



## PLANNING & ZONING DEPARTMENT

Before the Planning & Zoning Commission  
Meeting of 24 MAY 2016

### PUBLIC HEARING ITEM NO. 3 STAFF REPORT

**Applicant(s)/Engineer(s), Representative(s):**

Zane Powell as Applicant representative

**File(s):** ANN 2197-16

**Analyst:** Robert Hobbs

**Requested Action Approval(s)/Recommendation(s) & Project Area/Location:**

**1. Annexation and Zoning Assignment of an IH (Heavy Industrial) Zone (Decision Required – Recommendation):**

Of and upon certain land addressed as 0, 9364, 9326, and 0 Cherry Lane (an approximate 39.152 acre portion of Section 04, T3N, R2W, SE ¼, Tax 3, Tax 3-A, Tax 15197, and Tax 95440 in the SW ¼ of the SE ¼ of Section 04, T3N, R2W, BM, Canyon County, Idaho) – hereinafter the "Property"...

To facilitate development of a headquarters [office] and warehousing operation for fuel, diesel, and oil distribution...

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### ANNEXATION/[RE]ZONING CONCLUSIONS OF LAW

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**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.**

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## ANNEXATION/[RE]ZONING FINDINGS OF FACT

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### **Pertaining To The 39.152 Acres Of Land Requested To Be Annexed and Zoned IH, Staff Notes That It May Be Found:**

**1. Surrounding City Zoning:**

That City Ag (Agricultural) zoned land adjoins the Property to the south, that City IH (Heavy Industrial) zoned land adjoins said Ag zoned land to its south, that County land zoned RR (Rural Residential) adjoins the Property to its west, north, County land zoned Industrial (Heavy?) lies to its east, and, that a section of IL (Light Industrial) zoned land lies kitty corner to the southwest of the Property across Cherry and Ten Lanes (see attached Vicinity Map); and,

**2. Surrounding Land Uses:**

That open land abuts the Property to the north, east and south, a mobile home park lies kitty corner to the southeast across Cherry and Ten Lanes, and rural residences lie to the west of the Property. South of the open land on the southern side of the Property is Amalgamated Sugar; and,

**3. Reasonable:**

That it may be variously argued that annexation of the Property is reasonable given that the Property is already located within the City of Nampa Impact Area in an area expanding with or expected to contain industrial uses; that an annexation pathway exists providing a chain of connectivity between land already in the City's limits and the Property so that a "shoe string" connection is not forced/caused by virtue of this application; that City utility and/or emergency services are, or may be made, available to the Property; that the Property is a large section of relatively flat open ground located in such a way as to be readily developed into an industrial use, the Property adjoins right-of-way classified, at the very least, as a "collector" and, that across the railroad tracks to the east the County has designated that abutting land for future industrial development; and,

**4. Public Interest:**

That Nampa has determined that it is in the public interest to, "Preserve the existing industrial areas for industrial use, develop additional industrial areas where appropriate, and provide for the physical rehabilitation and economic revitalization of industrial areas through public and private efforts." (Nampa Comprehensive Plan 2035, Chapter 5: Land Use, p.127). Such a goal contemplates [as strategy and objective] the need to "encourage industrial infill development where possible", and,

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

That one of the multiple purposes of zoning strives to ensure orderly, systematic property development at the micro level and orderly patterns of development at the more macro level which promote public health, safety and welfare. Included in the regulations therefore governing subdivision development are standards appertaining to housing density, building setbacks, building heights, provision of parking for housing, yard landscaping maintenance, street dimensions and composition standards, street lighting regulations, etc. We find that the Project proposed during a Conceptual Plan Review meeting held with City department representatives an orderly/reasoned, but

unique, concept development plan – some details of the same to be expectedly presented hereafter during the Applicant’s presentation to the Commission; and,

**6. Comprehensive Plan:**

That the currently adopted (Feb. 2012) Comprehensive Plan Future Land Use Map designates the Property as being within, and suitable for both “Light” and “Heavy” Industrial development (one side of the Property is in the light area, the other in the heavy setting).

According to the City’s Comprehensive Plan, the “Light and heavy designation [sic] would address a variety of uses including existing industrial and manufacturing operations, as well as “lighter” industry, storefront, warehousing, wholesaling, research and development activities..... Industrial land uses includes light and heavy designations that address a variety of uses including existing industrial, warehousing, general manufacturing, railroad, and industrial business park and a wide range of manufacturing and related establishments, research, supplies and sales.”

Staff’s view is that the proposed use, in general nature, best conforms to the precepts associated with heavy industrial zoning. Since 2004, the Comprehensive Plan’s Future Land Use Map has been deemed capable of having its “settings” stretched to overlap adjoining properties without the need to formally amend the Comprehensive Plan. This provides warranted flexibility to property development especially where setting boundaries do not agree with property line locations or ownership patterns. Accordingly, the proposed annexation and project development associated therewith are construed as being agreeable to the City’s master plan as the “Heavy Industrial” setting may be stretched over the half of the Property that lies currently within the “Light Industrial” setting (or vice versa) without creating a need to amend the plan’s map.... Accordingly, the Property is deemed suitable for either light or heavy industrial development.

**7. Further, that:**

- a. The Property is currently within Canyon County’s jurisdiction; and,
- b. Agency/City department comments have been received regarding this matter. Such correspondence as received from agencies/departments or the citizenry regarding this application package [received by noon May 18, 2016] is hereafter attached to this report.
  1. City Engineering has no objection(s) concerning the annexation/zoning application, and has provided recommended requirements in the event that Property is annexed/zoned and the proposed Project entitled for development; and,
  2. City services may be made available to the Property by bringing in sewer (dry-line) and a dry line pressure irrigation extension; the domestic water to service the site is in Cherry Lane already...emergency services are available; and,
  3. The Property adjoins railroad tracks, an important part of the proposed business plan/infrastructure need for the intended use. The Property is located in an open, agricultural/rural residential like area; thus, some question of compatibility

of the proposed use vs. existing neighboring properties' uses is likely, and understandably, an issue that will likely arise with this application.

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## RECOMMENDED CONDITION(S) OF APPROVAL

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Should the Planning and Zoning Commission vote to recommend to the City Council that the requested Annexation and related proposed Zoning Assignment application be approved, then Staff would suggest that the Commission recommend that the Council impose the following Condition(s) of Approval against the Development/Applicant as part of the Annexation/Zoning Assignment's conditions set:

**Generally:**

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

**Specifically:**

2. That the Developer [shall] enter into a Development Agreement with the City of Nampa. The Agreement shall contain such conditions, terms, restrictions, representations, exhibits, acknowledgments and timelines as necessary to facilitate development of the Property as contemplated by the Developer and agreed to and conditioned by the City through its Council or executive departments or outside agencies properly involved in the review of the Developer's request for the Property to be zoned IH. Inclusively, the Agreement shall contain any/the concept development plans proposed by virtue of this composite application submittal as accepted, or accepted with required changes, by the City's Council....

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## ATTACHMENTS

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- Copy of Vicinity Map (page/Exhibit 5)
- Copy of Annexation Application (page/Exhibit 6)
- Copy of Comprehensive Plan Future Land Use Map of Property and surrounds (page/Exhibit 7)
- Copy of topographic survey of Property (page/Exhibit 8)
- Copy(ies) of any City department, outside City agency and/or citizen correspondence (pages/Exhibits 9--11)
- Copies of Google Maps overhead view images of the Property and its surrounds (pages/Exhibits 12-13)
- Copies of any citizen correspondence (pages/Exhibits 14+)





5/24/16  
Robert

# APPLICATION FOR ANNEXATION/ZONING

City of Nampa, Idaho

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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: Zane Powell Phone: (208) 419-5886  
Address: 2251 North Holmes Ave City: Idaho Falls State: Idaho Zip Code: 83401  
Applicant's interest in property: (circle one) Own Rent Other Employee, Construction Manager  
Owner Name: Hansen & Hansen, LLP Phone: (208) 419-5886  
Address: 2251 North Holmes Ave. City: Idaho Falls State: Idaho Zip Code: 83401

Address of subject property: Approx: 9326 Cherry Lane, Nampa, Idaho 83687

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):

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: IH Heavy Industrial

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

Annex into the City of Nampa and zone to Heavy Industrial this approximate 40 +/- acre parcel. Parcel will be developed into our Boise Valley headquarters and warehousing facility for our fuel, diesel, and oil distribution business.

Dated this 27 day of April, 20 16

Applicant Signature

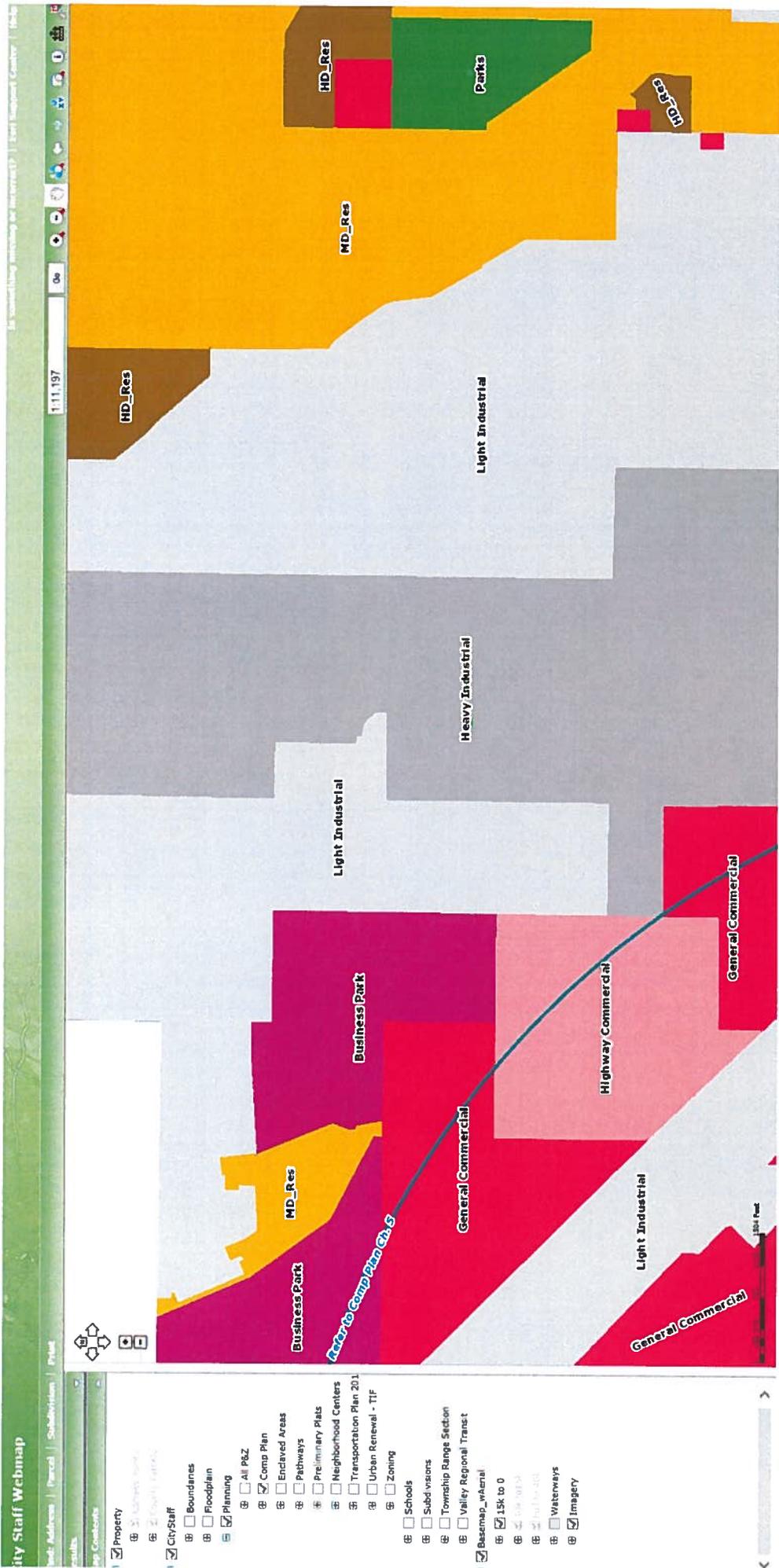
### NOTICE TO APPLICANT

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: \_\_\_\_\_

~~2197-16~~ ?  
2197-16



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PART OF  
SECTION 4, T. 3 N., R. 2 W.B.M.  
CANYON COUNTY, IDAHO

TOPOGRAPHIC SURVEY  
NAMPA TANK FARM  
SEC. 4, T. 3 N., R. 2 W.B.M.  
CANYON COUNTY, IDAHO

DATE: APRIL 2018  
JOB NO. 2018-008  
BY: [Signature]

LAND SURVEYING | DESIGN BUREAUING  
GEOLOGICAL AND STRUCTURAL ENGINEERING | MATERIALS TESTING  
800 W. Judicial Street • Blackfoot, Idaho 83221 • OFFICE PHONE: 208.785.2974 • FAX: 208.785.2990  
985 N. Capital Avenue • Idaho Falls, Idaho 83405 • OFFICE PHONE: 208.524.0212 • FAX: 208.524.0229  
460 Lincoln Street • American Falls, Idaho 83211 • OFFICE PHONE: 208.226.5764  
COMPANY: 2018 I.E. ALL RIGHTS RESERVED.

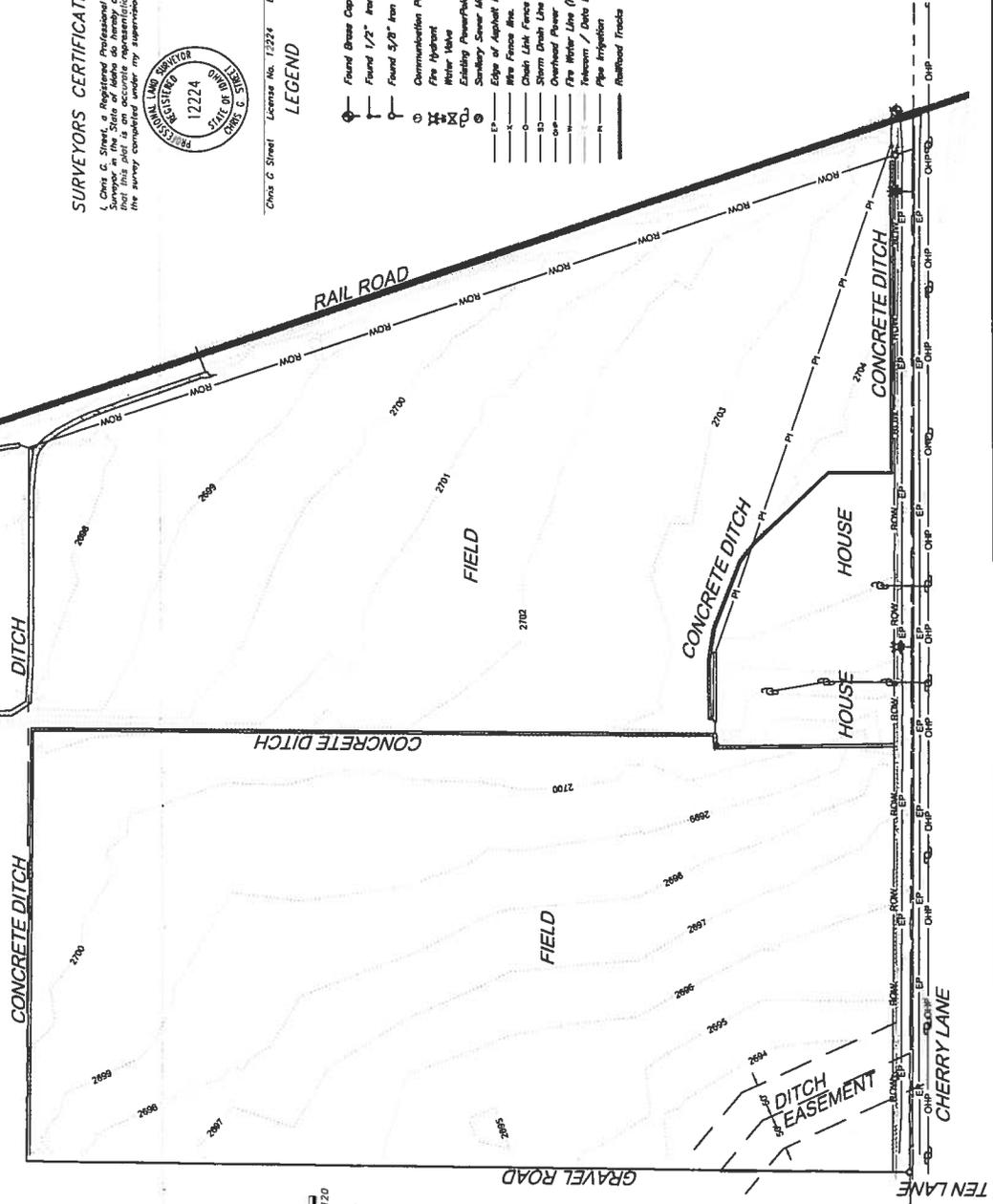
**SURVEYORS CERTIFICATE**  
I, Chris C. Street, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that the above is a true and correct representation of the survey conducted under my supervision.



Chris C. Street License No. 12224 Date

**LEGEND**

- Found Brass Cap Monument
- Found 1/2" Iron Rod
- Found 5/8" Iron Rod
- Communication Facilities
- Fire Hydrant
- Water Valve
- Existing Power/Pole
- Sanitary Sewer Manhole
- Edge of Asphalt Pavement
- Wire Fence Line
- Chain Link Fence Line
- Storm Drain Line
- Overhead Power
- Fire Water Line (Not Culinary)
- Telecom / Data Line
- Pipe Irrigation
- Railroad Tracks



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**Shellie Lopez**

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**From:** Neil Jones  
**Sent:** Thursday, May 05, 2016 8:03 AM  
**To:** Shellie Lopez  
**Subject:** RE: Annexation for 40+ acre parcel off Cherry Lane/Zane Powell ANN 2197-16

Building Department has no conditions on the Annexation of this property, but will require permits for any work being done on the property.

Neil Jones

**From:** Shellie Lopez  
**Sent:** Tuesday, May 03, 2016 4:01 PM  
**To:** Amanda Morse <morsea@cityofnampa.us>; Beth Ineck <ineckb@cityofnampa.us>; Brent Hoskins <hoskinsb@cityofnampa.us>; Carl Miller <CMiller@compassidaho.org>; Craig Tarter <tarterc@cityofnampa.us>; Daniel Badger <BadgerD@cityofnampa.us>; Don Barr <barrd@cityofnampa.us>; Eric Skoglund <skoglundl@cityofnampa.us>; Jennifer Yost <yostj@cityofnampa.us>; Jim Brooks <brooks@cityofnampa.us>; Michael Fuss <fussm@cityofnampa.us>; Neil Jones <jonesn@cityofnampa.us>; Patrick Sullivan <sullivanw@cityofnampa.us>; Ray Rice <ricer@cityofnampa.us>; Robin Collins <collinsrr@cityofnampa.us>; Soyla Reyna <reynas@cityofnampa.us>; Sylvia Mackrill <mackrill@cityofnampa.us>; Tina Fuller <tfuller@compassidaho.org>; Tom Laws <tlaws@compassidaho.org>; Vickie Holbrook <holbrookv@cityofnampa.us>  
**Subject:** Annexation for 40+ acre parcel off Cherry Lane/Zane Powell ANN 2197-16

**Good Afternoon!**

**ANN 2197-16:**

Zane Powell on behalf of Hansen & Hansen, LLC has requested Annexation to IH (Heavy Industrial District) zone, for the property located at 9326 Cherry Lane, R30851, R30850, R30851010, a 40+ acre parcel all of SW1/4SE1/4 and SE1/4SE1/4 of Section 4, T3N, R2W, B.M.

Hansen & Hansen, LLC is requesting the Annexation & Heavy Industrial zone for the 40+ acre parcel. The parcel will be developed into their Boise Valley Headquarters and warehousing facility for their fuel, diesel, and oil distribution business.

The Annexation application will go before the Planning & Zoning Commission as a public hearing item on the May 24, 2016 agenda.

Please find attached the ANN 2197-16 file for your review and send all comments to my attention or to Sylvia Mackrill ([mackrill@cityofnampa.us](mailto:mackrill@cityofnampa.us)) no later than May 11<sup>th</sup>.

Thank you & have a great day!

# Memorandum

**To:** Planning and Zoning

**Cc:** Daniel Badger, P.E., Staff Engineer

**Cc:** Michael Fuss, P.E., Nampa City Public Works Director

**From:** Jim Brooks – Engineering Division

**Date:** May 10, 2016

**Rev:**

**Applicant:** Zane Powell on behalf of Hansen & Hansen, LLP

**Applicant Address:** 2251 North Holmes Ave., Idaho Falls, Idaho 83401

**Parcel Address:** 9326 Cherry Lane

**Re:** Annexation and Zoning – for Hansen & Hansen, LLP

**ANN2197-16 for the May 24, 2016 Planning and Zoning Meeting**

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Current fire flow at this location is better than 2,000 GPM.

The Engineering Division has no concerns with granting this request with the following conditions:

**General:**

- That a development agreement is entered into with the City that will stipulate compliance with all Adopted City development standards.
- That all necessary and required public utilities are extended at owner's expense, including but not limited to the public sewer and pressure irrigation mains to and through the project in accordance with current city policy shall be required.
  - Sewer: Dry-line sewer main required along site frontage. City will assist the design engineer to establish the grades for the dry-line sewer.
  - Pressure Irrigation: 12" dry-line pressure irrigation main required along entire site frontage. Alignment and location to be in accord with City Master plan.
  - Easements shall be provided for all on-site utilities in accordance with the requirements of the utility purveyor.
- Abandonment of any existing domestic well or septic systems will be accomplished under the guidelines established by:
  - Domestic Well - Idaho Department of Water Resources (unless to be utilized as an irrigation supply for the required landscaping).
  - Septic Systems – Southwest District Health Department
  - Copies of all related documents certifying that the well and septic system have been abandoned shall be forwarded to the City of Nampa Engineering Division for the project files.

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- Continued use of a septic system, due to City sewer not being available at this time, is required to be permitted through the Southwest District. Health Department.
  - That access to any irrigation district laterals or facilities is maintained in accordance with the irrigation district's policies. The developer may be required to enter into a license agreement with the district regarding access and improvements to their facilities. Plans for any proposed improvements are required to be approved by both the irrigation district and the City of Nampa.
  - As necessary granting of any access or facility easements for and to the City of Nampa and any other utility company or jurisdictional entity as necessary for the operation and maintenance of any utility existing, proposed, or relocated with the development of this site.

**Access and Right-of-Way**

- Access shall be in accord with the current adopted Access Management Policy.
- Cherry Lane is classified as an arterial per the 2035 functional classification study.
- Right-of-way dedication required. Width shall be a minimum of 50' from centerline of Cherry lane for a half of a future 100' right of way.
- Full frontage improvements are required and will include, but not be limited to-
  - Curb, gutter, and sidewalk
  - Pavement widening
    - Engineering will support deferral of the above required improvements
  - Landscaping as required
  - Stormdrainage

Deferral for the construction of the required frontage improvements is required to be made in writing to the City Engineer for consideration.



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