Business Item No. 1
Staff Report

Applicant(s)/Engineer(s):
Challenger Development as Applicant/Developer, Bailey/Idaho Survey/Kent Brown Planning as Engineer(s)/Surveyor(s)/Planner
Owner: Viper Investments
File(s): SPF-000108-2019
Analyst: Rodney Ashby, AICP

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

1. Final plat approval for:
   Fall Creek Subdivision No. 4 (hereinafter the “Development”; alternatively, “Fall Creek No. 4” or the “Project”)

Comprising 18.75 acres proposed to be platted into sixty-four (64) buildable and nine (9) common lots all located in a RS 7 Zoned area located in a portion of Government Lot 2 and a portion of the SW ¼ of the NE ¼ of Section 3, T3N, R2W, BM, Nampa, Canyon County, Idaho, east of and abutting Madison Rd., ¾ mile south of Ustick Rd.

Relevant Preliminary Plat Conditions:
- The Developer/Development shall dedicate such right-of-way as may be deemed yet required by the City Engineer for the purpose of facilitating widening of Madison Road where such right-of-way abuts the Project.
- Development shall propose new, unique street names to Engineering.
- Fall Creek St should not be classified as a Collector.
- Improvements required to the roadway network around/through the Project shall be executed in compliance with the suggestions/requirements listed in the Traffic Impact Study submitted to the City save as required otherwise by the City’s Engineering Division and Paragon Consulting Inc. per their letter of Jan 20, 2015 to Dan Badger
- Use different trees than the Red Sunset Maples originally proposed, and consider substituting Deodora Cedar with another variety.
• Subdivision shall include an area at the entrances for students to safely wait for buses. Approximately 20 feet back off the road, a large enough area for 20-30 students, and well lighted.

CORRESPONDENCE

Any correspondence from City departments/divisions and outside agencies or the citizenry is hereafter attached to this document. The following is a summary of that correspondence.

Nampa Engineering Division
• Plat Comments
  ➢ N Harpster Pl should be E Harpster Ct.
  ➢ Check Block #’s against the recorded Phase 1 and 2 plats. Also confirm Phase 3 Block #’s are correct prior to recording. It seems that Block 13 should be Block 8, and Block 11 should be Block 7 based on the Phase 1 and 2 plats. Note that a change in Block # will subsequent Block # sequence.
  ➢ Fix any text errors and conflicts.
  ➢ The Developer’s Surveyor shall address all Final Plat comments prior to City Engineer signature of the plat.
• Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Fall Creek Subdivision #4 – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division prior to construction drawing approval.
• The Developer and their Engineer and Contractor shall adhere to the “Construction Duty and Responsibility Policy”, Section 108 of the 2017 City of Nampa Engineering Development Process and Policy Manual, during the construction process. The Developer shall sign the City of Nampa Subdivision Improvement Agreement and submit to the Nampa Engineering Division prior to start of construction.
• Developer shall provide documentation of plan review/approval from Pioneer Irrigation District prior to construction drawing approval for proposed tiling of the unnamed drain. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat.
• Developer shall provide documentation of Nampa Highway District No. 1 review of plans prior to construction drawing approval for improvements within Madison Road right-of-way. Developer is responsible to obtain required encroachment permit from the Highway District prior to start of work within the right-of-way.

Nampa Parks and City Forester
No requests

Pioneer Irrigation District
If any encroachment or modification to the existing 9.8 South Branch Lateral, written permission must be obtained by Pioneer Irrigation District. The Purdam Drain is a Bureau of Reclamation facility, with a 110 foot right of way.

Building Department
This subdivision has high ground water and will require proper backfilling and water proofing of foundation walls, this is critical to prevent water from entering crawlspace. Building Department will take action in plan review to ensure this is addressed.
Nampa Highway District #1
No objection

Planning & Zoning Landscaping
The landscape plan substantially conforms to the subdivision ordinance as well as Title 10 Chapter 33 Corridor Beautification and Landscaping.

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STAFF ANALYSIS

The proposed final plat appears to substantially comply with the conditions identified in the attached Modified Development Agreement.

As noted in the approval letter for the preliminary plat, a condition was placed on the development to include a well-lighted area for 20-30 students to gather for bus pick-up at the entrances to the subdivision and set back from the road by at least twenty feet (20'). The final plat does not appear to show this gathering area.

Comments/Recommendation(s):
Staff finds that with the changes requested under “Correspondence,” and with an addition of a bus stop for students as described above, the proposed subdivision final plat of/for Fall Creek Subdivision No. 4 conforms, or substantially conforms within acceptable limits, to the approved preliminary plat of/for Fall Creek Subdivision, and, complies with relevant RS 7 zoning codes and City of Nampa subdivision standards related to the proposed Development. (Said determination is, or may be, partially predicated on said final plat being revised in limited form and fashion to meet requirements set forth by various responding agencies and City departments.)

Accordingly, Staff recommends that Fall Creek Subdivision No. 4 be approved, contingent on Applicant/Developer/Development compliance with various Conditions of Approval as listed hereafter....

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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. Generally, Applicant/Development shall:
   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 appertaining to the approved preliminary plat of/for Pheasant Meadows Subdivision.
More specifically, comply with requirements/conditions listed in the following item(s) of correspondence (unless waived and/or later amended by the agency providing the comments):

2. Specifically:
   a. All comments identified from “Nampa Engineering Division” under the “Correspondence” section of this report.
   b. If any encroachment or modification to the existing 9.8 South Branch Lateral, written permission must be obtained by Pioneer Irrigation District.
   c. Applicant/Development shall modify the final plat to show a gathering area for students waiting for the bus near the entrance to the subdivision and as described under “Staff Analysis”

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

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

**ATTACHMENTS**

- Application
- Zoning/Vicinity Map
- Copy of Final Plat (reduced from original size)
- Copy of Landscape Plan (reduced from original size)
- Copy of Preliminary Plat (reduced from original size) for contextual reference
- Copy of Ordinance No. 4177 – Modified Development Agreement
- Copies of agency response letters
### Name of Subdivision
FALL CREEK SUBDIVISION NO 4

### Location of Subdivision

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<tr>
<td>E-Mail</td>
<td><a href="mailto:SHAWN@TRILOGYIDaho.COM">SHAWN@TRILOGYIDaho.COM</a></td>
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### Final Plat Information

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If Applicable: Zoning Within the Area of Impact

2015 Engineering Division Development Policy Manual
Rev. Date: February 17, 2015
September 17, 2019

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

RE: Final Plat for Fall Creek Subdivision No 4

Dear Commission and Council:

On behalf of Challenger Development, please accept our request for Final Plat Approval of the fourth phase of Fall Creek Subdivision. Fall Creek development is located, on the south east corner of Ustick Road and Madison Road. This phase is for 64 single-family lots and 9 common area lots on 18.75 acres. This application with attachments is in accordance with the City of Nampa Final Plat application and checklist.

The Final plat and Final Construction Engineering Plans are in compliance with all conditions of approval, both site specific as well as general conditions of approval.

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

Sincerely,

Kent Brown  
Planner
CERTIFICATE OF OWNERS

Know all men by these presents: That Challenger Development, Inc., an Idaho Corporation is the owner of the property described as follows:

A portion of Government Lot 2 and a portion of the SW 1/4 of the NE 1/4 of Section 3, T.3N., R.2W., B.M., Nampa, Canyon County, Idaho, more particularly described as follows:

BEGINNING at the SW corner of said Government Lot 2 from which the N1/4 corner of said Section 3 bears North 00°25'18" East, 1,320.07 feet;

thence along the South boundary line of said Government Lot 2 South 89°29'41" West, 477.30 feet;

thence leaving said South boundary line North 00°31'48" West, 168.30 feet;

thence North 01°18'31" East, 163.17 feet to an angle point on the exterior boundary line of Fall Creek Subdivision No. 3 as filed in Book of Plats at Page 45, records of Canyon County, Idaho;

thence along the exterior boundary line of said Fall Creek Subdivision No. 3 the following 11 courses and distances:

thence South 09°47'02" East, 116.99 feet;
thence South 01°57'27" West, 29.75 feet;
thence South 09°21'37" West, 239.04 feet;
thence South 05°27'08" West, 72.11 feet;
thence South 05°28'10" West, 270.00 feet;
thence South 05°48'22" West, 50.31 feet;
thence South 05°36'14" East, 34.54 feet;
thence South 05°26'18" West, 71.72 feet;
thence South 09°33'45" East, 102.00 feet;
thence South 09°26'15" West, 9.78 feet;
thence South 09°33'45" East, 173.00 feet to a point on the exterior boundary line of Fall Creek Subdivision No. 2 as filed in Book 47 of Plats at Page 45, records of Canyon County, Idaho;

thence along the exterior boundary line of said Fall Creek Subdivision No. 2 the following 3 courses and distances:

thence South 06°29'18" West, 499.94 feet;
thence South 09°21'39" East, 35.00 feet;
thence South 00°26'15" West, 117.00 feet;

thence continuing along the exterior boundary line of said Fall Creek Subdivision No. 2 and the westerly extension thereof North 89°33'59" West, 531.04 feet;
thence North 00°25'18" East, 95.14 feet;
thence North 09°34'42" West, 56.90 feet;
thence 12.36 feet along the arc of a non-tangent curve to the right, said curve having a radius of 128.00 feet, a central angle of 08°31'56" and a long chord which bears North 03°11'16" East, 12.36 feet;
thence North 09°34'42" West, 117.60 feet;
thence South 00°25'18" West, 99.44 feet;
thence North 09°34'42" West, 117.00 feet;
thence South 00°25'18" West, 94.73 feet;
thence North 09°34'42" West, 238.00 feet to a point on the North-South centerline of said Section 3;

thence along said North-South centerline North 00°25'18" East, 800.49 feet to the POINT OF BEGINNING. Containing 18.75 acres, more or less.

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

Challenger Development, Inc., an Idaho Corporation

Corey D. Barton, President

CERTIFICATE OF SURVEYOR

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

Gregory G. Carter

P.L.N. No. 7729

ACKNOWLEDGMENT

State of Idaho

County of Ada

On the 20th day of , before me, the undersigned, a Notary Public in and for said State, personally appeared Corey D. Barton, known or identified to me to be the President of Challenger Development, Inc., an Idaho Corporation, the corporation which executed the within instrument and acknowledged to me that he executed the same.

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

My commission expires

Notary Public for Idaho
Residing in , Idaho

ROOK PAGE

Bailey Engineering, Inc.
CIVIL ENGINEERING/PLANNING/CADD
1000 EAST LORAINE STREET, SUITE 200
IDAHO FALLS, IDaho 83404
www.baileyengineering.com

Sheet 4 of 5
FALL CREEK SUBDIVISION NO. 4

HEALTH CERTIFICATE
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 City of Nampa Public Works, and the QLPE approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of the sanitary restrictions. Buyer is cautioned that at the time of this approval, no drinking water extensions or sewer extensions were constructed. Building construction can be allowed with appropriate building permits if drinking water extensions or sewer extensions have since been constructed or if the developer is simultaneously constructing those facilities. If the developer fails to construct facilities, then sanitary restrictions may be reimposed, 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, REHS Date

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

City Clerk, Nampa, Idaho

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

City Engineer Date

APPROVAL OF CITY PLANNING AND ZONING COMMISSION
Accepted and approved this ____ day of _____________, 20____, by the Planning and Zoning Commission of the City of Nampa, Idaho.

Chairman, Nampa Planning & Zoning Commission Secretary, Nampa Planning & Zoning Commission

CERTIFICATE OF COUNTY SURVEYOR
I, the undersigned, Professional Land Surveyor for Canyon County, Idaho, hereby certify that I have examined this plat and that it complies with the requirements of Idaho State Code, relating to plats and surveys.

Canyon County Surveyor

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

County Treasurer

APPROVAL OF CITY PLANNING AND ZONING COMMISSION
LANDSCAPE PLAN

SEE SHEETS L1.0 FOR THE OVERALL SITE PLAN AND L2.0 FOR LANDSCAPE DETAILS

LEGEND:
- Land Area - Desert Turf Type Tall Fescue
- Seeded Native Grasses - (See Details)
- 6" Hot, Solid Alum. Vinyl Fencing (See Details)
- 8" Hot, Solid Wood Fencing (See Details)

GENERAL LANDSCAPE NOTES
1. No trees shall be planted within 3' of any clear edge of all grade lines. Stakes, signs, etc. shall be removed before and during construction. All trees shall be protected from any and all construction effects.
2. Trees shall be located at least 3' from the side of any road.
3. All trees shall be removed prior to any construction on or around the property.
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**Lot:** Number identifying the land parcel.  
**Parcel:** Number within the specified lot.  
**Type:** Development phase or particular use of land.  
**Description:** Specific details about the parcel, such as size or location.
ORDINANCE NO. 4177

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, CHANGING THE ZONING DESIGNATION SO AS TO REZONE CERTAIN REAL PROPERTY LOCATED IN FALL CREEK SUBDIVISION, COMMONLY KNOWN AS 17660 AND 17682 MADISON ROAD, FROM RS 8.5 (SINGLE FAMILY RESIDENTIAL) TO RS 7 (SINGLE FAMILY RESIDENTIAL), AND TO MODIFY THE ANNEXATION & ZONING DEVELOPMENT AGREEMENT TO WHICH SAID PROPERTY IS SUBJECT, DESCRIBED IN ORDINANCE NO. 3611 AND RECORDED AS INSTRUMENT NO. 200674064, RECORDS OF CANYON COUNTY, IDAHO; DIRECTING THE CITY PLANNING DIRECTOR TO ALTER THE USE AND AREA MAP ACCORDINGLY; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

WHEREAS, all required public hearings have been held on rezoning certain real property located in Fall Creek Subdivision, in Nampa, Idaho, specifically those parcels commonly known as 17660 and 17682 Madison Road, Nampa, Idaho, from RS 8.5 (Single Family Residential – with a “required property area” of at least 8,500 square feet) to RS 7 (Single Family Residential – with a “required property area” of at least 7,000 square feet), and to modify the Annexation & Zoning Development Agreement to which said property is subject, which agreement is described in Ordinance No. 3611, recorded as Instrument No. 200674064, records of Canyon County, Idaho;

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.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Nampa, County of Canyon, State of Idaho:

Section 1. That a certain portion of Fall Creek Subdivision, in Nampa, Idaho, specifically those parcels commonly known as 17660 and 17682 Madison Road, Nampa, Idaho, be, and the same hereby are, REZONED from RS 8.5 (Single Family Residential – with a “required property area” of at least 8,500 square feet) to RS 7 (Single Family Residential – with a “required property area” of at least 7,000 square feet), which property is more particularly described as follows:

See Exhibit “A,” attached hereto and made a part hereof by this reference.

Section 2. That the Annexation and Zoning Development Agreement for said property, described in Ordinance No. 3611, recorded as Instrument No. 200674064, 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 3. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

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.


APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS 18TH DAY OF MAY, 2015.

Attest:

City Clerk or Deputy

Approved:

Mayor Robert L. Henry
State of Idaho  
Canyon County  

On this 18th day of May, 2015, before me, the undersigned, a Notary Public in and for said State, personally appeared Robert L. Henry and Deborah L. Bishop known to be the Mayor and City Clerk 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.

[Signature]
Doris J. Hayward-Roland
Residing at: Nampa, Canyon County, Idaho
My Commission Expires: 08/15/2019
EXHIBIT "A"
Legal Description

Project No. 14-160

Proposed Fall Creek Subdivision

That portion of Government Lot 2 lying southerly of the Purdam Drain, and a portion of the SW 1/4 of the NE 1/4 of Section 3, T.3N., R.2W., B.M., Canyon County, Idaho, more particularly described as follows: Commencing at the North 1/4 corner of said Section 3, from which the Northeast corner of said Section bears South 89°30'18" East, 2649.17 feet;

Thence South 89°30'18" East, 42.88 feet to a point in the center of said Purdam Drain;

Thence along the center of said drain South 48°40'27" East, 76.47 feet to the REAL POINT OF BEGINNING;

Thence continuing along the center of said drain South 48°40'27" East, 18.33 feet

Thence 135.79 feet along the arc of a curve to the left, having a radius of 188.31, a central angle of 41°19'00", and a long chord bearing South 69°19'57" East, 132.87 feet;

Thence South 89°59'27" East, 244.58 feet;

Thence South 89°21'37" East, 192.89 feet;

Thence South 89°00'19" East, 192.09 feet;

Thence 92.31 feet along the arc of a curve to the right, having a radius of 199.25 feet, a central angle of 26°32'42", and a long chord bearing South 75°43'59" East, 91.49 feet;

Thence South 62°27'38" East, 189.27 feet;

Thence South 62°07'23" East, 148.77 feet;

Thence South 66°17'51" East, 72.31 feet to a point on the East line of said Government Lot 2;

Thence South 00°26'04" West, 1015.66 feet to the NE 1/16 corner of said Section 3, lying on the West boundary of Astoria Park No. 2 Subdivision, as same is recorded in Book 33 of Plats at Page 20, records of Canyon County, Idaho;

Thence along said West boundary and the West boundary of Astoria Park Subdivision, as same is recorded in Book 32 of Plats at Page 42, records of Canyon County, Idaho, South 00°26'15" West, 1323.42 feet to the C-E 1/16 corner;

Thence along the East-West mid-section line and along the North boundary of Colter Bay Subdivision No. 3, as same is recorded in Book 36 of Plats at Page 30, records of Canyon
County, Idaho, North 89°27'59" West, 1283.88 feet to a point on the East right-of-way line of Madison Road;

Thence along said East right-of-way line North 00°25'18" East, 1322.78 feet to a point on the South line of said Government Lot 2;

Thence along the South line of said Government Lot 2 South 89°29'41" East, 387.30 feet;

Thence departing said South line North 38°31’48” West, 168.30 feet;

Thence North 1°18’31” East, 501.32 feet;

Thence North 74°00’20” West, 143.39 feet;

Thence 69.70 feet along the arc of a curve to the left, having a radius of 232.95 feet, a central angle of 17°08’32”, and a long chord bearing North 82°34’36” West, 69.44 feet;

Thence South 88°51’08” West, 82.24 feet to a point on East right-of-way line of Madison Road;

Thence along said East right-of-way line North 00°25’18” East, 601.79 feet to a point on the South right-of-way line of Ustick Road;

Thence along said South right-of-way line South 89°30’18” East, 60.68 feet the REAL POINT OF BEGINNING. Containing 69.65 acres, more or less.

Prepared By:
Idaho Survey Group, P.C.

Gregory G. Carter, PLS
REZONE FROM RS 8.5 (SINGLE FAMILY RESIDENTIAL - 8,000 SQ FT) TO RS 7 (SINGLE FAMILY RESIDENTIAL 7,000 SQ FT), MODIFICATION OF ANNEXATION AND ZONING DEVELOPMENT AGREEMENT BETWEEN CENTENNIAL DEVELOPMENT, LLC AND THE CITY OF NAMPA RECORDED 9/12/06 AS INSTRUMENT NO. 200674064, TO ALLOW FOR THE REZONE, AND PRELIMINARY PLAT APPROVAL FOR FALL CREEK SUBDIVISION AT 17660 AND 17862 MADISON RD (A PORTION OF THE W ½ NE ¼ SECTION 3, T3N, R2W, BM - 254 SINGLE FAMILY DWELLINGS ON 71.50 ACRES FOR 3.55 LOTS/ACRE) ALL FOR NORTHSIDE MANAGEMENT/CENTENNIAL DEVELOPMENT LLC PROJECT # REZ 1865-14, ANN 1866-14 & SUB 635-14
AMENDMENT TO DEVELOPMENT AGREEMENT

This Amendment to Development Agreement (the "Amendment") is entered into this __ day of May, 2015 (the "Effective Date") by and between the City of Nampa, a municipal corporation (the "City") and Centennial Development, LLC hereinafter referred to as "Owner(s)/Developer(s)."

RECITALS

The City and a Developer, Centennial Development, LLC, entered into that certain Development Agreement (the [original] "Agreement") dated 05 September 2006 and recorded in the records of Canyon County, Idaho as Instrument No. 200674064, Ordinance 3611.

The Agreement was made in reference to the potential development of certain real property legally described in Exhibit A to the Agreement (the "Property").

The City and Centennial Development, LLC as parties to this Amendment, wish, and mutually consent, to amend the original Agreement by executing a Development Agreement Modification (hereinafter the "Amendment") as set forth herein.

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 Amendment.

2. Development Agreement Recitals. The RECITALS section of the [original] Agreement is, and shall be, hereby amended to read, and require, as follows:

RECITALS

A. Owner(s)/Developer(s) is the owner of approximately 71.50 acres of land legally described in Exhibit "A" attached hereto and made a part hereof (the "Property").

B. Owner(s)/Developer(s) applied to City on 08 December 2014 (the "date of application") for rezoning of the Property zoned RS 8.5 (Single-Family Residential, 8,500 sq. ft. min. lot size) to RS 7 (Single-Family Residential, 7,000 sq. ft. min. lot size) in anticipation of the development and construction of a residential housing subdivision (the "Project") containing 254 buildable and 17 common lots versus the density and lot type composition of the original 2006 Project plat.
C. City, pursuant to Sections 10-2-3, 10-2-5 of Nampa City Code, and, Idaho Code Section 67-651A, has the authority to rezone the Property and enter into a [modified] 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 rezoning and development of the Property and this Agreement. City originally approved the requested rezoning of the Property to RS 8.5 subject to the terms and commitments contained in the original Agreement.

E. City, pursuant to Sections 10-2-3 and 10-2-5 of Nampa City Code, and, Idaho Code Section 67-651A, has subsequently authorized rezoning of the Property to RS7. (Correspondingly, and by association, the City has also [thereby] authorized this Amendment.)

3. Exhibit(s) “B”. Exhibits B (pages 1-5) of this Amendment is a Concept Plan (labeled as “NEW FALL CREEK CONCEPT PLAN/PLAT”) depicting a new subdivision plat layout featuring revised building lot sizes, dimensions and street layout. The parties agree that the original subdivision concept plan (labeled as Exhibit “B” CONCEPTUAL PLAN) in the [original] Agreement shall be replaced by Exhibit “B-1” NEW FALL CREEK CONCEPT PLAN/PLAT (hereto attached) in accordance with the provisions, terms and limitations of this Amendment.

4. Exhibit “C”. Exhibit “C” (CONDITIONS OF APPROVAL) of the original Agreement are, and shall be, hereby amended to read, and require, as iterated in the new Exhibit “C” NEW FALL CREEK CONDITIONS attached hereafter.

5. Continued Effectiveness of Terms of Agreement. Except as provided in this Amendment, the [original] terms and conditions of the Agreement shall remain in full force and effect.
EXHIBIT "A"
Legal Description

Project No. 14-160

November 12, 2014

Proposed Fall Creek Subdivision

That portion of Government Lot 2 lying southerly of the Purdam Drain, and a portion of the SW 1/4 of the NE 1/4 of Section 3, T.3N., R.2W., B.M., Canyon County, Idaho, more particularly described as follows: Commencing at the North 1/4 corner of said Section 3, from which the Northeast corner of said Section bears South 89°30'18" East, 2649.17 feet;

Thence South 89°30'18" East, 42.88 feet to a point in the center of said Purdam Drain;

Thence along the center of said drain South 48°40'27" East, 76.47 feet to the REAL POINT OF BEGINNING;

Thence continuing along the center of said drain South 48°40'27" East, 18.33 feet

Thence 135.79 feet along the arc of a curve to the left, having a radius of 188.31, a central angle of 41°19'00", and a long chord bearing South 69°19'57" East, 132.87 feet;

Thence South 89°59'27" East, 244.58 feet;

Thence South 89°21'37" East, 192.89 feet;

Thence South 89°00'19" East, 192.09 feet;

Thence 92.31 feet along the arc of a curve to the right, having a radius of 199.25 feet, a central angle of 26°32'42", and a long chord bearing South 75°43'59" East, 91.49 feet;

Thence South 62°27'38" East, 189.27 feet;

Thence South 62°07'23" East, 148.77 feet;

Thence South 66°17'51" East, 72.31 feet to a point on the East line of said Government Lot 2;

Thence South 00°26'04" West, 1015.66 feet to the NE 1/16 corner of said Section 3, lying on the West boundary of Astoria Park No. 2 Subdivision, as same is recorded in Book 33 of Plats at Page 20, records of Canyon County, Idaho;

Thence along said West boundary and the West boundary of Astoria Park Subdivision, as same is recorded in Book 32 of Plats at Page 42, records of Canyon County, Idaho, South 00°26'15" West, 1323.42 feet to the C-E 1/16 corner;

Thence along the East-West mid-section line and along the North boundary of Colter Bay Subdivision No. 3, as same is recorded in Book 36 of Plats at Page 30, records of Canyon County,
County, Idaho, North 89°27'59" West, 1283.88 feet to a point on the East right-of-way line of Madison Road;

      Thence along said East right-of-way line North 00°25'18" East, 1322.78 feet to a point on the South line of said Government Lot 2;
      Thence along the South line of said Government Lot 2 South 89°29'41" East, 387.30 feet;
      Thence departing said South line North 38°31'48" West, 168.30 feet;
      Thence North 1°18'31" East, 501.32 feet;
      Thence North 74°00'20" West, 143.39 feet;
      Thence 69.70 feet along the arc of a curve to the left, having a radius of 232.95 feet, a central angle of 17°08'32", and a long chord bearing North 82°34'36" West, 69.44 feet;
      Thence South 88°51'08" West, 82.24 feet to a point on East right-of-way line of Madison Road;
      Thence along said East right-of-way line North 00°25'18" East, 601.79 feet to a point on the South right-of-way line of Ustick Road;
      Thence along said South right-of-way line South 89°30'18" East, 60.68 feet the REAL POINT OF BEGINNING. Containing 69.65 acres, more or less.

Prepared By:
Idaho Survey Group, P.C.

Gregory G. Carter, PLS
EXHIBIT “C”

NEW FALL CREEK CONDITIONS OF APPROVAL

1. Prior to the third reading of the annexation and zoning ordinance the Owner(s)/Developer(s) 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 Madison Road – the adjacent public roadway.

2. The Owner(s)/Developer(s) agrees that receipt/provision of sewer service from the City to the Project is necessarily made contingent upon the construction of the Purdam Lift Station, force mains and associated gravity trunk lines.

3. The Project is subject to an extraordinary traffic impact fee in the amount of: $5,970.33 as has been determined by the Owner(s)/Developer(s) and approved by the City’s Engineering Division.

4. Owner(s)/Developer(s) and Project shall comply with all requirements imposed on the Project by City divisions/departments and outside agencies as listed in documents furnished to the City and made a part of the record for the Project -- to include those associated with the plat of the Project.

5. The following minimum design standards shall be made to apply to for all single-family residential dwellings (homes) built on the Property and shall be incorporated into Covenants, Codes and Restrictions appertaining to the Project and enforced by the homeowners’ association pertinent to the Project:

   a. All dwellings shall be provided with eaves which project not less than twelve (12) inches beyond the side of the exterior wall; and,

   b. At least seventy-five (75) percent of the second story of any 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 an eave overhang across the full width of the garage to break the plane of the lower and upper levels; and,

   c. The roof pitches for dwellings shall be a minimum of 5/12 pitch; and,

   d. 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; and,
e. 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.; and,
f. Elevations of dwellings, including the garage, shall include stucco, stone, brick, or similar material, covering at least twenty (20) percent of each façade oriented to a street; and,
g. 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; and,
h. No front building elevation (that faces a street) of any dwelling shall have less than ten (10) percent glazing. The ten percent (10%) shall be calculated based on that façade’s gross square footage of wall area (excluding garage or unconditioned areas); and,
i. Any 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...
IN WITNESS WHEREOF, the parties have caused this Amendment to Development Agreement to be executed as of the Effective Date specified above.

CITY:
City of Nampa,
A municipal corporation

By
Robert L. Henry, Mayor

DEVELOPER(S):
Owner(s)/Developer(s)

By

John A. Laude Sr.
Manager

By

Attest:

By

City Clerk

STATE OF IDAHO)
) ss.
County of Canyon )

On this 18th day of May, in the year of 2015, before me, Doris Hayward Roland, 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.

DORIS J. HAYWARD ROLAND
Nampa, ID
8-15-2019
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 ID
Commission Expires: 9/6/2019

STATE OF IDAHO

Ada ss.
County of Canyon

On this 13th day of May, in the year of 2015, before me, David Labrie, personally appeared John A. Labrie Sr., known or identified to me, to be Manager, of Centennial Development LLC, 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 LLC.
I. That I am a citizen of the United States, and at all times hereinafter mentioned was over the age of eighteen years, and not a party to the above entitled action.

2. That I am the Principle Clerk of the Idaho Press-Tribune, a daily newspaper published in the City of Nampa, in the County of Canyon, State of Idaho; that the said newspaper is in general circulation in the said County of Canyon, and in the vicinity of Nampa and Caldwell, and has been uninterruptedly published in said County during a period of seventy-eight consecutive weeks prior to the first publication of this notice, a copy of which is hereto attached.

3. That the notice, of which the annexed is a printed copy, was published in said newspaper 1 times(s) in the regular and entire issue of said paper, and was printed in the newspaper proper, and not in a supplement.

That said notice was published the following: 05/25/2015

STATE OF IDAHO
County of Canyon
On this 26th day of May in the year of 2015 before me a Notary Public, personally appeared MICHELLE CLAXTON, known or identified to me to be the person whose name is subscribed to the within instrument, and being by me first duly sworn, declared that the statements therein are true, and acknowledge to me that he/she executed the same.

Notary Public for Idaho
Residing at Canyon County
My Commission expires 07/25/2018
AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL, CHANGING THE ZONING DESIGNATION SO AS TO REZONE CERTAIN REAL PROPERTY LOCATED IN FALL CREEK SUBDIVISION, COMMONLY KNOWN AS 17660 AND 17662 MADISON ROAD FROM RS 8.5 (SINGLE FAMILY RESIDENTIAL) TO RS 7 (SINGLE FAMILY RESIDENTIAL), AND TO MODIFY THE ANNEXATION & ZONING DEVELOPMENT AGREEMENT TO WHICH SAID PROPERTY IS SUBJECT, DESCRIBED IN ORDINANCE NO. 3611 AND RECORD ED AS INSTRUMENT NO. 200674064, RECORDS OF CANYON COUNTY, IDAHO; DIRECTING THE CITY PLAN NING DIRECTOR TO ALTER THE USE AND AREA MAP AC ORDINGLY; PROVIDING FOR SEVERABILITY AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREBY.

WHEREAS, all required public hearings have been held on rezoning certain real property located in Fall Creek Subdivision, in Nampa, Idaho, specifically those parcels commonly known as 17660 and 17662 Madison Road, Nampa, Idaho, from RS 8.5 (Single Family Residential) with a "required property area" of at least 8,500 square feet) to RS 7 (Single Family Residential) with a "required property area" of at least 7,000 square feet), and to modify the Annexation & Zoning Development Agreement to which said property is subject, which agreement is described in Ordinance No. 3611, recorded as Instrument No. 200674064, records of Canyon County, Idaho;

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.

NOW, THEREFORE, BE IT ORDAINED by the Mayor and Council of the City of Nampa, County of Canyon, State of Idaho:

Section 1. That a certain portion of Fall Creek Subdivision, in Nampa, Idaho, specifically those parcels commonly known as 17660 and 17662 Madison Road, Nampa, Idaho, be, and the same hereby are, REZONED from RS 8.5 (Single Family Residential) with a "required property area" of at least 8,500 square feet) to RS 7 (Single Family Residential) with a "required property area" of at least 7,000 square feet), which property is more particularly described as follows:

Set Exhibit "A," attached hereto and made a part hereof by this reference.

EXHIBIT A PROPOSED FALL CREEK SUBDIVISION

That portion of Government Lot 2 lying southeasterly of the Purdam Drain and a portion of the SW 1/4 of the NE 1/4 of Section 3, T. 3N., R. 2W., B.M., Canyon County, Idaho, more particularly described as follows:

Commencing at the North 1/4 corner of said Section 3, from which the North 1/4 corner of said Section bears South 89°30'18" East, 2649.17 feet; Thence South 89°30'18" East, 42.88 feet to a point in the center of said Purdam Drain; Thence along the center of said drain South 48°40'27" East, 76.47 feet to the REAL POINT OF BEGINNING; Thence continuing along the center of said drain South 48°40'27" East, 15.33 feet; Thence 17.79 feet along the arc of a curve to the left, having a radius of 188.31, a central angle of 41°19'30" and a long chord bearing South 69°19'57" East, 132.87 feet; Thence South 89° 59'27" East, 244.58 feet; Thence South 89° 21'37" East, 192.89 feet; Thence South 89° 00'19" East, 192.09 feet; Thence 92.31 feet along the arc of a curve to the right, having a radius of 199.25 feet, a central angle of 26°32'42" and a long chord bearing South 75°43'59" East, 91.49 feet; Thence South 27°36'06" East, 169.27 feet; Thence South 62° 07'23" East, 148.77 feet; Thence South 66° 17'51" East, 72.31 feet to a point on the East line of said Government Lot 2; Thence South 00°00'04" West, 15.66 feet to the NE 1/4 corner of said Section 3, lying on the West boundary of Astoria Park No. 2 Subdivision, as same is recorded in Book 33 of Plats at Page 20, records of Canyon County, Idaho; Thence along said West boundary and the West boundary of Astoria Park Subdivision, as same is recorded in Book 32 of Plats at Page 42, records of Canyon County, Idaho, South 00°26'15" West, 1323 feet to the C-E 1/16 corner; Thence along the East-West mid-section line and along the North boundary of Colter Bay Subdivision No. 3, as same is recorded in Book 36 of Plats at Page 30, records of Canyon County, Idaho, North 89° 27'59" West, 1283.88 feet to a point on the East right-of-way line of Madison Road; Thence along said East right-of-way line North 00° 25'16" East, 1322.78 feet to a point on the South line of said Government Lot 2; Thence along the South line of said Government Lot 2 South 89°29'41" East, 387.30 feet:

Thence departing said South line North 38°31'48" West, 168.30 feet; Thence North 1°18'31" East, 501.32 feet; Thence North 74°00'20" West, 143.39 feet; Thence 69.70 feet along the arc of a curve to the left, having a radius of 232.95 feet, a central angle of 17°06'32" and a long chord bearing North 82° 34'26" West, 69.44 feet; Thence South 88°51'08" West, 82.24 feet to a point on East right-of-way line of Madison Road; Thence along said East right-of-way line North 00° 25'16" East, 60.79 feet to a point on the South right-of-way line of Ustick Road; Thence along said South right-of-way line South 89° 30'18" East, 60.66 feet the REAL POINT OF BEGINNING. Containing 69.65 acres, more or less.
DATE: November 6, 2019
TO: Nampa Planning & Zoning Department
FROM: Caleb LaClair, P.E. – Assistant City Engineer
CC: Daniel Badger, P.E. – City Engineer
SUBJECT: SPF-00108-2019 – Fall Creek Subdivision #4 – Engineering Review Memo

The Engineering Division has completed a review of the Final Plat application for Fall Creek Subdivision #4 and recommend the following comments and conditions.

General Comments

1. A tributary unnamed drain of the Purdam Gulch Drain runs through the property and is proposed to be tiled. Plan approval and License Agreement from Pioneer Irrigation District may be required.

2. Nampa Highway District No. 1 (NHD1) has maintenance jurisdiction over Madison Road. Any work within the Madison Road public right-of-way will require plan approval and Right-of-Way Encroachment permit from NHD1.

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

Final Plat Comments

1. Revise “N Harpster PL” to “N Harpster Ct” per Nampa GIS review comment.

2. Check Block #’s against the recorded Phase 1 and 2 plats. Also confirm Phase 3 Block #’s are correct prior to recording. It seems that Block 13 should be Block 8, and Block 11 should be Block 7 based on the Phase 1 and 2 plats. Note that a change in Block # will subsequent Block # sequence.

3. Fix any text errors and conflicts.

Conditions of Approval

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

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

4. Developer shall provide documentation of plan review/approval from Pioneer Irrigation District prior to construction drawing approval for proposed tiling of the unnamed drain. Provide copies of any executed license agreement(s) prior to City Engineer signature of the plat.

5. Developer shall provide documentation of Nampa Highway District No. 1 review of plans prior to construction drawing approval for improvements within Madison Road right-of-way. Developer is responsible to obtain required encroachment permit from the Highway District prior to start of work within the right-of-way.
No concerns about landscaping – good to go

Doug,

I’m not sure why these landscape plans weren’t in the file, but can you take a quick look at this and provide a memo? This is for Fall Creek Subdivision Final Plat #4.

Rodney Ashby, AICP
(208)468-5457

Kent Brown, Planning Services
3161 E. Springwood Drive
Meridian, ID 83642
P: 208-871-6842
November 1, 2019

RE: Fall Creek Subdivision No. 4 - Final Plat

To: Kent Brown

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:

- N Harpster Pl should be E Harpster Ct

Sincerely,

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

Nampa Parks has reviewed the final plat for Fall Creek Subdivision No. 4 Project: SPF-000108. 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.
Hi Shellie,

After reviewing the above plat. We have no requests at this time.

Thank you,

Adam
Greetings,

Pioneer Irrigation District’s 9.8 South Branch Lateral may be impacted by this proposed development. The easement along the 9.8 SB Lateral at the SW corner of this development, is 15 feet from center of the pipeline along Madison Ave, and a 10 foot radius around this irrigation structure. If this development proposes any encroachment or modification to the existing 9.8 SB Lateral, written permission must be obtained by Pioneer Irrigation District, per Idaho Code 42-1209.

The Purdam Drain is a Bureau of Reclamation facility, which has a 110 foot right of way, 55 feet from centerline of the drain.

All easements and right of ways must be noted, should they fall within the plats.

Please contact me with any questions or concerns related to Pioneer’s facilities.

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

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Tuesday, October 22, 2019 7:15 AM
Subject: Correct attachment for the Final Plat Approval for Fall Creek Subdivision No. 4 / SPF-00108-2019

Good Morning Everyone! ☺

Re: Final Plat Approval for Fall Creek Subdivision No. 4 / SPF-00108-2019

Please find attached for your review the Final Plat Approval for Fall Creek Subdivision No. 4 in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district at the southeast corner of Ustick Rd. and Madison Ave. (64 Single Family Residential dwellings on 18.75 acres for 3.41 average dwelling units per gross acre - Located in a portion of Government Lot 2 and a portion of the SW ¼ of the NE ¼ of Section 3, T3N, R2W, BM) for Kent Brown representing Challenger Development.
Neil,

Thank you for the heads up. We will take action in plan review to ensure this information gets to the field.

This subdivision has high ground water and will require proper backfilling and water proofing of foundation walls, this is critical to prevent water from entering crawlspace.

Good Afternoon Everyone! 😊
Good Morning Shellie,

Nampa Highway District #1 has no objection as City of Nampa Has the ROW along Madison Rd where this subdivision is located.

Thank you,

Eddy

---

Sorry about that. Here you go.....

Thank you & Have a great day!

Shellie A. Lopez
Planning Administrative Specialist Senior
O: 208.468.4487, F: 208.468.5439
411 3rd Street South, Nampa, ID 83651
Planning and Zoning - Like us on Facebook
Nampa Proud