



MINUTES OF REGULAR MEETING HELD TUESDAY, AUGUST 10, 2021

Audio recordings of the full proceedings may be accessed following the meeting at <https://www.cityofnampa.us/AgendaCenter>.

Video recordings of the full proceedings may be accessed following the meeting at <https://livestream.com/cityofnampa>.

COMMISSIONERS PRESENT:

Peggy Sellman, Chair (Chambers)
Steve Kehoe, Vice Chair (Chambers)
Michaela Franklin (via Teams)
Matthew Garner (Chambers)
Bret Miller (Chambers)
Tom Turner (Chambers)
Ron Van Auker, Jr. (Chambers)
Adam Hutchings (Chambers)

COMMISSIONERS ABSENT:

Jeff Kirkman

CITY STAFF PRESENT:

Doug Critchfield, Principal Planner (Chambers)
Kristi Watkins, Principal Planner (Chambers)
Caleb LaClair, Assistant City Engineer (Chambers)
Parker Bodily, Associate Planner (Chambers)

CALL TO ORDER AND ANNOUNCE A QUORUM IS PRESENT:

With a quorum of Commissioners present, Madam Chair Sellman called the meeting to order at 6:55 pm.

APPROVAL OF MINUTES:

Miller motioned and Hutchings seconded to approve the minutes of the July 27, 2021 Planning & Zoning Commission Meeting. Motion carried.

REPORT ON COUNCIL ACTIONS: Councilman Haverfield provided an overview of Planning & Zoning related Council decisions from the August 2nd City Council Meeting.

Madam Chair Sellman proceeded to public hearing items on the agenda at 7:00 pm.

Madam Chair Sellman suggested, due to the absence of applicants for public hearings 1 and 4, public hearings 2 and 3 be heard first on the agenda. The Commission concurred.

Public Hearing 21: Conditional Use Permit for Firearm Sales/Services Home Occupation Business - OMG Tactical Armory, in a RS 8.5 (Single-Family Residential 8,500 sq. ft.) zoning district on a 13,890 sq. ft. parcel at 11674 W Collina Vista Dr in the Stella's Point No. 2 Subdivision LT 10 BLK 7 (located in the SW 1/4 of Section 30, T3N, R2W, BM, Nampa) for Miodrag & Denise Georgevitch (CUP 234-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Miodrag & Denise Georgevitch, 11674 W Collina Vista Dr, Nampa, applicants, requested a conditional use permit for a gun business and online firearms sales from their home.

Associate Planner Bodily reviewed the property details, surrounding zoning, site characteristics, home occupation and CUP regulations, and public correspondence.

The surrounding land uses are all single-family homes. To operate a home occupation, owners agree to follow all City requirements found in NCC § 10-1-10. Complaint procedures are in place that would require additional public hearings and action by the Commission should the applicants not operate their business under these parameters.

The CC&Rs for the Stella's Point Subdivision limit the operation of home occupations. While the CC&Rs may prohibit beyond what the City code requires, the City would not be involved in issues that arise between the HOA and the homeowner regarding CC&R issues. Bodily presented correspondence from the HOA regarding their acceptance of the home based business with City conditions; applicants stated they obtained approval from the HOA regarding their business prior to construction on their house. Bodily clarified that this was a variance from the CC&R's and had nothing to do with the City. No employees are permitted to work on the premises. No additional parking is required.

Suggested conditions of approval:

1. Compliance with all City Codes, including Title 4 – Building Code.
2. The owner operates the business as a typical home occupation business with no manufacturing and minimal storage of inventory.
3. The owner maintains all regulatory permitting, licensures and operational procedures as required by law.
4. Only occasional firearms sales shall be permitted to be conducted on the premises.
5. Inventory is locked in a secure safe.
6. The home occupation for firearm sales shall be continuously operated in accordance with all City codes
7. Provide quantities of all ammunition, black and/or smokeless powders and primers that will be on site at any one time to the Nampa Fire Department.
8. The conditional use permit is granted only to the property for the duration of the use and shall not be transferable to any other location.

The Commission reviewed applicable regulations and found that the location, size, design and operating characteristics of the proposed home occupation firearm business will would not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood or the character of the neighborhood.

Madam Chair Sellman proceeded to public testimony.

Kristina and Robert Hensley, 13333 S Stockbridge Way, in favor of the proposal but did not wish to speak.

Adrian Daniluc, 13176 S Jeanette Way, opposed.

- The majority of homes in their subdivision have RV garages for RV/boats, not for business purposes.
- Traffic concerns in a residential community.
- To gain access to the applicant's home, you have to change four streets so people will probably wander around the neighborhood trying to find their location.
- The CC&R's do not allow this.
- Concerned about storage of these firearms and ammunition.

Applicant rebuttal:

- Mainly an online business.
- Cater to law enforcement, friends and family.
- Current neighbors have told them it does not appear business is being conducted at their current location; there is little traffic.
- The applicant's RV garage will not be used for a commercial business.
- Their business has had no impact to their current neighbors.
- Firearms are locked up in safes and inventory is sold quickly.

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

Miller motioned and Garner seconded to approve the Conditional Use Permit for Firearm Sales/Services Home Occupation Business - OMG Tactical Armory, in a RS 8.5 (Single-Family Residential 8,500 sq. ft.) zoning district on a 13,890 sq. ft. parcel at 11674 W Collina Vista Dr in the Stella's Point No. 2 Subdivision LT 10 BLK 7 (located in the SW 1/4 of Section 30, T3N, R2W, BM, Nampa) for Miodras & Denise Georgevitch (CUP 234-21) with all staff conditions and conclusions of law. Motion carried.

Public Hearing 32: Annexation and Zoning for multiple portions of road right-of-way including: 1) a 50' wide section of Midway Rd beginning at the intersection of Midway Rd and Orchard Ave going North 684.29' and totaling 34,215 sq. ft.; 2) a section of Cherry Ln of varying width (approximately 70' to 55') beginning approximately 427' east of the N Midland Blvd and Cherry Ln intersection and going east approximately 905' and totaling 52,602 sq. ft.; 3) a 25' wide section of Northside Boulevard approximately 295' across from 16658 Northside Blvd and totaling 7,366 sq. ft.; 4) an approximate 50' wide staggered section of Cherry Ln. running approximately 840' east from the Madison Rd and Cherry Ln intersection totaling 43,13 square feet; 5) a 50' wide section of Madison Rd. running 679 feet south of E. Conant St. totaling 33,950 sq. ft.; 6) a 50' wide section of Star Rd beginning at the Ustick Rd and Star Rd intersection going south for 2,666' totaling 133,280 sq. ft.; 7) a primarily 50' wide section of N. Kings Rd. and E. Victory Rd. beginning on the northeast side of the intersection of Kings Rd and Victory Rd traveling north 1,326' along N. Kings Rd., and travelling east 660' along Victory Rd. totaling 104,989 sq. ft.; 8) property necessary for the recently constructed Happy Valley Rd and Victory Rd round-about, including parcels: R3051200000, R3067400000, R3066800000, R3066801100, R2470300000 and the right-of-way fronting this parcel, and all Happy Valley Rd right-of-way approximately 100' wide from the S Happy Valley Rd and Victory Rd intersection south to the northern boundary of Mason Creek totaling 152,255 sq. ft. - a map is available from the City of Nampa Planning & Zoning Department; AND, Deannexation of a 50' wide section of 11th Avenue N. beginning immediately north of Cherry Ln. and running approximately 2,626' north to the Miller Lateral totaling 152,255 sq. ft. - for Daniel Badger representing City of Nampa, Engineering Division (ANN 206-21 & DANX 014-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Assistant City Engineer LaClair reviewed the annual annexation/deannexation of right-of-way with the Commission. A review of annexations which have occurred over the last year is conducted by the City Engineer and the Nampa Highway District Engineer and determined whether there are any sections of roadway that need to be annexed or deannexed. These annexations do not affect property, rather which road management entity is managing the road.

Principal Planner Watkins reviewed the staff report and applicable regulations for the annexation of small segments of right-of-way in eight different areas of Nampa and for one deannexation of a segment of right-of-way.

The City MOU with Nampa Highway District dictates that the City will annex and take over management of roadways from the District when the area of adjacent annexed property exceeds 55%. The MOU also indicates that the District agrees to defer to City standards with regard to access management for all roads within the Nampa Impact Area.

- A. This request appears to comply with the **Memorandum of Understanding (MOU)** between the City of Nampa and the Highway District.
- B. The areas being requested encourage orderly development by filling in gaps in the rights-of-way.
- C. It can be reasonably assumed that it is within the **public interest** to include areas of maintenance in one jurisdiction.
- D. **Deannexation** of the area at 11th Ave N and Cherry Ln appears reasonable considering there is very little property that is within the incorporated city limits of Nampa that fronts 11th Ave N. Technically, this area does not meet the criteria for the city to assume responsibility, as is outlined in the MOU between the city of Nampa and the Highway District.
- E. The right-of-way is proposed to be annexed with zoning to match the same zoning designation as the properties immediately adjacent to each segment or, where none exist the Future Land Use Designation will be used.

Madam Chair Sellman proceeded to public testimony. No public comment forthcoming.

Garner motioned and Van Auker, Jr. seconded to close public hearing. Motion carried.

The Commission reviewed applicable regulations found in the staff report and concluded the project met the conclusions of law criteria.

Kehoe motioned and Van Auken, Jr. seconded to recommend to City Council approval of the Annexation and Zoning for multiple portions of road right-of-way including: 1) a 50' wide section of Midway Rd beginning at the intersection of Midway Rd and Orchard Ave going North 684.29' and totaling 34,215 sq. ft.; 2) a section of Cherry Ln of varying width (approximately 70' to 55') beginning approximately 427' east of the N Midland Blvd and Cherry Ln intersection and going east approximately 905' and totaling 52,602 sq. ft.; 3) a 25' wide section of Northside Boulevard approximately 295' across from 16658 Northside Blvd and totaling 7,366 sq. ft.; 4) an approximate 50' wide staggered section of Cherry Ln. running approximately 840' east from the Madison Rd and Cherry Ln intersection totaling 43,13 square feet; 5) a 50' wide section of Madison Rd. running 679 feet south of E. Conant St. totaling 33,950 sq. ft.; 6) a 50' wide section of Star Rd beginning at the Ustick Rd and Star Rd intersection going south for 2,666' totaling 133,280 sq. ft.; 7) a primarily 50' wide section of N. Kings Rd. and E. Victory Rd. beginning on the northeast side of the intersection of Kings Rd and Victory Rd traveling north 1,326' along N. Kings Rd., and travelling east 660' along Victory Rd. totaling 104,989 sq. ft.; 8) property necessary for the recently constructed Happy Valley Rd and Victory Rd round-about, including parcels: R3051200000, R3067400000, R3066800000, R3066801100, R2470300000 and the right-of-way fronting this parcel, and all Happy Valley Rd right-of-way approximately 100' wide from the S Happy Valley Rd and Victory Rd intersection south to the northern boundary of Mason Creek for Daniel Badger representing city of Nampa, Engineering Division (ANN-206-21) with all conditions of staff and conclusions of law. Motion carried.

Kehoe motioned and Van Auken, Jr. seconded to recommend to City Council approval deannexation of a 50' wide section of 11th Avenue N. beginning immediately north of Cherry Ln. and running approximately 2,626' north to the Miller Lateral for Daniel Badger representing city of Nampa, Engineering Division (DANX-014-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 43: Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district, at 1427 Southside Blvd, in order to connect to sewer utility services; (a .62 acre parcel in the NE ¼ of Section 35, T3N, R2W, BM), for Brian and Sharon Depue (ANN 207-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Brian and Sharon Depue, 1427 Southside Blvd, applicants, are requesting City sewer connection as their septic failed and they are unable to have it replaced.

Van Auken, Jr. asked the applicant if there was a well onsite. Applicant responded they intend to utilize their well. LaClair clarified that condition 1 (abandonment of onsite well) is applicable if the applicant connects to City water which the applicant does not intend to do at this time as their well is fully functioning.

Principal Planner Critchfield reviewed the staff report, property details and applicable regulations for annexation and zoning.

Suggested Conditions of Approval:

1. Any onsite wells 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.
2. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system. Applicant/owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
3. Applicant/Owner shall comply with all City codes, policies, and standards in place at the time of property development/redevelopment.
4. Site access for future development shall adhere to the City's Access Management Policy.
5. A right-of-way dedication of 40' from section line will be required with this annexation. Right-of-way deed shall be fully signed prior to annexation of the property.
6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

Madam Chair Sellman proceeded to public testimony. No public comment forthcoming.

Van Auker, Jr. motioned and Miller seconded to close public hearing. Motion carried.

The Commission reviewed applicable regulations for annexation and zoning located in the staff report and concluded the project met the conclusions of law criteria, would be compatible with and an appropriate development for the area.

Kehoe motioned and Garner seconded to recommend approval to City Council of Annexation and Zoning to RS6 (Single-Family Residential 6,000 sq. ft) zoning district, at 1427 Southside Blvd, in order to connect to sewer utility services for Brian and Sharon Depue (ANN 207-21) with all conditions of staff and conclusions of law. Motion carried.

Public Hearing 14: Annexation and Zoning to RS8.5 (Single-Family Residential 8,500 sq. ft) zoning district, at 1525 Southside Blvd, in order to connect to sewer utility services; (a 1.06 acre parcel in the SE ¼ of Section 35, T3N, R2W, BM), for Bryan C Warren (ANN 203-21) – ACTION ITEM.

Madam Chair Sellman proceeded to public hearing.

Miller inquired whether it was less expensive to hook up to City sewer than repair a current sewer system. LaClair responded sometimes the Health District requires this. Hookup fees (construction alone) to connect to City sewer is generally around \$7,000 depending on how deep the sewer line is (if there is ground water, etc.). Some people have commented they have received quotes for \$20,000 or more for the construction side of it to connect to sewer.

Bryan Warren, 1525 Southside Blvd, applicant, is requesting City sewer connection only at this time and will continue to use his well.

Associate Planner Bodily reviewed the staff report, available City services and annexation code regulations. SW District Health does not require city water connection unless their well fails.

Suggested Conditions of Approval:

1. Any onsite wells 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.
2. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system. Applicant/owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
3. Applicant/owner shall comply with all City codes, policies, and standards in place at the time of property development/redevelopment.
4. Site access for future development shall adhere to the City's Access Management Policy.
5. A right-of-way dedication of 40' from section line will be required with this annexation. A legal description for the dedication has been prepared and the deed will soon be routed for signatures. Right-of-way deed shall be fully signed prior to annexation of the property.
6. Clear vehicle, weeds, debris on property prior to annexation.

Madam Chair Sellman proceeded to public testimony. No public comment forthcoming.

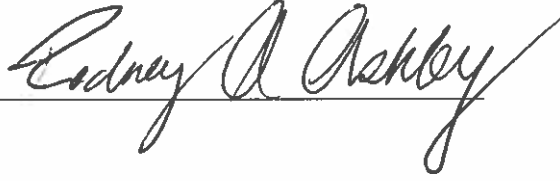
Van Auker, Jr. motioned and Garner seconded to close public hearing. Motion carried.

The Commission reviewed applicable regulations for annexation and zoning located in the staff report and concluded the project met the conclusions of law criteria, would be compatible with and an appropriate development for the area.

Van Auker, Jr. motioned and Garner seconded to recommend approval to City Council Annexation and Zoning to RS8.5 (Single-Family Residential 8,500 sq. ft) zoning district, at 1525 Southside Blvd, in order to connect to sewer utility services for Bryan C Warren (ANN 203-21) with all staff conditions (including clearing any potential City code violations prior to annexation) and conclusions of law. Motion carried.

Meeting adjourned at 8:37 pm.

Rodney A. Ashby, Planning Director
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A handwritten signature in black ink, reading "Rodney A. Ashby", written over a horizontal line.