PLANNING & ZONING DEPARTMENT

Before the Planning & Zoning Commission
Meeting of 26 November 2019

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 #R2115300000, R2115201100; R2115401000, R2115400000 for 3.27 dwelling units per gross acre on a portion of the NW ¾ 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,
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...

AGENCY/CITY DEPT COMMENTS FOR PRELIMINARY PLAT

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

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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/will 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 Canyon County) for David DeMayola (ANN 134-19).

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 Craig Bedford, Bedford Enterprises LLC d.b.a. Nugget CBD (CUP 157 -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, 2115320100

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**

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<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@JAGROUPLLC.COM">RYAN@JAGROUPLLC.COM</a></td>
</tr>
<tr>
<td>Fax</td>
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**Applicant**

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<th>Name</th>
<th>IAG MOSSY CREEK LLC</th>
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<tr>
<td>Address</td>
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<tr>
<td>Telephone</td>
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<tr>
<td>Email</td>
<td><a href="mailto:BRADY@LASHERENTERPRISES.COM">BRADY@LASHERENTERPRISES.COM</a></td>
</tr>
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<td>Fax</td>
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**Engineer/Surveyor/Planner**

<table>
<thead>
<tr>
<th>Name</th>
<th>LEAVITT &amp; ASSOCIATES ENGINEERS, INC</th>
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<tbody>
<tr>
<td>Address</td>
<td>1324 FIRST STREET SOUTH</td>
</tr>
<tr>
<td>City</td>
<td>NAMPA 83651</td>
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<tr>
<td>Telephone</td>
<td>208-463-0333 208-463-7670</td>
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<td>Email</td>
<td><a href="mailto:DLARDIE@LEAVITTENGINEERS.COM">DLARDIE@LEAVITTENGINEERS.COM</a></td>
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C. SUBDIVISION INFORMATION

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<tr>
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<td>Dwelling units per acre (gross /net)</td>
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<td>Open Space</td>
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<td>Total</td>
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DEADLINES FOR SUBMITTALS

The completed application and plat documents must be submitted to the Planning Department not later than _______. The Planning Commission meets on ___________; applications are due approximately ___ weeks prior to that date.

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

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

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

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

Signature ____________________________ Date 9/1/19

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

Division 200
Section 201 - 6 of 16
WARRANTY DEED

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.

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.
## Mossy Creek Subdivision

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

*October 21, 2019*

Shellie Lopez
ORDINANCE NO. 3866


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

[Signature]

Mayor

Attest:

[Signature]

City Clerk

2009023569
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 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 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" E 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;

60202-McKIM SUB BNDY.doc

Page 25
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

60202-McKIM SUB BNDY.doc
ANNEXATION AND ZONING TO RS 7 (SINGLE FAMILY RESIDENTIAL, 7,000 SQ. FT.) FOR LOT 53 AT 2726 & 2908 SOUTHSIDE BLVD. (A PORTION OF LOTS 16, 17, 19, 20, 22, AND 24 OF COVERT SUBDIVISION, LOCATED IN THE NW 1/4 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 13-0715.

1 inch equals 500 feet
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 67-6511A, has the authority to rezone the Property and enter into a development agreement for the purpose of allowing, by agreement, a specific development to proceed in a specific area and for specific purposes and/or uses that are appropriate in the area.

D. City’s Planning and Zoning Commission and City’s City Council have held public hearings as prescribed by law with respect to 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/zoning 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

RESIDENTIAL DEVELOPMENT AGREEMENT -- Page 1
“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 of remedies of Owner/Developer or apply to any subsequent breach of any such or other covenants and conditions.

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

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

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

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

CITY OF NAMPA

Tom Dale, Mayor

Attest: Diana Lambing, City Clerk

OWNER/DEVELOPER

Keith McKim, Signing Member for Treasure Valley Property LLC
STATE OF IDAHO
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.

[Signature]
Notary Public for State of Idaho
Residing at Nampa, Idaho
Commission Expires: 6-13-2013

STATE OF IDAHO
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.

[Signature]
Notary Public for State of Idaho
Residing at Boise, Idaho
Commission Expires: 6-13-2013

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

60202-McKIM SUB BNDY.doc
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

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

Re: Preliminary Plat Approval for 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!
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.

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

Thank you & Have a great day!
Building Department will also require a top of foundation wall or a finish floor elevation for each lot on the construction drawings.

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

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

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

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NAMPA Proud
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/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)

cc: 

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

<table>
<thead>
<tr>
<th>CIM Corridor: None</th>
<th>Pedestrian level of stress: PG-13 -Southside</th>
<th>Bicycle level of stress: PG-13-Southside</th>
</tr>
</thead>
<tbody>
<tr>
<td>Housing within 1 mile: 2,870</td>
<td>Jobs within 1 mile: 580</td>
<td>Jobs/Housing Ratio: 0.2</td>
</tr>
<tr>
<td>Nearest police station: 3.8 miles</td>
<td>Nearest fire station: 2.1 miles</td>
<td></td>
</tr>
<tr>
<td>Farmland consumed: Yes</td>
<td>Farmland within 1 mile: 374 acres</td>
<td></td>
</tr>
<tr>
<td>Nearest bus stop: 2.9 miles</td>
<td>Nearest public school: 0.9 miles</td>
<td></td>
</tr>
<tr>
<td>Nearest public park: 0.3 miles</td>
<td>Nearest grocery store: 0.7 miles</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
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<tr>
<td>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.</td>
<td></td>
<td></td>
</tr>
</tbody>
</table>

Exceeds CIM forecast: No
Agency: Nampa

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