

REGULAR COUNCIL

March 2, 2020

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

Clerk made note that Councilmembers Rodriguez, Bruner, Mutchie, Levi, Haverfield, Bower were present.

❖ (1) Consent Agenda (Action Items) ❖

Mayor Kling amended the motion by removing item #6-8. - Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 7736 Birch Lane to connect to city utilities (A .38 acre or 16,678 sq. ft. portion of the NW ¼ Section 11, T3N, R2W, BM, Canyon County, Idaho and Tax 1-A-1, Block 27 of Cortland Place) for Brenna L. Baker. The Planning and Zoning Commission recommends approval (ANN 139-19) this was withdrawn at the request of the applicant.

Councilmember Haverfield said that he was working on item #1-4.b. - Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential) at 916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St. (Parcels R11455011, R11455010, R11451012, R11451013 totally an approximate 2.53 acre portion of the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Randy Haverfield, Architecture Northwest P.A. representing Ron Kennedy for Colorado Avenue Apartments (ZMA-00116-2019) this is only calling for the public hearing so he can vote on the consent agenda.

MOVED by Haverfield and **SECONDED** by Bruner to **approve the Consent Agenda with the above-mentioned amendments; Item #1-1.** - Regular Council Minutes of **February 18, 2020** and Special Council Minutes of **February 25, 2020**; Airport Commission; Arts & Historic Preservation Commission; Bicycle and Pedestrian Advisory Committee; Board of Appraisers; Building and Site Design Standards Committee; Building and Fire Code Advisory and Appeals Board; Council on Aging; Crow Management; Golf Commission; Housing Authority; Impact Fee Advisory Committee; Library Board of Trustees; Nampa Planning and Zoning Commission Minutes of **February 11, 2020**; Venue Management Advisory Commission; Wastewater Design Review Commission; **Item #1-2.** - The Nampa City Council dispenses with the three (3) reading rule of Idaho Code § 50-902 for all ordinances; **Item #1-3.** - **Final and Preliminary Plat Approvals:** **1) Final** - Southern Ridge Subdivision No. 8 on the northside of E. Locust Lane between Southside Blvd. and S. Happy Valley Rd. (Located in the S ½ of Section 1, T2N, R2W, BM – 37 dwelling units on 13.81 acres for 2.67 dwelling units per gross acre) for Kent Brown representing HDP Southern Ridge Properties LLC (SPF 121-19); **2) Final** - Aberdeen Springs Subdivision in a RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of E. Amity Avenue adjacent and east of Mihan Lane (63 single family detached lots on 17.46 acres for 3.6 dwelling units per gross acre – A portion of the E ½ of the SW ¼ of Section 25, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPF 122-19); **3) Final** - Lost River Townhomes No. 1 on the north side of E. Cherry Lane east of Can-Ada Road (57 Single-Family Attached Townhome lots and 5 Four-plex lots - A 5.98 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC (SPF 123-20); **4) Final** - Stella's Point No. 2 on the north side of Lake Lowell Ave. east of Midway Rd. (A portion of the East Half of the SW Quarter of Section 30, T3N, R2W, BM – 56 Single Family Residential lots on 23.71 acres or 2.65

lots/ gross acre) for JUB Engineers representing KNT Investments (SPF 124-20); **5)** One year extension for Final Plat Approval for Sunny Ridge at White Hawk Subdivision at the southwest corner of E. Greenhurst Rd. and Sunny Ridge Rd. (18 Fourplex lots and 1 duplex lot on 8.36 acres for 8.85 dwelling units/gross acre - A portion of Lots 2 and 3 of Asselin's Subdivision, situated in Government Lot 3 of Section 3, T2N, R2W, BM) for JUB Engineers representing TG Development (SPF 081-18); **Item #1-4. - Authorize Public Hearings:** **1)** Annexation and Zoning to RS4 (Single Family Residential - 4,000 sq. ft.) at 922 and 946 W. Maryland Avenue (A 1.66 acre parcel of land being a portion of the SW ¼ of Section 33, T3N, R2W, BM) for Anchor Point Subdivision Preliminary Plat – 9 Single Family Residential Lots on 1.66 acres or 5.42 dwelling units/gross acre) for Sayer Eckhardt-Anchor Homes LLC (ANN-00161-2019); **2)** Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RMH (Multiple-Family Residential) at 916 E. Colorado Ave., 915 E. Bird Ave. and 908 and 912 S. Elder St. (Parcels R11455011, R11455010, R11451012, R11451013 totally an approximate 2.53 acre portion of the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for Randy Haverfield, Architecture Northwest P.A. representing Ron Kennedy for Colorado Avenue Apartments (ZMA-00116-2019); **3)** Annexation and Zoning to RS22 (Single Family Residential - 22,000 sq. ft.) on the west side of N. Kings Rd. adjacent and north of 39 N. Kings. Rd. at 0 N. Kings Rd. (A 2.43-acre parcel in Plat A Tax 04145 in Lot 37 in the SE ¼, SE ¼, Section 33, T3N, R2W, BM, Nampa, Canyon County, Idaho) for a parcel split for 2 new dwellings for Jay Walker representing Miguel Ballesteros (ANN-00164-2020); **4)** Annexation and Zoning to IL (Light Industrial) adjacent and east of 3502 E. Victory Rd. on the north side of E. Victory Rd. at 0 N Picard Lane for split for future light industrial use (A 10.17-acre parcel situated as Tax 19043 in the SW ½ SE ¼, Section 24, T3N, R2W, BM, Nampa, Canyon County, Idaho) for William Bauscher (ANN-00165-2020); **Item #1-5. - Authorize to Proceed with Bidding Process:** **1)** Authorize Engineering Division to proceed with formal bidding process for the Middleton Rd & Flamingo Ave turn lane (Approved in FY20); **Item #1-6. - Authorization for execution of Contracts and Agreements:** **1)** None; **Item #1-7. - Monthly Cash Report:** **1)** None; **Item #1-8. - Resolutions:** **1)** None; **Item #1-9. - License for 2020:** a) *Renewal Alcohol:* **1)** None; b) *New Alcohol:* **1)** None; **Item #1-10. - Miscellaneous Items:** 1) None. Mayor Kling asked for a roll call vote with all Councilmembers present voting YES. Mayor Kling declared the

MOTION CARRIED

❖ Legislative Updates ❖

- **Councilmember Haverfield**
 - Saturday meeting at the Library with the Legislators went well
- **Mayor**
 - House Bill 409 says it is a property tax freeze, it is not a property tax freeze, it limits city budgets and other budgets
 - This Council is committed to reducing our budget and to manage our budget well, watching our expenses
- **Councilmember Rodriguez**

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- The freeze on property taxes does not mean that you don't have to pay your taxes

❖ **(2) Proclamation** ❖

Item #2-1 - None

❖ **Mayor Kling asked if there was anyone Wishing to Speak on an Agenda (5 persons limit) or Non-Agenda Item (persons limit) (3-minute limit). Comments Related to Zoning and Land Use Matters May only be Made During Properly Noticed Public Hearings:** ❖

- None

❖ **Mayor Kling's and Council Comments** ❖

- **Mayor**
 - Happy birthday to Darl Bruner and Glenn Rimby
- **Councilmember Haverfield**
 - NDC refinanced the bonds which will reduce the time frame for payoff and saved 5M

❖ **(3) Agency/External Communications** ❖

Item #3-1. - None

❖ **(4) Staff Communications** ❖

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

Road Closure for Laguna Farms installation of sewer pipe – The Laguna Farms Subdivision that has received approval and a started a closure on Idaho Center Boulevard between Birch and Cherry today in order to install sewer to the project.

They are extending the sewer from north entrance to CWI Achievement Way up to their project. That project is scheduled to take 6 weeks.

The sewer is about 12 feet deep and there is quiet a bit of ground water in that area. That is the duration that we are looking at.

Road Closure for the removal of the Round-a-bout at Franklin and Starr (Cheese Factory) – Amazon is starting their work on Franklin and Starr. They are looking at a weekend closure most likely the 21st and 22nd of March.

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The will come in a remove the north half of the roundabout. Temporary pave that and put in a temporary signal to allow one lane thru traffic on both directions. There anticipation for all of their improvement's duration starting at the March 21st date continuing thru completing around the 4th of July.

We are coordinating with them on the time frames as well as coordinating with Idaho Center and their events to make sure we are allowing the traffic to flow.

They adjusted their starting date weekend due to some concerts at the Ford Idaho Center.

We have met with Cheese Factory and they have some concerns with the improvements that are going in and how they will affect them. We are working with Amazon to help address those concerns that they have.

During the time when both of these closures are active will just be over a weekend the detour in that area will be fairly significant.

❖ (5) New Business ❖

Item #5-1. - Mayor Kling presented the request to **appointment** of **Aubree Miller** to the **Nampa Airport Commission**.

MOVED by Haverfield and **SECONDED** by Mutchie to **approve** the **appointment** of **Aubree Miller** to the **Nampa Airport Commission**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Aubree Miller told the Council a little bit about herself.

Item #5-2. – The following Ordinance was read by title: and **Item #5-3.** - **authorize summary of publication** for the ordinance were combined

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

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RECORDER, AND WITH THE SUPERINTENDENT(S) OF THE UNDERLYING IRRIGATION DISTRICT(S) PERTAINING TO THE PROPERTY DESCRIBED HEREIN. (Applicant Engineering Department)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Haverfield and **SECONDED** by Rodriguez to **pass** the preceding **Ordinance** under suspension of rules with the **Summary of Publication**. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4496** and directed the Clerk to record it as required.

MOTION CARRIED

Item #5-4. - Mayor Kling presented the request to **authorize** the **Mayor** to *sign Local Professional Services Agreement* with **HMH, LLC** for the Colorado Ave & Holly St Signal project. (Approved in FY20)

Tom Points presented a staff report explaining that the City of Nampa secured grant funding through the Local Highway Safety Improvement Program (LHSIP) funds, administered by the Local Highway Technical Assistance Council (LHTAC), to improve roadway safety at the intersection of Colorado Avenue & Holly Street.

The Colorado Avenue & Holly Street Signal project will replace the existing four-way stop intersection configuration with a traffic signal. Intersection lighting will be improved as well as ADA curb ramps. (See Exhibit A)

The project was advanced in COMPASS' Transportation Improvement Program for design and construction in FY20.

The state local agreement for construction of the Colorado Avenue & Holly Street Signal project was executed April 24, 2019.

The project is funded 92.66% with Local Highway Safety Improvement Program funds secured through COMPASS with the City of Nampa providing 7.34% match using streets funds. Total project construction cost is at \$972,099.63.

The Idaho Transportation Department (ITD) has provided a Local Professional Services Agreement for the City of Nampa to execute (see Exhibit B).

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HMH, LLC., LHTAC and the City of Nampa have agreed upon a scope of work and cost estimate to provide construction engineering and inspection services for the Colorado Avenue & Holly Street Signal which the Local Professional Services Agreement is based upon.

The City of Nampa needs to execute the professional services agreement as quickly as possible to allow for the contractor to begin construction this summer.

ITD's Local Professional Services Agreement is a standard agreement that the City of Nampa has entered on many other projects and is currently being reviewed by legal.

Engineering Division total project costs will be the following:

Construction Engineering and Inspection Services	\$ 124,766.00
Construction	<u>\$ 972,099.63</u>
Total Project Costs	\$ 1,096,865.63

The existing construction funding of \$1,176,560.00 with the City of Nampa paying 7.34% match. Consultant fees will be funded through the FY20 Streets Budget; as budgeted. Upon payment of consultant fees, reimbursement of 92.66% will be requested from ITD.

Contracts are being finalized between ITD and the low bidder Hawkeye Builders, construction is anticipated to begin in June.

Engineering Division has reviewed the Local Professional Services Agreement and recommends approval.

MOVED by Bruner and **SECONDED** by Haverfield to **authorize the Mayor to sign the Local Professional Services Agreement** between the *City of Nampa* and **HMH, LLC** for the Colorado Avenue & Holly Street Signal Project (Key Number 13486) in the amount of **\$124,766.00** Time and Materials Not to Exceed. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-5. - Mayor Kling presented the request to authorize Piggyback Purchase of *Chip Seal Oils* from **Idaho Asphalt Supply** for **Street Division**. (Approved in FY20 budget)

Tom Points presented a staff report explaining that the Public Works Department Street Division proposes to place 1,000 tons of CRS-2PR (chip sealing oil) and 375 tons of Quickseal 60 (fog sealing oil) on city roadways.

The chip and fog sealing process will be applied after all patching, and crack sealing in June 2020.

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Estimated cost for the purchase of chip and fog sealing oils is \$630,000.00. Staff requests the expenditure be made through the piggyback bidding process.

Sealing activity will correlate with the rebuild project of Middleton Road as well Asset Management maintenance in Zones E1 and E2.

The Street Division requests purchase of oils through the piggyback bidding process.

The piggyback process allows any governmental agency to use the bid of another governmental agency to establish the price for procurement, provided that the initial process satisfied the public bidding rules and the supplier is willing to honor the price (Exhibit A).

Idaho Asphalt Supply, a liquid oil distributor, was awarded the Power County Highway District contract through the bid process (Exhibit B).

This selected distributor has stated it will honor the same pricing to the City of Nampa.

This acquisition will be funded from the Pavement Management fiscal year 2020 budget.

MOVED by Haverfield and **SECONDED** by Bower to **authorize** the **June piggyback purchase** of **chip seal oils** from **Idaho Asphalt Supply**, at an estimated cost of **\$630,000.00** for the Street Division. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #5-6. - Mayor Kling presented the request to **authorize** the *Engineering Division* to proceed with *formal bidding process* for the **Well 8 Production Well**. (Approved in FY20)

Tom Points presented a staff report explaining that the replacement of Well 8 is planned as part of the elevated tank replacement project. The first phase of the well replacement is drilling a new production well. (See Exhibit A)

The new production well is needed as the existing well needs rehabilitation and its location is problematic with the proposed tank footprint. The new location will facilitate construction of the tank.

The new tank is needed as the existing tank needs rehabilitation and it doesn't meet the capacity for future development.

Keller and Associates has designed and received DEQ approval for the new well location and design specifications.

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The construction estimates for the production well drilling is \$257,800 which is covered in the existing FY2020 budget for the Elevated Tank Replacement. The overall Elevated Tank Replacement is a multi-year funded project with the FY2020 budget being \$1,040,000.

Engineering staff recommend proceeding with the formal bidding process.

MOVED by Haverfield and **SECONDED** by Bruner to **authorize** the **Engineering Division** to proceed with the *formal bidding process* for New **Well 8 Production Well** (approved in budget). The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (7) Unfinished Business ❖

Item #7-2. – The following Ordinance was read by title:

AN ORDINANCE ESTABLISHING AND CREATING LOCAL IMPROVEMENT DISTRICT NO. 168 FOR THE CITY OF NAMPA, CANYON COUNTY, IDAHO, FOR THE PURPOSE OF CONSTRUCTING IMPROVEMENTS TO THE CITY'S SIDEWALKS, PEDESTRIAN RAMPS, DRIVE APPROACHES, CURBS, GUTTERS AND OTHER RELATED STREET IMPROVEMENTS IN THE DISTRICT; PROVIDING THE KIND AND CHARACTER OF THE PROPOSED IMPROVEMENTS; PROVIDING THAT SAID DISTRICT SHALL BE CONSIDERED A MODIFIED DISTRICT PURSUANT TO SECTION 50-1705, IDAHO CODE; DESCRIBING THE BOUNDARIES OF SAID DISTRICT AND THE PROPERTY THEREIN TO BE BENEFITED BY THE IMPROVEMENTS TO BE MADE; PROVIDING FOR THE TOTAL ESTIMATED COSTS AND EXPENSES OF IMPROVEMENTS TO BE LEVIED AND ASSESSED AGAINST THE SAID LOTS AND LANDS TO BE BENEFITED BY SAID IMPROVEMENTS; PROVIDING FOR THE ISSUANCE OF BONDS IN PAYMENT OF THE COSTS AND EXPENSES OF SAID IMPROVEMENTS ASSESSED AGAINST THE SAID LOTS AND LANDS; PROVIDING FOR THE APPOINTMENT OF THE CITY ENGINEER TO PREPARE THE NECESSARY PLANS AND SPECIFICATIONS FOR THE IMPROVEMENTS HEREBY ORDERED AND THE PREPARATION AND FILING OF AN ASSESSMENT ROLL AND A LOCAL IMPROVEMENT DISTRICT REPORT PURSUANT TO THE PROVISIONS OF SECTION 50-1712, IDAHO CODE; PROVIDING A PROCEDURE FOR THE FILING, CERTIFICATION, NOTICE OF HEARING AND CONFIRMATION OF SAID ASSESSMENT ROLL, AND FOR THE NOTICE AND PAYMENT OF ASSESSMENT INSTALLMENTS SO CONFIRMED; CREATING CERTAIN FUNDS AND DOCKETS; PROVIDING SEPARABILITY; AND PROVIDING AN EFFECTIVE DATE. (Applicant Engineering Department)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Bruner and **SECONDED** by Haverfield to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4497** and directed the Clerk to record it as required.

MOTION CARRIED

❖ (5) New Business ❖

Item #5-7. - Mayor Kling presented the request to **authorize Engineering** to *proceed with formal bid process* for **Sidewalk LID 168**. (Approved in FY20 budget)

Tom Points presented a staff report explaining that the LID 168 will provide a funding mechanism for property owners within the identified boundaries, as shown on Exhibit A to construct or reconstruct curb, gutter, sidewalks, pedestrian ramps and drive approaches as an improvement to their property.

The 43 participating properties are identified in Exhibit A.

\$200,000.00 is the total estimated cost for the improvements. An estimated \$150,000.00 of this total will be assessed to property owners for the cost of improvements. \$50,000.00 of the funds will be provided by Street Division for pedestrian ramps and alley approaches.

Bidding is to take place in March with construction anticipated to start in April.

The Ordinance creating the LID was approved by Council at the March 2, 2020 meeting.

MOVED by Haverfield and **SECONDED** by Mutchie to **authorization** to proceed with the bid process for LID 168. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

❖ (7) Unfinished Business ❖

Item #7-3. – The following Ordinance was read by title:

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 10, CHAPTER 21, SECTION 10-21-3, OF THE NAMPA CITY CODE, PERTAINING TO AGRICULTURAL ANIMALS KEPT AS PETS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR

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SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH. (Applicant Planning and Zoning Department)

The Mayor declared this the first reading of the Ordinance.

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

MOVED by Haverfield and **SECONDED** by Bower to **pass** the preceding **Ordinance** under suspension of rules. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4498** and directed the Clerk to record it as required.

MOTION CARRIED

Item #7-1. - Mayor Kling presented the request for a **reconsideration** of **deferral** of **improvements at Weatherby Estates Subdivision**.

Nampa City Attorney Doug Waterman explained that for a request for reconsideration the Nampa City Council considers the request at this meeting. No testament or other evidence will be submitted in connection to the request. The Council can shall grant or deny the request at its discretion solely on the basis of the written request for reconsideration.

MOVED by Rodriguez and **SECONDED** by Bruner to **deny** the request for reconsideration of deferral of improvements at Weatherby Estates Subdivision. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #7-4. - Mayor Kling presented the request for discussion on the Lake Lowell Avenue and Midland Boulevard Roundabout.

Mayor and Councilmembers made comments and asked questions of staff.

Tom Points answered questions.

The item will be brought back to the council for consideration at the first meeting in April.

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

- 8-1. Annexation and Zoning to BC (Community Business) for .525 acres or 22,866 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin Tracts Plot C at 0 N. Franklin Blvd.; Zoning Map Amendment from AG (Agricultural) to BC (Community Business) for 2.24 acres or 97,574 sq. ft. located in the SE ¼ Section 10, T3N, R2W, BM, Franklin

- Tracts Plot B at 1414 E. Karcher Rd. for Dean Anderson. (ANN 122-19, ZMA 107-19) **(PH was 8-5-2019)**
- 8-2. Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located at 1460 Lake Lowell Ave in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM for Jared and Melissa Lindsay for a 2-parcel split. (ANN 125-19) **(PH was 8-19-2019)**
- 8-3. Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County) for David DeMayola (ANN 134-19) **(PH was 01-06-2020)**
- 8-4. Annexation and Zoning to BC (Community Business) for the southerly 7.0 acres and to IL (Light Industrial) for the northerly 26.13 acres at 0 Midland Blvd. and 9778 E Cherry Lane (A 33.13 acre portion of the East ½ of the SW ¼ SW ¼ and a portion of the South ½ of the NW ¼ SW ¼, Section 4, T3N, R2W, BM) for Hatch Design Architecture representing Kiwi Enterprises, LLC (ANN-00 135-2019) **(PH was 02-18-2020)**

❖ (6) Public Hearings ❖

Item #6-1. - Mayor Kling opened a **public hearing** for [Continued from the January 21, 2020 council meeting](#) Repeal of the Nampa 2035 Comprehensive Plan (Text and Proposed Future Land Use Map), and all amendments thereto, and approval of an updated Comprehensive Plan Text and Proposed Future Land Use Map, to be referred to as the Nampa 2040 Comprehensive Plan for the City of Nampa (CTA 008-19)

Senior Planner Doug Critchfield presented the following staff report:

Presentation by Staff

- Comprehensive Plan Update Process (by the numbers)
- Committee and Community Priorities Addressed in the 2040 Comprehensive Plan
- How the Comprehensive Plan was updated and structured
- Updates by Chapter with answers to Council Questions

Highlights of Workshop Discussion

- 2017 Census data outdated (data will be updated with 2020 Census data in an addendum through public hearing process when it becomes available).
- Desire to build infill where services exist (mentioned several times in the plan)
- Change the data regarding housing prices in the Chapter 3 Sidebar (see below)
- Clarity of Boise Metropolitan Area used in the Housing Opportunity Index (it includes Nampa but that there are differences in the Treasure Valley - see below)

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- Clarification of ‘preservation of open space and agricultural land’ (the plan states that it would have to be accomplished within the limits of property rights law and as a collaborative Process with landowners, developers, the public and City of Nampa.)

Highlights of Workshop Discussion

- Added a section discussing Opportunity Zones -(see below)
- Add Section 5.11.4 Tax Contribution: Discourages land uses that provide little to no tax contribution to sustain the services that the community provides (see below)
- Add an Objective to Chapter 6 suggesting improved collaboration and working partnerships with the County and State (see below)
- Rewrite Section 8.19 Dark Skies Section (see below)
- Churches are an important part of the community fabric (churches and religious institutions are mentioned several times in the plan. They are permitted in the zoning code in every zone except U [University], BF [Freeway Business], GBE [Entertainment], IP [Industrial Park] and IH [Heavy Industrial].)
- Locate High Density near services (mentioned several times in the plan)
- **Changes/Edits from December 10, 2019 Planning and Zoning Commission meeting through January 21, 2020 Nampa City Council meeting were included in the Council Workshop PowerPoint and are listed in the January 21, 2020 and March 2, 2020 Staff Report**

Changes and Edits from January 21, 2020 through February 27, 2020 were included in the PowerPoint presentation at the February 28, 2020 Council Workshop and are listed below:

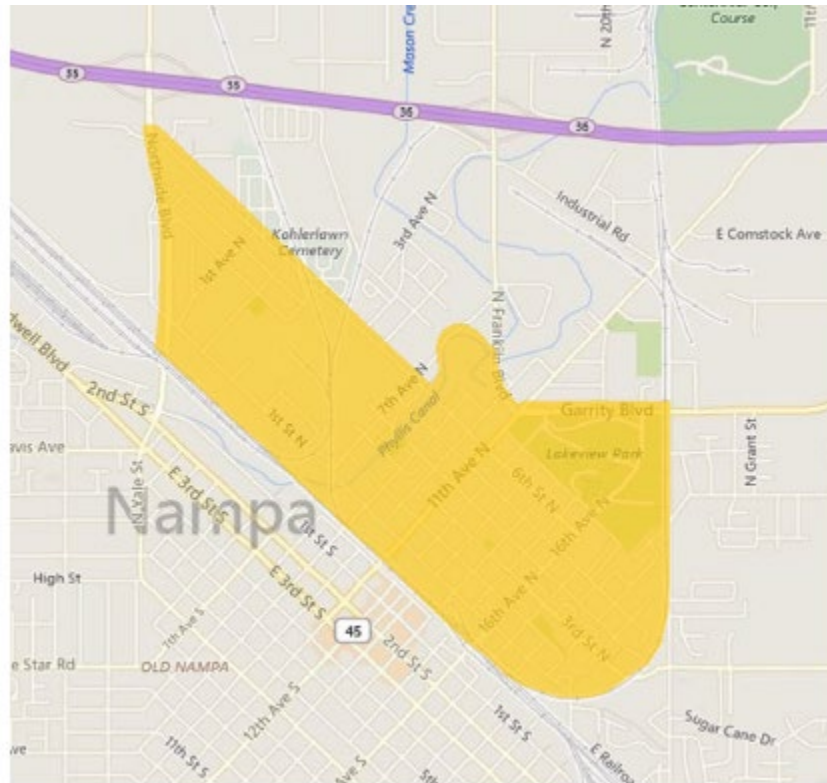
- 6.16.2 Nampa Bike and Pedestrian Master Plan: Nampa developed a Pedestrian and Bicycle Master Plan in 2011. The plan is going through an update that should be completed by was updated in fall 2019...(see 6.76.9Bicycle and Pedestrian Facilities) (p. 123)
- 11.111.01Arts and Historic Preservation (p. 193)
- Exhibit 11-1 –Change ‘Magnolia’ picture to Kit Home picture from Nampa (p. 199)
- Future Land Use Map (Proposed) Note 38: Change back to HD Residential –Clerical error (p. 261)
- Future Land Use Map: Change Low Density north of Dooley to Med Density Res –Midland to 12thAve Rd. w/ exception to other land use settings (p. 262)

4.4.9 – Opportunity Zones

Opportunity Zones are a tax incentive created by the Tax Cuts and Jobs Act of 2017. Investors who invest in Opportunity Zones (designated low-income U.S. Census tracts) may receive deferrals and reductions in federal capital gains taxes. (source: Idaho Department of Commerce <https://commerce.idaho.gov/blog/opportunity-zones-update/> downloaded 2/24/20)

The U.S. Department of the Treasury has not completed its rulemaking on the Opportunity Zone Program. The currently identified Opportunity Zone in Nampa is located in North Nampa Census Tract 202 (see exhibit 4-17)

Exhibit 4-17 Nampa Opportunity Zone



- Change the sidebar ‘Chapter 3 Highlights’:
Strike: Median Home Price 2017 \$133,900, 2019 \$224,500
Add: Median Home Price December 2018 \$208,750, December 2019 \$237,950 (p. 38)
- Add to Chapter 6: Objective 3: Implement a discussion on how to improve collaboration and working partnerships with the County and State (p. 127)
- Strike 8.12.2 Downtown Nampa, Add 8.12.3 Downtown Nampa (p. 163)
- Add Section: 5.11.4 Tax Contribution
The City of Nampa often receives proposals for land uses that provide little to no tax contribution to sustain the services that the community provides. Examples of these types of land uses include RV and Mobile Home Parks. The City of Nampa should discourage this type of development within the Nampa City Area of Impact. (p. 97)
- Acknowledgements: Strike Harverfield, Add Haverfield (p. 2)

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- Section 3.0: In 2010, the HOI in the Boise Metro Area, which includes Nampa was 72.4% 73.5%. In 2018 2019, the HOI was 48.4% 49.1%. (p. 38)
- Add to Chapter 6 Objectives and Strategies: **Objective 3: Improve collaboration and working partnerships with County and State** (p. 166)
- Section 8.19: ~~Dark Skies~~ Exterior Lighting Design
~~Dark skies~~ Exterior lighting design principles address concerns about the impacts of light pollution that is produced by businesses and residents. The adverse effect of artificial light on airports, wildlife and humans is widely studied. Negative impacts include sky glow, glare, ‘light trespass’, decreased visibility at night, sleep loss, habitat disruption and energy waste.
~~6 Nampa should consider adopting a Dark Skies Ordinances to reduce the amount of light and the number of lumens that exterior lighting produces.~~ (p. 166)

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

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

MOTION CARRIED

MOVED by Levi and **SECONDED** by Bower to **repeal** of the **Nampa 2035 Comprehensive Plan** (Text and Proposed Future Land Use Map), and all amendments thereto, and approval of an updated Comprehensive Plan Text and Proposed Future Land Use Map, to be referred to as the Nampa 2040 Comprehensive Plan for the City of Nampa. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-2. - Mayor Kling opened a **public hearing** for **annexation** and **zoning** to RS8.5 (Single Family Residential – 8,500 sq. ft.) at **2413 Sunnyridge Rd.** for a new home (A 1.11 acre portion of the NE corner of the NW ¼, Section 3, T2N, R2W, BM, Canyon County, Idaho and Tax 8 in Lot 3 of Asselins Subdivision) for **Travis Adams** representing **Ironwood Homes**. The Planning and Zoning Commission recommends approval (ANN 138-19)

Travis Adams, 2708 Bannock Avenue presented the request.

Councilmembers asked questions of the applicant.

Rodney Ashby presented the following staff report explaining that the request is for annexation a zoning to RS-8.5 (single Family Residential – 8,500 sq. ft.) at 2413 Sunnyridge Road for Ironwood Homes for connection to city water and sewer services and construct a home.

General Information

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The Nampa Planning & Zoning Commission, during their regularly scheduled public hearing of 1/28/2020, voted to recommend approval of the above annexation and zoning with the conditions stated in the Recommended Conditions section of this report.

The applicant has requested annexation and zoning to connect the enclaved rural residential property to city water and sewer service.

Status of Applicant: Builder. **Annexation Location:** 2413 Sunnyridge Rd. A 1.11-acre portion of the NE corner of the NW ¼, Section 3, T2n, R2W, BM, Canyon County, Idaho and Tax 8 in Lot 3 of Asselins Subdivision). **Proposed Zoning:** RS 8.5 (Single Family Residential – 8,500 sq. ft.). **Total Size:** Approximately 1.11-acre parcel of land. **Existing Zoning:** County R1 (Single Family Residential). **Comprehensive Plan Designation:** Medium Density Residential. **Surrounding Land Use and Zoning:** North- Enclaved Single Family Residential, County- R1 South- Enclaved Single Family Residential, County – R1 and Sunnyridge at Whitehawk Subdivision RD Zoning - East- Single Family Residential, Cottages Subdivision, City- RD PUD - West- Enclaved Single Family Residential, County – R1.

Applicable Regulations: In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel connects with the city limits at its east and south boundaries. The parcel is part of a 10-parcel, 12.6-acre enclaved area.

Special Information

Public Utilities: 12” water main in Sunny Ridge Rd - 12” irrigation main in Sunny Ridge Rd - Sewer service will need to be coordinated with & pulled from Sunny Ridge at White Hawk Sub.

Public Services: Police and fire already service city incorporated areas near the location.

Physical Site Characteristics: Vacant enclaved parcel. **Transportation:** Access to the property is from Sunny Ridge Rd.

Correspondence

Nampa Code Enforcement:

Found the following violations –

1. 4 vehicles (1 pickup, 1 black car, 2 RV’s need to show proof of current registration
2. 1 boat need to show proof of current registration
3. 2 trailers with debris need to show proof of current registration and remove the debris from public view
4. 2 large green PVC pipes needs to be removed from public view
5. 1 large pile of brush needs to be removed from public view
6. Weeds along the north fence line need to be cut

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Idaho Transportation Department:

No objection and no significant impact

Building Department:

No conditions

Nampa Engineering Division:

1. Owner needs to dedicate 40' of right-of-way from section line of Sunny Ridge Rd
2. Construction of sidewalk meeting city standards is required along entire frontage
3. Any future development will require connection to Nampa City utilities, and follow conditions outlined in 2413 Sunny Ridge Road – Property Annexation and Provision of Nampa City Services letter dated November 19, 2019 and attached as an exhibit.
4. Driveway design shall accommodate turn-around of vehicles on the property to avoid vehicle back-out onto Sunny Ridge Road.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as being compatible with the zoning that has been requested. A variety of primary residential uses are permitted or conditionally permitted in the RS8.5 zoning district. A list of these uses is attached as an exhibit to this staff report.

If Nampa City Council wishes to approve the requested annexation and zoning, the following findings are suggested:

- 1) The requested annexation parcel connects with the city limits along its east and south boundaries. The parcel is part of a 10-parcel, 12.6-acre enclaved area.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city’s comprehensive plan future land use map for medium density residential land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requested annexation and zoning to RS 8.5 to connect the property to city water and sewer service.

Recommended Conditions of Approval

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Staff suggests Council approval of the Annexation and Zoning subject to the following engineering required conditions of approval:

Specifically, the Applicant Development shall:

1. Show proof of current registration for:
 - a. 4 vehicles (1 pickup, 1 black car, 2 RV's)
 - b. 1 boat
 - c. 2 trailers with debris
2. Remove from public view:
 - a. Debris in trailers
 - b. 2 large green PVC pipes
 - c. 1 large pile of brush
3. Cut weeds along the north fence line to height allowed by code
4. Dedicate 40' of right-of-way from section line of Sunny Ridge Rd to the City of Nampa
5. Construct sidewalk, meeting city standards, along entire Sunny Ridge Rd frontage
6. Connect to city utilities, and follow conditions outlined in 2413 Sunny Ridge Road – Property Annexation and Provision of Nampa City Services letter dated November 19, 2019.
7. Construct a driveway that accommodates turn-around of vehicles on the property to avoid vehicle back-out onto Sunny Ridge Road.

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

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

MOTION CARRIED

Councilmember Levi disclosed that this case came before Canyon County Planning and Zoning, I recuse and leave the room, so I know nothing about it.

MOVED by Haverfield and **SECONDED** by Rodriguez to **approve the annexation and zoning** to RS8.5 (Single Family Residential – 8,500 sq. ft.) at **2413 Sunnyridge Rd.** for a new home (A 1.11 acre portion of the NE corner of the NW ¼, Section 3, T2N, R2W, BM, Canyon County, Idaho and Tax 8 in Lot 3 of Asselins Subdivision) for **Travis Adams** representing **Ironwood Homes** with recommended staff conditions and authorize the Nampa City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

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Item #6-3. - Mayor Kling opened a **public hearing** for **annexation** and **zoning** to IL (Light Industrial) for a *Small-Scale Home Occupation Auto Transmission Repair Shop* in the freestanding pole building behind and west of the dwelling at **16545 Madison Rd.** (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for **Glenn and Judith Watts**. The Planning and Zoning Commission recommends approval. (ANN 137-19)

Glenn Watts, 16545 Madison Road presented the request.

Planning and Zoning Director Norm Holm presented the following staff report explaining that the request is for annexation and zoning to IL (Light Industrial) for Small-Scale Hobby Autor Transmission Repair Shop at 16545 Madison Road for Glenn and Judith Watts.

General Information

Planning and Zoning Commission Recommendation: Approval, subject to specified conditions. **Zoning and Planning History:** The property was previously developed in the County applicants/owners request annexation and zoning to conduct a Small-Scale Hobby Auto Transmission Repair Shop adjacent their home. **Status of Applicant:** Property owner and resident. **Annexation Location:** 16545 Madison Rd. – A portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM. **Existing Zoning:** AG (County Agricultural). **Proposed Zoning:** IL (Light Industrial). **Size:** A .96-acre or 41,818 sq. ft. parcel. **Existing Zoning:** County R1 (Single Family Residential). **Comprehensive Plan Designation:** Presently Light Industrial but proposed to be changed to Industrial under the current Comprehensive Plan Update. **Surrounding Land Use and Zoning:** North- Industrial subdivision; IL (Light Industrial) - South- Single residential with business; County- AG (Agricultural) - East- Agriculture; IL (Light Industrial) - West- Single residential with business; County- AG (Agricultural). **Applicable Regulations:** In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel connects with the city limits on its north property line and lies across Madison Rd. from annexed IL zoned land. **Existing Uses:** Single family dwelling with two small buildings planned to be used for the Small-Scale Auto Transmission Repair use.

Special Information

Permitted and Conditional Uses IL zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10416/Light-Industrial-IL-District-Land-Uses>

Signs allowed in the IL zone (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10852/IL-IH-Signs>

Public Utilities: 12” sewer main in Birch Lane and Madison Rd. - 12” water main in Birch Lane and Madison Rd. - 10” irrigation main in Birch Lane and Madison Rd. **Public Services:** Police and fire already service city incorporated areas near the location. **Physical Site Characteristics:** Existing single-family residential parcel with shop and storage building. **Transportation:** Access to the property is from Madison Rd.- classified as "Collector". **Correspondence:** No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to IL.

Staff Findings and Discussion

The applicant was originally advised by staff, concurrent with this Annexation and Zoning application, to apply for a Conditional Use Permit for the Small-Scale Hobby Auto Transmission Repair Shop. Subsequently staff determined that the applicant would exceed the maximum area allowed for the repair shop of not more than 25% of the gross floor area of the dwelling unit involved. Staff determined that a more suitable method would be to have the applicant request a Variance of that provision on the basis of the Light Industrial Zoning request and the fact that the proposed shop would be small scale in nature in comparison with that which would otherwise be allowed as a standalone business in the proposed IL zone. The hearing on the Variance will be held subsequent to tonight’s Nampa City Council hearing on the Annexation and Zoning to IL.

From a land use standpoint, the location is shown on the proposed update of the comprehensive plan “future land use map” for Industrial Use and is compatible with the requested IL zoning. If the Nampa City Council accepts the Planning and Zoning Commission recommendation for approval and votes to approve the following findings are suggested:

- 1) The parcel connects with the city limits along its northern property line.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed IL zoning conforms with the city’s comprehensive plan proposed updated future land use map for Industrial land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner has requested annexation and zoning to IL to conduct a Small-Scale Hobby Auto Transmission Repair Shop adjacent his home.

Recommended Conditions of Approval

Staff suggests the Nampa City Council approve the Annexation and Zoning subject to the following required Engineering, Building and Planning conditions of approval:

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- 1) Upon annexation into the City of Nampa 40' right-of-way from section line of Madison Rd shall be dedicated to the city.
- 2) Any future development of the site will require the placement of sidewalk per City of Nampa standards along entire frontage. Depending on existing conditions adjacent to this site at time of any future development, a sidewalk deferral agreement may be an available course of action if desired.
- 3) Any future development of the site will require connection to city utilities (sewer, water, pressure irrigation) all of which are currently existing in Madison Rd at this time.
- 4) All vehicles to be worked on shall be parked on the property. In no instance should customer vehicles either before, during, or after repair be parked within the public right-of-way.
- 5) The Building Department will require tenant improvement for change of use and a mechanical permit for ventilation. Staff understands these improvements have been completed.
- 6) A Variance shall be required for the Small-Scale Hobby Auto Transmission Repair Shop to exceed 25% of the gross floor area of the associated dwelling unit. Said Variance shall not go with the property, but only be allowed for the current owners/residents of the property, Glenn and Judith Watts.

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

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

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Rodriguez to **approve the annexation and zoning** to IL (Light Industrial) for a *Small-Scale Home Occupation Auto Transmission Repair Shop* in the freestanding pole building behind and west of the dwelling at **16545 Madison Rd.** (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for **Glenn and Judith Watts** with staff conditions and that no more than 10 vehicles be allowed on the site at one time.

The above motion was rescinded by Councilmember Haverfield and Councilmember Rodriguez.

MOVED by Haverfield and **SECONDED** by Bower to **approve the annexation and zoning** to IL (Light Industrial) for a *Small-Scale Home Occupation Auto Transmission Repair Shop* in the

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freestanding pole building behind and west of the dwelling at **16545 Madison Rd.** (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for **Glenn and Judith Watts** with staff conditions and that the vehicles to worked on be no more than 5 and that does not include his personal vehicles and authorize the Nampa City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-4. - Mayor Kling opened a **public hearing for variance** of Section 10-1-10 B. 2. Home Occupation Standards allowing more than 25% of the gross floor area of the dwelling to be used for a small-scale hobby Home Occupation auto transmission repair shop in a detached Pole Building 1,200 sq. ft. or 29% of the gross floor area of the dwelling at **16545 Madison Rd.** (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for **Glenn and Judith Watts.** (VAR 087-20)

Glenn Watts, 16545 Madison Road presented the request.

Norm Holm presented the following staff report explaining that the request is for a variance of Section 10-1-10 B. 2. Home Occupation Standards requiring the amount of floor area used solely for a home occupation shall not exceed 25% of the gross floor area of the associated dwelling unit (either in the dwelling unit or in an accessory building) at 16545 Madison Rd. for Glenn and Judith Watts.

Explanation: The home and attached garage are 2,287 sq. ft. in floor area. The home occupation code allows 25% of the 2,287 sq. ft. or 572 sq. ft. for the home occupation. The applicant intends to use about 50% of the floor area of the 1,200 sq. ft. pole building for his home occupation. This equals 600 sq. ft. or about 29% of 2,287 sq. ft. or a 4% increase of the code allowed 25%.

General Information

Status of Applicant: Property/Business Owner. **Existing Zoning:** Proposed IL (Light Industrial). **Location:** 16545 Madison Rd. – A portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM. **Size of Property:** A .96-acre or 41,818 sq. ft. parcel. **Surrounding Land Use and Zoning:** North- Industrial subdivision; IL (Light Industrial) - South- Single residential with business; County- AG (Agricultural) - East- Agriculture; IL (Light Industrial) - West- Single residential with business; County- AG (Agricultural). **Comprehensive Plan Designation:** Presently Light Industrial but proposed to be changed to Industrial under the current Comprehensive Plan Update. **Application Narrative:** Seeks to utilize a detached pole building 1,200 sq. ft. or 29% of the gross floor area his dwelling size for his small-scale hobby Home Occupation auto transmission repair.

Applicable Regulations

Section 10-1-10 Home Occupation Standards:

B. 2. Space: The amount of floor area used solely for the home occupation (either in the dwelling unit or in an accessory building beside or behind the dwelling unit) shall not exceed twenty five percent (25%) of the gross floor area of the dwelling unit involved.

10-24-1: [Variance] Purpose:

The Nampa City Council is empowered to grant variances 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 bulk or quantifiable regulations prescribed by zoning ordinance.

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, based on 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.

Special Information

Transportation: Access to the property is from Madison Rd.- classified as "Collector". **Physical Site Characteristics:** Existing single-family residential parcel with shop and storage buildings. **Environmental, Aesthetics/Landscaping:** The property is nicely landscaped and presents a rural residential property appearance. **Citizen Input:** At the time of the preparation of this staff report, no comments were received by nearby property owners, residents, or businesses either opposing or supporting the requested variance.

Findings and Discussion

The applicant was originally advised by staff, concurrent with their Annexation and Zoning application, to apply for a Conditional Use Permit for the Small-Scale Hobby Auto Transmission Repair Shop. Subsequently staff determined that the applicant would exceed the maximum area allowed for the repair shop of not more than 25% of the gross floor area of the dwelling unit involved. Staff determined that a more suitable method would be to have the applicant request a Variance of that provision on the basis of the Light Industrial Zoning request and the fact that the proposed shop would be small scale in nature in comparison with that which would otherwise be allowed as a standalone business in the proposed IL zone.

To justify a variance request, an applicant must argue successfully to the Council that there are aspects of their property that physically, topographically, or, otherwise based on code requirements, puts them at a disadvantage in trying to accomplish what they wish (e.g., develop their land) in comparison to like properties. And where a site is clear of obstructions, easily or already flat graded (i.e., not adversely, topographically affected by a river, a highway or a mountain in the way, etc.), and, is of minimal dimensions per zoning code to be “buildable”, then it is difficult to argue that a hardship is present that is not brought on by the applicant’s proposed design.

If the Nampa City Council believes that there is no real topographical hardship associated with a variance application, then the applicant must argue that there is a “unique site circumstance”

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sufficient to justify their request. In the past, variances have been issued on a case by case basis where a unique situation could be determined to exist.

The Nampa City Council must determine if this request qualifies as a unique site circumstance providing the required justification for approval. The Nampa City Council is at liberty to either approve or deny. Either decision should not be construed as setting precedent, but consistency in the community/neighborhood and between applications is a desirable goal when dealing with case.

Glenn and Judith Watts are requesting a Variance of Section 10-1-10 B. 2. Home Occupation Standards requiring the amount of floor area used solely for a home occupation (hobby auto transmission repair shop) shall not exceed 25% of the gross floor area of the associated dwelling unit (either in the dwelling unit or in an accessory building). They seek to use approximately 50% of the area of the pole building (600 sq. ft. or 29% of the gross floor area of the associated dwelling).

Staff recommends that if the Nampa City Council votes to approve the variance, the approval be based on the required findings of Section 10-24-2 of the Nampa City Code.

Recommended Conditions of Approval

Should the Nampa City Council vote to approve the requested variance, staff recommends the following conditions required by Planning and Building Departments:

- 1) The Building Department will require tenant improvement for change of use and a mechanical permit for ventilation. Applicant to submit certification that this work has been completed.
- 2) The Variance shall not go with the property, but only be allowed for the current owners/residents, Glenn and Judith Watts.

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

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

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Bruner to **variance** of Section 10-1-10 B. 2. Home Occupation Standards allowing more than 25% of the gross floor area of the dwelling to be used for a small-scale hobby Home Occupation auto transmission repair shop in a detached Pole Building 1,200 sq. ft. or 29% of the gross floor area of the dwelling at **16545 Madison Rd** for Glenn and Judith Watts with staff recommended conditions and to allow the full use of the pole

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barn with no additions. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-5. - Mayor Kling opened a **public hearing** for **annexation** and **zoning** to RS6 (Single Family Residential – 6,000 sq. ft.) at **4100 E. Greenhurst Rd.** (A .52-acre or 22,651 sq. ft. portion of the SE ¼, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Tax 58) for **David E. Hird** for connection to city sewer. The Planning and Zoning Commission recommends approval. (ANN 140-19)

The applicant was not present.

Norm Holm presented the following staff report explaining that the request is for annexation and zoning to RS-6 (Single Family Residential 6,000 sq. ft) at 4100 East Greenhurst Road for connection to city sewer for David E Hird.

General Information

Planning and Zoning Commission Recommendation: Approval subject to specified conditions. **Planning and Zoning History:** The applicant/owner requests to hook up the existing dwelling to city sewer. **Status of Applicant:** Applicant and owner. **Annexation Location:** 4100 E. Greenhurst Rd. - A portion of the SE ¼, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Tax 58. **Proposed Zoning:** RS6 (Single Family Residential – 6,000 sq. ft.). **Size:** A .52-acre or 22,651 sq. ft. parcel. **Existing Zoning:** County R1 (Single Family Residential). **Comprehensive Plan Designation:** Medium Density Residential. **Surrounding Land Use and Zoning:** North- Single family residential; RS6 - South- Single family residential; RS6 - East- Single family residential; RS6 - West- Single family residential; RS6. **Applicable Regulations:** In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel connects with the city limits on all three sides. The parcel is enclaved. **Existing Uses:** Developed single family residential lot.

Special Information

Permitted and Conditional Uses RS Zones (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10421/Single-Family-Residential-RS-District-Land-Uses>

Permitted Signs RS Zones (click on link):

<https://www.cityofnampa.us/DocumentCenter/View/10903/Residential-Zone-Signs>

Public Utilities: 8" sewer main along east side of property in Lot 3, Block 5 of Triple Crown Estates #2 - 8" water main in S. Preakness Way and 12" in E. Greenhurst Rd. - 8" pressure

irrigation main in the southerly tip of property at E. Greenhurst Rd. **Public Services:** Police and fire already service city incorporated areas near the location. **Physical Site Characteristics:** Existing developed single-family residential parcel. **Transportation:** It appear that access to the property is through a private easement from S. Preakness Way through the surrounding common lot owned by the Triple Crown Estates #3 Homeowners Association even though the parcel has an address of 4100 E. Greenhurst Rd. **Correspondence:** No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to RS6.

Staff Findings and Discussion

From a land use standpoint, the location is shown on the proposed update of the comprehensive plan “future land use map” for medium density residential use as being compatible with the zoning that has been requested. If the Planning & Zoning Commission recommends approval of the requested annexation and zoning the following findings are suggested:

- 1) The parcel connects with the city limits on all three sides and is enclaved.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city’s comprehensive plan future land use map for medium density residential land use and is reasonably compatible with existing and proposed land uses in the area.
- 4) The property owner requested annexation and zoning to RS6 to connect the existing dwelling to city sewer service.

Recommended Conditions of Approval

If the Nampa City Council votes to accept the Planning and Zoning Commission recommendation to approve of the Annexation and Zoning to RS6 the following Engineering Division comments/conditions are required:

- 1) Upon annexation into the City of Nampa 50’ right-of-way from section line of Greenhurst Rd shall be dedicated to the city.
- 2) The City of Nampa prefers proposed sewer service to utilize the existing 8" main line located in a 20’ wide easement on the property identified as Lot 3, Block 5 of Triple Crown Estates #2 subdivision, 2225 S Preakness Way. Said easement line runs parallel to and 20’ east of the westerly property line of said property at 2225 S Preakness Way. Coordinate with the owner of 2225 S Preakness Way prior to construction of the sewer service.
- 3) Any future development of the site at 4100 E Greenhurst Rd will require connection to remaining city utilities of which, water is currently existing in S Preakness Way, and pressure irrigation is existing near Greenhurst Rd.

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- 4) Prior to potential annexation into the City of Nampa's municipal irrigation district and subsequent connection to city pressure irrigation, the property owner will need to reestablish irrigation water rights with Nampa & Meridian Irrigation District.

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

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

MOTION CARRIED

MOVED by Bruner and **SECONDED** by Haverfield to **approve the annexation and zoning** to RS6 (Single Family Residential – 6,000 sq. ft.) at **4100 E. Greenhurst Rd.** (A .52-acre or 22,651 sq. ft. portion of the SE ¼, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Tax 58) for **David E. Hird** for connection to city sewer with recommended staff conditions and authorize the Nampa City Attorney to draw the appropriate ordinance. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

Item #6-6. - Mayor Kling opened a **public hearing** for **annexation and zoning** to IL (Light Industrial) at **2923 Port St.** for the northerly approximate 1.46 acres and to RS6 (Single Family Residential – 6,000 sq. ft.) for the southerly approximate 3.56 acres (A 5.02-acre or 218,671 sq. ft. portion of the NE ¼ of the SE ¼ of Section 23, T3N, R2W, B.M., Canyon County, Idaho, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Plat A Tax 97152 in Lot 20) for **Hon Contractors, Inc. – Jeff Hon.** The Planning and Zoning Commission recommends approval. (ANN 142-19)

Lance Warnick, Aspen Engineering, 1312 Wild Horse Way presented the request.

Councilmembers asked questions of the applicant.

Rodney Ashby presented the following staff report explaining that the request is for annexation and zoning to IL (Light Industrial) at 2923 Port St for Hon Contractors, Inc., represented by Jeff Hon, for industrial development. For the purpose of annexing the property and zone as IL (light industrial) to allow development of the property. ...Development of the south end of the property may include similar light industrial uses, or it may in future for a residential subdivision with homes or townhomes after a rezone to RS-6.”

General Information

Planning and Zoning History: The parcel is an enclaved property. The applicant has requested annexation and zoning to IL (Light Industrial). **Status of Applicant:** Owner’s representative.

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Annexation Location: 2923 Port St. (A portion of the NE ¼ of the SE ¼ of Section 23, T3N, R2W, B.M., Canyon County, Idaho, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Plat A Tax 97152 in Lot 20. **Proposed Zoning:** IL (Light Industrial). **Total Size:** Approximately 5-acre or 217,800 sq. ft. **Existing Zoning:** County R1 (Residential). **Comprehensive Plan Designation:** Medium Density Residential, but adjacent Industrial. The requested annexation and zoning to IL therefore complies with the adjacent Light Industrial designation to the north under the map note: “*The mapped boundary between two adjoining land use designations is considered flexible and may be interpreted as being stretchable to include the abutting parcels in the direction of either designation.*” **Surrounding Land Use and Zoning:** North- Auto Detail Business, Industrial Buildings, Mini Storage (City- IL) - South- Rural Residential and vacant land/farmland (County-R1) - East- Rural Residential (County-R1) - West- Taylor SF Subdivision (City RS6). **Applicable Regulations:** In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The enclaved area connects with the city limits on all sides. **Existing Uses:** The property is enclaved, functioning as rural residential property with dilapidated farming accessory structures and salvage yard.

Special Information

Public Utilities: 6” water main in Port St. - An 8” sewer main in Port St. - A 6” irrigation main is available along the westerly property boundary. **Public Services:** Police and fire already service city incorporated areas near the location. **Transportation:** Access to the property is from Port St. No one appeared in favor of or in opposition to the request.

Correspondence

No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to IL, except as expressed at the P&Z Commission public hearing.

The Nampa Planning & Zoning Commission recommended approval with the following conditions:

1. A legal description describing the proposed area to be used as industrial and a legal description for the area to be used as residential shall be submitted to the Planning & Zoning Department prior to the Nampa City Council public hearing.
2. The property will cease to operate as a salvage yard prior to annexation.
3. The property will be brought into compliance with city codes regarding weeds and trash/debris prior to annexation.
4. Upon annexation into the City of Nampa, 40’ of right-of-way from section line of Port St shall be dedicated to the city.

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5. Any future development of the site will require the placement of sidewalk, curb, and gutter per Nampa City standards along entire Port St. frontage.
6. Any future development of the site will require connection to Nampa City utilities

The Nampa Code Enforcement Division indicated several code violations if the property were to be annexed:

1. The land use as a salvage yard is not an allowed use in any zone but IH (Heavy Industrial)
2. Weeds, trash/debris will need to be cleaned up prior to finalizing annexation.

The Nampa Building Department:

New buildings will require building permits.

Nampa Engineering Division:

1. Upon annexation into the City of Nampa, 40' of right-of-way from section line of Port St shall be dedicated to the city.
2. Any future development of the site will require the placement of sidewalk, curb, and gutter per Nampa City standards along entire Port St. frontage.
3. Any future development of the site will require connection to Nampa City utilities.
4. The southerly half of this property contains portions of both 500-year, 100-year floodplains, and a small portion of the floodway of Mason Creek.

Nampa & Meridian Irrigation District:

No comment on annexation and zoning. Land Use Permit will be required at development for work done in Mason Creek 100' easement.

Staff Findings and Discussion

To see the land uses allowed in the IL (Light Industrial) zoning district, please navigate to: <https://www.cityofnampa.us/DocumentCenter/View/10416/Light-Industrial-IL-District-Land-Uses>.

To see the signage regulations for the IL (Light Industrial) zoning district, please navigate to: <https://www.cityofnampa.us/DocumentCenter/View/10852/IL-IH-Signs>.

The location is shown on the comprehensive plan “future land use map” as being compatible with the zoning that has been requested.

Since the property is within the floodway and 100 yr. flood plain, development will be limited and/or will require specific building conditions at time of requesting a building permit.

There was significant concern expressed during the public hearing from residents, primarily in the single-family homes to the west, including:

- 1) The property is being used to store inoperable vehicles, sometimes stacked several high so that they are viewed above privacy fences.
- 2) The storing and moving of vehicles create significant noise for residents in the area.
- 3) The property appearance is not well kept and is inconsistent with the area and will be in violation of city codes if allowed to continue after annexation.
- 4) Residents felt that, despite the applicant's stated intent to rezone the majority of the property (the southern side of the property) for single-family residential in the future, zoning the entire property to IL (Light Industrial), at this time, would not ensure that this is done, and would not protect the existing homes from incompatible industrial uses.

The above concerns were felt to create a conflict with the existing residential uses. The applicant did not request the two zones as part of annexation because they understood that dividing the property and zoning it as two separate land uses would delay the construction of the industrial building fronting Port St. During the Public Hearing, the Planning & Zoning Commission directed the applicant to develop a legal description describing the area to be zoned as RS6 (single-family residential 6,000 sf). They recommended approval based on the condition that, consistent with the applicant's concept design, the northern portion of the property would be zoned industrial and the southern majority of the property would be zoned RS6.

Since stretching the Comprehensive Plan Future Land Use Map Industrial designation to the northern portion of the property would be required for an industrial zone, and the Future Land Use Map shows this area as Medium Density Residential, this approach would be consistent with the Comprehensive Plan.

As of the date of this staff report, the property owner was unable to get legal descriptions secured to describe these areas, but indicated the intent to zone the north 325' of property (measured from centerline of Port) be zoned IL (Light Industrial). Staff recommends that the legal description be submitted prior to adoption of the ordinance for annexation and zoning.

If the Nampa City Council recommends approval of the requested annexation and zoning the following findings are suggested:

- 1) The requested annexation properties make up an enclaved area that connects with the city limits along its north and west boundaries.
- 2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
- 3) The proposed zoning conforms with the city's comprehensive plan future land use map for light industrial land use and is reasonably compatible with existing and proposed land uses in the area.

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- 4) The property owner requested annexation and zoning to IL for future connection to city services and development of the property to light industrial uses.

Recommended Conditions of Approval

If the Nampa City Council approves of the Annexation and Zoning, staff recommends the following conditions of approval:

1. A legal description describing the proposed area to be used as industrial and a legal description for the area to be used as residential shall be submitted to the Planning & Zoning Department prior to adoption of the ordinance for annexation and zoning.
2. The property will cease to operate as a salvage yard prior to annexation.
3. The property will be brought into compliance with city codes regarding weeds and trash/debris prior to annexation.
4. Upon annexation into the City of Nampa, 40' of right-of-way from section line of Port St shall be dedicated to the city.
5. Any future development of the site will require the placement of sidewalk, curb, and gutter per Nampa City standards along entire Port St. frontage.
6. Any future development of the site will require connection to Nampa City utilities.
7. **Inoperable vehicles on the property shall be completely removed from the property prior to adoption of the ordinance for annexation and zoning.**

Councilmembers asked staff questions.

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

Those appearing with questions were: Karen Hex, 97 North 29th Street.

The applicant Jeff Hon, 16709 Rose Park Drive, gave some background to the property and answered questions.

Mayor and Councilmembers asked questions and made comments.

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

MOTION CARRIED

MOVED by Haverfield and **SECONDED** by Bruner to **approve the annexation and zoning** to IL (Light Industrial) at **2923 Port St.** for the northerly approximate 1.46 acres and to RS6 (Single Family Residential – 6,000 sq. ft.) for the southerly approximate 3.56 acres (A 5.02-acre or

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218,671 sq. ft. portion of the NE ¼ of the SE ¼ of Section 23, T3N, R2W, B.M., Canyon County, Idaho, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Plat A Tax 97152 in Lot 20) for **Hon Contractors, Inc. – Jeff Hon** with recommended staff conditions and ten foot landscaping strip on the East, West and South of the property with a site obscuring fence being provided.

Councilmembers had discussion on the motion.

After discussion Councilmember Haverfield and Councilmember Bruner rescinded their motion.

MOVED by Haverfield and **SECONDED** by Bruner to **approve** the **annexation** and **zoning** to IL (Light Industrial) at **2923 Port St.** for the northerly approximate 1.46 acres and to RS6 (Single Family Residential – 6,000 sq. ft.) for the southerly approximate 3.56 acres (A 5.02-acre or 218,671 sq. ft. portion of the NE ¼ of the SE ¼ of Section 23, T3N, R2W, B.M., Canyon County, Idaho, Section 36, T3N, R2W, BM, Canyon County, Idaho also being Plat A Tax 97152 in Lot 20) for **Hon Contractors, Inc. – Jeff Hon** with recommended staff conditions and with the vehicles relocated to the southern portion of the property as long as it is properly screened from the residential neighbors and that a landscape strip be provided on East, West sides of the property a minimum of ten feet wide with either a solid wood fence or solid PVC fence in the height of 6 feet be installed and the vehicles will be removed no later than 9 months or by the time the occupancy permit is issued and authorize the Nampa City Attorney to draw up the appropriate ordinance. The Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Haverfield voting **YES**. Councilmember Mutchie, Levi, Bower voting **NO**. The Mayor voted **YES** breaking the tie. The Mayor declared the

MOTION CARRIED

Item #6-7. - Mayor Kling opened a **public hearing** for **Conditional Use Permit** for a Boat and RV Storage Facility in a BC (Community Business) zoning district at **2219 Caldwell Blvd.** (A 9.94-acre parcel of land situated in the SW ¼ of the SW ¼ of Section 8, T3N, R2W, BM Nampa City Canyon County also known as Tax 95516 in Block 26 Karcher Village) for Jeff Milich-Butch Henry (CUP-00162-19)

Butch Henry presented the request.

Rodney Ashby presented the following staff report explaining that the request is for a Conditional Use Permit for a Boat and RV Storage Facility in a BC (Community Business) zoning district at 2219 Caldwell Blvd. (A 9.94 acre parcel of land situated in the SW ¼ of the SW ¼ of Section 8, T3N, R2W, BM Nampa City, also known as Tax 95516 in Block 26 Karcher Village which is vacant land – formerly a mobile home park (fronting Karcher Rd) and a used-car dealership (fronting Caldwell Boulevard) for a boat and RV storage facility.

General Information

Parcel Size: 9.94 acres

Planning & Zoning History: In 2019, the applicant testified at public hearings regarding the update to the Nampa City Code for storage units during the moratorium on new storage unit developments. They argued that their storage facilities were significantly different from “walk-up mini storage units.” They highlighted the size of their enclosed units which could accommodate large recreational vehicles and boats. They argued that their facility would not compete with the smaller walk-up storage units. Perhaps partly in response to their concerns, council removed minimum spacing requirements from other storage units for new storage unit developments, as proposed in the staff report. This was critical to allow storage on the subject parcel because it directly abuts a self-storage facility to the west.

The applicant had indicated interest in providing commercial buildings on both ends of this development so that the boat and RV storage units were screened from view of the two major state roadways.

Surrounding Land Use and Zoning:

North-

BC (Community Business) zoning district
Caldwell Blvd; Jensen-Homes (Manufactured Home Construction)

South-

RD_PUD (Residential Duplex Planned Unit Development) zoning district
W Karcher Rd; Galway Apartments

East-

BC (Community Business) zoning district
Christ The King Community Church; Wells Fargo Bank; Vacant Land

West-

IL (Light Industrial) zoning district
Karcher Auto Body; Karcher Moving & Storage (mini storage); Weaver Distributing (Fastener supplier); Red Dragon Kajukenbo (martial arts studio); Western Recycling; Smart Foodservice Warehouse Stores; Play it Again Sports

Comprehensive Plan Designation: General Commercial. **Public Utilities/Services:** Water and sewer services are available from W Karcher Rd and Caldwell Blvd. The applicant will need to work with Nampa Engineering to determine how to provide irrigation water to the site.

Transportation: The property currently has access to both Caldwell Blvd and W. Karcher Rd. Applicant will need to work closely with Idaho Transportation Department (ITD) to confirm access.

Applicable Regulations

Section 10-25-4 of the Nampa City Code sets forth the conclusions of law for the granting of a CUP. The Commission's findings shall satisfy these conclusions. Additional conditions may also be placed on the approval as the Commission determines. The conclusions of law include compliance with Zoning Code and the Comprehensive Plan. In addition, the proposed location, size, and design of the use shall not adversely affect the livability or appropriate development of the abutting properties and the surrounding neighborhood; nor shall it be inconsistent with the appearance of the area; and finally, it must enhance the area in its basic community functions.

Section 10-1-19 of the Nampa City Code sets forth the Professional, Public Self-Storage regulations. These regulations include (but are not limited to) the following:

A Conditional Use Permit shall be obtained from the Nampa City Council.

A. 1. Nampa City Council may require a setback of up to 150' from the right of way for storage unit buildings and said setback may allow uses consistent with the underlying zone.

A. 2. Public storage facility buildings shall be located a minimum distance of one hundred feet (100') from any RS or RD zoning district and 100' from any existing residential building.

B. 1. Walls greater than 100' in length visible from ROW shall have façade changes.

B. 7. Public storage facility properties that are contiguous to RS (Residential Single Family) or RD (Residential Duplex) zoning districts, or that are located in a BN (Neighborhood Business) or RP (Residential Professional) zoning district shall limit the height of storage buildings to ten feet (10') at the edge of eaves.

C. 6. Landscape buffer: The fifteen-foot (15') landscape buffer as described in 10-33-4 A.1 shall be expanded to twenty-five feet (25') and apply to any portion of the project property/properties that are contiguous to street, pathway, or sidewalk right-of-way, and along any property line shared by a residentially zoned property or a property designated as low or medium density residential in the Comprehensive Plan Future Land Use Map.

Correspondence

Nampa Building Department

No conditions

Nampa Highway District

No comment

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City of Nampa Engineering Division

Does not oppose this application as the site is already constructed with existing access and utility services. Required utility use fees, if any, will be determined at time of Tenant Improvement Permit.

Nampa & Meridian Irrigation District

The Nampa & Meridian Irrigation District (NMIC) had no comment on the project.

Any correspondence from agencies or citizens is attached to this document.

Staff Findings and Discussion

The applicant has stated on multiple occasions that the proposed development would include office or commercial buildings fronting both W Karcher Rd and Caldwell Blvd. This was confirmed to alleviate concerns that higher valued commercial property was being used for storage which is not seen as its highest and best use. Nampa City Council ensured that the recent code change highlighted the potential of up to a 150' setback from the right-of-way as part of CUP conditions. The applicant likely still has the intent to construct commercial office or retail buildings, but Nampa City Council will need to determine whether they should place the 150' setback condition to encourage commercial uses. This condition appears to be the ideal candidate for such a condition, based on discussion of the Council in the past.

Section 10-1-19 B. 7 outlines a condition that storage buildings may go no higher than 10' at edge of eaves when next to a RD zoning district. The RD zone is directly to the south of this property across W. Karcher Rd. We have traditionally not considered roadways as part of the determination for zones or properties being contiguous. If the applicant wishes to construct larger buildings which exceed this maximum height, they will need to secure a variance from the code.

If the Nampa City Council wishes to approve the requested Conditional Use Permit, they will need to adopt the following findings:

- 1) The location, size and design of the proposed RV and Boat Storage project will be reasonably compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.
- 2) The location, design, and site planning of the proposed project will be as attractive as the nature of the use and its location and setting warrants.
- 3) The proposed Project will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

Suggested Conditions of Approval

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Should the Nampa City Council vote to approve the conditional use permit to allow a Boat & RV Storage development in the BC zone, then Staff suggests the following as conditions of approval:

1. Generally, the Applicant/Development shall:
 - a. Comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by Nampa City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the City of Nampa’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property; and,
2. Specifically, the Applicant/Development shall:
 - a. Have a one-hundred-fifty-foot (150’) setback from the right-of-way for storage unit structures, to be used for commercial/office uses consistent with the BC zone.
 - b. If the applicant wishes to construct storage structures with eaves at greater than 10’, they shall first obtain a variance from Nampa City Code 10-1-19 B.7.

No one appeared in favor of the request.

Those appearing in opposition to the request were: Rosemary and Richard Nelson, 11911 West Buteo Drive.

The applicant answered questions.

Mayor and Councilmembers asked questions and made comments.

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

MOTION CARRIED

MOVED by Rodriguez and **SECONDED** by Mutchie to **deny** the request for a **conditional use permit** for a boat and RV storage facility. The Mayor asked for a roll call vote with Councilmembers Levi, Mutchie, Rodriguez voting **YES**. Councilmembers, Bruner, Haverfield, Bower voting **NO**. The Mayor cast a **YES** vote to break the tie. The Mayor declared the

MOTION CARRIED

Item #6-8. - Mayor Kling opened a **public hearing** for **annexation** and **zoning** to RS6 (Single Family Residential – 6,000 sq. ft.) at **7736 Birch Lane** to connect to city utilities (A .38 acre or

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16,678 sq. ft. portion of the NW ¼ Section 11, T3N, R2W, BM, Canyon County, Idaho and Tax 1-A-1, Block 27 of Cortland Place) for **Brenna L. Baker**. The Planning and Zoning Commission recommends approval (ANN 139-19) **was withdrawn at the request of the applicant.**

❖ (9) Executive Session ❖

Item #9-1- Mayor Kling presented the request to **adjourn** into **Motion to Adjourn** into **Executive Session Pursuant** to Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general.

MOVED by Haverfield and **SECONDED** by Bruner to **adjourn** into **executive session** at 10:21 p.m. pursuant to Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. 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 Rodriguez to **conclude the executive session** at 11:30 p.m. during which discussion was held regarding Idaho Code 74-206 (1) (a) To consider hiring a public officer, employee, staff member or individual agent, wherein the respective qualities of individuals are to be evaluated in order to fill a particular vacancy or need. This paragraph does not apply to filling a vacancy in an elective office or deliberations about staffing needs in general. 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 Rodriguez to **adjourn** the **meeting** at 10:31 p.m. The Mayor declared the

MOTION CARRIED

Passed this 16th day of March 2020.

MAYOR

ATTEST:

NAMPA CITY CLERK