PLANNING & ZONING DEPARTMENT

Before the Planning & Zoning Commission
Meeting of 10 SEPT 2019

BUSINESS ITEM NO. 2
STAFF REPORT

Applicant(s)/Engineer(s):
HDP Brownstone Estates, LLC, Mitch Armuth, Applicant; Kent Brown; Representing
File(s): SPF-0099-2019
Analyst: Kristi Watkins, Senior Planner

Requested Action Approval(s): Recommendation of approval to City Council

Final plat approval for:

Brownstone Estates Subdivision No. 2 (hereinafter the “Development”; alternatively, “Brownstone Estates Subdivision No. 2” or the “Project”)

Comprising 3.75 acres proposed to be platted into fourteen (14) buildable and one (1) common lots all located in an RP Zoned area located in NE ¼ of the NE ¼ of Section 13, T3N, R3W, BM, Canyon County, Nampa on the south side of Karcher Rd, west of Midway rd.

Correspondence:

Any correspondence from City departments/divisions and outside agencies or the citizenry is hereafter attached to this document for perusal. Comments may express opinions regarding the plat application or be geared towards recommending Conditions of Approval for a development should it be approved, or, directing corrections to the final plat or related construction drawings.

1. An email, dated August 5, 2019, authored by Neil Jones, Nampa Building Department, stating that the building department has no conditions at this time; and,

2. An email dated August 6, 2019, authored by Eddy Thiel, Nampa Highway District #1, which states; NHD #1 has no comment; and,

3. A letter, dated August 12, 2019, authored by David Duvall, Nampa Meridian Irrigation District, stating that NMID has no comment because this project in under Pioneer Irrigation District; and,

4. A memo dated August 19, 2019, authored by Dan Wagner, Nampa GIS Division, stating that the city GIS Department has no comments for this plat; and,
5. A memo dated, August 28, 2019, authored by Caleb LaClair, Nampa Engineering Department, which identifies the following Conditions and Comments (in regards to Phase 1 & Phase 2):

**General Comments**

a. The project site is adjacent to the Isaiah Drain and Stone Lateral. Plan approval and License Agreement from the Bureau of Reclamation (BOR) and/or Pioneer Irrigation District (PID) may be required.

b. Any work within the Karcher Road right-of-way will require permit from Idaho Transportation Department (ITD).

c. A Right-of-Way Permit with City of Nampa is required for any work to be performed within the Midway Road public right-of-way.

d. An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.

e. The Engineer of Record shall be responsible for inspecting the drainage facilities within the Phase 2 plat area, since this facility only captures runoff from private lot area. The EOR shall submit a letter to the Nampa Engineering Division certifying that the facility was constructed within substantial conformance with the approved plans and specifications prior to Final Plat signature.

f. Include a separate “Street Light and Signage/Striping Plan” in the plan set. Include any striping and signage necessary for the Karcher Road access.

g. A detailed site grading plan is needed for the Phase 2 area. This can either be inserted into and provided with this plan set, or included with the building permit submittal. If to be included with separate building permit submittal, then clearly state this on the plans. In this case, it may make more sense for associated drainage facility #9 to also be included with the separate submittal.

h. A shared access and parking agreement is needed for the Phase 2 area to define shared ADA parking stalls and access maintenance responsibilities. A draft of the agreement shall be submitted to the City for review prior to Final Plat signature.

**Phase 1 Final Plat Comments**

a. Revise Note 9 on Sheet 1 to indicate “Lot 15, Block 1”.

**Phase 2 Final Plat Comments**

1. Block 7, Lot 1 should be revised to Lot 16.

2. Revise Note 6 to indicate “a Shared Access and Parking Agreement and Easement”.

3. Add a note regarding CC&R’s to be recorded that will define maintenance responsibility of the onsite landscaping and drainage facility.

4. Show a 10’ wide Public Utility and Drainage Easement along the public right-of-way, rear lot lines, and centered on the interior lot lines.

5. The shared access easement should also be a Public Utility and Drainage Easement. The easement bearings and distances should be defined on the plat.

**Engineering Conditions of Approval**

1. The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
2. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Brownstone Estates #1 & #2 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division, dated 8/28/2019 prior to construction drawing approval.

3. The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.

4. Developer shall provide documentation of plan approval from BOR/PID prior to construction drawing approval. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat.

5. Developer shall provide documentation of ITD review of plans prior to construction drawing approval. An electronic copy of the executed Access/Right-of-Way Encroachment Permit shall be provided prior to start of construction within the Karcher Road right-of-way.

6. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of the private Phase 2 drainage facility shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans at the time of Record Drawing submittal and prior to final acceptance of improvements by the City.

Comments/Recommendation(s):
Staff finds that the proposed subdivision final plat for Brownstone Estates Subdivision No. 2 conforms, or substantially conforms within acceptable limits, to the approved preliminary plat of/for Brownstone Estates Subdivision, complies with relevant RP zoning codes, and, City of Nampa subdivision standards pertaining to the proposed Development. (Said determination is, or may be, partially predicated on said final plat being revised in limited form and fashion to meet requirements set forth by various responding agencies and City departments.)

Accordingly, Staff recommends that Brownstone Estates Subdivision No. 2 be approved, contingent on Applicant/Developer/Development compliance with various Conditions of Approval.

SUGGESTED CONDITIONS OF APPROVAL

Should the Planning and Zoning Commission vote to recommend approval of the Project final plat to the City Council, then Staff would suggest the following as (a) Condition(s) of Approval(s) for adoption with any such recommending vote (note: the Commission may obviously add, subtract and/or modify conditions as it deems appropriate):

1. Comply with all City department/division or outside agency requirements pertinent to this matter. This is to include any extant but applicable conditions from prior approvals for this subdivision as iterated in correspondence on file with the City pertaining to the approved preliminary plat of/for Laguna Farms Subdivision; and,

2. Record an access easement document according to Note #6 on the final plat; and,

3. The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat; and,

4. Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the "Brownstone Estates #1 & #2 – Construction Drawings & Final Plat – 1st Review" letter from the Nampa Engineering Division, dated 8/28/2019 prior to construction drawing approval; and,
5. The Developer and their Engineer and Contractor shall adhere to the "Construction Duty and Responsibility Policy", Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction; and,

6. Developer shall provide documentation of plan approval from BOR/PID prior to construction drawing approval. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat; and,

7. Developer shall provide documentation of ITD review of plans prior to construction drawing approval. An electronic copy of the executed Access/Right-of-Way Encroachment Permit shall be provided prior to start of construction within the Karcher Road right-of-way; and,

8. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of the private Phase 2 drainage facility shall be by the Engineer of Record (EOR). EOR shall provide a letter to the Nampa Engineering Division certifying on-site drainage facilities were installed in substantial conformance with the approved plans at the time of Record Drawing submittal and prior to final acceptance of improvements by the City; and,

9. Correct any spelling, grammar and punctuation and numbering errors that may be evident on the plat face and/or in the proposed Project plat development notes; and,

10. <Any other conditions as may be levied by the Commission....

ATTACHMENTS

- Application pages (page 5)
- Vicinity map (page 6)
- Final plat (page 7-12)
- Preliminary plat (page 13)
- Landscape Plans (page 14-25)
- Agency/department & citizen correspondence (page 26+)
CITY OF NAMPA  
FINAL PLAT APPLICATION  
Planning and Community Development Department  
411 3rd St. South  
Nampa, ID 83651  
208-465-2214 Phone  
208-465-2261 FAX  

<table>
<thead>
<tr>
<th>Name of Subdivision</th>
<th>BROWNSTONE ESTATES SUBDIVISION NO 2</th>
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<tr>
<td>Location of Subdivision</td>
<td>SOUTHWEST CORNE OF MIDWAY AND KARCHER ROADS</td>
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<table>
<thead>
<tr>
<th>Owner</th>
<th>BROWNSTONE ESTATES LLC</th>
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</thead>
<tbody>
<tr>
<td>Address</td>
<td>701 S ALLEN ST STE 104 MERIDIAN IDAHO 83642</td>
</tr>
<tr>
<td>Phone</td>
<td>208-695-2000</td>
</tr>
<tr>
<td>FAX</td>
<td></td>
</tr>
<tr>
<td>E-Mail</td>
<td><a href="mailto:MARMUTH@HUBBLEHOMES.COM">MARMUTH@HUBBLEHOMES.COM</a></td>
</tr>
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</table>

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<thead>
<tr>
<th>Applicant</th>
<th>HDP BROWNSTONE ESTATES LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>701 S ALLEN ST STE 104</td>
</tr>
<tr>
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<td>208-695-2000</td>
</tr>
<tr>
<td>FAX</td>
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<tr>
<td>E-Mail</td>
<td><a href="mailto:MARMUTH@HUBBLEHOMES.COM">MARMUTH@HUBBLEHOMES.COM</a></td>
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<tr>
<th>Engineer/Surveyor/Planner</th>
<th></th>
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<tbody>
<tr>
<td>Address</td>
<td>3161 E SPRINGWOOD DR MERIDIAN ID 83642</td>
</tr>
<tr>
<td>Phone</td>
<td>208-871-6842</td>
</tr>
<tr>
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<td></td>
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<tr>
<td>E-Mail</td>
<td><a href="mailto:KENTLKB@GMAIL.COM">KENTLKB@GMAIL.COM</a></td>
</tr>
</tbody>
</table>

**FINAL PLAT INFORMATION**

Total Acreage **3.75**  
Total Number of Lots: 15  
Buildable: 14  
Common: 1  
Gross Density per Acre: 14.9  
(Number of units per acre of total land to be developed)  
Net Density per Acre: 14.9  
(Number of units per acre of land excluding roads)  
Zoning District(s) - Zoning Within Nampa City Limits **RS 7 BP**  
If Applicable: Zoning Within the Area of Impact  

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2015 Engineering Division Development Policy Manual  
Rev. Date: February 17, 2015  

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Division 200  
Section 202 - 3 of 8
BROWNSTONE ESTATES SUBDIVISION NO. 2

LOCATED IN THE NE 1/4 OF SECTION 13
T.5N., R.3W., S.M., NAMPA, CANYON COUNTY, IDAHO

NOT RECORDED

SCALE 1" = 60'

NOTES
1. This plat is intended solely to designate the location of the real estate described herein and is not intended to depict, the shape, size or extent of the land described herein, the limits of the plat, or the actual location of buildings, streets or other improvements.
2. The representation of boundaries, dimensions, or other features on this plat is not intended to indicate ownership nor to be used for any purpose requiring accuracy greater than is shown on this plat.
3. This plat is not intended to indicate the location of any easements, rights of way, or other public property.
4. This plat is not intended to indicate the location of any public utility facilities.
5. This plat is intended to be used in connection with the platting of a subdivision and is not intended to be used in the construction of a building.
6. This plat is not intended to be used in the construction of a building.

LEGEND
- = Lot Line
- = Street
- = Access Easement
- = Calculated Boundary Line
- = Property Line
- = Road Centerline
- = Access Easement Line
- = Lot No.
- = Sectional Corner
- = City Limit
- = Property Line
- = Access Easement
- = Calculated Boundary Line
- = Property Line
- = Road Centerline
- = Access Easement Line
- = Lot No.
- = Sectional Corner
- = City Limit
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- = Property Line
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- = Calculated Boundary Line
- = Property Line
- = Road Centerline
- = Access Easement Line
- = Lot No.
BROWNSTONE ESTATES SUBDIVISION NO. 2

CERTIFICATE OF OWNERS

Know all men by these presents: That HDP Brownstone, LLC, a Delaware Limited Liability Company, is the owner of the property described as follows:

A parcel of land located in the NE 1/4 of the NE 1/4 of Section 13, Township 2 North, Range 3 West, Boise Meridian, Nampa, Canyon County, Idaho being more particularly described as follows:

Commencing at the NE corner of said Section 13 from which the E1/4 corner of said Section 13 bears South 59°14'06" West, 1025.46 feet,

thence along the North boundary line of said Section 13 South 59°21'46" West, 263.67 feet

thence leaving said North boundary line of South 05°39'27" East, 190.35 feet to the S4 corner of Lot 16, Block A of Brownstone Estates Subdivision No. 1 as filed in Book ___, of Plats at page ___, records of Canyon County, Idaho; said also being the REAL POINT OF BEGINNING,

thence along the exterior boundary of said Brownstone Estates Subdivision No. 1, the following courses and distances:

thence continuing South 96°35'02" East, 196.37 feet

thence South 89°34'39" West, 177.41 feet

thence South 28°23'50" West, 24.04 feet

thence 56.32 feet along the arc of a non-tangent curve to the left, said curve having a radius of 50.60 feet, a central angle of 90°12'00" and a long chord which bears South 95°45'34" West, 93.50 feet

thence 12.65 feet along the arc of said reverse curve to the right, said curve having a radius of 20.02 feet, a central angle of 36°13'32" and a long chord which bears South 111°16'26" West, 12.44 feet

thence South 89°12'52" West, 562.85 feet

thence 37.34 feet along the arc of curve to the right, said curve having a radius of 20.22 feet, a central angle of 106°05'41" and a long chord which bears North 37°31'28" West, 31.97 feet

thence North 11°31'53" East, 192.33 feet

thence 36.09 feet along the arc of curve to the left, said curve having a radius of 130.00 feet, a central angle of 16°10'01" and a long chord which bears North 20°28'99" East, 36.96 feet

thence North 06°28'14" West, 6.47 feet

thence North 59°21'46" East, 709.22 feet to the REAL POINT OF BEGINNING. Containing 3.755 acres more or less.

It is the intention of the undersigned to hereby include the above described property in this plat and to dedicate to the public the public streets as shown on this plat. The easements as shown on this plat are not dedicated to the public. However, the right to use said easements is hereby perpetually reserved for public utilities and such other uses as designated within this plat; and no permanent structures are to be erected within the lines of said easements. All lots in this plat will be eligible to receive water service from an existing City of Nampa main line located adjacent to the subject subdivision, and City of Nampa has agreed in writing to serve all the lots in this subdivision.

HDP Brownstone, LLC, a Delaware Limited Liability Company

Mitchell S. Amruth, Authorized Agent

CERTIFICATE OF SURVEYOR

I, Gregory G. Carter, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that the plat as described in the "Certificate of Owners" was made from an actual survey made on the ground under my direct supervision and accurately represents the plat as filed herein, and is in conformity with the State of Idaho Code relating to plats and surveys.

Gregory G. Carter
P.L. No. 7779

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF IDAHO

On this day of ___________ year of 20__, before me, the undersigned, a Notary Public in and for the State of Idaho, personally appeared Mitchell S. Amruth, known or identified to me to be the authorized agent of HDP Brownstone, LLC, a Delaware Limited Liability Company, the Limited Liability Company that possesses the foreing Per-work, and acknowledged to me that he executed this instrument for and on behalf of said Limited Liability Company and that said Limited Liability Company bound the same.

My Commission expires on ___________.

Notary Public for Idaho

Residing in __________, Idaho

BOOK PAGE

9955 W. EMERALD ST
BOISE, IDAHO 83714
Joes, WA 470

GROUP, LLC

JOB NO. 19-235
SHEET 2 OF

56A0158

9555 W. EMERALD ST
BOISE, IDAHO 83714
Joes, WA 470

GROUP, LLC

JOB NO. 19-235
SHEET 2 OF

56A0158
HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 12 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing City of Nampa Public Works, and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities, then sanitary restrictions may be reinstated, in accordance with Section 50-1328, Idaho Code, by the issuance of a Certificate of Disapproval, and no construction of any building or similar requiring drinking water or sewer/Septic facilities shall be allowed.

[Signature]

District Health Department, REHS

APPROVAL OF CITY COUNCIL

I, the undersigned, City Clerk in and for the City of Nampa, Canyon County, Idaho do hereby certify that at a regular meeting of the City Council held on the _______ day of ________, 20____, this plat was duly accepted and approved.

City Clerk, Nampa, Idaho

APPROVAL OF CITY ENGINEER

I, the undersigned, City Engineer in and for the City of Nampa, Canyon County, Idaho, hereby approve this plat.

City Engineer

APPROVAL OF CITY PLANNING AND ZONING COMMISSION

Accepted and approved this ______ day of ________, 20____, by the Planning and Zoning Commission of the City of Nampa, Idaho.

Chairs, Nampa Planning & Zoning Commission

CERTIFICATE OF COUNTY SURVEYOR

I, the undersigned, Professional Land Surveyor in and for Canyon County, Idaho, do hereby certify that I have checked this plat in accordance with Idaho Code, Title 50, Chapter 13 relating to plats and surveys.

Canyon County Surveyor

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for the County of Canyon, State of Idaho, per the requirements of I.C. 59-1308 do hereby certify that any and all current and/or delinquent County property taxes for the property included in this subdivision have been paid in full. This certification is valid for the next thirty (30) days only.

County Treasurer

APPROVAL OF CITY PLANNING AND ZONING COMMISSION
Building Department has no conditions at this time.

Good Morning! ☺️

Please find attached for your review the Final Plat Approval for the following:

Brownstone Estates Subdivision No. 1 at the southwest corner of Midway and West Karcher Roads (41 single family residential detached lots on 11.71 acres for 3.5 dwelling units per gross acre - a 11.71-acre portion of the NE 1/4 of the NE 1/4 of Section 13, T3N, R3W, BM) for Kent Brown representing HDP Brownstone Estates LLC.

Brownstone Estates Subdivision No. 2 at the southwest corner of Midway and West Karcher Roads (15 multifamily residential lots on a 3.75-acre portion of the NE 1/4 of the NE 1/4 of Section 13, T3N, R3W, BM) for Kent Brown representing HDP Brownstone Estates LLC.

These final plats have been scheduled as a business item on the Planning and Zoning Commission Agenda of September 10, 2019.

Please review and return any comments to my attention prior to August 23, 2019.

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

Nampa Highway District #1 has no comment as the subdivision is in Canyon Highway District #4's jurisdiction and by maintenance agreement they are the permitting agency for Midway Rd.

If you have any questions or comments feel free to contact us.

Thank you,

Eddy

Eddy Thiel
ROW
eddy@nampahighway1.com
4507 Highway 45, Nampa, ID 83686
TEL 208.467.6576 • FAX 208.467.9916

Good Morning! 😊

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August 12, 2019

Norman L. Holm, Planning Director
City of Nampa
411 3rd Street South
Nampa, ID 83651

RE: SPF-00099-2019/ Brownstone Estates No. 2

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the above-referenced application, as it lies outside of our District boundaries. Please contact Mark Zirschky of Pioneer Irrigation at (208) 459-3617, P.O. Box 426 Caldwell, ID 83606-0426.

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 must review drainage plans. Developers must comply with Idaho Code 31-3805.

Sincerely,

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

Cc:
Office/ file
T. Ritthaler, Board of Control
Sylvia Mackrill

From: Daniel Wagner
Sent: Monday, August 19, 2019 2:01 PM
To: Sylvia Mackrill; Caleb Laclair
Subject: Addressing Review - Brownstone Estates #2

Follow Up Flag: Follow up
Flag Status: Flagged

Sylvia,

There are no Addressing/Street naming comments for this plat. Thanks.

Dan Wagner
GIS Technician 1, Engineering
O: 208.468.5475
Nampa GIS, Like us on Facebook

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.
The Engineering Division has completed a review of the Construction Drawings and Final Plats for Brownstone Estates Subdivision #1 and #2 and recommend the following conditions and comments.

**General Comments**

1. The project site is adjacent to the Isaiah Drain and Stone Lateral. Plan approval and License Agreement from the Bureau of Reclamation (BOR) and/or Pioneer Irrigation District (PID) may be required.

2. Any work within the Karcher Road right-of-way will require permit from Idaho Transportation Department (ITD).

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