PUBLIC HEARING ITEM NO 2.
STAFF REPORT

Applicant(s)/Engineer(s):

File(s): CUP 150-19
Analyst: Rodney Ashby, AICP

Requested Actions(s): Conditional Use Permit:
Conditional Use Permit for a Duplex in an RS6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of W. Iowa Ave. between S. Fall River Dr. and S. Bonneville Dr. at 0 W. Iowa Ave.

(Property described as follows:
Property located at 0 W. Iowa Ave. (A 6-acre or 26,240 sq. ft. parcel situated in the SW ¼ SW ¼ NE ¼ of Section 32, T3N, R2W, BM Tax 15334).

Owner: Erik M. Barnes

Applicant: Sharon Barnes

Applicant’s Stated Purpose:
“I would like to build a duplex there with each unit being about 1500 sq. ft. ... 1708 W. Iowa will have the primary residence of the owner of both lots. It will be a 2-story structure with approximately 2000 sq. ft. and will probably be built following the construction of the duplex.”

PLANNING HISTORY

According to the City Engineer, at the time of the development of the Fall River Subdivision to the west, the property was owned by the Nampa School District and the developer of Fall River agreed to landscape the frontage because he had hopes of securing the property and incorporating it into the subdivision. The sidewalk along the frontage was constructed as a part
incorporating it into the subdivision. The sidewalk along the frontage was constructed as a part of the City's Iowa Ave roadway widening project. This project may need an easement from Fall River Homeowner's Association to access city sewer services in the subdivision. Granting of sewer easements through Fall River have been previously conditioned, by the HOA, on membership into the HOA.

### GENERAL SITE INFORMATION

**Comprehensive Plan Future Land Use:** Medium Density Residential

**Existing Zoning:** RS 6 (Single-Family Residential District – 6,000 sf minimum lot size)

**Surrounding Zoning & Land Uses:**
- **North** – RS 6 residential (Victory Subdivision)
- **South** – RS 6 residential (W. Iowa Ave and South Fork Park)
- **East** – RS 6 residential (Victory Subdivision)
- **West** – RS 6 residential (Fall River Subdivision)

### SPECIFIC INFORMATION

**Public Utilities:**
- Water – 12" Water line north side of W Iowa Ave
- Pressurized Irrigation – 10" Pl in center lane of W Iowa Ave
- Sewer – 15" Sewer Main in Fall River Common Area to the west and a 10" Sewer Main on the east side of the Orr Drain crossing in W Iowa Ave

**Access:**
Applicant has proposed that both properties will access W Iowa Ave separately, but Engineering has stated that they will need a shared access. The property to the north, 1708 W Iowa Ave, is also owned by the applicant.

### CORRESPONDENCE

**City of Nampa Engineering Division:**
1. Required right-of-way width has been dedicated and frontage improvements have been made.
2. Shared access is necessary for the subject property and 1708 W Iowa Ave.
3. Utilities are available near the site.
4. Sewer easements may need to be secured and applicant needs to work with City Engineering to determine approach.
5. Applicant will need to coordinate with Nampa Meridian Irrigation District to determine easements and restrictions related to the Orr Drain.

**Nampa Highway District:** No comment.
Idaho Transportation Department: No objection.

City Code Enforcement: No violations.

APPLICABLE REGULATIONS

Nampa City Code, Title 10, Chapter 25 sets forth the criteria of approval for conditional use permits. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval of a conditional use permit. These findings are placed in the "Recommended Conditions" for your consideration of approval.

STAFF FINDINGS & DISCUSSION

The Property is located within a RS 6 (Single-Family Residential, 6,000 sq. ft. min. building lot size) zoning district in an area surrounded by relatively newer residential subdivisions. The Property's zoning is consistent with the "Medium Density Residential" [MDR] land use designation on the City's adopted Comprehensive Plan, Future Land Use Map. The density proposed by the Applicant by adding a two-unit structure to the Property is in compliance 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.

The area does not currently reflect other duplexes or denser development, but the property is relatively small for new development and is surrounded by developed land. The Comprehensive Plan strongly encourages infill development such as this. The Commission may determine that granting a Conditional Use Permit in this case will help ensure that infill development occurs. The Commission will need to determine whether the proposed duplex is consistent enough with the existing land uses to be warranted.

CONCLUSIONS OF LAW & FINDINGS OF FACT

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

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.

Whether the Commission votes to deny or approve the Conditional Use permit request, the statements cited in this report as being from 10-25-4 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 ANALYSIS section above).

**RECOMMENDED CONDITION(S) OF APPROVAL**

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

Generally:
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,

Specifically:
1. Access shall be via a single common drive access with 1708 W Iowa Ave and as approved by the Nampa Engineering Division.
2. Applicant shall work closely with City of Nampa Engineering Division to determine an appropriate way to provide utilities to the property.
3. Applicant shall coordinate with Nampa Meridian Irrigation District to determine easements and restrictions related to the Orr Drain.
4. Any [other] conditions imposed by the Commission....

**ATTACHMENT(S)**

1) Application
2) Applicant stated purpose letter
3) Concept Drawing
4) Zoning Map
5) Comprehensive Plan Map
6) Vicinity Map/Aerial
7) Agency and other correspondence
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)

Applicant Name: Sharon Barnes
Home Number: 208-461-9699
Street Address: 1319 W. Hawaiian
City: State: Zip code: 
Applicant’s interest in property: ( ) Own ( ) Rent (X) Other

Property Owner Name: Erik M. Barnes
Home Number:
Street Address: 11408 E. Bluemont, Apt 101
City: State: Zip code: Email: erik.shanghai@live.com

Address of Subject Property: 7142 411 3RD STREET S, Nampa, ID 83651
P: (208) 468-4487 F: (208) 465-2261

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: [ ]

Dated this 20 day of August, 2019

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 - 150 - 2019 PROJECT NAME Duplex in BS-16

12/11/13 Revised
Page 5
Dear City of Nampa,

I am applying for a contingency use for N/A west Iowa, which is adjoining 1708 W Iowa in Nampa.

I would like to build a duplex there with each unit being about 1500 sq. ft. The driveways for the units would connect directly with W. Iowa.

Fall River subdivision and green belt are directly to the west. Orr Drain borders along the east-northeast border with a 50 ft. easement along the Orr Drain. Victory subdivision is to the east as well. There is a park directly south across the street on Iowa and a large church to the southwest on Iowa.

The lot directly north of this plot is 1708 W. Iowa. The right of way for 1708 is along the fence on the west side of N/A Iowa. 1708 W. Iowa will have the primary residence of the owner of both lots. It will be a 2-story structure with approximately 2000 sq. ft. and will probably be built following the construction of the duplex. The home and duplex will be of similar materials and design for unity and will harmonize with the aesthetics of the Fall River area.

The specific designs have not been drawn up, because we need approval to proceed with a duplex before we pay for an architect.

I would like to begin construction no later than spring 2020 with anticipation of completion by fall/winter of the same year.

Erik Barnes, owner.

[Signature]

8-21-2019

Sharon Barnes, POA for Erik Barnes 208-461-9699

[Signature]

8-21-2019
This shows the usable footprint of the two lots. The doodles are not representative of the final build.
The Engineering Division does not oppose this application with the following comments/conditions:

1. W Iowa Ave is classified as a "Collector". The full required right-of-way width has already been dedicated and full frontage improvements exist including curb, gutter, and sidewalk.

2. Given the road classification, a shared access with the 1708 W Iowa Ave property is preferable. We request the applicant pursue a shared access easement with the property owner of 1708 W Iowa Ave.

3. City maintained utilities adjacent to the property including (see attached Exhibit):
   - 12" water on the north side of W Iowa Ave;
   - 8" pressure irrigation main near the south east property corner and 10" main in W Iowa Ave; and,
   - 10" sewer main near the south east property corner in W Iowa Ave and 15" main in the Fall River Estates Subdivision landscaped common lot to the west of the property.

4. Sewer main is not located directly adjacent to the property. The applicant shall work with the Nampa Engineering Division to determine an appropriate location for sewer service connection. It may be necessary to obtain utility easements from adjacent properties to facilitate sewer service installation.

5. The property is located adjacent to the Orr Drain which is managed by the Nampa & Meridian Irrigation District. The Applicant will need to coordinate with NMID to determine any easements and restrictions related to the Orr Drain. All easements shall be reflected on future plans submitted for permit.
Good Morning Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Good Afternoon! 😊

Re: CUP-00150-2019

Sharon Barnes has requested a Conditional Use Permit for a Duplex in an RS 6 (Single Family Residential - 6,000 sq. ft.) zoning district on the north side of W. Iowa Ave. between S. Fall River Dr. and S. Bonneville Dr. at 0 W. Iowa Ave. (A 6-acre or 26,240 sq. ft. parcel situated in the SW ¼ SW ¼ NE ¼ of Section 32, T3N, R2W, BM Tax 15334).

This application will go before the Planning and Zoning Commission as a public hearing item on the September 24, 2019 agenda.

Please find attached the CUP-00150-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than September 06, 2019.

Thank you & Have a great day!
Good morning,
ITD has received application CUP-00150-2019 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 Afternoon! 😊

Re: CUP-00150-2019

Sharon Barnes has requested a Conditional Use Permit for a Duplex in an RS 6 (Single Family Residential - 6,000 sq. ft.) zoning district on the north side of W. Iowa Ave. between S. Fall River Dr. and S. Bonneville Dr. at 0 W. Iowa Ave. (A .6-acre or 26,240 sq. ft. parcel situated in the SW ¼ SW ¼ NE ¼ of Section 32, T3N, R2W, BM Tax 15334).

This application will go before the Planning and Zoning Commission as a public hearing item on the September 24, 2019 agenda.

Please find attached the CUP-00150-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than September 06, 2019.

Thank you & Have a great day!