



## City Council Staff Report

REPORT DATE: August 19, 2021

MEETING DATE: August 25, 2021

SUBJECT	<b>Contract with OPS Strategies to Create Hillside Zoning for AMD 2020-04</b>
ITEM TYPE	<input type="checkbox"/> Public Hearing <input type="checkbox"/> Work Session <input checked="" type="checkbox"/> Action Item
PRESENTER	Kimberly Kolner, AICP, Planning and Zoning Director

### APPLICABLE VICTOR VALUES

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> Culturally Historic | <input type="checkbox"/> Sustainable     | <input type="checkbox"/> Connected to Nature            |
| <input type="checkbox"/> Small Town Feel     | <input type="checkbox"/> Family Friendly | <input checked="" type="checkbox"/> Administrative Need |

### PURPOSE & PROCESS

The purpose of this item is for Council to contact with the planning consultant OPS Strategies for the Land Development Code Amendments AMD 2020-04 to create a Hillside Zoning District and Wildlife Corridor Overlay and to approve the associated agreement.

Next Steps: Upon Council approval, the agreement will be fully executed, and the consultant will begin working with staff to review model codes and review the needs of Victor in accordance with the draft Comprehensive Plan. This information will then be used to draft a proposed code amended that will go through work session and the public hearing process before ultimately being approved.

### BACKGROUND/ALTERNATIVES

OPS Strategies has been contracted and working towards the Hillside Zoning since January of 2021. Due to more accurate slope information being available and addition information that the Planning and Zoning Commission and City Council have requested to see the process is not yet completed. OPS has prepared a proposal they anticipate will be enough to complete the review and adoption process for the proposed code amendment.

### ATTACHMENTS

Proposal Agreement with OPS Strategies (Pending)

### FISCAL IMPACT

Fiscal impact will be outlined in the proposal agreement.

#### STAFF IMPACT

Staff impact is significant and ongoing.

#### LEGAL REVIEW

The City Attorney will review the agreement.

#### RECOMMENDATION

Staff recommends Council contact with OPS Strategies to provide the services as outlined in the proposal and approve the associated agreement.

#### SUGGESTED MOTION

I move to contract with OPS Strategies to be the planning consultant for the AMD2020-04 Land Development Codes for the creation of a Hillside Zoning District and Wildlife Corridor Overlay and to approve the proposed agreement attached to the staff report, subject to minor changes approved by the City Attorney.

[Roll Call Vote]



August 19, 2021

20-27-2

Kimberly Kolner, Planning & Zoning Director  
City of Victor  
10 S Main, Unit 101  
PO Box 122  
Victor, Idaho 83455  
Via email: kimberlyk@victorcityidaho.com

**RE: Second Agreement, Victor Hillside Standards**

Kim,

This agreement is in response to the requests made for additional work on the Victor Hillside standards.

**PROJECT DESCRIPTION**

The additional work requested involves incorporation of new information and additional options into representative site-specific analyses that would better illustrate the development allowed by the proposed Hillside standards as those standards are considered for adoption.

**SCOPE OF SERVICES**

This work will include:

1. Updates to the current draft hillside standards based on staff review.
2. Maps of the Hillside area that show the key regulatory boundaries from the proposed Hillside standards.
3. Example development configurations under the proposed Hillside standards on 3 sites.
4. Up to 2 P&Z hearings to consider adoption.
5. Up to 2 Council hearings to consider adoption.

**EXCLUSIONS TO SCOPE OF SERVICES**

The scope of services **does not** include the following:

1. Environmental analysis of all properties within the Hillside area.
2. Incorporation of the proposed amendments into InDesign or the City GIS. Deliverables will be provided in Word and as shapefiles, incorporation will be the responsibility of the City.
3. Staff reports, public noticing, public outreach, or other engagement regarding review of the draft. OPS engagement will be limited to content specific meetings with content experts regarding topics such as well and septic.
4. Legal analysis or opinion of the proposed amendments.
5. Guarantee of adoption.

**FEE AND PAYMENT TERMS**

OPS Strategies will complete the scope of services on a time and materials basis at an hourly rate of \$125 and total project cost not to exceed \$2,875. You will receive an invoice at the end of each month for the work completed the previous month.

This financial agreement is based upon the prompt payment of OPS Strategies invoices and orderly, continuous progress of the project. OPS Strategies reserves the right to stop work if invoices remain unpaid 60 days past the date of invoice. Past due invoices will be charged finance charges at a rate of 1% per month.

### ADDITIONAL SERVICES

If services in addition to the proposed scope of services become necessary, I will discuss the services with you and will request your approval to perform such services on a time and materials basis or for an agreed upon lump sum fee. I will require your approval before proceeding with additional services. Please note that unanticipated revisions requested to completed work will be considered additional services.

### PERFORMANCE SCHEDULE

Upon receipt of this signed agreement, OPS Strategies agrees to complete the scope of services within 3 months.

If there are protracted delays for reasons beyond my control, I would expect to negotiate with you an equitable adjustment of the completion date and my compensation, taking into consideration the impact of such a delay on items including, but not limited to, reallocation of my time and changes in price indices and pay scales applicable to the period when services are in fact being rendered. Additional services, if requested, can be considered just cause for OPS Strategies to renegotiate the date for completion of the services.

### CLIENT RESPONSIBILITIES

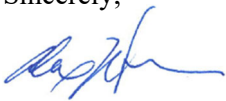
As the Client, you agree to provide OPS Strategies with all pertinent and available project information and promptly inform OPS Strategies of any change in the work that pertains to the scope of services.

### AGREEMENT

This proposal can serve as a Letter of Agreement for services. This proposal represents the understanding between you and OPS Strategies with respect to the project and may only be modified in writing signed by both parties. If it satisfactorily sets forth your understanding of our agreement, please sign in the space provided and return a signed copy as soon as possible.

Thank you for the opportunity to submit this proposal and to be of service to you. Please call if you have any questions.

Sincerely,



Alex Norton, AICP  
Principal

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Proposal Accepted by:

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(Name, Title)

(signature)

(date)