

MEMORANDUM

To: Mayor and City Council
From: Scott Spjute, Planning
Date: October 28, 2015
Subject: East, Southeast “Clean-Up” Annexation / CAR15-26

On September 21, 2015, the Boise City Planning and Zoning Commission recommended annexation of a number of parcels in the east half of the city. There are 46 parcels totaling approximately 95 acres including: 1. A portion of Crane Creek Golf Course, 2. Riverland Terrace Subdivision and 3. Parcels in southeast Boise. Zoning to be assigned will match Ada County zoning or the Boise City Comprehensive Plan Land Use Map designation.

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SUMMARY

The present effort seeks to incorporate certain parcels, of which there are 46 totaling 95 acres.

1. A portion of Crane Creek Golf Course
2. Riverland Terrace Subdivision
3. Parcels in southeast Boise. Zoning to be assigned will match Ada County zoning or the Boise City Comprehensive Plan Land Use Map designation.

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 those around and/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.

Planning Division Annexation Report

File Number CAR15-26
Applicant Boise City
Property Location East and Southeast Areas of City
Initial Public Hearing Date P&Z: September 21, 2015
By Boise City Planning and Zoning Commission
Planning Team Member Scott Spjute

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Maps
Annexation Plan
Comments

1. Executive Summary

Description of Request

Boise City requests annexation of 46 parcels totaling approximately 95 acres including: 1. A portion of Crane Creek Golf Course, 2. Riverland Terrace Subdivision and 3. Parcels in southeast Boise. Zoning to be assigned will match Ada County zoning or the Boise City Comprehensive Plan Land Use Map designation.

Planning Team Recommendation

Approval

Summary

The present effort seeks to incorporate certain parcels, of which there are 46 totaling 95 acres.

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 those around and/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.

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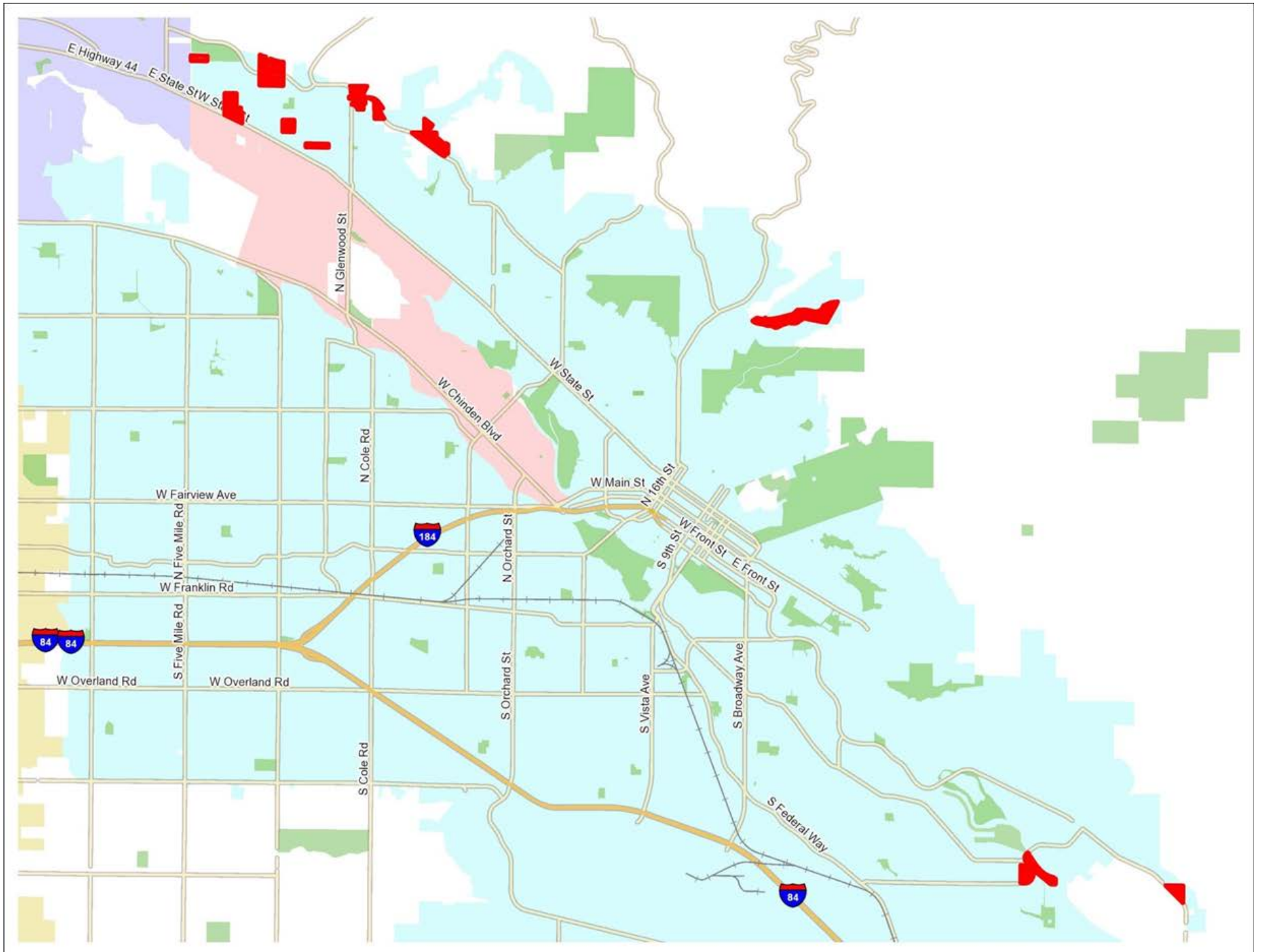
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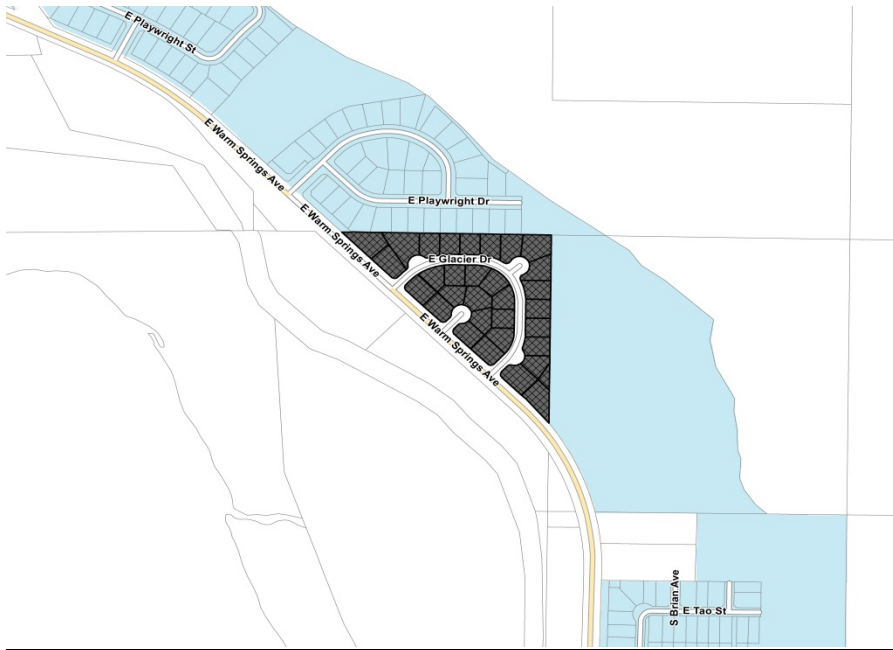
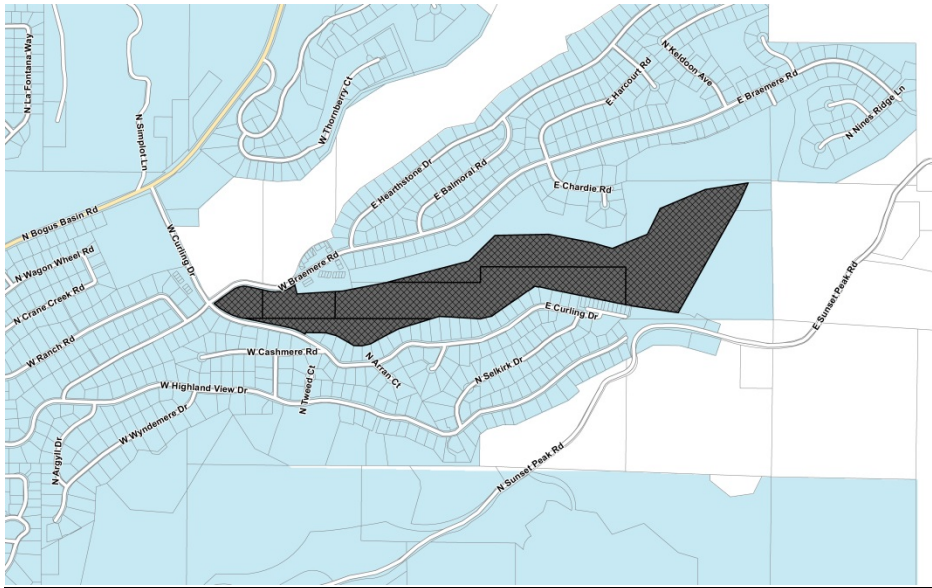
2. Facts, Standards of Review & Reason for the Decision

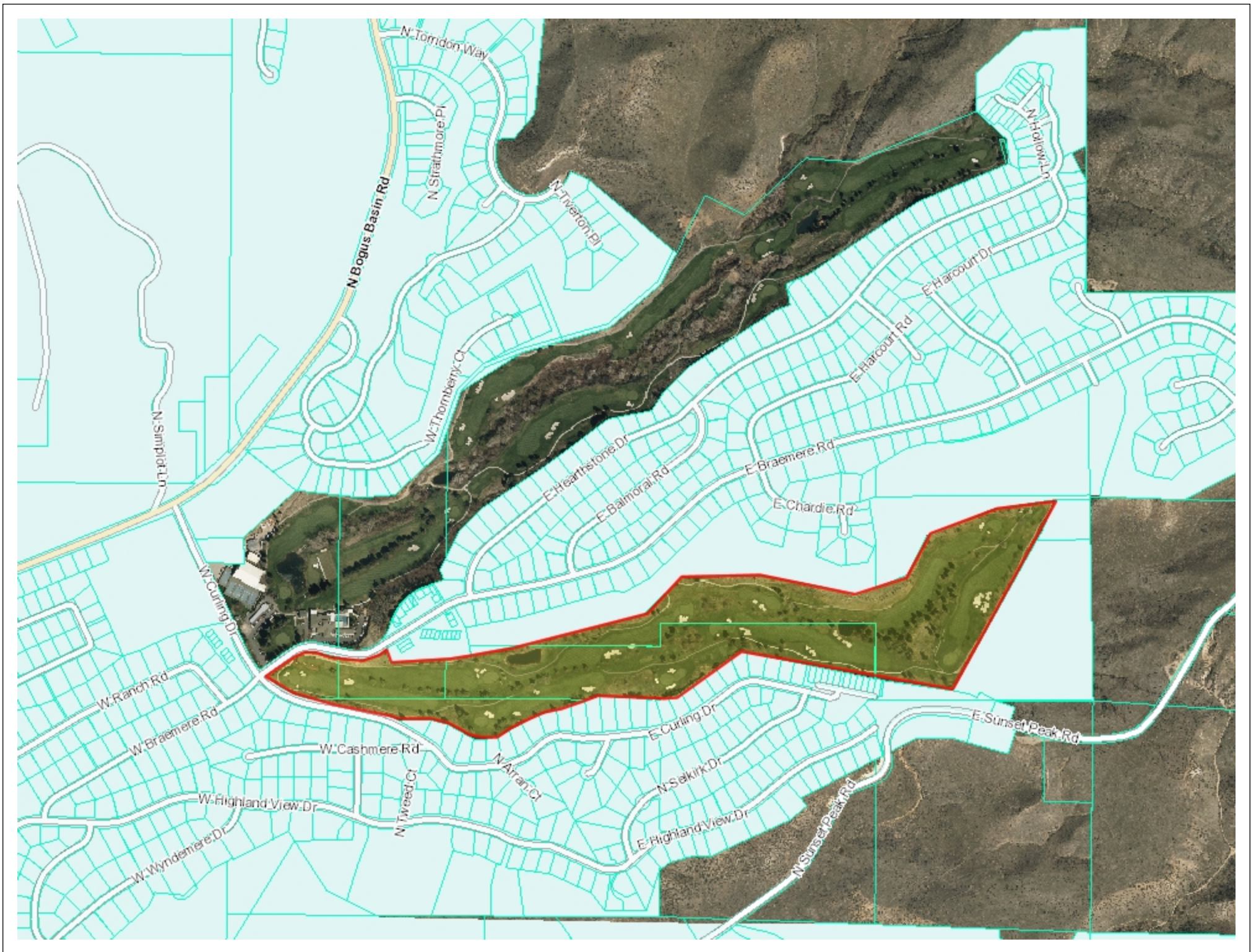
Type of Application

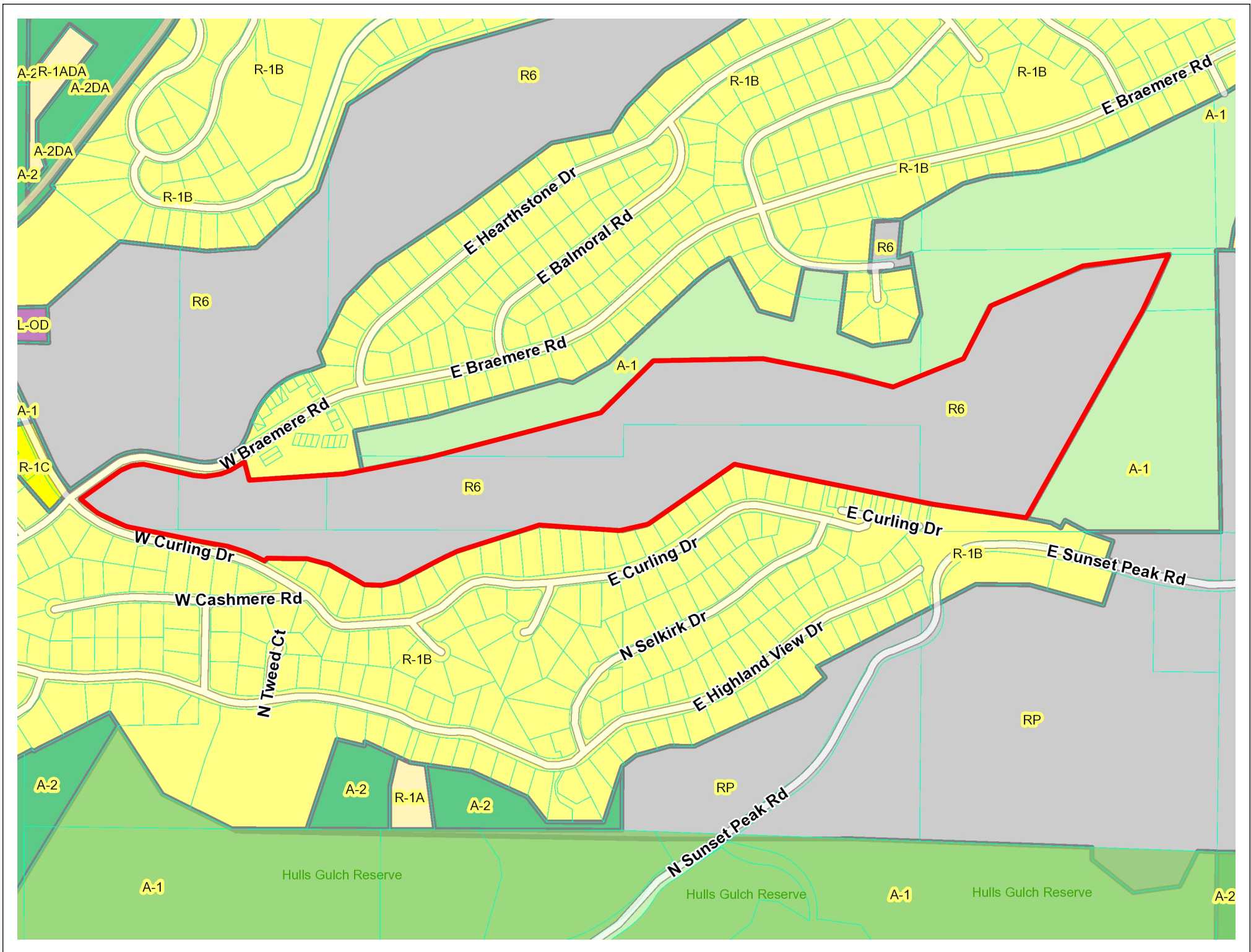
Annexation with zoning designations in accordance with the following examples:

Annexations for Fall 2015













Barber Park

S Eckert Rd

E Boise Ave

S Axiom Ave

S Epsilon Ave

E Helix St

E Amity Rd

S Surprise Way

E Amity Rd

Bowler Site

E Boise River Ln

<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 or surrounded by it 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. Planning is recommending that the Council annex the subject lands for reasons that are larger in scope than financial impact on individual property owners 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 Whitney 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**.
Planning posted notice on site on: **August 26, 2015**.

Size of Property

Approximately 95 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
Streets Adherence to the LOS standards adopted in the

Community
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 CAR15-26, 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;
- (B) The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city; and,
- (C) The annexation is reasonably necessary for the orderly development of the city.

The foregoing report and analysis clearly support the notion that these findings can and should be made in approving this annexation.

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00026

MINUTES • September 21, 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)

PDS MEMBERS PRESENT

Scott Spjute, Cody Riddle, Brent Moore, Bruce Eggleston, David Moser, Todd Tucker, Ted Vanegas, Meagan Curtis and Amanda Schaus (Legal).

CAR15-00026 / Boise City

REQUEST FOR AN ANNEXATION THAT CONTAINS 45 PARCELS TOTALING APPROXIMATELY 95 ACRES INCLUDING: 1. A PORTION OF CRANE CREEK GOLF COURSE, 2. RIVERLAND TERRACE SUBDIVISION AND 3. PARCELS IN SOUTHEAST BOISE. 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 17 AT 5:00 PM. [Scott Spjute](#)

APPLICANT TESTIMONY

Scott Spjute (City of Boise): Thank you. This is the second of the City's 2015 annexation efforts; the first you heard last week. Those were parcels located up in the north/west area of Boise City and the Commission recommended that City Council annex those. This annexation concerns three different areas; right here up near Crank Creek, where you spent a lot of time last week, and then two areas down here in the south/east section of the City. What we're doing is presenting some parcels of land that are eligible for annexation that the City Council can decide whether or not to annex. The annexation criteria, both in state and local code are met and so we present them to you. The first is roughly a 54 acre conglomeration of several parcels located in the Highlands that's known as the Crane Creek Golf Course. A little bit closer

CITY OF BOISE
PLANNING & ZONING COMMISSION MEETING

CAR15-00026

MINUTES • September 21, 2015

City Hall – Council Chambers

6:00PM

FINAL

here, there are 5 or 6 parcels that are comprised therein. These parcels are completely surrounded by City limits. They're zoned R-6 in the County, which is roughly again to the City's R-1C zone. It may not be appropriate to zone these 54 acres for 8 units per acre development, and so as you know, we typically assign a County zoning that is roughly equivalent, as close as we can get, or an assignment that matches the City's land use plan. So in this case, the property is designated as open space, parks and open space on the land use map so we would recommend that this be zoned A-1. Here you see the parcel with the County zoning attached, again, completely surrounded by City limits. The secondary that we will look at is this little triangular shaped parcel out on Warm Springs Avenue in the Barber Valley area. It's known as Riverland Terrace Subdivision, there are about 30 residential lots that comprise the subdivision and we're proposing that all of them be annexed at this time. The light blue that you see is existing City limits. This is a part of the Harris Ranch development; it's all zoned SP-01 which is of course, the Harris Ranch development. It's currently zoned R-6 in the County and so we propose that it be zoned R-1C which is about the same zoning designation. The third area is over here to across the river and to the west, some parcels close to the river and then a larger parcel owned by the Nampa/Meridian Irrigation District. These parcels are completely surrounded by City limits, all sides. I'm not sure if any of you were on the Commission several years ago when this parcel came to the City for annexation and development, the City declined to annex at that time because the development did not comply with either our zoning code standards or the Comprehensive Plan. The County has since allowed development on the property, they're single family homes built on most of these parcels, and so it's right for annexation, we're recommending that they be brought in at this time. Again, this 13 acre parcel is owned by the Nampa/Meridian Irrigation District and nothing proposed there, we would zone that A-1. As with most City initiated annexations the major issue seems to be property taxes. Again, there's a lot of numbers and a lot of data on this sheet but the bottom line is that the levy will increase by about 4.6 mils or about a 37 ½ percent property tax increase. What that means, in more real terms, is for a \$150,000 home, with the home owners exemption of \$89,580 property tax would go up upon annexation about \$352.00 per year; \$518.00 for a \$200,000 home. In concerning annexations we look at the zoning, these are the zoning criteria that need to be met. There's nothing that would cause any consternation here, again, we're applying zoning that is similar to the existing zoning. We're in the area in impact and any land within the area of impact is eventually designated for annexation. Here's the three zoning criteria that we look at, compliance with the comp plan, no adverse impact on the delivery of services, and then compatibility of zoning. These are three extra findings that the state code requires for category B & C annexations; this is a category B annexation. Again, these are very broad and simply mean that annexations should comply with the Comprehensive Plans and be orderly in nature. There will be a lot of issues brought up tonight; unfortunately, most of them don't have to do with the criteria that the City Council must find in order to approve the annexation. The issues to be considered are not impacts on individual properties, not whether property tax increase is large or small or whether there's an increase at all, doesn't even have to do with sewer matters and whether septic systems are failing or not, and it doesn't have to do with whether there are benefits to being annexed, to the property owners being annexed. Nor does it have to do with the differences between City and County regulations. It's also not about who supports and who opposes annexations. You're looking at a legislative decision where no one has a right to be annexed; no one has the right not to be annexed. The issue to be decided by City Council, after your recommendation, is what is desirable and in the best interest of the City as a whole. Now, you've got some letters in there that have claimed that the

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City goes about annexation in a disorderly and haphazard manner. Actually, it's anything but. The City of Boise has an annexation program unique in the state, there's no other City that annexes like we do although, there are some who try and want to learn. A year doesn't go by that we don't get requests from other Cities on how to do an annexation plan, how to do a category B annexation, how do I square up my boundaries. In other sections of state law there's a warning against taking actions that would mar the symmetry of the City's boundaries. What we're trying to do, and what we've always tried to do is keep those boundaries symmetrical. Now, there may be properties that we have yet to annex, there are. The annexation we looked at last week created some more enclaves that we could not annex now, but we can after their enclaves. All of this is due to the vagaries of state law regarding annexation. What we try to do is have boundaries that make sense, that are logical, that provide for the efficient delivery of services and don't require County providers to go through the City property to get to County enclaves. One of the things that we try to do is to avoid the type of boundaries that some of our sister cities in Ada County have. For example, there's Meridian, there's Kuna. If we go back to the beginning, there's Boise City, square boundaries for the most part, the exception of course is the Foothills and there's only so much we can do up there. We are without City surrounded enclaves that other Cities seem to have who don't follow an annexation program like we do. So, with that I will conclude my remarks, thank you.

Chairman Bradbury: Thank you, Scott. Alright, any questions of the applicant or staff, you can ask Scott either way.

Commissioner Demarest: Mr. Chair?

Chairman Bradbury: Commissioner Demarest.

Commissioner Demarest: Just to clarify, maybe I wasn't listening, maybe I wasn't hearing, you mentioned Scott, that our process in the City of Boise is unique to other Cities in the state of Idaho. Could you just reiterate that for us, what's unique about it, or what's better about it in your opinion?

Scott Spjute: Well, I think you can see it in the difference in our boundaries between some of the other Cities. That is primarily it.

Commissioner Demarest: Okay, that part I got.

Scott Spjute: A desire to square up boundaries and have logical boundaries.

Commissioner Demarest: Mr. Chair?

Chairman Bradbury: Commissioner Demarest.

Commissioner Demarest: I don't want to belabor, so the process itself is not the issue, it's the end result that you're saying is better for us as a City? Square boundaries, things like that.

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Scott Spjute: Yes.

Commissioner Demarest: Okay.

Chairman Bradbury: Any other questions of Scott? So, I've got a couple. Help me out with the Crane Creek Golf Course. From looking at it, it looked like we're annexing one of the two; we're annexing about half of it, about 9 holes, plus or minus. Is that because the other 9 are already annexed or? Give me some help here.

Scott Spjute: That's a good question, Chairman Bradbury. The other holes are, I don't have a wider view map, I'm sorry, the other parcels are not surrounded by City limits and they are over 5 acres in size. That exempts them from Cities being able to laterally annex them. These 50 some acres are completely surrounded and the 5 acre exemption, when you're surrounded, goes away.

Chairman Bradbury: Gotcha. So it puts them into a different category?

Scott Spjute: Correct.

Chairman Bradbury: Understood. Alright, so the other question I had for you, and it comes from a letter received from one of the members of the public, and it questioned the annexation of properties to the, I guess I'll say to the south of Warm Springs Avenue out there by Riverland Terrace. Can you comment on that just a little bit? I understand that we're not compelled to annex properties in any particular order, but I'm kind of curious about those properties. It would be to the south and west of Warm Springs.

Scott Spjute: These parcels are pretty much all open land. No Development has occurred or will occur on them, and the parcels that boarder Warm Springs Avenue are larger than 5 acres in size and so we can't, absent consent.

Chairman Bradbury: Alright, those go into a different category as well?

Scott Spjute: Right, that requires consent.

Chairman Bradbury: Understood, okay. Any other questions of Scott? Alright, with that we will move to public testimony. Mr. Reineck, do you want to testify on behalf of Barber Valley Neighborhood Association? So, Scott was up there, I think his testimony lasted about 10 minutes, so you're entitled to 10 minutes as well.

NEIGHBORHOOD ASSOCIATION TESTIMONY

Mike Reineck (4760 E. Arrow Jct Dr.): Mr. Chairman, Commissioners, I think you've seen our letter of September 16th?

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Chairman Bradbury: Yes, it's in our packet.

Mike Reineck (4760 E. Arrow Jct Dr.): I will just summarize that very quickly. We don't believe it meets the Comprehensive Plan principle calling for a predictable development pattern and does not respond to some pressing environmental concerns in the east end of the Barber Valley. Basically, we know that annexation is going to happen for the area specified, but we just want to see annexation planning that addresses those environmental issues and other parcels in the valley in that area so that we don't go through this same drill consistently as time goes on. So, if there are parcels that could be coordinated with and done in one fell swoop, we would support that, rather than piecemealing out there. So, we have in our letter requested that the City Planning Department create an orderly and predictable plan for the area. What property hasn't been annexed, when will it be, and what properties won't be, and what is the time frame for that? Second thing, we request that the City Public Works consult with IDEQ to understand and create a plan for addressing the current ground water contamination which could potentially spread and affect Boise River. There's a subdivision out in that area that can't use its drinking water. So, we would like to see, get an idea of what the overall plan is for extending sewer throughout the valley to address those concerns. That's conclusions of Mr. Reineck.

Chairman Bradbury: Thank you, sir. With that we will move to the sign-up sheet. First name on the list is Gary Huntington and you'll have three minutes, sir.

PUBLIC TESTIMONY

Gary Huntington (6612 Glacier): Mr. Chairman, I'm Gary Huntington, I have property at 6610, 6612 Glacier Drive, that little triangle, and I'm definitely opposed to this annexation. I purchase the property because it was in the County and I'm not alone in opposing this annexation. I think the majority of the people out there have been there a long time and they like the way the County runs it. They don't want the Boise services that they've offered and it just, it's going to be not only the 37 percent tax increase but all the other costs that go along with the installation of the sewer and maybe water later on or anything, those aren't figured into that, and there's going to be a great financial hardship on a lot of those people that are out there and that are retired and it's just a real financial hardship. The City doesn't offer the people in this area anything that they want. It has, you can see Warm Springs on the south, we don't need access through the City to get to the property either. That's on the north side of that, if we could have that up there you could see that triangle shape. River Ridge Subdivision, I'm sure they've got the zoning around this there through big money, but the people that live in this area are very happy with their septic systems, their water system, we have a wonderful water system and they aren't concerned about City police protection and all the amenities that Planning & Zoning has said that we're going get through annexation. We just like it the way it is and that's a basic opinion of those people living in that area. You don't have anything on the, I'd say it was the south/east side of that triangle there. That's all open, we don't have to have City access to get to our County zoning there, and that's the way we would like to keep it there. Thank you very much.

Chairman Bradbury: Thank you, sir. Alright, next name on the list is Ben Hay.

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Ben Hay | General Manager at Crane Creek Country Club (500 W. Curling Dr.): I would like to offer comments against the annexation of the front line of the golf course there. First, I guess Idaho code 50-222 requires that category B annexation, which this is a written annexation plan appropriate to the scale of the annexation contemplated. This annexation plan is not appropriate to the scale of the annexation for these particular parcels. The annexation plan provides a sweeping, broad generalization of why annexation may be appropriate action by the City, but this annexation plan is not specific to the, and does not reflect how annexation will specifically effect the particular parcels that are known as the front line of the golf course. We don't doubt that annexation, under the right circumstances, provides a public benefit to both the City and the property owner, but this is not the case with these parcels. Second, the annexation of this particular parcel is not consistent with the public purpose set out in the annexation plan which is required in code 50-222. The public purpose of the plan speaks in need to control urban growth and development and prevent the duplication of service. This particular parcel in the City's Comprehensive Plan is part open space which is exactly how it's used. There's no need to control the urban growth, there is no duplication of services. The public order is not underlined by leaving this particular parcel in the county. We understand that that City wants to protect itself should particular pieces of property ever be developed, but the City is protected. If the property were to ever be proposed for development, your laws require that the property owner first apply for annexation in the City before trying to develop in the County. Only if the City were to deny the request for annexation would the property owner be able to develop in the County. So, the City does not need to fear this particular parcel will be developed into the City. Third, the planning & Zoning Commission can only recommend annexation to the City Council if it makes findings that the City has attempted to balance the cost of service with the anticipated revenues from this particular parcel, and the annexation will promote goals and population balance and contiguous development. The Commission can't make these findings. The anticipated revenues just to the City from this particular parcel to be used today are thousands of dollars each year and are not balanced against the cost of services received from the City. The annexation does not promote population balance and contiguous development. This particular parcel will have no population and will not be developed. Again, the property owner didn't ever want it developed; the City will be protected because the laws require that the property be annexed to the City. Fourth, the annexation plan indicates that the zoning of this particular parcel should be zoned consistent with existing County zoning of R-6.

Meagan Curtis (City of Boise): Time.

Ben Hay | General Manager at Crane Creek Country Club (500 W. Curling Dr.): We question whether the zoning is appropriate given the Comprehensive Plan defines this particular parcel as open space. Finally, Boise has jumped on the gun on trying to annex these particular parcels. We don't object to the concept of annexation, but it's unfair to annex this particular parcel at this time. Perhaps, when the entire golf course is surrounded by the City, and the club house is included, then it's right for annexation at that point. The public purpose of annexation is not gained by the City. What is gained by the City is a windfall of taxes to the club and not reflected to the cost of service that the City will be providing the club. We believe the City tries to be fair in its actions and this action, for this particular parcel, is not fair.

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Chairman Bradbury: Alright, thank you very much. Next name on the list is Dirk Marcum.

Dirk Marcum (4340 E. Boise River Lane): Chairman and Council members, I own the property located at 4340 E. Boise River Lane, could somebody show it? Could you show my property please? Can Scott show it for me?

Chairman Bradbury: Sure. It's the piece that's on, its south and east of where Eckert and Amity come together isn't it? That's the general area?

Dirk Marcum (4340 E. Boise River Lane): Yes. Anyway, this is a unique piece of property. It's on a private lane that only has eight homes. So, the private lane starts, the properties are all off that private lane that goes all the way down there. The private lane was built and maintained by all of the property owners. There are eight properties there, it's a unique place because three of them are father siblings, so there are two sets of father siblings, there are six of them in on this lane. This lane is all for all of the City services and everybody is all done by the County, it'll still be done by the County. My piece of property has the New York Canal with that road going through it, that easement has the East Boise River Lane going through it so, I have a real small building area. If I was annexed with the rules and regulations of the City I would have no building area with the roads and everything going through my property. There is a confusion with all of the services, even right now on that road whose it is, City, County, everybody. So, it's a County road right there, the addresses, all of the mailboxes are on this private lane. Out to the other end, when he says that this is surrounded by City, the only reasons it's surrounded is because of the power line. All the rest of that property goes clear out to the Barber pool, to Hammer Flat, up to Diversion Dam and out that way. The power line is the only thing that surrounds it. I've got a lot of money invested in my property. I've done road engineering, we've done the property engineering, we've done everything and I'm a buildable piece of property right now with Ada County; I can build a house and a shop. If I was put into Boise City, I would be unbuildable. So, it would render my land valueless. If nothing else, I would need a 5-10 year extension on what I could follow my same old rules because this whole piece of property is really, it's got a whole different location and set of circumstances. I've got a road design, utilities, purchase of the property; I've got lots invested in this.

Meagan Curtis (City of Boise): Time.

Dirk Marcum (4340 E. Boise River Lane): So, at this point in time, you know the other property owner that they're trying to take in there, really they're all on this private lane and it's not even, they don't have any utilities from Boise or anything.

Chairman Bradbury: Alright, thank you Mr. Marcum. Pete White.

Pete White (6706 Glacier Dr.): This is the little piece of property in question here, the triangle, it's about a mile from the established City limits, it's about a mile from the community back-up to the City limits along Warm Springs Avenue and as you see here, there's a lot of City property here and there's this

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gigantic area that's almost enclosed by City property on all sides. The Shakespeare Theater, Barber Pool Conservation Area, Idaho Parks and Recreation, the Gregerson property, another 11 acre property, and then several commercial properties are all in this area between Warm Springs and the Surprise Valley over here. So, reaching out to grab this little triangle here is sort of a gerrymandering the City limits rather than bringing the City limits down and filling in gracefully, this little jerk here of grabbing that, not taking this and particularly, not getting the Golden Dawn Barberton Park, treasure park area up there. So, this is not really moving in a consistent and smooth matter of annexation. The Riverland Terrace, now we're currently well served by the County and our own resources. We have good water from our community wells, we have a functioning sewer system, we have excellent emergency services, fire protection, law enforcement, our children are in the Boise School District and we have library privileges and one of the things we want to think about is the little triangle here has City limits on two sides but we're still, we're not an island there, there's the County. So, we don't meet the criteria of being an isolated little inholding there. So, the pros and cons, we get no benefits from the City, we get about a \$450.00 per year tax bill which results in decreased property values for our homes. Looks like the City is trying to use this as a cash cow to exploit the tax base so that they can bring money from the residents and provide no services. We think this is grossly unfair to the residents.

Meagan Curtis (City of Boise): Time.

Pete White (6706 Glacier Dr.): We ask that you postpone the annexation. We know it's going to come eventually, but let's postpone it until you can fill in all the way down here so it's a uniform type of expansion. So, if you can postpone the annexation until the land on the west side of Warm Springs Avenue is annexed, then we'll go along with it at that time. I want to thank you for missing your supper at home to come and listen to a bunch of smooth talking builders and whiney, complaining residents.

Chairman Bradbury: Thank you, Mr. White. Eric Wilson.

Eric Wilson (6668 Glacier Dr.): Good evening. I represent the 28 members of Riverland Terrance, nonprofit water corporation. We request that this annexation be deferred or denied for three central reasons. These are extensively covered in my letter dated September 17th. In brief, the first concern is one of fairness and lack of planning. We understand that as residents in the area of impact, we are subject to annexation. Other properties in the Eastern Barber Valley, however, are also eligible to be annexed including some commercial properties. We recommend that the City develop a plan to annex all of these properties to avoid repeated annexation hearings; I don't want to be here anymore than you do. So, this will save the City and all of the effected residents much time and energy. The second concern is a lack of compliance to the City's Comprehensive Plan and IDEQ's ground water quality rule. Known ground water issues south/east of our neighborhood should be dealt with since they were late to aging infrastructure within the area of impact and could be solved by connection with City services, in particular, City sewer. Our neighborhood, which is proposed for annexation, does not have an impact on ground water and does not require hookup to City sewer at the current time. The third concern is financial. With very little warning our residents are facing about a \$400.00 tax hike this fall. Many folks in this older neighborhood are on a fixed income and will have problems paying this bill. Also, if we do

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hookup to City sewer at some point in the future, the total cost of \$20,000 - \$40,000 per resident will take time to plan for. For these reasons, we ask that this decision be deferred or denied so we can better plan for the future and have an extra conversation with the City and all of the east Barber Valley residents. Our neighbors immediately behind us, I think Scott referred to it as SP-01, it's actually SP-02 with Brighton Corp, we've worked with them and the City for many, many years regarding their impacts on our water system and getting orderly development in the east end of the Barber Valley. We hope you will take this extra step to address these other issues and then come back with more of a Comprehensive Plan for annexation in the east Barber Valley. Thank you and I'd be happy to answer any questions.

Chairman Bradbury: Alright, thank you Mr. Wilson. We've got Mike Reineck, but you've already testified so we'll move on and see if there's anybody else here tonight who didn't sign-up, but would like to testify anyway. Yes sir, come forward. As you come up, we always want to ask you to state your name and address for the record and there should be a little white tablet there which we would ask you to fill out and leave with us tonight before you go.

Russ Thurow (6650 Glacier Dr.): I also want to urge the Commission to postpone annexation at this time for particularly, the Riverland Heights Subdivision. As Mr. White illustrated, there are several other properties, both private and commercial, that are much closer to the City limits that are not being proposed for annexation at this time. In addition, that includes the Bryant Subdivision which Mr. Wilson just pointed out has issues with sewer system and potential contamination of ground water and annexation of Bryant could actually resolve that issue. It seems that we are being singled out inappropriately at this time. So, I urge you to postpone annexation until there is a Comprehensive Plan for the entire Barber Valley area which resolves some of these issues that have been pointed out. Thank you.

Chairman Bradbury: Alright, thank you. Anybody else who would like to testify tonight? Yes, come on forward. Same routine. If you would tell us your name and address and then fill out one of those little white sheets there.

Bill Mulder (6700 Glacier Dr.): I guess what I would like to; I would be opposed to the annexation at this time. There will probably be a time down the road when our neighbors need utilities and things and we'd be very much in favor of that. However, I guess what I would like to point out to you is your planner would like to say, well, just because they aren't being annexed isn't a defense for saying we shouldn't be annexed. Exactly the opposite is true. If you look at that map, he's saying an orderly method of annexation. To hopscotch, leave a piece here, and jump ahead to this is not an orderly annexation of things. Exactly, as these folks have said, I think you should step back, take a look at things as it may relate to utilities and things in the future and develop a truly orderly method and time frame for these kind of annexations and I guess one other thing I would throw out to you in case you have any doubts about this, is I would kind of like to know where Warm Springs Avenue is these days. I drive through there every day; I don't know if you've driven that area in the last year, I don't even know where Warm Springs is anymore. We go for five months at a time without being able to have a decent route into or out of the City. So, an orderly development of things is not what is going on here. I guess we would encourage you to step back, take a look at this and put in a proper time frame. Thank you.

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Chairman Bradbury: Thank you, sir. Anyone else who would like to testify on this matter? So, this is CAR15-00026. Nobody else? With that, Scott would you like a rebuttal? You're entitled to it as the applicant. Five minutes.

APPLICANT REBUTTAL

Scott Spjute (City of Boise): Just one quick point. Mr. White pointed out a seaming enclave in the Barberton Golden Dawn Mobile Home Park, and a piece next to that, that was all annexed three years ago, that's been in the City for three years. That's all. Thanks.

Chairman Bradbury: Alright, thank you. With that I guess we close the public hearing. The matter is now before the Commission for deliberation. This is an item for recommendation to the City Council. We're ready for a motion. We can talk first if we want to.

PUBLIC TESTIMONY CLOSED

MOTION: **COMMISSIONER JUST MOVED TO RECOMMEND APPROVAL OF CAR15-00026 TO THE CITY COUNCIL IN ACCORDANCE WITH THE PROJECT REPORT AND CONDITIONS OF APPROVAL THEREIN**

SECONDER: **COMMISSIONER DEMAREST**

Chairman Bradbury: Discussion on the motion? Commissioner Just.

Commissioner Just: Mr. Chairman, it's hard to decide looking at a map and what seems to be hopscotch sometimes. What is orderly annexation? I feel like staff has looked at this and is doing the best they can with the parameters under which they work. I'm quite familiar with this area and certainly annexation, as several people have pointed out, is inevitable someday, it's just how long can we put it off and should we. I think with the development that's going on out there, the comments about Warm Springs Avenue hopscotching around a bit during development is actually a statement for annexation.

Commissioner Gillespie: Mr. Chairman?

Chairman Bradbury: Commissioner Gillespie.

Commissioner Gillespie: So, I'll be voting to support the motion. I just wanted to make a couple of points. I think the reason why we see the pattern of annexation at the detail level is really due to the peculiarity of the state law as to what the City can and can't do, and the speed of development. So, there

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are a number of factors that create the pattern of annexation when you look in close detail. I do agree with Commissioner Just that the overall pattern of annexation is logical and clear. It's always been clear that if you're in the area of impact, you can be annexed pretty much at any time that the City wants to, in compliance with state law, and we didn't hear any argument that these particular parcels were being annexed, not according to state law. I did want to add one thing with respect to Crane Creek. We did hear just last meeting about the huge impact in traffic in that whole area and there's no question that Crane Creek by its use, appropriate use, does generate traffic impact, that does effect the City that surrounds it and that is really the basic reason for annexation, is so that that impact can get balanced out appropriately across the City, looking at it from the big picture.

Chairman Bradbury: Any other discussion on the motion?

Commissioner Demarest: Mr. Chair.

Chairman Bradbury: Commissioner Demarest.

Commissioner Demarest: So, in accordance with what both Commissioner Just and Commissioner Gillespie have already said, I agree with that. A couple of things, one is I think that I have been on Planning & Zoning for about three and a half years and I've never had anybody say, hey, please go ahead and annex me. It's just not the way it happens. Tonight's discussion, I think the word that I heard most from the various folks who testified was postpone. I've got to tell you, I don't see the logic for postponing, that's simply putting off what's going to happen, what needs to happen for the reasons as stated. So, I think there's no good ethical reason for us to postpone or logical reason for postponing, so I'll support this.

Chairman Bradbury: Alright, any other discussion on the motion? Hearing none, all in favor say aye, any opposed?

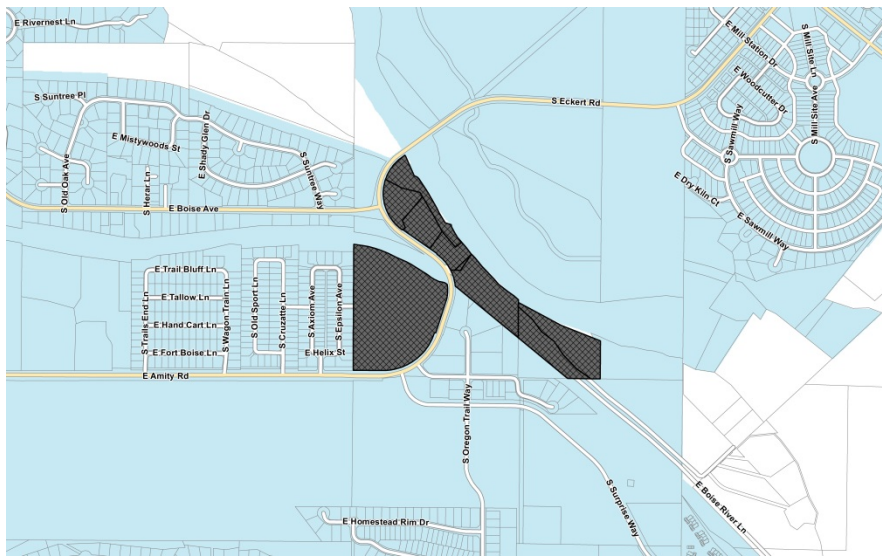
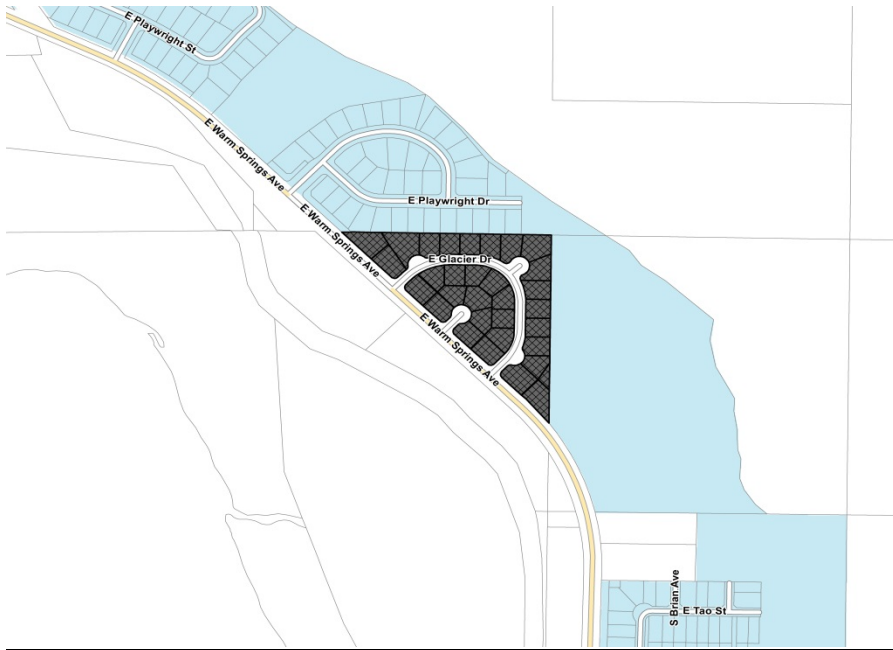
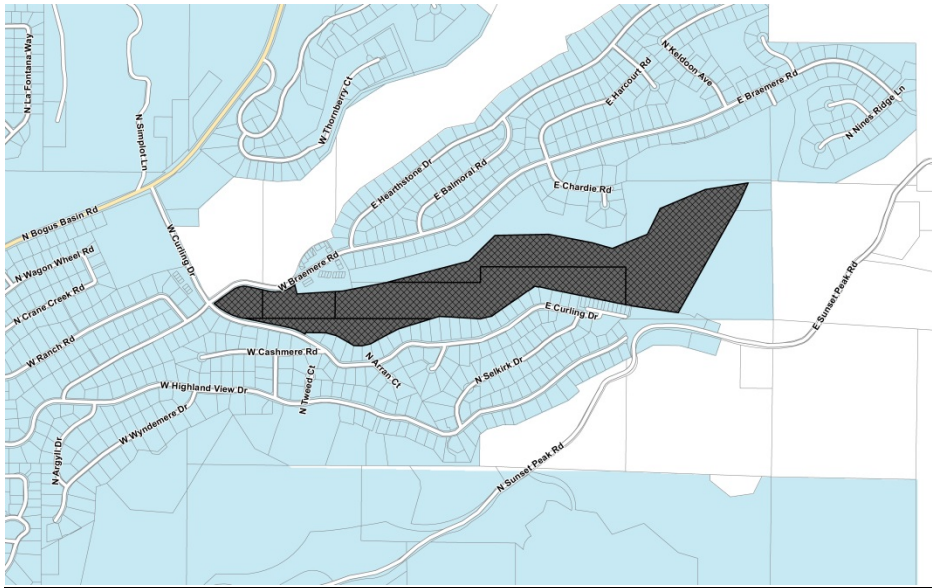
ALL IN FAVOR, NONE OPPOSED, MOTION CARRIES.

ANNEXATION PLAN

CAR15-26

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

*A portion of Crane
Creek golf course;
Riverland Terrace
Subdivision; several
parcels in southeast
Boise.*





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Purposes of the 2015 Boise City Enclaves 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



The lands proposed to be annexed are contiguous to or enclaves within the service area the Boise Fire Department is currently resourced to serve.

Some of the areas proposed to be annexed may currently be serviced by the North Ada County Fire and Rescue District or Whitney Fire District, which contract for all of its tax-supported services from the City of Boise. Annexation of the proposed lands would reduce the tax revenues collected by the Fire District, which would be offset by a formulaic reduction in the amount the District pays the City to provide fire services.

PUBLIC WORKS / SEWER

PUBLIC WORKS / SEWER

Public Works has reviewed the proposed Infill Annexation in the Riverland Terrace area. The area is shown on the attached map.

GROUNDWATER / AIR QUALITY

Assumptions

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

SOLID WASTE

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.

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.

Miscellaneous

This area, if annexed, 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 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.

STORMWATER

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.

Issues

Public Works Storm Water 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.

DRAINAGE

A. Issues

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

Budget Needs

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

STREET LIGHTING

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.

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	4	\$30,000	\$0	\$200

VI. SEWER

Assumptions/Issues

This area is currently without central sewer. City of Boise’s current sewer extension policy does not allow for sewer extensions for areas outside of City limits. Annexation of this area will therefore will make it possible for this area to be provided with central sewer. In order to fully serve Riverland Terrace approximately 2,300 linear feet of sewer main will be need to be constructed. The City of Boise has policy and procedures in place that will allow for the construction of the sewer. The sewer fund will provide the funding for this project. Sufficient funds are available to complete such and extension.

Property owners are only required to connect to central if their septic system fails.

POLICE SERVICES

BPD police services will extend to the proposed annexation area without significant adjustment to current staffing levels or organizational structure. In addition to police responses to calls for service through the E911 system, many other services will be extended through existing Neighborhood Service Teams to solve neighborhood problems, reduce vehicle accidents, provide a wide variety of educational opportunities, investigate crimes, and address many other quality of life issues utilizing a wide variety of programs and skills available.



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 is 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.

As unincorporated parcels, the owners of the enclaves currently pay tax revenue to the County for public safety services.

LIBRARY SERVICES

All residents of the areas proposed for annexation are already eligible to use Boise Public Library without individual payment of a non-resident fee because of the mutual participation of Boise Public Library and Ada Community Library district library in the Open Access Agreement. Many of the public library users in this area, for example, may use the Ada Community Library at Five



Mile and Victory Roads because of its more convenient location relative to the Boise City libraries. Any newly annexed resident who has commonly used Ada Community Library, Garden City Library, Eagle Public Library, or Meridian Library District will still be able to do so without payment of a direct individual or family non-resident fee thanks to this Open Access Agreement.

All of these parcels would receive library service from existing branch libraries.

The Ada County Free Library District will experience a reduction in their property tax revenue due to the annexation.

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

PARKS

No new parks are planned as a result of these annexations. All existing City parks and greenbelt facilities are available for use by the residents of the areas to be annexed. Recreation programs are available to City residents at a substantial discount compared to County residents.



There is a master parks plan that identifies future park needs and sites for all of the area of impact.

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 the School District, Ada County, the Ada County Highway District, the Emergency Medical System, Ada Community Library, Whitney Fire Protection District, 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.

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.

For some of the proposed properties to be annexed, the estimated property tax impact is an increase of .00469 mills per \$1,000 of assessed valuation, or \$4.69 per \$1,000 of assessed valuation, based on the latest available levy rates.

Example:

1. A residential property assessed at \$250,000 with a homeowner’s exemption of \$89,580 would have a taxable value of \$160,420. In Ada County, the yearly property tax would be \$2002.73. After annexation, the annual property tax would increase by \$752.96 to \$2755.69.

The figures are based on a 2015 tax levy rate of 0.012484395 for code area 120 (Ada County) and 0.017178050 for code area 01-6 (Boise City).

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 permits or zoning applications. The costs for City building permits and zoning applications differ from those in Ada County.

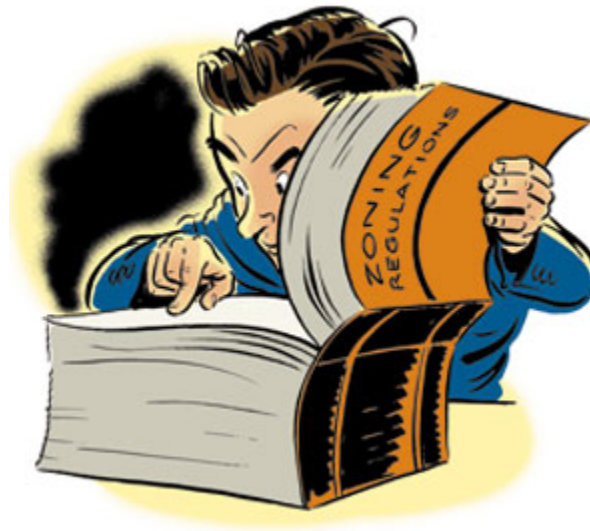
POTENTIAL EFFECTS OF ANNEXATION UPON OTHER UNITS OF LOCAL GOVERNMENT WHICH CURRENTLY PROVIDE SERVICES

After annexation, Fire Districts and Library Districts will no longer receive tax proceeds from those properties annexed. However, Boise City has a services agreement with the Whitney Fire Protection District and with the Ada Community Libraries to assure that the annexation doesn't negatively impact their ability to continue operations. The agreements have been very successful in developing cooperative area wide services. Residents of the City can continue to use the Ada Community Library and City libraries.

Ada County, Ada County Highway District, the Emergency Medical System (ambulance and other medical services), and other county wide services are not effected by annexation and those entities will continue to receive property taxes from annexed properties.

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 areas and parcels proposed for annexation. Generally, the designation will reflect current use of the property.



The annexation areas will be subject to the Boise City zoning ordinances upon annexation. In most cases, the zoning designations 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 will be applied.

Examples of current and future zoning:

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.

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. Currently, the City’s average residential monthly sewer bill is approximately \$23.23 per month. 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?

Some of the reasons include:

- The areas are surrounded or nearly surrounded by land within the City limits.
- These areas have been in the City's sewer planning area as well as in the Area of Impact for many years. Sewer is generally available and many of the lots are already connected. 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.

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.

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.

Riverland Terrace Nonprofit Water Corporation
2006 S. Eagle Road
Meridian, Idaho 83642

September 17, 2015

Planning and Zoning Commission
Boise City Planning Department
150 N. Capitol Blvd.
Boise, ID 83702

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SEP 17 2015
DEVELOPMENT
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RE: CAR15-00026—Annexation proposal for Riverland Terrace Subdivision

Dear Planning and Zoning Commission,

The Riverland Terrace Nonprofit Water Corporation (Riverland Terrace) owns and operates the water system for the 28 homes and duplexes in the Riverland Terrace Subdivision. As residents in the Area of City Impact (AOCI), we understand that annexation is inevitable. The proposed annexation, however, does not meet comprehensive plan principles calling for a predictable development pattern, does not respond to pressing environmental concerns in the east end of the Barber Valley, and imposes an unacceptable and untimely financial burden on our residents.

For these reasons, Riverland Terrace requests deferral or denial of the City's current annexation proposal, until the following steps are taken:

1. We request that the City Planning Department create an orderly and predictable plan for annexation of the remaining parcels in the Area of City Impact (AOCI). We have three central questions:
 - a. What property hasn't been annexed but will be, and what properties won't be annexed?
 - b. What is the timeframe for these future annexations?
 - c. Why did the City not afford us the courtesy of a conversation prior to presentation at the Planning and Zoning Commission?
2. We request that the City Public Works Department consult with the Idaho Department of Environmental Quality (IDEQ) to understand and create a plan for addressing current groundwater contamination up gradient of our subdivision, which could potentially spread and affect our water system and the Boise River. Following consultation, Riverland Terrace would like to see a plan for extending sewer throughout the valley to address groundwater concerns.
3. We request that this decision be postponed until after tax notices are prepared in November to avoid an immediate and unplanned cost of approximately \$400 per residence.

Annexation is inevitable, but should be done more collaboratively, with delivered benefits to residents, and in compliance with the Comprehensive Plan. The current proposal achieves none of those objectives.

Unplanned, Ad-Hoc Annexation Process

City planning staff recommends parcels for annexation based on adjacency to the City boundary. Selecting only one neighborhood in the eastern Barber Valley for annexation means that other existing,

adjacent, and eligible properties will follow in a piecemeal fashion. Residents are divided into “winners” that get left in the county, and “losers” that get annexed with a 37.5% tax increase with no tangible benefits. This has the appearance of a divide and conquer strategy that will result in multiple hearings as each street or small neighborhood is annexed individually. It will be a black hole of time and energy for City planning staff and east Valley residents. Each successive annexation will be viewed as unfair by some residents, causing neighborhood disruption and strife.

This lack of an orderly plan conflicts with the following Blueprint Boise goals:

- Goal PDP3: Plan for a coordinated and sustainable pattern of growth within the AOCI.
 - *BVNA requested an annexation plan for this area at the public information meeting on August 17, 2015, and was informed that no such plan exists; rather, this neighborhood was selected because it is bordered on two sides by property within the City. Other properties are adjacent to or on the other side of the street from properties within the city, so this action appears both arbitrary and capricious. Riverland Terrace stands with BVNA on this issue.*

- PDP3.2: AOCI ANNEXATION AREAS. Annex lands within AOCI when it can be demonstrated that the proposed annexation is consistent with the goals and policies of the Comprehensive Plan.
 - *As explained in the next section, this annexation proposal is inconsistent with Comprehensive Plan goals and policies for environmental stewardship.*

Riverland Terrace understands that the AOCI boundary was established in the mid-1980s and has remained relatively constant since that time, and we recognize that residents and businesses should, therefore, anticipate annexation at some point in time. The only tangible benefit to being annexed at the current time is the ability to hookup to the sewer main that now runs underneath Warm Springs avenue. While the City has a policy against extending sewer services to areas outside of City limits without annexation, all of the septic systems in our subdivision appear to be working even though they are more than 35 years old. Any resident within 300 feet of the new sewer line will likely be required to hook up to city sewer if their septic system fails. We understand that it is necessary and prudent for the City to annex properties so that sewer connections can be made as quickly as possible following septic system failure. It appears arbitrary and capricious to forcibly annex properties with functioning septic systems and ignore nearby properties within the AOCI with failed septic systems.

Environmental and Groundwater Contamination Issues

Residents of Riverland Terrace do not currently have failed septic systems nor groundwater issues. We know this because our community well system continues to deliver water within the water quality standards for Public Drinking Water Systems. Unfortunately, this is not the case as one travels further southeast toward Highway 21. IDEQ required residents served by a former Public Drinking Water System southeast of Riverland Terrace to connect to United Water’s service due to that neighborhood’s system failing to meet water quality standards. Failed septic systems are the likely cause in this area. Because of the City’s policy to not extend sewer services outside of the City boundaries, the groundwater contamination itself has likely not been addressed, which could present a risk to Riverland Terrace and other down gradient ground water users. It could also affect the Boise River immediately to the southwest. These risks should be assessed by City professionals and IDEQ so a response plan can be created in conformance to the Idaho Ground Water Quality Rule (IDAPA 58.01.11). Section 400 of this administrative rule addresses contamination of ground water and the appropriate responses.

According to Blueprint Boise, a collaborative, interagency response to groundwater contamination should take place, even if that is within the AOCI and outside of City boundaries. Further, residents down gradient of the

contamination (including Riverland Terrace), should receive support in this effort from the City under the wellhead protection goal.

The following goals speak directly to this issue:

- Goal ES3: Protect groundwater quality and quantity.
- Goal ES4: Identify areas of groundwater contamination and support remediation where feasible.
 - ES4.1: CONTAMINATION STATUS AND RESPONSE. Assess areas of potential groundwater contamination and assist all appropriate agencies in prompt, adequate, and efficient response to incidents of contamination.
 - ES4.2: REMEDIATION AGREEMENTS. Review all development applications for evidence of groundwater contamination sources. If contamination is found, require the developer to work with the state to prepare a remediation agreement.
 - ES4.3: WELLHEAD PROTECTION. Coordinate with the Idaho Department of Water Resources (IDWR) and IDEQ in the identification of wellhead protection areas and apply principles for wellhead protection through the subdivision plat review process.
 - ES4.4: INTERAGENCY RESPONSE. Facilitate interagency responses to groundwater issues within the AOCI.

Financial Impact Is Immediate and Unforeseen

The city did survey our residents last year regarding the desire to hook up to city sewer, and the overwhelming response was no. Cost was a major factor for this response due to hookup fees of \$10,000 to \$15,000, related costs of another \$10,000 to \$15,000 in order to re-plumb sewer drainage and install pipes through front yards, and ongoing monthly costs of around \$35. Many retirees on fixed incomes live in our neighborhood, and they do not have the ability to pay these kind of out of pocket costs. Lastly, annexation would add 37.5% to our property taxes effective this November, which equates to an increase of around \$400. Our residents on fixed incomes do not even have time to budget for this tax increase, let alone a \$20,000 to \$30,000 bill for sewer hookups.

Riverland Terrace thanks the Planning and Zoning Commission for carefully considering our comments and acting to preserve neighborhood cohesion, promote orderly development, and protect the environment. We leave it to the Commission to determine whether denial or deferral is the most appropriate course of action. Regardless, the current proposal appears to lack the due diligence and comprehensive plan conformance expected from the City of Boise.

Thank you,



Eric Wilson
President, Riverland Terrace Nonprofit Water Corporation

6706 Glacier Drive
Boise, ID 83716
September 16, 2015

RECEIVED

SEP 16 2015

PLANNING & DEVELOPMENT
SERVICES

Boise City Planning & Zoning Commission
Planning & Development Services
150 N. Capitol Blvd.
Boise, ID 83701-0500

Re: CAR15-00026, Annexation

Commissioners:

The City's proposal to annex Riverland Terrace subdivision flies in the face of common sense and the City's own guidelines for annexation. While all areas in the Area of Impact may ultimately be annexed, there should be advantages to both the City and to those being annexed. It should not be a one way deal where the City wins all and the citizens lose.

First, the proposed annexation of Riverland Terrace looks like extreme gerrymandering, taking in a far out community and ignoring areas much closer to the central core of the City. Note that all the areas to the southwest side of Warm Springs Avenue have been left in Ada County. These properties include: the Shakespeare Theater, Idaho Department of Parks and Recreation, Barber Pool Conservation Area, Gregorson's, and Ben's Crow Inn. Why have they been excluded?

The annexation of our property is unfair and disrespectful to our residents. The City is treating our little self contained community like a "Cash Cow" for tax revenue, and providing no improvement in services or amenities. We are not a third world country to be exploited for our resources.

As the Staff report indicates, we are adequately served now, and do not need anything from the City.

- ▲ Our water is from our own wells
- ▲ Our septic system functions well and we do not need to hook up to city sewer
- ▲ We have excellent fire protection and law enforcement security
- ▲ Our children are in Boise School District schools

We would get negligible benefits from being in the City!

On the other hand, if annexed, we would be faced with a large property tax increase of more than 37%, amounting to \$400 to \$500 per year. That is a big hit for most of our retired senior citizens (about 25% of our residents). While this is not exactly "taxation without representation", since we would be able to vote in City elections, it is certainly "taxation without benefits".

And so I plead with you to stop the gerrymandering and expand the City boundaries in a logical and rational way. Take in those areas on the southwest side of Warm Springs Avenue first. When the City Limits comes down our way we will accept it and be proud citizens. Until that time, I and many of my neighbors will continue to oppose the annexation.

Pritchard H White

CITY OF BOISE

MY NAME IS DIRK MARCUM. I OWN PARCEL #SO929336300 THE ADDRESS IS 4340 E BOISE RIVER LANE. THIS IS A PRIVATE LANE. THE ROAD WAS BUILT AND MAINTAINED BY THE HOME OWNERS.THERE IS A TOTAL OF EIGHT HOMES ON E BOISE RIVER LANE THAT HAS ACCESS THRU MY PROPERTY.

I PURCHASED THE PROPERTY WITH THE INTENT OF BUILDING A HOME AND SHOP FOR MY RETIREMENT.

MY PROPERTY HAS A UNIQUE CONFIGERATION. MY PROPERTY LINE EXTENDS TO THE MIDDLE OF THE NEW YORK CANAL, IT ALSO HAS EXTRA THIRTY FOOT RIGHT AWAY ROAD FOR THE NEW YORK CANAL ACCESS. E BOISE RIVER LANE RUNS THROUGH IT. ALSO THE RIVER SETBACK REQUIREMENTS.

WITH ALL OF THESE OBSTACLES WE ARE LEFT WITH A SMALL BUILDABLE AREA.

ACROSS THE RIVER IS THE BARBER POOL WILDLIFE REFUGE,EXTENDING OUT TO HAMMER FLAT FISH AND GAME PROPERTY, WHICH WILL NEVER BE IN BOISE CITY.

JUST TO TAKE IN THREE PROPERTIES ONLY ON E BOISE RIVER LANE WOULD NOT MAKE SENSE.IT WOULD BE VERY CONFUSING TO THE DIFFERENT GOVERMENT JURISDICTIONS,EMERGENCY SERVICES,UTILITIES,AND OTHER GENERAL DELIVERY AND SERVICES.

I ALREADY HAVE A LOT OF TIME AND MONEY INVESTED. ENGINEERING OF SITE DESIGN,ROAD REDESIGN ENGINEERING,UTILITY DESIGN AND CONSTUCTION,PURCHASE OF PROPERTY.

MY PROPERTY QUALIFIES FOR BUILDING PERMITS IN ADA COUNTY.

IF I WOULD BE ANNEXED NOW IT WOULD CHANGE ALL OF THE RULES ,REGULATIONS AND PROPERTY RIGHTS I HAVE NOW.

AT THIS TIME IT WOULDN'T BE POSSIBLE FINACALLY TO MOVE FORWARD WITH MY PLANS. I WILL NEED SPECIAL VARIANCES,RULES AND REGULATIONS IF THE ANNEXATION WERE TO TAKE PLACE.

I WOULD NEED A MINIMUM OF A FIVE YEAR TIME FRAME EXTENTION BEFORE ANNEXATION. IF I WOULD BE ANNEXED BEFORE I'M ABLE TO MOVE FORWARD WITH MY PLANS, THE PROPERTY WOULD NOT MEET ANY OF THE CITY OF BOISE BUILDING REQUIREMENTS. AT THAT TIME THE PROPERTY WOULD HAVE ZERO VALUE.

DIRK & LESLIE MARCUM

RECEIVED

SEP 09 2015

DEVELOPMENT
SERVICES

Colleen Carroll

From: Lex Heyer <lexheyer@gmail.com>
Sent: Friday, September 11, 2015 7:36 AM
To: Colleen Carroll
Subject: Annexation Proposal File No. CAR15-00026

We are property owners in southeast Boise currently being considered for annexation. Please let the record show that we are opposed to this action. We recently retired and purchased this property as an acreage in Ada county with an understanding of the county rules and regulations governing development. We haven't had a chance to fully utilize this property as the retirement home we planned. Annexation into the city will have a negative impact on the intended use of our property and cause us financial hardship. We understand that annexation is inevitable at some point in time, we were just hoping it could be delayed a little longer to allow us the opportunity to continue establishing our retirement home as planned under Ada county rules.

Lex & Velda Heyer
4008 E Boise Ave
Boise, ID 83716

William J. and Alyson J. Heyer
4114 E. Boise Ave.
Boise, ID 83716
208-340-6282

RE: CAR15-00026

September 11, 2015

Dear City of Boise Planning and Zoning;

I appreciate the opportunity to submit feedback regarding annexation of my property. I have met with a City of Boise planner and my concerns were confirmed regarding the effect the annexation will have in the use of my property. **My primary concern is that City Code restricting construction 200 feet from the back of my property makes any future development of my property impossible.**

I purchased this property only 18 months ago and completed a home on my 1.6 acre parcel for my wife and I and our elementary age twin sons. **We intended to build a shop at that time, but the building process left us "spread thin" and we had to hold off on the shop.**

Part of the role of the Planning and Zoning commission is to determine when a special consideration is necessary and appropriate. The timing of this annexation creates undue hardship on my family, as we have not had the opportunity to develop the property to our planned intentions with the building of a shop.

I would like to make a request to not be annexed into the City of Boise so as to give my family an opportunity to build a shop in the next few years. This will allow me to develop my property under the same Ada County regulation that was in place when I purchased the property only 18 months ago. It seems very reasonable to request a period of time before a sweeping change of regulation affects my property.

I hope you recognize the unique circumstance and undue hardship this creates as a result of city regulations.

Sincerely,

William and Alyson Heyer

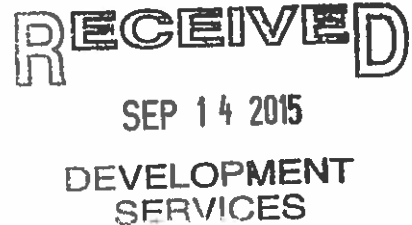
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SEP 11 2015
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Protest regarding Annexation, file CAR15-00026

Public Hearing Date 9-21-2015

Subject Property: 4700 East Boise River Lane

Parcel # S0929346803



TO: Boise City Planning and Zoning Commission

Dear Commissioners,

I will be traveling on September 21st and will be unable to attend the annexation hearing. Please accept this protest letter as my testimony.

By including my parcel in the 2015 Annexation plan the Cities GAP planners have gone beyond the intent of state statutes that grant municipal corporations the right to annex. It appears my property was included because it abuts parcels that have recently connected to city sewer services. I do not have city services and have not been given the option to connect to them. In 2003 the city annexed an Idaho Power Intertie right of way on the East side of my property, and by that action my property is now surrounded by the city. None of my six neighbors to the East will ever be annexed because of the Barber Pool Nature Preserve. It is unreasonable that my property should be annexed just because the city annexed a unbuildable industrial right of way to the East of me. I strongly disagree with the city's finding that my property should be included.

City services:

My property is not connected to city sewer. The nearest manhole is 1300 feet West with an elevation gain of 20 feet. I have been told by your GAP planner that the city will only connect sewer within 1000 feet of a parcel. Connection to city sewer would require a pressure pumping system, electrical service, and trenching into the New York Canal impact zone. In many public hearings for development of the parcels to the west of my property, the Boise project board of control repeatedly stated their opposition to disturbance of the narrow canal bank west of my parcel. My land has no connection to municipal water service, no natural gas service, no cable television service etc. Would the city intend on charging franchise fees for services that I have no access to?

Taxes:

Based on the calculations provided in the informational hand out, the added tax assessment for my parcel would increase by \$3062.10 per year. For those taxes, I would receive no street lights, no city sewer, and no other fee or tax services that I don't already pay for.

Legislative intent:

By no means does the inclusion of my parcel (S0929346803) in the CAR15-00026 plan meet the legislative intent granted to Idaho cities for annexations. First I currently pay for tax supported county services. Second I have no need for, and the city has provided no option for fee supported municipal services. Annexation of my parcel is not reasonably necessary to assure the orderly development of the city and its services.

Rural and agricultural setting at risk:

Whether it is the cities intent at this time or not, by attempting to annex my property into the City of Boise, I will be at risk of new ordinances forever. At some point in the future the city may decide I cannot pasture animals, they may decide that our private road is unacceptable and has to be rebuilt. The list of repercussions to annexation is endless. Boise River Lane is a unique area in all of Ada County. It is bounded by the Boise River on the North side, and the New York Canal on the South. The East side is the Barber Pool Nature Preserve, and we have an Idaho Power intertie right of way through the middle. Currently on Boise River Lane there are horse pastures, barns, cattle pastures, and hay fields. Attachment 1 shows the rural and isolated nature of the Boise River Lane area.

Boise River System Overlay District:

Annexation of my parcel would bring it under the Boise River Overlay District. My parcel is unique in that it is not low in the flood plain as are the subdivisions down river or across at Harris Ranch. The land is on a bluff above the river twenty five to thirty feet above the high water mark. Currently the Ada County set back is one hundred feet from the river. If that setback is changed to two hundred feet it will make that parcel unbuildable. The septic set back from the river is 200' and the well must be a set distance from the septic. (See attachment 2)

My plan for this parcel has always been to sell my current home and build a retirement home on that pasture. A two hundred foot setback would amount to rendering that area undevelopable, and I would consider it a taking by the city of Boise.



Google earth

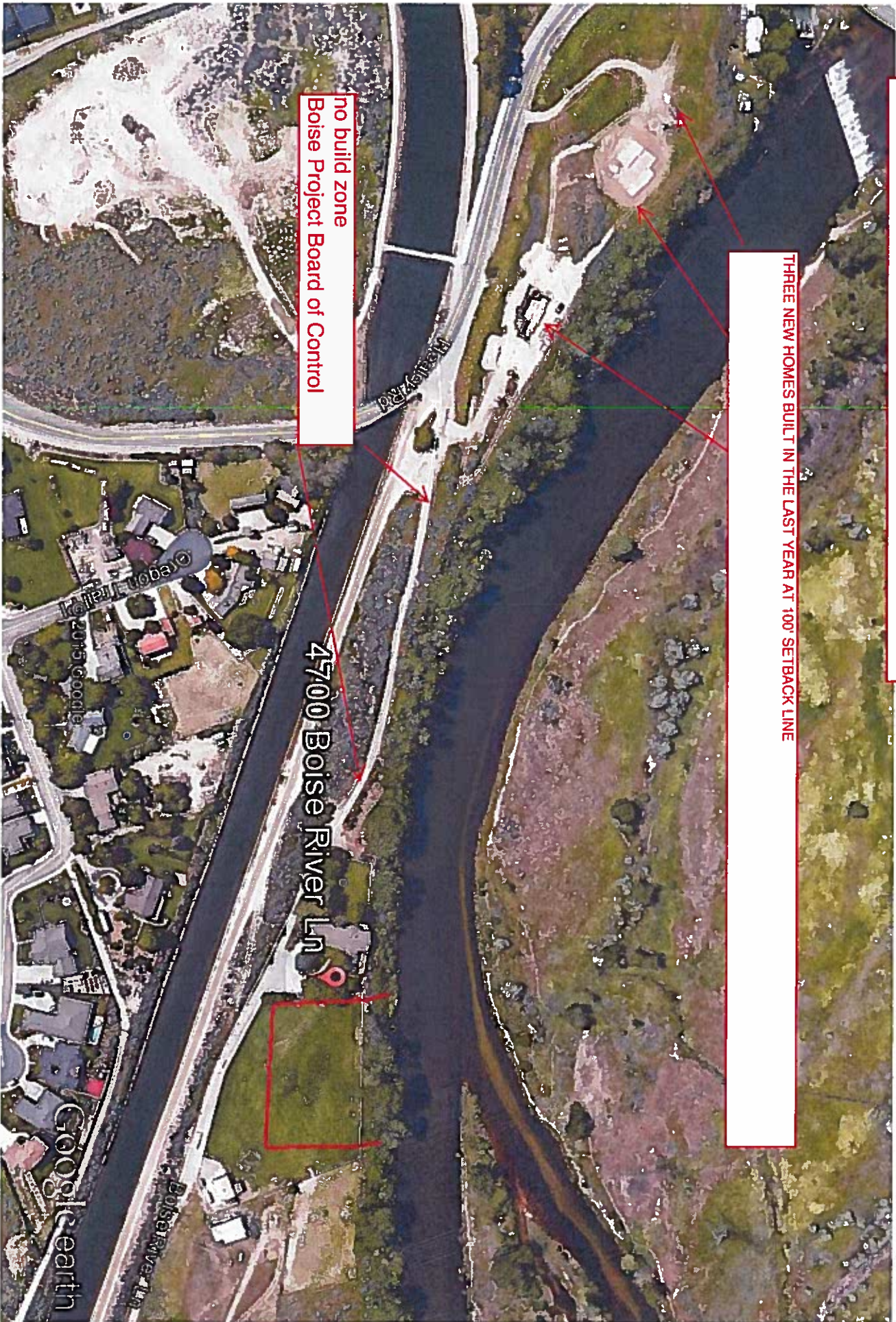
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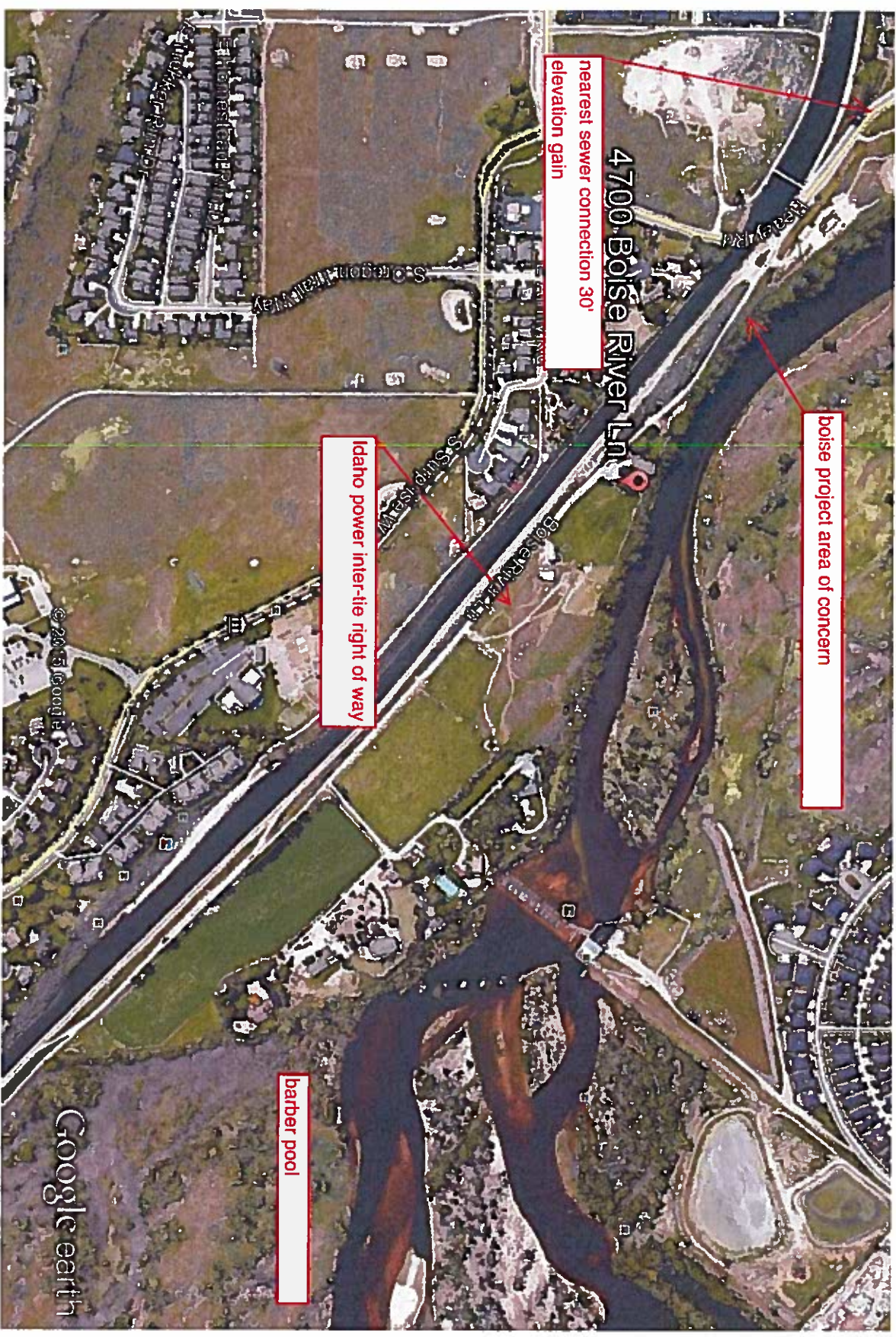
THREE NEW HOMES BUILT IN THE LAST YEAR AT 100' SETBACK LINE

no build zone
Boise Project Board of Control

47,000 Boise River Ln



Attachment 1



Google earth

feet
meters



Recent Construction:

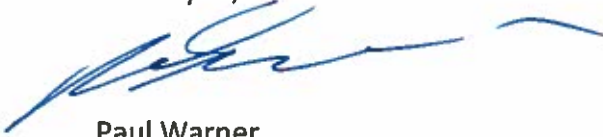
Within the last twelve months three homes have been built within the 100' set back just to the east of my parcel. (See Attachment 3)

Summary:

While I understand the City's goals in urban planning and support of services, I think your GAP planner reached too far by tying my parcel to this annexation. As summarized above there is no beneficial outcome for inclusion in the city of this land, with the exception of adding funds to city coffers. In its annexation plan the planners have not reached the threshold set by the state of Idaho for annexation. There is no provision now or in the future for the services state statutes intend for annexation.

I respectfully request that parcel numb S0929346803 be removed from CAR15-00026

Thank you,



Paul Warner

4700 E. Boise River Lane

Boise, ID 83716

Phone: 484-4230



September 16, 2015

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SEP 16 2015

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Planning and Zoning Commission
Boise City Planning Department
150 N. Capitol Blvd.
Boise, ID 83702

RE: CAR15-00026—Annexation proposal for Riverland Terrace Subdivision

Dear Planning and Zoning Commission,

The Barber Valley Neighborhood Association (BVNA) is a proponent of collaborative, orderly, and predictable planning that enhances the quality of life and environment of our neighborhood. We find that the proposal to annex the Riverland Terrace subdivision, consisting of two small streets and little else, does not meet comprehensive plan principles calling for a predictable development pattern and does not respond to pressing environmental concerns in the east end of the Barber Valley.

For these reasons, BVNA requests deferral or denial of the City's current annexation proposal, until the following steps are taken:

1. We request that the City Planning Department create an orderly and predictable plan for annexation of the remaining parcels in the Area of City Impact (AOCI). We have two central questions:
 - a. What property hasn't been annexed but will be, and properties won't be annexed?
 - b. What is the timeframe for these future annexations?
2. We request that the City Public Works Department consult with the Idaho Department of Environmental Quality (DEQ) to understand and create a plan for addressing current groundwater contamination, which could potentially spread and affect the Boise River. Following consultation, BVNA would like to see a plan for extending sewer throughout the valley to address environmental concerns.

The BVNA board understands that the AOCI boundary was established in the mid-1980s and has remained relatively constant since that time, and we recognize that residents and businesses should, therefore, anticipate annexation at some point in time. We agree that residents in the east end of the Barber Valley will benefit from the City's development of Marianne Williams Park, as they currently enjoy Ada County's Barber Park. Similarly, the Greenbelt is a patchwork of County- and City-maintained sections, and residents benefit from parks and other such amenities throughout the City.

We also acknowledge that the City has a policy against extending sewer services to areas outside of City limits without annexation. Now that sewer lines have been laid on Warm Springs Avenue to service new developments in the east end of the Valley, DEQ is unlikely to approve rebuilding septic systems or

drainfields that fail and would require residents to connect to the system. Recognizing that most septic systems in the area are more than 35 years old and at risk of failure, we understand that it is necessary and prudent for the City to annex properties so that sewer connections can be made as quickly as possible following failure to prevent groundwater contamination, protecting the water supply.

Annexation is inevitable, but should deliver benefits to residents and comply with the Comprehensive Plan. The current proposal achieves neither of those objectives.

Unplanned, Ad-Hoc Annexation Process

City planning staff recommends parcels for annexation based on proximity to the expanding City boundary. Selecting only one neighborhood for annexation means that other streets will follow in a piecemeal fashion. BVNA's Board will need to write letters and attend multiple hearings as each street or small neighborhood is annexed individually. Not only does this represent a waste of time and energy for City planning staff and BVNA volunteers, it assures that any annexation action will be viewed as unfair by the residents, causing neighborhood disruption and strife. The lack of an orderly plan conflicts with the following Blueprint Boise goals:

- Goal PDP3: Plan for a coordinated and sustainable pattern of growth within the AOCI.
 - *BVNA requested an annexation plan for this area at the public information meeting on August 17, 2015, and was informed that no such plan exists; rather, this neighborhood was selected because it is bordered on two sides by property within the City. Other properties are adjacent to or on the other side of the street from properties within the city, so this action appears both arbitrary and capricious.*
- PDP3.2: AOCI ANNEXATION AREAS. Annex lands within AOCI when it can be demonstrated that the proposed annexation is consistent with the goals and policies of the Comprehensive Plan.
 - *As explained in the next section, this annexation proposal is inconsistent with Comprehensive Plan goals and policies for environmental stewardship.*

Environmental and Groundwater Contamination Issues

Residents of Riverland Terrace do not currently have failed septic systems nor groundwater issues; we know this because the community well system continues to deliver water that is free of nitrates and *E. coli*. Unfortunately, this is not the case as one travels further east. DEQ has found groundwater contamination and required properties to connect to a clean water system provided by United Water. Because of the City's policy to not extend sewer services outside of the City boundaries, the groundwater contamination itself may not have been addressed, which could present a risk to the Boise River. This risk should be assessed by City professionals and a response plan created.

According to Blueprint Boise, a collaborative, interagency response to groundwater contamination should take place, even if that is within the AOCI and outside of City boundaries. Further, residents downgradient of the contamination (such as Riverland Terrace), should receive support in this effort from the City under the wellhead protection goal.


The following goals speak directly to this issue:

- Goal ES3: Protect groundwater quality and quantity.

- Goal ES4: Identify areas of groundwater contamination and support remediation where feasible.
 - ES4.1: CONTAMINATION STATUS AND RESPONSE. Assess areas of potential groundwater contamination and assist all appropriate agencies in prompt, adequate, and efficient response to incidents of contamination.
 - ES4.2: REMEDIATION AGREEMENTS. Review all development applications for evidence of groundwater contamination sources. If contamination is found, require the developer to work with the state to prepare a remediation agreement.
 - ES4.3: WELLHEAD PROTECTION. Coordinate with the Idaho Department of Water Resources (IDWR) and IDEQ in the identification of wellhead protection areas and apply principles for wellhead protection through the subdivision plat review process.
 - ES4.4: INTERAGENCY RESPONSE. Facilitate interagency responses to groundwater issues within the AOCI.

BVNA thanks the Planning and Zoning commission for carefully considering our comments and acting to preserve neighborhood cohesion, promote orderly development, and protect the environment. We leave it to the Commission to determine whether denial or deferral is the most appropriate course of action. Regardless, the current proposal because lacks the due diligence and comprehensive plan conformance necessary to gain BVNA's endorsement.

Thank you,



Michael Reineck, President



Jeremy Maxand, Vice President

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SEP 16 2015

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6712 Glacier Dr.
Boise, Idaho 83716

September 17, 2015

Boise City Planning & Zoning Commission
Planning & Development Services
150 N. Capitol Blvd.
Boise, ID 83701-0500

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Re: CAR15-00026, Annexation
Commissioners:

The City's proposal to annex Riverland Terrace subdivision defies common sense and the City's own guidelines for annexation. While all areas in the Area of Impact may ultimately be annexed, there should be advantages to both the City and to those being annexed. It should not be a one way deal where the City wins all and the citizens lose.

First, the proposed annexation of Riverland Terrace has the look of 'cherry picking', taking in a far out community and ignoring areas much closer to the central core of the City. Note that all the areas to the southwest side of Warm Springs Avenue have been left in Ada County. These properties include: the Shakespeare Theater, Idaho Department of Parks and Recreation, Barber Pool Conservation Area, Gregorson's, and Ben's Crow Inn. Why have they been excluded?

The annexation of our property in this manor is unfair and disrespectful to our residents. The City is showing its 'bulling' powers, treating our community that has been in existence for about 30 years, like a "Cash Cow" for tax revenue. There are no benefits, improvement in services or amenities from this forced annexation. We are not a third world country to be exploited for our resources. Our basic rights are being trampled on.

As the Staff report indicates, we are adequately served now, and do not need anything from the City.

- * Our water is from our own wells
- * Our septic system functions well and we do not need to hook up to city sewer
- * We have excellent fire protection and law enforcement security
- * Our children are in Boise School District schools

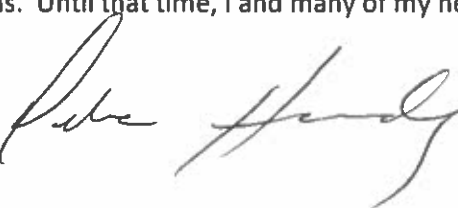
We would get negligible benefits from being in the City!

On the other hand, if annexed, we would be faced with a large property tax increase of more than 37%, amounting to \$400 to \$500 per year. That is a big hit for most of our retired senior citizens (about 25% of our residents). While this is not exactly "taxation without representation", since we would be able to vote in City elections, it is certainly "taxation without benefits".

I ask that the expansion of the City boundaries be done in a logical and rational way. Take in those areas on the southwest side of Warm Springs Avenue first, when the City Limits comes down our way we will accept it and be proud citizens. Until that time, I and many of my neighbors will continue to oppose the annexation.

Sincerely

Debra Hardy



Scott Spjute

Subject: FW: CAR15-00026, Annexation

From: Debra Hardy [mailto:debrahardy07@hotmail.com]

Sent: Wednesday, November 04, 2015 5:55 PM

To: Colleen Carroll

Subject: CAR15-00026, Annexation

6712 Glacier Drive

Boise, ID 83716

November 4, 2015

Re: CAR15-00026, Annexation

Commissioners:

The City's proposal to annex just the Riverland Terrace subdivision, passing over the other parcels of land that are also in Ada County that surround us is 'cherry picking', trying to gain the most money for the City coffers with out regard for equal treatment of all property owners. Why does the River Land Terrace subdivision get singled out for higher taxes with NO benefits to gain from the annexation and land on all sides of us get spared? While all areas in the Area of Impact may ultimately be annexed, it should be done for all land parcels that fail to meet the size that exempts them from annexation take over. Note that all the areas to the southwest side of Warm Springs Avenue have been left in Ada County. These properties include: the Shakespeare Theater, Idaho Department of Parks and Recreation, Barber Pool Conservation Area, Gregorson's, and Ben's Crow Inn. Why have they been excluded?

The annexation of just our property is unfair and disrespectful to our residents. The City is treating our little self-contained community like a "Cash Cow" for tax revenue, and providing no improvement in services or amenities.

As the Staff report indicates, we are adequately served now, and do not need anything from the City.

- ▲ Our water is from our own wells
- ▲ Our septic system functions well and we do not need to hook up to city sewer
- ▲ We have excellent fire protection and law enforcement security
- ▲ Our children are in Boise School District schools

We would get negligible benefits from being in the City only a large property tax increase of more than 37%, amounting to \$400 to \$500 per year.

And so I plead with you to stop this 'cherry picking' to gain quick money and expand the City boundaries in a logical and rational way. Take in those areas on the southwest side of Warm Springs Avenue first. When the GROUP of properties along East Warm Springs Avenue are brought in as a whole, we will join the city. Until that time, I and many of my neighbors will continue to oppose the annexation. It is very unfair.

Debra Hardy