

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, JANUARY 14TH, 2020, 6:30 P.M.

Members: Peggy Sellman - Chair
Steve Kehoe – Vice Chair
Michaela Franklin
Matthew Garner
Adam Hutchings
Jeff Kirkman
Bret Miller

Tom Turner
Ron Van Auker, Jr
Norm Holm, Director
Rodney Ashby – Principal Planner
Kristi Watkins – Senior Planner
Daniel Badger – City Engineer

Absent:

Vice Chairman Sellman called the meeting to order at 6:35 p.m. with new Planning and Zoning Commission members Michaela Franklin and Tom Turner.

Approval of Minutes: Van Auker, Jr motioned, and Garner seconded to approve the Minutes of the December 10, 2019 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. No City Council member present to report on City Council actions.

Vice Chair Sellman proceeded to the Business Items on the agenda.

Business Item No. 1:

Election and Appointment of 2020 Nampa Planning and Zoning Commission Officers. ACTION ITEM.

Kirkman motioned and Miller seconded to appoint Peggy Sellman as Chair of the Planning and Zoning Commission for 2020. Motion carried.

Van Auker, Jr motioned, and Miller seconded to appoint Steve Kehoe as Vice Chairman of the Planning and Zoning Commission for 2020. Motion carried

Madam Chair Sellman proceeded to the remaining Business Items on the Agenda.

Business Item No. 2:

Subdivision Plat Final Approval for Calvary Springs Subdivision at 1713 E. Iowa Ave. (62 single family detached lots and 6 common lots on 16.79 acres for 3.81 average dwelling units per gross acre - a 16.79-acre or 731,372 sq. ft. portion of the NW ¼ SW ¼ Section 35, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPF-00115-2019). ACTION ITEM.

Senior Planner Watkins:

- Watkins indicated the location of Calvary Springs Subdivision at 1713 E Iowa Ave, on the south side of E Iowa Ave and east of S Powerline Rd.
- Effective November 2019, the subject property was now located inside Nampa City limits, with an RS-6 (Single Family Residential – 6000 sq ft minimum lot size).
- The subject property is bordered on the north, south and east by County residentially zoned properties, and on the west by a City of Nampa RS-6 zoned development.
- The Preliminary Plat was approved by the Planning Commission in July of 2019.
- Watkins continued, there was only one phase proposed for the development, comprising 62 buildable lots with 6 common lots on 16.79 acres.
- The proposed subdivision conforms to the approved Preliminary Plat layout, and the applicable Subdivision and Zoning standards for Nampa.

- There were no other comments received after the Staff Report was submitted.
- Staff feels it would be appropriate for the Commission to recommend approval of the Final Plat for Calvary Springs to City Council, with conditions as listed in the Staff Report.
- **Kehoe** advised he was in favor of the property coming into the City and had no problems with the development.

Kirkman motioned to recommend to City Council approval of the Calvary Springs Subdivision Final Plat, located 1713 E Iowa Ave, for Kent Brown representing Trilogy Idaho, subject to:

1. **Comply 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 the approved preliminary plat of/for Calvary Springs Subdivision.**
 2. **Provide corrected street names, per GIS memo.**
 3. **Provide a revised landscape plan per Forestry & Planning Department comments.**
 4. **Obtain a Right-of-Way and Erosion Control permits.**
 5. **The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
 6. **Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Calvary Springs Subdivision – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division prior to construction drawing approval.**
 7. **The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**
 8. **Developer shall provide documentation from the Irrigation District that all irrigation assessments for the property have been paid in full prior to City Engineer signature of the plat.**
 9. **Developer's Engineer shall address acceptance of the existing Belle Aire Acres storm water run-on and other gravity irrigation to the satisfaction of the Nampa Engineering Division prior to construction drawing approval.**
 10. **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.**
- Motion carried.**

Business Item No. 3:

Subdivision Plat Final Approval for Spring Hollow Ranch Subdivision No. 1 in an RS 8.5 (Single Family Residential – 8,500 sq. ft.) zoning district between Ustick Rd. and Cherry Lane on the west side of Star Road at 17535 and 17547 Star Rd. (78 single family detached lots on 25.70 acres for 3.04 average dwelling units per gross acre - a portion of the E ½ of Section 6, T3N, R1W, BM) for Kent Brown representing Trilogy Idaho. (SPF-00111-2019). ACTION ITEM.

Senior Planner Watkins:

- Watkins indicated the location of the proposed Spring Hollow Ranch Subdivision No. 1 at 17535- and 17547-Star Rd, on the west side of Star Rd, north of Cherry Ln, inside the City limits since August 2016, with an RS-8.5 zoning district.
- According to Watkins, the subject property was bordered on the north, south and east sides by County residentially zoned properties and on the west side by City RS-8.5 zoned property.
- The Preliminary Plat was approved by the Planning and Zoning Commission in June of 2019.
- The development proposes 75 buildable and 11 common lots on 25.7 acres.
- The proposed Final Plat, added Watkins, conforms to the approved Preliminary Plat and the applicable Subdivision and Zoning standards for Nampa.

- No other comments were received after the Staff Report.
- Staff, stated Watkins, feels it would be appropriate for the Commission to recommend approval to City Council of the Final Plat for Spring Hollow Subdivision No. 1, subject to the conditions in the Staff Report.

Van Auker, Jr motioned, and Kehoe seconded to recommend to City Council approval of the Spring Hollow Ranch Subdivision No. 1 at 17535 and 17547 Star Rd for Kent Brown, representing Trilogy Idaho, subject to:

1. **Comply 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 the approved preliminary plat of/for Spring Hollow Ranch Subdivision.**
2. **Include the name of the street stub in the northwest corner of the plat. This street should be N Boone Peak Ave.**
3. **Obtain an Erosion Control Permit from the City of Nampa Environmental Compliance Department.**
4. **The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
5. **Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Spring Hollow Ranch Subdivision #1 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division prior to construction drawing approval.**
6. **The Developer and their Engineer and Contractor shall adhere to the “Construction Duty and Responsibility Policy”, Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**
7. **The Developer shall supply documentation of Idaho DEQ construction sign-off of the private sewer lift station and force main prior to City Engineer signature of the plat.**
8. **The Silver Star & Spring Hollow Ranch Regional Irrigation Pump Station shall be operational and accepted by the City prior to City Engineer signature of the plat.**
9. **The Silver Star offsite water main construction in Star Road & Cherry Lane shall be complete and accepted by the City prior to City Engineer signature of the plat.**
10. **Developer shall provide documentation of Nampa Highway District No. 1 review of plans prior to construction drawing approval for improvements within Star Road right-of-way. Developer is responsible to obtain required encroachment permit from the Highway District prior to start of work within the right-of-way.**
11. **Developer shall provide documentation from the Irrigation District that all irrigation assessments for the property have been paid in full prior to City Engineer signature of the plat.**
12. **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.**

Motion carried.

Business Item No. 4:

Subdivision Plat Final Approval for Feather Cove Subdivision No. 2 on the east side of N Franklin Blvd north of Cherry Lane (A portion of Lots 5-8 Cortland Place Subdivision located in SW 1/4, Section 2, T3N, R2W, BM – 73 single family dwellings on 20.58 acres for 3.55 average dwelling units per gross acre) for Kent Brown representing Heartland Townhomes Property Management LLC (SPF-00112-2019). ACTION ITEM.

Senior Planner Watkins:

- Watkins indicated the location of the proposed Feather Cove Subdivision No. 2 at 17449 Franklin Blvd, east of N Franklin Blvd and north of Cherry Ln, inside the City limits since June of 2015, with an RS-8.5 zoning designation.
- The subject development is bordered on all four sides by residentially zoned City subdivisions.
- The Preliminary Plat was approved June of 2015 and Phase 1 was approved in August of 2017.
- There were 75 buildable lots and 3 common lots proposed on 20.58 acres, added Watkins.
- The proposed Final Plat conforms to the approved Preliminary Plat layout and the applicable Subdivision and Zoning Code standards for the City of Nampa.
- Watkins stated one more comment had been received from ITD regarding the proposed development after completion of the Staff Report, stating there were no issues with the proposed Feather Cove Subdivision No. 2.
- Staff, continued Watkins, feels it would be appropriate for the Commission to recommend to City Council approval of the Final Plat for Feather Cove Subdivision No. 2, with conditions as listed in the Staff Report.
- **Van Auker, Jr**, stated the Staff Report referred to a traffic calming measure on E Merganser Dr and questioned what that measure would be.
- **City Engineer Badger** replied E Merganser Dr would be longer than allowable within City standards without the implementation of a traffic calming measure. Badger noted there are a few different options for traffic calming measures that could be utilized, speed bumps - not the same as commercial developments, but wider and more sloping. Other options would be a chicane, or an island in the center of the road to reduce the width of the travel lanes at those locations in order to reduce speeds. If those measures were part of the roadway, continued Badger, they would be part of the City's maintenance, however, if it were to be an island, or something in the center of the road then typically that would be maintained by the HOA.

Van Auker Jr motioned, and Miller seconded to recommend to City Council approval of the Feather Cove Subdivision No. 2 Final Plat, located on the east side of N Franklin Blvd and north of Cherry Ln, for Kent Brown representing Heartland Townhomes Property Management, LLC, subject to:

1. **Comply 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 the approved preliminary plat of/for Feather Cove Subdivision.**
2. **Provide a revised landscape plan.**
3. **The Developer's Surveyor shall address all Engineering Final Plat comments prior to City Engineer signature of the plat.**
4. **Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Feather Cove Subdivision #2 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division prior to construction drawing approval.;**
5. **The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**
6. **Developer shall provide documentation of plan review from Pioneer Irrigation District prior to construction drawing approval. Provide copies of any required executed license agreement(s) prior to City Engineer signature of the plat.**
7. **Provide a traffic calming measure along E Merganser Drive.**
8. **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.**

Motion carried.

Business Item No. 5

Subdivision Plat Final Approval for Springbrook Subdivision No. 1 and No. 2 at 1104, 1210, 1306, and 1318 Lone Star Rd, in an RS-4 zoning district. (A portion of the SE ¼ SE ¼ of Section 20, T3N, R2W, BM – 59 single family dwellings on 13.52 acres for 4.36 average dwelling units per gross acre) for Lanco, Inc. (SPF-00110-2019). ACTION ITEM.

Senior Planner Watkins:

- Watkins indicated the location of the Springbrook Subdivisions 1 and 2, on the north side of Lone Star Rd and west of S Midland Blvd, inside the City limits as of June 2019, zoned RS-4 (Single Family Residential – 4000 sq ft minimum lot size).
- The subject property is bordered on all four sides by City of Nampa residentially zoned properties.
- The Preliminary Plat was approved by the Planning and Zoning Commission in June of 2019.
- The two phases will complete the build-out of the project.
- There are 59 buildable lots with 9 common lots on 13.73 acres, reported Watkins.
- The proposed development conforms to the Preliminary Plat layout stated Watkins, and the applicable Subdivision and Zoning standards for Nampa.
- Staff, added Watkins, feels it would be appropriate for the Commission to recommend approval of the Final Plat for Springbrook Subdivision No. 1 and No. 2 to City Council, with conditions listed in the Staff Report.
- Watkins indicated the additional information regarding the subdivision from the applicant on Friday in relation to the Engineering Division comments.
- **Kirkman** inquired about a deferral of the pathway along the Joseph Drain.
- **Badger** discussed the Deferral Agreement process.
- **Watkins** noted the comments from Cody Swander in the Parks Department regarding the Parks Department would like to see the pathway constructed, and their recommendation was no deferral on the pathway.

Kirkman motioned and Hutchings seconded to recommend to City Council approval of the Springbrook Subdivision No. 1 and No. 2 Final Plats located at 1104, 1210, 1306 and 13818 Lone Star Rd, subject to:

1. **Comply 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 the approved preliminary plat of/for Springbrook Subdivision No. 1 & No. 2.**
2. **Provide deed and dedication of 18'-20' from the top of bank along the east side of the Joseph Drain and construct pathway to the City of Nampa pathway standards at time of development.**
3. **Obtain Right-of-Way and Erosion Control Permits from the City of Nampa.**
4. **The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
5. **Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Springbrook Subdivision #1 & #2 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division, dated 12/16/2019 prior to construction drawing approval.**
6. **The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**
7. **Developer shall provide documentation of plan approval from Nampa & Meridian Irrigation District prior to construction drawing approval for proposed adjacent improvements and discharge to Joseph Drain. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat.**
8. **Developer shall provide documentation from the Irrigation District that all irrigation assessments for the property have been paid in full prior to City Engineer signature of the plat.**

9. **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.**
Motion carried.

Madam Chair Sellman proceeded to the Public Hearing items on the Agenda at 7:00 p.m.

Public Hearing Item No. 1:

Annexation and Zoning to BC (Community Business) for the southerly 7.0 acres and to IL (Light Industrial) for the northerly 26.13 acres at 0 Midland Blvd. and 9778 E Cherry Lane (A 33.13 acre portion of the East ½ of the SW ¼ SW ¼ and a portion of the South ½ of the NW ¼ SW ¼, Section 4, T3N, R2W, BM) for Hatch Design Architecture, representing Kiwi Enterprises, LLC (ANN 135-19). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Jeff Hatch, Hatch Design Architecture, 5119 Briarcrest Dr, representing Kiwi Enterprises:

- The subject property, advised Mr Hatch, was located at the northeast corner of N Midland Blvd and Cherry Ln, comprising two parcels totaling 26.13 acres.
- The 12 acre parcel to the north, added Mr Hatch, has a Cross Access Agreement established for access on to N Midland Blvd.
- The intent would be for a business and industrial park that would take access off Cherry Ln and then maintain the secondary access off N Midland Blvd.
- Looking at the potential growth of St Luke’s Hospital on the south side of Cherry Ln, added Mr Hatch, it had been determined to enlarge the BC zone slightly to create more of a buffer between the hospital and the industrial. The industrial zone area would be more of a flex-industrial space.
- Mr Hatch advised the BC zone was now proposed for 7 acres, and the remainder of the property IL.

Planning Director Holm:

- The total area requesting annexation, advised Holm, was 33.13 acres. The Comprehensive Plan indicates the area as Light Industrial and Business Park and proposed for change to Community Mixed Use and Industrial.
- Surrounding the subject property, added Holm, was Agricultural land and Rural Residential to the north, St Luke’s Hospital to the south with HC (Healthcare) zoning, County Agricultural land and Rural Residential to the east, County Agricultural to the immediate west, and City RP and BC zoned properties on the west side of N Midland Blvd.
- The access, continued Holm would be from Cherry Ln and from the northwest easement.
- Holm indicated the memorandum from the Engineering Division, dated November 26, 2019, authored by Caleb LaClair, with the listed conditions.
- Holm reviewed the Staff Report and recommended conditions of approval.
- **Kehoe** inquired if storage units were proposed for the subject property.
- **Holm**, and the applicant, confirmed there would not be a storage unit facility on the subject property.
- **Van Auken, Jr** inquired about the statement on the Engineering Division memo regarding “the Engineering Division would not oppose the temporary use of individual septic systems, as allowed by SWDH, until the gravity sewer is available from the Purdam Trunk. However, site design shall accommodate eventual gravity connection to the City’s system”.
- **Badger** reported the current location of the City sewer for the hospital that could serve a portion of the subject property. The main sewer for the area would be further north, and there were various options that could be utilized once the applicants get to actual design of the development.
- In response to a question from **Kirkman**, **Badger** advised the entire area was within the Nampa Urban Renewal District and the Engineering Division was working with them to fund some design work and options that are on the table as to how that might be funded for construction.

Madam Chair Sellman proceeded to public testimony.

Alice Baldazo – 1111 W Colorado, Nampa – in favor.

- Ms Baldazo stated she was present on behalf of Jerry Dickerson of Dickerson Land Group, as he was unable to attend.
- The Dickerson Land Group, continued Ms Baldazo, was in favor of the proposed development, due to the population growth that Nampa had seen over the past several years, and the growth of the area on that side of town.
- Ms Baldazo suggested that with the commercial and residential properties nearby it would be a perfect area to have industrial flex space to accommodate the needs of the City of Nampa.

Hamish Bell of 950 W Parkview Dr, Nampa – in favor but did not wish to speak.

David Broome – 17400 N Midland Blvd – opposed.

- Mr Broome indicated his 3.29 acres on the east side of N Midland Blvd, in Canyon County, outside of Nampa City limits.
- Mr Broome stated he was in favor of the property owners building whatever they wanted.
- Mr Broome advised that he was in fact concerned about the easement from the subject property to the east on to N Midland Blvd. Mr Broome stated the northerly 10 acres of the proposed development had been sold in 1985 by Mr Anderson because the northerly parcel was landlocked and at that time was not part of the southern 20 acres.
- Mr Broome stated at the time it was sold in 1985, it was stated the easement was not to be used if the northern parcel became one unit.
- Mr Broome continued the 50 ft easement was not needed at the present time because both parcels would be part of one development.
- Mr Broome considered the 50 ft easement, comprising 4.11 acres, would not be wide enough for fire trucks and commercial trucks.
- Mr Broome reiterated his question regarding not allowing use of the easement because the northern parcel was no longer landlocked.
- According to Mr Broome, when Laster Ln goes across the north portion of his property it would take the northern 40 ft of his property; the Middle Lateral canal would also take additional land; and, the 5 lane expansion of N Midland Blvd would take approximately 20 ft by 550 ft of his property – about 11,000 sq ft.
- Mr Broome reiterated he was not opposed to the applicants building whatever they wanted on the subject property, but he did object to the easement across the south side of his property.

Marjorie Anderson – 17274 N Midland Blvd, Nampa – opposed but did not wish to speak.

Bill Meyers – 9802 Cherry Ln, Nama – opposed.

- Mr Meyers stated his 5 ½ acres was located on the west side of the subject property.
- Mr Meyers stated he was unclear regarding the proposed annexation and voiced concern with annexation being required for the neighboring properties.
- According to Mr Meyers, he had two head gates on his property with a big underground culvert.
- Mr Meyers referred to the Staff Report where it stated any and all domestic irrigation and groundwater rights shall be transferred to the City of Nampa at the time of property development.
- Mr Meyers questioned if all the irrigation and head gates would be ripped out and the rights transferred to the City.
- What would happen to the head gates on his property, inquired Mr Meyers.

Mr Hatch:

- In response to a question from **Madam Chair Sellman**, **Mr Hatch** stated that to their knowledge, the easement was still active and there was no wording stating the easement would be dissolved if the subject properties were sold as one piece.
- In response to a question from **Garner**, **Mr Hatch** stated the applicants were good with the proposed conditions.

Tammy Gibson – 17192 N Midland Blvd – opposed.

- Ms Gibson stated she had recently purchased her property in July.
- According to Ms Gibson, she was also concerned that the neighboring property owners would be pushed to annex and connect to City water.
- Ms Gibson also voiced concern about the traffic on N Midland Blvd.
- If the easement was in fact part of their property, continued Ms Gibson, and cars and trucks would be coming in and out of the subject property, then those vehicles would impact the traffic even more on N Midland Blvd.
- Ms Gibson noted she already had a hard time getting out of her driveway.
- Ms Gibson inquired if N Midland Blvd would be expanded and additional right-of-way would be taken from the property owners on the east side of N Midland Blvd - and questioned when that would happen.
- Ms Gibson also inquired what her view would be to the east when the subject property developed as commercial and industrial.

Hilroy Huff – 17230 N Midland Blvd – opposed:

- Mr Huff stated they had lived there for 17 years and loved the view and the location.
- According to Mr Huff, they would like the opportunity to know as soon as possible what would be occurring on the subject property.

Mr Hatch:

- Mr Hatch considered the adjacent property owners had valid concerns regarding City annexation and utilities.
- Mr Hatch noted Mr Broome could contact them to discuss his concerns with the easement.
- The intent, added Mr Hatch, was to do something complementary to the area and the hospital, as well as the need and intent of the Nampa Comprehensive Plan.
- According to Mr Hatch, there was a strong need for more light industrial zoned properties in Nampa.
- In response to a question from **Madam Chair Sellman** regarding the proposed height of buildings, **Mr Hatch** stated both the BC zone and IL zone had consideration for two story buildings, but it would be hard to speculate at the present time.
- **Kirkman** noted when the property came back for subdivision approval, the Planning Commission and City Council could review Possible sound barriers and trees to mitigate some of the concerns.

Kirkman motioned and Garner seconded to close public hearing. Motion carried.

City Engineer Badger:

- Regarding the concerns about right-of-way takes on Mr Broome's property, Mr Badger stated it was correct that N Midland Blvd was an arterial roadway, and long term development of N Midland Blvd would require a 100 ft total right-of-way, 50 ft from the west side and 50 ft from the east side.
- There was an existing 25 ft prescriptive right-of-way and at some point in the future, when the City widens N Midland Blvd, the City would be negotiating with those property owners to purchase that right-of-way, or if they annexed in previously they would be dedicating that right-of-way upon annexation.
- The discussion of Laster Ln continuing through was a likelihood in the future, however, it was unknown how all of the area would develop and added the Nampa Standard Operating Procedures would put a collector roadway on that quarter section line and that would be a 40 ft dedication on Mr Broome's property.
- Badger discussed the possible widths for a local roadway, with right-of-way widths from 56 ft down to 47 ft, and a standard 50 ft right-of-way.
- According to Badger, the applicants had discussed the number of lots proposed for the site and that would trigger a subdivision platting action that would come before the Planning Commission, and for final plat to City Council. The City would evaluate their traffic generation at that time, to determine if they would have to accomplish a Traffic Impact Study.
- The City, added Badger, has an agreement in place with the Nampa Highway district that once a certain percentage of the adjacent properties on a half-mile section of one of their roads has been annexed into the

City, then the roadway would be annexed into the City. Badger added that condition was strictly regarding the annexation of the roadway between N Midland Blvd and Ten Ln, and not any adjacent properties.

- Badger advised the City has not pursued any forced annexations in a long, long time and noted the City Council had not wanted to pursue forced annexations.
- The flood irrigation and head gates – the development of the subject property would require that any flood irrigation that travels through that site or is discharged from another site historically through their site that they maintain, if those head gates are served by no other properties other than the subject property, at that point they could be abandoned.
- Regarding the head gates on the adjacent property, added Badger, the City would work with the developer to identify who are the users on the headgate, and with the Irrigation District to verify if those need to remain or if they can be abandoned.
- If there are other users for those head gates, then the subject development would have to propagate that through the ditches along the side depending whose property they actually fall on. Regardless if water from the neighboring field discharges into the subject property they would be required to capture that water and transfer it to its ultimate location.
- The State Plumbing Code does state that if City sewer is available and a septic system fails then at that point the property would be required to connect to the City sewer system, and based on City Code they would be required to annex into the City to obtain that sewer service.
- The timing for the widening of N Midland Blvd was not currently in the City of Nampa work plan and therefore, there was no specific timing as to when that would happen, but long term there will be a 5-lane roadway on N Midland Blvd.
- Badger stated that upon reviewing the proposed number of lots and the square footages they were looking at, based on the Fire Code, it did appear that a secondary access would be required. The City does not have a copy of that easement and would need a copy to verify there was no clause that would remove that easement upon the sale of the subject properties together.

Garner motioned and Miller seconded to recommend to City Council Annexation and BC zoning for the southern 7 acres, and IL zoning for the northern 26.13 acres located at 0 Midland Blvd and 9778 E Cherry Ln, for Hatch Design Architecture, representing Kiwi Enterprises, LLC, subject to:

1. **Dedicate 50' of public right-of-way from Section Line along the Cherry Lane frontage.**
2. **Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.**
3. **Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.**
4. **Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.**
5. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**
6. **The designated public right-of-way width for Cherry Lane is 50 ft from Section Line (100 ft total). This right-of-way shall be dedicated as part of this annexation.**
7. **Cherry Lane is only a two-lane roadway across the project, without curb or sidewalk improvements. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development. Site access and design of all roadways shall adhere to the Nampa Engineering Division Process & Policy Manual.**
8. **Annexation of this property will trigger the need to annex the full 1/2-mile section of Cherry Lane from Midland Blvd to Ten Lane due to current agreement with Nampa Highway District No. 1. A portion of Cherry Lane along the frontage of the St. Luke's property was de-annexed in 2018 as part of Ordinance No. 4396. This description has been provided to the applicant and shall be included within the property annexation legal description if approved by Council. In addition, the prescriptive Cherry Lane right-of-way east of the property to Ten Lane shall also be included in**

the annexation. The Nampa Engineering Division has prepared a legal description for this portion of the roadway.

9. Development of the property will require extension of the 12” pressure irrigation main across the project frontage.
10. The City's wastewater treatment facility has adequate capacity to serve this property. However, sewer conveyance infrastructure is not directly available to the property. This property is included in the Purdam Sewer Basin and is intended to sewer back to the main line in Ustick Road near Northside Blvd. The City is currently working with the Nampa Development Corporation to extend sewer main west in Ustick Road to improve development potential of industrial ground in this area of the City. However, the sewer will still be more than 3,000-feet from the project site after this extension occurs. The City owns a 12" sewer line located near the intersection of Cherry Lane and the St. Luke's entry road. However, it is unlikely this main will be able to support gravity sewer service to the entire property due to site grades. The applicant may utilize this main to serve what area is feasible via gravity. The Engineering Division would not oppose temporary use of individual septic systems as allowed by Southwest District Health Department until such time that gravity sewer is available from the Purdam Trunk. However, site design shall accommodate eventual gravity connection to the City's system.

Motion carried.

Public Hearing Item No. 2:

Modification of Annexation and Zoning Development Agreement between Hunter's Point Golf Community LLC and the City of Nampa recorded 5/19/2006 as Inst. No. 200638438 amending Exhibit "B" Conceptual Plan changing the use of a previously designated Apartment area to Single Family Residential use;

Zoning Map Amendment from RMH (Multiple-Family Residential) and RP (Residential Professional) to RS6 (Single Family Residential – 6,000 sq. ft.); and

Subdivision Plat Preliminary Approval for Red Hawk Ridge Subdivision No. 6 all for Parcel R 3207200000 on the west side of S. Middleton Rd. north of W. Greenhurst Rd. (15 single family detached lots on 4.18 acres for 3.59 dwelling units per gross acre – A portion of the south half of the southeast quarter of Section 31, T3N, R2W, BM) for JUB Engineers representing MD ID RHR Middleton LLC (DAMO 034-19, ZMA 114-19, SPP 050-19). ACTION ITEM

Madam Chair Sellman proceeded to public hearing.

Mark Tate of M3 Companies, 1087 W River St, Ste 310, Boise – the applicant:

- Mr Tate indicated the subject property on the west side of S Middleton Rd, comprising 4.18 acres and stated it was the last remaining piece from what was originally called the Hunter's Point development.
- The zoning for the subject property was RMH (Multi Family Residential) noted Mr Tate, and the original Development Agreement called for a minimum of 36 units and up to 60 dwelling units on the 4-acre property, which would be an incredibly high density for the subject property.
- Mr Tate noted the single-family residential properties to the west side and Carriage Hill Subdivision to the north with single family homes.
- The subject parcel was fairly constrained, added Mr Tate, with a ditch on the west side and on the east side S Middleton Rd.
- Therefore, they were proposing private streets as part of the plat because the parcel was very narrow. There would not have been enough space for a full width street and fit building lots on the property.
- At the annual meeting of with the Homeowners Association, there had been concerns regarding what would be going on to the subject property. It was now felt that small single family lots would do very well there.
- Mr Tate stated there some nice landscaping plans for the frontage, as well as the entry monument.
- The frontage was already built out on S Middleton Rd, added Mr Tate.
- Mr Tate referred to Condition No. 5 in the Staff Report regarding all domestic and irrigation surface and/or groundwater rights shall be transferred to the City... According to Mr Tate, the Hunters Point, now Red Hawk, projects was one of the few developments in the Nampa area that have a private irrigation system,

due to the golf course and the huge irrigation demand that went along with that. Everything on the west side of S Middleton Rd, stated Mr Tate, was on a private irrigation system.

Senior Planner Watkins:

- Watkins indicated the location of the subject property, on the west side of S Middleton Rd and north of W Greenhurst Rd.
- The applicants, continued Watkins, were requesting a recommendation to City Council for the Modification of the 2006 Development Agreement between Hunter's Point Golf Community and the City of Nampa; a recommendation to City Council for the Rezone from RMH to RS-6; and approval of the Preliminary Plat for Red Hawk Ridge Subdivision No. 6.
- The property, currently zoned RMH and RP, was surrounded by City of Nampa residentially zoned properties, with one commercial property to the east across S Middleton Rd.
- Watkins noted, the proposed subdivision would be the last portion of the development to be built out and would complete the single-family subdivisions surrounding the golf course.
- The 2006 Development Agreement proposed the subject property as a multi-family apartment development.
- The new Preliminary Plat indicated the 4.1-acre property as Red Hawk Ridge Subdivision No. 6, to be developed into 16 single family lots and 4 common lots.
- The proposed Modification of Development Agreement, continued Watkins, would only change the zoning to RS-6, and replace the approved concept site plan with the Preliminary Plat for the subject property.
- The requested Rezone to RS-6 would match the Comprehensive Plan for the area. A Traffic Impact Study has not been required because there would only be 20 lots. Emergency services and utilities are currently available to the property.
- Watkins advised the proposed Preliminary Plat indicates appropriate minimum lot sizes with the smallest shown as 6,030 sq ft, appropriate minimum lot widths, appropriate minimum lot depths, and the plat was deemed compliant.
- The plat would take access from S Middleton Rd and there would be no additional right-of-way required at the present time. Curb, gutter and sidewalk have already been installed along the S Middleton Rd frontage, and internal streets are to be considered private. A landscape plan for the proposed development was submitted and approved by City staff. A response was received from ITD, and they expressed no concerns for the project.

City Engineer Badger:

- In response to a question from **Garner**, **Badger** stated the proposed private street would function more like a drive aisle. With the shape and configuration of the property the Engineering Division would not oppose the private street as the property does not lend itself to the widths that would be required for a public street. The Homeowners' Association for Red Hawk Ridge No. 6 would be responsible for maintenance of the street, curbs, gutters and storm drains.
- **Garner** inquired if curb, gutter and sidewalk would be required and **Badger** replied the City tries to get sidewalk at least along one side of the private street.
- **Badger** advised that typically the City does try and get sidewalk along one side of the private road, however, with the configuration and number of units for the proposed plat and the sidewalk along the adjacent S Middleton Rd he was not aware if they had proposed a sidewalk.

Madam Chair Sellman proceeded to public testimony.

Marcia Callenberger – 12182 S Red Hawk Pl, Nampa – in favor but did not wish to speak.

Barry Callenberger – 12182 S Red Hawk Pl, Nampa – in favor but did not wish to speak.

Ken Millus – 12218 S Red Hawk Pl, Nampa – in favor but did not wish to speak.

Mark Tate:

- Mr Tate noted the Engineering Division Preliminary Plat comments had recommended a sidewalk to be provided on at least one side of the street, ideally the west side.

- Mr Tate stated the applicants had not proposed including a sidewalk on the Preliminary Plat and noted the Engineering comments were a suggestion/recommendation and not a specific condition.
- Mr Tate reiterated they were not proposing an internal sidewalk and indicated how the private street would be more of a drive aisle with limited width area. Mr Tate added there were sidewalks adjacent to the development on the west side of S Middleton Rd and there would be sidewalks where the road ties into S Middleton Rd.
- **Kirkman** inquired if the private road would have sufficient width for emergency vehicles and **Mr Tate** replied there was sufficient width for emergency vehicles and indicated there would also be a gated emergency access on the south end of the development.
- Discussion followed on excluding the Engineering Division recommendation for a sidewalk on at least one side of the private road.

Van Auker, Jr motioned and Garner seconded to close public hearing. Motion carried.

- **Van Auker, Jr** considered the proposed Red Hawk Ridge No. 6 would be the last phase of a great project.

Van Auker, Jr motioned and Garner seconded to recommend to City Council Modification of Development Agreement between Hunter’s Point Golf Community, LLC and the City of Nampa recorded 05/19/2006 as Inst. No. 200638438, amending Exhibit “B” Conceptual Plan changing the use of a previously designated apartment area to Single Family Residential use, for JUB Engineers, representing MD ID RHR Middleton, LLC, subject to:

1. **Provide a new Development Agreement document, to include Recitals, Conditions and Exhibits pertaining to the newly proposed RS-6 portion of the property:**
 - a) **Provide a new legal description of the portion to be modified; and,**
 - b) **Change the use of the 4.18-acre portion from multi-family residential to Single Family, detached, residential.**
 - c) **Replace the approved Concept Site Plan with the Preliminary Plat for the proposed Red Hawk Ridge #6 area.**

Motion carried.

Garner motioned and Kirkman seconded to recommend to City Council Rezone from RMH and RP to RS-6 for the 4.18-acre parcel located on the west side of S Middleton Rd, north of W Greenhurst Rd, Parcel R 3207200000, for JUB Engineers representing MD ID RHR Middleton LLC, subject to:

1. **Provide a new Development Agreement document, to include Recitals, Conditions and Exhibits pertaining to the newly proposed RS-6 portion of the property:**
 - a) **Provide a new legal description of the portion to be modified; and,**
 - b) **Change the use of this 4.18-acre portion from multi-family residential to Single Family, detached, residential.**
 - c) **Replace the approved Concept Site Plan with the Preliminary Plat for the proposed Red Hawk Ridge #6 area.**

Motion carried

Kirkman motioned and Hutchings seconded to approve the Preliminary Plat for Red Hawk Ridge Subdivision No. 6, for the 4.18-acre parcel located on the west side of S Middleton Rd, north of W Greenhurst Rd - Parcel R3207200000, for JUB Engineers representing MD ID RHR Middleton LLC, subject to:

1. **Provide top of foundation wall or finish floor elevation, on the construction drawings.**
2. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**
3. **Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.**
4. **Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction**

shall accommodate future extension to adjacent properties at stub streets, including sewer depth

5. Applicant shall address all street name comments identified in the letter from Nampa Engineering GIS Division (in any) prior to Final Plat submittal; and,
6. Applicant shall provide confirmation from Boise Project Board of Control (BPBC) at Final Plat submittal if a License Agreement from them is required for grading and improvements proposed along the North Robinson Lateral.
7. The Final Plat shall include blanket easements for Public Utilities and Ingress/Egress over the private streets. The Public Utility easement shall extend a minimum of 10' beyond the back of curb or sidewalk to accommodate dry utility placement.
8. Notes Correction(s): Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering type errors that may be evident on the plat face and/or in the proposed plat development notes.
9. Any exceptions to City adopted Subdivision Design Standards shall/will require separate design [exception] approval from the City Council.

Motion carried.

Public Hearing Item No. 3:

Conditional Use Permit for 6 Dogs in a RS6 (Single Family Residential - 6,000 sq. ft.) zoning district at 1018 W. Holland Ave. (A .20 acre or 8,835 sq. ft. parcel being Lot 3, Block 1, West Park Subdivision, and a portion of the NE 1/4, Section 20, T3N, R2W, BM) for Chad and Natalie Raynor (CUP 159-19). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Natalie Raynor of 1018 W Holland Dr, Nampa – the applicant:

- Ms Raynor reported there were three puppies that are four months of age, the parents of the puppies – 3 years and 10 years of age, and an aunt of the puppies – 10 years of age, and they were all pets.
- Ms Raynor noted the mother had a small litter of 3 puppies and they had decided to keep them all.
- The dogs were kept in the house and added there was no outdoor kennel.
- The yard, reported Ms Raynor, was fully fenced.
- In response to a question from **Kehoe, Ms Raynor** stated they usually have litters once a generation, so there have been 3 litters in the last 30 years.

Planning Director Holm:

- Holm thanked the applicant for the clarification on the ages and relationship of all the dogs.
- The property, added Holm, was located within an RS-6 zoning district and the Comprehensive Plan for the area was Medium Density Residential.
- Holm indicated the applicable regulations would be the criteria for approving a Conditional Use Permit, to determine the application would be compatible with, and not adversely affect the neighborhood.
- The Schedule of Land Use Controls requires a Conditional Use Permit for keeping more than two dogs, advised Holm
- Holm reviewed the Staff Report and recommended conditions of approval.
- There have been no comments or correspondence received from neighboring property owners.
- In response to a question from **Madam Chair Sellman, Holm** advised there was not a maximum number of dogs allowed under the C-U-P process.
- **Kirkman** inquired if the Kennel License would require an actual dog run or outdoor kennel.
- **Holm** replied the term Kennel License just refers to the applicants keeping more than two dogs.

Madam Chair Sellman proceeded to public testimony.

Chad Raynor of 1018 W Holland Ave – in favor but did not wish to speak.

Van Auker, Jr motioned, and Miller seconded to close public hearing. Motion carried.

Miller motioned and Garner seconded to approve the Conditional Use Permit to allow six (6) dogs in an RS-6 zoning district at 1018 W Holland Ave for Chad and Natalie Raynor, subject to:

1. That the applicant maintains their yard free from the accumulation of dog feces.
2. That the applicant prevents the dogs from excessively barking so as to constitute a nuisance to the neighbors and pedestrians using the sidewalk.
3. That three or more citations issued against the applicant by Animal Control officers be considered sufficient grounds to revoke the Conditional Use Permit and that such will be considered null and void upon receipt of the third citation.
4. That the animals be restricted so as to not run at large off the property. This shall include completion and maintenance of adequate fencing at a condition and height to keep the dogs from getting away when let outside.
5. The applicant completes and submits a yearly Kennel License application for as long as there are more than two (2) dogs on the property.
6. The Conditional Use Permit for six (6) dogs is approved for 1018 W Holland Avenue only and shall not be transferable to any other location.

Motion carried.

Public Hearing Item No. 4:

Subdivision Short Plat Approval for Devlin Subdivision in a IL (Light Industrial) zoning district near the southwest corner of N. Franklin Blvd. and E. Karcher Rd. (7 industrial lots on 21.85 acres for 3.12 lots per gross acre - A part of the NE ¼ of the NE ¼ of Section 15, T3N, R2W, BM) for Kent Brown Representing Adler AB Owner V LLC and Adler AB Owner IX LLC (SPS 027-19). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

- **Principal Planner Ashby** advised the applicant, Kent Brown representing Adler AB Owner V, LLC and Adler AB Owner IX, LLC have requested the application for Devlin Subdivision Short Plat be continued to the January 28th Planning and Zoning Commission meeting as they could not be present at tonight's meeting.

Van Auken, Jr motioned and Kirkman seconded to continue the public hearing for Devlin Subdivision Short Plat to the January 28, 2020 Planning and Zoning Commission meeting.
Motion carried.

Public Hearing Item No. 5:

Annexation and Zoning to IL (Light Industrial) for a Small-Scale Home Occupation Auto Transmission Repair Shop in the freestanding buildings behind and west of the dwelling at 16545 Madison Rd. (A .96-acre or 41,818 sq. ft. portion of the SE ¼ NW ¼, Section 10, T3N, R2W, BM, Canyon County, Idaho) for Glenn and Judith Watts (ANN 137-19). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Principal Planner Ashby explained the applicants, Glenn and Judith Watts, had requested the application for Annexation and Zoning to IL for a small-scale Home Occupation Auto Transmission Repair shop, at 16545 Madison Rd, be continued to the January 28th Planning and Zoning Commission meeting.

Garner motioned and Miller seconded to continue the public hearing for Annexation and IL zoning for 16545 Madison Rd to the January 28, 2020 Planning and Zoning Commission meeting.
Motion carried.

Public Hearing Item No. 6:

Amendment of Title 10, Chapter 21 Animal Zoning Regulations, Sections 10-21-01 through 20-21-05, inclusive, pertaining to zoning regulations applicable to the keeping of animals; and Amendment of Title

10, Chapter 24 Variance, Sections 10-24-01 through 20-24-05, inclusive, pertaining to the scope and procedure for obtaining a Variance. Zoning Text Edits are for the purpose of adding additional clarity and increasing the readability of Title 10, Chapters 21 and 24 for the City of Nampa (ZTA 014-19 and ZTA 015-19). ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Principal Planner Ashby:

- Ashby explained the Planning Department was currently going through each of the chapters in the City of Nampa Zoning Ordinance to clarify and update the content.
- Chapters 21 and 24, added Ashby, are before the Commission tonight.
- Ashby reported staff were currently working on Chapter 1, the largest Chapter in the Zoning Ordinance, with the most detail and those amendments will come before the Planning Commission within a month or two.
- The next Chapter for review and amendment, continued Ashby, would be Chapter 3, the Land Use District Table of Uses.
- Ashby stated in the future there would be a review of the Manufactured and Mobile Home Chapters, as well as Tiny Homes.
- The proposed Amendments, reported Ashby, should be found to be reasonably necessary, in the interest of the public; and in harmony with the goals and/or policies of the adopted Comprehensive Plan.
- Ashby reviewed the proposed changes for Chapters 24 and 21:
- 10-24-01: Clarification of the need for an applicant to show an undue hardship caused by characteristics of the site, rather than a hardship in general to the applicant.
Clarification that Council may approve a Variance as long as it is not in conflict with the public interest.
- 10-24-02: Elimination of the definition of a Variance, repeated multiple times.
Reformatting for ease of understanding conditions that must occur if a Variance is granted for specific purposes.
- 10-21-02: Clarification that when calculating the minimum square footage for open area for farm animals, that buildings, structures, or covered enclosures should be excluded.
Clarification regarding when agricultural animals qualify as pets, 10-21-3 supersede the regulations in 10-21-02.
- 10-21-03: Clarification that animal enclosures and pens regulations do not apply to perimeter fencing.
- 10-21-04: Authority is given to the Planning Director to utilize other agencies appropriate to deal with enforcing the Codes for Apiaries.
- 10-21-05: Removal of unnecessary wording already incorporated in other parts of the Animal Regulations chapter of the Nampa Zoning Code.
- Ashby continued on to the recently made proposed changes, for 10-21-03 – Agricultural Animals as Pets.
- Ashby noted that if animals qualified as an agricultural animal as a type of pet then there are some allowances for pets in zones other than agricultural zones, such as a miniature horse.
- Ashby reviewed the proposed changes – removing roosters, peafowls and ostriches and combined under some type of birds or fowl, clarifying that chicken roosters are not permitted as pets, as well as any other fowl whose calls are audible over similar distances.
- Ashby reviewed the agricultural pets that would be allowed, including pigeons, ducks, and other small fowl kept for non-commercial purposes – 3 allowed. The Ordinance would limit to a combination of four types
- Ashby noted the Ordinance would not apply to parakeets, etc, in the house.
- **Kirkman** inquired about service/comfort animals – and what would be the limit.
- **Holm** responded that Federal regulations state the City cannot restrict those service/comfort animals if there is a doctor’s certification.
- **Ashby** reported staff had also been working on Chapter 1 of the Zoning Ordinance, and within that Chapter 1 was a specific provision staff had been working on stating “documented service animal or comfort animal”. Ashby noted there would have to be some kind of documentation to indicate the subject animal was a documented service or comfort animal.
- Ashby noted the proposed changes have been put forward as a result of comments from the public and elected officials.

- Discussion followed regarding whether Section 10-21-03 E regarding agricultural animals constituting a nuisance was too specific and would be difficult to enforce.

Madam Chair Sellman proceeded to public testimony.

No public comment forthcoming.

Van Auker, Jr motioned, and Miller seconded to close public hearing. Motion carried.

Van Auker, Jr motioned, and Miller seconded to recommend to City Council approval of the proposed:

Amendments of Title 10, Chapter 21 Animal Zoning Regulations, Sections 10-21-01 through 20-21-05, inclusive, pertaining to zoning regulations applicable to the keeping of animals; and

Amendments of Title 10, Chapter 24 Variance, Sections 10-24-01 through 20-24-05, inclusive, pertaining to the scope and procedure for obtaining a Variance.

Motion carried.

Meeting adjourned at 8:45 p.m.



Norman L Holm, Planning Director

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