PUBLIC HEARING ITEM NO. 1
STAFF REPORT

Analyst: Kristi Watkins
Applicant(s): David Bills, Lanco, Inc. as Applicant/Mason & Associates, Engineer
File(s): ANN-00119-19 & SPP 00040-19

Requested/Needful Action Approval(s)/Recommendation(s):

1. Annexation and Zoning to RS7 (Single Family Residential – 7,000 sq. ft.) zoning district (Decision Required: Recommendation)

2. Preliminary Plat for Gemstone Subdivision for 16 Single-Family residential lots and 2 common lots on 5 acres for 3.2 units per gross acre. (Decision Required: Action- Approval or Denial)

Pertaining to:
One (1) parcel of land located at 3615 Southside Blvd totaling some 5 acres, positioned in the SE ¼ of the SE ¼ of Section 02, T2N, R2W, Boise Meridian, Canyon County, Nampa, also referred to as Parcel #R2912301000 (hereinafter the “Property”)...

ANNEXATION CONCLUSIONS OF LAW

10-2-3 (C) Annexations and/or Rezones/Zoning assignments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and be in agreement with the adopted Comprehensive Plan for the neighborhood.

Nampa Comprehensive Plan, Chapter Five, Land Use encourages infill development to utilize undeveloped land where existing city services are available.
Annexation Findings of Fact

Regarding Applicant's Proposed/Desired Annexation and Zoning Assignment Request

Staff finds:

1. **Current Jurisdiction/Status:**
   - The Property is not currently within Nampa City; Property appears from aerial imagery to have one house and a shed that are proposed to be removed, but is otherwise vacant land; Property is either owned or optioned by the Applicant(s); and,

2. **Surrounding Zoning:**
   - See attached Vicinity Map:
     - **North:** Canyon County – AG (Agriculture)
     - **South:** Canyon County – AG (Agriculture)
     - **East:** RS 7 (Single Family Residential – 7,000 s.f. minimum lot size)
     - **West:** RA (Suburban Residential)

3. **Immediately Surrounding Land Uses:**
   - Generally: All areas immediately adjacent to this property are currently used as single-family residential with large lots.

4. **Proposed Zoning:**
   - **RS 7 Zoning Request:**
     - The RS 7 district is designed to accommodate medium density single-family developments with 7,000 square foot lot sizes; and,

5. **Reasonable:**
   - That it may be variously argued that consideration for zoning the Property is reasonable given that: a) the City has received an application to annex and zone the Property by amending its official city limits and zoning maps by the Property owner or an Applicant having a valid, legal interest in the same; and, b) rezoning is a legally recognized legislative act long sanctioned under American administrative law; and, c) within the City of Nampa, zoning assignment is a long standing (and law sanctioned) practice; and, d) other lands in the vicinity of the Property have been zoned in such a way as to provide for single-family residential uses – whether viewed north south or east to west; and, e) the Property is eligible by law for consideration for annexation and zoning; and, f) that the Applicant intends to develop the Property; and, g) City utility services are available to the Property (see aerial photo with utility lines displayed); and, h) emergency services are available to the Property; and,

6. **Public Interest:**
   - That Nampa has determined that it is in the public interest to provide single-family housing opportunities as in-fill development. 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. Engineering has not called for a traffic impact study (TIS) to date for this proposal; and,
7. **Promotion of Zoning Purpose(s):**
   That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. While a preliminary plat was included with the application, Staff notes that any site development will be regulated by, and through, the building permit review process and will force application of zoning laws [including those iterated in Section 10-1-19 of Nampa’s zoning ordinance, which together with other zoning statutes govern building heights, setbacks, and landscaping] against any construction on the Property; and,

8. **Services:**
That utility and emergency services are/can be made available to the Property (see aerial photo with utility lines displayed and City Engineering memorandum hereto attached); and,

**Note:** The preceding general statements are offered as possible [preliminary] positive oriented findings, and are not intended to be all inclusive or inarguable. They are simply provided to the Commission in the event that the requested entitlements are recommended to Council for approval.

In summary, the Property may be annexed and zoned RS 7, but nothing will [ultimately] force the Commission to do so. Given the findings noted above, however, the annexation and zoning to RS 7 is certainly an “entertainable” request and is recommended for this property...

**PRELIMINARY PLAT**

Plat review was done to analyze the Project’s compliance to code in the context of this Project having already been, theoretically, annexed and zoned.

<table>
<thead>
<tr>
<th>Overall Site Area-</th>
<th>5 acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total, Proposed Lot Count -</td>
<td>18</td>
</tr>
<tr>
<td>Total Common Lot Count-</td>
<td>2</td>
</tr>
<tr>
<td>Total Building Lot Count-</td>
<td>16 Single Family</td>
</tr>
<tr>
<td>Landscape Buffer -</td>
<td>25’ – Southside Frontage</td>
</tr>
</tbody>
</table>

- Min. Allowed RS 7 Bldg. (or “Master”) Lot Size- 7,000 sq. ft.

**Periphery Compatibility Applicability**
Southerly Lots adjacent to County Subdivided Parcels are greater than 10,000 s.f.

- Min. Req. St. Frontage RS 7 Zone- 22’ (feet);
- Min. Allowed RS 7 (or “Master”) Bldg. Lot Widths- 50’ (feet);
- Min. Allowed RS 7 Bldg. Mean Lot Depths- 70’ (feet)
The matter or act of plat review before the Commission by virtue of the application package made the subject of this report is to determine whether or not the preliminary plat, as proposed, is acceptable. Plating of this Project will serve to divide the land. It must be done in accordance with state law, Nampa City Code § 10-27, Nampa City Code § 10-10, Nampa City Code § 10-33, and, in cooperation with the City’s currently adopted Engineering Design and Specification manuals.

Accordingly, plat review was done to analyze the Project’s compliance to code in the context of this Project having already been annexed and zoned.

Regarding the plat, Staff finds:

1. **Minimum Lot Areas:**
   That because the proposed Development is slated for development in conjunction with RS 7 zoning, this requirement applies...all master or standard building lots meet or exceed 7,000 sq. ft. in area, therefore, the Plat is deemed compliant in this regard; and,

2. **Lot Compatibility:**
   This development abuts another residentially developed county property, the lots proposed along the southern boundary of this development are all greater than the required 10,000 s.f. minimum. This requirement only pertains to subdivided (developed) property. The properties to the north and west are large single-family lots with no structures immediately adjacent to the boundary of this project; therefore, the Plat is deemed compliant in this regard; and,

3. **Lot Width:**
   All master lots demonstrate required lot width; therefore, the Project is deemed compliant in this regard; and,

4. **Lot Depth:**
   All master lots, demonstrate required lot depth, therefore, the Project is deemed compliant in this regard; and,

6. **Landscaping:**
   A landscape plan was submitted with the application paperwork. A revised landscape plan was submitted based on the City Planner’s landscaping comments (hereto attached) that resolved the corrections that were requested, therefore, the landscaping for this project is deemed to be in compliance; and,

7. **Misc./Correspondence:**
   Any correspondence from agencies or the citizenry regarding the plat received by noon, May 22, 2019 is hereafter attached to this report. (Agency comments are usually geared towards recommending conditions for the Project should it be approved.)

**Recommendation:**
Approval with conditions...
AGENCY COMMENTS in regards to the ANNEXATION AND PRELIMINARY PLAT

Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies or the citizenry regarding this application package [received by noon May 22, 2019] is hereafter attached.

1. An April 24, 2019, memorandum from the Nampa City Engineering Division, authored by Caleb Laclair indicates:
   a. Southside Blvd is classified as a “Collector”. Dedicate the required 40-feet from the section for public right-of-way; and,
   b. The City’s water, sewer, and irrigation systems have adequate capacity to serve this development; and,
   c. Final design and construction shall adhere to all current City of Nampa policies, standards, and specifications; and,
   d. A ROW permit shall be obtained from the City of Nampa for work within Southside Blvd; and,
   e. An Erosion & Sediment Control Permit shall be obtained from the City of Nampa prior to construction; and,
   f. Provide improvements to continue irrigation service through the project or provide documentation as to why this has not been done; and,
   g. Upon final design of the project see additional comments for layout, access, utilities and drainage in the attached memo; and,

2. A April 30, 2019 memorandum from the Nampa City Engineering Division, GIS Section, authored by Craig Wilbur requesting a new, unique street name for Gemstone Ct and labeled as E (new name) Ct.; and,

3. A May 10, 2019 memorandum from the Nampa City Planner, Doug Critchfield in regards to the landscape plan with the following comments:
   a. Street trees on Southside Blvd are not on the approved street tree list in Nampa City Code Title 10, Chapter 33, please resubmit landscape plan
      i. Issued Resolved with revised plans dated May 10, 2019; and,

4. An April 24, 2019 letter from the Nampa & Meridian Irrigation District authored by David Duvall indicating that they have no comment on the Project; and,

5. An entry into the Energov permitting system dated April 8, 2019 and authored by Neil Jones in the Nampa Building Department states that the Building Department will require a top of foundation wall or a finish floor elevation for each lot, on the construction drawings with the final plat; and,

6. An April 8, 2019 email from Nampa Highway District #1 authored by Eddy Theil indicating that they have no objection to the proposed project; and,

7. A May 2, 2019 letter from Idaho Transportation Department (ITD) authored by Sarah Arjona indicating that ITD has not objection to the proposed project; and,
8. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

RECOMMENDED CONDITIONS OF APPROVAL

Should the Commission vote to approve the Preliminary Plat request and recommend to the City Council that they approve the requested Annexation and Zoning proposal staff would recommend that the Commission consider imposing the following Condition(s) of Approval against the requests/Applicant(s):

1. Provide a dedication of right-of-way to the Engineering Department; and,
2. Provide improvement to continue irrigation service through the project, or provide documentation as to why this has not been done, and,
3. Provide revised street names as per memo from Craig Wilbur; and,
4. Provide top of foundation wall or finish floor elevation, on the construction plans prior to final plat approval; and,
5. Apply for ROW and Erosion Control Permits with the City of Nampa; and,
6. <Any other condition(s) as the Commission concludes befit(s) the application package...>

ATTACHMENTS

- Copy of Vicinity Map (page/Exhibit 7)
- Copy of Comprehensive Plan Map snippet (page/Exhibit 8)
- Copy of aerial of Property and surrounds (pages/Exhibits 9)
- Copy of aerial photo showing utility line locations and diameters – blue water, pink pressure irrigation, green sewer (page/Exhibit 10)
- Copy of Preliminary Plat layout (page/Exhibit 11)
- Copies of Annexation and Zoning and Preliminary Plat Application forms (pages/Exhibits 12-15)
- Copy of legal description of Property and zoning areas (pages/Exhibits 16-18)
- Copy of [any] inter-departmental/agency/citizen correspondence (pages/Exhibits 19+)
Exhibit 2945 2,311 2922 3004 $24

3615 Southside Blvd.
Annexation and Zoning to RS7 and Preliminary Plat Approval for Gemstone Subdivision
SPP-00040-2019 and ANN-00119-2019

5/8/2019

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

For illustrative purposes only
3615 Southside Blvd

Annexation & Zoning

to RS 7 and Preliminary Plat

Approval for Gemstone

Subdivision

SPP-00040-2019

3/22/2019

In Review

Visit Planning & Zoning

at cityofnampa.us

for more info.
3615 Southside Blvd

Annexation & Zoning to RS 7 and Preliminary Plat Approval for Gemstone Subdivision

SPP-040-19 & ANN-119-19  5/17/2019

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

1. **PROJECT DATA:**
   - PROJECT NAME: GEMSTONE SUBDIVISION
   -擬建位置: 金石發展區
   - Date: 2019

2. **PROJECT DATA:**
   - PROJECT AREA: 5.00 ACRES
   - ZONING AREA: CANYON COUNTY RR
   - TO BE REZONED TO QTY OF HAJIPA RS 7
   - NO. OF RESIDENTIAL LOTS: 16
   - TOTAL HOUSING UNITS: 2
   - AGING BUILDING LOT: 10,152 SF

3. **8 BUILDING SETBACKS AND ENCROACHMENTS IN THE SUBDIVISION SPACER**
   - THIS PROVISION SHALL APPLY IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

4. **DEVELOPMENT SITE:**
   - ALL DEVELOPMENT SITE SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

5. **DEVELOPMENT HOUSING UNITS:**
   - ALL HOUSING UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

6. **DEVELOPMENT HIGHER UNITS:**
   - ALL HIGHER UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

7. **DEVELOPMENT STORAGE:**
   - ALL STORAGE UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

8. **DEVELOPMENT SAFETY:**
   - ALL SAFETY UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

9. **DEVELOPMENT SECURITY:**
   - ALL SECURITY UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

10. **DEVELOPMENT SERVICES:**
    - ALL SERVICES UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

11. **DEVELOPMENT SURVEY:**
    - ALL SURVEY UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

12. **DEVELOPMENT SPECIFICATIONS:**
    - ALL SPECIFICATIONS UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

13. **DEVELOPMENT BUILDING:**
    - ALL BUILDING UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

14. **DEVELOPMENT UTILITIES:**
    - ALL UTILITIES UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

15. **DEVELOPMENT PLANNING:**
    - ALL PLANNING UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

16. **DEVELOPMENT ENGINEERING:**
    - ALL ENGINEERING UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

17. **DEVELOPMENT ARCHITECTURE:**
    - ALL ARCHITECTURE UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

18. **DEVELOPMENT LANDSCAPE:**
    - ALL LANDSCAPE UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

19. **DEVELOPMENT NATURAL RESOURCES:**
    - ALL NATURAL RESOURCES UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

20. **DEVELOPMENT ENVIRONMENT:**
    - ALL ENVIRONMENT UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

21. **DEVELOPMENT ECOLOGY:**
    - ALL ECOLOGY UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.

22. **DEVELOPMENT ECOLOGICAL SYSTEMS:**
    - ALL ECOLOGICAL SYSTEMS UNITS SHALL BE IN ACCORDANCE WITH THE CODES AND REGULATIONS OF THE CITY OF Nampa, IDAHO.
### A. GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Subdivision Name</th>
<th>Gemstone Sub</th>
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<tbody>
<tr>
<td>Total Acres</td>
<td>5</td>
</tr>
<tr>
<td>Intended Land Uses</td>
<td>Residential, single-family, multi-family, commercial, industrial</td>
</tr>
<tr>
<td>Property Address(es)</td>
<td>3615 Southside Blvd</td>
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<tr>
<td>Legal Description</td>
<td>Attached</td>
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<tr>
<td>Canyon County Parcel Account Number(s)</td>
<td>R29/27010</td>
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<td>Existing Zoning. (Circle one) RA RS RSM RD RML RMH RP BN CB BC BF IP IL IH AG</td>
<td>(County Zoning) RK</td>
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### B. OWNER/APPLICANT INFORMATION

<table>
<thead>
<tr>
<th>Owner of Record</th>
<th>MikeBurysea</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Mike Burysea</td>
</tr>
<tr>
<td>Address</td>
<td>182 Cobb Rd</td>
</tr>
<tr>
<td>City</td>
<td>Panama City</td>
</tr>
<tr>
<td>State</td>
<td>FL</td>
</tr>
<tr>
<td>Telephone</td>
<td>850 687 7177</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:mikeburysea@gmail.com">mikeburysea@gmail.com</a></td>
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<table>
<thead>
<tr>
<th>Applicant</th>
<th>Lower Tom</th>
</tr>
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<tbody>
<tr>
<td>Name</td>
<td>Lower Tom</td>
</tr>
<tr>
<td>Address</td>
<td>3400 S. Monterey Way</td>
</tr>
<tr>
<td>City</td>
<td>Nampa</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Telephone</td>
<td>208 880 2236</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:daviddw@comcast.net">daviddw@comcast.net</a></td>
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<thead>
<tr>
<th>Engineer/Surveyor/Planner</th>
<th>Mason &amp; Assoc.</th>
</tr>
</thead>
<tbody>
<tr>
<td>Name</td>
<td>Mason &amp; Assoc.</td>
</tr>
<tr>
<td>Address</td>
<td>924 3rd St. So</td>
</tr>
<tr>
<td>City</td>
<td>Nampa</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Telephone</td>
<td>803 454-0256</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:mwason@masonandassociates.us">mwason@masonandassociates.us</a></td>
</tr>
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2015 Engineering Division Development Policy Manual  
Rev. Date: February 17, 2015
C. SUBDIVISION INFORMATION

<table>
<thead>
<tr>
<th>Lot Types</th>
<th>Number of Lots</th>
<th>Acres</th>
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<tbody>
<tr>
<td>Residential</td>
<td>16</td>
<td>5</td>
</tr>
<tr>
<td>Dwelling units per acre (gross/net)</td>
<td>3.2 gross</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Common (Landscape, Utility, Other)</td>
<td>2</td>
<td></td>
</tr>
<tr>
<td>Open Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
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DEADLINES FOR SUBMITTALS

The completed application and plat documents must be submitted to the Planning Department no later than _______. The Planning Commission meets on ______________; applications are due approximately ___ weeks prior to that date.

All supplemental information to be added to the application file must be received by the Planning Department no later than 15 days prior to the public hearing date.

***Please do not submit a subdivision application until all items are completed. Incomplete applications will not be accepted or reviewed.***

I understand:
1. This application is subject to acceptance by the City of Nampa upon determination that the application is complete.
2. The hearing date is tentative and subject to change with notice.
3. This application is subject to a public hearing before the Nampa Planning and Zoning Commission.
4. The application fee is non-refundable.

All information, statements, attachments, and exhibits included with this application submittal are true to the best of my knowledge.

Signature ___________________________ Date 5-22-19

For City Office Use Only

FEE $: ______________ CASH: _______ CHECK: _______ RECEIPT NO.: _______

DATE RECEIVED: __________ RECEIVED BY: __________ HEARING DATE: __________
APPLICATION FOR ANNEXATION/ZONING
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651  P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $452.00 (1 acre or less) Nonrefundable Fee: $910.00 (more than 1 acre)

Applicant Name:

Street Address: 3400 S. Montego Way

City: Nampa  State: ID  Zip code: 83686

Property Owner Name:

Street Address: 162 Cable Rd

City: Nampa  State: FL  Zip Code: 32413

Home Number:

Mobile Number: 208 880 2234

Email: david64@lanceinc.net

Home Number:

Mobile Number: 850 687 7177

Email: mikeburgesssrc@gmail.com

Applicant's interest in property: ( ) Own  ( ) Rent  (X) Other (Under Contract)

ADDRESS OF SUBJECT PROPERTY:

Please provide the following required documentation

☑ Completed Application

☑ A copy of one of the following: ☐ Warranty Deed  ☐ Proof Of Option  ☐ Earnest Money Agreement

☑ Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal owner

(If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that
the person signing is an authorized agent)

☑ Original Legal description of property AND a legible WORD formatted document with Closure Calcs (Must
have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description

➢ State the zoning desired for the subject property: R57

➢ State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for
the use of the subject property: Subdivision Plat

Dated this 22nd day of March, 2019

Applicant Signature: [Signature]

NOTICE TO APPLICANT

This application will be referred to the Nampa Planning Commission for a recommendation on the requested zoning. The
Planning Commission shall hold a public hearing and will then make its recommendation to the City Council. The City
Council will then hold a second public hearing. Notice of the public hearings must be published in the Idaho Press-
Tribune 15 days prior to said hearings. Notice shall also be posted on the premises of the subject property not less than 1
week prior to the hearings. Notices will also be mailed to property owners or purchasers of record within 300 feet of the
subject property. You will be given notice of the public hearings and should be present to answer any questions.

OFFICE USE ONLY


12/11/13 Revised  Page 13
AFFIDAVIT OF LEGAL INTEREST

STATE OF IDAHO  

COUNTY OF CANYON  

A. I, Michael B. Burgess, whose address is 182 Cobb Rd. Nampa City, ID 83686, being first duly sworn upon oath, depose and say that I am the owner of record of the property described on the attached application.

B. I grant my permission to David Bills, whose address is ____________________________________________, to submit the accompanying application pertaining to the property described on the attached application.

C. I agree to indemnify, defend and hold the City of Nampa and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.

Dated this 18th day of March 2019.

Signature

SUBSCRIBED AND SWORN to before me the 18th day of March 2019.

Notary Public for South Carolina

Residing at: Greenville, SC

Commission Expires: 01/01/2022
**RE-24 VACANT LAND**

**REAL ESTATE PURCHASE AND SALE AGREEMENT**

THIS IS A LEGALLY BINDING CONTRACT. READ THE ENTIRE DOCUMENT, INCLUDING ANY ATTACHMENTS, BEFORE SIGNING. NO WARRANTIES, INCLUDING, WITHOUT LIMITATION, ANY WARRANTY OF HABITABILITY, AGREEMENTS OR REPRESENTATIONS NOT EXPRESSLY SET FORTH HEREIN SHALL BE BINDING UPON EITHER PARTY.

<table>
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<th>ID#</th>
<th>DATE</th>
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<tbody>
<tr>
<td>20190314</td>
<td>March 14, 2019</td>
</tr>
</tbody>
</table>

**FOUR YEARS OLD & ACCURATE -- 2019**

1. **BUYER** (hereinafter called "BUYER") agrees to purchase, and the undersigned SELLER agrees to sell the following described real estate hereinafter referred to as "PROPERTY" COMMONLY KNOWN AS 3615 Southside Blvd

   **Nampa City Canyon County, ID. Zip 83686 legally described as:**

   2. **PURCHASE PRICE:** ___________ DOLLARS,

   (Exhibit must accompany original offer and be signed or initialed by BUYER and SELLER.)

   **3. FINANCIAL TERMS:**

   (A) $7,500.00 "ARENESE MONEY:" ____________________

   (B) ALL CASH OFFER: ☐ YES ☐ NO If this is an all cash offer do not complete Sections 3C and 3D, fill blanks with N/A (Not Applicable). IF CASH OFFER BUYER'S OBLIGATION TO CLOSE SHALL NOT BE SUBJECT TO ANY FINANCIAL CONTINGENCY. BUYER agrees to provide SELLER within ____ business days (five [5] if left blank) of the date of acceptance of this agreement by all parties written confirmation of sufficient funds and/or proceeds necessary to close transaction. Acceptable documentation includes, but is not limited to a copy of a recent bank or financial statement.

   **Cash proceeds from another sale:** ☐ YES ☐ NO

   **(C) OTHER:**

   **DS:** This Agreement is contingent upon BUYER obtaining the following financing:

   **FIRST LK:**

   **SECOND LOAN OF**: ___________ through DFHA, OVA. CONVENTIONAL, OVA, FHA, DRURAL DEVELOPMENT,

   **OTHER:** ____________________

   **PROPERTY shall be returned to BUYER, the Full price shall not be less than the purchase price or BUYER'S Earnest Money shall be returned at BUYER'S request unless SELLER, at SELLER'S sole discretion, agrees to reduce the purchase price to meet the appraised value. SELLER shall be entitled to a copy of the appraisal and shall have 24 hours from receipt thereof to notify BUYER of any price reduction. BUYER may also apply for a loan with different conditions and costs and close transaction provided all other terms and conditions of this Agreement are fulfilled, and the new loan does not increase the costs or requirements to the SELLER. FHA / VA: If applicable, it is expressly agreed that notwithstanding any other provisions of this contract, BUYER shall not be obligated to complete the purchase of the PROPERTY described herein or to incur any penalty or forfeiture of Earnest Money deposits or otherwise unless BUYER has been given in accordance with HUD/FA or VA requirements a written statement by the Federal Housing Commissioner, Veterans Administration or a Direct Endorsement lender setting forth the appraised value of the PROPERTY of not less than the sales price as stated in the contract.

   If such written confirmation required in 3(B) or 3(C) is not received by SELLER(S) within the strict time allotted, SELLER(S) may at their option cancel this agreement by notifying BUYER(S) in writing of such cancellation within ____ business days (three [3] if left blank) after written confirmation was required. If SELLER does not cancel within the strict time period specified as set forth herein, SELLER shall be deemed to have accepted such written confirmation of lender approval or waived the right to receive written confirmation and shall be deemed to have elected to proceed with the transaction. SELLER'S approval shall not be unreasonably withheld.

**BUYER'S Initials (__) Date 5/17/17**

**SELLER'S Initials (__) Date 3/17/17**
37. BUYER'S SIGNATURES:

BUYER Signature ________________  BUYER (Print Name) ________________  
Date _7/12/18_ Time _11:00 A.M._ Phone # __208-860-2236__  Cell # ___
Address _3400 S. Montego Way_ E-Mail __david64@lancolnc.net___

BUYER Signature ________________  BUYER (Print Name) ________________  
Date ________________  Time ________________  Phone # ________________  Cell # ________________
Address ________________  E-Mail ________________

38. SELLER'S SIGNATURES: On this date, I/we hereby approve and accept the transaction set forth in the above Agreement and agree to carry out all the terms thereof on the part of the SELLER.

□ SELLER does currently hold an active Idaho real estate license. □ SELLER is related to agent.

SELLER Signature ________________  SELLER (Print Name) ________________  
Date ________________  Time ________________  Phone # ________________  Cell # ________________
Address ________________  E-Mail ________________

LATE ACCEPTANCE

If acceptance of this offer is received after the time specified, it shall not be binding on the BUYER unless BUYER approves of said acceptance within ___ calendar days by BUYER initialing HERE (___ ) Date ________________  If BUYER timely approves of SELLER's late acceptance, an initialed copy of this page shall be immediately delivered to SELLER.
A tract of land situated in a part of the Southeast Quarter of the Southeast Quarter, Section 2, Township 2 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, and more particularly described as follows;

Commencing at the Southeast corner of said Southeast Quarter of the Southeast Quarter; thence

North 0° 13' 00" East, a distance of 1023.64 feet along the Easterly boundary of said Southeast Quarter of the Southeast Quarter to the POINT OF BEGINNING, said point monumented with a 1/2 Inch diameter iron pin; thence

South 89° 52' 39" West, a distance of 630.82 feet parallel with the Northerly boundary of said Southeast Quarter of the Southeast Quarter to a 1/2 Inch diameter iron pin; thence

South 0° 23' 10" West, a distance of 345.00 feet to a 1/2 Inch diameter iron pin; thence

North 89° 52' 39" East, a distance of 631.84 feet parallel with the Northerly boundary of said Southeast Quarter of the Southeast Quarter to a point on the Easterly boundary of said Southeast Quarter of the Southeast Quarter, said point monumented with a 1/2 Inch diameter iron pin; thence

North 0° 13' 00" East, a distance of 345.00 feet along the Easterly boundary of said Southeast Quarter of the Southeast Quarter to the POINT OF BEGINNING.
DATE: April 24, 2019

TO: Planning and Zoning Commission

FROM: Caleb LaClair, P.E.

SUBJECT: Gemstone Subdivision – Annexation & Preliminary Plat

The Engineering Division has reviewed the Annexation and Preliminary Plat for Gemstone Subdivision and have the following comments:

**Annexation & Zoning**

1. Southside Blvd is classified a “Collector”. Dedicate the required 40-feet from section line for public right-of-way.

**Preliminary Plat**

**General:**

1. The City’s water, sewer, and irrigation systems have adequate capacity to serve this development.
2. Final design and construction shall adhere to all current City of Nampa policies, standards, and specifications.
3. A Right-of-way Permit shall be obtained from the City of Nampa for any work within the Southside Blvd right-of-way prior to start of construction.
4. An Erosion & Sediment Control Permit through the City of Nampa, as well as, coverage under the Idaho Construction General Permit through the EPA, shall be obtained prior to start of grading/construction.
5. There appears to be an irrigation lateral that runs along Southside Blvd and the southerly property boundary. Does this lateral serve properties beyond the project? If so, provide improvements to continue service through the project. If not, provide documentation to this effect.

**Layout and Plat:**

1. Reduce the Southside Blvd right-of-way dedication to 40’.
2. The hammerhead turnaround is subject to the review and approval of the Nampa Fire Department. All dimensions and radii shall be labeled on the Final Plat and Construction Drawings.
3. A public utility easement shall be provided over the sewer line where it is located outside of the public street. Said easement shall have a 20’ minimum width and be centered on the sewer. The easement shall be created via the Final Plat or by separate instrument and shown/noted on the Plat.

**Access and Roadways:**

1. The proposed access violates the City’s access policy for spacing distance to E Dark Springs Ave. It is preferred that the two accesses line up. Please review feasibility of this with City Engineering prior to Final Plat submittal. We understand options are limited given the in-fill nature of the site. A variance may be allowed given the small volume of traffic generated by the project.
2. Improvements along the Southside Blvd frontage shall be limited to sidewalk, drainage facility (e.g. borrow ditch), and pavement taper to the existing roadway. Pavement shall be expanded at the intersection to cover the pedestrian crossing.
3. Curb ramps at the Southside Blvd intersection shall be directional style. Chamfer right-of-way at intersection as needed to contain the sidewalk.
4. Revise the interior street section to meet the “Standard Local (2)” dimensions per Table 80.07.1, Section 101, Division 100 of the 2017 City of Nampa Engineering Development Process and Policy Manual.
5. The Traffic Index for Southside Blvd shall be 8.

**Utilities:**

1. A public utility easement shall be secured for the offsite sewer prior to approval of construction drawings. Said easement shall have a 20’ minimum width and be centered on the sewer.
2. Remove the intermediate offsite manhole. The City will allow the sewer length to exceed 400’ in this instance.
3. Provide a 20’ wide all-weather surface access to the sewer manhole located in Lot 12 for maintenance.
4. Revise the drainage swale in Lot 12 to be outside of the sewer easement.
5. Potable and non-potable service spacing shall be 6’ minimum per IDAPA Policy 58.01.08.

**Drainage:**

1. The final grading plan and drainage calculations shall identify which lots are front versus split draining. The entire area of front draining lots shall be included in the drainage swale volume calculation, and/or identify measures to retain rear yard runoff on the lots.
2. Include design for Southside Blvd borrow ditch or alternative facility in the final drainage calculations.
3. The supplied geotechnical report did not include site specific infiltration testing and did not recommend subsurface stormwater disposal given the encountered soil and bedrock conditions. An infiltration test shall be performed at the proposed drainage facility prior to Construction Drawing approval to confirm design feasibility.
April 30, 2016

RE: Gemstone Subdivision - Preliminary Plat

To: William Mason
cc: Sylvia Mackrill

The following changes must be made prior to submitting for signatures:

• Propose new, unique street name for Gemstone Ct to the Engineering Division. Per Canyon County Code 06-05-13 (1) There shall be no duplication of street names by sound or spelling within Canyon County including within the incorporated areas. Refer to Street Naming and Addressing Policy in the Engineering Process and Policy Manual (rev 9/2012).
  ○ (New Name) Ct should be E (New Name) Ct

Sincerely,

Craig Wilbur
GIS Technician II
Engineering Division
City of Nampa
(208) 468-5451
Date: May 10, 2019

RE: Planning Department Landscape Plan Review

Project: Project Name: Gemstone Subdivision: SPP-00040-2019

The above listed project Landscape Plans have been reviewed by the City of Nampa's Planning Department for compliance with all applicable planning codes, and the following items and/or revisions are required prior to Planning approval:

1. **Street Trees on Southside Blvd.**: The trees that are specified are not on the approved street tree list. Please refer to City of Nampa Title 10, Chapter 33 for a list of approved street trees and requirements for their placement. Please resubmit landscape plans for approval.

If you have questions or would like to discuss this interpretation of the planning code, please call my direct line at (208) 468-5406.

Doug Critchfield
Senior Planner
Nampa Planning Dept.
E-mail address: critchfieldd@cityofnampa.us
Dear Norm:

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

Cc: Office/ file
Building Department will provide a top of foundation wall or a finish floor elevation for each lot on the construction drawings with the final plat.
Good Morning Shellie,

Nampa Highway District #1 has no objection as the subject property does not access onto Highway District right-of-way.

Thank you,

Eddy

---

Good Afternoon Everyone, ☺️

Re: SPP 00040-2019 and ANN-00119-2019

Mason and Associates representing Lanco, Inc. has requested the following:

- Annexation and Zoning to RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 3615 Southside Blvd. for Gemstone Subdivision (16 single family detached lots on 5 acres for 3.2 dwelling units per gross acre - a 5-acre or 217,800 sq. ft. portion of the SE ¼ SE 1/4, Section 20, T2N, R2W, BM).

- Subdivision Plat Preliminary Approval for Gemstone Subdivision at 3615 Southside Blvd. (16 single family detached lots on 5 acres for 3.2 dwelling units per gross acre - a 5-acre or 217,800 sq. ft. portion of the SE ¼ SE 1/4, Section 20, T2N, R2W, BM).

These applications will go before the Planning and Zoning Commission as a public hearing item on the May 28, 2019 agenda.

Please find attached SPP 00040-2019 and ANN-00119-2019 files for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than May 10, 2019.

Thank you & Have a great day!
Good morning Shellie,

Nampa Highway District #1 has no objection as the subject property does not access onto Highway District right-of-way.

Thank you,

Eddy

Good Afternoon Everyone, 😊

Re: SPP 00040-2019 and ANN-00119-2019

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These applications will go before the Planning and Zoning Commission as a public hearing item on the May 28, 2019 agenda.
May 2, 2019

Shellie Lopez
City of Nampa
411 3rd Street South
Nampa, Idaho 83651

VIA EMAIL

<table>
<thead>
<tr>
<th>Development Application</th>
<th>SPP-00040-2019</th>
</tr>
</thead>
<tbody>
<tr>
<td>Project Name</td>
<td>GEMSTONE SUBDIVISION</td>
</tr>
<tr>
<td>Project Location</td>
<td>3615 Southside Boulevard, east of SH-45 milepost 24.36</td>
</tr>
<tr>
<td>Project Description</td>
<td>Construct a subdivision consisting of 16 single family lots</td>
</tr>
<tr>
<td>Applicant</td>
<td>Mason and Associates</td>
</tr>
<tr>
<td>Representing</td>
<td>Lanco, Inc</td>
</tr>
</tbody>
</table>

The Idaho Transportation Department (ITD) reviewed the referenced preliminary plat application and has the following comments:

1. This project does not abut the State highway system.

2. Idaho Code 40-1910 does not allow advertising within the right-of-way of any State highway.

3. The Idaho Administrative Procedures Act (IDAPA) 39.03.60 governs advertising along the State highway system. The applicant may contact Justin Pond, Right-of-Way Section Program Manager, at (208) 334-8832 for more information.

4. ITD does not object to the construction of a subdivision consisting of 16 single family lots as presented in the application.

If you have any questions, you may contact Ken Couch at (208) 332-7190 or me at (208) 334-8338.

Sincerely,

Sarah Arjona
Development Services Coordinator
Sarah.Arjona@itd.idaho.gov