

0360186

ORDINANCE NO. 1303

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTH OF VISTAIR SUBDIVISION, EAST OF SCOTCH PINES ROAD, AND SOUTH OF AIRPORT ROAD, WHICH PROPERTY IS MORE PARTICULARLY DESCRIBED IN EXHIBITS "A" AND "B", ALL SITUATED IN PAYETTE COUNTY, IDAHO, AND ADJACENT AND CONTIGUOUS TO THE CORPORATE CITY LIMITS; ESTABLISHING AND DETERMINING THE LAND USE CLASSIFICATION OF SAID LAND AS A-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 26, 2009, 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 # 360186

STATE OF IDAHO, PAYETTE COUNTY
5-8-2009 12:36:00 No. of Pages: 7
Recorded for: CITY OF PAYETTE
BETTY J DRESSEN Fee: 0.00
Ex-Officio Recorder Deputy *Betty J Dressen*
Index to: ORDINANCE - MISC.

0360186

WHEREAS, the Payette City Council, pursuant to public notice, held a public hearing, on April 20, 2009, 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.

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 A-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.

0360186

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

A

0360186

**LEGAL DESCRIPTION
FOR
BABICHENKO ANNEXATION**

**OVERALL ANNEXATION BOUNDARY
INCLUDING SCOTCH PINES AND AIRPORT ROADS**

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 NORTH, RANGE 5 WEST, BOISE MERIDIAN, PAYETTE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER;

THENCE NORTH 00°35'25" EAST 25.00 FEET TO THE **TRUE POINT OF BEGINNING**:

THENCE SOUTH 89°05'26" EAST ALONG THE LINE PARALLEL WITH THE NORTH LINE OF SAID SOUTHEAST QUARTER, 663.62 FEET;

THENCE SOUTH 0°38'49" WEST 1329.81 FEET ALONG THE EAST LINE OF WEST ONE HALF OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26 TO A POINT ON THE EAST-WEST CENTER LINE OF SAID SECTION 26;

THENCE NORTH 89°04'28" WEST 713.35 FEET ALONG THE SAID CENTER LINE:

THENCE NORTH 06°22'29" EAST 250.00 FEET TO A POINT ON THE LINE PARALLEL WITH WEST LINE OF SAID SOUTHEAST QUARTER;

THENCE NORTH 0°38'09" EAST 1055.75 FEET ALONG SAID LINE TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26;

THENCE NORTH 0°35'25" EAST 25.00 FEET ALONG THE LINE PARALLEL WITH THE EAST LINE OF THE NORTHWEST QUARTER OF THE NORTHWEST QUARTER OF SAID SECTION 26;

THENCE SOUTH 89°04'52" EAST 25.00 FEET ALONG THE LINE PARALLEL WITH SOUTH LINE OF SAID NORTHWEST QUARTER TO THE **TRUE POINT OF BEGINNING**.

DESCRIBED PARCEL TO BE ANNEXED CONTAINS +/- 21.08 ACRES

PAYETTE MUNICIPAL AIRPORT

N89°04'51"W 25.00'
 N00°35'25"E 25.00'
 N89°04'51"W 25.00'

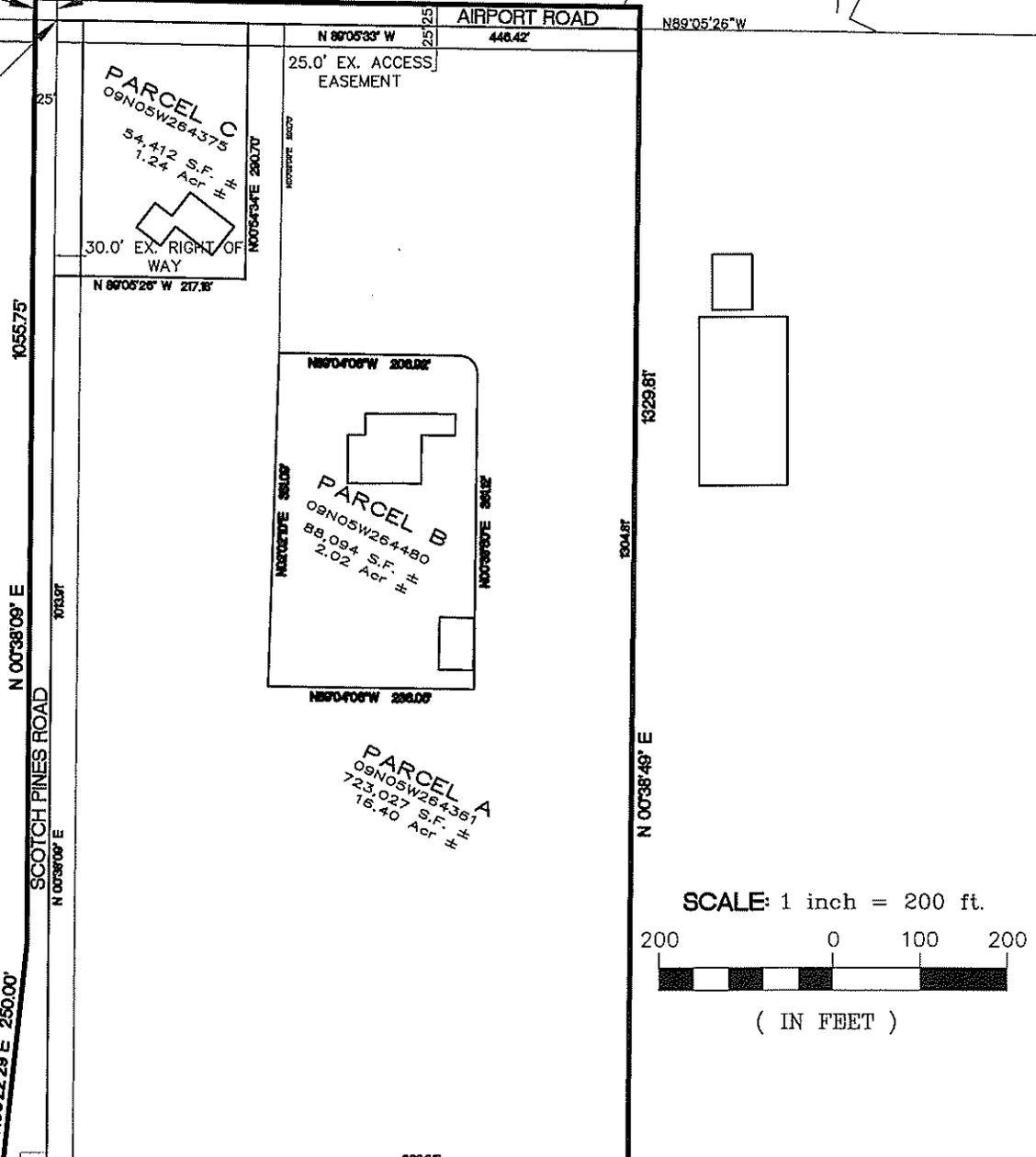
TRUE POINT OF BEGINNING
 N00°35'25"E 25.00'
 N89°05'26"W 683.62'

POINT OF COMMENCEMENT
 NW CORNER, SE 1/4, NW 1/4,
 SEC 26, T-9N, R-5W,
 BOISE MERIDIAN,
 PAYETTE COUNTY, IDAHO.

PARCEL C
 09N05W264375
 54,412 S.F. ±
 1.24 Acr. ±

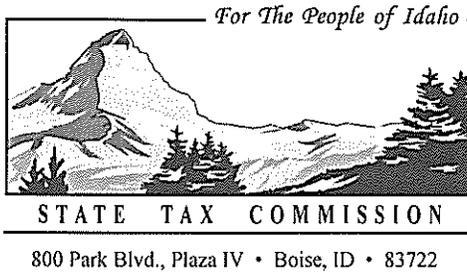
PARCEL B
 09N05W264480
 88,094 S.F. ±
 2.02 Acr. ±

PARCEL A
 09N05W264361
 723,027 S.F. ±
 16.40 Acr. ±



SCALE: 1 inch = 200 ft.
 200 0 100 200
 (IN FEET)

EX. PAVED 60' RIGHT OF WAY



RECEIVED
MAY 27 2009
CITY OF PAYETTE

May 19, 2009

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

Subject: Ordinance No. 1303 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 2010. 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

ID_yr080 - Annexations -- List of Changes

Idaho State Tax Commission

Run Date: 5/19/2009 12:40 PM

Effective 01/01/2010

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	FRUITLAND	SEC 10,14,15,16,22,23,27 T8N R3W BM		FRUITLAND (CITY)	Annexation	506
12-0000	Enlarge	03-0002	FRUITLAND			FRUITLAND (CITY)	Annexation	506
32-0000	Enlarge	03-0001	FRUITLAND			FRUITLAND (CITY)	Annexation	506
01-0000	Enlarge	11-0000	PAYETTE CITY	SEC 26 T9N R5W BM		PAYETTE (CITY)	Annexation	1303

Bobbie Black
Deputy City Clerk



CITY OF PAYETTE
700 Center Avenue
Payette, Idaho 83661
642-6024

OFFICE OF THE CITY CLERK

May 12, 2009

State Tax Commission
PO Box 36
Boise, ID 83722

Subject: Ordinance #1303

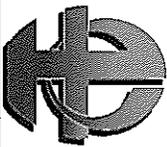
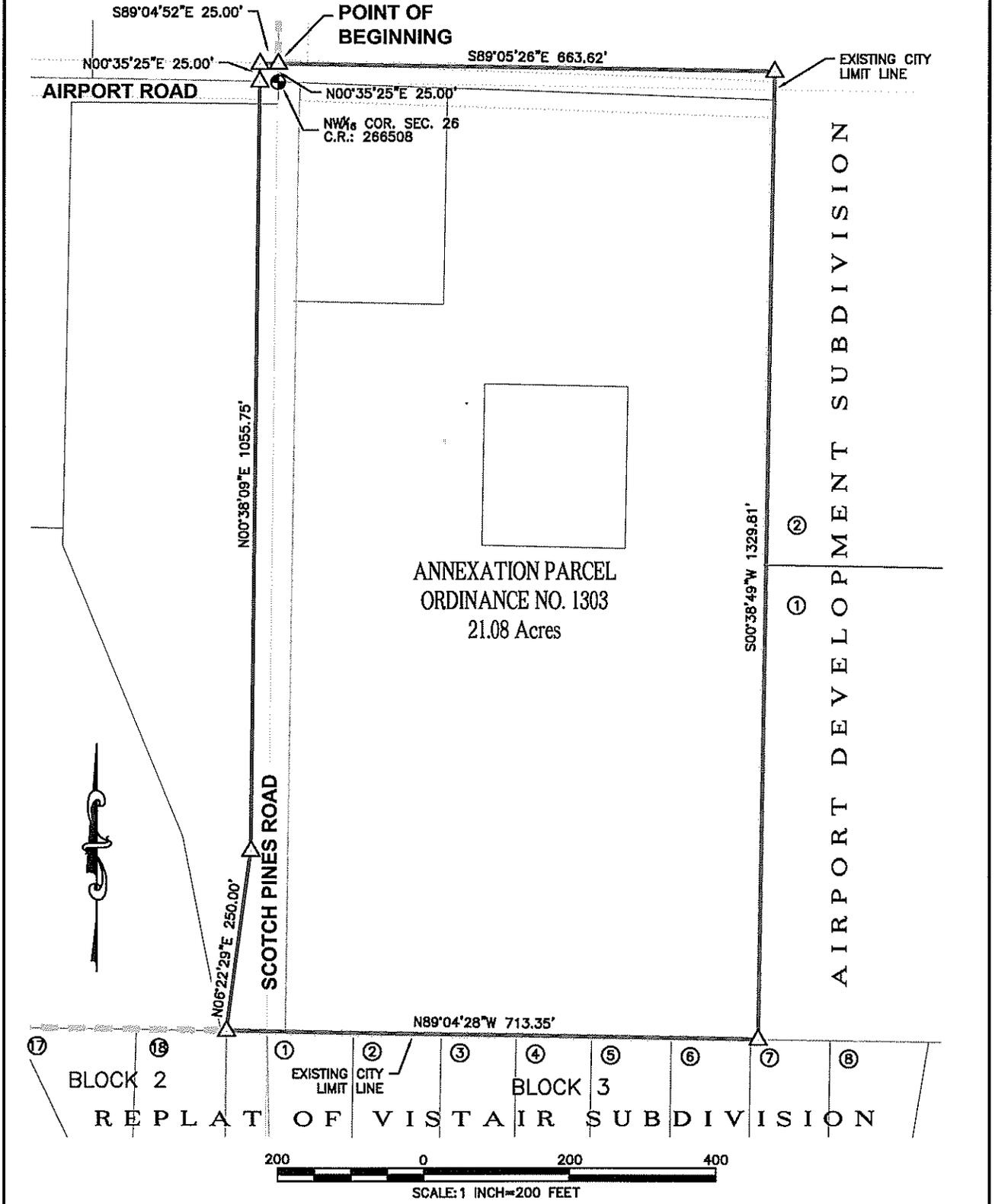
Enclosed please find signed recorded Ordinance #1303, vicinity map and annexed area map.

If you have any questions, please contact me at 642-6024.

Respectfully,

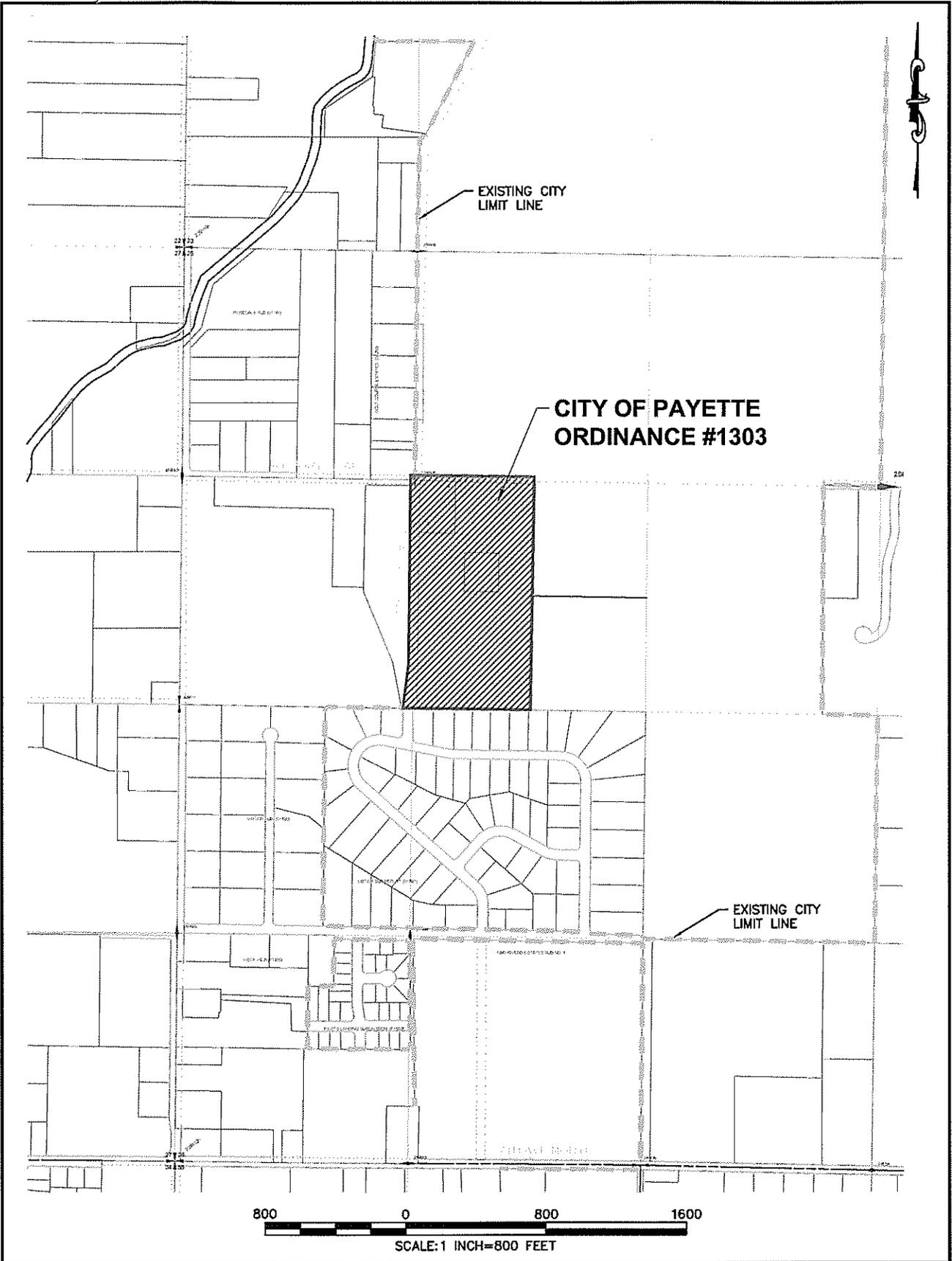
Bobbie Black
Deputy City Clerk

NW¼ SEC. 26, T.9N., R.5W., BOISE MERIDIAN,
PAYETTE COUNTY, IDAHO



HOLLADAY ENGINEERING CO.
 ENGINEERS • CONSULTANTS
 32 N Main • PO Box 235 • Payette, ID 83661
 (208) 642-3304 • hec@holladayengineering.com

**ORDINANCE #1303 ANNEXATION EXHIBIT
 CITY OF PAYETTE, IDAHO**



**HOLLADAY
ENGINEERING CO.**
ENGINEERS • CONSULTANTS
32 N Main • PO Box 235 • Payette, ID 83661
(208) 642-3304 • hec@holladayengineering.com

**ORDINANCE #1303 ANNEXATION
CITY OF PAYETTE, IDAHO**

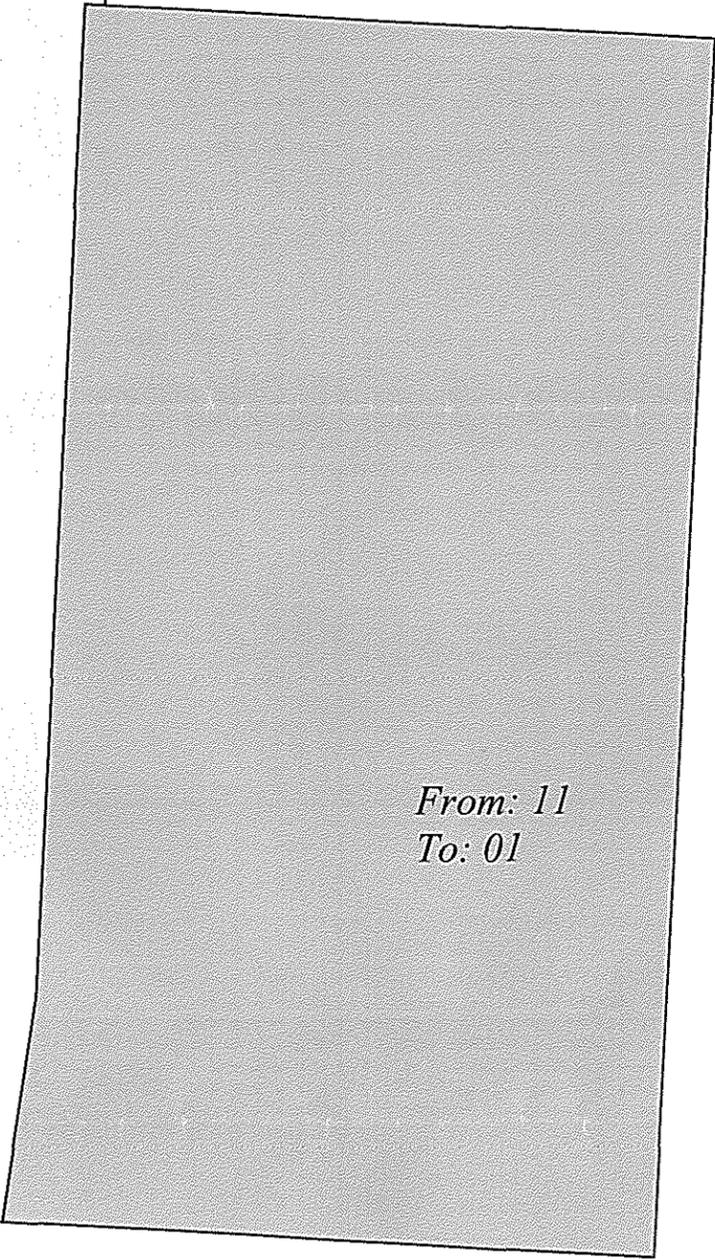
DRAWN BY: J. HELMS

DRAWING DATE: MAY 2009

G:\MAPS\CP\ANNEX\BABIChENKO.dwg

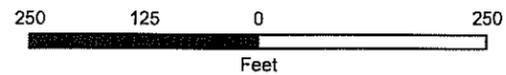
CP09-0033A

**Ordinance 1303
5/5/09**



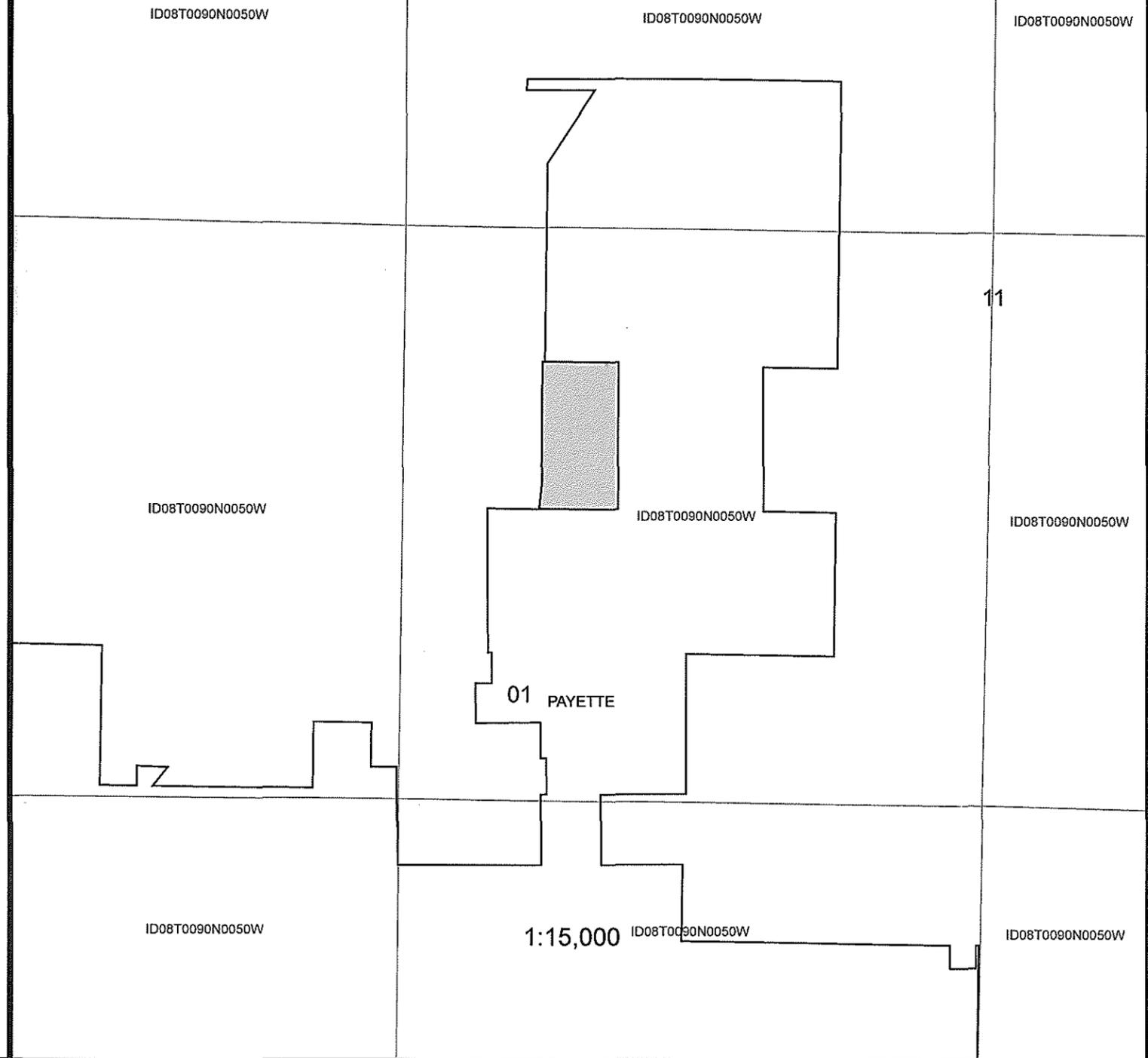
*From: 11
To: 01*

1:2400



Area of Interest

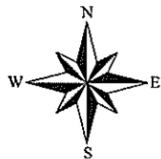
**Anx 86
5/13/09**



**Payette County
City of Payette
Sec 26 T9N R5W BM**

Legend

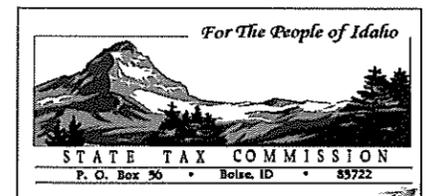
	Parcel Line		City
	District Change		Tax Code Area



**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





**BEFORE THE CITY OF PAYETTE
CITY COUNCIL**

FINDINGS OF FACT, CONCLUSIONS OF LAW

IN THE MATTER OF AN APPLICATION BY:)
)
Peter & Paul Babichenko,)
FOR ANNEXATION)

I. APPLICATION PROCESS

LEGAL

Peter & Paul Babichenko are requesting annexation of approximately 21.08 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:

THAT PORTION OF THE NORTHWEST QUARTER OF SECTION 26, TOWNSHIP 9 NORTH, RANGE 5 WEST, BOISE MERIDIAN, PAYETTE COUNTY, IDAHO, DESCRIBED AS FOLLOWS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE NORTHWEST QUARTER; THENCE NORTH 00°35'25" EAST 25.00 FEET TO THE **TRUE POINT OF BEGINNING**:

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PARALLEL WITH SOUTH LINE OF SAID NORTHWEST QUARTER TO
THE TRUE POINT OF BEGINNING.

DESCRIBED PARCEL TO BE ANNEXED CONTAINS +- 21.08 ACRES

The proposed annexation does include additional property requested in the application without the owners consent. The City has determined this annexation qualifies as a Category "B" Annexation as defined by Idaho Code.

NOTIFICATION

On February 26, 2009, notice was mailed to affected parties within the annexation area, and to neighbors living within 300' of the annexation area, of a public hearing in front of the Planning & Zoning Commission to be held March 26, 2009. The public hearing notice for the Planning & Zoning Commission hearing was also published in the Independent Enterprise February 25, 2009.

On March 30, 2009, notice was mailed to affected parties within the annexation area, and to neighbors living within 300' of the annexation area, of a public hearing to be held April 20, 2009 in front of the City Council. The notice for the City Council public hearing was also published in the Independent Enterprise on April 1, 2009.

II. PROPERTY REVIEW

EXISTING CONDITIONS

The subject property is within the City of Payette Impact Area. The majority of the property is in weeds. There is one platted subdivisions adjacent to the subject property. There are two residential properties, under 5 acres, on the subject property.

III. STANDARDS THAT MAY APPLY

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

The Payette City Council heard this case on April 20, 2009.

WITNESSES TESTIFYING IN FAVOR:

- 4.2.1 Piotr Babichenko – 5391 Lolo Pass Ave; Meridian, ID 83646
- Pavel Babichenko – 2890 So. Pasatempo Way; Eagle, ID 83616

Our property is currently surrounded by three sides of annexed property, which includes the Vistair Subdivision, the airport, and Scotch Pines Golf Course. We do believe that it makes sense to have our property annexed as well which will bring more tax revenue to the City of Payette. Our plan for our property is to have it developed into a residential subdivision and by having our property annexed, that will help us to secure a loan from our bank to have this property developed. These new homes will help the City of Payette meet its long term growth plan and will bring in additional tax revenue to the city. We are asking for a "B" residential classification. The type of residential subdivision that we want to

develop would require that some of it be "B" residential. We are mainly looking at developing later on more or a retirement community, that way they do not have a lot of land to take care of. We have met with the golf course president and basically we have introduced our plan to them and they were very positive in their response. They thought that would be exactly what would be looking for.

4.3. WITNESSES TESTIFYING IN OPPOSITION:

4.3.1 Jim Griffin – 2067 Shelley Dr; Payette, ID

A couple of comments that I would like to make. The smaller lots in question we saw a large number of 40 foot lots. If I understand the cities ordinances on the 8 foot setback on each side, that would leave for a 24' wide house. So for an 1,800 square foot house that going to be a very skinny single story house to be a luxury home. I guess the zoning is important to me because if it is chosen to be annexed and it's required to be "B" residential then maybe annexation is not the right choice. There is higher density property in the plan east and north of the golf course that may be more beneficial to this higher density need. It doesn't exactly flow well with the existing properties and there was a comment made about Eagle. We are not the City of Eagle we are Payette and I'm not saying there is anything wrong with Eagle, but I live here because I like Payette and what we represent. Finally, these gentlemen plan to do this with the property, but we do not know who will end up developing the property, it's been a pretty common place for this property to change hands several times.

Councilor Nelson stated that your point would be that you want this property zoned "A". Mr. Griffin stated that he is not opposed to annexation because Payette needs to grow, but let's follow the plan; which is low density.

Councilor Hanigan stated that if a plan was presented that was closer to the golf course that you felt protected your investment that you have in the Vistair Subdivision, and it was for now "A". Mr. Griffin stated that right now if we were to the point that they were actually going to put a shovel in the ground that is a little different story then now. However, I do have to come back to the planning and I'm sure a bunch of people put a lot of work and money into, that shows higher density housing in a "T" shape around Payette with the lower density housing filtering out towards the county.

4.3.2 Martin McPike – 2054 Shelley Dr; Payette, ID

I have several concerns about this request. Does "B" residential cover multi-family, and will this allow duplexes, townhomes, and condos. One of our biggest questions with the PUD which has provisions for commercial and manufacturing as well as residential, and that part well let's just say we don't like that. Also, a PUD requires that you do not use secondary roads in order to provide access to the development and you have 2 county roads and Shelly, and none of them are designed to handle the amount of traffic you are expecting. Also, on one of the plats I saw it had a major street coming by with one row of houses backing onto the north side of Vistair. That is going to take a considerable amount of fill,

because that is one of the lowest spots around there. You have a lift station right there for the sewage, and that puts at least two lots at the low point of all this run off and we already get a lot of runoff. Those are our major concerns at this particular moment.

4.3.3 Tim Auw – 2089 Shelley Dr; Payette, ID

I am here specifically for the concern of the zoning request. Annexation to me is not a bad thing, but the zoning is something I am a little leery about. The only other thing that I recall having difficulty with was the water that the City provided our subdivision, and for a long time we had dribbles coming out of our faucets and now when I look at another how many homes going in there and all that other water I'm a little concerned.

4.3.4 Bob Simons – 10380 Scotch Pines Rd; Payette, ID

My thought is that you want to take me into the City, but not provide me with any City services. I don't feel it is fair and what these guys aren't going to tell you is that once they get this annexed into the City, they are going to be gone and it's going to go up for sale again. I want to know when I can expect services to my property and things like that.

4.3.5 George Mattice – 2066 Shelley Dr; Payette, ID

I have a number of signatures here to keep the large amount of body heat in this room and to eliminate a lot of boredom for you folks. I have received many signatures from the people around the area that feel the same way that we do, and I will leave these signatures with you. I think a few of the things have been a little misleading. First of all you are looking at 16.44 acres not 21.88 according to the plan that I saw, and I think it is closer to 70 houses that I saw. Under PUD requirements it only takes 3,500 square foot per family and most of these lots could have a duplex put on them, and I understand that there have been attempts made by Vistair by putting 8,000 square foot or "A" residential lots abutting our property and I don't feel that is enough. Another thing that I wanted to reiterate is the surrounding zoning. Everything that is surrounding Vistair Subdivision is "A" residential at this time and so I don't feel as if that is keeping with the plan. As far as this support from the golf course, they would love to see the whole course surrounded by high rise apartment buildings, as long as the people play golf that is more money for them. Another thing that we might need to worry about with such high density housing is the safety with some of the intersections as well as more cars on the roadways. The intersection at Scotch Pines Road and Airport Road is a very blind corner and you almost have to come to a complete stop even though there is no stop sign there. If you double amount of traffic in that area then I think you are really asking for problems. At the planning commission meeting that I attended in regards to this property there were some folks here from the State that were asking about to many entries to Highway 95 and there was no answer, because this was a problem that was created years ago due to lack of foresight. I would hate to see that happen in this

area and I think this needs a lot of thought before any "B" residential zoning is allowed on that property.

4.3.6 REBUTTAL DISCUSSION BY APPLICANT

Piotr Babichenko – 5391 Lolo Pass Ave; Meridian, ID 83646

Pavel Babichenko – 2890 So. Pasatempo Way; Eagle, ID 83616

I now way are we here to bring to your property value down, and we think the opposite. We think this is going to for Payette and good for Vistair Subdivision property values. Concerning the "B" residential and the questions that were brought up, and the question regarding the narrow homes I would like to answer your questions. We are actually not talking about proposing already exempt homes we are talking about annexation. As far as the lot sizes, we are still working with the City, the City engineer, the fire department and water department to make sure that before it goes through that it follows the City code. As I understand also there is a property next to ours that is zoned partially "B" residential and maybe Mary could clarify that. As far as the flow of the subdivision, we think whoever saw the plan would agree that it is a beautiful subdivision and I don't think it would take away from the esthetic or property values of the Vistair Subdivision. Like I explained earlier this will be more on the luxury side, so we think that this would actually bring the property value of the Vistair up. We believe this is a very nice piece of property, and you don't find a lot of property like this that sit right on the golf course. Our purpose is not to go in and put something that would take away from the property, we want to enhance it, that is why the there are fears from the public. Again, our plan is still flexible as far as the type of units and lots. Right now we are just talking about annexing this property so we can move forward and start planning. Mayor Henderson asked Mr. Babichenko if he would be opposed at this point to annexing this property as "A" residential and then when it's time to present the development plan, negotiating for higher density zoning. Mr. Babichenko stated no, we would not be opposed.

Councilor Cochran stated that there have been talk of 40 foot frontage lots is that correct. Mr. Babichenko stated they were 1,800 square foot townhomes that were two stories high. When you are looking at the golf course the property slopes down a little bit, and the way we were looking at it would be that the second story big windows would over look and give the residents a great view of the golf course. The property that would be right next to the golf course would be the smaller lots, but the properties behind that would not have a view of the golf course and those would be the bigger lots. The properties are not 40 feet; it's the townhomes that are 40 foot.

Councilor Williams stated that there was some concern about the roads and access, do you understand that there will probably be some adjacent roads that may have to be upgraded. Mr. Babichenko stated definitely, that is part of getting the plan approved you have to address all of these issues. The fire department and police department have spoken to us about their concerns and addressing those issues, and before getting approved all of those departments have to be satisfied.

V. COUNCIL DISCUSSION

Councilor Heleker stated that for those of us who have been here for a while know that there has always been a vision of developing that land. When the time comes and we specify the number of lots that can be "A" or "B" residential we need to do what best accommodates such, without damaging the property values that are in front of Vistair.

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 date was April 1, 2009.
 - 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 City Council on April 20, 2009.
 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.

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 (Vistair Subdivision) lies directly south 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.

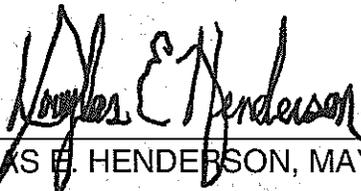
Based upon the foregoing Findings of Fact and Conclusions of Law, the planning and zoning procedure conducted throughout the City, the comments, both oral and written, received at the public hearing held hereon, and the deliberation of the Payette City Council of Payette, Idaho, Councilor Heleker moved, seconded by Councilor Hanigan to approve the annexation, and that the annexed parcel be zoned "A" Residential.

Councilors Mussell, Nelson, Heleker, Hanigan, Cochran and Williams voted in favor. Motion carried with a vote of 6 in favor.

Dated this 5th day of May, 2009.

PAYETTE CITY COUNCIL

PAYETTE, IDAHO



DOUGLAS E. HENDERSON, MAYOR

ATTEST:

