

Welcome to tonight's City Council meeting!

The elected officials of the City of Bonners Ferry are appreciative of an involved constituency. Testimony from the public is encouraged concerning issues when addressed under the Public Hearing portion of the agenda. Any individual who wishes may address the council on any issue, whether on the agenda or not, during the Public Comments period. Normal business will preclude public participation during the business portion of the meeting with the discretion left to the Mayor and Council. Special accommodations to see, hear, or participate in the public meeting should be made at City Hall within two days of the public meeting.

Vision Statement

Bonnors Ferry, "The Friendliest City", strives to achieve balanced growth, builds on community strengths, respects natural resources, promotes excellence in Government, and values quality of life.

AGENDA CITY COUNCIL MEETING Bonnors Ferry City Hall 7232 Main Street 267-3105 April 2, 2019 6:00 pm

PLEDGE OF ALLEGIANCE

GUEST

PUBLIC COMMENTS

Each speaker will be allowed a maximum of five minutes, unless repeat testimony is requested by the Mayor/Council

REPORTS

Police/Fire/City Administrator/City Engineer/Economic Development Coordinator/Urban Renewal District/City Planner/SPOT

CONSENT AGENDA – {action item}

1. Call to Order/Roll Call
2. Approval of Bills and Payroll
3. Approval of the March 19, 2019 Council meeting minutes

OLD BUSINESS

NEW BUSINESS

4. City – Consider Memorial Day Parade Being a City Event {action item}
5. City – Set Date for Fiscal Year 2020 Budget Public Hearing {action item}
6. Pool – Consider Approval to Advertise for Lifeguards (attachment) {action item}
7. Street – Consider Approval to Advertise for Seasonal Park Employee (attachment) {action item}
8. Golf – Consider Approval of the Patio Project for the Golf Course (attachment) {action item}

PUBLIC HEARING

File AN03-18 Annexation Request from Gerald Higgs

NEW BUSINESS

9. City – Consider Annexation Agreement with Gerald Higgs File AN03-18 (attachment) {action item}

ADJOURNMENT

Mayor David Sims called the Council meeting of March 19, 2019 to order at 6:00 pm. Present for the meeting were: Council President Rick Alonzo, Council Members Adam Arthur, Valerie Thompson and Ron Smith. Also present were: City Administrator Lisa Ailport, Police Chief Brian Zimmerman, Fire Chief Dave Winey, Economic Director Dennis Weed, Contract Attorney Will Herrington and Clerk/Treasurer Christine McNair. Members of the public present were: Jessica Tingley, Marciavee Cossette, Denise Crichton, Valerie Surprenant, Matt Surprenant and Eric Lederhos.

Police Chief Brian Zimmerman said Thursday at the high school there was a threat that was solicited by other students in the classroom. The threat was not specific and there was not an actual list. The School Resource Officer went to the school and interviewed the student, with his parents present. It was decided that the student would go to counseling prior to returning to school. Sunday evening social media blow the issue out of proportion. Monday there were three Sheriff's Deputies and two City Officers at the school to make sure everyone felt safe. Due to social media there were 199 absences at the high school. Today was normal attendance. Mayor Sims asked if the student is back in school. Brian Zimmerman said the student will not be back in school until he has finished counseling. Valerie Thompson thanked the police department for the response on social media. Brian Zimmerman said Assistant Chief Marty Ryan did a masterful job when writing the response.

City Administrator Lisa Ailport gave her report. Lisa said the Highway 95 construction is related to the utility moves with Avista and Frontier. Lisa said she and the Mayor met with Idaho Transportation Department (ITD) today to discuss the construction project. Mayor Sims said there will be weekly construction meetings once the project starts. Valerie Thompson asked if updates will be reported on the City's website. Mayor Sims said ITD has a website just for this project. Lisa said there is a link to the ITD project website on the City's website. The Notice to Proceed was issued to Knight Construction for the silt removal project. We are working with ITD to get a special permit to allow the crane to be moved to the Moyie Dam. Lisa said it is in the final stages of getting the legal descriptions for the Solomon Street to Wilson Street project. It is possible that Lisa will bring a contract forward for this project with another engineering firm, since it is big project for this year. The Federal Land Access Program (FLAP) application for Riverside Street is still in process. Letters of support have been received from the Boundary County Commissioners, Kootenai Valley Resource Initiative, International Selkirk Loop, Rotary. Still waiting for letters from the Kootenai Tribe of Idaho and Boundary Area Transportation Team. The High Five steering committee met today and will be bringing forward some new projects.

Economic Director Dennis Weed gave his report. Dennis has received comments about Verizon Wireless dropping calls. Dennis contacted Verizon Wireless. One issue may be people using 3G phones which are no longer supported. Bill Jhung, the director of small business development for North Idaho College, will be here March 20, 2019, to give a class. Urban Renewal Agency (URA) discussed adding two more districts. One district will be west of the highway near the former Pape property. The other district will be east of the highway near John Taft's house to Garden Court. It will also include the high school and the middle school. There are 13 years left on the original district. Mayor Sims said a feasibility study has to be done to make sure the districts allowed by law.

Lisa thanked Cody Reichart and Kevin Cossairt for their dedication with the electrical issues over the weekend. They were called out around 2am Saturday morning and continued working until the problem was resolved around 7pm on Sunday. The issue was a leak in the steam room at the Idaho Forest Group mill which was causing amperage surges.

Adam Arthur moved to approve consent agenda. Valerie Thompson seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

Lisa Ailport said a splash pad has been discussed for approximately six months. The capital costs will most likely be available through grant funds, but the long term maintenance costs need to be considered. Ryan Lutman from Century West, gave an estimate of maintenance costs of approximately \$73,000. Lisa said it might be possible to reduce the costs to \$50,000 - \$65,000. The water costs are estimated at \$6,000 - \$7,000 per year. Mayor Sims said the gallons per minute can be adjusted. The wastewater can be emptied into storm sewer instead of the regular sewer. Rick asked why not use sewer. Mayor Sims said it would have to be treated if we use the sewer. Ron asked who pays for the water. Mayor Sims said the general fund will pay the water department. Mayor Sims said there is an opportunity have the capital costs paid at this time and that opportunity may not happen again. Adam asked what the pool costs are currently. Mayor Sims said \$40,000 - \$50,000 per year. Lisa said it is possible to plumb for all the available features, but cap some features off in the beginning. Valerie Thompson asked about lighting for night use. Lisa said the splash pad can be turned off at night. Rick asked if this is a non-slip surface. Lisa said it is. Ron Smith moved to direct staff to develop a cost estimate and go to High Five for the funding request. Rick Alonzo seconded the motion. The motion passed with all in favor.

Lisa said Panhandle Area Council (PAC) presented a contract for the sewer income survey. Will said his concern was that there were no parameters in the contract so he added #5 which requires PAC to conform to the Department of Commerce standards. Valerie Thompson moved to authorize the Mayor to sign the contract with Panhandle Area Council for the income survey pending the approval by legal counsel. Adam Arthur seconded the motion. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

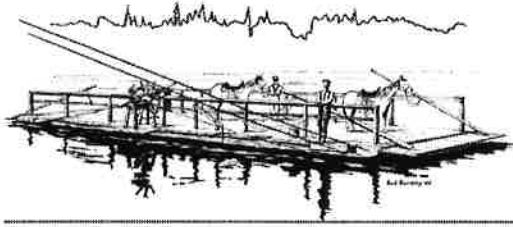
Lisa said pay request #8 from PAC is in the amount of \$1030.00 for the pool project. Rick Alonzo moved to authorize the Mayor to sign pay request #8 with Panhandle Area Council for the pool project for \$1030.00 Ron Smith seconded. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

Mayor Sims said the 9B Trails asked the URA to fund the Kootenai River Trail. 9B Trails is a non-profit and the URA works on a reimbursement bases. That is why the Mayor thinks the City could pay for the initial costs and the URA can reimburse the City. Adam asked if this will only be a City project not an ongoing City maintenance item. Mayor Sims said there may be maintenance costs for the surface and the lighting. Lisa said there is quite a bit that needs to be developed. Lisa said the two areas that staff needs direction on are: if Council will allow this to be a City project and if Council will authorize staff to apply to the Union Pacific Railroad (UP) and ITD for permission to use their right of way for the trail. Lisa said staff has not had time to define specifics for the project. Mayor Sims said there is not any trail planned from Chinook Street to the bridge abutment, so that will have to be included. Mayor Sims said the trail surface is a lower cost than asphalt and Wood's is will to make the surface and install it. Dennis said it sets up like concrete, but there is less maintenance. Adam asked if it does get cracks if it is repairable. Dennis said it is. Mayor Sims said it is 850 feet long. Dennis said there has been 1400 projects in Pennsylvania with this same surface. Valerie Thompson said it make sense to ask UP for permission, but she finds it difficult to make any financial commitments. Valerie Thompson said there are other stakeholders that should be considered. Mayor Sims asked who the other stakeholders are. Valerie Thompson said the 9B Trail committee, UP and Boundary County. Adam said he is concerned with the on-going maintenance costs. Lisa said there may be a need for fencing near the railroad. Rick said sometimes the railroad will fund these projects. Mayor Sims said 9B Trails requested funds for the

project from UP and were denied funding. Dennis said 9B Trails did present this to the County Commissioners and the Commissioners were in full support. Mayor Sims said the first step is to apply to UP for permission to use their right of way. Adam asked if the plan is to have the City maintain the trail. Lisa said it will be a City trail. Adam is in favor of this being a City project. He is not in favor of the City maintaining it. Ron said since this will go to the county ball park, the County may help. Ron asked if Lisa thinks the City should commit to doing the maintenance. Lisa said it is fiscally more responsible to plan that way. Rick asked Dennis if he asked anyone with this type of trail what the costs are to maintain it. Dennis said did not ask but was told it was very low maintenance. Dennis said he can get the maintenance costs. Rick would like to know the maintenance schedule and costs. Valerie Thompson moved to authorize staff to apply to Union Pacific Railroad and Idaho Transportation Department for permission for the River Park Trail on their properties. Rick Alonzo seconded the motion. The motion passed with all in favor.

Mayor Sims said when Council was asked for approval to advertise for the billing clerk position the wage was not discussed. The position was advertised at a range of \$13.50 - \$15.00 per hour depending on experience. Rick Alonzo moved to start the candidate at \$14.50 per hour. Ron Smith seconded the motion. The motion passed. Adam Arthur – yes, Valerie Thompson – yes, Rick Alonzo – yes, Ron Smith – yes.

The meeting adjourned at 6:59 pm.



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

TO: Mayor and City Council

FROM: Lisa Ailport, City Administrator *LMA*

DATE: March 27, 2019

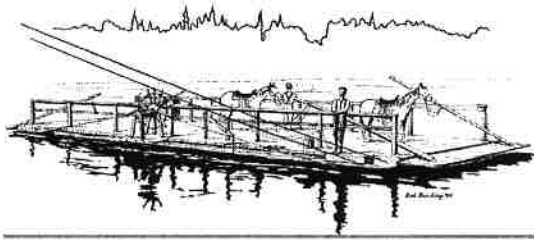
RE: Approval to Post Lifeguard Positions with Dept. of Labor

Spring is here and that means summer is quickly approaching. Staff would like Council to consider authorizing staff to list our seasonal lifeguard positions with the Department of Labor. If approved, staff will work to get our job postings up as soon as possible so we can select the guards and get the necessary training completed before the summer pool season opens.

Based on a previous decision by Council back in November of 2018, the hourly rates were approved as follows:

Lifeguard \$9.00
Certified Lifeguard \$9.50
Lifeguard WSI *or* LGI \$10.00
Lifeguard WSI & LGI \$10.50

On a side note, the Head Lifeguard position was listed and we successfully filled that position for the 2019 season.



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TO: Mayor and City Council

FROM: Lisa Ailport, City Administrator *LMA*

DATE: March 27, 2019

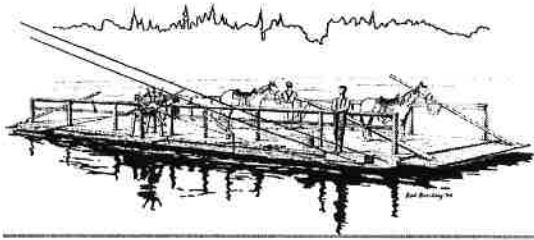
RE: **Consideration to Hire Seasonal Parks / Streets Position**

The City has in recent past hired a seasonal Parks and Streets position to assist with the maintenance and care of our parks and public spaces. Typically this person is used to help mow and care for our parks within the city.

Last season the seasonal person was hired at a rate of 12.36 per hour. I am told that the seasonal employee that the City hired last year is interested in the position again this season. With hiring this person comes the continuity of both training and understanding of our parks system and equipment and I believe they should be compensated for this.

Since the position holds no additional fringe benefits, I would recommend that we compensate the employee at a rate of 14.00 per hour.

Please let me know if you have any questions.



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TO: Mayor and City Council

FROM: Lisa Ailport, City Administrator *LMA*

DATE: March 27, 2019

RE: **Capital Improvements for Golf Course**

The City Street Department staff, City Engineer, Golf Contractor and I met at the golf course on March 27, 2019, to discuss the construction of a patio or deck on the south end of the Club House. After a lengthy discussion, there was consensus around the idea of replacing the deck with an at-grade concrete patio. The former deck was approximately 15'x20' or 300 square feet and the new proposed patio will be approximately 20'x40' or 800 square feet.

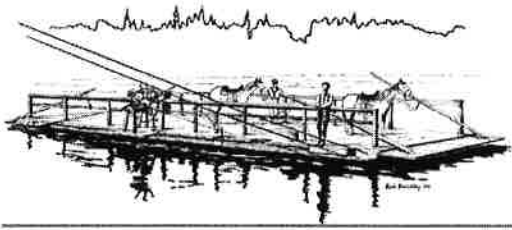
Mike and I are working up some plans to locate the deck in the area adjacent to the parking lot, heading west towards the lower parking lot. We believe that the cost associated with construction of a patio would be far less costly than replacing the deck structure. This would free up additional monies, as allocated by Council, for other project at the course.

Additional projects identified at the course include:

- Pump shed building replacement
- Pump at lower pond replacement
- Re-roofing of Club House
- Cart path development
- Maintenance shed lighting and cosmetic repairs
- Fuel tank replacement
- Landscaping/cosmetic repairs to clubhouse –where former deck was located

According to Ralph, the course may open within the next 2-3 weeks. Staff is seeking approval from Council to move forward with project development of the patio, include cost estimates and timeframes for completion. Our hope is that after consideration, the Street Staff can start working on the project immediately.

Please feel free to contact me with any questions.



CITY OF BONNERS FERRY

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STAFF REPORT FOR HIGGS ANNEXATION REQUEST – BONNERS FERRY CITY COUNCIL FILE #AN03-18

Prepared by: Clare Marley, AICP
Contract City Planner

Project Description: The applicant is requesting annexation of about 1.38 acres of land into the City of Bonners Ferry, the designation of the land as "Residential" on the comprehensive plan Future Land Use Map and a zoning district classification of "Residential B" for the subject land.

Location: The subject land is located west of 7612 Wild Horse Lane, in Section 21, Township 62 North, Range 1 East, Boise Meridian.

Parcel Size: Approximately 1.38 acres

**Applicants/
Property Owners:** Gerald B. Higgs

**Applicant's
Representative:** Dick Staples, PLS, JRS Surveying

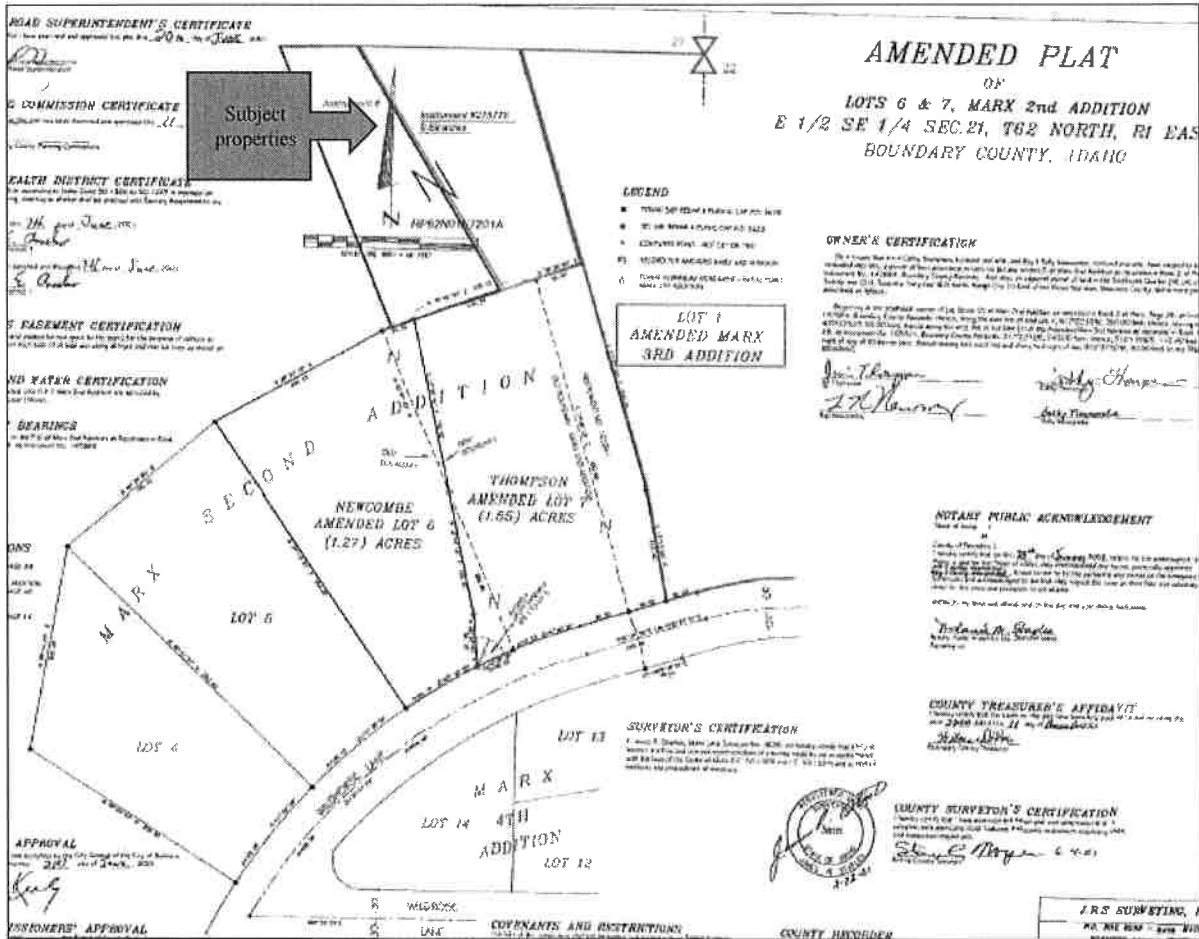
Application Filed: November 5, 2018, and revised December 28, 2018

Notice Provided: Mailed: March 15, 2019
Site Posted: March 12, 2019
Notice to Political Subdivisions: March 15, 2019
Newspaper publication: March 14, 2019

Hearing Dates: Planning and Zoning: February 21, 2019
City Council: April 2, 2019

**Planning & Zoning
Commission
Recommendation:** Recommended approval of Residential B zoning for the property at the P&Z hearing of February 21, 2019.

Packet Information: Annexation application, site plan
Agency meeting summary, dated January 10, 2019
Public comment
Draft annexation agreement



Map of subject area

APPLICABLE STATE AND CITY CODES/PROCEDURES

Idaho Code §50-222, Annexation by Cities, provides the procedures for annexations. Paragraph 5(a) of this section grants authority for the cities to initiate planning and zoning procedures to provide a comprehensive plan map designation and zoning classification. The law requires the cities to follow the public noticing procedures of the Local Land Use Planning Act, Title 67, Chapter 65.

Idaho Code §67-6509, Recommendation and Adoption, Amendment, and Repeal of the Plan, and §67-6511, Zoning Ordinance, require at least one hearing be conducted on the request to amend the plan and zoning map. At least 15 days prior to the hearing, notice shall be given to the political subdivisions within the jurisdiction, the school district, and airport manager. In addition, notice must be provided to the media and posted on available city websites. For the zoning map amendment, notice shall be given at least 15 days prior to the hearing to all landowners within 300 feet of the subject property. The governing bodies shall analyze the requested zoning district map amendment and ensure it is not *"in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction..."* The Planning and

Zoning Commission shall make a recommendation to the City Council on the proposed amendment. The City Council may conduct at least one public hearing, in addition to the Commission decision, after it receives the recommendation from the Planning and Zoning Commission. If the City Council makes any material change in the recommendation or options contained in the Commission recommendation, further notice and a public hearing must be conducted by the Council.

Bonnors Ferry City Code §11-1-2 (I), Annexation Prerequisite, requires the Planning and Zoning Commission recommend to City Council a comprehensive plan map designation and zone change for the area proposed for annexation.

Bonnors Ferry City Code §11-6-1, et seq., establishes the public hearing process for zoning map amendments. The Planning and Zoning Commission shall make the recommendation to Council, and the Council may require a public hearing before making a recommendation.

I. PROPERTY INFORMATION:

1. Site acreage: 1.38 acres.
2. Access: The subdivision lot to the east owned by the applicant is accessed by Wild Horse Lane, a public right-of-way that is chip-sealed.
3. Services: The applicant is not requesting additional city services. The site is vacant and not served by water or sewer services.
4. Surrounding uses and zones:

Compass	Comp Plan Designation	Current Zoning	Uses/Densities
Site	Residential - ACI	Proposed Residential B	Vacant
North	Residential - ACI	Unincorporated	Timberland, vacant
South	Residential	Residential AA	Developed 1-acre lot and 1-acre vacant
East	Residential	Residential AA	Applicant homesite on 3.67 acres
West	Residential - ACI	Unincorporated	17 acres undeveloped land

II. PROJECT OVERVIEW/SUMMARY

Gerald B. Higgs is requesting annexation of land he recently purchased to the west of his existing homesite in Marx 3rd Addition subdivision. He desires to combine the recently acquired land with his Lot 1, so that the entire property is within the city limits. His land is located at 7612 Wild Horse Lane. The applicant desires no additional city services and advises in his application that the site is "too steep for development/access. Elevations are above water/sewer serviceability." Although the land adjoining this site is zoned Residential AA to the east, the application states the proposed Residential B zone is a "transition buffer zone" between the residential subdivision lots and the undeveloped land to the west within Boundary County unincorporated. The proposed Residential B would allow fire safe management practices, which could include use of goats to seasonally trim back brush and grasses, the application notes.

The annexation is being considered by the City under the "Category A," or the voluntary annexation process covered by Idaho Code §50-222, "Annexation by Cities." Voluntary annexations require:

- Consent by landowners. The landowner submitted a notarized consent to annexation, dated November 28, 2018 (revised application).
- Contiguous to city. The city limits touch the eastern border of the 1.38-acre subject parcel.
- Be within the Area of City Impact or included in the comprehensive plan. The land is located within the Bonners Ferry ACI and is designated as "Residential" on the City Future Land Use Map, adopted January 15, 2019.

Idaho Code and Bonners Ferry City Code require the subject land be given a Future Land Use Map (comprehensive plan map) designation and be assigned a zoning district prior to annexation. The landowner has requested his land be designated "Residential" on the Future Land Use Map and be zoned Residential B.

The recent City-initiated application to designate lands within the Area of City Impact (ACI) as "Residential" was approved by Bonners Ferry City Council January 15, 2019. This site is now designated "Residential," and no further action is needed for the comprehensive plan map designation.

III. AGENCY COMMENTS

Affected agencies gathered November 8, 2018 at City Hall to review the application for annexation. City Administrator Lisa Ailport, AICP, provided a summary of the discussion and recommendations in the attached memo to this file. The January 10, 2019 memo noted:

1. Due to steep slopes, bringing full urban services to the site is challenging.
2. City departments reviewed potential challenges of accessing the site in the event of fire, due to steepness.
3. Considering the comprehensive plan and challenges to services, the annexation request is a "policy question" as to whether the City should grow in this area.
4. An annexation agreement should address:
 - a. Density The annexed property should not be considered as separate parcel(s) and shall incur no new density.
 - b. Zoning/subdivision standards. The applicant shall combine the newly acquired 1.38 acres with the existing platted lot to form one lot with no added density afforded the lot.
 - c. City services. The annexed area would not be afforded any new city utility services and the city shall have no obligation to provide additional services beyond current service boundaries.
 - d. Application costs. The applicant shall bear the costs of the annexation processing and map updates.

A report on the impacts of annexation to the city is not required for voluntary (Category A) annexations. However, the portion of Idaho Code that requires annexation plans for non-voluntary annexations provides valuable elements for the consideration of any annexations (§50-222(5)(iii)). These elements and the particulars of this proposed annexation are:

- A. The manner of providing tax-supported municipal services to the lands proposed to be annexed. *The applicant wishes to consolidate adjoining properties into one lot, all within the city limits. Extension of city sewer or water is not requested. There are no road extensions proposed. Annexation could result in tax-supported emergency and administrative services.*

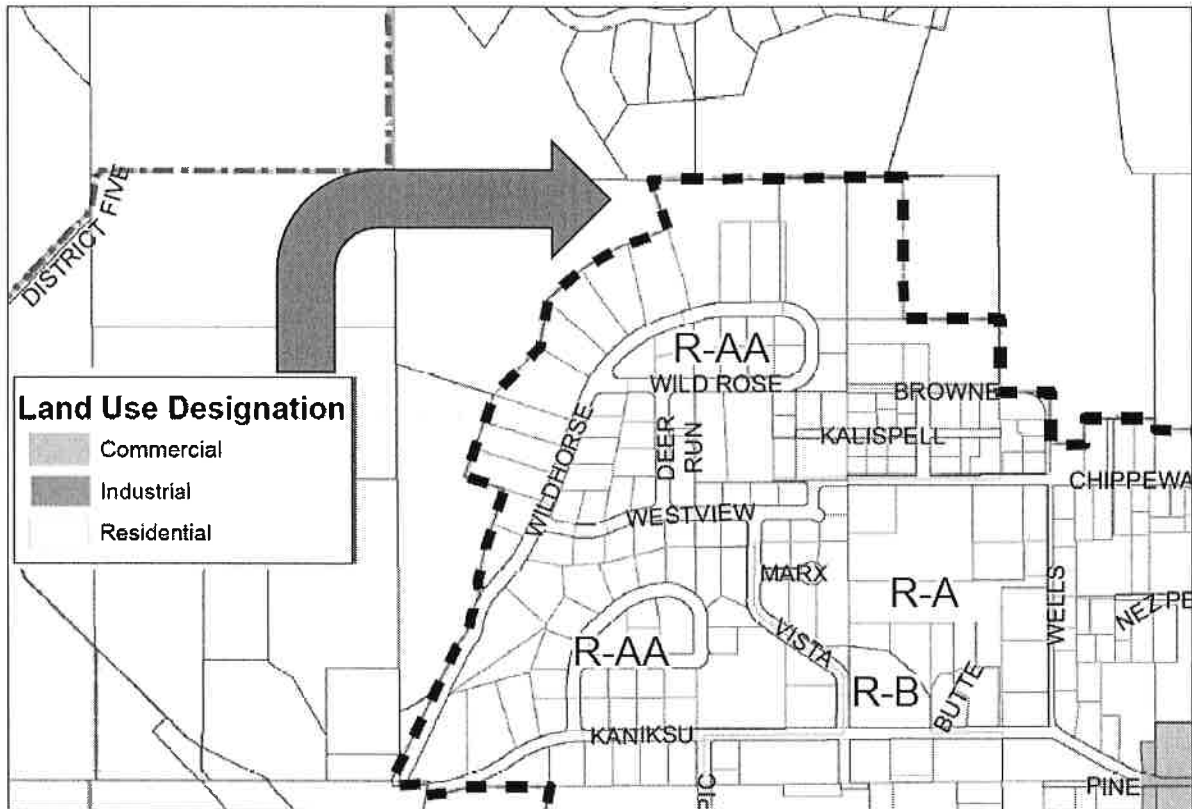
- B. The changes in taxation and other costs, using examples, which would result if the subject lands were to be annexed; *Boundary County Assessor Dave Ryals reported the projected annexation value of the Higgs property to be \$33,740. (Values are estimates because the official 2019 values will not be certified until July.) The value of Higgs' 1.38 acres multiplied times the city's previous levy rate of .0047875400 produces a tax yield of about \$161.53 for the year, according the Assessor estimates (emails dated 1/23/2019).*
- C. The means of providing fee-supported municipal services, if any, to the lands proposed to be annexed; *The draft agreement excludes city sewer or water services.*
- D. A brief analysis of the potential effects of annexation upon other units of local government which currently provide tax-supported or fee-supported services to the lands proposed to be annexed. *Impacts are summarized in the City Administrator's summary of the November 8, 2018 agency review meeting, attached to this report. Further review of the proposed impacts to the city are noted in the staff analysis section of this report.*
- E. The proposed future land use plan and zoning designation(s), subject to public hearing, for the lands proposed to be annexed. *The land is designated "Residential" on the City of Bonners Ferry Future Land Use Map. The landowner requests Residential B zoning. The Planning and Zoning Commission recommended approval of the Residential B zoning at its February 21, 2019 public hearing.*

IV. PUBLIC COMMENTS

1. A public comment was submitted to the record on February 14, 2019 (see attached) from Larry and Mila Cousins. According to their submission, they feel that it is ill-advised to increase the burden of the cost of fire protection and city services and liabilities for the benefit of a single private individual. Additionally, their written comment suggests that it would be a poor precedent to approve annexations of properties where it improves the situations for one individual, potentially at the cost to the City as a whole.

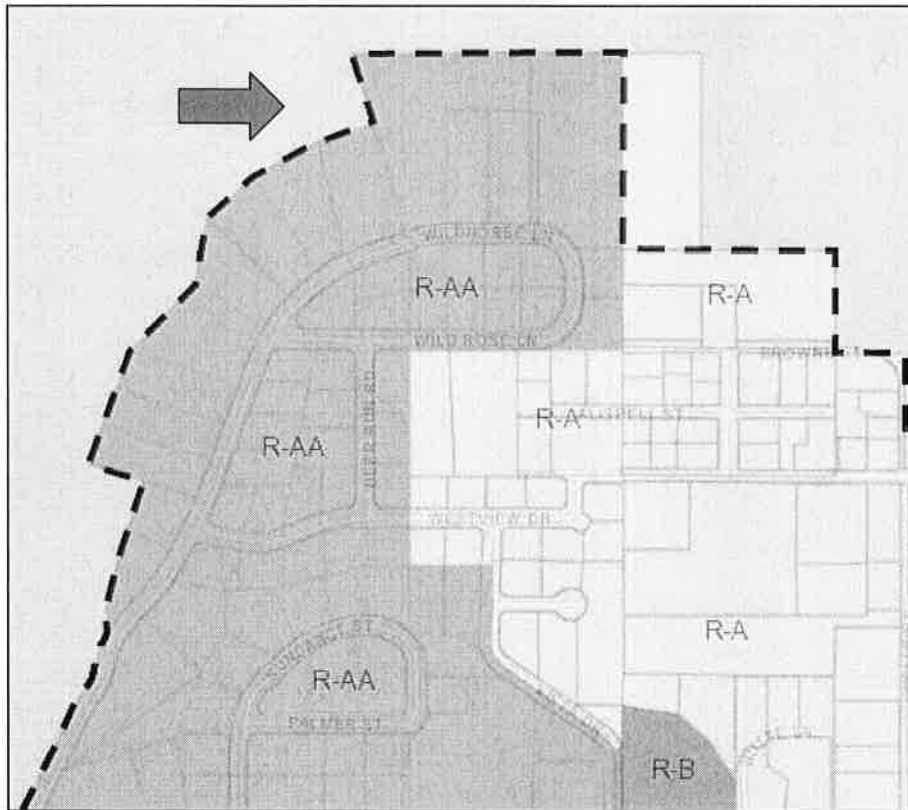
V. ANALYSIS

1. Comprehensive Plan: The applicant requested a Residential map designation on the Future Land Use Map. The City of Bonners Ferry Residential designation is intended to "support zoning districts allowing a range of housing types and densities. The Residential designation also allows for certain public uses such as parks, fire and police facilities and K-12 schools. The zoning districts that are appropriate for this designation are Residential AA, Residential A, and Residential B." The applicant requests the subject land be zoned Residential B. The Residential designation for this area and other lands with the Area of City Impact was approved by the Bonners Ferry City Council January 15, 2019 (File #AM02-18). No further action is required by the governing bodies on the land use map designation.



Comprehensive Plan Future Land Use Map, 1/15/19

2. Zoning: As a prerequisite to annexation, a zoning district must be assigned by the City. Consideration of any amendment to the City zoning map requires confirmation by the governing bodies that the proposed zone is in accord with the policies of the adopted comprehensive plan. The land adjoins Residential AA areas of the City, as seen in the copy of a portion of the zoning map shown on the next page. The applicant requests a Residential B as a transition between the city's Residential AA zone and county lands to the west. Each of the city's Residential zoning districts allows single-family dwellings, with minimum parcel size for future development set at 5,000 square feet for all three zones. The Residential B allows certain livestock and poultry on parcels larger than 1/2 acre, with limits set based on animal units. The unincorporated lands to the west are zoned Residential, which allow 1/4 to 2.5 acre lot sizes. The Planning and Zoning Commission discussed the differences between the zoning to the east and west of the subject property and whether the future zoning should follow the trends and lot sizes to the east (city, smaller) or west (unincorporated, larger). They also discussed concerns about creating an "island" of different zoning. The vote to recommend the Residential B zone was unanimous. (See attached Planning and Zoning Commission minutes of February 21, 2019).



3. A summary of these policies as they relate to annexation and future zoning are as follows:

i. **Section 1.2.7 – New Growth:** The adopted City policy requires “new growth” to pay its own way, without causing additional financial burdens on its citizens or reducing the quality of current services. New service demands are to be funded by the developers. *Staff comment: The proposed annexation would impact emergency and administrative services indirectly. The land would be consolidated with an existing homesite, under the annexation proposal, so additional impacts are reduced because no new homesites are to be created. The City staff review of the project noted challenges to access this site in the event of a fire. The annexation would not include new road maintenance requirements. No sewer or water connections are requested.*

ii. **Land Use:** Land use decisions must address availability of utility services. Goal 4: Safe domestic water supply should be available to all city residents, with users being responsible for the extension and system improvements. General rate payers should not bear the obligation to provide service to new users in areas not currently served by the City water system. Goal 7: Policies and dealings with individual development requests should reflect the “long-term” well being of the utility capacity and budget availability of the City. Goal 8: Encourages development of land within the City prior to annexation of undeveloped fringe areas. Lands developed on the fringe for

eventual annexation should meet City development standards from the outset. Land use policies state that land considered for annexation be contiguous, services are available, fiscal impacts are evaluated, any "deficits" in service provisions or substantial costs be factored into any approval, and annexation agreements be used to mitigate. *Staff comment: The subject land is contiguous to the city limits. Connection to the city water and sewer services is not requested. The subject 1.38 acres is vacant land. There are no known "deficit" city service provisions. A draft annexation agreement addresses requirements to combine the subject 1.38 acres with the existing lot to the east and acknowledges that no additional services are to be extended to this land. The applicant acknowledges receipt of the draft annexation agreement and found terms to be acceptable and appropriate (email to planner, 2/20/19).*

- iii. **Transportation:** Coordinate the transportation system with neighboring jurisdictions. *Staff comment: The City will not assume additional maintenance obligations with the proposed annexation, as noted in the City Administrator memo.*
- iv. **Housing:** This section of the plan addresses clean, safe, adequate housing. *Staff comment: As noted, there is an existing homesite owned by the applicant to the east of the subject site. The applicant intends to combine the newly acquired acreage with the existing subdivision lot, which will not result in new homesites.*

VI. **APPLICANT RESPONSE**

The applicant provided an email response dated 1/16/19 to the proposed annexation agreement. Mr. Higgs stated he has already paid a \$500 fee for the annexation application to cover costs of processing and does not agree to cover further "unspecified amounts." He agrees that the City has no obligation to provide additional services. He plans to create a new plat of Takca Hill, a one-lot subdivision of the 1.38 acres and his existing Lot 1. He would agree to a "mutual aid" arrangement between the City and North Bench Fire Association in the event of wildfire. He believes denial of the annexation would not be in keeping with the Area of City Impact purpose as a "natural progression of growth." A revised annexation agreement reflecting adjustments to zoning map preparation costs was provided by city staff to the applicant February 19, 2019. The applicant advised by email that he found the terms to be acceptable.

DRAFT MOTIONS BY CITY COUNCIL:

Annexation Agreement: Under separate consideration by the City Council.

Annexation and Zoning Map Amendment

Motion to Approve: I move to approve the annexation of 1.38 acres that are the subject of File #AN03-18 and the zoning of these lands to Residential B, finding that it **is in accord** with the goals and policies of the adopted City of Bonners Ferry Comprehensive Plan.

Motion to Deny: I move to deny the annexation of 1.38 acres that are the subject of File #AN03-18 and the zoning of these lands to Residential B, finding that it is **not in accord** with goals and policies of the adopted City of Bonners Ferry Comprehensive Plan. The actions to be taken to gain approval is to resubmit an application that can be shown to be in general compliance with the City Comprehensive Plan.

I further move to adopt the following findings and reasoned statement as written (or as amended) [SPECIFY WHAT OR WHY THE STANDARDS DON'T MEET THE NEEDS OF THE CITY AND READ STATEMENTS, SPECIFYING WHETHER THE PROJECT MEETS OR FAILS TO MEET THE STANDARDS, BASED UPON THE FINDINGS OF RECORD].

VII. REASONED DECISION

Reasoned Statements:

The annexation and map amendment **IS/IS NOT** supported by the City of Bonners Ferry Comprehensive Plan.

- | | |
|----------------------|-------------------------------------------|
| Community Design | Special Areas and Sites |
| Natural Resource | Recreation |
| Population | Housing |
| Economic Development | Land Use |
| Hazardous Areas | Public Services, Facilities and Utilities |
| Transportation | Implementation |
| Property Rights | School Facilities |

Draft Findings:

1. The subject property is contiguous to the city limits on the east side, adjoining Lot 1 of Marx 3rd Addition Subdivision on Wild Horse Lane.
2. The applicant has submitted a signed affidavit consenting to annexation.
3. The land is within the Bonners Ferry Area of City Impact.
4. The City does not require impact fees or development fees for annexed lands. Any services to individual lots are required to be paid by landowners seeking services.
5. The site is vacant.
6. The applicant proposes to combine the newly acquired 1.38 acres with an existing lot within the city limits to form a single ±5.05-acre lot, all within the boundaries of the City of Bonners Ferry.
7. No additional homes or further subdivision of the land are proposed.
8. The site is located on an existing public right-of-way, Wild Horse Lane.
9. The City is not obligated to provide additional services beyond its existing coverage area.

10. The applicant is requesting the subject land be zoned Residential B.
11. The land within the city limits to the east is zoned Residential AA.
12. No additional access points or extensions of public streets are proposed as a part of this annexation request.

VIII. CONDITIONS OF APPROVAL

1. The annexation shall be complete upon adoption of an ordinance by the City Council.
2. Prior to adoption of an ordinance annexing the property, the City and applicant shall enter into an Annexation Agreement, which shall at a minimum address the following:
 - i. Density. The subject property is not to be considered as a separate parcel and shall incur no additional density.
 - ii. Fees. Fee associated with the annexation request shall be paid by the applicant.
 - iii. Subdivision standards. The applicant shall combine the subject acreage with the existing Lot 1 of Marx 3rd Addition to form a single, platted lot.
 - iv. Utilities. The site will not be afforded any new city utility services.
3. The terms of the annexation agreement shall be completed prior to the adoption of the annexation ordinance.
4. Upon annexation, the City will amend the official zoning map to reflect a zone district of Residential B for the subject land.



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

TO: Clare Marley, AICP Contract Planner
FROM: Lisa Ailport, City Administrator *LMA*
DATE: January 10, 2019
RE: File AN03-18 Higgs

General comments For City Council:

The City Utility Departments met with planning and administrative staff on November 8, 2018 to consider the impacts of the proposed annexation of the lands adjoining the Gerald Higgs property to the west of his property at 7612 Wild Horse Lane. The original application proposed an annexation of 0.69 of an acre. A revised application proposes the annexation of 1.38 acres. The revised annexation application notes the lands subject to the annexation are “above water and sewer service availability.” The proposed annexed site does not front on a public right-of-way and would only be accessible through the Applicant’s land, which does front on Wild Horse Lane.

Due to the steepness of the site, there are significant challenges to bringing full urban services (water, sewer and streets) to the site. The applicant acknowledges these constraints in his application and discloses the purpose of the annexation, which is to consolidate an existing lot with newly acquired acreages.

The City Departments reviewed potential challenges of accessing this site in the event of fire, due to steep slopes. Because of the existing condition, staff requested an annexation agreement specify that the city is unable to provide additional water, sewer, or physical access, , if it is annexed.

Considering the comprehensive plan, and challenges with serving this area, the above request becomes more of a policy question; “Should the City grow in this area; and, is it likely that the City will respond to this property in the event of a fire?” Ultimately, this question should be debated and answered by City Council.

Based on this review of this request, staff makes the following considerations or recommendations for this request:

- Agreement: An annexation agreement is entered in to by the Applicant and the City.
- Density of the subject parcel- The annexed area is not to be considered separate parcel(s) and shall incur no additional density.
- Zoning/subdivision compliance – The Applicant shall combine the newly acquired acreage with the existing platted lot to create 1 lot with no added density afforded to the property.
- City Services – The annexed area will not be afforded any new city utility services and the City shall have no obligation to provide additional services beyond current service boundaries.
- Fees/Considerations: The Applicant shall bear the costs associated with processing the application to hearing and pay any cost associated with making the Zoning Map amendments.

Regarding Annexation request – File #AN03-18

We feel that it is ill advised to increase the burden of the cost of fire protection and city services and liabilities for the benefit of a single private individual. There doesn't appear to be easy access to the land for fire services or an adequate water supply for fire fighting.

This type of annexation may also set a poor precedent. To approve annexation of properties to the city when it singularly improves a situation for one individual potentially at cost to the city as a whole sets the stage for future ill-advised requests.

We respectfully object.

Larry and Mila Cousins
6845 Wild Rose Lane
Bonners Ferry, ID

RECEIVED

FEB 14 2019

CITY OF BONNERS FERRY



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

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* Notes: Review Material provided with Previous Application *



CITY OF BONNERS FERRY

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P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375
DEC 26 2018

ANNEXATION APPLICATION CHECK LIST

1. Schedule preliminary meeting with the Administrator to review annexation proposal.
2. Complete the attached application for Annexation, which should be signed and notarized.
3. Provide the following along with the completed application:
 - a. **Legal description of the property to be annexed:** A legal description of the parcel or parcels to be annexed, tied at least to one section corner, with the metes and bounds description stamped by a land surveyor licensed in the State of Idaho. JRS Surveying
 - b. **Exhibit:** An exhibit illustrating the legal description for mapping purposes. JRS Surveying
 - c. **Map & Pictures:** It is requested that the application accompany photos and/or pictures of the area proposed to be annexed. * PHOTOS with Legend Previously Submitted *
4. **Application Fees:** Fees for Annexation Application (Check most current fee resolution)
* PAID \$500 with previous Application *

Please read and complete the application carefully. Failure to provide all required information could result in a delay in processing your application.

Applicant Information

Applicant's Name: Gerald B. HIGES
 Address: 7612 Wild Horse Ln., Bonners Ferry, ID 83805
 Phone: (H) (208) 267-0999 (C) _____
 E-mail: higgsgerald@yahoo.com

Holder of Legal Title: (SAME AS ABOVE)
 Address: _____
 Phone: (H) _____ (C) _____
 E-mail: _____

Representative Information

Business Name: JRS Surveying
 Surveyor: Dick Staples
 Address: 6476 Main St. Ste. C P.O. Box 3099, Bonners Ferry, ID 83805
 Phone: (H) (208) 267-7555 (C) _____
 E-mail: jrs@jrssurveying.com

Project Information

Legal Description of Site: Lot(s) 1 Block # _____ Addition _____

* PROPOSED *
(When combined with current City Parcel
RPB0720000001 BA)

TAKCA Hill
Subdivision

THE PROPOSED ANNEXATION PARCEL OF 1.38 TOTAL ACRES IS A LOT LINE ADJUST
OF THE FORMER LOT 1, MAX 3rd ADDITION (HIGGS) 3.7 ACRES PARCEL.
THE 5.05-ACRES PARCEL CREATED WILL BE RE-NAMED AS
LOT 1, TAKCA HILL SUBDIVISION.

DEC 20 2013

(or) _____
Section _____ Township _____ Range _____

Total Size of Parcel: 1.38 acre (Two .69 acre parcels deeded together)

Proposed Land Use: Timber + Vegetation Preservation.
Seasonal Grnts on Bi-Annual Basis for Brush + Fire Management.
This property is too steep for wheeled or track machinery used
for mowing or weed control.

Requested Zoning:

- | | |
|-----------------------------------------|---------------------------------------------------|
| <input type="checkbox"/> Residential AA | <input checked="" type="checkbox"/> Residential B |
| <input type="checkbox"/> Residential A | <input type="checkbox"/> Industrial |
| <input type="checkbox"/> Commercial | <input type="checkbox"/> Downtown |

What land uses border the site? Describe lot sizes, structures and uses:

North: County Timberland undeveloped. (Poulton Development Corp.)
South: City (Throckmole Residence 1-acre) (Weyner lot) 1-acre undeveloped
East: City (Higgs Residence 3.67-acres) Annexed 1.38 acres are Lot Line Adjusted to this parcel.
West: County (Isaacs + Sons) 17+ acres undeveloped

What Zones, within city limits border the site?

North County South AA East AA West County

Effects of Proposed Annexation

1. Is the proposed annexation area within the City's adopted Area of City Impact?
Yes
2. Does the proposed annexation represent a logical extension of City boundaries? Yes
3. How will the proposed annexation be compatible with adjoining land uses? This is a transition buffer zone between Max Subdivision and undeveloped County acreage. (Timber + Brush) Residential B Zoning enables Fire Safe management practices.
4. What extensions of water or sewer lines, roads or other public or private services would be necessary if the Annexation Change is approved? NONE
Land is too steep for development / access.
Elevations are above Water / Sewer serviceability.

Signature Notary Page

Whereas, Gerald B. Higgs, are the owners of certain parcels of real property situated within the boundaries of the tract described herein as Exhibit "A", attached and incorporated herein by reference, petition that the described property (Exhibit "A") be annexed into the City of Bonners Ferry, Boundary County, Idaho according to the provisions set forth in Section 50-222 of the Idaho Code;

Whereas: The undersigned do understand and agree that such annexation must meet the terms and conditions set forth in Category A, Idaho Code 50-222, Annexations by Cities;

Whereas: The tract of land described in Exhibit "A" hereto currently adjoins the present boundaries of the City of Bonners Ferry, and being entirely situated within Boundary County, Idaho.

Dated this 28 day of November, 2018.

Gerald B. Higgs
Property Owner

Property Owner

****Please use additional pages if additional landowners are required to sign

DEC 20 2013

CITY OF IDAHO

STATE OF IDAHO)

) ss.

County of Boundary

On this 28 day of November, 2018, before me, a Notary Public, in and for said County and State, personally appeared:

Gerald B. Higgs, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

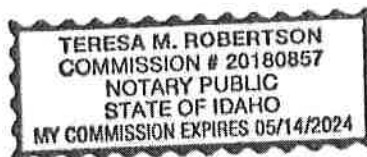
IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Teresa M. Robertson

Notary Public for Idaho

Residing at: Bonners Ferry

My commission expires: 05/14/2024



STATE OF IDAHO)

) ss.

County of _____)

On this _____ day of _____, 20____, before me, a Notary Public, in and for said County and State, personally appeared:

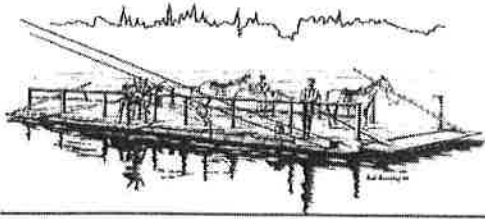
_____, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho

Residing at: _____

My commission expires _____



CITY OF BONNERS FERRY

7232 Main Street
P.O. Box 149
Bonners Ferry, Idaho 83805
Phone: 208-267-3105 Fax: 208-267-4375

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DEC 28 2018

PETITION FOR ANNEXATION

PETITIONER/OWNER(S):

Landowner's name: <u>Gerald B. HIGGS</u>		
Mailing address: <u>7612 Wild Horse Ln.</u>		
City: <u>Bonners Ferry</u>	State: <u>ID</u>	Zip code: <u>83805</u>
Telephone: <u>(208) 267-0999</u>	Fax:	
E-mail: <u>higgsgerald@yahoo.com</u>		

Landowner's name:		
Mailing address:		
City:	State:	Zip code:
Telephone:	Fax:	
E-mail:		

Petition for Annexation Signature Notary Page

Whereas, Gerald B. HIGGS, are the owners of certain parcels of real property situated within the boundaries of the tract described herein as Exhibit "A", attached and incorporated herein by reference, petition that the described property (Exhibit "A") be annexed into the City of Bonners Ferry, Boundary County, Idaho according to the provisions set forth in Section 50-222 of the Idaho Code;

Whereas: The undersigned do understand and agree that such annexation must meet the terms and conditions set forth in Category A, Idaho Code 50-222, Annexations by Cities;

Whereas: The tract of land described in Exhibit "A" hereto currently adjoins the present boundaries of the City of Bonners Ferry, and being entirely situated within Boundary County, Idaho.

Dated this 28 day of November, 2018.

Gerald B. Higgs
Property Owner

Property Owner

***Please use additional pages if additional landowners are required to sign

DEC 26 2018

CITY OF BONNERVILLE

STATE OF IDAHO)

) ss.

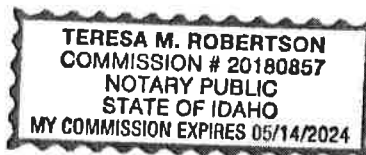
County of Bonner

On this 28 day of November, 2018, before me, a Notary Public, in and for said County and State, personally appeared:

Gerald B. Higgs, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Teresa M. Robertson
Notary Public for Idaho
Residing at: Bonner's Ferry
My commission expires: 05/14/2024



STATE OF IDAHO)

) ss.

County of _____)

On this _____ day of _____, 20____, before me, a Notary Public, in and for said County and State, personally appeared:

_____, known or identified to me to be the individual whose name is subscribed to the within instrument, and acknowledged to me that he/she executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year in this certificate first above written.

Notary Public for Idaho
Residing at: _____
My commission expires _____

Exhibit A- Legal Description(s)

Refer to JRS Surveying

Legal Description

of 1.38-acres Parcel to be

Annexed

AND

Attached to former Lot 1, Marx 3rd Addition
3.67-acres City Parcel (RFB07200000001BA)

AND

Re-Named as

Lot 1, TAKCA Hill Subdivision

5.05-acres City Parcel

Gerald B. Higgs
7612 Wild Hors. Ln.
Bonners Ferry, ID 83805-7552

(208) 267-0999
higgsgerald@yahoo.com

28 Nov 2018

Attn: Lisa Ailport, City Administrator
Clare Marley, Ruen-Yeager

RECEIVED

DEC 28 2018

Subj: Re-Submission of Annexation Request

The purpose of resubmission is that I have purchased another .69-acre parcel of land. The additional parcel borders, the original .69-acre parcel in my first submission, to the west. The additional land allows for more Fire Safe maintenance and creates a more-perpendicular west boundary at its north and south terminations.

In the interim, the County is processing the additional purchase as a Quit-Claim-Deed. JRS Surveying / Boundary Abstract will combine these two .69-parcels into a single 1.38-acre parcel. When annexed, this 1.38-acre parcel will be combined with Lot 1, Marx 3rd Addition, a 3.67-acre parcel for a new total of 5.05-acres. The 5.05-acre parcel will be renamed as Lot 1, TAKCA Hill Subdivision.

The previously-submitted photos with legend still accurately portray the views in all directions. Distances to structures has not decreased.

Residential 'B' Zoning is requested for the 1.38-acre annexed parcel for the purpose of maintaining vegetation consistent with Fire Safe fire suppression zone practices. This creates an ideal zoning transition between City Residential 'AA' Zoning and steep sloping timberland in the County at the City Limits.

Gerald B. Higgs

CEC 20 2018

27 Nov 2018

J. Vank B. Higgs do enter into Agreement with
Isaac & Isaac for the purchase of Real Estate land of approximately
.69-acre tract by Dick Staples dba JRS Surveying for
the purpose of a lot line adjustment to the West, between
parcels owned by Isaac & Isaac (RPLND1E217205A) and
Higgs (RPLND1E217206A) (RFB0720000001BA).
All costs for Surveying, Title, Closing Services, Preparation &
Recording (City & County) shall be paid by Higgs. Title Services
will be performed by Charlene Delaney dba Boundary Abstract.
JRS Surveying is performing as Higgs' Purchasing Agent.
Purchase of land paid this date by check # 4283 in
the amount of \$6,000. Paid in full effective this
date.

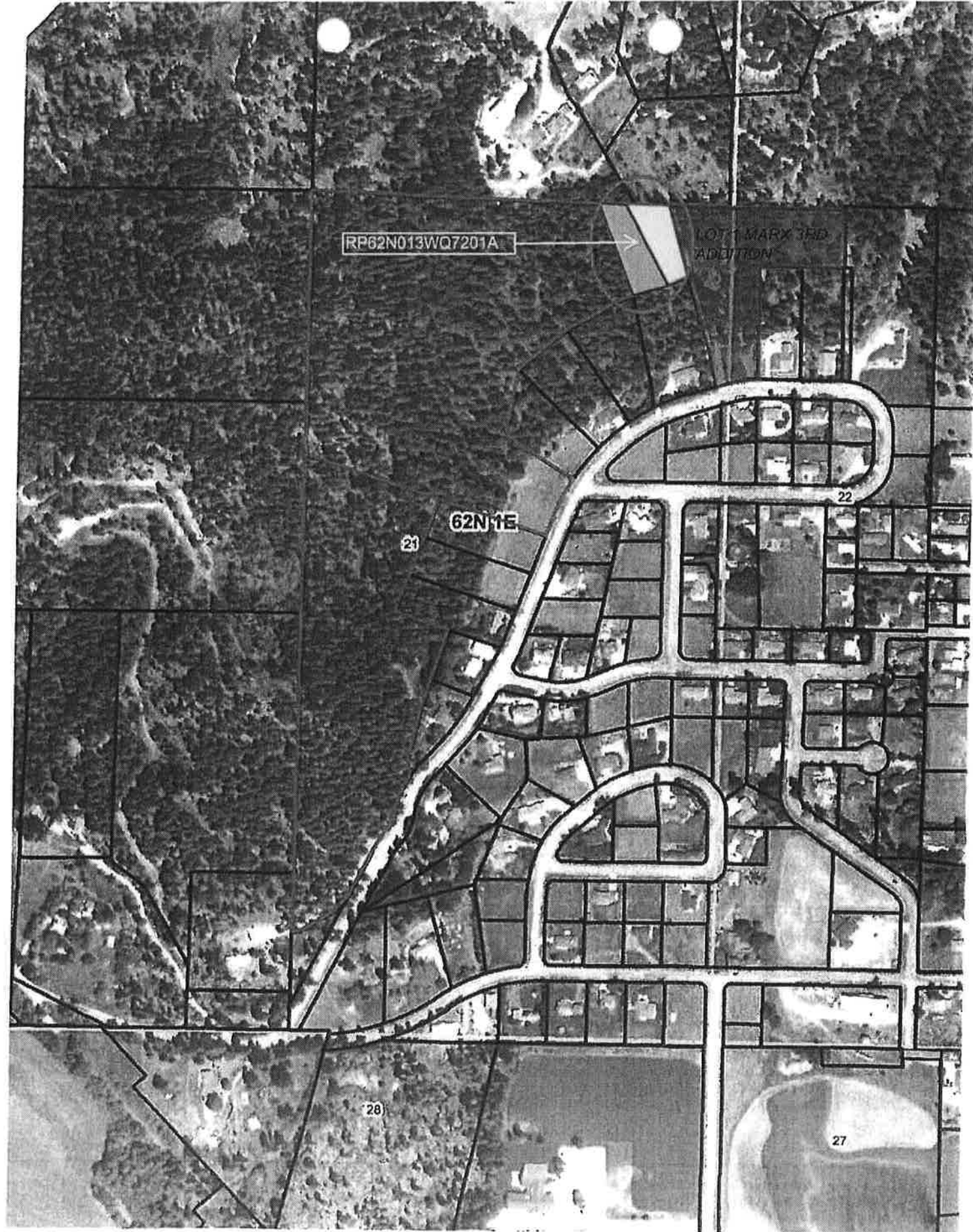
REAL ESTATE PURCHASE
BILL OF SALE

Gerald B. Higgs
Vank B. Higgs
27 Nov. 2018

Glen A. Isaac
G A Isaac
27 - Nov. 2018

Att: find Use Papers: This second land purchase is to be combined
with first land purchase which closed on 25 Oct 2018. These
(2) parcels will be lot line adjusted and attached to parcel
(RFB0720000001BA). Annexation into City of
Bonners Ferry is completed.

J. Vank B. Higgs
27 Nov 2018



RP62N013WQ7201A

LOT 1 MARY 3RD
ADDITION

62N1E

21

22

28

27

GURLEY, CHRISTOPHER

RP62N01E210610A
PEDEY, HARVEY

RP62N01E211815A
POULTON, BILL V

RP62N01E212251A
MCNEARNEY, LORNA F
020A
EY, LORNA
RP62N01E223850A
MCNEARNEY, LORNA
RP008100020030A
WARKENTIN, PATRICK M
RP00810002010A
MCNEARNEY, LORNA

RP62N01E223900A
POULTON
DEVELOPMENT CO

RP62N01E212300A
POULTON
DEVELOPMENT CO

22

RP62N01E017201A

RPB072000001BA
HIGGS, GERALD B

RPB00000225417A
MARK, JAMES D

RP62N01E217960A
MERSON, THOMAS

7209
RP62N01E217996A
ISAAC & SONS

RPB072000002AA
PALMER, EDWIN R

RPB072000003AA
STUDER, BLANCHE

RP62N01E225401
DOSRAMOS, EDUARDO V

RPB00000225418A
STUDER, BLANCHE

RPB0670000006CA
BASLER, FARICE S
RPB0670000007EA
THOMPSON, JAMES L

RPB06700000050A
BASLER LIVING TRUST

RPB06700000040A
DR DALEEN K STONER REV TRUST

RPB06700000030A
SCHUERLE REVOCABLE TRUST

RPB0710000009GA
NEU, ROBERT L

RPB00000225408
DOSRAMOS, EDUARDO V

RPB06700000040A
DR DARLEEN K STONER REV TRUST

RPB071000001010A
ADAMS FAMILY TRUST

RPB07100000040A
MAYD, FOSTER L

RPB07100000050A
ROBERT BLAMFORD, ROBERT J

RP62N01E218100A
WOOD, BRIAN L

RPB0670000008DA
MURRAY, KEVIN C

RPB06700000030A
KELLEY, KIMMITH L

RPB06700000050A
BLACKMORE, WILLIAM TRAVIS

RPB0670000010DA
GAYLOR, JOANN

RPB06700000010A
CQOK, MARY LOUISE

RPB06700000110A
PAYNE TRUST

RPB03200003010BA
JONES, LORETTA E

RP62N01E218550A
WESTBROOK, WAYNE E

RP62N01E218570A
JACKSON, TIMOTHY W

RP62N01E218260A
WOOD, BRIAN L

RP62N01E217610A
STUDER, DANIEL J

RPB06300000080A
ESTABROOKS, LUKE D

RPB06700000130A
KNOTT, THOMAS C

RPB06900000030A
BRANSCUM, GERALD

RPB06400000040A
CHRISMAN, ALLEN B

RPB06400000030A
STANDAL, JOHN B

RPB03200003007AA
BISHOP, LIVING TRUST

62N 1E

RPB0690000006AA
LEDERHOS, KEVIN

RPB06900000030A
HAMERSLOUGH, RHONDA

RPB0670000011AA
LOGAN, MARK A

RPB06100000040A
SHYOCK TRUST

RPB06100000080A
HANSON, MICHAEL F

RPB0640000011AA
GRAHAM, ROBERT L

RPB0640000014AA
WHITE, SHARON W

RP62N01E218253A
JACKSON, TIMOTHY WAYNE

RP62N01E218991A
LONBORG, DOLF KRISTEN

RP62N01E218991A
STUDER, DANIEL J

RPB06300000070A
FIREMAN, RACHEL E

RPB0630000004CA
GROSSMAN, BLAINE F

RPB0630000004EA
WOODWARD, MICHAEL

RPB06100000100A
WOODWARD, MICHAEL

RPB06100000110A
WOODWARD, MICHAEL

RPB06400000030A
BELL, LORRAINE M

RPB06400000030A
BELL, LORRAINE M

RP62N01E218700A
HUBBARD, CRAIG W FARMS LP

RP62N01E216700A
LEDBETTER, DAVID

RP62N01E218995A
LONBORG, DOLF KRISTEN

RP62N01E218995A
COSSAIRT, WALTER L

RPB06300000020A
COSSAIRT, WALTER L

RPB06300000030A
COSSAIRT, WALTER L

RPB06500000020A
HAWKINS, H E

RPB06500000050A
OSPENSON, KEN

RPB06500000080A
BARTHOLOMEW, JOHN C

RPB06500000100A
OLBEKSON, JAMES BYRON

RP62N01E280780A
HUBBARD, CRAIG W FARMS LP

RP62N01E280621A
PERKINS, DONALD J JR

RP62N01E280615A
ROBERTSON, GORDON D

RPB06500000110A
WOODLAND MENNONITE CHURCH

RPB00000273150A
MAI, RYAN

RPB00000273162A
MARX, JAMES D

RPB00000273444A
YODER, RAY

RP62N01E280615A
ROBERTSON, GORDON D

RPB00000273107A
RATE, JOHN C

28

27

OLYMPIA WAY

WILDHORSE LN

PALMER ST

SUNDANCE

KANKSLI ST

DEER RUN RD

WILDFLOWER LN

WILDFLOWER LN

WILDFLOWER LN

WILDFLOWER LN

WILDFLOWER LN

WILDFLOWER LN

WILDFLOWER LN

WILDFLOWER LN

WILDFLOWER LN

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WILDFLOWER LN

WILDFLOWER LN

RP62N01E210610A

DEC 20 2013

RP62N01E217960A

RP62N01E217996A

RP62N01E218100A

RP62N01E218550A

RP62N01E218570A

RP62N01E218260A

RP62N01E218253A

RP62N01E218700A

RP62N01E216700A

RP62N01E218991A

RP62N01E218995A

RP62N01E280780A

RP62N01E280621A

RP62N01E280615A

RP62N01E280615A

RP62N01E280615A

RP62N01E280615A

RP62N01E280615A

RP62N01E280615A

RP62N01E280615A

RP62N01E280615A

BA

18384 BAC



276348

WARRANTY DEED

Second West
69 acre
Parcel

Att: Clare Marley
Annexation
Application

IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by

ISAAC & SONS, a Partnership

the Grantor do hereby grant, bargain, sell, convey and warrant unto

GERALD B HIGGS, a single person

the Grantee whose current address is:

7612 Wildhorse Lane, Bonners Ferry, ID 83805

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A - LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

ISAAC & SONS, a Partnership

Glen Isaac
GLEN ISAAC, Partner

12-18-18
Date

David Isaac
DAVID ISAAC, Partner

12-18-18
Date

Chad Isaac
CHAD ISAAC, Partner

12-18-18
Date

Todd Isaac
TODD ISAAC, Partner

12-18-18
Date

Nathan Isaac
NATHAN ISAAC, Partner

12-18-18
Date

DEC 26 2018

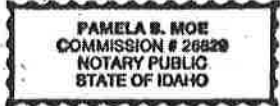
276348

State of Idaho)
)ss
County of Boundary)

On this 18th day of December, 2018, before me, the undersigned, a Notary Public, in and for said State, personally appeared **GLEN ISAAC, DAVID ISAAC, CHAD ISAAC, TODD ISAAC AND NATHAN ISAAC**, known to me, and/or identified to me to be the persons whose names are subscribed to the within instrument for and on behalf of said partnership, and acknowledged to me that said partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Pamela S. Moe
Notary Public For Idaho
Residing at Bonners Ferry Naples
Commission Expires: 3-4-2019



STATE OF IDAHO)
County of Boundary)ss
Filed by: Boundary Abstract
on 12-20-18 at 4:00
Glenda Poston
County Recorder C. Granger
By Deputy
Fee \$ 15.00
Mail to PA

276348

ISAACS TO HIGGS
SECTION 21, T62N, R1E, B.M.
0.69 ACRES
DECEMBER 17, 2018

A tract of land in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Twenty-one (21), Township Sixty-two (62) North, Range One (1) East of the Boise Meridian, Boundary County, Idaho; being a portion of that property described in Instrument Number 264162, records of Boundary County, Idaho and more particularly described as follows:

Beginning at a 5/8 inch rebar and plastic cap stamped PLS 3628 on the north line of the SE1/4 of said Section 21 which is N 89°09'45" W, 351.17 feet from the East Quarter corner of said Section 21; thence, continuing along the north line of the SE1/4, N 89°09'45" W, 79.44 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence S 20°57'54" E, 309.33 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628, on the north line of Lot 6 of the Amended plat of Marx 2nd Addition, recorded as Instrument Number 204962, records of Boundary County, Idaho; thence, along the north line of Lots 6 and 7 of said Amended Plat, N 71°18'54" E, 132.04 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence N 32°29'51" W, 290.95 feet to the POINT OF BEGINNING; encompassing an area of 0.69 acres.

BA

18386 B11



DEC 26 2018

CITY OF BONNERS FERRY

276348

WARRANTY DEED

IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by

ISAAC & SONS, a Partnership

the Grantor do hereby grant, bargain, sell, convey and warrant unto

GERALD B HIGGS, a single person

the Grantee whose current address is:

7612 Wildhorse Lane, Bonners Ferry, ID 83805

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A - LEGAL DESCRIPTION

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that he is the owner in fee simple of said premises; that said premises are free from all encumbrances and that he will warrant and defend the same from all lawful claims whatsoever.

ISAAC & SONS, a Partnership

GLEN ISAAC, Partner

12-18-18

Date

DAVID ISAAC, Partner

12-18-18

Date

CHAD ISAAC, Partner

12-18-18

Date

TODD ISAAC, Partner

12-18-18

Date

NATHAN ISAAC, Partner

12-18-18

Date

276348

DEC 28 2018

ISAACS TO HIGGS
SECTION 21, T62N, R1E, B.M.
0.69 ACRES
DECEMBER 17, 2018

A tract of land in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Twenty-one (21), Township Sixty-two (62) North, Range One (1) East of the Boise Meridian, Boundary County, Idaho; being a portion of that property described in Instrument Number 264162, records of Boundary County, Idaho and more particularly described as follows:

Beginning at a 5/8 inch rebar and plastic cap stamped PLS 3628 on the north line of the SE1/4 of said Section 21 which is N 89°09'45" W, 351.17 feet from the East Quarter corner of said Section 21; thence, continuing along the north line of the SE1/4, N 89°09'45" W, 79.44 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence S 20°57'54" E, 309.33 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628, on the north line of Lot 6 of the Amended plat of Marx 2nd Addition, recorded as Instrument Number 204962, records of Boundary County, Idaho; thence, along the north line of Lots 6 and 7 of said Amended Plat, N 71°18'54" E, 132.04 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence N 32°29'51" W, 290.95 feet to the POINT OF BEGINNING; encompassing an area of 0.69 acres.

276348

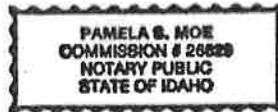
DEC 20 2018

State of Idaho)
)ss
County of Boundary)

On this 18th day of December, 2018, before me, the undersigned, a Notary Public, in and for said State, personally appeared GLEN ISAAC, DAVID ISAAC, CHAD ISAAC, TODD ISAAC AND NATHAN ISAAC, known to me, and/or identified to me to be the persons whose names are subscribed to the within instrument for and on behalf of said partnership, and acknowledged to me that said partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Pamela S. Moe
Notary Public For Idaho
Residing at Bonners Ferry Naples
Commission Expires: 3-4-2019



STATE OF IDAHO)
County of Boundary)ss
Filed by: Bonners
on 12-20-18 at 4:00
Glenda Poston
County Recorder G. Poston
By Deputy
Fee \$ 15.00
Mall to GA

18386 BAC



Boundary Abstract Company Since 1915
Ptd.

275778

STATE OF IDAHO
County of Boundary
Filed by: Boundary Abstract
on 10-25-18 at 12:05
Glenda Poston
County Recorder

DEC 28 2018

WARRANTY DEED

Fee \$ 15.00
Mail to PA

IN CONSIDERATION of One Dollar (\$1.00) and other good and valuable consideration, receipt of which is hereby acknowledged by

ISAAC & SONS, a Partnership

the Grantors does hereby grant, bargain, sell, convey and warrant unto

GERALD B HIGGS, a single person

the Grantee whose current address is:

7612 Wildhorse Lane, Bonners Ferry, ID 83805

the following described premises, to-wit:

SEE ATTACHED EXHIBIT A

SUBJECT TO all easements, right of ways, covenants, restrictions, reservations, applicable building and zoning ordinances and use regulations and restrictions of record, and payment of accruing present year taxes and assessments as agreed to by parties above,

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs and assigns forever. And the said Grantors do hereby covenant to and with the said Grantee, that they are the owners in fee simple of said premises; that said premises are free from all encumbrances and that they will warrant and defend the same from all lawful claims whatsoever.

ISAAC & SONS, a Partnership

Glen Isaac
GLEN ISAAC, Partner

10-25-18
Date

David Isaac
DAVID ISAAC, Partner

10-25-18
Date

Chad Isaac
CHAD ISAAC, Partner

10-25-18
Date

Todd Isaac
TODD ISAAC, Partner

10-25-18
Date

Nathan Isaac
NATHAN ISAAC, Partner

10-25-18
Date

875778

State of Idaho)
)ss
County of Boundary)

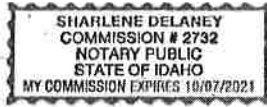
DEC 28 2013

CITY OF BONNERS FERRY

On this 25th day of October, 2018, before me, the undersigned, a Notary Public, in and for said State, personally appeared **GLEN ISAAC, DAVID ISAAC, CHAD ISAAC, TODD ISAAC, AND NATHAN ISAAC**, known to me, and/or identified to me to be the persons whose names are subscribed to the within instrument for and on behalf of said partnership, and acknowledged to me that said partnership executed the same.

WITNESS MY HAND AND OFFICIAL SEAL

Sharlene Delaney
Notary Public For Idaho
Residing at Bonners Ferry
Commission Expires: 10/07/2021



275778

DEC 20 1998

EXHIBIT "A"

A tract of land in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Twenty-one (21), Township Sixty-two (62) North, Range One (1) East of the Boise Meridian, Boundary County, Idaho; being a portion of that property described in Instrument Number 264162, records of Boundary County, Idaho and more particularly described as follows:

Beginning at a point on the north line of the SE1/4 of said Section 21 which is coincident with the Northwest corner of Lot 1 of the Amended Plat of Marx 3rd Addition recorded as Instrument Number 169321, records of Boundary County, Idaho and bears N 89°09'45" W, 180.06 feet from the East Quarter corner of said Section 21; thence, continuing along the north line of the SE1/4, N 89°09'45" W, 171.11 feet, to a 5/8 Inch rebar and plastic cap stamped PLS 3628; thence S 32°29'51" E, 290.95 feet, to a 5/8 Inch rebar and plastic cap stamped PLS 3628, on the north line of Lot 7 of the Amended plat of Marx 2nd Addition, recorded as Instrument Number 204962, records of Boundary County, Idaho; thence, along said north line, N 71°18'54" E, 83.37 feet, to a 5/8 Inch rebar and plastic cap stamped PLS 3628 on the west line of Lot 1 of the Amended Plat of Marx 3rd Addition; thence, along said west line, N 16°32'23" W, 225.51 feet to the POINT OF BEGINNING.

DEC 28 2018

ISAACS TO HIGGS
SECTION 21, T62N, R1E, B.M.

A tract of land in the Northeast Quarter of the Southeast Quarter (NE1/4SE1/4) of Section Twenty-one (21), Township Sixty-two (62) North, Range One (1) East of the Boise Meridian, Boundary County, Idaho; encompassing all that property described in Instrument Number 275778 and a portion of that property described in Instrument Number 264162, records of Boundary County, Idaho and more particularly described as follows:

Beginning at a point on the north line of the SE1/4 of said Section 21 which is coincident with the Northwest corner of Lot 1 of the Amended Plat of Marx 3^d Addition recorded as Instrument Number 169321, records of Boundary County, Idaho and bears N 89°09'45" W, 180.06 feet from the East Quarter corner of said Section 21; thence, continuing along the north line of the SE1/4, N 89°09'45" W, 250.56 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628; thence S 20°57'54" E, 309.33 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628, on the north line of Lot 6 of the Amended plat of Marx 2nd Addition, recorded as Instrument Number 204962, records of Boundary County, Idaho; thence, along the north line of Lots 6 and 7 of said Amended Plat, N 71°18'54" E, 215.40 feet, to a 5/8 inch rebar and plastic cap stamped PLS 3628 on the west line of Lot 1 of the Amended Plat of Marx 3^d Addition; thence, along said west line, N 16°32'23" W, 225.51 feet to the POINT OF BEGINNING; encompassing an area of 1.38 acres.

James R. Staples

12/28/18

RECEIVED

NOV 29 2018

CITY OF BUSINESS PARK

COUNTY ROAD SUPERINTENDENT'S CERTIFICATE

I hereby certify that I have examined and approved this plat this 20th day of JUNE, 2001.

[Signature]

PLANNING-COMMISSION CERTIFICATE

I hereby certify that this plat has been examined and approved this 11th day of July, 2001.

[Signature]

STATE HEALTH DISTRICT CERTIFICATE

A Sanitary Restriction according to Idaho Code 30-1326 to 30-1329 is imposed on this plat. No building, shedding or structure shall be erected until Sanitary Requirements are satisfied and lifted.

This plat approved this 7th day of June, 2001. [Signature]

Sanitary Restriction according to Health Code 16th day of June, 2001. [Signature]

UTILITIES EASEMENT CERTIFICATION

The owners of the land related herein grant to the public for the purpose of utilities an easement 10 feet on each side of all utility lines along all front and rear lot lines as shown on the plat.

SEWER AND WATER CERTIFICATION

All lots within Amended Lots 6 & 7 Mark 2nd Addition are serviced by North Water and Sewer District.

BASIS OF BEARINGS

Bearings are based on the Plat of Mark 2nd Addition as Recorded in Book 2 of Plats, Page 29, as Instrument No. 147884.

Gerald B. Higgs
Annexation Application

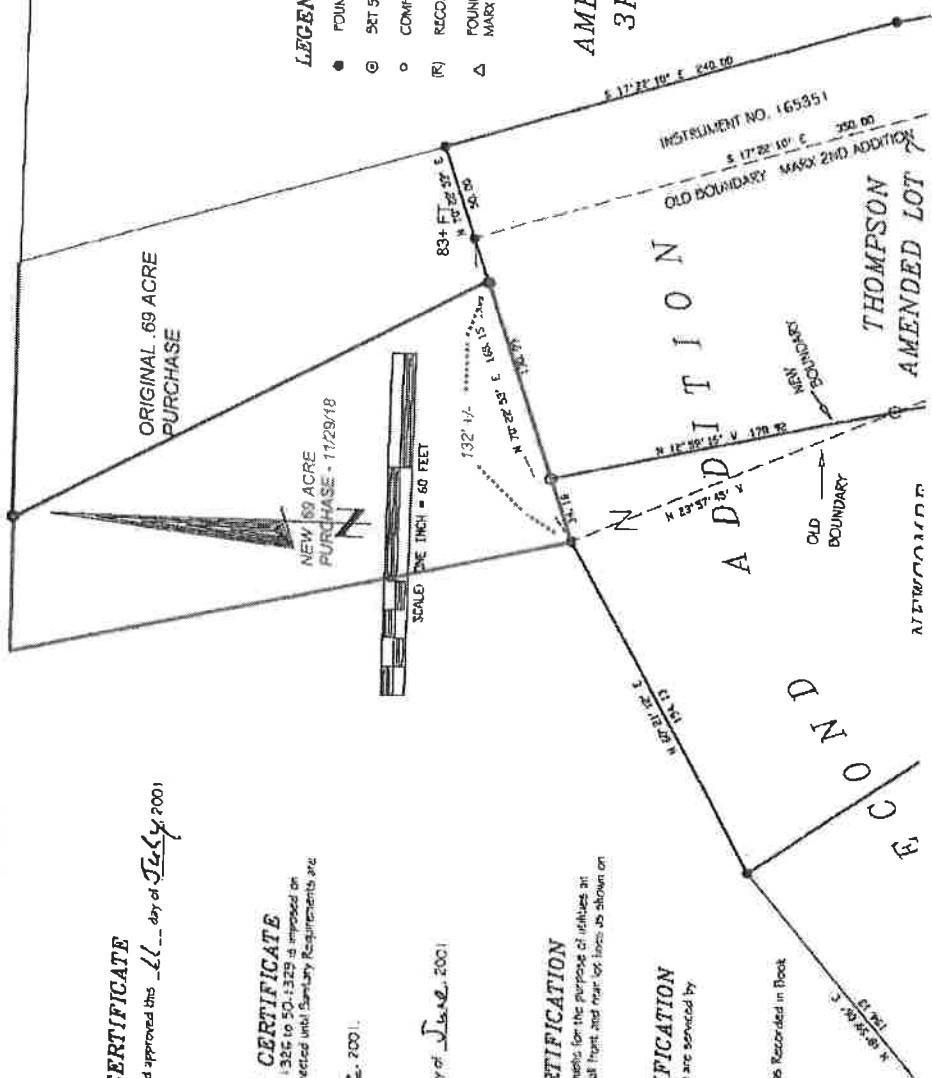
A.
LOTS
E 1/2 S 71.
B0.

LEGEND

- FOUND 5/8" REBAR + PLASTIC CAP PLS 3628
- ⊙ SET 5/8" REBAR + PLASTIC CAP PLS 3628
- COMPUTED POINT - NOT SET OR TIED
- (R) RECORD PER AMENDED MARX 3RD ADDITION
- △ FOUND ALUMINUM MONUMENT - INITIAL POINT MARK 4TH ADDITION

SCALE: ONE INCH = 60 FEET

LOT 1
AMENDED MARX
3RD ADDITION



OWNER'S (Be known that, recombined into lots, a Instrument No. 147884 Twenty-one (21) Town accounted as follows:

Beginning at the 147884 Boundary C N72°22'37\"/>

[Signatures]

Gerald B. Higgs
Amendment Application

COUNTY ROAD SUPERINTENDENT'S CERTIFICATE
I hereby certify that I have examined and approved this plat, this 20th day of JUNE, 2001.

[Signature]
County Road Superintendent

PLANNING-COMMISSION CERTIFICATE
I hereby certify that this plat has been examined and approved this 11th day of July, 2001.

[Signature]
Planning Commission

STATE HEALTH DISTRICT CERTIFICATE
A Sanitary Restriction according to Code Title 50, Section 50-1329 is imposed on this plat. No bathing, swimming or water shall be erected until Sanitary Requirements are satisfied and lifted.

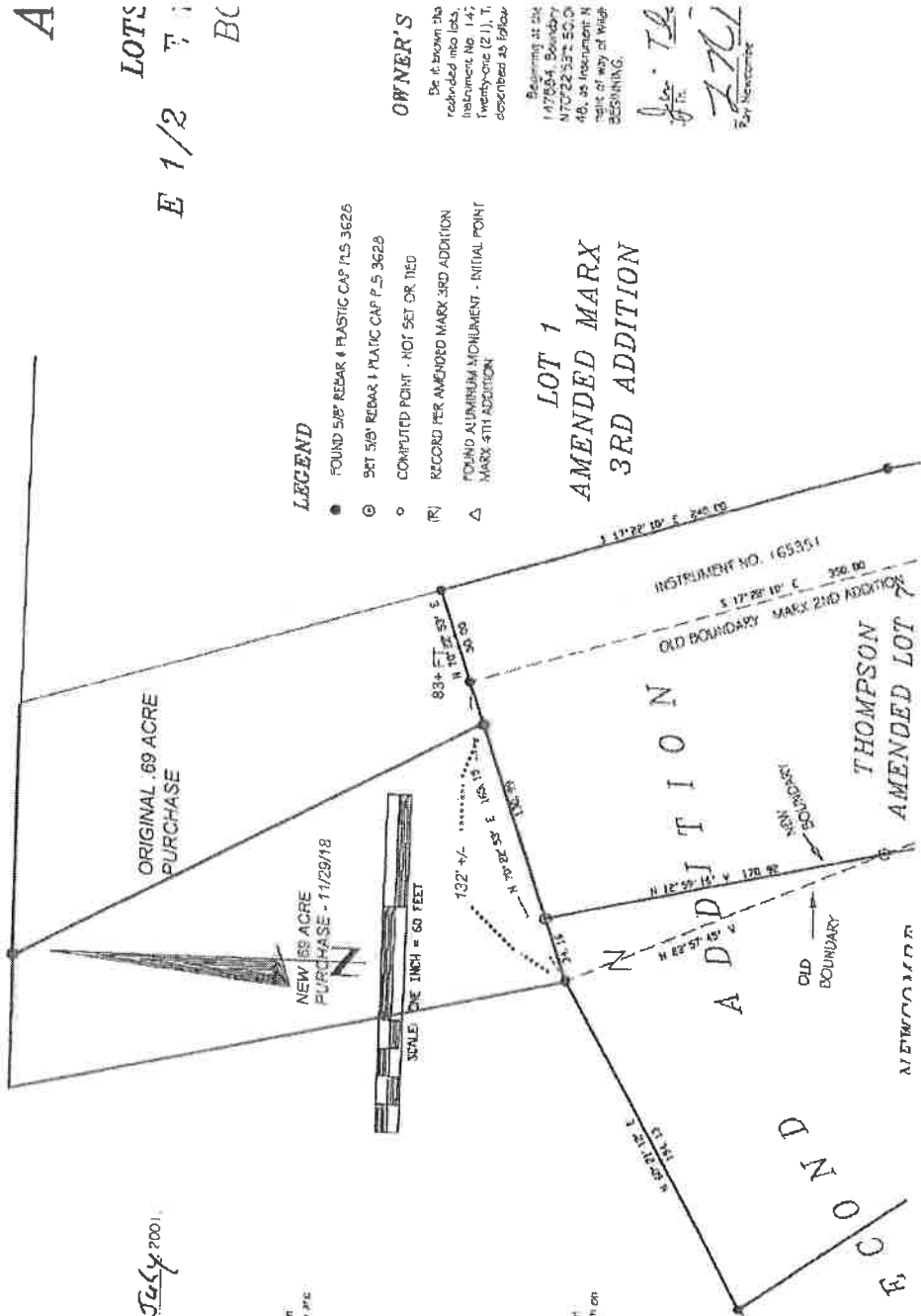
This Plat approved this 7th day of June, 2001.
[Signature]
Sanitary Restriction satisfied and lifted this 7th day of June, 2001.
[Signature]
Sanitary Health District

UTILITIES EASEMENT CERTIFICATION
The owners of the land placed herein grant to the public for the purpose of utilities an easement 10 feet on each side of all lots and along all lines and near all lines as shown on this plat.

[Signature]
North Water and Sewer District

SEWER AND WATER CERTIFICATION
All lots within Amended Lots 6 & 7, Van 2nd Addition, are serviced by North Water and Sewer District.

BASIS OF BEARINGS
Bearings are listed on the Plat of Van 2nd Addition & Records in Book 2-5, Page 29, as Instrument No. 147854.



LEGEND

- FOUND 5/8" REPAIR & PLASTIC CAP PLS 3626
- SET 5/8" REPAIR & PLASTIC CAP PLS 3626
- COMPUTED POINT - NOT SET OR TIED
- (R) RECORD PER AMENDED MARK 3RD ADDITION
- △ FOUND ALUMINUM MONUMENT - INITIAL POINT MARK 4TH ADDITION

OWNER'S
Do it be shown the recorded no. 147, instrument No. 147, twenty-one (21), T. describe as follows

**LOT 1
AMENDED MARX
3RD ADDITION**

Beginning at the 147854, Boundary Instrument No. 147, as Instrument N. right of way of High BEGINNING.
[Signature]
27th November

Gerald B. Hly
7612 Wild Horse Lane
Bonners Ferry, ID 83805-7552

(208) 267-0999
higgsgerald@yahoo.com

28 Nov 2018

Attn: Lisa Ailport, City Administrator
Clare Marley, Ruen-Yeager

RECEIVED
NOV 28 2018

CITY OF BONNERS FERRY

Subj: Re-Submission of Annexation Request

The purpose of resubmission is that I have purchased another .69-acre parcel of land. The additional parcel borders, the original .69-acre parcel in my first submission, to the west. The additional land allows for more Fire Safe maintenance and creates a more-perpendicular west boundary at its north and south termination.

In the interim, the County is processing the additional purchase as a Quit-Claim Deed. JRS Surveying / Boundary Abstract will combine these two .69-parcels into a single 1.38-acre parcel. When annexed, this 1.38-acre parcel will be combined with Lot 1, Marx 3rd Addition, a 3.67-acre parcel for a new total of 5.05-acres. The 5.05-acre parcel will be renamed as Lot 1, TAKCA Hill Subdivision.

The previously-submitted photos with legend still accurately portray the views in all directions. Distances to structures has not decreased.

Residential B Zoning is requested for the 1.38-acres annexed parcel for the purpose of maintaining vegetation consistent with Fire Safe fire suppression zone practices. This creates an ideal zoning transition between City Residential AA Zoning and steep sloping timberland in the County at the City Limits.

Gerald B. Hly

Christine McNair

From: Clare Marley <cmarley@ruenyeager.com>
Sent: Wednesday, January 16, 2019 3:43 PM
To: Christine McNair
Subject: FW: Annexation request -Higgs AN03-18

Hello Christine: Gerald added this additional information on his annexation request. I wasn't sure if you had this for the file yet, so I am forwarding. Clare

From: Gerald Higgs <higgsgerald@yahoo.com>
Sent: Friday, January 11, 2019 11:21 AM
To: Clare Marley <cmarley@ruenyeager.com>
Cc: Lisa Ailport <lailport@bonnersferry.id.gov>; Dick Staples <dstaples@jrssurveying.com>
Subject: Re: Annexation request

Clare,

My current lot: Lot1, Marx 3rd Addition, 7612 Wild Horse Ln., is served with water, sewer, & electric by the City of Bonners Ferry. Since my application consists of annexing & adding the additional 1.38 acres in the County to my City lot (5.05 acres, combined), there will never be any consideration for future addition of utilities to the additional acreage because the zoning is Residential, Single Family. This is my residence with a single home & shop building behind the house. I have no need or intentions for additional utility services. This should never be a consideration, even in the future, because the zoning would prohibit additional structures. Wild Horse Lane is a chip sealed city street. Access to my property is served by two driveways, one to the house; one to the shop. No additional access is required or desired. The 1.38 acres is too steep in grade for any kind of road access or structures. No additional road maintenance will be required.

I think you may now understand why I have requested Residential B Zoning for the additional land. This creates a transition buffer from the lower residential usage to the adjoining County properties. Precedence for multiple zoning on a single parcel does exist. The best example is the Isaac & Sons 17+ acre parcel to the upper northwest of my current City lot. That parcel is partial City/County, with RP & RPB tax numbers, & is zoned separately, accordingly. Read my letter enclosed with my original application & you will see why I specifically requested Residential B Zoning. I have no desire to acquire animals beyond the dogs I have, but I (or future owners) may need to board seasonal goats on an every-other-year basis for brush control in order to sustain a fire suppression zone between the Marx Subdivision and the unincorporated County. It is impossible to operate wheel or tracked machinery on the slopes of the acquired 1.38 acres for cutting as it is too steep to do so. It is too steep to access with ATV's equipped with sprayers to broadcast herbicides, therefore, goats are the best option for maintenance. I use Stihl commercial-grade shoulder-mounted brushcutters on my current City lot, but one cutting (done bi-annually) takes 20-days! The additional acreage would push that time up over a month...well beyond what could be reasonably expected of any landowner. I am doing my best to maintain a balance between fire suppression & flood control which is a serious consideration for me & my neighbors. It is these two considerations that led me to purchase the additional land in the first place. Logging became an issue with it's inherent introduction of additional surface water flows. I was one of the co-authors of the Natural Resource component of the current Boundary County Comprehensive Plan.

I may not be able to attend the hearing(s) due to contemporary health issues. In that case, Dick Staples of JRS Surveying will appear on my behalf.

Please provide this email to the Bonners Ferry Planning & Zoning Commission/City Council as part of my amended application.

Sincerely,

Gerald B. Higgs

On Thursday, January 10, 2019, 10:47:21 AM PST, Clare Marley <cmarley@ruenyeager.com> wrote:

Hello Gerald: I am working on your annexation application. I have a fact check question: What are the current sewer and water services to your existing lot? Your application notes that the newly acquired land is above sewer and water service elevations, and there is no intent to seek city water and sewer (correct?) I just need to know for background what the current services are to the existing lot. Also, does the city maintain the road to your current lot? Will the annexation result in any extension of road maintenance beyond current? Thanks. Clare

Clare Marley, AICP

Certified Land Use Planner

RUEN-YEAGER & ASSOCIATES, INC.

219 Pine Street

Sandpoint, Idaho 83864

208.265.4629

cmarley@ruenyeager.com

Gerald B Higgs
7612 Wild Horse Ln
Bonners Ferry, ID 83805

higgsgerald@yahoo.com
(208)267-0999

12 Nov. 2018

SUBJECT: Higgs application for Lot Line Adjust; Annexation; Zoning

BACKGROUND: The sole purpose for acquiring the adjoining .69 acre parcel is to have control of vegetation on property that drains through my residential parcel. Since 2006, I have experienced increased surface water flows secondary to Fire Safe brushing projects and private logging on parcels above me. From 2006 to 2015, I embarked in a summers-long mitigation project including the installing of a decelerator/percolation dam, rocked and lined drainage channels, culverts, a water bar, gabion baskets, a spillway, overflow bypasses, groundcover, retaining blocks and diversion features. Currently, I am at capacity for projected flows.

My parcels are the only firebreak that exists on the City Limits at the north boundary of the Marx Subdivision. Fire and flood mitigation efforts often conflict, but I have achieved the best balance possible.

I cut the surface vegetation on a bi-annual basis. This year's cut was a 22-day, 102-hour project using a shoulder-mounted brushcutter with a 350-mm blade on my original 3.67-acre parcel. Wheeled or tracked machinery is not an option due to grade which also inhibits suitable herbicide application.

LOT LINE ADJUSTMENT: My current city parcel is shaped like an upside-down "L". The newly combined parcel will be "T" shaped. My new northern west boundary will run along a ridge which is the limit of drainage to my city parcel from that direction. The .69 acre parcel was acquired because it was subject to logging by the previous owner. My motives are preservation only. I have no plans for any construction or modification of the acquired parcel. It is unserviceable by city utilities due to elevations and grade.

ANNEXATION: I am requesting annexation for these reasons: 1) I do not want a 15-foot wide setback encumbrance running through my property along the old boundary. 2) I want one, single-taxed parcel. 3) I want single-jurisdiction control over the entire parcel. 4) County hunters will know their ability to hunt will end at my boundary as I will post the City Limits. 5) I am requesting no utilities for the additional parcel. 6) Property value.

ZONING: I am requesting "Residential B" zoning for the newly combined parcel of 4.53 acres described as Lot 1, Takca Hill Subdivision. "Takca" is the russian word for "Dachshund". This single, residential parcel may be the largest such one in the city. No other parcel in the city would be more-suited for this zoning. Any animals kept would not be visible from the street or near adjoining city properties with homes. A combination of structures, forestation, and terrain block direct views to this potential usage. The upward west and entire north of boundary adjoin property in the county. It is these considerations that should mitigate concerns of this being an

"island" in a Residential AA zoning area.

I am over 65 and my ability to perform brushcutting is limited in the future. I would like to have the ability to obtain "seasonal" goats for vegetation control at that time. That is the only option left for fire mitigation and maintenance of a native grasses for soil stability. I have no desire to maintain any other animals. If goats were here, they would be approximately 365-feet from the street and 250-feet from my neighbors' homes. I would consult with the city planner prior to establishing containment.

Finally, Residential B zoning should enhance the value of the property due to limited inventory of such properties while being able to maintain a manicured appearance. Please view the photos, with legend, submitted with my Application package to verify visibility issues.

Respectfully,

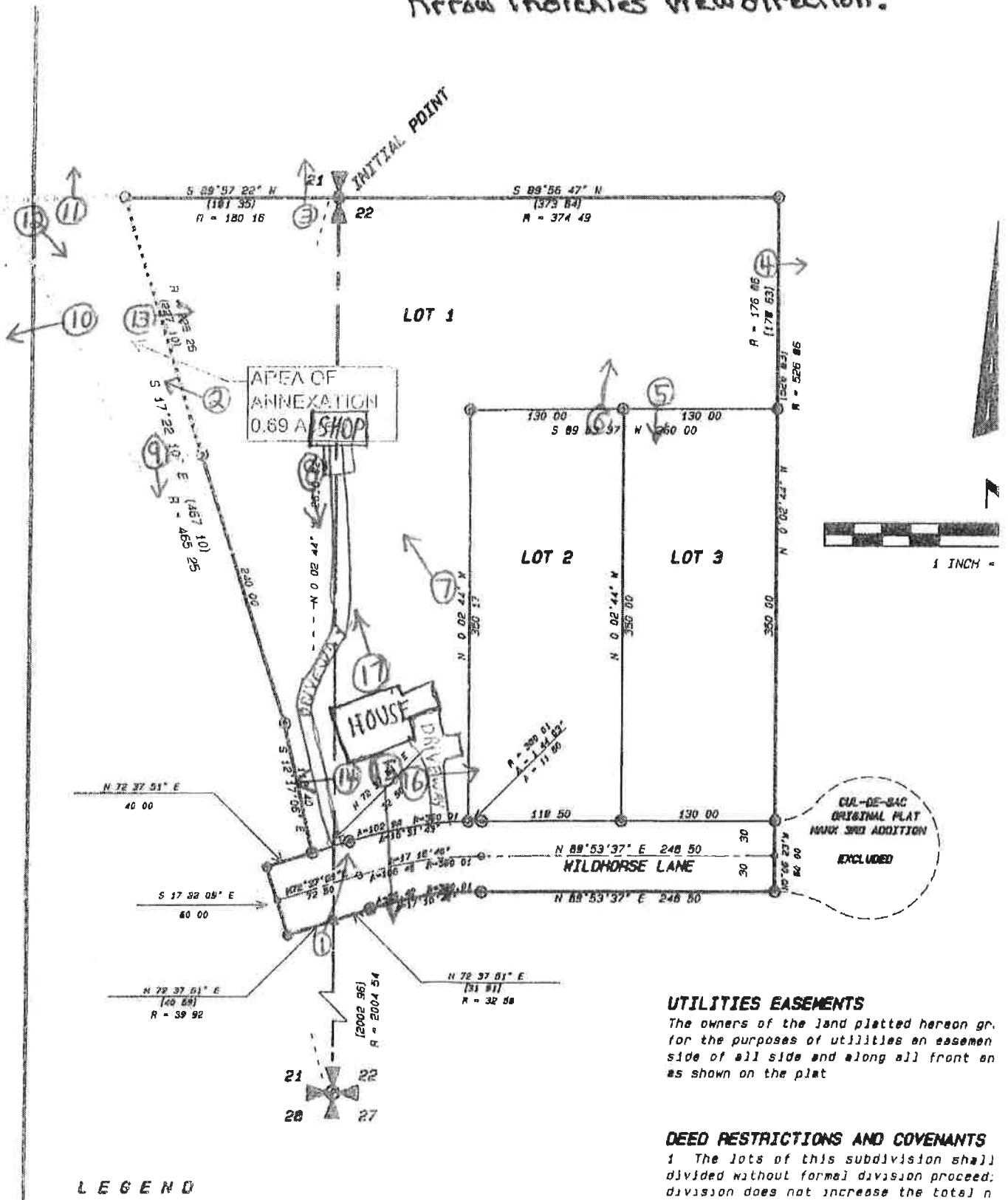


Gerald B Higgs

Gerald B. Higgs
 7612 Wild Horse Ln.
 Bonners Ferry, ID 83805-7552

Photo Legend

Numbers match to photos.
 Arrows indicates view direction.



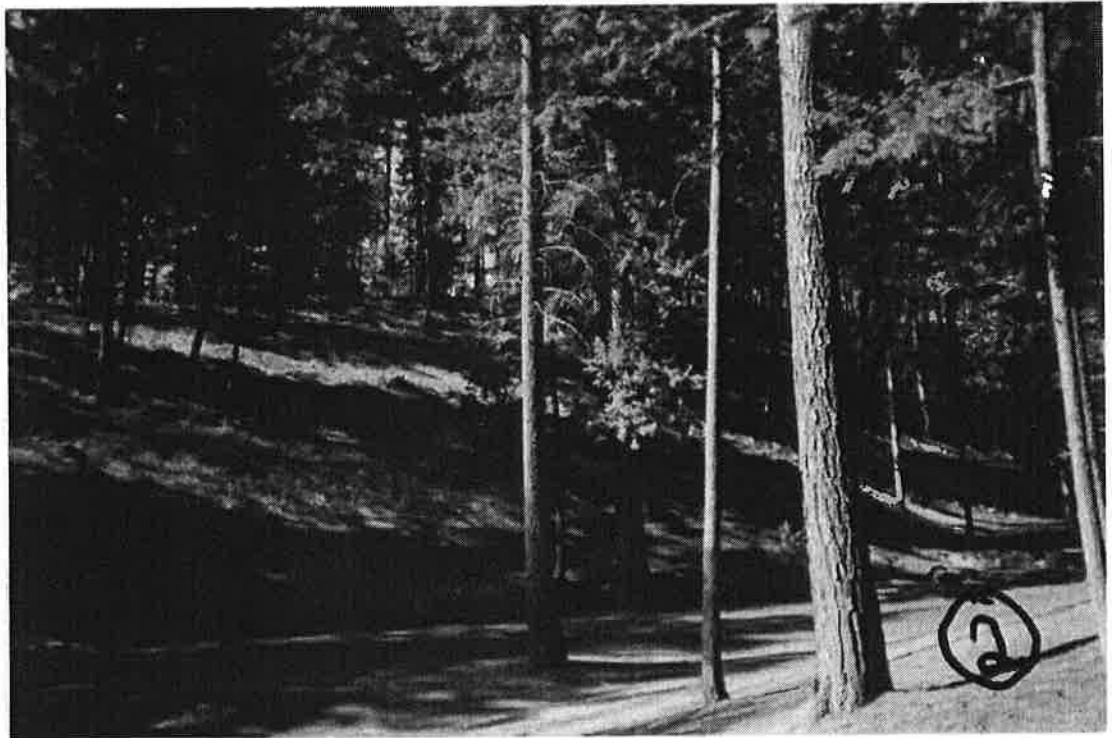
LEGEND

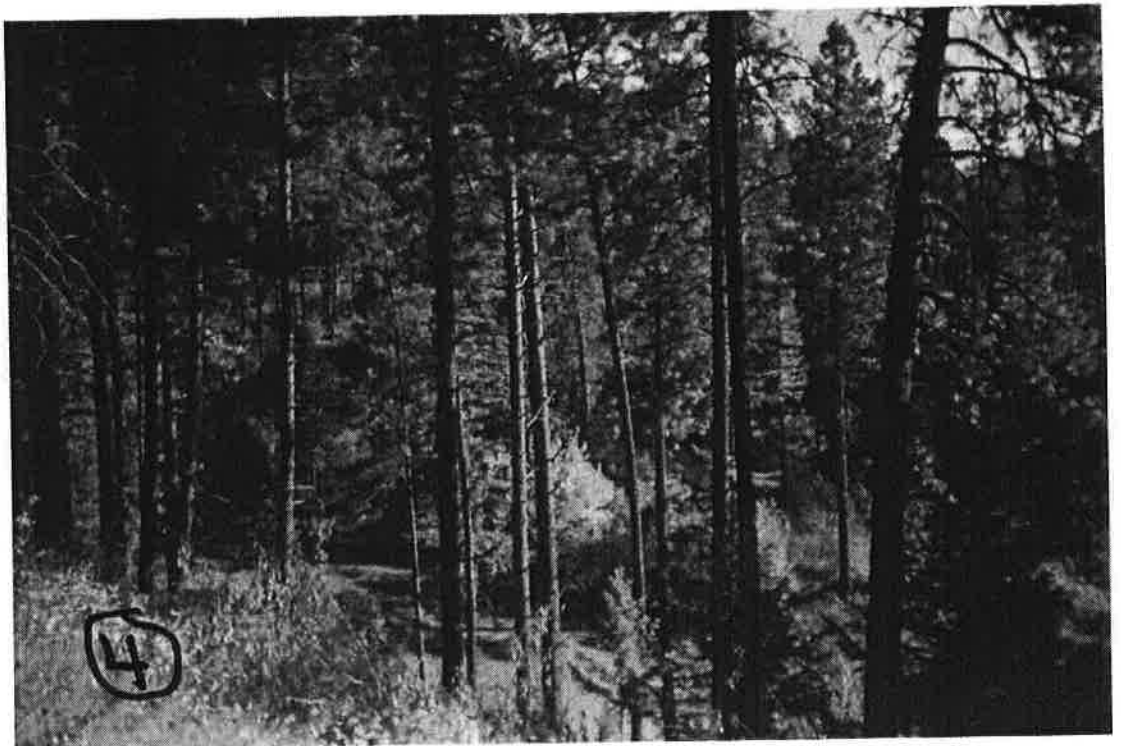
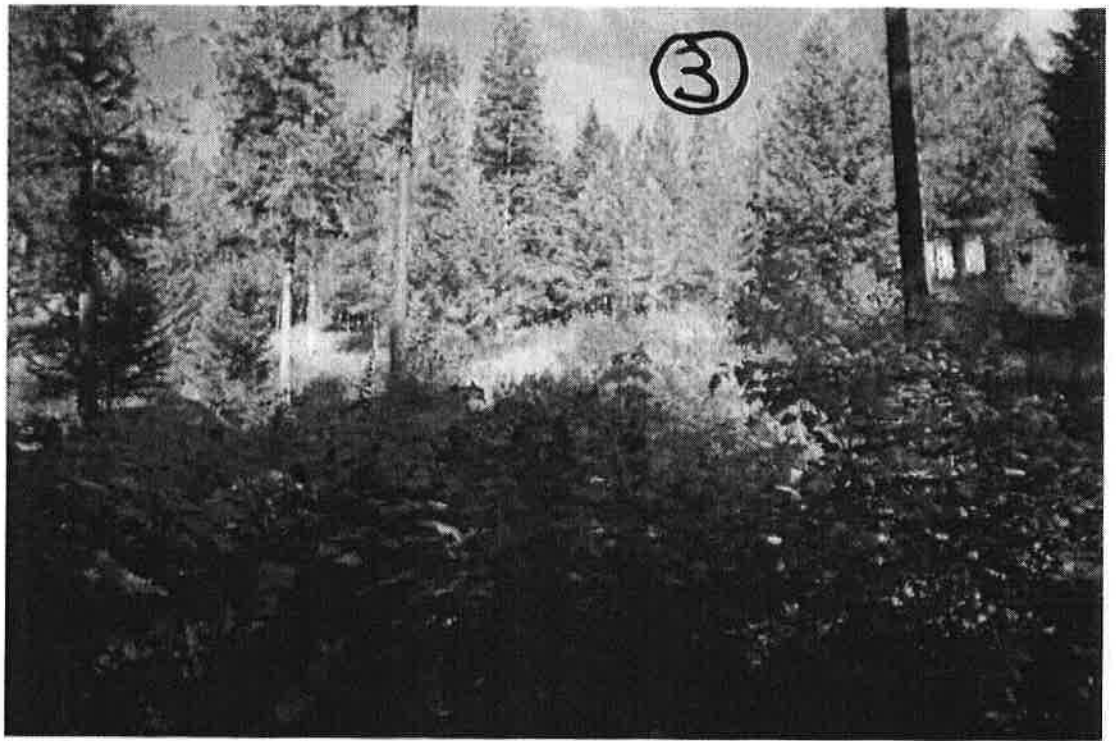
UTILITIES EASEMENTS

The owners of the land platted hereon gr. for the purposes of utilities an easemen side of all side and along all front on as shown on the plat

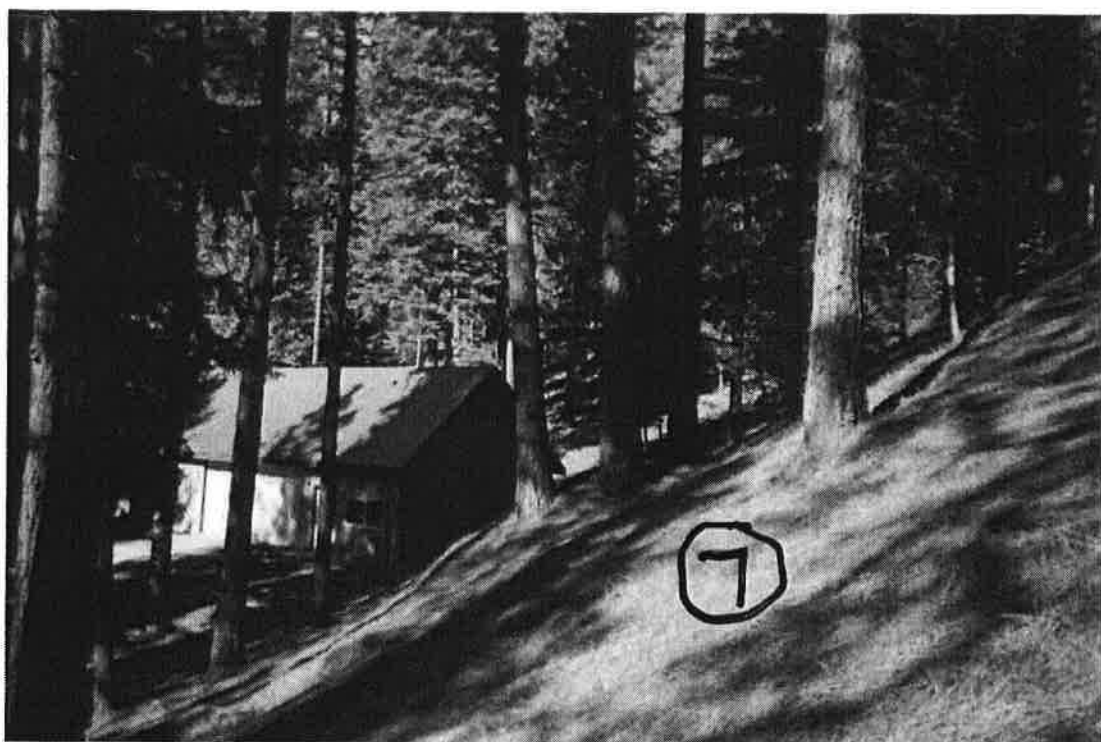
DEED RESTRICTIONS AND COVENANTS

1 The lots of this subdivision shall divided without formal division proceed; division does not increase the total n

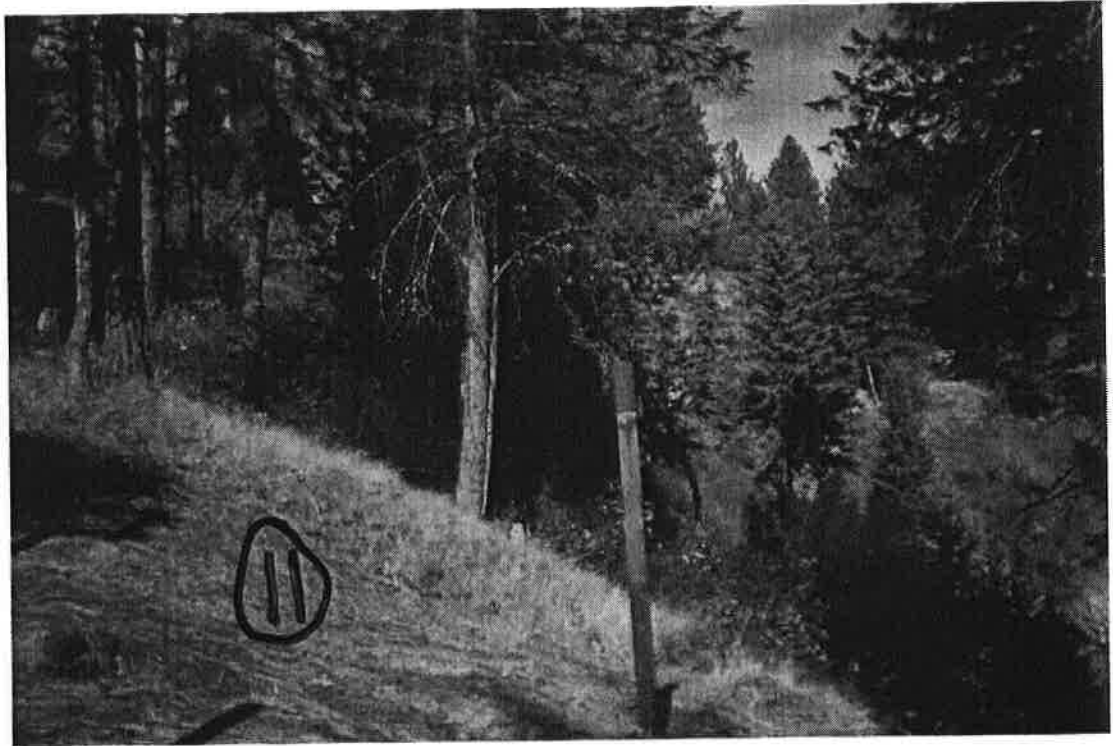


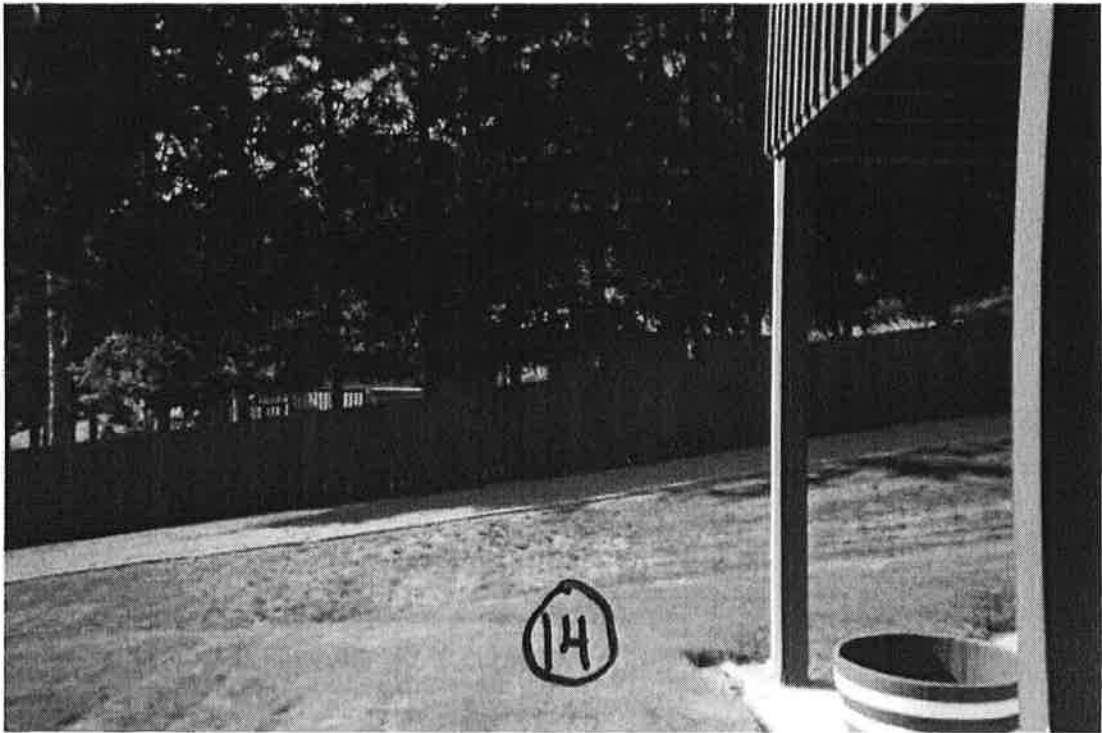
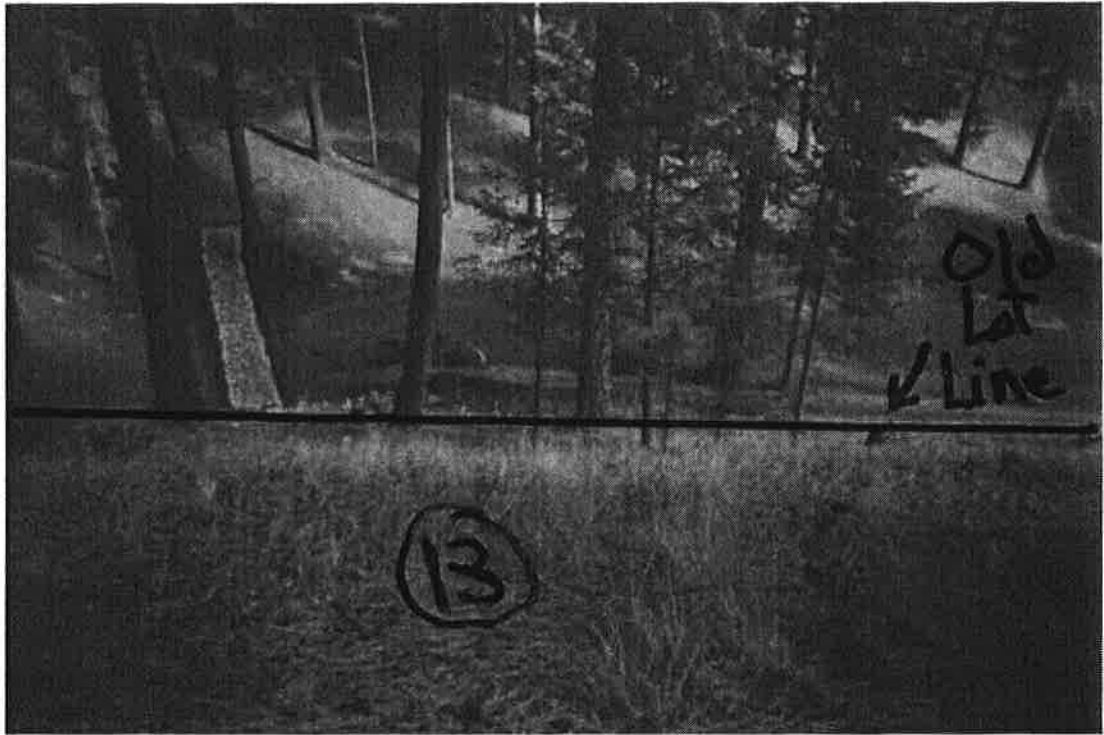


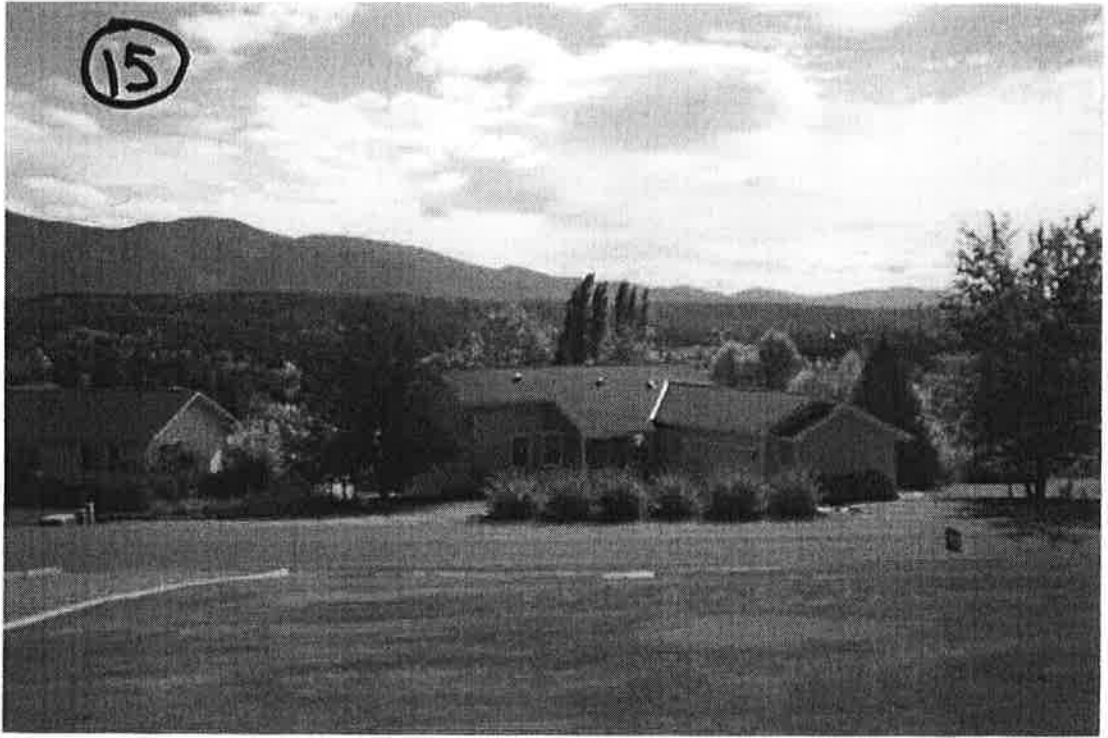














Chairman Chris Rawlings called the regularly scheduled Planning and Zoning meeting of February 21, 2019 to order at 5:30 pm. Planning and Zoning members present were: Dave Gray, Wally Cossairt, and Glenda Poston. Also present were: City Clerk Christine McNair and Contract Planner Clare Marley. Member of the public present was: Gerald Higgs

Glenda moved to accept the minutes for January 17, 2019. Wally seconded the motion. The motion passed with all in favor.

Chris opened the public hearing at 5:31 pm for file AN03-18 an annexation request. Gerald B. Higgs is requesting the City of Bonners Ferry annex into the City limits about 1.38 acre of land located adjacent to 7612 Wild Horse Lane in Section 21 Township 62 North Range 1 East BM. The applicant is requesting the land be zoned Residential B. As part of the annexation process the Planning and Zoning Commission will recommend to Council the appropriate zoning for the property. The land is designated Residential on the City Comprehensive Plan map. This is a quasi-judicial proceeding.

Chris explained the public hearing process.

Chris asked for any conflicts of interest. Wally Cossairt said a zone change can change his property values. Wally said he will abstain for the whole process. Clare said Wally can still be counted for quorum.

Clare Marley gave a brief description of the file. Gerald wants to annex two properties he purchased separately, to consolidate his property.

Clare said this application has been brought before Planning and Zoning as a recommendation for annexation and zoning.

Gerald Higgs 7612 Wild Horse Lane gave his presentation. He is requesting Residential B zoning for the upper portion of his current parcel and the entire new parcel so he can bring in seasonal goats on a biannual basis to maintain the vegetation. He has no intention of developing the 1.38 acres. He does not want water or sewer services. He purchased the property so he can control the vegetation and timber. Gerald presented Exhibit A showing the area that he wants zoned Residential B.

Clare stated Exhibit A shows more than the area that is able to be considered at this hearing. Clare modified Exhibit A to show only the 1.38 acres.

Clare gave her presentation. She said the job for the commission tonight is to decide if the 1.38 acres should be designated as Residential B zone. She said this is a voluntary annexation. Clare said all the lots will be combined into one lot. There will not be any new water or sewer services offered to this parcel. All of the annexation costs will be the responsibility of the applicant. There was one written comment from Larry and Mila Cousins stating they feel it is ill advised to the burden of cost for fire protection for a single individual. The applicant gave written rebuttal saying he is a member of the North Bench Fire Association which provides fire suppression and he is not requesting further services.

Chris asked if goats can be allowed in a zoning designation other than Residential B, if the goats are only temporary. Clare said it would be a zoning violation if it is not zoned

Residential B. Chris asked if zoning this property residential B sets a precedence and create an island. Glenda said her concern is the Residential B designation, would that be creating an island. Glenda asked if it would set a precedence to future properties in this area to be zoned Residential B. Clare said she feels it would. Glenda asked if there are covenants for the Marx Subdivision.

Gerald said the covenants of the Marx Subdivision will still have to be complied with.

Chris closed the public hearing at 6:22 pm.

Dave said this area is very steep and he does not think anyone will be able to develop the area.

Glenda said she is concerned regarding the zoning designation.

Dave moved to recommend approval to City Council with the annexation of 1.38 acres of file number AN03-18, zoning of the land as Residential B. Finding that it is in accord with the goals and policies of the adopted City of Bonners Ferry's comprehensive plan. The amendment is supported by the City of Bonners Ferry's comprehensive plan. I further move to adopt the policy finding and reasoned statements as written. Glenda seconded the motion. The motion passed with all in favor.

Clare will prepare information for urban farming, parking standard and subdivision ordinance tune-up for the March 21, 2019 meeting.

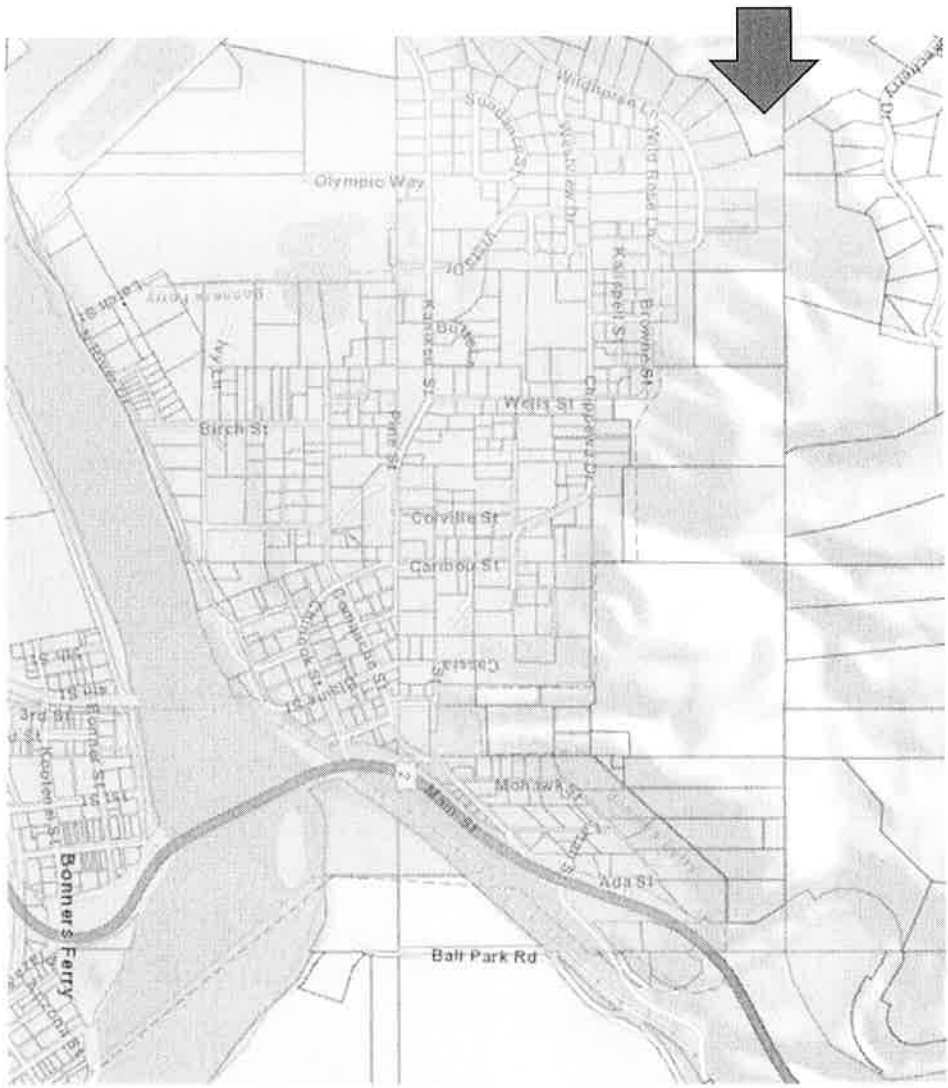
Dave moved to adjourn the meeting. Glenda seconded the motion. The motion passed with all in favor.

The meeting adjourned at 6:39pm.

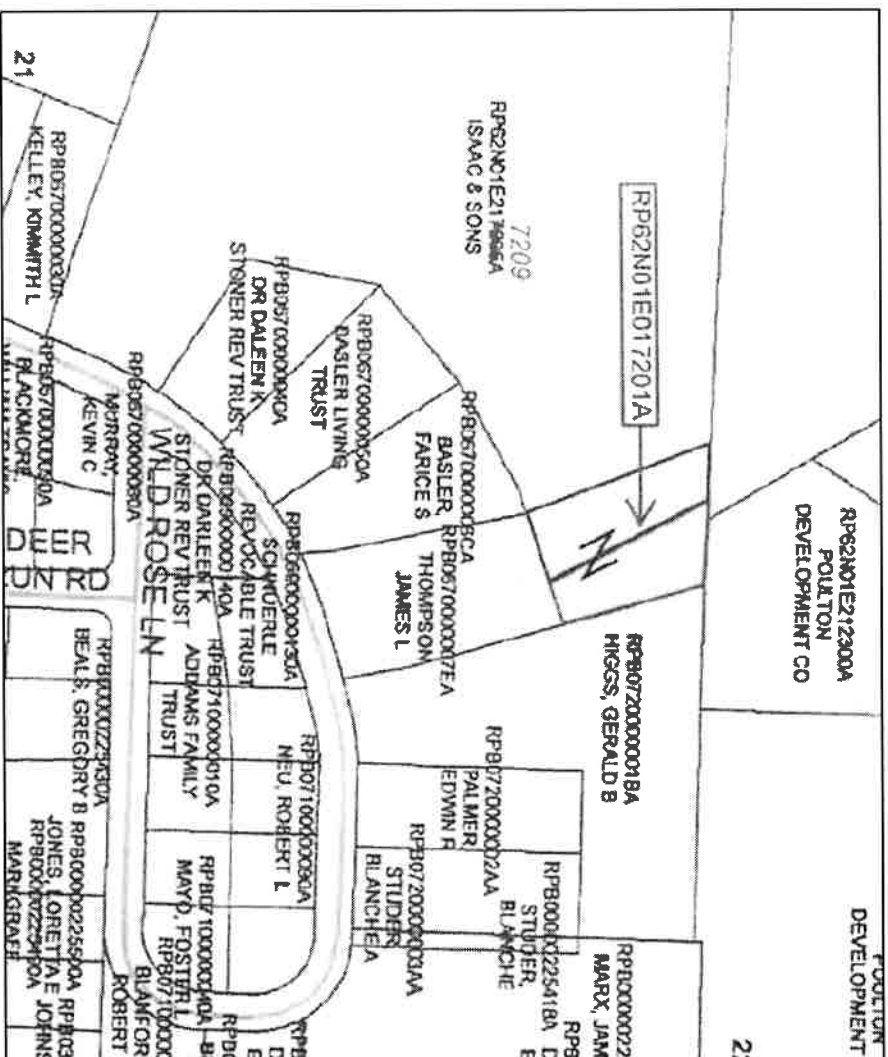
PUBLIC HEARING

BONNERS FERRY CITY COUNCIL, APRIL 2, 2019

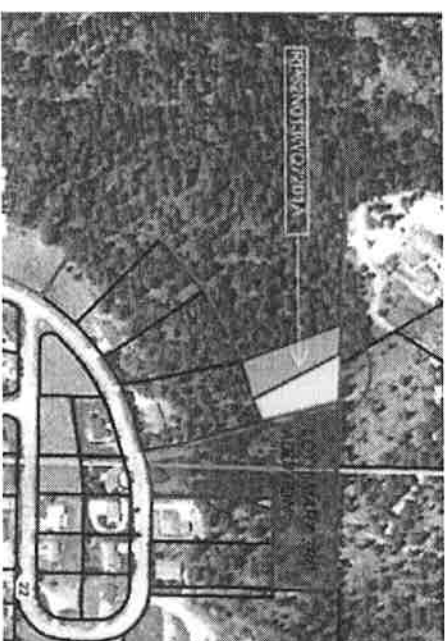
File # AN03-18 - Annexation Request: Gerald B. Higgs is requesting the City of Bonners Ferry annex into the city limits about 1.38 acre of land, located adjacent to 7612 Wild Horse Lane in Section 21, Township 62 North, Range 1 East, B.M. The applicant is requesting the land be zoned Residential B. The land is designated Residential on the city comprehensive plan map. The Bonners Ferry Planning & Zoning Commission recommended approval of the Residential B zone at its February 21, 2019 public hearing.



HIGGS ANNEXATION
SECTION 21, TOWNSHIP 62
NORTH, RANGE 1 EAST
EAST OF 7612 WILD HORSE
LANE
FILE #AN03-18



APPLICATION SITE PLAN



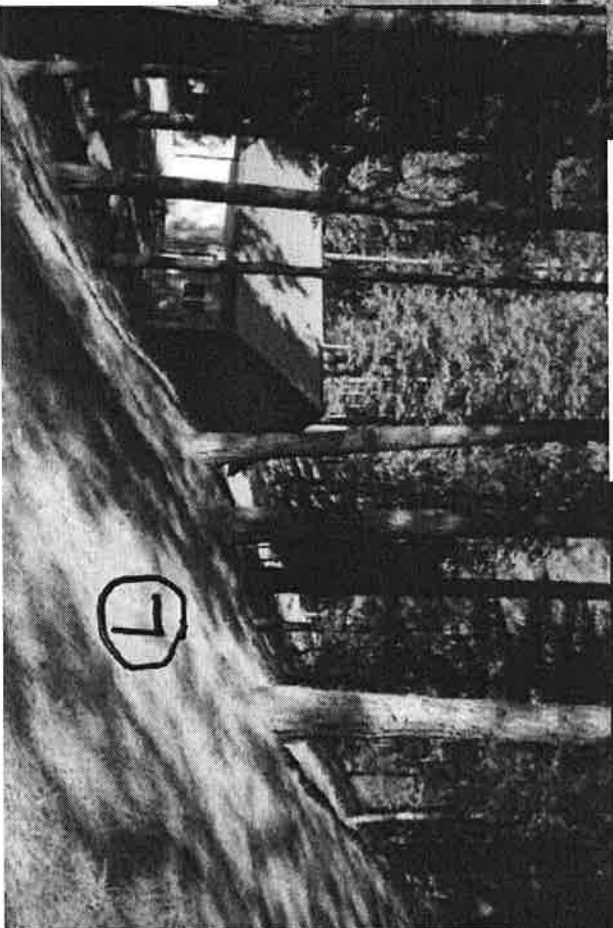
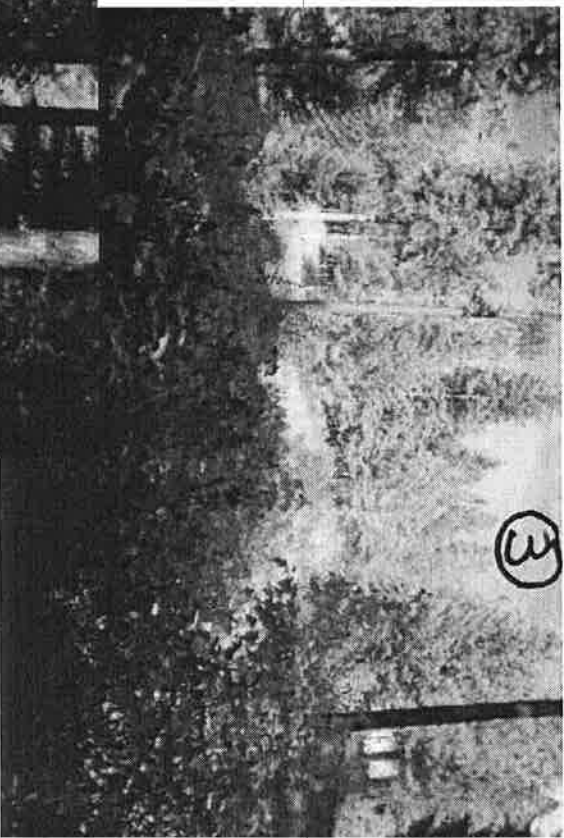
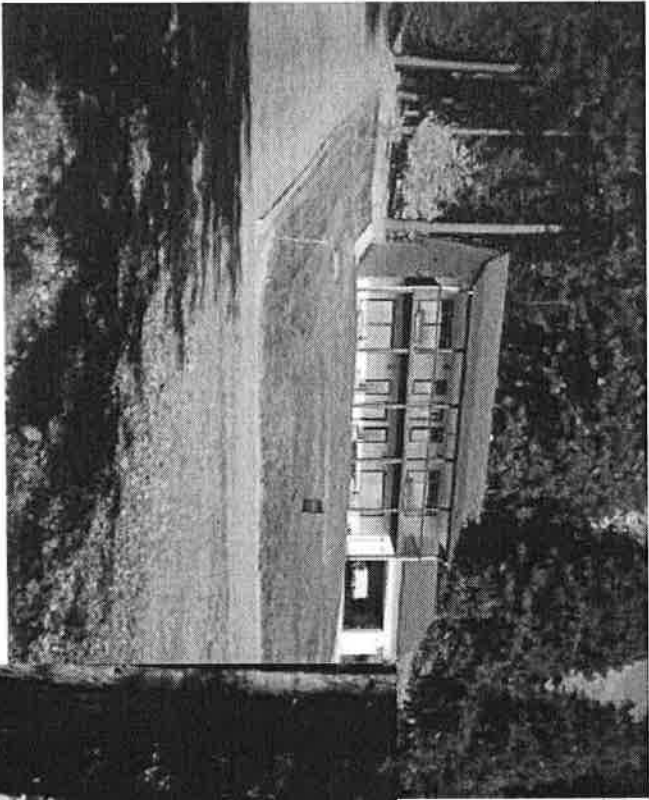
Aerial image of vicinity



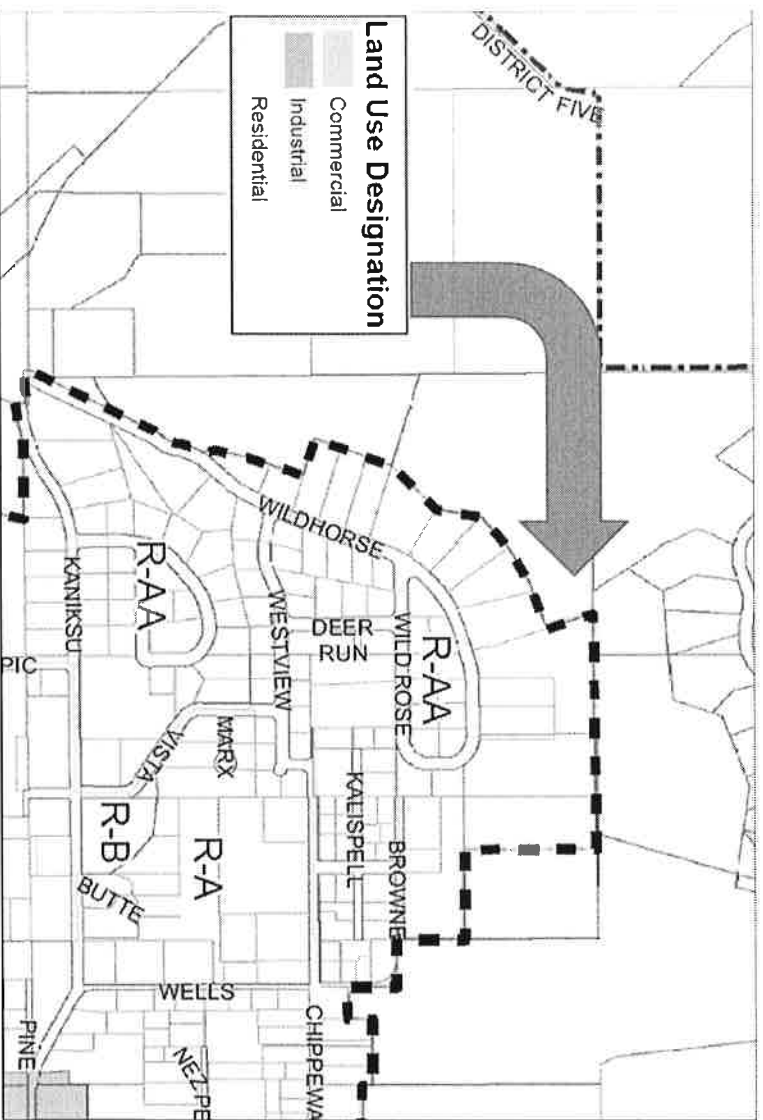
APPLICATION

- Applicant seeking annexation to:
- Combine recently purchased land into one lot under city jurisdiction
 - Request Residential B zone for purpose of maintaining vegetation and allowing goats to graze on the land
 - Allows transition between city and county land uses
 - Does not request extension of city services
 - Land too steep for further development
 - Elevations "above water/sewer serviceability"

SITE AND ADJACENT LOT



COMPREHENSIVE PLAN DESIGNINATION

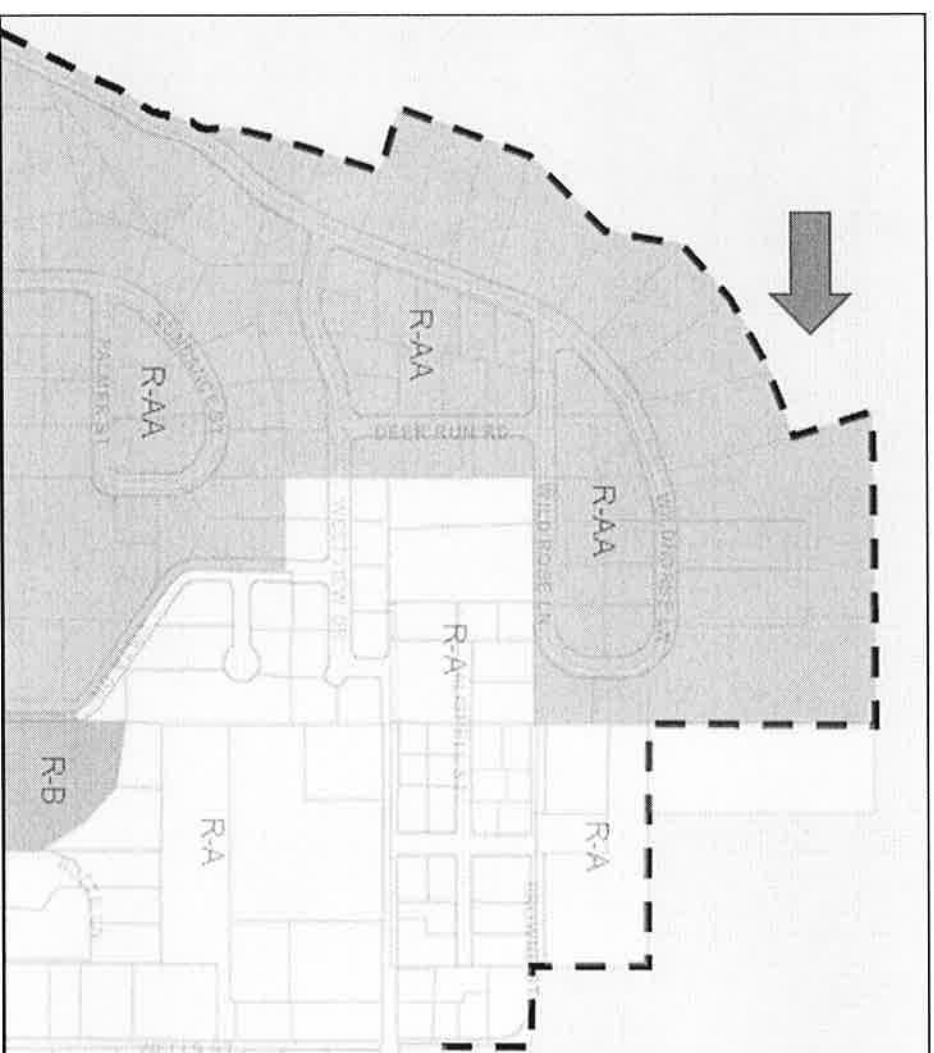


Area designated "Residential" as part of citywide comprehensive plan future land use map amendment, 1/15/19.

Residential: The Residential designation is intended to support zoning districts allowing a range of housing types and densities. The Residential designation also allows for certain public uses such as parks, fire and police facilities and K-12 schools. The zoning districts that are appropriate for this designation are Residential AA, Residential A, and Residential B.

VICINITY ZONING

- Residential-AA to east and south.
- Applicant requests Residential B as a transition between the city's Residential AA zone and county lands to the west.
- City Residential zones allow single-family dwellings; minimum parcel size for future development is 5,000 square feet.
- Residential B allows certain livestock and poultry on parcels larger than 1/2 acre, with limits set based on animal units. The unincorporated lands to the west are zoned Residential, 1/4 to 2.5 acre lot sizes (county map).



RESIDENTIAL DESIGNATION

▪ Residential designation fit the following zoning districts:

- Residential AA (5,000 square feet)
- Residential A (5,000 square feet)
- Residential B (5,000 square feet)

Applicant proposes Residential B

- To allow “Fire Safe” management practices
- To allow keeping of livestock

ANNEXATION PREREQUISITE

- Bonners Ferry City Code §11-1-2 (1):Annexation Prerequisite: Prior to annexation of an unincorporated area, the city council shall request and receive a recommendation from the planning and zoning commission on the proposed comprehensive plan and zone change for the unincorporated area. Both the commission and the city council shall follow the notice and hearing procedures as provided in Idaho Code section 67-6509. Concurrently, or immediately following the adoption of an ordinance of annexation, the city council shall amend the zoning ordinance.
- Idaho Code §50-222(5)(a) – Category A (voluntary) annexation: City must initiate planning and zoning procedures to establish comprehensive plan policies and zoning classification for lands to be annexed, using public hearing process.

VOLUNTARY ANNEXATIONS - IC §50-222

- Consent by landowners. The landowner submitted a notarized consent to annexation, dated November 28, 2018 (revised application.)
- Contiguous to city. The city limits touch the eastern border of the 1.38-acre subject parcel.
- Be within the Area of City Impact or included in the comprehensive plan. The land is located within the Bonners Ferry ACl and is designated as “Residential” on the City Future Land Use Map, adopted January 15, 2019.

AGENCY COMMENT

- Public agency review meeting November 8, 2018
- Administrative summary:
 - Due to steep slopes, bringing full urban services to the site is challenging.
 - Potential challenges of accessing the site in the event of fire, due to steepness.
 - Considering the comprehensive plan and challenges to services, the annexation request is a “policy question” as to whether the City should grow in this area.
- An annexation agreement should address:
 - Density & Zoning. Combining new and existing land into 1 lot. No additional density afforded the lot.
 - City services. Annexed area would not be afforded any new city utility services; City shall have no obligation to provide additional services beyond current service boundaries.
- Application costs. The applicant shall bear the costs of the annexation processing and map updates.

PUBLIC COMMENT

- Letter from Larry & Mila Cousins: Believe it is ill-advised to increase burden of costs for fire protection and city services for benefit of single individual. Poor access. Sets poor precedent. (2/14/19 letter)
- Applicant rebuttal: Landowner is member of North Bench Fire Association, which provides fire protection. He is not requesting further services. Desires to purchase land for preservation.

PROCEDURES & AUTHORITY

- Amendments to comprehensive plan/map heard by Planning & Zoning Commission (Idaho Code §67-6508)
 - Council approved city-wide map amendment in January
- Notice provided by newspaper ad, web site, and mailed to taxing districts and airport manager (Idaho Code §67-6509)
- P&Z provided recommendation to City Council to approve Residential B zone at its February 21st public hearing
- City Council considers recommendation and may conduct at least one hearing
- Amendment of zoning map and annexation are completed with adoption of ordinance

STANDARDS OF REVIEW FOR ZONING

- Idaho Code §67-6511: *Not "in conflict with the adopted plan, or would result in demonstrable adverse impacts upon the delivery of services by any political subdivision providing public services, including school districts, within the planning jurisdiction..."*

DRAFT SUGGESTED MOTIONS

- DRAFT MOTIONS BY CITY COUNCIL:
- Annexation & Zoning Map Amendment
- Motion to Approve: I move to approve the annexation of 1.38 acres that are the subject of File #AN03-18 and the zoning of these lands to Residential B, finding that it is in accord with the goals and policies of the adopted City of Bonners Ferry Comprehensive Plan.
- Motion to Deny: I move to deny the annexation of 1.38 acres that are the subject of File #AN03-18 and the zoning of these lands to Residential B, finding that it is not in accord with goals and policies of the adopted City of Bonners Ferry Comprehensive Plan. The actions to be taken to gain approval is to resubmit an application that can be shown to be in general compliance with the City Comprehensive Plan.
- I further move to adopt the following findings and reasoned statement as written (or as amended) [SPECIFY WHAT OR WHY THE STANDARDS DON'T MEET THE NEEDS OF THE CITY. READ STATEMENTS, SPECIFYING WHETHER THE PROJECT MEETS OR FAILS TO MEET THE STANDARDS, BASED UPON THE FINDINGS OF RECORD].

REASONED STATEMENT

- VII. REASONED DECISION
- Reasoned Statements:
 - The annexation and map amendment IS/IS NOT supported by the City of Bonners Ferry Comprehensive Plan.
 - Community Design
 - Natural Resource
 - Population
 - Economic Development
 - Hazardous Areas
 - Transportation
 - Property Rights
 - Special Areas and Sites
 - Recreation
 - Housing
 - Land Use
 - Public Services, Facilities and Utilities
 - Implementation
 - School Facilities

DRAFT FINDINGS

- 1. The subject property is contiguous to the city limits on the east side, adjoining Lot 1 of Marx 3rd Addition Subdivision on Wild Horse Lane.
- 2. The applicant has submitted a signed affidavit consenting to annexation.
- 3. The land is within the Bonners Ferry Area of City Impact.
- 4. The City does not require impact fees or development fees for annexed lands. Any services to individual lots are required to be paid by landowners seeking services.
- 5. The site is vacant.
- 6. The applicant proposes to combine the newly acquired 1.38 acres with an existing lot within the city limits to form a single ±5.05-acre lot, all within the boundaries of the City of Bonners Ferry.
- 7. No additional homes or further subdivision of the land are proposed.
- 8. The site is located on an existing public right-of-way, Wild Horse Lane.
- 9. The City is not obligated to provide additional services beyond its existing coverage area.
- 10. The applicant is requesting the subject land be zoned Residential B.
- 11. The land within the city limits to the east is zoned Residential AA.
- 12. No additional access points or extensions of public streets are proposed as a part of this annexation request.

PROPOSED CONDITIONS OF APPROVAL

- 1. The annexation shall be complete upon adoption of an ordinance by the City Council.
- 2. Prior to adoption of an ordinance annexing the property, the City and applicant shall enter into an Annexation Agreement, which shall at a minimum address the following:
 - i. Density. The subject property is not to be considered as a separate parcel and shall incur no additional density.
 - ii. Fees. Fee associated with the annexation request shall be paid by the applicant.
 - iii. Subdivision standards. The applicant shall combine the subject acreage with the existing Lot 1 of Marx 3rd Addition to form a single, platted lot.
 - iv. Utilities. The site will not be afforded any new city utility services.
- 3. The terms of the annexation agreement shall be completed prior to the adoption of the annexation ordinance.
- 4. Upon annexation, the City will amend the official zoning map to reflect a zone district of Residential B for the subject land.

ANNEXATION AGREEMENT

- See annexation agreement memo



RUEN-YEAGER & ASSOCIATES, INC.

ENGINEERS ♦ PLANNERS ♦ SURVEYORS

MEMO

To: Bonners Ferry Mayor, City Council, and City Administrator
From: Clare Marley, AICP, Contract Planner
Date: March 25, 2019

Re: Action on annexation agreement, File #AN03-18, Higgs, scheduled for April 2, 2019

Decision regarding proposed annexation agreement, Higgs:

As part of the consideration for the proposed annexation of approximately 1.38 acres west of 7612 Wild Horse Lane (File AN03-18), the Bonners Ferry City Council will consider an annexation agreement between the City and the applicant. The purpose of the annexation agreement is to describe the subject property and spell out the terms of annexation, should the Council agree to proceed. The suggested City obligations include completion of the annexation process with the adoption of an ordinance and zoning map amendment, once the terms of the agreement are completed. Applicant responsibilities include payment of certain annexation processing fees, acknowledgment that the land will not be afforded any new city utility services, and agreement to combine the newly acquired lands with the owner's existing lot to form one lot. For a full description of the terms, see the draft agreement attached to the staff report. The following suggested motions are offered by staff:

Annexation Agreement Suggested Motions:

Motion to Approve: I move to approve the annexation agreement between the City of Bonners Ferry and Gerald B. Higgs, applicant for file AN03-18 [insert any directions for amendments] and authorize the Mayor and City Clerk to sign the agreement upon approval of the final document by the City Attorney.

Should Council wish to reject the agreement or seek to provide additional input or standards, the Council may choose either of the two optional motions as provided below:

Motion to Deny: I move to reject the annexation agreement between the City of Bonners Ferry and Gerald B. Higgs, applicant for file AN03-18 [insert any stated reasons].

Motion to Continue: I move to continue action on the proposed annexation agreement [insert any reasons, time frame, directions to staff].

CITY OF BONNERS FERRY, IDAHO
ANNEXATION AGREEMENT
HIGGS ANNEXATION
(File #AN03-18)

THIS AGREEMENT is made effective this _____ day of _____, 2019, by and between the *City of Bonners Ferry*, 7232 Main Street, Bonners Ferry, Idaho 83805, a municipal corporation organized pursuant to the laws of the State of Idaho, hereinafter termed the “City,” and, **Gerald B. Higgs, 7612 Wild Horse Lane, Bonners Ferry, Idaho 83805, a single person**, hereinafter termed the “Owner.”

WHEREAS, the Owner owns a tract of land adjacent to the Bonners Ferry city limits, which the Owner wishes to have annexed into the City. Said property for which annexation is requested is more particularly described in the attached Exhibit A and illustrated in attached Exhibit B, and made a part of this agreement.

WHEREAS, the Mayor and City Council of the City of Bonners Ferry have determined it to be in the best interests of the City to annex the lands described above (hereinafter termed “Described Lands”), subject to the Owner performing the covenants and conditions hereafter set forth;

WHEREAS, the City and the Owner with the execution of this document agrees to the terms and conditions as set forth therein;

NOW THEREFORE, IN CONSIDERATION of the covenants and conditions set forth herein, the parties agree as follows:

1. Purpose:

Owner enters into this Agreement to obtain annexation of the Described Lands, while City seeks to obtain partial mitigation of the effects of annexation of the Described Lands. Owner acknowledges that city has no duty to annex the Described Lands and that the promises of Owner constitute an inducement for City to do so. The term “Owner” is deemed to include any successor in interest in the Described Lands.

2. Prerequisites:

Upon proper execution and recordation of this Agreement, and upon performance of the prerequisite steps called for herein, the City will, to the extent lawfully permitted, adopt and thereafter publish an ordinance annexing Owner’s property. Prior to recordation of the annexation:

2A. The Owner shall pay any and all fees associated with the annexation process, outlined in paragraph 6.1 herein.

2B. The Owner shall cause to be prepared for city consideration a replat of the combined Described Lands with his existing platted Lot 1 of the Amended Plat of Marx 3rd Addition, to form a single, platted lot. The replat shall be submitted to the City in a final plat format, in accord with Title 12, Bonners Ferry City Code.

The Owner shall provide the City a draft paper copy of the final plat for review prior to submitting the final plat mylar.

3. Annexation

Upon completion of the above prerequisites, the City shall record the annexation ordinance and shall adopt a new zoning map to include the lands as described herein. In addition, future utilities and densities to/for the property shall be provided in accordance with the language provided below:

3A. Utilities:

The Described Lands will not be afforded any new city utility services. The City shall have no obligation to provide additional services beyond current service boundaries.

3B. Future Zoning and Development Density:

(1) Upon annexation, the property will be designated “Residential” on the comprehensive plan and zoned as Residential B.

(2) The Described Lands are not to be considered a separate parcel(s) and shall incur no additional density. The resulting combined lot described in paragraph 2B of this agreement shall not be afforded any additional density.

4. Construct to City Standards:

Unless otherwise stipulated or agreed to, the Owner agrees that all improvements required by this Agreement or by City codes shall be built to City standards or to the standards of any public agency providing service to the development, adhering to all City policies and procedures at the expense of the owner.

5. Applicable Standards:

The Owner agrees that all laws, standards, policies and procedures regarding residential and/or utility construction that the Owner is required to comply with or otherwise meet pursuant to this Agreement or City codes shall be those in effect when application for connection is sought.

6. Consideration:

Owner agrees to provide specific consideration to the City in the amounts and at the times specified herein. The sums specified are deemed by the parties to be a reasonable fee for City benefits to the Owner’s use or development of its lands annexed hereby. The following consideration may be used in any manner that the City, in its sole discretion decides. The sums and manner of payment are detailed in Section 6.1.

6.1 ~~Prior to issuance of a permit for any improvement~~ recording the annexation agreement for the Described Lands, the Owner thereof shall pay the appropriate costs associated with processing the annexation, development agreement and zoning map amendment. The City has determined the reasonable fee to accommodate these. Both parties agree that this sum is to be paid as an annexation fee, as distinguished from an impact or capital facilities fee, which might otherwise be an obligation associated with development of the Described Lands.

Fee Structure:	Zoning Map	\$50.00
	Notification / Mailings	<u>\$Actual Cost</u>

7. **Severability:**
Should any provision of this Agreement be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and be interpreted to effectuate the purposes of the entire Agreement to the greatest extent possible.
8. **Merger and Amendment:**
All promises and prior negotiations of the parties merge into this Agreement. The parties agree that this Agreement shall only be amended in writing and signed by both parties. The parties agree that this Agreement shall not be amended by a change in law. The parties agree that Agreement is not intended to replace any other requirement of City Code and that its execution shall not constitute a waiver of requirements established by City ordinance or other applicable provisions of law.
9. **Enforcement - Attorney's Fees:**
Should either party require the services of legal counsel to enforce compliance with the terms of this Agreement, the prevailing party shall be entitled to its reasonable attorney's fees and related costs of enforcement.

IN WITNESS WHEREOF, the City of Bonners Ferry has caused this Agreement to be approved by the City Council, executed by its Mayor and City Clerk, and the Owner(s) has executed this Agreement to be effective the day and year first above written.

CITY OF BONNERS FERRY

By: _____
David Sims, Mayor

Attest: _____
Christine McNair, City Clerk

OWNER:

By: _____
Gerald B. Higgs, Owner

ACKNOWLEDGMENTS

STATE OF IDAHO)
)
 :SS
County of Boundary)

On this ____ day of _____, 2019, before me, a Notary for the state of Idaho, personally appeared **David Sims** and Christine McNair, known, or identified to me to be the **Mayor** and **City Clerk**, respectively of the City of Bonners Ferry, Boundary County, Idaho, executing the herein instrument, and acknowledged to me that such City of Bonners Ferry executed the same.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal, the date and year in this certificate first above written.

Notary Public for the state of Idaho
Residing at:
Commission Expires:

STATE OF IDAHO)
)
 :SS
County of Boundary)

On this ___ day of _____, 2019, before me, a Notary for the state of Idaho, personally appeared **Gerald B. Higgs**, known, or identified to me to be the Owner who executed this instrument or the person who executed the instrument.

IN WITNESS WHEREOF, I have hereto set my hand and affixed my official seal the date and year in this certificate first above written.

Notary Public for the state of Idaho
Residing at:
Commission Expires: