

Planning & Zoning Department
Planning & Zoning Commission Meeting
May 14, 2024

Staff Report – Public Hearing

Prepared By: Kristi Watkins, Principal Planner

Conditional Use Permit for the operation of a pet alkaline hydrolysis (a.k.a. aquamation, a water-based, flameless form of small animal cremation) business in the IL (Light Industrial) zoning district at 3806 E Newby St, Suite 104 (a 0.46 acres parcel #R1293951700; located in the SW 1/4 of Section 13, T3N, R2W, BM) for Kesler Thueson (CUP-00338-2024).

(Action: [Decision](#))

PROPERTY DETAILS

Comprehensive Plan Designation: Industrial

Current Zoning: IL (Light Industrial)

Surrounding Land Use and Zoning:

- North-** IL (Light Industrial)
- South-** IL (Light Industrial)
- East-** IL (Light Industrial)
- West-** IL (Light Industrial)

Applicant stated request for this application: “I am applying for a conditional use permit for a pet alkaline hydrolysis business also known as aquamation. This is a water-based, flameless, form of small animal cremation. The current zoning for this property is light industrial which requires a CUP for crematoriums. It will only be myself, or an employee, using the warehouse, as I work directly with veterinarians and am not open to the public. This makes parking requirements minimal. The result of the process is the same as incinerator-based cremation, which is ashes. Aquamation is an eco-friendlier process of getting the ashes.”

Public Utilities & Services:

Already service the property

APPLICABLE REGULATIONS

10-3-2 SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS

P = Permitted

C = Conditional Use Permit

Blank = Not Permitted

<i>Service And Office Land Use/ Building Occupancy Type</i>	IP	IL	IH
Crematorium	C	C	P

Conditional Use Permits

10-25-1: DESCRIPTION AND PURPOSE

Certain types of uses require special consideration prior to their being permitted in a particular district. The reason for special consideration involves, among other things, the size of the area required for the full development of such uses, the nature of the traffic problems incidental to operation of the use, the effect such uses have on any adjoining land uses and on the growth and development of the community as a whole.

All uses permitted conditionally are declared to typically possess such unique and special characteristics as to make impractical their being included as outright uses in any of the various districts defined within this title. The authority for the location and operation thereof shall be subject to review and the issuance of a conditional use permit (CUP). The purpose of review shall be to determine that the characteristics of any such use shall not be unreasonable or incompatible with the type of uses permitted in surrounding areas, and for stipulating such conditions as may be reasonable so that the basic purposes of the chapter shall be served. Nothing construed herein shall be deemed to require the Commission to grant a CUP.

10-25-4.A: A Conditional Use Permit may be granted only if the proposal conforms to all the following conditional use permit criteria, provisions of the zoning ordinance unless lawfully waived or modified by authorization of the Commission, and the Nampa comprehensive plan. The conditional use permit criteria are as follows:

10-25-4.A.1: That the proposed use is supported by the Nampa Comprehensive Plan.

10-25-4.A.2: That the design, construction, operation and maintenance of the property and project will not adversely impact the intended character and appearance of the general vicinity.

10-25-4.A.3: That the proposed use will be served adequately by essential public facilities and services.

10-25-4.A.4: That the proposed use will not be detrimental to the economic welfare of the community.

10-25-4.A.5: 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.

Whether the Commission votes to deny or approve the Conditional Use permit request, the statements cited in this report as being from 10-25-4.A above must be found and supported by facts in order to approve the Conditional Use Permit in a reason statement as required by state law. A decision to deny the request must also conclude that at least one of those criteria are not met and also supported by facts.

CORRESPONDENCE

All agency comments received indicated no comment/concerns/impact, and are therefore not included in this summary. For full details, please review the attached exhibits.

- 1) **Nampa Fire District:** The Fire District does not oppose the application.
 - a. Storage and use of Hazardous materials shall be in compliance with Chapter 50 of the International Fire Code.
 - b. Specific Building construction requirements of the International Building Code, International Fire Code and City of Nampa Code will apply. However, these provisions are best addressed by a licensed Architect at the time of building permit application.

- 2) **Nampa Engineering Division:** The Engineering Division does not oppose this application and states that any future development of this site will be regulated by City Codes at the time of building permit submittal.

STAFF ANALYSIS

Immediately Surrounding Land Uses: Industrial, warehousing, automotive, construction, technology service businesses.

Zoning: The property is zoned IL (Light Industrial).

Comprehensive Plan: The future land use designation is Industrial.

Parking: Parking is installed with existing flex warehouse space. Applicant indicates that the public does not visit this business so vehicle traffic will be minimal.

Public interest: Animal crematory services are a needed service by the community and the aquamation process is a more environmentally friendly process according to the applicant.

Compatibility: The location of the tenant space is part of a larger industrial development. A crematorium is identified as an industrial use.

RECOMMENDED CONDITIONS OF APPROVAL

If the Planning and Zoning Commission approves of the conditional use permit for an auto detailing/ceramic coatings business, the recommended conditions of approval are as follows:

1. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment, including but not limited to a building permit and any associated sub permits, and sign permits.
2. Applicant/Developer shall coordinate with the City of Nampa Wastewater staff concerning proposed use of the space as “water-based cremation” and any requirements regarding the handling of waste products from that process.
3. Any additional conditions the Commission may add...

PROPOSED FINDINGS

1. That the proposed use is supported by the Nampa Comprehensive Plan.

- **Chapter 5, Land Uses, Industrial:** Includes light and heavy industrial land uses such as small high-tech businesses, machine shops, warehouses, local/regional employment centers, and other industries. Gravel pits, lumber mills and other uses which create potential hazardous impacts (air, noise, odor, vibration, and others) to the community are included in this designation. Light and Heavy Industrial designations will be delineated in the zoning code and on the zoning map.
- The location of the tenant space is part of a larger industrial development.
- A crematorium is identified in Nampa City Code, Title 10, Chapter 3 as an allowed use with an approved Conditional Use Permit in the Light Industrial zoning district.
- Other uses in the area, include but are not limited to: Industrial, warehousing, automotive, construction, technology service businesses.

Conclusion: The proposed small animal aquamation facility meets the definition of the industrial use intentions as outlined in the Nampa Comprehensive Plan because it categorized as an industrial use located in an existing industrial development surrounded by other industrial uses.

2. That the design, construction, operation and maintenance of the property and project will not adversely impact the intended character and appearance of the general vicinity.

- The property will retain its industrial appearance and operations.
- The tenant will be required to address any necessary treatment of waste with the city's waste water treatment staff.
- Other uses in the area, include but are not limited to: Industrial, warehousing, automotive, construction, technology service businesses.

Conclusion: The proposed small animal aquamation facility will not adversely impact the intended character and appearance of the general vicinity through design, construction, operation and maintenance because it will not change its industrial appearance and operation.

3. That the proposed use will be served adequately by essential public facilities and services.

- City utilities for sewer, water, and pressurized irrigation are all existing and in use by this facility.
- Property is located in the Nampa Fire District boundary.
- Property is located within the service area for Nampa City Police.

Conclusion: The proposed small animal aquamation facility is a use that use will be served adequately by essential public facilities and services because the facility is already being served by essential public facilities and services, including sewer, water, pressurized irrigation, police & fire district services.

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

- The property will retain its industrial appearance and operations.
- Other uses in the area, include but are not limited to: Industrial, warehousing, automotive, construction, technology service businesses.
- Animal crematory services are a needed service by the community.
- A crematorium is identified in Nampa City Code, Title 10, Chapter 3 as an allowed use with an approved Conditional Use Permit in the Light Industrial zoning district.
- The aquamation process is a more environmentally friendly process according to the applicant.

Conclusion: The proposed small animal aquamation facility will not be detrimental to the economic welfare of the community because the primary use of the property will be industrial, will be approved through the public hearing for the Conditional Use Permit and will provide an essential service to the community.

5. 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.

- The property will retain its industrial appearance and operations.
- The proposed use will not create excessive traffic, noise, smoke, fumes, glare or odors.
- The proposed use will have less environmental impact than a typical incineration process.

Conclusion: The proposed small animal aquamation facility 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 because it will be retain its industrial appearance and operation will remain compatible with existing nearby businesses.

POTENTIAL MOTIONS

APPROVE:

I move to approve the **Conditional Use Permit for the operation of a pet alkaline hydrolysis** business in the IL zoning district at 3806 E Newby St, for Kesler Thueson (CUP-00338-2024) with Recommended Conditions and Proposed Findings.

DENY:

I move to deny the **Conditional Use Permit for the operation of a pet alkaline hydrolysis** business in the IL zoning district at 3806 E Newby St, for Kesler Thueson (CUP-00338-2024)...

... because the project fails to comply with _____ (state one or more conclusion of law), because... _____ (state your reasoning/"findings" for denial).

Conditional Use Permit Conclusions of Law:

1. That the proposed use is supported by the Nampa Comprehensive Plan.
2. That the design, construction, operation and maintenance of the property and project will not adversely impact the intended character and appearance of the general vicinity.
3. That the proposed use will be served adequately by essential public facilities and services.
4. That the proposed use will not be detrimental to the economic welfare of the community.
5. 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.

ATTACHMENTS

- Application
- Narrative
- Comprehensive Plan Future Land Use Map
- Zoning Map
- Aerial View
- Citizen, agency and other correspondence



Planning & Zoning Department
Master Application

Staff Use Only

Project Name: Idaho Pet Aquamation
File Number: CUP-00338-2024
Related Applications:

Type of Application

- Accessory Structure
Annexation/Pre-Annexation
Appeal
Design Review
Comprehensive Plan Amendment
Conditional Use Permit (checked)
Multi-Family Housing
Development Agreement
Modification
Home Occupation
Daycare
Kennel License
Commercial
Mobile Home Park
Legal Non-Conforming Use
Planned Unit Development/MPC
Subdivision
Short
Preliminary
Final
Condo
Temporary Use Permit
Fireworks Stand
Vacation
Variance
Staff Level
Zoning Map/Ordinance Amendment (Rezone)
Other:

You must attach any corresponding checklists with your application or it will not be accepted

Applicant Name: Kessler Thueson
Phone: 208-697-8179
Applicant Address: 4570 W. Niemann Ct.
Email: kesslerthueson@gmail.com
City: Meridian
State: ID Zip: 83646
Interest in property: Own Rent Other:

Owner Name: Michael Walker
Phone: 208-350-9045
Owner Address: 1190 W. Rush RD.
Email: mansionsidaho@gmail.com
City: Eagle
State: ID Zip: 83616

Contractor Name (e.g., Engineer, Planner, Architect):
Firm Name:
Phone:
Contractor Address:
Email:
City:
State: Zip:

Subject Property Information

Address: 3806 E. Newby Street, Suite 104, Nampa, ID 83687
Parcel Number(s): R1293951700 Total acreage: .4600 Zoning: IL
Type of proposed use: Residential Commercial Industrial Other: _____
Project/Subdivision Name: Idaho Pet Aquamation
Description of proposed project/request: CUP for a water-based crematorium for small animals (pets).
Proposed Zoning: N/A Acres of each proposed zone: N/A

Development Project Information (if applicable)

Lot Type	Number of Lots	Acres
Residential		
Commercial		
Industrial		
Total Common Area		
Internal Roadways	Provide acres only	
Frontage ROW to be dedicated	Provide acres only, if applicable	
Total		

Development Project Information (if applicable)

Minimum residential lot size (s.f.): _____ Maximum residential lot size (s.f.): _____
Gross density: _____ (# of lots divided by gross plat/parcel area)
Subdivision Qualified Open Space: _____ % of gross area _____ acres
Type of dwelling proposed: Single-family Detached Single-family Attached (townhouse)
 Duplex Multi-family Condo Other: _____

Commercial/Industrial/Multi-Family Project Information (if applicable)

Min. sq. feet of structure: _____ Max building height: _____ Gross Floor Area: _____
Proposed number of residential (multi-family) units: _____
Total number of parking spaces provided : _____

Print applicant name: Kesler Thueson
Applicant signature: Kesler Thueson Date: 03/14/2024

City Staff	
Received by: <u>JKW</u>	Received date: <u>3/14/2024</u>

Idaho Pet Aquamation

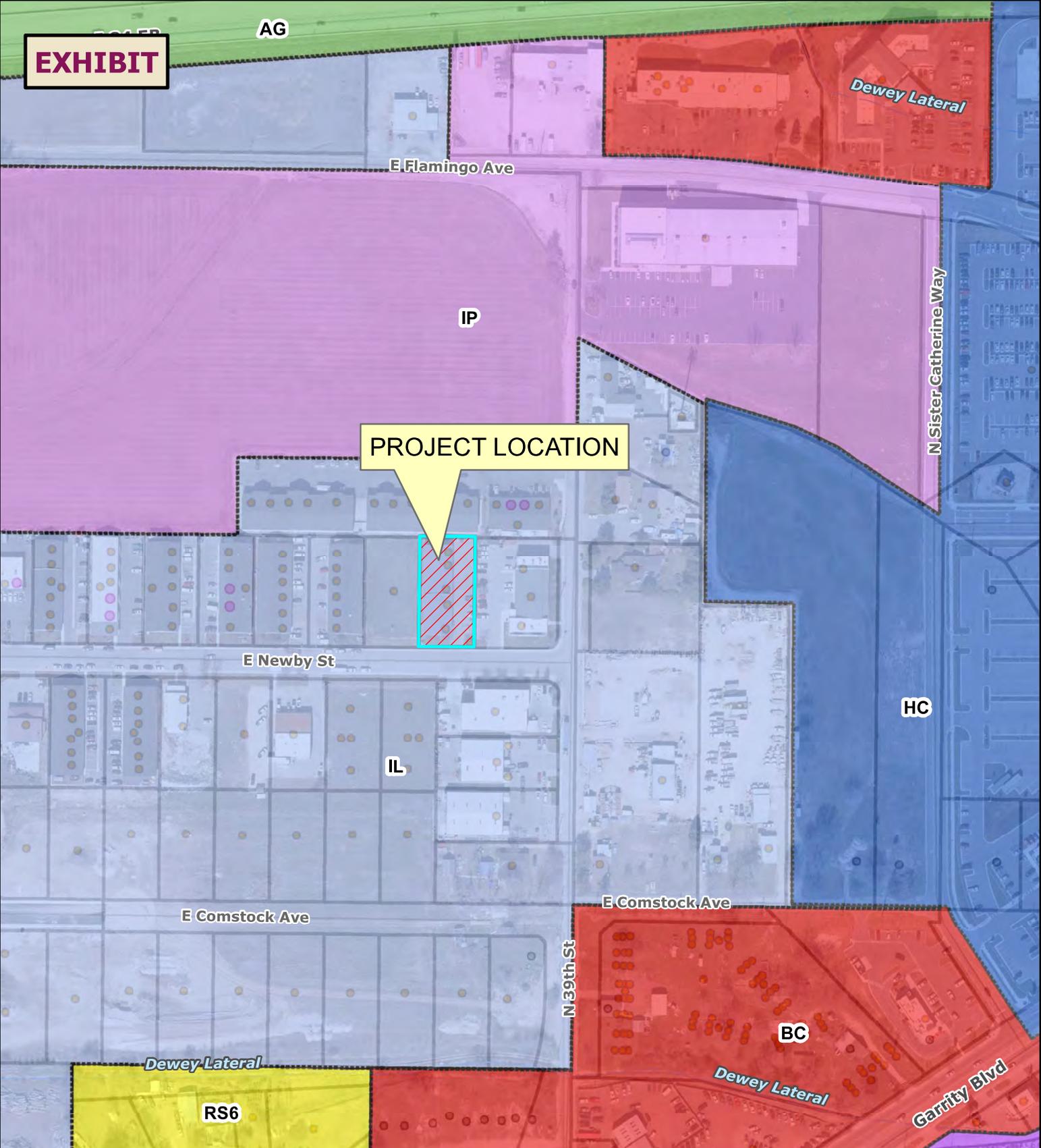
Application for Conditional Use Permit Narrative

Parcel Number: R1293951700

Address: 3806 E Newby St 104, Nampa, ID, 83687

I am applying for a conditional use permit for a pet alkaline hydrolysis business also known as aquamation. This is a water-based, flameless, form of small animal cremation. The current zoning for this property is light industrial which requires a CUP for crematoriums. It will only be myself, or an employee, using the warehouse, as I work directly with veterinarians and am not open to the public. This makes parking requirements minimal. The result of the process is the same as incinerator-based cremation, which is ashes. Aquamation is an eco-friendlier process of getting the ashes.

EXHIBIT

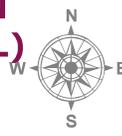


PROJECT LOCATION

3806 E NEWBY ST
CONDITIONAL USE PERMIT FOR
THE OPERATION OF A PET AQUAMATION
BUSINESS IN THE IL (LIGHT INDUSTRIAL)
ZONE

CONDITIONAL USE PERMIT

Visit Planning & Zoning at cityofnampa.us for more info.



AG	GB2	RD_PUD	RS8.5
BC	GBE	RMH	RS8.5_PUD
BC_PUD	HC	RML	RS12
BF	IH	RML_PUD	RS12_PUD
BN	IL	RP	RS15
BN_PUD	IL_PUD	RP_PUD	RS15_PUD
DB	IL_RS	RS4	RS18
DH	IP	RS6	RS18_PUD
DV	IP_RS	RS6_PUD	RS22
Enc	RA	RS7	RS22_PUD
GB1	RD	RS7_PUD	U
			UnZoned



NAMPA Proud

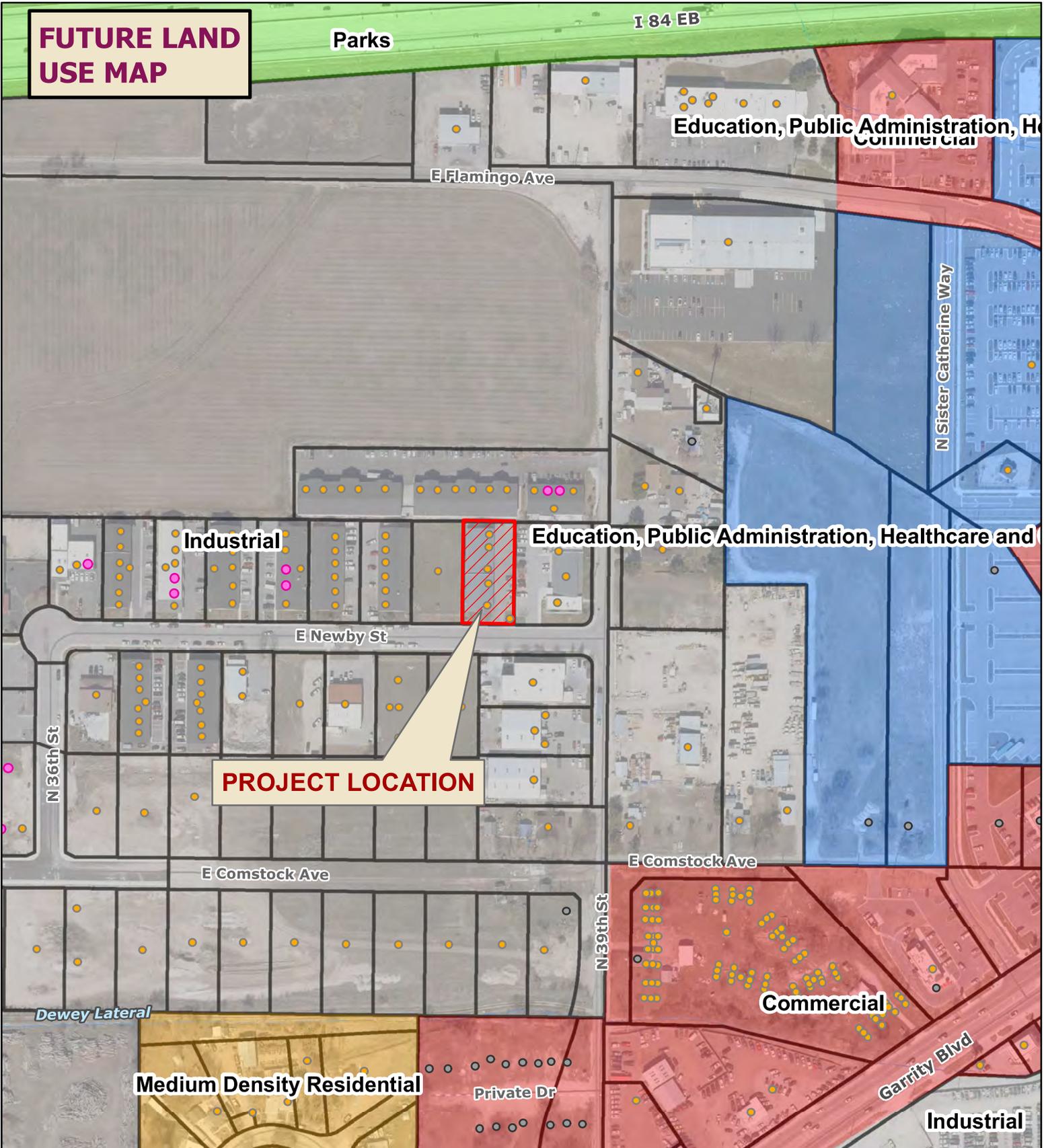
CUP-00338-2024

5/14/2024

For illustrative purposes only.

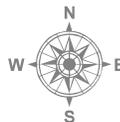


FUTURE LAND USE MAP



PET ALKALINE HYDROLYSIS
3806 E NEWBY ST
 CONDITIONAL USE PERMIT

Visit *Planning & Zoning*
 at cityofnampa.us
 for more info.



- Agricultural
- Airport
- Commercial
- Downtown
- Education, Public Administration, Healthcare and Other Institutions
- Industrial
- Parks
- Low Density Residential
- Medium Density Residential
- High Density Residential
- Residential Mixed Use
- Community Mixed Use

NAMPA Proud

CUP-00338-2024

5/8/2024

For illustrative purposes only.

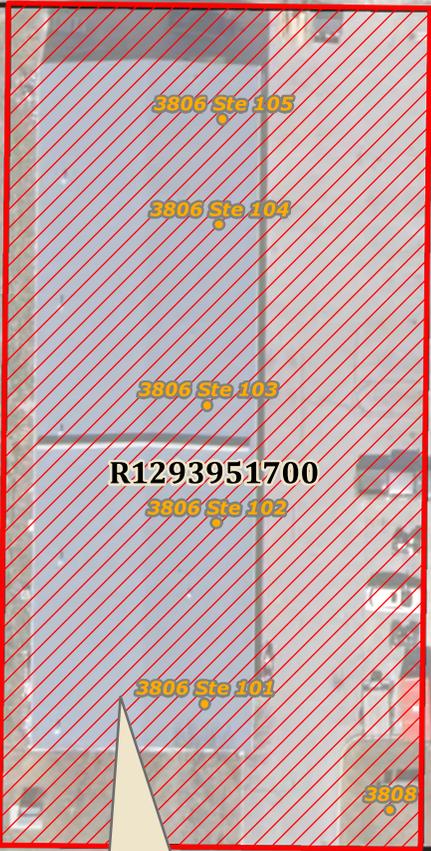
AERIAL

1307 Ste 105 1307 Ste 104 1307 Ste 102 1307 Ste 101 1303 Ste 104 1303 Ste 101

R3114100000

1303

R3110300000



3806 Ste 105

3806 Ste 104

3806 Ste 103

R1293951700

3806 Ste 102

3806 Ste 101

3806

3818 Ste 103

R1293951600

3818 Ste 102

3818 Ste 101

N 39th St

R1293951800

3800

PROJECT LOCATION

E Newby St

R1293953000

3803 Suite 100

R1293952900

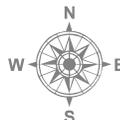
R3110201200



**PET ALKALINE HYDROLYSIS
3806 E NEWBY ST**

CONDITIONAL USE PERMIT

Visit Planning & Zoning
at cityofnampa.us
for more info.



NAMPAProud

CUP-00338-2024

5/8/2024

For illustrative purposes only.





DATE: April 17, 2024
TO: Planning and Zoning Department
FROM: Peter Nielsen, Civil Engineering Plans Examiner
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Kesler Thueson
OWNER: Michael Walker
ADDRESS: 3806 E Newby St, Ste 104
RE: **CUP-00338-2024 – Idaho Pet Aquamation**

The Engineering Division has reviewed the subject application and provide the following comments and recommended conditions.

General Comments:

1. Any future development of this site is subject to City of Nampa building permit plan review process. Any applicable conditions or required inspections for the project will be generated via that process. Applicable utility connection and engineering inspection fees are to be paid upon approval of and prior to receiving any building permits.
2. Streets providing access:
 - E Newby St – Classified as a local road, 20 MPH.
3. Water and sewer services are currently existing. Any new taps for services will require coordination with City of Nampa.
4. Developer/ Tenant shall coordinate with City of Nampa Wastewater staff concerning proposed use of the space as “water-based cremation” and any requirements regarding the handling of waste products from that process.

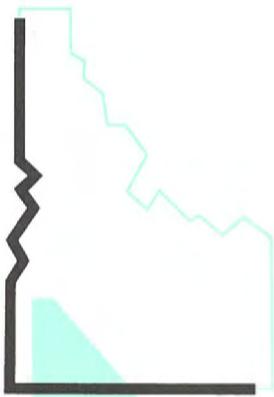
Conditions:

1. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of building permit.
2. Developer/ Tenant shall coordinate with City of Nampa Wastewater staff concerning proposed use of the space as “water-based cremation” and any requirements regarding the handling of waste products from that process.

Utility Map



NAMPA DEVELOPMENT SERVICES CENTER



ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH
FAX #208-463-0092

NAMPA, IDAHO 83651-4395
nmid.org

OFFICE: Nampa 208-466-7861
SHOP: Nampa 208-466-0663

April 22, 2024

City of Nampa
Planning & Zoning
500 12th Avenue South
Nampa, ID 83651

RE: CUP-00338-2024/ Idaho Pet Aquamation; 3806 E Newby Ste 104

To Whom It May Concern:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application as no facilities are impacted and plans show storm water is retained on site.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site, NMID will need to review drainage plans. The developer must comply with Idaho Code 31-3805.

Please feel free to contact me with any further questions.

Sincerely,

David T. Duvall
Asst. Water Superintendent
Nampa & Meridian Irrigation District
DTD/ eol

Cc:

Office/ file



APPROXIMATE IRRIGABLE ACRES

RIVER FLOW RIGHTS - 23,000

BOISE PROJECT RIGHTS - 40,000

Kristi Watkins

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, April 24, 2024 10:32 AM
To: Candace Fry
Subject: RE: Idaho Pet Aquamation- CUP-00338-2024

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After careful review of the transmittal submitted to ITD on April 5, 2024, regarding Idaho Pet Aquamation – CUP-00338-2024, the Department has no comments or concerns to make at this time.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Candace Fry <fryc@cityofnampa.us>
Sent: Friday, April 5, 2024 10:20 AM
Subject: Idaho Pet Aquamation- CUP-00338-2024

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Good Morning,

RE: Idaho Pet Aquamation – CUP-00338-2024

I have attached for your review the application for Conditional Use Permit for the operation of a pet alkaline hydrolysis (a.k.a. aquamation, a water-based, flameless form of small animal cremation) business in the IL (Light Industrial) zoning district at 3806 E Newby St (a 0.46 acres parcel #R1293951700; located in the SW 1/4 of Section 13, T3N, R2W, BM) for Kesler Thueson (CUP-00338-2024)

This application will go before the Planning and Zoning commission as a public hearing item on the May 14, 2024 agenda.

Please return all comments to the Planning and Zoning staff (pzall@cityofnampa.us) prior to May 3, 2024.

Candace Fry

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, April 8, 2024 7:19 AM
To: Planning-Zoning Staff
Subject: FW: Idaho Pet Aquamation- CUP-00338-2024
Attachments: CUP-00338-2024_Idaho Pet Aquamation_Application.pdf; CUP-00338-2024_Idaho Pet Aquamation_Legal Description.docx; CUP-00338-2024_Idaho Pet Aquamation_Narrative.docx; CUP-00338-2024_Idaho Pet Aquamation_Site Map.docx

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Good Morning,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 12th Ave. Rd. • Nampa, id 83686
TEL 208.467.6576 • FAX 208.467.9916

From: Candace Fry <fryc@cityofnampa.us>
Sent: Friday, April 5, 2024 10:20 AM
Subject: Idaho Pet Aquamation- CUP-00338-2024

Good Morning,

RE: Idaho Pet Aquamation – CUP-00338-2024

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Please return all comments to the Planning and Zoning staff (pzall@cityofnampa.us) prior to May 3, 2024.

Thanks,
Candace



EXCELLENCE
SERVICE
STRENGTH IN UNITY

ADMINISTRATIVE OFFICE
9 – 12th Avenue South Nampa, ID 83651

208.468.5770

DATE: May 3, 2024

TO: City of Nampa – Planning and Zoning

FROM: Ron Johnson, Nampa Fire District, Fire Marshal

APPLICANT: Kesler Thueson

OWNER: Michael Walker

PROJECT ADDRESS: 3806 E. Newby St. Suite 104

RE: CUP-00338-2024; Idaho Pet Aquamation

This application is for a pet alkaline hydrolysis business also known as aquamation.

The Nampa Fire Department does not oppose the application subject to compliance with all the following code requirements and conditions of approval.

General Conditions

Storage and use of Hazardous Materials shall be in compliance with Chapter 50 of the International Fire Code.

Specific building construction requirements of the International Building Code, International Fire Code and City of Nampa Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.