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## MINUTES OF REGULAR MEETING HELD TUESDAY, MARCH 28, 2023

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

Video recordings of the full proceedings may be accessed following the meeting at <https://www.youtube.com/@cityofnampapublicmeetings>

Chair Van Auker, Jr. called the meeting to order at 6:00 pm.

Commissioners Daffer, Sellman, Garner, Turner, Kehoe, Kirkman and Morgan were present; Commissioner Miller was absent.

### **Consent Agenda (Action Items):**

Moved by Sellman and seconded by Kehoe to approve the Consent Agenda which had the following items presented:

1. Adopt Formal Findings: CUP-00302-2022 (Mobile Home/Caretaker Unit) from 3/14/23 meeting.
2. Approval of Minutes: March 14, 2023.
3. Final Plat Approval of Sunnyvale East No 1 Subdivision in a RMH (Multiple-Family Residential) zoning district - a 6.31 acre portion of parcel #R3142800000) at 0 W Karcher Rd (located in the NE 1/4 of Section 18, T3N, R2W, BM) for Kent Brown representing MM and T Holdings LLC (SPF-00229-2023). Original Concept: 88 units on 22 lots and 5 common lots.
4. Third one-year extension to March 10, 2024 of the plan approval for the Broadmore RV Park, including 155 RV spaces on 11.74 acres in an IL (Light Industrial) zoned property, located on parcel R13034013C0, A parcel of land being a portion of Parcel "4" of the Amended Record of Survey Instrument No. 2018-054013, Records of Canyon County, Idaho and lying in a portion of the SE ¼ of Section 16, T3N, R2W, BM) Danny Pruett, Broadmoor RV Park, LLC in order to complete the Engineering and Building permit drawings and begin construction (RVP-00003-2020).

Motion carried.

Chair Van Auker, Jr. proceeded to public hearing items on the agenda at 6:06 pm.

**Public Hearing 1:** *(Continued from February 28, 2023)* Annexation and Zoning to RS6 (Single-Family Residential) zoning district and potential development agreement at 0 & 4101 Alma Ln (parcel #'s R2952100000 & R2951800000 totaling 100.36 acres); Subdivision Preliminary Plat for Brookhaven Subdivision at 4101 Alma Ln (a 24.72 acre portion of parcel #R2952100000); all land located in the SE ¼ of Section 12, T2N, R2W, BM), for Patrick Connor - Providence Properties, representing James Smith (ANN-00258-2022 & SPP-00116-2022). Original Concept: 99 single-family detached dwelling units and 19 common lots.

Chair Van Auker, Jr. proceeded to public hearing.

Patrick Connor, 701 S Allen St, Meridian, presented the project.

Senior Planner Bodily reviewed the staff report, plat analysis, agency comments and applicable regulations. Developments 2-4.99 acres are required to provide 10% in qualified open space. This proposal provides 12% in qualified open space that includes landscaping, a playground and a gazebo.

**Potential findings for approval:**

**A. Property shall be contiguous with the city limits or be enclaved by other properties so annexed.**

- The property is contiguous with city limits on the north and west sides where it adjoins other RS zoned properties that are so annexed.

**B. The proposed map amendment(s) is in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map (will not create a "spot zone").**

- The proposed RS6 (Single-Family Residential) zoning is consistent with the Comprehensive Plan Future Land Use Map designation of medium density residential. Therefore, RS6 (Single-Family Residential) zoning would not create a spot zone.

**C. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses.**

- The proposed RS6 (Single-Family Residential) zoning district allows for single-family detached residences which is the same as what is existing in adjacent city zoned properties.

**D. The area can reasonably be assumed to be available for the orderly development of the city.**

- City services and utilities can be made available to this property because services are already being provided to the adjacent subdivisions.

**E. The proposed zoning map amendment(s) is in the interest of the public and reasonably necessary.**

- City codes are written to protect the public interest by providing guidance for development, therefore, this project is presumed to be in the public interest because it meets all applicable codes regarding detached, single-family units and shall install appropriate site improvements.
- The City has determined that it is in the public interest to provide single-family residential development opportunities within its confines. Expressions of that policy are published in Nampa's adopted Comprehensive/Master Plan, as well as embodied in its decisions to date regarding similar applications.

**Potential Findings for Denial**

**D. The area can reasonably be assumed to be available for the orderly development of the city.**

- The development is proposed in an area not surrounded by City zoned property and is considered sprawl because it is on the outer limits of the City.
- There are no commercial services nearby which will create additional traffic.

Conditions of approval:

1. Applicant/Owner(s) shall dedicate the follow public road right-of-way as a condition of annexation:
  - Alma Lane – 40' from the Section Line.
  - E Lewis Lane – 50' from the Section Line.
2. Frontage road improvements along Alma Lane and E Lewis Lane shall be constructed in accordance with Nampa City Code Section 9-3-1.
3. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of individual property development/redevelopment and prior to connection to applicable City services.
4. Property shall be annexed in the Nampa Municipal Irrigation District at the time of property development and prior to being served by the City's pressure irrigation system. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and head gate report for any surface water delivery prior to Final Plat submittal to support annexation into the District.
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. Utility construction to include stubbing utilities to the adjacent properties at proposed stub streets.

6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of individual property development/redevelopment.
7. Applicant shall address all preliminary plat comments identified in the memo from the Nampa Engineering Division dated February 14, 2023, and all street name comments identified in the letter from Nampa GIS Division dated February 7, 2023 prior to Final Plat submittal. Applicant shall submit a revised Preliminary Plat addressing these items for City records.
8. Developer shall pay a fee in-lieu of construction to contribute toward future roundabout construction at the Locust Lane and Happy Valley Road intersection identified as a failing intersection by the Harvest Creek Subdivision Traffic Impact Study. Fee shall be based on the project's percent contribution toward the total failing PM Peak Hour intersection traffic, which is approximately 4.9%, and the estimated construction cost developed with the conceptual plan design, which \$3,700,000. The total in-lieu fee is \$181,300 and shall be paid at time of Final Plat.
9. Developer shall enter into an agreement with CBH Homes and the New York Landing Subdivision HOA to facilitate connection to and shared operation and maintenance cost of the New York Land Sewer Pump Station. Developer shall include a copy of the recorded agreement with the first final plat application.
10. Developer shall update the Traffic Impact Study and submit to Nampa Engineering Division for review and approval prior to proceeding with development of the remaining annexation area. Developer shall be responsible to address all project triggered traffic impacts and recommended mitigation identified in the final approved study.
11. A 10' wide side path shall be constructed along the north side of E. Lewis Lane in accordance with the City of Nampa Bicycle and Pedestrian Master Plan.
12. Applicant/Owner shall enter into a development agreement to maintain substantial conformance with the proposed overall concept plan and all conditions of approval.

Daniel Badger, Engineering, responded to Commission's questions regarding traffic, city services, lack of commercial services in the area, and roundabouts.

Chair Van Auker, Jr. proceeded to public testimony. No one appeared in favor of or in opposition to the request.

Moved by Kirkman and seconded by Garner to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Summary of Commission comments/concerns: Conformance with the Comprehensive Plan, timing and location for a project of this magnitude, current lack of services in the area, intrusion on property rights.

Moved by Kehoe and seconded by Sellman to recommend to City Council APPROVAL of the item with all recommended conditions and adopt the potential findings in the staff report. In Favor: Garner, Daffer, Turner, Kehoe, Sellman. Opposed: Kirkman, Morgan. Motion carried.

**Public Hearing 2:** Pre-Annexation and pre-zoning to RS-22 (Single-Family Residential) and development agreement for Northshore Estates Subdivision (AKA Lakeshore), at 0 S Powerline Rd (a 33.17 acre parcel #R2956900000), located in the NE 1/4 of Section 15, T2N, R2W, BM) for Cam Scott, KM Engineering, LLP representing Spencer Kofoed, Tradition Capital Partners LLC ((P)ANN-00262-2022). Original Concept: 30 single-family detached dwelling units and 4 common lots – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Moved by Kehoe and seconded by Kirkman to continue the item to a date certain of April 11, 2023. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

**Public Hearing 3:** Conditional Use Permit for a home-occupation Online Sales Firearms Business in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district at 1804 E Celbridge St. (a .17 acre Parcel #R3234614500 located in the SW 1/4 of Section 35, T3N, R2W, BM) for Mark McCoy (CUP-00306-2023) – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Mark McCoy, 1804 E Celbridge S, Nampa, presented the request, clarifying that he plans to conduct sales out of the home by appointment only (Ashby confirmed that this is allowed per code).

Director Ashby presented the staff report, applicable regulations, complaint procedures and public comments.

Potential findings for decision of approval from the staff report:

1. The location, size, and design and operating characteristics of the proposed development will be compatible with and will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development... because...
  - a. There is no change proposed to the outside of the residential home, including signage, that would change the nature of the residential neighborhood.
  - b. Business at the property will be conducted internal to the home – primarily out of the garage and ~~no~~ *customers will be visiting the home for purchase of firearms or firearm related sales*, thus not impacting the regular residential traffic or feel of the area. *Amended to include sales shall be allowed at the home by appointment only.*
  - c. Very minimal regular deliveries of business supplies will come to or from the property, thus not impacting the regular residential traffic in the area.
2. The location, design and site planning of the proposed development will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants... because...
  - a. Since no changes are being proposed to the outside of the home, the property will continue to operate as a single-family home and its appearance will remain consistent with the neighboring properties of single-family homes.
  - b. The primary use will continue to be residential, thus ensuring a functional living environment.
3. 10-25-4.A.3: The proposed development will enhance the successful operation of the surrounding area in its basic community functions, or will provide an essential service to the community or region.
  - a. Both the comprehensive plan and the city code advocates for small scale home occupation businesses that do not negatively impact the residential neighborhood. Thus, this use is deemed to be an essential service to the community or region because it provides a form of revenue without impacting the residential feel of the area.

Conditions of approval:

1. Compliance with all City Codes, including City Ordinance - Title 4 – Building Regulations, and adopted State Building Code.
2. The owner shall maintain all regulatory permitting, licensures and operational procedures as required by law.
3. The conditional use permit shall be granted for the applicant and the location the subject of this request and not be transferrable to another person or location.
4. No business signage shall be permitted at this location.
5. ~~All~~ Sales shall be conducted through the shipping the product to the customer, or in a commercial setting such as a gun show. *Amended to include sales shall also be allowed at the home by appointment only.*

Chair Van Auker, Jr. proceeded to public testimony.

Tom Cannon, 1021 S 19<sup>th</sup> St, Nampa, in support.

David Adkins, 1814 Cedar St, Caldwell, in support.

Applicant: Additional gun safe(s) will be purchased for storage of guns for sale. Kirkman clarified the applicant would limit his stock to no more than 10 firearms and will drop ship.

Moved by Garner and seconded by Kehoe to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Morgan and seconded by Garner to APPROVE the item with recommended conditions (**amending condition 5 to include customers are allowed on the premises by appointment only**) and adopt the potential findings in the staff report, amending the adopted findings of approval as follows:

- Business at the property will be conducted internal to the home – primarily out of the garage, customers are allowed in the home for purchase of firearms or firearm related sales **by appointment only**, thus not impacting the regular residential traffic or feel of the area.

Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

**Public Hearing 4:** Conditional Use Permit for a nursing home, assisted living center/home, in a RS6 (Single-Family Residential 6,000 sq. ft) zoning district at 819 S Powerline Rd (a .37 acre Parcel #R1144200000 located in the NE 1/4 of Section 34, T3N, R2W, BM) for Abel Hutu (CUP-00308-2023) – ACTION ITEM.

Chair Van Auker, Jr. proceeded to public hearing.

Abel Hutu, 819 S Powerline Rd, Nampa presented the request. 3 employees will be in on premises during the day and 1 employee between 9:00 pm-6:00 am.

Senior Planner Bodily presented the staff report and applicable regulations. The RS6 zoned property is in a residential area and along S Powerline Rd, which is classified as a collector road. There is currently a vacant lot behind the property. The future land use designation is Medium Density Residential. By federal law, group residences of 8 people or less are permitted in residential areas. Due to this request exceeding the permitted 8 beds, additional compatibility criteria may be addressed. The existing group residence over 8 beds has operated in this location since 2012. As a condition of approval of the 2012 CUP, **vinyl** fencing was to be installed around the sides and rear of the property prior to final occupancy being approved. It appears that the fencing may not have been installed. Per NCC 10-22-6.B, parking will be calculated at the rate of 1 per 5 beds plus 1 per regular employee.

Potential findings for decision of approval:

The location, size, design and operating characteristics of the project will not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character.

- The residential nature of the use will be consistent with the existing single-family residences in the neighborhood.
- The noise and traffic generation will not exceed that of a normal residence.

That the location, design and site planning of the project will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

- The structure will be subject to the standards for the single-family residential zoning and thus will maintain the standards of the surrounding area.
- Sufficient parking will be provided as the use warrants in the amount required by code.

That the project will enhance the successful operation of the surrounding area in its basic community functions, or, will provide an essential service to the community or region.

- The business will provide an essential service to the community.

Conditions of approval:

1. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
2. Parking shall be provided according to Nampa City Code Title 10 Chapter 22.
3. CUP shall be issued for Abel Hutu only and cannot be transferred to a separate owner or location.

Chair Van Auker, Jr. proceeded to public testimony. Mark Davis, 810 Mill Road, Emmett, in favor.

Applicant stated there is chain link fencing along the sides and a wood fence along the back of the property; however, the fencing was not vinyl.

Moved by Garner and seconded by Kirkman to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Kirkman and seconded by Morgan to APPROVE the item with recommended conditions and adopt the potential findings in the staff report. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

**Public Hearing 5:** *(Continued from March 14, 2023)* Annexation and Zoning to RS8.5 (Single-Family Residential) zoning district for a .14 acre portion of 0 11th Ave N. Parcel #R2092700000 (located in a portion of the S 1/2 of the NE 1/4 of Section 2, T3N, R2W, BM) for Kent Brown representing Heartland Townhomes Property Management (ANN-00266-2023). Original Concept: Correct an error excluding this portion of land on the submitted legal description for annexation of the Spring Shores #3 subdivision. *Item withdrawn.*

Meeting adjourned at 7:30 pm.

Rodney A. Ashby, AICP  
Planning & Zoning Director  
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