

MEMORANDUM

To: Mayor and City Council
From: Scott Spjute, Planning
Date: October 28, 2015
Subject: Northwest “Clean-Up” Annexation / CAR15-25

On September 14, 2015, the Boise City Planning and Zoning Commission recommended annexation of a number of scattered parcels in the northwest area of the city. Some of them were enclaves created by last year’s Northwest annexation; others are along the boundary of the city where annexation seems appropriate. The annexation is comprised of approximately 69 parcels on 169 acres.

TABLE OF CONTENTS

Page 2	Summary
Page 4	Project Report
Page 21	Minutes from the September 14 P&Z hearing
Page 31	Annexation Plan
Page 51	Written Public Comments

SUMMARY

In 2014 the City annexed roughly 600 acres of land located in the extreme northwest portion of the area of impact, between State Street and Hill Road and west to Horseshoe Bend Road. A number of parcels were excluded from that annexation because they were over 5 acres in size and not yet surrounded, or because the City was seeking to stay below the 50% “consent” threshold required by State law for a certain type of Category B annexation.

The present effort seeks to incorporate those parcels, of which there are 69 totaling 169 acres. Once again, some parcels will need to be excluded because they are over 5 acres in size and will not be surrounded by the city until this annexation is accomplished. This seemingly inefficient and illogical method of squaring up the city’s borders through annexation is made necessary by the current state annexation law. Parcels over five acres cannot be annexed without consent of the owner until they are surrounded by land within a city.

The reasons for annexation of these parcels are explained in the annexation plan. In short, it is not reasonable for a parcel to be subject to Ada County jurisdiction while all those around or adjacent to it are subject to Boise City’s. 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.

Political boundaries will, after annexation, more nearly reflect the true and existing sociological, economic, cultural, and physical boundaries of the city. The lands being considered for annexation and the City are inextricably bound together.

State code allows annexations of up to 99 parcels where not all owners consent to annexation under the Category B procedures, in which special notice and preparation of an annexation plan are required. The notice was sent in accordance with state law and the annexation plan is attached to this report. In nearly all instances, zoning will be assigned that most closely matched the current Ada County zoning. In other instances, zoning will be assigned that is different from County zoning but which is in line with the land use designation under Blueprint Boise

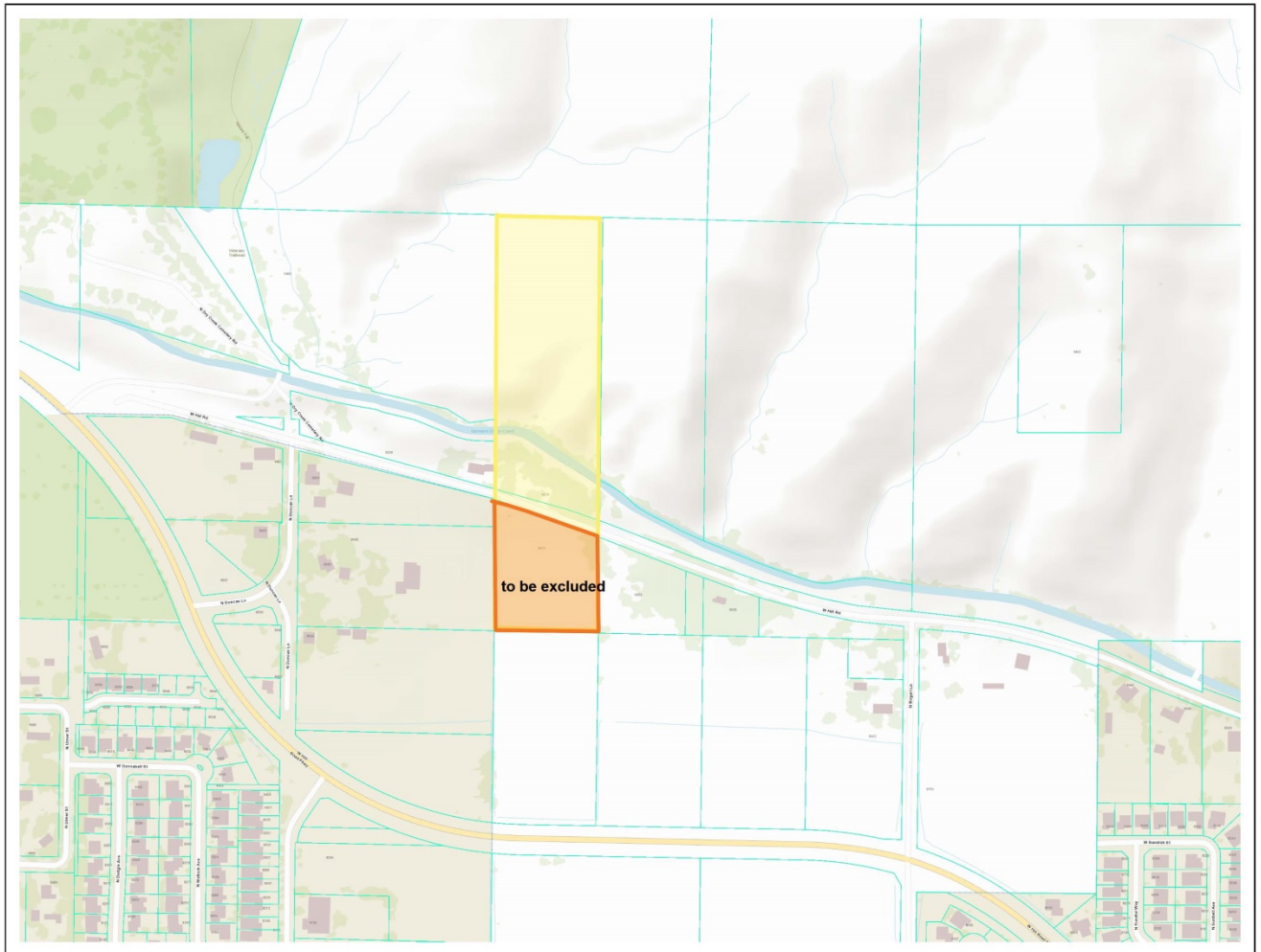
For reasons outlined in this report, the Planning Team feels that inclusion into Boise City is appropriate at this time and recommends that the Commission and Council enact and adopt an ordinance effecting annexation.

Special Note

The Planning Commissioners were informed at the September 14 hearing that there is one parcel that should be excluded. That exclusion is based on an obscure exemption contained in Idaho State Code, 50-222. It states: *Splits of ownership which occurred prior to January 1, 1975, and which were the result of placement of public utilities, public roads or highways, or railroad lines*

through the property shall not be...sufficient evidence that the land has been laid off or subdivided in lots or blocks.

The parcel in question is the south portion of a former 10 acre parcel that was split by Hill Road prior to 1975. The original proposal was to annex this parcel as it is less than 5 acres in size. Staff alerted to commission at the hearing and the commission agreed that if the exemption does apply, the parcel should not be annexed.



Planning Division Annexation Report

File Number CAR15-25
Applicant Boise City
Property Location Northwest Area of City
Initial Public Hearing Date P&Z: September 14, 2015
By Boise City Planning and Zoning Commission
Planning Team Member Scott Spjute

Table of Contents

1. Executive Summary	2
2. Facts, Standards of Review & Reason for the Decision	3
3. Analysis	4
4. Boise City Comprehensive Plan	8
5. Boise City Zoning Ordinance	10
6. Recommendation and Reasons for Decision	11

Attachments

Maps
Annexation Plan
Comments

1. Executive Summary

Description of Request

Boise City requests annexation of 69 parcels on approximately 169 acres located throughout the northwest area of the City. The annexation is comprised of parcels bordering the city or that have been excluded from previous annexations for various reasons, but which are now surrounded or nearly surrounded by land within the City.

Planning Team Recommendation

Approval

Summary

In 2014 the City annexed roughly 600 acres of land located in the extreme northwest portion of the area of impact, between State Street and Hill Road and west to Horseshoe Bend Road. A number of parcels were excluded from that annexation because they were over 5 acres in size and not yet surrounded, or because the City was seeking to stay below the 50% “consent” threshold required by State law for a certain type of Category B annexation.

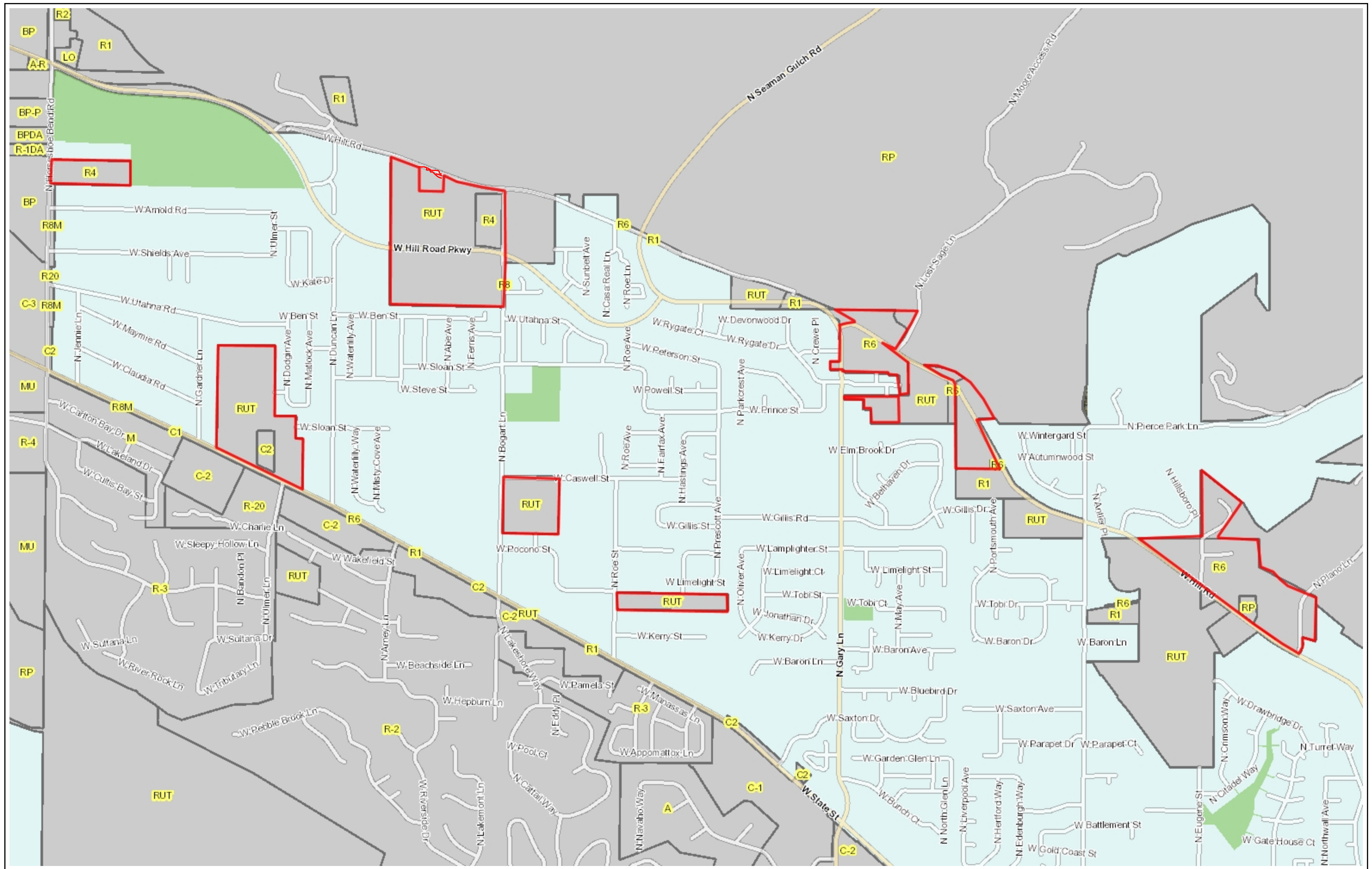
The present effort seeks to incorporate those parcels, of which there are 69 totaling 169 acres. Once again, some parcels will need to be excluded because they are over 5 acres in size and will not be surrounded by the city until this annexation is accomplished. This seemingly inefficient and illogical method of squaring up the city’s borders through annexation is made necessary by the current state annexation law. Parcels over five acres cannot be annexed without consent of the owner until they are surrounded by land within a city.

The reasons for annexation of these parcels are explained in the annexation plan. In short, it is not reasonable for a parcel to be subject to Ada County jurisdiction while all those around or adjacent to it are subject to Boise City’s. 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.

Political boundaries will, after annexation, more nearly reflect the true and existing sociological, economic, cultural, and physical boundaries of the city. The lands being considered for annexation and the City are inextricably bound together.

State code allows annexations of up to 99 parcels where not all owners consent to annexation under the Category B procedures, in which special notice and preparation of an annexation plan are required. The notice was sent in accordance with state law and the annexation plan is attached to this report. In nearly all instances, zoning will be assigned that most closely matched the current Ada County zoning. In other instances, zoning will be assigned that is different from County zoning but which is in line with the land use designation under Blueprint Boise

For reasons outlined in this report, the Planning Team feels that inclusion into Boise City is appropriate at this time and recommends that the Commission and Council enact and adopt an ordinance effecting annexation.



2. Facts, Standards of Review & Reason for the Decision

Type of Application

Annexation with zoning designations in accordance with the following examples:

<u>Ada County Zone</u>	<u>Boise City Zone</u>
RUT, R1	R-1A (large lot, semi-rural)
R4, R6, R8, R8M	R-1C (single family urban densities)
R12	R-2D (higher density residential)
R20	R-3D (high density residential)
C1	C-1D (neighborhood commercial)
C2	C-2D (general commercial)
RP	A1 (Open Space)

Standards of Review

Section 11-06-01.03 Public Hearing

The Planning and Zoning Commission shall advertise, provide notice and conduct a public hearing in accordance with Section 11-03-06 of this Ordinance for each application to amend this Ordinance or to reclassify a zoning district.

Any recommendation of the Commission relating to change, modification and reclassification of zoning districts and land use classifications and the regulations and standards thereof shall be in writing. Their recommendation shall include findings of fact supporting the purposes and objectives of zoning and otherwise securing public health, safety and general welfare. The recommendation shall specifically find that such changes, modifications and reclassifications of zoning districts and land use classifications and the regulations and the standards thereof:

- A. Comply with and conform to the Comprehensive Plan; and
- 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.
- C. Maintain and preserve compatibility of surrounding zoning and development.

Failure of an application to meet these findings shall not prevent the request from being forwarded to the City Council for consideration after Commission review. Notice of the Commission's recommendation shall be included in the notice of the public hearing of the City Council.

In addition to the above requirements, the new State law regarding annexation, adopted in 2002, outlines the rules and procedures for annexations. The annexation being contemplated at this time is considered a Category B, Subset i, annexation. This is an annexation wherein the subject lands contain less than one hundred separate private ownerships and platted lots of record and where not all such landowners have consented to annexation

The procedures are as follows:

Lands lying contiguous or adjacent to the Boise City limits may be annexed by the City if the proposed annexation meets the requirements of Category 'B'. Upon determining that a proposed annexation meets such requirements, Boise City may initiate the planning and zoning procedures set forth in Chapter 65, Title 67, Idaho Code, to establish the comprehensive planning policies, where necessary, and zoning classification of the lands to be annexed. Further, notice is required to property owners 28 days before the initial hearing and an annexation plan must be prepared and made available to the public.

Analysis Supporting Reasons for Decision

Proper annexation of areas adjacent to cities is often crucial to establishing and maintaining urban order and effective government. Rapid development and population growth frequently occur just outside city boundaries where property is cheaper and zoning laws may be less restrictive. Boise, like many other cities large and small, is surrounded by "fringe" areas. With the development of fringe communities come the problems that concentrations of people create—increased traffic congestion on inadequate roads, the need for improved police and fire protection, and inadequate land use planning resulting in disorderly growth. Now that city development has encompassed the subject properties, annexation is even more crucial.

These problems, unfortunately, cross boundary lines and become a city's problem too. Lack of good transportation planning spreads traffic congestion into the city. Lack of necessary police protection or confusion about jurisdictional boundaries between City police and the Ada County sheriff can encourage the spread of crime throughout the entire urban community. Lack of proper planning and land use (zoning) control allows uses that may threaten the social and economic life and cohesiveness of the community.

The growth of separate fringe areas may produce a complex pattern of government by multiple jurisdictions—city, county, and special districts—that can lead to administrative confusion, inefficiency, duplication, and excessive costs. The urban community can become a tangle of small competitive governmental units that lack the administrative, jurisdictional, or financial ability to provide the essential services and facilities necessary for sound development. Once this complex pattern becomes established, vested interests and sectional jealousies make change difficult, if not impossible.

At the same time, economic and social ties between cities and their fringe areas can be strong. Outlying areas benefit in many ways from city parks and recreational facilities, streets, utilities, and other facilities and programs, often without contributing a proportionate share of the cost to the city. Moreover, suburban people may request services equivalent to those provided within the city and may recognize that their taxes and other costs (including utility costs and fire insurance premiums) in an unincorporated area are not necessarily lower and are often equal to, or greater than, those within the city.

A logical solution is often annexation, as allowed under Section 50-222 of Idaho Code. Properly used, annexation preserves a growing urban area as a unified whole. It enables urbanized and urbanizing areas to unite with the core city to which the fringe is socially and economically related. It facilitates the full utilization of existing municipal resources. City administrative and technical personnel are able to address the fringe area's municipal needs, and do this in a manner consistent

with policies of the City's comprehensive plan. As a general note, annexation is often preferable to the incorporation of new cities, since new incorporations in urban areas may cause conflicts of authority, the absence of cooperation, duplication of facilities, and an imbalance between taxable resources and municipal needs. Industrial, commercial, and high-income residential areas may offer a high level of urban services, while the low and moderate income residential satellite city may strain to provide minimal services. In both instances, satellite residents and businesses draw on the resources of the core city without contributing toward the cost of these resources. An example of this scenario might be Garden City and its symbiotic relationship with Boise City.

Annexation, therefore, is appropriate as Boise City is surrounded by a growing area; there is a need for orderly planning and city services in fringe areas; and since needed services can best be supplied by the city. In general, annexation is a solution in instances when a central city is able to address emerging fringe area concerns.

More than ever, both Ada County and Boise City local government officials are recognizing that what is "urban" should be "municipal." 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.

While property owners on the fringe of the city seldom agree to annexation, primarily because of increases in property taxes and franchise fees, after annexation these lands will be privy to all the services, amenities and advantages inherent with being in Boise City limits. Staff is recommending that the Council annex the subject lands for reasons that are larger in scope than I impact individual properties and that deal with comprehensive planning issues and plans for provision of necessary services that have been in place for many years.

Comprehensive Planning. By agreement with Ada County, Boise City's Comprehensive Plan applies to the entire Area of Impact. Unfortunately, the zoning ordinance, subdivision ordinance and other City ordinances, which are the primary tools by which the goals and policies of the Comprehensive Plan are implemented, have no application beyond City limits. Ada County, in reviewing development proposals, requests comments from the City relative to the Comprehensive Plan, but is in no way bound to adhere to those comments or to implement the City's recommendations. Further, Ada County does not have the same tools available to ensure that development occurs in accordance with the Comprehensive Plans goals and policies. These tools include a Design Review Staff and Committee, an in-house Parks Department, a Fire Department and a Public Works Department capable of providing sewer service, street lights, drainage review, etc. While the Comprehensive Plan is to guide development and growth, the best way for that to be accomplished is for annexation to occur. The standards set forth in the Comprehensive Plan assume that annexation will occur in tandem with development. When that cannot or does not happen, it is necessary for the City to undertake these types of Category B annexation efforts.

Area of Impact. Section 67-6526 of the State law requires that cities adopt an area of impact and prescribes the factors that shall be considered in defining its boundaries. They are 1) trade area; 2) geographic factors; and 3) areas that can reasonably be expected to be annexed to the city.

Trade Area. The subject lands most assuredly lie within what could reasonably be considered as Boise City’s trade area, although this term is not defined in the law. It is also realistic to assume that the vast majority of property owners have their places of employment in the City and do their shopping, business and other activities in the City.

Geographic Factors. There are no geographic features separating this area from Boise City such as rivers, ridges, canyons, or valleys that might make it unreasonable to be included in Boise’s Area of Impact.

Reasonable Expectation of Annexation. The information contained in this report and the discussion of services in the Annexation Plan argue that this area should “reasonably be expected to be annexed to the city.” Therefore, because of their location within the area of impact, it has always been anticipated that the subject lands would eventually be annexed. This notion is based on the state law, as well as the other factors discussed herein.

MUNICIPAL SERVICES

Boise City can provide services to the area commensurate with what is being provided to current residents of the City.

Police. The Boise City Police already patrol around the area. No significant outlays will be required to provide service to the enclaves after annexation.

Fire. Fire and Emergency Medical Services will be provided from the Boise Fire Department or through contract from NACFR or Eagle Fire.

Parks. All of the existing City parks and greenbelts are available for use by the neighboring residents of the subject area.

Public Works. Annexation of these areas will have little financial impact on the Sewer Fund. The City currently serves customers both inside and outside of the city limits under the same set of rules and fees, with the exception that due on sale sewer connection only applies within city limits. Annexation should result in less administrative burdens with the City undertaking all of the new development permitting obligations, rather than Public Works having to deal with the County and State for building and plumbing permits. Annexation covenants will no longer be required.

3. General Information

Notifications

Neighborhood Meeting held on **August 17, 2015.**

Newspaper notification published on: **August 15, 2015.**

Radius notice mailed on: **August 7, 2015.**

Staff posted notice on site on: **August 26, 2015.**

Size of Property

Approximately 169 acres

Land Use

Existing Land Use

Multiple uses.

Present Zoning

Multiple zones.

Requested Zoning

City zones will be assigned based on the most equivalent to existing County zone and/or the Blueprint Boise land use designation.

Hazards

None Known.

4. Boise City Comprehensive Plan

All of the subject lands are located in the Boise Area of City Impact and fall under the jurisdiction of the Boise City comprehensive plan, Blueprint Boise. However, there will be a much better opportunity to implement the 12 major comprehensive plan goals if the area is under the jurisdiction of the City's development codes, including the subdivision and zoning ordinances.

Boise City Comprehensive Plan Goals, Objectives and Policies

Goal PDP5: Plan for and coordinate the efficient expansion of public facilities and infrastructure to serve future growth.

PDP5.2: Central Sewage and Collection Systems

Install public sewage treatment and collection systems to be available for use coincident with new development, except as otherwise provided in the Foothills Plan.

Goal PDP3: Plan for a coordinated and sustainable pattern of growth within the Area of City Impact.

PDP3.2: Annex lands within the Area of City Impact when it can be demonstrated that the proposed annexation is consistent with the goals and policies of the Comprehensive Plan. Consistency with the Comprehensive Plan includes substantial compliance with the level of service standards identified in Figure 10-1.

**Figure 10-1
Level of Service Standards for Community Services and Facilities
Service Standards Service Area**

TYPE I — CONCURRENT WITH THE ISSUANCE OF ANY DEVELOPMENT PERMIT

Fire*	4 minute response, unless excepted by Fire Department	1.5 mile
Water	35 psi residential/1,500 gpm fire flow	Community
	40 psi non-residential/1,500 gpm fire flow	Community
Sewer **	Available to site	Community
Treatment:	Federal Standards + capacity	
Collection:	capacity	
Schools	System capacity	Community
Streets	Authorization by ACHD	Community
Police/Sheriff	Available	
Solid Waste	Weekly pick-up	Community
Electricity	Available	Community
Telephone	Available	Community
Storm Drainage	Approved on site or public system	Community

* Fire Station “set-a-side” shall be required within the City Area of Impact.

** See the exception for the Southwest Planning Area identified under Objective 2, Policy 2 in the Sewer Facilities section of the “Public Facilities, Utilities and Services” chapter of this plan.

TYPE II — CONCURRENT — FIVE YEAR CAPITAL IMPROVEMENT PLAN/OR OTHER LONG- RANGE PLAN***

Service Service Standards Service Area

Police	Priority 1 — 3 min. response	Community
Parks & Neighborhood park	= 1.4 acres/1,000 pop.	1/2 mile radius
Open Space Community park	= .9 acres/1,000 pop.	1 mile radius
Large urban park	= 1.8 acres/1,000 pop.	Community
Regional park	= 6 acres/1,000 pop.	Region
Special use areas	= 2.4 acres/1,000 pop.	Community
Natural open space	= 8.3 acres/1,000 pop.	Community Schools
Elementary Schools	13 — 15 acres/550 — 600 students	1/2 mile radius
Jr. High	30 — 35 acres/1,000 students	Multiple neighborhoods
High School	50 — 60 acres/1,800 — 2,500 students	Multiple neighborhoods
Storm drainage	Federal standard	Community
Streets	Adherence to the LOS standards adopted in the	Community

*** Type II Concurrence in any given service category may be excepted by the service provider for specific sites

based on findings that adherence to the adopted standards is undesirable or not intended for the area according to the plans of the service provider.

The City will be providing services over which it has control based on the standards described in the above table from Chapter 2 of Blueprint Boise.

5. Annexation law from Boise City Zoning Ordinance

11-03-04

A request for the annexation of property into the city may be initiated by the Council, the PZC, or by property owners or holders of valid purchase. When the annexation request is initiated by the property owner, the PZC may expand or modify the annexation request.

(4) Step 4: Notice

(a) The Director shall provide notice for advisory and decision hearings pursuant to Section 11-03-03.4 and this Section.

(b) For Category B lands, compliance with the notice and hearing procedures governing a zoning district boundary change as set forth in Section 67-6511, Idaho Code, on the question of whether the property should be annexed and, if annexed, the zoning designation to be applied thereto; provided however, the initial notice of public hearing concerning the question of annexation and zoning shall be published in the official newspaper of the city as designated in Section 1-20-01 and mailed by first class mail to every property owner with lands included in such annexation proposal not less than 28 days prior to the initial public hearing. All public hearing notices shall establish a time and procedure by which comments concerning the proposed annexation may be received in writing and heard and, additionally, public hearing notices delivered by mail shall include a one page summary of the contents of the city's proposed annexation plan and shall provide information regarding where the annexation plan may be obtained without charge by any property owner whose property would be subject to the annexation proposal.

(5) Step 5: Application Processing

The Director shall refer the application to other agencies and prepare a report of findings and recommendations pursuant to Section 11-03-03.4 and this Section.

(6) Step 6: Public Hearing(s)

Public hearings shall be as follows:

(a) Planning and Zoning Commission

The PZC shall hold at least one public hearing for each annexation request. The PZC shall file its recommendation with the City Clerk. The PZC's recommendation shall be that the annexation will:

- i. Incorporate the Boise sewer planning area;
- ii. Honor negotiated area of impact agreements;
- iii. Attempt to balance costs of services with anticipated revenues; and
- iv. Promote other goals of population balance, contiguous development, and prevention of costs due to leap frog development.

(b) City Council

The Council shall hear an annexation request in a public hearing pursuant to Section 11-03-03.4.

(7) Step 7: Decision

The Council shall render a decision in a public hearing pursuant to Section 11-03-03.4 and this Section. The implementation of a decision to annex shall conclude with the passage of an ordinance of annexation.

6. Staff Recommendation and 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 CAR15-25, subject to the findings required by state and local code as discussed below.

Standards for Review and Required Findings

Staff recommends approval.

The Commission is to make the following findings in forwarding a recommendation for approval of an annexation:

- 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.

- 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.

No significance cost of services or revenues are anticipated.

- 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 areas. 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.

D. 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>Ada County Zone</u>	<u>Boise City Zone</u>
RUT, R1	R-1A (large lot, semi-rural)
R4, R6, R8, R8M	R-1C (single family urban densities)
R12	R-2D (higher density residential)
R20	R-3D (high density residential)
C1	C-1D (neighborhood commercial)
C2	C-2D (general commercial)
RP	A1 (Open Space)

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 (ISC 50-222):

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

a. On August 26, 2015, 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 date was August 15, 2015.

c. A notice was sent directly to each affected property owner. The notice was sent on August 7, 2015, over 28 days in advance of the first public hearing and contained:

1. An invitation to attend an informal question and answer session held on August 17.
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 August 17.
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 less than one hundred separate private ownerships and platted lots of record.

3. Properties which are more than five acres in size, not surrounded by the City and which are not connected to City sewer 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:

- 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.

Purposes addressed and supported 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 unincorporated parcels in the Northwest area, thus helping to assure orderly provision of services. 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 subject parcels 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.

(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.

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

COMMISSION MEMBERS PRESENT

- Stephen Bradbury, Chair
- Rich Demarest, Vice-Chair
- Milt Gillespie
- Douglas Gibson
- Chris Danley
- Steve Miller
- Rick Just
- Garrett Richardson (Student Commissioner)

CAR15-00025 / Boise City

REQUEST FOR AN ANNEXATION THAT CONTAINS 67 PARCELS TOTALING 169 ACRES LOCATED IN THE NORTHWEST AREA OF THE CITY. ZONING TO BE ASSIGNED WILL MATCH ADA COUNTY ZONING OR THE BOISE CITY COMPREHENSIVE PLAN LAND USE MAP DESIGNATION. PROPERTY OWNERS MAY OBTAIN A COPY OF THE WRITTEN ANNEXATION PLAN FREE OF CHARGE BY SENDING AN E-MAIL TO CCARROLL@CITYOFBOISE.ORG OR BY PHONING 208-384-3830. THE PLANNING COMMISSION WILL CONSIDER WRITTEN COMMENTS THAT ARE RECEIVED VIA LETTER OR E-MAIL BY SEPTEMBER 10 AT 5:00 PM. [Scott Spjute](#)

APPLICANT TESTIMONY

Scott Spjute (City of Boise): Mr. Chairman, members of the Commission, for many years the City of Boise has had an ongoing annexation program designed to bring into the City those areas outside City limits in the area of impact that can or out to be part of the City due to their proximity, receiving services or other factors. If you recall, that last year you annexed a recommended annexation of about 900 acres out in the north/west area. This current annexation includes some of those that you see out to the top left and there will be a subsequent annexation that you'll see next week that included the other parcels around the Crane Creek Country Club and then out in south/east Boise. Tonight's annexation deals with just those areas in the north/west. So there's a reason that we did not annex these last year when we did the north/west annexation, it's because of the way state code reads. State code prohibits it from annexing parcels larger than 5 acres unless they're surrounded by City limits. It also has, for that type of category, the annexation, a requirement that owners of more than 50 percent of the lands being considered for annexation have consented there too. So, we have to kind of jerry-rig, if you will, our annexation boundaries according to the vagaries of state law and that's what we're doing here. What we're presenting, what the planning department is presenting, is parcels that are eligible for annexation and hopefully they make some sense with boundaries as well. Now, you'll see off to the right of the map

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

down in the south/east area some white parcels, the blue by the way, is existing City limits and the gray is what we're proposing to be annexed. Those white parcels will be eligible for annexation after this one is done because they're not surrounded and some of them are over 5 acres, so that's the way we have to do things in the state of Idaho with the way the annexation law reads. As you know, Boise's Comprehensive Plan, Blue Print Boise, is in effect in the area of impact and this is a land use map that's a part of the Comprehensive Plan that designates land use categories for every parcel. You'll see that most of the area in the south/west is compact or suburban which are residential designations. When we annex parcels this way, that is not owner initiated. When the City initiates the annexation we try to give the same zoning that the county has in effect at the time, or the closest equivalent that we can, or zoning that is in compliance with the Comprehensive Plan, and that's what we're doing with this annexation as well. Here's the existing zoning, I know that's small for you to see, but we've got the zoning, the county zoning is there now and then the City will give its zoning that is roughly equivalent to that county zoning. Typically, the big issue with annexations is an increase in property taxes, now there's a lot of data and numbers here, but bottom line is when we drop off a few taxing entities with annexation and we add Boise City and some others with annexation the property tax goes up, in this case about 37 percent. So, it's a significant increase to property taxes. Boise, of course, is a full service City and Ada County doesn't have the same service that Boise does, and that explains part of the reason for the increase, but that's just the way things stand. So, for an example, the property tax increase on a \$150,000 home with a homeowner's exemption would be about \$350 a year. In making a recommendation to the City Council as to whether to annex, and of course you can recommend yes, no, or for part of the annexation, but these are some findings that need to be made that the annexation incorporates the sewer planning area which is sort of an antiquated term for the area of impact, that it honors the area of impact agreement with Ada County, that we can balance the services and revenues, and there's not enough revenues to be gained from this annexation to make a significant difference, and then to promote other goals that are contained in the Comprehensive Plan. With regard to the zoning that you need to apply, just these three items, which is compliance with the comprehensive plan, maintaining the ability to provide services, transportation and others and then preserving compatibility of surrounding zoning and development. And again, the zoning, other than the jurisdiction, is not going to change, it's going to be pretty much the same. The new state law adds these three criteria for an annexation and these need to be record in the City Council minutes should the City Council decide to annex, and basically that it meets the requirements of the state code which is Title 50-222, that it's consistent with the purposes of annexation as expressed in the annexation plan and then that it's appropriate for the orderly development of the City. So that's about what we have. Annexation is a legislative action. It's not quasi-judicial, it's legislative. That means the issues are not impacts on individual properties, it's not sewer connection, it's not police vs. Ada County Sheriff or trash collection, it's not who maintains the streets and it's not about the keeping of livestock after annexation. The issues are whether the annexation is appropriate for the good of the Boise City as a whole. Because it's a legislative action, no one has the right to be annexed; no one has the right not to be annexed. Again, we're not talking about individual parcels and impacts on individual properties. In conformance with state and local statutes, it's up to the Commission and Council to decide again if annexation is desirable or necessary, and part of the obligation for you is to consider the best interest of the community as a whole. So with that, I will close my remarks.

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

Chairman Demarest: Are there any questions for Mr. Spjute. Actually, it's from the Commission. Public testimony is after we hear from the applicant. The applicant in this case is the City. We will get to you, don't worry. From the Commission, any questions? Commissioner Gillespie?

Commissioner Gillespie: Mr. Chairman. Mr. Spjute, could you just run through for us again, because I know it will come up in public testimony, but if someone owns a parcel larger than 5 acres, we're going to hear a lot about that I think, just again, the state law that the City is relying upon to make this decision?

Scott Spjute (City of Boise): Yes. The City cannot annex parcels larger than 5 acres unless they're surrounded which is why we're going back and picking up some of these others. You might notice a couple of these parcels look like they might be larger than 5 acres. Well, as a whole they are, but the parcels are comprised of smaller, platted lots. So the lots are under 5 acres and that means they are not eligible for the exemptions allowed in state code and they are eligible for annexation.

Chairman Demarest: Okay, Commissioners? So I think we're going to go right then to public testimony. Those who signed up, by the way if you didn't sign up, I know in one case which is item 11 we've got a lot of sign-ups and may have ran out of paper, everybody will get a chance, if you didn't sign up we will still give you your 3 minutes, alright? But, we'll go through those who have signed up first and then I'll ask if anybody else wants to sign up. So, the first sign-up is walker Roles. Again, 14:11 when you get up to the microphone we'll have a timer right up here, we do ask that as soon as that hit's zero, you want to come right up here, sir right up over here, front and center, if you would just keep an eye on the 3 minute time, it'll be called as well, we do appreciate if you stop right at that moment. Mr. Roles, please state your name and address for the record.

PUBLIC TESTIMONY

Walker Roles (7610 Gary Lane): I have lived in my place for 46 years; I'm pretty well set there. I've raised up most kinds of livestock. I currently raise, I have cattle and turkeys and chickens. Nobody has ever come along and tried to buy my place or was interested in buying it; they wanted me to give it to them. I'm old enough that I have a hard time trying to figure out how I would move away from there if they did. If the taxes go up on my place, I guess the City will probably own it; unless I can sell it, because with a fixed income as a retired person, I don't have that much money, and at the age of 65, 66, it's a little hard to go find a part time job to pay for the extra taxes. I know the City of Boise is hard luck for not having enough taxes, maybe, but some of us have a hard time paying the taxes that we're paying. So, I wonder whether it's worthwhile to come in and take somebody's property away from them and say; hey, now you got to do everything my way and charge a lot of extra money. The only thing I'm going to get out of it is nothing. The police department, I have been living there for 46 years and I haven't called the Sherriff yet, so I don't need that kind of stuff. I've got all the other conveniences I need, I do believe, and I enjoy raising a garden and feeding myself and raising chickens and things like that so I can live and survive on our retirement. But, if I sell my house and go someplace else, I'll have to start all over again and try to figure out a way to make it work. As it is, I've got my irrigation water piped in, I don't have to dig holes and make way..

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

Whitney Montgomery (City of Boise): Time.

Chairman Demarest: Sir, Walker, thank you for your time. Folks, please don't clap. That's not really part of the decorum of what we're about tonight. We're going to listen very carefully and inventively to everybody's comments. Somehow, clapping isn't going to help us. Also, divides the group here. Okay, next person on the sign-up sheet is Richard Llewellyn?

Richard Llewellyn (9170 Hill Road): Thank you, could I ask a question quickly?

Chairman Demarest: Would you simply state your name and address for the record and then.

Richard Llewellyn (9170 Hill Road): Yes, Richard Llewellyn, 9170 Hill Road. Is there a record of which written testimonies have been received? I did submit a written testimony.

Chairman Demarest: Yes, we do have that.

Richard Llewellyn (9170 Hill Road): Do you have my written testimony?

Chairman Demarest: I believe we do, yes.

Richard Llewellyn (9170 Hill Road): Okay. Then I would just like to touch on a couple of paragraphs because it's too long to read and you probably don't want to hear it all again. First, there's a specific legal issue with annexation of part of our property. All of our property in question, with the exception of lot 28 of the Roberts and Hill Subdivision, was obtained through patent by Henry Dickman in 1890 and homesteaded by Ephriam Lucas in 1891. The tax parcel south of West Hill Road, I won't name that tax parcel, included in the proposed annexation has always been a part of the residence and acreage north of the road. There has been no division or subdividing sale or separate platting of this land since the original patenting. The routing of Hill Road has been the only separation. This tract is significantly larger than 5 acres and thus, according to Idaho Statute 50-222, cannot be annexed without our consent. So, there is part of a legal argument, I think, you all need to be aware of; it does not fit into the categories that are legal. I would like to skip down, just address this more, this area more broadly. While there are these legal issues with annexing parts of our land, perhaps the more significant question is whether it is in the best interest of the City, particularly north/west Boise, to divide a significant portion of the last remaining rural and agricultural land in the area. This is the tracks comprised of the pastures and fields north of the train ditch, west of Bogart Lane and east of Duncan Lane. There are a few, if any practical reasons to do so. The reasonable outer limits in north/west Boise have already been established. There are only two homes in this area and all three of the land owners oppose annexation. Furthermore, the land is agricultural and requires weed and pest control more readily permitted or facilitated by Ada County regulations and services. For example, last year alone more than 50 gophers were trapped from our pasture and I see that you don't have pest control for gophers, at least if I'm a part of the City. So, there are clear reasons to make broad swaths during the planning of a City, but there also may be good reasons to make exceptions

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

for the contextual details of the land do not correspond to those abstractions on a map. I believe this is one case in which allowing the natural and historic boundaries to take precedence is both practical and beneficial. Therefore, I ask that all of our land, as well as the larger tract between Bogart and Duncan Lanes of which they are a part, that you remove the proposed annexation and I know there are other people with similar arguments and I would back there's as well. Thank you.

Chairman Demarest: Thank you, Mr. Llewellyn. Okay, so the next person on our sign-up sheet is Neil Parker. Again, if everybody would simply state your name and address for the record as soon as you get up to the microphone.

Neil Parker (8895 Hill Road): My comments pertain to the fairly large contiguous area in the upper left part of the map with boundaries of Hill Road, Bogart Lane, the drain ditch that align parallel and east of Duncan Lane. This area of more than 40 acres is owned by three land owners, as Richard mentioned, all of whom are opposed to annexation. Other than the landowner's homes that have been there for up to 80 years or more, the area consists entirely of alfalfa fields, livestock pastures, growths of trees, and some fallow ground. There's no development of any kind underway or planned. Two of the three owners don't have access to City sewer, nor would they want it if they did. The third was financially coursed into hooking up when they were denied a permit to rebuild a perfectly adequate, conventional drain field but were told that they would have to install an exorbitantly expensive above ground system. Since this was prior to 2008, when the unfortunate practice was finally ended, the City considered this to give them implied consent to annex. Last year at this time, during the larger north/west Boise annexation, this area was excluded because it did not meet criteria for annexation. I'm sure if the City had felt it had an adequate case back then it would have pursued it with vigor. So I would like to pose the question, what has transpired within a year's time to make something that wasn't appropriate then, appropriate now? Has there been any development of any kind, or any planning for development? Not at all. Have there been any new sewer hookups? No there haven't. Is this area now surrounding by City limits? No, only on two and a half sides, and even this is a result of the previous forced annexation that the City now wants to use as justification for this forced annexation. This is not appropriate, nor is it right. There is also a question of legality for annexation. In a category the annexation parcels of more than 5 acres are exempt. According to assessor's data available on their website, the bottom two square shaped parcels consist of almost 14 acres each. The City says they actually consist of 4 rectangular parcels even though the map doesn't show this. If you take a piece of land that's almost 28 acres and divide it into 4 parcels, each of these parcels, obviously, exceeds 5 acres. As such, they are not legal to be annexed, and yet the City purposes to do so without explaining how it intends to skirt the law. In summary, I would like to quote something from the City's guidelines for annexation. 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. In this fringe area, there is no urban development, none. Also, one of the claims made for the 2014 annexation was that it was reasonably necessary for the orderly development of the City. We submit that neither an honest or intelligent argument could be made at this time for annexing some hay fields, horse pastures and growths of trees in order to ensure Boise's orderly development. The land owners of this area I've described respectfully request that it be excluded from this annexation proposal. Thank you for your time and consideration.

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

Cindy Hensley (7000 W. Hill Road): I live near all of the people that have spoken. I would just like to say, one, I don't see any benefit to myself, or to my neighbors to being annexed. As for the gopher situation was mentioned, I too have had many gophers caught on my property. Not to mention the increase in the property taxes; not thrilled about that. My biggest concern is that I'm on the north side of the water ditch and in order, if the time comes when I have to be on City sewer, I would have to pay, right, because the owner would have to pay for that to be done, to be accessed to the City sewer? Is that correct, that the homeowner would pay that cost?

Chairman Demarest: I believe that is correct.

Cindy Hensley (7000 W. Hill Road): Okay, if that's the case, then I would have to pay for at least 160 or more feet in order to get to, maybe even farther, to get to the sewer. I would invite the Council to come out and physically look at these properties, because I do not believe it is a benefit for the City and certainly, not for myself or my neighbors and I think that's all I have to say.

Chairman Demarest: Thank you, ma'am. Last person on the sign-up sheet, but again, remember, I'll give anybody the three minutes on this particular item, is Jim Pendleton; Mr. Pendleton.

James Pendleton (7010 Hill Road): I live above the Farmers Union Canal that separates us from the sewer that is currently on Hill Road. That is the biggest issue, besides the property tax increase, the fact that we are isolated from the rest of the City by the Farmers Union Canal and the bridge that we use to access our property across the canal is 12 feet wide, inadequate for two emergency response vehicles to pass on the bridge. The bridge may have been determined, recently, what its limits are, but that was then with some kind of either, magnetic or x-ray to look inside of the bridge and come up with a weight limitations, but I question whether or not this bridge is adequate for any kind of development that would take place above the canal, other than individual homes and very few of those, probably 6. Cindy mentioned the sewer and the sewer is probably the most important as far as being annexed into the City. For us to hook up to the sewer we would have to pay not only a hook up fee but there is a 20 foot setback on the uphill side and a 15 foot setback on the downhill side and a 4 foot depth below the bottom of the canal for a sewer line to go in. So, that expense, I would expect to be incurred by the City and I just wonder if the City is planning to bring the sewer to the north side of the canal. Thus, not enabling us to hook up and eliminating some of the isolation that we have from the services that are provided to those people who reside below the canal on the south side of the canal. That's pretty much it, plus I don't see that we get anything out of this annexation. We already have police coverage and fire with mutual agreements with the County and all we're seeing out of this kind of a land grab and 35 percent increase in taxes, which is more than a land grab, it's taking money out of your pocket. Like Walker Roles said, he can't afford that. I appreciate it. Thank you.

Whitney Montgomery (City of Boise): Time.

Chairman Demarest: Your time is up sir. Thank you. So that takes care of everybody on the sign-up sheet but is there anybody here who on item number 1. CAR15-000025, it's a recommendation for an

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

annexation to the City Council, anybody here that didn't have a chance to sign up who would like to speak on this particular item? Okay, I see no one. Oh, I'm sorry, come on up. So, since you didn't sign up you still get your 3 minutes but there should be a little white sign-up sheet up there, if you could just make sure that your name and address is on there before you leave the room, bring it up to us before the hearing is over. Just state your name and address for the record.

Shane Cobb (7055 Hill Road): My parcel is directly across the street from the bridge that they spoke about and actually, I wasn't planning on talking, the reason I'm up here is on behalf of my neighbor, Fred Freeland, who lives directly east of me. What I heard Mr., what's your last name? Spjute? What I heard him say is part of the purpose of this annexation is to surround properties so that they can take them in the future and I don't like that I'm going to be annexed, my dad's property is right next door to me as well to the east, but right next door to us is Fred Freeland. Fred Freeland owns a whole corner right below the red arrow and to the right. That is going to be surrounded property; he owns roughly 8 acres at this time, it is agricultural completely, he raises cows and has since 1966. So, as I understand it, if this annexation goes through he will then be surrounded and next year his property will be up for annexation as well. So, I wanted to make a record of that, that I'm here on behalf of him, as well as us. That's all I have to say.

Chairman Demarest: Thank you, Sir. Anyone else? I see no one else so I'm going to close the public portion of the meeting and give the applicant a chance to respond or rebut.

PUBLIC TESTIMONY CLOSED

APPLICANT REBUTTAL

Scott Spjute (City of Boise): Actually, just one point. Mr. Llewellyn raised an interesting issue. Depending on when Hill Road was established in his area, when that property was established, there is an exemption for when a road divides a property prior to January 1, 1975. It's possible there could be an exemption there. Now, I read his letter and meant to look into that, so if there is an exemption we will obviously not proceed and I will look for the opportunity to speak with Mr. Llewellyn. I think other than that, I have nothing further.

Chairman Demarest: Thank you. So, we're going to turn it over to the Commission to render its decision. Item number 1, CAR15-00025, a recommendation or not to City Council for annexation. Commissioners?

Commissioner Miller: Mr. Chair?

Chairman Demarest: Commissioner Miller.

Commissioner Miller: I would just like to ask two clarifying questions of Mr. Spjute, if possible.

Chairman Demarest: That's Fine.

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

Commissioner Miller: The first is when was this area placed into the area of City impact?

Scott Spjute: Late 80's

Commissioner Miller: Okay and the second is we heard a discussion of two parcels and a discussion of the size that might be larger than 5 acres. Do you have any additional information that you could provide us on those at this time?

Scott Spjute: Well, the one was Mr. Llewellyn, who his contention is the part of the property lies north of Hill Road and part of it lies south and he's saying that's all one property. The assessor actually assigns it two different parcel numbers and it's divided by Hill Road and so that's, we're just including the south part one of which is 2.5 acres and the other is 1.5 acres, but I will look closely into that to make sure that it doesn't fall under an exemption. The other discussion had to do with some lots that are in Roberts and Hill Subdivision, the subdivision that was platted in I think 1906. All the lots in that subdivision are under 5 acres. Now they've been combined, people own two or three lots and so he's right, there are two of those parcels that total 13 acres in size, but those parcels are comprised of individual lots, and that makes them eligible for annexation.

Chairman Demarest: Okay. Commissioners?

MOTION: **COMMISSIONER GILLESPIE MOVED TO RECOMMEND APPROVAL OF CAR15-00025 IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

SECONDER: **COMMISSIONER JUST**

Chairman Demarest: Discussion, Commissioner Gillespie?

Commissioner Gillespie: Mr. Chairman, the technical issues notwithstanding, and I have every confidence the City and the homeowners will work that out and that the homeowners will be adequately represented in that process. Nobody really, in my mind, contradicted the basic idea of why we do annexations and if we look at page 5 of the staff report we see a fairly comprehensive argument, and to my mind that argument was not refuted in the public testimony. So, I think that the request does meet all the applicable state code and that the City did demonstrate the public purpose of the annexation request.

Chairman Demarest: Thank you. Commissioners? Further discussion?

Commissioner Gibson: Mr. Chairman?

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

Chairman Demarest: Commissioner Gibson.

Commissioner Gibson: I'm going to be voting in favor of the motion but I would like to receive additional information on future applications for annexations specific to sewer connectivity and issues relative to extensions. I believe that that is a valid question that was brought up by the public testimony and I would, in the future, when we see additional annexations along this line, will ask that question specifically of staff.

Chairman Demarest: Thank you.

Commissioner Miller: Mr. Chair?

Chairman Demarest: Commissioner Miller.

Commissioner Miller: I won't belabor the point but the fact that this has been in the area of City impact for over two decades, or there about, to me, seems to indicate that this has been something that has been considered for quite a while and isn't something we're just coming to in a quite sonic fashion. The second thing I'd say is that, well, I'm blanking on the second thing I was going to say, sorry about that, but I'm going to be voting in favor of the motion as well.

Chairman Demarest: Thank you. Further discussion? Hearing none. So, we have a motion to recommend to City Council item number 1, CAR15-00025. All those in favor signify by saying aye.

ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00025

MINUTES • September 14, 2015

City Hall – Council Chambers

6:00PM

FINAL

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ANNEXATION PLAN

CAR15-25

PURPOSES, BOUNDARIES, ZONING, FIRE PROTECTION,
POLICE SERVICES, PARKS AND RECREATION, LIBRARIES,
SEWER, STREET LIGHTS, PROPERTY TAX IMPACTS,
FREQUENTLY ASKED QUESTIONS

*For a group of parcels
adjacent to or surrounded
by city limits in the City's
Northwest Planning Area.*



CONTENTS

Purposes of Annexation.....3

Fire Protection Services.....4

Public Works.....5

Police Services.....9

Library Services.....10

Parks and Recreation.....11

Property Tax Impacts.....13

Other Taxes, Fees and Charges.....15

Zoning and Land Use Plan.....16

Frequently Asked Questions.....18

Purposes of Annexation

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 unincorporated parcels in the Northwest area, thus helping to assure orderly provision of services. 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 subject parcels 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.

FIRE PROTECTION



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).

Boise City has analyzed the Northwest Annexation area and its impact on the two Fire Districts and has concluded that both districts will have enough capacity within their respective levies to absorb the loss in value. The following assumptions were used in the analysis:

Growth in Market Values in 2014 – 10% (conservative)

Property Tax growth (including New Construction) – 4% (also conservative)

Special Notes:

The Eagle Fire District has plenty of levy capacity to absorb the loss in market value as a result of the annexation. Its levy rate is currently at .0021 and under the analysis would decline slightly, while the districts cap at .0024.

The NACFR District, however, is already at the cap and would need to experience at least a 9% growth in market value to offset the loss in market value from annexation. If the market value exceeds 9%, NACFR would be in a position to recover some of their foregone property taxes, as well.

In conclusion, there should be no negative financial impact on either district as a result of annexation.

PUBLIC WORKS / SEWER

PUBLIC WORKS / SEWER

Public Works has reviewed the proposed Infill Annexation in the northwest area.

I. GROUNDWATER / AIR QUALITY

A. Assumptions

Groundwater and air quality activities are addressed on a regional or site-by-site basis; there is no anticipated additional workload.

II. SOLID WASTE

A. Assumptions

It is more cost effective and efficient for Republic Services to collect trash in equipment and crews assigned to the city contract than to have the trash collected by trucks which leapfrog in the annexed/non-annexed areas. Annexation of this area would, therefore, be a practical solution to the waste of time and energy of separate city/county collection or evaluating combined collection routes.

B. Issues

Area of Residential Development – Residential trash expenses are best if balanced with commercial development and commercial customers. This annexation does not appear to include any significant offsetting commercial development.

C. Miscellaneous

If this area is annexed, it will require additional staff time and expenses to provide notification to residents and businesses of the changes in solid waste services. Also, staff time will be needed to transfer services and coordinate changes with Republic Services and Ada County. Additional resources must be allocated to IT and Utility Billing staff for new customers and additional billings. The City franchise agreement with Republic Services provides for service in annexed areas to be initiated within 90 days of annexation. We may also need to coordinate the timing of the transfer of billing and services from Ada County to the city. New residents and businesses will likely have lower solid waste rates and additional services under the city franchise agreement.

III. STORMWATER

A. Assumptions

The elements of the Boise stormwater management plan, as required by the stormwater NPDES permit, include coordination among Co-Permitted entities. Lead responsibilities for Boise City include education and outreach, and stormwater management and discharge control ordinance compliance. Individual responsibilities for Boise City include good housekeeping and regulatory activities for the specific Boise City facilities. The proposed annexations should not require additional staff, capital costs, or operation costs. The annexation should not increase any stormwater program revenues.

B. Issues

Public Works Stormwater Program

This annexation is located adjacent to, and within, the existing service area for the current public works stormwater program. The number and type of services that will be extended into this area is not expected to be significant or to warrant additional resources and will not affect outreach efforts to the targeted groups (i.e., development community, industrial facilities, residents, etc.).

Planning & Development Services Construction Site Program

The Planning and Development Services Construction Site Program implements erosion and sediment control regulations within Boise City jurisdictions. These annexations would provide for a slight increase in the area regulated by this program and input from the planning and development services construction site program is recommended.

IV. DRAINAGE

A. Issues

The area contains numerous drains and irrigation canals which occasionally have issues to be resolved.

B. Budget Needs

Minor staff time will be required to review development applications and to resolve drainage issues. This can be handled with existing staff.

V. STREET LIGHTING

A. Assumptions

All existing street lights within the annexation area are operated and maintained by Ada County Highway District or by homeowners associations. The City of Boise would inherit those responsibilities upon annexation. However, no such existing lights have been identified.

B. Budget Needs

Capital Expenditures:

The annexation will require capital expenditures for installation of new lights to bring individual areas up to the City’s standards. Based on recent experience staff estimates few additional lights will be desired and estimates are found in the table below, along with estimated costs. In recent years these costs have been funded from the County Street Light trust fund.

O&M: The City will incur additional O&M costs for those that will be added to the system. The resulting estimated annual O&M costs are shown in the table below. Additional street light oversight should be able to be handled with existing staff.

Estimated existing lights (assume O&M)	Estimated additional lights (LED)	Estimated capital for additional lights	Estimated capital for conversion of existing lights to LED	Total estimated annual O&M
0	2	\$5,000	\$0	\$100

VI. SEWER

A. Assumptions/Issues. Annexation of these areas will have little financial impact on the sewer enterprise fund. The City currently serves customers both inside and outside of the city limits under the same set of rules and fees. Annexation should result in less administrative burdens with the City undertaking all of the new development permitting obligations, rather than Public Works having to interface with the County and State for building and plumbing permits.



POLICE SERVICES



Ada County currently responds to service calls in this area. Upon annexation, Boise Police Department would provide service. The City would extend urban level policing services to the subject parcels without significant adjustment to current staffing levels or organizational structure. BPD officers will support future development in the proposed annexation area and surrounding city area. All other police services will be coordinated with existing staff.

The Boise Police Department assigns its staff and resources according to a system of 10 different geographical areas. In addition to responding to calls for police service through the E911 system, Boise Police officers, staff, and programs are available through a Neighborhood Service Team (NST) which will be assigned to this area. The NST is comprised of officers, detectives, School Resource Officers, Crime Prevention specialists, Crime Analysts, BPD Police Commanders and others who are committed to resolving problems and enhancing the quality of life as it relates to peace and safety.

The owners of land in the Northwest area currently pay tax revenue to the County for public safety services.

LIBRARY SERVICES

Residents in this area are currently served by the Eagle Public Library, Garden City Library, and the Boise Public Library Collister branch through the LYNX Consortium Open Access agreement. The service will not be impacted by the annexation and residents will be able to continue using any of these library facilities.



The library will not need additional funding to provide the service. It is the same level of service the residents are currently experiencing.

PARKS

One new neighborhood park, Magnolia, is planned for the area. Park improvements should begin in 2015 or 16.



■ Magnolia Park Site

- > SPRAY PARK
- > PLAYGROUND
- > DOG OFF-LEASH AREA
- > TREES
- > SHELTER
- > FORMAL PICNIC AREA
- > DISC GOLF
- > OPEN PLAY AREA
- > FISHING
- > TENNIS COURT
- > CHESS TABLES
- > INTERPRETIVE SIGNS
- > BASEBALL / SOFTBALL FIELD



Optimist Sports Complex

Optimist Youth Sports Complex

- 51 acre park
- Sports fields
- Open play areas
- Fishing pond
- Public art
- Tennis court
- Restrooms



PROPERTY TAX IMPACT



PROPERTY TAX IMPACT AND IMPACTS ON OTHER TAXING DISTRICTS

Properties in Ada County within Boise City’s area of impact but outside Boise City limits are assessed property taxes by some of all of the following: the School District, Ada County, the Ada County Highway District, the Emergency Medical System, Ada Community Library, Whitney Fire Protection District, North Ada County Fire and Rescue, Pest Extermination, and some other special districts. Upon annexation into the City, the fire district, the library district, and the pest extermination district taxes are eliminated from tax bills and Boise City’s taxes are added.

There are many different “tax code areas” in Ada County with different combinations of taxing districts and most have different tax rates because of the different special districts and school districts.

TYPICAL PROPERTY TAX IMPACT

Tax Levies

Tax Code Area	18 (before annexation)	01-44 (after annexation)
Ada County	.003024432	.003024432
Pest Extermination	.000141920	
Emergency Medical	.000157028	.000157028
Ada County Hwy District	.001083315	.001083315
School Dist. #1	.005232940	.005232940
Ada Community Library	.000566678	
Whitney Fire	.002081454	
Mosquito Abatement	.000030348	.000030348
College of Western Idaho	.000166280	.000166280
Dry Creek Cemetery	.000039691	.000039691
Boise City		.007483707
Total Levy	.012524086	.017217741
Increase		.004693655 (37.5%)

Typical Property Tax Increase

(Assume a homeowner's exemption of 50% up to \$89,580)

<u>Assessed Value</u>	<u>Property Tax Increase (annual)</u>
\$150,000 home	\$353.02
\$200,000 home	\$518.26
\$500,000 business	\$2,3468.80

OTHER TAXES, FEES AND CHARGES

Taxes, other than property tax, are the same for taxpayers in and out of the City.

Residents within Boise City pay fees for services such as trash collection, user fees for services that require individual registration such as recreation programs, or reservation of park facilities. Resident fees for City services are generally lower than non-resident fees and the lower fees are available immediately after annexation.

Boise City also collects franchise fees for electric, water, natural gas, cable television, and trash hauling services, with rates from 1% to 5%. County franchise fees would no longer be collected on billings from those companies.



City building permits and zoning approvals will be required for new construction or remodeling as required within the uniform building codes and City zoning ordinances. After annexation, Boise residents are no longer required to obtain county building or zoning permits. The costs for City building permits and zoning applications differ from those in Ada County.



Boise City Planning & Development Services

150 N. Capitol Blvd ■ P O Box 500 ■ Boise, Idaho 83701-0500

Phone 208/384-3830 ■ Fax 384-3753 ■ www.cityofboise.org/pds

Zoning and Land Use Plan

The Boise City Comprehensive Plan – Blueprint Boise – has a land use map that shows the land use designation for the various lands and parcels proposed for annexation. Generally, the designation will reflect current use of the property.



The lands will be subject to Boise City zoning ordinances upon annexation.

Zoning Designation: In most cases, the zoning designation will match as closely as possible the current zoning in Ada County. In some cases, a zoning designation more compatible with surrounding zoning and more in compliance with Blueprint Boise may be applied.

Ada County Zone

RUT, R1
R4, R6, R8, R8M
R12
R20
C1
C2
RP

Boise City Zone

R-1A (large lot, semi-rural)
R-1C (single family urban densities)
R-2D (higher density residential)
R-3D (high density residential)
C-1D (neighborhood commercial)
C-2D (general commercial)
A1 (Open Space)

FREQUENTLY ASKED QUESTIONS

1. What will be the change in my property taxes?

The examples and table above should give a fairly accurate representation of the increase in taxes that will occur after annexation. Property taxes are levied in the fall and are due on December 20th, although some people choose to pay them in two installments – December and the following June. After annexation, Boise City taxes will not be due until the following December.

There are many different “tax code areas” in Ada County with different combinations of taxing districts. Most have different tax rates because of the different special districts and school districts. Please contact the Boise City Budget Office at 384-3725 if you have questions or would like a specific computation of possible tax impacts on your property.



2. What will change with my sewer service? How much will it cost?

The City currently serves customers inside and outside of the city limits under the same set of rules and fees. It is important to note that the City has made significant investments in providing sewer service and capacity to areas outside City limits in the Area of Impact. Numerous agreements have been entered into regarding annexation of these areas as a result of connection to sewers. One major investment the City has made in providing sewer service to the impact area is the completion of Sewer Master Plans. These Master Plans identify the size, location and depth of sewers that will be necessary in order to serve all existing structures and to serve future development of the areas. The City has already constructed and/or accepted construction of sewers in many locations in the northwest area.

Cost. The City bills for sewer services two months in advance based on average winter water consumption by each customer. Each customer's average winter monthly water consumption (as determined annually from water usage occurring between October 15th and April 15th) is multiplied by a factor to determine that customer's sewage collection and treatment bill. Customers who use less than the average amount of residential water will have a lower fee and conversely customers who use more than the average amount of water will have a higher fee. The City's fees for sewer service will be included in its bills for trash collection billed every two months.

3. What will I get for the increased property taxes?

Probably the most noticeable change is that the area will be served by City Police, rather than the County Sheriff. Your property taxes will also pay for libraries, parks, greenbelt, fire protection, etc. You will also be entitled to a lower rate for City-sponsored recreation programs.

4. Can I keep my animals? What about my home business, or daycare?

Any activity that you are conducting on your property that is legal under Ada County law will be grandfathered, if not outright allowed, under City law. The City does allow the keeping of farm animals on lots one acre in size or larger. The City also allows in-home daycares and other in-home businesses, subject to some restrictions.

5. Why is the City annexing this area?

- These areas have been in the City's sewer planning area as well as in the Area of Impact for many years. Now many of the properties are surrounded by or adjacent to city limits. State Law describes the Area of Impact as land which can reasonably be expected to be annexed, and which is connected economically and geographically to the City.
- By agreement with Ada County, the City's comprehensive plan is in force within the Area of Impact. However, the primary implementing tool for the plan is the zoning ordinance, which will not apply to the area until it is annexed.
- The city is better able to provide comprehensive and transportation planning, building permit services, and code enforcement than Ada County.
- Annexation will provide area residents the opportunity to vote for those who are already making decisions affecting their property.

6. Will school district boundaries change?

No.

7. Will I be required to connect to City water? My well works just fine.

Boise City is not in the water business. The annexation would not affect any change in water service.

8. When will the final decision on annexation be made?

The Boise City Council will make the decision at a public hearing probably six to eight weeks after the Planning and Zoning Commission conducts a hearing to make a recommendation to the Council. If the Council chooses to annex, the effective date would likely be in December, 2015.

10. Will annexation affect my subdivision's CC&R's (Covenants, Conditions and Restrictions)?

No. These are private agreements between property owners. The City does not administer or enforce such agreements.

Stephanie Bacon
6024 Plano Lane
Boise ID 83703

September 5, 2015

To: Boise City Planning and Zoning Commission
Re: File Number CAR15-00025

To the Planning and Zoning Commission,

I have lived on Plano Lane for more than 13 years, and have opposed and outlasted a misguided proposal (ultimately rejected, twice, by the city) to build a large subdivision in the ecologically sensitive hills above my home; so I have had ample opportunity to consider my neighborhood and its relationship to the city.

I chose my county-zoned home because I am committed to sustainable agriculture, and wanted to have the option to raise animals and market-garden on my acre plus lot. I am a dedicated organic gardener, and rely upon my hens and (when possible) my bees for humane and sustainable food sources. While city zoning may not impact the activities I am currently involved in, I think it probable that it would limit my agrarian options down the road.

I feel that our area is stronger and more resilient, in terms of sustainability, if some diversity in zoning is retained. While some areas under consideration for annexation may be arguably fully surrounded by city zoning and development, Plano Lane borders on the foothills that Boise City has worked hard to protect, via the Foothills Ordinance, the tax levy and subsequent purchases and acquisitions of open land, including the Polecat Gulch complex directly adjacent to the land above Plano Lane. It is wise and appropriate to allow a margin of county zoning to act as a development buffer between the city and the foothills.

In the 13 years that I have lived here, I cannot recall a single instance in which I or my neighbors needed or wanted city services. Being annexed to the city cannot in any way improve my situation, only detract from and restrict it---at significant expense to myself and the other affected county homeowners. In the matter of this annexation, we do not want it, we do not support it, and cannot afford it.

Sincerely,

Stephanie Kathryn Bacon

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SEP 08 2015
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Reference file # CAR15-00025

September 7, 2015

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Planning and Zoning Committee and Mayor Bieter,

I am writing this letter because of deep concern regarding the City of Boise Annexation Proposal.

My neighbors and I have absolutely nothing to gain and much to lose. There is nothing listed for the "benefits" that we are not already utilizing.

What will happen is a significant increase on our property taxes and a loss of services that are free to us now including Ada County Pest Control, eventually septic and perhaps even water services.

The major concern regarding septic and water is that if we are expected to join with city services will the city pay for that cost? Given where we live that would be a sizable expense and we will already be giving a considerable increase on our property taxes. Three of us live on the North side of the Farmer's water ditch. Can we expect the city to help us through that transition?


Some other concerns we have include the issue of once annexed if the city will pave and maintain our road; if trash pick-up will happen at the bottom of our driveway instead of on Hill Rd (160 ft. from our door).

Again, this annexation is of zero benefit to us. I invite the Planning and Zoning committee to come and physically look at our properties. I hope these concerns are addressed at the meeting.


Thank you,

Cyndi Haensli

Cyndi Haensli
7000 W Hill Rd.
208-854-1347


7010 Hill Rd

Marilyn Plummer
7107 Hill Rd.
Boise, Ida
208-853-1645


7200 Hill rd, Boise Idaho
Share = Sheri Cobb
7055 Hill Road
Boise, Id Sheri Cobb

Skylar Stewart
~~M. Stewart~~
7120 Hill Rd
Boise ID
253-6908

STANLEY & DONNA MATLOCK
8633 N Bogart Lane
Boise, ID 83714

September 8, 2015

Boise City Planning & Zoning
150 N Capitol Blvd.
Boise, ID 83701

RE: CAR 15-00025

Dear Sir:

We do not feel that this is the proper time for annexation of this area.

We would like to request that none of the Matlock property be annexed into Boise City. This is farm land and will continue to be farmed. If our renter decides not to farm in the future our son Steven Matlock will farm it.

There are no development plans for this property.

This area of Northwest Boise is in pasture and farm land and is the last open space left.

The following are the property we wish excluded from annexation.

Parcel number	Acreage	
R7498004765	4.170	
R7498005695	13.846	
R7498004750	13.778	
R7498004762	.50	
R7498000999	3.307	
R7498000986	.421	
R7498000985	.312	
R7498000980	<u>2.655</u>	
	38.989	Acres Bogart Lane to Duncan Lane (This was all one piece of property before the Parkway cut it into)
SO514438875	4.88	
SO514438930	<u>5.00</u>	
	<u>9.88</u>	Acres on Duncan Lane & State St.
	48.869	Total acres

Sincerely,


Stanley & Donna Matlock

I am writing to voice my opposition to the annexation by Boise City of the property at 7107 Hill Road. This property has been owned by my family since the 1940's. This proposed annexation does not benefit this property in any way, and results only in increasing the taxes and benefiting future development of open spaces in this formerly rural area.

The parcel on the corner of Hill Road and Gary Lane, formerly condemned by ACHD because of safety concerns, and consequently owned by the county has recently been sold to a developer. This developer is requesting being brought into the city. I believe that because of this request some of the adjoining properties are now being considered for annexation as well. I do not want to be brought into the city. Water, sewer, sidewalks and other city amenities are not available to this parcel, and will not be for at least five years. The home owners on Hill Road were informed when they repaved Hill Road that no services that would require digging up the road would be allowed for five years, consequently being annexed by the city will change nothing that would benefit the property but will raise the taxes significantly benefiting only Boise City and future developers.

I do not believe a developer has more rights than a regular citizen. I also do not understand how a parcel that was condemned because of unsafe access is now safe even though nothing has changed with the access or safety issues. The only difference being it is now owned by a developer not an individual. Until this parcel was sold by the county to the developer, we were told at different times by county employees that we would most likely not be annexed by Boise City because the properties in this area are acreages and the city could not offer services to us. Why now, unless this is to benefit a future developer?

Please consider the concerns of ALL of the property owners who will be effected by this annexation. None of the property owners on your proposed annexations map, except for the development company, want or will benefit in any way from this annexation. The property directly East of us and closer to the city is not being annexed. The property at 6913 Hill Road, also East of us, is not being annexed.

Please exclude the rural acreage at 7107 Hill Road from your annexation at least until a time when annexation will be mutually beneficial.

Marilyn Plummer



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SEP 10 2015

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CAR15-00025

September 10, 2015

To Mayor Bieter and Boise City Council,

My name is James Pendleton. Marilyn Plummer and I reside at 7010 W. Hill Road, an area that is currently under consideration for annexation into the Boise City limits. We have lived at this address for twenty years. We oppose annexation for many reasons.

We currently have police and fire protection through mutual-aid agreements between the city and the county. We see no need for further protection. Our protection won't change after annexation.

We live in a rural setting on the north side of the Farmers Union canal in the western foothills, opposite Hill Road which is on the south side of the Farmers Union canal.

We live on a one lane gravel road that is accessed from a single lane, load limited bridge crossing the Farmers Union Canal: a twelve foot wide bridge that is insufficient for two emergency response vehicles to pass.

Currently we have two sewer drain fields, both meeting current county codes, and have no desire to hook to the city sewer, which doesn't even serve our area on the north side of Farmers Union canal at present.

Garbage collection, through the county, requires our garbage cans be on Hill road for pickup. If we are in the city, will our pickup be from the bottom of our driveway, as is pickup for residents of Boise?

Our biggest concerns are the before mentioned bridge and the fact that there is no sewer on our side of the canal. What do you plan to do about that?

Does the city plan on constructing a new bridge, which will be sufficient for two emergency vehicles to pass, and then paving our gravel access road; and also does the city plan to bring the sewer to our side of the canal to facilitate hookup?

How will our neighbor to the west – Sutton/Stewart – hook up to the sewer, as they currently access their property across the Farmers Union canal on their own private bridge and have no frontage on Barnes Main Access/Lost Sage road?

Pest control, which the county provides, is critical to our area which interfaces with the wildlands of the Boise foothills and receives annual migrations of gophers into our lawns and gardens. Will you provide pest control for us?

Lastly, the four purposes you list for annexation are not pertinent to us and don't apply to our small area that is isolated from the rest of city by the Farmers Union canal.

As per the above, we are established and have been for many years (30-50) and see no need for unified planning and zoning for us. We are already bound by county zoning and building codes.

Your second purpose "Annexation... prevents...inadequate service levels" implies you are going to provide us with sewer on our side of the canal. Will you?

We are ¼ mile from the nearest city limit boundary which is delineated by the perimeter of the closest developed residential community to us. Why propose this long distance land grab, especially as we are isolated above a major canal separating us from the rest of the community and many of the services they are provided?

With respect,



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SEP 10 2015

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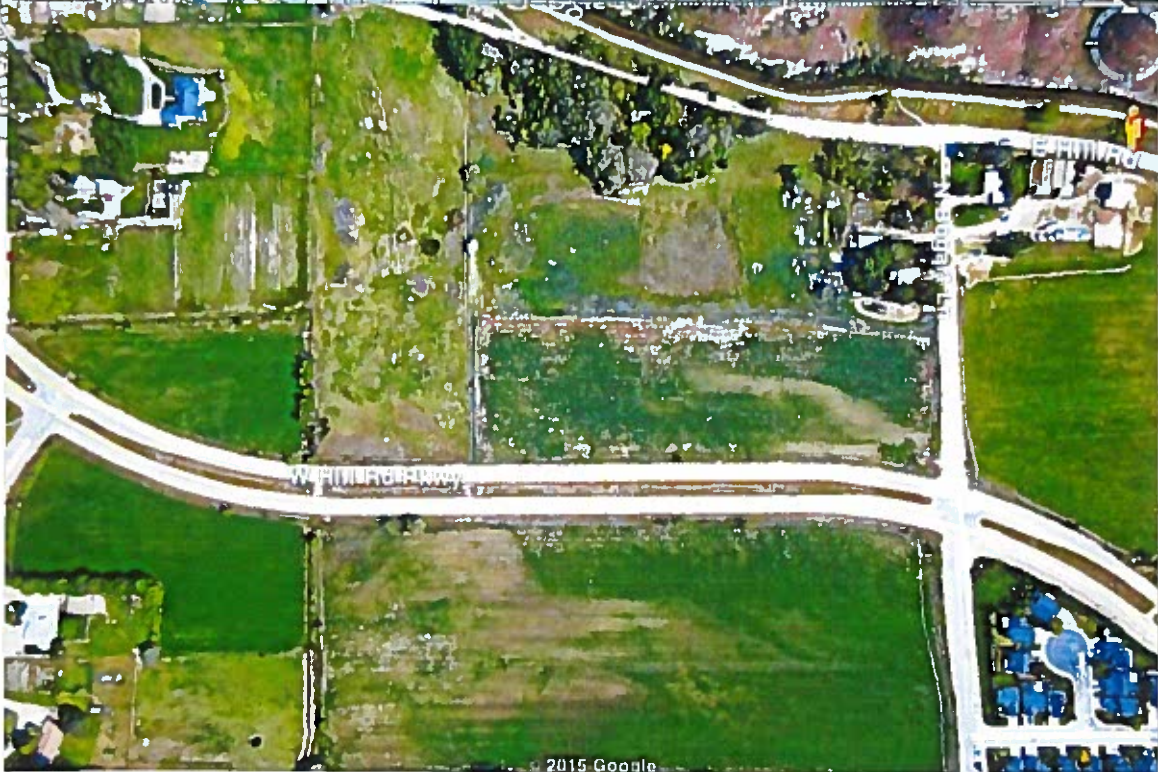
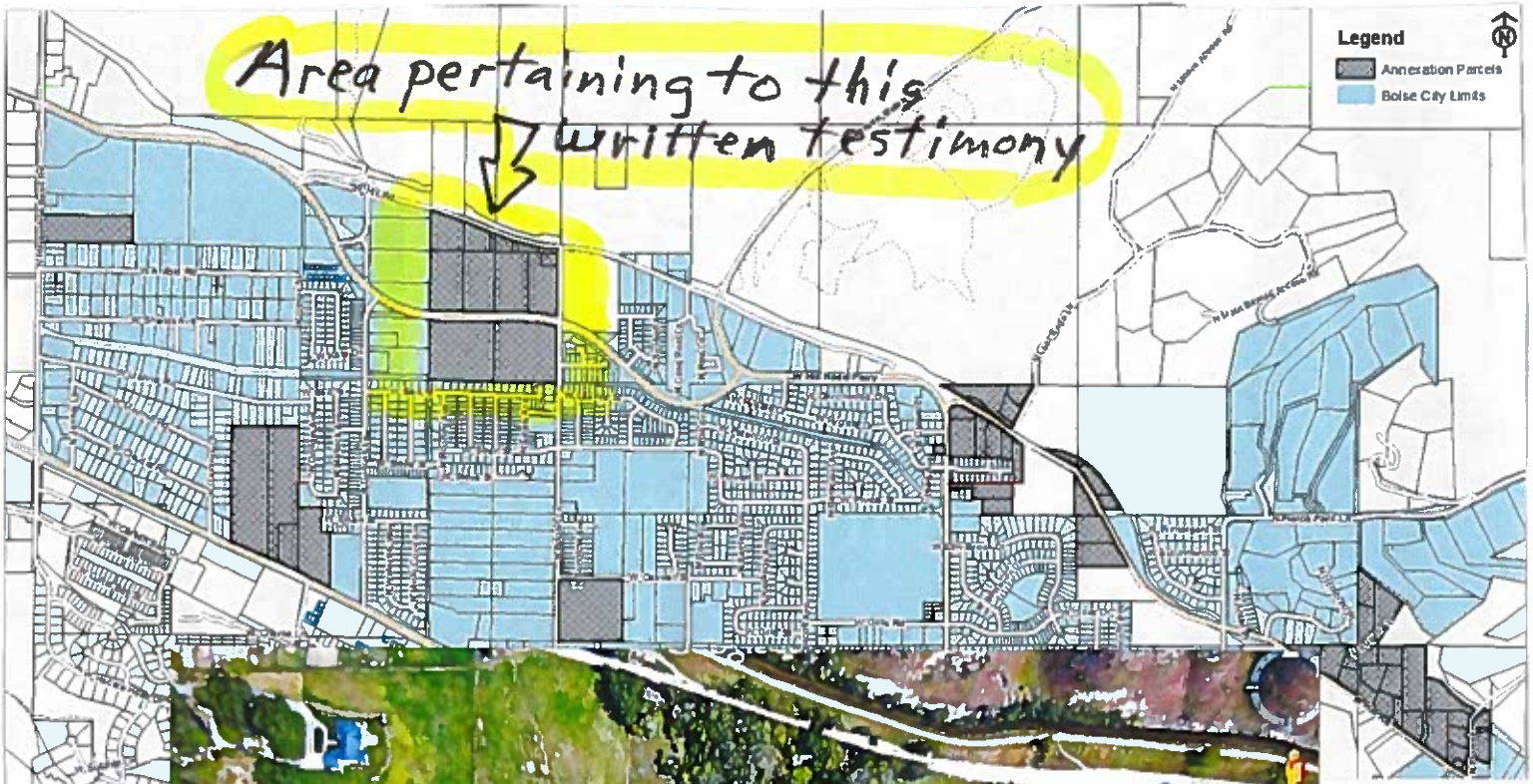
September 9, 2015

To: Members of the Planning and Zoning Commission

From: Neil and Teresa Parker, 8895 Hill Rd., Boise, Idaho 83714

Re: Annexation Proposal CAR15-00025

Please Note: This written testimony pertains to just one portion of the overall annexation proposal. It is the large portion in the upper left section of the map, bordered on the north by Hill Rd., on the east by Bogart Ln., on the south by the drain ditch, and on the west by a line parallel to and east of Duncan Ln. Below are both a map and a Google Earth photo of this area, which is made up of 12 contiguous parcels according to Ada County Assessor data:



Top and bottom of photo chopped off a little, but pretty close



We would like to voice our strenuous objection to this area being annexed in terms of the following three points:

Inaccurate, Misleading, And Confusing Data

The public in general, and those being subjected to forced annexation in particular, are entitled to an expectation that accurate and transparent data is used to determine what is legally annexable and what is not. This is of particular importance in a Category B annexation such as this where only parcels of less than five acres are annexable. One would assume that the City is using acreage data available on the assessors maps found at City of Boise.org GIS Maps. Here is what these maps show for the acreages of the following parcels:

The square parcel at bottom left is listed on its data sheet as being 13.846 acres; the other square parcel to its right is 13.778. The four, equally-sized rectangular parcels just above this are listed as follows, left to right: 4.62, 13.846, 13.778, and 4.17 (with the small subsection of the last parcel being .5) Obviously, there can't be four parcels of apparently equal size, and two of them at less than 5 acres and the other two at almost 14. But to err is human, so perhaps this is just a mistake that hasn't been corrected yet. Of significantly more concern here is the following.

At the informational meeting in August, we asked Mr. Spujte why the two, square parcels at the bottom could be considered annexable since it's easy to see they are well over five acres each. His explanation was that that each square parcel is actually bisected by a vertical line that creates four parcels across the bottom instead of two. (Invisible lines, perhaps?) If we accept that explanation, then what is 13.846 acres divided by two, and 13.778 acres divided by two? It makes each of these four bottom parcels well over five acres, and therefore not legally annexable. Also, what acreage has the landowner been paying property taxes on for many, many years? If tax assessments have been based upon the two square parcels being 13+ acres each, and they really are smaller, I think we have a serious problem here involving a repayment of tax overcharges.

If the City would argue that 13+ acres per square section is not the case, where is its data to support a smaller size? Is it easily available to the public? Does it stand up to scrutiny and make sense without a lawyer's contortions of logic to make it plausible? If the acreage numbers shown on the Assessors website are inaccurate, this is unprofessional at minimum, and of more concern, if they are accurate, it leads one to question why annexation is being pursued for parcels that are too large to be legally annexable, and this based upon the City's own numbers. Bottom line is that an annexation proposal that is based in any degree upon inaccurate, misleading, or confusing data should not be allowed to go forward.

Inappropriateness Of Annexation For This Area

Please consider the following facts about this area:

- It is owned by three families, all of whom are very much opposed to annexation.
- Other than two homes and a smattering of outbuildings, it is 100% used for farming and pasturing livestock, plus some areas of fallow agricultural land and groves of trees.
- There is no development, subdividing, or homebuilding of any kind going on currently, and no plans for doing so. One of the stated purposes of annexation says that "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.” There is no urban development here.....none. In fact, there hasn’t been a house built in the described area in probably the last 80 years or more.

- It will likely never be surrounded by Boise city limits.
- Two of the landowners’ homes, one within the proposed annexation, and one adjacent, do not have access to city sewer, nor do they desire it. The third landowner was financially coerced into hooking up when they were denied a permit to rebuild an affordable, conventional drainfield, and told they would have to install an exorbitantly expensive above-ground system. This was most certainly a tactic to gain the infamous, pre-2008 “implied consent” for annexation because the groundwater level in this area is not prohibitively high, and conventional drainfields nearby work perfectly, as did for many years the one needing replacement or relocation.
- This is not a suburban area with a so-called country setting or feel; it is a valuable and fairly unique remnant of the real country—still being farmed and pastured, and with the only homes being two farmhouses that were first built early in the last century.
- There may be compelling reasons to annex at some point in the future if development overtakes the area, but for now, it would be entirely inappropriate.....no more appropriate than taking a similarly-sized farming area with similar demographics out in rural Ada County somewhere and proposing to annex that. One of the claims made for the 2014 NW Boise annexation was that it was “reasonably necessary for the orderly development of the city.” We don’t think an intelligent or honest argument could be made now for annexing some hayfields and horse pastures to ensure Boise’s “orderly development.”

It’s The Same Now As It Was Then

During the large NW Boise annexation of 2014, this area and others now being considered were exempted. Mr. Spujte was asked at the P&Z public hearing and/or the Boise City Council public hearing why this was the case. His response, as we best recollect (since he hasn’t responded to our recent emailed inquiry into what he remembers saying) was that these areas, including the one where we live, were exempted because they consisted of large open areas and fields with little or no development.

At the risk of pointing out the obvious, this area where our family and our neighbors live is still comprised of exactly the same large open areas and fields with no development as it was a year ago. If it was inappropriate for annexation then, as Mr. Spujte said it was, it is intrinsically every bit as inappropriate now. The fact that city limits have since come up to meet it on two and a half sides due to a forced annexation smacks more of legal maneuvering than it does reasonableness.....and so we are appealing for reasonableness, and fairness, and appropriateness as we respectfully request that the section of land described in this testimony be removed from consideration for annexation. Thank you for your time.

Sincerely,
Neil and Teresa Parker
Neil and Teresa Parker

Jim and Rhonda Morris
7141 West Hill Road
Boise, Idaho

Jim and Rhonda Morris
2395 U.S. Highway 20
Arco, Idaho 83213

August 10, 2015

Boise City Planning and Zoning
150 N. Capitol Blvd.
Boise, Idaho 83702

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AUG 17 2015
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Concerning File Number: CAR15-00025

We are strongly opposed to the annexation of our property and neighboring properties into the City of Boise. We purchased our house and property (approximately one acre) a little over one year ago. Our property is located on West Hill Road, east of the intersection with Gary Lane. As soon as we conclude our affairs in Butte County, we intend to make this our permanent residence.

We selected this location because of the rural setting and we can keep our horses on the property. Our neighbor to the west raises cows and chickens. Also immediately adjacent to us on our west property line is a small parcel that until recently was owned by Ada Highway District. It was recently sold to an individual. Some people maintain an attractive and productive community garden here. To the east our neighbors maintain a large, productive garden and open space. Across Hill Road to the north, residents keep horses, have large lots, and maintain secluded and well screened homes.

If annexed into the City, we expect that zoning provisions of the city will allow higher density housing by permitting one residence per lot instead of one residence per acre. We understand that the intentions for the parcel of land on our west property line, which was previously owned by the Highway District, are to place one or more residences here. We, and our neighbors, have previously brought to the attention of Ada County and the City of Boise, the matter that

placing a residence here creates a very unsafe access and egress condition for the occupants and traffic at the intersection of Gary Lane and Hill Road. We also understand that this parcel was previously condemned and acquired by the Ada Highway District because of these same concerns.

While we are unable to attend the hearing on September 14, we wish to have our concerns noted and our opposition to annexation of the properties north and south of Hill Road, immediately east of Gary Lane noted.

Sincerely,



Jim Morris



Rhonda Morris

August 28, 2015

Stephen Bradbury, Chair
Boise City Planning and Zoning Commission
150 N Capitol Blvd #2,
Boise, ID 83702

Dear Mr. Bradbury

I currently live at and own a home at 6720 W. Hill Road. The property is currently located in the county and is being proposed for annexation by the City of Boise under Annexation Plan CAR15-25. I respectfully request that my property be removed from annexation for the following reasons:

1. Alignment of the true and existing sociological, economic and cultural boundaries of the city. My home as well as the neighboring parcels proposed for annexation are located in a relatively low density and rural part of Hill Road with that are not in character with the high density and developed neighborhoods that are more consistent with the true and existing sociological, economic and cultural boundaries of the City of Boise. The proposed annexation includes parcels that are well within the city limits and surrounded by all sides the city. My property as well as the neighboring properties proposed for annexation would create a "peninsula" or "island" of Boise City limits and would result in our properties being surrounded by unincorporated and open space areas. Therefore, inclusion of my property fails to provide alignment of the true and existing sociological, economic and cultural boundaries of the city.
2. Interrelationship between the fringe and city: My property clearly is the fringe part of the city limits. However, the process of selecting my property and the neighboring parcels was one based on a simple criteria of proximity and not one of proper planning. For example, my property, and the area in general, does not receive any primary city services such as sewer services. More importantly, the City does not currently have any immediate plans to extend sewer services to my area. I could understand the importance of annexation into the city if basic services such as sewer were being extended to this area. In contrast, most of the other in-fill parcels proposed for annexation currently receive or have access to these type of basic services. Therefore, inclusion of my property fails to provide alignment of services within the fringe area.
3. Urban growth without central planning and controls becomes urban sprawl: Inclusion of my property is based merely on proximity and not one based on any clear planning criteria. Inclusion actually creates more of the scattered pockets of development growth pattern that the proposed annexation plan purports to address. Therefore, inclusion of my property is counterproductive to the urban sprawl goals the city is attempting to achieve.
4. Police Services: The change in police services is the most critical and objectionable issue for me. Currently, the Ada County Sheriff's Department provides excellent protection to my home and neighborhood. In addition, I have serious concerns about the Boise Police Department's (BPD)

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ability to provide equal or better policing services. In fact, I am in a unique position to provide an informed view on the quality and differences between the two law enforcement agencies.

Last October, my home was attacked on two consecutive evenings by an arsonist. The attacks occurred two days after neighbor's home, which is located in the City, was burned to the ground by the arsonist. Needless to say, I had the unfortunate opportunity to observe firsthand the actions of both the Boise Police Department and Ada County Sheriff's Department. I observed BPD mishandle and misplace critical information that could have prevented the two attacks on my home. In addition, I observed a general disinterest and lack of effort on the part of BPD to communicate with the Ada County Sheriff or neighbors in the area. For example, BPD failed to inform anyone, including its on officers on duty in the area, a person of interest had been arrested by BPD in the neighbor's house three days prior to it burning.

The person of interest turned out to be the arsonist. Consequently, BPD had the person's name and understanding of his general whereabouts as well as a female companion's name. Yet, BPD failed to follow up on any of this information in the days following the first arson attack. I asked the obvious question as to why BPD hadn't followed up on any of these leads and the response provided was that it was an issue of workload.

Consequently, BPD was aware of individual's name but made no effort to locate him after the fire at my neighbors and the second fire at my home. In fact, none of the responding BPD officers were briefed on the previous events and some officers were even surprised to learn that the house next door had burned. It seems reasonable to me that BPD would have made it known to patrol officers in the area that two arson attacks had occurred. Rather, it appeared that BPD was treating the two arson events as separate and isolated events. Bear in mind, the two homes are within 100 feet of each other.

In contrast, the Sheriff's Department was very responsive and immediately followed up with me and neighbors in the area. They also provided some recommendations regarding security and safety around our house that were critical to us protecting ourselves during the second arson attack.

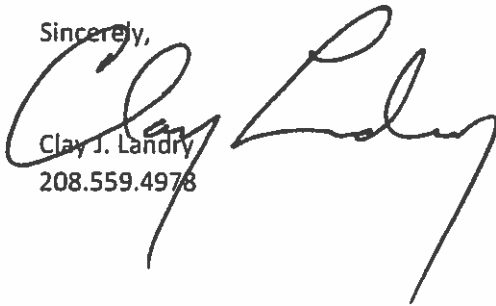
I also think it is worth mentioning that the arsonist was arrested within in the Boise city limits approximately .5 miles from my home. The arresting officers included a deputy sheriff and the Garden City Chief of Police but did not include any BPD officers. Most of the BPD officers involved in the incident were standing on my property line, which also happens to be the city boundary, making it clear to me that there were jurisdictional issues. I've latter since learned that while those jurisdictional boundaries exist, there is also cooperative agreement between the two agencies allowing responses in the fringe areas.

The annexation of my property will create more confusion related to the law enforcement duties in the fringe areas since the annexation will result in my home being with the city limits but surrounded by unincorporated areas.

I am certain that no City Council wants to hear that their police force is not capable of providing adequate policing services to its residents. I also realize that the events that occurred at my home are extreme and complicated, but they also make it clear that there are serious questions regarding BPD's ability to serve this rural fringe area. I am quite confident based on the actions I observed that annexation into the City will reduce the quality of law enforcement that I currently enjoy and ultimately reduce the safety of my family.

Therefore, I respectfully request that my home at 6720 W. Hill be removed from annexation until such time that the City is providing basic services in the area and can demonstrate that it can provide policing services that are equal to or exceed those already in place. Any other such action, I fear, will put my family at risk.

Sincerely,



Clay J. Landry
208.559.4978

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To: Members of the Planning and Zoning Commission

From: Richard Llewellyn, 9170 Hill Rd., Boise, Idaho 83714

Re: Annexation Proposal CAR15-00025

We recently received notice of an intent to annex into Boise some of our property that includes pasture but not our residence. I am writing to oppose this annexation, on the grounds that this property has been a natural, and by large, legal, contiguous parcel of land conjoined with either our residence or the larger NE quarter of Section 14 in Township 4N Range 1E, since its patenting and homesteading in the 1800s.

All of our property in question, with the exception of Lot 28 of the Roberts and Hill Subdivision, was obtained through patent by Henry Dickman in 1890 and homesteaded by Ephriam Lucas in 1891. The tax parcel south of W Hill Rd (#S0514110505), included in the proposed annexation, has always been part of the residence and acreage north of the road (tax parcel # S0514110500): there has been no division or subdividing sale of this land since the original patenting; the routing of Hill Road has been the only separation. This tract is significantly larger than five acres, and thus, according to Idaho Statute 50-222, cannot be annexed without our consent.

The southerly portion of this pasture (corresponding to tax parcel #R7498006441) , which was a lot of the Roberts and Hill subdivision created in 1908, was naturally conjoined with the existing residence through the purchases of Roy and Clare Sacks in 1910. Since that time, and through more than a dozen sales, the southerly portion of the pasture has always been transferred with the northerly acreage. Indeed, this union may have been necessary, since Lot 28 was landlocked due to an unfulfilled easement of a right of way along its southern border. Moreover, since that time, these lands have always been transferred with water delivered by Farmers Union Canal required for its irrigation as a single pasture. This water is carried by a head gate and lateral running a few yards from our house north of Hill Rd. which has the sole purpose of irrigating our property. To annex the southerly portion of our pasture would divide land that has been treated as a single whole for more than a century, and by my family since 1958.

My father obtained the eastern parts of our land from our neighbors Lloyd and Rhoda Taylor in the mid-1960s. To the best of my knowledge, these also have remained intact with the acreage north of Hill Rd since the original patenting and homesteading by Dickman and Lucas, respectively.

Of this eastern acreage, there is confusion over whether our land delineated by tax parcel #S0514110050 is included in the annexation. One map from the written annexation plan shows that it is included, another in the plan shows that it is excluded, while a map provided during the informational meeting of August 17, 2015, showed again that it is excluded. This is part of our land acquired in the mid-1960s that currently provides a wood lot, asparagus, an occasional vegetable garden, and wildlife habitat, and is also irrigated by our head gate and lateral. It has long been treated as part of the larger whole.

While there are these legal issues with annexing parts of our land, perhaps the more significant question is whether it is in the best interest of the City, and particularly Northwest Boise, to divide a significant portion of the last remaining rural and agricultural land in the area. This is the tract comprised of the pastures and fields north of the drain ditch, west of Bogart Lane, and east of Duncan Lane. There are few if any practical reasons to do so: the reasonable outer limits of NW Boise have already been established, there are only two homes in this area, and all three of the land owners oppose annexation. Furthermore, the land is agricultural and requires weed and pest control more readily permitted or facilitated by Ada County regulations and services: e. g. last year alone more than fifty gophers were trapped from our pasture.

There are clear reasons to make broad swaths during the planning of a city, but there may also be good reasons to make exceptions where the contextual details of the land do not correspond to those abstractions on a map. I believe this is one case in which allowing the natural and historic boundaries to take precedence is both practical and beneficial. Therefore I ask that all of our land, as well as the larger tract between Bogart and Duncan Lanes of which they are a part, be removed from the proposed annexation.

Sincerely,

Dr. Richard Llewellyn

Resident Member of Llewellyn Hill Road Family Limited Partnership