has entered into this Agreement with MDS to provide medical supervision.

City of Caldwell Fire Chief

Date

The Middleton Rural Fire District has entered into this Agreement with MDS to provide medical supervision.

Middleton Rural Fire District Chief

Date

The Melba Fire Protection District has entered into this Agreement with MDS to provide medical supervision.

Melba Rural Fire Protection District Chief

Date

The Wilder Rural Fire District has entered into this Agreement with MDS to provide medical supervision.

Wilder Rural Fire Protection District EMS Chief

Date

The Homedale Rural Fire District has entered into this Agreement with MDS to provide medical supervision.

Home ale Rural Fire Protection District Ambulance President

Date

ORDINANCE # _____

AN ORDINANCE APPROPRIATING FUNDS FOR A TWELVE MONTH PERIOD FROM THE FIRST DAY OF OCTOBER, 2016 TO AND INCLUSIVE OF THE THIRTIETH DAY OF SEPTEMBER, 2017 FOR THE FOLLOWING FUNDS AND DEPARTMENTS: CITY CLERK, CIVIC CENTER, CODE ENFORCEMENT, ECONOMIC DEVELOPMENT, ENGINEERING, FACILITIES DEVELOPMENT, FINANCE, FIRE, GENERAL GOVERNMENT, HUMAN RESOURCES, INFORMATION TECHNOLOGY, LEGAL, MAYOR/CITY COUNCIL, PARKS, POLICE, 911 FEES, PUBLIC WORKS ADMIN, RECREATION, FLEET MANAGEMENT, AIRPORT, CEMETERY, CIVIC CENTER, DEVELOPMENT SERVICES, FAMILY JUSTICE CENTER, IDAHO CENTER, LIBRARY, RECREATION CENTER, GOLF, SANITATION COLLECTION, STREET, UTILITY BILLING, WASTEWATER, WATER, FEDERAL, STATE AND LOCAL GRANTS, DEVELOPMENT IMPACT FEES, CAPITAL PROJECTS, AND GO BOND DEBT SERVICE; REFERENCING SOURCES AND USES OF FUNDS AND APPROPRIATING MONIES; SPECIFYING A PROCESS FOR EXPENDITURE OF FUNDS; AND ESTABLISHING AN EFFECTIVE DATE.

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

Section 1. That the following general fund total and enterprise/special revenue fund amounts or so much thereof as may be necessary, are hereby appropriated out of any money in the City Treasury for the purpose of maintaining a government for the City of Nampa, Idaho for the fiscal year beginning with the first day of October, 2016 to and inclusive of the thirtieth day of September, 2017 as follows:

GENERAL FUND		ENTERPRISE & SPECIAL REVENUE FUNDS	
City Clerk	\$326,875	911 Fees	\$ 1,651,141
Code Enforcement	\$498,141	Airport	757,526
Economic Development	\$461,771	Cemetery	319,871
Engineering	\$1,673,414	Civic Center	1,235,327
Facilities Development	\$1,447,267	Development Services	1,742,688
Finance	\$810,496	Electric Franchise Fees	-
Fire	\$11,901,269	Family Justice Center	284,207
General Government	\$640,787	Idaho Center	4,093,805
Transfer to Family Justice Center	\$243,640	Library	2,158,329
Transfer to Civic Center	\$365,451	Nampa Recreation Center	3,215,277
Transfer to Idaho Center	\$799,842	Parks & Recreation	3,696,122
Transfer to Parks & Rec	\$806,419	Golf	2,411,595
Human Resource	\$459,168	Sanitation Collection	8,842,148
Information Technology	\$2,229,293	Street	10,655,176
Legal	\$856,000	Utility Billing	1,190,106
Mayor/City Council	\$510,426	Wastewater	17,638,010
Parks & Rec Admin	\$377,160	Water	11,337,870
Planning & Zoning	\$519,809	Workers Comp	65,128
Police	\$20,266,589	SUBTOTAL	\$ 71,294,326

Public Works Admin	\$395,332		
Fleet Management	<u>\$1,213,405</u>		
SUBTOTAL	\$46,802,554	CAPITAL PROJECTS & DEBT SERVICE FUNDS	
		Capital Projects	\$1,575,890
		Library Major Capital	
		Campaign	-
GRANT FUNDS		Development Impact Fees	\$2,384,000
Federal Programs	\$10,346,149	GO Bond Debt Service	<u>2,697,150</u>
State Programs	4,470,054	SUBTOTAL	\$6,657,040
Private	<u>8,791</u>		
SUBTOTAL	14,824,994	GRAND TOTAL	\$139,578,914

Section 2. That the amount of money derived from funds or sources created by law for specific purposes is hereby appropriated for such purposes.

Section 3. That the Finance Department is hereby authorized and required upon presentation of the proper vouchers, approved by the Council as provided by law, to draw checks on the funds stated and against the appropriations as made in the preceding sections of this Ordinance, in favor of the parties entitled thereof.

Section 4. That this Ordinance shall be in full force and effect upon publication.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO,
THIS 1ST DAY OF AUGUST, 2016.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO,
THIS 1ST DAY OF AUGUST, 2016.

Approved:

By _____
Mayor

Attest:

City Clerk

**Economic / Community Development
City of Nampa**

Memo

To: Mayor Henry and City Council Members
From: Jennifer Yost
CC: Beth Ineck
Date: 07/26/16
Re: 2016 CDBG Action Plan

The City of Nampa receives Community Development Block Grant Fund every year from the federal government to be used for community development in our city, most specifically to develop and sustain resources that benefit low and moderate income persons and to aid in the prevention or elimination of slums or blight.

Background:

Thirteen (13) applications were presented to the Council on June 2nd at which time each applicant was able to present their projects. The proposed projects are divided into three categories: Administration/Planning, Public Services and Housing/ Community Development.

Limits to allocation:

- Federal regulations mandate a **maximum** of 20% of our entitlement funds to Administration & Planning.
- Federal regulations mandate a **maximum** of 15% of our entitlement funds to Public Service.
- The Council adopted City of Nampa Application Guidelines for program year 2016 which states:
 - No more than 4 Public Service subrecipients (non-city sponsored projects) would be funded; and
 - If a funded public service applicant generates program income the city would limit the allocation to public service to 14% (\$104,779) of the CDBG funds.

Action Plan Funding:

If you wish to review the entire plan, a copy of the draft Program Year 2016 CDBG Action Plan is available on the City website at: <http://www.cityofnampa.us/index.aspx?nid=159>

Every year a determination on the allocation of funds and the activities that will be accomplished during the upcoming year is made. On June 20th, City Council made the entitlement allocation determinations and the anticipated Program Income, which is subject to CDBG regulations, to include:

Organization	Project	Amount	Program Income	Type
The Salvation Army	Community Family Shelter	\$40,000		Public Service
St. Alphonsus	Meals on Wheels	\$25,000	\$1,200	Public Service
CATCH, Inc.	CATCH of Canyon County	\$20,000		Public Service
Jesse Tree	Emergency Rental & Mercy Asst.	\$19,779		Public Service
NWREC	Colorado Gardens	\$30,000		Housing
CDI	Creekbridge Apts	\$20,000		Housing
City of Nampa	Housing Improvement Loan	\$145,000	\$6,000	Housing
City of Nampa	Brush Up Nampa Admin	\$15,000		Housing
City of Nampa	ADA Park Improvements	\$35,200		Comm. Dev.
City of Nampa	Old Nampa Ped Ramp Improvements	\$180,000		Comm. Dev.
City of Nampa	Downtown Historic Facades	\$69,083		Comm. Dev.

City of Nampa	CDBG Admin & Planning	\$149,365	\$1,900	Administration
TOTAL		\$748,427	\$9,100	

Public Comment Period:

The Citizen Participation Plan for CDBG requires that a 30 day comment period be initiated for the Action Plan. On June 27 the Comment Period was opened and a notice was issued in the paper. Additionally CDBG staff held an open house on July 20th to solicit additional comment. As of the date of this memo no comments have been received by Economic/Community Development staff. If comments are received prior to Council Meeting, they will be handed out at that time for review by Council.

At the Public Hearing on August 1, you will be asked to approve the plan for submittal to HUD. The adoption of the plan implements the decisions previously made by City Council.

If you have any questions prior to the Council Meeting, please do not hesitate to contact Jennifer Yost at 468-5419.

Motion: Adopt and approve the plan. Authorize the mayor to sign for submittal of the City of Nampa CDBG Program Year 2016 Action Plan to HUD.



PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council
Meeting of 01 AUG 2016

PUBLIC HEARING ITEM NO. 2 STAFF REPORT

Analyst: Robert Hobbs

Applicant(s):

Mark L. Hess representing Jerry Hess

File(s): CMA 025-16 & ANN 043-16

Requested Action Approval(s)

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

1. **Comprehensive Plan Future Land Use Map Amendment from "Medium Density Residential" to "Community Mixed Use"...**(decision required: *decision*) and, by association;
2. **Annexation from "County" into the City of Nampa and Zoning Assignment of land to "BC" (Community Business)...**(decision required: *decision*)

Pertaining to:

A certain pair of land parcels located at the NE corner of Madison and Ustick Road (a 1.52 acre portion of Section 34, T4N, R2W, SE ¼ of Frosty Acres Subdivision, Lots 1-2, Block 1 -- hereinafter the "Property"); see attached Vicinity Map...

History:

The Planning and Zoning Commission, during their regularly scheduled public hearing of June 28, 2016, voted to recommend to the Nampa City Council that they approve the comprehensive plan map amendment and annexation and zoning assignment requests (see attached hearing minutes).

COMPREHENSIVE PLAN MAP AMENDMENT

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 positioned in a "Medium Density Residential" setting in Canyon County's jurisdiction and is comprised of a pair of "enclaved" parcels. The Applicant(s) seek conversion of the residential setting to "Community Mixed Use". The City's currently adopted Comprehensive/Master Plan notes that,

"Community Mixed-Use districts are recommended locations for development of activity centers that are specifically planned to include commercial uses, [sic] would focus on more community wide needs and services. These areas should be sited along major transportation corridors."

Community Mixed Use Principles include the following:

"Provide an interconnection circulation system that is convenient for automobiles, pedestrians and transit", and, "Located on major transportation corridors", and, "May include higher density residential", and, "Landscape areas".

(Nampa 2035, Chapter 5 Land Use, 5.7 Commercial Mixed Use, Community Mixed Use, Feb. 2012)

Changing the Comprehensive Plan Future Land Use Map's setting of "Medium Density Residential" to "Community Mixed Use" as requested would provide underlying support for development of the Property, once annexed, for commercial purposes. Such resultant harmonization between an actual, proposed land use and/or zone with the Comprehensive Plan Future Land Use Map would be considered, per industry practice and court decree, then properly arranged (i.e., needful/desirable/sustainable).

Commercial zoning is most logically found at major intersections in the majority of cases when such is proposed to be established outside of a "commercial node" – as proposed by the application made the subject of this report. A narrative to explain the goals of the

Applicant(s) and their vision of the build-out pattern of the Property was not provided to Staff for inclusion in/with this report.

As the Property lies adjacent to and at the intersection corner of a pair of collector/arterial rights-of-way, lies just west of another area established by the Comprehensive Plan Future Land Use Map as "Community Mixed Use" and is developable land in an area perceived to be transitioning in land use character, Staff finds the contemplated application reasonable to consider.

ANNEXATION/[RE]ZONING CONCLUSIONS OF LAW

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.

ANNEXATION/[RE]ZONING FINDINGS OF FACT

(PERTAINING TO THE APPROXIMATELY 1.52 ACRES OF LAND REQUESTED TO BE ANNEXED):

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

1. **Current Jurisdiction/Status:**
The Property is currently within Canyon County; Property appears unencumbered presently with structures per imagery, is relatively flat and owned by the Applicant(s); and,
2. **Surrounding Zoning:**
That County land currently adjoins the Property to the north and lies adjacent to the same on the west (across Madison); City residential zoning lies east and south of the Property (with a sliver of County land between Ustick Road and the RS 6 zoning that lies south of the Property -- see attached Vicinity Maps); and,
3. **Immediately Surrounding Land Uses:**
Generally: On all sides open land or rural residential build-out, with a [City] single-family residential subdivision to the southeast of the Property; and,
4. **Connectivity of Property to City:**
That the Property abuts land within the incorporate limits of the City of Nampa on its southern and eastern sides and is, therefore, eligible for consideration for annexation; and,
5. **Proposed Zoning:**
That the BC district is Nampa's "Community Business" Zone, which is Nampa's most commonly used commercial district and is often found in strip development patterns and at roadway intersections throughout the City; there are no minimal bulk regulations associated with said zone; also, a wide range/variety of land uses are permitted or able to be entertained via the Conditional Use Permit review process therein; and,

6. 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 develop the Property; and, g) City utility services are available to the Property (see aerial photo with utility lines displayed); and, h) emergency services are available to the Property; and,

7. Public Interest:

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

8. 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 commercial zoning regulations, therefore, are standards governing commercial development which appertain to allowable land uses, building setbacks, building aesthetics, provision of parking and service drives, property landscaping, etc. While a specific plan was not advanced in conjunction with the application set considered by this report, Staff notes that any site development will be regulated by, and through, the design review and building permit review processes because those processes are, by law, associated with land development in a BC Zone. Their imposition and enforcement follows any granted zoning land entitlement (including any Conditional Use Permit that may be requested in connection with entitling use of the Property for a specified use requiring CUP approval post annexation and zoning) and subsequent proposal to construct buildings on a/the site that received the entitlement(s); and,

9. Comprehensive Plan:

Should the Council approve the amendment of the Property's overlying Comprehensive Plan as proposed by the Applicant(s) and noted in this report, then requisite support for the proposed commercial zone would be accordingly provided, and, concerns of "spot zoning" thereby contravened; and,

10. Services:

That utility and emergency services are, or can be made, available to the Property (see aerial photo with utility lines displayed); and,

11. Further, that:

- a. Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies or the citizenry regarding this application package [received by noon July 27, 2016] is hereafter attached to this report.

1. City Engineering has no objection(s) concerning the annexation/zoning application, and has provided (a) recommended requirement(s) in the event that Property is annexed/zoned and the proposed Project entitled for development (see attached Engineering Division memorandum); and,
2. The Nampa Highway District has no objection(s) concerning the Comprehensive Plan Map Amendment and Annexation/Zoning application requests; and,
3. The Planning and Zoning Commission, during their regularly scheduled public hearing of June 28, 2016, voted to recommend to the Nampa City Council that they approve the above referenced comprehensive plan map amendment and annexation and zoning assignment requests.
4. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

Note: The preceding general statements are offered as possible [preliminary] findings, and are not intended to be all inclusive or inarguable. They are simply provided to the Commission in the event that the requested entitlements are recommended for approval. Staff notes that development of the Property would not be under the auspice of a rigid infill definition; rather, it is an inclusion of a commercial site in an area still largely regulated to an existing rural residential character and developing suburban residential nature (but also one that is part of an northward expanding projection of City limits which is also transitioning in development/land use character).

In summary, the Property may be zoned BC, but nothing will [ultimately] force 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, BC zoning is certainly an "entertainable" zone and recommend for imposition...

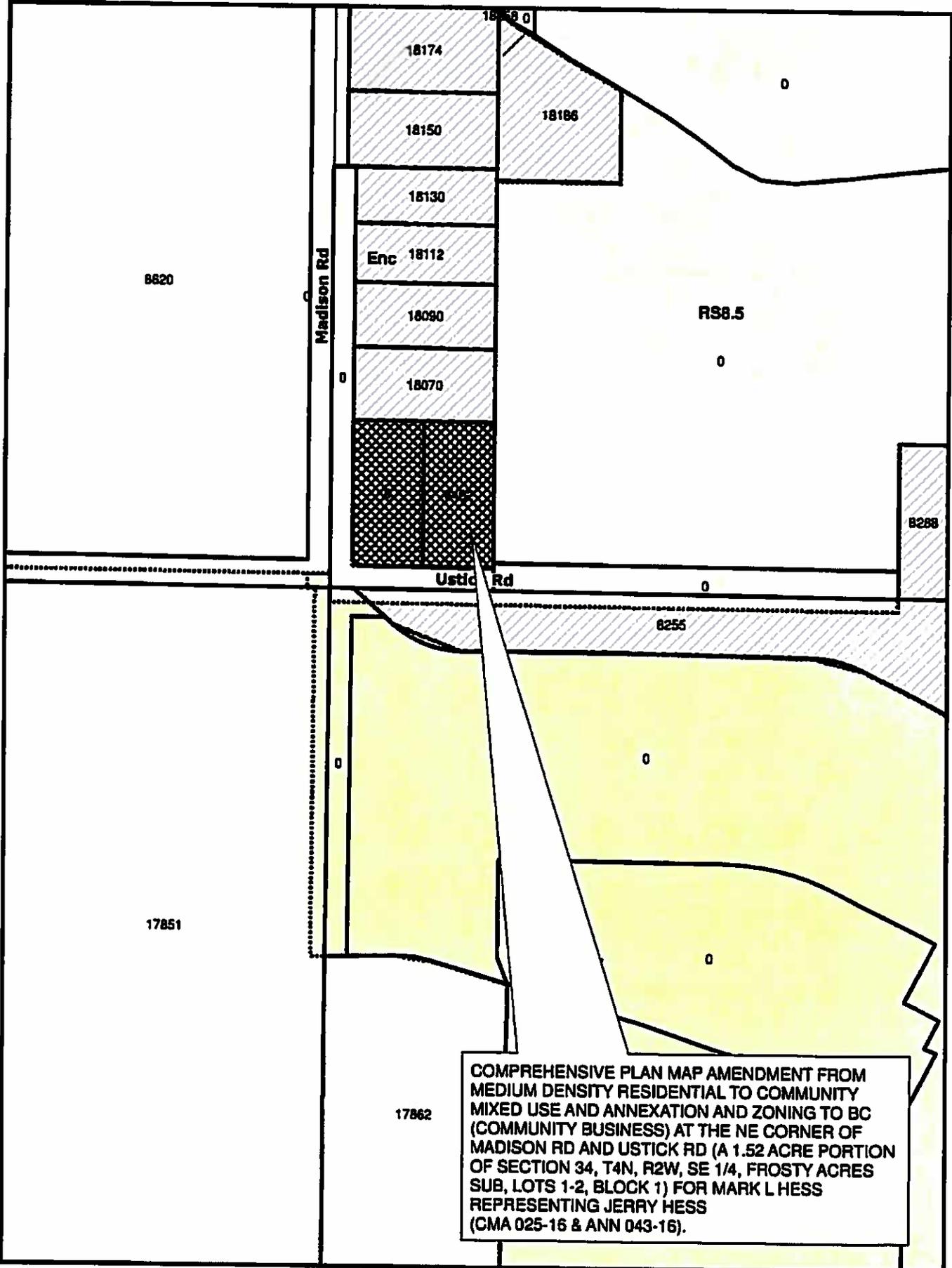
RECOMMENDED CONDITIONS OF APPROVAL

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

(Right-of-way dedication and property improvement emplacement requirements, as iterated in the Engineering Division memorandum dated June 15, 2016, will be exacted by that Division at time of Property development – save for right-of-way dedication which will be required to be executed prior to the third reading of the ordinance annexing the Property being executed. A Development Agreement, therefore, is not deemed necessary for this application set by either Planning/Zoning or Engineering Staff.)

ATTACHMENTS

- **Copy of Vicinity Map
(page/Exhibit 7)**
- **Copy of Comprehensive Plan Future Land Use Map Amendment application form
(page/Exhibit 8)**
- **Copy of Annexation application form
(page/Exhibit 9)**
- **Copy of aerial photos depicting Property
(pages/Exhibits 10-11)**
- **Copy of street side Google photo of the Property
(page/Exhibit 12)**
- **Copy of Comprehensive Future Land Use Map section depicting Property and surrounds
(page/Exhibit 13)**
- **"High altitude" copy of Zoning [Vicinity] Map section depicting Property and surrounds
(page/Exhibit 14)**
- **Copy of aerial photo of Property with utility lines shown
(page/Exhibit 15)**
- **Copy of June 28, 2016 Planning Commission hearing minutes
(pages/Exhibits 16-17)**
- **Copy of [any] inter-departmental/agency/citizen correspondence
(pages)/Exhibits 18+)**



COMPREHENSIVE PLAN MAP AMENDMENT FROM MEDIUM DENSITY RESIDENTIAL TO COMMUNITY MIXED USE AND ANNEXATION AND ZONING TO BC (COMMUNITY BUSINESS) AT THE NE CORNER OF MADISON RD AND USTICK RD (A 1.52 ACRE PORTION OF SECTION 34, T4N, R2W, SE 1/4, FROSTY ACRES SUB, LOTS 1-2, BLOCK 1) FOR MARK L HESS REPRESENTING JERRY HESS (CMA 025-16 & ANN 043-16).



APPLICATION FOR AMENDMENT OF COMPREHENSIVE PLAN
City of Nampa, Idaho

6/26 PZ
ROBERT

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 L. HESS Phone: 249-1577
Address: 519 E. Karcher Rd City: Nampa State: ID Zip Code: 83652
Applicant's Interest in property: (circle one) Own Rent Other _____
Owner Name: Jerry Hess Phone: 466-7949
Address: 519 E. Karcher Rd City: Nampa State: ID Zip Code: 83652

Address of subject property: _____

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 Fruity Acres Lot 142 Block 1 Book 19 Page 42

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: BC zoning with community mixed use

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 24 day of May, 20 14

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 25 - 20 14 Project Name: MD-Bes to Community Mix Use



89

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 L HESS Phone: 249-1577
Address: 519 E. Kencha Rd City: Nampa State: Idaho Zip Code: 83682

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

Owner Name: Jerry Hess Phone: 466-7745
Address: 519 E Kencha Rd City: Nampa State: Idaho Zip Code: 83682

Address of subject property: North east corner of US 20th & MAPLE

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 Frustrum Acres Lot 192 Block 1 Book 19 Page 42

Project Description

State the zoning desired for the subject property: BC

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

Dated this 24 day of May, 20 16

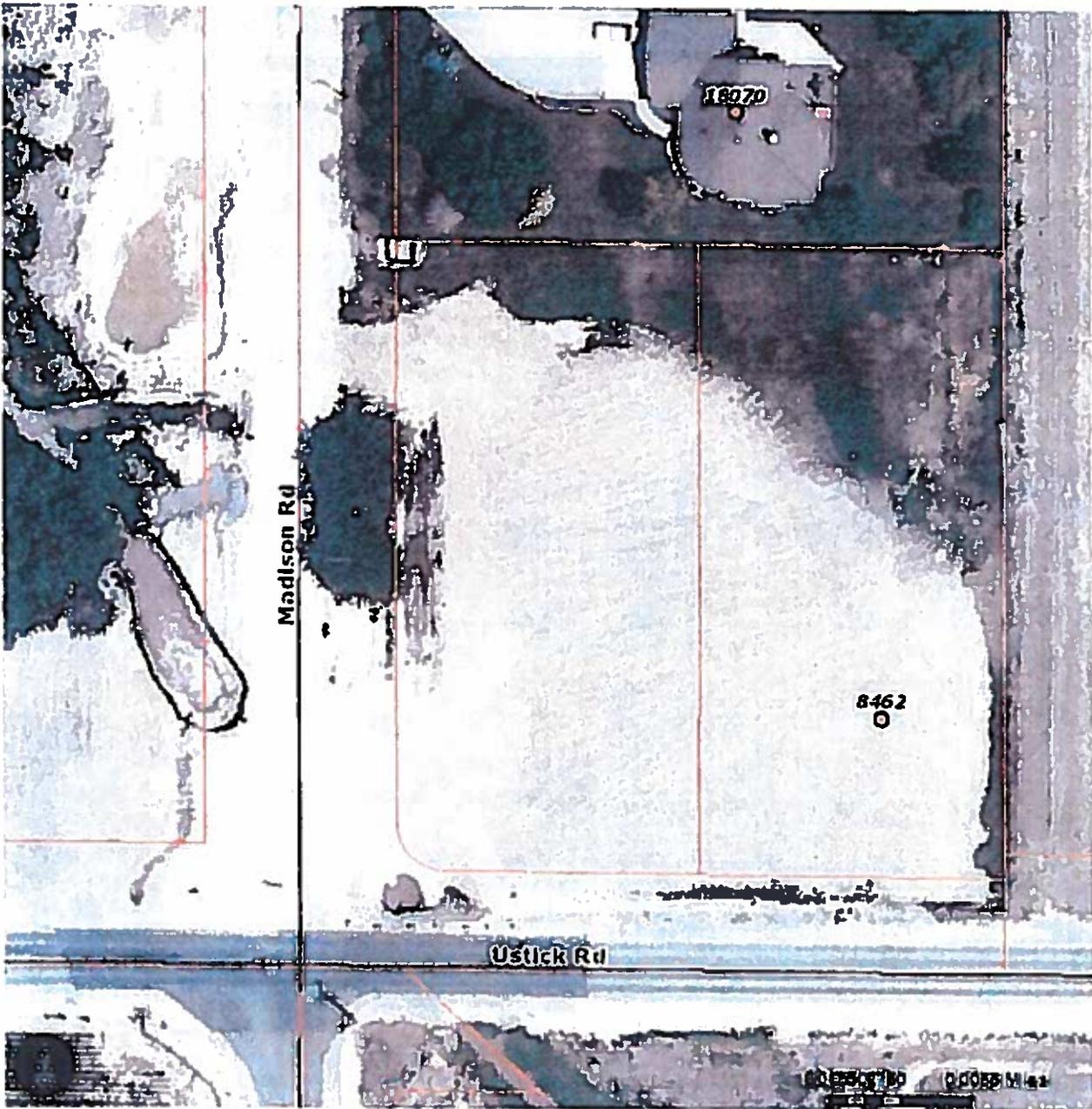
Applicant Signature

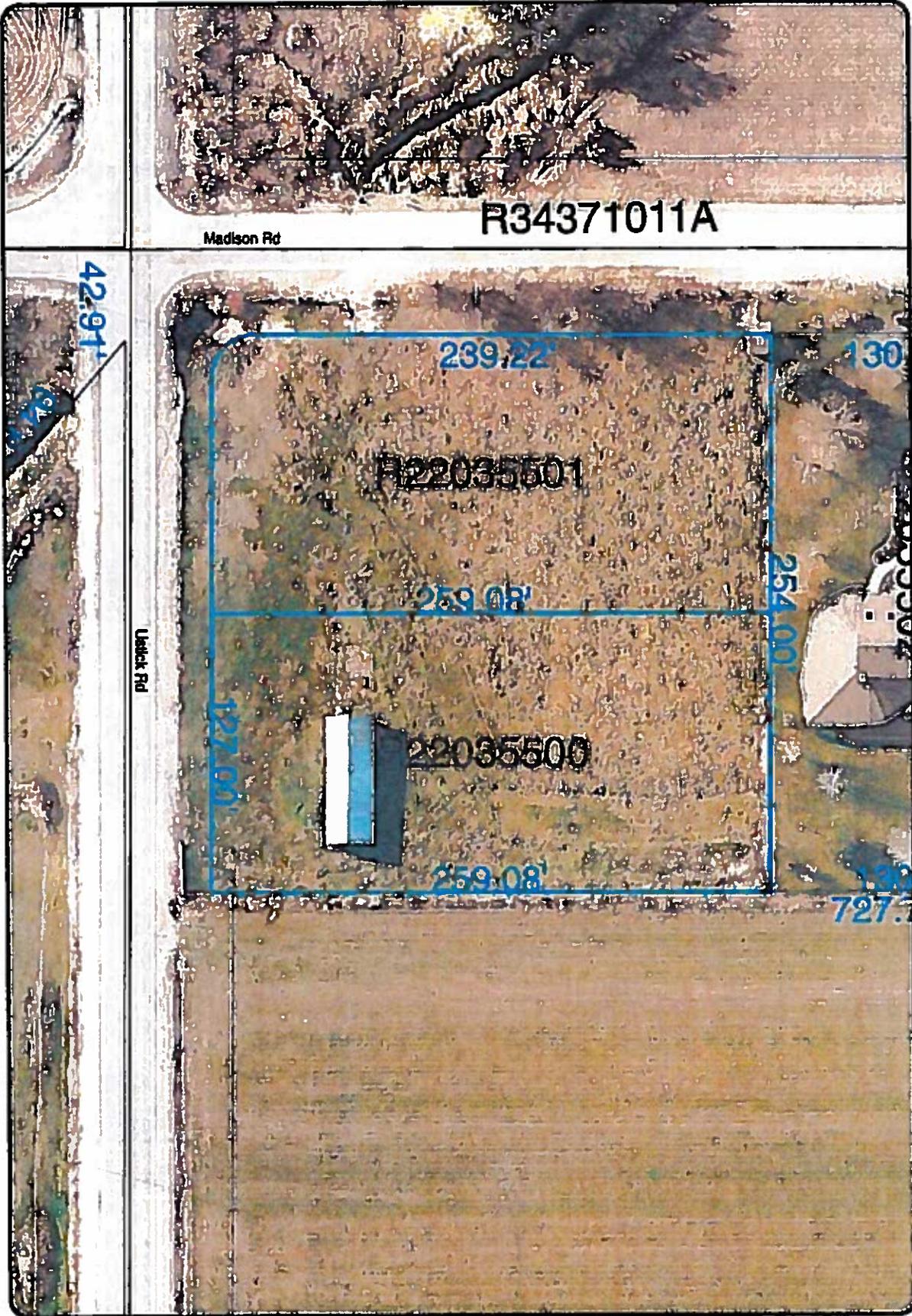
NOTICE TO APPLICANT

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 43 - 2016 Project Name: _____

9
10





R34371011A

Madison Rd

R22035501

22035500

Ustick Rd

42.91'

239.22'

130'

254.00'

727.00'

259.08'

127.00'

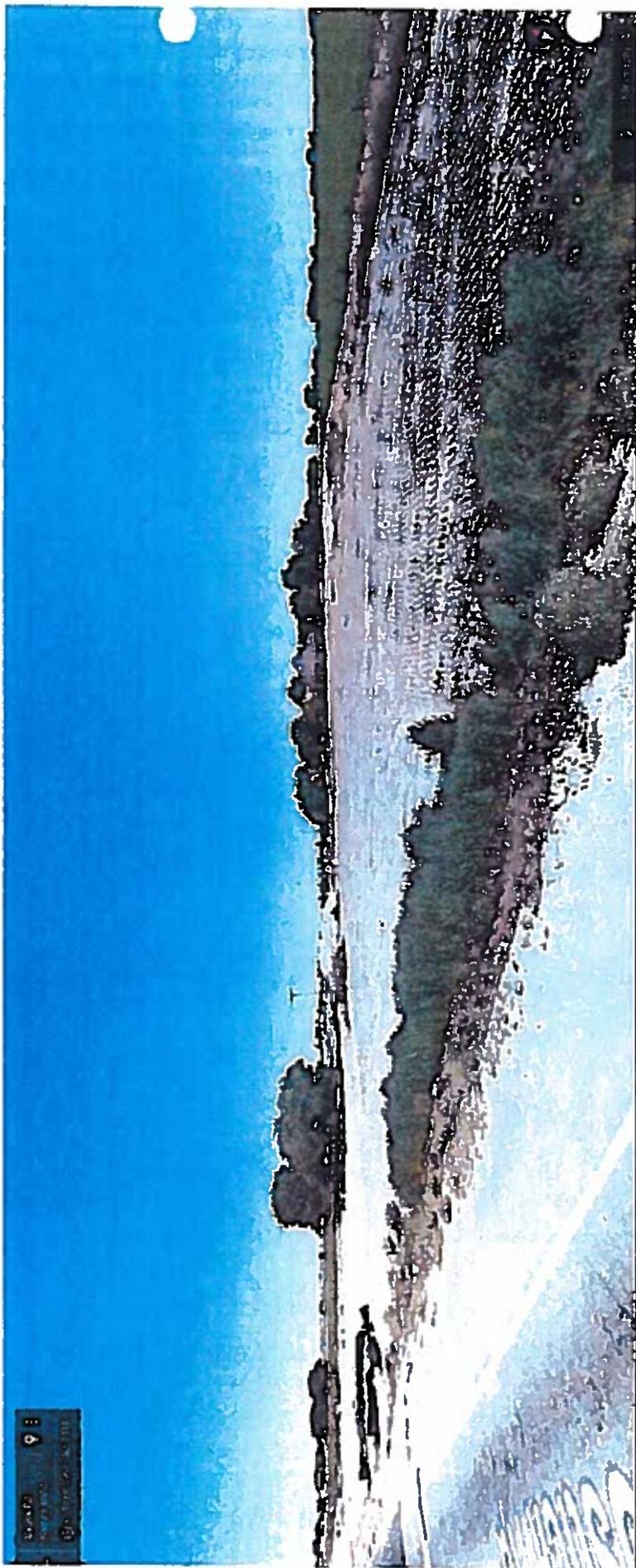
259.08'

This map was created using a geographic information system derived from the Canyon County Geographic Information System (GIS) data. It was designed and intended for field use only. It is not guaranteed survey accuracy. This map is based on information available and was compiled from various sources which may not be accurate. Users are to hold us responsible for errors or omissions. Single Point Solutions, Inc. will not be held liable for errors or omissions resulting from the use of this product for any purpose.

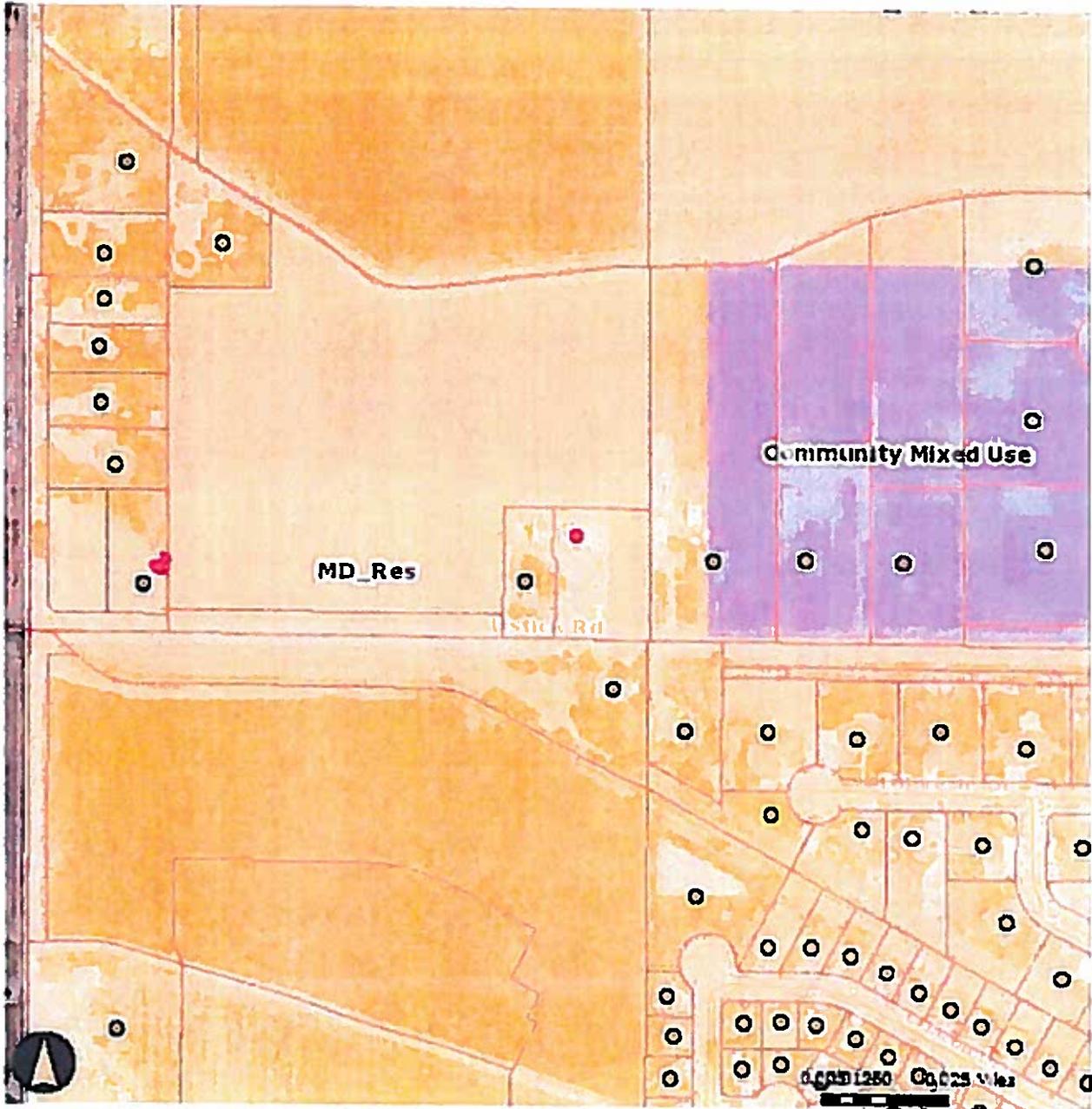


Pioneer Title Co.
 PIONEER TITLE CO.
 1100 N. 1st St.
 Boise, ID 83724
 (208) 333-1100

#12



A
13



- 14
- Code Enforcement had no issues or violations with the subject property, reported Holm.
 - Holm reported no communications or comments had been received from any neighbors or property owners in the area.
 - Holm reviewed the Staff Report and recommended conditions of approval.
 - Discussion followed regarding licensing of preschools, daycares and kindergartens.

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

Keim motioned and Sellman seconded to approve the Conditional Use Permit for a Home Occupation Daycare/Home School for up to 12 children in an RS-6 zoning district at 69 S Peppermint Drive for Michelle Wright, subject to:

1. The operator obtains and maintains licensing with the State of Idaho Department of Health and Welfare.
2. The use as a Home Occupation Daycare/Home School does not substantially change the character of the home and shall be clearly secondary to use of the home as a residence.
3. The outdoor play area and landscaping shall be maintained in a neat and orderly manner.
4. The outdoor play area shall be continuously fenced in order to retain children from wandering out of the area.
5. All requirements of the Nampa Building, Fire and Engineering Departments regarding daycare/home school use shall be satisfied as per State Law prior to occupancy.
6. The size of any advertising signs shall not exceed that allowed for Home Occupations of two (2) sq ft.
7. The Conditional Use Permit be granted to Michelle Wright and shall not be transferable to any other operator or location.

Motion carried.

Comprehensive Plan Map Amendment from Medium Density Residential to Community Mixed Use and Annexation and Zoning to BC (Community Business) at the NE corner of Madison Rd and Ustick Rd. (A 1.52 acre portion of SE ¼ Section 34 T4N R2W, Lots 1-2, Block 1, Frosty Acres Sub) for Mark L Hess, representing Jerry Hess (CMA 025-16 and ANN-043-16).

Chairman McGrath proceeded to public hearing.

Mark Hess of 519 E Karcher Rd, Nampa – representing the applicant:

- Mr Hess considered the subject lots were much better suited to commercial use rather than residential, due to the fact Ustick Rd on the south side of the property was a very busy road, as well as the nearby new high school.
- According to Mr Hess, the subject lots had been used as a staging point for the improvements along Ustick Rd.
- Mr Hess noted the Purdam Drain cuts across the corner of the lot.
- Additionally, stated Mr Hess, they had spent nearly \$5000 on extending the pipe further on the Purdam Drain.
- Mr Hess suggested that during the next few years the surrounding area would explode in growth, as well as the fact Ustick Rd was a very busy road between Boise and Caldwell, therefore, they could envision a Jacksons or Walgreens going on to the subject property.
- Mr Hess stated his father loved Nampa and wanted to keep jobs in Nampa.

Assistant Planning Director Hobbs:

- Hobbs indicated the Comprehensive Plan Future Land Use map and indicated the Medium Density Residential designation adjacent to the east, and the Community Mixed Use designation further east.
- Hobbs reviewed the criteria for a Comprehensive Plan Amendment.
- Regarding the annexation, Hobbs noted the subject parcels were eligible for consideration for annexation.
- Hobbs reviewed the Staff Report and recommended conditions of approval.

17

- Hobbs concurred the subject lots were at the intersection of two busy streets.
- Hobbs noted the growth to the north that had occurred.
- Myers inquired the location of the new high school and Hobbs stated it was located further north on the east side of Madison Rd.
- Myers inquired about improvements to the Ustick Rd and Madison Ave intersection.
- City Engineer Points stated some improvements had been done in front of the school itself but none to the intersection of Madison Ave and Ustick Rd. It was repaved – but no additional road width, added Points.

Chairman McGrath proceeded to public testimony.

Mark Hess:

- Mr Hess advised when the sewer was put in along Madison Ave, they negotiated with the contractor to put their sewer service in and at that time the sewer line was up-sized to a commercial line.
- Both the water and sewer utilities, added Mr Hess, were already in to the property.
- According to Mr Hess, a developer had purchased the 15 acres to the east of the subject properties but because of the cost of extending the sewer, development of that property would probably not occur soon.
- Mr Hess reiterated the amount of residential growth that would be occurring in the immediate area, and along with the new high school, would generate a lot of commercial interest in the subject lots.

Keim motioned and Sellman seconded to close public hearing. Motion carried.

- Rodriguez stated he did not see a problem with the proposed Comprehensive Plan Amendment and Annexation and Zoning to BC for the two lots at the intersection of Madison Ave and Ustick Rd.

Rodriguez motioned and Keim seconded to recommend to City Council approval for the Comprehensive Plan Map Amendment from Medium Density Residential to Community Mixed Use for Lots 1 and 2, Block 1, Frosty Acres Subdivision, for Mark L. Hess, representing Jerry Hess.

Motion carried.

Rodriguez motioned and Kropp seconded to recommend to City Council Annexation and BC zoning for Lots 1 and 2, Frosty Acres Subdivision, for Mark L. Hess, representing Jerry Hess, subject to:

1. Compliance with all City department/division or outside agency requirements pertinent to this matter.
2. Compliance with the requirement(s) listed in the June 15, 2016 memorandum from the Nampa Engineering Division authored by Daniel Badger.

Motion carried.



Rezoned from IP (Industrial Park) and BC (Community Business) to IL (Light Industrial) at 415 N Kings Rd. (A 2.18 acre portion of the NE ¼ of Section 23, Plat A, Tax 16156 in Lot 1) for West Valley Construction representing H M Clause, Inc. (ZMA 014-16).

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

Planning Director Holm:

- Holm noted a similar rezone had recently been accomplished for parcels to the west and south.
- Holm indicated an aerial view of the property with frontage on to N Kings Rd, and on to Garrity Blvd via a narrow strip of land.
- The applicants, added Holm, also owned the property adjacent to the west, zoned Light Industrial.
- Holm advised the applicants were seeking to have all the property under the same Light Industrial zoning designation.
- According to Holm, no communication or comments had been received from surrounding property owners or businesses regarding the proposed rezone to IL.

18

Memorandum

To: Planning and Zoning
Cc: Tom Points, P. E., City Engineer
Cc: Daniel Badger, P.E., Staff Engineer
Cc: Michael Fuss, P.E., Nampa City Public Works Director
From: Jim Brooks – Engineering Division
Date: June 15, 2016
Rev:
Applicant: Mark Hess representing Jerry Hess
Applicant Address: 519 E. Karcher Road, Nampa, Idaho 83687
Property Location: NE corner Madison Road and Ustick Road
Re: Annexation and Zoning to BC
ANN043-16 for the June 28, 2016 Planning & Zoning Meeting

The Engineering Division has no concerns with the granting of this request with the following conditions:

General:

- Extension of public utilities at owner's expense –
 - Public water main to satisfy both domestic and fire flow requirements.
 - Sewer as necessary to provide service to any residential lots developed
 - Sewer will be available to serve the site both from Madison and Ustick as it is currently under construction.
 - Pressure Irrigation to provide service to the residential lots and any required landscaping.
 - Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
- Annexation into the Nampa Municipal Irrigation System at time of development and site is provided with City Pressure Irrigation.

Ustick Road: Functional Classification - Arterial

- An additional 10' or right-of-way dedication required for a total 50' right-of-way for a half of a 100' arterial right-of-way.
- Full frontage improvements on Ustick Road are required and will include, but not be limited to-
 - Curb, gutter, and sidewalk-will require design and approval
 - Landscaping (as required by zoning for an arterial road)
 - Storm drainage
 - Pavement widening and striping as required

16
19

Madison Road: Functional classification - Collector

- Existing right-of-way dedication from Frosty acres plat meets current City requirements. No additional right-of-way dedication required. Full frontage improvements on Madison Road required and will include, but not be limited to:
 - Curb, gutter, and sidewalk-will require design and approval
 - Landscaping (as required by zoning for a collector road)
 - Storm drainage
 - Pavement widening and striping as required

20

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, July 18, 2016 2:32 PM
To: Norm Holm
Subject: CMA 025-16 & ANN 043-16

Good Morning Norman,

The Nampa Highway District #1 has no objection to the Comprehensive Plan Map Amendment from Medium Density Residential to Community Mixed Use and Annexation and Zoning to BC at the NE Corner of Madison Rd and Ustick Rd for Mark Hess representing Jerry Hess as it is not within the Highway District's jurisdiction.

If you have any questions feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW
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



Planning & Zoning Department

City Council Meeting

August 1, 2016

Staff Report – Public Hearing #3

To: Mayor & City Council

Applicant: West Valley Construction for HM. Clause, Inc.

File No: ZMA 014-16

Prepared By: Norman L. Holm

Date: July 26, 2016

Requested Action: Rezone from IP (Industrial Park) and BC (Community Business) to IL (Light Industrial)

Status of Applicant: HM. Clause, Inc.

Existing Zoning: Northerly portion fronting on Kings Rd zoned IL, panhandle access portion to Garrity Blvd zoned BC

Proposed Zoning: Both parcel portions rezoned to IL (Light Industrial)

Location: 415 N. Kings Rd.

Size of Property: 2.175 acres or 94,740 sq. ft.

Existing Land Use: Vacant and undeveloped

GENERAL INFORMATION

Planning & Zoning Commission Recommendation: Approval, with no conditions attached.

Planning & Zoning History: The owner's representative indicates the rezone is requested to match the rest of the HM. Clause property already zoned IL.

Proposed Land Uses: No intended new uses just a continuation and future expansion of existing uses. Per their website <http://hmclause.com> HM. Clause, Inc. is an international

company dedicated to innovative and sustainable development of the highest quality vegetable seeds and sells their commercial seed products under the name of *Harris Moran Seed Company* and *Clause Vegetable Seeds*.

Surrounding Land Use and Zoning:

North- Industrial, IP

South- Commercial, BC

East- Commercial, BC

West- Commercial, BC; and Industrial, IL

Comprehensive Plan Designation: Light Industrial

Applicable Regulations: Rezones 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.

SPECIAL INFORMATION

Public Utilities:

12" sewer main in Garrity Blvd, 8" sewer main in Kings Rd

12" water main in Garrity Blvd, 12" sewer main in Kings Rd

No irrigation service available to the property

Public Services: All present.

Transportation and Traffic: The parcel has access from Garrity Blvd via panhandle, and frontage and access from N Kings Rd.

Environmental: The rezone would have little effect on the adjoining properties. The impacts of allowable industrial related uses on the property would be no different than that which presently exists on the adjoining IL zoned properties to the east and north.

STAFF FINDINGS AND DISCUSSION

The requested rezone is appropriate. It makes good sense for the City and for the property owner to have the parcel zoned IL the same as the intended land use.

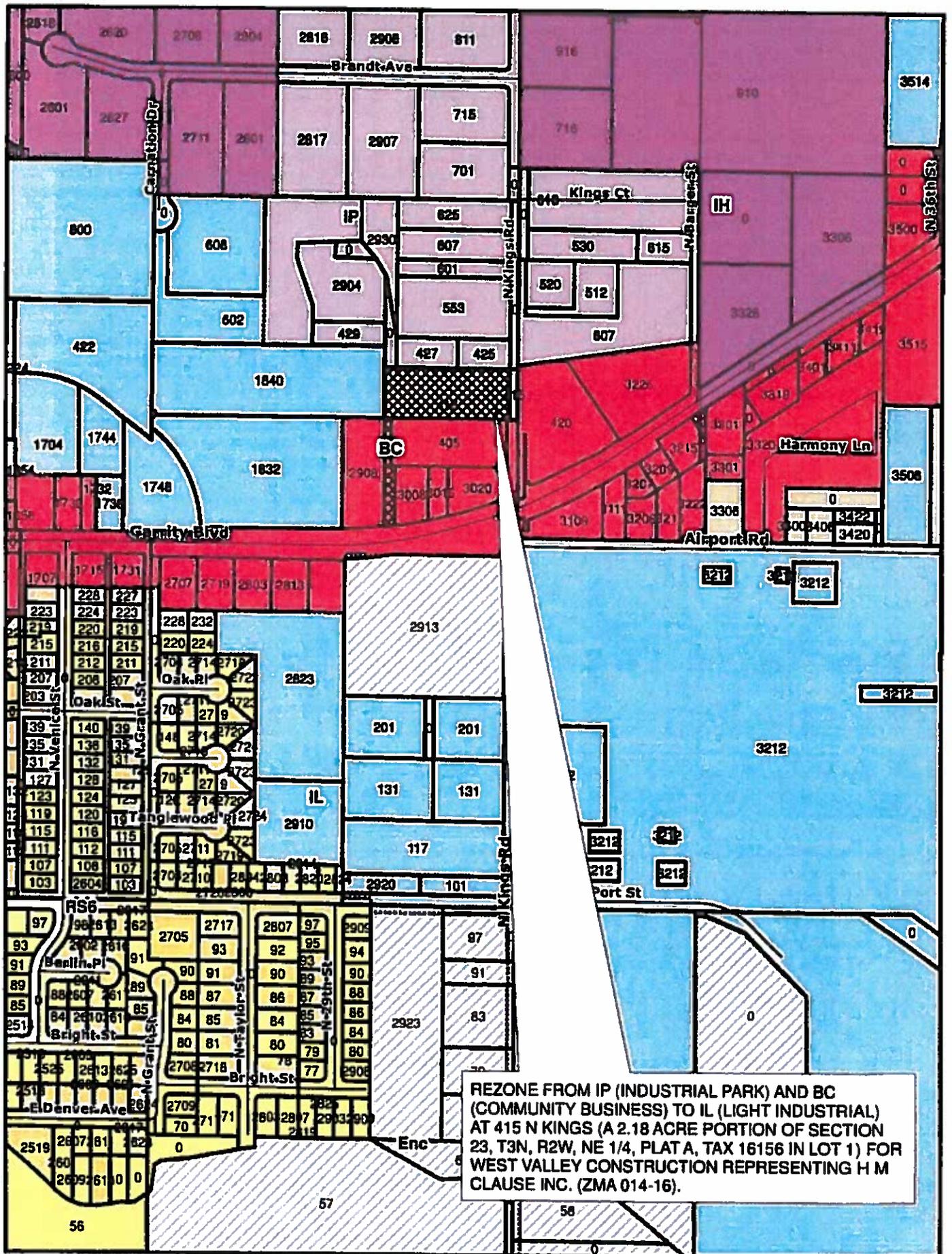
If the Planning Commission votes to recommend to the City Council approval of the rezone, as requested, the following findings are suggested:

1. Rezone of the subject property to IL is reasonably necessary in order to allow the applicant/owner to have all of their property zoned under the same designation of IL.
2. Rezone of the subject property to IL is in the interest of the property owner and conforms to the adopted comprehensive plan designation of Light Industrial.
3. Industrial use of the subject property will be compatible with the existing industrial character already established in the neighborhood.
4. The use of a development agreement to establish any conditions for the rezone of the property serves no purposes.

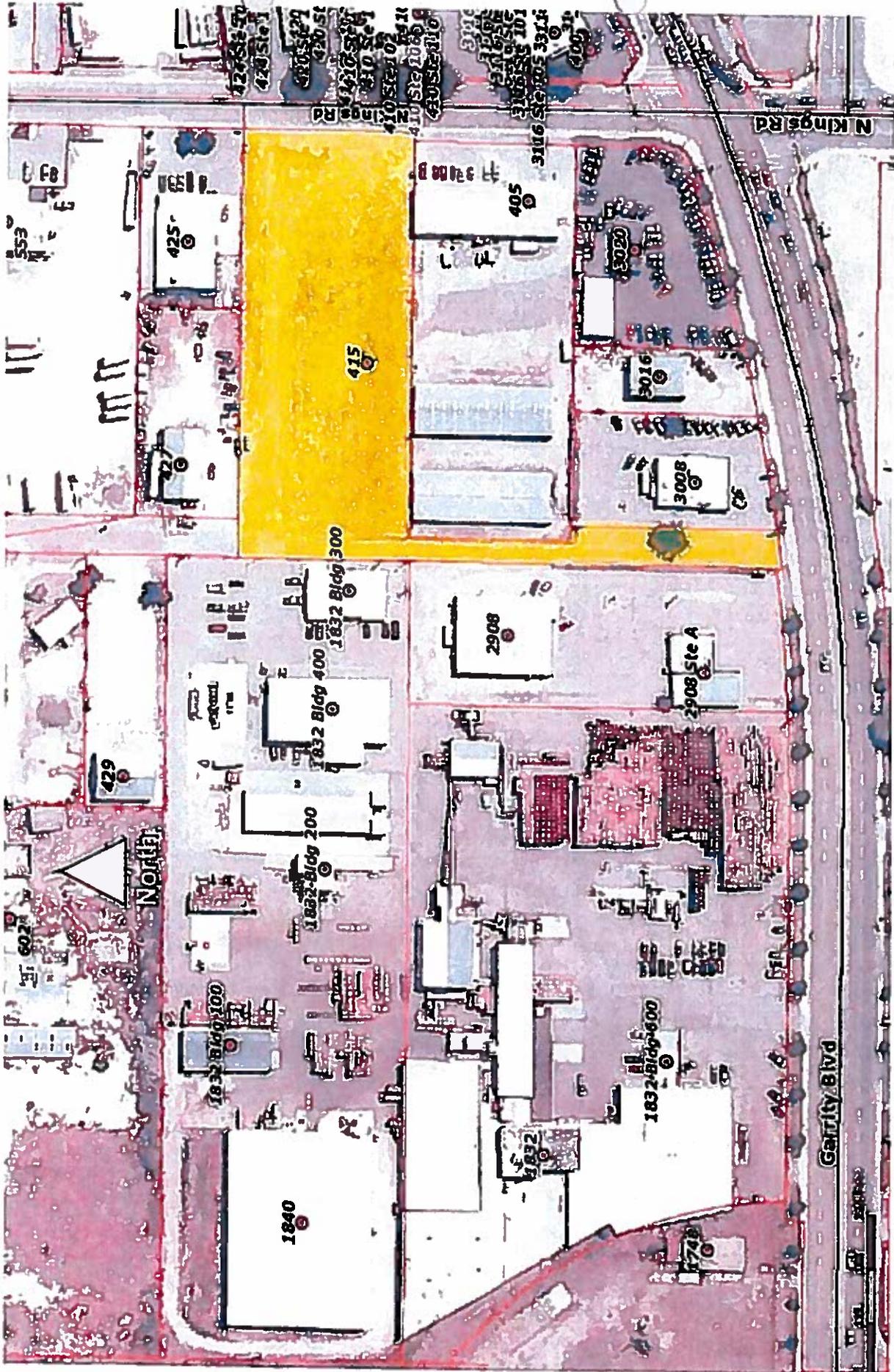
At the date of this memo staff has received no statements of opposition or support from any property owners, businesses or residents in the area.

ATTACHMENTS

Zoning and location map
Aerial, bird's eye view photos
Application
Agency and other correspondence
P&Z hearing minutes



REZONE FROM IP (INDUSTRIAL PARK) AND BC (COMMUNITY BUSINESS) TO IL (LIGHT INDUSTRIAL) AT 415 N KINGS (A 2.18 ACRE PORTION OF SECTION 23, T3N, R2W, NE 1/4, PLAT A, TAX 16156 IN LOT 1) FOR WEST VALLEY CONSTRUCTION REPRESENTING H M CLAUSE INC. (ZMA 014-16).



N Kings Rd

Garity Blvd

North

1840

1832 Bldg 200

1832 Bldg 400

1832 Bldg 300

415

1832

1832 Bldg 600

2908

2908 Ste A

3008

3016

3020

405

429

425

420 Ste 1

420 Ste 2

420 Ste 3

420 Ste 4

420 Ste 5

420 Ste 6

420 Ste 7

420 Ste 8

420 Ste 9

420 Ste 10

420 Ste 11

420 Ste 12

420 Ste 13

420 Ste 14

420 Ste 15

420 Ste 16

420 Ste 17

420 Ste 18

420 Ste 19

420 Ste 20

420 Ste 21

420 Ste 22

420 Ste 23

420 Ste 24

420 Ste 25

420 Ste 26

420 Ste 27

420 Ste 28

420 Ste 29

420 Ste 30

420 Ste 31

420 Ste 32

420 Ste 33

420 Ste 34

420 Ste 35

420 Ste 36

420 Ste 37

420 Ste 38

420 Ste 39

420 Ste 40

420 Ste 41

420 Ste 42

420 Ste 43

420 Ste 44

420 Ste 45

420 Ste 46

420 Ste 47

420 Ste 48

420 Ste 49

420 Ste 50

420 Ste 51

420 Ste 52

420 Ste 53

420 Ste 54

420 Ste 55

420 Ste 56

420 Ste 57

420 Ste 58

420 Ste 59

420 Ste 60

420 Ste 61

420 Ste 62

420 Ste 63

420 Ste 64

420 Ste 65

420 Ste 66

420 Ste 67

420 Ste 68

420 Ste 69

420 Ste 70

420 Ste 71

420 Ste 72

420 Ste 73

420 Ste 74

420 Ste 75

420 Ste 76

420 Ste 77

420 Ste 78

420 Ste 79

420 Ste 80

420 Ste 81

420 Ste 82

420 Ste 83

420 Ste 84

420 Ste 85

420 Ste 86

420 Ste 87

420 Ste 88

420 Ste 89

420 Ste 90

420 Ste 91

420 Ste 92

420 Ste 93

420 Ste 94

420 Ste 95

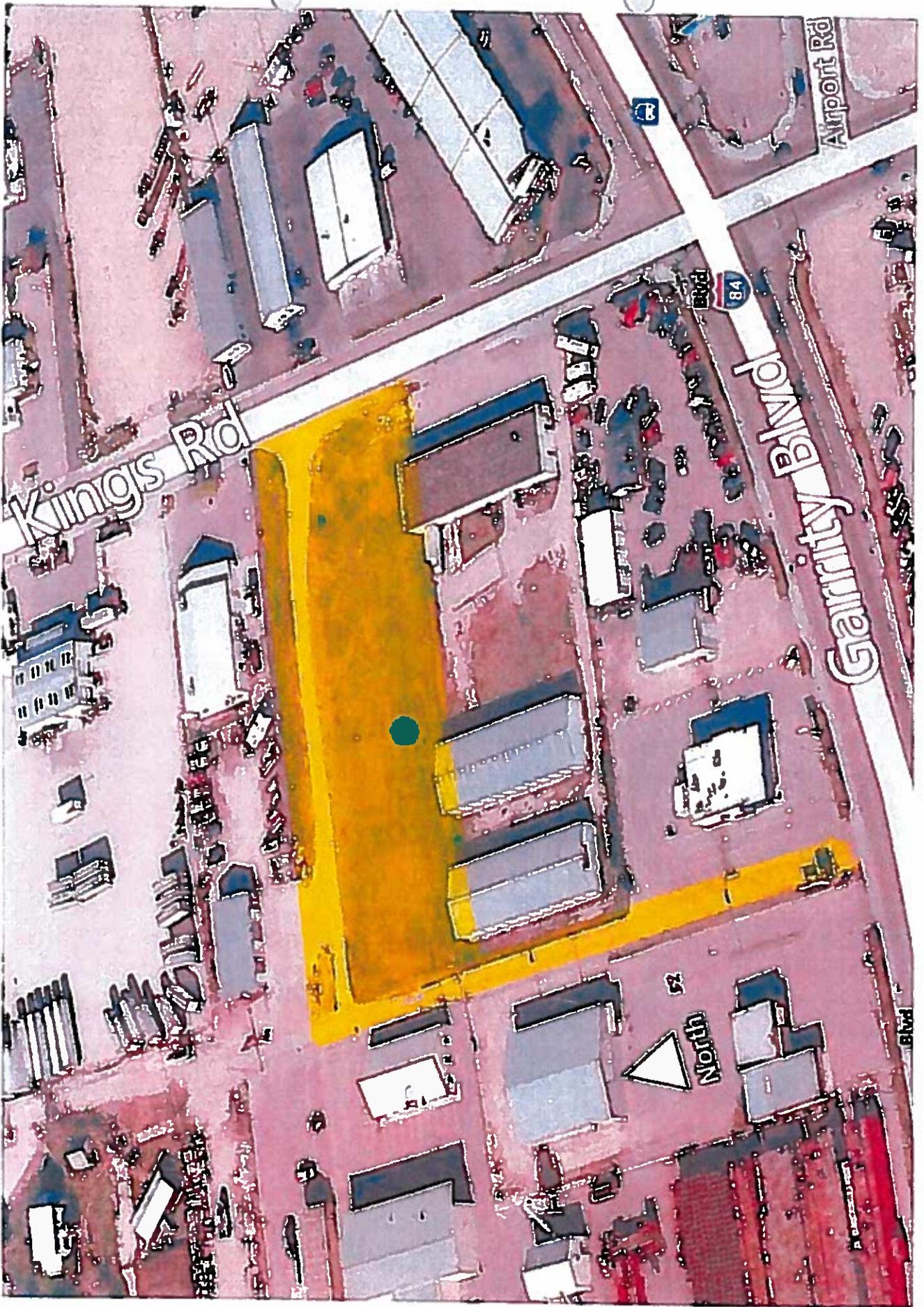
420 Ste 96

420 Ste 97

420 Ste 98

420 Ste 99

420 Ste 100





APPLICATION FOR AMENDMENT OF ZONING OR VANCE OR MAP
 City of Nampa, Idaho

*1/22 PM
 Noam*

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 \$408.00 (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: West Valley Construction LLC Phone: 208-871-1734
 Address: 501 Johnson Ln POB 1056 City: Caldwell State: ID Zip Code: 83605/83606
 Applicant's Interest in property: (circle one) Own Rent Other Contractor
 Owner Name: H. M. Clause Phone: Jina@westvalley
 Address: 1832 Garry Blvd City: Nampa State: ID Zip Code: 83687
Complex.com

Address of subject property: 415 N. Kings Rd Parcel A 2.175 Acres

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: Rezone from ~~IP~~ IP to IL
11/11

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.

To make this parcel zoned to match the rest of
H.M. Clause's property

Dated this _____ day of _____, 20 _____

[Signature]
 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: 2114 - 2016 Project Name: Rezone from IP to IL

Memorandum

To: Planning and Zoning
Cc: Tom Points, P. E., City Engineer
Cc: Daniel Badger, P. E., Staff Engineer
Cc: Michael Fuss, P. E., MBA, Nampa City Public Works Director
From: Jim Brooks – Engineering Division
Date: June 16, 2016
Re: Rezone request IP & BC to IL
Applicant: West Valley Construction representing HM Clause, Inc.
Applicant Address: 501 Johnson Lane, Caldwell, Idaho 83605
Parcel Addresses: 415 Nor. King's Road

ZMA014-16 for June 28, 2016 Planning & Zoning Meeting

The Engineering Division does not oppose the granting of this rezone request.

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, July 18, 2016 2:31 PM
To: Norm Holm
Subject: ZMA 014-16

Good Morning Norman,

The Nampa Highway District #1 has no objection to the Rezone from IP and BC to IL at 415 N. Kings Rd for West Valley Construction representing H M Clause Inc. as it is not within the Highway District's jurisdiction.

If you have any questions feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW
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

Planning & Zoning Department

Nampa, Idaho... Today's Vision is Tomorrow's Reality

June 29, 2016

Jim McGarvin
West Valley Construction
501 Johnson Lane
Caldwell, ID 83605

Subject: Rezone from IP (Industrial Park) and BC (Community Business) to IL (Light Industrial) at 415 N Kings (A 2.18 acre portion of Section 23, T3N, R2W, NE 1/4, Plat A, Tax 16156 in Lot 1) for West Valley Construction representing H M Clause Inc. (ZMA 014-16).

Dear Mr. McGarvin:

The following is the decision of the Nampa Planning & Zoning Commission on the above request heard before them on June 28, 2016. This letter will stand as the Findings of Fact, Conclusions of Law and Decision required by Idaho Code Section 67-6535. The Planning Commission found the following concerning your requested rezone:

1. Rezone of the subject property to IL is reasonably necessary in order to allow the applicant/owner to have all of their property zoned under the same designation of IL.
2. Rezone of the subject property to IL is in the interest of the property owner and conforms to the adopted comprehensive plan designation of Light Industrial.
2. Industrial use of the subject property will be compatible with the existing industrial character already established in the neighborhood.
3. The use of a development agreement to establish any conditions for the rezone of the property serves no purposes.

Consequently the Planning Commission voted to recommend to the City Council approval of the rezone from BC and IP to IL. Further consideration and public hearing on the rezone to IL has been scheduled before the City Council for their August 1, 2016 meeting. You should be present to represent your request and answer any questions they may have. Should you have questions, feel free to contact me at 468-5446.

Sincerely,



Norman L. Holm, Planning Director
CITY OF NAMPA

CC: HM Clause, Inc.

NAMPA*Proud*

Rezone from IP (Industrial Park) and BC (Community Business) to IL (Light Industrial) at 415 N Kings Rd. (A 2.18 acre portion of the NE ¼ of Section 23, Plat A, Tax 16156 in Lot 1) for West Valley Construction representing H M Clause, Inc. (ZMA 014-16).

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

Planning Director Holm:

- Holm noted a similar rezone had recently been accomplished for parcels to the west and south.
- Holm indicated an aerial view of the property with frontage on to N Kings Rd, and on to Garrity Blvd via a narrow strip of land.
- The applicants, added Holm, also owned the property adjacent to the west, zoned Light Industrial.
- Holm advised the applicants were seeking to have all the property under the same Light Industrial zoning designation.
- According to Holm, no communication or comments had been received from surrounding property owners or businesses regarding the proposed rezone to IL.

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

Gunstream motioned and Keim seconded to close public hearing. Motion carried.

Gunstream motioned and Miller seconded to recommend to City Council rezone from IP (Industrial Park) and BC (Community Business) to IL (Light Industrial) for 415 N Kings Rd, a 2.18 acre parcel of land, for West Valley Construction, representing H M Clause, Inc, subject to:

- 1. Compliance with all City department/division or outside agency requirements pertinent to this matter.**

Motion carried.

Meeting adjourned at 7:40 p.m.



Norman L Holm, Planning Director

:sm



PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council
Meeting of 01 AUGUST 2016

PUBLIC HEARING ITEM NO. 4 STAFF REPORT

Applicant/Representative(s):

Vineyard at Broadmore II LP, Greg Urrutia representing

File No(s): VAR 00012-2016

Analyst: Robert Hobbs

Requested Action(s): Variance(s) to Nampa City Zoning Code(s) as follows:

1. The required maximum allowable building height allowed in the RML Zone as established by N.C.C. § 10-11-4.A...

Pertaining to:

Two parcels of land located at 15 and 23 5th Street North (and further identified as County Assessor Account/Parcel nos. R1265400000 and R1267000000), within a/the RML (Limited Multiple-Family Residential) Zone, in Nampa (see attached Vicinity Map),

(Decision Required: *Decision*)

Application Summary:

The Applicant is requesting a Variance to N.C.C. § 10-11-4.A that mandates that no principal structure within the RML Zone shall exceed either three (3) stories or thirty feet (30') in height. The Applicant(s) state they are requesting the Variance Permit in order to able to construct a 30-unit multiple-family complex that will expectedly be three full stories and measure 41 feet and 4 inches in height. The Applicant(s) reason that the Variance is justifiable given that: a) the Property's "relatively high water table" makes "underground parking impossible" and thereby shifts the parking space development for the project to the land's surface thereby reducing the available building envelope, thus pushing the proposed building vertical in order to capture the intended apartment density; and, b) "a small portion of the Property is within" the 500-year floodplain and is not, therefore, suitable for building within; and, c) the Property is irregularly shaped (not rectangular) "making a portion of the Property not suitable" for constructing the type of building desired (thus also reducing the available building footprint viable for construction and prompting the Applicant(s) to build vertically to achieve their desired density; and, d) that issuance of the Variance would allow the building designer(s) to use a [sloped] residential style, gabled and hipped roofs consistent with other structures in the area; and, e)

that even with a height over thirty feet (30') as proposed, the "structure would still be 16' shorter than the Phase 1 building" [already constructed] "directly north [of the Property] across 5th Street North"; and, f) "The building height will not adversely affect neighboring properties."

History:

On January 05, 2009, the City Council granted/issued a Variance Permit for, effectually, the very same request as sponsored by the current Applicant(s). That Variance Permit lapsed after six (6) months of inactivity. The current application basically resurrects that prior application and seeks a new approval.

Contents:

Conclusions of Law: Pages 2-3

Staff Narrative Findings/Discussion: Pages 3-8

Recommended Condition(s) of Approval: Page 8

Attachments Description(s): Page 8

APPLICABLE REGULATIONS

10-24-1: [VARIANCE] PURPOSE:

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

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

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

10-24-2: ACTIONS:

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

1. Literal interpretation and enforcement of the regulation would result in practical difficulty or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance.
2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which do not apply generally to other properties classified in the same zoning district.
3. Literal interpretation and enforcement of the regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.
4. The granting of the variance will not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. The granting of the variance will not be detrimental to the public health, safety or welfare or materially injurious to properties or improvements in the vicinity.

STAFF FINDINGS AND DISCUSSION

I. Variance Introduction:

Variations are traditionally offered zoning tools used as remedies to seek jurisdictional waivers or reductions of quantifiable, measurable development code requirements (e.g., setbacks, property dimensions, height standards, min. or maximum quantities or sizes, etc.) with which compliance in a given situation could not be attained due to site constraints (such as unusual topography) inherent to a property, rather than being the result of an applicant's own action(s)/development desires. Normally, economic considerations or "self-imposed hardships" or predicaments are not qualifying grounds to support a Variance application or its approval. As noted in the planning text The Practice of Local Government Planning (ICMA, 1988, 2nd ed.),

"Many requests for variances are for minor bulk variances in existing neighborhoods: for example, expansions of patios or carports one or two feet into designated side-yard setbacks. On such matters the zoning board becomes a sort of neighborhood arbitration board, dealing with physical hardships. Although these hardships are rarely great, this should be weighed against the extent of the public sector's stake in the somewhat arbitrary determination that a 10-foot- side yard is superior to a 9-foot one."

In Nampa, in order to justify a Variance Permit request, an applicant is tasked with arguing successfully to the City's Council that there is some aspect of the Property that physically, topographically or based on code requirements puts them at a disadvantage in trying to accomplish what they wish in comparison to like properties, especially in the surrounding area.

If the Council believes that there is no real topographical hardship associated with a Variance application (e.g., a river, a highway or a mountain in the way, etc.), then left to the applicant is the opportunity to argue that there is a "unique site circumstance" sufficient to justify their request. In times past, Variance Permits have been issued on a case by case basis where a unique situation could be determined to exist that pertained to a Variance application. Thus, historical matters, errors by the City or County, demonstrated lack of knowledge concerning a

code by an applicant or their contractor, common sense "solutioning", development precedent and a variety of other mitigating factors have been evaluated in conjunction with these kinds of applications for relief from quantifiable, measurable standards adopted as law via Nampa's zoning ordinance.

Council is at liberty to approve or deny a Variance. And, their vote should not necessarily be construed as setting precedent -- for nothing binds them to vote the same way twice other than their own perceptions and those of others that they may be concerned with. Still, consistency is a desirable goal when dealing with case by case Variance requests. As a Variance decision is a "quasi-judicial" matter, any vote to approve or deny should be accompanied by a reasoned statement listing the rationale for the decision made.

II. This Application:

As Variance Permits have been used to provide opportunity for an applicant to seek relief from a dimensional or quantifiable, metric standard, this request was received to ask the Council to consider allowing an exception to the maximum building height afforded by the RML Zone. The summary explanation of the Applicant(s)' request was provided at the beginning of this report. A copy of their application narrative is hereafter attached.

As this is a Variance request, it is the obligation of the Applicant to present such facts and persuasive arguments as to convince the Council that there exists some form of hardship or other unique site circumstance to justify issuance of the requested permit. The review criteria the Council is to use in assessing the application are those in bold font listed at the beginning of this report under the heading of "Applicable Regulations", "Actions" 1-5. Those criteria serve as the "Conclusions of Law" to be associated with this matter.

III. General, Possible Findings:

1. The Property (legal description within City case file VAR 00012-2016) made the subject of this Variance request is located within the incorporated limits of the City of Nampa; and,
2. The Property owner has a controlling interest in the Property and is authorized to represent the same or allow another party to represent the same in this matter; and,
3. The Property owner has authorized Gregory Urrutia ["Applicant"] to apply for and represent his interest in obtaining the requested Variance Permit; and,
4. The Applicant proposes that the Nampa City Council grant an increased height allowance beyond thirty feet (30') to facilitate construction of a specific apartment building on the Property; and,
5. As authorized and mandated according to Idaho statute, the City has adopted a comprehensive zoning ordinance that applies to all properties within the City's incorporated limits and, by limited form and fashion, to areas within its negotiated impact area; and,
6. The City's zoning ordinance requires that properties in the RML Zone comply with all relevant zoning code requirements appertaining thereto (including emplacement of any requisite, extant site improvements); and,

7. That maximum building height as a zoning control is based on a relatively flat piece of ground. The zoning code, in the definitions section specifies that "building height" is,

"The vertical distance from the established grade to the highest point on the roof or parapet walls for buildings."

When considering "building stories", the same code section specifies that,

"The determination of the allowed height of a building is based on the number of stories above grade plane or by a set measurement expressed in feet in the code. The height definition applies to those stories that are fully above grade plane. It also includes those stories which may be partially below finished ground level, but the finished floor level is more than six feet (6') above grade plane. It also includes those floor levels which, due to irregular terrain, have a finished floor level more than twelve feet (12') above finished ground level at any point surrounding the building. Any building level not qualifying as a story above grade plane is, by definition, a basement." (N.C.C. § 10-1-2.Definitions)

8. In the case of significant grade variation on a single development site, Staff has considered building height to be set by a line parallel to grade, vs. an average or median line drawn halfway [or at another point] through a building to separate one end on a lower level from a higher planed end. Therefore, whether by considering actual building height or number of stories, Staff believes the Applicant(s) is required to submit a Variance Permit in order to pre-authorize construction of their desired multiple-family residential structure on the Property; and,

9. The Applicant has, therefore, submitted to the City a complete Variance Permit Application together with the requisite fee, and the City has received the application and deemed it acceptable; and,

10. The Variance Application is being processed in conjunction with procedures compliant with the Local Land Use Planning Act, and Nampa Zoning Ordinance standards appertaining to such an application type; and,

11. Variances, as a rule, are not to be issued simply for economic reasons or convenience; they "shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity"; and,

12. Further, a statement has been provided that attempts to justify the Variance request as some type of topographical or other physical site hardship or "unique site circumstance" that restricts Property development or "buildout" or use of land as allowed to other City properties or as granted already to City properties developed and/or used in similar fashion to the business plan(s) of the Applicant; and,

13. Adjacent property owners have not provided comment regarding the application; and,

14. The City's Engineering Division has expressed that they are not opposed to the application; and,

15. The City's Building Department has expressed that they are not opposed to the application; and,

16. No direct physical impact on the general public by this request is foreseen by virtue of this request were it approved; expected impact would either: a) be on surrounding properties adjacent to the Property; and/or, be on the question any approval raises as to its propriety, possibly including a perceived setting of precedence for similar setback code deviations given compliance to building height standards demonstrated by other persons/parties in the City; and,

17. That City services are available to the Property, the site has access to City public roads; and,

18. The most recent land use entitlement case bearing directly on this matter was acted on in 2009, whereby the City's Council of the time approved a Variance Permit in care and keeping with the current proposal; and,

19. Attached to this report is all of the information Staff had by the time this report was ready to go to print (5pm, July 28).

IV. Analysis/Opinion:

In Nampa, as pertaining to land use Variance Permit requests, a burden rests upon an applicant to argue persuasively to the City's Council that one or more conditions related to the property they represent interfere(s) with the applicant's use of their land in manner and form commensurate with that enjoyed, most particularly, by their neighbors or other properties in a similar situation and zoning district as that applicant's land. Each Variance application is reviewed on a case by case basis and the merits of the matter are weighed in the public venue. Public testimony is received and the opinions of City departments or outside agencies submitted to the Council for their consideration.

With respect to the matter made the subject of this report, Applicant, per their narrative (and as afore-cited in this report) argues for their Variance request, essentially as follows:

A) That the Property's "relatively high water table" makes "underground parking impossible" and thereby shifts the parking space development for the project to the land's surface thereby reducing the available building envelope, thus pushing the proposed building vertical in order to capture the intended apartment density; and,

B) That "a small portion of the Property is within" the 500-year floodplain and is not, therefore, suitable for building within; and,

C) That the Property is irregularly shaped (not rectangular) "making a portion of the Property not suitable" for constructing the type of building desired (thus also reducing the available building footprint viable for construction and prompting the Applicant(s) to build vertically to achieve their desired density; and,

D) That issuance of the Variance would allow the building designer(s) to use a [sloped] residential style, gabled and hipped roofs consistent with other structures in the area; and,

E) That even with a height over thirty feet (30') as proposed, the "structure would still be 16' shorter than the Phase 1 building" [already constructed] "directly north [of the Property] across 5th Street North"; and,

F) That, "The building height will not adversely affect neighboring properties."

Noting the understandable arguments made by the Applicant, Staff also observes as follows:

G) That a Variance Permit was filed, reviewed by Council and approved by Council on January 05, 2009 for a forty foot (40') tall single multiple-family structure to be built on the Property due to "slope differential" (top of Property vs. bottom of Property grade/elevation difference); and,

H) Another similar structure has been built on land north of the Property that exceeds thirty feet in altitude and was considered, more or less, the first phase of a larger project that contemplated adding the building made the subject of this report. That prior multiple-family structure for seniors did not require a Variance as it was built in the RMH Zone that has a less restrictive height control than the RML Zone to its south.

That notwithstanding the fore-going, meritorious contravening findings to the Applicant's arguments for [seeking] an increased building height allowance may be voiced as follows:

A) That the Applicant(s) hardships are somewhat self-imposed, in that they could adjust the proposed building's footprint, and by association, height to fit the RML height constraint as well continue to meet relevant setback controls, etc. Economic return is not a viable Variance argument from a legal or industry practice point of view when it comes to considering land use Variance Permit requests; and,

B) That the Property could be made the subject of a rezone request to RMH like the land above it to the north and thus be able to forego having to have a Variance permit filed against it to relax height controls associated with the zone currently overlaid on the Property.

Maximum Building Height Relief Request:
Favorable Recommendation

As to the proposed, increased building height request, Staff believes the same to be reasonable given that:

1. A Variance request for almost the exact same proposal as that addressed by this report was considered and approved by Nampa's City Council in 2009; and,
2. That the arguments by the Applicant(s) carry some merit given the slope of the Property and the other factors raised by them; and,
3. That public opposition has not been voiced regarding this matter to date; and,
4. That the proposed building is in care and keeping (in terms of architectural styling) with its predecessor apartment structure built immediately north of the Property and was conceptually understood to be an eventual phase 2 to the same; and,

5. That rezoning the Property may accomplish the same result as approving the requested Variance but take longer to process and require a Development Agreement contract to control the land use and density; and,

6. That per the 2009 Variance Staff report on record for the Property, the ground is lower than or equal to other parcels/lots to its sides or north [at least 6' per contour map] and thus any structure thereon will be perceived to be lower than if the Property were flat ground at an elevation similar to the highest levels of its neighboring properties. The building will not, expectedly, block views of the land above it to the southwest (it has a hillside at its back and one house), and, even if it did, there is no right to a view-scape under land use zoning code or law in Nampa. Plus, the building to the northwest of the structure proposed with this application was developed as a comparable use by the same Applicant and has southern oriented apartments on floors that would likely see over the top of the newly proposed building when looking south/se; and,

7. That the TV station (KTRV 12) which lies in a RP (Residential Professional) Zone to the west of the Property, per the 2009 Staff report, appears to, "possess buildings which exceed the 30' height limitation."

RECOMMENDED CONDITION(S) OF APPROVAL

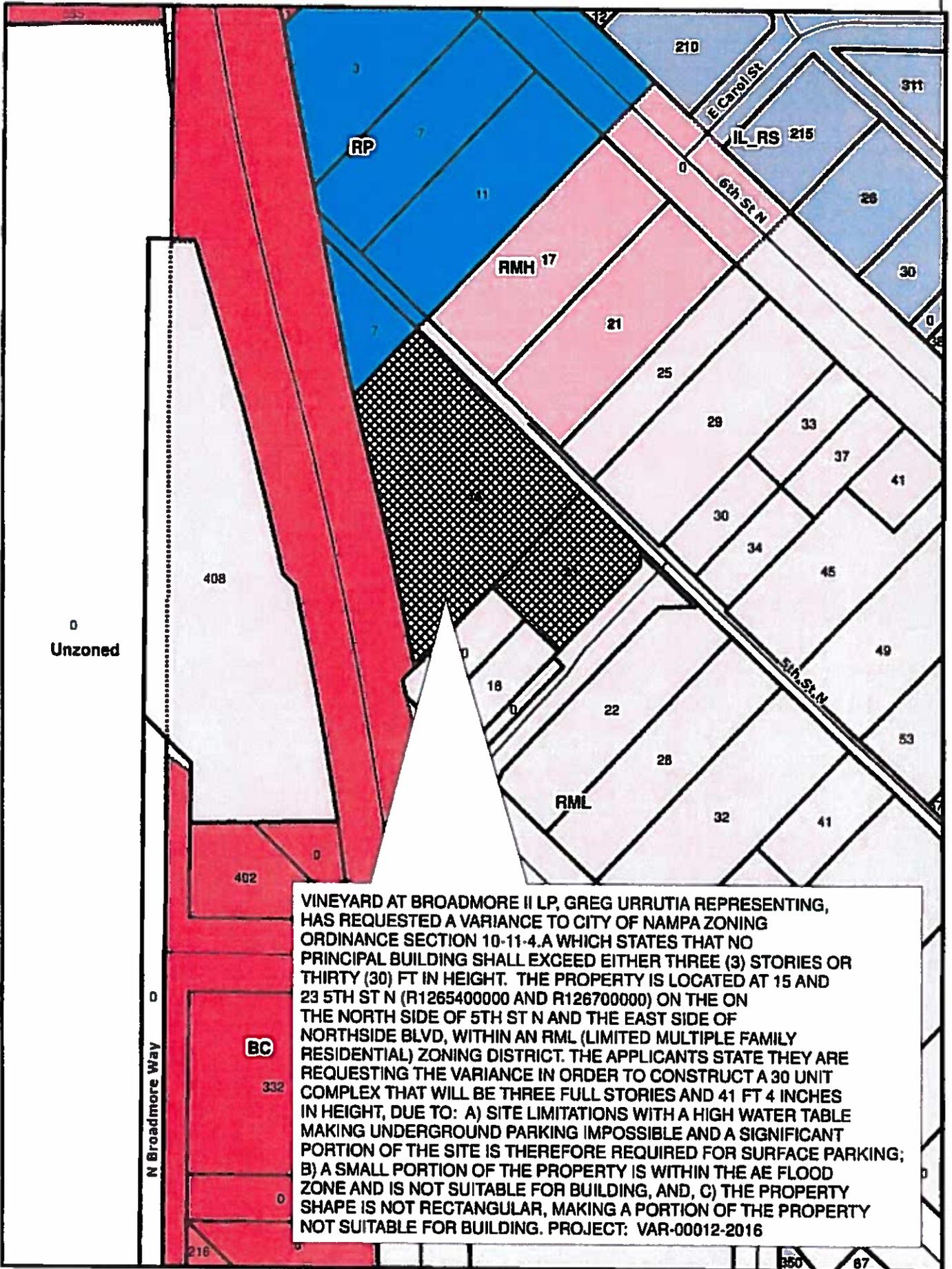
Should the Council vote to approve this Variance package request, then Staff recommends that they/you consider imposing the following Condition(s) of Approval against the same:

Generally:

1. Applicant(s) shall comply with all applicable requirements [including obtaining a Building Permit] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire [inspection], Building, Planning and Zoning and Engineering Departments, etc.) as the Variance(s) approval(s) do/does not, and shall not, have the affect of abrogating requirements from those agencies or City divisions/departments...

ATTACHMENT(S)

- Copy of Vicinity Map (page/Exhibit 9)
- Copy of Applicant(s)' narrative/justification statement (page/Exhibit 10)
- Copy of Variance application form (page/Exhibit 11)
- Copies of Applicant(s) supplied building elevation renderings and Property concept site plan (pages/Exhibits 12-14)
- Copies of floodplain maps depicting floodplain boundaries on/around Property and surrounds (pages/Exhibits 15-16)
- Copies of any department/agency correspondence (pages/Exhibits 17-18)
- Copies of 2009 Council decision/action letter (authored by Staff) and related Vicinity Map from case file no. VAR 385-08 (pages/Exhibits 19-20)
- Copies of aerial image and Google Maps street view prints of Property and surrounds (pages/Exhibits 21-24)



VINEYARD AT BROADMORE II LP, GREG URRUTIA REPRESENTING, HAS REQUESTED A VARIANCE TO CITY OF NAMPA ZONING ORDINANCE SECTION 10-11-4.A WHICH STATES THAT NO PRINCIPAL BUILDING SHALL EXCEED EITHER THREE (3) STORIES OR THIRTY (30) FT IN HEIGHT. THE PROPERTY IS LOCATED AT 15 AND 23 5TH ST N (R1265400000 AND R126700000) ON THE ON THE NORTH SIDE OF 5TH ST N AND THE EAST SIDE OF NORTHSIDE BLVD, WITHIN AN RML (LIMITED MULTIPLE FAMILY RESIDENTIAL) ZONING DISTRICT. THE APPLICANTS STATE THEY ARE REQUESTING THE VARIANCE IN ORDER TO CONSTRUCT A 30 UNIT COMPLEX THAT WILL BE THREE FULL STORIES AND 41 FT 4 INCHES IN HEIGHT, DUE TO: A) SITE LIMITATIONS WITH A HIGH WATER TABLE MAKING UNDERGROUND PARKING IMPOSSIBLE AND A SIGNIFICANT PORTION OF THE SITE IS THEREFORE REQUIRED FOR SURFACE PARKING; B) A SMALL PORTION OF THE PROPERTY IS WITHIN THE AE FLOOD ZONE AND IS NOT SUITABLE FOR BUILDING, AND, C) THE PROPERTY SHAPE IS NOT RECTANGULAR, MAKING A PORTION OF THE PROPERTY NOT SUITABLE FOR BUILDING. PROJECT: VAR-00012-2016

Application for Variance

Name: Vineyard at Broadmore II Limited Partnership

Address: 15 & 23 5th Street North

Request: Variance for Building Height

Vineyard at Broadmore II Limited Partnership has been awarded funding by Idaho Housing and Finance Association to construct the second phase of the Vineyard at Broadmore Senior Community. The second phase will be comprised of 30 units (the minimum necessary to achieve economic viability). Overall building design will be similar to the first phase, with covered surface parking.

The project site for this property is approximately 1.35 acres. The project site has the following unique characteristics that require the building to be three stories high and exceed the current maximum height allowed within a RML – Limited Multiple Family Residential zone:

- Relatively high water table at this site make underground parking impossible and a significant portion of the usable site is required for surface parking.
- A small portion of the property is within the AE flood zone and is not suitable for building.
- The property shape is not rectangular, making a portion of the property not suitable for building.

RML zoning allows for a three story building, however the maximum height is only 30 feet. As indicated on the attached preliminary building elevation, the height of the proposed building, from finished grade, is approximately 41'-4".

Specific Request:

We request approval for a variance to allow the structure to be three full stories to a height of not more than 45' above finish grade.

The variance is reasonable and appropriate for the following reasons:

- 1) As indicated above, site limitations necessitate that the building be three full stories to achieve economically viable density.
- 2) In order to incorporate a sloped roof consistent with other structures in the area and suitable for design requirements along Northside Blvd, the added height is necessary.
- 3) Even at the increased height, this structure will be 16' shorter than the Phase 1 building directly north across 5th Street North.
- 4) The building height is appropriate along Northside Blvd and will not adversely impact neighboring properties.

Thank you for your consideration.



5/11/16 CC
ROBERT

APPLICATION FOR VARIANCE

City of Nampa, Idaho

11

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 \$255.00

Name of Applicant/Representative: Vineyard at Broadmore II LP/Greg Urrutia Phone: (208) 461-7663
 Address: 1812 Madison Avenue City: Nampa State: ID Zip Code: 83687
 Applicant's interest in property: (circle one) Own Rent Other Purchaser under contract
 Owner Name: Needs Valdez LLC (Jeff Needs) Phone: (208) 409-8565
 Address: 3187 Lucas Drive City: Lafayette State: CA Zip Code: 94549

Address of subject property: 15 & 23 5th Street North

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):

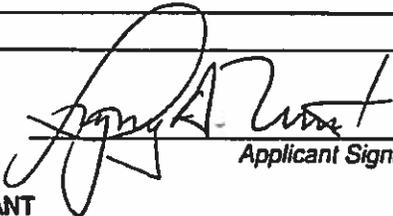
- Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)
Old or illegible title documents will need to be retyped in a WORD formatted document
- Subdivision _____ Lot _____ Block _____ Book _____ Page _____
- An accurate scale drawing of the site and any adjacent property affected, showing all existing and proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking and off-street loading facilities and landscaped areas.
- Miscellaneous information, considered pertinent to the determination of this matter,

Project Description

State the nature of the variance request and the practical difficulty or unnecessary hardship, which would result from a literal interpretation and enforcement of the specific regulation for which the variance is being sought. (attach additional pages if necessary):

See attached detailed description of request for height variance.

Dated this 29th day of June, 2016


Applicant Signature

NOTICE TO APPLICANT

This application will be referred to the Nampa City Council for its consideration. The City Council shall hold a public hearing on the application and it shall be granted or denied. Notice of the public hearing shall be sent to adjacent property owners no less than 10 or more than 30 days prior to the hearing. You will be given notice of the public hearing and should be present to answer any questions.

- A variance shall not be considered a right or a privilege, but will only be granted upon showing the following undue hardship:
1. Special characteristics of the site, which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and
 2. The variance is not in conflict with the public interest.
- Variances are not intended to allow something that others do not have a permitted right to do.*

The use or construction permitted by a variance must be commenced within a 6 month period. If such use or construction has not commenced within such time period the variance shall no longer be valid. Prior to the expiration of the 6-month period the applicant may request from the city Council an extension for up to an additional 6 months from the original date of approval.

For Office Use Only:	
File Number: VAR <u>12</u> - 20 <u>16</u>	Project Name: <u>Vineyard at Broadmore</u>

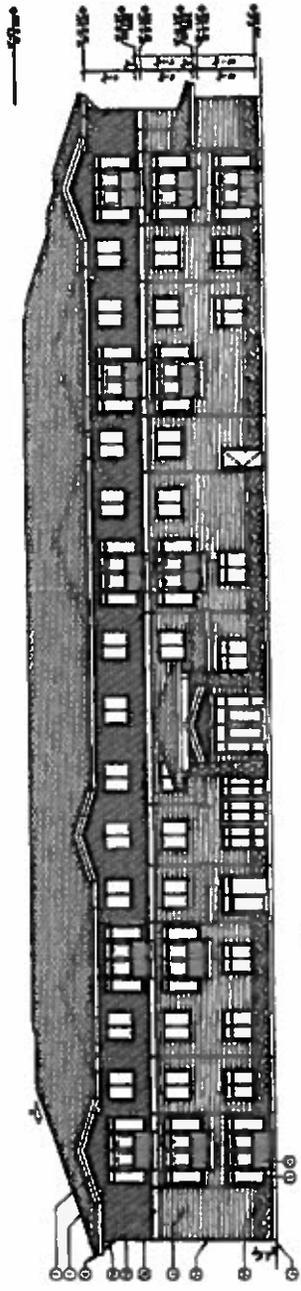


VINEYARD AT BROADMORE PHASE B
13325 FIFTH AVENUE NORTH
MINNAPOLIS, MN 55412

PERMIT SET
8-1-18

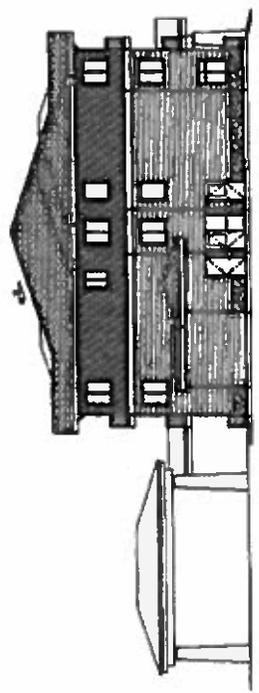


A5.0
EXTENSION ELEVATIONS



1 EAST ELEVATION

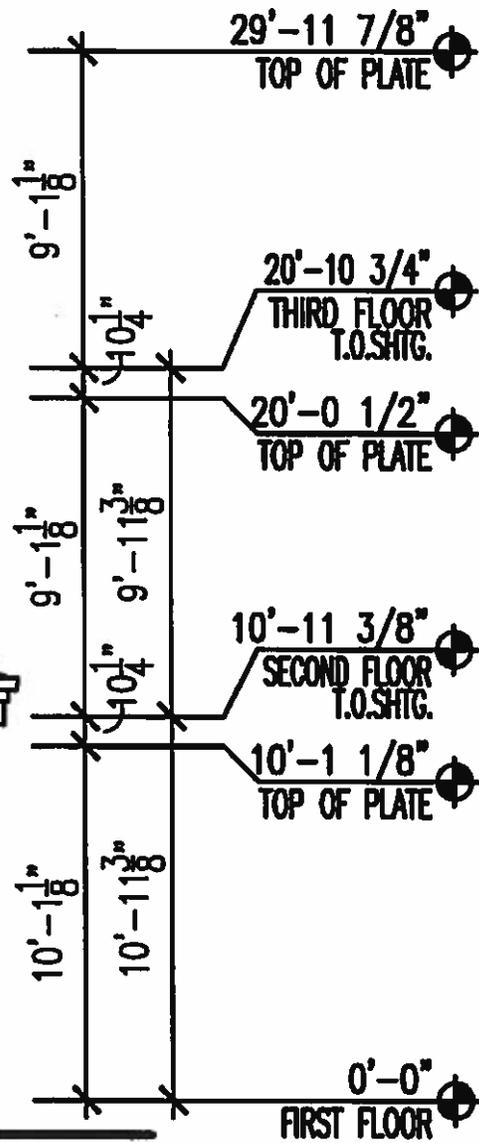
- REMARKS:**
1. ARCHITECT'S RESPONSIBILITY FOR DESIGN.
 2. CONTRACTOR SHALL VERIFY ALL DIMENSIONS AND CONDITIONS OF EXISTING STRUCTURE AND UTILITIES PRIOR TO CONSTRUCTION.
 3. ALL MATERIALS AND METHODS OF CONSTRUCTION SHALL BE APPROVED BY THE ARCHITECT PRIOR TO INSTALLATION.
 4. THE CONTRACTOR SHALL MAINTAIN ACCESS TO ALL ADJACENT PROPERTIES AT ALL TIMES.
 5. ALL UTILITIES SHALL BE PROTECTED AND DEEPER THAN THE EXISTING FINISH GRADE.
 6. THE CONTRACTOR SHALL MAINTAIN ALL EXISTING UTILITIES AND STRUCTURES UNLESS OTHERWISE NOTED.
 7. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 8. ALL MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 10. ALL MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
- GENERAL NOTES:**
1. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 2. ALL MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 3. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 4. ALL MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 5. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 6. ALL MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 7. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 8. ALL MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.
 9. ALL MATERIALS SHALL BE STORED PROPERLY AND PROTECTED FROM THE ELEMENTS.
 10. ALL MATERIALS SHALL BE DELIVERED TO THE PROJECT SITE IN ACCORDANCE WITH THE CONTRACT DOCUMENTS.



2 NORTH ELEVATION

T&M

41'-4"±
TOP OF ROOF



14



VINEYARD AT BROADMORE
PHASE B

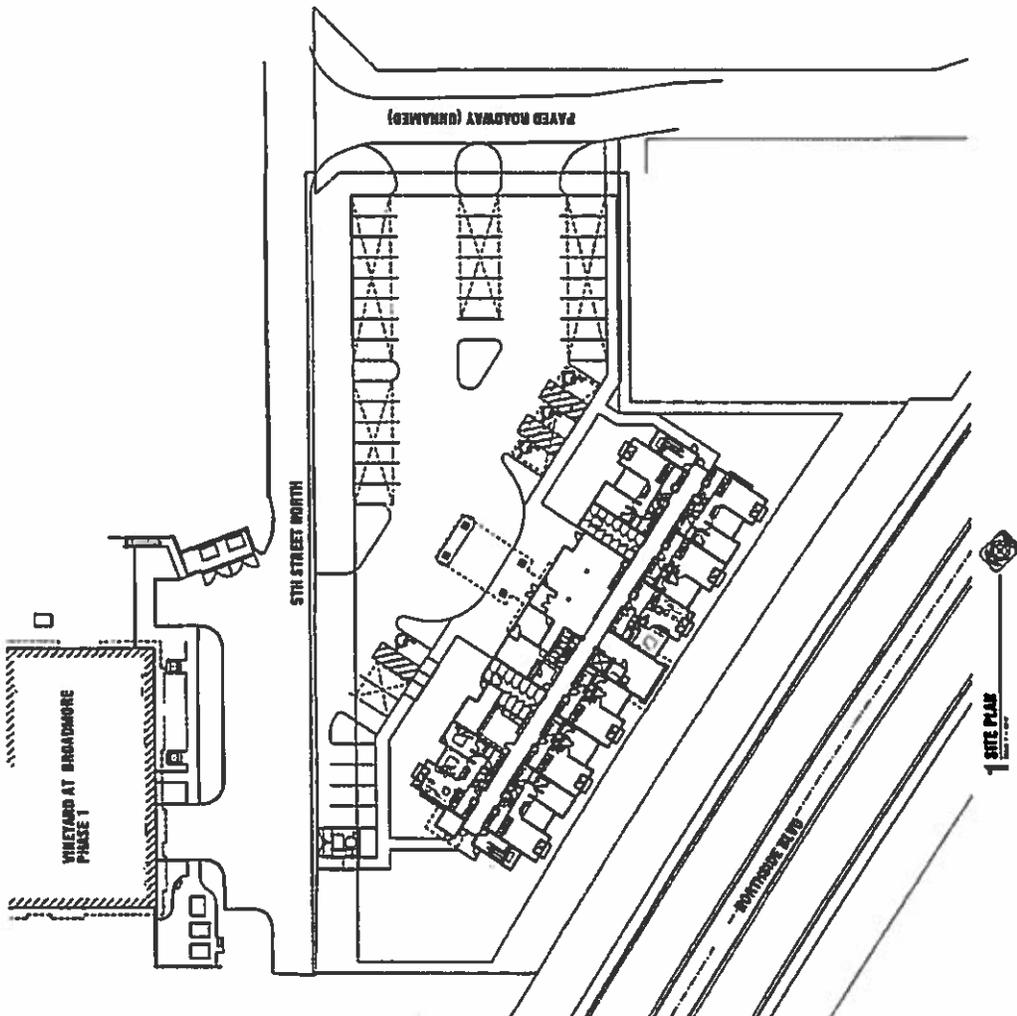
15.8.20 DEFNIT. NORTH
RAMPAL, DAVID (SRS)

PERMIT SET
8-1-18



PROVISIONAL
THIS SET IS FOR PERMITTING PURPOSES ONLY
AND IS NOT TO BE USED FOR CONSTRUCTION
UNLESS SPECIFICALLY NOTED OTHERWISE
BY THE ARCHITECT
PROJECT NO. 15.8.20
DATE: 8-1-18
DATE: 8-1-18

A1.0
SITE PLAN



VINEYARD AT BROADMORE
PHASE 1

5TH STREET NORTH

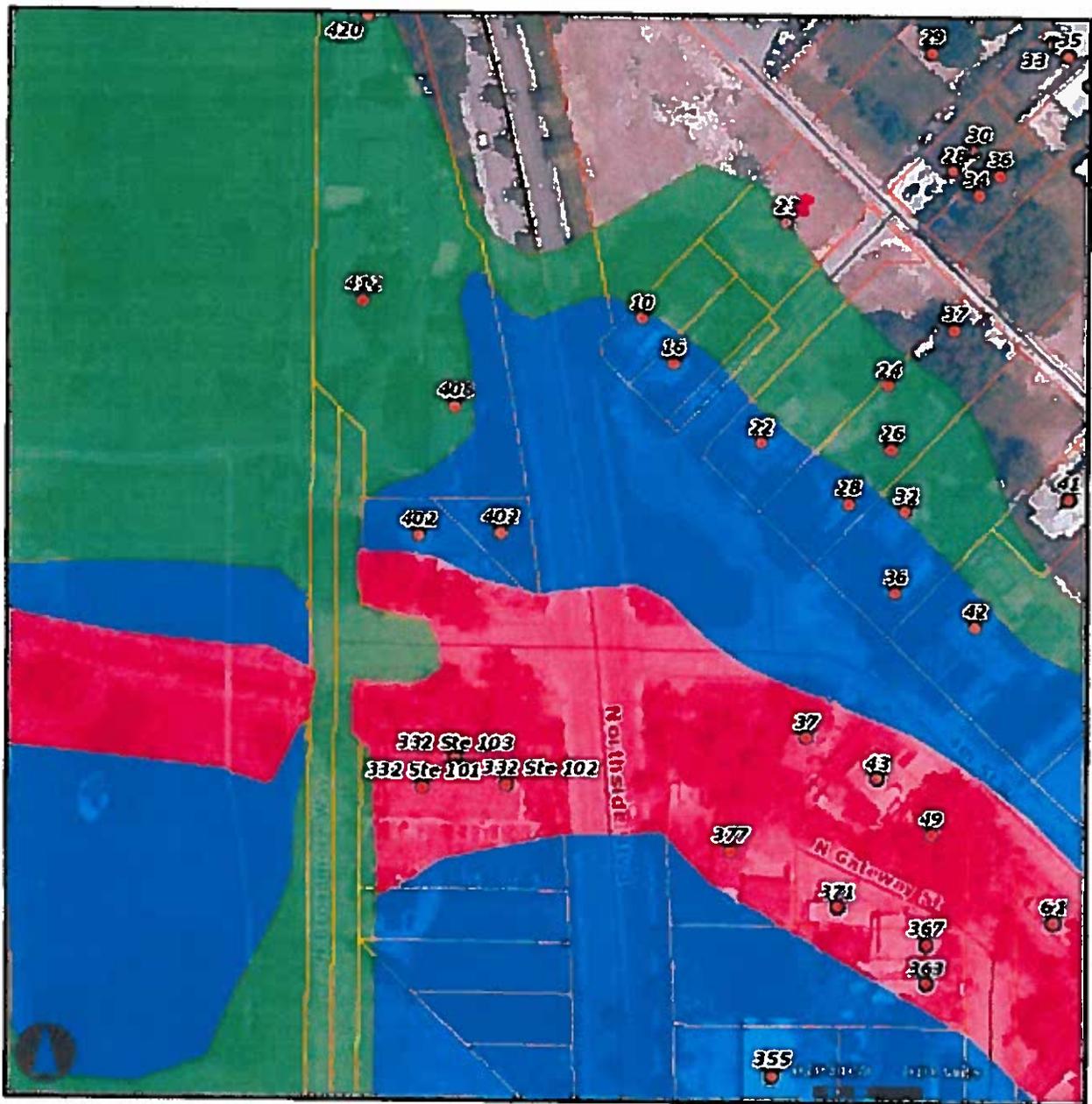
PAVED ROADWAY (UNNAMED)

BROADMORE BLVD

1 SITE PLAN

15

Map



Address Candidates



Address Points

-  Active
-  Hold
-  Proposed
-  Retired
-  Other

County Parcels



Map



Address Candidates

-  Address Candidates
- Address Points**
-  Active
-  Hold
-  Proposed
-  Retired
-  Other

County Parcels

-  County Parcels
- Floodplain**
-  0.2 PCT ANNUAL CHANCE FLOOD HAZARD,
-  A, AE, AH, AO
-  AE, FLOODWAY

Memorandum

To: Mayor and City Council
Cc: Planning and Zoning
Cc: Tom Points, P. E., City Engineer
Cc: Daniel Badger, P.E., Staff Engineer
Cc: Michael Fuss, P. E., Nampa City Public Works Director
From: Jim Brooks – Engineering Division
Date: July 20, 2016

Revised:

Applicant: Gregg Urrutia representing Vineyard at Broadmore II, LP.

Address: 1812 Madison Avenue

Parcel Address: 15 & 23-5th Street North

Re: Variance to exceed 30' in building height of not more than 45' above finished grade

VAR012-16 for the August 1, 2016 City Council Meeting

The Engineering Division has no concerns with the granting of this request.

18

Shellie Lopez

From: Neil Jones
Sent: Monday, July 18, 2016 7:21 AM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Variance for Building Height / VAR 012 16

Building Department has no conditions at this time.

Neil Jones
Plans Examiner Supervisor
P: 208.468.5492 F: 208.468.4494
[Department of Building Safety, Like us on Facebook](#)

From: Shellie Lopez
Sent: Wednesday, July 06, 2016 10:57 AM
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>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooksj@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>; Soyla Reyna <reynas@cityofnampa.us>; Sylvia Mackrill <mackrill@cityofnampa.us>; Tina Fuller <tfuller@compassidaho.org>; Tom Laws <tlaws@compassidaho.org>; Vickie Holbrook <holbrookv@cityofnampa.us>
Subject: Variance for Building Height / VAR 012 16

Good Morning! ☺

VAR 012-16

Vineyard at Broadmore II LP/Greg Urrutia has requested a Variance to the City of Nampa Zoning Ordinance Section 10-11-4-A requiring no principal building to exceed thirty (30) feet in height, to allow for apartment buildings with a building height of not more than 45' above finished grade, for property located at 15 and 23 5th Street North, (A portion of Lots 7 and 8, Block 1, and Lot B, Block 2, of Nampa City Acres Addition No 1), within an RML (Limited Multiple-Family Residential) zoning district.

The Variance is scheduled as a public hearing item on the City Council agenda of August 01, 2016.

Please find attached the VAR 012 -16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) prior to July 20, 2016.

Thank you & have a great day!

Planning & Zoning Department

19

Nampa, Idaho... Today's Vision is Tomorrow's Reality

January 6, 2009

Richard Sambucetti
Borges Architectural Group, Inc.
1508 Eureka Road, Suite 150
Roseville, CA 95661

Subject: Variance of 30' Building Height Limitation for RP zoned property at 23 5th St. No., etc. (VAR 385-08)

Dear Mr. Sambucetti:

The following is the decision of the City Council on the above variance request heard before them on January 5, 2009. This letter will stand as Findings of Fact and Conclusions of Law as required by Idaho Code Section 67-6535 and Section 10-24-2, Nampa City Code. The Council found the following concerning the application:

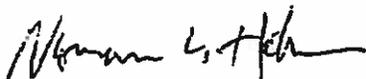
1. Literal interpretation and enforcement of the building height regulation could result in the practical difficulty or unnecessary physical hardship of not being able to construct the proposed two-story facility at the stated feasible height.
2. There are extraordinary site characteristics applicable to the property involved and the use of the property that does not apply generally to other properties classified in the same zoning district. Because the property is significantly lower than the closest buildings/property to the northeast justification exists for an increase in allowable building height for the subject property.
3. Literal interpretation and enforcement of the building height regulation would deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district. It appears that the RP zoned TV station property to northeast may possess buildings which exceed the 30' height limitation.
4. Granting of the variance would not constitute a grant of special privilege inconsistent with the limitations on other properties classified in the same zoning district.
5. Granting of the variance would not be detrimental to public health, safety or materially injurious to properties or improvements in the area. No property owners in the area have expressed possible damages if the variance is approved.

Consequently the City Council concluded to approve your requested variance subject to the following conditions:

1. Building permits are required prior to the commencement of any construction, alteration, repair, remodel or demolition. All structures will be subject to the requirements of all adopted codes and ordinances; to include, but not be limited to, handicap accessibility. All appropriate permits, inspections, and Certificate of Occupancy must be obtained prior to occupying such building/structure.
2. All requirements of other departments or agencies (e.g., Building, Fire, Engineering, Health Department, DEQ, etc.) regarding the proposed use, as may be noted on attached correspondence, shall be satisfied prior to occupancy.

Should you have any questions on this decision, feel free to contact me at 468-5446.

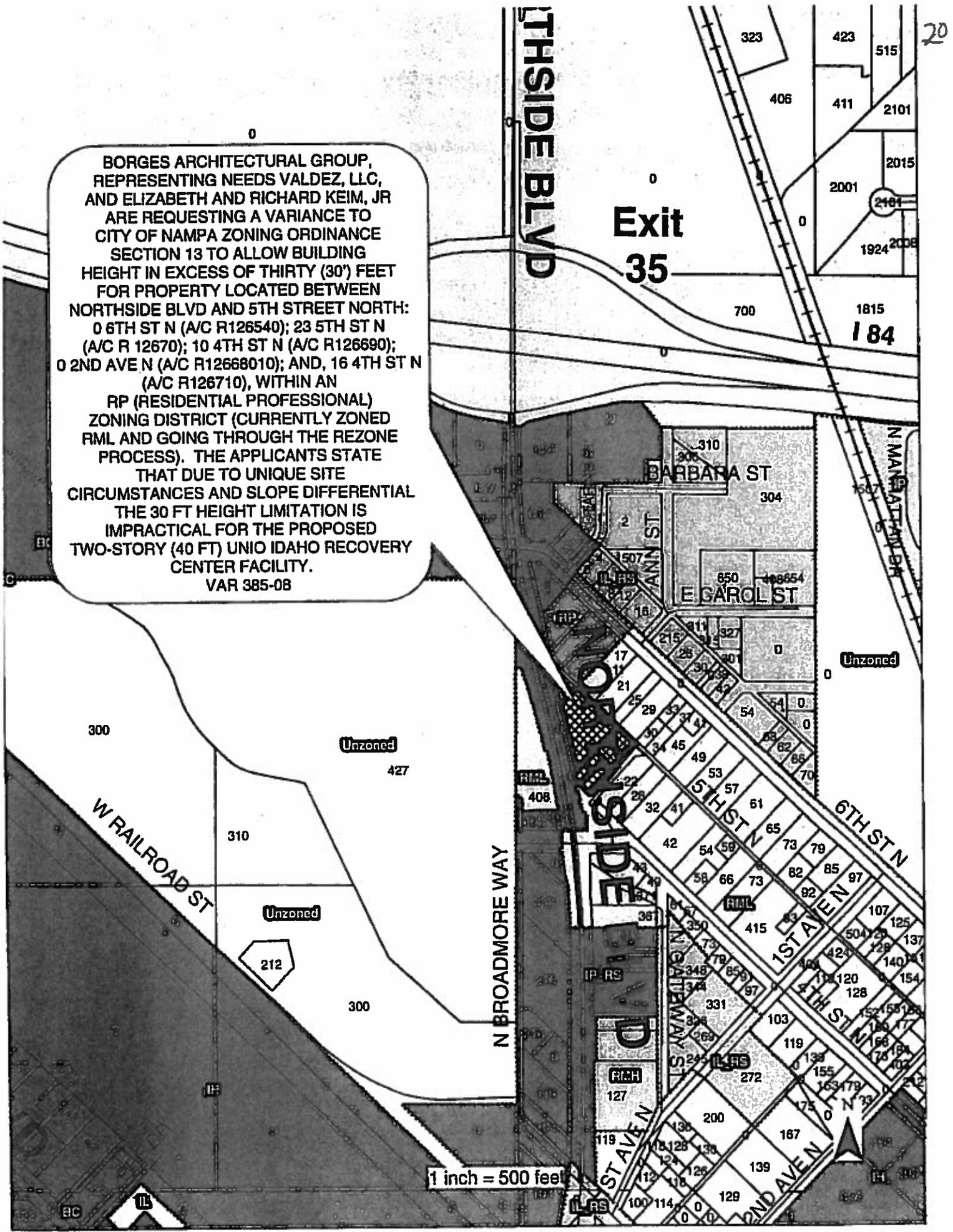
Sincerely,



Norman L. Holm, Planning Director
CITY OF NAMPA

cc: Jeff Needs

BORGES ARCHITECTURAL GROUP, REPRESENTING NEEDS VALDEZ, LLC, AND ELIZABETH AND RICHARD KEIM, JR ARE REQUESTING A VARIANCE TO CITY OF NAMPA ZONING ORDINANCE SECTION 13 TO ALLOW BUILDING HEIGHT IN EXCESS OF THIRTY (30') FEET FOR PROPERTY LOCATED BETWEEN NORTHSIDE BLVD AND 5TH STREET NORTH: 0 6TH ST N (A/C R126540); 23 5TH ST N (A/C R 12670); 10 4TH ST N (A/C R126690); 0 2ND AVE N (A/C R12668010); AND, 16 4TH ST N (A/C R126710), WITHIN AN RP (RESIDENTIAL PROFESSIONAL) ZONING DISTRICT (CURRENTLY ZONED RML AND GOING THROUGH THE REZONE PROCESS). THE APPLICANTS STATE THAT DUE TO UNIQUE SITE CIRCUMSTANCES AND SLOPE DIFFERENTIAL THE 30 FT HEIGHT LIMITATION IS IMPRACTICAL FOR THE PROPOSED TWO-STORY (40 FT) UNIO IDAHO RECOVERY CENTER FACILITY.
VAR 385-08



1 inch = 500 feet

Unzoned

Unzoned

Unzoned

Exit 35

I 84

NORTHSIDE BLVD

W RAILROAD ST

N BROADMORE WAY

BARBARA ST
ANN ST
E GAROL ST

5TH ST N
6TH ST N
1ST AVE N
2ND AVE N
3RD AVE N
4TH ST N

300

427

310

212

300

323

423

515

406

411

2101

2001

2015

1924

2008

700

1815

310

304

650

48654

1507

16

17

21

25

29

33

37

41

45

49

53

57

61

65

69

73

77

81

85

89

93

97

215

25

29

33

37

41

45

49

53

57

61

65

69

73

77

81

85

89

93

97

101

105

109

113

117

121

125

129

133

137

141

145

149

153

157

161

165

169

173

177

181

185

189

193

197

201

205

209

213

217

221

225

229

233

237

241

245

249

253

257

261

265

269

273

277

281

285

289

293

297

301

305

309

313

317

321

325

329

333

337

341

345

349

353

357

361

365

369

373

377

381

385

389

393

397

401

405

409

413

417

421

425

429

433

437

441

445

449

453

457

461

465

469

473

477

481

485

489

493

497

501

505

509

513

517

521

525

529

533

537

541

545

549

553

557

561

565

569

573

577

581

585

589

593

597

601

605

609

613

617

621

625

629

633

637

641

645

649

653

657

661

665

669

673

677

681

685

689

693

697

701

705

709

713

717

721

725

729

733

737

741

745

749

753

757

761

765

769

773

777

781

785

789

793

797

801

805

809

813

817

821

825

829

833

837

841

845

849

853

857

861

865

869

873

877

881

885

889

893

897

901

905

909

913

917

921

925

929

933

937

941

945

949

953

957

961

965

969

973

977

981

985

989

993

997

1001

1005

1009

1013

1017

1021



1:1,198

Northside Blvd

322

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

312

310

308

306

304

302

300

298

296

294

292

290

288

286

284

282

280

278

316

314

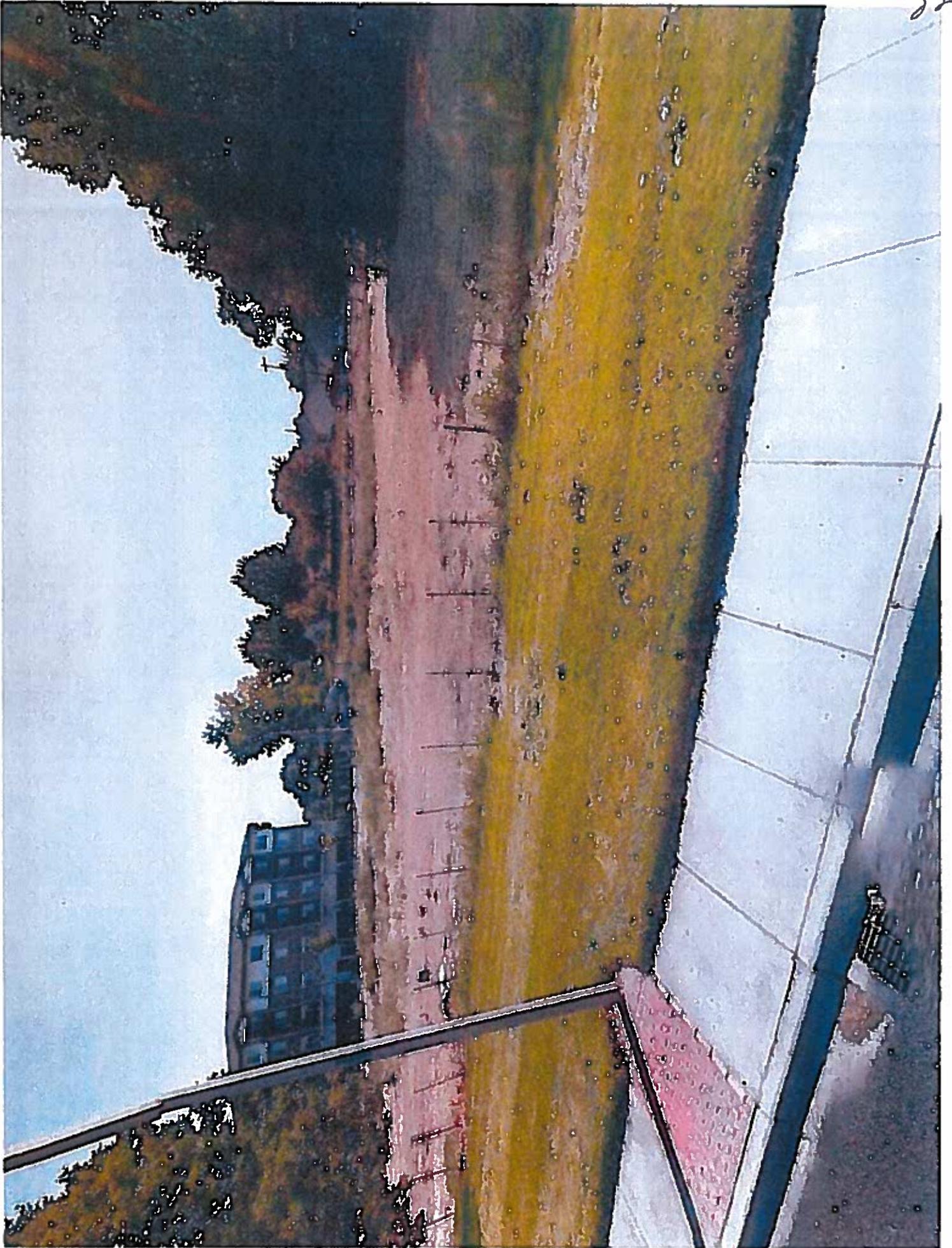
312

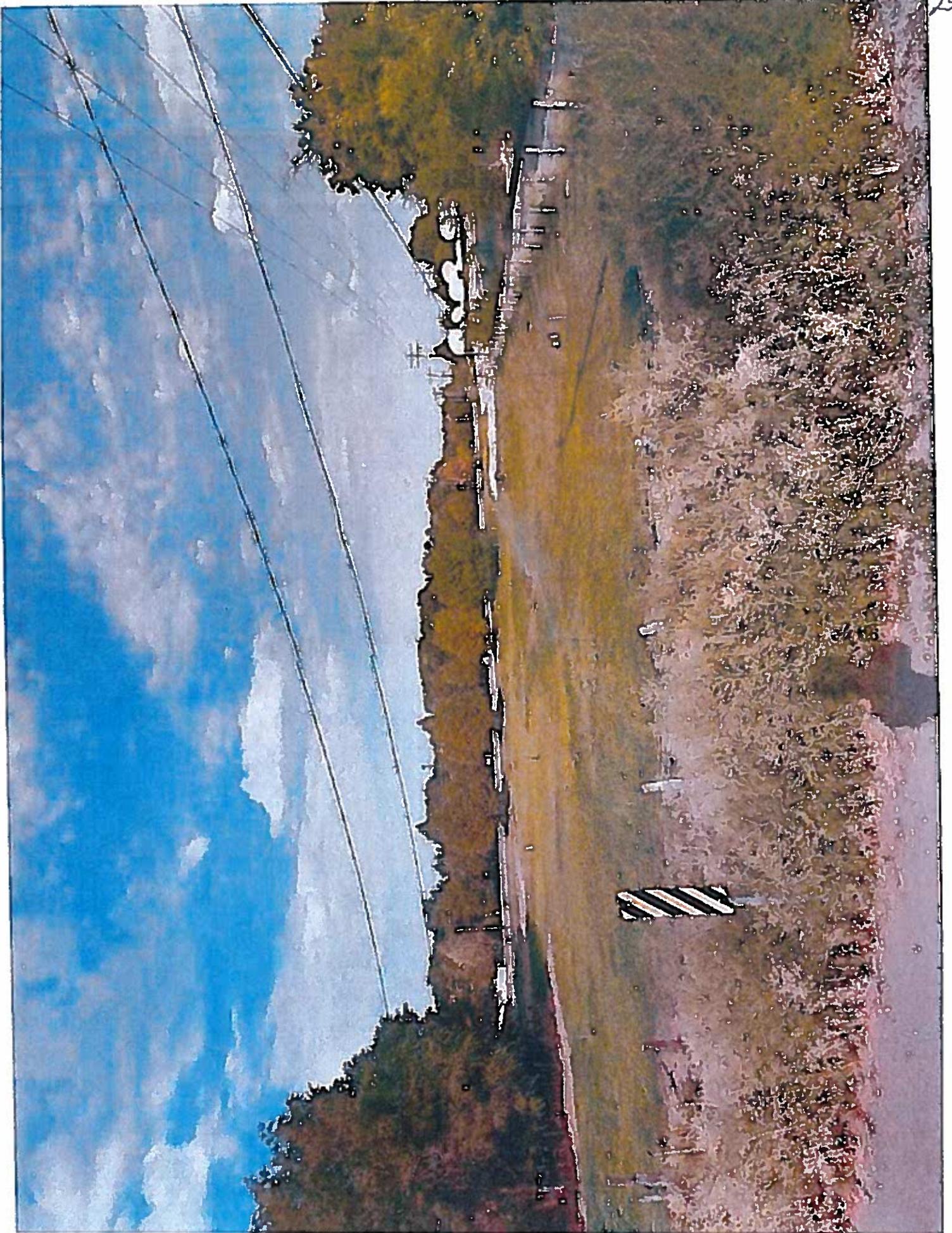
310

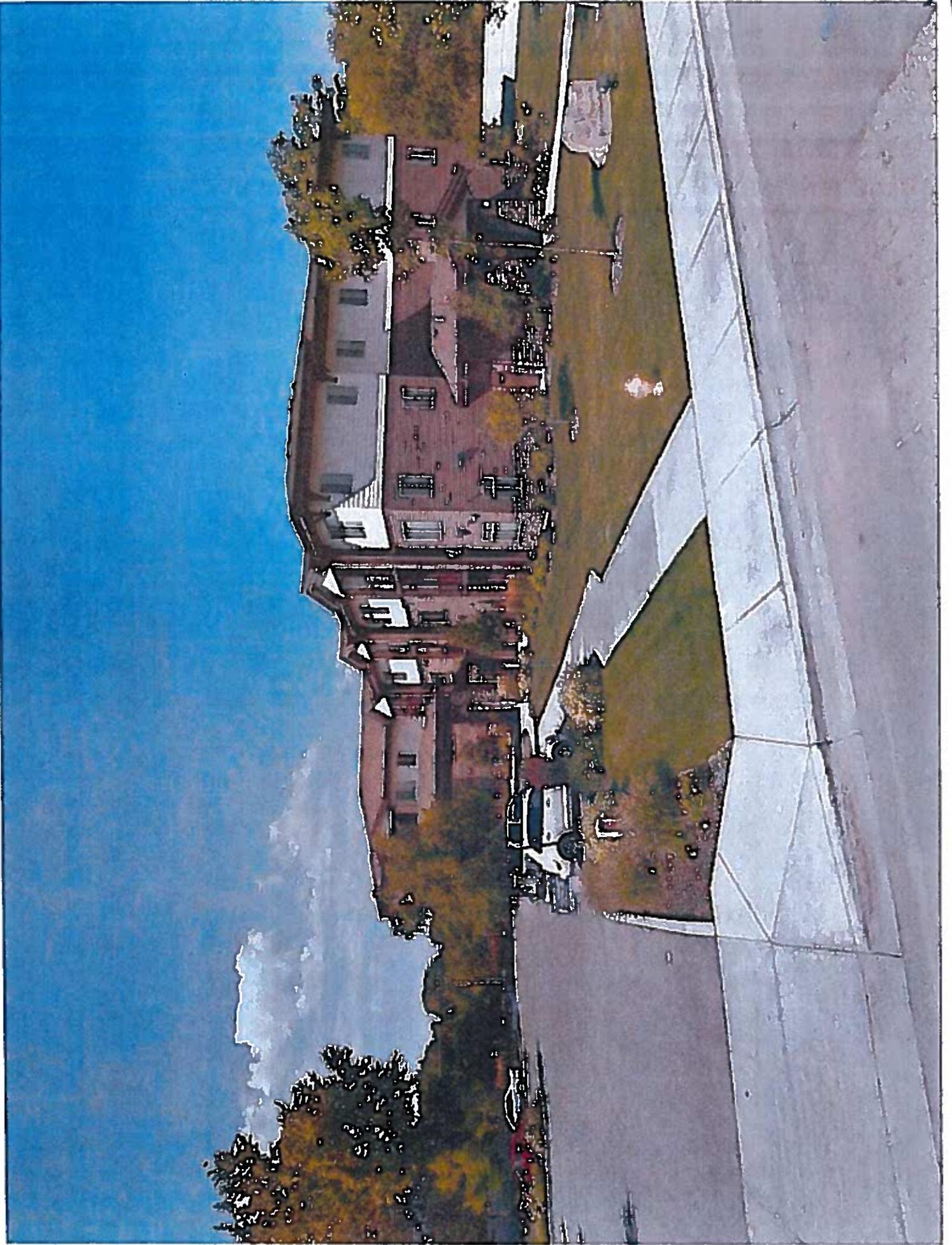
308

306

304







PUBLIC HEARING #5

2016 – 2017 FISCAL YEAR BUDGET

THIS WILL BE PRESENTED AT THE BENCH