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 October 8, 2019 Planning and Zoning Commission Minutes. Motion carried.

Report on Council Actions. No City Council member present to report on City Council actions.

Chairman McGrath proceeded to the Business Items on the agenda.

Business Item No. 1:
Subdivision Plat Final Approval for Ridgevue Estates Subdivision No. 2 in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district at 18314 and 18360 Madison Ave. (42 Single Family Residential dwellings on 9.6 acres for 3.74 dwelling units per gross acre - Located in a part of the NW ¼ SE ¼ and a part of the SW ¼ SE ¼, Section 34, T4N, R2W, BM) for Mason and Associates representing MRH Homes (SPF 106-19). – ACTION ITEM

Senior Planner Watkins:
• Ridgevue Subdivision No. 2, explained Watkins, comprised 9.6 acres, located north of Ustick Rd and east of Madison Rd. The property is located inside Nampa City limits and is zoned RS-7, bordered on the north and east sides by City RS-7 zoned properties, on the south by City RS-8.5 zoned properties, and on the west by County residentially zoned properties.
• The Preliminary Plat for Ridgevue Subdivision, advised Watkins, was approved by the Planning and Zoning Commission in June of 2018.
• The applicants propose 36 buildable lots and 6 common lots.
• The subdivision, noted Watkins, conforms to the approved Preliminary Plat layout, and the applicable Subdivision and Zoning standards for Nampa.
• Staff, stated Watkins, felt it was appropriate for the Planning Commission to recommend approval of the Final Plat for Ridgevue Estates Subdivision No. 2 to City Council, with the conditions as listed in the Staff Report.
• Kehoe inquired about the stub streets in the south section of the proposed subdivision and Watkins replied those would be stub streets to future phases of the development.

Kropp motioned and Miller seconded to recommend to City Council approval of the Final Plat for Ridgevue Estates Subdivision No. 2, for 36 buildable lots and 6 common lots, located north of Ustick Rd and west of Madison Rd, for Mason and Associates representing MRH Homes, subject to:
1. Compliance 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 Ridgevue Estates Subdivision.
2. Provide a foundation or a finish floor elevation for each lot on the construction drawings.
3. Add a footnote to the final plat that references the 16 foot from top of bank Pioneer Irrigation District easement along the lateral. This footnote shall be added to the final plat prior to signature.
4. Propose a new, unique street name for E Madilyn Dr prior to final plat signature.
5. The regional pressure irrigation pump station shall be operational prior to the City Engineer signature on the plat.

6. Provide documentation of Pioneer Irrigation District review of plans prior to construction drawing approval. Provide copies of any required, executed license agreements prior to City Engineer signature on the plat.

7. Address all Engineering redline comments on the final plat and construction drawings.

Motion carried.

Business Item No. 2:
Request for exception to Section 10-28-5B restricting the density of a mobile home park from exceeding 6 mobile homes per gross acre for Karcher Mobile Home Park located at 1410 W. Flamingo Ave. The applicant is requesting an additional 8 mobile home spaces to be constructed in underutilized open/vacant space (A 24.99-acre portion of the NE ¼ of Section 17, T3N, R2W, BM also being Marks Subdivision Tax 27 less Tax 27A, 27B & 27C, Tax 28, Marks Subdivision Lot 9 less S 115’ less Tax 4, Lot 10 less Tax 4 Karcher MHP) for SLN Planning representing Cali-Land Inc. (0028-19 Note). – ACTION ITEM

Principal Planner Ashby:
- Ashby noted the provision in the Nampa City Code to allow exceptions to approved Mobile Home Parks, for lot sizes, placement of lots, the number of lots, required landscaping, etc.
- Section 10-28-2 A states the applicant must submit a Petition and state the reasons for their request.
- Section 10-28-2 B states what the Commission should base their decision on, primarily: topographical or other condition peculiar to the site; and, the granting of the exception will not be detrimental to the public welfare, nor injurious to other property in the vicinity.
- Ashby indicated the approved Karcher Mobile Home Park and the locations of the proposed lots that would be converted from open space.
- The applicants, continued Ashby, have stated multiple reasons for the proposed additional lots, due principally to safety concerns because when those open spaces are not inhabited or not easily seen from view of other property owners or mobile home residents in the area, they are prone to property damage and illegal activity.
- Ashby noted the requirements for density in the Mobile Home Park Code: shall not exceed 6 mobile homes per gross acre for the entire mobile home park.
- The proposed additional mobile home lots, reported Ashby, would take the density from just over 6 mobile homes per gross acre to 6.36 mobile homes per gross acre.
- The other condition, stated Ashby, was the requirement for 200 sq ft of recreation area provided for each mobile home space. Even with the 8 additional mobile home spaces, the mobile home park would still be almost double the required amount of open space/recreation area.
- Ashby stated no correspondence had been received regarding the Request for Exception.
- Kehoe inquired about the applicant’s assertion there had been vandalism and illegal activities in the areas proposed for additional mobile home spaces and questioned how frequently that had occurred.

Shawn Nickel of P O Box 1595, Eagle – representing the applicant:
- According to Mr Nickel there had been constant problems in the areas referenced for additional mobile home spaces, with not only vandalism but illegal drug use, due to the fact those areas were hidden from view and that was where the kids tend to congregate.
- The mobile home park managers, added Mr Nickel, were cleaning up glass, and added the nets and goals in the little soccer field were also destroyed.
- By placing the additional mobile home spaces, stated Mr Nickel, it would help clean up the entire development.
- According to Mr Nickel, the mobile home park had double the required amount of open space and the new property owners had recently emplaced some new play equipment for the children in an area that was surrounded by mobile home units and was very visible.
- Mr Nickel noted the proposed additional mobile home spaces would allow for an increase in affordable housing. The additional mobile home spaces would only be .36 increase in density.
- All the other requirements of the Ordinance have been met, stated Mr Nickel, including open space, parking, storage, etc.
- In response to a question from Kirkman, Mr Nickel stated the increase in spaces had not previously been requested because it was an older mobile home park and had been right at 6 mobile home units per acre.
- Kehoe inquired what had been vandalized and Mr Nickel replied the open spaces had been vandalized, including benches and playground apparatus. The illegal activities included drugs as an ongoing problem.
• **Mr Nickel** responded to a question from **Kehoe** and stated the existing storage area was not being utilized at the present time.

• **Mr Nickel** advised the triangle area next to the four additional mobile home units was an existing storage area that would be maintained, providing approximately 60 sq ft per mobile home unit.

• **Kirkman** inquired about the vacancy rate in the mobile home park and Mr Nickel stated it was his understanding the mobile home park was completely full.

• **Garner** inquired about access to the proposed new mobile home spaces and questioned if the Fire Department had approved those locations.

• **Ashby** replied both the Nampa Fire Department and Nampa Engineering Division would need to work through the access issue and the number of approved lots would be dependent on Fire Department and Engineering Division approvals.

• **Ashby** advised City Code Section 10-28-2 B stated the Commission may approve an exception to any portion of the standards of design or required improvements.

• **Kehoe** suggested the City could use additional affordable housing and noted the Karcher Mobile Home Park was already there and in place.

Kehoe motioned and Van Auker Jr seconded to approve the Exception to Title 10, Chapter 28 Mobile Homes and Mobile Home Parks density zoning code standards requiring a maximum density of six (6) mobile homes per gross acre, and allowing a gross density of 6.36 units per gross acre, for Karcher Mobile Home Park, 1410 W Flamingo Ave, for SLN Planning, representing Cali-Land, Inc, 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.

2. Before construction permits are issued for a mobile home park, the revised preliminary site plan, required documents pertaining to the development, and the revised final site plan shall have been approved (Section 10-28-10 of City of Nampa Code). A Mobile Home Park application is attached for your convenience. If the Commission approves the Preliminary Site Plan changes proposed, the applicant will need to submit a Final Site Plan as outlined in 10-28-10 C of the Nampa City Code for approval. Following approval of the Final Site Plan, the applicant may request a construction permit.

Motion carried.

**Business Item No. 3:**
Request for a first 1-year Extension of Final Plat Approval for Brookdale Estates Subdivision No. 6 between E. Cherry Lane and E. Birch Lane and between 11th Ave. No. and Kensington Ave. in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district (28 single family residential lots on 7.95 acres, 3.52 dwelling units per acre - A parcel of land situated in Tract 3 of Silver Valley Tracts, in the north ½ of the northwest ¼ of Section 12, T3N, R2W, BM) for JUB Engineers, Inc. representing Trilogy Development (SPF 066-18). *Request to extend 10/15/18 approval which expires 10/15/19 to 10/15/20.* – ACTION ITEM

**Business Item No. 4:**
Request for a first 1-year Extension of Final Plat Approval for Brookdale Estates Subdivision No. 7 between E. Cherry Lane and E. Birch Lane and between 11th Ave. No. and Kensington Ave. in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district (14 single family residential lots on 4.72 acres, 2.97 dwelling units per acre - A parcel of land situated in Tract 1 of Silver Valley Tracts, in the north ½ of the northwest ¼ of Section 12, T3N, R2W, BM) for JUB Engineers, Inc. representing Trilogy Development (SPF 067-18). *Request to extend 10/15/18 approval which expires 10/15/19 to 10/15/20.* – ACTION ITEM

**Senior Planner Watkins:**

• J-U-B, advised Watkins, had requested a one year time extension for Brookdale Subdivision No 6 and Brookdale Subdivision No. 7.

• According to Watkins, it would be the first extension request for both final plats.
Kirkman motioned and Sellman seconded to approve the one year extension requests for Final Plat Approval for Brookdale Subdivision No. 6 and Brookdale Subdivision No. 7, located between E Cherry Lane and E Birch Lane and between 11th Ave N and Kensington Ave, with extension approved to October 15, 2020, subject to all previous conditions of approval. Motion carried.

Chairman McGrath proceeded to the Public Hearing items on the Agenda.

Public Hearing Item No. 1:
Subdivision Plat Preliminary Approval for Aberdeen Springs Subdivision in a RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of E. Amity Avenue adjacent and east of Mihan Lane (64 single family detached lots on 17.46 acres for 3.67 dwelling units per gross acre – A portion of the E ½ of the SW ¼ of Section 25, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPP 045-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing:

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

- Aberdeen Springs, stated Mr Brown, would be located on land already annexed and Zoned RS-6 within the Nampa City limits.
- The property, continued Mr Brown was a unique shape and noted the existing subdivision developments along the westerly boundary and on the north side of the North Nampa Lateral. Undeveloped ground was located on the east side of the subject property.
- According to Mr Brown, the subject property already had a Development Agreement attached and had previously been annexed and zoned RS-6.
- The applicants, added Mr Brown, had tried to comply with the requirements of the Development Agreement.
- Staff had made recommendation to change some of the lots, and along with the storm drain comments due to the groundwater study, the number of lots had been reduced to 63 buildable lots and 7 common lots.
- Mr Brown stated the proposed development was located within the RS-6 zoning district, the subdivision was in compliance with the conditions of staff, and the applicants were in agreement with the Staff Report.

Senior Planner Watkins:

- Watkins indicated the Preliminary Plat for Aberdeen Springs Subdivision, located north of E Amity Ave and west of S Grays Ln, inside Nampa City limits and zoned RS-6.
- The subject property, added Watkins, was bordered on the north and northeast by City zoned residential property known as Western Country Estates Subdivision, on the south and east by Canyon County properties, and on the west by a City zoned residential subdivision, Kings Road Estates Subdivision.
- The proposed Aberdeen Springs Subdivision, continued Watkins, comprised 17.46 acres, proposed for 63 single family residential lots and 7 common lots. The revised plat, added Watkins, was submitted on October 18th.
- According to Watkins, previously there had been various applications from 2006 to 2017 for annexation and platting that had been withdrawn, and in October 2017 it was annexed and zoned RS-6.
- The Annexation and Development Agreement for the subject property was approved on May of 2018, under Ordinance 4375.
- The main access to the proposed subdivision, continued Watkins, would be from Mihan Ln on to E Amity Ave, and E Sherman Ave.
- Water, sewer and pressurized irrigation were all immediately adjacent to the property, stated Watkins, although it has been requested that a Master Irrigation Line be installed in Mihan Ln and E Amity Ave.
- The Traffic Impact Study was approved in June of 2018.
- Watkins reported the sidewalks and landscaping are approved as shown in the Staff Report, and a pathway along the North Nampa Lateral will be required to be constructed and deeded to the City, per the Nampa Bicycle and Pedestrian Master Plan, and the request from the Nampa Parks Department.
- According to the designer at Bailey Engineers, changes have been made to the storm drain based on the Geo-Tech analysis, per comments from the City Engineering Department.
- Watkins noted a letter of opposition had been received from Brian Warrick, P.E. of 403 Buckskin Dr, Nampa, dated received October 21, 2019, regarding lot sizes adjacent Western Country Estates.
Watkins reviewed the Code regarding lot compatibility for the RS-6 zone between subdivisions that are 85 ft apart or less. When the applicants submitted the revised Preliminary Plat on Friday, October 18th, the 10,000 sq ft minimum lot size requirement for the adjacent lots was met.

Therefore, added Watkins, the lots within the Aberdeen Springs Subdivision do comply with the requirements for lot area and average lot size.

Staff feels, stated Watkins, that it would be appropriate for the Planning Commission to approve the Preliminary Plat for Aberdeen Springs Subdivision, subject to the remaining conditions in the Staff Report.

Kirkman inquired if there would still be a commercial development on the front part of the plat adjacent Amity Ave. Watkins replied there would be no commercial lots adjacent Amity Ave.

Kirkman noted the recent installation of the turn lanes on Amity Ave and questioned if those had been installed in anticipation of the proposed development.

Badger advised the turn lanes had been put in based on the Traffic Impact Study provided during the annexation process.

Watkins explained the application before the Commission was the Preliminary Plat. The Preliminary Plat, added Watkins, matched the Development Agreement that was the entitlement on the property.

Chairman McGrath proceeded to public testimony.

Clete Miller – no address given – in favor of application but did not wish to speak.

Laurel Pickering of 3318 E Sherman Ave – opposed, but did not wish to speak.

Linvel Moffis of 3318 E Sherman Ave – opposed:
- According to Mr Moffis, the legal notice and location map he received in the mail indicated the road from Aberdeen Springs into E Sherman Ave would be offset.
- Watkins stated although the map attached to the legal notice may have shown the connecting road to be offset, the Preliminary Plat indicated the connecting road would line up and would not be offset.

Curt Hensley of 305 Buckskin Dr – opposed:
- Mr Hensley noted the number of previous applications for the subject property.
- According to Mr Hensley, there was a plan put forward at City Council to work with everyone, but since that time things had changed.
- Mr Hensley stated the Lateral was an open ditch and there had been discussion about a pathway, also the traffic concerns, the ingress and egress, and the size of the homes were the primary concerns.
- Mr Hensley stated the surrounding property owners had previously been told there would be single level homes in the subdivision.
- The previously mentioned Traffic Impact Study, continued Mr Hensley, was brought up and questioned during the previous City Council meeting, and suggested the TIS was not done to TIS standards.
- The subject property has been sold, stated Mr Hensley, but the neighboring property owners’ concerns would always be the safety of the surrounding residents and students at the nearby schools.
- Mr Hensley noted how the traffic came from two lanes on the overpass and down to two painted islands for turn bays and would enter the subdivision from the bottom of a swale.
- According to Mr Hensley, the Sherman Ln connection to the proposed subdivision was very narrow and if cars were parked there it would be down to a single lane of traffic, and the new subdivision would add about 130 to 140 cars to Sherman Ave.
- Mr Hensley noted there were no sidewalks on E Amity Ave and suggested there could also be a road connection added to Little John Ct, a cul-de-sac to the north.
- The lots to the north, in Western Country Estates, continued Mr Hensley, were half acre lots, with a majority of single level homes, and the lots in Aberdeen Springs would be much smaller, with two story homes.
- Kehoe inquired what the adjacent property owners wanted to see on the subject property and Mr Hensley replied the neighboring property owners had been assured there would be single family homes.
- Mr Hensley reiterated the concerns had always been the access, the safety and the density of the homes.

Jerry Hensley of 305 Buckskin Dr – opposed but did not wish to speak.

Rebekah Bent of 3614 E Amity Ave, Nampa opposed:
Ms Bent handed in a Petition with 75 signatures of surrounding residents opposed to the Aberdeen Springs Subdivision Preliminary Plat.

Ms Bent stated she owned the County land adjacent on the east side of the proposed subdivision.

According to Ms Bent she was not in favor of the stub street from Aberdeen Springs Subdivision stubbed into her property. Ms Bent stated she had not decided to sell, and had no plans to sell her property any time in the near future.

Additionally, Ms Bent stated she did not like the turn lane on E Amity Ave because drivers think the road gets wider at her property entrance and her vehicle and trailers had been almost sideswiped many times when turning into her property.

Sometimes, added Ms Bent, it takes almost 10 minutes to turn on to E Amity Ave.

Ms Bent questioned if Mihan Ln was actually a City road and suggested it was a private lane.

According to Ms Bent, the proposed density of Aberdeen Springs was much greater than the surrounding residents had originally been told.

Ms Bent voiced concern about the water table on the lower 8 acres as the water table was only 3 ft down and questioned how cement work could be put in.

E Amity Ave, Kings Rd, and Grays Ln could not handle the additional traffic, stated Ms Bent, because the infrastructure was just not there.

The neighboring property owners were not against development, just against development that was unsafe for the families and the community, and they had not anticipated vehicles from another subdivision driving through Kings Road Estates.

Ms Bent suggested until E Amity Ave was widened and improved it was not a good idea to add more homes adjacent on the east.

Jason Bent of 3614 E Amity Ave, Nampa – opposed:

Mr Bent stated he owned the 10 acres on the east side of the proposed Aberdeen Springs Subdivision.

According to Mr Bent it had taken him 14 minutes this morning to get out of the driveway to take his children to Columbia High School.

Mr Bent suggested the Traffic Impact Study had not been done during normal operating hours.

Regarding the water table, Mr Bent stated they own an artesian well right next to the property line and questioned if their water would still be safe, and reiterated the workers on the subject property had hit water at 3 ft.

Zane Smith of 3415 E Sherman Ave, opposed but did not wish to speak.

Greg West of 313 Buckskin Dr, Nampa – opposed:

Mr West stated his property was located in Western Country Estates Subdivision.

Mr West voiced concern regarding the proposed lot sizes and noted his property was 22,000 sq ft and stated they would prefer larger lots adjacent their subdivision.

According to Mr West, traffic had been a problem and added that traffic laws were not enforced on E Amity Ave and the traffic was fast.

Mr West indicated photos of pedestrians on E Amity Ave at 4:30 p.m. and the stream of traffic coming down E Amity Ave. Mr West noted the fact the pedestrian was walking in the dirt because there were no sidewalks.

Another photo indicated the pedestrian trying to cross Amity Ave, because there were no sidewalks on the other side of the road and they had to walk on the wider dirt side of the road, also with a stream of traffic on the roadway.

Mr West noted that it was at least a 15 minute wait to be able to turn east on to Amity Ave.

At the Happy Valley Rd and Victory Rd intersection there would also be another 15 minute wait because the roundabout was not in place yet.

Lori West – opposed but did not wish to speak.

Brenda Valverde of 657 S Queens Dr, Nampa – opposed:

Ms Valverde advised the east side property line for her property was right on Mihan Ln where the construction would take place to access the new subdivision.

Ms Valverde stated she had heard the applicant state they would be doing storm water drain improvements on Amity and Mihan Ave, which would mean only one ingress/egress point would be available while construction was going on.
• According to Ms Valverde, Kings Rd, E Amity Ave, Grays Ln, and Happy Valley Rd are all overstressed. The arrows at the bottom of the overpass are within 20 ft of each other.
• Mihan Ln, added Ms Valverde, was not an improved road and would cause other traffic problems.
• Putting the stripes on Amity Ave did improve the road, stated Ms Valverde, but the accidents that occur now go off into the dirt at the side of the road.
• Ms Valverde considered someone would get hurt by increasing the number of cars going through there.
• During the previous public hearing on the subject property, stated Ms Valverde, they were under the understanding there would be less than 40 houses and now it was 63. They were also assured the proposed homes would be of the same quality and size as the properties in Kings Road Estates.
• Ms Valverde reiterated neither Mihan Ln nor Sherman Ave would be able to handle the increased traffic from the new subdivision. The lots would be smaller than those in Kings Road Estates.
• Ms Valverde discussed the narrow width of Mihan Ln and E Sherman Ave.

Randy Coburn of 609 S Grays Ln, Nampa – opposed:
• Mr Coburn inquired about the pathway required along the North Nampa Lateral, and questioned who was requiring that pathway. The additional requirement was for the pathway property to be deeded and dedicated to the City and inquired who would be dedicating that property to the City.
• Mr Coburn stated he was opposed to the pathway because it would encourage trespassing, vandalism and theft along the lateral easement.
• According to Mr Coburn, they had already experienced vandalism, theft and trespassing on their property.
• Mr Coburn voiced concern regarding the density of the proposed subdivision and stated the previous developer had confirmed he would not put multi-family homes on the property. Mr Coburn added the density was now shown as 63 homes, more than previously indicated to the neighboring property owners.

Vicki McMinn Coburn of 609 S Grays Ln, Nampa – opposed:
• Ms Coburn stated she was also very concerned about the Nampa Lateral which was supposed to be maintained by the irrigation company, and considered it should not become a pathway. If it was to be made into part of the greenbelt and that would be a completely different issue, noted Ms Coburn.
• Ms Coburn voiced concern regarding the infrastructure not going in before the houses and added the City Council had already stated nothing could be done with Kings Rd or E Amity Ave until the roads were burgeoning. Ms Coburn requested the City be proactive and construct the infrastructure before the subdivisions.

Michelle Schaffer of 505 Knight’s Circle, Nampa – opposed:
• According to Ms Schaffer, she had lived there for 20 years and had seen all the development occur.
• Ms Schaffer stated she was not opposed to the development of the subdivision, but she was opposed to the access. Ms Schaffer stated the school buses would not come into the subdivision, so with another subdivision, those children would have to walk all the way to Kings Rd and Amity Ave where the bus stops are located. One bus stop was located on Mihan Ln and Amity Ave, where there was no sidewalk for the children to wait for the bus. The other school bus stop was on Kings Rd and there had been some vandalism to properties near the bus stop.
• Ms Schaffer reiterated there was no easy way for the buses to get through the subdivision, as well as ambulances and fire trucks because Sherman Ave was definitely not wide enough.

City Engineer Badger:
• Badger responded to some of the issues raised during the public hearing.
• According to Badger, E Sherman Ave was stubbed out and designed to connect to the subject property to the east. Little John Ct, although it had a cul-de-sac at the end, was wider than E Sherman Ave.
• Mihan Ln, stated Badger, was a public street and not a private road.
• The Traffic Impact Study was done by a licensed traffic engineer reported Badger. The City has reviewed the TIS and the findings found were within the standard of care of an engineer, and meet the requirements of the City’s Traffic Impact Study policy.
• Last year, continued Badger, E Amity Ave was re-striped to add the turn bays into Mihan Ln.
• Badger reported developers were not required to fix existing deficiencies, however, they would be required to mitigate the traffic they create. Each of the new homes, continued Badger, will pay impact fees and the Impact Fees would go to traffic improvements the City identified as priorities. One of the areas currently under review for work with Impact Fees was the design for the intersection of Kings Rd and E Victory Rd.
Regarding the North Nampa Lateral pathway dedication, continued Badger, the pathway would be dedicated on the south side of the Lateral, on the proposed development property, and would be dedicated to the City. The City is the party requiring the pathway to be constructed, which would be coordinated with the Meridian Irrigation District under a License Agreement for the Master Pathway.

Badger stated there were a number of artesian wells in the area, however, there are construction techniques that allow for construction within those water tables, as in similar locations throughout the City. That would be addressed at the time of Building Permit submittal and construction, noted Badger.

Chairman McGrath noted the question regarding access to Kings Road Estates during construction – if Mihan Ln was not accessible.

Badger replied there would be infrastructure improvements occurring that would necessitate construction within Mihan Ln, including a condition of development for the repaving of Mihan Ln. That construction and repaving would necessitate a section of time where access for Kings Road Estates would be off Kings Rd only.

Kehoe inquired about date stamped photos as part of the Traffic Impact Study. Badger replied that most Traffic Impact Studies do not have photographs, but would have times listed for when the study was done.

In response to a question from Chairman McGrath, regarding the statement during public hearing about the requirement for three access points into the proposed subdivision, Badger advised it was not a condition required by City Council as part of the Development Agreement.

Badger continued, that the Engineering Division and City Council had required the stub street to the east as part of the Development Agreement to facilitate possible future development.

Kirkman inquired if pedestrian traffic was ever included in a Traffic Impact Study.

Badger stated pedestrian traffic would be included when directly adjacent to a school. The subject property would not have met the criteria requiring the inclusion of pedestrian traffic.

Based on City Code, continued Badger, sidewalks are put in by the developers as they develop property.

The City would also emplace sidewalks if a Grant was received, or for Safe Routes to School.

Kirkman noted the proposed development did butt up against Parkridge Elementary School, and Badger stated the required pathway would connect to the school.

Kirkman inquired if construction of the lots would impact the water table/artesian well on the neighboring property to the east.

Badger stated there was an existing artesian well in Kings Road Estates that the City runs a pump station from and that artesian well, even with the surrounding development, had not observed a reduction in flow.

Generally, added Badger, the water table in that area would be running from the east down gradient to Indian Creek so there would not be a concern with water quality issues or changes, other than possible dewatering while doing pipe installations, but that would only be localized during construction.

In response to a question from Garner, Badger stated the North Nampa Lateral pathway would be part of the City’s pathway system.

Badger replied to a question from Garner and stated the developers would be required to place sidewalk on E Amity Ave from Mihan Ln running east to the eastern boundary of the subject property.

Kent Brown:

Mr Brown noted there was a high water table and there would be construction methods to minimize impact.

The Development Agreement required connection of the subdivision roads to Mihan Ln and E Sherman Ave, noted Mr Brown, and also required the stub street to the Bent property on the east side of the subdivision. Mr Brown noted the intent was to follow the conditions of the Development Agreement and stub the street at the eastern boundary line of the subject property.

The density proposed, advised Mr Brown, was as allowed by the RS-6 zoning district, and added there was nothing in the Development Agreement regarding the maximum number of lots. The Preliminary Plat also complied with the Concept Plan attached to the Development Agreement.

Regarding building elevations, continued Mr Brown, there was nothing in the Development Agreement that would restrict a two story home. Mr Brown added there would also be the pathway and the North Nampa Lateral between the larger lots in Aberdeen Springs and the homes to the north.

Kehoe advised in other jurisdictions school bus kiosks would be placed for the children to wait for the school bus.

Mr Brown agreed they could work with the school district to allow a space in the landscaping for a pad for the school children to wait, and noted there would also be a streetlight at that location per City Code.

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

Nampa Planning and Zoning Commission Meeting – October 22, 2019
• **Chairman McGrath** inquired when the total number of homes increased from 45 to 63.
• **Holm** stated the original subdivision proposed had a commercial area fronting on to E Amity Ave and the current proposed subdivision was comprised entirely of residential lots, including the lots backing up to E Amity Ave.
• **Kehoe** noted the improvements never come before the subdivision, but after.
• **Kirkman** stated he was opposed to the development because it was sandwiched in between a lot of homes already in place. According to Kirkman, he drives Kings Rd and E Amity Ave all the time and the traffic really was a problem, with children waiting for school buses and darting across the road.
• E Sherman Ave, continued Kirkman, was not built for the increased traffic from Aberdeen Springs Sub and voiced concern with road safety for Kings Rd and E Amity Ave.
• Discussion followed regarding traffic and roadways in the area.
• **Van Auker Jr** noted the City had made an effort with the recent changes to the Impact Fees on new developments to increase the revenue that can be used for capital improvements and because the change was recent it would take time to create the funds to execute plans for improvements.
• Van Auker Jr suggested it was a difficult piece of property and the developer had done a good job of putting a plat together to fit the City guidelines.
• **Garner** considered with the proposed development there would be construction of a sidewalk on E Amity Ave from Mihan Ln to the eastern edge of the property. Garner concurred with earlier comments regarding the Impact Fees from the proposed development would be applied to road improvements.

Kehoe motioned and Van Auker, Jr seconded to approve the Preliminary Plat for Aberdeen Springs Subdivision in an RS-6 zoning district on the north side of E Amity Ave adjacent and east of Mihan Ln, for 63 single family detached lots on 17.46 acres for Kent Brown, representing Trilogy Idaho, subject to:

1. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings.
2. Deed and dedicate 20 ft from the top of bank along the south side of the North Nampa Lateral and construct pathway.
3. Apply for Land Use Change and License Agreement with Nampa Meridian Irrigation District.
4. 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.
5. 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 and associated head-gate report from the irrigation district.
6. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans:
   a. 12 inch pressure irrigation main along the frontage of Mihan Lane and E Amity Ave.
7. Applicant shall provide an updated Geotechnical Report at the time of Final Plat submittal to include extended groundwater monitoring data and infiltration testing to support drainage facility design.
8. Applicant shall address how discharge from the artesian well and all points of offsite run-on will be mitigated by the development at the time of final design.
9. Developer shall obtain plan approval from Nampa & Meridian Irrigation District for any work to take place along the North Nampa Lateral.
10. 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;
11. 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 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.
12. Applicant to coordinate with the Nampa School District to work out locations for school bus stop areas for children to wait for the school bus.

Motion carried with Garner, Hutchings, Kehoe, Miller, Sellman and Van Auker in favor and Kirkman and Kropp opposed.

Chairman McGrath stated action on a Preliminary Plat by the Planning and Zoning Commission can be Appealed to City Council, within 15 days of the Planning and Zoning Commission decision.

Public Hearing Item No. 2

Subdivision Plat Short Approval for, Was A Wheat Field Subdivision, in an IL (Light Industrial) zoning district at 3303 and 3305 Caldwell Blvd. (2 industrial lots on 1.35 acres – A portion of Lots 1 and 2 of Portners Subdivision located in a portion of the N ¼ of Section 7, T3N, R2W, BM) for Aspen Engineers representing Was a Wheat Field, LLC (SPP 047-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Lance Warnick of Aspen Engineers, 7312 Wildhorse Way, Nampa – representing the applicant:

• Mr Warnick indicated the location of the subject property, on the south side of Caldwell Blvd, behind the Sears outlet on Caldwell Blvd.
• About 4 years ago, reported Mr Warnick, the developer constructed a flex space building with an office and shop space and empty yard space.
• The yard space was too big, advised Mr Warnick, and they were now changing from two parcels and creating an additional parcel, addressed as 3305 Caldwell Blvd.
• Construction and record drawings have been submitted, continued Mr Warnick.

Principal Planner Ashby:

• Ashby indicated the location of the subject property within the Light Industrial Comprehensive Plan designation, with Medium Density Residential to the west and General Commercial to the east.
• Ashby noted the existing industrial shell building at 3301 Caldwell Blvd, to the south the single family homes in the County and the BC zoning to the east, to the north and northwest.
• A Cross Access Agreement would be necessary, added Ashby.
• Sewer and water utilities, stated Ashby, are available to the site.
• Irrigation was not available, therefore, they would be sharing a connection with 3301 Caldwell Blvd to an existing water service with backflow prevention device.
• Sidewalk and landscaping would not be required as the property was not adjacent Caldwell Blvd.
• The short plat, noted Ashby, comprised 1.34 acres, for two buildable lots.
• Ashby reviewed the Staff Report.

• Lance Warnick reported the developers were brothers-in-law and have a history of taking creative names and noted a portion of the original vacant lot had been part of a wheat field.

Chairman McGrath proceeded to public testimony.

No public comment forthcoming.

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

Van Auker, Jr motioned and Garner seconded to recommend to City Council approval of the short plat for Was A Wheat Field Subdivision, in an IL zoning district at 3303 and 3305 Caldwell Blvd for Was A Wheat Field, LLC, 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. The plat shall identify irrigation service to be shared with adjacent properties.
2. Applicant shall correct spelling and punctuation errors on the plat.
3. Applicant shall correct angle details in the legal description.
4. Applicant shall remove reference to public street dedication from the plat.
5. Developer’s Surveyor shall address all Nampa Engineering Plat comments prior to signing of the final plat.
6. All public infrastructure shall be installed, and Record Drawings associated with Building Permit COM-01643 shall be submitted to Nampa Engineering for review prior to signing of the final plat.
7. Drainage shall be retained on site and confirmed by the Engineer of Record prior to signing of the final plat.
8. Pioneer Irrigation District’s “15.0 North Branch Lateral” should be correctly labelled on the plans. Any work within the easement must be permitted in writing by Pioneer Irrigation.
9. Access to the properties shall be clarified on the plat.
10. The note on the plat referring to Access and Parking and Utility Easements across the existing common lot accessed from Caldwell Blvd, shall clarify the reference to “(4&5)” and provide an instrument number for the second amendment to Master Declaration for West Valley Center.

Motion carried.

Public Hearing Item No. 3:
Subdivision Plat Preliminary Approval for Spring Shores Subdivision in a RS 8.5 (Single Family Residential – 8,500 sq. ft.) zoning district between Ustick Road and Cherry Lane on the west side of 11th Ave. No. (245 single family detached lots on 76.64 acres for 3.2 dwelling units per gross acre – A portion of the NW ¼ of the SW ¼ of Section 35, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPP 047-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

- Mr Brown stated he had been involved with the subdivision a number of years ago when the subject property was annexed with an RS-8.5 zoning designation.
- At that time, added Mr Brown, it included some other properties, which the applicant no longer controlled.
- Basically, added Mr Brown, it is the same as originally submitted regarding the layout of the development.
- The Remington Subdivision was located to the southwest of the subject property added Mr Brown.
- The Spring Shores Subdivision would tie into other Trilogy Idaho developments with sewer coming from Feather Cove Subdivision and Meriwether Subdivision further to the west.
- The delay for development of the proposed subdivision, continued Mr Brown, was due to the fact the sewer lift station was not in place.
- Mr Brown indicated the RS-8.5 zoning layout, with pocket parks throughout the development, very similar to the original concept plan.

Senior Planner Watkins:
- Watkins indicated the location of the proposed subdivision, north of Cherry Ln and west of 11th Ave N, inside the City limits with an RS-8.5 zoning.
- According to Watkins, the property was bordered on the north and east by Canyon County agricultural properties, on the west by City residentially zoned property, proposed as Meriwether Park Subdivision, and on the south by County Residential Subdivision called Remington Acres.
- Spring Shores Subdivision, continued Watkins, comprised 74.64 acres, proposed for platting into 245 single family lots and 22 common lots.
- The property had been annexed and zoned RS-8.5 in June of 2006 with a Development Agreement. The concept for the residential portion of the development would remain the same as proposed with the Development Agreement, minus a couple of parcels the applicant does not own.
- Access will be from two points on 11th Ave N. One stub street to the north and two stub streets to the west were also provided.
- Water, sewer and pressurized irrigation would all need to be run to and through the development according to the Engineering Division’s requirements noted in their Memorandum dated September 30, 2019.
- A Traffic Impact Study was approved for the proposed development and required improvements at 11th Ave N at the southerly access to the development, and at Ustick Rd and 11th Ave N where the roundabout will be located.
• The applicants are required to submit an updated GeoTech Report and Storm Water with the Final Plat.
• Watkins advised a revised Preliminary Plat had been submitted on Friday, the 18th October to address previous comments, and the lots were now all over 8,500 sq ft minimum and in compliance with the lot area, width and depth requirements.
• Sidewalks would be installed, reported Watkins, and the Landscaping Plan has been approved.
• Construction of the pathway along the Purdam Drain would be required, and deeded to the City.
• Some letters of concern were received from the neighbors, advised Watkins, including traffic, open space and water rights.
• According to Watkins, properties zoned RS-8.5 are not required to have the same lot compatibility requirements as RS-6 and RS-7, so would not have to have the 10,000 sq ft minimum when adjacent to larger lots.
• Watkins referred to the Conditions of Approval in the Staff Report and noted that Condition No. 2 had been resolved with the correction of the undersized lot.
• Watkins noted it would be appropriate for the Planning Commission to approve the Preliminary Plat for Spring Shores Subdivision with the remaining conditions listed in the Staff Report and any other conditions the Commission wished to impose.
• Kehoe inquired where the nearest schools were located.
• Watkins indicated the location of the elementary school further north on Northside Blvd, to the south would be Birch Elementary, Sage Middle School is closer to Middleton Rd, and Ridgevue High School was north on Madison Rd and Linden Rd.

Chairman McGrath proceeded to public testimony:

Stephen Parrott of 7248 Lattigo Dr, Nampa – opposed:
• According to Mr Parrott, his property was located southwest of the proposed Subdivision.
• Mr Parrott stated he had moved to the area and his young family went to the local schools.
• According to Mr Parrott, he would like to see requirements for a higher square footage minimum for homes in the subdivision. The Lattigo area comprised 2 to 5 acre lots and therefore he would like to see as much open space as possible in the proposed development and concessions for some larger lots along the southern edge.
• Mr Parrott also suggested some privacy fencing would be appreciated, as well as the proposed pathway.
• Some buffering zones would also be welcome, added Mr Parrott.
• Mr Parrott noted the recent 4-way stop installed at 11th Ave N and Cherry Ln.
• Mr Parrott stated he would like to see more low density development, such as 2 to 5 acre lots, which would mean less traffic, and the higher tax revenue would help with schools.

Donald Batze of 7354 Alpine Dr, Nampa – opposed:
• Mr Batze stated he had read through the Development Agreement attached to the subject property and found several inconsistencies.
• According to Mr Batze, with the reduction in the development down from 90 acres to 75 acres it would suggest a new Development Agreement should be initiated.
• Item 4a of Exhibit C of the Development Agreement states the density should be 3 homes per acre, and the request for the Spring Shores Subdivision is 3.2 homes per acre, which would be 15 more residential lots.
• The Development Agreement also stated, continued Mr Batze, that the land abutting Remington Acres and other residential lots should have a minimum lot size of 12,000 sq ft – also not shown on the proposed plat.
• Mr Batze inquired where was the follow up on the existing Development Agreement.
• Mr Batze reported there was a ditch running to a weir on his property at 7354 Alpine Dr, and stubbed off the weir was a drain line that transits into the subject property and then drains into the ditch that runs along the road on the south portion of the subject property. Mr Batze questioned what would happen to that drain line.
• Mr Batze reiterated that the requirements of the original Development Agreement for the subject property should be met and should not be changed.

Mike and Angela Phillips of 17225 11th Ave N, Nampa – opposed:
• Mr Phillips stated they owned the property immediately to the east of the proposed development.
• Although they had known development would happen, they were concerned because they run a farm on their property with farm animals, including cows, horses, chickens, roosters, and the calves bawl for about 2 weeks after separation from their mothers.
• Additionally, they burn on the property, they shoot firearms, and the dust, so they did not want the people in the proposed development to call and complain.
• Mr Phillips requested there be something in writing protecting his right to farm.
• The fence line for his property, continued Mr Phillips, had been located on the west side of the drain for 35 years and noted the discussion regarding deeding the property for a pathway that could create problems with trespassing, vandalism and theft.
• Mr Phillips referred to the two proposed entrances to the development, with one to the north and one to the south of his property and considered with 245 homes there would generate approximately 500 cars.
• According to Mr Phillips he was aware of the existing traffic problem in the area and suggested the increased traffic would create more of a problem.
• Mr Phillips further discussed the impact on the roads and traffic from the proposed development and stated the existing infrastructure was not working and should be improved before development of the subdivisions.
• In response to a question from Kehoe, Mr Phillips pointed out the location of his property, his brother in law’s property and the 10 acres of alfalfa, in all comprising about 20 acres farmed by the family members.

Jeff Sliman of 17355 11th Ave N, Nampa – opposed:
• Mr Sliman voiced concern regarding the fact the developer would be responsible for constructing sidewalks along the main road and the fact 245 homes would create a lot of pedestrian traffic and yet the developer would only be responsible for placing approximately 200 ft of sidewalk along 11th Ave N.
• There were joggers going down 11th Ave N, added Mr Sliman, all hours of the day and there were no sidewalks or road shoulder, and the increase in pedestrians from the proposed development that would be jogging on his property because there were no sidewalks.
• Mr Sliman inquired what uses and buildings would be going into the commercial area to the south of the residential development.
• Mr Sliman questioned why there was not a road going out on to Cherry Ln from the proposed development.
• There would be school bus stops for all the children, continued Mr Sliman, but there would be no lighting or sidewalks on 11th Ave N.
• The Traffic Impact Study was questioned by Mr Sliman because there would be a lot more traffic on Cherry Ln, but Ustick and 11th Ave N would be getting the roundabout.
• Mr Sliman reiterated comments regarding traffic issues.
• The Purdam Gulch Drain, reported Mr Sliman, runs year round and was fed by an aquifer and he questioned how the pathway would impact the wildlife.

Dale Goodwin of 7382 Alpine Dr, Nampa – opposed but did not wish to speak.
• A letter of opposition, dated October 21, 2019 was received from Mr Goodwin.

Mike Tolman of Nampa – no address given – did not wish to speak.
• Mr Tolman had sent an e-mail dated October 22, 2019 in opposition to the proposed Spring Shores Subdivision.

City Engineer Badger:
• Badger advised every Subdivision Plat in the State of Idaho was required to have a Notice on the Plat regarding the Right To Farm Act, stating the farming operation was there before the subdivision and would have the right to remain and operate in the manner it has always operated. That State Law, continued Badger had been enacted a number of years ago to protect farming operations in place prior to development.
• Badger discussed the Traffic Impact Study performed regarding items the developers would be required to mitigate:
  ➢ The intersection of 11th Ave N and Ustick – and a condition placed on the development for an extraordinary Impact Fee for the developers’ percentage of the necessary improvements.
  ➢ Left turn lanes on 11th Ave N at the southern access to accommodate the traffic.
• Badger reported it was not known exactly why the uptick in accidents on the 11th Ave corridor between Cherry Ln and Ustick Rd occurred. Badger added there had been a significant increase in traffic accidents at those locations and that was the reason the 4-way stops were installed. Badger noted there did not appear to be any changes that would directly indicate the reason for the uptick in accidents. After the City had performed the warrant analysis, the 4-way stop sign at Cherry Ln and 11th Ave N was installed. In the long term the 11th Ave N/Cherry Ln intersection would be planned for a roundabout but that intersection was not in the queue at the moment – but would be when funds become available.
• In response to a question from Kirkman regarding no shoulders on 11th Ave N between Cherry Ln and Ustick Rd, Badger replied that section of 11th Ave N was a standard two lane rural section.
• Discussion followed regarding traffic issues in the area.
• Regarding water rights, Badger advised State Law required any historical drainage currently going through the development, would be required to still be delivered to its historical discharge.
• According to Badger, the pathway along the Purdam Gulch Drain was a requirement of the City as part of the Pathway Master Plan. The Purdam Drain is a drain, added Badger and not a supply canal or a ditch. Badger noted that as the City grows wildlife will likely be displaced and there was no protected wildlife in the area.

Kent Brown:
• Mr Brown noted the oversight on the plat regarding the lot sizes and concurred that the 12,000 sq ft lots would need to be located adjacent the Remington Subdivision, as called out in the Development Agreement, which would then reduce the density per acre down to the stipulated 3.00 units per acre.
• Although the original Development Agreement referred to 90 acres, advised Mr Brown, the current applicants only had control over a portion of that 90 acres, as indicated by the Preliminary Plat.
• The BC zoned area on the south end of the property, adjacent Cherry Ln, was a part of the annexation but not the Preliminary Plat before the Commission.
• Additionally, the 10.5 acre parcel owned by Michael Nutsch and farmed at the present time, had also been annexed and zoned RS-8.5 in 2006, and would also have to abide by the Development Agreement when developed.
• The Landscape Plan, continued Mr Brown, indicated wrought iron and vinyl fencing for the proposed subdivision.
• Mr Brown indicated Meriwether Subdivision to the northwest and reported the sewer would come down from Meriwether Subdivision to Spring Shores Subdivision to serve the development.
• According to Mr Brown, the same requirement for the pathway for Spring Shores Subdivision also applied to Meriwether Subdivision all the way out to N Franklin Blvd.
• In response to a question from Kirkman, Mr Brown reported the wrought iron fence would go along the pathways and open spaces, and the vinyl and privacy fence along property lines.
• Chairman McGrath referred to the letter to the Commission dated October 21, 2019 and the question regarding the Idaho Power easement along the southern boundary of the proposed subdivision.
• Mr Brown replied if there was an Idaho Power Easement of record, there would be a process to Vacate and remove the easement.
• Mr Brown indicated an older unused right-of-way to the northwest named Wilson Street that had been Vacated.
• Mr Brown suggested the wording regarding compliance with the 12,000 sq ft lot sizes and 3:00 dwelling units per acre density, should be retained, to be in compliance with the Development Agreement.

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

Watkins proposed revising Subdivision approval Condition No. 2 regarding the 12,000 sq ft lot requirement and 3:00 dwelling units per acre density requirement as required by the Development Agreement.

Sellman motioned and Garner seconded to approve the Preliminary Plat approval for Spring Shores Subdivision in an RS-8.5 zoning, for 74.64 acres located between Ustick Rd and Cherry Ln on the west side of 11th Ave N for Kent Brown representing Trilogy, Idaho, 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. Comply with items 4a and 4c in the Conditions of Approval, Exhibit ‘C’ from the Development Agreement recorded in Ordinance # 3568, which states:
   4a. The average residential density for any subdivision development on the Property shall not exceed three (3) dwelling units per acre (calculated according the gross acreage of the development).
   4c. The minimum allowable residential buildable lot size of proposed lots situated along a subdivision boundary adjoining any rural residential lots or parcels shall be 12,000 sq ft in size.
3. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings.
4. Make necessary street name corrections as listed in memo.
5. Deed and dedicate 20’ from the top of bank along the south/southwest side of the Purdam Drain and construct pathway.
6. Developer shall dedicate an additional 25-feet of public right-of-way along 11th Ave N frontage for a total width of 50-feet from Section Line prior to approval of the first phase final plat.

7. Frontage road improvements along 11th Ave N shall be constructed in accordance with Nampa City Code Section 9-3-1.
   a. Developer shall be responsible to construct/fund the project triggered mitigation identified in the Traffic Impact Study, including:
   b. Ustick Road and 11th Avenue intersection – Add two lanes on the eastbound and westbound legs of Ustick Road roundabout. This shall be addressed as an extraordinary impact fee. The fee shall be based on the project’s percentage of peak hour traffic contribution to the intersection at the Horizon Year as reflected in the TIS, which is approximately 5.5%. The Developer shall submit a conceptual roundabout layout and corresponding engineers cost estimate for determination of the fee to be reviewed and approved by the Nampa Engineering Division.
   c. South Access and 11th Avenue – Add northbound left-turn lane; to be constructed with the South Access.

8. Developer shall construct traffic calming measures (speed hump, cross gutters, bulb-outs, etc.) on the following streets:
   a. E Shields Drive
   b. Marble Springs Drive
   c. Silver Springs Drive
   d. Spring Shores Drive

9. Developer shall provide an internal stub street with utilities to the property at 17225 11th Ave N.


11. 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.

12. 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 and associated head-gate report from the irrigation district.

13. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans and utility system model analysis:
   a. 12” water main in 11th Ave N to be extended and looped back to the existing 12” main at the Cherry Lane intersection.
   b. 12” pressure irrigation main along in 11th Ave N to be extended and looped back to the existing 12” main in Cherry Lane located approximately 560-feet east of 11th Ave N.

14. Applicant shall provide an updated Geotechnical Report at the time of Final Plat submittal to include extended groundwater monitoring data and infiltration testing to support drainage facility design.

15. Developer shall obtain plan approval by Pioneer Irrigation District (PID) and the Bureau of Reclamation (BOR), including any associated license agreements for any work to take place along the Purdam Gulch Drain and Miller Lateral.

16. 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.

17. 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 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 with Garner Hutchings, Kirkman, Kropp, Sellman and Van Auker Jr in favor, and Kehoe opposed.

Chairman McGrath stated the decision on a Preliminary Plat can be Appealed to City Council within 15 days of the Planning Commission decision.
Public Hearing No. 4:
Modification of First Amendment to a Development Agreement between Nampa North, LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary; and Subdivision Plat Preliminary Approval for Lost River Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (81 Single-Family Attached Townhome lots and 5 Four-plex lots - A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC (DAMO 033-19, and SPP 048-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Kevin McCarthy with KM Engineering 9233 W State St, Boise – representing the applicant:
- Mr McCarthy reviewed the history of the project, annexed and zoned RS-8.5, with a Development Agreement and Concept Plan for a mix of commercial lots and 4-plexes in the GB-2 zoning district.
- The applicant was now requesting a Modification of that Development Agreement to allow a mix 4-plexes and single-family attached townhomes in the GB-2 zoned area.
- Market conditions, reported Mr McCarthy had not supported commercial use at the subject location.
- The developers, therefore, would maintain the RS-8.5 zoning district to the north and the GB-2 zone on the south.
- In the new proposed Preliminary Plat, the GB-2 zone would have 81 single family attached townhomes and 5 4-plex lots, and no commercial lots.
- Mr McCarthy advised the applicants would also be requesting some waivers on the setbacks to accommodate the detached townhomes, and a Modification of the Development Agreement for the new plan.
- Mr McCarthy indicated the Preliminary Layout for the Lost River Townhomes, giving an increase of 29 residential units in the area.
- According to Mr McCarthy, the townhomes would be alley loaded, with the rear of the units facing the alley and the front facing the roadway and the utilities will be located in the alley.
- Each unit, added Mr McCarthy would have either a one or two car garage, plus a couple of parking spaces in the driveway.
- In the townhome area, continued Mr McCarthy would be some additional parking proposed in strategic locations. The 4-plex area would have a central shared parking area.
- Mr McCarthy noted each of the alleys and shared parking areas would be covered by a shared access and use agreement.
- Mr McCarthy discussed the reduced setbacks in order to accommodate the alley loaded townhome, the front setback from 15 to 10 ft and the interior side setbacks for the townhomes would be reduced from 5 ft to zero ft.
- Mr McCarthy stated the applicants were in agreement with the Staff Report.
- Kehoe inquired the price point for the proposed housing. Mr McCarthy stated he would check with his client.

Senior Planner Watkins:
- Watkins advised the recommendation from the Planning Commission would go on to City Council for the Modification of the Development Agreement.
- Watkins explained the decision on the Preliminary Plat would be made by the Planning Commission.
- The property, advised Watkins, was located on the north side of Cherry Ln and east of Idaho Center Blvd.
- The subject property, had been zoned GB-2 (Gateway Business-2) and was surrounded by County and City residentially zoned properties.
- The Comprehensive Plan designation for the area, stated Watkins, was Community Mixed Use and the proposed development would be a perfect example of the Mixed Use intended for that area.
- Watkins reviewed the history of the subject property.
- City Council would be responsible for approving the requested waiver of setbacks, added Watkins.
- Watkins reported the subject property was located inside the City limits with a GB-2 zoning designation and the proposed uses would be allowed within that zone. The lot areas, width and depth all complied with the standards for the GB-2 zone.
- Watkins noted the Landscaping Plan had been revised and approved.
- Watkins reviewed the Staff Report and recommended conditions of approval.
• According to Watkins an e-mail had been received today regarding an update for the Traffic Impact Study to account for the change in land use and increase in residential units.
• In response to a question from Chairman McGrath, Watkins stated Staff was comfortable with the requested reduction in setbacks for the proposed type of townhouse development.

Chairman McGrath proceeded to public testimony.

Brian Thiemer of 5820 Cherry Ln, Nampa – opposed:
• Mr Thiemer stated his property was adjacent to the proposed development. The two lots immediately to the north of his property, added Mr Thiemer, had originally been two large pie shaped flex-lots, and now the proposal was to jam in five 4-plexes.
• Those 4-plexes would be immediately north of his 1 acre parcel, and he was concerned those 4-plexes would be 15 ft off his back fence, really encroaching on his property and the neighbor’s property to the east.
• It appeared, continued Mr Thiemer, the drainage access road was now further south, and questioned why that had not been highlighted in the comparison of the two plats.
• Mr Thiemer suggested the 4-plex units could be moved north instead of so close to his fence so there would not be a wall of 4-plexes at his back fence. Mr Thiemer suggested the land was there to move the 4-plexes and it appeared there was an extra lot.

Mr McCarthy:
• Mr McCarthy responded to an earlier question and stated the townhomes would be in the low $200,000 price range.
• Mr McCarthy discussed the changes that had occurred on the property, including the pressurized irrigation station moved to another location, so the need for the larger lot was no longer there.
• The original Preliminary Plat for the residential area was approved for 121 lots and through the course of design they had to lose a few lots in order to accommodate storm water retention, etc, so there was a lot added at the end of the stub road, but the actual lot count was down to 118 residential lots.

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

Chairman McGrath noted the issue of the 4-plex lots adjacent the 1 acre property to the south.

• Badger advised the developers had indicated they would be willing to add a 5 ft additional buffer on the south property line adjacent Mr Thiemer’s property and the adjacent property to the east, which would move the proposed buildings 5 ft further away from the property line.
• The applicants had also indicated, added Badger, they were willing to emplace enhanced landscaping along that boundary.
• In response to a question from Garner, Mr McCarthy stated they would be 2-story 4-plexes.
• Kehoe inquired what type of fencing would be placed along that boundary.
• Badger referred to the Landscape Plan and indicated a 6 ft vinyl fence along the property line.
• Badger noted there would not be a requirement under Code for landscaping along the southern property line bordering the residential properties to the south, however, the developer stated they were willing to enhance the landscaping and a revised landscape plan could be provided prior to the City Council meeting.

Kehoe motioned and Miller seconded to recommend to City Council Modification of the Development Agreement between Nampa North, LLC and the city of Nampa recorded 12/29/2017 as Inst. No. 2017-056540, amending Exhibit “B” Conceptual Plan to: 1) permit a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB-2 zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary, subject to:
1. Provide a new Development Agreement document, to include RECITALS, CONDITIONS and EXHIBITS:
   a. Concept for development layout, density, etc,
      i. Show setback dimensions on the concept plan to indicate the setbacks for construction of the future four-plex buildings.
Motion carried.
Kehoe motioned and Hutchings seconded to approve the Preliminary Plat for Lost River Townhomes, located on the north side of Cherry Ln, east of Idaho Center Blvd, for KM Engineering representing Nampa North, LLC, subject to:

2. Place the four-plex structures 20 ft feet from the south property line, as identified on the concept plan recorded in the Development Agreement.
3. Provide enhanced landscaping along the southerly property line on the inside of the proposed six-foot fencing on the lot that includes the four-plex buildings.
4. Provide revised street names as per memo from Alex Main.
5. Provide top of foundation wall or finish floor elevation, on the construction plans prior to final plat approval;
6. Project is subject to all comments and conditions from the original Preliminary Plat application (SPP-00012-2017).
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. Applicanth/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.
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. The required regional surface water irrigation pump station shall be fully operational prior to the City Engineer signature of the Final Plat.
10. The Development CC&R’s shall be reviewed by the Nampa Engineering Division for approval prior to the City Engineer signature of the Final Plat. The CC&R’s shall be referenced by note on the face of the Final Plat and recorded concurrent with the plat. The CC&R’s shall include language indicating:
   a. The City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment. The HOA shall be responsible to ensure compliance with property owner payment of irrigation assessments to the City.
   b. Maintenance responsibility all common access, parking, landscaping, irrigation, and drainage facilities.
11. Provide a shared access agreement for the entire site;
12. Notes Correction(s): Developer’s engineer shall correct any spelling, grammar, punctuation and/or and numbering type errors that may be evident on the plat face and/or in the proposed plat development notes.
13. Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council.

Motion carried.

Chairman McGrath stated action on a Preliminary Plat by the Planning and Zoning Commission can be Appealed to City Council, within 15 days of the Planning and Zoning Commission decision.

Public Hearing No. 5:
Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition) for Dena and Jason Baker for a Legal Office (ZMA 112-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Dena Baker of 1324 11th Ave S, Nampa – the applicant:
- Ms Baker stated she and her husband were currently residing on the subject property and wanted to operate her law practice out of the same property.
- Ms Baker advised they planned to continue living on the property as their primary residence.
- According to Ms Baker she had been a practicing attorney in the area for approximately 22 years and was currently forming a new partnership with a colleague, Matthew Williams, and together they had formed a new firm known as Williams and Moore to operate out of the subject property.
- The intent was to keep the operation small, and noted the law firm would consist of herself, Mr Williams and anticipate no more than two to three staff members at most, one of which would be her daughter as receptionist.
Ms Baker advised there would be no more than 10 people on site at any time, and probably between 6 to 8.

Ms Baker indicated the commercial properties on the east side of the alley, as well as to the northeast and southeast. The Hasbrouck House was directly to the southeast, across 14th St S, added Ms Baker.

It would seem to be a natural transition, suggested Ms Baker, to go from the Commercial property between the alley and 12th Ave S, and a Residential Professional zoned law office in between.

Kehoe inquired what percentage of the house would be used for the law office.

Ms Baker replied approximately two thirds of the building would be used for the law office.

The structure, added Ms Baker, was three stories and she and her husband were currently residing in the basement. On the main level was a separate room that would be a small conference room and then a large conference room, and a reception area. Upstairs there would be three offices, two of which would be attorney offices, a paralegal office, and one room that would be made into a staff lounge.

Ms Baker estimated the office portion would be between half to two thirds of the structure.

Sellman inquired about the parking for the subject property.

Ms Baker replied there were a number of parking spaces on site already, but if more parking was required there could be five or six parking spaces placed off of 14th St S, on the side of the property with a sidewalk running from the parking spaces to the front of the building.

Additionally, stated Ms Baker there could be an additional four to six parking spaces off the alley.

Planning Director Holm:

Holm reported the .42 acre parcel was located within an RS-6 (Single Family Residential – 6000 sq ft minimum lot size) zoning district, with the RP (Residential Professional) zoning district to the east across the alley, therefore, the applicants were requesting for the extension of the RP zoning for the subject property.

The property was within a Medium Density Residential Comprehensive Plan designation, with General Commercial on the east side of the alley.

Holm noted the two locations to the north where the BC zoning had crossed over the alley to the 11th Ave S side – the old Rite Aid store (prior to that was Roosevelt School) between 12th Ave S and 11th Ave S and 12th St S and 13th St S, and further north the Albertsons Store and adjacent lots.

According to Holm, no comments had been received from neighboring property owners.

The issue had been raised, added Holm, regarding the impact on the residential area on 11th Ave S and if it was an encroachment on the Old Nampa Neighborhood District by allowing the Rezone to happen.

Holm noted 11th Ave S was already a fairly busy street.

According to Holm, a Development Agreement could be required for the subject property in order to restrict the more intensive uses for the parcel.

Holm reviewed the Staff Report and recommended conditions of approval.

Holm responded to a question from Kehoe and stated the use of the entire building for an office would be a permitted use in the RP zoning district.

In response to a question from Kehoe, Holm reported every neighbor within 300 ft of the subject property would have received notice of the requested Rezone and the date of the public hearing.

Discussion followed regarding the subject property being located on the boundary of the Old Nampa Neighborhood District.

Chairman McGrath proceeded to public testimony.

No public comment forthcoming.

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

Chairman McGrath noted the BC zoned properties extending across the alley to 11th Ave S had their businesses facing 12th Ave S. Chairman McGrath voiced concern with the integrity of the neighborhood and spot zoning.

The alley, added Chairman McGrath had served as a natural buffer between the business zoned properties on 12th Ave S and the residential zoned properties on 11th Ave S.

Van Auker, Jr considered if the proposed use was for a more intensive use than a legal office he would be concerned, but given the proposed use it would not be that much of an impact for the neighboring residential uses.

Van Auker, Jr motioned and Sellman seconded to recommend to City Council the Zoning Map Amendment from RS-6 to RP for the property located at 1324 11th Ave S, for a legal office, for Dena and Jason Baker, subject to:
1. Establishment of a Development Agreement to prohibit any of the otherwise allowed RP zone permitted uses determined by the Commission not to be compatible with the adjoining single-family residential land uses, as well as prohibiting all otherwise allowed Conditional Uses in the RP Zone.

2. The Building Department requires permits and will require the house be converted from residential to commercial for the office with all ADA requirements (ramp, doorways, restrooms, parking, accessible route, etc.).

Motion carried.

Meeting adjourned at 10:20 p.m.

Norman L Holm, Planning Director

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