



# Planning & Development Services

July 16, 2014

## MEMO TO THE FILE

### RE: CAR14-00014 / North River Planning Area

This memo is to inform of action taken by the Boise City Planning and Zoning Commission on a request for annexation (CAR14-00014).

The Boise City Planning and Zoning Commission, at the hearing on July 14, 2014, **recommended approval** based on the attached Reasons for the Decision.

Questions may be directed to Scott Spjute at (208) 384-3830.

**Derick O'Neill**  
Director

**Boise City Hall**  
150 N. Capitol Boulevard

**Mailing Address**  
P. O. Box 500  
Boise, Idaho 83701-0500

**Phone**  
208/384-3830

**Fax**  
208/384-3814

**TDD/TTY**  
800/377-3529

**Web**  
[www.cityofboise.org/pds](http://www.cityofboise.org/pds)

**Mayor**  
David H. Bieter

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**President**  
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## **Reasons for Decision**

The Planning team finds that the proposed annexation meets the goals of orderly development, efficient delivery of services and equitable allocation of costs for service. It is therefore recommended that the City Council approve CAR14-14, subject to the findings required by state and local code as discussed below.

## **Conditions of Approval**

A. That the annexation shall incorporate the Boise sewer planning area.

The subject lands have been within the City's sewer planning area for many years. Sewer was extended to the western portions of the annexation area in the early 2000's.

B. Honor negotiated area of impact agreements.

The only reference to unilateral annexations in the Area of Impact Agreement (B.C.C. 11-01-07) is a statement that annexation shall occur within the Area of Impact. The implication is that cities may annex lands within the area of impact when it is necessary or convenient for the orderly growth of the city. This report clearly demonstrates that it is.

C. Attempt to balance costs of services with anticipated revenues.

Operating Impact - On a cash flow basis, the City will not receive property tax revenue from the annexation until the year after annexation. It is assumed however that half of the estimated annual amount of sales tax and other revenue will be received during the first year. Thereafter, the proposed Northwest Annexation Area is estimated to generate \$791,965 in annual revenue and \$300,400 in annual operating costs, for an annual net operating surplus of \$491,000.

Of the revenue, \$652,000, or 83%, will be from property taxes (based on 2012 valuation). The balance of revenue will be from sales tax and other sources such as franchise fees, traffic fines, and licenses. A portion of the net operating surplus (\$125,000) will offset the estimated cost to currently serve the residents. The remaining surplus will be to support other planned public amenities, both citywide and within the nearby planning areas, such as Hulls Gulch and Boise Hills parks in the larger area and Magnolia Park in the annexation area.

D. Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

Part of the intent behind annexing the Area of Impact is to prevent the sort of “leap frog” development that has resulted in the unplanned, haphazard development patterns which are seen in some municipalities. By annexing where feasible and practical the City will help to ensure that future development, as much as possible, occurs contiguous with City limits and thereby facilitates the more efficient and economical delivery of services.

**Zoning**

The only change made to the existing zoning will be to assign a City zone that is as equivalent to current Ada County zoning and/or which matches the land use designation of Blueprint Boise. The City is to make the following findings when reclassifying the zoning of properties:

- A. Comply with and conform to the Comprehensive Plan.

The zoning being applied will match the existing Ada County zoning and/or the comprehensive plan. Future decisions on requests for zone changes will be based on the Comprehensive Plan Land Use Map and Zoning Consistency Matrix, as well as the other applicable goals and policies contained in the Plan.

- B. Provide and maintain sufficient transportation and other public facilities, and does not adversely impact the delivery of services by any political subdivision providing services.

Transportation services and other public facilities can best be planned for and provided under the auspices of one jurisdiction. Only Boise City operates any sort of transit system which might feasibly service the area someday.

- C. Maintain and preserve compatibility of surrounding zoning and development.

This finding is satisfied since the City is assigning zoning which is comparable to the zoning that exists now under County jurisdiction or which matches the land use designation of Blueprint Boise. Future developments that involve requests for zone changes will also be evaluated against this standard. The following demonstrates the comparable City zoning that will be applied if the annexation is approved.

<u>Existing Ada County Zoning</u>	<u>Proposed City Zoning</u>
RUT	R-1A
R1	R-1A
R4	R-1C
R6	R-1C
R8	R-1C
R8M	R-1C
R12	R-2D
R20	R-3D
LO	L-OD
C1	C-1D
C2	C-2D

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## State Code Findings

State Code also requires that the following findings be made and set forth in the minutes of the City Council meeting:

- (A) *The land to be annexed meets the applicable requirements of this section and does not fall within the exceptions or conditional exceptions contained in this section.*
- (B) *The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city; and,*
- (C) *The annexation is reasonably necessary for the orderly development of the city.*

### **A. The land to be annexed meets the applicable requirements of this section and does not fall within the exceptions or conditional exceptions contained in this section.**

1. Category B. Annexations. For the lands which are contiguous with city limits and which number over 100 parcels, the City completed the following steps:

- a. On June 25, 2014, a notice of annexation hearing and map were posted in the subject area.
- b. Notice was published in the Idaho Statesman to satisfy the zoning hearing requirement. The dates were June 14, 21 and 28, 2014.
- c. A notice was sent directly to each affected property owner. The notice was sent on June 3, 2014, in advance of the first public hearing and contained:
  - 1. An invitation to attend an informal question and answer session held on June 11.
  - 2. A map of the annexation area in which the owner's property lay with the annexation areas highlighted.
  - 3. A summary of the annexation plan.
  - 4. An invitation to attend the public hearing before the Planning and Zoning Commission on July 14.
  - 5. Instructions on how and by when to submit written information.
  - 6. Instructions on how and where to obtain a copy of the annexation plan, free of charge.

2. Prior to beginning annexation proceedings, the City determined that the subject lands contain more than one hundred separate private ownerships and platted lots of record and that more than fifty percent of the area of the private lands expressed consent to annexation. This consent is manifest primarily in the connection of the properties to the City's wastewater collection system. Of the 427 privately-owned acres being contemplated for annexation, 228 acres, or 53.4% have owners who have given expressed or implied consent to the annexation. The state code requires only "more than fifty percent."

3. Properties which are more than five acres in size and for which there is no consent to be annexed, are not being proposed for annexation, unless agreed to by the owner.

4. The City has prepared an annexation plan, appropriate to the scale of the annexation, which contains the following elements:

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- a. The manner of providing tax-supported municipal services, if any, to the lands proposed to be annexed;
  - b. The changes in taxation and other costs, using examples, which would result if the subject lands were to be annexed;
  - c. The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;
  - d. A brief analysis of the potential effects of annexation upon other units of local government which currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and,
  - e. The proposed future land use plan and zoning designation or designations, subject to public hearing, for the lands proposed to be annexed.

**B. The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city.**

Public purposes addressed in the annexation plan include:

1. When the interrelationship between the city and the fringe area is close, there is need for unified planning and zoning. By means of annexation, Boise's zoning ordinances can be extended to the Northwest area, thus helping to assure orderly growth. Coordinated action is much easier to achieve if the area is not under separate Ada County jurisdiction.
2. Annexation leads to a unified community and can prevent the fragmentation of local governmental authority among a large number of special districts. Fragmentation may cause conflicts of authority and the absence of cooperation, political irresponsibility, duplication of services, inadequate service levels, lack of effective area-wide planning and programming, financial inequities and other problems.
3. Political boundaries will, after annexation, more nearly reflect the true and existing sociological, economic, cultural, and physical boundaries of the city. The Northwest area and the City of Boise are already inextricably bound together.
4. Urban growth without central planning and control becomes urban sprawl. If Boise City is to continue to effectively provide urban services, it must be allowed to follow natural growth patterns into those fringe areas where there is urban development. The city must be able to guide development in an orderly manner, and avoid the need to extend costly urban services to distant and scattered "pockets" of development. Annexation can help guarantee to Boise City a measure of responsible control over its future.
5. Annexation will allow people and businesses that are part of the city in social, economic and practical senses to be included in a legal sense. And it will enable those who are part of the community to fully participate in community activities through service as elected officials by eligibility to serve as appointed officers on city boards and commissions.

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In support of these purposes, the following is a summary of the municipal services to be provided by Boise City upon annexation:

**Police:** Ada County currently responds to service calls in this area. The City would extend urban level policing services to the proposed annexation area without significant adjustment to current staffing levels or organizational structure. Two patrol officer positions are requested to maintain call for service levels consistent with City's current service levels. The officers will also support future development in the proposed annexation area and surrounding city area. All other police services will be coordinated with existing staff.

**Fire:** Service will continue to be provided to the annexed area as is currently being done via contract with the North Ada County Fire and Rescue District and the Eagle Fire District (west of Abe Ave). While the annexation does not have a significant service impact, additional growth in the annexed area and the North River Planning Area within the City's current limits may require an additional station in the future.

**Parks:** The City has prepared and adopted a master parks plan that identifies future needs for park sites and which seeks to provide park space for all City residents according to a certain ratio. Annexing these new areas next to City limits will provide additional revenue and assist the City with its goals relative to the provision of park space. Annexation will also allow the City to provide recreational services to the residents without charging non-resident fees. The 53-acre Optimist Youth Sports Complex is in the proposed annexation area, but no other developed sites. However, the residents of the proposed area are served by the adjacent Veteran's Cemetery, Seaman's Gulch Trailheads, and Alder Point-Pocono Pathway. The City plans to develop a neighborhood park (Magnolia Park) off Bogart Lane which will serve the annexed area and the surrounding city area. The property for Magnolia Park has been acquired by the City

**Public Works:**

**Sewer** – The City is already providing sewer to the majority of parcels in the annexation area and will continue to do so under the same policies and rules after annexation takes place. It should be noted that the City has made significant investments in providing sewer service to this area in the way of plans and studies. These occurred long before sewer was actually brought in to service new and existing subdivisions.

**Street Lights** – Boise City attempts to provide street lighting on a funds-available basis to all areas within the City according to adopted policies. The City will take over maintenance and operation of existing street lights in the annexation area and will plan for additional street lights as funds become available according to adopted policies. This furthers the City's goal increasing public safety through street lights.

**Drainage** – Requiring new development in the annexation area to comply with City drainage standards will ensure better drainage features and facilities than would otherwise be built.

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Library Services: All residents are eligible to use the Boise Public Library without individual payment of a non-resident fee because of the mutual participation of Boise Public Library and Ada Community Library in the Open Access Agreement. The annexation will help assure that revenues exist to maintain the quality library services which Boise City intends to provide all of its citizens.

**C. The annexation is reasonably necessary for the orderly development of the city.**

1. It has been the intent of this report and the annexation plan to demonstrate that this annexation will contribute to the efficient delivery of services and will thus benefit the entire community. The state legislature declared that it is also the policy of the State of Idaho,

...That cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities 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. (I.C. 50-222(1))

2. The goal of orderly development is hindered when a City has urbanizing areas receiving municipal services adjacent to its borders that are not annexed. The City is unable to fully implement the goals and policies of its comprehensive plan in such circumstances.

3. The proposed annexation will contribute toward the stated goal of equitable allocation of costs by requiring a consistent property tax assessment among residents who have access to all of the municipal services offered by the City.