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ADA COUNTY RECORDER J. DAVID NAVARRO  
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Boise City

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ORDINANCE NO. 6760

BY THE COUNCIL:

BISTERFELDT, CLEGG, EBERLE,  
JORDAN, SHEALY & TIBBS

**AN ORDINANCE (CAR09-00015/BOISE CITY, FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF COLE AND VICTORY ROADS) 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 A-1 (OPEN LAND); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY AUDITOR, TREASURER, ASSESSOR, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; THAT A COPY OF THE LEGAL DESCRIPTION AND MAP BE FILED WITH THE ADA COUNTY RECORDER AND ASSESSOR AND 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 October 5, 2009, and recommended to the Mayor and Council that annexation be approved and said lands be zoned A-1 (Open Land); and

**WHEREAS**, the Boise City Council, pursuant to public notice as required by law, held a public hearing on November 17, 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:**

RECEIVED

O-66-09

FEB 01 2010

TECHNICAL SUPPORT

**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 A-1 (Open Land), all as provided by the Zoning Ordinance of Boise City. The reasoned statement is:

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. New development will require connection to City sewer, which is generally available throughout the subject area, or will be available with extension to new development.

B. Honor negotiated area of impact agreements.

The only reference to unilateral annexations in the Area of Impact Agreement (B.C.C. 11-15) 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.

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FEB 01 2010

TECHNICAL SUPPORT

No 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 thereby facilitating the more efficient and economical delivery of services.

### **Zoning**

A. Comply with and conform to the Comprehensive Plan.

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

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

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

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

This finding is satisfied since the City is assigning zoning which is comparable to the zoning that exists now under County jurisdiction. 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.

#### **Ada County**

R1

R6

#### **Boise City**

A-1 (Open Land)

A-1

**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 Auditor, Ada County Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the Ada County Assessor, Ada County Recorder and the Idaho State Tax Commission, all as provided by Sections 50-223 and 63-215, Idaho Code.

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

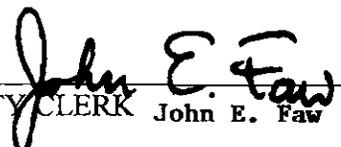
**PASSED** by the Council of the City of Boise City, Idaho, this 12th day of January, 2010.

**APPROVED** by the Mayor of the City of Boise City, Idaho, this 12th day of January, 2010.

**APPROVED:**

  
\_\_\_\_\_  
MAYOR David H. Bieter

**ATTEST:**

  
\_\_\_\_\_  
CITY CLERK John E. Faw



ANNEXATION DESCRIPTION  
BOISE CITY AIRPORT PARCELS  
EXHIBIT A

PARCEL 1

Lot 9, Block 3 and Lots 7, 9 and 10 of Block 4 of A.T. Sorensen Subdivision – Unit No.2, according to the plat thereof, filed in Book 21 at Page 1394, Records of Ada County, being part of the Northwest Quarter of Section 30, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, described as follows:

Beginning at the northwesterly corner of Lot 9, Block 4, the True Point of Beginning;

Thence South 88°34'50" East 364.08 feet to the northeasterly corner of Lot 10;

Thence South 00°02'20" West 239.40 feet to the southeasterly corner of Lot 10;

Thence North 88°34'50" West 195.57 feet to the northeasterly corner of Lot 7;

Thence South 00°02'20" West 258.64 feet to the southeasterly corner of Lot 7 and the northerly right of way of Sorensen Drive;

Thence South 17°35'47" West 52.44 feet to the northeasterly corner of Lot 9, Block 3 and the southerly right of way of Sorensen Drive;

Thence South 00°02'20" West 247.47 feet to the southeasterly corner of Lot 9, Block 3;

Thence North 89°57'40" West 176.14 feet to the southwesterly corner of Lot 9, Block 3;

Thence North 01°06'00" East 265.42 feet to the northwesterly corner of Lot 9, Block 3 and the southerly right of way of Sorensen Drive;

Thence North 21°51'18" East 50.00 feet to the southwesterly corner of Lot 7 and the northerly right of way of Sorensen Drive;

Thence North 00°02'20" East 487.77 feet to the True Point of Beginning.

**Excepting therefrom that portion of Victory Rd. right of way previously annexed.**

PARCEL 2

Lots 12 thru 15 of Block 4 of aforesaid A.T. Sorensen Subdivision – Unit No. 2, described as follows:

Beginning at the northwesterly corner of Lot 12, the True Point of Beginning;

Thence South 00°02'20" West 239.40 feet to the southwesterly corner of Lot 12;

Thence South 88°34'50" East 182.03 feet to the westerly boundary of Lot 14;

Thence South 00°02'20" West 345.40 feet to the southwesterly corner of Lot 15;

Thence South 89°57'40" East 225.63 feet to the southeasterly corner of Lot 15;

Thence North 00°06'50" West 559.93 feet to the beginning of a curve on the easterly boundary of Lot 13;

Thence 30.88 feet along the arc of a curve left having a radius of 20.00 feet and a long chord bearing North 44°20'42" West 27.90 feet;

Thence North 88°34'50" West 386.71 feet to the True Point of Beginning.

**Excepting therefrom** that portion of Victory Rd. right of way previously annexed

**PARCEL 3**

Lots 11 thru 14 and a portion of Lot 21 and 22 of Home Acres Subdivision No.9, according to the plat thereof, filed in Book 10 at Page 17, records of Ada County, being part of the Northeast Quarter of the Northwest Quarter of Section 30, Township 3 North, Range 2 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the northwesterly corner of Lot 12, the True Point of Beginning;

Thence along the westerly boundary of said Home Acres Subdivision South 00°27'24" West 825.26 feet to a point on the westerly boundary of Lot 22;

Thence South 88°01'37" East 338.00 feet;

Thence North 00°27'22" East 240.00 feet to a point on the southerly boundary of Lot 14;

Thence South 88°01'37" East 183.17 feet to the southeasterly corner of Lot 14;

Thence North 00°27'22" East 310.00 feet to the northeasterly corner of Lot 14;

Thence North 88°01'37" West 299.00 feet to the southeasterly corner of Lot 11;

Thence North 00°27'22" East 275.00 feet to the northeasterly corner of Lot 11;

Thence North 87°57'34" West 222.17 feet to the True Point of Beginning.

**Excepting therefrom** that portion of Victory Rd. right of way previously annexed.

**Together with** that portion of Beverly Street right of way lying adjacent to the above described Parcel 3.

**PARCEL 4**

Lots 6 and 7 of Home Acres Subdivision No.9; Except the West 97.00 feet of Lot 7 described as follows:

Beginning at the northeasterly corner of Lot 6, the True Point of Beginning;  
Thence along the northerly boundary of Lot 6 and 7 North 87°57'34" West 116.07 feet more or less;  
Thence South 00°27'22" West 275.00 feet to the southerly boundary of Lot 7;  
Thence South 87°57'34" East 116.07 feet to the southeasterly corner of Lot 6;  
Thence North 00°27'22" East 275.00 feet to the True Point of Beginning.

**Excepting therefrom** that portion of Victory Rd. right of way previously annexed.

**PARCEL 5**

Lot 4 of Home Acres Subdivision No.9 described as follows:

Beginning at the northwesterly corner of Lot 4, the True Point of Beginning;  
Thence South 00°27'22" West 275.00 feet to the southwest corner of Lot 4;  
Thence South 87°57'34" East 106.70 feet to the southeasterly corner of Lot 4;  
Thence North 00°27'22" East 275.00 feet to the northeasterly corner of Lot 4;  
Thence North 87°57'34" West 106.70 feet to the True Point of Beginning.

**Excepting therefrom** that portion of Victory Rd. right of way previously annexed.

**PARCEL 6**

A portion of Lot 1 of Home Acres Subdivision No.9 as described in Warranty Deed Instrument No.102094052:

Beginning at a point marking the Northeast corner of said Lot 1, said point being the True Point of Beginning;  
Thence South along the easterly boundary of said Lot 1, 164.66 feet;  
Thence North 87°56'05" West 106.76 feet to a point of the westerly boundary of Lot 1;  
Thence North along the westerly boundary of Lot 1, 164.66 feet to the northwest corner of Lot 1;  
Thence South 87°56'05" East 106.76 feet along the northerly boundary of Lot 1 to the Point of Beginning.

**Excepting therefrom** that portion of Victory Rd. right of way previously annexed.

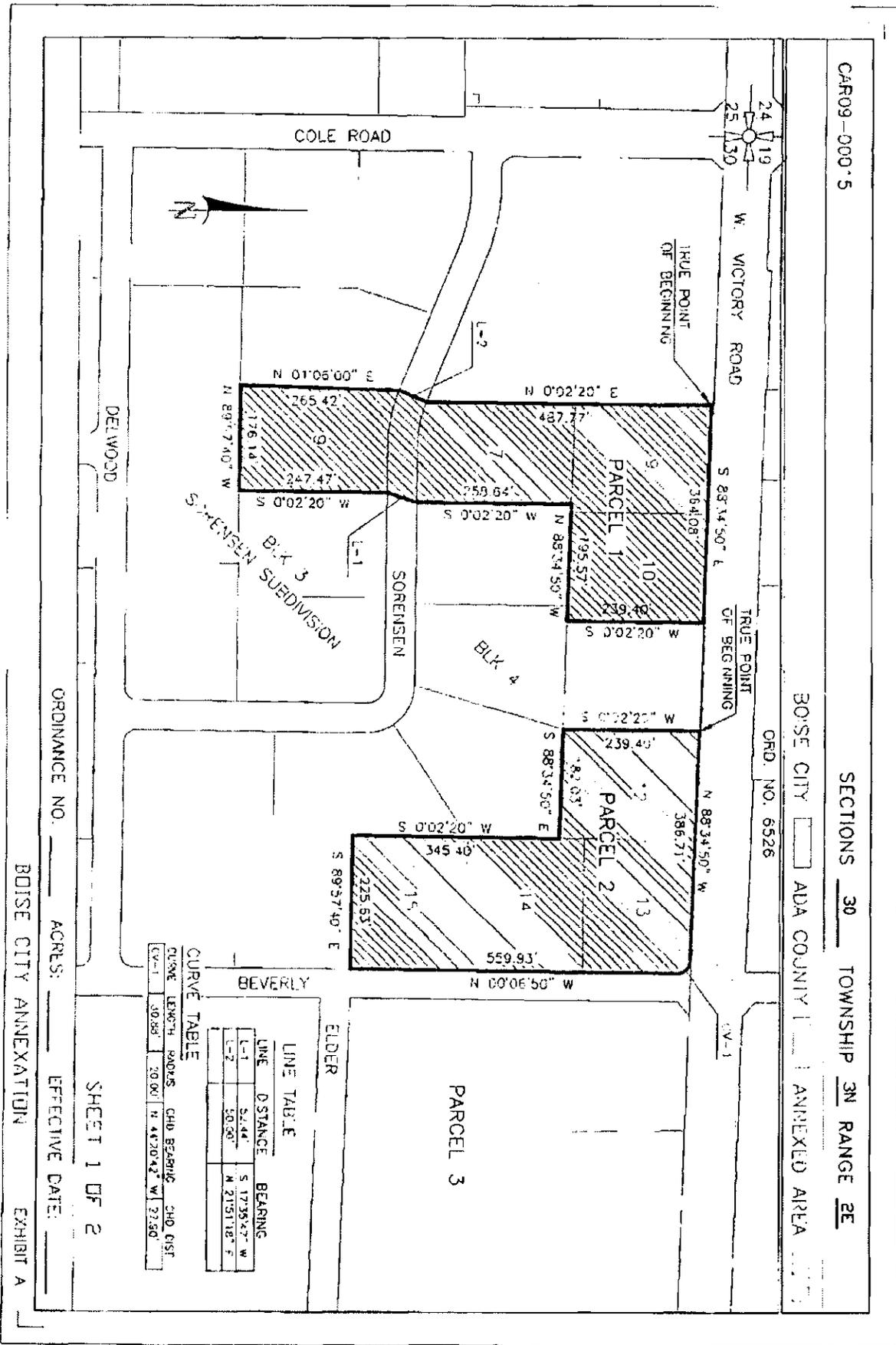
# EXHIBIT B

CAR09-000.5

SECTIONS 30 TOWNSHIP 3N RANGE 2E

BOISE CITY  ADA COUNTY  ANNEXED AREA

ORD. NO. 6526



**CURVE TABLE**

CHD	LENGTH	RADIUS	CHD BEARING	CHD DIST
CV-1	10.85'	20.00'	N 44°20'42" W	27.50'

**LINE TABLE**

LINE	DISTANCE	BEARING
L-1	52.44'	S 17°35'47" W
L-2	50.30'	N 21°51'18" E

ORDINANCE NO. \_\_\_\_\_

ADDRESS \_\_\_\_\_

EFFECTIVE DATE: \_\_\_\_\_

BOISE CITY ANNEXATION EXHIBIT A

SHEET 1 OF 2



**LEGAL NOTICE  
ORDINANCE NO. 6760**

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

AN ORDINANCE (CAR09-00015/BOISE CITY, FOR PROPERTY LOCATED ON THE SOUTHEAST CORNER OF COLE AND VICTORY ROADS) 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 A-1 (OPEN LAND); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY AUDITOR, TREASURER, ASSESSOR, AND THE IDAHO STATE TAX COMMISSION, AS REQUIRED BY LAW; THAT A COPY OF THE LEGAL DESCRIPTION AND MAP BE FILED WITH THE ADA COUNTY RECORDER AND ASSESSOR AND 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 October 5, 2009, and recommended to the Mayor and Council that annexation be approved and said lands be zoned A-1 (Open Land); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on November 17, 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 A-1 (Open Land), all as provided by the Zoning Ordinance of Boise City. The reasoned statement is:

- 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. New development will require connection to City sewer, which is generally available throughout the subject area, or will be available with extension to new development.
- B. Honor negotiated area of impact agreements. The only reference to unilateral annexations in the Area of Impact Agreement (B.C.C. 11-15) 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 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 thereby facilitating the more efficient and economical delivery of services.

**Zoning**  
A. Comply with and conform to the Comprehensive Plan. The zoning being applied will match the existing Ada County zoning. 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 somewhat.

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

This finding is satisfied since the City is assigning zoning which is comparable to the zoning that exists now under County jurisdiction. 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.

Ada County	Boise City
R1	A-1 (Open Land)
R6	A-1

Section 5. The zoning maps of Boise, Idaho, as the same are provided in Section 11-21.2, 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.

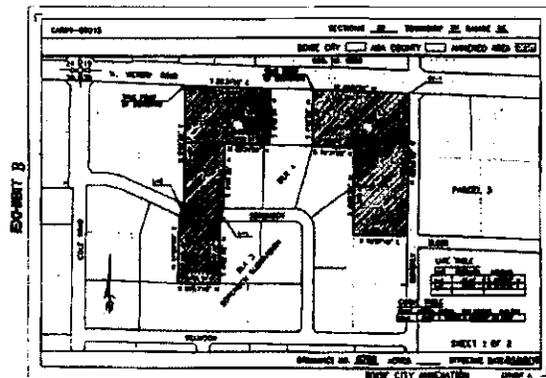
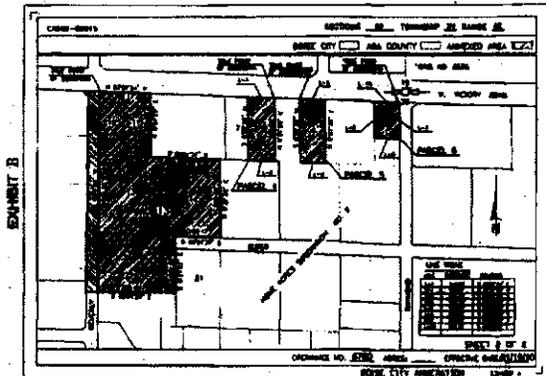
Section 6. The City Clerk of Boise City is hereby directed to file, within ten (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Ada County Auditor, Ada County Assessor, and the Idaho State Tax Commission, and to file a copy of said legal description and map, as prepared and lodged with her/him by the City Engineer, with the Ada County Assessor, Ada County Recorder and the Idaho State Tax Commission, all as provided by Sections 50-223 and 63-215, 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 12TH DAY OF JANUARY, 2010.

APPROVED BY David H. Bieter, the Mayor of the City of Boise City, Idaho, this 12th day of January, 2010.

ATTEST: John Faw, City Clerk



# CITY OF BOISE

**To:** Mayor and Council

**FROM:** Scott Spjute, Zoning Administrator

**ORDINANCE NUMBER:** O-66-09

**DATE:** December 4, 2009

**SUBJECT:** CAR09-15 Annexation of Airport Properties off Victory Road

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**ACTION REQUIRED:** Adoption of ordinance effecting annexation

**RECOMMENDATION:** Approval

**FISCAL IMPACT/BUDGET IMPLICATIONS:** None

**BACKGROUND:** The 15 parcels comprising this annexation are owned by the Boise City Airport. Late last year Airport personnel approached Planning staff with a request to annex the properties. Planning staff consented to process the applications, with the costs to be paid by the airport.

Zoning under Ada County jurisdiction has been R1, a residential zone with a minimum lot size of one acre. Three smaller parcels are zoned R6, a smaller lot residential zone. It is proposed that the all of the parcels be zoned A-1 upon annexation. A-1 is roughly similar to the R1 zone, in that the minimum lot size for residential development is one acre. The Airport has no plans to sell or develop the properties. Development is constrained by the airport overlay districts which cover all the properties.

Specific findings are contained in the ordinance to support the designated zones. The City is ordered to amend the zoning maps to reflect the annexed lands and their zoning classifications, and the City Clerk is directed to file the ordinance, legal description, and map with the Ada County Assessor, County Recorder, County Treasurer, and the State Tax Commission.

**ATTACHMENTS:** Exhibits A (map) and B (property description)