NAMPA PLANNING AND ZONING COMMISSION
AGENDA FOR REGULAR MEETING

Tuesday, October 22, 2019 – 6:30 p.m.

MEETING CALL TO ORDER

ANNOUNCEMENTS

APPROVAL OF MINUTES - ACTION ITEM

REPORT ON COUNCIL ACTIONS

BUSINESS ITEMS:

1) Subdivision Plat Final Approval for Ridgevue Estates Subdivision No. 2 in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district at 18314 and 18360 Madison Ave. (42 Single Family Residential dwellings on 9.6 acres for 3.74 dwelling units per gross acre - Located in a part of the NW ¼ SE ¼ and a part of the SW ¼ SE ¼, Section 34, T4N, R2W, BM) for Mason and Associates representing MRH Homes (SPF 106-19). – ACTION ITEM

2) Request for exception to Section 10-28-5B restricting the density of a mobile home park from exceeding 6 mobile homes per gross acre for Karcher Mobile Home Park located at 1410 W. Flamingo Ave. The applicant is requesting an additional 8 mobile home spaces to be constructed in underutilized open/vacant space (A 24.99-acre portion of the NE ¼ of Section 17, T3N, R2W, BM also being Marks Subdivision Tax 27 less Tax 27A, 27B & 27C, Tax 28, Marks Subdivision Lot 9 less S 115’ less Tax 4, Lot 10 less Tax 4 Karcher MHP) for SLN Planning representing Cali-Land Inc. (0028-19 Note). – ACTION ITEM

3) Request for a first 1-year Extension of Final Plat Approval for Brookdale Estates Subdivision No. 6 between E. Cherry Lane and E. Birch Lane and between 11th Ave. No. and Kensington Ave. in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district (28 single family residential lots on 7.95 acres, 3.52 dwelling units per acre - A parcel of land situated in Tract 3 of Silver Valley Tracts, in the north ½ of the northwest ¼ of Section 12, T3N, R2W, BM) for JUB Engineers, Inc. representing Trilogy Development (SPF 066-18). Request to extend 10/15/18 approval which expires 10/15/19 to 10/15/20. – ACTION ITEM

4) Request for a first 1-year Extension of Final Plat Approval for Brookdale Estates Subdivision No. 7 between E. Cherry Lane and E. Birch Lane and between 11th Ave. No. and Kensington Ave. in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district (14 single family residential lots on 4.72 acres, 2.97 dwelling units per acre - A parcel of land situated in Tract 1 of Silver Valley Tracts, in the north ½ of the northwest ¼ of Section 12, T3N, R2W, BM) for JUB Engineers, Inc. representing Trilogy Development (SPF 067-18). Request to extend 10/15/18 approval which expires 10/15/19 to 10/15/20. – ACTION ITEM

Continued back
PUBLIC HEARINGS:

1) Subdivision Plat Preliminary Approval for Aberdeen Springs Subdivision in a RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of E. Amity Avenue adjacent and east of Mihan Lane (64 single family detached lots on 17.46 acres for 3.67 dwelling units per gross acre – A portion of the E ½ of the SW ¼ of Section 25, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPP 045-19). – ACTION ITEM

2) Subdivision Plat Short Approval for Was A Wheat Field Subdivision in a IL (Light Industrial) zoning district at 3303 and 3305 Caldwell Blvd. (2 industrial lots on 1.35 acres – A portion of Lots 1 and 2 of Portners Subdivision located in a portion of the N ½ of Section 7, T3N, R2W, BM) for Aspen Engineers representing Was a Wheat Field, LLC (SPP 047-19). – ACTION ITEM

3) Subdivision Plat Preliminary Approval for Spring Shores Subdivision in a RS 8.5 (Single Family Residential – 8,500 sq. ft.) zoning district between Ustick Road and Cherry Lane on the west side of 11th Ave. No. (245 single family detached lots on 76.64 acres for 3.2 dwelling units per gross acre – A portion of the NW ¼ of the SW ¼ of Section 35, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPP 047-19). – ACTION ITEM

4) Modification of First Amendment to a Development Agreement between Nampa North, LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary; and Subdivision Plat Preliminary Approval for Lost River Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (81 Single-Family Attached Townhome lots and 5 Four-plex lots - A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC (DAMO 033-19, and SPP 048-19). – ACTION ITEM

5) Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition) for Dena and Jason Baker for a Legal Office (ZMA 112-19). – ACTION ITEM

ADJOURNMENT

- Individuals, who require language interpretation or special assistance to accommodate physical, vision or hearing impairments, please contact the Planning Department in City Hall or call (208) 468-5484. Requests should be made at least five (5) days prior to the meeting to allow time to arrange accommodations.
Chairman McGrath called the meeting to order at 6:52 p.m.

Approval of Minutes: Sellman motioned and Garner seconded to approve the Minutes of the September 24, 2019 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. No City Council member present to report on City Council actions. Planning Director Holm advised the Appeal to City Council to deny the Conditional Use Permit for the V Cut Lounge, approved by the Planning Commission on August 27, 2019 had been denied by City Council during their October 7, 2019 meeting.

There were no Business Items on the agenda.

At 7:00 p.m. Chairman McGrath proceeded to public hearing.

Conditional Use Permit for Home Occupation Gunsmithing with Occasional Special-Order Firearm Sales in an RS6 (Single-Family Residential – 6,000 sq. ft.) zoning district at 1925 Gemini Dr. (A .17 acre or 7,594 sq. ft. parcel situated in the NW ¼ of Section 17, T3N, R2W, BM and Lot 6, Block 3, New Karcher Estates #1, less Tax 09042), for David C. Morgan (CUP-00154-19). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

David Morgan of 1925 Gemini Dr, Nampa – the applicant:

- Mr Morgan stated he would like to operate a part time home based gunsmithing business, using approximately 200 sq ft of his home.
- The hours of operation would be in the evenings and weekends until he could leave his full time job to operate the home based business.
- There would be minimal tools involved, added Mr Morgan, just a bench, hammers, punches, files, drill, etc.
- According to Mr Morgan, he would have to fill in the paperwork and forms to stay in compliance with the A.T.F.
- Most of his business, continued Mr Morgan, would be coming from friends, family and acquaintances and possibly neighbors.
- He would also be working with local businesses that do not have a gunsmith on staff.
- Mr Morgan considered there would be minimal increase in traffic in the neighborhood.
- In response to a question from Chairman McGrath, Mr Morgan stated he would not be putting up any signs on his property.
- Mr Morgan emphasized he did not want any walk-up traffic.
- In response to a question from Kehoe, Mr Morgan stated he could also take in repairs from firearm dealers or businesses.
Planning Director Holm:
- Holm advised the subject property, in New Karcher Estates No. 1, zoned RS-6 (Single Family Residential – 6000 sq ft minimum lot size), located on the corner of Gemini Dr and Taurus Dr, was more or less surrounded by Single Family Residential zoning.
- The Comprehensive Plan Future Land Use Map added Holm indicated Medium Density Residential – similar to other single family residential areas.
- According to Holm, the parcel size of the subject property was approximately 7600 sq ft.
- The proposed Home Occupation, continued Holm, would be indoors in an office setting with the tools Mr Morgan indicated.
- Holm reviewed the Home Occupation standards and noted although gunsmithing was not a listed use, the Home Occupation Application states -- any other uses determined by the Planning Director would require approval of a Conditional Use Permit Application.
- Additionally, the Conditional Use Permit section of the Ordinance states the use has to be compatible with, and not adversely effect, the neighborhood or the surrounding area.
- Holm reviewed the Staff Report and recommended conditions of approval.
- According to Holm, no schools were in close proximity to the site.

Chairman McGrath proceeded to public testimony.
No public comment forthcoming.

Kehoe motioned and Sellman seconded to close public hearing. Motion carried.

Kirkman motioned and Miller seconded to grant approval of the Conditional Use Permit for a Home Occupation Gunsmithing with Occasional Special-Order Firearm Sales business at 1925 Gemini Drive, for David C Morgan, subject to:
1. All requirements of the Nampa Planning, Building, Engineering, and Fire Departments as well as State, or Federal agencies regarding use of the property for a Home Occupation for Gunsmithing with Occasional Special-Order Firearm Sales, shall be satisfied prior to occupancy.
2. The owner operates the business as a typical Home Occupation business with no manufacturing and minimal storage of inventory.
3. The owner maintains all regulatory permitting, licensures and operational procedures as required by law.
4. Only occasional special-order firearms sales for family and friends shall be permitted to be conducted on the premises.
5. Inventory is locked in a secure safe.
6. The Home Occupation for Gunsmithing with Occasional Special-Order Firearm Sales shall be continuously operated in accordance with the applicant’s provided project description.
7. The Conditional Use Permit is granted only to the property for the duration of the use and shall not be transferable to any other location.
Motion carried.

Chairman McGrath noted action on a Conditional Use Permit by the Planning and Zoning Commission can be Appealed to City Council, within 15 days of the Planning and Zoning decision.

Amendment of Title 10, Chapter 1, Section 19 pertaining to Professional, Public Self-Storage Facility Design and Regulations: locations allowed, structure appearance, project design and layout, lighting and security, and signage; and Amendment of Title 10, Chapter 3, Section 2 pertaining to Land Use Controls for Storage Space Rental and Storage – Conditioned Multi-Level Building, for the City of Nampa (ZTA-00010-19). ACTION ITEM.

Chairman McGrath proceeded to public hearing.

Principal Planner Ashby:
- Ashby reported City Council placed a Moratorium on storage facilities on June 3, 2019 due to concerns regarding an overabundance in the supply of storage facilities, the impact on neighboring properties, using up industrially zoned lands.
• On August 26, 2019, added Ashby, there was a Joint Workshop with the City Council, the Planning and Zoning Commission and the Building and Site Design Standards Committee. The Draft Ordinances were prepared for that meeting, added Ashby, as included in the Staff Report.

• Ashby indicated the summary of the proposed changes related to the Ordinance:
  • Require a Conditional Use Permit for all storage units – regardless of location.
  • No longer allowed in IH (Heavy Industrial) district in order to preserve those zones for land uses that would be more intense than storage facilities.
  • All new storage units shall comply with NCC 10-1-19 (architectural, lighting, setback, etc. requirements)
  • New land use category: “Conditioned Multi-Level Building” – multi level with commercial or retail on the ground floor.
  • NCC 10-1-19 Changes:
    ➢ Design Review required for all storage units
    ➢ 150 ft setback from primary roadway corridor Right-of-Way
    ➢ 2,500 ft buffer from ANY existing or proposed storage facilities of any kind.
    ➢ 100 ft buffer from residential districts and Low/Med Density Residential on Future Land Use Map
    ➢ 25 ft landscape buffer next to roadway, pathway, or residential
    ➢ Conditional Use Permit recommended by P&Z Commission and approved by City Council

• Chairman McGrath inquired if the City Attorney commented on the impact of having a Conditional Use Permit go directly from the Planning and Zoning Commission to be approved by City Council, and what effect that would have on due process rights for applicants.

• Ashby reported the City Attorney did not address the due process rights – referring to an Appeal.

• According to Ashby, the City Council had discussed the proposal the previous evening for City Council to take responsibility for approving some Conditional Use Permits and noted that specific criteria could be written into the Code and would become part of the Conditional Use Permit process.

• Discussion followed regarding the proposed Ordinance Change that would require the Conditional Use Permit for storage facilities to go directly to City Council for a second Conditional Use Permit review and action.

• Kirkman voiced concern regarding changing the CUP process and requiring the Conditional Use Permit for storage facilities to also go to City Council for approval, which would eliminate the Appeal process.

• Ashby reviewed the comments from the Engineering Division:
  • Engineering Division questioned the purpose of limiting the service drive to 300 ft. Ashby considered the possible reason for that limitation was due to access concerns from a major roadway to the storage facility, but it was a valid concern and could be removed from the Code.
  • The Engineering Division, added Ashby, also requested clarification regarding the minimum distance from the freeway measured from right-of-way. Ashby stated the change had already been inserted in the proposed Code requiring a minimum of 250 ft from the Interstate freeway “right-of-way”.
  • In response to a question from Kehoe, Ashby advised the requirement of a minimum of 250 ft from the freeway right-of-way would limit the locations for storage facilities next to the freeway.
  • Kehoe noted the list of primary roadways where the storage facility would be required to locate a minimum of 150 ft from that primary roadway corridor.

• Ashby indicated the proposed wording: the building could not be located within 150 ft of any one of the listed primary roads.

• According to Ashby, there could be a different type of use within the buffer area between the landscaping and the storage facility setback of 150 ft.

• The landscaping requirement was also proposed to change from 15 ft of landscaping to 25 ft of landscaping along the roadway, and also 25 ft of landscape buffer between a residential use and any storage facility.

• The Engineering Division, reported Ashby, had also questioned the roof restriction in Section B.4. and whether the Code should be changed to allow a single pitch, or flat roof style.

• Engineering Division also questioned the height limitation in Section C.2 because a 3:12 roof restriction and 16 ft maximum height limitation may not allow sufficient area for the larger boats or RVs to have enough area to park. Ashby added that City Council in April 1, 2019 approved a change to allow a 2:12 roof pitch.

• If the Commission preferred to recommend a flat roof style, stated Ashby, then Staff recommends an 18 inch fascia and a minimum of 6 inch columns.

• Ashby reviewed the Staff Report.
Van Auker, Jr referred to the proposed Ordinance 10-1-19 Section B 7 regarding height limitations requiring the buildings within a BN or RP zoning district shall be limited to a height of 10 ft at the edge of eaves, and questioned if that requirement had always been in effect. Ashby replied it had been in effect for a typical walk-up storage and added there would be the 16 ft maximum height for RV and boat storage.

Chairman McGrath proceeded to public testimony.

Butch Henry of 2219 Caldwell Blvd, Nampa.

- Mr Henry noted the 2219 Caldwell Blvd property had previously been a Mobile Home Park which had been demolished, and they were now planning an automobile, boat, RV storage facility there.
- According to Mr Henry, they purchased that property in April and then learned about the Moratorium.
- At that time, added Mr Henry, they talked to Staff.
- Mr Henry considered there were some very restrictive items in the Ordinance recommendation that City Council asked Staff to come back with.
- Mr Henry stated his company owns and builds storage facilities in the Pacific Northwest, including one in southeast Boise, similar to what they were proposing to build at 2219 Caldwell Blvd.
- Mr Henry considered requiring a Conditional Use Permit for a storage facility was unusual, other than in the Seattle or Portland area, but added he would not recommend the C-U-P requirement for Nampa. Mr Henry stated a C-U-P would not be the appropriate way to do business, or additionally having the C-U-P go to City Council.
- Mr Henry responded to a question from Kehoe and indicated their RV parking facilities on the flyer he handed out for a location in southeast Boise.
- Additionally, stated Mr Henry, there were 14 ft tall, 14 ft wide, and 40 ft long storage units with a door that could accommodate cars, motor coaches or a boat, and added he would refer customers to another facility for walk-up storage.
- Mr Henry considered it appropriate to eliminate storage facilities in the Heavy Industrial zones.
- According to Mr Henry, he supported the addition of a Conditioned Multi-Level Building as a storage facility.
- Mr Henry stated he did not support the proposed changes requiring Design Review for all storage facilities; as well as Conditional Use Approval for all locations.
- Mr Henry added that he did support the 150 ft setback from a primary roadway.
- According to Mr Henry, the requirement of a 2,500 ft setback from an existing or permitted storage facility’s property lines would be a real deal breaker for them and suggested that would not be a requirement for a convenience store, bank or restaurant.
- Storage facilities, continued Mr Henry, were convenience businesses that were market driven. Developers do feasibility studies for storage facilities and he did not think the development of storage facilities should be controlled by requiring the 2,500 ft spacing between storage facilities.
- Kirkman stated the 2,500 ft separation buffer seemed extreme.
- Kehoe noted that storage facilities take up a lot of space and were not the same as convenience stores, banks or restaurants next to each other.
- According to Mr Henry, the storage buildings were not substantial structures and a storage facility can be demolished in less than a week, and the land would then be available for other uses.
- Mr Henry discussed the differences between a walk-up storage facility and a facility storing boats, RVs, and vehicles that would include availability of water, lighting and paved areas.
- Mr Henry agreed the 100 ft buffer from residential uses would be consistent with other municipalities.
- Also, the 25 ft landscape buffer next to a roadway was a familiar requirement.
- Regarding the requirement for the Conditional Use Permit to also go to City Council for an additional hearing, Mr Henry considered limiting the Conditional Use Permit public hearing to the Planning Commission and the opportunity to Appeal the Planning and Zoning decision to City Council was the best option.
- In response to a question from Van Auker, Jr, Mr Henry stated there were 3 levels of storage facilities: primary – typically in Seattle market or San Francisco, Los Angeles – high cost because the land is very expensive, therefore they try and create vertical construction for storage facilities; the secondary market was typically like Boise, Salt Lake City or Omaha, Nebraska where land is not as expensive per sq ft; and then the tertiary market would be Nampa, Caldwell, Canyon County, Bend, Oregon where the land cost is less.
Mr Henry noted the Treasure Valley area was also recreational driven and the majority of people moving to the area also want to recreate – in the open land and water. There was a real need for storage in the area, stated Mr Henry.

**Jerry Henry of 2219 Caldwell Blvd, Nampa:**
- Ms Henry indicated some pictures of a proposed storage facility, with a fortress aspect, where the backs of the buildings are 100 percent around the outside of the facility, so for the most part the vehicles and RVs are not visible. Discussion followed on the height of the buildings shown, Mr Henry stated the roof over the RVs was 17 ft to the eave height with a ½:12 pitch on the roof.
- Ms Henry referred to the storage facility located on Sundance Rd and stated the proposed facility at 2219 Caldwell Blvd would not be in competition with the facility on Sundance Rd because they would not be a walk-up storage facility.
- The 2500 ft buffer, added Ms Henry, would prohibit them from building their facility on Caldwell Blvd and she considered that to be unfair.

**Jeff Millich – 815 Meadowbrook Ln, Nampa:**
- Mr Millich discussed the 2219 Caldwell Blvd property, noting that Pond Trust originally owned the property.
- According to Mr Millich, Mr Henry researched the fact there had been no Conditional Use Permit required in the BC zoning district for a storage facility, and advised they put up a substantial amount of money to purchase the property in good faith after performing their due diligence and finding there were no restrictions.
- Mr Millich noted the Pond Trust had received Conditional Use Permit approval for apartments to be located at the 2219 Caldwell Blvd site.
- Mr Millich discussed the best uses for the Caldwell Blvd property and noted they had purchased the property and had the engineering drawings done before the Moratorium went into effect.
- Mr Millich reiterated his disagreement with the proposed requirement for a 2500 ft separation between storage facilities.

**Principal Planner Ashby:**
- Ashby stated he was not comfortable with getting into the details on specific projects on a specific property, as the item before the Commission was a proposed amendment to the Ordinance regarding storage facilities throughout the entire City.
- Kehoe inquired if there had been any discussion at City Council level regarding the 2500 ft separation for residential areas but not in commercial areas and Ashby replied there had not.
- Ashby indicated a map illustrating the existing locations of storage facilities and the 2500 ft separation buffer around those sites. Ashby noted that separation would definitely limit the number of storage facilities allowed in the City but there had not been a discussion as to whether that separation should only apply to residential areas, or with all zoning districts.
- Discussion followed regarding limitations, design, distance between storage facilities, and setbacks from roads within different zoning districts.

**Garner motioned and Sellman seconded to close public hearing. Motion carried.**
- **Chairman McGrath** discussed the loss of revenue for the City that would occur with storage facilities in place of other Light Industrial or Commercial uses on that land.
- Also, added McGrath, it was important to preserve Light Industrial land for Light Industrial uses.
- But some of the proposed regulations, added Chairman McGrath, appeared to be overreaching.
- It was important to be really careful in that regard, continued Chairman McGrath, especially when it starts to impact the work of the Planning and Zoning Commission and the adverse effect on other applicants in the future.
- **Sellman** noted that would also cause a lack of due process for Appeals.
- **Van Auker, Jr** considered it would be best to let the market decide what was and was not needed. When people stop moving to Nampa and buying homes would be when the need for services would diminish.
- **Chairman McGrath** stated the Commission did have the responsibility to help preserve the land choices available.
• **Miller** noted it was important to remember the market driven argument because there was a lot of land in Nampa that was undeveloped and just sitting and not creating a lot of revenue for the City. Miller added that he would rather see market driven businesses flourish than a vacant lot or empty space.

• **Garner** noted that some businesses use storage facilities to store their business inventory.

• **Ashby** stated it was up to the Planning Commission what they recommended to City Council regarding storage facilities.

• Discussion followed regarding the recommendations to City Council from the Planning Commission for the proposed storage facility Ordinance.

• **Holm** suggested taking the Conditional Use Permit application requirement off the IL and IP zones would go against the idea of being sure that was the use wanted on industrial land, versus jobs and economic development.

• **Ashby** noted the intention for the 150 ft setback from a primary roadway was to encourage some different type of use between the roadway and the storage facility – with another type of business in front of the storage facility.

• **Kehoe** made clear the 150 ft setback from the roadway could be used by a different type of business/use any time after the storage facility was built.

• **Holm** suggested the wording could state “up to a 150 ft setback from road right-of-way may be required”, and that would be determined at the time of Conditional Use Permit review.

• Discussion followed regarding the addition of multi-level conditioned storage facilities to the type of storage facilities that could be utilized in Nampa.

• **Ashby** noted the proposed new category for a multi-level conditioned storage facility would be a more expensive type of facility, with part of the ground floor to be used for retail, restaurant, or offices.

• **Chairman McGrath** reviewed the proposed changes for NCC 10-1-19, with comments on each point from the Commission.

• **Garner** questioned if there would be a Landscape Plan Review that would take place as part of the Building Permit process and would there be standards required to be met regarding the trees and shrubs. **Ashby** confirmed that would be the case and noted the Planning Department reviewed the Landscape Plans and inspected the landscaping.

• In reference to the 150 ft setback from primary roadway corridor, **Sellman** suggested if a Conditional use Permit was required for all storage facilities then the Commission could determine at that time the appropriate roads for the setback requirement.

• **Ashby** advised both City Council and the Mayor were concerned with storage facilities in proximity to residential corridors.

• **Chairman McGrath** suggested applicants could be advised at the time of C-U-P submittal that the setback for the storage facility buildings could be as much as 150 ft.

• **Holm** suggested the wording could be that, up to a 150 ft setback from the road right-of-way may be required, and the decision could be made at the public hearing for the C-U-P.

• **Kirkman** suggested the difference between the “walk-up self-storage units” vs “car, RV and boat storage” should be recognized.

• **Ashby** indicated the Engineering Division correspondence regarding the question as to whether a 16 ft height maximum for RV/Boat/ATV storage would provide enough height, with the understanding that 19 ft was generally considered to be the acceptable height. There was also the question of the roof pitch, added Ashby.

• Discussion followed regarding the height of modern RVs, etc, and flat versus pitch roofs.

• **Garner** considered that a Commercial project would require structural engineering for the roof and structure.

• In response to a question from **Garner**, **Ashby** reviewed the proposed additional requirements for architecture, lighting, etc, in NCC 10-1-19.

Miller motioned and Kropp seconded to recommend the following proposed Amendments to Title 10, Chapter 1, Section 19 pertaining to Professional, Public-Self-Storage Facility Design and Regulations; and Amendment of title 10 Chapter 3 Section 2 pertaining to Land Use Controls for Storage Space Rental and Storage – Conditioned Multi-Level Building.

1. Removal of the following sections of the proposed NCC 10-1-19 ordinance:
   a. Introduction stating: “Additionally, a Conditional Use Permit shall be required from the City Council after a recommendation from the Planning and Zoning Commission and all
such development shall require Design Review pursuant to Title 10, Chapter 34, Nampa City Code.”

The Nampa Planning & Zoning Commission was concerned about the due process given to applicants or those with interest in a proposal. They felt that it is an undue burden to require applicants go through two public hearings, which is unique from other projects needing Conditional Use Permits. They were also concerned about eliminating the ability to Appeal the decision outside of the judicial process. They expressed that a Zoning Ordinance change by City Council would allow them to ensure that specific requirements, they wish to emplace on a type of project, are met.

b. A.1. “Exception for primary roadway corridors: Projects along the following roadways shall place storage unit buildings a minimum of one-hundred-fifty feet (150’) from the primary roadway corridor right-of-way and may extend beyond three hundred (300) feet from the right-of-way, when the project has direct access to the roadway; and Caldwell Blvd, Garrity Blvd, Idaho Center Blvd, Cherry Ln, Franklin Blvd, Ustick Rd, State Highway 20/26 (Chinden Blvd), Midland Blvd, State Highway 55 (Karcher Rd), Midland Blvd, Middleton Rd, Roosevelt Ave, State Highway 45 (12th Ave Rd), Southside Blvd, Northside Blvd, Amity Ave, and Lake Lowell Ave.”

The Nampa Planning & Zoning Commission was concerned that this list of roadways was arbitrary. They felt that a setback from major roadways, that allows for alternative uses to be placed fronting the roadway should be handled on a case by case basis through the Conditional Use Permit process. They recommended the following wording to replace this section: “Up to a one-hundred-fifty-foot (150’) setback from a roadway may be required by the Planning & Zoning Commission as a condition of approval for a Conditional Use Permit.”

c. A.2. “New public storage facilities shall be located a minimum distance of two thousand five hundred feet (2,500’) from an existing or permitted storage facility’s property lines; expansion of storage facilities shall be limited to the property boundaries existing at date of securing Planning & Zoning entitlement; storage facilities having obtained a Building Permit for construction of a storage facility as of October 7, 2019, shall be permitted to expand within the boundaries of the property/properties as those property boundaries existed on October 7, 2019;”

The Nampa Planning & Zoning Commission felt that this regulation would ultimately have the effect of preventing future storage units from being constructed. They felt it was an overreach of government and should be left to the market to decide how many storage units get developed and where they should go.

d. B.4. “All buildings made a part of a facility shall feature a residential roof structure with a minimum two to twelve (2:12) pitch.”

The Nampa Planning & Zoning Commission agreed with Engineering Division’s suggestion that we allow flat and single pitched storage structure roofs because we have new provisions to separate storage units from residential uses and there isn’t as much need to give a similar residential roof pitch appearance.

2. Additional changes are also recommended for NCC 10-3 Service and Office Land Use table, footnote four (4), including removing the statement, “from the City Council after a recommendation is made by the Planning & Zoning Commission...”

This change is necessary to comply with the Commission’s requested change following “1” above, and regarding the desire to protect due process rights of applicants and appellants.

Motion carried.

Amendment of Title 10, Chapter 33 Corridor Beautification changing the title heading to include Landscaping; Amending Section 10-33-01 pertaining to the Description and Purpose of the Corridor Beautification and Landscaping Provisions; Amending Section 10-33-02 pertaining to General Landscaping Requirements; Amending Section 10-33-03 pertaining to the Definition of Corridors; and Amending Section 10-33-04 pertaining to Corridor Landscaping Requirements, for the City of Nampa (ZTA-00011-19). ACTION ITEM.

Chairman McGrath proceeded to public hearing.
Principal Planner Ashby:

- Ashby explained that this would be the first of the Zoning Code Chapters the Commission would be reviewing, one at a time, to clarify and reduce the subjective interpretation by staff, to eliminate repetition, and to update the Code to meet our current standards and needs.
- Ashby reviewed the proposed changes.
- Currently—two trees required on residential lots, changing from two in the front yard to just one in the right-of-way and another tree to go on the property somewhere—not required to be in the front yard.
- Smaller residential front yards only required to plant one tree. Ashby responded to a question from Kehoe and stated the pie shaped lots with minimal frontage would also be permitted to plant only one tree in the front yard.
- Multi-family housing shall plant Right-Of-Way trees per Code and one tree per 2,500 sq ft of landscaping.
- No trees permitted in the Airport Runway Protection Zone.
- Trees shall be selected from the Treasure Valley Tree Selection Guide—with some exceptions.
- Deferral Agreement required for landscaping not installed due to weather/season. Ashby responded to a question from Kirkman and stated the Building Department would have that as part of their conditions.
- Ashby referred to the Engineering correspondence. The Engineering Division recommended adding a section that speaks to tree and deep-rooted shrub planting adjacent to utilities, such as a seepage bed.
- Therefore, added Ashby, there could be some exceptions granted by the Director of Planning when it conflicts with a utility facility.
- Recommended adding language to allow for drought tolerant and xeriscape landscape design and encouraging the requirement of drip style irrigation. Ashby stated he had spoken with the Parks Department regarding that requirement and they were concerned because so many people interpret xeriscape in so many different ways—i.e. rocks and concrete, and that was not the intention.
- Kehoe inquired if that recommendation would apply more to drought tolerant plants.
- Ashby stated the Parks Department recommended: “May choose to require native plants or plants that use no more water than native plants”. Ashby considered that would require some thought and clear definition as to what those native plants are and how much water they use. Ashby suggested it would take some consideration and recommended that the Planning Commission not approve that particular change.
- Kehoe noted the issues involved with drip style irrigation, with plants and trees dying.
- Van Auker, Jr stated his company had always been a proponent of xeriscape—without pouring water on grass—and that made much more sense.
- Van Auker, Jr suggested that xeriscape could be defined as including mulch or landscape rock material, with shrubs, or some kind of native plants that are drought tolerant.
- Discussion continued on xeriscape. Ashby suggested more details should be looked into regarding xeriscape.
- Kehoe indicated the issues with drip systems clogging up.

Chairman McGrath proceeded to public hearing.

No public comment forthcoming.

Sellman motioned and Kehoe seconded to close public hearing. Motion carried.

Van Auker, Jr motioned to recommend approval to City Council for Zoning Text Amendments to Title 10, Chapter 33, Corridor Beautification, changing the title heading to include Landscaping; and; Amending Section 10-33-01 pertaining to the Description and Purpose of the Corridor Beautification and Landscaping Provisions; Amending Section 10-33-02 pertaining to General Landscaping Requirements; Amending Section 10-33-03 pertaining to the Definition of Corridors; and Amending Section 10-33-04 pertaining to Corridor Landscaping Requirements:

- Section 10-2-3 D. of Nampa City Code provides the standards for amending the City’s Zoning Ordinance.
- The proposed Ordinance Amendments are appropriate because they are “reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.” Nampa City Code § 10-2-3-D.
- The proposed Ordinance Amendments are in harmony with the City’s Comprehensive Plan—Nampa 2035.
The proposed Nampa City Code Text Amendments would also help achieve Nampa 2035 Comprehensive Plan’s Land Use Goal 7: Update the City’s Land Use Ordinances, and Objective 13 and the associated 2 Strategies regarding amending the Zoning and Subdivision Ordinances.

Additionally:

- The Commission indicated approval for the Engineering recommendation to add a Section to allow the Planning Director to modify the placement of trees and deep rooted shrubs where they would conflict with existing and proposed utilities.
- The Commission directed that staff research xeriscaping and come back to the Commission in the future with a recommendation.

Motion carried.

Meeting adjourned at 9:35 p.m.

Norman L Holm, Planning Director

:sm
BUSINESS ITEM NO. 1
STAFF REPORT

Applicant(s)/Engineer(s): MRH Homes, Applicant(s), Will Mason, Mason & Associates, Inc., representing
File(s): SPF 00106-2019
Analyst: Kristi Watkins

Requested Action:
Recommendation of Final plat approval/denial for: Ridgevue Estates Subdivision No. 2 (hereinafter the “Development”; alternatively, “Ridgevue Estates Subdivision No. 2” or the “Project”)

Location:
Comprising 9.6 acres proposed to be platted into thirty-six (36) buildable and six (6) common lots all located in a RS 7 Zoned area located in the NW ¼ of the SE ¼ and a part of the SW ¼ of the SE ¼ of Section 34, T4N, R2W, BM, Canyon County in Nampa north of Ustick Road and east of Madison Road.

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. The correspondence from agencies are listed as follows:

1. An email dated September 12, 2019, authored by Eddy Thiel, Nampa Highway District #1, which states; NHD #1 has no comment; and,

2. An entry into Energov, dated September 16, 2019, authored by Neil Jones, Nampa Building Department stating that the Building Department requires a top of foundation or a finish floor elevation for each lot to be on the construction drawings; and,
3. An email, dated September 17, 2019, authored by Cody Swander, Nampa Parks Department, stating Parks has no requests; and,

4. A letter, dated September 19, 2019, authored by David Duvall, Nampa Meridian Irrigation District stating that this project is under Pioneer Irrigation jurisdiction; and,

5. An email, dated September 30, 2019, authored by Mark Zirschky, Pioneer Irrigation District stating that the project is located next to the 8.26 Lateral and the final plat should reference the 16 foot from top of bank easement along the lateral. This footnote shall be added to the final plat prior to signature; and,

6. A memo, dated September 26, 2019, authored by Dan Wagner, City of Nampa GIS Division, stating that changes must be made prior to final plat signature. Propose a new, unique street name for E Madilyn Dr; and,

7. An email, dated September 26, 2019, authored by Adam Mancini, Nampa City Forester, stating that he has no request; and,

8. A memo dated, October 13, 2019, authored by Caleb LaClair, Nampa Engineering Department, which identifies the following Conditions and Comments:

**Engineering Project Comments**

a. *Developer shall provide documentation of Pioneer Irrigation District review of plans prior to construction drawing approval due to the project being adjacent to the Grove’s Branch (8.26) Lateral. Provide copies of any necessary license agreement(s) prior to Final Plat signature.*

b. *The regional pressure irrigation pump station is currently under construction, and shall be operational prior to City Engineer signature of the plat.*

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

**Engineering Final Plat Comments**

a. *Provide new unique street name for E Madilyn Drive per Nampa GIS comment.*

b. *Can the boundary lines at Treeline and Madilyn stubs be straight? Are the angled segments due to beginning of street curvature?*

c. *Per Nampa Engineering Policy the rear lot utility easement shall be 8’. Revise note 7 and corresponding linework.*

d. *Revise Note 5 to include Lot 14, Block 12 as a Common Lot.*

e. *Check boundary description against the plat. The parcel location and one of the line bearings do not appear to match.*

**Engineering Conditions of Approval**

1. *The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.*
2. The regional pressure irrigation pump station shall be operational prior to the City Engineer signature of the plat.

3. Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Ridgevue Estates Subdivision No. 2 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 10/13/2019 prior to construction drawing approval.

4. The Developer and their Engineer and Contractor(s) 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 also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.

5. Developer shall provide documentation of Pioneer Irrigation District review of plans prior to construction drawing approval. Provide copies of any required executed license agreement(s) prior to City Engineer signature of the plat.

Comments/Recommendation(s):
The applicant presented the Preliminary Plat for the Ridgevue Estates Subdivision in February 2018 to the Nampa Planning and Zoning Commission.

Staff finds that the proposed subdivision final plat of/for Ridgevue Estates Subdivision No. 2 substantially conforms within acceptable limits, to the approved preliminary plat of/for Ridgevue Estates Subdivision, and, complies with relevant RS-7 zoning codes and City of Nampa subdivision standards pertaining to the proposed Development. (Said determination is, or may be, partially predicated on the final plat being revised in limited form and fashion to meet requirements set forth by various responding agencies and City departments.), and recommends that Ridgevue 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 Ridgevue Estates Subdivision.

2. Provide of foundation or a finish floor elevation for each lot on the construction drawings; and,

3. Add a footnote to the final plat that references the 16 foot from top of bank Pioneer Irrigation District easement along the lateral. This footnote shall be added to the final plat prior to signature; and,

4. Propose a new, unique street name for E Madilyn Dr prior to final plat signature; and,
5. The regional pressure irrigation pump station shall be operational prior to the City Engineer signature of the plat; and,

6. Provide documentation of Pioneer Irrigation District review of plans prior to construction drawing approval. Provide copies of any required, executed license agreements prior to City Engineer signature of the plat; and,

7. Address all Engineering redline comments on the final plat & construction drawings; and,

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

ATTACHMENTS

- City of Nampa Final Plat Application (page 5-6)
- Legal Description (Pages 7)
- Maps (page 8-9)
- Final Plat (reduced size) (pages 10-12)
- Preliminary Plat (reduced size) (pages 13-15)
- Agency response letters (pages 16+)
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

Name of Subdivision
Ridgeway Estates - phase No. 2

Location of Subdivision
Madison Rd and East Spruce Street

Owner
MRH Homes
Address
P.O. Box 550, Meridian, ID 83642
Phone
(208) 938-3507
FAX
E-Mail
michaelgo/fast@yahoo.com

Applicant
MRH Homes
Address
P.O. Box 550, Meridian, ID 83642
Phone
(208) 938-3507
FAX
E-Mail
michaelgo/fast@yahoo.com

Engineer/Surveyor/Planner
Mason and Associates Inc.
Address
924 3rd Street South suite B, Nampa ID 83651
Phone
(208) 454-0256
FAX
E-Mail
wmason@masconandassociates.us

FINAL PLAT INFORMATION

Total Acreage 9.623
Total Number of Lots: 42 Buildable: 36 Common: 6
Gross Density per Acre: 3.74 (Number of units per acre of total land to be developed
Net Density per Acre: 4.77 (Number of units per acre of land excluding roads)
Zoning District(s) - Zoning Within Nampa City Limits R57
If Applicable: Zoning Within the Area of Impact NA

************************************************************************************************************************************
NARRATIVE
RIDGEVUE ESTATES SUBDIVISION NO. 2

In accordance with the Preliminary Plat that was previously approved this will be the second phase of the Ridgevue Estates Subdivision. There will be 36 residential lots and 6 common lots for a total of 42 lots on 9.623 acres.
RIDGEVUE ESTATES SUBDIVISION NO. 2

OWNERS CERTIFICATE

WE, Ridgevue Estates Development, LLC, a limited liability company, an Idaho corporation, being the duly sworn and acknowledged owners of the following described tract known as RIDGEVUE ESTATES SUBDIVISION No. 2, more particularly described in the legal description below, state that it is our intention to include said property in this subdivision plat, as such it is hereby conveyed to such owners, transferees, successors and assigns, in fee simple, subject only to such liens, easements and covenants as hereinafter set forth, and that the same is being conveyed absolutely to the persons and for the purposes stated herein; and we hereby state that no part of the land herein described is set apart for streets, sewers, or other public purposes, and that no part thereof has been previously dedicated to public use.

Commencing at the southeast corner of the SET/4

Thence N 00° 05' 35" E a distance of 1006.09 feet along the west boundary of the SET/4;

Thence S 89° 24' 49" E a distance of 258.09 feet parallel with the north boundary of the SET/4;

Thence S 00° 05' 35" W a distance of 45.40 feet parallel with the west boundary of the SET/4 to the POINT OF BEGINNING;

Thence S 89° 54' 03" E a distance of 105.00 feet;

Thence N 77° 55' 33" E a distance of 57.29 feet;

Thence S 89° 56' 03" E a distance of 105.00 feet;

Thence S 00° 05' 35" W a distance of 56.60 feet;

Thence S 89° 54' 03" E a distance of 105.66 feet;

Thence along a curve to the left, having a radius of 276.00 feet, a delta angle of 33° 15' 37", and whose long chord bears S 23° 03' 49" E a distance of 112.08 feet;

Thence along a curve to the right, having a radius of 222.00 feet, a delta angle of 31° 06' 19", and whose long chord bears S 16° 57' 28" E a distance of 118.17 feet;

Thence S 69° 50' 31" E a distance of 30.53 feet;

Thence N 83° 26' 35" E a distance of 28.08 feet;

Thence along a curve to the left, having a radius of 276.00 feet, a delta angle of 16° 53' 17", and whose long chord bears N 08° 45' 18" W a distance of 81.64 feet;

Thence N 72° 44' 02" E a distance of 15.00 feet;

Thence N 89° 59' 52" E a distance of 98.02 feet;

Thence N 84° 26' 30" E a distance of 243.80 feet;

Thence S 00° 05' 57" W a distance of 104.80 feet;

Thence S 07° 13' 27" W a distance of 28.83 feet;

Thence S 45° 35' 15" E a distance of 39.58 feet;

Thence S 00° 05' 15" E a distance of 104.63 feet;

Thence S 16° 12' 10" W a distance of 28.61 feet to a point on the approximate centerline of the Grove Branch Lateral (8.26) and being the northerly boundary of Timberlake Subdivision recorded in Book 47 Page 7 in the Canyon County Recorder's Office.

Thence along the approximate centerline of the Grove Branch Lateral (8.26) and the northerly boundary of Timberlake Subdivision the following courses and distances:

Thence S 82° 55' 58" W a distance of 106.58 feet;

Thence S 83° 47' 21" W a distance of 163.35 feet;

Thence S 82° 39' 38" W a distance of 111.74 feet;

Thence S 84° 20' 28" W a distance of 59.27 feet;

Thence N 85° 07' 19" W a distance of 83.45 feet;

Thence N 83° 25' 03" W a distance of 55.28 feet;

Thence N 83° 46' 13" W a distance of 77.84 feet;

Thence S 30° 57' 16" W a distance of 74.10 feet;

Thence N 59° 40' 41" W a distance of 39.91 feet;

Thence N 59° 46' 37" W a distance of 50.45 feet;

Thence N 58° 57' 52" W a distance of 107.66 feet;

Thence N 58° 17' 37" W a distance of 76.01 feet.

Thence leading the approximate centerline of the Grove Branch Lateral (8.26) and the northerly boundary of Timberlake Subdivision N 07° 05' 35" E a distance of 772.32 feet to the POINT OF BEGINNING.

RIDGEVUE ESTATES SUBDIVISION No. 2 contains 9,623 acres more or less.

MICHAEL ROGGS, Governor

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF CANYON

Be it remembered that on this 7th day of August, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared MICHAEL ROGGS, who is known to me to be a Governor of the Limited Liability Company (LLC) that executed the instrument or the person who executed the instrument on behalf of said LLC, and acknowledged to me that such LLC executed the same.

In witness whereof, I have hereunto set my hand and official seal the day and year above written.

Notary Public for
Residing at
Commission expires

CERTIFICATE OF SURVEYOR

I, Darin Holaday, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this plat as described in the Owners Certificate and the attached plat, was drawn from an actual survey made on the ground under my direct supervision and accordance with the spirit of Idaho statutes relating to plats, surveys, and the corner palpation and ring off, Idaho code 53-1611 through 53-1612.

Darin Holaday
P.L.S. License No. 9366

Page 7
OWNERS CERTIFICATE

WE, Ridgevue Estates Development, L.L.C., a Limited Liability Company, et al., the undersigned, do hereby certify that we are the owners of the following described tract known as RIDGEVUE ESTATES SUBDIVISION NO. 2, more particularly described in the legal description below, that it is our intention to include said property in the subdivision plan, as is hereinafter set forth, and that we are the owners of record of said property, and we hereby certify that we are the owners of record of said property, and we hereby certify that we are the owners of record of the property described herein.

A parcel of land being a portion of the SE1/4 and a portion of the NE1/4 of Section 34 Township 4 North, Range 2 West, Boise meridian, Canyon County, Idaho, more particularly described as follows:

Comencing at the southwest corner of the SE1/4

Thence N 00° 05' 35" E a distance of 1808.09 feet along the west boundary of the SE1/4;

Thence S 89° 25' 45" E a distance of 358.09 feet parallel with the north boundary of the SE1/4;

Thence S 00° 05' 35" W a distance of 45.49 feet parallel with the west boundary of the SE1/4 to the POINT OF BEGINNING;

Thence S 89° 54' 03" E a distance of 105.00 feet;

Thence N 77° 05' 33" E a distance of 57.29 feet;

Thence S 89° 54' 03" E a distance of 105.00 feet;

Thence S 00° 05' 35" W a distance of 584.00 feet;

Thence S 89° 54' 03" E a distance of 109.68 feet;

Thence along a curve to the left, having a radius of 278.00 feet, a delta angle of 23° 17' 33", and whose long chord bears S 22° 03' 48" E a distance of 112.06 feet;

Thence along a curve to the right, having a radius of 222.00 feet, a delta angle of 31° 08' 16", and whose long chord bears S 18° 07' 26" E a distance of 119.17 feet;

Thence S 69° 56' 31" E a distance of 30.03 feet;

Thence N 85° 28' 35" E a distance of 28.08 feet;

Thence along a curve to the left, having a radius of 278.00 feet, a delta angle of 16° 53' 17", and whose long chord bears N 08° 49' 19" W a distance of 85.84 feet;

Thence N 72° 44' 02" E a distance of 15.00 feet;

Thence N 89° 59' 52" E a distance of 98.02 feet;

Thence N 84° 26' 30" E a distance of 243.80 feet;

Thence S 00° 05' 57" W a distance of 104.80 feet;

Thence S 07° 15' 27" W a distance of 28.83 feet;

Thence S 45° 55' 18" W a distance of 36.56 feet;

Thence S 00° 05' 15" W a distance of 104.63 feet;

Thence S 19° 15' 10" E a distance of 29.65 feet to a point on the approximate centerline of the Grove Branch Laterit (8.26) and being the northerly boundary of Timberlake Subdivision recorded in Book 47 Page 9 in the Canyon County Recorder's Office.

ACKNOWLEDGMENT

STATE OF IDAHO
COUNTY OF CANYON

Be it remembered that on the 22nd day of August, 2009, before me, the undersigned, a notary public in and for said state, personally appeared MICHAEL RIGGS, who is known or identified to me to be a Governor of the Limited Liability Company (L.L.C.) that executed the instrument or the person who executed the instrument on behalf of said L.L.C., and acknowledged to me that such L.L.C. executed the same.

in witness whereof, I have hereunto set my hand and notarial seal the day last above written.

Notary Public for Idaho
Residing at
Commission expires

CERTIFICATE OF SURVEYOR

I, Darin Holzhey, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this plot as described in the Owners Certificate and the attached plot, was drawn from an actual survey made on the ground under my direct supervision and accuracy represents the points plotted thereon in conformity with the state of Idaho codes relating to plots, surveys, and the corner permissiveness and filing act, Idaho code 55-1601 through 55-1612.

Darin Holzhey
P.L.S. License No. 9366

Page 11
RIDGEVUE ESTATES SUBDIVISION NO. 2

CERTIFICATE OF COUNTY SURVEYOR

[Signature]
Canyon County Surveyor
Date

APPROVAL OF CITY ENGINEER

[Signature]
Nampa City Engineer
Date

APPROVAL OF CITY OF NAMPA
PLANNING AND ZONING COMMISSION

Chairman
Date

APPROVAL OF CITY COUNCIL

[Signature]
City Clerk, Nampa, Idaho

HEALTH CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 56, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing the City of Nampa, 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 since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities then the sanitary restrictions may be reapplied, in accordance with Section 50-1306, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

District Health Department, EHS
Date

CERTIFICATE OF COUNTY TREASURER

[Signature]
County Treasurer
Date

JLC/1020 06/23/18
SHEET 3 OF 3

Page 12
# Preliminary Plat

**RIDGEVUE ESTATES SUBDIVISION**

A Part of the NAPAR SE 1/4 Section 34, T 6 N, R 2 W, B.M.,

NAMPA, CANYON COUNTY, IDAHO

2010

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## TABLE: Parcel Line

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**Notes:**

1. All distances are shown as lineal or as the sum of lineal distances.
2. All lines shall be surveyed and staked.
3. All streets shall be paved.
4. All lots shall be graded.
5. All utilities shall be installed.
6. All landscaping shall be done.

---

**Legend:**

- **1.** Proposed sanitary sewer line
- **2.** Proposed water line
- **3.** Proposed telephone line
- **4.** Proposed gas line
- **5.** Proposed electric line
- **6.** Proposed cable line
- **7.** Proposed irrigation line
- **8.** Proposed drainage line
- **9.** Proposed retaining wall
- **10.** Proposed fence
- **11.** Proposed landscaping
- **12.** Proposed light
- **13.** Proposed sign
- **14.** Proposed driveway
- **15.** Proposed utility pole
- **16.** Proposed utility trench

---

**Property Information:**

- **Address:** 1234 Elm St, Nampa, ID 83670
- **Owner:** John Smith, 555 Main St, Nampa, ID 83659
- **Surveyor:** ABC Surveying, Inc.
- **Engineer:** XYZ Engineering, Inc.
- **Drafter:** PQR Drafting, Inc.

---

**Contact Information:**

- **Email:** info@ridgevue.com
- **Phone:** 1-800-123-4567
- **Website:** www.ridgevue.com
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Good Morning Everyone! 😊

Re: Final Plat Approval for Ridgevue Estates Subdivision No. 2 / SPF-00106-2019

Please find attached for your review the Final Plat Approval for Ridgevue Estates Subdivision No. 2 in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district at 18314 and 18360 Madison Ave. (42 Single Family Residential dwellings on 9.6 acres for 3.74 dwelling units per gross acre - Located in a part of the NW ⅓ SE ⅓ and a part of the SW ⅓ SE ⅓, Section 34, T4N, R2W, BM) for Mason and Associates representing MRH Homes.

The final plat is scheduled as a business item on the Planning and Zoning Commission Agenda of October 22, 2019.

Please review and return any comments to my attention prior to October 04, 2019.

Thank you & Have a great day!
Building Department requires a top of foundation or a finish floor elevation for each lot, to be on the construction drawings.
Hi Shellie,

Nampa Parks has reviewed the final plat for Ridgevue Estates Subdivision No. 2 Project: SPF-00106-2019. We have no requests.

Thank you,

Cody Swander
Parks Superintendent
O: 208.468.5890, F: 208.465.2321
Nampa Parks – Facebook Page

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.
September 19, 2019

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


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. The developer must comply with Idaho Code 31-3805.

Sincerely,

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

Cc:
Office/ file
M. Zirschky, Pioneer Irrigation District
September 26, 2019

RE: Ridgevue Estates Subdivision #2 - Final Plat

To: William Mason – Mason and Associates

cc: Sylvia Mackrill, City of Nampa P&Z
    Caleb LaClair, P.E., City of Nampa Engineering

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

- Propose new, unique street name for E Madilyn Dr to the Engineering Division. Emergency Services is concerned the spelling of this name creates a sound-a-like situation which is extremely problematic for Emergency Services dispatch.

Sincerely,

Dan Wagner
GIS Technician I
Engineering Division
City of Nampa
(208) 468-5475
Shellie Lopez

From: Mark Zirschky <mark@pioneerirrigation.com>
Sent: Monday, September 30, 2019 5:08 PM
To: Shellie Lopez
Cc: Kirk Meyers
Subject: [External] Ridgevue Estates Subdivision No. 2 - Final Plat

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Shellie,

The above referenced project is located adjacent to Pioneer Irrigation District’s 8.26 Lateral.

While the plans depict the location of Pioneer’s 8.26 Lateral, the notes do not indicate Pioneer’s easement in this location. The final plat should reference Pioneer Irrigation District’s 16 foot from top of bank easement along the lateral.

Please request that a footnote be added to the plat regarding Pioneer’s easement, prior to final plat being issued.

Should you have any questions or comments, please let me know.

Mark Zirschky - Superintendent
Pioneer Irrigation District
208-459-3617
208-250-8481
www.pioneerirrigation.com
Hi Shellie,

Parks and Rec. has reviewed the above subdivision and have no requests.

Thank you,
DATE: October 13, 2019
TO: Nampa Planning & Zoning Department
FROM: Caleb LaClair, P.E. – Assistant City Engineer
CC: Daniel Badger, P.E. – City Engineer


The Engineering Division has completed a review of the Construction Drawings and Final Plat for Ridgevue Estates Subdivision No. 2 and recommend the following conditions and comments.

Project Comments

1. Developer shall provide documentation of Pioneer Irrigation District review of plans prior to construction drawing approval due to the project being adjacent to the Grove’s Branch (8.26) Lateral. Provide copies of any necessary license agreement(s) prior to Final Plat signature.

2. The regional pressure irrigation pump station is currently under construction, and shall be operational prior to City Engineer signature of the plat.

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

Final Plat Comments

1. Provide new unique street name for E Madilyn Drive per Nampa GIS comment.

2. Can the boundary lines at Treeline and Madilyn stubs be straight? Are the angled segments due to beginning of street curvature?

3. Per Nampa Engineering Policy the rear lot utility easement shall be 8’. Revise note 7 and corresponding linework.

4. Revise Note 5 to include Lot 14, Block 12 as a Common Lot.

5. Check boundary description against the plat. The parcel location and one of the line bearings do not appear to match.

Conditions of Approval

1. The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
2. The regional pressure irrigation pump station shall be operational prior to the City Engineer signature of the plat.

3. Developer's Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Ridgevue Estates Subdivision No. 2 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 10/13/2019 prior to construction drawing approval.

4. The Developer and their Engineer and Contractor(s) 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 also sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.

5. Developer shall provide documentation of Pioneer Irrigation District review of plans prior to construction drawing approval. Provide copies of any required executed license agreement(s) prior to City Engineer signature of the plat.
Planning & Zoning Department
Before the Planning & Zoning Commission
October 22, 2019

STAFF REPORT – BUSINESS ITEM 02

Applicant: SLN Planning (Shawn Nickel) on behalf of the property owner (confirmed through a phone conversation with the property owner at Cali-Land Inc.).

File No: 00028-2019-Note

Prepared by: Rodney Ashby, AICP
Date: October 15, 2019

Requested Action(s): Exception to Title 10, Chapter 28 Mobile Homes and Mobile Home Parks density zoning code standards requiring a maximum density of six (6) mobile homes per gross acre.

Requested Action: Approval

CORRESPONDENCE

Nampa Engineering Division –
1) Recommended adding a Section that speaks to tree and deep-rooted shrub planting adjacent to utilities.
2) Recommended adding language to allow for drought tolerant and xeriscape landscape design and encouraging/requiring drip style irrigation.

APPLICABLE REGULATIONS

Section 10-28-2 A Application: A petition may be filed requesting an exception to any portion of the standards of design or required improvements of this chapter. The petition shall be filed with the planning and zoning commission and shall state fully the grounds for request.

Section 10-28-2 B Commission: The commission may approve an exception to any portion of the standards of design or required improvements set forth herein where the applicant can show that: 1) due to topographical or other conditions peculiar to the site, a departure may be made without destroying the intent of such provisions, and 2) the granting of the exception will not be detrimental to the public welfare nor injurious to other property in the vicinity. The reasons for granting any exception shall be stated in writing in the minutes of the commission.
Section 10-28-5 B Density: Density shall not exceed six (6) mobile homes per gross acre. If it is determined by the commission that a street widening or terminating dedication is necessary, the amount of land dedicated shall be subtracted from the gross site area when calculating the proposed density.

Section 10-28-11 E Recreation Areas: A minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home space. This area may be in one or more locations. At least one area shall have a minimum size of five thousand (5,000) square feet, and be of a shape that will make it usable for its intended purpose. Recreation areas shall be suitably improved and maintained and shall be the kind necessary for the type of resident for whom the park is not otherwise used for park purposes. Such open areas and landscaping shall be continuously maintained.

STAFF ANALYSIS

As stated by the applicant in their petition to the commission, they have requested eight additional lots be converted for mobile home park spaces from common recreation area. Section 10-28-5 B of the City Code states that density shall not exceed six (6) mobile homes per gross acre. These additional eight (8) lots proposed would take the density from 6 to 6.36 mobile homes per acre, thus requiring an exception.

<table>
<thead>
<tr>
<th>Maximum Gross Density Allowed by Code</th>
<th>Proposed Gross Density w/ Exception</th>
</tr>
</thead>
<tbody>
<tr>
<td>6 Mobile Homes Per Acre</td>
<td>6.36 Mobile Homes Per Acre</td>
</tr>
</tbody>
</table>

Section 10-28-11 E of the City Code states that a minimum of two hundred (200) square feet of recreation area shall be provided for each mobile home. Since the park currently has 66,223 square feet of recreation area, this amount far exceeds the necessary space for the current 151 lots. With the additional eight (8) lots, the total area needed for recreation area is 31,800 sf. The park still exceeds that required amount by more than double the square feet of recreation area.

<table>
<thead>
<tr>
<th>SF of Rec Area Required for 151 lots</th>
<th>SF of Rec Area Required for 159 lots</th>
<th>SF of Rec Area Existing w/o Proposed 8 Lots</th>
</tr>
</thead>
<tbody>
<tr>
<td>30,200</td>
<td>31,800</td>
<td>64,623</td>
</tr>
</tbody>
</table>

In a conversation with the Assistant City Engineer, Public Works does not have any concerns about access to any of the proposed lots by using existing access drives. Area G on the plans will require a shared common drive for access to the proposed lots in that area. Access to the buildings will be within 150’ of Cassia St in Area G, within the distance the Nampa Fire Department would require access improvements.

The applicant has stated that additional mobile home lots will allow for more affordable housing in Nampa. This is an issue addressed in the City’s Comprehensive Plan. The plan states that the City should consider ways to increase the number of affordable housing units in the city. The Commission may consider this request as a way to meet the intent of the Comprehensive Plan.

In addition, the applicant has stated that the lots proposed to be converted from open space to mobile home lots, are not easily seen from other homeowners and this has led to vandalism and illegal activity in those locations. They argue that creating mobile home lots in these locations will significantly improve safety for the community.
The Commission will need to determine whether "topographical or other conditions peculiar to the site" exists and warrants an exception. If approved, the Commission will also need to conclude that "a departure may be made without destroying the intent of" the provisions needing an exception.

ATTACHMENTS

1) SLN Planning Petition Requesting Exception – Letter of Intent
2) Zoning Map
3) Site Plans for the Karcher Mobile Home Park
4) Photos of Amenity Improvements
City of Nampa  
Nampa Planning and Zoning Department  
411 3rd Street S.  
Nampa, ID 83651

RE: Petition Requesting Exception - Letter of Intent

Dear Planning and Zoning Department:

As representative for Cali-Land Inc., please accept this petition requesting an exception to the standards to Chapter 28, Mobile Homes and Mobile Home Parks, Section 10-28-5 of the Nampa Zoning Ordinance. As outlined in the Section 10-28-2A Exceptions, the applicant requests an exception from the Planning and Zoning Commission to the standards in General Conditions and Limitations to allow an increase in the overall density of the existing Karcher Mobile Home Park, located at 1410 W. Flamingo Avenue in Nampa.

The existing park is 25 acres in size and currently has 151 unit spaces, for a gross density of 6 mobile homes per acre. Section 10-28-5B of the Zoning Ordinance states that the density for a mobile home park shall not exceed six (6) mobile homes per gross acre. The applicant proposes to increase the number of unit spaces by a maximum of eight (8) new unit spaces, creating a new gross density of 6.36 mobile homes per acre. The area that is being considered for the new unit spaces is underutilized open space and vacant space (see attached site plan). Section 10-28-11E Recreation Areas, requires a minimum of 200 square feet of recreation area be provided for each mobile home space. This would result in a total open space requirement of 30,200 square feet (.69 acre) for the existing 151 unit spaces. The total existing open space currently in the park and illustrated on the site plan as areas A, B, C, D, E, and F contains 66,223 square feet (1.56 acre), which is over double the necessary amount of open space. The addition of up to 8 new unit spaces will require an additional 1,600 square feet of open space, therefore the intent of Section 10-28-11E will be met.

The open areas that have been proposed to be converted into unit spaces are areas that have been unused or have proven over the years to be problem areas for the residents of the park. Area F for example is located at the end of a cul-de-sac in a corner where there is little visibility from existing residents and therefore has become an area for vandalism and other illegal activities. Removing this area and creating unit spaces will prevent this from occurring. The other existing open areas have not experienced this level of illegal activity because of its visibility as it relates to the proximity to residents, and therefore will not be disturbed (Areas A thru E).

Area G was intended to be private, fenced storage area for residents to store accessory items such as boats, campers and related equipment owned by park residents. Because of its location in the
far northwestern corner of the park, together with it having a separate entrance on N. Cassia Street and its proximity to the parking lot in Karcher Mall, the use has been mostly abandoned for years due to continued theft and vandalism. Allowing it to become residential unit spaces will remedy this issue.

Proposed Space #4 located north of existing spaces 105-107 is excess area not considered open area but still requiring maintenance and providing area that experiences illegal activities due to lack of visibility with other residents.

If the Planning and Zoning Commission approves a maximum increase of 8 unit spaces, the applicant will then work with the building department to extend services to the unit spaces. The Fire Department and Public works will also be consulted regarding street and emergency access to area G that is located on N. Cassia Street. This will determine how many total spaces can be placed in that area. All new spaces would meet the dimensional standards of Section 10-28-12 regarding requirements for a new or expanding mobile home park including minimum unit space size (2,200 S.F.), minimum width (30') and average overall size of spaces (3,000 S.F.), along with setbacks between units and spaces. Parking spaces will also be provided for all new and existing units meeting the requirements of Section 10-28-5F, including no parking within the roadways.

Upon purchase of the Karcher Mobile Home Park recently, the applicant has been dedicating time and expenses towards improvements to a neighborhood that has seen a decline in appearance over the years. These new improvements include new fencing and landscaping, specifically at the main entrance to the park on Flamingo Road, and improvements to the amenities and open space found throughout the park. A new playground area with play equipment was installed this summer in the recreational area in the eastern portion of the park.

Thank you for your consideration. The applicant requests that the Commission approves this request.

Sincerely,

Susan L. Nickel
Land Planning & Entitlement Consultant
Representing Cali-Land, Inc.
**Development Data**

- Total Existing Unit Spaces = 151
- Total Open Space Required (200 s.f. per unit space) = 30,200 S.F.
- Total Open Space Existing = 66,223 S.F.
- Total Unit Spaces Proposed = 159 (8 new maximum)
- Total New Open Space Required = 31,800 S.F.
- Total New Open Space Provided = 41,904 S.F.
- Total Storage Area Required (60 s.f. per unit space) = 9,540 S.F.
- Total Storage Area Provided = 10,300 S.F.
- Current Density = 6 mobile home unit spaces per acre
- Allowed Density = 6 mobile home unit spaces per acre
- Proposed Density = 6.36 mobile home unit spaces per acre

**Space Requirements**

- Minimum Space Size = 2,200 sq. ft.
- Average Space Size = 3,000 sq. ft.
- Minimum Space Width = 30'
- 15’ Distance Between Mobile Homes (side)
- 25’ Distance Between Mobile Homes (end to end)
- Parking = 2 per space 20’ Depth
Thursday, October 3, 2019

Norman Holm
Planning and Zoning Director
City of Nampa
411 3rd St S
Nampa, Idaho 83651

RE: BROOKDALE SUBDIVISION #6 | PROJECT: SPF-00066-2018
EXTENSION OF TIME APPLICATION

Dear Mr. Holm:

On behalf of Trilogy Development, please accept this application for Time Extension of the proposed Brookdale #6 Subdivision located between East Cherry Lane and East Birch Lane and between 11th Avenue North and Kensington Avenue, Section 12, T3N, R2W, BM, Canyon County, Parcel #R26566011A0. The final plat was previously approved on October 09, 2018 for 19 lots on 7.95 acres, however issues related to scheduling and the construction of utilities have impacted the completion dates.

Trilogy Development is requesting a one-year time extension to finish the construction of the development. This letter and fee ($53) has been submitted in accordance with the requirements of the City of Nampa. Please contact me at 376-7330 if you have any questions regarding this request.

Sincerely,

J-U-B ENGINEERS, Inc.

Matt Price, PE
Project Manager
Kristi Watkins

From: Caleb Laclair
Sent: Thursday, October 10, 2019 9:54 AM
To: Sylvia Mackrill; Beth Ineck; Brent Hoskins; Cody Swander; Craig Tarter; Daniel Badger; Darrin Johnson; Don Barr; Jay Young; Kent Lovelace; Rodney Ashby; Kristi Watkins; Tom Points
Subject: RE: One Year Extension Request for Brookdale Subdivision No. 6 - SPF-00066-2018

The Engineering Division has no objections or comments to this request.

Caleb LaClair, P.E.
Assistant City Engineer, Engineering
O: 208.468.5422, C: 208.250.2679
City of Nampa, Like us on Facebook

-----Original Message-----
From: Sylvia Mackrill <mackrill@cityofnampa.us>
Sent: Friday, October 4, 2019 4:20 PM
To: Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Caleb Laclair <laclairc@cityofnampa.us>; Cody Swander <swanderc@cityofnampa.us>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Darrin Johnson <johnsond@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Jay Young <youngj@cityofnampa.us>; Kent Lovelace <lovelacek@cityofnampa.us>; Rodney Ashby <ashbyr@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Tom Points <pointst@cityofnampa.us>
Subject: One Year Extension Request for Brookdale Subdivision No. 6 - SPF-00066-2018

Trilogy Development has requested a One Year Extension of Final Plat Approval for Brookdale Subdivision No. 6, Project SPF-00066-2018, approved October 9, 2018.

The request will go before the Nampa Planning and Zoning Commission as a Business Item on their October 22, 2019 Agenda.

If you have any comments please forward to my attention prior to October 11, 2019.

Thank you,

Sylvia Mackrill - Planning and Zoning Department
O: 208.468.5484, F: 208.468.5439
411 3rd Street South, Nampa, ID 83651
Planning and Zoning - Like us on Facebook

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Thursday, October 3, 2019

Norman Holm
Planning and Zoning Director
City of Nampa
411 3rd St S
Nampa, Idaho 83651

RE: BROOKDALE SUBDIVISION #7 | PROJECT: SPF-00067-2018
EXTENSION OF TIME APPLICATION

Dear Mr. Holm:

On behalf of Trilogy Development, please accept this application for Time Extension of the proposed Brookdale #6 Subdivision located between east of 11th Avenue North and south of Cherry Lane, Section 12, T3N, R2W, BM, Canyon County, Parcel #R26566011B0. The final plat was previously approved on October 09, 2018 for 15 lots on 4.72 acres, however issues related to scheduling and the construction of utilities have impacted the completion dates.

Trilogy Development is requesting a one-year time extension to finish the construction of the development. This letter and fee ($53) has been submitted in accordance with the requirements of the City of Nampa. Please contact me at 376-7330 if you have any questions regarding this request.

Sincerely,

J-U-B ENGINEERS, Inc.

Matt Price, PE
Project Manager
Kristi Watkins

From: Caleb LaClair
Sent: Thursday, October 10, 2019 9:55 AM
To: Sylvia Mackrill; Beth Ineck; Brent Hoskins; Cody Swander; Craig Tarter; Daniel Badger; Darrin Johnson; Don Barr; Jay Young; Kent Lovelace; Rodney Ashby; Kristi Watkins; Tom Points
Subject: RE: One Year Extension Request for Brookdale Subdivision No. 7 - SPF-00067-2018

The Engineering Division has no objection or comments to this request.

Caleb LaClair, P.E.
Assistant City Engineer, Engineering
O: 208.468.5422, C: 208.250.2679

-----Original Message-----
From: Sylvia Mackrill <mackrill@cityofnampa.us>
Sent: Friday, October 4, 2019 4:13 PM
To: Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Caleb LaClair <laclairc@cityofnampa.us>; Cody Swander <swanderc@cityofnampa.us>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Darrin Johnson <johnsond@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Jay Young <youngj@cityofnampa.us>; Kent Lovelace <lovelacek@cityofnampa.us>; Rodney Ashby <ashbyr@cityofnampa.us>; Kristi Watkins <watkinsk@cityofnampa.us>; Tom Points <pointst@cityofnampa.us>
Subject: One Year Extension Request for Brookdale Subdivision No. 7 - SPF-00067-2018

Trilogy Development has requested a One Year Extension of Final Plat Approval for Brookdale Subdivision No. 7, Project SPF-00067-2018, approved October 9, 2018.

The request will go before the Nampa Planning and Zoning Commission as a Business Item on their October 22, 2019 Agenda.

If you have any comments please forward to my attention prior to October 11, 2019.

Thank you,

Sylvia Mackrill - Planning and Zoning Department
O: 208.468.5484, F: 208.468.5439
411 3rd Street South, Nampa, ID 83651
Planning and Zoning - Like us on Facebook

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PUBLIC HEARING ITEM NO. 1
STAFF REPORT

Analyst: Kristi Watkins
Applicant(s)/Representative(s): Trilogy Idaho/Kent Brown, Representative
File(s): SPP 045-19
Project Name/Type: Aberdeen Springs Subdivision

Requested/Needful Action Approval/Denial:

Preliminary Subdivision Plat Approval:
   (Decision Required: Decision)

For “Aberdeen Springs Subdivision” [hereinafter the “Project” or “Development”; alternatively, “Aberdeen Springs Subdivision”] -- a proposed single-family subdivision containing 64 residential lots and 7 common lots upon the land referenced below...

Pertaining to:
A 17.46-acre portion of land at 0 Amity Ave., Parcel #R3179901000 for 3.6 dwelling units per gross acre on a portion of the E ½ SW ¼ Section 25, T3N, R2W, BM) (hereinafter the “Property”)...

History:
Various applications from 2006 to 2017 for annexation and platting that were withdrawn. October 2017 – Annexation and zoning to RS6 – Approved May 2018 Ord #4375 with a development agreement for Aberdeen Springs.

Current and Surrounding Zoning:
   That the Property is presently under Canyon County jurisdiction. See the attached Vicinity Map; and,

Existing zoning:
North: RS 6 & RS18 – (Single Family Residential Subdivisions)
South: Canyon County (Old Meat Processing Plant)
East: Canyon County, Enclaved, (Residential Use)
West: RS6 (Single-Family Residential Subdivision)

3. Immediately Surrounding Land Uses:
   Single-family residential land uses surround or lie near the Property; and,

FINDINGS OF FACT & CONCLUSIONS OF LAW REGARDING 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.

Overall Site Area- 17.46 acres

Total, Proposed RS 6 Lot Count- 71
Total Common Lot Count- 7
Total Building Lot Count- 64

Regarding “RS 6 Building Lots”:
Min. Allowed RS 6 Bldg. (or “Master”) Lot Size-6,000 sq. ft.
Min. Proposed RS 6 Bldg. Lot Size-6,050 sq. ft.
Average Calculated Lot Size-8,037 sq. ft.
Periphery Compatibility Applicability
Does not meet the 10,000 s.f. minimum for compatibility
Min. Req. St. Frontage RS 6 Zone-22’ (feet);
Min. Allowed RS 6 (or “Master”) Bldg. Lot Widths-50’ @ the 20’ front setback mark;
Min. Allowed RS 6 Bldg. Mean Lot Depths-60’

Plat Development Data/Notes:
Per plat sheets

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.

Platting 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, Zoning Staff finds:

1. **Minimum Lot Areas:**
   That because the proposed Development is slated for development in conjunction with RS 6 zoning, this requirement applies...all master or standard building lots meet or exceed 6,000 sq. ft. in area. The smallest standard buildable lot is 6,050 sq ft.; therefore, the Plat is deemed compliant in this regard; and,

2. **Average Lot Size:**
   When calculating the average, 20% of the smallest and 20% of the largest lots can be excluded. The average lot size for this development are 8,037 s.f.. Therefore the plat is deemed compliant in this regard; and,

3. **Lot Compatibility:**
   This property abuts Western Country Estates on the northeast, a Nampa City subdivision with ½ acre lots. The four lots that create the northeastern boundary of the proposed development do not meet the required 10,000 sq. ft minimum lot size required to achieve lot compatibility. Therefore, the plat is considered non-compliant in this regard; and,

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

5. **Landscaping:**
   A landscape plan was submitted with the application paperwork. Comments were made by City staff and revised plans were submitted and approved; and,

6. **Pathway(s):**
   The parks department has requested that 20' from the top of bank along the south side of the North Nampa Lateral be deeded and dedicated to the City of Nampa for the location of the North Nampa Lateral Pathway as indicated on the City of Nampa Bicycle and Pedestrian Master Plan. Additionally, we request that the developer construct the portion of that pathway to the City of Nampa pathway specifications adjacent to the development

**Recommendation:**
Approval with conditions…

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**AGENCY/CITY DEPT COMMENTS FOR PRELIMINARY PLAT**

**Agency/City department comments** have been received regarding both the entitlement request and platting approval request associated with this matter [and report]. Such correspondence, by way of information, as received from agencies or the citizenry regarding the application package [received by noon October 16, 2019] is hereafter attached to this report, to include:

1. A September 6, 2019 email printout from the Nampa Parks Department authored by Cody Swander indicating that they request 20’ from the top of bank along the south side of the North Nampa Lateral be deeded and dedicated to the City of Nampa for the location of the North Nampa Lateral Pathway as indicated on the City of Nampa Bicycle and Pedestrian Master Plan. Additionally, we request that
the developer construct the portion of that pathway to the City of Nampa pathway specifications adjacent to the development; and,

2. On September 5, 2019, Neil Jones with the Nampa Building Department made a note in the EnerGov permitting program indicating that the Building Department will require a top of foundation wall or a finish floor elevation on each lot, shown on the final plat construction drawings; and,

3. A September 9, 2019 email printout from the Nampa Highway District #1 authored by Eddy Thiel, indicating that they have no comment; and,

4. A September 11, 2019 letter from the Nampa & Meridian Irrigation District authored by David Duvall indicating that a Land Use Change application and License Agreement will be required and all easements shall be protected; and,

5. A September 18, 2019 email printout from the City Forestry Department authored by Adam Mancini indicating that they No Class III trees are allowed along the ROW. This email is supported by review and correction notice, dated September 24, 2019 and sent by Doug Critchfield, Nampa Planning Department, that states that the Street Tree different species should be specified on a revised landscape plan. Subsequently, a revised landscape plan was submitted by the applicant and was approved by Doug Critchfield on September 25, 2019; and,

6. A memo dated September 18, 2019, authored by Dan Wagner, Nampa GIS Division, stating required changes to street names as follows: Add a S prefix to the following street names: Millford Pl, Bangor Way, Kirkhill Way. A revised Preliminary Plat with revised street names was submitted on September 24; and,

7. An email dated October 1, 2019, authored by Sarah Arjona from the Idaho Transportation Department stating that ITD has no objections to this project; and,

8. A memo, dated September 30, 2019, authored by Caleb LaClair, stating the following:

   **Engineering Preliminary Plat Comments**

   a. The project is located northeast of the Mihan Lane and E Amity Ave and will take access from the following roads:

      - E Amity Ave – classified as “Principal Arterial”
      - Mihan Lane – classified as “Local Road”
      - S Queens Drive – classified as “Local Road”
      - E Sherman Ave – classified as “Local Road”

   b. The property was annexed into the City in June 2018 as application ANN-00062-2017. All necessary right-of-way for the frontage roads was dedicated at the time of annexation.

   c. A limited traffic analysis was performed at the time of annexation time by Thompson Engineers, Inc. to analyze access to the development. The study concluded that an eastbound left-lane on Amity Ave would be needed. The turn lane striping was completed as part of an Amity Avenue capital improvement project later that year. No additional traffic analysis is required.
d. The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
   - 12” water main in E Amity Ave;
   - 10” water main in Mihan Lane;
   - 10” water and 8” sewer mains in S Queens Drive;
   - 8” water and 8” sewer mains in E Sherman Ave;
   - 8” pressure irrigation along the east boundary of the existing Kings Road Estates Subdivision.

e. The following master planned utilities are shown in the vicinity of the project and shall be installed at time of development:
   - 12” pressure irrigation main along the frontage of Mihan Lane and E Amity Ave.

f. We have the following comments regarding the Geotechnical Report supplied with the project:
   - The site map with test pit locations was missing.
   - The report references an artesian well existing near E Amity Ave. Final development plans shall address the well and how any long-term discharge will be handled.
   - The report indicates groundwater may be as shallow as 1 foot below ground surface in some areas. An updated Geotechnical Report should be submitted with final plans that includes both infiltration testing and extended groundwater monitoring data to support drainage facility design.

g. Existing topography reflected on the plat suggests there is a defined point of offsite run-on located at Lot 19, Block 3. This was confirmed during a site visit. It appears runoff is conveyed to a ditch along the west property boundary. In addition, the ground east of the property is generally sloped toward the east boundary of the project. Final development plans shall address these points of offsite run-on.

h. The proposed storm drain line in “Bangor Way” should be moved to the other side of the sewer to provide separation to the water main.

i. The North Nampa Lateral is located along the northerly property boundary and is managed by Nampa & Meridian Irrigation District (NMID). The Developer shall coordinate with NMID for any improvements along the lateral.

**Engineering Conditions of Approval**

1. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.

2. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.
3. **Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans:**
   - 12” pressure irrigation main along the frontage of Mihan Lane and E Amity Ave.

4. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**

5. **Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.**

6. **Applicant shall provide an updated Geotechnical Report at the time of Final Plat submittal to include extended groundwater monitoring data and infiltration testing to support drainage facility design.**

7. **Applicant shall address how discharge from the artesian well and all points of offsite run-on will be mitigated by the development at the time of final design.**

8. **Developer shall obtain plan approval from Nampa & Meridian Irrigation District for any work to take place along the North Nampa Lateral.**

---

**RECOMMENDED CONDITIONS OF APPROVAL**

Should the Planning and Zoning Commission vote to approve the Aberdeen Springs Subdivision preliminary plat, then Staff would suggest the following as (a) Condition(s) of Approval for adoption with any such vote/action (note: the Commission may obviously add, subtract and/or modify conditions as it deems appropriate):

1. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

2. The lots abutting Western Country Estates on the northeast shall provide a minimum of 10,000 s.f. per lot to comply with the lot compatibility requirements; and,

3. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings; and,

4. Submit revised landscape plans; and, *(resolved)*

5. Make necessary street name corrections as listed in memo; and, *(resolved)*

6. Deed and dedicate 20’ from the top of bank along the south side of the North Nampa Lateral and construct pathway; and,

7. Apply for Land Use Change and License Agreement with Nampa Meridian Irrigation District; and,

8. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
9. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

10. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans:
   a. 12” pressure irrigation main along the frontage of Mihan Lane and E Amity Ave.

11. Applicant shall provide an updated Geotechnical Report at the time of Final Plat submittal to include extended groundwater monitoring data and infiltration testing to support drainage facility design.

12. Applicant shall address how discharge from the artesian well and all points of offsite run-on will be mitigated by the development at the time of final design.

13. Developer shall obtain plan approval from Nampa & Meridian Irrigation District for any work to take place along the North Nampa Lateral.

14. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable; and,

15. Prior to filing for a final plat approval for any portion of the Project, the Developer’s engineer shall correct any spelling, grammar, punctuation and/or and numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City; and,

Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council…

ATTACHMENTS

- Public hearing notice (page 8)
- Zoning “Vicinity Map” (page 9)
- Applicant’s representative’s Project narrative (pages 10)
- Subdivision Preliminary Plat Application/information pages (pages 11-12)
- Aerial ArcGIS image of the Property and surrounds (page 13)
- Future Land Use Map pertaining to the Property (page 14)
- Reduced preliminary plat plan (pages 15-17)
- Landscape plan (pages 18-21)
- Plat copy distribution list (page 22)
- DA pages from Ordinance #4375 (pages 23-32)
- Inter-departmental/agency/citizen correspondence (pages 33+)
August 2, 2019

Nampa City Planning & Zoning Department
411 Third Street SO
Nampa ID 83651

RE: Aberdeen Springs Preliminary Plat

Dear Planning & Zoning Commission

On behalf of Trilogy Idaho, we respectfully request the City of Nampa’s approval of a preliminary plat for Aberdeen Springs. The Aberdeen Springs Subdivision is a 64 single family residential lot subdivision with 7 common lots. Aberdeen Springs has an overall density of 3.7 dwellings per acre. The common lots encompass .95 acres or 5.4% of the subdivision. This subdivision is located northside of E Amity Iowa Ave between Mihan Lane and Gray Lane.

Summary
Aberdeen Springs Subdivision is single family residential subdivision in a RS 6 zone and has 64 residential lots and 7 common lots. This preliminary plat is an appropriate fit for this site and will be a valuable single-family neighborhood.

Please contact me if you have any questions regarding this application.

Sincerely,

Kent Brown
Planner
A. GENERAL INFORMATION

<table>
<thead>
<tr>
<th>Subdivision Name</th>
<th>ABERDEEN SPRINGS SUBDIVISION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Total Acres</td>
<td>17.46</td>
</tr>
<tr>
<td>Intended Land Uses</td>
<td>Circle (residential, single-family, multi-family, commercial, industrial)</td>
</tr>
<tr>
<td>Property Address(es)</td>
<td>0 AMITY AVE</td>
</tr>
<tr>
<td>Legal Description</td>
<td>SEE ATTACHED LEGAL</td>
</tr>
<tr>
<td>Canyon County Parcel Account Number(s)</td>
<td>R3179901000</td>
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<tr>
<td>Existing Zoning. (Circle one)</td>
<td>RA RS RSM RD RML RMH RP BN CB BC BF IP IL IH AG</td>
</tr>
<tr>
<td>(County Zoning)</td>
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B. OWNER/ APPLICANT INFORMATION

**Owner of Record**

<table>
<thead>
<tr>
<th>Name</th>
<th>ENDURANCE HOLDINGS</th>
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<tbody>
<tr>
<td>Address</td>
<td>1977 E OVERLAND ROAD</td>
</tr>
<tr>
<td>City</td>
<td>MERIDIAN</td>
</tr>
<tr>
<td>State</td>
<td>IDAHO</td>
</tr>
<tr>
<td>Telephone</td>
<td>208-895-8858 (TRILOGY IDAHO OFFICE)</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:SHAWN@TRILOGYIDAHO.COM">SHAWN@TRILOGYIDAHO.COM</a></td>
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**Applicant**

<table>
<thead>
<tr>
<th>Name</th>
<th>TRILOGY IDAHO</th>
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<tbody>
<tr>
<td>Address</td>
<td>9839 CABLE CAR ST STE 101</td>
</tr>
<tr>
<td>City</td>
<td>BOISE</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
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<tr>
<td>Telephone</td>
<td>208-895-8858</td>
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<tr>
<td>Email</td>
<td><a href="mailto:SHAWN@TRILOGYIDAHO.COM">SHAWN@TRILOGYIDAHO.COM</a></td>
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**Engineer/Surveyor/Planner**

<table>
<thead>
<tr>
<th>Name</th>
<th>PLANNER (KENT BROWN)</th>
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</thead>
<tbody>
<tr>
<td>Address</td>
<td>3161 E SPRINGWOOD DRIVE</td>
</tr>
<tr>
<td>City</td>
<td>MERIDIAN</td>
</tr>
<tr>
<td>State</td>
<td>IDAHO</td>
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<tr>
<td>Telephone</td>
<td>208-871-6842</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:KENTLKB@GMAIL.COM">KENTLKB@GMAIL.COM</a></td>
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<tr>
<td>Fax</td>
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C. SUBDIVISION INFORMATION

<table>
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<tr>
<th>Lot Types</th>
<th>Number of Lots</th>
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<tr>
<td>Residential</td>
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<tr>
<td>Dwelling units per acre (gross /net)</td>
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<tr>
<td>Commercial</td>
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<tr>
<td>Industrial</td>
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<td>Common (Landscape, Utility, Other)</td>
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<td>Open Space</td>
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<td>Total</td>
<td>71</td>
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DEADLINES FOR SUBMITTALS
The completed application and plat documents must be submitted to the Planning Department not 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 ____________________

For City Office Use Only

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

DATE RECEIVED: ___________ RECEIVED BY: _______________ HEARING DATE: _______
ABERDEEN SPRINGS
SUBDIVISION
Preliminary Plat

SPP-00045-2019

10/10/2019

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

NAMPA Proud

THE SEAS OF NAMPA

ABERDEEN SPRINGS SUBDIVISION
Preliminary Plat

SPP-00045-2019

10/10/2019

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

NAMPA Proud

THE SEAS OF NAMPA

Page 13
### Plant Palette

<table>
<thead>
<tr>
<th>Common Name</th>
<th>Botanical Name</th>
<th>Size</th>
</tr>
</thead>
<tbody>
<tr>
<td><em>Alnus rubra</em></td>
<td>Red Alder</td>
<td>4-6 ft DIA</td>
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<tr>
<td><em>Aesculus hippocastanum</em></td>
<td>Horse Chestnut</td>
<td>4-6 ft DIA</td>
</tr>
<tr>
<td><em>Acer saccharum</em></td>
<td>Sugar Maple</td>
<td>4-6 ft DIA</td>
</tr>
<tr>
<td><em>Acer panelatum</em></td>
<td>Swamp Maple</td>
<td>4-6 ft DIA</td>
</tr>
<tr>
<td><em>Acer platanoides</em></td>
<td>Trident Maple</td>
<td>4-6 ft DIA</td>
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</table>

### Landscape Calculations

**Location**: 104th Ave. 40th St. 40th Ave. 104th St.

**Area**: 2.0 acres

**Easements**

- 11 ft wide, 100 ft deep (110 ft total)
- 30 ft wide, 100 ft deep (300 ft total)
- 10 ft wide, 110 ft deep (1100 ft total)
- 20 ft wide, 100 ft deep (2000 ft total)
- 30 ft wide, 100 ft deep (3000 ft total)

**Planned Future Use**

- 1.6 acres of open space
- 0.4 acres of green space
- 0.3 acres of lowest use
- 0.2 acres of high use

**Easements**

- 11 ft wide, 100 ft deep (110 ft total)
- 30 ft wide, 100 ft deep (300 ft total)
- 10 ft wide, 110 ft deep (1100 ft total)
- 20 ft wide, 100 ft deep (2000 ft total)
- 30 ft wide, 100 ft deep (3000 ft total)

**Approved**

*September 24, 2019*

*ABERDEEN SPRINGS SUBDIVISION*

**Nampa, Idaho**

**Preliminary Plat Landscape Plan**

**Engineers**

- *Duffy & Miller, Inc.*
- *Kane Engineering, Inc.*

**Contact**

- *Duffy & Miller, Inc.*
  - 208-344-1305
- *Kane Engineering, Inc.*
  - 208-358-6501

### Notes

1. All landscape shall be installed in accordance with the City of Nampa standards.
2. All planting areas to be watered with an automatic underground irrigation system.
3. Trees shall be planted within the 10-foot clear zone of all storm drain pipe structures, driveway, and paved areas. Trees shall be backfilled with native topsoil and watered as required within the first year of planting.
4. Trees shall be planted along the streets on the property to provide a buffer between the street and the property line. Trees shall be planted at a minimum of 50 feet from the centerline of the street.
5. All trees shall be watered at the time of planting and provided with temporary irrigation measures as required by the City of Nampa.
6. Plant list is representative and subject to changes due to availability of specific species and/or changes in City standards. Any changes will be subject to approval by the City of Nampa. All trees shall be planted by qualified personnel with experience in tree planting and pruning.
7. All trees shall be maintained in accordance with the City of Nampa standards.
## Preliminary Plat - Memo Distribution List

<table>
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<tr>
<th>Aberdeen Springs Subdivision</th>
<th>Done</th>
<th>Memo</th>
<th>Plat</th>
<th>Soil</th>
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<tr>
<td>CC: Tom Points</td>
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<tr>
<td>Rodney Ashby</td>
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</tbody>
</table>

**GREEN - Inter Office**  
**BLUE - Mail**

*September 02, 2019*  
*Shellie Lopez*
DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this “Agreement”), is made and entered into this 7th day of March, 2018 (the “Effective Date”), by and between the City of Nampa, a municipal corporation, hereinafter referred to as the “City,” and Aberdeen Springs Wind, LLC, hereinafter referred to as the “Owner/Developer.”

RECITALS

A. The Owner/Developer are the owner of approximately 17.54 acres of real property legally described in Exhibit “A” attached hereto and made a part hereof (the “Property”).

B. The Owner/Developer applied to the City on November 1, 2017 (the “date of application”) for Annexation and Zoning of the Property to RS6 (Single Family Residential – 6,000 sq ft) for 13.96 acres, and to BC (Community Business) for 3.59 acres in anticipation of developing a commercial lot adjacent the E. Amity Ave. frontage with Single Family Residential lots to the north (the “Project”). Representatives of the Owner/Developer agreed at the March 19, 2018 City Council public hearing to revise the Annexation and Zoning of the Property to zone the entire 17.54-acre parcel RS6 (Single Family Residential – 6000 sq ft).

C. City, pursuant to Section 10-2-5, Nampa City Code, and Idaho Code Section 67-6511A, has the authority to rezone the Property and enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area.

D. City’s Planning and Zoning Commission and City’s City Council have held public hearings as prescribed by law with respect to annexation, zoning and development of the Property and this Agreement. City has approved the requested Annexation and Zoning of the Property to RS6 (Single Family Residential – 6,000 sq ft) for 17.54 acres subject to the terms and commitments contained in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, which are incorporated below, and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. This Agreement shall not prevent City, in subsequent actions applicable to the Property, from applying new ordinances and regulations of general application adopted by City in the exercise of its police powers that do not conflict with the parties’ commitments applicable to the Property as set forth herein, or the zoning designation approved hereby as the Property has been deemed suitable for the uses allowed within said zoning designation.

2. This Agreement is intended to be supplemental to all other local, city, state and federal Code requirements, rules and regulations, and is established to help assure the compatibility of
the resulting land use with the surrounding area. Provided, however, that to the extent this Agreement conflicts with any provision of the Nampa City Code, this Agreement shall prevail to the extent permitted by law.

3. The provisions and stipulations of this Agreement shall be binding on City, the Owner/Developer, each subsequent owner of the Property or portion thereof, and each other person acquiring an interest in the Property and are, in no particular order, as set forth in the conditions of approval attached hereto as Exhibit “B”, and by this reference incorporated herein.

4. This Agreement may be modified only by the written agreement of the Owner/Developer and the City after complying with the notice and hearing procedures required under Idaho Code Section 67-6511A or Nampa City Code Section 10-2-5 (D) or successor provisions.

5. The execution of this Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to its prior designation upon failure of the Owner/Developer to comply with the terms and conditions of this Agreement. Provided, however, that no such consent shall be deemed to have been given unless City provides written notice of any such failure and the Owner/Developer or successors and/or assigns fails to cure such failure as set forth below.

6. This Agreement and the commitments contained herein shall be terminated, and the zoning designation reversed, upon the failure of the Owner/Developer, or each subsequent owner or each person acquiring an interest in the Property, to commence the project within two (2) years after the Effective Date and otherwise comply with the commitments contained herein, and after the notice and hearing requirements of Idaho Code Section 67-6509 have been complied with by City. Provided, however, no such termination or reversal shall occur unless City provides written notice of the Owners/Developer’s failure to comply with the terms and conditions of this Agreement to the Owner/Developer and the Owner/Developer fails to cure such failure within six (6) months of the Owner/Developer’s receipt of such notice. The two (2) year period of time for commencing the project and complying with the commitments may be extended by City for good cause upon application for such extension by the Owner/Developer, and after complying with the notice and hearing provisions of Idaho Code Section 67-6509.

7. Except as specifically set forth in this Agreement, the rules, regulations and official policies governing permitted uses of land, density, design, improvements and construction standards and specifications applicable to the Project and the Property shall be those rules, regulations and official policies in effect as of the date of annexation. Provided, however, that the applicable building codes for structures shall be the codes in effect when a complete application for a building permit is file. Development impact fees, if imposed by ordinance, shall be payable as specified in said ordinance even if the effective date is after the date of this agreement or the annexation pursuant thereto.

8. It is intended by the parties that this Agreement shall be recorded on the Effective Date or as soon as practicable thereafter. The parties further intend that the provisions of this Agreement shall run with the Property and shall be binding upon City, the Owner/Developer, each
subsequent owner of the Property, and each other person or entity acquiring an interest in the
Property.

9. If any term or provision of this Agreement, to any extent, shall be held invalid or
unenforceable, the remaining terms and provisions herein shall not be affected thereby, but each
such remaining term and provision shall be valid and enforced to the fullest extent permitted by
law.

10. This Agreement sets forth all promises, inducements, agreements, conditions and
understandings between the Owner/Developer and City relative to the subject matter hereof.
There are no promises, agreements, conditions or understandings, oral or written, express or
implied, between the Owner/Developer and City, other than as are stated herein. Except as
herein otherwise provided, no subsequent alteration, amendment, change or addition to this
Agreement shall be binding upon the parties hereto unless reduced to writing and signed by the
parties or their successors-in-interests or their assigns, and pursuant, with respect to the City, to a
duly adopted ordinance or resolution of the City.

11. Should any litigation be commenced between the parties hereto concerning this
Agreement, the prevailing party shall be entitled, in addition to any other relief as may be
granted, to court costs and reasonable attorneys’ fees as determined by a court of competent
jurisdiction.

12. This Agreement may be executed in counterparts, each of which shall constitute an
original, all of which together shall constitute one and the same Agreement.

13. In the event the Owner/Developer, their successors, assigns or subsequent owners of the
Property or any other person acquiring an interest in the Property, or in the event City, fail to
faithfully and materially comply with all of the terms and conditions included in this Agreement,
enuforcement of this Agreement may be sought by either City or the Owner/Developer or by any
successor or successors in title or interest or by the assigns of the parties hereto, in an action at
law or in equity in any court of competent jurisdiction.

a. A waiver by City of any default by the Owner/Developer of any one or more of
the covenants or conditions hereof shall apply solely to the breach waived and shall not
bar any other rights or remedies of City or apply to any subsequent breach of any such or
other covenants and conditions. A waiver by the Owner/Developer of any default by
City of any one or more of the covenants and conditions hereof shall apply solely to the
breach waived and shall not bar any other rights or remedies of the Owner/Developer or
apply to any subsequent breach of any such or other covenants and conditions.

b. Notwithstanding anything to the contrary herein, in the event of a material default
of this Agreement, the parties agree that City and the Owner/Developer shall have thirty
(30) days after delivery of notice of such default to correct the same prior to the non-
defaulting party’s seeking of any remedy provided for herein; provided, however, that in
the case of any such default which cannot with diligence be cured within such thirty (30)
day period and thereafter shall prosecute the curing of same with diligence and
continuity, then the time within which such may be cured shall be extended for such
period as may be necessary to complete the curing of the same with diligence and
continuity, but in any event not to exceed six (6) months; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by the Owner/Developer for the portion of the Property still owned by the Owner/Developer.

c. In the event the performance of any obligation to be performed hereunder by either the Owners/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

d. In addition to the remedies set forth above, in the event of a default by the Owner/Developer, or any other party claiming an interest herein, City may withhold building permits for any remaining lots within the development until such time as the default is cured.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this day and year first above written.

CITY OF NAMPA

[Signature]

Deborah A Kling, Mayor

Attest: Debbie Bishop, City Clerk

STATE OF IDAHO )

County of Canyon ) ss.

On this 7th day of May, in the year of 2018 before me, [Signature], personally appeared Deborah A Kling, known or identified to me, to be the Mayor of the City of Nampa, whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same, and was so authorized to do so for and on behalf of said City of Nampa.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

[Signature]

Notary Public for State of Idaho
Residing at Canyon county, Nampa ID
Commission Expires: 5/13/2024

ABERDEEN SPRINGS WIND, LLC DEVELOPMENT AGREEMENT  Page 4
State of Idaho  

Canyon County  

On this 7th day of May 2018, before me, the undersigned, a Notary Public in and for said State, personally appeared Deborah L. Bishop known to be the City Clerk of the City of Nampa, a municipal corporation, who executed the foregoing instrument.

In Witness Thereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

Chris Ocker  
Residing at: Nampa, Canyon County, Idaho  
My Commission Expires: 04/13/2024
On this 11th day of April, in the year of 2018 before me, personally appeared C. Fred Cornforth, known or identified to me, to be a Member of Aberdeen Springs Wind, LLC, the owner(s) of the property referenced herein and the person who executed the foregoing instrument.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Notary Public for State of Idaho
Residing at
Commission Expires: 01/24/20
EXHIBIT “A”

LEGAL DESCRIPTION FOR ANNEXATION TO THE CITY OF NAMPA

This Parcel is situated in a portion of the E. 1/2 of the S.W. 1/4 of Section 25, Township 3 North, Range 2 West of the Boise Meridian, Canyon County, Idaho, more particularly described as follows:

COMMENCING at the southeast corner of said E. 1/2 of the S.W. 1/4; thence along the south boundary of said E. 1/2 of the S.W. 1/4,

A) N.89°12'04"W., 693.03 feet; thence leaving said south boundary,
   1) N.04°06'38"E., 40.07 feet to a point on the north right-of-way of Amity Road; thence along said north right-of-way,

   2) N.89°12'04"W., 123.59 feet to the POINT OF BEGINNING; thence continuing along said north right-of-way,

B) N.89°12'04"W., 357.63 feet; thence,
   1) N.00°48'43"E., 10.00 feet; thence continuing,

   2) N.89°12'04"W., 73.37 feet (of record 73.46 feet); thence continuing,

   3) N.34°08'58"W., 24.61 feet to a point on the east right-of-way of Mihan Lane as described in Instrument No. 9738132, records of Canyon County; thence along said east right-of-way and parallel with the west boundary of said E. 1/2 of the S.W. 1/4,

   4) N.00°08'00"E., 364.88 feet (of record 364.74 feet); thence along the north boundary of said Instrument No. 9738132,

   5) N.89°1 8'02"W., 60.00 feet to a point on the west boundary of said E. 1/2 of the S.W. 1/4 and the east boundary of Kings Road Estates Subdivision; thence along said west boundary,

   6) N.00°08'00"E., 1883.65 feet to a found 5/8-inch diameter iron pin, L.S. 4477; thence leaving said west boundary,

   7) S.89°08'14"E., 26.58 feet to the northwest corner of Western Country Estates, thence along the westerly boundary of said Western Country Estates,

   8) S.36°26'45"E., 56.53 feet (of record 56.44 feet); thence,

   9) S.28°05'42"E., 79.67 feet (of record 79.61 feet); thence,

   10) S.25°01'07"E., 571.52 feet (of record 571.09 feet); thence,

   11) S.24°38'32"E., 67.39 feet (of record 67.34 feet); thence,
12) S.43°35'37"E., 95.56 feet (of record 95.50 feet); thence,
13) S.47°44'49"E., 146.00 feet; thence leaving said west boundary,
14) S.31°36'11"W., 558.99 feet; thence,
15) S.28°23'02"E., 337.46 feet; thence,
16) S.04°30'10"W., 199.05 feet; thence,
17) S.13°13'26"E., 463.83 feet to the POINT OF BEGINNING.

CONTAINING 17.54 acres, more or less.
EXHIBIT “B”

CONDITIONS OF APPROVAL

1) The Owner/Developer shall prepare the Preliminary and Final Subdivision Plats for “Aberdeen Springs” in substantial compliance with the project Conceptual Layout as depicted in Exhibit “C”.

2) In accordance with Nampa’s Bicycle and Pedestrian Master Plan and Nampa City Code 10-27-6(H) a pathway shall be required along the North Nampa Lateral along the northern boundary of the property. The pathway shall be connected to the existing pathway at Kings Road Park.

3) At the time of development, it shall be required that all necessary and required public utilities are extended, at owner’s expense, including but not limited to the public sewer main and service(s), domestic water main and service(s), and pressure irrigation main and service(s) to and through the project in accordance with current City policy. For any public mains, thorough site will require dedication of either easements to City over and around the utility in accordance with City’s policy, at widths determined with review and approval of development plans. Or, said utilities shall be placed within public rights-of-way if property is subdivided and platted.
   - Sewer: Sewer trunk/main is stubbed to the subject property at two locations. Intersection of So. Queens Drive and Mihan Lane, and the east end of E. Sherman Avenue.
   - Domestic Water: Mains are stubbed to the subject property at two locations. Intersection of So. Queens Drive and Mihan Lane, and the east end of E. Sherman Avenue, with a 12” main in Amity along the entire Amity frontage.
   - Pressure Irrigation: Mains are stubbed to the subject property at two locations. Intersection of So. Queens Drive and Mihan Lane, and the east end of E. Sherman Avenue, with an 8” main running along the entire westerly border of the property. Parcel required to be annexed into the Nampa Municipal Irrigation System at time of development.

4) Access shall be from Mihan Lane and E. Sherman Avenue.

5) A stub street, if required, shall be extended to the property to the east at a location approved by the City of Nampa Engineering Division.

6) E. Amity Avenue shall be restriped to have a center left turn lane in the proximity of the project as proposed in the January 31, 2018 Thompson Engineers Traffic Study.

7) Right-of-way dedication required.
   - Amity Avenue: Functional classification is an arterial requiring a total 100-foot right-of-way. With this annexation owner will be required to dedicate an additional 10-feet of right-of-way as necessary from end of sidewalk at Mihan to the parcel’s east border.
8) At the time of development full frontage improvements are required and will include, but not be limited to:

- Curb and Gutter: Reconstruction and realignment may be necessary dependent on size and type of development and/or any requirements identified in a TIS if required.
- Sidewalk
- Pavement widening and striping. May be necessary dependent on size and type of development and/or any requirements identified in a TIS if required.
- Landscaping as required
- Storm drainage, on-site retention whether public or private.
EXHIBIT "C"

CONCEPTUAL LAYOUT
Hi Shellie,

Nampa Parks has reviewed the preliminary plat for Aberdeen Springs Subdivision Project: SPP-00045-2019. We request that 20 feet from the top of bank along the south side of the North Nampa Lateral be deeded and dedicated to the City of Nampa for the location of the North Nampa Lateral Pathway as indicated on the City of Nampa Bicycle and Pedestrian master plan. Additionally, we request that the developer construct the portion of that pathway to City of Nampa pathway specification adjacent to the development.

Thank you,

Cody Swander
Parks Superintendent
O: 208.468.5890, F: 208.465.2321
Nampa Parks – Facebook Page

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.
Building Department will require a top of foundation or a finish floor elevation on the construction drawing for each lot.
Good Morning Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Shellie Lopez

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Monday, September 9, 2019 7:07 AM
To: Shellie Lopez
Subject: [External] RE: Preliminary Plat Approval for Aberdeen Springs Subdivision / SPP-00045-2019

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Good Morning Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

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

----

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Monday, September 2, 2019 12:57 PM
Subject: Preliminary Plat Approval for Aberdeen Springs Subdivision / SPP-00045-2019

Good Afternoon Everyone! 😊

Re: Preliminary Plat Approval for Aberdeen Springs Subdivision / SPP-00045-2019

Please find attached for your review the Preliminary Plat Approval for Aberdeen Springs Subdivision in a RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of E. Amity Avenue adjacent and east of Milhan Lane (64 single family detached lots on 17.46 acres for 3.67 dwelling units per gross acre – A portion of the E2/3 of the SW 1/4 of Section 25, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho.

The preliminary plat is scheduled for the Planning & Zoning Commission meeting of October 08, 2019.

Please review and return any comments to my attention prior to September 20, 2019.

Thank you & Have a great day!
RE: SPP-00045-2019/ Aberdeen Springs Subdivision

Dear Norm:

Nampa & Meridian Irrigation District (NMID) requires a filed Land Use Change Application to review prior to final platting. Please contact Elke Adams (208) 466-7861, at 1503 First Street S. Nampa, ID, for further information.

All private laterals and waste ways must be protected. The Districts North Nampa Lateral courses along the northern boundary of this proposed project. The districts easement for the North Nampa Lateral at this location is a minimum of fifty feet (50') total, twenty-five feet (25') each side.

This easement must be protected. Any encroachment without a signed License Agreement and approved plan before construction is unacceptable.

All municipal surface drainage must be retained on site. If any municipal surface drainage leaves the site, the NMID must review drainage plans. Developer must comply with Idaho Code 31-3805.

Sincerely,

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

Cc: Office/ file
13 September 2019

Kent Brown
Kent Brown Planning
3161 E. Springwood Dr.
Meridian, ID 83642

RE: Land Use Change Application – Aberdeen Springs Subdivision
Please note the District now requires three (3) sets of plans

Dear Mr. Brown:

Enclosed please find a Land Use Change Application for your use to file with the Irrigation District for its review on the above-referenced development. If this development is under a “rush” to be finalized, I would recommend that you submit a cashier's check, money order or cash as payment of the fees in order to speed the process up. If you submit a company or personal check, it must clear the bank before processing the application.

If you have any questions concerning this matter, please feel free to call on Greg G. Curtis, District Water Superintendent, at the District’s shop telephone number listed above.

Sincerely,

Elke Adams, Asst. Secretary/Treasurer
NAMPA & MERIDIAN IRRIGATION DISTRICT

cc:  File
     Water Superintendent
     Nampa City, 411 3rd Street Nampa, ID 83651
     Trilogy Idaho 9839 Cable Car St., Ste 101 Boise, ID 83709
     Endurance Holdings 1977 E. Overland Rd. Meridian< ID 83642

enc.
Hi Shellie,

After reviewing the plat for the above project I have determined that the Class III trees (London Plane, Swamp Oak) along the Right of Way are not permitted per the Planning and Zoning City Code. Please refer the builder to the Planning and Zoning City Code for an acceptable list of Class II trees in section 10-33-4.

Any further questions please let me know.

Regards,

Adam
The above listed project(s) 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**: Please replace the Class III trees specified for Mihan Lane, New Name Street #2, and E. Sherman Ave. with Class II or Class I trees. Class III trees are too large for the 4’ planters between the curb and walk.

2. **Unidentified Street Trees**: Please identify the tree classifications for the street trees that are specified for New Name Streets #1 and #3.

3. **Landscape Plan Sheet L1 and L2 Scale and shortage of trees in landscape buffer**: The scale of 1” = 30’ on the Landscape Plan Sheets L1 and L2 appears to be incorrect. It appears that the scale should be 1” = 60’. If that is the case, the number of street trees in the Amity Ave landscape buffer should be 23 per code (1 every 25’). Currently there are 15 trees specified (the evergreen trees are not street trees). Please revise the scale on Sheets L1 and L2 and specify eight (8) additional Class II street trees in the landscape buffer zone on Amity Ave.

4. **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
Doug- Thank you for the review comments for the Aberdeen Springs Preliminary Plat Landscape Plan. I have revised the drawings per your comments and my notes below (most being drafting errors - my apologies):

1. Some of the trees symbols were mixed up between the plan and the legend. This has been revised and the correct Class indicated on the plans.
2. I have identified the tree classification on the plans.
3. I apologize for having the wrong scale on the drawings. The overall sheet is 1" = 80' and the enlarged plans are 1" = 50'. For the Amity Road buffer I calculated 460' of landscape frontage which is 19 trees at 25' on-center. I have increased the number of Class II Street Trees to 19 (not including evergreen trees). Please let me know if you agree with this calculation.
4. The street names have been updated to match the civil plans.

Please let me know if you have any additional comments or need anything further.

Thanks!

Kim Siegenthaler – Principal

Out of Office:

9/29 – 10/6

Jensen-Belts Associates
1509 S. Tyrell Lane, Ste 130, Boise, ID 83706
Phone 208.343.7175 ex 2

See the comments on the landscape plan for Aberdeen Springs

Kent

---------- Forwarded message ----------
From: Doug Critchfield <critchfieldd@cityofnampa.us>
Date: Tue, Sep 24, 2019 at 3:14 PM
Subject: SPP-00045-2019 Aberdeen Springs Preliminary Plat Landscape Plan
September 18, 2019

RE: Aberdeen Springs Subdivision - Preliminary Plat

To: Shawn Brownlee

cc: Sylvia Mackrill, City of Nampa P&Z
Caleb LaClair, P.E., City of Nampa Engineering

The Applicant shall submit an updated site plan or draft copy of the plat to City of Nampa Engineering/GIS staff reflecting these changes prior to final plat application submittal.

- Millford Pl should be S Milford Pl
- Bangor Way should be S Bangor Way
- Kirkhill Way should be S Kirkhill Way

Sincerely,

Dan Wagner
GIS Technician I
Engineering Division
City of Nampa
(208) 468-5475
Good morning,
ITD has received application SPP-00045-2019 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development. My apologies for the tardiness of our response. We are working thru a backlog of applications.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Good Afternoon Everyone! 😊

Re: Preliminary Plat Approval for Aberdeen Springs Subdivision / SPP-00045-2019

Please find attached for your review the Preliminary Plat Approval for Aberdeen Springs Subdivision in a RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of E. Amity Avenue adjacent and east of Mihân Lane (64 single family detached lots on 17.46 acres for 3.67 dwelling units per gross acre – A portion of the E\(P\) of the SW\(V\) of Section 25, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho.

The preliminary plat is scheduled for the Planning & Zoning Commission meeting of October 08, 2019.

Please review and return any comments to my attention prior to September 20, 2019.

Thank you & Have a great day!
DATE: September 30, 2019
TO: Nampa Planning & Zoning Department
FROM: Caleb LaClair, P.E. – Assistant City Engineer
CC: Daniel Badger, P.E. – City Engineer
CC: Tom Points, P.E. – Public Works Director
SUBJECT: SPP-00045-2019 – Aberdeen Springs Subdivision
Engineering Review Memo

The Engineering Division has completed a review of the Preliminary Plat application for Aberdeen Springs Subdivision and recommend the following conditions and comments.

**Preliminary Plat Comments**

1. The project is located northeast of the Mihan Lane and E Amity Ave and will take access from the following roads:
   - E Amity Ave – classified as “Principal Arterial”
   - Mihan Lane – classified as “Local Road”
   - S Queens Drive – classified as “Local Road”
   - E Sherman Ave – classified as “Local Road”

2. The property was annexed into the City in June 2018 as application ANN-00062-2017. All necessary right-of-way for the frontage roads was dedicated at the time of annexation.

3. A limited traffic analysis was performed at the time of annexation time by Thompson Engineers, Inc. to analyze access to the development. The study concluded that an eastbound left-lane on Amity Ave would be needed. The turn lane striping was completed as part of an Amity Avenue capital improvement project later that year. No additional traffic analysis is required.

4. The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
   - 12” water main in E Amity Ave;
   - 10” water main in Mihan Lane;
   - 10” water and 8” sewer mains in S Queens Drive;
   - 8” water and 8” sewer mains in E Sherman Ave;
   - 8” pressure irrigation along the east boundary of the existing Kings Road Estates Subdivision.
5. The following master planned utilities are shown in the vicinity of the project and shall be installed at time of development:
   - 12” pressure irrigation main along the frontage of Mihan Lane and E Amity Ave.

6. We have the following comments regarding the Geotechnical Report supplied with the project:
   - The site map with test pit locations was missing.
   - The report references an artesian well existing near E Amity Ave. Final development plans shall address the well and how any long-term discharge will be handled.
   - The report indicates groundwater may be as shallow as 1 foot below ground surface in some areas. An updated Geotechnical Report should be submitted with final plans that includes both infiltration testing and extended groundwater monitoring data to support drainage facility design.

7. Existing topography reflected on the plat suggests there is a defined point of offsite run-on located at Lot 19, Block 3. This was confirmed during a site visit. It appears runoff is conveyed to a ditch along the west property boundary. In addition, the ground east of the property is generally sloped toward the east boundary of the project. Final development plans shall address these points of offsite run-on.

8. The proposed storm drain line in “Bangor Way” should be moved to the other side of the sewer to provide separation to the water main.

9. The North Nampa Lateral is located along the northerly property boundary and is managed by Nampa & Meridian Irrigation District (NMID). The Developer shall coordinate with NMID for any improvements along the lateral.

**Conditions of Approval**

1. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.

2. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

3. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans:
   - 12” pressure irrigation main along the frontage of Mihan Lane and E Amity Ave.

4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

5. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.
6. Applicant shall provide an updated Geotechnical Report at the time of Final Plat submittal to include extended groundwater monitoring data and infiltration testing to support drainage facility design.

7. Applicant shall address how discharge from the artesian well and all points of offsite run-on will be mitigated by the development at the time of final design.

8. Developer shall obtain plan approval from Nampa & Meridian Irrigation District for any work to take place along the North Nampa Lateral.
Applicant/Owner: Was a Wheat Field, LLC (Ed Thrift)

Engineer: Aspen Engineers (Lance Warnick)

File(s): SPS-00024-2019

Analyst: Rodney Ashby, Principal Planner

Date: October 15, 2019

Requested Action Approval(s) and Location(s):

Subdivision Plat Short Approval for Was A Wheat Field Subdivision in a IL (Light Industrial) zoning district at 3303 and 3305 Caldwell Blvd. (2 industrial lots on 1.35 acres – A portion of Lots 1 and 2 of Portners Subdivision located in a portion of the N ½ of Section 7, T3N R2W, BM) for Aspen Engineers representing Was A Wheat Field, LLC). SPS 024-19

Decision Required: Recommendation

(existing requires the “Development”; alternatively, “Was A Wheatfield Subdivision” or the “Project”)

Status of Applicant: Owner

Existing Zoning: IL (Light Industrial)

Location: 3303 and 3305 Caldwell Blvd

Existing Land Use: 3303 Caldwell Blvd recently received a building permit to construct a warehouse/office building. That building is being constructed. The remaining vacant ground will be split into a second parcel as 3305 Caldwell Blvd through this subdivision short plat.

Proposed Land Use: Subdivision for two industrial buildings/properties.
General Information

**Proposed Land Uses:** Two parcels created from an existing single parcel with two industrial buildings and a common driveway

**Surrounding Land Use and Zoning:**
- North- Sears Hometown Store/Kdbi (BC zoning)
- Vacant Lot (IL zoning)
- South- Single Family Homes (R2 county zoning)
- East- Vacant Lot (BC zoning)
- West- Treasure Valley Auction Network (BC zoning)

**Comprehensive Plan Designation:** Light Industrial

**Public Utilities/Services:**
No irrigation services are available to the property at this time. Sewer and water are available to the north in 3301 Caldwell Blvd. "Since there are no City pressure irrigation mains in the area, the lots will share a connection with 3301 Caldwell Blvd to an existing water service with backflow prevention device to provide landscape irrigation water."

**Transportation:**
Access from Caldwell Blvd by use of a common drive.

Applicable Regulations

**Subdivision Short Plat**
Section 10-27-4F Short Plats, allows an abbreviated platting process for subdivisions of three to seven lots created from a single original property. "Drawings shall portray all features required to be shown on standard preliminary and final plat drawings; and Short plats will be processed as combination preliminary and final plats requiring a public hearing before the City’s Planning and Zoning Commission and approval by the City Council."

As stated in the subdivision chapter of the Title 10, the Planning & Zoning Commission shall evaluate a proposed plat's design based on city codes in making its determination. The plat must also meet the standards identified in the approved Subdivision Process and Policy Manual; and Standard Construction Specification Manual.

Correspondence

The following is a summary of agency correspondence that can be found in full detail in the exhibits:

- **Nampa & Meridian Irrigation District:** No comment
- **Nampa Engineering Division:**
Identify irrigation service to be shared with adjacent properties on the plat.
Correct spelling and punctuation errors.
Correct angle details in the legal description.
Remove reference to public street dedication.
Conditions before Engineer’s final signature of Plat:
  - Developer’s Surveyor shall address all Plat comments
  - All public infrastructure installed and Record Drawings associated with Building Permit COM-01643 shall be submitted for review
  - Drainage retained on site and confirmed by Engineer of Record

- Nampa Parks Division: No requests
- Nampa Highway District #1: no comment
- Building Department: Will require building permits for any and all work on these lots
- Pioneer Irrigation District: Pioneer’s 15.0 North Branch Lateral should be correctly labelled on the plans. Any work within the easement must be permitted in writing
- Planning & Zoning: Access to the properties should be clarified. A cross access easement is shown on the plat that is included on Lot 2, but the cross access is not clearly shown to Caldwell Blvd through 3301 Caldwell Blvd. The note on the plat referring to Access and Parking and Utility Easements across the existing common lot accessed from Caldwell Blvd, needs to clarify the reference to “(4&5)” and provide an instrument number for the second amendment to Master Declaration for West Valley Center.

STAFF FINDINGS & DISCUSSION

Subdivision Short Plat

Staff finds that with the changes requested in the Correspondence Section of this report, the proposed subdivision short plat for the Was a Wheatfield Subdivision conforms, or substantially conforms within acceptable limits, with relevant IL zoning codes and City of Nampa subdivision standards pertaining to land division.

Accordingly, Staff recommends that the Development be approved, contingent on Applicant/Developer/Development compliance with various Conditions of Approval as iterated hereafter….

SUGGESTED CONDITIONS OF APPROVAL

Should the Planning and Zoning Commission vote to recommend to City Council approval of the “Was A Wheatfield Subdivision” Short Plat, then Staff would suggest the following as (a) Condition(s) of Approval(s):

1. Generally, the Applicant/Development shall:
   a. Comply with all City department/division or outside agency requirements pertinent to this matter and contained under the “Correspondence” section of this report.

ATTACHMENTS
• Application
• Aspen Engineers Letter Dated August 8, 2019 written to City of Nampa Engineering
• Comprehensive Plan Future Land Use Map
• Vicinity/Zoning Map
• Utility Map
• Plat pages
• Agency/department & citizen correspondence, etc.
**Please do not submit a subdivision application until all items are completed. Incomplete applications will not be accepted or reviewed.**

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<th>A. GENERAL INFORMATION</th>
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<tbody>
<tr>
<td>Subdivision Name: <strong>Was A Wheat Field Subdivision</strong></td>
</tr>
<tr>
<td>Total Acres: <strong>1.35 Acres</strong></td>
</tr>
<tr>
<td>Intended Land Uses: Circle (residential, single-family, multi-family, commercial, industrial)</td>
</tr>
<tr>
<td>Property Address (es): <strong>3303 and 3305 Caldwell Blvd, Nampa, ID</strong></td>
</tr>
<tr>
<td>Legal Description: See Attachments 8 and 9</td>
</tr>
<tr>
<td>Existing Zoning: (Circle one) RA RS RSM RD RML RMH RP BN CB BC BF IP I H AG</td>
</tr>
<tr>
<td>(County Zoning)</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>B. OWNER/APPLICANT INFORMATION</th>
</tr>
</thead>
<tbody>
<tr>
<td>Owner of Record</td>
</tr>
<tr>
<td>Name: <strong>Was A Wheat Field, LLC (Contact: Ed Thrift)</strong></td>
</tr>
<tr>
<td>Address: <strong>1550 Prospect Ave</strong></td>
</tr>
<tr>
<td>City: <strong>Capitola</strong></td>
</tr>
<tr>
<td>State: <strong>CA, 95010</strong></td>
</tr>
<tr>
<td>Telephone: <strong>415-519-2504</strong></td>
</tr>
<tr>
<td>Email: <strong><a href="mailto:thrifted1550@gmail.com">thrifted1550@gmail.com</a></strong></td>
</tr>
<tr>
<td>Fax</td>
</tr>
<tr>
<td>Applicant</td>
</tr>
<tr>
<td>Name: <strong>(Same as Owner)</strong></td>
</tr>
<tr>
<td>Address</td>
</tr>
<tr>
<td>City</td>
</tr>
<tr>
<td>State</td>
</tr>
<tr>
<td>Telephone</td>
</tr>
<tr>
<td>Email</td>
</tr>
<tr>
<td>Fax</td>
</tr>
<tr>
<td>Engineer/Surveyor/Planner</td>
</tr>
<tr>
<td>Name: <strong>Aspen Engineers (Contact: Lance Warnick)</strong></td>
</tr>
<tr>
<td>Address: <strong>1619 N. Linder Rd, Suite 110, Kuna ID, 83634</strong></td>
</tr>
<tr>
<td>Telephone: <strong>208-466-8181</strong></td>
</tr>
<tr>
<td>Email: <strong><a href="mailto:lance@AspenEngineers.com">lance@AspenEngineers.com</a></strong></td>
</tr>
<tr>
<td>Fax</td>
</tr>
</tbody>
</table>
C. SUBDIVISION INFORMATION

<table>
<thead>
<tr>
<th>Lot Types</th>
<th>Number of Lots</th>
<th>Acres</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Dwelling units per acre (gross /net)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>2</td>
<td>1.35 Acres</td>
</tr>
<tr>
<td>Common (Landscape, Utility, Other)</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Open Space</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Total</td>
<td>2</td>
<td>1.35 Acres</td>
</tr>
</tbody>
</table>

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: [Signature]
Date: [Date]

For City Office Use

FEE $ ___________________  CASH _____  CHECK _____  RECEIPT NO. _____

DATE RECEIVED _________  RECEIVED BY ___________  HEARING DATE _______
August 08, 2019

Caleb LaClair
City of Nampa - Engineering
411 Third Street South
Nampa, ID 83651

SUBJECT: Short Plat for
WAS A WHEATFIELD SUBDIVISION
3303 & 3305 Caldwell Blvd
Nampa, Idaho 83651

Dear Caleb:

The purpose of this letter is to describe the requested Short Plat Approval for Was a Wheatfield Subdivision, which is located in an IL (Light Industrial) zone. The project is owned by Was A Wheatfield, LLC and located at 3303 & 3305 Caldwell Blvd near the intersection of Caldwell Blvd and Homedale Rd. The parcel (R255300000), is located on the west side of Caldwell Blvd and on the west side of the Sears complex, the parcel has a total area of 1.36 acres.

The property is located within the Nampa City limits and is adjacent to BC (Community Business) zoned property on three sides (North, East, South) and an unplatted area to the west, which consists of single-family residential homes. Due to the nature of the area being Industrial we believe that the development is a good fit for the area.

The development will create two lots containing 3303 Caldwell Blvd (Lot 2), which is currently under construction, and 3305 Caldwell Blvd (Lot 1), which will be a future building. Lot 1 will be served by existing water and sewer services and would develop the stormwater management as the site is built.

Lot 2 will be served by sewer and water services that are being constructed as per the recently approved plans for 330X Caldwell Blvd. Stormwater for Lot 2 will be managed by two infiltration trenches on each side of lot (See PP-1). The water service will connect to an existing 1” water service. The sewer service will tap an existing 4” sewer stub from the Sanitary Sewer Manhole and 8” dia sewer main.

Since there are no City pressure irrigation mains in the area, the lots will share a connection with 3301 Caldwell Blvd to an existing water service with backflow prevention device to provide landscape irrigation water.

All three properties, the existing 3301 Caldwell Blvd building, the Lot 2 building under construction, and the future Lot 1 building will all take access off of the shared driveway in the middle of the property. At the end of the shared driveway there will be an emergency vehicle turnaround.

We believe that the enclosed Short plat meets the requirements of the City’s subdivision Ordinance and we ask that you approve the preliminary plat.
Feel free call me at 208-466-8181 if you have any questions or need additional information.

Respectfully,
Aspen Engineers, Chartered

Lance Warnick, PE
Principal Engineer

cc: Aspen 19016
Utility Map 3303 & 3305 Caldwell Blvd

10/15/2019 3:48:10 PM

Irrigation Line
- - Pressure Irrigation (Inactive, Private, etc.)
Pressure Irrigation (Active)
Domestic Line
- - Domestic Water (Inactive, Private, etc.)
Domestic Water (Active)

Domestic Hydrant

Sewer Main
- - Sewer (Inactive)
Sewer (Active)

County Parcel

0 0.01 0.01 0.03 mi

0 0.01 0.03 0.06 km

Canyon County Assessor, CCSO
PRELIMINARY PLAN FOR
WAS A WHEAT FIELD SUBDIVISION
LOCATED IN A PORTION OF THE N 1/2
OF SECTION 07, T.3N., R.2W., B.M.,
CITY OF NAMPA, CANYON COUNTY, IDAHO
JULY 30, 2019

NOTES
1. All work shall be performed in accordance with the applicable versions of the
Code of Federal Regulations
2. All work shall be performed in accordance with the applicable codes.
3. All work shall be performed in accordance with the applicable codes.
4. All work shall be performed in accordance with the applicable codes.
5. All work shall be performed in accordance with the applicable codes.
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45. All work shall be performed in accordance with the applicable codes.
46. All work shall be performed in accordance with the applicable codes.
47. All work shall be performed in accordance with the applicable codes.
48. All work shall be performed in accordance with the applicable codes.
49. All work shall be performed in accordance with the applicable codes.
50. All work shall be performed in accordance with the applicable codes.
A PORTION OF LOTS 1 & 2 OF PORTNERS SUBDIVISION
LOCATED IN A PORTION OF THE N 1/2
OF SECTION 7, T. 3 N., R. 2 W., B.M.,
CITY OF NAMPA, CANYON COUNTY, IDAHO
2019

NOTES:
1. Any Resubdivision of this Plat shall Comply with the Applicable Zoning Regulations in effect at that time.
2. Minimum Building Standards shall be in accordance with the City of Nampa Applicable Zoning and
Subdivision Regulations at the time of issuance of individual Building Permits or as Specifically Approved
and/or required, or as shown on the Plat.
3. The Sewage System shall be an Extension of the City of Nampa Municipal Sewer System.
4. The Water System serving the Lots within the Subdivision shall be an Extension of the City of Nampa
Municipal Water System.
5. Irrigation Water has not been Provided from the Nampa Municipal Irrigation District in Compliance with
Section 3-1923C, Lots within this Subdivision will be subject to Irrigation Water Rights and will be
Obligated for Assessments from Nampa Municipal Irrigation District.
6. The City of Nampa shall be Responsible for the Maintenance of all Public Sewer, Pressure Irrigation and
Water Mains within this Subdivision. The City of Nampa shall also be responsible for Water Service to
Meters.
7. A Permanent Easement for Public Utilities, Drainage and Irrigation is hereby Dedicated as follows, unless
otherwise (diminished):
   a) 10 along Subdivision Boundary where Perked Haven.
   b) Thuc are Interspersed along interior Lot Lines unless specifically otherwise noted herein. If any Lot Lines are Adjusted, the Easement shall also be Adjusted Accordingly. Providing that Facilities
      have not been located within the Easement.
   c) Lot 2, Block 1 is Subject to a Cross Access, Public Utilities, Drainage & Irrigation Easement for the
      Purpose of Clearing, Trenching, Laying, Installing, Constructing, Locating, Marking, Replacing,
      Reconstruction, Upgrading and Improving Water and Wastewater Facilities or other Public Works/Infrastructure
      Necessary to Conveniently connect to the City of Nampa's General Plan Municipal Service.
      Interactions may Include Wastewater and Water, with all of the necessary Appurtenices and Appurtenances, which
      have been or will be Conveyed. Said Lot also has a Cross-Access and Parking Agreement that Override the
      Assessments and Maintenance Responsibilities Recorded as Instrument No. 2016-8261, Records of Canyon
      County, Idaho as Shown and Diminished herein.
   d) This Development Recognizes Section 2-3053 of the Idaho Code, Right of Farm Act, which States No
      agricultural operation, agricultural facility or expansion thereof shall be reconverted, altered or
      publicly, by any change conditions to or about the remaining nonagricultural activities after it has been in
      operation for more than one (1) year, when the operation, facility or expansion was not in existence at the time
      it began or was constructed. The provisions of this section shall not apply when a non-agricultural activities
      from the improper or negligent operation of an agricultural operation, agricultural facility or expansion thereof.

SURVEYOR'S NARRATIVE:
This Survey was performed at the request of WAS A WHEAT Field LLC., to create this Subdivision Plat. The Boundary Lines of
the Planned Land for said Subdivision Plat were
Established from Record Information and from Rented
Machinest and surveyed by Surveyor. For further
Boundary Information refer to Record of Survey Instrument No. 2019-0028269.

REFERENCE DATA:
(R1) Record of Survey Plan, No. 2019-0339269
(R2) Record of Survey Plan, No. 2014-036657
(R3) Plat of Portners Subdivision
(R4) Master Declaration for West Valley Center Instrument No. 200115871
(R5) Second Amendment to Master Declaration for West Valley Center
(R6) Record of Survey Instrument No. 200116062
(R7) Record of Survey Instrument No. 200116069

COMPASS LAND SURVEYING, PLLC
623 11th Avenue South
PO Box 285 8115
Nampa, ID 83651
Office: (208) 442-6115
Fax: (208) 346-3186
Inland Fax: 703719
CERTIFICATE OF OWNERS

Koerner and all persons that have a present or prior interest in the real property described herein do hereby certify that they are the owners of the Real Parcel of Land herein described and that it is their intention to include said Real Property in this Subdivision Plat.

The following describes a Parcel of Land being a Portion of Lots 1 & 2 of a Plat of Lots as recorded in Book 4 of Lots at Page 45, Records of Canyon County, Idaho and lying in a Portion of the North 10 of Section 7, Township 3 North, Range 2 West, Bute Meander, Canyon County, Idaho, and more particularly described as follows:

COMMENCING at the North 1/4 Corner of said Section 7 which is being Monumented with a 69" Iron Pin with Plastic Cap "PLS 1181", from which the Center 1/4 Corner of said Section 7, west, 2647.23 feet which is being Monumented by a 56" Iron Pin with "Hogtie" Plastic Cap; Thence along the North-South Center of Section Line, South 36°47'09" West, 102.30 feet to a point on the South-Westly Right of Way Line of the Nampa Calde Park, Thence leading North-South Center of Section Line, and along the South-Westly Right of Way Line of the Nampa Calde Park, South 67°44'08" South 45.39 feet. To a point 1/2 Iron Pin with Plastic Cap "PLS 3216", Thence leading South-Westly Right of Way Line, South 26°13'56" West, 424.10 feet to a point 56" Iron Pin with Plastic Cap "PLS 1151", the POINT OF BEGINNING;

Thence, South 26°13'56" East, 139.83 feet to a bound 56" Iron Pin with "No Cap";

Thence, South 67°44'08" West, 128.06 feet to a point 1/2 Iron Pin with Plastic Cap "Koerner 6544", Replaced by a set 56" Iron Pin with Plastic Cap "Koerner PLS 8251");

Thence South-Southwestly 26.13 feet along the arc of a curve to the left having a radius of 213.00 feet, a Central angle of 39°05'54" and a Long Chord which begins, South 19°02'01" East, 32.33 feet to a bound 1/2 Iron Pin with Plastic Cap "Koerner PLS 8251", Replaced by a set 56" Iron Pin with Plastic Cap "Koerner PLS 8251", Replaced by a set 56" Iron Pin with Plastic Cap "Koerner PLS 8251";

Thence, South 67°44'08" East, 25.00 feet to a bound 1/2 Iron Pin with Plastic Cap "Koerner PLS 8251", Replaced by a set 56" Iron Pin with Plastic Cap "Koerner PLS 8251", Replaced by a set 56" Iron Pin with Plastic Cap "Koerner PLS 8251";

Thence, South 26°13'56" West, 25.00 feet to a bound 1/2 Iron Pin with Plastic Cap "Koerner PLS 8251", Replaced by a set 56" Iron Pin with Plastic Cap "Koerner PLS 8251";

Thence, South 26°13'56" West, 262.66 feet to a point on the Centerline of the Fruit Growers Landfill, From said point, a bound 56" Iron Pin with Plastic Cap "PLS 8251" which is a Witnessing, said point bear, North 26°13'56" East, 20.00 feet.

Thence along the Centerline of the Fruit Growers Landfill, North 26°13'56" East, 324.23 feet to a point; From said point, a bound 56" Iron Pin with Plastic Cap "PLS 8251" which is a Witnessing, said point bear, North 26°13'56" East, 20.00 feet.

Thence leading said Centerline, North 26°13'56" East, 188.68 feet to the POINT OF BEGINNING;

The above described Parcel of Land contains 1.35 Acres (58,834 Sq. Ft.) more or less.

The Public Street or roads as shown on this Plat are hereby dedicated to the Public. The Easements are not dedicated to the Public, but are intended only for the Right and Purpose as Designated within this Plat and no Permanent Structure other than those for Utility, Irrigation or Drainage Purposes are to be Erased within the Limits of said Easements.

All Lots in this Subdivision will be eligible to receive Water Service from the City of Nampa Water Department, and the City of Nampa Water Department has agreed in writing to serve Lots within this Subdivision.

In witness whereof, we have hereunto set our hands this _____ Day of ______________, 2019.

Edgar M. Trott Jr., Managing Manager 
Wals A Wheat Field, LLC

ACKNOWLEDGMENT

STATE OF IDAHO

COUNTY OF CANYON

On this day of ___________ in the year 2019, before me, Edgar M. Trott, Jr., personally appeared, known or identified to me to be the Managing Manager of Wals A Wheat Field LLC, an Idaho Limited Liability Company that Executed the instrument or the person who Executed the instrument on behalf of said Idaho Limited Liability Company and acknowledged to me that said Idaho Limited Liability Company Executed the same.

In witness whereof, I have hereunto set my hand and notarial seal the day last above written.

Robby Public

Notary Public

Commission expires

CERTIFICATE OF SURVEYOR

I, Lawrence H. Koerner, do hereby certify that I am a Professional Land Surveyor licensed by the State of Idaho, and that this Plat as described in the Certificate of owners and the Attached Plat was drawn from an Aerial Survey made on the ground, made by me or under my direct supervision and accurately represents the Present Platted parcel, and is in Conformity with State of Idaho Codes relating to Plat, Surveys and the Corner Perpendicular and Filing Act, Sales Codes 55-1271 through 55-1412.

Lawrence H. Koerner

Lawrence H. Koerner

8251

8251

Eagle, Idaho

License No. 8251

Page 14
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 ______, 2019, this plat was duly accepted and approved.

City Clerk, Nampa, Idaho

Date

Mayor, Nampa, Idaho

Date

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, and that it complies with the State of Idaho Code relating to Plats and Surveys.

Canyon County Surveyor

Date

APPROVAL OF SOUTHWEST DISTRICT HEALTH DEPARTMENT

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on a review by a Qualified Licensed Professional Engineer (QLPE) representing the City of Nampa 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 since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities, then sanitary restrictions may be re-imposed, in accordance with Section 50-1326, Idaho Code, by the issuance of a certificate of disapproval, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

District Health Department, EHS

Date

APPROVAL OF CITY ENGINEER

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

Nampa City Engineer

Date

CERTIFICATE OF COUNTY TREASURER

I, the undersigned, County Treasurer in and for Canyon County, State of Idaho, per the requirements of I.C. 50-1308, do hereby certify that any and all current and/or delinquent County Property Taxes for the property included in this proposed subdivision have been paid in full. This certificate is valid for the next thirty (30) days only.

County Treasurer

Date

APPROVAL OF CITY OF NAMPA PLANNING AND ZONING COMMISSION

Accepted and Approved this ______ day of ______, 2019 by the Planning and Zoning Commission of the City of Nampa, Idaho.

Chairman Nampa Planning & Zoning Commission

Secretary Nampa Planning & Zoning Commission
Building Department will require permits for any and all work on these lots.

Good Morning Everyone!

Re: Short Plat Approval for **Was A Wheat Field Subdivision** / SPS-00024-2019

Please find attached for your review the Short Plat Approval for Was A Wheat Field Subdivision in a IL (Light Industrial) zoning district at 3303 and 3305 Caldwell Blvd. (2 industrial lots on 1.35 acres - A portion of Lots 1 and 2 of Portners Subdivision located in a portion of the N of Section 7, T3N, R2W, BM) for Aspen Engineers representing Was a Wheat Field, LLC.

The short plat is scheduled for the Planning and Zoning Commission meeting of October 22, 2019, as a public hearing item.

Please review and return any comments to my attention prior to October 04, 2019.

Thank you & Have a great day!
Shellie Lopez

From: Mark Zirschky <mark@pioneerirrigation.com>
Sent: Monday, September 30, 2019 5:03 PM
To: Shellie Lopez
Subject: [External] FW: Was A Wheat Field Subdivision - Project SPS 00024 2019 - Short Plat

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Shellie,

See email below. I may have sent the prior email to the incorrect address.

Thank you.

Mark Zirschky - Superintendent
Pioneer Irrigation District
208-459-3617
208-250-8481
www.pioneerirrigation.com

From: Mark Zirschky
Sent: Monday, September 30, 2019 4:57 PM
To: Sylvia Mackrill <mackrill@cityofnampa.us>
Cc: ‘Kirk Meyers (kirk@pioneerirrigation.com)’ <kirk@pioneerirrigation.com>
Subject: Was A Wheat Field Subdivision - Project SPS 00024 2019 - Short Plat

Shellie,

Per the above referenced project, Pioneer Irrigation District has the following comments.

It appears that the project is bordering Pioneer’s 15.0 North Branch Lateral. It is identified as the Fruit Growers Lateral on the plans provided, and should be referenced correctly as the 15.0 NB Lateral. The plans have identified a 16 foot easement from top of bank, which is correct in this location.

Any impact to Pioneer’s 15.0 NB Lateral, or encroachment within the easement, must be permitted in writing by Pioneer Irrigation District, per Idaho Code 42-1209.

Should you have any questions or comments, please let me know.

Mark Zirschky - Superintendent
Pioneer Irrigation District
208-459-3617
208-250-8481
Shellie,

Per the above referenced project, Pioneer Irrigation District has the following comments.

It appears that the project is bordering Pioneer’s 15.0 North Branch Lateral. It is identified as the Fruit Growers Lateral on the plans provided, and should be referenced correctly as the 15.0 NB Lateral. The plans have identified a 16 foot easement from top of bank, which is correct in this location.

Any impact to Pioneer’s 15.0 NB Lateral, or encroachment within the easement, must be permitted in writing by Pioneer Irrigation District, per Idaho Code 42-1209.

Should you have any questions or comments, please let me know.

Mark Zirschky - Superintendent
Pioneer Irrigation District
208-459-3617
208-250-8481
www.pioneerirrigation.com
DATE: September 30, 2019
TO: Nampa Planning & Zoning Department
FROM: Nicole Fletcher
CC: Daniel Badger, P.E. – City Engineer & Caleb LaClair, P.E. – Assistant City Engineer


The Engineering Division has completed a review of the Short Plat for Was a Wheat Field Subdivision and recommend the following conditions and comments.

Project Comments

1. Construction drawings for site improvements were already reviewed and approved as part of Building Permit COM-01643-2019. The construction of utility services is currently underway.

Plat Comments

1. Identify the designated irrigation service, on the PRELIMINARY PLAT, to be shared by Was a Wheat Field sub and adjacent properties.
2. Check for any spelling or punctuation errors in the notes and legend and correct.
3. Check legal description in the Certificate of Owners on Sheet 2 of the FINAL PLAT for correctness. The C1 central angle (delta) is inconsistent between the preliminary and final plats.
4. Remove the reference to public street dedication in the Certificate of Owners, on Sheet 2 of the FINAL PLAT, as there are no public streets being dedicated.

Conditions of Approval

1. The Developer’s Surveyor shall address all Plat comments prior to City Engineer signature of the plat.
2. All public infrastructure associated with Building Permit COM-01643 shall be fully installed, inspected and accepted by the City of Nampa and Record Drawings submitted for review prior to City Engineer signature of the plat.
3. Drainage shall be retained on site in accordance with approved plans. Inspection and certification of work 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 City Engineer signature of the plat.
Hi Shellie,

Nampa Parks has reviewed the short plat for Was A Wheat Field Subdivision Project: SPS-00024-2019. We have no requests.

Thank you,

Cody Swander
Parks Superintendent
O: 208.468.5890, F: 208.465.2321
Nampa Parks – Facebook Page

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.
September 19, 2019

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

RE: SPS-00024-2019/ Was A Wheat Field Subdivision; 3303 & 3305 Caldwell Blvd.

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. The developer must comply with Idaho Code 31-3805.

Sincerely,

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

Cc:
Office/ file
M. Zirschky, Pioneer Irrigation District

SCANNED 9/27/19
Sylvia Mackrill

From: Daniel Wagner
Sent: Thursday, September 26, 2019 8:06 AM
To: Sylvia Mackrill; Caleb Laclair
Subject: Addressing Review - Was a Wheatfield

Sylvia,

There are no Addressing/Street naming comments for this plat; SPS-00024-2019 Was a Wheatfield Subdivision. Thanks.

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

Nampa Proud

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Good Morning Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

Shellie Lopez

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Thursday, September 12, 2019 7:47 AM
To: Shellie Lopez
Subject: [External] RE: Short Plat Approval for Was A Wheat Field Subdivision / SPS-00024-2019

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Good Morning Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

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

From: Shellie Lopez <lopes@cityofnampa.us>
Sent: Thursday, September 12, 2019 7:43 AM
Subject: Short Plat Approval for Was A Wheat Field Subdivision / SPS-00024-2019

Good Morning Everyone! 😊

Re: Short Plat Approval for Was A Wheat Field Subdivision / SPS-00024-2019

Please find attached for your review the Short Plat Approval for Was A Wheat Field Subdivision in a IL (Light Industrial) zoning district at 3303 and 3305 Caldwell Blvd. (2 industrial lots on 1.35 acres - A portion of Lots 1 and 2 of Portners Subdivision located in a portion of the NW ¼ of Section 7, T3N, R2W, BM) for Aspen Engineers representing Was a Wheat Field, L.L.C.

The short plat is scheduled for the Planning and Zoning Commission meeting of October 22, 2019, as a public hearing item.

Please review and return any comments to my attention prior to October 04, 2019.

Thank you & Have a great day!
PUBLIC HEARING ITEM NO. 3
STAFF REPORT

Analyst: Kristi Watkins
Applicant(s)/Representative(s): Trilogy Idaho/Kent Brown, Representative
File(s): SPP 047-19
Project Name/Type: Spring Shores Subdivision

Requested/Needful Action Approval/Denial:

Preliminary Subdivision Plat Approval:
(Decision Required: Decision)

For “Spring Shores Subdivision” [hereinafter the “Project” or “Development”; alternatively, “Spring Shores Subdivision”] – a proposed single-family subdivision containing 245 residential lots and 22 common lots upon the land referenced below…

Pertaining to:
A 74.64-acre portion of land located on the west side of 11th Ave N between Cherry Lane and Ustick Rd., Parcel #2092700000, R3077901200, R3077900000 & R3077901100, zoned RS 8.5 for 3.2 dwelling units per gross acre on a portion of the NW ¼ of the SW ¼ Section 35, T3N, R2W, BM) (hereinafter the “Property”)…

History:
June 2006 – Annexation & Zoning to RS 8.5 with Development Agreement – Approved May 2006, Ord # 3568

Current and Surrounding Zoning:
That the Property is presently under City of Nampa jurisdiction. See the attached Vicinity Map; and,
Existing zoning:
North: Canyon County – (Agriculture)
South: Canyon County, Enclaved (Single Family Residential)
East: Canyon County – (Agriculture)
West: RS7 (Single-Family Residential Subdivision)

3. Immediately Surrounding Land Uses:
Single-family residential and agricultural land uses surround or lie near the Property; and,

**FINDINGS OF FACT & CONCLUSIONS OF LAW REGARDING 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.

**Overall Site Area-** 74.64 acres

Total, Proposed RS 6 Lot Count- 267
Total Common Lot Count- 22
Total Building Lot Count- 245

Regarding “RS 8.5 Building Lots”:
Min. Allowed RS 8.5 Bldg. (or “Master”) Lot Size- 8,500 sq. ft.
Min. Proposed RS 8.5 Bldg. Lot Size- 8,053 sq. ft. – Non-compliant
Min. Req. St. Frontage RS 8.5 Zone- 22’ (feet);
Min. Allowed RS 8.5 (or “Master”) Bldg. Lot Widths- 70’ @ the 20’ front setback mark;
Min. Allowed RS 8.5 Bldg. Mean Lot Depths- 80’

**Plat Development Data/Notes:**
Per plat sheets

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.

Platting 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, Zoning Staff finds:

1. **Minimum Lot Areas:**
   That because the proposed Development is slated for development in conjunction with RS 8.5 zoning, this requirement applies…all master or standard building lots meet or exceed 8,500 sq. ft. in area. The smallest standard buildable lot is 8,053 sq ft.; therefore, the Plat is deemed non-compliant in this regard; and,

2. **Average Lot Size:** N/A

3. **Lot Compatibility:** N/A

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

5. **Landscaping:**
   A landscape plan was submitted with the application paperwork. Comments were made by City staff and the issues were resolved; and,

6. **Pathway(s):** The parks department has requested that 20’ from the top of bank along the south/south west side of the Purdam Drain be deeded and dedicated to the City of Nampa for the location of the Purdam Pathway as indicated on the City of Nampa Bicycle and Pedestrian Master Plan. Additionally, we request that the developer construct the portion of that pathway to the City of Nampa pathway specifications adjacent to the development

**Recommendation:**

Approval with conditions…

---

**AGENCY/CITY DEPT COMMENTS FOR PRELIMINARY PLAT**

Agency/City department comments have been received regarding both the entitlement request and platting approval request associated with this matter [and report]. Such correspondence, by way of information, as received from agencies or the citizenry regarding the application package [received by noon October 16, 2019] is hereafter attached to this report, to include:

1. A September 6, 2019 email printout from the Nampa Parks Department authored by Cody Swander indicating that they request 20’ from the top of bank along the south/south west side of the Purdam Drain be deeded and dedicated to the City of Nampa for the location of the Purdan Pathway as indicated on the City of Nampa Bicycle and Pedestrian Master Plan. Additionally, we request that the developer construct the portion of that pathway to the City of Nampa pathway specifications adjacent to the development; and,

2. On September 5, 2019, Neil Jones with the Nampa Building Department made a note in the EnerGov permitting program indicating that the Building Department will require a top of foundation wall or a finish floor elevation on each lot, shown on the final plat construction drawings; and,
3. A September 9, 2019 email printout from the Nampa Highway District #1 authored by Eddy Thiel, indicating that they have no objection to this preliminary plat; and,

4. A September 12, 2019 letter from the Nampa & Meridian Irrigation District authored by David Duvall indicating that this project is not located in NMID jurisdiction and applicant should contact Pioneer Irrigation Dist. for review; and,

5. An email dated September 30, 2019, authored by Mark Zirschky, Pioneer Irrigation District, which states the Purdam Drain has a 110 foot ROW which is under the Bureau of Reclamation jurisdiction. ROW must be called out on the plat and any encroachment or modification shall be addressed with the BOR. Also the plat identifies the Bennett Lateral at the NE corner of the project. This facility should be referenced as the 8.26 lateral. The 8.26 lateral facility is a Pioneer Irrigation facility, which has a 16 foot easement from the top of bank that must be referenced on the plat. Written permission from Pioneer Irrigation must be obtained for any modification or encroachment of the 8.26 Lateral; and,

6. A September 19, 2019 email printout from the City Forestry Department authored by Adam Mancini indicating that they No Class III trees are allowed along the ROW.; and,

7. A memo dated October 2, 2019, authored by Dan Wagner, Nampa GIS Division, stating required changes to street names. See attached list of changes requested; and,

8. An email, dated October 7, 2019, authored by Sarah Arjona, Idaho Transportation Department, stating the ITD has no objections to the proposed development; and,

9. A memo, dated September 30, 2019, authored by Caleb LaClair, stating the following:

   **Engineering Preliminary Plat Comments**

   a. The project is located northeast of the Mihan Lane and E Amity Ave and will take access from the following roads:

   - 11th Ave N – classified as “Collector”
   - E Shields Drive – classified as “Local Road” (Future from Meriwether Park Subdivision)
   - N Patchin Street – classified as “Local Road” (Future from Meriwether Park Subdivision)

   b. The property was annexed into the City in April 2006. The required right-of-way for 11th Ave N was not dedicated at the time of annexation. An additional 25-feet of right-of-way shall be dedicated to provide 50-feet total from Section Line prior to approval of the first phase final plat.

   c. A Traffic Impact Study (TIS) has been prepared by CR Engineering, Inc. and approved for the development. The TIS identifies two (2) project related impacts to be mitigated by the development:
• Ustick Road and 11th Avenue intersection – Add two lanes on the eastbound and westbound legs of Ustick Road roundabout.
• South Access and 11th Avenue – Add northbound left-turn lane.

d. An internal stub street and utilities should be provided to the out-parcel located south of the Purdam Gulch Drain; address 17225 11th Ave N.

e. Lot 11, Block 13 should be reserved for possible future public street right-of-way as it coincides with the planned extension of the ½-mile collector road E Landry Street located to the east. It should also be reserved for access to the out-parcel addressed 17531 11th Ave N.

f. The allowable block lengths are exceeded on the following streets warranting traffic calming:
   • E Shields Drive;
   • Marble Springs Drive;
   • Silver Springs Drive; and,
   • Spring Shores Drive.

g. The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
   • 12” water main at the intersection of 11th Ave N and Cherry Lane;
   • 8” water, 8” sewer, and 6” pressure irrigation mains in E Shields Drive; and,
   • 12” in Cherry Lane near the Purdam Gulch Drain crossing.

h. The following master planned utilities are shown in the vicinity of the project and shall be installed at time of development:
   • 12” water main in 11th Ave N; and,
   • 12” pressure irrigation main in 11th Ave N.

i. Analysis of the City’s Water Model has shown that looping of the 11th Ave N 12” water main back to the 11th Ave N and Cherry Lane intersection is necessary to provide minimum required fire flow. The timing of this offsite improvement will be dependent on phasing.

j. Analysis of the City Pressure Irrigation Model has shown that looping of the 11th Ave N 12” irrigation main to the 12” main in Cherry Lane is necessary for redundancy and pressure stabilization through the development. The timing of this offsite improvement will be dependent on phasing.

k. The development area is part of the Purdam Sewer Basin and planned to sewer back to a future trunk main in Ustick Road. The Developer has requested this project be allowed to sewer to the Birch Lane trunk via the existing private lift station located in the Meriwether Park Subdivision. This was approved by the Nampa Public Work Division due to transfer of available sewer credits from the Astoria Park Subdivision. The Developer shall provide analysis of the existing Meriwether Park lift station and any required upgrades to serve the development at time of final design. Permitting for lift station upgrades shall be through Idaho Department of Environmental Quality.

l. Proposed Sewer Line J in Blue Springs Drive should be extended to the southerly property boundary at a depth able to serve the property to the south.
m. The Geotechnical Report supplied with the application indicates groundwater may be as shallow as five (5) feet below ground surface in some areas. An updated Geotechnical Report should be submitted with final plans that includes both infiltration testing and extended groundwater monitoring data to support drainage facility design.

n. Final development plans shall address existence and mitigation of potential offsite run-on from properties located to the southwest, as existing topography suggests this may be the case.

o. The Purdam Gulch Drain and Miller Lateral run adjacent to or through the property. These facilities are managed by Pioneer Irrigation District (PID) and the Bureau of Reclamation (BOR). The Developer shall coordinate with these agencies for any improvements along the facilities and obtain any necessary license agreements.

**Engineering Conditions of Approval**

1. Developer shall dedicate an additional 25-feet of public right-of-way along 11th Ave N frontage for a total width of 50-feet from Section Line prior to approval of the first phase final plat.

2. Frontage road improvements along 11th Ave N shall be constructed in accordance with Nampa City Code Section 9-3-1.

3. Developer shall be responsible to construct/fund the project triggered mitigation identified in the Traffic Impact Study, including:
   - Ustick Road and 11th Avenue intersection – Add two lanes on the eastbound and westbound legs of Ustick Road roundabout. This shall be addressed as an extra-ordinary impact fee. The fee shall be based on the projects percentage of peak hour traffic contribution to the intersection at the Horizon Year as reflected in the TIS, which is approximately 5.5%. The Developer shall submit a conceptual roundabout layout and corresponding engineers cost estimate for determination of the fee to be reviewed and approved by the Nampa Engineering Division.
   - South Access and 11th Avenue – Add northbound left-turn lane; to be constructed with the South Access.

4. Developer shall construct traffic calming measures (speed hump, cross gutters, bulb-outs, etc.) on the following streets:
   - E Shields Drive;
   - Marble Springs Drive;
   - Silver Springs Drive; and,
   - Spring Shores Drive.

5. Developer shall provide an internal stub street with utilities to the property at 17225 11th Ave N.


7. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/reevaluation and prior to connection to City services.

8. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/reevaluation, and prior to connection to City services.
Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

9. **Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans and utility system model analysis:**
   - 12” water main in 11th Ave N to be extended and looped back to the existing 12” main at the Cherry Lane intersection.
   - 12” pressure irrigation main along in 11th Ave N to be extended and looped back to the existing 12” main in Cherry Lane located approximately 560-feet east of 11th Ave N.

10. **Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.**

11. **Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.**

12. **Applicant shall provide an updated Geotechnical Report at the time of Final Plat submittal to include extended groundwater monitoring data and infiltration testing to support drainage facility design.**

13. **Developer shall obtain plan approval by Pioneer Irrigation District (PID) and the Bureau of Reclamation (BOR), including any associated license agreements for any work to take place along the Purdam Gulch Drain and Miller Lateral.**

### RECOMMENDED CONDITIONS OF APPROVAL

Should the Planning and Zoning Commission vote to approve the Spring Shores Subdivision preliminary plat, then Staff would suggest the following as (a) Condition(s) of Approval for adoption with any such vote/action (note: the Commission may obviously add, subtract and/or modify conditions as it deems appropriate):

1. The Developer/Development shall comply with all requirements imposed by City agencies involved in the review of this matter including, specifically the following:

2. Revise the layout of Lot 28, Block 5 as it is undersized for the RS 8.5 zone; and,

3. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings; and,

4. Make necessary street name corrections as listed in memo; and,

5. Deed and dedicate 20’ from the top of bank along the south/southwest side of the Purdam Drain and construct pathway; and,
6. Developer shall dedicate an additional 25-feet of public right-of-way along 11th Ave N frontage for a total width of 50-feet from Section Line prior to approval of the first phase final plat.

7. Frontage road improvements along 11th Ave N shall be constructed in accordance with Nampa City Code Section 9-3-1.

8. Developer shall be responsible to construct/fund the project triggered mitigation identified in the Traffic Impact Study, including:
   a. Ustick Road and 11th Avenue intersection – Add two lanes on the eastbound and westbound legs of Ustick Road roundabout. This shall be addressed as an extra-ordinary impact fee. The fee shall be based on the projects percentage of peak hour traffic contribution to the intersection at the Horizon Year as reflected in the TIS, which is approximately 5.5%. The Developer shall submit a conceptual roundabout layout and corresponding engineers cost estimate for determination of the fee to be reviewed and approved by the Nampa Engineering Division.
   b. South Access and 11th Avenue – Add northbound left-turn lane; to be constructed with the South Access.

9. Developer shall construct traffic calming measures (speed hump, cross gutters, bulb-outs, etc.) on the following streets:
   a. E Shields Drive;
   b. Marble Springs Drive;
   c. Silver Springs Drive; and,
   d. Spring Shores Drive.

10. Developer shall provide an internal stub street with utilities to the property at 17225 11th Ave N.


12. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.

13. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

14. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans and utility system model analysis:
   a. 12" water main in 11th Ave N to be extended and looped back to the existing 12" main at the Cherry Lane intersection.
b. 12” pressure irrigation main along in 11th Ave N to be extended and looped back to the existing 12” main in Cherry Lane located approximately 560-feet east of 11th Ave N.

15. Applicant shall provide an updated Geotechnical Report at the time of Final Plat submittal to include extended groundwater monitoring data and infiltration testing to support drainage facility design.

16. Developer shall obtain plan approval by Pioneer Irrigation District (PID) and the Bureau of Reclamation (BOR), including any associated license agreements for any work to take place along the Purdam Gulch Drain and Miller Lateral.

17. The water system for the Development shall be completely installed and able to deliver water prior to any Building Permits being issued within the development. The water shall be sufficient in volume and pressure to provide sufficient adequate fire suppression for the Development in accordance with Fire Department policy or International Fire Code requirements as applicable; and,

18. Prior to filing for a final plat approval for any portion of the Project, the Developer’s engineer shall correct any spelling, grammar, punctuation and/or numbering errors that may be evident on the plat face and/or in the proposed plat development notes and include said corrections in a revised preliminary plat plan set that shall be remitted to the City; and,

Any exceptions to City adopted subdivision design standards shall/will require separate design [exception] approval from the City Council...

**ATTACHMENTS**

- Public hearing notice (page 10)
- Zoning “Vicinity Map” (page 11)
- Applicant’s representative’s Project narrative (pages 12)
- Subdivision Preliminary Plat Application/information pages (pages 13-14)
- Aerial ArcGIS image of the Property and surrounds (page 15)
- Future Land Use Map pertaining to the Property (page 16)
- Reduced preliminary plat plan (pages 17-22)
- Landscape plan (pages 23-29)
- Plat copy distribution list (page 30)
- DA pages from Ordinance #3568 (pages 31-43)
- Inter-departmental/agency/citizen correspondence (pages 44+)
REVISED NOTICE OF PUBLIC HEARINGS BEFORE THE CITY OF NAMPA, IDAHO

Notice is hereby given that on October 22, 2019 at 7:00 p.m. (or as soon after 7:00 p.m. as each matter may be heard), in the City Hall Council Chambers, 411 3rd Street South, Nampa, Canyon County, Idaho, public hearing on the following will be held before the Nampa Planning and Zoning Commission:

1) Subdivision Plat Preliminary Approval for Aberdeen Springs Subdivision in a RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of E. Amity Avenue adjacent and east of Mihan Lane (64 single family detached lots on 17.46 acres for 3.67 dwelling units per gross acre – A portion of the E ½ of the SW ¼ of Section 25, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPP 045-19).

2) Subdivision Plat Short Approval for Was A Wheat Field Subdivision in a IL (Light Industrial) zoning district at 3303 and 3305 Caldwell Blvd. (2 industrial lots on 1.35 acres – A portion of Lots 1 and 2 of Partners Subdivision located in a portion of the N ½ of Section 7, T3N, R2W, BM) for Aspen Engineers representing Was a Wheat Field, LLC (SPS 024-19).

3) Subdivision Plat Preliminary Approval for Spring Shores Subdivision in a RS 8.5 (Single Family Residential – 8,500 sq. ft.) zoning district between Ustick Road and Cherry Lane on the west side of 11th Ave. No. (245 single family detached lots on 76.64 acres for 3.2 dwelling units per gross acre – A portion of the NW ¼ of the SW ¼ of Section 35, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPP 047-19).

4) Modification of First Amendment to a Development Agreement between Nampa North, LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit "B" Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit "C" Conditions of Approval as necessary; and Subdivision Plat Preliminary Approval for Lost River Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (81 Single-Family Attached Townhome lots and 5 Four-plex lots - A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC (DAMO 033-19, and SPP 048-19).

5) Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition) for Dena and Jason Baker for a Legal Office (ZMA 112-19).

Details of the above hearing items, including the complete text of zoning code amendments are available for review in the Planning & Zoning Department of City Hall during normal business hours. Copies of staff reports on each application will be available upon request for public review or available online for download through the staff reports link at http://www.cityofnampa.us/agendacenter on the Thursday prior to the hearing date. Individuals, who require language interpretation or special assistance to accommodate physical, vision or hearing impairments, please contact the Planning Department in City Hall or call (208) 468-5484.

Date: October 1, 2019

Norman L. Holm, Planning Director
11th Ave N

Preliminary Plat Approval for
Spring Shores Subdivision
for Trilogy Idaho

SPP-00047-2019

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

10/1/2019

For illustration purposes only.

0 130 260 390 520 Feet
August 12, 2019

Nampa City Planning & Zoning Department
411 Third Street SO
Nampa ID 83651

RE: Spring Shores Subdivision, Preliminary Plat

Gentlemen:

In behalf of Trilogy Idaho, I respectfully request, the City of Nampa’s approval of a preliminary plat for the Spring Shores Subdivision. Spring Shores Subdivision is a single family residential neighborhood with an overall density of 3.20 dwellings per acre. The subdivision is in a RS 8.5 zone, with 245 single family lots and 22 common lots. These common lots encompass 8.20 acres 10.6% of the subdivision. This subdivision is located between Ustick Road and Cherry Lane Road on the west side of 11 Ave N.

Summary
Spring Shores Subdivision is single family residential subdivision in a RS 8.5 zone and has 245 residential lots and 22 common lots.

This preliminary plat is a good fit for this area of Nampa and will be a good quality single-family neighborhood. There are a number of small pocket parks which are accessible for all the residents through sidewalks and micro pathways. Water and sewer services are extendable and will be provided to all Spring Shores residents.

Please contact me if you have any questions regarding this application.

Sincerely,

Kent Brown
Planner
### A. GENERAL INFORMATION

Subdivision Name: SPRING SHORES SUBDIVISION  
Total Acres: 76.64  
Intended Land Uses: Circle (residential, single-family, multi-family, commercial, industrial)  
Property Address(es): 0 11TH AVE N., NAMPA, ID  
Legal Description: SEE ATTACHED  
Canyon County Parcel Account Number(s): R3077901200; R3077900000 & R3077901100  
Existing Zoning: (Circle one) RA, RS, ASM RD, RML, RMH, RP, BN, CB, BC, BF, IP, IL, IH, AG  
(County Zoning) ______

### B. OWNER/ APPLICANT INFORMATION

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<td>Address</td>
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</tr>
<tr>
<td>City</td>
<td>BOISE</td>
</tr>
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<td>State</td>
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</tr>
<tr>
<td>Telephone</td>
<td>208-895-8858</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:SHAWN@TRILOGYIDAHO.COM">SHAWN@TRILOGYIDAHO.COM</a></td>
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<tr>
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<td>TRILOGY IDAHO</td>
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<tr>
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<tr>
<td>Email</td>
<td><a href="mailto:SHAWN@TRILOGYIDAHO.COM">SHAWN@TRILOGYIDAHO.COM</a></td>
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<tbody>
<tr>
<td>Name</td>
<td>BAILEY ENGINEERING/IDAHO SURVEYING/KENT BROWN PLANNING</td>
</tr>
<tr>
<td>Address</td>
<td>4242 BROOKSIDE LN/9955 W. EMERALD ST/3161 E SPRINGWOOD DR</td>
</tr>
<tr>
<td>City</td>
<td>BOISE/BOISE/MERIDIAN</td>
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<tr>
<td>Email</td>
<td><a href="mailto:DBAILEY@BAILEYENGINEERS.COM">DBAILEY@BAILEYENGINEERS.COM</a>/KENTLKB@GMAIL.COM</td>
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C. SUBDIVISION INFORMATION

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DEADLINES FOR SUBMITTALS

The completed application and plat documents must be submitted to the Planning Department not 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 __________________

For City Office Use Only

FEE S: _______________ CASH: _______ CHECK: _______ RECEIPT NO.: _______

DATE RECEIVED: __________ RECEIVED BY: __________ HEARING DATE: _______
SPRING SHORES SUBDIVISION
Preliminary Plat
SPP-00047-2019

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

10/11/2019

For drafting purposes only: 0 120 240 360 480 Feet

Legend:
- County Parcels
- Ag
- LD_Res
- MD_Res
- HD_Res
- Residential Mixed Use
- Community Mixed Use
- Neighborhood Commercial
- Highway Commercial
- General Commercial
- Business Park
- Downtown
- Employment Center
- Light Industrial
- Heavy Industrial
- Parks
- Public
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GREEN - INTER OFFICE
BLUE – MAIL

September 02, 2019
Shellie Lopez
DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this “Agreement”), is made and entered into this __________ day of May, 2006 (the “Effective Date”), by and between the City of Nampa, a municipal corporation, hereinafter referred to as the “City,” and Centennial Development, LLC, a Limited Liability Corporation, hereinafter referred to as “Owner/Developer.”

RECITALS

A. Owner/Developer is the owner of approximately 91.66 acres of real property legally described in Exhibit “A” attached hereto and made a part hereof (the “Property”).

B. Owner/Developer applied to City on February 2, 2005 (the “date of application”) for annexation of the Property into City and for rezoning of the Property to RS 8 (Single Family Residential – 8,000 sq. ft.) in anticipation of the development and construction of a residential subdivision (the “Project”).

C. City, pursuant to Section 10-2-5, Nampa City Code, and Idaho Code Section 67-651A, has the authority to rezone the Property and enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area.

D. City’s Planning and Zoning Commission and City’s City Council have held public hearings as prescribed by law with respect to the annexation, rezoning and development of the Property and this Agreement. City has approved the annexation and requested rezoning of the Property to RS 8.5 (Single Family Residential – 8,500 sq. ft.) subject to the terms and commitments contained in this Agreement.

AGREEMENT

NOW THEREFORE, in consideration of the above recitals, which are incorporated below, and of the mutual covenants and agreements herein contained, and other good and valuable consideration, the receipt and sufficiency of which is hereby acknowledged, the parties hereto agree as follows:

1. This Agreement shall not prevent City, in subsequent actions applicable to the Property, from applying new ordinances and regulations of general application adopted by City in the exercise of its police powers that do not conflict with the parties’ commitments applicable to the Property as set forth herein, or the zoning designation approved hereby as the Property has been deemed suitable for the uses allowed within said zoning designation.

2. The Project shall be developed in general conformance with the conceptual plan attached hereto as Exhibit “B” and made a part hereof (the “Conceptual Plan”); provided, however, that Owner/Developer shall have limited flexibility to develop the Property to meet market conditions, and the only specific commitments concerning development of the Project which Owner/Developer is making are set forth herein. Upon recordation of this Agreement, Owner/Developer shall have all approvals required from City for development of the Project in
general conformance with the conceptual plan. The Owner/Developer further agrees that acceptance of the conceptual plan attached hereto as Exhibit “B” shall not be construed as City endorsement of said plan as the final design of the preliminary and/or final plat to be subsequently submitted, and that acceptance of the conceptual plan shall not preclude the City from requiring revision of the concept at the time of platting to address other planning issues and concerns, including but not limited to, the interconnectivity of streets between adjoining subdivision areas and undeveloped property, and the location of open space or parks.

3. This Agreement is intended to be supplemental to all other local, city, state and federal Code requirements, rules and regulations, and is established to help assure the compatibility of the resulting land use with the surrounding area. Provided, however, that to the extent this Agreement conflicts with any provision of the Nampa City Code, this Agreement shall prevail to the extent permitted by law.

4. The provisions and stipulations of this Agreement shall be binding on City, Owner/Developer, each subsequent owner of the Property or portion thereof, and each other person acquiring an interest in the Property and are, in no particular order, as set forth in the conditions of approval attached hereto as Exhibit “C”, and by this reference incorporated herein.

5. This Agreement may be modified only by the written agreement of Owner/Developer and the City after complying with the notice and hearing procedures required under Idaho Code Section 67-6511A or Nampa City Code Section 10-2-5(D) or successor provisions.

6. The execution of this Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to its prior designation upon failure of Owner/Developer to comply with the terms and conditions of this Agreement. Provided, however, that no such consent shall be deemed to have been given unless City provides written notice of any such failure and Owner/Developer or its successors and/or assigns fails to cure such failure as set forth below.

7. This Agreement and the commitments contained herein shall be terminated, and the zoning designation reversed, upon the failure of Owner/Developer, or each subsequent owner or each person acquiring an interest in the Property, to comply with the commitments contained herein within two (2) years after the Effective Date, and after the notice and hearing requirements of Idaho Code Section 67-6509 have been complied with by City. Provided, however, no such termination or reversal shall occur unless City provides written notice of Owner/Developer’s failure to comply with the terms and conditions of this Agreement to Owner/Developer and Owner/Developer fails to cure such failure within six (6) months of Owner/Developer’s receipt of such notice. The two (2) year period of time for compliance with commitments may be extended by City for good cause upon application for such extension by Owner/Developer, and after complying with the notice and hearing provisions of Idaho Code Section 67-6509.

8. Except as specifically set forth in this Agreement, the rules, regulations and official policies governing permitted uses of land, density, design, improvements and construction standards and specifications applicable to the Project and the Property shall be those rules, regulations and official policies in effect as of the date of annexation. Provided, however, that the applicable building codes for structures shall be the codes in effect when a complete
application for a building permit is file. Development impact fees, if imposed by ordinance, shall be payable as specified in said ordinance even if the effective date is after the date of this agreement or the annexation pursuant thereto.

9. It is intended by the parties that this Agreement shall be recorded on the Effective Date or as soon as practicable thereafter. The parties further intend that the provisions of this Agreement shall run with the Property and shall be binding upon City, Owner/Developer, each subsequent owner of the Property, and each other person or entity acquiring an interest in the Property.

10. If any term or provision of this Agreement, to any extent, shall be held invalid or unenforceable, the remaining terms and provisions herein shall not be effected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

11. This Agreement sets forth all promises, inducements, agreements, conditions and understandings between Owner/Developer and City relative to the subject matter hereof. There are no promises, agreements, conditions or understandings, either oral or written, express or implied, between Owner/Developer and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by the parties or their successors-in-interests or their assigns, and pursuant, with respect to the City, to a duly adopted ordinance or resolution of the City.

12. Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction.

13. This Agreement may be executed in counterparts, each of which shall constitute an original, all of which together shall constitute one and the same Agreement.

14. In the event Owner/Developer, its successors, assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, or in the event City, fail to faithfully and materially comply with all of the terms and conditions included in this Agreement, enforcement of this Agreement may be sought by either City or Owner/Developer or by any successor or successors in title or interest or by the assigns of the parties hereto, in an action at law or in equity in any court of competent jurisdiction.
   a. A waiver by City of any default by Owner/Developer of any one or more of the covenants or conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of City or apply to any subsequent breach of any such or other covenants and conditions. A waiver by Owner/Developer of any default by City of any one or more of the covenants and conditions hereof shall apply solely to the breach waived and shall not bar any other rights of remedies of Owner/Developer or apply to any subsequent breach of any such or other covenants and conditions.
   b. Notwithstanding anything to the contrary herein, in the event of a material default of this Agreement, the parties agree that City and Owner/Developer shall have thirty (30) days after delivery of notice of such default to correct the same prior to the non-defaulting
party’s seeking of any remedy provided for herein; provided, however, that in the case of any such default which cannot with diligence be cured within such thirty (30) day period and thereafter shall prosecute the curing of same with diligence and continuity, then the time within which such may be cured shall be extended for such period as may be necessary to complete the curing of the same with diligence and continuity, but in any event not to exceed six (6) months; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by Owner/Developer for the portion of the Property still owned by Owner/Developer.

c. In the event the performance of any obligation to be performed hereunder by either Owner/Developer or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

d. In addition to the remedies set forth above, in the event of a default by Owner/Developer or any other party claiming an interest herein, City may withhold building permits for any remaining lots within the development until such time as the default is cured.

IN WITNESS WHEREOF, the parties hereto have hereunto set their hands on this day and year first above written.

CITY OF NAMPA

Tom Dale, Mayor

Attest: Diana Lambing, City Clerk

OWNER/DEVELOPER

SPRING SHORES RESIDENTIAL DEVELOPMENT AGREEMENT – Page 4
STATE OF IDAHO )
       ) ss.
County of Canyon )

On this 1st day of May, in the year of 2006, before me,
Deborah L. Bishop, personally appeared Tom Dale, known or identified to me, to be
the Mayor of the City of Nampa, whose name is subscribed to the within and foregoing
instrument and acknowledged to me that he executed the same, and was so authorized to do so
for and on behalf of said City of Nampa.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.

Notary Public for State of Idaho
Residing at Nampa, Canyon County, Idaho

STATE OF IDAHO )
       ) ss.
County of Canyon )

On this 9th day of May, in the year of 2006 before me,
Shannon Moser, personally appeared John Laude, known or identified to me, to be a Member of the person
whose name is subscribed to the within and foregoing instrument and acknowledged to me that
he executed the same for and on behalf of Centennial Development.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the
day and year first above written.

Notary Public for State of Idaho
Residing at Boise, Idaho
Commission Expires: 03-25-10
EXHIBIT “A”

LEGAL DESCRIPTION OF THE PROPERTY

Catherine Nutsch Parcel

A portion of Lots 1, 2, 3, 4, 15, and 16 of Cortland Place, as same is recorded in Book 1 of Plats at Page 26, records of Canyon County, Idaho, located in the SE 1/4 of Section 2, T.3N., R.2W., B.M., Canyon County, Idaho, more particularly described as follows: Commencing at the Southeast corner of said Section 2, from which the East 1/4 corner of said Section bears North 00°36’47” East, 2651.11 feet; Thence North 00°36’47” East, 600.06 feet to the REAL POINT OF BEGINNING.

Thence North 89°25’20” West, 468.53 feet;

Thence North 33°25’20” West, 244.00 feet;

Thence North 27°36’10” West, 561.94 feet;

Thence North 44°43’10” West, 833.71 feet;

Thence North 56°40’39” West and along the northeasterly boundary of Remington Acres, as same is recorded in Book 28 of Plats at Page 43, records of Canyon County, Idaho, a distance of 1418.16 feet to the center of said Section 2;

Thence along the East-West mid-section line South 89°25’12” East, 1569.71 feet to a point in the Purdam Slough;

Thence along said slough South 36°15’07” East, 1253.98 feet;

Thence departing said slough South 39°38’06” West, 20.93 feet;

Thence South 14°53’10” West, 204.46 feet;

Thence South 29°36’07” East, 169.35 feet;

Thence South 15°31’17” East, 221.03 feet;

Thence South 88°33’11” East, 251.57 feet to a point on the East line of said Section 2;

Thence South 00°36’47” West, 470.55 feet to the Point of Beginning. Containing 42.08 acres, more or less.
Michael Nutsch Parcel

A portion of Lots 1 and 2 of Cortland Place, as same is recorded in Book 1 of Plats at Page 26, records of Canyon County, Idaho, located in the SE 1/4 of Section 2, T.3N., R.2W., B.M., Canyon County, Idaho, more particularly described as follows: BEGINNING at the East 1/4 corner of said Section 2, from which the Southeast corner of said Section bears South 00°36'47" West, 2651.11 feet;

Thence South 00°36'47" West, 546.61 feet to a point in the center of a drain ditch;

Thence along said ditch North 89°25'43" West, 677.49 feet to a point in the Purdam Slough;

Thence along said slough North 36°15'07" West, 683.05 feet to a point on the East-West mid-section line;

Thence along said line South 89°25' 12" East, 1087.28 feet to the Point of Beginning.

Containing 11.07 acres, more or less.
Woodard Parcel

A parcel of land located in the South 1/2 of the NE 1/4 of Section 2, T.3N., R.2W., B.M., Canyon County, Idaho, more particularly described as follows: BEGINNING at the 1/4 corner common to Section 1 and the said Section 2, from which the Northeast corner of said Section 2 bears North 00°24'02" East, 2666.35 feet;

Thence along the East-West mid-section line North 89°25'12" West, 2656.99 feet to the center of said Section 2;

Thence along the North-South mid-section line North 00°27'32" East, 1150.10 feet (record 1025 feet) to a point in the Purdam Slough;

Thence along said slough South 44°44'00" East, 360.34 feet;

Thence South 53°02'57" East, 104.17 feet;

Thence South 67°19'46" East, 156.50 feet;

Thence South 72°02'51" East, 523.45 feet;

Thence South 64°07'45" East, 92.83 feet (the previous five calls of record as South 59°45' East, 350.5 feet; Thence South 68°0' East, 990 feet);

Thence departing said slough South 89°25'12" East, 1399.57 feet to a point on the South right-of-way of the Bennett Lateral;

Thence along said right-of-way South 49°06'53" East, 249.07 feet to a point on the East line of said Section 2;

Thence along said line South 00°24'02" West, 154.45 feet;

Thence North 89°25'12" West, 349.58 feet;

Thence South 1°25'25" West, 224.57 feet;

Thence South 89°25'12" East, 353.59 feet to a point on the East line of said Section 2;

Thence along said line South 00°24'02" West, 40.00 feet to the Point of Beginning.

Containing 38.51 acres, more or less.
EXHIBIT "B"

CONCEPTUAL PLAN
EXHIBIT “C”

CONDITIONS OF APPROVAL

1. The Owner/Developer agree that they will not oppose the formation of a local improvement district for the construction of any infrastructure associated with the development of the Property.

2. The Owner/Developer agree that sewer service from the City is contingent upon successful implementation of a local improvement district to finance construction of sewer infrastructure.

3. Prior to the third reading of the annexation and zoning ordinance the Owner/Developer shall dedicate any additional right-of-way, as defined by the city engineer, adjacent the sides of the Property required for the ultimate build out of all adjacent public roadways.

4. Residential subdivision developments proposed by Owner/Developer on the Property shall conform to the following minimum design standards:
   a. The average residential density for any subdivision development on the Property shall not exceed three (3) dwelling units per acre (Calculated according to the gross acreage of the development.)
   b. The minimum allowable residential buildable lot size within any development shall be eight thousand five hundred (8,500) square feet as allowed by the RS 8.5 zone classification.
   c. The minimum allowable residential buildable lot size of proposed lots situated along a subdivision boundary adjoining any rural residential lots or parcels shall be twelve thousand (12,000) square feet.

5. The Owner/Developer shall establish and enforce Covenants, Conditions, and Restrictions to be recorded against the Property proposed for residential subdivision development which contain the following minimum design standards for single family dwellings:
   a. The minimum floor area or minimum dwelling size shall be one thousand six hundred (1,600) square feet, exclusive of the garage area.
   b. All dwellings shall be provided with eaves which project not less than twelve (12) inches beyond the side of the exterior wall.
   c. At least seventy-five (75) percent of the second story of two-story dwellings shall be set back a minimum of three (3) feet (from the wall plane) or set forward a minimum of two (2) feet (from the wall plane) when positioned over the garage; or two-story dwellings shall include architectural features such as but not limited to roof lines, belly bands, pop-outs, cantilevers, material variations, color variations, etc., and eave “eyebrows” constructed with a minimum overhang of thirty six (36) inches across the full width of the garage to break the plane of the lower and upper levels.
   d. The roof pitches for dwellings shall be a minimum of 5/12 pitch.
   e. Roof coverings for dwellings shall be of materials generally accepted as the industry standard. If the roof covering is asphalt shingles, shingles shall be “architectural” in style with a minimum warranty of twenty-five (25) years.
f. Elevations of dwellings shall incorporate varied wall planes or roof forms, and main entries shall be defined by incorporating architectural elements such as roof gables, dormers, stairways, vestibules, wainscoting, lighting, etc.
g. Elevations of dwellings, including the garage, shall include stucco, stone, brick, or similar material, covering at least twenty (20) percent of each facade oriented to a street.
h. Dwellings shall be encouraged which feature a side entry garage.
i. Dwellings shall include design features such as recessed windows and entrance doors, pop-outs, or other architectural details around windows, entrance doors, sliding glass doors, and garage doors. Window treatments may also include additional trim, mullions, or shutters.
j. No building elevation of any dwelling shall have less than five (5) percent of the gross wall area in glazing, excluding garage or unconditioned areas.
k. Each dwelling shall contain a front porch, balcony or courtyard.
l. Detached garages shall be architecturally compatible and consistent in material, design and colors with the dwelling and shall be situated to the side or rear of the site.
Hi Shellie,

Nampa Parks has reviewed the preliminary plat for Spring Shores Subdivision Project: SPP-00047-2019. We request that 20 feet from the top of the bank along the south/south-west side of the Purdam Drain be deeded and dedicated to the City of Nampa for the Purdam Pathway as indicated on the Nampa Bicycle and Pedestrian Pathway master plan. Additionally, we request that the developer construct their portion of that pathway to the City’s pathway specifications.

Thank you,

Cody Swander  
Parks Superintendent  
O: 208.468.5890, F: 208.465.2321  
Nampa Parks – Facebook Page

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Building Department will require a top of foundation wall or finish floor elevation on the construction drawings for each lot.
Nampa Highway District #1 has no objection to the Preliminary Plat Approval for Spring Shores Subdivision subject to the MOU, General Cooperation of Planning and Zoning, Annexation, Development and Maintenance Activities development agreement that was signed by the Nampa Highway District #1 on 11-29-16.

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

Thank you,

Eddy
September 12, 2019

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

RE: SPP-00047-2019/ Spring Shores Subdivision

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. The developer must comply with Idaho Code 31-3805.

Sincerely,

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

Cc: Office/ file
M. Zirschky, Pioneer Irrigation District
Hi Shellie,

After reviewing the preliminary plat for the above project, Parks and Forestry has determined that the Class III trees (London Plane, Swamp Oak) along the Right of Way are not permitted per the Planning and Zoning City Code. We request that the developer is referred to the Planning and Zoning City Code for an acceptable list of Class II trees in section 10-33-4.

Any further questions, please let me know.

Regards,

Adam

Adam Mancini
Parks Forester
O: 208.468.5890, C: 208.250.4433
Nampa Parks – Facebook Page

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Shellie Lopez

From: Mark Zirschky <mark@pioneerirrigation.com>
Sent: Monday, September 30, 2019 5:20 PM
To: Shellie Lopez
Cc: Kirk Meyers; 'Lupe'
Subject: [External] Spring Shores Subdivision - Preliminary Plat Review Project SPP 00047 2019

Caution: This email originated from outside of the City of Nampa domain. Do not click on links or open attachments unless you recognize sender email or are sure content is safe. Highlight the suspect email and send using your Phish Button or call the helpdesk at 208-468-5454

Shellie,

The above referenced project may impact two facilities which Pioneer Irrigation District has comment.

The Purdam Drain has a 110 foot right of way, which is under the jurisdiction of the Bureau of Reclamation. The right of way must be called out on the plat. Any encroachment or modification to the Purdam Drain, must be permitted in writing by the Bureau of Reclamation. Lupe Rodriguez is copied on this email, and can be reached at 208-383-2221.

The plat identifies the Bennett Lateral on the NE corner of the project. This facility should be referenced at the 8.26 Lateral. The 8.26 Lateral is a Pioneer Irrigation District facility, which has a 16 foot easement from top of bank, that must be referenced on the plat.

Per Idaho Code, 43-1209, written permission must be obtained by Pioneer Irrigation District, should any modification or encroachment occur within the 8.26 Lateral or corresponding easements.

Should you have any questions or comments, please let me know.

Regards,

Mark Zirschky - Superintendent
Pioneer Irrigation District
208-459-3617
208-250-8481
www.pioneerirrigation.com
October 2, 2019

RE: Spring Shores Subdivision - Preliminary Plat

To: Shawn Brownlee

cc: Sylvia Mackrill, City of Nampa P&Z
    Caleb LaClair, P.E., City of Nampa Engineering

The Applicant shall submit an updated site plan or draft copy of the plat to City of Nampa Engineering/GIS staff reflecting these changes prior to final plat application submittal.

- Propose new, unique street name for Aspen Springs Ct to the Engineering Division.
- Silver Springs Dr should continue to the intersection with E Shields Dr.
- Marble Springs Drive should be E Marble Springs Drive.
- Silver Springs Dr should be E Silver Springs Dr
- Coral Springs Dr should be N Coral Springs Way
- Twin Springs Pl should be N Twin Springs Pl
- Swan Springs Pl should be N Swan Springs Pl
- Amber Springs Dr should be E Amber Springs St
- Spring Shores Dr should be E Spring Shores Dr
- Alpine Springs Dr should be E Alpine Springs Dr
- Blue Springs Dr should be N Blue Springs Ave
- Aspen Springs St should be E Aspen Springs St
- The stub off Alpine Springs Dr in the northeast of the plat should have a unique name. We suggest N Big Shores Way be used here.

Sincerely,

Dan Wagner
GIS Technician I
Engineering Division
City of Nampa
(208) 468-5475
DATE: September 30, 2019  
TO: Nampa Planning & Zoning Department  
FROM: Caleb LaClair, P.E. – Assistant City Engineer  
CC: Daniel Badger, P.E. – City Engineer  
CC: Tom Points, P.E. – Public Works Director  
SUBJECT: SPP-00047-2019 – Spring Shores Subdivision Engineering Review Memo

The Engineering Division has completed a review of the Preliminary Plat application for Spring Shores Subdivision and recommend the following conditions and comments.

**Preliminary Plat Comments**

1. The project is located northeast of the Mihan Lane and E Amity Ave and will take access from the following roads:
   - 11th Ave N – classified as “Collector”
   - E Shields Drive – classified as “Local Road” (Future from Meriwether Park Subdivision)
   - N Patchin Street – classified as “Local Road” (Future from Meriwether Park Subdivision)

2. The property was annexed into the City in April 2006. The required right-of-way for 11th Ave N was not dedicated at the time of annexation. An additional 25-feet of right-of-way shall be dedicated to provide 50-feet total from Section Line prior to approval of the first phase final plat.

3. A Traffic Impact Study (TIS) has been prepared by CR Engineering, Inc. and approved for the development. The TIS identifies two (2) project related impacts to be mitigated by the development:
   - Ustick Road and 11th Avenue intersection – Add two lanes on the eastbound and westbound legs of Ustick Road roundabout.
   - South Access and 11th Avenue – Add northbound left-turn lane.

4. An internal stub street and utilities should be provided to the out-parcel located south of the Purdam Gulch Drain; address 17225 11th Ave N.

5. Lot 11, Block 13 should be reserved for possible future public street right-of-way as it coincides with the planned extension of the 1/2-mile collector road E Landry Street located to the east. It should also be reserved for access to the out-parcel addressed 17531 11th Ave N.
6. The allowable block lengths are exceeded on the following streets warranting traffic calming:
   - E Shields Drive;
   - Marble Springs Drive;
   - Silver Springs Drive; and,
   - Spring Shores Drive.

7. The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:
   - 12” water main at the intersection of 11th Ave N and Cherry Lane;
   - 8” water, 8” sewer, and 6” pressure irrigation mains in E Shields Drive; and,
   - 12” in Cherry Lane near the Purdam Gulch Drain crossing.

8. The following master planned utilities are shown in the vicinity of the project and shall be installed at time of development:
   - 12” water main in 11th Ave N; and,
   - 12” pressure irrigation main in 11th Ave N.

9. Analysis of the City’s Water Model has shown that looping of the 11th Ave N 12” water main back to the 11th Ave N and Cherry Lane intersection is necessary to provide minimum required fire flow. The timing of this offsite improvement will be dependent on phasing.

10. Analysis of the City Pressure Irrigation Model has shown that looping of the 11th Ave N 12” irrigation main to the 12” main in Cherry Lane is necessary for redundancy and pressure stabilization through the development. The timing of this offsite improvement will be dependent on phasing.

11. The development area is part of the Purdam Sewer Basin and planned to sewer back to a future trunk main in Ustick Road. The Developer has requested this project be allowed to sewer to the Birch Lane trunk via the existing private lift station located in the Meriwether Park Subdivision. This was approved by the Nampa Public Work Division due to transfer of available sewer credits from the Astoria Park Subdivision. The Developer shall provide analysis of the existing Meriwether Park lift station and any required upgrades to serve the development at time of final design. Permitting for lift station upgrades shall be through Idaho Department of Environmental Quality.

12. Proposed Sewer Line J in Blue Springs Drive should be extended to the southerly property boundary at a depth able to serve the property to the south.

13. The Geotechnical Report supplied with the application indicates groundwater may be as shallow as five (5) feet below ground surface in some areas. An updated Geotechnical Report should be submitted with final plans that includes both infiltration testing and extended groundwater monitoring data to support drainage facility design.

14. Final development plans shall address existence and mitigation of potential offsite run-on from properties located to the southwest, as existing topography suggests this may be the case.

15. The Purdam Gulch Drain and Miller Lateral run adjacent to or through the property. These facilities are managed by Pioneer Irrigation District (PID) and the Bureau of Reclamation (BOR). The Developer shall coordinate with these agencies for any improvements along the facilities and obtain any necessary license agreements.
Conditions of Approval

1. Developer shall dedicate an additional 25-feet of public right-of-way along 11th Ave N frontage for a total width of 50-feet from Section Line prior to approval of the first phase final plat.

2. Frontage road improvements along Star Road shall be constructed in accordance with Nampa City Code Section 9-3-1.

3. Developer shall be responsible to construct/fund the project triggered mitigation identified in the Traffic Impact Study, including:
   - Ustick Road and 11th Avenue intersection – Add two lanes on the eastbound and westbound legs of Ustick Road roundabout. This shall be addressed as an extra-ordinary impact fee. The fee shall be based on the projects percentage of peak hour traffic contribution to the intersection at the Horizon Year as reflected in the TIS, which is approximately 5.5%. The Developer shall submit a conceptual roundabout layout and corresponding engineers cost estimate for determination of the fee to be reviewed and approved by the Nampa Engineering Division.
   - South Access and 11th Avenue – Add northbound left-turn lane; to be constructed with the South Access.

4. Developer shall construct traffic calming measures (speed hump, cross gutters, bulb-outs, etc.) on the following streets:
   - E Shields Drive;
   - Marble Springs Drive;
   - Silver Springs Drive; and,
   - Spring Shores Drive.

5. Developer shall provide an internal stub street with utilities to the property at 17225 11th Ave N.


7. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.

8. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

9. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer. Utility construction to include the following main lines based on the City’s Master Plans and utility system model analysis:
   - 12” water main in 11th Ave N to be extended and looped back to the existing 12” main at the Cherry Lane intersection.
• 12” pressure irrigation main along in 11th Ave N to be extended and looped back to the existing 12” main in Cherry Lane located approximately 560-feet east of 11th Ave N.

10. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

11. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.

12. Applicant shall provide an updated Geotechnical Report at the time of Final Plat submittal to include extended groundwater monitoring data and infiltration testing to support drainage facility design.

13. Developer shall obtain plan approval by Pioneer Irrigation District (PID) and the Bureau of Reclamation (BOR), including any associated license agreements for any work to take place along the Purdam Gulch Drain and Miller Lateral.
Kristi Watkins

From: Kim Siegenthaler <kim@jensenbelts.com>
Sent: Friday, October 11, 2019 1:12 PM
To: Kristi Watkins
Cc: kent brown; Katie Miller; Barbara Broussard
Subject: [External] RE: Spring Shores Review

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Kristi- I apologize for the confusion on the landscape symbols. All trees within the ROW will be Class II trees. The Class III trees are primarily only used in the large open common spaces. We will make sure this is more clear on future plans. Let me know if you need anything further from me.

Thanks!

Kim Siegenthaler – Principal

Jensen-Belts Associates
1509 S. Tyrell Lane, Ste 130, Boise, ID 83706
Phone 208.343.7175 ex 2

From: kent brown <kentlkb@gmail.com>
Sent: Friday, October 11, 2019 11:34 AM
To: Kim Siegenthaler <kim@jensenbelts.com>; Katie Miller <kmiller@baileyengineers.com>; Barbara Broussard <BarbaraB@landprodata.com>
Subject: Fwd: Spring Shores Review

Kim and Katie here are the requested changes to the plat and landscape plan for Spring Shores

Kb

---------- Forwarded message ----------
From: Kristi Watkins <watkinsk@cityofnampa.us>
Date: Fri, Oct 11, 2019 at 9:51 AM
Subject: Spring Shores Review
To: kent brown <kentlkb@gmail.com>, Shawn Brownlee <shawn@trilogyidaho.com>

Kent & Shawn:

I am reviewing Spring Shores Sub for the staff report next week. Here are my comments:

1. Looks like there are Class III trees on along the ROW. These need to be changed to Class II trees on the Final Plat landscape plan for that phase.
2. Lot 3, 7, & 8, Block 1 and Lot 28, Block 5 are undersized for the RS 8.5 zone. You can either submit a revised PrePlat or I can add a condition for it to be corrected on the Final Plat.

Your input is greatly appreciated.

Thanks,

Kristi Watkins, Senior Planner
O: 208.468.4434, C: 208.412.7769, F: 208.468.5439
411 3rd Street South, Nampa, ID 83651
Planning and Zoning - Like us on Facebook

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--
Kent Brown

Kent Brown Planning Services
3161 E. Springwood Drive
Meridian, ID 83642
P: 208-871-6842
Good afternoon,

ITD has received application SPP-00047-2019 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

Re: Preliminary Plat Approval for Spring Shores Subdivision / SPP-00047-2019

Please find attached for your review the Preliminary Plat Approval for Spring Shores Subdivision in a RS 8.5 (Single Family Residential – 8,500 sq. ft.) zoning district between Ustick Road and Cherry Lane on the west side of 11th Ave. No. (245 single family detached lots on 76.64 acres for 3.2 dwelling units per gross acre – A portion of the NW 1/4 of the SW 1/4 of Section 35, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho.

The preliminary plat is scheduled for the Planning & Zoning Commission meeting of October 22, 2019.

Please review and return any comments to my attention prior to October 04, 2019.

Thank you & Have a great day!
PLANNING & ZONING DEPARTMENT

Before the Planning & Zoning Commission
Meeting of 22 October 2019

PUBLIC HEARING ITEM NO. 4
STAFF REPORT

Analyst: Kristi Watkins
Applicant(s): Nampa North, LLC, Owner/KM Engineering, Kirsti Grabo, Representing
File(s): DAMO 033-19 & SPP 048-19

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

1. Modification of First Amendment to a Development Agreement between Nampa North, LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary; and,

   (Decision Required: Recommendation)

2. Lost River Townhomes Preliminary Plat comprising (81 Single-Family Attached Townhome lots and 5 Four-plex lots for 12.6 d.u./acre.

   (Decision Required: Approval)

Pertaining to:
A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM, Canyon County, Nampa, also referred to as Parcel #R3038701000 (hereinafter the “Property”)…

History:
2005 – Annexation and Zoning to RS 8.5, Ordinance # 3522 (including a development agreement) - Approved and Effective 12/5/2005.

8/15/2017 – Rezone, Development Agreement Modification & Preliminary Plat for Lost River Subdivision – Rezone from RS 8.5 to GB 2, Ordinance #4354 – Approved and Effective 12/18/2017.
DEVELOPMENT AGREEMENT MODIFICATION

Criteria to guide the Commission in making a recommendation to Council regarding a proposed Development Agreement Modification, and to subsequently guide the Council in deciding/decision whether to allow a Development Agreement Modification, are absent from state statute or City ordinance. Thus, approving -- or not -- this application becomes a purely discretionary matter/decision on the part of the City in reaction to this DA contract modification application. In other words, whether to recommend favorably to the City Council that the change(s), as contemplated by the application that instigated this report, be approved or approved with some alterations is thus a subjective decision for the Commission to make.

Attached, is a copy of Ordinance 4354 recorded on December 29, 2017 as Instrument # 2017-056504 which contains the Development Agreement referenced by this report. The request is to replace the portion of the previous Development Agreement that described the GB 2 zoned area of the development.

As per the applicant's narrative, they would like “to revise the entitlement for the GB 2 portion of the project to accommodate a combination of single family attached residential product (townhomes) and 4-plexes.”

An approved Development Agreement, associated with an approved development plan, building style and type, and, density is already assigned to the Property (Ord. # 4354). That entitlement still runs with the land. The present application before the Commission proposes a change to the original Agreement, including replacing the approved concept site plan (i.e., parking lot and building layout, building design/elevations) with the four-plex layout (as shown in the preliminary plat) and the townhome layout for the GB 2 zoned portion of the property.

The applicant will be required to prepare a new Development Agreement document for Council’s review prior to the adoption of the ordinance that will/would enact the Development Agreement Modification.

WAIVER REQUEST

The applicant is also requesting a waiver to modify the setback requirements in conjunction with these applications.

<table>
<thead>
<tr>
<th>GB 2 Zone</th>
<th>Current Setbacks</th>
<th>Proposed Setbacks</th>
</tr>
</thead>
<tbody>
<tr>
<td>Parking and Building Setback Along Arterial or Collector Road</td>
<td>35’</td>
<td>35’</td>
</tr>
<tr>
<td>Parking and Building Setback Along Local Road (Front Setback)</td>
<td>15’</td>
<td>10’</td>
</tr>
<tr>
<td>Rear (Alley)</td>
<td>15’</td>
<td>15’</td>
</tr>
<tr>
<td>Interior Side Setback</td>
<td>5’</td>
<td>0’</td>
</tr>
<tr>
<td>External Side Setback for Interior Units</td>
<td>None Specified</td>
<td>3’</td>
</tr>
<tr>
<td>External Side Setback for End Units</td>
<td>None Specified</td>
<td>5’</td>
</tr>
</tbody>
</table>
“These proposed setbacks are common to developments of this nature and we do not foresee any negative impacts of the requested changes. As the townhome units will be rear-loaded via the alley, the front setbacks do not need to accommodate driveways. Further, utility easements will be maintained in the alleyways for the townhomes and within the shared parking areas and/or between buildings for the 4-plexes.”

Further details are provided in the applicant’s narrative. Nampa City Council, by code 10-27-2H, has the right of approval for any waiver requests.

As this is a unique project and new product type for Nampa, staff supports the request for waiver of these setback requirements.

---

**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>Category</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Overall Site Area-</td>
<td>7.96 acres</td>
</tr>
<tr>
<td>Total, Proposed Lot Count -</td>
<td>92</td>
</tr>
<tr>
<td>Total Common Lot Count-</td>
<td>3</td>
</tr>
<tr>
<td>Total Common Access Lot Count -</td>
<td>3</td>
</tr>
<tr>
<td>Total 4 plex Lot Count -</td>
<td>5</td>
</tr>
<tr>
<td>Total Single-family attached Building Lot Count-</td>
<td>81</td>
</tr>
<tr>
<td>Total Dwelling Units-</td>
<td>101</td>
</tr>
</tbody>
</table>

**Regarding “GB 2 Building Lots”:**

| Min. Allowed GB 2 Bldg. (or “Master”) Lot Size- | N/A for Single Family homes, See Item #1 below for single family attached dwelling calculations |
| Min. Proposed GB 2 Bldg. Lot Size- | 2,000 sq. ft. |
| Min. Req. St. Frontage GB 2 Zone- | N/A |
| Min. Allowed GB 2 (or “Master”) Bldg. Lot Widths & Depth- | N/A |

**Plat Development Data/Notes:**

Per plat sheets

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.

Platting 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, Zoning Staff finds:

1. **Minimum Lot Areas:**
   That because the proposed Development is slated for development in conjunction with GB 2 zoning, and multi-family attached dwelling units are a permitted use in this zoning district, the property area is calculated as an overall for multi-family units and then divided as needed per unit. The calculation used per block is as follows:

<table>
<thead>
<tr>
<th>Block #</th>
<th>Number of Lots</th>
<th>Min Area Required</th>
<th>Area Provided</th>
</tr>
</thead>
<tbody>
<tr>
<td>1</td>
<td>24</td>
<td>58,800</td>
<td>86,533</td>
</tr>
<tr>
<td>2</td>
<td>44</td>
<td>99,000</td>
<td>142,528</td>
</tr>
<tr>
<td>3</td>
<td>13</td>
<td>30,750</td>
<td>52,251</td>
</tr>
<tr>
<td>3</td>
<td>5 (4 plexes)</td>
<td>43,500</td>
<td>65,500</td>
</tr>
<tr>
<td>TOTAL</td>
<td>86</td>
<td>232,050</td>
<td>346,812</td>
</tr>
</tbody>
</table>

   68,430 s.f. (1.5+ acres) of the above gross total is allocated for parking, common area and landscape buffers. Since these are attached buildings, gross area was used for the calculation of area needed for Multi-family dwelling structures + the 5 4-plex lots. The formula used: 6,000 s.f for the first two dwelling units of each structure + 1,350 for each additional unit. For attached dwelling units, the overall calculated area is divided at each common wall to create an attached single-family unit.

   The individual properties will include the alleyway behind each unit for garage loading.

2. **Lot Width & Depth:** N/A in GB 2 Zoning District

3. **Landscaping:**
   A landscape plan was submitted with the application paperwork. Correction letters were submitted to the applicant and revised plans were resubmitted and approved by city staff; and,

**Recommendation:**
Approval with conditions...

**AGENCY COMMENTS in regards to the DEVELOPMENT AGREEMENT MODIFICATION 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 October 15, 2019] is hereafter attached.

1. On September 12, 2019, an email from Eddy Thiel, Nampa Highway District #1, stated that NHD #1 has no comment; and,

2. On September 16, 2019, Neil Jones with the Nampa Building Department made a note in the EnerGov permitting program indicating they will require a top of foundation wall or finish floor elevation, on the construction drawings; and,
3. An email, dated September 17, 2019, authored by Cody Swander, Nampa Parks Department stating that Parks has no requests; and,

4. A September 24, 2019 letter from the Nampa & Meridian Irrigation District authored by David Duvall indicating that they have no comment on this phase of the Project; and,

5. A September 24, 2019 memorandum from the Nampa City Planner, Doug Critchfield in regards to the landscape plan with the following comments:
   a. Add to Key Note 8: For all developer and builder unspecified trees: Use Class I or Class II trees; and,
   b. Street Tree Requirements on Cherry Lane: A total of 52 deciduous Class 1 or Class II trees are required within the 25’ required landscaped buffer area. The plan specifies 36 deciduous trees in the buffer; and,
   c. Please resubmit landscape plans for approval; and, *(Landscape Issues are Resolved and Approved)*

6. A September 26, 2019 memorandum from the Nampa City Engineering Division, GIS Section, authored by Alex Main indicating that changes are needed to include the name N Hounslow Way on Plat pages PP1.1 and P1.2; and,

7. An October 13, 2019, memorandum from the Nampa City Engineering Division, authored by Caleb La Clair indicates:

   **Engineering Preliminary Plat Comments**

   1. This subdivision is a part of the already approved Lost River Subdivision Preliminary Plat. This application is subject to all previous comments and conditions from the original Preliminary Plat.

   2. The proposed subdivision changes the use of a portion of the original plat from commercial to attached single-family residential. The total number of residential units increases by approximately 30 from the original plat. An update to the Traffic Impact Study shall be provided to account for the change in land use and number of units and to verify if there are any corresponding additional traffic impacts.

   3. The City’s water and sewer systems have adequate capacity to serve this property.

   4. The originally planned irrigation well has been eliminated in favor of a new regional surface water irrigation pump station to be constructed in conjunction with the Spring Hollow Ranch and Silver Star Subdivisions. This pressure irrigation pump station shall be operational prior to the City Engineer signature of the Final Plat. Applicant shall work with the Spring Hollow Ranch and Silver Star Subdivision Developer’s to coordinate schedule and pressure irrigation system connection.

   5. The project is proposing all onsite pressure irrigation main be private as all landscaping is intended to be maintained by the Home Owner’s Association. As a result, the CC&R’s shall clearly define that the City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment.
6. The Final Plat shall reflect public utility, cross access, shared parking, and drainage easements. Maintenance for all common access, parking, landscaping, irrigation, and drainage facilities shall be clearly defined in the CC&R’s, and the CC&R’s shall be referenced by note on the Final Plat.

7. Storm water calculations shall be updated to reflect the change in land use and drainage facility locations.

**Engineering Conditions of Approval**

1. Project is subject to all comments and conditions from the original Preliminary Plat application (SPP-00012-2017).

2. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

3. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.

4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

5. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.

6. Applicant shall provide an update to the projects Traffic Impact Study to account for the change in land use and increase in residential units. The Developer will be responsible to address all project triggered traffic mitigation, if any.

7. The required regional surface water irrigation pump station shall be fully operational prior to the City Engineer signature of the Final Plat.

8. The Development CC&R’s shall be reviewed by the Nampa Engineering Division for approval prior to the City Engineer signature of the Final Plat. The CC&R’s shall be referenced by note on the face of the Final Plat and recorded concurrent with the plat. The CC&R’s shall include language indicating:

   - The City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment. The HOA shall be responsible to ensure compliance with property owner payment of irrigation assessments to the City.
   - Maintenance responsibility all common access, parking, landscaping, irrigation, and drainage facilities.

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 Development Agreement Modification application, Staff would recommend that the Commission consider imposing the following Condition(s) of Approval against the requests/Applicant(s):

1. Provide a new Development Agreement document, to include RECITALS, CONDITIONS and EXHIBITS pertaining to the GB 2 portion of the property:
   a. Total Area to be included, legal descriptions,
   b. Intent/concept/preliminary plat pages for development layout, density, etc,
   c. Elevations of all attached & detached residential structures; and,

2. Provide revised street names as per memo from Alex Main; and,

3. Provide top of foundation wall or finish floor elevation, on the construction plans prior to final plat approval; and,

4. Project is subject to all comments and conditions from the original Preliminary Plat application (SPP-00012-2017).

5. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

6. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.

7. Applicant shall provide an update to the projects Traffic Impact Study to account for the change in land use and increase in residential units. The Developer will be responsible to address all project triggered traffic mitigation, if any.

8. The required regional surface water irrigation pump station shall be fully operational prior to the City Engineer signature of the Final Plat.

9. The Development CC&R’s shall be reviewed by the Nampa Engineering Division for approval prior to the City Engineer signature of the Final Plat. The CC&R’s shall be referenced by note on the face of the Final Plat and recorded concurrent with the plat. The CC&R’s shall include language indicating:
   a. The City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment. The HOA shall be responsible to ensure compliance with property owner payment of irrigation assessments to the City.
   b. Maintenance responsibility all common access, parking, landscaping, irrigation, and drainage facilities.; and,

10. Provide a shared access agreement for the entire site; and,

11. <Any other condition(s) as the Commission concludes befit(s) the application package…>
ATTACHMENTS

- Development Agreement Modification and Preliminary Plat Application forms (pages 9-11)
- Applicant Narrative (pages 12-14)
- Hearing Notice (page 15)
- Distribution Checklist (page 16)
- Vicinity Map (page 17)
- Comprehensive Plan Map snippet (page 18)
- Aerial of Property and surrounds (pages 19)
- Aerial photo showing utility line locations and diameters – blue water, pink pressure irrigation, green sewer (page 20)
- Legal description of the Plat boundary (pages 21-25)
- Reduced Preliminary Plat and Landscape plan pages (pages 26-32)
- Ord. No. 4354 (pages 33-55)
- Inter-departmental/agency/citizen correspondence (pages 56+)
APPLICANT FOR A DEVELOPMENT AGREEMENT - MODIFICATION
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)

<table>
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<tr>
<th>Applicant/Representative Name</th>
<th>Home Number</th>
<th>Mobile Number</th>
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<tr>
<td>Nampa North, LLC - c/o KM Engineering, LLP</td>
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<tr>
<td>9233 West State Street</td>
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<tr>
<td><a href="mailto:kgrabo@kmengllp.com">kgrabo@kmengllp.com</a></td>
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<td><a href="mailto:ashton.homes@hotmail.com">ashton.homes@hotmail.com</a></td>
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Applicant’s interest in property: ( x ) Own ( ) Rent ( ) Other

ADDRESS OF SUBJECT PROPERTY: 0 Cherry Lane

Please provide the following REQUIRED DOCUMENTATION to complete the Development Agreement Modification:

- [x] Completed Application
- [x] A copy of one of the following:
  - [x] Warranty Deed
  - [ ] Proof of Option
  - [ ] Earnest Money Agreement
- [x] Original Legal description of property AND a legible WORD formatted document. (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

**Project Description**

> State (or attach a letter stating) the details of the requested development agreement modification for the subject property:

Original DA for Lost River Subdivision reflected a mix of 4-plexes and commercial uses in the GB 2 portion of the project. Requesting modification to DA to allow for a mix of 4-plexes and single-family attached townhomes instead. See attached application materials.

Dated this 23 day of August, 2019

[Applicant Signature]

This application will be referred to the Nampa Planning Commission for a recommendation on the development agreement. 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**

PROJECT NAME: MODIFY COMMERCIAL & 4-PLEXES TO TOWNHOMES & 4-PLEXES

NUMBER: DAMO- 033 - 2019

07/11/16 Revised
A. GENERAL INFORMATION

Subdivision Name: Lost River Townhomes Subdivision
Total Acres: 7.96
Intended Land Uses: Circle (residential, single-family, multi-family, commercial, industrial)
Property Address(es): 0 Cherry Lane
Legal Description: see attached
Canyon County Parcel Account Number(s): R3038701000
Existing Zoning: (Circle one) RA RS RSM RD RML RMH RP BN CB BC BF IP IL IH AG GB 2
(County Zoning) __________

B. OWNER/APPLICANT INFORMATION

Owner of Record
Name: Nampa North, LLC
Address: 1950 South Channel Way
City: Eagle
State: Idaho
Telephone: 208.404.2161
Email: ashton.homes@hotmail.com
Fax:

Applicant
Name: Owner
Address
City
State
Telephone
Email
Fax

Engineer/Surveyor/Planner
Name: KM Engineering, LLP - c/o Kirsti Grabo
Address: 9233 West State Street
City: Boise
State: Idaho
Telephone: 208.639.6939
Email: kgrabo@kmengllp.com
Fax: 208.639.6930
C. SUBDIVISION INFORMATION

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<th>Lot Types</th>
<th>Number of Lots</th>
<th>Acres</th>
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<td>Residential</td>
<td>86 (101 units)</td>
<td>6.39</td>
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<td>Dwelling units per acre (gross/net)</td>
<td>12.7 / 12.7 (no ROW - see narrative for MFR/SFR breakdown)</td>
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<tr>
<td>Commercial</td>
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<tr>
<td>Industrial</td>
<td>0</td>
<td>0</td>
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<tr>
<td>Common (Landscape, Utility, Other)</td>
<td>3 - common access</td>
<td>0.66</td>
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<tr>
<td>Open Space</td>
<td>3</td>
<td>0.91</td>
</tr>
<tr>
<td>Total</td>
<td>92</td>
<td>7.96</td>
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DEADLINES FOR SUBMITTALS

The completed application and plat documents must be submitted to the Planning Department not 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 8.23.19

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For City Office Use Only

FEE #: ________________ CASH: ______ CHECK: ______ RECEIPT NO.: ______
DATE RECEIVED: __________ RECEIVED BY: __________ HEARING DATE: ______

2015 Engineering Division Development Policy Manual
Rev. Date: February 17, 2015
August 23, 2019  
Project No.: 19-118

Ms. Kristi Watkins  
Planning & Zoning Department  
City of Nampa  
411 3rd Street South  
Nampa, ID 83651

RE: Lost River Townhomes Subdivision – Nampa, ID  
Preliminary Plat and Development Agreement Modification Applications

Dear Ms. Watkins:

On behalf of Nampa North LLC, we are pleased to submit the attached applications and required supplements for a preliminary plat and development agreement modification for the project referenced above.

History & Site Information  
The subject property is approximately 7.96 acres identified as parcel number R3038701000 within the currently-entitled Lost River Subdivision. It is located approximately one quarter mile east of Can Ada Road on the north side of Cherry Lane and is bounded on the north by current and future phases of Lost River Subdivision, on the east by Fellowship Baptist Church, on the south by Cherry Lane, and on the west by the Phyllis Canal and two outparcels.

In 2006, the subject property was annexed into the City with the RS 8.5 zone as a part of a larger project, which never came to fruition. In 2017, a new party acquired a portion of that larger project and received updated entitlements for a new project called Lost River Subdivision. These entitlements included a rezone, preliminary plat and Development Agreement modification (DAMO 014-17, ZMA 092-17 & SPP 012-17). As a part of those approvals, the Lost River Subdivision project was rezoned to a combination of the RS 8.5 and GB 2 zones, while maintaining the Comprehensive Plan designation of Community Mixed Use.

At the time the new entitlements were pursued, the area of Lost River encompassed by the GB 2 zone was slated for a combination of commercial uses and 4-plexes. However, the current market has not supported those uses and the owner now wishes to pursue a revised entitlement for the GB 2 portion of the project to accommodate a combination of single-family attached residential product (townhomes) and 4-plexes. For clarity, we are now referring to this area as Lost River Townhomes, while the rest of the single-family portion of the project will remain known as Lost River Subdivision.

Preliminary Plat  
The attached preliminary plat for Lost River Townhomes proposes 86 buildable lots and 6 common lots. Of those buildable lots, 81 are slated for townhomes while 5 are slated for 4-plexes, resulting in a total of 101 buildable units. The proposed townhomes reflect a density of 12.5 units per acre, while the proposed 4-plexes reflect a density of 13.3 units per acre. Combined, this new preliminary plat reflects a density of 12.7 units per acre, which is consistent with allowed densities in the GB 2 zone. The common areas within this plat remain similar to those originally proposed, and will be owned and maintained by the Lost River Subdivision HOA.
As you can see on the attached plat, the access points originally approved for Lost River Subdivision remain unchanged and will allow for efficient ingress/egress for the community, as well as adequate access for emergency services. Each townhome unit will be accessed via a shared alleyway, which will be covered by a shared access agreement and utility easement. The 4-plex units will access via a connection to Hounslow Way.

While each townhome unit will have 2 parking spaces in the driveway, this plat also proposes additional parking areas strategically placed throughout the project. These parking spaces will be included within the shared access agreement and should help alleviate possible future parking concerns. The 4-plex units will share a central parking area, which will also be covered by a shared parking agreement.

**Setbacks**

As discussed, this project is proposing attached townhomes and zero lot line dwellings are permitted within the GB 2 zone. However, we are requesting a waiver for modifications to other listed setbacks to accommodate the proposed building footprints as follows:

<table>
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<tr>
<th>GB 2 Zone</th>
<th>Current Setbacks</th>
<th>Proposed Setbacks</th>
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<tbody>
<tr>
<td>Parking and Building Setback Along Arterial or Collector Road</td>
<td>35'</td>
<td>35'</td>
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<tr>
<td>Parking and Building Setback Along Local Road (Front Setback)</td>
<td>15'</td>
<td>10'</td>
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<tr>
<td>Rear (Alley)</td>
<td>15'</td>
<td>15'</td>
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<tr>
<td>Interior Side Setback</td>
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<td>External Side Setback for Interior Units</td>
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<td>External Side Setback for End Units</td>
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These proposed setbacks are common to developments of this nature and we do not foresee any negative impacts of the requested changes. As the townhome units will be rear-loaded via the alley, the front setbacks do not need to accommodate driveways. Further, utility easements will be maintained in the alleyways for the townhomes and within the shared parking areas and/or between buildings for the 4-plexes.

Please refer to Preliminary Plat Sheet PP1.2 for a graphic depiction of the proposed setbacks.

**Development Agreement (DA) Modification**

As indicated herein, the previous DA included a layout that contemplated future commercial and 4-plex uses in this area. As we are now pursuing townhomes and 4-plexes instead, a modification to the DA is warranted.

**Conclusion**

With the proposals discussed herein, we feel that the new Lost River Townhomes project complements the City's vision for growth by providing additional housing opportunities for this growing area. We look forward to working with staff to accomplish this great addition to the City of Nampa.
Should you have questions or require further information in order to process these applications, please feel free to contact me.

Sincerely,

KM Engineering, LLP

Kirsti Grabo
Operations Manager

cc: Nampa North LLC
NOTICE OF PUBLIC HEARINGS BEFORE THE CITY OF NAMPA, IDAHO

Notice is hereby given that on October 22, 2019 at 7:00 p.m. (or as soon after 7:00 p.m. as each matter may be heard), in the City Hall Council Chambers, 411 3rd Street South, Nampa, Canyon County, Idaho, public hearing on the following will be held before the Nampa Planning and Zoning Commission:

1) Subdivision Plat Preliminary Approval for Aberdeen Springs Subdivision in a RS 6 (Single Family Residential – 6,000 sq. ft.) zoning district on the north side of E. Amity Avenue adjacent and east of Mihan Lane (64 single family detached lots on 17.46 acres for 3.67 dwelling units per gross acre – A portion of the E ½ of the SW ¼ of Section 25, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPP 045-19).

2) Subdivision Plat Short Approval for Was A Wheat Field Subdivision in a IL (Light Industrial) zoning district at 3303 and 3305 Caldwell Blvd. (2 industrial lots on 1.35 acres – A portion of Lots 1 and 2 of Partners Subdivision located in a portion of the N ½ of Section 7, T3N, R2W, BM) for Aspen Engineers representing Was a Wheat Field, LLC (SPP 047-19).

3) Subdivision Plat Preliminary Approval for Spring Shores Subdivision in a RS 8.5 (Single Family Residential – 8,500 sq. ft.) zoning district between Ustick Road and Cherry Lane on the west side of 11th Ave. No. (245 single family detached lots on 76.64 acres for 3.2 dwelling units per gross acre – A portion of the NW ¼ of the SW ¼ of Section 35, T3N, R2W, BM) for Kent Brown representing Trilogy Idaho (SPP 047-19).

4) Modification of First Amendment to a Development Agreement between Nampa North, LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary; and Subdivision Plat Preliminary Approval for Lost River Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (81 Single-Family Attached Townhome lots and 5 Four-plex lots - A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC (DAMO 033-19, and SPP 048-19).

5) Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition) for Dena and Jason Baker for a Legal Office (ZMA 112-19).

Details of the above hearing items, including the complete text of zoning code amendments are available for review in the Planning & Zoning Department of City Hall during normal business hours. Copies of staff reports on each application will be available upon request for public review or available online for download through the staff reports link at http://www.cityofnampa.us/agendacenter on the Thursday prior to the hearing date. Individuals, who require language interpretation or special assistance to accommodate physical, vision or hearing impairments, please contact the Planning Department in City Hall or call (208) 468-5484.

Date: October 1, 2019

Norman L. Holm, Planning Director
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GREEN - INTER OFFICE
BLUE - MAIL

September 12, 2019
Shellie Lopez
Visit Planning & Zoning at cityofnampa.us for more info.

LOST RIVER TOWNHOMES SUB
Preliminary Plat

SPP-00048-2019
10/14/2019

For illustrative purposes only

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August 23, 2019
Project No. 19-118

Lost River Townhouses
Preliminary Plat

A parcel of land being a portion of Government Lot 7 and a portion of the Southeast 1/4 of the Southwest 1/4 of Section 6, Township 3 North, Range 1 West, Boise Meridian, city of Nampa, Canyon County, Idaho, and being more particularly described as follows:

Lots 1-5, Block 9 of Lost River Subdivision No. 1:

Commencing at a found aluminum cap monument marking the Southwest corner of said Section 6, which bears N89°21'35"W a distance of 2,524.41 feet from a found aluminum cap monument marking the South 1/4 corner of said Section 6, thence following the southerly line of the Southwest 1/4 of said Section 6, S89°21'35"E a distance of 1,116.91 feet to a found 5/8-inch rebar;
Thence leaving said southerly line, N02°00'46"W a distance of 50.05 feet to a set 5/8-inch rebar and being the POINT OF BEGINNING 1.

Thence N02°00'46"w a distance of 177.98 feet to a 5/8-inch rebar;
Thence N74°53'13"w a distance of 282.75 feet to a 5/8-inch rebar;
Thence N21°53'43"E a distance of 197.73 feet to a 5/8-inch rebar;
Thence N86°19'00"E a distance of 192.82 feet to a 5/8-inch rebar;
Thence S24°53'39"E a distance of 199.04 feet to a 5/8-inch rebar;
Thence 84.39 feet along the arc of a circular curve to the left, said curve having a radius of 75.00 feet, a delta angle of 64°27'56", a chord bearing of S57°07'37"E and a chord distance of 80.00 feet to a 5/8-inch rebar;
Thence S89°21'35"E a distance of 77.22 feet to a 5/8-inch rebar;
Thence S45°59'30"E a distance of 23.95 feet to a 5/8-inch rebar;
Thence S00°38'25"W a distance of 193.55 feet to a 5/8-inch rebar;
Thence 23.56 feet along the arc of a circular curve to the right, said curve having a radius of 15.00 feet, a delta angle of 90°00'00", a chord bearing of S45°38'25"W and a chord distance of 21.21 feet to a 5/8-inch rebar on the northerly right-of-way line of Cherry Lane;
Thence following said northerly right-of-way line, N89°21'35"W a distance of 215.05 feet to the POINT OF BEGINNING 1.

Said description contains 2.703 Acres, more or less.

TOGETHER WITH

Lots 1 and 2, Block 1 of Lost River Subdivision No. 1:

Commencing at a found aluminum cap monument marking the Southwest corner of said Section 6, which bears N89°21'35"W a distance of 2,524.41 feet from a found aluminum cap monument marking the South 1/4 corner of said Section 6, thence following the southerly line of the Southwest 1/4 of said Section 6, S89°21'35"E a distance of 1,439.64 feet to a point;
Thence leaving said southerly line, N00°38'25"E a distance of 50.00 feet to a 5/8-inch rebar and being the **POINT OF BEGINNING 2.**
Thence 23.56 feet along the arc of a circular curve to the right, said curve having a radius of 15.00 feet, a delta angle of 90°00'00", a chord bearing of N44°21’35"W and a chord distance of 21.21 feet to a 5/8-inch rebar;
Thence N00°38’25"E a distance of 185.00 feet to a 5/8-inch rebar;
Thence 39.27 feet along the arc of a circular curve to the right, said curve having a radius of 25.00 feet, a delta angle of 90°00'00", a chord bearing of N45°38'25"E and a chord distance of 35.36 feet to a 5/8-inch rebar;
Thence S89°21’35"E a distance of 592.70 feet to a 5/8-inch rebar;
Thence S45°39’30"E a distance of 23.95 feet to a 5/8-inch rebar;
Thence S00°38’25"W a distance of 193.55 feet to a 5/8-inch rebar;
Thence 23.56 feet along the arc of a circular curve to the right, said curve having a radius of 15.00 feet, a delta angle of 90°00'00", a chord bearing of S45°38’25"W and a chord distance of 21.21 feet to a 5/8-inch rebar on the northerly right-of-way line of Cherry Lane;
Thence following said northerly right-of-way line, N89°21’35"W a distance of 605.11 feet to the **POINT OF BEGINNING 2.**

Said description contains 3.272 Acres, more or less.

**TOGETHER WITH**

Commencing at a found aluminum cap monument marking the Southwest corner of said Section 6, which bears N89°21’35"W a distance of 2,524.41 feet from a found aluminum cap monument marking the South 1/4 corner of said Section 6, thence following the southerly line of the Southwest 1/4 of said Section 6, S89°21’35"E a distance of 2,154.75 feet to a point;
Thence leaving said southerly line, N00°38’25"E a distance of 50.00 feet to a 5/8-inch rebar and being the **POINT OF BEGINNING 3.**
Thence 23.56 feet along the arc of a circular curve to the right, said curve having a radius of 15.00 feet, a delta angle of 90°00'00", a chord bearing of N44°21’35"W and a chord distance of 21.21 feet to a 5/8-inch rebar;
Thence N00°38’25"E a distance of 185.00 feet to a 5/8-inch rebar;
Thence 39.27 feet along the arc of a circular curve to the right, said curve having a radius of 25.00 feet, a delta angle of 90°00'00", a chord bearing of N45°38’25"E and a chord distance of 35.36 feet to a 5/8-inch rebar;
Thence S89°21’35"E a distance of 360.92 feet to a point on the easterly line of said Southeast 1/4 of the Southwest 1/4 of Section 6;
Thence following said easterly line, S00°54’11"W a distance of 225.00 feet to a 5/8-inch rebar on the northerly right-of-way line of Cherry Lane;
Thence following said northerly right-of-way line, N89°21’35"W a distance of 369.89 feet to the **POINT OF BEGINNING 3.**

Said description contains 1.987 Acres, more or less.

Total acreage of the above descriptions is 7.962 Acres, more or less.
Title: 1st Parcel

Date: 08-23-2019

Scale: 1 inch = 100 feet

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ORDINANCE NO. 4354

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, TO MODIFY THE ANNEXATION & ZONING DEVELOPMENT AGREEMENT TO WHICH THAT CERTAIN REAL PROPERTY GENERALLY DESCRIBED AS LYING ON THE EAST SIDE OF N. CAN ADA ROAD, NORTH OF THE COLLEGE OF WESTERN IDAHO CAMPUS AND THE UNION PACIFIC RAILROAD MAINLINE TRACKS IN NAMPA, IDAHO, COMPRISING APPROXIMATELY 43.367 ACRES, MORE OR LESS, IS SUBJECT, DESCRIBED IN ORDINANCE NO. 3522, APPROVED ON DECEMBER 5, 2005, AND RECORDED ON JANUARY 5, 2006, AS INSTRUMENT NO. 200600606, RECORDS OF CANYON COUNTY, IDAHO, SO AS TO ALLOW FOR THE SUBSTITUTION OF A REVISED PLAT PROVIDING FOR COMMERCIAL, MULTI-FAMILY, AND SINGLE-FAMILY RESIDENTIAL BUILDING LOTS, TO ALLOW FOR A REDUCED AREA TO BE ZONED AS RS 8.5 (SINGLE FAMILY RESIDENTIAL – WITH A “REQUIRED PROPERTY AREA” OF AT LEAST 8,500 SQUARE FEET) ZONING AND TO ALLOW THAT REDUCED PORTION TO BE ZONED GB 2 (GATEWAY BUSINESS 2); DETERMINING THAT SAID ZONING IS IN THE BEST INTEREST OF THE CITIZENS AND CONSISTENT WITH THE COMPREHENSIVE PLAN OF THE CITY OF NAMPA, IDAHO; ZONING APPROXIMATELY 11.893 ACRES, MORE OR LESS, OF SAID PROPERTY FROM RS 8.5 (SINGLE FAMILY RESIDENTIAL – WITH A “REQUIRED PROPERTY AREA” OF AT LEAST 8,500 SQUARE FEET) TO GB 2 (GATEWAY BUSINESS 2); PROVIDING FOR RECORDATION; INSTRUCTING THE CITY ENGINEER AND/OR PLANNING AND ZONING DIRECTOR TO DESIGNATE SAID PROPERTY AS RD (TWO FAMILY (DUPLEX) RESIDENTIAL) ON THE OFFICIAL ZONING MAP AND OTHER AREA MAPS OF THE CITY; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, all required public hearings have been held on the applicant’s request to modify the Annexation & Zoning Development Agreement to which that certain real property generally described as lying on the east side of N. Can Ada Road, North of the College of Western Idaho Campus and the Union Pacific Railroad Mainline Tracks in Nampa, Idaho, comprising approximately 43.367 acres, more or less, which property is more particularly described below, is subject, which agreement is described in Ordinance No. 3522, approved on December 5, 2005, and recorded on January 5, 2006, as Instrument No. 200600606, records of Canyon County, Idaho, so as to allow for the substitution of a revised plat providing for commercial, multi-family, and single-family residential building lots, to allow for a reduced area to be zoned as RS 8.5 (Single Family Residential – With a “Required Property Area” of at Least 8,500 Square Feet) and to allow that reduced portion to be zoned GB 2 (Gateway Business 2);
WHEREAS, it is deemed to be in the best interests of the City of Nampa to so modify the above-identified Annexation and Zoning Development Agreement and, consistent with the Nampa
Comprehensive Plant, and to rezone a portion of said property, comprising 11.893 acres, more or
less, as GB 2 (Gateway Business 2):

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Nampa,
County of Canyon, State of Idaho:

Section 1. That the Annexation and Zoning Development Agreement for the subject
property, which property is more particularly described in Exhibit "A," attached hereto and made
a part hereof by this reference, and which property is also described in Ordinance No. 3522,
approved on December 5, 2005, and recorded on January 5, 2006, as Instrument No. 200600606,
records of Canyon County, Idaho, is hereby modified as set forth in that certain "AMENDMENT
TO DEVELOPMENT AGREEMENT," marked as Exhibit "B," attached hereto and made a part
hereof by this reference.

Section 2. That it is hereby determined to be in the best interest of the public, and
consistent with the Nampa Comprehensive Plan, that a portion of the subject property (which entire
subject property is described in Exhibit "A") comprising approximately 11.893 acres, more or less,
be and hereby is, rezoned from RS 8.5 (Single Family Residential – with a "Required Property
Area" of at least 8,500 Square Feet) to GB 2 (Gateway Business 2), to wit:

See Exhibit "C," attached hereto and made a part hereof by this reference.

Section 3. That the recordation of this ordinance shall be deemed for all intents and
purposes as an amendment to the zoning ordinance and zoning map of the City of Nampa. The
City Engineer and/or Planning and Zoning Director is instructed to designate said property (i.e.,
the property described in Exhibit "C") as GB 2 (Gateway Business 2) on the Official Zoning Map
and other area maps of the City of Nampa.

Section 4. This ordinance is hereby declared to be severable. If any portion of this
ordinance is declared invalid by a court of competent jurisdiction, the remaining provisions shall
continue in full force and effect and shall be read to carry out the purposes of the ordinance before
the declaration of partial invalidity.

Section 5. All ordinances, resolutions, orders and parts thereof in conflict herewith are
repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO, THIS

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO,
THIS 18TH DAY OF DECEMBER, 2017.
State of Idaho  
Canyon County  

On this 21st day of December 2017, before me, the undersigned, a Notary Public in and for said State, personally appeared Deborah L. Bishop known to be the City Clerk of the City of Nampa, & Robert Henry known to be the Mayor of the City of Nampa Idaho, a municipal corporation, who executed the foregoing instrument.

In Witness Thereof, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

Nathan Haveman  
Residing at: Nampa, Canyon County, Idaho  
My Commission Expires: 10/12/2022
EXHIBIT "A"

Legal Description for proposed
Lost River Subdivision

A parcel of land being a portion of the South 1/2 of the Southwest 1/4 of Section 6, Township 3 North, Range 1 West, Boise Meridian, City of Nampa, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap monument marking the Southwest corner of said Section 6, which bears S00°39’47"W a distance of 2,644.05 feet from a found 5/8-inch rebar marking the West 1/4 corner of said Section 6, thence following the southerly line of the Southwest 1/4 of said Section 6, S89°21’35”E a distance of 1,116.91 feet to a found 5/8-inch rebar;
Thence leaving said southerly line, N02°00’46”W a distance of 50.05 feet to a point on the northerly right-of-way line of Cherry Lane and being the POINT OF BEGINNING.

Thence N02°00’46”W a distance of 177.98 feet to a found 5/8-inch rebar;
Thence N74°53’13”W a distance of 312.04 feet to a found 5/8-inch rebar;
Thence N21°44’39”E a distance of 206.81 feet;
Thence N24°30’44”E a distance of 96.73 feet to a found 5/8-inch rebar;
Thence N20°12’19”E a distance of 110.94 feet to a found 5/8-inch rebar;
Thence N10°06’29”E a distance of 108.79 feet to a found 5/8-inch rebar;
Thence N01°32’39”E a distance of 51.74 feet to a found 5/8-inch rebar;
Thence N03°42’31”W a distance of 349.88 feet to a found 5/8-inch rebar;
Thence S87°22’59”W a distance of 10.02 feet;
Thence N02°37’01”W a distance of 54.64 feet;
Thence S89°16’23”E a distance of 1,596.10 feet to the easterly line of the Southwest 1/4 of said Section 6;
Thence following said easterly line, S00°54’11”W a distance of 1,201.19 feet to a point on the northerly right-of-way line of said Cherry Lane;
Thence leaving said easterly line and following said northerly right-of-way line, N89°21’35”W a distance of 1,410.05 feet to the POINT OF BEGINNING.

Said description contains 43.367 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.
EXHIBIT "B"

(See attached "Amendment to Development Agreement")
AMENDMENT TO DEVELOPMENT AGREEMENT

This First Amendment to a Development Agreement (the "First Amendment") is entered into this 18th day of December, 2017 (the "Effective Date") by and between the City of Nampa, a municipal corporation (the "City") and Nampa North, LLC hereinafter referred to as the "New Owner/Developer".

RECITALS

A. The City and Farwest LLC, the "Original Owner(s)/Developer(s)", entered into a certain Development Agreement package/set (hereinafter the "Original Agreement") dated 05 December 2005 and recorded in the records of Canyon County, Idaho as Instrument No. 200600606, Ordinance No. 3522.

B. The Original Agreement was created in conjunction with the annexation and zoning assignment of some 113.80 acres of real property legally described in Exhibit(s) "A" thereto and made a part hereof.

C. The City and New Owner/Developer as parties to this Amendment, wish, and mutually consent, to amend the Original Agreement by executing a First Amendment (i.e., a Development Agreement Modification) as set forth herein and after.

D. Accordingly, the New Owner/Developer applied to City on or about 15 August 2017 (the "date of application") for Development Agreement Modification approval in order to amend the Original Agreement by revising the recitals/commitments/terms and exhibits sections of said Agreement to enable development of a mixed-use single and multi-family residential, and, commercial subdivision development (hereinafter, collectively, the "Project") on the Property.

E. City, pursuant to Section 10-2-5 of Nampa City Code, and, Idaho Code Section 67-6511A, has the authority to modify/amend a Development Agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area or for modifying or nullifying former approvals.

F. City's Planning and Zoning Commission and City’s City Council have held public hearings as prescribed by law with respect to a/this First Amendment (and associated entitlement requests — including, to date: a Development Agreement Modification, Rezone (aka "zoning map amendment" intended to re-purpose/convert certain portions of the Property as follows: Some 43.40 acres of RS (Single-Family Residential) 8.5 zoning to 33.10 acres of RS 8.5 zoning, and, 10.30 acres of RS 8.5 zoning to be converted to BC (Community Business) zoning.

G. City has approved the afore-referenced entitlements requests.

Lost River Project -- North Nampa LLC
Development Agreement Modification 2017
- 1 -
H. Further, City (pursuant to Section 10-2-5 of Nampa City Code and Idaho Code Section 67-6511A), has subsequently authorized this First Amendment.

AMENDMENT

NOW, THEREFORE, for good and valuable consideration, including the covenants contained herein, the parties agree as follows:

1. Defined Terms. Except as set forth herein, the defined terms used in the Original Agreement shall have the same meaning in this First Amendment.

2. Development Agreement Recission. The Original Agreement is, and shall be, hereby rescinded, canceled, and annulled in its entirety and replaced with the recitals, terms, commitments, conditions and exhibits incorporated herein and made a part of this First Amendment (hereof and hereafter).

AGREEMENT

1. This Agreement shall not prevent City, in subsequent actions applicable to the Property, from applying new ordinances and regulations of general application adopted by City in the exercise of its police powers that do not conflict with the parties’ commitments applicable to the Property as set forth herein, or the zoning designation approved hereby as the Property has been deemed suitable for the uses allowed within said zoning designation.

2. This Agreement is intended to be supplemental to all other local, city, state and federal code requirements, rules and regulations, and is established to help assure the compatibility of the resulting land use with the surrounding area. Provided, however, that to the extent this Agreement conflicts with any provision of the Nampa City Code, this Agreement shall prevail to the extent permitted by law.

3. The Project shall be developed (i.e., its site/ plat layout, etc.) in substantial conformance with the exhibits approved by the City’s Council attached hereto as “Exhibit B” and made a part hereof and also relevant City zoning and subdivision standards; provided however, that the New Owner/Developer shall have limited flexibility to develop the Property to meet market conditions subject to pre-approval by the City, and that the only specific commitments concerning development of the Project which Owner/Developer is making are set forth herein. Upon recordation of this First Amendment, Owner/Developer shall have all general zoning based land use permission based entitlement approval(s) required from the City for development of the Project.

4. The provisions and stipulations of this Agreement shall be binding on City, Owner(s)/Developer(s), each subsequent owner of the Property or portion thereof, and each other person acquiring an interest in the Property.

Lost River Project — North Nampa LLC
Development Agreement Modification 2017
- 2 -
5. This Agreement may be modified only by the written agreement of Owner(s)/Developer(s) and the City after complying with the notice and hearing procedures required under Idaho Code Section 67-6511A or Nampa City Code Section 10-2-5(D) or successor provisions.

6. The execution of this Agreement and the written commitments contained herein shall be deemed written consent to change the zoning of the Property to its prior designation upon failure of Owner(s)/Developer(s) to comply with the terms and conditions of this Agreement. Provided, however, that no such consent shall be deemed to have been given unless City provides written notice of any such failure and Owner(s)/Developer(s) or its successors and/or assigns fails to cure such failure as set forth below.

7. This Agreement and First Amendment, and, the commitments contained herein shall be terminated, and the zoning designation reversed, upon the failure of Owner(s)/Developer(s), or each subsequent owner or each person acquiring an interest in the Property, to comply with the commitments contained herein within two (2) years after the effective date thereof, and after the notice and hearing requirements of Idaho Code Section 67-6509 have been complied with by City. Exception: the failure to begin site development of all or a portion of the Project proposed under this Agreement does not necessarily serve as impetus to allege that the commitments contained herein are not being fulfilled. Rather, commencement of site work and/or construction then left in abandon or failure to abide by the terms of this Agreement, as herein iterated, shall serve as impetus to consider termination of this Agreement and reversion of zoning. Provided, however, no such termination or reversal shall occur unless City provides written notice of Owner(s)/Developer(s) failure to comply with the terms and conditions of this Agreement to Owner(s)/Developer(s) and Owner(s)/Developer(s) fails to cure such failure within six (6) months of Owner(s)/Developer(s) receipt of such notice. The two (2) year period of time for compliance with commitments may be extended by City for good cause upon application for such extension by Owner(s)/Developer(s), and after complying with the notice and hearing provisions of Idaho Code Section 67-6509.

8. Except as specifically set forth in this Agreement, the rules, regulations and official policies governing permitted uses of land, density, design, improvements and construction standards and specifications applicable to the Project and the Property shall be those rules, regulations and official policies in effect as of the date of approval of the First Amendment and associated rezoning. Provided, however, that the applicable building codes for structures constructed on the Property shall be the codes in effect when a complete application for a building permit is filed. Development impact fees, if imposed by ordinance, shall be payable as specified in said ordinance even if the effective date is after the date of this agreement or the annexation pursuant thereto.

9. It is intended by the parties that this Agreement shall be recorded on the effective date of the Agreement or as soon as practicable thereafter. The parties further intend that the provisions of this Agreement shall run with the Property and shall be binding upon
City, Owner(s)/Developer(s), each subsequent owner of the Property, and each other person or entity acquiring an interest in the Property.

10. If any term or provision of this Agreement, to any extent, shall be held invalid or unenforceable, the remaining terms and provisions herein shall not be affected thereby, but each such remaining term and provision shall be valid and enforced to the fullest extent permitted by law.

11. This Agreement sets forth all promises, inducements, agreements, conditions and understandings between Owner(s)/Developer(s) and City relative to the subject matter hereof. There are no promises, agreements, conditions or understandings, either oral or written, express or implied, between Owner(s)/Developer(s) and City, other than as are stated herein. Except as herein otherwise provided, no subsequent alteration, amendment, change or addition to this Agreement shall be binding upon the parties hereto unless reduced to writing and signed by the parties or their successors-in-interests or their assigns, and pursuant, with respect to the City, to a duly adopted ordinance or resolution of the City.

12. Should any litigation be commenced between the parties hereto concerning this Agreement, the prevailing party shall be entitled, in addition to any other relief as may be granted, to court costs and reasonable attorneys' fees as determined by a court of competent jurisdiction.

13. This Agreement may be executed in counterparts, each of which shall constitute an original, all of which together shall constitute one and the same Agreement.

14. In the event Owner(s)/Developer(s), its successors, assigns or subsequent owners of the Property or any other person acquiring an interest in the Property, or in the event City, fail to faithfully and materially comply with all of the terms and conditions included in this Agreement, enforcement of this Agreement may be sought by either City or Owner(s)/Developer(s) or by any successor or successors in title or interest or by the assigns of the parties hereto, in an action at law or in equity in any court of competent jurisdiction.

   a. A waiver by City of any default by Owner(s)/Developer(s) of any one or more of the covenants or conditions hereof shall apply solely to the breach waived and shall not bar any other rights or remedies of City or apply to any subsequent breach of any such or other covenants and conditions. A waiver by Owner(s)/Developer(s) of any default by City of any one or more of the covenants and conditions hereof shall apply solely to the breach waived and shall not bar any other rights of remedies of Owner(s)/Developer(s) or apply to any subsequent breach of any such or other covenants and conditions.

   b. Notwithstanding anything to the contrary herein, in the event of a material default of this Agreement, the parties agree that City and

Lost River Project -- North Nampa LLC
Development Agreement Modification 2017
- 4 -
Owner(s)/Developer(s) shall have thirty (30) days after delivery of notice of such default to correct the same prior to the non-defaulting party's seeking of any remedy provided for herein; provided, however, that in the case of any such default which cannot with diligence be cured within such thirty (30) day period and thereafter shall prosecute the curing of same with diligence and continuity, then the time within which such may be cured shall be extended for such period as may be necessary to complete the curing of the same with diligence and continuity, but in any event not to exceed six (6) months; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by Owner(s)/Developer(s) for the portion of the Property still owned by Owner(s)/Developer(s).

c. In the event the performance of any obligation to be performed hereunder by either Owner(s)/Developer(s) or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or similar causes, the time for such performance shall be extended by the amount of time of such delay.

In addition to the remedies set forth above, in the event of a default by Owner(s)/Developer(s), or any other party claiming an interest herein, City may withhold building permits sought for issuance upon land(s) within the Project until such time as the default is cured.
A parcel of land being a portion of the South 1/2 of the Southwest 1/4 of Section 6, Township 3 North, Range 1 West, Boise Meridian, City of Nampa, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap monument marking the Southwest corner of said Section 6, which bears S00°39'47"W a distance of 2,644.05 feet from a found 5/8-inch rebar marking the West 1/4 corner of said Section 6, thence following the southerly line of the Southwest 1/4 of said Section 6, S89°22'35"E a distance of 1,116.91 feet to a found 5/8-inch rebar; Thence leaving said southerly line, N02°00'46"W a distance of 50.05 feet to a point on the northerly right-of-way line of Cherry Lane and being the POINT OF BEGINNING.

Thence N02°00'46"W a distance of 177.98 feet to a found 5/8-inch rebar; Thence N74°53'13"W a distance of 312.04 feet to a found 5/8-inch rebar; Thence N21°44'39"E a distance of 206.81 feet; Thence N24°30'44"E a distance of 96.73 feet to a found 5/8-inch rebar; Thence N20°12'19"E a distance of 110.94 feet to a found 5/8-inch rebar; Thence N10°06'29"E a distance of 108.79 feet to a found 5/8-inch rebar; Thence N01°32'59"E a distance of 51.74 feet to a found 5/8-inch rebar; Thence N03°42'31"W a distance of 349.88 feet to a found 5/8-inch rebar; Thence S87°22'59"W a distance of 10.02 feet; Thence N02°37'01"W a distance of 54.64 feet; Thence S89°16'23"E a distance of 1,596.10 feet to the easterly line of the Southwest 1/4 of said Section 6; Thence following said easterly line, S00°54'11"W a distance of 1,201.19 feet to a point on the northerly right-of-way line of said Cherry Lane; Thence leaving said easterly line and following said northerly right-of-way line, N89°21'35"W a distance of 1,410.05 feet to the POINT OF BEGINNING.

Said description contains 43.367 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.
Legal Description for
Rezone to BC Section of Lost River Subdivision

A parcel of land being a portion of the South 1/2 of the Southwest 1/4 of Section 6, Township 3 North, Range 1 West, Boise Meridian, City of Nampa, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap monument marking the Southwest corner of said Section 6, which bears S00°39'47"W a distance of 2,644.05 feet from a found 5/8-inch rebar marking the West 1/4 corner of said Section 6, thence following the southerly line of the Southwest 1/4 of said Section 6, S89°21'35"E a distance of 1,116.91 feet to a found 5/8-inch rebar and being the POINT OF BEGINNING.

Thence leaving said southerly line, N02°00'46"W a distance of 228.03 feet to a found 5/8-inch rebar;
Thence N74°53'13"W a distance of 282.75 feet;
Thence N21°53'43"E a distance of 336.34 feet;
Thence 48.79 feet along the arc of a circular curve to the left, said curve having a radius of 675.00 feet, a delta angle of 04°08'28", a chord bearing of N19°49'28"E and a chord distance of 48.78 feet;
Thence S73°56'38"E a distance of 140.65 feet;
Thence 119.09 feet along the arc of a circular curve to the left, said curve having a radius of 180.85 feet, a delta angle of 37°43'44", a chord bearing of S06°32'54"E and a chord distance of 116.95 feet;
Thence S24°53'39"E a distance of 195.18 feet;
Thence 56.26 feet along the arc of a circular curve to the left, said curve having a radius of 50.00 feet, a delta angle of 64°27'56", a chord bearing of S57°07'37"E and a chord distance of 53.34 feet;
Thence S89°21'35"E a distance of 1,275.86 feet to the easterly line of the Southwest 1/4 of said Section 6;
Thence following said easterly line, S00°55'08"W a distance of 300.00 feet to the southerly line of said Southwest 1/4;
Thence leaving said easterly line and following said southerly line, N89°21'35"W a distance of 1,407.50 feet to the POINT OF BEGINNING.

Said description contains 11.893 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.
MODIFICATION OF ANNEXATION AND ZONING DEVELOPMENT AGREEMENT BETWEEN FARWEST, LLC AND THE CITY OF NAMPA, AS INST. NO. 2006000608 AMENDING EXHIBIT "B" CONCEPTUAL PLAN TO 1) ALLOW A REVISED SUBDIVISION PLAT PROVIDING FOR COMMERCIAL, MULTIPLE FAMILY, AND SINGLE FAMILY RESIDENTIAL LOTS, AND 2) ALLOW ZONING CHANGES TO REDUCE THE ACRES OF RS8.5 (SINGLE FAMILY RESIDENTIAL - 8,500 SQ. FT.) ZONING FROM 43.4 ACRES TO 33.1 ACRES, AND CHANGE THE ZONING OF THE REMAINING 10.3 ACRES FROM RS8.5 TO GB2 (GATEWAY BUSINESS 2), AND 3) AMENDING EXHIBIT "C" CONDITIONS OF APPROVAL AS NECESSARY; ZONING MAP AMENDMENT FROM RS 8.5 TO GB2 FOR 10.3 ACRES; AND SUBDIVISION PRELIMINARY PLAT APPROVAL FOR LOST RIVER SUBDIVISION WEST OF THE PHYLLIS CANAL ON THE NORTH SIDE OF E. CHERRY LANE (6 COMMERCIAL LOTS, 16 FOURPLEX RESIDENTIAL LOTS, AND 121 SINGLE FAMILY RESIDENTIAL LOTS - A 43.367 ACRE PARCEL OF LAND BEING A PORTION OF THE SOUTH 1/4 OF THE SOUTHWEST 1/4 OF SECTION 6, T3N, R1W, BM) FOR KM ENGINEERING, LLP REPRESENTING NAMPA NORTH LLC (DAMO 014-17, ZMA 092-17, AND SPP 012-17).
PRELIMINARY PLAT SHOWING
LOST RIVER SUBDIVISION

A Parcel of land located in the Southwest Quarter of the Southwest Quarter of Section 6, Township 2 North, Range 2 West, and a
Parcel of land located in Lot 7 of Section 6, Township 2 North, Range 2 West, Ages Infill, City of Hompa, Clayton County, Iowa.
IN WITNESS WHEREOF, the parties have caused this Amendment to Development Agreement to be executed as of the Effective Date specified above.

OWNER/DEVELOPER:

[Signature]

Nampa North, LLC

Notary Public for State of Idaho
Residing at St. Anthony
Commission Expires: 8-30-18

STATE OF IDAHO)

) ss.
County of Canyon

On this 14 day of December, in the year of 2017, before me,
Kirsti Grabo, personally appeared Don Newell, the person or party whose name is subscribed to the within and foregoing instrument and acknowledged to me that be executed the same for and on behalf of Nampa North, LLC.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the Day and year first above written.

Kirsti Grabo
NOTARY
PUBLIC
STATE OF IDAHO

Lost River Project -- North Nampa LLC
Development Agreement Modification 2017
- 8 -
[for] CITY: City of Nampa,
A municipal corporation

By

Robert L. Henry, Mayor

Attest:

City Clerk

STATE OF IDAHO

County of Canyon

On this 18th day of December, in the year of 2017, before me, Joy A. Hall, personally appeared Robert L. Henry, known or identified to me, to be the Mayor of the City of Nampa, whose name is subscribed to be the within and foregoing instrument and acknowledged to me that he executed the same, and was so authorized to do so for and on behalf of said City of Nampa.

IN, WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written,

Joy A. Hall

Notary Public for State of Idaho
Residing at Gem County
Commission Expires: 8-4-2020

Lost River Project - North Nampa LLC
Development agreement Modification 2017
EXHIBIT “C”

A parcel of land being a portion of the South 1/2 of the Southwest 1/4 of Section 6, Township 3 North, Range 1 West, Boise Meridian, City of Nampa, Canyon County, Idaho and being more particularly described as follows:

Commencing at a found aluminum cap monument marking the Southwest corner of said Section 6, which bears S00°39'47"W a distance of 2,644.05 feet from a found 5/8-inch rebar marking the West 1/4 corner of said Section 6, thence following the southerly line of the Southwest 1/4 of said Section 6, S89°21'35"E a distance of 1,116.91 feet to a found 5/8-inch rebar and being the POINT OF BEGINNING.

Thence leaving said southerly line, N02°00'46"W a distance of 228.03 feet to a found 5/8-inch rebar;
Thence N74°53'13"W a distance of 282.75 feet;
Thence N21°53'43"E a distance of 336.34 feet;
Thence 48.79 feet along the arc of a circular curve to the left, said curve having a radius of 675.00 feet, a delta angle of 04°08'28", a chord bearing of N19°49'28"E and a chord distance of 48.78 feet;
Thence S73°56'38"E a distance of 140.65 feet;
Thence 119.09 feet along the arc of a circular curve to the left, said curve having a radius of 180.85 feet, a delta angle of 37°43'44", a chord bearing of S06°32'54"E and a chord distance of 116.95 feet;
Thence S24°53'39"E a distance of 195.18 feet;
Thence 56.26 feet along the arc of a circular curve to the left, said curve having a radius of 50.00 feet, a delta angle of 64°27'56", a chord bearing of S37°07'37"E and a chord distance of 53.34 feet;
Thence S89°21'35"E a distance of 1,275.86 feet to the easterly line of the Southwest 1/4 of said Section 6;
Thence following said easterly line, S00°55'08"W a distance of 300.00 feet to the southerly line of said Southwest 1/4;
Thence leaving said easterly line and following said southerly line, N89°21'35"W a distance of 1,407.50 feet to the POINT OF BEGINNING.

Said description contains 11.893 acres, more or less, and is subject to all existing easements and/or rights-of-way of record or implied.
MODIFICATION OF ANNEXATION AND ZONING DEVELOPMENT AGREEMENT BETWEEN FARWEST, LLC AND THE CITY OF NAMPARecorded 1/5/2006 AS INST. NO. 200600606 AMENDING EXHIBIT "B" CONCEPTUAL PLAN TO 1) ALLOW A REVISED SUBDIVISION PLAT PROVIDING FOR COMMERCIAL, MULTIPLE FAMILY, AND SINGLE FAMILY RESIDENTIAL LOTS, AND 2) ALLOW ZONING CHANGES TO REDUCE THE ACRES OF RS8.5 (SINGLE FAMILY RESIDENTIAL - 6,500 SQ. FT.) ZONING FROM 43.4 ACRES TO 33.1 ACRES, AND CHANGE THE ZONING OF THE REMAINING 10.3 ACRES FROM RS8.5 TO GB2 (GATEWAY BUSINESS 2), AND 3) AMENDING EXHIBIT "C" CONDITIONS OF APPROVAL AS NECESSARY; AND ZONING MAP AMENDMENT FROM RS 8.5 TO GB2 FOR 10.3 ACRES - A 43.387 ACRE PARCEL OF LAND BEING A PORTION OF THE SOUTH ¾ OF THE SOUTHWEST ¾ OF SECTION 6, T3N, R1W, BM) FOR KM ENGINEERING, LLP REPRESENTING NAMPA NORTH LLC (DAMO 014-17 AND ZMA 092-17).
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Thursday, September 12, 2019 11:03 AM
Subject: Preliminary Plat Approval for Lost River Townhomes Subdivision / SPP-00048-2019

Good Morning Everyone! 😊

Re: Preliminary Plat Approval for Lost River Townhomes Subdivision / SPP-00048-2019

Please find attached for your review the Preliminary Plat Approval for Lost River Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (81 Single-Family Attached Townhome lots and 5 Four-plex lots - A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SW 1/4 of Section 6, T3N, R1W, BM) for KM Engineering, LLP representing Nampa North LLC.

The preliminary plat is scheduled for the Planning & Zoning Commission meeting of October 22, 2019.

Please review and return any comments to my attention prior to October 04, 2019.

Thank you & Have a great day!
Building Department will require permits for any and all work on these lots.

Good Afternoon Everyone! 😊

Re: DAMO-00033-2019

KM Engineering, LLP representing Nampa North LLC has requested a Modification of Zoning Development Agreement between Nampa North LLC and the City of Nampa recorded 12/29/2017 as Inst. No. 2017-056540 amending Exhibit “B” Conceptual Plan to: 1) allow a revised subdivision allowing for a mix of 4-plexes and single-family attached townhomes instead of the original mix of 4-plexes and commercial lots on the GB2 (Gateway Business) 2) zoned parcel(s), and 2) amending Exhibit “C” Conditions of Approval as necessary for Lost River Subdivision Townhomes on the north side of E. Cherry Lane east of Can-Ada Road (A 7.96 acre parcel of land being a portion of Government Lot 7 and a portion of the SE ¼ of the SW ¼ of Section 6, T3N, R1W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the October 22, 2019 agenda.

Please find attached DAMO-00033-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than October 04, 2019.

Thank you & Have a great day!
Building Department will require permits for any and all work on each lot and will require a top of foundation wall or a finish floor elevation for each lot on the construction drawings.
Hi Shellie,

Nampa Parks has reviewed the preliminary plat for Lost River Townhomes Subdivision, Project: SPP-00048-2019. We have no requests.

Thank you,

Cody Swander
Parks Superintendent
O: 208.468.5890, F: 208.465.2321
Nampa Parks – Facebook Page

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.
September 24, 2019

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

RE:  DAMMO-00033-2019/ Lost River Subdivision Townhomes

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the request to the modification of zoning development agreement only. However, any future development of this project will require a Land Use Change to be filed with the District.

The Ten Mile Drain will be impacted from future expansion of this project. The Ten Mile Drain has a minimum easement of one hundred feet (100’) total, fifty feet (50’) from centerline each side.

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/ gnf

Cc: Office/ file
Date: September 24, 2019

RE: Planning Department Landscape Plan Review

Project: Project Name: Lost River Townhomes: SPP-00048-2019

The above listed project(s) 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. **Add to 'Key Notes' Note 8:**

2. **Street Tree Requirements on Cherry Lane:** A total of 52 deciduous Class I or Class II trees is required within the 25' required landscape buffer area. The plan specifies 36 deciduous trees in the landscape buffer. Nampa City Code requires the following:
   - "Landscape Buffer Development: Within gateway/arterial/collector corridor landscape strips, one city approved low growing deciduous street tree at least two inches (2") in caliper (measured 1 foot above root ball) shall be placed every twenty-five feet (25') on center, ground cover shall be provided. The strip shall be at least fifty percent (50%) covered in grass and/or also, optionally, contain up to fifteen (15) shrubs per one hundred (100) linear feet of frontage, and/or contain decorative rock but not artificial plant materials. A belowground irrigation system shall be emplaced and utilized within landscape strips. Watershed from the system will be contained as much as possible on site. Trees in the fifteen-foot (15') or twenty five-foot (25') landscape strips shall be placed at least five feet (5') from the nearest sidewalk and not be planted in a drainage swale." [NCC 10.33.4.(A2)]

3. 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
September 26, 2019

RE: Lost River Townhomes Subdivision - Preliminary Plat

To: Kirsti Grabo – KM Engineering

cc: Sylvia Mackrill

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

- Include the name N Hounslow Way on Plat pages PP1.1 and PP1.2

Sincerely,

Dan Wagner
GIS Technician I
Engineering Division
City of Nampa
(208) 468-5475
DATE: October 13, 2019

TO: Nampa Planning & Zoning Department

FROM: Caleb LaClair, P.E. – Assistant City Engineer

CC: Daniel Badger, P.E. – City Engineer

CC: Tom Points, P.E. – Public Works Director


The Engineering Division has completed a review of the Preliminary Plat and Development Agreement Modification applications for Lost River Townhomes Subdivision and recommend the following conditions and comments.

Preliminary Plat Comments

1. This subdivision is a part of the already approved Lost River Subdivision Preliminary Plat. This application is subject to all previous comments and conditions from the original Preliminary Plat.

2. The proposed subdivision changes the use of a portion of the original plat from commercial to attached single-family residential. The total number of residential units increases by approximately 30 from the original plat. An update to the Traffic Impact Study shall be provided to account for the change in land use and number of units and to verify if there are any corresponding additional traffic impacts.

3. The City's water and sewer systems have adequate capacity to serve this property.

4. The originally planned irrigation well has been eliminated in favor of a new regional surface water irrigation pump station to be constructed in conjunction with the Spring Hollow Ranch and Silver Star Subdivisions. This pressure irrigation pump station shall be operational prior to the City Engineer signature of the Final Plat. Applicant shall work with the Spring Hollow Ranch and Silver Star Subdivision Developer's to coordinate schedule and pressure irrigation system connection.

5. The project is proposing all onsite pressure irrigation main be private as all landscaping is intended to be maintained by the Home Owner's Association. As a result, the CC&R's shall clearly define that the City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment.
6. The Final Plat shall reflect public utility, cross access, shared parking, and drainage easements. Maintenance for all common access, parking, landscaping, irrigation, and drainage facilities shall be clearly defined in the CC&R's, and the CC&R's shall be referenced by note on the Final Plat.

7. Storm water calculations shall be updated to reflect the change in land use and drainage facility locations.

**Development Agreement Modification Comments**

None

**Conditions of Approval**

1. Project is subject to all comments and conditions from the original Preliminary Plat application (SPP-00012-2017).

2. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel and associated head-gate report from the irrigation district.

3. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.

4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

5. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.

6. Applicant shall provide an update to the projects Traffic Impact Study to account for the change in land use and increase in residential units. The Developer will be responsible to address all project triggered traffic mitigation, if any.

7. The required regional surface water irrigation pump station shall be fully operational prior to the City Engineer signature of the Final Plat

8. The Development CC&R's shall be reviewed by the Nampa Engineering Division for approval prior to the City Engineer signature of the Final Plat. The CC&R's shall be referenced by note on the face of the Final Plat and recorded concurrent with the plat. The CC&R's shall include language indicating:

   - The City has the right to shut down all irrigation supply to the development if any property owner refuses to pay their irrigation assessment. The HOA shall be responsible to ensure compliance with property owner payment of irrigation assessments to the City.
   - Maintenance responsibility all common access, parking, landscaping, irrigation, and drainage facilities.
Planning & Zoning Department

Before the Planning & Zoning Commission
October 22, 2019

STAFF REPORT – PUBLIC HEARING #5

Zoning Map Amendment from RS6 to RP at 1324 11th Ave. So. for Dena M. Baker for a Legal Office (ZMA 112-19).

To: Planning and Zoning Commission

Applicant: Dena M. Baker

Property Owner: Dena and Jason Baker

File No: ZMA 112-19

Prepared By: Norman L. Holm

Date: October 15, 2019

Requested Action: Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional)

Reason for the change: Applicant states: “The property borders commercially zoned property. I would like the opportunity to operate my legal practice out of this property.” The applicant also indicated that besides herself 1 additional attorney and 2 other people for a total of 4 persons would be employed on the property. The applicant also indicates that around 5-8 persons would be present on the property most of the time, with an estimated occasional maximum of 10 persons.

GENERAL INFORMATION

Planning & Zoning History: Originally constructed and utilized as a single-family residential dwelling. The applicant and her husband use the dwelling as their primary residence and Mrs. Baker’s legal office would be conducted therein.

Status of Applicant: Property Owner
Rezone Location: 1324 11th Ave. So.

Property Size: A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition.

Existing Zoning: RS6 (Single-Family Residential 6,000 sq. ft.)

Proposed Zoning: RP (Residential Professional)

Existing Land Use: Existing older single-family dwelling, garage, and yard area.

Surrounding Land Use and Zoning:
North- Single Family Residential; RS6
South- Lifeline Pregnancy Center, Hasbrouck House; RP then BC (Community Business)
East- Lifeline Pregnancy Center; RP
West- Single Family Residential; RS6

 Comprehensive Plan Designation: Medium Density Residential but adjoins the General Commercial across the alley to the east.

Applicable Regulations: Rezones or zoning map amendments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and agree with the adopted comprehensive plan for the neighborhood. This requested zoning map amendment from RS6 to RP is reasonable as it complies with the adjoining General Commercial designation to the east under the map note: “The mapped boundary between two adjoining land use designations is considered flexible and may be interpreted as being stretchable to include the abutting parcels in the direction of either designation.”

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<tr>
<th>Residential Professional (RP) District Land Uses:</th>
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<tr>
<td>(From Section 10-3-2 Schedule of District/Zone Land Use Controls)</td>
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<tr>
<td>Permitted Uses</td>
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<tr>
<td>Advertising</td>
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<td>Animals, agricultural kept as pets2,4</td>
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<td>Animals, defined as pets</td>
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<tr>
<td>Arboretum</td>
</tr>
<tr>
<td>Art gallery</td>
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<tr>
<td>Automobile parking lot/garage, private2</td>
</tr>
<tr>
<td>Bank/credit union</td>
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<tr>
<td>Barber or beauty shop, day spa, nail salon</td>
</tr>
<tr>
<td>Botanical garden</td>
</tr>
<tr>
<td>Church or religious facility</td>
</tr>
<tr>
<td>Civic &amp; Cultural Accessory use or building1</td>
</tr>
<tr>
<td>Civic, social and fraternal organization</td>
</tr>
<tr>
<td>Commercial Accessory use or building1</td>
</tr>
<tr>
<td>Commercial planned unit development (subject to chapter 26 of this title)</td>
</tr>
<tr>
<td>Communication, Utility, Transportation Accessory use or building1</td>
</tr>
<tr>
<td>Permitted Uses</td>
</tr>
<tr>
<td>--------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Construction trade/sales office (carpet, tile, fixtures, etc.)</td>
</tr>
<tr>
<td>Daycare/day nursery (commercial)</td>
</tr>
<tr>
<td>Drugstore or pharmacy</td>
</tr>
<tr>
<td>Dwelling (combined with a business)</td>
</tr>
<tr>
<td>Dwelling, as place of occupancy for no more than 2 registered sex offenders living therein</td>
</tr>
<tr>
<td>Dwelling, condominium</td>
</tr>
<tr>
<td>Dwelling, congregate residence</td>
</tr>
<tr>
<td>Dwelling, duplex (two-family)</td>
</tr>
<tr>
<td>Dwelling, fourplex (four-family)</td>
</tr>
<tr>
<td>Dwelling, single-family (move-on house)</td>
</tr>
<tr>
<td>Dwelling, single-family attached, 2-unit, zero lot line</td>
</tr>
<tr>
<td>Dwelling, single-family attached, 3 - 4-unit, zero lot line</td>
</tr>
<tr>
<td>Dwelling, single-family attached, multi-unit, zero lot line</td>
</tr>
<tr>
<td>Dwelling, single-family including legal &quot;group residences&quot; as defined by this title and Idaho Code (1 per lot/parcel)</td>
</tr>
<tr>
<td>Dwelling, triplex (three-family)</td>
</tr>
<tr>
<td>Employment</td>
</tr>
<tr>
<td>Finance and investment</td>
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<tr>
<td>Flower gardening</td>
</tr>
<tr>
<td>Fraternity, sorority, dormitory, residence hall</td>
</tr>
<tr>
<td>Gardening (for home consumption)</td>
</tr>
<tr>
<td>Golf course and country club</td>
</tr>
<tr>
<td>Governmental emergency building (i.e., fire or police stations, including combined stations and satellite versions)</td>
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<tr>
<td>Governmental office building or facility</td>
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<tr>
<td>Governmental water, pressure irrigation and/or sewer lift stations (including combined facilities and satellite versions thereof)</td>
</tr>
<tr>
<td>Historic site or monument</td>
</tr>
<tr>
<td>Home occupation (subject to chapter 1 of this title)</td>
</tr>
<tr>
<td>Home occupation daycare (1 - 6 children)</td>
</tr>
<tr>
<td>Home occupation daycare (7 - 12 children)</td>
</tr>
<tr>
<td>Insurance and related</td>
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<tr>
<td>Laboratory, biochemical and X-ray</td>
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<tr>
<td>Laboratory, medical and dental</td>
</tr>
<tr>
<td>Manufactured home (subject to chapter 29 of this title)</td>
</tr>
<tr>
<td>Medical clinic and related services</td>
</tr>
<tr>
<td>Park, playground or open space (subject to chapter 1 of this title)</td>
</tr>
<tr>
<td>Pharmaceutical supply business</td>
</tr>
<tr>
<td>Planned unit development (residential as subject to chapter 26 of this title)</td>
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<tr>
<td>Permitted Uses</td>
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<tr>
<td>-------------------------------------------------------------------------------</td>
</tr>
<tr>
<td>Planned unit development (subject to chapter 26 of this title)</td>
</tr>
<tr>
<td>Professional office</td>
</tr>
<tr>
<td>Real estate, title and related</td>
</tr>
<tr>
<td>Recreation facility, indoor</td>
</tr>
<tr>
<td>Residential Accessory dwelling, attached1</td>
</tr>
<tr>
<td>Residential Accessory dwelling, detached1</td>
</tr>
<tr>
<td>Residential Accessory use or building (nonhabitable)</td>
</tr>
<tr>
<td>School, academic/vocational, commercial (subject to chapter 1 of this title)</td>
</tr>
<tr>
<td>School, public/nonprofit (subject to chapter 1 of this title)</td>
</tr>
<tr>
<td>Service &amp; Office Accessory use or building1</td>
</tr>
<tr>
<td>Shelter or temporary home for care or lodging</td>
</tr>
<tr>
<td>Sporting, Recreation, Amusement Accessory use or building1</td>
</tr>
<tr>
<td>Storage (including for RVs) space (used exclusively inside an approved subdivision or PUD for residents therein as an amenity, not open to the general public for business, and not held/operated as a private business enterprise by a developer or other party)</td>
</tr>
<tr>
<td>Studio (artist, interior decorator, photographer, etc.)</td>
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<tr>
<td>Swimming pool, indoor or outdoor public</td>
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<tr>
<td>Tennis court, indoor or outdoor public</td>
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<tr>
<td>Tourist information center</td>
</tr>
<tr>
<td>Veterinary</td>
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<tr>
<td>Welfare and charitable distribution</td>
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</tbody>
</table>

**SPECIAL INFORMATION**

**Public Utilities:**
8” sewer main situated in the adjoining alley to the east side of the property.
6” water main situated in the adjoining alley to the east side of the property.
4” irrigation main situated in the adjoining alley to the east side of the property and 12” irrigation main situated in 14th St. So. To the south side of the property.

**Public Services:** All present.

**Transportation:** The property has frontage on 11th Ave. So. with driveway access and off-street parking to the existing garage structure from 14th St. So. Additional off-street parking may need to be provided prior to building/occupancy permit issuance for the legal office use. Enough yard area exists to the back of the lot off 14th St. So. for provision of more off-street parking.

**Environmental:** The rezone could influence the adjoining single-family residential property owners by reason of the additional traffic in the neighborhood generated by legal office clients.

**Correspondence:** No written correspondence has been received from any area property owners, resident or business owners regarding opposition to or support for the requested rezone from RS6 to RP.
STAFF FINDINGS AND DISCUSSION

Other parcels have been rezoned to the west of the alley between 12th Ave. So. and 11th Ave. So. from RS6 to BC previously at two locations between 11th St. So. and 14th St. So. If approved the subject parcel of this rezone from RS6 to RP would become the third area zoned to allow commercial or professional uses to the west of the alley at 11th Ave. So.

The Planning and Zoning Commission must determine if it is appropriate to further permit by this rezone an expansion of non-residential uses into the older single family established neighborhood west of the alley.

1) One could interpret/argue that the requested rezone to RP it is an inappropriate encroachment of the existing RP zoning along both sides of 12th Ave. So. further west into the older established single-family residential area. Under this interpretation the requested zoning map amendment would not comply with the existing Medium Density Residential Comprehensive Plan future land use map designation and the General Commercial designation would not be considered stretchable to include the area.

2) One could interpret/argue that the requested rezone to RP it is an appropriate extension/expansion of the existing RP zoning along both sides of 12th Ave. So. further west. Under this interpretation the requested zoning map amendment complies with General Commercial designation under the stretchable allowance as provided for on the Comprehensive Plan future land use map.

If the Planning Commission votes to recommend to the City Council approval of the rezone the following findings are suggested:

1) Rezone of the subject property to RP is reasonably necessary in order to allow the applicant to utilize the home for the establishment their legal practice.

2) Rezone of the subject property to RP is in the interest of the property owner and is interpreted to conform to the adopted comprehensive plan designation of General Commercial under the stretchable allowance provided for on the Comprehensive Plan future land use map.

3) The proposed Legal Practice use on the subject property will be reasonably compatible with the existing commercial/office uses already established in the 11th Ave. So./12th Ave. So. area.

4) Section 10-2-5 allows a rezone or zoning amendment application to be processed in connection with the execution of a development agreement. Through such agreements a property owner or developer may make written commitments concerning the use or development of a subject parcel in exchange for the change of zoning requested. Commitments made under such agreements are in addition to the regulations provided for in the zoning district by ordinance and are established to assure compatibility of the resulting land uses with the surrounding area. A development agreement could be used to prohibit any of the otherwise allowed RP zone permitted uses felt by the Commission not to be compatible with the adjoining single-family residential land uses.
RECOMMENDED CONDITIONS OF APPROVAL

If the Planning and Zoning Commission votes to recommend to the City Council approval of the zoning map amendment from RS6 to RP recommended conditions of approval are as follows:

1) Establishment of a Development Agreement to prohibit any of the otherwise allowed RP zone permitted uses felt by the Commission not to be compatible with the adjoining single-family residential land uses. (Please see the highlighted permitted land uses in the above listings for the Residential Professional (RP) district that staff recommends being prohibited under the recommended development agreement.)

2) The Building Department requires permits and will require that the house be converted from residential to commercial for the office with all ADA requirements (ramp, doorways, restrooms, parking, accessible route, etc.).

ATTACHMENTS

1) Application (Page 7)
2) Zoning and location map (Page 8)
3) Comprehensive plan area future land use map designations (Page 9)
4) Street view photos (Pages 10-11)
5) Birds eye view photo (Page 12)
6) Utility map (Page 13)
7) Agency and other correspondence (Pages 14+)
APPLICATION FOR AMENDMENT OF ZONING ORDINANCE OR MAP
PLANNING AND ZONING DEPARTMENT
411 3rd STREET S., NAMPA, IDAHO 83651  P: (208) 468-4487  F: (208) 465-2261
Nonrefundable Fee: $406.00 (1 acre or less)  Nonrefundable Fee: $811.00 (more than 1 acre)
Or $213.00 for a text amendment

<table>
<thead>
<tr>
<th>Applicant/Representative Name</th>
<th>Home Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Dena M. Baker</td>
<td>208-283-8485</td>
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</table>

<table>
<thead>
<tr>
<th>Street Address</th>
<th>Mobile Number</th>
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<tbody>
<tr>
<td>1324 11th Ave S.</td>
<td>same as above</td>
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</table>

<table>
<thead>
<tr>
<th>City</th>
<th>State</th>
<th>Zip code</th>
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<tbody>
<tr>
<td>Nampa</td>
<td>Idaho</td>
<td>83651</td>
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<thead>
<tr>
<th>Property Owner Name</th>
<th>Home Number</th>
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<tbody>
<tr>
<td>Dena &amp; Jason Baker</td>
<td>see above</td>
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</table>

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<thead>
<tr>
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<th>Mobile Number</th>
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<tbody>
<tr>
<td>1324 11th Ave S.</td>
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<td>83651</td>
</tr>
</tbody>
</table>

Applicant's interest in property: ( ✓) Own ( ) Rent ( ) Other

ADDRESS OF SUBJECT PROPERTY: 1324 11th Ave S., Nampa, Idaho 83651

Please provide the following REQUIRED DOCUMENTATION:

- ✓ Completed Application
- ✓ A copy of one of the following:
  - Warranty Deed
  - 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**

1. State the zoning desired for the subject property: **Mixed Use/IRP**

2. State (or attach a letter stating) the reason for the proposed change, together with any other information considered pertinent to the determination of the matter. In the case of a text amendment please attach the full text of the proposed amendment.

   The property borders commercially zoned property. I would like the opportunity to operate my legal practice out of this property.

   Dated this **11th** day of **September** **2019**

   **Applicant Signature**

This application will be referred to the Nampa Planning Commission for its consideration. The Planning Commission shall hold a public hearing on the application 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. In the case of map amendments notice shall also be posted on the premises not less than 1 week prior to the hearings and notices will 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.
Shellie Lopez

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Monday, September 23, 2019 11:24 AM
Subject: ZMA-00112-2019

Good Morning Everyone! 😊

RE: ZMA-00112-2019

Dena and Jason Baker have requested a Zoning Map Amendment from RS6 (Single Family Residential – 6,000 sq. ft.) to RP (Residential Professional) at 1324 11th Ave. So. (A .24 acre or 10,500 sq. ft. part of the SE ¼ of the NE ¼ of Section 28, Township 3 North, Range 2 West, BM being all of Lot 12, and the and the SW ½ of Lot 11, Block 65, Waterhouse Addition).

This application is scheduled to go before the Planning and Zoning Commission as a public hearing item on the October 22, 2019 agenda.

Please find attached the ZMA-00112-2019 files for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) prior to October 04, 2019.

Thank you & Have a great day!

1
DATE: September 23, 2019
TO: Planning and Zoning Department
FROM: Caleb LaClair, P.E., Nampa Assistant City Engineer
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Dena Baker
OWNER: Dena & Jason Baker
ADDRESS: 1324 11th Ave S
RE: ZMA-00112-2019 – Rezone from RS-6 to RP

The Engineering Division does not oppose this application and has no comments or conditions.
Good afternoon,
ITD has received application ZMA-00112-2019 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Good Morning Everyone!😊

RE: ZMA-00112-2019

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Please find attached the ZMA-00112-2019 files for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) prior to October 04, 2019.

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

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Good Morning Everyone! 😊

**RE: ZMA-00112-2019**

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Please find attached the ZMA-00112-2019 files for your review and send all comments to my attention or to Sylvia Mackrill ([mackrill@cityofnampa.us](mailto:mackrill@cityofnampa.us)) prior to October 04, 2019.

_Thank you & Have a great day!_
September 30, 2019

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

RE: ZMA-112-2019/ 1324 11th Avenue South

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
DTD/gnf

Cc: Office/ file