



Mayor Robert E. Simison

City Council Members:

Luke Cavener, President
Liz Strader, Vice President
Brian Whitlock
Doug Taylor
John Overton
Anne Little Roberts

TO: Mayor Robert E. Simison
Members of the City Council

FROM: Warren Stewart, P.E.
City Engineer

DATE: September 17, 2025

SUBJECT: No-Build Covenant Agreement
REQUESTED COUNCIL DATE:

I. RECOMMENDED ACTION

A. Move to: Authorize the Mayor to sign the agreement

II. DEPARTMENT CONTACT PERSONS

Warren Stewart, City Engineer	208-489-0350
Laurelei McVey, Director of Public Works	208-985-1259

III. Background information

A. A few years ago, the City purchased 40 acres of land north of the Water Resource and Recovery Facility for future expansion. The land was essentially a flag lot, because it had a 25-foot-wide portion of land that extended approximately 1200 feet from the main portion of the property east to Ten Mile Road. That 25-foot section of the property is the access to the main parcel and contained an access road that was used for farming.

A storage facility bordered the access road to the south. The owner of the storage facility wanted to expand their operations to the north, and they bought the property on the north side of the City's access road. The City's access road and property bisected the area they wanted to expand into.

The City was approached by the owner of the storage facility and asked if the City would consider a property boundary adjustment that would relocate our access

road and 25-foot strip of property to the northern boundary of their facility. The City agreed and a record of survey was completed that moved the City's access parcel to the northern boundary of the proposed storage facility. The storage owner also agreed to re-construct the access road and fencing along the road.

During the storage facility design, the owner went with a concept that had a zero-lot line setback on the north side of the project. However, this concept requires expensive fire code requirements, unless the City is willing to agree to a No-build Covenant Agreement for our 25-foot section of property along their northern boundary. As the primary purpose for the 25 wide parcel is access to the main portion of the property, the PW Department is amenable to a No-Build Agreement if the Council agrees.

IV. IMPACT

If the Council approves the agreement, no buildings would be allowed in the 25-foot-wide section of the City's parcel. It would not limit access or preclude the installation of utilities.

The only benefit to the City in this the \$10 transaction and the goodwill in trying to be a good neighbor.

V. ALTERNATIVES

The owner of the storage facility could still construct their project without this agreement, but they would have to meet more stringent and expensive fire code requirements.