

CAR14-00014 / CITY OF BOISE

THE ANNEXATION CONTAINS 929 PARCELS TOTALING 606 ACRES GENERALLY LOCATED BETWEEN CITY LIMITS AND HORSESHOE BEND ROAD AND BETWEEN STATE STREET AND HILL ROAD. ZONING TO BE ASSIGNED WILL MATCH ADA COUNTY ZONING OR THE BOISE CITY COMPREHENSIVE PLAN LAND USE MAP DESIGNATION.

Scott Spjute (Zoning Director) - The Commission is being asked today to make a recommendation to the City Council on the legislative issue of annexation. With the Commission's leave and with apologies to my friends here in the audience, I know many of the people have seen this PowerPoint presentation at our neighborhood meeting on June 11th. It was a very good meeting which was cordial if not sometimes intense, but I'll run through this. If the public needs some extra details I could probably go into them, but I'd like you to understand where the City is coming from and the issues with the annexation. We'll talk about the reasons the City is proposing this, and how and why it is legal for the City to do it under local and State laws. Here's the boundary on the annexation. On the east you see Boise City limits in the grayish color. To the south of State Street is Garden City and west of Horseshoe Bend Road is Eagle City. The area being considered for annexation is the green area bounded by the red border. It's about 500 acres closer, to 600 hundred acres if you throw in the public rights of way. For purposes of the parcels, we're talking about private owned parcels, there're about 500 hundred acres. But here's another view of the same thing. I think probably most of you are familiar with the issue. The northwest area, most of it is platted out due to some very old and some new residential subdivisions. There's a mixture of uses. There's definitely a rural feel in many of the areas but there are also many urban areas. The City feels annexation could result in a greater efficiency and better ability of the agencies to provide services. We feel the area is tied economically, culturally, and socially to Boise City. It has been the history of the City to annex areas within the area of impact. The gray, together with the green, you can see was taken back in 1995. The purple on the outside is the area of city impact. The area in the city boundaries are negotiated between Boise City and Ada County. Once those areas are established it becomes the intent to eventually annex those areas. This is statewide and is in accordance to State Law. In 1995 in a situation similar to this we annexed about a thousand acres of lands where many of the areas were receiving City services at the time. In 1999, a larger annexation. Subsequent to the 1999 annexation, the state legislature completely revised its annexation law based on what the City of Boise had done, and we'll talk about the state law a little bit more in a minute.

In 2003 we continued and we did some areas which were mostly surrounded by city limits. There were 2 prior annexations in 2004 and then last year most of you were on the Commission when we cleaned up some of the enclaves, or islands of the County surrounded by the City, and annexed those into the City, which leaves us with a currency that makes us look pretty much like this, with the purple line again on the outside of the area of impact. The State law as written recognizes what is urban should be municipal, and authorizes and expects the Cities to plan for the provision of municipal services in their area of impact.

The area of impact equal to Ada County considers inevitable annexation of lands within the area of impact which should provide for long term community benefit on the community wide basis, as well as we know benefiting those areas that are being annexed. Again, some of these are reasons that we've already spoken for annexation.

Idaho law, as amended in the year 2000, considers this a category B annexation where in there are over a hundred parcels and where not all have consented to annexation. In this case, more than 50% of the lands are owned by people who have consented to an annexation. Prior to 2008, and again, because of Boise City annexations, the state legislature changed the law. Prior to 2008, there was something called "implied consent". Implied consent means, that if you're connected to a municipal water or sewer system then you have, by implication, consented to annexation. That was changed in 08 to require a signed document. So, now when the City hooks up people to the sewer system or new subdivisions are proposed, we require the owner of the property give to written consent to annexation and it is recorded in the Records office and is applicable and binding on subsequent owners. This is kind of a busy map and for that I apologize, but the annexation boundaries are in red. The green parcels are the parcels where we have consent to annex. It's over ¾th of the total number of parcels in the area. Land area, is 53 ½%, so at least ¾s are owned by people who have consented to annexation according to the state definition of consent. I want to mention, if the boundaries seem a little off part of that is because state law prohibits the annexation of parcels over 5 acres in size that have not consented to annexation. It does allow annexation of those parcels once they are surrounded. It's a state law that kind of invokes a two-step annexation process to keep those going from 5 acre parcels; you see these here on State Street. If the annexation goes through then they would be surrounded and would be subject to annexation.

State law says there are three factors you need to consider when defining an area of impact. Whether there are geographic factors separating the rest of the area from the City, trade area and then the areas that you expect to annex. And by expect to annex, you provide municipal services. This is the annexation area relative to the area of impact, or impact boundary which is in blue. Also, subsequent to the City annexations, the legislature established in 2005 the requirement that when properties are sold in an area of impact, there needs to be a real estate disclosure made that you are in an area of impact and the disclose is to make aware you will be receiving city services and whether there is a covenant to annex. All of this is to help people understand that if they're in the area of impact they are likely eligible eventually for annexation. There are also notes on the face of plats where we extend sewer outside of city limits. We have done those things and we've complied with the state law for notification via the annexation, as well as the City Code. We've mailed notice of the hearings, of the annexation to each property owner, obviously in the paper, posted the site. I mentioned the June 11th of information that we had and this in the next step of July 14th. That meeting was held at the Shadowhills Elementary School which is out in the annexation area and it was attended by roughly 65 people. State laws also require that the City provide a prepared annexation plan that contains these elements: how services will be provided, changes in taxation; which of course is a big issue and land use zoning. So we will look at that annexation plan briefly.

Starting with parks and recreation, all of the residents of the area, if annexed, will be eligible to participate in the parks and rec programs at the reduced city citizen price. There are 2 parks in the annexation area; one of them is already developed which is the Optimist Park at the northwest end. We actually just annexed that a couple months ago in conjunction with a developer initiated annexation. It's called Magnolia Park and it's 7 acres in size. This is Magnolia, it's on the east side of Bogart Lane close to the Shadowhills Elementary and these are some of the amenities that will be part of that park. It's anticipated by the parks department that after annexation, green up of the park will begin next year, 2015. The Optimist youth sports complex as mentioned is already there, it's 51 acres in size and has a number of amenities.

Fire protection: currently fire protection is provided by North Ada County Fire and Rescue, as well as the Eagle Fire District by contract. Now, there will be some changes in taxation and revenues to those fire districts, however, that will be compensated by changes in the contract with Boise City to make up those losses in revenue. Here are those locations, 41 and 42 out in the northwest or Eagle City, 16 out here in North Ada County Fire and Rescue, 13 is not a built site. That's a site the Fire Department has accrued and obtained the title and permits to build a fire station on Pierce Park Lane. Police protection upon annexation, Boise City Police will take over the police services.

There is an extensive sewer investment by the City in the northwest area. These are where the sewer is available. I realize this is a tough map to see but every place you see blue lined dots on the streets we have got sewer mains there. Pretty extensive throughout the area, again, as I mentioned $\frac{3}{4}$ of the parcels are already on City sewer. Generally, sewer is extended adjacent to the City and you see that over in the eastern side, but we have seen connection of folks who are out west of where the development occurred. There is a lot of development on septic tanks out in this area and in the early 2000s, the City brought in sewer lines across the Boise River through the mound rock area and over to the west portion so we could provide service to those people as needed.

Trash service will be the same as for other Boise City residents and Ada County to be served by the public. The City would look to eventually upgrade to City Ordinance Standards as far as street lights and take over maintenance of any street lights that are there. Library services of Boise City, the closest branch I believe is at Collister and State and of course residents would be eligible to use all of the City's library services.

Ada County doesn't represent itself as a municipal service provider. They don't provide Parks, their Comprehensive Planning is minimal, they don't do Fire, they don't do Sewer and have a very limited Code Enforcement program.

This map shows the neighborhood associations that are associated in the area on a map. This area in its entirety is in the Northwest Neighborhood Association. We have members of the Northwest Association on the project at Gary Lane and State a few weeks ago. This gives people a chance to participate in City government to have a voice in hearings, such as these.

Property tax impact: It is not insignificant. There's a lot of numbers on here but what this does is show all of the tax amenities in taxable area 18 which is one of the tax code areas out in the northwest area. In the left column are all the amenities of the total levy that's assessed in each individual property. On the right you'll see that several drop out; pest extermination, Ada County library and that sort of thing. The big addition is the Boise City levy, which equates to roughly 35% increase in property taxes. What that means is for a \$150,000 dollar home with a home owners' exemption it will increase about \$365.00 dollars and here you can see the example. One of the questions to be decided is the zoning of the parcels to be annexed. It has been typical for the City of Boise, when it does a city initiated annexation, to give the same, or as close to, the same zoning as the property owner is currently adjoining in Ada County and that's been done here. You see a lot of the R-1C which of course is a single family residential zone. You see some large lot zones like the R-1A and similar dense amounts which are R-2 and R-3. So that's what the zoning map would look like.

Staff feels the proposed annexation is in compliance with the law. We've met the requirements for notice, we've removed lands that should be excepted by state law from the annexation, plus we meet Boise City's annexation law as well. So we feel the annexation complies with local and state annexation law and our policy. We know these are difficult issues and we're not naive to the fact that there's a lot of additional property tax that's going to be assessed against these people, if the annexation goes through. In summary, what an annexation does is serve these purposes: it allows people and businesses that are part of the city in a practical sense - socially and economically - to become part of the City in the legal sense. It allows for the orderly implementation of comprehensive plans with land use components and strategies for public facilities. The implementing tool for the Comprehensive Plan of course is the Zoning Ordinance. A Zoning Ordinance does not apply until annexation occurs. It allows the utility systems to be sized and located in ways that land slated for urbanization can be served most efficiently. It enables those that are part of the community to fully participate in community activities by service as elected officials, by eligibility to serve on city boards and commissions and it assures to some degree those who benefit from community facilities share in paying the cost of development, operation and maintenance of those facilities.

Commissioner Gibson - A specific question on the summary that's been provided making reference to the 75% of the parcels and 53% of the land of people who have consented to the annexation, I wasn't sure on the mechanics. That wasn't a process occurred during the transfer of title if somebody purchased a property, they signed the consent? There wasn't actually like a method of soliciting approval from an individual or a land owner? I just want to make sure I understand the mechanics specifically of how that number was arrived at.

Scott Spjute – Again, prior to 2008, if there was a connection to city sewer, there was consent so everything connected prior too then and was one of those green consented parcels on the one map. Subsequent to that, the City did not connect anyone to sewer without first having them sign consent to annex, so that’s how it came to be. It either happened when a septic system failed and Central District Health was not using a septic permit if sewer was available, or if a new subdivision was developing it would require the owner of the subdivision, or developer, to sign the consent to annex. So in those two ways someone from public works is here and would come up if I say anything wrong, but it was either implied consent before 2008 ,or a written consent because they needed or connection to city sewer after 2008.

Commissioner Gillespie - Scott, could you briefly talk about the non-conforming uses that may arise as part of this annexation because there were questions in the public record about “will I be able to continue to do X if I have already been doing it when I was part of Ada County”?

Scott Spjute - That’s a good question. In our Annexation Plan it did address that but yes, there is nothing that somebody is doing lately in Ada County that they could not continue in Boise City. It may be typically farm animals and that sort of thing, or a business in the home. If they’re done legally, even if the City may allow it or the City Ordinance may prohibit it, but if it was done legally in Ada County, then it’s grandfathered. If you’re illegal now, then you may still be illegal afterwards, but that’s generally the way it works. If I can say real briefly, I think I may have mentioned this in the neighborhood meeting, all those annexations that I showed you were from the mid 90’s on, I was here doing pretty much the same thing for every one of those and we have never taken away someone’s business or animals in all those annexations or any legal grandfathered use, it just hasn’t been an issue.

Commissioner Miller - I have one question with regard to the city’s policy of Sewer Extension Plan, city lines. I was wondering if you could talk a little bit about that in your public works but are there places... Why does the City do that, extends those beyond city lines and then there are other places where the city has done that and then not annexed the land?

Scott Spjute - The city annex....

Commissioner Miller - I’m holding you two up...

Scott Spjute - No that’s fine...

Commissioner Miller - Just in general...

Scott Spjute - We extend sewer as a service to people who need it. It would be really nice if development only occurred adjacent to city limits and we extended sewer and annexed them as we go along.

For better or worse, Ada County has allowed development at urban densities well outside any city or away from anyone that could provide sewer. Septic tanks, generally, eventually fail. The urban slide I showed you on the west end showed all those people were on septic and now a lot of them are on sewer. As a service it's a service that we do this. For example in 1987... '86... '87, south of Overland Road and short of the Countryman Estates Subdivision there was mass failures of the lagoon systems for those subdivisions, standing sewage on the ground. County Commissions came and pled with the City to bring sewer across the freeway and that's where we really got sewer out in that area first, but it was a need to serve people. The policy has been to extend sewer where a developer will pay for it, or where the City can pay for it by hook-up fees and get reimbursed for that. The City Council is talking about changing the sewer policies as far as where it will extend sewer, but for now and up to now that's the way it's been. I mean it's not cost effective for the City to go out and build sewers hoping that eventually someday people would want to hook up to it, it's only where it is needed.

Commissioner Gillespie - Can you follow up? You know the whole question of what does hooking up to sewer mean in connection with the annexation. The question is not a city driven ordinance or law, that's state law. So state law is what defines what hooking up to sewer means so that's not a City Policy or City Ordinance.

Scott Spjute - That's correct, we have adopted into City Code, State Code. It's now part of the City Code and State Code but the State Code advises the City. The intent of that consent provision by the legislature was that if you consent to annexation now by connecting to city services, or agreeing to connect to city sewer, then those people would then be precluded from protesting annexation when it happened. Well, you can't really tell someone they can't protest annexation, but that was the idea behind it. If that were the case, then we would have the vast majority of the people in this area on the annex but if what they got was sewer without the annexation, that's probably what they would prefer.

Commissioner Demarest - Scott, can you give us some sense of the timing of this? In other words my question is, why now?

Scott Spjute - That's a very good question. I think it is answered in the Annexation Plan, that's part of your packet of which I addressed briefly in my presentation. Boise City is to the point where I can say that for example, the library (inaudible) people don't want to put a library clear out in the northwest edge of the City. We've got the park lands there which we own and will be greened up again. We service most of the area with sewer; we are prepared with police services at the same level as the other areas of the City. We could have probably done it a number of years ago, or City Council could surely put it off, but now this is as good a time as any.

Commissioner Gibson - I have one more question for Scott. Relative to the 35.5% increase that you represented in that file, how does that compare to percentage increases for the previous annexation?

Scott Spjute - That's a good question and we should have an answer, I don't have the exact figures. When we were doing prior annexation, we were in conjunction with our financial staff administrators. We would tell people their property taxes were increasing 23-25%, so the difference did increase over the years. The last few annexations, the Enclave we did a year ago and even down to 2004, it was probably around 30% but those are taxing levy's you don't have much say about.

PUBLIC TESTIMONY

Kim Strouse - I represent the people of the area referred to as CAR14-00014 and the Northwest Neighborhood Association. I want to thank you for your time this evening and the opportunity to give our testimony and our thoughts on this process. Looking at the Planning Divisions staff report in the executive summary, it stated on Page 2 that over 75% of the parcels and over 53% of the land are owned by people who have consented to annexation. Let me express my concerns as to the methods that the City has used to acquire this consent. In 1991, 23 years ago when my husband and I went to City Hall to get a permit to put a septic system on our property I was told that in order to receive a permit to put a septic system on my land I needed to sign a paper saying I wanted to be annexed into Boise. At that time, I didn't know what that meant. I'm a county girl from Pennsylvania and Oklahoma so when the clerk explained to me what that meant I said, *I won't sign that. I don't want to be annexed into the City. If I did I would have purchased in the City.* God was with me and it was 5 minutes till 5 and the clerk had mercy on me and told me she would let me sign and give me the permit, I could go upstairs and sign. I went upstairs to sign and the office was closed, although I was going to contest signing it at that point as well. Looks to me on this map that he showed us, we are labeled as consenting and we have not. Then in February 1991 we received a letter from Public Works Department of Boise stating in quotes *"The City of Boise is in the process of preparing plans and specifications from construction of a sanitary sewer. This project is being done in conjunction with installation of water mains by United Water of Idaho. Initially this sanitary sewer will be a dry line"*. At that time, there were 3 conditions given under which Central District Health could mandate a property must be connected to sewer.

Mr. Miller, I appreciate your question about extending the sewer out to the City because I believe that's all part of Boise City's plan to increase their revenue by forcing people to sign on. I'm not aware that there was a request for sewer out there. Then in the fall of 1999, 2½ years later, the sewer lines were installed, but no water as promised. January 2000 we received another letter that said, *"Boise City Ordinance requires existing structures with sanitary sewer service available be required to connect to this sewer system under 2 circumstances"*, so now we've gone from 3 down to 2 so the law keeps changing. There was a notice of pending lean also in that letter against our property and that was part of the mailing. During this time people were not able to refinance their properties and others were forced to connect to public sewer, even if they had a septic system that was functioning well, or the property was not able to be bought or sold. In August of 2003, we received another letter letting us know that due on sales documents was being rescinded. We had since learned this type of lean is illegal.

Nowhere up to this point in time was there a mention of implied consent in any of the letters that we received for annexation. This letter came October 2005, with notification that connection fees would be increasing soon but if there was a financial concern it could all be financed at prime interest rate plus a one-time administration fee and the cost of physically connecting your property to said lines. Thus encouraging or coercing people to go into debt, slavery, for a service they may not have even need plus a quarterly payment for sewer services. October 2006, another letter stating interest rates would be increasing plus there would be another 8% added and the connection fee would be increasing again in the spring of 2007. Another scare tactic, but now there's only one mandated requirement for connection septic system failure. It was stated in this letter, "*The increase in the interest rate is designed to encourage Ada County residents outside Boise City limits to connect to sewer*", thus giving the City consent for annexation. If we are annexed, and I was just looking through again on Page 8 of the staff report, now into Boise City, the properties again will be required to connect before they will be able to sell if they are on a septic system. Since this letter dated October 2006, 4 more notices stating connection fees would be increasing, but if you sign on now interest rates are only 3½% and there is no more mention of the 8% interest fee. Maybe this was illegal as well. But I wonder if the people that were intimidated and connected during that time frame realize how much extra they are paying because they did connect at that time. I hope you gentleman are able to see the lack of integrity and possible illegal actions taken by the City for decades in regards to this annexation. We as property owners and renters see no benefit to the citizens of these 606 acres, which is what was on the letter that came out, in being annexed. In fact, we have much to lose. We are content with our police and fire protection, parks and library services. We can use all the libraries, in fact, I have even borrowed books through the way they do it without any fee from as far away as Twin Falls, so we have all the library services that we desire. How many employees would Boise have to hire to support our area if this annexation takes place? They already have a park on Gary Lane, simply referred to as Gary Lane Site that there is no money to complete so fruition of Magnolia Park will be years out. As far as fire protection and the proposed fire station, I believe it was 13 on the map, is actually further away from our area then the Eagle station which currently serves us. In the Planning Division staff report on Page 8, it states that our fire protection will not change so there is some discrepancy there, as well in what is being stated.

The most recently developed areas already have sidewalks and streetlights and the older subdivisions don't want them and don't care that we don't have them. We love our rural feel and again, if we had wanted to live in the City limits, we would have purchased our homes within the City. We like where we are. They've told us that when we are annexed in, "in most cases the zoning designation will match as closely as possible to current zoning in Ada County. In some cases a zoning designation more compatible with surrounding zoning and who are in compliance with BluePrint Boise may be applied", sounds pretty vague. They told us at the information meeting at Shadowhills that we would be grandfathered to continue home based business and to continue keeping our live stalk. I spoke with a gentleman today whose father-in-law lives on Shirley, an area annexed years ago, the same family has lived there throughout this time.

The home hasn't been sold, they're no longer able to keep live stalk there unless it's considered pets, like chickens, as they first were when they were annexed and they can no longer keep their car collection on site so they've lost their rights once they were annexed. Things continue to be taken away. The bottom line is the City of Boise desires more revenue if they acquire this by annexation, then they don't have to raise taxes, which looks good for city officials when running for reelection or higher offices. The only one to benefit from this annexation will be the City of Boise. I'm fighting not just for myself but for the seniors, disabled persons, those on fixed incomes and my friends and neighbors who may lose their homes and properties because they will not be able to afford a promised 35½% property tax increase. As near as I can tell, Idaho is one of only two states that have these forced annexations. This is a process which should be voted on by the property owners of the impact area. Tennessee just passed a bill in April giving the people a say. The new law there requires a referendum in which people in the proposed annexation area voting in favor or against joining a city. Now it will be the people who decide if they want to merge with the municipality. They did this by putting a moratorium on annexation. Again, I had asked at the June informational meeting if this hearing could be held at Shadowhills so our older people and people who don't drive downtown would be able to attend without difficulty and Scott said at that time this probably was not feasible to happen. So I asked, since it's the City who are wanting to do this to us if they could provide city buses and bus our people here so they could attend this meeting. He told me he would get back with me; I have not heard anything further. So, I ask you, please hear the voice of the people regardless of what we may have connected to or signed. We do not wish to be annexed into Boise now or in the future and we hope that you, the current Boise City Officials will acknowledge the wrong that has been done and choose to do the right. I also learned today that annexation is to be addressed by the State Legislature in January so I would like to submit that that's possibly why this is being pushed through during this time when our legislature is not in session to help us. Thank you very much for your time, I appreciate so much you hearing our concerns.

Kim Strouse - If you have questions or would like to see those letters, I did not bring them with me this evening, but I would be happy to provide them although I'm sure they're on public record. I have petitions signed by the residents in our area.

Commissioner Bradbury - We would be happy to put those into record if you would just bring them right up here.

Kim Strouse - Do I still have time?

Commissioner Demarest - You would have to use it right now.

Kim Strouse - I'll use it; this is an analogy of annexation as I see it. I like my neighbor's property but I think he isn't using it as efficiently as I think he might. I must devise a way that I can manage or govern his property, so I make a plan.

I sent him a letter letting him know I'm planning to build a dog house on the property line. When it is finished he will be able to chain his dog to it. Later, I build the dog house and send another letter informing him he can now use my dog house. There will be a chain up fee, a quarterly usage fee and of course he will need to provide his own chain, swivel and collar. I'll also mandate that if his dog house gets infested with fleas, ticks or rodents or perhaps burn down, he will no longer be able to rebuild it but will have to use my dog house. Not only that but if he does chain up it will be implied that he wants me to govern his property for him. Years passed and he has still not chained up to my dog house, although, I'm still maintaining the dog house that he is not using so I change the plan a little. He will not be able to sell his property or refinance it unless he chains up, but his dog house is fine and plush so he still refuses. Now he has figured out that my ultimate goal was not for his wellbeing, or that of his dog, so that I could govern his property for him. I'm planning to tax him 35 ½% of his property value annually for this opportunity. He's been a happy man and his dog was well cared for, he has worked hard for years to make the place that he had dreamed it would be and has enjoyed the freedoms he had. Now, because others in the area have given in to chaining up to a dog house they may or may not have needed, he too has lost his right to govern his property. I can now tell him what he can and cannot do on his land and how many dogs he can possess. My purse is swelling; he is no longer able to afford monthly and annually fees and taxes so he must sell at a loss. I will build multi-family dwellings here to once again increase my revenue. I'm such a wonderful neighbor. I've protected him so well. I am now his city government. His property is now managed by Council members and as we all know, they do a fine job. This makes so much sense, doesn't it. I apologize for my sarcasm but I really feel this is unjust to us as citizens of the United States of America. Thank you again for your time.

Will Stanfield - In 1997 my wife purchased a piece of property at Duncan Lane to build a home on and the first question I asked was, is this a rural area or is this going to be developed? The land owners said no, it won't because there's no sewer out here. I said good, this is a good place to build. We built the home, got it established and I went to a meeting with Ada County Highway District on a route, Hill Road Parkway, coming in and my question was to them, "*is sewer going to be coming down Hill Road Parkway?*" and their answer was no. I was relieved, no sewer, no development. So the day they were starting to building Hill Road Parkway I looked out and I saw sewer pipe lined up. I called Ada County Highway District and I said "*what's the deal with the sewer?*" They said "*well Boise Public Works wants the sewer*". Okay, we don't want the sewer; Boise Public Works wants the sewer. None of the residents wanted the sewer. So sewer comes down, I want to back up just one step because prior to that the first thing that happened was United Water put a water line from Seaman's Gulch at Hill Road down the middle of the road with no permits and did it in the shade of night. When I called about that, they said; "*we'll get it stopped to stop construction on this right away*". Didn't happen. Now we have water, now we have sewer. That was the first couple of deceptions we had. I talked to the land owners around us in the neighborhood when we first built. None of our land is for sale, we're not going to sale. Somebody came in with deep pockets, bought a piece of land directly, I should say kiddy-corner across from me, developed it, put homes on it. I call that development Matlock 1. Matlock 2 is across the street from me, they developed that. Matlock 3, just now is about finished being developed.

Supposedly there was no sewer going to come in. We have the sewer, we have the water that we were told weren't going to happen. I went into Boise City, or actually Ada County Planning, I wanted to add on to my home. They said yes, you can add on to your home. It's going to cost you X amount of dollars. I was willing to pay for that permit, but you're going to have to hook on to the sewer first. Hooked on to the sewer, signed the waiver to say I would be willing to be annexed, which I was not but I wanted to add on to my house. Where I'm from, we call that strong arming.

Terri Stanfield - First I'd like to address Code Enforcement this gentleman brought up. I work for Ada County and I know the Code Enforcement. There is an Eagle Code Enforcement gentleman and there are 2 Ada County Code Enforcement gentlemen. We do have plenty of code enforcement in Ada County. I liked to talk about the sewer issue. We were forced to connect to sewer, not that we wanted it, but we wanted to add on to our home. This is a home we were going to live in for 20/30 years. So to add on we had to sign to hook up to city sewer. We didn't want city sewer, we have an above ground septic that we paid for dearly that was only 5 years old. We had to disconnect and hook up to city sewer so we were able to add on to our home so my daughter could have her bible studies over and have friends and enjoy the home we built for our family. The services that we currently have, we have no problem with. We don't have any issues with the fire district, the policing services, but yet I have a family member that lives a mile and a half away, she's in Boise City and she has issues with the policing service so I asked one of our people in Ada County to help her, they were happy to do so. I don't want Boise City. I don't want anything to do with Boise City. I don't want any of their services. I have livestock. Right around me is some farming land. There are tractors coming up and down the road when it's time for crops. I like to take my horse for a walk. I don't want to have to deal with the urban Boise City. I didn't move out there to deal with Boise urban city. I'm not a city girl, I'm a county girl and I ask you to please allow me to still be that. I never lived in the City, you know, I'm a Boise native, born and raised. I'll turn 50 next month and I've never once lived in the City and I've never planned to do so. Please don't change that for me because we have livestock. This time of year it's hot and could be a little smelly. I have a few flies. Is Boise City going to want that? The additional taxes could cause us to have to force and sell our home. That would be a sad day for me. So I ask you as Board Members to use some integrity and hear us. Hear our resounding no, we don't want this. Thank you.

Dan Black - I'm here tonight to urge you gentlemen to not recommend this annexation to the City Council. One, for the numerous reasons that it's been stated that so many people consent to be annexed just because maybe they needed the sewer, or they didn't realize what hooking up to the sewer would actually mean. I've gotten the same letters over the years. I have hooked up to this sewer but there's been kind of a heavy feeling with these letters. I'm a very small business man and I could get anywhere with a customer base if I was just always kind of hanging over them with this heavy feeling on the services I wanted to give them. I just couldn't do it. None of you would appreciate if I came to your home and said I'm your new lawn man and I'm going to give you less because we're going to get less, no gopher control and that's important, trash service, expensive services are going up because Boise City doesn't allow you to have unlimited trash as Ada County does.

I'm going to give you less but you're going to pay me 35½ % more and that's the way it is. I'm the new game in town, this isn't your place, and it's my turf now. It just doesn't win friends and influence people and as has been said and I'll be a little bit redundant. I've had the police out to my home. On that day there was Boise City and Ada County even before they had the reciprocal agreement. The boys and I were doing a little skeet shooting in the back pasture and somebody got alarmed. That was quite a few years ago. I've had the fire department out to my home and I've had North Ada County from Glenwood and I've had Eagle. I've had emergency services out to my home and that's been duplicated with fire engines, with paramedics and an ambulance so we're really covered well with services, you know that we're paying for and I just don't want to be annexed. Thank you.

Naomi Black - We have been in our home almost 25 years. We were surrounded by corn fields when we first got there and all this development has kind of cramped my style, but we do love our neighbors. We are totally against the annexation and we feel like we're being strong armed. It would be nice to have a voice, a vote to let the City know we don't want to be annexed rather than just this vocal thing. I am happy to know though that the City is going to let us continue our skeet shooting, just a joke. Just put it on the record that Naomi Black votes not for the annexation.

Neil Parker - I may be the only person testifying tonight who is not at an immediate risk of annexation. We live in an area on the northern boundary but I'm here for three reasons, I guess. One is to support my friends and neighbors who are at an immediate risk and another is because I've been told by more than one person, you next and we probably will be. The third and main reason is because I want to speak to what I feel is the principle of the thing which is forced annexation is one of the more barbaric things that government inflicts upon citizens against their will and has been pointed out previously. Idaho is only one of 2 or 3 states in the entire county that employees this through back to tourney and it is fundamentally wrong I think for people who have initially chosen to live outside of the city limits to be engulfed by a city seeking to expand its tax base against their will and without a vote of the people. The vote of the people is a cherished tradition of the county and it should extend to this area as it has so many others. A far more equitable way to determine annexation issues would be a strait up vote of property owners and I am aware the law says differently in Idaho. US Commissioners may feel, what can we do at this point but I think reform is far...far overdue and it has to start somewhere and it could start with the decision of this Commission. I was happy to hear Commission Gibson's question, the city representative, about the means for which we're employed to gather the impressive sounding number of people who had supposedly consented to annexation. I think any reasonable person who examined the means for which were implored to get those numbers would have to agree it could very realistically be called entrapment and cohesion and certainly not a consent by any reasonable definition. Opposing forced annexation is a very difficult and uphill battle as you know and it often fails, but I think a message could be sent by this Commission to perhaps begin the reform that is long overdue, thank you very much.

Francis Jeffries - It's considered Boise City even though we are out in the county. I'm going to have two different deals, a history of why we moved where we did and then kind of rebuttal to the plan, which I assume you guys must have which was sent to all of us. I'm kind of rebutting all the purposes that they want to take us in. This letter is a written testimony against annexation of the Northwest Planning Area, file CAR14-00014. Our property is located at Maymie Road Lots 3 and 4 in Randall Acres Subdivision No. 9. My wife and I purchased the 2 lots and small house in November 1987. The 850 square foot house was built in 1950 and we added an additional 600 feet in 1994. The property was purchased because of the rural atmosphere around land where our daughters could play and raise animals as teaching tools of life, as well as to raise stock for family food. Originally, I grew up in Gooding County, which is pretty much all rural. As soon as we bought this land, both daughters were in riding clubs, but we couldn't get 4-H. There were too many people already in it. From the time we purchased the property we have raised lambs, ducks, goats and beef on this property and also had horses. We have enjoyed this type of county style living, as have a lot of our neighbors over the years. There has never been a need for sidewalks or street lights. Traffic is light and many of the residents living in our area. A lot of houses have night lights on sheds for safety motion detection lights. My wife and I attended the annex meeting in June of 2014 and have downloaded the Northwest Annexation Plan. The following will address problems we see with your proposal to annex, as well as problems with the answers that were given at the meeting and also at the city office when I visited. So this is my rebuttal to everything they sent to us. Number one, Zoning Ordinance can be extended to be like the City area. If this is so then why are we told we have grandfather rights as to how we are using our lands such as livestock, working on our cars and equipment on our property? If we do have these rights and they are not somehow taken away later, how could our area be an extension in order to grow to match the City when most debt is brand new subdivision type housing?

Bret Friend - I've been in that neighborhood for 52 years and it is a unique neighborhood in its rural feel. It's remained relatively unchanged in that time mostly due to effort of the people that live there and I think Mr. Spjute's presentation had the key word, it is inevitable, or it will happen. When it happens I respectfully ask you guys recognize we are a unique rural area and that we be allowed to keep as much of the feel as we have. The second part Mr. Spjute, I was happy to see we would still be contracted with Eagle Fire because when seconds count, Eagle Station 2 is much closer than North Ada county and much closer than Pierce Park lane so thank you.

Ted Emory - Excuse me, Linda and I will relinquish our time.

Tim Strouse - I live in my home for 23 years. I want to start out first by saying I don't want to be annexed. I never signed any kind of paper that said I wanted to. We are not currently on the sewer system.

When we did get our permit and our septic system we were required to do a specialized double system which virtually won't wear out for years and years and years so we really don't need it. One of the gentlemen asked earlier, why now? I think that's pretty obvious. I think the City Council knows that there's word out that this is all going to come up at legislature this next term so they want to get this stuff done now so they can take that 35½% increase in property taxes. One of the things I know the Mayor has proposed here that got voted down last November was this levy for new fire stations and all of the sudden I see that he's found an overage in the budget and now this can be done without increasing the taxes. I've got to wonder if it's not because of the 35½% increase that he's expecting to get from this, and one of the proposed fire stations is even further away from us than what we currently have. Again, this just shows the Mayor to look good for possible future re-election or higher positions. Put it simply, history calls this "taxation without representation" and history shows this to be a troubling thing for any government to do whether it be a Kingdom, a Federal Government, a State Government, County or even a City Government. The term that comes to mind is I think you've all heard of it, The Boston Tea Party. Thank you.

Bill Seller - Thank you Chairman and Commissioners. I will be speaking for my wife as well. I lived in my home for 40 years. We have 2 acres, no animals and it's supposed to be landscaped but we've always enjoyed the kind of rural area around us. What concerns us more than anything is, especially grandfather rights, which I haven't seen any written commitment to that in any information we have received from the process of this annexation, so what I think we would like to see is some public commitment that what we enjoy now and the kind of rural area that we live in will be continued. People who have animals can keep them and we can continue to burn our landrail ditches in time for irrigation. Everything that's legally allowed us to do is kept as a grandfather right, that's what we would like to see. Thank you very much.

Melissa Williams - I have no statement commissions, gentlemen. I do have a, may I ask...

Commissioner Demarest - Would you like to speak, please come forward so we can put it on the record. We can't answer any questions for you though.

Melissa Williams - If theirs is anybody else here from the Neighborhood I'm from, Casa Real Estates the mobile home community? Okay, everything I was going to say has been said. Thank you very much.

Mark Dawson - I live in the annexation area and I'm against this annexation for the following reasons. I've got four reasons, here number one. The majority of the people in the affected area do not want to be annexed. At the scoping meeting at the school approximately 80 people showed up, not one was in favor of the annexation and we can do a test right here, do you want to be annexed into Boise City?

Mark Dawson - Alright, okay.

Commissioner Demarest – Let's not take unofficial saw polls or votes.

Mark Dawson - Okay and the majority of the people have not willingly given consent to be annexed. The City and the state have instituted a strong arm method or extorting consent by requiring it with the county building permits and it just seems kind of strange that they have done this in two ways. First you've got to do this consent form, and secondly they have imposed this deal of implied consent when they forgot to do it in the past. So now they've voted to tell me what I implied twenty years ago and I think that happened to a whole lot of people here. I believe that the map shown has several mistakes in it where they're showing, oh yeah you gave implied consent and it didn't happen. It's very troubling and the other question I have, it goes right along with this taxation without representation, the state very conveniently leaves out. We've got this gerrymandered map and the pieces they leave out would make this impossible to happen, impossible to have 50% of the area comply or give consent. If they can't do it, that fits right into the question why now? Who will do it now if we just leave out a 3rd of the property and gerrymandered the heck out of it, so commissioners please recommend to the City Council to put this annexation on hold while the questionable timing and tactics are explained and justified. Part of the question is, I think this timing issue where the legislature is coming up to talk about it in a few months, it would be very appropriate to delay this long enough to see how things are shaking out, thank you.

Jon Barns - First of all I want to thank you for hearing us and thank you for serving. I know this is not an easy position to do and I want you to know that I appreciate it. I live on 5 acres up there, we like the rural lifestyle. It's agricultural. We raise hay, we've got horse and cattle. Again, we do see the growth. We feel we have all the services we need that service us well out there and I would just encourage you to be against this as far as recommendation to the City Council, thank you.

Greg Olson - I am speaking on behalf of myself and my wife and we have submitted a letter in conjunction with our neighbors who have a similar situation to us. I'm wondering is this Scott?

Commissioner Demarest - Yeah, but it is not appropriate to ask questions.

Greg Olson - Okay, well I was hoping that we could at least bring up on the board the sewer picture?

Commissioner Demarest - We can't do that...can we do that?

Greg Olson - I'm going to speak on three points. Benefits for us and the City, benefits for the general land situation that we're within, and also as many other people have spoken, on as far as code changes and jurisdiction. So our house is actually near Old Hill Road and Bogart. On the previous map you'll see Polly Pierce's land which is a large 5 acre portion that is not in the annexation. We are neighbors and we are immediately adjacent to the east of their land and then also north of us is basically the land fill and another large acreage. As many of the other people have stated we bought our land to have animals from time to time. We run a small business. Our neighbors and the preceding owners had animals and a small business. We don't want to see that change. We are over an acre each and we are unlikely to be subdivided in the near future in the very least and will continue to have effectively a rural standard of living on our property. The way the sewer map shows they're not actually that close to our property and as far as a benefit for our property there's a rather large expense to try and run a pipe over to our house. Basically it would be serving at most our property and our neighbors. So you have a lot of expense for not a lot of benefit. We have a working septic system, we have a land use process that is not generally city based and it is more rural. We intend to keep our small business; I do solar installs when I do large steel construction. Basically, I make big steel frames where the roof hits the solar panels, so along those lines we would also lose pest control and I just don't see where the City gains a lot because the cost of the sewer expansion to include our house would be much more than the very large tax cost that we would be giving to the City, so it's a net loss on both sides. I think you guys should look at what's going to help everybody here.

Elroy Hendricks - Thank you, I have some additional petitions put out after that. There is 8 of us that have 5 acres on Bogart Lane which formed a CC&R that we can't develop without the consent of all of us. Basically, what the CC&R amounts to and all of us bought there within the last 10 years, approximately, with the idea of it being rural. All of us have livestock animals and without duplicating a lot of what's been said I would do what has been said by everyone. I also own a veterinary clinic on W. State Street in Boise and when I bought that clinic it was in the county and I lived approximately right behind it on Elmer Street. I had animals there and was told we could have animals and have an electric fence around it up until a policeman about 12 years ago showed up on my door step and said it was against the law and within Boise City to have an electric fence. It wasn't shortly after that that we'd already had this property out on Bogart Lane and we decided it's time for us to move. Even though they say, Scott claims, that we're great-grandfathered in, that was the same legal that they used when we bought on Elmer Street but after a few years we're told we can't have an electric fence and without an electric fence, horses are not, that's a pretty friendly situation to have around horses sometimes to keep them in. The library, I would ask where the library is that they say they have in our area. The only one I know of is in Garden City off of Glenwood. I'm not familiar with any other. I hope you all certainly take Kim Strouse and the others that have put a great deal of time and effort into this to look at this and seriously present to the City Council are strong NO to this annexation.

Robyn Dawson - I want to thank you for listening to all of us. I know that must be hard for you guys too. I used to sit up there in the City of Mt. Shasta City and do the same thing you're doing so I know it's a difficult one. I think that there are some special things about this area that you've heard a lot of people talking about the rural feel of it and I think that, in and of itself could set apart this area geographically from the rest of the City. The rest of the City is not this rural area. We have irrigation on our land which is one of the best I know in the area because its number 29 which means that when water gets tight, like you'll see it is in California, and we're not now that way but if it ever does this area will have water rights up to almost the very last. They are like 29 and so you know that could be very valuable in an area like this and the problem with grandfathering in is that only protects the land while the people are living there. When they sell it, it's over. Boise City doesn't have a zone for animals, for farm animals in its City limits and that's something it should really look at if it wants to zone these rural areas. That is something that I have been wanting to talk to the City about for a long time because if these people, it's like telling them that they're the fringe people, which is actually one of the terms I read on the paper here that we got tonight. It says that you know, we're in the fringe area. Well we're not really in the fringe area, that fringe area actually has some wonderful qualities to it. It's got the rural atmosphere and it's got people that love animals. We have wild life; we have enough in the area that's continuously together that it works.

Teal Wood - I live on Utahan and I want to start by complimenting who ever chose July 14 for this hearing, Bastille Day. It is the perfect day to address the missed deeds of government. Let's start with my parcel on the map that shows consent to annexation. Its colored green, I do not consent. When I bought my place there was a lean against it requiring me to hook into the sewer system, even though I have a perfectly good working septic tank on my land that I would prefer to be using. This is not consent, this is cohesion and I keep hearing that it's the law. The law knows the difference between cohesion and consent, sitting on a rape case if you need clarification of that. To color my parcel green on that map is just a lie and if that was the only lie, I would give it the benefit of the doubt, but there isn't any doubt. We have learned that we can't believe what the City of Boise tells us and you've heard some of the reasons we can't believe it so when we have been given the reassurance and then they turn around and change their minds. The fact we can't believe it means there's no way to address our concerns because you or Boise, or whoever can give us all the reassurance you want and we can't believe it. I'm concerned about water. I'm drinking good well water now and I hear, oh your water won't be changed and I think, well that's what they say now but what's to stop them in the future from forcing me into drinking city water. The only way to protect myself in the future is to never become part of Boise and that's what I would like anyway because I don't want to do business with people I can't trust. When I am free I do not do business with people I can't trust, it's really, really hard if you've ever tried to do that. So the question then is, am I free? Do I have the right to say no to this?

If you, or Boise really believes that the majority of people in the area consent to annexation with referendum. Let's give us a vote and I promise that if the majority votes for annexation, I'll sit down a shut up.

Carol Clemmons - I'm going to say basically what everybody else has said so far. You have me down, according to the sewer hookup, as consenting. I do not consent. I never did consent. If I do not have a choice, this is not by any definition of the term consent. The services we have we all find perfectly adequate, we are not interested in getting fewer services for more taxes. I have to also object, I know the law says you can annex me without my consent. Regardless, that is wrong. That is against the way our country was founded and whether you have the law that says you can bully me into this or not. I would say there is something...there's something more than whether you have the power to forcibly annex me and I would ask that you look at your conscious. Would you like to be forced into something that you did not agree to, thank you.

Ruth Davis - I live in the Sunstone Subdivision and I am on the Home Owners Association Board. Just briefly, we support everything that's been said here tonight. There is no one in our area who supports annexation. We have plenty of services. We enjoy all of our services and the library seems to be a big issue but it isn't a consortium so everybody can use all libraries in this community. There isn't any issue about whether or not you can go to the library. I think that's it, everything that everyone else has said we support. Thank you.

Karen Danley - My husband and I lived in Boise then we moved to Eagle. Then we chose to live in the County for the purpose of raising animals and the freedom to use our land within County regulations. I'm from Bismark, ND and I just returned from there and my father owned land. It was very interesting because we did meet with the city planner, her name was Ken Li. After looking at the map, the entire map of Bismark which is growing rapidly and we are in a different situation where we are asking for some land to be annexed, that's undeveloped and then to sell, you know, possibly to develop because we want to bring services to that land. That's the opposite of what is done here. You have the services there and then annex so those people in Bismark who would buy that land would know they were within city limits and this is opposite. I would like you to consider that. The other part of the map, there were parts that were not included and I ask the city planner what are these parts? I thought maybe they were overlays or such and she said that they do not force annexation. I want you to really think about the concept of forcing people to be a part of your city. You don't force someone to be on your team. You don't force someone to go to a certain doctor or to a certain store, that's a freedom we all have. The other part of this is...Scott if you wouldn't mind please putting up the summary map?

Karen Danley - On the summary map you can see there are two parcels on Old Hill Road that have not given consent. They're not green, there right next to Polly, the large portion.

So of those two areas I live on one of them and we have not given consent so consider the fact that you're also asking people who have not given consent, forcing them into the annexation. The annexation that will cause us to hook up to sewer. We're not currently on sewer, we're on septic and it will cost \$8,000 -\$10,000 dollars for us to hook to sewer and then the sewer bill, which we currently do not have one, is about \$420.00 dollars a year plus the 35% of tax increase, that's 1/3rd. If you did that in income tax, that would be unheard of. It would be 1/3 of our current taxes so think about applying that to your own personal families.

Think about applying that to your family coming up with ten thousand dollars plus the monthly bills and when we resale our value, if that's when we have to do it and then we would lose ten thousand dollars. You would sell your house ten thousand dollars less than what you had planned for. Our land use is animals and burning is a concern. We have over 20 mature trees on our land that shed a lot, leaves, trees, limbs so we are within county regulations to burn that. To actually carry that to the land fill is a considerable difference then we would not have unlimited trash. Currently we pay for Fire and Police through Ada County so we already pay about the same percentage of Ada County employees taxes through our property taxes so I don't understand why that would be an added benefit. We are happy with that. Thank you for your time, I appreciate it very much.

Peggy McReynolds - We've lived there over 40 years. We own almost 3 acres. All of us in this room who live in this neighborhood are kind of in a unique situation. We have Boise addresses. We have Garden City zip codes and we're closer to the downtown Eagle then we are to any of the others so it's kind of a unique situation. I'm speaking for my husband also and he'll let me know later if I misspoke for him. He trains race horses and has done so for probably, he's been in the race horse business over 50 years. He has trained race horses since the early '70s and we have less than 3 acres. We board the horses during the down time and we have many, many, many horses. Not just one or two but many, many, many horses and we're concerned that this will change if we get annexed in. The proposed annexation we could not see any changes or benefits other than we would change whatever police department would come to us. We have not had any problems with the Ada County Sheriff's Department. Whenever there are any issues there so for the 35% tax increase we really get nothing in return and we're not freeloaders. We're paying our taxes, we use the services yes. Those of us who were coerced, my husband and I were coerced into hooking up to sewer, which by the way we couldn't figure out why the sewer line was coming to our residential area because there is no subdivisions between Hill Road Parkway and Old Hill Road and up Duncan Lane. But here comes a sewer line down our road and every year like everybody testified here, we get these letters saying if you don't hook up it's going to increase, if you don't hook up it's going to increase. Finally, if you want to sell your property you have to sign or you have to hook up so we paid the over \$5,000 hookup fee. Again, it wasn't free, we paid for it and we pay for our sewer services so we're not getting anything for free.

We're very, very concerned about our quality of life. Like I say, we lived there for 40 years. We love our quality of life, we love the rural lifestyle that we have. We're very concerned about the rules and regulations that will be imposed upon us by the Boise City if we are annexed in and I don't care what Scott says about grandfathering in, once it gets challenged like what Doc Hendricks said, we have to adhere. That will be Boise City laws so I'm very, very concerned about this so called grandfathering in. If once it's challenged, I'm sure that we won't be grandfathered in and so that's very, very concerning. In summary, my husband and I would respectfully request that you recommend against the annexation of our neighborhood, thank you.

Greg Danley - I'd like to thank everybody for coming out tonight and speaking your minds. I'm sure this is just a small sample of our community and I think you get the general jest that nobody really is for this. The general plan for my 3 minutes was to give the rest of my time to my wife, since she speaks so much better...

Commissioner Demarest - She used her time by the way but you still have a few minutes. We do thank you for...

Greg Danley - Anyways in short I'm against being annexed and thank you very much.

Lisa Rodgers - I am in one of the green areas. I just wanted to say I think everybody said a lot of really great things tonight and thank you for listening, and thank you to my community here for speaking up. I think there's just too much at risk here that we've heard tonight, too much in question and I would ask that you put this off until the legislature has a chance to discuss it in greater detail. I don't think we as a community want to be the ones that were hanging on the cliff that got annexed that shouldn't have. If this were going to change in a few months I don't think you would want to be part of that as well in terms of recommending it. I'm wondering if the green things on that map are really green in a legitimate way. Maybe there is some research that needs to be done meaning who's consenting and how? I think that's only one piece of the things that are at risk so I would just ask that if this is as controversial as it feels and sounds and nobody in here wants it and there's been a lot of good reasons for that, I would ask you to just let the larger community discuss this in a broader way and let a bigger decision get made if that's the best way, thank you.

Hollis Putnam - I would echo a lot of the things that have been said here this evening but there's one thing rather than repeating all those that I'd like to point out. I'm a retired guy and so I live on a fixed income living off my savings. I owned a small business here in the Boise area for a good number of years. This tax impact, I looked at in the annexation plan that came out listed a business and the impact on the home and I would just like to point out that a retired person like myself, the impact is quite substantial and I bet there's a few others here in the room that have the same experience.

My taxes are going to go up over \$2,000 and I bought my place there 4 years ago. I kind of bought it with the idea of teaching my grandkids that all of the produce and things like that don't come from Albertsons. I raise a few black angus, I grow hay and I garden and try to teach the grandkids a little bit about how things come about in the real world, so I would certainly urge you gentleman, I know this is kind of a tough decision because I sit on a board similar to this in Valley County. The way these issues that have been brought forth to you tonight and don't do a slam dunk on this. Think about this a little bit, thank you very much.

Claudia Fernsworth - Right now I'm going to be speaking for an Iraq refugee, Jose Matachie. Their family bought their house 3 years ago and her husband was working at Micron and she works as a cashier at Walmart. In Bagdad, where they lived previously, she taught Junior High school boys for 14 years and he was an engineer working for Washington Group. They have two sons who go to BSU. Both of the boys work in the cafeteria to help pay for their bills. A while ago, Jose was in a car accident. His leg was broken and his back was injured, he went back to work. The next time he saw the doctor the doctor told him that his injuries were really server and that he really should not work so he is out of work now. We have a cashier at Walmart and two paying jobs at the BSU cafeteria paying these peoples bills. Any increase in their taxes will be a real hardship and we have heard from a couple of people who have also had that issue. I also want to say I think it would be really prudent to put off this annexation until these things are sorted out by the City Council and by the State since we are 1 of 2 states now that have this sort of annexation policy. Thank you.

Larry Fernsworth - I feel I must use my time to tell you how disingenuous I find the solution of the City that implied consent and written consent obtained through permitting process amounts to some de facto approval of annexation. I think it's pretty plain from testimony tonight it does not. I also have a real problem with the notion Ada County residents will be grandfathered in, in that what was legal in Ada County will continue to be legal in Boise City. I just find it very hard to believe that Boise Police Officers, are resourceful as they may be, are going to be able to enforce a contradictory set of laws. I don't see how we can expect them to, as time goes by, know what's legal on one side of the street and isn't on the other. I see some real problems for people who are already tense with some pretty heavy lifting. With the legislature out of session I feel this Planning Commission is the only hope we have of a having some democratic process unfold and I'd ask you to vote against this proposal. Thank you.

Lydia Hamilton - I am not living in the annexed area, however, I am part of the Northwest Neighborhood Association. I'm here to reiterate again some of the concerns my neighbors have as part of our neighborhood. One is I think their biggest concerns are maintaining their rural feel they have out there. I was just out there yesterday and I ride my bike through their lands quite often. It's great; there are horse pastures, some cattle, lamb and sheep.

Some of the concerns I've heard is while they will be grandfathered in, Boise City does not allow such animals on property less than 1 acre, I believe, so some of the citizens are concerned they will lose this. They are also concerned they will have increases in property values. They will also have to pay several thousands of dollars to tie into the sewer system and these may not be able to be recovered when they have to sell their house, if they have to sell their house. Their grandfathered rights may not also come with houses so anybody else wanting to move onto this land would not get to have the lifestyle they would want to live out there. Another one of the concerns brought up is the trash collection. It doesn't seem like a big deal but I think when you're living on over an acre you have a lot of trash. You get several piles of leaves, and in Boise City we do have to pay extra. You get five tags per year. That's it for an extra garbage can. I think living out there and having to pay that extra cost on top of their taxes and on top of tying into the sewers is just going to be a little too much. Idaho is now only one of two states, Tennessee in April reversed their legislation and they no longer mandate this type of annexation. It is now only Idaho and Indiana, and Indiana is also in the process of looking this over. That's all I have for you. I hope that you guys consider not approving this, thank you.

Mark Liming - Myself and some of my neighbors I have talked to are totally against the annexation. I have talked about what kind of problems we as residents and other people in this subdivision would have if this annexation goes through. I think this would be something that you guys should think about before approving that.

REBUTTAL

Scott Spjute - Thank you Mr. Chairman I have no further comment.

PUBLIC HEARING CLOSED

MILT GILLESPIE MOVED TO RECOMMEND APPROVAL TO CITY COUNCIL FOR CAR14-00014 BASED ON FINDINGS OF FACT, CONCLUSIONS OF LAW AND ARE SUBJECT TO THE CONDITIONS OF APPROVAL AS STATED IN THE PROJECT REPORT.

COIMMISSIONER GIBSON SECONDED THE MOTION.

Commissioner Gillespie - First of all this is a really, really tough issue. I want to say personally I normally don't get into the personal issues in my one year on the Commission but on this one I do feel your frustration and I also totally respect basically your argument for liberty. I get where you're coming from but that's kind of a high level point. Let me make a couple of points on why I'm recommending approval.

First of all development is occurring in your area whether you want it or not and the reason is because your neighbors are going to sell their parcels or they're going to decide to subdivide it. The State of Idaho provides you almost no ability to influence what your neighbors do with their land; it's again for the liberty of argument. These subdivisions and multi-family units are going to spread all over this area. It's not city policy, it's not county policy and it's what your neighbors and developers are going to do, frankly, to make money. That's going to happen rather you're in the county or not. When folks put in subdivisions they are not likely to put in a septic system in either Ada County, or Central District Health is likely going to look favorably on large new septic systems. That means Boise City is going to extend the sewer. Discussing the motives in why Boise City wants to do that is not really appropriate for this Commission, but it's going to happen because there's going to be a lot more people living in this area, period, whatever we do tonight. Your best hope to manage that process is to be in a municipality and avail yourself of the land use planning laws available to a city. Whether it be Eagle or Boise, I don't know. That's the only way you're going to be able to manage what happens around you. Ada County cannot do it. They don't have the resources or the legislative mandate to do that so I want you to think carefully about that and try to weight that against how your feeling in terms of the liberty argument. There are neighborhoods in the City that have banded together, put in neighborhood plans and they're trying to protect the rural nature of the neighborhoods they live in. I think the Frontier Neighborhood Plan is a couple that I'm aware of where people have really put in thought and the City works with them trying to protect what they have. You can't do that within Ada County. It's not a flaw of Ada County, it's Ada County is just not set up to do that so that's kind of Point 1. Point 2, all the concerns about the annexation process where form, this is just the wrong forum. In particular questions about coercion and entrapment vis-à-vis the sewer hookup are really beyond the scope of this Commission, and frankly nobody's provided any evidence of the consent calculation as defined by state laws incorrect or was unlawfully obtained. I heard all the arguments and I respect them at some philosophical level but I have to respond to the evidence that's before me. Finally, on the non-conforming issues I'd simply refer you to Section, I believe its 11.11 of the City Code. It clearly defines what a non-conforming use is. This is the issue of if you're doing something now can you continue to do it. This is kind of one of my favorite parts of the Code but there's a very clear legislative history in Idaho judicial record which says you are protected in those uses. I don't know how to respond to any codes which suggest otherwise when I know what the law says. I think staff has demonstrated this annexation will benefit the whole city and that's why I made the motion.

Commissioner Gibson - I'd also like to voice a statement in support of the motion. Approximately three months ago we had a public hearing for annexation on the south end of Boise and the majority of residents who appeared before us, approximately 35-40 of them, spoke against the annexation specifically for some circulation and other issues that were pertaining to the project, but to be specific to the point the residents that were speaking were Ada County residents and it was a Boise City action specific to annexation and we listed to the residents.

We took their opinions into consideration but at the end of the day it was a Boise City action and the residents had to go big brother in that fight, if you will, from Ada County. In this instance I think it's important to reflect on the fact it is a fringe area but it won't be a fringe area forever and I think if you go back and look at where the annexation has occurred, one of which was where my parents live between Boise City and Meridian. My parents also live on a fixed income and I got to hear their part of the increase of what they thought was a not acceptable matter of tax increase on their end, so I'm empathetic to that. But I also agree residents in this area have a wonderful quality of life and these in-fill developments we've seen in this area, which really were the basis for the extension for a lot of the sewer work in this area, were conducted during a lot of Ada County and are now within this area. Like it or not, that's the state law and I agree with Commissioner Gillespie, it's not our position here in this venue to debate the merits of state statute.

Stephen Miller - I would concur with the comments of the previous Commissioners. Let me make just a few other points. Something else that's persuasive to me is this area has been an Area of City Impact for the City of Boise for several decades and one of the reasons staff mentioned for within the Urban City Map is that an area is reasonably expected to annex to this City in the future. This is the other side of the state law. In others words that is the annexation division that we've heard here before but the other part of it is if you are in the Area of City Impact, there is that expectation of annexation and that's been there for a long time. It's where they created the Areas of Impact for growth and therefore, these parcels were also expected to be annexed. With that said, I am empathetic to two concerns I heard in particular. The first is taxes and the second is the rural charterer consideration. I'm going to address the second one first with regard to the rural charterer. I think Commission Gillespie is correct. When we think about the rural charterer of this area, generally by this area I mean the Treasure Valley; look at the maps for projected growth over the next twenty to thirty years. Most of the rural areas are projected to be eaten up. That is largely because there are very few land use planning tools even within the municipality, certainly not within the counties. If you like the rural charterer in which you live your best shot is being within a city, whether that is Boise or Eagle, whether you prefer one or the other or here in Boise today. If you like the rural charterer there has to be some sort of land use planning tools to maintain that. I think that Boise could potentially be amenable to that. I believe staff mentioned the City would try to provide zones which best reflect the current zones within the county, so to extend this rural charterer we would at least start out with zones that reflected that as well. Those are the reasons why I will support the motion as well.

Commissioner Demarest - Let me go ahead and weigh in. I agree with a lot of what I've heard from my fellow Commissioners about this is not the place to change the law. We have a law that comes to us and we are bound by that, however, the law also includes a rightful place for people like us on this Commission to make determinations, that's why we are here because the law always has some grey areas in it.

In the testimony I heard, I heard just one too many times, and I believed it, the word “coercion”. I heard too often that people were basically forced, back into a corner, to sign up for something that they really didn’t want to do and that the City really had the upper hand in some of this, we’re not going to tie you into sewer unless you sign this for us. I don’t think that’s right. I don’t think that that’s the kind of tone we want to have in a city like this. Again, I’ve heard it enough times that I found it creditable, implied consent, I don’t like the term because it means that after the fact something was determined about some decision making that probably happened under some very different conditions. For that reason I will not support the motion.

ROLL CALL VOTE

COMMISSIONER GILLESPIE	AYE
COMMISSIONER GIBSON	AYE
COMMISSIONER MILLER	AYE
COMMISSIONER DEMAREST	NO

THREE IN FAVOR ONE AGAINST, MOTION CARRIES.

COMMISSIONER DEMAREST:

Okay folks, just a reminder the appeal for any decision that, we in this case, recommend goes to City Council and so that will be the next forum for which this particular item will be decided and I don’t know what the time for that will be.