

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, JANUARY 12, 2016, 6:30 P.M.**

Members:	Lance McGrath, Chairman	Victor Rodriguez
	Chad Gunstream – Vice Chairman	Peggy Sellman
	Sheila Keim	Robert Hobbs, Assistant Director
	Steve Kehoe	Norm Holm, Director
	Harold Kropp	Daniel Badger, Staff Engineer
	Kevin Myers	

Chairman McGrath called the meeting to order at 6:48 p.m.

Approval of Minutes. Keim motioned and Gunstream seconded to approve the Minutes of the October 27, 2015 and December 8, 2015 Planning and Zoning Commission meetings. Motion carried.

Report on Council Actions. Holm advised Councilman Haverfield will be the City Council liaison with the Planning and Zoning Commission.

Chairman McGrath proceeded to the business item on the agenda.

Final Plat Approval for Hayspur Subdivision at the southwest corner of the intersection of S Horton Street and W Kansas Ave. (A resubdivision of Lots 11, 12 and 13 of Home Acres Subdivision No. 5 and 2.3 acre portion of the SW ¼ of Section 33 T3N R2W BM – 7 four-plexes and 1 duplex for 12.4 dwelling units per acre), for Wendy Shrief representing Cross Hairs, LLC (SUB 629-14).

Assistant Planning Director Hobbs:

- Hobbs reviewed the Staff Report and noted Staff had analyzed the final plat and found it to be in care and keeping with the relevant Subdivision and Zoning Ordinance standards.
- Hobbs indicated the recommended conditions of approval in the Staff Report.

Kropp motioned and Gunstream seconded to approve the Final Plat for Hayspur Subdivision located on 2.3 acres at the southwest corner of the intersection of S Horton Street and W Kansas Ave, subject to:

1. **Compliance with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to Hayspur Subdivision (in its preliminary review).**
More specifically, compliance with requirements/conditions listed in the following item(s) of correspondence (unless waived and/or later amended by the agency providing the comments):
 - a) **Compliance with requirements listed in the December 29, (2014) 2015 memorandum from the Nampa Engineering Division authored by Daniel Badger.**
 - b) **Compliance with requirements listed in the December 18, 2015 e-mail printout from the Nampa Engineering Division (GIS Section), authored by Amanda Morse.**
2. **The water system for the subdivision shall be completely installed and able to deliver water prior to any building permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the development in accordance with Fire Department policy or International Fire Code requirements as applicable.**

3. **Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed plat development notes.**
Motion carried.

Chairman McGrath proceeded to the public hearing items on the agenda at 7:00 p.m.

Annexation and Zoning to RS-7 at 8142 W Ustick Rd, 17535 Star Rd, 17547 Star Rd, and three parcels addressed as “0” Star Rd. (A total of 190.36 acres located in the NW ¼ Section 5 and the E ½ of Section 6 T3N R1W BM) for Engineering Solutions, LLP, representing LC Development, Inc. (ANN 2065-15)

and,

Preliminary Plat Approval for Silver Star Subdivision in a proposed RS-7 zoned area east of Star Rd and south of Ustick Rd. (240 Single Family Residential Lots on 85.07 acres, 2.82 dwelling units per acre – A portion of the NW ¼ of Section 5 T3N R1W BM), for Engineering Solutions, LLP representing LC Development, Inc. (SUB 660-15).

Chairman McGrath proceeded to public hearing.

Becky McKay of Engineering Solutions, 1029 N Rosario, Meridian – representing the applicant:

- Ms McKay presented the application for both the annexation and the preliminary plat.
- The annexation area, continued Ms McKay was located on both the east and west side of Star Rd, just south of Ustick Rd.
- The preliminary plat for Silver Star Subdivision, advised Ms McKay, applied only to the 85 acres on the east side of Star Rd.
- The reason for the proposed annexation area, continued Ms McKay was because the Van Beek property had to be included in the annexation in order for the Silver Star Subdivision area to be contiguous to the City.
- Ms McKay indicated the conceptual plan for the Van Beek property, for future development under the RS-7 zoning designation.
- The Van Beek property, continued Ms McKay, was located within the Purdam Drain area and water would be extended along the frontage of the site, along with the LC Development project.
- According to Ms McKay, the intersections for both the Van Beek property and the proposed Silver Star Subdivision had been aligned at Star Rd.
- Ms McKay indicated the eastern 85 acres owned by LC Development. South of the subject property, continued Ms McKay, had already developed a few years ago as Silver Spur Estates Subdivision, under Canyon County jurisdiction, with a community well and septic systems.
- According to Ms McKay, the applicant had originally gone through Canyon County and obtained approval for a single family residential subdivision for the Silver Star Subdivision property. Additionally, a Comprehensive Plan map amendment was also approved to allow for residential development with the extension of sewer and water services from the City of Nampa.
- After obtaining his Canyon County approvals last year he decided that it would be in his best interests if the property were to develop under the jurisdiction of the City of Nampa.
- With the cooperation of the Van Beek family, stated Ms McKay, it then made it possible to annex his property into the City of Nampa.
- Ms McKay referred to the proposed Preliminary Plat for Silver Star Subdivision and the open spaces along the interior collector roadway. Ms McKay noted the Landscape Plan and Tot Lot and play equipment.
- The second access, added Ms McKay, would come in further south from Star Rd.
- In 2006, stated Ms McKay, the applicant participated financially, and signed an agreement with the City of Nampa that would allow the subject property to sewer into the Birch Lift Station or the Purdam Lift Station.
- Ms McKay noted the off-site improvements that would be required, including the extension of the 12 inch water main to the site, and pressure sewer from the interim lift station – to sewer in the long term to the Purdam Lift Station.
- Ms McKay noted the variety of lot sizes proposed for the Silver Star Subdivision, from 70 to 80 or 85 ft in width, with a minimum lot size of 7,644 sq ft.
- The average lot size, added Ms McKay would be 10,361 sq ft.

- A collector roadway on the east (Griffon Ave), for a future mid-mile collector, stated Ms McKay had also been provided.
- Ms McKay noted the stub streets to the north and the south, as well as a micropath located to the south that would match up with an existing micropath in the Silver Spur Subdivision to the south.
- The Safford Lateral, reported Ms McKay, runs through the project and the northerly boundary, and flows in a northwesterly direction, under the jurisdiction of the Nampa-Meridian Irrigation District.
- There were seven phases shown for the proposed Silver Star Subdivision, explained Ms McKay, which may fluctuate, depending on the market.
- A Traffic Study has been done on the subject property by Thompson Engineers, advised Ms McKay, because it would comprise 240 lots on 85 acres, and was submitted with the application and added that City staff found its recommendations to be acceptable.
- Ms McKay noted the turn lanes required for the new public street access points to Star Rd.
- There would be detached sidewalks, continued Ms McKay, with a 6 ft landscaped strip.
- Ms McKay noted the transitional lot sizes adjacent to Silver Spur Subdivision to the south that would be wider and deeper than the remaining lots within the Silver Star Subdivision.
- According to Ms McKay, the proposed density for Silver Star Subdivision would be 2.82 dwelling units per acre, consistent with the Nampa Comprehensive Plan designation of Medium Density Residential. The proposed plat, stated Ms McKay, would be classified as low to medium density residential.
- The 8 acres of open space within the proposed Silver Star Development, advised Ms McKay, would be roughly about 9.5 percent open space.
- **Keim** inquired about the open canal and what the plan would be for fencing or walkways.
- **Ms McKay** replied the Nampa-Meridian Irrigation District required non-combustible fencing on both sides of the canal and also provision of adequate access for maintenance purposes – which usually translates into a chain link fence or wrought iron fence.
- Nampa-Meridian Irrigation District had indicated they wanted to study it a little bit further as to what the recommendation would be for the separate irrigation lot width, stated Ms McKay. The separate irrigation lot, advised Ms McKay, would be owned by the HOA, with no residential lots encroaching.
- **Myers** inquired about the Traffic Study and if that study applied only to the Silver Star Subdivision property.
- **Ms McKay** replied that the Traffic Study only applied to the proposed Silver Star Subdivision property.

Assistant Planning Director Hobbs:

- Hobbs noted there were two applications before the Commission, the annexation and RS-7 zoning, and the Preliminary Plat for Silver Star Subdivision.
- According to Hobbs, Staff had found the project has warrant for consideration for annexation and RS-7 zoning, and found no objection to the request for the preliminary plat.
- The preliminary plat for Silver Star Subdivision, continued Hobbs, would be eligible for consideration for approval, subject to conditions, along with the addition of the requirement for a 6 ft chain link fence along both sides of the lateral.
- **Kehoe** inquired if there would be a time frame for the Van Beek property to develop.
- **Hobbs** noted there was not a time frame for the Van Beek property to develop, however, if the City Council required a Development Agreement, then there could be a time stipulation attached.
- **Rodriguez** inquired if the full width of Star Rd would be annexed.
- **Badger** advised with the Van Beek property on the west side of Star Rd and the applicant's property on the east, then the full width of the Star Rd right-of-way would be annexed.
- In response to a question from **Rodriguez**, **Badger** replied the annexed portions of Star Rd would become the responsibility of the City of Nampa.
- **Myers** inquired about the intersection improvements for Ustick Rd and Star Rd.
- **Badger** stated the current improvement for Star Rd and Cherry Ln would be a 4-way stop and did not know at the present time what the improvements would be for the intersection of Ustick and Star Rd.
- **Badger** responded to a question from Rodriguez regarding the Birch Sewer Latecomers Agreement in 2003, where a number of developers participated in the upgrades and received rights to get some of those moneys back via a Latecomers payment when people connect to the Birch sewer basin.
- Badger also referred to the Purdam Sewer Agreement.
- **Myers** inquired about the school district boundaries.

Chairman McGrath proceeded to public testimony.

Karl Keeler of 4905 Bronze Spur Dr in Silver Spur Ranch Subdivision, Nampa – opposed:

- Mr Keeler stated his main comments were regarding compatibility between the Silver Spur Ranch subdivision and the proposed Silver Star Subdivision.
- The Silver Spur Ranch development, added Mr Keeler was located in a rural area with farmland around the current subdivision and the homes there, as well as the subdivisions just south of Cherry Ln, were all 1 acre to 5 acre lots.
- There were some small areas that were zoned RS-12 and RS-8.5, added Mr Keeler.
- Mr Keeler gave a history of the developer of the proposed subdivision and noted the subject property had previously been proposed for acre lots, then approval for 123 lots, and in May of 2015 went to Canyon County and was approved for 185 lots, or RS-12 zoning, and now the applicant was wanting 240 lots and RS-7 zoning for the same piece of property, which would not be consistent with the surrounding properties, or anything in the area.
- Mr Keeler noted a prior Traffic Study for Cherry Ln and Star Rd, as well as Ustick Rd and Star Rd. Both of those intersections, added Mr Keeler, were currently 4-way stops and were rated “F”.
- Mr Keeler suggested there would be another 2,500 vehicle trips per day if the proposed subdivision were to be approved, and that would not include any future lots on the Van Beek property on the west side of Star Rd.
- According to Mr Keeler, he was for development, however, the proposed sea of homes would not be compatible.
- Mr Keeler stated he was agreeable regarding the annexation of the subject property, however, he was opposed to the RS-7 zoning and considered the zoning should remain at the previously approved RS-12.
- **Rodriguez** inquired what year the County traffic study was done and **Mr Keeler** stated he did not know but noted the earlier Traffic Study only applied to 185 homes.

Doug Franolich of 4868 Golden Spur Dr, Nampa – opposed.

- Mr Franolich spoke in opposition to the requested Annexation and Zoning to RS-7 and the Preliminary Plat for Silver Star Subdivision.
- According to Mr Franolich, his property would be located just to the south of the proposed Silver Star Subdivision.
- Mr Franolich concurred with the previous statements from Mr Keeler.
- Mr Franolich did not know if a recent Traffic Impact Study had been done, but if not, he would like to request an updated Traffic Impact Study before any approvals.
- According to Mr Franolich, it was understood the land would develop, but the last he had heard there would be $\frac{3}{4}$ acre properties backed up against the Silver Spur Ranch and would mirror their property lot lines, and the remainder of the lots would be one half acre. The proposed plat does not reflect that, added Mr Franolich.
- Mr Franolich stated he was strongly anything changing from the original proposal, because of the traffic and the safety of the children.
- Mr Franolich explained he already had a hard time pulling out on Star Rd and in addition every single one of the cars from the proposed subdivision would be going out on to Star Rd.
- During the last snow storm, advised Mr Franolich, there was about a mile of traffic backed up on Ustick Rd and Cherry Ln.
- Previously, continued Mr Franolich, all the property owners in Silver Spur Ranch were in accord with the proposed 1 acre properties and would like to see the 1 acre lots continue for the Silver Star Subdivision because the proposed subdivision would not fit in with the surrounding area.
- Mr Franolich reiterated he would prefer to see the zoning maintained as it was currently zoned and not drop it down to RS-7.

Paul Turnbull of 4924 Golden Spur Dr, Nampa – opposed.

- Mr Turnbull spoke in opposition to the requested Annexation, and Zoning to RS-7 and the Preliminary Plat for Silver Star Subdivision.
- According to Mr Turnbull, he had been told before he purchased his property in Silver Spur Ranch that the new Silver Star Subdivision was owned by the same developer and would contain acre lots.

- The subject property, continued Mr Turnbull, was located at the extreme eastern edge of Canyon County and the area was not ready or suitable for the proposed density.
- The local roads and intersections, stated Mr Turnbull, were currently narrow and severely overburdened.
- The noise level would increase dramatically from the traffic, noted Mr Turnbull.
- Mr Turnbull added that there were still significant and dairy farming operations along Star Rd and adjoining roads in the area.
- According to Mr Turnbull, the Highway 16 extension has greatly increased traffic on Star Rd because it does not go through to McDermott Rd to connect to the Freeway. Mr Turnbull stated it was his understanding that there were no plans or funding to extend Highway 16 in the near future.
- Mr Turnbull noted the intersection at Star Rd and Ustick Rd was a shared intersection between Canyon County and Ada County, which would cause problems with improvements at that location.
- Mr Turnbull calculated the vehicle trips between the Silver Star Subdivision and the proposed development of the Van Beek property would total over 5,700 new vehicle trips per day.
- Mr Turnbull suggested there was no reason for higher density
- If the developments were to be approved, stated Mr Turnbull, he would request mitigation with a 6 ft privacy and sound deadening fence along the border between Silver Spur Ranch and the proposed Silver Star Subdivision.
- Also, added Mr Turnbull, some reduction in the housing density to ½ to 1 acre lots would be reasonable.
- Mr Turnbull stated he would like to see turn-lanes added in front of Silver Spur Ranch because of the impact of the increased traffic.
- In response to a question from Chairman McGrath, Mr Turnbull stated the Silver Spur Ranch was developed in 2002 and 2003, with a community well and individual septic systems.

Joe Whitt of 4844 Golden Spur Dr, Nampa – voiced opposition but did not wish to speak.

Dale Trautman of 5061 Ustick Rd, Nampa – undecided.

- Mr Trautman suggested there should be a requirement for a big fence to separate his agricultural operations from the proposed subdivision.
- According to Mr Trautman, he would like to see bigger lots for the proposed subdivision.

Becky McKay:

- Ms McKay responded to comments received during the public hearing.
- Ms McKay stated they had received comments back from the Engineering Division and were in agreement with those comments.
- Ms McKay reviewed the history of the property and noted the Silver Spur Ranch had been developed in 2002/2003. When that development occurred, the owner of the subject property, had intended on developing the Silver Star Subdivision with one acre lots. What changed, continued, Ms McKay, were the requirements for the one acre lots, so that individual septic systems were not allowed.
- According to Ms McKay, the applicant had submitted to Canyon County a plat for approximately 182 lots with a density slightly lower than the proposed Silver Star Subdivision, but not by much.
- Ms McKay noted the City was now working on the new Purdam Lift Station and doing major trunk line extensions in the north Nampa area.
- Ms McKay emphasized a lot had changed since 2003.
- The proposed density for Silver Star Subdivision, stated Ms McKay, would be 2.82 dwelling units per acre, significantly lower than the Future Land Use Map recommendation of 4 to 9 dwelling units per acre.
- Anything lower than 3 dwelling units per acre with City sewer and water, continued Ms McKay, would be considered low density.
- Ms McKay stated the proposed density would be a good transition density adjoining one acre lots.
- Ms McKay noted the range in size for the lots in the proposed Silver Star Subdivision.
- One acre lots, stated Ms McKay, were not economically feasible with the extension of City water and sewer.
- Ms McKay advised a Traffic Study had been done for the Canyon County application. That Traffic Study, stated Ms McKay, was completely updated based on the new plat with 242 buildable lots.
- The number of vehicle trips per day, explained Ms McKay, calculated by 9.52 vehicle trips per single family dwelling and 242 buildable lots, would total 2,285 vehicle trips per day at build out.
- Ms McKay emphasized build-out would not occur immediately, and noted the 7 proposed phases for the development.

- According to Ms McKay, an analysis had been accomplished at the Star Rd/Ustick intersection and the Star Rd/Cherry Ln intersection.
- Ms McKay noted the Nampa Transportation Plan indicated future improvements at those two intersections, with either a roundabout or signalization.
- The Silver Star Subdivision, advised Ms McKay would be paying Traffic Impact Fees to the City of Nampa.
- Ms McKay noted the 10,000 sq ft average lot size for the proposed subdivision.
- According to Ms McKay, the intent was to construct 6 ft vinyl fencing around the perimeter of the development, along all boundaries.
- Ms McKay also recommended the “Right to Farm” Note in the State Code be on the face of the Silver Star Subdivision plat in order to recognize any nearby existing agricultural uses, or expansion of those agricultural uses.
- Ms McKay emphasized the proposed Silver Star Subdivision would not be an entry level development and would probably be homes of \$250,000 on up in value.
- According to Ms McKay, she had just received new Corridor Plans from the Idaho Department of Transportation and they will be starting public hearings regarding the widening of Chinden from Caldwell to Eagle Rd.
- Regarding the Highway 16 expansion, continued Ms McKay, the first phase has been completed and ITD was trying to find budgeting for the right-of-way acquisition and design for the second phase.
- **Rodriguez** inquired if the traffic impact occurring from Idaho Center concerts, Walmart and surrounding businesses, and the cheese factory had been included in the Traffic Study.
- **Ms McKay** replied those businesses and events were calculated into the Traffic Study as background traffic.
- Discussion followed on the proposed density reduction to RS-7 and all the required off-site improvements.
- Ms McKay stated if the project was not economically viable then it could not be developed.
- **Myers** inquired if calculations had been done on a possible RS-8.5 zoning designation.
- **Ms McKay** replied that although there would be 2.82 dwelling units per acre density, there was one lot at 7,400 sq ft and the remainder of the lots were 7,600 sq ft in size and up.
- In response to a question from **Kehoe**, **Ms McKay** stated South West District Health had changed their regulations.
- **Kehoe** inquired if the applicant would be willing to remove one of the lots on the south side of Silver Star Subdivision, adjacent to the lots on the north side of Silver Spur Ranch.
- **Ms McKay** stated the applicant had indicated he would remove one of the lots adjacent to Silver Spur Ranch and widen the proposed lots to match the width of the existing Silver Spur Ranch lots.

Keim motioned and Kropp seconded to close public hearing. Motion carried.

- In response to a question from **Chairman McGrath**, **Badger** replied the Traffic Impact Study had been done through Canyon County earlier in 2015. The applicants, continued Badger, updated their Traffic Impact Study for the current proposal for submission to the City.
- Badger replied to a question from **Kropp** and stated that merely annexing the Van Beek property would not trigger a Traffic Impact Study. The Traffic Study would be required upon submittal of a Preliminary Plat.
- **Myers** inquired when the intersection improvements would be required and **Badger** stated the Star/Cherry and Star/Ustick were within the jurisdiction of the Nampa Highway District and not the City of Nampa and were, therefore, not within Nampa’s jurisdiction to improve.

Discussion followed amongst the Planning and Zoning Commission members.

Keim motioned and Kehoe seconded to approve the Annexation and RS-7 at 8142 W Ustick Rd, 17535 Star Rd, 17547 Star Rd, and three parcels addressed as “0” Star Rd. (A total of 190.36 acres located in the NW ¼ of Section 5 and the E ½ of Section 6 T3N R1W BM) for Engineering Solutions, LLP representing Star Development, Inc, subject to:

1. Applicant(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc] as may be imposed by City agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building,, Planning and Zoning and Engineering Departments/Divisions) as the entitlements granted by virtue of the City’s approvals of the requested Annexation, Zoning and Preliminary Plat do not, and shall not,

have the affect of abrogating requirements from those agencies in connection with entitlement of the Property.

2. That the Applicant, as Owner/Developer, [shall] enter into a Development Agreement with the City of Nampa. The Agreement shall contain such conditions (e.g. Project perimeter fencing) and terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's requests for entitlement approval to develop the Property as proposed by said Applicant(s). Inclusively, the Agreement shall contain any/the concept development plan pages (copies hereto attached) proposed by virtue of this application submittal as accepted, or accepted with required changes, by the City's Council.
3. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of the matter including, specifically the following.
 - a. The Developer/Development shall comply with requirements listed in the January 12, 2016 memorandum from the Nampa Engineering Division authored by Daniel Badger.
 - b. The Developer/Development shall comply with requirements listed in the December 2, 2015 e-mail printout from the Nampa Forestry Department authored by Tanya Gaona.
4. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the development in accordance with Fire Department policy or International Fire Code requirements as applicable.
5. The side lot lines of Lots 1-11 of block 6 shall be adjusted to align with side lot lines of properties in Silver Spur Ranch Subdivision to the south of, and abutting to, the Project. Further, one building lot among the row of Lots 1-11 shall be eliminated to facilitate upsizing of the remainder of the lots in order to more closely match [the] lot sizes in Silver Spur Ranch Subdivision.
6. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed Plat development notes and include said corrections in a revised preliminary plat.
7. Emplace a 6 ft high chain link fence, along both sides of the Safford Lateral wherever said waterway adjoins or traverses any part of the Project. Specifically, the fencing is required along the afore-mentioned waterway's easement edge and along the entire length of that channel where it traverses Silver Star Subdivision, and, where any part of that waterway will be left exposed or open to/for access. To provide for maintenance (e.g. weed control) of the area of land between the fencing and the waterway, it is suggested the Developer follow one of the follow methodologies:
 - a. Provide for a gate for each lot having the 6 ft chain link fencing abutting their rear property line to access the land.
 - b. Provide one or more gaps in the fencing allow multiple people to access the area between the Subdivision fence and the top of bank of the waterway(s) being screened.
 - c. Designate the land between the Subdivision fence and the top of bank of the waterway(s) being screened as a common lot (though it may contain an easement controlled by the irrigation district) and provide for its maintenance by the associated subdivision's homeowners' association.
 - d. Obtain a License Agreement from the appropriate Irrigation District in order to fence inside the water lateral's easement and consequently have all or a portion of the land included as part of the private building lots adjoining the waterways. If any land remains between the fence and the bank of the waterways, then it must be maintained as provided for in options (a) or (b) above. Cause any maintenance easement associated with the waterway to be vacated and the land once within the easement to be deeded to the adjoining property owner for their use and maintenance.
 - e. Introduce one or more gaps in the fencing to facilitate individual property owners or homeowners' association representatives or hired contractors to access the easement areas.
8. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

The Planning Commission also recommended that the Development Agreement for the Project contain a stipulation to enforce the applicants' representation that they would fence the entire perimeter of the Subdivision, and the interior.

Motion carried with Gunstream, Keim, Kehoe, and Sellman in favor and Kropp, Myers and Rodriguez opposed.

Chairman McGrath proceeded to public testimony regarding the Preliminary Plat for Silver Star Subdivision.

Becky McKay of Engineering Solutions, 1029 N Rosario, Meridian – representing the applicant:

- Ms McKay stated the applicant had indicated he would remove one of the lots adjacent to Silver Spur Subdivision and widen the proposed lots to match the width of the existing Silver Spur Ranch lots.

Julie Van Beek – no address given – indicated they were in favor of the plat but did not wish to speak.

John Van Beek - no address given – indicated they were in favor of the plat but did not wish to speak.

Karl Keeler of 4905 Bronze Spur Dr, Nampa – stated he was opposed but did not wish to speak again.

Doug Franolich of 4868 Golden Spur Dr, Nampa – stated he was opposed but did not wish to speak again.

Paul Turnbull of 4924 Golden Spur Dr, Nampa – stated he was opposed but did not wish to speak again.

Joel Whitt of 4844 Golden Spur Dr, Nampa – stated he was opposed but did not wish to speak.

Kehoe motioned and Keim seconded to close public hearing. Motion carried.

Keim motioned and Kehoe seconded to approve the Preliminary Plat for Silver Star Subdivision (240 Single Family Residential Lots on 85.07 acres, 2.82 dwelling units per acre – a portion of the NW ¼ of Section 5 T3N R1W BM) on the east side of Star Rd, for Engineering Solutions, LLP representing Star Development, Inc, subject to:

1. Applicant(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc] as may be imposed by City agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlements granted by virtue of the City's approvals of the requested Annexation, Zoning and Preliminary Plat do not, and shall not, have the effect of abrogating requirements from those agencies in connection with entitlement of the Property.
2. That the Applicant, as Owner/Developer, [shall] enter into a Development Agreement with the City of Nampa. The Agreement shall contain such conditions (e.g. Project perimeter fencing) and terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's requests for entitlement approval to develop the Property as proposed by said Applicant(s). Inclusive, the Agreement shall contain any/the concept development plan pages (copies hereto attached) proposed by virtue of this application submittal as accepted, or accepted with required changes, by the City's Council.
3. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of the matter including, specifically the following.
 - a. The Developer/Development shall comply with requirements listed in the January 12, 2016 memorandum from the Nampa Engineering Division authored by Daniel Badger.
 - b. The Developer/Development shall comply with requirements listed in the December 2, 2015 e-mail printout from the Nampa Forestry Department authored by Tanya Gaona.
4. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the development in accordance with Fire Department policy or International Fire Code requirements as applicable.
5. The side lot lines of Lots 1-11 of block 6 shall be adjusted to align with side lot lines of properties in Silver Spur Ranch Subdivision to the south of, and abutting to, the Project. Further, one building lot among the row of Lots 1-11 shall be eliminated to facilitate upsizing

of the remainder of the lots in order to more closely match [the] lot sizes in Silver Spur Ranch Subdivision.

6. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed Plat development notes and include said corrections in a revised preliminary plat.
7. Emplace a 6 ft high chain link fence, along both sides of the Safford Lateral wherever said waterway adjoins or traverses any part of the Project. Specifically, the fencing is required along the afore-mentioned waterway's easement edge and along the entire length of that channel where it traverses Silver Star Subdivision, and, where any part of that waterway will be left exposed or open to/for access. To provide for maintenance (e.g. weed control) of the area of land between the fencing and the waterway, it is suggested the Developer follow one of the follow methodologies:
 - a. Provide for a gate for each lot having the 6 ft chain link fencing abutting their rear property line to access the land.
 - b. Provide one or more gaps in the fencing allow multiple people to access the area between the Subdivision fence and the top of bank of the waterway(s) being screened.
 - c. Designate the land between the Subdivision fence and the top of bank of the waterway(s) being screened as a common lot (though it may contain an easement controlled by the irrigation district) and provide for its maintenance by the associated subdivision's homeowners' association.
 - d. Obtain a License Agreement from the appropriate Irrigation District in order to fence inside the water lateral's easement and consequently have all or a portion of the land included as part of the private building lots adjoining the waterways. If any land remains between the fence and the bank of the waterways, then it must be maintained as provided for in options (a) or (b) above.
 - e. Cause any maintenance easement associated with the waterway to be vacated and the land once within the easement to be deeded to the adjoining property owner for their use and maintenance.
 - f. Introduce one or more gaps in the fencing to facilitate individual property owners or homeowners' association representatives or hired contractors to access the easement areas.
8. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

The Planning Commission also recommended the Development Agreement for the Project contain a stipulation to enforce the applicants' representation that they would fence the entire perimeter of the Subdivision, and the interior, as well as aligning the lots on the south side of Silver Star Subdivision with the northerly lots of Silver Spur Ranch.

Motion carried with Gunstream, Keim, Kehoe, Myers, Rodriguez and Sellman in favor and Kropp opposed.

Modification of Annexation/Zoning Development Agreement between Don Brandt, Brandt Properties, LLC and the City of Nampa, recorded 12/17/2003 AS Instrument No. 200377065 – Amending the provisions and stipulations of Section 4 to incorporate a new Preliminary Plat, the Park MOU and agreed upon site specific conditions of approval by the city of Nampa; Planned Unit development Permit; and Preliminary Development Plan/Preliminary Plat Approval for Franklin Village Subdivision in a proposed RS-6 (PUD) zoning district at the SE Corner of E Cherry Lane and N Franklin Blvd for a 129.8 acre portion of the NW ¼ of Section 11 T3N R2W BM (420 Single family Residential Lots on 129.8 acres, 3.24 dwelling units per acre) for Taunton Group representing Franklin Village Development, LLC (ANN 2067-15, PUD2066-15 and SUB 661-15).

Chairman McGrath proceeded to public hearing.

Bob Taunton of the Taunton Group, of 2724 S Palmatier Way, Boise – representing the applicants:

- Mr Taunton presented the application for the Modification of Development Agreement, the Planned Unit Development Permit, and Preliminary Development Plan/Plat Approval for Franklin Village Subdivision.

- The Preliminary Plat, advised Mr Taunton, would be located on just under 130 acres, for a total of 464 lots, with 420 single family lots, 33 common lots, 11 shared drives, and 1 large future City park on 28.2 acres.
- The land for the park, added Mr Taunton, would be donated by the property owner and there would be a Memorandum of Understanding regarding how each party would participate in developing the park.
- According to Mr Taunton, the property was actually annexed into the City and zoned RS-6 in 2003.
- At that time, continued Mr Taunton, there was a Preliminary Plat and PUD approved and over the years that plat lapsed.
- Mr Taunton noted the density in the RS-6 zoning district is 7.26 dwelling units per acre, and with the PUD option there would be an additional 10 percent bonus density.
- The proposed Franklin Village Subdivision would have a gross density of 3.24 dwelling units per acre, which would include the park. Without the park, the gross density would be 5.61 dwelling units per acre.
- The proposed plan, added Mr Taunton, was predicated on creating a healthy community – active, walkable and connected.
- A diversity in housing designs, continued Mr Taunton, was also considered to be important, from an architectural standpoint, as well as size and price points.
- Community gathering places, both large and small were also important, stated Mr Taunton.
- According to Mr Taunton, a neighborhood meeting had been arranged for September 16th at Birch Elementary School and over 18 people attended, with questions regarding the park, traffic, and the irrigation system.
- Mr Taunton indicated the location of the subject development, at the southeast corner of Cherry Ln and Franklin Blvd, with three entry points, from N Franklin Blvd, south off Cherry Ln, and one off Birch Ln.
- All three of the entryways would be landscaped, added Mr Taunton.
- Mr Taunton explained the main entry to be a parkway – with a collector/standard roadway, no residential lot direct frontage, terminating at a roundabout.
- Mr Taunton indicated the 100 ft Idaho Power easement runs through the property, as well as the adjacent subdivision.
- The Grimes Drain, along the western boundary of the subdivision, stated Mr Taunton, had a 50 ft easement.
- The Park plan, continued Mr Taunton, was a concept plan that had been received from the City.
- Mr Taunton explained there would be a five ft paved trail all along the Grimes Drain which would connect to existing trails.
- The Idaho Power easement, explained Mr Taunton, would be grassed and improved.
- Thirty percent of the lots in the proposed subdivision, stated Mr Taunton, would either front or back on to the park, or back on to open space. There were also a number of mini parks within the proposed Franklin Village Subdivision that would provide for informal recreational use.
- Mr Taunton noted the Tot Lot, as well as a work-out station for older children and adults.
- There would be wrought iron fencing along the Idaho Power easement stated Mr Taunton, as well as along the park and along the Grimes Drain.
- According to Mr Taunton, their Traffic Impact Study had been completed by Thompson Engineering.
- Mr Taunton noted the Transportation Improvement Plan adopted by the City identifying specific improvements that would take place over time.
- Mr Taunton discussed the multiple lot sizes proposed for blocks within the development varying from 50 ft, 60 ft and 70 ft wide occurring within one block, making for a good variety of housing within each block.
- Mr Taunton indicated the conceptual phasing plan, with the project developing over 8 to 10 years.
- The first phase, added Mr Taunton, would be off of N Franklin Blvd, with the last phases in the southeast corner.
- **Kropp** noted the location of the park adjacent two busy streets.
- **Mr Taunton** reported the same location for the park in the previous plat which had expired and considered the location between N Franklin Blvd and Cherry Ln would improve access to the park.
- **Kehoe** noted the benefit of the developer donating the land for the park, putting in the athletic facilities and tot lot.
- Kehoe considered the proposed roundabout within the subdivision would be a great advantage.

Assistant Planning Director Hobbs:

- Hobbs reviewed the Staff Report and recommended conditions of approval, which included the request for consideration for Modification of the Development Agreement, the PUD decision and the Preliminary Plat decision for Franklin Village Subdivision.
- Hobbs reviewed the history of the proposed subdivision, park and PUD.
- Hobbs reviewed the PUD standards.

Chairman McGrath proceeded to public testimony.

Curt Griffiths of 7814 Birch Ln, Nampa – opposed.

- Mr Griffiths spoke in opposition to the requested Modification of the Development Agreement, the PUD Permit, and the Preliminary development Plan/Plat.
- Mr Griffiths stated he resided just to the west side of the Grimes Creek Drain.
- Mr Griffiths reported that during the neighborhood meeting he became aware the applicants had purchased a sewer easement across 7844 Birch Ln and at the very corner of 7928 Birch Ln to cross the Grimes Creek just north of his property, coming down the west side of his property line.
- Mr Griffiths explained he had a line of 6 Norwegian Spruce trees on the west side of his property line that were over 55 years old. The trees, added Mr Griffiths, were aesthetically very pleasing.
- Mr Griffiths stated the sewer easement would be a great detriment to the existing trees and their ability to survive. The City Arborist, added Mr Griffith, had indicated the trees would probably not survive over time if the sewer easement were to be cut through so close to the trees.
- Mr Griffiths considered the proposed development did not have the right to destroy the trees that had been there for over 50 years. Mr Griffiths advised he had not been consulted at any time, and the easement had not been part of the original preliminary plat.
- Mr Griffiths requested the City and the developers reconsider the location of the access to the sewer for the proposed subdivision.
- Mr Griffiths questioned if the developers could gain access to the sewer line from another location.

Staff Engineer Badger:

- Badger explained the sewer line at N Franklin Blvd at W Orah Blvd was too shallow to serve the entire development and was not sized to take the entire capacity.
- The City Master Plan, continued Badger, had the proposed development sewerage out to the line in Birch Ln.
- Badger stated he had verified the subject easement to the Birch Ln sewer line had been dedicated to the City for installation of a sewer line and there would be the legal right to install the sewer through that property.
- In response to a question from **Kehoe**, **Badger** stated it was his understanding there would be no liability to the City for putting a sewer line through an easement that was legally obtained for that purpose.

Kropp motioned and Rodriguez seconded to close public hearing. Motion carried.

- **Badger** noted when the City actively purchased an easement, the City would pay for the improvements on the subject property. If trees were not located on that easement property and the question was regarding the fact the roots were on the adjacent property and had grown into the adjacent easement property.

Myers motioned and Gunstream seconded to recommend to City Council Modification of the Annexation/Zoning Development Agreement between Don Brandt, Brandt Properties, LLC and the City of Nampa, recorded 12/17/03 as Instrument No. 200377065 – Amending the provisions and stipulations of Section 4 to incorporate a new Preliminary Plat, the Park MOU and agreed upon site specific conditions of approval by the City of Nampa; Planned Unit Development Permit; and Preliminary Development Plan/Preliminary Plat Approval for Franklin Village subdivision, subject to:

1. **Applicant(s) shall comply with all applicable requirements [including obtaining proper permits – like a building Permit, etc] as may be imposed by City agencies appropriately involved in the review of the request (e.g. Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions, etc) as the entitlements granted by virtue of the City's approvals of the requested Development agreement Modification(s) do not, and shall not have the effect of abrogating requirements from those agencies in connection [re]entitlement of the Property.**

2. The Applicant, as Owner/Developer, [shall] enter into a Modified Development Agreement set with the City of Nampa. The Agreement(s) shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Applicant and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Applicant's request for the Property to be reconfigured for residential use in an RS-6 Zone versus its original entitlement(s). Inclusively, the Agreement shall contain any/the concept development plans proposed by virtue of this application submittal as accepted, or accepted with required changes, by the City's Council

Myers motioned and Kropp seconded to approve the Planned Unit Development Permit for Franklin Village Subdivision for Franklin Village Subdivision subject to:

1. The Development shall comply with all requirements imposed by City agencies involved in the review of the matter including, specifically the following:
 - a. The Developer/Development shall comply with requirements listed in the December 29, 2014 memorandum from the Nampa Engineering Division authored by Daniel Badger. Any corrections to the Preliminary Plat's layout or designed based on Engineering Division comments shall be incorporated into/upon [the] relevant final plat(s). Further, Developer/Development shall be bound by the Memorandum of Understanding crafted by the City Engineering and Parks Division/Department.
 - b. The Developer/Development shall comply with requirements listed in the November 24, 2015 e-mail printout from the Nampa Parks Department authored by Cody Swander.
 - c. The Developer/Development shall comply with requirements listed in the December 2, 2015 e-mail printout from the Nampa Forestry Department authored by Tanya Gaona.
 - d. The Developer/Development shall comply with requirements listed in the December 8, 2015 memorandum from the Nampa Planning Department authored by Karla Nelson.
2. The water system for the development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the development in accordance with Fire Department policy or International Fire Code requirements as applicable.
3. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat.
4. Any exceptions to City adopted subdivision design standards (not covered by PUD allowances) shall/will require separate design [exception] approval from the City Council (e.g. block length, counting of otherwise non-eligible open space lots towards satisfying the 15% PUD open space rule, etc.

Motion carried.

Myers motioned and Gunstream seconded to approve the Preliminary Plat for Franklin Village Subdivision located at the SE Corner of Cherry Lane and N Franklin Blvd for 420 Single Family Residential Lots on 129.8 acres, 3.24 dwelling units per acre for Franklin Village Development, LLC, subject to:

1. The Development shall comply with all requirements imposed by City agencies involved in the review of the matter including, specifically the following:
 - a. The Developer/Development shall comply with requirements listed in the December 29, 2014 memorandum from the Nampa Engineering Division authored by Daniel Badger. Any corrections to the Preliminary Plat's layout or designed based on Engineering Division comments shall be incorporated into/upon [the] relevant final plat(s). Further, Developer/Development shall be bound by the Memorandum of Understanding crafted by the City Engineering and Parks Division/Department.

- b. The Developer/Development shall comply with requirements listed in the November 24, 2015 e-mail printout from the Nampa Parks Department authored by Cody Swander.
 - c. The Developer/Development shall comply with requirements listed in the December 2, 2015 e-mail printout from the Nampa Forestry Department authored by Tanya Gaona.
 - d. The Developer/Development shall comply with requirements listed in the December 8, 2015 memorandum from the Nampa Planning Department authored by Karla Nelson.
2. The water system for the development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the development in accordance with Fire Department policy or International Fire Code requirements as applicable.
 3. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat.
 4. Any exceptions to City adopted subdivision design standards (not covered by PUD allowances) shall/will require separate design [exception] approval from the City Council (e.g. block length, counting of otherwise non-eligible open space lots towards satisfying the 15% PUD open space rule, etc.
- Motion carried.

Preliminary and Final Plat (Short Plat) Approval for Karcher Middleton Commercial Subdivision in a BC (Community Business) zoning district at the SW corner of W Karcher Rd and N Middleton Rd (4 Commercial Lots on 2.56 acres, 4.56 lots per acre – A portion of the NE ¼ of Section 18 T3N R2W BM) for Karcher Clinic, LLC (SUB 663-15/SUB664-15.

Chairman McGrath proceeded to public hearing.

Jon Seel of 1199 Capitol Blvd, Boise – representing the applicant:

- Mr Seel presented the application for approval of the Preliminary Plat and Final Plat (Short Plat) for 4 commercial lots.
- Mr Seel noted the two approaches to the development, one on Karcher Rd and one on N Middleton Blvd.
- The sewer and water was already into the site, stated Mr Seel, and noted the landscaping had already been completed.
- The pressurized irrigation, continued Mr Seel, had been brought from the east side of the project to the west side of the project.
- The applicants, stated Mr Seel, now had some surplus land they would like to subdivide into an additional three lots to be developed in the future.

Assistant Planning Director Hobbs:

- Hobbs reviewed the Staff Report and recommended conditions of approval.

Chairman McGrath proceeded to public testimony.

No public comment forthcoming.

Kropp motioned and Rodriguez seconded to close public hearing. Motion carried.

Gunstream motioned and Kehoe seconded to approve the Preliminary and Final Plat (short plat) for Karcher Middleton Commercial Subdivision in a BC zoning district at the SW Corner of W Karcher Rd and N Middleton Rd (4 commercial lots on 2.56 acres, 1.56 lots per acre, subject to:

1. The water system for the development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the

development in accordance with Fire Department policy or International fire Code requirements as applicable.

2. Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat.
3. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

Motion carried.

Annexation and Zoning to RS-6 for 2214 Sunny Ridge Rd. (A .275 acre or 11,989 acre portion of SE ¼ Section 34 T3N R2W, for Charles Collier (ANN 2069-15).

Chairman McGrath proceeded to public hearing.

The applicant was not present.

Planning Director Holm:

- Holm presented the Staff Report.
- Holm noted the subject property had previously been connected to City sewer and the applicant was now following up with the requested annexation.
- Holm indicated the location of the subject property and noted it backed on to the existing City limits.

Chairman McGrath proceeded to public testimony.

No public comment forthcoming.

Keim motioned and Kehoe seconded to close public hearing.

Motion carried.

Gunstream motioned and Keim seconded to recommend to City Council approval of the annexation and RS-6 zoning for 2214 Sunny Ridge Rd, for Charles Collier.

Motion carried.

Annexation and Zoning to IL for 4305 Airport Road, 0 Airport road, and 4321 Airport road. (A 5.003 acre portion of the NE ¼ Section 24 T3N R2W BM) for Lanco, Inc, representing Mission Aviation Fellowship (ANN 2073-15).

Chairman McGrath proceeded to public hearing.

David Bills of 3400 S Montego Way, Nampa – representing the applicant:

- Mr Bills presented the application for the annexation and zoning to IL for the three properties.
- According to Mr Bills, he had been assisting MAF for the past four months and acquiring and re-assembling the subject parcels.
- Mission Aviation Fellowship, added Mr Bills, was currently working on its Master Plan for extending the campus.
- Mr Bills stated Mission Aviation Fellowship had now decided it was time for expansion and to re-work the Master Plan for the campus.
- The subject properties, stated Mr Bills, were adjacent to the airport but were currently in disrepair.
- With the annexation, added Mr Bills, Mission Aviation Fellowship would be in the process of planning the improvements.
- Mr Bills stated Oak St was currently before the Nampa Highway District for Vacation of Right Of Way.
- In response to a question from **Kehoe**, **Mr Bills** stated the property on Pilatus Way with the spools and semi-trucks had all been cleared.

Planning Director Holm:

- Holm reviewed the Staff report and recommended conditions of approval.

Chairman McGrath proceeded to public testimony.
No public comment forthcoming.

Kropp motioned and Keim seconded to close public hearing. Motion carried.

Gunstream motioned to recommend to City Council annexation and IL zoning for the three parcels addressed as 4305 Airport Road, "0" Airport Road, and 4321 Airport Rd for Mission Aviation Fellowship subject to:

- 1. Right of Way dedication for Airport Road shall be fifty (50) feet as half of a future one hundred (100) foot right-of-way as Airport Road's functional classification is an arterial.**
- 2. At time of development of the site, the developer shall extend all public utilities to and through the site in accord with current City Policy and Master Plans.**
 - Sewer
 - Water
 - Pressure Irrigation
 - Curb, gutter and sidewalk
 - Landscaping as required
 - Storm drainage – both on and off site
 - Gravity Irrigation – Either continued delivery to, or wastewater from adjacent properties.
 - Pavement widening and striping as required.

Motion carried.

Meeting adjourned at 9:40 p.m.



Norman L Holm, Planning Director

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