

T. Hethe Clark  
(208) 388-3327  
[hclark@clarkwardle.com](mailto:hclark@clarkwardle.com)

*Via electronic mail (dhasegawa@cityofboise.org)*

September 17, 2021

The Board of the Harris Ranch Community Infrastructure District No. 1 (“HRCID”)  
c/o David Hasegawa, District Manager  
150 N. Capitol Blvd.  
Boise, Idaho 83702

**Re: Response to August 27, 2021 Harris Ranch CID Taxpayers’ Association (“HRCIDTA”) Letter  
Re: “Myth” of Local Amenities**

Dear Members of the Board:

This letter responds to the August 27, 2021 letter from the HRCIDTA that lectures this Board regarding the suggested “myth” of local amenities. This letter is another example of misstatements of not only the CID Act itself, but also what has actually been constructed at Harris Ranch and the areas these improvements serve.

### **Background**

As noted previously, the CID Act is one of the few tools provided by the Idaho legislature that permits growth to pay for itself. It does so by financing a limited class of improvements, defined in the CID Act as “community infrastructure,” including roads, public safety facilities, utility infrastructure, as well as parks or open space.

In order to be reimbursable under the CID Act, community infrastructure must not only be of the types identified (roads, utility improvements, etc.), but also must meet other standards. In addition to being either owned outright or located in an easement in favor of a government entity, the community infrastructure must also “have a substantial nexus to the district and directly or indirectly benefit the district.” I.C. § 50-3102(2). While there is a *requirement* of benefit to the HRCIDTA, there is no *exclusion* if the benefits extend beyond the HRCIDTA’s boundaries. There must simply be benefit to the district and a nexus—or connection—between the needs of the HRCID and the community infrastructure.

## Response to August 27, 2021 Letter

HRCIDTA now claims that if community infrastructure has benefit beyond the HRCID, it is automatically ineligible for reimbursement. **The CID Act was not drafted only for development at the end of a single-access cul de sac and there is no requirement that the HRCID be the sole recipient of the benefits of community infrastructure.** Public benefits regularly cross taxing district lines. The only requirement is that there be a nexus and a direct or indirect benefit to the HRCID. That is a **very different standard** than alleged by the HRCIDTA and Mr. Doyle. And both exist for each project identified by HRCIDTA.

As we review each of the projects objected to by HRCIDTA, two things should be kept in mind. First, each of these reimbursements were reviewed in a public process and the reimbursements are now long-since final under the 60-day appeal period provided in Idaho Code Section 50-3119. This letter does not re-open those matters; however, we are responding for the benefit of the Board and the public.

- **Fire Station Improvements.** Fire Station #15 is located within the HRCID and forms part of the remarkable visual entry to the project. It was opened in July 2013, with the HRCID providing land, right-of-way, and utility connections. Of course, \$1 million dollars is only a portion of the price tag for a new fire station, and the remainder of the cost of the project was provided by the City of Boise and through private donations. The station itself provides a very direct benefit as fire response times are nearly immediate anywhere in HRCID. There is a nexus as the development of thousands of new units mandated additional fire service. The fact that Fire Station #15 provides service in addition to areas within HRCID should be no surprise given that a portion of its initial construction and all of its ongoing operations are funded by the City of Boise taxpayers generally. That fact does not preclude reimbursement.



Source: <https://www.cityofboise.org/departments/fire/fire-stations/station-15/>

- **Greenbelt Improvements.** Before addressing the greenbelt improvements identified by HRCIDTA, we should point out that the developer has paid for the vast majority of pathways, micropaths, and sidewalk improvements at Harris Ranch, including the Dallas Harris Legacy Pathway near the Boise River. The greenbelt itself is CID-reimbursable. “Trails and areas for pedestrian, equestrian, bicycle or other non-motor vehicle use for travel, ingress, egress and parking” are permitted community infrastructure per the CID Act. (I.C. § 50-3102(2)(f)). Continuation of the greenbelt through HRCID has a nexus to its ongoing and consistent use by HRCID residents, who directly benefit from those improvements. There are many obvious reasons why regional trail systems are beneficial to the HRCID and the public in general and are promoted in all planning efforts. Yet, the HRCIDTA believes only “pathways to nowhere” that start and end within the HRCID can be reimbursed. That makes little practical sense, nor does the language of the CID Act require that outcome.



Source: <https://www.harris-ranch.com/legacy/gallery/>

- **Wetlands Project.** “Parks, open space and recreation areas, and related capital improvements” are permitted community infrastructure per Idaho Code Section 67-8203(24)(e). As noted in prior correspondence, the Harris family preserved far more open space near the river than what was required by the City of Boise at the time. As a result of the HRCID reimbursement, these wetlands areas provide open space and wildlife habitat within HRCID, and can be viewed and accessed by HRCID residents via the Boise greenbelt and the Dallas Harris Legacy Pathway.



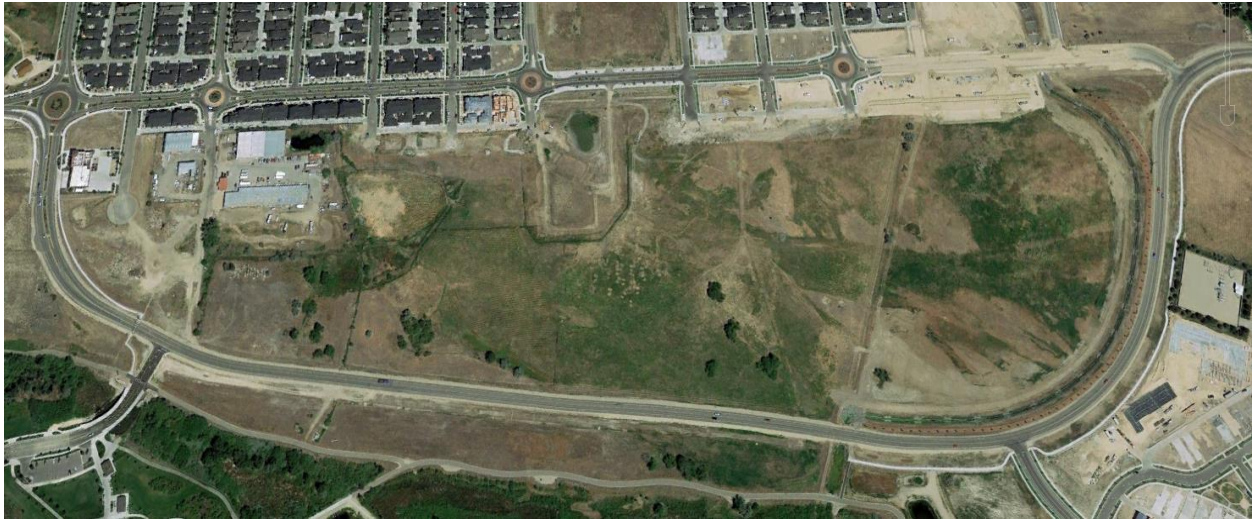
Source: Google Earth imagery

- Alta Harris Park.** As noted above, parks are explicitly identified in the CID Act as eligible community infrastructure. The HRCIDTA letter seems to presume that the only costs required for the proposed Alta Harris Park are those that have been reimbursed. Only land acquisition costs have been reimbursed to date. The many expenses associated with opening a park, including “green up” or installation of park facilities or ongoing maintenance and operation, will be funded by the City of Boise, likely with the help of private contributions. The plans for Alta Harris Park (shown below) go well beyond what would be expected for a single HOA park. It should be no surprise that it would be used by the citizens of the City that will help fund its construction and ongoing operations. This is no basis to exclude the reimbursement by the CID for the acquisition of the park, which is, again, a direct benefit to the HRCID.



Source: <https://www.cityofboise.org/media/8397/altaharrisdraftplan.pdf>

- Warm Springs Avenue Bypass and Roundabout at E. Parkcenter Blvd.** The CID Act expressly permits reimbursement of roads so long as, again, there is a “nexus” and a benefit to the HRCID. That is very much the case when it comes to the Warm Springs Avenue Bypass. As mentioned in prior correspondence, relocation of Warm Springs Ave. was a pre-condition to creating the pedestrian-friendly heart of the project, which is now the extension of E. Parkcenter Blvd. Without that relocation, the project would have continued to be split by a collector roadway and would not have been the integrated master plan that attracts so many residents to the project. Warm Springs Ave. bypass is very much a benefit to the HRCID in particular. Meanwhile, the HRCIDTA’s arguments would exclude *any* road reimbursement, which the Idaho legislature explicitly chose not to do, limiting its exceptions to any roads that front (touch) “individual single family residential lots.” I.C. § 50-3102(2).



Source: Google Earth imagery

- **Sediment Basin.** The sediment retention basin has been constructed on the northern area of the project. It was built specifically to protect the HRCID property from the risk of flooding that may occur if a large rainstorm follows a range fire that destroys vegetation and destabilizes soils. There are many in the community who remember the last time this occurred, including in 1959 when the “pot boiled over” after a large fire and rainstorm event. Large parts of Boise, including Warm Springs Gulch and the Barber Valley, were flooded with mud and other debris.<sup>1</sup> This led to the creation of the Boise Front Watershed Restoration Project, as well as the trenching on the foothills that is now a familiar view. The sediment retention basin protects the HRCID from future flooding damage and is built and maintained to standards required by the City of Boise. It is a direct benefit with an immediate nexus to the HRCID.



Source: Google Earth Imagery

---

<sup>1</sup> A fascinating YouTube video (entitled, “When the Pot Boiled Over”) with actual footage from 1959 prepared by the U.S. Department of Agriculture and the USFS is available at <https://www.youtube.com/watch?v=1UxSjP-Dn2o>.

- Storm Water Collection and Retention Ponds.** Finally, the HRCIDTA alleges that the storm water collection ponds are also a regional benefit, extending far beyond the HRCID. This is incorrect. The storm ponds are sized and engineered only to retain runoff from within the HRCID, as shown below:



The blue areas on the map drain to the existing north ponds north of E. Parkcenter Blvd. The areas in pink drain to the ponds south of E. Warm Springs Ave. Only the HRCID is served by these ponds. They are, as with all of the other improvements discussed in the HRCIDTA’s letter, a direct benefit to the HRCID with a nexus to its development requirements.

//  
 //  
 //  
 //  
 //  
 //

### Conclusion

There is no requirement in Idaho law that HRCID community infrastructure must benefit only the HRCID. As with any publicly financed infrastructure, the benefit of HRCID community infrastructure may reach beyond the boundaries of the taxing district that funded it. Meanwhile, each of the community infrastructure elements objected to by HRCIDTA do constitute a direct benefit to the HRCID. Even if the appeal periods associated with these reimbursements had not long passed, they would each clearly be reimbursable under the CID Act.

Very truly yours,



T. Hethe Clark  
HC/bdb

c: CID Board Members  
CID Staff (Jim Pardy (CID Engineer), Rob Lockward (CID Counsel))  
Client