Planning & Zoning Department

Before the Planning & Zoning Commission
July 9, 2019

STAFF REPORT – PUBLIC HEARING #2

Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. at 11460 Lake Lowell Ave for a two-parcel split. (ANN125-19)

Applicant & Owner(s): Jared and Melissa Lindsay

File No: ANN 125-19

Prepared by: Rodney Ashby

Date: July 1, 2019

Requested Actions: Annexation & Zoning to RA (Suburban Residential)

Purpose: The applicant states that the reason for the application is to “annex and split into two parcels.”

GENERAL INFORMATION

Planning and Zoning History: The property is a part of a three property enclaved area.

Annexation Location: 11460 Lake Lowell Ave located in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM.

Total Size: 2.30 acres or 100,188 sq. ft.

Existing Zoning: County (unzoned on PDF map and GIS data)

Comprehensive Plan Designation: Low Density Residential

Surrounding Land Use and Zoning:
North- Single family home on 1.66 acres, County Enclave
South- Carriage Hills North residential subdivision, City- RS8.5  
East- Vacant land (farmland), City- RD  
West- Vacant land (farmland), City- RS8.5

**Applicable Regulations:** In order for a property to be annexed it must be contiguous with the city limits or be enclaved by other properties so annexed. The enclaved area connects with the city limits on its east, south, and west sides.

**Existing Uses:** Residential parcel with single family dwelling and landscaped yard on the western half of the property. Vacant land on the eastern half of the property.

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**SPECIAL INFORMATION**

**Public Utilities:**
12” water main in Lake Lowell Ave.  
An 8” sewer main is available approximately 800’ to the east in Lake Lowell Ave and S Carriage Hill Way intersection.  
A 12” irrigation main is available in Lake Lowell Ave.

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

**Transportation:** Access to the existing home is from a private common driveway on the west side of the property. This shared driveway is accessed from Lake Lowell Ave. The future property created from a lot split, will also be accessed from the common driveway.

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

The Nampa Highway District #1 indicated that they had no objection subject to the City annexing the Lake Lowell Ave right-of-way along the frontage of the subject property.

The Nampa Engineering Division noted that water sewer, and irrigation systems have capacity to serve the property and supported the application with the following conditions:

1. Applicant/Owner shall dedicate 40’ of public right-of-way measured from the Section line along the entire frontage of Lake Lowell Avenue with the annexation.
2. Access to the property for both future lots shall be maintained from the existing private access along the west side of the property. No new accesses to Lake Lowell Avenue are allowed.
3. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
4. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services.
5. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.
6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.

Though the Boise Project Board of Control indicated they had no facilities on the property, they pointed out that they do possess a valid water right. They state that “Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

The Nampa & Meridian Irrigation District had no comment.

The Idaho Transportation Department had no comment.

Nampa Building Department had no conditions at this time.

Nampa Code Enforcement had no code violations at this time.

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**STAFF FINDINGS AND DISCUSSION**

The location is shown on the comprehensive plan “future land use map” as being compatible with the zoning that has been requested. The Comprehensive Plan strongly encourages “in-fill development” for the many benefits that are outlined in the plan. Though this may not fill like a typical in-fill development because of the lack of the area being fully developed out, If the Planning & Zoning Commission recommends approval of the requested annexation and zoning the following findings are suggested:

1) The requested annexation property is part of an enclaved area and the property connects with the city limits along its east, south, and west boundaries.

2) The area can reasonably be assumed to be available for the orderly development of the city with the city limits having grown into the area and the adjacent lands have been annexed and developed.

3) The proposed zoning conforms with the city’s comprehensive plan future land use map for low density residential land use and is reasonably compatible with existing and proposed land uses in the area.

4) The property owner requested annexation and zoning to RA (suburban residential) in order to split the property into two lots and for connection to city utility services.

Though the Nampa Highway District has stated that the right-of-way in front of the property along Lake Lowell is managed by the District, the existing right-of-way was annexed into the city under Ordinance 4396 and 4405 in April of this year. Additional right-of-way requested as a condition of approval by Nampa Engineering Division, will be annexed and zoned at time of approval of this request and will become the responsibility of the City of Nampa.

The applicant will need to work with Boise Project Board of Control at time of application for a building permit to address any concerns about water rights and existing irrigation ditches running through the property.
RECOMMENDED CONDITIONS OF APPROVAL

If the Commission recommends approval of the Annexation and Zoning to the City Council staff recommends the following conditions of approval:

1. Applicant/Owner shall dedicate 40’ of public right-of-way measured from the Section line along the entire frontage of Lake Lowell Avenue with the annexation.
2. Access to the property for both future lots shall be maintained from the existing private access along the west side of the property. No new accesses to Lake Lowell Avenue are allowed.
3. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
4. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services.
5. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.
6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
7. Applicant shall work with Boise Board of Control to address stated concerns.

ATTACHMENTS

1) Application (page 5)
2) Zoning map (page 6)
3) Vicinity Map - Aerial (page 7)
4) Agency and other correspondence (pages 8+)
APPLICATION FOR ANNEXATION/ZONING
PLANNING AND ZONING DEPARTMENT
411 3RD STREET S., NAMPA, IDAHO 83651 P: (208) 468-4487 F: (208) 465-2261
Nonrefundable Fee: $452.00 (1 acre or less) Nonrefundable Fee: $910.00 (more than 1 acre)

Applicant Name: Jared & Melissa Lindsay
Home Number: 208-407-5629
Mobile Number: 208-941-2711
Email: britla7@ad.com

Property Owner Name: Jared & Melissa Lindsay
Home Number: 208-407-5629
Mobile Number: 208-941-2711
Email: britla7@ad.com

Applicant’s interest in property: Own

ADDRESS OF SUBJECT PROPERTY: 11460 Lake Lowell Ave Nampa 83686

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

Project Description
➢ State the zoning desired for the subject property: 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: Annex and split into two parcels

Dated this 30 day of<br>June 2019

Applicant Signature

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

OFFICE USE ONLY
FILE NUMBER: ANN - 125 - 2019 PROJECT NAME Annex + Zoning to RA

12/11/13 Revised
Good Morning Shellie,

Nampa Highway District #1 has no objection to the annexation of the subject property and zoning to RA subject to the City annexing the Lake Lowell Ave right-of-way along the frontage of the subject property. The right-of-way is currently under the Highway District’s jurisdiction.

Thank you,
Eddy

Good Afternoon Everyone! 😊

Re: Annexation at 11460 Lake Lowell Ave. - ANN-00125-2019

Jared and Melissa Lindsay for a 2-parcel split has requested Annexation and Zoning to RA (Suburban Residential) for 2.30 acres or 100,188 sq. ft. located in a portion of the SW ¼ of the SE ¼ of Section 30, T3N, R2W, BM.

The Annexation application will go before the Planning & Zoning Commission as a public hearing item on the July 09, 2019 agenda.

Please find attached the ANN-00125-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than June 21, 2019.

Thank you & Have a great day!
DATE: June 24, 2019
TO: Planning and Zoning Department
FROM: Caleb LaClair, P.E., Nampa Assistant City Engineer
CC: Daniel Badger, P.E., Nampa City Engineer
CC: Tom Points, P.E., Nampa City Public Works Director
APPLICANT: Jared and Melissa Lindsay
OWNER: Jared and Melissa Lindsay
ADDRESS: 11460 Lake Lowell Ave
RE: ANN-00125-2019 – Annexation and Zoning to RA

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

General Comments:
1. The City’s water, sewer, and pressure irrigation systems have adequate capacity to serve this property. City services are being installed along Lake Lowell Avenue and to the west of the subject property as part of the Carriage Hill West and Stella’s Pointe Subdivisions.
2. Lake Lowell Avenue is classified as a Collector per the City’s Transportation Master Plan.

Conditions:
1. Applicant/Owner shall dedicate 40’ of public right-of-way measured from the Section Line along the entire frontage of Lake Lowell Avenue with the annexation.
2. Access to the property for both future lots shall be maintained from the existing private access along the west side of the property. No new accesses to Lake Lowell Avenue are allowed.
3. Any onsite wells or septic systems shall be abandoned and/or removed in accordance with Local and State regulations at the time of property development/redevelopment and prior to connection to City services.
4. Any and all domestic and irrigation surface and/or groundwater rights shall be transferred to the City at the time of property development/redevelopment, and prior to connection to City services. Applicant/Owner shall provide documentation to the Nampa Engineering Division verifying water rights for the full parcel.
5. Utilities shall be constructed to and through the site at the time of property development/redevelopment, and at the sole expense of the Developer.
6. Applicant/Owner shall comply with all City Codes, Policies, and Standards in place at the time of property development/redevelopment.
20 June 2019

Nampa Planning and Zoning Department
411 3rd Street South
Nampa, Idaho 83651

RE: Jared Lindsay
Lake Lowell Ave.
Boise-Kuna Irrigation District
Robinson Lateral 292+60
Sec. 30, T3N, R2W, BM.

Norman Holm:

There are no Boise Project facilities located on the above-mentioned property, however it does in fact possess a valid water right.

Local irrigation/drainage ditches that cross this property, in order to serve neighboring properties, must remain unobstructed and protected by an appropriate easement.

If you have any further questions or comments regarding this matter, please do not hesitate to contact me at (208) 344-1141.

Sincerely,

Thomas Ritthaler
Assistant Project Manager, BPBC

cc: Ray Moore
    Lauren Boehlke
    Watermaster, Div; 3 BPBC
    Secretary – Treasurer, BKID
June 5, 2019

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

RE: **ANN-00125-2019/11460 Lake Lowell Avenue**

Dear Norm:

Nampa & Meridian Irrigation District (NMID) has no comment on the request to change annexing and zoning. However, please be advised NMID’s Edwards Canal lies along the east boundary with a minimum easement of eight feet total (80’), forty feet (40’) from centerline each side.

The Boise Project Board of Control (BPBOC) also owns a ditch along the west boundary. Please consult Thomas Ritthaler with BPBOC regarding this facility at 208-344-1141 or 2465 Overland Road Room 202 Boise, ID 83705-3173.

All private laterals and waste ways must be protected. All municipal surface drainage must be retained on-site. If any surface drainage leaves the site NMID must review drainage plans. Developers must comply with Idaho Code 31-3805.

Sincerely,

Greg G. Curtis
Water Superintendent
Nampa & Meridian Irrigation District
GGC/ gnf

Cc:
Office/ file
T. Ritthaler, Board of Control
Good afternoon,
ITD has received application ANN-00125-2019 for review and has no comments.

Thank you,

Sarah Arjona  
Development Services Coordinator  
ITD District 3  
(208) 334-8338

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

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Please find attached the ANN-00125-2019 file for your review and send all comments to my attention or to Sylvia Mackrill (mackrill@cityofnampa.us) no later than June 21, 2019.

Thank you & Have a great day!

Shellie A. Lopez, Planning Administrative Specialist  
O: 208.468.4487, F: 208.468.5439  
411 3rd Street South, Nampa, ID 83651  
Planning and Zoning - Like us on Facebook  
NAMPA Proud
Building Department has no conditions at this time.

Good Afternoon Everyone! ☺

Re: Annexation at 11460 Lake Lowell Ave. - ANN-00125-2019

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Thank you & Have a great day!

Shellie A. Lopez, Planning Administrative Specialist
O: 208.468.4487, F: 208.468.5439
411 3rd Street South, Nampa, ID 83651
Planning and Zoning - Like us on Facebook
From: Shellie Lopez
Sent: Wednesday, June 05, 2019 11:30 AM
To: Shellie Lopez
Subject: ANN-00125-2019

No code violations at this time.

ANN-00125-2019 11460 Lake Lowell Ave

Notice: All communication transmitted within the City of Nampa Email system may be a public record and may be subject to disclosure under the Idaho Public Records Act (Idaho Code 74-101 et seq.) and as such may be copied and reproduced by members of the public. In addition, archives of all City emails are generally kept for a period of two years and are also subject to monitoring and review.