



PLANNING & ZONING DEPARTMENT

Before the MAYOR & CITY COUNCIL
Meeting of 15 MAY 2023

PUBLIC HEARING ITEM STAFF REPORT

Kristi Watkins, Principal Planner

Annexation and Zoning to the U (University) zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln (R3040900000 & R3040901000, in the NW 1/4, Section 7, T3N, R1W, BM), **Rezone from RS 8.5 (Single-Family Residential) to U (University)** zoning district and **Development Agreement Modification**, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747 Cherry Ln (R3041801100 & R3041800000, in the W 1/4, Section 7, T3N, R1W, BM) for the College of Western Idaho Expansion (ANN-00270-2023, ZMA-00173-2023 & DAMO-0059-2023).

(Action: *Approval or Denial*)

STAFF RECOMMENDATION

Staff supports the recommendation of approval given by the Planning and Zoning Commission at their regularly scheduled meeting on April 11, 2023.

ANNEXATION:

1. Be contiguous with the city limits or be enclaved by other properties so annexed.
 - **Staff finds this to be met.**
2. The proposed zoning district is consistent with the adopted Comprehensive Plan Future Land Use Map.
 - **Staff finds this to be met.**
3. Reasonably necessary to assure the orderly development of the city in order to allow efficient and economically viable provision of tax supported and fee supported municipal services, to enable the orderly development of private lands which benefit from the cost effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.
 - **This conclusion of law provides the City Council/Commission significant liberty to determine whether the timing and location is appropriate for annexation. Council must determine whether this conclusion of law is applicable to the proposed project.**

ZONING

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map.
 - **Staff finds this to be met.**
2. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses.
 - **Staff finds this to be met.**
3. The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts.
 - **Staff finds this to be met.**
4. The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s).
 - **Staff finds this to be met.**
5. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.
 - **This conclusion of law provides the City Council/Commission significant liberty to determine whether the timing and location is appropriate for annexation. Council must determine whether this conclusion of law is applicable to the proposed project.**

Based upon the analysis that was completed utilizing the conclusions of law, Nampa Comprehensive Plan and Nampa City Code, coupled with the findings and conditions listed in the staff report, the project appears to meet all requirements. Staff can reasonably recommend to the Council that the project be approved.

PROPERTY DETAILS

Current Jurisdiction/Status: A portion of the Property is currently under the jurisdiction of Canyon County, within Nampa City's Impact Area and a portion of the property is within the Nampa City Limits, zoned RS 8.5 (Single-Family Residential), and, all parcels are either owned or optioned by the Applicant or that the Applicant has the Property owner's permission to apply for the entitlement and plat applications made the subject of this report.

Surrounding Zoning:

North: Canyon County Single Family Residence, RA Zoned Single-Family Residence and the Lost River Subdivision zoned GB2 & RS 8.5

South: Laguna Farms Multi-Family housing development zoned GB2

East: Cherry Lane Meadows Sub zoned R-1 in Canyon County – Large acre lots

West: Tree Farm and Single-Family Residences in the GB2 zone

Services: The City's water and sewer systems have adequate capacity to serve this property. The City maintains the following utilities in the vicinity of the project:

- **Water** - 8" mainline in Terra Linda Way & a 12" mainline in Cherry Lane.
- **Sewer** – 15" mainline Terra Linda Way (requires a 10" extension)
- **Pressure Irrigation** – 8" mainline in Terra Linda Way & a 12" mainline in Cherry Lane.

APPLICABLE REGULATIONS

Annexation:

Idaho State Code Title 50-222(3) and Nampa City Code Title 10 Chapter 2(4.C.1) outline the Conclusions of Law required for approval of Annexation as a category A annexation, specifically:

- Be contiguous with the city limits or be enclaved by other properties so annexed.
- The area can reasonably be assumed to be available for the orderly development of the city.
- The proposed zoning district is consistent with the adopted Comprehensive Plan Future Land Use Map.

Either:

- a. All involved private landowners raise no objection to annexation; and/or,
- b. They entail or are composed of enclaved property, regardless of surface area, which are surrounded on all sides by a land within Nampa city limits; and/or,
- c. They entail property that is bounded on all sides by lands within Nampa and by lands for which owner approval must be given pursuant to subsection D2d of NCC 10-2-4; and/or,
- d. They entail property that is/are bounded on all sides by lands either within the city and by the boundary of the Nampa city impact area.

Zoning/Rezoning:

10-2-3-(c). Conclusions of Laws Pertinent to Proposed Zoning Map Amendments: Before the commission recommends an amendment to the city's official zoning map and before the council approves any proposed zoning map amendment(s), the commission and the council must individually find and conclude:

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map; and
2. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and
3. The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and
4. The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and
5. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.

DEVELOPMENT AGREEMENT

Nampa City Code, Title 10, Chapter 2

In accordance with allowances made by state law, a property owner or developer may request, or the City may require, that an application for rezone or zoning map amendment be processed in conjunction with the execution of a development agreement. Through such agreements, a property owner or developer may agree to make written conditional commitments concerning the use or development of a subject parcel in exchange for the change of zoning requested. The purpose of such agreements shall be to allow development that provides benefits for both the property owner or developer and the city by providing a balance between the owner's or developer's desire for certainty in the development process and the City's desire for control of the impacts of the project.

Conditional commitments made under such agreements are in addition to the regulations provided for in the zoning district by ordinance, and are established to ensure compatibility of the resulting land use with the surrounding area. Unless multiple land use zones are used/applied within a project in accordance with that which is allowed by the table at § 10-3-2 of this title, the use of a PUD permit process shall be the only means whereby the city of Nampa will/shall entertain allowing uses in a zone not normally allowed therein; development agreement conditions not excepting.

10-2-5.D: Modification, Enforcement, Termination and Extension: A development agreement may be modified by request of an applicant or the city only after receiving a recommendation by the City's Planning and Zoning Commission and by an approving vote of the Council after complying with the notice and hearing provisions of subsection 10-2-3.B of this chapter. Modification of and to an executed agreement shall be required by the Planning Director or his/her designee under the following circumstances:

10-2-5.D.1: A change to any of the terms or conditions of the original development agreement is proposed.

Nampa City Code, Title 10, Chapter 5 U (University): "...is established to allow for the consistent development of a university campus throughout its planned expansion area and to ensure that uses developed within the campus area are compatible in terms of nature and design with its master campus plan."

The "U" district also has it's own parking (NCC §10-5-6) and landscaping (NCC §10-5-8.B) provisions.

CORRESPONDENCE

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 April 5, 2023] is hereafter attached to this report. Agency comments that indicate no comment/issues/concerns will not be listed here, but are attached to this staff report.

1. **Building Department:** Outlines next steps, should this project be approved (reference Title 4 of the Nampa City Code:
 - a. Schedule a Conceptual Plan Review meeting through the Building Department prior to application of a building permit.
 - b. Obtain all applicable building, mechanical, electrical and plumbing permits.
 - c. Satisfy all required inspections and permit conditions prior to obtaining a Certificate of Occupancy.
2. **Nampa Meridian Irrigation District:** The District is responsible for the Purdam Drain easement in this location. The easement must be protected. Any encroachment will require a signed license agreement and construction plan approval by the district.

3. **Pioneer Irrigation District:** The District is responsible for the Phyllis Canal easement in this location. The easement must be protected. Any encroachment will require a signed license agreement and construction plan approval by the district.
4. **Fire Department:** Does not oppose this application subject to compliance with all the Fire Department code requirements. Including but not limited to the location of functional fire hydrants, height of structures, and width of accessways.

The City of Nampa Comprehensive Plan 2040 states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1.5 miles from the nearest fire station. This development is located approximately **2.8** miles from Nampa Fire Station #3 with an approximate response time of **7** minutes.

5. **Engineering:** Does not oppose. Lists utility and right of way improvement and turn lane analysis requirements. Also lists conditions of approval. See attached.

STAFF ANALYSIS

1. Land Uses in the area consist of agriculture, commercial/retail/industrial, public (health & education), office space, residential developments (including multi-family) and vacant land.

2. Comprehensive Plan: The future land use designation is Education, Public Administration, Health Care and Other Institutions.

The “Education, Public Administration, Health Care and Other Institutions” designation includes areas with unique uses and functions. These land uses include community services, educational campuses, civic venues, government buildings and uses, public and private schools, cemeteries, airports, transportation facilities, utilities, administrative facilities, hospitals, recreational facilities and other compatible public and quasi-public uses.

5.7.2.2 College of Western Idaho (CWI)

At College of Western Idaho (CWI)’s inception in 2007, Boise was the last metropolitan area in the country lacking a community college. In March of that year, the Idaho Legislature appropriated funds for CWI. Later that May, a supermajority of voters in Canyon and Ada counties voted to form a community college district. With the monetary support of the Albertson Foundation and the appointment by the Idaho State Board of Education of CWI’s first Board of Trustees, the College of Western Idaho was launched. CWI officially opened its doors to students at its main campus on what was formerly Boise State University’s West Campus.

CWI is a comprehensive community college providing higher education programs to residents of Western Idaho. They offer a full range of academic and professional-technical courses leading to an Associate of Arts or Science degree, transfer degrees, professional-technical degrees, continuing education, and certificates. CWI also offers basic academic skills to help prepare for a GED, dual credit for high school students, and fast-track career training for working professionals. Choose from classes offered at a variety of campuses throughout the Treasure Valley or online CWI also works with local businesses to provide customized workforce training programs.

3. Development Agreement: Ordinance #3470, Instrument #200552679, effective as of August 1, 2005, established the RS 8.5 zoning on the property and provided a concept plan of the proposed “University Village” subdivision and elevations of homes.

The applicant is requesting to **RESCIND** the above-mentioned development agreement.

A draft site plan has been provided with this request. It appears that the more impactful “pasture” uses may be adequately separated from the existing residences. Previous discussions, with the applicant/representative, mentioned the possibility of animal care training and agricultural related education in the proximity of the “D” Barn Location indicated on the draft site plan. If this is the case, staff recommends **REPLACING** the above-mentioned development agreement with a development agreement that contains conditions in regards to the location of specific uses on the property to protect existing, adjacent property owners.

3. Public Interest: Providing opportunities for higher and continuing education, advancement and job training, is in the public interest of the Nampa community. The NE Nampa Gateway District plan states, “Growth at Saint Alphonsus, CWI and the Gateway Center will bring more workers and activity to the Gateway District area.” This project is in support of CWI’s master plan.

4. Traffic: There is insufficient information provided to determine whether a full TIS is warranted at this time. However, it is advisable to require a turn lane warrant analysis for proposed accesses on Cherry Lane to determine if left or right turn lanes are required.

The city will be constructing a roundabout at Idaho Center Blvd & Cherry Lane this year. Once complete, all major intersections surrounding the campus on Idaho Center Blvd, Cherry Lane, Star Rd and Franklin Rd will have been improved with either traffic signals or roundabouts.

5. COMPASS: This project has a positive score for Economic Activity Center Access. The rebuild of Cherry Lane is included in their Short-Term Funded Capital Projects. Makes the following recommendations:

- Provide pathways along canal easement
- Provide wayfinding signs
- Apply traffic calming measures on access roads
- Provide bicycle parking near destinations
- Consolidate transit stops and street crossings (locate buildings accordingly)
- Ensure access points are designed with a turning radius that accommodates freight access.

CONDITIONS OF APPROVAL

Should the council vote to approve the annexation and zoning and conditional use permit request, then Staff would suggest the following as (a) Condition(s) of Approval for adoption with any such vote/action (note: the Council may obviously add, subtract and/or modify conditions as it deems appropriate):

1. Provide a new development agreement that establishes locations of proposed uses.
2. Any onsite wells no longer proposed for use on the property shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development and prior to connection to City services.
3. Property shall be annexed in the Nampa Municipal Irrigation District at the time of connection to pressure irrigation and prior to being served by the City’s pressure irrigation system. Applicant/ Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development.
5. Applicant/Owner shall dedicate the follow public road right-of-way as a condition of annexation:
 - Cherry Ln – 50’ from the Section Line.

6. Applicant/Owner shall provide a turn lane warrant analysis for proposed access points along Cherry Ln to be reviewed and approved by the Nampa Engineering Division prior to constructing new accesses. Applicant/Owner shall construct turn lanes along with associated pavement widening if found to be warranted by the analysis.
7. Applicant/Owner shall apply for Site Improvement Permits with the City of Nampa Planning & Zoning Department and Engineering Division prior to any onsite construction of public utilities and new accesses to the public roads.
8. Applicant/Owner shall construct a pathway along the north side of the Purdam Gulch Drain in accordance with the Nampa Bicycle & Pedestrian Master Plan at time of property development.
9. Applicant/Owner shall construct 10" sewer main along the easterly property boundary and stub an 8" sewer main with public utility easement to the unimproved/ platted public right-of-way of Rose Park Drive for potential future extension into and service of the adjacent Cherry Lane Meadows Subdivision.
10. Applicant/Owner shall construct frontage improvements along Cherry Lane in accordance with Nampa City Code Section 9-3-1 and Nampa Standard Drawing N-822.

FINDINGS

Proposed Findings for Approval:

ANNEXATION:

- A. Be contiguous with the city limits or be enclaved by other properties so annexed.
 - The property to be annexed is contiguous with city limits on the north, south and east sides where it adjoins GB2 and RS 8.5 Zoned properties that are so annexed.
- B. The proposed zoning district is consistent with the adopted Comprehensive Plan Future Land Use Map.
 - The proposed U (University) zoning district is consistent with the Comprehensive Plan Future Land Use Map designation of education, health care and other institutions in the area.
- C. Reasonably necessary to assure the orderly development of the city in order to allow efficient and economically viable provision of tax supported and fee supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.
 - City services and utilities are available to this property. Therefore, it is cost-effective for the city to service this property and manage services for the development.
 - The proposed U (University) zoning district is the same as the adjacent zoning to the south where this property connects to the existing CWI Campus. Therefore, it ensures orderly development to expand the campus.

ZONING:

- A. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map.
- The proposed U (University) zoning districts is consistent with the Comprehensive Plan Future Land Use Map designation of education, health care and other institutions in the area.
- B. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses.
- The proposed U (University) district is proposed to provide property for the expansion of the existing CWI Campus. Therefore, it is considered compatible with adjacent uses.
- C. The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts.
- The proposed U (University) district is the same as the adjacent zone to the south where it will connect to the existing CWI Campus. Therefore, it is considered compatible with some adjacent zoning.
- D. The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s).
- The proposed U (University) zoning districts is consistent with the Comprehensive Plan Future Land Use Map designation of education, health care and other institutions in the area. Therefore, the proposed U (University) zoning district would not create a "spot" zone.
- E. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.
- City codes are written to protect the public interest by providing guidance for development, therefore, this project is presumed to be in the public interest because it is a necessary work-force training component to the community and will be required to follow city code as it develops.
 - Site improvements will be required with any new construction of the site. Frontage and interior landscaping, parking, accessways and pathways are all in the best interest of the public and reasonably necessary for the community.

DEVELOPMENT AGREEMENT MODIFICATION:

1. A development agreement may be modified by request of an applicant or the city only after receiving a recommendation by the City's Planning and Zoning Commission and by an approving vote of the Council after complying with the notice and hearing provisions of subsection 10-2-3.B of this chapter. Modification of and to an executed agreement shall be required by the Planning Director or his/her designee under the following circumstances: A change to any of the terms or conditions of the original development agreement is proposed.
- The proposed development agreement modification will remove the concept plan for the subdivision that was proposed on this property and replace it with a new concept for the College of Western Idaho Expansion and new conditions of approval. Therefore, this modification complies reasonably with city code.

Proposed Findings for Denial:

The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses.

- The proposed U (University) zoning district is the same as an adjacent zone to the south where this property will connect to the existing CWI campus. However, it is completely surrounded by large acre single-family residential and multi-family uses, making potential future uses on the property incompatible with adjoining properties.

<And any other findings determined by the Commission or Council>

**POTENTIAL MOTIONS – ANNEXATION & ZONING
REZONE & DA MOD – One Motion**

APPROVE:

I move to approve the **Annexation and Zoning to the U (University)** zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln; and **Rezone from RS 8.5 to the U** zoning district; and **Development Agreement Modification**, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747 Cherry Ln, for the College of Western Idaho Expansion (ANN-00270-2023, ZMA-00173-2023 & DAMO-0059-2023) with all conditions listed in the staff report and to adopt the proposed findings of approval as stated in the staff report.

DENY:

I move to deny the **Annexation and Zoning to the U (University)** zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln; and **Rezone from RS 8.5 to the U** zoning district; and **Development Agreement Modification**, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747 Cherry Ln, for the College of Western Idaho Expansion (ANN-00270-2023, ZMA-00173-2023 & DAMO-0059-2023) based on the proposed findings for denial as stated in the staff report.

Annexation Conclusions of Law:

1. Be contiguous with the city limits or be enclaved by other properties so annexed.
2. The area can reasonably be assumed to be available for the orderly development of the city.
3. The proposed zoning district is consistent with the adopted Comprehensive Plan Future Land Use Map.

OR...

- a. All involved private landowners raise no objection to annexation; and/or,
- b. They entail or are composed of enclaved property, regardless of surface area, which are surrounded on all sides by a land within Nampa city limits; and/or,
- c. They entail property that is bounded on all sides by lands within Nampa and by lands for which owner approval must be given pursuant to subsection D2d of NCC 10-2-4; and/or,
- d. They entail property that is/are bounded on all sides by lands either within the city and by the boundary of the Nampa city impact area.

Zoning Assignment Conclusions of Law:

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted

comprehensive plan and comprehensive plan land use map; and,

2. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and,
3. The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and,
4. The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and,
5. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.

POTENTIAL MOTIONS – ANNEXATION & ZONING REZONE & DA MOD – Separate motions

APPROVE ANNEXATION AND ZONING:

I move to approve the **Annexation and Zoning to the U (University)** zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln, for the College of Western Idaho Expansion (ANN-00270-2023) with all conditions listed in the staff report and to adopt the proposed findings of approval as stated in the staff report.

APPROVE REZONE AND DA MOD:

I move to approve the **Rezone from RS 8.5 to the U** zoning district; and **Development Agreement Modification**, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747 Cherry Ln, for the College of Western Idaho Expansion (ZMA-00173-2023 & DAMO-0059-2023) with all conditions listed in the staff report and to adopt the proposed findings of approval as stated in the staff report.

DENY ANNEXATION AND ZONING:

I move to deny the **Annexation and Zoning to the U (University)** zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln, for the College of Western Idaho Expansion (ANN-00270-2023) with the proposed findings of denial as stated in the staff report.

...OR...

Because the project does not meet the following conclusions of law _____, because _____.

Annexation Conclusions of Law:

4. Be contiguous with the city limits or be enclaved by other properties so annexed.
5. The area can reasonably be assumed to be available for the orderly development of the city.
6. The proposed zoning district is consistent with the adopted Comprehensive Plan Future Land Use Map.

OR...

- e. All involved private landowners raise no objection to annexation; and/or,
- f. They entail or are composed of enclaved property, regardless of surface area, which are surrounded on all sides by a land within Nampa city limits; and/or,

- g. They entail property that is bounded on all sides by lands within Nampa and by lands for which owner approval must be given pursuant to subsection D2d of NCC 10-2-4; and/or,
- h. They entail property that is/are bounded on all sides by lands either within the city and by the boundary of the Nampa city impact area.

DENY REZONE AND DA MOD:

I move to deny the **Rezone from RS 8.5 to the U** zoning district; and **Development Agreement Modification**, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747 Cherry Ln, for the College of Western Idaho Expansion (ZMA-00173-2023 & DAMO-0059-2023) with the proposed findings for denial as stated in the staff report.

...OR...

Because the project does not meet the following conclusions of law _____, because _____.

Zoning Assignment Conclusions of Law:

1. The proposed map amendment(s) is, are or would be in harmony with the city's currently adopted comprehensive plan and comprehensive plan land use map; and,
2. The proposed map amendment(s) is, are or would provide for a proposed use or set of uses that would be at least reasonably compatible with existing, adjoining property uses; and,
3. The proposed map amendment(s) is, are or would make a change on the land use map of the city which would establish an area of zoning the same as or compatible with immediately adjoining districts; and,
4. The proposed map amendment(s) is not, are not or would not create a "spot" zone (having a section of one kind of zoning surrounded by another) having no supportive basis per the adopted comprehensive land use map so as to only serve(s) to benefit the applicant(s); and,
5. The proposed amendment(s) is, are or would be in the interest of the public and reasonably necessary.

ATTACHMENTS

- Annexation/Zoning, Rezone & DA MOD Applications
- Project narrative
- Concept Site Plan
- Zoning "Vicinity Map"
- Future Land Use Map
- Legal Descriptions for the Annexation Boundary & the Rezone Boundary
- Neighborhood Meeting documents
- Planning and Zoning Minutes from April 11, 2023
- List of uses allowed in the "U" zoning district
- Development Agreement Ordinance #3470
- Inter-departmental/agency/citizen correspondence



Planning & Zoning Department

Master Application

Staff Use Only

Project Name: CWI Expansion

File Number: ANN-00270-2023

Related Applications: DAMO-00059-2023; ZMA-00173-2023

Type of Application

- | | |
|---|---|
| <input type="checkbox"/> Accessory Structure | <input type="checkbox"/> Legal Non-Conforming Use |
| <input checked="" type="checkbox"/> Annexation/Pre-Annexation | <input type="checkbox"/> Planned Unit Development/MPC |
| <input type="checkbox"/> Appeal | <input type="checkbox"/> Subdivision |
| <input type="checkbox"/> Design Review | <input type="checkbox"/> Short |
| <input type="checkbox"/> Comprehensive Plan Amendment | <input type="checkbox"/> Preliminary |
| <input type="checkbox"/> Conditional Use Permit | <input type="checkbox"/> Final |
| <input type="checkbox"/> Multi-Family Housing | <input type="checkbox"/> Condo |
| <input checked="" type="checkbox"/> Development Agreement | <input type="checkbox"/> Temporary Use Permit |
| <input checked="" type="checkbox"/> Modification | <input type="checkbox"/> Fireworks Stand |
| <input type="checkbox"/> Home Occupation | <input type="checkbox"/> Vacation |
| <input type="checkbox"/> Daycare | <input type="checkbox"/> Variance |
| <input type="checkbox"/> Kennel License | <input type="checkbox"/> Staff Level |
| <input type="checkbox"/> Commercial | <input checked="" type="checkbox"/> Zoning Map/Ordinance Amendment (Rezone) |
| <input type="checkbox"/> Mobile Home Park | <input type="checkbox"/> Other: _____ |

You must attach any corresponding checklists with your application or it will not be accepted

Applicant Name: Craig Kulchuk Phone: (208) 919-1141
Applicant Address: 4839 Mountain View Drive Email: ckulchuk@gmail.com
City: Boise State: IDAHO Zip: 83704
Interest in property: ☐ Own ☐ Rent ☐ Other: _____

Owner Name: College of Western Idaho Phone: 208-562-3412
Owner Address: 6056 Birch Lane Email: craig.brown@CWI.edu
City: Nampa State: ID Zip: 83687

Contractor Name (e.g., Engineer, Planner, Architect): Charlie Deese
Firm Name: Cushing Terrell Phone: 208-336-4900
Contractor Address: 900 W. Main St. 800 Email: Charlie.Deese@Cushingterrell.com
City: Boise State: ID Zip: 83709

Subject Property Information

0 (R3041801100) & 5747 Cherry Ln are being rezoned and DA recinded

Address: 0, 5747, and 5887 Cherry Ln 0 (R3040901000) & 5887 Cherry Ln are the parcels being annexed

Parcel Number(s): ^{R3041801100 R3040901000}
^{R3041800000 R3040900000} Total acreage: 40.25 Zoning: ^{RS 8.5} ACType of proposed use: ☐ Residential ☐ Commercial ☐ Industrial ☒ Other: University

Project/Subdivision Name: College of Western Idaho Expansion

Description of proposed project/request: Annexation/Rezone

Proposed Zoning: University Acres of each proposed zone: 40.25

Development Project Information (if applicable)

Lot Type	Number of Lots	Acres
Residential		
Commercial		
Industrial		
Common (Landscape, Utility, etc.)		
Right of Way (internal roadways, ROW to be dedicated, etc.)	Staff Use Only	
Qualified Open Space	Staff Use Only	
Total		

Please answer all questions that are relevant to your project

Minimum square footage of structure: NA Maximum building height: NA

Minimum property size (s.f.): NA Average property size (s.f.): NA

Gross density: NA Net density: NA

Type of dwelling proposed: ☐ Single-family Detached ☐ Single-family Attached☐ Duplex ☐ Multi-family ☐ Condo ☐ Other: _____

Proposed number of units: NA

Total number of parking spaces provided: NA

% of qualified open space: NA

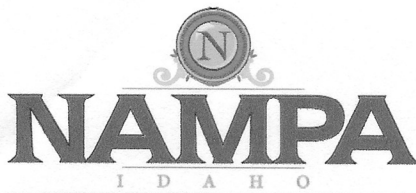
Additional information may be requested after submittal.**Authorization**

Print applicant name: Craig Kildahl

Applicant signature: [Signature] Date: JAN 27, 2023

City Staff

Received by: JKW Received date: 01/27/2023



Planning & Zoning Department

Annexation/Zoning Checklist

Nonrefundable Fee: \$600.00 (1 acre or less) or \$950.00 (more than 1 acre)

Staff Use Only

Project Name: CWI Expansion

File Number: ANN-00270-2023

Received date: 1/27/2023

Please ensure that you have had a pre-application meeting or discussion with a member of Planning and Zoning staff prior to submitting your application.

Did you discuss this application with a planner? ☒ Yes ☐ No

Date of Pre-App Meeting/Discussion: 7 / DEC 2022 Type (in person, phone, email, etc.) in person

Please provide the following required documentation to complete the application. Applications should be submitted through the Citizen Self Service (CSS) portal online. Instructions can be found on our website cityofnampa.us/255/Planning-Zoning under the **Apply for a Planning Permit link.**

Applicant	Staff	Description
A copy of <u>ONE</u> of the following		
<input checked="" type="checkbox"/>	X	A recorded warranty deed for the property
		Proof of option
		Earnest money agreement
One copy of <u>EACH</u> of the following		
X	X	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.
<input checked="" type="checkbox"/>	X	Signed & Notarized Affidavit of Legal Interest. Form must be completed by the legal owner (if the 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)
<input checked="" type="checkbox"/>	X	A Professional Land Surveyor or Engineer verified <u>original legal description</u> of property. <ul style="list-style-type: none"> If the legal description provided is not clean and legible, a retyped Microsoft Word formatted document must be submitted.
<input checked="" type="checkbox"/>	X	Narrative fully describing the reason for the proposed annexation and any proposed plans for the use of the subject property.
n/a	n/a	The estimated value of the completed project, to include the value of the land and the completed structures (dwellings, etc.).
<input checked="" type="checkbox"/>	X	A copy of the sign in sheet and the mailed letter/notice from the neighborhood meeting held per the guidelines listed in NCC Section 10-2-2.B
X	X	Associated fees
X	X	Master Application form

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.



Planning & Zoning Department

Amendment of Zoning Ordinance/Map Checklist

Staff Use Only		
Project Name: <u>CWI Expansion</u>		
File Number: <u>ZMA-00173-2023</u>	Received date: <u>1/27/2023</u>	

Nonrefundable Fee: **\$500.00** (1 acre or less) **\$950.00** (more than 1 acre) **\$213.00** (text amendment)

Please ensure that you have had a pre-application meeting or discussion with a member of Planning and Zoning staff prior to submitting your application.

Did you discuss this application with a planner? ☒ Yes ☐ No

Date of Pre-App Meeting/Discussion: 12 / 07 / 2022 Type (in person, phone, email, etc.) in person

Please provide the following required documentation to complete the application. Applications should be submitted through the Citizen Self Service (CSS) portal online. Instructions can be found on our website cityofnampa.us/255/Planning-Zoning under the *Apply for a Planning Permit* link.

Applicant	Staff	Description
A copy of <u>ONE</u> of the following		
X	X	A recorded warranty deed for the property
		Proof of option
		Earnest money agreement
One copy of <u>EACH</u> of the following		
X	X	Signed & Notarized Affidavit of Legal Interest. Form <u>must</u> be completed by the legal owner (if the 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)
X	X	A Professional Land Surveyor or Engineer verified <u>original legal description</u> of property. • If the legal description provided is not clean and legible, a retyped Microsoft Word formatted document must be submitted.
X	X	Narrative describing the reason for the proposed rezone and any proposed plans for the use of the subject property.
n/a	n/a	The <u>estimated</u> value of the completed project, to include the value of the land and the completed structures (dwellings, etc.).
X	X	A copy of the sign in sheet and the mailed letter/notice from the neighborhood meeting held per the guidelines listed in NCC Section 10-2-2.B
X	X	Associated fees
X	X	Master Application form

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



Planning & Zoning Department

Development Agreement Modification Checklist

Nonrefundable Fee: **\$500.00**

Staff Use Only

Project Name: CWI Expansion

File Number: DAMO-00059-2023

Received date: 1/27/2023

Please ensure that you have had a pre-application meeting or discussion with a member of Planning and Zoning staff prior to submitting your application.

Did you discuss this application with a planner? ☒ Yes ☐ No

Date of Pre-App Meeting/Discussion: 12 / 07 / 2022 Type (in person, phone, email, etc.) In person

Please provide the following required documentation to complete the application. Applications should be submitted through the Citizen Self Service (CSS) portal online. Instructions can be found on our website cityofnampa.us/255/Planning-Zoning under the *Apply for a Planning Permit* link.

Applicant	Staff	Description
A copy of <u>ONE</u> of the following		
X	X	A recorded warranty deed for the property
		Proof of option to purchase
		Earnest money agreement
One copy of <u>EACH</u> of the following		
X	X	Signed & Notarized Affidavit of Legal Interest. Form <u>must</u> be completed by the legal owner (if the 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)
X	X	A Professional Land Surveyor or Engineer verified <u>original legal description</u> of property. <ul style="list-style-type: none"> If the legal description provided is not clean and legible, a retyped Microsoft Word formatted document must be submitted.
X	X	Narrative fully describing the reason for the proposed modification
X	X	A copy of the original development agreement
n/a	n/a	A draft of the proposed development agreement
X	X	Associated fees
X	X	Master Application form



RCK Consultants

January 27th, 2023

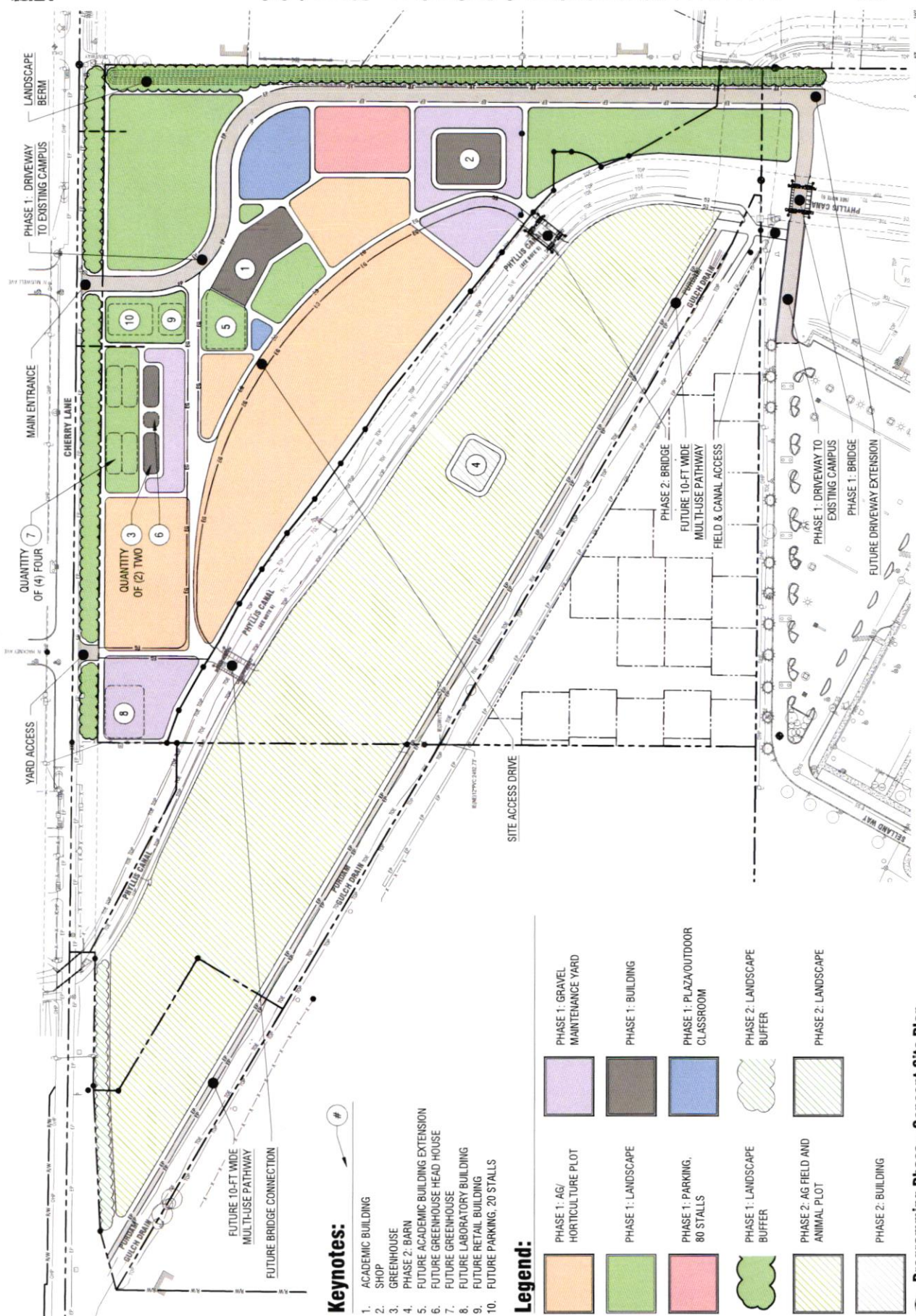
Kristi Watkins, Principal Planner
Nampa Planning and Zoning
500 12th Avenue South
Nampa, Idaho 83651

Kristi,

My name is Craig Kulchak. I am representing The College of Western Idaho (CWI) for the proposed Rezoning of properties: R30409100, R3040900000, R304180110, and R3041800000 from RS 8.5 and Ag to University zoning. In addition to the rezone, The College of Western Idaho is requesting annexation of properties R304-9100 and R3040900000 From the Canyon County to the City of Nampa. We also request a decommission of the Development Agreement established July 28, 2005.

Kindest regards,










Craig Kulchak
RCK Consultants - Project Manager



Keynotes:

1. ACADEMIC BUILDING
2. SHOP
3. GREENHOUSE
4. PHASE 2: BARN
5. FUTURE ACADEMIC BUILDING EXTENSION
6. FUTURE GREENHOUSE HEAD HOUSE
7. FUTURE GREENHOUSE
8. FUTURE LABORATORY BUILDING
9. FUTURE RETAIL BUILDING
10. FUTURE PARKING, 20 STALLS

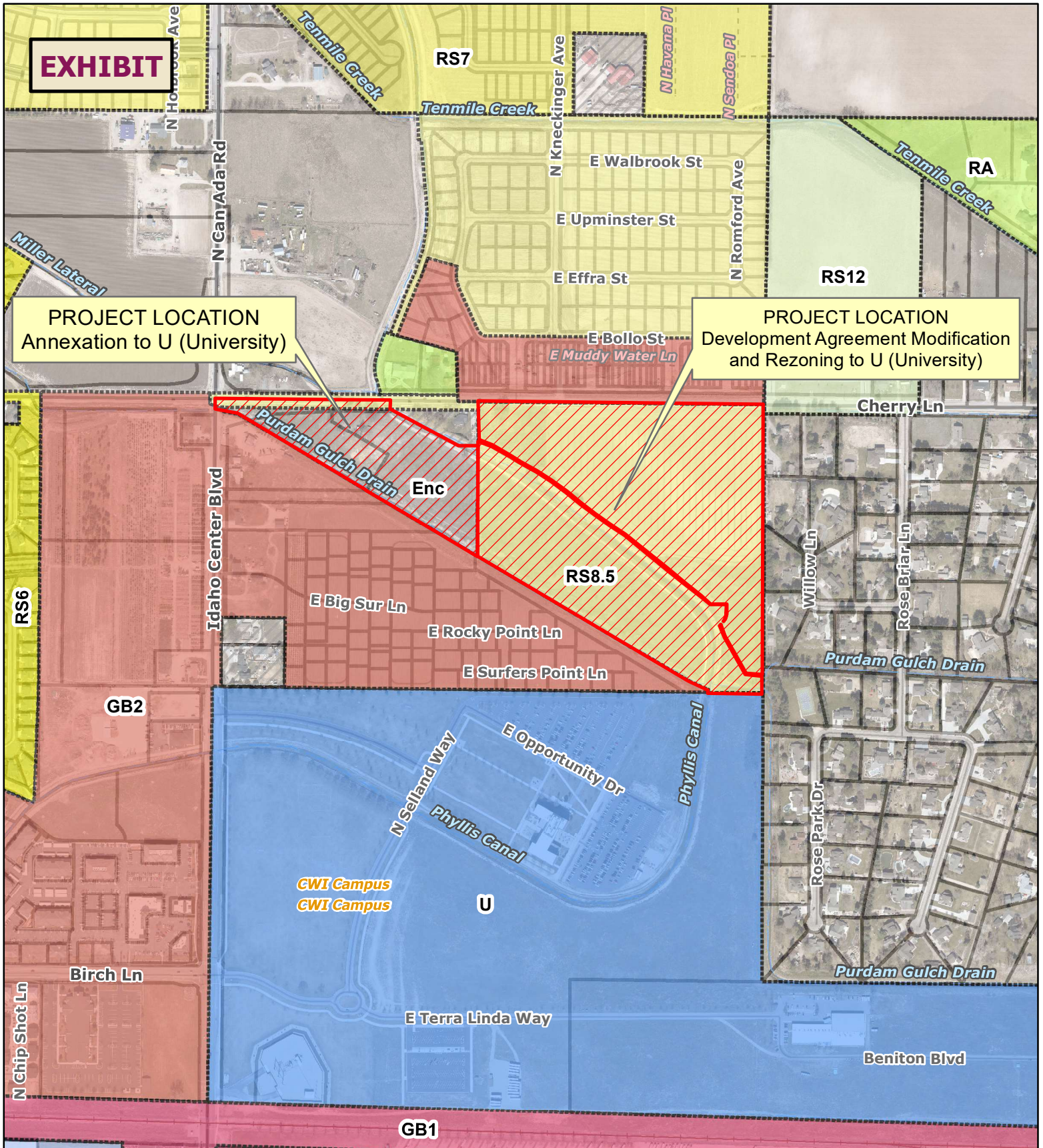
Legend:

PHASE 1: AG/ HORTICULTURE PLOT	PHASE 1: GRAVEL MAINTENANCE YARD
	
PHASE 1: LANDSCAPE	PHASE 1: BUILDING
	
PHASE 1: PARKING, 80 STALLS	PHASE 1: PLAZA/OUTDOOR CLASSROOM
	
PHASE 1: LANDSCAPE BUFFER	PHASE 2: LANDSCAPE BUFFER
	
PHASE 2: AG FIELD AND ANIMAL PLOT	PHASE 2: LANDSCAPE
	

EXHIBIT

PROJECT LOCATION
Annexation to U (University)

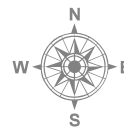
PROJECT LOCATION
Development Agreement Modification
and Rezoning to U (University)



0, 5747, AND 5887 CHERRY LN CWI EXPANSION

DEVELOPMENT AGREEMENT MODIFICATION,
ZONING MAP AMENDMENT (REZONE)
FROM RS8 (SINGLE FAMILY) TO
U (UNIVERSITY), AND ANNEXATION AND ZONING
TO U (UNIVERSITY) FOR COLLEGE OF
WESTERN IDAHO EXPANSION

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



0 140 280 420 560 Feet

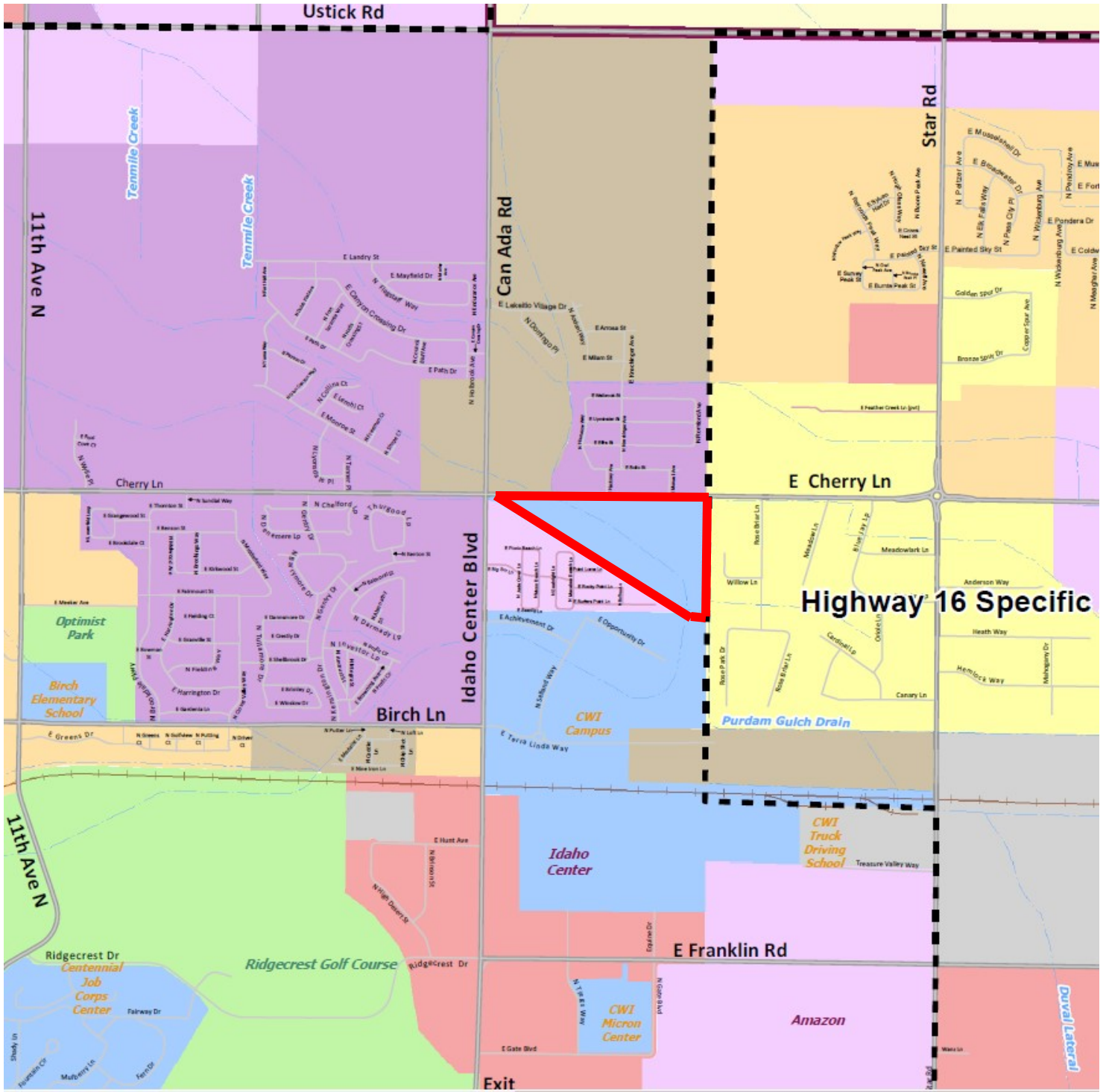
AG	GB2	RD_PUD	RS8.5
BC	GBE	RMH	RS8.5_PUD
BC_PUD	HC	RML	RS12
BF	IH	RML_PUD	RS12_PUD
BN	IL	RP	RS15
BN_PUD	IL_PUD	RP_PUD	RS15_PUD
DB	IL_RS	RS4	RS18
DH	IP	RS6	RS18_PUD
DV	IP_RS	RS6_PUD	RS22
Enc	RA	RS7	RS22_PUD
GB1	RD	RS7_PUD	U
			UnZoned

NAMPA Proud

ANN-00270-2023, ZMA-00173-2023,
DAMO-00059-2023

3/27/2023

For illustrative purposes only.



0, 5747, AND 5887 CHERRY LN CWI EXPANSION

DEVELOPMENT AGREEMENT MODIFICATION,
ZONING MAP AMENDMENT (REZONE)
FROM RS8 (SINGLE FAMILY) TO
U (UNIVERSITY), AND ANNEXATION AND ZONING
TO U (UNIVERSITY) FOR COLLEGE OF
WESTERN IDAHO EXPANSION

FUTURE
LAND
USE MAP

NAMPA Proud ANN-00270-2023, ZMA-00173-2023,
DAMO-00059-2023

3/27/2023

Exhibit A – Annexation R3040900000
To Special Warranty Deed

Two tracts of land, shown as **Parcel 'A'** and **Parcel 'B'** on a Record of Survey Instrument Number 2010031871 Canyon County Records, situated in the Northwest Quarter of the Northwest Quarter of Section 7, Township 3 North Range 1 West, Boise Meridian, Canyon County, Idaho and more particularly described as follows:

Legal Description – Parcel 'A'

Beginning at the Section Corner common to Sections 1 and 12, Township 3 North, Range 2 West, and Sections 6 and 7, Township 3 North, Range 1 West, said point being the **REAL POINT OF BEGINNING**;

Thence South 00° 38' 38" West along the west line of Section 7 a distance of 50.30 feet;

Thence South 78° 35' 08" East along the centerline of the Purdum Gulch Drain a distance of 105.40 feet;

Thence continuing along the said centerline, South 59° 14' 24" East a distance of 689.86 feet;

Thence North 30° 45' 36" East a distance of 193.00 feet;

Thence North 59° 14' 24" West a distance of 300.00 feet;

Thence North 00° 38' 40" East a distance of 98.66 feet to the north line to Section 7;

Thence North 89° 21' 20" West along said Section line a distance of 537.62 feet to the said section corner and back to the **REAL POINT OF BEGINNING**.

Said parcel contains some 3.176 acres, more or less.

**Exhibit A – Annexation R3040901000
To Special Warranty Deed**

Legal Description – Parcel 'B'

Beginning at the Section corner common to Sections 1 and 12, Township 3 North Range 2 West and Sections 6 and 7, Township 3 North, Range 1 West; thence along the north line of Section 7 a distance of 537.62 feet to a point, said point being the **REAL POINT OF BEGINNING**;

Thence South 00° 38' 40" West a distance of 98.66 feet;

Thence South 59° 14' 24" East a distance of 300.00 feet;

Thence South 30° 45' 36" West for a distance of 193.00 feet to the centerline of the Purdum Gulch Drain;

Thence South 59° 14' 45" East along the said centerline a distance of 115.72 feet;

Thence continuing along said centerline South 59° 13' 50" East a distance of 261.62 feet;

Thence along said centerline South 59° 14' 20" East a distance of 205.93 feet;

Thence along the centerline South 59° 33' 01" East a distance of 11.13;

Thence North 00° 23' 33" East a distance of 510.46 feet;

Thence North 89° 21' 56" West a distance of 90.38 feet;

Thence North 61° 55' 56" West a distance of 355.88 feet;

Thence North 00° 38' 40" East a distance of 40.00 feet to the north line of Section 7;

Thence North 89° 21' 20" West along said north line a distance of 268.33 feet, and back to the **REAL POINT OF BEGINNING**.

Said parcel contains some 5.638 acres, more or less.

Basis of Bearing is North 89° 21' 20" West between the found brass cap marking the Section corner common to Sections 1 and 12, Township 3 North, Range 2 West and Sections 6 and 7, Township 3 North, Range 1 West, Boise Meridian, Canyon County, Idaho.

SPECIAL WARRANTY DEED

Parcel I – Rezone to U and DA Mod

A Portion of The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 7, Township 3 North, Range 1 West, Boise, Meridian, City of Nampa, Canyon County, Idaho, being more particularly described as follows;

- A. **COMMENCING** at the found Aluminum Cap Monument marking the North Quarter Corner of Section 7, the **POINT OF BEGINNING** of the Parcel herein described, from which the found Aluminum Cap Monument marking the Northwest Corner of Section 7 bears North $89^{\circ}21'27''$ West (formerly $89^{\circ}21'37''$ West), a distance of 2,524.54 feet;
- B. thence along the North-South Center Line of Section 7, South $00^{\circ}19'44''$ West (formerly South $00^{\circ}19'38''$ West) a distance of 1245.63 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- C. thence North $85^{\circ}43'10''$ West, a distance of 74.57 feet a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- D. thence North $29^{\circ}44'05''$ West, a distance of 197.74 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- E. thence North $21^{\circ}16'52''$ West, a distance of 57.74 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934" marking the beginning of a non-tangent curve to the left;
- F. thence along said curve left having a length of 67.05 feet, a radius of 72.00 feet, a central angle of $53^{\circ}21'16''$ (formerly $53^{\circ}21'19''$), tangents of 36.18 feet and a long chord which bears North $26^{\circ}52'16''$ East (formerly North $26^{\circ}52'49''$ East), a distance of 64.65 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- G. thence North $00^{\circ}12'10''$ East, a distance of 34.67 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- H. thence North $89^{\circ}47'50''$ West a distance of 74.95 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- I. thence North $46^{\circ}35'26''$ West, a distance of 58.04 feet to a set 5/8 rebar with plastic cap stamped "FLSI PLS 13934" marking the intersection of the boundary with the northerly limit of the asserted easement for the Phyllis Canal;

- J. thence along said limit the following courses and distances:
- K. North 52°14'19" West, a distance of 98.59 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - L. North 50°54'11" West, a distance of 97.26 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - M. North 51°08'51" West, a distance of 255.00 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - N. North 56°47'07" West, a distance of 81.57 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - O. North 54°21'18" West, a distance of 81.91 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - P. North 53°28'12" West, a distance of 85.02 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - Q. North 50°45'23" West, a distance of 84.71 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - R. North 54°49'04" West, a distance of 85.50 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - S. North 56°36'27" West, a distance of 79.76 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - T. North 61°42'03" West, a distance of 85.15 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - U. North 58°10'37" West, a distance of 56.33 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - V. North 60°15'47" West, a distance of 95.95 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
 - W. North 69°25'03" West, a distance of 67.02 feet (formerly North 69°24'37" West, 66.82 feet) to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934" marking its intersection with the locally accepted West 1/16th Line of Section 7;

- X. thence along said 1/16th Line North 00°22'58" East (formerly North 00°28'10" East), a distance of 184.11 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934" marking the West 1/16th Corner common to Section 6 and 7;
- Y. thence along the common boundary of Sections 6 and 7, South 89°21'27" East, a distance of 1313.26 feet (formerly South 89°21'37" East), a distance of 1312.75 feet to the **POINT OF BEGINNING**.

SPECIAL WARRANTY DEED

Parcel II – Rezone to U and DA Mod

A Portion of The Northeast $\frac{1}{4}$ of the Northwest $\frac{1}{4}$ of Section 7, Township 3 North, Range 1 West, Boise, Meridian, City of Nampa, Canyon County, Idaho, being more particularly described as follows;

- A. COMMENCING at the found Aluminum Cap Monument marking the North Quarter Corner of Section 7, from which the found Aluminum Cap Monument marking the Northwest Corner of Section 7 bears North $89^{\circ}21'27''$ West (formerly North $89^{\circ}21'37''$ West), a distance of 2,524.54 feet;
- B. Thence along the North-South Center Line of Section 7, South $00^{\circ}19'44''$ West (formerly South $00^{\circ}19'38''$ West), a distance of 1245.63 feet to a set $\frac{5}{8}$ inch rebar with plastic cap stamped "FLSI PLS 13934", the **POINT OF BEGINNING** of the Parcel herein described;
- C. thence continuing along the Center Line South $00^{\circ}19'44''$ West, a distance of 82.86 feet (formerly South $00^{\circ}19'38''$ West, 82.96 feet) to the Center-North $\frac{1}{16}^{\text{th}}$ Corner of Section 7, from which a found $\frac{5}{8}$ inch rebar with no cap (set a cap stamped "FLSI PLS 13934") bears South $00^{\circ}19'44''$ West a distance of 25.00 feet;
- D. thence along the North $\frac{1}{16}^{\text{th}}$ Line of section 7, North $89^{\circ}19'04''$ West, a distance of 249.45 feet (formerly North $89^{\circ}19'00''$ West, 249.37 feet) to a point in the Phyllis Canal, from which a $\frac{5}{8}$ inch rebar with aluminum cap stamped "WC 30' FLSI PLS 13934" bears North $89^{\circ}19'04''$ West, a distance of 30.00 feet;
- E. thence within said Canal North $07^{\circ}20'02''$ East (formerly North $07^{\circ}20'07''$ East), a distance of 13.19 feet to its intersection with the Center Line of the Purdham Drain, from which a $\frac{5}{8}$ inch rebar with aluminum cap stamped "WC 30' FLSI PLS 13934" bears North $65^{\circ}16'32''$ West, a distance of 30.00 feet;
- F. thence along said Center Line North $65^{\circ}16'32''$ West, a distance of 102.98 feet (formerly North $65^{\circ}16'39''$ West, 102.99 feet) to an angle point, from which a $\frac{5}{8}$ inch rebar with plastic cap stamped "FLSI PLS 13934" set as a reference bears North $27^{\circ}35'01''$ East, a distance of 55.07 feet;
- G. thence continuing along the Center Line of the Purdham Drain North $59^{\circ}33'02''$ West, 1124.81 feet) to its intersection with the locally accepted West $\frac{1}{16}^{\text{th}}$ Line of Section 7, from which a $\frac{5}{8}$ inch rebar with plastic cap stamped "FLSI PLS 13934" bears North $00^{\circ}22'58''$ East, a distance of 63.70 feet;

- H. thence along said 1/16th Line, North 00°22'58" East, a distance of 530.47 feet (formerly North 00°28'10" East, 530.07 feet) to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934" marking its intersection with the northerly limit of the asserted easement for the Phyllis Canal;
- I. thence along said limit the following courses and distances:
- J. South 69°25'03" East, a distance of 67.02 feet (formerly South 69°24'37" East, a distance of 66.82 feet) to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- K. South 60°15'47" East, a distance of 95.95 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- L. South 58°10'37" East, a distance of 56.33 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- M. South 61°42'03" East, a distance of 85.15 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- N. South 56°36'27" East, a distance of 79.76 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- O. South 54°49'04" East, a distance of 85.50 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- P. South 50°45'23" East a distance of 84.71 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- Q. South 53°28'12" East, a distance of 85.02 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- R. South 54°21'18" East, a distance of 81.91 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- S. South 56°47'07 East, a distance of 81.57 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- T. South 51°08'51" East, a distance of 255.00 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- U. South 50°54'11" East, a distance of 97.26 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";

- V. South $52^{\circ}14'19''$ East, a distance of 98.59 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- W. thence leaving the northerly limit of the asserted easement for the Phyllis Canal South $46^{\circ}35'26''$ East, a distance of 58.04 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- X. thence South $89^{\circ}47'50''$ East, a distance of 74.95 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- Y. thence South $00^{\circ}12'10''$ West, a distance of 34.67 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934" at the beginning of the curve to the right;
- Z. thence along said curve right having a length of 67.05 feet, a radius of 72.00 feet, a central angle of $53^{\circ}21'16''$ (formerly $53^{\circ}21'19''$) tangents of 36.18 feet and a long chord which bears South $26^{\circ}52'48''$ West (formerly South $26^{\circ}52'49''$ West), a distance of 64.65 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- AA. thence a non-radial bearing, South $21^{\circ}16'52''$ East, a distance of 57.74 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- BB. South $29^{\circ}44'05''$ East, a distance of 197.74 feet to a set 5/8 inch rebar with plastic cap stamped "FLSI PLS 13934";
- CC. thence South $85^{\circ}43'10''$ East, a distance of 74.57 feet to the **POINT OF BEGINNING.**



RCK Consultants

January 3rd, 2023

To whom it may concern,

My name is Craig Kulchak. I am representing The College of Western Idaho (CWI) for a neighborhood meeting regarding the annexation and re-zone for properties R304091000 and R3040900000, a re-zone and Right of Way Dedication on Cherry Lane for property R3041800000, and a rezone for property R304180110. You are invited to attend the Neighborhood Meeting which will be held at 6:00, January 14, 2023. We will conduct the meeting at the college's Nampa Campus Academic Building, 2nd floor level atrium, located at 5500 East Opportunity Dr., Nampa, ID. 83687.

Kindest regards,

Craig Kulchak
RCK Consultants - Project Manager

4839 Mountain View Drive Boise, Idaho 83704

rckulchak@gmail.com

208-919-1141

Bill & Kelly McDaniel

Kyle Andrews

Aaron Whitman

Julene Webb

RJM
Lyndon &
Heather Johns

Craig Brown

Linda Parcells

Richard Parcells

5507 Willow Ln

7287 E. Nottingham Ln.
5529 E. Bollo St

5119 Green Valley Pl.

5709 E. Bollo.
16785 Rose Pk

5457 Willow Ln
9201 Tiercel Dr.
Nampa

5771 Cherry Ln
83687

bmed83687@yahoo

Kyleandrews 81 @msn.com

AaronWhitman@CWI.EDU

jwebb@groynes.r.ca

renae h1@yahoo
-com

heather@shopchf.com
craigbrown@cwi.edu

idahopar@g.com

2. The owner shall maintain all regulatory permitting, licensures and operational procedures as required by law.
3. The conditional use permit shall be granted for the applicant and the location the subject of this request and not be transferrable to another person or location.
4. No business signage shall be permitted at this location.
5. All sales shall be conducted through the shipping the product to the customer, or in a commercial setting such as a gun-show. *(Condition clarified: No customers will visit the home for purchase of firearms or firearm related sales).*

Chair Van Auker, Jr. proceeded to public testimony (sign-in sheet attached). Additionally, Monty/Karen Freeman, 1225 W Tacola St., Nampa, opposed. Summary of concerns: Traffic and safety.

Applicant responded to Commission's questions and public comment regarding traffic and safety.

Moved by Kirkman and seconded by Garner to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Garner and seconded by Miller to APPROVE the item with all recommended conditions and adopt the potential findings in the staff report. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Public Hearing 2 (Action Item): Annexation and Zoning to the U (University) zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln (R3040900000 & R3040901000, in the NW 1/4, Section 7, T3N, R1W, BM), Rezone from RS 8.5 (Single-Family Residential) to U (University) zoning district and Development Agreement Modification, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747 Cherry Ln (R3041801100 & R3041800000, in the W 1/4, Section 7, T3N, R1W, BM) for the College of Western Idaho Expansion (ANN-00270-2023, ZMA-00173-2023 & DAMO-0059-2023).

Chair Van Auker, Jr. proceeded to public hearing.

Craig Kulchak, 4839 Mountain View Drive, Boise, presented the request. Craig Brown, 9621 Tiercel Drive, Nampa, answered the Commission's questions regarding use, variety of programs and the need for workforce training.

Principal Planner Watkins presented the project and applicable regulations.

Conditions of approval:

1. Provide a new development agreement that establishes locations of proposed uses.
2. Any onsite wells no longer proposed for use on the property shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development and prior to connection to City services.
3. Property shall be annexed in the Nampa Municipal Irrigation District at the time of connection to pressure irrigation and prior to being served by the City's pressure irrigation system. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
4. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development.
5. Applicant/Owner shall dedicate the follow public road right-of-way as a condition of annexation:
 - Cherry Ln – 50' from the Section Line.
6. Applicant/Owner shall provide a turn lane warrant analysis for proposed access points along Cherry Ln to be reviewed and approved by the Nampa Engineering Division prior to constructing new accesses. Applicant/Owner shall construct turn lanes along with associated pavement widening if found to be warranted by the analysis.
7. Applicant/Owner shall apply for Site Improvement Permits with the City of Nampa Planning & Zoning Department and Engineering Division prior to any onsite construction of public utilities and new accesses to the public roads.
8. Applicant/Owner shall construct a pathway along the north side of the Purdam Gulch Drain in accordance with the Nampa Bicycle & Pedestrian Master Plan at time of property development.
9. Applicant/Owner shall construct 10" sewer main along the easterly property boundary and stub an 8" sewer main with public utility easement to the unimproved/ platted public right-of-way of Rose Park Drive for potential future extension into and service of the adjacent Cherry Lane Meadows Subdivision.

10. Applicant/Owner shall construct frontage improvements along Cherry Lane in accordance with Nampa City Code Section 9-3-1 and Nampa Standard Drawing N-822.

Chair Van Auker, Jr. proceeded to public testimony (sign-in sheet attached). Summary of concerns include access, lighting, adding a berm to block traffic from surrounding neighbors. Additionally:

Jake Parcel, 5771 Cherry Lane, Nampa, in support.

Linda Parcel, 5771 Cherry Lane, Nampa, questions about access.

Dale Murphy 16620 Rose Briar Lane, Nampa, questions about wells, concerns about noise.

Applicant responded to questions regarding traffic, design and access. City Engineer Badger answered questions regarding well usage and irrigation.

Moved by Garner and seconded by Kehoe close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Morgan and seconded by Kehoe to recommend to City Council APPROVAL of the item with recommended conditions and adopt the potential findings in the staff report. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Public Hearing 3 (Action Item): Annexation and Zoning to the RS 22 (Single-Family Residential) zoning district, to make connection to city sewer and water services on a .85 acre parcel at 1724 Southside Blvd (R3242300000, in the SW 1/4 of Section 36, T3N, R2W, BM), for Salvador Rodriguez (ANN-00273-2023).

Chair Van Auker, Jr. proceeded to public hearing.

The applicant, Salvador Rodriguez, was not present.

Senior Planner Bodily presented the staff report and applicable regulations.

Conditions of approval:

1. Any onsite wells 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. Property shall be annexed in the Nampa Municipal Irrigation District at the time of connection to pressure irrigation and prior to being served by the City's pressure irrigation system. Applicant/ Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
3. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
4. Applicant shall dedicate the following public right-of-way to the City as a condition of annexation:
 - Southside Blvd – 40' from existing right of way line
5. Applicant/Owner shall address solid waste accumulation and inoperative vehicles according to Nampa Code Compliance prior to annexation.

Chair Van Auker, Jr. proceeded to public testimony. No one appeared in favor of or in opposition to the request.

Moved by Garner and seconded by Sellman to close public hearing. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Moved by Kehoe and seconded by Garner to recommended to City Council APPROVAL of the item with recommended conditions and adopt the potential findings in the staff report. Chair Van Auker, Jr. asked for a voice vote with all Commissioners present voting yes. Motion carried.

Public Hearing 4 (Action Item): Rezone from BC (Community Business) to RS 8.5 (Single-Family Residential) on a .6 acre parcel at 0 Southside Blvd (R3230301000, in the NE 1/4 of Section 35, T3N, R2W, BM), for Joseph Profitt (ZMA-00174-2023). Original Concept: Create two residential lots from one existing lot.

Chair Van Auker, Jr. proceeded to public hearing.

University (U) Land Uses	
Permitted Uses	Conditional Uses (CUP Required)
Accessory use or building	Laboratory
Accessory use or building (nonhabitable)	
Botanical garden/Arboretum	
Daycare/day nursery/pre-school (commercial) ²	
Dwelling, multiple-family – up to 3 stories	
Electrical and electronic supply	
Equipment rental	
Fraternity, sorority, dormitory, residence hall	
Governmental emergency building (i.e., fire or police stations, including combined stations and satellite versions)	
Governmental office building or facility	
Governmental water, pressure irrigation and/or sewer lift stations (including combined facilities and satellite versions thereof)	
Greenhouse	
Home occupation daycare (1 - 6 children) ⁷	
Home occupation daycare (7 - 12 children) ^{6, 7}	
Horticultural services	
Impound/storage yard, vehicle	
Kennel, noncommercial ⁵	
Library	
Machine shop	
Manufacture, assembly or packaging of products from previously prepared materials	
Manufacture, compounding, bottling, processing, packaging, or treatment of food and beverage products	
Manufacturing, compounding, processing, assembling, packaging, treatment or fabrication of the following products: textile, apparel and related items, building materials, furniture and fixtures, paper, chemicals and chemical products, petroleum, electronic, concrete, rubber, plastic, metal, professional and scientific, or any combination thereof of items, materials or goods	
Medical/dental (or similar) clinic and related services	
Newspaper printing	
Office, general	
Park, playground or open space (subject to chapter 1 of this title)	
Post Office	
Printing and publishing	
Railroad buildings and equipment	
Restaurant (not drive-in, drive- through or walk-up)	
Retail, general	
School, academic/vocational, for profit (subject to chapter 1 of this title)	
School, public/nonprofit (subject to chapter 1 of this title)	
Telephone/telegraph center or station/call center	
Utility owned building, structure or use	
Veterinary	

Footnotes:

2. Denotes a commercial daycare of 13 plus children and/or a "not at home" occupation or a purposeful commercial operation.

5. A kennel license is required to operate a noncommercial kennel.

6. Operations in existence before September 1, 1986, providing care for 7 plus children do not require a CUP in RS districts.

7. A caregiver's children under age 6 count against the number of daycare children allowed.

After Recording
Return to:

City of Nampa
411 3rd St. So.
Nampa, Idaho 83651

FINAL
07-18-05

received
07-28-05

3:50 pm

FOR RECORDING INFORMATION

DEVELOPMENT AGREEMENT

THIS DEVELOPMENT AGREEMENT (this "**Agreement**"), is made and entered into this 28 day of July, 2005 (the "**Effective Date**"), by and between the City of Nampa, a municipal corporation, hereinafter referred to as the "**City**," and Northwest Development Company, L.L.C., an Idaho limited liability company, hereinafter referred to as "**Northwest Development**."

RECITALS

A. Northwest Development is the owner of approximately thirty-two and one-half (32.5) acres of real estate legally described in **Exhibit A**, attached hereto and made a part hereof (the "**Property**").

B. Northwest Development applied to City on December 9, 2004 (the "**date of application**") for annexation of the Property into City and for rezoning of the Property to City zone RS Single-Family Residential 8.5 in anticipation of the development and construction of a single-family 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 & Zoning Commission and City's City Council have held public hearings as prescribed by law with respect to the annexation, rezoning and development of the Property and this Agreement. City has approved the annexation and requested rezoning of the Property to RS Single-Family Residential 8.5 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 are 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 Northwest Development's property rights, the parties' commitments applicable to the Property as set forth herein, or the RS Single-Family Residential 8.5 zone approved hereby as the Property has been deemed suitable for single-family residential development.

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 Northwest Development shall have limited flexibility to develop the Property to meet market conditions, and the only specific commitments concerning development of the Project which Northwest Development is making are set forth herein. Upon recordation of this Agreement, Northwest Development shall have all approvals required from City for development of the Project in substantial conformance with the Conceptual Plan.

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 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, Northwest Development, 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 follows:

Single-Family Dwellings shall be a minimum Gross Floor Area, excluding the garage floor area, of 1,800 square feet. The terms "**Single-Family Dwelling**" and "**Gross Floor Area**" are used herein as defined in the Nampa Comprehensive Zoning Ordinance.

A minimum lot size of Buildable Lots located on the eastern boundary of the Property shall be twelve thousand (12,000) square feet. The term "**Buildable Lot**" is used herein as defined in the Nampa Comprehensive Zoning Ordinance.

Dedication at no cost to the City, of sufficient additional right-of-way for Cherry Lane Road along the northern boundary of the Property such that the resulting right-of-way measured from the centerline of Cherry Lane Road, existing on the date of application, to the northern boundary of the Property, shall be fifty (50) feet.

Construction of a four (4) foot tall earthen berm along the eastern boundary of the Property.

Construction of a six (6) foot tall cedar fence on top of the earthen berm along the eastern boundary of the Property.

Participation in the City's Birch and Purdam local improvement district for sewer improvements as set forth in Idaho Code Section 50-1701 *et seq.*

Platting reflecting the conceptual plan (see attached Exhibit C and D) as presented to Nampa City Council meeting on the evening of March 7, 2005, and showing proposed parks, greenscape, pool, and pool house.

5. The provisions and stipulations of this Agreement shall be binding on City, Northwest Development, each subsequent owner of the Property or portion thereof, and each other person acquiring an interest in the Property shall establish and enforce Covenants, Conditions, and Restrictions to be recorded against the property proposed which contain the following minimum design standards:

Encourage construction of Single-Family Dwellings which feature a side entry garage

Encourage construction of Single-Family Dwellings with gabled facades which feature variations in siding or other architectural detailing.

Single-Family Dwellings shall, at a minimum, feature one of the following design elements: a porch, balcony, courtyard or front facade of twenty percent (20%) brick, stucco, stone or similar material.

Single-Family Dwellings shall feature eaves which extend not less than sixteen inches (16") beyond the exterior of the Single-Family Dwelling and feature a fascia depth not less than eight inches (8").

Each facade of a Single-Family Dwelling shall, at a minimum, feature one of the following design elements: window, door, pop-out or other architectural detailing.

Roof pitches for Single-Family Dwellings shall incorporate hipped and gable areas.

Detached garages shall be architecturally compatible in material, design and colors with the main Single-Family Dwelling.

Roof covering 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.

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

(Collectively hereinafter the "**Conditions of Approval**").

6. Northwest Development and subsequent persons or parties having ownership of the Property shall also abide by those other conditions of approval, if any, approved and adopted by the Nampa City Council for the Property.

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

8. 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 Northwest Development 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 Northwest Development or its successors and/or assigns fails to cure such failure within six (6) months of receipt of such notice.

9. This Agreement and the commitments contained herein shall be terminated, and the zoning designation reversed, upon the failure of Northwest Development 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 Northwest Development's failure to comply with the terms and conditions of this Agreement to Northwest Development and Northwest Development fails to cure such failure within six (6) months of Northwest Development'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 Northwest Development, and after complying with the notice and hearing provisions of Idaho Code Section 67-6509.

10. 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.

11. 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, Northwest Development, each subsequent owner of the Property, and each other person or entity acquiring an interest in the Property.

12. 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.

13. This Agreement sets forth all promises, inducements, agreements, conditions and understandings between Northwest Development and City relative to the subject matter hereof. There are no promises, agreements, conditions or understandings, either oral or written, express or implied, between Northwest Development 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 City, to a duly adopted ordinance or resolution of City.

14. 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.

15. 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.

16. In the event Northwest Development, 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 Northwest Development, 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 waiver by City of any default by Northwest Development 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 Northwest Development of any default by City 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 Northwest Development or apply to any subsequent breach of any such or other covenants and conditions.

Notwithstanding anything to the contrary herein, in the event of a material default of this Agreement, the parties agree that City and Northwest Development 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, if the defaulting party shall commence to cure the same 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; and provided further, however, no default by a subsequent owner of a portion of the Property shall constitute a default by Northwest Development for the portion of the Property still owned by Northwest Development.

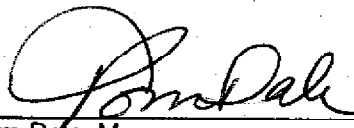
In the event the performance of any obligation to be performed hereunder by either Northwest Development or City is delayed for causes that are beyond the reasonable control of the party responsible for such performance, which shall include, without limitation, acts of civil disobedience, strikes or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

(e) In addition to the remedies set forth above, in the event of a default by Northwest Development, 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, having been duly authorized, have hereunto caused this Agreement to be executed on the day and year first above written, the same being done after public hearing, notice and statutory requirements having been fulfilled.

CITY:

City of Nampa, a municipal corporation




Tom Dale, Mayor



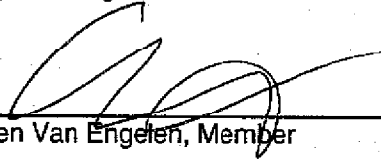
Attest: Diana Lambing, City Clerk

NORTHWEST DEVELOPMENT:

NORTHWEST DEVELOPMENT COMPANY, L.L.C.,
an Idaho limited liability company



By _____
Craig Van Engelen, Member



By _____
Kristen Van Engelen, Member

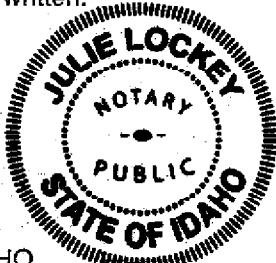
STATE OF IDAHO

County of Canyon

ss

On this 1st day of August, in the year of 2005, before me Julie Lockey 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.



Julie Lockey
Notary Public for Idaho

Residing at Canyon Co. Nampa, Idaho

My Commission expires: May 11 2011

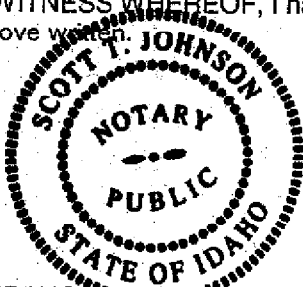
STATE OF IDAHO

County of Canyon

ss

On this 28 day of July, in the year of 2005, before me Scott T. Johnson personally appeared Craig Van Engelen, known or identified to me, to be a Member of Northwest Development Company, L.L.C., the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that he executed the same for and on behalf of Northwest Development Company, L.L.C.

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



Scott T. Johnson
Notary Public for Idaho

Residing at Star, Idaho

My Commission expires: 7/14/2005

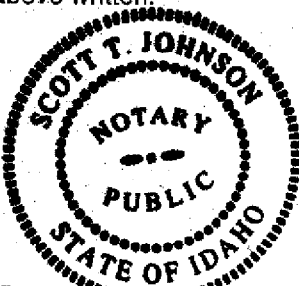
STATE OF IDAHO

County of Canyon

ss

On this 28 day of July, in the year of 2005, before me Scott T. Johnson personally appeared Kristen Van Engelen, known or identified to me, to be a Member of Northwest Development Company, L.L.C., the person whose name is subscribed to the within and foregoing instrument and acknowledged to me that she executed the same for and on behalf of Northwest Development Company, L.L.C.

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



Scott T. Johnson
Notary Public for Idaho

Residing at Star, Idaho

My Commission expires: 7/14/2005



IDAHO
SURVEY
GROUP

1450 East Watertower St.
Suite 150
Meridian, Idaho 83642

Phone (208) 844-8570
Fax (208) 884-5399

Project No. 05-020

January 25, 2005

DESCRIPTION FOR UNIVERSITY VILLAGE

A parcel of land located in the NE1/4 of the NW1/4 of Section 7, T.3N., R.1W., B.M., Canyon County, Idaho more particularly described as follows:

BEGINNING at a brass cap monument marking the N1/4 corner of said Section 7 from which a 5/8" iron pin marking the NW corner of said Section 7 bears North 89°21'37" West, 2524.42 feet;

thence along the North-South centerline of said Section 7 South 00°19'38" West, 1328.59 feet to the CN1/16 corner of said Section 7;

thence along the South boundary line of the NE1/4 of the NW1/4 North 89°19'00" West, 249.37 feet to point on the centerline of the Phyllis Canal;

thence along the centerline of the Phyllis Canal North 07°20'07" East, 13.19 feet to a point on the centerline of the Purdam Gulch Drain;

thence along the centerline of the Purdam Gulch Drain the following 3 courses:

North 65°19'39" West, 102.99 feet;

thence North 59°33'02" West, 1066.68 feet;

thence North 59°33'02" West, 58.13 feet to a point on the West boundary line of the NE1/4 of the NW1/4 of said Section 7;

thence along said West boundary line North 00°28'10" East, 714.17 feet the NW corner of the NE1/4 of the NW1/4 of Section 7;

thence along said North boundary line of said Section 7 South 89°21'37" East, 1312.75 feet to the **POINT OF BEGINNING**, containing 32.53 acres, more or less.

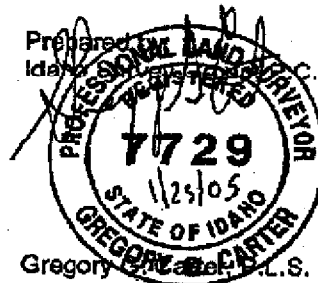


EXHIBIT B

CONCEPTUAL PLAN

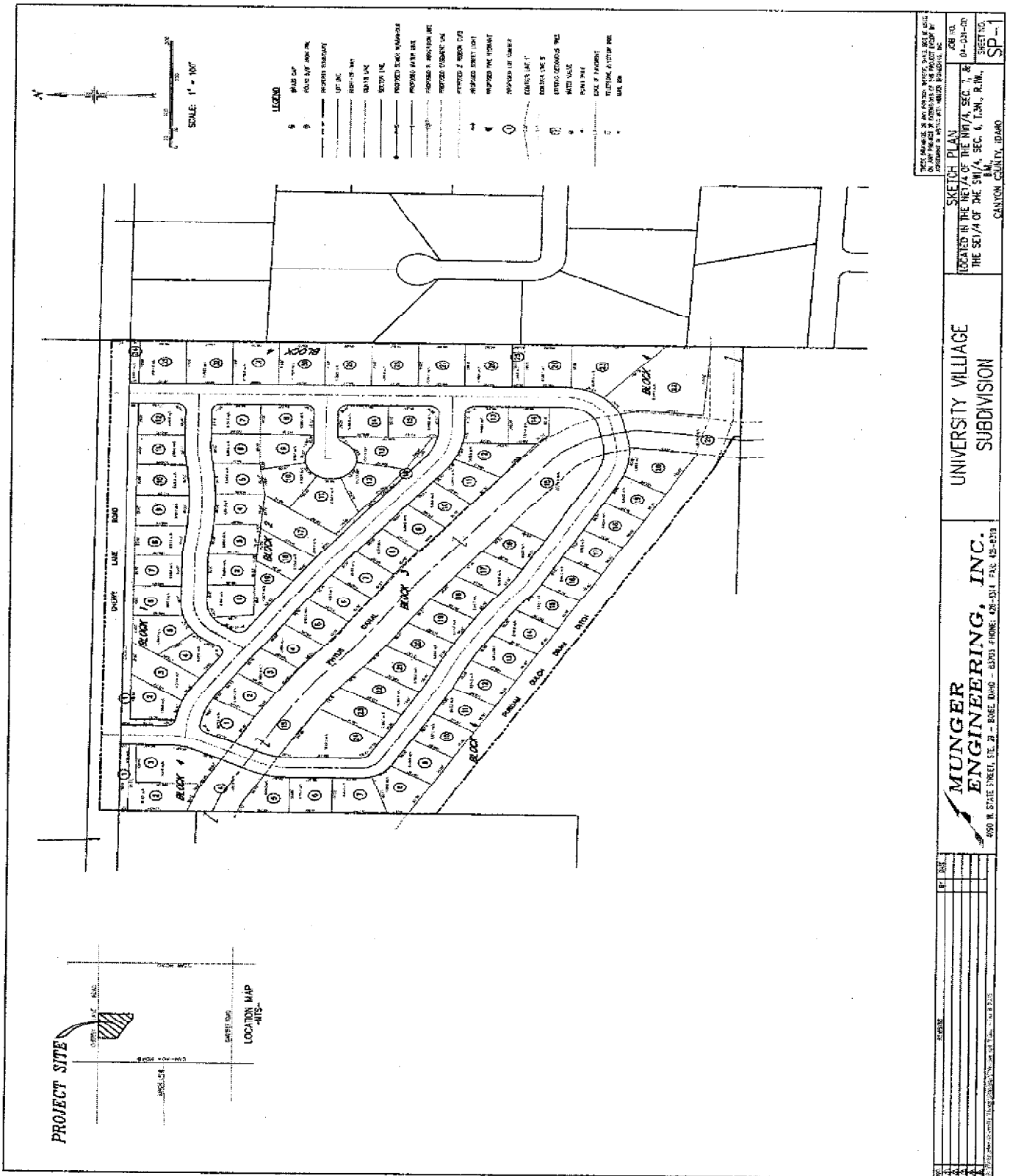


EXHIBIT C

CONCEPTUAL PLAT
presented to City Council 3-7-05

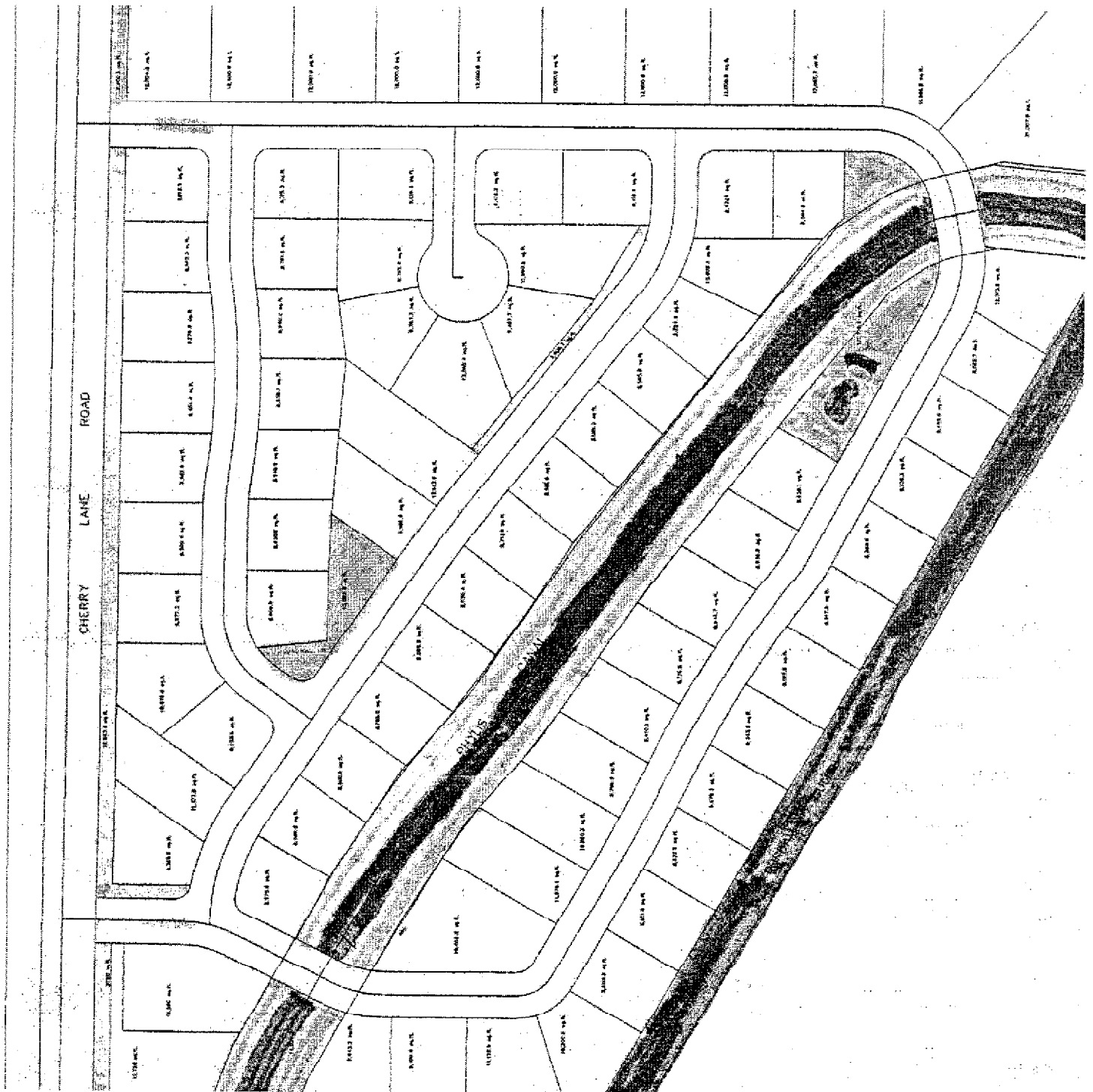
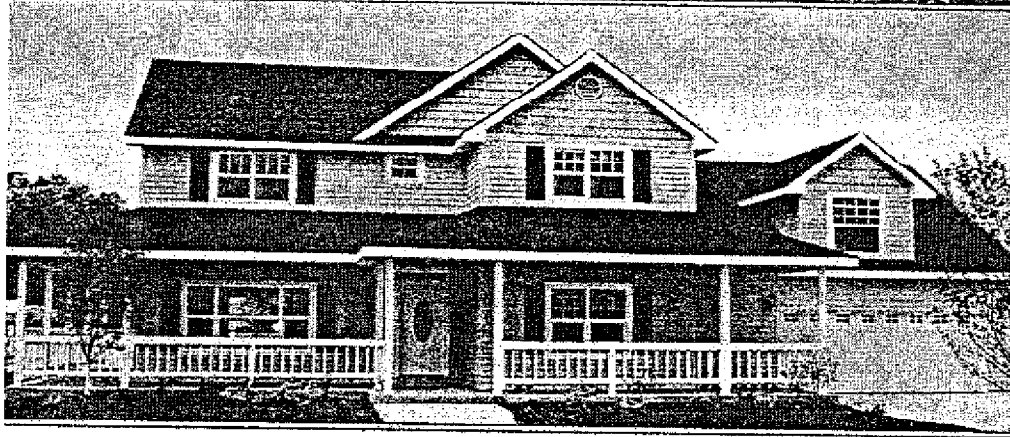


EXHIBIT D

EXAMPLES OF HOME CONSTRUCTION, SIZE, DESIGN AND MATERIALS



Diana Lambing

From: Diana Lambing
Sent: Tuesday, July 19, 2005 3:14 PM
To: 'legals@idahopress.com'
Subject: Ordinance #3470

Hi Amanda:

As per our telephone conversation a few minutes ago. Please cancel the publication scheduled for Monday July 25, 2005 for Ordinance #3470 for Annexation and Zoning of property located at 5747 Cherry Lane. I understand there is a set up fee of approximately \$53.90 for cancellation of this publication.

Thank you,

Diana Lambing
City Clerk
City of Nampa
411 Third Street South
Nampa, Idaho 83651
(208)468-5425
lambingd@ci.nampa.id.us

7/19/2005

Pull + not
Publish - as per Terry White

7/19/05

Put on Agenda next
time for 3rd Rdg and
we'll make sure the Development
Agreement is signed by
then.

7/19/05 3:10 called
Amranda at HPT - she needs
it in writing

legals@idaho.press.com

"Please cancel this publication"

~~there~~ - set up fee of 1/2 amount to
run it time
\$53.92

ORDINANCE NO. 3470

AN ORDINANCE OF THE CITY OF NAMPA, CANYON COUNTY, IDAHO ANNEXING REAL PROPERTY LOCATED AT 5747 CHERRY LANE IN THE CITY OF NAMPA, CANYON COUNTY, IDAHO, ZONING THE SAME RS-8.5 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 located at 5747 Cherry Lane, 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 incorporated herein by this reference.

Section 2: That the real property so annexed, as described in Exhibit "A" above, shall be zoned RS-8.5.

Section 3: That this annexation and zone ordinance is subject to and limited by that certain Development Agreement entered into between the parties, a copy of which is attached hereto as Exhibit "B" and incorporated herein by this reference.

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.

PASSED BY THE COUNCIL OF THE CITY OF NAMPA, IDAHO, THIS ^{15th}~~18th~~ DAY OF ~~July~~ Aug, 2005.

APPROVED BY THE MAYOR OF THE CITY OF NAMPA, IDAHO, THIS ^{1st}~~18th~~ DAY OF ~~July~~ Aug, 2005.

Approved:

By Tom Dale
Mayor

Attest:

By Deborah L. Boring
City Clerk, Deputy

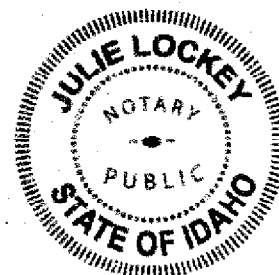
State of Idaho)

Canyon County)

On this 15th day of August, 2009, before me, the undersigned, a Notary Public in and for said State, personally appeared Tom Dale and Diana Lambing known to me to be the Mayor and City Clerk, of the City of Nampa, Idaho, a municipal corporation, who executed the foregoing instrument.

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

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





IDAHO
SURVEY
GROUP

1450 East Watertower St.
Suite 150
Meridian, Idaho 83642

Phone (208) 846-8570
Fax (208) 884-5399

Project No. 05-020

EXHIBIT "A"

January 25, 2005

**DESCRIPTION FOR
UNIVERSITY VILLAGE**

A parcel of land located in the NE1/4 of the NW1/4 of Section 7 and the SE1/4 of the SW1/4 of Section 6, T.3N., R.1W., B.M., Canyon County, Idaho more particularly described as follows:

BEGINNING at a brass cap monument marking the N1/4 corner of said Section 7 from which a 5/8" iron pin marking the NW corner of said Section 7 bears North 89°21'37" West, 2524.42 feet;

thence along the North-South centerline of said Section 7 South 00°19'38" West, 1328.59 feet to the CN1/16 corner of said Section 7;

thence along the South boundary line of the NE1/4 of the NW1/4 North 89°19'00" West, 249.37 feet to point on the centerline of the Phyllis Canal;

thence along the centerline of the Phyllis Canal North 07°20'07" East, 13.19 feet to a point on the centerline of the Purdam Gulch Drain;

thence along the centerline of the Purdam Gulch Drain the following 3 courses:

North 65°19'39" West, 102.99 feet;

thence North 59°33'02" West, 1066.68 feet;

thence North 59°33'02" West, 58.13 feet to a point on the West boundary line of the NE1/4 of the NW1/4 of said Section 7;

thence along said West boundary line North 00°28'10" East, 689.17 feet to a point on the South right-of-way line of Cherry Lane;

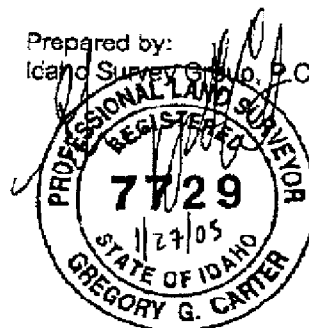
thence along said South right-of-way line North 89°21'37" West, 1236.75 feet to a point on the West right-of-way line of Can-Ada Road;

thence along said West right-of-way line North 00°38'36" East, 50.00 feet to a point on the North right-of-way line of Cherry Lane;

thence along said North right-of-way line South 89°21'37" East, 2549.28 feet;

thence leaving said North right-of-way line South 00°19'38" West, 25.00 feet to the **POINT OF BEGINNING**, containing 34.70 acres, more or less.

Prepared by:
Icand Survey Group, P.C.



Gregory G. Carter, P.L.S.

CANADA RD

ANNEXATION AND ZONING TO RS 8.5
PORTION OF ROW ON CHERRY LANE,
A PORTION OF THE NE ¼ OF THE
NW ¼ SECTION 7, T3N, R1W, BM
FOR NORTHWEST DEVELOPMENT, LLC.
PROJECT: 13-0521

ANNEXATION AND ZONING TO RS 8.5
5747 CHERRY LANE, A 32.17 ACRE
PORTION OF THE NE ¼ OF THE
NW ¼ SECTION 7, T3N, R1W, BM
FOR NORTHWEST DEVELOPMENT, LLC.
PROJECT: 13-0521

E CHERRY LN

KENTON ST

ROSE BRIAR LN

WILLOW LN

ROSE BRIAR DR

1 inch equals 500 feet



Communities in Motion (CIM) Development Review Checklist

Development Name: College of Western Idaho Expansion

CIM Vision Category: Activity Center

Consistent with CIM Vision? YES

New Households: 0 New Jobs: ±400



Safety

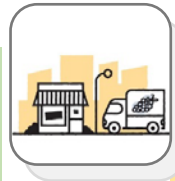
How safe and comfortable is the nearest major road (minor arterial or above) for bicyclists and pedestrians? Analysis is limited to existing roadway conditions.

Cherry Lane

Pedestrian level of stress



Bicycle level of stress



Economic Vitality

To what extent does the project enable people, government, and businesses to prosper?

Economic Activity Center Access



Impact on Existing Surrounding Farmland



Net Fiscal Impact

N/A



Convenience

What services are available within 0.5 miles (green) or 1 mile (yellow) of the project?

Nearest bus stop



Nearest public school



Nearest public park



Quality of Life

Checked boxes indicate that additional information is attached.

Active Transportation



Automobile Transportation



Public Transportation



Roadway Projects



Improves performance



Does not improve or reduce performance



Reduces performance

Comments:

When developing the site plan for the project, consider suggestions from the Complete Network Appendix.

Who we are: The Community Planning Association of Southwest Idaho (COMPASS) is the metropolitan planning organization for Ada and Canyon Counties. This review evaluates whether land developments are consistent with [Communities in Motion](#), the regional long-range transportation plan for Ada and Canyon Counties. This checklist is not intended to be prescriptive, but rather a guidance document. Past checklists are available [online](#). See the [Development Review User Guide](#) for more information on the red, yellow, and green checklist thresholds.



www.compassidaho.org



info@compassidaho.org



COMPASS
COMMUNITY PLANNING ASSOCIATION
of Southwest Idaho

Sent: 3/31/23

Complete Network Appendix

Checkmarks (✓) below indicate suggested changes to a site plan, based on the [COMPASS Complete Network Policy \(No. 2022-01\)](#). Both the Complete Network Policy and site-specific suggestions are intended to better align land use with identified transportation uses in the corridor. Please see the Complete Network [map](#) for primary and secondary uses for roadways (minor arterial and above) in Ada and Canyon Counties.

Corridor Name:	Cherry Lane
Primary Use:	Public Transportation
Secondary Use:	Freight

Bicycle and Pedestrian Infrastructure

- ✓ Provide an improved pathway along a canal as a transportation and recreational option
- ✓ Site pathways and sidewalks as directly as conditions allow or provide wayfinding signs
- ✓ Apply traffic calming measures to discourage speeding on local roads
- ✓ Provide sufficient and covered bike parking near destinations

Land Use to Support Public Transportation

- ✓ Where appropriate, cluster buildings near intersections to consolidate transit stops and street crossings

Access Management

- ✓ Ensure access points are designed with a turning radius that accommodates freight access where appropriate

Long-Term Funded and Unfunded Capital Projects

CIM Priority Corridor:

Cherry Lane

- Widening Cherry Lane (Middleton Road to Black Cat Road) to five lanes is the number 2 unfunded local system priority in *Communities in Motion 2050*.
- Premium route improvements (15-minute frequencies) to the future Cherry Lane/Fairview Avenue bus route is an unfunded public transportation project in *Communities in Motion 2050*.

More information on transportation needs and projects based on forecasted future growth is available at:

<https://compassidaho.maps.arcgis.com/apps/instant/portfolio/index.html?appid=6c1eebca233d49c4935825136f338fac>

Short-Term Funded Capital Projects

Cherry Lane, 11th Avenue North to Idaho Center Boulevard, Nampa

Regionally Significant: ☐ ☒ Inflated

Key #: 22438

Requesting Agency: City of Nampa

Project Year: PD

Total Previous Allocations: \$171

Total Programmed Budget: \$1,914

Total Cost (Prev. + Prog.): \$2,085

Project Description

Rebuild Cherry Lane between 11th Avenue North and Idaho Center Boulevard in the City of Nampa. Work includes adding a center turn lane, pedestrian and bicycle lanes, and intersection improvements.

TIP Achievement:

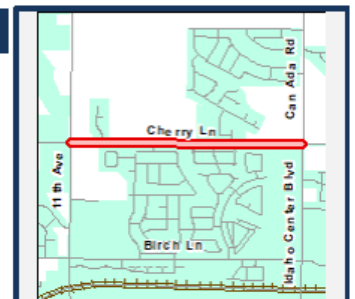
Open Space

Health

Safety

Active Transportation

Asset Management



Funding Source STBG-U			Program Local Hwy - Urban				Local Match 7.34%		
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
PD	0	0	0	0	224	1,690	1,914	1,774	140
Fund Totals:	\$0	\$0	\$0	\$0	\$224	\$1,690	\$1,914	\$1,774	\$140

SH-16, Franklin Road to Ustick Road, Canyon County

Regionally Significant: ☐ ☐ Inflated

Key #: 23409

Requesting Agency: ITD

Project Year: 2024-2026

Total Previous Allocations: \$0

Total Programmed Budget: \$49,129

Total Cost (Prev. + Prog.): \$49,129

Project Description

Construct new segment of State Highway 16 from Franklin Road to Ustick Road the City of Nampa and Canyon County. The roadway will include two lanes in each direction with at-grade intersections at Franklin Road and Ustick Road utilizing the on and off ramps for the future interchanges. Work also includes a new structure over the Union Pacific Railroad, Cherry Lane, Ten Mile Creek, and irrigation structures. Design and right-of-way budgeted in separate, previous project (KN 20788).



Funding Source		Program						Local Match	
NHPP		State Hwy - Safety & Capacity (Capacity)						7.34%	
Cost Year*	Preliminary Engineering	Preliminary Engineering Consulting	Right-of-Way	Utilities	Construction Engineering	Construction	Total	Federal Share	Local Share
2023	0	0	0	500	400	0	900	834	66
2024	0	0	0	0	2,300	22,929	25,229	23,377	1,852
2025	0	0	0	0	2,000	15,000	17,000	15,752	1,248
2026	0	0	0	0	1,000	5,000	6,000	5,560	440
Fund Totals:	\$0	\$0	\$0	\$500	\$5,700	\$42,929	\$49,129	\$45,523	\$3,606

Source: The COMPASS Transportation Improvement Program (TIP). The TIP is a short-range (seven-year) budget of transportation projects for which federal funds are anticipated, along with non-federally funded projects that are regionally significant and is available at:

https://www.compassidaho.org/documents/prodserv/trans/FY22/FY23_29TIPdoc.pdf

Keana Apau

From: Rob Willis
Sent: Friday, March 17, 2023 7:44 AM
To: Keana Apau
Cc: Jeff Miranda; Patrick Sullivan; Cache Olson
Subject: RE: CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

Keana,

Building Safety Department Comments:

These Planning and Zoning actions have been approved with conditions.

Schedule a Conceptual Plan Review Meeting with the City of Nampa Building Safety Department prior to application for a building permit. Obtain all applicable building, mechanical, electrical, and plumbing permits for the proposed project. Satisfy all required inspections and permit conditions, prior to obtaining a Certificate of Occupancy to allow the permitted use. Reference Title 4 of the City of Nampa Code for adopted building codes.



Rob Willis

Plans Examiner Supervisor

P: 208.468-5410 F: 208.468.4494

willisj@cityofnampa.us

[Department of Building Safety](#), [Like us on Facebook](#)

NAMPA Proud

From: Keana Apau <apauk@cityofnampa.us>
Sent: Wednesday, March 15, 2023 2:55 PM
Subject: CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

Good afternoon everyone,

RE: Annexation, Rezone, and Development Agreement Modification for CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

I have attached for your review the application for Annexation and Zoning to the U (University) zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln (R3040900000 & R3040901000, in the NW 1/4, Section 7, T3N, R1W, BM), Rezone from RS 8.5 (Single-Family Residential) to U (University) zoning district and Development Agreement Modification, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747 Cherry Ln (R3041801100 & R3041800000, in the W 1/4, Section 7, T3N, R1W, BM) for the College of Western Idaho Expansion (ANN-00270-2023, ZMA-00173-2023 & DAMO-0059-2023)

This application will go before the Planning and Zoning Commission as a public hearing item on the April 11, 2023 agenda.



DATE: March 16, 2023

TO: Planning and Zoning Department

FROM: Peter Nielsen, Sr. Eng Plans Examiner

CC: 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: Craig Kulchak

OWNER: College of Western Idaho

ADDRESS: 5747, 5887, 0, & 0 Cherry Lane (R3041801100, R3040901000)

RE: **ANN-00270-2023, ZMA-00173-2023, & DAMO-00059-2023 – Annexation, Rezone, and Development Agreement Modification for CWI Expansion**

The Engineering Division does not oppose this application with the following comments/conditions:

General Comments:

1. A pre-application meeting for this development was held on 12/7/2022 with representatives from City of Nampa Engineering Division, and Planning & Zoning Dept. in attendance, with Nampa Fire District also in attendance.
2. The following public roads provide access to the property.
 - Cherry Ln – classified as “Principal Arterial”, 45-mph.
3. Required right of way dedication along Cherry Ln is 50’ from section line. Developer will be responsible for preparing and submitting legal description for the 50’ dedication along 5747 Cherry Ln for City review prior to annexation recording.
4. Site access for future development shall adhere to the City’s Access Management Policy for spacing and alignment requirements along a Principal Arterial classified road. Minimum centerline spacing shall be 250’ for opposing roads and 500’ for roads on the same side of the street.
5. Frontage improvements in accordance with Nampa City Code Section 9-3-1 will be required at the time of development.
 - Required arterial improvements include sidewalk, street drainage, and pavement improvements for widening or turn lanes as identified by a traffic impact study.
6. A Traffic Impact Study (TIS) is required for any project generating more than 100 new vehicle trips during any peak hour or 1,000 new daily trips (total in and out vehicular movements).

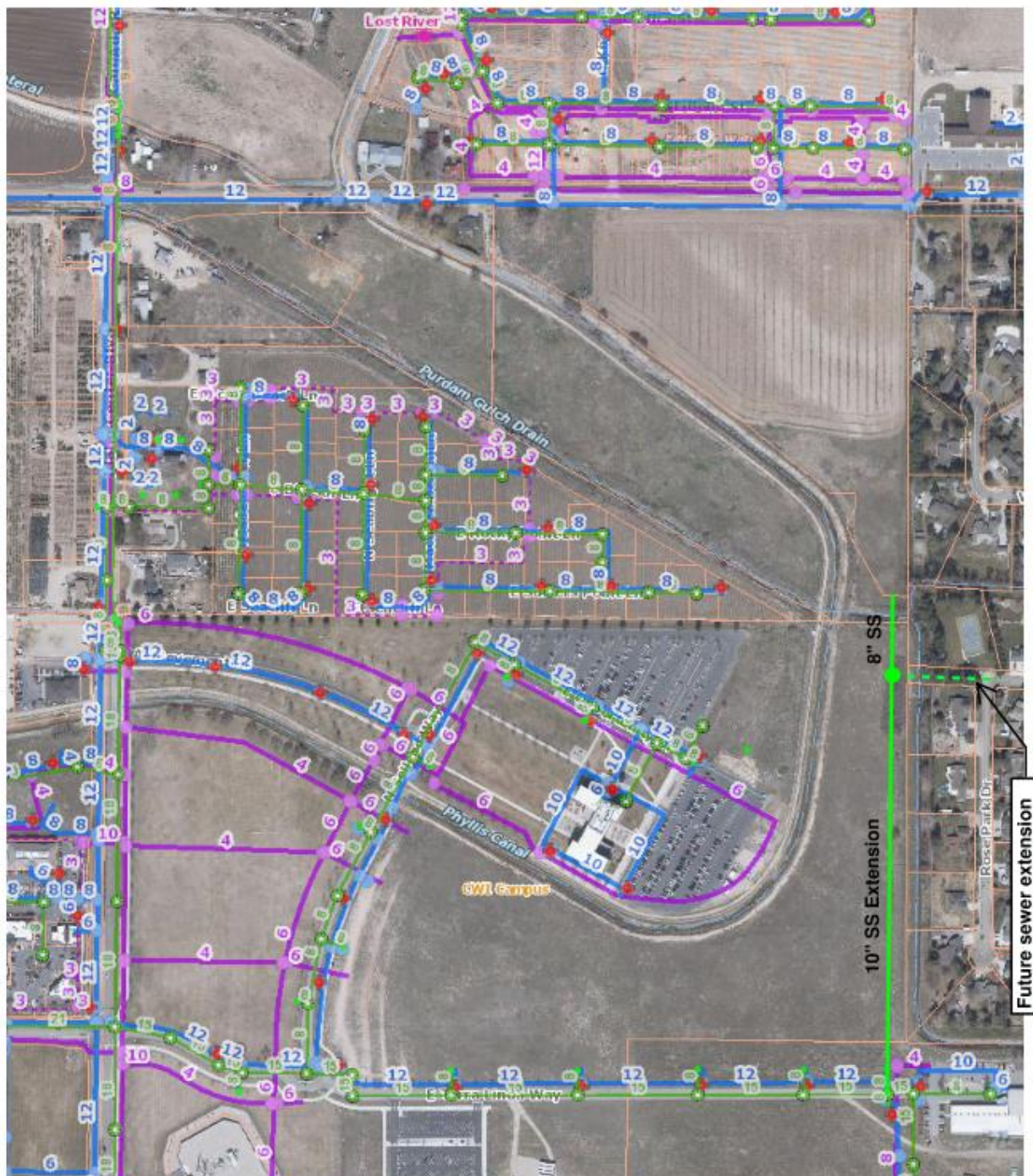
- There is insufficient information provided to determine whether a full TIS is warranted at this time.
 - At minimum, it is advisable to require a turn lane warrant analysis for proposed accesses Cherry Lane to determine if left or right turn lanes are required.
7. The City will be constructing a roundabout at the Idaho Center Blvd and Cherry Lane intersection this year with anticipated completion by September. Once complete, all major intersections surrounding the campus on Idaho Center Blvd, Cherry Lane, Star Rd, and Franklin Rd will have been improved with either traffic signals or roundabouts. Other capital improvement projects proposed for the area that area reflected in the City's Transportation Master Plan or by other agencies include:
- Hwy 16 Extension to I-84 – Currently in construction by ITD. Will include grade separated intersection with on/off ramps at Franklin Blvd.
 - Franklin Rd widening to 5-lanes from Star Rd to McDermott Rd – Anticipated construction in 2024.
 - Franklin Rd / McDermott Rd – Traffic signal proposed by ACHD with anticipated construction by 2026.
 - Winco block at Garrity /Flaming – Traffic operation improvements with anticipated construction by 2026.
 - Can Ada Rd / Ustick Rd – Roundabout with anticipated construction by 2027.
 - Can Ada Rd – Widening to 5-lanes from Cherry to Ustick (2030 to 2036).
 - Cherry Lane – Widening to 5-lanes from Franklin to Star (2030 to 2036).
8. The City currently maintains the following utilities in the area:
- Domestic water – 8" main in Terra Linda Way and 12" main in Cherry Ln.
 - Sewer – 15" sewer trunk in Terra Linda Way at +/- 20' depth.
 - i. A 10" sewer line should be extended north from Terra Linda Way along the Purdam Gulch Drain and kept sufficiently deep to cross the drain to the north and east at Rose Park Dr to serve the adjacent county subdivision (Cherry Lane Meadows Subdivision) to the east. Refer to Utility Map with sewer concept image below.
 - Pressure Irrigation – 8" main at Terra Linda Way and 12" main in Cherry Ln.
9. Nampa Bike & Ped Master Plan identifies a future pathway along Purdam Gulch Drain.

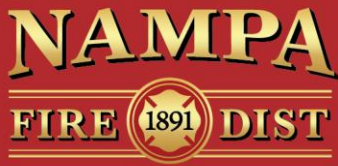
Conditions:

1. Any onsite wells no longer proposed for use on the property shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development and prior to connection to City services.

2. Property shall be annexed in the Nampa Municipal Irrigation District at the time of connection to pressure irrigation and prior to being served by the City's pressure irrigation system. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
3. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development.
4. Applicant/Owner shall dedicate the follow public road right-of-way as a condition of annexation:
 - Cherry Ln – 50' from the Section Line.
5. Applicant/Owner shall provide a turn lane warrant analysis for proposed access points along Cherry Ln to be reviewed and approved by the Nampa Engineering Division prior to constructing new accesses. Applicant/Owner shall construct turn lanes along with associated pavement widening if found to be warranted by the analysis.
6. Applicant/Owner shall apply for Site Improvement Permits with the City of Nampa Planning & Zoning Department and Engineering Division prior to any onsite construction of public utilities and new accesses to the public roads.
7. Applicant/Owner shall construct a pathway along the north side of the Purdam Gulch Drain in accordance with the Nampa Bicycle & Pedestrian Master Plan at time of property development.
8. Applicant/Owner shall construct 10" sewer main along the easterly property boundary and stub an 8" sewer main with public utility easement to the unimproved/ platted public right-of-way of Rose Park Drive for potential future extension into and service of the adjacent Cherry Lane Meadows Subdivision.
9. Applicant/Owner shall construct frontage improvements along Cherry Lane in accordance with Nampa City Code Section 9-3-1 and Nampa Standard Drawing N-822.

Utility Map





EXCELLENCE
SERVICE
STRENGTH IN UNITY

ADMINISTRATIVE OFFICE
9 – 12th Avenue South Nampa, ID 83651

208.468.5770

DATE: April 3, 2023

TO: City of Nampa – Planning and Zoning

FROM: Ron Johnson, Nampa Fire District, Fire Marshal

APPLICANT: Craig Kulchak

OWNER: College of Western Idaho

ADDRESS: 0, 5747, and 5887 Cherry Ln.

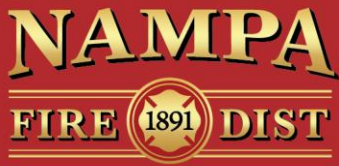
RE: ANN-00270-2023, DAMO-00059-2023, and ZMA-00173-2023

This application is for Annexation, Rezone, and Development Agreement Modification for CWI Expansion.

The Nampa Fire Department does not oppose the application subject to compliance with all the following code requirements and conditions of approval.

Conditions:

1. Fire hydrants, capable of producing the required fire flow, shall be located along approved fire lanes. Fire hydrant spacing shall meet the requirements of IFC table C105.1.1 (IFC 507.3, IFC B105.2, IFC C105).
2. Structures greater than 30-feet in height will require aerial fire access roadways. These roadways shall be a minimum of 26-feet in width and located at least 15-feet but no more than 30-feet from the building. (IFC D105)
3. Dead-end fire apparatus access roads exceeding 150 feet (45 720 mm) in length shall be provided with an approved area for turning around fire apparatus. (IFC 503.2.5)
4. Fire apparatus access roads shall extend to within 150 feet of all portions of the exterior walls of the first story of a building measured by an approved route around the exterior of the building or facility. (IFC 503.1.1)
5. Fire apparatus access roads shall have an unobstructed width of not less than 20 feet and an unobstructed vertical clearance of not less than 13 feet 6 inches. (IFC 503.2.1)
6. The minimum outside turning radius of a fire apparatus access road shall be 48 feet. The minimum inside turning radius shall be 28 feet. (IFC 503.2.4)
7. Fire apparatus access roads shall have an approved driving surface of asphalt, concrete or other approved driving surface and can support the imposed load of



EXCELLENCE
SERVICE
STRENGTH IN UNITY

ADMINISTRATIVE OFFICE
9 – 12th Avenue South Nampa, ID 83651

208.468.5770

fire apparatus weighing at least 75,000 pounds. Please provide documentation the road surface meets this standard. (IFC D102.1)

8. Fire apparatus access roads shall not exceed 10 percent in grade. (IFC D103.2)
9. For streets having a width less than 33 feet back of curb to back of curb parking shall be restricted on one side; for streets having a width less than 27 feet back of curb to back of curb parking shall be restricted on both sides. A note on the face of the final plat is required noting the parking restriction prior to signing of the final plat. In addition, No Parking signs shall be installed in accordance with the requirements of the IFC. (IFC 503.8)
10. Access gates shall comply with requirements of the IFC. If gates are electronically operated, they shall be equipped with an automatic opening mechanism activated by the Opticom system. Manual gates shall be secured with a Knox brand padlock (IFC 503.6, D103.5).

Emergency Response Time Analysis and Service Impact:

1. The City of Nampa 2040 comprehensive plan states the response objective for Nampa Fire Department is to arrive to 90% of emergency medical incidents within 5 minutes of the alarm time, and within 5 minutes and 20 seconds to fire incidents. To accomplish these response time objectives requires that travel distances be approximately 1 ½ miles from the nearest fire station. This development is located approximately 2.8 miles from Nampa Fire Station 3 with an approximate response time of 7 minutes.
2. Development of the property would result in the collection of Fire Impact fees to mitigate service needs in the Fire District.

General Requirement:

Fire Department required fire hydrants, access, and street identification shall be installed prior to construction or storage of combustible materials on site. Provisions may be made for temporary access and identification measures.

Specific building construction requirements of the International Building Code, International Fire Code and City of Nampa Code will apply. However, these provisions are best addressed by a licensed Architect at time of building permit application.

Keana Apau

From: Doug Critchfield
Sent: Monday, March 20, 2023 10:19 AM
To: Keana Apau
Cc: Breanna Son
Subject: RE: CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

Keana – The CWI Expansion application (ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023) has been reviewed by Nampa Planning and Zoning Future Planning with the following comments:

1. The Future Land Use Map Designation for this area is “Education, Public Administration, Healthcare and Other Institutions”. The application indicates the desired zoning as “U” (University) Zoning District.
2. The Nampa Comprehensive Plan (updated in March 2023), indicates the following:
“The ‘Education, Public Administration, Health Care and Other Institutions’ **designation includes** areas with unique uses and functions. These land uses include community services, educational campuses, civic venues, government buildings and uses, public and private schools, cemeteries, airports, transportation facilities, utilities, administrative facilities, hospitals, recreational facilities and other compatible public and quasi-public uses.”
3. The “U” (University) Zoning District is a permitted zone in the “Education, Public Administration, Healthcare and Other Institutions” and will not create a spot zone.
4. The SH 16 Corridor Specific Area Plan indicates a collector road from Cherry Lane to E Terra Linda Way.

Thank you - Doug

From: Keana Apau <apauk@cityofnampa.us>
Sent: Wednesday, March 15, 2023 2:55 PM
Subject: CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

Good afternoon everyone,

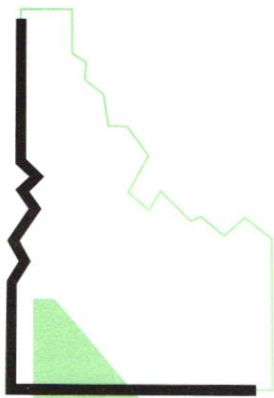
RE: Annexation, Rezone, and Development Agreement Modification for CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

I have attached for your review the application for Annexation and Zoning to the U (University) zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln (R3040900000 & R3040901000, in the NW 1/4, Section 7, T3N, R1W, BM), Rezone from RS 8.5 (Single-Family Residential) to U (University) zoning district and Development Agreement Modification, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747 Cherry Ln (R3041801100 & R3041800000, in the W 1/4, Section 7, T3N, R1W, BM) for the College of Western Idaho Expansion (ANN-00270-2023, ZMA-00173-2023 & DAMO-0059-2023)

This application will go before the Planning and Zoning Commission as a public hearing item on the April 11, 2023 agenda.

Please return all comments to Planning and Zoning staff (pzall@cityofnampa.us) prior to March 31, 2023.

Thank you,



ORGANIZED 1904

Nampa & Meridian Irrigation District

1503 FIRST STREET SOUTH
FAX #208-463-0092

NAMPA, IDAHO 83651-4395
nmid.org

OFFICE: Nampa 208-466-7861
SHOP: Nampa 208-466-0663

March 20, 2023

City of Nampa
Planning & Zoning
500 12th Avenue South
Nampa, ID 83651

**RE: ANN-00270-2023, ZMA-00173-2023, DAMO-00059-2023/ CWI Expansion;
0, 5887 & 5747 Cherry Ln.**

To Whom It May Concern:

Nampa & Meridian Irrigation District (NMID) requires a filed Land Use Change Application to review prior to final platting.

All private laterals and waste ways must be protected. The Districts Purdam Drain courses through this property. The Districts easement for the Purdam Drain at this location is a minimum of one hundred feet (100') total, fifty feet (50') each side. Please contact Pioneer Irrigation at (208) 459-3617, P.O. Box 426 Caldwell, ID 83606-0426 for any requirement they may have due to the impacts on their facilities.

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, NMID must review drainage plans. Developer must comply with Idaho Code 31-3805. Please feel free to contact me for further information.

Sincerely,

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

Cc: Office/ file
S. Pardew
A. Wolfe
Applicant



APPROXIMATE IRRIGABLE ACRES
RIVER FLOW RIGHTS - 23,000
BOISE PROJECT RIGHTS - 40,000

Keana Apau

From: Niki Benyakhlef <Niki.Benyakhlef@itd.idaho.gov>
Sent: Wednesday, March 29, 2023 2:45 PM
To: Planning-Zoning Staff
Cc: Keana Apau
Subject: [External]RE: CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

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

Good Afternoon, Nampa P&Z –

After careful review of the transmittal submitted to ITD on March 15, 2023, regarding CWI Expansion – ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023, the Department has no comments or concerns to make at this time. The parcel in which this expansion is on is approx. 1.4 miles North of I-84 and we believe it will have minimal impact in on the State Highway system.

Please let me know if you have any questions or concerns.

Thank you,



Niki Benyakhlef
Development Services Coordinator

District 3 Development Services
O: 208.334.8337 | C: 208.296.9750
Email: niki.benyakhlef@itd.idaho.gov
Website: itd.idaho.gov

From: Keana Apau <apauk@cityofnampa.us>
Sent: Wednesday, March 15, 2023 2:55 PM
Subject: CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

CAUTION: This email originated outside the State of Idaho network. Verify links and attachments BEFORE you click or open, even if you recognize and/or trust the sender. Contact your agency service desk with any concerns.

Good afternoon everyone,

RE: Annexation, Rezone, and Development Agreement Modification for CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

I have attached for your review the application for Annexation and Zoning to the U (University) zoning district on a 2.35 acre parcel and a 5.33 acre parcel at 0 & 5887 Cherry Ln (R3040900000 & R3040901000, in the NW 1/4, Section 7, T3N, R1W, BM), Rezone from RS 8.5 (Single-Family Residential) to U (University) zoning district and Development Agreement Modification, on a 13.5 acre parcel and a 19.09 acre parcel at 0 & 5747

Keana Apau

From: Kirk Meyers <kirk@pioneerirrigation.com>
Sent: Friday, March 17, 2023 8:58 AM
To: Planning-Zoning Staff
Cc: Dave Watkins
Subject: [External]CWI Expansion - ANN-00270-2023, ZMA-00173-2023, and DAMO-00059-2023

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

P&Z Staff,

Pioneer Irrigation Districts Phyllis canal is within this project location. The Phyllis canal has an easement of 20' from top of bank on both sides of the canal.

Per Idaho Code, 42-1209, written permission must be obtained from Pioneer Irrigation District, prior to any modification or encroachment of the Phyllis canal or corresponding easements.

Thanks,

Kirk Meyers
Superintendent
Cell (208) 250-8223
Office (208) 459-3617