

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, APRIL 13, 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:

Peggy Sellman, Chair (Chambers)
Steve Kehoe, Vice-Chair (Chambers)
Michaela Franklin (via Teams)
Bret Miller (Chambers)
Tom Turner (Chambers)
Ron Van Auker, Jr. (Chambers)
Jeff Kirkman (via Teams)
Adam Hutchings (Chambers)

COMMISSIONERS ABSENT:

Matthew Garner

CITY STAFF PRESENT:

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

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT:

With a quorum of Commissioners present, Madam Chair Sellman called the meeting to order at 6:45 pm.

ANNOUNCEMENTS:

APPROVAL OF MINUTES:

Van Auker, Jr. motioned and Kehoe seconded to approve the minutes of the March 23, 2021 Planning & Zoning Commission Meeting. Motion carried.

REPORT ON COUNCIL ACTIONS:

No City Council representative present to report on City Council actions. Director Ashby reviewed City Council plat approvals from April 5, 2021: Mallard Apartments SPF-156-21; Gateway Industrial Park No. 2 SPF-158-21, Black Butte Business Park No 3 SPF-157-21. Annexation and Zoning to RMH (Station at Gateway No. 2 multi-family development) ANN-192-21/VAC-048-21-approved with tot lot requirement. Annexation and Zoning to RS6 (Chase Subdivision) ANN-190-20-continued to May 17th City Council Meeting due to concerns about the lack of enough open space and a centralized location of open space/amenities, requesting applicant come back with more open space to modify it slightly and is compliant with the approved preliminary plat. Part of the April 22, 2021 workshop discussion will pertain to open space requirements for new developments going forward.

Madam Chair Sellman proceeded to business items on the agenda.

Business Item 1: Subdivision Final Plat Approval for **Summit Ridge No. 5** (phase) Subdivision in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district; for 69 70 single family lots and 3 common lots with a 3.43 gross lot density and a 5.15 net lot density; located at 1354 W Tenzing St. - County Parcel # - R2929101100 (a 20.39 acre

portion of land located in NE 1/4 of Section 5, T2N, R2W, BM) for M3 Companies/Mark Tate representing M3 ID Greenhurst LLC (SPF-160-21) - ACTION ITEM.

Associate Planner Bodily outlined the project from the staff report. Clarified the lot count (70 single family lots).

Reviewed agency/city correspondence and conditions, which are listed under conditions of approval herein.

Reviewed a memo by the Nampa Police Department stating a current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Summit Ridge #5 is 202.86. Recommend City Council commit to fund 0.3 additional officers and 0.1 additional support staff (\$30,011 and \$7,471 respectively) to maintain current police service levels. Closest police department is 3.7 miles away.

Conclusions of Law:

1. Within the city limits and with RS6 Zoning.
2. Substantially conforms to the Preliminary Plat layout.
3. Substantially conforms to the Nampa City Codes stated in NCC § 10-27 Subdivisions
4. Substantially conforms to the Nampa City Codes stated in NCC § 10-33 Corridor Beautification

Suggested conditions of approval:

1. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
2. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Summit Ridge Subdivision No. 5 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division and all prior Preliminary Plat conditions prior to construction drawing approval.
3. 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 construction. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division and pay all required development inspection fees prior to start of construction.
4. 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.
5. Developer shall dedicate right-of-way at the southwest corner of Midland and Greenhurst for the purpose of a multi-lane roundabout prior to City Engineer signature of the plat.
6. Individual Lot Drainage details are required for each type of lot based on each lot's drainage design. Demonstrate how the provisions of the International Residential Code, Chapter 4 drainage requirement will be met, specifically the provisions of 401.3, Drainage, where if the specified slope of 5% is not met in the first 10 feet, alternate methods in the form of drains and swales shall be implemented.
7. Developer shall comply with all comments and conditions of approval identified in the February 25, 2021 memo from Boise Project Board of Control.
8. Individual Lot Drainage details will be required for each type of lot based on each lot's drainage design. Please demonstrate how the provisions of the International Residential Code, Chapter 4 drainage requirement will be met, specifically the provisions of 401.3, Drainage, where if the specified slope of 5% is not met in the first 10 feet, alternate methods in the form of drains and swales shall be implemented.

The Commission found that the proposed subdivision final plat of/for Summit Ridge #5 Subdivision conforms, or substantially conforms within acceptable limits, to the approved preliminary plat of/for Summit Ridge Subdivision, complies with relevant RS6 zoning codes, and City of Nampa subdivision standards pertaining to the proposed Development.

Van Auken, Jr. motioned and Hutchings seconded to recommend to City Council Subdivision Final Plat Approval for Summit Ridge No. 5 (phase) Subdivision in a RS6 (Single-Family Residential 6,000 sq. ft) zoning

district; for 70 single family lots and 3 common lots for M3 Companies/Mark Tate representing M3 ID Greenhurst LLC (SPF-160-21) with all conditions of staff and conclusions of law. Motion carried.

Business Item 2: Subdivision Plat Final Approval for Lekeitio Village No. 1 (Phase 1) for 26 single family detached lots and 6 common lots on 10.66 acre portion of 17390 N Can Ada Rd for a 2.44 gross density and a 3.79 net density (a portion of land located in the N1/2 of the SW ¼ of Section 6, T3N, R1W, BM, Canyon County, Nampa, also referred to as Parcel #R3039201100 & R3039000000) for Isaac Josifek (Hayden Homes) representing Encore Lekeitio Village LLC (SPF-161-21) – ACTION ITEM.

Director Ashby outlined the project from the staff report.

Director Ashby noted correspondence from Nampa PD: Current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Lekeitio Village No. 1 is 76.44. Recommend City Council commit to fund 0.11 additional officers and 0.04 additional support staff (\$11,309 and \$2,815 respectively) to maintain current police service levels. Closest police department is 5.2 miles away. Reporting district call volume is 61 annually.

Reviewed agency/city correspondence, noted in the staff report and/or contained herein under conditions of approval.

Conclusions of Law/Findings of Fact:

1. Within the city limits and with RS7 zoning.
2. Substantially conforms to the approved preliminary plat layout.
3. Conforms to applicable subdivision and zoning standards.

Suggested conditions of approval:

Engineering Conditions:

- 1) An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.
- 2) Given the project encroaches into Development will require a Floodplain Development Permit. Please complete and submit the provided Floodplain Development Permit Application. Conditions attached the permit will be as follows:
- 3) Developments located within Flood zone A without Base Flood Elevations and more than 5 acres or 50 lots, are required to complete a Flood Study to define the Floodway and Base Flood Elevations.
- 4) Letters of Map Revision (LOMR) shall be submitted to FEMA upon completion of grading for each phase of development to remove effected areas from the floodplain. If desired, applicant could submit for a Conditional LOMR to FEMA to obtain assurance of their future acceptance of the LOMR.
- 5) If building permits are submitted prior to the LOMR being approved by FEMA, applicant shall submit pre-construction elevation certificates noting applicable elevations in accordance with the approved Flood Study at time of permit submittal.
- 6) The City will require a permanent easement to be established for the PI main across outparcel 17388 N Can Ada Rd prior to the approval of these plans, due to the inclusion of PI main across said outparcel.
- 7) Plans will need to be coordinated with Pioneer Irrigation District and Nampa & Meridian Irrigation District due to the presence of Phyllis Canal, Tenmile Creek, and the Weck Drain.
- 8) Can Ada Road is within the jurisdiction of Nampa Highway District No. 1. Plan review and a permit is required from them for any work within the public right-of-way.

Final Plat Conditions:

- 9) Legal Description appears to have 0.04' Error of Closure which does not meet the maximum allowable. Please verify and correct, as necessary.
- 10) All easements should be shown on the plat, with at least 1 dimension per Block.
- 11) Plat Sheets are 27"x18". Our standard is 24"x36".
- 12) Note 11 is not legally binding enough to cover the existing easement. Two options for addressing the easement are as follows:
 - a) The portion of the easement that is no longer valid for each phase may be vacated concurrently with the plat and replaced by public access.
 - b) An agreement with the property owner of 17388 N. Can Ada Rd for vacation of the easement while maintaining an access to said property during each phase of development.
- 13) Delete notes 12, 13, and 17
- 14) Acknowledgement: Revise to County of Canyon

- 15) Replace county Health Certificate note with Southwest District Health Department note, redlined, and signature line.
- 16) Replace Planning note with City Planning and Zoning note, redlined.
- 17) Delete Highway District note, not applicable to City subdivision.
- 18) Replace County Commissioners note with City Council note and signature line, redlined.
- 19) Revise County Surveyor note from "vacations" to "surveys." See redlines.

Conditions of Approval:

- 20) The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
- 21) Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Lekeitio Village No 1 Subdivision – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division prior to construction drawing approval.
- 22) 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.
- 23) Developer shall submit plans for review to Pioneer Irrigation District and Nampa & Meridian Irrigation District for any encroachments within the Phyllis Canal, Tenmile Creek, and Weck Drain easements. Developer shall provide documentation of their approval to the Nampa Engineering Division prior to Construction Drawing approval. A copy of any executed license agreements, if required, shall be submitted to the Nampa Engineering Division prior to City Engineer signature of the plat.
- 24) Developer shall submit plans to Nampa Highway District for review of work within the N Can Ada Road right-of-way and provide documentation of their approval to the Nampa Engineering Division prior to Construction Drawing approval. Contractor shall obtain a right-of-way permit from the Highway District prior to start of work within the N Can Ada Road right-of-way.
- 25) The property shall be annexed into the Nampa Municipal Irrigation District prior to being served by the City's pressure irrigation system. Prior to City Engineer signature of the Final Plat, Developer shall provide documentation from Nampa & Meridian Irrigation District that the entire property has active surface water rights and all irrigation assessments for the property have been paid in full. If water rights have lapsed, Developer shall reestablish rights prior to plat signature.
- 26) 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. We also specifically request records of the groundwater rights for the existing well at the southeast property corner (Well ID 301689) to evaluate benefit and potential transfer of rights to the City in accordance with Preliminary Plat condition of approval.
- 27) Occupancy of any structures within the floodplain shall be conditioned on a LOMR-F application being submitted to and accepted by FEMA to remove the lots from the special flood hazard area in accordance with City Code Section 4-9-5.G.
- 28) Pathway improvements shall be constructed through the site in accordance with the Nampa 2019 Bike & Pedestrian Master Plan at the time of property development, and at the sole expense of the Developer.

Nampa Fire District:

- 29) Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
- 30) Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)
- 31) Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
- 32) Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
- 33) Monument signage for addressing will be required at the entrance and at all intersections within the project. (IFC 505.1)
- 34) Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
- 35) The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)

- 36) Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
- 37) Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
- 38) For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8)
- 39) Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).
Parks Conditions:
- 40) A sidewalk along the south side of E. Lekeitio Drive shall be constructed at a minimum width of 10' to act in place of the Ten Mile Pathway indicated in the City of Nampa Bicycle and Pedestrian master plan.
Irrigation Conditions:
- 41) Irrigation easements and permissions shall be complied with.

The Commission found that the proposed subdivision final plat of/for Lekeitio Village No. 1, with the compliance with the proposed conditions, conforms, or substantially conforms within acceptable limits, to the approved preliminary plat of/for Lekeitio Village Subdivision, complies with relevant RS7 zoning codes, and City of Nampa subdivision standards pertaining to the proposed Development.

Hutchings motioned and Kehoe seconded to recommend to City Council Subdivision Plat Final Approval for Lekeitio Village No. 1 (Phase 1) for 26 single family detached lots and 6 common lots on 10.66 acre portion of 17390 N Can Ada Rd for Isaac Josifek (Hayden Homes) representing Encore Lekeitio Village LLC (SPF-161-21) with all staff conditions and conclusions of law. Motion carried.

Madam Chair Sellman proceeded to Public Hearing items on the Agenda at 7:05 pm.

Public Hearing 1: Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district and Preliminary Plat approval for **Sunnyvale West Subdivision**, at 0 W Flamingo Ave (County Parcel #3144900000) for ninety-three (93) single-family residential buildable lots, five (5) common (storm drain & buffers) lots, and eleven (11) common open space lots, for a gross density of 3.55 and a net density of 5.75; a 26.22 acre portion of the NW ¼ of Section 18, T3N, R2W, BM, for Providence Properties, LLC/Patrick Connor representing Paul Mercier (ANN-191-21 & SPP-069-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Patrick Connor, Providence Properties, 701 S Allen St. #104, Meridian, applicant.

Presented the Sunnyvale Subdivision project and vicinity map showing the annexation path, currently working on the 3rd phase of construction and will start paving next month. Surrounding residential land use is RS6. Reviewed open space and common lots from preliminary plat. Reviewed elevations and plans, some of which have RV bays.

Principal Planner Watkins reviewed zoning and site specific information, surrounding zones which are compatible, lot analysis and applicable regulations found in the staff report. Reviewed lot sizes code regulations for RS6 zone.

Reviewed agency/city correspondence located in staff report. The City's water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:

- 8" gravity sewer main in Amarone St being constructed with Sunnyvale Subdivision No. 3;
- 12" water main in Flamingo Ave;
- 12" water main in Amarone St being constructed with Sunnyvale Subdivision No. 3; and,
- 12" pressure irrigation main in Amarone St being constructed with Sunnyvale Subdivision No. 3.

Platting of this project will serve to divide the land. It must be done in accordance with state law, Nampa City Code § 10-27, Nampa City Code § 10-8, Nampa City Code § 10-33, and in cooperation with the City's currently adopted Engineering Design and Specification manuals. Plat review was done to analyze the Project's compliance to code in the context of this Project having already been annexed and zoned. The plat is deemed compliant in this regard.

The future land use designation is Community Mixed Use (This project means to stretch the Medium Density Residential designation to this property from the south). The RS zoning district allows for single-family residential development. The density proposed for the Sunnyvale West Subdivision is a gross density of 3.55 and a net density of 5.75 per acre.

Staff Analysis for Annexation & Zoning

1. Land Uses in the nearby area, and, more particularly, adjacent site development all suggest that the RS 6 zoning would be an acceptable fit for the area given that RS zoning already exists on the parcels to the east and a short distance to the west.

2. Comprehensive Plan: The future land use designation is Community Mixed Use (This project means to stretch the Medium Density Residential designation to this property from the south). The RS zoning district allows for single-family residential development. The density proposed for the Sunnyvale West Subdivision is a gross density of 3.55 and a net density of 5.75 per acre.

5.5.3 Medium Density Residential (2.51 – 8 Dwelling Units Per Acre (Gross))

With a gross density of 2.51 to 8 dwelling units per acre (gross), this is the most common land use setting in the Nampa Area of City Impact. Its character is more urban than rural but can contain rural elements such as open space. This land use setting contains single-family-detached homes, patio homes, townhomes, medium-density apartments, duplexes and condominiums. These units will be highly compatible with adjoining properties. High-density development is not allowed in this land use setting. The character of Medium-Density Residential development in Nampa typically consists of traditional streetscapes with sidewalks, street trees, covered entries, and a diversity of architectural styles. Access to garages is provided from the street or loaded by an alley at the rear of the property. As was mentioned earlier, the addition of limited mixed-use neighborhood-scale commercial development in this zone should be explored (see 5.4.1.4).

3. Public Interest:

That Nampa has determined that it is in the public interest to provide single-family residential development opportunities within its confines. Expressions of that policy are published in Nampa's adopted Comprehensive/Master Plan, as well as embodied in its decisions to date regarding similar applications.

4. Safe Routes to School:

- Vallivue High School = (not within walking distance)
- Vallivue Middle School = (not within walking distance)
- Lakevue Elementary School = (not within walking distance)

5. COMPASS Analysis:

The housing to job ratio indicates that more jobs are needed in the area. The nearest police station is 3.9 miles away and the nearest fire station is .9 miles away. Farmland is being consumed by this development, but there are 857 acres of farmland existing within 1 mile of this project. The nearest bus stop is 1.6 miles away, the nearest school is 2.2 miles away, the nearest park is 1.6 miles away and the nearest grocery store is 1.8 miles away.

6. Environmental:

An environmental impact study (EIS) was not called for in conjunction with the Application package submittal as such is not normal required saved when called for by City Engineering under special circumstances.

Staff Analysis for Preliminary Plat

1. Minimum Lot Areas:

That because the proposed Development is slated for development in conjunction with RS 6 zoning, this requirement applies...all master or standard building lots meet or exceed 6,000 sq. ft. in area (20% infill lots allowed = 19, Infill lots proposed 17, all on the interior of the project). The smallest infill buildable lot is 5,500 sq. ft. in area, the smallest standard buildable lot is 6,032 sq ft.; therefore, the Plat is deemed compliant in this regard.

2. Average Lot Size:

There is a total of 93 lots. Including 16 common lots, 17 infill lots and 76 standard sized buildable lots. When 20% of the largest and 20% of the smallest lots are removed, the average lot size is 8,035 s.f.. Therefore, the plat is deemed compliant in this regard.

3. Lot Compatibility:

Due to the location of this project next to developed city, RS 6 zoned subdivisions and undeveloped/platted county properties, there are no compatibility requirements.

4. Lot Width and Depth:

All master lots demonstrate required lot width and depth; therefore, the Project is deemed compliant in this regard.

5. Right-Of-Way Dedication(s)/Improvements:

As needful, ~40' from the section line along W Flamingo Ave. per City...see City Engineering comments.

6. Landscaping:

A landscape plan was submitted with the application paperwork. The landscape plan appears to be acceptable.

7. Pathway(s)/Open Space: There is 2.29 acres of centralized open space proposed and 1.62 acres that contain drainage and landscape buffers. The centralized open space includes a covered pavilion and pathways that extend to the north, south, east and west to provide connectivity throughout the development.

Suggested conditions of approval reflected from comments:

1. 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 and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City.
2. Dedicate the following public right-of-way prior to finalizing annexation:
 - a. W Flamingo Ave – 40' from the Section Line.
3. Frontage road improvements along W Flamingo Ave shall be constructed in accordance with Nampa City Code Section 9-3-1.
4. 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.
5. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system. 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 District.
6. 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 the following main lines based on the City's Master Plans:
 - a. Extend 12" pressure irrigation main in W Flamingo Ave east along the rest of the project frontage.
7. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
8. Applicant shall address all street name comments from Nampa Engineering Division, if any, prior to Final Plat submittal. Applicant shall submit a revised Preliminary Plat reflecting the corrected street names for W Annata St and W Broadstone Pl.

Madam Chair Sellman proceeded to public testimony. No public comment forthcoming.

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

The Commission reviewed surrounding compatible land uses with RS zoning existing to the east and west of the site, determined the project met the applicable zoning laws for annexation, reviewed NCC § 10-2-3-(c) conclusions of law pertinent to proposed zoning map amendments, and found the property to be eligible for development under these code requirements.

Kehoe motioned and Turner seconded to recommend to City Council approval of Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district for Sunnyvale West Subdivision, at 0 W Flamingo Ave (County Parcel #3144900000) for ninety-three (93) single-family residential buildable lots, five (5) common (storm drain & buffers) lots, and eleven (11) common open space lots, for Providence Properties, LLC/Patrick Connor representing Paul Mercier (ANN-191-21) with all conditions of staff and conclusions of law. Motion carried.

Kehoe motioned and Turner seconded to approve the Preliminary Plat for Sunnyvale West Subdivision, at 0 W Flamingo Ave (County Parcel #3144900000) for ninety-three (93) single-family residential buildable lots, five (5) common (storm drain & buffers) lots, and eleven (11) common open space lots, for Providence Properties, LLC/Patrick Connor representing Paul Mercier (SPP-069-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 2: Development Agreement Modification to modify the concept plan Ordinance No. 3528, "Exhibit B" from 3 commercial buildings and associated parking to a concept plan for single-family townhome residential; **Conditional Use Permit** for Single-Family Attached, 3-4 unit, 0 lot line; and **Subdivision Preliminary Plat Approval** for **Sterling Commons Subdivision** in an BN (Neighborhood Business) zoning district, for 53 buildable town-home lots and 10 common lots on 4.82 acres for 11.0 gross lot density and 14.98 net lot density; all located at 0 & 905 S Middleton Rd - County Parcel #s - R3206300000 & R3206401200 (located in NE 1/4 of Section 31, T3N, R2W, BM) for Bonnie Layton representing Sterling Land Development, Inc. (DAMO-041-21, CUP-208-21 & SPP-071-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Bonnie Layton, NV5, 690 S Industry Way, #10, Meridian, representing the applicant Sterling Land Development: Reviewed location of project which was annexed and zoned in 2005 and has remained undeveloped. Requesting DA Modification to update the proposed site plan and uses to remove commercial uses. Reviewed preliminary plat, noting two story townhomes in 3-5 unit building configurations, alley loaded with shared access drives and a 25' landscape buffer along Lake Lowell and South Middleton. Homes will front onto a landscape mews to be maintained by HOA with accessible common spaces/green spaces. A last minute change was made regarding access onto Lake Lowell for safety reasons. Primary access will be from South Middleton with a hammerhead turnaround at the north end of site required by Nampa Fire Dept. which Engineering has approved. Noted a large common area/park for the community at the southeast corner providing a buffer with the canal and lower density residential on the southwest side of the canal. Reviewed design examples and sample pictures of affordable higher density projects for other developments. Stated townhomes provide a low maintenance alternative for residents and diversity in housing stock.

Design considerations: Sites are 10' below Carriage Hill Subdivision to the SW. Canal easement provides an additional 80' buffer between Sterling Commons and Carriage Hill Subdivision. The orientation and location of buildings are placed in a way to help minimize impact on the adjacent subdivision. Smaller buildings were placed adjacent to the park in the southwest corner of the site to aid in transition of building massing. Reviewed/compared their two-story townhomes and the two-story single family home elevations in the nearby Carriage Hill subdivision.

Kehoe: Appreciated the developer closing Lake Lowell access and requested clarification on the Deer Flat canal open space area. Layton: There will be a shade structure with a picnic bench, a park like area.

Kirkman: Is the DA Modification change based on economics/market fluctuations? Layton: Commercial appears not to be viable based on the number of years the space has been remained undeveloped.

Kehoe: There is a large vacant commercial property across the street from the proposed project with a gym and dentist office space. If there were a need for commercial building that space would already have been developed; this project is more usable for the public. Kirkman: There are many public comments about DA Modification changes. Sellman inquired and Layton confirmed there was a change of ownership. There is commercial development to the east and they feel bringing some density to the area will help make future commercial development viable.

Principal Planner Watkins reviewed site specific information, history of project, lot analysis and applicable regulations found in the staff report. The City's water, sewer, and pressure irrigation systems have adequate capacity to serve this

property. The waiver for the size of the landscape buffer is no longer necessary as there was revised layout submitted showing the required 25' buffer on the frontages.

Platting of this Project will serve to divide the land. It must be done in accordance with state law, Nampa City Code § 10-27, Nampa City Code § 10-14, Nampa City Code § 10-33, Nampa City Code § 10-34 and, in cooperation with the City's currently adopted Engineering Design and Specification manuals.

Nampa City Code 10-22 dictates the number parking spaces required. Single-family and multi-family residential shall provide 2 parking spaces per dwelling unit. This project is required to and has provided 106 parking spaces. In addition, this project also proposes 27 guest parking spaces.

Development Agreement: Reviewed Ordinance 3528 (staff report) recorded on January 20, 2006 as Instrument # 2006-04068. The request is to replace the previous Development Agreement that describes the 4.81 acre portion that makes up parcels R3206300000 & R3206401200. The original area was proposed for a commercial complex made up of retail "strip" center type structures surrounded by parking area and landscaping but has remained undeveloped. The present application before the Commission proposes a change to the original Agreement, including:

- a. Newly drafted development agreement document.
- b. Replacing conditions of approval and site plan details in a new development agreement that applies to the single-family attached unit development.
- c. Provide a new legal description of the portion to be modified.

Conditional Use Permit: Nampa City Code, Title 10, Chapter 3 "Schedule of District/Zone Land Use Controls", states that Single Family Attached, Multi-Unit, zero lot line structures require an approved Conditional Use Permit in the BN zone. There is no required lot size or density in the BN zone. The concept appears to comply with parking, landscaping, and the desire of Council for open space and additional visitor parking.

Land Uses in the nearby area are single-family residential to the west and commercial the north and east with more single-family on the northeast corner of S Middleton Rd and Lake Lowell Ave. This development proposes 53 single-family attached units on 4.82 acres.

Comprehensive Plan: The future land use designation is Commercial. The BN zoning district allows for single family attached, multi-unit, zero lot line structures with an approved Conditional Use Permit. There is a Community Mixed Use designation to the east and Medium Density Residential designation to the west. The density proposed for the Sterling Commons Subdivision is 11 lots per acre. The High Density Residential designation indicates a desire for 8+ dwelling units per acre, although this is in a Commercial designation which does not dictate density.

Preliminary Plat approval for Sterling Commons Subdivision in an BN (Neighborhood Business) zoning district, for 50 (53) buildable town-home lots and 8 (10) common lots on 4.82 acres for 11 units gross lot density.

The Commercial designation does not recommend a residential density, however the density proposed is 11.0 dwelling units per acre.

Maximum Building Height allowed in BN zone:

No principal building shall exceed either three (3) stories or thirty feet (30') in height. BN zoning, there is no requirement for a minimum lot size. The landscape plan will need to be revised to provide better visibility at the intersection of Middleton and Lake Lowell and identify appropriate planting methods. A revised plan submitted on April 7, 2021 shows a 25' landscape buffer along Middleton and Lake Lowell, thus eliminating the need for a waiver from City Council as is stated in the applicant's narrative.

Applicant states: "Pathways and sidewalks throughout the site offer safe connectivity and walkability for its residents, while a continuous landscape palette provides an aesthetically pleasing and cohesive community. All common areas and opens spaces will be maintained by the Sterling Commons Homeowner's Association to preserve a unified appearance".

Nampa City Code 10-22 dictates the number parking spaces required. Single-family and multi-family residential shall provide 2 parking spaces per dwelling unit. This project is required to and has provided 106 parking spaces. In addition, this project also proposes 27 guest parking spaces.

Reviewed public/agency/city correspondence, located in staff report and/or listed under conditions of approval herein including:

- Nampa Meridian Irrigation District requirement that the Fox Lateral easement must be protected.
- Ensure that plant materials do not cause site obstructions and root flare should show at the soil line on L2.0.
- 10' wide sidewalk along S Middleton Rd to act as side path (Parks).
- Police: Current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Sterling Commons is 147. Recommend City Council commit to fund .22 additional officers and 0.07 additional support staff (\$21,747 and \$5,414 respectively) for the first year of employment. Closest police department is 3.7 miles away. District call volume is 158 annually.
- Fire: Requirements on the location of fire hydrants, the height of structures, the length and width of access roads (width of turning radius), and signage for the subdivision. Comments also include the following statement:
"The City of Nampa Comprehensive Plan 2040 states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1.5 miles from the nearest fire station. This development is located approximately 2.9 miles from Nampa Fire Station #4 with an approximate response time of 2.9 minutes. To properly serve the public for an all hazard response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 150 residents to 50 single family homes, with an increased personnel demand of .15 firefighter positions."

• Engineering:

General:

1. A pre-application meeting was held with Nampa Engineering Division, Planning Department, and Fire Department staff on October 21, 2020.

Preliminary Plat:

2. The preliminary plat as submitted is complete with all required information in accordance with City standards.

Access/Layout:

3. The project is located southwest of the Lake Lowell Ave and Middleton Road intersection, with frontage on the following public roads:
 - Lake Lowell Ave – classified as “Collector,” speed limit 45-mph, unimproved rural section.
 - Middleton Road – classified as “Principal Arterial,” speed limit 45-mph, includes center left-turn lane, no curb/gutter/sidewalk across frontage.
4. Frontage road improvements will be required in accordance with Nampa City Code Section 9-3-1 to be reflected on final construction drawing, including:
 - Lake Lowell Ave – Sidewalk/pathway, drainage, and widening for turn lane if warranted; refer to Nampa Standard Drawing N-821A.
 - Middleton Road – Sidewalk/pathway and drainage; refer to Nampa Standard Drawing N-822.
5. A Traffic Impact Study is not warranted for this project in accordance with Nampa Engineering policy. However, a Site Access Analysis with turn lane warrant was requested at the pre-application meeting for the proposed site access off Lake Lowell given this is still a two-lane rural section and the access does not meet Nampa spacing requirements with the adjacent Wissel Farm access. A turn lane warrant analysis is not required for the Middleton Road access since this stretch of Middleton was rebuilt by the City in 2020 and widened to include a center left-turn lane. Nampa Engineering Division has been contacted by the Developer’s traffic consultant and we understand the site access traffic analysis is underway.
6. The proposed site accesses meet the City’s Access Management Policy with the exception of:
 - Lake Lowell access proximity to the existing Wissel Farm access.
7. The internal roads/accesses are anticipated to be private. The onsite access system meets all City of Nampa policy and design standards with the exception of the following, which should be addressed prior to final plat submittal:
 - Some of the dead-end drive aisles are longer than 150’. Either a Fire Code compliant turnaround or Emergency Only Access out to Middleton Road will be required.
 - Drive aisles with perpendicular parking and two-way traffic shall be 24’ wide minimum. The most northerly and southerly drive aisles appear to only be 20’ wide.

- Drive aisles with perpendicular garage access should also be 24' wide or provided with driveway aprons that achieve an equivalent 24' width.
 - Drive aisles and roads 26' wide and less shall be posted as "No Parking" on both sides of the road. Drive aisles and roads between 26' and 32' wide shall be posted as "No Parking" on one side of the road.
 - Some of the turn radius' onto the internal drives do not appear to support fire truck turn movements. Future plan submittals should reflect compliance with Fire Department standards.
8. The Nampa Bicycle & Pedestrian Plan reflects a 10' side path along Lake Lowell Ave and Middleton Road, and 10' pathway along the Deer Flat Nampa Canal. Side path already exists along the south side of Lake Lowell Ave and east side of Middleton Road along the Fall River West development, while the pathway is constructed on the south/west side of the canal both up/downstream of the project. Nampa Engineering Division recommends the project continue 10' side path along the south side of Lake Lowell.

Utilities:

9. The City's water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
- 8" gravity sewer main in Lake Lowell Ave;
 - 12" water main in Lake Lowell Ave and Middleton Road; and,
 - 12" pressure irrigation main in Middleton Road.
10. The project will be required to construct utilities to and through the property at the time of development, including the following Master Planned utilities:
- Extend 12" pressure irrigation main west in Lake Lowell Ave along the south side of the road.
 - Extend gravity sewer to the south property boundary for access to the parcels beyond.
11. The property is currently in the City's water pressure Zone 2, which has a service hydraulic grade of approximately 2,640-feet. The project ground elevations vary from approximately 2,487 to 2,503 feet. Static water pressures should be on the order of 55 to 65-psi with available fire flow exceeding 1,500-gpm.
12. Street lights shall be provided at all site accesses on frontage Collector/Arterial roads.
13. Fire hydrants shall be provided at 400' maximum spacing internal to the site.

Drainage:

14. The property is not located within a defined floodplain.
15. The Final Drainage Report shall adhere to Section 106 of the Nampa Engineering Development Process and Policy Manual (Drainage Policy) and address the following comments:
- Provide drainage area specific weighted runoff coefficient accounting for on lot impervious coverage.
 - Provide design for Lake Lowell Ave and Middleton Road drainage facilities.
16. Developer shall account for any historic drainage from adjacent properties in accordance with Nampa Drainage Policy.

Irrigation:

17. The Deer Flat Nampa Canal is located along the southwest property boundary. The Applicant/Developer shall coordinate with Nampa & Meridian Irrigation District regarding proposed improvements that may encroach within their easement.
18. The property shall be annexed into the Nampa Municipal Irrigation District at the time of Final Plat recording.
19. Developer shall maintain any historic gravity irrigation conveyance facilities through the site to/from adjacent properties in accordance with Idaho state statute.

Suggested conditions of approval:

1. Provide a new Development Agreement document, including a new legal description, new concept plan and new conditions pertaining to this attached single-family development.
2. 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 and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City.
3. Work with the City Forester and Nampa Principal Planner to provide a revised landscape plan.
4. Due to last minute changes to reflect an appropriately sized landscape buffer, emergency vehicle access points, an increase to open space, and an increase to on-site parking, please provide a completed, detail preliminary plat prior to City Council approval of the Development Agreement.

5. Developer shall address all site layout comments identified in this memo and incorporate into final design and corresponding construction documents.
6. Applicant shall submit a site access traffic analysis including turn lane warrants for the proposed Lake Lowell Ave access, and will be required to address any and all concerns and mitigation requirements identified in the analysis to the satisfaction of the Nampa Engineering Division.
7. Frontage road improvements along Lake Lowell Ave and Middleton Road shall be constructed in accordance with Nampa City Code Section 9-3-1.
8. 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.
9. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system. 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 District.
10. 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 the following main lines based on the City's Master Plans:
 - a. Extend 12" pressure irrigation main west in Lake Lowell Ave along the south side of the road.
 - b. Extend gravity sewer to the south property boundary for access to the parcels beyond.
11. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.

Kirkman: Inquired whether Commission should continue the hearing until preliminary plat is received. Watkins clarified the revised preliminary plat has not been received due to the access issues from Lake Lowell. There are no lot size requirements in a BN zone, the layout and whatever conditions are imposed for the development will be appropriate to cover any concerns, therefore staff does not deem waiting for receipt of preliminary plat to be necessary.

Madam Chair Sellman proceeded to public testimony.

Cheryl Hinkley, 12441 S Abbot Downing Way, has concerns. Requested clarification on parking areas. Does not agree with smaller lots sizes in this subdivision and would like to see a preliminary plat. Layton: All Nampa Engineering requirements will be adhered to. One and two car garages are interspersed, additional parking is provided to those with a single car garage along with guest parking spaces.

Kehoe requested clarification on number of parking spaces. Layton: There is a private common drive which will be built according to Engineering comments/conditions. There are 106 occupant parking spaces and 27 additional guest parking spaces, a couple of which would accommodate ADA requirements, although ADA requirements do not apply for this zone.

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

The Commission reviewed applicable regulations for Development Agreement Modification, land uses in a BN district, and conditional use permit conclusions of law NCC § 10-25-4 and found the project to be eligible for development under these code regulations.

Kirkman motioned and Van Auker, Jr. seconded to recommend to City Council approval Development Agreement Modification to modify the concept plan Ordinance No. 3528, "Exhibit B" from 3 commercial buildings and associated parking to a concept plan for single-family townhome residential; for Sterling Commons Subdivision in an BN (Neighborhood Business) zoning district, for 53 buildable town-home lots and 10 common lots on 4.82 acres for 11.0 gross lot density and 14.98 net lot density, all located at 0 & 905 S Middleton Rd for Bonnie Layton representing Sterling Land Development, Inc. (DAMO-041-21) with all staff conditions and conclusions of law. Motion carried.

Kirkman motioned and Hutchings seconded to approve the Conditional Use Permit for Sterling Commons Subdivision in an BN (Neighborhood Business) zoning district, for 53 buildable town-home lots and 10 common lots on 4.82 acres for 11.0 gross lot density and 14.98 net lot density, all located at 0 & 905 S Middleton Rd for

Bonnie Layton representing Sterling Land Development, Inc. (CUP-208-21) with all staff conditions and conclusions of law. Motion carried.

Kirkman motioned and Van Auker, Jr. seconded to approve the Subdivision Preliminary Plat for Sterling Commons Subdivision in an BN (Neighborhood Business) zoning district, for 53 buildable town-home lots and 10 common lots on 4.82 acres for 11.0 gross lot density and 14.98 net lot density, all located at 0 & 905 S Middleton for Bonnie Layton representing Sterling Land Development, Inc. (SPP-071-21) with all staff conditions and conclusions of law. Motion carried.

Public Hearing 3: Annexation and Zoning to RS4 (Single-Family Residential 4,000 sq. ft) zoning district and Preliminary Plat approval for Sharpe's Orchard Subdivision, at 7928 Birch Ln (County Parcel #2095400000) for thirty-three (33) single-family residential buildable lots and four (4) common lots, for a gross density of 4.9 and a net density of 6.09; (a 6.68 acre portion of the NW ¼ of Section 11, T3N, R2W, BM) for Taylor Schmidt representing Dennis Sharpe, LLC (ANN-193-21 & SPP-072-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Hethe Clark, 251 E Front Street, Boise, on behalf of Taylor Schmidt, Applicant: Annexation and rezone to RS4 and Preliminary Plat for 33 building lots and 4 commons lots on 6.68 acres, an infill with utility access and located near employment centers. 19% of the project is open space, with a proposed internal community playground and picnic shelter. Engineering commented traffic calming measures may be warranted on Red Oak (north/south street); wants to explore with Engineering a raised pedestrian crossing at the island that will allow passage from west side to east and serve as a traffic calming measure. Storm drain area on the far east, working with staff on raising the storm drain area so it qualifies under the functional open space category. In agreement with staff conditions.

Associate Planner Bodily reviewed surrounding zoning, land uses, city services and utility access located in the staff report.

All standard building lots meet or exceed 4,000 sq. ft. in area. The smallest buildable lot is 4,394 sq. ft. Lot averaging does not apply in the RS 4 zone. Overall open space (including landscaping and storm drainage) equals 1.27 acres (19%). The requirement for “functional” open space in an RS4 subdivision is 700 sq.ft. per building lot which equals .53 acres for this subdivision. Excluding the landscape buffer, emergency access, ditch and drainage pond, the subdivision proposes .51 acres of “functional” open space. If the drainage lot is able to be used as “functional” open space, the total space would be calculated at .71 acres. The only proposed pathway is the emergency access in the southeast corner of the subdivision.

Reviewed agency/city correspondence and conditions, located in staff report and listed under conditions of approval herein, including:

Building: Adhere to Title 4 – Building Regulations. Construction drawings shall include grading plan indicating minimum and maximum top of wall elevations from top back of curb and a drainage plan for individual lots.

Pioneer Irrigation District: The Grimes Drain has a 110’ right of way, 55’ from the centerline of the drain on both sides. Written permission must be obtained from the Bureau of Reclamation, prior to any modification or encroachment and written permission must be obtained from PID prior to any modification or encroachment of its laterals or corresponding easements.

Lumen: If Lumen facilities are encroached upon then the developer would be responsible for sending plans for the construction and the developer would be responsible for all facility moves required.

Public Works: One more streetlight would need to be installed between lot 11 and lot 12 of Block 2 to light up the emergency access and the curve in the road.

Nampa Fire Dept: Fire hydrant location requirements, the height of structures, the length and width of access roads (width of turning radius), and signage for the subdivision. Comments also include the following statement:

"The City of Nampa Comprehensive Plan 2040 states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1.5 miles from the nearest fire station. This development is located approximately 0 miles from Nampa Fire Station #3 with an approximate response time of 1 minutes. To properly serve the public for an all hazard response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 99 residents to 33 single family homes, with an increased personnel demand of .099 firefighter positions."

Nampa Police Dept. stating a current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Sharpe's Orchard Subdivision is 97. Recommend City Council commit to fund 0.15 additional officers and 0.05 additional support staff (\$14,353 and \$3,573 respectively) to maintain current police service levels. Closest police department is 3.4 miles away. Developments in this reporting district have a call volume of 307 annually.

Engineering: Reviewed access/layout, utilities, irrigation and drainage comments located in staff report and in conditions of approval herein.

Conditions of Approval:

1. Dedicate the following public right-of-way prior to finalizing annexation:
 - a. Birch Lane – 40' from the Section Line.
2. Developer shall address all site layout comments identified in this memo and incorporate into final design and corresponding construction documents.
3. Frontage road improvements along Birch Lane shall be constructed in accordance with Nampa City Code Section 9-3-1.
4. 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.
5. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system. 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 District.
6. 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 stubbing utilities to the north property boundary for possible future extension.
7. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
8. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division dated February 4, 2021 prior to Final Plat submittal. Applicant shall submit a revised Preliminary Plat reflecting the corrected names.
9. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
10. If Lumen facilities are encroached upon, the developer would be responsible for sending plans for the construction and the developer would be responsible for all facility moves required.
11. One more streetlight will be required to be installed between lot 11 and lot 12 of Block 2 to light up the emergency access and the curve in the road.
12. Shall adhere to the comments listed in the memo authored by Brent Hoskins, Nampa Fire Department, dated March 25, 2021 as well as the International Building Code and International Fire Code as adopted and amended by the City.

Madam Chair Sellman proceeded to public testimony.

Beth Mamer, 16584 N Franklin Blvd. Her property is adjacent to the west side of the property, concerns are:

- Irrigation access
- Fence currently along property line.

Joann Johnson (Bow) 16626 N Franklin Blvd., same concerns as Ms. Mamer.

Clark: Irrigation water access will stay intact. The intent is to leave the ditch along the western boundary as it is. The fence and property line are close, they intend to place the fence on the project side of the ditch and leave it open on the neighbors' side should easements be necessary.

Susan Kain, 16660 N Franklin Blvd:

Western neighbors will have access to the ditch. Submitted specifications on the ditch and letter to Taylor Schmidt regarding irrigation:

"The Superintendent of Pioneer Irrigation, Mark Zirschky, suggested that we write you a letter to outline the responsibilities of a party who is changing the flow/course of any waterway in the Pioneer Irrigation District. The responsibilities are as follows:

Idaho State Statute 42-1207 requires the developer, or whoever changes the delivery of water, to pay for those changes and to pay for the maintenance and upkeep of the water system in the future so the water may be delivered in the same manner to the end user and not burden the user with any loss.

The deeds associated with the final plat should have easements recorded against them showing the routes of the ditches, waterways, and drains, including the main drain that flows to the Grimes Drain.

The deeds associated with the final plat should include adequate space around the waterways to perform maintenance on those waterways.

The deeds associated with the final plat should have a "Maintenance and Upkeep Agreement" recorded as a covenant against them naming the developer as the responsible party for maintaining the entire water delivery and drain system that has been changed.

Pioneer Irrigation District has a list of required materials and construction methods that developers are to use when changing a water system. We understand that you have agreed to use those materials and methods."

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

The Commission reviewed applicable regulations for annexations, zoning/rezones, and land uses in RS4 zone, and found the conclusions of law met the project specifications.

Van Auker, Jr. motioned and Miller seconded to recommend to City Council approval of Annexation and Zoning to RS4 (Single-Family Residential 4,000 sq. ft) zoning district for Sharpe's Orchard Subdivision, at 7928 Birch Ln (County Parcel #2095400000) for thirty-three (33) single-family residential buildable lots and four (4) common lots, for a gross density of 4.9 and a net density of 6.09; (a 6.68 acre portion of the NW ¼ of Section 11, T3N, R2W, BM) for Taylor Schmidt representing Dennis Sharpe, LLC (ANN-193-21) with all conditions of staff and conclusions of law. Motion carried.

Van Auker, Jr. motioned and Miller seconded to approve the Preliminary Plat approval for Sharpe's Orchard Subdivision, at 7928 Birch Ln (County Parcel #2095400000) for thirty-three (33) single-family residential buildable lots and four (4) common lots, Taylor Schmidt representing Dennis Sharpe, LLC (SPP-072-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 4: Conditional Use Permit for multi-family housing in a Community Business (BC) zoning district for an 11.87 acre portion of a 12.56 acre parcel addressed as 609 S Grays Lane (SW 1/4 of Section 25, T3N, R2W, BM, Nampa) for 252 dwelling units in Copper Depot Apartments with a gross dwelling unit of 20.06 and net density of 23.21, for Inland Group (CUP-210-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Keith James, Inland Group, 120 W Cataldo, Spokane, WA:

Business is comprised of adult communities and affordable housing communities, developed, built and owned by the developer for the long-term. Reviewed some of their other projects, including one in Boise. Stated the need for affordable housing in the community. Reviewed site location and proximity to schools. Primary access is from Amity, with a 2nd access from Grays Lane. There are several units of different sizes up to 3 and 4 bedroom units. No parking variance has been requested. Over 1 acre is designed as open space, over 38% of the site is landscaped. Discussed efforts made to not adversely affect surrounding neighborhoods, the buildings are set back as much as possible, with a solid fence along the west property boundary. The Nampa lateral separates them from the neighboring properties. Will adhere to any traffic impact study requirements. Reviewed development amenities.

Principal Planner Watkins reviewed site specific information, surrounding zoning, lot analysis and applicable regulations found in the staff report including:

The City's water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:

- Sewer and Pressure Irrigation are not readily available and will require easements through other properties either to the east or west or a significant stretch in Amity Ave. to accommodate connection to service.
- 12" water main in Amity Ave and 10" water main in S Grays Ln.

1. **Land Use:** in the nearby area are city and county single-family residential, with the old meat packing plant to the south

2. **Comp Plan:** The future land use designation is split between Commercial and Medium Density Residential.

3. **Public Interest:** That Nampa has determined that it is in the public interest to provide housing opportunities within its confines.

4. **SRTS:**

Columbia High School = .8 mile (within walking distance)

East Valley Middle School = 1.8 miles (not within walking distance)

Parkridge Elementary = 1.3 miles (not within walking distance)

5. **COMPASS analysis**

6. **Lot Coverage:**

Building: 107,230 s.f. (22.7%)

Parking: 183,789 s.f. (38.9%)

Landscaping: 181,981 s.f. (38.4%)

Amenities are shown to include a tot lot, a sports court and a clubhouse with a pool central to the development.

There is sidewalk connectivity throughout the site.

Reviewed public/agency/city correspondence located in staff report including:

Parks: Request that a 20' permanent easement from the top of bank along the south side of the North Nampa Lateral be given to the City of Nampa for the purpose of locating the North Nampa Lateral Pathway. Require the contractor to construct the pathway inside their development.

Nampa Police Dept: Current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Copper Depot is 740.88. Recommend City Council commit to fund 1.11 additional officers and 0.37 additional support staff (\$109,606 and \$27,285 respectively) to maintain current police service levels. Closest police department is 3.1 miles away.

Nampa Fire Dept: Location of fire hydrants, the height of structures, the length and width of access roads (width of turning radius), and signage for the subdivision. Comments also include the following statement:

"The City of Nampa Comprehensive Plan 2040 states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1.5 miles from the nearest fire station. This development is located approximately 3.1 miles from Nampa Fire Station #1 with an approximate response time of 8 minutes.

To properly serve the public for an all hazard response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 756 residents to 252 single family homes, with an increased personnel demand of .756 firefighter positions."

Engineering: A Traffic Impact Study is to be completed and the Developer shall be responsible to perform all mitigation identified in the Study prior to Occupancy of any structure. Site development will be subject to all City Codes/Policies/Standards in place at the time of development.

Suggested conditions of approval:

1. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment from all concerned agencies and City Departments.
2. Construction of a pathway and easement dedicated to the city for said pathway.

Madam Chair Sellman proceeded to public testimony.

Margie Potter, Salvation Army, 1412 4th St. S, Nampa, in favor.

- She was raised in affordable housing and feels Nampa has a need for more affordable housing for working families, singles, seniors, etc. desperate for a place they can afford.
- The Salvation Army receives 10-20 calls per day requesting financial housing assistance.

Natalie Sandoval, 1112 E Dewey, Nampa, in favor.

- Occupation is social worker with School District.
- Stated homelessness is on the rise, Nampa school has 940 students classified as homeless, mostly elementary students.
- Without stable housing students may not be able to stay in school.
- The families she serves are not involved in criminal activity.
- Nampa has a housing crisis; we must do something and we need housing for kids and families.

Greg West, 313 Buckskin Dr, opposed.

- Surrounding neighborhoods are not set up for higher density housing and does not benefit them in any way.
- Concerned about loss of privacy.
- Traffic and speeding is a major concern.
- Unsafe, no sidewalks or sidewalk connectivity.

James and Melanie Martin, 213 Buckskin Dr., opposed.

- Not compatible with surrounding area.
- There is already a 16 acre apartment complex nearby, why is another one needed nearby.
- Traffic is a major concern.
- Concerned about property values.

Lara Roetto, 66 S Grays Lane, opposed.

- Not compatible with their neighborhood.
- This project will negatively impact the neighborhood regardless of applicant's comments.
- Amity and Grays is a dangerous intersection, they are being overrun. This development would add over 1,000 daily trips in and out of this project.
- Amity has not been widened, unsafe for those walking to school on Amity.

Mary Martin, 4100 East Boreal Ct, opposed.

- Concerned about traffic and safety.
- Concerned about the strain on local grocery stores and restaurants, schools not being able to accommodate high density housing.
- Concerned about high crime rates and lower housing values.

Todd and Stacia Christiansen, 420 Buckskin Dr, opposed.

- Concerns: Traffic, lack of sidewalks, previously lived near affordable housing where there was a lot of crime and her car was broken into.

Bob Moore, 411 Buckskin Drive, opposed.

- This development applies to the lack of "desirable neighborhood character" as noted in the city code. The surrounding roads will not support the traffic with this and the other construction on the other side of Amity.
- Single story homes or retail buildings would be more acceptable than three story apartments.
- Concerned about housing values and aesthetics.

Tamelyn Job, 4113 E Hayseed Ct, opposed.

- Concerned about increase in crime, has seen firsthand what happens when there is low income housing nearby. Concerned about decrease in home values.
- Having 3 story building does not “fit” the neighborhood.

Rebecca Bent, 3614 E Amity, opposed.

- Provided petition with over 200 signatures from nearby neighbors opposing the project.
- Concerned infrastructure cannot support this project.
- The project would be better suited elsewhere, 63 houses are already being built on Amity causing even more traffic.
- The city does not have the resources in place for this development.
- Her wedding venue business would be negatively impacted by this project.
- Concerned about teenagers hurting her animals.

Wendy Warrick, 403 Buckskin Dr., opposed.

- Understands the need for housing, the traffic is a huge concern due to proximity to intersection.
- Concerned about too much traffic and the need for sidewalks to schools.
- Would rather see commercial development than multi family

Brian Warrick, 403 Buckskin Dr., opposed.

- Concerned about traffic. Grays Lane is developed out so there is no way the City can add sidewalks at this point, it is up to the City to take responsibility to fix the problem of sidewalks along the road.
- Supports commercial development rather than multi family, which would be a better fit for the neighborhood.
- Argues this project does not meet conclusions of law.
- There would be a three-story building looking over his backyard.
- Questioned whether the applicant owned the property or had an option.
- Does not want to live next to multi-family apartments, does not want the crowding.

Caitland Nance (virtual-address inaudible), opposed.

- Nearby roads are poorly done and need repair.
- Nampa cannot keep up with water usage as it is.
- Concerned about bad traffic getting even worse.
- There are 2 other housing projects less than 2 miles away, infrastructure cannot keep up.

Applicant: Has purchase option. Grays Lane is collector street; Amity is principal arterial and is planned to be a 5 lane road in Nampa’s long range plan. ROW has been given for along their frontage. States, for the supporters of commercial property rather than multi-family, there is no transition and would be an unusual use next to single family neighborhood. There are no current capacity issues at the nearby schools.

Kehoe: Inquired about mix of residents. Applicant: Little bit of everything, single parents with children, single people, many families with younger children and teens. About 2.4-2.7 residents per unit, maybe higher due to their 3-4 bedroom count. Kehoe: Turnover? Applicant: 60% per year, 30-40% per year for affordable housing communities.

Van Auker, Jr.: How is this compatible with surrounding neighbors? Applicant: An aerial view reflects this neighborhood is in transition. Was not aware the meat plant was going to be torn down and developed. The area is growing and changing and annexed 12 years ago with commercial development intent. Argues commercial/restaurants would cause even more traffic than affordable housing.

Badger: “Amity is an arterial roadway, the master plan for that would be a 5 lane facility throughout that section, we do not currently have designated funding for that construction. Grays Lane is a collector roadway; we would anticipate a three lane section through there. The developer would, if this project is approved or whatever development ends up happening, will be required to replace sidewalks along the frontages of both Grays Lane and Amity so that would be installed at that point. Some of the other discussion regarding the traffic in that area, we have done an initial review on the traffic impact study, the traffic generation of a commercial development is significantly larger than residential. I have heard statements tonight to the contrary, this is not accurate. If you look at the traffic you see out by the

Marketplace in that area, you can see the difference in the traffic. Residential, even apartment residential, the traffic generation from it is significantly lower than commercial use. Commercial uses can vary, it depends on what goes in there, but as a general rule traffic generation from commercial development is higher than residential.”

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

Turner: “The annexation was effective in 2010, the surrounding subdivisions were there long before 2010 and the public at that time was okay with it being that. We now have another subdivision just to the west, about 70 homes with larger lots which indicates to me that this project is not compatible with the surrounding neighborhoods.”

Kirkman stated he looked at the criteria for approval and in his opinion this project would adversely affect the livability of the community and the surrounding properties in the area. The scale and bulk of this project in a single-family home area is not compatible. Perhaps another location but not this one. There would also adversely impact public facilities (roads and infrastructure) and the lack of safety in the roads is a concern.

Kehoe: “This Commission hears the same consistent arguments; these kinds of developments are not compatible with current housing. It will never be compatible and no one is going to like it but there is an affordable housing problem. These people need a start.”

Kirkman stated the decision needed to be based on conclusions of law, this spot is not compatible; the decision does not have anything to do with affordable housing, the bulk and scale of project is not compatible. Nampa does need affordable housing, just not at this location.

Turner stated he had never once brought up the fact that that affordable housing was or was not needed, his point was this apartment building is going to be surrounding on three sides by single-family residents. “It does not fit and it is not a safe area for kids to be walking and if you are going to have kids walking down Amity trying to get to the high school, Amity is not a road to be walking on, riding a bicycle on, there is too much traffic and people can get killed or hurt on this road if you put this in there and it doesn’t fit with the surrounding area and is not in harmony with what is already there.”

Kirkman stated he appreciates all the public comments and signatures, the Commission takes all comments into consideration which is why the public hearings are important. The amount of opposition weighs heavily.

Van Auker, Jr. agreed it would be a good transition project if the infrastructure were available and roads were already built. He is not in support due to the location of the project.

Hutchings stated he likes the project, it is just not compatible for the area, if it were across the street, he might consider approving it; Amity has a long way to go. Miller agreed.

The Commission reviewed applicable regulations and land use regulations in a BC District, and relevant conclusions of law/findings for the conditional use permit (NCC § 10-25-4).

Hutchings motioned and Turner seconded to deny the Conditional Use Permit for multi-family housing in a Community Business (BC) zoning district for an 11.87 acre portion of a 12.56 acre parcel addressed as 609 S Grays Lane (SW 1/4 of Section 25, T3N, R2W, BM, Nampa) for 252 dwelling units in Copper Depot Apartments with a gross dwelling unit of 20.06 and net density of 23.21, for Inland Group (CUP-210-21) based on the following findings:

- **That the location, size, design and operating characteristics of the proposed apartment development will NOT be compatible with and WILL adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the development.**

7 in favor and 1 opposed (Kehoe). Motion carried.

Public Hearing 5: Subdivision Plat Short Approval of Sunflower Court Subdivision in a RS6 (Single-Family Residential 6,000 sq. ft.) zoning district, at 0 Southside Blvd (parcel #R323100000) for division into 7 buildable lots and 1 private roadway for a 3.22 gross density (a 2.17 acre parcel located in the NE 1/4, Section 35, T3N, R2W, BM) for Danny Chervak representing Zenith Homes (SPS-038-21) – ACTION ITEM.

Commissioner Turner recused himself from this hearing.

Madam Chair Sellman proceeded to public hearing.

Jesse Christensen, HECO Engineers, 2151 W Lowell Point, Nampa, for applicant.

- Infill project, reviewed location and access points.
- Pressurized irrigation is running on both sides of property for all the project lots.
- Property has not been farmed for some time; the Nampa Meridian Irrigation District hasn't turned water out of that gate in a very long time.

Director Ashby reviewed site specific information, surrounding zoning, lot analysis and applicable regulations found in the staff report. Applicant is proposing to complete the Sunflower Court cul-de-sac and provide access directly to 3 buildable lots from the public cul-de-sac, then provide a private drive for 4 additional buildable lots.

Reviewed public/agency/city correspondence located in staff report including:

Nampa Police Dept: Current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Sunflower Court is 20.58. Recommended City Council commit to fund 0.03 additional officers and 0.01 additional support staff (\$3,045 and \$758 respectively) to maintain current police service levels. Closest police department is 3.10 miles away. RS district call volume is 498 annually.

Nampa Fire District: 2040 Comprehensive Plan states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1 ½ miles from the nearest fire station. This development is located approximately 2.1 miles from Nampa Fire Station 2 with an approximate response time of 5 minutes.

- To properly serve the public for an all hazards response, the Nampa Fire Department should have 1 firefighter for every 1,000 residents served. This subdivision will add approximately 21 residents to 7 single family homes, with an increased personnel demand of .021 firefighter positions.
- Multiple fire code conditions are found in the attached letter from the fire department located in the staff report.

Public comment from nearby neighbor:

- What precautions are being taken to ensure their [2 children under age 5] safety?
- What times will work be starting?
- Concerned about privacy – Is a [privacy] fence part of the plans for these homes? (Staff researched: negative.)
- Concerned about traffic increases leading to decreased safety for her children – request a “children at play” or a speed limit sign before her home.

Staff Analysis:

The proposed short plat is to divide one existing parcel into seven buildable lots, three of which will access the public roadway and four of which will access a private drive/road.

- Setbacks – The proposed plat complies with the required setbacks for the RS zoning district.
- Building Height – the application says that the maximum building height shall be 40'. This height is not permitted in the RS6 zoning district. Nampa City Code 10-8-4: BUILDING HEIGHT REGULATIONS state that “No principal building shall exceed two and one-half (2 1/2) stories or thirty feet (30') in height.”
- Required Street Frontage: It appears the scale on the preliminary plat is incorrect. If a 1”=20' scale (as indicated) is correct, the street frontage for Lot 6 does not meet the minimum 22' of street frontage required in the RS6 zoning district. The notes on the plat indicate the frontage is 22.93'. Staff believes this scale needs to be corrected on the Preliminary Plat to be a 1”=30' scale. If that is corrected, all street frontages are accurate.

- Parking – 2 parking spaces (including 1 covered) shall be provided for each buildable lot. No parking has been shown on the plat, but this requirement will be reviewed as a part of the building permit process.
- Land Use – if single-family homes are being proposed, they are a permitted use in the RS6 zoning district. If duplexes are proposed, a conditional use permit will need to be obtained.
- Public questions: Most of the questions asked need to be directed to the applicant for answers, but also could be conditions of approval. Construction work may not begin until after 7:00 a.m. and must terminate before 11:00 p.m.

With modification to the scale on the preliminary plat drawing, building elevations no higher than 30', an approved drainage plan provided to the building department, and all conditions outlined in the Fire District and the Engineering Division Memos, the subdivision short plat, will substantially comply with City Codes and subdivision regulations.

Suggested conditions of approval:

1. All buildings shall not exceed 30' in height.
2. The accurate scale of 1"=30' shall be corrected on the preliminary plat.
3. Building Department condition that a grading plan with a lot drainage plan and minimum and maximum top of foundation wall elevation is required for plat final approval.
4. Engineering Conditions for Preliminary Plat:
 - a. Note 14 – total area of the subdivision may be incorrect. Please check.
 - b. Please include at least two (2) benchmarks.
 - c. The scale for this sheet seems to be off. Should this be 1" = 30' instead?
 - d. Per City comment on 8/12/2020, the north half of the cul-de-sac is to become public right of way. Please show this as a right of way dedication to the City.
 - e. Please adjust the property lines of Lot 8 to reflect that it ends at the north boundary of the cul-de-sac. An easement will be required on the City's mainline (water, sewer) which runs through Lot 8.
 - f. Sewer service to Lot 3 is shown to tie into a manhole. This is not permitted.
5. Engineering Division Conditions for Final Plat:
 - a. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
 - b. The Developer and their Engineer and Contractor(s) 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 also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.
 - c. 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.
 - d. Developer shall provide documentation of plan review/approval from Pioneer Irrigation District prior to construction drawing approval. Provide copies of required executed license agreement(s), if any, prior to City Engineer signature of the plat.
6. Fire Department Conditions:
 - a. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
 - b. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)
 - c. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
 - d. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
 - e. Monument signage for addressing will be required at the entrance and at all intersections within the project. (IFC 505.1)

- f. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
- g. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
- h. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)
- i. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
- j. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8)
- k. Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).

Madam Chair Sellman proceeded to public testimony.

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

The Commission reviewed applicable regulations NCC § 10-2-3 (c) Zoning/Rezoning Conclusions of Law, NCC § 10-3-2 land uses in RS Zone, NCC § 10-27-4F Short Plats, and NCC § 10-8-6 Property Area, Width and Yard Requirements, and found the property to be eligible for development under these code requirements.

Kirkman motioned and Kehoe seconded to recommend to City Council approval of Subdivision Plat Short of Sunflower Court Subdivision in a RS6 (Single-Family Residential 6,000 sq. ft.) zoning district, at 0 Southside Blvd (parcel #R3231000000) for division into 7 buildable lots and 1 private roadway for Danny Chervak representing Zenith Homes (SPS-038-21) with all conditions of staff and conclusions of law. Motion carried. Turner recused.

Public Hearing 6: Conditional Use Permit for Gun Sales/Services Home Occupation Business - Lucky Shot Ammo, in a RS 6 (Single-Family Residential 6,000 sq. ft.) zoning district on a 10,890 sq. ft. parcel at 801 W Peirsol St in the Raintree Meadows Subdivision LT 51 BLK 3 (located in the SW 1/4 of Section 4, T2N, R2W, BM, Nampa) for Joseph Little (CUP-213-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Joseph Little, 801 W Peirsol St, Nampa, owner/applicant.

- He is starting an ammunition and firearms company and has proceeded with all ATF checks and background steps.
- Neighbors are aware. Has heard only one negative complaint.
- There will be no open gallery, no showroom, by appointment only.
- Ammunition will be sold to local gun ranges and gun stores.
- An appointment may be made for gunsmithing.

Sellman requested clarification on shipping procedure. Applicant estimates 10-12 appointments per month for firearms and gunsmith, not a lot of traffic. Ammunition will not be sold to the public, strictly sold to business unless a firearm is bought directly from him in stock.

Principal Planner Critchfield reviewed site specific information, lot analysis and applicable code regulations found in the staff report. This is a home occupation. No employees are permitted to work on the premises. Per the narrative provided by the Applicant, there will be no more than 12-15 people at the residence per month including, but not limited to, delivery drivers from UPS and/or FedEx for product. No additional parking is required. Sales will be by appointment and online.

Reviewed public/agency/city correspondence located in staff report and listed in conditions of approval:

Agency Correspondence:

Nampa Building Department: Requested compliance with Title 4 of Nampa City Code; and,

LUMEN: LUMEN has no reservations, however, if any construction on the site interferes with any LUMEN facilities, plans will need to be reviewed by LUMEN and any costs to replace those LUMEN facilities will be borne by the owner/applicant; and,

Nampa Highway District #1: No comment

Nampa Code Compliance: No code violations found

Idaho Department of Transportation: No objections

Nampa & Meridian Irrigation District: No comment

Nampa Fire Department: The applicant will be required to provide quantities of black powder, smokeless powder, primers, and finished bullets that will be in stock at any one time.

Nampa Engineering: No comments.

Nampa Police: No comments and no change to staffing.

Conclusions of Law:

1. That the location, size, design and operating characteristics of the proposed use will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets, and to any other relevant impact of the use.
2. That the location, design and site planning of the proposed use will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.
3. That the proposed use will enhance the successful operation of the surrounding area in its basic community functions or will provide an essential service to the community or region.

Citizen Comments:

Three emails and two letters were received regarding this project. The emails were submitted in your staff report. The letters were received after the staff report was published. These comments were submitted by surrounding neighbors within a 600' radius of the property:

- Email dated April 4, 2020 from Judy Kay indicating **opposition** due to concerns about children in the area and the types of people that the proposed business would bring to the area. She also indicated that she is fearful of having a firearms business near her home, which is less than 300' away.
- Email dated April 5, 2021 from Nicole Sundstrom indicating **opposition** and citing concerns about the impact the proposed business would have on children and elderly, neighborhood safety and fire threats.
- Email dated April 13, 2021 from Jill Hallows, 6003 Crimson Loop, Nampa indicating **support** for the proposal. They have met with Mr. Little and found nothing detrimental to the neighborhood about the proposed business.
- Letter dated April 4, 2021 from V. K. Wilson, 699 W Pierson St. indicating **opposition** and citing concerns about traffic, children and the potential for accidents, and asking the following questions:
 - What kind of customer would a gun shop have in a neighborhood?
 - Is it capable of background checks?
 - Where are customers supposed to park?
- Letter dated April 4, 2021 from Myron Ludwig, 699 W Pierson St. indicating **opposition** citing concerns about children, traffic safety, customer parking

Potential Conditions of Approval:

If the Commission determines to allow the home occupation for gunsmithing with occasional special-order firearm sales, the following conditions are recommended:

1. Compliance with all City Codes, including City Ordinance - Title 4 – Building Regulations, and adopted State Building Code.

2. If any construction associated with this home occupation firearms sales and gunsmithing business are planned to encroach upon any LUMEN facilities, the owner/applicant shall send construction plans to CenturyLink for review and approval prior to any demolition or construction. The owner/applicant be responsible for the cost for all facility moves required.
3. The applicant shall provide quantities of black powder, smokeless powder, primers and finished bullets that will be in stock at any one time to Nampa Fire.
4. The owner shall maintain all regulatory permitting, licensures and operational procedures as required by law.
5. The home occupation firearms sales and gunsmithing business shall be continuously operated in accordance with all City Codes.
6. Any firearms, live ammunition, ammunition material or firearm parts located on the premises shall be locked in a secure safe.

Madam Chair Sellman proceeded to public testimony.

Jason Thometz, 3640 S Oxbow Dr., in support.

- Lives in the neighborhood and is in support of project.
- Everyone needs a background check to get a weapon.
- He has seen business plans/businesses open with it more visitor parking than for this business.
- The other people opposed did not bother to show up.

Kasee Sparks, 813 W Peirsol St., in support.

- He is an HOA board member.
- Any concerns are based on misconception, he has seen the business plan and is in support of project.
- More worried about high school kids than traffic.
- Safety concerns came up with HOA which were addressed.

Ryan Weeks, 816 W Peirsol St., in support.

- Is a neighbor and agrees with all other comments in support.
- Believes the applicant is an asset to the community and has no concerns about any traffic impact.

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

Kirkman stated he did not think the applicant's business would adversely affect the livability of neighborhood and provides an essential service to community.

The Commission reviewed NCC § 10-1-10 Home Occupation Standards, NCC § 10-25 Conditional Use Permit Conclusions of Law and approved the project under these code requirements.

Kirkman motioned and Kehoe seconded to approve the Conditional Use Permit for Gun Sales/Services Home Occupation Business - Lucky Shot Ammo, in a RS 6 (Single-Family Residential 6,000 sq. ft.) zoning district on a 10,890 sq. ft. parcel at 801 W Peirsol St in the Raintree Meadows Subdivision for Joseph Little (CUP-213-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 7: Zoning Map Amendment from RP (Residential Professional) to RML (Limited Multiple-Family Residential) zoning district; and, Subdivision Plat Short Approval of Mercy Creek No. 2 Subdivision, at 821/823 and 827/829 17th Ave S. (parcel #R0984101000) for division into 2 duplex lots for a total of 4 existing dwelling units (a .32 acre parcel situated in block 16 of the Interstate Addition Subdivision in the NE ¼ of Section 27, T3N, R2W, BM) for Joshua Morrison (ZMA-0138-21, SPS-037-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Director Ashby, on behalf of Joshua Morrison, 829 17th Ave S, Nampa.

Director Ashby reviewed site specific information, surrounding zoning, lot analysis and applicable regulations found in the staff report.

The proposed short plat is to divide two existing duplexes, approved by way of building permits and having already received certificates of occupancy, into two separate lots. By rezoning the property to RML, the short plat becomes possible to approve. No construction changes are being proposed on the property at this time.

- Setbacks – The proposed plat complies with the required setbacks if the property is rezoned to the RML zoning district.
- Parking – Garages and external parking are provided, exceeding the requirements in city code for two spaces per dwelling.
- Land Use – duplexes are an allowed use in the RML zoning district.

Reviewed agency/city correspondence located in staff report, including:

Nampa Police Department: Current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Mercy Creek No. 2 is 11.76. Recommend City Council commit to fund 0.02 additional officers and 0.01 additional support staff (\$1,740 and \$433 respectively) to maintain current police service levels. Closest police department is 1.30 miles away.

Nampa Fire District: Listed multiple fire code conditions that were followed during construction of the site. The development is 1 mile from Nampa Fire Station 1 with an approximate response time of 5 minutes. The increased demand on fire fighter personnel is approximately .012 firefighter positions.

Conclusions of Law:

There were no specific conditions of approval other than adherence to Title 4 and Title 10 code requirements. The corrected Final Plat resolves Engineering Division concerns.

Madam Chair Sellman proceeded to public testimony. No public comment forthcoming.

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

The Commission reviewed NCC § 10-3-2 RML zoning uses, NCC § 10-2-3(c) Zoning/Rezoning Conclusions of Law, NCC § 10-27-4F Short Plats, and found the property to be eligible for development under these code conditions.

Van Auker, Jr. motioned and Miller seconded to recommend to City Council approval of Zoning Map Amendment from RP (Residential Professional) to RML (Limited Multiple-Family Residential) zoning district at 821/823 and 827/829 17th Ave S. (parcel #R0984101000) for division into 2 duplex lots for a total of 4 existing dwelling units (a .32 acre parcel situated in block 16 of the Interstate Addition Subdivision in the NE ¼ of Section 27, T3N, R2W, BM) for Joshua Morrison (ZMA-0138-21) with all conditions of staff and conclusions of law. Motion carried.

Van Auker, Jr. motioned and Miller seconded to recommend to City Council approval of Subdivision Plat Short for Mercy Creek No. 2 Subdivision, at 821/823 and 827/829 17th Ave S. (parcel #R0984101000) for division into 2 duplex lots for a total of 4 existing dwelling units for Joshua Morrison (SPS-037-21) with all conditions of staff and conclusions of law. Motion carried.

Meeting adjourned at 10:31 pm.

Rodney A. Ashby, Planning Director
:kh



