

**NAMPA PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
TUESDAY, MARCH 22, 2016, 6:30 P.M.**

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

Absent: Lance McGrath, Chairman  
Chad Gunstream- Vice Chairman

**Chairman McGrath** called the meeting to order at 6:49 p.m.

**Approval of Minutes. Kropp motioned and Rodriguez seconded to approve the Minutes of the March 8, 2016 Planning and Zoning Commission meeting. Motion carried.**

**Report on Council Actions.** Assistant Planning Director Hobbs stated City Council had reviewed: 1) Rezone from DH to DV for 8 10<sup>th</sup> Ave S, 16 10<sup>th</sup> Ave S, 1012 1<sup>st</sup> St S, and 1014 1<sup>st</sup> St S – approved; 2) Modification of Annexation/Zoning Development Agreement for Timbercreek Subdivision recorded 08/07/2014 as Instrument No. 2014-028508 at 1149 S Powerline Rd – approved; 3) Vacation of easements between 11605 and 11615 W Cross Slope Way – approved; 4) Vacation of public utility and drainage easement along the southerly 5 ft of 4106 S Raintree Dr – approved; and, 5) Carriage Hill Subdivision No. 4 Final Plat – approved.

**Chairman McGrath** proceeded to the business item on the agenda.

**Extension of Preliminary Plat Approval for Southern Ridge Subdivision east of Southside Blvd on the north side of E Locust Ln. (A portion of the S ½ of Section 1 T2N R2W BM – 385 single family residential lots on 116.82 acres for 3.3 dwelling units/acre) for McMaster LP (SUB 612-14). Request to extend 08/18/14 approval which expired on 02/18/16 to 02/18/17.**

**Assistant Planning Director Hobbs:**

- Hobbs advised Kent Brown, representing the applicants, had requested the first one year extension for the Preliminary Plat approval for Southern Ridge Subdivision.

**Staff Engineer Badger:**

- Badger advised the applicants were looking with proceeding with the first phase shortly.
- Part of the delay, continued Badger, had been involved with the sewer capacity issue downstream and the City was looking at funding those upgrades in the coming fiscal year.

**Kropp motioned and Rodriguez seconded to extend the Preliminary Plat approval for Southern Ridge Subdivision (SUB 612-14) to February 18, 2017, subject to all previous conditions of approval.  
Motion carried.**

**Chairman McGrath** left the meeting at 7:00 p.m.

**Commissioner Rodriguez took over the Chair as Acting Chairman.**

Acting Chairman Rodriguez proceeded to the public hearing items at 7:00 p.m.

**Extending the boundary of the current Area of City Impact for the City of Nampa, Idaho. In order to create a more logical boundary. The Commission will also consider swapping part of the current Area of City Impact boundary with the City of Caldwell.**

- a) **The Nampa Area of City Impact swap areas as follows: Area 1 from Caldwell to Nampa for the northern part of the parcel addressed as 9792 Ustick Road containing 36 acres more or less, Area 2A from Caldwell to Nampa at the intersection of Middleton Rd and Laster Lane containing 26 acres more or less, Area 2B from Nampa to Caldwell at the intersection of I-84 and N Middleton Rd, containing 64 acres more or less, Area 3 from Nampa to Caldwell at the southeast corner of Midway Road and E Homedale Rd containing 39 acres more or less, and, Area 4 located at the southwest corner of Karcher Rd and Midway Rd, containing 33.5 acres more or less.**
- b) **The Nampa Area of City Impact boundary extension areas as follows: Area 5 on the west containing 3.62 square miles more or less; and, Area 6 on the south containing 1.24 square miles more or less.**

Acting Chairman Rodriguez proceeded to public hearing.

**Nampa Community Planner Nelson:**

- Nelson stated the City of Nampa was proposing changes to the Nampa Area of Impact.
- Nelson explained the proposed Area of Impact changes would not force any properties to annex into the City.
- Nelson advised it was not the policy of the city of Nampa to forcibly annex properties.
- Additionally, there are State wide regulations that govern annexation, and properties over 5 acres in size could not be forcibly annexed.
- Only those properties adjacent to Nampa City boundaries could be annexed, noted Nelson.
- Nelson stated the proposed Area of Impact changes would make no change to property taxes.
- The Nampa Area of Impact would not change the current zoning or current services, continued Nelson.
- Canyon County, added Nelson, would still have jurisdiction over the Area of Impact.
- According to Nelson, the proposed changes recognized areas that were likely to experience development pressure.
- Areas of Impact, reported Nelson, were long range planning tools and Areas of City Impact were part of the Planning Act and were meant to address rapid urban development on the fringes of cities.
- Nelson noted that growth and development near City boundaries did impact cities. These lands are likely to become part of the City in the future just by their proximity and if they are developed it is important they are developed to standards compatible with Nampa, particularly true for subdivisions.
- According to Nelson, there may become a time when septic systems fail and the urban fringe subdivisions will want to become part of Nampa. At that time the process would work better for everyone if the subdivisions follow Nampa's current subdivision standards when new subdivisions develop.
- The Area of Impact, reported Nelson, allows the City to plan for growth and services that will be needed in the future and to coordinate how those services will be provided. When development occurs on these lands, the Area of Impact makes it clear which rules apply and what is expected.
- The City of Nampa and Canyon County first agreed to an Area of Impact in 1979 and it was then adjusted in 1995, updated in 2000 and the present boundaries set in 2005, reported Nelson.
- Areas 5 and 6 on the map, continued Nelson, had been contemplated and agreed upon by Caldwell and Nampa for several years. Last summer, Nampa, Caldwell, and Canyon County staff met again to reconfirm those boundaries and discussed problem areas with the current boundary.
- Areas 1 through 4, stated Nelson, were the areas proposed for adjustments because those properties could be better served by the opposite City's Area of Impact.
- Nelson reported the Area of City Impact process is regulated and mandated by State Code, and the boundary is negotiated between the City and County officials and results in two Ordinances, the Map Boundary Ordinance, as well as an Agreement Ordinance which describes which plans and Ordinances will be used within the boundary area.

- The City, advised Nelson, was not proposing changes to the governing Ordinance at this time, although that may occur in the future. The governing Ordinance states, reported Nelson, that if a subdivision is developed within the City of Nampa Impact Area then it shall follow City of Nampa standards.
- According to Nelson, Canyon County also sends land use applications and zoning applications for comment to City of Nampa staff. The City of Nampa comments are not binding, noted Nelson, but the City does get a chance to review those applications.
- Canyon County zoning, stated Nelson, applies in the Area of Impact – and that would not change. Canyon County’s Comprehensive Plan also applies in the Area of Impact.
- Nelson indicated the proposed changes to the Area of Impact on the map.
- Nelson stated there were 3,895 acres in all of the expansion and swap areas.
- Nelson noted Area 1, near Ustick Rd and Midland Rd, and added that parcel was currently split between the Caldwell and Nampa Areas of City Impact. The parcel was also included in Nampa’s Urban Renewal Area so it made sense to Caldwell and Nampa to include it totally in the Nampa Area of Impact.
- Areas 2A and 2B, near Nampa Caldwell Blvd and Homedale Rd, located within the current Areas of City Impact boundaries do not touch. Therefore, added Nelson, Area 2A would go to Nampa Area of City Impact, Area 2B to Caldwell Area of City Impact, and Area 3 on Midway Rd and Homedale Rd would go to Caldwell Area of City Impact due to the fact it currently touched the Caldwell City boundary. Area 4 had already been annexed into the City of Nampa and this would have the Area of City Impact boundary match the City limits.
- Area 5, advised Nelson, was an expansion area discussed with the City of Caldwell, starting in 2005.
- Nelson stated it was important that property owners should know which jurisdiction they should go to when they want to develop or tie into a City service.
- Nelson emphasized it was important for Nampa and Caldwell to determine where the Area of Impact line will be in the future.
- According to Nelson, Area 5 had been included in the Nampa Comprehensive Plan and several Master Plans and the City of Nampa can serve the area in the future with water and sewer – and some of that area has already been annexed.
- Area 6, stated Nelson, had also been considered for several years and was included in the City’s Comprehensive Plan and designated as Agricultural – but it does touch City boundaries in a few locations so development pressure could occur.
- Nelson noted there had been a few inquiries and concerns about the Impact Area expansion – and those were primarily from Impact Area 6.
- Nelson noted a letter had been received from Alan Mills, dated March 17, 2016, representative for Tim Rambo, opposed to inclusion in the Nampa Area of Impact No. 6. If Area 6 was approved for inclusion in the Nampa Area of Impact, there would be no change, to Mr Rambo’s zoning, or any other zoning.
- Canyon County zoning, emphasized Nelson, would still apply.
- The Area of Impact will not affect taxation, reiterated Nelson.
- Property owners would only be affected if they wish to develop their land, noted Nelson, and the City Subdivision Ordinance would apply to subdivision development, and the City could comment on other land use applications.
- Nelson referred to State Code regarding the three factors determining Area of City Impact boundaries: Trade, Geography, and if those areas could reasonably be expected to become part of the City in the future.
- Regarding Trade, stated Nelson, residents of the subject areas certainly come to Nampa for goods, services, and employment as it was a trade center.
- There are no geographic boundaries that would prevent the City supplying services in the future, reported Nelson.
- According to Nelson, some development pressure had already been seen, and growth forecasts do suggest there will be more development in the subject areas.
- Nelson indicated the Population Density Forecast from COMPASS, for the year 2040 for the Traffic Analysis Zones.
- **Kehoe** inquired if inclusion in the Nampa Area of Impact would make any difference to the Rambo Gravel Pit.
- **Nelson** replied it would make no difference to that business, unless in the future they chose to annex the property into the City and develop it.

- In response to a question from **Myers, Nelson** stated the proposed expansion of the Nampa Area of Impact would be more of a planning tool that would allow the City to know where the City boundaries could be by the year 2040, and where the services would be needed and provided, and how Nampa would develop.

**Acting Chairman Rodriguez** proceeded to public testimony.

**Randall Peterman of 3865 N Julian Way, Boise – in favor:**

- Mr Peterman stated he and his wife Linda were the owners of the parcel labeled as Area 4 and were in favor of the proposed exchange from the City of Caldwell Area of Impact to the City of Nampa Area of Impact.
- Mr Peterman stated Area 4 was located at the southwest corner of Karcher Rd and Midway Rd.
- They purchased the property, added Mr Peterman, in 2013, it had been annexed into the City of Nampa in 2008 and they relied on that fact when they purchased the property.
- Mr Peterman emphasized that no matter what the Planning and Zoning Commission recommended for the other parcels, it should be recommended to City Council to bring Area 4 in the City of Nampa Area of Impact as the property had already been annexed into the City of Nampa.

**Brian Billingsley of 621 Cleveland Blvd, Caldwell – in favor:**

- Mr Billingsley stated he was the Planning and Zoning Director for the City of Caldwell and was present at the meeting tonight to confirm the City of Caldwell was in agreement with the boundary adjustments with the City of Nampa.
- Mr Billingsley confirmed the City of Caldwell was in agreement and there should be no conflict between the two cities.
- In response to a question from **Acting Chairman Rodriguez, Mr Billingsley** noted the City of Caldwell gave up Area 4 on Karcher Rd, in 2008, and considered Karcher Rd would probably become a commercial corridor in the future.
- Mr Billingsley noted the other areas of exchange between Caldwell and Nampa and considered the proposed exchanges would be fair to both cities.
- Mr Billingsley added Area 1 would still be under Canyon County services and jurisdiction until such time as the property annexed into the City of Nampa.

**Mr John Babcock of 12497 Midway Rd, Nampa – opposed:**

- Mr Babcock stated he owned 160 acres in the vicinity of Midway Rd and Lake Lowell Ave/Iowa Ave, located within Area 5 of the proposed Area of Impact.
- Mr Babcock calculated his property comprised 4 percent of the 3980 acres involved in the proposed Area of City Impact.
- Mr Babcock stated his parents homesteaded the property he now owns back in the 1950's when they took it out of sagebrush, they farmed 50 acres of the 80, and there were still 35 acres of sagebrush.
- According to Mr Babcock, he had boy scout troops that camp on his property, and there were also deer and Canadian geese that reside and travel through there.
- In addition, stated Mr Babcock, there were two other 40 acre parcels that he owned on Lake Lowell Ave.
- Mr Babcock discussed the crops and cattle that were raised on his ranch.
- Mr Babcock stated, for the record, his property will never be subdivided. At the present time, his church was evaluating his property to determine if their future plans could use his three parcels for a welfare farm, a recreational facility for the scouts, etc, for church buildings, or a combination thereof.
- Mr Babcock added the church would have to promise him they will keep the property together and never subdivide, if not, it will go into the Conservation Trust Land Bank where it can never be subdivided.
- Mr Babcock stated the City of Nampa had some disagreeable behavior which seemed to be greed motivated – and stated the people of Carriage Hill Subdivision were charged twice as much for water because they do not use the sewer.
- Mr Babcock cited concerns with his property being in the City limits because the Assessor would be required to tax it at full market value or forcing him to raise crops to prove it was not a subdivision, or telling him he would have to have animals on the property as had been done to a neighboring property owner.
- According to Mr Babcock, he did not want City sewer or City water, City Ordinances, or curfews or noise regulations, and preferred the Canyon County Sheriff's deputies.
- Mr Babcock considered the first step of annexation should not be taken.

- **Kehoe** inquired why Mr Babcock thought all those things that Mr Babcock had just stated would happen.
- **Mr Babcock** stated that the approval of the expanded Area of Impact would be the very first step in annexation.

Marilee Shoemaker of 13136 S Midway Rd – opposed but did not wish to speak.

Larry shoemaker of 13136 S Midway Rd – opposed but did not wish to speak.

Casey McGrew of 13157 S Midway Rd – opposed but did not wish to speak.

Denise Gilmore of 13157 S Midway Rd – opposed but did into wish to speak.

Cheryl Schaffer of 13063 Midway Rd – opposed but did not wish to speak.

Boyd Schaffer of 13063 Midway Rd – opposed but did not wish to speak.

Shayne Perdue of 12426 Iowa Ave, - opposed but did not wish to speak.

Brett Cope of 12359 Moss Ln – opposed but did not wish to speak.

**Dennis DeBord, 13203 Rivendale Ct, Nampa – opposed:**

- Mr DeBord stated he agreed with Mr Babcock’s comments.
- According to Mr DeBord, he built his home in 2006 on 2 acres and the difference between City and County taxes would be almost twice as much in the City.
- Additionally, when he built his home in the Canyon County, continued Mr DeBord, the Nampa Fire Chief came to the property and stated they were stopping the construction because the home required a sprinkler system, and that system cost \$8,000 to put in, plus additional time renting. Now, the Nampa Fire Department had changed their mind and stated that fire sprinkling was not required.

**Howard Henning of 1110 Coyote Cove Rd, Nampa – opposed:**

- Mr Henning stated the Notice from the City of Nampa regarding the proposed Area of Impact had brought all the property owners together.
- Mr Henning presented two signed Petitions to the Commission, as a demonstration of their opposition to the proposed Area of Impact expansion, and requested they be removed from the proposed Area of Impact.
- Both Petitions, continued Mr Henning, covered Area 6. The first Petition represented property owners on S Middleton Rd, Coyote Cove Rd and Meredith Ct – encompassing a total of 26 households, and the Petition was signed by 23 of those households.
- The second Petition, continued Mr Henning, represented property owners within the West Greenhurst Homeowners Association, with households on the south side of W Greenhurst Rd and on Nez Perce Rd, a total of 17 households, and the Petition was signed by 13 of those households.
- Mr Henning noted the total of 61 signatures on the Petitions.
- Mr Henning referred to the fact how important property rights were to the founders of the country and noted those signing the Petitions do not consent to inclusion in the Area of Impact.

**Ginette Lanto of 11152 Coyote Cove Rd, Nampa – opposed:**

- Ms Lanto stated she and her husband had lived at that address since 2005.
- Ms Lanto referred to the Staff Report posted on the City of Nampa website, specifically the verbiage on Page 2, regarding the Area of Impact intended to be a safeguard to ensure protection of land....
- In 2005, continued Ms Lanto, it was determined that area would not be annexed or in the Area of Impact.
- Eight years prior to that, stated Ms Lanto, one of the areas was being considered for a subdivision and she came to a hearing where there had been a big discussion on the Wildlife Refuge area and the impact any buildings would have on that area.
- Page 2, under Map Boundary Ordinance, added Ms Lanto, ”....consideration of various factors, including trade areas, geographic factors; and areas that can reasonably be expected to become a part of the City in the future.”
- Ms Lanto referred to Page 5, under Findings, where it states, “State planning law requires that three factors be considered when defining an impact area. Nampa has considered each factor....Trade considerations.... have very few alternatives for accessing goods and services....and forces residents to travel significant distances for necessities...” Ms Lanto considered that statement would not apply to Area 6.
- Ms Lanto referred to “Geographic factors....Each study has indicated Nampa as the most suitable service provider for this area.” Once again, that portion of Area 6 is a fully developed community of 26 homes that have signed the Petition and all 26 have their own septic and water systems and the lots will not be splitting any further.

- Regarding “Development potential...will increase density in the expansion areas. Utilities will be needed and private development will continue to seek annexation in order to obtain these services...It is reasonable to conclude that the expansion area will be a part of Nampa in the future.” Again, stated Ms Lanto, the development would not be something that would apply to Area 6, so for that reason, she would like that portion of Area 6 to be exempt.
- Ms Lanto inquired if a certain portion of Area 6 could be exempt.

**Bill Deakins of 11882 Nez Perce Rd, Nampa – opposed:**

- Mr Deakins stated his comments represented the portion of Area 6 represents by households in CoyoteCove, Meredith Ct, S Middleton Rd, W Greenhurst Rd and Nez Perce Rd.
- As a group, stated Mr Deakins, they object to inclusion in the Area of Impact.
- Mr Deakins suggested it would be reasonable to be excluded from the Area of Impact because every single person they had talked to was not in favor of ever being included in the City of Nampa in relation to any future attempt to annex.
- Mr Deakins noted the Staff Report stated that it remained City policy not to use forced annexation. Mr Deakins noted if forced annexation would not be implemented and everyone in that area opposes annexation, then it would be reasonable to remove Area 6 from the Area of Impact.
- According to Mr Deakin, there was no room for future development in Area 6, because it was fully developed between Coyote Cove and Greenhurst Rd. The properties were self-sufficient and there would be no need for City services because each property had its own well and well maintained septic systems, and a separate irrigation well serves many of the acreages.
- Mr Deakins noted the fees included in his property taxes.
- Mr Deakins advised that neither he nor his wife wished to live in the City and again requested Area 6 be removed from the Area of Impact.

**Paul Cope of 12373 Moss Ln, Nampa – opposed:**

- Mr Cope stated his property was located in Area 5 of the proposed City of Nampa Area of Impact., with a 40 acre sand and gravel company.
- Mr Cope stated his company would be in operation for a while and have already obtained a C-U-P from the County for another 64 acres across the road, also in Area 5.
- Mr Cope noted that would be another 104 acres in Area 5 alone that was in operation as a sand and gravel operation.

**Dusty Dutcher of 11425 Greenhurst Rd, Nampa – opposed:**

- Mr Dutcher concurred Area 6 was not developing, not many people have moved to that area and it would not be developed.
- Mr Dutcher referred to the COMPASS Study which indicated that Area 6 would not have any development between 2015 and 2040.

**John Redding of 12888 Lake Avenue, Nampa – opposed:**

- Mr Redding stated his property was right in the middle of the upper Lake Lowell Dam.
- According to Mr Redding he had not received a letter regarding the Nampa Area of Impact.
- Mr Redding concurred with Mr Babcock’s comments.
- The property owners, added Mr Redding, get along with the National Wildlife Refuge.
- There have been so many subdivisions going into that area, stated Mr Redding, that the deer have gone, and there are no more geese.
- Mr Redding noted his 140 acres near the Cope gravel pit and Mr Babcock’s land that would not develop in the future.

**Laurie Marx of 12654 Wild Rose Lane, Nampa – opposed:**

- Ms Marx stated their property was also located in Area 5 and she was representing the Wild Rose Ranchettes Subdivision Homeowners Board.
- The subdivision, added Ms Marx, was fully developed with their own community water system and individual septic systems, and all of the amenities already provided. The majority of the members of the Wild Rose Ranchettes Subdivision would not be interested in being annexed into the City.

- According to Ms Marx, she and her husband had chosen to move to the country and it was nice to be in a quiet area and to be able to ride their horses in the vicinity.
- Ms Marx stated the Wild Rose Ranchettes already pay property taxes for the services they receive and do not seek any further assistance, and, therefore were requesting to be excluded from the Impact Area expansion.

**Wilma Huston of 12649 Memory Ln, Nampa – opposed:**

- According to Ms Huston, her family – the Bennetts, had owned the quarter section of property, next to the Babcocks.
- According to Ms Huston, her family sold the County the park at the end of the dam.
- Ms Huston stated her grandparents and family members helped to build the dam.
- Ms Huston stated that at the present time she owned 10 acres next to Lake Lowell and voiced concern regarding what would happen between the City and the Bureau of Reclamation because they were trying to encroach on the property owners all the time with the Wildlife Refuge and their demands about using the lake that had actually been formed by the farmers.

**Ken Feaster-Eytchison of 11349 Greenhurst, Nampa – opposed:**

- Mr Feaster-Eytchison stated the subdivisions in that section of Area 6 have in their CC&Rs that the lots cannot be further subdivided.
- In response to a question from **Acting Chairman Rodriguez** Mr Feaster-Eytchison stated that according to the CC&Rs the lots within the subdivision cannot be further subdivided to create more housing.

**Terry Bird of 12454 Iowa Ave, Nampa – opposed:**

- Mr Bird stated he had more questions.
- Mr Bird inquired at what capacity was the current sewer system operating at in the City of Nampa.
- What was the quality of the City of Nampa water system and the delivery system of the water, questioned Mr Bird.
- Mr Bird stated if the annexations went through, the property owners would lose their water rights.
- Mr Bird voiced concern regarding the haphazard sprawl situation going on in the City of Nampa and City of Caldwell.
- The location of the schools, the location of the Walmarts were contributing to the sprawl situation on what should be considered the best growing ground.

**Arlene Devlin of 22026 Rio Vista Dr, Caldwell – in favor of inclusion in Area of Impact expansion.**

- Ms Devlin stated she and her husband owned property in Area 1,
- According to Ms Devlin they owned 150 acres bordered by Ustick Rd, the railroad track and Midland Blvd and having the property split between the City of Nampa and the City of Caldwell Impact Areas would be difficult.
- Ms Devlin stated she was not aware that there would be this much opposition to the other areas involved in the City of Nampa Area of Impact expansion, but would like to be considered in favor for inclusion of Area 1, regardless of the decisions for Areas 5 and 6.

**Patricia Nilsson – Director of Canyon County Development Services:**

- Ms Nilsson stated she was present in order to listen and answer any questions.
- The County Planning and Zoning Commission, stated Ms Nilsson, will hold their public hearing on April 21<sup>st</sup>.
- Ms Nilsson noted that the City of Nampa staff, City of Caldwell staff and Canyon County have been working closely together on the proposal for Area of Impact expansion.
- In response to a question from **Acting Chairman Rodriguez**, Ms Nilsson advised that under State Law the Impact Area boundaries have to be mutually agreed upon negotiation, and typically the County likes to see each City's individual proposal.
- There was a meeting with Canyon County early in the process, added Ms Nilsson, and there was agreement to move forward and take it to public hearing. The cities and the County then embarked on the Planning and Zoning Commission hearings.
- After that, stated Ms Nilsson, would be the City Council public hearings and after that would be the County Commissioners' public hearing, and it would not be official until the County Commissioners adopt the Area of Impact.

- **Ms Nilsson** responded to a question from **Acting Chairman Rodriguez** and advised the County had updated their plan to reflect the existing zones in 2012.
- The County had also removed the ability to get subdivision approval by Conditional Use Permit, added Ms Nilsson.
- The densest development in the County, stated Ms Nilsson, would be the R-2 district – allowing half acre lots, and a 12,000 sq ft lot would be permitted if the lot was connected to City water and sewer – which would only be in the Impact Area where City services would be available.
- Discussion followed regarding the process for the Area of Impact expansion.
- In response to a question regarding any changes to property taxes on properties in the Area of Impact, **Ms Nilsson** stated the Assessor would assess any property at market rate and emphasized the Area of Impact would not affect property taxes at all, and the Assessor was covered by a whole set of other State laws.
- Ms Nilsson noted a Recreation Center might require sewer service, and it could be incredibly expensive to put in an advanced treatment system because there would be no access to City sewer.
- Properties located in the Area of City Impact might provide more choices to property owners in the future and there were some benefits available to property owners by having City services available should they need them in the future, noted Ms Nilsson.

**Charles Dennis 12657 Memory Ln – Nampa:**

- Mr Dennis referred to the fact he had done a study on the COMPASS long range planning on traffic patterns.
- There had been a long range plan, added Mr Dennis, to put a loop or beltway around the Treasure Valley, which would go either the north side or south side of Lake Lowell, and questioned if that plan was still in the works.

**Lois Troyer of 11001 Coyote Cove, Nampa:**

- Ms Troyer noted there had been some discussion about 8 years ago regarding bringing in City services and advised it had been cost prohibitive to bring in City sewer or water over to Coyote Cove when she checked.

**Mr John Babcock:**

- Mr Babcock marked on the map the areas noted by the property owners that had spoken.

**Karla Nelson – Nampa Community Planner:**

- Nelson reiterated that inclusion in the Area of Impact would not increase taxation.
- Nelson stated the City was not planning to forcibly annex any properties.
- Nelson considered the proposed Area of Impact would not make much impact to most property owners.
- **Kropp** inquired if certain areas could be excluded from the Area of Impact expansion.
- **Nelson** replied that could certainly be done, however, it would just mean going back to the drawing board with Canyon County, City of Caldwell and Nampa staff.

**Planning Director Holm:**

- Most of the changes, stated Holm, were on the southern boundary in Areas 5 and 6 and that boundary could be changed without effecting the division between Nampa and Caldwell in terms of the westerly boundary.

**Karla Nelson – Nampa Community Planner:**

- In response to a question from **Acting Chairman Rodriguez**, **Nelson** advised any expansion of the Area of Impact would mean the City of Nampa would not be taking over any services from the County.
- All the services, reiterated Nelson, would remain the same unless the property owners decided to annex into the City and then some services may change.
- Nelson advised if a developer wanted to connect to City services and was adjacent to City limits, they could annex and connect to City services if available. However, that development would not, continued Nelson, force any adjacent property owners to annex into the City or connect to City services.
- **Kehoe** noted there were already many enclaved areas in the city that had not been forced to annex into the City or connect to City services.
- Discussion followed on possibly changing the boundaries of the proposed Area of Impact expansion.
- **Nelson** responded to a question from **Acting Chairman Rodriguez** and referred to the Transportation Master Plan.

**Staff Engineer Badger:**

- Badger referred to the City of Nampa Master Transportation Plan for the entire City that looks at the City as it grows, and as identified by COMPASS. COMPASS, added Badger, does the large overall growth projections for the City, the entire County and Treasure Valley. In the Nampa Transportation Master Plan the City looks at the growth projections and determines what traffic improvements are needed - where and when.
- Badger stated the City also looked at those projections and planned for the Area of Impact.
- If the proposed Area of Impact expansion were to be approved, stated Badger, the next update of the Transportation Master Plan would look at the areas and determine what improvements would be needed and when. The more specific granular detail of those traffic patterns are done at the time of development and determine what needs to happen at specific intersections, as the Transportation Master Plan is more of a general overall plan for the entire City for mainly arterials and collectors.
- Regarding the water quality, Badger emphasized the City of Nampa water system meets all State and Federal water quality standards for a public municipal water system. There is a very robust well system throughout the City, continued Badger, with very good water quality.
- According to Badger, when Areas 5 and 6 were initially discussed back in the early 2000s, the City was in the process of doing Sewer Master Planning for the entire City and Areas 5 and 6 were incorporated into the Master Plans at that time – to identify the line sizing and lines that would need to be installed to serve those areas. As a developer comes in and applies for a subdivision they would be required to extend those services.
- Regarding sewer capacity, Badger stated the City of Nampa’s Wastewater Treatment Plant was continually being upgraded to increase the capacity, and based on the Master Planning efforts at buildout at the Wastewater Plan there would be adequate capacity to serve those areas at the time they develop.
- In response to a question from **Myers, Badger** stated the areas that were looked at in the Master Plans would be the Area of Impact. At the last iteration of the Master Plan Areas 5 and 6 were not included because they were not in the Area of Impact at that time, but some accommodations were made for the previous study to still allow what would need to happen inside the current Area of Impact to service the expansion of the Area of Impact.
- In response to a comment from **Ms Troyer, Badger** stated the Coyote Cove area did sit in a bit of a bowl and the Master Plan had identified that when sewer service was needed in that area it will require a sewer lift station to do that – and that would not happen until such time as they made that request.

**Patricia Nilsson – Canyon County Community Development Director:**

- Regarding the loop concept/beltway around Treasure Valley, Ms Nilsson stated there were a lot of public workshops regarding that subject and it finally ended up with the Kuna-Mora Rd corridor study, looking at a connection between Ada and Canyon County along Kuna-Mora Rd. According to Ms Nilsson, the ACHD had started the study and then discontinued it.

**Mr Peterman:**

- Mr Peterman noted the majority of the comments in opposition have involved Areas 5 and 6, which does not implicate the Statute. The Statute, added Mr Peterman, was intended to require negotiations between the cities and the county relative to Areas 1, 2, 3 and 4.
- Mr Peterman reiterated the Commission could defer the issues on Areas 5 and 6, but still approve the rest of Areas 1, 2, 3 and 4 in order to get things straightened out under the Statute.

**Myers motioned and Kropp seconded to close public hearing. Motion carried.**

- **Kehoe** suggested Areas 5 and 6 should be redesigned to address the concerns of those residents.
- **Sellman** concurred and suggested Areas 1 – 4 could still be considered for the Areas of Impact and exclude Areas 5 and 6 for review in the future.
- **Myers** stated the decisions could be made at the public hearing tonight.
- **Holm** agreed the decisions could be made at tonight’s meeting and suggested the dividing line could run along W Roosevelt, with Areas 1, 2, 3, 4 and 5 to the north of W Roosevelt to be included in the Area of Impact, and excluding Areas 5 and 6 to the south of W Roosevelt from the Area of Impact.
- Discussion followed regarding the areas to be included and excluded from the Area of Impact.

**Kehoe motioned and Sellman seconded to recommend to City Council that:  
Area 6 be totally excluded from the proposed Area of Impact;  
Area 5 from W Roosevelt Ave south be excluded from the proposed Area of Impact;  
Areas 1, 2, 3 and 4 and Area 5 to the north of W Roosevelt Ave be included in the proposed Area of Impact.  
Motion carried.**

**Annexation and Zoning to RS-6 for 2208 Sunny Ridge Rd. (a .66 acre or 28,954 sq ft portion of the SE ¼ Section 34 T3N R2W BM, SE ¼ Tax 14 less road) for Nathan Pyles (ANN 2146-16).**

**Acting Chairman Rodriguez** proceeded to public hearing.

The applicant was not present.

**Planning Director Holm:**

- Holm noted the applicant had requested annexation and zoning to RS-6.
- The property, added Holm, was just north of the property to the south that was recently annexed.
- The subject property was located on the east side of Sunnyridge Rd and adjacent to the City limits on the east.
- The property owner, continued Holm was requesting annexation so that he would have the ability to split off the eastern portion of the parcel.
- According to Holm, the 28,954 sq ft parcel was currently zoned R-1 in the County, and was designated as Medium Density Residential on the Comprehensive Plan Future Land Use map.
- Holm advised City utilities were located in Sunny Ridge Rd.
- The applicant's intent, added Holm, was to split the parcel and have another dwelling at the back of the subject property.
- **Kehoe** inquired about the location of a proposed driveway to access the back parcel and **Holm** stated it appeared the north side of the lot would be the best location for access to the rear lot.

**Acting Chairman Rodriguez** proceeded to public testimony.  
No public comment forthcoming.

**Kehoe motioned and Kropp seconded to close public hearing. Motion carried.**

**Kropp motioned and Kehoe seconded to recommend to City Council approval of the Annexation and RS-6 zoning for 2208 Sunny Ridge Road, Nampa, subject to:**

1. **At the time the parcel is split, in preparation for construction of the second residence on the parcel, the owner will be required to provide utility, ingress/egress, and cross access easements as necessary across the front parcel in favor of the new parcel. Copy of which will be required to be submitted with application for a Building Permit.**
2. **Owner(s) enter into a Curb, Gutter, Sidewalk, and Road Widening Deferral Agreement with the City.**
3. **Annexation into the Nampa Municipal Irrigation System at time the parcel is split, if owner requests to be connected to the City Pressurized Irrigation System.**

**Motion carried.**

**Conditional Use Permit for Firearms Sales in an RS-6 zoning district at 7469 Newbrook Drive. (A .174 acre or 7,592 sq ft portion of the SE ¼ Section 11 T3N R2W BM, Sunset Oaks 1 Phase 2, Tax 98236 of Lots 8 and 9 Block 9) for Anthony Smith (CUP 2148-16)**

**Acting Chairman Rodriguez** proceeded to public hearing.

**Anthony Smith of 7469 Newbrook Dr, Nampa – the applicant:**

- Mr Smith stated he was seeking a Conditional Use Permit for on line marketing and sales of firearms and accessories.

- According to Mr Smith, he would only be advertising on-line but would have to perform ATF background checks on site to accept or deny the buyer. That would occur, continued Mr Smith, in his garage, behind closed doors.
- There would be a safe, continued Mr Smith, bolted to the concrete floor inside the garage.
- According to Mr Smith, he would not stock a lot of inventory, as most of the sales would be more custom.
- Mr Smith stated he did not see how the proposed business would cause a traffic increase to the neighborhood, and noted he had off-road parking next to his driveway.
- Mr Smith advised there would be no employees and he would be the only person authorized by the ATF to hold the FFL.
- The orders would be taken one at a time and all transfers and checks would be done after 5:00 p.m. and before 7:00 p.m. on weekdays, reported Mr Smith.
- Mr Smith stated he had applied for his Federal Firearms License and the Chief of Nampa Police had already signed off on the background check.
- According to Mr Smith, his goal was to grow the business enough at his home location to require a move to a store front.
- In response to a question from **Kehoe**, **Mr Smith** reiterated that all transactions have to be done in person in the garage and everything else would be via phone or on-line, but reiterated the background check has to be done in person behind the closed door of the garage.
- Mr Smith explained the purchaser would buy the gun from gun shops online, the online gun shop would then send him the gun to perform the background check for the purchaser - and that would be the transfer from the online gun shop to the purchaser. Mr Smith explained he would be the middleman in order to perform the background check and satisfy the ATF.
- **Kehoe** inquired if Mr Smith would be selling ammunition and **Mr Smith** stated he would not be selling guns and ammunition from the same location.

**Assistant Planning Director Hobbs:**

- Hobbs reviewed the Staff Report and recommended conditions of approval.
- Hobbs noted the City of Nampa Home Occupation Ordinance encouraged incubator businesses to be operated out of a residence where the business owner lived.
- The more intensive Home Occupations, continued Hobbs, including gun sales, required Conditional Use Permit application and public hearing.
- According to Hobbs, there were a variety of firearm related Home Occupations in Nampa already.
- Hobbs reviewed the Home Occupation standards that would apply to the proposed business and the process required for firearm sales with the City, and Federal regulations.
- Hobbs noted if there were complaints regarding the Conditional Use Permit/Home Occupation then the application could be referred back to the Planning Commission to determine if there had been a violation of the Homeowners Association and C-U-P standards.

**Acting Chairman Rodriguez** proceeded to public testimony.

**Michelle Tanberg of 7463 Bay Meadows Dr, Nampa – opposed:**

- Ms Tanberg stated she had not been completely aware of the proposed business but did have concerns.
- Ms Tanberg inquired if Mr Smith had been a vendor in Idaho Gun Shows.
- Ms Tanberg questioned how Mr Smith felt about the new Constitutional Carry Vote by the Idaho Legislature.
- Ms Tanberg stated the purpose of those questions would be to determine if the applicant's proposed business would circumvent the intent of closing the gun shows in Idaho.
- Ms Tanberg inquired if the background checks were just an opportunity to do fraud online.
- Ms Tanberg questioned if there could be difficulties if someone showed up with ammunition but were not who they claimed to be.
- Ms Tanberg considered the applicant could move to an area that was both residentially and commercially zoned for his Home Occupation.
- Ms Tanberg stated she was disappointed in former homeowners who turned their homes into rentals, and noted some issues that had occurred in the past.
- The proposed business, continued Ms Tanberg, may be better located in a business location in downtown Nampa.

- **Kehoe** noted that gun shows had been held at the County Fairgrounds in Ada County and Ada County suspended the one particular gun dealer's operation because of the incidents that happened, but other people could run gun shows there, and added that gun shows had not been closed down in Ada County or Canyon County.

**Mildred Amick of 7480 Bay Meadow Dr, Nampa – opposed:**

- Ms Amick stated the subject property was almost behind her house and her granddaughter lived in the house and she was concerned because the neighborhood had a lot of children, with a school nearby.
- Ms Amick voiced concern that the proposed business in the neighborhood would not be a good thing.

**Wendy Hoagland** - opposed to the application but did not wish to speak.

**Janice Stanton of 7510 Bay Meadows Dr, Nampa – opposed:**

- Ms Stanton stated her home was behind the subject property.
- Ms Stanton voiced concern that the proposed business would be in a residential neighborhood with many children and families near the park and the school.
- According to Ms Stanton she felt very uncomfortable with the firearms business in the neighborhood.
- Ms Stanton stated she was not against guns but was not for selling them in their neighborhood.

**Nancy Finney of 7273 Newbrook Dr – opposed but did not wish to speak.**

**Anthony Smith:**

- In response to a question from **Acting Chairman Rodriguez, Mr Smith** explained the background check regulations he would have to follow, in order to weed out undesirable purchasers.
- Mr Smith noted he was required to keep all records and information for 20 years, and ATF audits every year. Mr Smith detailed the formalities he had to go through for the background check and before he could hand over the firearm.
- Mr Smith stated he could not afford to open a storefront at the present time and that was why he was starting on a small scale with the Home Occupation, and in the future wanted to move to a storefront when he reached the level of business that would sustain a separate business location.
- In response to a question from **Kehoe, Mr Smith** stated his license would not permit him to sell fully automatic weapons or suppressors.

**Heidi Smith of 7469 Newbrook Dr, Nampa – in favor:**

- Ms Smith addressed the safety concerns of the proposed business.
- Ms Smith stated she and her husband had raised five children together and when she first met her husband she also had been very concerned about guns. Since that time, her husband had taught her how to use guns and how to respect guns and also taught all her girls how to use and respect guns.
- If anyone walked into their house now, added Ms Smith, you would not see a gun anywhere, or ammunition, and you would not be able to tell they owned any guns, except for some of the older framed models, that were up high.
- According to Ms Smith, her family take their guns out of the house all the time and go shooting but there was not one person in their neighborhood that would even know because of the manner in which they handled the firearms.
- Ms Smith emphasized they would not put anyone else's children at harm, or their own children at harm.

**Assistant Planning Director Hobbs:**

- Hobbs discussed the ATF regulations and the requirement of the Audit Teams and noted they were extremely stringent.
- According to Hobbs, after the Planning Commission had made a decision on a Conditional Use Permit for firearms sales, he would send a copy of the action letter directly to ATF, along with all the conditions of approval.

**Kropp motioned and Sellman seconded to close public hearing. Motion carried.**

- **Myers** stated he felt comfortable with all the safeguards.

Myers motioned and Kehoe seconded to grant the Conditional Use Permit for Firearms Sales for Mr Smith at 7469 Newbrook Drive, Nampa, subject to:

1. Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] 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, etc) as well as Federal and/or State agencies that may be involved in the matter as the C-U-P (and Home Occupation) approval does not and shall not have the effect of abrogating requirements from those departments or agencies.
2. Any other conditions imposed by the Commission or by City departments or outside agencies in relation to the/this C-U-P request (e.g. hours of operation, customers per day limit, security/safety devices, etc); Note that the Commission did not impose restrictions of the kind contemplated by this condition, partly based on applicant's representations that he would have defined hours, limited customers per day, a safe in the garage sufficient to satisfy BATF and compliance with the City's Home Occupation standards which are as follows:
  - a) Signs: No sign is used other than a nameplate not over two (2) square feet in area and non-illuminated.
  - b) Space: The amount of floor area used solely for the Home Occupation (either in the dwelling unit or in an accessory building beside or behind the dwelling unit) shall not exceed 25 percent of the gross floor area of the dwelling unit involved.
  - c) Storage and Display: There is no outdoor display of goods or outside storage of equipment or materials used in the Home Occupation that would indicate from the exterior that the building is being used in whole or in part for any purpose other than residential use.
  - d) Commercial Vehicles: Not more than one commercial vehicle, not to exceed 15,000 GVWR, may/shall be kept by the operator of the Home Occupation on their residentially zoned property (Ord 3960, 4-4-2011)
  - e) Employment: There are no outside paid employees (except in short term instances when the resident operator must be temporarily away from home).
  - f) Traffic: It is intended that vehicular or pedestrian traffic to or from a residential property operating a Home Occupation not be generated in volumes beyond that normal to the residential zoning district in which the Home Occupation is located. If additional parking for the home business is needed, then that parking shall be provided upon the property whereupon the Home Occupation is to be/is being operated. The parking area (including driveway access to the same) shall be paved, any right of way permit needed for it obtained, shall be for no more than two (2) vehicles, where possible shall not be located in front of the house relative to a street and shall comply with any required parking area setbacks.
  - g) Residential Appearance: The building retains the appearance of a residential use in terms of operating characteristics and does not destroy the residential character of the neighborhood.
  - h) Nuisances: No equipment or process shall be used which creates noise, vibration, glare, fumes, odors or electrical interference detectable to the normal senses off the lot, if the occupation is conducted in a single-family residence or outside the dwelling unit if conducted in other than a single-family residence. In the case of electrical interference, no equipment or process shall be used which creates visual or audible interference in any radio or television receivers off the premises or causes fluctuations in line voltage off the premises. Home Occupations involving storage of flammable or combustible materials shall conform to the City Fire Code for residential occupancy.
  - i) Sales: Infrequent residential or out of home sales (i.e. garage sales, estate auctions/sales, moving sales, block sales, patio sales) may occur in residential areas\*, provided sales are conducted not more than 3 days at a time and no more frequently than once per calendar quarter. The seller shall not be in the business of regularly selling the same or similar property as that which is offered for sale at the yard. No Temporary Use Permit is required for this kind of activity.

(\*-- It should be noted here that Condition I, above that addresses sales was drafted to address the type of sales mentioned/typified. Out of home sales related to uses like the one at hand as well as activities like Tupperware or similar parties, Avon sales or similar, Scentsy parties or similar, sale of other products other than firearms [e.g. woodcrafts,

food items, handicrafts, machine parts, Craigslist items [including personal belongings] etc, should be kept to reasonable levels in residential areas but there is no specific science behind what transaction counts should be...).

**Motion carried.**

**Annexation and Zoning to RMH and Conditional Use Permit for a 99-bed Skilled Nursing Facility at 820 and a portion of 1002 N Happy Valley Rd. (A 4.536 acre parcel of land being situated in a portion of Lots 1 and 2 of Orchalara Heights in the SW ¼ of Section 18 T3N R2W BM), for Zoke, LLC – Nate Hosac (ANN 2153-16 and CUP 2154-16)**

**Acting Chairman Rodriguez** proceeded to public hearing.

**Kelly Kehrer of KM Engineering, LLP, 9233 W State St, Boise – representing the applicants:**

- Mr Kehrer stated they were requesting RMH zoning, which would be consistent with the Comprehensive Plan designation of Community Mixed Use.
- A skilled nursing vicinity was planned for the subject property, added Mr Kehrer.
- Mr Kehrer stated the applicants were in agreement with the Staff Report.

**Owen Hammond of 408 S Eagle Rd, Eagle – representing the applicants:**

- Mr Hammond stated he was a principal in Cascadia Health Care, the company that would be developing and operating the proposed nursing facility.
- Mr Hammond stated he had been in the industry for 8 years, specifically in operation of skilled nursing transitional care facilities.
- According to Mr Hammond, the majority of skilled nursing facilities are on a 50 to 60 year old framework. Convalescent homes were built and have transitioned to more of a short term rehab setting, noted Mr Hammond.
- The needs and wants of the subject population, added Mr Hammond, have changed over the years and require a different type of setting.
- What has been proposed, explained Mr Hammond, was a state of the art transitional rehab facility that will be a low impact nursing home where patients will go and transition from a hospital setting for the short term and then transition to an assisted living facility or their home.
- The facility, noted Mr Hammond, would provide approximately 125 skilled jobs to the Nampa area.
- According to Mr Hammond, it was important to be as close as possible to the hospital because the patients are being pushed from hospital settings into rehab transitional care facilities.
- Mr Hammond stated the applicants had talked to the residents/property owners adjacent to the proposed facility, and they were agreeable to this type of setting.
- It was hoped, continued Mr Hammond, to work with the neighbors and make the facility as low impact as possible while still being able to operate the facility in the manner in which it needs to be.
- A lot of research had been done, noted Mr Hammond, and it was found that people do not want to be in a convalescent home, they want to be in a setting where they feel they are transitioning to home.
- **Kehoe** inquired what the average age of patient would be.
- **Mr Hammond** replied that in the past it was predominantly over 65, however, there were also younger populations -- anyone from 18 to 105.
- **Kehoe** inquired if the facility would be locked so the patients could not leave or would they be free to walk out the door and go.
- **Mr Hammond** stated that when they take in a resident it was up to the nursing home to make sure they could meet the needs of a resident, so if the resident was a wandering risk they would not take that resident because it would not be a lock-down facility. However, added Mr Hammond, there would be precautions in place at all exits. Additionally, there would be highly skilled staff plus all of the high-tech instruments in the doors and the alarm systems.

**Assistant Planning Director Hobbs:**

- Hobbs reviewed the Staff Report, along with the Concept Site Plan.
- Hobbs noted there were two applications: the annexation and RMH zoning request, and the Conditional Use Permit application for the 99 bed skilled nursing facility.

- Hobbs noted the subject property was eligible for Annexation and RMH zoning, given the Comprehensive Plan designation of Community Mixed Use.
- The Conditional Use Permit, reported Hobbs, was more of a check related compatibility of the use.
- Hobbs noted the suggested Conditions of Approval.
- Hobbs indicated the letter from David and Maria Fiddler, dated March 21<sup>st</sup> detailing their request for screening along the eastern border of the property, along with a berm and non-deciduous trees with a DBH caliper of no less than 4 inches to be placed every 8 to 10 ft.
- Mr and Mrs Fiddler, continued Hobbs, wanted to see an arborvitae screen across the back/east of the subject property.
- It would be up to the Planning Commission, stated Hobbs to require the requested screening if the Commission chose to approve the C-U-P and recommend favorably on the Annexation.
- Hobbs noted the Site Plan submitted by the applicant would require a few more landscape island interrupts that were not shown on the plan.
- **Acting Chairman Rodriguez** noted that Mr and Mrs Fiddler were asking for a privacy fence around the east parking lot and a berm along the entire south and east boundaries of the property, along with the Leyland pine trees.
- In response to a question from **Acting Chairman Rodriguez**, **Hobbs** stated the applicants had not been given a copy of the letter from Mr and Mrs Fiddler – but they would be given a copy.

**Acting Chairman Rodriguez** proceeded to public testimony.

**Dennis Fulcher of 1002 N Happy Valley Rd, Nampa – owner of the subject property:**

- Mr Fulcher stated his family had lived in the northeast Nampa corridor, formerly known as Eagle Heights, for many years.
- The residence located at the southeast corner of Happy Valley Rd and Stamm Ln was built by family members in 1904.
- Mr Fulcher stated his mother, Amy Fulcher, was present and stated she was now 95 and had lived on the original family farm for nearly 80 years.
- Mr Fulcher noted the family had paid property taxes and irrigation taxes on the subject property for more than 112 years.
- Mr Fulcher discussed the many changes to Nampa over that time and added the northeast Nampa area had consisted of many small farms.
- In 1964, added Mr Fulcher, with the assistance of family members and local businessmen, Interstate 84 was redirected from its original route through Middleton and Star to its current location, which helped put Nampa on the map.
- Since that time, added Mr Fulcher, the population has grown and the small farms have continuously been sold and developed and many businesses have developed, including the nearby Gateway Shopping Mall, St Alphonsus Hospital, and The Station Apartments on the west side of Happy Valley Rd.
- A good portion of northeast Nampa was now within City limits, stated Mr Fulcher and more would be added in the future, and that was the nature of growth.
- According to Mr Fulcher, the family had tried to continue to farm the remainder of the original farmstead but it had become increasingly difficult.
- Traffic along Happy Valley Rd now causes extreme anxiety, stated Mr Fulcher, and the accidents at Happy Valley Rd and Stamm Ln were occurring with more frequency. The addition of the stoplight, noted Mr Fulcher, had been very beneficial in slowing traffic but accidents were prevalent, as well as an increasing number of vehicles driving through fences and then leaving the scene, and, therefore, they could no longer have animals on the property.
- The family had now decided to sell the remainder of the farm and had looked for a business that would have a low impact on the neighborhood while being an aesthetically pleasing as possible for the neighbors.
- The annexation of N Happy Valley Rd into the City and the availability of City sewer and water had made the proposed endeavor possible.
- Mr Fulcher requested approval of the Annexation and RMH zoning and approval of the Conditional Use Permit for the 99 bed Cascadia Skilled Nursing facility.

**David Fiddler of 900 N Ashford Ln, Nampa – in favor:**

- Mr Fiddler stated he and his wife owned about 250 linear ft on the east boundary of the subject property.
- Mr Fiddler indicated the letter that had been submitted on March 21<sup>st</sup> outlining the items included as conditions for the C-U-P.
- Mr Fiddler reiterated he would like to see those conditions listed in the Conditional Use Permit so they would not be bypassed.
- Mr Fiddler reiterated that they would like to see non-deciduous trees – such as Leyland pines, however, there were many different pine trees available. Mr Fiddler also referred to the 4 inch dbh caliper for those trees (diameter of tree 4.5 ft above the ground).
- The south and east boundaries, continued Mr Fiddler, face residential properties.
- For the back parking lot, stated Mr Fiddler, they were requesting the C-U-P include a fence to keep the lights from cars and ambulances from shining into the neighboring residences.
- Additionally, stated Mr Fiddler, they did not want to see large parking lot light poles that would also shine into neighboring properties.

**John Carter of 704 N Apricot Pl, Nampa – opposed:**

- Mr Carter stated he did have a discussion with Mr Fulcher last night and appreciated the position he was in and the family’s history in the valley.
- However, added Mr Carter, he did have several concerns about the process for the subject property.
- Mr Carter considered the letter and the spirit of the public hearing process had not been followed with the subject property because legal notices were not sent out to property owners more than 300 ft away from the subject property. Mr Carter stated he was aware of the public hearing because he received notification because he was within 300 ft of the property.
- At the present time, added Mr Carter, no public hearing sign was visible on the property and noted that Happy Valley Rd had been shut down for the past 3 weeks.
- Mr Carter considered the proposed business would impact all of Orchalara Heights Subdivision and the residents did not know about the proposal.
- Mr Carter suggested the public hearing should be postponed until proper notice could be given to all the residents who will be impacted by the proposed annexation and nursing home, and Happy Valley Rd was open and maintained again, so that Public Notice on that road could be provided.
- The timing, added Mr Carter, was certainly inconvenient for the neighbors to know what was going on.
- Mr Carter stated he was opposed to his property being annexed by the City and noted his property was adjacent to the subject property and would now be eligible for annexation.
- Mr Carter disagreed with the Staff Report on several points, one being the statement that it was a good transitional building from residential to all the other things around it. However, added Mr Carter, the proposed building was not a good transitional building as it was a “mall” building because the stucco square design was not reflective of the surrounding residential houses.
- According to Mr Carter, the proposed nursing home should reflect more of the existing community and the present design was completely foreign to the neighborhood.
- Mr Carter also referenced the comment stating the proposed project would not adversely affect the livability or appropriate development of the surrounding properties. Mr Carter emphasized he lived right there and if the proposed nursing home was built he would move, and prospective buyers would not purchase his property because of the nursing home constructed on the subject property.
- Mr Carter noted the location of Apricot Pl, just south of the subject property and noted that even with large trees he would be able to see the facility all the time and it would negatively affect the sale value of his property.
- Of the property owners that did receive notification of the public hearing, stated Mr Carter, all of them had indicated they did not want the nursing home facility to go in but felt that they could do nothing about it because the City would do whatever they were going to do.
- The neighboring property owners, continued Mr Carter, did not think they had a voice anymore.

**Gerry Robinson of 724 N Apricot Pl, Nampa – opposed:**

- Mr Robinson indicated the location of his property, immediately to the south of the subject property.
- According to Mr Robinson, he was not excited about the encroaching City limits as bought his property hoping to stay in the country.
- His main concern, stated Mr Robinson, was the fact the entrance road for the nursing home would be adjacent his property which would mean cars coming and going all hours of the night for shift changes, etc.

Also, the parking lot lights would be intrusive and at the present time there was only one light on the existing barn on the subject property.

- In a meeting with the developer the other day, continued Mr Robinson, the developer had stated they do have to have lighting for security.
- Mr Robinson explained his back yard would be next to the subject property and considered there would have to be something done to diminish the lighting.
- Mr Fiddler's property at 900 Ashford Ln, explained Mr Robinson, would have his front yard facing the cars and street lights that would be on the nursing home property.
- According to Mr Robinson, he was against the proposed development unless there would be some agreement with the surrounding people outside of the City limits that did not want to be in the City.

**Steve Stahlke of 920 Ashford Ln, Nampa – in favor:**

- Mr Stahlke stated he was also speaking for his next door neighbor – Dale Bruchard at 1000 Ashford Ln, Nampa.
- Mr Stahlke noted many of the concerns have already been stated.
- Mr Stahlke stated they were for the 99 bed nursing facility because they did not want a 7-11 gas station/convenience store there.
- The proposed nursing facility, added Mr Stahlke, would be a one story, low impact building, with not a lot of traffic impact.
- Mr Stahlke stated he did have concerns with the lighting and parking lot lighting for the facility, because it would be right in his front yard.
- According to Mr Stahlke, he would like to see a fence along the back/east side of the subject property, plus a berm, and some trees required.
- Mr Stahlke stated he was worried about security because anyone could walk across the property line and on to his property.
- Mr Stahlke voiced concern regarding any signage for the nursing facility on the east side of the building.
- In response to a question from **Acting Chairman Rodriguez**, **Mr Stahlke** stated if the concerns he had stated could be addressed he would be for the nursing facility.

**Mr Hammond:**

- Mr Hammond reported they had coordinated a neighborhood meeting and invited people around the area.
- A lot of the concerns had been addressed at that time, added Mr Hammond.
- Mr Hammond considered the nursing facility would be a low impact use and would not have a lot of glaring sounds, lights, or intrusive lighting.
- The intent, stated Mr Hammond, was to be respectful to the people and have the lighting situation taken care of so it would not be intrusive.
- As far as fences and berms, continued Mr Hammond, there was not an issue with placing a fence and berms and a very aesthetic plant configuration that would make sense for the area, and make sure the nursing facility would be good neighbors.
- **Kehoe** inquired if Mr Hammond was agreeing to the requirements listed in Mr and Mrs Fiddler's letter of March 21<sup>st</sup>.
- **Mr Hammond** replied they planned to emplace something similar to what Mr and Mrs Fiddler had listed.

**Kelly Kehrer, KM Engineering:**

- In terms of coordinating with Mr Hammond, stated Mr Kehrer, the applicants would agree to construct a privacy fence around the property, as well as a berm within the required landscape setback.
- In terms of the specific proposal on the trees, Mr Kehrer considered a good landscape buffer could be made without having the full arborvitaes, because they would also be willing to put in a fence.
- Mr Kehrer suggested the larger caliper trees would be hit and miss as to whether they survived or not.
- Mr Kehrer stated the applicant would be willing to emplace trees along the back side but not to the density suggested by Mr Fiddler.
- **Kehoe** inquired what type of fence the applicants would be willing to construct.
- **Mr Kehrer** responded and stated they had not talked about specifics for the fence material but **Mr Hammond** thought it would probably be a vinyl fence.
- Mr Hammond added their facility would be governed by the Federal and State government to certain standards for the facility and the maintenance person would be required to keep track of everything.

- **Mr Kehrer** reported the proposed facility would not be a regular nursing home, this would be a large step up from the average facility.
- **Kropp** inquired why all the parking would not be at the front.
- **Mr Kehrer** replied some deliveries need to occur at the back of the building, and a building the size proposed would require access all around the building for emergency access.
- **Mr Kehrer** responded to a question regarding lighting for the facility and advised that lighting poles could be focused into the parking lot and would not be spilling over on to neighboring properties. With the fencing and landscaping, added Mr Kehrer, the lighting would be mitigated.

**Robert Hobbs:**

- Hobbs stated the City of Nampa does not require the applicant to set up a neighborhood meeting.
- According to Hobbs, the Legal Notice was printed in the Idaho Press Tribune, Legal Notices were mailed out to the surrounding property owners within 300 ft of the subject property, and an 8 ½ x 11 Public Hearing notice(s) posted on the subject property.
- Hobbs referred to the Code regarding the Notice requirements for public hearings.
- Hobbs explained that as part of the Planning Commission authority for Conditional Use Permits, or City Council for Development Agreements, conditions can be specified and they can be above and beyond what the Code requires.
- Hobbs discussed Code regarding building lights and parking lot pole lights.
- The fence height maximum in the RMH zone, continued Hobbs, was 6 ft and noted the Commission could require a taller fence, along with berming and landscaping.
- Hobbs indicated the 256 unit apartment project immediately to the west across N Happy Valley Rd, and Gateway Shopping Center just to the north of the proposed project, and stated that “transitional zoning” would mean simply going from a higher intensity zone, and then to some kind of multiple family zone, and then down to single family housing.
- Hobbs noted Staff can provide recommendations on applications, however, it would be up to the decision makers (Planning and Zoning Commission and City Council) to make that judgement.
- If the annexation for the subject property were to be approved, continued Hobbs, it would not mean other properties in the vicinity would immediately be annexed into the City.
- The proposed skilled nursing facility may or may not affect the property values, stated Hobbs, and may or may not affect marketability of surrounding properties.
- **Acting Chairman Rodriguez** noted the City does not force annexations.
- **Hobbs** explained that twice in the past 20 years, the city had embarked upon exploring the idea of forced annexations and did perform some years ago on a limited basis. Recently the issue had come up and City Council determined they would not go forward with forced annexations.

**Mr Fiddler:**

- Mr Fiddler considered there was a misunderstanding of what he was suggesting for screening.
- According to Mr Fiddler, he was requesting the fence should be inside the landscaped berm area, and then the parking area located inside the fence.
- Mr Fiddler noted nurseries have all kinds of pine trees available that are 14 ft to 15 ft tall and most nurseries will guarantee the trees if 100 trees are purchased.
- If small trees were planted instead, stated Mr Fiddler, it would be 5, 10 or 15 years before there would be the screening the neighbors were looking for.
- The fence should be around the parking lot, added Mr Fiddler, so that people coming and going are not going to wander up through the trees and try and get into neighboring properties.
- **Kehoe** inquired if Mr Fiddler wanted the fence adjacent to the parking lot and the berm and landscaping on the outside of the fence.
- **Mr Fiddler** stated that was correct, with tall trees on the outside of the fence because just a 6 ft fence would not provide adequate screening.
- Mr Fiddler noted there was an irrigation easement already along the back and side property lines and suggested a small berm with taller trees would provide better screening.

**Mr Hammond:**

- Mr Hammond explained he would be the operator of the facility and would have close ties to the facility and it was their intention to have adequate privacy and security.

- According to Mr Hammond, they would be building and operating the facility and want to make sure they do it right by the neighbors.
- A fence immediately adjacent to the parking lot would probably not be the best idea, explained Mr Hammond. The fence, added Mr Hammond, would need to be recessed back from the parking lot.
- Mr Hammond noted the parking lot in the back would give a greater buffer area from the nursing facility to the property line.
- **Myers** inquired if it would be a one story building and **Mr Hammond** confirmed it would be one story.

**Kehoe motioned and Kropp seconded to close public hearing. Motion carried.**

- **Kehoe** considered the proposed 99 bed nursing facility would be a much better and quieter project than what could possibly go in, such as a gas station or car wash, or another apartment house.
- Kehoe questioned if there would be enough room for the size of pine trees that Mr Fiddler wanted to see go in – as they could end up pushing the fence over or growing into neighbors’ yards.
- **Kropp** suggested a plan should be worked out for the proposed nursing facility that would meet everyone’s needs as the applicant had one set of needs and the neighbors had another set of needs.
- **Myers** inquired if the applicants would be willing to enter into a Development Agreement.
- **Mr Hammond** advised a Development Agreement was already listed in the conditions of approval.
- **Hobbs** reiterated the Planning Commission had the authority to require fencing and landscaping specifics as part of the conditional Use Permit, or as a part of the Development Agreement.
- The Building Permit plans and site plan, continued Hobbs, would then have to conform to the specifics of the Conditional Use Permit and/or Development Agreement.
- Hobbs noted the Conditional Use Permit would not be in effect until the Ordinance annexing and zoning the subject property finalized.
- **Myers** stated he was in favor of the project and in agreement with the location and transition from the apartment building to the west.

**Myers motioned and Kehoe seconded to recommend to City Council Annexation and RMH zoning for 820 and a portion of 1002 N Happy Valley Rd. (A 4.536 acre parcel of land situated on a portion of Lots 1 and 2 of Orchalara Heights) for Zoke, LLC – Nate Hosac, 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 and Development Agreement and Conditional Use Permit do not, and shall not, have the effect of abrogating requirements from those agencies in connection with entitlement of the Property.**
2. **The Developer [shall] enter into a Development Agreement with the City of Nampa. The Agreement shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Developer 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 annexed and zoned RMH. Inclusively the Agreement shall contain any/the concept development plans proposed by virtue of the composite application submittal as accepted, or accepted with required changes, by the City’s Council.**

**The Commission recommended that, as part of the Agreement’s conditions, the following stipulations be made against the Project:**

- a) **All on-site building and any parking lot lighting be boxed/shielded, down directed and that foot-candle output of fixtures [particularly on the east and south sides of the building(s)] be kept to a minimum.**
- b) **That a six (6) ft high vinyl fence be placed around the perimeter of the Project on its north, east and south sides.**
- c) **That a “good screen” producible in the “near future” by use of landscape materials (particularly trees) to buffer the Property from the neighboring residential properties to the east and south of the Property be provided.**

**Motion carried with Kehoe, Myers and Sellman in favor and Kropp opposed.**

**Myers motioned and Kehoe seconded to approve the Conditional Use Permit for a 99-bed Skilled Nursing Facility at 820 and a portion of 1002 N Happy Valley Rd. (A 4.536 acre parcel of land situated on a portion of Lots 1 and 2 of Orchalara Heights) for Zoke, LLC – Nate Hosac, subject to:**

- 1. Conforming to the requirements of the Development Agreement agreed to and conditioned by City Council.**

**Motion carried with Kehoe, Myers and Sellman in favor and Kropp opposed.**

Meeting adjourned at 10:31 p.m.



Norman L Holm, Planning Director

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