

0361342

ORDINANCE NO. 1304

AN ORDINANCE FOR THE ANNEXATION OF PROPERTY GENERALLY LOCATED NORTHWEST OF PAYETTE. IT INCLUDES THAT PROPERTY NOT INCLUDED WITHIN THE CITY LIMITS LYING WEST OF NORTH 9TH STREET RUNNING WEST TO THE SNAKE OR PAYETTE RIVERS, 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 B-RESIDENTIAL, EXCEPT PARCELS #5294-1, #5451, #5450, #5449 & #5294 WHICH WILL BE ZONED INDUSTRIAL; 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 unanimously recommended to the Mayor and Council that the proposed annexation be approved as set

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forth in the City's annexation plan and said lands be zoned B-Residential, except parcels #5294-1, #5451, #5450, #5449 & #5294 which will be zoned Industrial.

WHEREAS, the Payette City Council, pursuant to public notice, held a public hearing, on May 5, 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 "Exhibits A and B", 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

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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 "Exhibits A & B" annexed hereto is established as B-Residential excepting parcels #5294-1, #5451, #5450, #5449 & #5294 which will be zoned Industrial 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.

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- 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 "Exhibits A & B", 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 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

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Parcel I: In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, those portions of Section 28, Section 29, and Government Lot 5 of Section 33, more particularly described as follows:

Commencing at the quarter corner of common to said Section 28 & 33; thence along the Section line common to said Sections, N89°14'28"W 677.13 feet, to a point on the existing line of the corporate limits of the City of Payette, said point being the **POINT OF BEGINNING**;

Thence along the said corporate city limit line the following courses:

- 1) S 00°58'07" W 65.62 feet;
- 2) S 01°18'15" W 124.78 feet;
- 3) S 01°08'43" W 60.39 feet;
- 4) S 40°02'13" E 293.87 feet;
- 5) N 88°05'02" W 223.86 feet;
- 6) N 32°57'08" W 334.98 feet;
- 7) N 88°46'29" W 864.37 feet; to the right bank of the Payette River;

thence along the right bank of the Payette River the following courses:

- 1) N 51°35'59" W 296.48 feet;
- 2) N 30°40'47" W 242.83 feet;
- 3) N 47°24'48" W 137.64 feet;
- 4) N 51°52'15" W 133.57 feet;
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- 12) N 01°04'43" W 220.92 feet;
- 13) N 04°21'55" E 165.68 feet;
- 14) N 14°29'59" E 72.00 feet;
- 15) N 17°10'40" E 223.39 feet;
- 16) N 40°45'58" E 149.70 feet;
- 17) N 39°50'54" E 279.15 feet to a point on the existing line of the corporate limits of the City of Payette;

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- 1) S 47°09'39" E 132.07 feet;
- 2) S 83°54'14" E 442.18 feet;
- 3) S 49°09'42" E 132.07 feet;
- 4) N 55°29'45" E 647.81 feet;
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- 7) S 85°05'16" E 53.05 feet;
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- 62) S 00°20'16" W 20.73 feet;
- 63) S 00°03'40" W 20.64 feet;
- 64) S 00°00'14" E 198.89 feet to the **POINT OF BEGINNING.**

Parcel II: In Assessor's Riverside Plat, as per Plat in Book 1, Page 10, Plat Records, Payette County, Idaho. In Block 23: Beginning at the SE corner of the SE1/4NE1/4 of Sec. 28, T9N, R5W, BM: thence West 660 feet, more or less, to the North and South center line of said SE1/4NE1/4; thence North 330 feet; thence East 660 feet, more or less, to the East side line of said SE1/4NE1/4; thence South 330 feet to the place of beginning; Save and excepting the road right-of-way along the East side thereof.

Parcel III: A portion of Block 3 of Assessor's Riverside Plat, according to the map thereof on file and of record in the office of the Recorder of Payette County, Idaho, said tract being situate in Government Lot 1 of Sec. 28, T9N, R5W, BM, and more particularly described as follows: Beginning at a point 1320 feet West and 661 feet North of the SE corner of aforesaid Government Lot 1; run thence North 339 feet, more or less, to the Easterly meander line of the Snake River; thence in a Southwesterly direction following said meander line of said river to a point 385 feet West of the point of beginning; thence East 385 feet, more or less, to the point of beginning.

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EXHIBIT C 061342



BEFORE THE CITY OF PAYETTE CITY COUNCIL

FINDINGS OF FACT, CONCLUSIONS OF LAW

IN THE MATTER OF AN APPLICATION BY:)
)
City of Payette)
FOR ANNEXATION)

I. APPLICATION PROCESS

1.1 LEGAL

The City of Payette has applied to annex approximately 94.42 acres of property that includes all the property West of North 9th Street, extending to the boundary of the Payette impact area that is currently not in the City limits. The proposed zoning will be B-Residential, excepting parcel #5294-1, #5451, #5450, #5449 & #5294 will be zoned Industrial.

In Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho, those portions of Section 28, Section 29, and Government Lot 5 of Section 33, more particularly described as follows:

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1.2 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 to be held March 26, 2009. The public hearing notice was also published in the Independent Enterprise February 25, 2009.

On April 7, 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 May 5,

2009. The public hearing notice was also published in the Independent Enterprise April 8, 2009.

II. PROPERTY REVIEW

2.1 EXISTING CONDITIONS

The property being annexed is within the City of Payette Impact Area. The majority of the property is in weeds. There are platted subdivisions surrounding the subject properties. There are 22 residential properties, most under 5 acres, on the subject property. All of the property has been previously subdivided. There are no original lots. Three parcels are owned or under lease by the City of Payette and used for the wastewater treatment plant or for access to the Greenway.

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 Public hearings were held by both the Payette Planning and Zoning Commission and the Payette City Council. The City Council heard this matter on May 5, 2009 at 6:00 PM.

4.2 WITNESSES TESTIFYING IN OPPOSITION:

4.2.1 Alice Finicum Nicholson – 901 River St; Payette, ID

I don't know what I can add to this argument, but I'm under the impression that farm animals are not allowed in the city, and I am opposed to changing my lifestyle. The only other thing I can think of is if we are forced to be annexed into the City we have certain obligations and a lot of the problems Payette has they brought on themselves. There was something I heard that was very disturbing to me that all new homes should be 120,000 so they can fatten their wallets, and all homes that are old should be condemned. Most of the people that buy older homes are younger people that are trying to fix them up.

4.2.2 Dennis Nicholson – 901 River St; Payette, ID

I am opposed to this annexation. Also stating in Idaho Statue 15, title 15, section 222 "any property that is five acres or more should not be able to be annexed unless the owner agrees to the annexation." I realize in talking around every city in Idaho is going miles out to annex and there is nothing out there, and I don't know what you got as far as programs, but we are not going anywhere. You only have a certain amount that you can grow. The Washington border stops you to the north, Fruitland stops you to the south, you can go out Little Willow ways for awhile, and if Fruitland doesn't beat you to it you can go out Washoe Road for a ways. All you are doing is irritating a lot of people and you are elected by those people. They should have a voice and as far as Mary saying all this about we should pay our way. Well if we use the library we have to pay \$50, and everyone uses the streets. As far as the parks are concerned we don't need your parks anymore, and as a matter of fact if you come to 901 River Street we have a nicer

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park then you do as far as I am concerned. We have nine deer that we feed and take care of and as long as no one shoots at them, they stick around. I have a badger, some foxes, and you guys are welcome to all the skunks that you can catch, we have a bunch. We also have eagles, hawks, owls, pigeons, and we like it there, and I would imagine the people that are on the pond like seeing the deer in our pasture. If we go into the city they are going to be chased out and eventually someone is going to develop that, and you are going to have houses right up to the pond. There is also a lot of children in the area and if you develop it 10th is going to be a mad house. People come speeding through River street 30, 40, and sometimes 60 miles an hour, and we were told that there was going to be some speed bumps or some sort of control and there hasn't been. The City police officers sit up on 10th a couple blocks and he catches a couple, but other than that it is pretty much a free for all down there.

4.2.3 Chet Boren – 2089 No 6th St; Payette, ID

I understand that the annexation is pretty much a done thing, because we went down to the county the other day and they already told me we were in so we are probably here on a formality. I would like to address that this annexation is damn poor policy. It's unfair, you don't provide anything, and it needs to be changed. I also went to a city council meeting in Fruitland the other night, and they had some policies over there they wanted to get passed. They invited the interested parties, and they made their point, and when they got through the mayor made an interesting point. He stated that is the government by the people and instead of running to the back room and hiding so no one knows what your vote is they held an open quorum of votes just because the people were there. We went to the planning meeting and all of these people that are here and several others expressed their resentment of the annexation and we wasted time, they weren't even man enough to vote in front of us and they haven't even published who voted what. A lot of people are following this annexation tonight and we have an election coming up and four of you are up for re-election and there are a lot of people looking at this.

4.2.4 Chad Boren – 2089 No 6th St; Payette ID

My father is a little upset, and the reason being that we have been at this parcel of property for over fifty years. We have property situated between the Riverside Cemetery and the Snake River bridge, and I don't understand what you want that for, unless it's to develop the greenbelt. There is no water or no sewer out there until you get to 17th Ave No. I do not think this is a very good policy, we are paying triple the taxes and do not have the benefits that everyone else in city limits has.

4.2.5 Richard Orris – 733 River St; Payette, ID

First off, I am very against this. The only thing that no one has asked yet is "why do you want it in the City" and for what purpose? All it is going to do is ruin our livelihoods out there. You say it's going to increase our property value, how is that when I have to pull my horses off if I decide to sell it. So now I have an acre of property that is no good to anyone who wants to put horses on it. The grandfathering ends with me, so when I decide to leave that place I am going to have to try and sell something that someone has water rights on and can't put their animals on there. That to me is de-valuing my property. Another thing is that I noticed that you have the pledge of allegiance, but not one person on the Planning and Zoning Commission said it was a good idea, they all said it was a

bad idea, and they didn't want it. You as an elected body of the United States are going to go ahead and vote against the people that said it was a bad idea. This happened in the 30's in Europe, and the country that they thought about annexing was Poland, and you know the rest. We do not want to be part of the city, it is elderly people and a lot of people out of work and you are going to triple their taxes when we're already struggling to survive. That makes no sense.

4.2.6 Ted Jeremiah - 739 River St; Payette, ID

I am opposed to the annexation and I came to the Planning and Zoning meeting to express that. We thought they were going to respond through our response that majorities of the people are against it, and we have not heard anything else about it. This is all acreage setting it is not in lot settings and we are all against it. Eventually our lifestyles are going to change, they already are.

4.2.7 Jim Chancellor – 735 River St; Payette, ID

I live where the two speedways meet where the greenbelt is at. The cars speed down towards the greenbelt, and I have lived there for 20 years now and I have never seen anyone get pulled over going to the greenbelt or on River Street. I have sat on my porch on River Street and have watched two cars and a motorcycle go through the fence because they were going too fast. I live on a fixed income and every year it gets rougher and rougher to get through the year and if they put us in the city it is going to put a burden on us paying the taxes. Our social security is our income and we have a supplemental house that we took an acre of our property and put a double wide on there and that helps pay the bills. I am 82 years old and I just wanted all you guys and women that are going to vote for this that if I was your brother, dad, grandfather, uncle, would you vote this in?

4.2.8 Ron Stein – 885 River St; Payette, ID

We bought that place with the acreage to raise the family; which we did, and to enjoy the livestock. I have cattle, horses, birds, pheasants, and peacocks before the kid let the loose through town. You are dealing with the way we live and we are totally happy with the way we live, not that we are opposed to the taxation, but to triple our taxes when the economy is in the tubes. You are almost hitting double digits in the unemployment rates and you are dealing with an economy that everyone is trying to get by. I know that Jeff needs a new fire station and I'm not opposed to that, but there is going to be a bond issue over that, so we are going to have to pay for that anyways. We pay for the cemetery and the roads, but do you pay for the roads when you go to Ontario to go shopping because you can't afford it in Payette, or it's not available? I just don't believe the timing is right and I am definitely opposed to it. You are probably going to ask me when the time is right and in the Planning and Zoning meeting I told them when I died or when I sold the place and that didn't go over very good. If I was going to split my land up to build houses then annex me. My land sits very narrow then it widens out and meets up with other pastures, so I couldn't put houses on the front section if I wanted to and that is 3 acres of my land. I'm not opposed to taxes, but we are paying for the fire service anyway, but sewer and water is not available. I just believe that the timing is not right and I have heard all week that you folks already have your mind made up and I hope that is not the case. I understand that as the City Council you are in trouble financially and everyone is making cuts in their budget and it's tough, but that 7th street fiasco is over budget. I do hope it gets done by the time I die so I can have a smooth ride to the cemetery.

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4.2.9 Craig Jensen – 316 15th Ave No; Payette, ID

Does this area need to be annexed, yes. Does it need to be annexed right now, no. If someone had a problem on River Street who would come, the Payette Police Department, yes. We are in a bad economy and this is a bad time for us to be annexing it. If someone had had a plat map of doing an improvement, then maybe I could see annexing but right now is not the time.

Councilor Williams asked Mr. Jensen what type of a barometer we should use to know when the right time is. Mr. Jensen stated that if there is a piece of property out there that someone wants to develop right now and has a shovel in hand. That would be the only thing I would see as being a good justification for annexing the property. Councilor Heleker asked Mr. Jensen at that time if such a property did develop are you saying that would also be the right time to annex the contiguous properties or just the property in question. Mr. Jensen stated well it had to be made that way so you could bring in city services than yes. Councilor Heleker asked Mr. Jensen if only those properties. Mr. Jensen stated yes, but again we are being hypothetical.

4.2.10 Robert Kehrer – 705 River St; Payette, ID

I am opposed to this because they are going to zone my property Industrial zone, and this is going to ruin what I have done to this place in the last 10 years. It's going to up my taxes and I'm not going to gain anything by it. No one has ever said how much our property taxes are going to go up, I just want to know. I am opposed to it because I am on a fixed income and am semi retired and I want to retire completely, but with the way the economy is I don't see that happening.

4.2.11 Kelli Carson – 900 River St; Payette, ID

I understand that the school board is going to meet very soon to discuss declaring a state of financial emergency. My wages as a teacher could be lowered, and I really don't understand why the city wants to increase my taxes at a time where people wages are being cut. The women who represented the city at the last meeting stated that the city was not interested in changing any one's lifestyle, but another \$250 added to my taxes would change my lifestyle. I have kids to take care of; bills to pay, and another \$250 out of my budget would change my lifestyle.

4.2.12 Frank Carson – 900 River St; Payette, ID

My wife is about to get her wages cut and I'm looking at a 5% ding on mine, and I don't even know if I have work past September. So if you do start taking more out, where is it going to come from? They have tried for years and years to annex this property and I have had plans for years to, and one of them is educating my children past high school. If I have to put out another \$200 dollars a month that is going to have to be one of the first things to go. We already drive 10 year old vehicle and my house is at a standstill on an addition I have been trying to complete for 3 years now. You're impacting our lifestyles our pocket books and our children's future tonight with your decision, or whenever you take your vote. We are not hurting a darn thing out there and we are not asking for a darn thing just let us be and we will be just fine. I don't think we take anything away from anyone around us. The people that walk on the greenbelt enjoy the my property and my animals, and other thing that brings up is if we leave for whatever reason that is going to be 5 and ¼ acres that cannot be used for that anymore.

Mayor Henderson stated that the vote is not a foregone conclusion nor I don't think have any of the council members discussed this with each other as far the voting. There was discussion about P&Z not voting on it in front of you and we are not going to vote on it tonight, and it is not because we don't want to vote in front of you. We want to listen to what you have to say and we want the council to have time to process that have time to check any facts they want to. We will be holding a vote at the next meeting on May 16th and you are all more than welcome to come.

Councilor Williams asked if the present owner cannot have animals and a future owner wants to have animals can they not apply for a conditional use permit. Clerk Cordova stated yes they could as long as they go through the correct application process.

V. COUNCIL DISCUSSION

Councilor Williams stated that water and sewer aren't an issue and I still believe that the Boren property just doesn't fit. It is serviced by a State Highway not the City. It is surrounded by land that is not exactly residential. When should it be annexed, I don't know but I just isn't the same deal as all the rest of it. I just have and issue with that. Councilor Hanigan stated that her concern with that piece of property was is that it would remain a county island in the middle of something that the county isn't servicing. They have the State of Oregon on the backside and they have the City of Payette everywhere else around them and I concern myself that the county would forget where they were if any type of emergency would happen.

Councilor Mussell asked if we could have a longer time period for that piece of property, maybe a year farther down the road. Attorney Osborn stated that I'm assuming you could put that in the ordinance, yes. Councilor Nelson stated that it seems like we did that with some of the property on Center Avenue. Councilor Heleker stated that in the past we had talked about a time table for all of the properties. Councilor Heleker asked Mr. Mussell if he was stating that he would like that property to have more time than what we had already discussed. Councilor Mussell stated yes.

Councilor Heleker stated that the work session that was referenced earlier was of great value to me. I was under the belief that there were several non-contiguous properties out there to City properties and in our further study I found that not to be the case. So, that changed my view point on the annexation a little bit. Again on the Boren property it may not be quite the same as the other properties and yet what Councilman Hanigan stated if it's the only island left out there it would be treated differently. I would be in favor of what Councilor Mussell has suggested to maybe give a little bit of additional time to that one property because it is different. I think that while we are doing this if we are going to do it, we should probably be consistent.

Councilor Nelson stated that even though it is a State Highway so is 2nd Ave South in town and we service that. Councilor Cochran asked Councilor Mussell what a significant time frame would be. Councilor Mussell stated that I'm ok with the rest of it, but with that one piece of property giving them until 2011 to be annexed.

VI. FINDINGS OF FACT

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

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6.1 The annexation will incorporate the Payette water planning area.

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

6.2 Limited to negotiated area of impact agreement.

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

5.3 Attempt to balance costs of services with anticipated revenues.

The annexation will result in property tax, franchise fees, 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:

5.5 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.

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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 City 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 8, 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 May 5, 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:

1. Police Protection. Payette Police Department services will extend to the proposed annexation described herein without significant adjustment of current staffing levels or organizational structure.
2. 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.
3. 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.
4. 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.
5. 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 is the intent of these findings 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 to the Comprehensive Plan

The zoning being applied, B-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 and zoning being applied. The zoning being applied I- Industrial, will match the zoning in the County 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.

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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.

VII. CONCLUSIONS OF LAW

Based upon the above and foregoing findings of fact, the Council concludes that annexation of the above described parcel of property is a legitimate exercise of the City's annexation authority.

VIII. DECISION

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

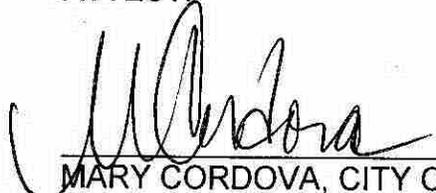
Based upon the foregoing Findings of Fact and Conclusions of Law, the planning and zoning procedure conducted throughout the City, the comments, both oral and written, received at the public hearing held hereon, and the deliberation of the City Council of Payette, Idaho, Councilor Hanigan moved, seconded by Councilor Cochran to approve the annexation, and that Parcel I & Parcel II, have an effective date of January 1, 2010, & Parcel III have an effective date of January 1, 2011 as presented on May 5, 2009. The motion passed by unanimous voice vote.

Dated this 6th day of July, 2009.

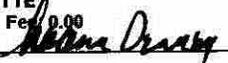
PAYETTE CITY COUNCIL
PAYETTE, IDAHO


DOUGLAS HENDERSON, MAYOR

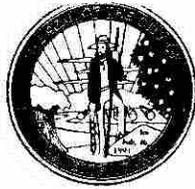
ATTEST:


MARY CORDOVA, CITY CLERK

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Instrument # 361342
STATE OF IDAHO, PAYETTE COUNTY
7-9-2009 09:51:00 No. of Pages: 22
Recorded for : CITY OF PAYETTE
BETTY J DRESSEN Fee: 0.00
Ex-Officio Recorder Deputy 
Index to: ORDINANCE - MISC

Bobbie Black
Deputy City Clerk



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

OFFICE OF THE CITY CLERK

October 28, 2009

State Tax Commission
PO Box 36
Boise, ID 83722

Subject: Ordinance #1304

Enclosed please find signed recorded Ordinance #1304, vicinity map
and annexed area map.

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

Respectfully,

Bobbie Black
Deputy City Clerk

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