



PLANNING AND DEVELOPMENT SERVICES

MAYOR: David H. Bieter | DIRECTOR: Mark Lavin

MEMO

TO: Mayor and Boise City Council
FROM: Tom Laws, Associate Comprehensive Planner
CC: Daren Fluke, Comprehensive Planning Manager
HEARING DATE: 10/08/2019
RE: CPA19-00002 / DevCo Real Estate Development

A proposed amendment to the land use map of *Blueprint Boise* to transfer approximately 4.15 acres of property located at 14120 W Jasmine Lane from the City of Boise Area of City Impact to the City of Meridian Area of City Impact.

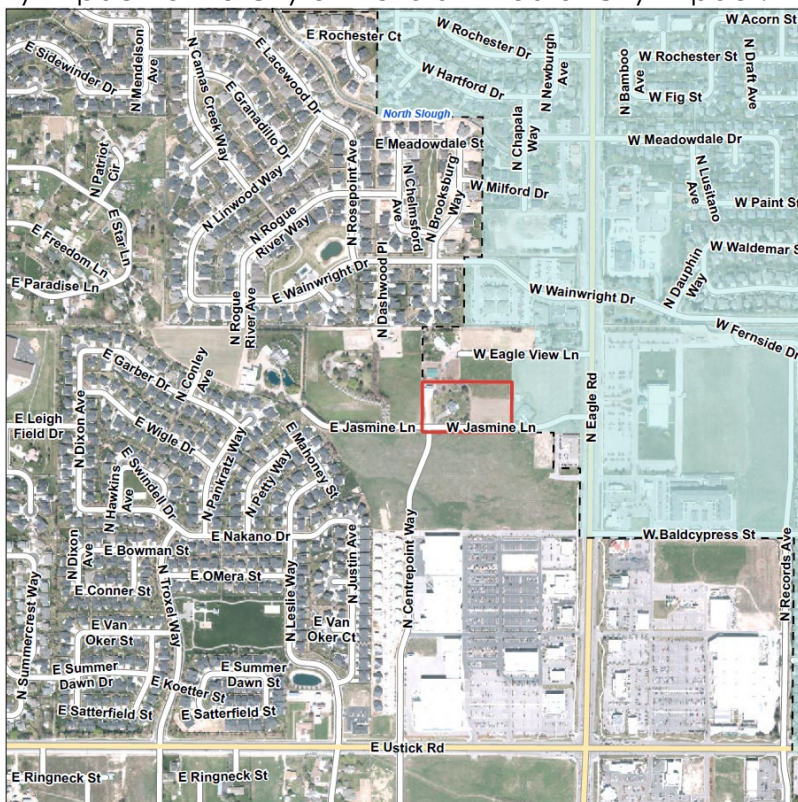


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*This report includes information available on the Boise City Website.
The entire public record, including additional documents, can be viewed through [PDS Online](#).*

BACKGROUND & SUMMARY

BACKGROUND:

This application is a resubmittal of a previously-withdrawn application regarding the transfer of two parcels located in the vicinity of Ustick Road and Eagle Road from the City of Boise Area of Impact to the City of Meridian Area of Impact.

This application was first received on April 3rd, 2018. After an initial City Council Work Session, the council requested that the application be considered in a public hearing. The application was presented at a public hearing, tabled for more information, and was then withdrawn by the applicant prior to the second hearing and no decision was considered or made by the council. Discussion included the ability of Boise sewer to serve the site, the potential for Meridian parcels to transfer to the city of Boise, and the transfer of both north and south parcels at the same time, although the northern parcel owner did not provide consent.

Since that time, the applicant submitted to the City of Meridian to consider annexing the southern parcel within the Boise Area of Impact. At the July 18th, 2019 hearing the City of Meridian Planning and Zoning Commission recommended denial unless there was support from the City of Boise.

TIMELINE:

April 3 rd , 2018	Boise City Application Received
May 8 th , 2018	Boise City Council Work Session <ul style="list-style-type: none">• City Council recommends a public process
June 19 th , 2018	Boise City Council <ul style="list-style-type: none">• Tabled until June 26th, 2018 for more information
June 21 st , 2018	Boise Public Works provides additional information on service feasibility
June 22 nd , 2018	Application Withdrawn
July 18 th , 2019	Meridian Planning & Zoning Hearing <ul style="list-style-type: none">• Recommend denial unless Boise supports
October 10 th , 2019	Boise City Council

CONSIDERATIONS:

During the initial application with City Council, several considerations were discussed, these include:

Utilities

- Public Works
 - The parcel within the Boise AOI can be served by Boise City Sewer from a mainline stub on the west side of Eagle Road. Boring Eagle Road is not required.



- The Meridian Area of Impact parcels, if transferred to Boise City, can be served by the Boise system, but a lift station would be required and is not recommended by Boise Public Works. This alternative has since been removed from consideration.
- An easement would be required by the adjacent property owner to the east for sewer and water access. Offsite sewer, sewer inspection fees, sewer assessments, sewer easements, sewer trunk fees and other property connection fees would be eligible for reimbursement by the City.
- Suez Water
 - The Boise AOI parcel can be served by Suez Water from the west side of Eagle Road without boring.
 - A 12-inch diameter line exists along the west side of Eagle Road and has capacity to service the proposed development.
 - An easement would be required by the adjacent property owner to the east for sewer and water access.
 - If the Boise parcel is transferred to City of Meridian Area of Impact, the applicant and the City of Meridian Water Division would have to work with Suez to amend the Suez service area.

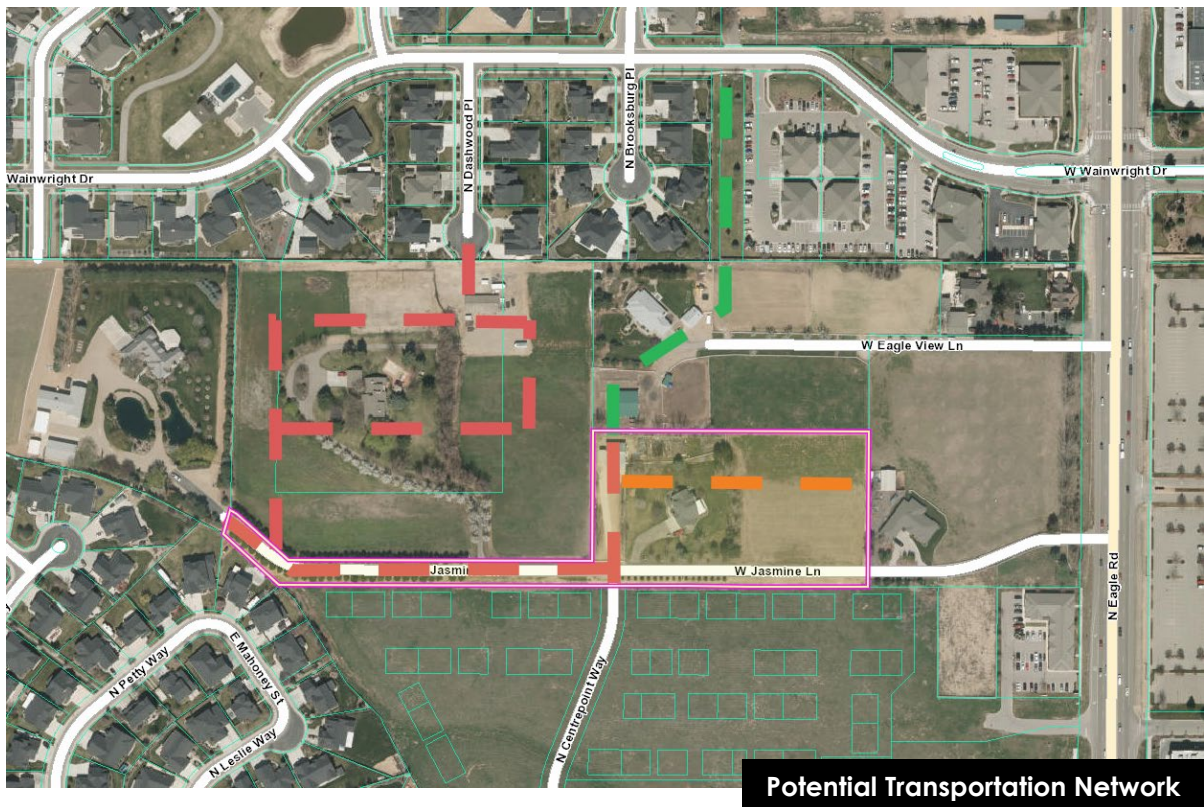
Consistency with *Blueprint Boise*

- The Boise Comprehensive Plan designates this parcel under the mixed-use land use category (average of 30 units per acre). The City of Meridian application would propose a mixed-use - regional land use designation, which is very similar, (up to 40 units per acre) however has the potential for significantly less dense development (as low as 6 units per acre).



Transportation

- A proposed arterial has been planned to connect Centerpoint Way in the south to unopened right of way along Wainwright Drive to the north. The associated development proposal extends Centerpoint Way (in red) to provide for this future connection (in green) and creates an additional connection from Jasmine lane to the Dashwood Place stub street to the northwest.
- If the building application were to be presented to the City of Boise, an additional public road would be recommended to the adjacent parcel to the east (in orange), so that when it develops access would not be taken from Eagle Road.



Financial Impact

- Parks, libraries, fire, police, sewer, and other public services within this area meet Boise level of service targets, additional costs to Boise tax payers would be minimal to serve the proposed project.
- An estimate between \$15,000-\$30,000 per acre, or \$60,000-\$125,000 in total, could be generated from this development in Boise Specific Tax Revenue annually.

Property Consent

- 14120 W Jasmine Lane
 - The southern parcel owner has entered into an agreement with the applicant to develop the site and supports the request.
- 14104 W Eagle View Lane



- The northern parcel owner has requested to remain within the Boise Area of Impact. This parcel is no longer associated with the current application, however initial conversations from both City of Meridian and City of Boise supported both parcels to be examined congruently.

Similar Applications

- In 2017 a similar application was brought to City Council, CAR17-0000, just southeast of this property at 3775 North Eagle Road. In that instance the City Council approved the de-annexation & parcel transfer to the City of Meridian so that a commercial development could be built.
- The previous application was able to show that the jurisdictional boundary cut through a proposed building and that the parcel proposed for de-annexation was integral to the proposed development. In the current application, the parcel proposed for transfer is essentially designed as a stand-alone project that could be developed in either jurisdiction, albeit somewhat less conveniently for the developer.

Council Decision

The Council should decide if they are supportive of the proposed boundary adjustment and direct the applicant and staff accordingly. The application before Council outlines two potential alternatives listed below:

- Approve the request as proposed, transferring the property from the City of Boise Area of Impact to the City of Meridian Area of Impact.
- Deny the request as proposed, leave parcel within the City of Boise's Area of Impact.



Comprehensive Plan Amendment Application

PDS	Department Application
	# 103

Case #: _____

New! Type data directly into our forms.

Note: Be sure to print this form before closing it or you will lose your data. This form cannot be saved to your computer.

Property Information

Address: Street Number: 14120 Prefix: West Street Name: Jasmine Ln

Subdivision: _____ **Block:** _____ **Lot:** _____ **Section:** _____ **Township:** _____ **Range:** _____

***Primary Parcel Number:**

R	4	5	8	2	5	3	0	3	0	0
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Additional Parcels: _____

Applicant Information

***First Name:** Laren ***Last Name:** Bailey

Company: DevCo ***Phone:** (208) 336-5355

***Address:** 4824 W. Fairview Ave ***City:** Boise ***State:** ID ***Zip:** 83706

E-mail: laren@congergroup.com **Cell:** (208) 899-1155 **Fax:** _____

Agent/Representative Information

First Name: Laren **Last Name:** Bailey

Company: DevCo **Phone:** _____

Address: _____ **City:** _____ **State:** _____ **Zip:** _____

E-mail: _____ **Cell:** _____ **Fax:** _____

Role Type: ☐ Architect ☒ Land Developer ☐ Engineer ☐ Contractor ☐ Other

Owner Information

Same as Applicant? ☐ Yes ☒ No (If yes, leave this section blank)

First Name: Norm **Last Name:** Cook

Company: _____ **Phone:** _____

Address: 14120 W JASMINE LN **City:** Boise **State:** ID **Zip:** 83701

E-mail: _____ **Cell:** _____ **Fax:** _____

www.cityofboise.org/pds

City of Boise Planning & Development Services

P.O. Box 500 • 150 N. Capitol Blvd • Boise, Idaho 83701-0500
Phone 208/384/3830 • Fax 208/433-5688 • TDD/TTY 800/377-3529

Date Received: _____
Revised 10/2008



Comprehensive Plan Amendment Application (2)

1. Neighborhood Meeting Held (Date): 2-9-2019

2. Neighborhood Association:

3. Comprehensive Planning Area:

4. Request is to Amend the following: ☐ Text ☒ Land Use Map

5. Current Land Use Map designation: Mixed Use

6. Proposed Land Use Map designation: Mixed use

7. Size of property: 5 ☒ Acres ☐ Square Feet

8. Existing uses and structures on the property are as follows:

Yes, existing house

9. Adjacent Property Information

Uses:

North: Undeveloped

South: Commercial

East: Undeveloped

West: Undeveloped

Zone:

Mixed use

Mixed use

Mixed Use

Residential

10. Section of Comprehensive Plan you are proposing to amend:

Map

[illegible]

11. Proposed text changes:

Map

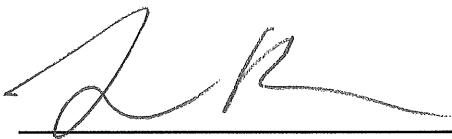
This image shows a single sheet of white paper with horizontal ruling lines. The lines are evenly spaced and run across the width of the page. There are no margins, text, or other markings on the paper.

12. Narrative describing justification for change:

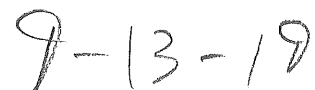
Please see attached application narrative

13. Comprehensive Plan policies that support your request:

Please see attached application narrative



Applicant/Representative Signature



Date

Print Form

AFFIDAVIT OF LEGAL INTEREST

STATE OF IDAHO)

COUNTY OF ADA)

I, NORMAN COOK, 14120 W JASMINE
Boise (name) (address)
ID (city) (state)

being first duly sworn upon, oath, depose and say:

1. That I am the record owner of the property described on the attached, and I grant my permission to:

[Signature]
(name) (address)

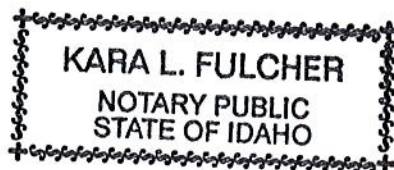
to submit the accompanying application(s) pertaining to that property.

2. I agree to indemnify, defend and hold the City of Meridian and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property which is the subject of the application.
3. I hereby grant permission to City of Meridian staff to enter the subject property for the purpose of site inspections related to processing said application(s).

Dated this 11 day of April, 2018

Norman Cook
(Signature)

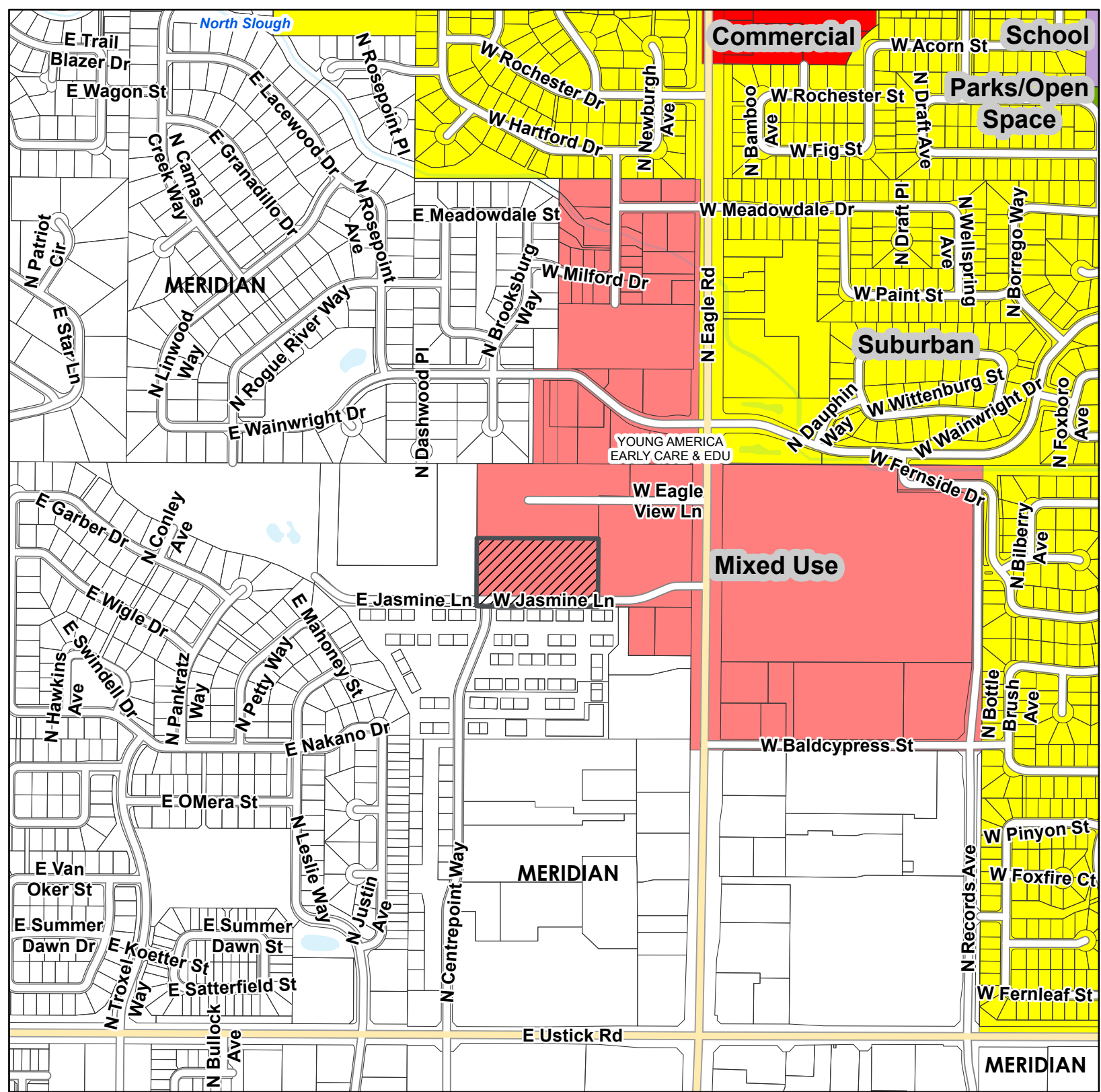
SUBSCRIBED AND SWORN to before me the day and year first above written.



Kara L Fulcher
(Notary Public for Idaho)

Residing at: Meridian, ID

My Commission Expires: 5-17-2019



CPA19-00002

1" : 600'

Land Use Legend

Project area

Land Use Designations

Commercial

Mixed Use

Parks/Open Space

School

Suburban

CITY OF BOISE

INTER-DEPARTMENT
CORRESPONDENCE

Date: September 24, 2019

To: Planning and Development Services

From: Mike Sheppard, P.E., Civil Engineer II
Public Works Department

Subject: Jasmine Lane Development, 14120 W Jasmine Lane

The property located at 14120 W Jasmine Lane is located in the Boise City Area of Impact and can be served with sewer from an existing 8-inch main line located at the intersection of Eagle Road and Jasmine Lane. The general topography slopes from east to west at the intersection of Jasmine and Eagle Roads and thus the sewer approximately 4-ft deep at the westerly property line. The extension of the mainline will also require the developer to obtain an utility easement in Jasmine Lane.

The property to the north 14120 W Jasmine Lane is also located in the Boise City Area of Impact. The property can be served from Eagle Road with a separate future 8-inch line to be extended upon development.

From: Lee, John
To: [Tom Laws](#)
Subject: RE: [External] RE: Jasmine Ln / Water Serviceability
Date: Friday, June 22, 2018 10:37:34 AM
Attachments: [image002.png](#)
[image003.png](#)

Tom,

The three points that you have stated in the email below are correct.

John Lee
Construction Coordinator
SUEZ Idaho Operations

SUEZ

8248 W. Victory Road
Boise, ID 83709
Tel: 208-362-7329
Fax: 208-362-3858



Please think twice before printing this email.

From: Tom Laws <tlaws@cityofboise.org>
Sent: Thursday, June 21, 2018 4:42 PM
To: Lee, John <john.lee@suez.com>
Subject: RE: [External] RE: Jasmine Ln / Water Serviceability

Hi John,

Thanks again for the quick review on this. -Just to follow up from our conversation. I wanted to confirm a few things for the record just in case there are follow up questions from Council next week.

1. The 12-inch water main located on the west side of Eagle Road has capacity to serve the proposed development.
2. If the two western parcels (2800 E. Jasmine) within the City of Meridian area of impact were to be transferred and annexed in to Boise City Limits, Suez could also serve these parcels.
3. If the eastern parcel, (14120 W. Jasmine) were to be transferred and annexed into Meridian, per the agreement between Suez and Meridian this parcel would still be served by Suez since it is within the certificated service area boundary.

Are my assumptions above correct?

Appreciate your help on this one,

Tom



Tom Laws
Assoc. Comprehensive Planner
Planning and Development Services
Office: (208)608-7118
tlaws@cityofboise.org

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From: Lee, John [<mailto:john.lee@suez.com>]
Sent: Thursday, June 21, 2018 3:37 PM
To: Tom Laws <tlaws@cityofboise.org>
Subject: [External] RE: Jasmine Ln / Water Serviceability

Hello Tom:

The attached file shows a green line on the west side of Eagle Road. This green line represents a 12-inch water main that has capacity to serve these two properties. This water main would need to be extended presumably west on Jasmine Lane. The blue line on the west side of the property line of 14120 W. Jasmine is SUEZ' certificated service area boundary. In order to cross it and serve 2800 E Jasmine the owners would need to request service from SUEZ and the City of Meridian would have to be in agreement. The property of 14120 W Jasmine is inside SUEZ' certificated service area and as agreed to by City of Meridian shall be served by SUEZ.

I will follow up with a phone call to discuss.

John Lee
Construction Coordinator
SUEZ Idaho Operations

SUEZ
8248 W. Victory Road
Boise, ID 83709
Tel: 208-362-7329
Fax: 208-362-3858



Please think twice before printing this email.

From: Tom Laws <tlaws@cityofboise.org>
Sent: Thursday, June 21, 2018 2:48 PM

To: Lee, John <john.lee@suez.com>

Subject: Jasmine Ln / Water Serviceability

Hi John,

My name is Tom Laws, Comprehensive Planner with the City of Boise. I was given your name and was hoping you could help me with a development application regarding adjusting our Area of Impact boundary.

A developer is looking to build a subdivision currently in Ada County off of Eagle Road, and to simplify the process would prefer to move the entire project within one City or the other. Currently 10 acres reside within Meridian's area of Impact, and 5 acres are within Boise's.

Tuesday night we presented our findings to City Council and they deferred to next week, requesting additional information. One item the applicant focused on was the perceived massive cost it would be to hook up water to the property. From my understanding, this would require an easement from an adjacent property owner, and a connection either via Wainwright or Eagle Rd.

Two questions for you,

1. What would be your recommendation to serve the Boise property? Would boring under Eagle Road be required? Do you see any major red flags?
2. If the 10 acres currently within Meridian's Area of Impact comes into Boise, what would be the process for Suez to serve that section since it's not currently in the official service area?

The locations in question include:

14120 W JASMINE LN (Boise AOI)

2800 E JASMINE LN (Meridian AOI)

Would it be possible to provide us with some quick comments by early next week? Nothing too technical. Feel free to call if you'd like to chat more or have any questions.

Appreciate your help,

Tom



Tom Laws
Assoc. Comprehensive Planner
Planning and Development Services
Office: (208)608-7118
tlaws@cityofboise.org

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The locations in question include:

14120 W JASMINE LN (Boise AOI)
2800 E JASMINE LN (Meridian (AOI))



PUBLIC WORKS DEPARTMENT

MAYOR: David H. Bieter | DIRECTOR: Stephan Burgos

CITY OF BOISE

INTER-DEPARTMENT CORRESPONDENCE

Date: 19 September 2019

To: Planning and Development Services

From: Tom Marshall, Street Light Program Technician
Public Works Engineering

Subject: Street Light Comments
CPA19-00002: 14120 W Jasmine Ln.

No comment.

If you have any questions, contact Tom Marshall at 208-608-7526 or tmarshall@cityofboise.org.



CITYOFBOISE.ORG

Tom Marshall
Street Light Program Technician
Public Works Engineering
Office: (208)608-7526
tmarshall@cityofboise.org

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I:\PWA\Subjects\Review Comments\CUs\CU Streetlight comment template 2019_with letterhead_Cloverdale Rd.

T. Hethe Clark
(208) 388-3327
hclark@clarkwardle.com

Via Electronic Mail (dfluke@cityofboise.org)

September 6, 2019

Daren Fluke, AICP
Deputy Director, Comprehensive Planning
Planning & Development Services
150 N. Capitol Boulevard
Boise, Idaho 83701

Re: CPA18-00003 – DevCo Real Estate Development

Dear Daren:

As discussed by phone, I am working with the applicant in connection with Meridian City Application No. H-2019-0027, also known as the proposed Delano Subdivision (the “**Project**”). With this letter, we are requesting that the Boise City Council take up the previously submitted request to discuss an amendment to the area of city impact boundaries in the location of the Project.

As further detailed below, this case is much like CAR17-00001, in which Boise City de-annexed the Fast Eddy’s property to allow that project to develop under one jurisdiction. As was the case in the Fast Eddy’s example, “it is easier and less costly for the project to be developed within the City of Meridian.”¹ Here, Meridian has public services stubbed to the property boundary in two locations. Boise City services, meanwhile, would require not only boring under Eagle Road, but would require a lift station. The Project should move forward in one jurisdiction and we believe the appropriate choice is Meridian.

Everyone involved in the Project has a long, much-appreciated history with the City of Boise. There is no disrespect intended and, we hope, none taken by Boise City. We are simply trying to navigate a situation in which the Project and the individual properties are split across area of impact lines.

We look forward to further discussion with the Council at its nearest opportunity.

Very truly yours,

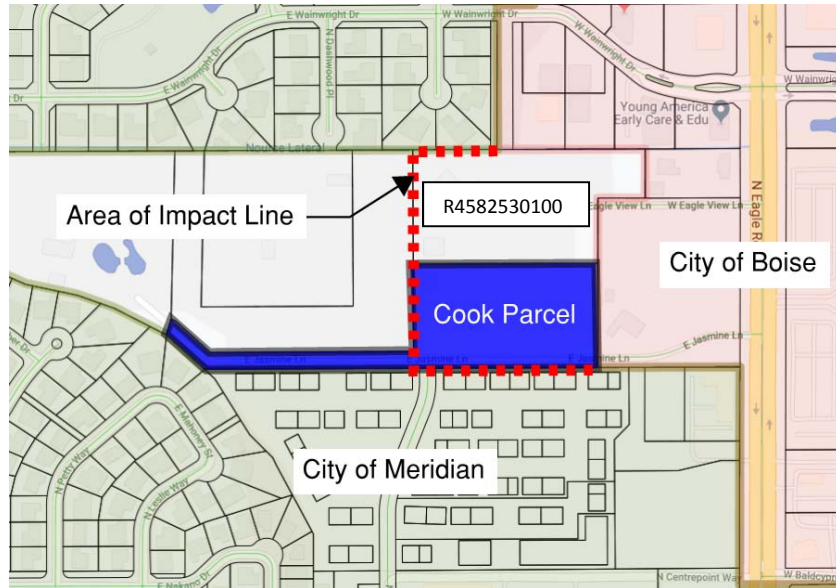


T. Hethe Clark
HC/bdb

¹ CAR17-00001 Staff Report, at 2.

Background Regarding the Properties

As noted above, the Project and the specific properties are split by the area of impact boundary between Boise City and Meridian. As shown below, while much of the Cook Parcel is on the Boise side, it includes a flag leg that is on the Meridian side of the area of impact boundary:



The parcel to the northeast (R4582530100) is within the Boise City area of impact; however, it is not under the control of this applicant and is not part of the Project. The Project boundaries are shown below in purple. As you can see, the majority of the Project is in the Meridian area of city impact.



The red dots in the above figure show Meridian and Boise City sewer connections and illustrate why this Project is proposed to go forward in Meridian. Suez Water has agreed that it will not include this site within its project boundaries given its trunk line location on the other side of Eagle Road (requiring boring across Eagle Road) and the need for an easement across the property to the east of the Project. If Boise were to provide sewer, it would similarly require boring underneath Eagle Road and a third-party easement. Sewer service would also require a lift station. All of these factors point strongly to this Project moving forward in Meridian.

Background Regarding this Request

Given the split in the area of impact boundary, this begs the question of how a property owner or developer should resolve this issue. There are two separate processes for annexation outside of an area of impact identified in Meridian and Boise City's area of impact agreements with Ada County. Meridian's agreement with Ada County is far simpler and states that Meridian may annex properties outside of its area of city impact if they are contiguous and the owner has requested annexation.² Boise's agreement with Ada County, on the other hand, states that Boise "shall renegotiate its area of city impact boundary with Ada County" if it is to annex outside its area of city impact.³

This distinction and the utility issues identified above lead to two significant points. First, annexation into Meridian makes significantly more sense from a public services perspective. Meridian can more easily and cost-effectively serve this property, and its future residents are more likely to take advantage of Meridian parks and city facilities. Second, annexation into Meridian is far more straight-forward from a process perspective as Meridian has authority to annex without a time-consuming and uncertain area of impact renegotiation. The specter of this re-negotiation process is significant, particularly to the Cook property, as it is located within both areas of city impact and could be left in limbo if the re-negotiation does not occur on a timely basis. We worry that this property, owned by a retired school teacher, may not get the attention needed to complete a re-negotiation under the timeline needed for development.

Given all these factors, the decision was made to request annexation into Meridian. As stated above, this is not intended as a slight to the City of Boise. Everyone involved in this Project works in the City of Boise on a regular basis and appreciates the chance to do so. This decision was based solely on factors specific to this Project, each of which suggest that this Project should be in Meridian. Accordingly, we commenced this discussion in April 2018 by letter explaining the quandary and request. On May 30, 2018, Meridian City Staff provided a letter to Hal Simmons that agreed with the applicant's position. It, first, outlined the City of Meridian's ability to serve the property in question, but also pointed out that development in Meridian would allow Centrepont Way to connect to Wainwright Drive, completing the collector network between Ustick Road and Wainwright Drive.

² Ada County Code Section 9-4-2.A

³ Ada County Code Section 9-3-2.

Boise City Comprehensive Planning subsequently provided a Memorandum to the Mayor and Boise City Council regarding this request. As noted in that document, there is no formal application process nor are there specific standards for this request—it is a question of policy and discretion based on several factors. Critical among these is utilities. As noted in the report:

While the property is serviceable with Boise City sewer and Suez Water via Eagle Road, an easement would be required across an intervening property. Upon review by Public Works staff, sewer service is feasible but is not recommended via Eagle Road due to the topography of the site and the resulting shallow depth of the line near the western terminus. The City of Meridian has indicated that they are amenable to the applicant's request and can serve the site with city services including sewer and water. Meridian sewer stubs currently exist to the south and north sections of the proposed subdivision that will need to be connected when developed.⁴

In short, Meridian is prepared to serve the property through stubs on the north and south. Service in Boise City will be a financial and engineering challenge as it will require boring through Eagle Road, negotiation of a third-party easement, and overcoming the shallow depth of the existing sewer line. It is our understanding that it will require a lift station—something the City Council determined was a sufficient reason to deny an annexation request on Bogus Basin Road earlier this year.⁵

Largely for these reasons, Boise City staff recommended transferring both properties to the City of Meridian area of impact. At the May 8, 2018 working session, it appeared that Boise City Council would not be adopting the staff recommendation due, largely, to property tax implications. This put the applicant in the difficult position of asking one city to approve what the other city appeared ready to deny. Acting in good faith and with intent to avoid placing the cities in this conflict, the applicant withdrew the request for a determination in order to avoid a specific determination that Meridian would be asked to subsequently ignore.

Since that time, the applicant has proceeded with the Delano Subdivision application before the City of Meridian (H-2019-0027CPAM, PP, AZ). We have since received the letter from Boise City Planning and Development Services dated April 26, 2019, which requests that this application be denied or deferred until such time as the Boise City Council consents to a boundary adjustment.

We disagree with certain of the comments contained in the letter—for example, the suggestion that this application does not comply with Idaho Code 50-222 and the process for Category A annexations. This application includes a request for a comprehensive plan map amendment and the landowner has consented, meaning Category A annexation requirements are satisfied. We also would point the City to

⁴ CAR17-00001 Staff Report, at 3 (emphasis added).

⁵ CAR18-00019, CFH18-00084, SUB18-00046.

its own staff responses regarding public utility costs and efficiencies in the City's own prior staff report recommending this change. Regardless, Mr. Fluke's letter prompted us to re-engage with Boise City to complete the process that was begun last year.

Difficulties Created if Boise City Denies Request

While the position in which the applicant finds itself is uncomfortable, we remain convinced that Meridian is in a better position to serve the Project from a utilities perspective. Services from Boise will be costly with higher maintenance and service costs due to the likely requirement of a lift station. This emphasizes the need for the Project to be in one jurisdiction or the other—the cost of service for a return of half of the Project's units (if the Project is split across jurisdictions) will not be an effective use of either city's resources. Development in Meridian will also facilitate the area collector network by connecting Wainwright Drive to Centrepont Way. The connection points for these roadways are on the Meridian side of these area of impact lines.

Finally, forcing the Project into Boise will beg procedural questions for Mr. Cook, in particular. As noted above, his property is split by the area-of-city-impact boundaries and he will be held hostage to a re-negotiation process of indeterminate length if his property cannot be taken into Meridian.

For all of the above reasons, we believe it is more appropriate for this Project to be developed in Meridian. We ask the Boise City Council to consider these factors and recommend that this Project move forward as proposed.