MEETING CALL TO ORDER

ANNOUNCEMENTS

APPROVAL OF MINUTES - ACTION ITEM

REPORT ON COUNCIL ACTIONS

BUSINESS ITEMS:

1) Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park in an IL (Light Industrial) zoning district at the southwest corner of N. Broadmore Way and 4th St. No. just south of Indian Creek (155 RV spaces on 11.74 acres for 13.20 average spaces per gross acre – A parcel of land being a portion of Parcel “4” of the Amended Record of Survey Instrument No. 2018-054013, Records of Canyon County, Idaho and lying in a portion of the SE ¼ of Section 16, T3N, R2W, BM) for All Terra Consulting, LLC representing Broadmore RV Park LLC (RVP 001-19). – ACTION ITEM

PUBLIC HEARINGS:

1) Subdivision Plat Preliminary Approval for Mossy Creek Subdivision in a RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 2726 and 2878 Southside Boulevard (54 single family detached lots on 16.53 acres for 3.27 average dwelling units per gross acre – A portion of Section 1, T2N, R2W, BM) for Leavitt and Associates Engineers, Inc. representing IAG Mossy Creek LLC (SPP 049-19). – ACTION ITEM

2) Conditional Use Permit for a Impound Lot/Vehicle Hold Area in a IL (Light Industrial) zoning district at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park for Nazar Leskovets (CUP 155 -19). – ACTION ITEM

3) Conditional Use Permit for the existing Bar in the Craft Lounge in a DH (Downtown Historic) zoning district at 320 11th Ave. So., Unit 2 Ground Floor, Historic 29th Masonic Lodge (A portion of a .48 acre or 20,909 sq. ft. parcel situated in the SW ¼ of Section 22, T3N, R2W, BM for Nick Boban (CUP 156 -19). – ACTION ITEM

4) Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County) for David DeMayola (ANN 134-19). – ACTION ITEM
5) Amendment of Title 10, Chapter 3, Section 10-3-2 containing the Schedule of District Land Use Controls by removing the requirement stated in Note 1 for Residential Land Use/Building Occupancy Type that there be no 220-volt power source for Accessory Dwelling Units (attached or detached) for the City of Nampa (ZTA 158-19). – ACTION ITEM

6) Conditional Use Permit for Vape Sales in a GB1 (Gateway Business 1) zoning district at 5840 E. Franklin Rd. (A portion of Lot 8 in Block 1 of The Idaho Center, as shown on the official plat thereof on file in the office of the Canyon County Recorder in Book 23 of Plats at Page 4 and a portion of the SW ¼ Section 7, T3N, R1W, BM) for Craig Bedford, Bedford Enterprises LLC d.b.a. Nugget CBD (CUP 157 -19). – ACTION ITEM

7) Conditional Use Permit for Firearms Manufacturing in an IL (Light Industrial) zoning district at 1604 E. Plaza Loop (Tax 10016 in Lot 14 and part of Lot 1 and 2, Block 1, Mason Creek Plaza and a portion of the SW ¼ Sylvan Heights in Section 14, T3N, 2W, BM) for Brian Kennedy, Precise Innovation LLC (CUP 158 -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 6:40 p.m.

Approval of Minutes: Sellman motioned and Miller seconded to approve the Minutes of the October 22, 2019 Planning and Zoning Commission meeting. Motion carried.

Report on Council Actions. Principal Planner Ashby reported on the City Council decision, during their November 4, 2019 meeting, to approve all of the Planning and Zoning Commission recommendations regarding Storage Facilities, except for the City Council decision to require Conditional Use Permits for Storage Facilities to go directly to City Council, bypassing the Planning and Zoning Commission.

Chairman McGrath proceeded to the business item on the agenda.

Business Item No. 1:
Subdivision Plat Final 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 (SPF-00108-19). – ACTION ITEM

Principal Planner Ashby:
- Ashby indicated the Final Plat for Fall Creek Subdivision No. 4, proposing 64 Single Family Residential lots and 9 common lots on 18.75 acres, for 3.41 dwelling units per gross acre, within an RS-7 zoning district, located south of Ustick Rd and east of Madison Rd.
- Ashby noted the existing RS-7 zoning district adjacent the proposed development, and Canyon County property to the northwest.
- In September of 2006, reported Ashby, the subject property was zoned RS-8.5 with a Development Agreement, and in 2014 it was Rezoned to RS-7 with a Modification of the Development Agreement.
- In 2006, continued Ashby, there were conditions regarding minimum dwelling size, and since then, noted Ashby, that requirement has been discontinued.
- Ashby indicated the Memorandum from the Idaho Transportation Department, dated November 1, 2019 stating although the development did not abut the State Highway system, ITD requested the City of Nampa require the applicant to do a traffic analysis for the State roadway.
- As part of the annexation and zoning of the subject property, continued Ashby, the City had required the applicant to do a Traffic Impact Study. The applicant has paid the Impact Fees, and nothing was required on the State roadway at that time.
- Ashby reported the City has no authority to require a Traffic Impact Study for property that does not abut the State roadway.
- The correspondence from the Nampa Meridian Irrigation District received after the Staff Report had been generated, indicated No Comment.
- According to Ashby, the subject property has been Annexed with an RS-7 zoning designation, subject to the conditions of approval recommended by Staff.
• The final plat substantially conforms to the approved Preliminary Plat and the applicable Subdivision and Zoning standards for Nampa, reported Ashby.
• In response to a question from Chairman McGrath, Ashby indicated there would be one more phase for development in the subdivision.

Miller motioned and Van Auker, Jr seconded to recommend to City Council Subdivision Final Plat approval for Fall Creek Subdivision No. 4, located at the southeast corner of Ustick Rd and Madison Ave, for Kent Brown representing Challenger Development, subject to:

Generally:
1. Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the City’s approvals of the requested annexation and zoning assignment do not, and shall not, have the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property.

Specifically:
1. Applicant shall comply with all Engineering Division plat comments:
   a) N Harpster Pl should be E Harpster Ct.
   b) Check Block #’s against the recorded Phase 1 and 2 plats. Also confirm Phase 3 Block #’s are correct prior to recording. It seems 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 change subsequent Block # sequence.
   c) Fix any text errors and conflicts.
   d) 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.
6. If any encroachment or modification occurs to the existing 9.8 South Branch Lateral, written permission must be obtained by Pioneer Irrigation District.
7. Applicant/Development shall modify the final plat to show 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’).

Motion carried.

At 7:00 p.m. Chairman McGrath proceeded to the Public Hearing items on the Agenda.

Public Hearing No. 1:
Subdivision Short Plat Approval for Arbor Court Subdivision in an RS-6 (Single Family Residential – 6,000 sq. ft.) zoning district at 424 W. Greenhurst Road (4 Single Family detached lots on .658 acres for 6.08 average dwelling units per gross acre - A part of the SW ¼ SE ¼ Section 33, T3N, R2W, BM) for Lindquist Properties LLC (SPS 025-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.
Craig Lindquist of 1425 S McDermott Rd, Nampa – the applicant:
• The Arbor Court Short Plat, stated Mr Lindquist, was a family project with his wife, son and daughter.
• According to Mr Lindquist, the family had purchased the property and taken the original house built in 1873 down to the studs, and intend to make it really nice. The plumbing and electrical has been removed.
• The plan, continued Mr Lindquist, was to divide the property into four lots and then build three additional new homes, probably in a modern craftsman style.
• Chairman McGrath inquired if the applicants had any building elevations at this time and Mr Lindquist replied he did not at the present time, because they wanted to make sure the short plat would be approved first.

Principal Planner Ashby:
• Ashby reviewed the Short Plat process and advised if the Planning Commission denied the application it would not go on to City Council unless the applicant appealed the denial to City Council. If approved, it would be a recommendation to City Council for approval.
• Ashby indicated the subject property, located on the edge of Low Density Residential and Medium Density Residential on the Comprehensive Plan Future Land Use map.
• Ashby noted the surrounding residential subdivisions within the RS-6 zoning designation.
• To the north, added Ashby, was the Seasons Subdivision and to the south across Greenhurst Rd, the Morning Sun Subdivision.
• According to Ashby, access would be from Greenhurst Rd via a common drive.
• Utilities are available in the area and the applicants would need to work with staff to identify the sewer connection point.
• Ashby reviewed the Staff Report and recommended conditions of approval.
• With the existing structure on the property, noted Ashby, there could be a waiver of the 25 ft landscape buffer requirement, and instead it would be a 15 ft landscape buffer. The existing home was situated 22 ft from the right-of-way, therefore, staff was in accord with the 15 ft landscape buffer as proposed on the plat.
• Ashby reviewed the Nampa Engineering Division conditions of approval. There were a couple of different options for the applicants to connect to sewer, stated Ashby, and they will work with the Engineering Division regarding the sewer connection.
• Engineering Division was also recommending a 20 ft setback from Greenhurst Rd to allow for the potential expansion of Greenhurst Rd right-of-way at some time in the future. That was not in the plans at the present time, but Engineering Division had determined the existing home on the property set back of 22 ft would still allow that to occur.
• In response to a question from Kehoe, Badger stated the existing footprint was an 80 ft right-of-way and the Transportation Master Plan and the Nampa policy on arterial roadways indicated a 100 ft of right-of-way.
• However, the majority of the road had already been developed, therefore, it was anticipated maintaining the roadway within 80 ft. The right-of-way would be available if in the future traffic demands increase and it was necessary to widen the road.
• Ashby stated the subject property was located within the City limits, zoned RS-6, and with the recommended changes, the subdivision would substantially conform to the applicable Subdivision and Zoning standards for the City of Nampa.
• Chairman McGrath inquired if the proposed subdivision lots would be able to meet the required parking standards.
• Ashby discussed the parking and setback requirements for the lots.

Chairman McGrath proceeded to public testimony.

William Mason with Mason and Associates, 924 3rd St S, Nampa – representing the applicant:
• Mr Mason stated Staff has reviewed everything worked out with the Engineering Division.
• The easement for the common drive would also be where the water and sewer lines would be located and the new houses would face that common drive.
• Mr Mason indicated the building footprints on the drawings allowed staff to see the proposed building sites and the setbacks that would allow cars to get off the common drive and still allow room for emergency services access.
• Mr Mason reported the proposed lots would be 6,000 sq ft in size, and the 20 ft landscaping strip would be at the front. Mr Mason noted the proposed homes would be smaller, for someone looking for a smaller lot and smaller home to maintain.
• Mr Mason explained the sewer line location and the required regrading.

Ray and Vicki Schnabel of 437 Autumn Dr, Nampa – in favor:
• Mr Schnabel stated they live adjacent to the subject property and noted the big tree that had been hanging over the neighbors’ house.
• The owner/applicant, added Mr Schnabel had since brought someone in to cut the tree down.
• Mr Schnabel added he was in favor of the short plat just to get the property cleaned up, the big trees taken out, and have it look nice.

Jody Crowson of 445 Autumn Dr, Nampa – in favor:
• Mr Crowson indicated the aerial view and noted his home was right next to the fence on the subject property and agreed there were a lot of older, tall trees.
• According to Mr Crowson, his major concern was that a huge windstorm could bring the old trees down.
• The trees were also entangled in the power lines, added Mr Crowson.
• Mr Crowson reported when his family moved into their house, the occupants renting the existing home on the subject property had trashed the property, as well as burning tires, etc.
• Mr Crowson considered his property value would go up if the subject property were cleaned up.

Lori Crowson of 445 Autumn Dr, Nampa – in favor:
• Lori Crowson concurred with Jody Crowson’s comments.
• Ms Crowson added the former tenants had burned tires, aerosol cans, paint, debris and all kinds of things and she had to wear a breathing mask due to all the smoke coming into their home.
• Ms Crowson considered the subject property had already improved so much.

Cindy Cleveland of 2106 Fall Ct, Nampa – in favor:
• Ms Cleveland stated she managed the Homeowners’ Association for the Seasons Subdivision.
• Ms Cleveland advised she and the HOA president were very much in favor of the subject property being developed, for all the previous reasons given.
• According to Ms Cleveland, one of the homeowners had inquired what would the applicants be doing about the fencing because the established homes around the subject property already have fences.
• The trees, added Ms Cleveland were also a big issue.

Vivian Turner of 441 Autumn Dr, Nampa – in favor:
• Ms Turner stated she was very much in favor of the project and thanked Mr Lindquist for taking down the tree that was hanging over her house.

Patty Jordan of 1912 Glen View Dr, Nampa – in favor:
• Ms Jordan stated she was a former owner of the subject property.
• According to Ms Jordan, the property itself was in pretty bad condition with trees growing up underneath the shed and huge cracks on the masonry and bricks on the shed.
• The house itself had been added onto many times and some of the additions were not surviving very well due to problems with the floor and ceiling joists.
• Ms Jordan stated the Nampa Police had advised her about the problems with the people living there.
• Having the property cleaned up would be the best thing, suggested Ms Jordan.

Mary Lopez of 405 Fall Dr, Nampa – opposed:
• Ms Lopez noted their fence was located along the entire east side of the subject property.
• If her fence came down when the trees were taken down, inquired Ms Lopez, would the applicants put the fence back up.
• Another concern, continued Ms Lopez, was the fact someone involved with the development came to her home and wanted to take the sewer through her property, which would mean tearing up her driveway – and she was definitely not in favor of that.
• Ms Lopez stated she did not understand why the proposed development had to have four lots when the surrounding neighborhood had two lots in a similar space.
• The small lots, added Ms Lopez, would necessitate small houses, which may turn into rentals.

Nampa Planning and Zoning Commission Meeting – November 12, 2019
Page 4
• Ms Lopez was in favor of the applicants cleaning up the property but wanted some assurance they would not be taking a sewer line through her property, and questioned if they would be replacing fences if the fences were damaged with the removal of the trees.
• Ms Lopez reiterated she was opposed to four lots.

Juan Lopez of 405 Fall Dr, Nampa – opposed:
• According to Mr Lopez, his concern was for the subject property to be cleaned up.
• The way the wind blows, added Mr Lopez, the trees would fall on his house.
• Mr Lopez noted his property had the longest connection with the subject property along his back lot line.
• Mr Lopez addressed the issues with the renters that had previously occupied the subject property.
• Mr Lopez also considered two lots would be better than four for the subject development and stated his opposition to the proposed four home sites.

Jared Pennington of 416 Fall Dr, Nampa – opposed:
• Mr Pennington stated they could see the subject property from their house and the previous rental occupants had participated in a lot of questionable activity on the property.
• According to Mr Pennington, the subject property needed to be cleaned up and it would be the property owner’s duty to clean it up.
• Mr Pennington disagreed with allowing four homes on the subject parcel.

Elizabeth Moot of 412 Fall Dr, Nampa – opposed:
• Ms Moot explained they lived in the cul-de-sac just to the east of the subject property.
• According to Ms Moot, both she and her husband agreed the subject property was too small for four tiny .16 acre properties and small houses. Morning Sun Subdivision, continued Ms Moot, had much larger lots and advised her lot comprised .27 acre.

Mr Lindquist:
• Mr Lindquist explained the house was in complete disrepair and destroyed by squatters when they purchased the subject property.
• According to Mr Lindquist, when the neighbors called about the large tree on the property that was split, he did feel it was their responsibility to take that tree down as quickly as possible because it was a real danger.
• The intention, reiterated Mr Lindquist, was to make the proposed houses cute, cottage style, modern craftsman style homes. With the current cost of housing, continued Mr Lindquist, it was getting more and more difficult for families to afford to buy a house.
• In response to a question from Kehoe, Mr Lindquist advised his family would not be living in the proposed homes, their intention was to develop the property and sell the homes.

William Mason, with Mason and Associates:
• Regarding the surveyors questioning the sewer location, Mr Mason stated that when the surveyors were in the neighborhood, they were trying to identify the location of the sewer service line, noting the City records indicate it extending into the northeast corner of the subject property. That sewer line was stubbed out when the Seasons Subdivision was being developed, to allow for development of the subject property in the future.
• Mr Mason reiterated they would not be on anyone else’s property, as the sewer was actually already stubbed into the northeast corner.
• Mr Mason explained the proposed lots were actually over 7,000 sq ft in size, except for the one in the northeast corner – due to the orientation of the adjacent existing house.
• Kehoe inquired if fencing would be placed on the subject property.
• Mr Lindquist replied the fencing issue had not been addressed at the present time, however, the idea was that if the fence was in disrepair or could be improved, they would just work with the neighbors.
• If the neighbors were in favor of a fence then they would share in the cost of fixing or replacing a fence.
• Mr Lindquist emphasized their goal was to be good neighbors.
• Kehoe noted the concern of the neighbors regarding the size of the homes and noted the trend towards smaller homes on smaller lots.
• Ashby concurred that smaller homes on smaller lots were becoming more and more popular due to the need for affordable housing.
• Ashby pointed out the surrounding RS-6 zoning and proposed of RS-6 zoning (Single Family Residential – 6000 sq ft minimum lot size) allowed for 6,000 sq ft lots.

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

• Kehoe considered the need for smaller homes in the City needs to be filled within the City. Kehoe added that he understood the neighbours’ concerns.
• Chairman McGrath stated it would be a nice infill project, with only four lots.
• Miller noted the property was already zoned RS-6 for 6000 sq ft lots.

Kehoe motioned and Hutchings seconded to recommend to City Council approval of the Short Plat approval for Arbor Court Subdivision in an RS-6 zoning district at 424 W Greenhurst Rd, for four lots on .658 acres for Lindquist Properties, subject to:

Generally:
1. Developer(s) shall comply with all applicable requirements [including obtaining proper permits – like a Building Permit, etc.] as may be imposed by City agencies appropriately involved in the review of this request (e.g., Nampa Fire, Building, Planning and Zoning and Engineering Departments/Divisions) as the entitlement(s) granted by virtue of the City’s approvals of the requested annexation and zoning assignment do not, and shall not have, the effect of abrogating requirements from those departments/agencies in connection with entitlement of the Property;

Specifically:
1. Applicant shall reference CC&R’s by note on the face of the Final Plat.
2. Developer’s Engineer shall address all Construction Drawing and Drainage Report comments identified in the “Arbor Court Subdivision – Construction Drawings & Final Plat – 1st Review” letter from the Nampa Engineering Division, dated 10/24/2019 prior to construction drawing approval.
3. CC&R’s or alternative agreement shall be submitted to the Nampa Engineering Division for review prior to City Engineer signature of the plat. CC&R’s shall specify maintenance and cost share responsibilities for the driveway and drainage improvements and the recording instrument number shall be noted on the plat.
4. Use of a shared sewer service will be subject to the following conditions:
   a. Upsize the proposed 1% sloped sewer lateral to 6” and replace the existing 4” sewer lateral with a 6” service line, along with provision of cleanouts as required by adopted Plumbing Code. As an alternative to upsizing the service line, the 4” sewer service would need to be sloped at 2% minimum for the entire distance.
   b. Applicant shall provide an analysis reflecting the shared service can support the proposed fixture count per Plumbing Code;
   c. The Applicant shall establish and record a shared use agreement detailing joint ownership and maintenance responsibilities of the service. Documentation of the above shall be provided to the Nampa Engineering Division and Building Department prior to Construction Drawing approval. The final recorded Shared Use Agreement shall be provided prior to issuance of Certificate of Occupancy of the first building.
6. 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 and specifications at the time of Record Drawing submittal and prior to Certificate of Occupancy issuance for the first building.
7. Provide a 20 ft setback along the Greenhurst Rd ROW to accommodate potential future roadway expansion.
8. Shared private driveway easement shall be 22 ft wide minimum and meet agency standards.
9. Applicant shall obtain an Erosion Control Permit prior to start of any earth disturbing activities.
10. A Right-of-Way Permit with City of Nampa is required prior to any work within the Greenhurst Road right-of-way or the existing onsite sewer easement.
Motion carried.

Public Hearing No. 2:
Zoning Map Amendment from RD (Two-Family Residential) to BC (Community Business) at 1511 7th St. So. (A .11 acre or 4,792 sq. ft. part of the NE ¼ of Section 27, Township 3 North, Range 2 West, BM being the SE 50’ of Lots 1 and 2, Block 5, Interstate Additions) for Dr. Brian Thomas, Nampa First Church of the Nazarene for a medical and counseling clinic (ZMA 113-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Reverend Anthony Johnson of 1468 S Millstream Ct, Nampa – representing Nampa First Church of the Nazarene at 601 16th Ave S and Care House Partnerships:
• Care House Partnerships stated Rev Johnson was the compassionate ministry outreach of Nampa First Church of the Nazarene, a 501 C 3 non-profit sponsored by Nampa First Church.
• Rev Johnson apologized for submitting the application so late and explained when they were in the process of developing the plans for the remodel of the house, it was determined a Rezone to BC would be required for the use.
• According to Rev Johnson they were already into the construction project and were asking for an adjustment of the zoning to BC because the RD zoning does not allow for any type of medical clinic.
• They would like to continue developing the free and charitable medical and counseling clinic for those in the community who are uninsured and live at 200 percent, or below, of the Federal Poverty Limit.
• Medicaid Expansion, continued Rev Johnson, only covers those up to 138 percent of the Federal Poverty Limit and it is estimated there would still be 80,000 people in Idaho, 30,000 people in the Treasure Valley, and upwards of 10,000 to 15,000 people in Nampa who were in that gap.
• Therefore, added Reverend Johnson, there would be a place for a free and charitable medical and counseling clinic in the community.
• Reverend Johnson explained there are four rooms in the house, two of them will be for counseling and two for medical exams.
• Reverend Johnson emphasized basic medical care would be provided. Acute or chronic care requirements would be referred to specialists and added there would be no surgeries or procedures performed at the subject facility.
• According to Reverend Johnson, there would be medical providers from Northwest Nazarene University’s Nurse Practitioner Program as well as medical providers from the community. The counseling will be provided by those in the Masters of Counseling Program at NNU. Interns would be supervised by a Licensed Professional Counselor. They would all be volunteers, other than the Supervisor who oversees the Counselors.
• The driveway on the subject property would be utilized as a handicap parking spot, and because First Church of the Nazarene owns all the properties on that side of the street, people would be able to park in the parking lot on the corner of 16th Ave S and 7th St S – two properties down – and walk to the subject clinic.
• Reverend Johnson indicated the subject property was also on the Valley Transit No. 51 bus line.
• Initially the clinic would be open one night a week for four hours, stated Reverend Johnson, and they would have to call in to make an appointment and no walk-ins. As the need increases, in the future, they would potentially be open for two nights a week for four hours each evening.
• Kehoe inquired if the clinic facility would be limited to members of any particular church and Reverend Johnson replied it would not be limited but open to the public that fits within the previously mentioned financial parameters.

Planning Director Holm:
• Holm indicated the location of the subject property on .11 acre, presently zoned RD, the same as the rest of the properties to the west, and the First Church of the Nazarene across 7th St S.
• The church also owns the grassed parcel to the west as well as the parcel to the southeast that would be available for parking.
• The Comprehensive Plan designation, continued Holm, was Medium Density Residential, with the General Commercial boundary in the alley on the east side of the subject property.
• The applicants were seeking to stretch that Commercial designation to allow rezoning from RD to BC. It would be compliant with the Comprehensive Plan, continued Holm, to allow that stretch to take place.
• Holm indicated the existing BC zoning on 16th Ave S and Holly St further south, as well as further to the northwest on 12th Ave S and 7th St S.
• Frontage of the subject property would be on 7th St S, added Holm, with additional parking available adjacent to the southeast.
• Holm indicated a street view of the subject property and the applicant’s proposed site plan and adjacent uses.
• Holm reviewed the Staff Report and noted there were no recommended conditions of approval.

Chairman McGrath proceeded to public testimony.

David Ferdinand of 2419 W Herron Loop, Nampa – in favor:
• Mr Ferdinand gave some history for the First Church of the Nazarene and noted his grandfather was the first pastor of the church in 1913 and his aunt started outreach ministries for food and clothing distribution.
• Mr Ferdinand stated when parcels become available around a church that was reaching out to the community it was very important to determine what the community needs.
• A mobile clinic has also been put together with St Alphonsus, added Mr Ferdinand, to provide free health care and an additional need was recognized for counseling and medical care in conjunction with Northwest Nazarene Church.

Mike Treasure of 720 15th Ave S, Nampa – opposed:
• Mr Treasure indicated his property on the east side of 15th Ave S, 3 lots down from the subject property.
• Although most of his concerns had been addressed, stated Mr Treasure, the other major concern he had was setting a precedent that all of the nearby properties would be gobbled up and turned into businesses.
• At the present time, added Mr Treasure, most of the residents on the street were homeowners and not renters.
• As far as outreach from the church, noted Mr Treasure, they had heard nothing about the proposed change of use for the subject property and the subsequent rezone to BC.
• Mr Treasure voiced concern regarding increased traffic, and where would the rezoning end. Would the grass lot be rezoned and turned into a parking lot – and that parcel was only two lots down from his property.
• The applicants, added Mr Treasure, had not taken into consideration the neighboring property owners living next door to the proposed facility.
• A little bit of consideration from the applicants, for the community and the neighbors, added Mr Treasure, would have been received much better.

Allison Treasure of 720 15th Ave S, Nampa – opposed but did not wish to speak.

Danielle Berrian of 716 15th Ave S – Undecided:
• Ms Berrian noted there was only one house between her property and the grass lot.
• According to Ms Berrian her husband is a mental health counselor and also worked for clientele that does not have insurance benefits, and added they would love the additional help in the valley.
• As a homeowner, continued Ms Berrian, she had similar concerns to Mr Treasure, and questioned what the plan would be for the grass lot next to the subject property.
• Ms Berrian noted the lot used for a community garden had also been sold without any contact with the neighbors.
• It would be nice to receive consideration from the church, stated Ms Berrian, but they only received notification from the City for tonight’s meeting.
• Ms Berrian requested more specifics regarding the evening hours of operation and the impact on the alley and the neighborhood.

Reverend Johnson:
• Reverend Johnson again apologized for not contacting the neighbors regarding the proposed counseling and medical facility.
• There had been discussions, added Reverend Johnson with those neighbors that come to the food pantry and those attending the Wednesday night dinner that also received some health care provided there through a parish nursing model mini clinic.
• Currently there were no times set for the medical and counseling clinic evening openings stated Reverend Johnson, but the hours could be from 3:00 p.m. to 7:00 p.m. or 2:00 p.m. to 6:00 p.m. The clinic would not be open late but would be available during hours that would accommodate the working poor.
Reverend Johnson advised the community garden lot had been sold in order to pay off indebtedness.

There were no plans at the present time, stated Reverend Johnson, to develop the grassy lot next door to the subject property into a parking lot, or anything else.

According to Reverend Johnson, if the proposed counseling facility and medical clinic went beyond operating more than four hours at a time for two days a week, then they would begin the process of looking for a new location.

Chairman McGrath inquired if there would be adequate staffing to make sure the activities were contained to the clinic/counseling facility.

Reverend Thomas replied that they could consider that request, and advised on Tuesday and Wednesday nights they have a Security Guard that walks around the church property, and the same could also be arranged if the facility was open Thursday night.

Reverend Thomas reiterated they want to be good neighbors.

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

Kropp inquired if the subject property were rezoned to BC and the clinic then moved to a larger facility, would the subject property remain BC and allow for another business to take over the property.

Holm advised the property would remain zoned BC and if the applicants maintained ownership, they could control the use on the property, however, if the property was sold it could be open to other uses.

Garner motioned and Sellman seconded to recommend approval to City Council for a Zoning Map Amendment from RD to BC at 1511 7th Street S, to allow for a medical and counseling clinic, for Dr Brian Thomas, Nampa First Church of the Nazarene.

Motion carried with Garner, Hutchings, Kehoe, Miller, Sellman and Van Auker Jr in favor and Kropp opposed.

Motion carried.

Public Hearing No. 3:
Annexation and Zoning to RMH (Multiple-Family Residential) for Townhomes at 622 N. 44th Street (A 2.02-acre parcel located in the NE ¼ NE ¼ of Section 24, T3N, R2W, BM, Canyon County, Idaho) for Mason and Associates representing Sun Peak Development LLC (ANN 133-19). – ACTION ITEM

Chairman McGrath proceeded to public hearing.

Will Mason of Mason and Associates of 924 3rd St S, Nampa – representing the applicant:

Mr Mason advised the application would be for annexation and RMH zoning for apartments on N 44th St where it ends at E Orchard Ave.

Currently, stated Mr Mason, they were in the process of putting together an architectural plan for a townhouse project.

If the applicants determined to plat the subject property then a subdivision plat would come back to the Commission.

Planning Director Holm:

Holm indicated the location of the subject property, on 2.02 acres.

On the Comprehensive Plan, continued Holm, the subject property was located within the High Density Residential designation.

The property borders the RA zone where the Happy Valley Mobile Home Park was located to the north and west.

Holm indicated the existing RMH zoning for the apartments to the northeast, bordering the subject property.

Rural residential properties, continued Holm, were located to the south and east.

Utilities do service the area, added Holm.

No correspondence had been received from local property owners or residents, stated Holm.

Holm reported he had received a call from the Manager of the adjacent mobile home park raising some concerns regarding the impact on traffic if the subject property were to be developed.

Holm indicated the Memorandum from Caleb LaClair, Assistant City Engineer, dated November 6, 2019, with conditions of approval.
Holm reviewed the Staff Report and recommended conditions of approval.
Holm noted the subject property was contiguous to City limits and eligible for annexation. The Comprehensive Plan does designate the property for the type of use proposed.

Chairman McGrath proceeded to public testimony.

Kerry Elliott of 416 N 44th St, Nampa – in favor:
- Ms Elliott questioned if the road would be widened.
- Ms Elliott inquired about the oil that had previously been located on the property and wanted to make sure that would be cleaned up prior to development of the property.
- In response to a question from Kehoe, Ms Elliott stated the previous owner had poured oil from small drums into a large drum and there had been spills on the ground. Ms Elliott added the adjacent properties were on wells and there was concern regarding contamination.

John Elliott of 416 N 44th St, Nampa – in favor but did not wish to speak.
Matthew Elliott of 416 N 44th St, Nampa – in favor but did not wish to speak.
Philip Batton of 410 N 44th St, Nampa – in favor but did not wish to speak.

David Ferdinand of 2419 W Herron Ln – in favor:
- Mr Ferdinand stated he was the listing agent on the subject property and the entire property had been cleaned up.
- It was previously Del’s Towing property with automobile parts and tires on the lot.
- There was a 1,000 gallon oil tank where they placed used oil, and a 250 gallon tank. Those were both sold in the auction.
- According to Mr Ferdinand, he obtained a sign-off from DEQ for the subject property to make sure there was no oil seepage into the ground. The DEQ official had come out to the subject property on a regular basis, added Mr Ferdinand to make sure the oil was recycled and used properly.
- The 1,000 gallon tank had been removed from the property by Gem State Oil and they signed off on the removal process, stated Mr Ferdinand.
- Other items were removed by a demolition company and taken for recycling.

Sherry Baker of 1746 N Jericho, Meridian – Undecided.
- Ms Baker stated she was the office manager for the owners of Happy Valley Mobile Home Park.
- Although she did not have a problem with the development stated Ms Baker, she did have concerns regarding the density of the proposed apartments/townhouses.
- According to Ms Baker the mobile home park also plowed snow on N 44th St as well as the roads within the mobile home park.
- The primary concern, continued Ms Baker, was the number of cars parked on the road, from the surrounding properties as well as the mobile home park.
- Ms Baker inquired if there would be any improvements or sidewalks for N 44th St when the subject property developed, or other properties on N 44th St sell.
- The only way to access the proposed townhouses added Ms Baker would be to go north on N 44th St from Airport Rd.
- Chairman McGrath inquired how much traffic was generated at the present time by the mobile home park and Ms Baker replied there were probably 15 to 20 homes on the west side of N 44th St.
- Ms Baker stated some of the homes only had one car and other homes had up to 4 cars.

City Engineer Badger:
- Badger advised N 44th St was a public road running north from Airport Rd to the southern edge of the northern section of Happy Valley mobile home park.
- Badger reiterated the subject parcel frontage was on a public right of way/street.
- Kehoe inquired about future improvements to N 44th St and Badger replied the current right-of-way was consistent with the requirements when the mobile home park was constructed which at that time had been a little more than half of the roadway.
• The proposed development, continued Badger, would be required to complete their road frontage, and depending on the dwelling unit count would determine if a Traffic Impact Study would be necessary, which would then dictate whether more improvements were needed beyond the parcel frontage.

Kehoe motioned and Van Auker, Jr seconded to close public hearing. Motion carried.

Van Auker, Jr motioned and Garner seconded to recommend to City Council Annexation and RMH zoning for townhomes on a 2.02 acre parcel at 622 N 44th Street for Mason and Associates representing Sun Peak Development, LLC, subject to:
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.
3. Utilities shall be constructed to and through the site at the time of property development/redevelopment, including public pressure irrigation main from N Happy Valley Road, 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.
Motion carried.

Meeting adjourned at 8:31p.m.

Norman L Holm, Planning Director

Nampa Planning and Zoning Commission Meeting – November 12, 2019
Page 11
PLANNING & ZONING DEPARTMENT
Before the Planning & Zoning Commission
Meeting of 26 November, 2019

BUSINESS ITEM
STAFF REPORT

Analyst: Kristi Watkins
Applicant(s)/Representative(s):
AllTerra Consulting, Jay Walker, Applicant/Broadmoor RV Park, Danny Pruett, Owner
File(s): RVP-00001-2019
Project Name/Type: Broadmoor RV Park
(155 RV spaces, 27 visitor parking spaces and 3 common areas)

Requested/Needful Action:

Preliminary RV Park Plan Approval: (Decision Required: Decision)

For "Broadmoor RV Park" [hereinafter the "Project" or "Development"; alternatively, “Broadmoor RV Park"] -- a proposed 155 RV spaces, 27 visitor parking spaces and 3 common areas upon the land referenced below...

Pertaining to:
A 11.74-acre portion of the SE ¼ of Section 16, T3N, R2W, BM identified as 0 N. Broadmore Way (Left off Shannon Drive on the south side of N. Broadmore Way (Parcel # R13034013C0), (hereinafter the “Property”)...

History:

September 18, 2017 - CMA-00041-2017 – Comprehensive Plan Map Amendment from Parks to Light Industrial for 35.11 acres
September ZMA-00075-2017 – Rezone from Park to IL and BC – Ordinance #4352
June 25, 2019 – CUP 140-2019 – Approved for RV Park

FINDINGS OF FACT & NOTES REGARDING PLAN

10-32-1: PURPOSE: The purpose of this chapter is to provide for recreational vehicle parks which are suitably developed for the placement and occupancy of recreational vehicles for temporary living quarters for recreation or vacation purposes on rented spaces with the necessary amenities. These regulations are intended to enable the development of unique, well planned projects incorporating a variety of vehicle-
based housing for temporary occupancy. It is also the purpose of this chapter to provide adequate regulations to preserve the residential character of the development and to prohibit inappropriate and incompatible land uses. (Ord. 2244; amd. Ord. 3077)

Plan review was done to analyze the Project’s compliance to code.

Overall Site Area- 11.74 acres
Total, Proposed RV Space Count- 155
Total Common Space Count- 3
Total Visitor Parking Space Count- 27

Regarding RV Park Design & Development Requirements:
Maximum density allowed-
22 recreational vehicle spaces per net acre
Density proposed:

Minimum area of each RV space
1,200 sq. ft.
Minimum Space Width-
24’
Minimum Space Depth-
40’
Minimum Open Space area:
75 s.f. per RV space; 155 spaces x 75 s.f. = 11,625 s.f.

Open Space area proposed:

Minimum Vehicle Parking spaces for RV Spaces:
155
Vehicle Parking spaces for RV Spaces Proposed:
155
Minimum Visitor Parking spaces:
1 per 10 RV Spaces; 155/10=15.5 (16 required)
Visitor Parking spaces proposed:
27
Plan Development Data/Notes:
Per plat sheets

Floodplain Info for Indian Creek:
FEMA floodplain and floodway zones are present in the area adjacent to Indian Creek; some lots appear to be affected by these zones. Conditions were placed on the property in regards to the floodplain:
1) Recreation vehicles that will be sited within the floodplain shall be moved every 90 days
2) Recreation vehicles within the floodplain shall be tied down or anchored as necessary in accordance with FEMA regulations.
3) The Owner/Developers shall comply with all FEMA conditions.

See Broadmore Management Plan – specifically the 4th item that states “RVs and trailers stating in sites 21-42 will us anchor bolts to secure units during stay. They will also be required to move sites every 90 days as per FEMA and City of Nampa Codes and requirements”.

Regarding the plan, Zoning Staff finds:

1. Minimum Space Area:
That because the proposed Development is slated for development in conjunction with Chapter 32 Recreational Vehicle Park design requirements, this requirement applies… Recreational vehicle spaces at least one thousand two hundred (1,200) square feet in area. 1. The minimum space width shall be at least twenty-four feet (24’). 2. The minimum space depth shall be at least forty feet (40’).
All the spaces shown on the plans exceed 1,200 s.f. in area. Therefore, the Plat is deemed compliant in this regard; and,

2. **Space Width and Depth:**
   All spaces demonstrate the required lot width and all exceed the required lot depth; therefore, the Project is deemed compliant in this regard; and,

3. **Vehicle and Visitor parking spaces:**
   There is room in each space to provide parking for one vehicle and the visitor parking spaces provided exceed the number required by code, therefore the Project is deemed compliant in this regard; and,

4. **Open Space**
   Open space should equal or exceed 75 s.f. for each RV space = 11,625 s.f. for this site plan – This calculation was not provided by the applicant.

5. **Trash enclosure screening:**
   Trash enclosures shall be screened – Materials used for screening were not provided by the applicant.

6. **Net Density:**
   Net Density Calculation shall be less than 22 sites per net acre (after deducting existing or proposed rights-of-way) – Calculations were not provided by the applicant.

7. **Drive Aisle dimensions:**
   Drive aisles shall be paved at at least 20' wide – Applicant shall show drive aisle widths on the plans.

8. **All spaces shall be equipped with water, sewer and electrical utility connections as well as flood damage prevention codes.**

9. **Conditional Use Permit conditions of approval:**
   This preliminary site plan appears to be in substantial conformance with the conditions placed on the Conditional Use Permit for the RV Park. See attached decision letter authored by Norm Holm.

9. **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 November 20, 2019] is hereafter attached to this report, to include:

   1. An email, dated October 31, 2019, authored by Eddy Thiel, Nampa Highway District #1, stating they have no comment; and,

   2. An email dated November 5, 2019, authored by Neil Jones with the Nampa Building Department stating building permits will be required for any and all work on this site; and,

   3. An email dated November 1, 2019 from Pioneer Irrigation authored by Mark Zirschky indicating Pioneer Irrigation has no comment on this matter; and,

   4. A memo dated, November 19, 2019, authored by Doug Critchfield, Planning and Zoning Dept, in regards to the landscape plan, requesting that the applicant replace or remove the Cedris Atlantica from the buffer zone along Broadmore Way. And Please screen the trash enclosure on three sides with evergreen shrubs. Please see the attached memo for more details; and,

   5. A memo dated November 7, 2019, authored by Caleb LaClair, Nampa Engineering Department, with the following comments:
Engineering GENERAL COMMENTS
1. A Right-of-Way Permit with City of Nampa is required for any work to be performed within the N Broadmore Way public right-of-way.
2. An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.
3. Include drainage calculations and geotechnical analysis/report with final plan submittal. The drainage calculations shall adhere to the City of Nampa drainage policy.
4. The Engineer of Record (EOR) shall be responsible for inspecting the onsite private drainage facilities. The EOR will be required to provide a letter to the Nampa Engineering Division at project closeout certifying that the facility was constructed within substantial conformance with the approved plans and specifications.
5. Public utility easements will be required for any public utility mains within the private property. Developer shall supply legal descriptions and accompanying easements to the City at project closeout for easement deed recordation.
7. Utility hook-up fees will need to be paid at the time of Building Permit for the entire RV park.

Engineering PRELIMINARY SITE PLAN COMMENTS (To be addressed with Final Plans)
1. The 2012 version of the ISPWC is adopted by the City and shall be referenced for all public infrastructure. Update all notes accordingly.
2. Curb inlets within the public right-of-way shall be Type IV per SD-604.
3. Makes sure list of standard details is comprehensive.
4. Provide back-up for proposed pavement section thicknesses. Broadmore Way Street Section should be designed to a minimum Traffic Index of 7.0.
5. Can a walkway be added from the Broadmore Way sidewalk terminus to the first Indian Creek pedestrian bridge to provide pedestrian connectivity to the trail in absence of the sidewalk being continued across Indian Creek?
6. Is it preferred to separate the public Broadmore Way drainage from the private onsite drainage. Is this possible?
7. Clearly define on final plan which utilities are public and which are private.
8. Reflect water meter and backflow prevention device on final plans. Verify size needed to provide necessary demand. Please note the City does not have a standard detail for any service/meter over 2” size. Special consideration will be necessary if a larger meter is needed.
9. Confirm if the 8” water loop and fire hydrants are intended to be public. If not, a double detector check valve will be required to separate the public main from the private.
10. Verify with Fire Marshal if bollards will be required at fire hydrants.
11. If the 8” water loop is public, there will need to be 5’ separation to the private 4” water loop for maintenance purposes.
12. Add a shutoff valve to the pressure irrigation main just outside the Broadmore Way right-of-way to demark the location of private and public utility.
13. The sewer main will be public up to the first manhole inside the property. All upstream sewer will be private.
14. Maximum valve spacing for public water mains is 800’.

Recommendation:
Approval with conditions…

RECOMMENDED CONDITIONS OF APPROVAL

Preliminary Plan Approval Request:

Should the Planning and Zoning Commission vote to approve the Broadmoor RV Park preliminary plan, 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):

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

1. All utilities, streets, paved areas and landscaping must be completed within one year of the start of construction or as otherwise approved by the planning and zoning commission; and,

2. Shall obtain building permits for any and all work on site; and,

3. Revise landscape plans to be submitted with final plans; and,

4. Provide calculations for opens space and net density; and,

5. Provide a list of materials used for screening trash enclosures; and,

6. Provide drive aisle dimensions on the final plan; and,

7. Shall obtain Right-of-way and Erosion Control permits prior to work commencing; and

8. Provide drainage calcs with final plan; and,

9. Comply with all Engineering Preliminary Plan comments; and,

10. <any other conditions the commission sees fit to impose...>

ATTACHMENTS

• RV Preliminary Plan Application/information pages (page 6-10)
• Broadmoor RV Park LLC Management Plan (page 11)
• Vicinity Map (page 12)
• Aerial Map (page 13)
• Preliminary plan pages (page 14-17)
• Preliminary landscape plan (page 18-19)
• Conditional Use Permit Action Letter with Conditions of Approval (page 20-21)
• Copy of [any] inter-departmental/agency/citizen correspondence (page 22+)
APPLICATION FOR A RECREATIONAL VEHICLE PARK
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651  P: (208) 468-5484 F: (208) 465-2261

Applican/Representative Name
AliTerra Consulting, LLC (Jay Waker)

Home Number

Street Address
849 E STATE STR, STE 104

Mobile Number
208-484-4479

City
EAGLE
State
IDAHO
Zip code
83616

Email
jay@allterraconsulting.com

Applicant's ownership status:
( ) Own  ( ) Rent  ( ) Other

Property Owner Name
Broadmoor RV Park, LLC (Danny Prueft)

Home Number
n/a

Street Address
136 N. Broadmore Way, Ste. 101

Mobile Number
(208) 598-7499

City
Nampa
State
ID
Zip Code
83687

Email
danny@royalproc.com

Engineer Name
Rock Solid Civil

Home Number
n/a

Street Address
210 N. 21st Street, Ste. 100

Mobile Number
(208) 347-3277

City
Boise
State
ID
Zip code
83702

Email
coslett@rocksolidcivil.com

ADDRESS OF SUBJECT PROPERTY:
6 Shannon Dr, Nampa, ID

Date of Pre-Application Meeting: 10/16/2019

Project Description

Provide a brief project description of the request:

This will be a 156 space RV park with amenities located on the Southwest corner of N. Broadmore Way and 4th Street N. just south of Indian Creeks.

Dated this 25th day of OCTOBER, 2019

Applicant Signature

Please begin the application process for an RV park by requesting a Pre-Application Meeting with Planning and Zoning department staff to review zoning requirements and/or plan sketches. Then, submit this application packet for preliminary review by the Planning and Zoning commission (Business Item). It will be scheduled on the Planning and Zoning Commission agenda approximately 30 days after submission to provide staff time to review the proposed layout. Upon approval of the preliminary site plan, a final site plan application packet may be submitted to the Planning and Zoning Commission. Appeals are accepted for 15 days following the action of the commission. The preliminary site plan submittal requires a non-refundable plan review fee, there is no fee for the final site plan submittals. The preliminary plan approval is valid for a period of one (1) year. For more information, please refer to Title 10, Chapter 32—Recreational Vehicle Parks.

OFFICE USE ONLY

PROJECT NAME Broadmoor RV Parking

FILE NUMBER: RV P-001-2019

Checklist for RECREATIONAL VEHICLE PARK Application
Project Name  | BROADMOOR RV PARK
---|---
Applicant/Agent  | AUTerra Consulting (ATC)
Proposed Acreage  | 11.74 ACRES
Number of vehicle spaces/pads  | 155 spaces, 27 visitor parking spaces
Number of open spaces & describe amenities  | 3 open spaces (Storm Drain/Rec. Area) Bocci ball, Volleyball, Dog Park, club house, laundry, gym, pool, bathrooms w/ showers, kitchen, rec area

### RV Park Submittal Checklist

- [x] Completed application
- [x] Warranty deed for subject property
- [x] Notarized Affidavit of Legal Interest
- [x] Metes and bounds legal description in WORD format
- [x] Landscape Plan
- [x] 4 copies of Preliminary Site Plan or Final Site Plan to include site construction drawing (see attached requirements)
- [x] All the above items shall be submitted in 8.5x11 paper format, 34x22 formatted sheets and in electronic format (PDF) on flash drive or CD
- [x] Fees for Preliminary Site Plan Review (no fees for final site plan review):
  - Planning & Zoning - $244 plus $5.98 per lot
  - Fire Dept. - $160 plus $1.00 per lot
  - Sewer Model Fee - $250
  - Water Model Fee - $250

---

**OFFICE USE ONLY**

<table>
<thead>
<tr>
<th>PROJECT NAME</th>
<th>____________________________</th>
</tr>
</thead>
</table>

FILE NUMBER:

07/11/16 Revised
BROADMORE RV PARK LLC.,
PARCEL "C" DESCRIPTION

The following describes a parcel of land being a portion of parcel "4" of the Amended Record of Survey Instrument No. 2018-054013, Records of Canyon County, Idaho, and lying in a portion of the SE1/4 of Section 16, Township 3 North, Range 2 West, Boise Meridian, City of Nampa, Canyon County Idaho, and more particularly described as follows:

COMMENCING at a found aluminum cap marking the Southeast corner of said Section 16; From which, the Northeast corner of the SE 1/4 SE 1/4 (S 1/16th corner) of said Section 16 bears, North 00°24'05" East, 1324.19 feet which is being Monumented with a found 5/8" Iron pin with "No Cap"; Thence along the Easterly boundary line of the SE 1/4 SE 1/4 of said Section 16, North 00°24'05" East, 727.16 feet to a point; Thence leaving said Easterly boundary line, North 89°45'09" West, 25.00 feet to a found 5/8" Iron pin with plastic cap "PLS 11118" being on the Westerly right of way line of North broadmore way, the point of beginning:

Thence leaving said Westerly right of way line, North 89°45'09" West, 224.00 feet to a found 5/8" Iron pin with "No Cap";

Thence, North 47°50'50" West, 251.00 feet to a set 5/8" Iron pin with Plastic Cap "Koemer PLS 8251";

Thence along an existing fence line, North 36°21'02" West, 363.98 feet to a set 5/8" Iron pin with Plastic Cap "Koemer PLS 8251";

Thence leaving said existing fence line, North 26°13'39" West, 645.15 feet to a point on the Centerline of Indian Creek; From said point, a found 5/8" Iron pin with Plastic Cap "PLS 11118" which is Witnessing said point bears, South 26°13'43" East, 25.00 feet;

Thence along the Centerline of said Indian Creek, South 77°51'15" East, 157.53 feet to a point; From said point, a set 5/8" Iron pin with Plastic Cap "Koemer PLS 8251" which is Witnessing said point bears, South 12°08'45" West, 25.00 feet;

Thence continuing Northeasterly 38.22 feet along the arc of a Non-Tangent curve to the left having a radius of 80.00 feet, a Central angle of 27°22'31" and a long chord which bears, North 88°27'30" East, 37.86 feet to a point of reverse curvature; From said point, a set 5/8" Iron pin with Plastic Cap "Koemer PLS 8251" which is Referencing said point bears, South 15°15'05" East, 20.00 feet;

Thence continuing Southeasterly 150.96 feet along the arc of a Non-Tangent curve to the right having a radius of 174.69 feet, a Central angle of 49°30'36" and a long chord which bears, South 80°29'47" East, 146.30 feet to a point of compound curvature; From said point, a set 5/8" Iron pin with Plastic Cap "Koemer PLS 8251" which is Referencing said point bears, South 31°36'07" West, 20.00 feet;

Thence continuing Southeasterly 100.90 feet along the arc of a curve to the right having a radius of 497.90 feet, a Central angle of 11°36'41" and a long chord which bears, South 52°35'33" East, 100.73 feet to a point; From said point, a set 5/8" Iron pin with Plastic Cap "Koemer PLS 8251" which is Referencing said point bears, South 31°36'07" West, 20.00 feet;

Thence continuing, South 46°47'12" East, 117.89 feet to a point; From said point, a set 5/8" Iron pin with Plastic Cap "Koemer PLS 8251" which is Referencing said point bears, South 43°12'48" West, 20.00 feet;
Thence continuing Southeasterly 103.78 feet along the arc of a curve to the left having a radius of 103.78 feet, a Central angle of 29°43'51" and a long chord which bears, South 61°39'08" East, 102.62 feet to a point; From said point, a set 5/8" Iron Pin with Plastic Cap "Koerner PLS 8251" which is Referencing said point bears, South 13°28'57" West, 20.00 feet;
Thence continuing, South 76°31'03" East, 231.47 feet to a point; From said point, a set 5/8" Iron Pin with Plastic Cap "Koerner PLS 8251" which is Referencing said point bears, South 13°28'57" West, 20.00 feet;
Thence continuing, South 81°56'04" East, 99.51 feet to a point being on the Westerly Right of Way Line of North Broadmore Way; From said point, a found 5/8" Iron Pin with Plastic Cap "PLS 11118" which is Witnessing said point bears, South 00°23'14" West, 20.00 feet;
Thence leaving said Centerline, and along said Westerly Right of Way Line, South 00°23'14" West, 129.37 feet to a found 5/8" Iron Pin with Plastic Cap "PLS 11118";
Thence continuing, South 00°24'05" West, 597.10 feet to the POINT OF BEGINNING:

The above Described Parcel of Land contains 11.74 Acres, more or less.
11418-PARCEL "C" DESCRIPTION

Scale: 1 inch=128 feet

File:

Tract 1: 11.7417 Acres, Closure: n73.0557w 0.01 ft. (1/21/19661), Perimeter=3214 ft.

01 n89.4590w 224
02 n47.5050w 251
03 n36.2102w 363.98
04 n26.1339w 646.15
05 n26.5115e 157.53
06 Lt, r=80.00, delta=027.2231, chord=n88.2730e 37.86
07 Rt, r=174.69, delta=049.3036, chord=s80.2947e 146.30
08 Rt, r=497.90, delta=011.3641, chord=s52.3533e 100.73
09 s46.712e 117.89
10 Lt, r=103.78, delta=029.4351, chord=s61.3908e 102.62

2/21/2019

Page 10
**Broadmoor RV Park LLC Management Plan**

- All RVs and trailers shall be clean and in good working order. Any units that do not meet this standard will be refused entry by Management. Units that require maintenance once on site will do so in a timely manner.
- Classic RVs and trailers are welcome as long as they are fully restored and in good working order.
- As a general rule RVs and trailers will be from 1995 and newer. Any units outside these general rules will be handled on a case by case basis and will require a photo before reservations will be accepted.
- RVs and trailers staying in sites 21-42 will use anchor bolts to secure units during stay. They will also be required to move sites every 90 Days as per FEMA and City of Nampa codes.
- Guests with pets are required to clean up pet waste and properly dispose of waste. Please contact Management if any problems with this occur.
AGENCY REVIEW NOT APPROVED FOR CONSTRUCTION

BROADMOOR RV PARK

TURNING MOVEMENT

Revisions

Page 15
June 27, 2019

Jay Walker
All Terra Consulting, LLC
849 E State Street, Ste #104
Eagle, ID 83616

Subject: Conditional Use Permit for an Upscale Recreational Vehicle Park – 178 spaces on 11.74 acres or 511,394 sq. ft. located in a portion of the SE ¼ of Section 16, T3N, R2W, BM in an IL (Industrial Park) Zoning District at Northside Blvd. and Shannon Dr. for Jay Walker representing Royal Pro-C Equities (CUP 140-19).

Dear Mr. Walker:

The following is the decision of the Nampa Planning & Zoning Commission on the above matter heard before them on June 25, 2019. This letter will stand as the Findings of Fact, Conclusions of Law and Decision required by Idaho Code Section 67-6535. The Planning & Zoning Commission found the following concerning your Conditional Use Permit request:

1) The location, size and design of the proposed 178-space Recreational Vehicle Park will be reasonably compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.

2) The location, design, and site planning of the proposed 178-space Recreational Vehicle Park will be as attractive as the nature of the use and its location and setting warrants.

3) The proposed 178-space Recreational Vehicle Park will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

Consequently, the Commission concluded to approve your Conditional Use Permit subject to the following conditions:

1) All requirements of the Nampa fire and building departments regarding Recreational Vehicle Park use shall be satisfied.

2) The Conditional Use Permit is issued for the life of the Recreational Vehicle Park.

3) The Park shall be designed, approved and developed in accordance with the provisions of Chapter 32 - Recreational Vehicle Parks, including the submittal and approval of both Preliminary and Final Site Plans.

4) Recreation vehicles that will be sited within the floodplain shall be moved every 90-days.

5) Recreation vehicles within the floodplain shall be tied down or anchored as necessary in accordance with FEMA conditions.

6) The owners/developers shall comply with all FEMA conditions.

7) The Park shall have a maximum number of 178 spaces (average size of 22’ x 75’) ranging in sizes to accommodate users of different types.

8) Greenspace within the Park shall capitalize on the existing trees, pathway, foot bridges, Indian Creek and the amenities remaining from the Broadmore Golf Course. Existing grass and landscaped tree areas shall be upgraded and maintained with pressure irrigation to all greenspace.

9) At minimum of 10 existing healthy mature trees shall be preserved within the center of the Park, and other existing healthy mature trees along the west and south boundary of the Park shall also be preserved to maintain the open feel of the former golf course.
10) Landscaping along N. Broadmore Way shall be as shown on the approved final site plan and may be shifted if Idaho Power does not allow the trees under the power lines.

11) The Park shall complete and provide connectivity for Nampa's regional pathway for pedestrians and cyclists.

12) A minimum of a 4' high landscape berm with a maximum slope of 3:1 shall be constructed along N. Broadmore Way.

13) Greenspace shall be provided between all spaces within the Park.

14) Access to the Park from N. Broadmore Way shall be placed at the south edge of Park.

15) Construction shall substantially comply with the city approved final site plan.

16) Construction shall be completed within 2 years of final site plan approval.

17) On-premise signage shall be limited to south end of the Park.

18) All spaces within the Park shall be hard surfaced (asphalt or concrete).

19) That area of the Park within the floodway shall be landscaped, irrigated open space if FEMA does not allow recreational vehicles in the Floodway. Any lost spaces shall not be added back into the Park.

20) Amenities in the Park shall be in accordance with that list presented as follows: The Clubhouse and Office shall include check in, office, and reception area, restrooms and changing rooms, laundry, mail room, lounge and gathering area, game room, snack and kitchenette, and exercise area. The Picnic Shelter shall include barbeque grills, tables-benches, concrete pad, GFI-water connections. The Dog Park shall be fenced. The Sports Courts shall include volleyball, bocce ball, and basketball.

21) Safety in the Park shall be achieved, and security provided by perimeter landscape buffers, and other barriers, including a combination of 6' privacy vinyl and wrought iron fencing.

22) The Park owner shall submit a business management plan to the Planning and Zoning Department prior to final site plan approval. The plan shall include a statement of the age of Recreational Vehicles that are to be allowed within the Park.

The Conditional Use Permit for the Recreational Vehicle Park will be official when it is issued following the required 15-day appeal period (Thursday, July 11, 2019). You will be notified of any pending appeals. Should you have any questions, please feel free to contact me.

Sincerely,

Norman L. Holm, Planning Director
CITY OF NAMPA

cc: Royal Pro-C. Equities
1809 Industrial Way
Caldwell, ID 83605
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Shellie Lopez

From: Shellie Lopez <lopes@cityofnampa.us>
Sent: Thursday, October 31, 2019 12:25 PM
Subject: Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park / RVP-00001-2019

Good Afternoon Everyone! 😊

Re: Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park / RVP-00001-2019

Please find attached for your review the Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park in an IL (Light Industrial) zoning district at the southwest corner of N. Broadmore Way and 4th St. No. just south of Indian Creek (155 RV spaces on 11.74 acres for 13.20 average spaces per gross acre – A parcel of land being a portion of Parcel “4” of the Amended Record of Survey Instrument No. 2018-054013, Records of Canyon County, Idaho and lying in a portion of the SE ⅓ of Section 16, T3N, R2W, BM) for All Terra Consulting, LLC representing Broadmore RV Park LLC.

The preliminary site plan is scheduled for the Planning & Zoning Commission meeting of November 26, 2019.

Please review and return any comments to my attention prior to November 08, 2019.

Thank you & Have a great day!
Building Department will require permits for any and all work on this site.

Good Afternoon Everyone! 😊

Re: Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park / RVP-00001-2019

Please find attached for your review the Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park in an IL (Light Industrial) zoning district at the southwest corner of N. Broadmore Way and 4th St. No. just south of Indian Creek (155 RV spaces on 11.74 acres for 13.20 average spaces per gross acre – A parcel of land being a portion of Parcel “4” of the Amended Record of Survey Instrument No. 2018-054013, Records of Canyon County, Idaho and lying in a portion of the SE 1/4 of Section 16, T3N, R2W, BM) for All Terra Consulting, LLC representing Broadmore RV Park LLC.

The preliminary site plan is scheduled for the Planning & Zoning Commission meeting of November 26, 2019.

Please review and return any comments to my attention prior to November 08, 2019.

Thank you & Have a great day!
Shellie Lopez

From: Mark Zirschky <mark@pioneerirrigation.com>
Sent: Friday, November 1, 2019 12:26 PM
To: Jaylen Walker
Cc: Kirk Meyers; Shellie Lopez; danny@royalproc.com; mprovostfarms@gmail.com
Subject: [External] Re: Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park / RVP-00001-2019

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

Jay,

Thank you for this clarification.

Based upon your comments, we will have no further comment on this matter.

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

From: Jaylen Walker <jwalker@allterraconsulting.com>
Sent: Friday, November 1, 2019 12:10:05 PM
To: Mark Zirschky <mark@pioneerirrigation.com>
Cc: Kirk Meyers <kirk@pioneerirrigation.com>; Shellie Lopez <lopezs@cityofnampa.us>; danny@royalproc.com <danny@royalproc.com>; mprovostfarms@gmail.com <mprovostfarms@gmail.com>
Subject: RE: Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park / RVP-00001-2019

Mark,

Good morning! Thanks for reaching out to us and appreciate your review of our application and layout. We are on the south side of Indian Creek down by the City yards and fire practice area. There is no impact to the 6th Street Lateral. I would be happy to meet you or Kirk out on site to walk around. Let me know what works best for you.

Kind regards,

Jay Walker, Principal
AllTerra Consulting | www.allterraconsulting.com
849 E. State Str., Ste 104
Eagle, Idaho 83616
Cell 208.484.4479
jwalker@allterraconsulting.com
“Life's most persistent and urgent question is: 'What are you doing for others?''  
-Dr. Martin Luther King, Jr.

From: Mark Zirschky <mark@pioneerirrigation.com>  
Sent: Friday, November 01, 2019 11:11 AM  
To: Jaylen Walker <jwalker@allterraconsulting.com>  
Cc: Kirk Meyers <kirk@pioneerirrigation.com>; Shellie Lopez <lopezs@cityofnampa.us>  
Subject: FW: Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park / RVP-00001-2019

Jay,

Prior to me commenting on this notice, are you able to provide me some documentation that indicates where Pioneer's 6th Street Lateral is located on your design?

The 6th Street Lateral currently exists in the eastbound lane of Shannon Drive, and cuts south and discharges to Indian Creek near the steel pipe crossing at Indian Creek. This jog is located at the end of the asphalt currently.

If your property boundaries overlap where the 6th Street Lateral exists currently, I will need to see its location on your plats, with the relative easements noted.

Let me or Kirk know if you have any questions, and we would be happy to discuss, or meet you onsite.

Thanks.

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

From: Shellie Lopez <lopezs@cityofnampa.us>  
Sent: Thursday, October 31, 2019 12:35 PM  
Subject: Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park / RVP-00001-2019

Good Afternoon Everyone! 😊

Re: Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park / RVP-00001-2019

Please find attached for your review the Preliminary Site Plan Approval for Broadmore Recreational Vehicle Park in an IL (Light Industrial) zoning district at the southwest corner of N. Broadmore Way and 4th St. No. just south of Indian Creek (155 RV spaces on 11.74 acres for 13.20 average spaces per gross acre – A parcel of land being a portion of Parcel “4” of the Amended Record of Survey Instrument No. 2018-054013, Records of Canyon County, Idaho and lying in a portion of the SE 1/4 of Section 16, T3N, R2W, BM) for All Terra Consulting, LLC representing Broadmore RV Park LLC.

The preliminary site plan is scheduled for the Planning & Zoning Commission meeting of November 26, 2019.
PLANNING AND ZONING DEPARTMENT

Date: November 19, 2019

RE: Planning Department Landscape Plan Review

Project: Project Name: Broadmore RV Park: RVP-00001-2019

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. **Street Trees:** Please replace or remove the Cedrus atlantica ‘Glauc’ and Pinus nigra trees that are specified in the landscape buffer zone on N. Broadmore Way. These species are too large for the buffer zone. Please refer to Treasure Valley Tree Selection Guide (https://id-nampaparksandrec.civicplus.com/DocumentCenter/View/923/2018-Treasure-Valley-Tree-Selection-Guide). Note: Please do not specify Acer freemanii, Acre rubrum due to a high mortality rate in this area, and please do not specify Liquidambar styraciflua near walkways.

2. **Trash Enclosures:** Please screen the trash enclosures on three sides with evergreen shrubs, such as Arborvitaes or another species.

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
DATE: 11/7/2019
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 Preliminary Site Plan Application for the Broadmoor RV Park and have the following comments. In addition to this memo, we will be submitting plan redlines to the Engineer of Record for their reference and use in preparing final site plans for construction approval.

General Comments

1. A Right-of-Way Permit with City of Nampa is required for any work to be performed within the N Broadmore Way public right-of-way.
2. An Erosion Control Permit with City of Nampa is required prior to the start of any earth disturbing activities.
3. Include drainage calculations and geotechnical analysis/report with final plan submittal. The drainage calculations shall adhere to the City of Nampa drainage policy
4. The Engineer of Record (EOR) shall be responsible for inspecting the onsite private drainage facilities. The EOR will be required to provide a letter to the Nampa Engineering Division at project closeout certifying that the facility was constructed within substantial conformance with the approved plans and specifications.
5. Public utility easements will be required for any public utility mains within the private property. Developer shall supply legal descriptions and accompanying easements to the City at project closeout for easement deed recordation.
7. Utility hook-up fees will need to be paid at the time of Building Permit for the entire RV park.

Preliminary Site Plan Comments – To be addressed with Final Plans; also refer to plan redlines

1. The 2012 version of the ISPWC is adopted by the City and shall be referenced for all public infrastructure. Update all notes accordingly.
2. Curb inlets within the public right-of-way shall be Type IV per SD-604.

3. Makes sure list of standard details is comprehensive.

4. Provide back-up for proposed pavement section thicknesses. Broadmore Way Street Section should be designed to a minimum Traffic Index of 7.0.

5. Can a walkway be added from the Broadmore Way sidewalk terminus to the first Indian Creek pedestrian bridge to provide pedestrian connectivity to the trail in absence of the sidewalk being continued across Indian Creek?

6. It is preferred to separate the public Broadmore Way drainage from the private onsite drainage. Is this possible?

7. Clearly define on final plan which utilities are public and which are private.

8. Reflect water meter and backflow prevention device on final plans. Verify size needed to provide necessary demand. Please note the City does not have a standard detail for any service/meter over 2" size. Special consideration will be necessary if a larger meter is needed.

9. Confirm if the 8" water loop and fire hydrants are intended to be public. If not, a double detector check valve will be required to separate the public main from the private.

10. Verify with Fire Marshal if bollards will be required at fire hydrants.

11. If the 8’ water loop is public, there will need to be 5’ separation to the private 4” water loop for maintenance purposes.

12. Add a shutoff valve to the pressure irrigation main just outside the Broadmore Way right-of-way to demark the location of private and public utility.

13. The sewer main will be public up to the first manhole inside the property. All upstream sewer will be private.

14. Maximum valve spacing for public water mains is 800’.
PUBLIC HEARING ITEM NO. 1
STAFF REPORT

Analyst: Kristi Watkins
Applicant(s)/Representative(s): IAG Mossy Creek, Brady Lasher (Applicant) & Leavitt & Associates Engineers, Dan Lardie, (Engineer)
File(s): SPP 049-19
Project Name/Type: Mossy Creek Subdivision

Requested/Needful Action Approval/Denial:

Preliminary Subdivision Plat: (Decision Required: Decision)
For “Mossy Creek Subdivision” [hereinafter the “Project” or “Development”; alternatively, “Mossy Creek Subdivision”] -- a proposed single-family subdivision containing 54 residential lots and 4 common lots upon the land referenced below...

Pertaining to:
A 16.53-acre portion of land at 2878 Southside Blvd. + 3 additional parcels, Parcel #R21153000000, R2115201100; R2115401000, R2115400000 for 3.27 dwelling units per gross acre on a portion of the NW ¼ Section 01, T2N, R2W, BM) (hereinafter the “Property”)...

History:
May 2009 – Annexation & Zoning to RS 7 with a Development Agreement Ord # 3866 & Mossy Creek Subdivision Preliminary Plat- approved, not constructed.

Current and Surrounding Zoning: RS7 (Single-Family Resid., 7,000 s.f. minimum lot sizes)
Surrounding existing zoning:
North: Enclaved – Canyon County Single Family Residences
South: Enclaved – Canyon County Single Family Residences
East: RS6 (Single-Family Residential Subdivision)
West: RS6 (Single-Family Residential Subdivision)

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** - 16.53 acres

**Total, Proposed RS 7 Lot Count** - 58
**Total Common Lot Count** - 4
**Total Building Lot Count** - 54

**Regarding “RS 7 Building Lots”**:
- **Min. Allowed RS 7 Bldg. (or “Master”) Lot Size** - 7,000 sq. ft.
- **Min. Proposed RS 7 Bldg. Lot Size** - 7,053 sq. ft.
- **Average Calculated Lot Size** - 8,086 sq. ft.

**Periphery Compatibility Applicability**
- Project does not abut 'platted' lots, non-platted lots do not qualify, per code
- **Min. Req. St. Frontage RS 7 Zone** - 22’ (feet);
- **Min. Allowed RS 7 (or “Master”) Bldg. Lot Widths** - 50’ @ the 20’ front setback mark;
- **Min. Allowed RS 7 Bldg. Mean Lot Depths** - 70’

**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 7 zoning, this requirement applies...all master or standard building lots meet or exceed 7,000 sq. ft. in area. The smallest standard buildable lot is 7,053 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 8,086 s.f.. Therefore the plat is deemed compliant in this regard; and,

3. **Lot Compatibility:**
   While this property does abut residential lots, they are not platted in either the City or the County and as stated in line 4c of the Development Agreement in Ordinance #3866, "The minimum allowable residential buildable lot size of proposed lots situated along a subdivision boundary adjoining any rural residential lots or parcels shall be as approved for the Preliminary Plat of Mossy Creek Subdivision". The proposed layout matches the concept which was included as Exhibit ‘B’ in the Development Agreement. Therefore, the plat is considered 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:**
   Comments were made by City staff, see agency comment #4, revised plans will be required; and,

6. **Safe Routes to School:**
   **Ronald Reagan Elementary** – ¼ mile south on Southside Blvd – Walkable.
   Sidewalks on the west side of Southside Blvd, no sidewalks on the east side of Southside Blvd between this location and the school.

   **East Valley Middle School** – Just over ¾ of a mile along Southside Blvd and E Greenhurst Rd. There are lots of sidewalk gaps to navigate. These gaps are located on properties within Canyon County.

   **Skyview High School** – Approximately 1.5 miles – Not walkable

7. **COMPASS Analysis:**
   Pedestrian Level of Stress: PG-13-Southside Blvd (Supports pedestrians of all ages and comfort levels)
   Bicycle Level of Stress: PG-13-Southside Blvd (Supports bicyclists of all ages and comfort levels)
   Jobs/Housing Ratio: .2 (indicates the need for more employment in the area)
   Emergency Services: Police = 3.8 miles and Fire = 2.1 miles
   Developments within 1.5 miles provide for more efficient service and reduce costs for these important public services.

   Farmland is consumed by this project.
   Bus stop: 2.9 miles
   Park: .3 miles
   Grocery Store: .7 miles

8. **Pathway(s):** The parks department has requested 20' from the top of bank along the south side of the Elijah Drain be deeded and dedicated to the City of Nampa for the location of the Elijah Pathway. Further, they request that the developer construct the pathway as indicated on the preliminary plat, to the standards for pathway construction required by the City of Nampa.
**Recommendation:**
Approval with conditions...

<table>
<thead>
<tr>
<th>AGENCY/CITY DEPT COMMENTS FOR PRELIMINARY PLAT</th>
</tr>
</thead>
</table>

*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 November 20, 2019] is hereafter attached to this report, to include:

1. An email dated, November 12, 2019, authored by Sarah Arjona, Idaho Transportation Department, stating that ITD has no objections to this proposed development; and,

2. In an email dated, October 22, 2019, Neil Jones with the Nampa Building Department noted that the Geotech report for this project indicates high groundwater and 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. An October 22, 2019 email printout from the Nampa Highway District #1 authored by Eddy Thiel, indicating that they have no comment; and,

4. An October 23, 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 Elijah Drain be deeded and dedicated to the City of Nampa for the location of the Elijah Pathway. Further, we request that the developer construct the pathway as indicated on the preliminary plat, to the standards for pathway construction required by the City of Nampa; and,

5. An October 25, 2019 email printout from the City Forestry Department authored by Adam Mancini indicating that they request that the Clump River Birch, *Begulania* ‘Heritage’, be removed from the plans and replaced with a suitable alternate from the Treasure Valley Tree Selection Guide (TVTSG) for the ROW; and,

6. An October 29, 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

7. A memo dated November 11, 2019, authored by Dan Wagner, Nampa GIS Division, stating required changes to street names as follows:
   a. Propose new, unique street names for W Mossy Trail Ave and W Mossy Trail Ct to the Engineering Division; and,
   b. E Mossy Rock Dr should be E Mossy Rock Ct; and,
   c. S Mossy Oak Loop should be E Mossy Oak Dr; and,
8. A memo, dated November 13, 2019, authored by Caleb LaClair, stating the following:

**Engineering Preliminary Plat Comments**

**Access:**

a. The project is located between Southside Blvd and the Elijah Drain near Bannock Ave and will take access from the following roads:
   - Southside Blvd – classified as “Collector”

b. The property was annexed into the City a number of years ago. Right-of-way totaling 50-feet from Section Line was dedicated across a portion of the property at that time. Full right-of-way has yet to be dedicated at the southerly portion of the property. The required right-of-way for Southside Blvd is 40-feet from Section Line and shall be dedicated with the Final Plat.

c. A Traffic Impact Study is not required based on the total number of developable lots. The executive summary of a previous study from 2006 was supplied indicating a southbound left-turn lane was warranted at the project access. Traffic volumes have changed significantly since 2006. We request that an updated turn-lane warrant study be performed for the project access to verify if turn lanes are warranted at the Southside Blvd and Mossy Cove Street intersection.

d. The City’s Access Management Policy requires a 250-ft spacing between opposing local street branches on a Collector Road. The distance from Bannock Ave to Mossy Cove Street is only 230-feet. An exception will be allowed in this case given site constraints and that Mossy Cove Street is lined up with an existing driveway located on the west side of Southside Blvd.

e. The allowable block length is exceeded on E Mossy Cove Street warranting traffic calming measures.

f. Public street stubs should be provided to the north and south boundaries to provide vehicular and pedestrian connectivity opportunity for future development. We recommend stubbing S Mossy Forest Ave to the north and E Mossy Oak Loop to the north.

g. City Code no longer requires full road widening along Collector and Arterial roads (see Nampa City Code Section 9-3-1). Widening is only required where needed for turn lanes. Development required frontage improvements include sidewalk and drainage. Sidewalk should be constructed at the ultimate location based on City adopted street design standards.

**Utilities:**

h. 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 on the east side of Southside Blvd;
   - 15” sewer main in S Bluegrass Drive; and,
   - 6” pressure irrigation main along the west side of Southside Blvd.

i. 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 in Southside Blvd.

The City’s Irrigation Master Plan reflects the 12” main to connect to the 6” main near the Maplewood irrigation pump station at S Stonehedge Drive and Southside Blvd. We request the project construct the 12” main from this location to the E Mossy Cove Street intersection and eliminate the connection shown to the existing 6” main along the west side of Southside Blvd.
j. The property is in the lower end of the City’s water pressure Zone 3, which has a service hydraulic grade of 2,730-feet. The project will likely experience static water pressures greater than 80-psi due to ground elevations being lower than 2,545-feet. Pressure reducing valves should be installed on individual home water service lines where the finish floor elevation is below 2,545-feet.

k. Utilities should be stubbed at the requested north and south street stubs to support future development. In particular, sewer should be extended to the Charles Kunerth property (Parcel #R2115600000) at the recommend Mossy Oak Loop stub as this is the best location for gravity service extension.

l. The project proposes connect to the 15” sewer main in S Bluegrass Drive, which will require crossing of the Elijah Drain and a common lot in the Royal Meadows #4 Subdivision used for storm drainage. Nampa & Meridian Irrigation District (NMID) will need to provide design approval and license agreement for the crossing. We also request coordination with the Royal Meadows #4 HOA as construction will disturb their common lot and impact street access.

Drainage:

m. The project proposes to discharge development drainage to the Elijah Drain. NMID will need to provide design approval and license agreement for the discharge.

n. Pre-development discharge to the Elijah Drain may need to be limited to the 25-year storm as this is the NMID design standard. Also, the pre-development discharge should be based on the combined area of Areas 1, 2, and 3. It should not include the Elijah Drain easement area as this ground is not shown to be connected to the ponds and will likely directly discharge to the drain.

o. The geotechnical report is from 2006. Please provide an addendum with final design verifying the report is still sufficient and providing additional groundwater monitoring data if available.

p. Nampa Stormwater Policy requires retention of the “first flush” of storms totaling a minimum of 0.2” of rainfall. Final plan and report shall show how this is being accommodated as the pond is proposed to have a clay liner.

q. The final drainage report shall include detention routing including inflow and outflow hydrographs in accordance with Nampa Stormwater Policy, accounting for depth-storage relationship of the pond and depth-discharge of the outlet structure.

r. Nampa Stormwater Policy identifies the 50-year storm as the design event for Primary conveyance facilities. The final drainage report shall revise calculations accordingly.

Engineering Conditions of Approval

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

2. Developer shall provide 40-feet of public right-of-way along Southside Blvd to be dedicated with final plat.

3. Frontage road improvements along Southside Blvd shall be provided in accordance with Nampa City Code Section 9-3-1.

4. Developer shall provide an updated turn lane warrant analysis for the Southside Blvd and Mossy Cove Street intersection, or provide turn lanes as required by the original Traffic Impact Study.

5. Developer shall construct traffic calming measures (speed hump, cross gutters, bulb-outs, etc.) on E Mossy Cove Street.

6. Developer shall provide an internal stub street with utilities to the southerly and northerly properties for future development connectivity. We recommend stubbing S Mossy Forest Ave to the north and E Mossy Oak Loop to the north.
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 12" pressure irrigation main in Southside Blvd per the City’s Master Plan from S Stonehedge Drive to E Mossy Cove Street, and eliminate connections to the existing 6" main along the west side of Southside Blvd.

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

11. Applicant shall provide an addendum to the Geotechnical Report at the time of Final Plat submittal verifying the 2006 report and providing additional groundwater monitoring data as available.

12. Applicant shall obtain plan approval from Nampa & Irrigation District (NMID), including any associated license agreements for proposed discharge into and sewer crossing of the Elijah Drain.

**RECOMMENDED CONDITIONS OF APPROVAL**

Should the Planning and Zoning Commission vote to approve the Mossy Creek 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. Indicate a top of foundation wall or a finish floor elevation on each lot on the final plat construction drawings; and,

3. Submit revised landscape plans; and,

4. Deed and dedicate 20’ from the top of bank along the south side of the Elijah Drain and construct pathway; and,

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

6. Developer shall provide 40-feet of public right-of-way along Southside Blvd to be dedicated with final plat.

7. Frontage road improvements along Southside Blvd shall be provided in accordance with Nampa City Code Section 9-3-1.

8. Developer shall provide an updated turn lane warrant analysis for the Southside Blvd and Mossy Cove Street intersection, or provide turn lanes as required by the original Traffic Impact Study.
9. Developer shall construct traffic calming measures (speed hump, cross gutters, bulb-outs, etc.) on E Mossy Cove Street.

10. Developer shall provide an internal stub street with utilities to the southerly and northerly properties for future development connectivity. We recommend stubbing S Mossy Forest Ave to the north and E Mossy Oak Loop to the north.

11. 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.

12. 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.

13. 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 12" pressure irrigation main in Southside Blvd per the City's Master Plan from S Stonehedge Drive to E Mossy Cove Street, and eliminate connections to the existing 6" main along the west side of Southside Blvd.

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

15. Applicant shall provide an addendum to the Geotechnical Report at the time of Final Plat submittal verifying the 2006 report and providing additional groundwater monitoring data as available.

16. 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 require separate design [exception] approval from the City Council...

ATTACHMENTS

- Public hearing notice (page 9)
- Zoning "Vicinity Map" (page 10)
- Subdivision Preliminary Plat Application/information pages (pages 11-15)
- Aerial ArcGIS image of the Property and surrounds (page 16)
- Future Land Use Map pertaining to the Property (page 17)
- Reduced preliminary plat plan (pages 18)
- Landscape plan (pages 19-21)
- Plat copy distribution list (page 22)
- DA pages from Ordinance #3866 (pages 23-39)
- Inter-departmental/agency/citizen correspondence (pages 40+)
NOTICE OF PUBLIC HEARINGS BEFORE THE CITY OF NAMPA, IDAHO

Notice is hereby given that on November 26, 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 Mossy Creek Subdivision in a RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 2726 and 2878 Southside Boulevard (54 single family detached lots on 16.53 acres for 3.27 average dwelling units per gross acre – A portion of Section 1, T2N, R2W, BM) for Leavitt and Associates Engineers, Inc. representing IAG Mossy Creek LLC (SPP 049-19).

2) Conditional Use Permit for a Impound Lot/Vehicle Hold Area in a IL (Light Industrial) zoning district at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park for Nazar Leskovets (CUP 155 -19).

3) Conditional Use Permit for the existing Bar in the Craft Lounge in a DH (Downtown Historic) zoning district at 320 11th Ave. So., Unit 2 Ground Floor, Historic 29th Masonic Lodge (A portion of a .48 acre or 20,909 sq. ft. parcel situated in the SW ¼ of Section 22, T3N, R2W, BM for Nick Boban (CUP 156 -19).

4) Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM for Nick Boban (CUP 156 -19).

5) Amendment of Title 10, Chapter 3, Section 10-3-2 containing the Schedule of District Land Use Controls by removing the requirement stated in Note 1 for Residential Land Use/Building Occupancy Type that there be no 220-volt power source for Accessory Dwelling Units (attached or detached) for the City of Nampa (ZTA 158-19).

6) Conditional Use Permit for Vape Sales in a GB1 (Gateway Business 1) zoning district at 5840 E. Franklin Rd. (A portion of Lot 8 in Block 1 of The Idaho Center, as shown on the official plat thereof on file in the office of the Canyon County Recorder in Book 23 of Plats at Page 4 and a portion of the SW ¼ Section 7, T3N, R1W, BM for David DeMayola (ANN 134-19).

7) Conditional Use Permit for Firearms Manufacturing in an IL (Light Industrial) zoning district at 1604 E. Plaza Loop (Tax 10016 in Lot 14 and part of Lot 1 and 2, Block 1, Mason Creek Plaza and a portion of the SW ¼ Sylvan Heights in Section 14, T3N, 2W, BM) for Brian Kennedy, Precise Innovation LLC (CUP 158 -19).

Details of the above hearing items 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: November 1, 2019

Norman L. Holm, Planning Director

PUBLISH: November 8, 2019
### A. GENERAL INFORMATION

Subdivision Name: MOSSY CREEK SUBDIVISION  
Total Acres: 16.53  
Intended Land Uses Circle (residential, single-family, multi-family, commercial, industrial)  
Property Address(es): 2726 + 2878 SOUTHSIDE BOULEVARD, NAMPA, ID 83651  
Legal Description: SEE ATTACHED  
Canyon County Parcel Account Number(s): 211530000, 211520100, 211560000, 211540000  
Existing Zoning. (Circle one) RA RS RSM RD RML RMH RP BN CB BC BF IP IL IH AG  
(County Zoning) RS-7

### B. OWNER/ APPLICANT INFORMATION

**Owner of Record**

<table>
<thead>
<tr>
<th>Name</th>
<th>IAG MOSSY CREEK LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>3327 N EAGLE RD SUITE 110-148</td>
</tr>
<tr>
<td>City</td>
<td>MERIDIAN 83646</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Telephone</td>
<td>208-639-3262</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:RYAN@IAGROUPLLC.COM">RYAN@IAGROUPLLC.COM</a></td>
</tr>
<tr>
<td>Fax</td>
<td>208-209-8563</td>
</tr>
</tbody>
</table>

**Applicant**

<table>
<thead>
<tr>
<th>Name</th>
<th>IAG MOSSY CREEK LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>3327 N EAGLE RD SUITE 110-148</td>
</tr>
<tr>
<td>City</td>
<td>MERIDIAN 83646</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Telephone</td>
<td>208-871-0004</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:BRADY@LASHERENTERPRISES.COM">BRADY@LASHERENTERPRISES.COM</a></td>
</tr>
<tr>
<td>Fax</td>
<td>208-209-8563</td>
</tr>
</tbody>
</table>

**Engineer/Surveyor/Planner**

<table>
<thead>
<tr>
<th>Name</th>
<th>LEAVITT &amp; ASSOCIATES ENGINEERS, INC</th>
</tr>
</thead>
<tbody>
<tr>
<td>Address</td>
<td>1324 FIRST STREET SOUTH</td>
</tr>
<tr>
<td>City</td>
<td>NAMPA 83651</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Telephone</td>
<td>208-463-0333  208-463-7670</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:DLARDIE@LEAVITTENGINEERS.COM">DLARDIE@LEAVITTENGINEERS.COM</a></td>
</tr>
<tr>
<td>Fax</td>
<td>208-463-9040</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>54</td>
<td>10.47</td>
</tr>
<tr>
<td>Dwelling units per acre (gross /net)</td>
<td>GROSS=3.24 /NET=4.39</td>
<td></td>
</tr>
<tr>
<td>Commercial</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Industrial</td>
<td>0</td>
<td></td>
</tr>
<tr>
<td>Common (Landscape, Utility, Other)</td>
<td>4</td>
<td>1.82 + 4.24</td>
</tr>
<tr>
<td>Open Space</td>
<td>-</td>
<td></td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>58</strong></td>
<td><strong>16.53</strong></td>
</tr>
</tbody>
</table>

### 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: _______

---

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

File No.: 4103-3251054 (DS)  Date: August 14, 2019

For Value Received, Robert R. Nash, a married man as his sole and separate property, hereinafter referred to as Grantor, does hereby grant, bargain, sell and convey unto IAG Mossy Creek, LLC, hereinafter referred to as Grantee, whose current address is 800 W Main Street, Ste. 1460, Boise, ID 83702, the following described premises, situated in Canyon County, Idaho, to wit:

LEGAL DESCRIPTION: Real property in the County of Canyon, State of Idaho, described as follows:

Parcel I:

A parcel of land being a portion of Lots 17, 19, 20, 22 and 24 of Covert Subdivision, located in the Northwest Quarter of Section 1, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of Section 1, Township 2 North, Range 2 West, Boise Meridian; thence
South 00°48'25" West 2062.07 feet along the West line of the Northwest Quarter of said Section 1 to a point; thence
South 89°14'52" East 33.00 feet to a point on the West line of Lot 19 of the Plat of Covert Subdivision, as recorded in Book 3 of Plats at Page 2, records of Canyon County, Idaho, also being the Easterly right of way of Southside Boulevard, the Real Point of Beginning of this description; thence continuing
South 89°14'52" East 290.00 feet to a point; thence
North 00°48'25" East 79.29 feet to a point on the line common to Lots 18 and 19 of said Covert Subdivision; thence
South 89°14'52" East 309.92 feet along said line to a point on the West line of Lot 17 of said Covert Subdivision; thence
North 00°48'25" East 20.00 feet along said West line to a point; thence
North 66°24'07" East 695.67 feet to a point on the centerline of the Elijah Drain, also being the Easterly of said Covert Subdivision, and the Westerly line of Royal Meadows Subdivision No. 4; thence
South 49°43'25" East 717.81 feet along said centerline to a point; thence
North 89°14'52" West 932.67 feet to the Northerly corner common to Lots 22 and 23 of said
Covert Subdivision; thence
South 00°48'25" West 149.98 feet along the common line of said Lots 22 and 23 to a point;
thence
North 89°14'52" West 555.89 feet to a point on the South line of Lot 20 of said Covert
Subdivision; thence
North 02°26'10" West 150.21 feet along an existing fence line to point on the common line
of said Lots 19 and 20; thence
North 89°14'52" West 290.50 feet along said common line to a point on the Easterly right of
way of Southside Boulevard; thence
North 00°48'25" East 70.70 feet along said right of way to the Real Point of Beginning of this
description.

Parcel II:

Lot 16 of Covert Subdivision, according to the plat thereof, filed in Book 3 of Plats at Page 2,
records of Canyon County, Idaho.

Excepting Therefrom:

The North 80 feet of the West 190 feet of Lot 16 of Covert Subdivision, Canyon County,
Idaho according to the plat filed in Book 3 of Plats at Page 2, records of said County.

Further Excepting that portion deeded to the City of Nampa disclosed in Deed recorded April
27, 2009 as Instrument No. 2009020667, records of Canyon County, Idaho.

Parcel III:

This parcel is part of Lots 17 and 24 of Covert Subdivision in the Northwest Quarter of
Section 1, Township 2 North, Range 2 West, Boise Meridian, Canyon County, Idaho, and is
more particularly described as follows:
Commencing at the Southeast corner of Lot 18 of said Covert Subdivision and bearing North
00°00'00" East 20.00 feet along the Eastern boundary
of said Lot 18 to the True Point of Beginning; thence continuing
North 00°00'00" East 279.97 feet (stated as 280 feet) to the Southeast corner of Lot 15 of
Covert Subdivision; thence
North 89°58'20" East 150.00 feet and parallel with the Southern boundary of said Lot 17;
thence
North 00°00'00" East 149.98 feet (stated as 150.00 feet); thence
North 89°58'20" East 309.33 feet to the approximate centerline of Elijah Drain; thence
South 50°31'00" East 224.90 feet along the approximate centerline of Elijah Drain; thence
South 65°35'42" West 695.01 feet to the True Point of Beginning.

Parcel IV:

Commencing at the Southeast corner of Lot 15 of Covert Subdivision; thence running East,
on a line parallel with the South line of Lot 17, a distance of 150 feet; thence running
North, on a line parallel with the West line of said Lot 17, a distance of 150 feet; thence
running
West, on a line parallel with the South line of said Lot 17, a distance of 150 feet to the Northeast corner of Lot 15; thence running South, along the East boundary line of Lot 15, which is also the West boundary line of Lot 17, a distance of 150 feet to the Point of Beginning, all in Covert Subdivision, Canyon County, Idaho, according to the Plat filed in Book 3 of Plats at Page 2, records of said County.

APN: 21153000 0; 21154000 0; 21154010 0; 21152011 0

TO HAVE AND TO HOLD the said premises, with their appurtenances, unto said Grantee, and to the Grantee's heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that the Grantor is the owner in fee simple of said premises; that said premises are free from all encumbrances except current years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims whatsoever.
<table>
<thead>
<tr>
<th>Mossy Creek Subdivision</th>
<th>DONE</th>
<th>MEMO</th>
<th>PLAT</th>
<th>SOIL</th>
<th>STORM WATER</th>
<th>TRAFFIC</th>
<th>CD</th>
<th>LANDSCAPE</th>
</tr>
</thead>
<tbody>
<tr>
<td>CALEB LACLAIR</td>
<td>✓</td>
<td>1</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>(GIVE TO CLIFF TO LOG IN)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NEIL JONES-BUILDING</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DOUG CRITCHFIELD-PLANNING</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td>1</td>
</tr>
<tr>
<td>KRISTI WATKINS</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CRAIG TARTER, GIS</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>ECON DEV – BETH INECK</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RAY RICE – ENVIRONMENTAL COMPLIANCE</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BRENT HOSKINS-NAMPA FIRE DEPT</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JASON KIMBALL – NPD [EMAIL]</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>JAY YOUNG – GIS/NPD – [EMAIL]</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>DARRIN JOHNSON – PARKS (REC. CENTER INTER-OFFICE MAILBOX)</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td>1</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CODY SWANDER/ADAM MANCINI</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td>1</td>
<td></td>
</tr>
<tr>
<td>DON BARR – STREET DIV</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAMPA HIGHWAY DISTRICT</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CANYON HIGHWAY DISTRICT</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RANDY DEWEY – NSD #131</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>TAMMY WALLEN – NSD #131</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>VALLIVUE SCHOOL DISTRICT # 139</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BRENT CARPENTER – BROWN BUS</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>SOUTH WEST HEALTH DISTRICT</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CARL MILLER – COMPASS [EMAIL]</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>KEN COUCH – ITD</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>NAMPA-MERIDIAN IRRIGATION</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>BOISE-KUNA IRRIGATION</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>PIONEER IRRIGATION</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>CC: Tom Points</td>
<td>✓</td>
<td>1</td>
<td>1</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>RODNEY ASHBY</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

**GREEN** - INTER OFFICE  
**BLUE** - MAIL  

October 21, 2019

Shellie Lopez
ORDINANCE NO. 3866

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO ANNEXING APPROXIMATELY 16.53 ACRES OF REAL PROPERTY LOCATED AT 2726 & 2908 SOUTHSIDE BOULEVARD INTO THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ZONING THE SAME RS-7 SUBJECT TO THE TERMS OF THAT CERTAIN DEVELOPMENT AGREEMENT ENTERED INTO BETWEEN THE APPLICANT AND THE CITY OF NAMPA, AND DIRECTING THE CITY ENGINEER TO ALTER THE USE AND AREA MAP ACCORDINGLY.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NAMPA, IDAHO:

Section 1: That the following described real property consisting of approximately 16.53 acres located at 2726 & 2908 Southside Boulevard, and all thereof, be, and the same is hereby, annexed and made a part of the City of Nampa, Idaho. That the real property hereby annexed is described as follows, to-wit:

See Exhibit A attached hereto and, by this reference, incorporated herein as if set forth in full.

Section 2: That the real property so annexed, as described in Exhibit A above, shall be zoned RS-7.

Section 3: That this annexation and zone ordinance is subject to and limited by that certain Development Agreement entered into between the parties.

Section 4: That the City Engineer is hereby directed to alter and change the Use and Area Map of the City of Nampa, Idaho, to comply with this Ordinance.


Approved:

By ________________________________
Mayor

Attest:

______________________________
City Clerk

City Clerk
State of Idaho  
Canyon County  

On this ______ day of _______, 20__, before me, the undersigned, a Notary Public in and for said State, personally appeared Diana Lambing known to be the 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.

__________________________
Julie Lockey
Residing at: Nampa, Canyon County, Idaho
My Commission Expires: 05/11/2011
EXHIBIT "A"

DESCRIPTION FOR PROPOSED
McKIM SUBDIVISION

November 7, 2006

A PARCEL OF LAND BEING A PORTION OF LOTS 16, 17, 19, 20, 22 AND 24 OF COVERT SUBDIVISION, LOCATED IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 2 WEST, B.M., THENCE S 00°48'25" W 1832.80 FEET ALONG THE WEST LINE OF THE NW 1/4 OF SAID SECTION 1 TO A POINT; THENCE E 89°14'52" E 33.00 FEET TO THE CORNER COMMON TO LOTS 16 AND 18, OF THE PLAT OF COVERT SUBDIVISION, AS RECORDED IN BOOK 3 OF PLATS, AT PAGE 2, RECORDS OF CANYON COUNTY, IDAHO, ALSO BEING ON THE EAST RIGHT OF WAY OF SOUTHSIDE BOULEVARD, THE REAL POINT OF BEGINNING OF THIS SUBDIVISION;

THENCE ALONG SAID EAST RIGHT OF WAY N 00°48'25" E 69.98 FEET TO A POINT;

THENCE S 89°14'52" E 190.00 FEET TO A POINT;

THENCE N 00°48'25" E 80.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 16;

THENCE S 89°14'52" E 409.92 FEET TO THE NORTHEAST CORNER OF SAID LOT 16;

THENCE N 00°48'25" E 149.98 FEET TO THE NORTHEAST CORNER OF LOT 15 OF SAID PLAT OF COVERT SUBDIVISION, ALSO BEING ON THE EAST LINE OF LOT 17;

THENCE S 89°14'52" E 459.92 FEET TO A POINT ON THE EASTERLY LINE OF SAID LOT 17 AND CENTERLINE OF THE ELIJAH DRAIN, ALSO THE WESTERLY LINE OF ROYAL MEADOWS SUBDIVISION NO. 4;

THENCE S 49°43'25" W 942.68 FEET ALONG SAID EASTERLY LINE OF SAID LOT 17, THE EASTERLY LINE OF LOT 24, AND SAID CENTERLINE TO A POINT;

THENCE N 89°14'52" W 932.67 FEET TO THE NORTHERLY CORNER COMMON TO LOTS 22 AND 23 OF SAID COVERT SUBDIVISION;
THENCE S 00°48'25" W 149.98 FEET ALONG THE COMMON LINE TO SAID LOTS 22 AND 23 TO A POINT;

THENCE N 89°14'52" W 555.89 FEET TO A POINT ON THE SOUTH LINE OF LOT 20 OF SAID COVERT SUBDIVISION;

THENCE N 02°26'10" W 150.21 FEET ALONG AN EXISTING FENCE LINE TO A POINT ON THE COMMON LINE OF SAID LOTS 19 AND 20;

THENCE N 89°14'52" W 290.50 FEET ALONG SAID COMMON LINE TO A POINT ON THE EASTERLY RIGHT OF WAY OF SOUTHSIDE BOULEVARD;

THENCE N 00°48'25" E 70.70 FEET ALONG SAID RIGHT OF WAY TO A POINT;

THENCE CONTINUING S 89°14'52" E 290.00 FEET TO A POINT;

THENCE N 00°48'25" E 79.29 FEET TO A POINT ON THE LINE COMMON TO LOTS 18 AND 19 OF SAID COVERT SUBDIVISION;

THENCE S 89°14'52" E 309.92 FEET ALONG LINE COMMON TO SAID LOTS 18 AND 19 TO A POINT ON THE WEST LINE OF SAID LOT 17;

THENCE N 00°48'25" E 149.98 FEET ALONG THE LINE COMMON TO SAID LOTS 17 AND 18 TO THE SOUTHEAST CORNER OF LOT 16;

THENCE N 89°14'52" W 599.92 FEET ALONG SOUTH LINE OF SAID LOT 16 TO THE REAL POINT OF BEGINNING OF THIS SUBDIVISION.

SAID PARCEL CONTAINS 16.53 ACRES, MORE OR LESS

WAYNE K. BARBER, P.L.S. 8444
ANNEXATION AND ZONING TO RS 7
(SINGLE FAMILY RESIDENTIAL
7,000 SQ. FT.) FOR 15.53 AT 2726 &
2908 SOUTHSIDE BLVD. (A PORTION
OF LOTS 16, 17, 19, 20, 22, AND 24 OF
COVERT SUBDIVISION, LOCATED IN
THE NW ¼ OF SECTION 1, T2N, R2W, SM)
AND PRELIMINARY PLAT APPROVAL
FOR MOSSY CREEK SUBDIVISION
(58 SINGLE FAMILY RESIDENTIAL LOTS
ON 16.53 ACRES, 3.51 LOTS PER ACRE)
FOR TREASURE VALLEY PROPERTY, LLC.
PROJECT 13-0716
DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "Agreement"), is made and entered into this (the "Effective Date"), by and between the City of Nampa, a municipal corporation, hereinafter referred to as the "City," and Treasure Valley Property, an LLC, hereinafter referred to as "Owner/Developer."

RECITALS

A. Owner/Developer is the owner of approximately 16.53 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 January 5, 2007 (the "date of application") for annexation of the Property into City and for rezoning of the Property to (R-7) 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 (R-7) 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 substantial 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 annexation/rezoning assignment related 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 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 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 or 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

Keith McKim, Signing Member for Treasure Valley Property LLC
STATE OF IDAHO )
    ) ss.
County of Canyon )

On this 22nd day of April, in the year of 2009, 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, Idaho
Commission Expires: 6-13-2013

STATE OF IDAHO )
    ) ss.
County of Ada )

On this 2nd day of April, in the year of 2009 before me, Sabrina
Whitehead, personally appeared Keith McKim, known or identified to me, to be a signing
member, whose name is subscribed to the within and foregoing instrument and acknowledged to
me that he executed the same for and on behalf of Treasure Valley Property LLC.

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 Buell, Idaho
Commission Expires: March 2017

RESIDENTIAL DEVELOPMENT AGREEMENT – Page 5
EXHIBIT “A”

LEGAL DESCRIPTION OF THE PROPERTY
DESCRIPTION FOR PROPOSED
McKIM SUBDIVISION

November 7, 2006

A PARCEL OF LAND BEING A PORTION OF LOTS 16, 17, 19, 20, 22 AND 24 OF COVERT SUBDIVISION, LOCATED IN THE NORTHWEST 1/4 OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 2 WEST, BOISE MERIDIAN, CANYON COUNTY, IDAHO, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

COMMENCING AT THE NORTHWEST CORNER OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 2 WEST, B.M., THENCE S 00°48'25" W 1832.80 FEET ALONG THE WEST LINE OF THE NW 1/4 OF SAID SECTION 1 TO A POINT; THENCE S 89°14'52" E 33.00 FEET TO THE CORNER COMMON TO LOTS 16 AND 18, OF THE PLAT OF COVERT SUBDIVISION, AS RECORDED IN BOOK 3 OF PLATS, AT PAGE 2, RECORDS OF CANYON COUNTY, IDAHO, ALSO BEING ON THE EAST RIGHT OF WAY OF SOUTHSIDE BOULEVARD, THE REAL POINT OF BEGINNING OF THIS SUBDIVISION;

THENCE ALONG SAID EAST RIGHT OF WAY N 00°48'25" E 69.98 FEET TO A POINT;

THENCE S 89°14'52" E 190.00 FEET TO A POINT;

THENCE N 00°48'25" E 80.00 FEET TO A POINT ON THE NORTH LINE OF SAID LOT 16;

THENCE S 89°14'52" E 409.92 FEET TO THE NORTHEAST CORNER OF SAID LOT 16;

THENCE N 00°48'25" E 149.98 FEET TO THE NORTHEAST CORNER OF LOT 15 OF SAID PLAT OF COVERT SUBDIVISION, ALSO BEING ON THE EAST LINE OF LOT 17;

THENCE S 89°14'52" E 459.92 FEET TO A POINT ON THE EASTERNLY LINE OF SAID LOT 17 AND CENTERLINE OF THE ELIJAH DRAIN, ALSO THE WESTERLY LINE OF ROYAL MEADOWS SUBDIVISION NO. 4;

THENCE S 49°43'25" E 942.68 FEET ALONG SAID EASTERNLY LINE OF SAID LOT 17, THE EASTERNLY LINE OF LOT 24, AND SAID CENTERLINE TO A POINT;

THENCE N 89°14'52" W 932.67 FEE TO THE NORTHERLY CORNER COMMON TO LOTS 22 AND 23 OF SAID COVERT SUBDIVISION;

60202-McKIM SUB BNDY.doc
THENCE S 00°48'25" W 149.98 FEET ALONG THE COMMON LINE TO SAID LOTS 22 AND 23 TO A POINT;

THENCE N 89°14'52" W 555.89 FEET TO A POINT ON THE SOUTH LINE OF LOT 20 OF SAID COVERT SUBDIVISION;

THENCE N 02°26'10" W 150.21 FEET ALONG AN EXISTING FENCE LINE TO A POINT ON THE COMMON LINE OF SAID LOTS 19 AND 20;

THENCE N 89°14'52" W 290.50 FEET ALONG SAID COMMON LINE TO A POINT ON THE EASTERLY RIGHT OF WAY OF SOUTHSIDE BOULEVARD;

THENCE N 00°48'25" E 70.70 FEET ALONG SAID RIGHT OF WAY TO A POINT;

THENCE CONTINUING S 89°14'52" E 290.00 FEET TO A POINT;

THENCE N 00°48'25" E 79.29 FEET TO A POINT ON THE LINE COMMON TO LOTS 18 AND 19 OF SAID COVERT SUBDIVISION;

THENCE S 89°14'52" E 309.92 FEET ALONG LINE COMMON TO SAID LOTS 18 AND 19 TO A POINT ON THE WEST LINE OF SAID LOT 17;

THENCE N 00°48'25" E 149.98 FEET ALONG THE LINE COMMON TO SAID LOTS 17 AND 18 TO THE SOUTHEAST CORNER OF LOT 16;

THENCE N 89°14'52" W 599.92 FEET ALONG SOUTH LINE OF SAID LOT 16 TO THE REAL POINT OF BEGINNING OF THIS SUBDIVISION.

SAID PARCEL CONTAINS 16.53 ACRES, MORE OR LESS

WAYNE K. BARBER, P.L.S. 8444
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 3.21 dwelling units per acre (Calculated according to the gross acreage of the development.)
   b. The minimum allowable residential buildable lot size within this development shall be seven thousand (7,000) square feet as allowed by the RS 7 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 as approved for the Preliminary Plat of Mossy Creek Subdivision

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 cave “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 façade 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.
Good afternoon,
ITD has received application SPP-00049-2019 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 Mossy Creek Subdivision / SPP-00049-2019

Please find attached for your review the Preliminary Plat Approval for Mossy Creek Subdivision in a RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 2726 and 2878 Southside Boulevard (54 single family detached lots on 16.53 acres for 3.27 average dwelling units per gross acre – A portion of Section 1, T2N, R2W, BM) for Leavitt and Associates Engineers, Inc. representing IAG Mossy Creek LLC.

The preliminary plat is scheduled for the Planning & Zoning Commission meeting of November 26, 2019.

Please review and return any comments to my attention prior to November 08, 2019.

Thank you & Have a great day!
This subdivision has high water, read Geotech report.

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Monday, October 21, 2019 1:06 PM
Subject: Preliminary Plat Approval for Mossy Creek Subdivision / SPP-00049-2019

Good Afternoon Everyone! 😊

Re: Preliminary Plat Approval for Mossy Creek Subdivision / SPP-00049-2019

Please find attached for your review the Preliminary Plat Approval for Mossy Creek Subdivision in a RS7 (Single Family Residential - 7,000 sq. ft.) zoning district at 2726 and 2878 Southside Boulevard (54 single family detached lots on 16.53 acres for 3.27 average dwelling units per gross acre – A portion of Section 1, T2N, R2W, BM) for Leavitt and Associates Engineers, Inc. representing IAG Mossy Creek LLC.

The preliminary plat is scheduled for the Planning & Zoning Commission meeting of November 26, 2019.

Please review and return any comments to my attention prior to November 08, 2019.

Thank you & Have a great day!
Shellie Lopez

From: Shellie Lopez <lopes@cityofnampa.us>
Sent: Monday, October 21, 2019 1:06 PM
Subject: Preliminary Plat Approval for Mossy Creek Subdivision / SPP-00049-2019

Good Afternoon Everyone! 😊

Re: Preliminary Plat Approval for Mossy Creek Subdivision / SPP-00049-2019

Please find attached for your review the Preliminary Plat Approval for Mossy Creek Subdivision in a RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 2726 and 2878 Southside Boulevard (54 single family detached lots on 16.53 acres for 3.27 average dwelling units per gross acre – A portion of Section 1, T2N, R2W, BM) for Leavitt and Associates Engineers, Inc. representing IAG Mossy Creek LLC.

The preliminary plat is scheduled for the Planning & Zoning Commission meeting of November 26, 2019.

Please review and return any comments to my attention prior to November 08, 2019.

Thank you & Have a great day!
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

From: Shellie Lopez <lopez@cityofnampa.us>
Sent: Monday, October 21, 2019 1:06 PM
Subject: Preliminary Plat Approval for Mossy Creek Subdivision / SPP-00049-2019

Good Afternoon Everyone! 😊

Re: Preliminary Plat Approval for Mossy Creek Subdivision / SPP-00049-2019

Please find attached for your review the Preliminary Plat Approval for Mossy Creek Subdivision in a RS7 (Single Family Residential – 7,000 sq. ft.) zoning district at 2726 and 2878 Southside Boulevard (54 single family detached lots on 16.53 acres for 3.27 average dwelling units per gross acre – A portion of Section 1, T2N, R2W, BM) for Leavitt and Associates Engineers, Inc. representing IAG Mossy Creek LLC.

The preliminary plat is scheduled for the Planning & Zoning Commission meeting of November 26, 2019.

Please review and return any comments to my attention prior to November 08, 2019.

Thank you & Have a great day!
Hi Shellie,

Nampa Parks has reviewed the preliminary plat for Mossy Creek Subdivision, Project: SPP-00049-2019. We request that 20 feet from the top of bank along the south side be deeded and dedicated to the City of Nampa for the Elijah Pathway. Further, we request the developer construct the pathway, as indicated on the preliminary plat, to the standards for pathway construction required by the City of Nampa.

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 request that the Clump River Birch, Begula nigra ‘Heritage’, be removed from the plans and replaced with a suitable alternate from the Treasure Valley Tree Selection Guide (TVTSG) for the ROW.

Thank you,

Adam
October 29, 2019

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

RE: SPP-00049-2019/ Mossy Creek Subdivision; 2726 & 2878 Southside Boulevard

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 Elijah Drain courses along the eastern boundary of this proposed project. The districts easement for the Elijah Drain at this location is a minimum of one hundred feet (100') total, fifty feet (50') 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
November 11, 2019

RE: Mossy Creek Subdivision - Preliminary Plat

To: Dan Lardie

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 names for W Mossy Trail Ave and W Mossy Trail Ct to the Engineering Division. This name uses a word used in street types. This street should also carry the same type for its whole length and should have the format ‘E (new name) St’.
- E Mossy Rock Dr should be E Mossy Rock Ct
- S Mossy Oak Loop should be E Mossy Oak Dr

Sincerely,

Dan Wagner
GIS Technician I
Engineering Division
City of Nampa
(208) 468-5475
DATE: November 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
SUBJECT: SPP-00049-2019 – Mossy Creek Subdivision Engineering Review Memo

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

Preliminary Plat Comments

Access:

1. The project is located between Southside Blvd and the Elijah Drain near Bannock Ave and will take access from the following roads:
   - Southside Blvd – classified as “Collector”

2. The property was annexed into the City a number of years ago. Right-of-way totaling 50-feet from Section Line was dedicated across a portion of the property at that time. Full right-of-way has yet to be dedicated at the southerly portion of the property. The required right-of-way for Southside Blvd is 40-feet from Section Line and shall be dedicated with the Final Plat.

3. A Traffic Impact Study is not required based on the total number of developable lots. The executive summary of a previous study from 2006 was supplied indicating a southbound left-turn lane was warranted at the project access. Traffic volumes have changed significantly since 2006. We request that an updated turn-lane warrant study be performed for the project access to verify if turn lanes are warranted at the Southside Blvd and Mossy Cove Street intersection.

4. The City’s Access Management Policy requires a 250-ft spacing between opposing local street branches on a Collector Road. The distance from Bannock Ave to Mossy Cove Street is only 230-feet. An exception will be allowed in this case given site constraints and that Mossy Cove Street is lined up with an existing driveway located on the west side of Southside Blvd.

5. The allowable block length is exceeded on E Mossy Cove Street warranting traffic calming measures.
6. Public street stubs should be provided to the north and south boundaries to provide vehicular and pedestrian connectivity opportunity for future development. We recommend stubbing S Mossy Forest Ave to the north and E Mossy Oak Loop to the north.

7. City Code no longer requires full road widening along Collector and Arterial roads (see Nampa City Code Section 9-3-1). Widening is only required where needed for turn lanes. Development required frontage improvements include sidewalk and drainage. Sidewalk should be constructed at the ultimate location based on City adopted street design standards.

Utilities:

8. 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 on the east side of Southside Blvd;
   - 15” sewer main in S Bluegrass Drive; and,
   - 6” pressure irrigation main along the west side of Southside Blvd.

9. 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 in Southside Blvd.

The City’s Irrigation Master Plan reflects the 12” main to connect to the 6” main near the Maplewood irrigation pump station at S Stonehedge Drive and Southside Blvd. We request the project construct the 12” main from this location to the E Mossy Cove Street intersection and eliminate the connection shown to the existing 6” main along the west side of Southside Blvd.

10. The property is in the lower end of the City’s water pressure Zone 3, which has a service hydraulic grade of 2,730-feet. The project will likely experience static water pressures greater than 80-psi due to ground elevations being lower than 2,545-feet. Pressure reducing valves should be installed on individual home water service lines where the finish floor elevation is below 2,545-feet.

11. Utilities should be stubbed at the requested north and south street stubs to support future development. In particular, sewer should be extended to the Charles Kunerth property (Parcel #R2115600000) at the recommend Mossy Oak Loop stub as this is the best location for gravity service extension.

12. The project proposes connect to the 15” sewer main in S Bluegrass Drive, which will require crossing of the Elijah Drain and a common lot in the Royal Meadows #4 Subdivision used for storm drainage. Nampa & Meridian Irrigation District (NMID) will need to provide design approval and license agreement for the crossing. We also request coordination with the Royal Meadows #4 HOA as construction will disturb their common lot and impact street access.

Drainage:

13. The project proposes to discharge development drainage to the Elijah Drain. NMID will need to provide design approval and license agreement for the discharge.

14. Pre-development discharge to the Elijah Drain may need to be limited to the 25-year storm as this is the NMID design standard. Also, the pre-development discharge should be based on the...
combined area of Areas 1, 2, and 3. It should not include the Elijah Drain easement area as this ground is not shown to be connected to the ponds and will likely directly discharge to the drain.

15. The geotechnical report is from 2006. Please provide an addendum with final design verifying the report is still sufficient and providing additional groundwater monitoring data if available.

16. Nampa Stormwater Policy requires retention of the “first flush” of storms totaling a minimum of 0.2” of rainfall. Final plan and report shall show how this is being accommodated as the pond is proposed to have a clay liner.

17. The final drainage report shall include detention routing including inflow and outflow hydrographs in accordance with Nampa Stormwater Policy, accounting for depth-storage relationship of the pond and depth-discharge of the outlet structure.

18. Nampa Stormwater Policy identifies the 50-year storm as the design event for Primary conveyance facilities. The final drainage report shall revise calculations accordingly.

**Conditions of Approval**

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

2. Developer shall provide 40-feet of public right-of-way along Southside Blvd to be dedicated with final plat.

3. Frontage road improvements along Southside Blvd shall be provided in accordance with Nampa City Code Section 9-3-1.

4. Developer shall provide an updated turn lane warrant analysis for the Southside Blvd and Mossy Cove Street intersection, or provide turn lanes as required by the original Traffic Impact Study.

5. Developer shall construct traffic calming measures (speed hump, cross gutters, bulb-outs, etc.) on E Mossy Cove Street.

6. Developer shall provide an internal stub street with utilities to the southerly and northerly properties for future development connectivity. We recommend stubbing S Mossy Forest Ave to the north and E Mossy Oak Loop to the north.

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/re 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 12” pressure irrigation main in Southside Blvd per the City’s Master Plan from S Stonehedge Drive to E Mossy Cove Street, and eliminate connections to the existing 6” main along the west side of Southside Blvd.
10. Applicant shall address all street name comments identified in the letter from Nampa Engineering Division prior to Final Plat submittal.

11. Applicant shall provide an addendum to the Geotechnical Report at the time of Final Plat submittal verifying the 2006 report and providing additional groundwater monitoring data as available.

12. Applicant shall obtain plan approval from Nampa & Irrigation District (NMID), including any associated license agreements for proposed discharge into and sewer crossing of the Elijah Drain.
Memo

To: Nampa Planning & Zoning Commission
From: Kristi Watkins, Senior Planner (Safe Routes To School Analyst)
c:
Date: November 14, 2019
Re: Mossy Creek Subdivision

The Mossy Creek Subdivision located on Southside Blvd, east of the Southside Blvd and south of E Greenhurst Rd, is located near:

**Ronald Reagan Elementary** – ¼ mile south on Southside Blvd – Walkable. Sidewalks on the west side of Southside Blvd, no sidewalks on the east side of Southside Blvd between this location and the school.

**East Valley Middle School** – Just over ¼ of a mile along Southside Blvd and E Greenhurst Rd. There are lots of sidewalk gaps to navigate. These gaps are located on properties within Canyon County.

**Skyview High School** – Approximately 1.5 miles – Not walkable
Communities in Motion 2040 2.0 Development Review

The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization (MPO) for Ada and Canyon Counties. COMPASS has developed this review as a tool for local governments to evaluate whether land developments are consistent with the goals of Communities in Motion 2040 2.0 (CIM 2040), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document based on CIM 2040 2.0 goals.

Development Name: Mossy Creek
CIM Vision Category: Future Neighborhoods

New households: 54  
New jobs: 0  
Agency: Nampa  
Exceeds CIM forecast: No

| CIM Corridor: None  
Pedestrian level of stress: PG-13-Southside  
Bicycle level of stress: PG-13-Southside  
Housing within 1 mile: 2,870  
Jobs within 1 mile: 580  
Jobs/Housing Ratio: 0.2  
Nearest police station: 3.8 miles  
Nearest fire station: 2.1 miles  
Farmland consumed: Yes  
Farmland within 1 mile: 374 acres  
Nearest bus stop: 2.9 miles  
Nearest public school: 0.9 miles  
Nearest public park: 0.3 miles  
Nearest grocery store: 0.7 miles  
Level of Stress considers facility type, number of vehicle lanes, and speed. Roads with G or PG ratings better support bicyclists and pedestrians of all ages and comfort levels.  
A good jobs/housing balance - a ratio between 1 and 1.5 - reduces traffic congestion. Higher numbers indicate the need for more housing and lower numbers indicate an employment need.  
Developments within 1.5 miles of police and fire stations ensure that emergency services are more efficient and reduce the cost of these important public services.  
Farmland contributes to the local economy, creates additional jobs, and provides food security to the region. Development in farm areas decreases the productivity and sustainability of farmland.  
Residents who live or work less than ½ mile from critical services have more transportation choices. Walking and biking reduces congestion by taking cars off the road, while supporting a healthy and active lifestyle. |

Recommendations

Osborne Park is approximately ¼ mile east of the site, however, access is disconnected and unsafe. Consider a roadway stub or pedestrian pathway stub to the south of the proposal to encourage future connectivity. Without closer connections, pedestrians would travel almost one mile along Southside Boulevard, Oklahoma Avenue, and Avondale Avenue to reach the park. Consider internal open space for the subdivision if access to Osborne Park can't be secured. Also, consider providing an improved pathway along the Elijah Drain to the east of the site to improve connectivity to the park. This trail is needed to comply with the 2011 Nampa Bike/Ped Plan.

Public transportation is more than 2 miles from this location and there are not any plans a bus route within 2 mile identified in the ValleyConnect 2.0 plan.

More information about COMPASS and Communities in Motion 2040 2.0:
Web: www.compassidaho.org  
Email info@compassidaho.org  
More information about the development review process:  
http://www.compassidaho.org/dashboard/devreview.htm
Planning & Zoning Department

Before the Planning & Zoning Commission
26th November 2019

STAFF REPORT – PUBLIC HEARING #2

Conditional Use Permit for an Impound Lot/Vehicle Hold Area at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park for Nazar Leskovets (CUP 155-19).

Applicant: Nazar Leskovets
Status of Applicant: Renter

Property Owner: 39th Street LLC
File No: CUP 155-19

Prepared By: Rodney Ashby, AICP
Date: November 19, 2019

Requested Actions: Conditional Use Permit for an Impound Lot/Vehicle Hold Area Business

Existing Land Use: Existing developed Light Industrial property with building and parking lot

GENERAL INFORMATION

Existing Zoning: IL (Light Industrial)

Location: 3913 Summit Lane

Surrounding Land Use and Zoning:
North- Automotive Repair & Industrial Shell Buildings, IL (Light Industrial)
Auto Salvage Yard, IH (Heavy Industrial)
South- Rural Residential, RA (Suburban Residential)
East- Industrial, IL (Light Industrial)
West- IL (Light Industrial)
Comprehensive Plan Designation: Light Industrial

Planning & Zoning History: The property has previously been utilized for other Industrial uses and the industrial use in the neighboring building will continue. Towing or impound is a permitted use in IH (Heavy Industrial) zones and a conditional use in IL (Light Industrial) zones.

Proposed Land Uses: The applicant wants to begin a new business to store impounded vehicles behind an existing fence.

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.

Section 10-5-2 Schedule of District Land Use Controls requires a conditional use permit for Towing/Impound in the IL zone. Chapter 25 sets forth the criteria of approval. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval of a conditional use permit. Recommended findings required for approval of a Conditional Use Permit are listed under the “Staff Findings and Discussion” section of this report.

SPECIAL INFORMATION

Public Utilities:
8" sewer main located in E Summit Ln.
6" water service available.
4" irrigation service available

Public Services: All present.

Transportation and Traffic: The property fronts E Summit Ln near the Garrity Blvd and N 39th St intersection

Correspondence: As of the date of this memo no agency, area property owners, businesses, or residents have expressed any opposition to or support for the requested zoning amendment and conditional use permit. Any memos provided, stating no opposition or comment, are included as attachments.

Physical Site Characteristics: Existing developed industrial site.

Parking: Adequate off-street parking was previously provided on the property to satisfy code required off-street parking spaces. The applicant stated they would like to use the enclosed

STAFF FINDINGS AND DISCUSSION

Nampa City Code 10-22-5 D states that all surfaces where a vehicle traverses or is parked shall be paved. Planning & Zoning has permitted graveled area behind a building if the area is screened from view. Though the subject property is fenced, it does not appear to be screened. Staff recommends that a condition of approval is that it either be screened from view or that the area be fully asphalt paved.
If the Planning and Zoning Commission votes to approve the conditional use permit the use of the property for a Towing/Impound Business could be compatible with the surrounding industrial/commercial neighborhood if appropriate conditions are adhered to in the operation. In reference to the required CUP findings the following are provided:

1) The location, size and design and operating characteristics of the proposed Towing/Impound Business will be compatible with and will not adversely affect the livability or appropriate development of the abutting properties and the surrounding neighborhood if the below conditions are adhered to in the use of the property.

2) The location, design, and site planning of the proposed Towing/Impound Business will be as attractive as the nature of the use and its location and setting warrants.

3) The proposed Towing/Impound Business will enhance the successful operation of the surrounding developing area in its basic community function and provide an essential service to the community or region.

At the date of this memo I have received no statements of opposition or support from any property owners, businesses, or residents in or around the area concerning the requested conditional use permit.

SUGGESTED CONDITIONS OF APPROVAL

If the City Council determines to approve the requested Conditional Use Permit for the Towing/Impound Business the following conditions are recommended:

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 Towing/Impound Business shall be satisfied prior to occupancy.

2) The conditional use permit shall be issued only for a Towing/Impound Business. No outside vehicle salvage shall be allowed.

3) The outdoor parking and yard area adjacent the business shall be maintained free of oil and debris and otherwise maintained in a neat and orderly manner. Any vehicle fluids shall be disposed of at an approved dump site and not on the property.

4) The property shall be continuously maintained in conformance with weed and nuisance ordinance provisions.

5) 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.

6) The area used for vehicle parking shall be paved with asphalt according to city code.

7) Any other conditions recommended by the City Council following public hearing.

ATTACHMENTS

1) Application
2) Zoning map
3) Comp Plan map
4) Arial photo
5) Agency and other correspondence
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $234.00 (1 acre or less) Nonrefundable Fee: $463.00 (more than 1 acre)

Applicant Name: Nazar Leskoves Jr.  Home Number: 208-302-9449
Street Address: 1301 N Gage Ln  Mobile Number: 208-473-6764
City: Nampa State: ID Zip Code: 83687 Email: info@quicktown.us

Property Owner Name: 20th St LLC
Street Address: 755 W Front ST #300
City: Boise State: ID Zip Code: 83702

Applicant’s interest in property: ( ) Own (x) Rent ( ) Other

ADDRESS OF SUBJECT PROPERTY: 3913 Summit Ln Nampa, ID 83687

Please provide the following REQUIRED DOCUMENTATION to complete the CUP:
☐ A copy of one of the following: □ Warranty Deed □ Proof Of Option □ Earnest Money Agreement
☐ A sketch drawing of the site & any adjacent property affected, showing all existing & proposed
locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street
parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building
elevations, together with any other information considered pertinent to the determination of this matter.
☐ 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. (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 reason for the proposed Conditional Use Permit: Needed
for impound lot/vehicle hold area. New Business.

Dated this ______ day of October, 2019

NOTICE TO APPLICANT
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 it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-
Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing
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 hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15
days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council.
You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days
from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be
sent a document which constitutes an official “Conditional Use Permit”. This document will enumerate the conditions attached to the
issuance of the permit and state the consequences of failure to comply.

OFFICE USE ONLY
FILE NUMBER: CUP - 155 - 20 19 PROJECT NAME: Leskoves Impound Yardin

12/11/13 Revised
Shellie Lopez

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, October 29, 2019 3:42 PM
To: Shellie Lopez
Subject: [External] RE: CUP-00155-2019

Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

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 208-467-5454.

From: Shellie Lopez <lopezs@cityofnampa.us>
Sent: Tuesday, October 29, 2019 3:28 PM
Subject: CUP-00155-2019

Good Afternoon Everyone! 😊

Re: CUP-00155-2019

Nazar Leskovets has requested a Conditional Use Permit for a Impound Lot/Vehicle Hold Area in a IL (Light Industrial) zoning district at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park.

This application will go before the Planning and Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the CUP-00155-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.

Thank you & Have a great day!
Existing space and fenced yard, Building Department has no conditions.

Good Afternoon Everyone! 😊

Re: CUP-00155-2019

Nazar Leskovets has requested a Conditional Use Permit for a Impound Lot/Vehicle Hold Area in a IL (Light Industrial) zoning district at 3913 Summit Lane (A portion of a .70 acre or 30,492 sq. ft. parcel situated in the SE ¼ of Section 13, T3N, R2W, BM and a portion of Lot 1, Block 2, Hillcrest Business Park.

This application will go before the Planning and Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the CUP-00155-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.

Thank you & Have a great day!
DATE: November 6, 2019
TO: Planning and Zoning Department
FROM: Peter Nielsen, Sr. Eng. Plans Examiner
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Nazar Leskovets
OWNER: 39th St LLC
ADDRESS: 3913 E Summit Ln
RE: CUP-00155-2019 – Vehicle Impound Lot in an IL Zone

The Engineering Division does not oppose this application as the site is already constructed with existing access and utility services. Required utility use fees, if any, will be determined at time of Tenant Improvement Permit.
November 6, 2019

Brent Danielson, Assoc. Planner
Ada County Development Services
200 W. Front Street
Boise, ID 83702

RE: CUP-155-2019/ Leskovets Impound Yard in IL; 3913 Summit Lane

Dear Brent:

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
PUBLIC HEARING ITEM NO. 3
STAFF REPORT

Applicant(s): Nick Boban

Owner: Dustin Bristol

File(s): CUP 156-19

Prepared by: Rodney Ashby, AICP

Date: November 18, 2019

Requested Action: Conditional Use Permit for a Lounge in a DH (Downtown Historic) zoning district at 320 11th Ave. So., Ste. 100

(Decision Required: Decision)

Purpose: A conditional use permit is required for any lounge in the Downtown Historic Zone. The Craft Lounge is an existing bar in the Downtown Historic zoning district. The applicant has submitted a tenant improvement building permit application to expand the bar within the existing building. This requires a Conditional Use Permit for land use approval.

GENERAL INFORMATION

Status of Applicant: Representative

Existing Zoning: DH (Downtown Historic)

Address: 320 11th Ave. So., Ste. 100
Legal Description: A parcel situated in the SW ¼ of Section 22, T3N, R2W, BM, also Unit 2 Ground Floor, Historic 29th Masonic Lodge.

Size of Property: A 0.48 acre or 20,909 sq. ft parcel; unit 2 is 2,703 sq ft, of which approximately 754 sq ft is currently being used for the bar and approximately 691 sq ft is being proposed for expansion.

Surrounding Land Use and Zoning:
In the same building as Brick 29 Bistro
Northeast - Oreilly Auto Parts
West – Alsip Funeral Chapel
Southwest – Residential Duplex
Northwest – Mike Mussell’s Nampa Towne Square

Comprehensive Plan Designation: Downtown

Zoning: Downtown Historic

SPECIFIC INFORMATION

Public Utilities in alleyway:
  8" Sewer Main
  6" Water Line
  3" Irrigation line with a 2" connection to the property

Transportation: The property fronts 11th Ave S. and backs up to an alleyway.

Parking: The property is in the downtown area with no off-street parking required. However, on-street parking and some off-street parking lots are available.

CORRESPONDENCE

Nampa Building Department: no conditions

Nampa Code Enforcement: no violations

City of Nampa Engineering Division: no opposition

Idaho Transportation Department: Does not anticipate any significant traffic impact to the State Highway system and has no objection

Local Business and Citizen Support: Planning received five e-mails indicating support for granting a Conditional Use Permit for Craft Lounge. These communications can be found in the attachments section of this report. In summary, the e-mails indicate that this is a high quality, nice looking lounge different from many other lounges in appearance and atmosphere. In addition, they write that the Craft Lounge brings customers to the downtown and is a valid
business to provide a need in the downtown and in Nampa. The following are those that indicated their support of the CUP:

1. Shayna Randall, Dutch Bros Coffee of Canyon County
2. Amber Miller, Dutch Bros Coffee
3. Aidan Erickson
4. Tara and Nathan Evans
5. Grace and Peace
6. Derrick Fleck, Dutch Bros Coffee
7. Snake River

**APPLICABLE REGULATIONS**

Nampa City Code, Title 10, Chapter 25 sets forth the criteria of approval for conditional use permits. Section 10-25-15 states that where an expansion of an existing conditioned use exceeds 25% the following applies:

"A2. Expansions: Proposed expansions to uses and/or structures exceeding twenty five percent (25%) of the square footage (whether related to 1 or more structure’s size(s) and/or a use’s area coverage on a property) of a use previously approved via a conditional use permit shall require public hearing approval from the planning and zoning commission before any such expansion will be considered lawful."

10-25-15 B outlines the findings the Commission must conclude when approving such expansion:

"Conclusions: In order to approve such expansions, the commission shall be required to conclude that:

1. The proposed expansion will not add to the existing, approved use, land or structural square footage whose use would be contrary to that allowed in the zoning district within which the expansion is proposed; and

2. The proposed expansion as proposed will otherwise comply with all relevant sections of Nampa’s zoning code (e.g., parking, landscaping, exterior storage, setback, height restrictions, etc.) as contained within this title; and

3. The proposed expansion will not adversely impact the surrounding neighbor((s) or neighborhood(s))."

**STAFF FINDINGS & DISCUSSION**

The applicant has a current liquor license. Formerly, Brick 29 Bistro operated in the area where Craft Lounge is operating. Brick 29 Bistro operated a restaurant that served alcohol as part of the restaurant – a permitted use when alcohol sales are less than 40% of gross sales. In July of 2017, the restaurant moved to the newly constructed top floor of the Old Masonic Temple (same building). The Craft lounge began operating a few months later in the same location where the restaurant bar was formerly located on the first floor.
Recently the Craft Lounge submitted a building permit application to expand the bar on the first floor. The permit was reviewed by Planning staff and staff directed the applicant to apply for a CUP for the expansion of the lounge.

From a land use standpoint, the location is in Nampa’s downtown. As evidenced by the letters of support from other nearby businesses and citizens, the proposed atmosphere appears to be well kept, and likely to attract customers who may support other businesses in the area.

The Commission has significant freedom and ability to determine whether the lounge meets the three necessary findings for a use that expands the CUP use area. These findings are listed under the “Suggested Conditions” section of this report and are recommended for adoption if the P&Z Commission wishes to approve the Conditional Use Permit application.

**SUGGESTED CONDITIONS OF APPROVAL**

If the Commission determines to allow the Craft Lounge, the following conditions are recommended:

1) The conditional use permit is granted to the applicant until such time as it no longer operates as a lounge and shall not be transferable to a new tenant, business owner, or any other party.

2) Any other conditions recommended by the Commission following public hearing.

If the City Planning & Zoning Commission votes to approve the subject Conditional Use Permit, the following findings are suggested as a part of the approval:

1. The proposed expansion will not add to the existing, approved use, land or structural square footage whose use would be contrary to that allowed in the zoning district within which the expansion is proposed; and

2. The proposed expansion as proposed will otherwise comply with all relevant sections of Nampa’s zoning code (e.g., parking, landscaping, exterior storage, setback, height restrictions, etc.) as contained within this title; and

3. The proposed expansion will not adversely impact the surrounding neighborhood(s).

**ATTACHMENTS**

1) Application
2) Zoning Map
3) Site Plan Drawings
4) Vicinity Map/Aerial
5) Agency and other correspondence
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $234.00 (1 acre or less) Nonrefundable Fee: $463.00 (more than 1 acre)

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Nick Boban</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>849 Hollywood Ave</td>
</tr>
<tr>
<td>City</td>
<td>Nampa</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Zip Code</td>
<td>83651</td>
</tr>
<tr>
<td>Property Owner Name</td>
<td>Dustin Bristol</td>
</tr>
<tr>
<td>Street Address</td>
<td>11070 W. Highmont Dr.</td>
</tr>
<tr>
<td>City</td>
<td>Boise</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Zip Code</td>
<td>83704</td>
</tr>
<tr>
<td>Applicant’s interest in property:</td>
<td>( ) Own (X) Rent ( ) Other</td>
</tr>
</tbody>
</table>

ADDRESS OF SUBJECT PROPERTY: 320 11th Ave S. Nampa, ID 83651

Please provide the following REQUIRED DOCUMENTATION to complete the CUP

☐ A copy of one of the following: ☐ Warranty Deed ☐ Proof Of Option ☐ Earnest Money Agreement
☑ A sketch drawing of the site & any adjacent property affected, showing all existing & proposed locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building elevations, together with any other information considered pertinent to the determination of this matter.
☐ 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. (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 reason for the proposed Conditional Use Permit:

The city told me I had to do this to sell liquor

Dated this 21st day of October, 2019

Applicant Signature

NOTICE TO APPLICANT

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 it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing 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 hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15 days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council. You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be sent a document which constitutes an official “Conditional Use Permit”. This document will enumerate the conditions attached to the issuance of the permit and state the consequences of failure to comply.

OFFICE USE ONLY

FILE NUMBER: CUP - 156 - 2019 PROJECT NAME Alcohol Sales

Page 5
SECOND AMENDED PLAT OF OLD MASONIC LODGE CONDOMINIUMS


-2016-

RECORD DATA
R.D. INST. No. 2015048131

BASIS OF BEARING:
The Center line of 11th Avenue South located Northwest of Block 49 of Nampa Original Subdivision in Section 22, Township 3 North, Range 2 West, Boise Meridian, taken as North 43°41'27" East and distance between monuments found to be 260.00 feet.

NOTES:
1. Refer to the Condominium Declaration regarding uses, responsibilities, and relationships of the Units and the Common area, ingress / egress, Parking and Access easements.
2. Unit is the separate interest in the condominium with boundaries being the interior surface of perimeter walls, floors, ceilings, windows, doors, future and improvements within the unit.
3. No irrigation water will be provided to the units.
4. No condominium shall be divided or adjusted without filing an amended plat.
5. First floor exterior ties are shown on the plat Upper floor ties are the same as the first floor.

FOUNDATION DETAIL
NOT TO SCALE

DISCLAIMER:
Timberline Surveying assumes no responsibility for any errors or omissions in the plat and assumes no responsibility for any consequences to include building permits or the title thereof.

LEGEND
SET 5/8" REBAR WI CAP *HQC PL 365365*
FOUND BRASS CAP MONUMENT
FOUND 1/2" REBAR AS NOTED
FOUND 5/8" REBAR AS NOTED
CALCULATED POINT
P.O.B.
POINT OF BEGINNING
W.C.
WITNESS CORNER
LOT LINE
BOUNDARY LINE
TIE LINE
COMMON AREA

NAMPA ORIGINAL SUB.
BOOK 1, PAGE 7
BLOCK 49

BRASS CAP
UNREADABLE

REBAR
PLS 4221

CENTERLINE
TIE LINE
COMMON AREA

BUILDING SURVEYED
FOUNDATION
NATURAL GROUND

FOUNDATION DETAIL
NOT TO SCALE

BRICKFACE
SECOND AMENDED PLAT OF
OLD MASONIC LODGE CONDOMINIUMS

ALL OF LOTS 44, 46 & 48, BLOCK 49 OF NAMPA ORIGINAL,
A PART OF THE SOUTHWEST 1/4, OF THE SOUTHEAST 1/4,
OF SECTION 22, AND A PART OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4, OF SECTION
22, TOWNSHIP 3 NORTH, RANGE 2 WEST, B.M.,
CANYON COUNTY, IDAHO
-2018-
SECOND AMENDED PLAT OF
OLD MASONIC LODGE CONDOMINIUMS

ALL OF LOTS 44, 46 & 48, BLOCK 49 OF NAMPA ORIGINAL,
A PART OF THE SOUTHWEST 1/4, OF THE SOUTHEAST 1/4,
OF SECTION 22, AND A PART OF THE SOUTHEAST 1/4, OF THE SOUTHWEST 1/4, OF SECTION
22, TOWNSHIP 3 NORTH, RANGE 2 WEST, B.M.,
CANYON COUNTY, IDAHO

-2016-

UNIT 1
1ST FLOOR
UNIT 2
UNIT 3
UNIT 4
2ND FLOOR
UNIT 5
UNIT 6B
3RD FLOOR
UNIT 6A
UNIT 7
UNIT 9
4TH FLOOR
UNIT 8
 UNIT 7
UNIT 6A
UNIT 6B
UNIT 5
UNIT 2
UNIT 1
1ST FLOOR
UNIT 4
2ND FLOOR
UNIT 3
UNIT 8
UNIT 9
4TH FLOOR

Section A

DISCLAIMER
Timberline Surveying assumes no responsibility for
present or future compliance or noncompliance of
any encumbrances to include building permits or the
builder market.

TIMBERLINE
SURVEYING
2017 PARK CENTER WAY SUITE 2 NAMPA IDAHO 83686
P: 208-465-5657 F: 208-465-5690
www.timberlinesurveying.com
JMB NO. 7690
MATT. 8 OF 10
INDEX NO. 000-00-0-00-00

Page 11
Craft Lounge

Vicinity Map/Aerial

CUP-00156-2019
DATE: November 6, 2019
TO: Planning and Zoning Department
FROM: Peter Nielsen, Sr. Eng. Plans Examiner
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Nick Boban
OWNER: Dusten Bristol
ADDRESS: 320 11th Ave S, Unit 2
RE: CUP-00156-2019 – Bar/ Craft Lounge in a DH Zone

The Engineering Division does not oppose this application as the site is already constructed with existing access and utility services. Required utility use fees, if any, will be determined at time of Tenant Improvement Permit.
Good afternoon,

ITD has received application CUP-00156-2019 for review. My apologies for the tardiness of our response. We are working thru a backlog of applications.

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 Afternoon Everyone! 😊

Re: CUP-00156-2019

Nick Boban has requested a Conditional Use Permit for the existing Bar in the Craft Lounge in a DH (Downtown Historic) zoning district at 320 11th Ave. So., Unit 2 Ground Floor, Historic 29th Masonic Lodge (A portion of a .48 acre or 20,909 sq. ft. parcel situated in the SW ¼ of Section 22, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the CUP-00156-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.
Building Department has no conditions on the sale of lacquer. The building is fire sprinklered.

Good Afternoon Everyone! 😊

Re: CUP-00156-2019

Nick Boban has requested a Conditional Use Permit for the existing Bar in the Craft Lounge in a DH (Downtown Historic) zoning district at 320 11th Ave. So., Unit 2 Ground Floor, Historic 29th Masonic Lodge (A portion of a .48 acre or 20,909 sq. ft. parcel situated in the SW ¼ of Section 22, T3N, R2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the CUP-00156-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.
From: Josh Evans  
Sent: Wednesday, October 30, 2019 8:18 AM  
To: Shellie Lopez  
Subject: 320 11TH AVE S

There are no code violations at this time at 320 11TH AVE S  
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.
From: Derrick Fleck <djfleck@me.com>
Sent: Friday, November 15, 2019 8:41 AM
To: Norm Holm
Subject: [External] Craft Lounge

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

To Whom it may concern:

I am in support of Craft Lounge, and it’s presence in the community. I am in favor and in support of the conditional use permit. Please approve it, Craft has and continues to grow and bring a positive customer base from all around the valley out to Nampa that positively effects the surrounding businesses as well. Thank you for your consideration on this matter.

Grace and Peace,
Derrick Fleck
Dutch Bros Coffee
Snake River
Norm Holm

From: Amber Miller <ambermiller@dutchbros.com>
Sent: Thursday, November 14, 2019 7:10 PM
To: Norm Holm
Subject: [External] Craft lounge

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

I support Craft Lounge and I love the presence in the community.

We absolutely support the Conditional use permit for Craft Lounge.

I request you approve the use as craft continues to be a positive place where we spend our time with friends and family!

Amber Miller
Director of HR & Finance
Dutch Bros Coffee
Norm Holm

From: Tara Schaffer <mytribesociety@gmail.com>
Sent: Tuesday, November 19, 2019 10:14 AM
To: Norm Holm
Subject: [External] Craft Lounge

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

Hello Norm -

We are writing to you in regards to Craft Lounge in Nampa. As a Nampa resident (Downtown Nampa) we are so thankful for a classy, upscale, responsible establishment where we can enjoy quality beverages within walking distance from our home.

Since Craft Lounge has been established it has encouraged us to get out and walk around our beautiful town, visiting other local businesses with the knowledge that we can stop in on our way home for a delicious Smoked Old Fashioned to cap the night off.

Working in the service and wine industry, I hear great things about this company and know of so many responsible Nampa (and Caldwell) residents who enjoy visiting Craft. I firmly believe not having them would deter quite a few people from making a stop in Downtown Nampa on their evenings out.

Please, consider full support of Craft’s conditional use permit.

Thank you,
Tara and Nathan Evans
Hi Norm, my name is Shayna Randall and my husband and I own both the Dutch Bros Coffee locations (5 in Canyon County) and also Mesa Tacos and Tequila here in Nampa. I am writing this email in regards to Craft Lounge and Nick Boban. Nick is a former employee of ours at Dutch Bros who worked for us for 4 years while completing his degree in Accounting at Boise State. We have known Nick and his family for many years through our church and serving on many missions trips together with him and his family. After graduating college, he decided to forgo his career in accounting and follow his dreams of being an entrepreneur and business owner. He had a dream to bring a place to Nampa that would mix high end cocktails, top notch service with a classy, speakeasy feel. Something that Nampa has never had before. We are all aware of the dive bars that riddle downtown Nampa and Craft Lounge is nothing like that. Craft is beautiful on the inside and employs some of the most talented bar tenders who are incredibly service minded and care about this community. I have been a part of many community mixers as well as private events at Craft and the people of Nampa are so proud to have this lounge as a part of our city and especially our growing downtown. As a fellow downtown business owner, having options for people to come downtown and stay downtown is vital to all of our success. We have seen first hand at Mesa how difficult it is to seat the amount of people that want to be in downtown! Craft is a go to waiting place for our guests who are waiting for a table and especially for Brick 29. Both restaurants often see up to a 2 hour wait for a table on the weekends. Having a local place like Craft to mingle while you wait has been a highlight for diners in downtown. We have all worked so hard to break the old stigmas of Downtown Nampa and we are finally making headway to make it a destination. My hope in writing this email is to shed light on what a gem this little place is for our downtown and ask that you would approve their conditional use permit. It will not only show thanks to the people who are working so hard to revive downtown but will also show potential business owners how business friendly our city is and what a great place it is to open a business. I am confident in our city planners, council and our mayor that you will all do what is best for Nampa. Thank you for your time and please feel free to contact me for any questions or additional feedback.

Thank you,

Shayna Randall
Dutch Bros Coffee of Canyon County
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

Hello Norm Holm, this is Aidan Erickson and I currently work for Nick Boban at Craft Lounge! I really enjoy my job bartending and cocktail waitressing and it’s helped my people skills by quite a bit! I worked for Dutch Bros of Canyon County for 5 1/2 years where I met nick, and seeing his growth with this business has made Nampa such a fun and welcoming area.
I support the Conditional Use Permit 100%.
Thank you,
Aidan Erickson
STAFF REPORT – PUBLIC HEARING #4

Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split for David DeMayola (ANN 134-19).

Applicant: David DeMayola

File No: ANN 134-19

Prepared by: Norman L. Holm, Planning Director

Date: November 19, 2019

Requested Actions: Annexation & Zoning to RS6 (Single Family Residential – 6,000 sq. ft.)

Project Description: Annexation is desired in order to split the existing lot into two parcels in order to then sell the empty un-used portion of the property.

GENERAL INFORMATION

Planning and Zoning History: The applicant has requested annexation and zoning to split the enclaved rural residential property.

Status of Applicant: Owner

Annexation Location: 842 W. Greenhurst Rd. (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County)

Proposed Zoning: RS6 (Single Family Residential – 6,000 sq. ft.)

Total Size: Approximately 3 acres or 130,680 sq. ft.
Existing Zoning: County R1 (Single Family Residential)

Comprehensive Plan Designation: Medium Density Residential

Surrounding Land Use and Zoning:
North- Rural Residential, City- RS8.5 (Single Family Res. – 8,500 sq. ft.)
South- Single Family Residential, City- RS6
East- Enclaved Rural Residential, County- R1 (Single Family Residential)
West- City Rural Residential, City- RS6

Applicable Regulations: In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The parcel connects with the city limits at its south, west, and north boundaries. The parcel is part of a 6-parcel, 12.6-acre enclaved area.

Existing Uses: Rural residential parcel with single family dwelling and outbuildings.

SPECIAL INFORMATION

Public Utilities:
8” sewer main on south side of W. Greenhurst Rd.
12” water main on north side of W. Greenhurst Rd.
12” pressure irrigation main on north side of W. Greenhurst Rd.

Public Services: Police and fire already service city incorporated areas near the location.

Physical Site Characteristics: Existing rural residential parcel with single family dwelling and outbuildings.

Transportation: Access to the property is from W. Greenhurst Rd. and from the unnamed/undeveloped public right-of-way along the westerly property boundary.

Correspondence: No correspondence has been received from any area property owners or residents either opposing or supporting the request for annexation and zoning to RS6.

STAFF FINDINGS AND DISCUSSION

From a land use standpoint, the location is shown on the comprehensive plan “future land use map” as being compatible with the zoning that has been requested. If the Planning & Zoning Commission recommends to the City Council approval of the requested annexation and zoning the following findings are suggested:

1) The requested annexation parcel connects with the city limits along its north, south and west boundaries. The parcel is part of a 6-parcel 9.08-acre enclaved area.

2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.
3) The proposed zoning conforms with the city’s comprehensive plan future land use map for medium density residential land use and is reasonably compatible with existing and proposed land uses in the area.

4) The property owner requested annexation and zoning to RS6 in order to split the existing lot into two parcels in order to then sell the empty un-used portion of the property.

RECOMMENDED CONDITIONS OF APPROVAL

Staff suggests the Commission recommend approval of the Annexation and Zoning to the City Council subject to the following engineering required 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.

3) Utilities shall be constructed to and through the site at the time of property development/redevelopment 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) The property will be subject to the terms and conditions of Memorandum of Understanding and Deferral Agreement established with Wolf Building Company dated October 7, 2019 regarding the undeveloped public right-of-way and allowance of a private driveway. The City reserves the right to require a similar Memorandum of Understanding and Deferral Agreement for the subject property at the time of development.

ATTACHMENTS

1) Application (Page 4)

2) Vicinity map with zoning (Page 5)

3) Aerial and birdseye view of parcel (Pages 6-7)

4) Annexation zoning survey exhibit (Pages 8-10)

5) Planning and zoning preapplication findings (Pages 11-12)

6) Agency and other correspondence (Pages 13+)
APPLICATION FOR ANNEXATION/ZONING
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $452.00 (1 acre or less) Nonrefundable Fee: $910.00 (more than 1 acre)

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>David DeMayola</th>
<th>Home Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td>842 W Greenhurst Rd</td>
<td>Mobile Number</td>
</tr>
<tr>
<td>City</td>
<td>Nampa</td>
<td>Zip Code</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
<td>83686</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Property Owner Name</th>
<th>David DeMayola</th>
<th>Home Number</th>
</tr>
</thead>
<tbody>
<tr>
<td>Street Address</td>
<td></td>
<td></td>
</tr>
<tr>
<td>City</td>
<td>Nampa</td>
<td>Zip Code</td>
</tr>
</tbody>
</table>

| Applicant’s interest in property: ( ) Own ( ) Rent ( ) Other |

ADDRESS OF SUBJECT PROPERTY: 842 W Greenhurst Rd, Nampa ID 83686

Please provide the following required documentation

☐ Completed Application
☐ A copy of one of the following: ☐ Warranty Deed ☐ Proof Of Option ☐ Earnest Money Agreement
☐ Signed & Notarized Affidavit of Legal Interest (attached). Form must be completed by the legal owner (If owner is a corporation, submit a copy of the Articles of Incorporation or other evidence to show that the person signing is an authorized agent)
☐ Original Legal description of property AND a legible WORD formatted document with Closure Calcs (Must have for final recording) Old or illegible title documents will need to be retyped in a WORD formatted document.

Project Description

➢ State the zoning desired for the subject property: R56
➢ State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for the use of the subject property: Annexation is desired in order to split the existing lot into two parcels in order to then sell the empty unused portion of the property

Dated this 25th day of October, 2019

[Applicant Signature]

NOTICE TO APPLICANT

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

OFFICE USE ONLY

FILE NUMBER: ANN - 134 - 2019 PROJECT NAME 842 Greenhurst - DeMayola Annexation

12/11/13 Revised
WOLF BUILDING CO. LLC., ANNEXATION REZONE EXHIBIT
LOCATED IN THE SW1/4 SW1/4 OF SECTION 33, T. 3 N., R. 2 W., B.M., CANYON COUNTY, IDAHO
2019

LINE TABLE

<table>
<thead>
<tr>
<th>LINE</th>
<th>BEARING</th>
<th>DISTANCE</th>
</tr>
</thead>
<tbody>
<tr>
<td>L1</td>
<td>N 00°48'37&quot; W</td>
<td>25.01</td>
</tr>
<tr>
<td>L2</td>
<td>N 89°39'07&quot; W</td>
<td>20.01</td>
</tr>
<tr>
<td>L3</td>
<td>S 83°01'33&quot; E</td>
<td>100.39</td>
</tr>
<tr>
<td>L4</td>
<td>S 68°26'00&quot; E</td>
<td>91.42</td>
</tr>
<tr>
<td>L5</td>
<td>S 89°39'26&quot; E</td>
<td>7.00</td>
</tr>
<tr>
<td>L6</td>
<td>S 00°49'02&quot; E</td>
<td>25.01</td>
</tr>
<tr>
<td>L7</td>
<td>N 89°39'26&quot; W</td>
<td>7.00</td>
</tr>
<tr>
<td>L8</td>
<td>S 00°48'37&quot; E</td>
<td>73.83</td>
</tr>
</tbody>
</table>

COMPASS LAND SURVEYING, PLLC
623 11th Avenue South
Nampa, ID 83651
Office: (208) 442-0115
Fax: (208) 327-2106
The following Describes a Parcel of Land being a Portion of Lots 14 & 15 of Home Acres Subdivision No. 6 as Filed for Record in Book 2, Page 6 of Plats Records of Canyon County, Idaho and Lying in a portion of the SW1/4 SW 1/4 of Section 33, Township 3 North, Range 2 West, Boise Meridian, Canyon County Idaho, and more particularly described as follows:

COMMENCING at a found 5/8" Iron Pin Marking the Southwest Corner of said Section 33; From which, the South 1/4 Corner of said Section 33 bears, South 89°39'01" East, 2646.97 feet which is being Monumented with a found 5/8" Iron Pin; Thence along the Southerly Boundary Line of the SW 1/4 of said Section 33, South 89°39'01" East, 681.14 feet to a Point; Thence leaving said Southerly Boundary Line, North 00°48'37" West, 25.01 feet to a point Marking the Southwest Corner of said Lot 14, the POINT OF BEGINNING:

Thence along the Westerly Boundary Line of said Lot 14, North 00°48'37" West, 355.00 feet to a point Marking the Northwest Corner of said Lot 14;
Thence leaving said Westerly Boundary Line, and along the Southerly Boundary Line of said Lot 15, North 89°39'07" West, 20.01 feet to a found 5/8" Iron Pin with Plastic Cap "Koerner PLS 8251" Marking the Southwest Corner of said Lot 15;
Thence leaving said Southerly Boundary Line, and along the Westerly Boundary Line of said Lot 15, North 00°48'37" West, 408.00 feet to the Northwest Corner of said Lot 15; From said Corner, a found 5/8" Iron Pin with Plastic Cap "Koerner PLS 8251" Which is Witnessing said Corner bears, South 00°48'37" East, 23.00 feet;
Thence leaving said Westerly Boundary Line, and along the Northerly Boundary Line of said Lot 15, South 83°01'33" East, 100.39 feet to a point;
Thence continuing, South 68°26'00" East, 91.42 feet to a point;
Thence leaving said Northerly Boundary Line, South 00°48'37" East, 619.50 feet to a point;
Thence, South 89°39'26" East, 7.00 feet to a point;
Thence, South 00°49'02" East, 25.01 feet to a point;
Thence, North 89°39'26" West, 7.00 feet to a point;
Thence, South 00°48'37" East, 73.83 feet to a point on the Southerly Boundary Line of said Lot 14;
Thence along the Southerly Boundary Line of said Lot 14, North 89°39'01" West, 164.02 feet to the POINT OF BEGINNING:

The above Described Parcel of Land contains 3.00 Acres (130,509 Sq. Ft.), more or less.
# Planning & Zoning Pre-Application Findings
## For Residential or Commercial Subdivision

We hope your experience during this pre-application process has been beneficial, enjoyable and educational.

**PROJECT NAME:** 842 Greenhurst Annexation  
**ADDRESS:** 842 Greenhurst Rd  
**PROJECT DESCRIPTION:** Annex + Split

<table>
<thead>
<tr>
<th>Current Zone:</th>
<th>Enclave</th>
<th>Desired Zone:</th>
<th>Is the proposed use allowed?</th>
<th>Y</th>
<th>N</th>
</tr>
</thead>
<tbody>
<tr>
<td>Current Comp Plan Zone:</td>
<td>Med-Res.</td>
<td>Desired Comp Plan Zone?</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed acreage:</td>
<td>2.96</td>
<td>Proposed total lot count:</td>
<td>2</td>
<td></td>
<td></td>
</tr>
<tr>
<td>Proposed buildable lot count:</td>
<td>2</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Application processes required?</td>
<td>(circle as many as needed)</td>
<td>Annexation</td>
<td>Rezone</td>
<td>Conditional Use Permit</td>
<td></td>
</tr>
<tr>
<td>Preliminary Plat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Condo Plat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Short Plat (7 lots or less)</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Final Plat</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Design Review</td>
<td>Record of Survey</td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Comp Plan Amendment</td>
<td>Development Agreement (Modification)</td>
<td>Planned Unit Development</td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Site Improvement Permit</td>
<td>Vacation of Easement</td>
<td>Variance</td>
<td>(See timeline &amp; fees list)</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

## REQUIRED SETBACKS

<table>
<thead>
<tr>
<th>REQUIRED SETBACKS</th>
<th>FRONT</th>
<th>STREET SIDE</th>
<th>SIDE</th>
<th>Rear</th>
<th>Comments</th>
</tr>
</thead>
<tbody>
<tr>
<td>Building</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Parking</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Parking requirements per NCC §10-22-6 = Residential: 2 per dwelling unit (plus ADA as required by Building Code). In the RS zone at least one parking space shall be covered, either by garage or carport. Commercial: See Code Section for formulas by use type.

**Formula:**

Surface as per NCC §10-22.5-D: In any zoning district, all areas where any kind of vehicles may/will traverse, be parked or stored shall be required to be paved (via asphalt or concrete).

**LANDSCAPED BUFFER:** NCC §10-33 (commercial) & §10-27-6-J (residential): Residential = Local road 15', Collector or Arterial = 25'. See NCC code sections for design and lists of city acceptable trees. Commercial = Setbacks as listed above shall be landscaped.

**GENERAL LANDSCAPING:** All setback areas that are not encumbered by pavement or a structure shall be landscaped. Landscaping within the 15' landscape buffer shall include 50% grass, 2" caliper trees planted 25' on center. A semi-xeriscape scheme may be allowed where irrigation is not available as allowed in NCC 10-33. For BC zone landscaping see also NCC 10-16-10.

**NOTES:**
- 50' width for property w/ house (minimum)  
- 22' width for flag lot (minimum)  
- Currently measures ~163'  
- Options for zoning request: RS 6 - RS 8.5 - RS (depends on future use)  
- 900 u w/ Greenhurst is it annexed?  

Commercial building projects can request a Conceptual Plan Review Meeting through the Nampa Building Deparment—208-468-5418

For questions, please contact: Planning and Zoning—208-468-4434  
Engineering Department—208-468-5422

Planning applications and zoning ordinances can be found at www.cityofnampa.us
Pre-Application Meeting Request Form
For Residential or Commercial Subdivision
Land Development Inquiries
Requests to be sent to watkinsk@cityofnampa.us or call 208-468-4434

Commercial building projects can request a Conceptual Plan Review Meeting through the Nampa Building Department—208-468-5418

PROJECT NAME: 842 W Greenhurst Annexation
ADDRESS: 842 W Greenhurst Rd, Nampa, 83686 ID
Location of Project (sw corner of...):

Proposed acreage: 3    Comp Plan Zone:    Current Zone: R2    Desired Zone: RS
Proposed total lot count: 2    Proposed buildable lot count: 2

Describe the scope of project being proposed (single-family, multi-family, commercial):

I wish to divide the far south acre (where house is located) from the remaining land in order to sell land for development.

Other Requests for this development:

OWNER/ APPLICANT INFORMATION

Owner Name: David DelMayola
Address: 842 W Greenhurst Rd
Phone: 208-994-1506    Cell Phone:    Email: adammay96@gmail.com
City: Nampa    St: ID    Zip: 83686

Applicant Name: (Same as above)    Engineer    Planner    Representative (circle one)
Address:    Phone:    Cell Phone:    Email:    City:    St:    Zip:    

How many people will be attending this meeting? ______

Dates and times for these meetings are reserved for Wednesdays after 2pm. If other date is necessary, please provide available times and dates:

DECLARATION: Let it be known that the undersigned proponents of the above mentioned project do understand that the Pre-Application session attended on this date is intended to provide general guidance to the project applicants and/or their representatives. This session in no way represents the approval, nor shall it be considered permission to proceed with any project until said project has completed the plan review and permitting processes required by Nampa City Code. All comments, observations and disclosures made at the Pre-Application session are subject to change once the entitlement applications or building permits have been received and the official plan review of the proposed project as begun.

I hereby certify that I have read and understand the above declaration.

Owner/Owner’s representative (please print): David DelMayola
Signature:    Date: 9-13-19

For questions, please contact: Planning and Zoning—208-468-4434    Engineering Department—208-468-5422
Planning applications and zoning ordinances can be found at www.cityofnampa.us
DATE: November 8, 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: David DeMayola

OWNER: David DeMayola

ADDRESS: 842 W Greenhurst Road

RE: ANN-00134-2019 – Annexation and Zoning to RS6

The Engineering Division does not oppose this application with the following comments and conditions.

General Comments:

1. The property is located at 842 W Greenhurst Road and will take access from the following road(s):
   - W Greenhurst Road – classified as “Minor Arterial”
   - Unnamed/undeveloped public right-of-way along the westerly property boundary

2. Greenhurst Road currently only has 25’ of public right-of-way dedicated. An additional 25’ will need to be dedicated for a total of 50’ from Section Line.

3. The unnamed/undeveloped public right-of-way has a 42’ width. As was required by application ANN-00114-2019 and additional 2’ of public right-of-way shall be dedicated along the easterly boundary of the right-of-way (westerly edge of the property) for a total right-of-way width of 44’ to accommodate the “Reduced Width Local (2)” road section in the Nampa Engineering Process and Policy Manual.

4. The City entered into a Memorandum of Understanding (MOU) and Deferral Agreement with Wolf Building Company for the property located to the west (900 and 904 W Greenhurst Road) regarding the undeveloped public right-of-way. The agreements made allowance for the adjacent properties to construct and maintain a private driveway within the undeveloped public right-of-way until such time as the subject property develops or the number of residential units that take access from the driveway exceeds four. Development of this property may trigger the need to fully improve the undeveloped public right-of-way as stipulated by the agreements or enter into a new MOU and Deferral Agreement with the City at the time of development,
dependent on the total number of homes taking access from right-of-way. The applicant should meet with the Engineering Division to discuss access needs and implications of existing agreements prior to development. Both documents are attached for reference.

5. 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:
   - 8” sewer main on south side of W Greenhurst Road;
   - 12” water main on north side of W Greenhurst Road; and,
   - 12” pressure irrigation main on north side of W Greenhurst Road.

6. The sewer main in W Greenhurst Road is only 7’ deep and is unable to serve the majority of the property via gravity. A private pump facility and force main may be required. The applicant should meet with the Engineering Division to discuss sewer service options prior to development.

7. W Greenhurst Road was recently reconstructed as a capital project this year. While the City does not have a road cut moratorium policy, the Engineering Division will require development to exhaust all alternatives prior to allowing new utility trenching in W Greenhurst Road.

Conditions:

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.

3. Utilities shall be constructed to and through the site at the time of property development/redevelopment 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. The property will be subject to the terms and conditions of Memorandum of Understanding and Deferral Agreement established with Wolf Building Company dated October 7, 2019 regarding the undeveloped public right-of-way and allowance of a private driveway. The City reserves the right to require a similar Memorandum of Understanding and Deferral Agreement for the subject property at the time of development.
MEMORANDUM OF UNDERSTANDING

THIS MEMORANDUM OF UNDERSTANDING ("MOU") is made and entered into this 7th day of October, 2019, between the CITY OF NAMPA, CANYON COUNTY, IDAHO, a public body, corporate and politic ("City") and WOLF BUILDING COMPANY, LLC ("Owner/Developer").

Recitals

WHEREAS, Wolf Building Company, LLC owns the property located at 904 W Greenhurst Road, Nampa, ID 83686 (see Exhibit "A-1"), and intends to split said property and construct new residential dwelling unit(s) on the property; and

WHEREAS, Wolf Building Company, LLC requests to defer roadway construction as stipulated by Section 9-3-1 of the Nampa City Code within the adjacent easterly unimproved 42’ wide public-right-of-way for an unspecified period of time; and

WHEREAS, Wolf Building Company, LLC requests to instead construct and maintain a private driveway within the adjacent easterly unimproved 42’ wide public-right-of-way to serve said residential dwelling unit(s) (see Exhibit "A-2").

Agreement

NOW, THEREFORE, the City and Wolf Building Company, LLC hereby agree as follows:

1. Private Drive: Wolf Building Company, LLC shall be allowed to construct a shared access private driveway within the unimproved 42’ wide public-right-of-way as reflected in the Site Plan attached to this agreement as Exhibit "B" to serve up to a maximum of four (4) residential dwelling units. Wolf Building Company, LLC shall be fully responsible for the construction of the private driveway and all associated costs. Construction and maintenance of the private driveway shall not vest in Wolf Building Company, LLC, or its heirs or assigns, any property interest which would entitle them to compensation when the private drive is eventually removed and replaced.

2. Maintenance: Wolf Building Company, LLC and any future property owner(s) shall be fully responsible for all maintenance and costs related to the private driveway, in perpetuity. Wolf Building Company, LLC shall establish a Shared Access Agreement for the private driveway to be recorded against the properties taking access from the driveway to define maintenance and associated cost share responsibility between the properties. Said Shared Access Agreement shall specify that no property rights are, or shall be, vested in any future property owners, and no compensation shall be owed to Wolf Building Company, LLC, or any future property owner(s), when the private drive is eventually removed and replaced.
3. **Deferral Agreement:** Wolf Building Company, LLC shall enter into a "Deferral Agreement" with the City, to allow deferral of public street improvements including curb, gutter, sidewalk, storm drainage, and pavement for an unspecified period of time. City will allow the continued use of the private driveway within the public right-of-way and deferral of said public improvements until such time as the properties to the east are developed and/or the number of residential dwelling units intended to take access from the 42' wide public right-of-way exceeds four (4).

4. **Cost of Future Improvements:** At the time when public street improvements within the public right-of-way are deemed necessary, the then current property owner(s) shall bear the full cost for their portion of the half-street improvements along the approximately 330' length of right-of-way. The cost shall be split evenly between the properties, which cost splitting shall be included and defined within the Shared Access Agreement that Wolf Building Company, LLC, is responsible for creating and recording. Said Shared Access Agreement shall notify the then current property owners of the requirement that they will be obligated to pay for the cost of future improvements.

5. **Severability:** In the event any of the provisions of this MOU shall be deemed illegal or unenforceable, such determination shall not operate to invalidate any of the remaining provisions of this MOU.

6. **Headings:** The paragraph headings are for convenience only and are not a part of this MOU and shall not be used in interpreting or construing this MOU.

7. **Binding Effect:** The provisions and stipulations of this MOU shall inure to and bind the heirs, personal representatives, assigns and successors in interest of the parties hereto.

8. **Liability:** In the event that Wolf Building Company, LLC, fails to cause the Shared Access Agreement to be recorded, or fails to ensure that said agreement contains the provisions necessitated by this MOU, Wolf Building Company, LLC, shall be responsible for the cost of all maintenance of the private drive and also for all costs for, and associated with, the future improvement of the right-of-way that is the subject of this MOU.

9. **Entity Authority:** Each individual executing this MOU on behalf of an entity represents and warrants that he or she is duly authorized to execute and deliver this MOU on behalf of said entity.

10. **Entire Agreement:** The parties agree and warrant that this MOU, together with the Exhibits attached and documents reference constitutes the entire agreement between the parties and supersedes all prior and contemporaneous agreements and discussion, and that this MOU may be amended or modified only by an agreement in writing executed by all parties.
WOLF BUILDING COMPANY, LLC

By: Blake Wolf, Owner

CITY OF NAMPA

By: Debbie Kling, Mayor

Attest:

City Clerk
WARRANTY DEED

For Value Received Kristin Crespin, an unmarried woman and Kelly Renee Shearer, an unmarried woman hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Wolf Building Company, LLC, an Idaho limited liability company hereinafter referred to as Grantee, whose current address is 843 W. Horizon Way Nampa, ID 83686

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s), and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: January 17, 2019

Kristin Crespin

Kelly Renee Shearer
State of Washington, County of KING

This record was acknowledged before me on _______ by Kristin Crespin.

Signature of notary public
Commission Expires: _______

State of Washington, County of KING

This record was acknowledged before me on 11/9/19 by Kelly Renee Shearer.

Signature of notary public
Commission Expires: 8/22/2021

JORDAN ESTEBAN
NOTARY PUBLIC
STATE OF WASHINGTON
My Commission Expires August 22, 2021
WARRANTY DEED

For Value Received Kristin Crepsia, an unmarried woman and Kelly Renee Shearer, an unmarried woman hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

Wolf Building Company, LLC, an Idaho limited liability company hereinafter referred to as Grantee, whose current address is 843 W. Horizon Way Nampa, ID 83686

The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: January 17, 2019

Kristin Crepsia

Kelly Renee Shearer
EXHIBIT "A-1"

State of Washington, County of **King**

This record was acknowledged before me on **01/22/2019** by Kristin Crespin.

Signature of notary public
Commission Expires: **12-19-20**

State of Washington, County of ________________

This record was acknowledged before me on ____________ by Kelly Renee Shearer.

Signature of notary public
Commission Expires: ________________
EXHIBIT A

A part of Lots 12 and 13 in HOME ACRES SUBDIVISION No. 6, according to the official plat of HOME ACRES SUBDIVISION No. 5 and No. 6 on file in Book 2 of Plats at Page 6, in the office of the Recorder of Canyon County, Idaho; more particularly described as follows:

BEGINNING at the Southeast corner of said Lot 13;
Thence North 88°49'30" West 82.00 feet;
Thence North 728.85 feet;
Thence North 54°15'00" East 7.53 feet;
Thence North 73°57'00" East 100.00 feet;
Thence South 0°01'00" West 408.00 feet along the East boundary of said Lot 12;
Thence North 88°49'30" West 20.00 feet along the South boundary of said Lot 12;
thence South 0°01'00" West 355.00 feet along the East boundary of said Lot 13 to the POINT OF BEGINNING.
EXHIBIT “C”

AGREEMENT FOR DEFERRAL
OF CURB, GUTTER AND/OR SIDEWALK, AND STREET CONSTRUCTION
For RESIDENTIAL PROPERTIES

THIS AGREEMENT, made and entered into this ___ day of __________, 2019 by and between THE CITY OF NAMPA, a municipal corporation, and Wolf Building Company, LLC, the applicant.

WITNESSETH:

WHEREAS, Section 9-3-1 of the Nampa City Code authorizes deferral of the requirement of roadway construction in the unimproved public right-of-way located along the easterly boundary of the property for an unspecified period of time;

NOW, THEREFORE, it is hereby agreed as follows:

1. Applicant is the owner of the following described real property located at 904 W Greenhurst Road in Nampa, Canyon County, Idaho, to wit:

   EXHIBIT “A-1” (Legal Description attached to Warranty Deed)

2. The City agrees to defer the requirement of curb, gutter, sidewalk, and certain street construction (the “Improvements”) within the adjacent unimproved public right-of-way to the following limitations and restrictions:

   A. The Nampa City Engineer approves the deferral.

   B. No temporary or permanent structure or landscaping will be added along the street frontage area which shall impede the construction of the future curb, gutter and/or sidewalk, and/or certain street improvements.

3. Upon future notification, the City shall require construction of the Improvements as stipulated in Section 9-1-8 of the Nampa City Code; or upon the formation of a future Local Improvement District (LID).

   A. If an LID is formed, it shall offer the option of making payments for the Improvements over a period of years as provided by said LID and in accordance with Idaho Code.

4. This Agreement shall be considered a petition by the owner/developer and by his heirs, assigns and successors in interest, pursuant to Idaho Code § 50-1706, for the formation of a Local Improvement District, which boundaries shall be and include the real property described in Exhibit “A-1” and which petition shall be for the construction of the Improvements set forth herein, all in accordance with the terms and conditions of Chapter 17, Title 50 of the Idaho Code, or any subsequent recodification and/or amendments to said local improvement district law.

5. The terms and conditions of this Agreement shall be deemed to be a covenant running with the land, appertaining to and binding upon the real property herein described and binding upon the parties hereto.

6. The provisions and stipulations of this Agreement shall inure to and bind the heirs, executors and administrators, assigns and successors in the interest of the parties hereto.
EXHIBIT “C”

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

PROPERTY OWNER(S):

Blake Wolf, Owner
Wolf Building Company, LLC

CITY OF NAMPA:

Tom Points, P. E.
Public Works Director
EXHIBIT “C”

STATE OF IDAHO )
COUNTY OF CANYON ) ss.

On this _____ day of _____________, 2019, before me, the undersigned, a Notary Public, in and for said State, personally appeared Blake Wolf known to me to be the person whose name is subscribed.

IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

___________________________
Notary Public for Idaho
Commission expires:

SEAL

STATE OF IDAHO )
COUNTY OF CANYON ) ss.

On this _____ day of _____________, 2019, before me, the undersigned, a Notary Public, in and for said State, personally appeared Tom Points, P. E., known to me to be the person whose name is subscribed.

IN WITNESS THEREOF, I have hereunto set my hand and affixed by official seal, the day and year in this certificate first above written.

___________________________
Notary Public for Idaho
Commission expires:

SEAL
Building Department has no conditions for the lot split, rezone and annexation of this property.

Good Afternoon Everyone! 😊

Re: Annexation at 842 W. Greenhurst Rd - ANN-00134-2019

David DeMayola has requested Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¾ of Section 33, T3N, R2W, BM Canyon County).

The Annexation application will go before the Planning & Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the ANN-00134-2019 file for your review and send all comments prior to November 08, 2019.

Thank you & Have a great day!
I will be out of the office until Monday November 4th.

If you need immediate assistance please contact Darrin Johnson, Director of Nampa Parks and Recreation, at 468-5858 or johnsond@cityofnampa.us.

I will reply to email upon my return.

Thanks,
Cody Swander

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.
ANN-00134-2019
No code violations at this time.

Anthony Wilbur
Code Compliance Officer
Office: 208-468-5473  Fax: 208-465-5511
2112 W. Flamingo Ave., Nampa, ID
83651

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,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Shellie Lopez

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, October 29, 2019 3:41 PM
To: Shellie Lopez

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

Hi 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: Tuesday, October 29, 2019 3:14 PM
Subject: Annexation at 842 W. Greenhurst Rd - ANN-00134-2019

Good Afternoon Everyone! 😊

Re: Annexation at 842 W. Greenhurst Rd - ANN-00134-2019

David DeMayola has requested Annexation and Zoning to RS6 (Single Family Residential – 6,000 sq. ft.) at 842 W. Greenhurst Rd. for a lot split (A portion of Lots 14 & 15 of Home Acres Subdivision No. 6 lying in a portion of the SW ¼ SW ¼ of Section 33, T3N, R2W, BM Canyon County).

The Annexation application will go before the Planning & Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the ANN-00134-2019 file for your review and send all comments prior to November 08, 2019.

Thank you & Have a great day!
STAFF REPORT – PUBLIC HEARING #5

Proposed Amendments to Sections of Nampa City Code, Title X (ZTA 013-19).

Applicant: City of Nampa
File No: ZTA 013-19

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

Requested Action(s): Amendment of Title 10, Chapter 3, Establishment of Districts and Provisions for Nonconforming Uses; Amending Section 10-33-02 pertaining to Residential Land Use/Building Occupancy Type Notes 1.a. and 1.b. (ZTA 013-19)

City Legal Counsel has drafted the attached ordinances for adoption.

Requested Action: Recommendation of Approval to Nampa City Council

CORRESPONDENCE

No comments

APPLICABLE REGULATIONS

Section 10-2-3 D Conclusions of Law Pertinent to Proposed Zoning Ordinance Text Amendments: Before the commission recommends a text (content) amendment to the zoning ordinance, and, before the City Council approves any proposed zoning code amendment(s), the Commission and the City Council must individually find and conclude: 1. That the proposed amendment(s) is, are or would be reasonably necessary, in the interest of the public, and in harmony with the goals and/or policies of the adopted comprehensive plan.

STAFF ANALYSIS
In an e-mail to Planning & Zoning on October 25, 2019, the Nampa Building Department outlined concerns about the way our current code is written regarding accessory dwelling units. The Building Department pointed out that the National Electric Code requires a 240 volt panel and 240 volt wiring for all residential structures. Our code currently prevents 220 volt or higher electricity to the residential portion of an accessory dwelling structure (Mother/Father-In-Law’s Quarters). This wording in the code was to help prevent garages and other accessory structures from being rented out, or to prevent them from being sold as separate primary dwellings. The Building Department pointed out safety concerns stated: “By limiting the ‘kitchenette’ to 120 volt plug and cord connected cooking appliances, the risk of electrical fire is increased due to the use of cord and plug connected equipment and higher ampacity 120 volt equipment.

The proposed ordinance, changing NCC 10-3-02 is attached as an exhibit. The following is a summary of the changes being proposed.

1. Removal of the wording under “Residential land use/building occupancy type notes” for accessory residential suites/wings/additions attached to the primary dwelling stating: “(with no 220 volt power source wired to or for the use of the kitchenette), and no ‘split’ electrical panel.”

2. Removal of the wording under “Residential land use/building occupancy type notes” for detached accessory residential “guesthouses” stating: “no 220 volt power source.”

STAFF RECOMMENDED FINDINGS

The following findings are recommended by staff:

1) Section 10-2-3 D. of Nampa City Code provides the standards for amending the City’s zoning ordinance.

2) 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.

3) The proposed Ordinance Amendments are in harmony with the City’s comprehensive plan—Nampa 2035.

4) 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.

ATTACHMENTS

1) Final Draft of an Ordinance amending text sections of Title 10, Chapter 3, Section 2 Schedule of District/Zone Land Use Controls.
ORDINANCE NO. ______

AN ORDINANCE ENACTED BY THE NAMPA CITY COUNCIL AMENDING TITLE 10, CHAPTER 3, SECTION 10-03-02, CONTAINING THE SCHEDULE OF DISTRICT/ZONE LAND USE CONTROLS; PROVIDING FOR AN EFFECTIVE DATE; PROVIDING FOR SEVERABILITY; AND REPEALING ALL ORDINANCES, RESOLUTIONS, ORDERS AND PARTS THEREOF, IN CONFLICT HEREWITH.

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

Section 1. That Title 10, Chapter 3, Sections 10-3-2, containing the schedule of district/zone land use controls, be amended as follows:

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

District land use controls shall be as set forth in the succeeding schedule.

<table>
<thead>
<tr>
<th>Residential Land Use/Building Occupancy Type</th>
<th>U</th>
<th>AG</th>
<th>RA</th>
<th>RS</th>
<th>HC</th>
<th>RD</th>
<th>RML</th>
<th>RMH</th>
<th>RP</th>
<th>BN</th>
<th>DB</th>
<th>DV</th>
<th>DH</th>
<th>BC</th>
<th>BF</th>
<th>GB1</th>
<th>GB2</th>
<th>GBE</th>
<th>IP</th>
<th>IL</th>
<th>JH</th>
</tr>
</thead>
<tbody>
<tr>
<td>Residential land use/building occupancy type notes:</td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

1. Uses normal and incidental to the uses permitted in each respective zoning district. Specific regulations governing certain accessory uses in residential zones are as follows:
   a. As pertaining to residential living quarters built or intended for construction as independent suites/wings/additions for use as "father-/mother-in-law quarters" or the equivalent thereof, they are, and shall be limited to, having 1 bedroom, 1 bathroom, and kitchenette (with no 220 volt power source wired to or for the use of the kitchenette), and no "split" electrical panel. They also shall not have: a separate and exclusive laundry facility/room, separate address, separate mailbox, or their only access to the suite from the outside of the structure. (Note that a building permit and/or occupancy permit to sanction such improvement, and the use thereof, may be required by the city.)
   b. Detached accessory residential "guesthouses" (intended for temporary use/stay by friends or relatives) as separate structures are allowed on the same lot/parcel as a house provided they contain but 1 bedroom, no 220 volt power source, no separate...
address or separate parking facility for their use. They may be combined with or be part of another detached structure such as a detached garage.

...

Section 2. This ordinance shall be in full force and effect from and after its passage, approval, and publication, according to law.

Section 3. 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 4. All ordinances, resolutions, orders and parts thereof in conflict herewith are repealed.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, this ____ day of __________, 2019.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, this ____ day of __________, 2019.

ATTEST:

__________________________  ____________________________
Mayor Debbie Kling            City Clerk (or Deputy)
Planning & Zoning Department
Before the Planning & Zoning Commission
Meeting of 26 November 2019

Staff Report – Public Hearing #6

Conditional Use Permit for Vape Sales in a GB1 (Gateway Business 1) Zoning District at 5840 E. Franklin Rd. for Nugget CBD, Craig Bedford (CUP 157-19).

Applicant/Owner: Bedford Enterprises dba Nugget CBD/Cameron S-Sixteen Retail LLC

File No: CUP 157-19

Prepared by: Kristi Watkins
Date: November 19, 2019

Requested Action: Conditional Use Permit
Purpose: Vape Sales, accessory to retail sales of CBD products

GENERAL INFORMATION

Status of Applicant: Renting

Existing Zoning: GB1 (Gateway Business 1)

Location: 5840 E. Franklin Rd. and part of tax 05814 in Lot 1, Block 8 Idaho Center situated in the SW ¼ of Section 7, T3N, R2W, BM.

Size of Property: A portion of a 1.1-acre parcel.

Surrounding Land Use and Zoning:
North- Hampton Inn and Suites, GB1
South- Walmart, GB1
East- Office and Retail, GB1
West- Office and Retail, GB1
Comprehensive Plan Designation: Highway Commercial – Page 105 Nampa

Comprehensive Plan 2035, Section 5.9.3 Highway Commercial: This land use would be located off highway interchanges, major arterials and some collectors, based upon design and function, which provide access to major commercial development that accommodates large volumes of traffic (traffic ordinate business). These land uses will be more intense than other commercial land uses. Portions of these areas could be redeveloped over time into Transit-Oriented Developments that would also include residential uses, design and development standards are recommended that would help to make developments within existing commercial districts more attractive, engaging and accessible places. This would include development of multiple access points to disperse traffic, and a complete system of internal streets, sidewalks and pedestrian and bicycle paths to provide circulation within the district and connections to the surrounding roadway and bicycle route system. Examples include: big box projects, major shopping center, hospitals, retail, services, drive-in restaurants, office complexes, institutes of higher learning and other destination land uses.

Zoning & Planning History: Location always zoned GB1 and previously occupied for retail purposes. Retail uses continue in this tenant space.

Applicable Regulations: Section 10-3-2 Schedule of District Land Use Controls allows Tobacco Shops by conditional use permit in GB1 districts. Though not specifically listed, staff has determined that vape sales be considered the same as Tobacco Shops. Section 10-3-2 B. Unlisted Land Uses: The director or his/her designee shall interpret the appropriate district for land uses not specifically listed by determining the district in which similar uses are permitted, … Where a use is proposed and ambiguity exists concerning the appropriate district or procedure for the establishment of that particularly proposed use, said use may be established by obtaining of a conditional use permit…

Chapter 25 sets forth the criteria of approval. These criteria require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood.

Description of Existing Land Use: Vacant commercial unit within an existing retail building.

Description of Proposed Land Use: The proposed ALLOWED use is for the retail sales of CBD products. This request is to allow the accessory sales of vape products.

Definition of Vaping: Vaping is the act of inhaling and exhaling the aerosol, often referred to as vapor, which is produced by an e-cigarette or similar device. When the device is used, the battery heats up the heating component, which turns the contents of the e-liquid into an aerosol that is inhaled into the lungs and then exhaled.

Parking: Existing off-street parking exists at the location for store customers.

SPECIAL INFORMATION

Public Utilities:
12" water main in E. Franklin Rd.
8" sewer main along the northerly property boundary
10" irrigation main along the northerly subdivision boundary
Public Services: All available.

Transportation: The business access is from E. Franklin Rd. into the parking lot.

Physical Site Characteristics: Developed vacant, available commercial unit.

Environmental: No areas of concern.

Aesthetics/Landscaping: Existing landscaped commercial area.

Correspondence: No correspondence from any area property owners, businesses or residents have been received for or against the establishment vape sales at the subject location.

Agency correspondence from the Nampa Building Department indicates that a tenant improvement permit is required. The tenant improvement permit has been submitted and approved for the CBD store. The vape sales will commence later should this application be approved by the Commission.

STAFF FINDINGS AND DISCUSSION

The retail sales of CBD products is an allowed commercial use in the GB1 zoning district, provided it meets the appropriate state regulations for the sales of such products. However, since the adjacent tenant was recently required to obtain a conditional use permit for vape sales, staff felt it was appropriate to require the same of this tenant.

As stated previously, where ambiguity exists concerning the appropriate district or procedure for a use, the use may be established by obtaining a conditional use permit. Tobacco Shops or Smoke Shops are retailers of tobacco produces in various forms. Tobacco Shops are specifically listed as a Conditional Use in the GB1 zone. Vape Shops specialize in the selling of electronic cigarette products. I understand that nicotine is the primary agent in both regular cigarettes and electronic cigarettes. For these reasons I determined that vape sales should be treated the same as a Tobacco Shop and that a CUP should be required for their establishment in the GB1 zone.

The location is reasonable for vape sales because of its' proximity to other commercial retailers in the area and the fact that it is accessory to primary use of the tenant space for CBD sales. From a land use standpoint, the location is shown on the comprehensive plan for highway commercial land use and the requested use is an eligible conditional use in the GB1 zone.

With regards the conditional use permit, use of the commercial unit for vape sales is compatible with the surrounding commercial and professional neighborhood.

If the Commission votes to approve of the CUP, the following findings are recommended:

1) The location, size and design of the proposed Vape Store will be reasonably compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood if the below conditions are required.
2) The location, design, and site planning of the proposed Vape Store will be as attractive as the nature of the use and its location and setting warrants.

3) The proposed Vape Store will enhance the successful operation of the surrounding area in its basic community function and provide an essential service to the community.

SUGGESTED CONDITIONS OF APPROVAL

If the Commission votes to issue a conditional use permit the following Planning and Engineering conditions are recommended to be attached:

1) All requirements of the Nampa fire and building departments regarding vape sales use shall be satisfied.

2) The conditional use permit is issued for the life of the commercial unit for sales of vape products.

ATTACHMENTS

1) Application (Pages 5)
2) Vicinity zoning and location map (Page 6)
3) Aerial/street view of parcel and neighborhood (Page 7)
4) Legal description (Page 8)
5) Agency and other correspondence (Page 9+)
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651  P: (208) 468-4487 F: (208) 465-2261

Nonrefundable Fee: $234.00 (1 acre or less)  Nonrefundable Fee: $463.00 (more than 1 acre)

<table>
<thead>
<tr>
<th>Applicant Name</th>
<th>Bedford Enterprises LLC</th>
</tr>
</thead>
<tbody>
<tr>
<td>O.B.A.</td>
<td>Nugget CBD</td>
</tr>
<tr>
<td>Street Address</td>
<td>4477 Oregon Ave.</td>
</tr>
<tr>
<td>City</td>
<td>Caldwell</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Zip code</td>
<td>83607</td>
</tr>
<tr>
<td>Mobile Number</td>
<td>208-571-1568</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:bedfordrecon@hotmail.com">bedfordrecon@hotmail.com</a></td>
</tr>
<tr>
<td>Property Owner Name</td>
<td>Cameron S-Sixteen Retail LLC</td>
</tr>
<tr>
<td>Street Address</td>
<td>225 N. 4th St. Suite 530</td>
</tr>
<tr>
<td>City</td>
<td>Boise</td>
</tr>
<tr>
<td>State</td>
<td>ID</td>
</tr>
<tr>
<td>Zip Code</td>
<td>83702</td>
</tr>
<tr>
<td>Home Number</td>
<td>208-422-2848</td>
</tr>
<tr>
<td>Email</td>
<td><a href="mailto:michael@campurllc.com">michael@campurllc.com</a></td>
</tr>
<tr>
<td>Applicant's interest in property:</td>
<td>Rent</td>
</tr>
</tbody>
</table>

ADDRESS OF SUBJECT PROPERTY: 5840 E. Franklin Rd. Nampa, ID 83687

Please provide the following REQUIRED DOCUMENTATION to complete the CUP
☐ A copy of one of the following:  ☑ Warranty Deed  ☐ Proof Of Option  ☐ Earnest Money Agreement
☐ A sketch drawing of the site & any adjacent property affected, showing all existing & proposed
 locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street
 parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building
 elevations, together with any other information considered pertinent to the determination of this matter.
☐ 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. (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 reason for the proposed Conditional Use Permit: Tenant
 will sell CBD products to include vapes

Dated this 29 day of October, 2019

Applicant Signature

NOTICE TO APPLICANT

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 it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-
Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing
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 hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15
days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council.
You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15 days
from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will
be sent a document which constitutes an official "Conditional Use Permit". This document will enumerate the conditions attached to the
issuance of the permit and state the consequences of failure to comply.
VAPE SALES
NUGGET CBD
5840 E Franklin Rd
Conditional Use Permit

CUP-00157-2019
11/13/2019

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

PROJECT LOCATION

EXHIBIT

E-Hunt Ave
5875
16200
5720
5700
5680
5615
5725
5720
E-Franklin Rd
16200
5801
5707
5643
5605
5601
AG
15979
15933
15835
Ridgecrest Golf Course
Exit 38 W On Ramp
N Gate Blvd
E Gate Blvd

Ridgecrest Dr

E-Franklin Rd
15979
15933
15835

AG

GATEWAY COMMUNITY COLLEGE
CWI Campus

Idaho Center

GBE

CWI Micron Center

Project Location

1-84 WB
1-84 EB

Exit 38 W Off Ramp

Nampa, Idaho

THE CITY OF NAMPA
OFFICIAL SEAL

Nampa Proud

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

VAPE SALES
NUGGET CBD
5840 E Franklin Rd
Conditional Use Permit

CUP-00157-2019
11/13/2019

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

VAPE SALES
NUGGET CBD
5840 E Franklin Rd
Conditional Use Permit

CUP-00157-2019
11/13/2019

Visit Planning & Zoning
at cityofnampa.us
for more info.
Legal Description for 5840 E. Franklin Road

A portion of Lot 8 in Block 1 of The Idaho Center, as shown on the official plat thereof on file in the office of the Canyon County Recorder in Book 23 of Plats at Page 40, more particularly described as follows:

Commencing at the Southeast corner of said Lot 8 in Block 1 and running North 89°22'45" West 300.77 feet along the Southerly boundary of said Lot 8 to the Point of Beginning; thence continuing North 89°22'45" West 163.06 feet along said Southerly boundary of Lot 8 to a point; thence North 86°34'30" West 79.26 feet along said Southerly boundary of Lot 8 to a point; thence North 0°37'15" East 196.90 feet to a point; thence South 89°22'45" East 242.22 feet to a point; thence South 0°37'15" West 200.78 feet to the Point of Beginning.
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Good Morning Everyone! 😊

Re: CUP-00157-2019

Craig Bedford, Bedford Enterprises LLC d.b.a. Nugget CBD has requested a Conditional Use Permit for Vape Sales in a GB1 (Gateway Business 1) zoning district at 5840 E. Franklin Rd. (A portion of Lot 8 in Block 1 of The Idaho Center, as shown on the official plat thereof on file in the office of the Canyon County Recorder in Book 23 of Plats at Page 4 and a portion of the SW ¼ Section 7, T3N, R1W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the CUP-00157-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.

Thank you & Have a great day!
Building Department will require a Certificate of Occupancy or a Tenant Improvement application for this space, before the tenant can move in.

Neil Jones
Assistant Building Official
P: 208.468-5492 F: 208.468.4494
jonesn@cityofnampa.us
Department of Building Safety, Like us on Facebook

Good Morning Everyone! 😊

Re: CUP-00157-2019

Craig Bedford, Bedford Enterprises LLC d.b.a. Nugget CBD has requested a Conditional Use Permit for Vape Sales in a GB1 (Gateway Business 1) zoning district at 5840 E. Franklin Rd. (A portion of Lot 8 in Block 1 of The Idaho Center, as shown on the official plat thereof on file in the office of the Canyon County Recorder in Book 23 of Plats at Page 4 and a portion of the SW ¼ Section 7, T3N, R1W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the CUP-00157-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.

Thank you & Have a great day!
DATE: November 6, 2019
TO: Planning and Zoning Department
FROM: Peter Nielsen, Sr. Eng. Plans Examiner
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Craig Bedford
OWNER: Cameron S-Sixteen Retail, LLC
ADDRESS: 5840 E Franklin Rd
RE: CUP-00157-2019 – Vape/ CBD Sales in a GB1 Zone

The Engineering Division does not oppose this application as the site is already constructed with existing access and utility services. Required utility use fees, if any, will be determined at time of Tenant Improvement Permit.
Staff Report – Public Hearing #7

Conditional Use Permit for Firearms Manufacturing in an IL (Light Industrial) zoning district at 1604 E. Plaza Loop for Brian Kennedy, Precise Innovation LLC (CUP 158-19).

Applicant/Business Owner: Precise Innovation LLC, Brian Kennedy
Property Owner: Robert Schwenkler, Triple F. Development LLC

File No: CUP 158-19

Prepared by: Norman L. Holm, Planning Director
Date: November 20, 2019

Requested Action: Conditional Use Permit
Purpose: Manufacturing of AR-15 rifles

GENERAL INFORMATION

Status of Applicant: Business Owner

Existing Zoning: IL (Light Industrial)

Address: 1604 E. Plaza Loop (Portion of Canyon County Parcel # R1503823900)

Legal Description: Tax 10016 in Lot 14 and part of Lot 1 and 2, Block 1, Mason Creek Plaza and a portion of the SW ¼ Sylvan Heights in Section 14, T3N, 2W, BM

Size of Property: An approximate 2,730 sq. ft. lease space with shared parking.

Surrounding Land Use and Zoning:
North- Industrial Buildings, IL (Light Industrial)
South- Industrial Buildings, IL (Light Industrial)
East- Industrial Buildings, IL (Light Industrial)
West- Vacant/undeveloped, BC (Community Business)
Comprehensive Plan Designation: Border of General Commercial and Light Industrial.

Zoning and Planning History: This property is being utilized as an industrial tenant space since the time of building construction.

Applicable Regulations: Nampa City Code, Title 10, Chapter 25 sets forth the criteria of approval. These criteria essentially require that the use be compatible with and not adversely affect the livability or appropriate development of the surrounding neighborhood. Section 10-25-4 states the general criteria for approval of a conditional use permit.

SPECIFIC INFORMATION

Public Utilities in E. Plaza Loop:
8" Sewer Main
8" Water Line
4" Pressurized Irrigation

Transportation: The property has access available from E. Plaza Loop

Environmental: Staff presumes that the business will be operated indoors in an office setting.

Parking: Shared off-street parking is available surrounding the building and available to all the tenant uses leasing the individual industrial suites.

CORRESPONDENCE

City of Nampa Engineering Division: Required utility use fees, if any, will be determined at time of Tenant Improvement Permit.

City of Nampa Building Department: Required Certificate of Occupancy or a Tenant Improvement Application, before the tenant can move in.

Nampa Highway District #1: no comment

Idaho Transportation Department: no comment

Nampa & Meridian Irrigation District: no comment

STAFF FINDINGS & DISCUSSION

From a land use standpoint, the location is in an industrial/commercial setting. The requested firearms manufacturing requires a conditional use permit in the IL zone. The business will manufacture AR-15 rifles. Completed rifles will be stored in a safe within an alarmed secured room. Other completed components will be also stored within the room. No direct sales will occur at the location. Rifles will be shipped from the location to gun dealers.
The Comprehensive Plan Future Land Use Designation identifies the desired future development of this area as Light Industrial, which appear to support the locating of this type of land use/business on the property.

If the City Planning and Zoning Commission votes to approve this Conditional Use Permit, the following findings are suggested:

1) The location, size and design and operating characteristics of the proposed Firearms Manufacturing Business will be compatible with and not adversely affect the livability or appropriate development of abutting properties and the surrounding neighborhood, with consideration to be given to harmony in scale, bulk, coverage and density, to the availability of public facilities and utilities; to the harmful effect, if any, upon desirable neighborhood character; to the generation of traffic and the capacity of surrounding streets; and to any other relevant impact of the development.

2) The location, design, and site planning of the proposed Firearms Manufacturing Business will provide a convenient and functional living, working, shopping, or civic environment, and will be as attractive as the nature of the use and its location and setting warrants.

3) The proposed Firearms Manufacturing Business will enhance the successful operation of the surrounding area in its basic community functions or will provide an essential service to the community or region.

With regards the conditional use permit, staff recommendation is that operation of a firearms manufacture business at this location will have no negative impact on the surrounding industrial/commercial area, provided that the applicant/owner complies with the below stated conditions of approval.

**SUGGESTED CONDITIONS OF APPROVAL**

If the Commission determines to approve the conditional use permit for the proposed Firearms Manufacture Business, the following conditions are recommended:

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 firearms manufacturing business shall be satisfied prior to occupancy.

2) The owner maintains all regulatory permitting, licensures and operational procedures as required by law.

3) Inventory is locked in a secure location.

4) 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.

5) Any other conditions recommended by the Commission following public hearing.

**ATTACHMENTS**

1) Application (Page 4)
2) Vicinity zoning map (Page 5)
3) Vicinity comprehensive plan map (Page 6)
4) Google aerial photo (Page 7)
5) Google street view photo (Page 8)
6) Agency and other correspondence (Pages 9+)
APPLICATION FOR CONDITIONAL USE PERMIT
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $234.00 (1 acre or less) Nonrefundable Fee: $463.00 (more than 1 acre)

Applicant Name: Precise Innovations LLC
Home Number: 208 284 3305
Street Address: 1604 E Plaza Loop
Mobile Number: 208 284 3305
City: Nampa State: ID Zip code: 83687
Property Owner Name: Robert Schenckler
Home Number: 208 891 3510
Street Address: PO Box 140683
Mobile Number: 208 891 3510
City: Garden City State: ID Zip Code: 83714

Applicant’s interest in property: ( ) Own (X) Rent ( ) Other

ADDRESS OF SUBJECT PROPERTY: 1604 E Plaza Loop Nampa ID 83687

Please provide the following REQUIRED DOCUMENTATION to complete the CUP:
☑ A copy of one of the following: Warranty Deed Proof Of Option Earnest Money Agreement
☑ A sketch drawing of the site & any adjacent property affected, showing all existing & proposed
locations of streets, easements, property lines, uses, structures, driveways, pedestrian walks, off-street
parking & off-street loading facilities and landscaped areas, preliminary or final building plans & building
elevations, together with any other information considered pertinent to the determination of this matter.
☑ 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. (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 reason for the proposed Conditional Use Permit:

Dated this 30 day of October, 2019

NOTICE TO APPLICANT
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 it shall be granted or denied. Notice of public hearing must be published in the Idaho Press-
Tribune 15 days prior to said hearing. Notice shall also be posted on the premises not less than 1 week prior to the hearing. Hearing
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 hearing and should be present to answer any questions.

If a Conditional Use Permit is granted by the Planning Commission, it shall not become effective until after an elapsed period of 15
days from the date of Planning Commission action. During this time any interested person may appeal the action to the City Council.
You will be notified of any pending appeals.

If the conditional use permit is denied by the Planning Commission, you may appeal the decision to the City Council within 15
days from the date such action is taken by the Planning Commission. At the time the Conditional use permit becomes effective you will be
sent a document which constitutes an official “Conditional Use Permit”. This document will enumerate the conditions attached to
the issuance of the permit and state the consequences of failure to comply.

OFFICE USE ONLY
FILE NUMBER: CUP - 158 - 2019 PROJECT NAME: Precise Innovations LLC

12/11/13 Revised

Page 4
EXHIBIT

PROJECT LOCATION

PRECISE INNOVATIONS
FIRESMS MANUFACTURING
1604 E Plaza Loop
Conditional Use Permit

CUP-00158-2019
11/13/2019

Visit Planning & Zoning at cityofnampa.us for more info.
DATE: November 6, 2019
TO: Planning and Zoning Department
FROM: Peter Nielsen, Sr. Eng. Plans Examiner
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Brian Kennedy
OWNER: Triple F Development, LLC
ADDRESS: 1604 E Plaza Loop
RE: CUP-00158-2019 – Firearms Manufacturing in an IL Zone

The Engineering Division does not oppose this application as the site is already constructed with existing access and utility services. Required utility use fees, if any, will be determined at time of Tenant Improvement Permit.
Building Department will require a Certificate of Occupancy or a Tenant Improvement Application, before the tenant can move in.

---

Good Morning Everyone! 😊

Re: CUP-00158-2019

Brian Kennedy, Precise Innovation LLC has requested a Conditional Use Permit for Firearms Manufacturing in an IL (Light Industrial) zoning district at 1604 E. Plaza Loop (Tax 10016 in Lot 14 and part of Lot 1 and 2, Block 1, Mason Creek Plaza and a portion of the SW ¼ Sylvan Heights in Section 14, T3N, 2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the CUP-00158-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.

Thank you & Have a great day!
Hi Shellie,

Nampa Highway District #1 has no comment.

Thank you,

Eddy

---

Shellie Lopez

From: Eddy Thiel <eddy@nampahighway1.com>
Sent: Tuesday, November 5, 2019 7:57 AM
To: Shellie Lopez
Subject: [External] RE: CUP-00158-2019

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.

Hi 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: Tuesday, November 5, 2019 7:38 AM
Subject: CUP-00158-2019

Good Morning Everyone! 😊

Re: CUP-00158-2019

Brian Kennedy, Precise Innovation LLC has requested a Conditional Use Permit for Firearms Manufacturing in an IL (Light Industrial) zoning district at 1604 E. Plaza Loop (Tax 10016 in Lot 14 and part of Lot 1 and 2, Block 1, Mason Creek Plaza and a portion of the SW ¼ Sylvan Heights in Section 14, T3N, 2W, BM).

This application will go before the Planning and Zoning Commission as a public hearing item on the November 26, 2019 agenda.

Please find attached the CUP-00158-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than November 08, 2019.

Thank you & Have a great day!