

**NAMPA PLANNING & ZONING COMMISSION
MINUTES OF REGULAR MEETING HELD
TUESDAY, SEPTEMBER 10, 2019, 6:30 P.M.**

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

Chairman McGrath called the meeting to order at 6:40 p.m.

Approval of Minutes: Sellman motioned and Kehoe seconded to approve the Minutes of the Nampa Planning and Zoning Commission meeting of August 27, 2019. Motion carried.

Report on Council Actions. Councilor Haverfield reviewed the City Council meeting of September 3, 2019.

- Councilor Haverfield noted the Special 09/11 service at Nampa Fire Station No. 1 at 8:00 a.m.
- Councilor Haverfield advised an agreement had been reached with HDR Engineering for a signal project at the intersection of Smith Ave and N Middleton Rd. Also, the Iowa Ave pedestrian activated crosswalk, and the Midland Blvd/Blaine Ave pedestrian signal projects.
- Councilor Haverfield reviewed the three public hearing items: the Annexation and RS-6 zoning for Calvary Springs Subdivision at 1713 E Iowa Ave - approved; Appeal of P&Z denial of Short Plat for Atkinson Acres Subdivision in an RA zoning district at 5025 Feather Creek Lane – Appeal approved; and, Vacation of Alley Right of Way between 523 18th Ave N and 611 18th Ave N – approved.

Chairman McGrath proceeded to the business items on the agenda.

Subdivision Final Plat Approval for Brownstone Estates Subdivision No. 1, in an RS-7 (Single Family Residential – 7,000 sq ft minimum lot size) zoning district, at the southwest corner of Midway and West Karcher Roads (41 single family residential detached lots on 11.71 acres for 3.5 dwelling units per gross acre – a 11.71 acre portion of the NE ¼ of Section 13 T3N R3W, BM), for Kent Brown representing HDP Brownstone Estates LLC (SPF-00098-2019). ACTION ITEM.

Senior Planner Watkins:

- Watkins reported Brownstone Estates Subdivision No. 1 comprises 11.71 acres, and 41 single family residential detached lots and 8 common lots were proposed, located within an RS-7 zoning district, on the south side of W Karcher Rd and west of Midway Rd.
- The property added Watkins was bordered on the north, east and west sides by Canyon County zoned properties, to the north by properties within the City of Caldwell Impact Area, and on the south side by City of Nampa residentially zoned, but undeveloped property.
- The proposed development, advised Watkins, conforms to the approved Preliminary Plat layout and to the applicable Subdivision and Zoning standards for Nampa.
- Staff, stated Watkins, felt it would be appropriate for the Planning Commission to recommend approval of the Final Plat for Brownstone Estates Subdivision No. 1 to City Council for approval, subject to the conditions listed in the Staff Report.

Kirkman motioned and Kehoe seconded to recommend to City Council approval of the Final Plat for Brownstone Subdivision No. 1, located at the southwest corner of Midway Rd and W Karcher Rd, for Kent Brown representing HDP Brownstone Estates, 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 of/for Brownstone Subdivision; and,
2. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
 3. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Brownstone Estates #1 & #2 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division, dated 8/28/2019 prior to construction drawing approval.
 4. 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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.
 5. Developer shall provide documentation of plan approval from BOR/PID prior to construction drawing approval. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat.
 6. Developer shall provide documentation of ITD review of plans prior to construction drawing approval. An electronic copy of the executed Access/Right-of-Way Encroachment Permit shall be provided prior to start of construction within the Karcher Road right-of-way.
 7. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of the private Phase 2 drainage facility shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans at the time of Record Drawing submittal and prior to final acceptance of improvements by the City.
 8. 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.

Subdivision Final Plat Approval for Brownstone Estates Subdivision No. 2, in an RP (Residential Professional) zoning district, at the southwest corner of Midway and West Karcher Roads. (15 multi-family residential lots on a 3.75-acre portion of the NW ¼ of Section 13 T3N R3W BM) for Kent Brown representing HDP Brownstone Estates, LLC (SPF-00099-2019). ACTION ITEM.

Senior Planner Watkins:

- Watkins noted the proposed development would be the second phase of Brownstone Estates Subdivision.
- The subject phase, added Watkins, would comprise 3.75 acres proposed for 14 multi-family lots and 1 common lot, located within an RP zoned area, south of W Karcher Rd, and west of Midway Rd.
- The subject property, stated Watkins, had been zoned RP (Residential Professional) and was completely surrounded by portions of Phase 1 – therefore, all the landscaping in front would be completed with Phase 1.
- Brownstone Estates Subdivision No. 2, reported Watkins, was located within the City limits, in an RP zoning district.
- Watkins stated the proposed development conforms to the approved Preliminary Plat layout, and the applicable Subdivision and Zoning standards for Nampa.
- Staff, added Watkins, feels it would be appropriate for the Planning Commission to recommend approval of the Final Plat for Brownstone Estates Subdivision No. 2 to City Council for approval, subject to the conditions listed in the Staff Report.

Kirkman motioned and Sellman seconded to recommend to City Council approval of the Final Plat for Brownstone Estates Subdivision No. 2, located at the southwest corner of Midway Rd and W Karcher R, for Kent Brown representing HDP Brownstone Estates, 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 of/for Brownstone Subdivision;
2. Record an access easement document according to Note #6 on the final plat;
3. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat;

4. **Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Brownstone Estates #1 & #2 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 8/28/2019 prior to construction drawing approval;**
5. **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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction;**
6. **Developer shall provide documentation of plan approval from BOR/PID prior to construction drawing approval. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat;**
7. **Developer shall provide documentation of ITD review of plans prior to construction drawing approval. An electronic copy of the executed Access/Right-of-Way Encroachment Permit shall be provided prior to start of construction within the Karcher Road right-of-way;**
8. **Drainage shall be retained on site in accordance with approved plans. Inspection and certification of the private Phase 2 drainage facility shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans at the time of Record Drawing submittal and prior to final acceptance of improvements by the City;**
9. **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.**

Subdivision Final Plat Approval for Summit Ridge Subdivision No. 2, in an RS-6 (Single Family Residential – 6000 sq ft minimum lots size) zoning district, at the SW corner of W Greenhurst Rd and S Midland Blvd. (A 9.23-acre parcel of land situated in Government Lot 2 of Section 5 T2N R2W BM – 30 Single Family Residential Detached lots on 9.23 acres or 3.25 dwelling units/gross acre) for M3 Idaho Greenhurst LLC – Mark Tate (SPF-00101-2019). ACTION ITEM.

Senior Planner Critchfield:

- Critchfield noted the proposed development would be the second phase of Summit Ridge Subdivision, located within an RS-6 zoning district, south of W Greenhurst Rd and west of S Midland Blvd.
- The subject phase, continued Critchfield would comprise 9.23 acres, for 30 single family residential lots and 3 common lots.
- Critchfield reported the subject property was located within Nampa City limits, with some single-family residential development to the north and the east, and Canyon County development to the west and the south, and a gravel pit to the southwest.
- The Preliminary Plat, reported Critchfield, was approved March 20, 2019.
- According to Critchfield, the proposed development conformed to the approved Preliminary Plat layout, and the applicable Subdivision and Zoning standards for Nampa.
- Staff, added Critchfield, felt it would be appropriate for the Planning Commission to recommend approval of the Final Plat for Summit Ridge Subdivision No. 2 to City Council for approval, subject to the conditions listed in the Staff Report.
- Critchfield recommended the Landscape Plan be revised to replace the Acer Fremanii, due to the high mortality rate in the area, with another species.

Miller recommended to City Council approval of the Final Plat approval for Summit Ridge Subdivision No. 2, located at the southwest corner of W Greenhurst Rd and S Midland Blvd, for M3 Idaho Greenhurst, LLC – Mark Tate, subject to:

Generally:

1. **Developer(s) shall comply with all applicable requirements [including obtaining proper permits – such as 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. **Generally, Applicant/Development shall:**
 - a) **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 of/for Summit Ridge Subdivision.**
2. **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;**
 - a) **Comply with the corrections and requirement(s) listed in the memo dated August 20, 2019, authored by Dan Wagner, GIS Technician I, Nampa Engineering Division – stating the following changes must be made prior to submitting for signatures:
“Propose a new, unique street name for the East West oriented street south of Block 9. Use the following format: W (new name) St.”;**
 - b) **Comply with the corrections and requirement(s) listed in the memo dated August 30, 2019, authored by Doug Critchfield, Nampa Planning and Zoning Department – stating the Acer x Fremanii specified on the plan must be replaced with a different species selected from the Treasure Valley Tree Selection Guide.**
 - c) **The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
 - d) **Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Summit Ridge Subdivision #2 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 8/30/2019 prior to construction drawing approval.**
 - e) **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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**

Motion carried.

Subdivision Final Plat Approval for Summit Ridge Subdivision No. 3, in an RS-6 zoning district, at the SW corner of W Greenhurst Rd and S Midland Blvd. (A 16.23-acre parcel of land situated in Government Lots 1 and 2 of Section 5 T2N R2W BM – 21 Single Family Residential Detached lots on 16.23 acres, or 1.29 dwelling units/gross acre), for M3 Idaho Greenhurst, LLC – Mark Tate (SPF-00102-2019). ACTION ITEM.

Senior Planner Critchfield:

- Critchfield noted the proposed development would be the third phase of Summit Ridge Subdivision, located within an RS-6 zoning district, south of W Greenhurst Rd and west of S Midland Blvd.
- The subject phase, continued Critchfield would comprise 21 single family residential lots and 4 common lots, on 16.23 acres.
- Critchfield stated the subject property was located within Nampa City limits, in an RS-6 zoning district.
- According to Critchfield, the proposed development conforms to the approved Preliminary Plat layout, and the applicable Subdivision and Zoning standards for Nampa.
- Staff, added Critchfield, felt it would be appropriate for the Planning Commission to recommend approval of the Final Plat for Summit Ridge Subdivision No. 3 to City Council for approval, subject to the conditions listed in the Staff Report.

Miller motioned and Kehoe seconded to recommend to City Council approval of Summit Ridge Subdivision No. 3, located south of W Greenhurst Rd and west of S Midland Blvd, for M3 Idaho Greenhurst, LLC – Mark Tate, subject to:

Generally:

1. **Developer(s) shall comply with all applicable requirements [including obtaining proper permits – such as 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; and,

Specifically:

1. Generally, Applicant/Development shall:

a) 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 of/for Summit Ridge Subdivision.

1. 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;

a) Comply with the corrections and requirement(s) listed in the memo dated August 20, 2019, authored by Dan Wagner, GIS Technician I, Nampa Engineering Division – stating the following changes must be made prior to submitting for signatures:

i. “Propose a new, unique street name for the East West oriented street south of Block 9. Use the following format: W (new name) St.”;

b) Comply with the corrections and requirement(s) listed in the memo dated August 30, 2019, authored by Doug Critchfield, Nampa Planning and Zoning Department – stating the Acer x Fremanii specified on the plan must be replaced with a different species selected from the Treasure Valley Tree Selection Guide.

c) The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.

d) Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Summit Ridge Subdivision #2 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 8/30/2019 prior to construction drawing approval.

e) 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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.

Motion carried.

Chairman McGrath proceeded to public hearing at 7:00 p.m.

Chairman McGrath explained the public hearing process, the applications that go on to City Council for review, and those applications within the purview of the Planning and Zoning Commission. Chairman McGrath added that Planning Commission decisions can be Appealed to City Council by an interested party.

Subdivision Short Plat Approval for Midtown Homes Subdivision in an RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district at 0 Powell Ave. (4 Single Family detached lots on .58 acres for 6.9 dwelling units per gross acre – A part of the SE ¼ of Section 23 T3N R2W BM), for Pavel Struk (SPS-00023-2019). ACTION ITEM.

Chairman McGrath proceeded to public testimony.

L Kurt Smith of 2587 Southside Blvd, Melba – representing the applicant:

- Mr Smith explained he was the Project Engineer for the proposed development.
- City services are available to the property, added Mr Smith, and the proposed development could tie into those utilities.
- Mr Smith stated they had reviewed the Staff Report and recommended conditions of approval and had no concerns with those requirements.
- **Kehoe** stated the aerial view of the property indicated a number of vehicles parked all over the property.
- **Mr Smith** advised those vehicles had been on a separate property to the west.
- **Chairman McGrath** inquired about the proposed landscaping and noted the memorandum from Critchfield regarding landscaping requirements.

- **Mr Smith** replied the applicants were now proposing ground cover and shrubs, per the Ordinance.

Principal Planner Ashby:

- Ashby advised the proposed development would comprise 4 lots in an RS-6 zoning district.
- The proposed lots would comply with the square footage requirements for the RS-6 zoning district, stated Ashby.
- According to Ashby, the Comprehensive Plan Future Land Use map designated the subject property as Medium Density Residential. The subject property was completely surrounded by Medium Density Residential on the Comprehensive Plan Future Land Use Map, except for the Hispanic Cultural Center to the south, located within a General Commercial area.
- The subject property, continued Ashby, was primarily surrounded by Single Family Residential, but to the southwest and further west, the properties were zoned RML (Limited Multiple Family Residential).
- The Snake River Elementary School was located to the east on Stampede Dr, along with the Boys and Girls Club and the Nampa Police Substation.
- Ashby noted the sewer does go straight through the subject property within a sewer easement.
- Ashby reported the applicants had submitted revised Landscaping Plans for the subdivision and the new Landscape Plan complied with Code.
- The proposed Short Plat, stated Ashby, indicated 4 buildable lots on .58 acres (25,000 plus sq ft), and does meet the requirement for 6,000 sq ft lots.
- Ashby reviewed the comments from the City of Nampa Engineering Division.
- Ashby discussed the Nampa Zoning Ordinance regarding Short Plats, Section 10-27-4 F which allows an abbreviated platting process for short plats, with Preliminary and Final Plats submitted at the same time, basically functioning as a Final Plat when going to City Council.
- Ashby reviewed Section 10-27-2 F regarding the Platting process and whether the Plat meets current Code, that is what the decision for approval should be based upon, not whether it fits the neighborhood. At the time of zoning designation, would be the time to determine what would be appropriate for the neighborhood.
- Ashby noted conditions can be added to the plat.
- Ashby explained if a Short Plat were to be denied by the Planning Commission, it would not go on to City Council – and if recommended for approval then it would go on to City Council.
- Ashby stated Staff had determined the Midtown Homes Subdivision were in compliance with Code.

Chairman McGrath proceeded to public testimony.

Pavel Struk of 9542 W Bronze Dr, Boise – the applicant:

- Mr Struk stated he planned to build the four houses and added they would each have a double car garage.
- **Kehoe** inquired if Mr Struk would be living in one of the houses.
- **Mr Struk** stated at the present time he was planning to live in one of them but did not know if that would work out in the future.
- **Kirkman** inquired if there was an existing home on the subject property.
- **Mr Struk** replied it was a vacant lot with no home.

Dmitri Struk of 9542 W Bronze Dr, Boise - in favor of the Midtown Homes Subdivision but did not wish to speak.

Toliz Struk of 440 Orchard Ave, Nampa – in favor of the Midtown Homes Subdivision but did not wish to speak.

Alex Struk of 11000 Columbia Rd, Boise – in favor of the Midtown Homes Subdivision but did not wish to speak.

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

Kirkman considered it was a very good project, located right next to the school and parks, and was a good infill project.

Kirkman motioned and Kehoe seconded to recommend to City Council approval for the Short Plat for Midtown Homes Subdivision in an RS-6 zoning district at 0 Powell Ave (Canyon County Parcel R14285649A0), on the north side of Rosenlof Ave, west of Stampede Dr, for Pavel Struk subject to:

1. **Generally, the Applicant/Development shall:**
 - a. **Comply with all City department/division or outside agency requirements pertinent to this matter.**
2. **Specifically, the Applicant/Development shall:**
 - a. **Revise Landscape Plans to be in compliance with City of Nampa Codes, specifically requiring the primary landscaping to be vegetation.**
 - b. **Comply with all Nampa Engineering requests summarized in the Correspondence Section of this report.**
 - c. **Engineering's Conditions of Approval:**
 - i. **Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
 - ii. **Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the attached Engineering 1st Review letter dated 9/2/2019 prior to construction drawing approval.**
 - iii. **CC&R's or alternative agreement shall be submitted to the Nampa Engineering Division for review prior to City Engineer signature of the plat. CC&R's shall specify maintenance and cost share responsibilities for the shared driveway and drainage improvements and the recording instrument number shall be noted on the plat.**
 - iv. **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.**
 - v. **Drainage shall be retained on site and Engineer of Record shall provide Nampa Engineering confirmation of compliance with plans.**

Motion carried.

Annexation and Zoning to RA (Suburban Residential) at 700 W Mariah Ave. (A 7.44-acre portion of Lots 7, 8 and 9 of Home Acres Subdivision No. 14 lying within the SW ¼ of Section 33 T3N R2W BM); and, Subdivision Short Plat Approval for The Promised Land Subdivision (6 Single Family detached lots on 7.44 acres for 1.24 dwelling units per gross acre – A replat of a portion of Lots 7, 8 and 9 of Home Acres Subdivision No. 14 located in the SW ¼ of Section 33 T3N R2W BM), for Nick Babak (ANN-00128-2019, SPS-00022-2019). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Nicholas Babak, 700 W Mariah Ave, Nampa – the applicant:

- Mr Babak stated he would like to annex his property into Nampa City limits and subdivide into a total of 6 single family residential lots.

Senior Planner Watkins:

- Watkins advised the applicants were requesting Annexation into the City of Nampa with RA zoning for 700 W Mariah Ave, and, approval of the Short Plat for the Promised Land Subdivision into 6 single family residential lots.
- The property, explained Watkins, was not currently inside Nampa City limits, but was enclaved and bordered on the north, east and west by City RS-6 zoned properties, and on the south by another enclaved Canyon County parcel.
- According to Watkins, when first meeting with the applicant the recommendation had been that he pursue the annexation with RA zoning due to the larger lot sizes proposed.
- Upon further analysis of the Comprehensive Plan, added Watkins, with the understanding the subject property was within a Medium Density Comprehensive Plan Future Land Use designation, it became apparent a more appropriate zoning designation would be RS-6 or RS-8.5, to avoid what could potentially be considered a spot zone.
- The Comprehensive Plan Future Land Use designation, added Watkins, was Medium Density Residential, the surrounding properties are zoned RS-6. RA (Suburban Residential – 30,000 sq ft minimum lot size) does not meet the definition for Medium Density Residential and would equate to a spot zone.

- Watkins reiterated that RS-6 or RS-8.5 would be a more appropriate zoning designation even though the proposed lot sizes are larger than lots that usually belong in the RS-6 zoning district. The RS-6 allows the desired lot size, as long as they exceed the minimum 6,000 sq ft in size.
- The applicant, stated Watkins, was not opposed to the assignment of either the RS-6 or RS-8.5 zones.
- The Promised Land Subdivision would comprise 7.44 acres, platted into 6 lots.
- According to Watkins, there are two existing residences on the subject property, and they are proposing four additional lots for future sale.
- The access to the subject property would be from a private road that would connect the two ends of Mariah Ave and Miranda Ave, with somewhat of a horseshoe shape.
- According to Watkins, City water and irrigation was available to the site. However, the sewer was very shallow in that area and City Council has already given permission for the subject property to proceed with permitted septic systems through SWDH, contingent upon approval of the Annexation application.
- The lot area and lot widths comply with the required area for the RA zoning district and therefore will also conform with the Codes for the RS-6 or RS-8.5 zones.
- Watkins advised correspondence had been received from: the Nampa Building Dept regarding providing finished floor elevations on the construction drawings; from the Parks Department for a deeded portion of the property adjacent the Edwards Canal for a future pathway; the Engineering Department with standard construction comments; and, the phone conversation with the applicant regarding the approval for requesting an alternative zone.
- The subject property is surrounded by City of Nampa single family zoned properties but requires annexation to either RA or an RS designation.
- The request for annexation was reasonable, given the location of the subject property, and the Comprehensive Land Use designation would be appropriate for the proposed use.
- Utility and emergency services are available, continued Watkins.
- The proposed development meets the requirements for RA and RS zoned properties, City of Nampa Zoning Ordinance, Chapters 10-7 and 10-8.
- With the improvements stated, and the correspondence in the Staff Report, the proposed Subdivision substantially conforms to applicable subdivision and zoning standards.
- Watkins reviewed the recommended conditions of approval.
- Staff, added Watkins, felt it was appropriate for the Commission to recommend approval of the Annexation and zoning for the subject property to City Council, as well as approval of the Short Plat for the Promised Land Subdivision, subject to all conditions of Staff.
- **Kehoe** inquired about the layout of the lots, with two public streets that go into one private street, and at the end of the private street was a cul-de-sac, and then driveways going to the last two pieces of property.
- **Watkins** replied the last two lots were flag lots, requiring a minimum of 22 ft of street frontage, and a private driveway qualifies as street frontage.
- **Kehoe** questioned if the Nampa Fire Department would approve of the flag lots and Watkins stated there would be enough room in the cul-de-sac for fire truck turnaround and to run the hose from the cul-de-sac to the dwelling.
- **Miller** inquired if the RS-6 or RS-8.5 zones would make a difference if the lots were on septic systems.
- **Watkins** replied SWDH would look at the actual lot size and the distance between wells and septic systems.
- In response to a question from **Miller**, **Watkins** stated the lots could hook up to Nampa City water.
- **City Engineer Badger** responded to a question from **Kehoe** and explained the sewer lines in Miranda Ave and Mariah Ave in Taylor Glenn Subdivision to the west, are only about 2 to 2 ½ ft deep at the end of the roadways, and, therefore, could not be extended into the proposed development. Badger noted the Taylor Glenn Subdivision on the west had been constructed in the mid-1990s.
- **Badger** continued, noting the sewer line in Woodlands Subdivision to the east was deep enough that it could sewer the subject property, however, there was not an easy path to get to the sewer. Badger explained there was no stub street from the Woodlands Subdivision to the subject parcels and the only way to access the sewer would be to go between the houses via the easement, to the sewer line in S Woodland Dr, and at the present time it was not economically feasible.

Chairman McGrath proceeded to public testimony.

L Kurt Smith of 2587 Southside Blvd, Melba – Project Engineer for the applicant:

- According to Mr Smith an Engineering Report had been submitted to the SWDH and that had been approved for the subject development.
- Due to the issues with sewer, the developer decided to go with the proposed plan with larger lots and septic systems.
- The subdivision, added Mr Smith, would be served by City Domestic Water and Pressurized Irrigation.

Vasiliy Prokopchuk- 701 W Miranda Ave, Nampa – in favor, but did not wish to speak.

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

- **Miller** stated he was in favor of infill subdivisions and thought it was a good project.
- Miller noted the recommended RS-6 zoning for the subject property would match all the surrounding zoning and the proposed lot sizes would be well within the RS-6 requirements.

Miller motioned and Kropp seconded to recommend to City Council Annexation and RS-6 zoning for 700 W Mariah Ave (7.44-acre portion of Lots 7, 8 and 9 of Home Acres Subdivision No. 14), for Nick Babak, subject to:

1. **The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:**
2. **Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings;**
3. **Deed & dedicate 20 ft from the top of the north bank along the Edwards/Deer Flat Canal to the City of Nampa for future pathway construction;**
4. **The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.**
5. **Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “The Promised Land Subdivision – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 9/2/2019 prior to construction drawing approval.**
6. **CC&R’s or alternative agreement shall be submitted to the Nampa Engineering Division for review prior to City Engineer signature of the plat. CC&R’s shall specify maintenance and cost share responsibilities for the shared driveway and drainage improvements and the recording instrument number shall be noted on the plat.**
7. **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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.**
8. **Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans and specifications at the time of Record Drawing submittal and prior to City Engineer signature of the Final Plat.**
9. **Developer shall obtain a septic permit from Southwest District Health Department and submit a copy to the Nampa Building Department prior to Building Permit approval for any and all lots within the subdivision.**
10. **Prior to filing for a 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.**

Motion carried.

Miller motioned and Kirkman seconded to approve the Short Plat (Preliminary and Final Plat) for The Promised Land Subdivision to be located at 700 W Mariah Ave (7.44-acre portion of Lots 7, 8 and 9 of Home Acres Subdivision No. 14), for Nick Babak, subject to:

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

2. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings;
3. Deed & dedicate 20 ft from the top of the north bank of along the Edwards/Deer Flat Canal to the City of Nampa for future pathway construction;
4. The Developer's Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
5. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "The Promised Land Subdivision – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division, dated 9/2/2019 prior to construction drawing approval.
6. CC&R's or alternative agreement shall be submitted to the Nampa Engineering Division for review prior to City Engineer signature of the plat. CC&R's shall specify maintenance and cost share responsibilities for the shared driveway and drainage improvements and the recording instrument number shall be noted on the plat.
7. 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 sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.
8. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans and specifications at the time of Record Drawing submittal and prior to City Engineer signature of the Final Plat.
9. Developer shall obtain a septic permit from Southwest District Health Department and submit a copy to the Nampa Building Department prior to Building Permit approval for any and all lots within the subdivision.
10. Prior to filing for a 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.

Motion carried.

Annexation and Zoning to RS-6 (Single Family Residential – 6000 sq ft minimum lot size) at 1700 E Iowa Ave. (A .37 acre of 16,117 sq ft parcel situated in the NW ¼ of Section 35 T3N R2WBM) for Ronald and Janette Hanson for connection to City water and sewer services and construction of a new home. (ANN-00131-2019). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Ron Hanson of 1715 E Iowa Avenue, Nampa – the applicant:

- Mr Hanson stated he and his wife want to build a single-family residential home on the property. On the south side of E Iowa Ave, added Mr Hanson, his father was in the process of annexing into the City limits with RS-6 zoning.
- According to Mr Hanson, his intent was to abandon the septic on the subject property and hook on to City sewer and water but try and use the existing well for irrigation purposes.

Planning Director Holm:

- Holm indicated the location of the enclaved parcel on the north side of E Iowa Ave and stated it would make sense to annex the subject property.
- The applicant, added Holm, would also connect to City water and sewer and construct a new single-family dwelling.
- Holm advised the Comprehensive Plan Future Land Use Map indicated the property as Employment Center, however, under the current Comprehensive Plan Update, the plan was to change that area to Medium Density Residential.
- The proposed zoning, added Holm, would be RS-6, Single Family Residential – 6000 sq ft minimum lot size.

- Holm noted the parcel connects to E Iowa Ave right-of-way which was currently zoned RS-6, as does the property to the south.
- Holm advised City utilities, including water and sewer, were available to the subject property. Although pressurized irrigation was available on the south side of E Iowa Ave, continued Holm, the applicants did not plan to connect to it at this time.
- The manufactured home previously located on the property had been removed, reported Holm.
- Holm reviewed the Staff Report and recommended conditions of approval.
- According to Holm, no correspondence or comments had been received regarding the requested annexation and RS-6 zoning request.
- In response to a question from **Kehoe, Badger** advised if the well to be used for irrigation purposes failed on the subject property, they could either choose to repair it, or connect to the City Pressurized Irrigation system.
- **Kirkman** referred to the Engineering conditions of approval regarding the septic system to be abandoned/and or removed prior to connection to City services.
- **Badger** replied that would be reviewed at the time of Building Permit for verification that the septic system has been abandoned, and, if not under the footprint of the new dwelling the top of the septic tank could be caved in and then filled in.
- **Badger** confirmed the Engineering Division did not have an issue with the applicants using the well for irrigation water.

Chairman McGrath proceeded to public testimony.
No public comment forthcoming.

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

- **Miller** considered it beneficial to annex enclaved properties.

Kirkman motioned and Miller seconded to recommend to City Council Annexation and RS-6 zoning for 1700 E Iowa Ave to allow connection to City water and sewer, and construction of a new single-family dwelling, subject to:

1. **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.**
2. **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.**
3. **Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.**
4. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**

Motion carried.

Annexation and Zoning to BC (Community Business) for 1.851 acres or 80,630 sq ft, and to RS-6 (Single Family Residential – 6000 sq ft minimum lot size) for .482 acres or 20,996 sq ft at 2123 N Middleton Rd, located in a portion of the NE ¼ of Section 18 T3N R2W BM for Alfredo Escobedo (ANN-00130-2019). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Alfredo Escobedo, 224 Dearborn St, Caldwell – the applicant:

- Mr Escobedo explained he had purchased the subject property and wanted to split the property in order to live in the house at the front of the lot and locate the dealership at the rear of the property.
- Mr Escobedo explained he did have an auto dealership already on Caldwell Blvd but wanted to move the dealership to the subject property.

Principal Planner Ashby:

- The applicant, confirmed Ashby, had requested annexation and zoning of the enclaved property.
- The requested zoning was for RS-6 at the front/southeast part of the property where a single family home currently exists, and BC zoning for the 41 ft frontage on to S Middleton Rd and the western portion of the property, behind the existing garage.
- According to Ashby, the subject property comprises 1.851 acres or 80,630 sq ft.
- Ashby indicated the location of the subject property within a Comprehensive Plan Future Land Use Map designation of Community Mixed Use. Ashby noted the existing residential and commercial uses in the area.
- The subject property, added Ashby, was surrounded by BC zoning, except for N Middleton Rd fronting the property – zoned RS-6.
- Ashby explained the St Alphonsus Urgent Care facility was located immediately to the north, within the BC zoning district.
- To the south, continued Ashby, a BC zoned parcel, to the east N Middleton Rd, and to the west the Elijah Drain, with vacant RMH zoned land further west.
- Karcher Church of the Nazarene was located on the east side of N Middleton Rd, within a BC zoning district.
- Ashby confirmed City utilities were available in the area, within N Middleton Rd.
- Access to the subject parcel would be from N Middleton Rd, added Ashby.
- Ashby explained correspondence had been received from a representative of the Karcher Urgent Care facility advising of the recorded “U-turn Agreement” they had entered into with the City of Nampa.
- That agreement states if the properties to the south develop, they would need to enter into a shared Access Agreement with that property owner.
- **Chairman McGrath** inquired if the U-Turn Agreement and Shared Access Agreement had been explained to the applicant. **Ashby** replied the applicant had been provided the U-Turn Agreement and the Staff Report and he had not received a response as to whether they agree with it or not.

City Engineer Badger:

- Badger explained when the Karcher/Middleton intersection was happening and the City was in the planning process for the intersection improvements, when the development of the urgent care facility was occurring.
- The City was in negotiations with the property owner, added Badger, for purchase of the necessary right-of-way, and due to the width of the parcels along N Middleton Rd, the urgent care southern property boundary at that time was closer to the intersection than the City wanted to allow for a permanent full ingress/egress location. A traffic analysis was accomplished at that time indicating that at time of construction it could function adequately, but as traffic would increase, the stacking along N Middleton Rd at the signal would eventually come back further than their current approach. The Agreement they were required to enter into at that time as part of the right-of-way acquisition was that at some time in the future when the subject property was annexed and developed then a U-turn would be allowed at the intersection of W Karcher Rd and N Middleton Blvd and/or the subject property when it redeveloped would be required to allow cross access so the existing approach to the urgent care facility could be closed.
- In response to a question from **Kirkman**, **Badger** explained the conceptual idea was for the owner of the subject property to grant cross-access across their property to the urgent care facility.
- Badger noted if the applicants were planning to live in the existing house on the subject property with the car dealership to the rear of the property, most likely at some point in the future when the property actually redeveloped and the existing house were to be removed that would most likely be the time when the existing urgent care facility approach would be abandoned and the cross-access would be accomplished.
- **Kirkman** noted the existing house on the subject property seemed very close to the northern property line and **Badger** added that was why the City would not be requiring the cross-access at the present time.
- **Badger** reiterated the City would be looking at a condition of annexation, with the property owner to agree to a Cross-Access Agreement with the property to the north – to go into effect at some point in the future when redevelopment of the subject property occurred.
- Discussion followed regarding a time frame for the Cross-Access Agreement to be put into effect – based on the traffic needs along N Middleton Rd and the safety of that access.
- Badger suggested some Development Agreement conditions would have to be negotiated with the applicant for the Cross-Access Agreement prior to the City Council public hearing on the annexation.

- In response to a question from **Kehoe**, **Badger** advised the right-of-way necessary for full build-out of N Middleton Rd had been obtained when the Karcher/Middleton project was accomplished with the State.
- **Kehoe** inquired if the future storage facility to the south had already dedicated right-of-way for N Middleton Rd and **Badger** advised they had.
- **Kehoe** inquired about the bridge widening across the Elijah Drain and **Badger** stated when the time comes for widening the bridge, the City would be responsible for the widening.

Principal Planner Ashby:

- Ashby reported the Pioneer Irrigation District, north of the Elijah Drain, was a Bureau of Reclamation facility, and as such would require protecting the right-of-way of 110 ft, 55 ft from center of drain.
- Ashby referred to the Nampa Engineering Division conditions of approval listed in the Memorandum dated August 21, 2019, authored by Caleb LaClair.
- Ashby reviewed the Staff Report and recommended conditions of approval.
- According to Ashby, the proposed RS-6 and BC zoning infill development would be generally compatible with the Comprehensive Plan.
- The Planning Commission could require the applicant to draft a Development Agreement prior to the public hearing before City Council, explained Ashby, to address the concerns of the Engineering Division regarding the Cross-Access Agreement.

Mr Escobedo:

- **Chairman McGrath** inquired if the applicant understood the proposed conditions to be placed on the annexation application regarding the Cross-Access Agreement, and protecting the Elijah Drain 110 ft right-of-way (55 ft from center of drain).
- **Mr Escobedo** stated there would be a lot of room between the St Alphonsus property line and the existing house on the subject property.
- **Mrs Escobedo** stated she understood regarding the U-Turn Agreement with St Alphonsus.
- **Chairman McGrath** reiterated the requirement put on the subject property regarding when, and if the subject property was developed, there would be access granted for a U-turn so that traffic could come across the subject property to access the St Alphonsus property.
- Discussion followed regarding how close that access would be to the existing house on the subject property and how a Development Agreement could address that issue regarding the time frame and the existing house.
- **Badger** suggested the Development Agreement could be negotiated, with an interpreter, prior to the annexation and zoning application going before City Council.
- **Badger** responded to a question from **Kehoe** and explained Eminent Domain would only apply when the City was taking property for public infrastructure improvements, and the proposed Cross Access Agreement would not be a public infrastructure improvement.

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

- **Chairman McGrath** considered the Development Agreement was an important issue.
- **Badger** indicated the Development Agreement would be negotiated with the applicant and an interpreter prior to City Council public hearing.

Miller motioned and Kehoe seconded to recommend to City Council the Annexation and BC zoning for 1.851 acres and RS-6 zoning for .482 acres, for 2123 N Middleton Rd for Alfredo Escobedo, 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; and,**

Specifically:

1. **City staff will work with applicant to ensure understanding of conditions, including providing language translation as necessary.**
2. **The Applicant/Development enter into a Development Agreement (contract) with the City of Nampa, prior to public hearing before the City Council, for vehicular access to and through the property.**
3. **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.**
4. **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.**
5. **Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.**
6. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**

Motion carried.

Meeting adjourned at 8:20 p.m.



Norman L Holm, Planning Director

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