

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, May 11, 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)
Tom Turner (Chambers)
Jeff Kirkman (Chambers)
Ron Van Auker, Jr. (Chambers)
Matthew Garner (Chambers)

COMMISSIONERS ABSENT:

Adam Hutchings
Bret Miller

CITY STAFF PRESENT:

Rodney Ashby, Planning Director (Chambers)
Daniel Badger, City Engineer (Chambers)
Parker Bodily, Associate Planner (Chambers)
Kristi Watkins, 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 6:30 pm.

ANNOUNCEMENTS: Director Ashby requested Commission review the code change videos staff presented and submit comments by the end of the week.

APPROVAL OF MINUTES:

Kehoe motioned and Van Auker, Jr. seconded to approve the minutes of the April 27, 2021 Planning & Zoning Commission Meeting. Motion carried.

REPORT ON COUNCIL ACTIONS:

Director Ashby stated the Sunnyvale West subdivision annexation was continued to May 17, 2021 due to concerns about HB 389 which will affect the city’s property tax revenue. The zoning map amendment and short plat for Mercy Creek No. 2 was approved. Councilmember Haverfield stated Council has postponed action on certain annexations, some pertaining to multi-family housing, due to uncertainty at the state level regarding HB 389. Rather than approve these annexations, Council needs to understand the limitations of the bill and how it will affect funding of emergency services. The Gateway annexation and rezone on Stamm Ln. was approved due to the cohesiveness of the project to the surrounding area creating a natural extension to the south of the current existing development. An annexation and zoning request for 93 single family residential lots that was deferred from April 13, 2021 to May 17th (Sunnyvale West). The development agreement modification request and rezone for Franklin/Star Rd (Fuller 84 Business Park) was approved, Council felt the potential was positive for this area.

Madam Chair Sellman proceeded to business items on the agenda.

Business Item 1: Subdivision Final Plat Approval for Southern Ridge No. 9 (phase) Subdivision in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district; for 47 single family lots and 2 common lots with a 4.33 gross lot density and a 5.56 net lot density; located at 0 Locust Ln. - County Parcel # - R2908701200 (a 10.84 acre portion of land located in SE 1/4 of Section 1, T2N, R2W, BM) for Kent Brown representing Southern Ridge Properties (SPF-165-21) - ACTION ITEM.

Principal Planner Watkins outlined the zoning and history of the project from the staff report, and agency comments including:

Nampa Police Department: Current staffing shortfall (based on 1.5 officers per thousand residents). Projected population increase for Southern Ridge No. 9 is 138.18. Recommend City Council commit to fund .21 additional officers and 0.07 additional support staff (\$20,442 and \$5,089 respectively) for the first year of employment. Closest police department is 5.5 miles away. District call volume is 449 annually.

Engineering:

General Comments

1. *An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.*
2. *All construction shall adhere to Section 108 “Construction Duty and Responsibility Policy” of the 2017 City of Nampa Engineering Development Process & Policy Manual and the City adopted codes, specifications and standards.*

Final Plat Comments

1. *Pages 4 and 5 missing from the plat; provide with next submittal.*
2. *Per Nampa GIS addressing review letter, revise “E Jambalaya St” to “E Ronde River Dr”, and “E Shadow Ridge Dr” to either “E Daniel Boone St” or “E Federation St”.*
3. *Note the Book/Page numbers for the recently recorded Southern Ridge Subdivision No. 5 and 7 on Sheet 1.*
4. *Provide street width dimensions on sheets 2 and 3.*
5. *There appears to be an erroneous 2’ shift in ROW on both the east and west sides of S Rosa Parks Way.*

Conditions of Approval

- a. *The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the Final Plat.*
- b. *Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Southern Ridge Subdivision #9 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division prior to construction drawing approval.*
- c. *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.*
- d. *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.*

Conclusions of Law/Findings of Fact:

1. *Within City Limits Zoned RS6.*
2. *Conforms to approved Preliminary Plat for Southern Ridge Subdivision.*
3. *Conforms to applicable subdivision and zoning standards for the City of Nampa.*

Suggested Conditions of Approval:

1. *Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat of/for Southern Ridge Subdivision.*
2. *The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the Final Plat.*
3. *Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Southern Ridge Subdivision #9 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division prior to construction drawing approval.*

4. 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.
5. 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.
6. Correct Construction Drawings, page C5.1, per Building Department comments located in staff report.
7. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes.

The Commission found that the proposed subdivision final plat for Southern Ridge No. 9 Subdivision conforms, or substantially conforms within acceptable limits, to the approved preliminary plat, complies with relevant RS6 zoning codes and City of Nampa subdivision standards pertaining to the proposed Development.

Van Auker, Jr. motioned and Turner seconded to recommend to City Council Subdivision Final Plat Approval for Southern Ridge No. 9 (phase) Subdivision in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district; for 47 single family lots and 2 common lots with a 4.33 gross lot density and a 5.56 net lot density; located at 0 Locust Ln. - County Parcel # - R2908701200 (a 10.84 acre portion of land located in SE 1/4 of Section 1, T2N, R2W, BM) for Kent Brown representing Southern Ridge Properties (SPF-165-21) with all conditions of staff and conclusions of law. Motion carried.

Business Item 2: Appeal of Building and Site Design Review Committee action regarding a proposed 12,145 s.f. Idaho Arts Charter School building at 515 N Broadmore Way, on a 2.08 acre portion of land, further identified as Canyon County Assessor Parcel R1303401200; the appeal being based on a condition of approval that the applicant screen mechanical equipment on the roof of the proposed building and existing equipment on the previously constructed building to the north at 525 N Broadmore Way (both within the SE 1/4 of Section 16, T3N, R2W, BM) for Mussell Construction, Inc. representing Idaho Arts Charter School (APL-011-2021) – ACTION ITEM.

Principal Planner Watkins reviewed zoning designation, existing land use and history of project.

All roof mounted mechanical units must be screened from all visible approaches in the proposed structure per code (mechanical units are to be screened for the existing building in a similar manner). Google photos with views of the mechanical units on top of the building were viewed, some of which were taken from a view of a lot that may eventually have a building on it. The mechanical units or their functionality would not be affected should screening the units be required by Commission. Chair Sellman stated the units looked visible. Kirkman inquired whether screening the units would meet Design Review standards (Watkins answered yes, for both the previous and the new building). Kirkman stated both buildings should be screened or neither of them screened. If fulfilling a code requirement did not occur or was overlooked, it does not mean the applicant should be excused from fulfilling the code requirement; ignorance of the code is not an excuse. Garner attended the Design Review meeting for this public hearing and inquired if the buildings are similar in character (Watkins answered yes).

“Applicant Stated Grounds for Appeal: Currently, the existing mechanical units meet standards; they are not visible from surrounding elevations. They are only visible from an elevation that is higher than the building. If screening is required; then mechanical units will require visible vents as code requires the vents to be above the screens.”

The Commission reviewed NCC § 10-34-A.1.f(1) and NCC § 10-34-8 and found approving the appeal would be discriminatory against other projects that are required to follow city code design review requirements should this particular applicant be excused from following city code.

Garner motioned and Kirkman seconded to deny the Appeal of Building and Site Design Review Committee action regarding a proposed 12,145 s.f. Idaho Arts Charter School building at 515 N Broadmore Way, the appeal being based on a condition of approval that the applicant screen mechanical equipment on the roof of the proposed building and existing equipment on the previously constructed building to the north at 525 N Broadmore Way for Mussell Construction, Inc. representing Idaho Arts Charter School (APL-011-2021). Motion carried.

Business Item 3: One-year extension to February 3, 2022, of the Final Plat approval of Carriage Hill West Subdivision No. 6, comprising 22.97 acres (78 single family lots and 6 common lots) in a RS7 zoning district at 0 Iowa Ave (Parcel #R32087013A), located in the NW 1/4 of Section 31, T3N, R2W, BM, for Toll Brothers (SPF-119-19) – ACTION ITEM.

Principal Planner Watkins submitted a letter from Sabrina Durtschi, Land Entitlement Manager, Toll Brothers, requesting a time extension for Carriage Hill West Subdivision No. 6. This is the final phase of this community and is currently under construction. Construction is anticipated to be finalized and the plat recorded early this fall. This is the first one-year extension request.

Kirkman asked if the applicant provided a specific reason for the extension request (Watkins answered that no specific reason was provided, the application expired in February when building may not have been able to be accomplished due to weather conditions, and they realized they missed their extension date).

Kirkman motioned and Kehoe seconded to approve the one-year extension to February 3, 2022, of the Final Plat approval of Carriage Hill West Subdivision No. 6, comprising 22.97 acres (78 single family lots and 6 common lots) in a RS7 zoning district at 0 Iowa Ave. for Toll Brothers (SPF-119-19). Motion carried.

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

Public Hearing 1: Conditional Use Permit for multi-family housing in a Community Business (BC) zoning district for a 4.06 acre portion of land composed of two county parcels: #R3179700000 and R3179701000, addressed as 4404 and 4416 Amity Ave (SE 1/4 of Section 25, T3N, R2W, BM, Nampa) for 7 apartment buildings (57 dwelling units), for a gross and net density of 14.03, for Blake Wolf/Wolf Building Co. representing Lance Thueson - Center Pointe Properties, LLC (CUP-216-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Blake Wolf, 843 W Horizon Way, Nampa, applicant.

The project is for multi-family apartment and commercial zoning allowable with a CUP. Reviewed location of project and photos of apartments which have the look of townhomes. Backyards are fully landscaped. The closest apartments are 1.5 miles to the west. Project has a buffer to residential single family housing. Walkability to school is feasible with a daycare next door for working parents along with a church and gas station. Infrastructure already exists, making the development attractive to potential residents. Two car garages are available allowing for visitor parking. Reviewed building elevations, similar to a residential type project.

Kirkman inquired about the project across the street from this project. Wolf answered he heard it is going to be commercial, industrial, residential, multi-family, there will be several options available starting at the old meat packing factory. Kirkman: All the way down to Happy Valley? Are residents coming in off of Amity? Wolf: Correct, I doubt that road coming in on the services would be allowable to use for an access, staff may know. Kirkman: I think there are some places on Birch where they almost have a service road to the apartments off of Birch, that seems like a great place for this type of service road to get the cars off of Amity. Wolf: I don't know if that is allowable, we will have to do an abbreviated traffic study to see if a turn lane is needed. Kirkman: With the existing site plan, would that be something that could be considered to get the traffic off of Amity? Wolf: The project is designed so each section is a "T" allowing for fire truck access, the lanes going east to west are that allowable distance, we would have to incorporate some "T's" and turnarounds.

Kehoe had the same concerns about access and Amity traffic, can the Fire Dept. put bollards with chains or a gate of some kind for their access only and residents would have access off a service road? Wolf is unaware of the road's classification and uses. Kehoe requested clarification on landscaping and parking. Blake answered there is a planter, the units are roughly 26-27' wide, the garage is roughly 20' wide which takes up the majority and what is left is landscaping. Kehoe: "If you had a tree there, people would be prevented from parking there. We received a letter stating the project is not in agreement with the current BC zone, comprehensive plan, etc. That is incorrect, this use is encouraged and is what we are looking for in that area. I think this looks very nice."

Kirkman clarified these are not townhomes with zero lot lines, they are apartments looking like townhomes. Wolf stated a rezone is required for townhomes; this zoning allows for multi-family apartments.

Associate Planner Bodily reviewed surrounding zoning and site specific information, surrounding zoning, density, lot analysis and applicable regulations found in the staff report. This BC zoned property is currently vacant. All utilities are available to the property. Surrounding zoning: RS22, AG, BC, RP. The right of way dedication is complete.

Reviewed agency/city correspondence from the staff report including:

Nampa Fire Dept.: 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 135 residents to 45 single family homes, with an increased personnel demand of .135 firefighter positions.

Nampa PD: There is a current staffing shortfall of police officers (based on 1.5 officers per thousand residents). Projected population increase for this development is 167.58. NPD recommend City Council commit to fund 0.25 additional officers and 0.08 additional support staff (\$24,792 and \$6,172 respectively) to maintain current police service levels. Closest police department is 3.6 miles away. Developments in this reporting district have a call volume of 295 annually.

Staff Analysis:

The development is designated as Community Mixed Use:

5.6.7 Community Mixed Use Community Mixed-Use districts include development that is planned to specifically include commercial uses with a focus on providing communitywide needs and services. These areas should be sited along major transportation corridors and include public transportation access wherever feasible. Land uses in this land use setting should be transitioning to Community Mixed-Use type of development.

5.6.7.1 Community Mixed Use Design Principles

- Located on major transportation corridors, arterials, collectors and gateways.
- Developments will have interconnected circulation systems with convenient and easily interpreted access and egress for automobiles, pedestrians and public transportation
- High-Density Residential in a Planned Unit Development, Master Planned Community or Specific Plan Area is encouraged
- Housing should be well-designed; include streetscape, plazas and landscape elements that are scaled appropriately; be open and inviting, well lit, and connected
- Requires performance, architectural and engineering standards for all developments
- Can include commercial retail, large grocery stores, box stores, hotels, services for apartment-dwellers, live/work, recreation, employment centers with various business operations, commercial or light industrial/industrial business park/business park land uses with an emphasis on office and workshop facilities with minimal yards, business campuses, etc.
- Land uses located on gateway corridors will have commercial elements oriented to the corridor and require design review.
- Land Uses that are located on major transportation corridors, arterials and collector streets are complementary to the intended character of the corridor and subject to a higher standard of street presence, including landscape buffers, building treatments, screened fencing requirements, etc.

Generally, the land uses that surround the property are commercial with Columbia High School to the North. These parcels, and parcels to the South, are designated as community mixed use and will need to have some commercial elements to them.

Promotion of Zoning Purpose(s): That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the BC Zone regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.).

Public Interest: The addition of multi-family housing could be in the interest of the public as long as that housing has easy access to transportation, work centers, and retail nearby.

Environmental: A lateral currently runs through the property. The applicant will need to work with the corresponding agency to ensure protection of the lateral. The access to the development will need to be reevaluated to meet City of Nampa Access Management Policy. A turn lane warrant analysis will be required for the development per Engineering.

Compass Analysis:

Housing within 1 mile: 1,420	Nearest bus stop: 2.7 miles
Jobs within 1 mile: 580	Nearest public school: 0.5 miles
Jobs/Housing Ratio: 0.4	Nearest public park 1.3 miles
Farmland within 1 mile: 775 acres	Nearest grocery store: 2.6 miles

Reviewed Public/City/Agency comments including:

Engineering:

1. E Amity Ave is classified a "Principal Arterial" with a 35-mph speed limit. The full 50' of right-of-way has already been dedicated across the property.
2. City of Nampa Access Management Policy requires a minimum edge-to-edge access spacing of 235'. The proposed accesses do not meet the spacing policy and shall be reevaluated.
3. While a full traffic impact study would not be required given the size of development, a turn lane warrant analysis will be required at time of development application for accesses off of E Amity Ave given the road classification and volume of traffic on the road.
4. Public utilities are available and have capacity to serve the property; refer to Figure 1.
5. The need for secondary access should be confirmed by the Nampa Fire District Marshal.

Code Compliance: Small patches of tall weeds, other than that no other code violations at this time.

Compass: The site is on Amity Road which is in the Communities in Motion 2040 2.0 plan as the #2 local priority. This project would widen Amity Road between Southside Boulevard to McDermott Road to five lanes, including curb, gutter, sidewalks, and bike lanes, but is currently unfunded.

Suggested conditions of approval:

1. Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc.) as the CUP approval does not and shall not have the effect of abrogating requirements from those agencies.
2. Developer shall submit a turn-lane analysis prepared by a qualified traffic consultant for all Amity Ave accesses at time of development application.
3. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
4. Developer shall comply with all City Codes, Policies, and Standards in place at the time of property development, including compliance with the Nampa Access Management Policy.

Kirkman asked if the Commission can request a turn lane regardless of a traffic impact study for a CUP application. Badger: "I believe the Commission has broad authority on conditions of approval for a CUP, whatever conditions are needed to make it an appropriate use." Kirkman: "Coming off that roundabout off of Happy Valley and Amity, there is a turn lane that merges quickly with no extension. It would be nice if someone would take it further down into that development."

Madam Chair Sellman proceeded to public testimony.

Morris Stout, 2124 Patricia Dr., requested an answer on whether the city could or could not require a turn lane for this CUP. Sellman stated the Commission has leeway on conditions, if warranted.

Blake: "You are referring to west bound off of the roundabout, correct?" Kirkman: "Both ways, a turn lane, a center lane, you could turn headed west and east into that subdivision. You have got cars coming off of Happy Valley, a turn bay going off of Amity going from Happy Valley, you are going to back up a bunch of cars turning into that

lane/development. Coming the other way, towards Happy Valley, going east on Amity, you have got all that traffic going into that school access road. If you have people coming in and out of that development it is a two-lane road, there is no turn bay, no turn lane, nothing. Even if a traffic study is required and comes back that one is not required, should we make that a condition anyway, there needs to be some kind of capacity to gain easier access.” Turner: “You are talking about continuing that right lane and adding a left turn lane which is already started there.” Kirkman: “Yes, that turn lane ends right where this property begins coming west on Amity from Happy Valley, it is a merge lane not a turn lane. I know there is concern about traffic and whatever is going on that corner will add to the congestion.” Badger: Engineering placed a condition that a turn lane warrant analysis is required at the approach to their development. Garner asked if a right in right out would eliminate the left hand problem and if Commission should defer to Engineering on the traffic issues.

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

Turner: “Other than the traffic issue, I like this idea. It is buffered all the way around and you are not backing right up to a subdivision with lots. Nothing has happened to it in years and is within walking distance to the high school.” Kirkman: “It looks attractive and is in a good location. Is the access road to the school owned by Napa School District?” Badger: “Up to the irrigation lateral that cuts across there, it is city right of way. North of the lateral is owned by the high school. Likely the intent would have been these commercial adjacent parcels would have access to that drive approach and need to utilize that, at that time.” Sellman noted her approval of the overall project.

The Commission reviewed NCC § 10-25-1 and concluded that the project met the conclusions of law criteria.

Kehoe motioned and Kirkman seconded to approve Conditional Use Permit for multi-family housing in a Community Business (BC) zoning district for a 4.06 acre portion of land composed of two county parcels: #R3179700000 and R3179701000, addressed as 4404 and 4416 Amity Ave (SE 1/4 of Section 25, T3N, R2W, BM, Nampa) for 7 apartment buildings (57 dwelling units), for a gross and net density of 14.03, for Blake Wolf/Wolf Building Co. representing Lance Thueson - Center Pointe Properties, LLC (CUP-216-21) with all conditions of staff and conclusions of law, requesting that the Developer make a good faith effort to mitigate the turning problem on Amity Rd. Motion carried.

Public Hearing 2: Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district for 3 county parcels: R2911900000, R2911700000, & R2911600000; for a residential subdivision to be platted at a future date including 90 buildable lots and 3 common areas at 0, 0, and 2306 E Locust Ln (a 23.39 acre portion of the W 1/2 of the SE ¼ of Section 2, T2N, R2W, BM) for Sawtooth Land Acquisition LLC (ANN-196-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Dan Lardie, Leavitt and Associates Engineering, 1324 1st St. S.

Reviewed adjacent properties which are RS6 and rural residential and proposed preliminary plat. Shane Road is a private road; they have had conversations with “road user personnel” that own that road, to see if they can close that portion of Shane Lane and turn it into a fire access with walking paths. There is still some discussion on that.

Kehoe: “The property on the eastern boundary adjacent to Stoddard Pathway, will you be putting in a fence or any type of screening between the houses and the pathway?” Lardie: “The fence along the back side of those lots?” Kehoe: “The backside to keep people from the pathway from entering people’s homes and vice versa.” Lardie: “If fences are allowed, yes, we will do what the city will allow. A discussion ensued regarding entrances in and out of the proposed subdivision, which would be addressed during the preliminary plat phase.”

Director Ashby reviewed surrounding land use, site specific information, history of project, lot analysis and applicable regulations found in the staff report. Large lot single family residential land uses surround or lie near the property. This project has not been analyzed for the plat, all connections to roadways, lot analysis, open space, etc. will be evaluated at a future date. The analysis was done for annexation and zoning only.

Services:

Fire Department: This development is located approximately 1.9 miles from Nampa Fire Station #2 with an approximate response time of 4 minutes. This subdivision will increase personnel demand by .27 firefighter positions.

Nampa PD: This Property is located 4.7 miles from Nampa Police Department.

Utilities: The City's sewer, water 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 being constructed in the Lava Falls Subdivision located about 300' east of the property; +/-7' deep. Extension of this sewer will require an easement through property addressed 2701 Commanche Street.
- 12" gravity sewer main located about 1,500' north of the property in the Stoddard Pathway right-of-way; +/-8' deep.
- 12" water main in E Locust Lane located about 780' east of the property; and,
- 12" pressure irrigation main E Locust Lane located about 780' east of the property.

Staff Analysis:

1. Land Uses: The Property is in Canyon County and is surrounded predominately by low-density residential uses with some higher density development further to the north. This proposal would place medium-density residential development in a low-density area.

2. Comprehensive Plan: The future land use designation on the Property currently is Low Density residential. However, the 2040 Comprehensive Plan allows properties to 'stretch' an adjacent land use setting over them. In this case, the adjacent land use setting that would be stretched is Medium Density Residential.

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.

3. Public Interest:

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:

Skyview High School = 2.9 miles (not within walking distance)
South Middle School = 1.7 miles (not within walking distance)
Sunny Ridge Elementary School= 1.7 miles (not within walking distance)

5. Environmental:

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

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

LUMEN will need to review any plans that would interfere with, encroach upon or conflict with any LUMEN facilities.

Nampa Code Enforcement: The Property at 2306 E Locust Ln. has several code violations that will need to be remedied to the City's satisfaction prior to annexation.

Nampa Building Department: The project will be subject to all required building codes and related permits based upon the requirements of City Ordinance – Title 4 – Building Regulations.

Nampa Police Department: A recommendation that the Nampa Police Department be increased by .4 additional officers to off-set the addition of 264 residences.

A 'Communities in Motion 2040 Development Review' from COMPASS indicating that the proposal is on the fringe of urban development in an area removed from employment centers and existing public transportation. COMPASS noted the following:

- Locust Lane supports bicyclists and pedestrians
- The Jobs/housing ratio is .2 (1 – 1.5 supports a good jobs/housing balance to reduce traffic)
- Farmland will be consumed; 329 acres of farmland exist within a 1-mile radius
- The nearest bus stop is 2.2 miles away
- The nearest public park is .9 miles away
- The nearest grocery store is 4 miles away

Engineering:

The property is located at 2306 E Locust Lane including vacant parcels to the north and east, and has public access from the following roads:

- E Locust Lane – classified as “Principal Arterial,” speed limit 35-mph. Currently managed by Nampa Highway District No. 1.
- Shane Street, Wheeler Circle, & Nay Drive – Private local roads owned by the Shannon Circle Subdivision. Shane Street appears to be a single lane road, likely setup for emergency access. The applicant should work with the Shannon Circle HOA to close this access or gate as emergency only upon development of the property since it violates access spacing standards to Nay Drive and potential future subdivision access.

Since Nampa Highway District No. 1 currently manages E Locust Lane at this location, the annexation description should exclude the 25' wide prescriptive right-of-way along the southerly boundary.

The Stoddard Pathway is adjacent to the property along the east boundary.

E Locust Lane across the property is still a 2-lane rural section. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development. Site access and design of all roadways shall adhere to the Nampa Engineering Division Process & Policy Manual.

The application indicates plans for 90 residential lots. While a full Traffic Impact Study is not required per City policy for this size of development, a turn-lane warrant analysis will be required at time of preliminary plat for the proposed E Locust Lane access. Secondary access of some form will be required for this size of development, to be approved by the Nampa Fire District.

The City's sewer, water 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 being constructed in the Lava Falls Subdivision located about 300' east of the property; +/- 7' deep. Extension of this sewer will require an easement through property addressed 2701 Commanche Street.
- 12" gravity sewer main located about 1,500' north of the property in the Stoddard Pathway right-of-way; +/- 8' deep.
- 12" water main in E Locust Lane located about 780' east of the property; and,
- 12" pressure irrigation main E Locust Lane located about 780' east of the property.
- 12" water and pressure irrigation mains will need to be extended along the E Locust Lane frontage at time of development in accordance with the City's utility Master Plans.
- The property will need to be annexed into the Nampa Municipal Irrigation District at time of development.

The City's Bicycle & Pedestrian Master plan reflects a 10' side path to be constructed along E Locust Lane. The specific side of the road is undefined and there is no clear ideal location due to the many rural parcels in this area.

Southwest District Health Department has voiced concerns regarding water quality within the Shannon Circle and Rose Hill Heights Subdivisions to the west indicating a potential need to convert to City systems when available. Utilities should be stubbed to the Shannon Circle Subdivision upon property development and sewer kept as deep as possible to facilitate potential further extension.

Nampa Fire Department: Recommendation that the Nampa Fire Department be increased by .27 additional firefighter position to off-set the addition of 264 residences.

Public Comments:

1. A letter dated May 3, 2021 and email dated May 4, 2021 from Debbie Petersen representing the homeowners at Shannon Circle indicating several concerns with the proposed development:
 - a. Concerns about access and egress from the site to Locust Lane and possibly Shane Drive, a Private Drive that would not be permitted by the homeowners.
 - b. School bus pick up and drop off would conflict with a possible entrance to this development. It is the only safe place to do this. Moving locations and increased traffic would pose a hazardous situation.
 - c. Locust Lane traffic and the Locust Ln. / S. Powerline intersection is considerably worse with recent new construction.
 - d. The type of development possible in this zone is inconsistent with existing development of 1/3 – 1-acre lots. They are willing to compromise on a reasonable periphery lot size.
 - e. Concerns about the impact of new development on water quality of the existing properties.
2. An email dated May 4, 2021 authored by Warren Edde indicating concerns about traffic flows and the potential for denser development adjacent to rural County lots.
3. A letter dated May 5, 2021 authored by Kala Edde indicating concerns about traffic flows and the potential for denser development adjacent to rural County lots.
4. An e-mail dated May 5, 2021 authored by Carol Nelson indicating concerns about roadway access, traffic, incompatibility with large lot county development adjacent, impact to the view of the mountains, and the following questions:
 - a. Will two story homes be permitted in the proposed subdivision?
 - b. Will blasting of rock be permitted?

Suggested Conditions of Approval:

1. Dedicate public right-of-way along the E Locust Lane frontage to provide a total of 50' from Section Line.
2. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
3. 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.
4. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
5. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

Kirkman inquired about annexation procedures and spot zoning regarding pathways, Ashby responded this is not a spot zone situation, complies to the comprehensive plan and is eligible for annexation.

Madam Chair Sellman proceeded to public testimony.

Debby Petersen, 2123 Patrice Dr.

At a neighborhood meeting, one of the issues was Shane Dr. Approval will not be granted for closing that road, requested the Commission take this into consideration. Concerned about school bus access along Locust Ln. Concerned about blasting and their wells.

Bill Hutcheson, 3505 Wheeler Circle.

1. We are not talking about two entrances, there is a 3rd entrance, Nay Dr. You are talking about putting three entrances about 60 yards apart from each other. How would that work with a stop sign/stop light at the intersection. You will back up traffic so you won't be able to get out of Shane or Nay. This was not discussed.
2. When the applicant showed the proposed plat, you've got a connection going off of the development, you see on the upper left there is a leg going off that new proposed road to Wheeler Circle I believe the same holds true, you will not have access to Wheeler Circle, that is part of our property so I don't know if you were planning on that as access or if that is going to be fire access, but that is an additional issue.
3. If you are planning on taking over these roads, you are going to have to bring them all up to city code, a significant expense, the developer will foot the bill.
4. Asked if there was an estimate on timing, Sellman answered no idea.

Leola Stout, 2124 Patrice Dr.

President for Shannon Circle Subdivision Road Users Association. We would like to see Shane Rd. improved. We as homeowners in that private subdivision own that road. Our Road Users Association was set up as such, we pay fees and we maintain the roads. We do not want annexation into the city.

Morris Stout, 2124 Patrice Dr.

Worried about transparency. Sellman clarified the only decision tonight is annexation and rezoning.

Lardie: Street issues will be addressed at a different time. Blasting will probably be required. Two-story homes are allowed in this area. School bus access cannot be addressed at this time, most likely this will be addressed by the school district.

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

Kehoe: "If someone blasts and damages the wells, who is responsible for that?" Badger: "In my experience, blasting has not had an impact on adjacent wells. Typically, the person who caused the damage is responsible. Engineering noted in comments that SWDH has had issues with water quality in this county subdivision over the years and has approached the city about our ability to serve them if this were to be developed."

The Commission found the project to be eligible for annexation approval under applicable code regulations.

Kehoe motioned and Van Auker, Jr. seconded to recommend to City Council approval of Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district for 3 county parcels: R2911900000, R2911700000, & R2911600000; for a residential subdivision to be platted at a future date including 90 buildable lots and 3 common areas at 0, 0, and 2306 E Locust Ln (a 23.39 acre portion of the W 1/2 of the SE ¼ of Section 2, T2N, R2W, BM) for Sawtooth Land Acquisition LLC (ANN-196-21) with all staff conditions and conclusions of law. Motion carried.

Public Hearing 3: Annexation and Zoning to RP (Residential Professional) zoning district for Maple Leaf, at 0, 4921, & 5009 Stamm Lane (County Parcel #'s R2501100000, R2501101000, R2501000000; a portion of lots 3 and 4 of the Orcharala Heights Subdivision) and Development Agreement for a future subdivision to 30 single-family detached residential, 24 single-family attached residential (townhomes), 1 commercial, and 3 common lots; a gross density of 7.62 and a net density of 9.18; (a 7.81 acre portion of the South ½ of the SW ¼ of Section 18, T3N, R1W, BM, for Landmark Pacific Development, Inc. representing William and Linda Larson (ANN-195-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Stephanie Hopkins, KM Engineering, 5725 N Discovery Way, Boise.

Planning & Zoning recommended their previous annexation and preliminary plat application for approval to City Council last December. City Council denied their application. Since then, they have conducted a virtual neighborhood meeting, making many compromises, a new conceptual plan was developed including a development agreement. The zoning for this parcel allows for a wide variety of uses. The property has been vacant for some time, the project may be redeveloped in the future. Reviewed nearby apartment projects which have all been approved. Reviewed the reduction in density between this new, revised project and the last project that was denied by City Council.

Stated this new project is a good compromise with regard to open space and density. The RP zone is in conjunction with comprehensive plan future land use map/community mixed use; allowing for 8 units per gross acre for multi-family, the new plan allows for 7.62 gross dwelling units per acre, 9.18 net units an acre, significantly decreased from the last application. The high density residential located to the west is industrial and commercial and low density residential to the northeast including the healthcare designation to the west. Several of the comprehensive plan goals are being fulfilled with the proposed subdivision and new conceptual development plan.

Multiple land uses are being offered: single family detached and single family attached units as well a commercial lot preserved for future use. These types of uses for mixed use designation are located near transportation corridors, Happy Valley Rd. is an arterial and Stamm Ln is a collector, both heavily trafficked or will be in the future and I84 is in close proximity as well.

Reviewed the current development plan, proposing 58 lots overall, 54 of those are single family residential lots. The previous project was 94 townhome lots, now there are 30 single family detached lots on about 6,000 sf lots on the perimeter of the site and 24 townhomes in the center, no multi-family, setbacks included herein. Previously there were 94 townhomes, now there are 24 townhomes in the center, the center roadway has been realigned to allow the townhomes to front on a common driveway. These changes are the result from the feedback from City Council's concerns about density, open space and setbacks as well as neighbor opposition regarding the density. The neighbors requested ½ acre to 1 acre lots which is not feasible and is not in compliance with the comprehensive plan for this area. The residential lot count was decreased from 94 to 54, decreased the density from 12 units/acre to 7.62 units/acre, and also increased the setbacks and open space to allow for amenities. There will be a gazebo on the south part of the site as well as a tot, there are sidewalks internal to the site and 40 ft. of Stamm Ln will be dedicated, so there will be sidewalks along Stamm Ln. Reviewed similar projects with nice finishes, Hardie plank siding, modulation, different types of windows and soffits for interest. The home finishes are nice, modern and customizable. Our client's desire is to create a fee simple product.

To address public comments:

Orchalara Heights Subdivision CC&R's: "We investigated if our parcel were part of this and would be applicable to the CC&R's. Our client talked to the title company, there was not anything that had been tied to our property, no recorded CC&R's against the property, and we also compared the legal descriptions that were part of the CC&R's to the lots and found it was actually different lots (reviewed on screen), these comments do not apply to our property."

"Big" Concept Plan: "This plan allows us flexibility with the city to make sure we are giving the city what it wants, we have addressed many of the neighbors' comments and concerns and have tried to come a conclusion that allows them to feel they have been heard and also giving our client what they want. Our intent is to present a preliminary plat that will hone in on these details and comply with the RP zone, we will work with staff to make it exactly what the city of Nampa wants. Our thought is we will be tied to this concept plan and our development agreement with the annexation, if approved."

Traffic: "Traffic is increased with any development; we decreased the number of homes, our traffic impact that was submitted with the last application indicated 70 peak hour trips, with the number of homes we have now, this should be reduced to 30-40 or decreased significantly."

Lot Size: "This area is in the mixed-use community comprehensive plan land use map designation, that area would not allow for the lot sizes neighbors mentioned."

In agreement with staff report and recommended conditions of approval.

Principal Planner Watkins reviewed conceptual site plan, property details, surrounding zoning, and land uses located in the staff report including:

Applicable Regulations:

NCC §10-2-3 (C) Annexations and/or Rezones/Zoning assignments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted Comprehensive Plan for the neighborhood.

2040 Nampa Comprehensive Plan: 5.6.7 Community Mixed Use

Community Mixed-Use districts include development that is planned to specifically include commercial uses with a focus on providing communitywide needs and services.

The recommended density is up to 27.8 d.u. per acre, this project proposes 7.62 gross and 9.18 net d.u. per acre.

5.6.7.1 Community Mixed Use Design Principles

- Located on major transportation corridors, arterials, collectors and gateways.
- Developments will have interconnected circulation systems with convenient and easily interpreted access and egress for automobiles, pedestrians and public transportation
- **High-Density Residential** in a Planned Unit Development, Master Planned Community or Specific Plan Area is encouraged
- Housing should be well-designed; include streetscape, plazas and landscape elements that are scaled appropriately; be open and inviting, well lit, and connected
- Can include commercial retail, large grocery stores, box stores, hotels, services for apartment-dwellers, live/work, recreation, employment centers with various business operations, commercial or light industrial/industrial business park/business park land uses with an emphasis on office and workshop facilities with minimal yards, business campuses, etc.
- Land uses located on gateway corridors will have commercial elements oriented to the corridor and require design review.

NCC § 10-13: RP Residential Professional District/Zone standards will be applied at time of building permit.

Concept Plan Analysis:

Minimum Lot Areas:

That because the proposed Development is slated for development in conjunction with RP zoning, this requirement applies...all master or standard building lots meet or exceed 6,000 sq. ft. for the first two units and 1,350 sq. ft. for each additional unit in a structure on one lot that can be split into individual, attached lots according to the product type for townhomes (individually ownership). For the 6-plex structure type the “master” lot should be 11,400 sq. ft. the smallest detached single-family lot is shown as 6,021 s.f. and the smallest attached single-family “master” lot is shown as 16,876 s.f. and will be divided by 6 individually owned single-family units; therefore, the Plat is deemed compliant in this regard.

Lot Width:

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

Setbacks:

- The setbacks proposed are:
 - 20’ from the back of sidewalk (typically measured from property line, but in this case the property line is in the center of the drive aisle so they exceed the minimum.
 - 8’ side setbacks
 - 15’ rear setbacks

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

As needful along Stamm Ln per City Engineering comments equals 40 feet from the section line. A Traffic Impact Study was reviewed and accepted by the City Engineer and it was noted that no turn lanes would be required at the access point of this development.

Landscaping:

A detailed landscape plan will be required to be submitted and approved prior to approval of the preliminary plat.

Pathway(s)/Open Space: There are .65 acres (9.17%) of centralized open space proposed that will include a gazebo and a tot lot.

Utility and emergency services are/can be made available to the property.

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

- 8” sewer main in Stamm Lane;
- 12” water main in Stamm Lane; and,
- 12” pressure irrigation main in Stamm Lane.

Staff Analysis:

1. Immediately Surrounding Land Uses: The Nampa Gateway Center and Single-family residential land uses surround or lie near the Property.

2. Comprehensive Plan: Community Mixed Use as described previously, encourages high density development close to commercial uses and transit corridors. The intent of including mixed use in the Comprehensive Plan for this location is precisely because of its proximity to shopping, transit and the freeway. A mixed use zone (RP) contains the allowed uses that will promote the walkable, shoppable, livable and workable environment needed in Nampa.

5.6.7 Community Mixed Use: Community Mixed-Use districts include development that is planned to specifically include commercial uses with a focus on providing communitywide needs and services. These areas should be sited along major transportation corridors and include public transportation access wherever feasible. Land uses in this land use setting should be transitioning to Community Mixed-Use type of development.

5.6.7.1 Community Mixed Use Design Principles

- Located on major transportation corridors, arterials, collectors and gateways.
- Developments will have interconnected circulation systems with convenient and easily interpreted access and egress for automobiles, pedestrians and public transportation
- High-Density Residential in a Planned Unit Development, Master Planned Community or Specific Plan Area is encouraged
- Housing should be well-designed; include streetscape, plazas and landscape elements that are scaled appropriately; be open and inviting, well lit, and connected
- Requires performance, architectural and engineering standards for all developments
- Can include commercial retail, large grocery stores, box stores, hotels, services for apartment-dwellers, live/work, recreation, employment centers with various business operations, commercial or light industrial/industrial business park/business park land uses with an emphasis on office and workshop facilities with minimal yards, business campuses, etc.
- Land uses located on gateway corridors will have commercial elements oriented to the corridor and require design review.
- Land Uses that are located on major transportation corridors, arterials and collector streets are complementary to the intended character of the corridor and subject to a higher standard of street presence, including landscape buffers, building treatments, screened fencing requirements, etc.

3. Public Interest:

That Nampa has determined that it is in the public interest to provide a mix of commercial services and varying residential-housing opportunities for its citizens and the current real estate market is pressing a need for additional housing inventory/product.

4. Safe Routes to School:

Columbia High School =~ 2.3 miles (not within walking distance)

East Valley Middle School = ~3.75 miles (not within walking distance)

Endeavor Elementary School=~ 2.5 miles (not within walking distance)

5. COMPASS Analysis:

The housing to job ratio indicates that more housing is needed in the area. No farmland is being consumed by this development, and there is 156 acres of farmland existing within 1 mile of this project. The nearest bus top is 1.2 miles away, the nearest school is 2.3 miles away, the nearest park is 2.1 miles away and the nearest grocery store is .3 miles away.

6. Environmental:

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

Correspondence/Comments:

- **Multiple Neighbor** comments. Summary of concerns stated:
 - Decreased property value

- Increase traffic/noise/crime
- Country feeling/Character of the neighborhood will change
- **Nampa Building, adherence to Title 4 Building Code.**
- **Nampa Fire**, representing the requirements of the International Fire Code (IFC) as adopted and amended by Nampa City Code and need for personnel.
- **Nampa Engineering Division**, stating their standard requirements for development.

Suggested Conditions of Approval:

1. Enter into a Development Agreement with the City of Nampa for proposed layout (concept plan) and elevations of structures.
2. Submit a landscape plan with the Preliminary Plat that shows the approved amount of open space with amenities.
3. Dedicate public right-of-way along the Stamm Lane frontage to provide a total of 40' from Section Line.
4. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
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.
6. Utilities shall be constructed to and through the site at the time of property development at the sole expense of the Developer.
7. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development.

Madam Chair Sellman proceeded to public testimony.

Kathy and Tony Hinshaw, 925 N 52nd St, opposed do not wish to speak.

Jeff Hess, 35 N Hasting St.

Submitted letter for public record (attached herein). Proposed 3 additional conditions for the development agreement:

1. Include in agreement a lateral users association gravity irrigation.
2. Provide a road maintenance agreement that has a substantial reserve account.
3. Gravity flow sewer line that runs from Stamm southward pump to the north would be set at a grade that would eventually connect that to the extension of the sewer on Orchard.

"I have had conversations with the Engineers and nothing was said tonight about it, if you look at the setbacks, that is where the gravity flow provides my property and others downstream. That needs to be set so there is no landscaping in it and we have the right to get in there and clean those out, that 15 ft. is pretty minimal if we had to get equipment in there. It should be piped in such a way that the water users for supply and tailwater would be accommodated as it goes to the south.

We developed the lot/station and know what it is like to put in a private road, unless you have reserve accounts that will take for capital improvements in the future, you will end up passing that capital improvement on in the future when roads have to be repaired.

I own the property to the south, the comment that there is no farmland being consumed by COMPASS is wrong, I plant alfalfa on 3 acres."

Nadia Kravchuck, 906 N 52nd St.

Concerns:

- Lots have not been reduced very much.
- Adding 40 ft. of sidewalk is not a lot of sidewalk.
- Safety for children and pets.
- Traffic
- Extension of setbacks not enough.

Hopkins: "There was discussion about irrigation at the neighborhood meeting, at that time we did send Mr. Hess some plans that we came up with for the preliminary plat that we originally proposed and since then there have been quite a few changes, we haven't had a chance to retool that, that will be required with the preliminary plat so we will make sure it is all sussed out and all water they are currently enjoying is maintained using it on their property as well. Mr.

Hess mentioned that the sewer had a grade that would be able to connect to Orchard, I believe that is our plan, that is how we have engineered it.”

Road User Maintenance Agreement: Will be a part of the CC&R’s since we are proposing a private road, we want to ensure it is maintained and there is an adequate reserve. The developer has completed many projects containing private roads so they have experience with how to set up the CC&R’s and HOA to make sure there are reserves available for road maintenance.

The lots were decreased substantially, they lost 40 lots. Comprehensive plan calls for 28 units, a considerable amount more than they are asking for. Setback exceeds code requirements in RP zone. Willing to sign development agreement for single family detached homes along periphery. The developer is committed and willing to build single story homes along the periphery adjacent to all of the county residences along the entire perimeter of the site, we feel we have made many concessions trying to make it as livable for the neighbors as possible.

Kehoe commended the developer for making changes beneficial to the community and to the city. Van Auker, Jr. inquired whether the issues brought by Hess would be included in the development agreement (Watkins: will clarify with Engineering.)

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

The Commission reviewed NCC §10-2-3 (C) applicable regulations for annexations and zoning/rezones, and NCC § 10-13: RP Residential Professional District/Zone land uses (including signage) and concluded that this project met the applicable regulations and conclusions of law. Kirkman stated he appreciated the applicant coming back with changes, the addition of open space, and reaching out to the community for input; it is a significant reduction in lots which is a sacrifice for the developers, especially if they are willing to commit to single level homes along the periphery.

Van Auker, Jr. motioned and Garner seconded to recommend for approval to City Council Annexation and Zoning to RP (Residential Professional) zoning district for Maple Leaf, at 0, 4921, & 5009 Stamm Lane and Development Agreement for a future subdivision to 30 single-family detached residential, 24 single-family attached residential (townhomes), 1 commercial, and 3 common lots; a gross density of 7.62 and a net density of 9.18; for Landmark Pacific Development, Inc. representing William and Linda Larson (ANN-195-21) with all conditions of staff and conclusions of law including:

Taking into consideration and adding the 3 recommendations to add to the DA from the abutting property owner to the south in reference to the lateral user’s association, road maintenance with a reserve account adequate to keep the roads in good repair, and work out the sewer issue to Orchard Ln.

Motion carried.

Public Hearing 4: Zoning Map Amendment from RA (Suburban Residential) to IL (Light Industrial) zoning district, at 620 N 39th St. (parcel #R316970000) to allow construction of two new warehouse buildings (a 1.26 acre parcel (located in the NE ¼ of Section 24, T3N, R2W, BM) for WFS LLC./Nick Barnes (ZMA-140-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Nick Barnes, 4022 E Summit Lane, Nampa, requested consideration of this rezone application.

Associate Planner Bodily reviewed history of project, site specific information, surrounding land uses, COMPASS analysis, surrounding zoning, lot analysis and applicable regulations found in the staff report including:

Comprehensive Plan: The development is designated as High Density Residential. The current zoning of RA does not fit within that designation, nor does the IL zoning. However, the Industrial designation to the north and west can be stretched to encompass this development.

Land Uses: The property is adjacent to current industrial uses to the north and west. There is a single family to the south and mobile homes to the east. The proposed structures would have to adhere to the required 30' setback from the residentially zoned properties. There are mobile homes directly to the east that appear to take access through the subject property. That legal access would have to remain through development for those properties.

Promotion of Zoning Purpose(s): That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the IL Zone regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.).

Public Interest: The change in zoning would increase the amount of industrial land which has been stated as a need for the City of Nampa.

The property is currently in city limits and is zoned RA. A demolition permit has been issued to demo the existing home on the property. Utilities are available to the properties within close proximity and have adequate capacity. Irrigation is not directly available.

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

Nampa Building Department: The project will be subject to all required building codes and related permits based on the requirements of City Ordinance-Title 4 – Building Regulations.

Nampa Engineering Department:

1. The property has public access from the following roads.
 - a) N 39th Street – classified as “Minor Arterial,” unimproved rural 2-lane section.
2. Right-of-way has not yet been dedicated across this property. The required right-of-way for the road classification is 50' from Section Line. However, due to right-of-way constraints north of the property and consistent with other nearby properties, the required right-of-way dedication will be reduced to 40' from Section Line.
3. N 39th Street across the property is still a 2-lane rural section. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development. Site access and design of all roadways shall adhere to the Nampa Engineering Division Process & Policy Manual.
4. The City's sewer and water systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
 - a) 8" gravity sewer in N 39th Street; +/-9' deep.
 - b) 12" water main in N 39th Street; and,
5. City irrigation is not directly available to the property.
6. Water and sewer services already exist to the property. Any services not utilized at time of property development/redevelopment shall be abandoned to the main.

Suggested Conditions of Approval:

1. Owner/operator/applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments, etc.) as the approval does not and shall not have the effect of abrogating requirements from those agencies.
2. Dedicate public right-of-way along the N 39th Street frontage to provide a total of 40' from Section Line.
3. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
4. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer. Any existing utility services not utilized at time of property development/redevelopment shall be abandoned to the main.
5. Legal access shall continue to be provided for 622, 628 and 634 N 39th St properties through and after development.

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

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

The Commission reviewed NCC § 10-2-3 (c) and NCC § 10-3-2 (IL zone uses including signage), NCC § 10-19 IL zoning, and found the project to be in harmony with the city's currently adopted comprehensive plan/land use map and be reasonably compatible with existing, adjoining property uses.

Kirkman motioned and Kehoe seconded to recommend for approval to City Council Zoning Map Amendment from RA (Suburban Residential) to IL (Light Industrial) zoning district, at 620 N 39th St. (parcel #R316970000) to allow construction of two new warehouse buildings (a 1.26 acre parcel (located in the NE ¼ of Section 24, T3N, R2W, BM) for WFS LLC./Nick Barnes (ZMA-140-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 5: Annexation and Zoning to IL (Light Industrial) zoning district for Manufacturing, Compounding, Processing or Treatment of Building Materials (including organic non-animal materials) to be used for animal bedding, mulch, and composting, by Timber Creek Recycling; at 0 Northside Blvd (County Parcel #R3097500000); a 34.02 acre parcel in the NE ¼ of Section 09, T3N, R2W, BM, for MM Properties - Thompson Rd. LLC. representing John L Chapman (ANN-198-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Becky McKay, Engineering Solutions, 1029 N Rosario, Meridian, representing MM Properties.

Provided a video for the Commission providing a visual overview of the current Ada County facility. Reviewed parcel history, the parcel is triangular in shape; due to the size of the parcel the development potential is marginal but works well for their use. The property adjoins the Amalgamated Sugar factory to the west (heavy industrial), it is light industrial around this site, an enclave designed on the comprehensive plan as light industrial. Central water facilities provide adequate fire protection, located on two principal arterials (Cherry Ln & Northside Blvd); there is a planned roundabout at the intersection of Cherry and Northside which is included in the site plan. Applicant will work with Engineering staff to ensure they are dedicating all necessary right of way and preserving that right of way for the future roundabout. Discussed the approaches, one on Northside and a second approach on Cherry Ln. A compost site area is planned along the railroad right of way, with a 15' landscape buffer along Northside and Cherry Ln. Staff requires any areas not paved to have sight obscuring fencing, fence will be chain link with slats. The project will be built in two phases and bring a new and unique type of operation to the city while reducing carbon footprint. Instead of this material going into the landfills, it will be treated in order to create different types of organic compost. No hazardous materials will be accepted, each load is inspected, Mr. Murgiotio works with DEQ and will abide by all DEQ regulations, inspections and licensing. There will be dust control on the site, a fire prevention plan, and noise reduction mufflers on large equipment to minimize the noise levels from grinders, mixers, etc. Kirkman inquired where the Ada County facility is located (Columbia and Locust Grove).

Mike Murgiotio, CEO of Timber Creek Recycling:

- Company overview: Recycling of wood waste that goes into Ada County and Canyon County landfills, partners with Republic Services and the City of Boise for recycling organics.
- Their staff is trained in composting, utilizing best practices of composting in the US.
- DEQ Compliant – won an award for pollution prevention.
- Community Involvement: Composting, local gardens, Treasure Valley Canopy Network, strives to keep a low carbon footprint.
- Extensive research went into selecting this site; it is a good location centrally located between the Ada and Canyon County landfills and should keep traffic off of 12th by targeting activity north of the freeway. Discussed various ways his company reduces toxic gas in the landfills. Discussed transportation and delivery method and types of bag materials.

Kirkman: “Will there be commercial activity at the site?” (The main purpose of the site is manufacturing and sending the compost out to retail stores throughout the valley, and to give people in the vicinity the ability to pick up and drop off their compost recycling materials. There will be a small retail yard at the top corner of the site which will be open commercially as well).

Director Ashby reviewed zoning, surrounding land uses, history of project, and agency correspondence located in the staff report including:

The Property is in Canyon County and is surrounded predominately by low-density residential, agricultural, and heavy industrial land uses. The requested zoning is consistent with the comprehensive plan future land use map and narrative. Properties to the north have been recently annexed as light industrial zoning for future industrial developments. The Commission/Council will need to determine whether certain conditions should be placed on the annexation to ensure compatibility with existing low density residential to the north. Residential to the east has already been zoned for future industrial development.

The Property is currently under the jurisdiction of Canyon County, within Nampa City's Impact Area, and is owned by "CHAPMAN RAY E AND HAZEL H FAMILY TRUST," with an option to purchase by the applicant.

Surrounding land uses: Large lot single family residential land uses, farmland, Amalgamated Sugar land application and storage of bio material.

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

- 12" gravity main located at the Birch/Northside intersection (+/-11' deep). Not deep enough to extend to planned office location; pumping could be employed.
- 12" main on east side of Northside.
- 12" main on north side of Cherry.
- 8" main on west side of Northside at the southern end of the property, being constructed by industrial project across the street.

Agency/City/Public Comments:

- Building Dept.: Project will need to comply with NCC Title 4.
- Code Compliance: No violations.
- LUMEN (CenturyLink): No reservations if no encroachment on facilities.
- Nampa Highway District: No comment.
- Nampa PD: No significant impact.
- Engineering:
 1. A pre-application meeting was held with Nampa Engineering Division, Planning Department, and Fire Department staff on April 7, 2021.
 2. The property has public access from the following roads:
 - Cherry Lane – classified as "Principal Arterial," speed limit 45-mph. 2-lane rural section.
 - Northside Blvd – classified as "Principal Arterial," speed limit 45-mph. 2-lane rural section.
 3. Public right-of-way has yet to be dedicated across either Cherry Lane or Northside Blvd. The required dedication is 50' from Section Line for both, plus additional at intersection for future planned roundabout improvements. The Nampa Engineering Division is currently working on a conceptual plan to define the required right-of-way dedication.
 4. Both Cherry Lane and Northside Blvd across the property are still 2-lane rural sections. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development. Site access and design of all roadways shall adhere to the Nampa Engineering Division Process & Policy Manual.
 5. A Traffic Impact Study (TIS) is required for any project generating more than 100 new vehicle trips during any peak hour or 1,000 new daily trips (total in and out vehicular movements). The need for a traffic analysis shall be determined prior to site development. If required, study shall be submitted for review and approval prior to applying for building permit.
 6. The City's sewer, water and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the property:
 - 12" gravity main located at the Birch/Northside intersection (+/-11' deep). Not deep enough to extend to planned office location; pumping could be employed.

- 12” main on east side of Northside.
 - 12” main on north side of Cherry.
 - 8” main on west side of Northside at the southern end of the property, being constructed by industrial project across the street.
7. 12” and 8” pressure irrigation mains will need to be extended along the Cherry Lane and Northside Blvd frontages respectively at time of development in accordance with the City’s utility Master Plans.
 8. The property will need to be annexed into the Nampa Municipal Irrigation District at time of development.
 9. The City’s Bicycle & Pedestrian Master plan reflects a 10’ side path to be constructed along Northside Blvd. The specific side of the road is undefined and there is no clear ideal location due to the constrained right-of-way and industrial uses to the south of Birch Lane.

Suggested Conditions of Approval:

1. Dedicate public right-of-way along the Cherry Lane and Northside Blvd frontages to provide a total of 50’ from Section Line along with additional right-of-way for planned roundabout improvements at the intersection of Chery and Northside. The Nampa Engineering Division is currently working on a conceptual plan to define the required roundabout right-of-way dedication.
2. Developer shall submit a traffic generation analysis to the Nampa Engineering Division prior to building permit application to determine if a Traffic Impact Study is warranted for the project.
3. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
4. 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.
5. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer.
6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

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

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

Kirkman: “In a project like this, would there need to be any consideration for the EPA or Environmental Quality to step in and do an assessment?” (Ashby answered the Applicant is in close coordination with DEQ, the state agency that is ensuring that EPA standards are followed. The city does not get involved with those details at the local level.)

Kirkman: “So DEQ will sign off before this project goes forward.”

The Commission reviewed applicable regulations NCC § 10-2-3 (c) Zoning/Rezoning Conclusions of Law, NCC § 10-19 IL Zoning requirements and found the property to be eligible for development under these code requirements.

Kehoe motioned and Van Auken, Jr. seconded to recommend to City Council approval of Annexation and Zoning to IL (Light Industrial) zoning district for Manufacturing, Compounding, Processing or Treatment of Building Materials (including organic non-animal materials) to be used for animal bedding, mulch, and composting, by Timber Creek Recycling; at 0 Northside Blvd for MM Properties - Thompson Rd. LLC. representing John L Chapman (ANN-198-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 6: Zoning Map Amendment from RP/BC (Residential Professional/Community Business) to BC (Community Business) to allow a coffee shop with a drive thru at 1 6th St. N (also addressed as 3 6th St. N); a .89 acre county parcel #R1264900000 (located in the SW ¼ of Section 15, T3N, R2W, BM, Nampa, Canyon, Idaho) for Wendy Shrief/JUB representing Thornton - Gallup, LLC (ZMA-139-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Wendy Shrief, J-U-B Engineers, 2760 W Excursion Way, Meridian.

This is an .89 acre parcel at the intersection of Northside and 6th St, which is a collector road. The parcel is split zoned (BC/RP) hence the rezone to BC. Reviewed concept plan for a Starbucks with drive-through. The property is an ideal

location for this use. The project will be evaluated at Design Review Committee and Building review. A preliminary queuing study and traffic analysis was conducted and deemed acceptable by the Assistant City Engineer.

Associate Planner Bodily reviewed site specific information, surrounding land use, lot analysis and applicable code regulations found in the staff report.

The property is currently in city limits and is split zoned. A demolition permit was issued in 2019 and the lot is currently vacant. All utilities are available to the properties within close proximity and have adequate capacity. Public services are all present.

Comprehensive Plan: The development is designated as partially Community Mixed Use and Medium Density Residential. The requested BC zoning fits within the Community Mixed Use designation and that can be stretched to fit the entire parcel.

Land Uses: The surrounding land uses would support the zoning change and incoming business. There could be concern for overflow from the drive-through, but the applicant has provided evidence to combat any concerns.

Promotion of Zoning Purpose(s): That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Staff notes that any site development will be regulated by, and through, the building permit review process and in accordance with the BC Zone regulations (e.g., standards that govern land use, building setbacks, landscaping, subdivision design, etc.).

Because the property is currently split zoned, the development would have to follow the stricter RP zoning standards. Zoning the entire lot BC would provide for more clear direction for the parcel.

Public Interest: Increasing the amount of retail along corridors is supported by the comprehensive plan and can be a benefit to the public.

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

Nampa Engineering Department:

1. A pre-application meeting was held with Nampa Engineering Division, Planning Department, and Fire Department staff on January 27, 2021.
2. The property has public access from the following roads.
 - a. 6th Street N – classified as “Collector,” fully improvement urban section.
 - b. Access from Northside Blvd is not allowed.
3. 80’ of public right-of-way already exists across the property frontage. No additional right-of-way is required.
4. The City’s sewer, water, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
 - a. 8” gravity sewer along south boundary.
 - b. 8” water main in 6th Street N.
 - c. 2” irrigation main in 6th Street N; and,
 - d. 4” irrigation main along south boundary.
5. Water, sewer, and irrigation services already exist to the property. Any services not utilized at time of property development/redevelopment shall be abandoned to the main.
6. A site queuing plan and traffic analysis has been performed for this site. The analysis indicated the site had sufficient queuing length for typical peak conditions and indicated a plan to address backup should any occur. The traffic analysis indicated proposed access spacing on 6th Street N was sufficient and turn lanes were not warranted.

Potential Conditions of Approval:

1. Owner/operator/Applicant(s) shall comply with all applicable requirements [including obtaining proper permits] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa

Fire, Building, Planning and Zoning and Engineering Departments, etc.) as the approval does not and shall not have the effect of abrogating requirements from those agencies.

2. Utilities shall be constructed to and through the site at the time of property development/redevelopment at the sole expense of the Developer. Any existing utility services not utilized at time of property development/redevelopment shall be abandoned to the main.

Madam Chair Sellman proceeded to public testimony.

Craig Everitt, 11 6th St. N, in favor.

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

The Commission reviewed applicable regulations and BC zone uses including split zoning of a lot/parcel and found the surrounding land uses would support the zoning change and income business as a result.

Kehoe motioned and Turner seconded to recommend to City Council approval of Zoning Map Amendment from RP/BC (Residential Professional/Community Business) to BC (Community Business) to allow a coffee shop with a drive-thru at 1 6th St. N (also addressed as 3 6th St. N); a .89 acre county parcel for Wendy Shrief/JUB representing Thornton - Gallup, LLC (ZMA-139-21) with all conditions of staff and conclusions of law. Motion carried.

Meeting adjourned at 9:26 pm.



Rodney A. Ashby, Planning Director _____
:kh

To: Nampa City Planning and Zoning Commission

From: Linda and Jeffery Hess abutting property owners
35 N Hastings Dr
Nampa, ID 83687

Re: ANN-195-21:

Comments:

The Statement under #5 Compass analysis that “No Farmland is being consumed” is not accurate. Half of this property is in hay or has been. I am farming the property to the south which is in Alfalfa.

The Setbacks are a problem in the areas where gravity flow irrigation is located. In our meeting with the engineer it was apparent that the engineer/land planner had no clue about all of the abutting properties utilizing gravity irrigation and the need to facilitate the free flow of supply and tail water. There needs to be specific rights to the lateral ditch association to be able to use the public utilities easements along the property lines and realized that landscaping is a real problem for these gravity flow lines and future repair and replacement of the lines will be agreed to allow the lateral users to come in and not have to replace landscaping etc that is placed inside the easements. The NMID letter requires the developer to provide for the supply water and the tail water to be accommodated. This also means the grading of the site so that it keeps its stormwater on site. While the engineer’s statement claims they believe a condition of approval is that developer must get approval from the lateral users of its plans before construction.

City Sewer as I understand it will not serve the south end of the property as the grades have a problem with the southern end of the property below the gravity City sewer line in Stamm...

The private road systems can work with strong Road Maintenance agreements. However, without an enforceable reserve account that can replace roads within life expectancies some later homeowners will be left holding the bag to replace the roads. While private streets have to meet City standards for structures there is no jurisdictional follow up to make sure they actually are constructed to standards. The difference here is private streets have a different width and sidewalk requirements which allow these types of developments. I support private streets but have an issue with funding future costs...seal coating etc. and a condition of approval should be that reserve amounts under the agreement be set to accommodate the replacement costs in the future.

Conceptual Lot Layout in staff report is incorrect in that the names listed on the property that my wife owns is shown as owned by William and Linda Larson... and it not clear what lot 16 will be used for in the future; It seems like it may be some sort of connectivity without clearly delineating as such or addressing the width for a street. At one point the developer was interested in running sewer through our property but abandoned that concept and has chosen to pump the sewer instead. I would make a condition that the gravity flow sewer line be set at a

depth that would eventually gravity flow to the future sewer line that will eventually be placed in Orchard.

With these conditions we would be in support of the project.

Sincerely,
Linda and Jeffery Hess