



## PLANNING & ZONING DEPARTMENT

Before the Planning & Zoning Commission  
Meeting of 12 APRIL 2016

### PUBLIC HEARING ITEM NO. 7 STAFF REPORT

**Analyst:** Robert Hobbs

**Applicant(s):**

Mark and Sheri Murray

**File(s):** CMP 2167-16 & ANN 2168-16

**Requested Action Approval(s)**

**/Recommendation(s)/and Property Location(s):**

1. **Comprehensive Plan Future Land Use Map Amendment from "Employment Center" to "Low Density Residential"** (decision required: *recommendation*) and, by association;
2. **Annexation from "County" into the City of Nampa and Zoning Assignment of land to "RA" (Suburban Residential)**...(decision required: *recommendation*)

**Pertaining to:**

A certain parcel of land addressed as 1906 S. Powerline Road; being a 4.683 acre portion of ground located in the SW  $\frac{1}{4}$  of the N  $\frac{1}{2}$  of the SW  $\frac{1}{4}$  of Section 35, T3N, R2W lying east of S. Powerline Road, and north of E. Greenhurst Road (hereinafter the "Property"...

---

### COMPREHENSIVE PLAN MAP AMENDMENT

---

In the 2010 Idaho Legislative session, House Bill no. 608 was signed into law. This law provides that changes to a comprehensive plan land use map may be recommended by a Planning & Zoning Commission at any time, unless the local governing board has established by Resolution a minimum interval between requested amendments not to exceed six months.

More important to this matter, **the two criteria that used to found in state law to guide the Commission and Council in determining whether to allow the modification or not are [now] absent from the same and from City ordinance(s)**. Thus, approving or not a

requested comprehensive plan change/amendment becomes a purely subjective matter and decision on the part of a City like Nampa. In our case, Staff has been suggested that both the Commission and Council still give some consideration as to whether the area around a property under review for a Comprehensive Plan amendment is in flux and/or whether an error of some kind was made in the original Plan or on its associated Future Land Use Map that the current proposal would be fixing – or that an update to the same is warranted.

As to the matter made the subject of this report, the Property is currently nestled in an “Employment Center” setting in Canyon County’s jurisdiction while being an “enclaved” parcel. Changing the Comprehensive Plan Future Land Use Map’s setting of “Employment Center” to “Low Density Residential” as requested would better acknowledge the current land use of the Property and surrounds, and provide a more realistic future development setting than the current Employment Center setting. Staff is of the opinion that the Comprehensive Plan’s Future Land Use Map’s assignment of the “Employment Center” setting on the Property is, after in a manner, equivalent to an error in the Plan.

Were the City to ultimately assign a residential setting to the Property and later to its surrounds, such a setting would provide the undergirding support to residential zones to be assigned to the land in question upon future, voluntary annexation. This, we believe, would be in care and keeping with both what current land uses occupy the area, would dovetail with City zones currently assigned to other lands nearby the Property, and, would support those land uses Staff believes would be proposed to be built out on ground in the area by future developers. Such harmonization between actual, existing land use of the Property, surrounding land uses, a revised Comprehensive Plan Map callout for the Property and surrounding area, and, use of City zones in care and keeping with the Comprehensive Plan Map would be considered, per industry practice and court decree, appropriate (i.e., needful/desirable/sustainable).

The impetus for this application package stems from the Applicants’ desire to split their property as County regulations will not allow for the parcel sizes contemplated by the split (i.e., for the new parcel and “remnant” parcel) as currently the County has Ag zoning superimposed on the Property (see Applicant’s narrative hereto attached). Staff has already provided correspondence relative to the animals intended to be kept on the two properties post annexation that will vouchsafe their legal, non-conforming (“grandfathered”) right to be on the Property in the event the same is brought into the incorporated limits of the City of Nampa.

---

## ANNEXATION/[RE]ZONING CONCLUSIONS OF LAW

---

**10-2-3 (C) Annexations and/or Rezones/Zoning assignments must be reasonably necessary, in the interest of the public, further promote the purposes of zoning, and be in agreement with the adopted Comprehensive Plan for the neighborhood.**

---

## ANNEXATION/[RE]ZONING FINDINGS OF FACT

---

**(PERTAINING TO THE APPROXIMATELY 4.683 ACRES OF LAND REQUESTED TO BE ANNEXED):**

**Zoning: Regarding Applicant's Proposed/Desired Annexation and Zoning Assignment Request (to RA) Staff finds:**

**1. Surrounding Zoning:**

That County land currently adjoins the Property to the north, east, south and west; an area of City RS 6 zoning abuts the northwest corner of the Property (see attached Vicinity Map); and,

**2. Immediately Surrounding Land Uses:**

Generally: On all sides rural residential with a single-family residential subdivision to the northwest of the Property and a cemetery to the southeast (RS 22 zoned land); and,

**3. Connectivity of Property to City:**

That the Property is eligible for consideration for annexation; it abuts City land at its northwest corner; and,

**4. Proposed Zoning:**

That the RA district is Nampa's "suburban residential" zone, requiring 30,000 sq. ft. minimum lot sizes (about  $\frac{3}{4}$  of an acre) and constrains land use to housing and light agricultural uses for the most part. Given the Property's historic use, proposed split and use of the new parcel, and, the activities/nature of uses/properties surrounding the Applicants' Property, Staff believes RA zoning to be a "good fit" for the Property; and,

**5. Reasonable:**

That it may be variously argued that consideration for annexing and zoning the Property is reasonable given that: a) the City has received an application to annex the Property and amend its official zoning map by the Property owner; and, b) annexation and zoning is a legally recognized legislative and quasi-judicial act long sanctioned under American administrative law; and, c) within the City of Nampa, annexing and zoning assignment is a long standing (and code sanctioned) practice; and, d) other lands in the vicinity of the Property have been added to the City via annexation with zoning assigned at time of their incorporation; and, e) the Property is eligible by law for annexation and zoning assignment; and, f) that the Applicant intends to further use of the Property (and a newly contemplated parcel to be split therefrom) in care and keeping with past practice and comparable to the land use employed by adjoining property owners; and, g) City utility services are available to the Property; and, h) emergency services are available to the Property; and,

**6. Public Interest:**

That Nampa has determined that it is in the public interest to provide varying residential development opportunities and diverse residential property and housing types. Expressions of that policy are made in Nampa's adopted Comprehensive/Master Plan as well as embodied in its decisions to date regarding similar applications; and,

**7. Promotion of Zoning Purpose(s):**

That among the general (and Nampa endorsed) purposes of zoning is to promote orderly, systematic development and patterns thereof which preserve and/or enhance public health, safety and welfare. Included in our residential zoning regulations, therefore, are standards governing residential development which pertain to allowable land uses, building setbacks, building heights, provision of parking and service drives or driveways, property landscaping, etc. We find that this application proposes a basic, code compliant development plan – varying details of the same will be, in the future, addressed through the building permit review processes subsequent to any zoning land entitlement; and,

**8. Comprehensive Plan:**

That the adopted Comprehensive Plan designates the Property as being suitable for [a] "Employment Center" development (see attached Comprehensive Plan Map copy). Such a setting was expectedly superimposed to encourage development of the area around the Property into a mixed use (primarily light commercial) activity area. Again, the Applicants have submitted a request to change the Comprehensive Plan designation for the Property. Staff believes such a request to be logical given the less than ideal conditions associated with trying to foster commercial development of the Property and its surrounds, the veritable constraints associated with the rights-of-way providing access/connectivity to/from the Property to other City locales (i.e., due to road speeds, road sections' distance to main arterials, underdeveloped right-of-way, spot placement of the Employment Center setting, etc.) and the presence of pre-existing development (primarily residential) scattered unevenly in the vicinity of, and surrounding, the Property; and,

**9. Services:**

That utility and emergency services are, or can be made, available to the Property...

**In summary, the Property may be zoned RA, but nothing will [ultimately] force the Council to do so as it acts in its quasi-judicial capacity to decide on the proper land use zone/district to assign to the Property. Given the findings noted above, however, RA zoning is certainly an "entertainable" zone and recommend for imposition...**

**Public/Agency/City Department Comments:**

Any correspondence from agencies or the citizenry regarding this application package [received by noon April 06, 2016] is hereafter attached to this report. Staff has not received commentary from any surrounding property owners or neighbors either supporting or opposing this request.

---

## RECOMMENDED CONDITIONS OF APPROVAL

---

N/A at the time of this report's publication...

---

## ATTACHMENTS

---

- Copy of Vicinity Map  
(page/Exhibit 6)
- Copy of Comprehensive Plan Future Land Use Map Amendment application form  
(page/Exhibit 7)
- Copy of Annexation application form  
(page/Exhibit 8)
- Copy of aerial photo of depicting Property and surrounds with zoning shown  
(page/Exhibit 9)
- Copy of Comprehensive Future Land Use Map section depicting Property and surrounds  
(page/Exhibit 10)
- Copy of aerial photo of the Property  
(page/Exhibit 11)
- Copy of Applicants' project explanation letter  
(page/Exhibit 12)
- Copy of [any] inter-departmental/agency/citizen correspondence  
(pages/Exhibits 13+)





K2 PZ  
Robert

# APPLICATION FOR AMENDMENT OF COMPREHENSIVE PLAN

City of Nampa, Idaho

CMP 2167-16 7

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$421.00 (for 1 acre or less), and \$842.00 (for more than 1 acre) for a map amendment; or \$213.00 for a text amendment.

Name of Applicant/Representative: Mark S. or Sheri L. Murray Phone: 631-1879/695-4308  
Address: 1906 S. Powerline Rd City: Nampa State: ID Zip Code: 83686  
Applicant's interest in property: (circle one) Own Rent Other \_\_\_\_\_  
Owner Name: Same Phone: \_\_\_\_\_  
Address: \_\_\_\_\_ City: \_\_\_\_\_ State: \_\_\_\_\_ Zip Code: \_\_\_\_\_

Address of subject property: 1906 S. Powerline Road, Nampa, Idaho

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

### Subject Property Information

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the amendment):

Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)  
Old or illegible title documents will need to be retyped in a WORD formatted document

Subdivision \_\_\_\_\_ Lot \_\_\_\_\_ Block \_\_\_\_\_ Book \_\_\_\_\_ Page \_\_\_\_\_

### Project Description

State (or attach a letter stating) the requested zoning, the land use change(s) and the reason for the proposed change(s) and the use(s) which will be involved: RA Suburban Residential / Plan to annex entire parcel, split, an sell 1.878 acres to son and daughter-in-law for building of their new house.  
FROM EMPLOYMENT CENTER TO LOW DENSITY RES

If this application is for a change of plan text complete the following:

State (or attach a letter stating) the text changes requested, the page numbers in the plan, the reason for the proposed changes and why they would be in the interest of the public (attach the full text of the proposed amendment, as necessary):

Dated this 11<sup>th</sup> day of March, 2016

Sheri L. Murray  
Signature of applicant

### NOTICE TO APPLICANT

This application shall be referred to the Nampa Planning Commission for consideration at a public hearing. The Planning Commission will then make its recommendation to the City Council.

If the amendment is recommended for approval a second hearing shall be held before the City Council. If the amendment is recommended for denial you may appeal the decision to the City Council within 15 days from the date of such action by the Planning Commission. At least 15 days prior to each hearing, notice of time and place and a summary of the amendment(s) to be discussed shall be published in the Idaho Press-Tribune. 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.

Any person may apply for a plan amendment at any time to correct errors in the original plan or to recognize substantial changes in the actual conditions of an area.

### For Office Use Only:

File Number: CMP 2167 - 2016 Project Name: \_\_\_\_\_



APPLICATION FOR ANNEXATION/ZONING
City of Nampa, Idaho

This application must be filled out in detail and submitted to the office of the Planning Director for the City of Nampa, Idaho, accompanied by a nonrefundable fee of \$452.00 (for 1 acre or less), and \$910.00 (for more than 1 acre).

Applicant Information

Name of Applicant/Representative: Mark S. or Sheri Murray Phone: 631-1879/695-4308
Address: 1906 S. Powerline Rd City: Nampa State: ID Zip Code: 83686
Applicant's interest in property: (circle one) Own Rent Other
Owner Name: Same Phone:
Address: City: State: Zip Code:

Address of subject property: 1906 S. Powerline Road, Nampa, Idaho

Is a copy of one of the following attached? (circle one) Warranty Deed Proof Of Option Earnest Money Agreement.

Subject Property Information

(Please provide one form of the following REQUIRED DOCUMENTATION to complete the legal annexation):

[X] Original Legal description of property AND a legible WORD formatted document. (Must have for final recording)
Old or illegible title documents will need to be retyped in a WORD formatted document

[ ] Subdivision Lot Block Book Page

Project Description

State the zoning desired for the subject property: RA Suburban Residential

State (or attach a letter stating) the reason for the proposed annexation and any proposed plans for the use of the subject property:

Plan to annex entire parcel, split, and sell 1.878 acres to son and daughter-in-law for the building of their new house.

Dated this 11th day of March, 20 16

Sheri Murray
Applicant Signature

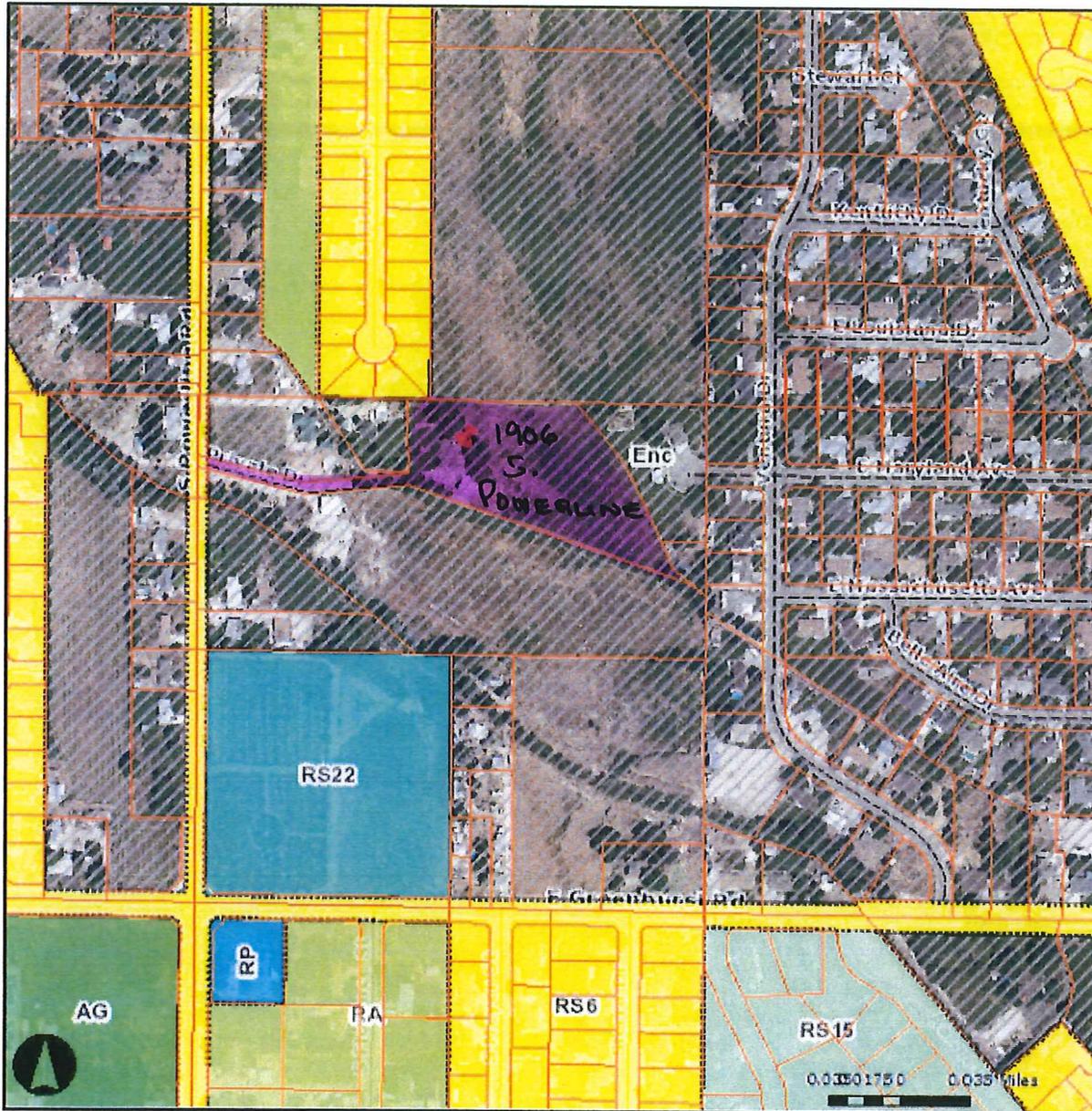
NOTICE TO APPLICANT

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

For Office Use Only:

File Number: ANN - 20 Project Name:

# Map



Address Candidates



County Parcels



Proposed Parks & Open Space



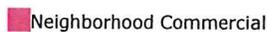
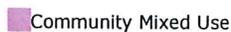
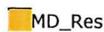
Future Interchanges



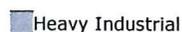
Specific Plan Areas



Proposed Land Use



Proposed Land Use (continued)



10

# Map



### Address Candidates



### Address Points

- Active
- Hold
- Proposed
- Retired
- Other

### Future Interchanges



### Specific Plan Areas



### Proposed Land Use

- Ag
- LD\_Res
- MD\_Res

### Proposed Land Use (continued)

- Highway Commercial
- General Commercial
- Business Park
- Downtown
- Employment Center
- Light Industrial
- Heavy Industrial

3-11-16

Annexation Request / Mark + Sheri Murray / 1906 S. Powerline Rd

11



CMP 2167-16  
ANN 2168-16 12  
CUP 2169-16  
NON-CONF. USE

March 17, 2016

Mr. Norm Holm  
Director  
Planning and Zoning Department  
City of Nampa  
411 Third Street South  
Nampa, ID 83651

RE: Annexation Request to Residential-Agricultural Suburban Residential District/Zone  
1906 South Powerline Road, Nampa, Idaho

Dear Mr. Holm,

Please accept this letter as our request to be annexed into the City of Nampa.

My husband, Mark, and I have resided in Nampa since July 1992. We purchased almost five acres at 1906 South Powerline Road, an enclaved parcel. We built a new house and installed a private well and septic. Irrigation water is provided by Nampa and Meridian Irrigation District. Through the years we raised our children in the community of Nampa and have become accustomed to a rural way of life. We have at times owned up to eight head of horses, six dogs, several cats, sheep and goats. Our children participated in 4-H activities. Currently we have four dogs, two cats, and provide pasture for up to eight horses.

The purpose of this annexation request is to be able to split our parcel one time and sell 1.878 acres to our son and daughter-in-law. They intend to build their new house on this acreage. Contact has been made with the Idaho Department of Water Resources, and the Southwest District Health Department. Neither entity found issue with the permitting for well or septic.

Attached you will find the necessary applications and supporting documentation related to this annexation request. Your consideration is appreciated.

Sincerely,



Sheri Murray

cc: file

enclosures

13

## Christopher Daly

---

**From:** Eddy Thiel <eddy@nampahighway1.com>  
**Sent:** Wednesday, March 30, 2016 1:59 PM  
**To:** Christopher Daly  
**Subject:** CMP 2167-16 & ANN 2168-16

Good Afternoon Christopher,

The Nampa Highway District #1 has no objection to the Comprehensive Plan Amendment from Employment Center to Low Density Residential, and Annexation and zoning to RA for a parcel split at 1906 S. Powerline Rd for Mark and Sheri Murray, as it is not within the Highway District's jurisdiction.

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

Thank you,

Eddy

---

Eddy Thiel  
ROW  
[eddy@nampahighway1.com](mailto:eddy@nampahighway1.com)  
4507 Highway 45. • Nampa, id 83686  
TEL 208.467.6576 • FAX 208.467.9916