

## REGULAR COUNCIL

May 3, 2021

Mayor Kling called the meeting to order at 5:30 p.m.

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

Mayor Kling amended the agenda by adding an updated alcohol approval list and Item #6-1. - Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district for Sunnyvale West Subdivision, at 0 W Flamingo Ave (County Parcel #3144900000) for ninety-three (93) single-family residential buildable lots, five (5) common (storm drain & buffers) lots, and eleven (11) common open space lots, for a gross density of 3.55 and a net density of 5.75; (a 26.22 acre portion of the NW ¼ of Section 18, T3N, R2W, BM, for Providence Properties, LLC/Patrick Connor representing Paul Mercier will be opened and continued to May 17, 2021.

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

**MOVED** by Haverfield and **SECONDED** by Bower to **approve** the **Consent Agenda which had the following items presented:**

#### **Item #1-1.** - Minutes

- a. Regular Nampa City Council Meeting – April 19, 2021
- b. Airport Commission – March 8, 2021
- c. Alcohol License Review Committee - None
- d. Arts & Historic Preservation Commission – None
- e. Bicycle and Pedestrian Advisory Committee – None
- f. Board of Appraisers – None
- g. Building and Site Design Standards Committee – None
- h. Building and Fire Code Advisory and Appeals Board – None
- i. Council on Aging Committee – None
- j. Crow Management – None
- k. Golf Commission – None
- l. Housing Authority – March 10, 2021
- m. Impact Fee Advisory Committee – None
- n. Library Board of Trustee – March 9, 2021
- o. Planning and Zoning Commission – April 13, 2021
- p. Venue Management Advisory Commission – None
- q. Wastewater Design Review Commission - None

**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.** - Plat Approvals

- a. Final
  - None Subdivision Final Plat Approval for Franklin Village No. 9 (phase) in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district; for 69 single-

family lots, 8 common lots, and 2 shared driveway lots, with a 4.89 gross lot density and a 6.94 net lot density; located at 7527 Cherry Lane - County Parcel #R2094400000 (a 16.13 acre portion of land located in the E 1/2 of the NW 1/4 of Section 11, T3N, R2W, BM) for Franklin Village Development, LLC representing Don Brandt and Joan Brandt (SPF 162-21)

- Subdivision Final Plat Approval for Sonata Pointe West No. 2 (phase) in a RS8.5 (Single- Family Residential 8,500 sq. ft) zoning district at 0 Lone Star Rd (County Parcel #R3203801000) for 47 single-family lots and 5 common lots, with a 3.49 gross lot density and a 4.51 net lot density (a 13.46 acre portion of land located in the E 1/2 of the NE 1/4 of Section 30, T3N, R2W, BM) for Trilogy Idaho & Kent Brown representing Heartland Townhomes Property Management (SPF 159-21)
- b. Short
- None
- c. Preliminary
- None

**Item #1-4. - Authorize Public Hearings**

- a. 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)
- b. 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)
- c. Development Agreement Modification to modify the concept plan Ordinance No. 3528, "Exhibit B" from 3 commercial buildings and associated parking to a concept plan for single-family townhome residential for Sterling Commons Subdivision in an BN (Neighborhood Business) zoning district, for 50 buildable town-home lots and 8 common lots on 4.82 acres for 10.37 gross lot density and 12.77 net lot density and a reduction of the 25' landscape strip buffer requirement to 15'; all located at 0 & 905 S Middleton Rd - County Parcel #s - R3206300000 & R3206401200 (located in NE 1/4 of Section 31, T3N, R2W, BM) for Bonnie Layton representing Sterling Land Development, Inc. (DAMO 041-21)

Regular Council  
May 3, 2021

- d. Annexation and Zoning to RS4 (Single-Family Residential 4,000 sq. ft) zoning district for Sharpe's Orchard Subdivision, at 7928 Birch Ln (County Parcel #2095400000) for thirty-three (33) single-family residential buildable lots and four (4) common lots, for a gross density of 4.9 and a net density of 6.09; (a 6.68 acre portion of the NW ¼ of Section 11, T3N, R2W, BM) for Taylor Schmidt representing Dennis Sharpe, LLC (ANN-193-21)

**Item #1-5.** - Authorize to Proceed with Bidding Process

- a. None

**Item #1-6.** - Authorization for Execution of Contracts and Agreements

- a. (1) Agreement to Waive First Right of Refusal and Terminate Lease with Robert Gordon, (2) Nampa Municipal Airport Land Lease Agreement, and (3) Memorandum of Lease for Recording with Tim Delaney, effective May 10, 2021, for Lot 2374 (Standard Documents Reviewed/Approved by Legal

**Item #1-7.** - Monthly Cash Report

- a. None

**Item #1-8.** - Resolutions

- a. None

**Item #1-9.** - Planning & Zoning Formal Findings

- a. None

**Item #1-10.** - Licenses for 2021

- a. Alcohol Renewal
  - **Bud's**, 16345 N Merchant Way, on premise beer and wine; **Holy Cow**, 1226 1<sup>st</sup> St So, on premise beer and wine; **Idaho Pizza**, 104 W Iowa, on premise beer and wine; **Idaho Pizza**, 16151 Idaho Center Boulevard, on premise beer and wine; **Italian To Go**, 122 12<sup>th</sup> Ave So, on premise beer and wine; **Jacksons Extra Mile #144**, 11950 W Karcher Rd, off premise beer and wine; **Jacksons Extra Mile #179**, 1520 S Middleton Rd, off premise beer and wine; **Jacksons Extra Mile #180**, 111 So Midland Blvd, off premise beer and wine; **Jacksons Extra Mile #181**, 323 Caldwell Blvd, off premise beer and wine; **Jacksons Extra Mile #182**, 1604 2<sup>nd</sup> Ave So, off premise beer and wine; **Jacksons Extra Mile #183**, 1400 N Franklin Blvd, off premise beer and wine; **Jacksons Extra Mile #184**, 4624 E Amity Ave, off premise beer and wine; **Jacksons Food Store #005**, 1407 Franklin Blvd, off premise beer and wine; **Jacksons Food Store #059**, 2513 Caldwell Blvd, off premise beer and wine; **Jacksons Food**

**Store #060**, 224 22<sup>nd</sup> Ave So, off premise beer and wine; **Jacksons Food Store #061**, 927 Caldwell Blvd, off premise beer and wine; **Jacksons Food Store #062**, 100 Caldwell Blvd, off premise beer and wine; **Jacksons Food Store #085**, 612 Northside Blvd, off premise beer and wine; **Jacksons Food Store #117**, 4315 Garrity Rd, off premise beer and wine; **Jacksons Food Store #198**, 3030 E Greenhurst Rd, off premise beer and wine; **La Rosita Mexican Store**, 711 E Lincoln, on premise beer and wine; **Little Saigon Vietnamese Restaurant**, 1305 2<sup>nd</sup> St So, on premise beer and wine; **Mongolian BBQ**, 1123 Caldwell Blvd, on premise beer and wine; **Pantera Market #4**, 1323 2<sup>nd</sup> St So, on and off premise beer and wine; **Sizzler**, 501 Caldwell Blvd, on premise beer and wine; **Idaho Chevron**, 5950 E Franklin, off premise beer and wine; **Jak's Place Neighborhood Grill**, 6026 Birch Ln, on premise beer, wine and liquor; **Labyrinth Escape Games**, 1213 ½ 1<sup>st</sup> St So on premise beer and wine; **PreFunk Beer Bar**, 1214 1<sup>st</sup> St So, on premise beer and wine and off premise beer; **V-Cut Lounge**, 217 14<sup>th</sup> Ave So, on and off premise beer, on premise wine and liquor; **Albertsons #176**, 2400 12<sup>th</sup> Ave Rd, off premise beer and wine; **Albertsons #1602**, 715 12<sup>th</sup> Ave So, off premise beer and wine; **Best Western Peppertree**, 205 3<sup>rd</sup> St So, on premise beer, wine and liquor; **Chicago Connection**, 5830 E Franklin Rd, on and off premise beer and wine; **Chicago Connection**, 523 12<sup>th</sup> Ave Rd, on premise beer; **Holiday Inn Nampa**, 16245 Merchant Way, on premise beer and liquor; **Howards Tackle Shoppe**, 1707 Garrity Blvd, off premise beer and wine; **Italianesque**, 1338 N Galleria Dr, on and off premise beer and wine; **Texas Road House**, 1830 Caldwell Blvd, on premise beer, wine and liquor.

- b. Alcohol New
  - None

**Item #1-11.** - Miscellaneous items

- a. None

**Item #1-12.** – Approval of Agenda

Mayor Kling asked for a roll call vote with Councilmembers Rodriguez, Bruner, Mutchie, Bower, Haverfield voting **YES**. Councilmember Levi **ABSTAINED**. Mayor Kling declared the

MOTION CARRIED

❖ (2) Proclamation ❖

**Item #2-1** – Professional Municipal Clerks Week

Regular Council  
May 3, 2021

**Whereas**, the Office of the Professional Municipal Clerk, a time honored and vital part of local government exists throughout the world, and

**Whereas**, the Office of the Professional Municipal Clerk is the oldest among public servants, and

**Whereas**, the Office of the Professional Municipal Clerk provides the professional link between the citizens, the local governing bodies, and agencies of government at other levels, and

**Whereas**, Professional Municipal Clerks have pledged to be ever mindful of their neutrality and impartiality, rendering equal service to all, and

**Whereas**, The Professional Municipal Clerk serves as the information center on functions of local government and community, and

**Whereas**, Professional Municipal Clerks continually strive to improve the administration of the affairs of the Office of the Professional Municipal Clerk through participation in education programs, seminars, workshops and the annual meetings of their state, provincial, county, and international professional organizations, and

**Whereas**, it is most appropriate we recognize the accomplishments of the Office of the Professional Municipal Clerk.

**Now Therefore**, I, Debbie Kling, Mayor of the City of Nampa, Idaho, do hereby proclaim week of May 2 through May 8, 2021 as:

**“PROFESSIONAL MUNICIPAL CLERK’S WEEK”**

and further extend appreciation to our Professional Municipal Clerk, Deborah Rosin, and to all Professional Municipal Clerks for the vital services they perform and their exemplary dedication to the communities they represent.

**IN WITNESS WHEREOF**, I have hereunto set my hand and caused the Great Seal of the City of Nampa to be affixed this 3rd day of May in the year of our Lord two thousand twenty.

Mayor Kling, Ford Idaho Center Director Andrew Luther and Civic Center Manager James Brown recognized the following Civic Center Family members.

- Jim Sample has been with the Civic Center for 14 years, he has worked weekends and all the time and whatever was needed you came in. Thank you for your service to the Civic Center, the City of Nampa, and the Community. Jim is retiring to spend time his family and grandkids.

Regular Council  
May 3, 2021

- Bob Crisman has been with the Civic Center for 26 years; he works every Saturday and Sunday and he has a full-time job and puts in a lot of hours for our churches and our dance groups and our conferences. He has never called in sick. Bob is going to continue to work.

❖ **Mayor Kling asked if Nampa Residents 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:** ❖

- David Buchard, 1328 Goldenrod – Second Amendment City – Pro Life
- Shawn Cinnaly, 1328 Goldenrod – Sanctuary for unborn children

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

**Item #3-1.** – Brad Burrows – Eide Bailly FY20 Audit Report

Thanked the Finance Team for their time and effort.

The audit had no findings and no journal entries.

**Report on the Financial Statements** - We have audited the accompanying financial statements of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Nampa, Idaho (the City) as of and for the year ended September 30, 2020, and the related notes to the financial statements, which collectively comprise the City’s basic financial statements as listed in the table of contents.

**Management’s Responsibility for the Financial Statements** - Management is responsible for the preparation and fair presentation of these financial statements in accordance with accounting principles generally accepted in the United States of America; this includes the design, implementation, and maintenance of internal control relevant to the preparation and fair presentation of financial statements that are free from material misstatement, whether due to fraud or error.

**Auditor’s Responsibility** - Our responsibility is to express opinions on these financial statements based on our audit. We conducted our audit in accordance with auditing standards generally accepted in the United States of America and the standards applicable to financial audits contained in *Government Auditing Standards*, issued by the Comptroller General of the United States. Those standards require that we plan and perform the audit to obtain reasonable assurance about whether the financial statements are free from material misstatement.

Regular Council  
May 3, 2021

An audit involves performing procedures to obtain audit evidence about the amounts and disclosures in the financial statements. The procedures selected depend on the auditor's judgment, including the assessment of the risks of material misstatement of the financial statements, whether due to fraud or error. In making those risk assessments, the auditor considers internal control relevant to the entity's preparation and fair presentation of the financial statements in order to design audit procedures that are appropriate in the circumstances, but not for the purpose of expressing an opinion on the effectiveness of the entity's internal control. Accordingly, we express no such opinion. An audit also includes evaluating the appropriateness of accounting policies used and the reasonableness of significant accounting estimates made by management, as well as evaluating the overall presentation of the financial statements.

We believe that the audit evidence we have obtained is sufficient and appropriate to provide a basis for our audit opinions.

**Opinions** - In our opinion, the financial statements referred to above present fairly, in all material respects, the respective financial position of the governmental activities, the business-type activities, the discretely presented component unit, each major fund, and the aggregate remaining fund information of the City of Nampa, Idaho, as of September 30, 2020, and the respective changes in financial position, and, where applicable, cash flows thereof for the year then ended in accordance with accounting principles generally accepted in the United States of America.

### **Other Matters**

**Required Supplementary Information** - Accounting principles generally accepted in the United States of America require that the management's discussion and analysis, the budgetary comparison information, the schedules of employer's share of net pension liability/(asset) and employer contributions as listed in the table of contents be presented to supplement the basic financial statements. Such information, although not a part of the basic financial statements, is required by the Governmental Accounting Standards Board, who considers it to be an essential part of financial reporting for placing the basic financial statements in an appropriate operational, economic, or historical context. We have applied certain limited procedures to the required supplementary information in accordance with auditing standards generally accepted in the United States of America, which consisted of inquiries of management about the methods of preparing the information and comparing the information for consistency with management's responses to our inquiries, the basic financial statements, and other knowledge we obtained during our audit of the basic financial statements. We do not express an opinion or provide any assurance on the information because the limited procedures do not provide us with sufficient evidence to express an opinion or provide any assurance.

**Other Information** - Our audit was conducted for the purpose of forming opinions on the financial statements that collectively comprise the City of Nampa, Idaho's basic financial statements. The

Regular Council  
May 3, 2021

introductory section, combining and individual nonmajor fund financial statements, and statistical section, are presented for purposes of additional analysis and are not a required part of the basic financial statements. The accompanying schedule of expenditures of federal awards is presented for purposes of additional analysis as required by Title 2 U.S. *Code of Federal Regulations* (CFR) Part 200, *Uniform Administrative Requirements, Cost Principles, and Audit Requirements for Federal Awards*, and is also not a required part of the basic financial statements.

The combining and individual nonmajor fund financial statements and the schedule of expenditures of federal awards are the responsibility of management and were derived from and relate directly to the underlying accounting and other records used to prepare the basic financial statements. Such information has been subjected to the auditing procedures applied in the audit of the basic financial statements and certain additional procedures, including comparing and reconciling such information directly to the underlying accounting and other records used to prepare the basic financial statements or to the basic financial statements themselves, and other additional procedures in accordance with auditing standards generally accepted in the United States of America. In our opinion, the combining and individual nonmajor fund financial statements and the schedule of expenditures of federal awards are fairly stated in all material respects in relation to the basic financial statements as a whole.

The introductory and statistical sections have not been subjected to the auditing procedures applied in the audit of the basic financial statements and, accordingly, we do not express an opinion or provide any assurance on them.

**Other Reporting Required by *Government Auditing Standards*** - In accordance with *Government Auditing Standards*, we have also issued a report dated March 25, 2021, on our consideration of the City of Nampa's internal control over financial reporting and on our tests of its compliance with certain provisions of laws, regulations, contracts, and grant agreements and other

matters. The purpose of that report is solely to describe the scope of our testing of internal control over financial reporting and compliance and the results of that testing, and not to provide an opinion on the effectiveness of the City of Nampa's internal control over financial reporting or on compliance. That report is an integral part of an audit performed in accordance with *Government Auditing Standards* in considering the City of Nampa's internal control over financial reporting and compliance.

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

- Mayor
  - Clerks Week
  - Mayor's Prayer Breakfast is Thursday
  - Parade America



Regular Council  
May 3, 2021

- Prayer for the Holland and Bloomquist family members that lost loved ones in the vehicle crash

❖ (6) Public Hearings ❖

**Item #6-1.** - Mayor Kling opened a **public hearing** for Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district for Sunnyvale West Subdivision, at 0 W Flamingo Ave (County Parcel #3144900000) for ninety- three (93) single-family residential buildable lots, five (5) common (storm drain & buffers) lots, and eleven (11) common open space lots, for a gross density of 3.55 and a net density of 5.75; (a 26.22 acre portion of the NW ¼ of Section 18, T3N, R2W, BM, for Providence Properties, LLC/Patrick Connor representing Paul Mercier (ANN-191-21)

**MOVED** by Mutchie and **SECONDED** by Bruner to **continue the public hearing to May 17, 2021.** 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 Variance of Section 10-1-8.D.1, to allow a six foot closed vision fence to enclose the front yard; Section 10-1-7.D.3 to allow for 3 accessory structures on a single-family property; and, 10-8-6.D to allow an accessory structure to encroach into the side yard setback at 3716 E Park Ridge Dr., an approximate .80 acre lot, in an RS6 (Single-Family 6,000 sq. ft) zoning district - county parcel #R1406457500 (Located in the NW 1/4 of Section 25, T3N, R2W, BM, Nampa) for Scott & April Brown. (VAR-103-21)

April Brown, 3716 East Park Ridge Dr., presented the request.

Associate Planner Parker Bodily presented the following staff report explaining that the request was for a Variance of Section 10-1-8.D.1, to allow a six foot closed vision fence to enclose the front yard; Section 10-1-7.D.3 to allow for 3 accessory structures on a single-family property; and, 10-8-6.D to allow an accessory structure to encroach into the side yard setback pertaining to 3716 E Park Ridge Dr., an approximate .80 acre lot, in an RS6 (Single-Family 6,000 sq. ft) zoning district - county parcel #R1406457500.

History

**Planning and Zoning History**

April 1996: Park Ridge Estates Subdivision was recorded. The property in question has remained unchanged.

Property Details

Regular Council  
May 3, 2021

**Current Jurisdiction/Status:**

The property is currently in city limits and is zoned RS6. A single-family home exists on the property with the western portion of the lot being a retention pond.

**Surrounding Land Use and Zoning: See attached Vicinity Map:**

North: RS-6 (Single Family Homes) – South: RS-6 (Single Family Homes) – East: RS-6 (Single Family Homes) – West: RS-6 (Single Family Homes)

**Public Utilities:** All utilities are available to the property.

**Public Services:** All present.

**Applicable Regulations**

**NCC § 10-1-8.D.1: Fences and Walls [Residential Districts]**

Interior Lots: Solid/closed no vision perimeter fences up to a height of thirty six inches (36"), or open vision fences to a height of forty eight inches (48"), may be built in the required front yard (setback area) from the setback line/mark to the inside of an existing sidewalk or to the inside of a proposed, future sidewalk.

Perimeter fences up to a height of seventy-two inches (72") may be built from a point behind the front of the dwelling unit to and along the rear property line. In no case shall solid/closed vision type fences exceeding thirty-six inches (36") in height be built across the front of a residence between side property lines unless approved via issuance of a variance permit. Solid fences higher than thirty-six inches (36") or open vision fences higher than forty eight inches (48") may link a fence that runs along a side property line to a house or accessory building but must be kept behind the front wall of the main dwelling and/or attached garage or carport.

**NCC § 10-1-7.D.3: Principal Buildings and Uses; And Number of Accessory Buildings Allowed:** In any single-family residential district, there shall be no more than two (2) accessory buildings on any lot or development site.

**NCC § 10-8-6.D: Property Area, Width, Depth, Frontage And Setback Requirements:**

Minimum Property Structure and Parking Interior (Side/Rear) Yards: Shall be five feet (5') wide/deed, except where a utility easement is recorded adjacent to a side property line, there shall be provided a side yard (setback) at least the width of the easement on the development site or five feet (5'), whichever is greater. Where a utility easement is recorded adjacent to a rear lot line, the rear interior yard (setback) shall be the width of the easement on the development site or five feet (5')0, whichever is greater.

**NCC § 10-24-1: [Variance] Purpose:** A variance is a modification of quantifiable/measurable (bulk regulation) requirements imposed by this title (e.g., lot/parcel: size or shape; parking space dimensions/quantities; setback or build to line requirements; sign dimensions/height; number of signs allowed; fence height; etc.). All variance permit applications must be approved by the Nampa City Council in order to be considered valid and in force. A variance shall not have the effect of allowing a use not otherwise allowed or conditionally allowed by chapter 3 of this title. The Nampa City Council is empowered to grant variances in order to prevent or to lessen practical development difficulties, unique site circumstances and unnecessary physical, geographical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain of the placement, bulk or quantifiable regulations prescribed by this title.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and b) the variance is not in conflict with the public interest. Hardships must result from special site characteristics relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street locations, surrounding property land use/build-out patterns or condition(s), or traffic flow concerns, or other unique circumstances (i.e., historical or human error issues, etc.).

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 or a site situation beyond their control. (Ord. 4340, 9-18-2017)

**10-24-2 Actions:**

- A. The Nampa City Council may grant a Variance with respect to fences and walls, site, area, width, frontage, depth, coverage, front yard, rear yard, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the Variance was applied for or in modified form if, on the basis of application, investigation and evidence submitted, the Nampa City Council makes the following findings:
1. Literal interpretation and enforcement of the regulation would [would not] result in a practical hardship or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance for the property.
  2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which [do] do not apply generally to other properties classified in the same zoning district.
  3. Literal interpretation and enforcement of the regulation would [would not] deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.

Regular Council  
May 3, 2021

4. Granting of the variance [will] will not constitute a grant of special privilege inconsistent with the limitations on other properties and improvements in the vicinity.
5. Granting of the variance [will] will not be detrimental to public health, safety or materially injurious to properties or improvements in the area.

To justify a variance request, an applicant must argue successfully to the Nampa City 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 in comparison to like properties. Financial benefit is not a valid reason for granting a variance.

If Nampa City Council wishes to approve the requested variance, they will need to conclude that the property meets the criteria in 10-24-2.A, essentially finding (among other things) that the property has unique site circumstances or that other unique conditions exist that would create a hardship if the Nampa City Code were to be applied as it is to all other properties in the zoning district. Variances are not intended to provide special privilege that other properties in the same zone don't enjoy. Rather, the circumstances of the property create a hardship that other properties in the district don't have, and a variance to the code is necessary to allow development to occur.

### **Staff Analysis**

**Hardship:** There is no hardship present that would prevent the applicant from using the property residentially as zoned.

**Site Characteristics:** A portion of the lot is being utilized as a drainage facility which is more unique for residential lots. This portion of the lot has an easement that would prevent development from occurring here. The remainder of the parcel is buildable, aside from side and rear setbacks, and the owner is able to utilize the remaining space.

**Deprivation:** By following the code, the owner would not be deprived of privileges enjoyed by other properties. Excluding the drainage, the buildable portion of the lot is roughly 16,000 s.f. The lot is sufficient in size to allow accessory structures outside of easements and setbacks.

**Special Privilege:** Excluding the drainage facility on the lot, the lot is similar to the neighboring lots. Granting a variance would be granting special privileges not enjoyed by the lots in the vicinity.

**Public Health & Safety:** Because the existing accessory structure is more than 3 feet from the property line, there is no concern for safety. The property owners are required to provide access by the City of Nampa to maintain the drainage facility on the lot.

### **Correspondence**

Regular Council  
May 3, 2021

Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies or the citizenry regarding this application package [received by noon April 28, 2021] is hereafter attached. Agency comments that indicate no comment/issues/concerns will not be listed here but are attached to this staff report.

**Nampa Building Department:** The project will be subject to all required building codes and related permits based on the requirements of Nampa City Ordinance-Title 4 – Building Regulations.

**Nampa Engineering Division:**

1. The final plat indicates there is a 5’ wide utility, drainage and irrigation easement along the side lot line. A reduced setback allowance will also require an easement encroachment agreement. The Engineering Division is amenable to establishing an agreement given there are no public utilities along the east property line and there do not appear to be any conflict with drainage.
2. It appears the 6’ tall fence in the front yard is already existing. The City of Nampa maintains a drainage facility along the west side of the property behind the fence, along with a 4” pressure irrigation main, within a platted easement. The property owner is obligated to grant access to the City of Nampa for maintenance and operation of the storm drain facility and pressure irrigation main.

**Nampa Code Compliance:** Case open on a number of Nampa City Code Violations to include the Fence brought out past front of Home. Front Yard Setbacks.

**Recommended Conditions of Approval**

If Nampa City Council approves of the variances, recommended conditions of approval are as follows:

1. Comply with any other applicable agency (e.g., Nampa City Building Safety, Nampa City Engineer, Fire Department, etc.) requirements as they may pertain to the Variance request; and,
2. The property owner shall grant access to the City of Nampa for maintenance and operation of the storm drain facility and pressure irrigation main; and,
3. Any additional conditions the Nampa City Council sees fit to impose.

Those appearing in favor of the request and wishing to speak were the following: Matthew Cole, 3724 Parkridge Dr; Sandy Haley, 3724 Parkridge Dr; Timothy Cooper, 3719 Parkridge Dr.

Those appearing in opposition and wishing to speak were the following: Rodney Ashby, 119 Rolling Green Street.

Regular Council  
May 3, 2021

The applicant presented a rebuttal.

Mayor and Councilmembers asked questions and made comments.

**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 Bruner to **approve the variance for** Section 10-1-7.D.3 to allow for 3 accessory structures on a single-family property; and, 10-8-6.D to allow an accessory structure to encroach into the side yard setback at 3716 E Park Ridge Dr., an approximate .80 acre lot, in an RS6. 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 Mutchie to **allow the fence to be moved back** to its original location knowing that it will be nonconforming use which does not have to take place until after Scott Brown has returned from deployment. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-3.** - Mayor Kling opened a **public hearing** for **Variance** of Section 10-10-9 requiring a 20' front yard setback and a 10' side yard setback on a legally split corner lot at **504 15th Ave N.**, an approximate 4,000 sq. ft. lot, in order to allow a porch, veranda, and deck to extend no closer than 6.5' from the property line along 15th Ave N. and 4.7' from the front property line along 5th St N., in an RD (Two-Family/Duplex Residential) zoning district - county parcel #R0895900000 (Located in the SW 1/4 of Section 23, T3N, R2W, BM, Nampa) for **Branden & Cheri Durst** (VAR-102-21)

Brandon Durst, 504 15<sup>th</sup> Avenue North presented the request.

Parker Bodily presented the following staff report explaining that the request is for a Variance of Section 10-10-9 requiring a 20' front yard setback and a 10' side yard setback on a legally split corner lot at 504 15th Ave N., an approximate 4,000 sq. ft. lot, in order to allow a porch, veranda, and deck to extend no closer than 6.5' from the property line along 15th Ave N. and 4.7' from the front property line along 5th St N., in an RD (Two-Family/Duplex Residential) zoning district - county parcel #R0895900000 (Located in the SW 1/4 of Section 23, T3N, R2W, BM, Nampa) (VAR-102-21) pertaining to 504 15th Ave N, county parcel #R0895900000 (Located in the SW 1/4 of Section 23, T3N, R2W, BM, Nampa)

Regular Council  
May 3, 2021

## **History**

### **Planning and Zoning History:**

1927: Griffith Kings plat amended & recorded.

March 2021: Building permit was applied for to remodel the existing home

## **Property Details**

### **Current Jurisdiction/Status:**

The property is currently in city limits and is zoned RD. A single-family home exists on the property.

**Surrounding Land Use and Zoning:** See attached Vicinity Map: North: RD (Single Family Homes) South: RD (Single Family Homes) East: RD (Single Family Homes) West: RD (Single Family Homes)

**Public Utilities:** All utilities are available to the property.

**Public Services:** All present.

## **Applicable Regulations**

**NCC § 10-10-9: Corner Lots:** Platted corner lots shall observe the minimum front yard setback requirements on one street side. One-half (1/2) the minimum front yard setback requirements shall be required on the second street side. Regarding corner lot splits, the side yard of the lot at the corner and the front yard of the new lot, set away from the abutting intersection corner, shall provide at least ten feet (10') for their street side and front yard setback areas respectively.

**NCC § 10-10-6.D.1: Property Area, Width and Yard Requirements:** When a new house is proposed to be built, or an existing house added onto and that house lies within a city subdivision platted with square three hundred foot by three hundred foot (300' x 300') blocks, and the houses to either side of the house under consideration that lie in the same block, on the same side of any alley and abutting the same street are, on average, closer to their front property lines than twenty feet (20'), then the new house or addition may encroach into the twenty foot (20') setback to some degree.

Specifically, the house or addition may be as close as the average of the other homes' encroachment; provided it never sits closer than fifteen feet (15') to the front property line. However, in no case shall any garage or carport affiliated with a new or expanding house be allowed to be closer than twenty feet (20') to the front property line.

**NCC § 10-24-1: [Variance] Purpose:** A variance is a modification of quantifiable/measurable (bulk regulation) requirements imposed by this title (e.g., lot/parcel: size or shape; parking space dimensions/quantities; setback or build to line requirements; sign dimensions/height; number of signs allowed; fence height; etc.). All variance permit applications must be approved by the Nampa City Council in order to be considered valid and in force. A variance shall not have the effect of allowing a use not otherwise allowed or conditionally allowed by chapter 3 of this title. The Nampa City Council is empowered to grant variances in order to prevent or to lessen practical development difficulties, unique site circumstances and unnecessary physical, geographical hardships inconsistent with the objectives of zoning as would result from a literal interpretation and enforcement of certain of the placement, bulk or quantifiable regulations prescribed by this title.

A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon a showing of undue hardship because of: a) special characteristics applicable to the site which deprive it of privileges commonly enjoyed by other properties in the same zone or vicinity, and b) the variance is not in conflict with the public interest. Hardships must result from special site characteristics relating to the size, shape or dimensions of a site or the location of existing structures thereon, from geographic, topographic or other physical conditions, or from population densities, street locations, surrounding property land use/build-out patterns or condition(s), or traffic flow concerns, or other unique circumstances (i.e., historical or human error issues, etc.).

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 or a site situation beyond their control. (Ord. 4340, 9-18-2017)

**10-24-2 Actions:**

- A. The Nampa City Council may grant a Variance with respect to fences and walls, site, area, width, frontage, depth, coverage, front yard, rear yard, side yards, outdoor living area, height of structures, distances between structures or landscaped areas as the Variance was applied for or in modified form if, on the basis of application, investigation and evidence submitted, the Nampa City Council makes the following findings:
  - 1. Literal interpretation and enforcement of the regulation would [would not] result in a practical hardship or unnecessary physical hardship inconsistent with the objectives of the zoning ordinance for the property.
  - 2. There are extraordinary site characteristics applicable to the property involved or to the intended use of the property which [do] do not apply generally to other properties classified in the same zoning district.
  - 3. Literal interpretation and enforcement of the regulation would [would not] deprive the applicant of privileges enjoyed by the owners of other properties classified in the same zoning district.



Regular Council  
May 3, 2021

4. Granting of the variance [will] will not constitute a grant of special privilege inconsistent with the limitations on other properties and improvements in the vicinity.
5. Granting of the variance [will] will not be detrimental to public health, safety or materially injurious to properties or improvements in the area.

To justify a variance request, an applicant must argue successfully to the Nampa City 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 in comparison to like properties. Financial benefit is not a valid reason for granting a variance.

If Nampa City Council wishes to approve the requested variance, they will need to conclude that the property meets the criteria in 10-24-2.A, essentially finding (among other things) that the property has unique site circumstances or that other unique conditions exist that would create a hardship if the Nampa City Code were to be applied as it is to all other properties in the zoning district. Variances are not intended to provide special privilege that other properties in the same zone don't enjoy. Rather, the circumstances of the property create a hardship that other properties in the district don't have, and a variance to the code is necessary to allow development to occur.

### **Staff Analysis**

**Hardship:** Because the existing home sits within the required 20' setback, the home cannot be added on to on the front or street side. The home is compliant how it currently sites because the front is over 15' from the property line, which complies with 10-10-6.D.1, and the side is over 10' from the property line, which complies with the requirements of 10-10-9. While the code prevents additions to the frontages, it does not prevent the renovation of the property.

**Site Characteristics:** Being a corner lot, the lot size is code compliant, and the lot is buildable.  
**Deprivation:** All properties in the vicinity would have to go through the same variance process because a majority of homes in the area are within the setbacks given the age of the neighborhood.  
**Special Privilege:** The property is in significant disrepair. However, allowing such setback intrusion could be viewed as special privilege because of the similar limitation on properties in the area.

**Public Health & Safety:** Allowing the structure in the setback could be a risk to the vision triangle which may cause additional traffic concerns. The vision triangle will be assessed by the engineering department upon review of the building permit.

### **Correspondence**

Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies or the citizenry regarding this application package

Regular Council  
May 3, 2021

[received by noon April 28, 2021] is hereafter attached. Agency comments that indicate no comment/issues/concerns will not be listed here but are attached to this staff report.

**Nampa Building Department:** The project will be subject to all required building codes and related permits based on the requirements of Nampa City Ordinance-Title 4 – Building Regulations. Based on the information provided, the proposed additions do not appear to encroach into the State IDAPA required fire separation distance from the property lines. However, this review will be conducted at the time of construction submittal with the required and proper submittal items, in order to provide a complete and accurate review.

**Nampa Engineering Division:** Nampa Engineering Division has no concerns regarding the request for setback variance. Please note public utilities are located in the alley and may require extension through the property addressed 1510 5th Street N, which would necessitate creating a private utility easement.

**Nampa Code Compliance:** No Code Violations on exterior of property only on Building. Open and Accessible.

**Nampa Police Department:** Law enforcement/public safety has a natural concern for the visibility of motorists whenever a variance is requested at an intersection. This is an uncontrolled intersection in a residential neighborhood with local school in walking distance for school age pedestrians. This project should conform to the recommendations of city engineering related to adequate visibility for the purpose of pedestrian and motorist safety.

### **Recommended Conditions of Approval**

If Nampa City Council approves of the variances, recommended conditions of approval are as follows:

1. Comply with any other applicable agency (e.g., Nampa City Building Safety, Nampa City Engineer, Fire Department, etc.) requirements as they may pertain to the Variance request; and,
2. Any additional conditions the Nampa City Council sees fit to impose.

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

Applicant answered questions.

**MOVED** by Bruner and **SECONDED** by Bower 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**

Regular Council  
May 3, 2021

**MOVED** by Haverfield and **SECONDED** by Levi to **approve the Variance** of Section 10-10-9 requiring a 20' front yard setback and a 10' side yard setback on a legally split corner lot at 504 15th Ave N., an approximate 4,000 sq. ft. lot, in order to allow a porch, veranda, and deck to extend no closer than 6.5' from the property line along **15th Ave N.** and 4.7' from the front property line along 5th St N., in an RD (Two-Family/Duplex Residential) zoning district - county parcel #R0895900000 (Located in the SW 1/4 of Section 23, T3N, R2W, BM, Nampa) for Branden and Cheri Durst (VAR-102-21), with all conditions of staff and conclusions of law and allow the applicant to work directly with the Building Department to meet the current adopted codes and ordinances. 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 **Zoning Map Amendment** from RP (Residential Professional) to RML (Limited Multiple-Family Residential) zoning district; and, Subdivision Plat Short Approval of Mercy Creek No. 2 Subdivision, at 821/823 and 827/829 17th Ave S. (parcel #R0984101000) for division into 2 duplex lots for a total of 4 existing dwelling units (a .32 acre parcel situated in block 16 of the Interstate Addition Subdivision in the NE ¼ of Section 27, T3N, R2W, BM) for Joshua Morrison (ZMA-0138-21, SPS-037-21)

Julia Morrison, 829 17<sup>th</sup> Avenue South presented the request.

Planning and Zoning Director Rodney Ashby presented the following staff report explaining that the request is for Zoning Map Amendment from RP (Residential Professional) to RML (Limited Multiple-Family Residential) zoning district; and, Subdivision Plat Short Approval of Mercy Creek No. 2 Subdivision, at 821/823 and 827/829 17th Ave S.(parcel #R0984101000) for division into 2 duplex lots for a total of 4 existing dwelling units (a .32 acre parcel situated in block 16 of the Interstate Addition Subdivision in the NE ¼ of Section 27, T3N, R2W, BM) for Joshua Morrison.

**History**

April 13, 2021 – The Nampa Planning & Zoning Commission, during their regularly scheduled public hearing of 4/13/2021, voted to recommend approval. See attached action letter.

Building Permits – Building Permit plans were approved by the City of Nampa Planning & Zoning Department on 1-15-2020, approving the required parking, landscaping, setbacks, lot widths, and lot sizes for the RP zoning district.

February 13, 2018 – Planning & Zoning Commission approved a Conditional Use Permit for Multi-Family Housing for the subject property and the Mercy Creek Apartments to the north.

**Property Details**

Current Jurisdiction/Status: The Property is currently within Nampa City; Property was developed as two duplexes on a single lot, an allowed use in the zone. The applicant is seeking to split the lot so that the existing two duplexes are on separate equally sized parcels. Property is either owned or optioned by the Applicant(s); and,

**Surrounding Zoning:** North: RP zoning - Mercy Creek Apartments; South: RP zoning – Single-Family, Duplexes, and Multi-Family Residential East: RP zoning – Single-Family, Duplexes, and Multi-Family Residential West: RP zoning – Single-Family, Duplexes, and Multi-Family Residential

**Immediately surrounding land uses:** RP zoning – Single-Family, Duplexes, and Multi-Family Residential

**Services:** Utility are already extended to the property and are being utilized

**Comp Plan Future Land Use Map Designation:** High Density Residential

**Transportation/Access:** internal drive aisles accessed from 9th St S and 17th Ave S.

**Applicable Regulations**

Zoning/Rezoning Conclusions of Law - NCC § 10-2-3 (c)

C. Conclusions of Laws Pertinent to Proposed Zoning Map Amendments: Before the commission recommends an amendment to the City of Nampa's official zoning map and before the Nampa City Council approves any proposed zoning map amendment(s), the commission and the council must individually find and conclude:

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map; and
2. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and
3. The proposed map amendment(s) is, are or would make a change on the land use map of the City of Nampa which would establish an area of zoning the same as or compatible with immediately adjoining districts; and

Regular Council  
May 3, 2021

4. The proposed map amendment(s) is not, are not or would not create a “spot” zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and
5. The proposed amendments(s) is, are or would be in the interest of the public and reasonably necessary.

**NCC § 10-3-2: Schedule of uses in RML Zone:**

Dwelling, Multiple Family in the RML zoning district is a permitted use. (See attached Schedule of Uses)

TABLE 10-23-20(H)

PERMANENT SIGNS PERMITTED IN THE RML ZONES1

Type Of Land Use	Type Of Sign	Number Allowed	Maximum Allowable	Maximum Display Surface Area	Illumination <sup>3</sup>
			Height Above Grade		
Private or public elementary or secondary school	Freestanding pole or monument	1 per street frontage	25'	150 sq. ft. maximum	Indirect or internal
	Wall	1 or more up to maximum <sup>2</sup>		15% of building wall that faces a street	Indirect or internal
Apartment project	Freestanding pole or monument	1 per street frontage	8'	64 sq. ft.	Indirect or internal
Residential subdivision	Subdivision identification (e.g., monument)	1 per entry	8'	64 sq. ft.	Indirect or internal
Religious facilities	Freestanding pole or monument <sup>2</sup>	1 or more <sup>2</sup>	Not to exceed height of building	32 sq. ft.	Indirect or internal
	Wall	1 or more <sup>2</sup>		15% of building wall that faces a street	Indirect or internal
All other	Wall	1	n/a	2 sq. ft.	Not allowed

**10-11-1: DESCRIPTION AND PURPOSE:** The RML Limited Multiple-Family Residential District is to encourage a flexible use of the land and promote and maintain stable single-family residential areas. It is also the purpose of this classification to develop residential areas within the City of Nampa that are characterized by higher residential densities and higher volumes of vehicular traffic than are characteristic in the RS and RD Districts. (Ord. 2140; and, Ord. 3151)  
**NCC 10-11-5 Property Area, Width and Yard Requirements:**

- B. Minimum Property Area Required Per Two-Family or Multiple-Family Dwelling Unit: Requires 6,000 sq. ft. for the first two dwelling units on a RML property.
- C. Minimum Property Width: 50' required
- D. Minimum Property Structure and Parking Front Yard (Setback): 20' deep minimum

E. Interior Yard and Parking (Setbacks): 5' required, or width of easement

**NCC 10-27-4F Short Plats**, allows an abbreviated platting process for subdivisions of three to seven lots created from a single original property. "Drawings shall portray all features required to be shown on standard preliminary and final plat drawings; and Short plats will be processed as combination preliminary and final plats requiring a public hearing before the Nampa City's Planning and Zoning Commission and approval by the Nampa City Council."

As stated in the subdivision chapter of Title 10, the decision for approval shall be made by evaluating a proposed plat's design based on city codes. The plat must also meet the standards identified in the approved Subdivision Process and Policy Manual, and Standard Construction Specification Manual.

### **Staff Analysis**

**Regarding the Zoning Map Amendment, Staff finds:** The proposed Zoning Map Amendment is requested to legally allow the two duplexes to be placed on separate lots through the Short Plat Process. The rezone from RP to RML was necessary because the RP zone requires 8' interior yard setbacks from the property line and there is only 10' between the two existing buildings, leaving a possible 5' setback to either side of the side property line. The RML zone only requires 5' setbacks from the side property line. The zoning map amendment will not change what is existing on the property but will simply make the short plat possible so that each duplex resides on a separate parcel. This allows each duplex lot to be sold separately.

- Comprehensive Plan Future Land Use Map – The proposed zoning complies with the High-Density Residential designation on the Future Land Use Map, and would therefore not be considered "spot zoning."
- The Commission/Council will need to determine whether the proposed project complies with the Conclusions of Law outlined under "Applicable Regulations."

**Regarding the plat, Staff finds:** The proposed short plat is to divide two existing duplexes, approved by way of building permits and having already received certificates of occupancy, into two separate lots. By rezoning the property to RML, the short plat becomes possible to approve. No construction changes are being proposed on the property at this time.

- Setbacks – The proposed plat complies with the required setbacks if the property is rezoned to the RML zoning district.
- Parking – Garages and external parking are provided, exceeding the requirements in Nampa City code for two spaces per dwelling.
- Land Use – duplexes are an allowed use in the RML zoning district.

Regular Council  
May 3, 2021

The subdivision short plat, therefore, substantially complies with Nampa City Codes and subdivision regulations.

### **Correspondence**

The following is a summary of agency correspondence that can be found in full detail in the exhibits:

- Nampa Engineering Division: Had corrections for street name labels on final plats. Planning staff caught these as well and obtained a revised final plat for the Council/Commission packet. The corrected plat resolves the Engineering Division concerns.
- Nampa Building Department: Title 4 shall be followed. Fire separation and setbacks required by Code, shall be provided.
- Idaho Transportation Department: No significant impact.
- Nampa Highway District #1: No comment
- Nampa Police Department: Current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Mercy Creek No. 2 is 11.76. Recommend Nampa City Council commit to fund 0.02 additional officers and 0.01 additional support staff (\$1,740 and \$433 respectively) to maintain current police service levels.
  - o Closest police department is 1.30 miles away.
  - o RD district call volume is 4250 annually
  - o Top 10 call types:
    - Traffic Stop (1673)
    - Subject on Foot (180)
    - Suspicious (147)
    - Welfare Check (126)
    - Disturbance (123)
    - Susp Vehicle (122)
    - Alarm (114)
    - K-0 Assist (102)
    - H&W Referral (93)
    - Abandoned Vehicle (67)
- Nampa Fire District: Listed multiple fire code conditions that were followed during construction of the site. The development is 1 mile from Nampa Fire Station 1 with an approximate response time of 5 minutes. The increased demand on fire fighter personnel is approximately .012 firefighter positions.
- Nampa School District: No concerns.
- Nampa Code Compliance: No code violations at this time.
- CenturyLink: No concern for easements.
- Nampa Parks Division: No requests



Regular Council  
May 3, 2021

**Recommended Conditions of Approval**

Should the Nampa City Council vote to approve the requested Zoning Map Amendment to RML and Short Plat Subdivision into two duplex parcels, Staff would recommend that the Nampa City Council consider recommending the following Condition(s) of Approval for the requests/Applicant(s):

- [Any conditions the Nampa City Council wishes to require]

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

**MOVED** by Haverfield and **SECONDED** by Bower 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 Bruner to **approve the Zoning Map Amendment** from RP (Residential Professional) to RML (Limited Multiple-Family Residential) zoning district at 821, 823, 827, and 829 17th Ave S. (a .32 acre parcel #R0984101000 situated in block 16 of the Interstate Addition Subdivision in the NE ¼ of Section 27, T3N, R2W, BM) for Joshua Morrison, with all conditions of approval and conclusions of law 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

**MOVED** by Bruner and **SECONDED** by Rodriguez to **approve the Subdivision Plat Short of Mercy Creek No. 2 Subdivision, at 821, 823, 827, and 829 17th Ave S.** (parcel #R0984101000) for division into 2 duplex lots for a total of 4 existing dwelling units (a .32 acre parcel situated in block 16 of the Interstate Addition Subdivision in the NE ¼ of Section 27, T3N, R2W, BM) for Joshua Morrison, [including any conditions the Council/Commission wish to impose] and conclusions of law. 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 **Nampa Impact Fee Advisory Committee**.

Building and Safety Director Patrick Sullivan presented the following staff report explaining that the in the last legislative session there was a change to the impact fee advisory committee ordinance.

We would like to align our ordinance to match state law.

Regular Council  
May 3, 2021

We have three members are going to be in the business of real estate or development or construction and three members selected at large who will be not active in the business of real estate, development, or construction.

We will grandfather the existing members who are outside the City of Nampa limits, but all members that are going forward who are appointed need to be within the City of Nampa limits.

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

Hubert Osborn, 4199 E Switzer Way made suggestions that the committee be seven members with 3 in the development/realtor world and 4 citizens at large.

Mayor and Councilmembers asked questions and made comments.

**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 Rodriguez and **SECONDED** by Mutchie to **approve the 7-member committee with 4 citizens at large and 3 in the developer/realtor world and advise legal to amend the ordinance to reflect the changes**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #6-5(a)** – The first reading of the following Ordinance was postponed due to the changes to the committee members and **Item #6-5(b)** authorize Summary of Publication was also postponed.

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, REPLACING TITLE 3, CHAPTER 7, SECTION 12(J) OF THE NAMPA CITY CODE, PERTAINING TO THE COMPOSITION OF MEMBERSHIP FOR THE DEVELOPMENT IMPACT FEE ADVISORY COMMITTEE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH, AND PROVIDING AN EFFECTIVE DATE. (Applicant Building Department)

### ❖ Legislative Updates ❖

**Rick Hogaboam presented the following updates**

- Bill 1111 - Districts for Cities over 100,000

Regular Council  
May 3, 2021

- Bill 389 – taxes, homeowners' exemption, caps total budget growth to 8%, circuit breaker eligibility, construction at 90%

#### ❖ (4) Staff Communications ❖

**Item #4-1.** – Public Works Director Tom Points presented a staff report to update the Nampa City Council on current projects as follows:

**Reuse Permit** – We did get a ruling in direct response from the Department of Water Resources and it was in Nampa's favor that we did not need water rights.

**Public Works Department Consultant Selection for Miscellaneous Professional Services** – Public Works Administration and Engineering Division staff follow a Qualifications Based Selection (QBS) process when selecting engineering professionals for Nampa City projects. This process satisfies the requirements of Idaho Code 67-2320 and is performed every two to three years. The following tasks are performed by staff as part of the QBS process:

- Advertised a Request for Qualifications (RFQ) for Miscellaneous Engineering Professional Services
- Review submitted Statement of Qualifications (SOQs) and make recommendations to Nampa City Council for which firms are to be placed on the Nampa City's First Choice Consultant Roster (Roster) for consultant services
  - A Second Choice Consultant Roster is also created for potential future contracting
- Perform negotiations with selected firms to enter into a Miscellaneous Professional Services Term Agreement. These terms of the agreement are for two years with an option to renew for one additional year

Last year, 55 submissions from various engineering firms were received. Of those firms, 31 consultants have been selected for the Roster (Exhibit A) for one or more of the following service categories:

- Architectural
- Civil Engineering (Roadway & Traffic)
- Civil Engineering (Structural)
- Civil Engineering (Utility)
- Construction Engineering and Inspection
- Electrical Engineering
- Environmental Planning
- Geotechnical Engineering
- Landscape Architecture
- Mechanical Engineering
- Miscellaneous Engineering Services

Regular Council  
May 3, 2021

- Surveying

Public Works selects consultants based on the service category that is applicable to a City of Nampa project; typically, those projects are roadway/traffic or utility related. Sixteen firms are on the Roster for these 2 categories.

Although not required by Idaho Code, if consultant costs are anticipated to be over \$100,000 for a City of Nampa project, staff will perform interviews with 3 firms from the Roster before making its selection in an attempt to evenly distribute the work amongst the first choice firms.

Once a consultant is selected for a City of Nampa project, a scope of work and fee (which includes labor hours) are negotiated and reviewed by the engineering project manager.

Since the new Roster took effect in October 2020, 12 consultants have been contracted for engineering related services, by Public Works and Engineering staff as shown below:

<b>Consulting Firms</b>	<b>No. of Task Orders</b>
DKS Associates	2
HDR Engineering, Inc.	4
Jacobs Engineering Group, Inc.	1
J-U-B Engineers, Inc.	3
Keller Associates, Inc.	5
<u>Murraysmith</u>	3
Paragon Consulting, Inc.	6
Parametrix	8
Precision Engineering, LLC	3
SPF Water Engineering, LLC*	3
Stantec Consulting Services, Inc.	2
T-O Engineers, Inc.	1
<i>*2<sup>nd</sup> Choice Roster-Contracted for Services</i>	

Nampa Building Department (Facilities Development), and Parks and Recreation Department, also use the Roster to select consultant services for City of Nampa projects. The below table represents Parks and Recreation; at this writing, a report from Building Department is pending:

<b>Consulting Firms</b>	<b>No. of Task Orders</b>
Jensen Belts Associates, PLLC	1
JGT Architecture	1
Materials Testing & Inspection	3
T-O Engineers, Inc.	2

❖ (5) New Business ❖

**Item #5-1.** - Mayor Kling presented the request to **approve waiver** for ICAN FOODS INC dba The Griddle located at **1124 Caldwell Blvd** to allow a Liquor License to be added to an existing beer and wine license within **300'** of a school and two churches.

Nampa City Clerk, Deborah Rosin, presented a staff report explaining that on April 13, 2021, ICAN FOODS INC dba The Griddle applied for a liquor license for their location at 1124 Caldwell Blvd. The Griddle is located approximately:

- 109 feet from the property line of First Christian Apostolic Church
- 276 feet from the property line of Victory Outreach Boise
- 459 feet from the property line of Another Choice Virtual Charter

Idaho Code states regarding retail liquor licensing that:

“No license shall be issued for any premises in any neighborhood which is predominantly residential or within 300 feet of any public school, church, or any other place of worship, measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the governing body of the municipality; provided, that this limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing same [came] therein.” *Idaho Code: §23-913*

On April 16, 2021 the Clerk’s Office mailed a notice to each location listed above notifying them of the pending application and inviting them to submit comments to the Clerk’s Office or to attend this meeting if they so desired. The Clerk’s Office received confirmation that the letter was delivered on April 20<sup>th</sup> to Another Choice Virtual Charter & First Christian Apostolic Church. USPS tracking shows that delivery was attempted to Victory Outreach Boise but there was no recipient available at the time of delivery. At the time of publication, the Clerk’s office

Regular Council  
May 3, 2021

has not received any communications regarding this application.

Ashley Ferguson, 2244 E Strauss, addressed the Nampa City Council on why she would like to get a liquor license to go along with her beer and wine license.

**MOVED** by Rodriguez and **SECONDED** by Mutchie to **approve the request of the addition of liquor by the drink as requested.** The Mayor asked for a roll call vote with Councilmembers Mutchie, Rodriguez voting **YES**. Councilmembers Bruner, Levi, Haverfield, Bower voting **NO**. The Mayor declared the

MOTION FAILED

**Item #5-2.** - Mayor Kling presented the request to **discussion/approval** of the support for the Snake River Stampede and God and Country Rally.

Councilmembers made comments.

**Item #5-7.** - Mayor Kling presented the request to **authorize the Mayor to sign an agreement** for hookup of **Terrace Falls Estates subdivision** to the City of Nampa water and sewer system and agreement to be annexed into the City of Nampa with **Cleve and Murvelle Cushing** (approved by legal)

Tom Points presented a staff report explaining that Cleve and Murvelle Cushing are planning to develop approximately 58-acres located northeast of the S Happy Valley Road and E Locust Lane intersection as a residential subdivision with a commercial lot in unincorporated Canyon County (Exhibit B). The development is being referred to as Terrace Falls Estates Subdivision and is planned to contain 80 single family home sites with an average size of about 0.5-acres. The property is approximately 0.35-miles east of Nampa City limits but is within the Nampa City's Impact Area. The future land use per the City of Nampa's 2040 Comprehensive Plan is "Medium Density Residential"

The City of Nampa owns and maintains 12" public water mains in S Happy Valley Rd about 440' north of Locust Ln, and in E Locust Ln about 1,800' east of Happy Valley Rd. The City of Nampa also owns and maintains a 10" sewer main through the River Meadows Subdivision to S Happy Valley Rd located about 620' north of Locust Ln. (Exhibit C)

Cleve and Murvelle Cushing have requested hookup to both City of Nampa water and sewer systems in the letter dated March 24, 2021. (Exhibit D)

The bulk of the subject property used to be located within the Canyon Sewer Basin for which the existing 10" main was sized for. During the 2014 Master Plan update, the property was removed from the Canyon Basin and shifted to a new basin intended to be served by future trunk extensions.

Regular Council  
May 3, 2021

The Cushing's paid the Nampa City Sewer Modeling fee to have the Nampa City's Master Plan consultant Murray-Smith & Associates verify if the 10" sewer and downstream system had adequate capacity to allow the property to shift back to the original basin service area. The analysis considered forecasted growth conditions through the year 2040 along with build-out of all committed developments and reflected a negligible change in flow conditions when adding the Terrace Falls Estates project.

The Nampa Engineering Division also analyzed the project in the city's water system model. The property is within Pressure Zone 3, which has a hydraulic grade line of 2730'. Site elevations generally range from 2,555' to 2,570', resulting in a static pressure range of 75 to 65-psi. The modeled available fire flow through the site ranges from 1,600 to 2,000-gpm.

Based on the analyses the Nampa Engineering Division concludes the city's water and sewer systems have sufficient capacity for the project.

It should be noted the property is within reasonable distance of City of Nampa limits, and the City of Nampa recently fielded a pre-application meeting for potential development of the property located at the southeast corner of Locust and Happy Valley. If this other project moves forward, it will create a path to annexation for the subject property.

A draft of the agreement has been provided to Cleve Cushing for review, and he was informed the agreement requires payment of standard inspection fees, utility hookup fees, and substitute development impact fees as if in the City of Nampa, as well as automatic annexation into the City of Nampa as soon as a path is available.

Engineering Division staff received a phone call from Mr. Terry Henrickson who owns and farms around 265-acres to the north and east of the subject property. His brother James Henrickson owns and farms another 160-acres to the north and west of the property. He indicated his farm operation entails vegetable production with heavy pesticide application. He has had confrontations with residences in the existing developments west of Happy Valley Road (Vineyard Pointe and Bridgewater Subdivisions) regarding his use of pesticides. He is concerned about the new conflicts this residential development would likely create. They have considered developing their land but have been told there is not sufficient sewer capacity for the bulk of their property. This statement is accurate given the bulk of the property is located in the Robinson Sewer Basin, which our 2014 Master Plan indicates is dependent on new trunk mains and upgrades in the downtown core.

The Board of Appraisers recommended approval to enter into the agreement during the April 7, 2021 meeting.

Cleve Cushing, 4681 W Moon Lake Drive spoke in favor of the request.

Regular Council  
May 3, 2021

**MOVED** by Bruner and **SECONDED** by Rodriguez to **authorize** the **Mayor** to **sign** the “agreement for hookup of **Terrace Falls Estates Subdivision** to the City of Nampa water and sewer system and agreement to be annexed into the City of Nampa” with **Cleve and Murvelle Cushing**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

**Item #5-8.** - Mayor Kling presented the request to **approve** request for **waiver** of **subdivision improvements** for the **Windmill Ranch Subdivision**.

Tom Points presented a staff report explaining that Mason & Associates, LLC has applied to Canyon County Development Services on behalf of Matthew Travis to subdivide his property located southwest of the E Victory Road and S McDermott Rd intersection. The property is located at the far eastern edge of the City of Nampa Area of Impact, and as such, is subject to typical subdivision improvements required by the City of Nampa, including curb, sidewalk, landscaping, and fencing, as described in Chapter 9, Article 11 of the Canyon County Code. The Applicant is requesting the City of Nampa waive the requirement for all subdivision improvements per the attached Narrative (Exhibit A). The proposed Preliminary Plat is attached for reference (Exhibit B). A utility map showing both city utilities and limits is also provided for reference (Exhibit C). The following facts are associated with this request.

The proposed Windmill Ranch Subdivision consists of six (6) residential with one private road lot on approximately 10.7 acres. The minimum proposed lot size is 1.24 acres. The Preliminary Plat reflects a 100’ public right-of-way dedication along S McDermott Road to Nampa Highway District No. 1 (NHD1). The internal private roadway is shown to be a 60’ right-of-way drainage swales and no sidewalk.

The subject property is located almost 2-miles east of Nampa City limits currently located at the northwest corner of E. Victory Road and Happy Valley Road. The City of Nampa’s current Comprehensive Plan designates this area as Medium Density Residential. The proposed lot sizes do not meet the density requirement of this land use.

The closest Nampa City services is a 12” water main located near the west property boundary constructed with the Britannia Heights Subdivision. Nampa City sewer is more than 2-miles away Mason & Associates reasoning for the waiver is that they are not common for the area and out of character with the surrounding homes.

The Engineering Division has not yet received notice of subdivision from Canyon County Development Services. A rezone request was received on July 1, 2020. At that time, Nampa Engineering Division responded indicating the proximity of the 12” public water main and need for right-of-way dedication along S McDermott Rd.



Regular Council  
May 3, 2021

Given the limited amount of frontage on S McDermott Road (only 60' long), and that there are no master planned roads or utilities that affect the subject property, Nampa Engineering Division does not oppose the request for waiver of improvements.

Angie Cuellar, 924 3<sup>rd</sup> Street South; Matt Travis, 2950 E Snake River Drive both spoke in favor of the request.

**MOVED** by Haverfield and **SECONDED** by Bower to **grant the request for waiver of subdivision improvements** for the **Windmill Ranch Subdivision**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

**Item #5-11.** - Mayor Kling presented the **request to authorize the Mayor** to sign, (1) Nampa Municipal Airport Land Lease Agreement, and (2) Memorandum of Lease for Recording with Air Assets, Inc. dba **Spirit of Flight**, effective May 3, 2021, for Lot 2425 (Standard Documents Reviewed/Approved by Legal)

Tom Points presented a staff report explaining that the On September 15, 2020, Air Assets, Inc., dba Spirit of Flight (Gordon Page), submitted a lease application (Exhibit 1) to construct a new commercial hangar on the Nampa Municipal Airport.

Spirit of Flight (Spirit) is a museum whose mission is to acquire, restore, preserve, and display aviation history. SOF is also part of the television series, *Chasing Planes*, which is centered around the Spirit collection.

- Additional information about the Spirit foundation, and Gordon Page, is attached in Exhibit 2

The new facility is located on Pilatus Lane near Mission Aviation Fellowship. Parking and public access will be available from Pilatus Lane.

On April 12, 2021, Spirit submitted their building plans to the Airport Commission for approval for submission to the Building Department for permitting.

- Construction is anticipated to begin in late May or early June 2021 and be completed by December 2021

On April 12, 2021, Spirit (Gordon Page) signed a 20-year land lease for Lot 2425 (Exhibit 3). This is the updated lease agreement based on Fiscal Year 2020 Airport Cost of Service and Equity Study.

On April 12, 2021, the Nampa Airport Commission moved to recommend that Nampa City Council authorize the Mayor to sign new Nampa Municipal Airport Land Lease Agreement

Regular Council  
May 3, 2021

(Attachment A) and Memorandum of Lease for Recording (Attachment B) with Air Assets, Inc., Spirit of Flight for Lot 2425.

The Airport Commission, City of Nampa leadership and staff are excited to welcome Gordon Page and the Spirit of Flight foundation to the Nampa Airport and strongly support this new lease application.

**MOVED** by Bower and **SECONDED** by Mutchie to **authorize** the **Mayor** to **sign**, (1) Nampa Municipal Airport Land Lease Agreement and Memorandum of Lease for Recording with Air Assets, Inc., **Spirit of Flight**, effective **May 3, 2021**, for Lot 2425. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

#### ❖ (7) Unfinished Business ❖

**Item #7-1.** - Mayor Kling presented the request to **amend** the City of Nampa **Fiscal Year 2019 Transportation Master Plan** by authorizing intersection design changes of five intersections, and the addition of four new intersections.

Tom Points presented a staff report explaining that the City of Nampa Transportation Master Plan (TMP) update was adopted by Nampa City Council in fiscal year 2019 and includes short-term, midterm and long-term capital improvements. The TMP is a long-range blueprint to provide an integrated system that supports all users, provides mobility and accessibility for all modes of transportation, and prioritizes safety for everyone

The TMP adopted key policies and standards to consider when selecting an intersection design. For planning purposes and using high level data, many intersection designs types (roundabouts and signals) were recommended

Since then, staff started preliminary planning or design at 14 intersections citywide. As a result of additional engineering analysis, 5 of 14 intersection designs differ from TMP recommendations. In addition, 4 of 14 intersections have been added to the list due to growth, safety concerns or grant opportunities. The remaining 5 are unchanged from the TMP but staff is seeking additional community and Nampa City Council input

A public hearing was held on March 15, 2021, to receive public input regarding the intersections. Nampa City Council directed staff to gather citywide survey data prior to making final design decisions

Staff placed information signs at each intersection pointing citizens to an online survey. Over 1,200 survey responses were received and are summarized below:

**Table 1—Public Survey Results**

#	Intersection	Proposed Intersection Type	Public Survey			Matches Proposed	Notes
			Roundabout % of Responses	Signal % of Responses	No Preference % of Responses		
1	Kings & Victory	Roundabout	52.11	28.41	19.49	✓	
2	Franklin Blvd & Birch	Roundabout	41.28	34.80	23.92	✓	
3	Idaho Center & Cherry	Roundabout	46.40	37.12	16.49	✓	
4	Midland & Iowa	Roundabout	48.76	31.09	20.15	✓	
5	Franklin Blvd & Karcher	Roundabout	32.50	30.58	16.92	✗	Roundabout recommended due to increased cost of signal and grant funding requirements.
6	Franklin Blvd & Industrial	Signal	26.23	40.94	32.83	✓	
7	Northside Blvd & Karcher	Roundabout	30.56	51.37	18.07	✗	Roundabout required due to limited Northside Blvd. Right-of-way width between Amalgamated facilities.
8	Garrity & Kings	Signal	21.58	61.00	17.43	✓	
9	Garrity & 39 Ave N	Signal	21.87	47.10	31.03	✓	
10	Northside Blvd & Cherry	Roundabout	52.12	25.77	22.11	✓	
11	Franklin Blvd & Cherry	Roundabout	47.50	30.30	22.20	✓	
12	Southside & Locust	Roundabout	52.46	39.57	27.98	✓	
13	11th Ave N & Cherry	Roundabout	30.76	21.81	27.43	✓	
14	Midland & Greenhurst	Roundabout	58.91	27.74	18.35	✓	

**Survey Summary**

- Excellent participation—over 1,200 citizens
- 12 of the 14 intersection designs were strongly supported by surveyors
- 2 of the 14 were not—details on these locations below:
  - Northside/Karcher: Survey supported signal over roundabout. This location is constrained by the limited Northside right-of-way width between Amalgamated Sugar’s main plant and storage tanks. A signal would require a five-lane section and would not fit. A roundabout with a four-lane section is required in this location.
  - Franklin Blvd/Karcher: Survey favored a signal rather than a roundabout. At a recent open house, nearby business owners presented concerns about large trucks navigating the roundabout. Staff followed up with the citizens with more information on how the Star/Franklin Roads roundabout was widely accepted by Lactalis Corporation and other nearby trucking companies. The grant funding for this project is also determined based on a roundabout. Cost to redesign at this point would be over \$100,000. For these reasons, staff recommends proceeding with the roundabout.

**Table 2—Upcoming Intersections Including TMP Intersection Design Changes and Additions**

#	Intersection	Recommended Intersection Type	Amendment to Master Plan	Design Year (Estimated)	Construction Year (Estimated)	Project Total Cost Estimate	Funding	Notes
1	Kings & Victory	Roundabout	No change necessary	FY21	FY21-22	\$ 2,005,000	Funded	Streets & Impact Fees
2	Franklin Blvd & Industrial	Signal	No change necessary	FY21-22	FY22-23	\$ 5,380,000	Funded	Freight Grant, Streets & Impact Fees
3	Garrity & Kings	Signal	No change necessary	FY22	FY23-25	\$ 3,000,000	Partial Funding	Streets, Impact Fees, ITD
4	Garrity & 39 Ave N	Signal	No change necessary	FY22	FY23-24	\$ 3,000,000	Funding	Streets, Impact Fees, ITD
5	Midland & Greenhurst	Roundabout	No change necessary	FY23-27	FY27-29	\$ 2,200,000	Not Funded	Increased priority due to development expansion
6	Midland & Iowa	Roundabout	Clarification: Either signal or roundabout option mentioned	FY21	FY22-23	\$ 1,589,455	Funded	Streets & Impact Fees
7	Idaho Center & Cherry	Roundabout	Change from specifying a signal to a roundabout	FY21	FY21-22	\$ 2,500,000	Funded	Streets, Impact Fees, Nampa Highway District
8	Franklin Blvd & Birch	Roundabout	Change from specifying a signal to a roundabout	FY21	FY22-23	\$ 2,000,000	Funded	Streets & Impact Fees
9	Northside & Cherry	Roundabout	Change from specifying a signal to a roundabout	FY24	FY25	\$ 2,200,000	Partial Funding	Streets & Impact Fees
10	Franklin & Cherry	Roundabout	Change from specifying a signal to a roundabout	FY27	FY28	\$ 2,200,000	Partial Funding	Streets & Impact Fees
11	Franklin Blvd & Karcher	Roundabout	Add intersection to list and specify intersection type	FY21-22	FY22-23	\$ 1,955,000	Funded	Freight Grant, Streets & Impact Fees
12	Northside & Karcher	Roundabout	Add intersection to list and specify intersection type	FY21	FY23-26	\$ 5,000,000	Partial Funding	Future Grant Request, Streets, Impact Fees
13	Southside & Locust	Roundabout	Add intersection to list and specify intersection type	FY23-27	FY27-29	\$ 2,000,000	Not Funded	Increased priority due to development expansion
14	11th Ave N & Cherry	Roundabout	Add intersection to list and specify intersection type	FY23-27	FY27-29	\$ 2,200,000	Not Funded	Increased priority due to development expansion
	Change to TMP							
	Addition to TMP							

Those appearing to speak on the request were: Ann Clarkston, 3973 Bell Ct; Mel Clarkston, 3973 Bell Ct; Lynda Claiborne, 0 Locust Lane; Bob Patrick, 4519 Lava Springs Loop; Doug Broetje, 4418 So Lava Springs Loop; Richard Tortolini, 2633 E Andesite Ct.

**MOVED** by Bower and **SECONDED** by Mutchie to **amend City of Nampa Fiscal Year 2019 Transportation Master Plan** by authorizing intersection design changes of 5 intersections, and the addition of 4 new intersections, as shown in Table 1 with the exception of the Southside Boulevard and Locust Lane intersection. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
MOTION CARRIED

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

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO DETERMINING THAT CERTAIN LANDS, COMMONLY KNOWN AS 245 N. HAPPY VALLEY ROAD AND 4513 AIRPORT ROAD., BOTH NAMPA, IDAHO, COMPRISING APPROXIMATELY 4.45 ACRES, MORE OR LESS, LAY CONTIGUOUS TO THE LIMITS OF THE CITY OF NAMPA, CANYON COUNTY, STATE OF

Regular Council  
May 3, 2021

IDAHO, AND THAT SAID LANDS SHOULD BE ANNEXED INTO THE CITY OF NAMPA, AND BE ZONED IL (LIGHT INDUSTRIAL); DECLARING SAID LANDS BY PROPER LEGAL DESCRIPTION AS DESCRIBED BELOW TO BE A PART OF THE CITY OF NAMPA; DETERMINING THAT SAID ANNEXATION AND ZONING ARE IN THE BEST INTEREST OF THE PUBLIC AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO ADD SAID PROPERTY TO THE OFFICIAL MAPS OF THE CITY OF NAMPA, AND TO DESIGNATE SAID PROPERTY AS IL (LIGHT INDUSTRIAL) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; AND, DIRECTING THE CITY CLERK TO FILE A CERTIFIED COPY OF THE ORDINANCE AND MAP OF THE AREA TO BE ANNEXED WITH CANYON COUNTY, STATE OF IDAHO AND THE IDAHO STATE TAX COMMISSION, PURSUANT TO IDAHO CODE, SECTION 63-215. (Applicant Petersen Holdings LLC)

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 Bower and **SECONDED** by Mutchie 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 **4570** and directed the Clerk to record it as required.

MOTION CARRIED

❖ (5) New Business ❖

**Item #5-3.** - Mayor Kling presented the request to **approval** of Public Hearing applicants presentation criteria.

The following staff report was in the Nampa City Council packet:

Allotted Speaker Times:

- Standard Hearing Item Speaking Times: at the commencement of the hearing, the presiding officer may establish and announce a time limit to be observed by all speakers. If a specific time limit is not given to the attending audience, then initial presentation by the applicant or his representative shall be limited to seven (7) minutes, persons from the audience shall be limited to three (3) minutes each, and closing applicant's rebuttal or concluding comments shall be limited to five (5) minutes. Persons representing groups may be given more time than individuals presenting their own views if allowed by the

Regular Council  
May 3, 2021

meeting's chair. City of Nampa staff shall be given sufficient time to present their report(s).

- **Items On Appeal Speaking Times:** At the commencement of the hearing, the presiding officer may establish and announce a time limit to be observed by all speakers. If a specific time limit is not given to the attending audience, the initial presentation by the appellant shall be limited to seven (7) minutes, Nampa City staff shall be given time as they require, the appellee/respondent, if any, shall then have seven (7) minutes, persons from the audience shall be limited to three (3) minutes each, closing appellant's concluding comments shall be limited to five (5) minutes and concluding appellee's/respondent's concluding comments shall be limited to five (5) minutes. Persons representing groups may be given more time than individuals presenting their own views if allowed by the meeting's chair providing that if more time is allotted to either the appellant or appellee/respondent, then the opposing side shall be afforded equal time to rebut.

**MOVED** by Bower and **SECONDED** by Haverfield to **use the established criteria for public hearings for the applicant, public comment, and rebuttal**. The Mayor asked all in favor say aye with all Councilmembers present voting **AYE**. The Mayor declared the

MOTION CARRIED

**Item #5-4.** - Mayor Kling presented the request to **authorize additional funding** from the Police Impact Fee CIP in the amount of **\$75,000** to be reconciled in the FY21 year-end budget amendment and authorize the Mayor to sign a construction contract with EKC, Inc. for the HNPSB 2nd Floor Remodel (approved in FY21 budget) (approved by legal)

Building and Safety Director Patrick Sullivan presented a staff report explaining that the Scope of work: The Nampa Police Department has identified the need to remodel 1,700 sf of the 2nd Floor of the Hugh Nichols Public Safety Building to accommodate growth.

Legal Review: Documents have been reviewed and approved by Legal.

Mayor Review: Documents have been reviewed and approved by the Mayor.

Project Cost: The cost of the construction will be \$148,408.00. This includes the base bid of \$131,930.00, Alternate #1 for \$4,239.00 and Alternate #2 for \$12,239.00.

Funding: 100% of the project is to be funded by Police Development Impact Fee Capital Improvement Fund. The total project cost is over the original FY21 budget in the amount of \$75,000. This is due to the escalation of construction costs since the project was estimated in

2019. The project amount will be reconciled in the year end FY21 budget amendment.

Regular Council  
May 3, 2021

Bidding Process: Facilities Development procured bids for the project using an Informal Bid Process. The Invitation was extended to eighteen contractors. A pre-bid walk through was conducted at the project site on February 22, 201 at 1:30 p.m. There were five contractors in attendance. Sealed bids were received on Tuesday March 16, 2021.

Number of Bids: A total of two (2) bid were received.

Low Bid: The apparent low bid was received from EKC, Inc.

Contract Scope: The General Contractor provides all management, supervision, labor, materials, supplies, and equipment, and will plan, schedule, coordinate and assure effective performance of all services described herein. The General Contractor will be required to provide necessary bonds, insurance and other documents before the agreement can be executed and the Notice to Proceed issued.

**MOVED** by Bruner and **SECONDED** by Haverfield to **authorize additional funding** from the Police Impact Fee CIP Fund in the amount of **\$75,000** to be reconciled in the FY21 year-end budget amendment and award the low bid including bid alternates 1 and 2 and authorize the Mayor to sign a construction contract with **EKC, Inc.** for the Hugh Nichols Public Safety Building second floor remodel, for the not to exceed contract amount of **\$148,408.00**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

**MOTION CARRIED**

**Item #5-5.** – The following Ordinance was read by title and **Item #5-6.** Approve Summary of publication 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 EXCLUSION OF CERTAIN LEGALLY DESCRIBED LANDS; DIRECTING THE CITY ENGINEER AND PLANNING AND ZONING DIRECTOR TO REFLECT SAID CONTRACTION OF BOUNDARIES ON THE OFFICIAL MAPS OF THE CITY OF NAMPA, IDAHO; REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS OR PARTS THEREOF IN CONFLICT HEREWITH; AND, DIRECTING THE CLERK OF THE CITY OF NAMPA TO FILE A CERTIFIED COPY OF THE ORDINANCE WITH THE OFFICE OF THE CANYON COUNTY RECORDER, AND 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.

Regular Council  
May 3, 2021

**MOVED** by Haverfield and **SECONDED** by Bower to **pass** the preceding **Ordinance** under suspension of rules and approve the Summary of Publication as requested. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the ordinance duly passed, numbered it **4569** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #5-9.** - Mayor Kling presented the request to **authorize** the **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 right of way acquisition services in the amount of **\$162,470.00** (T&M N.T.E.) (Approved in FY21 budget)

Tom Points presented a staff report explaining that the City of Nampa identified the need to rebuild Lake Lowell Avenue between Midland Boulevard and 12<sup>th</sup> Avenue Road, approximately one mile. (Exhibit A)

Engineering reviewed the first-choice consultant roster and conducted consultant interviews, selecting Paragon Consulting to perform professional design services for the Lake Lowell Avenue Rebuild project.

Paragon Consulting is providing design services for roadway improvements including roadway reconstruction and widening to include a paved shoulder, curb, gutter, sidewalks, intersection improvements, pedestrian crossing facilities, water, sewer, irrigation, and drainage improvements in the amount of \$179,085.00.

This project will tie into the Midland and Lake Lowell Signal project that is currently in design.

The design has advanced to the point that we are ready to perform appraisal services to provide offers to eighteen adjacent property owners that will be impacted by the project.

Paragon Consulting has provided a scope of work to provide right of way acquisition services on the project. Services will include appraisals, appraisal reviews, field staking, negotiations, completing right of way legal documents and updating the final design plans to include negotiated items.

The Lake Lowell Avenue Rebuild project is under design, construction will be determined when funding is available after necessary right of way has been acquired.

Engineering Division has reviewed the Scope of Work and recommends approval of the Task Order Amendment to Paragon Consulting in the amount of \$162,470.00.



Regular Council  
May 3, 2021

**MOVED** by Rodriguez and **SECONDED** by Haverfield to **authorize** the **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 12<sup>th</sup> Ave Rd) project right of way acquisition services in the amount of **\$162,470.00 (T&M N.T.E.)** . The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the  
**MOTION CARRIED**

**Item #5-10.** - Mayor Kling presented the request to **authorize** the **Engineering Division** to proceed with the formal request for **contractor qualifications** for the **Annual Waterline Replacement FY21 project** (approved by legal) (approved in FY21 budget)

Tom Points presented a staff report explaining that each year as part of the City of Nampa's Asset Management program the Waterworks Division identifies domestic water lines and infrastructure that need rehabilitation or replacement.

This year the City of Nampa's Asset Management program identifies Zone G for Waterline Replacements. Engineering and Waterworks Division staff have chosen domestic water mainlines within that zone to be replaced. (Exhibit A)

The project will replace approximately 2,600 feet of undersized domestic water mainline to provide adequate fire flow.

Murraysmith was selected to design the project and assist prequalifying contractors and with bidding.

Engineering recommends prequalifying contractors to ensure the project is completed on time with the least amount of disruption to the customers.

Murraysmith has provided a Request for General Contractors Qualification package. (Exhibit B)

Prequalifying contractors through the Category B competitive bid process, as allowed by Idaho Statute, provides the opportunity for the City of Nampa to retain the services of the most qualified contractors.

The Category B bidding process extends the length of the bidding process. It also has the potential to result in higher contract costs.

Upon review and evaluation of the Statement of Qualifications submitted by the contractors, a list of qualified contractors will be presented in the consent to bid and only those qualified contractors will be permitted to bid on the project.

Legal has reviewed the prequalification package.

Regular Council  
May 3, 2021

**MOVED** by Bruner and **SECONDED** by Rodriguez to **authorize the Engineering Division** to proceed with the formal request for **contractor qualifications** for the **Annual Waterline Replacement FY21 project**. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #5-12.** - Mayor Kling presented the request to **authorize the Mayor and Public Works Director to sign a task order** for attached scope of work with **Horrocks Engineers** to complete the SH-45 Realignment Planning and Environmental Linkages (PEL) Assessment in the amount of **\$499,971.85 T&M NTE**(Approved in FY21 Budget) (Approved by Legal counsel)

Tom Points presented a staff report explaining that the City of Nampa has explored the potential to realign State Highway 45 (SH-45) through its jurisdiction for decades. Motivation today is the same as always: (a) Provide an easier path for traffic from South Nampa desiring to get to North Nampa and I-84; and (b) Reclaim city control of all existing downtown streets. In 2011 the Nampa Development Corporation (NDC) hired URS Consultants to complete the Downtown Nampa Traffic Alternatives Analysis (adopted by Nampa City Council and NDC in 2012) which explored nearly two dozen ways to direct traffic effectively throughout downtown. Its number one conclusion was that SH-45 needed to be removed from downtown Nampa.

In 2014, Nampa City Council authorized a concept plan for the preferred realignment (Alternative 1A Option in the 2011 analysis)

In 2019, the Idaho Transportation Department (ITD) expressed interest in this effort. Nampa, at ITD's request, prepared a benefit-cost analysis for Alternative 1A. The analysis showed a positive benefit-cost ratio, meaning travel time savings on a 20-year life span exceed the anticipated project cost

The benefit-cost report was shared with and well received by ITD. Interest has been expressed multiple times in the realignment since 2012, including a formal presentation to the ITD Board. Recently, this interest has expanded to consider Nampa taking control of the I-84 business loop (I-84B) through Nampa

The next step in potential realignment of SH-45 is to conduct environmental review of the project, in a National Environmental Policy Act (NEPA) assessment of alternative routes to accomplish both objectives. Nampa City Council approved a Request for Qualifications (RFQ) to conduct such a study in February 2020. Actual release of the RFQ was delayed to October while City of Nampa staff gained full cooperation of COMPASS (Community Planning Association of Southwest Idaho), ITD and the Federal Highway Administration (FHWA) to move forward. A

Regular Council  
May 3, 2021

NEPA assessment is essential to secure federal funding, and review of items such as land impacts, air quality, social impacts, and noise considerations

Three qualified responses to the RFQ were received, evaluated, and prioritized. Nampa City Council approved negotiating with the top-ranked firm, Horrocks Engineers, in December 2020

Funding in the amount of \$500,000 is available through the fiscal year 2021 budget: 50% from Street/Impact Fees and 50% from Street budget. However, Horrocks' initial cost estimate for the complete NEPA analysis approximated \$1 million. City of Nampa staff, in cooperation with ITD and FHWA, worked with Horrocks to use a new FHWA option that fits within the Nampa City's approved budget. This option is called the Planning and Environmental Linkages Assessment (PEL). The PEL process fits this project beautifully:

1. It allows greater flexibility in environmental considerations than NEPA.
2. It gives the City of Nampa greater influence in establishing evaluation criteria.
3. It will incorporate both ITD and FHWA as active participants in the process.
4. It can be completed within the approved budget.
5. It will result in FHWA formal approval of its environmental conclusions.
6. It will reduce the scope, schedule, and cost of the future NEPA process

Staff requests Nampa City Council approval to formalize a task order for the agreed to scope of work (Exhibit A) with Horrocks Engineers for \$499,971.85 T&M NTE (time and material not to exceed)



Regular Council  
May 3, 2021

**MOVED** by Haverfield and **SECONDED** by Rodriguez to **authorize** the **Mayor** and **Public Works Director** to **sign** a **task order** for attached scope of work with **Horrocks Engineers** to complete the SH-45 Realignment Planning and Environmental Linkages Assessment in the amount of **\$499,971.85** T&M NTE. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**Item #5-13.** – The following Resolution was presented:

Tom Points presented a staff report explaining that on April 7, 2021, City of Nampa staff presented the attached Domestic and Irrigation Water Miscellaneous Fees rate sheet to the Board of Appraisers (BOA) (Attachment A). The following “Description” items on the rate sheet were presented for discussion and/or action by the BOA:

- Review “Past Due Fee” for \$43.00
- Remove “Monthly Budget Billing-Inside City”
- Remove “Monthly Budget Billing-Outside City”

The purpose for bringing the rate sheet forward was the result of a public records request inquiring how these miscellaneous fees are determined. It was explained the fees are not intended to generate revenue but to cover additional cost of services by staff for the various activities outlined in the rate sheet.

After addressing the public records request, and reviewing the rate sheet, staff realized the “Description” of “Past Due Fee” should be renamed for clarity, such as “Reconnection Fee” as this particular fee actually covers the labor cost of water turn off/turn back on activity (due to nonpayment). The total disconnect/reconnect fee is \$43.00 and covers staff time to turn off and on the service once the bill is paid.

Comparisons from other Treasure Valley cities for late fees and reconnect fees was also presented.

After some discussion, the Board agreed the term “Past Due Fee” and what the fee is actually collected for, which is disconnecting and reconnecting water service out in the field, should be changed to “Disconnect/Reconnect Fee.” Also, after reviewing costs to perform this service, the \$43.00 fee was determined reasonable.

Staff further reported to the BOA that during the same review process Utility Billing reported the “Monthly Budget Billing-Inside City” and “Monthly Budget Billing-Outside City” fees are no longer assessed by the City of Nampa.

Regular Council  
May 3, 2021

The BOA made two recommending motions to Nampa City Council: By resolution, (1) Change the “Description” of “Past Due Fee” to “Disconnect/Reconnect Fee,” and, (2) Remove the “Monthly Budget Billing-Inside City” and “Monthly Budget Billing-Outside City” fees from the Domestic and Irrigation Water Miscellaneous Fees rate sheet.

These recommendations were ratified by Nampa City Council under consent agenda on April 19, 2021.

Staff recommends adopting, by resolution, the revised Domestic and Irrigation Water Miscellaneous Fees rate sheet. (Attachment B)

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, IMPLEMENTING A CLARIFICATION ON THE DESCRIPTION OF A MISCELLANEOUS FEE CHARGED BY THE CITY OF NAMPA FOR DOMESTIC WATER AND IRRIGATION AND TO REMOVE CERTAIN FEE CATEGORIES THAT ARE NOT IN USE.

**MOVED** by Mutchie and **SECONDED** by Rodriguez to pass the **resolution** as presented. Mayor Kling asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the resolution passed, numbered it **24-2021** and directed the clerk to record it as required.

MOTION CARRIED

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

- 8-1. 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 164-20) **(PH was 04-27-2020)**
- 8-2. Annexation and zoning to RML (Limited Multiple-Family Residential) at 1165 S. Powerline Road (A 2.02-acre portion of Block 169, Kurtz Addition, also known as Tax 04696 in the NE ¼ of Section 34, T3N, R2W, BM, Nampa, Canyon County, ID) for multiple-family residential zero lot line buildings and multiple-family residential 4-plex buildings for Zenith Homes (ANN 169-20) **(PH was 04-27-2020)**
- 8-3. Annexation and zoning to RD (Two-Family Residential) at 44 S. Kings Rd. (A 4.1-acre or 178,596 sq. ft. portion of the NW ¼ Section 25, T3N, R2W, BM also identified as Tax 6 in Tracts 15 and 16 of Nampa Heights Addition – for fourplex apartments for Tim Kristovich, Whispering Pines LLC (ANN 170-20) **(PH was 05-04-2020)**
- 8-4. 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)**

- 8-5. Resolution for Comprehensive Plan Future Land Use Map Amendment from Medium Density Residential to Community Mixed Use, Annexation and Zoning to BC (Community Business), and Conditional Use Permit for a public storage development at 0 E Locust Lane, southeast of the Southside Blvd and Locust Lane intersection (An 18.92 parcel described as County Parcel R2953001000 in the NW ¼ of the NW ¼, Section 12, T2N, R2W, BM) for BC zoning to allow for public storage units and restaurant for Linda Claiborne (CMA 047-20, ANN 179-20 and CUP 191-20) **(PH was 10-05-2020)**
- 8-6. 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 Nampa City Attorney for ordinance and DA)
- 8-7. 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)**
- 8-8. 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)**
- 8-9. 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)**
- 8-10. Development Agreement Modification, originally recorded as Ordinance No. 3997, modifying the concept plan and allow light industrial and commercial uses; and, Zoning

Regular Council  
May 3, 2021

Map Amendment from GB1 (Gateway Business #1) to IP (Industrial Park) for the Fuller 84 Business Park, located at the northwest corner of the Star Rd and E Franklin Rd intersection, parcel #R3040600000 (in SW 1/4 of Section 7, T3N, R1W, BM) for Bow River Capital representing Franklin Star Development LLC (DAMO 042-21 & ZMA 134-21) **(PH was 04-19-2021)**

- 8-11. 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)**

❖ **(9) Executive Session** ❖

**Item #9-1-** Motion to Adjourn into Executive Session Pursuant to Idaho Code 74-206 (1)

- Idaho Code 74-206 (1) (j) To consider labor contract matters authorized under section 74-206A (1)(a) and (b), Idaho Code
- Idaho Code 74-206 (1) (c) To acquire an interest in real property not owned by a public agency

**MOVED** by Haverfield and **SECONDED** by Bower to **adjourn** into **executive session** at 11:23 p.m. pursuant to Idaho Code 74-206 (1) (j) To consider labor contract matters authorized under section 74-206A (1)(a) and (b), Idaho Code and Idaho Code 74-206 (1) (c) To acquire an interest in real property not owned by a public agency. 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 Bower to **conclude the executive session** at 12:44 a.m. during which discussion was held regarding Idaho Code 74-206 (1) (j) To consider labor contract matters authorized under section 74-206A (1)(a) and (b), Idaho Code and Idaho Code 74-206 (1) (c) To acquire an interest in real property not owned by a public agency. The Mayor asked for a roll call vote with all Councilmembers present voting **YES**. The Mayor declared the

MOTION CARRIED

**MOVED** by Mutchie and **SECONDED** by Haverfield to **adjourn** the **meeting** at 12:45 a.m. The Mayor declared the

MOTION CARRIED

Passed this 6th day of July 2021.

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MAYOR

ATTEST:

Regular Council  
May 3, 2021

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NAMPA CITY CLERK