



181

ORDINANCE NO. 6733

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,  
JORDAN, SHEALY & TIBBS

**AN ORDINANCE (CAR09-00011/ETHEL FICKS FOR PROPERTY LOCATED AT 5600 W. HILL ROAD) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS R-1B (SINGLE FAMILY RESIDENTIAL); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, RECORDER AND TREASURER, THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.**

**WHEREAS**, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has requested, in writing, annexation of said lands to the city; and

**WHEREAS**, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands can reasonably be used for orderly development of Boise City; and

**WHEREAS**, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on June 2, 2009, and recommended to the Mayor and Council that annexation be approved and said lands be zoned R-1B (Single Family Residential); and

**WHEREAS**, the Boise City Council, pursuant to public notice as required by law, held a public hearing on July 14, 2009, on the proposed zoning for the property described in Section One below, all as required by Idaho Code, Section 67-6525.

**NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:**

**Section 1.** The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibits "A" & "B" which is annexed hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

RECEIVED

O-38-09

SEP 14 2009

TECHNICAL SUPPORT

**Section 2.** From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

**Section 3.** The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

**Section 4.** Pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibits "A," and "B" annexed hereto and by reference made a part thereof is hereby fixed and established as R-1B (Single Family Residential), all as provided by the Zoning Ordinance of Boise City.

The reasoned statement is:

The annexation with an R-1B zone designation will maintain and preserve compatibility of surrounding zoning and development. The adjacent parcels are large lots developed with single family homes. The parcels west and north of the site are zoned R-6.

The parcel to the east is zoned R-1B and the parcels on the south side of Hill Road are zoned R-1C. The Boise City Comprehensive Plan Land Use Map designates the site as Estate Density 2 DU/acre. The Land Use/Zoning Consistency Matrix does not list R-1B as a permissible zone for this designation. However, for parcels 1.5 gross acres or less in size, the Matrix does not need to be adhered to provided that other policies in the Comprehensive Plan can be found to support the proposed zone. Goal 8.0 encourages a city that minimizes suburban sprawl, provides for a diverse mixture of life-styles and atmospheres and a sense of place that varies throughout the different areas of the City, and that efficiently provides basic services and facilities in close proximity to where people live. Although residential development of the site is not currently proposed, over time it is likely that this parcel will redevelop.

Both the R-1A and R-1B zones are intended for predominantly single-family residential uses. Other than the density, the only difference between the two zones is the average lot width and minimum lot size; all other dimensional requirements and permitted uses are the same. The proposed R-1B classification is much closer to the density allowed under the current R-6 County zoning.

**RECEIVED**

**SEP 14 2009**

**TECHNICAL SUPPORT**

The proposed annexation does not constitute leap-frog development and will not place a strain on public services or utilities. The site is located within Boise City's Area of Impact and within the Boise Sewer Planning Area. The parcel is adjacent to city limits at the east and south property boundaries. City services such as sewer, police, and fire are already available to the site. No agencies have responded stating that the proposed application will adversely affect the delivery of services.

The annexation of the site conforms to the goals and objectives of the Comprehensive Plan by promoting proper growth management which will minimize sprawl (Objective 10.1). The annexation of this site will facilitate the orderly expansion of the city boundaries and will conform to the Level of Service standards found in Figure 10-1 of the Comprehensive Plan. The annexation will attempt to balance costs of services with anticipated revenues.

**Section 5.** The zoning maps of Boise, Idaho, as the same are provided in Section 11-2-1.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Section 4 above in the land use classification therein described.

**Section 6.** The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Assessor, County Recorder and County Treasurer of Ada County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the County Assessor and County Recorder of Ada County, Idaho, and the State Tax Commission of Idaho, all as provided by Sections 50-223 and 63-2215, Idaho Code.

**Section 7.** That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Boise City, Idaho, this 25th day of August, 2009.

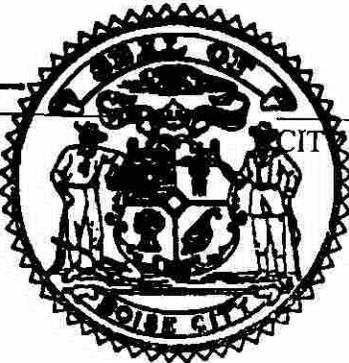
APPROVED by the Mayor of the City of Boise City, Idaho, this 25th day of August, 2009.

APPROVED:

ATTEST:

*David H. Bieter*

MAYOR David H. Bieter



*John E. Faw*

CITY CLERK John E. Faw

RECEIVED  
SEP 14 2009  
TECHNICAL SUPPORT



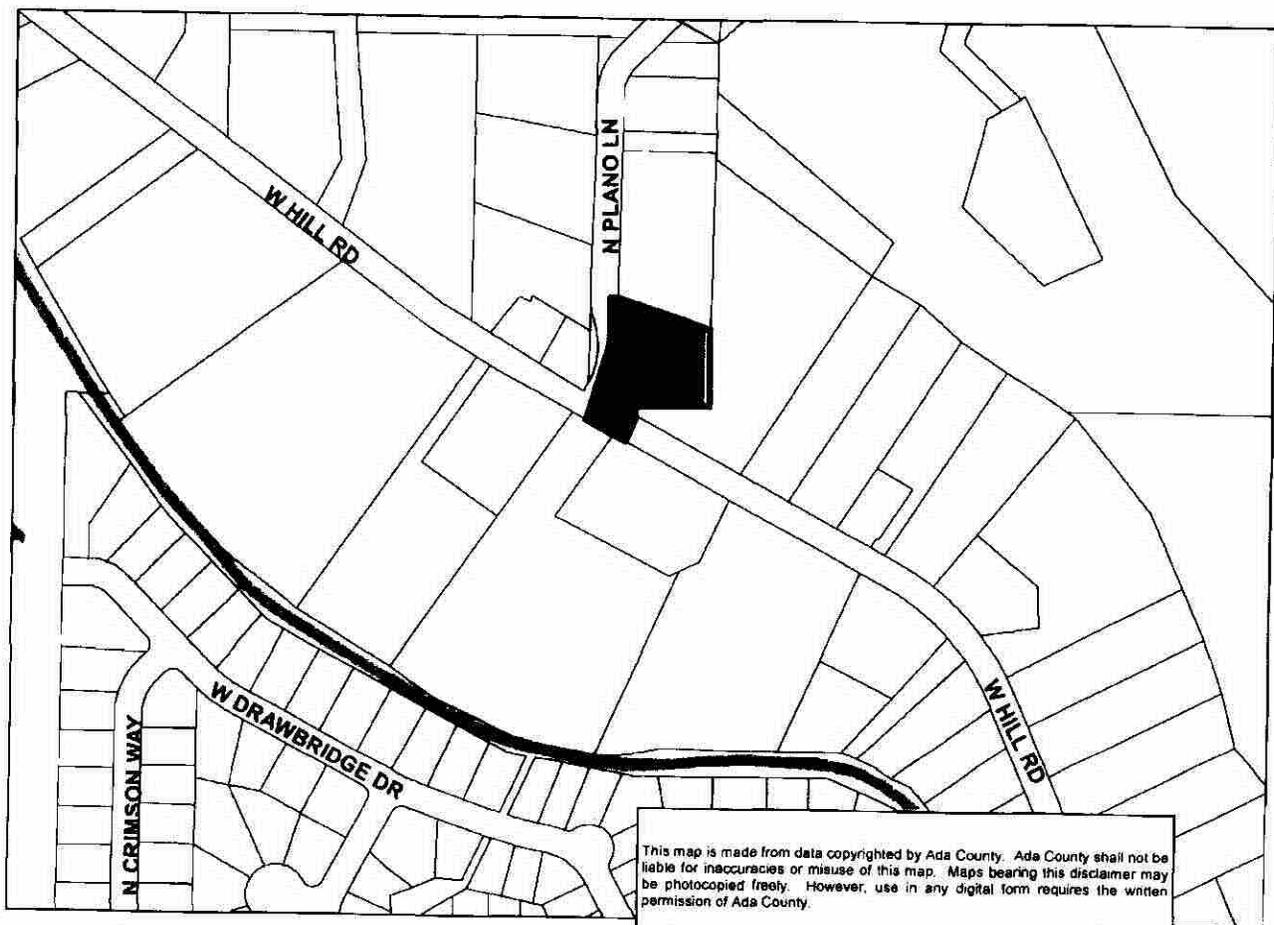
# BOISE CITY ANNEXATION

CAR09-00011

Exhibit A

Section 19 Township 4N Range 2E

Acres ±0.635



This map is made from data copyrighted by Ada County. Ada County shall not be liable for inaccuracies or misuse of this map. Maps bearing this disclaimer may be photocopied freely. However, use in any digital form requires the written permission of Ada County.

This drawing is to be used only for reference purposes. Boise City is not responsible for any inaccuracies herein contained.



ANNEXATION

RECEIVED

SEP 14 2009

TECHNICAL SUPPORT

ORDINANCE # 6733

EFFECTIVE DATE 8/31/09

### EXHIBIT B

Description  
Book Farm Annexation  
June 24, 2009

A parcel of land lying in the Northeast ¼ of Section 19, Township 4 North, Range 2 East of the Boise Meridian, said parcel being more particularly described as follows:

Beginning at the Northeast corner of said Section 19, said corner being marked by a brass cap and running thence N89°42'03"W a distance of 1349.97 feet to a point; thence S00°41'03"W a distance of 667.28 feet to a point; thence S00°48'15"W a distance of 165.12 feet to a ½ inch pipe; thence S00°53'46"W 354.19 feet to a 5/8 inch rebar marking the **True Point of Beginning**, said point being on the Westerly line of existing City Limits of Boise, Idaho;

Thence along said City Limits line S00°53'46"W a distance of 141.44 feet to a point; thence N89°58'29"W a distance of 132.33 feet to a point; thence S00°20'31"W a distance of 22.99 feet to a point on the Northerly right-of-way line of Hill Road; thence S28°14'11"W 50.00 feet to a point on the Southerly right-of-way line of said Hill Road; thence N61°45'49"W along said Southerly line a distance of 61.87 feet to a point; thence leaving said City Limits line N28°14'11"E a distance of 50.00 feet to a point on first said Northerly right-of-way line of said Hill Road where same intersects the Easterly line of North Plano Lane; thence along said Easterly line 185.72 feet along the arc of a 193.00 foot radius curve left through a central angle of 55°08'04" to a point bearing N07°58'40"E 178.64 feet from last described point; thence 13.89 feet along the arc of a 66.00 foot radius curve right through a central angle of 12°03'25" to a point bearing N13°33'41"W 13.86 from last described point; thence leaving said right-of-way line S71°44'24"E 176.54 feet to the **True Point of Beginning**, all in Ada County, Idaho.

This parcel contains 0.707 acres, more or less, based on calculations using the double meridian distance method.

Bearings herein used are based on the Northerly line of said Section 19 bearing N89°41'21"W between the Northwest corner and the North ¼ corner thereof.

Monte P. Monteith



P.L.S. 13364

RECEIVED  
SEP 14 2009  
TECHNICAL SUPPORT

LEGAL NOTICE  
ORDINANCE NO. 6733

181

BY THE COUNCIL: BISTERFELDT, CLEGG, EBERLE, JORDAN, SHEALY & TIBBS

AN ORDINANCE (CAR09-00011/ETHEL FICKS FOR PROPERTY LOCATED AT 5600 W. HILL ROAD) ANNEXING CERTAIN LANDS AND TERRITORY, SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS R-1B (SINGLE FAMILY RESIDENTIAL); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY ASSESSOR, RECORDER AND TREASURER, THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the owner of the lands and territory, situated in Ada County and particularly described in Section One of this ordinance, has requested, in writing, annexation of said lands to the city; and

WHEREAS, the Boise City Council has found and determined that said lands and territory are contiguous and adjacent to Boise City and that annexation of said lands can reasonably be used for orderly development of Boise City; and

WHEREAS, the Boise City Planning & Zoning Commission, pursuant to public notice as required by law, held a public hearing on June 2, 2009, and recommended to the Mayor and Council that annexation be approved and said lands be zoned R-1B (Single Family Residential); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on July 14, 2009, on the proposed zoning for the property described in Section One below, all as required by Idaho Code, Section 67-6525.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF BOISE CITY, IDAHO:

Section 1. The lands and territory situated in Ada County, Idaho, adjacent and contiguous to the City of Boise City, Idaho, particularly described in Exhibits "A" & "B" which is annexed hereto and by reference made a part of this ordinance as though fully set forth herein, be, and the same are hereby, annexed to and incorporated in the territorial limits of the City of Boise City, Idaho.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 hereof and annexed as provided by said Section shall be subject to all the statutes pertaining to Boise City and all ordinances, resolutions, police regulations, taxation and other powers of Boise City, and all persons and property within the territory so annexed shall be and are entitled to all benefits and rights as are the persons and property presently within the corporate territorial limits of Boise City.

Section 3. The City Engineer of Boise City is hereby directed to lodge and file with the City Clerk of Boise City within ten (10) days after the passage and approval hereof, a legal description and map prepared in a draftsmanlike manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1 hereof.

Section 4. Pursuant to the findings of the Boise City Council, the land use classification of the lands described in Exhibits "A," and "B" annexed hereto and by reference made a part thereof is hereby fixed and established as R-1B (Single Family Residential), all as provided by the Zoning Ordinance of Boise City.

The reasoned statement is:  
The annexation with an R-1B zone designation will maintain and preserve compatibility of surrounding zoning and development. The adjacent parcels are large lots developed with single family homes. The parcels west and north of the site are zoned R-6.

The parcel to the east is zoned R-1B and the parcels on the south side of Hill Road are zoned R-1C. The Boise City Comprehensive Plan Land Use Map designates the site as Estate Density 2 DU/acre. The Land Use/Zoning Consistency Matrix does not list R-1B as a permissible zone for this designation. However, for parcels 1.5 gross acres or less in size, the Matrix does not need to be adhered to provided that other policies in the Comprehensive Plan can be found to support the proposed zone. Goal 8.0 encourages a city that minimizes suburban sprawl, provides for a diverse mixture of life-styles and atmospheres and a sense of place that varies throughout the different areas of the City, and that efficiently provides basic services and facilities in close proximity to where people live. Although residential development of the site is not currently proposed, over time it is likely that this parcel will redevelop.

Both the R-1A and R-1B zones are intended for predominantly single-family residential uses. Other than the density, the only difference between the two zones is the average lot width and minimum lot size; all other dimensional requirements and permitted uses are the same. The proposed R-1B classification is much closer to the density allowed under the current R-6 County zoning.

The proposed annexation does not constitute leap-frog development and will not place a strain on public services or utilities. The site is located within Boise City's Area of Impact and within the Boise Sewer Planning Area. The parcel is adjacent to city limits at the east and south property boundaries. City services such as sewer, police, and fire are already available to the site. No agencies have responded stating that the proposed application will adversely affect the delivery of services.

The annexation of the site conforms to the goals and objectives of the Comprehensive Plan by promoting proper growth management which will minimize sprawl (Objective 10.1). The annexation of this site will facilitate the orderly expansion of the city boundaries and will conform to the Level of Service standards found in Figure 10-1 of the Comprehensive Plan. The annexation will attempt to balance costs of services with anticipated revenues.

Section 5. The zoning maps of Boise, Idaho, as the same are provided in Section 11-2-1.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Section 4 above in the land use classification therein described.

Section 6. The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Assessor, County Recorder and County Treasurer of Ada County, Idaho, and the State Tax Commission of Idaho, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the County Assessor and County Recorder of Ada County, Idaho, and the State Tax Commission of Idaho, all as provided by Sections 50-223 and 63-2215, Idaho Code.

Section 7. That this Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Boise City, Idaho, this 25th day of August, 2009.

APPROVED by David H. Bieter, the Mayor of the City of Boise City, Idaho, this 25th day of August, 2009.

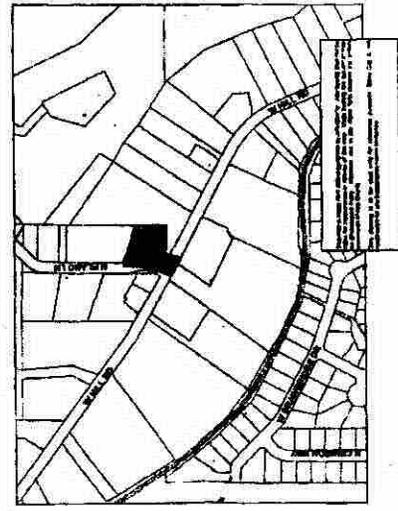
ATTEST: Jef

Pub. Aug. 31,

Faw, City Clerk  
2009

RECEIVED  
SEP 14 2009  
TECHNICAL SUPPORT

BOISE CITY ANNEXATION  
Exhibit A  
CAR09-00011  
Section 19 Township 4N Range 2E  
Acres ±0.635



ANNEXATION

ORDINANCE # 6733 EFFECTIVE DATE 08-31-09

0000458919-01