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ORDINANCE NO. Ord 2-13

BY THE COUNCIL:

CLEGG, EBERLE, JORDAN, MCLEAN,
QUINTANA AND THOMSON

AN ORDINANCE (CAR12-00011/BOISE CITY) ANNEXING CERTAIN LANDS AND TERRITORY SITUATED IN ADA COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF BOISE CITY AND GENERALLY LOCATED IN THE 5500 BLOCK ON THE NORTH SIDE OF E. WARM SPRINGS AVENUE; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LANDS AS R-1C (SINGLE FAMILY RESIDENTIAL); PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE ADA COUNTY AUDITOR, THE ADA COUNTY TREASURER, THE ADA COUNTY ASSESSOR, THE ADA COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING THAT A COPY OF SAID LEGAL DESCRIPTION AND MAP BE RECORDED WITH THE ADA COUNTY RECORDER AND FILED WITH THE ADA COUNTY ASSESSOR AND THE IDAHO STATE TAX COMMISSION AS REQUIRED BY LAW; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, the City of Boise initiated a Category B annexation, in accordance with Idaho Code § 50-222, for 99 parcels located in the 5500 Block of East Warm Springs Avenue that are contiguous and adjacent to Boise City and that can reasonably be used for the 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 November 5, 2012, and recommended to the Mayor and Council that annexation be approved and said lands be zoned R-1 C (Single Family Residential); and

WHEREAS, the Boise City Council, pursuant to public notice as required by law, held a public hearing on January 8, 2013, on the proposed annexation and zoning for the property described in Section One below, all as required by Idaho Code Section 67-6525, and did approve said annexation and zoning.

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 Exhibit A, attached hereto and by reference

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ORD-2-13

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TECHNICAL SUPPORT

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 Exhibit A attached hereto and by reference made a part thereof is hereby fixed and established as R-1C (Single Family Residential), as provided by the Zoning Ordinance of Boise City, based on the reasoned statement set forth in Exhibit B and the following reasoned statement:

The land to be annexed meets the applicable requirements for a Category B annexation and does not fall within the exceptions or conditional exceptions contained in Idaho Code 50-222. The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the City and is reasonably necessary for the orderly development of the City. The proposed zoning complies with and conforms to the Comprehensive General Plan and will provide and maintain existing and future capabilities of public utilities. The proposed zoning will maintain and preserve compatibility of surrounding zoning and development, incorporates the Boise Sewer Planning Area, honors negotiated Area of Impact Agreements and is consistent with the zoning in Ada County prior to annexation, with the exception of the parcels specifically described in Exhibit "A."

Section 5. The zoning maps of Boise, Idaho, as the same are provided in Section 11-02-01.2, Boise City Code, are hereby changed, altered, and amended to include the real property described in Exhibit A in the land use classification of R-1C (Single Family Residential).

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 Treasurer, 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 the City Clerk 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, Idaho, this 12th day of February, 2013.

APPROVED by the Mayor of the City of Boise, Idaho this 12th day of February, 2013.

APPROVED:



David H. Bieter
MAYOR

ATTEST:



Debbie Broughton
EX-OFFICIO CITY CLERK



EXHIBIT A
ANNEXATION DESCRIPTION
FOR
CAR12-00011

An area of land being all of Barberton Subdivision No.1 and No.2 located in the West Half of the Northwest Quarter of Section 28, Township 3 North, Range 3 East, Boise Meridian, Ada County, Idaho, and the East Half of the Northeast Quarter of Section 29, Township 3 North, Range 3 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the Northeast corner of Section 29, from which the East Quarter corner of Section 29 bears South 0°24'00" East 2614.33 feet; thence South 0°19'15" West 1015.95 feet to the northwesterly corner of said Barberton Subdivision No.1, the TRUE POINT OF BEGINNING;

Thence along the northeasterly boundary of said Barberton Subdivision No.1 and the existing Boise City limits the following courses;

South 51°24'00" East 229.20 feet;

South 19°39'29" East 184.38 feet;

South 51°24'00" East 153.40 feet to the northwesterly corner of Barberton Subdivision No.2;

Thence along the northeasterly boundary of said Barberton Subdivision No.2 and the existing Boise City limits the following courses;

South 51°24'00" East 544.86 feet;

South 21°45'01" East 236.07 feet;

Thence along the southeasterly boundary of said Barberton Subdivision No.2 and the existing Boise City limits the following courses;

South 68°14'59" West 301.00 feet;

South 5°14'27" East 145.00 feet;

South 84°56'30" West 224.60 feet;

Thence along the southwesterly boundary of said Barberton Subdivision No.2 and No.1 North 51°24'00" West 1078.46 feet to the southwesterly corner of Barberton No.1;

Thence along the northwesterly boundary of said Barberton Subdivision No.1 and the existing Boise City limits North 38°36'00" East 735.00 feet to the TRUE POINT OF BEGINNING.

Said area of land contains 18.15 Acres more or less

Together with a parcel of land located in the Northwest Quarter of the Northwest Quarter of Section 28, Township 3 North, Range 3 East, Boise Meridian, Ada County, Idaho, more particularly described as follows:

Beginning at the northwest corner of said Section 28; thence South 6°34'40" East 890.21 feet to a point on the northwesterly boundary of Triplett Subdivision and existing Boise City limits, said point being the TRUE POINT OF BEGINNING;

Thence along said Boise City limits North 53°58'00" West 60.00;

Thence along said Boise City limits North 38°36'00" East 434.00 feet;

Thence leaving said Boise City limits South 51°24'00" East 125.00 feet;

Thence along said Boise City limits South 51°24'00" East 71.00 feet;

Thence along said Boise City limits South 38°36'00" West 338.54 feet to the northeasterly boundary of said Triplett Subdivision;

Thence along said northeasterly boundary North 51°24'00" West 135.00 feet to the northeasterly corner of said Triplett Subdivision;

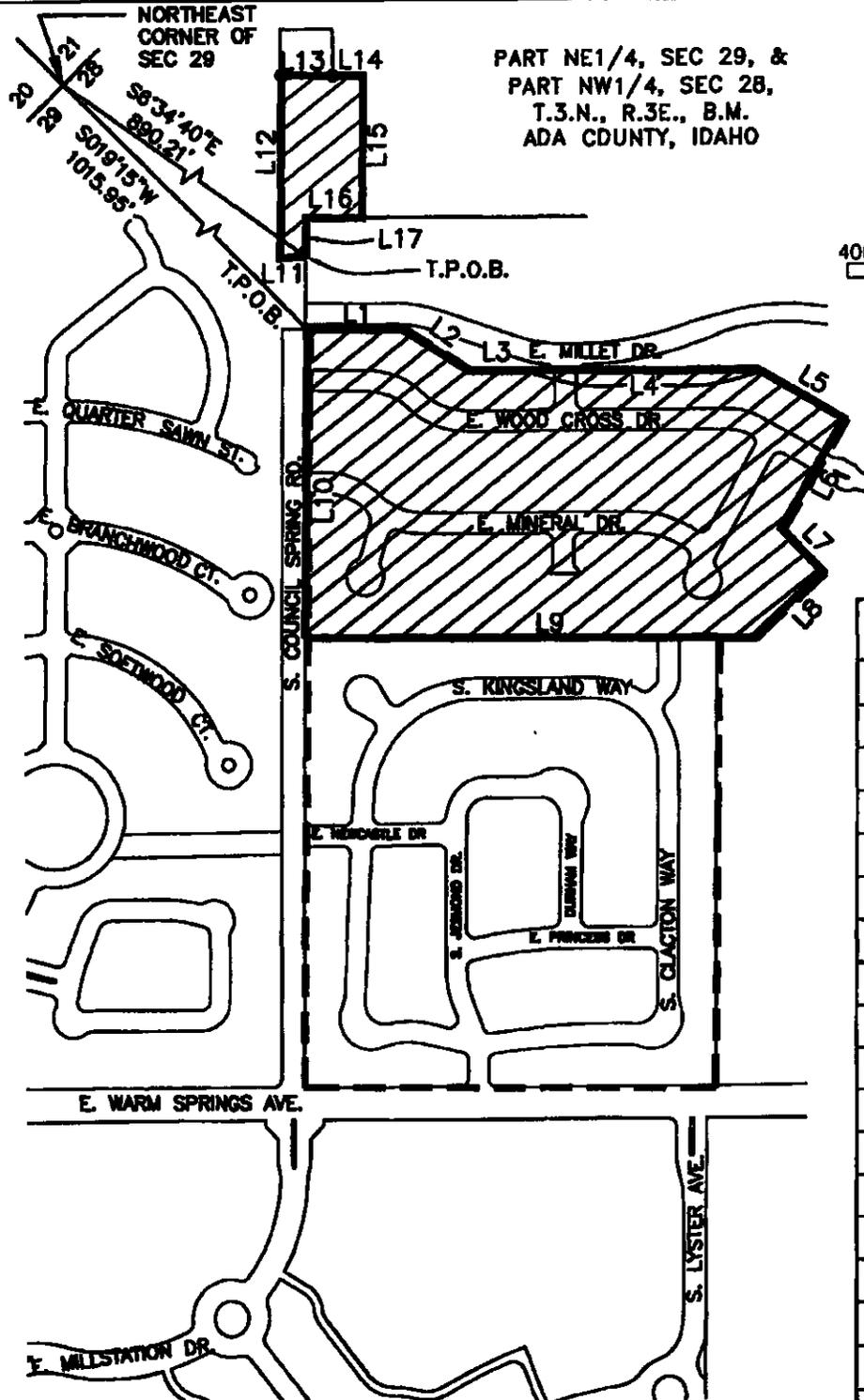
Thence along the northwesterly boundary of said Triplett Subdivision South 38°36'00" West 92.78 feet to the TRUE POINT OF BEGINNING.

Said parcel contains 1.65 Acres more or less.

BOISE CITY LIMITS 

ANNEXED AREA  BOISE CITY

PART NE1/4, SEC 29, &
PART NW1/4, SEC 28,
T.3.N., R.3E., B.M.
ADA COUNTY, IDAHO



Parcel Line Table

Line #	Length	Direction
L1	229.20	S51° 24' 00.00"E
L2	184.38	S19° 39' 29.00"E
L3	153.40	S51° 24' 00.00"E
L4	544.88	S51° 24' 00.00"E
L5	236.07	S21° 45' 01.00E
L6	301.00	S68° 14' 59.00"W
L7	145.00	S05° 14' 27.00"E
L8	224.60	S84° 56' 30.00"W
L9	1078.46	N51° 24' 00.00"W
L10	735.00	N38° 36' 00.00"E
L11	60.00	N53° 58' 00.00"W
L12	434.00	N38° 36' 00.00"E
L13	125.00	S51° 24' 00.00"E
L14	71.00	S51° 24' 00.00"E
L15	338.54	S38° 36' 00.00"W
L16	135.00	N51° 24' 00.00"W
L17	92.78	S38° 36' 00.00"W

BOISE CITY ANNEXATION
CAR-12-00011
EXHIBIT 'A'

ORDINANCE NO. _____ ACRES: 19.80 EFFECTIVE DATE: _____

EXHIBIT B

The Planning and Zoning Commission made the following findings in forwarding a recommendation for approval of an annexation which were then adopted by the City Council:

- 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. Under agreement with the Boise City Public Works Department, the existing sewage lagoon system will be discarded and each residence will connect to City sewer.

- 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 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

a.

The only change made to the existing zoning will be to assign a City zone that is as equivalent as possible to current Ada County zoning. 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. 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.

Ada County

R8M or R12

Boise City

R-1C

Required Findings From Idaho Code Section 50-222

The following statements were read into the record as part of the motion by the City Council to annex in hearing on January 8, 2013:

- (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;**
1. **Category B. Annexations. For the lands which are contiguous with city limits and which number less than 100 parcels, the City completed the following steps:**
 - a. **A notice of annexation hearing and map were posted in the subject area.**
 - b. **Notice was published in the Idaho Statesman to satisfy the zoning hearing requirement.**
 - c. **A notice was sent directly to each affected property owner. The notice was sent at least 28 days in advance of the first public hearing and contained:**
 1. **A map of the annexation area in which the owner's property lay with the annexation areas highlighted.**
 2. **A summary of the annexation plan.**
 3. **An invitation to attend the public hearing before the Planning and Zoning Commission.**
 4. **Instructions on how and by when to submit written information.**
 5. **Instructions on how and where to obtain a copy of the annexation plan, free of charge.**

2. **The City has prepared an annexation plan, appropriate to the scale of the annexation, which contains the following elements:**
 - a. **The manner of providing tax-supported municipal services, if any, to the lands proposed to be annexed;**
 - b. **The changes in taxation and other costs, using examples, which would result if the subject lands were to be annexed;**
 - c. **The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed;**
 - d. **A brief analysis of the potential effects of annexation upon other units of local government which currently provide tax-supported or fee-supported services to the lands proposed to be annexed; and,**
 - e. **The proposed future land use plan and zoning designation or designations, subject to public hearing, for the lands proposed to be annexed.**

- (B) The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the city; and,**

Public purposes addressed in the annexation plan include:

1. **Police Protection.** BPD police services will extend to all proposed annexations described herein 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.
2. **Fire Protection.** Fire protection services will be extended to the newly annexed areas with essentially the same level of service as is being provided in the rest of the City. It is the goal of the City with respect to fire and emergency services to have all lands within a 1.5 mile driving radius and four-minute response time from a City fire station. A station site has been constructed and staffed by the City at 3676 Warm Springs Avenue.
3. **Public Works.** Sewer – The City is already providing sewer to the annexation area and will continue to do so under the same policies and rules after annexation takes place. It should be noted that the City has made significant investments in providing sewer service to this area in the way of plans and studies. These occurred long before sewer was actually brought in to service new and existing subdivisions.
Street Lights – Boise City attempts to provide street lighting on a funds-available basis to all areas within the City according to adopted policies. The City will take over maintenance and operation of existing street lights in the annexation area and will plan

for additional street lights as funds become available according to adopted policies. This furthers the City's goal increasing public safety through street lights.

4. **Library Services.** All residents are eligible to use the Boise Public Library without individual payment of a non-resident fee because of the mutual participation of Boise Public Library and Ada Community Library in the Open Access Agreement. The annexation will help assure that revenues exist to maintain the quality library services which Boise City intends to provide all of its citizens.
5. **Parks and Recreation Services.** The City has prepared and adopted a master parks plan that identifies future needs for park sites and which seeks to provide park space for all City residents according to certain ratios. Two park sites – one 70 acres and the other 20 acres in size – are located in the subject annexation area. Boise's parks and greenbelt are available for all residents, whether annexed or not. Annexing these new areas next to City limits will provide additional revenue and assist the City with its goals relative to the provision of park space. Annexation will also allow the City to provide recreational services to the residents without charging non-resident fees.

(C) The annexation is reasonably necessary for the orderly development of the city.

1. Prepared reports and plans made part of the public record demonstrate that this annexation will contribute to the efficient delivery of services and will thus benefit the entire community. The state legislature declared that it is also the policy of the State of Idaho,

“...That cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.” (I.C. 50-222(1))

2. The goal of orderly development is hindered when a City has urbanizing areas receiving municipal services adjacent to its borders that are not annexed. The City is unable to fully implement the goals and policies of its comprehensive plan in such circumstances.
3. The proposed annexation will contribute toward the stated goal of equitable allocation of costs by requiring a consistent property tax assessment among residents who have access to all of the municipal services offered by the City.