



**Special Caldwell Hearing Examiner Meeting
Wednesday, June 3, 2020, 7:00 p.m.**

AGENDA

Call to Order
Review of Proceedings

I. CONSENT CALENDAR:

- 1) **ACTION ITEM:** Approve Minutes of the March 10, 2020 meeting as previously signed by Bruce Eggleston.

II. OLD BUSINESS:

II. NEW BUSINESS:

- 1) **ACTION ITEM: Case Number: ZON-20-02 & SUP-20-03:** A request by Darin Taylor, on behalf of Reed and Jackie Taylor Living Trust, to rezone parcel R35308308 (1.77 AC) from C-4 (Freeway Commercial) zone to M-1 (Light Industrial) zone. Also requested is a Special Use Permit for a truck driving vocational school. The subject property is located west of and adjacent to 1320 Aviation Way, Caldwell, ID.
- 2) **ACTION ITEM Case Number SUP-20-04:** Superior Signs on behalf of the 7th Day Adventist Church located at 2106 E Linden Street, Caldwell, Idaho (parcel R04001) is requesting a special use permit to replace the existing monument sign with a new 13'5" x 8'2" pole sign with illuminated reader board and an electronic messaging center. The sign is to be located nearer to Linden Street in the current drop-off/loading area across from the existing monument sign.
- 3) **ACTION ITEM Case Number ANN-20-02/SUB-20P-03:** A request by T-O Engineers on behalf of Lee Gientke, Pontifex Capital, to annex parcel R34340010B, 13.98 acres, with a zone designation of R-1 (Single Family Residential) consistent with the 2040 Comprehensive Plan designation as Low Density Residential. Also requested is a preliminary plat, Langley Hall Subdivision, of a 10.41 acre portion of the subject property containing 31 residential lots and 9 common lots. The subject property is located at 10164 Elvera Lane, Nampa, ID.
- 4) **ACTION ITEM: Case Number: ZON-20-03 & CMP-20-02:** A request by Rennison Companies, Inc. to amend the Comprehensive Plan from Industrial to Commercial and to Rezone 23.6 acres including parcels R35140 and R35142 from M-1 (Light Industrial) zone to C-3 (Service Commercial). The proposed mixed use project will include multi-family units and commercial business pads. The subject properties are located at 520 N. 16th Avenue and 2505 Franklin Road, Caldwell, ID.
- 5) **ACTION ITEM: Case Number SUB-20P-02:** Ed Priddy, CPAC, LLC, is requesting approval of a preliminary plat for Skypark Business Complex on two parcels, R35852 & R35853, containing 37 acres more or less with a zone designation of M-1 (Light Industrial) and lying fully within the Industrial Airport Overlay APO-1 Land Use Limitation Zone. The proposed preliminary plat, Skypark Business Complex, contains 41 buildable lots and is located east of and adjacent to the Caldwell Municipal Airport. The subject properties are located at 5104 E. Linden Road and 2910 KCID Road, Caldwell, ID.

IV. Adjournment.

Next Regular Hearing Examiner Meeting is on July 14, 2020 at 7:00 p.m. in the Community Room at the Caldwell Police Station at 110 South Fifth. Any person needing special accommodations to participate in the meeting should contact the City Office at 208-455-3021 prior to the meeting. The agenda packet and minutes can be viewed on the City of Caldwell's website: www.cityofcaldwell.org. Cualquier persona necesitando comodidades especiales para participar en la reunión debe contactar al las oficinas de la Ciudad o llame a 208-455-3021 antes de la reunión.

Special Caldwell Hearing Examiner Minutes
Tuesday, June 3, 2020, 7:00 p.m.
Community Room, Caldwell Police Department
110 South 5th Avenue, Caldwell, Idaho

I. Call to Order – Hearing Examiner, Mr. Bruce Eggleston opened the meeting for the public hearing at 7:02 p.m.

II. Review of Proceedings – Mr. Bruce Eggleston outlined the procedures for the public hearing.

Members Present: Bruce Eggleston (Hearing Examiner); Jerome Mapp (Planning and Zoning Director); Debbie Root (Senior Planner); Robb MacDonald (City Engineer); Lori Colligan (Administrative Assistant)

Members Absent:

III. Consent Calendar:

Mr. Eggleston approved the Minutes of the March 10, 2020 meeting as previously signed by the Hearing Examiner.

IV. Old Business:

V. New Business:

1. Case Number: ZON-20-02 & SUP-20-03: A request by Darin Taylor, on behalf of Reed and Jackie Taylor Living Trust, to rezone parcel R35308308 (1.77 AC) from C-4 (Freeway Commercial) zone to M-1 (Light Industrial) zone. Also requested is a Special Use Permit for a truck driving vocational school. The subject property is located west of and adjacent to 1320 Aviation Way, Caldwell, ID.

Testimony:

Debbie Root, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, stated the applicant is requesting to rezone a parcel from C-4 to M-1 for the purpose of increasing the land use options on the subject property. Also requested is a special use permit for a truck driving vocational school. The subject property is located at 1320 Aviation Way. This request is in compliance with the 2040 Comprehensive Plan. The director contacted the Airport Manager regarding the noise sensitive nature of a school. He did not feel that this is the same criteria as in a public school entity. He felt as long as the number of students or people attending a classroom setting was minimized to a 15-student range or below then that eliminated the hazard of students/noise.

Mr. Eggleston has no questions.

Mr. Darin Taylor (applicant) 1434 New York St., Middleton, Idaho stated the truck wash has a 20 year lease that started in the year 2000 and just renewed in 2020 for another 20 year term. So the truck wash, East to the subject property, will be there for a long time. The Taylors acquired this property in the year 2000. At that time Sky Ranch Business Park was just getting started. Over the years, the properties in the area have developed into more of an industrial nature than a business nature, hence the request at this time to rezone to light industrial. The property has been for lease, for sale, for years and have had

several people look^{ed} at the property, most inquiries are interested in industrial nature uses. There are more permitted uses in the M-1 zone. Therefore, we are requesting to rezone.

Mr. Reed Taylor (in favor), 19210 Wagoner Road, Caldwell, Idaho signed in favor but chose not to speak.

MR. EGGLESTON CLOSED THE PUBLIC TESTIMONY.

Rezone:

Comprehensive Plan Analysis for **ZON-20-02 (Rezone)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ZON-20-02 (Rezone)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ZON-20-02 (Rezone)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

ORDER FOR ZON-20-02: The Hearing Examiner **RECOMMENDED** that Case Number ZON-20-02 (Rezone) **BE APPROVED**.

Special Use Permit:

Comprehensive Plan Analysis for **SUP-20-03 (Special Use Permit)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUP-20-03 (Special Use Permit)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUP-20-03 (Special Use Permit)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

ORDER FOR SUP-20-03: The Hearing Examiner **ORDERED** that Case Number SUP-20-03 (Special Use Permit) **BE APPROVED** with the following conditions: 12.2 through 12.8

2. **Case Number SUP-20-04:** Superior Signs on behalf of the 7th Day Adventist Church located at 2106 E. Linden Street, Caldwell, Idaho, (parcel R04001) is requesting a special use permit to replace the existing monument sign with a new 13'5" x 8'2" pole sign with illuminated reader board and an electronic messaging center. The sign is to be located nearer to Linden Street in the current drop-off/loading area across from the existing monument sign.

Testimony:

Debbie Root, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, stated the applicant is requesting a special use permit to replace the existing monument sign with a new 13'5" x 8'2" pole sign with internally illuminated reader board and an electronic messaging center.

Mr. Aaron Vance (applicant) 121 21st Ave., Caldwell, Idaho, stated the church sits in a residential zone and so the code requires them to get a special use permit. The current sign is dated; the new sign has safety measures in it to prevent it from being a nuisance to the community. It can even be shut down at specific times of the night.

Mr. Eggleston asked how far back it was from the property line.

Mr. Vance stated 4 ft.

Mr. Eggleston asked if it would be lit 24 hours a day.

Mr. Vance said stated no, the top portion of the sign only comes on at night, it's all LED illuminated. The lower section would run 24 hours a day if programmed that way.

MR. EGGLESTON CLOSED THE PUBLIC TESTIMONY.

Comprehensive Plan Analysis for **SUP-20-04 (Special Use Permit)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUP-20-04 (Special Use Permit)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUP-20-04 (Special Use Permit)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

ORDER FOR SUP-20-04: The Hearing Examiner **ORDERED** that Case Number SUP-20-04 (Special Use Permit) **BE APPROVED** with the following conditions: 8.2 through 8.8

3. **Case Number ANN-20-02/SUB-20P-03**: A request by T-O Engineers on behalf of Lee Gientke, Pontifex Capital, to annex parcel R34340010B, 13.98 acres, with a zone designation of R-1 (Single Family Residential) consistent with the 2040 Comprehensive Plan designation as Low Density Residential. Also requested is a preliminary plat, Langley Hall Subdivision, of a 10.41 acre portion of the subject property containing 31 residential lots and 9 common lots. The subject property is located at 10164 Elvera Lane, Nampa, ID.

Testimony:

Debbie Root, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, stated the applicant is requesting to annex 13.98 acres, with a zone designation of R-1 consistent with the 2040 comprehensive plan designation as low density residential. Also requested is a preliminary plat, Langley Hall Subdivision, of a 10.41 acre portion of the subject property containing 31 residential lots and 9 common lots. The request and preliminary plat are all in compliance with the comprehensive plan. They will submit a lot split application after the request is approved. The applicant will improve Spruce Lane, the south boundary of the property. There will be an emergency access easement provided from the cul-de-sac out through Elvera Lane for emergency services purposes. The proposed subdivision development homes are not intended to take access to Elvera Lane, it is a private lane.

Mr. Eggleston asked about the emergency access and if it would be paved.

Ms. Root stated no, but it will be an all-weather surface.

Angie Wood (applicant), 1109 W Main St., Boise, Idaho stated Pontifex is focused on projects in the intermountain Northwest. In this project, there will be plenty of yard area for the homes. This site is ideal, and has all the necessary services and is a unique shape.

Matthew Graham (in favor) 332 N Broadmore Way, Nampa, Idaho, stated on behalf of Pontifex they have applied for a lot split, annexation and subdivision plat for this property. Access will be provided on Spruce Street. They will be crossing the Noble drain with a culvert. They have a park planned on the SW corner and they also have a pathway along the Noble drain. The subdivision will be approximately 10.41 acres of a 14 acre lot. The existing landowner plans to retain the northern portion of the site. The lot split will take

place after the property is annexed. There will be 31 residential lots and 9 common lots. This surrounding area is designated low density residential and complies with the comprehensive plan. They believe it will be an asset to the community. They are in agreement with staff on the report.

Mr. Eggleston asked what the access to the park look like.

Mr. Graham stated there is a sidewalk currently there along Spruce Street and they will be extending that to the subdivision road.

Mr. Eggleston asked if they had a tot lot.

Mr. Graham stated right now they do not have one on the plan.

Mr. Daniel Johnson, 4949 N. Elena Marra Pl, Meridian, Idaho signed in favor but chose not to speak.

Mr. Howard Pennington (neutral) 10123 Elvera Lane, Caldwell Idaho, stated that at the proposed subdivision he owns a large area of property. His number one concern is the lot size. He will have eight or nine new neighbors once the subdivision goes in. He moved to that area because the lot sizes were a little larger. The second concern is the emergency access site. Right now, it is a gravel lane; he would like to see that continue. His irrigation borders the proposed subdivision; he wants to know how that will impact his access. With the proposed subdivision, he wants to know what kind of barrier will go between his property and the subdivision.

Mr. Eggleston asked staff if there were bollards proposed for the emergency access.

Ms. Root said yes.

Mr. Eggleston stated it would be purely an emergency access with bollards there.

Mr. Eggleston asked if the landscaping plan included fencing.

Ms. Root said that would be a question for the applicant.

Craig Hanks, (neutral) 10144 Elvera Lane, Nampa, Idaho stated he lives next door to the Benders. He has the same concerns; he has an issue with the emergency access and people using that. His other question is if the lane is part of the annexation; he doesn't want this subdivision to impede any potential they have to stay in Canyon County. He moved out there to live in Canyon County and have his livestock. He wants to stay in the county. He said it was stated that the North half of Spruce Lane be extended, he recommends that the full street be extended. He has similar concerns with the irrigation access.

Mr. Eggleston asked Mr. MacDonald to address the question on irrigation.

Mr. MacDonald stated he didn't know the specifics of the irrigation being proposed but they would be required to comply with all city and state irrigation requirements, which would include continuing the irrigation to and through the property. They would have an obligation to let the irrigation continue so they are not negatively impacting any property owners in the area.

Mr. Eggleston stated typically the current users of the irrigation still have access.

Mrs. Angela Brinkman, 18439 Midland Blvd, Nampa, Idaho stated their primary concern is they object to the density of the project as proposed. They want to retain that rural

environment. They think the lots should maintain at least 2 to 2.5 acres each. They do not want Spruce extended all the way to Midland; it would dramatically affect their property. They have worked hard and at great expense to improve their property. They want to be able to continue to farm. When they got their permit from the county to build their barn they were told specifically unless they did something to alter their property use, the road would never go through. They strongly want to maintain their right to farm. They do not want City people moving in and then complaining about tractors, harvesting, sometimes all hours. They have seen this happen in areas they have lived before. She is a 3rd generation farmer. They had Angie Wood from T-O Engineering, request, over the phone, several times, to lay a sewer line on their property so they would not have to jog over. They do not want that. Their property boundary is along the proposed subdivision.

Mr. Eggleston stated one of the conditions of approval be that they observe the right to farm act. He can't speak to the sewer.

Robb MacDonald stated that he doesn't have specific comments on the sewer. To his knowledge, it is being pulled from the first intersection to the west.

Mr. Eggleston stated the zoning issue, in Urban Zoning, which is what we have; R-1 is the largest lot size. That's what distinguishes the urban environment from the rural environment of Canyon County.

Mr. Bob Brinkman, 18439 Midland Way, Nampa, Idaho signed in opposition but chose not to speak.

MR. EGGLESTON CLOSED THE PUBLIC TESTIMONY.

MR. EGGLESTON OPENED THE PUBLIC TESTIMONY TO ALLOW FOR REBUTTAL.

Rebuttal:

Mr. Matthew Graham, 322 N. Broadmore Way, Nampa, Idaho stated as far as lot size the requirement is 8,000 sq feet and they have an average of 8,500 sq ft. They want that road to remain for emergencies, so they will have something in place for the emergency access so it's not used as a thoroughfare for everybody in that area. As far as irrigation they will work with staff to make sure they create adequate space for those facilities so that they can continue to farm. They haven't specifically discussed fencing. The owner does plan to provide privacy fencing, possibly a 6.ft.vinyl fencing along there to create separation. As far as the full street extension right now, the property line goes to the center of the roadway. They have talked to the Brinkman's about having utilities right along the property line so everything is linear. The right to farm act is put on the final plat so that will be complied with. Also, the Bender's bought the property back in 1999 and they didn't think they would have anyone building by them either. Arbor Subdivision came in with a much higher density.

MR. EGGLESTON CLOSED THE PUBLIC TESTIMONY.

Mr. Eggleston stated there are a lot of aspects to consider. According to our comprehensive plan this is a good area for housing. We feel like it's an appropriate use of the land if annexed and an appropriate zone applied.

EXHIBITS: 1-20200603 (Langley Hall photos)

Annexation:

Comprehensive Plan Analysis for **ANN-20-02 (Annexation)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ANN-20-02 (Annexation)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ANN-20-02 (Annexation)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

RECOMMENDATION FOR ANN-20-02: The Hearing Examiner **RECOMMENDED** that Case Number ANN-20-02 (Annexation) **BE APPROVED** with the following conditions: 8.2 and 8.3

Preliminary Plat:

Comprehensive Plan Analysis for **SUB-20P-03 (Preliminary Plat)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUB-20P-03 (Preliminary Plat)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUB-20P-03 (Preliminary Plat)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

RECOMMENDATION FOR SUB-20P-03: The Hearing Examiner **RECOMMENDED** that Case Number SUB-20P-03 (Preliminary Plat) **BE APPROVED** with the following conditions: 12.2 through 12.18

4. Case Number: Case Number: CMP-20-02/ZON-20-03: A request by Rennison Companies, Inc. to amend the Comprehensive Plan from Industrial to Commercial and to Rezone 23.6 acres including parcels R35140 and R35142 from M-1 (Light Industrial) zone to C-3 (Service Commercial). The proposed mixed-use project will include multi-family units and commercial business pads. The subject properties are located at 520 N. 16th Avenue and 2505 Franklin Road, Caldwell, ID.

Testimony:

Debbie Root, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, stated the applicant is requesting to amend the comprehensive plan from "manufacturing and production" to "commercial and service" for 23.6 acres. Concurrently they are requesting to rezone the property from M-1 to C-3. The proposed development plan is for multi-family apartment buildings, office, retail and/or light commercial buildings. The request to rezone is consistent with the area. The proposed residential development would propose for student housing less than a mile from the College of Idaho. It has great access to the interstate and also to Sky Ranch Center. The other concern that staff had with a proposed 500 units is an alternate access point to 16th Avenue. They would encourage the developer to explore that option. Staff does find this request to be consistent with the comprehensive plan.

Mr. Eggleston asked about the length of the property.

Ms. Root said around 1400 feet.

Mr. Eggleston asked about the access on 16th Street and if that is in the street plan to develop anytime in the future and if it was a viable access point?

Mr. MacDonald stated yes, the condition of 16th Avenue currently is probably closer to what you would consider historical artifact but this section of road is part of the city system and could be used. With the size of the lot, it would be nice to have some kind of access on the northwest end as opposed to just on the south end. It would be nice to find a way to provide access out to that location.

Mr. Eggleston asked as it stands on the ground today is there something protecting that access from common use, is that possible without any kind of purchasing rights-of-way.

Mr. MacDonald asked if he was referring to the northwest? He said he wasn't sure if there was a location where direct access could be taken without crossing another property. They would have to go out and do a field investigation. The ideal situation would be to have an access on the south side, off of 21st, not off Franklin, and then have an access on the the Northwest end of the property. That would be beneficial to the whole development so you don't have everyone funneling through the development to one end to egress. And, it may be a benefit for emergency services. They are happy to work with the developer and try to come to a solution.

Mr. Eggleston asked if there was any other area of ingress/egress other than what they show on their plat? Is 16th it?

Mr. MacDonald said yes. He doesn't know the circumstances of the property owners that are West of this development. He's not sure of the useage of those lots and that could play into it a little bit.

Mr. Eggleston asked where the sewer access would occur?

Mr. MacDonald said he believes there is sewer running along 21st Avenue.

Mr. Eggleston introduced the following Exhibit:

PA-2 (1-20200603) (Memo from Engineering Department)

Mr. Brian Liquin, (applicant) Rennison Companies, 410 E. State St., Eagle, Idaho stated the City Staff have been phenomenal to work with. They are here for a rezone and comp plan change. The project at a glance, 23.6 acres, the project includes a multi-family component. The proposed layout shows a garden style clustering creating excellent spaces for a playground area and open space and the meandering pathways. They are also planning on a commercial portion of the property in the southeast quadrant to contain retail/commercial/office space. They feel commercial is appropriate and is simply an existing zoning to the east and south, avoiding spot zoning. It allows the most flexibility. Strong general compatibility with the 2040 comp plan and the existing housing surrounding the property. Garden style clusters, long access drive from Franklin road provides a nice entry experience and sort of some separation from the commercial component. Would be a really nice addition. There is a nice opportunity to buffer the property. Around the majority of their buildings, they have some landscaping and sidewalk frontage and two full parking rows with a center drive aisle. And then the peripheral landscape buffer with trees and shrubs and berms. They are proposing a clubhouse centrally located and walking paths throughout. There is a natural slope in the property and they are proposing a dry creek through that area. Four typical playground set-ups as well as picnic and shade structures, 2 gathering places. Fencing to be determined, the western border probably a full height fence helping to provide the buffer. Regarding site access, they are interested in exploring something that connects to the west. This a good project for Caldwell because of the need for housing, especially in the valley area. Some or all of this housing could be workforce

housing, excellent access to I-84, a short walk or drive to campus or downtown Caldwell. Huge step in keeping jobs in Caldwell and to attract new businesses to the area and it is a short commute to the other commercial development that is going on around them. Renewal and rejuvenation of that property would be a welcome addition and a really nice addition to the interstate corridor as well. It is consistent with the comp plan.

Mr. Eggleston asked about the ratio of commercial to residential, they have less than an acre in commercial. Have they looked at a greater percentage of that in commercial? It seems minimal for this type of product.

Mr. Liquin replied that the layout and topography of this site was a driving factor there. There is clear separation to the easy access point. High on the hill, directly across the street from the new Dutch Bros and other amenities there. It sets a level playing field with the existing truck stop.

Mr. Eggleston discussed the 3rd access, it is a staff concern for public safety, there is quarter mile traverse across the property. That could create other situations, a public safety incident to get in and out of there. Looking at a 3rd access in there, have they thought about trying to provide a northern access?

Mr. Liquin stated that they have discussed that in several of their preliminary conversations and they would agree. The way the conceptual plan lays out there is an opportunity for something to occur. They are quite open to working with staff and putting their heads together to find something that makes a great project even better.

Mr. Eggleston said he wanted to make sure there is a dialogue there to seek a northern point of ingress/egress. The surrounding uses are fairly harsh in a sense, they would like to see some consideration of berming and fencing and some means of landscaping to buffer this property from the surrounding uses.

Mr. Liquin replied they absolutely want to attract and keep residents happy. They have good open space to work with.

Mr. Eggleston stated regarding the access on the northern quadrant of the project, one way to approach this is to phase the development based on public safety issues.

Mr. Rennison, 410 State St Eagle, Idaho, stated there is interest to do another connection but it's just not known right now. They have touched on a lot of different things. They kind of got a curve ball with the comments on their Franklin Road access. They'd like to have another meeting with Engineering and Planning staff to come up with a solution to access. They can explore the ideas, there are other opportunities there. The city has started to plan some right-of-ways towards this property from 16th. There is not a right-of-way there, it just doesn't exist. It will take participation from other property owners, and maybe the City and maybe Urban Renewal. They are looking at it to come in and revitalize the area. They are motivated to work with city staff and to take this to council next month.

Mr. Eggleston asked about access again, have they approached any of the surrounding landowners for access?

Mr. Rennison replied they haven't directly, he thinks it will take a community effort.

Mr. Eggleston thinks it will make lovely development for the whole neighborhood block.

MR. EGGLESTON CLOSED THE PUBLIC TESTIMONY.

When he looks at this property there are a lot of challenges, it is a large industrial area. The compatibility of uses is very important. The city is desperate for affordable housing. He urges them to look at a really creative design, making it an oasis if you will, a very livable space. It's going to take a lot of creativity to do that and he understands the challenge there. If done very well it can be the impetus for the other uses to transition in the neighborhood.

Comp Plan Amendment:

Comprehensive Plan Analysis for **CMP-20-02 (Comp Plan Amendment)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **CMP-20-02 (Comp Plan Amendment)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **CMP-20-02 (Comp Plan Amendment)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

RECOMMENDATION FOR CMP-20-02: The Hearing Examiner **RECOMMENDED** that Case Number CMP-20-02 (Comp Plan Amendment) **BE APPROVED** with the following conditions: 8.2 and 8.3 and PA-2 (Engineering Comments)

Rezone:

Comprehensive Plan Analysis for **ZON-20-03 (Rezone)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **ZON-20-03 (Rezone)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **ZON-20-03 (Rezone)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

RECOMMENDATION FOR ZON-20-03: The Hearing Examiner **RECOMMENDED** that Case Number ZON-20-03 (Rezone) **BE APPROVED** with the following conditions: 12.2 through 12.18 and PA-2 (Engineering Comments) and Development Agreement. Also the addition of 12.19 that there be a 3rd access of ingress/egress, a safety access on the northern part of the lot. Part of the mechanism to achieve that would be a phasing of the project to allow development to go ahead while securing the point of ingress/egress and when that is achieved the project can be finished and the safety requirements would be satisfied with the north end of the lot.

5. **Case Number SUB-20P-02**: Ed Priddy, CPAC, LLC, is requesting approval of a preliminary plat for Skypark Business Complex on two parcels, R35852 & R35853, containing 37 acres more or less with a zone designation of M-1 (Light Industrial) and lying fully within the Industrial Airport Overlay APO-1 Land Use Limitation Zone. The proposed preliminary plat, Skypark Business Complex, contains 41 buildable lots and is located east of and adjacent to the Caldwell Municipal Airport. The subject properties are located at 5104 E. Linden Road and 2910 KCID Road, Caldwell, ID.

Testimony:

Bruce Eggleston read into testimony Exhibit PA-2- Caldwell Airport Manager Comments •

Debbie Root, Senior Planner, 621 Cleveland Blvd., Caldwell, ID 83605, stated the applicant is requesting approval of a preliminary plat for Skypark Business Complex on two parcels containing 37 acres more or less with a zone designation of M-1 and lying fully within the Industrial Airport Overlay (APO-1) land use zone. The proposed preliminary plat contains 41 buildable lots and is located east of and adjacent to the Caldwell Municipal Airport. Development of this property is not consistent with the comprehensive plan. Further, the development that was presented to staff has some things that need to be corrected; it is not consistent with Airport Master Plan and therefore is not consistent with the Comprehensive Plan.

Mr. Eggleston has questions about the layout and wants to understand ingress/egress with the parcels.

Ms. Root stated the three parcels that are not currently provided access, although they do have road frontage on KCID Road, the road frontage was not requested at the time the plat was submitted and has not been reviewed by Engineering for that purpose.

Mr. Eggleston asked if in order to achieve that access would they have to preplat?

Ms. Root said there would have to be an adjustment to the presented preliminary plat and a conversation and discussion with Engineering on how that access would look.

Mr. Eggleston stated it looks to him like there is still a lot of work to do here with the applicant and staff. It begs the questions is this a viable plat as submitted and it doesn't seem to be. He thinks they need to take another look at that. Would that require a new application?

Ms. Root said potentially continuing to a potential future date would give them opportunity to correct the oversight, and she does believe it was an oversight.

Mr. MacDonald added that KCID is a classified road north of Linden. The section south of Linden is not classified so that changes the access requirements just a little bit.

Ms. Stephanie Leonard, 9233 W. State Street, Boise, ID (applicant) stated she is a little surprised of Deb's analysis of the staff report. What she read seemed to support the project through the comprehensive goals through several goals. There were a couple that were noted that were inconsistent with the plan, which Deb went into detail about. In terms of this project, they are planning on creating a product that would be complimentary to the airport. Their intent is to plat out land that is already zoned. Their goal is to place commercial and complimentary services such as aviation related businesses there. They designed this plat to comply with the M-1 district. As Robb mentioned this is a collector road that dead ends so she doesn't believe that direct access is prohibited. They are more than happy to work with staff to work out the details and come to an agreement on what works. They have done several things that coincide with the Airport Master Plan; they have moved the Canyon Hill lateral and tried to design this plat with the intent to be complimentary towards future potential development. The larger lots have access onto KCID, access there would provide better circulation and an easier means of ingress/egress for businesses that are located there. They are proposing two main access points; KCID Road and Spitfire Road. Staff did note in their staff report that direct access onto Linden and KCID Road should be limited. They do feel this access point is imperative to this area. They have vetted out uses that will work well with the airport overlay district as well as the M-1 district and they foresee restaurants and food stands and things of that nature, services available for employees or travelers. The uses they would want to locate there wouldn't be noise sensitive. As far as staff comments, they would like to have a further discussion on

how they can make the preliminary plat compatible and comply with code in a way that it would be approvable.

Mr. Ed Priddy, 1336 S. Willow Wood Eagle, ID stated that first of all he would like to say that he was in the pre-application meeting and this was presented, they had talked with Robb as well as all the staff and they presented these particular access points. That is why the plat exists as it is and no changes were requested of them. There was a change requested on the internal road and they made that change. They made a number of changes requested in the preapplication meeting. They specifically spoke of these access points in the meeting and no one said anything. They would be happy to give cross access from the interior if needed. As far as not being consistent with the master plan, the master plan is almost 10 years old. The City has had numerous opportunities to buy the land but they just chose not to. He wants to put on record that the City cannot deny them their normal use as long as it is consistent with normal planning and he'd be concerned if they were denied. They had a neighborhood meeting and they loved the idea and they really look forward to having the services offered there. They will be aviation uses, and would be very supportive to the airport. They had a lot of meetings with the city pre-Deb which is unfortunate. He had several meetings and he wishes someone at any one of these meetings would have said that the plat wasn't consistent. He is open to work with staff on this. He only asks rather than be continued the plat be accepted as is and he will work with staff on the access/cross access. He is happy to make the changes.

Mr. Eggleston said the big question here is the compatibility with the airport master plan, he is sympathetic to the city staff, Mr. Oates, because he is the guy who knows what these plans are and how that would be impacted by this proposal. The other part is the lack of completeness of the plat itself, this is a technical issue, he supposes it can be worked out. What he doesn't see is an approvable project with these large obstacles or challenges. He doesn't see a clear path to that. But what he does see is a chance to sit down with the staff, the airport manager, and try to work out these details. He worked on the SLC master plan and the Boise City master plan. He does understand the ramifications. He is going to exercise the prerogative to setting this back to a date certain. He just wanted to ask the question, what does the applicant think the middle ground is for the airport.

Mr. Priddy said this is the first he's heard of any objections and he's met with city staff many times. He's met with Brent Orton and Robb and this is the first time he's heard of anyone objecting of this and he's taken back. If the city wanted to buy the property, they could have bought the property anytime in the last 10 years. And they haven't. He thought this was consistent. In the pre-application meeting, no one had any objection whatsoever. As a matter of fact they helped design the roads and helped design where the lateral would be, where the easements would be. He is completely taken off guard. He would be happy to do a cross access agreement.

Ms. Root said Robb MacDonald stated there may be an opportunity to route the road differently to meet both the subdivision ordinance requirements of all lots taking access to internal roads and to provide access to all the lots involved. She understands the staff comments; there is lot of history and comments missed when staff changes. Although she went back and read the minutes from one of the meetings. She understands there are conversations among staff off record and no way for her to regroup and grasp that.

Mr. MacDonald has one question; the access that we are talking about is not shown on this plat. He has no problem with the two access points that are shown but he feels like they are talking about an access that isn't shown on the map.

Ms. Leonard stated that is her fault, she misinformed Deb as a result. She thought they were going to be doing a cross access easement through the center for the internal roadway.

Mr. Eggleston asked the director if they were to continue this to July 14 would that be enough time to work out the issues.

Mr. Mapp replied that he would like to give them the opportunity to meet with staff and if they can't come to a conclusion then they could come back to the Hearing Examiner. If he recommended approval tonight and stipulated that if they can't work out the differences they will come back to the Hearing Examiner in July.

Mr. Eggleston stated he will take that under advisement.

MR. EGGLESTON CLOSED THE PUBLIC TESTIMONY.

Comprehensive Plan Analysis for **SUB-20P-02 (Preliminary Plat)**: The Hearing Examiner accepted the comprehensive plan analysis as listed in the staff report.

Findings of Fact for **SUB-20P-02 (Preliminary Plat)**: The Hearing Examiner accepted the general facts as outlined in the staff report, public testimony, and the evidence list.

Conclusions of Law for **SUB-20P-02 (Preliminary Plat)**: The Hearing Examiner accepted the Conclusions of Law as outlined in the staff report.

RECOMMENDATION FOR SUB-20P-02: The Hearing Examiner **RECOMMENDED** that Case Number SUB-20P-02 (Preliminary Plat) **BE APPROVED** with the following conditions: 8.2 through 8.14 and to add Condition 8. 15 The applicant and staff, including the airport director, meet and try to work out the land use concerns the airport director has expressed. It is necessary to achieve a degree of compliance with the Airport Master Plan to allow this subdivision to be completed. The second issue to address is the ingress/egress issues; these must be resolved in compliance with the Caldwell City subdivision code. Primarily, there must be a way to satisfy the conditions of the Airport Master Plan along with the subdivision plat.

Planning Issues - None

The next regularly scheduled Hearing Examiner meeting will be July 14, 2020.

Adjournment

The Hearing Examiner adjourned the meeting at approximately 10:05 p.m.

Respectfully submitted by Lori Colligan,

MINUTES APPROVED AND SIGNED BY THE HEARING EXAMINER, BRUCE EGGLESTON, ON THE DATE NOTED BELOW:


Mr. Bruce Eggleston


Date

ATTEST:


Debbie Root, Senior Planner


Date

For detailed Minutes, please request a copy of the digital recording.