

Lancaster

344204

ORDINANCE NO. 1275

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTH OF CENTER AVENUE, WEST OF IOWA AVENUE, EAST OF PAYETTE HEIGHTS ROAD AND SOUTH OF SEVENTH AVENUE NORTH, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", ALL SITUATED IN PAYETTE COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE COPORATE CITY LIMITS; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LAND AS B-RESIDENTIAL; DESIGNATING THAT PROPERTY DESCRIBED IN EXHIBITS A AND B AS A CATEGORY B ANNEXATION; MAKING CERTAIN FINDINGS IN THE OFFICIAL MINUTES OF THE CITY CLERK; PROVIDING THAT COPIES OF THIS ORDINANCE SHALL BE FILED WITH THE PAYETTE COUNTY ASSESSOR, THE PAYETTE COUNTY RECORDER, AND THE IDAHO STATE TAX COMMISSION; PROVIDING AN EFFECTIVE DATE; PROVIDING FOR PUBLICATION BY SUMMARY.

WHEREAS, the City of Payette hereby annexes pursuant to Idaho Code § 50-222; and,

WHEREAS, the City of Payette hereby zones pursuant to Idaho Code § 67-6525; and,

WHEREAS, the Payette City Council has adopted findings in support of the annexation and re-zone (contained in Exhibit "C" attached hereto); and,

WHEREAS, the City of Payette has annexed under Category B of the Idaho Code, wherein the subject lands contain less than one hundred (100) separate private ownerships and platted lots of record and where not all such landowners have consented to annexation, and all lands to be annexed are contiguous or adjacent to the City and lie within the area of impact; and,

WHEREAS, the Payette Planning & Zoning Commission, pursuant to public notice, held a public hearing on March 29, 2007, and recommended to the Mayor and Council that the proposed annexation be approved as set forth in the City's annexation plan and said lands be zoned A-Residential; and,

Instrument # 344204

PAYETTE COUNTY

2007-04-26 09:48:00 No. of Pages: 9

Recorded for : CITY OF PAYETTE

BETTY J DRESSEN

Ex-Officio Recorder Deputy

Index to: ORDINANCE

Fee: 0.00

Kathryn J. Furrer
MSE

WHEREAS, the Payette City Council, pursuant to public notice, held a public hearing, on April 16, 2007, on the proposed annexation and zoning for the property described in Section One below, as required by Idaho Code § 50-222 and Idaho Code § 67-6525.

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

Section 1. The lands and territory situated in Payette County, Idaho, adjacent and contiguous to the City of Payette, Idaho, particularly described in "Exhibit A" which is attached hereto, are incorporated hereat as if set out in full verbatim, are annexed and incorporated into the territorial limits of the City of Payette, Idaho, excluding the individual parcels located at the northeast corner (9847 Payette Heights Road, "Exhibit B") and the southeast corner (2895 Center Avenue, "Exhibit C") for a period of five years or until such time when any development is within 150 feet of said property.

Section 2. From and after the effective date of this ordinance, all property included within the boundaries and territory described in Section 1 shall be subject to all the statutes pertaining to the City of Payette and all ordinances, resolutions, police regulations, taxation and other powers of the City of Payette. 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 limits of the City of Payette.

Section 3. The City Engineer of the City of Payette is hereby directed to lodge and file with the City Clerk of Payette within ten (10) days after passage and approval hereof, a legal description and map prepared in a

draftsman like manner which shall plainly and clearly designate the boundaries of the lands and territory annexed, pursuant to the provisions of Section 1.

Section 4. The City Council having considered the written and oral comments of property owners whose land would be annexed and other affected persons, makes the following express findings:

- (A) The land to be annexed meets the applicable requirements of a Category B annexation 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;
- (C) The annexation is reasonable necessary for the orderly development of the city.

The City Council directs the City Clerk to set forth said findings in the minutes of the City Council meeting at which the annexation is approved.

Section 5. Pursuant to the findings of the Payette City Council, the land use classification of the lands described in "Exhibit A" annexed hereto is established as B-Residential as provided by the Zoning Ordinance of the City of Payette. The findings with respect to zoning of the lands being annexed are:

- A. The proposed zoning complies with and conforms to the Comprehensive General Plan.
- B. The proposed zoning will provide and maintain existing and future capabilities of public utilities.

- C. The proposed zoning will maintain and preserve compatibility of surrounding zoning and development.
- D. The proposed annexation incorporates the Payette water planning area.
- E. The proposed zoning and annexation honors the negotiated Area of Impact Agreement with Payette County.
- F. The proposed zoning is consistent with the Payette County Comprehensive Plan.

Section 6. The City Clerk is hereby directed to alter all use and area maps as well as the official zoning maps, comprehensive plan and all official maps depicting the boundaries of the City of Payette, in accordance with this ordinance.

Section 7. After annexation of the property described in Exhibit "A", any resident of the annexed area who has a drinking well and a property functioning septic tank/drain field, will have an option to defer connection to city water and sewer service after the city provides access to water and sewer for their property for up to ten (10) years or until the existing water and sewer system at the time of annexation fails.

Section 8. The City Clerk of the City of Payette is hereby directed to file, within (10) days after the passage and approval hereof, a certified copy of this Ordinance with the Payette County Assessor, County Recorder and County Treasurer of Payette 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 by the City Engineer, with the County Assessor and County Recorder of Payette County, Idaho, and the State Tax Commission of

344204

Idaho, all as provided by Idaho Code § 50-223 and § 63-2215.

Section 9. This Ordinance may be published in summary form.

Section 10. This Ordinance shall be in full force and effect immediately upon its passage, approval and publication.

PASSED by the Council of the City of Payette, Idaho, this 16TH day of APRIL, 2007.

APPROVED by the Mayor of the City of Payette, Idaho, This 16TH day of APRIL, 2007.

APPROVED:



Douglas E. Henderson, Mayor

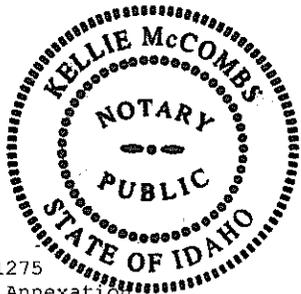
ATTEST:

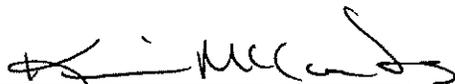


Mary Cordova, City Clerk

State of Idaho)
) ss.
County of Payette)

On this 25th day of April, in the year of 2007, before me Kellie McCombs, a notary public, personally appeared MARY CORDOVA and DOUGLAS E. HENDERSON, personally known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same on behalf of the City of Payette in their official capacities as Mayor and City Clerk.

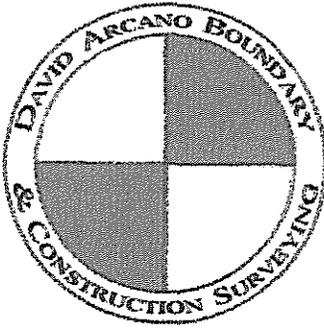




Notary Public for Idaho
Residing at: Payette, Idaho
Commission expires: 1-14-09

EXHIBIT "A"

344204



DAVID ARCANO, PLS

400 So. Main St.
Payette, ID 83661
208-739-1335 (cell)
208-642-4452 (phone)
208-642-4453 (fax)
arcanogja@srvinet.com

CITY OF PAYETTE

FEB 2 2007

RECEIVED

LEGAL DESCRIPTION FOR ANNEXATION OF LANCASTER PARCEL

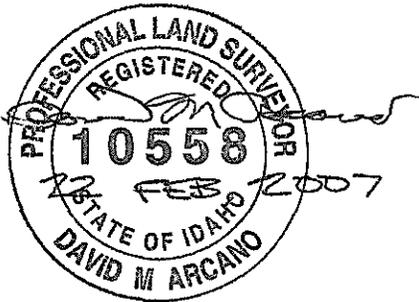
A parcel of real property situate in Section 35, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, and being more particularly described as:

The SE1/4NE1/4, and the SW1/4NE1/4, and the East 495 feet of the South 660 feet of the SE1/4NW1/4, and the North 25 feet of the East 495 feet of the NE1/4SW1/4, and the North 25 feet of the NW1/4SE1/4, and the North 25 feet of the NE1/4SE1/4 together with;

A parcel of real property situate in Section 36, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, and being more particularly described as:

The West 25 feet of the SW1/4NW1/4, and the West 25 feet of the North 25 feet of the SW1/4,

Having an area of 89.15 Acres more or less



279518

344204

FA-10972

EXHIBIT "B"

All of that certain parcel of real property situate in a portion of the Southeast Quarter of the Northeast Quarter, Section 35, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, and being more particularly described as follows:

Basis bearing for this description is the South line of the Official plat of GOFF SUBDIVISION filed in Book 4 of Plats, at Page 3 of the Official Records of Payette County, Idaho.

Beginning at the North 1/16 corner common to Sections 35 & 36, being also the Northeast corner of the Southeast Quarter of the Northeast Quarter of said Section 35;

thence along the North boundary of said Southeast Quarter of the Northeast Quarter, and the South boundary of GOFF SUBDIVISION, South 89°59'35" West, 234.00 feet;

thence departing said line South 0°05'41" East, 208.00 feet, parallel with the East line of said Southeast Quarter of the Northeast Quarter;

thence North 89°59'35" East, 234.00 feet to a point on the East line of said Section 35;

thence along said East line, North 0°05'41" West, 208.00 feet to the POINT OF BEGINNING.

E 208 of N 234 of SENE

279518

STATE OF IDAHO }
County of Payette } SS

I hereby certify that this instrument was filed for record at the request of FIRST AMERICAN TITLE CO

Time 5:15 pm

Date Feb 22, 1999

Instrument # 279518 - Deeds

LAURA L. STIGILE

By [Signature] Ex officio Recorder

Deputy [Signature]

Fee \$6.00

EXHIBIT "C"

~~335269~~

344204

P 21001

QUITCLAIM DEED

For Value Received

Charles L. Miller and Kathy D. Miller, husband and wife

does hereby convey, release, remise and forever quitclaim unto

Charlie L. Miller and Kathy D. Miller, husband and wife

whose current address is: 2985 Center Avenue
Payette, Idaho 83661

the following described premises, to-wit:

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho:
In Section 35: A parcel of land situated in the SE1/4NE1/4, more particularly

Beginning at the SE corner of said SE1/4E1/4; described as:
Thence running North 234 feet along the East line of said SE1/4NE1/4;
Thence West parallel to the South line of said SE1/4NE1/4 a distance of 234 feet;
Thence South 234 feet, more or less, to a point on the South line of said SE1/4NE1/4;
Thence East along the South line of said SE1/4NE1/4 a distance of 234 feet to the True Point of Beginning.
SUBJECT TO the right of way of Center Avenue and Payette Heights Road as now established.

together with their appurtenances.

Dated: May 16, 2006

Charles L. Miller
Charles L. Miller

Kathy D. Miller
Kathy D. Miller

STATE OF IDAHO, COUNTY OF PAYETTE

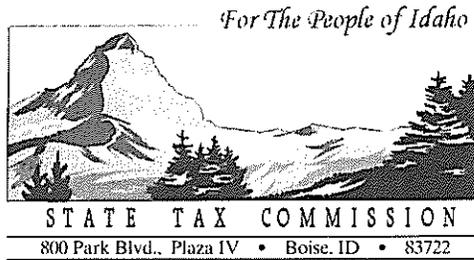
On this 16th day of May, 2006, before me, the undersigned, a notary public in and for said State, personally appeared Charles L. Miller and Kathy D. Miller known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

Melissa C. Rohm
Melissa C. Rohm Notary Public
Residing at: Payette, Idaho
Comm. Expires: 09/03/11



Instrument # 336269

PAYETTE COUNTY
2006-05-18 04:20:00 No. of Pages: 1
Recorded for: AMERITTLE
BETTY J DRESSEN Fed: 2.00
Ex-Officio Recorder Deputy Kathya J. Furber
Book to: QUITCLAIM DEED
Deeds



September 11, 2007

Mary Cordova
Payette City Clerk
700 Center Ave.
Payette, ID 83661

Subject: Ordinance No. 1275 PAYETTE (CITY)

Dear Ms. Cordova:

The Idaho State Tax Commission (ISTC) received the documentation that was provided for the annexation of real property in PAYETTE (CITY), for tax year 2008. We approve the map and legal description; however this approval is limited to the acknowledgement that the map and legal description meet the requirements of Section 63-215 Idaho Code, and Idaho State Tax Commission Rule 225.

Please review the documentation for accuracy and **respond** in a timely manner or it may be too late to make corrections. Please respond if the attached documentation is correct or if there are issues. You can contact me by email at gis@tax.idaho.gov or by phone at 208-334-7750. Thank you for your cooperation.

Sincerely,



Craig Johnson
GIS Analyst
Technical Support Bureau
Idaho State Tax Commission

CC:
Bob MacKenzie, Payette County Assessor
Betty Dressen, Payette County Clerk
Greg Cade, Property Appraisal Section Manager
Gary Houde, Senior Research Analyst

ID_yr080 - Annexations -- List of Changes

Idaho State Tax Commission

Run Date: 9/12/2007 1:02 PM

Effective 01/01/2008

COUNTY: 38 - PAYETTE**Districts Created****Districts Dissolved**

<u>To TCA#</u>	<u>Map Change</u>	<u>From TCA#</u>	<u>Map</u>	<u>Location</u>	<u>Dist. Chg</u>	<u>District</u>	<u>Action</u>	<u>Document</u>
03-0000	Enlarge	31-0000	City of Fruitland	SEC23 T8N R5W BM		FRUITLAND (CITY)	Annexation	475
03-0000	Enlarge	31-0000	City of Fruitland	SEC23 T8N R5W BM		FRUITLAND (CITY)	Annexation	476
03-0000	Enlarge	31-0000	City of Fruitland	SEC27 T8N R5W BM		FRUITLAND (CITY)	Annexation	478
01-0000	Enlarge	11-0000	City of Payette	SEC35 T9N R5W BM		PAYETTE (CITY)	Annexation	1275
01-0000	Enlarge	11-0000	City of Payette	SEC27 T9N R5W BM		PAYETTE (CITY)	Annexation	1281



BEFORE THE CITY OF PAYETTE
CITY COUNCIL

FINDINGS OF FACT, CONCLUSIONS OF LAW

IN THE MATTER OF AN APPLICATION BY:)
)
Tim & Gene Lancaster,)
Lancaster Development Co, LLC.)
FOR ANNEXATION)

I. APPLICATION PROCESS

1.1 LEGAL

Tim and Gene Lancaster, of Lancaster Development Co, LLC., are requesting annexation of approximately 79.9 acres. The subject property is located Property to be annexed includes approximately 89 acres at the Northwest corner of Center Avenue and Payette Heights Road. The property is more particularly described as:

A parcel of real property situate in Section 35, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, as follows:

The SE ¼ NE ¼, and the SW ¼ NE ¼, and the East 495 feet of the South 660 feet of the SE ¼ NW ¼, and the North 25 feet of the East 495 feet of the NE ¼ SW1/4, and the North 25 feet of the NW ¼ SE ¼, and the North 25 feet of the NE ¼ SE ¼ together with;

A parcel of real property situate in Section 36, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, and being more particularly described as:

The West 25 feet of the SW ¼ NW ¼ , and the West 25 feet of the North 25 feet of the SW ¼ . Having an area of 89.15 acres, more or less

The proposed annexation includes additional property which was not requested in the application and which is being annexed without the owners consent. The City has determined this annexation qualifies as a Category "B" Annexation as defined by Idaho Code.

1.2 NOTIFICATION

On February 27, 2007, notice was mailed to affected parties within the annexation area, and to neighbors living within 300 feet of the annexation area. The notice advised those persons that a public hearing would be held by the Payette City Planning & Zoning Commission on March 29, 2007. The public hearing notice for the Planning & Zoning Commission hearing was also published in the Independent Enterprise, the official publication of the City, on February 28, 2007, and March 7, 2007.

hearing was also published in the Independent Enterprise on March 28, April 4 and April 11, 2007.

II. PROPERTY REVIEW

2.1 EXISTING CONDITIONS

The subject property is within the City of Payette Impact Area. The majority of the property is in weeds. Three are three platted subdivisions within ¼ mile of the subject property. There are six residential properties, all under 5 acres, on the subject property.

III. STANDARDS THAT MAY APPLY

3.1 IDAHO CODE

I.C. 67-6511, I.C. 67-6526, I.C. 50-222 through 50-225

3.2 CITY OF PAYETTE COMPREHENSIVE PLAN

3.3 CITY OF PAYETTE MUNICIPAL CODE

3.4 ALL OTHER APPLICABLE STATE AND FEDERAL REGULATIONS

IV. PUBLIC HEARING TESTIMONY

4.1 The Payette City Council heard this case on April 16, 2007.

4.2 WITNESSES TESTIFYING IN FAVOR:

4.2.1 Kevin Shoemaker spoke as the engineer representing Gold Ridge Estates. Mr. Shoemaker gave a power point presentation on the Gold Ridge Estates Subdivision. The property is above McCain Middle School and has been previously identified as B Residential, and received a favorable recommendation from the Planning Commission. The developer is planning on doing a high level, very nice development. They are an Idaho based LLC. This is a 218 lot proposed subdivision. They are putting in several smaller parks with basketball courts and playgrounds. They will have meandering roads, and large lots averaging 11,000 square feet. There will be a decorative entrance, and decorative perimeter fencing.

The master plan was presented so the Council could see what it is proposed to look like at build out. Shoemaker continued that some of the benefits of this development would be providing homes for the City to grow, and help attract businesses. The unemployment in Payette County is very low right now, and we need to attract more people for services and jobs. They are planning on investing as much as seven million dollars in the local community here, and they are using local people, engineers, contractors are doing the demolition work, and they want to spread the work throughout the community. The project will also bring a significant amount of cash revenue too.

Shoemaker presented the master plan and explained that it had been reviewed by the City engineer and staff. The Council packet contains a variation of the master plan. There were some items that Doug & the City staff wanted to see changed. For the most part the general layout is the same. With regards to utilities, the subdivision will be putting in all utilities required of any developer; water, sewer, CATV, phone, natural gas, and electric. There will be no wells and no septic in this development. The City has the utility capacity for this development. According to the Comprehensive Plan, Payette has some excess water capacity. Current

capacity is 2.2 million gallons a day and the average use is 1.1 million gallons per day.

Shoemaker continued that at the Planning & Zoning meeting there were some serious concerns heard in the testimony with regards to the drainage going through this area. They had their professional engineer look at the site, and at the culverts under Center Avenue. Those are covered in their plan. Dough Argo required us to go out and do a water check study and determine how it will be handled.

The development is currently planned with four entrances, two off of Center, one off of Payette Heights, and one across the back of the school property. The developer will be improving their half of the road along Center and Payette Heights. There were some concerns during the last meeting of the traffic study. The traffic study was completed by Dobie Engineering, which specialized in traffic studies. He is a professional engineer with that type of background. There were some questions regarding the intersection of Hwy 95 and Center. Lancaster Development has agreed to stripe this intersection.

With regards to an environmental study, there were some concerns with potential wildlife, and the fact that it was a dairy operation before. That is one reason why they are going with City water and sewer for the entire subdivision. If there is well and septic, there would be a concern. The dairy was demolished in compliance with DEQ standards. There has been a wildlife study done in that area before by the McCain Middle school before they built the school. It is on file with DEQ, and no comments were received from DEQ or the Idaho Natural Resources Conservation Service with regards to that potential concern.

4.2.2 Tim Lancaster – We want to let the City Council know that we are planning on doing a very nice upper end subdivision here. We have invested a lot of money in the City of Payette. We did extensive research throughout Idaho. WE looked at Fruitland, Middleton and other communities before choosing Payette. We chose Payette based on several factors; the availability of city services to do this development, the fact that the city council is looking to grow the city and make intelligent smart planning decisions around planned growth. We want to see the city prosper and this development bring good things to the City of Payette. No other questions were heard for Mr. Lancaster.

4.3. WITNESSES TESTIFYING IN OPPOSITION:

4.3.1 Charlie Miller, 2985 Center Avenue, addressed the Council. He read a letter into the record which is attached as Exhibit 1 to these minutes. Osborn asked for any questions for Mr. Miller. None were heard.

4.3.2 Roy Hicks, 2630 Center Avenue, Payette, addressed the Council. Mr. Miller pretty well said it for all of us as far as our concerns. We brought a number of serious questions to the Planning & Zoning Commission, and as Mr. Miller said, none have been answered to

our satisfaction. We did not come here to Payette to live in the middle of a big urban sprawl. We have a lifestyle that we guard very jealously. For the record, he would like to submit a copy of the questions they gave to the Planning & Zoning Commission. The letter was marked as Exhibit "A". Osborn asked for any questions for Mr. Hicks. None were heard.

- 4.3.3 E.J. Bear, 9847 Payette Heights Road, addressed the Council. If anyone read his letter, they would understand he is definitely opposed to this. He does not want to be part of the City. Like Mr. Miller, he was told eight years ago that if the ground was ever sold off, it would probably be one acre lots, which was what he expected to be a good use of the land. Being part of the City and having his taxes double, plus, because he checked with friends at Vistair, and that is what happened to their taxes. Their taxes went from \$1200 to \$2500. And for no services. They don't even have snow removal there. Are you going to come out and remove snow at my place, or sand the roads? Can't even take care of the pot hole in Center Avenue for two months now or better. Payette County took care of their pot holes and stuff, but we have a hazard. People cannot drive by safely especially if someone is walking. Now we are going to be part of the City? It makes me feel warm and fuzzy to be part of that safety. I don't mean to be disrespectful, gentlemen, but I am not happy. We are having our road widened on Payette Heights, so he will be losing land. No one has talked to me about proper compensation. Traffic study is a farce. It only took one phone call to ITD to find out that it is the worst company there was to do one. I don't know about you but it doesn't take a college education to figure out fifteen minutes for a PM traffic study is the right way to do it. They had one traffic counter out there, but there is nothing mentioned in that report about it. It was on Payette Heights Road for less than 24 hours. I know I drive that road every morning and every night. I don't want to be a part of the City gentleman, ladies, because I don't see the value. If I wanted to be part of the City, I would move in to City limits. Mr. Mayor, do you want to have 2,000 extra cars by your house every day with your grandchildren playing out in the front yard. That is just by the phony traffic study we had, how many extra cars there will be. It just doesn't seem like a safe environment. Why can't things be done in phases? Grew up in construction and around developers in California, Nevada, and a few of them here. I was a service manager in Boise for an air conditioning company, and it wasn't uncommon for one of them to go broke, quite regularly. The land there right now is all leveraged. I'm able to tell just by public record how much debt. He's using borrowed money. They want to put 7 million in, where's that going to come from. It's a corporation, so he's not going to be hurt personally. No disrespect sir, but I have concerns. If it is going to be a subdivision, it should be one acre and left in the County. That's all I have to say that I can take lightly. Osborn asked for any questions for Mr. Bear none were heard.

4.3.4 Charles Starks, 2597 7th Avenue North, Payette, addressed the Council. Council, Mr. Mayor. I grew up in this City. My father grew up in this City. My grandfather originally started the greenhouse and the dairy that is on this proposed land, I know it very well. Some of the layout on here we've been told, such and the sewers will be gravity flow. It doesn't take a rocket scientist to figure out and drive out there and stand on it, look at his plot. The plot is based on a flat piece of property and this property is not flat. From the section of property from the corner of Hill Road, there is actually a 30 foot rise to get over to where the high school is. They are going to have to put in a pump station, or they are going to have to buy existing property. This past weekend, a friend of mine who also went to school here, and father went to school with my father, we're long time residents, we were talking about this and how much it has changed through the years. WE came to the conclusion that Payette hasn't changed in the last 40 something years. We had a chance at one time to have Or-Ida right here, City Council turned them down, they built in Ontario. Coke plant tried to build here, City Council turned them down, they built in Fruitland. Our city center has pretty much died. The grocery stores we used to have are gone. Safeway is gone, Smiths is gone now replaced with Albertsons. We have Lonnie's Market. WE used to have five, we now have one if you don't include Jerry's Market. We basically became a bedroom for Ontario. Payette has no infrastructure to support this. The developer stated that they will maintain the roads and bring everything up to standard. We have no snow removal right now, Payette doesn't sand their streets. Most of it is taken care of by the County or ITD. We are now planning this subdivision with 214 or 218 250 depending on who you are talking to at the time; we are told that Payette will not have to add additional employees to the system. No fire department, no police department. I can't see that happening without adding more. Who is going to have to maintain the roads when this is done? The city will and we as taxpayers are. This subdivision alone hinges on several more coming in. We need to step back and look at the other communities around here, Marsing, Star, Eagle, they went through the same problems with developers and it pretty much destroyed the City that was existing there and the people that were living there and had been for a long time. We need to step back, look at this. There is no reason a subdivision can't go out there. There is no one in this room that would disagree that a subdivision shouldn't go out there. However, not in this quantity, not in this layout, and not with the information and studies that are being done. When he approached the city engineer to find out how much we invested in this process, not only the developer himself, but the land the traffic study, the curbs the gutters, who's going to pay to maintain, the watershed down the road. This is something we need to think about ten fifteen twenty years from now. Who is going to pay for the water

systems to catch the runoff when they fill up and they will? It is going to be us. The developer won't be anywhere in sight; he's done, he's gone, we've seen that already in Middleton and Star. If we do this, let's do this correctly; let's ask the question why are these traffic studies meeting the minimums. Traffic study says it did an hour study, or what is doesn't say is it was only fifteen minutes.

Bert Osborn stopped Mr. Starks as he ran out of time. Osborn asked for any questions for Mr. Starks. None were heard.

- 4.3.2 Aaron Sobers, 2855 Center Avenue, Payette, addressed the Council. Most of the things he wanted to talk about have already been addressed by his neighbors and friends. There are some things that do concern me quite a bit. One is when I moved here, I moved to retire here to this community. I moved from Boise. I was told by a realtor, and told by other friends, I went down to the County and asked the same question, 'what's going on out here' and they told me these lots were going to be one acre up to five acres. Then he went to the City and they said they hadn't heard anything about this, and that made my mind up. This was the place I want to live. It has to have a country atmosphere. Yes, I know there would be subdivision, but I could tolerate one acre or larger houses around me. Right now there are going to be two story houses. I have a beautiful view out there. I paid for this view and I hope you guys will help us. We were here first, and I'm asking for these lots to be built single story low roof line. Its like going to a theatre, you pay for good seats, and you want a good view, and a cowboy comes in with his big hat and sits in front of you. He won't take it off, management won't make him take it off, so you pay good money, and you can't enjoy the scenery or show that you paid for. I think you do have some grandfather rights especially some of these sections. Other sections where other houses are not there, maybe it is not so bad there. But for us, yes it is bad. WE have a view of the mountains, and I don't want a roof blocking my view. I really hope you will help us on this. Like I said there have been a lot of questions that have gone unanswered. I don't know if this is appropriate or not, but I would like to have another meeting, a town hall meeting with questions and answers. We ask you things, but we do not know your thoughts or what is going on. I feel like we are out in the cold here. Please help us. Mr. Sobers had a letter he wanted entered in to the record. City Attorney Osborn stated he will mark it as exhibit D. No other questions were heard for Mr. Sobers.
- 4.3.4 Tracy Brechibel, 2833 Center Avenue, Payette, read aloud a letter attached hereto as Exhibit E and provided a copy of storm water information attached as Exhibit D. No other questions were heard for Mrs. Brechibel.
- 4.3.5 Suzanne Orwig, 2672 Center Avenue Payette, had a few concerns I want to make sure you consider. I have some serious concerns about the state of the roads, and not only the roads but the sidewalks in Payette. I do a lot of walking in Payette, and they are

not very many sidewalks where you are safe to walk without keeping an eye on your feet. The sidewalks are in terrible condition. It is a responsibility of the homeowner to take care of the sidewalks, but the city ordinance people should be citing people whose sidewalks are not in good condition. When sidewalks are not in good condition and people fall and hurt themselves, the City does put themselves, as far as I can understand at a risk of being negligent for taking care of those. We cannot maintain the ordinance officer apparently enough to take care of the sidewalks, we are not taking care of the streets in Payette. We have dust issues across the street where the school is leveling ground for the ball fields, there is dust. Everyone keeps saying yes, yes we will have dust abatement trucks out there, and there are not dust abatement trucks out there. That is also in ordinance and there is no one to enforce that. I have some concerns about the growth in the schools but also the funding in the schools when they originally saw the Gold Ridge Estates original presentation it was less than \$1000 per house hold would go toward the maintenance of the schools. When I did some research on the internet, in Payette the average cost of a school teacher is about \$42,000 and that includes wages and benefits. Adding about 200 more students to the mix would increase those costs. So the \$900 per household per year is not enough to support what they are putting in to our system. I have some issues about the traffic study where they said striping would be needed at Center Avenue and Highway 95. Striping will not stop the cross traffic. It will not in any way ease our efforts to cross at that corner. I'm not sure how you would mitigate a traffic issue. I know that the engineer that there were some traffic concerns and I would like to know the answer to that question. When we talk about houses running between \$300,000 and \$500,000 per house, we know that those people are not working in the Payette County area. They are not supporting those houses on the wages that are paid here and most industries. That means that they will be working out of town. That does not in my mind and in many other minds, lead to economic growth. When you live out of town, you do your grocery shopping out of town. I have worked out of town, before I came home, I wanted to do my grocery shopping if I had dry cleaning I had to take care of my dry cleaning, I bought my gas out of town, I had car repairs done out of town. Every service that I needed, needed to be done out of town because it needed to be done between 9 and 5. And I worked 9 to 5, so I was consuming services in the city area, yet I was not contributing to the city economy in any way. In addition, if this is annexed and people in the area do have to pay property taxes it was my understanding from an informational meeting that we had last week that the people in Vistair had a one year forbearance for paying city taxes, I would like to see that for this development as well. The people that are in the city, the homeowners that are already there, that do not have city services available to them, I would like them not to have to pay city

taxes until the city taxes are available to them. No other questions were heard for Ms. Orwig.

V. COUNCIL DISCUSSION

Councilor Klitch had questions for Mr. Shoemaker. She heard several times the individual concerns being annexed into the city and paying taxes for services that they are not going to receive. Please elaborate on that. Shoemaker stated that was something that was brought up at the P & Z meeting and talked about with the city staff. Mr. Lancaster has agreed to run individual water and sewer lines to the edge of the lots as he develops and gets to that area. With regards to the other services, Mr. Lancaster will put in storm water mitigation, curb, gutter & sidewalk in front of their homes. Councilor Klitch said that she has heard twice that some of their property is going to be taken, will it be taken because we can or will there be some reciprocation. Shoemaker stated that it is in the City's master plan for that street to be that size, Mr. Lancaster is offering the paving to get that done but do not plan to purchase that property. Argo stated that acquisition of the property is undetermined. Councilor Klitch asked if the developer will install curb, gutter and sidewalk. Shoemaker stated the developer will install that for the existing property owners. Klitch then stated that the only services they won't be getting is water & sewer, as those are enterprise funds, and not generated out of tax dollars. They will be receiving all of the same city services which is the exception Argo stated that they would not be paying for the services until they are available and hooked up to them. The lines in the proposed annexation, the developer is going to stub out water and sewer lines to the existing owners property lines, and have a meter box set there all ready for a meter to be plugged in at such time in the future as they need to hook up to it. We also propose that hook up not be required unless one or both of their systems fail.

Shoemaker stated that in regards to Charlie Miller, and wanting to have one lot per acre, it is in the City's Comprehensive Plan as B-Residential, and it is also in the proposed annexation agreement that it be zoned A rather than B, which is the larger lots. Instead of the 6,000 square foot minimum they will be 8,000 square foot minimum. That is something that has been discussed with city staff to help mitigate some of those concerns. Wit regards to dust, a subdivision is supposed to have a dust mitigation plan. That was one thing the City has requested to see. The contractor who was awarded the contract would have to have that as part of their work they are getting paid for; they would have to have a water truck out there watering down the ground. As far as enforcement of the ordinances, Shoemaker did not know but assumed the developer would on site regularly. They want to do a quality job and not wanting to cut corners. As far as the traffic study, if people don't believe that Mr. Dobie is doing a good job, someone should file a complaint against him. There are procedures for anyone who has a P.E. license, and if they are negligent or don't do a good job, someone could file a complaint. There are also traffic engineers that work for Holladay Engineering that will be reviewing it to make sure it is not a farce. Comprehensive plan calls for the property to be used the way the Lancaster's are asking for it to be used. It is not bad land use planning, nor is it a huge surprise based on the City's Comp Plan.

Shoemaker continued that Mr. Starks had some comments about gravity flow; he's right there will be deep trenches. But that again is part of the contractors work. They are going to put in 20 -24 foot trenches in order not to put in a lift station out there. That has already been discussed with a couple of contractors. He mentioned the number of businesses that have been turned down in the last forty years, and we hope you don't turn this down because it will be good business for Payette. Maintaining the city streets and storm water systems. That is something that you will have with all development. Sand and grease traps take maintenance and is something the City does now with any development.

Councilor Heleker asked you don't believe it will be necessary to put in a lift station. Shoemaker replied not at this time, we don't. Heleker said when you say it was renegotiated to 8,000 sq ft lots; what are the sizes we are looking at now. Shoemaker said that the average lot size right now is 11,000 square feet. What we were proposing was to let preliminary plan go through, and make changes to the master plan to go to the larger lots. The big issue was the size of the corner lots.

Councilor Heleker stated that a couple of people have mentioned that they purchased property for view purposes. Are all of these homes scheduled to be 2 story homes and if not, if there were some one stories planned, could they be placed in strategic areas so as not to block the views out there. Shoemaker replied that the Lancasters They are not planning on being the builders, they are just developing it, but there will be some CC & R's because they want it to remain a high class subdivision. Whether they could limit the area to have 2 story versus 1 story, we can't answer that.

Councilor Klitch asked about irrigation, how are they going to irrigate. Shoemaker replied that there is an existing irrigation well which could be used and they also have shares from the ditch. There will be a separate pressurized irrigation using surface water rights. Councilor Klitch asked who belongs to what pieces of property that are not in the plat. She knows where the Bears live and the Millers live. What are we talking geographically? It was pointed out where the residences are located around the subdivision.

Councilor Nelson asked what kind of timing on phases are they thinking of having if this goes through. Shoemaker replied that it may be more than eight years as this goes through to Payette Heights. A lot of that depends on economic conditions.

Councilor Heleker asked Tim Lancaster about the height restrictions and view, and now they will be blocked by a two story house. Are these all 2 story homes, and if not, can the 1 story homes be located such as not to block the views of the existing homes. Lancaster replied that they are going to be architecturally controlling the entire subdivision. It will be a mixed population of single story and two story homes. What ultimately gets built out is going to be determined by the individual custom home buildings that sign up to build in this development. Their plan is to market directly to custom home builders in the area and have them

contract to build 3 to 5 homes at a time. Those builders will build homes that they have experience building, and that they have been successful selling. It will really be determined by the builders. Heleker stated that for these people who have built homes for the view, there is a chance that it may be a one story versus a two story. Lancaster stated it is not their intention to architecturally mandate all 2 story homes. Heleker asked what can be done so that these homeowners can be rest assured that they won't lose their view. Lancaster replied that quite frankly, we're probably going to architecturally control roof pitches and ensure that they are not flat because typically the higher end homes have a higher pitched roof. We don't want to limit the builders on building high end residences to accommodate view. Heleker asked even if it was just a case of four or five homes. Lancaster said that is certainly something that they would be open to doing, possibly mandating some of the lots be built as one story.

VI. FINDINGS OF FACT

The Payette City Council agreed with the following points as presented in the staff report and annexation plan:

6.1 That the annexation shall incorporate the Payette water planning area.

The subject lands have been within the City's water planning area since January 2002.

6.2 Honor negotiated area of impact agreement.

The site is within the Area of Impact for the City of Payette.

6.3 Attempt to balance costs of services with anticipated revenues.

The annexation will result in property tax, franchise fee, development fees, state shared sales tax and other revenues. The receipt of revenues will occur over time because of constraints, including those set under Idaho Code. For example, property taxes will not accrue until nine months after the annexation is effective. State shared revenues will not be obtained until the State recognizes the population and market value added to the City in the annexation.

Costs for City services to the residents in the annexation area will be provided either immediately after annexation (for example, police and fire services) or when revenues to support the services are received (for example, park development.) The cost of services projected to be provided to the annexation areas have been planned to balance with the anticipated revenues. Preliminary estimates of revenues support the services and facilities planned for the area after annexation to the City. This is particularly the case because the City has already made a significant investment in the proposed fire station that will serve the area before the proposed effective date of the annexation.

6.4 Promote other goals of population balance, contiguous development and prevention of costs due to leap frog development.

Part of the intent behind annexing in the area of development is to prevent the sort of “leap frog” development that has resulted in the unplanned, haphazard development patterns which are seen on the fringe of Payette. 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.

The City of Payette has also considered the following:

6.5 The land to be annexed meets the applicable requirements of Idaho Code 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. Notices of Council annexation hearing were posted in the subject area.
 - b. Notice was published in the Independent Enterprise to satisfy the zoning hearing requirement. The dates were March 28, April 4 and April 11, 2007.
 - c. A notice was sent directly to each affected property owner. The notice was sent 30 days in advance of the first public hearing and contained:
 1. A map of the annexation area in which the owner's property lay.
 2. The complete annexation plan.
 3. An invitation to attend the public hearing before the Payette Planning & Zoning Commission on March 29.
 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.
 - d. An invitation was sent to each affected property owner, and those property owners within 300 feet of the annexation area to attend an informal question and answer session held on April 10.

6.6 The annexation would be consistent with the public purposes addressed in the annexation plan prepared by the City.

Public purposes addressed in the annexation plan include:

2. Police protection. Payette Police Department services will extend to the proposed annexation described herein without significant adjustment of current staffing levels or organizational structure.

3. Fire Protection. Fire Protection services will be extended to the newly annexed area with essentially the same level of service as is being provided in the rest of the City.
4. Public Works. Water and Sewer services will be provided under the same policies and rules after annexation. It should be noted that the City has made significant investments in providing water service to this area in the way of plans and studies. Streets: The City will take over operation and maintenance of existing streets in the annexation area. Drainage: Requiring new development in the annexation area to comply with City drainage standards will ensure better drainage features and facilities than would otherwise be built.
5. Library Services. All residents are eligible to use the Payette Public Library without individual payment of a non-resident fee. The annexation will help assure that revenues exist to maintain the quality library services which the City of Payette intends to provide all of its citizens.
6. Parks and Recreation Services. The City of Payette's parks, pool, and greenbelt are available for all residents, whether annexed or not. Annexing new areas adjacent to City limits will provide additional revenue and assist the City with its goals relative to the provision of park space.

6.7 The annexation is reasonably necessary for the orderly development of the City.

- 6.7.1 It has been the intent of this report and the annexation plan to 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 service, to enable the orderly development of private lands which benefit from the cost effective availability of municipal services in urbanizing areas to equitably allocate the costs of public services in management of development on the urban fringe. (I.C. 50-222(1))

- 6.7.2 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.
- 6.7.3 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.

6.8 Zoning

The City is to make the following findings when reclassifying the zoning of properties:

A. Comply and Conform with the Comprehensive Plan

The zoning being applied, A-Residential, will match the zoning of “medium density” in the County Comprehensive Plan, and “medium density” (3-5 dwelling units per acre) in the City’s Comprehensive 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.

Services and public facilities can best be planned for and provided under the auspices of one jurisdiction.

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

This finding is satisfied since the City is assigning zoning which is compatible with the City and County Comprehensive Plans. Another large subdivision (Goff Subdivision) lies directly north of the parcel.

VII. DECISION

Standards noted under Section III were followed, which allowed for the procedures and processes of this hearing to be conducted.

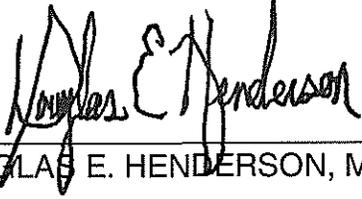
Based upon the foregoing Findings of Fact and Conclusions of Law, the planning and zoning procedure conducted throughout the City, the comments, both oral and written, received at the public hearing held hereon, and the deliberation of the Payette City Council of Payette, Idaho, Councilor Hanigan moved, seconded by Commissioner Heleker to approve the annexation, that the annexed parcel be zoned “A” Residential, that the effective date of the two residential parcels at properties on the northeast and southeast corners effective date when any development is within 150 feet, or approval of the adjacent final plat or five years, whichever comes first.

Councilors Mussell, Nelson, Heleker, Hanigan & Klitch voted in favor. Councilor Williams abstained from the vote. Motion carried with a vote of 5 in favor.

Dated this 16th day of April, 2007.

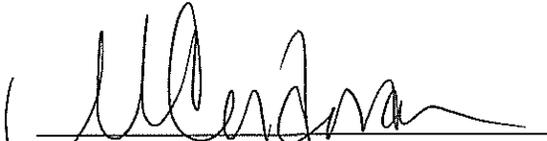
PAYETTE CITY COUNCIL

PAYETTE, IDAHO



DOUGLAS E. HENDERSON, MAYOR

ATTEST:


MARY CORDOVA, CLERK

Area of Interest

Anx 315
9/11/07

09N05W27

09N05W26

09N05W25

11

01

01

11

09N05W34

09N05W33

09N05W36

11

1:12,000

08N05W03

2,000

1,000

08N05W02

0

2,000 Feet

08N05W01

Idaho Stateplane
Zone: 3751
Datum: NAD 83
Units: Survey feet
Spheroid: GRS 1980

GIS Staff
Technical Support Bureau
(208) 334-7750

This map is only a representation of the tax code area boundaries and should not be used for legal or surveying applications

