PUBLIC HEARING ITEM NO. 3
STAFF REPORT

Applicant(s)/Engineer(s):

File(s): CUP 152-19
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 southern property created from a lot split of 127 High St, Nampa, Idaho.
(Decision Required: Decision)

Property described as follows:
A .168-acre or 7,318 sq. ft. property located in a portion of Lot 4 of Pleasant Acres, lying in SE
¼ SE ¼ Section 21, T3N, R2W, BM.

Owner: Set Sails, LLC.

Applicant: Set Sails, LLC. – Mike Early

Applicant's Stated Purpose:
"Lot split to allow construction of a new duplex on parcel 2"

PLANNING HISTORY

In 1989 a Conditional Use Permit was issued to the owner to allow church classroom space for
the Fairview Church of the Nazarene. At that time, CUPs were necessary for church facilities in
an RS zoning district. Since then, churches are listed as a permitted use in the RS zoning
district. It appears that the building has since been used as a single family dwelling for many
years.
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 – RD residential (Single Family Homes)
South – RS 6 residential (Single Family Home)
East – RS 6 residential (Fairview Church of the Nazarene)
West – RS 6 residential (Single Family Home)

SPECIFIC INFORMATION

Public Utilities:
Water – 8" Water line in N Fairview St
Pressurized Irrigation – 4" Pl in N Fairview St
Sewer – 8" Sewer Main in N Fairview St

Access:
Access would be from N. Fairview St.

CORRESPONDENCE

City of Nampa Engineering Division:
1. Utilities are available to the site from Fairview St
2. Access shall be from a single shared driveway off N Fairview Street.
3. Sidewalk shall be constructed along frontage as well as an ADA driveway.

Nampa Highway District: No comment.
Idaho Transportation Department: No objection.
Nampa & Meridian Irrigation District: No comment.

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. See “Conclusions of Law & Findings of Fact.”
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 older residential homes. 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 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.

The area has several duplexes, triplexes, and other multi-family in the nearby proximity. The Commission may wish to consider this as infill development encouraged by the Comprehensive Plan. The proposal appears to convert a larger single lot into a two smaller lots consistent with many of the properties in the area and constructing a duplex on one of the new lots. 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 a 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 Staff Findings & Discussion 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 to the duplex shall be via a single common driveway accessed from N Fairview St.
2. Any [other] conditions imposed by the Commission....

ATTACHMENT(S)

1) Application
2) Concept Drawing
3) Zoning Map
4) Comprehensive Plan Map
5) Vicinity Map/Aerial
6) 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)

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**Application for Conditional Use Permit**

<table>
<thead>
<tr>
<th>Field</th>
<th>Details</th>
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<tbody>
<tr>
<td>Applicant Name</td>
<td>SELLS LLC, MIKE EARLY MGR</td>
</tr>
<tr>
<td>Street Address</td>
<td>10718 W. BLACKHAWK DR</td>
</tr>
<tr>
<td>City</td>
<td>BOISE</td>
</tr>
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<td>State</td>
<td>ID</td>
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<td>Property Owner Name</td>
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<td>Zip code</td>
<td>83707</td>
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<tr>
<td>Applicant’s interest in property:</td>
<td>( ) Own ( ) Rent ( ) Other</td>
</tr>
<tr>
<td>ADDRESS OF SUBJECT PROPERTY:</td>
<td>Split from 127 High Street</td>
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**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  

- [x] 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.

- [x] 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)

- [x] 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.

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**Project Description**

- State (or attach a letter stating) the reason for the proposed Conditional Use Permit: LOT SPLIT FOR SALE TO ALLOW CONSTRUCTION OF A NEW DUPLEX ON PARCEL 2

**Dated this** **22** day of **AUGUST,** **2019**

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**Applicant Signature**

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**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.
No. JN2219

Land Survey

Praorlron Fadr Surveyor, P.G.

Reference Survey:
Inst. No. 2011027839
Inst. No. 2011021350
Inst. No. 2011021379
Inst. No. 2012025669
Inst. No. 200691745
Inst. No. 2011025322
Inst. No. 20068193

Skinner

Surveyor's Narrative:
The survey was performed at the request of Mike Early to show the property described in Warranty Deed Instrument Number 2019028114 as shown. The corners of the SE 1/4 SE 1/4 were located based on found existing monuments as shown. The SE 1/4 corner was re-established by intersecting this line between the S1/16 and the CS 1/16 and using the found aluminum cap monument and running to the E1/16 corner. The subdivision of Pleasant Acres was then proportioned based on those four corners.

CERTIFICATION
I, Thomas J. Balld, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision, that this map is an accurate representation of said survey, and that it is in conformity with the Corner Perpetuation Act, Idaho Code 57-101 through 57-107.

INDEX No. 524-21-2-0-0-0-12

MIKE EARLY

Land Survey

Drawn by ZO
Date: Aug. 13, 2019
Surveyed by T/W/COL

Job No. JN2219

www.skinnerlandsurvey.com
127 High St
Conditional Use Permit for a Duplex or 2 Unit Single Family Attached Townhome in an RS 6 (Single Family Residential) zone
CUP-152-2019
9/12/2019
Visit Planning & Zoning at cityofnampa.us for more info.
127 High Street

Aerial View
DATE: September 12, 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: Setsails LLC
OWNER: Setsails LLC
ADDRESS: 127 High Street
RE: CUP-00152-2019 – Duplex in an RS-6 Zone

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

1. All utilities are available to the site from N Fairview Street. Services shall be installed to the new lot and all connection fees paid at the time of building permit.

2. Access shall be from a single shared driveway off N Fairview Street constructed in accordance with City standards and specifications. Sidewalk shall also be constructed along the project frontage in addition to the ADA compliant driveway.
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Good Afternoon! 😊

Re: CUP-00152-2019

Set Sails LLC has requested a Conditional Use Permit for a Duplex in an RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on a parcel split from the south of 127 High Street with frontage on No. Fairview St. (A .168-acre or 7,318 sq. ft. parcel situated in a portion of Lot 4 of Pleasant Acres, lying in the SE ¾ SE ¼ Section 21, T3N, R2W, BM).

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-00152-2019 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-00152-2019 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-00152-2019

Set Sails LLC has requested a Conditional Use Permit for a Duplex in an RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on a parcel split from the south of 127 High Street with frontage on No. Fairview St. (A .168-acre or 7,318 sq. ft. parcel situated in a portion of Lot 4 of Pleasant Acres, lying in the SE ¼ SE ¼ Section 21, T3N, R2W, BM).

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-00152-2019 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!
September 6, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: CUP-152-2019/ Duplex; 127 High Street

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are impacted and plans show storm water is retained on site.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions.

Sincerely,

[Signature]

Greg G. Curtis
Water Superintendent
Nampa & Meridian Irrigation District
DTD/ gnf

Cc: Office/ file