

NAMPA PLANNING & ZONING COMMISSION

MINUTES OF REGULAR MEETING HELD TUESDAY, AUGUST 25, 2020, 6:30 P.M.

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>.

Members:	Peggy Sellman- Chairman	Bret Miller
	Steve Kehoe – Vice Chair	Tom Turner
	Michaela Franklin	Ron Van Auker, Jr
	Matthew Garner	Rodney Ashby – Planning Director
	Adam Hutchings	Kristi Watkins – Principal Planner
	Jeff Kirkman	Doug Critchfield – Principle Planner
		Daniel Badger – City Engineer
Absent:	Peggy Sellman	Ron Van Auker, Jr

Vice Chair Kehoe called the meeting to order at 6:49 p.m.

Approval of Minutes: Miller motioned and Hutchings seconded to approve the Minutes of the August 11, 2020 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. Councilman Haverfield reviewed the items before City Council on the August 17, 2020 City Council meeting: The proposed budget for the fiscal year 2021 which was highlighted by a 0 percent increase in property tax rate and revenue growth is restricted to new construction and. Planning and Zoning is now under the development services fund. There is a slight increase of 7 million mostly in new construction compared to last year's budget. The 2,500 buffer for storage units was approved despite the recommendation of denial by the Commission. The designation of the north entrance/exit to Stiehl Falls Subdivision as emergency access only, was approved.

Vice Chair Kehoe proceeded to the Business Item on the agenda.

Business Item No. 1:

Subdivision Plat Final Approval for Anchor Point Subdivision in a RS4 (Single Family Residential – 4,000 sq. ft.) zoning district at 946 W Maryland Ave. to be developed into 9 single family detached lots on 1.587 acres for 5.66 dwelling units per gross acre located in a portion of the SW ¼ Section 33, T3N, R2W, BM) for Kurt Smith representing Anchor Homes, LLC (SPF 139-20).

Principal Planner Watkins:

- The applicants, advised Watkins were requesting recommendation for approval or denial of the Anchor Point Subdivision Final Plat, comprising 1.58 acres proposed to be platted into nine (9) buildable lots. Located on the northeast corner of W Maryland Ave and S Midland Blvd.
- This property is located in city limits and is zoned RS4. Property is surrounded by Canyon County enclaved properties on the North, East and South sides with RS7 zoning to the West.

- The subject property was annexed into the City in April of 2020 and zoned RS4 with the ordinance being published today, August 25th.
- The final plat conforms to the approved Preliminary Plat for Anchor Point Subdivision as well as applicable subdivision and zoning standards.
- Staff feels it would be appropriate for the Planning Commission to recommend approval of the Anchor Point Subdivision Final Plat to City Council, subject to the conditions listed in the Staff Report.

Commissioner Matt motioned and Commissioner Adam seconded to recommend approval to City Council for Anchor Point Subdivision on the Northeast corner of W Maryland Ave and S Midland Blvd, 9 single family detached lots on 1.587 acres, for Kurt Smith representing Anchor Homes, LLC, subject to:

1. Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat of/for Anchor Point Subdivision; and,
2. Fire hydrants, access and street identification shall be installed; and,
3. Construct a 10' sidepath along Midland Blvd; and,
4. Obtain erosion control & ROW permits from the City of Nampa; and,
5. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat; and,
6. 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; and,
7. 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; and,
8. Developer shall provide documentation of plan review/approval from Nampa Meridian 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; and,
9. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes.

Business Item No. 2:

Subdivision Plat Final Approval for Mossy Creek Subdivision in a RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 2726 and 2878 Southside Boulevard (52 single family detached lots and 4 common area lots on 16.53 acres for 3.14 average dwelling units per gross acre – A portion of Section 1, T2N, R2W, BM) for IAG Mossy Creek LLC, represented by Leavitt and Associates Engineers, Inc. (SPF 140-20).

Principle Planner Watkins:

- The applicants, advised Watkins were requesting recommendation for approval or denial of the Mossy Creek Subdivision Final Plat, comprising 16.53 acres proposed to be platted into fifty-five (55) buildable and five (5) common lots for 3.14 units per gross acre and located at 2878 Southside Blvd.
- This property is located in city limits and is zoned RS7. Property is surrounded by Canyon County enclaved properties on the North and South sides with City RS6 zoning to the East and West.
- The subject property was annexed into the City in May of 2009 and zoned RS7 with a Development Agreement and Mossy Creek Subdivision preliminary plat approved, but never constructed. The current preliminary plat was approved in November of 2019.
- The final plat conforms to the approved Preliminary Plat for Mossy Creek Subdivision as well as applicable subdivision and zoning standards.
- Staff feels it would be appropriate for the Planning Commission to recommend approval of the Mossy Creek Subdivision Final Plat to City Council, subject to the conditions listed in the Staff Report.

Commissioner Kirkman motioned and Commissioner Franklin seconded to recommend approval to City Council for Mossy Creek Subdivision in a RS7 zoning district at 2726 and 2878 Southside

Boulevard for IAG Mossy Creek LLC, represented by Leavitt and Associates Engineers, Inc., subject to:

- 1. Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat of/for Mossy Creek Subdivision; and,**
- 2. Deed & dedicate 20' from the top of bank along the south side of the Elijah Drain to the City of Nampa, or an easement granted, for the location of the Elijah Pathway; and,**
- 3. Construct the pathway as indicated on the submitted plans, to the standards for pathway construction; and,**
- 4. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat; and,**
- 5. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Mossy Creek Subdivision – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division prior to construction drawing approval; and,**
- 6. The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction; and,**
- 7. 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; and,**
- 8. Developer shall submit plans to Nampa-Meridian Irrigation District for review of work within the Elijah Drain easement and proposed runoff discharge to the drain, and shall provide documentation of their approval to the Nampa**
- 9. Engineering Division prior to Construction Drawing approval. A copy of the executed license agreement shall be submitted to the Nampa Engineering Division prior to City Engineer signature of the plat; and,**
- 10. Developer shall initiate a License Agreement with Nampa-Meridian Irrigation District for the construction and operation of the public pathway within the Elijah Drain easement on behalf of the City to be signed by the Nampa Public Works Director. The License Agreement shall be executed prior to signature of the Final Plat; and,**
- 11. The following conditions apply to the proposed private sewer system:**
 - a. The low-pressure sewer system shall be permitted through Idaho Department of Environmental Quality (DEQ). Developer shall provide documentation of Idaho DEQ approvals prior to Nampa Engineering Division approval of construction drawings. Developer shall provide documentation of Idaho DEQ acceptance of the constructed system and the long-term financial and management plan prior to City Engineer signature of the plat.**
 - b. Developer shall enter into a License Agreement with the City of Nampa for long-term allowance of the private utility to be located within the public right-of-way. A draft version of the license agreement shall be agreed upon by all parties prior to construction drawing approval. The License Agreement shall be fully executed and recorded prior to City Engineer signature of the plat.**
 - c. The CC&R's shall reflect the responsibility of operation and maintenance of the low-pressure system. A third-party qualified operator shall be hired to manage the system. Developer shall supply CC&R's to the Nampa Engineering Division for review along with information regarding the intended operator prior to City Engineer signature of the plat.**
 - d. The Developer shall coordinate with the Royal Meadows Subdivision HOA prior to construction, including establishment of any required easements for construction and maintenance of the sewer. Developer shall provide documentation of the coordination to the Nampa Engineering Division prior to construction drawing approval. Developer shall provide documentation of their acceptance of all replaced landscaping prior to City Engineer signature of the plat; and,**
- 12. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes; and,**

Vice Chair Kehoe proceeded to the Public Hearing items on the Agenda at 7:06.

Public Hearing No. 1:

Conditional Use Permit in a IL (Light Industrial) zoning district at 100 W Railroad St. (a 42.76 parcel being a portion of the SE ¼ of Section 16, T3N, R2W, BM; also county parcel No. R313000000) for a 5,000-gallon diesel tank and 5,000 -gallon unleaded fuel tank at the southeast corner of the property, for City of Nampa Fleet Services (CUP 189-20). ACTION ITEM

Vice Chair Kehoe proceeded to public hearing.

Patrick Sullivan Building Official for the City of Nampa:

- Sullivan indicated the tanks would be used for emergency fuel sources and will be rotated every year
- Nampa City Council approved the funding for the project earlier this year
- Tanks will be screened along Broadmore to the East with a chain-link fence and slats which includes a 2-foot extension of the current fence
- Tanks will be Setback 15' from the East fence
- There will be no view of the tanks from North, West or South
- Sullivan, answering a question about why the tanks cannot be buried, explained the cost to put the tanks above ground is much less than it would be to bury them. In case of a natural disaster, it would be more accessible to have them above ground and prevention of leaking into ground water.
- Answering Vice Chair Kehoe's question about the location of the tanks near buildings, Sullivan stated that it would be cheaper to run electrical from the closer building to the tanks rather than from across the site.

Planning Director Ashby:

- Ashby clarified that the zone in which this property lies is the IL zone and thus requires a conditional use permit
- Facilities has requested fuel storage tanks for many years from City Council.
- Nearby recent earthquakes have caused City Council to reconsider funding for above ground fuel storage.
- The comprehensive plan designation is Industrial with the existing zoning being light industrial
- Property is surrounded by: Broadmore RV Park in an IL zone to the North, Idaho Power in an IH zone to the South, Union Pacific Railroad Main Line to the West and Pierce Concrete Supply in a BC zone to the East. The BC zoning district requires Design Review of new buildings in the BC zone, but not in the IL zone.
- The existing use is the City of Nampa Fleet Services. Utilities are all within and available to the site. Access to the property will be from W Railroad St.
- Ashby reviewed the legal basis for approving or denying a conditional use permit
- Ashby reviewed the Staff Analysis and Recommended Findings

City Engineer Badger:

- In answering a question about if the City has any access to emergency fuel currently, he stated that the station lifts have emergency back up generators on site. The proposed fuel tanks are intended for emergencies that last longer than a day or so.
- The 5,000-gallon tanks are a drop in the bucket compared to what the City wants for emergency fuel.

Vice Chair Kehoe proceeded to public testimony.

No public comment forthcoming.

Commissioner Kirkman motioned and Commissioner Miller seconded to close public hearing. Motion carried with all Commission members in favor.

Building Official Sullivan

- Sullivan indicated that they would be willing to put up further screening to block the view of the tanks from the neighboring properties.

Commissioner Kirkman

- Indicated that the building may not necessarily need more screening but may require more if the tanks can be seen over the fence. This screening could be landscape screening.

Commissioner Turner motioned and seconded by Commissioner Franklin to recommend approval of Conditional Use Permit in an IL zoning district at 100 W Railroad St. for a 5,000-gallon diesel tank and 5,000-gallon unleaded fuel tank at the southeast corner of the property, for City of Nampa Fleet Services subject to:

1. **Generally, the Applicant/Development shall: Comply with all applicable requirements, codes, and permits.**
2. **Specifically, that if the proposed fuel tanks, once installed, can be seen over the fence from the street, adequate landscaping be installed to screen the tanks from the view of the commercial properties to the east when landscaping has reached full growth.**

Public Hearing No. 2:

**Conditional Use Permit for a Gunsmithing Business to apply surface finishes to firearm parts in a IL (Light Industrial) zoning district at 2603 Sundance Rd, STE 109 (An approximate .1 acre portion of the 1.24 acre parcel located in the SW ¼ of Section 08 , T3N, R2W, BM, Nampa; Lot 2 & 3, Block 1 of Sundance Commercial Park Subdivision) for Jason Janousek-Davinci Enterprises Inc. (CUP 190-20).
ACTION ITEM**

Jason Janousek of Davinci Enterprises Inc:

- Currently running a plating and coating shop at this location
- This is just a licensing restructuring to continue to do regulated parts
- Claimed he was told that he didn't need a conditional use permit when he started about 4 years ago

Principle Planner Critchfield:

- Critchfield reviewed the general information: it is in a Light Industrial zone, surrounded by Light Industrial zoning to the North, East and South with County enclaved property to the West
- Other businesses in the building are Idaho Book Bindery, A+ Drain Cleaning and Plumbing and Legends Mechanical
- Parcel is 1.24 acres, but the suite size is 3,640 sq. ft. All utilities and services are available
- The business will be operated indoors, and paved parking is provided
- Firearm businesses are not listed in Chapter 3 and thus is left to planning staff to determine the need for a conditional use permit
- There is a Baptist church directly to the south, but it will not be affected by the business
- Critchfield reviewed the suggested conditions of approval.

Vice Chair Kehoe proceeded to public testimony.

No public comment forthcoming.

Commissioner Turner motioned and Commissioner Garner seconded to close public hearing. Motion carried with all Commission members in favor.

Commissioner Miller motioned and seconded by Commission Garner to recommend approval of Conditional Use Permit for a Gunsmithing Business to apply surface finishes to firearm parts in an IL zoning district at 2603 Sundance Rd, STE 109 for Jason Janousek-Davinci Enterprises Inc. subject to:

1. **The owner/operator shall obtain and maintain in current status all regulatory permitting, licensures and operational procedures as required by law; and,**
2. **The owner/operator shall keep any operating firearms or disassembled operating firearms that could be reassembled locked in a secure safe, within the confines of the business; and,**
3. **The gunsmithing business to apply surface finishes to firearm parts shall be continuously operated in accordance with this staff report's Proposed Use/Description; and,**

4. **This Conditional Use Permit is granted only to the business owner for the duration of the use and shall not be transferable to any other location, owner or tenant of the property; and,**
5. **If construction, alteration, or authorized activity does not commence, or an extension of the Conditional Use Permit is not requested within 6 months of the date of issuance, this approval shall be terminated**

Public Hearing No. 3:

Zoning Map Amendment from “unzoned” to BC (Community Business) at 0 N Broadmore Way (R13034011A0), 0 Northside Blvd (R13034013A0), and the adjacent, unzoned right-of-way (A 3.52-acre portion of the SE ¼ Section 16, T3N, R2W, BM in the Noble Tracts subdivision Blocks 1 & 2) – to zone a piece of land that should have been zoned at time of annexation for City of Nampa on behalf of the owner Idaho Arts Charter School (ZMA 122- 20). ACTION ITEM

Principle Planner Watkins:

- This used to be part of the Broadmore Golf Course that was left unzoned
- Watkins further reviewed the history of the lot and the current use, which is a school parking lot and City right-of-way
- A parking lot is not considered “development” and therefore is allowed as an accessory use to the adjacent school use. It still has to follow all improvement requirements as conditioned by the Engineering Department and Planning and Zoning per city code. Therefore, a zoning designation makes it easier to apply the appropriate regulations, so it matches the surrounding properties.
- Watkins reviewed further findings
- Watkins reviewed the uses and signs allowed in the BC zone
- Watkins review the suggested conditions of approval

Vice Chair Kehoe proceeded to public testimony.

No public comment forthcoming.

Commissioner Garner motioned and Commissioner Miller seconded to close public hearing. Motion carried with all Commission members in favor.

Commissioner Garner motioned and seconded by Commissioner Miller to recommend approval of Zoning Map Amendment from Unzoned to BC (Community Business) at “0” Broadmore Way & “0” Northside Blvd for the parking lot areas for Idaho Arts Charter School subject to:

1. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**

Commissioner Kirkman:

- Brought up concerns that he had about the previous meetings minutes and inquired of the process to revisit that and possibly amend the minutes
- Felt that the issue was significant enough to bring up
- Noticed that there were some comments that were missing from the conversation on a storage unit buffer
- Questioned if when City Council sees the minutes, are they seeing the whole story or the whole conversation that took place

Planning Director Ashby:

- With the retirement of Sylvia from the planning staff, we are unable to get the amount of details that she was able to capture due to staff shortages
- Ashby went back to listen to the minutes before the Council meeting the following week and presented the concerns of the Commissioners to Council
- There will be changes in storage conditional use permits that will be coming back through Planning and Zoning Commission

Commissioner Kirkman:

- Stated the importance that every comment is transcribed and written in the minutes so that Council is able to know the sentiments of the Commission on issues

Commissioner Garner:

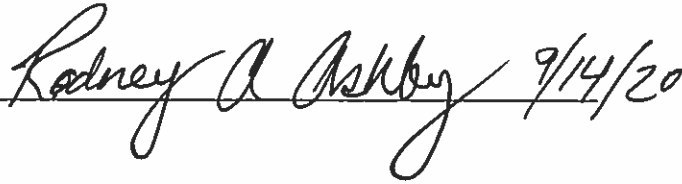
- Posed the question if it would be possible to put a disclaimer in the minutes to say that the minutes are not a full transcription of what was said in the meeting

Planning Director Ashby:

- Ashby assured that the minutes are recorded and there are multiple ways to watch or listen to previous minutes
- Stated that a disclaimer is certainly something that can be placed in the minutes

Meeting adjourned at 7:54 p.m.

Rodney A Ashby, Planning Director
:pb

 Rodney A Ashby 9/14/20