

City of Nampa
Regular Council Meeting
September 6, 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 Mike Rice, Lakeview Bible 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 5, 2016 and August 15, 2015
- 2) Airport Commission Meeting – N/A
- 3) Nampa Bicycle and Pedestrian Advisory Committee - N/A
- 4) Board of Appraisers Minutes – N/A
- 5) Planning & Zoning Commission Meeting - N/A
- 6) Library Board Meeting – N/A
- 7) IT Steering Committee Meeting – N/A
- 8) Bills – N/A
- 9) The City Council Dispenses With the Three (3) Reading Rule of Idaho Code § 50-902 for all Ordinances
- 10) Final Plat Approvals
 - a) None
- 11) Authorize Public Hearings
 - a) None
- 12) Authorize to Proceed With Bidding Process
 - a) East Greenhurst Road, Stoddard Path Signals Project
- 13) Monthly Cash Reports
- 14) Resolutions – Disposal of Property With Value Under \$1000.00
 - a) None
- 15) Licenses for 2016-2017 (*All Licenses Subject to Police Approval*): None
- 16) Approval of Agenda

Communications

- 17) None

Staff Communications

- 18) Staff Report – Michael Fuss

Unfinished Business

- 19) Resolution for Comprehensive Plan Future Land Use Map Amendment from General Commercial to High Density Residential at 347 W. Orchard Avenue for Dean and Daren Anderson
- 20) First Reading of Ordinance for a Rezone from RML and RS 6 to RMH at 347 W. Orchard Avenue for Dean and Daren Anderson
- 21) First Reading of Ordinance Amending the Area of Impact

New Business

- 22) First Reading of Ordinance Amending Title 2, Chapter 5, Sections 2-5-1, 2-5-2, and 2-5-3, Pertaining to the System of Personnel Administration
- 23) Authorize Summary of Publication for Preceding Ordinance

- 24) Award Bid and Authorize Mayor to Sign Contract for the Kings Road PRV Project
- 25) Award Bid and Authorize Mayor to Sign Contract for the Storm Water Repairs – 67 Peppermint Project
- 26) Award Bid and Authorize Mayor to Sign Contract for the Pedestrian Improvements Near Skyview High School Project
- 27) Declare 129 2nd Avenue North as Surplus Property
- 28) First Reading of Ordinance Changing the Street Name for a Portion of North Midland Boulevard to North Merchant Way
- 29) First Reading of Ordinance Amending the 2015-2016 Budget

Public Hearings

- 30) Renaming of North Midland Boulevard to North Merchant Way
- 31) Amending 2015 – 2016 Fiscal Year Budget
- 32) Modification of Zoning Development Agreement Between Dan R Turner and City of Nampa Amending the Recitals, Conditions, and Conceptual Plan to Provide for Revised Multiple Family Residential Site Development Plan and Building Design; Variance to 10-22-6-B Requiring 2 Off-Street Parking Spaces Per Dwelling Unit Plus ADA Parking Space and 10-12-5-E Requiring an 8 Feet Set Back, Plus 5 Feet of Additional Setback for Each 10 feet in Height Over Which a Building Exceeds 3 Stories or 30 Feet for Property Located at 921 E. Colorado Avenue for Shannon Robnett Representing Scott Thompson, Crane Creek Investments LLC
- 33) Modification of Annexation/Zoning Development Agreement Between Northwest Development Company, LLC and City of Nampa to Allow for a Rezone From RMH to RS 6; and Rezone from RMH to RS 6 for Glen Rimbey
- 34) Variance Request to 10-10-6-A Requiring a 7,000 Sq. Foot Minimum Lot Size and a Variance to 10-22-1-C Requiring Two Off-Street Parking Spaces for Each Living Unit Located at 2016 Lexi's Lane for Ed Parnell
- 35) Zoning Map Amendment from RS 8.5 to RA at 17155, 17175, 17225, 0 Star Road and 0 Cherry Lane approximately 27.069 Acres for John Low
- 36) Zoning Map Amendment from GB 1 to GBE at 16200 Idaho Center Blvd A 55.24 Acre Portion for the City of Nampa
- 37) Amending Title 10, Chapter 3, Section 10-3-1 and 10-3-2 Relating to Land Uses in the GBE (Gateway Business Entertainment) Zone; Amending Title 10 Chapter 4, Sections 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9, and 10-4-10 Relating to Establishment of the GBE (Gateway Business Entertainment) zone; Amending Title 10, Chapter 22, Sections 10-22-1, 10-22-4, and 10-22-6 Pertaining to Parking in the GBE (Gateway Business Entertainment) Zone.
- 38) Amending Title 5, Chapter 2, Section 5-2-25; Amending Sections 10-1-2, 10-1-3, And 10-1-18, Amending Title 10, Chapter 1, Section 10-2-8, Deleting and Replacing Title 10, Chapter 3, Section 10-3-9, Deleting and Repealing Title 10, Chapter 7, Section 10-7-10, Amending Title 10, Chapter 8, Section 10-8-6, Amending Title 10, Chapter 10, Section 10-10-6, Amending Title 10, Chapter 11, Section 10-11-5, Amending Title 10, Chapter 12, Section 10-12-5, Amending Title 10, Chapter 13, Section 10-13-5, Amending Title 10, Chapter 16, Section 10-16-5, Deleting And Repealing Title 10, Chapter 21, Sections 10-21-6 and 10-21-7, Amending Title 10, Chapter 22, Section 10-22-5, Amending Title 10, Chapter 23, Section 10-23-20, Amending Title 10, Chapter 25, Sections 10-25-6, 10-25-7, and 10-25-13, Planning and Zoning

Adjourn

Next Meeting

◆ **Regular Council at 6:30 p.m. – Monday, September 19, 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

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

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

Mayor Henry amended the agenda by removing item #3 under new business - Authorize the Rejection of all Bids and Republish an RFP for the Acquisition of Body Worn Cameras; and by adding item #13 Approval of New Contract with Neurlink for the Nampa Fire Department under New Business.

MOVED by Haverfield and **SECONDED** by Skaug to **approve the Consent Agenda with the above mentioned amendments; Regular Council Minutes of June 20, 2016; and Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; and Airport Commission Minutes; Planning & Zoning Commission Minutes; Library Commission Minutes; IT Steering Committee Minutes; department reports, bills paid;** The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **final and preliminary plat approvals:** 1) River Meadows Subdivision No. 4 on the west side of S Happy Valley Rd north of E Locust Lane. (Located in the SE ¼ of Section 1 T2N R2W BM -52 lots on 13.51 acres, 3.85 lots per acre), for Corey Barton Homes, Inc.; 2) Granite Basin Subdivision No. 4 on the north side of Lone Star Rd. North of Granite Basin Subdivision No. 1 (Located within the SE ¼ of Section 20 T3N R2W BM -25 lots on 6.82 acres, 3.67 lots per acre) for Hubble Homes; 3) Subdivision Short Plat Approval for East Florida Subdivision in an RS-6 zoning district at 1616 E Florida Ave. (2 single family residential lots on . 72 acres, 2. 78 dwelling units per acre -A portion of the NW ¼ Section 35 T3N R2W BM), for Blake Wolf; and **authorize** the following **public hearings:** 1) 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. (A 1.52 acre portion in the SE 1/4 Section 34 T4N R2W, Lots 1 and 2, Block 1 of Frosty Acres Subdivision), for Mark L Hess, representing Jerry Hess; 2) Rezone from IP and BC to IL at 415 N Kings Rd. (A 2.18 acre portion in the NE 114 Section 23 T3N R2W, Plat A, Tax 16156 in Lot 1, for West Valley Construction, representing H M Clause, Inc.; **Approve the following agreements:** 1) None; **Authorization to Proceed with the Bidding Process:** 1) Indian Creek Pathway Maintenance Project; 2) Well 5 Upgrades Project; Monthly Cash Report; **Resolutions – Disposal of Property with Value Under \$1,000.00:** 1) Police Department Vehicles; and **2015-2016 Licenses:** (all licenses subject to police approval): **None; approval of the agenda.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

Kelli Fairless with Valley Regional Transit (VRT) did a presentation on Valley Regional Transit, we are the regional public transportation authority. We were formed by citizen referendum in 1998 or 1999 officially is when the board started meeting. We are accountable to local governments and that's is why we rely on local governments for our funding and that is the reason that I am here today to discuss the possibility of reducing funds to Valley Regional Transit and what the effect of the decision maybe.

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The Nampa services are thru Nampa and Caldwell are connected together in a single route that has actually has a few buses on it to try to create the frequencies we are just about to shift some of the service from one of our services that will go away in Canyon County and be able to offer a thirty-minute frequency in between Nampa and Caldwell and then an hour frequency n the south and north of Nampa and then an hour frequency kind of what we call our bowties on the other end. Those are the services that are scheduled to into effect in August. That came about from originally we lost service in 2010 due to some budget cuts, right after the recession and so we ended up pulling one of the buses off that local Canyon County route, which was about 33 hours of service.

Two years before that service cut we had about 36% increase in ridership between 2008 and 2009 and 2010 right after the service cut we saw a drop in ridership of about 8.5% and in 2013 we started to see the ridership comeback. This year we are planning on restoring that route not by adding budget but taking and reallocating other hours of service from unproductive routes to that.

We were anticipating actually seeing an increase in ridership this year and I also know that there were some questions about the ridership and the drops in ridership. One of the things that we have been evaluating is our fairbox system. We just in this last week have looked at even the collection of revenue over the last couple of years, because the ridership drops seem so drastic. One of the issues that we have with our Canyon County system is there are several fairboxes that are way beyond their useful life and they are scheduled to be replaced this year. They are causing data issues and when we moved into the facility at Happy Day Transit Center we lost a lot of data and we think that there is an issue with the way the ridership is being calculated. We did have the operations folks go back and look at because they are telling us that they are collecting the same amount of revenue and you can't collect the same amount of revenue and have drops in ridership unless you are getting your passengers to pay 25% more every time that they board. There is definitely something wrong with data. The revenue has been pretty steady for the few years. I don't think that the ridership reductions that the reports have been showing are accurate and we are working on that issue.

Kellie explained how the action of council would effect the bottom line.

Requested	
VRT regional	\$35,297
Fixed line (local & intercounty routes)	\$310,899
Nampa Allocation	
VRT regional	\$27,812
Fixed line (local & intercounty routes)	\$275,118
Total cut	\$42,466

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Our system is heavily reliant on Federal Funding, so for every dollar of local money we get \$2.00 of Federal Money

Reduction \$42,466 = \$106,000

As we think about how that effects us going forward we are not just talking about cutting the budget by \$42,000 we are actually talking about cutting the budget by \$106,166.

Councilmember Skaug talked about the actual reduction from the City is \$22,000 from the City.

The City of Nampa has kept their portion flat even though the cost have increased. This is according to our budget is what we would need from the City of Nampa in order to operate at the level of service that would keep us just with the existing level of service. We are factoring in what we know that it is going to cost us to operate the service. We can't continue to operate without seeing those increases that we are requesting.

Councilmember Skaug state that gas prices have gone down and riderships has gone down so why is more expensive to run?

They do not use regular fuel on the services it is compressed natural gas and those prices have not gone down to the same level as fuel prices.

Councilmember Bruner asked questions about the federal funding drop.

Kelli went over the different scenarios for cutting the amount of funds on each of the different routes. The reduction would be equivalent to about \$87,453 for bus services. Cutting Nampa services seemed the only fair way to go about changing the routes.

The Federally funded transit projects were discussed that have been going on in South Nampa. The projects must be within a ½ mile of a bus route in order to be eligible for Federal dollars. If we lose the transit in specific areas, then it would lead the Transit System to not want to invest in those bike and pedestrian.

Councilmember Skaug asked about if the Federal Government could request money back and if the numbers that have been given on the number of riders is accurate.

We have not been able to do the capital investments that we need to do so we do have some bad data. The data is telling us that there are people on the buses.

Councilmember Bruner asked about the charges to municipalities and how it is calculated.

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Kelli went over the different formulas that it takes to get the end results. We would need a month to do a more detailed analysis to get to see what a route with 5 hours less would really look like. Late August we would come back with a service reduction analysis and recommendation. We would have to do an open public comment period since this would be a major reduction because we are recipients of Federal funds we do have to do a public process. We would also have to do a title 6 or civil rights impact analysis so we have evaluated the effect if those changes on low income and minority populations and then we would do an open house and public hearing about mid-September. The Valley Regional Board would review and finalize any changes at the September 28 meeting. Once we get the service changes figured out it takes two months to get everything implemented it would be mid-November before anything would go through.

Mayor Henry had questions on the projects that this would effect.

Councilmember White asked about the routes that would be closing.

Councilmembers asked about funding that is received and the fares. (no private funding just local funding and federal funding)

Councilmember Skaug said that Council is not voting to get rid of Treasure Valley Transit just kicking the tires a bit because we see these empty buses. In 2010 did the City cut the funding to Valley Ride. (in 2010 we were told by all the local governments that they would not increase, after the recession about 2009 by the middle or end of 2010 we had held everything constant and in order for us to continue service we had to either cut service those cuts were made so that we could maintain the same funding levels that we had prior and be able to continue to operate the most effective service possible)

No funding has been cut since 2010. Some ridership is down due to the price of fuel. When the price of fuel was going up the ridership was going up now that fuel prices have lowered the ridership. The cuts in ridership, the drops in ridership have not been as severe as they may have appeared in the data.

Councilmember Raymond asked questions about going to a smaller vehicle

We have pretty small vehicles in the Canyon County system and I think that is a perception that they are empty. I do know that the way that the routes are designed you will have people getting on and off the bus and you won't necessarily, we want the bus to be that way, we want there to be people getting on and off, we have two way routes so that, it is hard to describe without really looking at the system map. The way the routes used to be was big loops and if I got on one part of the loop I rode around for 45 minutes and there might be lots of other people riding around on that bus and you look in that bus and you would see lots of people in it. The way these routes are

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designed it is for short trips where somebody will get on and they might go three stops and get back off or they might get on the other side of the street and go the other way. A lot of the perception of empty bus is really a perception and it depends on the time of day as well. The average passengers per hour would indicate that people are riding on the busses and that they are not empty.

We operate the busses for the peak hour just like you would design a road. 80% of the costs come in the labor.

Councilmember Skaug asked the percentage that each person takes is subsidies by Federal and Local tax payers, the state doesn't really contribute anything. What is that percentage for each rider. (it is about \$6 a trip and the passenger pays about a \$1 of that, when we look at our average fairs they tend to trend a little lower because of individuals with disabilities and a Medicare card holder can ride for 1/2 fair) I am sorry I didn't get that but in the past I have been told that it is 93% for each ride. Why doesn't valley Ride seek private funding.

We do a lot of outreach with employers will purchase rides for their employees and we have contract with organizations, like Boise State and CWI all of their students, faculty and staff are able to ride the service so we figure out how many passengers that is and they contribute and we also have the similar with some of the school districts the St. Lukes and St. Als and other other employers as well. (are there Nampa business that contribute also) I don't know right of my head.

Councilmember Skaug asked if you had private contributions of \$22,000 or the \$40,000 would that count towards the federal grant match (as long as its not based on passenger fairs)

There isn't very many systems that are privately funded in the country. It is considered a public infrastructure in most communities and that is typically how they do it.

Mayor Henry opened a **public hearing** for **Matter of Sale via Public Auction of Real Property** Located at **1710 Middleton Road**, Nampa, Idaho, With Minimum Price Set for Parcel A at \$3,576.00, Parcel B at \$2,247.00, Parcel C at \$5,670.00 and Parcel D at \$285.00.

Michael Fuss presented a staff report explaining that on June 6, 2016, City Council declared four (4) portions of property as surplus (see Exhibit A) and not used for public purposes and should be offered for sale as follows:

<u>Minimum Price</u>	
Parcel A	\$3,576.00
Parcel B	\$2,247.00
Parcel C	\$5,670.00

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Parcel D \$ 285.00

City Clerk published summary of action taken and notice of public hearing of proposed sale in official newspaper 14 days before the date of public hearing.

After public hearing, and if passed by Council, property will be sold at public auction.

Notice of auction will be published in official newspaper 14 days before sale of property.

Notice of auction will be sent directly to adjacent property owners.

Public auction will be scheduled for Thursday, July 28, 2016, at 9:00 a.m. in City Council Chambers.

If no bids are received, the City shall have the authority to sell the property as it deems is in the best interest of the City.

Councilmembers asked questions of staff.

Those appearing with questions were: Terry White, 2427 Pieces; Laura Watson, 12514 West Medalist Drive, Boise; Cheryl Lopez, 2423 Pieces;

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

Michael Fuss presented a rebuttal.

MOVED by Haverfield and **SECONDED** by White 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**

Council asked if the City was bound by law to sell the property by public auction (yes) and if the amount could be changed (yes).

MOVED by Bruner and **SECONDED** by Haverfield to **authorize sale of four (4) portions** of property located at 1710 Middleton Road, Nampa, Idaho, to be sold at public auction with minimum price set of \$1.50 per square foot. The Mayor asked for a roll call vote with Councilmembers Skaug, Levi Haverfield, Bruner voting **YES**. Councilmembers White and Raymond voting **NO**. The Mayor declared the **MOTION CARRIED**

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Mayor Henry opened a **public hearing** for a **vacation** of 7 foot of the 12-foot easement on the east side of 6866 East Roxi Cove Court located within the RS-8.5 zoning district, on the north side of Cherry Lane, east of 11th Ave N. Vacation of the easement has been requested in order to fit the house on the lot, due to easements on all sides of the corner/cul-de-sac lot. The applicants also own the adjacent lot to the east. For Caron Dennet, representing Kevin G Lloyd.

Caron Dennet , 3702 East Presidential, Meridian, presented the request.

Planning and Zoning Assistant Director Robert Hobbs presented a staff report explaining that applicant Caron Dennett representing Kevin G Lloyd is asking for a A seven feet (7') wide/deep [triangular] section of a twelve foot (12') easement on the east side 6686 E. Roxi Cove Court (Lot 17, Block 1 of Coyote Springs Subdivision) located within a RS 8.5 Zone on the north side of Cherry Lane, east of 11th Avenue North Extended. The Applicant(s) state they are requesting Vacation of a portion of the easement in order to fit a house on Lot 17 which is constrained by virtue of being a cul-de-sac lot and, correspondingly, having easements on all of its sides that restrict the size of the lot's building envelope.

Respecting easement vacation requests, our code states that,

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,

General Information/narrated findings

Easements, in part, provide a superior right of land use or access to a beneficiary. Easements are distinct from "setbacks" -- though having a similar effect [sometimes] in establishing areas wherein structure construction is not allowed. In the case of subdivisions developed in Nampa, easements of varying dimension are routinely reserved by the City around the periphery of their lots to protect drainage, grading, and utility line interests.

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

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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)).

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.

The Property is circumferentially encumbered by easements. The Applicants are petitioning to be allowed to build a house on the Property, with one corner of the same projecting into a twelve foot (12’) wide side property easement (see attached Exhibits) some seven feet (7’). No set criteria govern the appropriateness of a vacation request; the decision being left to the discretionary judgment of the authority hearing the request. The need to protect an easement to serve a public (or other vital or prevailing interest) may serve as rationale to reject a vacation proposal.

The Engineering Division of the City of Nampa administers the protection of subdivision easements. Their representative has indicated that they are not opposed to the vacation request, as the easement does not contain a utility (e.g., pressure irrigation pipe). Other responding agencies/departments also have voiced “no opposition” to this proposal. Staff notes that the required zoning setbacks appertaining to the Property are still being adhered to by the Applicants’ concept building site plan (see attachment), notwithstanding the Vacation request/proposal.

No public comment has been received regarding this matter. All agency and/or department comments bearing on this matter that were provided to our office by the time this report was ready to go to print (12 noon, June 29) are hereafter attached.

Recommendation:

Approve the application request as presented

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

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MOVED by White and **SECONDED** by Haverfield 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 Haverfield and **SECONDED** by White to **approve** the **vacation** of the 7 foot of the 12 foot as written easement on the east side of **6866 East Roxi Cove Court** for **Kevin Lloyd** and authorize the City Attorney to draw up the appropriate Ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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

Update to Credit and Latecomer Policies Development - As previously reported to City Council on April 4, 2016, the City has contracted with J-U-B (JUB) Engineers, Inc., and Financial Consulting Solutions (FCS) Group to provide meeting assistance and technical expertise for policy development to update its water, sewer, and irrigation latecomer/credit/reimbursement policies. Staff, City consultants, and Nampa builders and developers have formed the Nampa Reimbursement Policy Committee (Committee) to facilitate these updates. The following summarizes activities to-date:

- A kickoff meeting was held on May 25 which included an introduction by City staff to explain the background and history of City policy and to generally establish the Committee's goals, schedule and outcomes
 - The kickoff meeting included a discussion of definitions, legal parameters, specific goals, what other municipalities do and the pros/cons of each, an open discussion of what is working, what is not working, what do we want to avoid, and what we want to accomplish
- The second meeting was held on June 15 which recapped and reaffirmed the Committee's goals for a reimbursement policy. Those goals are: predictable, consideration of risk to all parties, some flexibility for unique situations, incentive areas, equitable and balanced, legal, clear and concise, easily administered, does not encourage sprawl, and is transparent. More specific aspects were discussed that will form the sideboards for beginning development of a draft policy. These specific discussion items included:
 - What elements of a developer's infrastructure costs are eligible for reimbursement (e.g., easements, permits, design, construction, other)
 - What are the benefit areas associated with water, sewer, and irrigation installations

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- What is the timing and process for payments from benefitting developers and payment to originating developers
- The next Committee meeting is scheduled for July 13, at which time a draft set of key policy items will be presented and vetted amongst the group

Update to 2016 Street Division Chip Sealing Campaign – Major fog sealing in Zone A1 and Zone A2 is now 75% complete. The following roads are finished: Franklin Boulevard, Elm Lane, Prescott Lane, Cherry Lane, Birch Lane, 11th Avenue North, East Karcher Road, North 20th Street, and Fargo Road. Roadways to be completed by June 30 are: 16th Avenue North, 3rd Street North, 1st Avenue North from East Railroad Street to Northside Boulevard, 6th Street North from 1st Avenue North to Northside Boulevard, Northside Boulevard from the interstate off ramp to City limits, Broadmore Way from Northside Boulevard to Indian Creek, and West Railroad from Broadmore Way to the Wastewater Treatment Plant. Crews are continuing to sweep excess chips and will continue to do so the remainder of the week. Estimated cleanup (sweeping) date of completion is June 28. Fog sealing will be 100% complete on June 30, in approximately the same order of Zone A chip sealing. Thermoplastic application and paint striping is estimated to be completed by July 28. In the event of mechanical issues or inclement weather the schedule may be adjusted as required. Staff provides daily updates to the City website for citizens to review and track the progress. As this campaign takes all Street staff and resources, requests will be delayed until after completion, with the exception of an emergency.

Mayor Henry said that he is going to direct Mr. Holm to inform the following two applicants that there is a policy on the time for completion of the third reading and gather of the correct documents.

The third reading of the following Ordinance was postponed due to lack of supporting documentation.

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

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LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; AND DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Engineering Solutions representing Star Development Inc.)

The third reading of the following Ordinance was postponed at the request of staff.

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

The Mayor declared this the second reading.

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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 first 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 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 first reading.

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Mayor Henry presented a request for **discussion of Council decision on Valley Regional Transit cuts.**

Mayor Henry gave a report on the cuts and the ramifications that would take place. One of the frustrations is that it is Valley Regional Transit. This transit system that is used by the Treasure Valley and when you take a cog and reduce funding it effects the Treasure Valley. I have talks with some of the other Mayors and there is a pretty high level of frustration because it can affect them because of what we are doing and I guarantee you when we have the public hearings we are going to have lots of discussion and lots of frustration heard but atop from that, when I look at the projects that we would probably lose, apart from potentially having to reimburse the Feds \$125,000, I don't know about you but that really sticks in my craw. Those improvements at Skyview, Nampa High and Amity are important safety improvements and if we do these cuts those projects are going to go by the wayside from what I heard and that is not good for Nampa. We could do nothing and we will just keep moving forward – we have approved the budget with that change and as long as we don't increase the budget, if there was a motion to not fund the fuel tanks this year and to reinstate the funds to VRT for that same amount would we be okay.

Finance Director Vikki Chandler explained that the funding is a different source so if you decide that you want to fund VRT it is a different fund we have to increase General Fund whereas the . . they were out if the same fund.

Councilmember Haverfield said not to belittle VRT, I see the importance of funding the fuel tanks, simply because if we had a fire where a fire engine ran out of gas and was not able to work properly. I think that it is one instance in a major structure fire where we can't sustain a vehicle that is providing emergency support for the occupants of that building that is all it takes and one person being lost would be negligent on our part for such a minimal value that we can in this budget take care of it and that is important to me. How we get to that point as far as funding that, I am not willing to step away from that funding requirement.

Mayor Henry explained that building was a vacant building, they were just containing, we were not talking about a house fire, or something where there were occupants, this was a vacant building that they were (talking over one another)

Councilmember Haverfield said to carry that thought through it was not just to fight a fire it was in the event of a major power failure in our grid and them being able to run emergency generators for a period of time after the fact, for them to try and find a fuel source that they don't control, we pretty much cut off there having their own fuel depot and in this proposal into two containers that they would be able to control. I think that it is still important to me. All I am saying is it has nothing to do with VRT at this point. If we choose to find a funding source for that emergency need, that is important to me.

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Mayor Henry asked Vikki if we reinstate VRT funds but we kept the fuel tank we are increasing the budget and that causes concerns at this time. (we would have to find the funding and change the budget)

Councilmember White said that when I had discussion with Vikki about the decisions that were made and when the budget came down to us and that sort of thing. Because we were handed a balanced budget that was a first time for me in nine or ten processes so my very first thing to her was all of the department heads were health and life safety and she said that the discussion and haggling and the back and forth and it took place and the things that were prioritized and that included the life and health safety did you not say that to me (I did) because then I had a good feeling that department heads new the need and the degree of the need for the department there. We had that last year it came before us last year and there was some haggling that went on and that went away in last years budget as well and I can't remember what the exchange was in that one, but I believe that with the things that came forward in that budget and with. We realized the importance of it but I believe the process in the balance budget that we received that the discussion was had and had it been a priority urgent health life safety for our department and the members of our departments and our citizens that it would have been prioritized.

Mayor Henry said what would we do we are out at a fire call the truck is running low on fuel and we don't have these tanks what is plan B.

Doug Adams Fleet Supervisor said that there is no plan B that is part of the issue and that was exposed in that Mercy fire. The City had no emergency fuel contingency protocol it doesn't exist. What we were able to do was between the water division and thanks to Keith Begay and his guys and the street division thanks to Don Bar we were able to cobble together a fuel transport we had a vehicle that had a diesel fuel tank on it that is intended to refuel the chipper and we got that out there and got the engine up and running again. We don't have a plan B.

Mayor Henry asked about budget amendments if it is determined in the 2017 budget that this is something that we really do need, finding the funding we could fund this in fiscal year 2017. If we took funding off now for the budget that is presented money could be found later on and could be funded by a budget amendment.

Vikki Chandler said that she would like to ask why we would we do it later rather than now. If we are trying to move forward with a balanced budget and we want to fund VRT and the emergency tanks it seems that we could, we should look for a way to do that now, if the money is going to be there later it should be there now.

Mayor Henry said it has been my experience over the years things come in above budget, below budget and toward the middle of the year there is funds that have not been designated because of that. (true) so we might be able to do that without trying to cut something. This is something if

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you ask Michael, I understand the need I am not disagreeing with that but again but again to try to figure out a balanced budget tonight we don't need to because during the fiscal year 2017 I suspect in our budget we are going to be able to find \$43,000 at some point to fund that if that is still determined to be an important issue for Council.

Vikki Chandler said if we could do that in this current budget with what we have on hand now would that be satisfactory. With the current proposed budget. There might be a street project that is not going to be funded.

Michael Fuss said that there was a project that was funded that was recommended, actually approved for funding that was in the recommended for fund on 4th Street North but it was impact fee funded. The plan that was brought forward at initial budget estimated is built into the impact fee at about \$1M when we did the preliminary design if came in at \$1.8M so we actually asked that project not to be funded this year so we could go back to the impact fee study and get that full value in the impact fee agreement otherwise you would be collecting impact fees on a project for \$1M and spending it at \$1.8M budget level and that is why we had suggested that project not be approved. So it is in the budget as funded in the balanced budget projects. We would not recommend going forward with at this time because otherwise the impact fee funds would be underfunded. The impact capital fund would be underfunded. We are actually putting a presentation together now to give to the impact fee committee to increase that project that is in the capital improvement plan what it will result in is an increase in impact fees. It includes a match of \$200,000 in general fund or street fund.

Mayor Henry said we could divert \$43,000 from streets for the fuel tanks and then reinstate the VRT fund. We can fund it in 2017, we can reinstate the VRT and still come in with a balance budget without increasing it and actually the streets would end up with about \$160,000 that they would probably spend very quickly on another street project or something.

Councilmember White said that she liked what Councilmember Haverfield said about the fueling, my reasoning was and I am as passionate in what I said was I wanted to make sure that VRT gets the funding because I do not believe that whole south end of Nampa deserves to have the bus taken away and we can find a way to do both that is because it is unacceptable to me as a Councilman to see that route go away on the bus.

Mayor Henry said that Bruce, you bring up some good points and I appreciate that as you know that I am on the execute board of VRT and Sandy is on the board of VRT and trust me we will have discussions to get the number on the ridership and stuff in place and we are right in the middle of reanalyzing our routes. Our concerns are being made aware, we have a special board meeting called Monday to talk about this, Valley Ride Board meeting. There are some ramifications, unattended consequences that we need to look at and I would feel way more comfortable if we did this in a thoughtful process instead of arbitrarily picking numbers so we

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can fund the fuels. We can get the fuel tanks taken care of and we can reinstate Valley Regional Transit and we can actually put \$160,000 into the street fund balance of which is desperately needed as it has been dropping by about 20% a year.

Michael Fuss said to further connect the dots, I summarized all of the projects that are in the pile that are Federal Transit Authority funding and the total projects that are in the street fund to be funded into the streets are \$3.8M currently. That is to put it into perspective of the VRT if we were to lose those the streets would be worse, way worse off.

Councilmember Bruner asked what our time deadline for when we find out absolutely whether Federal Funding would be lost or not lost and it seems like we are pushing to get this done tonight and I personally am not ready to vote on it because there is not the information that we asked for.

Michael Fuss said well with respect to the VRT stuff I am not 100% certain but what I do know is that there are six projects on this list that we have confirmation of funding. We have received verbal information and we are supposed to have file information in 45 days. They are scheduled to have funded in September as a matter of fact you have one on the agenda this evening to authorize the bid.

Councilmember Bruner said that it seems to me that we are going to lose money for future projects. Is this all dependent on Nampa paying out this money or if you get this amount of money from other sources whether if be private, Caldwell, Middleton or whatever would there be Federal funding or is totally on what Nampa contributes.

Kelli Fairless said that it is isolated to Nampa because it is Nampa projects so Nampa would benefit from those transit projects. The only way that it would be on the backs of other jurisdictions is if your cut actually effected their service.

Councilmember Bruner said what Councilmember Skaug said my understanding is if is private funding if it is not designated funding for rider's overall contribution or donation or however you want to call it. My understanding from you is that would count towards Nampa and we would not have a reduction in those matching funds.

Kelli Fairless said if there was a private donor that provided that funding then, does that mean that we would have to go out and secure those funds or does the city of Nampa try to secure those funds (maybe a combination). I am just not aware of any system that operates.

Councilmember Haverfield said we are talking about \$43,000 we are looking at the potential of federal matching funds of \$1.4M that might be lost or will be lost. (if you don't have transit routes in south Nampa those projects will not be eligible to be funded) My initial response when

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I heard cut off south Nampa is like going to a doctor saying you can't run as fast you could so lets cut off one of your legs. It sounded like it was pretty drastic. So I am wondering if you have really analyzed which is the best way to approach if there was to be a systematic analysis of what we currently have. If I owned Valley Regional Transit as a business owner and I looked at the ridership and the decline, I would start looking at options to decrease my costs as was mentioned with a smaller vehicle or whatever, different times cutting back the number of routes or whatever. That seems to be pretty drastic as far as cutting off a leg as far as a way to get your attention, you got my attention but I didn't like it. It seems to be pretty drastic and maybe that is the only explanation that you can give us is that is the only thing that we do is to cut off south Nampa.

Kelli Fairless said that these are all conceptual and we would have to come back in August with a much more detailed analysis that would dig more deeply into those factors. I have to come up with 5 hours to be cut.

MOVED by White to return the funding presented in our balanced budget to VRT and add the funding for the emergency fuel capacity equipment and not fund the 4th Street North street project.

MOTION DIED FOR LACK OF A SECOND

There was discussion by council and Kelli Fairless.

MOVED by Skaug to approve the amount that was presented in the 2016 budget for VRT.

MOTION DIED FOR LACK OF A SECOND

MOVED by Skaug to grant 25% of the requested increase from VRT.

MOTION DIED FOR LACK OF A SECOND

MOVED by Haverfield and **SECONDED** by White to **approve the fiscal year 2017 funding request as originally proposed as long as it doesn't effect at all the fuel transport trailers that they will retain their funding as Vikki has outline for us to make that sure that is fully funded as originally funded and not fund the 4th Street North street project.** The Mayor asked for a roll call vote with Councilmembers Levi, White, Haverfield voting **YES**. Councilmembers Skaug, Bruner, Raymond voting **NO** the Mayor voted **YES** to break the tie. The Mayor declared the

MOTION CARRIED

The following Resolution was presented:

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Fleet Supervisor Doug Adams presented a staff report explaining that the six vehicles: 2 - 2002 Ford Crown Victoria's; 1996 Chevy Blazer with a blown up engine; 1989 Winnebago with issues; 2003 BMW Motorcycle; 2006 Animal Control Ford F250.

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

MOVED by Skaug and **SECONDED** by Haverfield 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 **27-2016** and directed the clerk to record it as required

MOTION CARRIED

The following item was removed at the request of staff request to **authorize the rejection of all bids and republish an RFP for the acquisition of body worn cameras.**

Mayor Henry presented a request for **award the bid and authorize the Mayor to sign a contract** for the **Midland Boulevard and Roosevelt Avenue** Intersection Project With Hawkeye Builders, Inc.

Michael Fuss presented a staff report explaining that as a result of increasing traffic congestion, driver delays and accidents, the intersection of Midland and Roosevelt has been identified for an intersection capacity improvement project (see Exhibit "A" Vicinity Map).

The Nampa Citywide Transportation Plan indicates the intersection warrants capacity improvements and recommends signalization.

The Final Draft Nampa Impact Fee Study and Capital Improvement Plan identifies Midland and Roosevelt as one of thirteen priority intersections recommended for Impact Fee funding.

The project includes the following improvements:

- Traffic signal to accommodate traffic lanes within the existing fully developed roadway width of Midland Boulevard and Roosevelt Avenue.
- Pavement surface repairs adjacent to the reconstructed curb and sidewalk areas.
- Signal interconnect conduit for future system wide communication and integration.
- Pedestrian facility upgrades to meet ADA standards.
- Updated pavement and cross walk markings.
- LED intersection lighting.

The City received two (2) bids from (see Exhibit "B" Tabulation):

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Hawkeye Builders, Inc.	\$702,757.00
Quality Electric	\$712,652.58

The project budget is \$900,000 (\$200k from Streets & \$700k from Impact Fee) and the estimated project costs are:

Design Engineering Contract	\$ 59,630.00
Construction Engineering Estimate	\$ 40,000.00
Construction	<u>\$ 702,757.00</u>
<i>Total</i>	<u>\$ 802,387.00</u>

A 70 calendar day contract time is anticipated.

Engineering Division has reviewed the bids and recommends award to Hawkeye Builders, Inc.

MOVED by Skaug and **SECONDED** by Haverfield to **award bid** and **authorize Mayor** to **sign** contract for the **Midland Boulevard and Roosevelt Avenue Intersection Project** with **Hawkeye Builders, Inc.** in the amount of **\$702,757.00** The Mayor asked for a roll call vote with Councilmembers Levi, White, Raymond, Haverfield, Skaug voting **YES**. Councilmember Bruner voted **NO**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **award** the **bid** and **authorize** the **Mayor** to sign a contract for the **UPRR Overpass Deck Repairs (Kings Road & Amity Avenue) Project With Pro Tech Coatings, Inc.**

Michael Fuss presented a staff report explaining that the Kings Rd. and Amity Ave. overpasses (see Exhibit "A") were identified as requiring maintenance during routine asset inspection in December 2014. The decks have been in service for approximately eight (8) years and are beginning to wear. Routine deck maintenance is an effective way to extend the useful life of the two (2) overpasses.

The project was designed by Keller Associates and consists of two parts, a sealer and an epoxy overlay. The deck rehabilitation has an estimated useful life of fifteen (15) years and a lower life-cycle cost than a full deck rebuild.

The City solicited formal bids for the project in accordance with I.C. § 67-2805(3) and five (5) contractors responded with the following bids:

1) ProTech Coatings, Inc.	\$244,106.40
2) Cannon Builders, Inc.	\$256,931.00
3) Braun-Jensen, Inc.	\$266,492.00
4) L&J Construction Group, LLC	\$283,182.00
5) Concrete Placing Company, Inc.	\$317,549.90

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The UPRR Overpass Deck Repairs (Kings Rd & Amity Ave) project has an approved FY16 Streets Division budget of \$243,694.

Design and Survey	\$ 38,585
Construction Bid	\$ 244,106
<i>Observation Estimate (8%)</i>	\$ 19,529
Total	\$ 302,220

Additional funding for the project will be covered by adjustments within the FY 16 streets budget.

Engineering Division staff and Keller Associates have reviewed and recommend awarding the bid to ProTech Coatings, Inc.

MOVED by Haverfield and **SECONDED** by Skaug to **authorize** the **Mayor** to **sign contract** with **ProTech Coatings, Inc.** to construct the **UPRR Overpass Deck Repairs** (Kings Rd & Amity Ave) project. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

The following Resolution was presented and a request to **authorize** the **Mayor** and **Public Works Director** to **Sign Professional Services Agreement** for **Final Design** of the **I-84 Karcher Interchange Project** with **Parametrix**.

Michael Fuss presented a staff report explaining that the Karcher Interchange on I-84 was constructed with only one continuous southbound lane on Midland Boulevard.

Council approved \$500,000 in the FY2016 budget focused on Midland Boulevard and Karcher Bypass near the I-84 Karcher Interchange.

Council approved a cooperative agreement with Idaho Transportation Department (ITD) in December 2014 to complete an Interchange Modification Report (IMR) as a required first step in improving traffic flow in and around the intersection of Midland Boulevard and Karcher Bypass. City and ITD staff selected Parametrix' proposal to accomplish this work. Staff anticipated that additional work would follow a successful IMR; that eventuality was accommodated in the solicitation process. The IMR was completed for a total cost of \$109,000.

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In March 2016, Council further authorized \$35,000 for the next step in creating a project to fund the required National Environmental Policy Act study. That study has now been submitted to ITD and the Federal Highway Administration for final approval.

Based on IMR recommendations and the NEPA study, ITD has created a new \$2.2 million project funded entirely by the state to implement the IMR recommendations.

Next step is to design the improvements (See Exhibit "A" graphic of proposed changes). This requires a cooperative agreement (See Exhibit "B") with ITD to define roles and responsibilities of the two agencies. A copy is attached.

The negotiated cost with Parametrix to complete design and prepare all bid documents is \$444,200. Added to the City's already-committed \$144,000, this exceeds the City's \$500,000 commitment by approximately \$88,000.

The Cooperative Agreement provides that ITD will pay all design costs after the City's existing budget is exhausted.

The Engineering Division recommends approval of the Cooperative Agreement and the Professional Services Agreement.

THE IDAHO TRANSPORTATION DEPARTMENT, HEREAFTER CALLED THE STATE, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE STATE AND THE CITY OF NAMP, HEREAFTER CALLED THE CITY, FOR IMPROVEMENTS AT THE KARCHER INTERCHANGE, MP 33.6; AND THE ROLES AND RESPONSIBILITIES OF THE STATE AND THE CITY ARE OUTLINED IN THE COOPERATIVE AGREEMENT; AND THE STATE CAN ONLY PAY FOR WORK ASSOCIATED WITH THE STATE HIGHWAY SYSTEM.

MOVED by Skaug and **SECONDED** by White to **pass** the **resolution** as presented and **authorize the Mayor and Public Works Director** to sign Professional Services Agreement for **final design** with **Parametrix** for an amount not to exceed **\$444,200**. The Mayor asked for a roll call vote with Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **28-2016** and directed the clerk to record it as required

MOTION CARRIED

Mayor Henry presented a request to **approve** and **authorize Public Works Director** to **Sign Deferral Agreement** for *street widening, curb, gutter and sidewalk* at **5480 Cherry Lane** for **Fellowship Baptist Church**.

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Councilmember Haverfield stated that he will recuse himself from the vote.

Michael Fuss presented a staff report explaining that Fellowship Baptist Church is building a new facility at 5480 Cherry Lane.

Per City Code Title 9 Chapter 3 Section 1 they are required to widen the road and install curb, gutter and sidewalk along their frontage.

Plans for the widening of Cherry Lane were submitted with the building permit application and reviewed and approved by the Engineering Division.

On June 17th the Engineering Division received the attached request (Exhibit "A") to defer the installation of the Cherry Lane frontage widening.

Currently there are not sections of Cherry Lane between Can-Ada and Star Road that have been widened (Exhibit "B").

If approved the Deferral Agreement (Exhibit "C") is recorded against the property and requires the property owner to install the deferred improvements at such time as they receive notice from the City as outlined in the agreement.

The Engineering Division has reviewed the request and does not oppose granting said request.

MOVED by Bruner and **SECONDED** by Raymond to **approve the Deferral** of *street widening, curb, gutter, and sidewalk* at **5480 Cherry Lane** for **Fellowship Baptist Church**. The Mayor asked all in favor say aye with all Councilmembers except Councilmember Haverfield who recused himself voted **AYE**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **authorize Engineering** to **proceed** with **formal bid process** for the **Pedestrian Improvements near Skyview Park**.

Michael Fuss presented a staff report explaining that the City, in partnership with Valley Regional Transit, Nampa School District and COMPASS was awarded Federal Funds to design and construct pedestrian safety improvements at Skyview High School on Greenhurst Road (see Exhibit "A" Vicinity Map).

Funding is through the Federal Transit Administration (FTA) grant program administered by Valley Regional Transit (VRT) under a subrecipient agreement authorized by Council on April 18, 2016.

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Council authorized a Professional Services Agreement with Paragon Consulting, for the design of the project, on April 18, 2016.

The project includes installing a Rectangular Rapid Flashing Beacon (RRFB) and illumination system at the intersection of East Greenhurst Road and the west entrance to Skyview High School. In addition to the RRFB, construction will include new sidewalks, pedestrian ramps, lighting, pavement markings and crosswalk striping.

Estimated project costs are:

Design Engineering	\$ 17,000.00
Construction Engineering & Inspection	\$ 5,000.00
Construction Estimate	<u>\$ 73,000.00</u>
<i>Total Estimate</i>	<i>\$ 95,000.00</i>

Funding is based on an 80% Federal (\$76,000) and 20% City match (\$19,000) from FY16 Streets.

While the City and VRT have met the requirements of "Pre-Award Authority" with funding obligation anticipated by September, 2016, funding is not guaranteed until obligated at the federal level. VRT reports that to date they have not had a Pre-Award fall through for any Subrecipient.

Construction is anticipated to begin in the late summer of 2016 with completion in the fall of 2016.

Engineering recommends proceeding with the formal bid process.

MOVED by Haverfield and **SECONDED** by Skaug to **authorize Engineering to proceed** with the **formal bid process** for the Pedestrian Improvements near Skyview High School Project. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request to **authorize the Traffic calming pilot program**.

City Engineer Tom Points presented a staff report explaining that the City of Nampa has received a letter from the Midsummers Lane Homeowners Association requesting traffic calming measures in their neighborhood. Midsummers Lane is located north of Cherry Lane between Madison and Franklin (see Exhibit A for vicinity map). Traffic Calming measures include medians, lane diversions, and or speed bumps designed to reduce speeding in residential neighborhoods and increase safety. The City has received several traffic calming requests in the past and anticipates more to come. The Engineering Division has drafted guidance to address

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this request and future requests. The Draft guidance is included as Exhibit B. Successful implementation of this program will require neighborhood participation and development of partnerships with the City. In order to qualify for this program the street must be residential with a posted speed limit of 30 MPH or less. The program is phased in three stages as follows:

Stage 1 – The neighborhood representative sets up a meeting to gain neighborhood support and then sends a letter to the Engineering Division to initiate a study. This stage includes the placement of automated speed-monitoring trailers, which display to drivers their “actual” speed to encourage their compliance with posted speed limits and increased law enforcement patrols. If these methods are ineffective then the program will proceed to Stage 2.

Stage 2 – The neighborhood representative will collect affected resident’s signatures committing to partially funding design, construction and maintenance of the selected traffic calming measures. This stage includes an engineering evaluation of speed data and crash history to be used in Stage 3.

Stage 3 – The Engineering Division will provide details of several traffic calming alternatives for the neighborhood to choose from. The selected traffic calming measure will be brought to the City Council for City funding participation.

The neighborhoods contribution will be 75% of the construction cost and the City will cover the remaining 25%. The City will design, bid, oversee construction and maintain the pavement, striping and signage. The residents or homeowners association will be responsible for the maintenance of landscaping, curb, gutter and sidewalks.

If the Council is agreeable, the next steps will be as follows:

1. Send the draft guidance to the Midsummers Lane Homeowners Association and ask if they would like to participate in our pilot program.
2. The guidelines will be revised based on our lessons learned in the pilot.
3. The guideline will be brought forth to the Engineering Development Process and Policy Planning committee for adoption as a new policy.

A new business item will be brought forth to the City Council asking for adoption as a new city policy.

MOVED by Skaug and **SECONDED** by Raymond to **authorize the pilot program**. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

Regular Council
July 5, 2016

Mayor Henry presented a request to **authorize the Mayor and Public Works Director to Sign Task Order for Consultant Services with Brown and Caldwell for Nampa Wastewater Program 2017 Facility Plan.**

Michael Fuss presented a staff report explaining that the City and the Wastewater Program Management Team (WPMT) have been progressing through the long-term planning for the Nampa Wastewater Treatment Plant (WWTP) based on the outcomes of the March 30, 2016, City Council workshop. The next step in this process is the completion of a facility plan for the Nampa WWTP.

The 2017 Facility Plan (Plan) will inform City decision-making related to capital planning and regulatory compliance requirements.

The Plan is funded with fiscal year 2016 approved budget, and fiscal year 2017 proposed budget, and is to be completed in the summer of 2017.

The primary elements included in the scope of services are:

- Capacity assessment of existing facilities
- Assessing the current condition of assets to determine remaining useful life
- Develop planning criteria based on updated service area and population estimates
- Perform wastewater treatment analysis to evaluate alternatives for upgrading the WWTP to meet regulatory requirements and growth
- Preparation of a Capital Improvements Plan (CIP) that will provide a clear timeline of the replacement and regulatory projects between 2017 and 2047
- Preparation of an Environmental Information Document (EID) to meet requirements of the Idaho Department of Environmental Quality (IDEQ)
- Submittal of a Facility Plan to IDEQ for their review and approval

The Plan is an important part of the next step in the wastewater program. Brown and Caldwell, and the WPMT have worked on the wastewater decision process for the past several years. In addition to temperature and phosphorus solutions previously explained, the Plan incorporates growth and needed ongoing plant asset management into an overall picture for the WWTP. Therefore, staff believes selecting Brown and Caldwell is a continuation of the good work performed to date.

City Staff and Brown and Caldwell have agreed upon a scope of work and fee for the 2017 Facility Plan in the amount of \$763,054 T&M NTE.

Staff recommends approval of the negotiated scope and fee with Brown and Caldwell.

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MOVED by Haverfield and **SECONDED** by Raymond to **authorize Mayor and Public Works Director to sign Task Order** for consultant services with **Brown and Caldwell** for the Nampa Wastewater Program 2017 Facility Plan in the amount of **\$763,054 T&M NTE**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the
MOTION CARRIED

Mayor Henry presented a request to **authorize sale of four portions of city property located at 1710 Middleton**, Nampa, Idaho, to be sold at public auction with minimum price of \$1.50 per square foot.

MOVED by Levi and **SECONDED** by Haverfield to **authorize sale of four portions of city property located at 1710 Middleton**, Nampa, Idaho, to be sold at public auction with minimum price of \$1.50 per square foot. The Mayor asked for a roll call vote with Councilmembers Skaug, Bruner, Raymond, Haverfield, Levi voting **YES**. Councilmember White voting **NO**. The Mayor declared the

MOTION CARRIED

Mayor Henry presented a request for **approval of a new contract with Neurlink** for the Nampa Fire Department.

Fire Chief Karl Malott presented a staff report explaining that you may remember that Deputy Chief Davies was in front of you on April 18 with this original request to authorize the Mayor to sign this contract and as we went through the process with this we discovered that there was some equipment not included and Neurlink had kind of failed to mention that we needed \$14,000 worth of equipment in this deal. Chief Davies held their feet to the fire on this because it was not included in the bid and he did work with them and they came to an agreement that they are going to reduce the price of the contract by \$14,000 to get that equipment in. We have approved that with the IT department, they are aware of the equipment that is needed and the cost of that and we have had the City Attorney review the contract and he seemed comfortable with it and then also Chief Davies also had included a letter in your packets explaining.

Councilmembers had questions on the contract.

MOVED by White and **SECONDED** by Levi to **approve the new contract with Neurlink** in the amount of \$324,659.84 for the Nampa Fire Department as presented. 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 9:07 p.m.

Passed this 6th day of September, 2016.

Regular Council
July 5, 2016

MAYOR

ATTEST:

CITY CLERK

REGULAR COUNCIL

August 15, 2016

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

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

Mayor Henry amended the agenda by adding a 3a to New Business – authorize the Mayor to sign Addendum #1 I-84 Karcher Interchange Road Closure and Maintenance Agreement and adding 1 (d) To consider records that are exempt from disclosure as provided in [chapter 1, title 74](#), Idaho Code; to #4 executive session.

MOVED by Skaug and **SECONDED** by Haverfield to **approve the Consent Agenda with the above mentioned amendments; Regular Council Minutes of August 1, 2016; and Bicycle and Pedestrian Advisory Committee Minutes; Board of Appraisers Minutes; and Airport Commission Minutes; Planning & Zoning Commission Minutes; Library Commission Minutes; IT Steering Committee Minutes; department reports, bills paid;** The City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **final and preliminary plat approvals:** 1) Timbercreek Subdivision on the West Side of S Powerline Road, North of E Iowa Avenue for Timbercreek Partners, LLC; and **authorize** the following **public hearings:** 1) Renaming of North Midland Boulevard; 2) Modification of Zoning Development Agreement Between Dan Turner & City of Nampa for Property Located at 921 E Colorado Avenue for Shannon Robnett Representing Scott Thompson, Crane Creek Investments, LLC; 3) Annexation & Zoning to BC for 3 Acres to IL for 7.79 Acres and to RS-18 for 1.95 Acres at 1122, 1214, and 1216 Southside Boulevard, and 0 Wilson Lane for Mason & Stanfield, Inc Representing William T. Cushing (Nampa P&Z Commission Recommended Denial); 4) Amendment of Title 5 Business Licenses, Section 5-2-25 and Several Sections and Chapters of Title 10 Planning & Zoning; **Approve the following agreements:** 1) None; **Authorization to Proceed with the Bidding Process:** 1) Western Regional Lift Station Parallel Force Main Project; Monthly Cash Report; **Resolutions – Disposal of Property with Value Under \$1,000.00:** 1); None; and **2015-2016 Licenses:** (all licenses subject to police approval): La Rosita Mexican Store, 711 E Lincoln Avenue, Off-Premise Beer & Wine; **approval of the agenda.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES.** The Mayor declared the

MOTION CARRIED

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

Special City Council Meeting – Developer Reimbursement Policy and Agreement and Hookup Fees - Staff and City consultants have been working with an appointed group of developers and builders to create a new developer reimbursement policy and agreement for the City. The proposed policy will replace the current credit policy. A Special City Council meeting has been scheduled for Wednesday, September 7, from 3:00 p.m. to 5:00 p.m., in Nampa City Hall Council Chambers to present a draft policy to City Council for discussion and input. Following this workshop, the draft will be presented to the greater development community and the public prior to returning back to Council for adoption.

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The draft policy will create a reimbursement agreement between the City and developers that installs public infrastructure at master planned size and depth that exceeds the amount necessary to serve the proposed development. The agreement creates an additional reimbursement amount assigned to benefiting undeveloped property to be paid at the time of platting for subdivisions, or at the time of a building permit for existing undeveloped lots.

The meeting will also provide Council with the opportunity to adopt new hookup fees for water, irrigation, and wastewater. Staff has received no additional comment or input from the development community since the last presentation to Council.

On September 7, City Council will have an opportunity to direct staff and consultants to further explore avenues or methodology for the developer reimbursement policy and agreement, and hookup fees. Staff looks forward to the discussion and input for these important economic development and free market concepts for investing in the City's infrastructure.

Wastewater Program Phase I Upgrades Project Group A Construction Update - City Staff is providing regular status update of Phase I Upgrades Project Group A as requested by City Council. Staff and the Wastewater Program Management Team (WPMT) have been diligently tracking this project since construction started in early June 2015.

With the construction work past the halfway point, staff and the WPMT would like to offer a construction tour for City Council Members. If interested, please contact Nate Runyan, Deputy Public Works Director, at runyann@cityofnampa.us or 468-4493.

Project Status

Since issuance of Notice to Proceed there has been considerable progress on Project Group A:

- Notice to Proceed issued June 2, 2015
- The Contract Time Completed is currently at 46%
- The Contract Work Completed is currently at 57%

Key activities and milestones achieved since the update to City Council on June 20, 2016, include:

- Commissioning and startup of three large Primary Effluent Pumps has been completed; staff is currently incorporating the pumps with regular operations at the plant
- Primary Effluent Pump Station (PEPS) electrical testing and punch list items have been completed
- Retrofits to Aeration Basin 2, that will enable phosphorus removal, have been completed
- Retrofits to Aeration Basin 1 began the first week of August and will be completed in mid-October

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- Demolition and excavation of a Secondary Clarifier has been executed to begin construction for Aeration Basin 3
- Submitted 564 submittals since the Beginning of Project: Technical submittals, as well as information required for compliance to the City's State Revolving Fund (SRF) Loan with the IDEQ, have been received. Staff and the WPMT strive to respond to submittals as quickly as possible. Average response time is currently 19 days

Based on the current project schedule, the following are the major work items expected to be completed in the near future:

- Retrofits to Aeration Basin 1 will be completed in mid-October

Construction of Aeration Basin 3 will begin August 2016; completion scheduled for November 2017.

The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS LAY CONTIGUOUS TO THE CITY LIMITS OF THE CITY OF NAMPA, COUNTY OF CANYON, STATE OF IDAHO, AND THAT SAID LANDS, COMMONLY KNOWN AS **8142 W. USTICK ROAD, 17535 STAR ROAD, 17547 STAR ROAD**, AND THREE PARCELS ADDRESSED AS "**0**" **STAR ROAD**, NAMPA, CANYON COUNTY, IDAHO, SHOULD BE ANNEXED INTO THE CITY OF NAMPA, IDAHO, AS PART OF THE **RS 8.5** (*SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 8,500 SQUARE FEET*) ZONE, COMPRISING APPROXIMATELY **178.41 ACRES**, MORE OR LESS, THE **RS 12** (*SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 12,000 SQUARE FEET*) ZONE, COMPRISING APPROXIMATELY **6.61 ACRES**, MORE OR LESS, AND THE **RS 18** (*SINGLE FAMILY RESIDENTIAL – WITH A "REQUIRED PROPERTY AREA" OF AT LEAST 18,000 SQUARE FEET*) ZONE, COMPRISING APPROXIMATELY **5.34 ACRES**, MORE OR LESS; 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; PROVIDING FOR RECORDATION; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; AND DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Engineering Solutions representing Star Development Inc.)

The Mayor declared this the third reading.

Regular Council
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MOVED by Haverfield and **SECONDED** by Skaug to **pass** the preceding ordinance as presented. The Mayor asked for a roll call vote with councilmembers Levi, Bruner, Raymond, Skaug, Haverfield voting **YES** Councilmember White voting **NO**. The Mayor declared the ordinance duly passed, numbered it **4273** 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 SUNNYRIDGE ROAD**, NAMPA, CANYON COUNTY, 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 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 **4274** 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 **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 ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY

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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 third reading.

MOVED by Haverfield and **SECONDED** by White 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 **4275** and directed the clerk to record it as required.

The following resolution was presented:

RESOLUTION PURSUANT TO IDAHO CODE § 67-6509(c) **ADOPTING AMENDMENTS TO THE MAP COMPONENT OF THE COMPREHENSIVE PLAN FOR THE CITY OF NAMPA, IDAHO, AN IDAHO MUNICIPAL CORPORATION.** (Applicant Mark Hess representing Jerry Hess) (Madison Road and Ustick Road)

MOVED by Bruner and **SECONDED** by Haverfield 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 **32-2016**, and directed the clerk to record it as required

MOTION CARRIED

The following Ordinance was read by title:

AN ORDINANCE DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS THE PROPERTY LYING AT THE NORTHEAST CORNER OF **MADISON AVENUE AND USTICK ROAD**, COMPRISING APPROXIMATELY **1.52 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 **BC (COMMUNITY BUSINESS)** 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; PROVIDING FOR RECORDATION; 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

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COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Mark Hess representing Jerry Hess)

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 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 **4276** and directed the clerk to record it as required.

The following Ordinance was read by title:

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO TO PROVIDE **IL** (LIGHT INDUSTRIAL) ZONE DESIGNATION FOR CERTAIN LANDS, COMMONLY KNOWN AS **415 KINGS ROAD**, NAMPA, CANYON COUNTY, IDAHO; DETERMINING THAT SAID ZONING IS IN THE BEST INTEREST OF THE CITIZENS AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF NAMPA, IDAHO; **REZONING** SAID PROPERTY FROM IP (INDUSTRIAL PARK) AND BC (COMMUNITY BUSINESS) TO IL (LIGHT INDUSTRIAL); PROVIDING FOR RECORDATION; INSTRUCTING THE CITY ENGINEER TO DESIGNATE SAID PROPERTY AS IL (LIGHT INDUSTRIAL) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant West Valley Construction representing H M. Clause Inc.)

The Mayor declared this the first reading.

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

MOVED by Bruner and **SECONDED** by Haverfield to **pass** the preceding ordinance. The Mayor asked for a roll call vote with all councilmembers present voting **YES** The Mayor declared the ordinance duly passed, numbered it **4277** and directed the clerk to record it as required.

The following resolution was presented:

AN **AMENDED ESTIMATE OF EXPENSES AND REVENUES OF THE CITY OF NAMPA, IDAHO FOR THE FISCAL PERIOD BEGINNING OCTOBER 1, 2015 TO AND**

Regular Council
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INCLUSIVE OF SEPTEMBER 30, 2016, 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;

WHEREAS, a proposed amendment to the budget has been prepared that includes an estimate of expenses and revenues for the fiscal year October 1, 2015 through and including September 30, 2016;

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 and having a general circulation therein.

ESTIMATED EXPENDITURES

GENERAL FUND

City Clerk	267,270	
Code Enforcement	466,759	
Economic Development	456,748	
Engineering	1,707,306	
Facilities Development	1,153,973	
Finance	1,129,989	
Fire	11,585,241	
General Government	803,528	
Tfr to Family Justice Center	224,883	
Tfr to Civic Center	494,588	
Tfr to Idaho Center	870,351	
Tfr to Parks & Rec	627,282	
Human Resource	410,378	378,528
Information Technology	2,151,486	
Legal	881,000	
Mayor & Council	528,466	
Parks & Rec Admin	365,786	
Planning & Zoning	487,559	
Police	19,408,089	
Public Works Admin	353,929	
Fleet Management	1,063,965	1,054,443
SUBTOTAL	45,438,576	45,397,204

ENTERPRISE & SPECIAL REVENUE FUNDS

911 Fees	987,669	
Airport	570,644	
Cemetery	304,042	
Civic Center	1,166,963	
Development Services	1,989,210	
Downtown Renewal/Electric		
Franchise Fees	46,201	
Family Justice Center	251,011	
Idaho Center	5,071,390	
Library	2,123,930	
Nampa Recreation Center	3,707,360	
Parks & Recreation Golf	3,477,914	
	2,355,146	
Sanitation Collection	8,685,969	
Street	11,191,549	10,808,059
Utility Billing	888,033	854,037
Wastewater	13,931,578	
Water	11,563,547	
Workers Comp Fund	63,663	-
SUBTOTAL	\$68,375,819	\$67,912,132

CAPITAL & DEBT SERVICE FUNDS

Capital Projects	1,459,840	\$ 1,450,922
Library Major Capital Campaign		-

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GRANT FUNDS		Development Impact Fees	4,898,142	4,802,142
FAA	141,846	GO Bond Debt Service	2,696,900	-
Federal DOT	266,288	SUBTOTAL	9,054,882	8,949,964
Federal HUD	1,342,919	GRAND TOTAL	144,240,259	143,552,781
Other Federal Grants	14,903,054			
State of Idaho & Local Grants	3,778,921			
Private Grants	937,954			
SUBTOTAL	21,370,982			21,293,481
<hr/>				
ESTIMATED REVENUES		OTHER FEES		
PROPERTY TAXES		911 Fees	987,669	
Real Property Taxes	\$33,519,651	Impact Fee	890,000	
Exempt Property Taxes (GO Bond)	2,696,900 -	Licenses & Permits	1,970,838 -	
SUBTOTAL	\$36,216,551	SUBTOTAL	3,848,507	
STATE REVENUE SHARING		GRANTS & DONATIONS		
Sales Tax	5,110,457	Donations	579,465	549,465
Personal Property Tax Replacement	530,854	FAA Grants	141,846	
State Liquor	758,389	Federal Grants	16,512,259	16,504,759
		Private Grant/Contributions	70,000	30,000
Highway Users	3,942,491	State Grants	54,729	
Road & Bridge	2,374,795 -	Local Grants	-	-
SUBTOTAL	\$12,716,986	SUBTOTAL	17,358,299	17,280,799
CHARGES FOR SERVICES		FINES & FORFEITURES		
Airport	408,262	General Government	639,000	
Cemetery	88,500	Airport	-	
Civic Center	545,077	Library	52,000 -	
Development Services	22,667	SUBTOTAL	691,000	
General Government	2,733,771	TRANSFERS & FUND BALANCE		
Golf Courses	2,177,088	Transfers In	\$10,976,195	
Idaho Center	2,975,526	Fund Balance	13,209,095	13,032,898
Local Grants	1,695,079	SUBTOTAL	24,185,290	24,009,093
Library	22,000	MISCELLANEOUS		
Nampa Recreation Center	3,128,750	Interest Earnings	176,270	
Parks & Recreation	349,500			
Sanitation/Trash Collection	8,685,969			
State of Idaho	2,029,113			
Street & Traffic	0			

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Utility Billing	838,706	Miscellaneous	622,056	613,138
Wastewater	12,078,629	SUBTOTAL	798,326	789,408
Water	8,800,000			
Workers Compensation	63,663 -	GRAND TOTAL	\$144,240,259	\$143,552,781
SUBTOTAL	\$46,642,300			

\$0

FRANCHISE FEES

Electric Franchise	988,000
Gas Franchise	795,000 -
SUBTOTAL	1,783,000

CITY OF NAMPA, IDAHO

FISCAL YEAR 2016 AMENDED BUDGET

FUND	2014	2014 Actual Revenue*	AMENDED	AMENDED	PROPOSED	PROPOSED
	Actual Expenses		2015 Budget Expenses	2015 Budget Revenue*	2016 Budget Expenses	D 2016 Budget Revenue*
GENERAL FUND						
City Clerk	238,459		251,960		267,270	
Code Enforcement	448,029		361,604		466,759	
Economic Development	707,729		453,027		456,748	
Engineering	1,453,913		1,709,499		1,707,306	
Facilities Development	851,522		1,081,851		1,153,973	
Finance	682,758		710,457		1,129,989	
Fire	12,187,306		11,381,190		11,585,241	
General Government	3,729,485		3,102,869		3,020,632	
Human Resource	328,242		327,107		410,378	
Information Technology	1,129,775		1,289,512		2,151,486	
Legal	876,660		901,000		881,000	
Mayor & Council	480,703		511,123		528,466	
Parks & Rec Admin	312,471		363,726		365,786	
Planning & Zoning	586,333		447,325		487,559	
Police	18,004,352		19,047,617		19,408,089	
Public Works	553,705		332,949		353,929	

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Fleet Management	853,483		824,577		1,063,965	
SUBTOTAL	\$43,424,925	\$43,775,115	\$43,097,393	\$43,098,410	\$45,438,576	\$45,438,576
ENTERPRISE & SPECIAL REVENUE FUNDS						
911 Fees	1,313,742	973,867	1,090,896	1,090,903	987,669	987,669
Airport	510,870	549,975	599,202	599,208	570,644	570,644
Cemetery	292,487	280,508	290,763	290,769	304,042	304,042
Civic Center	861,478	921,677	1,063,359	1,063,374	1,166,963	1,166,963
Development Services	1,269,583	1,872,667	1,821,456	1,821,491	1,989,210	1,989,210
Downtown Electric Franchise	407,175	149,988	164,249	164,245	46,201	46,201
Family Justice Center	250,670	253,988	246,951	246,955	251,011	251,011
Idaho Center	4,540,011	4,814,352	5,053,201	5,053,201	5,071,390	5,071,390
Library	1,927,475	1,991,350	2,655,521	2,655,575	2,123,930	2,123,930
Nampa Development Corp	16,894,384	3,492,910				
Nampa Recreation Center	2,614,469	3,258,105	4,165,086	4,165,129	3,707,360	3,707,360
Parks & Recreation	2,785,452	3,006,319	3,009,242	3,009,299	3,477,914	3,477,914
Golf	2,124,985	2,393,860	2,402,894	2,402,923	2,355,146	2,355,146
Sanitation Collection	8,012,005	8,024,005	8,050,000	8,050,000	8,685,969	8,685,969
Stormwater Utility						
Street & Traffic	6,751,075	6,200,627	9,620,415	9,620,487	11,191,549	11,191,549
Utility Billing	899,463	973,741	820,406	820,424	888,033	888,033
Wastewater	9,112,773	13,395,871	17,454,271	17,454,391	13,931,578	13,931,578
Water	6,954,591	7,870,684	12,273,345	12,273,439	11,563,547	11,563,547
Workers Comp	243,476	920,664	61,236	61,238	63,663	63,663
SUBTOTAL	\$67,766,164	\$ 1,345,158	\$70,842,493	\$70,843,051	\$ 68,375,819	\$ 8,375,819
			558			
GRANTS & DONATIONS						
FAA Grants	78,787	78,787	915,765	915,765	141,846	141,846
Federal DHS-Homeland Security	30,059	30,059	55,950	55,950	308,250	308,250
Federal DHHS						
Federal DOE						
Federal DOI	9,150	9,150	5,654	5,654		
Federal DOJ Grants	440,686	426,875	466,864	466,866	273,733	273,733

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Federal DOT Grants	295,495	295,495	286,225	286,225	266,288	266,288
Federal EPA Grants	1,233	1,233	2,800,000	2,800,000	14,321,070	14,321,070
Federal Corporation For National & Community Service	3,844	3,844				
Federal HUD Grants	856,251	856,251	1,150,696	1,150,710	1,342,919	1,342,919
Federal USDA						
Federal Dept of Education						
Federal National Endowment						
Institute of Museums & Library	2,858	2,858				
Private Grant/Contributions	77,402	24,600	300,300	300,300	937,954	937,954
State Grants	2,268,329	2,268,329	9,420,142	9,420,142	2,083,842	2,083,842
Local Municipalities Grants	142,460	142,460	1,168,792	1,168,792	1,695,079	1,695,079
SUBTOTAL	\$4,206,554	\$ 4,139,941	\$16,570,388	\$16,570,404	\$ 21,370,982	\$1,370,982
CAPITAL PROJECTS & DEBT SERVICE FUNDS						
Capital Projects	616,322	965,026	1,132,235	1,132,235	\$ 1,459,840	\$,459,840
Library Major Capital Campaign	293,554	492,678	455,235	455,235		
Development Impact Fees	633,104	1,251,758	3,865,000	3,865,000	\$ 4,898,142	4,898,142
GO Bond Debt Service	2,743,481	2,755,976	2,798,575	2,798,575	\$ 2,696,900	2,696,900
SUBTOTAL	\$4,286,461	\$ 5,465,438	\$ 8,251,045	\$ 8,251,045	\$ 9,054,882	\$9,054,882
TOTAL	\$119,684,104	\$114,725,652	\$138,761,319	\$138,762,910	\$144,240,259	\$144,240,259
		*Amount from property tax	38,454,080	34,903,674		36,216,551

I, Deborah Bishop, City Clerk of the City of Nampa, Idaho do hereby certify that this is a true and correct statement of the amended expenditures and revenues for the fiscal year 20015-2016. Citizens are invited to attend the budget hearing on September 6, 2016 at 7:00 p.m. and have the right to provide written or oral comments concerning the entire City Budget. The amended City budget may be reviewed in detail in the Nampa Finance Office at City Hall, 411 Third Street South during regular hours, 8:00 a.m. to 5:00 p.m.

MOVED by Skaug and **SECONDED** by Haverfield 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 **33-2016**, and directed the clerk to record it as required

MOTION CARRIED

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Mayor Henry presented a request to **purchase eight 2017 Tahoes** for the Nampa Police Department.

Police Captain Brad Daniels presented a staff report explaining that the request has changed to 7 vehicles. This was approved in the budget through Fleet. Three of those vehicles will be coming out of impact fees and four will be coming out of general government. The build on these does not start until September 27, 2016. They take orders now and they deliver based on when the orders were put in. The sooner we can put our order in the further up the line it puts us. Customarily when we put our orders in October we don't receive them until late January or early February we are hoping to get them in this calendar year.

MOVED by Raymond and **SECONDED** by Levi to **approve the purchase of seven vehicles specifically for the Nampa Police Department.** The Mayor asked for a roll call vote with all Councilmember presented voting **YES.** The Mayor declared the
MOTION CARRIED

Mayor Henry presented a request to proceed with the **RFP process for a leasing agreement for 15 unmarked Police vehicles.**

Captain Daniels presented a staff report explaining that this was approved for the 2017 fiscal year budget. We are just asking to put that RFP out now so we can get the proposals back as soon as possible so we will be ready to proceed first thing in October. It will be a pool of vehicles that we can choose from so we can choose from a series of vehicles that have the same cost.

MOVED by Skaug and **SECONDED** by White to **approve the leasing agreement bids to go out for 15 unmarked police vehicles** The Mayor asked for a roll call vote with all Councilmember presented voting **YES.** The Mayor declared the
MOTION CARRIED

Mayor Henry presented a request to **authorize the Mayor to sign addendum #1 for I-84 Karcher Interchange Road Closure and Maintenance Agreement with Idaho Transportation Department.**

Michael Fuss presented a staff report explaining that the agreement is a modification to the current agreement. It allows for access onto the Karcher interchange when it was constructed it had access control on virtually everywhere along the interchange and if you have been out there the property going north of the undeveloped property it is vacant land it is next Fridays and the interstate.

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The developer has been working with the City and ITD to see if he could get access to the property. The study that we did earlier this year that we presented to Council that authorized the Karcher Interchange work . . .

There is an access control agreement that allows that access to occur so that this site can develop. It has been about nine months to get to this point and yes you can get a right in only access.

Council asked questions if there was right out only.

It also includes the condition of adding an island.

Council had questions on u-turn accessibility.

MOVED by White and **SECONDED** by Raymond to **authorize the Mayor to sign addendum #1 for I-84 Karcher Interchange Road Closure and Maintenance Agreement with Idaho Transportation Department.** The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Bruner to **adjourn into Executive Session** at 6:53 p.m. Pursuant to Idaho Code 74-206(1) (f) To Communicate with Legal Counsel for the Public Agency to Discuss the Legal Ramifications of and Legal Options for Pending Litigation, or Controversies not yet Being Litigated but Imminently Likely to be Litigated. The Mere Presence of Legal Counsel at an Executive Session Does not Satisfy this Requirement a 1 (d) To consider records that are exempt from disclosure as provided in [chapter 1, title 74](#), Idaho Code. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by White to **conclude the Executive Session** at 7:05 p.m. during which discussion was held regarding Communicating with Legal Counsel for the Public Agency to Discuss the Legal Ramifications of and Legal Options for Pending Litigation, or Controversies not yet Being Litigated, but Imminently Likely to be Litigated pursuant **Idaho Code 74-206 (1) (f)** and To consider records that are exempt from disclosure as provided in [chapter 1, title 74](#), Idaho Code **Idaho Code 74-206 (1) (d)**. The Mayor asked all in favor to say aye with all Councilmembers saying **AYE**. The Mayor declared the

MOTION CARRIED

Mayor Henry opened a **public hearing** for **Comprehensive Plan Future Land Use Map Amendment** From General Commercial to High Density Residential and **Rezone** From RML and RS 6 to RMH and a **Variance Requiring the Height of a Building** to be Limited to 30 Feet,

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Unless the Buildings are Set Back 50 Feet from the property line, if the property abuts an RS zoning district for property located at **347 W Orchard Avenue** for **Dean and Daren Anderson**.

Daren Anderson, 1104 Imperial Lane, Boise presented the request.

Planning and Zoning Assistant Director Robert Hobbs presented a staff report explaining that the request is for a Comprehensive Plan Future Land Use Map Amendment from General Commercial to High Density Residential, a Rezone of land from both RML (Limited Multiple-Family Residential) and RS 6 (Single Family Residential - 6,000 sq. ft.) to RMH (High Density, Multiple-Family Residential) and a Variance to N.C.C. § 10-12-4.B which requires that the height of a building abutting a RS Zoned property be no greater than 30 feet unless the building is set back at least 50' from the intervening property line between the two buildings. (Otherwise, the normal height limit allowance in the RMH Zone is 65').

In order to facilitate construction of two apartment buildings: One 18-unit structure at the back of the Property with its long axis running east \leftrightarrow west, and one 12-unit structure on the east side of the Property with its long axis running north \leftrightarrow south; the buildings are tentatively proposed to be 38' tall at their highest point (e.g. ridgeline). Density yield proposed at 18 du/a, where 77' is normally allowed (in the RMH Zone). RMH Zone is proposed over RML (existing on Property) to gain that zone's height allowance (vs. RML's lower limit), *not* for the RMH Zone's density or land use allowance...

Pertaining to: A split-zoned parcel of land located at 347 W. Orchard Ave. (A 1.655 acre portion of Section 2, T3N, R2W, NE 1/4, BM, Westview Subdivision Lot 4 North of the Canal, less Tax 1 and 10 in NW 1/4, NE 1/4 -- hereinafter the "Property")

History: The Planning and Zoning Commission, during their regularly scheduled public hearing of July 12, 2016, voted to recommend approval of the Comprehensive Plan Future Land Use Map Amendment and the Rezone entitlements requests entailed in this matter. A copy of the hearing minutes from that meeting is hereto attached. No new information has been received by Staff pertaining to this application package in so far as we are aware since the Commissioners' meeting (the Variance application was submitted with the other two applications but is only required to be heard by Council and thus was not reviewed by the Commission).

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.

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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 “Commercial” setting and is comprised of a split-zoned, single parcel. The Applicant(s) seek conversion of the commercial setting to “High Density Residential” in order to support an associated request to rezone the whole of the Property to RMH in order to be able to build apartments on the Property. Regarding residential land uses generally, the City’s currently adopted Comprehensive/Master Plan notes that,

“Historically, the City had gross (i.e., density number calculator) residential areas identified as low density (4 units per acre), medium density (4 to 9 units per acre) and high density (over 9 units per acre). The City has not met these densities.

In the new residential land use categories a full range of housing types will be allowed in areas where municipal services are provided. Uses may include residential development at densities higher than one dwelling unit per acre. It was discussed that higher density infill should be considered as a top priority for staff; infrastructure [sic] and in order to preserve open spaces and agricultural lands.

Low, medium-low, medium and high-density development categories will allow a diversity of building types and size to accommodate a diverse population. Service commercial and public uses may be considered as an allowed use to encourage mixed-use development near the downtown core or by special use permit under special circumstances and when it is compatible with existing and potential residential uses.

Housing development in Nampa should be innovate in design and placement; should incorporate usable open space; and provide pedestrian, bike and street connectivity.”

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Regarding high density residential uses specifically, the City's currently adopted Comprehensive/Master Plan notes that,

“High Density Residential (HDR) greater than 9 units per acre; -- Residential dwelling unit development comes [sic] in all shape [sic], sizes and densities. The City expects creative designs and diverse types of housing units in all its new housing stock.

Housing development in residential areas can be developed as:

- a. Cluster Housing;
- b. Patio Home;
- c. Townhomes;
- d. Row Houses;
- e. Duplexes;
- f. Condominiums;
- g. Apartments and
- h. Other types of Multi-Family Residential Units, such as, [sic] group homes, homeless shelters, senior housing, assistance living facilities and others.

In addition, Master Planned Communities and Planned Unit Developments can combine residential development along with commercial development. Special requirements such as development agreements and Specific Area Plans may be implemented. These developments will be dependent on the final development agreement, these developments should be designed with the idea and projects that are modern and innovative, following the best planning practices available.

Note: This is not an exclusive list of all housing types.”

(Nampa 2035, Chapter 5 Land Use, 5.5 Residential Land Uses, 5.5.4 High Density Residential, Feb. 2012)

Changing the Comprehensive Plan Future Land Use Map's setting of “Commercial” to “High Density Residential” as requested would provide underlying support for development of the Property, once rezoned, for multi-family dwelling units. 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).

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RMH zoning is most logically found at major intersections in the majority of cases when such is proposed to be established outside and often adjacent to commercial area.

As the Property lies adjacent to an area established as “Commercial” per the City’s Master Plan, and, on its other side and area set aside as “Medium Density Residential, as Property lies between commercial uses on one side and multiple-family development on the other (which in turn abuts a school, and, as the density sought by the Applicant(s) is actually in care and keeping with the RML Zone, not the RMH Zone (which is being sought solely to avoid a height Variance request as the proposed buildings will crest the RML Zone’s 30 foot height limit by about 8’)), Staff finds the contemplated application reasonable to consider.

Annexation/(re)zoning Conclusion 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 Facts

(PERTAINING TO THE APPROXIMATELY 1.655 ACRES OF LAND REQUESTED TO BE ANNEXED):

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

1. Current Jurisdiction/Status:

The Property is currently within Nampa City; Property appears encumbered presently with one structure and various mature trees thereon per imagery and is relatively flat; Property is either owned or optioned by the Applicant(s); and,

2. Surrounding Zoning:

That City BC zoned land currently adjoins the Property on its eastern and northern sides, that City RS 6 and RML zoned lots adjoin the Property on its southern and western sides, that about half of the Property is already zoned RML -- see attached Vicinity Map); and,

3. Immediately Surrounding Land Uses:

Generally (viewed radially from the Property -- working outward): To the immediate east lies Pet Haven animal shelter, a now vacant car wash, and a gas station; to the south across a canal single-family residential subdivision, to the west vacant land, then duplexes and then a school, to the north, a small commercial shopping center; and,

4. **Proposed Zoning:**

That the RMH district is Nampa's "High Density" Zone often found in at or near roadway intersections here and there in the City; there are minimum bulk regulations associated with said zone; the zone is being sought not to facilitate high density development, but rather to allow for buildings that exceed the height limit of the RML Zone to in order to forego having to apply for a Variance; and,

6. **Reasonable:**

That it may be variously argued that consideration for [re]zoning the Property is reasonable given that: a) the City has received an application to rezone the Property by amending its official zoning map by the Property owner or an Applicant having a valid, legal interest in the same; and, b) rezoning is a legally recognized legislative act long sanctioned under American administrative law; and, c) within the City of Nampa, zoning assignment is a long standing (and law sanctioned) practice; and, d) other lands in the vicinity of the Property have been zoned in such a way as to provide a transitional arrangement between commercial and single-family residential – whether viewed north south or east to west; and, e) the Property is eligible by law for consideration for rezoning; 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 housing development opportunities and diverse housing 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. Engineering has not called for a traffic impact study (TIS) to date; 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 residential 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 building permit review process and will force application of zoning laws (e.g., that which govern building heights, setbacks, landscaping, parking lot layout and striping, lighting of buildings and the parking area, etc. against any construction on the Property. Additionally, if a Development Agreement is imposed

against the intended project to be developed on the Property, building elevations (architectural aesthetics) may also be regulated by the City; 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 RMH zone would be accordingly provided, and, any concern 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 June 22, 2016] is hereafter attached to this report.

1. Nampa City Engineering has no objection(s) concerning the Rezone application (or associated Comprehensive Plan Map Amendment request); and,
2. The Nampa Highway District has no objection(s) concerning the Rezone application (or associated Comprehensive Plan Map Amendment request); and,
3. The Nampa Building Department has no objection(s) concerning the Rezone application (or associated Comprehensive Plan Map Amendment request); and,
4. The Nampa Code Compliance Division has no objection(s) concerning the Rezone application (or associated Comprehensive Plan Map Amendment request), noting no violation cases are active on/against the Property; and,
5. Compass has provided comment on the Project (but with incorrect dwelling unit numbers); and,
6. 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.

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In summary, the Property may be zoned RMH, 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, RMH zoning is certainly an “entertainable” zone and recommend for imposition...

Variance 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

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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 a building setback invoked by that building’s proposed height in the RMH Zone. Notwithstanding that the standard building height allowed in the RMH Zone is 65’ (unless approved otherwise by the Council), if a building is to exceed thirty feet (30’) and will be juxtaposed against a property that is zoned single-family residential (RS), then that building must be offset from the intervening property line 50’ [instead of the usual five feet (5’). (The afore-stated rule also applies to a situations when the RMH Zone abuts other zones [e.g., the AG, RA and RD]). The summary explanation/narrative of the Applicant(s)’ request as provided by them is attached to this report.

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 0009-2016) 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 applied for and represent his interest in obtaining the requested Variance Permit; and,
4. The Applicant proposes that the Nampa City Council grant an extraneous setback reduction which is keyed to building height when it exceeds thirty feet (30') in order to 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 RMH 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. The Nampa Highway District has expressed that they are not opposed to the application; and,
17. Arguably, no direct significant physical impact on the general public by this request is foreseen by virtue of this request were it approved; expected impact would either: a) of

an inconsequential nature per City Engineering on traffic flow on Orchard; 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. Applicants have indicated that a sixty foot (60') buffer between their Property and the adjacent single-family zoned land to the south exists by virtue of an intervening canal and its associated easements along with a tree line – see attached aerial image(s). Land to the west side of the Property is open/undeveloped; land to the east is commercially developed ground; and,

18. That City services are available to the Property, the Property has access to City public right(s)-of-way; and,
19. Attached to this report is all of the information Staff had by the time this report was ready to go to print (12 noon, August 10, 2016)...

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 is buffered from its surrounds adequately without needing the extra/augmented setback space required by the RMH Zone for structures intended to be over thirty feet (30') in height; and,
- B) That without the Variance Permit, the Applicants still intend to construct the apartment buildings allowed on the Property by virtue of the RMH District's bulk regulations, but that they will have to crop the rooftop pitch and/or sink the structures into the ground making for a less aesthetically appealing and less user friendly development; and,
- C) That the Variance Permit is not being sought to facilitate the addition of extra density beyond that which is proposed (36 units) [by extension – the site plan for the Project has

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a pre-defined parking and landscaping area that reduces the available building envelope available. (As it is, parking, landscaping and lighting are already regulated by code. The unit count available to the Applicant is also artificially controlled by simple virtue of the amount of land available to the build upon after subtracting out ground to be dedicated as public right-of-way along the Property's frontage, as well as provision of landscaped yard areas [setbacks], loss of developable ground due to a canal easement along the southern side of the Property, and devotion of space to emplacing a code compliant parking lot). Just as an informational point, the RMH Zone in this situation, in gross numbers, provides a theoretical ability to construct approximately 134 units on the Property. Again, a true net developable dwelling unit number is reached when you deduct available land as afore-noted.

Staff would add that the two points of concern regarding the Variance are at the southwest corner of the rear building and the back side of the same. As positioned, the building is intended to be 40-60' away from the rear yard property line of the neighbors to the south. And, there is no neighboring use to the west.

Notwithstanding the fore-going, contravening findings to the Applicant's arguments for [seeking] an increased building height allowance may be made in the same spirit as typical variance opposition...that there is some other opportunity to develop the site without needing a Variance (e.g. reducing structure size – thereby affecting density).

Given the circumstances attendant this application, if Council is okay with the conceptual plan for the Property's development, then Staff recommends that the Variance Permit request be favorably considered.

Recommended Conditions of Approval

N/A at the time of this report's publication...a Development Agreement may be required, especially if City decision makers wish to regulate (generally) site design, dwelling unit density or building aesthetics or location placement.

Any extant right-of-way dedication and property improvement emplacement requirements will expectedly be required by Engineering as part of project build-out; however, no such mandates have thus far been advanced by that Division.

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

Those appearing with questions were: Nancy Smith.

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MOVED by Haverfield and **SECONDED** by Raymond 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 **approve the Comprehensive Plan Future Land Use Map Amendment** from General Commercial to High Density Residential and the **Rezone** of land from both RML (Limited Multiple-Family Residential) and RS 6 (Single Family Residential - 6,000 sq. ft.) to **RMH** (High Density, Multiple-Family Residential) located at **347 W Orchard Avenue** with staff conditions and authorize the City attorney to draw the appropriate Resolution and Ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the **MOTION CARRIED**

MOVED by White and **SECONDED** by Levi to **approve the variance requiring the height of the building to be limited to 30 to allow for buildings to be 38 feet for the applicant**. 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 **Comprehensive Plan Future Land Use Map Amendment** from Public and Parks to Community Mixed Use; **Rezone** from AG to GB1; and Planned Unit Development Permit for Residential Uses at **1660 11th Avenue North** for **Doug Russell** representing **The Land Group Inc.** for the **Idaho Department of Health & Welfare**.

President of Health and Welfare Mr. Armstrong gave some history on the property.

Doug Russell, Land Group Inc. presented the request.

Councilmembers asked questions of the applicant throughout the presentation.

Long Range Planner Karla Nelson presented a staff report explaining that the request is for a Comprehensive Plan Future Land Use Map Amendment from Public and Parks to Community Mixed Use and Rezone from AG (Agricultural) to GB1 at 1660 11th Avenue North for approximately 600 acres for the purpose to provide for a mixed use center consisting of commercial, office, retail, civic, single family residential, multi-family residential, retirement homes and golf course/ open space.

Background Information

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History: The site was utilized as a care facility for people with physical and learning disabilities starting in the early 20th Century. In the 1980's the State of Idaho explored various possibilities to use some of the land for different purposes resulting in Centennial (1985) and Ridgecrest (1994) Golf Courses, the Department of Labor Job Corps campus (1995) and a juvenile corrections facility (1996).

The city of Nampa originally had a 25-year lease for Centennial and a 20-year lease for Ridgecrest golf courses. In December of 2014 a five year extension of both leases was approved. The lease extensions will expire on December 31, 2019.

Conceptual Master Plan: In July of 2013, Idaho Department of Health and Welfare completed a conceptual master plan for the Southwest Idaho Treatment Center (SWITC) site. The plan envisions a mix of uses that promote pedestrian accessibility throughout the development, connectivity to adjacent uses, and high quality architecture, landscaping and streetscape design. Design guidelines cover the overall site development, landscaping, and architecture. The application before City Council does not approve the conceptual master plan but it does consider a zoning and comprehensive plan map change that would allow for uses envisioned in the master plan.

The SWITC conceptual master plan includes an economic and fiscal impact analysis. If the land is developed as envisioned by the master plan the estimated total taxable value would be \$600 Million. Estimated annual tax revenue at full build-out per taxing entity is as follows:

- City of Nampa - \$6,954,600
- Nampa School District - \$2,761,100
- Canyon County - \$3,427,700
- Nampa Highway District - \$908,600
- Vallivue School District - \$3,274,300
- College of Western Idaho - \$114,400

Environmental

The Department of Environmental Quality keeps a database of historic landfill sites. The database includes a record for Canyon County Section 12, Subsection SW ¼; SW ¼, Township 03N; Range 02W, which is roughly the model airplane runway location. This area was a demolition disposal facility that is now closed. According to the Department of Environmental Quality, buried waste might be encountered during future excavation activities. Waste, if found, will need to be properly characterized and handled for proper disposal.

Public Utilities:

Water: Domestic waterlines are onsite, 12" mains on Ridgecrest Drive and 11th Avenue North. Future developers could connect into existing services, but a network of

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mainlines would need to be installed through the development, along with some pressure reducing valves.

Sewer: An 8” gravity sewer main serves a portion of 11th Avenue North. Future developers will need to upgrade approximately 1300 lineal feet of existing off site sewer pipe to 15” and install a gravity sewer pipe network at the site.

Irrigation: There is currently a private irrigation system that serves the site. Future developers will need to convert the development portion of the project to the municipal irrigation system. The golf course portion will be serviced by a private irrigation system.

Needed public utility improvements will be paid for by the land owner or developer as stipulated in the Development Agreement.

Emergency Services: All available.

Transportation: The property is accessed from 11th Avenue North Ext. and Ridgecrest Drive. Full build out of the master plan will require improved site access and internal connectivity. The 2013 conceptual master plan envisions a new interchange along I84. After discussing this option with the Idaho Transportation Department, the applicant has since removed the interchange from the master plan. Alternatively they are now proposing an overpass at 39th street and an overpass on the western end of the development down to E. Karcher Road. Transportation improvements will be paid for by the developer.

Correspondence and Public Input: To date there have been a few phone calls, emails and letters from citizens interested in preserving Ridgecrest and Centennial Golf Courses. In 2015 approximately 50 people showed up to a community open house regarding the Northeast Nampa Specific Area Plan. Nearly all of the attendants were concerned about potential changes to the golf courses. Approximately 150 people attended the July 12 Planning and Zoning Commission hearing, 65 people signed in as being against the proposal and 1 person signed in as being for the proposal.

Status of Applicant: Owner / Owner Representative

Location: North of I84 at 1660 11th Avenue North including Centennial and Ridgecrest Golf Courses.

Size of Area: Approximately 600 acres of land located in Sections 11, 12, 13, and 14, T3N, R2W, BM, Canyon County, Idaho

Current Comprehensive Plan Land Use Designation: Parks and Public

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Proposed Comprehensive Plan Land Use Designation: Community Mixed Use

Existing Zoning: AG (Agricultural)

Proposed Zoning: GB1- PUD (Gateway Business 1 as a Planned Unit Development)

Surrounding Land Use and Zoning:

North- Primarily residential, RS 6

South- Primarily Industrial, IP and IL, some commercial, BC

East- Commercial, GB 1

West – Primarily Industrial (IP & IL) some commercial, BC

Planning and Zoning Commission: The Nampa City Planning and Zoning Commission, on July 12, 2016 voted 4 -2 to approve the Planned Unit Development permit and recommended that City Council approve the Comprehensive Plan Map Amendment and Rezone. The Commission made their recommendation contingent upon entering into a development agreement. Planning and Zoning Commissioners cited the master plan design and a need for the State of Idaho to maximize use of their land in the recommendation for approval.

Decision Criteria

Comprehensive Plan Future Land Use Map Amendment - The decision to approve or deny a comprehensive plan map amendment/ change is purely subjective. However, the City attorney has advised that City Council provide some rational basis for the proposed change. Rationale could include substantial changes to the surrounding area and/or errors in the original plan.

The “Community Mixed Use” designation is recommended for activity centers that include commercial, office and residential uses. These areas include an interconnected circulation system that is convenient for automobiles, pedestrians and transit. Well planned mixed-use developments are encouraged by Nampa’s comprehensive plan.

Rezone - In regard to the corresponding rezone request there are several criteria to consider. Rezones must be in harmony with the comprehensive plan; be reasonably compatible with existing, adjoining property uses; establish an area of zoning the same as or compatible with immediately adjoining districts; not create a “spot” zone; and be in the interest of the public and reasonably necessary.

The existing AG (Agricultural) district is meant to preserve the economic and social value of agricultural operations. Within the city it also serves as a transition between rural and urban. (Ord. 2140)

The purpose of the proposed GB1 (Gateway Business) district is to encourage the consistent development of areas surrounding community gateways or entryways. GB1 is intended for

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mixed use, primarily commercial development allowing for a variety of highest and best land use alternatives with flexible development standards. High quality architecture, landscaping and site planning standards are encouraged. (Ord. 3450, 5-23-2005)

Planned Unit Development - The Planned Unit Development (PUD) was approved by the Planning and Zoning Commission and requires no further action by City Council. The approved PUD allows greater flexibility and more creative design for the development. All uses allowed within the underlying land use district are permitted within a PUD and up to 20% of the gross land area may be directed to uses not otherwise allowed, in this case residential.

Staff Findings

Regarding the requested **Comprehensive Plan Map Amendment** from Parks and Public to Community Mixed Use, City Council must determine a justification for approval or denial. As previously stated, a plan may be amended for any logical or reasonable basis.

There are no Community Mixed Use designations adjacent to the subject property. The closest such designation is about 500' to the north on the west side of Idaho Center Boulevard. However, the subject property is separated from surrounding land uses by the railroad corridor, I84 and steep slopes. These barriers provide some buffer to surrounding land uses.

Although the future land use map does not currently designate community mixed use for this area the Comprehensive Plan does encourage mixed use developments. Smart growth principles advocated for in Nampa's Comprehensive Plan support mixed land uses as a critical component of achieving better places to live. By allowing residential, commercial, office and recreational uses in close proximity, alternatives to driving, such as walking or biking, become viable. Mixed use developments tend to provide a larger variety of housing options, shorter travel times between work and home environments, a strong community atmosphere, and pedestrian friendly lifestyles.

A desire to see more mixed use developments in Nampa along with the master plan developed by the Idaho Department of Health and Welfare could all justify a Comprehensive Plan Map Amendment to Community Mixed Use.

Under Section 10-2-3 regarding rezones, in order to approve the proposed **Rezone from AG (Agricultural) to GB1 (Gateway Business)** City Council must find the following:

1. The proposed map amendment (rezone) would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan future land use map (or as recommended for amendment);

This requirement could be met if the Comprehensive Plan map amendment is approved.

2. The proposed map amendment (rezone) would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses;
The site is separated from surrounding land uses by the railroad corridor, I84 and steep slopes. The property is bordered by commercial uses to the east, industrial to the west and the master plan places residential and golf course uses adjacent to existing residential to the north.
3. The proposed map amendment (rezone) would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts;
The proposed GB1 zoning is currently designated for the area to the east. The conceptual site plan also congregates residential and golf course uses on the northern section which is bordered by a residential subdivision. The master plan land use layout generally matches surrounding lands and interior buffers are designed to ease transitions between land uses.
4. The proposed map amendment (rezone) would not create a “spot” zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve to benefit the applicant;
The rezone is adjacent to GB1 zoning on the east end and therefore would not create a spot zone.
5. The proposed map amendment (rezone) would be in the interest of the public and reasonably necessary.
The proposed rezone would allow for the proposed SWITC master plan development which if fully realized is estimated to generate 6.9 million in annual tax revenues for the City of Nampa. The envisioned development would also create a quality mixed use development that would become a desirable amenity for Nampa.

Existing uses including the golf courses also provide a public good. However, the city cannot require the state to use the land for golf. Any use permitted by the zoning district is allowed. To ensure that the golf courses are preserved, the city would have to purchase the land from the Department of Health and Welfare.

The GB1 zoning district does not allow residential uses and some of the setback requirements would not support the proposed conceptual master plan. Therefore a Planned Unit Development (PUD) was approved by the Planning and Zoning Commission. The PUD will be effective if the Comprehensive Plan Map Amendment and Rezone are approved by Nampa City Council.

Conditions of Approval

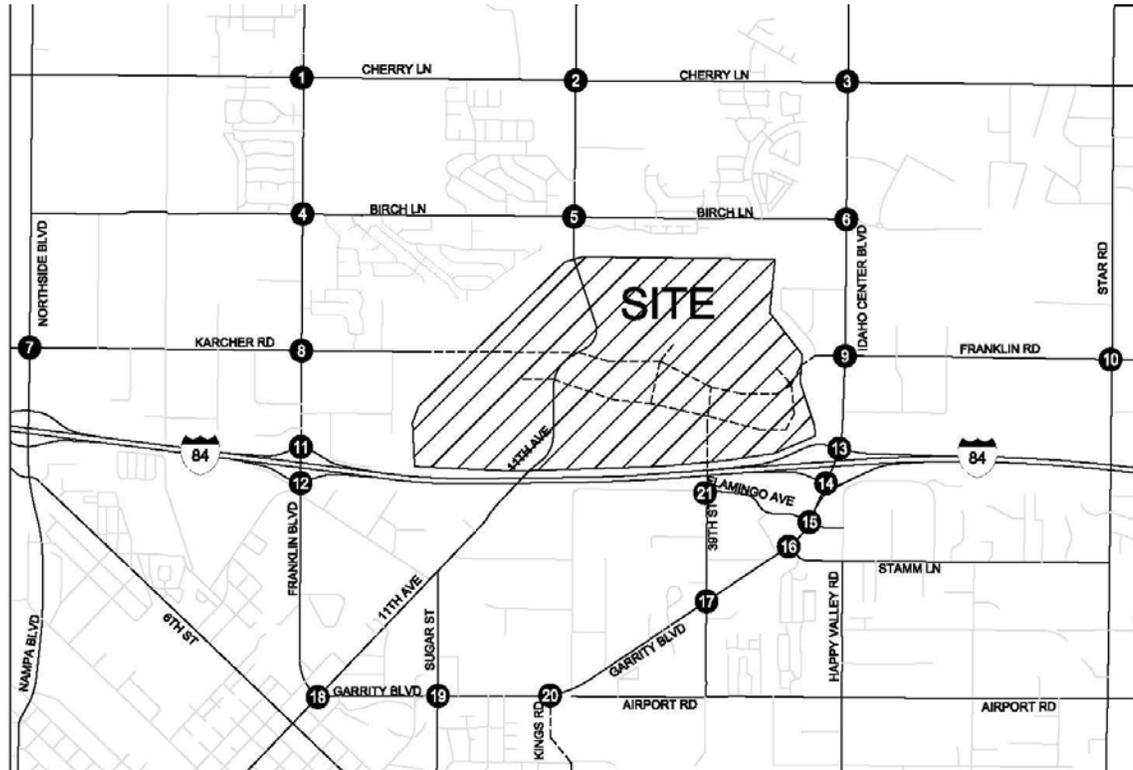
If Nampa City Council determines that the proposed comprehensive plan map amendment and rezone with a PUD is appropriate for the location, certain **conditions of approval** are recommended. Conditions of approval for the rezone are included in the attached Development Agreement. The Development Agreement requires the land owner and future developer to develop the land according to the Department of Health and Welfare Master Plan. The agreement identifies needed infrastructure improvements and states that the costs will be paid for by the land owner or future developer.

Development Agreement Conditions:

1. The Project shall be developed in substantial conformance with the conceptual master plan attached hereto as **Exhibit “B”** (the **“Conceptual Plan”**) and made a part hereof; provided, however, that Owner/Developer shall have limited flexibility to modify through City Process and develop the Property as required to accommodate market conditions.
2. Design guidelines outlined in the Southwest Idaho Treatment Center Conceptual Master Plan Final Report dated July 2013 section 03.2 through 03.6 attached as Exhibit “D” shall be followed with substantial conformance provided, however, that Owner/Developer shall have limited flexibility to modify through City Process and develop the Property as required to accommodate market conditions.
3. Up to 20% of the gross land area may be directed to residential uses which are typically not allowed in the GB1 district.
4. 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 (see items 9.a and 11 below, as well as review of roadways and utility infrastructure).
5. Owner/Developer shall, upon finalization of the comp 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 build out 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 or upgradable as required for final build out and shall be based on a comprehensive review of existing infrastructure needs. Prior to the preliminary plat being approved by the City, Owner/Developer shall submit for review and approval a development agreement modification specifying how major infrastructure items will be

funded. Detail of the funding shall specify how infrastructure costs will be equitably allocated to the phases of development.

6. 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 analyze, design and construct the following as required infrastructure components:
 - a. Create a continuous three to five lane roadway (“**New Roadway**”) complete with bicycle lanes and sidewalks 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; including the implementation of a railroad overpass as required to connect with Karcher Road per the guidelines of the Union Pacific Railroad.
 - b. Construct a north-south roadway from the “New Roadway” to connect with North 39th Street 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, as determined appropriate by future traffic impact studies and analysis. Improvements may include but not be limited to signalization or construction of a roundabout.
 - d. Intersection improvements at North 39th Street and Flamingo, as determined appropriate by future traffic impact studies and analysis. Improvements may include but not be limited to signalization or construction of a roundabout.
 - e. At such time as the railroad crossing at 11th Avenue North south of Birch Lane is improved it shall at a minimum have concrete planking installed parallel to the rail
7. 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. The following graphic identifies the intersections. Owner/Developer shall analyze as part of all impact studies performed for each phase of development. Improvements identified as part of the TIS shall be implemented as required to achieve appropriate service at the various intersections.



8. 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.
9. Owner/Developer shall at a minimum implement the following Water Utility improvements:
 - a. Install a network of mainlines through the development. Specific size and 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.
10. Owner/Developer shall convert the development portion of the project to be served by the municipal irrigation system; the golf course shall be service by a private irrigation system.

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11. With the submittal of the preliminary plat Owner/Developer shall pay for the sewer modeling performed for the project; an estimated cost of the modeling is \$8,000. Owner/Developer shall upgrade approximately 1300 lineal feet of existing sewer pipe to 15", and install a gravity sewer pipe network generally as shown on the attached Exhibit "E".
12. Owner/Developer shall provide for perpetuation of all gravity irrigation supply and waste which enters and exits the site.
13. Construction of the overpass to E. Karcher Road shall be designed to perpetuate all existing driveway accesses.

No one appeared in favor of the request.

Those appearing in opposition of the request were: Spencer Rickart, 16102 Horizon Drive Caldwell; Ron Fortner, 6970 East Greens Drive; Victor Rodriguez 1854 West Creek Court; Randy Eldridge, 1715 Edgeview Drive, Centennial Men's Golf Association; Diana Mecham, 12441 South Abbot Drive; Linda Estes, 3620 Vista Drive ; Kevin Hansen, 3023 West Joust, Meridian; Linda Brewer, 226 South Florance Street; Nancy Fortner, 697 East Greens Drive; Ed Fulton, 2019 West Blossom; Richard Hagood, 6853 East Covence; Joe Scott, 3211 Karsan Court; James Adamowski, 6833 East Greens Drive; Hubert Osborne, 4199 East Switzer Way; Clint Beers, 432 West Colorado; William Nichols, 11204 West Victoria; Elaine Yost, 14730 Hensen Drive; David Bills 3400 Montego Way; Sharon Brewster, 2405 East Dewey Avenue; Nancy Sheperd, 6703 East Greens Drive; Dave Sheperd, 6703 East Greens Drive; Don Loughmiller, 2123 Estates Drive; Mike Arnell, 6856 East Greens Drive; David Ferdinand, 2419 West Herron Loop; Linda Adamowski, 6833 East Greens; Phyllis Charters, 16401 North Putting Court.

Mr. Armstrong addressed some of the questions that were brought up.

Doug Russell, Land Group Inc. presented a rebuttal to questions that were brought up.

Michael Fuss answered questions that were asked.

MOVED by Skaug and **SECONDED** by Raymond 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**

Councilmember Raymond said listening to the comments and looking over the documents and pouring over this in my mind, I think the overarching issues on this whole deal is we have 600 acres of land right dead center of the City of Nampa, that was never intended to be developed.

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So we are trying to retrofit and catch up the traffic. COMPASS tells me that the traffic past Garrity is 29,000 vehicles a day and we are currently in the vicinity of the interstate at about 26,000 if you do some simple math and you say that there is 500 acres in this project that is usable and you put one unit per acre on each house that generates 5,000 vehicles if you take ten trips per day per resident. If you look at all of the other issues with the traffic it is overwhelming. If you look at the water, sewer, pressure irrigation. The pressure irrigation is there, water and sewer in my experience as Public Works Director for the City of Nampa was never done with a master planning effort to include the golf course. The golf course was always there and it was always going to be there. We have a land fill issue and I am still not comfortable that we can't find ourselves doing a clean-up for a significant amount of money. With regard to the basic golf course itself, its proposed, I worked as the City Engineer in Mountain Home I work on the expansion of the golf course there and I worked on the sprinkler system for the existing golf course prior to that and it takes about 160 acres ish to do a golf course. The City can net that down to 150 acres let's say. It says in the Press Tribune on the internet that Health and Welfare wants to sell its property for 127 million dollars that is 600 acres. That comes to \$211,000 per acre. So if you take 150 acres and you multiply it by that cost you are looking at 30 million dollars for that property for that golf course. There is no way in my mind that a developer would come to dodge and spend that kind of money on a golf course; it would take them forever to get their money back. So I don't see that happening. If they take the golf course out of the equation I don't know what the numbers are I have not went that far. If you take the golf course out equation and just pay for the raw ground it is probably closer to \$300,000 an acre they are paying for the use of the development part of that ground if they don't consider the golf course. I think there a lot of issues that are just not solid to me. When I was dealing with this initially it was about the existing golf courses but if can't be, I can't make my decisions based on the existing golf courses, I have to make my decisions based on this proposal, this zoning change and that said I would not enter into an agreement with someone who I didn't think could actually perform based on what they say even though there is a contract and it is legally binding. I don't want to play. So based on what I have said I don't feel comfortable at this point on moving forward without some change in the agreement, some change is the whole application structure to see where we really are. I am not in support of it tonight.

Councilmember Skaug said the development agreement looks good, you have done a good job. I like the look of it, but the problem we have is it takes away our City golf courses and I know that you have to look out for the state, and I understand your issue but no one in our community has spoken in favor of this and that cuts pretty strong with me. The problem is that we don't own this land, the Department has the duty to find the highest and best use, they have to do that. Leasing to Nampa at this low rate can't go on. I am not giving anything up in the negotiations to say that. The City fathers took a risk, they built on land we didn't own. It sounded good at the time, I suppose, now here we are, they should not have done that but hind site is 20 20. I am okay with development going forward but only, if and only we have an 18 hole golf course with

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an option for the City to purchase the City golf course. Is Nampa ready for this kind of growth, there is not a lot of discussion, I don't know, already we are getting traffic heavy on every street, you mention some streets but it is heavier than I want, but people are coming here it is a good place to live. The social costs analysis is a valid request. I am not ready to say yes tonight but I would like to see more negotiation to make a better win, win for the development agreement, you have opted for some good ideas there and I think that we can get there. Mr. Bills comments were well received also, I would like to see a tighter agreement because I think that we can make a tighter one, where we guarantee that we are going to have a golf course out there with a certain time fixed if possible. I would like to make a motion but not at this moment and see what you all have to say but direct staff to go back to the drawing board on the development agreement taking into consideration the things that we are discussion.

Mayor Henry asked did I hear earlier that the development agreement was approved by P & Z and that is really not a part of our discussions. (that was the PUD – Planned Unit Development)

Councilmember White said that she has some observations and a few comments and will say that I golfed in the womens league at Centennial and Ridgecrest and so did Lori Otter. It is so far reaching what we have here in Nampa and I also participated years ago (5 years of more) in discussions on the leases and how we could do this because and the statements were made right to me, right across the table that we don't want your golf courses, we want the... you put them in, the City did and when I think about that, the state has owned the property for how many years (over a 100 years) so that means that they owned the property when the infrastructure went in, when the tractors where there, when the grass went in, when the restroom and the clubhouses went in, every lease payment they still owned the property, when the snow was shoveled and when the roads were maintained, when the sewer and water improvements went in the state still owned that property, they owned it when we partnered with them to put the road in, we worked together to put that road in on Franklin, so the state has owned it through all of that and so my question came down to. So why now. . . I get it, because of the lease and what we are paying that sort of thing. Well I think that the Department of Health and Welfare is overseen by our state legislature – is that correct (yes) I believe that sometimes that they weigh in and have questions or they will have concerns, so there is a whole lot that goes on behind needs and requests when things come up that a lot of times as a general public we are not privileged to all of that information. What we heard here tonight and what hasn't changed is that the State owns the land and the problem is that the amount of money on the leases. What I would like to see and I think that Councilman Skaug alluded to that was an option to purchase the golf course. The one other question that I have is the lease goes through 2019 and I will ask legal staff in that lease is it tight enough, because I have heard that the Department of Health and Welfare could come in at any time and say you are done (no it is joint approval) that puts my mind at rest because I have heard that scuttlebutt around. At the end of 2019, two and ½ it puts a little more urgent. That is plenty of time, I love what the people are saying, and the proactive approach is we have to move forward together. It is going to take the governing body and it is going to take

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the citizenry so the suggestions to purchase this property, to purchase a golf course you said that, it is on public record and we have two, two and ½ years figure out how we as a community, they showed up with their tractors and built them now we figure out how we buy them. I find it interesting to and this is just a womens observation, it is very odd to me your conceptual plan is absolutely so beautifully well done and thank you so much, so professionally presented to us but it is very odd to me that Job Corp gets to stay right smack dab in the middle that – that is odd to me (they have a long term lease) I know, I am struggling with the fact that a Job Corp stays in the middle of this beautiful plan because they have a long term lease. We have a golf course and I just speak to Ridgecrest right now and at one time and maybe it still is nationally in the top how many of courses and that has to go. We have the time and we figure out to do it and develop around that award winning gem of a course and work together on this because I understand what you need because I understand the needs of the most vulnerable in our state. We have a responsibility to the most vulnerable in our community and that is to take care of them and the needs are so great and especially mental illness. The mental health issues we have no place in the State of Idaho we have intermountain or something like that, you are watching the news and seeing what is going on all across and the mental illness and the people it is effecting, and with the meth problems and the meth babies and everything else come on people we are in this together and we have to provide and so I understand what their side of the needs are too. I really do there are people that need care and we need the safety of them being cared for as citizens. I am not ready to vote on this tonight I am speaking as just one vote on this Council. There are questions, there have been great ideas there has been so much of coming together and want to plan and work together, I have not heard anybody just throwing a fit about anything. I have heard people coming up here and giving good ideas and you even said yourselves that the people came up with some good ideas and that is what we do in Nampa when we are faced with things like that we come together we get good ideas, we find a way that it is going to work and we get it done. I would like to table this and I would like to send back . . . there are some changes that you have eluded to possibly and we have areas as well that, people got there say tonight I would just like a little more time. We got 268 pages on this on Thursday for a public hearing tonight, this is huge for our state it is huge for our town.

Councilmember Levi said that she started off tonight asking the applicant's representative what the price of the land was worth as it is currently zoned as AG in comparison to what it would be worth if we were to rezone if GB-1. I am concerned about that specifically; I would like to see the numbers on that because if we rezone that it definitely increases the value of the land the state sells the land at a good price they make a profit but we as City are left with uncertainty as what is going to happen. We are dependent upon the market what happens in the market for those of you that are history buffs, if you pay attention to history every time we have a new president coming in with an 18 months to two years something happens to the economy to adjust itself. What is going to happen with a piece of land that has been sold the state already has their money but we are sitting here wondering what is going to happen and when are we going to start seeing a return on that. When is our City going to start seeing that tax revenue coming in and

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when you are looking at 20 to 25 years down the road for completion that does not guarantee anything we are taking a risk and that is not a risk that I am willing to take. I don't like to project, I want to see something that is really going to happen and be a benefit to us. Another thing as I look at the two golf courses as they stand largely there and I look at what great amenities that they are to our city they are probably the only real concrete amenities that we have at this point. I look at the sense of community when our community came together to build Centennial Golf Course they brought their equipment, they brought their supplies and they spent endless hours out there building this golf course with a vision to create a quality of life this is community at its best and we as a Council do not pay attention to our community and we just give this away, I am sorry but that is slapping our community members in the face and when I as a Councilperson and getting out there in the community and I am encouraging them to be involved to invest to put roots down in the community and do something and we turn around and carelessly say we don't care what you guys did out there with Centennial it is of no value. I can't live with myself; I can't do that to my community. I look at the air quality, that is a concern, we need see concrete numbers, the traffic studies, I need to see really concrete numbers there are concrete numbers on a traffic study what is going to happen and I drive on the roads and see it is and what it is like to drive on the roads now. What is it going to be like when all of these developments as have been mentioned by our community members and some of the Council when some of these developments are done as far as Winco, the STAN apartments and CWI expansion what are we going to do out there. I have driven out there on the weekend and I have driven out there on the evening and it is really difficult it is a challenge to get through that area. I have also been doing some studying about water right just in general so that I can understand them. With a huge increase of not only commercial but residential, when do we say that enough is enough because we don't want to put ourselves in the same position that Nevada and California have where they cannot supply adequate water and if we can't supply water, we ceased to exist as a community. This community was built on community our golf course was built because our community members had a vision they wanted to add to quality of life. When I drive down I-84 I am always refreshed when I see those golf courses. It doesn't only touch here in the City of Nampa but people from the Treasure Valley, people from Oregon, they come and play on our golf courses. Why do we want to get rid of something that is so beneficial to our City and so concrete and lastly I am sure that there is something that I have missed but I want to say first off to the community members that have come out tonight thank you, thank you, thank you, you have blessed by heart just by the fact that you have put time and effort and you showed up tonight. To the state thank for the time and effort you as well have invested and been concerned about the best and wisest use for this property. We to in Nampa part of Idaho and I just want to encourage you to remember we part of Idaho, these are our amenities, these are our quality of life and we would love to have you support that. The last thing that I have to say my community elected me to represent them and I need to represent them the best I can.

Councilmember Bruner said thank you, it is 10:35 it is time to put this to bed but thank you for coming out and representing your City and state amazing job as far as what you put together and

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think with tightening this up a little bit more and we will see what happens, appreciate the community of Nampa.

Mayor Henry said that we have two golf courses no we have three golf course my wife loves the wee nine until December 31, 2019. Regardless of what happens tonight that days looms heavy with me because I want to continue golfing as long as possible and if we can work out an agreement to buy it I think that we have a willing seller and I think that there is lots of discussion on coming up with a value. I think that we are quite a ways apart. Again, I try to keep things basic we don't own that ground and Health and Welfare just like any other developer. . . I look at our mission statement they are saying they want to get a better return on their property. I think at the end of the day, that will happen because it is their property. What I am hearing is that we would like to table this, maybe get a firmer development agreement, perhaps get a clearer understanding of what one or two of those courses may cost if we are interested in buying. It is not going to go away, If we reject this that Health and Welfare is going to say that didn't work so I guess we will just keep leasing to the City of Nampa at a fair price, we still have to December 31, 2019 I think that there will be a real reality check trying to come up with payments that we can still afford.

Councilmember Haverfield said that it is with sadness that I saw the demise of the Broadmore course being a past member there and enjoying the quality of that course now seeing the same type of activity taking place there as we are looking at here. I think that we need to move carefully forward as we make the decisions that we are trying to discuss here and before we encumber the taxpayer with potention of a General Obligation Bond or whatever it would be to fund this type of a cost I think that it does merit further discussion as to whether another course may be located in the same amount of effort for a less cost, something that we would own and cherish, ,I think that there is more discussion to take place and I think a motion to possibly table this to another hearing would be a good thing to do.

MOVED by Haverfield and **SECONDED** by White to table this decision to another hearing.

Mayor Henry asked if it had to be time certain.

City Attorney Mark Hilty said no it does not have to be time certain, staff will have to re-notice it if and when we are bringing it back. For my clarification and the rest of staff and maybe for the public to. I want to make sure that I have the spirit of how . . we are to go back and continue based on a couple of concerns, and I have twelve pages of notes, based on the concerns raised tonight both in your deliberation and by those who testified, can we go back and address some of those things with a better development agreement, potentially redesign or different concepts, but bring something back that addresses some of the concerns that have been expressed tonight.

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Councilmember Haverfield requested to withdraw his motion, Councilmember White pulled her second.

MOVED by Skaug and **SECONDED** by White to direct staff to redraft the development agreement and go into negotiations which would include an option to purchase the city golf course on the property and with certainty to have an 18 hole golf course whether we purchase one or not on the property and to consider particularly Mr. Bills comments in the negotiation.

Councilmember White said any change once the conceptual plan is presented, accepted and it is approved should it go that way, any change would come back before the Council and substantial . . . that it is the issue where it is going to be difficult to figure out what substantial, but it would be posted for a public hearing again for any change, because the people are very much a part of this.

Mayor Henry asked if she would like to add that to the motion?

Councilmember White said I would like to add that to the development agreement as another condition as that development agreement.

Councilmember Raymond said that he is opposed the zone change, I will go along with the tabling of the motion for now, without any commitment to what I do in the future.

Councilmember Levi said she would like to echo Councilmember Raymonds sentiments thank you.

Mayor Henry asked for a roll call vote with Councilmembers Haverfield, Levi, Bruner, Raymond, White, Skaug voting **YES**. The Mayor declared the
MOTION CARRIED

Mayor Henry said that it has been table for not a time certain. We will have to give notice for – is it for another public hearing Mark? (yes) We would have to go to another public hearing, so that would have to be noticed, it doesn't have to go through P & Z again.

Mark Hilty said yes if probably will have to, we will look into the process. Mr. Mayor if I could, I think given the tabling of it, the quazi-judicial rules will still apply. . . you should not have conversations with anybody about this or receive any information about this, wait until the next hearing and get your information.

Doug Russell wanted to clarify some of the process. First of all, I am definitely looking to be educated here. It seems like that your decision has been tabled to a date to be determined based on me getting together with staff and modifying this development agreement. I just heard the

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attorney say that we still have to notice the public hearing, listen to public testimony again and potentially go through a Planning and Zoning hearing, even though all we have done is table the Council's decision at this time. It seems to me, forgive me if I am incorrect, it seems to me the next step is to get together with staff, work through these issues that have been identified in the development agreement and then bring it back to Council to reconsider. I just want to make sure that I am not misunderstanding what our process is going forward.

Mark Hilty said that you are not misunderstanding the process, my concern Doug is that based on the testimony and what we have been instructed to do, we are going to have some pretty material changes to your application potentially. Of course the development requires us to agree so we have a serious of negotiations to go through if those negotiations resolve is significant changes then we do have potentially a concern going back to planning and zoning for a new recommendation on what constitutes a material change to the plan. That is my concern. I am perfectly content to talk about process as we get into it, but at this point I am not sure that we are talking about tweaking things, I think that we may have some substance things to discuss.

The Mayor adjourned the meeting at 10:46 p.m.

Passed this 6th day of September, 2016.

MAYOR

ATTEST:

CITY CLERK

CONSENT TO BID

EAST GREENHURST ROAD, STODDARD PATH SIGNALS (KEY NO. 18867)

- The project will address intersection related crashes near the Stoddard Pathway, especially pedestrian incidents
- It was made possible through a cooperative effort between the City of Nampa, ITD and COMPASS and is another incremental step toward the city's continued efforts to provide a safe, efficient and sustainable transportation system
- The City was awarded Federal funding through the Community Choices Transportation Alternative Program (TAP) to build a pedestrian crossing signal at East Greenhurst Road at the Stoddard Trail Crossing
- The project was chosen as it is recognized as a high priority intersection in the City of Nampa Bicycle and Pedestrian Master Plan and includes the installation of a Rectangular Rapid Flashing Beacon (RRFB), lighting, pavement markings, signage, parking lot improvements and ADA ramps
- The State Local Agreement for Project Design and Construction with ITD was approved by City Council on June 15th 2015
- The project funding is summarized as follows:

- Total project costs

Design	\$36,336
Construction	\$202,431
Construction Inspection	\$26,074
Total	\$264,841

- Total funding

Federal (89.97%)	\$238,293
City Match (10.03%)	\$26,548
Total	\$264,841

- City match is from FY-17 Streets budget
- Engineering recommends authorization of the bid process

REQUEST: Council authorize Engineering Division to proceed with the formal bid process for the East Greenhurst Road, Stoddard Path Signals Project.

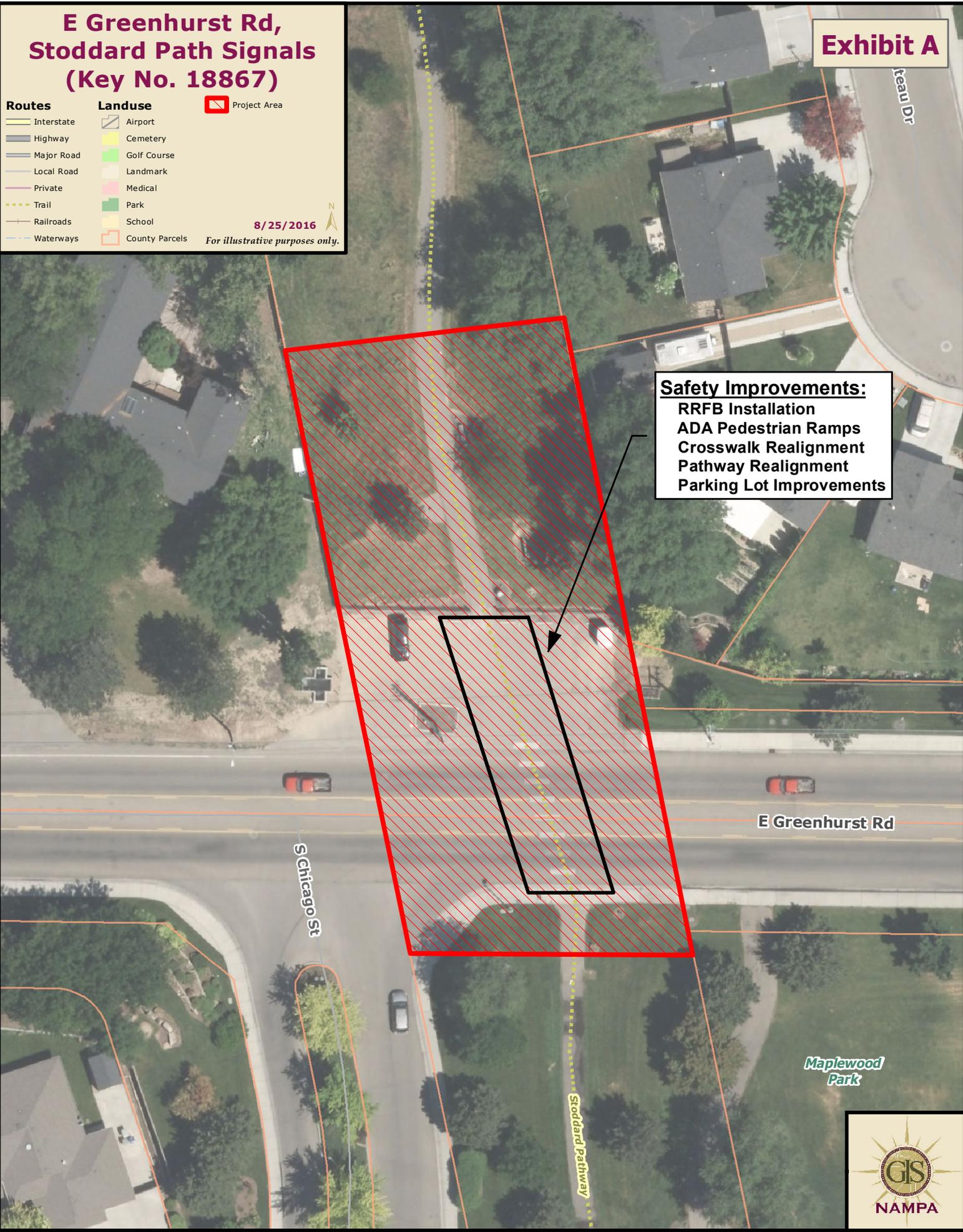
E Greenhurst Rd, Stoddard Path Signals (Key No. 18867)

Exhibit A

Routes	Landuse	Project Area
Interstate	Airport	Project Area
Highway	Cemetery	
Major Road	Golf Course	
Local Road	Landmark	
Private	Medical	
Trail	Park	
Railroads	School	
Waterways	County Parcels	

8/25/2016

For illustrative purposes only.



Safety Improvements:
 RRFB Installation
 ADA Pedestrian Ramps
 Crosswalk Realignment
 Pathway Realignment
 Parking Lot Improvements

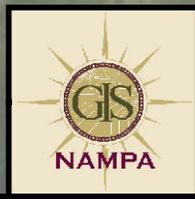
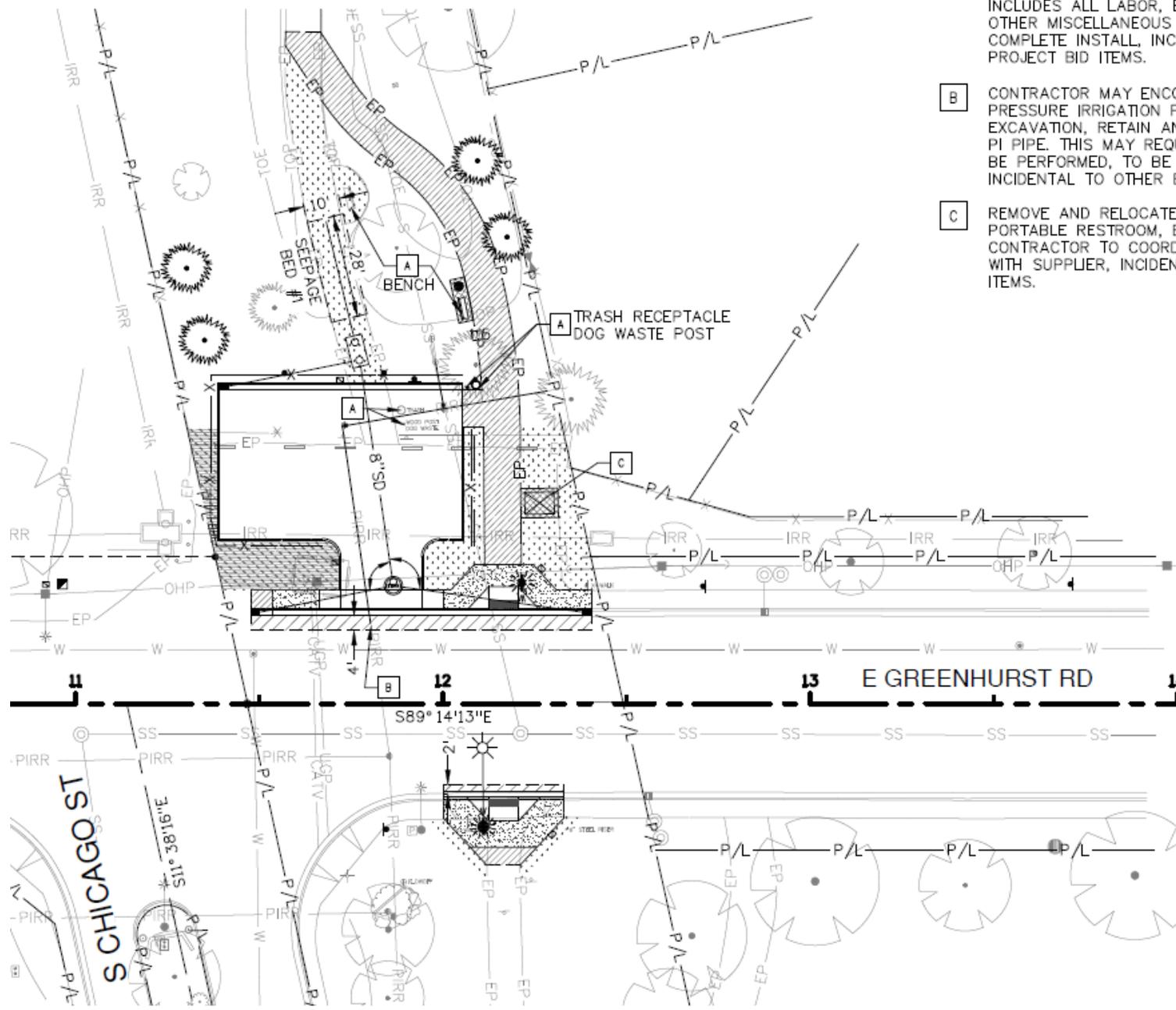


Exhibit B - Proposed Site Improvements

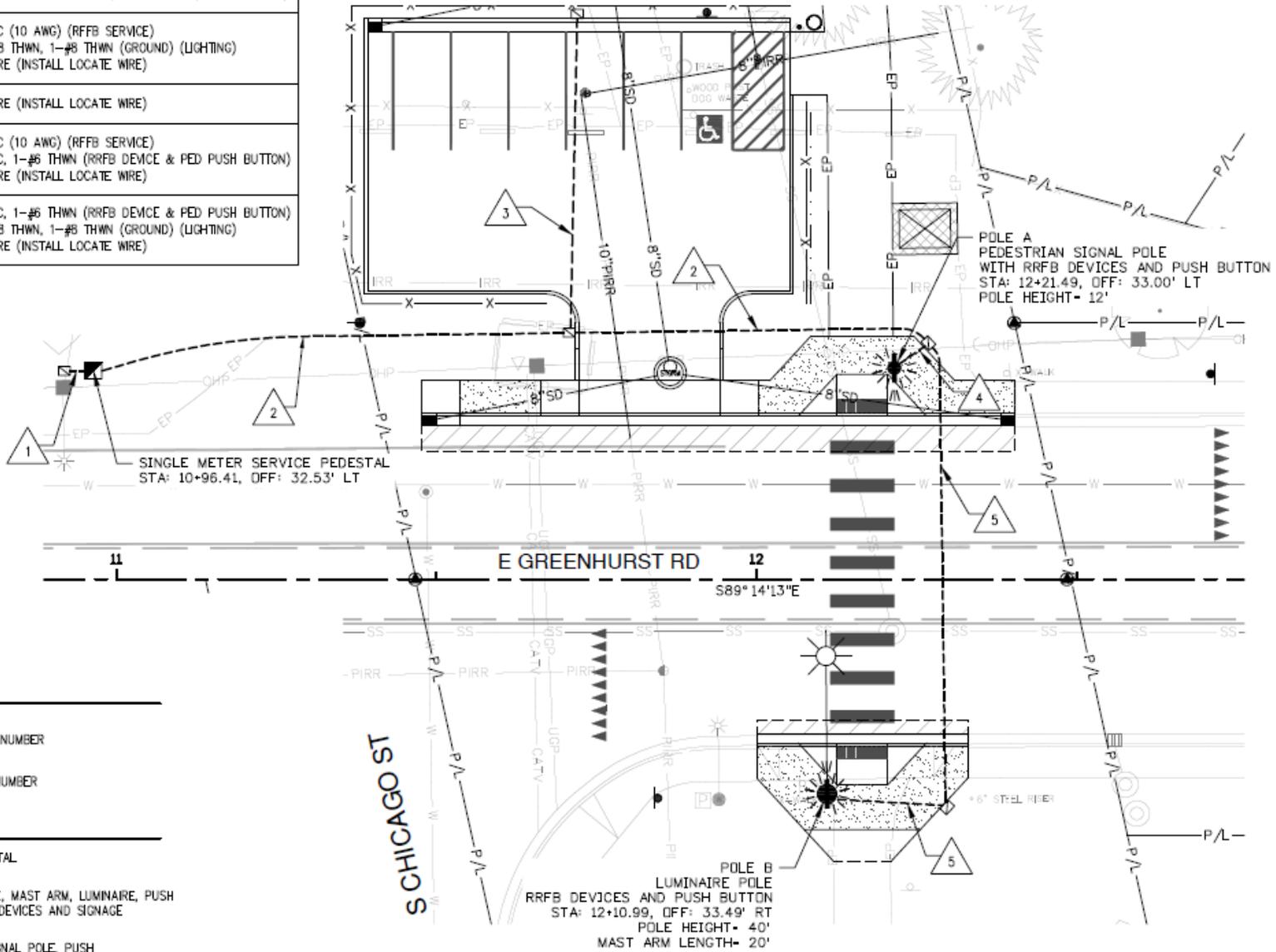
NOTES

- A** REMOVE AND REINSTALL EXISTING TRASH RECEPTACLE, PARK BENCH AND DOG WASTE CONTAINER AND POST AT PROPOSED LOCATIONS AS SHOWN ON THE PLANS, INCLUDES ALL LABOR, EQUIPMENT AND OTHER MISCELLANEOUS ITEMS FOR A COMPLETE INSTALL, INCIDENTAL TO OTHER PROJECT BID ITEMS.
- B** CONTRACTOR MAY ENCOUNTER EXISTING 10" PRESSURE IRRIGATION PIPE DURING EXCAVATION, RETAIN AND PROTECT EXISTING PI PIPE. THIS MAY REQUIRE HAND WORK TO BE PERFORMED, TO BE CONSIDERED INCIDENTAL TO OTHER BID ITEMS.
- C** REMOVE AND RELOCATE EXISTING ADA PORTABLE RESTROOM, BY OTHERS. CONTRACTOR TO COORDINATE RELOCATION WITH SUPPLIER, INCIDENTAL TO OTHER BID ITEMS.



CONDUIT AND CONDUCTOR SCHEDULE

NO.	CONDUIT	CONDUCTORS
1	2" RPC	3-3/0 COPPER OR 3-4/0 ALUMINUM (200A SERVICES)
2	2" RPC 2" RPC 2" RPC	1-3C (10 AWG) (RFFB SERVICE) 2-#8 THWN, 1-#8 THWN (GROUND) (LIGHTING) SPARE (INSTALL LOCATE WIRE)
3	2" RPC	SPARE (INSTALL LOCATE WIRE)
4	2" RPC 2" RPC 2" RPC	1-3C (10 AWG) (RFFB SERVICE) 1-5C, 1-#6 THWN (RFFB DEVICE & PED PUSH BUTTON) SPARE (INSTALL LOCATE WIRE)
5	2" RPC 2" RPC 2" RPC	1-5C, 1-#6 THWN (RFFB DEVICE & PED PUSH BUTTON) 2-#8 THWN, 1-#8 THWN (GROUND) (LIGHTING) SPARE (INSTALL LOCATE WIRE)



LEGEND

- A PROJECT NOTE NUMBER
- 2 CONDUIT RUN NUMBER

PROPOSED

- SERVICE PESTAL
- LUMINAIRE POLE, MAST ARM, LUMINAIRE, PUSH BUTTON, RFFB DEVICES AND SIGNAGE
- PEDESTRIAN SIGNAL POLE, PUSH BUTTON, CONTROLLER, RFFB DEVICES AND SIGNAGE
- X JUNCTION BOX (TYPE S-40T/ADA)
- CONDUIT GROUP



CITY OF NAMPA FINANCE DEPARTMENT

Vikki Chandler - Finance Director
(208) 468-5737

September 6, 2016

TO: Council
Mayor Bob Henry

FR: Vikki Chandler, Finance Director

RE: Financial Report

Attached are financial statements as of July 31, 2016. Pages 1-5 are Revenue and Expense reports for the departments in the General Fund and pages 6-12 are for all funds. Following are points to note from the Revenue and Expense reports:

- 1) Revenues are coming in higher than projected, generally because we estimate conservatively.
- 2) Expenses are coming in as budgeted if there is about 16% in Remainder column.
- 3) The Idaho Center is making a better showing the prior years. The Civic Center is also holding its own in this transitional year.
- 4) Many capital projects are under budget at this time, although summer work is still being accomplished. Many projects will be rolled over to FY 2017, so the budget may look low, but the funding will eventually be spent.
- 5) Self-funded plans on page 11 look very strong, with all likely to add to reserves. Employees and good management of resources are keeping these costs lower than market for these benefits.
- 6) Grant funds continue to challenge us in cash flow issues. New Finance staff is assigned to help manage this area.

In a separate report is a Balance Sheet. Note the cash balances, which remain strong overall and help us earn a slightly better interest on investments than former years.

- 1) Water and Waste Water cash balances on page 4 are strong due to delayed capital projects that will move into the next fiscal year.
- 2) The negative Sanitation balance on page 5 is a timing item for collections.
- 3) This report does not include LIDs. Council will receive that information in a special workshop later in September.

City of Nampa - All Funds

Balance Sheet, July 31, 2016

Description	Ending Balance
GENERAL FUND	
Cash and Investments	\$ 18,122,220
Petty Cash	\$ 4,500
Accounts Receivable and Prepaids	\$ 1,043,038
Inventory	\$ 81,669
Asset	\$ 19,251,427
Accounts Payable and Restricted	\$ (685,521)
Liability	\$ (685,521)
Beginning Fund Balance	\$ (13,338,687)
Restricted Fund Balance	\$ (330,884)
Fund Balance	\$ (13,669,571)
GENERAL FUND	\$ 4,896,336
STREET & TRAFFIC	
Cash and Investments	\$ 12,370,042
Accounts Receivable and Prepaids	\$ 5,000
Asset	\$ 12,375,042
Accounts Payable and Restricted	\$ (399,661)
Liability	\$ (399,661)
Beginning Fund Balance	\$ (9,496,654)
Restricted Fund Balance	\$ (17,740)
Fund Balance	\$ (9,514,394)
STREET & TRAFFIC	\$ 2,460,986
LIBRARY	
Cash and Investments	\$ 1,473,666
Petty Cash	\$ 135
Accounts Receivable and Prepaids	\$ (985)
Asset	\$ 1,472,815
Accounts Payable and Restricted	\$ (56,801)
Liability	\$ (56,801)
Beginning Fund Balance	\$ (981,904)
Restricted Fund Balance	\$ (14,193)
Fund Balance	\$ (996,097)
LIBRARY	\$ 419,917
CEMETERY	
Cash and Investments	\$ 273,995
Accounts Receivable and Prepaids	\$ -
Asset	\$ 273,995
Accounts Payable and Restricted	\$ (4,129)
Liability	\$ (4,129)
Beginning Fund Balance	\$ (210,316)
Restricted Fund Balance	\$ (1,460)
Fund Balance	\$ (211,776)
CEMETERY	\$ 58,089

Description	Ending Balance
AIRPORT	
Cash and Investments	\$ 1,161,476
Petty Cash	\$ 50
Accounts Receivable and Prepaids	\$ 29,696
Asset	\$ 1,191,221
Accounts Payable and Restricted	\$ (9,886)
Liability	\$ (9,886)
Beginning Fund Balance	\$ (1,010,066)
Restricted Fund Balance	\$ (1,496)
Fund Balance	\$ (1,011,562)
AIRPORT	\$ 169,773
PARKS & RECREATION	
Cash and Investments	\$ 1,212,377
Accounts Receivable and Prepaids	\$ -
Asset	\$ 1,212,377
Accounts Payable and Restricted	\$ (94,232)
Liability	\$ (94,232)
Beginning Fund Balance	\$ (591,599)
Restricted Fund Balance	\$ (14,086)
Fund Balance	\$ (605,685)
PARKS & RECREATION	\$ 512,460
RECREATION CENTER	
Cash and Investments	\$ 2,963,443
Petty Cash	\$ 860
Asset	\$ 2,964,303
Accounts Payable and Restricted	\$ (99,280)
Liability	\$ (99,280)
Beginning Fund Balance	\$ (2,603,476)
Restricted Fund Balance	\$ (9,166)
Fund Balance	\$ (2,612,642)
RECREATION CENTER	\$ 252,381
GOLF COURSE	
Cash and Investments	\$ 2,362,917
Petty Cash	\$ 2,950
Inventory	\$ 93,880
Asset	\$ 2,459,747
Accounts Payable and Restricted	\$ (74,570)
Liability	\$ (74,570)
Beginning Fund Balance	\$ (2,088,326)
Restricted Fund Balance	\$ (108,268)
Fund Balance	\$ (2,196,594)
GOLF COURSE	\$ 188,583
911 FEES	
Cash and Investments	\$ 1,005,656
Asset	\$ 1,005,656
Accounts Payable and Restricted	\$ (6,325)
Liability	\$ (6,325)
Beginning Fund Balance	\$ (816,222)
Restricted Fund Balance	\$ (1,942)
Fund Balance	\$ (818,164)
911 FEES	\$ 181,166

Description	Ending Balance
FAMILY JUSTICE CENTER	
Cash and Investments	\$ 108,902
Accounts Receivable and Prepaids	\$ -
Asset	\$ 108,902
Accounts Payable and Restricted	\$ (3,800)
Liability	\$ (3,800)
Beginning Fund Balance	\$ (109,318)
Restricted Fund Balance	\$ (2,058)
Fund Balance	\$ (111,376)
FAMILY JUSTICE CENTER	\$ (6,273)
NAMPA DEVELOPMENT CORP	
Cash and Investments	\$ 7,209,350
Petty Cash	\$ 335
Accounts Receivable and Prepaids	\$ 11,489
Asset	\$ 7,221,174
Accounts Receivable and Prepaids	\$ (778,629)
Accounts Payable and Restricted	\$ (7,548)
Liability	\$ (786,176)
Beginning Fund Balance	\$ (4,261,751)
Fund Balance	\$ (4,261,751)
NAMPA DEVELOPMENT CORP	\$ 2,173,247
DOWNTOWN RENEWAL	
Cash and Investments	\$ 134,075
Accounts Receivable and Prepaids	\$ -
Asset	\$ 134,075
Accounts Payable and Restricted	\$ (30)
Liability	\$ (30)
Beginning Fund Balance	\$ (180,526)
Fund Balance	\$ (180,526)
DOWNTOWN RENEWAL	\$ (46,482)
CIVIC CENTER	
Cash and Investments	\$ 294,573
Petty Cash	\$ 330
Accounts Receivable and Prepaids	\$ (60,821)
Asset	\$ 234,082
Accounts Payable and Restricted	\$ (65,238)
Liability	\$ (65,238)
Beginning Fund Balance	\$ (181,084)
Restricted Fund Balance	\$ (3,715)
Fund Balance	\$ (184,799)
CIVIC CENTER	\$ (15,955)
IDAHO CENTER	
Cash and Investments	\$ 1,621,362
Petty Cash	\$ -
Accounts Receivable and Prepaids	\$ 221,822
Inventory	\$ (160)
Asset	\$ 1,843,024
Accounts Payable and Restricted	\$ (1,287,402)
Liability	\$ (1,287,402)
Beginning Fund Balance	\$ (215,151)
Fund Balance	\$ (215,151)
IDAHO CENTER	\$ 340,472

Description	Ending Balance
DEVELOPMENT SERVICES	
Cash and Investments	\$ 3,363,510
Petty Cash	\$ 100
Accounts Receivable and Prepaids	\$ -
Fixed Assets and Depreciation	\$ 19,789
Asset	\$ 3,383,399
Accounts Payable and Restricted	\$ (128,509)
Liability	\$ (128,509)
Beginning Fund Balance	\$ (2,198,842)
Fund Balance	\$ (2,198,842)
DEVELOPMENT SERVICES	\$ 1,056,048
WATER	
Cash and Investments	\$ 9,897,922
Accounts Receivable and Prepaids	\$ 1,153,931
Fixed Assets and Depreciation	\$ 50,205,765
Asset	\$ 61,257,618
Accounts Payable and Restricted	\$ (886,382)
Long-Term Liabilities	\$ (3,087,737)
Liability	\$ (3,974,119)
Beginning Fund Balance	\$ (54,102,764)
Fund Balance	\$ (54,102,764)
WATER	\$ 3,180,735
WASTEWATER	
Cash and Investments	\$ 23,900,645
Accounts Receivable and Prepaids	\$ 1,977,048
Fixed Assets and Depreciation	\$ 65,339,375
Asset	\$ 91,217,068
Accounts Payable and Restricted	\$ (3,473,788)
Liability	\$ (3,473,788)
Beginning Fund Balance	\$ (83,801,442)
Fund Balance	\$ (83,801,442)
WASTEWATER	\$ 3,941,838
BID #1	
Cash and Investments	\$ 6,586
Accounts Receivable and Prepaids	\$ 14,167
Asset	\$ 20,753
Accounts Payable and Restricted	\$ (22,678)
Liability	\$ (22,678)
BID #1	\$ (1,925)
UTILITY BILLING	
Cash and Investments	\$ 503,786
Petty Cash	\$ 1,250
Accounts Receivable and Prepaids	\$ (734)
Fixed Assets and Depreciation	\$ 628,663
Asset	\$ 1,132,965
Accounts Payable and Restricted	\$ (48,707)
Liability	\$ (48,707)
Beginning Fund Balance	\$ (957,138)
Fund Balance	\$ (957,138)
UTILITY BILLING	\$ 127,120

Description	Ending Balance
SANITATION	
Cash and Investments	\$ (566,487)
Accounts Receivable and Prepaids	\$ 1,750,717
Asset	\$ 1,184,231
Accounts Payable and Restricted	\$ (1,204,465)
Liability	\$ (1,204,465)
SANITATION	\$ (20,234)
DEVELOPMENT IMPACT FEES	
Cash and Investments	\$ 6,372,164
Asset	\$ 6,372,164
Accounts Payable and Restricted	\$ (145,779)
Liability	\$ (145,779)
Beginning Fund Balance	\$ (4,963,280)
Fund Balance	\$ (4,963,280)
DEVELOPMENT IMPACT FEES	\$ 1,263,105
CAPITAL PROJECTS FUND	
Cash and Investments	\$ 1,632,755
Accounts Receivable and Prepaids	\$ -
Asset	\$ 1,632,755
Accounts Payable and Restricted	\$ (60,755)
Liability	\$ (60,755)
Beginning Fund Balance	\$ (1,002,213)
Fund Balance	\$ (1,002,213)
CAPITAL PROJECTS FUND	\$ 569,788
DEBT SERVICE FUND	
Cash and Investments	\$ 321,485
Accounts Receivable and Prepaids	\$ -
Asset	\$ 321,485
Accounts Payable and Restricted	\$ -
Liability	\$ -
Beginning Fund Balance	\$ (323,026)
Fund Balance	\$ (323,026)
DEBT SERVICE FUND	\$ (1,541)
INVESTMENTS	
Cash and Investments	\$ 275,160
Accounts Receivable and Prepaids	\$ 157,462
Asset	\$ 432,622
INVESTMENTS	\$ 432,622
PRIVATE GRANTS	
Cash and Investments	\$ 718,646
Accounts Receivable and Prepaids	\$ 28,689
Asset	\$ 747,335
Accounts Payable and Restricted	\$ (5,967)
Liability	\$ (5,967)
Beginning Fund Balance	\$ (40,484)
Restricted Fund Balance	\$ (938,857)
Fund Balance	\$ (979,340)
PRIVATE GRANTS	\$ (237,972)

Description	Ending Balance
EMPLOYEE HEALTH BENEFITS TRUST	
Cash and Investments	\$ 2,513,436
Accounts Receivable and Prepaids	\$ -
Accounts Payable and Restricted	\$ -
Asset	\$ 2,513,436
Accounts Payable and Restricted	\$ (288,952)
Liability	\$ (288,952)
Beginning Fund Balance	\$ (1,993,084)
Fund Balance	\$ (1,993,084)
EMPLOYEE HEALTH BENEFITS TRUST	\$ 231,401
WORKERS COMPENSATION FUND	
Cash and Investments	\$ 2,130,574
Accounts Receivable and Prepaids	\$ 26,194
Asset	\$ 2,156,768
Accounts Payable and Restricted	\$ (502,522)
Liability	\$ (502,522)
Beginning Fund Balance	\$ (1,525,133)
Fund Balance	\$ (1,525,133)
WORKERS COMPENSATION FUND	\$ 129,112
UNEMPLOYMENT INSURANCE FUND	
Cash and Investments	\$ 250,230
Asset	\$ 250,230
Accounts Payable and Restricted	\$ -
Liability	\$ -
Beginning Fund Balance	\$ (193,020)
Fund Balance	\$ (193,020)
UNEMPLOYMENT INSURANCE FUND	\$ 57,210
WELLNESS PROGRAM	
Cash and Investments	\$ 539,944
Asset	\$ 539,944
Accounts Payable and Restricted	\$ (2,304)
Liability	\$ (2,304)
Beginning Fund Balance	\$ (305,315)
Fund Balance	\$ (305,315)
WELLNESS PROGRAM	\$ 232,325
FEDERAL HUD FUND	
Cash and Investments	\$ (424,393)
Accounts Receivable and Prepaids	\$ 685,379
Asset	\$ 260,986
Accounts Payable and Restricted	\$ (314,407)
Liability	\$ (314,407)
FEDERAL HUD FUND	\$ (53,421)
FEDERAL EPA FUND	
Cash and Investments	\$ (186,210)
Accounts Receivable and Prepaids	\$ (293,952)
Asset	\$ (480,162)
Accounts Payable and Restricted	\$ (246,381)
Liability	\$ (246,381)
FEDERAL EPA FUND	\$ (726,543)

Description	Ending Balance
FEDERAL DOJ FUND	
Cash and Investments	\$ (29,351)
Accounts Receivable and Prepaids	\$ 76,236
Asset	\$ 46,885
Accounts Payable and Restricted	\$ (16,315)
Liability	\$ (16,315)
Beginning Fund Balance	\$ 17,669
Restricted Fund Balance	\$ (75,299)
Fund Balance	\$ (57,630)
FEDERAL DOJ FUND	\$ (27,060)
FEDERAL DHS-HOMELAND SECURITY	
Cash and Investments	\$ 19,432
Accounts Receivable and Prepaids	\$ 3,591
Asset	\$ 23,023
FEDERAL DHS-HOMELAND SECURITY	\$ 23,023
FEDERAL DOT FUND	
Cash and Investments	\$ (1,913)
Accounts Receivable and Prepaids	\$ -
Asset	\$ (1,913)
Accounts Payable and Restricted	\$ (1,125)
Liability	\$ (1,125)
FEDERAL DOT FUND	\$ (3,038)
FAA FUND	
Cash and Investments	\$ (31,908)
Accounts Receivable and Prepaids	\$ 29,657
Asset	\$ (2,251)
Accounts Payable and Restricted	\$ -
Liability	\$ -
FAA FUND	\$ (2,251)
FEDERAL DOI (Dept of Interior)	
Cash and Investments	\$ 869
Accounts Receivable and Prepaids	\$ 2,583
Asset	\$ 3,452
FEDERAL DOI (Dept of Interior)	\$ 3,452
STATE OF IDAHO FUND	
Cash and Investments	\$ 102,243
Accounts Receivable and Prepaids	\$ 12,208
Asset	\$ 114,451
Accounts Payable and Restricted	\$ (87,973)
Liability	\$ (87,973)
STATE OF IDAHO FUND	\$ 26,477
LOCAL MUNICIPALITIES	
Cash and Investments	\$ (108,874)
Accounts Receivable and Prepaids	\$ 105,604
Asset	\$ (3,270)
Accounts Payable and Restricted	\$ (10,901)
Liability	\$ (10,901)
LOCAL MUNICIPALITIES	\$ (14,171)

City of Nampa - General Fund
Summary Report by Dept., July 31, 2016

Description	Ending Bal	Encumbered	Budget	Remainder	%
Mayor's Office					
Revenues, Charges, Rents	\$ 1,670	\$ -	\$ -	\$(1,670)	0.00%
Revenue	\$ 1,670	\$ -	\$ -	\$(1,670)	0.00%
Salary and Wages	\$ 178,472	\$ -	\$ 225,103	\$ 46,631	20.72%
Benefits and Taxes	\$ 72,364	\$ -	\$ 89,729	\$ 17,365	19.35%
Operations and Maintenance	\$ 40,594	\$ -	\$ 51,731	\$ 11,137	21.53%
Expense	\$ 291,430	\$ -	\$ 366,563	\$ 75,133	20.50%
Mayor's Office	\$ (289,760)	\$ -	\$ (366,563)	\$ (76,803)	20.95%
Council					
Salary and Wages	\$ 55,023	\$ -	\$ 65,586	\$ 10,563	16.11%
Benefits and Taxes	\$ 65,264	\$ -	\$ 88,041	\$ 22,777	25.87%
Operations and Maintenance	\$ 3,833	\$ -	\$ 8,276	\$ 4,443	53.68%
Expense	\$ 124,120	\$ -	\$ 161,903	\$ 37,783	23.34%
Council	\$ 124,120	\$ -	\$ 161,903	\$ 37,783	23.34%
Finance Operations					
Revenues, Charges, Rents	\$ 6,000	\$ -	\$ 6,000	\$ -	0.00%
Interfund Transfers In	\$ -	\$ -	\$ 100,000	\$ 100,000	100.00%
Revenue	\$ 6,000	\$ -	\$ 106,000	\$ 100,000	94.34%
Salary and Wages	\$ 405,277	\$ -	\$ 483,130	\$ 77,853	16.11%
Benefits and Taxes	\$ 165,490	\$ -	\$ 209,983	\$ 44,493	21.19%
Operations and Maintenance	\$ 145,221	\$ 81	\$ 436,876	\$ 291,574	66.74%
Expense	\$ 715,988	\$ 81	\$ 1,129,989	\$ 413,920	36.63%
Finance Operations	\$ (709,988)	\$ (81)	\$ (1,023,989)	\$ (313,920)	30.66%
Legal					
Operations and Maintenance	\$ 669,018	\$ -	\$ 881,000	\$ 211,982	24.06%
Expense	\$ 669,018	\$ -	\$ 881,000	\$ 211,982	24.06%
Legal	\$ 669,018	\$ -	\$ 881,000	\$ 211,982	24.06%
General Government					
Property Tax Revenues	\$ 28,682,630	\$ -	\$ 28,836,712	\$ 154,082	0.53%
State Shared Revenues	\$ 4,349,752	\$ -	\$ 5,827,474	\$ 1,477,722	25.36%
Franchise Fees, Licenses, Permits	\$ 317,435	\$ -	\$ 795,000	\$ 477,565	60.07%
Revenues, Charges, Rents	\$ 490,059	\$ -	\$ 670,000	\$ 179,941	26.86%
Grant & Restricted Revenues	\$ -	\$ -	\$ 12,000	\$ 12,000	100.00%
Interfund Transfers In	\$ 1,339,942	\$ -	\$ 1,607,930	\$ 267,988	16.67%
In-Kind Allocation In	\$ 1,883,647	\$ -	\$ 2,260,376	\$ 376,729	16.67%
Revenue	\$ 37,063,464	\$ -	\$ 40,009,492	\$ 2,946,028	7.36%
Benefits and Taxes	\$ 111	\$ -	\$ -	\$(111)	0.00%
Operations and Maintenance	\$ 543,725	\$ -	\$ 774,265	\$ 230,540	29.78%
Interfund Transfer Out	\$ 1,893,688	\$ -	\$ 2,246,368	\$ 352,680	15.70%
Expense	\$ 2,437,523	\$ -	\$ 3,020,633	\$ 583,110	19.30%
General Government	\$ 34,625,941	\$ -	\$ 36,988,859	\$ 2,362,918	6.39%
City Clerk					
Franchise Fees, Licenses, Permits	\$ 106,640	\$ -	\$ 120,000	\$ 13,360	11.13%
Revenues, Charges, Rents	\$ 24,264	\$ -	\$ 10,000	\$(14,264)	-142.64%
Revenue	\$ 130,904	\$ -	\$ 130,000	\$(904)	-0.70%
Salary and Wages	\$ 111,642	\$ -	\$ 143,198	\$ 31,556	22.04%
Benefits and Taxes	\$ 50,089	\$ -	\$ 67,104	\$ 17,015	25.36%
Operations and Maintenance	\$ 53,008	\$ -	\$ 56,968	\$ 3,960	6.95%
Expense	\$ 214,738	\$ -	\$ 267,270	\$ 52,532	19.65%
City Clerk	\$ (83,834)	\$ -	\$ (137,270)	\$ (53,436)	38.93%

Description	Ending Bal	Encumbered	Budget	Remainder	%
Human Resources					
Revenues, Charges, Rents	\$ 1,389	\$ -	\$ -	(1,389)	0.00%
Revenue	\$ 1,389	\$ -	\$ -	(1,389)	0.00%
Salary and Wages	\$ 166,463	\$ -	\$ 197,511	31,048	15.72%
Benefits and Taxes	\$ 72,059	\$ -	\$ 86,633	14,574	16.82%
Operations and Maintenance	\$ 53,570	\$ -	\$ 94,384	40,814	43.24%
Expense	\$ 292,093	\$ -	\$ 378,528	86,435	22.83%
Human Resources	\$ (290,704)	\$ -	\$ (378,528)	(87,824)	23.20%
Information Technology Oper					
Revenues, Charges, Rents	\$ 2,694	\$ -	\$ -	(2,694)	0.00%
Revenue	\$ 2,694	\$ -	\$ -	(2,694)	0.00%
Salary and Wages	\$ 670,831	\$ -	\$ 863,109	192,278	22.28%
Benefits and Taxes	\$ 277,819	\$ -	\$ 365,403	87,584	23.97%
Operations and Maintenance	\$ 651,648	\$ 24,478	\$ 716,530	40,405	5.64%
Capital Items and Depreciation Ex	\$ 21,652	\$ -	\$ 206,444	184,792	89.51%
Expense	\$ 1,621,950	\$ 24,478	\$ 2,151,486	505,059	23.47%
Information Technology Oper	\$ (1,619,256)	\$ (24,478)	\$ (2,151,486)	(507,753)	23.60%
Planning - Non Development					
Revenues, Charges, Rents	\$ 96,619	\$ -	\$ 137,000	40,381	29.48%
Revenue	\$ 96,619	\$ -	\$ 137,000	40,381	29.48%
Salary and Wages	\$ 249,190	\$ -	\$ 303,033	53,843	17.77%
Benefits and Taxes	\$ 110,116	\$ -	\$ 136,902	26,786	19.57%
Operations and Maintenance	\$ 51,969	\$ -	\$ 47,624	(4,345)	-9.12%
Expense	\$ 411,276	\$ -	\$ 487,559	76,283	15.65%
Planning - Non Development	\$ (314,657)	\$ -	\$ (350,559)	(35,902)	10.24%
Police Operations					
Franchise Fees, Licenses, Permits	\$ 2	\$ -	\$ -	(2)	0.00%
Revenues, Charges, Rents	\$ 28,000	\$ -	\$ 26,300	(1,700)	-6.46%
Grant & Restricted Revenues	\$ 361,002	\$ -	\$ 400,000	38,998	9.75%
Revenue	\$ 389,003	\$ -	\$ 426,300	37,297	8.75%
Salary and Wages	\$ 9,940,440	\$ -	\$ 11,753,804	1,813,364	15.43%
Benefits and Taxes	\$ 3,983,981	\$ 6,841	\$ 4,911,750	920,928	18.75%
Operations and Maintenance	\$ 970,326	\$ 5,113	\$ 1,159,936	184,497	15.91%
Capital Items and Depreciation Ex	\$ 75,579	\$ -	\$ 28,661	(46,918)	-163.70%
In-Kind Allocation Expense	\$ 1,265,782	\$ -	\$ 1,518,938	253,156	16.67%
Expense	\$ 16,236,108	\$ 11,954	\$ 19,373,089	3,125,028	16.13%
Police Operations	\$ (15,847,104)	\$ (11,954)	\$ (18,946,789)	(3,087,731)	16.30%
PD Investigative Services					
Operations and Maintenance	\$ 21,741	\$ -	\$ 35,000	13,259	37.88%
Expense	\$ 21,741	\$ -	\$ 35,000	13,259	37.88%
PD Investigative Services	\$ 21,741	\$ -	\$ 35,000	13,259	37.88%
Police Training Program					
Revenues, Charges, Rents	\$ 6,709	\$ -	\$ -	(6,709)	0.00%
Revenue	\$ 6,709	\$ -	\$ -	(6,709)	0.00%
Operations and Maintenance	\$ 5,060	\$ -	\$ -	(5,060)	0.00%
Expense	\$ 5,060	\$ -	\$ -	(5,060)	0.00%
Police Training Program	\$ 1,650	\$ -	\$ -	(1,650)	0.00%

Description	Ending Bal	Encumbered	Budget	Remainder	%
Public Works Admin					
Interfund Transfers In	\$ 198,662	\$ -	\$ 238,394	\$ 39,732	16.67%
Revenue	\$ 198,662	\$ -	\$ 238,394	\$ 39,732	16.67%
Salary and Wages	\$ 203,790	\$ -	\$ 237,072	\$ 33,282	14.04%
Benefits and Taxes	\$ 77,140	\$ -	\$ 95,109	\$ 17,969	18.89%
Operations and Maintenance	\$ 15,897	\$ -	\$ 21,748	\$ 5,851	26.90%
Expense	\$ 296,828	\$ -	\$ 353,929	\$ 57,101	16.13%
Public Works Admin	\$ (98,166)	\$ -	\$ (115,535)	\$ (17,369)	15.03%
Engineering					
Franchise Fees, Licenses, Permits	\$ 13,208	\$ -	\$ 12,000	\$ (1,208)	-10.07%
Revenues, Charges, Rents	\$ 95,190	\$ -	\$ 58,000	\$ (37,190)	-64.12%
Grant & Restricted Revenues	\$ 104	\$ -	\$ -	\$ (104)	0.00%
Interfund Transfers In	\$ 1,033,460	\$ -	\$ 1,240,152	\$ 206,692	16.67%
Revenue	\$ 1,141,962	\$ -	\$ 1,310,152	\$ 168,190	12.84%
Salary and Wages	\$ 665,265	\$ -	\$ 955,237	\$ 289,972	30.36%
Benefits and Taxes	\$ 291,582	\$ -	\$ 415,104	\$ 123,522	29.76%
Operations and Maintenance	\$ 224,030	\$ -	\$ 336,965	\$ 112,935	33.52%
Expense	\$ 1,180,877	\$ -	\$ 1,707,306	\$ 526,429	30.83%
Engineering	\$ (38,916)	\$ -	\$ (397,154)	\$ (358,238)	90.20%
Fleet Management					
Revenues, Charges, Rents	\$ 7,295	\$ -	\$ 6,000	\$ (1,295)	-21.58%
Interfund Transfers In	\$ 259,997	\$ -	\$ 392,996	\$ 132,999	33.84%
Revenue	\$ 267,291	\$ -	\$ 398,996	\$ 131,705	33.01%
Salary and Wages	\$ 334,503	\$ -	\$ 398,332	\$ 63,829	16.02%
Benefits and Taxes	\$ 163,004	\$ -	\$ 205,118	\$ 42,114	20.53%
Operations and Maintenance	\$ 147,665	\$ 1,337	\$ 233,193	\$ 84,191	36.10%
Capital Items and Depreciation Ex	\$ 143,095	\$ -	\$ 217,800	\$ 74,705	34.30%
Expense	\$ 788,267	\$ 1,337	\$ 1,054,443	\$ 264,839	25.12%
Fleet Management	\$ (520,976)	\$ (1,337)	\$ (655,447)	\$ (133,135)	20.31%
Facilities Development					
Revenues, Charges, Rents	\$ 75,480	\$ -	\$ 79,378	\$ 3,898	4.91%
Revenue	\$ 75,480	\$ -	\$ 79,378	\$ 3,898	4.91%
Salary and Wages	\$ 308,185	\$ -	\$ 357,661	\$ 49,476	13.83%
Benefits and Taxes	\$ 170,681	\$ -	\$ 208,389	\$ 37,708	18.10%
Operations and Maintenance	\$ 385,916	\$ 8,313	\$ 550,423	\$ 156,194	28.38%
Capital Items and Depreciation Ex	\$ 2,125	\$ -	\$ 37,500	\$ 35,375	94.33%
Expense	\$ 866,907	\$ 8,313	\$ 1,153,973	\$ 278,753	24.16%
Facilities Development	\$ (791,427)	\$ (8,313)	\$ (1,074,595)	\$ (274,855)	25.58%

Description	Ending Bal	Encumbered	Budget	Remainder	%
Economic Development Operator					
Revenues, Charges, Rents	\$ 26,472	\$ -	\$ 24,328	\$ (2,144)	-8.81%
Revenue	\$ 26,472	\$ -	\$ 24,328	\$ (2,144)	-8.81%
Salary and Wages	\$ 197,155	\$ -	\$ 238,889	\$ 41,734	17.47%
Benefits and Taxes	\$ 81,090	\$ -	\$ 99,980	\$ 18,890	18.89%
Operations and Maintenance	\$ 85,520	\$ -	\$ 98,879	\$ 13,359	13.51%
Expense	\$ 363,765	\$ -	\$ 437,748	\$ 73,983	16.90%
Economic Development Operator	\$ (337,293)	\$ -	\$ (413,420)	\$ (76,127)	18.41%
Historic Preservation					
Operations and Maintenance	\$ 1,842	\$ -	\$ 5,000	\$ 3,158	63.16%
Expense	\$ 1,842	\$ -	\$ 5,000	\$ 3,158	63.16%
Historic Preservation	\$ 1,842	\$ -	\$ 5,000	\$ 3,158	63.16%
Community Projects					
Revenues, Charges, Rents	\$ 2,523	\$ -	\$ 7,000	\$ 4,477	63.96%
Revenue	\$ 2,523	\$ -	\$ 7,000	\$ 4,477	63.96%
Operations and Maintenance	\$ 4,123	\$ -	\$ 14,000	\$ 9,877	70.55%
Expense	\$ 4,123	\$ -	\$ 14,000	\$ 9,877	70.55%
Community Projects	\$ (1,600)	\$ -	\$ (7,000)	\$ (5,400)	77.14%
Code Enforcement - Admin					
Revenues, Charges, Rents	\$ 263	\$ -	\$ -	\$ (263)	0.00%
Revenue	\$ 263	\$ -	\$ -	\$ (263)	0.00%
Salary and Wages	\$ 153,616	\$ -	\$ 197,200	\$ 43,584	22.10%
Benefits and Taxes	\$ 84,504	\$ -	\$ 108,403	\$ 23,899	22.05%
Operations and Maintenance	\$ 55,160	\$ 963	\$ 50,667	\$ (5,456)	-10.77%
Expense	\$ 293,280	\$ 963	\$ 356,270	\$ 62,028	17.41%
Code Enforcement - Admin	\$ (293,017)	\$ (963)	\$ (356,270)	\$ (62,290)	17.48%
Code Enforcement - Parking					
Revenues, Charges, Rents	\$ 26,015	\$ -	\$ 32,135	\$ 6,120	19.04%
Revenue	\$ 26,015	\$ -	\$ 32,135	\$ 6,120	19.04%
Salary and Wages	\$ 24,102	\$ -	\$ 30,366	\$ 6,264	20.63%
Benefits and Taxes	\$ 15,997	\$ -	\$ 17,605	\$ 1,608	9.13%
Operations and Maintenance	\$ 5,147	\$ -	\$ 8,518	\$ 3,371	39.57%
Expense	\$ 45,247	\$ -	\$ 56,489	\$ 11,242	19.90%
Code Enforcement - Parking	\$ (19,232)	\$ -	\$ (24,354)	\$ (5,122)	21.03%
Code Enforcement - Abatement					
Revenues, Charges, Rents	\$ 25,071	\$ -	\$ 54,000	\$ 28,929	53.57%
Revenue	\$ 25,071	\$ -	\$ 54,000	\$ 28,929	53.57%
Operations and Maintenance	\$ 26,043	\$ -	\$ 54,000	\$ 27,957	51.77%
Expense	\$ 26,043	\$ -	\$ 54,000	\$ 27,957	51.77%
Code Enforcement - Abatement	\$ (972)	\$ -	\$ -	\$ 972	0.00%
Parks Admin					
Interfund Transfers In	\$ 304,822	\$ -	\$ 365,787	\$ 60,965	16.67%
Revenue	\$ 304,822	\$ -	\$ 365,787	\$ 60,965	16.67%
Salary and Wages	\$ 206,680	\$ -	\$ 243,881	\$ 37,201	15.25%
Benefits and Taxes	\$ 83,688	\$ -	\$ 109,782	\$ 26,094	23.77%
Operations and Maintenance	\$ 8,260	\$ -	\$ 12,123	\$ 3,863	31.86%
Expense	\$ 298,628	\$ -	\$ 365,786	\$ 67,158	18.36%
Parks Admin	\$ 6,194	\$ -	\$ 1	\$ (6,193)	

Description	Ending Bal	Encumbered	Budget	Remainder	%
Fire Operations					
Franchise Fees, Licenses, Permits	\$ 1,575	\$ -	\$ 2,000	\$ 425	21.25%
Revenues, Charges, Rents	\$ 1,657,457	\$ -	\$ 2,025,943	\$ 368,486	18.19%
Grant & Restricted Revenues	\$ 28,035	\$ -	\$ 24,000	\$ (4,035)	-16.81%
Revenue	\$ 1,687,067	\$ -	\$ 2,051,943	\$ 364,876	17.78%
Salary and Wages	\$ 5,589,172	\$ -	\$ 6,747,034	\$ 1,157,862	17.16%
Benefits and Taxes	\$ 2,490,292	\$ -	\$ 3,033,681	\$ 543,389	17.91%
Operations and Maintenance	\$ 691,346	\$ -	\$ 979,939	\$ 288,593	29.45%
Capital Items and Depreciation Exp	\$ -	\$ -	\$ 56,849	\$ 56,849	100.00%
In-Kind Allocation Expense	\$ 617,865	\$ -	\$ 741,438	\$ 123,573	16.67%
Expense	\$ 9,388,675	\$ -	\$ 11,558,941	\$ 2,170,266	18.78%
Fire Operations	\$ (7,701,608)	\$ -	\$ (9,506,998)	\$ (1,805,390)	18.99%
Fire Prevention Bureau					
Franchise Fees, Licenses, Permits	\$ 15,663	\$ -	\$ 10,000	\$ (5,663)	-56.63%
Revenues, Charges, Rents	\$ 18,385	\$ -	\$ 16,300	\$ (2,085)	-12.79%
Grant & Restricted Revenues	\$ 3,350	\$ -	\$ -	\$ (3,350)	0.00%
Revenue	\$ 37,398	\$ -	\$ 26,300	\$ (11,098)	-42.20%
Operations and Maintenance	\$ 24,093	\$ -	\$ 26,300	\$ 2,207	8.39%
Expense	\$ 24,093	\$ -	\$ 26,300	\$ 2,207	8.39%
Fire Prevention Bureau	\$ 13,305	\$ -	\$ -	\$ (13,305)	0.00%
GENERAL FUND	\$ 4,871,857	\$ (47,124)	\$ -	\$ (4,824,733)	0.00%

Description	Ending Bal	Encumbered	Budget	Remainder	%
CEMETERY					
Property Tax Revenues	\$ -	\$ 166,446	\$ 166,815	\$ 369	0.22%
Revenues, Charges, Rents	\$ -	\$ 71,983	\$ 82,849	\$ 10,866	13.12%
Grant & Restricted Revenues	\$ -	\$ 5,975	\$ 7,000	\$ 1,025	14.64%
In-Kind Allocation In	\$ -	\$ 33,648	\$ 40,378	\$ 6,730	16.67%
Revenue	\$ -	\$ 278,052	\$ 297,042	\$ 18,990	6.39%
Salary and Wages	\$ -	\$ 78,183	\$ 92,321	\$ 14,138	15.31%
Benefits and Taxes	\$ -	\$ 41,599	\$ 49,920	\$ 8,321	16.67%
Operations and Maintenance	\$ -	\$ 66,533	\$ 114,423	\$ 47,890	41.85%
Capital Items and Depreciation Exp	\$ -	\$ -	\$ 7,000	\$ 7,000	100.00%
In-Kind Allocation Expense	\$ -	\$ 33,648	\$ 40,378	\$ 6,730	16.67%
Expense	\$ -	\$ 219,963	\$ 304,042	\$ 84,079	27.65%
CEMETERY	\$ -	\$ 58,089	\$ (7,000)	\$ (65,089)	929.84%
AIRPORT					
Property Tax Revenues	\$ -	\$ 103,601	\$ 103,810	\$ 209	0.20%
Revenues, Charges, Rents	\$ -	\$ 385,250	\$ 411,262	\$ 26,012	6.32%
In-Kind Allocation In	\$ -	\$ 34,354	\$ 41,225	\$ 6,871	16.67%
Revenue	\$ -	\$ 523,206	\$ 556,297	\$ 33,091	5.95%
Salary and Wages	\$ -	\$ 81,295	\$ 91,774	\$ 10,479	11.42%
Benefits and Taxes	\$ -	\$ 38,870	\$ 45,890	\$ 7,020	15.30%
Operations and Maintenance	\$ 3,920	\$ 188,018	\$ 370,380	\$ 178,442	48.18%
Capital Items and Depreciation Exp	\$ -	\$ 10,895	\$ 21,375	\$ 10,480	49.03%
In-Kind Allocation Expense	\$ -	\$ 34,354	\$ 41,225	\$ 6,871	16.67%
Expense	\$ 3,920	\$ 353,433	\$ 570,644	\$ 213,291	37.38%
AIRPORT	\$ (3,920)	\$ 169,773	\$ (14,347)	\$ (180,200)	1256.01%
PARKS & RECREATION					
Property Tax Revenues	\$ -	\$ 1,803,300	\$ 1,823,100	\$ 19,800	1.09%
Revenues, Charges, Rents	\$ -	\$ 295,795	\$ 365,111	\$ 69,316	18.99%
Grant & Restricted Revenues	\$ -	\$ 43,649	\$ 50,000	\$ 6,351	12.70%
Interfund Transfers In	\$ -	\$ 530,198	\$ 851,506	\$ 321,309	37.73%
In-Kind Allocation In	\$ -	\$ 178,511	\$ 214,213	\$ 35,702	16.67%
Revenue	\$ -	\$ 2,851,452	\$ 3,303,930	\$ 452,478	13.70%
Salary and Wages	\$ -	\$ 662,367	\$ 844,530	\$ 182,163	21.57%
Benefits and Taxes	\$ -	\$ 340,420	\$ 438,595	\$ 98,175	22.38%
Operations and Maintenance	\$ 41,112	\$ 809,754	\$ 1,420,639	\$ 569,773	40.11%
Capital Items and Depreciation Exp	\$ 82,604	\$ 189,324	\$ 369,599	\$ 97,671	26.43%
Interfund Transfer Out	\$ -	\$ 158,615	\$ 190,338	\$ 31,723	16.67%
In-Kind Allocation Expense	\$ -	\$ 178,511	\$ 214,213	\$ 35,702	16.67%
Expense	\$ 123,717	\$ 2,338,991	\$ 3,477,914	\$ 1,015,206	29.19%
PARKS & RECREATION	\$ (123,717)	\$ 512,460	\$ (173,984)	\$ (562,728)	323.44%
RECREATION CENTER					
Revenues, Charges, Rents	\$ -	\$ 2,648,817	\$ 3,166,250	\$ 517,433	16.34%
Grant & Restricted Revenues	\$ -	\$ 16,771	\$ 22,600	\$ 5,829	25.79%
In-Kind Allocation In	\$ -	\$ 155,547	\$ 186,656	\$ 31,109	16.67%
Revenue	\$ -	\$ 2,821,135	\$ 3,375,506	\$ 554,371	16.42%
Salary and Wages	\$ -	\$ 1,016,822	\$ 1,436,631	\$ 419,809	29.22%
Benefits and Taxes	\$ -	\$ 321,812	\$ 438,614	\$ 116,802	26.63%
Operations and Maintenance	\$ 6,897	\$ 642,214	\$ 889,531	\$ 240,420	27.03%
Capital Items and Depreciation Exp	\$ 1,500	\$ 341,658	\$ 647,087	\$ 303,929	46.97%
Interfund Transfer Out	\$ -	\$ 90,701	\$ 108,841	\$ 18,140	16.67%
In-Kind Allocation Expense	\$ -	\$ 155,547	\$ 186,656	\$ 31,109	16.67%
Expense	\$ 8,397	\$ 2,568,753	\$ 3,707,360	\$ 1,130,210	30.49%
RECREATION CENTER	\$ (8,397)	\$ 252,381	\$ (331,854)	\$ (575,838)	173.52%

Description	Ending Bal	Encumbered	Budget	Remainder	%
GOLF COURSE					
Revenues, Charges, Rents	\$ -	\$ 1,828,145	\$ 2,324,488	\$ 496,343	21.35%
In-Kind Allocation In	\$ -	\$ 100,217	\$ 120,260	\$ 20,043	16.67%
Revenue	\$ -	\$ 1,928,362	\$ 2,444,748	\$ 516,386	21.12%
Salary and Wages	\$ -	\$ 309,826	\$ 378,854	\$ 69,028	18.22%
Benefits and Taxes	\$ -	\$ 158,793	\$ 199,811	\$ 41,018	20.53%
Operations and Maintenance	\$ 3,310	\$ 930,196	\$ 1,363,525	\$ 430,019	31.54%
Capital Items and Depreciation Exp	\$ -	\$ 151,248	\$ 186,000	\$ 34,752	18.68%
Interfund Transfer Out	\$ -	\$ 88,913	\$ 106,696	\$ 17,783	16.67%
In-Kind Allocation Expense	\$ -	\$ 100,217	\$ 120,260	\$ 20,043	16.67%
Expense	\$ 3,310	\$ 1,739,194	\$ 2,355,146	\$ 612,642	26.01%
GOLF COURSE	\$ (3,310)	\$ 189,168	\$ 89,602	\$ (96,256)	-107.43%
911 FEES					
Revenues, Charges, Rents	\$ -	\$ 4,358	\$ -	\$ (4,358)	0.00%
Grant & Restricted Revenues	\$ -	\$ 816,986	\$ 987,669	\$ 170,683	17.28%
Revenue	\$ -	\$ 821,344	\$ 987,669	\$ 166,325	16.84%
Salary and Wages	\$ -	\$ 79,662	\$ 170,662	\$ 91,000	53.32%
Benefits and Taxes	\$ -	\$ 33,526	\$ 59,290	\$ 25,764	43.45%
Operations and Maintenance	\$ 34,043	\$ 527,020	\$ 757,717	\$ 196,654	25.95%
Expense	\$ 34,043	\$ 640,208	\$ 987,669	\$ 313,418	31.73%
911 FEES	\$ (34,043)	\$ 181,136	\$ -	\$ (147,092)	0.00%
FAMILY JUSTICE CENTER					
Revenues, Charges, Rents	\$ -	\$ 21,472	\$ 11,269	\$ (10,203)	-90.54%
Grant & Restricted Revenues	\$ -	\$ 30,783	\$ -	\$ (30,783)	0.00%
Interfund Transfers In	\$ -	\$ 187,403	\$ 224,883	\$ 37,481	16.67%
Revenue	\$ -	\$ 239,657	\$ 236,152	\$ (3,505)	-1.48%
Salary and Wages	\$ -	\$ 103,421	\$ 122,465	\$ 19,044	15.55%
Benefits and Taxes	\$ -	\$ 40,082	\$ 59,587	\$ 19,505	32.73%
Operations and Maintenance	\$ -	\$ 102,427	\$ 68,959	\$ (33,468)	-48.53%
Expense	\$ -	\$ 245,931	\$ 251,011	\$ 5,080	2.02%
FAMILY JUSTICE CENTER	\$ -	\$ (6,273)	\$ (14,859)	\$ (8,586)	57.78%
DOWNTOWN RENEWAL					
Revenues, Charges, Rents	\$ -	\$ 127	\$ -	\$ (127)	0.00%
Revenue	\$ -	\$ 127	\$ -	\$ (127)	0.00%
Operations and Maintenance	\$ -	\$ 46,609	\$ -	\$ (46,609)	0.00%
Expense	\$ -	\$ 46,609	\$ -	\$ (46,609)	0.00%
DOWNTOWN RENEWAL	\$ -	\$ (46,482)	\$ -	\$ 46,482	0.00%
CIVIC CENTER					
Revenues, Charges, Rents	\$ -	\$ 394,131	\$ 576,577	\$ 182,446	31.64%
Grant & Restricted Revenues	\$ -	\$ 2,350	\$ -	\$ (2,350)	0.00%
Interfund Transfers In	\$ -	\$ 436,988	\$ 494,588	\$ 57,600	11.65%
In-Kind Allocation In	\$ -	\$ 67,686	\$ 81,223	\$ 13,537	16.67%
Revenue	\$ -	\$ 901,155	\$ 1,152,388	\$ 251,233	21.80%
Salary and Wages	\$ -	\$ 309,985	\$ 396,031	\$ 86,046	21.73%
Benefits and Taxes	\$ -	\$ 114,486	\$ 169,773	\$ 55,287	32.57%
Operations and Maintenance	\$ 11,830	\$ 424,954	\$ 519,936	\$ 83,152	15.99%
In-Kind Allocation Expense	\$ -	\$ 67,686	\$ 81,223	\$ 13,537	16.67%
Expense	\$ 11,830	\$ 917,110	\$ 1,166,963	\$ 238,023	20.40%
CIVIC CENTER	\$ (11,830)	\$ (15,955)	\$ (14,575)	\$ 13,210	-90.63%

Description	Ending Bal	Encumbered	Budget	Remainder	%
IDAHO CENTER					
Revenues, Charges, Rents	\$ -	\$ 2,395,290	\$ 3,453,646	\$ 1,058,356	30.64%
Interfund Transfers In	\$ -	\$ 745,100	\$ 1,320,851	\$ 575,751	43.59%
In-Kind Allocation In	\$ -	\$ 205,744	\$ 246,893	\$ 41,149	16.67%
Revenue	\$ -	\$ 3,346,134	\$ 5,021,390	\$ 1,675,256	33.36%
Operations and Maintenance	\$ -	\$ 2,732,721	\$ 4,273,997	\$ 1,541,276	36.06%
Capital Items and Depreciation Exp	\$ -	\$ 67,197	\$ 550,500	\$ 483,303	87.79%
In-Kind Allocation Expense	\$ -	\$ 205,744	\$ 246,893	\$ 41,149	16.67%
Expense	\$ -	\$ 3,005,662	\$ 5,071,390	\$ 2,065,728	40.73%
IDAHO CENTER	\$ -	\$ 340,472	\$ (50,000)	\$ (390,472)	780.94%
DEVELOPMENT SERVICES					
Franchise Fees, Licenses, Permits	\$ -	\$ 2,065,925	\$ 1,838,838	\$ (227,087)	-12.35%
Revenues, Charges, Rents	\$ -	\$ 24,904	\$ 22,667	\$ (2,237)	-9.87%
Revenue	\$ -	\$ 2,090,829	\$ 1,861,505	\$ (229,324)	-12.32%
Salary and Wages	\$ -	\$ 539,157	\$ 714,909	\$ 175,752	24.58%
Benefits and Taxes	\$ -	\$ 230,928	\$ 312,221	\$ 81,293	26.04%
Operations and Maintenance	\$ -	\$ 157,728	\$ 317,534	\$ 159,806	50.33%
Capital Items and Depreciation Exp	\$ -	\$ 198,288	\$ 350,000	\$ 151,712	43.35%
Interfund Transfer Out	\$ -	\$ 245,456	\$ 294,547	\$ 49,091	16.67%
Expense	\$ -	\$ 1,371,557	\$ 1,989,211	\$ 617,654	31.05%
DEVELOPMENT SERVICES	\$ -	\$ 719,272	\$ (127,706)	\$ (846,978)	663.22%
WATER					
Revenues, Charges, Rents	\$ -	\$ 8,911,545	\$ 8,879,000	\$ (32,545)	-0.37%
Interfund Transfers In	\$ -	\$ 19,778	\$ -	\$ (19,778)	0.00%
Revenue	\$ -	\$ 8,931,323	\$ 8,879,000	\$ (52,323)	-0.59%
Salary and Wages	\$ -	\$ 999,133	\$ 1,296,886	\$ 297,753	22.96%
Benefits and Taxes	\$ -	\$ 539,856	\$ 711,720	\$ 171,864	24.15%
Operations and Maintenance	\$ 385,022	\$ 2,916,501	\$ 5,123,574	\$ 1,822,051	35.56%
Capital Items and Depreciation Exp	\$ -	\$ 1,108,675	\$ 3,351,714	\$ 2,243,039	66.92%
Debt Service	\$ -	\$ 121,249	\$ 268,700	\$ 147,451	54.88%
Interfund Transfer Out	\$ -	\$ 675,794	\$ 810,953	\$ 135,159	16.67%
Expense	\$ 385,022	\$ 6,361,208	\$ 11,563,547	\$ 4,817,317	41.66%
WATER	\$ (385,022)	\$ 2,570,115	\$ (2,684,547)	\$ (4,869,640)	181.40%
WASTEWATER					
Franchise Fees, Licenses, Permits	\$ -	\$ 286	\$ -	\$ (286)	0.00%
Revenues, Charges, Rents	\$ -	\$ 11,096,704	\$ 12,103,629	\$ 1,006,925	8.32%
Interfund Transfers In	\$ -	\$ 13,120	\$ -	\$ (13,120)	0.00%
Revenue	\$ -	\$ 11,110,110	\$ 12,103,629	\$ 993,519	8.21%
Salary and Wages	\$ -	\$ 1,336,674	\$ 1,663,792	\$ 327,118	19.66%
Benefits and Taxes	\$ -	\$ 687,616	\$ 869,662	\$ 182,046	20.93%
Operations and Maintenance	\$ 35,684	\$ 2,550,204	\$ 5,244,622	\$ 2,658,734	50.69%
Capital Items and Depreciation Exp	\$ 9,420	\$ 2,784,693	\$ 5,082,475	\$ 2,288,362	45.02%
Debt Service	\$ -	\$ -	\$ 300,000	\$ 300,000	100.00%
Interfund Transfer Out	\$ -	\$ 642,523	\$ 771,027	\$ 128,505	16.67%
Expense	\$ 45,104	\$ 8,001,710	\$ 13,931,578	\$ 5,884,764	42.24%
WASTEWATER	\$ (45,104)	\$ 3,108,401	\$ (1,827,949)	\$ (4,891,245)	267.58%

Description	Ending Bal	Encumbered	Budget	Remainder	%
UTILITY BILLING					
Revenues, Charges, Rents	\$ -	\$ 698,922	\$ 838,706	\$ 139,784	16.67%
Revenue	\$ -	\$ 698,922	\$ 838,706	\$ 139,784	16.67%
Salary and Wages	\$ -	\$ 266,505	\$ 316,879	\$ 50,374	15.90%
Benefits and Taxes	\$ -	\$ 143,108	\$ 170,779	\$ 27,671	16.20%
Operations and Maintenance	\$ 214	\$ 271,397	\$ 293,322	\$ 21,711	7.40%
Interfund Transfer Out	\$ -	\$ 60,881	\$ 73,057	\$ 12,176	16.67%
Expense	\$ 214	\$ 741,891	\$ 854,037	\$ 111,932	13.11%
UTILITY BILLING	\$ (214)	\$ (42,969)	\$ (15,331)	\$ 27,853	-181.67%
SANITATION					
Revenues, Charges, Rents	\$ -	\$ 7,571,767	\$ 8,685,969	\$ 1,114,202	12.83%
Revenue	\$ -	\$ 7,571,767	\$ 8,685,969	\$ 1,114,202	12.83%
Operations and Maintenance	\$ -	\$ 6,632,307	\$ 7,534,335	\$ 902,028	11.97%
Interfund Transfer Out	\$ -	\$ 959,695	\$ 1,151,634	\$ 191,939	16.67%
Expense	\$ -	\$ 7,592,002	\$ 8,685,969	\$ 1,093,967	12.59%
SANITATION	\$ -	\$ (20,234)	\$ -	\$ 20,234	0.00%
DEVELOPMENT IMPACT FEES					
Revenues, Charges, Rents	\$ -	\$ 2,211,319	\$ 890,250	\$ (1,321,069)	-148.39%
Revenue	\$ -	\$ 2,211,319	\$ 890,250	\$ (1,321,069)	-148.39%
Operations and Maintenance	\$ -	\$ 94,542	\$ 270,000	\$ 175,458	64.98%
Capital Items and Depreciation Expense	\$ 49,601	\$ 853,673	\$ 4,532,142	\$ 3,628,869	80.07%
Expense	\$ 49,601	\$ 948,214	\$ 4,802,142	\$ 3,804,327	79.22%
DEVELOPMENT IMPACT FEES	\$ (49,601)	\$ 1,263,105	\$ (3,911,892)	\$ (5,125,396)	131.02%
CAPITAL PROJECTS FUND					
Property Tax Revenues	\$ -	\$ 19,029	\$ 19,121	\$ 92	0.48%
Franchise Fees, Licenses, Permits	\$ -	\$ 694,813	\$ 988,000	\$ 293,187	29.67%
Revenues, Charges, Rents	\$ -	\$ 187,540	\$ 164,707	\$ (22,833)	-13.86%
Revenue	\$ -	\$ 901,382	\$ 1,171,828	\$ 270,446	23.08%
Capital Items and Depreciation Expense	\$ -	\$ 331,593	\$ 595,198	\$ 263,605	44.29%
Interfund Transfer Out	\$ -	\$ -	\$ 855,724	\$ 855,724	100.00%
Expense	\$ -	\$ 331,593	\$ 1,450,922	\$ 1,119,329	77.15%
CAPITAL PROJECTS FUND	\$ -	\$ 569,788	\$ (279,094)	\$ (848,882)	304.16%
DEBT SERVICE FUND					
Property Tax Revenues	\$ -	\$ 2,694,359	\$ 2,696,900	\$ 2,541	0.09%
Revenue	\$ -	\$ 2,694,359	\$ 2,696,900	\$ 2,541	0.09%
Debt Service	\$ -	\$ 2,695,900	\$ 2,696,900	\$ 1,000	0.04%
Expense	\$ -	\$ 2,695,900	\$ 2,696,900	\$ 1,000	0.04%
DEBT SERVICE FUND	\$ -	\$ (1,541)	\$ -	\$ 1,541	0.00%
INVESTMENTS					
Revenues, Charges, Rents	\$ -	\$ 432,622	\$ -	\$ (432,622)	0.00%
Revenue	\$ -	\$ 432,622	\$ -	\$ (432,622)	0.00%
INVESTMENTS	\$ -	\$ 432,622	\$ -	\$ (432,622)	0.00%
PRIVATE GRANTS					
Revenues, Charges, Rents	\$ -	\$ 68,714	\$ 30,000	\$ (38,714)	-129.05%
Grant & Restricted Revenues	\$ -	\$ 111,185	\$ 41,954	\$ (69,231)	-165.02%
Revenue	\$ -	\$ 179,899	\$ 71,954	\$ (107,945)	-150.02%
Operations and Maintenance	\$ -	\$ 156,912	\$ 51,954	\$ (104,958)	-202.02%
Capital Items and Depreciation Expense	\$ 40	\$ 254,959	\$ 846,000	\$ 591,001	69.86%
Interfund Transfer Out	\$ -	\$ 6,000	\$ -	\$ (6,000)	0.00%
Expense	\$ 40	\$ 417,871	\$ 897,954	\$ 480,043	53.46%
PRIVATE GRANTS	\$ (40)	\$ (237,972)	\$ (826,000)	\$ (587,988)	71.18%

Description	Ending Bal	Encumbered	Budget	Remainder	%
EMPLOYEE HEALTH BENEFIT					
Revenues, Charges, Rents	\$ -	\$ 3,091,891	\$ -	\$ (3,091,891)	0.00%
Revenue	\$ -	\$ 3,091,891	\$ -	\$ (3,091,891)	0.00%
Operations and Maintenance	\$ -	\$ 2,860,490	\$ -	\$ (2,860,490)	0.00%
Expense	\$ -	\$ 2,860,490	\$ -	\$ (2,860,490)	0.00%
EMPLOYEE HEALTH BENEFIT	\$ -	\$ 231,401	\$ -	\$ (231,401)	0.00%
WORKERS COMPENSATION F					
Revenues, Charges, Rents	\$ -	\$ 782,801	\$ 63,663	\$ (719,138)	-1129.60%
Revenue	\$ -	\$ 782,801	\$ 63,663	\$ (719,138)	-1129.60%
Salary and Wages	\$ -	\$ 37,009	\$ 44,172	\$ 7,163	16.22%
Benefits and Taxes	\$ -	\$ 132,340	\$ 19,491	\$ (112,849)	-578.98%
Operations and Maintenance	\$ -	\$ 484,341	\$ -	\$ (484,341)	0.00%
Expense	\$ -	\$ 653,689	\$ 63,663	\$ (590,026)	-926.80%
WORKERS COMPENSATION F	\$ -	\$ 129,112	\$ -	\$ (129,112)	0.00%
UNEMPLOYMENT INSURANC					
Revenues, Charges, Rents	\$ -	\$ 90,229	\$ -	\$ (90,229)	0.00%
Revenue	\$ -	\$ 90,229	\$ -	\$ (90,229)	0.00%
Operations and Maintenance	\$ -	\$ 33,020	\$ -	\$ (33,020)	0.00%
Expense	\$ -	\$ 33,020	\$ -	\$ (33,020)	0.00%
UNEMPLOYMENT INSURANC	\$ -	\$ 57,210	\$ -	\$ (57,210)	0.00%
WELLNESS PROGRAM					
Revenues, Charges, Rents	\$ -	\$ 302,595	\$ -	\$ (302,595)	0.00%
Revenue	\$ -	\$ 302,595	\$ -	\$ (302,595)	0.00%
Salary and Wages	\$ -	\$ 10,725	\$ -	\$ (10,725)	0.00%
Operations and Maintenance	\$ -	\$ 59,545	\$ -	\$ (59,545)	0.00%
Expense	\$ -	\$ 70,270	\$ -	\$ (70,270)	0.00%
WELLNESS PROGRAM	\$ -	\$ 232,325	\$ -	\$ (232,325)	0.00%
FEDERAL HUD FUND					
Revenues, Charges, Rents	\$ -	\$ 25,266	\$ 6,000	\$ (19,266)	-321.10%
Grant & Restricted Revenues	\$ -	\$ 534,780	\$ 1,336,918	\$ 802,138	60.00%
Revenue	\$ -	\$ 560,046	\$ 1,342,918	\$ 782,872	58.30%
Salary and Wages	\$ -	\$ 84,091	\$ 97,012	\$ 12,921	13.32%
Benefits and Taxes	\$ -	\$ 37,270	\$ 43,373	\$ 6,103	14.07%
Operations and Maintenance	\$ -	\$ 133,411	\$ 595,052	\$ 461,641	77.58%
Capital Items and Depreciation Ex	\$ -	\$ 358,695	\$ 607,481	\$ 248,786	40.95%
Expense	\$ -	\$ 613,467	\$ 1,342,918	\$ 729,451	54.32%
FEDERAL HUD FUND	\$ -	\$ (53,421)	\$ -	\$ 53,421	0.00%
FEDERAL EPA FUND					
Revenues, Charges, Rents	\$ -	\$ 6,249,497	\$ 14,321,071	\$ 8,071,574	56.36%
Revenue	\$ -	\$ 6,249,497	\$ 14,321,071	\$ 8,071,574	56.36%
Capital Items and Depreciation Ex	\$ -	\$ 6,976,040	\$ 14,321,071	\$ 7,345,031	51.29%
Expense	\$ -	\$ 6,976,040	\$ 14,321,071	\$ 7,345,031	51.29%
FEDERAL EPA FUND	\$ -	\$ (726,543)	\$ -	\$ 726,543	0.00%
FEDERAL DOJ FUND					
Grant & Restricted Revenues	\$ -	\$ 363,307	\$ 236,232	\$ (127,075)	-53.79%
Revenue	\$ -	\$ 363,307	\$ 236,232	\$ (127,075)	-53.79%
Salary and Wages	\$ -	\$ 58,603	\$ 49,534	\$ (9,069)	-18.31%
Benefits and Taxes	\$ -	\$ 14,040	\$ 24,827	\$ 10,787	43.45%
Operations and Maintenance	\$ 592	\$ 314,929	\$ 161,871	\$ (153,650)	-94.92%
Expense	\$ 592	\$ 387,572	\$ 236,232	\$ (151,933)	-64.32%
FEDERAL DOJ FUND	\$ (592)	\$ (24,265)	\$ -	\$ 24,857	0.00%

Description	Ending Bal	Encumbered	Budget	Remainder	%
FEDERAL DHS-HOMELAND S					
Grant & Restricted Revenues	\$ -	\$ 28,075	\$ 308,250	\$ 280,175	90.89%
Revenue	\$ -	\$ 28,075	\$ 308,250	\$ 280,175	90.89%
Operations and Maintenance	\$ -	\$ 5,052	\$ -	\$ (5,052)	0.00%
Capital Items and Depreciation Ex	\$ -	\$ -	\$ 308,250	\$ 308,250	100.00%
Expense	\$ -	\$ 5,052	\$ 308,250	\$ 303,198	98.36%
FEDERAL DHS-HOMELAND S	\$ -	\$ 23,023	\$ -	\$ (23,023)	0.00%
FEDERAL DOT FUND					
Grant & Restricted Revenues	\$ -	\$ 12,211	\$ 266,288	\$ 254,077	95.41%
Revenue	\$ -	\$ 12,211	\$ 266,288	\$ 254,077	95.41%
Operations and Maintenance	\$ -	\$ 15,250	\$ 30,664	\$ 15,414	50.27%
Capital Items and Depreciation Ex	\$ -	\$ -	\$ 235,624	\$ 235,624	100.00%
Expense	\$ -	\$ 15,250	\$ 266,288	\$ 251,038	94.27%
FEDERAL DOT FUND	\$ -	\$ (3,038)	\$ -	\$ 3,038	0.00%
NATIONAL ENDOWMENT FOI					
Grant & Restricted Revenues	\$ -	\$ 2,250	\$ -	\$ (2,250)	0.00%
Revenue	\$ -	\$ 2,250	\$ -	\$ (2,250)	0.00%
Operations and Maintenance	\$ -	\$ 2,250	\$ -	\$ (2,250)	0.00%
Expense	\$ -	\$ 2,250	\$ -	\$ (2,250)	0.00%
NATIONAL ENDOWMENT FOI	\$ -	\$ -	\$ -	\$ -	0.00%
FAA FUND					
Grant & Restricted Revenues	\$ -	\$ 59,145	\$ 141,846	\$ 82,701	58.30%
Revenue	\$ -	\$ 59,145	\$ 141,846	\$ 82,701	58.30%
Operations and Maintenance	\$ -	\$ 40,168	\$ 122,200	\$ 82,032	67.13%
Capital Items and Depreciation Ex	\$ -	\$ 21,228	\$ 19,646	\$ (1,582)	-8.05%
Expense	\$ -	\$ 61,395	\$ 141,846	\$ 80,451	56.72%
FAA FUND	\$ -	\$ (2,251)	\$ -	\$ 2,251	0.00%
FEDERAL DOI (Dept of Interior)					
Grant & Restricted Revenues	\$ -	\$ 3,452	\$ -	\$ (3,452)	0.00%
Revenue	\$ -	\$ 3,452	\$ -	\$ (3,452)	0.00%
FEDERAL DOI (Dept of Interior)	\$ -	\$ 3,452	\$ -	\$ (3,452)	0.00%
STATE OF IDAHO FUND					
Grant & Restricted Revenues	\$ -	\$ 223,836	\$ 2,083,842	\$ 1,860,006	89.26%
Revenue	\$ -	\$ 223,836	\$ 2,083,842	\$ 1,860,006	89.26%
Salary and Wages	\$ -	\$ 2,570	\$ -	\$ (2,570)	0.00%
Operations and Maintenance	\$ -	\$ 51,339	\$ 54,140	\$ 2,801	5.17%
Capital Items and Depreciation Ex	\$ -	\$ 143,450	\$ 2,029,702	\$ 1,886,252	92.93%
Expense	\$ -	\$ 197,359	\$ 2,083,842	\$ 1,886,483	90.53%
STATE OF IDAHO FUND	\$ -	\$ 26,477	\$ -	\$ (26,477)	0.00%
LOCAL MUNICIPALITIES					
Grant & Restricted Revenues	\$ -	\$ 235,623	\$ 1,695,079	\$ 1,459,456	86.10%
Revenue	\$ -	\$ 235,623	\$ 1,695,079	\$ 1,459,456	86.10%
Capital Items and Depreciation Ex	\$ -	\$ 249,794	\$ 1,695,079	\$ 1,445,285	85.26%
Expense	\$ -	\$ 249,794	\$ 1,695,079	\$ 1,445,285	85.26%
LOCAL MUNICIPALITIES	\$ -	\$ (14,171)	\$ -	\$ 14,171	0.00%

CITY OF NAMPA
REGULAR COUNCIL
SEPTEMBER 6, 2016
STAFF REPORT BY PUBLIC WORKS DEPARTMENT
MICHAEL FUSS, P.E., PUBLIC WORKS DIRECTOR

Excavation and Trenching Policy

Public Works division heads have worked closely with the City's risk manager to create an Excavation and Trenching Policy (See Attachment A). This policy has no direct financial impact and is provided as an informational item for Council. In order to allow Council members the opportunity for review, the attached policy will not be implemented throughout Public Works until October 3, 2016. If Council has any questions and/or suggested changes please contact Don Barr, Street Division Superintendent, at barrd@cityofnampa.us or 468-5831. Revisions will be presented to Council for further review and comment. If no revisions are received, the policy will be put in place as stated.



**City of Nampa
Public Works Department Policies
Public Works Department**

Policy #	Title	Effective Date
PWD-005.0	Excavation and Trenching	On or before October 3, 2016
Action Items		Dates
Advised City Council		10/03/16
Implementation and/or Adoption		10/03/16
Revision: 0.0		

PURPOSE:

The purpose of this policy is to provide safe and effective means of excavation and trenching.

CITY CODE REFERENCE:

POLICY DESCRIPTION:

This policy outlines what is expected of all Public Works Department employees regarding excavation and trenching and is consistent with the City of Nampa Safety Policy.

RESPONSIBLE DEPARTMENT/DIVISION AND CONTACT:

Public Works Administration, Michael Fuss, P.E., Public Works Director.

POLICY DESCRIPTION:

Policy #	Title	Effective Date
PWD-005.0	Excavation and Trenching	On or before October 3, 2016

GENERAL

This **Excavation and Trenching** policy supersedes all Public Works Department policies or practices concerning excavation and trenching.

PURPOSE

The purpose of this policy is to improve public works safety practices and to ensure consistency and compliance across all Public Works Department divisions. **The primary purpose is injury prevention.**

All City originated excavation and trenching project work practices shall be guided by Idaho General Safety and Health Standards (044 Safety Requirements for Excavations) and Occupational Safety and Health Administration (OSHA) standards 1019.146. Additional Nampa Public Works Department specific requirements are included in the attached Nampa Public Works Excavation and Trenching Program Manual as updated time to time by the Public Works Safety Committee and approved by the Public Works Director (see **Exhibit A**).

POLICY

1.0 Statement

The City of Nampa recognizes that earth excavation and trenching is hazardous work. Only authorized employees trained and equipped to recognize and control associated hazards will be allowed to work in or around excavations and/or trenches. A “Competent Person” shall be designated for excavation job sites.

City employees are NOT to work or allow others to work in a situation they feel is unsafe. If there is any dispute or concern that is not adequately addressed by the on-site supervisor or “Competent Person,” the City employee is expected to follow City chain of command and make management aware of any unresolved safety issues. This enables contractors and city employees to each supervise the scope of their own work while also actively caring for the safety of others.

2.0 Scope

This policy applies to all Public Works Department employees involved in excavation and trenching activities. Compliance with all safety rules is considered conditions of employment. Management reserves the right to issue disciplinary warning to employees, up to and including termination for failure to comply with these requirements.

3.0 Location of This Policy

Copies of this policy will be kept by Department Heads, Division Heads, Risk Manager, and every employee that may be called upon to perform excavation and trenching.

RESPONSIBILITIES

Division Heads

1. Model safe behavior by adhering to this policy.
2. Shall instruct employees involved in excavation and trenching activities to comply with this policy.

Supervisors

1. Model safe behavior by adhering to this policy.
2. Ensure employees involved in excavation and trenching activities receive this policy (including Exhibit A) and sign and return the acknowledgement of this policy.

Employees

1. Model safe behavior by adhering to this policy.

Risk Manager

1. Shall assist supervisors as requested.
2. Shall audit field practices for compliance or non-compliance and make reports to appropriate personnel.

**ACKNOWLEDGEMENT
NAMPA PUBLIC WORKS DEPARTMENT
EXCAVATION AND TRENCHING POLICY**

Statement of Understanding

- **I have received a copy of the City of Nampa Public Works Department Excavation and Trenching Policy (including Exhibit A)**
- **I understand that it is my responsibility to become familiar with and comply with this policy**
- **If I have any questions concerning this policy, I will contact my Supervisor, Division Head, Department Head or Risk Management**
- **I understand that failure to adhere to this policy is cause for disciplinary action up to and including termination of employment**

Employee's Signature

Date

Employee's Printed Name

Division

EXHIBIT A
10.03.16
PWD-005.9 Excavation & Trenching Policy

Nampa Public Works
Excavation and Trenching
Program Manual

Adapted with permission of the Minnesota Municipal Utilities Association - www.mmua.org

PURPOSE

The purpose of this program is ensure excavation and trenching work is always safely completed and that Idaho State and (OSHA) Excavating and Trenching standards are understood and followed.

SCOPE

An *excavation* is defined as any man-made cut, cavity, trench or depression in an earth surface formed by earth removal.

A *trench* is defined as a narrow excavation (in relation to its length) made below the surface of the ground. In general, the depth is greater than the width, but the width of a trench (measured at the bottom) is not greater than 15 feet (4.6 m). If forms or other structures are installed or constructed in an excavation so as to reduce the dimension measured from the forms or structure to the side of the excavation to 15 feet (4.6 m) or less (measured at the bottom of the excavation), the excavation is also considered to be a trench.

POLICY

City Employees are NOT to work or allow others to work in a situation that they feel is unsafe. If there is any dispute or concern that is not adequately addressed by the on-site supervisor or "Competent Person", the city employee is expected to follow City chain of command and make management aware of any unresolved safety issues. This enables Contractors and City Employees to each supervise the scope of their own work while also actively caring for the safety of others.

AVAILABILITY

A copy of this manual shall be available at all excavation job sites where City Employees are working.

WORK PLANNING

GENERAL REQUIREMENTS

All excavation and trenching operations shall be pre-planned to identify and control:

- Potential job site hazards.
- The impact of the work on normal operations and public activities.
- Pre-job safety briefings conducted by the competent person (and including all affected employees) shall be used to plan and coordinate small scale excavation operations.
- Large scale/long-term excavation and trenching operations that will affect the general public require more detailed written plans that shall be coordinated with all affected local departments.

All safety plans (verbal or written) shall:

A. Define the scope, nature and length of the project:

- Impact on normal operations.
- Access to public and private buildings.
- Impact on vehicular traffic and parking.
- Impact on pedestrian traffic.
- Impact on public and private landscaping.

B. Identify and evaluate potential hazards associated with the job site:

- Underground utility lines.
- Overhead electrical lines.
- Undermining of adjacent surface structures.
- Vehicular hazards to workers.
- Soil properties and characteristics.
- Conditions that might result in a hazardous atmosphere.
- Conditions that might result in the inflow or accumulation of water.
- Other job site safety and health hazards.

C. Identify job site protection and traffic control requirements.

D. Identify the most feasible cave-in protective system (e.g., sloping, shoring or shielding).

E. Identify a job site competent person.

The general public shall be notified in advance of all major excavation operations.

JOB SITE OPERATIONS

COMPETENT PERSON

A competent person shall be designated for excavation job sites. The competent person shall be capable of identifying existing and predictable hazards in the surroundings or working conditions which are unsanitary, hazardous or dangerous to employees, and shall have the authority to take prompt corrective measures to eliminate them. The competent person shall be responsible for:

- Conducting soil tests to determine appropriate means of protection.
- Specify the means and methods necessary to control recognizable hazards.
- Coordinating the placement and relocation of shoring and shields.
- Conducting air testing as dictated by job site conditions.
- Conducting job site inspections.
- Conducting tailgate job briefings and safety talks.

Only employees with appropriate training and experience shall be authorized by the City or Contractor to serve as designated competent persons at excavation job sites.

Training

Training Levels:

1. Hazard AWARENESS Training for All Public Works Employees
2. Authorized Person Training for anyone working in or around excavations
3. Competent Person Training for designated "Competent Persons"

Content:

Level 1. Basic Hazard Awareness (videos, PowerPoint and policy review)

Level 2. (Completion of Level 1, supervised field experience and online trenching excavation training course completion)

Level 3. (Completion of authorized Competent Person Training Course with Demonstrated competence of tools and techniques required to assess Hazards, Mitigate Hazards and safely complete work required in excavations.)

The Public Works Safety Committee will facilitate the availability of approved training materials, or courses, and instructors. They will also assist in ensuring sufficient numbers of trained "Competent Persons".

JOB SITE INSPECTIONS

Daily inspections of excavations, the adjacent areas and protective systems shall be made by a competent person for evidence of a situation that could result in possible cave-ins, indications of failure of protective systems, hazardous atmospheres or other hazardous conditions. An inspection shall be conducted by the competent person prior to the start of work and as needed throughout the shift. Inspections shall also be made after every rainstorm or other hazard- increasing occurrence. These inspections are only required when employee exposure can be reasonably anticipated. The competent person shall inspect the job site to:

- Identify any signs of sidewall collapse or failure.
- Evaluate the effectiveness/condition of the protective system.
- Evaluate the effectiveness/condition of methods used to support undermined structures.
- Evaluate the effectiveness/condition of methods used to support exposed utility lines.
- Evaluate the effectiveness/operation of dewatering equipment.
- Evaluate the appropriate placement of spoil piles.
- Evaluate the effectiveness/condition of barricades.
- Evaluate the appropriate use of personnel protective equipment.
- Identify and remove from service damaged/defective tools and equipment.
- Evaluate the placement/condition of ladders/ramps.
- Evaluate the adequacy/availability of emergency equipment.
- Identify any atmospheric hazards within the excavation by conducting appropriate tests when dictated by job site conditions.
- Identify and correct any other condition, situation or event that affects employee safety and health.

Where the competent person finds evidence of a situation that could result in a possible cave-in, indications of failure of protective systems, hazardous atmospheres or other hazardous conditions, exposed employees shall be removed from the hazardous area until the necessary precautions have been taken to ensure their safety.

JOB SITE PRACTICES

A. Surface Encumbrances

All surface encumbrances that are located so as to create a hazard to employees shall be removed or supported, as necessary, to safeguard employees. Surface encumbrances include but are not limited to:

- Retaining walls and fencing.
- Sidewalks.
- Trees.
- Power poles.
- Rocks.
- Other objects that could become unstable and create a hazard to employees.

B. Underground Installations

The estimated location of utility installations, such as sewer, telephone, fuel, electric, water lines or any other underground installations that reasonably may be expected to be encountered during excavation work, shall be determined prior to opening an excavation.

Utility companies or owners shall be contacted within established or customary local response times, advised of the proposed work and asked to establish the location of the utility underground installations prior to the start of actual excavation. When utility companies or owners cannot respond to a request to locate underground utility installations within 24 hours (unless a longer period is required by state or local law) or cannot establish the exact location of these installations, the employer may proceed, provided the employer does so with caution, and provided detection equipment or other acceptable means to locate utility installations are used.



When excavation operations approach the estimated location of underground installations, the exact location of the installations shall be determined by safe and acceptable means.

While the excavation is open, underground installations shall be protected, supported or removed as necessary to safeguard employees.

C. Access and Egress

Structural ramps that are used solely by employees as a means of access or egress from excavations shall be designed by a competent person. Structural ramps used for access or egress of equipment shall be designed by a competent person qualified in structural design and shall be constructed in accordance with the design.

- Ramps and runways constructed of two or more structural members shall have the structural members connected together to prevent displacement.
- Structural members used for ramps and runways shall be of uniform thickness. Cleats or other appropriate means used to connect runway structural members shall be attached to the bottom of the runway or shall be attached in a manner to prevent tripping.
- Structural ramps used in lieu of steps shall be provided with cleats or other surface treatments on the top surface to prevent slipping.
- A stairway, ladder, ramp or other safe means of egress shall be located in trench excavations that are 4 feet (1.22 m) or more in depth so as to require no more than 25 feet (7.62 m) of lateral travel for employees.
 - *Appropriate care and caution shall be used when using metal ladders in the vicinity of overhead and/or underground electrical lines.*
 - *Ladders shall extend at least 3 feet above the ground surface and shall be secured in place.*
 - *Each day before being used, ladders shall be inspected for damage or defects. Additional inspections shall be performed during use, where service conditions warrant. Portable ladders with structural defects, such as, but not limited to, broken or missing rungs, cleats or steps; broken or split rails; corroded components; or other faulty or defective components, shall either be immediately marked in a manner that readily identifies them as defective or be tagged with "Do Not Use" or similar language and shall be withdrawn from service until repaired.*

D. Exposure to Vehicular Traffic

Before work that may endanger employees is begun in the vicinity of vehicular or pedestrian traffic, warning signs or flags and other traffic control devices shall be placed in conspicuous locations to alert and channel approaching traffic. Work zone protection and traffic control devices shall comply with Part *VI of the Manual on Uniform Traffic Control Devices*, U.S. Department of Transportation, Federal Highway Administration.

- Where additional employee protection is necessary, barricades shall be used.
- Warning lights shall be prominently displayed at night.
- Employees exposed to public vehicular traffic shall be provided with, and shall wear, warning vests or other suitable garments marked with or made of reflectorized or high-visibility material.

E. Exposure to Falling Loads

No employee shall be permitted underneath loads handled by lifting or digging equipment. Employees shall be required to stand away from any vehicle being loaded or unloaded to avoid being struck by any spillage or falling materials. Operators may remain in the cabs of vehicles being loaded or unloaded when the vehicles are equipped, to provide adequate protection for the operator during loading and unloading operations.

F. Warning System for Mobile Equipment

When mobile equipment is operated adjacent to an excavation or when such equipment is required to approach the edge of an excavation and the operator does not have a clear and direct view of the edge of the excavation, a warning system shall be utilized such as barricades, hand or mechanical signals or stop logs. If possible, the grade should be away from the excavation.

G. Hazardous Atmospheres

To prevent exposure to harmful levels of atmospheric contaminants and to assure acceptable atmospheric conditions, the following requirements shall apply:

Where a hazardous atmosphere exists or could reasonably be expected to exist, such as in excavations in landfill areas or excavations in areas where hazardous substances are stored nearby, the atmospheres in the excavation shall be tested before employees enter excavations greater than 4 feet (1.22 m) in depth.

Hazard	Minimum Allowable Conditions
Oxygen	Not less than 19.5% and not more than 23.5%*
Flammables	Less than 10% of the lower flammable limit*
Carbon Monoxide	Less than 35 ppm
Hydrogen Sulfide	Less than 10 ppm

- No employee shall enter an excavation that contains a known or suspected hazardous atmosphere.
- When controls are used that are intended to reduce the level of atmospheric contaminants to acceptable levels, testing shall be conducted as often as necessary to ensure that the atmosphere remains safe.
- Emergency rescue equipment, such as breathing apparatus, a safety harness and line or a basket stretcher, shall be readily available where hazardous atmospheric conditions exist or may reasonably be expected to develop during work in an excavation. This equipment shall be attended when in use.

Air testing devices shall be calibrated and maintained in accordance with the manufacturer's recommendations.

H. Bell-Bottom Pier Holes

Employees entering bell-bottom pier holes or other similar deep and confined footing excavations shall wear a harness with a lifeline securely attached to it. The lifeline shall be separate from any line used to handle materials and shall be individually attended at all times while the employee wearing the lifeline is in the excavation.

I. Protection from Water Accumulation Hazards

Employees shall not work in excavations in which there is accumulated water or in which water is accumulating unless adequate precautions have been taken to protect employees against the hazards posed by water accumulation. The precautions necessary to protect employees adequately vary with each situation, but could include special support or shield systems to protect from cave-ins, water removal to control the level of accumulating water or use of a safety harness and lifeline.

If water is controlled or prevented from accumulating by the use of water removal equipment, the water removal equipment and operations shall be monitored by a competent person to ensure proper operation.

If excavation work interrupts the natural drainage of surface water (such as streams), diversion ditches, dikes or other suitable means shall be used to prevent surface water from entering the excavation and to provide adequate drainage of the area adjacent to the excavation. Excavations subject to runoff from heavy rains will require an inspection by a competent person.

J. Stability of Adjacent Structures

Where the stability of adjoining buildings, walls or other structures is endangered by excavation operations, support systems such as shoring, bracing or underpinning shall be provided to ensure the stability of such structures for the protection of employees.

Excavation below the level of the base or footing of any foundation or retaining wall that could be reasonably expected to pose a hazard to employees shall not be permitted except when:

- A support system, such as underpinning, is provided to ensure the safety of employees and the stability of the structure; or
- The excavation is in stable rock; or
- A registered professional engineer has approved the determination that the structure is sufficiently removed from the excavation so as to be unaffected by the excavation activity; or
- A registered professional engineer has approved the determination that such excavation work will not pose a hazard to employees.

Sidewalks, pavements and appurtenant structures shall not be undermined unless a support system or another method of protection is provided to protect employees from the possible collapse of such structures.

K. Protection of Employees from Loose Rock or Soil

Adequate protection shall be provided to protect employees from loose rock or soil that could pose a hazard by falling or rolling from an excavation face. Such protection shall consist of scaling to remove loose material, installation of protective barricades at intervals as necessary on the face to stop and contain falling material, or other means that provide equivalent protection.

Employees shall be protected from excavated or other materials or equipment that could pose a hazard by falling or rolling into excavations. Protection shall be provided by placing and keeping such materials or equipment at least 2 feet (.61 m) from the edge of excavations or by the use of retaining devices that are sufficient to prevent materials or equipment from falling or rolling into excavations or by a combination of both if necessary.

L. Fall Protection

Walkways shall be provided where employees or equipment are required or permitted to cross over excavations. Guardrails which comply with 1926.502(b) shall be provided where walkways are 6 feet (1.8 m) or more above lower levels.

Adequate barrier physical protection shall be provided at all remotely-located excavations. All wells, pits, shafts, etc., shall be barricaded or covered. Upon completion of exploration and other similar operations, temporary wells, pits, shafts, etc., shall be backfilled.

Each employee at the edge of an excavation 6 feet (1.8 m) or more in depth shall be protected from falling by guardrail systems, fences or barricades when the excavations are not readily seen because of plant growth or other visual barrier.

CAVE-IN PROTECTION

Each employee in an excavation shall be protected from cave-ins by an adequate protective system except when:

- Excavations are made entirely in stable rock; or
- Excavations are less than 5 feet (1.52 m) in depth and examination of the ground by a competent person provides no indication of a potential cave-in.

Cave-in protection systems shall include:

- Sloping and benching.
- Timber and hydraulic shoring.
- Shields.

Cave-in protection systems for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

A. Sloping and Benching Systems

Sloping and benching systems shall be constructed for existing soil conditions in accordance with appendices A and B to Subpart P of 29 CFR 1926.

Maximum allowable slopes for excavations less than 20 feet deep shall be as listed on table B1 of appendix B to Subpart P of part 29 CFR 1926.

Table B1 Of Appendix B To Subpart P Of Part 29 CFR 1926	
Soil Or Rock Type	Maximum Allowable Slopes (H:V)⁽¹⁾ For Excavations Less Than 20 Feet Deep⁽³⁾
Stable Rock	Vertical (90 Deg.)
Type A ⁽²⁾	3/4:1 (53 Deg.)
Type B	1:1 (45 Deg.)
Type C	1 1/2:1 (34 Deg.)

⁽¹⁾ Numbers shown in parentheses next to maximum allowable slopes are angles expressed in degrees from the horizontal. Angles have been rounded off.

⁽²⁾ A short-term maximum allowable slope of 1/2H:1V (63 degrees) is allowed in excavations in Type A soil that are 12 feet (3.67 m) or less in depth. Short-term maximum allowable slopes for excavations greater than 12 feet (3.67 m) in depth shall be 3/4H:1V (53 degrees).

⁽³⁾ Sloping or benching for excavations greater than 20 feet deep shall be designed by a registered professional engineer.

Employees shall not be permitted to work on the faces of sloped or benched excavations at levels above other employees except when employees at the lower levels are adequately protected from the hazard of falling, rolling or sliding material or equipment.

B. Shoring and Shielding

Shoring and shielding systems shall be designed using:

- Using appendices A, C and D to Subpart P of 29 CFR 1926.
- Designs for timber shoring in trenches shall be determined in accordance with the conditions and requirements set forth in appendices A and C to Subpart P of 29 CFR 1926. Designs for aluminum hydraulic shoring shall be in accordance with paragraph (c)(2) of 29 CFR 1926.652, but if manufacturer's tabulated data cannot be utilized, designs shall be in accordance with appendix D to Subpart P of 29 CFR 1926.
- The manufacturer's tabulated data.

- Deviation from the specifications, recommendations and limitations issued or made by the manufacturer shall only be allowed after the manufacturer issues specific written approval.
- Manufacturer's specifications, recommendations and limitations, and manufacturer's approval to deviate from the specifications, recommendations and limitations shall be in written form at the job site during construction of the protective system. After that time this data may be stored off the job site, but a copy shall be made available to OSHA upon request.
- Other tabulated data.
- Designs of support systems, shield systems or other protective systems shall be selected from and be in accordance with tabulated data such as tables and charts.
- The tabulated data shall be in written form and include all of the following: (1) identification of the parameters that affect the selection of a protective system drawn from such data, (2) identification of the limits of use of the data and (3) explanatory information as may be necessary to aid the user in making a correct selection of a protective system from the data.
- At least one copy of the tabulated data which identifies the registered professional engineer who approved the data shall be maintained at the job site during construction of the protective system. After that time the data may be stored off the job site, but a copy of the data shall be made available to OSHA upon request.

Other protective systems not listed above shall be approved by a registered professional engineer.

C. Materials and Equipment

- Materials and equipment used for protective systems shall be free from damage or defects that might impair their proper function.
- Manufactured materials and equipment used for protective systems shall be used and maintained in a manner that is consistent with the recommendations of the manufacturer and in a manner that will prevent employee exposure to hazards.
- When material or equipment that is used for protective systems is damaged, a competent person shall examine the material or equipment and evaluate its suitability for continued use. If the competent person cannot assure the material or equipment is able to support the intended loads or is otherwise suitable for safe use, then such material or equipment shall be removed from service and shall be evaluated and approved by a registered professional engineer before being returned to service.

D. Installation/Removal of Support Systems

- Members of support systems shall be securely connected together to prevent sliding, falling, kick outs or other predictable failure.
- Support systems shall be installed and removed in a manner that protects employees from cave-ins, structural collapses or from being struck by members of the support system.

- Individual members of support systems shall not be subjected to loads exceeding those which those members were designed to withstand.
- Before temporary removal of individual members begins, additional precautions shall be taken to ensure the safety of employees such as installing other structural members to carry the loads imposed on the support system.
- Removal shall begin at, and progress from, the bottom of the excavation. Members shall be released slowly so as to note any indication of possible failure of the remaining members of the structure or possible cave-in of the sides of the excavation.
- Backfilling shall progress together with the removal of support systems from excavations.

E. Additional Requirements for Support Systems

- Excavation of material to a level no greater than 2 feet (.61 m) below the bottom of the members of a support system shall be permitted, but only if the system is designed to resist the forces calculated for the full depth of the trench and if there are no indications, while the trench is open, of a possible loss of soil from behind or below the bottom of the support system.
- Installation of a support system shall be closely coordinated with the excavation of trenches.

F. Shield Systems

- Shield systems shall not be subjected to loads exceeding those which the system was designed to withstand.
- Shields shall be installed in a manner to restrict lateral or other hazardous movement of the shield in the event of the application of sudden lateral loads.
- Employees shall be protected from the hazard of cave-ins when entering or exiting the areas protected by shields.
- Employees shall not be allowed in shields when shields are being installed, removed or moved vertically.
- Excavations of earth material to a level not greater than 2 feet (.61 m) below the bottom of a shield shall be permitted, but only if the shield is designed to resist the forces calculated for the full depth of the trench and there are no indications, while the trench is open, of a possible loss of soil from behind or below the bottom of the shield.

GENERAL SAFETY and HEALTH PRACTICES

GENERAL

Any given excavation operation may expose employees to additional safety and health hazards that involve other Occupational Safety and Health Administration regulations. This section provides an overview of additional precautions and practices that must be observed at excavation and trenching job sites. The information is very generalized. No attempt has been made to address or include all possible regulatory requirements or to furnish detailed instructions. Employers and competent persons are directed to consult the applicable Code of Federal Regulations for additional and specific regulatory requirements.

HAND TOOLS and PORTABLE POWER TOOLS

Each day before being used, hand tools and portable power tools shall be inspected for damage or defects. Additional inspections shall be performed during use, where service conditions warrant. Damaged or defective hand tools and portable power tools shall be removed from the immediate work area so as not to present a hazard to employees.

- Wrenches, including adjustable, pipe, end, and socket wrenches shall not be used when jaws are sprung to the point that slippage occurs.
- Impact tools such as drift pins, wedges and chisels shall be kept free of mushroomed heads.
- The wooden handles of tools shall be kept free of splinters or cracks and shall be kept tight in the tool.
- Portable power tools with damaged or missing guards and/or damaged or defective cords shall not be used.

Employees shall wear suitable personal protective equipment when using hand tools and portable power tools.

SLINGS, CHAINS AND WIRE ROPES

Each day before being used, slings, chains and wire ropes shall be inspected for damage or defects. Additional inspections shall be performed during sling use, where service conditions warrant. Damaged or defective slings, chains or wire ropes shall be removed from the immediate work area so as not to present a hazard to employees.

All rigging equipment shall be suitable and safe for its intended use.

- Makeshift lifting devices, fasteners and attachments shall not be used.
- Rigging equipment shall not be loaded beyond its rated capacity.
- Slings shall not be shortened with knots or bolts or other makeshift devices.
- Sling legs shall not be kinked.
- Slings used in a basket hitch shall have the loads balanced to prevent slippage.
- Slings shall be padded or protected from the sharp edges of their loads.
- Hands or fingers shall not be placed between the sling and its load while the sling is being tightened around the load.
- Shock loading is prohibited.
- A sling shall not be pulled from under a load when the load is resting on the sling.
- Slings shall be of sufficient length to provide the maximum practical angle between the sling leg and the horizontal plane of the load.
- All hooks shall have retaining devices.

CORD and PLUG CONNECTED ELECTRIC EQUIPMENT

Each day before being used, cord- and plug-connected equipment shall be inspected for damage or defects. Additional inspections shall be performed during use, where service conditions warrant. Damaged or defective cord- and plug-connected equipment shall be removed from the immediate work area so as not to present a hazard to employees.

Cord- and plug-connected electrical equipment shall be suitable for the job site environment and shall be free from damage and defects.

- Extension cords shall be of heavy duty construction and contain a ground conductor.
- Portable electric power tools shall be either three wire ground or of approved double insulated construction.
- All 120 volt cord- and plug-connected electrical equipment shall have approved ground fault circuit interrupters (GFCIs).

PORTABLE INTERNAL COMBUSTION ENGINE POWERED EQUIPMENT

Portable internal combustion engine powered-equipment (e.g., chop saws and tampers) can result in the development of a hazardous atmosphere when used in trenches and excavations. When such equipment is taken into an excavation or trench, the competent person shall:

- Inspect the equipment for safe and proper operation.
- Conduct appropriate air tests as necessary to ensure that dangerous levels of exhaust gasses do not accumulate.
- Provide mechanical ventilation as necessary to ensure that dangerous levels of exhaust gasses do not accumulate.
- Take any other measures necessary to protect employee safety and health.

HAZARDOUS CHEMICALS

The use of chemical products (e.g., cleaners, solvents and sanitizers) can introduce serious safety and health hazards into excavations and trenches. Before chemical products are taken into excavations and trenches, the competent person shall review the product's material safety data sheet (MSDS) with affected employees to convey the following information:

- Potential health and physical hazards.
- Appropriate protective measures and precautions.
- Other pertinent information.

When chemical products are used in trenches and excavations, the competent person shall:

- Conduct air testing when appropriate and prudent.
- Provide mechanical ventilation when appropriate and prudent.
- Insure that affected employees wear suitable personal protective equipment.

A. Availability of Safety Data Sheets (SDSs)

Safety Data Sheets (SDSs) shall be available for all hazardous chemicals used at excavation job sites.

B. Chemical Container Labels

All chemical containers shall be labeled in accordance with the Employee Right to Know and HazComm 2012 standards to convey:

- The identity of the hazardous chemical(s).
- Appropriate hazard warnings.

- The name and address of the chemical manufacturer, importer or other responsible party.

C. Personal Protective Equipment

Employees shall wear personal protective equipment as indicated on the appropriate label and/or relevant SDS when using hazardous chemicals.

D. Availability of Emergency Eyewashes and Showers

Where the eyes or body of any person may be exposed to injurious corrosive materials, suitable facilities for quick drenching or flushing of the eyes and body shall be provided within the work area for immediate emergency use.

FLAMMABLE and COMBUSTIBLE LIQUIDS

Only approved containers and portable tanks shall be used for storage and handling of flammable and combustible liquids. Approved metal safety cans shall be used for the handling and use of flammable liquids in quantities greater than one gallon, except that this shall not apply to those flammable liquid materials which are highly viscid (extremely hard to pour), which may be used and handled in original shipping containers. For quantities of one gallon or less, only the original container or approved metal safety cans shall be used for storage, use, and handling of flammable liquids. Employees shall not smoke while handling or using flammable or combustible liquids.

WELDING, CUTTING and BRAZING

Welding, cutting and brazing can introduce serious safety and health hazards into trenches and excavations. Hazards that can result from hotwork include but are not limited to, electrical hazards, fire hazards and toxic fumes and vapors.

Appropriate care and caution shall be used when welding, cutting and brazing is conducted in excavations and trenches.

- Each day before being used, welding, cutting and brazing equipment shall be inspected for damage and defects. Additional inspections shall be performed during use, where service conditions warrant. Damaged or defective welding, cutting and brazing equipment shall be removed from the immediate work area so as not to present a hazard to employees.
- Where a flammable atmosphere exists or could reasonably be expected to exist, the competent person shall take appropriate air tests before the commencement of welding, cutting or brazing.
- Welding equipment (e.g., cylinders and electric arc welders) shall be placed at a safe location so as not to expose employees to hazards.

- Compressed gas cylinders shall be placed in the standing position and shall be secured so as to prevent tipping and falling. Spare cylinders shall be stored with the valve cap on.
- When not in use, oxygen/acetylene hoses shall be removed from the excavation and the cylinder valves shut.
- When not in use electric arc welders shall be shutoff, welding rods removed from the holders and cables removed from the excavation.
- The competent person shall conduct periodic air testing and provide mechanical ventilation when appropriate and prudent.

MOBILE EQUIPMENT

A. General

- Vehicles used to transport employees shall have seats that are firmly secured and adequate for the number of employees to be carried.
- Seat belts and anchorages meeting the requirements of 49 CFR Part 571 (Department of Transportation, Federal Motor Vehicle Safety Standards) shall be installed in all motor vehicles.
- All mobile construction equipment shall be checked at the beginning of each shift to assure that the following parts, equipment and accessories are in safe operating condition and free of apparent damage that could cause failure while in use: service brakes including trailer brake connections; parking system (hand brake) emergency stopping system; (brakes) tires; horn; steering mechanism; coupling devices; seat belts; operating controls and safety devices. All defects shall be corrected before the vehicle is placed in service.
- These requirements also apply to equipment such as lights, reflectors, windshield wipers, defrosters, fire extinguishers, etc., where such equipment is necessary.
- Bulldozer and scraper blades, end-loader buckets, dump bodies and similar equipment shall be either fully lowered or blocked when being repaired or when not in use. All controls shall be in a neutral position with the motors stopped and brakes set unless work being performed requires otherwise. Whenever the equipment is parked the parking brake shall be set. Equipment parked on inclines shall have the wheels chocked and the parking brake set.
- All equipment left unattended at night, adjacent to a roadway in normal use or adjacent to construction areas where work is in progress shall have appropriate lights or reflectors or barricades equipped with appropriate lights or reflectors to identify the location of the equipment.
- No employer shall use any motor vehicle equipment having an obstructed view to the rear unless:
 - The vehicle has a reverse signal alarm audible above the surrounding noise level or
 - The vehicle is backed up only when an observer signals that it is safe to do so.
- Only qualified employees shall operate mobile equipment.
- Employees shall operate mobile equipment in a safe manner and observe all traffic laws.

B. Dump Box Trucks

- All haulage vehicles whose pay load is loaded by means of cranes, power shovels, loaders or similar equipment shall have a cab shield and/or canopy adequate to protect the operator from shifting or falling materials.

C. Backhoes, Front-End Loaders and Similar Equipment

- Backhoes, endloaders and similar equipment shall be equipped with rollover protection and seat belts.
- During excavation operations, outriggers shall be set on backhoes (where so equipped).
- Employees shall not ride in or be elevated by the buckets of earth moving equipment.

D. Mobile Cranes and Derrick Trucks

- Operators of mobile cranes and derrick trucks shall observe the equipment's rated load capacity, recommended operating speed and any special hazard warnings or instructions at all times.
- During lifting operations:
 - The vehicles parking brake shall be set.
 - Wheels chocked.
 - Outriggers set (when so equipped).
- Hand signals to crane and derrick operators shall be those prescribed by the applicable ANSI standard for the type of crane in use. An illustration of the signals shall be posted at the job site.

E. Operation of Equipment Near Overhead Power Lines

Any overhead wire shall be considered to be an energized line unless and until the person owning such line or the electrical utility authorities indicate that it is not an energized line and it has been visibly grounded.

Except where electrical distribution and transmission lines have been de-energized and visibly grounded at the point of work or where insulating barriers, not a part of or an attachment to the equipment or machinery, have been erected to prevent physical contact with the lines, equipment or machines shall be operated proximate to power lines only in accordance with the following:

- For lines rated 50 kV. or below, minimum clearance between the lines and any part of the crane or load shall be 10 feet.
- For lines rated over 50 kV., minimum clearance between the lines and any part of the crane or load shall be 10 feet plus 0.4 inch for each 1 kV. over 50 kV., or twice the length of the line insulator, but never less than 10 feet.
- In transit with no load and the boom lowered, the equipment clearance shall be a minimum of 4 feet for voltages less than 50 kV.; 10 feet for voltages over 50 kV., up to and including 345 kV.; and 16 feet for voltages up to and including 750 kV.

A person shall be designated to observe clearance of the equipment and give timely warning for all operations where it is difficult for the operator to maintain the desired clearance by visual means.

PERSONAL PROTECTIVE EQUIPMENT

Employees shall wear suitable personal protective equipment as required by job site hazards and the work being performed.

General Personal Protective Equipment Hazard Assessment	
Hazard	Specified Personal Protective Equipment
Vehicular Traffic	High-Visibility or Reflectorized Vests or Clothing
Falling Objects/Material	Hardhat
Flying Objects/Material	Safety Glasses and Face Shield
Falling Objects/ Puncture Hazards/ Cold Temperatures/ Wet or Damp Environment	Appropriate Protective Footwear incorporating a safety toe
Noise above permissible levels	Hearing Protection
Cold Temperatures	Insulated Hand Protection
Moderate Abrasion/ Laceration/Puncture Hazards	Hand Protection such as cloth or leather work gloves
Chemical Hazards	Chemical-specific protective gloves
Welding, Cutting, Brazing	Welding Helmet with correct lens filter shade, safety glasses or goggles, protective gloves, clothing
Etiologic Hazards (Bloodborne Pathogens)	Disposable Latex exam gloves, safety glasses or goggles

- Only approved personal protective equipment of safe design and construction shall be worn by employees.
- Employees shall maintain personal protective equipment in a clean and sanitary condition.
- Employees shall inspect their assigned personal protective equipment for damage and defects. Damaged, defective and/or unsanitary personal protective equipment shall not be worn.
- Defective, damaged or otherwise unusable personal protective equipment shall be disposed of in an appropriate trash container.
- Respirators shall be selected, used and maintained in accordance with the respiratory protection program.

Additional information and requirements regarding Personal Protective Equipment may be found in that specific section of the City/Utility Safety Manual.

HAZARDOUS ENERGY CONTROL

Some excavation and trenching operations may involve the control of hazardous energy sources through lockout/tagout procedures. Hazardous energy sources shall be de-energized and secured in accordance with the restrictions and procedures established in the hazardous energy control program.

CONFINED SPACES

Some excavation and trenching operations may involve or be defined as an entry into confined spaces.

A *confined space* is any vessel or enclosure that: (1) is large enough and so configured that an employee can bodily enter and perform assigned work; and (2) has limited or restricted means for entry or exit (for example, tanks, vessels, silos, storage bins, hoppers, vaults and pits are spaces that may have limited means of entry) and (3) is not designed for continuous employee occupancy.

A *permit-required confined space* (permit space) is a confined space that has one or more of the following characteristics: (1) contains or has a potential to contain a hazardous atmosphere; (2) contains a material that has the potential for engulfing an entrant; (3) has an internal configuration such that an entrant could be trapped or asphyxiated by inwardly converging walls or by a floor which slopes downward and tapers to a smaller cross-section or (4) contains any other recognized serious safety or health hazard.

Where employees are required to enter into confined spaces, the entry shall be performed in accordance with the restrictions and procedures established in the permit-required confined space program.

EXPOSURE TO INFECTIOUS MATERIALS

Under certain conditions, employees engaged in excavation and trenching operations may be exposed to blood borne pathogens and other infectious materials. Precautions and practices implemented to prevent employee exposure to blood borne pathogens and other infectious materials are established in the blood borne pathogens program.

In addition all employees engaged in excavation and trenching operations shall have current tetanus vaccinations.

DISCOVERY of BURIED HAZARDOUS WASTE

Occasionally excavation and trenching operations unearth formerly buried hazardous waste. If hazardous waste materials or suspected hazardous waste materials are unearthed during an excavation or trenching operation, the competent person shall:

- Isolate the area and instruct all employees to remain at a safe distance.
- Inform their supervisor of the situation.

Employees shall not enter the excavation or trench until the situation has been resolved.

EMERGENCY PREPAREDNESS

AVAILABILITY OF EMPLOYEES TRAINED IN FIRST AID

Provisions shall be made prior to commencement of the project for prompt medical attention in case of serious injury.

In the absence of an infirmary, clinic, hospital or physician, that is reasonably accessible in terms of time and distance to the work site (3-4 minutes travel time), a person who has a valid certificate in first aid training from the U.S. Bureau of Mines, the American Red Cross or equivalent training that can be verified by documentary evidence, shall be available at the work site to render first aid.

AVAILABILITY OF EMERGENCY EQUIPMENT

A. First Aid Kits

First aid kits shall consist of materials approved by the consulting physician and stored in a weatherproof container with individual sealed packages for each type of item.

The contents of first aid kits shall be checked by the employer before being sent out on each job and at least weekly on each job to ensure that the expended items are replaced.

B. Portable Fire Extinguishers

A fire extinguisher, rated not less than 10B, shall be provided within 50 feet of wherever more than 5 gallons of flammable or combustible liquids or 5 pounds of flammable gas are being used on the job site. This requirement does not apply to the integral fuel tanks of motor vehicles.

Portable fire extinguishers shall be visually inspected each month and shall be subjected to an annual maintenance inspection.

Trenching and Excavating Clipboard System	JOB PLANNING
	Tentative Date of Start
Location of Job Site (please be specific)	

Item No. Person Resp.	Check if required	On completion initial & date	Person Responsible Key Sup = Superintendent/Supervisor CP = Competent Person
1 (Sup)			Consult a Registered Professional Engineer, if necessary
2 (Sup)			Designate a competent person for the job. Name:
3 (Sup)			Location of overhead transmission lines and arrange precautions to avoid by equipment, etc.
4 (Sup)			Determine location of underground utilities (One-Call)
5 (Sup)			Notify Fire, Police, EMS departments, etc. if necessary
6 (Sup)			Complete Supervisor's Initial Excavation/Trenching Safety Checklist
7 (Sup & CP)			As applicable, give prior notification to customers affected by the work. If job site expands, make sure all customers are aware.
8 (Sup & CP)			Identify all buildings, utility poles, trees and any other objects of destabilizing forces along right-of-way.
9 (Sup & CP)			Determine appropriate means for safeguarding the excavation and have necessary equipment on hand.
10 (CP)			Available room to place the spoil pile at least two feet back from the edge of the excavation. Remove spoil piles by truck if necessary.
11 (CP)			Allow for safe passage of pedestrians, traffic and progress of construction. Consider closing the road (and sidewalks, etc.) if necessary.
12 (CP)			Set up proper traffic control. Have adequate and correct signing and barricading around excavation.
13 (CP)			Use appropriate safety gear. Workers shall use Class II High Visibility garments.
14 (CP)			Determine and record the soil type_____ (Sheet 3 is not required if you are assuming the soils are Class C type soils and are preparing the work site accordingly.)
15 (CP)			Have ladders, steps, or ramps that meet OSHA requirements available for trench excavations more than 4 feet deep. If so, workers should not have to move more than 25 feet laterally to reach them. Ladders should extend 3 feet above the surface and be secured.
16 (CP)			Consider confined space atmospheric hazards. Oxygen levels must be at least 19.5%. Combustible gases cannot be more than 10% of the LEL. Suspect atmospheres must be tested as required and appropriate rescue equipment must be on site. Lifelines and harnesses are required for bell-bottom piers and like excavations
17 (CP)			A means to divert water from the excavation, if necessary.
18 (CP)			Bridges and walkways over trenches and excavation must have standard guardrails or other fall protection.
19 (CP)			Removal of shoring and shielding in a manner that ensures the safety of workers.

In the event the designated Competent Person must leave the job site, the Superintendent/Supervisor must designate an alternate Competent Person.

Trenching and Excavating Clipboard System	Supervisor's Initial Excavation/Trenching Safety Checklist
	Date of Excavation
Location of Job Site (please be specific)	

	Yes	No
Have all utility companies been notified of proposed work?	_____	_____
Are all tools, equipment, shielding/shoring material readily available prior to going to job site?	_____	_____
Have utility companies or owners been contacted within established or customary local response times, advised of proposed work, and asked to establish location of the utility installations prior to the start of the actual excavation?	_____	_____
While the excavation is open, are all underground and surface utility installations protected, supported, or removed as necessary to safeguard workers?	_____	_____
Is spoil pile at least two (2) feet from the edge of the excavation?	_____	_____
Is the excavation inspected daily or more frequently when there is a change in weather or environment that could affect soil?	_____	_____
Are barricades, stop logs, if needed, properly placed?	_____	_____
Are excavations five (5) feet deep or deeper correctly sloped or shored or a trench box (shield) used?	_____	_____
Is a ladder or other means of exit (egress) provided in trenches or excavations four (4) feet or deeper?	_____	_____
When ladders are used, do they extend three (3) feet above the surface and are they secured?	_____	_____
Is there evidence of a potential cave-in such as dry or cracking soil?	_____	_____
Are shoring and shielding systems inspected daily by a competent person?	_____	_____

Other Notes
Supervisor's Signature Time & Date of Inspection

Trenching and Excavating Clipboard System	Soil Classification Record
	Location

Note: You must perform and record both Visual and Manual tests unless you are assuming the soils are Class C and are using shoring, shielding and/or sloping appropriate for Class C soils.

VISUAL SOIL TEST	OBSERVE SOIL BEING EXCAVATED
1. If the soil remains in clumps when excavated and the particle sizes are fine-grained, the material is COHESIVE 2. If the soil breaks up and is course-grained, sand or gravel, the material is GRANULAR. 3. If you notice crack-like openings in the sidewalls and in the surface area adjacent to the excavation, the material is FISSURED.	
SOIL CONSIDERED IS: COHESIVE _____ GRANULAR _____ FISSURED _____	

REMEMBER: No soil is TYPE A if: 1. The soil is fissured 2. The soil is subject to vibration 3. The soil has been previously excavated 4. The soil is part of a slope layered system 4H:1V	<i>Circle yes or no to the following:</i> Has this area been previously excavated? YES or NO
	Are the walls making water? YES or NO

List sources of vibrations: (Heavy Equipment, Mine Blasts, Vehicular Traffic etc.)

MANUAL SOIL TEST

PLASTICITY—Mold a moist or wet sample into a ball. If the material can be rolled into threads, 1/8" in diameter without crumbling, it is cohesive.

THUMB PENETRATION Type A Soils = Penetrated by thumb only with great effort YES NO Type C Soils = Penetrated several inches by thumb YES NO	POCKET PENETROMETER Unconfined Compressive Strength Measures _____ 1.5 tsf or greater Type A Soils _____ Between 1.5 tsf & 0.5 tsf Type B Soils _____ 0.5 tsf or less Type C Soils
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SOIL TYPE CONCLUSION: TYPE A _____ TYPE B _____ TYPE C _____

TYPE A SOIL

- Simple slope: 3/4:1, unless it's open 24 hours or less and is 12 feet or less in depth, then 1/2:1 is permissible
- Simple bench: 4 feet maximum vertical with 3/4:1 slope (3 foot run with 4 foot rise.)
- Maximum 8 feet in depth—3 1/2 feet maximum vertical with 3/4:1 slope
- More than 8 feet, but not more than 12 feet in depth—3 1/2 feet vertical with a 1:1 slope
- When trench box is used, slope 3/4:1 from 18" below top of trench box.

TYPE B SOIL	TYPE C SOIL	3/4:1 = Trench depth times 1.5 + trench width 1:1 = Trench depth times 2 + trench width 1 1/2:1 = Trench depth times 3 + trench width
1:1 Slope	1 1/2:1 Slope	

OSHA requires two tests be done to determine the type of soil being worked; Visual and Manual, unless you are assuming the worst case scenario (Type C Soils) and your sloping and/or shoring meets the requirements for Type C soils. There are 4 basic types of soils; gravel (largest, most unstable), sand, silt and clay (smallest particle, most stable).

VISUAL TESTS (Look at particle size)

Gravel particles are larger than the lead of a pencil and can only be Class "B" or "C". If the particles are angular, the soil can be Class "B". If particles are round, the soil is Class "C".

Particles that you can see but are smaller than the lead of a pencil are sand. Do a settling test to determine percentage of sand. Take a straight-sided bottle and pack an inch or so of soil (remove gravel) in the bottom. Note level on bottle, add several inches (>5) of water and shake well. The sand will settle out first. If the sand equal 80% or more of the original soil level in 30 seconds, it's Class "C" soil. Save this sample while the trench is open.

You can't see silt or clay particles and these soils need further testing to determine type.

Look at the wall of the trench. If there are deep cracks and spalling is taking place, the soil is fissured and the soil is either Class "B" or "C".

Look at the spoil pile. If it is clumped, it is clay or silt.

Some water can make soil more stable than dry soil because of surface tension. Too much water lubricates the particles and makes the soil less stable. If voids in the soil are filled with water it's called "saturated." If the voids are filled with air it's called "oven dry."

Water lying in the bottom of the trench or seeping from the walls makes the soil automatically Class "C".

MANUAL TESTS: (Take samples from the spoil pile)

Wet Shaking Test—Flatten a soil sample in the palm of your hand (about 2-3" across) and shake. If water seeps out easily, it's sandy. If it's moist and only makes a small amount of water, it's silty and clay won't seep water at all.

Thread Test—Roll out a sample to 1/8" diameter, then pick it up. If the thread holds together for at least 2", it's cohesive and a clay type soil. If the thread won't hold together for 2" it's silt. Sand and gravel won't roll into a 1/8" thread.

Ribbon Test (similar to thread test but less susceptible to failure due to a sand particle here and there.)—Roll a soil sample into a 3/4" rope several inches long. Starting at one end of the sample, squeeze between thumb and fore finger to about 1/4" thick and keep going down the "rope" to form a ribbon. If the ribbon holds together when several inches have been formed, it's cohesive.

Trenching and Excavating Clipboard System	Daily Inspection Report		
	Date _____	Time _____	Depth _____
Location of Job Site (please be specific) _____			
<u>SOIL TYPE</u> Stable Rock _____ Type A _____ Type B _____ Type C _____			
<u>SLOPE RATIO</u> 1/2:1 _____ 3/4:1 _____ 1:1 _____ 1 1/2:1 _____ Other _____			
<u>SHORING</u>—OK Timber _____ Hydraulic _____ Other _____ OSHA Charts _____ Engineered Data _____ Not Applicable _____			
<u>SHIELDING</u>—OK Single _____ Stacker _____ Sloped 18" below top if necessary _____ Not Applicable _____			
Barricades _____ Traffic Control _____ Rescue Equipment _____			
Water Removal _____			
<u>ATMOSPHERIC CHECK</u> Oxygen % _____ LEL % _____ Toxic PEL _____			
Spoil Pile—2 feet set back _____ Materials—2 feet set back _____ Other _____			
Comments _____			
Competent Persons Name (Please Print) _____			
Signature _____			
Note: This sheet "Daily Inspection Report" must be filled out each day the trench remains open after the first day. Return it to Supervisor.			
Emergencies: Have location ready. CALL 911			
If you have had a cave-in and worker(s) are trapped; shut down all equipment in the area, CALL 911 , stop traffic, if necessary and clear everyone away at least 50' from the trench. Make sure there is enough room for emergency vehicles and responders to operate. Take a head count. Make a note of how many people are trapped. Notify Supervisor. Call Safety Coordinator.			

ORDINANCE NO. _____

AN ORDINANCE ADOPTING THE AREA OF IMPACT MAP PURSUANT TO IDAHO CODE SECTION 67-6526; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS, AND PARTS THEREOF IN CONFLICT HEREWITH.

WHEREAS, the Nampa Planning & Zoning Commission held a public hearing on March 22, 2016 concerning the adoption of an amended Area of City Impact Map and recommended to the Mayor and City Council that the City of Nampa adopt an amended map; and

WHEREAS, the Canyon County Planning and Zoning Commission held a public hearing on April 21, 2016 concerning the adoption of an amended Area of City Impact Map and recommended that the Canyon County Board of Commissioners adopt an amended Area of City Impact map for Nampa; and

WHEREAS, the Nampa City Council held public hearings on May 16, 2016 and July 18, 2016 concerning the adoption of an amended Area of City Impact Map and considered the recommendation of the Planning and Zoning Commission and public comment as was presented; and

WHEREAS, the Canyon County Board of Commission held a public hearing on August 25, 2016 concerning the adoption of an amended Area of City Impact Map and considered the recommendation of the Planning and Zoning Commission and City Council and public comment as was presented.

NOW THEREFORE, BE IT ORDAINED by the Mayor and City Council of the City of Nampa, Idaho:

Section 1: That the Nampa City Area of City Impact Map attached hereto as Exhibit “A” and incorporated herein by this reference as set forth in full, is hereby adopted and approved pursuant to Idaho Code § 67-6526.

Section 2: The City Clerk shall keep the original of the Ordinance with a copy of the map attached on file in the office of the City Clerk.

Section 3: This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 4: 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 5: All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this ____ day of _____, 2016.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this ____ day of _____, 2016.

Approved:

By _____
Mayor

Attest:

By _____
City Clerk

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

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING THE CITY OF NAMPA AREA OF CITY IMPACT BOUNDARY, REQUIRING ORDINANCE AND BOUNDARY MAP TO BE FILED IN THE OFFICE OF THE CITY CLERK; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

Section 1: Amends the Area of City Impact Map, with an exhibit that shows the new boundary.

Sections 2 through 5: Provides that the City Clerk shall keep the original ordinance and copy of the map on file; the 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 ____ day of _____, 2016. Ordinance No. _____ was passed by the Council and approved by the Mayor on the ____ day of May, 2016. The full text of the ordinance is available at Nampa City Hall, 411 Third Street South, Nampa, Idaho 83651. The Mayor and City Council approved the foregoing summary on this ____ day of _____, 2016, for publication on this ____ day of _____, 2016 pursuant to Idaho Code § 50-901A.

Mayor Robert L. Henry

Attest: Deborah Bishop, City Clerk

STATEMENT OF LEGAL ADVISOR

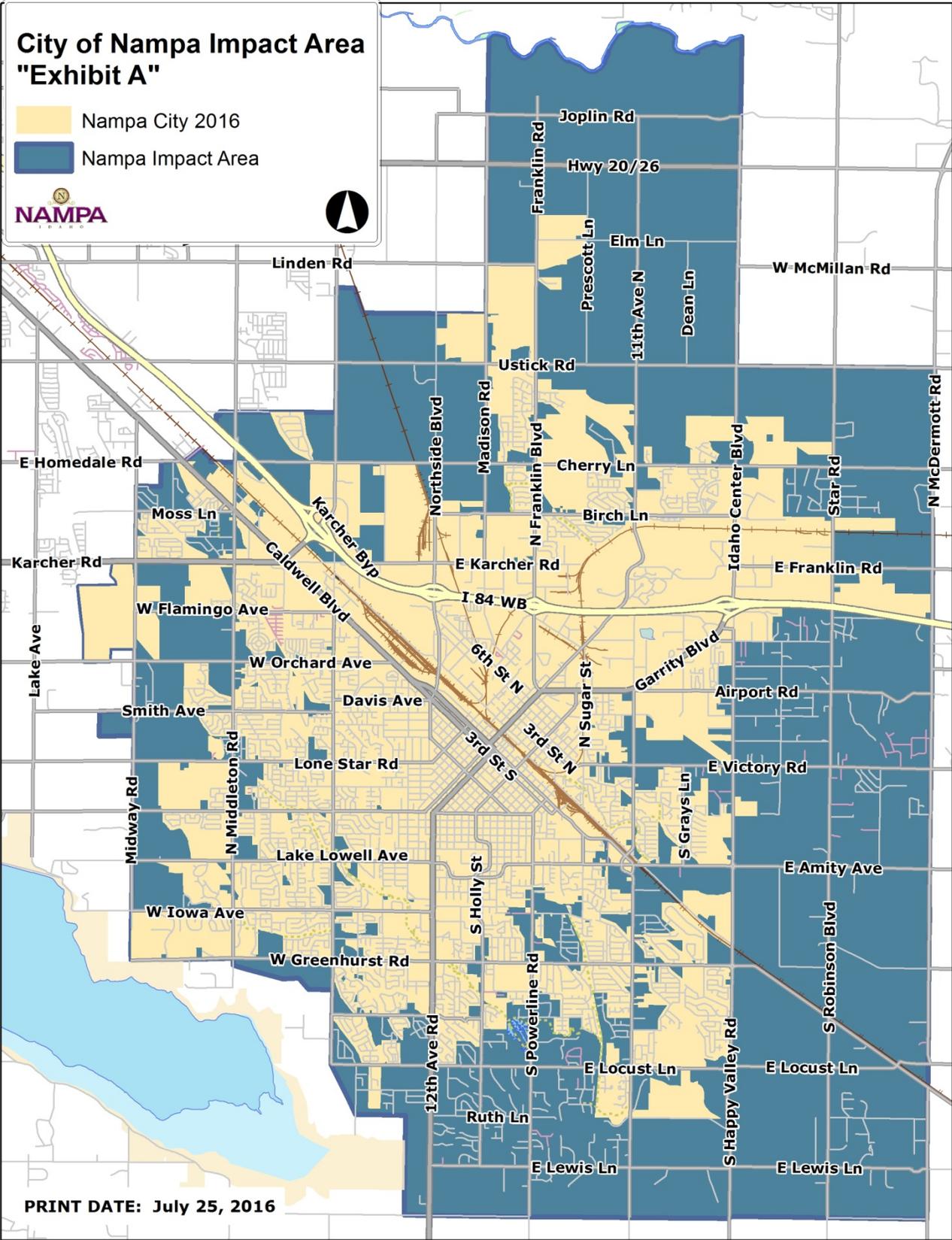
I have reviewed the foregoing summary and believe that it provides a true and complete summary of Ordinance No. _____ and provides adequate notice to the public as to the contents of such ordinance.

DATED this ____ day of _____, 2016.

Mark Hilty, Attorney for City of Nampa

City of Nampa Impact Area "Exhibit A"

-  Nampa City 2016
-  Nampa Impact Area



PRINT DATE: July 25, 2016

ORDINANCE NO. _____

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 2, CHAPTER 5, SECTIONS 2-5-1, 2-5-2, AND 2-5-3 OF THE NAMPA CITY CODE, PROVIDING A SYSTEM OF PERSONNEL ADMINISTRATION; 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 2, Chapter 5, Sections 2-5-1, 2-5-2, and 2-5-3, pertaining to the system of personnel administration, be amended as follows:

2-5-1: PURPOSE:

The purpose of this chapter is to establish a system of personnel administration to serve the city. The system herein established shall be consistent with the ~~following merit principles: policies and procedures outlined in the~~ “City of Nampa Employee Handbook.”

- ~~A. Classified employees of the city, shall be recruited, selected, advanced, retained, and separated on a competitive comparison of their relative ability, knowledge, skills and work performance.~~
- ~~B. Pay rates shall be comparable for comparable work.~~
- ~~C. Fair treatment shall be accorded without regard to political affiliation, race, creed, color, national origin, age, sex or religion.~~

2-5-2: CLASSIFIED SERVICE:

The classified service shall be a class to which this law shall apply and shall include all employees as prescribed in the "City of Nampa ~~Personnel Rules and Regulations~~ Employee Handbook." ~~manual.~~ An example of excluded positions:

[. . .]

2-5-3: PERSONNEL SYSTEM RULES AND REGULATIONS:

The "City of Nampa ~~Personnel Rules and Regulations~~ Employee Handbook" shall be the

official manual of procedures for the operation of the personnel system and shall be amended as required by resolution of the council.

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 6th day of September, 2016.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this 6th day of September, 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 2, CHAPTER 5, SECTION 2-5-1, 2-5-2, AND 2-5-3 OF THE NAMPA CITY CODE, PROVIDING A SYSTEM OF PERSONNEL ADMINISTRATION; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

Section 1: Amends Title 2, Chapter 5, Sections 2-5-1, 2-5-2, and 2-5-3 by providing a system of personnel administration consistent with the City of Nampa Employee Handbook.

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 13th day of September, 2016. Ordinance No. _____ was passed by the Council and approved by the Mayor on the 6th day of September, 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 6th day of September, 2016, for publication on the 13th day of September, 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 6th day of September, 2016.
Mark Hilty, Attorney for City of Nampa

BID AWARD
KINGS ROAD PRESSURE REDUCING VALVE (PRV) PROJECT

- Council authorized the Kings Road PRV Project with the budget amendment earlier this year to allow for increased fire flow for the area around Harris Moran Seed Company and Atlas Pallet
- The project will include installing a PRV and associated pipelines at the intersection of Airport Road and Kings Road.
- The budget amendment approved \$62,000 for the project.
- The City received one (1) bid from Thueson Construction in the amount of \$64,432.00.
- The total project cost are:

Engineering and Construction Services	\$11,900
Construction	<u>\$64,432</u>
Total	\$76,332

- The additional cost beyond the budget amount will be covered by savings on the FY16 Madison Avenue Waterline Project.
- Based on communication with Thueson it appears due to lead times on the PRV they will not be able to complete the project in FY16, therefore the Engineering Division will bring forward a roll over for this project in the FY17 budget amendment.
- Keller Associates and Engineering Division staff has reviewed the bids and recommend award to Thueson Construction.

REQUEST: Council award bid, and authorize Mayor to sign contract for construction of the Kings Road PRV Project with Thueson Construction in the amount of \$64,432.00.

BID AWARD

STORM WATER REPAIRS – 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 will be addressed in the annual Asset Management cycle.
- The Peppermint Drive storm water detention pond (Exhibit A) was constructed in 1993 to maintain pre-development discharge to Indian Creek with the Sugar Manor Subdivision No. 3 development. Over time the pond has filled in and it cannot contain an adequate volume of storm water. Additionally the collection system is deficient and prone to clogging which can cause flooding in the street.
- 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) Gabbert & Edwards Construction, LLC	\$96,603.89
2) Knife River Corporation Northwest	\$117,936.70
3) Hawkeye Builders, Inc.	\$128,102.00
4) Anderson & Wood Construction, Inc.	\$160,125.24
- The Storm Water Repairs – 67 Peppermint project has an approved FY16 Streets Division budget of \$120,000

Engineering	\$ 22,341
Construction Services	\$ 9,000
Construction Estimate	\$ 96,604
Total	\$ 127,945

- M&S has provided a recommendation to award and the Engineering Division recommends awarding the bid to Gabbert & Edwards Construction, LLC

REQUEST: Authorize the Mayor and Public Works Director to sign a contract with Gabbert & Edwards Construction, LLC to construct the Storm Water Repairs –67 Peppermint project.

Exhibit A




1 inch = 100 feet

Date: 1/21/2016

Legend:

-  Project Area
-  SD Catchbasin
-  SD Manhole
-  Sand & Grease Trap
-  Stormdrain Line
-  Stormdrain Pond

Disclaimer: This data on its representation was prepared by the City of Nampa, Idaho. The City of Nampa, Idaho, is not responsible for any errors or omissions in this data. The City of Nampa, Idaho, is not responsible for any errors or omissions in this data. The City of Nampa, Idaho, is not responsible for any errors or omissions in this data. The City of Nampa, Idaho, is not responsible for any errors or omissions in this data.



BID AWARD

PEDESTRIAN IMPROVEMENTS NEAR SKYVIEW HIGH SCHOOL (Key No. 19069)

- This project will address intersection related crashes especially pedestrian incidents near Skyview High School.
- It was made possible through a cooperative effort between the City of Nampa, Nampa School District, COMPASS and Valley Regional Transit and is another incremental step toward the city’s continued efforts to provide a safe, efficient and sustainable transportation system.
- Funding is through the Federal Transit Administration (FTA) grant program administered by Valley Regional Transit (VRT) under a subrecipient agreement authorized by Council on April 18, 2016.
- Council authorized the formal bidding process for the project on July 5, 2016.
- The project includes installing Rectangular Rapid Flashing Beacons (RRFB) and street lighting at the intersection of East Greenhurst Road and the west entrance to Skyview High School. In addition to the RRFB, construction will include new sidewalks, pedestrian ramps, lighting, pavement markings and crosswalk striping (see Exhibit “A” Vicinity Map).
- The City received three (3) bids:
 - Diamond Contracting—\$128,134.00
 - Knife River—\$125,125
 - Hawkeye Builders—\$97,355.00
- Estimated project costs are:

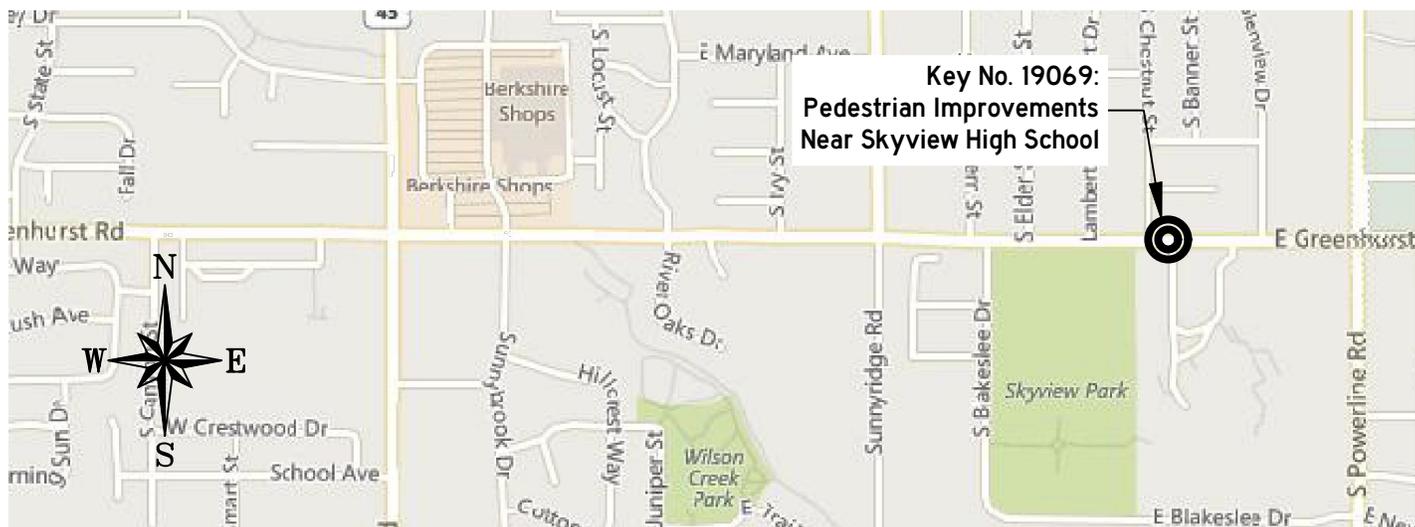
Design Engineering	\$ 17,000.00
Construction Engineering & Inspection	\$ 13,980.00
Construction Bid	<u>\$ 97,355.00</u>
<i>Total Estimate</i>	<i>\$ 128,335.00</i>
- Funding is based on an 80% Federal (\$102,668) and 20% City match (\$25,667) from FY16 Streets.
- While the City and VRT have met the requirements of "Pre-Award Authority" funding is not guaranteed until obligated at the federal level. VRT reports that to date they have not had a Pre-Award fall through for any subrecipient.
- FTA funding will become available at the earliest September 23, 2016 and at the latest the first week in November, 2016.
- Notice to proceed for construction is expected in early October. In the event that funding is not obligated prior to the notice to proceed, Engineering recommends proceeding with construction, temporarily using City funds to cover costs and submitting for reimbursement once the FTA money becomes available.

- Construction is anticipated to begin in October with completion in December, 2016.
- Engineering Division has reviewed the bids and recommends award to Hawkeye Builders.

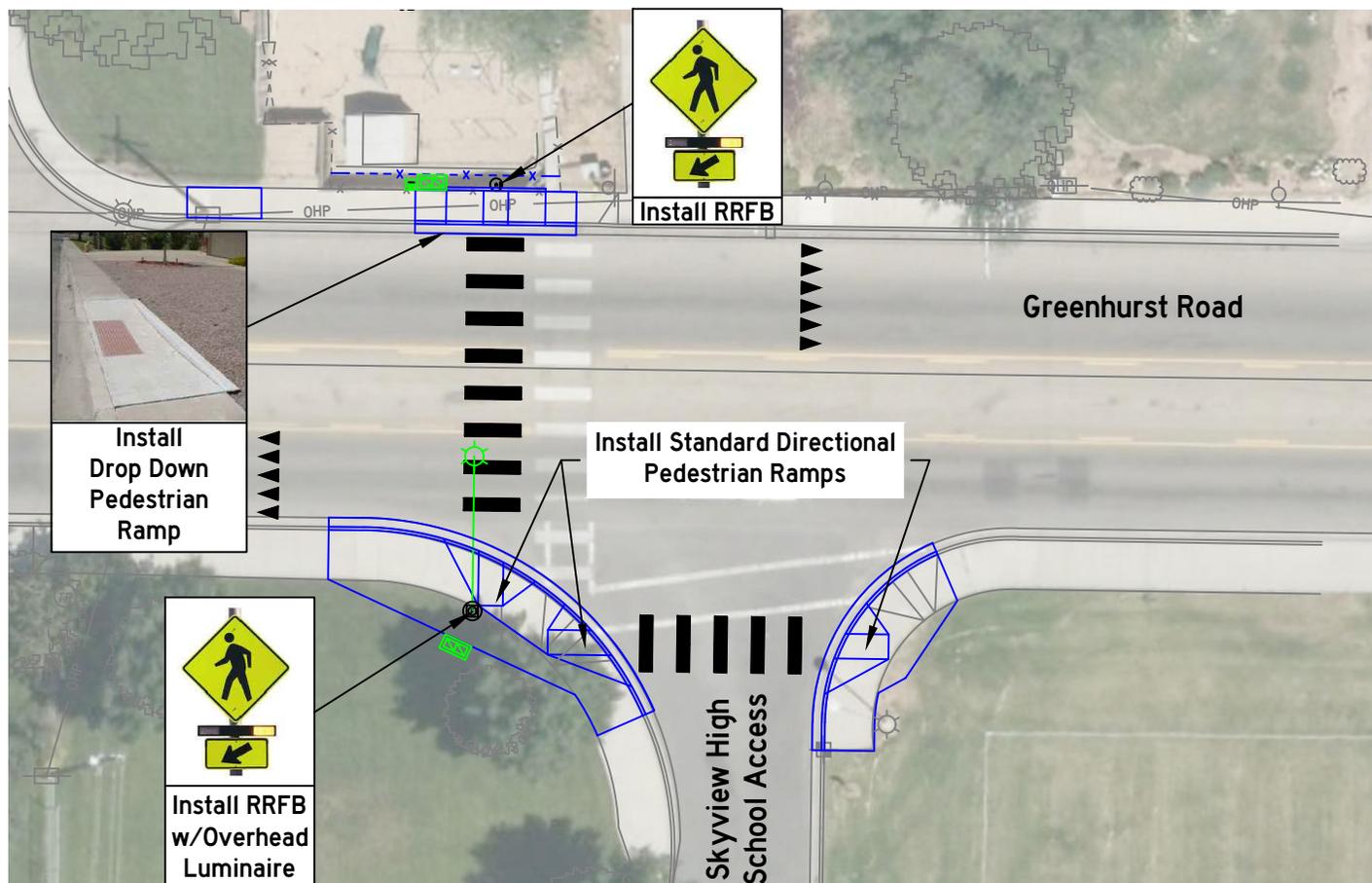
REQUEST: Council award bid and authorize Mayor to sign contract for the Pedestrian Improvements Near Skyview High School Project with Hawkeye Builders in the amount of \$97,355.00.

CITY OF NAMPA PEDESTRIAN IMPROVEMENTS NEAR SKYVIEW HIGH SCHOOL, KEY NO. 19069

Vicinity Map



Project Overview



CITY OF NAMPA
KEY NO. 19069



157 W. 4th Street
Kuna, Idaho 83634
PH: (208) 922-9138
FX: (208) 922-9168

Scale: N.T.S. Date: 8/26/2016 Project Number: 005-16-005-A

Drawing: P:\Projects\Nampa 005-16-005-A Skyview HSCADD\Skyview-D1 Council Exhibit.dwg

OFFICE OF ECONOMIC DEVELOPMENT

Memorandum

Date: August 30, 2016

To: Mayor Henry & City Council

From: Beth Ineck, Economic Development Director

RE: Declare 129 2nd Avenue North as Surplus Property

The City of Nampa awarded \$67,667.60 of Community Development Block Grant funds to Neighborhood Works in 2005 to establish low income housing in North Nampa. The funding was specific to land acquisition. Following the initial release of the floodplain map from FEMA in December 2006 the property was quitclaimed to the City. The property is located in the 100 year floodplain which made it unattractive for the housing project. The CDBG interest was bought out from the Building Department and Police Department funds. At that time Building had identified a need for space for storage and Police were looking at the potential of a site to house the PAL program.

We have recently received private development interest in the 1.161 acre property. Police and Building no longer have an interest in any potential development of the site for city use. Properties in the area of similar size without improvements have an assessed value from \$1.76 - \$2.02 per square foot.

Staff request: City Council declare the property as surplus and direct staff to move forward with the disposition of the property through a sealed bid auction and set a public hearing date. Recommended minimum price of the property is \$88,503 at \$1.75 per square foot.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO CHANGING THE NAME FOR A PORTION OF *NORTH MIDLAND BOULEVARD* TO *NORTH MERCHANT WAY*.

WHEREAS, the City Council has determined to change the name for a portion of North Midland Boulevard to North Merchant Way per the attached exhibits B, C, D, E, & F.

WHEREAS, Section 9-1-1 of the Nampa City Code allows the City Council to change the names of streets by ordinance.

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

Section 1: North Midland Boulevard is hereby RENAMED North Merchant Way per attached exhibits B, C, D, E, & F.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 6TH DAY OF SEPTEMBER, 2016.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 6TH DAY OF SEPTEMBER, 2016.

Approved:

By _____
Mayor

Attest:

City Clerk

ORDINANCE NO. _____

AN ORDINANCE AMENDING THE APPROPRIATION OF FUNDS FOR A TWELVE MONTH PERIOD FROM THE FIRST DAY OF OCTOBER, 2015 TO AND INCLUSIVE OF THE THIRTIETH DAY OF SEPTEMBER, 2016 FOR THE TOTAL OF ~~\$144,144,259~~ \$143,552,781,; 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, CANYON COUNTY, 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, 2015 to and inclusive of the thirtieth day of September, 2016 as follows:

GENERAL FUND			ENTERPRISE & SPECIAL REVENUE FUNDS		
City Clerk	\$ 267,270	\$ _____ -	911 Fees	\$ 987,669	\$ _____ -
Code Enforcement	\$ 466,759	\$ _____ -	Airport	\$ 570,644	\$ _____ -
Economic Development	\$ 456,748	\$ _____ -	Cemetery	\$ 304,042	\$ _____ -
Engineering	\$ 1,707,306	\$ _____ -	Civic Center	\$ 1,166,963	\$ _____ -
Facilities Development	\$ 1,153,973	\$ _____ -	Development Services	\$ 1,989,210	\$ _____ -
Finance	\$ 1,129,989	\$ _____ -	Downtown Electric Fr	\$ 46,201	\$ _____ -
Fire	\$ 11,585,241	\$ _____ -	Family Justice Center	\$ 251,011	\$ _____ -
General Government	\$ 803,528	\$ _____ -	Idaho Center	\$ 5,071,390	\$ _____ -
Transfer to Family Justice Center	\$ 224,883	\$ _____ -	Library	\$ 2,123,930	\$ _____ -
Transfer to Civic Center	\$ 494,588	\$ _____ -	Nampa Recreation Ce	\$ 3,707,360	\$ _____ -
Transfer to Idaho Center	\$ 870,351	\$ _____ -	Parks & Recreation	\$ 3,477,914	\$ _____ -
Transfer to Parks & Rec	\$ 627,282	\$ _____ -	Ridgecrest & Centenn	\$ 2,355,146	\$ _____ -
Human Resource	\$ 410,378	\$ 378,528	Sanitation/Trash Colle	\$ 8,685,969	\$ _____ -
Information Systems	\$ 2,151,486	\$ _____ -	Street	\$ 11,191,549	\$ 10,808,059
Legal	\$ 881,000	\$ _____ -	Utility Billing	\$ 888,033	\$ 854,037
Mayor/City Council	\$ 528,466	\$ _____ -	Wastewater	\$ 13,931,578	\$ _____ -
Parks & Rec Admin	\$ 365,786	\$ _____ -	Water	\$ 11,563,547	\$ _____ -
Planning & Zoning	\$ 487,559	\$ _____ -	Workers Comp Fund	\$ 63,663	\$ _____ -
Police	\$ 19,408,089	\$ _____ -	SUBTOTAL	\$ 68,375,819	\$ 67,912,132
Public Works	\$ 353,929	\$ _____ -			
Vehicle Maintenance	\$ 1,063,965	\$ 1,054,443			
SUBTOTAL	\$ 45,438,576	\$45,397,204			
			Capital Projects	\$ 1,459,840	
			Library Major Capital	\$ -	
Federal Programs	\$ 16,654,107	\$14,865,553	CA Development Impact F	\$ 4,898,142	\$ 4,802,142
State & Local Programs	\$ 3,778,921	\$ _____ -	GO Bond Debt Servic	\$ 2,696,900	
Private	\$ 937,954	\$ 897,954	SUBTOTAL	\$ 9,054,882	\$ 8,949,964
G SUBTOTAL	\$ 21,370,982	\$21,293,481			
			GRAND TOTAL	\$ 144,240,259	\$ 143,552,781

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, Idaho, this 6th day of September, 2016.

Approved by the Mayor of the City of Nampa, Idaho, this 6th day of September, 2016.

Approved:

By: _____
Mayor

Attest:

By: _____
City Clerk or Deputy

PUBLIC HEARING REGARDING ORDINANCE

RENAMING A PORTION OF NORTH MIDLAND BOULEVARD

- Engineering received a formal request from the Canyon County Sheriff's Office on January 20, 2016 to rename the old alignment of N Midland Blvd near Treasure Valley Marketplace. Engineering is responsible for street name changes within Nampa City Limits.
 - The current street configuration has created two intersections with the same street names (Karcher Bypass and N Midland Blvd). These duplicate intersection names are problematic for emergency service routing and general wayfinding.
- There are 16 parcels and 32 addresses that will be impacted by the proposed street renaming (see exhibit B).
 - The proposed street renaming will allow all address numbers to remain the same (see exhibits D, E & F), with the exception of the Karcher Village development (see exhibit C).
 - *For example, 16150 N Midland Blvd will become 16150 N Merchant Way.*
 - The Karcher Village development (north of Karcher Bypass and west of Best Buy) will be decreasing their address numbers by one, changing them from odd to even, and keeping the N Midland Blvd street name in their address.
 - *This development has frontage on both the old and newer alignment of N Midland Blvd.*
- Engineering staff sent a letter to all parcel owners on April 13, 2016 describing the situation and requesting any new street name proposals as well as any feedback regarding the street renaming.
- Engineering & Public Works Staff visited the existing business owners on April 19, 2016 to make sure they were aware of the situation and provide a chance for feedback.
- Engineering staff received two street name submissions: N Fairfield Way & N Advantage Way. Both of these names correspond with existing businesses on the street. In order to avoid any potential conflicts of interest the City of Nampa Addressing & Street Naming Committee determined the most acceptable new street name was North Merchant Way.

- This name was chosen from a short list of options as it complimented the nearby Treasure Valley Marketplace theme.
- Engineering sent a letter on June 22, 2016 to all property owners notifying them of the proposed street renaming as well as the upcoming City Council dates.
- Engineering and Public Works Staff revisited the existing businesses July 6, 2016 to ensure that everyone was aware of the proposed changes and timeframe for implementation.
- Notice of Public Hearing was published in the Idaho Press Tribune August 23, 24 and 25, 2016.
- In an effort to minimize the impact on the parcel and business owners the proposed ordinance provides that the street renaming and addressing changes become effective February 1st, 2017. This will allow the owners and businesses time to prepare and update their records.
- Engineering staff will coordinate with the Postal Service as well as local utility companies and other agencies to ensure the street renaming and addressing transition is smooth.
- Emergency Services supports the proposed street renaming.
- Staff recommends that the portion of North Midland Boulevard be renamed North Merchant Way (see exhibit A).

REQUEST: Council approve ordinance changing the street name for a portion of North Midland Boulevard to North Merchant Way (Exhibit A)

Exhibit A

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO CHANGING THE NAME FOR A PORTION OF *NORTH MIDLAND BOULEVARD* TO *NORTH MERCHANT WAY*.

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WHEREAS, Section 9-1-1 of the Nampa City Code allows the City Council to change the names of streets by ordinance.

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Section 1: North Midland Boulevard is hereby RENAMED North Merchant Way per attached exhibits B, C, D, E, & F.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 6TH DAY OF SEPTEMBER, 2016.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 6TH DAY OF SEPTEMBER, 2016.

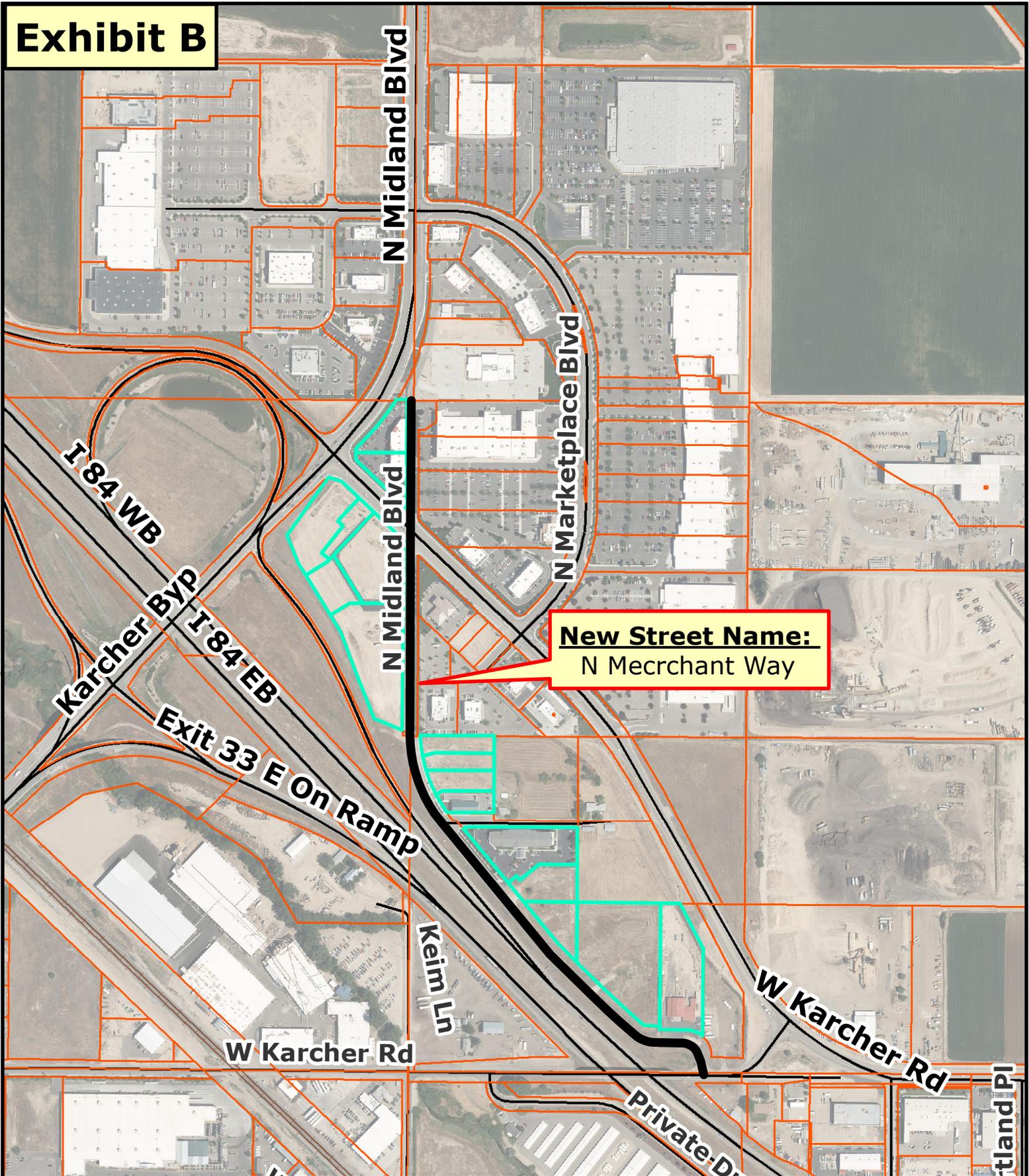
Approved:

By _____
Mayor

Attest:

City Clerk

Exhibit B

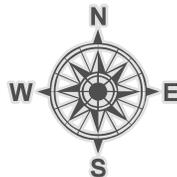


New Street Name:
N MERCHANT WAY



**City of Nampa
Engineering Division
411 3rd St S
Nampa, ID 83651**

Prepared by: morsea



Not to Scale

Effective Date: 2/1/2017

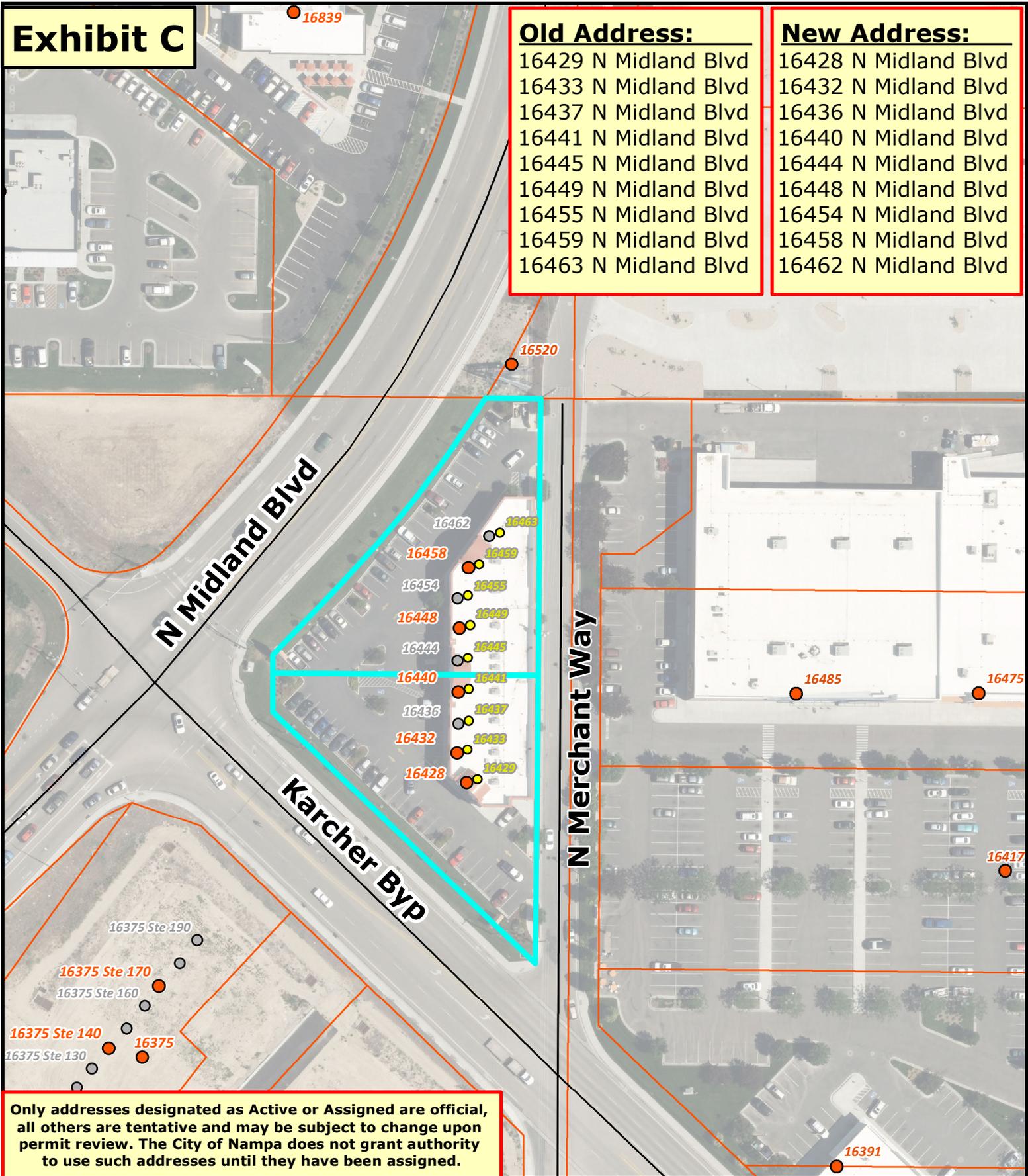
- Address Status**
- Active
 - Hold
 - Retired
 - Parcel
 - Proposed
 - Other
 - Parcel selection

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Exhibit C

Old Address:
16429 N Midland Blvd
16433 N Midland Blvd
16437 N Midland Blvd
16441 N Midland Blvd
16445 N Midland Blvd
16449 N Midland Blvd
16455 N Midland Blvd
16459 N Midland Blvd
16463 N Midland Blvd

New Address:
16428 N Midland Blvd
16432 N Midland Blvd
16436 N Midland Blvd
16440 N Midland Blvd
16444 N Midland Blvd
16448 N Midland Blvd
16454 N Midland Blvd
16458 N Midland Blvd
16462 N Midland Blvd

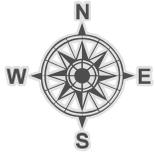


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City of Nampa
Engineering Division
411 3rd St S
Nampa, ID 83651

Prepared by: morsea



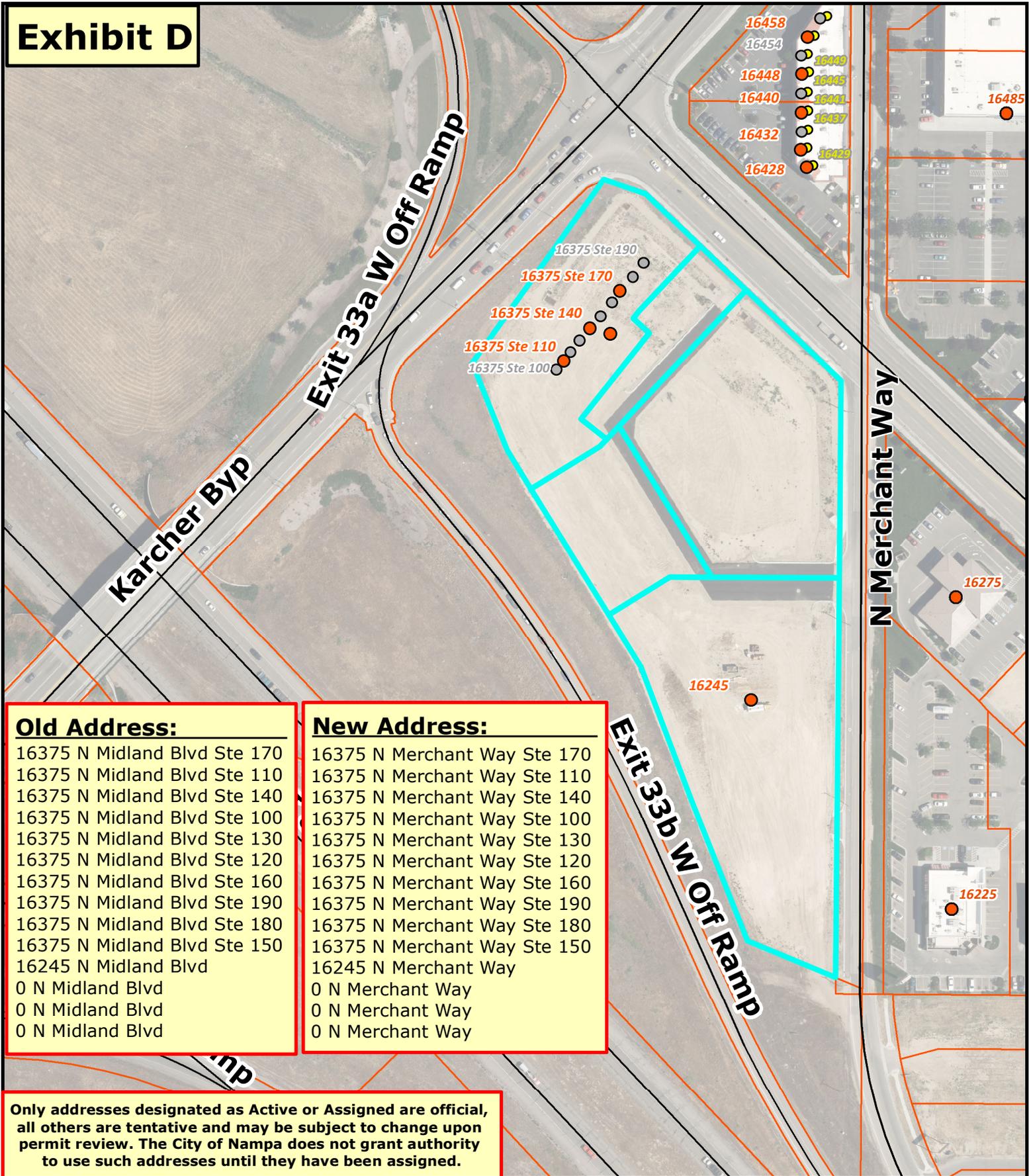
Not to Scale

Effective Date: 02/01/2017

- Address Status**
- Active
 - Hold
 - Other
 - Proposed
 - Retired
 - ▣ Parcel
 - ▣ Parcel Selection

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Exhibit D



Old Address:

- 16375 N Midland Blvd Ste 170
- 16375 N Midland Blvd Ste 110
- 16375 N Midland Blvd Ste 140
- 16375 N Midland Blvd Ste 100
- 16375 N Midland Blvd Ste 130
- 16375 N Midland Blvd Ste 120
- 16375 N Midland Blvd Ste 160
- 16375 N Midland Blvd Ste 190
- 16375 N Midland Blvd Ste 180
- 16375 N Midland Blvd Ste 150
- 16245 N Midland Blvd
- 0 N Midland Blvd
- 0 N Midland Blvd
- 0 N Midland Blvd

New Address:

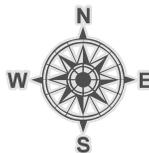
- 16375 N Merchant Way Ste 170
- 16375 N Merchant Way Ste 110
- 16375 N Merchant Way Ste 140
- 16375 N Merchant Way Ste 100
- 16375 N Merchant Way Ste 130
- 16375 N Merchant Way Ste 120
- 16375 N Merchant Way Ste 160
- 16375 N Merchant Way Ste 190
- 16375 N Merchant Way Ste 180
- 16375 N Merchant Way Ste 150
- 16245 N Merchant Way
- 0 N Merchant Way
- 0 N Merchant Way
- 0 N Merchant Way

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City of Nampa
Engineering Division
411 3rd St S
Nampa, ID 83651

Prepared by: morsea



Not to Scale

Effective Date: 02/01/2017

- Address Status**
- Hold
 - Proposed
 - Active
 - Other
 - Retired
 - Parcel
 - Parcel Selection

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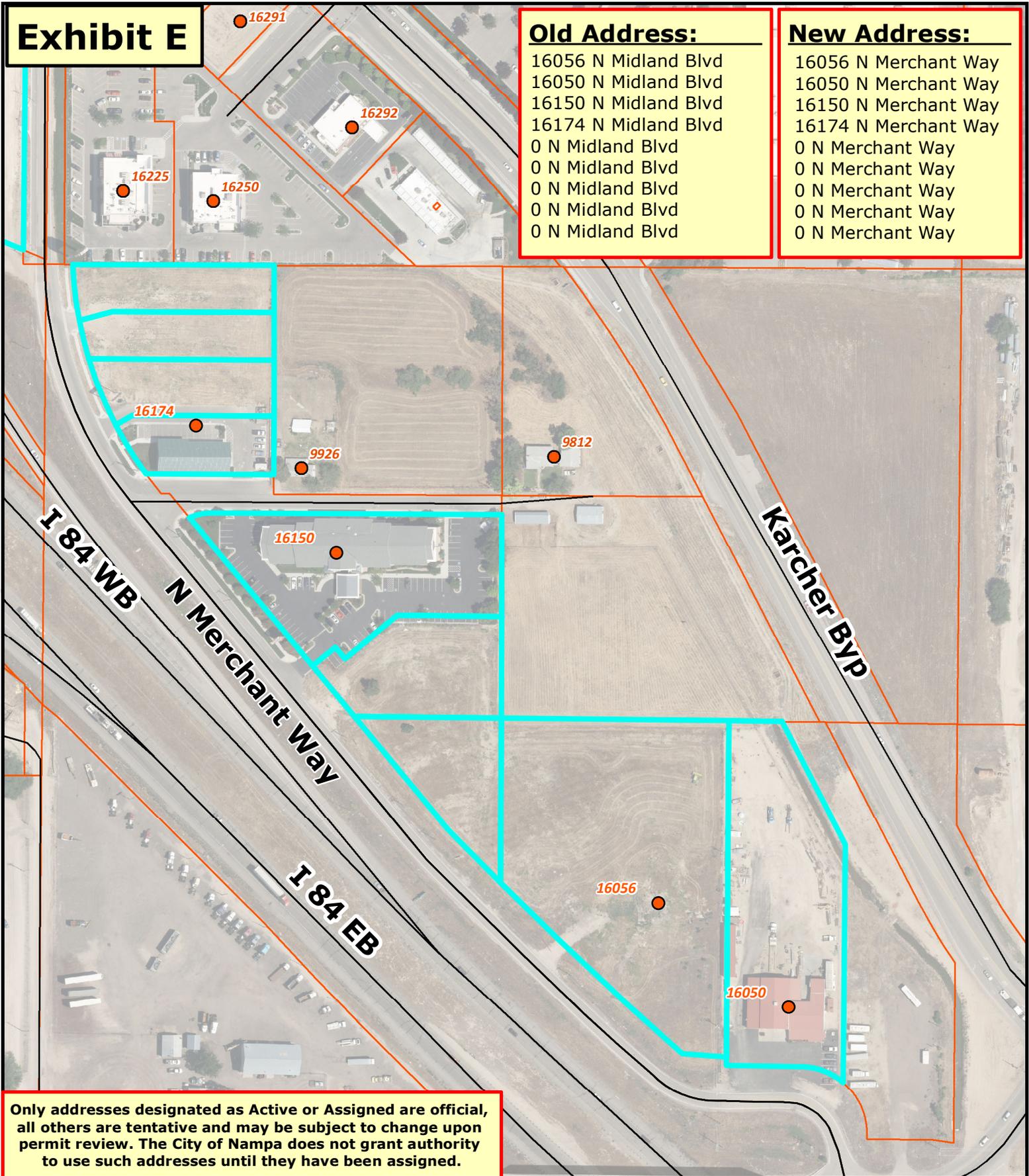
Exhibit E

Old Address:

16056 N Midland Blvd
 16050 N Midland Blvd
 16150 N Midland Blvd
 16174 N Midland Blvd
 0 N Midland Blvd

New Address:

16056 N Merchant Way
 16050 N Merchant Way
 16150 N Merchant Way
 16174 N Merchant Way
 0 N Merchant Way

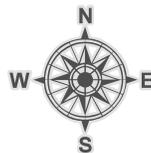


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City of Nampa
Engineering Division
 411 3rd St S
 Nampa, ID 83651

Prepared by: morsea



Not to Scale

Effective Date: 02/01/2017

Address Status

● Active	● Hold	● Other	● Proposed	● Retired	 Parcel	 Parcel Selection
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Exhibit F

Karcher Village

Account	Old Address	New Address	Business	General Legal
R22589011A0	16429 N Midland Blvd	16428 N Midland Blvd	Tobacco Connection	08-3N-2W SE HELEN B SUB TX 96254 LS RD
R22589011A0	16433 N Midland Blvd	16432 N Midland Blvd	The Mail Room	08-3N-2W SE HELEN B SUB TX 96254 LS RD
R22589011A0	16437 N Midland Blvd	16436 N Midland Blvd	The Mail Room (additional use)	08-3N-2W SE HELEN B SUB TX 96254 LS RD
R22589011A0	16441 N Midland Blvd	16440 N Midland Blvd	Great Clips	08-3N-2W SE HELEN B SUB TX 96254 LS RD
R2258901100	16445 N Midland Blvd	16444 N Midland Blvd	Eyemart (additional use)	08-3N-2W SE HELEN B SUB TX 96253 LS RD
R2258901100	16449 N Midland Blvd	16448 N Midland Blvd	Eyemart	08-3N-2W SE HELEN B SUB TX 96253 LS RD
R2258901100	16455 N Midland Blvd	16454 N Midland Blvd	West Valley Medical Group (additional use)	08-3N-2W SE HELEN B SUB TX 96253 LS RD
R2258901100	16459 N Midland Blvd	16458 N Midland Blvd	West Valley Medical Group	08-3N-2W SE HELEN B SUB TX 96253 LS RD
R2258901100	16463 N Midland Blvd	16462 N Midland Blvd	West Valley Medical Group (additional use)	08-3N-2W SE HELEN B SUB TX 96253 LS RD

G&G Investments Commercial Development

Account	Old Address	New Address	Business	General Legal
R2258910000	16375 N Midland Blvd Ste 170	16375 N Merchant Way Ste 170	Mattress Firm	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 1
R2258910000	16375 N Midland Blvd Ste 110	16375 N Merchant Way Ste 110	Vitamin Shoppe	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 2
R2258910000	16375 N Midland Blvd Ste 140	16375 N Merchant Way Ste 140	Aspen Dental	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 3
R2258910000	16375 N Midland Blvd Ste 100	16375 N Merchant Way Ste 100	TBD	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 4
R2258910000	16375 N Midland Blvd Ste 130	16375 N Merchant Way Ste 130	TBD	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 5
R2258910000	16375 N Midland Blvd Ste 120	16375 N Merchant Way Ste 120	TBD	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 6

Exhibit F

G&G Investments Commercial Development

Account	Old Address	New Address	Business	General Legal
R2258910000	16375 N Midland Blvd Ste 160	16375 N Merchant Way Ste 160	TBD	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 7
R2258910000	16375 N Midland Blvd Ste 190	16375 N Merchant Way Ste 190	TBD	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 8
R2258910000	16375 N Midland Blvd Ste 180	16375 N Merchant Way Ste 180	TBD	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 9
R2258910000	16375 N Midland Blvd Ste 150	16375 N Merchant Way Ste 150	TBD	08-3N-2W SE G G INVEST COMM DEV LT 1 BLK 10
R2258910300	0 N Midland Blvd	0 N Merchant Way	TBD	08-3N-2W SE G G INVEST COMM DEV LT 4 BLK 1
R2258910100	0 N Midland Blvd	0 N Merchant Way	TBD	08-3N-2W SE G G INVEST COMM DEV LT 2 BLK 1
R2258910200	0 N Midland Blvd	0 N Merchant Way	TBD	08-3N-2W SE G G INVEST COMM DEV LT 3 BLK 1
R2258910400	16245 N Midland Blvd	16245 N Merchant Way	Holiday Inn	08-3N-2W SE G G INVEST COMM DEV LT 5 BLK 1

South End (Fairfield, Advantage, Batteries Plus)

Account	Old Address	New Address	Business	General Legal
R3098100000	16056 N Midland Blvd	16056 N Merchant Way	Vacant	09-3N-2W SW HWY & LS RD W1/2 SESWSW LESS
R3098001000	16050 N Midland Blvd	16050 N Merchant Way	Advantage Machine & Hydraulic	09-3N-2W SW TAX 20 IN SE SW SW
R3098301000	16150 N Midland Blvd	16150 N Merchant Way	Fairfield Inn	09-3N-2W SW TX 07369 IN S1/2 NWSWSW LS RD
R3098500000	16174 N Midland Blvd	16174 N Merchant Way	BATTERIES PLUS	09-3N-2W SW TX 12119 IN SWSW
R3098201000	0 N Midland Blvd	0 N Merchant Way	Vacant	09-3N-2W SW SWSWSW-N & E OF HWY LS RD
R3098300000	0 N Midland Blvd	0 N Merchant Way	Vacant	09-3N-2W SW S1/2 NWSWSW E OF I-84 LS TX 06530 & 07369 LS RD
R3098500000	0 N Midland Blvd	0 N Merchant Way	Vacant	09-3N-2W SW TX 12120 IN SWSW

Exhibit F

South End (Fairfield, Advantage, Batteries Plus)

Account	Old Address	New Address	Business	General Legal	
R3098401000	0 N Midland Blvd	0 N Merchant Way	Vacant	09-3N-2W SW	TX 12121 IN SWSW
R3098400000	0 N Midland Blvd	0 N Merchant Way	Vacant	09-3N-2W SW	TX 12123 IN SWSW



CITY OF NAMPA FINANCE DEPARTMENT

Vikki Chandler - Finance Director
(208) 468-5737

September 6, 2016

TO: City Council

CC: Mayor Bob Henry

FR: Vikki Chandler, Finance Director

RE: FY 2016 Budget Amendment

The final amendment has only a few items. We need an amendment primarily for new grant funds and those items approved by Council that still require budget approval. The following list explains the changes included in the resolution.

- 1) Grants include Family Justice Center for \$37,500 from the Council on Domestic Violence and \$40,000 from the Baseball Tomorrow Foundation for the new Midway Park.
- 2) Architectural fees of \$6,000 to get a jump start on the new lobby office for Utility Billing approved in FY 2017; funding is from reserves.
- 3) Rollover project in Streets for Lonestar and Midland of \$383,491 from the FY 2015 budget (reserves).
- 4) Downtown Tree Removal of \$46,201 from reserves.
- 5) Two projects required more funding than had been budgeted: Lube Bay for Fleet Services at \$9,522 and City Hall Parking Lot for \$8,918. State Shared Revenues should cover this.
- 6) Human Resources is preparing offices for a new manager and providing more confidentiality for current staff. Estimate is \$31,850; State Shared Revenues should cover this as well.
- 7) Police Dept. is acquiring through Fleet two 2016 Tahoes for \$96,000 through Impact Fees. Current revenues will cover this purchase.

Estimates at this time for the FY 2016 General Fund of both revenues and expenses indicate that we should come very close to a net zero. This is very good news with close to full staffing in most departments, which is usually where some flexibility occurs in budgets. We do not expect to spend all of the budgeted amount for the software project, and expect to carry over the balance to FY 2017.



PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council
Meeting of 06 SEPTEMBER 2016

ITEM NO. 32, PUBLIC HEARINGS STAFF REPORT

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

Shannon Robnett as Applicant and representative for Scott Thompson, Crane Creek Investments LLC

File(s): DAMO 005-2016 & VAR 011-2016

Analyst: Robert Hobbs

Requested/Needful Action Approval(s)/Recommendation(s):

1. Modification of an Annexation/Zoning Development Agreement

(Decision Required: *Decision*)

Between Dan R. Turner and the City of Nampa recorded 6/02/2006 as Inst. No. 200642614 -- amending as necessary the "Recitals", "Conditions" and "Conceptual Plan" to provide for a revised multiple-family residential property development plan, density and building design(s); and,

2. Variance Approvals

(Decisions Required: *Decisions*)

To N.C.C. § 10-12-5(E) which requires an eight foot (8') setback, plus an additional five feet (5') of setback for each ten feet (10') of height [or increment thereof] over which a building exceeds three (3) stories or thirty feet (30') [whichever is more restrictive] in order to allow a three (3) story building on the north boundary of the Property to use an eight foot (8') setback in lieu of thirteen feet (13') due to the approximately eight foot (8') grade differential between the Property and the abutting property.

To N.C.C. § 10-22-6(B) which requires two off-street parking spaces/stalls per dwelling unit for apartments and requires one ADA space per building. The Applicant is

requesting approval to emplace 66 parking spaces vs. 72 spaces plus at least three (3) ADA parking spaces in order to allow sufficient open space for the project.

Property Area and Location(s):

For land located at 921 E. Colorado Avenue (a 1.377 acre portion of the NE ¼ of Section 34, T3N, R2W, Boise Meridian, Canyon County, Nampa in the Kurtz Addition (Tax 03750 in Block 135) – hereinafter the “Property” (alternatively the “site”)...

History:

A cooperative effort in 2006 between two developers led to the zoning district conversion of 2.792 acres of land located at the convergence of Fern, Colorado and Elder Streets from RD to RMH. The entitlement was made contingent on the developers entering into a land use contract (i.e., a “Development Agreement”) to control both the type of development introduced to aggregate property (a grouping of parcels), its layout to some extent, and its density (since the RMH Zone normally allows up to 77.12 dwelling units/acre). Two Agreements were formed under one ordinance -- one for the four parcels on the north of the Property fronting Colorado, and one for the singular parcel on the southern side of the Property. The southern parcel is the only part under consideration at present for change. Activity on the site to date has been largely, if not completely absent (aside from an old trailer park being removed from the Property).

The Planning and Zoning Commission, during their regularly scheduled public hearing of August 9, 2016, after taking testimony, reviewing a Staff report, and deliberating, voted to recommend to the City Council that they approve the requested Development Agreement Modification. As the Variance Permit request was not formally before them, the Commission took no action on the same.

DEVELOPMENT AGREEMENT MODIFICATION

Criteria to guide the Council regarding approving the proposed Development Agreement Modification are absent from state statute or City ordinance. Thus, approving -- or not -- this application becomes a purely subjective matter/decision on the part of the City in reaction to this DA contract modification application.

Hereafter attached is a copy of Ordinance 3579 (Instrument No. 200642614) which has, as a part thereof, the Development Agreement(s) referenced by this report. The sections of the Agreement(s) proposed for modification are, expectedly in this instance, language in the RECITALS and CONDITIONS Sections, and, in amongst the Exhibits.

As the process of rezoning and Development Agreement modification is a two-step endeavor, Staff will prepare a Development Agreement Modification document for Council’s review prior to the 3rd reading of the ordinance that will/would enact the Development Agreement Modification.

Public/Agency/City Department Comments:

Any correspondence from agencies or the citizenry regarding this application package [received by noon August 31, 2016] is hereafter attached. Staff has not received written commentary from any surrounding property owners or neighbors either supporting or opposing this request.

- a. City Engineering has no objection(s) to the requested re-entitlement (see attached comments – 1 page email printout dated July 28, 2016). City Engineering has expressed no opposition to the requested ; and,
- b. The Nampa Highway District has no objection(s) to the requested re-entitlement (see attached comments – 1 page email printout dated August 01, 2016); and,
- c. The Nampa Building Department has no objection(s) to the requested re-entitlement (see attached comments – 1 page email printout dated July 18, 2016)...

Note:

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

Commentary:

A 2006 approved Development Agreement package (two mirror image Agreements under one Ordinance number), containing an approved site development plan, building style and type, and, dwelling unit density allowance is already assigned to the Property. That entitlement runs [still] with the land. The present application before the Council proposes a change to the certain aspects of the original Agreement as already noted, including a change to the approved concept site plan (including parking lot and building layout, building design and dwelling unit density allowance – see pages 17 & 40 of the attachments). Whether to approve such changes, as desired, or approve the application package with some City imposed alterations is a subjective decision for the Council to make. You will note in reading the Applicant's representative's letter to file that the application under present review is one part of a two part request.

Staff would note that there may be arguably some positive aspects to the current plan. The proposed building count is down from four (4) to three (3), unit count is down from 48 to 36, Property layout has changed such that only one building adjoins the southern property line and two parking lots adjoin neighbors' lots to the southeast [1113 S. Elder St.] and southwest [1102 S. Fern St.] of the site, two-way flow through the parking lot is provided vs. one-way parallel drives and parking banks between Fern and Elder, and, the proposed buildings from what can be discerned are more aesthetically pleasing than the prior, approved, structures (see attached Exhibits).

The neighbors to the Property enjoy, expectedly, a more serene neighborhood with the Property vacant; however, the allowance to develop the site in substantial conformance with the current Agreement yet exists. Also, there is a right of property use and development afforded to a property owner. Arguments regarding the proper balance between individual and collective rights, and, the perceived conditions that yield a semblance of quality of life are germane to zoning hearing related actions. Such is the case with this matter.

(Should the City Council vote to approve the Development Agreement Modification application [including any alterations desired by the Council], Staff will craft a draft Development Agreement Modification document for the Council's later review.)

VARIANCE 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.

C. Parking Reduction(s): The council may grant a variance permit with respect to requirements for off street parking facilities (e.g., number of spaces required) or off street loading facilities if, on the basis of the application, investigation and the evidence submitted, the council concludes the following (exclusive of those listed in subsection A of this section):

1. Neither present nor anticipated future traffic volumes generated by the use of the site(s) in the vicinity reasonably require literal interpretation and enforcement of the regulations.

2. The granting of the variance will not result in the parking or leading of vehicles on a public street in such a manner as to interfere with the free flow of traffic.

3. The granting of the variance will not create a safety hazard or any other condition inconsistent with the objectives of the zoning ordinance. (Ord. 2140; amd. Ord. 2978)

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 City's required minimum property size for a building lot in the RD Zone, and, to a requirement that governs how many parking spaces are required for a single-family residence -- also in the RD Zone. The summary explanation of the Applicant(s)' request was provided at the beginning of this report. A copy of their application narrative is also 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 00011-2016) made the subject of this Variance request is located within the incorporated limits of the City of Nampa; and,
2. The Property Owner(s) has/have a controlling interest in the Property and is/are authorized to represent the same or allow another party to represent the same in this matter; and,
3. The Property Owner(s) have authorized the Applicant to apply for and represent their interest in obtaining the requested Variance Permit; and,
4. The Applicant proposes that the City's Council grant relief to N.C.C. § 10-12-5(E) and to N.C.C. § 10-22-6(B) in order to allow a reduced side yard setback along one side of the Property and to allow for a parking space count reduction for the project in anticipation of construction of three (3) three-story apartment buildings containing a combined total of 36 apartment units; 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 RMH Zone comply with all relevant zoning code requirements appertaining thereto (including emplacement of any requisite, extant site improvements); and,
7. The Applicant has, therefore, submitted to the City a complete [package] Variance Permit Application together with the requisite fee, and the City has received the application and deemed it acceptable; and,
8. The Variance Application set 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,
9. 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,
10. Further, a statement has been provided that attempts to justify the Variance requests 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,
11. Adjacent property owners have not provided written comment regarding the application; and,
12. Four adjacent/nearby property owners testified at the Planning and Zoning Commission. A summary of their comments are in the hearing minutes of that meeting, a copy of which is attached to this report; and,
13. The City's Engineering Division has expressed that they are not opposed to the Variance requests (or the associated Development Agreement Modification); and,
14. The Building Department has not expressed opposition to the applications and have provided requirements in the event the project is approved; and,
15. The Nampa Highway District has expressed that they are not opposed to the application; and,
16. No substantial direct physical impact on the [City's] 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 setbacks and parking count requirements 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. Attached to this report is all of the information Staff had by the time this report was ready to go to print (12 noon, August 31, 2016).

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 apartment setback variance for two 12-plexes proposed along the north side of the Property is warranted give the depressed level of the Property versus the abutting parcels to its north. The grade difference is considered to be approximately eight feet (8'). The effect of the grade change is to cause buildings built along the northern side of the Property to appear about one-story shorter than their actual height when viewed from Colorado Street (the closest abutting right-of-way) thus mitigating their perceived impact (view of their building mass) from future buildings to the north of the Property. This argument further suggests that as the net effect of their height with the ground elevation is to cause them to be like unto a three-story structure that only requires an eight foot (8') setback in the RMH Zone; and,

B) That as far as parking is considered, the Applicant believes that the apartments' proximity to Northwest Nazarene University will cause them to mainly be filled by college students. Dormitories or similar facilities require less parking spaces per unit based on the formulation provided in Chapter 22 of the zoning code...

With respect to the side yard setback Variance request package, Staff acknowledges the rationale of the argument for the setback variance requested along the northern [side] property line of the Property given the elevation of the Property and the Variance's impact being directly attenuated to that side of the Property only. With respect to the rationale of the Applicant's argument for the requested parking reduction, Staff acknowledges the rationale offered and also notes that a shared parking agreement may be entered into by the Property's owner(s) that would reduce the ADA parking requirement to but three (3) spaces. However, it should be noted that nothing guarantees that only college students will rent the units, thus prompting a perceived need for two parking stalls per unit being needed after all. Engineering has not indicated they are concerned with future potential traffic volumes to be associated with

the project contemplated by the Applicants; correspondingly, a Traffic Impact Study has not been mandated by that Division.

RECOMMENDED CONDITION(S) OF APPROVAL

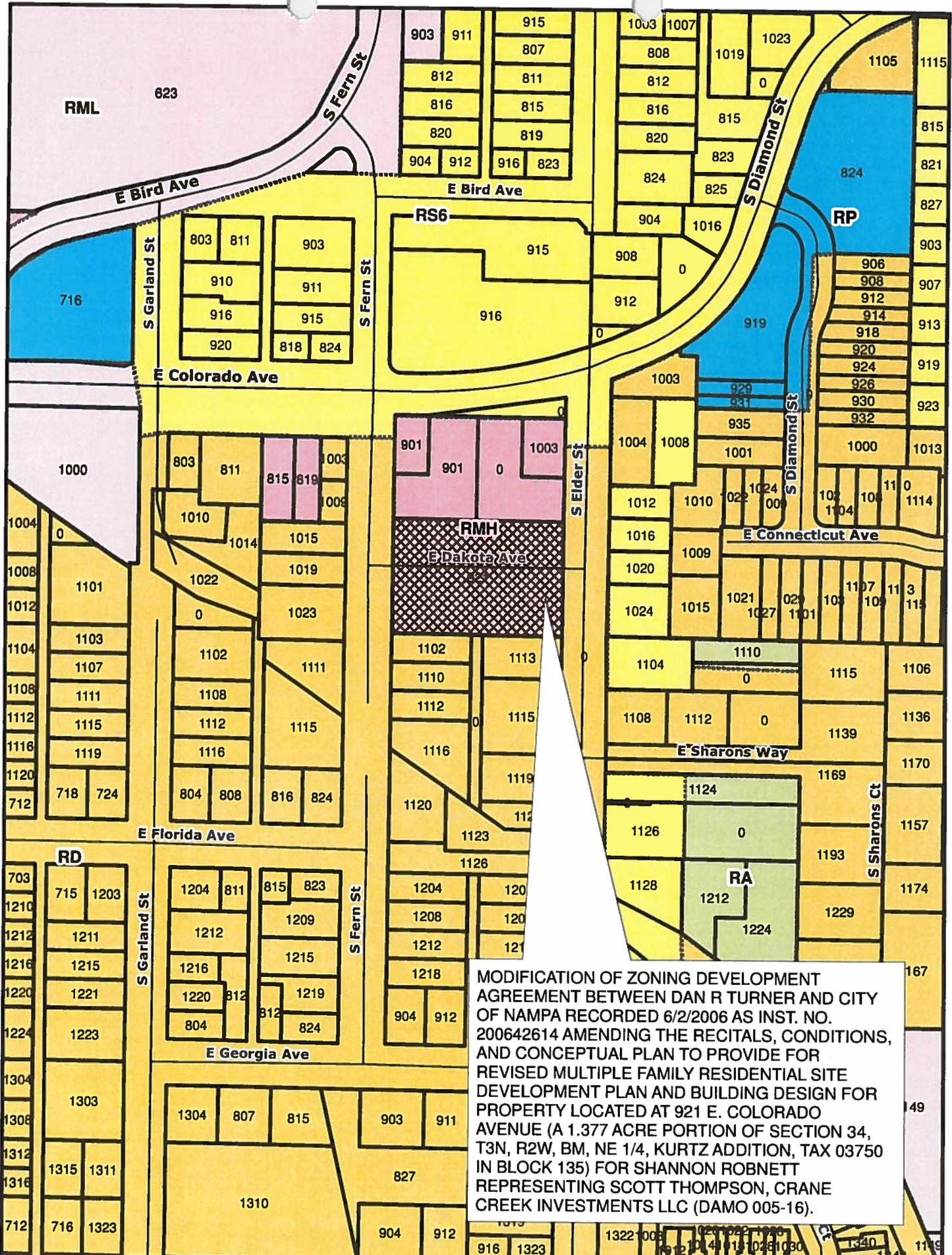
Should the City Council vote to approve the requested Development Agreement Modification(s) and Variances as desired by the Applicant(s), then Staff would recommend that the Council consider imposing the following Conditions of Approval against the requests/Applicant(s):

1. That the Applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement with the City of Nampa. The Agreement(s) shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request for the Property's entitlement(s) to be revised to allow for [continued] multiple-family residential use in a RMH Zone, but with a new development plan by a different developer; and,
2. Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc.) as the Development Agreement Modification and Variance approvals do not, and shall not have the effect of, abrogating the need to comply with lawful requirements administered by those agencies...

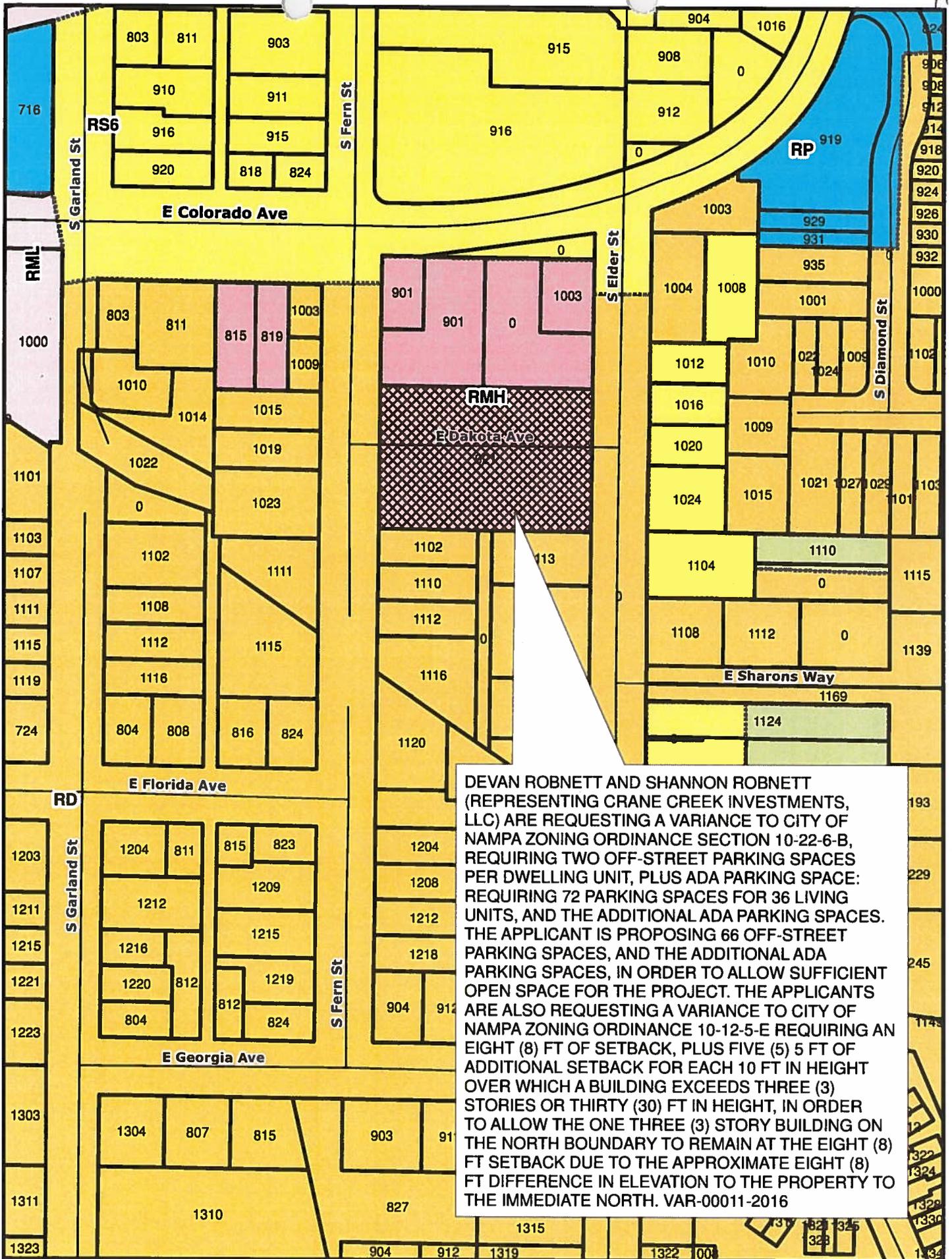
ATTACHMENTS

- Vicinity Maps (pages/Exhibits 10-11)
- Copy of Development Agreement Amendment Modification Application (page/Exhibit 12)
- Copy of Variance Application (page/Exhibit 13)
- Copy of Applicant's representative's explanation/justification narrative statement (pages/Exhibits 14-15)
- Copy of aerial and street image photos of Property and surrounds (pages/Exhibits 16-18)
- Copy of concept site plan and small scale building renderings (page/Exhibit 19)
- Copy of 2006 Development Agreement assemblage (Ord. 3579) bearing on Property (pages/Exhibits 20-55)
- Copies of [responding] agency/department correspondence (pages/Exhibits 57-61)
- Copy of August 09, 2016 Planning and Zoning Commission hearing minutes (pages/Exhibits 62-64)

10



MODIFICATION OF ZONING DEVELOPMENT
 AGREEMENT BETWEEN DAN R TURNER AND CITY
 OF NAMPA RECORDED 6/2/2006 AS INST. NO.
 200642614 AMENDING THE RECITALS, CONDITIONS,
 AND CONCEPTUAL PLAN TO PROVIDE FOR
 REVISED MULTIPLE FAMILY RESIDENTIAL SITE
 DEVELOPMENT PLAN AND BUILDING DESIGN FOR
 PROPERTY LOCATED AT 921 E. COLORADO
 AVENUE (A 1.377 ACRE PORTION OF SECTION 34,
 T3N, R2W, BM, NE 1/4, KURTZ ADDITION, TAX 03750
 IN BLOCK 135) FOR SHANNON ROBNETT
 REPRESENTING SCOTT THOMPSON, CRANE
 CREEK INVESTMENTS LLC (DAMO 005-16).



DEVAN ROBNETT AND SHANNON ROBNETT (REPRESENTING CRANE CREEK INVESTMENTS, LLC) ARE REQUESTING A VARIANCE TO CITY OF NAMPA ZONING ORDINANCE SECTION 10-22-6-B, REQUIRING TWO OFF-STREET PARKING SPACES PER DWELLING UNIT, PLUS ADA PARKING SPACE: REQUIRING 72 PARKING SPACES FOR 36 LIVING UNITS, AND THE ADDITIONAL ADA PARKING SPACES. THE APPLICANT IS PROPOSING 66 OFF-STREET PARKING SPACES, AND THE ADDITIONAL ADA PARKING SPACES, IN ORDER TO ALLOW SUFFICIENT OPEN SPACE FOR THE PROJECT. THE APPLICANTS ARE ALSO REQUESTING A VARIANCE TO CITY OF NAMPA ZONING ORDINANCE 10-12-5-E REQUIRING AN EIGHT (8) FT OF SETBACK, PLUS FIVE (5) 5 FT OF ADDITIONAL SETBACK FOR EACH 10 FT IN HEIGHT OVER WHICH A BUILDING EXCEEDS THREE (3) STORIES OR THIRTY (30) FT IN HEIGHT, IN ORDER TO ALLOW THE ONE THREE (3) STORY BUILDING ON THE NORTH BOUNDARY TO REMAIN AT THE EIGHT (8) FT SETBACK DUE TO THE APPROXIMATE EIGHT (8) FT DIFFERENCE IN ELEVATION TO THE PROPERTY TO THE IMMEDIATE NORTH. VAR-00011-2016



Development Agreement

APPLICATION FOR AMENDMENT OF ZONING OR ~~PLANNING~~ ~~ANCE~~ OR MAP

8416 PE
ROBERT

City of Nampa, Idaho

12

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

Name of Applicant/Representative: Devin Robnett / Shannon Robnett Phone: 208-572-8003

Address: 3818 E Newby St STE 101 City: Nampa State: ID Zip Code: 83687

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

Owner Name: Scott Thompson Phone: _____

Address: 971 E Colorado Ave. City: Nampa State: ID Zip Code: 83686

Address of subject property: 971 E Colorado Ave. Nampa, ID 83686

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: RMH (current zoning)

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.

Attached

Dated this 27th day of June, 2016

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: 807 - 2016

Project Name: MAD Dev Agreement Terms

DAMO-005-2016



APPLICATION FOR VARIANCE

City of Nampa, Idaho

6/6/16 CC
Rob CRT

13

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: Devan Robnett / Shannon Robnett Phone: 208-577-8003

Address: 3819 E. Newby St STE 101 City: Nampa State: ID Zip Code: 83686

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

Owner Name: Scott Thompson Phone: _____

Address: 921 E Colorado Ave City: Nampa State: ID Zip Code: 83686

Address of subject property: 921 E Colorado Nampa, ID 83686

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

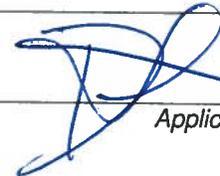
Miscellaneous information, considered pertinent to the determination of this matter,

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):

Attached

Dated this 27th 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: VAR011 - 2016

Project Name: Parking Reduction

2/14

Request for Variance

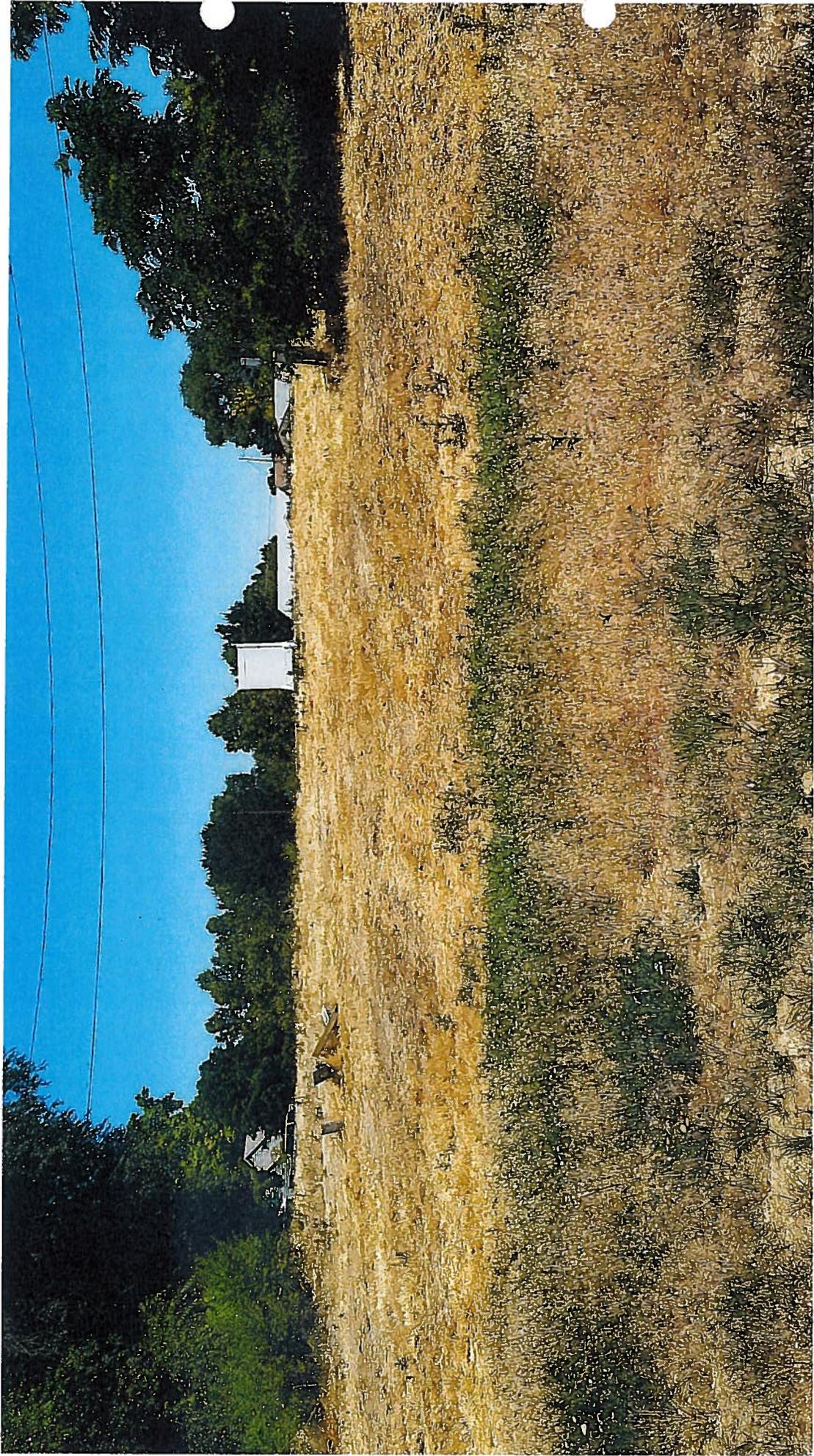
Our proposal to develop a multi family apartment complex on 1.38 acres of RMH located at 921 Colorado Nampa Idaho includes 36 units ranging from 1 bedroom 1 bath units that are less than 900 sq. ft. to larger 3 bedroom 2 bath units of approximately 1000 sq.ft. with 50% of the units being 2 bedroom 2 bath units. Our RMH zoning allows for up to 55 units on 1.38 acres, however we are only looking to build 36 units in a configuration of 3 3 story 12 plex buildings. Based on the requirement set forth by the City of Nampa regarding RMH, we are required to have 2 parking spaces per unit plus 2 handicap accessible spots per building with one of those being van accessible. Due to the limitations of the 1.38 acre site and our attempt to achieve a reasonable density with an eye toward open space, we have designing a layout that gives us enough room to fit the units, the required handicap parking and 66 additional parking spaces. According to Nampa Zoning Ordinance 10-22-6: "Special parking and landscape corridor districts and spaces required" section B states the number of spaces required, in the chart it states that "Fraternities, Sororities, Cooperatives and Dormitories only require 1 space for each 3 occupants for which sleeping accommodations are provided." Meaning we would only be required to provide 1 parking space for every 2-3 bedrooms that our project has. Our proposed floor plans show a total of 72 bedrooms, and under this ruling we would need somewhere in the neighborhood of 24-36 parking spaces. We understand that we are not classified as a dormitory but being as close to Northwest Nazarene University as we are, expect most of our tenants to be University students with many of them walking and riding bicycles to the campus. With this in mind we are asking for a variance allowing us to reduce our parking to accommodate the handicap parking and *^ spaces per 12 unit building.

Additionally the property to the immediate North of the subject property is approximately 8' difference in elevation, with a fairly gradual slope. According to Nampa city Code 10-12-5 we are required to provide a minimum setback of 8' with an additional 5' of setback for every 10' feet of increase in height over 30 ft on any interior lot. We are viewing it as an interior lot line based on the fact that the property to the North is zoned RMH as well. We are asking for the variance to allow the one building on the north boundary to remain at the 8' setback based on the fact that the height from the base of the property to North to the top of our building will be less than 30'. The intention of this particular code was to mitigate large 3 and 4 story facades from feeling imposing only 8' off the property lines. We believe with the grade difference we will appear to have a 2 story facade visible from Colorado, and would not be an imposing 3 story structure at the same ground elevation as viewed from the property to the North when looking South. We are also well spaced from our East and West property lines with approximately 23' of setback, which we believe correlates to the intent of the Nampa city code .

8/15

These variances will allow us to maintain our density of 26 units per acre and allow for more open space and parking. We feel these would improve our overall site layout and ultimately allow for a successful project in Nampa.

Request for Variance



17

Request for variance



18



n.e. design
 ARCHITECTURAL & INTERIOR DESIGN
 725 E 2nd St
 Moorhead, MN 56501
 (218) 835-2300

CONSULTANT

THIS DOCUMENT IS THE PROPERTY OF n.e. design AND IS TO BE REPRODUCED OR TRANSMITTED IN ANY FORM OR BY ANY MEANS, WITHOUT PERMISSION, EXPRESS OR IMPLIED, IS STRICTLY PROHIBITED.

© n.e. design, ARCHITECTS, INC. MOORHEAD, MN, USA

DESIGNER
 Shannon Robnett
 Tabor Complex Multifamily
 921 E. Colorado St, Nampa, ID 83855

PROFESSIONAL SEAL
 NOT FOR PERMIT

DATE
 04.11.16
 DESCRIPTION
 Preliminary Design

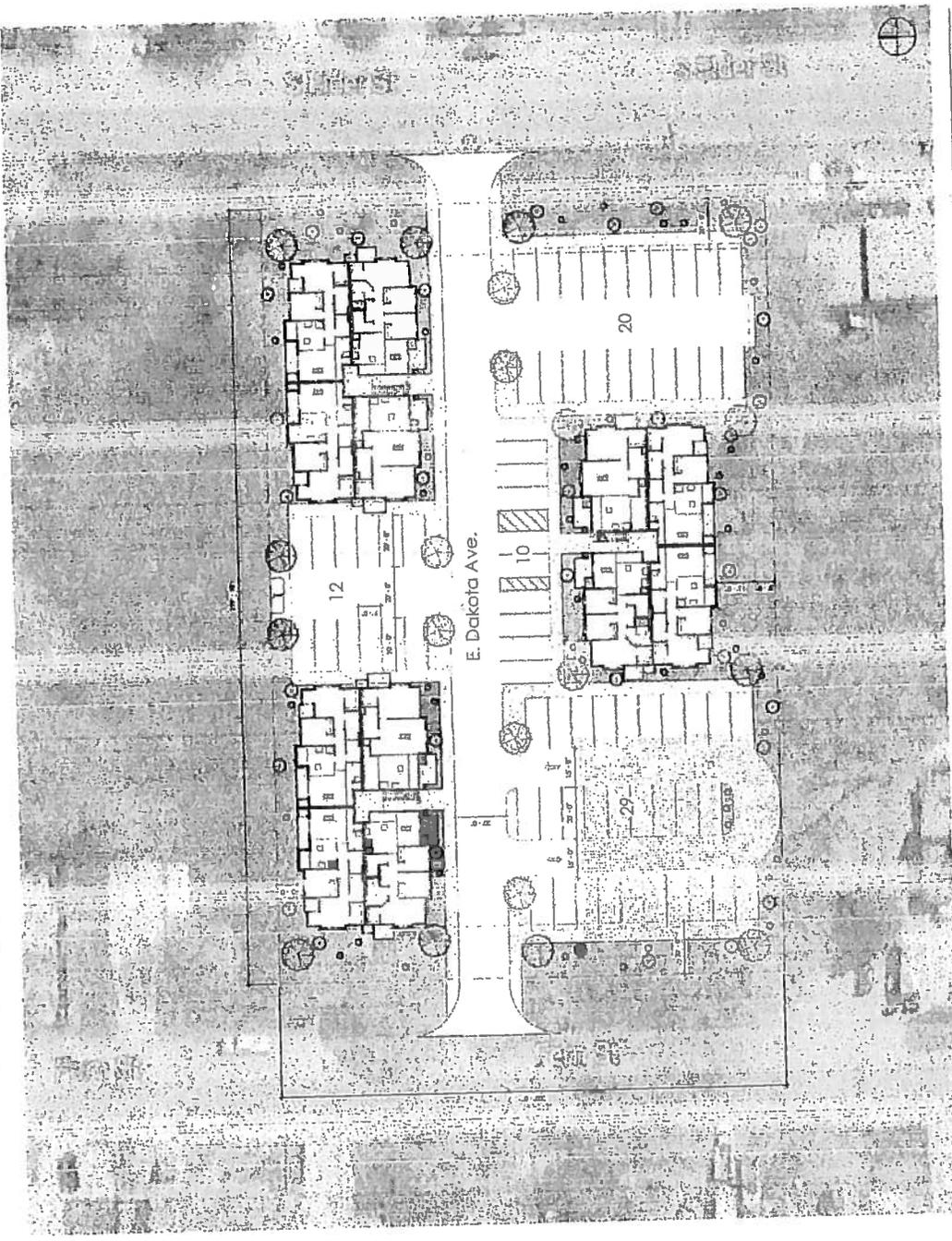
Site Plan

A-101

DATE
 04.11.16
 PROJECT NUMBER
 A-101
 SHEET NUMBER
 19 OF 21

[Handwritten signature]

19



Scale: 1" = 20'-0"

40.

INSTRUMENT NO. 200642611

20

ORDINANCE NO. 3579

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO CHANGING THE ZONE IDENTIFICATION SO AS TO REZONE APPROXIMATELY 2.792 ACRES IN VACATED BLOCK 135 OF THE AMENDED PLAT OF KURTZ ADDITION IN THE CITY OF NAMPA, CANYON COUNTY, IDAHO FROM RD TO RMH SUBJECT TO THE TERMS OF THAT CERTAIN DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE APPLICANT AND THE CITY OF NAMPA, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY.

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

Section 1: That the following described approximately 2.792 acres of real property, and all thereof, located in Vacated Block 135 of the Amended Plat of Kurtz Addition in the City of Nampa, Canyon County, Idaho, which has been until this date zoned RD be, and the same is hereby, rezoned RMH, and the use district or zone changed to RMH, which said property so rezoned is described as follows, to wit:

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

Property Address: vacated block of 135 of the amended plat of Kurtz Addition in the City of Nampa

Section 2: That this rezone ordinance is subject to and limited by that certain Development Agreement entered into between the parties.

Section 3: That the City Engineer is hereby directed to alter the Use and Area Map in accordance with this Ordinance.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 15th DAY OF May, 2006.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 15th DAY OF May, 2006.

Approved: [Signature]
By _____
Mayor

Attest: [Seal]
By [Signature]
City Clerk

MS 21

State of Idaho)

Canyon County)

On this 15th day of May, 2006, before me, the undersigned, a Notary Public in and for said State, personally appeared Tom Dale and Diana Lambing known to be the Mayor and City Clerk, of the City of Nampa, Idaho, a municipal corporation, who executed the foregoing instrument.

In Witness Thereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

Julie Lockey
Julie Lockey
Residing at: Nampa, Canyon County, Idaho
My Commission Expires: 05/11/2011

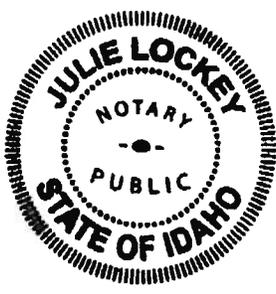


EXHIBIT "A-1"

22

HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell

SECTION: 34
T3N, R2W, B.M.

May 3, 2006
Job # 2005-010

DESCRIPTION OF A TRACT OF LAND – Parcel B – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 and part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.142 Acre.
FOR: Dan Turner – Existing Duplex

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 40.00 feet to a set 1/2" iron pin with a plastic cap on the Easterly right of way of South Fern Street and the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 60.02 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence South 00°09'06" East 103.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 89°59'33" West 60.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'44" West 103.00 feet along the Easterly right of way of South Fern Street to the Initial Point of this description.

This tract contains 0.142 acre, more or less, and is subject to all other existing rights of way and easements.



EXHIBIT "A-2"

HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell

23

SECTION: 34
T3N, R2W, B.M.

May 3, 2006
Job # 2005-010

DESCRIPTION OF A TRACT OF LAND – Parcel C – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 and part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.460 Acre.
FOR: Dan Turner – West 4-Plex

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 100.02 feet to a set 1/2" iron pin with a plastic cap on the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 85.64 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence South 00°09'06" East 180.13 feet to a set 1/2" iron pin with a plastic cap;

thence North 89°59'33" West 145.63 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'44" West 77.12 feet to a set 1/2" iron pin with a plastic cap;

thence South 89°59'33" East 60.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'06" West 103.00 feet to the Initial Point of this description.

This tract contains 0.460 acre, more or less, and is to all other existing rights of way and easements.



EXHIBIT A-3

HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell

SECTION: 34
T3N, R2W, B.M.

May 3, 2006
Job # 2005-010

DESCRIPTION OF A TRACT OF LAND – Parcel D – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 and part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.460 Acre. FOR: Dan Turner – Middle 4-Plex

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 185.66 feet to a set 1/2" iron pin with a plastic cap on the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 79.21 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence South 00°09'06" East 103.00 feet to a set 1/2" iron pin with a plastic cap;

thence South 89°59'33" East 75.00 feet to a set 1/2" iron pin with a plastic cap;

thence South 00°09'06" East 77.13 feet to a set 1/2" iron pin with a plastic cap;

thence North 89°59'33" West 154.21 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'06" West 180.13 feet to the Initial Point of this description.

This tract contains 0.460 acre, more or less, and is subject to all other existing rights of way and easements.



12 25

**HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell**

SECTION: 34
T3N, R2W, B.M.

May 3, 2006
Job # 2005-010

DESCRIPTION OF A TRACT OF LAND – Parcel E – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 and part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.177 Acre. FOR: Dan Turner – East 4-Plex with existing building

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 264.87 feet to a set 1/2" iron pin with a plastic cap on the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 75.00 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence along the Westerly right of way of South Elder Street, South 00°09'06" East 103.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 89°59'33" West 75.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'06" West 103.00 feet to the Initial Point of this description.

This tract contains 0.177 acre, more or less, and is subject to all other existing rights of way and easements.



ga
26

**HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell**

**SECTION: 34
T3N, R2W, B.M.**

**May 3, 2006
Job # 2005-010**

**DESCRIPTION OF A TRACT OF LAND – Parcel F – Part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 1.377 Acres.
FOR: Dan Turner**

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence South 89°59'33" East 40.00 feet along the center line of East Wyoming Avenue Vacated to a set 1/2" iron pin with a plastic cap, the INITIAL POINT of this description.

thence North 00°09'44" West 200.00 feet to a set 1/2" iron pin with a plastic cap on the Easterly right of way of South Fern Street of Vacated Block 135;

thence South 89°59'33" East 299.84 feet to a set 1/2" iron pin on the Westerly right of way of South Elder Street;

thence South 00°09'06" East 200.00 feet along the said Westerly right of way of South Elder Street to a set 1/2" iron pin with a plastic cap on the right of way of said Block 135 extended and the center line of Vacated East Wyoming Avenue;

thence North 89°59'33" West 299.80 feet along the center line of Vacated East Wyoming Avenue to the Initial Point of this description.

This tract contains 1.377 acres, more or less, and is subject to all other existing rights of way and easements.



EXHIBIT "A-7"

HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell

SECTION: 34
T3N, R2W, B.M.

May 3, 2006
Job # 2005-010

DESCRIPTION OF A TRACT OF LAND – Parcel H – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.076 Acre.
FOR: Dan Turner – Quitclaim from Northwest Nazarene University

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 40.00 feet to a set 1/2" iron pin with a plastic cap on the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 299.87 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence along the Westerly right of way of South Elder Street, North 00°09'06" West 31.94 feet to a point;

thence North 52°55'54" West 6.51 feet to a point;

thence curving to the right 239.79 feet along the arc of a curve having a radius of 976.53 feet, a central angle of 14°04'09", and a chord bearing South 81°28'52" West 239.19 feet to a point;

thence South 89°35'13" West 58.04 feet to the Initial Point of this description.

This tract contains 0.076 acre, more or less, and is subject to all other existing rights of way and easements.



LOT LINE ADJUSTMENT RECORD OF SURVEY



- LEGEND**
- BOUNDARY LINE
 - CENTER LINE
 - VACATED RIGHT OF WAY LINE
 - PARCEL LINE
 - EXISTING BUILDING LINE
 - 6' WIDE SIDEWALK
 - TIE LINE
- FOUND 5/8" IRON PIN W/PLASTIC CAP
 - FOUND 1/2" IRON PIN W/PLASTIC CAP
 - SET 1/2" IRON PIN W/PLASTIC CAP
 - ◊ CALCULATED POINT

CERTIFICATE OF SURVEY

I, JERRY L. HASTINGS, DO HEREBY CERTIFY THAT I AM A REGISTERED PROFESSIONAL LAND SURVEYOR, LICENSED BY THE STATE OF IDAHO, AND THAT THIS MAP HAS BEEN PREPARED BY ME OR UNDER MY CLOSE PERSONAL SUPERVISION AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF SAID SURVEY AND THAT IT IS IN CONFORMITY WITH THE CONNETT PERPETUATION & FILING ACT, IDAHO CODE §§-1401 THROUGH 56-1412.



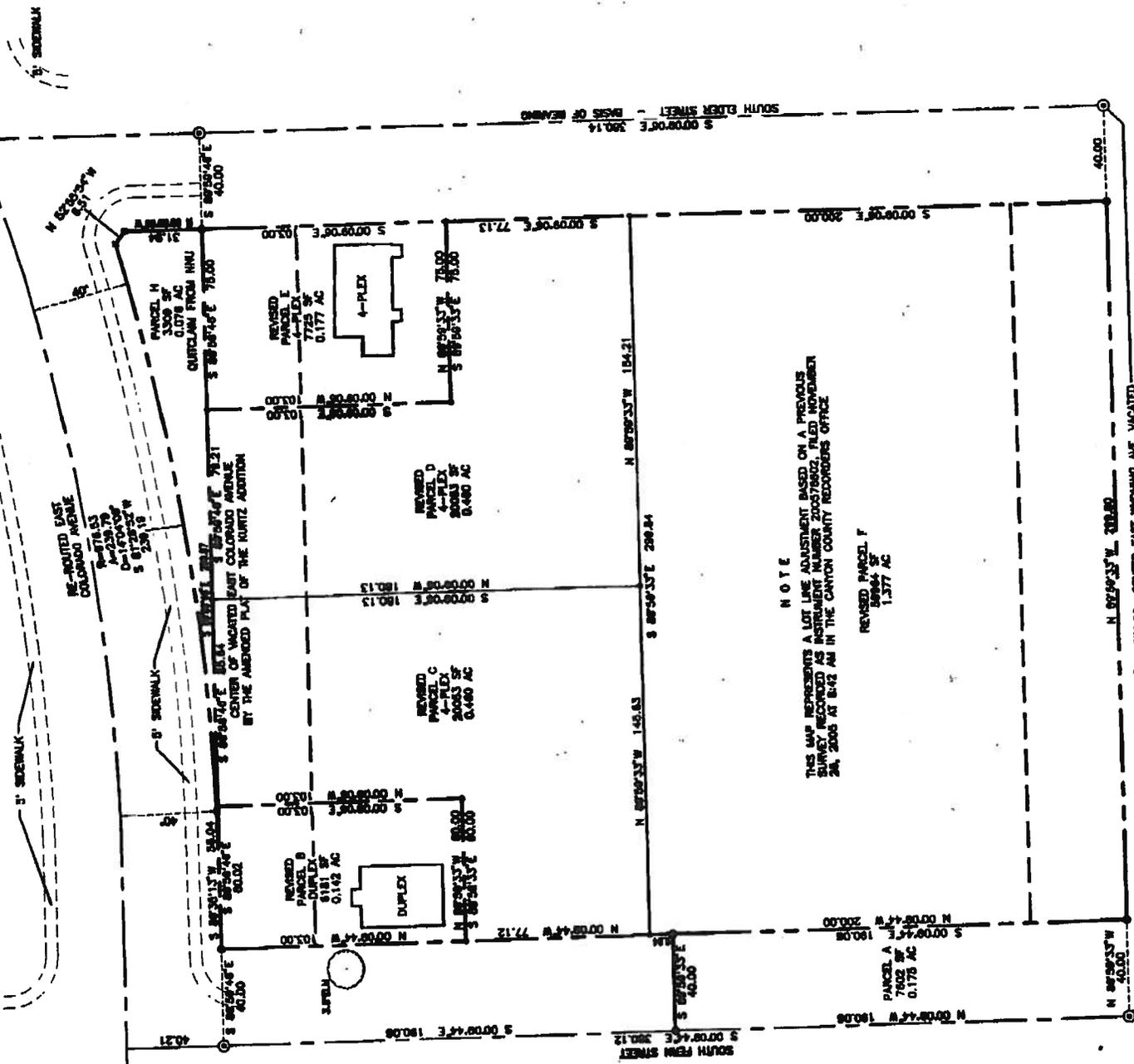
JERRY L. HASTINGS
REGISTERED PROFESSIONAL LAND SURVEYOR
PLS. 8088

INDEX NO. 334-34-1-0-0-02-37

SITUATED IN THE NE 1/4 OF SECTION 34, IN VACATED BLOCK 136 OF THE AMENDED PLAT OF KURTZ ADDITION, T 3 N., R 2 W., B.M. IN MAPA, CANYON COUNTY, IDAHO

FOR DAN TURNER JOB NO. 2005-010-8

HASTINGS LAND SURVEYING	
SCALE 1"=50'	8021 CHESTNUT DRIVE
DATE 6-3-08	BOISE, IDAHO 83704
REVISION 6-3-08	608-8199
BY JAH	



Handwritten initials and number: JAH 20

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "**Agreement**"), is made and entered into this 10th day of May, 2006 (the "**Effective Date**"), by and between the City of Nampa, a municipal corporation, hereinafter referred to as the "**City,**" and AI Real Estate LLC, an LLC, hereinafter referred to as "**Owner/Developer.**"

RECITALS

- A. Owner/Developer is the owner of approximately 1 1/2 acres of real property legally described in **Exhibit "A"** attached hereto and made a part hereof (the "**Property**").
- B. Owner/Developer applied to City on Dec 5, 2005 (the "**date of application**") for annexation of the Property into City and for rezoning of the Property to RmH in anticipation of the development and construction of a residential subdivision (the "**Project**").
- C. City, pursuant to Section 10-2-5, Nampa City Code, and Idaho Code Section 67-6511A, has the authority to rezone the Property and enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area.
- D. City's Planning and Zoning Commission and City's City Council have held public hearings as prescribed by law with respect to the annexation, rezoning and development of the Property and this Agreement. City has approved the annexation and requested rezoning of the Property to RmH subject to the terms and commitments contained in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, which are incorporated below, and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. This Agreement shall not prevent City, in subsequent actions applicable to the Property, from applying new ordinances and regulations of general application adopted by City in the exercise of its police powers that do not conflict with the parties' commitments applicable to the Property as set forth herein, or the zoning designation approved hereby as the Property has been deemed suitable for the uses allowed within said zoning designation..
2. The Project shall be developed in general conformance with the conceptual plan attached hereto as **Exhibit "B"** and made a part hereof (the "**Conceptual Plan**"); provided, however, that Owner/Developer shall have limited flexibility to develop the Property to meet market conditions, and the only specific commitments concerning development of the Project which Owner/Developer is making are set forth herein. Upon recordation of this Agreement, Owner/Developer shall have all approvals required from City for development of the Project in

31

general conformance with the conceptual plan. The Owner/Developer further agrees that acceptance of the conceptual plan attached hereto as Exhibit "B" shall not be construed as City endorsement of said plan as the final design of the preliminary and/or final plat to be subsequently submitted, and that acceptance of the conceptual plan shall not preclude the City from requiring revision of the concept at the time of platting to address other planning issues and concerns, including but not limited to, the interconnectivity of streets between adjoining subdivision areas and undeveloped property, and the location of open space or parks.

3. This Agreement is intended to be supplemental to all other local, city, state and federal Code requirements, rules and regulations, and is established to help assure the compatibility of the resulting land use with the surrounding area. Provided, however, that to the extent this Agreement conflicts with any provision of the Nampa City Code, this Agreement shall prevail to the extent permitted by law.

4. The provisions and stipulations of this Agreement shall be binding on City, Owner/Developer, each subsequent owner of the Property or portion thereof, and each other person acquiring an interest in the Property and are, in no particular order, as set forth in the conditions of approval attached hereto as **Exhibit "C"**, and by this reference incorporated herein.

5. This Agreement may be modified only by the written agreement of Owner/Developer and the City after complying with the notice and hearing procedures required under Idaho Code Section 67-6511A or Nampa City Code Section 10-2-5(D) or successor provisions.

6. The execution of this Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to its prior designation upon failure of Owner/Developer to comply with the terms and conditions of this Agreement. Provided, however, that no such consent shall be deemed to have been given unless City provides written notice of any such failure and Owner/Developer or its successors and/or assigns fails to cure such failure as set forth below.

7. This Agreement and the commitments contained herein shall be terminated, and the zoning designation reversed, upon the failure of Owner/Developer, or each subsequent owner or each person acquiring an interest in the Property, to comply with the commitments contained herein within two (2) years after the Effective Date, and after the notice and hearing requirements of Idaho Code Section 67-6509 have been complied with by City. Provided, however, no such termination or reversal shall occur unless City provides written notice of Owner/Developer's failure to comply with the terms and conditions of this Agreement to Owner/Developer and Owner/Developer fails to cure such failure within six (6) months of Owner/Developer's receipt of such notice. The two (2) year period of time for compliance with commitments may be extended by City for good cause upon application for such extension by Owner/Developer, and after complying with the notice and hearing provisions of Idaho Code Section 67-6509.

8. Except as specifically set forth in this Agreement, the rules, regulations and official policies governing permitted uses of land, density, design, improvements and construction standards and specifications applicable to the Project and the Property shall be those rules, regulations and official policies in effect as of the date of annexation. Provided, however, that the applicable building codes for structures shall be the codes in effect when a complete

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application for a building permit is file. Development impact fees, if imposed by ordinance, shall be payable as specified in said ordinance even if the effective date is after the date of this agreement or the annexation pursuant thereto.

9. It is intended by the parties that this Agreement shall be recorded on the Effective Date or as soon as practicable thereafter. The parties further intend that the provisions of this Agreement shall run with the Property and shall be binding upon City, Owner/Developer, each subsequent owner of the Property, and each other person or entity acquiring an interest in the Property.

10. If any term or provision of this Agreement, to any extent, shall be held invalid or unenforceable, the remaining terms and provisions herein shall not be effected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

11. This Agreement sets forth all promises, inducements, agreements, conditions and understandings between Owner/Developer and City relative to the subject matter hereof. There are no promises, agreements, conditions or understandings, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by the parties or their successors-in-interests or their assigns, and pursuant, with respect to the City, to a duly adopted ordinance or resolution of the City.

12. Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction.

13. This Agreement may be executed in counterparts, each of which shall constitute an original, all of which together shall constitute one and the same Agreement.

14. In the event Owner/Developer, its successors, assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, or in the event City, fail to faithfully and materially comply with all of the terms and conditions included in this Agreement, enforcement of this Agreement may be sought by either City or Owner/Developer or by any successor or successors in title or interest or by the assigns of the parties hereto, in an action at law or in equity in any court of competent jurisdiction.

a. A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of City or apply to any subsequent breach of any such or other covenants and conditions. A waiver by Owner/Developer of any default by City of any one or more of the covenants and conditions hereof shall apply solely to the breach waived and shall not bar any other rights of remedies of Owner/Developer or apply to any subsequent breach of any such or other covenants and conditions.

b. Notwithstanding anything to the contrary herein, in the event of a material default of this Agreement, the parties agree that City and Owner/Developer shall have thirty (30) days after delivery of notice of such default to correct the same prior to the non-defaulting

33

party's seeking of any remedy provided for herein; provided, however, that in the case of any such default which cannot with diligence be cured within such thirty (30) day period and thereafter shall prosecute the curing of same with diligence and continuity, then the time within which such may be cured shall be extended for such period as may be necessary to complete the curing of the same with diligence and continuity, but in any event not to exceed six (6) months; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by Owner/Developer for the portion of the Property still owned by Owner/Developer.

c. In the event the performance of any obligation to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

d. In addition to the remedies set forth above, in the event of a default by Owner/Developer, or any other party claiming an interest herein, City may withhold building permits for any remaining lots within the development until such time as the default is cured.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this day and year first above written.



CITY OF NAMPA

Tom Dale

Tom Dale, Mayor

Diana Lambing

Attest: Diana Lambing, City Clerk

OWNER/DEVELOPER

Calvin Tabor as member of CI Real Estate

35

EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

220
36

EXHIBIT "A"
HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell

SECTION: 34
T3N, R2W, B.M.

May 3, 2006
Job # 2005-010

DESCRIPTION OF A TRACT OF LAND – Parcel F – Part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 1.377 Acres.
FOR: Dan Turner

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence South 89°59'33" East 40.00 feet along the center line of East Wyoming Avenue Vacated to a set 1/2" iron pin with a plastic cap, the INITIAL POINT of this description.

thence North 00°09'44" West 200.00 feet to a set 1/2" iron pin with a plastic cap on the Easterly right of way of South Fern Street of Vacated Block 135;

thence South 89°59'33" East 299.84 feet to a set 1/2" iron pin on the Westerly right of way of South Elder Street;

thence South 00°09'06" East 200.00 feet along the said Westerly right of way of South Elder Street to a set 1/2" iron pin with a plastic cap on the right of way of said Block 135 extended and the center line of Vacated East Wyoming Avenue;

thence North 89°59'33" West 299.80 feet along the center line of Vacated East Wyoming Avenue to the Initial Point of this description.

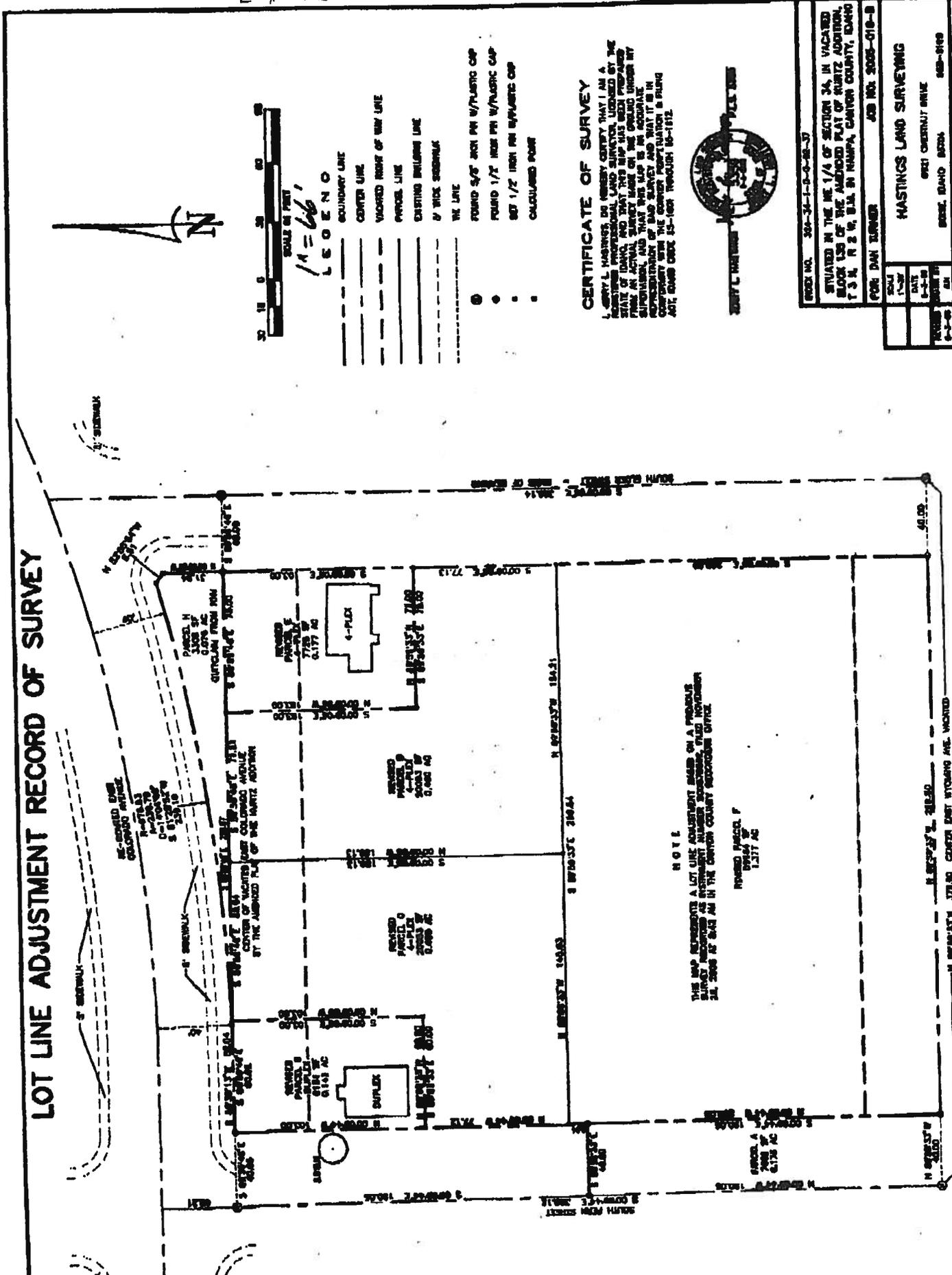
This tract contains 1.377 acres, more or less, and is subject to all other existing rights of way and easements.



37

Exhibit "A"

LOT LINE ADJUSTMENT RECORD OF SURVEY



SCALE IN FEET
1" = 66'

LEGEND

- BOUNDARY LINE
- CENTER LINE
- VACATED RIGHT OF WAY LINE
- PROCEL LINE
- EXISTING BILLBOARD LINE
- 8" WIDE SIDEWALK
- 16" WIDE SIDEWALK
- FOUND 5/8" IRON PIN W/PLASTIC CAP
- FOUND 1/2" IRON PIN W/PLASTIC CAP
- FOUND 1/2" IRON PIN W/PLASTIC CAP
- CALCULATED POINT

CERTIFICATE OF SURVEY

JERRY L. HASTINGS DO HEREBY CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR LICENSED BY THE STATE OF IDAHO AND THAT THIS MAP HAS BEEN PREPARED FROM AN ACTUAL SURVEY MADE ON THE GROUND UNDER MY SUPERVISION, AND THAT THIS MAP IS AN ACCURATE REPRESENTATION OF THE SURVEY AND THAT IT IS IN CONFORMITY WITH THE REQUIREMENTS OF IDAHO STATUTE, TITLE 54, CHAPTER 2, SECTION 202-203 THROUGH 202-207.



BOOK NO.	304-34-1-0-0-0-37
SITUATED IN THE NE 1/4 OF SECTION 34, IN VACATED BLOCK 133 OF THE AMBROSE PLAT OF RURTZ ADDITION, T. 3 N., R. 2 W., S. 14. IN NIAMI, CANYON COUNTY, IDAHO	
FOR: DAN TURNER	JOB NO: 2005-018-B
DATE	1-1-06
BY	JERRY L. HASTINGS
HASTINGS LAND SURVEYING	
6921 OVERHUNT DRIVE	
BOISE, IDAHO 83709	
TEL: 208-333-8100	

NOTE
THIS MAP REPRESENTS A LOT LINE ADJUSTMENT BASED ON A PRODUCE SURVEY MADE AS DESCRIBED NUMBER 2005-018, FILED NOVEMBER 23, 2005 AT 04:42 PM IN THE CANYON COUNTY RECORDING OFFICE.

REAR YARD
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EXHIBIT "B"
CONCEPTUAL PLAN

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EXHIBIT "B"

CONCEPTUAL PLAN

SEE ATTACHED

TABOR APARTMENT COMPLEX



jgt architecture
 1212 12th Avenue South, Nampa, Idaho 83651
 Phone: (208) 463-8888, Fax: (208) 463-8889
 Email: jgt@jgt-architecture.com

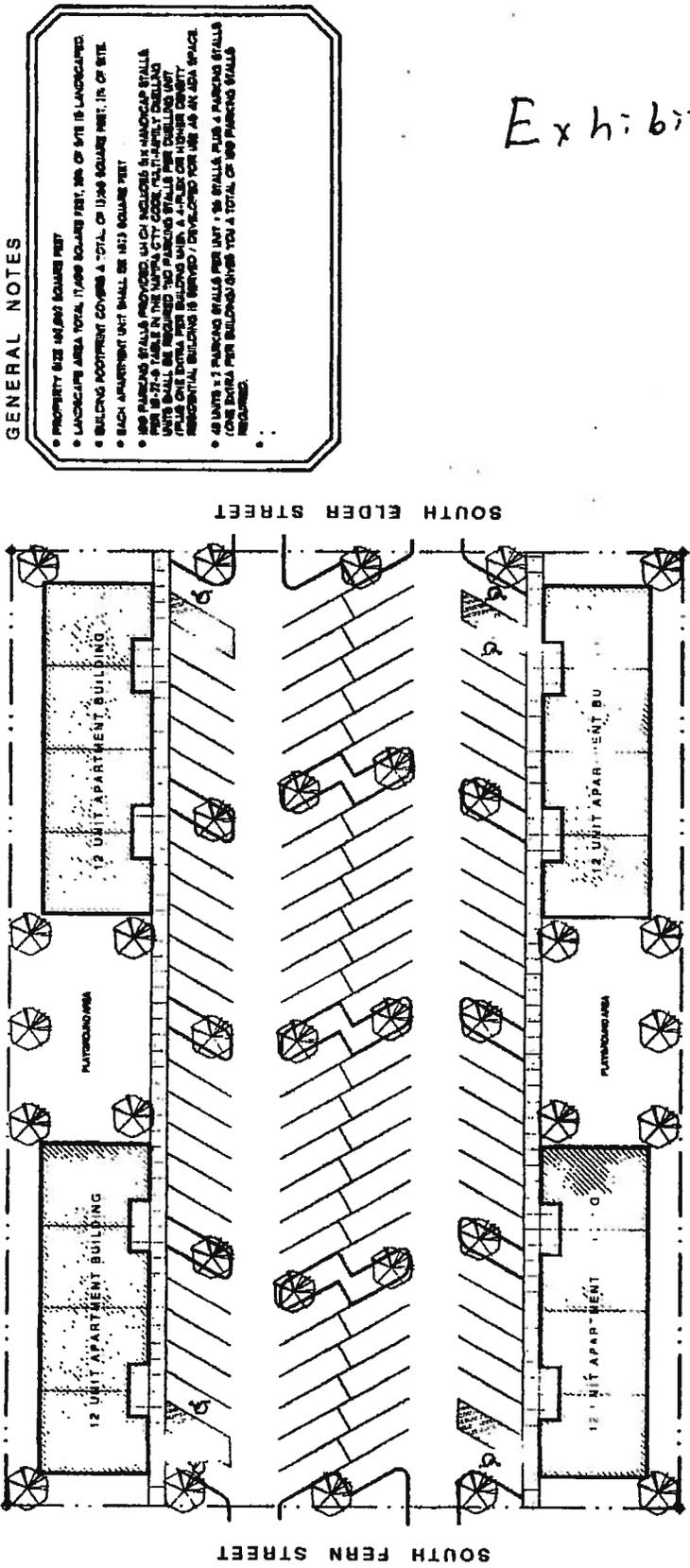
APARTMENT COMPLEX FOR CALVIN TABOR
 NAMPA, IDAHO

OWNER: T&B	SPANER
T&B	CONTROL
207	8111
CONTRACT NO.	
CONTRACT DATE	
CONTRACT VALUE	
CONTRACT ADDRESS	
CONTRACT PHONE	
CONTRACT FAX	
CONTRACT EMAIL	
CONTRACT WEBSITE	

A-1.0
 SHEET NO.
 OF 10

205
 40

Exhibit "B"



GENERAL NOTES

- PROPERTY SIZE 46,960 SQUARE FEET
- LANDSCAPE AREA TOTAL 17,490 SQUARE FEET, 36% OF SITE IS LANDSCAPED
- BUILDING FOOTPRINT COVERS A TOTAL OF 11,946 SQUARE FEET, 25% OF SITE
- EACH APARTMENT UNIT SHALL BE 813 SQUARE FEET
- 100 PARSING STALLS PROVIDED, 50% WHICH INCLUDES 5% HANDICAP STALLS PER 15-21.5 TABLE IN THE NADPA CITY CODE. ALL PARKING DESIGNATED UNITS SHALL BE REQUIRED TO PROVIDE STALLS PER BUILDING UNIT. STALLS SHALL BE PROVIDED WITH A CHAIR OR FOLDING DECK CHAIR. ADDITIONAL STALLS SHALL BE PROVIDED FOR THE 5% HANDICAP SPACE.
- 48 UNITS 1:1 PARSING STALLS PER UNIT, 156 STALLS PLUS 4 PARSING STALLS (ONE EXTRA PER BUILDING) GIVES YOU A TOTAL OF 160 PARSING STALLS REQUIRED.

SITE PLAN
 SCALE 1" = 30'

26
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EXHIBIT "C"

CONDITIONS OF APPROVAL

1. The Owner/Developer agree that they will not oppose the formation of a local improvement district for the construction of any infrastructure associated with the development of the Property.
2. Prior to the third reading of the annexation and zoning ordinance the Owner/Developer shall dedicate any additional right-of-way, as defined by the City Engineer, adjacent the sides of the Property required for the ultimate "build out" of all adjacent public roadways.
3. The residential apartment project and its buildings as proposed by Owner/Developer, on the Property, shall conform to the following minimum bulk, density and design standards in addition to generally conforming to concept design elevations presented to the City Council and incorporated into this Agreement by way of "Exhibit B":
 - a. The residential density of the project shall not exceed 48 units.
 - b. The minimum allowable residential buildable lot size within the development shall be in accordance with RMH zoning standards (6,000 square feet for a single or two-unit structure, and 500 square feet for each additional unit in a building).
 - c. All multi-unit dwelling buildings shall be provided with eaves which project not less than twelve (12) inches beyond the side of the exterior wall.
 - d. The roof pitches for multi-unit dwelling buildings shall be a minimum of 5/12 pitch.
 - e. Roof coverings for multi-unit dwelling buildings shall be of materials generally accepted as the industry standard. If the roof covering is asphalt shingles, shingles shall be "architectural" in style with a minimum warranty of twenty-five (25) years.
 - f. Elevations of dwelling buildings shall coincide with those elevations presented to the City Council, and approved by them, at time of approval of the rezone and this Agreement. Suggest that apartments incorporate varied wall planes or roof forms, and main entries be defined by incorporating architectural elements such as roof gables, dormers, stairways, vestibules, wainscoting, lighting, etc. Apartment buildings might include architectural features such as, but not limited to, roof lines, belly band, pop-outs, cantilevers, material variations, color variations, eve eyebrows constructed with a minimum overhang of 36" across the full width of any garages to break the plane of the upper and lower levels of buildings where garages may be incorporated therein.
 - g. Multi-unit dwelling buildings shall include design features such as recessed windows and entrance doors, pop-outs, or other architectural details around windows, entrance doors, sliding glass doors, and garage doors. Window treatments may also include additional trim, mullions, or shutters.
 - h. No frontal or rear elevation of any multi-unit dwelling building shall have less than five (5) percent of the gross wall area in glazing, excluding garage areas.
 - i. Each dwelling unit shall have access to a small front porch, stoop, balcony, landing or courtyard.
 - j. Multi-unit dwelling buildings constructed as part of "build out" of the project shall not exceed three (3) stories in height.

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Where restrictions in conditions a-1 above are found to be more restrictive than the concept plan design drawings depicted in and as "Exhibit B", these standards shall govern.

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DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "**Agreement**"), is made and entered into this 11th day of May, 2005 (the "**Effective Date**"), by and between the City of Nampa, a municipal corporation, hereinafter referred to as the "**City**," and Dan R. Turner, hereinafter referred to as "**Owner/Developer**."

RECITALS

- A. **Owner/Developer** is the owner of approximately 1.23 acres of real property legally described in **Exhibit "A"** attached hereto and made a part hereof (the "**Property**").
- B. **Owner/Developer** applied to City on Dec. 5th 2005 (the "**date of application**") for rezoning of the Property to RMH, in anticipation of the development and construction of a subdivision (the "**Project**").
- C. City, pursuant to Section 10-2-5, Nampa City Code, and Idaho Code Section 67-6511A, has the authority to rezone the Property and enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area.
- D. City's Planning and Zoning Commission and City's City Council have held public hearings as prescribed by law with respect to the annexation, rezoning and development of the Property and this Agreement. City has approved the requested rezoning of the Property to RMH zoning, subject to the terms and commitments contained in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, which are incorporated below, and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

- 1. This Agreement shall not prevent City, in subsequent actions applicable to the Property, from applying new ordinances and regulations of general application adopted by City in the exercise of its police powers that do not conflict with the parties' commitments applicable to the Property as set forth herein, or the zoning designation approved hereby as the Property has been deemed suitable for the uses allowed within said zoning designation..
- 2. The Project shall be developed in general conformance with the conceptual plan attached hereto as **Exhibit "B"** and made a part hereof (the "**Conceptual Plan**"); provided, however, that Owner/Developer shall have limited flexibility to develop the Property to meet market conditions, and the only specific commitments concerning development of the Project which Owner/Developer is making are set forth herein. Upon recordation of this Agreement, Owner/Developer shall have all approvals required from City for development of the Project in general conformance with the Conceptual Plan.

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3. This Agreement is intended to be supplemental to all other local, city, state and federal Code requirements, rules and regulations, and is established to help assure the compatibility of the resulting land use with the surrounding area. Provided, however, that to the extent this Agreement conflicts with any provision of the Nampa City Code, this Agreement shall prevail to the extent permitted by law.

4. The provisions and stipulations of this Agreement shall be binding on City, Owner/Developer, each subsequent owner of the Property or portion thereof, and each other person acquiring an interest in the Property and are, in no particular order, as set forth in the conditions of approval attached hereto as **Exhibit "C"**, and by this reference incorporated herein.

5. This Agreement may be modified only by the written agreement of Owner/Developer and the City after complying with the notice and hearing procedures required under Idaho Code Section 67-6511A or Nampa City Code Section 10-2-5(D) or successor provisions.

6. The execution of this Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to its prior designation upon failure of Owner/Developer to comply with the terms and conditions of this Agreement. Provided, however, that no such consent shall be deemed to have been given unless City provides written notice of any such failure and Owner/Developer or its successors and/or assigns fails to cure such failure as set forth below.

7. This Agreement and the commitments contained herein shall be terminated, and the zoning designation reversed, upon the failure of Owner/Developer, or each subsequent owner or each person acquiring an interest in the Property, to comply with the commitments contained herein within two (2) years after the Effective Date, and after the notice and hearing requirements of Idaho Code Section 67-6509 have been complied with by City. Provided, however, no such termination or reversal shall occur unless City provides written notice of Owner/Developer's failure to comply with the terms and conditions of this Agreement to Owner/Developer and Owner/Developer fails to cure such failure within six (6) months of Owner/Developer's receipt of such notice. The two (2) year period of time for compliance with commitments may be extended by City for good cause upon application for such extension by Owner/Developer, and after complying with the notice and hearing provisions of Idaho Code Section 67-6509.

8. Except as specifically set forth in this Agreement, the rules, regulations and official policies governing permitted uses of land, density, design, improvements and construction standards and specifications applicable to the Project and the Property shall be those rules, regulations and official policies in effect as of the date of annexation. Provided, however, that the applicable building codes for structures shall be the codes in effect when a complete application for a building permit is file. Development impact fees, if imposed by ordinance, shall be payable as specified in said ordinance even if the effective date is after the date of this agreement or the annexation pursuant thereto.

9. It is intended by the parties that this Agreement shall be recorded on the Effective Date or as soon as practicable thereafter. The parties further intend that the provisions of this Agreement shall run with the Property and shall be binding upon City, Owner/Developer, each subsequent owner of the Property, and each other person or entity acquiring an interest in the Property.

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10. If any term or provision of this Agreement, to any extent, shall be held invalid or unenforceable, the remaining terms and provisions herein shall not be effected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

11. This Agreement sets forth all promises, inducements, agreements, conditions and understandings between Owner/Developer and City relative to the subject matter hereof. There are no promises, agreements, conditions or understandings, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by the parties or their successors-in-interests or their assigns, and pursuant, with respect to the City, to a duly adopted ordinance or resolution of the City.

12. Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction.

13. This Agreement may be executed in counterparts, each of which shall constitute an original, all of which together shall constitute one and the same Agreement.

14. In the event Owner/Developer, its successors, assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, or in the event City, fail to faithfully and materially comply with all of the terms and conditions included in this Agreement, enforcement of this Agreement may be sought by either City or Owner/Developer or by any successor or successors in title or interest or by the assigns of the parties hereto, in an action at law or in equity in any court of competent jurisdiction.

a. A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of City or apply to any subsequent breach of any such or other covenants and conditions. A waiver by Owner/Developer of any default by City of any one or more of the covenants and conditions hereof shall apply solely to the breach waived and shall not bar any other rights of remedies of Owner/Developer or apply to any subsequent breach of any such or other covenants and conditions.

b. Notwithstanding anything to the contrary herein, in the event of a material default of this Agreement, the parties agree that City and Owner/Developer shall have thirty (30) days after delivery of notice of such default to correct the same prior to the non-defaulting party's seeking of any remedy provided for herein; provided, however, that in the case of any such default which cannot with diligence be cured within such thirty (30) day period and thereafter shall prosecute the curing of same with diligence and continuity, then the time within which such may be cured shall be extended for such period as may be necessary to complete the curing of the same with diligence and continuity, but in any event not to exceed six (6) months; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by Owner/Developer for the portion of the Property still owned by Owner/Developer.

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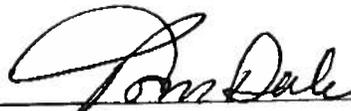
necessary to complete the curing of the same with diligence and continuity, but in any event not to exceed six (6) months; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by Owner/Developer for the portion of the Property still owned by Owner/Developer.

c. In the event the performance of any obligation to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

d. In addition to the remedies set forth above, in the event of a default by Owner/Developer, or any other party claiming an interest herein, City may withhold building permits for any remaining lots within the development until such time as the default is cured.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this day and year first above written.

CITY OF NAMPA



Tom Dale, Mayor



Attest: Diana Lambing, City Clerk

OWNER/DEVELOPER

an _____

By Don R. Turner

owner of said Property

By _____

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EXHIBIT "A"

LEGAL DESCRIPTION OF THE PROPERTY

SEE ATTACHED

124
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**HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell**

SECTION: 34
T3N, R2W, B.M.

May 3, 2006
Job # 2005-010

**DESCRIPTION OF A TRACT OF LAND – Parcel B – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 and part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.142 Acre.
FOR: Dan Turner – Existing Duplex**

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 40.00 feet to a set 1/2" iron pin with a plastic cap on the Easterly right of way of South Fern Street and the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 60.02 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence South 00°09'06" East 103.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 89°59'33" West 60.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'44" West 103.00 feet along the Easterly right of way of South Fern Street to the Initial Point of this description.

This tract contains 0.142 acre, more or less, and is subject to all other existing rights of way and easements.



WJH
51

**HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell**

**SECTION: 34
T3N, R2W, B.M.**

**May 3, 2006
Job # 2005-010**

**DESCRIPTION OF A TRACT OF LAND – Parcel C – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 and part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.460 Acre.
FOR: Dan Turner – West 4-Plex**

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 100.02 feet to a set 1/2" iron pin with a plastic cap on the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 85.64 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence South 00°09'06" East 180.13 feet to a set 1/2" iron pin with a plastic cap;

thence North 89°59'33" West 145.63 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'44" West 77.12 feet to a set 1/2" iron pin with a plastic cap;

thence South 89°59'33" East 60.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'06" West 103.00 feet to the Initial Point of this description.

This tract contains 0.460 acre, more or less, and is to all other existing rights of way and easements.



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**HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell**

**SECTION: 34
T3N, R2W, B.M.**

**May 3, 2006
Job # 2005-010**

**DESCRIPTION OF A TRACT OF LAND – Parcel D – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 and part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.460 Acre.
FOR: Dan Turner – Middle 4-Plex**

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 185.66 feet to a set 1/2" iron pin with a plastic cap on the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 79.21 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence South 00°09'06" East 103.00 feet to a set 1/2" iron pin with a plastic cap;

thence South 89°59'33" East 75.00 feet to a set 1/2" iron pin with a plastic cap;

thence South 00°09'06" East 77.13 feet to a set 1/2" iron pin with a plastic cap;

thence North 89°59'33" West 154.21 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'06" West 180.13 feet to the Initial Point of this description.

This tract contains 0.460 acre, more or less, and is subject to all other existing rights of way and easements.



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**HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell**

**SECTION: 34
T3N, R2W, B.M.**

**May 3, 2006
Job # 2005-010**

**DESCRIPTION OF A TRACT OF LAND – Parcel E – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 and part of Vacated Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.177 Acre.
FOR: Dan Turner – East 4-Plex with existing building**

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 264.87 feet to a set 1/2" iron pin with a plastic cap on the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 75.00 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence along the Westerly right of way of South Elder Street, South 00°09'06" East 103.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 89°59'33" West 75.00 feet to a set 1/2" iron pin with a plastic cap;

thence North 00°09'06" West 103.00 feet to the Initial Point of this description.

This tract contains 0.177 acre, more or less, and is subject to all other existing rights of way and easements.



4/28
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**HASTINGS LAND SURVEYING
5921 CHESTNUT DRIVE
BOISE, IDAHO 83704
208-658-9199, 371-3245 cell**

**SECTION: 34
T3N, R2W, B.M.**

**May 3, 2006
Job # 2005-010**

**DESCRIPTION OF A TRACT OF LAND – Parcel H – Part of Vacated Right of Way for East Colorado Avenue on the North Side of Block 135 of the Amended Plat of Kurtz Addition to Nampa, Idaho, Plat Book 2, Page 37. 0.076 Acre.
FOR: Dan Turner – Quitclaim from Northwest Nazarene University**

A portion of the Northeast 1/4 of Section 34, Township 3 North, Range 2 West of the Boise Meridian in Nampa, Canyon County, Idaho, more particularly described to wit:

Commencing at a set 5/8" iron pin with a plastic cap marking the intersection of South Fern Street and East Wyoming Avenue Vacated;

thence North 00°09'44" West 380.12 feet to a set 5/8" iron pin with a plastic cap on the center line of South Fern Street and the center line of East Colorado Avenue Vacated;

thence South 89°59'46" East 40.00 feet to a set 1/2" iron pin with a plastic cap on the center line of East Colorado Avenue Vacated, the INITIAL POINT of this description.

thence continuing South 89°59'46" East 299.87 feet along the said center line of East Colorado Avenue Vacated to a set 1/2" iron pin with a plastic cap;

thence along the Westerly right of way of South Elder Street, North 00°09'06" West 31.94 feet to a point;

thence North 52°55'54" West 6.51 feet to a point;

thence curving to the right 239.79 feet along the arc of a curve having a radius of 976.53 feet, a central angle of 14°04'09", and a chord bearing South 81°28'52" West 239.19 feet to a point;

thence South 89°35'13" West 58.04 feet to the Initial Point of this description.

This tract contains 0.076 acre, more or less, and is subject to all other existing rights of way and easements.



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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: July 28, 2016
Re: Development Agreement Modification-912 E. Colorado Avenue
Applicant: Dean Robnett
Applicant Address: 3818 E. Newby St. Ste. 101, Nampa, Idaho 83687
Parcel Address: 912 E. Colorado Avenue

DAMO 005-16 for August 9, 2016 Planning & Zoning Meeting

The Engineering Division does not oppose the granting of this Development Agreement Modification request.

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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: August 12, 2016
Revised:
Applicant: Dean and Shannon Robnett
Address: 3818 E. Newby St., Ste. 101, Nampa, Idaho 83687
Parcel Address: 921 E. Colorado Avenue
Re: Reduction in required parking and building height

VAR 011-16 for the September 6, 2016 City Council Meeting

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



Shellie Lopez

From: Neil Jones
Sent: Monday, July 18, 2016 7:24 AM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Modification of Zoning Development Agreement / DAMO 005-16

The 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 1:55 PM
To: Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@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: Modification of Zoning Development Agreement / DAMO 005-16

Good Afternoon!

DAMO 005-16

Dean Robnett representing Scott Thompson, Crane Creek Investments LLC has requested a Modification of Zoning Development Agreement between Dan R Turner and City of Nampa recorded 6/2/2006 as Inst. No. 200642614 amending the recitals, conditions, and conceptual plan to provide for revised multiple family residential site development plan and building design for property located at 921 E. Colorado Avenue (A 1.377 acre portion of Section 34, T3N, R2W, BM, NE 1/4, Kurtz Addition, Tax 03750 in Block 135).

The application is scheduled to go before the Planning and Zoning Commission as a public hearing item on the August 09, 2016 agenda.

Please find attached the DAMO 005-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) prior to July 27, 2016.

Thank you & have a great day!

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Shellie Lopez

From: Neil Jones
Sent: Monday, July 18, 2016 7:32 AM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Variance for the required parking & building setbacks / VAR 011 16

The Building Department will require a 10' setback from property lines and a 20' separation between buildings or we will require Exterior Fire Walls.

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 2:08 PM
To: Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@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 the required parking & building setbacks / VAR 011 16

Good Afternoon!

VAR 011-16

Dean Robnett representing Scott Thompson, Crane Creek Investments LLC has requested a Variance for the required parking and building setbacks for proposed multiple family residential project for property located at 921 E. Colorado Avenue (A 1.377 acre portion of Section 34, T3N, R2W, BM, NE 1/4, Kurtz Addition, Tax 03750 in Block 135).

The Variance is scheduled as a public hearing item on the City Council agenda of September 06, 2016.

Please find attached the VAR 011 -16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) prior to August 24, 2016.

Thank you & have a great day!

2016
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Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, August 01, 2016 9:48 AM
To: Norm Holm
Subject: DAMO05-16

Good Morning Norman,

The Nampa Highway District #1 has no objection to the Modification of Zoning Development Agreement between Dan R. Turner and the City of Nampa recorded 6/2/2006 as Inst. No. 200642614 for Property located at 921 E. Colorado Ave for Shannon Robnett representing Scott Thompson, Crane Creek Investments LLC as it is not within the Highway District's jurisdiction.

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

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

60

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, August 23, 2016 2:07 PM
To: Norm Holm
Subject: DAMO 005-16

Good Afternoon Norman,

The Nampa Highway District #1 has no objection to the Modification of Zoning Development Agreement between Dan R Turner and the City of Nampa as Inst. No. 200642614 amending the recital, conditions, and conceptual plan to provide for revised multiple family residential site development plan and building design for property located at 921 E Colorado Ave for Shannon Robnett representing Scott Thompson, Crane Creek Investments LLC as it is not within our jurisdiction.

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

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

1

b1

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, August 23, 2016 1:53 PM
To: Norm Holm
Subject: Project **Var-00011-2016**

Good Afternoon Norman,

The Nampa Highway District #1 has no objection to the Variance submitted by Devan and Shannon Robnett representing Crane Creek Investments, LLC regarding parking spaces as it is not within the Highway District's jurisdiction.

We also have no objection to the variance regarding setback distances as it is not within the Highway District's jurisdiction.

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

Thank you,

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

- b) Compliance with the requirement(s) listed in the May 27, 2016 e-mail printout from the Nampa Parks Department authored by Cody Swander (including deeding and dedication to the City of specified portions of the Project for (a) pathway(s).
 - 3. 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.
 - 4. 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.
 - 5. Correct plat note number 3 so that it [only] reads: "Minimum building setbacks shall be in accordance with City of Nampa's adopted Zoning and Building Codes Developer/Development shall comply with City of Nampa landscape standards applicable to the subdivision – to include internal street tree planting and periphery landscape corridor landscape requirements.
 - 6. Developer/Development shall comply with all provisions/conditions (e.g. to include berming, fencing, pathway development, RML setback adherence, cattle access, phasing plan(s) irrigation drainage works, etc) specified in the Development Agreement Ordinance 4129 (passed 21 July 2014) and any amendments thereto that are appropriately associated with the build-out of the Project.
- Motion carried.

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

Public Hearing No. 1:

Modification of Zoning Development Agreement between Dan R Turner and City of Nampa recorded 06/02/2006 as Inst. No. 200642614 amending the recitals, conditions, and conceptual plan to provide for revised multiple family residential site development plan and building design for property located at 921 E Colorado Avenue. (A 1.377 acre portion of the NE ¼ Section 34 T3N R2W BM, Kurtz Addition, Tax 07350 in Block 135) for Shannon Robnett representing Scott Thompson, Crane Creek Investments, LLC (DAMO 0005-2016).

Vice Chairman Gunstream proceeded to public hearing:

Shannon Robnett of 3818 E Newby St, Nampa – the applicant:

- Mr Robnett discussed the requested Modifications to the Development Agreement.
- A different building configuration to that attached to the Development Agreement was also being requested.
- According to Mr Robnett, they would be reducing the number of proposed buildings on the subject property to three, with 36 living units, rather than the maximum of 48 living units as indicated in the Development Agreement.
- Mr Robnett added they were also requesting a Variance from City Council on the setbacks for a 3 story building, however, with the slope of the land, the building would actually appear more like a 2 story building than a 3 story building,
- They were also requesting a Variance from City Council for the number of parking spaces.
- Mr Robnett indicated pictures of the subject property showing the difference in elevation.

Assistant Planning Director Hobbs:

- Hobbs noted that Development Agreements were essentially contracts, and were authorized under State law and were set up so that cities and counties could bind the developer to certain conditions of approval beyond and above what they would normally have to comply with at the time of a Rezone or Annexation.
- A Development Agreement had been assigned to the project site in 2006 and in order to change that agreement the applicant was required to apply through a public hearing process and request an amendment.
- Hobbs indicated the Site Plan attached to the Development Agreement in 2006, showing the building configuration.

- The site plan recently submitted by the developer requesting the modification, added Hobbs, indicated 3 buildings.
- The items requiring a Variance, added Hobbs, would be reviewed by the City Council at a public hearing, at the same time as the requested Modification of Development Agreement.
- Hobbs reviewed the Staff Report and recommended conditions of approval.

Vice Chairman Gunstream proceeded to public testimony.

Dave Underwood of 1116 Fern St, Nampa – opposed:

- Mr Underwood stated he lived just down Fern St from the subject property.
- According to Mr Underwood, that small stretch of Fern St between E Colorado Ave and where Fern St dead-ended at the Elijah Drain was the neighbors’ little section of town.
- There were only 26 people that lived on that stretch of Fern St, added Mr Underwood, and all the neighbors know each other.
- Mr Underwood considered with 36 living units/72 bedrooms, there would be at least 100 more people living there.
- According to Mr Underwood, the existing homes were all single family residential and he had not been aware the subject property was zoned for apartments.
- Mr Underwood stated the proposed development would impact the quality of life for the existing residents in the quiet little community.

Denise Sanchez of 1110 Fern St, Nampa – opposed:

- Ms Sanchez advised she was Mr Underwood’s neighbor, and had purchased her home in 1976.
- Ms Sanchez concurred with Mr Underwood’s comments regarding the area being a nice quiet little neighborhood, and a lovely place to live.
- Fern St, added Ms Sanchez did not go through, and dead-ended at the Elijah Drain.
- Additionally, there was water in the Elijah Drain that would be a magnet for children.
- Ms Sanchez considered if the street did go through in the future then the front of their properties would be cut off and they would be right on the street with a steady stream of traffic.
- According to Ms Sanchez, she attended the meeting 10 years ago when the existing Development Agreement was approved, and at that time she understood it would be townhouses or senior living, but the proposed project would be of much greater impact.

Denise Howell of 1102 Fern Street, Nampa – opposed:

- Ms Powell reported she lived on the south side of the property line to where they would be building the apartments.
- Ms Powell questioned what the view would be from her property, would it just be a large building blocking her view.
- According to Ms Powell, she did not like the impact to her property.
- Ms Powell stated she had lived there almost 30 years and the property to the north had been a mobile home park and the best thing that ever happened was for the mobile home park to be removed, as they no longer had the Police or Fire Department going to the subject property almost on a daily basis.
- Ms Powell reiterated she and her neighbors were concerned about the impact of 100 people moving in, and would prefer to see small condos or senior housing.

Doug Peterson of 1009 Fern St, Nampa – opposed:

- Mr Peterson stated his family had lived in the neighborhood since the 1980s.
- According to Mr Peterson, his biggest concern was the family of red tail hawks living in the area and requested that before any construction started the applicant could get in contact with Idaho Fish and Wildlife Service to relocate the hawks.

Shannon Robnett:

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- Mr Robnett explained they would actually be downgrading the number of units. At one point, added Mr Robnett, there were 48 units approved for the site, however, they did not like the configuration, the units were too small, were right up against the property lines, and were not attractive.
- According to Mr Robnett, they had considered the surrounding community.
- Mr Robnett indicated some photos showing the grade difference between Colorado Ave and the subject property. Mr Robnett suggested the proposed buildings would not appear to be 3 story buildings, and would only look like a 2 story buildings.
- Mr Robnett advised there would be only one building adjacent the neighbors to the south and added he did want to be neighbor friendly.
- Mr Robnett considered the proposed building and site plan to be a major improvement over what was approved 10 years ago.
- In response to a question from Keim, Mr Robnett stated they were proposing 36 living units and the project had been approved for 48 in 2006.
- Rodriguez inquired if the applicants had contact with the neighbors prior to today and Mr Robnett stated they had not because it was not a Code requirement.
- Rodriguez agreed the difference in elevation could be even more than 8 ft from Colorado Ave, equal to about one story in height.
- Kehoe inquired if there would be any fencing along the south end of the subject property and Mr Robnett replied there was currently a fence on the south side of the property and it would be appropriate to repair/replace/to put the fence as new. The north property line would also be fenced, added Mr Robnett.
- Myers inquired if there were any plans for a playground area and Mr Robnett replied there were not because they did not anticipate a lot of kids because of the proximity to the college, and the majority of the units would be two bedroom or single bedroom.

Miller motioned and Myers seconded to close public hearing. Motion carried.

- Kehoe considered the proposed building and site plan appeared to be a vast improvement over the original plan 10 years ago – with fewer living units, and it that would be aesthetically nicer looking.

Kropp motioned and Kehoe seconded to recommend to City Council Modification of the Zoning Development Agreement recorded 06/02/2006 as Inst. No. 200642614 for revised multiple family residential site development plan and building design for 921 E Colorado Avenue, for Shannon Robnett, representing Scott Thompson, Crane Creek Investments, LLC, subject to:

1. **The Applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement with the City of Nampa. The Agreement(s) shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request for the Property's entitlement(s) to be revised to allow for [continued] multiple-family residential use in an RMH Zone, but with a new development plan by a different developer.**

Motion carried.

Planning and Zoning Commissioner Keim left the meeting.

Public Hearing No. 2:

Annexation and Zoning to BC (Community Business) for 3 acres, to IL (Light Industrial) for 7.79 acres, and to RS-18 (Single Family Residential – 18,000 sq ft), for 1.95 acres at 1122, 1214, and 1216 Southside Boulevard, and 0 Wilson Lane. (A total of 9 parcels being a 13.36 acre portion of the NW ¼ of Section 16 T3N R2W BM), for Mason & Stanfield, Inc, representing William T Cushing (ANN 2201-16).

Vice Chairman Gunstream proceeded to public hearing.

Craig Foster of 24040 Camino Del Avion, No. A242, Monarch Beach, Ca – representing the applicant:

- Mr Foster stated he was working with Scott Stanfield of Mason-Stanfield, representing the applicants.
- The subject property, stated Mr Foster, had been owned by the Cushing family for over a decade.



PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council
Meeting of 06 SEPTEMBER 2016

ITEM NO. 33, PUBLIC HEARINGS STAFF REPORT

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

Glen Rimbey as Applicant (and other applicants' representative)

File(s): DAMO 004-2016 & ZMA 017-2016

Analyst: Robert Hobbs

Requested/Needful Action Approval(s)/Recommendation(s):

1. Modification of an Annexation/Zoning Development Agreement

(Decision Required: *Decision*)

Between Northwest Development Company, LLC and City of Nampa recorded 9/12/2005 as Inst. No. 200561243 -- amending as necessary the "Recitals" and "Agreement" sections in conjunction with a rezone from RMH to RS 6; and,

2. Rezone from RMH (Limited Multiple-Family Residential) to RS 6 (Single Family Residential – 6,000 sq. ft.)...

(Decision Required: *Decision*)

Property Area and Location(s):

For Lots 11-14, Block 2, Yellow Fern Subdivision, according to the plat thereof 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 – hereinafter the "Property")

History/Commentary:

Yellow Fern Subdivision was approved for development in 2005. As the original developer wanted flexibility to devote the eastern most four lots of the project to either office development or single-family residential home build-out (in the event they could not attract office buildings to that area), the overall subdivision was overlaid with RMH zoning. The RMH Zone also allows multiple family structures within its confines, subject to density control. The original

Development Agreement associated with, and recorded against, Yellow Fern reflects in its contents the subdivision's entitlement, but bars any multiple-family development in the subdivision.

Subsequent to the Applicant and their neighbors' eventual construction of their private residences in the four eastern most lots in Yellow Fern, the City established irrigation rates keyed in part to the land use zone within which a home lies. Given that the irrigation rate for a RMH zoned property is higher in assessment than a standard single-family residential zone (within which most houses in Nampa are located), and, that said rate is not easily changed, the most expedient manner to alter the irrigation assessment charged to the Applicant and their neighbors is to rezone the Property and thereby facilitate them being able to enjoy a different, lesser irrigation rate. As part of rezoning, it is needful in this case to amend parts of the original Development Agreement contract recorded against the Yellow Fern Subdivision for the benefit of the Applicant(s), City and any successors to the Applicant(s).

The Planning and Zoning Commission, during their regularly scheduled public hearing of July 12, 2016, voted to recommend approval of the application package addressed by this report. There was but one suggested condition associated with their recommendation which has in turn been reiterated in this report (see attached hearing minutes).

DEVELOPMENT AGREEMENT MODIFICATION

Criteria to guide the Council regarding approving a proposed Development Agreement Modification, and to subsequently make a determination/decision whether to allow a Development Agreement Modification, are absent from state statute or City ordinance. Thus, approving -- or not -- this application becomes a purely subjective matter/decision on the part of the City in reaction to this DA contract modification application.

Hereafter attached is a copy of Ordinance 3489 (Instrument No. 200561243) which has, as a part thereof, the Development Agreement referenced by this report. The sections of the Agreement proposed for modification are, expectedly in this instance, language in the RECITALS and AGREEMENT Sections.

As the process of rezoning and Development Agreement modification is a two-step endeavor, Staff will prepare a Development Agreement Modification document for Council's review prior to the 3rd reading of the ordinance that will/would enact the Development Agreement Modification.

Public/Agency/City Department Comments:

Any correspondence from agencies or the citizenry regarding this application package [received by noon March 16, 2016] is hereafter attached. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

- a. City Engineering has no objection(s) to the requested entitlements (see attached comments – 1 page email printout dated June 30, 2016); and,
- b. The Nampa Highway District has no objection(s) to the requested entitlements (see attached comments – 1 page email printouts dated June 28, 2016 and Aug. 23, 2016); and,

- c. The Nampa Building Department has no objection(s) to the requested entitlements (see attached comments – 1 page email printout dated June 27, 2016)...

Note:

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

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 3.026 ACRES OF LAND REQUESTED TO BE REZONED):

Zoning: Regarding Applicant's Proposed/Desired Rezone Request, Staff finds:

1. Surrounding Zoning:

That City RS 6 PUD zoning is overlaid on land to the east (Greens at Ridgecrest), that RS 22 zoning is postured north of the Property, County land to the west and northwest, RMH and RS 6 to the west (see attached Vicinity Maps); and,

2. Immediately Surrounding Land Uses:

On the west: rural and suburban density single-family residential, to the north, residential, to the east residential (in PUD form), to the south a golf course, to the southwest single-family residential; and,

3. Reasonable:

That it may be variously argued that consideration for rezoning the Property is reasonable given that: a) the City has received an [acceptable] application to amend its official zoning map by the Property owner; and, b) rezoning is a legally recognized legislative act long sanctioned under American administrative law; and, c) within the City of Nampa, rezoning is a long standing (and code sanctioned) practice; and, d) the Property is eligible by law for rezoning; and, e) that the Property adjoins residential uses on its sides; and, f) City utility services are available to the Property; and, g) emergency services are available to the Property; and, h) the rezone request is supported by the City's adopted Comprehensive/Master Plan setting of "Medium Density Residential" that lies adjacent to, and is "stretchable" over the Property; and, i) that the Property contains four (4) houses on four lots (one per lot), each of which would be [considered] a conforming use in the proposed RS 6 Zone; and,

4. Public Interest:

That Nampa has determined that it is in the public interest to provide residential development and living opportunities. Expressions of that policy are made in Nampa's adopted Comprehensive/Master Plan as well as embodied in its decisions to date regarding similar applications. Single-family residential land use types are allowed by

right within the RS 6 Zone. The Property contains existing single-family residences and no change is contemplated to that situation. It is in the interest of the Applicant(s) to have their land rezoned. No adverse affects or impacts are perceived to contravene public interest by virtue of rezoning the Property; and,

5. Promotion of Zoning Purpose(s):

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 zoning regulations, therefore, are development standards governing allowable land uses, building architecture, building setbacks, building heights, provision of parking and service drives, property landscaping, signage controls, street lighting regulations, etc. We find that the Property contains housing that in its construction followed relevant zoning and building codes etc. and [as a pre-existing single-family use and patterned arrangement] will be an apt fit with single-family zoning; and,

6. Comprehensive Plan:

The currently adopted Comprehensive Plan Future Land Use Map designates the Property as being within a "High Density Residential" setting which provides support to a number of residential zones that provide build-out opportunities ranging from single-family detached or attached residences to multiple-family structures like apartments. Said setting may support a single-family zone, but is more suited to facilitating high density housing. Notwithstanding, as afore-noted, an area of "Medium Density Residential" lies across 11th Avenue North from the Property. And, that setting (MDR) certainly may be applied of the Property, plus it harmonizes with single-family detached housing products; and,

7. Services:

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

In summary, the Property may be zoned RS 6, but nothing will ultimately force the Council amend the zoning classification of the Property as/when 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, RS 6 zoning is perceived by Staff to certainly be an "entertainable" zone...

Public/Agency/City Department Comments:

Any correspondence from agencies or the citizenry regarding this application package [received by noon July 06, 2016] is hereafter attached to this report.

Note: Any relevant, recommended department/agency requirement(s) are customarily imbedded into the recommended Conditions of Approval made a part of this report...

RECOMMENDED CONDITION(S) OF APPROVAL

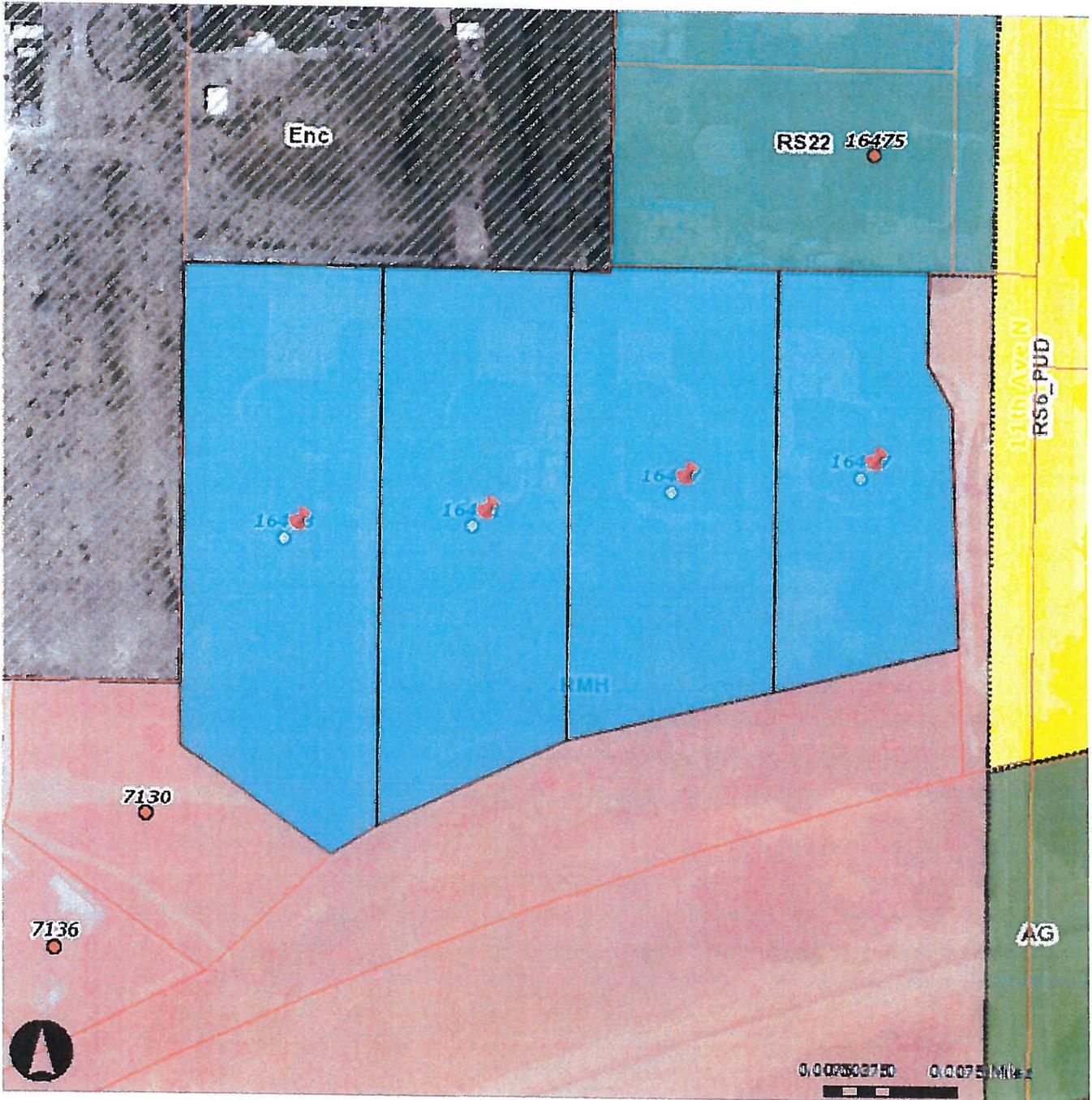
Should the Council vote to approve the requested Development Agreement Modification(s) and Rezone as desired by the Applicant(s), then Staff would recommend that the Council consider imposing the following Condition(s) of Approval against the requests/Applicant(s):

1. That the Applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement with the City of Nampa. The Agreement(s) shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request for the Property to be re-identified for [continued] single-family residential use in a RS 6 Zone versus its original RMH entitlement(s). ...

ATTACHMENTS

- Vicinity Maps
(pages/Exhibits 6-7)
- Copy of Comprehensive Plan Future Land Use Map
(page/Exhibit 8)
- Copy of Rezone & Development Agreement Amendment Modification Application form
(page/Exhibit 9)
- Copy of page listing applicants party to request package
(page/Exhibit 10)
- Copy of 2005 Development Agreement (Ord. 3489) bearing on Property
(pages/Exhibits 11-22)
- Copies of [responding] agency/department correspondence
(pages/Exhibits 23-27)
- Copy of July 12, 2016 P&Z Commission hearing minutes
(pages/Exhibits 28-29)

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APPLICATION FOR AMENDMENT OF ZONING OR ~~TRICE~~ OR MAP

City of Nampa, Idaho

AND DEVELOPMENT AGREEMENT

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This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$406.00 (for 1 acre or less), and \$811.00 (for more than 1 acre) for a map amendment; or \$243.00 for a text amendment.

Name of Applicant/Representative: Glen Rimbey Phone: 899-4433
Address: 16437 1 1/2 Ave N. City: Nampa State: ID Zip Code: 83687
Applicant's interest in property: (circle one) Own Rent Other
Owner Name: See Exhibit A attached. Phone:
Address: City: State: Zip Code:
Address of subject property: See Attachment

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 Yellow Fern Lot 11-14 Block 2 Book 42 Page 29

Project Description

State the zoning desired for the subject property: RS-6

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.

This change in zoning is being done since the current use is not reflective of the current zoning. This request is being done for the current owner's & was requested by City Staff.

Dated this 17th day of June, 2016

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: 162 - 20

Project Name: Rezone BMH to RS-6

ZMA-017-2016 / DAMO 004-16

Exhibit A

Owners Names

Arthur L and Bertha A Salo
16427 11th Ave N
Nampa, ID 83687

Legal Description:
Lot 14, Block 2, Yellow Fern Subdivision, according to the plat thereof, filed in Book
42 of the Plats of page(s) 29, records of Canyon County Idaho

Glen A and Barbara L Rimbey
16437 11th Ave N
Nampa, ID 83687

Legal Description:
Lot 13, Block 2, Yellow Fern Subdivision, according to the plat thereof, filed in Book
42 of the Plats of page(s) 29, records of Canyon County Idaho

Henry and Linda Schwass Family Trust
16451 11th Ave N
Nampa, ID 83687

Legal Description:
Lot 12, Block 2, Yellow Fern Subdivision, according to the plat thereof, filed in Book
42 of the Plats of page(s) 29, records of Canyon County Idaho

Lannie T and Debra R Frost
16463 11th Ave N
Nampa, ID 83687

Legal Description:
Lot 11, Block 2, Yellow Fern Subdivision, according to the plat thereof, filed in Book
42 of the Plats of page(s) 29, records of Canyon County Idaho

1/2 R
ROBERT

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DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement"), is made and entered into this 8th day of September, 2005 (the "Effective Date"), by and between the City of Nampa, a municipal corporation, hereinafter referred to as the "City," and Northwest Development Company, L.L.C., an Idaho limited liability, hereinafter referred to as "Northwest Development."

RECITALS

A. Northwest Development is the owner of approximately eight and six-tenths (8.6) acres of real estate legally described in Exhibit A attached hereto and made a part hereof (the "Property").

B. Northwest Development applied to City on December 9, 2004 (the "date of application") for annexation of the Property into City and for rezoning of the Property to City zone RMH Multiple Family Residential in anticipation of the development and construction of a subdivision (the "Project").

C. City, pursuant to Section 10-2-5, Nampa City Code, and Idaho Code Section 67-6511A, has the authority to rezone the Property and enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area.

D. City's Planning and Zoning Commission and City's City Council have held public hearings as prescribed by law with respect to the annexation, rezoning and development of the Property and this Agreement. City has approved the annexation and requested rezoning of the Property to RMH Multi-Family Residential subject to the terms and commitments contained in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, which are incorporated below, and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. As provided further in Section 9 hereof, this Agreement shall not prevent City, in subsequent actions applicable to the Property, from applying new ordinances and regulations of general application adopted by City in the exercise of its police powers that do not conflict with Northwest Development's property rights, the parties' commitments applicable to the Property as set forth herein, or the RMH Multiple Family Residential zone approved hereby as the Property has been deemed suitable for single-family residential and professional office development.

2. The Project shall be developed in general conformance with the conceptual plan attached hereto as Exhibit B and made a part hereof (the "Conceptual Plan"); provided, however, that Northwest Development shall have limited flexibility to develop the Property to meet market conditions, and the only specific commitments concerning development of the Project which Northwest Development is making are set forth herein. Upon recordation of this Agreement, Northwest Development shall have all approvals required from City for development of the Project in general conformance with the Conceptual Plan.

3. This Agreement is intended to be supplemental to all other local, city, state and federal Code requirements, rules and regulations, and is established to help assure the compatibility of the resulting land use with the surrounding area. Provided, however, that to the extent this Agreement conflicts with any provision of the Nampa City Code, this Agreement shall prevail to the extent permitted by law.

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4. The provisions and stipulations of this Agreement shall be binding on City, Northwest Development, each subsequent owner of the Property or portion thereof, and each other person acquiring an interest in the Property and are, in no particular order, as follows:

- a. No more than four (4) lots shall be platted east of the Overhead Powerline Easement on the Property. The Overhead Powerline Easement is depicted on the Conceptual Plan;
- b. That only Single-Family Dwellings or Professional Office uses shall be permitted on the lots platted east of the Overhead Powerline Easement. The terms "Single-Family Dwelling" and "Professional Office" are used herein as defined in the Nampa Comprehensive Zoning Ordinance;
- c. That Northwest Development agrees not to submit a preliminary plat application to City until City's City Council adopts a resolution stating the City Council's intention to create the Birch and Purdam local improvement district for sewer improvements; and,
- d. That no Duplex Dwelling, Triplex Dwelling or Multiple-Family Dwellings shall be constructed or allowed on the Property. The terms "Duplex Dwelling", "Triplex Dwelling" and "Multiple-Family Dwelling" are used herein as defined in the Nampa Comprehensive Zoning Ordinance.
- e. That only detached, single-family houses in design, materials quality and facia appearance equal to or exceeding in value and aesthetics that found in and on houses within the abutting subdivision Sunset Oaks shall be permitted and built on those lots platted on the west side of the project, west of the Overhead Powerline Easement.
- f. Participation in the City's Birch and Purdam local improvement district for sewer improvements as set forth in Idaho Code Section 50-1701 et seq.

5. Northwest Development and subsequent persons or parties having ownership of the Property shall also abide by those other conditions of approval, if any, approved and adopted by the Nampa City Council for the Property.

6. This Agreement may be modified only by the written agreement of Northwest Development and the City after complying with the notice and hearing procedures required under Idaho Code Section 67-6511A or Nampa City Code Section 10-2-5(D) or successor provisions.

7. The execution of this Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to its prior designation upon failure of Northwest Development to comply with the terms and conditions of this Agreement. Provided, however, that no such consent shall be deemed to have been given unless City provides written notice of any such failure and Northwest Development or its successors and/or assigns fails to cure such failure within six (6) months of receipt of such notice.

8. This Agreement and the commitments contained herein shall be terminated, and the zoning designation reversed, upon the failure of Northwest Development, or each subsequent owner or each person acquiring an interest in the Property, to comply with the commitments contained herein within two (2) years after the Effective Date, and after the notice and hearing requirements of Idaho Code Section 67-6509 have been complied with by City. Provided, however, no such termination or reversal shall occur unless City provides written notice of Northwest Development's failure to comply with the terms and conditions of this Agreement to Northwest Development and Northwest Development fails to cure such failure within six (6) months of Northwest Development's receipt of such notice. The two (2) year period of time for compliance with commitments may be extended by City for good cause upon application for such extension by Northwest Development, and after complying with the notice and hearing provisions of Idaho Code Section 67-6509.

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9. Except as specifically set forth in this Agreement, the rules, regulations and official policies governing permitted uses of land, density, design, improvements and construction standards and specifications applicable to the Project and the Property shall be those rules, regulations and official policies in effect as of the date of annexation. Provided, however, that the applicable building codes for structures shall be the codes in effect when a complete application for a building permit is filed. Development impact fees, if imposed by ordinance, shall be payable as specified in said ordinance even if the effective date is after the date of this agreement or the annexation pursuant thereto.

10. It is intended by the parties that this Agreement shall be recorded on the Effective Date or as soon as practicable thereafter. The parties further intend that the provisions of this Agreement shall run with the Property and shall be binding upon City, Northwest Development, each subsequent owner of the Property, and each other person or entity acquiring an interest in the Property.

11. If any term or provision of this Agreement, to any extent, shall be held invalid or unenforceable, the remaining terms and provisions herein shall not be effected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

12. This Agreement sets forth all promises, inducements, agreements, conditions and understandings between Northwest Development and City relative to the subject matter hereof. There are no promises, agreements, conditions or understandings, either oral or written, express or implied, between Northwest Development and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by the parties or their successors-in-interests or their assigns, and pursuant, with respect to the City, to a duly adopted ordinance or resolution of the City.

13. Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction.

14. This Agreement may be executed in counterparts, each of which shall constitute an original, all of which together shall constitute one and the same Agreement.

15. In the event Northwest Development, its successors, assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, or in the event City, fail to faithfully and materially comply with all of the terms and conditions included in this Agreement, enforcement of this Agreement may be sought by either City or Northwest Development or by any successor or successors in title or interest or by the assigns of the parties hereto, in an action at law or in equity in any court of competent jurisdiction.

A waiver by City of any default by Northwest Development of any one or more of the covenants or conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of City or apply to any subsequent breach of any such or other covenants and conditions. A waiver by Northwest Development of any default by City of any one or more of the covenants and conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of Northwest Development or apply to any subsequent breach of any such or other covenants and conditions.

Notwithstanding anything to the contrary herein, in the event of a material default of this Agreement, the parties agree that City and Northwest Development shall have thirty (30) days after delivery of notice of such default to correct the same prior to the non-defaulting party's seeking of any remedy provided for herein; provided, however, that in the case of any such default which cannot with diligence be cured within such thirty (30) day period and thereafter shall prosecute the curing of same with diligence and continuity, then the time within which such may be cured shall be extended for such period as may be necessary to complete the curing of the same with diligence and continuity; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by Northwest Development for the portion of the Property still owned by Northwest Development.

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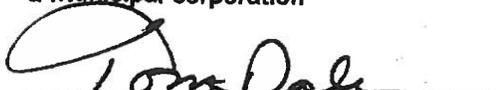
In the event the performance of any obligation to be performed hereunder by either Northwest Development or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

In addition to the remedies set forth above, in the event of a default by Northwest Development, or any other party claiming an interest herein, City may withhold building permits for any remaining lots within the development until such time as the default is cured.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this day and year first above written.

CITY:

City of Nampa,
a municipal corporation

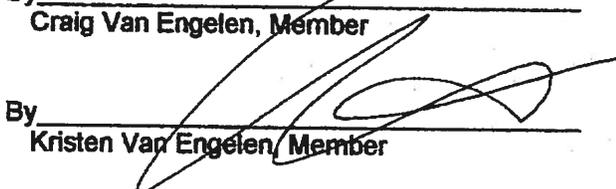

Tom Dale, Mayor


Attest: Diana Lambing, City Clerk

NORTHWEST DEVELOPMENT:

NORTHWEST DEVELOPMENT COMPANY, L.L.C.,
an Idaho limited liability company


By _____
Craig Van Engelen, Member

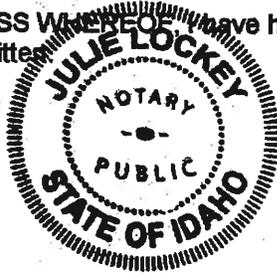

By _____
Kristen Van Engelen, Member

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STATE OF IDAHO)
) ss
County of Canyon)

On this 12 day of Sept, in the year of 2005, before me Julie Lockey, personally appeared Tom Dale, known or identified to me, to be the Mayor of the City of Nampa, whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same, and was so authorized to do so for and on behalf of said City of Nampa.

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

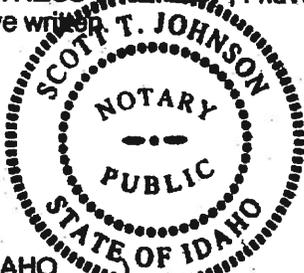


Julie Lockey
Notary Public for Idaho
Residing at Nampa, Idaho
My Commission expires: 5/11/2011

STATE OF IDAHO)
) ss
County of Canyon)

On this 8th day of September, in the year of 2005, before me Scott T. Johnson, personally appeared Craig Van Engelen, known or identified to me, to be a Member of Northwest Development Company, L.L.C., the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same for and on behalf of Northwest Development Company, L.L.C.

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

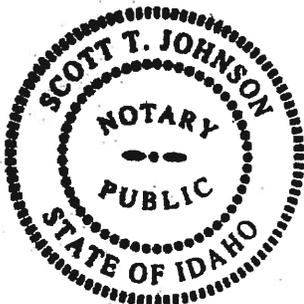


Scott T. Johnson
Notary Public for Idaho
Residing at Star, Idaho
My Commission expires: 7/14/2011

STATE OF IDAHO)
) ss
County of Canyon)

On this 8th day of September, in the year of 2005, before me Scott T. Johnson, personally appeared Kristen Van Engelen, known or identified to me, to be a Member of Northwest Development Company, L.L.C., the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same for and on behalf of Northwest Development Company, L.L.C.

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



Scott T. Johnson
Notary Public for Idaho
Residing at Star, Idaho
My Commission expires: 7/14/2011

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EXHIBIT A

LEGAL DESCRIPTION OF THE PROPERTY

A parcel of land located in the NE1/4 of the NW1/4 of Section 7, T.3N., R.1W., B.M., Canyon County, Idaho more particularly described as follows:

BEGINNING at a brass cap monument marking the N1/4 corner of said Section 7 from which a 5/8" iron pin marking the NW corner of said Section 7 bears North 89°21'37" West, 2524.42 feet;

thence along the North-South centerline of said Section 7 South 00°19'38" West, 1328.59 feet to the CN1/16 corner of said Section 7;

thence along the South boundary line of the NE1/4 of the NW1/4 North 89°19'00" West, 249.37 feet to point on the centerline of the Phyllis Canal;

thence along the centerline of the Phyllis Canal North 07°20'07" East, 13.19 feet to a point on the centerline of the Purdam Gulch Drain;

thence along the centerline of the Purdam Gulch Drain the following 3 courses:

North 65°19'39" West, 102.99 feet;

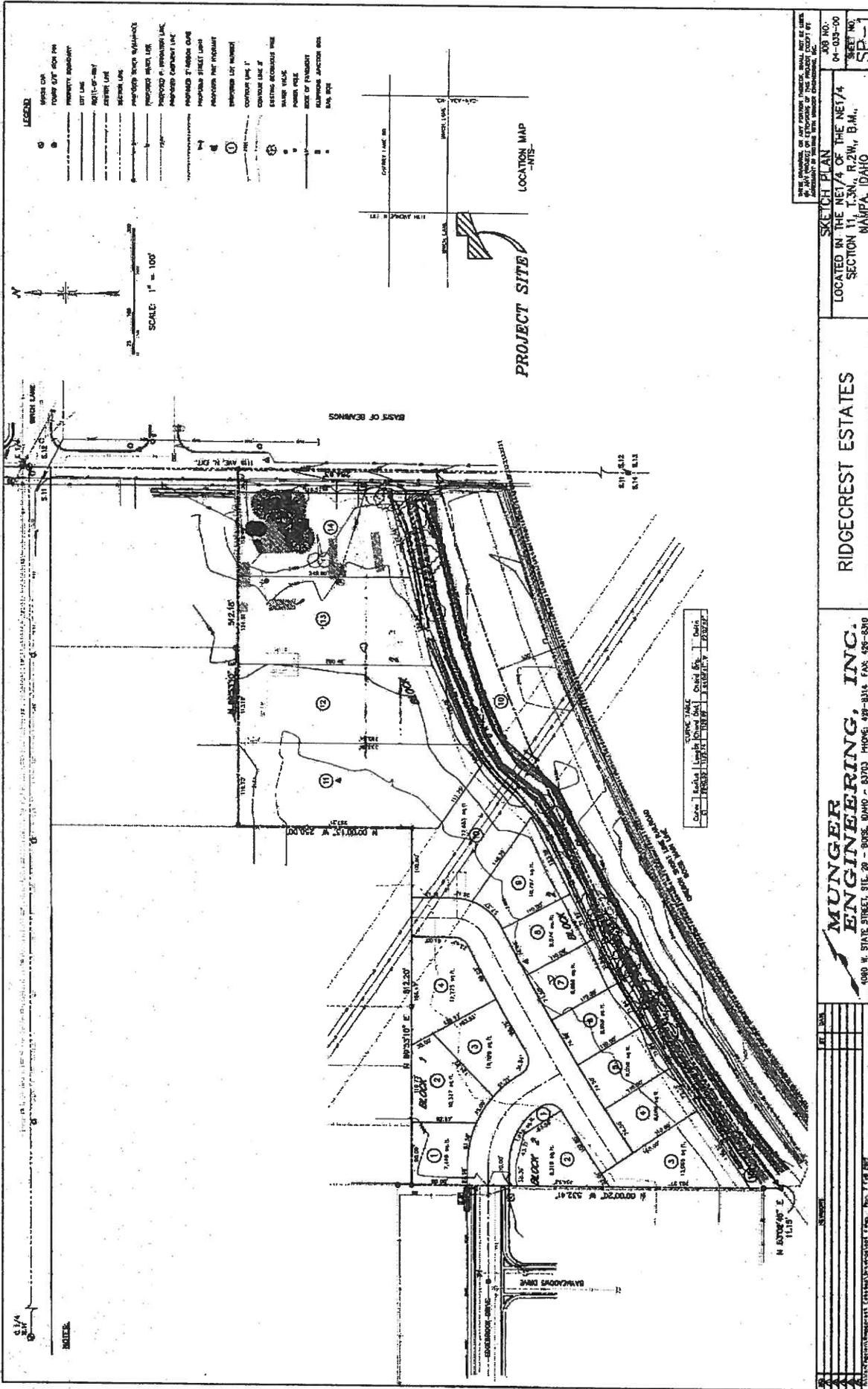
thence North 59°33'02" West, 1066.68 feet;

thence North 59°33'02" West, 58.13 feet to a point on the West boundary line of the NE1/4 of the NW1/4 of said Section 7;

thence along said West boundary line North 00°28'10" East, 714.17 feet the NW corner of the NE1/4 of the NW1/4 of Section 7;

thence along said North boundary line of said Section 7 South 89°21'37" East, 1312.75 feet to the **POINT OF BEGINNING**, containing 32.53 acres, more or less.

EXHIBIT B CONCEPTUAL PLAN



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ORDINANCE NO. 3489

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO ANNEXING REAL PROPERTY LOCATED AT 16439 - 11th AVENUE NORTH IN THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ZONING THE SAME RMH SUBJECT TO THE TERMS OF THAT CERTAIN DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE APPLICANT AND THE CITY OF NAMPA, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY.

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

Section 1: That the following described real property located at 16439 - 11th Avenue North, and all thereof, be, and the same is hereby, annexed and made a part of the City of Nampa, Idaho. That the real property hereby annexed is described as follows, to-wit:

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

Section 2: That the real property so annexed, as described in Exhibit "A" above, shall be zoned RMH.

Section 3: That this annexation and zone ordinance is subject to and limited by that certain Development Agreement entered into between the parties, a copy of which is attached hereto as Exhibit "B" and incorporated herein by this reference.

Section 4: That the City Engineer is hereby directed to alter and change the Use and Area Map of the City of Nampa, Idaho, to comply with this Ordinance.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 12th DAY OF September, 2005.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 12th DAY OF September, 2005.

Approved:

By [Signature] Mayor

Attest:

By [Signature] City Clerk



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State of Idaho)

Canyon County)

On this 12 day of September, 2005, before me, the undersigned, a Notary Public in and for said State, personally appeared Tom Dale and Diana Lambing known to me to be the Mayor and City Clerk, of the City of Nampa, Idaho, a municipal corporation, who executed the foregoing instrument.

In Witness Thereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

Julie Lockey
Julie Lockey
Residing at: Nampa, Canyon County, Idaho
My Commission Expires: 05/11/2011





IDAHO
SURVEY
GROUP

1450 East Watertower St.
Suite 150
Meridian, Idaho 83642

Phone (208) 846-8570
Fax (208) 884-5399

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Project No. 04-117

June 3, 2004
Revised July 12, 2004

EXHIBIT "A"
DESCRIPTION FOR
BOND-FULLER PROPERTY
NAMPA, IDAHO

A parcel of land located in the NE1/4 of the SE1/4 of Section 11, T.3N., R.2W., B.M., Canyon County, Idaho more particularly described as follows:

COMMENCING at a brass cap monument marking the E1/4 corner of said Section 11 from which a brass cap monument marking the C1/4 corner of said Section 11 bears South 89°53'10" West, 2670.49 feet;

thence along the North-South centerline of said Section 11 South 00°00'13" East, 300.00 feet to the **REAL POINT OF BEGINNING**;

thence continuing along said North-South centerline South 00°00'13" East, 284.93 feet to a point on the northerly boundary line of the Oregon Short Line Railroad, said point being on a curve to the left;

thence along said northerly boundary line and along said curve 1135.74 feet, said curve having a radius of 2940.35 feet, a central angle of 22°07'52" and a long chord of 1128.69 feet which bears South 64°06'41" West to the point of tangency;

thence continuing along said northerly boundary line South 53°02'45" West, 11.15 feet to the southeast corner of Sunset Oaks No. 1 Subdivision, Phase 5 as filed in Book 24 of Plats at Page 16, records of Canyon County, Idaho;

thence leaving said northerly boundary line and along the East boundary line of said Sunset Oaks No. 1 Subdivision, Phase 5 and the East boundary line of Sunset Oaks No. 1 Subdivision, Phase 6 as filed in Book 24 at page 38, records of Canyon County, Idaho North 00°00'20" West, 532.41 feet;

thence leaving said East boundary line North 89°53'10" East, 512.20 feet;

thence North 00°00'13" West, 250.00 feet;

thence North 89°53'10" East, 512.18 feet to the **REAL POINT OF BEGINNING** containing 8.64 acres, more or less.

Prepared by:
Idaho Survey Group, P.C.

Gregory G. Carter, P.L.S.



EXHIBIT "A-1"

LEGAL DESCRIPTION FOR ANNEXATION
OF A PORTION OF RIGHT-OF-WAY
OF THE OREGON SHORT LINE RAILROAD

A parcel of land located in the NE ¼ of the SE ¼ of Section 11, T.3N., R.2W., B.M., Canyon County, Idaho and more particularly described as follows:

COMMENCING at a brass cap monument marking the E ¼ corner of said Section 11; thence along the easterly boundary of said Section 11 South 00°00'13" East, a distance of 584.93 feet to a point on the northerly right-of-way line of the Oregon Short Line Railroad, said point being the POINT OF BEGINNING;

Thence continuing along the easterly boundary of said Section 11, South 00°00'13" East a distance of 207.41 feet to a point on the southerly right-of-way line of said railroad, said point being on a non-tangent curve to the right;

Thence along said southerly right-of-way and along said curve a distance of 1005.43 feet, said curve having a radius of 2740.35 feet, a central angle of 21°01'18" and a long chord of 999.80 feet which bears South 63°33'24" West, to the point of tangency;

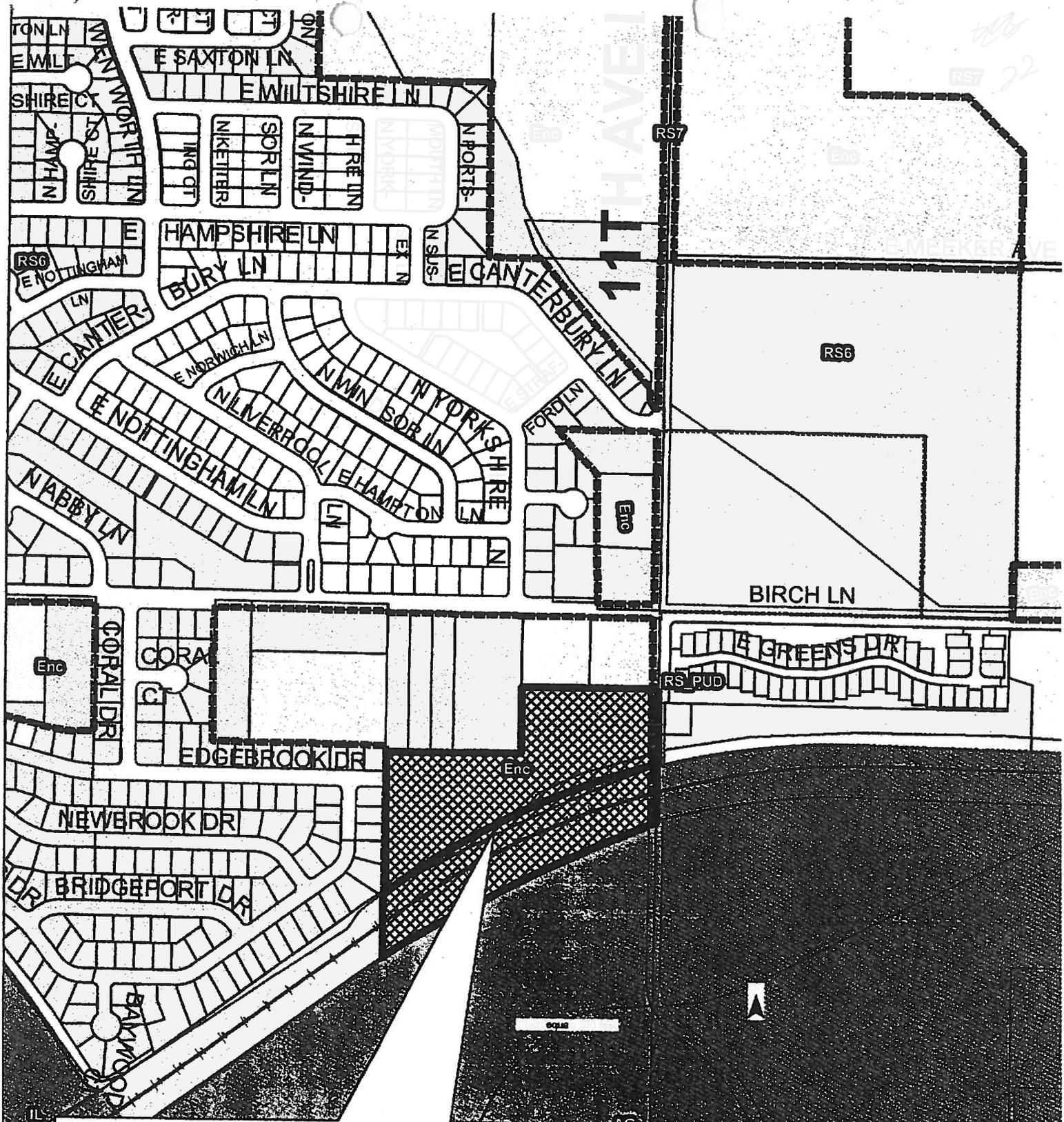
Thence continuing along said southerly right-of-way South 53°02'45" West, a distance of 161.58 feet to a point;

Thence leaving said southerly right-of-way North 00°00'20" West, a distance of 250.26 feet to a point on the northerly right-of-way of said railroad;

Thence along said northerly right-of-way North 53°02'45" East, a distance of 11.15 feet to a point on a curve to the right;

Thence continuing along said northerly right-of-way and along said curve to the right a distance of 1135.74 feet, said curve having a radius of 2940.35 feet, a central angle of 22°07'52" and a long chord of 1128.69 feet which bears North 64°06'41" East to the POINT OF BEGINNING.

Containing 5.31 acres, more or less.



ANNEXATION AND DEVELOPMENT AGREEMENT
 ZONING TO RMH (HIGH DENSITY RESIDENTIAL)
 AT 16439 11TH AVE. NO, A 8.64 ACRE PORTION
 OF NE ¼ OF THE NE ¼ OF SEC 11, T3N, R2W, BM
 FOR NORTHWEST DEVELOPMENT, LLC.
 AND ADJACENT OSLR RR R-O
 PROJECT: 13-0520

~~24~~
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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 30, 2016
Re: Rezone from RMH to RS-6 for lots 11-14, Block 2, Yellow Fern Subdivision
Applicant: Glen Rimbey
Applicant Address: 16437- 11th Avenue North, Nampa, Idaho 83687
Parcel Address: Same

ZMA 017-16 for July 12, 2016 Planning & Zoning Meeting

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

Norm Holm

EH
29

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, June 28, 2016 9:13 AM
To: Norm Holm
Subject: DAMO 004-2016, ZMA 017-2016

Good Morning Norman,

The Nampa Highway District #1 has no objection to the Modification of Annexation/Zoning Development Agreement between Northwest Development Company, LLC and City of Nampa Recorded 9/12/2005 as instrument 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 to 14, Block 2, Yellow Fern Subdivision, according to the plat thereof filed in Book 42 of Plats at Page 29 for Glen Rimbeay as it is not within the Highway District's Jurisdiction.

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

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
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

25

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, August 23, 2016 2:01 PM
To: Norm Holm
Subject: DAMO 004-2016, ZMA 017-2016

Good Afternoon Norman,

The Nampa Highway District #1 has no objection to the Modification of Annexation/Zoning Development Agreement between Northwest Development Co., LLC and City of Nampa, inst. No. 200561243 amending recitals and agreement sections to allow for a rezone from RMH to RS6, and Rezone from RMH to RS 6 for lots 11-14, Block 2, Yellow Fern Sub for Glen Rimbey as it is not within the Highway District's jurisdiction.

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

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

26

Shellie Lopez

From: Neil Jones
Sent: Monday, June 27, 2016 8:16 AM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Modification of Annexation/Zoning Development Agreement & Rezone RMH to RS-6 - DAMO 004 16 & ZMA 017 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: Tuesday, June 21, 2016 11:20 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: Modification of Annexation/Zoning Development Agreement & Rezone RMH to RS-6 - DAMO 004 16 & ZMA 017 16

Good Morning!

DAMO 004-16:

Glen Rimbey has requested a Modification of Annexation/Zoning Development Agreement between Northwest Development Company, LLC and City of Nampa recorded 9/12/2005 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 – 6,000 sq. ft.) zoning District.

ZMA 017-16:

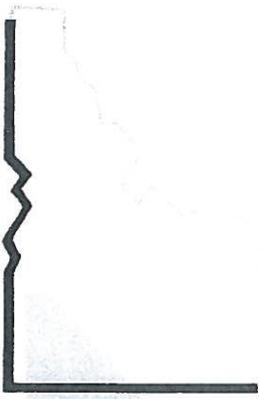
He has request a Rezone from RMH to RS-6 for Lots 11-14, Block 2, Yellow Fern Subdivision, according to the plat thereof filed in Book 42 of Plats at Page 29 – A 3.026 acre portion of the NE ¼ of the SE ¼ of Section 11, T3N, R2W, BM)

The applicant will go before the Planning and Zoning Commission as a public hearing item on the July 12, 2016 agenda.

Please find attached **ZMA 017-16 & DAMO 004-16** files for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than July 04, 2016.

Thank you & have a great day!

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ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH NAMPA, IDAHO 83651-4395
FAX # 208-463-0092

Phones: Area Code 208
OFFICE: Nampa 466-7861
SHOP: Nampa 466-0663

July 6, 2016

Norman L. Holm
City of Nampa
411 3rd St.
Nampa, ID 83651

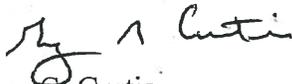
RE: CUP038-2016; 16697 N. Yorkshire Lane
CUP037-2016; 807 14th Avenue S.
CMA029-2016, ZMA016-2016, PUD002-2016; 1660 11th Avenue N.
CMA00026-16, ZMA00015-2016; 347 W. Orchard Avenue
DAMO004-2016, ZMA017-2016; Yellow Fern Subdivision

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced applications.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID must review drainage plans. The developer must comply with Idaho Code 31-3805.

Sincerely,


Greg G. Curtis
Water Superintendent
Nampa & Meridian Irrigation District
GGC/gnf

PC: Office/File

APPROXIMATE IRRIGABLE ACRES
RIVER FLOW RIGHTS - 23,000
BOISE PROJECT RIGHTS - 40,000

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.



PLANNING & ZONING DEPARTMENT

Before the Mayor & City Council
Meeting of 06 SEPTEMBER 2016

ITEM NO. 34, PUBLIC HEARINGS STAFF REPORT

Applicant/Representative(s):

Lexi's Creekside Subdivision Homeowners' Association, Ed Parnell representing

File No(s): VAR 00013-2016

Analyst: Robert Hobbs

Requested Action(s):

Variances to Nampa City Zoning Code(s) as follows:

1. The required minimum building property size in the RD Zone as established by N.C.C. § 10-10-6.A; and,
(Decision Required: *Decision*)
2. The required number of off-street parking spaces for a single-family residence in the RD Zone as required by N.C.C. § 10-22-1.C
(Decision Required: *Decision*)

Pertaining to:

A lot of land (hereinafter the "Property") addressed as 2016 Lexi's Lane (Lot 7, Block 1 of Lexi's Creekside Subdivision) within a RD (Two-Family Residential) Zone in Nampa (see attached Vicinity Map(s)...

Application Summary:

The Applicant has requested a Variance to City of Nampa zoning ordinance Section 10-10-6(A) which requires a minimum property size of 7,000 sq. ft. in the RD land use district [zone] in order for that property to be "buildable". The subject Property has an existing structure thereon which was originally used as a property management office and community clubhouse. The building has been vacant since 2007 and the Applicant (on behalf of the Association) is requesting a Variance Permit in order to authorize conversion of the building into a single rentable, one bedroom apartment unit. The Applicant is also requesting a Variance to N.C.C. § 10-22-1(C) which requires two (2) off-street parking spaces be provided to every residential dwelling unit as the owners are proposing a guaranteed provision of one (1) parking space for

the unit with access to the other spaces held in common by the subdivision (as well as access to the private service drive network within Lexi's Creekside Subdivision).

History:

N/A

Contents:

Conclusions of Law: Pages 2-3

Staff Narrative Findings/Discussion: Pages 3-7

Recommended Condition(s) of Approval: Page 7

Attachments Description(s): Page 7

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 City's required minimum property size for a building lot in the RD Zone, and, to a requirement that governs how many parking spaces are required for a single-family residence -- also in the RD Zone. The summary explanation of the Applicant(s)' request was provided at the beginning of this report. A copy of their application narrative is also 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 00013-2016) made the subject of this Variance request is located within the incorporated limits of the City of Nampa; and,
2. The Property Owners have a controlling interest in the Property and are authorized to represent the same or allow another party to represent the same in this matter; and,
3. The Property owners have authorized Ed Parnell ["Applicant"] to apply for and represent their interest in obtaining the requested Variance Permit; and,
4. The Applicant proposes that the City's Council grant relief to the minimum required lot size associated with the Property (N.C.C. § 10-10-6.A) in order to the convert the Property from being "common" into a "building lot" in order to facilitate conversion of an on-site manager office/clubhouse building upon the same into a rental apartment (single) building; and,
5. The Applicant proposes that the City's Council further grant relief to the minimum number of parking spaces/stalls required for a single dwelling unit (N.C.C. § 10-22-1.C.) as part of conversion of the Property's use from a clubhouse site to a single rental property and building site; and,
6. 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,

7. The City's zoning ordinance requires that properties in the RD Zone comply with all relevant zoning code requirements appertaining thereto (including emplacement of any requisite, extant site improvements); and,
8. The Applicant has, therefore, submitted to the City a complete [package] Variance Permit Application together with the requisite fee, and the City has received the application and deemed it acceptable; 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. 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,
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 Nampa Highway District has expressed that they are not opposed to the application; 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 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,
16. That City services are available to the Property, the site has access to City public roads; and,
17. Attached to this report is all of the information Staff had by the time this report was ready to go to print (12 noon, August 31, 2016).

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 as the office/clubhouse on the Property has become obsolete given that the multiple-family lots in the subdivision within which the Property lies now have widely disparate ownership and the building is now unused/vacant, and, has been the subject of vandalism and deterioration; and,
- B) That conversion of the former property manager office/clubhouse building into a rental unit will provide useful occupancy of the building; and, that the amenities associated with the same will provide a "premium" rental unit; and,
- C) That the office/clubhouse building already exists and the Property upon which it rests is fixed in its dimensions and legal description. That is, there is no disposition expressed by owners of lots abutting the Property to yield by sale or donation additional land(s) to add to the platted square footage of the Property; and,
- D) That the actual yard area available to proposed single rental unit is comparable to that available to other multiple-family residential structures lying within the same project (Lexi's Creekside Subdivision) as the Property...

With respect to this unique Variance request package, Staff finds no meritorious counter arguments to consider and would also point out that past the first two units in a building, zoning code only requires in the RD Zone that each additional unit be allotted 3,500 sq. ft. of space. The current lot size proposed for the new rental unit is 4,610 sq. ft.

Respecting the parking Variance Permit request associated with this matter, the Applicant argues:

- A) That the proposed singular rental unit (converted from the existing property manager office/clubhouse) will have one parking space assigned to it and access to other commonly shared spaces available to all the units just as other apartment units in the same subdivision have now...

With respect to this unique Variance request package, Staff finds no meritorious counter arguments to consider, but would note that as each apartment building was originally approved with the appropriate number of parking spaces made available to it (two per unit), that the situation that suggests to the Applicant that they need a Variance, upon further review, is a creation of the shared parking agreement likely used by the subdivision and is not attributable to an actual lack of available parking spaces on site. Thus, Staff sees at this juncture no real

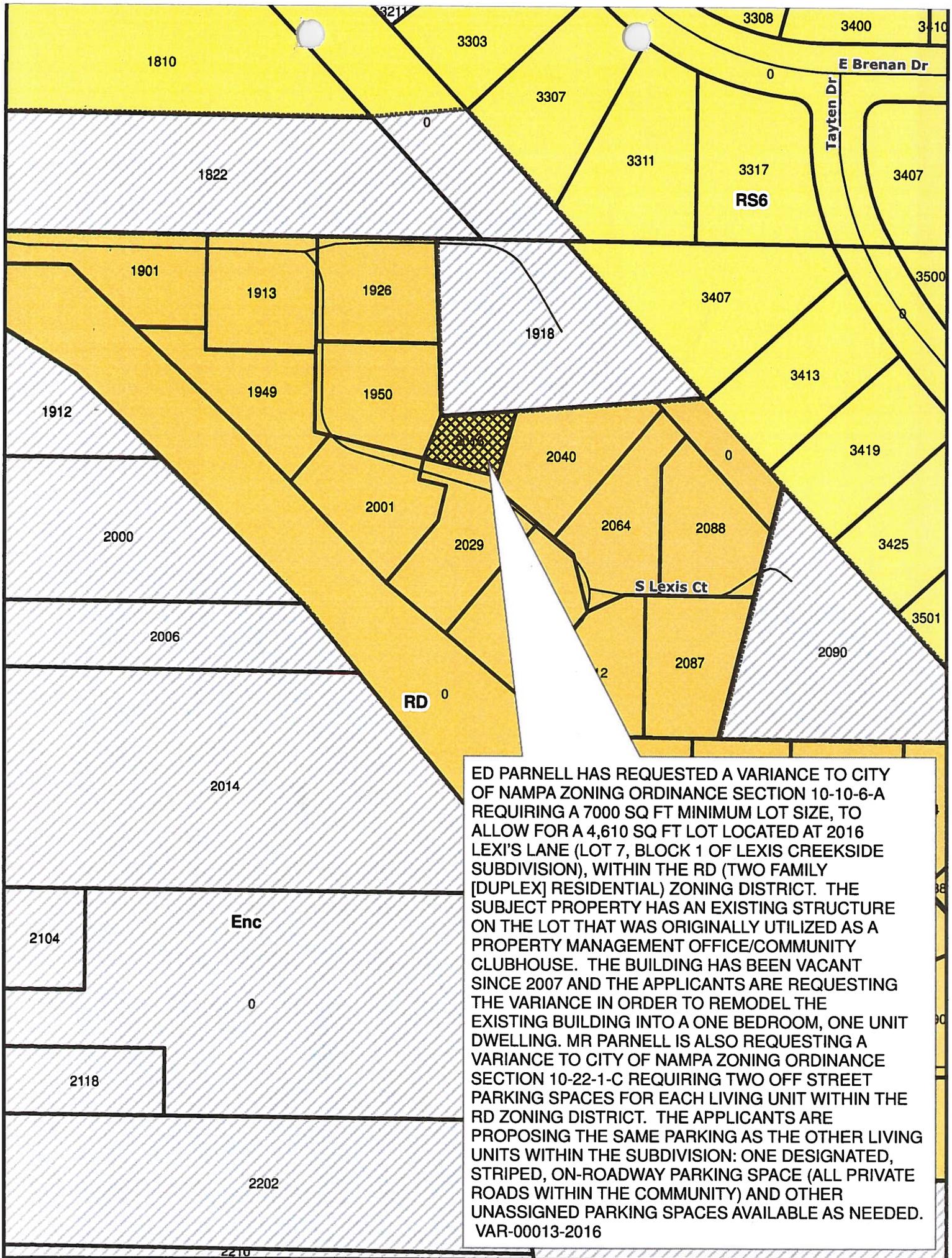
need for a parking Variance, but to put aside concerns, recommends its approval, as well also recommends approval of requested the lot size exemption.

RECOMMENDED CONDITION(S) OF APPROVAL

N/A

ATTACHMENT(S)

- Copies of Vicinity Maps (pages/Exhibits 8-9)
- Copy of Variance Application form (page/Exhibit 10)
- Copy of Applicant(s)' narrative/justification statement (page/Exhibit 11)
- Copies of Property specific aerial photos (pages/Exhibits 12-13)
- Copies of Applicant(s) supplied building project specifications and drawings (pages/Exhibits 14-19)
- Copy of 2004 Annexation Ordinance no. 3349 (pages/Exhibits 20-24)
- Copies of any department/agency correspondence items (pages/Exhibits 25-26)



ED PARNELL HAS REQUESTED A VARIANCE TO CITY OF NAMPA ZONING ORDINANCE SECTION 10-10-6-A REQUIRING A 7000 SQ FT MINIMUM LOT SIZE, TO ALLOW FOR A 4,610 SQ FT LOT LOCATED AT 2016 LEXI'S LANE (LOT 7, BLOCK 1 OF LEXIS CREEKSIDE SUBDIVISION), WITHIN THE RD (TWO FAMILY [DUPLEX] RESIDENTIAL) ZONING DISTRICT. THE SUBJECT PROPERTY HAS AN EXISTING STRUCTURE ON THE LOT THAT WAS ORIGINALLY UTILIZED AS A PROPERTY MANAGEMENT OFFICE/COMMUNITY CLUBHOUSE. THE BUILDING HAS BEEN VACANT SINCE 2007 AND THE APPLICANTS ARE REQUESTING THE VARIANCE IN ORDER TO REMODEL THE EXISTING BUILDING INTO A ONE BEDROOM, ONE UNIT DWELLING. MR PARNELL IS ALSO REQUESTING A VARIANCE TO CITY OF NAMPA ZONING ORDINANCE SECTION 10-22-1-C REQUIRING TWO OFF STREET PARKING SPACES FOR EACH LIVING UNIT WITHIN THE RD ZONING DISTRICT. THE APPLICANTS ARE PROPOSING THE SAME PARKING AS THE OTHER LIVING UNITS WITHIN THE SUBDIVISION: ONE DESIGNATED, STRIPED, ON-ROADWAY PARKING SPACE (ALL PRIVATE ROADS WITHIN THE COMMUNITY) AND OTHER UNASSIGNED PARKING SPACES AVAILABLE AS NEEDED. VAR-00013-2016



9/16/16 CC
Robert

APPLICATION FOR VARIANCE

City of Nampa, Idaho

10

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: Ed Parnell Phone: 208.250.8155
 Address: 505 S. Cool Creek Circle City: Nampa State: ID Zip Code: 83686
 Applicant's interest in property: (circle one) Own Rent Other Partial owner - HOA common area property
 Owner Name: Lexis Creekside POA Inc Phone: 208.855.0505
 Address: c/o 5460 W. Franklin Ste B City: Boise State: ID Zip Code: 83705
Attn: Snake River HOA Mgmt.
 Address of subject property: 2016 Lexis Lane Nampa ID 83686

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.
25 deed packet attached (32nd Lot:owners)

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 Lexis Creekside Meadows 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):

Please see attached: Variances needed for 1) lot size and 2) parking, so as to allow interior remodel for a residential unit. Project Plans attached.

Dated this 20th day of July, 20 16

[Signature]

Applicant Signature

SCANNED
7.20.2016

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: VAR013 - 2016 Project Name: Substandard lot size + required parking
ck # 1774 \$255.00

Application for Variance

RE: 2016 Lexi's Lane, Nampa, ID 83686

Background and explanation: Based on discussion with the Nampa Planning department, this Request requires two variance items, lot size and parking, which will be reviewed below.

The Association is requesting this project in order to bring this lot up to its "highest and best use" within the community. Currently, 2016 Lexi's holds a building improvement, originally used by an onsite property management entity, including a community clubhouse. However, since the 32 multi-family lots in the subdivision are individually owned and managed, this use was impractical and the building has been vacant since late 2007.

It would be a benefit to the community to change the use of this building to a residential rental, consistent with all other lots in the community. While vacant, the building has been subject to some deterioration and vandalism. Attached is an exhibit (Exhibit 1) of the lots in the subdivision with the location of 2016 Lexi's Lane circled.

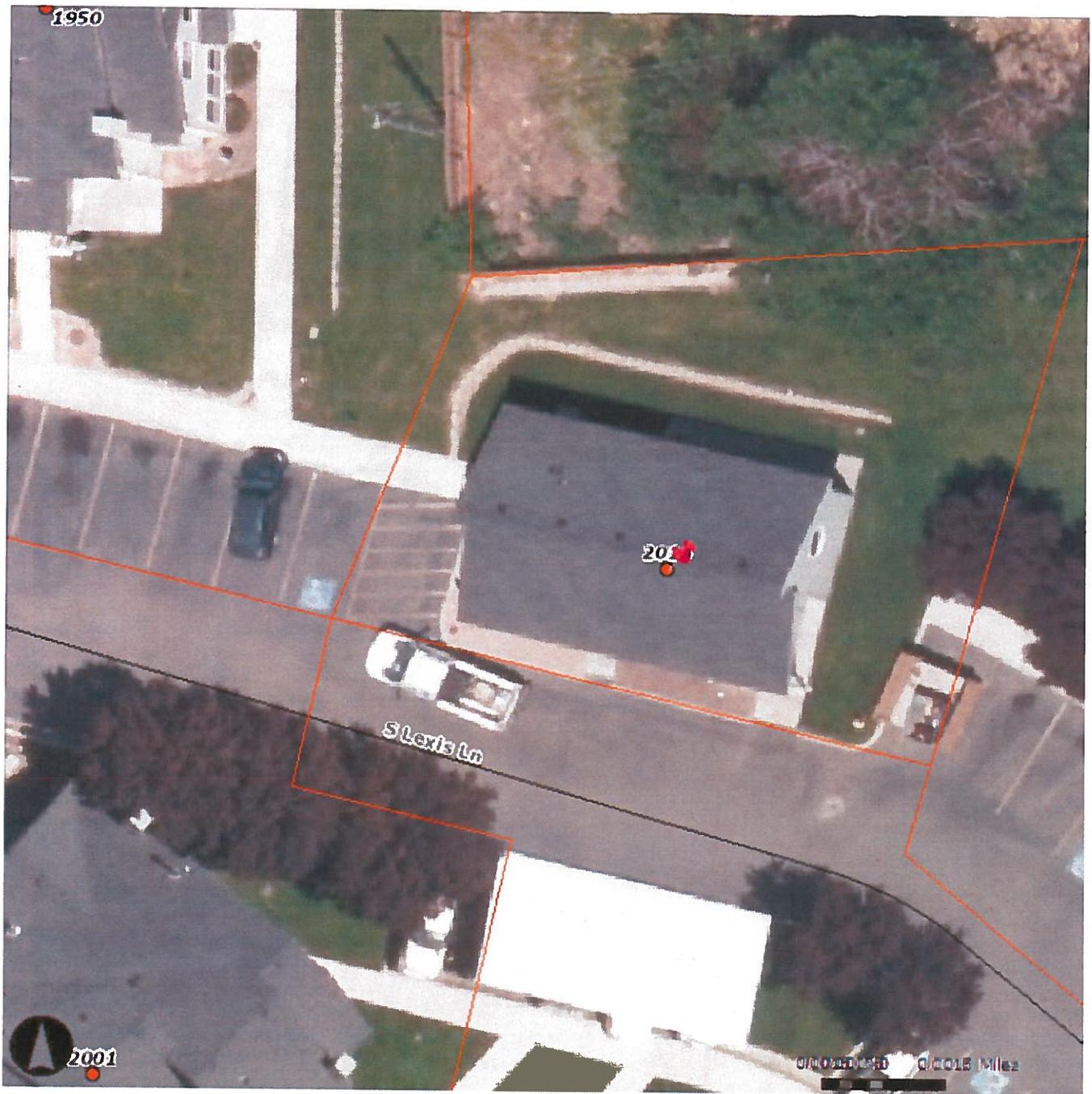
Variance 1: Lot size. Per our records, 2016 Lexi's Lane is 4610 sq. ft. --- short of the mandated 7000 sq. ft. To recap, the current lot size is fully appropriate for the currently already constructed building improvement, as well as the proposed future use as residential. 31 of the other lots in the complex hold a 4 unit apartment (4-plex) and one lot holds a 2 unit apartment (duplex). The proposed use for this lot and building is a one-bedroom, one unit dwelling. Further review shows that this unit will have amenities such as private patio space and lawn green space equal to or above that of existing units. On a proportional basis (compared to lots with 4 family units) this unit could even be perceived as a "premium" lot and location.

Variance 2: Parking. Normally, the requirement is for each lot to have two (2) off street parking spaces. However, this subdivision designed all parking to be "on-roadway" (all private roads within the community) beyond the sidewalks and curbs, in designated, striped parking spaces. Each 4 unit building has 1 designated parking space per unit, and the remainder of spaces throughout the community are unassigned and for the use of residents and/or guests. 2016 Lexi's will provide exactly the same provision, one assigned and reserved parking space with other unassigned parking available as needed. The cross-hatched area in Exhibit (2) specifies the space to be assigned. In addition, the parking load on the community will be much less for the proposed one-bedroom unit than it is for any other lots or buildings currently in the subdivision.

Also attached are the design and project specifications for the proposed interior remodel.

Thank you in advance for the consideration of our proposal. It is a burden to manage a deteriorating, vacant, and non-productive asset for the benefit of the subdivision owners and residents as the current configuration and (non) use provides.

12



1926

1918

1950

4610 #

2016

204

S Lexis Ln

EXHIBIT 2

2001

2029

2084

2053



24

Project Specifications

Name / Address
Lexi's Creekside Property Owners Associat 5460 W Franklin Rd., Ste B Boise, ID 83705

Date
4/7/2016

Project
Clubhouse Remodel ...

Item	Description
	<p>Following is a scope of work for the remodeling of the Lexi's Lane Clubhouse into a single-bedroom apartment per the line-items below and the plans drawn by CCH Design Remodel. Work to the building exterior or to the southwest unfinished utility room isn't included except as noted below. Existing materials and fixtures will remain or be re-used if possible, unless noted below.</p> <p>Contractor(s) shall field-verify all the details on the plans.</p>
Permits, Utility fees	Building permit cost, application, and submission by contractor. Utility fees, impact fees, zoning and development work and fees, and any other government-required fees are by owner.
Plans, engineering, surveying	Structural Engineering: sizing new headers and point load calculations and details as necessary/required
Site Protection and staging	Contractor shall prevent damage to the existing tenants' and owners' property. The storage rooms in the building may be used for staging materials, etc.
Temporary Utilities	General contractor will use the building's electrical and water supply, acting in good faith to minimize expenses.
Portable Toilet	Contractor shall provide portable toilet as needed while the apartment's restroom is out of order for construction.
Demolition	Demolition of: walls, doors, flooring, fixtures, FRP panels, hardware, etc. per plan.
Dump Fees	Contractor shall provide his own dumpster for construction debris.
sawcutting	Cut concrete as needed for new plumbing trenches
Flatwork Labor	Plumbing trenches concrete to match existing interior flatwork level and finish
Flatwork Material	Concrete for plumbing trenches shall be 6-bag mix
Framing Labor	Framing labor as required
Lumber and Siding Material	Provide framing, siding, fasteners, etc. to match existing for new walls and for patching abandoned exterior door location.
Siding Labor	As needed to cover abandoned bedroom exterior door location with continuous runs of cottage lap siding to match existing
Plumbing	Plumb for new and modified fixture locations. Terminate and/or demolish abandoned fixtures and plumbing. Provide garbage disposal.
Bath Hardware	<p>Fixtures: 42x34 Fiberglass shower with Moen posi-temp valve, Gerber pedestal, Gerber toilet, Drop-in stainless kitchen sink. Moen Eva Chrome fixtures in bathroom and Pfister Chrome pull-down faucet in kitchen. Badger 1/2 HP disposal.</p> <p>General Contractor to provide builder-grade chrome bath hardware (towel ring, towel bar, TP holder)</p>

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Project Specifications

Name / Address
Lexi's Creekside Property Owners Associat 5460 W Franklin Rd., Ste B Boise, ID 83705

Date
4/7/2016
Project
Clubhouse Remodel ...

Item	Description
HVAC	Vent new dryer location; provide venting of range (through upper cabinet and out through the attic, not inside the interior wall); existing ductwork and register locations to remain. New supply air to laundry room. Provide air flow balancing as needed.
Electrical	Terminate and re-route electrical as needed for demolished and new fixtures. Add circuits as needed. Install smoke/CO detectors as required.
low voltage	No low-voltage electrical work included.
Insulation	Repair/replace disturbed insulation resulting from attic work as needed; insulate and seal new work (bedroom exterior door, etc.) as required.
Drywall	Drywall work and texture to match the existing conditions.
Finish Carpentry	Install baseboard, hang and case doors, install bath hardware, etc.
Finish Materials	Base, casing, and other trim to match existing. Particle board "Super Shelf" and cleat material for closets.
Doors	Provide new hollow-core paneled doors to match existing at bath, bedroom, hall closet, and bedroom closet. Re-use the north bathroom door for the new opening to the laundry room.
Door Hardware	Contractor to provide and install new door hardware to match existing as required. Existing hardware will be reused (knobs/levers, door stops, hinges etc.). Re-key front door and laundry exterior door to one key.
Hardware	Rod and shelf hardware, shelf brackets, etc.
Painting	All interior doors and trim shall be painted or re-painted. No painting or prep work on the exterior doors is included. New walls shall be painted or touched up to match existing. No exterior painting is included as the entire exterior will be repainted later.
Material	Interior trim: latex enamel with color to match existing trim. Walls: latex with color to match existing walls.
Laminate Flooring	Provide and install laminate flooring: TA Equinox. Concrete prep/moisture barrier and underlayment shall be installed per the manufacturer's recommendation.
Vinyl	Provide proposed sheet vinyl flooring specifications for approval by owners. Concrete prep and underlayment shall be installed per the manufacturer's recommendation.
Cabinets	Supply and install high-density melamine European-style boxes with paint-finish hardwood drawers and paneled doors. Contractor to provide cabinet elevations for owner's approval. Sub-tops for plastic laminate countertops and hardware included.
Laminate Countertops	Install plastic laminate countertop and 6" laminate backsplash as selected by owner.
Backsplash	ALTERNATE: 6x6 glazed ceramic single-height backsplash: add \$325 for material, tile labor, electrical labor and additional supervision

16

Project Specifications

Name / Address
Lexi's Creekside Property Owners Associat 5460 W Franklin Rd., Ste B Boise, ID 83705

Date

4/7/2016

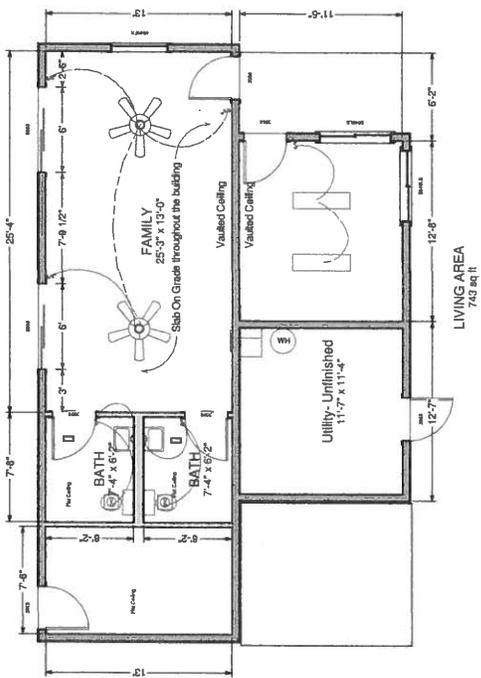
Project

Clubhouse Remodel ...

Item	Description
Appliances	Provide and install appliances: GTS18GTHWW GE WHITE REFRIGERATOR, JB630DFWW GE WHITE SMOOTH-TOP RANGE, JVM3160DFWW GE WHITE MICROWAVE/HOOD, GDF510PGJWW GE WHITE DISHWASHER
Light Fixtures	Provide and install one new fan/light combo in bedroom: Quorum 77525-9565 pewter with 2-light dish. Bathroom vanity light will be re-used. Provide and install new recessed cans as shown on plan. All other lights are existing.
Shower Doors and Mirrors	Install 1/4" frosted glass shower door with chrome frame. Re-use the existing 18x36 beveled vanity mirror.
Finish Cleaning	Job site to be cleaned and left in a move-in-ready condition
Jobsite Supervision	

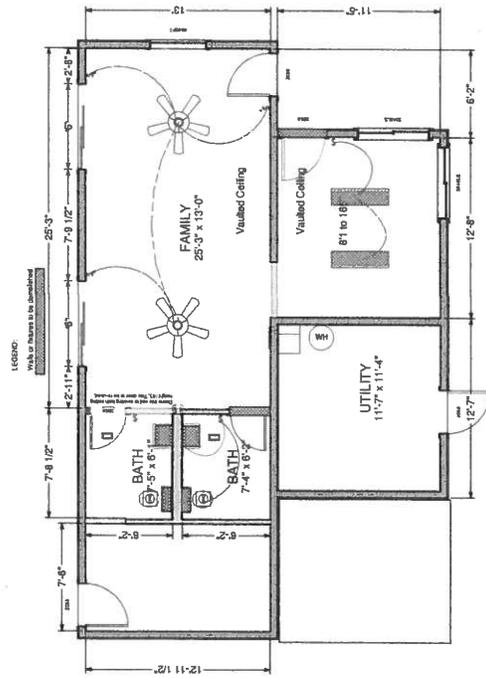
2

As Built

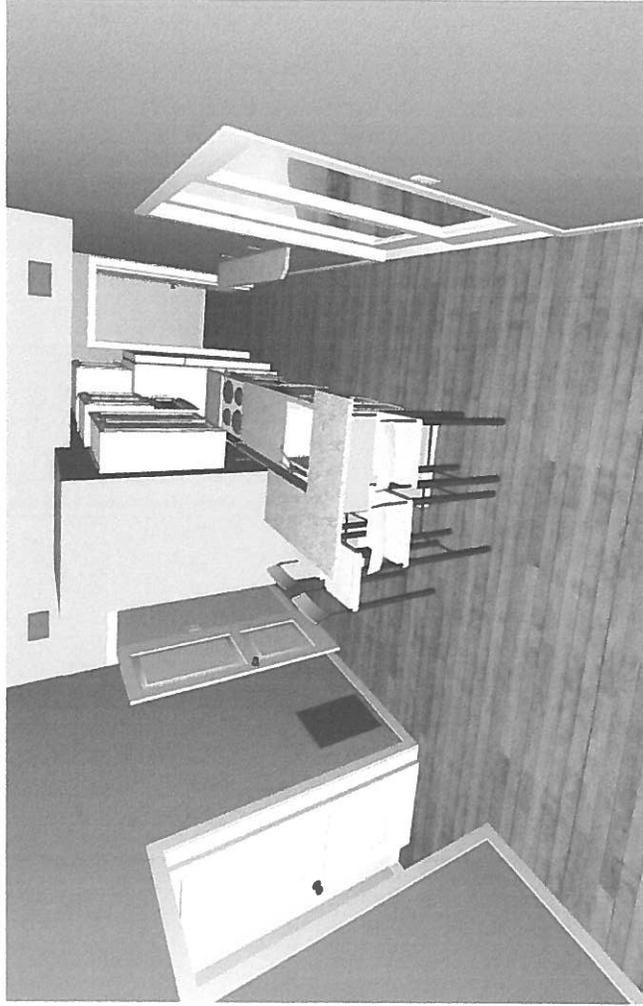
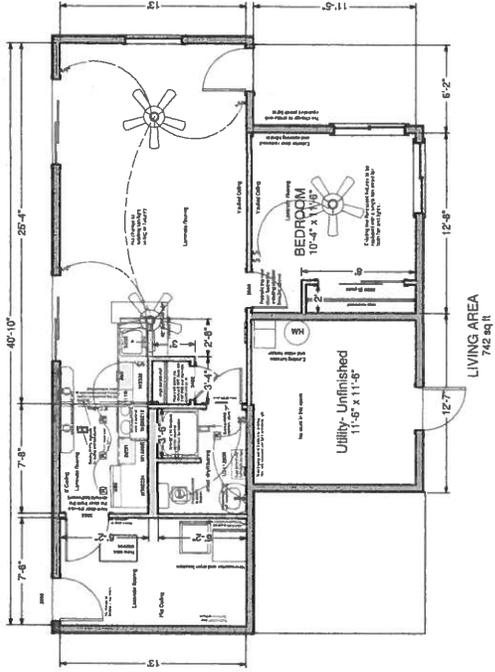


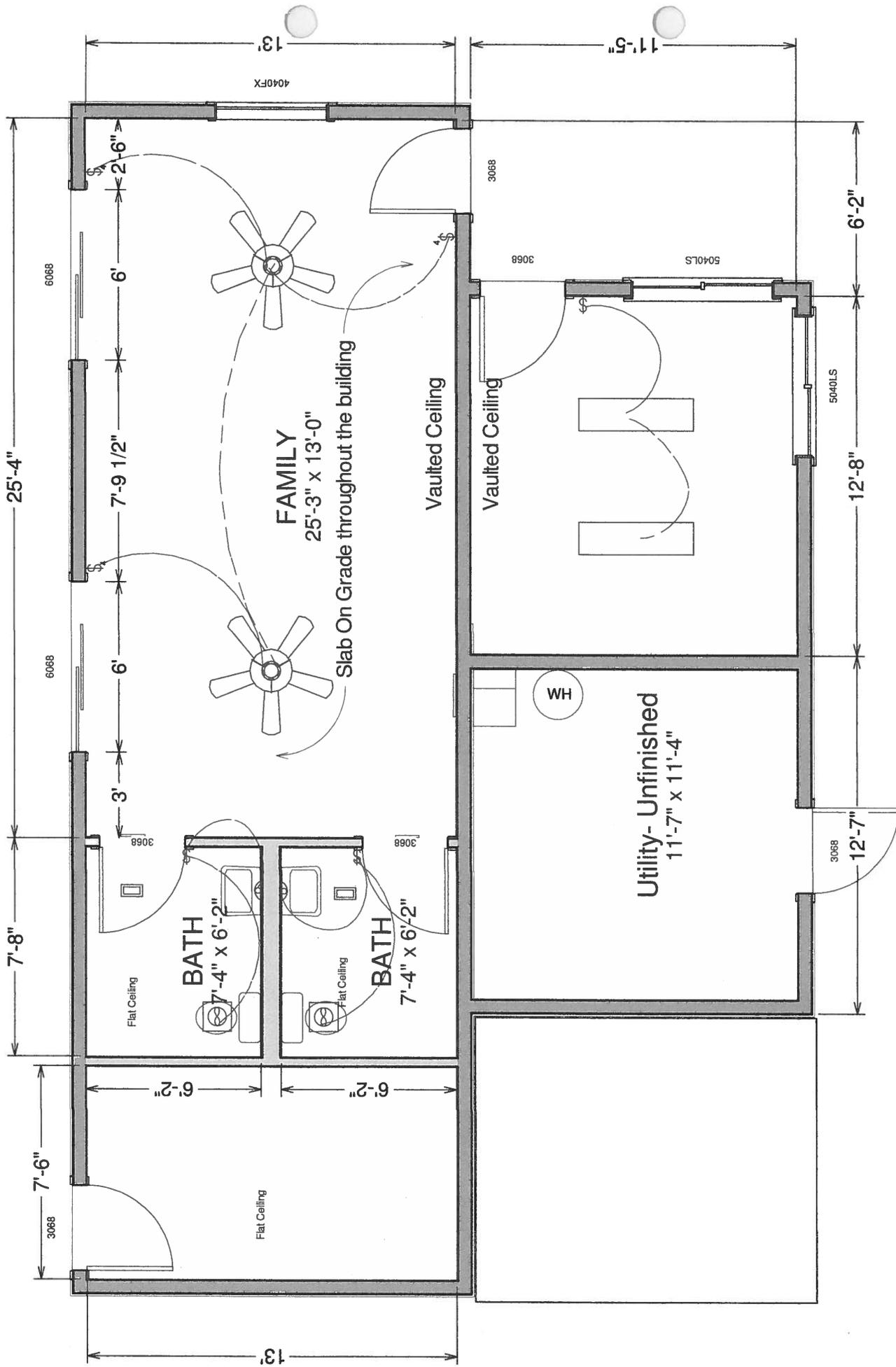
All as-built details shall be verified on site

Demolition Plan



New Construction Plan





LIVING AREA
743 sq ft

All as-built details shall be verified on site

ORDINANCE NO. 3349

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO, ANNEXING APPROXIMATELY 8.59 ACRES OF REAL PROPERTY NORTH OF GREENHURST ROAD BETWEEN SOUTHSIDE BOULEVARD & THE SOUTH NAMPA LATERAL; AND ANNEXING APPROXIMATELY 5.93 ACRES OF REAL PROPERTY NORTH OF GREENHURST ROAD BETWEEN SOUTHSIDE BOULEVARD & THE SOUTH NAMPA LATERAL, ALL IN THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ZONING BOTH PROPERTIES RD, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY.

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

Section 1: That the following described approximately 8.59 acres of real property north of Greenhurst Road between Southside Boulevard & the South Nampa Lateral and all thereof, be, and the same is hereby, annexed and made a part of the City of Nampa, Idaho, to-wit:

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

Section 2: That the real property so annexed, as described in Exhibit "A" above, shall be zoned RD.

Section 3: That the following described approximately 5.93 acres of real property north of Greenhurst Road between Southside Boulevard & the South Nampa Lateral and all thereof, be, and the same is hereby, annexed and made a part of the City of Nampa, Idaho, to-wit:

See Exhibit "B", attached hereto and incorporated herein by this reference.

Section 4: That the real property so annexed, as described in Exhibit "B" above, shall be zoned RD.

RECORDED
JUN 18 AM 10 17
G. NOEL HALES
CANYON COUNTY RECORDER
NAMP
RECEIVED
NAMP
CITY OF
JUN 18 2004

200432851

Section 5: That the City Engineer is hereby directed to alter and change the Use and Area Map of the City of Nampa, Idaho, to comply with this Ordinance.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS 17th DAY OF May, 2004.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 17th DAY OF May, 2004.

Approved:

By [Signature]
Mayor

Attest:

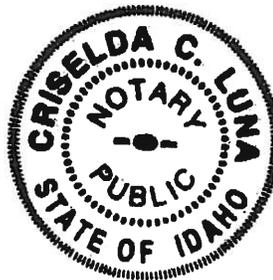
By [Signature]
City Clerk

State of Idaho)

Canyon County)

Subscribed and sworn to before me this 17th day of May, 2004

[Signature]
Criselda C. Luna
Residing at: Nampa, Canyon County, Idaho
My Commission Expires: 10/02/07



22

EXHIBIT A

Description of: Lexi's Creekside Meadows
Page 1 of 2 pages

May 21, 2004

A parcel of land located in the SW $\frac{1}{4}$ SW $\frac{1}{4}$ and in the SE $\frac{1}{4}$ SW $\frac{1}{4}$ of Section 32, T.3 N., R.2 W., B.M., Canyon County, Idaho, described as follows:

Commencing at the southwest corner of said Section 32, in the intersection of Greenhurst Avenue with Southside Boulevard; thence, N.00°01'28"W., 1256.03 feet along the west line of said Section 32 (centerline of said Southside Boulevard) to the **POINT OF BEGINNING**; thence,

N.00°01'28"W., 65.69 feet along the west line to the northwest corner of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ (south 1/16th corner of said Section 32); thence

S.89°40'14"E., 531.00 feet along the north line of said SW $\frac{1}{4}$ SW $\frac{1}{4}$ to the northwest corner of a 0.884 acre parcel shown as Parcel 2 on a Record of Survey recorded as Instrument No. 9415060 in the office of the Canyon County Recorder; thence,

S.02°15'56"E., 186.11 feet along the west line of said Parcel 2 to the southwest corner thereof; thence,

N.85°25'42"E., 277.27 feet along the south line of said Parcel 2 to a point in the southwesterly boundary of the Pheasant Hollow No. 1 Subdivision, the official plat for which is recorded in Book 23 at Page 7; thence,

S.42°22'36"E., 123.40 feet along said southwesterly boundary to the northwesterly corner of a 0.118 acre parcel shown as Parcel 3 on said R.O.S. 9415060; thence,

S.13°43'37"W., 273.20 feet along the westerly line of said Parcel 3 to the southwesterly corner thereof; thence,

S.89°40'31"E., 308.40 feet along the southerly line of said Parcel 3 and along the southerly line of a parcel described in Instrument No. 863835 to a point in said southwesterly boundary of Pheasant hollow No. 1 Subdivision; thence,

S.42°22'44"E., 1093.09 feet along said southwesterly boundary to a point in the south line of said Section 32; thence,

N.89°40'00"W., 75.55 feet along said south section line (centerline of said Greenhurst Avenue; thence,

N.42°22'17"W., 540.71 feet along the southwesterly line of the easternmost flag portion of an 8.589 acre parcel shown on a Record of Survey recorded as Instrument No. 9614273; thence,

Continued on Page 2

Description of: Lexi's Creekside Meadows
Page 2 of 2 pages

May 21, 2004

N.89°45'57"W., 18.79 feet along the boundary of said 8.589 acre parcel; thence,

N.42°50'49"W., 27.81 feet along said boundary; thence,

N.89°46'34"W., 189.40 feet along same; thence,

S.00°01'07"E., 417.24 feet along the east line of the westernmost flag portion of said 8.589 acre parcel to a point in the south line of said Section 32; thence,

N.89°40'00"W., 49.94 (50.00) feet along said south line (centerline of said Greenhurst Boulevard) to the southeast corner of a 1.35 acre parcel shown on a Record of Survey recorded as Instrument No. 873500; thence,

N.00°03'26"W., 345.18 feet along the east line of said 1.35 acre parcel and along the east line of a 1.612 acre parcel shown on said R.O.S. 9614273 to the northeast corner of said 1.612 acre parcel; thence,

N.89°40'24"W., 530.00 feet along the north line of said 1.612 acre parcel to the northwest corner of same, in the east line of a parcel described in Instrument No. 313451 and shown on a Record of Survey recorded as Instrument No. 200139660 ; thence,

N.08°17'46"W., 377.22 feet along the east lines of parcels described in Instruments 313451 and 334974; thence,

N.39°40'41"W., 111.18 feet along same to the northwest corner of said 8.589 acre parcel, being the southwest corner of Parcel 1 as shown on said R.O.S. 9415060; thence,

N.39°17'55"W., 174.81 feet along said easterly line of said Instrument No. 334974; thence,

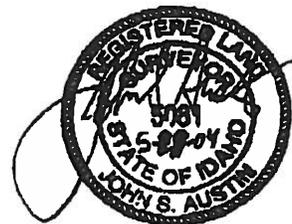
N.45°29'07"W., 336.44 feet along the easterly line of a parcel described in Instrument No. 312459; thence,

N.57°55'44"W., 159.30 feet along same; thence,

S.89°27'59"W., 20.06 feet to a the POINT OF BEGINNING,

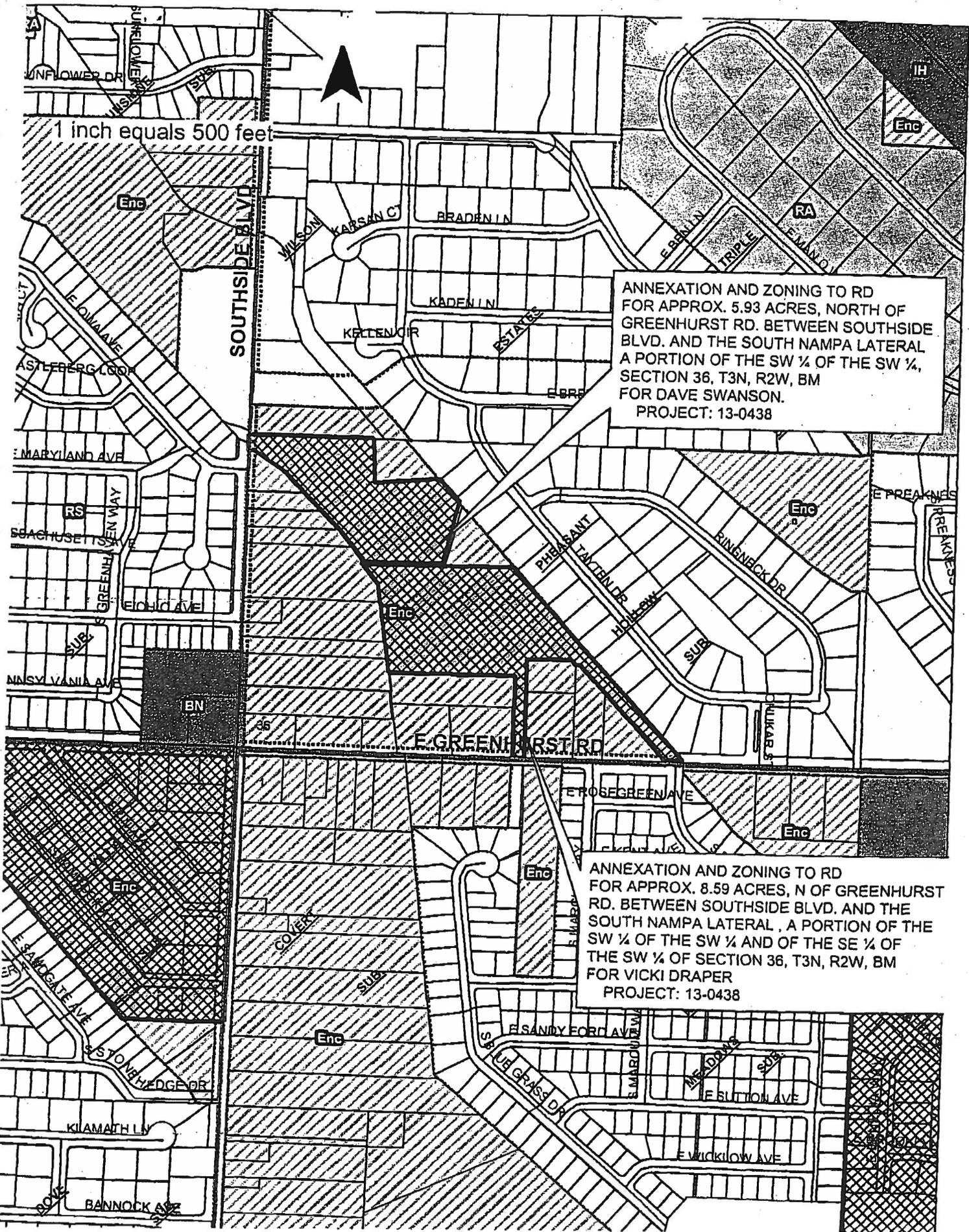
the above described parcel containing 632,743 square feet or 14.526 acres, more or less.

Prepared by John S. Austin, Idaho PLS 5081





1 inch equals 500 feet



ANNEXATION AND ZONING TO RD
 FOR APPROX. 5.93 ACRES, NORTH OF
 GREENHURST RD. BETWEEN SOUTHSIDE
 BLVD. AND THE SOUTH NAMPA LATERAL
 A PORTION OF THE SW 1/4 OF THE SW 1/4,
 SECTION 36, T3N, R2W, BM
 FOR DAVE SWANSON.
 PROJECT: 13-0438

ANNEXATION AND ZONING TO RD
 FOR APPROX. 8.59 ACRES, N OF GREENHURST
 RD. BETWEEN SOUTHSIDE BLVD. AND THE
 SOUTH NAMPA LATERAL, A PORTION OF THE
 SW 1/4 OF THE SW 1/4 AND OF THE SE 1/4 OF
 THE SW 1/4 OF SECTION 36, T3N, R2W, BM
 FOR VICKI DRAPER
 PROJECT: 13-0438

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: August 12, 2016
Revised:
Applicant: Ed Parnell
Address: 505 So. Cool Creek Circle, Nampa, Idaho 83686
Parcel Address: 2016 Lexis Lane
Re: Substandard lot and parking

VAR 013-16 for the September 6, 2016 City Council Meeting

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

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Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, August 23, 2016 1:48 PM
To: Norm Holm
Subject: Project Var-00013-2016

Good Afternoon Norman,

The Nampa Highway District #1 has no objection to the Variance submitted by Ed Parnell regarding minimum lot size at 2016 Lexi's Lane to remodel the structure into a one bedroom, one dwelling unit. as it is not within the Highway District's jurisdiction.

We also have no objection to the variance regarding parking as it is not within the Highway District's jurisdiction.

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

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

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eddy@nampahighway1.com
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TEL 208.467.6576 • FAX 208.467.9916



Planning & Zoning Department

Before the Mayor & City Council

September 6, 2016

Item #35, Public Hearings – Staff Report

To: Mayor & City Council

Applicant: John Low

File No: ZMA 018-16

Prepared By: Norman L. Holm

Date: July 18, 2016

Requested Action: Rezone from RS 8.5 (Single Family Residential – 8,500 sq ft) to RA (Suburban Residential)

Status of Applicant: Owner of 17155 Star Rd and representative of other owners

Existing Zoning: RS 8.5 (Single Family Residential – 8,500 sq. ft.)

Proposed Zoning: RA (Suburban Residential)

Owner/Address/Location/Size: John Low – 17155 Star Rd – R30375 – 5 acres
Robert Bruno – 17175 Star Rd – R30375010 – 5.001 acres
David Brenneman – 0 Star Rd – R30375012 – 5.001 acres
Michael Dudley – 0 Star Rd – R30375011 – 4.354 acres
Add Ventures – 0 Cherry Lane – R30380 – 7.713 acres

Size of Property(s): Approximately 27.069 acres

Existing Land Use: Undeveloped farm land

GENERAL INFORMATION

Planning & Zoning Commission Recommendation: Approval with no recommended conditions.

Planning & Zoning History: Annexed and zoned RS 8.5 for Subdivision Development in 2006.

Proposed Land Uses: Owner is requesting the zoning change to accommodate conversion from previously planned smaller subdivision lots to the larger existing 4 acre+ parcels for rural residential use with planned large animal raising activity.

Surrounding Land Use and Zoning:

- North- Agricultural, County AG
- South- Rural Residential, County AG
- East- Agricultural, County AG
- West- Rural Residential - County AG, Agricultural - City RS 12

Comprehensive Plan Designation: Community Mixed Use Designation bordering Medium Density Residential Designation to the north. Zoning map amendment interpreted as being stretchable to include the subject area as a part of the adjacent Medium Density Residential designated area to the north.

Applicable Regulations: Rezones or zoning map amendments 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:

- No municipal sewer available
- No municipal water available
- No municipal irrigation available

Public Services: All present.

Transportation and Traffic: The property has frontage and access from Star Rd.

Environmental: The rezone would have little effect on the adjoining properties. The impact of downzoning the property from RS 8.5 to RA would have little or no impact on the neighborhood.

STAFF FINDINGS AND DISCUSSION

The requested rezone is appropriate. The parcel adjoins the Medium Density Residential Land Use Designation to the north making the rezone from RS 8.5 to RA compatible with the Future Land Use Map designation of Medium Density Residential.

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

1. Rezone of the subject property to RA is reasonably necessary in order to allow the applicant to use the property as proposed.

2. Rezone of the subject property to RA is in the interest of the property owner(s) and conforms to the adopted comprehensive plan designation of Medium Density Residential use.
3. The proposed Rural Residential use of the subject property will be compatible with the existing Agricultural and Rural Residential uses established around the area.
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 I have received no statements of opposition or support from any property owners or residents in or around the area.

ATTACHMENTS

Application
Zoning and location map
Aerial photo
Property descriptions
P&Z Commission hearing minutes
Agency and other correspondence



APPLICATION FOR AMENDMENT OF ZONING ORDINANCE OR MAP

City of Nampa, Idaho

Y26/16 PE NORM

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

Name of Applicant/Representative: John Low Phone: 208-891-6436
Address: 4921 Cresthaven Dr. City: Boise State: ID Zip Code: 83704

Applicant's interest in property: (circle one) Own Rent Other (208-949-1264)
Owner Name:s: John Low (208-891-6436) Michael Dudley (702-301-1820) Robert Bruno (208-938-2357) Ben Wright for ADD Ventures

Address: Low: 4921 Cresthaven Dr., Boise, ID Dudley: 1411 S. Secretariat Way, Nampa, ID 83686
Bruno: 947 E. Winding Creek Dr., Eagle, ID 83616 Wright/Add Ventures: 13127 West Pala Mesa Drive, Boise, ID 83713

Address of subject property: 17175 Star Rd and 17155 Star Rd, Nampa, ID 83687

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

Subject Property Information

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

[X] 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

From RS-8.5 to RA

State the zoning desired for the subject property; RA Suburban Residential ("to create a semirural environment w/ limited agricultural pursuits
in close proximity to nonfarm dwellings with full urban services available.")

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.

We wish to amend the zoning to RA so that the ordinance on the subject properties will allow 1 large animal per dedicated 10,000 square
feet and will allow a structure(s) to shelter such animal(s) to occupy that dedicated animal space. It is understood that land square footage
containing human dwellings and other non-animal structures will not be allowed to count toward the dedicated animal square footage.

Dated this 16 day of June, 20 16

Signature of applicant

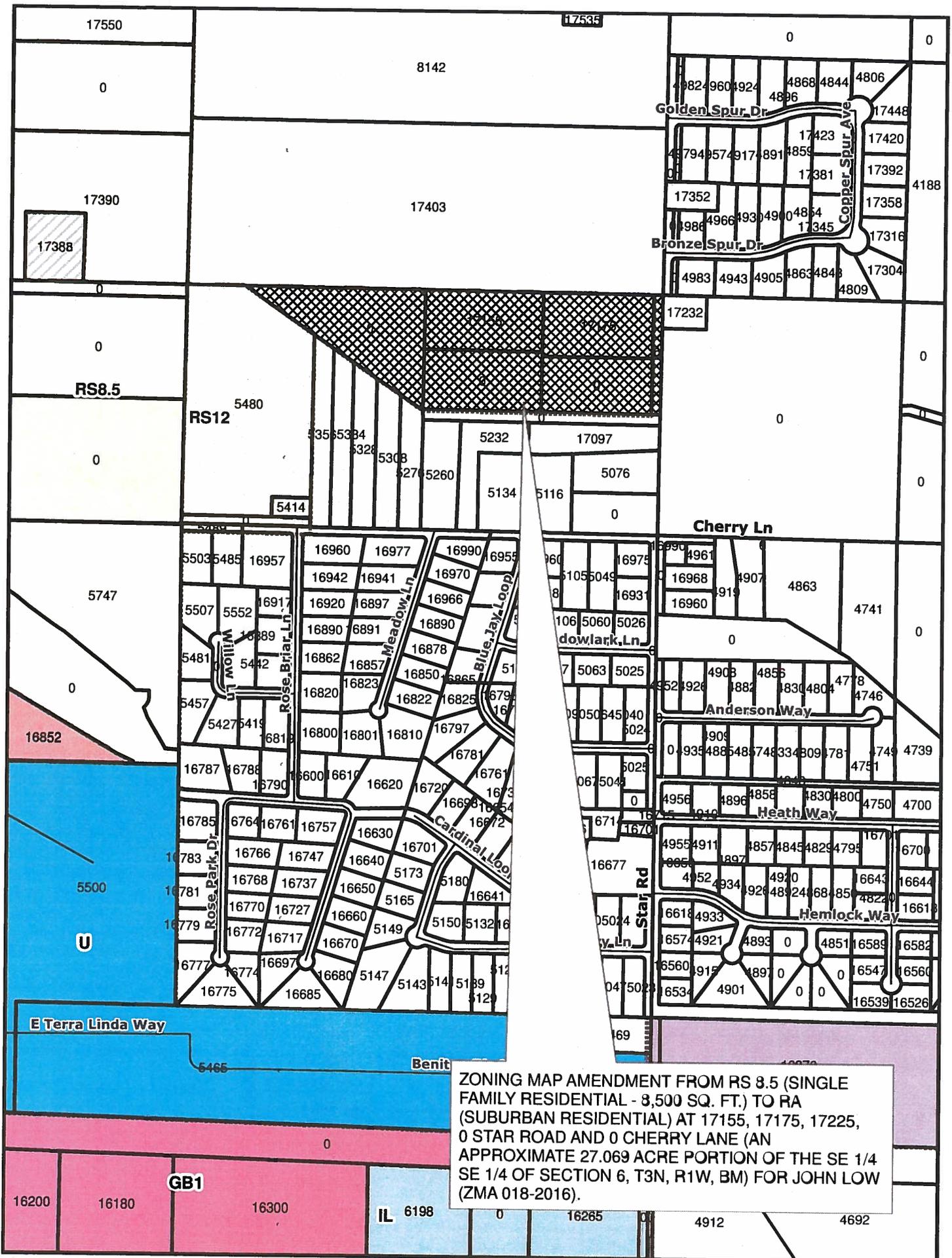
NOTICE TO APPLICANT

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: 0808 - 20
ZMA-018-2016

Project Name: Rezone RS-8.5 to RA



ZONING MAP AMENDMENT FROM RS 8.5 (SINGLE FAMILY RESIDENTIAL - 3,500 SQ. FT.) TO RA (SUBURBAN RESIDENTIAL) AT 17155, 17175, 17225, 0 STAR ROAD AND 0 CHERRY LANE (AN APPROXIMATE 27.069 ACRE PORTION OF THE SE 1/4 SE 1/4 OF SECTION 6, T3N, R1W, BM) FOR JOHN LOW (ZMA 018-2016).



Star Rd

Bronze

North

424 P. 66

PROPERTY DESCRIPTION

FOR

JOHN LOW

PARCEL A

A parcel of land lying in a portion of the SE1/4 SE1/4 of Section 6, T.3N., R.1W. Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a point marking the E1/4 Corner of said Section 6, thence S.00°16'41"W., 1326.55 feet along the East line of said Section 6 to a 5/8" iron pin; Thence along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W. 50.10 feet to the Westerly Right of Way Line of Star Road to a 5/8 iron pin, being the POINT OF BEGINNING;

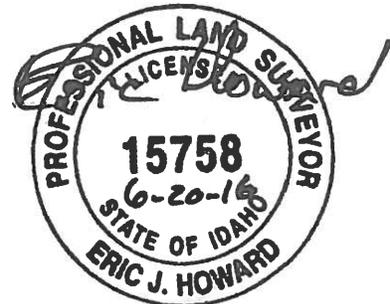
Thence along the Westerly Right of Way line of Star Road, S.00°15'39"W. 352.97 feet to a 1/2" iron pin; Thence along the Southernly Easement Line, S.89°47'00"W. 614.60 feet to a 1/2" iron pin; Thence N.00°17'57"E. 356.08 feet to the Northerly Boundary Line of the SE 1/4 of the SE1/4 of said Section 6, marked by a 1/2" iron pin; Thence along the Northerly boundary line, S.89°55'35"E. 614.54 feet to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH:

A 50' (Fifty foot) Wide Access and Utility Easement being a Strip of Land Lying in a portion of the SE1/4 of the SE1/4 of Section 6, T.3N., R.1W. Boise Meridian, Canyon County, Idaho, said Easement being more particularly described as follow:

Commencing at a point marking the E1/4 Corner of said Section 6, thence S.00°16'41"W., 1326.55 feet along the East line of said Section 6 to a 5/8" iron pin; Thence along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W. 50.10 feet to the Westerly Right of Way Line of Star Road to a 5/8 iron pin; Thence along the Westerly Right of Way line of Star Road, S.00°15'39"W. 302.97 feet to the POINT OF BEGINNING;

Thence along the Northerly Easement Line, S.89°47'00"W. 1271.90 feet to a point; Thence S.00°18'43"W. 50.00 feet to a point; Thence along the Southerly Easement Line, N.89°47'00"E. 1271.95 feet to a 1/2" iron pin; Thence along the Westerly Right of Way Line of Star Road, N.00°15'39"E. 50.00 feet to the POINT OF BEGINNING.



PROPERTY DESCRIPTION

FOR

JOHN LOW

PARCEL B

A parcel of land lying in a portion of the SE1/4 SE1/4 of Section 6, T.3N., R.1W. Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a point marking the E1/4 Corner of said Section 6, thence S.00°16'41"W., 1326.55 feet along the East line of said Section 6 to a 5/8" iron pin; Thence along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W. 50.10 feet to the Westerly Right of Way Line of Star Road to a 5/8 iron pin; Thence along the Westerly Right of Way line of Star Road, S.00°15'39"W. 352.97 feet to the POINT OF BEGINNING;

Thence along the Southerly Easement Line, S.89°47'00"W. 614.60 feet to a 1/2" iron pin; Thence S.00°17'57"W. 306.96 feet to the Southerly Boundary Line of the SE 1/4 of the SE1/4 of said Section 6, to a point; Thence along the Southerly boundary line, S.89°53'59"E. 614.79 feet to a point; Thence N.00°15'39"E 310.36 feet to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH:

A 50' (Fifty foot) Wide Road Easement being a Strip of Land Lying in a portion of the SE1/4 of the SE1/4 of Section 6, T.3N., R.1W. Boise Meridian, Canyon County, Idaho, said Easement being more particularly described as follow:

Commencing at a point marking the E1/4 Corner of said Section 6, Thence S.00°16'41"W., 1326.55 feet along the East line of said Section 6 to a 5/8" iron pin; Thence along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W. 50.10 feet to the Westerly Right of Way Line of Star Road to a 5/8 iron pin; Thence along the Westerly Right of Way line of Star Road, S.00°15'39"W. 302.97 feet to the POINT OF BEGINNING;

Thence along the Northerly Easement Line, S.89°47'00"W. 1271.90 feet to a point; Thence S.00°18'43"W. 50.00 feet to a point; Thence along the Southerly Easement Line, N.89°47'00"E. 1271.95 feet to a 1/2" iron pin; Thence along the Westerly Right of Way Line of Star Road, N.00°15'39"E. 50.00 feet to the POINT OF BEGINNING.



PROPERTY DESCRIPTION

FOR

JOHN LOW

PARCEL C

A parcel of land lying in a portion of the SE1/4 SE1/4 of Section 6, T.3N., R.1W. Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a point marking the E1/4 Corner of said Section 6, thence S.00°16'41"W., 1326.55 feet along the East line of said Section 6 to a 5/8" iron pin; Thence along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W. 50.10 feet to the Westerly Right of Way Line of Star Road to a 5/8 iron pin; Thence along the Westerly Right of Way line of Star Road, S.00°15'39"W. 663.35 feet to a point; Thence along the Southerly Boundary Line of the SE1/4 of the SE1/4 of said Section 6, N.89°53'59"W. 614.79 feet to the POINT OF BEGINNING;

Thence continuing along the Southerly Boundary Line of the SE1/4 of the SE1/4 of said Section 6, N.89°53'59"W. 657.39 feet to a point; Thence along the Westerly Boundary Line N.00°18'43"E. 331.29 feet to a 1/2" iron pin; Thence along Northernly Boundary Line S.89°55'38"E. 657.32 feet to a 1/2" iron pin; Thence S.00°17'57"W. 331.60 feet to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH:

A 50' (Fifty foot) Wide Road Easement being a Strip of Land Lying in a portion of the SE1/4 of the SE1/4 of Section 6, T.3N., R.1W. Boise Meridian, Canyon County, Idaho, said Easement being more particularly described as follow:

Commencing at a point marking the E1/4 Corner of said Section 6, thence S.00°16'41"W., 1326.55 feet along the East line of said Section 6 to a 5/8" iron pin; Thence along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W. 50.10 feet to the Westerly Right of Way Line of Star Road to a 5/8 iron pin; Thence along the Westerly Right of Way line of Star Road, S.00°15'39"W. 302.97 feet to the POINT OF BEGINNING;

Thence along the Northerly Easement Line, S.89°47'00"W. 1271.90 feet to a point; Thence S.00°18'43"W. 50.00 feet to a point; Thence along the Southerly Easement Line, N.89°47'00"E. 1271.95 feet to a 1/2" iron pin; Thence along the Westerly Right of Way Line of Star Road, N.00°15'39"E. 50.00 feet to the POINT OF BEGINNING.



PROPERTY DESCRIPTION

FOR

JOHN LOW

PARCEL D

A parcel of land lying in a portion of the SE1/4 SE1/4 of Section 6, T.3N., R.1W. Boise Meridian, Canyon County, Idaho, said parcel being more particularly described as follows:

Commencing at a point marking the E1/4 Corner of said Section 6, thence S.00°16'41"W., 1326.55 feet along the East line of said Section 6 to a 5/8" iron pin; Thence along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W. 664.64 feet to the POINT OF BEGINNING;

Thence continuing along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W 657.05 feet to a 5/8" iron pin; Thence along the Westerly Boundary Line S.00°18'43"W. 331.46 feet to a 1/2" iron pin; Thence along the Southerly Boundary Line, S.89°55'38"E. 657.22 feet to a 1/2" iron pin; Thence N.00°17'57"E. 331.44 feet to the POINT OF BEGINNING.

SUBJECT TO AND TOGETHER WITH:

A 50' (Fifty foot) Wide Road Easement being a Strip of Land Lying in a portion of the SE1/4 of the SE1/4 of Section 6, T.3N., R.1W. Boise Meridian, Canyon County, Idaho, said Easement being more particularly described as follow:

Commencing at a point marking the E1/4 Corner of said Section 6, thence S.00°16'41"W., 1326.55 feet along the East line of said Section 6 to a 5/8" iron pin; Thence along the Northerly boundary line of the SE1/4 of the SE1/4 of said Section 6, N.89°55'35"W. 50.10 feet to the Westerly Right of Way Line of Star Road to a 5/8 iron pin; Thence along the Westerly Right of Way line of Star Road, S.00°15'39"W. 302.97 feet to the POINT OF BEGINNING;

Thence along the Northerly Easement Line, S.89°47'00"W. 1271.90 feet to a point; Thence S.00°18'43"W. 50.00 feet to a point; Thence along the Southerly Easement Line, N.89°47'00"E. 1271.95 feet to a 1/2" iron pin; Thence along the Westerly Right of Way Line of Star Road, N.00°15'39"E. 50.00 feet to the POINT OF BEGINNING.



Landlocked Triangle

17175 Star Rd
Triangle

17175 Star Rd. (Parcel 1290A) Legal Description

A part of the Southwest Quarter of the Southeast Quarter, Section 6, Township 3 North, Range 1 West, Boise Meridian, Canyon County, Idaho, lying North and East of the Ten Mile drain ditch, more particularly described as follows:

Beginning at the South quarter corner of Section 6; thence
South 89° 54' east 1320 feet along the section line to a point; thence
North 0° 15' East 655.81 feet along the East 1/16 line to the Real Point of Beginning; thence
North 0° 15' East 664.19 feet along the East 1/16 line to a point; thence
North 89° 54' West 997.64 feet along the South 1/16 line to a point; thence
South 56° 12' East 1197.06 feet along the centerline of the Ten Mile drain ditch to the REAL
POINT OF BEGINNING.

Public Hearing No. 2:

Zoning Map Amendment from RS-8.5 (Single Family Residential – 8,500 sq ft) to RA (Suburban Residential) at 17155, 17175, 17225, 0 Star Rd and 0 Cherry Lane. (An approximately 27.069 acre portion of the SE 1/4 Section 6 T3N R1W BM), for John Low. (ZMA 018-16)

Acting Chairman Rodriguez proceeded to public hearing.

John Low of 4921 Cresthaven, Boise – the applicant:

- According to Mr Low, the subject properties comprised approximately 28 acres and were split up into four 5 acre parcels and one 7.75 acre parcel.
- The Rezone had been requested, continued Mr Low, because with that much property within each of the subject parcels the landowners would like to Rezone to RA, so they could raise a cow or have a couple of horses. The Rezone to RA, added Mr Low, would allow a large animal for each 10,000 sq ft of pasture.

Planning Director Holm:

- Holm noted the subject properties were annexed into the City in 2006 and at that time it was anticipated the parcel would be split into smaller lots under the RS-8.5 zoning.
- That did not happen, reported Holm, and now the current owners would like to revert the zoning to the RA zoning district to accommodate a more rural 5 lot development, with the 5 lots that had already been created.
- The Comprehensive Plan designation, advised Holm, indicated a Community Mixed Use designation bordering Medium Density designation on the north and would, therefore, be eligible for Rezone to RA.
- According to Holm, no communications had been received from surrounding property owners or residents.

Acting Chairman Rodriguez proceeded to public testimony.

Michael Dudley of 1411 S Secretariat Way, Nampa – in favor:

- Mr Dudley advised he was the owner of one of the parcels requesting the Rezone to RA.
- Mr Dudley stated he was in favor of the Rezone to Ra as he would like to keep horses on his property.

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

**Myers motioned and Sellman seconded to recommend to City Council Rezoning from RS-8.5 to RA for 17155, 17175, 17225, 0 Star Rd and 0 Cherry Lane for John Low.
Motion carried.**

Planning & Zoning Department

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

July 27, 2016

John Low
4921 Cresthaven Drive
Boise, ID 83704

Subject: Zoning Map Amendment from RS 8.5 (Single Family Residential - 8,500 sq. ft.) to RA (Suburban Residential) at 17155, 17175, 17225, 0 Star Road and 0 Cherry Lane (An approximate 27.069 acre portion of the SE 1/4 SE 1/4 of Section 6, T3N, R1W, BM) for John Low (ZMA 018-16).

Dear Mr. Low:

The following is the decision of the Nampa Planning & Zoning Commission on the above request heard before them on July 26, 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 RA is reasonably necessary in order to allow the applicant to use the property as proposed.
2. Rezone of the subject property to RA is in the interest of the property owner(s) and conforms to the adopted comprehensive plan designation of Medium Density Residential use.
3. The proposed Rural Residential use of the subject property will be compatible with the existing Agricultural and Rural Residential uses established around the area.
4. 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 RS 8.5 to RA. Further consideration and public hearing on the rezone to RA has been scheduled before the City Council for their September 6, 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

NAMPA Proud

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: July 14, 2016

Re: Zoning Map Amendment RS8.5 to RA

Applicant: John Low

Applicant Address: 4921 Cresthaven Drive, Boise, Idaho 83704

Parcel Addresses: 17155, 17175, 17255, 0 Star Road & 0 Cherry Lane

ZMA 018-16 for July 26, 2016 Planning & Zoning Meeting

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

Shellie Lopez

From: Neil Jones
Sent: Monday, June 27, 2016 8:27 AM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Zoning Map Amendment from RS 8.5 to RA / ZMA 018 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, June 22, 2016 9:14 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: Zoning Map Amendment from RS 8.5 to RA / ZMA 018 16

Good Morning! ☺

ZMA 018-16:

John Low has requested a Zoning Map Amendment from RS 8.5 (Single Family Residential - 8,500 sq. ft.) to RA (Suburban Residential) at 17155, 17175, 17225, 0 Star Road and 0 Cherry Lane (An approximate 27.069 acre portion of the SE 1/4 SE 1/4 of Section 6, T3N, RIW, BM).

The applicant will go before the Planning and Zoning Commission as a public hearing item on the July 26, 2016 agenda.

Please find attached ZMA 018-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than July 14, 2016.

Thank you & have a great day!

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, August 23, 2016 2:10 PM
To: Norm Holm
Subject: ZMA 018-2016

Good Afternoon Norman,

The Nampa Highway District #1 has no objection to the Zoning Map Amendment from RS 8.5 to RA at 17155, 17175, 17225, 0 Star Road, and 0 Cherry Ln for John Low as long as Highway District access requirements are not altered.

If you have any questions or comments 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



Planning & Zoning Department

Nampa City Council Public Hearing

September 6, 2016

Staff Report – Agenda Items # 36 and # 37

To: Planning & Zoning Commission

Applicant: City of Nampa

File No's: ZTA-003-2016, ZMA 00019-2016

Prepared By: Karla Nelson

Date: August 29, 2016

Requested Actions: 1) Amendment of Title 10, Chapters 3, 4 and 22, Sections 10-3-1, 10-3-2, 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9, 10-22-1, 10-22-4 and 10-22-6

2) Rezone from GB 1 (Gateway Business 1) to GBE (Gateway Business Entertainment) at 16200 Idaho Center Blvd (A 55.24 acre portion of Section 7, T3N, R1W, BM, SW ¼, Idaho Center, Lots 1 & 3, Block 1) for the City of Nampa.

Purpose: To encourage a concentration of entertainment uses to complement the Ford Idaho Center. Establishment of the GBE district and rezone of the Idaho Center to the GBE district is meant to strengthen the role of the Ford Idaho Center as a regional entertainment district emphasizing establishments attracting a regional patronage.

BACKGROUND INFORMATION

The City of Nampa is looking for a development partner to bring a multi-tenant entertainment based project to the Ford Idaho Center grounds. The desired development would provide amenities that attract new customers to the area and enhance the overall experience for individuals attending Idaho Center events.

Existing GB1 zoning allows for a broad range of land uses, many of which would not strategically enhance the Idaho Center as an entertainment venue. Establishment of the proposed GBE entertainment district would limit potential land uses for the site, only permitting those with a specific entertainment focus.

On July 26 the Nampa Planning and Zoning Commission recommended approval of the requested amendments to the zoning ordinance and the rezone request for the Idaho Center Property from GB1 to GBE.

Potential development details:

The City plans to market up to 3 acres of the Ford Idaho Center property directly adjacent to Idaho Center Boulevard for a multi-tenant entertainment project. Shared parking with the Ford Idaho Center is meant to entice prospective developers.

Market Demand:

- Adjacent to the expanding College of Western Idaho, currently serving 9,000 students and 1,100 employees
- New 100-bed hospital facility under construction in addition to new medical office space
- Near Nampa's highest concentration of Class A office space
- More than 320,000 annual Idaho Center and Horse Park attendees per year

Public Utilities:

Water: 12" domestic water mains serve Idaho Center Boulevard and 10" – 8" service lines serve the Idaho Center property.

Sewer: An 18" gravity sewer main runs along the east side of Idaho Center Boulevard adjacent to the proposed redevelopment site.

Irrigation: Pressurized irrigation serves the site.

Emergency Services: All available.

Parking: According to the 2007 *Idaho Center/ Nampa Civic Center Community Benefits Analysis* the Idaho Center has 3,500 paved parking spaces and 44 RV stalls.

Correspondence and Public Input:

Throughout the Northeast Nampa Specific Area Planning process we have consistently heard from residents and businesses that sit-down restaurants are needed in the area.

During the Planning and Zoning Commission, Mr. Mahoney, an adjacent property owner, spoke. He was in favor of promoting economic development in the area but had concerns about parking and fairness to other property owners in the area who would like to develop their land. Mr. Mahoney's concerns were addressed; the zoning ordinance provides options for property owners to share parking and development resulting from the GBE zone will encourage people to stay in the Idaho Center area, benefiting adjacent property owners.

Location: The Ford Idaho Center, parcel R15129500.

Size of Area: 55.24 acre portion of Section 7, T3N, R1W, BM, SW ¼, Idaho Center, Lots 1 & 3, Block 1.

Zoning and Land Use:

Comprehensive Plan Land Use Designation: Public or Highway Commercial

Existing Zoning: GB1

Proposed Zoning: GBE

Surrounding Land Use and Zoning:

North- CWI, University (U)

South- Commercial, GB 1

East- Industrial and Agricultural, GB 1 and IL

West – Commercial, GB 1

APPLICABLE REGULATIONS

Zoning Ordinance Text Amendments

Before Nampa City Council approves any proposed zoning code amendment(s), the Council must conclude that the proposed amendments would be:

- Reasonably necessary
- In the public interest
- In harmony with the goals and/ or policies of the comprehensive plan

Rezone

In regard to the corresponding rezone request there are several criteria to consider.

- Is the change in harmony with the comprehensive plan?
- Is the change reasonably compatible with existing, adjoining property uses?
- Will the change establish an area of zoning the same as or compatible with immediately adjoining districts?
- Does it create a "spot" zone?
- Will the change be in the interest of the public and is it reasonably necessary?

STAFF FINDINGS

Zoning Ordinance Text Amendment

Proposed amendments to the zoning code would establish a new zone, the Gateway Business Entertainment zone. Changes to sections 10-3-1 and 10-3-2 relate to allowed land uses in the proposed new zone. Changes to sections 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9 and 10-4-10 set parameters for setbacks, parking, landscaping and design. Changes to sections 10-22-1, 10-22-4 and 10-22-6 pertain to parking requirements in the GBE zone.

Permitted land uses in the GBE zone are proposed to include: restaurants (not drive-in or drive through), bars or nightclubs (with or without a restaurant), art galleries, auditoriums, botanical gardens, civic and fraternal organizations, exhibition halls, meeting halls, museums or planetariums, tourist information, concessions, dance halls, indoor entertainment and amusement, equestrian facilities, game rooms, ice or roller skating, parks, sports arena, bakery, delicatessen, gift shop, hotel, ice cream, and government office buildings. Uses proposed to be allowed conditionally include: riding academies, riding stables, and fair grounds.

To encourage development close to the existing landscape strip and sidewalk, the proposed GBE setback is 20 feet abutting arterial or collector roadways while the GB1 and GB2 setback remains 35 feet. The existing landscape strip along Idaho Center Boulevard is 35' but the property line in some locations is only 20 feet from the parking lot. Other dimensional and design differences for the proposed GBE district include zero lot lines for interior yards and an allowance for primary facades to face either the Idaho Center or Idaho Center Boulevard. Regardless of building orientation 25% glazing is required along Idaho Center Boulevard.

Parking:

The GBE zone is proposed to have a **parking maximum** of 3,500 spaces. Parking maximums have been used in many communities in order to promote efficient land use and as a means of encouraging alternative transportation modes. Conventional parking standards are based on potential peak demand, resulting in parking lots that are typically empty or underutilized. The Idaho Center reports 0-5 times per year when their parking lot is filled or close to full. In other

words, 98.7% - 100% of the time the parking lot is not fully utilized. The Idaho Center has tracked event attendance and utilization of paved (paid) parking spaces for ticketed events since October 2014. Over that time 2,344 was the greatest number of parking spaces utilized for an event. Spectra management is committed to promoting alternative parking plans for the few times a year when parking is scarce. Parking management plans could include shared parking with the College of Western Idaho, encouragement of carpools, bus use, or shuttles from satellite parking lots.

Despite infrequent need for all available parking, the Idaho Center does not comply with Nampa's current parking code standards. The Idaho Center has 3,500 paved parking spaces. The existing parking code requires 1 parking space for every 4 auditorium/ stadium seats. Considering all Idaho Center venues except the horse park, there should be at least 6,950 parking spaces, an amount that would never be fully utilized based on historic parking demand for the facility.

- Indoor Idaho Center Arena seats 12,300 people – requiring 3,075 parking stalls.
- Outdoor amphitheater seats 11,000 people – requiring 2,750 parking stalls
- Sports Center seats 4,500 people – requiring 1,125 parking stalls
- The horse park is designed to accommodate events of varying size

Devoting acres of land to empty or underutilized parking lots can be costly. The City recently appraised a section of the Idaho Center parking lot that is being considered for a multi-tenant entertainment development. The appraisal came in at \$8.00 - \$12.00 per square foot or \$348,480 - \$522,720 per acre.

The potential development on the Idaho Center grounds could take up as many as 276 parking spaces leaving 3,212 spaces and 23 acres of parking. Most likely the development will not comprise the entire 2.29 acres that the city is marketing and some of the 276 spaces will likely remain.

Reasonably necessary and in the public interest:

The proposed code amendments could be seen as being reasonably necessary and in the public interest. No existing zoning district sufficiently limits development to entertainment uses that would enhance the Ford Idaho Center.

During the Northeast Nampa Specific Area Plan process property owners and businesses surrounding the Idaho Center were sent a survey. The majority of respondents expressed an interest in attracting sit down restaurants, hotels and tourism/ entertainment development to the area. The desire for complementary entertainment uses particularly in the form of a sit down restaurant has been echoed by many organization and business representatives. The proposed code change would help to realize this goal by incentivizing entertainment uses with shared parking.

Harmony with the goals and/ or policies of the comprehensive plan:

Proposed text amendments are in harmony with several stated goals of the comprehensive plan.

- Chapter 5, Goal 5 – Guide new development, infill and redevelopment projects to planned development areas throughout the city, rather than outside of the city.
 - Objective 7: Identify potential infill and urban redevelopment locations in the Comprehensive Plan, and through special planning studies of specific areas
- Chapter 5, Goal 12: Encourage the development of compact, mixed use neighborhoods, districts and centers.

- Chapter 6 – Parking Management; Strategy 10: Increase flexibility with minimum parking requirements to reflect typical daily demand and allow innovative parking provisions.
 - Explore the use of innovative public and private parking requirements and approaches, including the use of minimum or maximum parking requirements in City ordinance.
 - The City should recognize unique situations in the downtown and other parts of the City, and allow for flexibility in parking provision decisions in response to unique circumstances.

Under Section 10-2-3 regarding rezones, in order to approve of the proposed **Rezone from GB1 (Gateway Business 1) to GBE (Gateway Business Entertainment)** the Planning & Zoning Commission must find the following:

1. *The proposed map amendment (rezone) would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan future land use map;*
 The current future land use designation for the site is Public but it is directly adjacent to a Highway Commercial designation. Nampa allows comprehensive plan designations to be stretched over one parcel. Proposed uses in the Gateway Business Entertainment District are harmonious with the Highway Commercial designation. Moreover, goals of the comprehensive plan listed above support the change.
2. *The proposed map amendment (rezone) would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses;*
 Existing uses on the site are entertainment based. Surrounding uses include the College of Western Idaho, commercial uses and nearby office space all of which are compatible with and would likely be enhanced by the proposed entertainment uses.
3. *The proposed map amendment (rezone) would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts;*
 The proposed GBE zoning would be surrounded by GB1 and University zoning. Proposed GBE uses are compatible with uses allowed in the GB1 and University zoning districts.
4. *The proposed map amendment (rezone) would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve to benefit the applicant;*
 The GBE district is a Gateway Business sub-district connected to other Gateway Business zoning. Staff does not consider the proposed change a spot zone.
5. *The proposed map amendment (rezone) would be in the interest of the public and reasonably necessary.*
 During the Northeast Nampa Specific Planning process property owners and businesses surrounding the Idaho Center were sent a survey. The majority of respondents expressed an interest in attracting sit down restaurants, hotels and tourism/ entertainment development to the area. The desire for complementary entertainment uses particularly in the form of a sit down restaurant has been echoed by many organization and business representatives.

Revenue generated from underutilized parking spaces could also be seen as being in the public interest.

CONDITIONS OF APPROVAL

If City Council determines that the proposed rezone is appropriate for the location, conditions of approval could be considered. Parking management plans could be required for events attracting more than 8,000 attendees. The Engineering Division did not identify any conditions of approval.

ATTACHMENTS

- Code changes
- Location / zoning map
- Proposed development opportunity site map
- Paid parking and attendance at the Ford Idaho Center since October, 2014
- Application
- Agency and neighboring property owner correspondence
- Planning and Zoning Commission Minutes

ORDINANCE NO. XXXX

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, AMENDING TITLE 10, CHAPTER 3 SECTION 10-3-1 AND 10-3-2, RELATING TO LAND USES IN THE GATEWAY BUSINESS ENTERTAINMENT ZONE; AMENDING TITLE 10, CHAPTER 4, SECTIONS 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9, AND 10-4-10 RELATING TO THE GATEWAY BUSINESS ENTERTAINMENT ZONE; AMENDING TITLE 10 CHAPTER 22, SECTIONS 10-22-1, 10-22-4, AND 10-22-6 PERTAINING TO PARKING IN THE GATEWAY BUSINESS ENTERTAINMENT ZONE; PROVIDING 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 10, Chapter 3, Section 10-3-1 and 10-3-2 of the Nampa City Code pertaining to allowed land uses in the Gateway Business Entertainment (“GBE”) District be amended as follows:

10-3-1: ESTABLISHMENT AND DESIGNATION OF USE DISTRICTS:

The following use districts are established and shall apply to and govern the use, maintenance or development of any land in the city:

Use Districts	
GB1, GB2, <u>GBE</u>	Gateway business
U	University
AG	Agricultural
RA	Suburban residential
RS	Single-family residential
HC	Healthcare
RD	Two-family (duplex) residential
RML	Limited multiple-family residential
RMH	Multiple-family residential
RP	Residential professional
BN	Neighborhood business

DB, DV, DH	Downtown
BC	Community business
BF	Freeway business
IP	Industrial park
IL	Light industrial
IH	Heavy industrial

10-3-2: SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS:

District land use controls shall be as set forth in the succeeding schedule.

...

(blank) = Not allowed	P = Permitted use	C = Conditional use permit required
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Agricultural Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH	
Accessory use or building ¹	P	P	P								P	P	P			P	P		P	P	P	
Agricultural, general (no slaughterhouses in GB, IL or IP zone)		P	P													P	P		P	P	P	
Berry and bush crop		P	P	P															P	P	P	
Feedlot or dairy (no slaughterhouses in GB, IL or IP zone)		C	C																	C	C	
Fish farm		C	C																		C	C
Flower gardening		P	P	P		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P	

(blank) = Not allowed P = Permitted use C = Conditional use permit required

Sporting, Recreation And Amusement Land Use/Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	<u>GBE</u>	IP	IL	IH
Accessory use or building'	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	<u>P</u>	P	P	P
Carnivals, circuses, amusement parks (over 2 weeks long)		C									C	C	C	C		C				C	C
Concession		C											C	C	C	C		<u>P</u>		C	C
Dance hall												C	C					<u>P</u>		C	
Entertainment and amusement, indoor											C	P	P	P	P	P	P	<u>P</u>		P	
Equestrian facility		P	C													C		<u>P</u>		P	

Commercial Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory use or building ¹	P	P	P			P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Antique store										P	P	P	P	P		P	P		C	C	
Auction sales (no livestock in BC)														C		C				P	P
Automobile or truck sales, new												C		P	P	P	P			P	P
Automobile or truck sales, used												C		P	P					P	P
Automobile parts and accessories												C		P		C			C	P	
Bakery											P	C	P	P		C		P	C	P	P
Bar, nightclub or cocktail lounge (associated with and accessory to a restaurant)											P	P	P	P	P	P	P	P			

...

(blank) = Not allowed P = Permitted use C = Conditional use permit required

Service And Office Land Use/ Building Occupancy Type	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	GBE	IP	IL	IH
Accessory use or building	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P	P
Advertising									P	P	P	P	P	P		P	P		P	C	
Animal shelter		P	C											C		C	C		C	P	P
Apparel, repair or alteration										P	C	P	P	P		P	P		C		
Appliance repair														P		C			C	P	
Automobile or truck repair												C		C	C				C	P	P
Bank/credit union									P	P	P	P	P	P	P	P	P		C	C	
Barber or beauty shop, day spa, nail salon					P				P	P	P	P	P	P	P	P	P				
Blood bank					P								P	P	P	C			P	P	
Blueprinting,	P										P	P	P	P		P	P		C	C	

allowed	use	required	required
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	U	AG	RA	RS	HC	RD	RML	RMH	RP	BN	DB	DV	DH	BC	BF	GB1	GB2	<u>GBE</u>	IP	IL	IH
Animals, Care And Keeping¹		P	P																P	P	P
Animals, agricultural, including apiaries ⁴																					
Animals, agricultural kept as pets ^{2,4}		n/a	P	P		P	P	P	P												
Animals, defined as pets	P	P	P	P		P	P	P	P	P	P	P	P	P	P	P	P		P	P	P
Animals, exotic ³																					

...

Section 2. That Title 10, Chapter 4, Sections 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9 and 10-4-10, of the Nampa City Code, pertaining to the Gateway Business Entertainment (“GBE”) District be amended, as follows:

10-4-1: DESCRIPTION AND PURPOSE:

The GB (gateway business) district is established to allow for the consistent development of areas surrounding community gateways or entryways. It is designed to ensure that uses developing in these areas are compatible in nature and appearance and are encouraged to feature high standards of architecture, landscaping and site planning.

The GB district is further subdivided into the GB1, ~~and GB2~~ and GBE (Entertainment) districts. The GB1 district is intended for mixed use, primarily commercial, development allowing a variety of highest and best land use alternatives with flexible development standards. The GB2 district also allows for a mixing of development types, but is further intended to allow medium to high density residential projects within a mixed use neighborhood with a limiting of allowable industrial uses. The GBE district is designed to encourage a concentration of entertainment uses that complement the Ford Idaho Center. The GBE district is established to strengthen the role of the Ford Idaho Center as a regional entertainment district, emphasizing establishments attracting a regional patronage.

10-4-2: PERMITTED BUILDINGS AND USES:

Permitted buildings and uses in the GB1, ~~and GB2~~ and GBE districts shall be as set forth in section 10-3-2, "Schedule Of District/Zone Land Use Controls", of this title, subject to the general provisions and exceptions set forth in this and other chapters of this title.

...

10-4-5: PROPERTY DIMENSIONAL AND BULK REQUIREMENTS:

Construction of on site parking or structures shall comply with the following minimum requirements, except where duly increased by the city in conjunction with issuance of a conditional use permit, or decreased in accordance with granting of a variance or planned unit development permit:

Required parking and building setback <u>for GB1 and GB2 districts abutting a right of way designated as an arterial or collector right of way by the functional classification map adopted in the transportation master plan</u>	35 feet
<u>Required parking and building setback for the GBE district abutting a right of way designated as an arterial or collector by the functional classification map adopted in the transportation master plan</u>	20 feet

Required parking and building setback abutting a right of way designated as a local (public) right of way <u>by the functional classification map adopted in the transportation master plan</u>	15 feet
Required parking/display area setback, from property line, for a new, franchise automobile dealership when abutting a public right of way	15 feet
Required parking and building setback for any use or aspect thereof from property line when abutting (or across a right of way 80 feet or less in width from) any residential use or district	15 feet
Required interior yard parking and building setbacks <u>for GB1 and GB2 districts</u>	5 feet
GBE district interior yard parking and building setbacks	0 feet
Minimum average lot width	None specified
Minimum property depth	None specified
Maximum principal building height	None specified
Maximum property coverage _ corner lot(s)	None specified
Minimum property coverage _ interior lot(s)	None specified
Minimum property area per multi-residential unit	6,000 for first 2 units and 1,350 square feet required per unit thereafter

10-4-6: PARKING:

All uses in the GB1 and GB2 districts shall conform to the parking and loading area standards in chapter 22 of this title.

The entire GBE district shall have a parking maximum of 3,500 surface parking spaces and all parking in the district shall be shared. The GBE district parking maximum is intended to promote efficient use of land.

...

10-4-8: OTHER REQUIRED CONDITIONS:

The following additional conditions shall apply:

- A. Outside Uses: All principal uses except private or public parking areas and service station pump islands shall be in an entirely closed building unless otherwise specified by a conditional use permit. Restaurants are permitted to have outdoor dining areas. Temporary uses may be allowed subject to regulations cited in subsection 10-1-12B of this title.

...

10-4-9: LANDSCAPING:

...

- B. Berming: Along all properties (excepting those in the GBE district or whereon a new automobile dealership is established as the lot's/parcel's primary use) that front rights of way within a GB zone, there shall be provided a continuous, landscaped berm. Berms shall be located within the required landscape strip which is itself contained within and fills the entire required setback area. The berm shall be built up so as to be adjacent to a lot's or parcel's property line which abuts public right of way. See the example below:

...

10-4-10: DESIGN STANDARDS:

...

2. Building Orientation:

- a. In GB1 and GB2 districts, Bbuildings shall be oriented with primary consideration being given to the visual impact from the perspective of the driver or pedestrian. The view from these rights of way should be dominated by the view of the primary or front building facade. Views of large expanses of parking lots are strongly discouraged. In the GBE district, buildings shall be oriented with consideration given to both the visual impact of the façade facing the primary adjacent roadway as well as the façade facing the Ford Idaho Center.

b. The front of buildings shall be oriented to face the most primary, adjacent road to the property upon which they are proposed to be constructed. In the GBE district the front of buildings shall be oriented to face either the most primary, adjacent road or the Ford Idaho Center.

...

3d. Primary facades shall contain a minimum of twenty five percent (25%) glazing. In the GBE district if the primary façade faces the Ford Idaho Center 25% glazing shall also be required for the façade facing Idaho Center Boulevard.

...

Section 3. That Title 10, Chapter 22, Section 10-22-1, 10-22-4 and 10-22-6 of the Nampa City Code pertaining to parking in the Gateway Business Entertainment (“GBE”) District be amended as follows:

10-22-1: LOCATION:

A. Required Off Street Parking Spaces: Required off street parking spaces (in quantity per section 10-22-6 of this chapter) shall be provided for all zones except DH and GBE (in the DH zone only residential dwelling units require parking; in the GBE zone, no additional off street parking is required because parking throughout the zone is shared). Off street parking facilities shall be located on a respective development site(s) unless approved otherwise through a shared parking agreement as may be approved by the planning director or his/her designee in conjunction with plan review of a proposed project in accordance with section 10-22-4 of this chapter. Criteria in section 10-24-4 of this title shall be considered by the council when reviewing any variance request to allow required parking spaces to be located "off site". All required parking and drive aisle area located on site must be under the same ownership as the development site served.

...

10-22-4: COMMON PARKING FACILITES FOR MIXED USES AND OFF SITE PARKING FACILITIES FOR MIXED USES AND OFF SITE PARKING ALLOWANCE:

...

C. That all parking in the GBE zoning district is common and shared among district land uses.

...

10-22-6: SPECIAL PARKING AND LANDSCAPE CORRIDOR DISTRICTS AND SPACES REQUIRED:

...

B. Number Of Spaces Required: The number of off street parking spaces required and/or provided for land and structure uses shall be no less than as set forth as follows. Where fractional number results, round to the next highest whole amount. Thus, 2.6 spaces needed for a project means that 3 spaces are/will be actually required. Required spaces do not apply to uses in the DH or GBE zones.

...

Section 4. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 5. 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 6. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS ____ DAY OF _____, 2016.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS ____ DAY OF _____, 2016.

Approved:

By _____
Mayor

Attest:

By _____
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 10,
CHAPTER 3 SECTION 10-3-1 AND 10-3-2, RELATING TO LAND USES IN THE GATEWAY**

BUSINESS ENTERTAINMENT ZONE; AMENDING TITLE 10, CHAPTER 4, SECTIONS 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9, AND 10-4-10 RELATING TO THE GATEWAY BUSINESS ENTERTAINMENT ZONE; AMENDING TITLE 10 CHAPTER 22, SECTIONS 10-22-1, 10-22-4, AND 10-22-6 PERTAINING TO PARKING IN THE GATEWAY BUSINESS ENTERTAINMENT ZONE; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

Sections 1 through 3: Includes various amendments to the Nampa Zoning Ordinance located in Title 10, Chapters 3, 4, and 22, by adding the Gateway Business Entertainment district/zone to the schedule of land use controls, defining requirements for the Gateway Business Entertainment zone, and identifying a parking maximum for the Gateway Business Entertainment zone.

Sections 4 through 6: 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 this ____ day of _____, 2016. Ordinance No. ____ was passed by the Council and approved by the Mayor on this ____ day of _____, 2016. The full text of the ordinance is available at Nampa City Hall, 411 Third Street South, Nampa, Idaho 83651. The Mayor and City Council approved the foregoing summary on this ____ day of _____, 2016, for publication on this ____ day of _____, 2016, pursuant to Idaho Code § 50-901A.

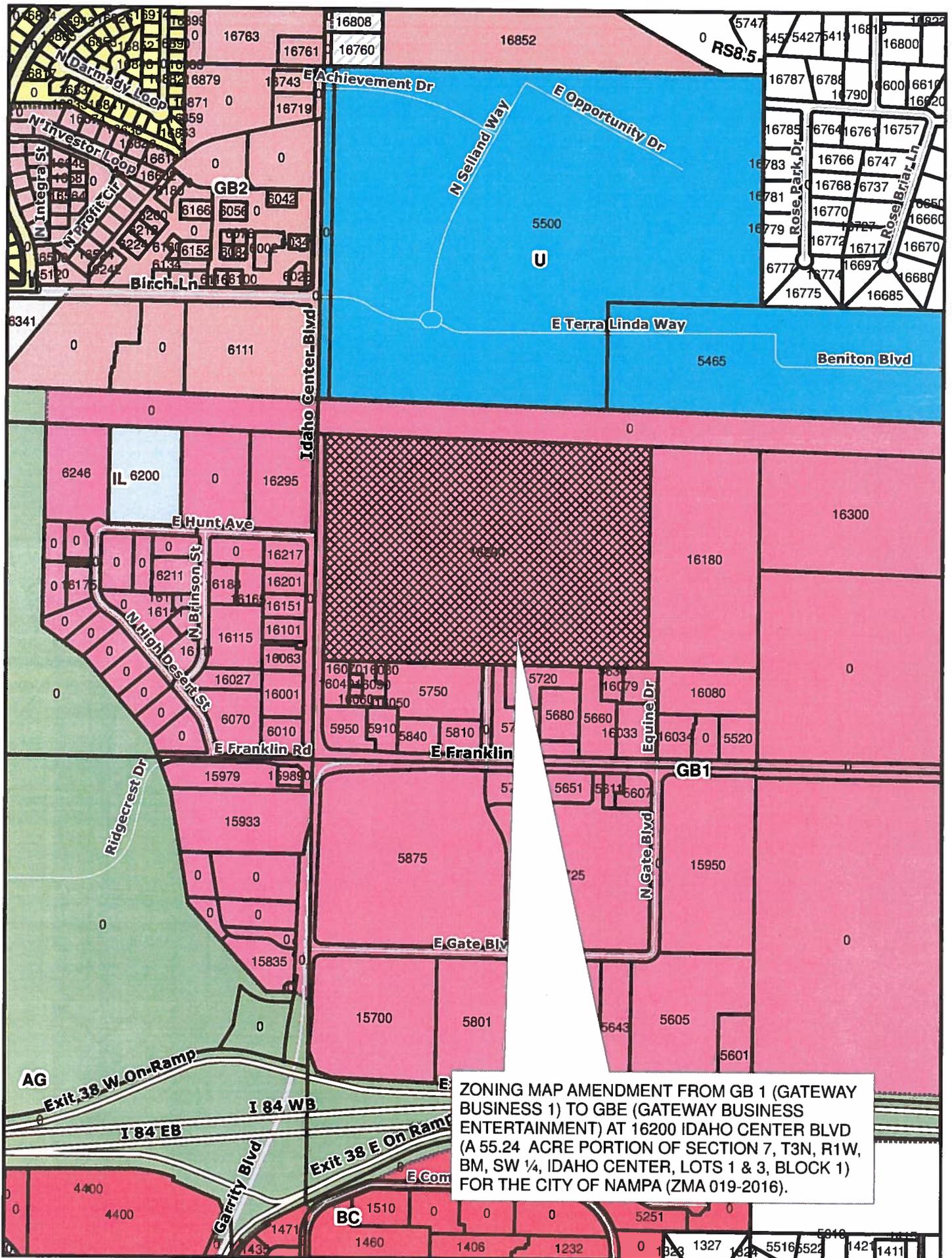
Mayor Robert L. Henry

ATTEST: Deborah Bishop, City Clerk

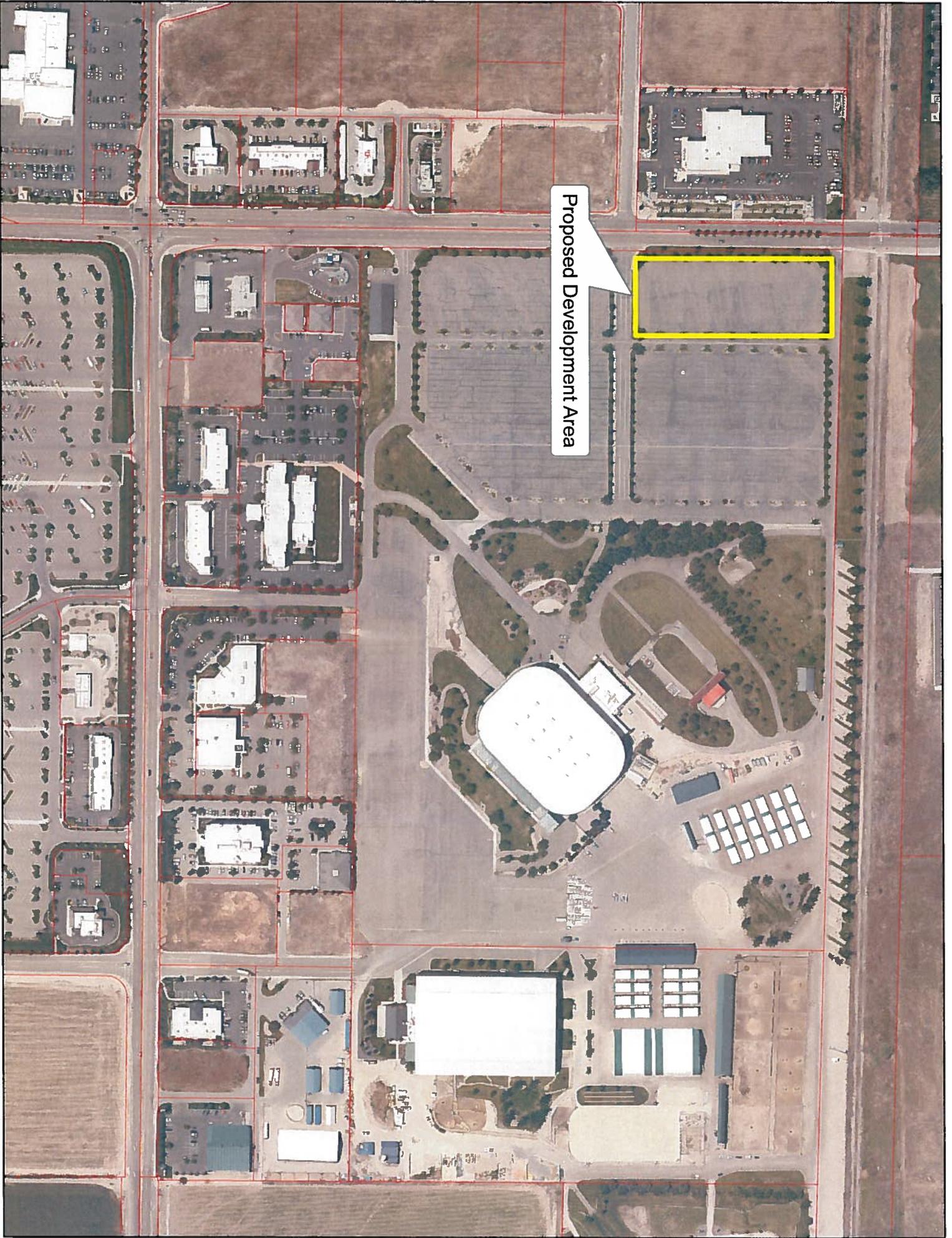
STATEMENT OF LEGAL ADVISOR

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 ____ day of _____, 2016.
Mark Hilty, Attorney for City of Nampa



ZONING MAP AMENDMENT FROM GB 1 (GATEWAY BUSINESS 1) TO GBE (GATEWAY BUSINESS ENTERTAINMENT) AT 16200 IDAHO CENTER BLVD (A 55.24 ACRE PORTION OF SECTION 7, T3N, R1W, BM, SW 1/4, IDAHO CENTER, LOTS 1 & 3, BLOCK 1) FOR THE CITY OF NAMPA (ZMA 019-2016).



Proposed Development Area

Parking based on attendance VS # cars parked

*Note: These are averages; some free spaces may not be accounted for

<u>Event</u>	<u>Event date</u>	<u>Attendance</u>	<u># Paid Cars</u>	<u>Avg cars per person</u>
Ezequiel Pena	10/18/2014	1,005	397	2.53
Endurocross	11/15/2014	2,931	929	3.16
Monster Jam Fri	2/27/2015	4,417	1,095	4.03
Monster Jam matinee	2/28/2015	5,856	1,281	4.57
Monster Jam Sat	2/28/2015	5,539	1,200	4.62
Prom Extravaganza	3/16/2015	150	59	2.54
America On Tap	3/28/2015	1,511	350	4.32
PBR	4/11/2015	5,984	1,729	3.46
PBR	4/12/2015	3,904	1,207	3.23
Empresa Frias	4/17/2015	2,167	798	2.72
Caldwell HS Grad	5/18/2015	3,500	817	4.28
Skyview HS Grad	5/19/2015	3,500	846	4.14
Nampa HS Grad	5/20/2015	3,500	991	3.53
Vallivue HS Grad	5/21/2015	5,000	1,203	4.16
Middleton HS Grad	5/12/2015	2,000	735	2.72
Kuna HS Grad	5/22/2015	2,500	799	3.13
Columbia HS Grad	5/22/2015	3,000	797	3.76
Emmett HS Grad	5/23/2015	1,200	620	1.94
Jacksons Country Stomp	6/17/2015	3,966	1,207	3.29
Willie Nelson	6/19/2015	5,233	1,789	2.93
Mayhem	7/1/2015	2,773	949	2.92
God & Country	7/2/2015	9,200	1,702	5.41
Wiz Khalifa	7/31/2015	3,797	1,049	3.62
Brit Floyd	8/8/2015	1,431	523	2.74
Empresa Frias	8/21/2015	1,894	750	2.53
Sublime	8/27/2015	2,400	815	2.94
WOW Fan Jam	9/11/2015	3,292	1,133	2.91
Mathew West	10/18/2015	1,653	467	3.54
Endurocross	11/7/2015	3,868	1,020	3.79
Monster Jam	2/26/2016	4,379	1,023	4.28
Monster Jam matinee	2/27/2016	6,523	1,309	4.98
Monster Jam Sat	2/27/2016	6,248	1,382	4.52
Peppa Pig	3/1/2016	1,145	364	3.15
ERA Rodeo Friday	4/1/2016	3,089	819	3.77
ERA Rodeo Saturday	4/2/2016	2,916	833	3.50
Arenacross Friday	4/22/2016	1,707	562	3.04
Arenacross Saturday	4/23/2016	3,231	989	3.27
Calibre	5/6/2016	3,300	1,158	2.85
Skyview HS Grad	5/17/2016	3,273	1,091	3.00
Nampa HS Grad	5/18/2016	3,402	1,134	3.00
Caldwell HS Grad	5/23/2016	3,129	1,043	3.00

Vallivue HS Grad	5/24/2016	3,531	1,177	3.00
Columbia HS Grad	5/24/2016	2,898	966	3.00
Middleton HS Grad	5/26/2016	2,661	887	3.00
Kuna HS Grad	5/27/2016	2,721	907	3.00
Emmett HS Grad	5/28/2016	1,728	576	3.00
Ron White	5/28/2016	1,883	720	2.62
Sesame Street	6/11/2016	246	82	3.00
Sesame Street	6/11/2016	186	65	2.86
Sesame Street	6/12/2016	415	151	2.75
Jacksons Country Stomp	6/16/2016	5,369	1,828	2.94
God & Country	6/29/2016	8,500	1,811	4.69
El Redodo & Hernandez	7/1/2016	2,241	798	2.81
Meghan Trainor	7/14/2016	5,270	1,445	3.65
Avett Brothers	7/25/2016	2,252	830	2.71
Rob Zombie & Korn	7/26/2016	7,134	2,344	3.04
Warped Tour	8/11/2016	3,350	1,168	2.87
Hispanic Dance	8/12/2016	1,681	620	2.71
X-Fest	8/26/2016	2,489		
TOTALS:		194,068	55,339	3.34



APPLICATION FOR AMENDMENT OF ZONING ORDINANCE OR MAP

City of Nampa, Idaho

7/26/16 FZ
Karl

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

- 1. Name of applicant: Norman L Holm for City of Nampa
2. Address of applicant: 411 Third Street South, Nampa, ID 83686
3. Telephone number of applicant: 208-468-5446 work; home.
4. Address of subject property: (Not Applicable)
5. Legal description of property, (attach if necessary) : (Not Applicable)

6. Is the applicant the owner of the subject property? If not, please state the name and address of the owner, together with the relationship of applicant to the owner: (Not Applicable)

7. Is a copy of one of the following attached? warranty deed; proof of option; earnest money agreement. (NA)

8. State 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.

- Amending Chapter 3, Section 10-3-1 and 10-3-2 relating to land uses in the GBE (Gateway Business Entertainment) zone.
- Amending Chapter 4, Sections 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9, and 10-4-10 relating to establishment of the GBE (Gateway Business Entertainment) zone.
- Amending Chapter 22, Sections 10-22-1, 10-22-4, and 10-22-6 pertaining to parking in the GBE (Gateway Business Entertainment) zone.

Dated this 24th day of June, 20 16

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.

ZTA 003 .2016



APPLICATION FOR AMENDMENT OF ZONING ORDINANCE OR MAP

City of Nampa, Idaho

7/26/16 PE
Karla

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of **\$406.00** (for 1 acre or less), and **\$811.00** (for more than 1 acre) for a map amendment; or **\$213.00** for a text amendment. (No fee)

Name of Applicant/Representative: City of Nampa / Karla Nelson Phone: 1-208-468-4434

Address: 411 Third St So City: Nampa State: Idaho Zip Code: 83651

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

Owner Name: City of Nampa Phone: _____

Address: 411 Third St So City: Nampa State: Idaho Zip Code: 83651

Address of subject property: 16200 Idaho Center Blvd, Nampa, ID, 83687

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

Subject Property Information

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the 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 Idaho Center Lots 1 & 3 Block 1 Book _____ Page _____
Canyon County Parcel - R15129500

Project Description

State the zoning desired for the subject property: GBE (Gateway Business Entertainment)

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.

From GB 1 (Gateway Business 1) to GBE (Gateway Business Entertainment)

Dated this 28th day of June, 2016

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: 0127 - 20 Project Name: Bezone GB1 to GBE
ZMA-09-2016

Norm Holm

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, August 23, 2016 2:15 PM
To: Norm Holm
Subject: ZMA 00019-2016

Good Afternoon Norman,

The Nampa Highway District #1 has no objection to the Zoning Map Amendment from GB 1 to GBE at 16200 Idaho Center Blvd. for the City of Nampa as it is not within the Highway District's jurisdiction.

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

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

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: July 14, 2016
Re: Zoning Text Amendment-Various sections Chapters 3, 4, & 22
Applicant: Norm Holms-Nampa Planning & Zoning
Applicant Address: 411-3rd Street South, Nampa, Idaho 83651
Parcel Address: NA

ZTA 003-16 for July 26, 2016 Planning & Zoning Meeting

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

Shellie Lopez

From: Neil Jones
Sent: Wednesday, July 06, 2016 11:36 AM
To: Shellie Lopez
Cc: Bret Caulder
Subject: RE: Zoning Map Amendment from GB 1 to GBE / 16200 Idaho Center Blvd ZMA 019 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: Tuesday, June 28, 2016 1:03 PM
To: Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@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: Zoning Map Amendment from GB 1 to GBE / 16200 Idaho Center Blvd ZMA 019 16

Good Afternoon! ☺

ZMA 019-16:

Karla Nelson, representing the City of Nampa has requested a Zoning Map Amendment from GB 1 (Gateway Business 1) to GBE (Gateway Business Entertainment) at 16200 Idaho Center Blvd (A 55.24 acre portion of Section 7, T3N, RIW, BM, SW ¼, Idaho Center, Lots 1 & 3, Block 1).

This application will go before the Planning and Zoning Commission as a public hearing item on the July 26, 2016 agenda.

Please find attached ZMA 019-16 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than July 14, 2016.

Thank you & have a great day!

- **City Engineer Points** stated the sign was not an issue with the Engineering Division, but it may be with the Fire Department.

Acting Chairman Rodriguez proceeded to public testimony.

Tim McMahon of 12711 Wild Rose Ln, Nampa – in favor:

- Mr McMahon stated he knew of several businesses that had operated out of the subject property.
- Mr McMahon thought the child care business at that location would be a great idea.
- At the present time, added Mr McMahon, there was no sign stating no parking allowed in front of the subject property, however, he had never seen a car parked there, and added if parking were to be allowed then it would be safer just west of the parking lot entrance.

Amy Payne:

- Ms Payne advised the child care center will have a registration packet for each parent to sign, and that issue could be addressed, with the parents signing they are aware they are not allowed to drop off or pick up their children in that area along W Roosevelt Ave.
- Ms Payne indicated the exits to the building, the main front door, a side door, and in the back from the parking lot there was also a door, giving three entrance/exit doors for the facility.
- In response to a question from Myers, Ms Payne stated the front door facing W Roosevelt Ave was the main door used for ingress and egress.
- Ms Payne responded to a question from **Acting Chairman Rodriguez** and stated she would be willing to put in a “No Parking” sign if required to do so.

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

Kehoe motioned and Myers seconded to approve the Conditional Use Permit for a Commercial Daycare Center in a BN zoning district at 1004 W Roosevelt Ave for Amy Payne, subject to:

1. **Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc) as the C-U-P approval does not, and shall not, have the effect of abrogating the need to comply with lawful requirements administered by those agencies.**
2. **The existing grassy yard on the Property shall be enclosed with a six (6) ft tall, solid screen fence which shall be positioned no closer than twenty (20) ft to Midland Blvd (in conformance N.C.C.§ 10-01-08.E) and shall feature a self-latching gate or similar security gate positioned at the southwest corner of the play yard fence next to the ADA parking stall. The fencing and man gate shall be installed by the Applicant (or their agent/contractor) prior to occupancy/use of the building on the Property for a daycare facility.**
3. **A “No Parking” sign shall be posted on the Property’s frontage on Roosevelt Avenue (subject to City Engineering Division approval).**

Motion carried.

Public Hearings 5 and 6:

Amendments to Title 10, chapters 3, 4 and 22 relating to establishment of the GBE (Gateway Business Entertainment) zone, allowable land uses, and parking provisions.

Amending Title 10, Chapter 3, Section 10-3-1 and 10-3-2 relating to land uses in the GBE (Gateway Business Entertainment) zone.

Amending Title 10, Chapter 4, Sections 10-4-1, 10-4-2, 10-4-5, 10-4-6, 10-4-8, 10-4-9, and 10-4-10 relating to establishment of the GBE (Gateway business Entertainment) zone.

Amending Title 10, Chapter 22, Sections 10-22-1, 10-22-4, and 10-22-6 pertaining to parking in the GBE (Gateway Business Entertainment) zone. (ZTA 003-16).

Zoning Map Amendment from GB-1 (Gateway Business) to GBE (Gateway Business Entertainment) at 16200 Idaho Center Blvd. (A 55.24 acre portion of Section 7 T3N R1W BM, Idaho Center Subdivision Lots 1 and 3, Block 1), for the City of Nampa. (ZMA 019-16).

Acting Chairman Rodriguez proceeded to public hearing.

Community Planner Nelson:

- Nelson explained the proposed Code Amendments would create a new zone: Gateway Business Entertainment zone, a sub-district in the Gateway Business zoning district.
- A Rezone to GBE was also before the Commission, added Nelson, for the Idaho Center parcel, at 16200 Idaho Center Blvd.
- Nelson discussed the reasoning for the Rezone to GBE, due to the fact the Mayor and the Economic Development Department were working on a proposal to bring in new development to the Idaho Center property, along Idaho Center Blvd, that would be specific to entertainment type uses that would complement the Ford Idaho Center and surrounding land uses.
- At the present time, continued Nelson, a lot of people go to the Idaho Center for a show but go out to dinner in Meridian or Boise and then leave after the show. So the intent was to give people more reasons to stay in the area, with the benefit going to the Idaho Center itself and surrounding businesses.
- Nelson indicated the northwest corner of the subject parcel that would potentially be developed, being a portion of the Idaho Center parking lot.
- Nelson noted the uses in Chapter 10-3-2 for the proposed GBE district that would be permitted, permitted with a Conditional Use Permit, or not permitted – which would all be entertainment based.
- Additionally, some changes to the Parking Code would also be implemented.
- According to Nelson, the Idaho Center has 3,500 parking spaces and 99 percent of the time they do not need all the parking spaces they have. If, in the future, Idaho Center was anticipating they would require additional parking spaces for an event they could implement a parking management plan to potentially work with CWI, or have shuttles, or similar, to address the parking issues and not have so much land devoted to parking the rest of the time.
- From the North East Nampa Specific Area Plan, continued Nelson, there were comments from surrounding property owners and stakeholders that they would like to have a sit down restaurant in the area and different types of entertainment venues that would be more of an attraction to the Idaho Center area.
- Regarding the Comprehensive Plan, Nelson stated the proposed Rezone would be consistent with infill development and flexible parking standards.
- The Ford Idaho Center property, stated Nelson, has a “Public” Comprehensive Plan Future Map Use designation at the present time, but touches the Highway Commercial designation on three sides.
- Nelson reviewed the Staff Report and Staff Findings regarding the proposed Rezone to GBE and Zoning Ordinance Test Amendments.
- Nelson reiterated that property owners had indicated they would like to see more entertainment uses in the subject are, and current zoning designations do not limit uses enough to have a zoning district that would complement the Ford Idaho Center and that was why the proposed GBE zoning had been recommended.
- In response to a question from **Kehoe**, Nelson indicated the location of the Sports Park on the property.
- **Kehoe** inquired why government buildings would be permitted in the proposed GBE zoning district.
- **Nelson** replied that the intent was to keep all of the existing uses allowed, and the Ford Idaho Center could be considered a government building.
- **Myers** noted that during the Rezone hearing for the golf course properties a Transit Center had been listed as a possibility and suggested the Idaho Center property would be a good option for that use.
- **Nelson** replied, that if implemented, the long term plan for a passenger rail service would probably go right by the subject property and would also serve CWI and all the surrounding businesses.
- Discussion followed regarding the fact the Ford Idaho Center would not have many days throughout the year when more parking would be required, and for those times a shuttle service would be an alternative means of traveling to the Idaho Center.

Acting Chairman Rodriguez proceeded to public testimony.

Terry Mahoney of 2020 Primrose Ln, Nampa:

- Mr Mahoney stated he owned two properties adjacent to the Ford Idaho Center land, 5720 and 5680 Franklin Rd, comprising an open lot with 1.79 acres, and directly south of that the Legend Office Building at 5680 Franklin Rd which he also owned.
- When they received the Legal Notice, stated Mr Mahoney, they did not realize there would be special incentives as well as an impact to the parking.
- Mr Mahoney stated he definitely supported the idea of promoting economic development in the area.
- Ideally, continued Mr Mahoney, he wanted to see promotion of currently open/vacant spaces, rather than take public property and sell it to private parties.
- Mr Mahoney suggested if the City did approve the Rezone and Zoning Amendments that it should be done on an equitable application for the shared parking to adjacent property owners, and added they could possibly build a hotel on their vacant lot.
- Mr Mahoney considered the parking was not just an issue five times a year as it had become more of an issue since the Ford Idaho center has decided to charge for parking.
- According to Mr Mahoney, when they originally bought the 5720 Franklin Rd 12 years ago they were pretty flexible, however, they ended up with quite a bit of property damage and eventually could not allow parking.
- Mr Mahoney stated the issue did need more substantial consideration of how the reduced parking would be handled, because the capacity parking was more frequent than five times a year.
- Mr Mahoney indicated pictures of vehicles parked on his property, immediately south of the Idaho Center parking lot, where the drivers were actually attending the Ford Idaho Center but parked on his private property and then damaged the parking lot as they left.
- **Acting Chairman Rodriguez** inquired what Mr Mahoney was referring to with the term “incentives”, and Mr Mahoney referred to the incentives of shared parking and different setback requirements.
- Mr Mahoney added that his property addressed as 5720 E Franklin Rd was up for sale at the present time.

Karla Nelson:

- Nelson advised Mr Mahoney could apply for a rezone for the GBE zoning district for the property at 5720 E Franklin Rd which would then allow shared parking as well.
- According to Nelson, the Parking Chapter in the Zoning Ordinance already allows shared parking with adjacent property owners if one use is for night time and the other is day time, and they could enter into a shared parking agreement that would address the parking concerns and stipulate what the parking management plans would be.
- Or the property owner could request a Rezone to GBE through the public hearing process, added Nelson.
- The idea behind the Rezone to GBE, stated Nelson, was to draw more interest in the subject area and induce more development in the area.

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

- **Kehoe** considered the proposed Amendments to the Zoning Ordinance to establish the GBE zone, and Rezone to GBE, were good ideas.

Kehoe motioned and Myers seconded to recommend to City Council approval of the Amendments to Title 10, Chapters 3, 4 and 22 relating to establishment of the GBE (Gateway Business) zoning district, allowable land uses and parking provisions (ZTA-003-2016); and; Zoning Map Amendment from GB-1 (Gateway Business) to GBE (Gateway Business Entertainment) at 16200 Idaho Center Blvd (A 55.24 acre parcel in Lots 1 and 3, Block 1 for the City of Nampa (ZMA-019-2016). Motion carried.

Amendment of Chapters and Sections of Title 5, Business Licenses, and Title 10 Planning and Zoning (ZTA-004-2016, for the City of Nampa: a) Amending Title 5, Chapter 2, Section 5-2-25; b) Amending Title 10, Chapter 1, Sections 10-1-2, 10-1-3, 10-1-18; c) Amending Title 10, Chapter 1, Section 10-2-8; d) Deleting and Replacing Title 10, Chapter 3, Section 10-3-9; e) Deleting and Repealing Title 10, Chapter 7, Section 10-7-10; f) Amending Title 10, Chapter 8, Section 10-8-6; g) Amending Title 10, Chapter 10, Section 10-10-6; h) Amending Title 10, Chapter 11, Section 10-11-5 ; i) Amending Title 10, Chapter 12, Section 10-12-5; j) Amending Title 10, Chapter 13, Section 10-13-5; k) Amending Title 10, Chapter 16,

MEMORANDUM

To: Mayor & City Council
From: Robert Hobbs
Date: August 29, 2016
Re: **September 06 Meeting: Item No. 38, Public Hearings:** Amendment of the following Chapters and Sections of Title 5 Business Licenses, and Title 10 Planning and Zoning (ZTA 004-2016):

- Amending Title 5, Chapter 2, Section 5-2-25, Pertaining to the Obligation to Plant Trees In Connection With One- or Two-Family Residential Building Permits;
- Amending Title 10, Chapter 1, Sections 10-1-2, 10-1-3, And 10-1-18, Respecting Definitions and Figures Provided In the Nampa Comprehensive Zoning Ordinance;
- Amending Title 10, Chapter 1, Section 10-2-8, Providing Procedures for Public Hearings under the Zoning Ordinance;
- Deleting and Replacing Title 10, Chapter 3, Section 10-3-9, Relating To Non-Conforming Uses;
- Deleting and Repealing Title 10, Chapter 7, Section 10-7-10, Pertaining To the Continuation of Agricultural Uses after Reclassification of a RA (Suburban Residential) District;
- Amending Title 10, Chapter 8, Section 10-8-6, Relating To Requirements for Certain Side Yard Setbacks;
- Amending Title 10, Chapter 10, Section 10-10-6, Pertaining To Area, Width and Setback Requirements in Rd (Two-Family [Duplex] Residential) Districts;
- Amending Title 10, Chapter 11, Section 10-11-5 Pertaining To Area, Width and Setback Requirements in RML (Limited Multi-Family Residential) Districts;
- Amending Title 10, Chapter 12, Section 10-12-5, Pertaining To Area, Width and Setback Requirements in RMH (Multi-Family Residential) Districts;
- Amending Title 10, Chapter 13, Section 10-13-5, Pertaining To Area, Width and Setback Requirements In RP (Residential Professional) Districts;
- Amending Title 10, Chapter 16, Section 10-16-5, Pertaining To Area, Width and Setback Requirements in BC (Community Business) Districts;
- Deleting And Repealing Title 10, Chapter 21, Sections 10-21-6 and 10-21-7, Pertaining To Non-Conforming Uses, Violations And Penalties In The Context Of Animal Zoning Regulations;
- Amending Title 10, Chapter 22, Section 10-22-5, Relating To Parking Area Improvements and Plants;
- Amending Title 10, Chapter 23, Section 10-23-20, Relating To Permanent Signs Permitted In the BC/BF, GB1/GB2, and the IL/IH Zones;

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- Amending Title 10, Chapter 25, Sections 10-25-6, 10-25-7, and 10-25-13, Relating To Conditional Use Permit Procedures.

Councilors, the Planning and Zoning Commission, during their normally scheduled public hearing of August 09, 2016, voted to approve the proposed amendments (see attached hearing minutes). Two minor typographical error corrections were incorporated into the amendments after their hearing. City legal counsel has reviewed and assisted with the amendments. City Engineering has reviewed the language of the amendments and have no issue with the same. Other departments have had access to the amendments but have not formally commented on the same.

Attachment(s):

Pages/Exhibit(s): Attached Code Amendments & Agency/Department Correspondence (pages/Exhibits 9-35)

Section 2.

10-1-2: DEFINITIONS:

The modifications seek to clarify and supplement existing definitions are self-explanatory. As the land use control schedule in Section 10-3-2 distinguishes professional offices as a separate land use type from medical offices/clinics, revamped definitions for each were deemed needed by Staff and City legal counsel. Also, a definition for net floor area (a term used most often when dealing with parking space count issues) was deemed proper for insertion into code.

10-1-3: INTERPRETATION OF TITLE:

The amendment associated with this section purposes the removal of any code reference to private CCRs (covenants, conditions and restrictions) to circumvent any argument being made that the City should enforce private, civil contracts affecting property, and, to not erroneously convey any ideas that City planning and zoning or subdivision codes may override private CCRs or vice versa. Any person or party confronted with both kinds of rules [i.e., the City's and civil] must abide by both -- when those conflict, with the most restrictive.

10-1-18: FIGURES:

Deletion of the solar setback diagrams is desired as the City's solar ordinance was repealed years ago making the Figures' obsolete.

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Section 3.

10-2-8: PUBLIC HEARINGS:

The language provided is intended to replace, where and as depicted in the attached Exhibit the wording surrounding the conduct of public hearings that address zoning or subdivision related hearing matters. The City has never formerly adopted Robert's Rules of Order or any other parliamentary procedure rule set, and has no intention to do so. City legal counsel has affirmed that the courts understand that, at our level of business, the handling of public testimony may be less formal than in a court setting. While having some basic meeting protocol is desirable to maintain order and decorum, too rigid of a structure can have an intimidating effect on those wishing to present or speak in public. Staff also wanted to inculcate into the code some clarifying language on how appeal hearings are handled before City hearing bodies, which is what started the review of Section 10-2-8 in the first place.

Section 4.

10-3-9: NON-CONFORMING USES:

Rather than confuse City officials or Sterling Codifiers (the company that reviews and codifies Nampa's code changes and then publishes and uploads onto the internet the same), Staff and legal decided to simply delete Section 10-3-9 in its entirety and replace it with the language included hereafter. The largest changes to that section include a re-dating of the City's non-conforming use "cutoff" from May 05, 1971 to April 17, 1989. The 1989 date corresponds to an enactment [really a re-enactment] of Nampa's Comprehensive Zoning Ordinance. Some time ago a code amendment was approved by Nampa's Council that amended the definition of non-conformity to April 17, 1989 to honor that date when our zoning code was most recently repealed and re-enacted. The fact that the code now has two disparate dates was a clerical error effectually, in that the 1971 date was not updated to 1989 in both the definitions section of the code and Section 10-3-9 where non-conforming use regulations are set forth, or, the 1989 date was not redacted instead in a prior amendment so as to leave the 1971 date intact. Since the 1989 date has been in code for a while now, legal counsel felt it proper to correct that disparity.

Also, legal counsel (based on case law) agrees with Staff that the way we treat non-conforming use conversions or roll overs needs to be changed. Rather than specify a process for conversion of one-conforming use type as categorized/listed by Schedule 10-3-2, we should be better protecting legally "grandfatherable" activities/operations and/or aspects of site conditions. Perhaps an excerpt from a letter on this point to an inquiring party will help illustrate, *per se*, the perspective:

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“Respecting the Property, we note that the category of principal land use type has changed over time, but the intrinsic condition of non-operative vehicles being stored on the land, repaired on the Property and often towed to or from the site has been a continuous, inherent aspect of its use since before 1971 and 1989, as has the presence of commercial businesses thereon as vouchsafed by the Affidavits and pictorial evidence provided by your attorney. (The number of Property owners or users is really irrelevant as the issue of grandfathering in this matter is relegated to movement of vehicles onto/off of the Property and their storage thereon.) The carry-over of vehicles on the Property continues with your present operation making use of the Property in that respect continuous without “clear intent to abandon” as defined by state statute. We note that had such use of the Property not been an inherent part of its past, *and*, you were converting the non-conforming use of the land in totality from one kind of land use category to another with no transferable common denominators (e.g. vehicle storage or minor repair/bodywork), then a Conditional Use Permit for the conversion would be warranted. (An example of such a CUP type conversion in Nampa might be gutting a large non-conforming house in a commercial zone to use the same for a stand-alone, inexpensive [industrial] storage building.) City legal counsel was consulted recently over this question (and in particular with your Property and its use in mind), and they provided an opinion that this reasoning was sound in light of the principles/law that govern municipalities’ treatment of non-conforming uses and our City’s code.”

Finally, the revised section language also makes clear that the City will not issue permits, approvals or certificates to sanction legal, non-conforming uses; rather, we will simply state whether we recognize the existence of such and our intent to honor the same where they are found to exist. This approach recognizes that grandfather rights are constitutionally derived and not issued/given on consent of a governing authority as a form of permit or license – although recognition of the same is at times handled as a form of application in Nampa like in other jurisdictions.



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Section 5.

10-7-10: AG USES AFTER RECLASSIFICATION OF RA DISTRICT:

Associated with the afore-described changes to the City's zoning related non-conforming use provisions, all sections, including the one in § 10-7-10, in conflict with the new standards, or the philosophy that legal non-conforming use should stand until abandoned, this section is proposed for deletion.

Section 6.

10-8-6: PROPERTY AREA, WIDTH, DEPTH, FRONTAGE AND SETBACK REQUIREMENTS:

This code amendment proposes to reset side yard setbacks to require but five feet (5') to either side of a detached single-family home in all RS zoned areas per Council instruction provided some time ago. Staff believes that the, or one of the, main reasons for the old ten foot (10') side yard setback requirement for residential housing properties was to provide City workers with rear yard access to pressure irrigation mains. A side benefit may have been to facilitate getting equipment or emergency crews to rear yard areas or to pre-establish future possible wide driveway access areas that could lead to shops/carports/garages in the back of homes. As new pressure irrigation mains are laid in the front of properties now, and, as those persons wanting clear, wide access to a backyard would not purchase a home with narrow side yards, and, as builders can always/still introduce wide yards onto a plot of land, Staff does not perceive the change as problematic. Further, we are of the opinion that other jurisdictions have similar minimum setbacks comparable to what is now being proposed.

Section 7.

10-10-6: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

See comments from Section 6 above...made applicable to RD zoned areas.

Section 8.

10-11-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

See comments from Section 6 above...made applicable to RML zoned areas.

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Section 9.

10-12-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

See comments from Section 6 above...made applicable to RMH zoned areas.

Section 10.

10-13-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

See comments from Section 6 above...made applicable to RP zoned areas.

Section 11.

10-16-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

At present, to buffer [primarily] single-family residential properties from impact by commercial property uses that may lie adjacent to them, the code requires a ten foot (10') setback -- or, in the presence of a sight/site obscuring six foot (6') fence a commercial parking lot with spaces "T-ing" directly into the fence a zero foot (0') setback may be employed. The contemplated revisions to this section proposes to add duplexes or two-unit townhomes into that protective standard. (Three-unit structures, even if "townhomes" are considered by the Building Department as "commercial" buildings, thus a break was made between two and three unit structures in so far as requiring an increased setback.)

Section 12.

10-21-6: NON-CONFORMING ANIMAL USES:

Chapter 21 of the zoning ordinance was written years ago and incorporated legal non-conforming use related language deemed acceptable at the time respecting the care and keeping of animals. As previously explained in Section 4 above, our "grandfathering" rules are proposed for revision to better align with current Idaho Supreme Court case law and our own legal counsel and Staff's views as to how [valid] legal non-conforming uses should be protected, not be amortized, and, disregarded by the City only if clearly abandoned by their possessor or held to be foregone by virtue of their violation.

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Section 13.

10-22-5: PARKING AREA IMPROVEMENTS AND PLANS:

On the heels of the creation of the new Health Care (HC) Zone some months ago, alterations to certain parking lot landscaping regulations was requested by City Council. The old standard that required emplacement of parking lot planter interrupts in specified increments in parking banks is still intended to be left in code, but a new standard is being accommodated as an alternative landscaping option. The new standard would allow parking lot planter strips to be placed between the head ends of double stacked parking banks with trees (and even sidewalks) therein (as stated and illustrated in the amendment draft language) in lieu of the occasional stand-alone interrupts.

Section 14.

10-23-20: DISTRICT PERMANENT SIGN ALLOWANCES:

The changes sought for the permanent signage control charts in Chapter 23 are intended as a correction to re-insert language that was somehow dropped out of the charts. The changes are consistent in identifying in the Community and Freeway Business districts as well as the Gateway zones and two of the three Industrial zones what signs are considered "billboards" and that certain of those billboards are only allowed if they are oriented to and on property abutting I-84 proper as per years long past practice and interpretation as well as code. No other changes to sign standards are herewith proposed other than a clarification on tenant space wall signage – that is it may be put on both front and back of buildings as already done in Gateway zones.

Section 15.

10-25-6: CONDITIONAL USE PUBLIC HEARINGS:

Beyond providing a bit of clarification in paragraph A of the section, a change of procedure designed to reduce applicant and City decision maker confusion as well as better synchronize entitlement permit requests being reviewed through the public hearing process, Staff advocates the inclusion in paragraph A the underlined sentence. This will have the effect of causing any Conditional Use Permit (CUP) acted on by the Commission to only be a recommendation when the CUP is necessarily part of a package(d) rezone or annexation request. Expectedly, if adopted, this amendment will help eliminate appeal process problems that occur when a rezone or annexation is given a recommendation by the Commission and an associated CUP is approved or denied only to be then appealed. Such a situation invokes a need to address the

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appeal in a timely fashion but may cause a timing issue whereby the appeal date may not always coincide with the consideration of the whole entitlement matter (especially the rezone or annexation) by the Council at the same time as the appeal. This was a recent weakness revealed by one or more actions of this type that occurred awhile back.

10-25-7: ACTION BY COMMISSION:

A reiteration of the above discussed code change and logic, made a necessary part of this section's procedural directions...

10-25-13: ACTION ON APPEALS BY COUNCIL:

Specifies a 300' radius on appeal notice mail-outs...should probably say, "The council, at the next duly held meeting, shall set a date and time for a public hearing on any appeal of the planning and zoning commission's granting or denial of a CUP and notify affected parties and property owners within 300' of the property made the subject of the appeal" versus the language proposed at the moment. Staff requests that if the Council ultimately passes the amendment to this section, that they authorize the change and add in the above underlined characters.

Section 16.

10-33-4: CORRIDOR LANDSCAPING REGULATIONS:

The language in this section is intended to fill in a code gap, if you will, so as to require keeping landscape corridor strips (i.e., those planter areas along main thoroughfares in Nampa) in a code compliant condition, and, if changed, that the conversion be made to meet the landscape code just as if the strip were a new property feature. An example of the need for such a regulation to provide consistency of landscape elements used in our community is found along 12th Avenue South where greenery gave way to expansive use of rock. (Rock may be used at present but in more limited form along our collectors and arterials -- partly due to safety concerns such as rock chips in windshields, their ready availability to be used to vandalize, their scattering into streets creating veritable "road slicks", aesthetic concerns if scattered all over, etc.)

Sections 17-19.

"Legalese"...including a severability clause in the event Council wishes to approve some but not all of the requested amendments as presented.

ORDINANCE NO. _____

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, AMENDING TITLE 5, CHAPTER 2, SECTION 5-2-25, PERTAINING TO THE OBLIGATION TO PLANT TREES IN CONNECTION WITH ONE- OR TWO-FAMILY RESIDENTIAL BUILDING PERMITS; AMENDING TITLE 10, CHAPTER 1, SECTIONS 10-1-2, 10-1-3, AND 10-1-18, RESPECTING DEFINITIONS AND FIGURES PROVIDED IN THE NAMPA COMPREHENSIVE ZONING ORDINANCE; AMENDING TITLE 10, CHAPTER 1, SECTION 10-2-8, PROVIDING PROCEDURES FOR PUBLIC HEARINGS UNDER THE ZONING ORDINANCE; DELETING AND REPLACING TITLE 10, CHAPTER 3, SECTION 10-3-9, RELATING TO NON-CONFORMING USES; DELETING AND REPEALING TITLE 10, CHAPTER 7, SECTION 10-7-10, PERTAINING TO THE CONTINUATION OF AGRICULTURAL USES AFTER RECLASSIFICATION OF AN RA (SUBURBAN RESIDENTIAL) DISTRICT; AMENDING TITLE 10, CHAPTER 8, SECTION 10-8-6, RELATING TO REQUIREMENTS FOR CERTAIN SIDE YARD SETBACKS; AMENDING TITLE 10, CHAPTER 10, SECTION 10-10-6, PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN RD (TWO-FAMILY [DUPLEX] RESIDENTIAL) DISTRICTS; AMENDING TITLE 10, CHAPTER 11, SECTION 10-11-5 PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN RML (LIMITED MULTI-FAMILY RESIDENTIAL) DISTRICTS; AMENDING TITLE 10, CHAPTER 12, SECTION 10-12-5, PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN RMH (MULTI-FAMILY RESIDENTIAL) DISTRICTS; AMENDING TITLE 10, CHAPTER 13, SECTION 10-13-5, PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN RP (RESIDENTIAL PROFESSIONAL) DISTRICTS; AMENDING TITLE 10, CHAPTER 16, SECTION 10-16-5, PERTAINING TO AREA, WIDTH AND SETBACK REQUIREMENTS IN BC (COMMUNITY BUSINESS) DISTRICTS; DELETING AND REPEALING TITLE 10, CHAPTER 21, SECTIONS 10-21-6 AND 10-21-7, PERTAINING TO NON-CONFORMING USES, VIOLATIONS AND PENALTIES IN THE CONTEXT OF ANIMAL ZONING REGULATIONS; AMENDING TITLE 10, CHAPTER 22, SECTION 10-22-5, RELATING TO PARKING AREA IMPROVEMENTS AND PLANTS; AMENDING TITLE 10, CHAPTER 23, SECTION 10-23-20, RELATING TO PERMANENT SIGNS PERMITTED IN THE BC/BF, GB1/GB2, AND THE IL/IH ZONES; AMENDING TITLE 10, CHAPTER 25, SECTIONS 10-25-6, 10-25-7, AND 10-25-13, RELATING TO CONDITIONAL USE PERMIT PROCEDURES BEFORE THE PLANNING AND ZONING COMMISSION AND CITY COUNCIL; 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 5, Chapter 2, Section 5-2-25, pertaining to the obligation to plant trees in connection with one- or two-family residential building permits, be amended, as follows:

5-2-25: BUILDER'S PERMIT TREE OBLIGATION:

To provide for an aesthetically attractive and healthy urban forest within the city of Nampa, each applicant applying for a new one- or two-family residential building permit shall plant a minimum of two (2) 1-inch caliper (as measured 6 inches above the ground) trees in accordance with the regulations set forth hereinafter:

...

B. Attached Sidewalk: Where an attached sidewalk abuts a property's front yard upon which a new one- or two-family residential structure is being built:

...

5. If mature trees already exist on the subject property, the obligation to plant two (2) trees on the property in the front yard may be considered by the city as satisfied.

If trees are not able to be planted at the time of occupancy (e.g., due to weather constraints) ~~due to weather constraints~~, the permit applicant will be issued a self-certification correction notice acknowledging the applicant's legal responsibility to plant said trees within four (4) months of being issued the certificate of occupancy. All self-certification correction notices will be forwarded to the parks department for verification and to code enforcement, as necessary, for follow up enforcement.

...

Section 2. That Title 10, Chapter 1, Sections 10-1-2, 10-1-3, and 10-1-18, of the Nampa City Code, setting forth definitions for terms used in the Nampa Comprehensive Zoning Ordinance, and figures related thereto, be amended by alphabetical insertion of, or amendment to, the definitions listed below, and removal of Figures 7, 10 and 11, as follows:

10-1-2: DEFINITIONS:

...

CLINIC (MEDICAL/DENTAL/HEALTH CARE): A building property designed and used for the medical, dental or surgical diagnosis or treatment of patients under the care of doctors and/or nurses, or for the provision of other health care related services.

...

NET FLOOR AREA: Gross square feet of a building, minus the following square footage: floor area devoted to accessory water tanks and cooling towers or HVAC equipment, attic space with headroom of less than seven feet six inches (7'6"), exterior steps or stairs, terraces, breezeways and open spaces (such as lobbies, unless adjoining customer service counter space), closets (including utility/janitorial), bathrooms, break rooms, hallways, fire riser rooms or other spaces determined to be exempt by the Planning and Zoning Director.

...

NON-CONFORMING BUILDING/USE/SITUATION: A building, land use or site situation/condition which is not permitted or is non-compliant (e.g., a setback, parking stall count, paving or landscaping provision) according to the regulations of the zone/district in which it is located, but which was permitted by, or conformed to, requirements of or preexisted a pre-existing zoning ordinance in effect prior to Ordinance number 2140's adoption on April 17, 1989.

...

PROFESSIONAL OFFICES: Offices maintained and used as a place of business conducted by persons engaged in the healing arts for human beings, such as doctors and dentists (but wherein no overnight care for patients is given), and by for professionals including, but not limited to, engineers, attorneys, architects, certified or licensed public accountants, landscape architects and other design services, management services, occupational therapists, geologists, surveyors, real estate agents, realtors, financial planners or advisors, appraisers, social workers, and other persons providing services that commonly require specialized training or professional certification. Professional Offices do not include offices maintained and used as a place of business for medical, dental or health care related professions, which are addressed under the definition for CLINIC (MEDICAL/DENTAL/HEALTH CARE).utilizing training in a knowledge of the mental discipline as distinguished from training in occupations requiring mere skill or manual dexterity or the handling of commodities.

...

10-1-3: INTERPRETATION OF TITLE:

The provisions of this title shall be interpreted and applied as the minimum requirements for the promotion of the public health, safety, convenience, general welfare and other purpose.

~~Where a covenant, deed restriction, or health officer of the city, county, state or United States has jurisdiction in the city, it is not the intention of this title to interfere with requirements more strict than those contained in this title. Where this title imposes a greater restriction upon the use of buildings, it shall govern.~~

~~Any covenants, conditions, restrictions that are in conflict with ordinances of this title or conditions of approval issued/ordered/imposed against a property, project, development, subdivision, PUD or use by the city by virtue of its authority shall be considered invalid by the city insofar as enforcement of the provisions of this title or the conditions of approval are concerned. Correspondingly, provisions, terms, conditions, etc., of covenants, conditions, and restrictions recorded against a property, project, development, subdivision, PUD, or use in Nampa after receiving land/structure use entitlement from the city shall be drafted to be in harmony with city ordinances or conditions of approval issued/ordered/imposed by the city if the covenants, conditions and restrictions are to be effective.~~

If any part, section, subsection, paragraph, subparagraph, sentence, phrase, clause, term, or word of this title and/or any other code provisions and/or laws are declared invalid or unconstitutional by the valid judgment or decree of any court of competent jurisdiction, the declaration of such unconstitutionality shall not affect the validity of other parts, sections, subsections, paragraphs, subparagraphs, sentences, phrases, clauses, terms, or words of this title and/or any other code provisions and/or laws contained in this title (including the prohibition on billboards contained herein).

10-1-18: FIGURES:

...

~~FIGURE 10 – NORTH-SOUTH SOLAR DIMENSION (RESERVED)~~

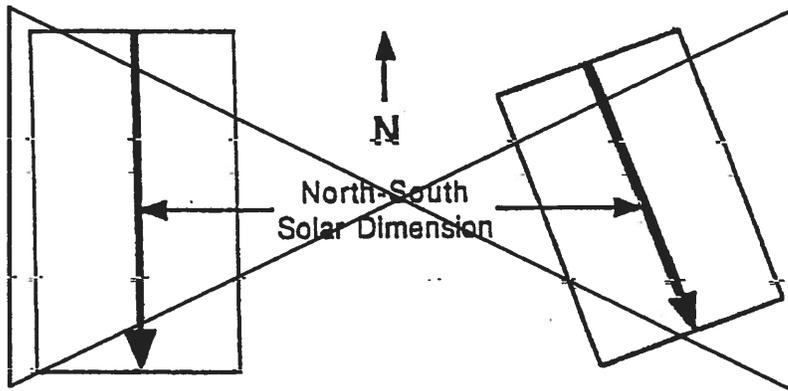
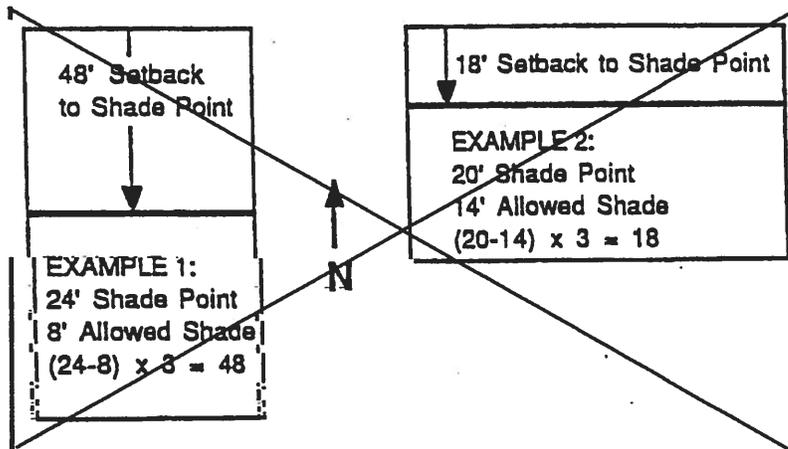


FIGURE 11—SOLAR SETBACK (RESERVED)



Section 3. That Title 10, Chapter 2, Section 10-2-8, of the Nampa City Code, at Subsection C, providing procedures for public hearings in the context of enforcement and administration of the Nampa Comprehensive Zoning Ordinance, be amended, as follows:

10-2-8: PUBLIC HEARINGS:

...

C. Hearing Procedures: The following sequence of events shall be followed/used during public zoning hearing(s):

1. Call to Order: The mayor, presiding council person, planning chairperson, or presiding commissioner (all hereinafter a.k.a. "presiding officer") shall explain the meeting's hearing procedures thereby setting forth the rules under which the public meeting shall be conducted, and shall announce the amount of time to be allotted to speakers. At the commencement of the hearing, the presiding officer may establish and announce a time limit to be observed by all speakers. If a specific time limit is not given to the attending audience, then initial presentation

~~by the applicant shall be limited to seven (7) minutes, and persons from the audience to three (3) minutes each. Persons representing groups may be given more time than individuals presenting their own views.~~

2. Allotted Speaker Times:

a. Standard Hearing Item Speaking Times: At the commencement of the hearing, the presiding officer may establish and announce a time limit to be observed by all speakers. If a specific time limit is not given to the attending audience, then initial presentation by the applicant or his representative shall be limited to seven (7) minutes, persons from the audience shall be limited to three (3) minutes each, and closing applicant’s rebuttal or concluding comments shall be limited to five (5) minutes. Persons representing groups may be given more time than individuals presenting their own views, if allowed by the meeting’s chair. City staff shall be given sufficient time to present their report(s).

b. Items on Appeal Speaking Times: At the commencement of the hearing, the presiding officer may establish and announce a time limit to be observed by all speakers. If a specific time limit is not given to the attending audience, then initial presentation by the appellant shall be limited to seven (7) minutes, city staff shall have time as they require, the appellee/respondent, if any, shall then have seven (7) minutes, persons from the audience shall be limited to three (3) minutes each, closing appellant’s concluding comments shall be limited to five (5) minutes and concluding appellee’s/respondent’s concluding comments shall be limited to five (5) minutes. Persons representing groups may be given more time than individuals presenting their own views if allowed by the meeting’s chair providing that if more time is allotted to either the appellant or appellee/respondent, then the opposing side shall be afforded equal time to rebut.

3. Hearing Protocol:

2.a. The applicant(s) or appellant(s) and/or their representative(s) may present their case. During such presentation or immediately following it, the council or commission may ask their questions of the applicant(s) and/or their representative(s). Applicants or appellants are encouraged to be or have a representative present to convey their desires and justifications as related to their request and/or to answer questions.

3.b. City planning and zoning staff shall present their findings regarding the matter at hand.

4.c. Written correspondence shall be officially recognized and accepted as part of the hearing record for the matter at hand under review.

5.d. The council or commission shall then receive testimony from those persons supporting the application. No person shall be permitted to speak at a public hearing until the presiding officer has recognized such person. Each person testifying shall be limited to three (3) minutes per

person (unless made more or less by the conducting officer following official announcement of the same at the start of the hearing).

~~6.e.~~ The council or commission shall then receive testimony from those persons uncommitted/neutral regarding the proposal/application. ~~Each person testifying shall be limited to three (3) minutes per person (unless made more or less by the conducting officer following official announcement of the same at the start of the hearing).~~

~~7.f.~~ The council or commission shall then receive testimony from those persons opposing the application. ~~Each person testifying shall be limited to three (3) minutes per person (unless made more or less by the conducting officer following official announcement of the same at the start of the hearing).~~

8.g. The applicant(s) and/or their representative(s) shall then be allowed to rebut statements previously made by any person who testified.

~~9.h.~~ The presiding officer shall then close the public hearing to further testimony and allow initiation of deliberations on the matter at hand. They may also ask or receive any code interpretation or procedural questions of, or from, the city staff as deemed warranted. ~~In other words, after the council or planning commission closes a hearing, no new public/staff comments shall be received unless in direct response to a question put forth to them by the commission or council.~~

If, however, the commission, or council, reopens the hearing by vote, then they may take further public testimony. In so doing, they shall provide for rebuttal time by the public and the applicant(s) or appellant(s) and/or their representative equal to that expended by any that speak on the record in support of, or opposition to, the application(s) under consideration.

10.i. The attending/governing board shall then vote on the item once deliberations have ceased.

11.4. Continuance/Recess: If all sides of the issue cannot be heard in the time allotted, the hearing may be recessed to a later time during the same meeting stated by the chairperson. Persons not having had an opportunity to be heard may sign a roster in order to secure their opportunity to speak at the time stated.

12.5. Compliance Required: Any person not conforming to these procedures may be prohibited from speaking during a public meeting. Should any person refuse to comply with such prohibition, they may be removed from the room by order of the presiding officer.

D. Other Hearing Conduct Rules:

...

~~5. Voting on items shall be executed with some organization such as that espoused by "Robert's Rules of Order."~~

Section 4. That Title 10, Chapter 3, Section 10-3-9, of the Nampa City Code, relating to nonconforming uses, be deleted in its entirety, and replaced with the following, new Section 10-3-9, relating to nonconforming uses:

10-3-9: NONCONFORMING USES:

Legal, non-conforming (aka "grandfathered") uses or situations shall be considered those wherein a lawful use of land or the physical improvements (i.e., the "site situation") thereon existed on and before April 17, 1989, or prior to a rezone, annexation or zoning code change that occurred subsequent to that date. Thus, although a use or site situation does not currently conform with regulations specified by this title for the district in which such land is presently located, it may be continued subject to the provisions of this section.

A. Maintenance Or Expansion Of Structures Occupied By Non-conforming Uses: Non-conforming use(s) of structures may be maintained subject to the following conditions (provided said structure is not abated or specifically regulated by this and other chapters of this code):

1. A non-conforming use of a structure shall not be expanded in any manner except as follows:

a. Additions or enlargements to a non-conforming structure may be made provided that they cause the structure to be made (more) code compliant (in accordance with the city's adopted building code) and do not have the effect of further reducing zoning code compliance.

b. Additions or enlargements to existing dwellings, churches and schools if such buildings otherwise conform to the regulations then in effect for the district in which located, including height, yard and area provisions.

(Nothing in this section shall be deemed to prevent the repair or maintenance of any structure or part thereof declared to be unsafe by any official charged with protecting the public safety.)

B. Repair Or Replacement Of Structures Occupied By Or In Operation As, Non-conforming Uses:

7

1. Whenever, in any district, a structure being occupied as or by a non-conforming use is damaged or destroyed to the extent of fifty percent (50%) or less of its replacement value by fire, explosion or other casualty, it may be restored and any lawful occupancy or use of such structure, or part thereof, which existed at the time of such partial destruction may be continued, if such restoration is started within a period of twelve (12) months of such damage or destruction and is diligently completed.

2. In the event such damage or destruction exceeds fifty percent (50%) of the replacement value of a structure, no repairs or reconstruction shall be thereafter made unless every portion of such structure is made to conform to the height, yard, parking area and use regulations of the district within which it is located.

a. The planning director or his/her designee, by issuing a rebuild letter or permit, may grant an exception to the fore-going use reconstruction/replacement restriction standard in order to allow for the reconstruction or replacement of single-family residential structures in non-residential zones upon finding that apparent commercial or industrial development in the area surrounding the non-conforming location is slow or non-existent.

b. In the case of non-single-family residential structures, the planning director or his/her designee, by issuing a rebuild letter or permit, may grant an exception to the above use reconstruction/replacement restriction standard in order to allow for the reconstruction or replacement of a non-single-family residential structure -- provided that the city's council first issues a variance permit to authorize creation of the rebuild letter.

C. Non-conforming Use Of Land In Any District:

1. A non-conforming use of land shall not be expanded (i.e., in its area of effect or non-code compliant condition(s)).

2. In cases where the non-conforming use of the land is actually a situation where certain site improvements or conditions/situations are either lacking or non-conforming to zoning code, then the property's condition/situation shall be considered eligible for legal non-conforming use status provided extant or deficient improvements were determined to be absent prior to April 17, 1989, or, prior to the enactment of a zoning based law that made them non-conforming, and, that no worsening of their non-compliance is contemplated.

D. Conversion Of One Non-Conforming Use To A Different Category of Non-Conforming Land Use: Conversion of a non-conforming use of the land identified in Schedule/Table 10-3-2 to another land use type in that same schedule shall not be allowed. This does not preclude, however, the City’s recognition of non-conforming aspects of a use (e.g., its past operations, site condition, etc.) being enjoyed by a successor party in interest to the property.

E. Existing Uses; Occupancy Permit: An occupancy permit is granted hereby, so as to permit the continuation of the particular existing uses of any structure, improvement or premises existing in the respective districts immediately prior to April 17, 1989.

F. Rezones: Whenever a zone change (i.e., rezone) occurs, any uses or situations that were allowed by conditional use permit in the original zone but could not be applied for under conditional use allowances in the new zone shall be considered legally nonconforming uses or situations. Notwithstanding, such permits shall remain valid for the length of time specified by the commission when they were originally considered or else shall be considered approved indefinitely -- unless the conditional use associated with them is revoked.

G. Abandonment/Vacancy: In accordance with state law, the city shall not enact any ordinance or resolution which deprives an owner of the right to use improvements on private property for their designed purpose based solely on the non-use of the improvements for their designed purpose for a period of ten (10) years or less. Where an owner or his authorized agent permits or allows an approved or unlawful intervening primary use of an/the owner's property, the protection provisions of this section shall be deemed/rendered non-applicable.

1. If non-use of a property or structure continues for a period of one year or longer, the city may, by written request, require that the owner declare their intention with respect to the continued non-use of the improvements in writing within twenty eight (28) days of receipt of the request. If the owner elects to continue the non-use, they shall notify the city in writing of their intention and shall post the property with notice of their intent to continue the nonuse of the improvements. They shall also publish notice of their intent to continue the non-use in a newspaper of general circulation in Canyon County. If the property owner complies with those requirements, their right to use such improvements in the future for their designed purpose shall continue, notwithstanding any change in the zoning of their property.

2. The property owner may voluntarily elect to withdraw the use by filing with the city clerk an “affidavit of withdrawn use”. If the property is redesigned for a different use, the property owner shall be

deemed to have abandoned any legal non-conforming right to prior use of the property. The affidavit may be forwarded to the city planning and zoning office for review and recordkeeping.

3. For purposes of this section, "designed purpose" means the use for which the improvements were originally intended, designed and approved pursuant to any applicable planning and zoning ordinances.

4. The provisions of this section shall not be construed to prohibit the city from passing or enforcing any other law or ordinance for the protection of the public health, safety and welfare.

5. Action by the city to cause a non-conforming use or situation to be eliminated may be pursued when it is believed said use or site situation is/was illegally commenced, operated or utilized. No statute of limitations shall apply to the city in such situations.

H. Acknowledgement Of Legal Non-conforming Use Rights: Applications to request the city to recognize/acknowledge legal non-conforming use rights shall be made with the office of the planning and zoning department using a form prescribed by the planning director. The request shall be accompanied by such information as may be required by the director to enable a determination together with a non-refundable filing fee in an amount established by resolution of the city council.

Section 5. That Title 10, Chapter 7, Section 10-7-10, pertaining to the continuation of agricultural uses after reclassification of an RA (Suburban Residential) District, be deleted and repealed in its entirety.

Section 6. That Title 10, Chapter 8, Section 10-8-6, of the Nampa City Code, at Subsection D, relating to requirements for side yard setbacks for properties that lack alley access to the rear yard area, be amended, as follows:

10-8-6: PROPERTY AREA, WIDTH, DEPTH, FRONTAGE AND SETBACK REQUIREMENTS:

...

D. Minimum Property Structure And Parking Interior (Side/Rear) Yards: Shall be five feet (5') wide/deep, except where a utility easement is recorded adjacent to a side property line, there shall be provided a side yard (setback) at least the width of the easement on the development site or five feet (5'), whichever is greater. Where a utility easement is recorded adjacent to a rear lot line, the rear interior yard (setback) shall be the width of the easement on the development site or five feet (5'), whichever is greater.

For a property abutting an alley the required rear yard setback shall be fifteen feet (15') from the centerline of that alley.

~~All properties used for single family detached dwellings that lack alley access to their rear yards shall have a minimum ten foot (10') side yard setback on/along one side of the property (to provide access to the rear yard).~~

...

Section 7. That Title 10, Chapter 10, Section 10-10-6, of the Nampa City Code, at Subsection E, pertaining to property area, width and yard setback requirements in RD (Two-Family [Duplex] Residential) Districts, be amended, as follows:

10-10-6: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

...

E. Minimum Interior Yard Setback: Minimum property interior (side/rear) yard setbacks shall be not less than five feet (5') wide/deep ~~(except for single-family detached houses as noted below)~~. Where a utility easement is recorded adjacent to a side property line, there shall be provided a side yard (setback) no less than the width of the easement or five feet (5') whichever is greater. Where a utility easement is recorded adjacent to a rear property line, the rear interior yard (setback) shall be no less than the width of the easement on the development site or five feet (5'), whichever is greater.

~~All properties used for single family detached dwellings that lack alley access to their rear yards shall have a minimum ten foot (10') side yard setback on/along one side of the property (to provide possible access to the rear yard).~~

...

Section 8. That Title 10, Chapter 11, Section 10-11-5, of the Nampa City Code, at Subsection E, pertaining to property area, width and yard setback requirements in RML (Limited Multi-Family Residential) Districts, be amended, as follows:

10-11-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

...

E. Minimum Interior Yard Setback: Minimum property interior (side/rear) yard setbacks shall be not less than five feet (5') wide/deep ~~(except for single-family detached houses as noted below)~~. Where a utility easement is recorded adjacent to a side property line, there shall be provided a side yard (setback) no less than the width of the easement or five feet (5') whichever is greater. Where a utility easement is recorded adjacent to a rear property line, the rear interior yard (setback) shall be no less than the width of the easement on the development site or five feet (5'), whichever is greater.

~~All properties used for single family detached dwellings that lack alley access to their rear yards shall have a minimum ten foot (10') side yard setback on/along one side of the property (to provide possible access to the rear yard).~~

For a lot abutting an alley the required rear yard space shall be fifteen feet (15') from the centerline of that alley.

...

Section 9. That Title 10, Chapter 12, Section 10-12-5, of the Nampa City Code, at Subsection E, pertaining to property area, width and yard setback requirements in RMH (Multi-Family Residential) Districts, be amended, as follows:

10-12-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

...

E. Minimum Property Interior Yards Required: All properties in the RMH district shall have interior yards of not less than eight feet (8') wide/deep, for structures not higher than three (3) stories or thirty feet (30'). For every ten feet (10') in height over which a building exceeds three (3) stories or thirty feet (30'), the building shall be set back an additional five feet (5') from side lot lines. In no case shall the distance between the rear lot line and the building be less than half the height of the building for structures higher than three (3) stories or thirty feet (30') tall.

For a lot abutting an alley, the required rear yard setback shall be fifteen feet (15') from the centerline of that alley.

In any situation where there are easements along and parallel to a particular property line that partially defines a property that are wider/deeper than the aforementioned required yards/setbacks, then the required setback(s) will become the width of the pertinent easement section in lieu of the above stated setbacks. It is understood that the normal setback would thus be located within the scope of the easement's dimensions/area. For example, if there is a twelve foot (12') easement along the rear of a property in the RMH zone, and the rear setback is eight feet (8') then the required rear yard setback would become twelve feet (12') instead of eight (8).

~~All properties used for single family detached dwellings that lack alley access to their rear yards shall have a minimum ten foot (10') side yard setback on/along one side of the property (to provide possible access to the rear yard).~~

...

Section 10. That Title 10, Chapter 13, Section 10-13-5, of the Nampa City Code, at Subsection E, pertaining to property area, width and yard setback requirements in RP (Residential Professional) Districts, be amended, as follows:

10-13-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

...

E. Interior Yard And Parking: All properties in the RP district shall have interior yard structure and parking setbacks of not less than eight feet (8') wide/deep.

On a property abutting an alley, the required rear yard (setback) shall be fifteen feet (15') wide/deep as measured from the centerline of the alley.

~~All properties used for single family detached dwellings that lack alley access to their rear yards shall have a minimum ten foot (10') side yard setback on/along one side of the property (to provide possible access to the rear yard).~~

...

Section 11. That Title 10, Chapter 16, Section 10-16-5, pertaining to property area, width and yard setback requirements in BC (Community Business) Districts, be amended, as follows:

10-16-5: PROPERTY AREA, WIDTH AND YARD REQUIREMENTS:

The following minimum requirements shall be observed:

...

D. Interior Yards: Properties within the BC district are not/shall not be required to provide interior yards (setbacks) if said properties abut property lines of commercially or industrially zoned property. When property lines of a property zoned BC abut property ~~residentially-zoned~~ single or two-family residential, interior yards (setbacks) not less than ten feet (10') wide/deep shall be required against the residential district.

However, Exception: when an intervening ~~site/sight~~ obscuring fence at least six feet (6') tall that obscures visibility of a parking lot is placed between ~~abutting commercial~~ that commercially zoned property and an adjoining single or two-family residential zoned properties, then a zero foot (0') setback ~~applies~~ may be allowed in order to separate/screen the commercial ~~lot's/parcel's~~ property's parking lot from the ~~residential-residentially zoned~~ property.

...

Section 12. That Title 10, Chapter 21, Section 10-21-6, pertaining to non-conforming uses in the context of animal zoning regulations, and Section 10-21-7, pertaining to violations and penalties in the context of animal zoning regulations, be deleted and repealed in their entirety.

Section 13. That Title 10, Chapter 22, Section 10-22-5, of the Nampa City Code, relating to parking area improvements and plans, as follows:

10-22-5: PARKING AREA IMPROVEMENTS AND PLANS:

...

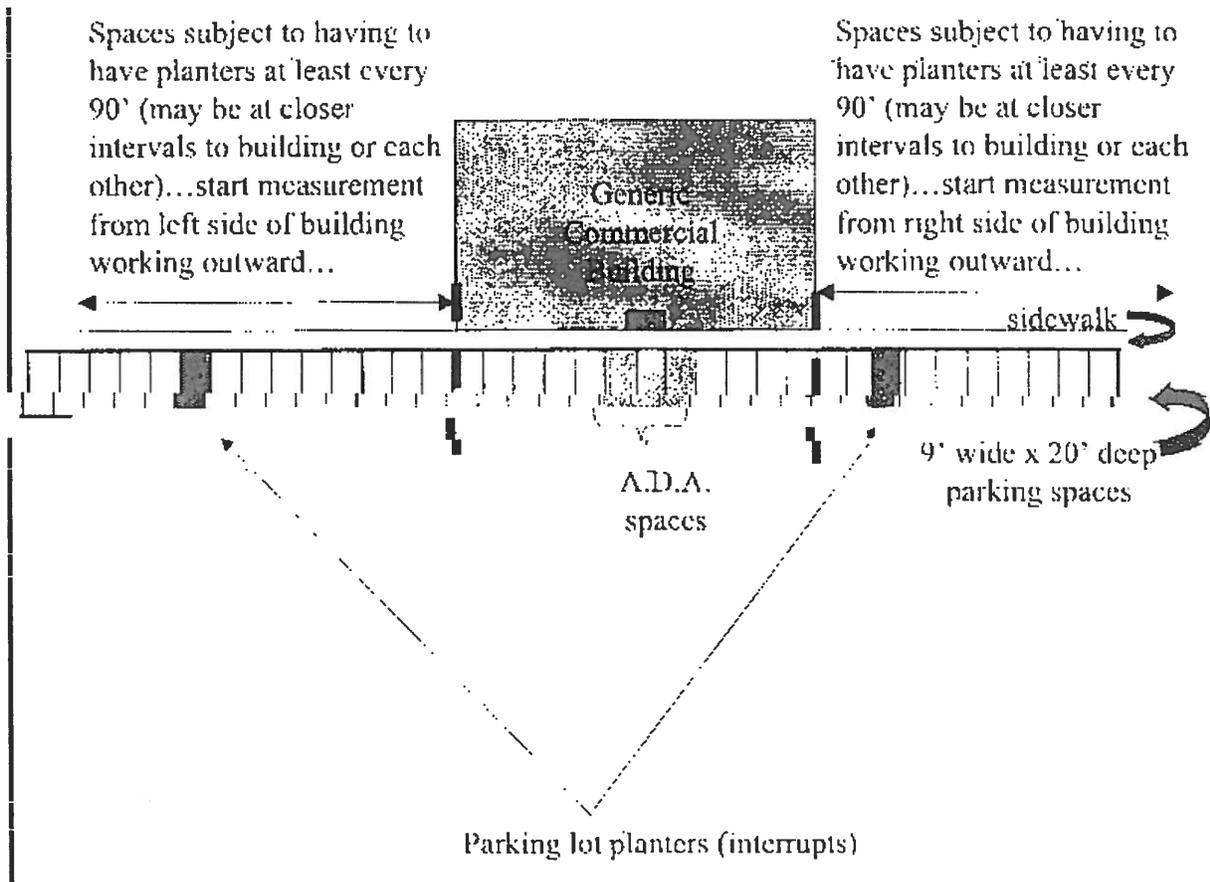
J. Parking Lot Landscaping Development Standards: All parking areas shall include landscaping as stipulated in this chapter.

...

6. Interior Parking Lot Planters: Interior parking lot planters (with curbed surrounds) are required as visual landscaping interruptions in parking rows/banks.

a. Landscape Planter Spacing: Interior parking lot planters shall be located at intervals not to exceed ninety feet (90') within each parking bank except for any parking bank/row located immediately fronting/against any principal commercial or industrial (termed commercial collectively) building on a site property and between the limits/span of its exterior side walls, for which such placement is optional.

If a parking bank that abuts the front entry area of such a building extends past the outside walls of the building, then planters shall be required where any continuous ninety foot (90') parking space intervals are found past the building walls. Refer to the following illustration:



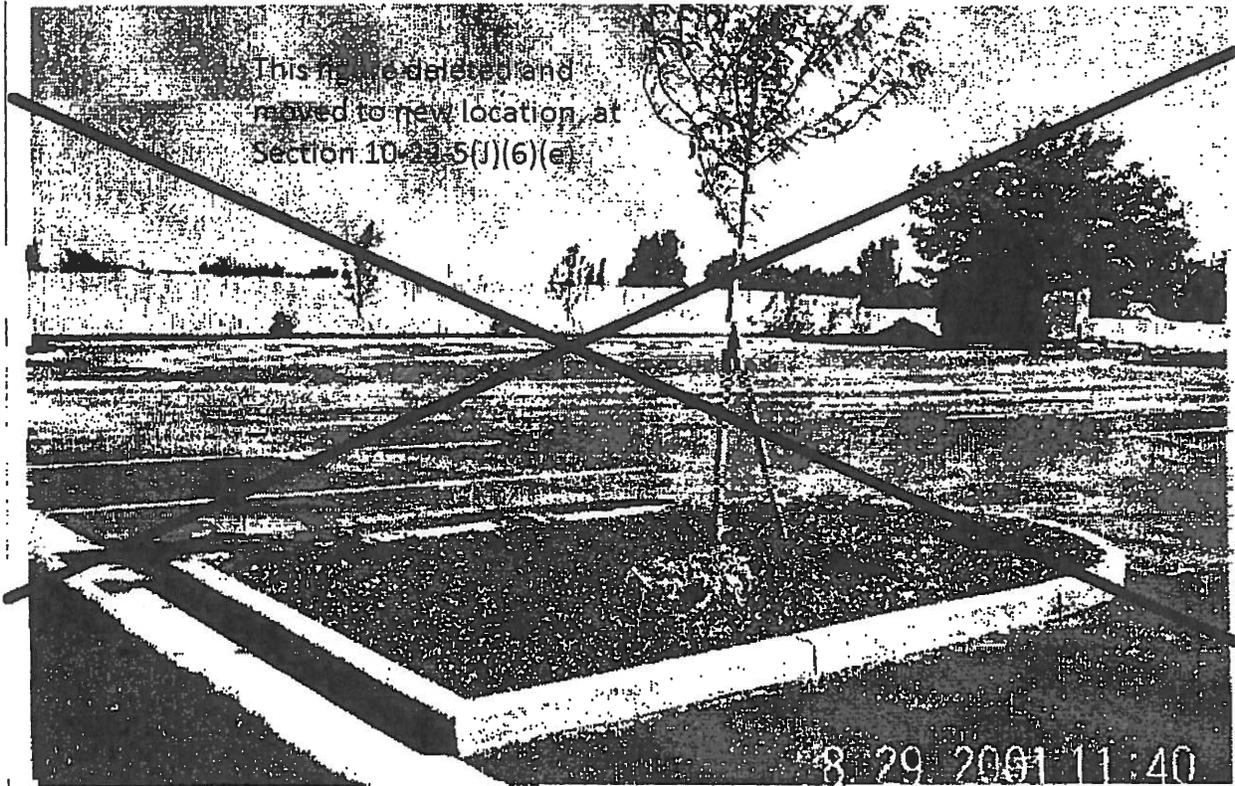
b. Parking Bank Interrupt-Style Landscape Planters'
 Content(s): Each single interior interrupt-style planter shall contain one 1.5-inch caliper deciduous shade tree as may be selected by the developer or property or project manager or owner, provided such tree(s) will grow on/from a single trunk and be at least fifteen feet (15') tall at maturity (see "Image (Example #1)" of this section). Interior parking lot planters shall also contain some combination of decorative rock and/or shrubbery and/or lawn and/or bark.

c. Landscape Planters' Dimensions: Interior planters shall be of equivalent size, dimensions and angle of the parking stalls that surround them in the same parking bank. For example, if located in a single row of ninety degree (90°) oriented parking spaces that are nine feet (9') wide by twenty feet (20') deep/long, a landscape planter would also need to be nine feet (9') wide and twenty feet (20') deep.

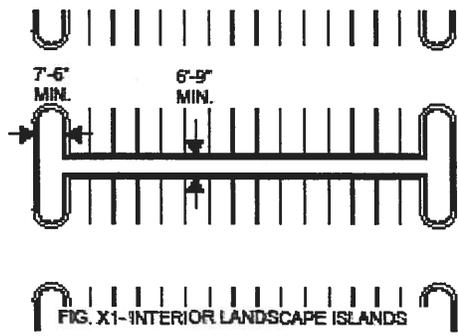
Where two (2) parking rows adjoin each other "head to head", back to back planters may be situated, or they may be

separated. If placed back to back in, for example, a pair of ninety degree (90°) oriented parking rows, then the resulting planters would likely appear to be a single nine foot (9') wide by forty foot (40') deep/long planter.

A one foot (1') cutout (preferred) or six (6) to eight foot (8') culvert pipe (less preferred) may be used at the end of or within a parking planter's abutment against a curb or other barrier in order to facilitate site drainage (e.g., stormwater flow across a parking lot into a drain). (See "Image (Example #1)" of this section.):

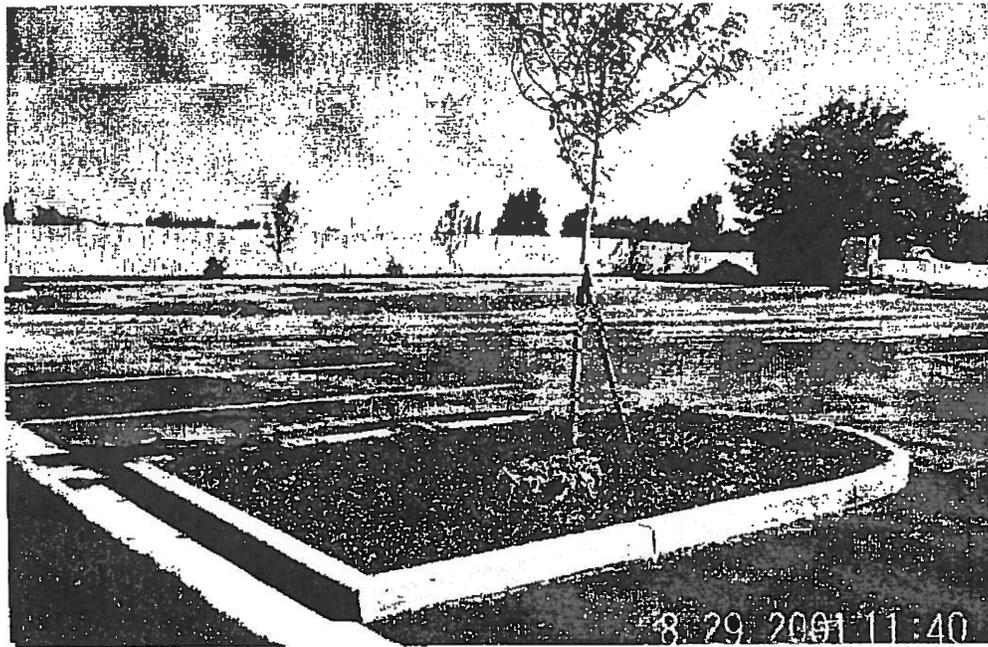


d. Exception: In lieu of parking bank interim interrupt-style planters, landscape strips as detailed in Figure X1 below may, instead, be emplaced between doubled parking banks. Within such landscape strips [when used], 3" caliper deciduous shade trees from the species listed in Table X3 shall be planted every 40' on center running laterally through the strip.



e. Drainage Channel: A one foot (1') cutout (preferred) or six inch (6") to eight inch (8") culvert pipe (less preferred) may be used at the end of or within a parking planter's abutment against a curb or other barrier in order to facilitate site drainage (e.g., stormwater flow across a parking lot into a drain). (See "Image (Example #1)" of this section):

Image (Example #1)



d.f. Planters' Contribution To Parking Lot Landscaping: At least five percent (5%) of a parking lot area (i.e., area devoted to parking stalls and maneuvering/back up/service drive(s)) shall be landscaped in/around the same. The area(s) of interior parking lot planters as well as any immediate perimeter landscaping (e.g., that lies immediately around,

abutting, or within required setback/yard areas) shall count toward providing the five percent (5%) ~~as approved by planning and zoning staff.~~

e.g. Landscaping Irrigation, Generally: All landscaping emplaced in conjunction with new development shall be irrigated with an underground sprinkler system. Said system will be designated to minimize watershed onto adjoining public right(s) of way. Properties being renovated and/or upgraded to meet site development codes may utilize either underground or some kind of aboveground system (e.g., watering with hose).

Section 14. That Title 10, Chapter 23, Section 10-23-20, of the Nampa City Code, at Subsection D, relating to Permanent Signs Permitted in the BC/BF Zones, the GB1/GB2 Zones, and the IL/IH Zones, be amended, as follows:

10-23-20: DISTRICT PERMANENT SIGN ALLOWANCES:

...

TABLE 10-23-20(B)
PERMANENT SIGNS PERMITTED IN THE BC/BF ZONES¹

Type Of Sign	Number Allowed	Maximum Allowable Height Above Grade	Maximum Display Surface Area Per Establishment	Spacing And Location ¹	Illumination ⁴
Freestanding pole, monument or projecting ²	1 per street ³	25'	1 1/2 sq. ft. per linear foot of street frontage or 200 sq. ft. maximum, whichever is more restrictive		Indirect, internal
Freestanding pole, monument or projecting ² <u>billboard</u>	1 per street ³	40'	1 1/2 sq. ft. per linear foot of street frontage or 300 sq. ft. maximum, whichever is more restrictive		Indirect, internal
Freestanding pole, <u>billboard</u>	1 per lot	40'	672 sq. ft. maximum	Only if oriented to, and on property abutting, I-84	Indirect, internal
Wall or marquee	1 or more ²	5' above building	25% of building or tenant wall space (as pertinent)		Indirect, internal

Notes:

1. If not noted, see section 10-23-3 of this chapter for general provisions and section 10-23-7 of this chapter for

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

...

TABLE 10-23-20(E)
PERMANENT SIGNS PERMITTED IN THE GB1/GB2 ZONES¹

Type Of Sign	Number Allowed	Maximum Allowable Height Above Grade	Maximum Display Surface Area Per Establishment	Spacing And Location ¹	Illumination ³
Freestanding pole, monument or projecting	1 per street frontage	25'	1 1/2 sq. ft. per linear foot of street frontage or 200 sq. ft. maximum, whichever is more restrictive		Indirect or internal, or direct
Freestanding pole, monument or projecting	1 per street frontage	70'	1 1/2 sq. ft. per linear foot of street frontage or 300 sq. ft. maximum, whichever is more restrictive	Only if oriented to, and on property abutting, I-84	Indirect or internal, or direct
Wall, marquee, canopy or awning	1 or more ²	1' above building for single story; 5' for buildings >30'	20% of building or tenant wall (as pertinent) that faces a street may be covered		Indirect internal for wall; also direct for others

Notes:

- 1. If not noted, see section 10-23-3 of this chapter for general provisions and section 10-23-7 of this chapter for exemptions.
- 2. The combined maximum sign area for these signs shall not exceed the total area.

3. Not to be confused with or construed as the presence of an electronic reader board message center component in a sign.

TABLE 10-23-20(F)
PERMANENT SIGNS PERMITTED IN THE IL/IH ZONES¹

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

Notes:

1. If not noted, see section 10-23-3 of this chapter for general provisions and section 10-23-7 of this chapter for exemptions.
2. The combined maximum sign area for these signs shall not exceed the total area.

3. 1 additional sign per street may be allowed when street frontage exceeds 500 feet and signs are at least 300 feet apart.
4. Not to be confused with or construed as the presence of an electronic reader board message center component in a sign.

Section 15. That Title 10, Chapter 25, Sections 10-25-6, 10-25-7, and 10-25-13, of the Nampa City Code, relating to Conditional Use Permits generally, and, more specifically, to procedures to be followed at hearings, action taken by the commission, and action taken on appeal by the city council, respectively, be amended, as follows:

10-25-6: CONDITIONAL USE PUBLIC HEARINGS:

...

A. Procedures Followed: Public hearing and legal notification procedures ~~required by this chapter~~ required by Title 10, Chapter 2, shall be followed. The purpose of a conditional use hearing shall be to determine whether the proposal conforms to criteria set forth in section 10-25-4 of this chapter ~~and.~~ The commission may grant or deny the application for the proposed CUP or require such changes or impose such reasonable conditions of approval as are in its judgment necessary to ensure conformity to said criteria. The determination of the commission shall become final fifteen (15) calendar days after the date of decision unless appealed to the council in accordance with the provisions of this chapter. Exception: When a rezone (or annexation and initial zoning designation) application is combined with a conditional use permit application, the commission shall make recommendations on both applications, rather than recommending on the rezone/initial zoning designation and making a [conclusive] decision on the conditional use permit.

...

10-25-7: ACTION BY COMMISSION:

The action by the commission upon the application for a CUP shall be by the majority of the members of the commission present at the meeting where the application is considered. If a CUP is denied, the minutes of the commission shall clearly state the reasons for denial. In order to grant a CUP, the findings of the commission shall be that the establishment, maintenance and operation of such use or structure shall expectedly satisfy the conclusions of law affiliated with CUPs as listed in section 10-25-4 of this chapter. Any CUP shall comply with approval conditions imposed by the commission or by the council -- whichever body makes the final decision on the CUP. (When a rezone [or annexation and initial zoning designation] application is combined with a conditional use permit application, the commission shall make recommendations on both applications, rather than recommending on the rezone/initial zoning designation and making a [conclusive] decision on the conditional use permit).

...

10-25-13: ACTION ON APPEALS BY COUNCIL:

The council, at the next duly held meeting, shall set a date and time for a public hearing on any appeal of the planning and zoning commission's grant of a CUP appeal and notify affected parties and property owners within 300' of the property

made the subject of the appeal those concerned. The commission or planning staff shall submit to the council a report setting forth reasons for the commission's action. Alternatively, members of the commission shall be present at the council's public hearing to represent the commission's position on the matter. The council, after said public hearing, shall render its decision within fifteen (15) calendar days after the filing of such appeal. The council may by resolution affirm, reserve or modify any decision, determination or requirements of the commission, but before granting any item which was denied by the commission or before changing any of the conditions imposed by the conditions in the use permit, the council shall make written findings of facts setting forth wherein the commission findings were in error.

Section 16. That Title 10, Chapter 33, Section 10-33-4, of the Nampa City Code, relating to Corridor Landscaping Regulations, be amended, as follows:

10-33-4: CORRIDOR LANDSCAPING REGULATIONS:

...

C. Existing Vegetation:

...

2. Landscape Corridor Strip Conversion: Any area of land on a property already established as a required landscape corridor beautification strip shall be retained in a condition compliant with the requirements of this chapter. Conversion of a part of the strip by altering its landscaping treatment (i.e., plant variety, plant placement/spacing, replacement of grass with decorative rock, etc.) shall require pre-approval by the planning department if the extent of change affects 50% or more of the land area of the strip. The department shall ensure that the strip is/remains adequately landscaped per § 10-33-2.

2.3. Damage During Construction: Existing trees that are retained shall be protected from damage to bark, branches or roots during construction. (Construction or excavation occurring within the drip line of any public or private, retained tree may severely damage the same.) Any tree severely damaged while site construction is proceeding, where the damage is readily apparent, shall be replaced in accordance with subsection C1 of this section.

3.4. Grade Changes And Impervious Surfaces: Grade changes and impervious surfaces shall be allowed at a distance from the trunk of a retained tree equal to the diameter of the tree trunk plus six feet (6'), or to the drip line, whichever is farthest from the trunk.

4.5. Minimum Landscaping: Existing vegetation, which is to be retained, may be used to satisfy the minimum required landscaping requirement.

...

Section 17. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 18. 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 19. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this ____ day of _____, 2016.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this ____ day of _____, 2016.

ATTEST:

Mayor Robert L. Henry

City Clerk (or Deputy)

work and was not in favor of the annexation and requested IL and BC zoning. Rodriguez noted there were 89 signatures on the Petition in opposition to the requested annexation, zoning and development.

- **Kehoe** concurred with Commissioner Rodriguez' comments but added that something would be developed on the subject property in the future.
- Although the proposal was better than what had come before the Commission in the past, added Kehoe, the proposed zoning and development would not be appropriate.
- **Myers** stated he liked the concept of the proposed development, however, the location was not appropriate, and added that the proposed retail area on Southside Blvd may not endure.

Rodriguez motioned and Kehoe seconded to deny the Annexation and Zoning to BC for 3 acres and IL for 7.79 acres, and to RS-18 for 1.95 acres at 1122, 1214, 1216 Southside Blvd, and 0 Wilson Lane, for Mason & Stanfield, Inc representing William T Cushing. Motion to deny carried with Kropp, Kehoe, Myers, Rodriguez and Sellman in favor and Miller opposed.

Public Hearing No. 3:

Amendment of the following Chapters and Sections of Title 5 Business Licenses, and Title 10 Planning and Zoning (ZTA 004-16): Continued from the July 26, 2016 Planning and Zoning Commission meeting:

- Amending Title 5, Chapter 2, Section 5-2-25, Pertaining to the obligation to Plant Trees in Connection With One-or-Two-Family Residential Building Permits.**
- Amending Title 10, Chapter 1, Sections 10-1-2, 10-1-3 and 10-1-18 Respecting Definitions and Figures Provided in the Nampa Comprehensive Zoning Ordinance.**
- Amending Title 10, Chapter 1, Section 10-2-8, Providing Procedures for Public Hearings under the Zoning Ordinance.**
- Deleting and Replacing Title 10, Chapter 3, Section 10-3-9, Relating to Non-Conforming Uses.**
- Deleting and Repealing Title 10 Chapter 7, Section 10-7-10, Pertaining to the Continuation of Agricultural Uses after Reclassification of an RA (Suburban Residential) District.**
- Amending Title 10, Chapter 8, Section 10-8-6, Relating to Requirements for Certain Side Yard Setbacks.**
- Amending Title 10, Chapter 10, Section 10-10-6, Pertaining to Area, Width and Setback Requirements in the RD (Two Family [Duplex] Residential) Districts.**
- Amending Title 10, Chapter 11, Section 10-11-5 Pertaining to Area, Width and Setback Requirements in RML (Limited Multiple Family Residential) Districts.**
- Amending Title 10, Chapter 12, Section 10-12-5, Pertaining to Area, Width and Setback Requirements in RMH (Multi Family Residential) Districts.**
- Amending Title 10, Chapter 13, Section 10-13-5, Pertaining to Area, Width and Setback Requirements in RP (Residential Professional) Districts.**
- Amending Title 10, Chapter 16, Section 10-16-5, Pertaining to Area, Width and Setback Requirements in BC (Community Business) Districts.**
- Deleting and Repealing Title 10, Chapter 21, Sections 10-21-6 and 10-21-7, Pertaining to Non-Conforming Uses, Violations and Penalties in the Context of Animal Zoning Regulations.**
- Amending Title 10, Chapter 22, Section 10-22-5, Relating To Parking Area Improvements and Plants.**
- Amending Title 10, Chapter 23, Section 10-23-20, Relating to Permanent Signs Permitted in the BC/BF, GB1/GB2, and the IL/IH Zones.**
- Amending Title 10, Chapter 25, Sections 10-25-6, 10-25-7, and 10-25-13, Relating to Conditional Use Permit Procedures.**

Vice Chairman Gunstream reopened the public hearing, continued from the July 26, 2016 Planning and Zoning Commission meeting.

Assistant Planning Director Hobbs:

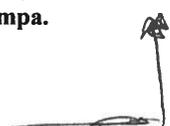
- Hobbs referred to page 15, 2, b, the 4th line had the word "have" missing, and should read "city staff shall have".
- Page 27, e, Drainage channel: should read a "six (6") to eight inch (8") culvert pipe".

- Hobbs noted Ordinance amendments came from Staff, the Planning Commission, City Council, or a member of the public.
- Hobbs reviewed the proposed Amendments.
- Hobbs noted the Amendment to Title 5 of City Code, did not apply to Title 10, the Zoning Ordinance, regarding planting trees in connection with one or two family residential building permits.
- Hobbs referred to the proposed changes for Title 10-1-2 – Definitions.
- On page 13, Title 10-1-3, Hobbs reported the City legal counsel had determined the proposed changes would be appropriate for Title 10-1-3: Interpretation of Title, to prevent any conflicts or confusion.
- On page 14, continued Hobbs, the Solar Setback diagrams were very obsolete and should be removed from the Ordinance.
- Page 14, 15 and 16, explained Hobbs, referred to public Hearing procedures, and those had been revised as recommended by legal counsel as they specifically did not want to adopt Robert’s Rules of Order.
- Page 3, Title 10-25-6 regarding Conditional Use Public Hearings. Hobbs noted when a Conditional Use Permit was combined with a rezone or annexation then the Commission shall make recommendations on both applications, rather than recommending on the rezone/annexation and making a [conclusive] decision on the conditional use permit.
- Page 17 covered Title 10-3-9: Nonconforming Uses, and noted the date would be reset regarding existing Non-Conforming Uses that existed on and before April 17, 1989.
- Page 20, Item H, covered the “Acknowledgement of Legal Non-conforming Use Rights.
- Hobbs indicated the proposed changes to Title 10-8-6: property Area, Width, Depth, Frontage and Setback Requirements, which now would not require 10 ft and 5 ft setbacks, and would allow 5 ft setbacks on both sides.
- Pages 24 and 25, added Hobbs, referred to amendments to Title 10-22-5: Parking Area Improvements and Plans.
- Hobbs noted the proposed changes to Title 10-23-20: district Permanent Sign Allowances.
- Page 34, covered proposed amendments to Title 10-33-4: Corridor Landscaping Regulations, C, 2, regarding Landscape Corridor Strip Conversion.

Vice Chairman Gunstream proceeded to public testimony.
 No public testimony forthcoming.

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

Rodriguez motioned and Kropp seconded to adopt the proposed changes to the City Code, for Title 5 Business Licenses; and, Title 10 Planning and Zoning Ordinance, for the City of Nampa. Motion carried.



Meeting adjourned at 9:40 p.m.

Norman L. Holm
 Norman L Holm, Planning Director
 :sm