



Planning & Zoning Department

## Planning & Zoning Commission Meeting

February 9, 2016

### Staff Report – Public Hearing #1

**To:** Planning & Zoning Commission

**Applicant:** Jose Hernandez

**File No:** REZ 2112-16

**Prepared By:** Norman L. Holm

**Date:** October 29, 2015

**Requested Action:** Rezone from RS 8.5 (Single Family Residential – 8,500 sq ft) to RA (Suburban Residential)

**Status of Applicant:** Owner

**Existing Zoning:** RS 8.5 (Single Family Residential – 8,500 sq ft)

**Proposed Zoning:** RA (Suburban Residential)

**Location:** 11370 Smith Ave

**Size of Property:** Approximately 9.576 acres

**Existing Land Use:** Non-cultivated agricultural

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### GENERAL INFORMATION

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**Planning & Zoning History:** The parcel is an un-platted portion of the Westminster Subdivision.

**Proposed Land Uses:** Owner is requesting the zoning change to accommodate his operation of a tree farm on the parcel.

Staff has been made advised by the owner that he has entered into negotiations with a prospective buyer to purchase the property. That buyer prefers that the zoning remain RS 8.5 for their intended use. The minimum property structure and parking front setback for the RS 8.5 zone is 20' whereas it is 35' for the proposed RA. The buyer prefers the RS 8.5 front setback over the RA front setback. It is expected that the property sale could be completed as early as sometime this March.

Staff determined to leave the rezone on the public hearing agenda since the property owner paid the fee, filed the application, and he has not yet formally withdrawn the rezone application.

**Surrounding Land Use and Zoning:**

North- Single Family Residential, RS 8.5

South- Agricultural, County A-40

East- Single Family Residential, RS 8.5

West- Agricultural, County A-40

**Comprehensive Plan Designation:** Medium Density Residential

**Applicable Regulations:** Rezones must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and be in agreement with the adopted comprehensive plan for the neighborhood. The proposed plant/tree farm is an eligible permitted use in the proposed RA zone.

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## **SPECIAL INFORMATION**

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**Public Utilities:**

No city sewer main situated in Smith Avenue adjacent the property

12" domestic water main in Smith Ave adjacent the east end of the property

12" irrigation water main in Smith Ave adjacent the east end of the property

**Public Services:** All present.

**Transportation and Traffic:** The property would be accessed from Smith Avenue

**Environmental:** The rezone would have little effect on the adjoining properties. The impacts of tree farming of the property on the neighborhood would be minimal.

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## **STAFF FINDINGS AND DISCUSSION**

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The requested rezone is appropriate. The Planning & Zoning Commission may want to table or postpone decision on the rezone application until such time as the owner has been able to determine whether or not the sale to the other party goes through.

If the Planning & Zoning Commission rather votes to recommend to the City Council approval of the rezone the following findings are suggested:

1. Rezone of the subject property to RA is reasonably necessary in order to allow the applicant to use the property as proposed.
2. Rezone of the subject property to RA is in the interest of the property owner and generally conforms to the adopted comprehensive plan designation of Medium Density Residential use.
3. The proposed plant/tree farm use of the subject property will be compatible with the existing agricultural and single family residential uses established adjacent the location.
4. The use of a development agreement to establish any conditions for the rezone of the property serves no purposes.

At the date of this memo I have received no statements of opposition or support from any property owners or residents of the area.

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## **ATTACHMENTS**

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Application  
Zoning and location map  
Aerial view of property and neighborhood  
Application  
Agency and other correspondence



APPLICATION FOR AMENDMENT OF ZONING ORDINANCE OR MAP

City of Nampa, Idaho

00128-01-2016

MPM 2/2/16 PZ

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$406.00 (for 1 acre or less), and \$811.00 (for more than 1 acre) for a map amendment; or \$213.00 for a text amendment.

Name of Applicant/Representative: Jose Hernandez Phone: (208) 250-2024
Address: 11370 Smith Ave City: Nampa State: ID Zip Code: 83451

Applicant's interest in property: (circle one) Own Rent Other
Owner Name: Jose Hernandez Phone: (208) 250-2024
Address: 12894 Smith Ave City: Nampa State: ID Zip Code: 83451

Address of subject property: 11370 Smith Ave

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

Subject Property Information

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the amendment):

Original Legal description of property AND a legible WORD formatted document. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document

Subdivision Lot Block Book Page

Project Description

State the zoning desired for the subject property: RA Suburban Residential

State (or attach a letter stating) the zoning amendment desired, text or map, and the reason for the change, together with any other information considered pertinent to the determination of the matter. In the case of a text amendment please attach the full text of the proposed amendment.

10-7-9 Landscaping Usage, Want to use for Landscaping Purposes

Dated this 4 day of January, 2014

Jose Hernandez Signature of applicant

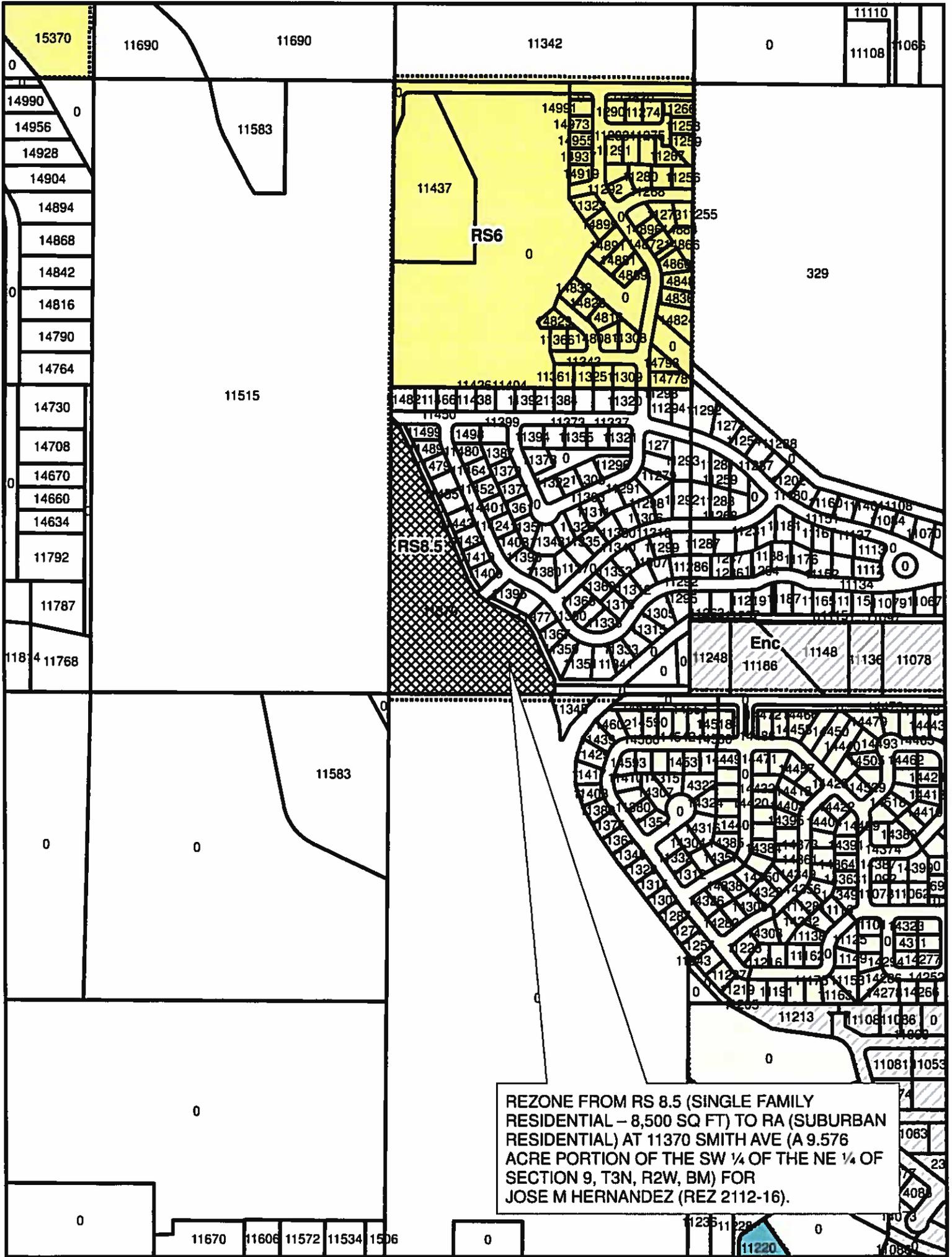
NOTICE TO APPLICANT

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and will then make its recommendation to the City Council. The City Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-Tribune 15 days prior to said hearings. In the case of map amendments notice shall also be posted on the premises not less than 1 week prior to the hearings and notices will be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearings and should be present to answer any questions.

For Office Use Only:

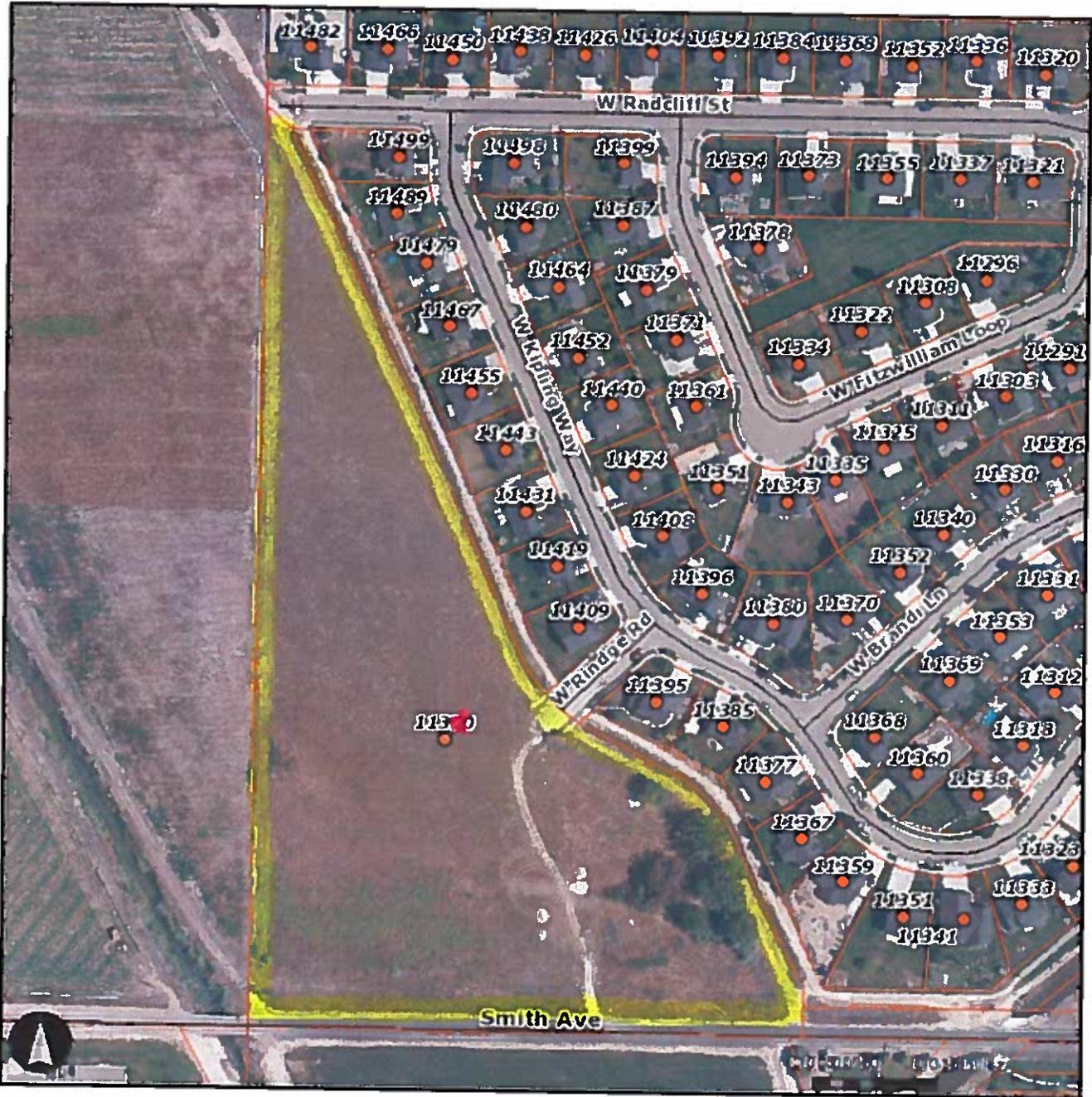
File Number: REZ 2112 - 2016

Project Name: Rezone RS to RA



REZONE FROM RS 8.5 (SINGLE FAMILY RESIDENTIAL – 8,500 SQ FT) TO RA (SUBURBAN RESIDENTIAL) AT 11370 SMITH AVE (A 9.576 ACRE PORTION OF THE SW ¼ OF THE NE ¼ OF SECTION 9, T3N, R2W, BM) FOR JOSE M HERNANDEZ (REZ 2112-16).

# Map



### Address Candidates

-  Address Points
-  Active
-  Hold
-  Proposed
-  Retired
-  Other

### Zoning (continued)

-  DH
-  DV
-  Enc
-  GB1
-  GB2
-  IH
-  IL

### Zoning (continued)

-  RP
-  RP\_PUD
-  RS6
-  RS6\_PUD
-  RS7
-  RS7\_PUD
-  RS8.5

### Zoning (continued)

-  RS22\_PUD
-  U
-  Unzoned

# Memorandum

**To:** Planning and Zoning  
**Cc:** Daniel Badger, P. E., Staff Engineer  
**Cc:** Michael Fuss, P. E., MBA, Nampa City Public Works Director  
**From:** Jim Brooks – Engineering Division  
**Date:** January 27, 2016  
**Re:** Rezone request RS8.5 to RA for tree farm  
**Applicant:** Jose Hernandez  
**Address (parcel):** 11370 Smith Avenue

**REZ2112-16 for February 9, 2016 Planning & Zoning Meeting**

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Current fire flow at this location is better than 2,000 GPM.

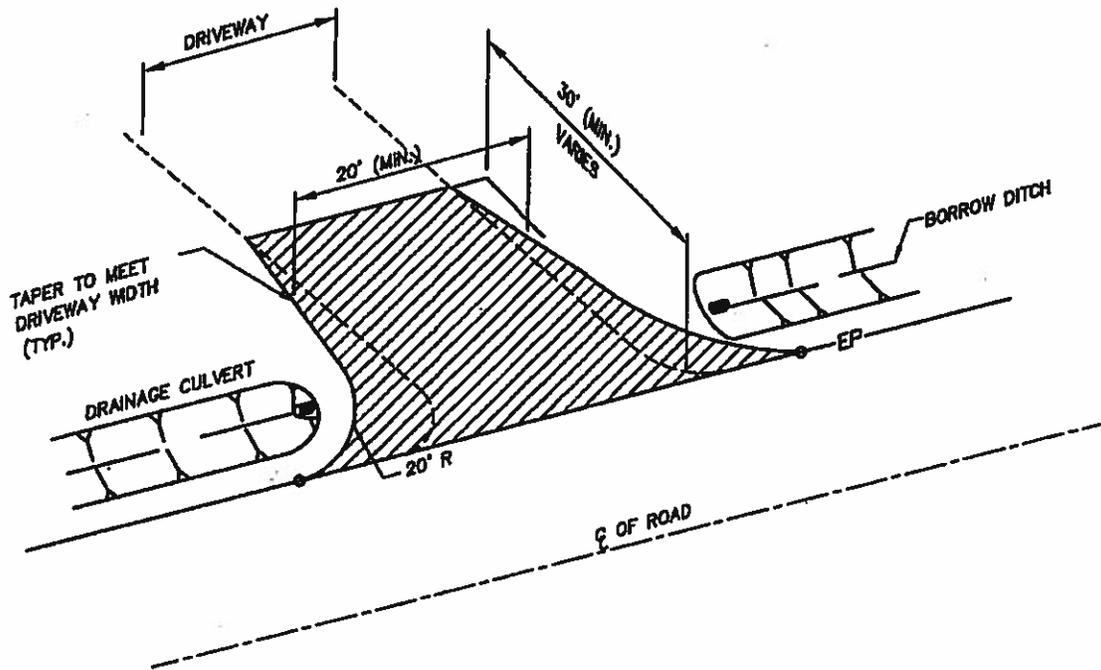
Parcel in question is an unplatted portion of the Westminster Subdivision. Applicant is desirous to have parcel rezoned in order to operate a tree farm.

The Engineering Division does not oppose the granting of this rezone request with the following conditions:

1. Owner dedicates right-of-way along west boundary for half of future collector street. Width required 40-feet.
2. Improve Smith Avenue as required with development of parcel.  
Improvements required, but not limited to the following –
  - a. Sewer
  - b. Water
  - c. Pressure Irrigation
  - d. Curb, gutter, and sidewalk
  - e. Landscaping as required
  - f. Storm drainage-both on and off-site
  - g. Gravity Irrigation-Either continued delivery to, or wastewater from adjacent properties
  - h. Pavement widening and striping as required

Owner has option to request deferral of some of the above required improvements. Written request to be made to the City Engineer.

3. Access to site will be required to be from Smith Avenue. Access through Westminster Subdivision not allowed.
  - a. Owner will be required, if deferral for frontage improvements is granted, to construct a rural paved approach per ISPWC SD-809 (attached).
  - b. Owner to emplace barriers, meeting with City approval, to discourage vehicular traffic to and from subdivision.
4. Access location shall be at the westerly most property line that will become future north-south collector street. See condition 1 above.



**NOTES:**

- (A) INSTALL 12" OF 3/4" MINUS CRUSHED AGGREGATE BASE WITH 2 1/2" OF HOT PLANT MIX PAVEMENT.
- (B) INSTALL 12" MINIMUM DIAMETER PIPE CULVERT TO CONTINUE BORROW DITCH DRAINAGE WHERE APPLICABLE.
- (C) AMOUNT OF DRIVEWAY REPAIR VARIES BASED ON GRADE CHANGE. USE 30' AS A MINIMUM.

2012

IDAHO STANDARDS  
FOR PUBLIC WORKS  
CONSTRUCTION

RURAL DRIVEWAY  
APPROACH

STANDARD DRAWING  
NO. SD-809

## Sylvia Mackrill

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**From:** Neil Jones  
**Sent:** Thursday, January 28, 2016 7:13 AM  
**To:** Sylvia Mackrill  
**Subject:** RE: REZ 2112 16 Rezone from RS8.5 to RA for 11370 Smith Ave for Jose Hernandez

Building Department has no conditions.

Neil Jones  
Assistant Building Official

**From:** Sylvia Mackrill  
**Sent:** Tuesday, January 12, 2016 9:44 AM  
**To:** Amanda Morse <[morsea@cityofnampa.us](mailto:morsea@cityofnampa.us)>; Beth Ineck <[ineckb@cityofnampa.us](mailto:ineckb@cityofnampa.us)>; Brent Hoskins <[hoskinsb@cityofnampa.us](mailto:hoskinsb@cityofnampa.us)>; Carl Miller <[CMiller@compassidaho.org](mailto:CMiller@compassidaho.org)>; Compass ([tlaws@compassidaho.org](mailto:tlaws@compassidaho.org)) <[tlaws@compassidaho.org](mailto:tlaws@compassidaho.org)>; Craig Tarter <[tarterc@cityofnampa.us](mailto:tarterc@cityofnampa.us)>; Daniel Badger <[BadgerD@cityofnampa.us](mailto:BadgerD@cityofnampa.us)>; Don Barr <[barrd@cityofnampa.us](mailto:barrd@cityofnampa.us)>; Jeff Barnes <[barnesi@cityofnampa.us](mailto:barnesi@cityofnampa.us)>; Jennifer Yost <[yostj@cityofnampa.us](mailto:yostj@cityofnampa.us)>; Jim Brooks <[brooksji@cityofnampa.us](mailto:brooksji@cityofnampa.us)>; Kent Lovelace <[lovelacek@cityofnampa.us](mailto:lovelacek@cityofnampa.us)>; Marlen Salinas <[salinasm@cityofnampa.us](mailto:salinasm@cityofnampa.us)>; Michael Fuss <[fussm@cityofnampa.us](mailto:fussm@cityofnampa.us)>; Neil Jones <[jonesn@cityofnampa.us](mailto:jonesn@cityofnampa.us)>; Patrick Sullivan <[sullivanw@cityofnampa.us](mailto:sullivanw@cityofnampa.us)>; Ray Rice <[ricer@cityofnampa.us](mailto:ricer@cityofnampa.us)>; Robin Collins <[collinsrr@cityofnampa.us](mailto:collinsrr@cityofnampa.us)>; Tina Fuller <[tfuller@compassidaho.org](mailto:tfuller@compassidaho.org)>; Vickie Holbrook <[holbrookv@cityofnampa.us](mailto:holbrookv@cityofnampa.us)>  
**Subject:** REZ 2112 16 Rezone from RS8.5 to RA for 11370 Smith Ave for Jose Hernandez

### REZ 2112-16:

Jose Hernandez has submitted an application for Rezone of 11370 Smith Ave from RS-8.5 (Single Family Residential - 8,500 sq ft minimum lot size) to RA (Suburban Residential - 30,000 sq ft minimum lot size) in order to operate a tree farm on the 9.58 acre property located on the north side of Smith Ave, west of N Middleton Rd, on the west side of Westminster No. 2 Subdivision, on property currently zoned RS-8.5.

The application is scheduled as a public hearing item on the February 9, 2016 Planning and Zoning Commission agenda. Please review and forward any comments to my attention prior to January 29th.

Thank you,

Sylvia Mackrill  
City of Nampa Planning Department  
208-468-5484  
[mackrill@cityofnampa.us](mailto:mackrill@cityofnampa.us)

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.

## Sylvia Mackrill

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**From:** Greg Goodman  
**Sent:** Tuesday, January 12, 2016 2:43 PM  
**To:** Sylvia Mackrill  
**Subject:** RE: REZ 2112 16 Rezone from RS8.5 to RA for 11370 Smith Ave for Jose Hernandez

No code Violations at this time.

Gregory Goodman  
Code Compliance & Community Relations Officer  
208-468-5464  
City of Nampa, ID

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**From:** Sylvia Mackrill  
**Sent:** Tuesday, January 12, 2016 9:44 AM  
**To:** Amanda Morse; Beth Ineck; Brent Hoskins; Carl Miller; Compass ([tlaws@compassidaho.org](mailto:tlaws@compassidaho.org)); Craig Tarter; Daniel Badger; Don Barr; Jeff Barnes; Jennifer Yost; Jim Brooks; Kent Lovelace; Marlen Salinas; Michael Fuss; Neil Jones; Patrick Sullivan; Ray Rice; Robin Collins; Tina Fuller; Vickie Holbrook  
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