

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, JULY 23, 2019, 6:30 P.M.**

Members:	Lance McGrath - Chairman	Jeff Kirkman
	Peggy Sellman – Vice Chair	Bret Miller
	Matthew Garner	Rodney Ashby – Principal Planner
	Adam Hutchings	Kristi Watkins – Senior Planner
	Steve Kehoe	Caleb LaClair – Assistant City Engineer
Absent:	Harold Kropp	Norm Holm, Director
	Ron Van Auker, Jr	

Chairman McGrath called the meeting to order at 6:43 p.m.

Approval of Minutes: Sellman motioned and Garner seconded to approve the Minutes of the July 9, 2019 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. No City Council representative present.

Chairman McGrath proceeded to the business items on the agenda.

Business Item No. 1:

Subdivision Final Plat Approval for Meadowcrest Subdivision No. 3, in an RS-6 (Single Family Residential – 6000 sq ft minimum lot size) at the Northeast corner of Lake Lowell Ave and S Middleton Rd. (A portion of the SW ¼ of Section 29 T3N R2W BM – 83 Single Family Residential lots on 17.12 acres or 4.85 lots per gross acre), for Hayden Homes Idaho, LLC, Tim Mokwa. (SPF-00094-2019). ACTION ITEM.

Senior Planner Watkins:

- Meadowcrest Subdivision No. 3, stated Watkins, comprised 17.12 acres, proposed for 83 buildable and 5 common lots, within an RS-6 (Single Family Residential – 6000 sq ft minimum lot size), located on the northeast corner of S Middleton Rd and Lake Lowell Ave.
- The subject property, continued Watkins, was bordered on all four sides by City RS-6 zoned single-family residential subdivisions, and on the south across Lake Lowell Ave a commercially developed BC zoned property.
- The proposed Phase 3, added Watkins, would be the final phase of the subdivision.
- The proposed subdivision is located within Nampa City limits, and zoned RS-6, and conforms to the approved Preliminary Plat layout and the applicable subdivision and zoning standards for the City of Nampa.
- Staff feels it would be appropriate for the Commission to recommend approval to City Council for Final Plat approval for Meadowcrest Subdivision No. 3, with the recommended conditions of approval in the Staff Report.
- **Kehoe** inquired if there was a time frame for the future roundabout for Lake Lowell Ave and S Middleton Rd.
- **Assistant City Engineer LaClair** anticipated the roundabout would be within 5 years.

Kehoe motioned and Miller seconded to recommend to City Council Final Plat Approval for Meadowcrest Subdivision No. 3, located at the northeast corner of Lake Lowell Ave and S Middleton Rd, for Hayden Homes, 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 for Meadowcrest Subdivision;**
2. **Submit a revised landscape plan, addressing Parks Department requirements;**
3. **Submit revised street names as per GIS memo:**

- a. E Silvermound St should be E Yellowbell St.
- b. E Skyar St should be E Skylar St
- c. Rising Sun Dr should be S Rising Sun Dr
4. Comply with the requirement(s) listed in the July 8, 2019 memorandum from the Nampa Engineering Division authored by Caleb LaClair:
 - a. Construct sidewalk and drainage improvements across the frontage.
 - b. Restripe the south leg of S. Rising Sun Drive to accommodate one (1) left-turn lane and one (1) combined right-turn/thru lane per Traffic Impact Study mitigation item #6.
 - c. Extend 12” water and pressure irrigation mains along the S. Middleton Road frontage to connect to utilities in Lake Lowell Avenue.
 - d. Install speed control measures on W. Yellowbell Street and W. Skylar Street per Preliminary Plat condition of approval.
 - e. Provide documentation of NMID approval of lateral modifications at the SE corner of S. Middleton Road and Lake Lowell Avenue prior to construction drawing approval. Provide copies of any executed license agreement(s) prior to Final Plat signature.
 - f. Obtain a Right-of-Way Permit with City of Nampa for any work to be performed within the public right-of-way.
 - g. Obtain an Erosion Control Permit with City of Nampa prior to the start of any earth disturbing activities.
 - h. Add missing street names to the plat.
 - i. Add note to the plat per Preliminary Plat condition of approval, identifying all lots that are exempt from the 6,000-sf minimum lot size (in-fill lots per Nampa City Code 10-27-4).
 - j. Check legal description for errors as redlined.
 - k. Revise easements as redlined for Lots 13 and 14, Block 2 and Lot 19, Block 5.
 - l. Address all Final Plat comments prior to City Engineer signature of the plat.
 - m. Address all Construction Drawing and Drainage Report comments identified in the “Meadowcrest Subdivision #3 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 7/8/2019 prior to construction drawing approval.
 - n. 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.
5. 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.

Motion carried.

Business Item No. 2:

Subdivision Final Plat Approval for White Pines Subdivision in an RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district on the south side of Smith Ave, at 48 N Sagehen Way. (7 Two-Unit Single Family Attached townhome lots for a total of 14 residential lots on 1.67 acres, or 72,745 sq ft for 8.38 lots per gross acre – A portion of the SW ¼ of Section 20 T3N R2W BM), for Warnick/Sparrow-MSI LLC (SPF-00095-2019). ACTION ITEM.

Senior Planner Watkins:

- White Pines Subdivision comprised 1.67 acres, proposed for 14 zero lot line townhome lots, and one common lot, all located within an RS-6 zoned area at 48 S Sagehen Way, at the end of Sagehen Way, within Discovery Pointe Subdivision.
- The subject property, added Watkins, was bordered on all four sides by single family residential subdivisions zoned RS-6 and RS-7.
- Watkins stated the Preliminary Plat was approved in April of 2018 and the Conditional Use Permit for the townhomes was approved in November 2018.
- This would be the only phase of White Pines Subdivision, reported Watkins, and noted the subject property had been vacant had been vacant since Discovery Pointe Subdivision was established and was a good example of an infill project.

- The Final Plat, continued Watkins, was located within the City limits, conforms to the approved Preliminary Plat layout and the applicable subdivision and zoning standards for Nampa.
- Watkins indicated an additional condition of approval: a Cross Access/Shared Parking Agreement recorded as a separate document prior to issuance of any Building Permits due to the fact the property lines would be basically the centerline of the drive aisles.
- Staff, added Watkins, supported the recommendation of approval of the Final Plat to City Council with the listed conditions.
- **Kirkman** inquired if the applicant was aware of the Cross-Access Agreement requirement and **Watkins** stated that had been a condition of approval in the Preliminary Plat.
- **Kehoe** referred to the correspondence in the Staff Report from the Nampa Parks & Forestry Department regarding *Gleditsia Triacanthos* was in fact a Class II tree and not a Class I tree and would therefore get taller than a Class I tree. Watkins stated the applicant's Landscape Plan listed it as a Class I tree and the Parks & Forestry Dept did not have specific concerns but wanted to make it known that it was a Class II tree and would get taller than a Class I tree.
- **Lance Warnick, Aspen Engineers, 7312 Wildhorse Way, Nampa, Project Engineer** stated they were aware of the need for a Cross Access Agreement, and there was a note on the Final Plat stating there would be cross access and space for an Instrument number for when that document is recorded.

Miller motioned and Garner seconded to recommend to City Council approval of the Final Plat for White Pines Subdivision, located at 48 N Sagehen Way, for Lance Warnick representing Mark Sparrow, MSI, 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 for White Pines Subdivision; and,**
2. **Comply with the requirement(s) listed in the July 3, 2019 memorandum from the Nampa Engineering Division authored by Caleb LaClair:**
 - a. **An Erosion Control Permit with the Nampa Environmental Compliance Division is required prior to any earth disturbing activities.**
 - b. **A Right-of-Way Permit with the Nampa Engineering Division is required for utility and pavement connections in N Sagehen Way.**
 - c. **Proposed structures will need to be able to incorporate 2-car garages to meet City parking requirements since the driveways are less than 20' long.**
 - d. **All roads and drainage facilities internal to the project are private and shall be maintained by the Home-Owner's Association.**
 - e. **Please address all final plat comments and submit a full-size print of the Final Plat to the Nampa Engineering Division for review prior to Final Plat signature.**
 - f. **Ensure all easements are clearly defined and noted on the plat.**
 - g. **Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "White Pines Subdivision – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division, dated 7/3/2019 prior to construction drawing approval.**
 - h. **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 also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**
 - i. **The Engineer of Record (EOR) shall be responsible to inspect all on-site drainage facilities. At the time of Record Drawing submittal and prior to City final acceptance of public improvements, the EOR shall provide a certification letter indicating all on-site drainage facilities were constructed in substantial compliance with the approved plans.**
3. **Please note the comments from Nampa Parks and Forestry about the Class II *Gleditsia Triacanthos* being a Class II tree and how it will get bigger than a Class I tree;**
4. **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;**

5. A Cross Access/Shared Parking Agreement recorded as a separate document prior to issuance of any Building Permits.
Motion carried.

Chairman McGrath proceeded to the public hearing items on the Agenda at 7:00 p.m.

Public Hearing No. 1:

Annexation and Zoning to RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district, and Subdivision Preliminary Plat Approval for Calvary Springs Subdivision at 1713 E Iowa Ave. (64 single family detached lots on 16.79 acres for 3.81 dwelling units per gross acre – a 16.79 acre or 731,372 sq ft portion of the SWS ¼ Section 35 T3N R2W BM), for Kent Brown representing Trilogy Idaho. (ANN-00123-2019, SPP-00041-2019). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Kent Brown, 3161 E Springwood, Meridian representing the applicant:

- Mr Brown indicated the location of the subject property, currently in the County, surrounded for the most part by City limits and City services, with 62 residential lots and 6 common lots proposed.
- The requested RS-6 zoning, continued Mr. Brown, would be consistent with the City Comprehensive Plan Future Land Use Map, and existing zoning in the area.
- To the north, stated Mr Brown, was a connection to E Iowa Ave, as well as the connection to Canyon Meadows Subdivision, E Kentucky Ave, via a stub street on the west.
- There would be a pedestrian micro-path between the blocks, added Mr Brown, and a common area on the west running all the way up to E Iowa Ave.
- Mr Brown discussed the stub street to the south.
- **Keheo** noted the Agenda refers to 64 residential lots and the Staff Report denotes 62 residential lots and 6 common lots. **Mr Brown** stated the 62 residential lots and 6 common lots was correct.

Senior Planner Watkins:

- Watkins explained the application was for Annexation and RS-6 zoning for 16.79 acres and Preliminary Plat approval for Calvary Springs Subdivision with 62 residential lots and 6 common lots.
- According to Watkins, the subject property was currently outside the City limits and enclaved, partially surrounded by properties inside City limits, and County properties surrounded by City limits.
- The surrounding land uses were all single family residential, zoned RS-6 on the west, RA to the south and Canyon County zones to the north, east and a portion of the south.
- Watkins referred to Zoning Ordinance Section 10-2-3 (C) regarding Annexations.
- According to the Comprehensive Plan Future Land Use Map, continued Watkins, the subject property was located within an Employment Center designation, which does not contain a density requirement.
- The density proposed for the project, added Watkins, was approximately 3.69 dwelling units per gross acre.
- Watkins reviewed the Comprehensive Plan, Section 5.7.2.2 – Principles of an Employment Center, for concentration of employment, commercial and residential uses; and, 5.12.1 Infill Development and Redevelopment.
- According to Watkins, the majority of the surrounding area had already been developed for residential uses.
- Watkins reviewed the criteria for the Employment Center designation.
- Watkins indicated the Comprehensive Plan Section 5.12.1 Infill Development and Redevelopment.
- The proposed Calvary Springs Subdivision, continued Watkins, was located on 16.79 acres, comprising 62 residential building lots and 6 common lots.
- Watkins reviewed the subdivision in relation to the RS-6 zoning regulations and minimum lot areas of 6,000 sq ft with the exception of the 12 infill lots, and noted the plat was deemed compliant. The average lot size, stated Watkins, calculated at 8,180 sq ft and the plat was deemed compliant.
- The plat abuts Belle Air Acres, a Canyon County Subdivision on the east, with ½ acre lots, reported Watkins. The seven lots that create the eastern boundary of the proposed development exceed the required 10,000 sq ft minimum lot size and were considered compliant in that regard.
- Watkins reviewed the proposed lot widths and lot depths and noted they were also compliant with current Code.

- According to Watkins, the City Engineering Memorandum, dated July 9, 2019, authored by Caleb LaClair, required Right-Of-Way dedication of 40 ft from Centerline for E Iowa Ave, adjacent the subject property.
- A Landscape Plan had been submitted with the application, reported Watkins, however a revised Landscape Plan had been requested to replace one species of street tree, with the remainder of the Landscape Plan deemed to be acceptable.
- Watkins reviewed the Safe Routes to School criteria in relation to Skyview High School, South Middle School and Greenhurst Elementary School.
- Watkins reviewed the COMPASS Analysis for the proposed development and noted the Jobs/Housing Ratio indicated a need for more housing in the area.
- According to Watkins, the subject property fits the definition for infill development as defined in the Nampa Comprehensive Plan because it is surrounded by developed single family properties; and, all City utilities are immediately available to the site.
- Staff, added Watkins, supports the recommendation for approval for the Annexation and RS-6 zoning for the subject property; and the approval of the Preliminary Plat for Calvary Springs Subdivision, subject to all conditions listed in the Staff Report.
- In response to a question from **Kehoe** regarding who would be responsible for confirming the proposed subdivision would not be restricting a historical drainage or irrigation path, **Watkins** stated the developer would be responsible.
- **Miller** inquired about the proposed access road to the south and if that would be for potential future development to the south and **Watkins** advised it would be a stub street, with a barrier in place until such time as the property to the south develops.

Chairman McGrath proceeded to public testimony.

Patrick Murray – 1910 S Powerline Rd - opposed but did not wish to speak.

Shantel Murray – 1910 S Powerline Rd – opposed:

- Ms Murray indicated the location of her property, immediately south of the proposed development.
- Ms Murray reported her in-law’s property, Sheri and Mark Murray, was located at 1906 S Powerline, also just south of the proposed development.
- Those parcels, added Ms Murray, were not a vacant lot, as previously stated. The parcels at 1910 and 1906, added Ms Murray totaled 5 acres, and their property at 1910 comprised 1.87 acres, and 1906 S Powerline comprised 2.88 acres. The road from those two parcels was a private lane connecting to S Powerline Rd.
- Ms Murray voiced concern regarding traffic and privacy within the area because the proposed subdivision backs right up to their property. Ms Murray noted they have horses and livestock on their property. Additionally, they have a concern with irrigation water and the irrigation ditch.
- Ms Murray questioned if the houses along the southern property line of the proposed development would be single-story or two-story, as that would affect their privacy.
- Ms Murray requested information on who the developer of the proposed subdivision would be.

Bill Smith of 1711 Ventura Dr, Nampa – opposed but did not wish to speak.

Jim Kalousek of 1717 Ventura Dr, Nampa – opposed:

- Mr Kalousek stated his one third acre property bordered the east side of the proposed subdivision and inquired the size of the proposed lots.
- Mr Kalousek questioned if there would be a fence completely around the proposed subdivision. Mr Kalousek also questioned if the proposed houses would be single level or two story and considered a two-story home would invade the neighbors’ privacy in their back yards. According to Mr Kalousek the majority of the existing homes on the east side of the subject property were single story homes.
- Mr Kalousek inquired if the subject property had been surveyed, and Chairman McGrath indicated a legal description for the subject property had been submitted.

Patrick Barnes of 1824 E Maryland Ave, Nampa – opposed:

- Mr Barnes stated his property abuts the south east one third of the subject property.
- Mr Barnes voiced concern regarding the irrigation. The pond on the neighbor’s property, added Mr Barnes, was an extensive geese habitat in the spring.

- Currently, the irrigation ditch flows through that area and he and the neighbors depend on that water.
- Privacy was also an issue for him, stated Mr Barnes, if there were two story houses up against the existing lots.
- Mr Barnes suggested a taller fence for the boundary of the proposed development to allow for more privacy.

Ron Hanson of 1715 E Iowa Ave, Nampa – Undecided:

- Mr Hanson stated his property was located on the northeast side of the subject property, right next to where the roadway would come in.
- According to Mr Hanson, where the subdivision road was shown to come into the project was where his well was located. Mr Hanson questioned how the developers proposed to provide water to his home.
- Mr Hanson reiterated his well was not on his property, but he had an agreement with his father to have the well on his father's property (the proposed development property).
- In response to a question from **Chairman McGrath, Mr Hanson** stated neither he nor his father had heard anything back from the developer.
- Mr Hanson stated when the new sewer line was constructed along E Iowa Ave his well had been contaminated and his property was hooked up to City water with a temporary connection at that time.

Jeff Ramage of 1823 Ventura Dr, Nampa – Undecided:

- Mr Ramage stated he was President of the Homeowners' Association for Belle Aire Acres 2 and 3.
- Mr Ramage voiced concern regarding the drainage behind the property line that has always been on the subject property, however, the Belle Aire residents have always taken the initiative to get a backhoe in there to keep it cleared out because of the two feeders that go into that drainage.
- Mr Ramage wanted to make sure that it would be the developer/contractor's responsibility to keep that drainage maintained.
- According to Mr Ramage the drainage was tiled and covered.
- The other concern, continued Mr Ramage was the irrigation water. The HOA, continued Mr Ramage had tiled the irrigation ditch as well as cleanout points to enable the farmers to continue to get their water. The farmers to the south would be very unhappy, added Mr Ramage, if the line gets plugged up and they can't get into that line.

Kent Brown:

- Mr Brown referred to the Landscape Plan shows the entire boundary of the subdivision to be fenced, which would include the stub street to the south. City Code limits the fence height to 6 ft, added Mr Brown, so there would be a 6 ft fence.
- Mr Brown reported that irrigation ditches on their property would be tiled and it would make sense to tile the drain, if possible, to preclude any maintenance issues.
- Mr Brown reiterated the adjacent properties to the north and east, and some to the south were County properties.
- According to Mr Brown, it was good planning to stub the street to the properties to the south, added Mr Brown, to allow for future development of those properties.
- Mr Brown discussed the drainage water from the properties to the south and noted the engineer would analyze the irrigation systems.
- The private well on the north where the road would come in from E Iowa, added Mr Brown, would have to be addressed.
- The subject property has been surveyed confirmed Mr Brown.
- Mr Brown reported the lots on the east side of the proposed development were the larger lots, and the smaller lots would be to the interior of the development.
- Regarding building elevations, stated Mr Brown, his client planned to build one- and two-story homes and considered there would be quite a distance from the subject development to the existing houses to the south.
- Discussion followed regarding the size of the lots on the east side of the proposed development (110 ft deep x 91 ft wide).
- In response to a question from **Kehoe, Mr Brown** stated the fence would be a 6 ft solid vinyl fence.
- **Kirkman** inquired who the developer of the subdivision would be and **Mr Brown** responded the developer would be Trilogy and the builder would be Corey Barton Homes.

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

Kehoe motioned and Garner seconded to recommend to City Council Annexation and RS-6 zoning for 16.79 acres at 1713 E Iowa Ave, for Kent Brown representing Trilogy Idaho (ANN-00123-2019), subject to:

Generally: The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

1. Confirm during final design, whether it is necessary to extend gravity irrigation piping along the southerly and easterly property boundaries. Confirm what properties are still assigned to this lateral and if there is opportunity to convert them to City pressure irrigation to reduce or eliminate this extensive piping. Any properties that desire to hook up to City services that are adjacent to City limits will be required to annex per City Code.
2. Parcel No. R3234700000 is land locked. Provide access to this parcel from E Kentucky Street through Lot 10, Block 1.
3. There appears to be an existing pond/wet area located just south of the project at 1906 S Powerline Rd. It should be confirmed during final design that the project is not restricting a historical drainage or irrigation path, and that lots are elevated sufficiently to not be impacted by any historical drainage that may exist in this location.
4. On-going groundwater monitoring should be performed at the site through the irrigation season and data submitted with final design documents to confirm groundwater impact on proposed drainage facilities and home crawl spaces.
5. Dedicate the following public right-of-way at the time of annexation:
 - a) E Iowa Ave – forty (40) feet from the Quarter Section Line.
6. Any on-site 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.
7. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
8. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.
9. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
10. Applicant shall coordinate with the following properties and install utility service stubs to said properties with the development:
 - a) 1625 E Iowa Ave (Parcel No. 3234600000) – Sewer only
 - b) 0 E Iowa Ave (Parcel No. R3234700000) – Sewer, water, and irrigation
 - c) 1715 E Iowa Ave (Parcel No. 3234601000) – Sewer only
11. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable.

Motion carried

Kehoe motioned and Miller seconded to approve the Preliminary Plat for Calvary Springs Subdivision for 16.79 acres, at 1713 E Iowa Ave, for 62 single family detached lots and 6 common lots, for Kent Brown representing Trilogy Idaho (SPP-00041-2019), subject to:

Generally: The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

1. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings;
2. Submit revised landscape plans;
3. Make necessary street name corrections as listed:
 - a) Propose new, unique name for W Louisiana Ave and Ashbourne Way;
 - b) Ashbourne Way/Garrustown St should have one name, we suggest Garrustown Way;
 - c) Suncroft St should be S Suncroft Ave;
 - d) Celbridge St should be E Celbridge St;

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- e) Garrustown St should be E Garrustown Way and continue to E Iowa Ave
4. Confirm, during final design, whether it is necessary to extend gravity irrigation piping along the southerly and easterly property boundaries. Confirm what properties are still assigned to this lateral and if there is opportunity to convert them to City pressure irrigation to reduce or eliminate this extensive piping. Any properties that desire to hook up to City services that are adjacent to City limits will be required to annex per City Code.
 5. Parcel # R3234700000 is land locked. Provide access to this parcel from E Kentucky Street through Lot 10, Block 1 via an ingress/egress easement.
 6. There appears to be an existing pond/wet area located just south of the project on the 1906 S Powerline Road. It should be confirmed during final design that the project is not restricting a historical drainage or irrigation path, and that lots are elevated sufficiently to not be impacted by any historical drainage that may exist in this location.
 7. On-going groundwater monitoring should be performed at the site through the irrigation season and data submitted with final design documents to confirm groundwater impact on proposed drainage facilities and home crawl spaces.
 8. Dedicate the following public right-of-way at the time of annexation:
 - a) E Iowa Ave – 40' from the Quarter Section Line.
 9. 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.
 10. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
 11. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.
 12. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
 13. Applicant shall coordinate with the following properties and install utility service stubs to said properties with the development:
 - a) 1625 E Iowa Ave (Parcel # R3234600000) – Sewer only
 - b) 0 E Iowa Ave (Parcel # R3234700000) – Sewer, water, and irrigation
 - c) 1715 E Iowa Ave (Parcel # R3234601000) – Sewer only
 14. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable;
 15. Prior to filing for final plat approval for any portion of the Project, the Developer's engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City;
 16. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.
- Motion carried.

Public Hearing No. 2:

Subdivision Short Plat Approval for Atkinson Acres Subdivision in an RA (Suburban Residential) zoning district at 5025 Feather Creek Lane. (Three single family lots on 5 acres for 1.67 lots per gross acre – A part of the SE ¼ of Section 6 T3N R1W BM), for Larry Atkinson (SPS-00020-2019) ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Larry C Atkinson, 5025 E Feather Creek Ln, Nampa – the applicant:

- Mr Atkinson noted the requirement for a 5 ft wide sidewalk to be constructed along the Star Rd frontage.

- According to Mr Atkinson there are no sidewalks currently on the Star Rd frontage. Mr Atkinson continued that he had talked to the Engineering Division and referred to a possible Deferral Agreement for the sidewalks.
- Mr Atkinson stated it would cause some difficulty in getting the short plat going if the sidewalk was required right away.
- Additionally, stated Mr Atkinson, they may have to go to City Council to request a Variance/Deferral for the landscaping requirement.

Principal Planner Ashby:

- Ashby noted a Short Plat process was allowable for a 3 – 7 lot subdivision.
- The applicants are proposing dividing 5025 E Feather Creek Ln into three single family lots.
- The Comprehensive Plan Designation for the subject property is Community Mixed Use, surrounded by Medium Density Residential on the north, east and south.
- The existing zoning for the subject property was an RA (Suburban Residential) designation.
- To the north, continued Ashby, was County agricultural land with a farmhouse.
- The access to the proposed parcels would be from Feather Creek Ln, stated Ashby, there are no domestic water, sewer, or irrigation utilities available to the site.
- Ashby advised there was development occurring to the north that would extend utilities to the north, but at this time no City utilities would be available.
- The purpose of the short plat would be to divide the subject property and develop those lots.
- The applicants, continued Ashby, have expressed interest in requesting a Deferral for sidewalk.
- Regarding the landscaping, reported Ashby, a Variance to the Landscaping Code would go with the property forever, therefore if the property to the north and to the south developed and they had a 25 ft landscape strip as required along Star Rd, there would never be a 25 ft landscape strip adjacent the subject property because of the Variance.
- Ashby added the required landscaping buffer for the subject property would not be required until the parcels applied for Building Permits and developed.
- Ashby reviewed the Planning and Zoning History for the subject property: in 2006 the parcel was annexed, along with the surrounding parcels, subject to a Development Agreement and RS-8.5 zoning designation.
- In 2007 the Final Plat for Sonoma Creek Subdivision, incorporating single family homes was approved. In 2008 the Final Plat expired. In 2016 the subject parcel and adjacent parcels on Feather Creek Ln were rezoned to RA (Suburban Residential), but no Development Agreement Modification on the original Development Agreement was requested at that time.
- In 2019 a Short Plat Application for Atkinson Acres was submitted.
- According to Ashby, the original Development Agreement from the annexation in 2006 was still in place and applied to all of those properties.
- Ashby advised he had discussed the situation with the City Attorney regarding the Development Agreement, and it had been determined the City should pursue a Development Agreement Modification to get rid of the 2006 Development Agreement - no longer applicable to the affected lots.
- **Kehoe** referred to the requirement for construction of sidewalks.
- **Ashby** concurred that at the time of Building Permit submittal then the requirement for construction of sidewalks would occur.
- Ashby referred to the Memorandum from the Engineering Division, dated July 8, 2019, authored by Caleb LaClair.
- Ashby advised a 25 ft landscape buffer would be required, according to Code, and staff would need to see the Landscape Plan before going before City Council.
- Ashby reiterated the subject property was within City limits and had been rezoned to RA, along with the adjacent parcels, in October of 2016.
- The proposed subdivision, continued Ashby, substantially conforms to applicable subdivision and zoning standards, subject to a Landscaping Plan submitted, as well as the 25 ft landscape buffer shown on the Landscaping Plan.

Caleb LaClair – Assistant City Engineer:

- Regarding Deferrals for sidewalks, in the City Code 9-3-1 and Section D, states the City may defer the requirements for sidewalk construction, provided all of the following conditions are met, one being that the property is not located on an arterial street. LaClair reported that Star Rd was considered an arterial

roadway, so, therefore, would not be eligible for a Deferral, and sidewalks would be required upon submittal of a Building Permit for that lot.

Chairman McGrath proceeded to public testimony.

John Low of 5280 E Feather Creek Ln, Nampa – opposed:

- Mr Low indicated the properties within the 28 acres that extend back from Star Rd to the Low Angle Subdivision in the triangle adjacent to the west.
- Mr Low stated his property was located west of the subject property, on 1.562 acres on the south side of E Feather Creek Ln.
- Mr Low reviewed the history of the property and stated he and his wife bought 15 of the 20 acres and wanted to do a 1-acre subdivision.
- According to Mr Low they were told by the City Council that yes they would be able to do that but they would have to put in all City sidewalks, City street, curb, gutter, as well as all the infrastructure, underneath the road, for City sewer and City water, which was not available in Star Rd.
- Now, 3 years later, added Mr Low, it would be acceptable to start breaking up the 5 acre lots into 1 acre lots after the fact.
- Mr Low advised they had put the road in (Feather Creek Ln) at great cost, and had the property delisted from the floodplain, also at great cost. Their idea had been to make a subdivision similar to Silver Spur Subdivision on the east side of Star Rd – 1 acre to 1 ¼ acre lots without City sidewalks, curb and gutters. To have the subject property propose subdividing into even smaller lots, stated Mr Low, was irritating.
- It was then decided, stated Mr Low, to sell the lots as 5-acre parcels with a private road.
- The parcels to the west were then landlocked, added Mr Low, and he purchased the 8-acre triangle which was then split up into four lots, making a total of 8 lots on the west side of Star Rd, zoned RA.
- Mr Low questioned piecemeal lot splits on the original 20 acres.
- Mr Low reiterated E Feather Creek Ln was a private road with a Road Agreement and all the properties were on private wells and septic systems.
- Mr Low reiterated his concern with piecemeal lot splits and development in a nice rural area.

Sharon Dudley of 5020 E Feather Creek Ln, Nampa – opposed:

- Ms Dudley stated she and her husband Michael live directly across the street on the south side of E Feather Creek Ln.
- According to Ms Dudley they had purchased their property primarily to use as a storage location and build a shop because at that time they lived on Cherry Creek Estates.
- They were told they could not build a garage or shop that would be larger than the existing small home on the property. Her husband then asked if he could subdivide the parcel and, according to Ms Dudley, the City advised he could not do that.
- Ms Dudley indicated the location of the home they built on the property and the location of the septic mound which meant they could not subdivide their property in the future.
- According to Ms Dudley, the requested subdivision of the Atkinson property would severely impact their quality of life and discussed the reason they went to a lot of expense to build on their property.
- All of the property owners in that community, stated Ms Dudley, purchased properties there in order to have a certain kind of lifestyle, quality of life and certain type of neighborhood, and changing the density of the neighborhood would severely impact their whole reason for being there.

Lorri Brenneman of 5120 E Feather Creek Ln, Nampa – opposed:

- Ms Brenneman stated she and her husband David own one of the four original 5-acre parcels locate on E Feather Creek Ln, which were originally part of John Low’s development.
- The Atkinson Acres Subdivision proposal would break up one of the 5-acre parcels into 3 smaller parcels.
- Ms Brenneman stated she was opposed to the Atkinson Acres Subdivision as a matter of precedence.
- According to Ms Brenneman, she and her husband bought the land from John Low in order to have a parcel of land that they could continue farming and ranching food. Farmland, and maintaining farmable land to feed the people in the future, stated Ms Brenneman, was very important to her.
- According to Ms Brenneman, they were given the information as stated by Mr Low, that the parcels could not be subdivided, and the Dudleys had been told the same thing.

- Ms Brenneman cited action by the City Council to allow more agricultural animals per acre as indication of a precedence for farming.
- Ms Brenneman stated they then built their retirement home on Feather Creek Ln and started farming their 5 acres.

David Brenneman of 5120 E Feather Creek Ln - opposed but did not wish to speak.

Troy Groene of 5125 E Feather Creek Ln, Nampa – opposed but did not wish to speak.

Mr Atkinson:

- Mr Atkinson referred to the Road Maintenance Agreement amongst the properties and wanted to make it clear that when they work out the HOA on the new property they would incorporate into the same Road Maintenance Agreement and share in the expenses of maintaining that road.
- Mr Atkinson indicated the Dudley property at 5020 E Feather Creek Ln and noted their parcel already had two homes, therefore their density had been changed to two homes on 5 acres.
- According to Mr Atkinson he was also concerned about farming and stated that 5 acres had been more than they could handle but they could maintain 2 ½ acres.
- Mr Atkinson considered two additional parcels on their property would not impact the Brenneman’s ability to farm.
- **Chairman McGrath** inquired about the history of the subject lots.
- **Ashby** advised there would need to be some significant research to determine what happened with the subject land.
- Ashby noted the 2006 Development Agreement when the properties were annexed.

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

Kirkman considered the application should be tabled in order to determine what had happened in the past.

Kehoe suggested the application should be denied and then go to City Council.

Kirkman motioned and Kehoe seconded to recommend denial to City Council for the Atkinson Acres Short Plat Subdivision within an RA zoning district at 5025 E Feather Creek Lane. Motion to recommend to City Council denial for Atkinson Acres Short Plat Subdivision carried with Garner, Hutchings, Kehoe and Sellman in favor of denial and Miller opposed.

Public Hearing No. 3:

Conditional Use Permit for a Recreational Vehicle Park in an IL (Light Industrial) zoning district at 3400 Black Butte Court (137 RV spaces on 14.6 acres for 7.21 spaces per acre – A part of the NW ¼ of Section 8 T3N R2W BM less Ramp right-of-way) for Shannon Robnett representing Don Burch (CUP-00142-2019). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Shannon Robnett of 5103 Sonora Way, Meridian – representing the applicant:

- Mr Robnett reported a Conditional Use Permit had been approved for the same plans for an RV Park at this location in 2014.
- No construction occurred at that time, therefore the Conditional Use Permit expired.
- According to Mr Robnett, there were no plans for a structure within the RV Park and they would not be applying for a Building Permit, only the engineering improvements, including sewer, water, roadways, etc.
- Mr Robnett inquired about the requirement by Nampa Highway District No. 1 in the Staff Report requiring a Traffic Impact Study to identify the impacts to the Middleton Rd/Chacartegui Ln intersection.
- Mr Robnett questioned what had triggered the requirement for a Traffic Impact Study and added that had not been a requirement in 2014. Other than that, added Mr Robnett, they had submitted the exact same Conditional Use Permit documents that were submitted in 2014, and approved.

Principal Planner Ashby:

- Ashby indicated the location of the subject property, with the subject property butting up against I-84 on the north side of the property and Indian Creek on the south.
- The subject property, continued Ashby, was located within a Comprehensive Plan Future Land Use Map designation of Light Industrial, with a General Commercial designation to the north and south.
- Many of the nearby roadways, stated Ashby, came under the jurisdiction of the Nampa Highway District, and noted the requirement for a Traffic Impact Study had come from Nampa Highway District No. 1, with the statement that the Middleton Rd/Chacartegui Ln intersection is under the jurisdiction of the Nampa Highway District No. 1.
- The subject property advised Ashby was vacant at the present time, however, there were other industrial uses in the surrounding area.
- The IL zoning for the 14.6 acre parcel was Light Industrial, consistent with the Comprehensive Plan.
- Access to the property would be from N Black Butte Ct.
- According to Ashby, all utilities were available to the site.
- Ashby indicated the floodplain to the south, along Indian Creek, and noted nothing could be built in the floodway.
- Ashby noted the location of the floodway, the 100-year floodplain and the 500-year floodplain.
- Ashby indicated the Recommended Conditions of Approval are standard conditions and address the possibility of Building Permit submittal at some time in the future.
- Ashby reviewed the applicable regulations in the Staff Report and Staff findings.
- According to Ashby, a Preliminary Site Plan (not a plat) would come back before the Commission for review, with a lot of details.
- Additionally, a Final Site Plan would also come back to the Commission for review.
- The Nampa Bicycle and Pedestrian Master Plan requires a City pathway along Indian Creek and that would be depicted in the Preliminary Site Plan.
- Ashby reviewed the history of the subject property: April 2009 – Annexation and Zoning to IL; April 2014 – Annexation and Zoning to IL again, to correct unfair annexation boundaries that expanded the boundaries to include the properties being considered for an RV park and overlapped some of the existing annexed boundaries; August 2014 a C-U-P was issued for an RV Park for Don Burch; and in February 2015 the CUP expired because no development had started on the site.
- **Chairman McGrath** inquired about the requirement for the Traffic Impact Study and **Ashby** reiterated the Middleton Rd/Chacartegui intersection was under the jurisdiction of Nampa Highway District No. 1 and they required the Traffic Impact Study.
- In response to a question from **Kehoe**, **Ashby** advised there was still additional Light Industrial zoned land available in the area.
- **Kirkman** inquired if the property line for the subject property went to the centerline of Indian Creek and **Ashby** confirmed it did go to the centerline.
- In response to a question from **Garner**, **Ashby** stated FEMA considered pathways a good way to provide some flood mitigation because of the fact there was landscaping around the pathway but no buildings.
- **LaClair** explained no fill was allowed in the floodway – cannot add dirt or raise the ground level in the floodway, and a pathway is typically built right on the existing ground level. If the intent was to build in the floodway, then an application through the LOMAR and CLOMAR process with FEMA would involve a significant flood study.
- Discussion followed regarding no RV pads allowed within the floodway, without a study proving it would not change the flood elevations.

Chairman McGrath proceeded to public testimony.

Eric Josephson, 16 N Harrell, Boise – in favor:

- Mr Josephson cited the research done for Mr Robnett regarding the proposed RV Park and noted the demand for RV spaces was high and the waiting list for all RV Parks across the valley was a minimum of two months.

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

Kehoe motioned and Garner seconded to approve the Conditional Use Permit for a Recreational Vehicle Park for 3400 Black Butte Court, for 137 RV spaces, for Shannon Robnett, representing Don Burch, subject to:

Generally:

1. **Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] 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/Divisions) as the entitlement(s) granted by virtue of the City’s approvals of the requested annexation and zoning assignment do not, and shall not, have the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property;**

Specifically:

1. **If the site is located within Indian Creek Floodplain, the following FEMA regulations shall be adhered to:**
 - a. **Vehicles that will be sited within the floodplain shall be moved every 90-days.**
 - b. **Vehicles within the floodplain shall be tied down or anchored as necessary in accordance with FEMA regulations.**
 2. **Site development plans shall reflect the location of the Indian Creek Floodplain.**
 3. **City utilities and associated easements shall be preserved with any property development.**
 4. **Applicant/developer shall apply for and receive a Right-of-Way use permit prior to doing any work or activity within the highway Right-of-Way.**
 5. **A Traffic Impact Study shall be done and provided to the Nampa Highway District #1 to determine impacts to the Middleton Rd/Chacartegui Ln intersection before approval of the final plan.**
 6. **Approval of the Conditional Use Permit does not exempt the applicant from complying with zoning code conditions at time of building permit application. Rather, applicant shall comply with all City department/division or outside agency requirements pertinent to this matter**
- Motion carried.**

Public Hearing No. 4:

Conditional Use Permit for a Shoe Cover Business in a DV (Downtown Village) zoning district at 207 and 211 10th Ave S. (A 7,000 sq ft or .1-acre parcel being Lot 29, Block 31, Original Townsite in the SW ¼ Section 22 T3N R2W BM), for PSC Industrial Properties, LLC, Amy Fling. (CUP-00144-2019) ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Amy Fling, of Pro Shoe Covers, 669 S Best Business Ave, Kuna – the applicant:

- Ms Fling stated they would like to purchase and occupy the property located at 207 and 211 10th Ave S.
- According to Ms Fling, the property is located within the Downtown Village zoning district and she felt the business would be a good fit for the area because it was not the normal noisy manufacturing plant.
- The business was quiet, and with the overhead doors down you would not hear anything, added Ms Fling.
- Ms Fling explained they cut their own parts for the shoe covers with a hydraulic press, which was not noisy.
- According to Ms Fling, the business does not manufacture on site. They use independent contractors that come in collect the parts that would be cut and put in a kit in the subject building. The contractors then take the kits to their own facilities and sew them.
- There was also a small packaging machine, stated Ms Fling, and emphasized it was not a noisy business.
- **Kehoe** inquired what the shoe cover consisted of and Ms Fling replied they did not make disposable shoe covers. The company, added Ms Fling, manufactures reusable shoe covers that are sold primarily to contractors going inside homes, for example, to do repairs or install cable or alarm systems. Instead of disposing of a shoe cover each time, the reusable shoe covers last about 9 months and can be washed and reused.
- According to Ms Fling, the shoe covers are non-skid, have been tested by OSHA and exceed OSHA levels.
- The proposed business location, explained Ms Fling, allowed closer access to the freeway, and her sub-contractors would have easy access and not have to drive to Kuna.

- In response to a question from **Kehoe, Ms Fling** stated she could not foresee employing workers on site and would continue with independent contractors performing the work. Ms Fling advised she would only be utilizing the middle building on the site that comprised about 6,700 sq ft.

Principal Planner Ashby:

- Ashby reported the subject property was located within the DV (Downtown Village) zoning district which was considered to be a transitional zone between the Downtown Historic district and the Downtown Business district.
- The DV zone, added Ashby, was intended for a variety of uses. Ashby noted several pre-existing industrial and automotive related uses in the surrounding area.
- The Comprehensive Plan Future Land Use Map indicated the subject property within the Downtown district, in the heart of the City of Nampa.
- The parcel size, added Ashby, was 7,000 sq ft.
- The Conditional Use Permit had been required because it was not really clear where the business use would fit in the Land Use Chart table in Ordinance Section 10-3-2. The Ordinance gives an allowance for the Director to determine whether to require a Conditional Use Permit for the use.
- According to Ashby, sewer and water are available to the site, no irrigation, but there would be no need for irrigation water.
- Access to the building is from both 10th Ave S and the alley, and noted the building has overhead doors.
- The typical hours for operation of the business have been stated by the applicant to be from 8:00 am. to 5:00 p.m., Monday through Friday.
- According to the applicant there would only be four cars on site, because of the small number of employees.
- The independent contractors would only be there for a few minutes each week.
- Ashby indicated a video, shot by the applicant, showing their work environment, cutting machines, and shipping area.
- Ashby reviewed the Staff Report, covering the applicable regulations, staff findings, and recommended conditions of approval.
- **Kirkman** inquired if there would be a sign on the building.
- **Ms Fling** replied they would be changing a few things by taking the windows out and making it look more attractive. Any signage, added Ms Fling, would be minimal and attractive, and added they wanted to be involved in the community.

Chairman McGrath proceeded to public testimony.

Ruben Gaona of 4725 Sunny Ridge Rd, Nampa – in favor:

- Mr Gaona stated he had been in the auto repair business at the subject property for about 45 years.
- Mr Gaona stated he was very much in favor of the shoe cover business Conditional Use Permit.
- According to Mr Gaona, the shoe cover business would fit right in with the community and would not make as much noise as his business had at the subject location.

Tanya Gaona of 4725 Sunny Ridge Rd, Nampa – in favor but did not wish to speak.

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

Garner motioned and Miller seconded to approve the Conditional Use Permit for PSC Industrial Properties, LLC, shoe cover business at 207 and 211 10th Ave S, Nampa, in a DV (Downtown Village) zoning district for Amy Fling, subject to:

- 1) **All City Code requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as applicable State, or Federal agencies regarding use of the property for a Shoe Cover business shall be satisfied prior to occupancy.**
- 2) **The Conditional Use Permit is issued for the life of the commercial unit as a Shoe Cover business and shall not be transferable to any other owner or location.**
- 3) **The owner shall keep noise emanating from the business at an acceptable level as required by City Code.**

Motion carried.

Meeting adjourned at 9:10 p.m.



Norman L Holm, Planning Director

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