

**NAMPA CITY COUNCIL REGULAR MEETING MINUTES**  
**March 6, 2023**

*(Presentations provided to Clerk's Office prior to posting of the agenda can be viewed in the Council Agenda Packet.)*

Mayor Kling called the meeting to order at 5:33 p.m.

Clerk made note that Councilmembers Rodriguez, Bruner, Jangula, Reynolds, and Haverfield were present. Councilmember Bower was absent.

❖ **Adoption of the Agenda (Action Item)** ❖

**MOVED** by Reynolds and **SECONDED** by Haverfield to **Adopt the Agenda**. Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

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

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

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

- a. Special Council Meeting – February 16, 2023
- b. Regular Council Meeting – February 21, 2023
- c. Planning & Zoning Commission – February 14, 2023
- d. Arts & Historic Preservation – January 9, 2023
- e. Venue Management – January 19, 2023
- f. Golf Commission – January 17, 2023
- g. Golf Commission Special Meeting – January 24, 2023

**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
  - Subdivision Final Plat Approval of Reflections Edge No. 2 subdivision in an RS 4 (Single-Family Residential) zoning district - a 9.07 acre parcel #R3239201100 & R3239200000 at 0 E Railroad St (located in the NE 1/4 of Section 36, T3N, R2W, BM) for KB Homes, LLC (SPF-00227-2023). Original Concept: 48 single-family detached lots, 3 common lots and 2.56 acres of right-of-way.
- b. Short
  - Subdivision Short Plat Approval of Northside Logistics Center Subdivision in a IL (Light Industrial) zoning district - a 35.216 acre parcel #R3129700000 at

216 Shannon Dr (located in the NE 1/4 of Section 16, T3N, R2W, BM) for T-O Engineers, representing LDK Ventures (SPS-00048-2022). Original Concept: 3 Industrial lots.

- Subdivision Short Plat Approval of Madison Logistics Center Subdivision in an IL (Light Industrial) zoning district - a 19.51 acre parcel #R3104100000 at 16677 Madison Rd (located in the NW 1/4 of Section 10, T3N, R2W, BM) for T-O Engineers, representing LDK Ventures (SPS-00047-2022). Original Concept: 3 Industrial lots.

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

- a. Comprehensive Plan Map Amendment from Commercial to Industrial designation, Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) zoning district, & potential Development Agreement at 1508 & 1510 W Karcher Rd. (parcel #s R2446800000 & R2446900000, located in the SE 1/4 of Section 8, T3N, R2W, BM) for Tyler Delay representing Doris Young (CMA-00055-2022 & ZMA-00170-2022). Original Concept: Obtain the correct zoning for the existing land use of outdoor storage of equipment for Young's Equipment addressed at 1502 W Karcher Rd and in order to construct a chain link security fence around the property. To be considered by City Council on March 20, 2023.
- b. Nampa City Code Text Amendment to change Title 5, Chapter 2, Tree Service to add definitions, add references to the Treasure Valley Tree Selection Guide, add where signs and other items can be located, clarify permit requirements, describe Heritage Trees, clarify licensing and safety procedures, add suspension authority, describe front yard trees, add a section for utilities and tree mitigation for new development; Title 10 Planning and Zoning, Chapter 3-Establishment of Districts and Provisions for Nonconforming Uses to include changing footnotes for Cluster Developments; Chapter 6-AG Agriculture District for changes to density requirements; Chapter 7-RA Suburban Residential for changes to density requirements; Chapter 8-RS Single-Family Residential District for changes to density requirements; Chapter 10-RD Two-Family Residential District for changes to density requirements; Chapter 11-RML Limited Multiple Family Residential District for changes to density requirements; Chapter 12-RMH Multiple Family Residential District for changes to density requirements; Chapter 13-RP Residential Professional for changes to density requirements; Chapter 22-Off Street Parking and Loading for drought tolerant landscaping requirements; Chapter 26-Planned Unit Developments and Master Planned Communities in regards to density, lot sizes, open space calculations, ratio of land uses in mixed use developments, add

section for Cottage/Cluster developments; Chapter 27-Subdivisions in regards to density, lot sizes, open space calculations, remove Cottage/Cluster developments; Chapter 31-Airport Zoning to rescind the entire chapter and adopt a new specific area plan chapter that includes the airport overlay district, the State Highway 16 Specific Area Plan, State Highway 20/26 Specific Area Plan and reserves space for future Specific Area and Corridor Plans; Chapter 33-Landscaping and Corridor Beautification to include drought tolerant landscaping provisions, for the City of Nampa (ZTA-00030-2022). To be considered by City Council on March 20, 2023.

- c. Nampa City Code Text Amendment to change Title 10 Planning & Zoning, Chapter 34 Design Review and adopt the associated Design Review Guideline document. Changes to Chapter 34 include: Reference to the new guideline document; add the IP (Industrial Park), IL (Light Industrial) and IH (Heavy Industrial) zoning districts to the applicability of the chapter; clarify multiple-family units; add exception for IL and IH zoned projects to be reviewed by staff; add that significant IL and IH design exception requests shall go to Design Review Committee; reorder paragraphs in 10-34-10.A for clarity; change primary wall facades to 3 materials, leaving other walls with 2 materials; add requirements for metal sided structures; change wall lengths on standard commercial structures to 50' for jogs and offsets; add durable materials to description of trash enclosures; add section 10-34-10B with all new requirements for IL and IH zoned properties (ZTA-00028-2022). To be considered by City Council on March 20, 2023.

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

- a. Authorize Engineering Division to proceed with formal bidding process for the Idaho Center and Cherry Lane Roundabout Phase 2 project. (Approved in FY23 Budget)
- b. Authorize Engineering to proceed with formal bid process for Traffic Signal Materials Restock FY23. (Approved in FY23 Budget)

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

- a. Authorize Mayor to sign, (1) Agreement to Waive First Right of Refusal and Terminate Lease with Balmoral Properties, LLC, dated December 22, 2020, and (2) Nampa Municipal Airport Land Lease Agreement with Mad River, LLC, effective March 7, 2023, for Lot 2034. (Approved by Legal)
- b. Authorize Mayor to sign: (1) Agreement to Waive First Right of Refusal and Terminate Lease with Brian Paden. dated February 5, 2019; and (2) Nampa

Municipal Airport Land Lease Agreement with Balmoral Properties, LLC, effective March 7, 2023, for Lot 2020. (Approved by Legal)

**Item #1-7. - Miscellaneous items**

- a. Six month extension of Conditional Use Permit for Multi Story Conditioned Storage at District 208 for conditioned public storage units on two floors in an existing building in the BC (Community Business) zoning district in a 5.55 acre portion of a parcel addressed as 1509 Caldwell Blvd (A 34.86 acre portion of Lot 4, in Block 1 of Karcher Mall Subdivision situated in the NE ¼, Section 17, T3N, R2W, BM) for RHINO Holdings Nampa, LLC (CUP-00271-2022).
- b. Authorize Notice of Intent to proceed with Sole Source procurement with Etherwan for new intelligent transportation switches after a fourteen-day notice period. (Approved in FY23 Budget) (Approved by Legal)

Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

❖ **(2) Items Moved From Consent Agenda (Action Items)** ❖

- None

❖ **(3) Proclamation** ❖

**Item #3-1** – None

❖ **(4) Public Forum** ❖

The following people spoke on a proposed gas station, Kum & Go, at the Greenhurst and Midland intersection:

- Michael Cooper, Summit Ridge HOA President, 1698 W Tenzing St, Nampa, spoke on health issues, especially benzene fumes.
- Craig Aguilar, 2318 S Pelion Way, Nampa spoke on the proposed use not being disclosed prior to purchasing his home last year.
- Amanda Ranke, Chair of the Greenhurst-Midland Action Committee, 1638 W Tenzing St, Nampa provided a handout (attached to the end of the minutes) and spoke on health and safety concerns, economic viability of the 3 locally-owned gas stations in the area, and the provocative marketing used by Kum & Go.

- David Thoene, Redhawk Ridge HOA Board of Directors, 12232 S Hunters Pointe Dr, Nampa spoke on the misrepresentation of the vacant lot being slated for professional offices.
- Amanda Ferguson, 2415 S Pelion Way, Nampa spoke on the proposed business not being harmonious to a location that is across the street from a bible church when the business name is “Kum & Go” and the publicity is sexual in nature.

Due to the large number of audience members, the Mayor requested staff to provide some more information on this. Rodney Ashby, Planning & Zoning provided the land use and zoning history of the parcel and also the current status of the proposed use. Todd Lakey, Legal spoke on the public’s concern regarding the business name and stated it would require more analysis.

Mayor suggested that the City consider changing the zoning code to avoid future situations like this and requested staff to relay the public comments received today to the developer. She offered to send a letter to the developer, herself, also relaying the public sentiment received today by Council.

#### ❖ (5) Agency/External Communications ❖

Item #5-1. – None

#### ❖ (6) Staff Communications ❖

Item #6-1. – None

#### ❖ (7) New Business ❖

**Item #7-1 – Request for Reconsideration of the Annexation and Zoning to BC (Community Business) zoning district for 4.69 acres addressed as 2522 & 2508 N Middleton Rd (Parcel #R244560040 & #R2445600600 located in the SW 1/4 of Section 8, T3N, R2W, BM), Conditional Use Permit for a Multiple Family Development in a BC (Community Business) Zoning District on 12.48 acres addressed as 2440 & 0 Karcher Rd, 2522 & 2508 N Middleton Rd (Parcel #R2445600700, #R24456007B1, #R244560040 & #R2445600600 located in the SW 1/4 of Section 8, T3N, R2W, BM), and potential development agreement for the Northwest Village development for Randy Haverfield, representing TV Holdings, LLC & Zion Ventures, LLC (ANN-00253-2022 & CUP-00295-2022). Original Concept: Mixed Use Development with 1 commercial building and 264 dwelling units in 11 apartment buildings.**

*Clerk' Note: Councilmember Haverfield left his seat on the dais at 6:07 p.m.*

Todd Lakey, Legal spoke on the process for Requests for Reconsideration and that tonight's decision was only to determine if the Council would like to hear the item again or not. He reiterated that no additional testimony or evidence would be taken and only the written request for reconsideration would be considered.

**MOVED** by Reynolds and **SECONDED** by Bruner to **Approve** the Request for Reconsideration. Mayor asked for a roll call vote with Councilmembers Bruner, Jangula, and Reynolds voting **YES** and Councilmember Rodriguez voting **NO**.

MOTION CARRIED

*Clerk's Note: Councilmember Haverfield returned to his seat on the dais at 6:12 p.m.*

*Clerk's Note: Mayor announced that Council would now go to the Public Hearings portion of the agenda, starting with Item #8-1.*

**Item #7-2 – Approve the Municipal Irrigation District Assessment Roll for 2023, as modified by City staff, per Idaho Code Section 50-1807.**

Daniel Badger, Engineering presented the item to Council.

**MOVED** by Bruner to **Approve** the item. Due to a lack of a second,

MOTION FAILED

Discussion ensued on if a motion was needed when the Staff Report stated it was not required.

**MOVED** by Bruner and **SECONDED** by Haverfield to **Approve** the item. Mayor asked for a roll call vote with Councilmembers Bruner, Reynolds, and Haverfield voting **YES** and Councilmembers Rodriguez and Jangula voting **NO**.

MOTION CARRIED

**Item #7-3 – Authorize Oakview Group to award bid and sign a construction contract with Terraco Excavation & Demo LLC for the Ford Idaho Center amphitheater floor replacement, for the not to exceed contract amount of \$334,478. (Approved in FY23 Budget) (Approved by Legal)**

Daniel Badger, Engineering responded to Council’s questions on drainage. Andrew Luther, Oakview Group responded to Council’s questions on the contract documents listing only OVG. Todd Lakey, Legal stated that an easy amendment would be adding “and/or City of Nampa” to the end of references to OVG on all documents.

**MOVED** by Bruner and **SECONDED** by Rodriguez to **Approve** the item **as amended by Legal**. Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Jangula, and Haverfield voting **YES** and Councilmember Reynolds voting **NO**.

MOTION CARRIED

**Item #7-4 – Authorize Mayor and Public Works Director to sign Task Order with J-U-B Engineers, Inc. to provide survey, design and bidding services for the asset management Zone C (Sherman Elementary) Fire Flow Upgrade project in the amount of \$108,612. (Approved in FY23 Budget)**

Daniel Badger responded to Council’s questions on the reason for Sherman Elementary being mentioned in the request and the City’s current practice of identifying and correcting deficiencies in Nampa’s water system.

**MOVED** by Rodriguez to **Approve** the item. Due to a lack of a second,

MOTION FAILED

**MOVED** by Haverfield and **SECONDED** by Reynolds to **Continue** the item to the March 20, 2023 meeting to allow staff time to provide more information on the need for the request. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

**Item #7-5 – Award bid and authorize Mayor to sign contract for the Local Children Pedestrian Safety Program Grant (Sherman Elementary Pedestrian Improvements) project with Hawkeye Builders, Inc. in the amount of \$249,538.55. (Approved in FY23 Budget)**

Daniel Badger, Engineering presented the item to Council.

**MOVED** by Haverfield and **SECONDED** by Reynolds to **Approve** the item. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

**Item #7-6 – Authorize Mayor to sign task order for attached scope of work with HDR Engineering, Inc. for the Idaho Center Boulevard and Cherry Lane Roundabout Phase 2 project construction engineering and inspection services in the amount of \$306,635.00 (T&M NTE). (Approved in FY23 Budget)**

**MOVED** by Rodriguez and **SECONDED** by Jangula to **Approve** the item. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

**Item #7-7 – Authorize Mayor to sign: (1) Rail Pros Utility Construction Observation Agreement; and (2) Rail Pros Flagging Services Agreement for the Wastewater Treatment Plant Recycled Pipeline Project. (Approved in FY23 Budget) (Approved by Legal)**

Jeff Barnes, Water responded to Council’s questions on the amount of the agreement and funding.

**MOVED** by Haverfield and **SECONDED** by Reynolds to **Approve** the item. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

**Item #7-8 – Authorize (1) Public Works submission of a Columbia River Basin Restoration Funding Assistance Program application for the Water Quality Improvement Project; and (2) Authorize Mayor to sign a letter of commitment in the amount up to \$442,560.00 to accompany the application. (Approved by Legal)**

Jeff Barnes, Water clarified that for request #1, there was a City match of \$1,770,239.00, which was inadvertently not included in the agenda title, but was included in the staff report. He also clarified for request #2, that the identified amount was an annual cost. Doug Racine, Finance spoke on the funding.

**MOVED** by Reynolds and **SECONDED** by Haverfield to **Approve** the item. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

**Item #7-9 – Authorize Mayor to sign Resolution amending the Nampa 2040 Comprehensive Plan for the City of Nampa, including amendments to Chapter 5 Land Use, Chapter 6 Transportation, Chapter 15 Specific Area Plans, inclusion of the Highway 16 Specific Area Plan, inclusion of the Highway 20/20 Specific Area Plan and the revised Future Land Use Map (CTA-00013-2022 and CMA-00054-2022). (Approved by Legal)**

**MOVED** by Bruner and **SECONDED** by Jangula to **Pass the Resolution as presented**. Mayor asked for a roll call vote with all Councilmembers present voting **YES**. Mayor declared the resolution passed, numbered it **07-2023** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #7-10 – 1<sup>st</sup> reading of ordinance rescinding Exhibit E (918 W Greenhurst Rd) from Pressurized Irrigation Annexation Ordinance 4679. (Approved by Legal)**

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO RESCINDING A PORTION OF CITY ORDINANCE NO. 4679 WHICH ANNEXED CERTAIN PROPERTIES INTO THE NAMPA MUNICIPAL IRRIGATION DISTRICT; THE PORTION OF ORDINANCE NO. 4679 HEREBY BEING RESCINDED IS EXHIBIT E ATTACHED THERETO; DETERMINING THAT THE RECISSION OF THE DESCRIBED PORTION OF SAID ORDINANCE IS IN THE BEST INTEREST OF THE PUBLIC; MODIFYING THE BOUNDARIES OF THE NAMPA MUNICIPAL IRRIGATION DISTRICT TO REFLECT THE RECISSION OF EXHIBIT E FROM SAID ORDINANCE; DIRECTING THE CITY ENGINEER TO MAKE SAID CHANGES IN THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR RECORDATION; PROVIDING FOR SEVERABILITY; PROVIDING AN EFFECTIVE DATE.

Daniel Badger, Engineering presented the item to Council and explained the background of why the address was being rescinded from Ordinance No. 4679 but then was included in the Annexation Ordinance being heard after this item.

**MOVED** by Reynolds and **SECONDED** by Haverfield to **Pass the Ordinance under suspension of rules**. Mayor asked for a roll call vote with all Councilmembers present voting **YES**. Mayor declared the ordinance duly passed, numbered it **4718** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #7-11 – 1<sup>st</sup> reading of ordinance and approval of publication of ordinance summary for the Pressurized Irrigation Annexation Ordinance annexing 918 W Greenhurst Rd, 2909 E Victory Rd, & 11127 Lake Lowell Ave from the underlying Irrigation Districts into the Municipal Irrigation District of the City of Nampa. (Approved by Legal)**

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ANNEXING A PORTION OF THE UNDERLYING IRRIGATION DISTRICT INTO THE MUNICIPAL IRRIGATION DISTRICT OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, AND CHANGING THE BOUNDARIES THEREOF; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY.

**MOVED** by Rodriguez and **SECONDED** by Reynolds to **Pass the Ordinance under suspension of rules.** Mayor asked for a roll call vote with all Councilmembers present voting **YES**. Mayor declared the ordinance duly passed, numbered it **4719** and directed the Clerk to record it as required.

MOTION CARRIED

❖ (8) Public Hearings ❖

**Item #8-1 – Vacation of a .861 acre portion of an existing utility easement at 1510 N Happy Valley Rd. (parcel #R3050400000) a 50' by 1812.16' easement described in detail in a legal description found at the Nampa Planning & Zoning office; located in the NE 1/4 of the SW 1/4 of the SW 1/4 of Section 18, T3N, R1W, BM); for Gardner Nampa Gateway LC (VAC-00059-2023). Original Concept: Vacate easement not vacated with right-of-way vacation, in preparation for future development of the area.**

Mayor opened the public hearing.

Weston Arnell, Applicant, 800 W Main St, Boise presented the request.

Rodney Ashby, Planning & Zoning presented the item to Council.

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

**MOVED** by Jangula and **SECONDED** by Reynolds to **close the public hearing.** Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

**MOVED** by Reynolds and **SECONDED** by Haverfield to **Approve** the Vacation of the 50' by 483.84' revised utility easement vacation at 1510 N Happy Valley Rd. (parcel #R3050400000) for Gardner Nampa Gateway LC (VAC-00059-2023) with the proposed findings and conditions listed in the staff report. Mayor asked for a roll call vote with all Councilmembers present voting **YES**.

MOTION CARRIED

**Item #8-2 – Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district and potential development agreement for 905 Midland Blvd (a 1.33 acre parcel #R3136000000 located in the SE ¼ of Section 17, T3N, R2W, BM, Nampa), for Blake Wolf, representing Lance & Racheal Givens (ANN-00264-2022). Original Concept: Annex for a future subdivision to 2-unit townhomes in 6 buildings - for a total of 12 units.**

Mayor opened the public hearing.

Blake Wolf, Applicant Representative, 843 W Horizon Way, Nampa presented the request.

Parker Bodily, Planning & Zoning presented the item to Council. Rodney Ashby, Planning & Zoning responded to Council's questions on guest parking for townhomes. Daniel Badger, Engineering responded to Council's questions on driveway location, traffic impact study criteria, right of way, and parking on one side of the street.

Doris Phillips, 220 S Ivy St, Nampa spoke on the development's only access point being off of Midland, which was already a busy road.

Abby Haines, 1108 W Dell Ct, Nampa spoke on concerns with the buildings' heights as her property backs up to the west side of the development. She also voiced concern with parking.

**MOVED** by Reynolds and **SECONDED** by Jangula to **close the public hearing**. Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Significant discussion ensued between Council and staff regarding guest parking vs open common space.

**MOVED** by Jangula and **SECONDED** by Rodriguez to **Approve** the Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district for 905 Midland Blvd for Blake Wolf, representing Lance & Racheal Givens (ANN-00264-2022) with all conditions listed in the staff report and to adopt the proposed findings of approval as stated in the staff report **and to include the following conditions: (1) Fencing to be compatible with existing fencing and be provided for each unit; (2) Buildings located on the west side of the development to be single storied; (3) Remove existing condition 5.b; (4) Provide extra guest parking for the total additional guest parking to be 6 parking spaces; and (5) Developer to submit proposed CC&Rs to City staff in order to maintain consistent quality and character with the surrounding neighborhood.** Mayor asked for a roll call vote with Councilmembers Rodriguez, Bruner, Jangula, and Reynolds voting **YES** and Councilmember Haverfield voting **NO**.

MOTION CARRIED

**Item #8-3 – Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district and potential development agreement for 0, 0, & 1121 Southside Blvd (Parcels #R3230700000, R3230800000, R3230701000, totaling 3.39 acres and located in the NE ¼ of Section 35, T3N, R2W, BM, Nampa), for Centurion Engineers, representing Francis Pearce (ANN-00259-2022). Original Concept: Annex all three parcels for a subdivision to be applied for at a future date.**

Councilmember Rodriguez disclosed that the applicant used to be his brother-in-law 25 years ago, hadn't seen him in that amount of time and was not beholden to him and, therefore, there was no conflict of interest.

Mayor opened the public hearing.

Tom Maile, Applicant Representative, 885 W Rush, Eagle presented the request.

Kristi Watkins, Planning & Zoning presented the item to Council.

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

**MOVED** by Reynolds and **SECONDED** by Jangula to **close the public hearing**. Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

**MOVED** by Bruner and **SECONDED** by Reynolds to **Approve** the Annexation and Zoning to RD (Two-Family Residential - Duplex) zoning district for 0, 0, & 1121 Southside Blvd for Centurion Engineers, representing Francis Pearce (ANN-00259-2022) **and include a new condition requiring 2.5 parking spaces per dwelling unit.** Mayor asked for a roll call vote with all Councilmembers present voting **YES.**

MOTION CARRIED

**Item #8-4 – Confirm Assessment Roll for Local Improvement District No. 160 for the Purpose of Construction Concrete Curbs, Gutters, Sidewalks, Pedestrian Ramps, Drive Approaches, and Street Improvements in Zone B.**

Mayor opened the public hearing.

Daniel Badger, Engineering, presented the item to Council.

Taylor Thomas, 512 9<sup>th</sup> Ave S, Nampa and Brian Hudson, 508 9<sup>th</sup> Ave S both stated that when they purchased their homes, it had not been disclosed that the previous home owners had agreed to participating in LID #160 and that there had been an assessment placed on the property.

Discussion ensued on past practices vs current process for when the property is re-sold and there is an assessment pending.

**MOVED** by Jangula and **SECONDED** by Rodriguez to **close the public hearing.** Mayor asked for a voice vote with all Councilmembers present voting **YES.**

MOTION CARRIED

**MOVED** by Rodriguez and **SECONDED** by Jangula to **Approve the Assessment Roll for Local Improvement District No. 160 for the 9 property owners that owned their properties at the time the LID was created and work was performed and direct staff to use the Street Department LID Funds to cover the remainder of the assessment.** Mayor asked for a roll call vote with all Councilmembers present voting **YES.**

MOTION CARRIED

*Clerk's Note: Mayor announced that Council would now return to the regular agenda order, starting with Item #7-2.*

❖ (9) Unfinished Business ❖

**Item #9-1 – 1<sup>st</sup> reading of ordinance for the Vacation of a .176 Acre (7,687 sq. ft.) portion of an existing water line easement as recorded September 21, 2009, under Inst.# 2009047968 at 1232 & 1250 N Galleria Rd. (parcels #R3049800000 & R3049801100) a 20' by approximately 309', and 20' by 75' easement described in detail in a legal description found at the Nampa Planning & Zoning office; located in the NE 1/4 of the SW 1/4 of Section 18, T3N, R1W, BM); for Gardner Nampa Gateway LC (VAC-00058-2023). Original concept: Vacate a portion of easement without a waterline currently located in that easement, in preparation for future development of the area. (PH was 02-21-2023) (Approved by Legal)**

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

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, VACATING AN APPROXIMATELY .176 ACRE (7,687 SQ. FT.) CONSISTING OF AN APPROXIMATELY 20' X 309' AND 20' X 75' PORTION OF A WATER LINE EASEMENT (RECORDED AS CANYON COUNTY INSTRUMENT #2009047968) LOCATED ON THE PROPERTY GENERALLY DESCRIBED AS 1232 & 1250 N. GALLERIA ROAD (COUNTY PARCELS #R3049800000 & R3049801100) LOCATED IN THE NE ¼ OF THE SW ¼ OF SECTION 18, T3N, R1W, BM), MORE PARTICULARLY DESCRIBED BELOW, IN NAMPA, CANYON COUNTY, IDAHO, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP AND OTHER APPLICABLE MAPS ACCORDINGLY; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF IN CONFLICT HEREWITH.

**MOVED** by Reynolds and **SECONDED** by Jangula to **Pass the Ordinance under suspension of rules.** Mayor asked for a roll call vote with all Councilmembers present voting **YES.** Mayor declared the ordinance duly passed, numbered it **4720** and directed the Clerk to record it as required.

MOTION CARRIED

**Item #9-2 – 1<sup>st</sup> reading of ordinance and approval of publication of ordinance summary amending Nampa City Code Title 9 (Public Ways and Property), Chapter 3 (Improvements within Right-Of-Way). (Approved by Legal)**

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

AN ORDINANCE OF THE CITY OF NAMPA, IDAHO AMENDING TITLE 9, CHAPTER 3 OF THE NAMPA CITY CODE; THIS ORDINANCE AMENDS TITLE 9 PUBLIC WAYS AND PROPERTY, CHAPTER 3 IMPROVEMENTS WITHIN RIGHT-OF-WAY; PROVIDING FOR SEVERABILITY; PROVIDING FOR A SAVINGS CLAUSE; ALLOWING FOR A SUMMARY OF THIS ORDINANCE TO BE PUBLISHED; PROVIDING FOR AN EFFECTIVE DATE; AND REPEALING ALL ORDINANCES, RULES AND REGULATIONS, AND PARTS THEREOF, IN CONFLICT HEREWITH.

**MOVED** by Reynolds and **SECONDED** by Haverfield to **Pass the Ordinance under suspension of rules.** Mayor asked for a roll call vote with all Councilmembers present voting **YES.** Mayor declared the ordinance duly passed, numbered it **4721** and directed the Clerk to record it as required.

MOTION CARRIED

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

- 10-1. Zoning Map Amendment from BC (Community Business) to RS6 (Single Family Residential 6,000 sq. ft.) and Modification of Development Agreement Ordinance #3561 rescinding the conditions for a commercial building to match nearby architectural facades, building orientation, limiting impact of commercial lighting and fencing to the neighborhood, specifying commercial signage, landscaping, etc. for a commercial building at 904 7th Ave N (a .58 acre portion of land in the Sylvan Heights Subdivision in the NE 1/4 of Section 22, Township 3 North, Range 2 West, Boise Meridian, Nampa, Canyon County, Idaho) for James K. Hagen representing Zechariah P. Dean (ZMA 125-20, DAMO 038-20) (**PH was 12-07-2020**) (with City Attorney for ordinance and DA)
- 10-2. Zoning Map Amendment from RS6 (Single Family Residential 6,000 sf) to RP (Residential Professional) zoning district; and potential development agreement, at 3 N Midland Blvd. - Parcel # R1613101000; (a .45 acre parcel located in the SE 1/4 of Section 20, T3N, R2W, BM) for Ronald J Pierce (ZMA 159-21). Original Concept: to allow the conversion of an existing home into a three- bedroom apartment upstairs and two office spaces downstairs (**PH was 02-22-2022**)

- 10-3. Annexation and Zoning to IL (Light Industrial) zoning district and potential development agreement; at 0 & 16989 Madison Rd, (parcels #R3100900000 & R3104700000) totaling 21.09 acres and located in the N 1/2 of Section 10, T3N, R2W, BM) for William Juarez representing Jim Cox (ANN-00227-2021). Original Concept: A partially completed office industrial building at 16989 Madison and construction of a 4,800 sf shop with 3 overhead doors, an office, restroom, utility room and storage on the property addressed as 0 Madison Rd. **(PH was 04-18-2022)**
- 10-4. Zoning Map Amendment from BC (Community Business) to IL (Light Industrial) zoning district and potential development agreement at 2912 Caldwell Blvd (Parcel # R2046900000); a 35.88 acre parcel (located in the NE 1/4 of Section 7, T3N, R2W, BM) for Jeff Bower/Givens Pursley LLP representing Black Creek Ltd. Partnership & Pleasant Valley Ltd Partnership (ZMA-00167-2022). Original Concept: Development of a Class A industrial business park with two buildings totaling approximately 670,000 SF. **(PH was 08-01-2022)**
- 10-5. Annexation and Zoning to RS6 (Single-Family Residential 6,000 sf) and RD (Two-Family Residential) zoning districts, potential development agreement, and Subdivision Preliminary Plat for Seven Maples Ranch Subdivision at 3000 Southside Boulevard, 0, 3204, and 3303 E Oklahoma Avenue (parcel #R2115700000, R2115600000, R2115800000, R2909300000, & R2115601000) totaling 43.05 acres in the SW ¼ of Section 01, T2N, R2W, BM, Canyon County), for Gem State Planning representing Charles Kunerth/Corey Barton (ANN-00252-2022 & SPP-00113-2022). Original Concept: 53 single-family attached townhouse dwelling units, 1 existing single-family detached home, 125 new single-family detached dwelling units, 8 common lots, and 20 qualified open space lots. **(PH was 10-17-2022)**
- 10-6. Development Agreement Modification (Ord. 4582 - July 27, 2021) to specify land uses permitted in the IP (Industrial Professional) zoning district at date of this application, excepting those prohibited in the existing Development Agreement, for the Fuller 84 Business Park addressed as 5350 & 5300 E Franklin Rd (parcels #R3040600000 & R3040601300) totaling 61.62 acres (located in the SE 1/4 of Section 7, T3N, R1W, BM) for Givens Pursley LLP representing RE II Industrial V LLC and RE II Industrial VII LLC (DAMO-00057-2022). **(PH was 12-19-2022)**
- 10-7. Annexation and Zoning to IL (Light Industrial) zoning district and potential development agreement for four parcels totaling 35.86 acres addressed as 0 Ustick Rd (parcels #R3436101000, R3436101100, R3436101200, & R3436301000, located in the SW ¼ of Section 33, T4N, R2W, BM), for River Range Idaho LLC representing Dana

Devlin and Hilda Devlin (ANN-00254-2022). Original Concept: Future industrial development. (PH was 01-17-2023)

10-8. Expansion of the Nampa Area of City Impact, amending Section 10-30-3 of the Nampa City Code and adopting the revised Area of City Impact Geographic Area Map. (PH was 02-06-2023) (Pending Canyon County Board of Commissioners' approval)

10-9. Annexation and Zoning to RD Townhouse (Residential Duplex) zoning district, potential development agreement, and Subdivision Preliminary Plat for Lady Bird Landing Subdivision at 3809 & 0 Greenhurst Rd (Parcels #R2909800000 & R909701200, totaling 3.333 acres in the NW ¼ of Section 1, T2N, R2W, BM), for Adam and Canada Bayne (ANN-00260-2022 & SPP-00118-2022). Revised Concept: 25 townhouse units in 9 buildings, 1 private shared road, and 6 common lots. (PH was 02-21-2023)

❖ (11) Executive Session ❖

Item #11-1 – None

**MOVED** by Reynolds and **SECONDED** by Jangula to **Adjourn the meeting** at 8:35 p.m. Mayor asked for a voice vote with all Councilmembers present voting **YES**.

MOTION CARRIED

Passed this 20th day of March 2023.

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MAYOR

ATTEST:

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NAMPA CITY CLERK

Opposition for the proposed  
*Kum & Go*  
Gas Station/Food Mart  
in our neighborhood

Prepared by the  
**Greenhurst-Midland Action Committee (GMAC)**

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## Summary

The Summit Ridge Homeowners Association and neighboring communities and subdivisions have joined to assess the effects of the hypermart (large combination convenience store with sit down space and numerous fueling stations) proposed for a site abutting the 239 homes in the Summit Ridge community. After reading numerous studies by government agencies and real estate experts, the Greenhurst Midland Action Committee (GMAC) has serious concerns including the following:

1. Exposure to known carcinogens, such as Benzene (a chemical in gasoline) to those living in the numerous homes which are near the fueling station.
2. Jeopardizing the economic viability of the two close-by neighborhood gas stations.
3. The undeniable negative impact on property values because of their proximity to a gas station.
4. The increased likelihood of crime in our neighborhood due to the presence of a gas station and a convenience store

GMAC believes that it was a poor decision to allow a gas station to be built at the proposed location and hereby requests that the City of Nampa rescind its decision to allow Kum & Go’s proposed business location. We believe our local zoning ordinance lacks safeguards to protect our neighborhood. We request that the City of Nampa consider an amendment and not allow Kum & Go to be built in this location. If the proposal has already been submitted, we request the City of Nampa consider putting these applications on hold while local officials study the best way to move forward.

GMAC also advises that disclosure be followed by the City of Nampa, since it seems that none of the Summit Ridge neighborhood or adjacent subdivision occupants were advised prior to the purchase of their houses that a gas station was a potential neighbor. In fact, many of the realtors who represented homebuyers in Summit Ridge were unaware that a gas station was even a possibility; they believed it would be a dental office or other non-controversial enterprises. In addition, representatives of the developer told us that whatever was constructed there would be "something like a dentist office" or "suitable for the neighborhood." As shown in the listing later in this report.

Several people relied on this information to proceed with their purchase and would not have done so had they known a fuel station was included. Clearly the residents were misled and kept in the dark, and many millions of dollars were spent purchasing properties that would not have otherwise been purchased. And it appears that at no stage of this process was the interests of the local residents taken into account by either the developers or the City of Nampa. This report lays out in further detail our concerns.

## What is the Greenhurst-Midland Action Committee (GMAC)?

We are a coalition of neighborhoods in support of smart and healthy growth in SW Nampa that benefits its residents. We support growth in the right way!

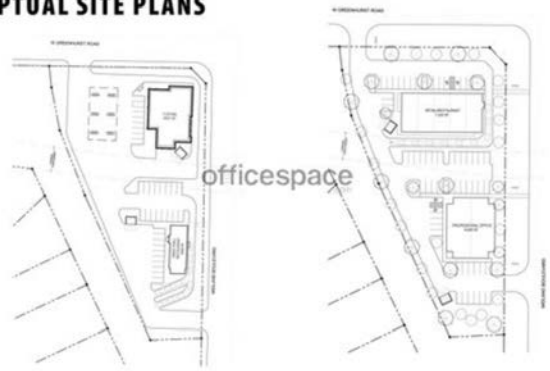
# Project Details

The parcel on the SW corner of Greenhurst & Midland is zoned “BC” (annexed as Business Commercial in 2019). The land was sold from M3 Developers to Ball Ventures in Aug 2022. At that time, conceptual plans of a 2-space office site, including a dentist’s office, were included in the listing. The recommendations from the COMPASS report from 2019 approve a commercial use that promotes walkability and bike-ability.



SWC Greenhurst & Midland: SWC Greenhurst & Midland, Nampa, ID 83686

## CONCEPTUAL SITE PLANS



SWC Greenhurst & Midland: SWC Greenhurst & Midland, Nampa, ID 83686

<https://www.officespace.com/id/nampa/2216440-swc-greenhurst-midland>

Since then, the Kum & Go gas station enterprise from Iowa has claimed the land in its effort to enter the Boise market along with dozens of other locations in the Treasure Valley.

As of 2/26/2023, Schlag, Mark [Mark.Schlag@colliers.com](mailto:Mark.Schlag@colliers.com), a Retail & Investment Associate of Colliers, confirmed a portion (.87 acres) of the parcel is now under contract to be sold to Kum & Go. A remaining portion of the land (1.57 acres) is currently for sale. We understand that permits may be filed after closing, and then construction can begin. Since another hearing is unnecessary and gas stations default as approved businesses under BC, we are trying to get in front of the Planning and Zoning Committee to request reconsideration



The white car represents

The gas station location

While the photo is being taken at the bottom of the hill against the backyards of homes in Summit Ridge.



The gas station would be located at a 30 ft higher elevation than the homes below it.



These photos are being taken at the top of the hill where the gas station would be.

## Proposed Location with a 500 ft radius



## Who is Kum & Go?

Kum & Go is a convenience store chain primarily located in the Midwestern United States. The company, started by William A. Krause and Tony S. Gentle, based in Des Moines, Iowa, operates 400 stores in 13 states—primarily in its home state of Iowa. Other states include Arkansas, Colorado, Michigan, Minnesota, Missouri, Montana, Nebraska, North Dakota, Oklahoma, South Dakota, Utah, and Wyoming. Kum & Go was ranked as the 24th-largest convenience store chain in the United States by Convenience Store News in 2019. In 2022, Kum & Go announced the company would be opening 20 to 25 stores in the Boise metropolitan area in the coming years. (Wikipedia, 2023)

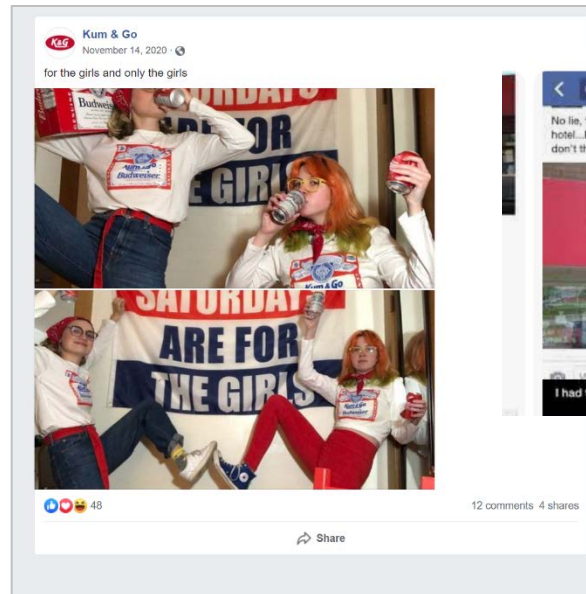
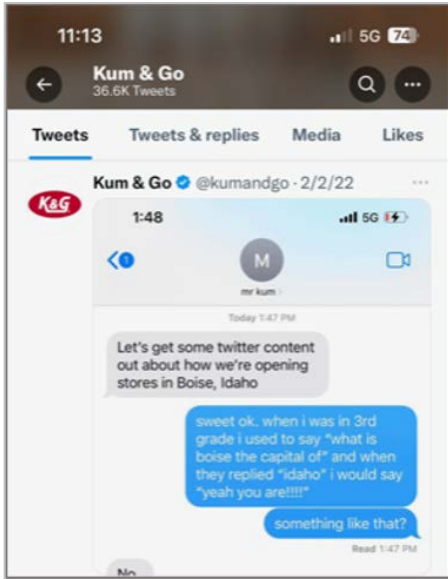
Kum & Go claims to be an asset to the communities they are in. In their own words,

*“We strive to be good neighbors in our towns and cities by providing charitable gifts and volunteering time and talent to non-profit organizations that make our communities better places in which to live. We support programs that make lasting impacts in arts & culture, youth education, and community betterment. Kum & Go is proud to give back 10% to communities we serve through grants, sponsorships, and in-kind support.”*

Of course, any company wanting to put unpopular (or unsafe) businesses in a community will come to the city with some benefits for the community. The question is, do their benefits outweigh the risks? We believe in this case the clear answer is, no and for multiple reasons delineated herein.

# Offensive Social Media Presence and Marketing





## Kum & Go Social Media Video Examples

- <https://www.instagram.com/p/Cm98v3mI1GD/>
- <https://www.instagram.com/p/Cc8wnPVAEcX/>
- <https://www.instagram.com/p/CgKjwsFAXAQ/>
- <https://www.instagram.com/p/CnX3sk1Ij5K/>
- <https://www.instagram.com/p/Co-bRQtgN09/>

## Community Impacts

### Community Character

A business with the name "Kum & Go" is extravagant. A simple web search will reveal offensive double meanings associated with their name. Such a presence as displayed above would be out of place in this affluent family neighborhood in Nampa, located right across from a church.

The proposed location has no other businesses nearby (within walking distance) and would not be ideal for a gas station since its traffic and continuous operation hours would disturb and upset the otherwise peaceful area. Most homeowners can testify that the main reason they bought in this area is because of the low crime, low traffic/quiet neighborhood, views of Bogus Basin and the high market value. A gas station would impact all of these area highlights.

The Community Planning Association of southwest Idaho conducted a report and in their report from 2019 approves the recommendation for business use to promote walkability and bike-ability in this community. No one has ever said, "It's such a pretty day, let's take our bikes to the gas station."

2019 COMPASS report <https://www.cityofnampa.us/1499/Midland-Boulevard-Corridor-Study>

A gas station with a convenience store is not just another business that appears on a list of acceptable businesses. Not for this location. The data is clear. There are environmental and safety issues that cannot be ignored.

## Effects on existing business'

According to market research, most consumers reside within 1.5 miles of the gas station where they purchase gas.

The following 7 fuel stations already exist within a 1.5 mile radius of the proposed location.

1. Chevron - 1520 S. Middleton Rd..
2. Chevron – 111 S Midland Blvd.
3. Chevron – 404 12<sup>th</sup> Ave Rd.
4. Marathon – 9031 Lake Shore Dr.
5. Maverik – 723 12<sup>th</sup> Ave Rd.
6. Sinclair – 524 12<sup>th</sup> Ave Rd.
7. Sinclair – 2400 12<sup>th</sup> Ave Rd.

What effect will this new fuel station have on the existing fuel stations in the area? The new gas station will affect locally owned businesses, primarily the gas stations in close proximity. For example, the Chevron on Midland and Roosevelt is owned and operated by John Jackson of Jacksons Food Stores. A locally owned private business started in Caldwell in 1975 and is now headquartered in Meridian. <http://www.jacksonsfoodstores.com/about>

Kum & Go is a chain from the Midwest. Based in Des Moines, Iowa. They currently have 400 stores in 11 states and are looking to expand in the Boise market area. Can we not promote business ownership from within Idaho?

## Market Analysis

Hypermarts, Supermarkets, and Big-Box Stores: Hypermarts are big, combined convenience shops with sit-down area and several fueling stations that are becoming more frequent. Regional or national chain hypermarts, supermarkets, and big-box retailers may purchase and sell gas for less than conventional, locally-owned gas stations. When one of these huge competitors starts, one or more of these older enterprises generally go out of business.

A lot of studies have demonstrated that local economies are better off with locally held enterprises compared to those which are part of national chain. According to this research, 48% of each purchase made at a locally owned firm circulates through the local economy, compared to less than 14% of sales made at national chain shops.

According to the research below, hypermarts may compel current petrol stations to cut their pricing, causing them to go out of business.

According to research done in the Tucson, AZ region, if a gas station is placed within 0.5 road miles of a hypermart, the station's price is reduced by around 2.1 cents, and if it is located between 0.5 and 1.5 miles, the price is reduced by 1.2 cents.

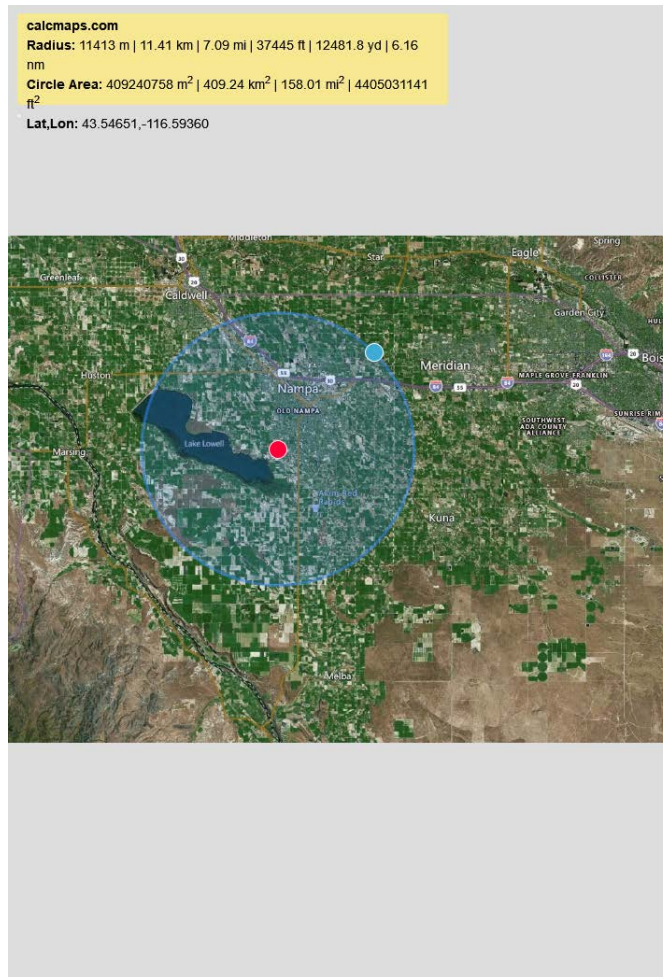
This impact of a hypermart is far bigger than the effect of a typical gas station in the vicinity.

Researchers discovered that hypermarkets in the Nashville, TN area do, in fact, exert statistically and economically substantial downward pressure on surrounding gas station pricing. The size of the price effect suggests that the entry of a hypermarket into a local market will slash a typical gas station's earnings in half. The results support previous findings that big, low-cost enterprises have a significant influence on smaller rivals.

It is difficult to adapt abandoned gas station sites to new usage. Meanwhile, they decay, making the region seem decrepit and diminishing property value. (CEDS, unknown)

### **Summit Ridge Kum & Go 1.5 Mile Market Analysis**

- A. The proposed Hypermarket is located in Canyon County, ID.
- B. The U.S. Census Bureau estimated a 2020 population of 231,105 people for Canyon County.
- C. According to the U.S. Census Bureau Business Patterns database, there were 57 gas stations (4-digit NAICS "4471" for gas stations) in Canyon County as of 2020.
- D. Based on these figures a population of 4,054 is needed to support one gas station in Canyon County ( $231,105 \text{ people} \div 57 \text{ gas stations} = 4,054 \text{ people/station}$ ).
- E. Market analysis experts believe that most customers live within 1.5 miles of the station where they buy gas.
- F. Several data sources indicate that there are 7 gas stations within 1.5 miles of the proposed hypermarket site.
- G. To accommodate an eighth station a population of ( $8 \times 4,054$ ) or 32,432 people would need to exist within the 1.5-mile market area.
- H. With a 2020 Census population of 100,200 and an area of 31.19 square miles, the City of Nampa has a population density of 3,213 persons per square mile ( $100,200 \div 31.19 \text{ sq mi} = 3,213 \text{ people/sq mi}$ ).
- I. A circle with a 1.5-mile radius from the Hypermarket site would encompass an area of 7.1 square miles which would have a population of 22,812 people ( $7.1 \text{ sq mi} \times 3,213 \text{ people/sq mi} = 22,812$ ).
- J. As stated above, a minimum population of 32,432 residents must exist within the market area to support another gas station. Since the actual population within this area is only 22,812 residents a need does **NOT** exist for another gas station. In fact, this data may indicate the 1.5-mile market area is already over-saturated with gas stations.
  - a. Furthermore, the site location is surrounded by undevelopable land which will prevent the same percentage of projected growth that other areas of Nampa can withstand. The Wilson Creek Wetlands (ponds and miles of springs), Lake Lowell and Deer Flat Wildlife Refuge (encompasses over 10,500 acres), the Deer Flat Ranch privately owned fields, Rambo Sand & Gravel Inc. (rock quarry abutting Summit Ridge and Deer Flat Wildlife Refuge) and several farming lands within the 7.1-mile radius from the proposed site.



## Property Value Impacts

There are certain things that discriminating home buyers avoid when looking for a new home. And, “everyone” knows gas stations is one of the things to avoid. This is evident by the large and growing anger over the idea of putting *another* gas station in our community, and so close to a new development with surrounding homes in the higher market value area. In fact, when surveying local affected residents most chose this area because it was quiet and away from any commercial development with scenic views of Shafer Butte, Bogus Basin and the Boise Front.

According to [Houselogic.com](https://www.houselogic.com/real-estate/insights/a00461011-gas-stations-are-the-2nd-highest-reason-for-decrease-in-property-values), gas stations with convenience stores are the 2<sup>nd</sup> highest reason for decrease in property values. People will be continuously driving in and out of an already busy intersection, hanging out at the property which sells alcohol. Although handy, these stores do nothing to help property values and can even hurt them significantly.

## Road Damage

An off-quoted federal study once found that road damage from one 18-wheeler is equivalent to the impact of 9,600 cars. A fully loaded tractor-trailer weighs 80,000 pounds, 20 times more than a typical passenger car at 4,000 pounds, but the wear and tear caused by the truck is exponentially greater.

[One analysis](#) contends freight-hauling trucks cause 99 percent of wear-and-tear on US roads, but only pay for 35 percent of the maintenance.

Big trucks take a toll even on interstate highways designed to handle heavy loads, but the far bigger damage comes to state and local roads that aren’t designed for the massive impact of 80,000-pound trucks. One study estimated the average traffic by large trucks on non-arterial rural roads in the U.S. increased 16 percent from 2000 to 2012.

## Kiosk Technology eliminates local job growth

Kum & Go launches the Elo & Bite technology for their self-ordering food kiosks. These solutions eliminate job opportunities in our neighborhood. It may add value to Kum & Go but how does it benefit our neighborhood?

<https://www.youtube.com/watch?v=M3V6HZDjZnA>

### [Helpful Links](#)

## Health Impacts

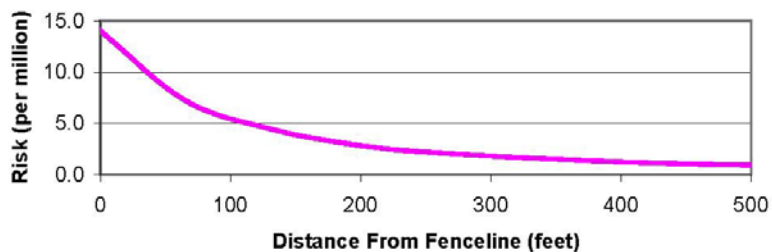
### Air Quality and Health Effects

It is a well-established fact that Benzene is a highly toxic carcinogen. The end of this report contains several references from government and other highly respected entities such as the EPA the CDC, the California Air Resources Board, Columbia University, and others. And, since gasoline contains Benzene, the health risks associated with gas stations are undeniable. Of course, any company in the gas station business is going to attempt to use the most economically feasible construction methods possible in their gas stations and storage tanks. In addition, every state has strict regulations for gas stations. An yet, in the US there is a backlog of 130,000 Underground storage tank (UST) cleanups and 9,000 new leaks are discovered annually. How can this be for such a heavily regulated industry? Because benzene is very difficult to contain, no system is perfect and mistakes and reckless behavior happen.

The studies documenting the adverse effects of gas station emissions on health are summarized in the portion of the CEDS Convenience Stores & Gas Stations webpage at: <https://ceds.org/gas-stations-convenience-stores/#health>.

One well documented study comes from the California Air Resources Board (ARB) *Air Quality and Land Use Handbook*. Health effects range from nausea to cancer. The cancer risk posed by gas station emissions stem from benzene and other compounds released to the atmosphere in the day-to-day operation of a gas station.

**Figure 1-6**  
**Gasoline Dispensing Facility Health Risk**  
**for 3,600,000 gal/yr throughput**



The California ARB Handbook graph to the right indicates that adverse effects extend out at least 500 feet from a fuel station, and there are studies that claim further distances. The Handbook describes those most vulnerable to adverse health effects and sensitive land uses as:

*“Sensitive individuals refer to those segments of the population most susceptible to poor air quality (i.e., children, the elderly, and those with pre-existing serious health problems affected by air quality). Land uses where sensitive individuals are most likely to spend time include schools and schoolyards, parks and playgrounds, daycare centers, nursing homes, hospitals, and residential communities (sensitive sites or sensitive land uses).”*

Please refer to the end of this report for other studies

The Summit Ridge common area surrounding the backyards abutting to the BC site is landscaped in grass and frequently played on by children in the winter with sleds and the other season with balls, etc. This area will be greatly impacted by the negative health effects of porous land soaked in benzene, and parents will no longer feel safe sending their children to play here. One directly affected resident below the site commented, “This winter, when it snowed, seeing kids sledding down that hill was pure joy. I can’t imagine what this will do to our property values as well. I moved to this location after I lost my husband and did so because it felt safe and secure & that will all be lost with a gas station & people drifting in & out.”

### [Helpful Links](#)

## Action Committee Requests

**GMAC requests that the city retain an expert to address the health threat posed by the proposed fuel station to area residents. If such a fuel station is built, we want a strategic plan from the developer and Kum and Go ownership on how they plan to mitigate the risks to our neighborhood.**

## Safety Impacts

### Underground Storage Tank failure and its impacts

As of September 2022, 568,981 releases were confirmed from UST systems

According to EPA.gov, Jan 19, 2023, Leaks, spills, and overfills from UST systems have caused releases. These releases can threaten human safety, health, and the environment when UST systems contain hazardous and toxic chemicals. Fumes and vapors can travel beneath the ground and collect in areas such as basements where they can pose a serious threat of explosion, fire, asphyxiation, or other adverse health effects.

Gasoline leaking from service stations is one of the most common sources of groundwater pollution. Because approximately one-half of the population of the United States relies on groundwater as their source of drinking water, groundwater pollution is a serious problem. Many municipal and private wells have been shut down due to contamination caused by releases from UST systems.

UST Universe – Petroleum and Hazardous Substance UST Systems for End-of-Year FY 2022  
(Culmulative through September 30, 2022)

Region	State	Number of Active Petroleum UST Systems	Number of Closed Petroleum UST Systems	Number of Active Hazardous Substance UST Systems	Number of Closed Hazardous Substance UST Systems	Total Active UST Systems	Total Closed UST Systems
8	CO	6,920	26,015	9	308	6,929	26,323
	MT	2,553	11,694	5	96	2,558	11,790
	ND	2,210	7,855	0	41	2,210	7,896
	SD	3,001	7,374	38	482	3,039	7,856
	UT	3,596	14,491	0	101	3,596	14,592
	WY	1,576	8,700	6	23	1,582	8,723
<b>Region 8 Subtotal</b>		<b>19,856</b>	<b>76,129</b>	<b>58</b>	<b>1,051</b>	<b>19,914</b>	<b>77,180</b>
9	AS	3	65	0	0	3	65
	AZ	5,675	23,749	6	94	5,681	23,843
	CA <sup>1</sup>	37,187	136,937	502	22,135	37,689	159,072
	CNMI	58	78	0	0	58	78
	GU	241	507	2	0	243	507
	HI	1,318	5,752	0	21	1,318	5,773
	NV	3,970	8,049	14	29	3,984	8,078
<b>Region 9 Subtotal</b>		<b>48,452</b>	<b>175,137</b>	<b>524</b>	<b>22,279</b>	<b>48,976</b>	<b>197,416</b>
10	AK	865	6,975	1	19	866	6,994
	ID	2,993	11,667	6	35	2,999	11,702
	OR <sup>1</sup>	5,382	27,323	8	155	5,390	27,478
	WA	9,802	38,280	7	631	9,809	38,911
<b>Region 10 Subtotal</b>		<b>19,042</b>	<b>84,245</b>	<b>22</b>	<b>840</b>	<b>19,064</b>	<b>85,085</b>

Because of the high traffic volume and refueling, convenience stores with gas pumps can severely threaten ground and surface waters. [One study](#) found that contaminant levels in convenience store-gas station runoff were 5- to 30-times higher when compared to residential runoff. These findings have prompted the USEPA and a number of states to list vehicle fueling locations as [stormwater hotspots](#).

Fuel storage tanks and pipelines pose another source of contamination, though the design of both has improved dramatically over the past couple of decades. Spillage at the pump is a more likely source of fuel release into nearby waterways. [Johns Hopkins University researchers](#) found that an average of 40 gallons of gasoline is spilled annually at the pumps of a typical gas station. The JHU researchers also found that a significant portion of the spilled gasoline can migrate through the concrete pads at many fueling stations.

[One review of scientific studies](#) indicated that a gasoline plume can travel up to 400 feet underground. Add another 100 feet for installing grout curtains or other containment measures and gas dispensers should be no closer than 500 feet to a well, wetland, spring, stream, river, pond, lake, reservoir or tidal waters. Note that there is a water collection area directly below the subject property.

Underground gasoline storage tanks are a known problem. Many lawsuits have been filed against oil firms in communities across the country by people whose soil and groundwater were fouled by a gas station's leaking underground storage tank (UST).

According to a Sierra Club analysis, leaky USTs pose a serious hazard to America's groundwater. USTs are used by gas stations and other organizations to store vast amounts of hazardous material, such as gasoline, which contains harmful compounds such as benzene, toluene, and heavy metals that may cause cancer and impair growing children. When their walls deteriorate, USTs pose a hazard to communities by discreetly seeping contaminants into our drinking water sources.

Chemicals in USTs may rapidly permeate the soil and harm groundwater. One gallon of gasoline may pollute a million gallons of water. A single pinprick hole in a UST may leak 400 gallons of gasoline each year. (Club, unknown)

Michelle Marcus investigated the health effects of leaky underground storage tanks that leaked chemicals into the land and groundwater. Around 60% of all underground storage tanks (USTs) have had at least one leak, and rehabilitation costs more than \$1 billion each year in state and federal funding. "I knew it was a subject I wanted to tackle when I saw there was no research on the health impacts of leaky USTs," she stated in an email to the American Economic Association (AEA). One of the most prevalent forms of groundwater pollution is leaking underground storage tanks, such as those found at petrol stations. Toxic vapors that rise through soil and concentrate in confined locations, such as basements or sewage systems, may also have an impact on health. Rural places are particularly vulnerable. People often reside outside of the service area or are serviced by local community water systems that lack pollutant detection technologies. (Fleisher, 2021)

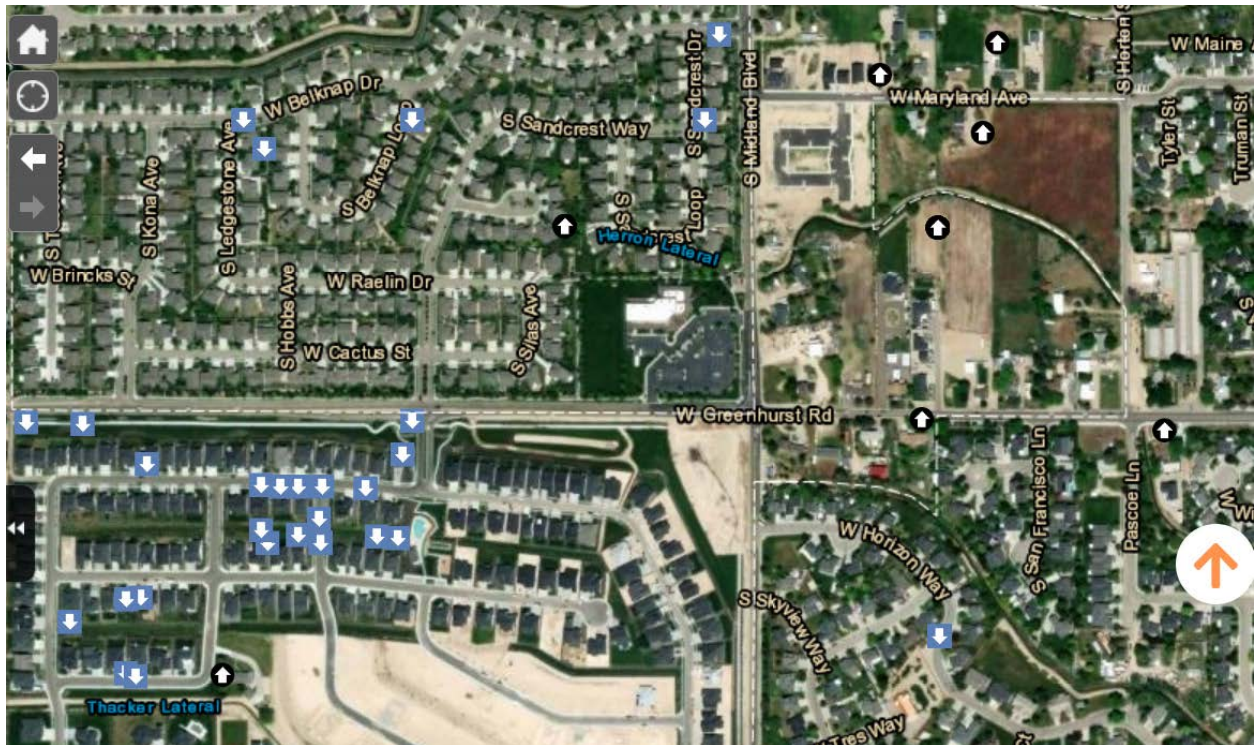
Wells provide Idahoans with ground water for their drinking water and household and irrigation water needs. A private (domestic) well supplies water to one a few houses while a public water system supply well provides water to several houses, a community, or a business or school and is operated by an entity. There are approximately 2,000 public drinking water systems in Idaho serving approximately 1.3 million citizens.

Whether you use a private well or are connected to a public drinking water system, the water that flows from your tap is likely ground water. If your water is from a public system, you rely on your water provider to ensure your water is safe to drink. Public water systems are regulated by the Safe Drinking Water Act. However, if you use a private well, these wells are not regulated under the Safe Drinking Water Act and well owners are responsible for ensuring their water is safe. Since both public and private wells are drilled into ground water, the same contaminants that are present in ground water, such as nitrate and arsenic, can be also present in well water.

Underground injection wells, where water and/or other substances are injected into the Earth, are used for a wide variety of purposes. The U.S. Environmental Protection Agency (EPA) regulates around 850,000 underground injection wells through its [Underground Injection Control program](#) under the [Safe Drinking Water Act](#).

The arrows in blue background represent Injection Wells

The arrows in black background represent Private Wells



<https://idwr.idaho.gov/wells/find-a-well-map/>

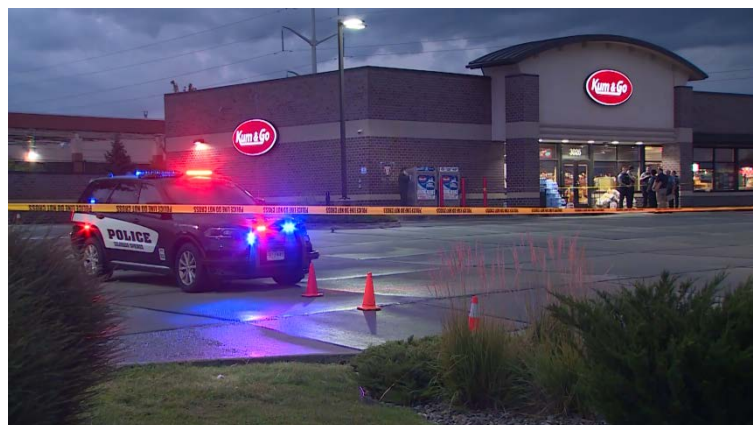
Kum & Go claims that their “gas is safe”. We invite Kum & Go to have experts from the EPA, DHHS, or the CDC testify to the validity of this claim based on the evidence given by Kum & Go. The proposed site is higher in elevation than the residences within a 500-foot radius. The GMAC has asked experts to comment on the proposed storage site for this UST. What safeguards will be in place to assist in the prevention of UST failures?

### [Helpful Links](#)

## Crime

According to CPS Daily News, Sept 27, 2021. Convenience stores are the 4<sup>th</sup> most common location for violent crime. While gas stations take 7<sup>th</sup> place according to 2020 FBI crime statistics.

The data shows that of 675,715 violent crimes represented by National Incident-Based Reporting System (NIBRS) data, 20,108 incidents occurred at c-stores in 2020, and 11,795 occurred at a gas station.



These statistics make convenience-stores and gas stations the fourth and seventh most common locations for violent crime, respectively. The agency breaks down the statistics by reported instances of homicide, rape, robbery, aggravated assault and property crime, which includes arson, burglary, larceny-theft and motor vehicle theft.

In fact, Kum & Go experienced such a high volume of law enforcement video requests, gift card phone scams and fuel related issues that they had to adopt the use of a loss prevention and safety management software platform. They

claim one of the most “common and time-consuming task involved fulfilling video surveillance requests for law enforcement, which could be a significant number at any one time”. (ThinkLP, unknown)

According to Brandon Gaille, a small business and marketing advice columnist, owning a gas station can be a dangerous business.

*“Working with gasoline can be dangerous because of its flammability and fumes. Gas stations are also frequent targets of people who are seeking an illegal payday through a robbery. There are over 15,000 robberies at convenience stores in the United States each year. Another 7,000 incidents occur at gas-only stations annually as well. Even if you have state-of-the-art security systems protecting and monitoring your property, there is an excellent chance that someone will try to profit at your expense in a dangerous way.”*

(Gaille, 2019)

This is a quiet residential community with families and having an establishment that will be open 24 hours a day within 500 feet of existing homes poses a safety threat to our neighborhood.

### [Helpful Links](#)

## Increased traffic (footfall)

According to Answers.com. The average gas station can expect in excess of 200 visitors per day. Breaking down this number is 200 per day for fuel purchases, 20-25 per day for coffee, food, lotto, etc., Add 10 more for convenience store shoppers. Add 5-10 for those purchasing beer.

## Applicable Codes and Regulations

### 24 CFR Subpart C

24 CFR C - Siting of HUD-Assisted Projects Near Hazardous Operations Handling Conventional Fuels or Chemicals of an Explosive or Flammable Nature purpose is to establish safety standards which can be used as a basis for calculating acceptable separation distances (ASD) for HUD-assisted projects from specific, stationary, hazardous operations with store, handle, or process hazardous substances. **The GMAC would require additional information on whether the proposed project would meet the ASD.**

## HUD Valuation Analysis for Single Family One-to Four-Unit Dwellings Handbook (4150.2)

There are site requirements for FHA-insured mortgages. Before the valuation process can begin, the property must meet specific site requirements. The appraisal process is the lender’s tool for determining if a property meets the minimum requirements and eligibility standards for an FHA-insured mortgage. The standard provides a context for the appraiser in performing the physical inspection of the property.

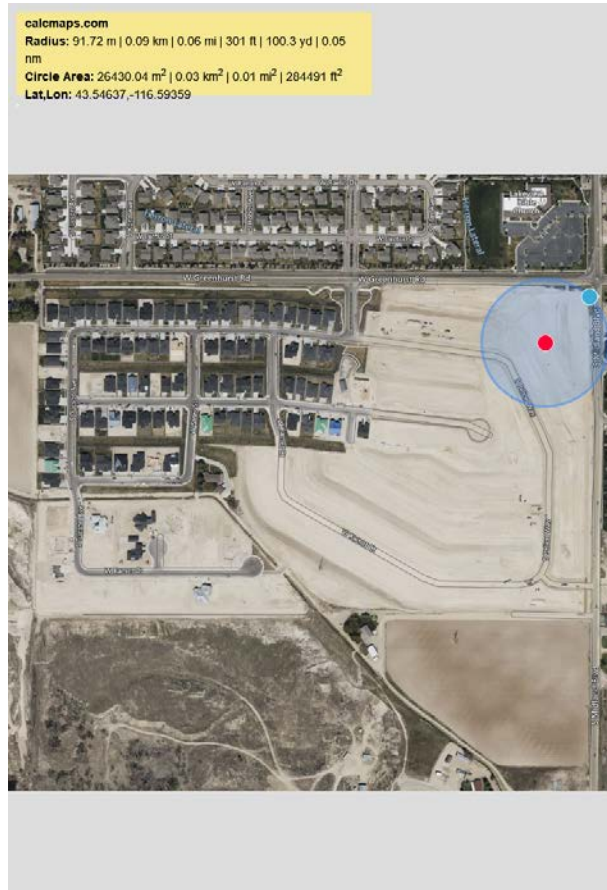
4150.2

Chapter 2

Item M. STATIONARY STORAGE TANKS

Stationary Storage tanks containing flammable or explosive material pose potential hazards to housing, including hazards from fire and explosions.

> If the property is within 300 feet of a stationary, storage tank containing more than 1000 gallons of flammable or explosive material, the site is ineligible.



This fuel station could impact and restrict homeowners and future homeowners in obtaining FHA funding for housing in the area. Clearly, HUD sees proximity to gas stations as an increased risk to the value of property and that loan to property value ratios are at stake.

### Helpful Links

## City of Nampa Code of Ordinance

### 3-4-9. - Obstruction to comfortable enjoyment of life.

No person shall maintain, permit, cause or contribute to anything within the city which is injurious to health or is indecent or offensive to the senses or an obstruction to the free use of property, so as to interfere with the comfortable enjoyment of life or property.

(Ord. 2087)

# Alternative Recommendations

## Proposed Business Types

We support smart and healthy growth in SW Nampa that benefits its residents.

1. Medical/Dental Office
2. Veterinary Clinic
3. Nursing Home
4. Offices
5. Fire Station
6. Daycare Center
7. Gym
8. Park for entire community use
9. Attractive convenience store with an adjacent park to attract customers.
10. Coffee shop
11. Mini-Shopping Plaza with the above options (as was originally proposed)

## Proposed Zoning Changes

GMAC is committed to protecting our neighborhood. Gas stations and convenience stores within 500 feet of the church and homes is a concern. During our research we have learned that Nampa lacks zoning laws adopted by other U.S. cities to guide gas stations to sites where the benefits could be provided without posing a threat to public health. We are prepared to provide Nampa City Council with the public support needed to enact such a law.

## Reference Links

### Property Values

**Housely.com:** 10 industries that diminish property values the most - #2 *proximity to a gas station*

<https://housely.com/industries-that-diminish-property-values-the-most/>

**Manufacturedhomespartsandaccessories.com:** “Homes that share the same neighborhood as gas stations are crazy cheap!”

[What Are The Pros And Cons Of Living Next To A Gas Station? \(Beware Con #5 & 6\) | Manufactured Home Parts And Accessories](#)

**LowestRates.ca:** “Cemeteries, highways, gas stations: Here's what decreases your property value”

[Cemeteries, highways, gas stations: Here's what decreases your property value | LowestRates.ca](#)

**How Trucks Destroy Our Roads:** <https://urbanmilwaukee.com/2017/06/22/murphys-law-how-trucks-destroy-our-roads/>

### Safety

**John W Kennedy Company Blog:** According to the National Fire Protection Association, every year more than 5000 gas station fires are reported in the US.

[Fire at Gas Stations: Some Facts, Some Statistics and Some Prevention Tips! – John W. Kennedy Company Blog \(jwkblog.com\)](#)

**CSPdaileynews.com: FBI statistics:** “C-Stores Are 4th Most Common Location for Violent Crime Gas stations take 7th place in just-released 2020 FBI crime statistics”

[C-Stores Are 4th Most Common Location for Violent Crime \(cspdailynews.com\)](#)

### March 15, 2020 Springfield, Missouri

5 dead including officer and gunman in shooting

<https://apnews.com/article/shootings-springfield-us-news-mo-state-wire-michael-brown-847279577be76a91ef98fda7e0b79736>

This location opened in 2017. The shooting happened in March 2020. The property was sold to a new gas station in November of 2020. The building remained, but KNG dug up the fuel tanks. Why did the new company replace fairly new tanks? New owner was slated to be Phillips 66.

### November 22 2021 Coweta Oklahoma

Ellic Hayden shoots a clerk five times during an armed robbery

<https://www.newson6.com/story/619c32c2f5427a0c1c81a845/coweta-police-release-surveillance-video-of-kum--go-armed-robbery>

### December 20, 2022 Sioux Falls, South Dakota

Shooting at Kum N Go

<https://www.facebook.com/teastormchasers/videos/breaking-news-update-on-shooting-at-kum-n-go-on-n-minnesota-ave-and-russell/1655663234886718/>

Store opened November 2017

### August 19, 2022, Colorado Springs, Colorado

Deadly shooting at Kum N Go

<https://www.kktv.com/2022/09/02/new-details-deadly-kum-go-shooting/>

Opened March 2018

### January 27, 2021, Des Moines, Iowa

Shooting at Kum N Go by 3 men armed with handguns

<https://www.kcci.com/article/des-moines-iowa-police-1-injured-1-in-custody-in-shooting/35347733>

**February 19, 2023 Jonesboro, Arkansas**

Theft by deception. Kum N Go scammed out of \$5,000

<https://neareport.com/2023/02/23/kum-and-go-scammed-out-of-almost-5000/>

**March 20, 2019, Jasper County, Iowa**

Shots fired and Kum N Go

<https://www.youtube.com/watch?v=BGjB8smvRxM>

**September 29, 2022 Albany Park, Chicago, Illinois**

Store clerk pistol whipped during armed robbery in 7/11

<https://www.cbsnews.com/chicago/news/armed-robbery-albany-park/>

**January 2023**

Homeless and camping at Kum N Go

<https://www.youtube.com/watch?v=Xu4BA7e8SQY>

Health

**Columbia University:** “Gas Stations Vent Far More Toxic Fumes Than Previously Thought”

[Gas Stations Vent Far More Toxic Fumes Than Previously Thought | Columbia Public Health](#)

**Seeker.com:** “Living and working within 100 meters (328 feet) of a gas station increases exposure to toxic chemicals.”

[Gas Stations are Toxic Neighbors - Seeker](#)

**FossilFuel.com:** “Is It Safe to Live Near a Gas Station? Scientists Point to Numerous Health Hazards”

[Is It Safe to Live Near a Gas Station? Scientists Point to Numerous Health Hazards - FossilFuel.com](#)

**CDC:** “The air around hazardous waste sites or gas stations can contain higher levels of benzene than in other areas.”

[CDC | Facts About Benzene](#)

**Indiana Environmental Reporter:** “Gas Stations Emit Ten Times More Benzene Than Previously Recorded”

[Gas Stations Emit Ten Times More Benzene Than Previously Recorded | IER Indiana Environmental Reporter](#)

**Canadian Government Study:** “Benzene is a recognized human carcinogen and, as such, a component of particular concern in gasoline.” “Two emission pathways are considered: long-term continuous benzene emissions via evaporative losses from gasoline station operations and short-term benzene emissions during tanker truck fuel unloading.”

[Benzene Releases from Gasoline Stations: Implications for Human Health - Canada.ca](#)

**Cancer.org** “How are people exposed to benzene?” “Areas with heavy traffic, **gas stations**, and areas near industrial sources may also have higher air levels.”

[Benzene and Cancer Risk](#)

**American Journal of Epidemiology: Study:** “Residential Proximity to Gasoline Stations and Risk of Childhood Leukemia” “From the 3 studies included in their meta-analysis, it seems fairly clear that there is a significant association between CL and residential proximity to gasoline stations.”

[Residential Proximity to Gasoline Stations and Risk of Childhood Leukemia | American Journal of Epidemiology | Oxford Academic \(oup.com\)](#)

**International Society of Environmental Epidemiology:** “Childhood cancer and residential proximity to petrol stations: a nationwide case-control study in Switzerland” *Conclusions: We found evidence of an increased risk of childhood cancer (all diagnosis combined) among children living in close vicinity of petrol stations. Our study does not allow any conclusions for specific diagnostic groups.*

[Childhood cancer and residential proximity to petrol station... : Environmental Epidemiology \(lww.com\)](#)

**National Institute of Health (NIH): WHO Guidelines for Indoor Air Quality:** Selected Pollutants. (Includes outdoor sources): “Benzene is a genotoxic carcinogen in humans and no safe level of exposure can be recommended.”

[Benzene - WHO Guidelines for Indoor Air Quality: Selected Pollutants - NCBI Bookshelf \(nih.gov\)](#)

**Agency for Toxic Substances and Disease Registry (ATSDR): ToxFAQs™ for Benzene**

<https://www.cdc.gov/TSP/ToxFAQs/ToxFAQsDetails.aspx?faqid=38&toxid=14>

**Idaho Department of Health:**

Maternal exposure to gasoline and exhaust increases the risk of childhood leukemia in offspring-a prospective study in the Norwegian Mother and Child Cohort Study (2018)

<https://www.ncbi.nlm.nih.gov/pmc/articles/PMC6203789/>

Residential Proximity to Gasoline Stations and Risk of Childhood Leukemia (2017)

<https://academic.oup.com/aje/article/185/1/1/2631401?login=true>

Childhood cancer and residential proximity to petrol stations: a nationwide registry-based case-control study in Switzerland and an updated meta-analysis (2022)

<https://link.springer.com/article/10.1007/s00420-021-01767-y>

Code and Regulations

[https://www.hud.gov/program\\_offices/administration/hudclips/handbooks/hsg/4150.2](https://www.hud.gov/program_offices/administration/hudclips/handbooks/hsg/4150.2)

<https://www.govinfo.gov/app/details/CFR-2021-title24-vol1/CFR-2021-title24-vol1-part51-subpartC/context>

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