PUBLIC HEARING ITEM NO. 7
STAFF REPORT

Applicant(s)/Engineer(s): Joshua Morrison as Applicant

File(s): CUP 147-19
Analyst: Kristi Watkins

Requested Actions(s): Conditional Use Permit:
Conditional Use Permit for a Duplex in an RS6 (Single Family Residential – 6,000 sq. ft.) zoning district.

(Decision Required: Decision)

Pertaining to the property described as follows:

Property located at 1024 South Elder St (A .25-acre or 10,722 s.f. portion of Block 136, Kurtz Addition, and Tax 7 in the NE ¼ Section 34, T3N, R2W, BM).

PROPERTY HISTORY

2009 – Included in the NNU Specific Plan Area Boundary.

GENERAL SITE INFORMATION

Existing Zoning: RS 6 (Single-Family Residential District – 6,000 s.f. minimum lot size)

Surrounding Zoning & Land Uses:
North – RS 6 single-family residential
South – RD two-family residential
East – RD two-family residential & RA suburban residential
West – RD two-family residential
Public/Agency Comment or Correspondence:
Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies or the citizenry regarding this application package [received by noon August 7, 2019] is hereafter attached.

1. A July 10, 2019 email from the Nampa Highway District # 1 authored by Eddy Thiel, stating the Highway District has no comment; and,

2. A July 10, 2019, comment in Energov from the Nampa Building Department, authored by Neil Jones stating that building permits will be required for any and all work before it starts; and,

3. A July 22, 2019 email from the Idaho Transportation Department, authored by Sarah Arjona, stating that ITD does not object to this request; and,

4. A July 26, 2019, memorandum from the Nampa City Engineering Division, authored by Caleb LaClair indicates they do not oppose application with the following comments:
   a. City services to the property already exist; and,
   b. The City maintains an 8” sewer main along the south side of the property. No encroachment will be allowed within the city's easement.
   c. Access shall be from a single common driveway.
   d. Curb and sidewalk along S Elder Street shall be completed across the property frontage at the time of development. In addition, any distressed existing curb and sidewalk shall be replaced.
   e. Curb shall be extended to the existing terminus located approximately 60’ to the south of the property and existing drain inlet relocated to a new curb low point as commented during building permit review.
   f. All onsite drainage shall be retained onsite in accordance with City standards and policies.

5. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

ANALYSIS

Two-unit dwellings [whether townhouse or duplex like in nature] require a Conditional Use Permit (CUP) in order to be allowed to be developed in the RS 6 Zone. The Applicant has filed a Conditional Use Permit application seeking, approval of a Conditional Use Permit for a two-unit structure to be built on the identified property and subject to the evaluation criteria.

The Property is located within a RS 6 (Single-Family Residential, 6,000 sq. ft. min. building lot size) Zone in an older residential neighborhood and in the University Specific Plan Area. The Property is located within a “Medium Density Residential” [MDR] land use designation on the City’s adopted Comprehensive Plan, Future Land Use Map. This property provides .25 acre for the proposed 2 dwelling units which equals a density of 8 dwelling units per acre. The density proposed by the Applicant by adding a two-unit structure to the Property is in care and keeping with RS 6 zoning allowances and the dwelling unit density range supported by the City’s Comprehensive Plan and the surrounding neighborhood. As indicated in the memo from the Engineering Department, City utility and emergency services are available to the Property.
Access: Shall be established via common driveway with a single access onto Elder St.

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**CONCLUSIONS OF LAW & FINDINGS OF FACT**

Relevant *Conclusions of Law* (evaluation criteria) for this Conditional Use Permit hearing item:

**10-25-4:**

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

B. That the location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

C. That the proposed development will enhance the successful operation of the surrounding area in its basic community functions, or, will provide an essential service to the community or region.

**10-3-2: Schedule of Uses:** Dwelling, duplex (two-family): RS = C (Conditional Use Permit Required).

**Comprehensive Plan:** Medium Density Residential = 4-9 dwelling units per acre.

Whether the Commission votes to deny or approve the Conditional Use permit request, the statements cited in this report as noted above, in bold type, are the Conclusions of Law that must be used and supported by further Findings of Fact to either justify approval or denial of the request. (See the Analysis Section Above).

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**RECOMMENDED CONDITION(S) OF APPROVAL**

Should the Commission vote to approve the requested Conditional Use, Staff would then recommend that the Commission consider imposing the following Condition(s) of Approval on the Project/applicant(s):

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 affect of abrogating requirements from those agencies; and,

2. Protect the city’s sewer easement; and,

3. Access shall be via a single common drive access; and,
4. Curb and sidewalk along S Elder Street shall be completed across the property frontage at the time of development. In addition, any distressed existing curb and sidewalk shall be replaced; and,

5. Curb shall be extended to the existing terminus located approximately 60' to the south of the property and existing drain inlet relocated to a new curb low point as commented during building permit review; and,

6. All onsite drainage shall be retained onsite in accordance with City standards and policies; and,

7. Any [other] conditions imposed by the Commission....

ATTACHMENT(S)

1) Application (pages 5-9)
2) Vicinity map with zoning (page 10)
3) Aerial photos (pages 11-12)
4) House Plans (pages 13-22)
5) Agency and other correspondence (pages 23+)
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3rd STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $234.00 (1 acre or less) Nonrefundable Fee: $463.00 (more than 1 acre)

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Joshua Morrison</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>1131 E Hawaii</td>
</tr>
<tr>
<td>City</td>
<td>Nampa</td>
</tr>
<tr>
<td>Home Number</td>
<td>(208) 249-7768</td>
</tr>
<tr>
<td>Mobile Number</td>
<td>(208) 249-7768</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:JoshMorrison79@gmail.com">JoshMorrison79@gmail.com</a></td>
</tr>
</tbody>
</table>

ADDRESS OF SUBJECT PROPERTY:

Please provide the following REQUIRED DOCUMENTATION to complete the CUP

- A copy of one of the following: ✓ Warranty Deed  □ Proof Of Option  □ Earnest Money Agreement
- A sketch drawing of the site & any adjacent property affected, showing all existing & proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building elevations, together with any other information considered pertinent to the determination of this matter.
- Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal owner (if owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
- Original Legal description of property AND a legible WORD formatted document. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

**Project Description**

- State (or attach a letter stating) the reason for the proposed Conditional Use Permit:
  
  **Build new duplex**

Dated this 23 day of August, 2011

**NOTICE TO APPLICANT**

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application and it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing notices will also be mailed to property owners or purchasers of record within 300 feet of the subject property. You will be given notice of the public hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15 days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council. You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be sent a document which constitutes an official "Conditional Use Permit". This document will enumerate the conditions attached to the issuance of the permit and state the consequences of failure to comply.

OFFICE USE ONLY

FILE NUMBER: CUP- 147-2019  PROJECT NAME: New Duplex in BS-6

12/1/13 Revised
AFFIDAVIT OF LEGAL INTEREST

STATE OF IDAHO

COUNTY OF CANYON

A. I, Joshua Morrison, whose address is 1131 E Hawaii, Nampa ID 83651, being first duly sworn upon oath, depose and say that I am the owner of record of the property described on the attached application.

B. I grant my permission to Joshua Morrison, whose address is 1131 E Hawaii, Nampa ID 83651, to submit the accompanying application pertaining to the property described on the attached application.

C. I agree to indemnify, defend and hold the City of Nampa and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 27 day of June, 2019.

Signature

SUBSCRIBED AND SWORN to before me the 27 day of June, 2019.

Notary Public for Idaho
Residing at: Canyon
Commission Expires: April 12, 2020
Beginning at the point of intersection of the East boundary of Elder Street and the North boundary of the former Montana Avenue, as shown and designated on the Amended plat of Kurtz Addition, Block 136, to the City of Nampa, Canyon County, Idaho, and bearing South 322 and 1/2 feet along the East boundary of Elder Street to the Real Point of Beginning; thence South 57 1/2 feet along the East boundary of Elder Street; thence East 110 feet parallel to the North boundary of the former Montana Avenue; thence North 57 1/2 feet parallel to the East boundary of Elder Street; thence West 110 feet to the Real Point of Beginning.
Warranty Deed

For value received,

John M. Starr and Phaedra A. Anderson, husband and wife
the grantor, does hereby grant, bargain, sell, and convey unto

Josh Morrison, an unmarried man

whose current address is 19822 Jones St, Elkhorn, NE 68022
the grantee, the following described premises, in Canyon County, Idaho, to wit:

Beginning at the point of intersection of the East boundary of Elder Street and the North boundary of the former Montana Avenue, as shown and designated on the Amended plat of Kurtz Addition, Block 136, to the City of Nampa, Canyon County, Idaho, and bearing South 32°2 and ½ feet along the East boundary of Elder Street to the Real Point of Beginning; thence
South 57°2 feet along the East boundary of Elder Street; thence
East 110 feet parallel to the North boundary of the former Montana Avenue; thence
North 57°2 feet parallel to the East boundary of Elder Street; thence
West 110 feet to the Real Point of Beginning.

To have and to hold the said premises, with their appurtenances unto the said Grantee, its heirs and assigns forever.
And the said Grantor does hereby covenant to and with the said Grantee, that Grantor is the owner in fee simple of said premises; that they are free from all encumbrances except those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee; and subject to all existing patent reservations, easements, right(s) of way, protective covenants, zoning ordinances, and applicable building codes, laws and regulations, general taxes and assessments, including irrigation and utility assessments (if any) for the current year, which are not due and payable, and that Grantor will warrant and defend the same from all lawful claims whatsoever. Whenever the context so requires, the singular number includes the plural.

Dated: July 3, 2019

John M. Starr
Phaedra A. Anderson

State of Idaho, County of Ada, ss.

On this 3rd day of July in the year of 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared John M. Starr and Phaedra A. Anderson, known or identified to me to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same.

Notary Public
Residing in: Eagle, ID
Commission Expires: 6-26-2019
SHEET NOTES:

1. ORAL SPEECH ACCESS
2. IF CONCRETE SLAB ON 4" COMPACT GRAVEL, BASE
3. IF TREATED COMBINED EDGE TO PROVIDE
4. IF GROUND ELEVATION FOR PROXIMITY
5. BLOCKS OR PORTABLE TO EQUAL
6. IF 4 x 4 DECK CONC SUPPORT PER 4 CONC SLAB
7. TOTAL WALL HOLD-UP SYSTEM SHOWN BY EC MILL IN ADEQUATE SIZE OF WALL
8. CONSTRUCTION NOTES ON PLAN IN MILL Scale Floor Plan Coordinate Detail Location on ADOORS AND DOORS
9. CONSTRUCTION NOTES ON PLAN SCALE OF WALL

FOUNDATION NOTES:

1. ADJUSTED Soil EXCESS PRESSURE OF 250 PSI
2. ALL CONC TO BE ON FAIRMATION, UNSTDEVATED, SLAB CONCRETE OVER A 6" THICK CONCRETE PROPERLY PROTECTED
3. CONCRETE TO BE ERECTED AT 2" DAYS TO BE
4. ADJUSTED FOUNDATION PLANT TO PROVIDE TO BE
5. CONCRETE WALLS TO FALL, A MINIMUM OF 6" IN ALL IN ALL CONDITIONS
6. TOTAL A 6" ANCHOR SYSTEM TO BE SPECIFIED 6" x 6" I-17 PC
7.ACHINE FOR 4 CONC WALLS AND
8. IF NEED BE CONCRETE FOUNDATION WALL ON 7" x 7" CONCRETE FOOTING TYP FOR SINGLE FLOOR BEARING

ISSUE FOR CONSTRUCTION

GENERAL CONDITIONS

REVISIONS

SHEET TITLE  FOUNDATION PLAN

SCALE 1/4"=1'-0"

REVISIONS

ISSUE FOR CONSTRUCTION

GENERAL CONDITIONS

REVISIONS

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REVISIONS

SHEET TITLE  FOUNDATION PLAN

SCALE 1/4"=1'-0"

REVISIONS

ISSUE FOR CONSTRUCTION

GENERAL CONDITIONS

REVISIONS
RCCF NCTE9, LTR, J99

To be specified locally.

To complete, contract to verify all local codes and codes before ordering.

Address all electrical and plumbing issues before ordering.

All fluids must be addressed by contractor and paid for.

FRP Col. Fully to complete drawings and specifications.

To complete, contract to verify all local codes.

DESIGN CRITERIA:

LOCATION: (City)-MUN. (County)

CANYON.

DESIGN ROOF SNOW LOAD:

25 psf.

DESIGN WIND SPEED:

90 mph.

DESIGN WIND EXPOSURE TYPE:

.

DESIGN TARP QUAKE ZONE:

B.

FRP DEPTH:

24".

FRP Fall groove.

Issue for construction.

Page 20
Shellie Lopez

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Wednesday, July 10, 2019 12:36 PM
To: Shellie Lopez

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Send questionable emails to spam@cityofnampa.us as an attachment or call the helpdesk at 208-468-5454.

Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45 • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Wednesday, July 10, 2019 11:42 AM
Subject: New Duplex in a Single-Family Residential zone (CUP-00147-2019)

Good Morning Everyone, 😊

Re: New Duplex in a Single-Family Residential zone (CUP-00147-2019)

Joshua Morrison has requested a Conditional Use Permit for a new Duplex in an RS6 (Single Family Residential – 6,000 sq. ft.) zoning district at 1024 S. Elder St. (A .25-acre or 10,722 sq. ft. portion of Block 136, Kurtz Addition, and Tax 7 in the NE ¼ Section 34, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the August 13, 2019 agenda.

Please find attached the CUP-00147-2019 file for your review and send all comments no later than July 26, 2019.

Thank you & Have a great day!
Building Department will require permits for any and all work, before it starts.
Good morning,

ITD has received application CUP-00147-2019 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown.

Good Morning Everyone, 😊

Re: New Duplex in a Single-Family Residential zone (CUP-00147-2019)

Joshua Morrison has requested a Conditional Use Permit for a new Duplex in an RS6 (Single Family Residential - 6,000 sq. ft.) zoning district at 1024 S. Elder St. (A .25-acre or 10,722 sq. ft. portion of Block 136, Kurtz Addition, and Tax 7 in the NE ¼ Section 34, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the August 13, 2019 agenda.

Please find attached the CUP-00147-2019 file for your review and send all comments no later than July 26, 2019.

Thank you & Have a great day!
DATE: July 26, 2019
TO: Planning and Zoning Department
FROM: Caleb LaClair, P.E., Nampa Assistant City Engineer
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Joshua Morrison
OWNER: Joshua Morrison
ADDRESS: 1024 S Elder Street
RE: CUP-00147-2019 – Duplex in an RS6 Zone

The Engineering Division does not oppose this application with the following comments/conditions:

1. City services to the property already exist.
2. The City maintains an 8” sewer main along the south side of the property. No encroachment will be allowed within the City’s easement.
3. Access shall be from a single common driveway.
4. Curb and sidewalk along S Elder Street shall be completed across the property frontage at the time of development. In addition, any distressed existing curb and sidewalk shall be replaced.
5. Curb shall be extended to the existing terminus located approximately 60’ to the south of the property and existing drain inlet relocated to a new curb low point as commented during Building Permit review.
6. All onsite drainage shall be retained onsite in accordance with City standards and policies.