

BEFORE THE NAMPA PLANNING AND ZONING COMMISSION
CITY OF NAMPA, CANYON COUNTY, IDAHO

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| In the Matter of Appeal of the Approval of) | |
| A Conditional Use Permit for a Group) | |
| Care Home for 9+ beds in an) | |
| a RS6 (Single-Family Residential) zoning) | FINDINGS OF FACT, CONCLUSIONS |
| district at 819 S Powerline Rd.) | OF LAW AND DECISION |
|) | |
| Appellant: Shandi Nelson) | Case No. APL-00021-2024 |
|) | in regards to CUP-00334-2024 |
| Original Applicant: Riana Montagnino) | |

This matter came before the Nampa City Council (“Council”) for hearing and consideration on the 3rd day of June, 2024, upon a request filed by appellant Shandi Nelson (“Applicant”), pursuant to Nampa City Code Title 10 Chapter 25. City Council hereby makes the following findings, conclusions of law and decision on this matter.

I.

RECORD

City Council’s decision is made from evidence and testimony presented at the hearing on Monday, June 3, 2024.

II.

FINDINGS OF FACT, CONCLUSIONS OF LAW

Regarding an Appeal of the Approval of a Conditional Use Permit by the Nampa Planning and Zoning Commission, for a Group Care Home with 9+ beds in a RS6 (Single-Family Residential) zoning district at 819 S Powerline Rd (a .37 acre parcel #R1144200000, located in the NE 1/4 Section 34, T3N, R2W, BM) for Riana Montagnino, the appeal by Shandi Nelson (APL-00021-2024). The Nampa City Council APPROVES the appeal which has the effect of denying the Conditional Use Permit, overturning the approval of the Conditional Use Permit, by the Nampa Planning and Zoning Commission. In approving the request, the Council finds the following:

- 1. That the design, construction, operation and maintenance of the property and project will adversely impact the intended character and appearance of the general vicinity.**

- a. The operation of the property will impact the surrounding character of the neighborhood.
- b. An increase in the number of patients from the allowed eight (8) to sixteen (16) individuals, is too large an increase and will affect the property by adversely impacting the intended character and appearance of the general vicinity.
- c. Housing large numbers of unrelated individuals is not the intent of this structure or of the character of this neighborhood and the general vicinity.

Conclusion: The proposed group care facility will adversely impact the intended character of the surrounding neighborhood and the general vicinity, because it proposes to house sixteen (16) unrelated, individuals in a single-family structure, in a single-family neighborhood and because it would not be compatible with the surrounding properties.

2. That the proposed use will not be detrimental to the economic welfare of the community.

- a. The use adversely affect the economic welfare of the surrounding properties because it will likely have a potential impact on the home values in the surrounding neighborhood.

Conclusion: The proposed group care facility will be detrimental to the economic welfare of the community because the primary use of the property, once researched, will likely have an impact on the home values in the neighborhood due to the use being incompatible because of the number of individuals that would be allowed to reside and receive treatment at this location.

3. That the proposed use will not involve activities or processes, materials, equipment and conditions of operation that will be detrimental to any persons, property or general welfare by reason of excessive traffic, noise, smoke, fumes, glare or odors.

- a. An increase in the number of patients from the allowed eight (8) to sixteen (16) individuals, is too large.
- b. Large gatherings of people either receiving care or visiting those who are receiving care will cause excessive traffic and noise.

- c. Excessive noise and traffic will affect home values and be detrimental to nearby homeowners.

Conclusion: The proposed group care facility will involve activities that will be detrimental to persons, property and/or the general welfare by reason of excessive traffic and noise because it will not remain compatible with existing nearby residences, the number of individuals that can potentially reside there is excessive and because large gatherings of people either receiving care or visiting those who are receiving care, will cause excessive traffic and noise. These factors will cause excessive noise and traffic and this will negatively affect home values.

III. DECISION

The Council, based upon the testimony and evidence on record in this matter and upon findings of fact and conclusions of law set forth herein DOES HEREBY DETERMINE AND DECIDE AS FOLLOWS: the request for an Appeal of Approval of a Conditional Use Permit for a Group Care Home with 9+ beds in a RS6 (Single-Family Residential) zoning district at 819 S Powerline Rd (a .37 acre parcel #R1144200000, located in the NE 1/4 Section 34, T3N, R2W, BM) for Riana Montagnino, appealed by Shandi Nelson (APL-00021-2024) is APPROVED and thus the Conditional Use Permit is denied and the Approval of the Planning and Zoning Commission is overturned.

These Findings of Fact, Conclusions of Law and Decision are approved and adopted by the Nampa City Council on this 3rd day of June, 2024.

Deborah Kling, Mayor

Attest:

City Clerk

NOTICE TO THE APPLICANT

You are hereby notified of the following:

Pursuant to Idaho Code §67-6519(4) you are entitled to request that the City of Nampa conduct a regulatory takings analysis pursuant to the Idaho Regulatory Takings Act (Idaho Code §67-8001 et seq.)

Pursuant to Idaho Code §67-6535, your conditional use permit request was evaluated under, Nampa City Code Title 10 Chapter 25, Nampa City Code Title 10 Chapter 8, Nampa City Code Title 10 Chapter 3 and the Local Land Use Planning Act (Idaho Code §67-6501 et seq.) and other applicable law.