

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, JANUARY 26, 2021

Audio recordings of the full proceedings may be accessed following the meeting at
<https://www.cityofnampa.us/AgendaCenter>.

Video recordings of the full proceedings may be accessed following the meeting at
<https://livestream.com/cityofnampa>.

COMMISSIONERS PRESENT:

Steve Kehoe, Vice-Chair (Chambers)
Matthew Garner (Chambers)
Michaela Franklin (via Teams)

Adam Hutchings (Chambers)
Jeff Kirkman (Chambers)
Bret Miller (Chambers)

COMMISSIONERS ABSENT:

Peggy Sellman, Chair
Tom Turner
Ron Van Auker, Jr.

CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)
Doug Critchfield, Principal Planner (Chambers)
Daniel Badger, City Engineer (Chambers)
Kristi Watkins, Principal Planner (Chambers)
Parker Bodily, Associate Planner (Chambers)

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT:

With a quorum of Commissioners present, Vice-Chair Kehoe called the meeting to order at 6:30 pm.

ANNOUNCEMENTS:

- Director Ashby presented the Quarterly Density Report which was presented to City Council on January 19, 2021.
- Commission Comments:
 - Kirkman: Will the high-growth subdivision locations continue to be a trend within the next 5-10 years? Ashby: The NE and SE areas of Nampa will be primary areas of growth over the next 3-5 years, although some of the incoming preliminary plats are more spread out.
 - Kehoe: Is a trend growing toward multi-family developments. Ashby: Affirmative although the data in the report does not reflect multi-family projects as they do not require a subdivision process.
 - Garner: There seems to be a disproportionate amount of residential vs. commercial development; are there strategies Commission should consider allowing for more commercial amenities to city residents. Ashby: Affirmative, the Comp. Plan addresses moving small commercial developments into subdivisions with specific requirements. More information will be forthcoming on this topic, Doug Critchfield is holding density steering committee meetings that Commissioner Van Auker, Jr. will be involved in and will be submitted by Critchfield to Commission after meetings are concluded in March. Open space and mixed use will be addressed as well.
 - Garner: What is keeping developers away from commercial projects-is this developer driven? Ashby: "Rooftops" (number of dwelling units in close proximity) are what drives commercial developments and they tend to be cyclical; currently we are in the residential stage. If more higher density multi-family residential projects are approved, this will create the environment or market necessary for commercial development to follow.
 - Kirkman: Is there concern about AG land being swallowed up? Ashby: Affirmative, if AG is to be preserved it is more a county role rather than a city role-which is to create greater density. Creating greater density ultimately preserves AG land for the counties and this includes multi-family developments as well.

- Kehoe: Expressed concern about the enclaved properties/unincorporated vacant lots within the city limits and suggested this be an item of future discussion between Council and Commission.
- Garner: Infill development is a key component of keeping cities healthy and ensuring people want to live within the city limits.
- Kirkman: Is there any interest in dense residential projects in the Nampa downtown area? Ashby: Nothing significant; our community is still small enough that the outer areas are less expensive and easier to develop.
- Hutchings: Developers are looking at downtown areas; however, these buildings are either historical buildings or there is no bare ground to build on. Hopes for more urban living environment for Nampa in the future. Kirkman: It seems there would be a lot of interest due to the Nampa median resident age.
- Director Ashby requested that Commissioners submit any specific agenda items they would like to include on the upcoming February 9, 2021 Special Workshop Agenda or any future density reports, specifically as it relates to mixed use, compatibility and open space.

APPROVAL OF MINUTES:

Garner motioned and Hutchings seconded to approve the minutes of the January 12, 2021 Planning & Zoning Commission Meeting. Motion carried.

REPORT ON COUNCIL ACTIONS:

No City Council representative present to report on City Council actions.

Vice-Chair Kehoe proceeded to the Business Item on the Agenda:

Business Item 1: Subdivision Final Plat Approval of Spring Shores No. 2 on 11.83 acres for 37 single-family residential lots and 2 common lots in an RS8.5 (Single-family Residential 8,500 sq. ft.) zoning district at 0 11th Ave No., also known as parcel R2092700000, with a gross density of 3.12 dwelling units per acre and a net density of 4.23, a portion of tracts 2 and 3 of Cortland Place Subdivision and located in the SE ¼ of the NE ¼ of Section 2, T3N, R2W, BM, Canyon County, Idaho, for Kent Brown representing the applicant - Trilogy Idaho, and the owner - Heartland Townhomes Property Management SPF 153-20 – ACTION ITEM.

Principal Planner Watkins presented:

- Reviewed zoning and history of project, findings of fact and correspondence from internal and external agencies (staff report/commission packet).
- Plat analysis: conforms to the approved preliminary plat layout and applicable subdivision and zoning standards.
- Outlined staff conditions should Commission approve:
 - Comply with other agency and/or department requirements
 - Construct and deed pathway easement
 - Provide revised landscape plan
 - Comply with Engineering comments
 - Correct any errors on plat

The Commission found that the proposed subdivision final plat for Spring Shores No. 2 conforms to the approved preliminary plat and complies with relevant RS8.5 zoning codes and subdivision standards for the City of Nampa.

Miller motioned and Garner seconded to recommend to City Council Final Plat approval for Spring Shores No. 2 with all staff conditions. Motion carried.

Vice-Chair Kehoe proceeded to Public Hearing items on the Agenda at 7:00 pm.

Public Hearing 1: Subdivision Preliminary Plat Approval of Astaire Subdivision including 31.36 acres/220 lots for single family residential, 9.98 acres/1 lot for Assisted Living, 10.13 acres/3 lots for commercial land uses, 7.59 acres of common area, and .75 acres of open-space for a total acreage of 62.95 in the RP (Residential Professional) zoning district, and 10.13 in the BC (Community Business) zoning district at 0 Midland Blvd., also known as parcel R3087000000 for a mixed use development with a gross density of 3 dwelling units per

acre and a net density of 6.54, located in the SE ¼ of Section 5, T3N, R2W, BM, Canyon County, Idaho, for Kent Brown representing CIFF Enterprises LLC SPP 064-20 – ACTION ITEM.

Vice-Chair Kehoe proceeded to public hearing.

Kent Brown, 3161 E Springwood Dr, Meridian, ID 83642 - the applicant:

- Project is located at the NW corner of Cherry and Midland Blvd.
- Commended staff on the excellent job on his project.
- There is an existing Development Agreement in place which he has followed and he has met Nampa development and zoning standards for this project.
- Lots near the Stiehl Falls 12,000 sf lots have been designed to be 1 story homes as outlined in the Development Agreement.
- The townhomes will be built at the NE corner of the site, closer to busier roads.

Kehoe indicated he liked the original street names.

Principal Planner Watkins presented:

- Reviewed zoning and history of project, site information, utility access and correspondence from internal and external agencies (staff report/commission packet).
- Reviewed public input and summary of concerns addressing adherence to Development Agreement (hereinafter referred to as “DA”), provide an updated traffic impact study, implement required road improvements, and supply adequate parking for the area (staff report/commission packet).
- Plat/Lot Analysis:

1. Minimum Lot Areas:

That because the proposed Development is stated for development in conjunction with RFP zoning, this requirement applies...all master or standard building lots meet or exceed 6,000 sq. ft. in area for single family dwelling units and 6,000 sq ft for 2 attached dwelling units with 1,350 sq ft for additional attached dwelling unit on each structure. The smallest standard buildable lot is shown as 6,000 sq ft. for the single family dwelling units. The attached dwelling unit structures (single-family townhome type) range from 4 units to 6 units per building with lot lines dividing each unit. The base lots for these structures exceed the minimums required. The smallest attached-unit, master lot is 11,600 sq ft; therefore, the Plat is deemed compliant in this regard; and,

# of Units	Minimum lot size RFP ZONING	Minimum lot size PROPOSED
1	6,000	11,600 sq ft by 4 lots of 287 sq ft
2	6,000	14,800 sq ft by 5 lots of 296 sq ft
3	6,000	18,000 sq ft by 6 lots of 300 sq ft

2. Lot Compatibility: Applicant's narrative states "All lots adjacent to the Stiehl Subdivision are a minimum 12,000 sq ft in size and homes on those lots that share boundary with Stiehl Subdivision are height restricted to a single story in height."

3. Lot Width: All master lots demonstrate required mean lot width; therefore, the Project is deemed compliant in this regard; and,

4. Landscaping: A landscape plan was reviewed and approved by the City Forester; and,

5. Pathway(s): There are internal pathways, sidewalks and common area proposed all connecting out to the Right of Way and to the Commercial lots.

6. COMPASS Analysis: Report shows that there are 630 housing units within 1 mile and 4,100 jobs within 1 mile indicating that there is need for more housing in the area. Farmland is being consumed for this project but there is 852 acres of farmland within 1 mile of this project. The nearest bus stop is .1 miles away. The nearest public school is 1.3 miles away. The nearest public park is 2.1 miles away and the nearest grocery store is .3 miles away. Midland Blvd and Cherry Ln are both on the local priority list (#8 & #9 respectively) for unfunded corridors in the Communities in Motion 2040 2.0 plan.

- Reviewed original DA which outlines measures that were placed based upon previous hearings and public comments. Items 1, 2 and 3 were addressed in Applicant's narrative and plat appears to comply with those items listed. Items 4-10 are Engineering Department requirements which will be addressed upon review of construction drawings.
- Outlined staff conditions should Commission approve:
 - Correct street names as requested by the City GIS Department (per memo included in staff report).
 - Implement frontage road improvements shall be constructed in accordance with NCC § Section 9-3-1.
 - Developer shall address all mitigation measures identified in the final approved Traffic Impact Study at the time of property development.
 - Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual 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 and head gate report for any surface water delivery prior to Final Plat submittal to support annexation into the Nampa Municipal Irrigation District.
- 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 to include main lines based on the City's Master Plans.
- Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
- Applicant shall address all street name comments identified in the letter from Nampa Engineering Division (staff report) and submit a revised Preliminary Plat.
- Applicant shall submit a Preliminary Drainage Report for review by the Nampa Engineering Division in accordance with the requirements of the Nampa Drainage Policy.
- The Stiehl Sewer Pump Station shall be analyzed at time of final design of the first project phase to confirm capacity for project buildout. The Developer shall perform any required upgrades to pumps and/or force main.
- Prior to filing for a final plat approval for any portion of the Project, the Developer's engineer shall correct any spelling, grammar, punctuation and/or numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City.

Vice-Chair Kehoe proceeded to public testimony (refer to staff report for any previously submitted written testimony).

Kirkman: Reviewed letter from President of Stiehl Falls HOA who had specific questions regarding a barrier/fence, what fencing materials will be used and were those specific issues ever addressed with the developer and answered to the HOA? Watkins: A 6 ft vinyl privacy fence has been provided for as required by the DA; as far as any additional barriers, these were not listed as a condition in the DA, is the person who posed the question aware it was not listed in the DA? There has been no response by staff as of yet to Stiehl Falls HOA as staff wanted to converse with Commission first.

Public Testimony:

Name	Address	Party	Speak	Favor/Opp
Mike Weitschnig	17398 Stiehl Creek Dr Nampa 98236	Citizen	No	I am Neutral
Lyle Watson	10132 Cherry Lane	Citizen	Yes	I am Neutral
Karen Watson	10132 Cherry Lane	Citizen	No	I am Neutral
Spencer Watson	10132 Cherry Lane	Citizen	No	I am Neutral
Erroy Huff	17230 N Midland Blvd	Citizen	No	I am Neutral
Robert Silva	17287 Stiehl Creek	Citizen	No	I am Neutral
Margorie Anderson	17274 Midland Blvd	Citizen	No	I am Neutral

Mr. Weitschnig:

- Has questions about a barrier which was discussed at a 10/10/2017 Commission meeting during which the developer at that time, Mr. Bernson, indicated a barrier wall would be provided to afford Stiehl Falls residents more privacy. States it was going to be placed from Laster Ln down to Cherry Ln and N Midland Blvd along the west and south side of the property to allow Stiehl Falls residents more privacy. States it was going to be a split lot wall with some color either 6 ft. or 8 ft. tall.
- Has concerns about adequate parking and lack of follow through on the landscaping and curbing requirements.
- Approves of recent reduction of speed limit.
- Believes a left turn lane is necessary.

Mr. Watson:

- Stated berm was promised around their property along the fence line. Does not recollect a name, states this was a discussion at the meeting. he tried to follow up with another builder with no success other than a vinyl fence which is not what he was originally promised.

- Jason Ramsey built the apartments across from them and the parking has been horrendous; they did not follow through on that project and he is concerned about them following through with berm and the privacy fencing that they had originally promised around Wolf 17293 Midland Blvd as well as 10132 Cherry Ln.

Mr. Watson indicated he did not wish to speak.

Mr. Huff indicated he did not wish to speak.

Mr. Silva:

- Inquired why there was not a turn lane on Cherry Lane after the apartments across from him were built.
- Questions the results of the traffic study that indicated a turn lane should not be required. Requested additional traffic studies for this development.

Marjorie Anderson indicated she did not wish to speak.

Applicant Response (Kent Brown):

- The wall came up in discussion yet the DA only speaks to a vinyl fence which is why it was proposed. He has not spoken with the person who originally presented, has reached out to the engineer that got him involved in the project to find out if there was some type of wall that was promised along with the berm.
- He has followed the directions specifically outlined in the DA.
- Landscaping/Parking: He put in all the landscaping that was required. These will be provided as part of NCC subdivision requirements.
- Requested Engineer Badger address the traffic study.
- There should not be any parking on the street, it will not be needed.

Garner: Are the parking requirements per code and who is calculating the parking? Watkins: Code requires they put in 562 parking spaces, they put in 586 parking spaces. All single-family dwellings have their own parking. Garner: What about guest parking? Watkins: There is adequate parking, she is not aware of why anyone would be parking along Cherry unless it is for the units abutting Cherry Lane or they did not wish to park in the lot for whatever reason.

Badger:

- The revised traffic study was received today (1/26/21); Engineering did not have sufficient time to review to ensure all comments are addressed prior to tonight's meeting.
- There are a number of background traffic issues that the Developer is not responsible to mitigate.
- The impact required of the Developer is a west bound right turn lane at Stiehl Creek and Cherry subdivision entrance.
- An additional west bound left turn lane is required at the intersection of Cherry and Midland.
- There are a few other minor things related to the new proposed site accesses, these are traffic mitigations that the Developer will be required to undertake.
- The Developer didn't want to do a full traffic study for all the property they owned at the time. Engineering required that, in all added phases, further traffic studies be conducted and that previous phases are not considered background traffic, rather development traffic. It is for the entire development rather than piecemeal.
- Can re-address turn lane analysis; he can talk to traffic engineer on that.

Garner motioned and Hutchings seconded to close public hearing. Motion carried with 4 in favor and 1 (Kirkman) opposed.

Staff/Commissioners Comments:

- Kirkman: Where is the 6 ft. fence in the DA? Watkins: Listed under staff conditions of approval item 3.
- Garner: How should Commission resolve the issue of addressing any potential previous promises that may have been made? Can record of this be provided?
- Kirkman: How do staff ensure all the items discussed during these meetings are added into the DA.
- Watkins suggested Commission consider their wording of motions carefully, generally the DA is taken from conditions listed in staff report based on review of the project and direction from Commissioners or Council to

add those conditions in. Many things are discussed during a public meeting, if the item isn't directed as part of the motion to be added as a condition it likely won't get added, it would depend on how the motion was made. Council ultimately has the last say on what is added to the DA and she was not aware of the specifics of those conversations.

- Hutchings: Should we include a rock wall as a condition based on public testimony?
- Garner: Should staff research what actually occurred regarding a costly rock wall or should berm/fencing be a requirement?
- Kirkman reviewed public testimony and said letter may be referring to a split faced CMU wall.
- Hutchings: Perhaps a revised DA is needed if this was a requirement and not included or was this an interpretation?
- Garner: Should we add berm/landscaping as a condition of approval if there is no official record adding a split faced rock wall and make a decision based on what information has been provided for this meeting?
- Kirkman: Can staff provide research on this matter back to Commission and table this matter?

The Commission decided conditions of approval regarding fencing/walls need to be investigated by staff through public records and brought back to them for review.

Hutchings motioned and Franklin seconded to table the preliminary plat approval of Astaire Subdivision until February 23, 2021. Staff research will be made public for the February 23, 2021 meeting; however, there will not be a public hearing as the public hearing was closed. Information will be for Commission comment and review. Motion carried.

Public Hearing 2: : Conditional Use Permit for an In-Home Daycare for eight (8) to twelve (12) children in a RD (Two-Family/Duplex Residential) zoning district at 3424 E Greenhurst Rd. (a .26 acre or 11,326 sq. ft. parcel being a portion of the SW ¼ of Section 36, T3N, R2W, BM) for Dionisia J Navarro de Sanchez CUP 204-20 - ACTION ITEM.

Vice-Chair Kehoe proceeded to public hearing.

Dionisia J Navarro de Sanchez, 3424 E Greenhurst Rd., Nampa, ID 83686 – the applicant (spoken for by her grandchild, Roorlyana, due to limited English).

- She wishes to operate a daycare for 7-12 children.

Associate Planner Bodily:

- Reviewed zoning and history of project, site information, utility and parking access and correspondence from internal and outside agencies (staff report/commission packet).
- There is no conflict with surrounding land uses.
- Clarified that the number of children Commission would be approving in the CUP is for 7-12 children.
- Applicable Code regulations:
 1. Nampa City Code, Title 10, Chapter 1 "General provisions", sets forth the criteria of Home Occupations (see Section 10-1-2 HOME OCCUPATION and Section 10-1-10).
 2. Nampa City Code, Title 10, Chapter 3 "Schedule of District/Zone Land Use Controls", sets forth the criteria for uses in the RS District (see Section 10-3-2).
 3. Nampa City Code, Title 10, Chapter 25 sets forth the criteria of approval. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval and issuance of a conditional use permit.
- Staff analysis and findings:
 1. From a land use standpoint, the location is in along a minor arterial street which may be a cause of concern due to the possibility of children wandering into the street. Access needs to be resolved. The owner of the property has installed a 6' vinyl fence to mitigate safety concern along Greenhurst. The home occupation daycare use does not appear to be a concern regarding surrounding land uses.
 2. The City Engineering Division has requested that patrons of the daycare use the parking lot to the East of the home instead of the driveway in front of the home or park on E Greenhurst Rd. This could pose an issue as the parking lot is not on the property of the proposed daycare. It will be required that there be an agreement be in

place between the two property owners for the home/business to use the existing parking lot on the neighboring lot. If an agreement cannot be reached, it will be required that the property owner supply another way for patrons to drop off children safely that is agreed upon by the City. An alternative is to check for an existing easement for access on that road or find an alternate solution.

If the Commission determines to allow the home occupation daycare business, the following conditions are recommended:

1. Compliance with all City Codes, including Title 4 – Building Code. A City of Nampa permit application will be required as this is a change of occupancy.
2. Patrons would be restricted from parking on Greenhurst or using the residential driveway off of Greenhurst.
3. Provide documentation of permission to use the parking area to the east of the subject property. If permission is not granted, parking will need to be accommodated in some other way. Work with the Planning Department on other options if necessary.
4. The daycare shall have a passing fire inspection.
5. The conditional use permit is granted only to the property for the duration of the use and shall not be transferable to any other location.

Vice-Chair Kehoe proceeded to public testimony.

Roberta Konzek, 366 E Avalon, Kuna, ID 83634 – Neutral

- Owner of adjoining parcel that the parking sits on and using her lot is not going to be an option. Fencing has been installed to prevent the use of the parking lot along the property line.
- Written testimony: I am curious about how parking is going to work on that lot with the proposed day care. There is a single paved driveway, but no parking lot. If multiple parents are dropping off or picking up at the same time, they may need to back out onto Greenhurst or park on the edge of Greenhurst during busy times when neighbors are going to work and dropping their children off at the junior high down the street, or coming home from work and picking up their children from school. The parking lot to the east of the property is NOT available for use. If this concern is addressed, I have no problem with approval of the day care.

Kirkman: Is stopping to pick up your child considered parking, is Lexis Way an option? Bodily: The main issue is having a place for cars to pull off from Greenhurst (Greenhurst is classified as a minor arterial) to make the drop off/pick up. Badger: Lexis Way is a private street not owned by the city and without any rights for access from this property. There is a driveway for legal access for that parcel, the concern is that depending on how many families pick up and drop off at the same time and in several vehicles, parking may be an issue.

Kirkman: Does the applicant have a way to make this work? Badger: The concern is backing onto Greenhurst during peak times and no circle driveway would be approved as the current location of the driveway does not comply with city standards, if they would put a parking area in a “Hammerhead T” off of that driveway on their property outside the right of way that is one way to address this issue.

Kehoe: If there is a collision is the City liable? Badger: Generally speaking, the public needs to obey traffic laws so the person who was cited would be responsible.

Kehoe requested staff ask applicant if she understands the limited parking situation and can she address that with the families so they are not all dropping off and picking up at the same time and ask how many cars she thinks will be there all at once. Applicant response “there is going to be about six cars.”

Kirkman: Where will the families be dropping their kids off? Applicant: She was not aware the parking lots were private. Badger: We can work with applicant to come to a reasonable solution to help the traffic situation. If Commission is not comfortable making a decision without the parking information we can continue the public hearing and judge whether to approve at a later date.

Garner motioned and Miller seconded to close the public hearing. Motion carried.

Garner motioned and Hutchings seconded to table approval of the Conditional Use Permit for an In-Home Daycare (CUP 204-20) until February 23, 2021 to give staff an opportunity to meet with applicant regarding the traffic situation. Motion carried.

Public Hearing 3: Annexation and Zoning to IL (Light Industrial) zoning district at 245 N Happy Valley Rd and 4513 Airport Rd, lots P, Q, & Z of the Home Acres #2 Subdivision (4.45 acres portion of the NE ¼ of Section 24, T3N, R2W, BM, for Petersen Holdings LLC ANN 189-20 – ACTION ITEM.

Vice-Chair Kehoe proceeded to public hearing.

Nick Barnes, 4027 E Summit Ln, Nampa, ID 83687:

- Provided an overview of the project; stated he has scaled it back a bit and is looking to do a couple of commercial buildings. He plans to be an end user of one of them and the gas station is most likely no longer an option.

Director Ashby:

- Reviewed zoning and history of project, surrounding land use, site information, public utilities/services/transportation access, density information, applicable regulations (staff report/commission packet).
- City sewer and pressure irrigation systems are not immediately available to the site. Utilities are presently located in the following approximate locations:
 - Domestic Water – Available in Airport Rd and N Happy Valley Rd.
 - Pressure irrigation – Nearest is located 1,350 ft to the North in N Happy Valley Rd. Continued use of existing irrigation water rights is acceptable. Engineering recommends an additional water service tap for irrigation with a dedicated landscape meter.
 - Sewer – Nearest is approx. 350' west in Airport Rd. City Sewer Master Plan includes future extension of sewer mainline east on Airport Rd that would service this property.
- When development occurs, the City will evaluate access at that point.
- Reviewed correspondence from internal and outside agencies (staff report/commission packet).
- The applicant submitted two applications for annexation and a legal description that included both properties. All the legally required neighbors were contacted via postal communication and the appropriate boundaries were correctly shown on a map posted on the property, but the property description only listed the area of one of the properties. We have corrected the description to include the area of both properties and believe all other information on the notice (including an aerial showing the correct area), was correct. Staff believes sufficient information was provided to ensure appropriate legal notice to neighbors.
- If the Nampa Planning & Zoning Commission recommends City Council approve the requested annexation and zoning, the following findings are suggested:
 - With annexation of both properties, the parcels connect with the city limits along the western boundary.
 - The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and some of the adjacent lands have been annexed and developed.
 - The proposed zoning conforms with the adopted comprehensive plan FLUM for Industrial land use and is reasonably compatible with existing and proposed land uses in the area.
 - The property owner requests annexation and zoning to IL for future development of the site for industrial buildings and a potential gas station.
- Recommended conditions of approval should Commission wish to approve:
 - Any future development of the site will require frontage improvements to be coordinated with Engineering Division and in accordance with City Code 9-3-1 (sidewalk, drainage, turn lanes if warranted).
 - Site access for future development shall adhere to the City's Access Management Policy.
 - Dedication of 25 feet of Right-of-Way along Airport Rd and N Happy Valley Rd for a total 50' from Section Line with 25' chamber at intersection. The Owner shall submit legal description(s) with exhibit(s) to the City Engineer's office for review and approval. The City of Nampa will have the document recorded with the County.

- o 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.
- o 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.
- o Any future redevelopment of the site will be required to comply with all City Codes/Policies/Standards in place at the time of redevelopment.
- o Providing all storm drainage is retained on-site there will be no impact to Nampa & Meridian Irrigation District (NMID).
- o If any surface drainage leaves the site, NMID requires a filed Land Use Change Application for review prior to final platting.
- o All private laterals and waste ways must be protected.
- o Developers must comply with Idaho Code 31-3803.

Vice-Chair Kehoe proceeded to public testimony (refer to staff report for any previously submitted written testimony).

Gene Hazen, 3908 Airport Rd, stated he is neutral:

- “Where these two properties meet, there is a ditch that goes down through there and goes underneath the airport and dumps all the wastage from all the irrigation systems and floods when we have a lot of rain and that’s where it goes. We need to make sure that that’s kept open or whatever they have do to keep that water source running correctly.”
- “The developer that’s on 44th St right now (owned by the Petersens), the developer went in there and tore that ditch out so all the neighborhood is upset because everything that is running down that ditch now they pump out of that ditch on to their yards and anytime there is a flood above that property it goes down to that ditch and goes under the airport and he stopped that. “
- “I talked to the city people and the city guy (Steve) said that he hasn’t looked into that yet. A ditch or culvert should be required by the developer and the developer states he is not going to do this.”
- “Need to keep ditch open for potential flooding concerns right on down to the neighbors right underneath his property on 245 Airport, underneath the airport and into the waste ditch.”
- States City of Nampa will begin its irrigation on April 15th and would like to have this issue addressed by then.

Kirkman: Is that new light at Airport and Happy Valley city or county installation? Badger: Installed and paid for by Nampa Hwy District, the city works with them to maintain.

Kirkman: Clarified that only the annexation and zoning is before them tonight; future development issues will be addressed later.

Nick Barnes clarified, he is not certain who Mr. Hazen spoke with, is he referring to project Mr. Barnes has on 39th? No one from his group has spoken with anyone about removing or changing anything, he is happy to do whatever is necessary when development occurs. Ashby stated staff believes Mr. Hazen may be referring to a different developer, Blake Wolf.

Gas station portion is on staff report, this has gone by the wayside; project will most likely be 2.25 acres with two commercial buildings.

Miller motioned and Hutchings seconded to close public hearing. Motion carried.

The Commission found the annexation and zoning request to be compatible with existing surrounding land uses and with the City of Nampa zoning laws and the Comprehensive Plan.

Kirkman motioned and Miller seconded to recommend to City Council approval of the Annexation and Zoning to IL (Light Industrial) zoning district at 245 N Happy Valley Rd and 4513 Airport Rd, lots P, Q, & Z of the Home Acres #2 Subdivision (4.45 acres portion of the NE ¼ of Section 24, T3N, R2W, BM, for Petersen Holdings LLC ANN 189-20 with all staff conditions. Motion carried.

Public Hearing 4: Zoning Map Amendment from RA (Suburban Residential) to RD (Two-Family/Duplex Residential) for a future development at 1110 S. Elder St. (parcel #R11579010; a .18 acre portion of Block 145, Amended Plat of Kurtz Addition (Vacated) located in the SW 1/4 of the NE 1/4 of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for David Nugent ZMA 128-20 – ACTION ITEM.

Vice-Chair Kehoe proceeded to public hearing.

David Nugent, 16520 Mulberry Ln, Nampa, ID 83687 - the applicant:

- Wishes to split the lot for future development of additional housing and have entitlements in place for future development.

Associate Planner Bodily:

- Reviewed applicable regulations for approval.
- Reviewed zoning and history of project, utilities and access, surrounding land uses and 2040 Comprehensive Plan land use setting, utility access, lot layout and correspondence from internal and external agencies (staff report/commission packet).
- Staff findings required by City Code (10-2-3 C):
 - The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map; and
 - The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and
 - The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and
 - The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and
 - The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.
- Suggested conditions of approval should Commission approve:
 - Any future development of the site shall be subject to permitting and plan review processes with the City of Nampa.
 - Access for any future development shall be per City of Nampa Access Policy and per any Nampa Fire Department requirements.
 - Weeds to be destroyed throughout the property to include along the property lines and fence lines per Code Enforcement.

Vice-Chair Kehoe proceeded to public testimony (refer to staff report for any previously submitted written testimony). No public comment forthcoming.

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

The Commission reviewed NCC § 10-2-3 C and found the request, as presented, would promote the purposes of zoning and to be in agreement with the adopted Comprehensive Plan Future Land Use Map for the neighborhood.

Garner motioned and Miller seconded to recommend to City Council approval of Zoning Map Amendment from RA (Suburban Residential) to RD (Two-Family/Duplex Residential) for a future development at 1110 S. Elder St. (parcel #R11579010; a .18 acre portion of Block 145, Amended Plat of Kurtz Addition (Vacated) located in the SW 1/4 of the NE 1/4 of Section 34, T3N, R2W, BM, Nampa, Canyon County, Idaho) for David Nugent ZMA 128-20 with all staff conditions. Motion carried.

Public Hearing 5: Zoning Map Amendment from RD (Two-Family Duplex Residential) to RP (Residential Professional) for a portion of Parcel # R1177900000; and Conditional Use Permit for Multi-Family Residential apartments in an RP (Residential Professional) zoning district at 411 and 515 E Hawaii and 0 Constitution Way - county parcels R11767600000, R11779000000, & R16817000000, for a gross and net density of 20.37 on 18.65 acres (located on a portion of Lots 1 through 5 and all of Lots 6 through 10 of Block 187 of the Amended Plat of Kurtz Addition to Nampa Idaho as on file in Book 2 of Plats at Page 37 in the Office of the Recorder for

Canyon County, Idaho, situated in the NW 1/4 of Section 34, T3N, R2W, BM) for Patrick Stoffregen - Pedcor representing Saint Alphonsus/Trinity Health ZMA 131-20 & CUP 206-20.

Moved to February 9, 2021 Planning and Zoning Commission Meeting

Public Hearing 6: (Continued from January 12, 2021 Planning & Zoning Commission Meeting) Annexation and Zoning to BC (Community Business) zoning district at 11043 Moss Ln., and Conditional Use Permit for a Vehicle Repair and Used Vehicle Dealership; (a .42 acre portion of the SE ¼ of Section 07, T3N, R2W, BM, for Dwaine Steve Lee ANN 188-20 & CUP 203-20 – ACTION ITEM.

Public hearing remained open from the January 12, 2021 Planning & Zoning Commission meeting.

Dwaine Steve Lee, 4057 N. Ballantyne Ln., Eagle, ID 83616/11043 Moss Ln., Nampa, ID 83651 – owner/applicant:

- Desires to modify the current property usage with a vehicle repair shop and used car dealership.
- Reviewed site history of the lot (previously Ted's Diesel and a mechanic shop).
- Property was purchased 3 months ago, the vehicles in the staff report pictures are from an adjacent wrecking yard.
- He has reviewed and accepts staff conditions of approval.

Principal Planner Critchfield:

- Reviewed zoning history, Comprehensive Plan-Land Use Setting, site information, utilities and transportation access, and agency correspondence (staff report/commission packet).
- 12" Domestic Water Main is in Moss Ln.
- 8" Pressure Irrigation Main is located 1,750' to the west in Moss Ln. Nampa Engineering Division has indicated that continued use of existing irrigation water rights is acceptable. Engineering recommends an additional water service tap for irrigation with a dedicated landscape meter.
- Stub to 8" Sewer Main is located 320' to the west on the north side of 11090 Moss Ln. Nampa Engineering Division has indicated that continued use of existing septic systems is acceptable. Any new development is required to submit septic plans for approval to Southwest District Health.
- A used car dealership is a permitted use in the BC Zone. A car repair business requires a Conditional Use Permit in the BC Zone. The area is in transition from county residential to commercial use.
- Reviewed Title 10, Chapter 16 of NCC: To create, preserve and enhance areas with a wide range of retail sales and service establishments serving both long and short term needs in compact locations typically appropriate to commercial clusters near intersections of major thoroughfares. This district also includes some development that does not strictly fit the description of (Title 10, Chapter 16 of the Nampa Zoning Code) but also does not merit a zoning district. (Ord. 3761, 12-17-2007).
- Applicable Regulations:
 - NCC § 10-16-5.C: Front Yard/Street Side (Setback): None required (0') when property abuts a local public street, a private street, or a service drive. Twenty feet (20') is/shall be required on/for all properties that abut front streets classified or identified as collectors or arterials on the most currently utilized Nampa urban boundary and functional classification system map. (Ord. 3960, 4-4-2011). **Moss Ln. is a collector road, a 20' setback is required for all new development.**
 - NCC § 10-16-5.D: Interior Yards: ... When property lines of a property zoned BC abut property zoned single- or two-family residential, interior yards (setbacks) not less than ten feet (10') wide/deep shall be required against the Residential District. Exception: When an intervening sight obscuring fence at least six feet (6') tall that obscures visibility of a parking lot is placed between that commercially zoned property and an adjoining single- or two-family residential zoned property, then a zero foot (0') setback may be allowed in order to separate/screen the commercial property's parking lot from the residentially zoned property (Ord. 4282, 9-19-2016). **Residential property exists to the west of this parcel. A 10' buffer will be required for all new development. A 6' site obscuring fence may be utilized in lieu of the 10' buffer between the residential property and any parking lot proposed on this parcel.**
- Recommended conditions of approval should Commission approve:
- Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment and shall comply with all requirements and conditions of City departments and public agencies; and,
- All developments and construction on this property shall be subject to all required building codes and related permits based on the requirements of City Ordinance - Title 4 – Building Regulations; and,

- Owner shall dedicate 28 feet of Right-of-Way to the City of Nampa. The Owner shall submit a legal description with exhibit(s) to the City Engineer's office for review and approval. The City of Nampa will have the document recorded with the County; and,
- Owner/Developer shall submit plans to LUMEN (Century link) for any construction that planned to encroach upon or conflict with LUMEN (Century Link) facilities. Owner/Developer shall be responsible for the cost for all facility moves required.

Vice-Chair Kehoe proceeded to public testimony.

Birtley Wilson, 550 S Bighorn Drive, Boise, ID – in favor:

- As they anticipated operations in this building, they met with City of Nampa staff regarding surrounding land use and how it has evolved over the last several years, some newer commercial operations are growing out that way.
- He's been with Rush Truck Center for 15 years and managed the facility. They have removed several tons of debris from previous ownership and will continue to clean it up in order to attract business and represent the City of Nampa favorably.

Kirkman: Was any environmental cleanup done at the site? Wilson: We studied that before Mr. Lee purchased the property, there was a study done and the site was cleaned. Applicant stated there was another study in 2006 as well.

Miller motioned and Hutchings seconded to close public hearing. Motion carried.

The Commission reviewed applicable zoning regulations and determined the project to be reasonably compatible with the types of uses permitted in surrounding areas and for stipulating conditions if a CUP is approved.

Kirkman motioned and Garner seconded to recommend to City Council approval the Annexation and Zoning to BC (Community Business) zoning district at 11043 Moss Ln. and recommend to City Council approval of the Conditional Use Permit for a Vehicle Repair and Used Vehicle Dealership for Dwaine Steve Lee ANN 188-20 & CUP 203-20. Motion carried.

Meeting adjourned at 8:50 pm.

Rodney A. Ashby, Planning Director
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