



City of Nampa  
Regular Council Meeting  
Livestreaming at <https://livestream.com/cityofnampa>  
October 4, 2021  
Regular Council – 5:30 PM  
Public Hearings – 6:30 PM\*

## **Call to Order and Pledge to Flag**

**Invocation** Pastor Boyd Chikatuluah - 3 Oaks Ministries

## **Roll Call**

## **Proposed Amendments to Agenda**

### **(1) Consent Agenda (Action Items)**

*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.*

- 1-1. Minutes
  - a. Regular Council Meeting – September 20, 2021
  - b. Planning & Zoning Commission – September 14, 2021
  - c. Venue Advisory Commission – June 17, 2021
  - d. Council on Aging – August 10, 2021
  - e. Building and Site Design Committee – August 16, 2021
- 1-2. The City Council dispenses with the three (3) reading rule of Idaho code § 50-902 for all ordinances
- 1-3. Plat Approvals
  - a. Final
    - None
  - b. Preliminary
    - None
- 1-4. Authorize Public Hearings
  - a. Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district, at 1427 Southside Blvd, in order to connect to sewer utility services; (a .62 acre parcel in the NE ¼ of Section 35, T3N, R2W, BM), for Brian and Sharon Depue (ANN 207-21)
  - b. Annexation and Zoning to RS8.5 (Single-Family Residential 8,500 sq. ft) zoning district, at 1525 Southside Blvd, in order to connect to sewer utility services; (a 1.06 acre parcel in the SE ¼ of Section 35, T3N, R2W, BM), for Bryan C Warren (ANN 203-21)
  - c. Variance of Nampa City Code 10-23-20 limiting sign area to 200 sq. ft. and sign height to 25' in order to construct a sign 300 sq. ft. and 65' in height at 16188 N. Merchant Way (parcel #R3098400000) for Idaho Guns & Outdoors (located in the SW 1/4 of Section 9,



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T3N, R2W, BM, Canyon County) for applicant: Image National representing Turtle Creek West, LLC (VAR 113-21)

- d. Amendment of Title 6: Police Regulations, Chapter 5: Bicycles and Title 9: Public Ways and Property, Chapter 5: Public Parks, Section 2.E.: Prohibited Acts, pertaining to eBikes and eScooters; revising the bicycle definition and adding eBike definition, adding eBikes and eScooters to the regulations defining the locations bicycles can be ridden, stating a maximum speed, and requiring eBikes and eScooter providers to enter into a contractual agreement with the city before beginning operation, for the City of Nampa (ZTA 022-21).
- e. Zoning Map Amendment from RP (Residential Professional) to IL (Light Industrial) zoning district and potential Development Agreement at 512 N 39th St (a .47 acre parcel #R3170000000 located in the NE ¼ of Section 24, T3N, R2W, BM, Nampa, Canyon County) for Nick Barnes/WFS LLC (ZMA 149-21). Original Concept: Warehouse building

1-5. Authorize to Proceed with Bidding Process

- a. Authorize Engineering Division to proceed with formal bidding process for the Culvert Replacement FY21 project (Approved in FY21 budget)

1-6. Authorization for Execution of Contracts and Agreements

- a. None

1-7. Monthly Cash Report

- a. None

1-8. Resolutions

- a. Destruction of Records – Waterworks Division

1-9. Licenses for 2021

- a. Alcohol Renewal
  - None
- b. Alcohol New
  - None
- c. Transfer of Ownership
  - The Tackle Shop – Off Premise Beer and Wine - 1707 Garrity Blvd

1-10. Miscellaneous items

- a. None

1-11. Approval of Agenda



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## (2) Proclamations

- 2-1. Call to Prayer

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**Nampa Residents Wishing to Speak on an Agenda (5 persons limit) or Non-Agenda Item (5 persons limit) (3-minute limit). Comments Related to Zoning and Land Use Matters May Only be Made During Properly Noticed Public Hearings**

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## (3) Agency & Commission Reports

- 3-1. None

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## (4) Staff Communications

- 4-1. Patrick Sullivan - Building Safety Contracts, Council Chamber Project Update
- 4-2. Tom Points – Public Works

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## (5) New Business

- 5-1. **Action Item:** Authorize the Mayor to sign a Professional Services Agreement with SAFEbuilt, LLC for the not to exceed amount of \$45,000 with a contract completion date of December 31, 2021. (Approved in FY22 budget)
- 5-2. **Action Item:** Authorize Mayor to Sign Memorandum of Understanding Between the City of Nampa and Nampa Highway District No. 1 to Design and Construct a Roundabout at the Intersection of Northside Boulevard and Cherry Lane (Approved in FY22 budget) (Approved by Legal)
- 5-3. **Action Item:** Authorize Mayor to Sign Memorandum of Understanding with Idaho Wildlife and Water Quality Group, LLC for Future Consideration of Phosphorus Credits (Approved by legal)
- 5-4. **Action Item:** Reject bid for the Annual Waterline Replacement FY21 project (Approved in FY21 budget)
- 5-5. **Action Item:** Resolution for Appointment of Jeff Barnes to Valley Regional Transit Board
- 5-6. **Action Item:** Authorize Mayor and Public Works Director to sign Task Order Amendment for attached Scope of Work with Paragon Consulting, Inc. for Lake Lowell Avenue Rebuild (Midland Blvd to 12th Ave Rd) project design amendment services in the amount of \$58,020.00 (T&M NTE)
- 5-7. **Action Item:** Authorize the installation of a No Parking zone along Lake Lowell Avenue between the Wilson Drain crossing and South Canyon Street once construction funding is available and construction is imminent
- 5-8. **Action Item:** Authorize receiving Idaho Opportunity Funds on behalf of Project Custom in the amount of \$300,000



## (6) Public Hearings

- 6-1. **Action Item:** Zoning Map Amendment from GB1 (Gateway Business) to IL (Light Industrial) zoning district and Development Agreement; in order to build a Ditch Witch of the Rockies equipment dealership and rental location with garage for the "Equipment or implement sales, large or heavy equipment" land use category at 0 E Hunt Ave - Parcel #R3106712800 (a 5.04 acre parcel located in the SE ¼ of Section 12, T3N, R2W, BM, Nampa, Canyon, Idaho) for Dru Bridwell representing Orange Power Group LLC (ZMA 146-2021)
- 6-2. **Action Item:** Variance of Nampa City Code 10-8-5.B and 10-8-6.C requiring a minimum 20' setback for accessory residential structures, in order to build a garage that is flush with the existing home's front yard setback from the property line of 15'3" at 207 W Sheridan Ave - Parcel #R0916500000 in an RS6 (Single Family Residential 6,000 sq. ft.) zoning district (located in the SE 1/4 of Section 28, T3N, R2W, BM, Nampa, Canyon County) for Ronald Hudy Galloway representing Ochomogo LLC (VAR 110-21)
- 6-3. **Action Item:** Variance of Nampa City Code 10-1-7.F.5 requiring a minimum 5' setback from the property line for any permanent swimming pool, in order to construct a swimming pool within 3' of the rear and side property lines and 3' from the existing home at 2711 E Rhyolite Ct. (a 0.17 acre Parcel #R2945419600) in an RS6PUD (Single Family Residential 6,000 sq. ft.) zoning district (located in the SE 1/4 of Section 28, T3N, R2W, BM, Nampa, Canyon County) for Diana and Chris Carswell (VAR 111-21) – **WITHDRAWN**
- 6-4. **Action Item:** Annexation and Zoning for multiple portions of road right-of-way including: 1) a 50' wide section of Midway Rd beginning at the intersection of Midway Rd and Orchard Ave going North 684.29' and totaling 34,215 sq. ft.; 2) a section of Cherry Ln of varying width (approximately 70' to 55') beginning approximately 427' east of the N Midland Blvd and Cherry Ln intersection and going east approximately 905' and totaling 52,602 sq. ft.; 3) a 25' wide section of Northside Boulevard approximately 295' across from 16658 Northside Blvd and totaling 7,366 sq. ft.; 4) an approximate 50' wide staggered section of Cherry Ln. running approximately 840' east from the Madison Rd and Cherry Ln intersection totaling 43,913 square feet; 5) a 50' wide section of Madison Rd. running 679 feet south of E. Conant St. totaling 33,950 sq. ft.; 6) a 50' wide section of Star Rd beginning at the Ustick Rd and Star Rd intersection going south for 2,666' totaling 133,280 sq. ft.; 7) a primarily 50' wide section of N. Kings Rd. and E. Victory Rd. beginning on the northeast side of the intersection of Kings Rd and Victory Rd traveling north 1,326' along N. Kings Rd., and travelling east 660' along Victory Rd. totaling 104,989 sq. ft.; 8) property necessary for the recently constructed Happy Valley Rd and Victory Rd round-about, including parcels: R3051200000, R3067400000, R3066800000, R3066801100, R2470300000 and the right- of-way fronting this parcel, and all Happy Valley Rd right-of-way approximately 100' wide from the S Happy Valley Rd and Victory Rd intersection south to the northern boundary of Mason Creek totaling 1,027,144.8 sq. ft. - a map is available from the City of Nampa Planning & Zoning Department; AND, De-annexation of a 50' wide section of 11th Avenue N. beginning immediately north of Cherry Ln. and running approximately 2,626' north to the Miller Lateral totaling 152,255 sq. ft. - for Daniel Badger representing City of Nampa, Engineering Division (ANN 206-21 & DANX 014-21)



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## (7) Unfinished Business

- 7-1. **Action Item:** 1<sup>st</sup> reading of ordinance for Annexation and Zoning to RS6 (Single-family Residential 6,000 sf) Approval for Chase Subdivision (113 single family lots and 13 common lots) at 0 Middleton Rd - Parcel #R3145601200 (A 32.92 acre portion of land located in the NE ¼ of Section 19, T3N, R2W, BM, Canyon County, Idaho, for Schultz Development (ANN 190-20) (**PH was 6-14-2021**)
- 7-2. **Action Item:** 1st reading of ordinance for Development Agreement Modification to modify the site plan Ordinance No. 3983, "Exhibit B" to allow construction of Elevate Charter School, a non-profit public school, instead of future phases of the existing church; at 11437 and 0 W Orchard Ave. (parcel #R3145400000 & R3145401100) in a RS6 (Single Family Residential 6,000 sq. ft.) zoning district (located in NE 1/4 of Section 19, T3N, R2W, BM) for Cole Coba representing Harvest Life Church/David Whaley (DAMO 046-21) (**PH was 9-20-2021**)
- 7-3. **Action Item:** 1st reading of ordinance for 1st reading of ordinance for Annexation and Zoning to RS8.5 (Single-Family Residential 8,500 sq. ft.) zoning district to connect to city utilities and construct a single family home; and Variance of Nampa City Code 10-8-6 requiring 22' of roadway frontage, at 0 Madison Rd (a .69 acre parcel #R34370010B0 in the SE ¼ of Section 34, T4N, R2W, BM) for Matthew Richardson (ANN-200-21, VAR-107-21) (**PH was 9-20-2021**)
- 7-4. **Action Item:** 1st reading of ordinance for Annexation and Zoning to IL (Light Industrial) zoning district for Manufacturing, Compounding, Processing or Treatment of Building Materials (including organic non-animal materials) to be used for animal bedding, mulch, and composting, by Timber Creek Recycling; at 0 Northside Blvd (County Parcel #R3097500000); a 34.02 acre parcel in the NE ¼ of Section 09, T3N, R2W, BM, for MM Properties - Thompson Rd. LLC. representing John L Chapman (ANN-198-21) (**PH was 6-14-2021**)
- 7-5. **Action Item:** 1st reading of ordinance for Annexation and Zoning to IL (Light Industrial) zoning district at 0 Madison Blvd. in order to develop property with light industrial land uses (a 20.06 acre parcel #R3104100000, located in NW ¼ of Section 10, T3N, R2W, BM), for LDK Ventures, LLC (ANN-201-21) (**PH was 9-7-2021**)
- 7-6. **Action Item:** 1<sup>st</sup> reading of ordinance for Amendment of Title 10: Planning & Zoning, for clarity, formatting, and policy changes (ZTA 023-21) (**PH was 9-7-2021**)
- 7-7. **Action Item:** Approve summary of publication for preceding ordinance

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

- 8-1. Zoning Map Amendment from IP/RS (Industrial Park/Single-Family Residential) to RMH (Multiple-Family Residential) at 335 N. Gateway St. (A 1.25-acre or 54,450 sq. ft. portion of the SW ¼ Section 15, T3N, R2W, BM also identified as Lots 23 and 24, Block 13, Nampa City Acres Addition No. 1 – for a 100 unit multiple-family apartment project for Tim Kristovich, Whispering Pines LLC (ZMA 117-20) (**PH was 05-04-2020**)



- 8-2. Zoning Map Amendment from BC (Community Business) to RS6 (Single Family Residential 6,000 sq. ft.) and Modification of Development Agreement Ordinance #3561 rescinding the conditions for a commercial building to match nearby architectural facades, building orientation, limiting impact of commercial lighting and fencing to the neighborhood, specifying commercial signage, landscaping, etc. for a commercial building at 904 7th Ave N (a .58 acre portion of land in the Sylvan Heights Subdivision in the NE 1/4 of Section 22, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho) for James K. Hagen representing Zechariah P. Dean (ZMA 125-20, DAMO 038-20) (**PH was 12-07-2020**) (with City Attorney for ordinance and DA)
- 8-3. Annexation and Zoning to RD (Two-Family/Duplex Residential) zoning district at 216 N. Middleton Rd – Parcel#R1602200000 (A 2.59-acre portion of the NW ¼ Section 20, T3N, R2W, B) for an existing single-family home and barn to connect to city water service, for Cecilia Shields (ANN 181-20) (**PH was 12-07-2020**)
- 8-4. Zoning Map Amendment from RSPUD to RS6 (Single-Family Residential 6,000 sf minimum), for Middlebury Subdivision in an RS6 zoning district (334 buildable lots, 1 existing home, and 36 common lots on 105.78 acres); located at 12246 Orchard Ave - County Parcel #s - R3280300000, R328001100, & R3279901000b(located in S 1/2 of Section 13, T3N, R3W, BM) for Jane Suggs - Gem State Planning representing Clinton R. Wissel (ZMA 129-20) (**PH was 03-15-2021**)
- 8-5. Annexation and Zoning to RMH (Multiple-Family Residential) for the proposed vacated right-of-way described below, and 623, 613, 607 and 523 N Happy Valley Rd, totaling 3.8 acres (a portion of the SE ¼ of the SE ¼ of Section 13, and the NE 1/4 of the NE 1/4 of Section 24, T3N, R2W, BM and the NW 1/4 of the NW 1/4 of Section 19, and the SW 1/4 of the SW 1/4 of Section 18, T3N, R1W, BM) – for development of Station at Gateway No. 2 multi-family development of 110 dwelling units for a net density of 28.95; and Vacation of an approximately 368' by 25' (9,200 sq. ft) rectangular portion of E Orchard Ave. right-of-way, north of 623 N Happy Valley Rd. (a portion of the SE 1/4 of the SE 1/4 of Section 13, T3N, R2W, BM) for development of the Station at Gateway No. 2 multi-family development; all for Brandon Whallon representing Colby Halker (ANN-192-21, VAC-048-21) ) (**PH was 04-05-2021**)
- 8-6. Vacation of an approximately 322' by 5.45' (approximately 1,754 sq. ft) water main easement, a portion of 0 S Rising Sun Dr., county parcel #R3210338400 (located in the NW 1/4 of Section 32, T3N, R2W, BM) for Epic Development Idaho, LLC (VAC-049-21) (**PH was 04-19-2021**)
- 8-7. Annexation and Zoning to RP (Residential Professional) zoning district for Maple Leaf, at 0, 4921, & 5009 Stamm Lane (County Parcel #'s R2501100000, R2501101000, R2501000000; a portion of lots 3 and 4 of the Orchalara Heights Subdivision) and Development Agreement for a future subdivision to 30 single-family detached residential, 24 single-family attached residential (townhomes), 1 commercial, and 3 common lots; a gross density of 7.62 and a net density of 9.18; (a 7.81 acre portion of the South ½ of the SW ¼ of Section 18, T3N, R1W, BM, for Landmark Pacific Development, Inc. representing William and Linda Larson (ANN-195-21) (**PH was 7-6-2021**)



- 8-8. Development Agreement Modification originally recorded for Lakebrook Subdivision - Ordinance No. 3610, modifying the site plan, eliminating the proposed church to be replaced with additional single-family residential, removal of narrow private streets and gated neighborhoods, and revising the dimensional standards, for Middlebury Subdivision in an RS6 zoning district (334 buildable lots, 1 existing home, and 36 common lots on 105.78 acres); located at 12246 Orchard Ave - County Parcel #s - R3280300000, R328001100, & R3279901000b (located in S 1/2 of Section 13, T3N, R3W, BM) for Jane Suggs - Gem State Planning representing Clinton R. Wissel (DAMO 040-20) (**PH was 8-16-2021**)
- 8-9. Zoning Map Amendment from DH (Downtown Historic) to DV (Downtown Village); in order to build the Old Towne Nampa concept plan under the streetscape requirements of the DV zoning district, at 1015 3rd St S., 311 11th Ave S., 315 11th Ave S., 323 11th Ave S., 304 10th Ave S., and 316 10th Ave. S. - parcel #'s R1360700000, R1360800000, R1361000000, R1361300000, R1361100000, and R1361101000 (a total of 1.94 acres located in the SW ¼ of Section 22, T3N, R2W, BM, Nampa, Canyon, Idaho) for Mussell Construction Inc., representing self, Latimer Investments LLC, and International Church of the Foursquare Gospel (ZMA 147-2021) (**PH was 9-7-2021**)
- 8-10. Annexation and Zoning to RS6 (Single-family Residential 6,000 sq. ft.) zoning district and development agreement, at 0 E Locust Ln., a small portion of 0 Robinson Rd., 0 & 4417 S Happy Valley Rd (Parcel #'s: R2891801000, R2891700000, R29512010A0, R2951401000) for Harvest Creek Subdivision including two hundred fourteen (214) detached single-family lots on approximately 39 acres and thirty-five (35) common lots on 14.88 acres; for a gross density of 3.05 and a net density of 5.5; a 70.28 acre portion of the proposed 76.2 annexation area, located on the east side of S Happy Valley Rd (NW ¼ of Section 7, T2N, R1W, BM), for Hayden Homes Idaho LLC/Tim Mokwa representing multiple property owners (ANN-199-21) (**PH was 9-7-2021**)
- 8-11. Amendment of Title 10: Planning & Zoning, for clarity, formatting, and policy changes (ZTA 023-21) (**PH was 9-7-2021**)
- 8-12. Zoning Map Amendment of lots created in the Indian Creek Estates Preliminary Plat including: Parcel 1 Block 1 (20.4 acres) from BC (Community Business), IL (Light Industrial), and IH (Heavy Industrial) zoning districts to RS6 (single-family residential 6,000 sq. ft) zoning district, Parcel 1 Block 2 (6.7 acres) from IH to RS6 zoning district, Parcel 2 Block 1 from IL & IH (7.8 acres) to RS4 (Single-Family Residential 4,000 sq. ft.) zoning district, Parcel 2 Block 2 (7.4 acres) from IL & IH to RS4 zoning district, Parcel 3 Block 1 less Right of Way (3.5 acres) from BC & IL to RP (Residential Professional) zoning district, Parcel 3 Block 2 (11.7 acres) from IL & IH to RS7 (Single-Family Residential 7,000 sq. ft.) zoning district, Parcel 4 Block 2 (6.6 acres) from IL to RS4, Parcel 5 Block 2 (7.7 acres) from IL to RS4 zoning district, Parcel 6 Block 2 less Right of Way (8.6 acres) from BC to RS6 zoning district, Parcel 7 Block 2 (4.6 acres) from IL & BC to BC zoning district; (located in the NE 1/4 of Section 36, T3N, R2W, BM) for Landmark Pacific Development Inc. representing David Washburn and Troy Summers (ZMA-145-21). The Nampa Planning & Zoning Commission recommended adoption of a Development Agreement to define residential design guidelines for the future development (**PH was 9-20-2021**)



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- 8-13. Development Agreement Modification to modify the concept plan (Exhibit B) and conditions of approval (Exhibit C) of Ordinance No. 3631, changing the use from commercial buildings and associated parking to a concept plan for 3 multiple-family residential buildings; and, Conditional Use Permit for Multi-Family Residential in a BC (Community Business) zoning district, for 60 residential units on 3.09 acres for 19.41 gross lot density; located at 3211, 3217, 3225, and 3255 E Greenhurst Rd - County Parcel #s - R2113800000, R2113900000, R2114001000, & R2114000000 (located in NW 1/4 of Section 1, T2N, R2W, BM) for Vertical Equity, LLC representing Jones Development, LLC (DAMO 044-21 & CUP 232-21) (**PH was 9-20-2021**)

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## (9) Executive Sessions

**Action Item:** Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1)

- Idaho Code 74-206 (1) (c) To Acquire an Interest in Real Property Which is Not Owned by a Public Agency
- 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;

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## Adjourn

## Next Meeting

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## Regular Council at 5:30 PM – Monday, October 18, 2021 - City Council Chambers

- ◆ Individuals, who require language interpretation or special assistance to accommodate physical, vision, hearing impairments, please contact the City Clerk's Office at Nampa City Hall, (208) 468-5426. Requests should be made at least five (5) days prior to the meeting to allow time to arrange accommodations
- ◆ 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