

**NAMPA PLANNING & ZONING COMMISSION  
MINUTES OF REGULAR MEETING HELD  
TUESDAY, MAY 10, 2016, 6:30 P.M.**

Members:	Lance McGrath, Chairman	Victor Rodriguez
	Chad Gunstream, Vice Chairman	Peggy Sellman
	Steve Kehoe	Norm Holm, Director
	Sheila Keim	Daniel Badger, Staff Engineer
	Bret Miller	Patrick Sullivan, Director - Building Dept.
	Kevin Myers	
Absent:	Harold Kropp	Robert Hobbs, Assistant Director

**Chairman McGrath** called the meeting to order at 6:45 p.m.

**Approval of Minutes.** Sellman motioned and Gunstream seconded to approve the Minutes of the April 26, 2016 Planning and Zoning Commission meeting.

**Report on Council Actions.** No City Council members present to report on City Council actions.

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

**Final Plat Approval for Franklin Village No. 1 in an RS-6 (Single Family Residential – 6000 sq ft) zoning district at the SE Corner of E Cherry Lane and N Franklin Blvd for a 10.65 acre portion of Lots 23, 24 and 25 of Cortland Place Subdivision situated in a portion of the NW ¼ of Section 11 T3N R2W BM, City of Nampa, Canyon County (41 Single Family Residential Lots on 10.65 acres, 3.85 dwelling units per acre) for Taunton Group representing Franklin Village Development, LLC (SUB 661-15).**

**Staff Engineer Badger:**

- Badger indicated the location of Franklin Village No. 1, near the intersection of Cherry Lane and N Franklin Blvd.
- The proposed development, continued Badger, will contain the Orah Brandt Park that will be part of the subdivision, with the park being dedicated to the City and the City developing the park in conjunction with the developers.
- Staff has reviewed the final plat, reported Badger, and recommend approval subject to the recommended conditions of approval.
- In response to a question from **Kehoe**, **Badger** advised the Grimes Drain pathway would be included in the final plat.

**Gunstream motioned and Sellman seconded to recommend to City Council approval of the Final Plat for Franklin Village No. 1 at the SE corner of E Cherry Lane and N Franklin Blvd for 41 single family residential lots on 10.65 acres, 3.85 dwelling units per acre, for Taunton Group representing Franklin Village Development, LLC, subject to:**

1. **Applicant/Development 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 Franklin Village Subdivision. 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 the requirement(s) listed in the April 28, 2016 memorandum from the Nampa Engineering Division authored by Daniel Badger.**

- b) Compliance with the requirement(s) listed in the April 7, 2016 e-mail printout from the Nampa Forestry Department authored by Cody Swander.
  - c) Compliance with the requirement(s) listed in the e-mail printout from the Nampa Building Department authored by Neil Jones, save that the required inscriptions shall be made on [construction/engineering] record drawings of the plat, not the actual plat face.
2. The water system for the Project 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 Project plat development notes.
  4. Developer/Development shall comply with City of Nampa landscape standards as applicable to the subdivision, to include internal street tree planting and periphery landscape corridor landscape requirements.
  5. Developer's engineer shall incorporate required plat revisions onto the final mylar version of the same and revise the Project's landscape plan as required. A copy of the revised landscape plan shall be remitted to Staff in conjunction with the mylar submittal following Council approval of the final plat.

Motion carried.

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

**Recommendation to the Nampa City Council regarding Adoption of the Updated Capital Improvement Plan/Impact Fees for Police, Fire, Parks, and Streets as an amendment to the Nampa Comprehensive Plan, for the City of Nampa.**

Chairman McGrath proceeded to public hearing.

**Patrick Sullivan – Impact Fee Coordinator for the City of Nampa.**

- Sullivan stated he was the Building Official, and also the Impact Fee Administrator for the City of Nampa.
- Sullivan noted the Capital Improvement Plan for the Revised Impact Fee Study, before the Planning Commission for recommendation to the City Council.
- Sullivan introduced the consultant for the Revised Impact Fee Study, Anne Wescott, of Galena Consulting.

**Anne Wescott of Galena Consulting, 1925 N Montclair Dr, Boise – Consultant for the Revised Impact Fee Study.**

- According to Ms Wescott, she had worked with the City for about 10 years, developing and updating the Impact Fee Program for the City of Nampa.
- Updates were performed every 5 years, added Ms Wescott, per State Code and the Impact Fee Law.
- The Planning and Zoning Commission decision, explained Ms Wescott, was only relative regarding whether or not to amend the Comprehensive Plan with the new Capital Improvement Plans.
- Whether or not to amend the Impact Fees, reiterated Ms Wescott, was not the decision before the Planning Commission. The Impact Fees, added Ms Wescott would be a City Council decision.
- Ms Wescott reported Impact Fees were paid by new development projects, as a condition of Building Permit approval, in order to support infrastructure for the proposed development.
- A housing development with 100 homes, would create a need for the City to have firefighters able to respond, police officers able to respond, as well as more people wanting to use parks, and more trips on the roads; and, therefore, that development would put a burden on the City to provide capital infrastructure.
- Impact Fees, emphasized Ms Wescott, have nothing to do with operations, only the actual infrastructure.
- Ms Wescott explained that Impact Fees were calculated to cover a proportional share for an additional park, or another fire station, due to additional development.
- According to Ms Wescott, Impact Fees could not be utilized for any deficiencies, and noted the Comprehensive Plan, in relation to parks, indicated a service level of so many acres of parks per thousand population.
- Ms Wescott noted the distinction between the General Fund/taxpayer paid projects and what would be covered by Impact Fees.

- Ms Wescott discussed how Impact Fees were covered under Idaho State Law.
- Ms Wescott explained the calculations for the Impact Fees in relation to growth, the maximum amount that could be collected, and noted why some projects were indicated and others were not.
- The point to remember, stated Ms Wescott, was that if the Impact Fees were not collected from the development, then the City taxpayers would pay the difference.
- According to Ms Wescott, COMPASS had the most updated growth projections for Nampa.
- Ms Wescott noted State law also required the City to work with an appointed Impact Fee Advisory Committee, and the bulk of the City of Nampa Impact Fee Advisory Committee members were real estate developers, real estate agents, and people in the business community.
- The Impact Fee Study and the data within that study, continued Ms Wescott, has been approved and recommended by the Nampa Impact Fee Advisory Committee.
- The COMPASS statistics suggest Nampa would have another 12,000 or 13,000 people over 10 years, which was, in fact, a pretty conservative annual growth rate of 1.5 percent.
- Ms Wescott discussed the calculations to estimate the number of residential units as well as the amount of non-residential square feet for retail, office and industrial uses in that time frame.
- If growth occurred faster stated Ms Wescott, then more money would be collected, and if growth slowed then there would be less money collected.
- Ms Wescott emphasized no one would pay more than their proportionate share.
- Ms Wescott discussed Exhibit IV-2, Nampa Fire Department Capital Improvement Plan for 2016 – 2025 to include: Fire Station No. 6; 1 engine for Fire Station No. 6; additional truck for growth city wide; and growth related support vehicles; 1 additional cardiac monitor; and growth related research – standard of cover. If growth was faster than anticipated, added Ms Wescott, then Fire Station No. 7 would be put back on the list. Ms Wescott noted there were also calculations provided regarding the percentage of growth portion for each item and noted the additional truck for growth citywide was shown as a Growth Portion of 50%.
- Ms Wescott emphasized replacement of current equipment would not be eligible for coverage under the Capital Improvement Plan/Impact Fees.
- According to Ms Wescott, out of a total Fire Department Capital Infrastructure of \$6,727,959, the Impact Fee eligible amount would be \$1,136,979.
- Ms Wescott inquired if the Planning Commission considered the items listed under Fire Department Capital Infrastructure were aligned with where the City was going.
- In response to a question from **Kehoe**, Ms Wescott stated the Air Compressor listed for \$45,000 was not eligible for payment under Impact Fees because it was a replacement and not related to growth.
- **Keim** questioned if some equipment, such as the Cardiac Monitor, could be acquired via a grant and Ms Wescott replied that if she knew the City would obtain grant funding for an item then it would not be included in the Impact Fee calculations. Ms Wescott added she had been informed they would not be able to get grants for Cardiac Monitors any more.
- **Gunstream** noted discussions were underway on a Joint District and Ms Wescott stated calculations could be split.
- **Ms Wescott** went on to discuss Exhibit V-2, Nampa Parks Dept Capital Improvement Plan for 2016-2025.
- Ms Wescott reviewed the proposed Capital Infrastructure for the Parks Dept over the next 10 years and discussed which projects were growth related and which were not, with 47 new park acres proposed in order to continue the level of service of 3.8 acres of park per 1,000 population, which would translate to \$7,359,162.
- According to Ms Wescott, the items to be included under Impact Fees would also include 1 pool to serve new growth, growth related equipment and vehicles, and 16% of 1 new skate park.
- Ms Wescott discussed the items that would not be included under growth.
- The total amount to include for the Parks Department, Capital Improvement Plan, Impact Fees, added Ms Wescott would be \$6,325,807.
- In response to a question from **Kehoe**, Ms Wescott discussed the Credit/Reimbursement aspect of a developer constructing or contributing all or part of a growth-related project that would otherwise be financed with Impact Fees.
- **Keim** inquired about Midway Park and when it would develop, as it had been scheduled for development in 2015.
- **Ms Wescott** explained if a project was stalled, the City could go to the State and ask for an extension.
- **Keim** questioned what was preventing the City from going ahead with Midway Park, and Ms Wescott stated reports could be generated showing what would be developed next.
- **Myers** inquired if golf courses were part of the Parks Department.

- **Ms Wescott** advised golf courses were run as an Enterprise Fund and collect their own revenue.
- Ms Wescott reviewed Exhibit VI-4, Nampa Streets Department Capital Improvement Plan 2016-2025.
- According to Ms Wescott, 10 years ago there was no CIP plan in Nampa for Streets.
- Originally, added Ms Wescott, the Streets CIP started out with intersections and culverts and the actual streets were left completely off the plan.
- Five years ago, stated Ms Wescott, the City had just accomplished a Transportation Master Plan and had a list of all the streets they needed in order of priority, and that was when the recession started, so the Impact Fee Committee was not interested in putting those streets on the list because the Impact Fee would then increase.
- Ms Wescott noted developers were currently paying street fees, called exactions, when they come in with a development and the streets within the development were put in. However, the developer does not pay for the nearby intersections that the traffic from the development would impact.
- Ms Wescott explained there were a lot of streets that were failing now, and a lot of growth along with the demand for a lot of new streets or street widening.
- Ms Wescott indicated the type of Capital infrastructure proposed for Intersections, and Bridges and Culverts and noted the percentages under the Growth Portion would vary due to the fact some streets were already in existence but would need widening, as well as the fact that ITD would be paying portions of: Garrity and Stamm Ln intersection improvements; and, Karcher Bypass and Midland Blvd intersection improvements.
- According to Ms Wescott, it had been determined by City Council to take projects off the list to make it smaller until it could be confirmed the General Fund could contribute what they need to pay in for their part.
- The question had come up, stated Ms Wescott, regarding whether Impact Fee money could be used to develop a Transportation Impact Statement model that everyone could use, and noted it was included in the Capital Infrastructure list as: TIS Model Development, and City Wide and Sub-Area Transportation Master Plan.
- Ms Wescott noted the CIP Grand Total of \$10,461,956, with \$4,862,458 to be included under Impact Fees for improvements related to growth, with the City's portion of \$3,268,446.
- **Keim** inquired if all the Impact Fee funds coming in and going out get audited at the time the City has an audit. **Ms Wescott** confirmed the Impact Fee Fund would get audited, as well as the fact the Impact Fee Advisory Committee reviews all the money coming in and all the expenditures.
- Ms Wescott proceeded to Exhibit III-2, Nampa Police Department CIP 2015-2025.
- According to Ms Wescott, Impact Fees had been used to pay for a portion of the new Public Safety Complex.
- Ms Wescott advised it had been determined Nampa would need 17 additional police officers over 10 years. Ms Wescott stated she had been advised by the Police Chief that if they needed to build a structure it would be small because they would not need another full size police station, due to the fact they already have the new Public Safety Building. There would also be the option to lease space if necessary, added Ms Wescott.
- According to Ms Wescott, the Police Department had made the decision not to add increased space for new police officers and would absorb them into the existing Public Safety Building, or lease some space.
- However, vehicles would be needed for the new officers, noted Ms Wescott and due to the fact the GMC Yukons would be driven for at least 10 years, they would be eligible for Impact Fee funds for the proposed purchase of the Yukons.
- The Negotiation Command Vehicle, reported Ms Wescott, would not be eligible for Impact Fee funds, however, Federal grant dollars could be used for that purchase.
- The Police Department, added Ms Wescott, would also be performing a Standard of Cover Analysis in order to see how they can better coordinate with the Sheriff's Office and other jurisdictions in the way the City responds to crime and to calls for service, with 50% of that \$25,000 fee eligible for Impact Fee funds.
- Ms Wescott reported that after discussions with the Police Department it had been determined it would not be necessary to continue collecting Impact Fees for the Police Department at this time.
- The proposal, therefore, would be for the Police Department Impact Fees to be removed from the Capital Improvement Plan.
- In response to a question from **Kehoe**, **Ms Wescott** suggested that over the next 10 years the NPD would spend the Fund Balance of \$806,825 and would not keep collecting Impact Fees. However, if something happened or growth changes, the Capital Improvement Plan could be opened up, amended and the Impact Fees recalculated at any time. Ms Wescott considered there would probably be an Impact Fee fund for the Police Department again in 5 to 7 years.
- According to Ms Wescott, it was considered a concession to the development community: to get rid of the Police Department Impact Fee fund; the Fire Department Impact Fees going down a little bit; Parks Department Impact Fees staying the same; and Streets Department Impact Fees going up a little bit; so the net increase or decrease was not as significant as it might be.

- **Gunstream** suggested why not reduce the Police Department Impact Fees instead of eliminating them.
- **Ms Wescott** responded, and advised the Police Department could only spend the Impact Fees on space and vehicles and the Mobile Command Unit, and the Standard of Cover Analysis Study, and at this time there was nothing else that would be eligible – and added the GMC Yukon vehicles were included at 100 percent in the \$663,138, Amount to Include in Fees, and most of the Fund Balance would be used for fleet rather than space.
- Discussion followed on the Exhibit III-1, Current Assets – Nampa Police Department.
- In Idaho, stated Ms Wescott, the Planning and Zoning Commission has authority over the Comprehensive Plan, and not the City Council, that is why the Planning and Zoning Commission will determine whether to recommend to City Council Adoption of the Updated Capital Improvement Plan/Impact Fees for Police, Fire, Parks and Streets as an amendment to the Nampa Comprehensive Plan.
- If the Planning Commission recommends approval of the Updated Capital Improvement Plan, added Ms Wescott, then City Council will have a public hearing on Impact Fees where they will discuss the Impact Fees and whether those Impact Fees impact Economic Development.
- In response to a question from **Keim**, **Ms Wescott** stated that as part of the National Fire Protection Standards there was the requirement for Fire personnel on duty to live in dorms on site, and that was how they accomplish their 2 minute turnaround to get in the truck.

The Commission took a 5 minute break and then reconvened.

- **Rodriguez** inquired if the Commission had the authority to remove Impact Fees because another association, such as the developers, wanted to.
- **Ms Wescott** replied the Commission would only be amending the actual lists of projects and putting them into the Comprehensive Plan, with the Commission approving the Updated Capital Improvement Plan/Impact Fees for Police, Fire, Parks, and Streets as an amendment to the Nampa Comprehensive Plan.
- **Rodriguez** inquired if the calculations before the Commission were based on the conversations with the Mayor, Chief of Police, and City Council or was there an alternative plan that would show different numbers.
- **Ms Wescott** replied the Updated Capital Improvement Plan had been developing for a year and there had probably been 15 different iterations of the Updated CIP. Ms Wescott explained she had worked independently with the Impact Fee Advisory Committee, interviewed all of the Staff, and figured out all the information.
- In response to a question from **Rodriguez**, **Ms Wescott** stated that in order to get a good idea of how much growth, and where the growth was going to be, she had reviewed historically where the growth had occurred and the break out between residential and non-residential. Also, other jurisdictions were reviewed, as well as the location of plats, and the areas of town where projects would be developed.
- Repair of a leaky roof on an existing fire station, or replacement of an old fire engine, continued Ms Wescott, could not be covered under Impact Fees, however, a new fire station could be built, and a new fire engine purchased for that new fire station, because of growth.
- **Rodriguez** considered the Impact Fees were special to the security and the services not supplied by the City.
- **Ms Wescott** explained the Impact Fees were shifting because the Police Department now have their Public Safety Complex and do not need to buy as much, however, Streets had been ignored for a long time and now the City was really focusing on Streets -- and because the Streets Department Capital Improvement Plan increased then their fees would be going up a little bit, and because the Police Dept Impact Fee had a fund balance remaining it would not be appropriate to keep collecting those fees.
- Until recently, added Ms Wescott, the full Impact Fees had been calculated but not collected, because City Council 5 or 6 years ago had determined they would not assess the full fee.
- At the present time, stated Ms Wescott, City Council had indicated they wanted to make the entire fee whole, with new development to pay their legal share.
- In response to a question from **Kehoe**, discussion followed regarding the probability the Impact Fees would be passed on to the purchaser of the house, or commercial or office facility and **Ms Wescott** noted it was important to show the fee payer that the fee had been calculated correctly.
- In response to a question from **Rodriguez**, **Ms Wescott** explained although growth in the City of Nampa Impact area had been calculated, Impact Fees can only be collected from the jurisdiction where the Building Permit is pulled and residents in the Area of Impact are pulling Building Permits through Canyon County, and Canyon County refuses to collect Impact Fees at this point in time. Currently the City cannot collect Impact Fees for facilities the City would probably have to provide when those County developments are eventually annexed into the City.

- **Chairman McGrath** inquired why the proposed Street Impact Fees indicated an increase of almost 100 percent for retail per sq ft, but industrial fees had dropped.
- **Ms Wescott** reported that 10 years ago the growth was primarily residential and today there was a different makeup, with a forecast for more retail and office and less industrial. Streets were calculated by trip generation stated Ms Wescott and there were far fewer trips for industrial facilities than retail.
- **Myers** noted the number of enclaved properties surrounded by Nampa City limits, and the current City Council were not anticipating forced annexations.
- In response to a question from **Gunstream, Ms Wescott** advised the percentage of total growth between 2015 and 2025 was 83 percent for residential (in units) and 17 percent for non-residential (in square feet).

**Chairman McGrath** proceeded to public testimony.

**Hubert Osborne of 4199 E Switzer Way, Nampa:**

- Mr Osborne stated he had more questions than definite opinions.
- According to Mr Osborne, Ms Wescott had confirmed what he had observed – that the Impact Advisory Committee wanted to keep the Impact fees as low as possible.
- Mr Osborne inquired, since when do the developers set their own fees, which was essentially what was happening.
- In the September 11, 2015 Minutes of the City of Nampa Impact Fee Advisory Committee, continued Mr Osborne, Star Rd was removed from the CIP to make the adjustments needed.
- Mr Osborne questioned why Star Rd had been removed from the CIP for Streets, other than to lower the Impact Fees, and considered it would be a 5 lane highway someday. Mr Osborne noted that City Council had just approved a subdivision on Star Rd, which would also create an enclaved area.
- Mr Osborne noted Police Dept vehicles had been added into the CIP, however, there were quite a number of Police Dept vehicles over 10 years old, and questioned that decision.
- Mr Osborne questioned whether it was a good thing to bring the Impact Fee Fund Balance down to zero and considered a positive balance in case of emergency was a good thing.
- According to Mr Osborne, it seemed like the whole Capital Improvement Plan had been designed to keep Impact Fees low, which was a good thing for a few developers, but he did not agree with that decision.
- In response to a question from **Rodriguez, Mr Osborne** stated he was not aware the Police Dept CIP Impact Fee Fund Balance had over \$800,000 and they had not used that balance when there was insufficient police coverage. However, added Mr Osborne, he was also surprised there was \$800,000 in the CIP Impact Fee Fund balance when the Police Dept had been requesting police cars for several years.
- Mr Osborne reiterated Star Rd would have to be improved or it would become a major bottle neck for a lot of vehicles.

**Anne Wescott:**

- Ms Wescott reiterated that the intent with the Police Dept CIP was not just to keep the fees low.
- Ms Wescott advised that because of the circumstance of the recent construction of the Public Safety Complex there was nothing that could be legally purchased with Impact Fee Funds for the Police Dept, and, therefore, the City should stop collecting those fees.
- Because the Police Dept Impact Fees were going down it would then soften the blow for the Streets Dept Impact Fees.
- There are people, continued Ms Wescott, who are concerned that high Impact Fees will impact Nampa's Economic Development efforts.
- A lot of the roads had been taken out of the CIP, continued Ms Wescott, because roads were usually half General Fund and half Impact Fee funded. Star Rd, was an existing road already there with the outside new lanes Impact Fee eligible, but the inside two lanes were a replacement. For almost every street project, stated Ms Wescott, Property Tax payers paid their share and Impact Fees paid their share. Ms Wescott emphasized the roadway projects were taken off the CIP because the City of Nampa did not have enough Property Tax dollars in the General Fund budget to pay for all of the General Fund share of the road improvements.
- The City of Nampa, added Ms Wescott, does have a backlog of police fleet vehicles, and only those vehicles associated with the 17 new officers were Impact Fee eligible.
- Ms Wescott explained Impact Fee funds have to be kept entirely separate from the General Fund and cannot be combined at all. The balance left in the Impact Fee fund was not a Reserve Account, it just indicated how much money was sitting there waiting for the next project -- and was not related to the Operating Budget.

- **Keim** inquired how members came to be on the Impact Fee Advisory Committee and **Ms Wescott** replied they were volunteers appointed by the Mayor and City Council.

**Keim motioned and Rodriguez seconded to close public hearing. Motion carried.**

**Chairman McGrath** stated there were a lot of questions regarding the Capital Improvement Plan.

- **Gunstream** noted the work that Ms Wescott had put into the Updated Capital Improvement Plan.
- **Gunstream** stated he was on board with the Updated Capital Improvement Plan/Impact Fees for Police, Fire Parks and Streets as an amendment to the Nampa Comprehensive Plan.
- **Kehoe** considered the City would be leaving money on the table by not collecting all the money that should be collected for the Impact Fund Fees, as well as the fact no funds were collected for the development that occurred in the City of Nampa Area of Impact.
- **Rodriguez** concurred that Ms Wescott had done a great job with all the information she had to work with. However, added Rodriguez, he did not agree with all aspects of the proposed updates to the CIP.

**Gunstream motioned and Kehoe seconded to recommend to City Council the adoption of the Updated Capital Improvement Plan/Impact Fees for Police, Fire, Parks, and Streets as an amendment to the Nampa Comprehensive Plan.**

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

Meeting adjourned at 8:55 p.m.



Norman L Holm, Planning Director

:sm