

NOTICE OF APPROPRIATIONS ORDINANCE AMENDMENT HEARING

NOTICE IS HEREBY GIVEN that the City Council of Emmett, Idaho will hold a public hearing for consideration of an amendment to the 2021 fiscal year budget by appropriating additional monies received by the City of Emmett, said hearing to be held at City Hall, 501 E. Main St., at 7:00 p.m., on the 14th day of September 2021.

	FY 2019 ACTUAL EXPENDITURES	FY2019 ACTUAL REVENUES	FY2020 ACTUAL EXPENDITURES	FY2020 ACTUAL REVENUES	FY2021 PROPOSED EXPENDITURES APPROPRIATION	FY2021 PROPOSED REVENUES APPROPRIATION	FY2021 INCREASE OVER ORIGINAL
General Fund	2,516,677	2,750,476	2,879,061	2,872,810	2,607,983	2,607,983	652,000
Water Fund	1,610,603	1,828,315	1,712,169	1,817,434	1,781,121	1,781,121	336,110

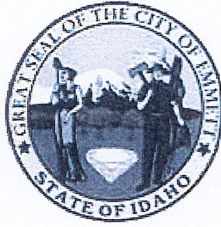
At said hearing any interested person may appear and show cause, if any he has, why such proposed appropriations ordinance amendment should or should not be adopted.

Dated this 26th day of August, 2021

City Clerk: Lyleen Jerome

*This institution is an equal opportunity provider
 Any person needing special accommodations to participate in the above-noticed meeting should contact City Hall prior to
 the meeting at 501 East Main Street, Emmett, Idaho*

Published by Messenger Index September 1, 2021 and September 8, 2021



**CITY OF EMMETT
PLANNING & ZONING DEPARTMENT**

**APPLICATION FOR
ANNEXATION WITH PRELIMINARY PLAT**

DESCRIPTION: ANNEXATION W/ZONING CLASSIFICATION, 8.527 ACRES AND
PRELIMINARY PLAT

APPLICATION NUMBER: ANN/RZ#21-002, PP#21-002

ZONING COMMISSION HEARING DATE: AUGUST 2, 2021 @ 6:00

CITY COUNCIL HEARING DATE: SEPTEMBER 14, 2021 @ 7:00

APPLICANT: K & B DEVELOPMENT (KELSEY PETERSON)
2550 E. QUAIL RUN RD.
EMMETT, ID 83617

PROPERTY OWNER: KELSEY PETERSON, K & B DEVELOPMENT

SUBJECT PROPERTY LOCATION: E. 12TH ST., THE N ¼ OF SECTION 17, TOWNSHIP 6 N., R.
1 W., B.M., GEM COUNTY, IDAHO.

PARCEL#: RP06N01W170800

STAFF PLANNER: BRIAN SULLIVAN

1. APPLICATION SUMMARY/BACKGROUND:

The purpose of this application is to request a zoning classification and annexation of a parcel of land located on E. 12th St. into the City of Emmett. The requested zoning classification is R-3, multi-family residential. This area is eligible to request annexation as it is within the Area of City Impact and contiguous to the existing city limits. The area to be annexed is approximately 8.527+- acres and has frontage on E. 12th St., Sunny Acres Subdivision is on the east boundary, and the Gem County Drain on the west side of the property.

The preliminary plat proposed consists of 14 lots ranging in size from .418 to .479 acres each. The developer will need to dedicate .388 acres (16,901sq. ft.) as usable common open space. "Common open space" shall mean land area exclusive of street rights of way and street buffers, except for right of way specifically dedicated for landscaping within a subdivision.

common open space, drainage swall, landscape buffer along E. 12th St., and the entryway into the subdivision. The subdivision will be constructed to Emmett Public Works Standards and have street lighting, fire hydrants and curb, gutter, and sidewalk though-out.

This summary gives a brief description of the applications and what each one consists of. For information on how these applications comply with the zoning ordinance and comprehensive plan, please look at sections 5, 6, and 7 of this staff report.

2. APPLICATION PROCESS FACTS:

- A. Application Submittal:
The complete application for this item was filed by Kelsey Peterson on March 15, 2021.
- B. Notice of Public Hearing:
Notice of Public Hearing on the application for the Emmett Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code on July 14, 2021 and August 25, 2021 in the Messenger Index. Notice of this public hearing was mailed to all property owners within 300 feet of the subject property on July 12, 2021 and August 24, 2021. The physical property was posted for the public hearing on July 23, 2021.
- C. Relevant Ordinances and Required Actions:
The subject application will in fact constitute an Annexation application as determined by Emmett City Code (ECC) 9-15-10A - D. By reason of the provisions of the ECC Title 9, Chapter 15, a public hearing is required before the Zoning Commission (“Commission”) and the City Council on this matter. The Commission must make a recommendation to the City Council and make findings of fact and conclusions of law relating to compliance with the Comprehensive Plan, per ECC 9-15-10H.
The subject Subdivision application will in fact constitute a Preliminary Plat as determined by ECC, Title 10, Chapter 2. Emmett City Code Title 10, Chapter 2, requires a public hearing on the matter of the Preliminary Plat before the Zoning Commission and a review of the decision by the City Council.

3. APPLICATION & PROPERTY FACTS:

- A. Site Address/Location:
The area to be annexed contains approximately 8.527+- acres and fronts E. 12th St. The east and west side of the property touches the city limits.

4. LAND USE

- A. Existing Land Use(s): Bare land/ irrigated pasture.
- B. Description of Character of Surrounding Area: This vicinity is comprised of vacant land, residence to the north along with farm land, Sunny Acres Subdivision to the east, and vacant pasture to the west.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	Area of City Impact (AOCI)	A-2, Rural Transitional Ag. – County	Residence with farm land
South of site	Mixed Planned Development/(AOCI)	MX, Mixed Use	Vacant pasture

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
East of site	Mixed Planned Development/(AOCD)	R-3, Multi-Family and R-1, Single-Family	Residential building lots
West of site	Mixed Planned Development/(AOCD)	R-3, Multi-Family	Vacant pasture

D. Existing Site Characteristics: Irrigated pasture land.

E. Streets and/or Access Information: Parcel has access to E. 12th Street via a new city street. All lots will front the proposed new streets Grace Court and S. Mercy Ave. No access points except S. Mercy Ave will be allowed on E. 12th Street. Street names will have to be approved by the Street Naming Committee.

5. COMPREHENSIVE PLAN POLICIES & GOALS [Staff comments and analysis are shown in *italics*.]

The following policies in the Gem Community Joint Comprehensive Plan support approval of these applications. The Commission and Council need to consider these and any other policies you deem appropriate in reviewing and deciding on the applications:

Introduction

Purpose: The basic purpose of the plan is to maintain and improve the existing quality lifestyle for residents by:

- Respecting the rights and encouraging responsibilities of property owners.
- Encouraging development that maintains and improves job opportunities for residents and protects the community ideals.
- Designating adequate land to meet anticipated future demands for urban and rural development in a logical manner.
- Providing for an orderly provision of public facilities and services to function as the framework for urban development.
- Contributing to a stable and diversified economy in the Gem Community.
- Retaining and protecting natural and cultural resources that contribute to the livability of the community.
- Encouraging a balance of land uses to ensure that revenues are available to support desired services.
- Providing housing opportunities for all economic groups living in the Gem Community.

General Housing Goal Statement:

The Gem Community recognizes that housing is one of the most basic and important human needs. All citizens must be provided with the opportunity for adequate housing.

Housing policies focus on these areas:

- Encourage development within the Emmett Area of City Impact and Rural Residential areas in the County.
- Encourage workforce housing (affordable to households earning from 80% to 140% of the Area Median Income) in the Gem Community.
- Encourage diversified housing including single-family, multi-family and rental housing.

CHAPTER 3 – HOUSING

- 3.1 Encourage the provision of quality and diverse housing, as well as creative subdivision designs, of all price ranges for present and future residents.

The multi-family housing is adding “diversity” to the city’s housing stock.

Additionally, the subdivision design meets the minimum requirements of the R-3 zone.

- 3.2 Create and maintain a high quality of life through the provision of adequate open space and recreational opportunities.

Moon Creek Subdivisions preliminary plat calculated dedicated open space for the 14 lots being proposed does not contain the required open space. Applicant will need to dedicate .388 acres or 16,901 sq. ft. of usable common open space. "Common open space" shall mean land area exclusive of street rights of way and street buffers, except for right of way specifically dedicated for landscaping within a subdivision. Stormwater detention facilities must be designed in accordance with subsection 9-17-11B of this code in order to count toward the open space requirement.

- 3.6 Support an open housing market free from discrimination on the basis of race, religion, sex, family status, mental or physical handicap.

The Moon Creek CC&R's, while not enforced by the City of Emmett, must be free of any discrimination and/or policies which are in violation of this federal housing rule.

CHAPTER 9 - PUBLIC SERVICES AND UTILITIES

GC9.2.3 – Revise the zoning and subdivision ordinances and adopt, as necessary, specialized planning tools or development review guidelines, based on the Comprehensive Plan.

This application (Annexation) is a Zoning Amendment application which updates the official zoning map of the City of Emmett and, in that sense, is a revision to the ordinance to keep-up with development changes. The proposed zoning is found to be in accordance with the Comprehensive Plan, which designates adjacent, developable areas for residential uses.

CHAPTER 12 – LAND USE

- 12.5 – Promote the design and landscaping of attractive entryways into our communities.

Landscape plan must be submitted with construction drawings. Final plat will not be approved until landscaping of the entryway, drainage lot, and 12th street buffer is complete.

- 12.8 – Protect citizen investments in existing public facilities by managing growth through community planning, reviews and development agreements and fees.

Staff feels that a development agreement is not needed in the case of residential zoning. The residential zoning classification blends in with the surrounding land use.

- 12c.2 – Residential areas may be serviced by municipal sewer or water within the City Impact area. When the property becomes contiguous with the City of Emmett, annexation will be evaluated.

Municipal sewer and water are in 12th Street directly in front of the property and a sewer stub comes from the east thru an easement dedicated to the City from Sunny Acres Subdivision. The City limits borders Mr. Peterson property on the west along the Gem County drain, and to the east as Sunny Acres Subdivision.

TITLE 9 SECTION 7 CHAPTER 5– EMMETT CITY CODE

- R. Multi-Family Development – Development will have standards outlined in this section if developed into multi-family housing. Standards will be imposed at time of building permit for each lot. Single-Family residential is allowed and will not need to comply with 9-7-5R.

6. REQUIRED COMMISSION FINDINGS & STAFF ANALYSIS (ANNEXATION)

Emmett City Code 9-15-10. H., Commission Review, requires the Commission to make the following findings for any annexation application before recommending approval to the City Council: (staff analysis in *italics*)

- A. Determine whether the proposed annexation will be harmonious and in accordance with the specific goals and policies of applicable components of the Gem Community Comprehensive Plan.

The analysis of the Gem Community Comprehensive Plan is provided in Section 5 above. Staff finds the property included in this annexation request lies within the "Area of City Impact" designation of the Future Land Use Map in the Joint Comprehensive Plan. Chapter 12 of the Gem Community Comprehensive Plan describes the intent and development goals of this area. Land in this area is slated to be annexed and zoned when it becomes contiguous with the city limits and when urban services are available.

- B. Recommend that the property sought to be annexed should be zoned as one or more zoning districts (as more fully described in the Emmett Zoning Ordinance).

Staff recommends the Commission support the proposed zoning classification of R-3, Multi-Family Residential zone for the 8.527 acres.

7. SUBDIVISION ORDINANCE FINDINGS (PRELIMINARY PLAT)

Before recommending approval or approving any subdivision, ECC 10-2-3.H requires the Commission and City Council to consider the objectives of the Subdivision Ordinance and at least the following findings:

1. The conformance of the subdivision with the comprehensive development plan.
Staff generally finds the plat to comply with the Comprehensive Plan, as outlined in Section 5 above.

2. The availability of public services to accommodate the proposed development.

This finding expands upon the Preliminary Plat finding above by requiring all public services to be evaluated before approving a preliminary plat application. This includes, among other services, EMS, fire, law enforcement, library, schools, streets and irrigation. To date, written comments have been received from the following service providers:

- Gem County Assessor
- Gem County Treasure
- Keller and Associates
- Emmett Independent School District
- Gem County Road & Bridge
- Emmett Public Works Department
- Last Chance Irrigation District
- Idaho Power
- Emmett Police Chief
- Emmett Fire Chief

The Commission should review all of the comments as well as public testimony from any service providers before making a decision.

3. The continuity of the proposed development with the capital improvement program.

This does not exist at this time.

4. The public financial capability of supporting services for the proposed development.

If this subdivision is approved, staff finds the following services will need to be provided by the City of Emmett to future residents:

- *Water and Sewer*
- *EMS*
- *Solid Waste*
- *Streets*
- *Parks*
- *Cemetery*
- *Fire*
- *Law Enforcement*
- *Library*

Public services to support the development would be handled through general tax and/or fee-for-service structures in place at the time of development.

5. The other health, safety or environmental problems that may be brought to the commission's attention.

Staff finds there are no other significant health or environmental problems in connection with this property.

8. SITE SPECIFIC CONDITIONS OF APPROVAL (P&Z Dept.)

P&Z staff offers the following recommended conditions of approval for the PP application. Other departments/agencies have recommended conditions of approval separate from this report. Some of these are comments and information requests while others are topics for the Commission to consider. We request the applicant address each of these issues with the Commission and provide a written response, if possible, prior to the hearing.

Preliminary Plat Application

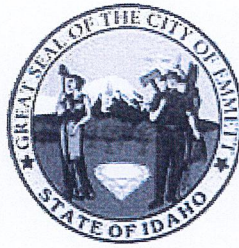
1. Comply with all conditions of approval, as approved by City Council, from impact agencies and utility providers.
2. Name of the subdivision proposed is Moon Creek, name will need final approval prior to final plat.
3. All proposed street names must meet the approval of the Gem County Street Naming Committee before Final Plat is recorded and must comply with ECC 10-3-5.
4. Per ECC 10-4-2. E, all utilities within the development must be constructed underground.
5. Complete a landscape plan for the entryway, buffer, and drainage lot to comply with ECC 10-3-11. Final landscape plan is to be submitted prior to filing the final plat. Landscaping needs to be complete prior to City approving final plat. Landscape requirements can be located in Title 9, Chapter 17, Emmett City Code. Applicant will need to dedicate .388 acres or 16,901 sq. ft. of usable common open space. "Common open space" shall mean land area exclusive of street rights of way and street buffers, except for right of way specifically dedicated for landscaping within a subdivision. Stormwater detention facilities must be designed in accordance with subsection 9-17-11B of this code in order to count toward the open space requirement. If developed into multi-family, additional amenities will be required as outlined in 9-7-5R.
6. Per ECC 9-20, all exterior lighting within Moon Creek Subdivision shall conform to the City of Emmett's dark sky lighting standards. Applicant shall add this requirement to the CC&R's

7. Add street lights to the development. One at the entrance on 12th Street, one at the intersection of S. Mercy Ave, one mid-block on Grace court, and one at the end of the cul-de-sac. (ECC 10-4-2M) Style must be approved by City Staff. Lights will be LED.
8. City street shall be constructed to City of Emmett Public Works design standards and Idaho Standards for Public Works Construction.
9. Curb, Gutter, and sidewalk shall be constructed with specifications detailed in construction drawings.
10. Fire Hydrants are required in accordance with Emmett Fire Department. Fire hydrants shall be provided with maximum distance between being 300'.
11. Vertical curb shall be required at the transition at 12th street. The city has recently installed a walking path along E. 12th St. New road entrance shall incorporate this path into the design. Rolled curb shall be provided on the interior roadway. Details are to be provided with construction drawings.
12. Applicant shall comply with ECC 10-2-3 regarding plat approval period standards and shall submit a Final Plat application within 18 months after approval of the preliminary plat. Failure to file a Final Plat within this time frame shall cause the preliminary plat to become null and void unless an extension of time is applied for by the subdivider and granted by the city council. Said application for time extension shall be submitted in writing to the administrator prior to the expiration date and shall state the reasons for failure to file the final plat application. The application shall also include a proposed length of extension, not to exceed twelve (12) months. More than one extension may be granted upon showing of good cause.

9. STAFF RECOMMENDATION

Staff recommends the Council support the Zoning Commissions recommendation of annexation with the proposed zoning classification of R-3, multi-family residential for the 8.527 acres.

Staff recommends the Council support the Zoning Commissions recommendation to approve the preliminary plat for Moon Creek Subdivision and adopt the Site-Specific Conditions of Approval in Section 8 as part of the motion.



CITY OF EMMETT

Zoning Commission

Recommendation to City Council

Application: Annexation with zoning classification and preliminary plat

Applicant: Kelsey Peterson, K & B Development

Date of Zoning Commission Public Hearing(s): August 2, 2021

Date of City Council Public Hearing: September 14, 2021

Summary of Public Testimony:

- In Favor: Kelsey Peterson
- Opposed: Nick Maurer, 1755 E. 12th St., Jeremy Thornock, 1785 E. 12th St., and Robbie Roberts, 2660 S. Substation Rd.
- Neutral: None

Recommendation: Approval of the annexation of 8.527 acres with the zoning classification of R-3, multi-family residential, and preliminary plat, per the findings in the staff report and adopt the site-specific conditions of approval from the staff report. Unanimous vote.

Reason(s) and Findings for Recommendation:

The Commission finds the proposed annexation conforms with the basic intent of the Comprehensive Plan and Future Land Use Map and the preliminary plat complies with the intent of chapter 10, ECC.

See the attached application/staff report for details.

Possible Motion:

I make a motion to approve the annexation with zoning classification of parcel number RP06N01W170601 for Kelsey Peterson, K & B Development and designate the zoning classification of R-3, multi-family/apartments, and approve the preliminary plat of Moon Creek Subdivision, adopt the staff report as part of the record, and direct staff to create an ordinance to bring back to Council for approval.

OR

I make a motion to deny the application by Kelsey Peterson, K & B Development for annexation with zoning classification and preliminary plat for the following reason:

EMMETT CITY ZONING COMMISSION

August 2, 2021

The Emmett City Zoning Commission held a Regular Meeting at 501 E. Main Street, Emmett, Idaho.

Chairman Earls called the meeting to order at 6:00 p.m.

Chairman Earls led the **Pledge of Allegiance**.

Commissioners Present: Gwen Earls, Brian Gregory, Robert Buch, Jeff Wiechmann

Commissioners Absent: Jeff Chapman, Marta Henry, Kim Butler

Staff Present: City Attorney Jake Sweeten; Zoning Administrator, Brian Sullivan; Recording Clerk, Alishia Elliott

Staff Online: None

Public Present: Joe Mayer, Kelsey Peterson, Gene Dunham, Jack Keaster, Tim Keaster, Dave Keaster, Ernest Walker, Linda Walker, William Spaulding, Greg Foulk, Carol Standley, Nick Maurer, Jeremy Thornock, Shaha Thornock, David Way, Kari Way, Jon Breckon, Robbie Roberts

Review of Agenda:

Commissioner Gregory made a motion to approve the agenda. Commissioner Wiechmann seconded the motion.

Motion Carried.

Approval of Minutes: Commissioner Wiechmann made a motion to approve the April 5th, 2021 minutes.

Commissioner Gregory seconded the motion. **Motion Carried.**

#1 Public Hearing: Annexation with Rezone Application and Preliminary Plat, E 12th, Moon Creek Subdivision

Zoning Administrator's Presentation

Zoning Administrator Brian Sullivan read the staff report into the record. The commission had concerns about the required open space and landscaping. Commissioner Gregory asked about the required right-of-way for 12th St.

Applicant Presentation

Kelsey Peterson presented his application for Moon Creek Subdivision. Commissioner Gregory asked about the irrigation for the subdivision. Mr. Peterson explained that there will be irrigation and it is shown on the map where it would be located.

Public Input

Nick Maurer, 1755 E 12th, spoke in opposition of the R-3 requested zoning classification. Mr. Maurer explained that the R-3 zone does not match with the current uses of the surrounding properties. Mr. Maurer would not be in opposition of R-1 Single Family.

Jeremy Thornock, 1785 E 12th, spoke in opposition of the R-3 requested zoning classification. Mr. Thornock would be in favor of zoning the property R-1 Single Family.

Robbie Roberts, 2660 S Substation Rd, spoke in opposition of the R-3 requested zoning classification. Mr. Roberts would be in favor of zoning the property R-1 Single Family.

Zoning Administrator Brian Sullivan explained that the development to the East of this proposed subdivision is also zoned R-3. R-3 Multi Family requires a minimum lot size of 8,000 square feet.

Rebuttal

Kelsey Peterson, applicant, explained that he is requesting the R-3 zoning for this subdivision because the property will be more desirable. Mr. Peterson explained that it is stated in Sunny Acres CCR's that multi family is not allowed, and that he might do something similar with this subdivision.

Decision of Public Hearing: ACTION ITEM

Commissioner Gregory made a motion to recommend to the City Council approval of the annexation application, rezone application, and preliminary plat for Moon Creek Subdivision, with site specific conditions. Commissioner Wiechmann seconded the motion. **Motion Carried.**

#2 Public Hearing: Annexation with Rezone Application and Development Agreement, Park Hampton LLC, 1050 Cascade Road

Zoning Administrator's Presentation

Zoning Administrator Brian Sullivan read the staff report into the record. Sullivan read a letter from City Police Chief into the record. The commission had no questions or concerns.

Applicant Presentation

John Wood, applicant, presented his application for annexation, rezone and development agreement. Mr. Wood asked that there be clarification in the uses on the development agreement, because there are existing established businesses at that property.

Public Input

None

Rebuttal

None

Decision of Public Hearing: ACTION ITEM

Commissioner Wiechmann made a motion to recommend approval of the annexation; zoning classification of mixed-use development; adopting the staff report; and approval of the development agreement. Commissioner Gregory seconded the motion. **Motion Carried.**

#3 Public Hearing: Special Use Permit for a Planned Unit Development and Preliminary Plat for Gem Valley Townhomes

Zoning Administrator's Presentation

Zoning Administrator Brian Sullivan read the staff report into the record. Sullivan read two letters received from Keller Associates and City Police Chief into the record. Commissioner Gregory asked about the comments from Fire Chief Curt Christensen, regarding fire walls and sprinkler systems. Sullivan read the comments from Fire Chief Curt Christensen. Commissioner Gregory had questions about the roads being private along with the utilities in the road. Sullivan explained that there will be utility easements and maintenance agreements for the utilities. Commissioner Earls had questions about the process of the planned unit development.

Applicant Presentation

Jon Breckon with Breckon Land Design presented his application for a special use permit for a planned unit development and preliminary plat. Commissioner Earls asked the applicant about off-street parking.

Public Input

David Way, 1420 Judo, had concerns about the gates that were proposed on the preliminary plat, from the backyard into Mr. Way's property.

Carol Standley, 933 W Cameleon Way Meridian Idaho, had concerns with irrigation for the proposed town home lots.

Rebuttal

Jon Breckon clarified that the gates along the backside of the property will not be constructed. Breckon clarified that those were an error on the preliminary plat. Breckon explained that the development will have irrigation.

Decision of Public Hearing: ACTION ITEM

Commissioner Gregory made a motion to recommend to the City Council approval of the special use application for a planned unit development; recommending approval of the preliminary plat; and adopting the staff report with the site-specific conditions of approval. Commissioner Wiechmann seconded the motion. **Motion Carried.**

New Business:

None

Unfinished Business:

None

Items from the Commission:

None

Items from the Building Official/ Zoning Administrator:

Next Regular Meeting – September 13, 2021

Commissioner Gregory made a **motion to adjourn**. Commissioner Wiechmann seconded the motion. **Motion Carried.**

Meeting adjourned at 8:37 p.m.

Chairman Gwen Earls

Acting Secretary

Letter of Intent

The 8.5 acres under consideration for annexation is currently zoned as A2-Rural Transitional Agriculture. It is in the middle of the expanding southern city limits. With the current market driving home prices very high, many families are finding it difficult to purchase a home at this time. As a result, there is a shortage of rental options for those not yet ready to purchase a home. We feel it in the interest of the community to increase rental options to those in this situation so that families can stay local while many rental homes are now being sold due to the market. Under such consideration, we are proposing that this parcel be rezoned to R3 - Multi-Family Dwellings/Apartments as a part of its annexation.

We feel that doing so would accomplish the goals of the comprehensive plan of the City of Emmett. It would accommodate the growth trend referenced in Chapter 2, page 1, subtitle "Population." It is likely that this trend has not only continued, but accelerated in recent years in this area, unless limited by property inventory. Additionally, Chapter 3, page 1, subtitle "Existing Conditions" states that *"the Gem Community must be concerned with the condition and quality of housing,"* and references the "older housing stock" of Emmett. Under Chapter 3, page 2, subtitle "Future Conditions" it says that *"in planning for residential growth, various densities and housing types should be allowed."* Chapter 3, page 3, subtitle "1.0 General Housing Goal Statement" states the following: *"The Gem Community recognizes that housing is one of the most basic and important human needs. All citizens must be provided with the opportunity for adequate housing. Housing policies focus on these areas:*

- Encourage development within the Emmett Area of City Impact and Rural Residential areas in the County."*

The proposed plans should not affect any natural resources or hazards. The ability to maintain the lateral water source to the south and drainage to the west will be incorporated into the plans with appropriate easements upheld for such maintenance.

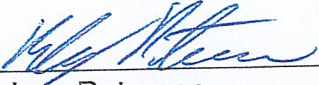
The applicant will dedicate 35 feet of 'right of way' along 12th street to the road district. As well as the proposed roads within the acreage at the time of development. These roads would then be maintained by the city, along with associated components, such as street lamps. The installed mainline utilities would likewise be maintained by the city. The common areas and associated utilities/irrigation systems will be maintained by the owners/investors of the apartment complexes.

The proposed plan will include city water connections, thereby limiting the demands potentially placed otherwise via wells. The annexation of this property will likely place a very minimal demand increase on the existing infrastructure and services. This can be further evaluated at the time of proposing the development of the property.

Letter of Intent Cont'd

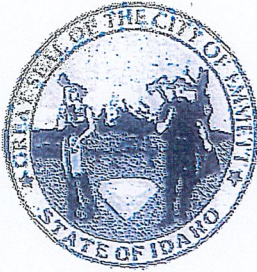
In conclusion, we feel that the annexation and rezoning of this property would conform to the goals of the city and would provide good housing opportunities for those seeking to reside in the area.

Thank you for your consideration,



Kelsey Peterson
President, K&B Development Inc.

6-11-21
Date



Emmett Zoning Department
 601 E. 3rd St. Emmett, Idaho, 83617
 Brian Sullivan:
 bsullivan@cityofemmett.org
 Doricela Millan-Sotelo: dmillan-sotelo@cityofemmett.org
 Ph. (208)365-9569 F. (208)365-4651

Affidavit of Legal Interest

I, Kelsey Peterson, residing at 2550 E. Quail Run Rd,
Emmett, Idaho being first duly sworn upon oath, depose
 and say:

1. That I am the record owner of the property described on the attached, and I grant my permission to self to submit the accompanying application pertaining to that property.
2. I agree to indemnify, defend and hold Emmett City and its employees harmless from any claim or liability resulting from any dispute as to the statements contained herein or as to the ownership of the property, which is the subject of the application.

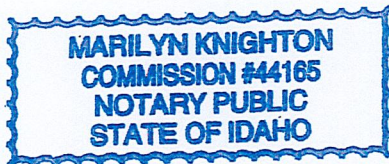
Dated this 15 day of March, 2021.

Kelsey Peterson
 Signature

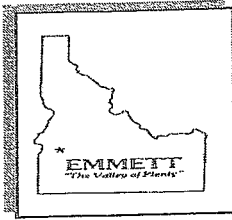
State of Idaho)
 County of Yema S.S.

On this 15 day of March, in the year of 2021, before me Marilyn Knighton a notary public, personally appeared Kelsey Peterson proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same.

(Seal)



Marilyn Knighton
 Notary Public
 My Commission Expires on 4-4-2023



CITY OF EMMETT
MASTER PUBLIC HEARING APPLICATION

601 E. 3rd Street, Emmett, Idaho 83617 www.cityofemmett.org phone: (208) 365-9569 fax (208) 365-4651

TYPE OF APPLICATION: (Please check all that apply.)

- ANNEXATION
- APPEAL
- COMPREHENSIVE PLAN TEXT AMENDMENT
- COMPREHENSIVE PLAN MAP AMENDMENT
- DESIGN REVIEW
- DEVELOPMENT AGREEMENT
- REZONE
- SPECIAL USE PERMIT
- SUBDIVISION, PRELIMINARY
- SUBDIVISION, FINAL
- SUBDIVISION, COMBINED/MINOR
- SUBDIVISION, MODIFICATION
- VACATION
- VARIANCE
- ZONING TEXT AMENDMENT

PROJECT NAME: Moon Creek Subdivision

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: NE Section: 17 Township: 6N Range: 1W Total Acres: 8,527

Subdivision Name (if applicable): Moon Creek Subdivision

Lot: _____ Block: _____

Site Address: TBD - Approximately 1625 E. 12th Street

City: Emmett

Tax Parcel Number(s): RPO6NO1W170800

Current Zoning: _____ Current Land Use: Grazing

PROPERTY OWNER:

Name: KEB Development Inc.

Address: 2550 E. Quail Run Rd.

City: Emmett State: ID Zip: 83617

APPLICANT:

Name: Same - (Kelsey Peterson)

Address: _____

City: _____ State: _____ Zip: _____

Telephone: (208) 941-6640 Fax: _____

Telephone: _____ Fax: _____

Email: cheporakp@gmail.com

I consent to this application and allow City staff to enter the property for site inspections related to this application.

I certify this information is correct to the best of my knowledge.

Kelsey Peterson

Signature: (Owner)

Date

Kelsey Peterson March 15, 2021

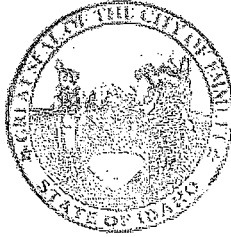
Signature: (Applicant)

Date

NOTE: THIS APPLICATION MUST BE SUBMITTED WITH THE APPLICABLE CHECKLIST (S).

OFFICE USE ONLY

File No.: DP Received By: BRS Date: 3/15/21 Fee: 600.00 Receipt No: 299352



CITY OF EMMETT
OFFICIAL PRELIMINARY SUBDIVISION APPLICATION

STANDARD SUBDIVISION PERMIT FEE: \$600.00 + \$10.00 per lot (MAKE CHECK PAYABLE TO CITY OF EMMETT)

CITY ENGINEER DEPOSIT: MEET WITH THE SUPERINTENDENT OF PUBLIC WORKS TO DETERMINE DEPOSIT AMOUNT (365-9569) (Receipt must be submitted with application)

APPLICANT NAME: K&B Development Inc. PHONE: home (208)941-6640
work SGME

ADDRESS: 2550 E Quail Run Rd. Emmett, ID 83617

OWNERS OF RECORD: Kelsey Peterson PHONE (208)941-6640

ADDRESS: 2550 E. Quail Run Rd. Emmett, ID 83617

ENGINEER, SURVEYOR, OR PLANNER: Dan Lardie - Engineer Jeff Beagley - Surveyor PHONE: (208)463-0333
(208)287-8450

PROPERTY ADDRESS AND LEGAL DESCRIPTION: Address - TBD, approximately 1625 E 12th St.
Emmett, ID 83617

OBV OIW Sec 17 Tax 6398

PROPOSED NAME OF SUBDIVISION: Moon Creek Subdivision

I understand:

1. This application is subject to acceptance by the City of Emmett upon determination that this application is complete.
2. The hearing date is tentative and subject to change with notice.
3. This application is subject to a public hearing before the Emmett Zoning Commission.
4. Any review by the City of Emmett's Engineering firm will be subject to a fee determined by the Engineering firm and will be paid by the applicant.
5. The application fee is non-refundable.
6. **The applicant or the applicant's representative must be present or the application will not be heard.**

All information, statements, attachments, and exhibits transmitted with this application submitted are true to the best of my knowledge.

Signature: Kelsey Peterson Date: March 15, 2021

VARIANCE/WAIVERS

Will variances and/or waivers be requested from the subdivision ordinance? _____ YES _____ NO. If yes, please provide a description and basis for variance requests in a separate cover letter to be submitted to the Commission and the Council.

SUBDIVISION FEATURES

Lots and dwelling units per gross acre: _____ Number of Lots: _____ Acres of land in contiguous ownership: _____
Complete Gross Acreage of Subdivision: 8.527 Existing zoning classification: _____

BUILDING PROGRAM

Type of building construction proposed (Residential, Commercial, Industrial, Combination): Residential
Type of dwellings proposed (Single-family, Duplexes, Multi-family, Apartments): multi single-family
Are there any existing buildings? _____ YES X NO. If yes, please describe the existing buildings: _____

PUBLIC STREETS AND IMPROVEMENTS

All streets, curbs, gutters, and sidewalks shall be constructed to Emmett City Standards.

PRIVATE STREETS

Are private streets proposed? _____ YES X NO

PUBLIC UTILITIES

Electric power, telephone, natural gas or any other public utility shall be installed as required by the utility providing service. Utility easements, as required by the utility companies, shall be placed on the plat.

CITY SEWER AND WATER

City sewer and water shall be installed as required by the City of Emmett. Easements, as required by the city, shall be placed on the plat.

IRRIGATION

Name of Irrigation Entity: Last Chance Ditch Co.

Note: Written approval of the appropriate Irrigation Entity will be required for (1) Relocation of ditches; (2) Drainage into the ditches; and (3) Enclosing or covering ditches.

Is irrigation water to be provided to each lot? _____ YES _____ NO
The point of delivery of the irrigation water that serves your property is: (please check one) _____ under the jurisdiction of the irrigation entity listed above; X under a private water user's association; _____ other (describe).

The names and addresses of each property owner within 500 feet of the subdivision boundary, either upstream or downstream, who may share the same irrigation or drainage delivery system must be provided by the applicant. - NA, separate system

DRAINAGE PLANS

All preliminary plat applications shall include the land contours with 2 foot intervals reference to datum or at an interval acceptable to the City Engineer.

FIRE PROTECTION

Approved fire protection facilities shall be provided to comply with the requirements of the Emmett Fire Department.

SCHOOLS AND PARKS Do you propose any land dedications for future schools or parks? _____ YES X NO

City of Emmett



Gem County Assessor

Hollie Ann Strang

415 E Main Street, Room 201 ~ Emmett, Idaho 83617

Phone: (208) 365-2982 ~ Fax: (208) 365-2163 ~ Email: assessor@co.gem.id.us

Assessor's Office Review for
Subdivision/Administrative Split/
Administrative Combo/Property Boundary Adjustment

~~Annexation Application~~

Date: 4/22/21

Date received from DS: 4/12/21

Review # P-1

Current parcel numbers: Peterson - RPO6N01W170800

The Gem County Assessor's office has reviewed the submitted documents. Our findings are summarized below.

	Compliant	Non-compliant	Not Reviewed	Initials
Conveyances	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SW
Closures	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SW
Fit	<input type="checkbox"/>	<input type="checkbox"/>	<input checked="" type="checkbox"/>	SW

Comments: Conveyances, Closures & Fit Not reviewed for Annexation Application.

I have no comments to add at this time

[Handwritten signature]

LAST CHANCE DITCH COMPANY

PO BOX 428 / 118 N Commercial Ave
Emmett ID 83617

President: Paul Derig
Treasurer: Karen Fraley
Secretary: Holly Hoff
Director: Valerie Padgett
Director: Blake Hasbrouck

Phone: (208) 365-1902
Fax: (208) 365-1903
Email: lastchanceditch@gmail.com

April 20, 2021

CITY OF EMMETT
ATTN: ALISHIA ELLIOTT
601 E 3RD
EMMETT ID 83617

Re: Moon Creek Subdivision_ Annexation Application ANN 21-001

To Whom It May Concern:

Upon review of the proposed rezone, Last Chance Ditch has no objections to the application but will require the following conditions be met upon subdividing 3+ splits:

- Engineer-generated plans for a pressurized irrigation system detailing system specification, capacities, etc. The system shall ensure adequate water delivery to all parcels.
- The establishment of a water user's association.
- No structures, trees/vegetation, or other interferences within 20' of any irrigation drains and water delivery laterals to allow for ditch right of way for management and maintenance matters.
- Plans must be submitted to the Board of Directors for approval **prior** to the implementation of the system. Plans must show piping the lateral through the property.

Additional questions should be directed to me at 208-890-7331 or via email to lastchanceditch@gmail.com.

Respectfully,

Doyle Fackler,
Ditch Manager

Brian Sullivan

From: Curt Christensen
Sent: Monday, April 19, 2021 3:49 PM
To: Brian Sullivan
Cc: Alishia Elliott
Subject: Re: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

We are excellent but even heroes need water. I have no comments other than; fire hydrants will be required in accordance with the adopted public works standards.

In Service,

Chief Christensen

On Apr 19, 2021, at 3:30 PM, Brian Sullivan <bsullivan@cityofemmett.org> wrote:

We talked about fire hydrants a while back, and you stated you did not want any due to your fire departments awesomeness.

From: Alishia Elliott <aelliott@cityofemmett.org>
Sent: Monday, April 19, 2021 3:27 PM
To: Brian Sullivan <bsullivan@cityofemmett.org>
Subject: FW: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

From: Curt Christensen <cchristensen@cityofemmett.org>
Sent: Monday, April 19, 2021 11:28 AM
To: Alishia Elliott <aelliott@cityofemmett.org>
Subject: Re: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

On the design I don't see mention of Fire Hydrants, has this been discussed at this point in development? Or is this just rezoning?

Curt Christensen
Emmett Fire Department

On Apr 12, 2021, at 3:14 PM, Alishia Elliott <aelliott@cityofemmett.org> wrote:

Good Afternoon,

Attached is the Annexation Application ANN 21-001, made by Kelsey Peterson with K&B Development for the annexation of parcel RP06N01W170800, and the preliminary plat

GEM COUNTY

OFFICE OF
Megan Keene
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR



415 E MAIN STREET
ROOM 200
EMMETT, IDAHO 83617
(208) 365-3272

April 13, 2021

City of Emmett
Zoning Commission
Attn: Brian Sullivan, Zoning Administrator
601 E. 3rd Street
Emmett, ID 83617

RE: Annexation with Rezone & Preliminary Plat
Applicant: K & B Development, Kelsey Peterson
Project Loc: 1700 Block of E. 12th Street
PIN: RP06N01W170800
FILE NO.: ANN 21-001

Dear Brian,

After reviewing the Annexation with Rezone and Preliminary Plat application for the above applicant, following are my comments concerning the subject parcel:

Parcel RP06N01W170800 has the 2020 taxes paid in full. This parcel or sub parcel(s) will have 2021 taxes due at a future date.

***Please note--Splits, Combos, PBAs, Platted Subdivisions, and Manufactured Homes Declared Real need to be correctly recorded by no later than May 1, 2021, in order to show up in the 2021 Assessment Roll and 2021 Tax Roll. Anything recorded after that date will be valued and taxed based on how the property was as of January 1, 2021.*

If you have any questions please feel free to contact the Treasurer's office.

Sincerely,

A handwritten signature in blue ink that reads "Megan Keene".

Megan Keene
Gem County Treasurer

Brian Sullivan

From: Hollie Ann Strang <hstrang@co.gem.id.us>
Sent: Wednesday, April 14, 2021 10:38 AM
To: Alishia Elliott; Brian Sullivan
Subject: RE: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

My office has no comments at this time.

Hollie Ann Strang

From: Alishia Elliott [mailto:aelliott@cityofemmett.org]
Sent: Monday, April 12, 2021 3:15 PM
To: care.inquiry@centurylink.com; Steve Kunka <skunka@emmettpolice.com>; diglineidaho@digline.com; EMMETTIRRIGATIONOFFICE@GMAIL.COM; brandi.j.richter@usps.gov; Curt Christensen <cchristensen@cityofemmett.org>; Mike Giery <mgiery@cityofemmett.org>; Hollie Ann Strang <hstrang@co.gem.id.us>; Laurie Boston <lboston@co.gem.id.us>; Sharron Wiley <swiley@co.gem.id.us>; Neal Capps <ncapps@co.gem.id.us>; Road & Bridge Office <grcb@co.gem.id.us>; Craig Woods <cwoods@isd221.net>; Megan Keene <mkeene@co.gem.id.us>; Megan Keene <mkeene@co.gem.id.us>; juhrig@idahopower.com; IGCOwyheeDistrictOperationsAide@intgas.com; Jessica.mansell@intgas.com; monica.taylor@intgas.com; jwalker@kellerassociates.com; rmorgan@kellerassociates.com; csturlin@kellerassociates.com; lastchanceditch@gmail.com; Clint Seamons <cseamons@cityofemmett.org>; Mike Knittel <mknittel@cityofemmett.org>
Cc: Brian Sullivan <bsullivan@cityofemmett.org>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>; jsweeten@capitolgroup.com
Subject: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

Good Afternoon,

Attached is the Annexation Application ANN 21-001, made by Kelsey Peterson with K&B Development for the annexation of parcel RP06N01W170800, and the preliminary plat of Moon Creek Subdivision on E 12th St. The application includes a rezone from a county zoning of A-2 Rural Transitional Agriculture to a city zoning of R-1 Single Family Residential.

We are asking for comments by **Monday April 26, 2021**. If you do not have any comments you can just reply to bsullivan@cityofemmett.org stating so, for the record.

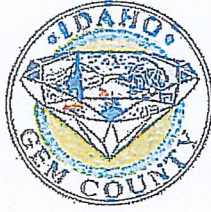
Thank you in advance.

Alishia Elliott

Planning Clerk
City of Emmett
601 E 3rd St
Emmett, Idaho 83617
(208)365-9569 ext 6



*Gem County
Road & Bridge Dept.
402 North Hayes Ave.
Emmett, ID 83617-2646*



*Neal Capps, Director
Phone: 208-365-3305
Fax: 208-365-2530
Email: gcrb@co.gem.id.us*

April 14, 2021

Brian Sullivan
601 E. 3rd St.
Emmett, ID 83617

RE: Moon Creek Subdivision (ANN 21-001)

Brian,

Gem County Road & Bridge Department (GCRB) has reviewed the Annexation with Rezone and Preliminary Plat Application for K & B Development, property located adjacent to 12th Street. GCRB has no comments in regards to this application.

If you have any questions please contact our office at 208-365-3305.

Thank you,

A handwritten signature in blue ink, appearing to be "Neal Capps", is written over a blue horizontal line.

Neal Capps, Director
Gem County Road & Bridge

Brian Sullivan

From: Clint Seamons
Sent: Monday, April 12, 2021 4:43 PM
To: Alishia Elliott; Brian Sullivan
Subject: RE: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

No comment at this time.

Clint Seamons
Public Works Director

City of Emmett
601 E 3rd Street
Emmett, ID 83617
Office: (208) 365-9569

From: Alishia Elliott <aelliott@cityofemmett.org>
Sent: Monday, April 12, 2021 3:15 PM
To: care.inquiry@centurylink.com; Steve Kunka <skunka@emmettpolice.com>; diglineidaho@digline.com; EMMETTIRRIGATIONOFFICE@GMAIL.COM; brandi.j.richter@usps.gov; Curt Christensen <cchristensen@cityofemmett.org>; Mike Giery <mgiery@cityofemmett.org>; assessor@co.gem.id.us; lboston@co.gem.id.us; swiley@co.gem.id.us; ncapps@co.gem.id.us; gcrb@co.gem.id.us; Craig Woods <cwoods@isd221.net>; treasurer@co.gem.id.us; mkeene@co.gem.id.us; juhrig@idahopower.com; IGCOwyheeDistrictOperationsAide@intgas.com; Jessica.mansell@intgas.com; monica.taylor@intgas.com; jwalker@kellerassociates.com; rmorgan@Kellerassociates.com; csturlin@Kellerassociates.com; lastchanceditch@gmail.com; Clint Seamons <cseamons@cityofemmett.org>; Mike Knittel <mknittel@cityofemmett.org>
Cc: Brian Sullivan <bsullivan@cityofemmett.org>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>; jsweeten@capitollawgroup.com
Subject: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

Good Afternoon,

Attached is the Annexation Application ANN 21-001, made by Kelsey Peterson with K&B Development for the annexation of parcel RP06N01W170800, and the preliminary plat of Moon Creek Subdivision on E 12th St. The application includes a rezone from a county zoning of A-2 Rural Transitional Agriculture to a city zoning of R-1 Single Family Residential.

We are asking for comments by **Monday April 26, 2021**. If you do not have any comments you can just reply to bsullivan@cityofemmett.org stating so, for the record.

Thank you in advance.

Alishia Elliott
Planning Clerk
City of Emmett
601 E 3rd St

KELLER
ASSOCIATES



131 SW 5th Ave, Suite A
Meridian, ID 83642

(208) 288-1992

April 20, 2021

Clint Seamons
City of Emmett, Idaho
Public Works Director
316 East Park Street
Emmett, ID 83617

Re: Moon Creek Subdivision Preliminary Plat Application

Dear Mr. Seamons:

Keller Associates, Inc. has reviewed the Preliminary Plat for the Moon Creek Subdivision dated March 2021. We reviewed the applicant's package to check conformance with the City's Subdivision Ordinance and coordinated our review with Brian Sullivan. We have the following comments based on our review.

1. Provide names, addresses, and telephone numbers of the subdivider or subdividers and the engineer or the surveyor who prepared the preliminary plat. Provide the name of engineer or surveyor who prepared the plat.
2. Provide the names and addresses of all adjoining owners of property whether or not bisected by a public right of way as shown on record in the county assessor's office.
3. Verified written legal description.
4. The land use and existing zoning of the proposed subdivision and the adjacent land. Please show on plat.
5. Streets, street names, right of way and roadway widths, including adjoining streets or roadways.
 - a. Please provide public or private after or under the road name.
 - b. Provide ROW widths for S Mercy Ave.
 - c. Narrative says 35' of ROW, 80-feet of ROW is required for E 12th Street, per the adopted street classification map.
6. Easements for sewer/water facilities will be required where placed outside of public right of way. Change the sewer easement to a utility easement.
7. Preliminary plat shall be stamped, signed, and dated by a professional engineer or land surveyor licensed in the State of Idaho.
8. Identify the irrigation or drainage entity having jurisdiction and provide the names and addresses of each property owner within 500' of the subdivision boundary, up or downstream, who may share the same irrigation or drainage delivery system.
9. Street lighting shall be in accordance with ISPWC Division 1100, Section 1102 and the City of Emmett Supplementals.


10. Construction plans for a subdivision-wide pressure irrigation system will be required for each final plat. Plan approvals and license agreements from the affected irrigation and/or canal companies will be required.
11. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
12. Finish grades at subdivision boundaries shall match existing finish grades. Runoff shall be maintained on subdivision property unless otherwise approved.
13. 10-foot easements for pressure irrigation lines will need to be shown once the applicant determines the alignment location(s) for the facilities. Show all ditch and drainage easements.

We recommend that the **conditions 1 and 8 listed above be addressed prior to approval of the Preliminary Plat.** Any variance or waivers to the City of Emmett standards, ordinances, or policies must be specifically approved in writing by the City. Approval of the above-referenced Preliminary Plat does not relieve the Registered Professional Land Surveyor or the Registered Professional Engineer of those responsibilities.

If you have any questions, please do not hesitate to call Keller Associates at (208) 288-1992.

Sincerely,

KELLER ASSOCIATES, INC.



Ryan V. Morgan, P.E.
City Engineer

cc: File

Brian Sullivan

From: Brian Sullivan
Sent: Thursday, April 15, 2021 11:37 AM
To: Craig Woods
Cc: Alishia Elliott; Clint Seamons
Subject: RE: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

Actually there were two studies, one for Payette River Orchards Sub, and one for Legacy. Both studies addressed the one way.

I will talk to Clint on Monday to schedule a time.

Thanks

Brian

From: Craig Woods <cwoods@isd221.net>
Sent: Thursday, April 15, 2021 11:28 AM
To: Brian Sullivan <bsullivan@cityofemmett.org>
Cc: Alishia Elliott <aelliott@cityofemmett.org>; Clint Seamons <cseamons@cityofemmett.org>
Subject: Re: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

Brian,

Did that study take into account the one way traffic over the canal. I would be interested to know the additional traffic numbers with that change. Yes, next week would be great. Please let me know what day works best for you.

Craig W

On Thu, Apr 15, 2021 at 11:16 AM Brian Sullivan <bsullivan@cityofemmett.org> wrote:

Thank you Craig,

A traffic study has already been done for this intersection as a requirement of Legacy Heights. We are working with our engineer (Keller's) and T.O. Engineers for improvements to this intersection. Let's meet next week to discuss this and the discussion about the White's property for a future high school.

Let me know what you have available and I will get with Clint to set up something.

Thanks,

Brian Sullivan

Building Official/Zoning Administrator

City of Emmett

208-365-9569

bsullivan@cityofemmett.org

www.cityofemmett.org

From: Craig Woods <cwoods@isd221.net>
Sent: Thursday, April 15, 2021 11:07 AM
To: Alishia Elliott <aelliott@cityofemmett.org>; Brian Sullivan <bsullivan@cityofemmett.org>
Cc: care.inquiry@centurylink.com; Steve Kunka <skunka@emmettpolice.com>; diglineidaho@digline.com;
EMMETTIRRIGATIONOFFICE@GMAIL.COM; brandi.j.richter@usps.gov; Curt Christensen
<cchristensen@cityofemmett.org>; Mike Giery <mgiery@cityofemmett.org>; assessor@co.gem.id.us;
lboston@co.gem.id.us; swiley@co.gem.id.us; ncapps@co.gem.id.us; gcrb@co.gem.id.us; treasurer@co.gem.id.us;
mkeene@co.gem.id.us; juhrig@idahopower.com; IGCOwyheeDistrictOperationsAide@intgas.com;
Jessica.mansell@intgas.com; monica.taylor@intgas.com; jwalker@kellerassociates.com;
rmorgan@Kellerassociates.com; csturlin@Kellerassociates.com; lastchanceditch@gmail.com; Clint Seamons
<cseamons@cityofemmett.org>; Mike Knittel <mknittel@cityofemmett.org>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>; jsweeten@capitollawgroup.com
Subject: Re: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

Brian and Alishia,

The Emmett School District is concerned with the increased homes and specifically the increased traffic on the 12 street and Substation. Our transportation supervisor continues to express concern over traffic congestion at 12th and Substation. The Emmett School District is requesting a traffic study be conducted at this intersection to either create a four way stop for both traffic and pedestrian concerns or if a stop light is needed at the intersection prior to approval of additional housing lots directly impacting that intersection.

Respectfully,

Brian Sullivan

From: Steve Kunka
Sent: Friday, April 16, 2021 4:39 PM
To: Brian Sullivan; Alishia Elliott
Subject: FW: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

Brian and Alishia,

Craig obviously does not know that a traffic study was done. I have kept the principal at Carberry informed through out this process. I advised him when we received the study back and that it suggested a 4 way stop I also updated him when we decided that was not the best option and that we were looking at the option of a round about being there in the future. I also have heard some talk about them extending their school hours due to bussing issues. Not sure what those issues are.

Chief Steve O. Kunka

From: Craig Woods <cwoods@isd221.net>
Sent: Thursday, April 15, 2021 11:07 AM
To: Alishia Elliott <aelliott@cityofemmett.org>; Brian Sullivan <bsullivan@cityofemmett.org>
Cc: care.inquiry@centurylink.com; Steve Kunka <skunka@emmettpolice.com>; diglineidaho@digline.com; EMMETTIRRIGATIONOFFICE@GMAIL.COM; brandi.j.richter@usps.gov; Curt Christensen <cchristensen@cityofemmett.org>; Mike Giery <mgiery@cityofemmett.org>; assessor@co.gem.id.us; lboston@co.gem.id.us; swiley@co.gem.id.us; ncapps@co.gem.id.us; gcrb@co.gem.id.us; treasurer@co.gem.id.us; mkeene@co.gem.id.us; juhrig@idahopower.com; IGCOWyheeDistrictOperationsAide@intgas.com; Jessica.mansell@intgas.com; monica.taylor@intgas.com; jwalker@kellerassociates.com; rmorgan@Kellerassociates.com; csturlin@Kellerassociates.com; lastchanceditch@gmail.com; Clint Seamons <cseamons@cityofemmett.org>; Mike Knittel <mknittel@cityofemmett.org>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>; jsweeten@capitolawgroup.com
Subject: Re: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

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Respectfully,

Craig W

On Mon, Apr 12, 2021 at 3:15 PM Alishia Elliott <aelliott@cityofemmett.org> wrote:

Good Afternoon,

Brian Sullivan

From: Uhrig, Jake <JUhrig@idahopower.com>
Sent: Monday, April 12, 2021 4:31 PM
To: Brian Sullivan
Subject: FW: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

Idaho Power has not comments. Thank you.

Jake Uhrig

WESTERN DESIGN LEADER

1550 S. Main Street

Payette, ID 83661

Idaho Power | Payette Operations Center

(208) 642-6278

juhrig@idahopower.com

From: Alishia Elliott <aelliott@cityofemmett.org>
Sent: Monday, April 12, 2021 3:15 PM
To: care.inquiry@centurylink.com; Steve Kunka <skunka@emmettpolice.com>; diglineidaho@digline.com; EMMETTIRRIGATIONOFFICE@GMAIL.COM; brandi.j.richter@usps.gov; Curt Christensen <cchristensen@cityofemmett.org>; Mike Giery <mgiery@cityofemmett.org>; assessor@co.gem.id.us; lboston@co.gem.id.us; swiley@co.gem.id.us; ncapps@co.gem.id.us; gcrb@co.gem.id.us; Craig Woods <cwoods@isd221.net>; treasurer@co.gem.id.us; mkeene@co.gem.id.us; Uhrig, Jake <JUhrig@idahopower.com>; IGCOwyheeDistrictOperationsAide@intgas.com; Jessica.mansell@intgas.com; monica.taylor@intgas.com; jwalker@kellerassociates.com; rmorgan@kellerassociates.com; csturlin@kellerassociates.com; lastchanceditch@gmail.com; Clint Seamons <cseamons@cityofemmett.org>; Mike Knittel <mknittel@cityofemmett.org>
Cc: Brian Sullivan <bsullivan@cityofemmett.org>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>; jsweeten@capitolawgroup.com
Subject: [EXTERNAL]Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

KEEP IDAHO POWER SECURE! External emails may request information or contain malicious links or attachments. Verify the sender before proceeding, and check for additional warning messages below.

Good Afternoon,

Attached is the Annexation Application ANN 21-001, made by Kelsey Peterson with K&B Development for the annexation of parcel RP06N01W170800, and the preliminary plat of Moon Creek Subdivision on E 12th St. The application includes a rezone from a county zoning of A-2 Rural Transitional Agriculture to a city zoning of R-1 Single Family Residential.

We are asking for comments by **Monday April 26, 2021**. If you do not have any comments you can just reply to bsullivan@cityofemmett.org stating so, for the record.

Thank you in advance.

Alishia Elliott

Planning Clerk
City of Emmett

Brian Sullivan

From: Steve Kunka
Sent: Monday, April 12, 2021 3:23 PM
To: Brian Sullivan
Subject: FW: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED
Attachments: ANN 21-001 Impact Agency Packet .pdf

Brian,

I have no comment.

Chief Steve O. Kunka

From: Alishia Elliott <aelliott@cityofemmett.org>
Sent: Monday, April 12, 2021 3:15 PM
To: care.inquiry@centurylink.com; Steve Kunka <skunka@emmettpolice.com>; diglineidaho@digline.com; EMMETTIRRIGATIONOFFICE@GMAIL.COM; brandi.j.richter@usps.gov; Curt Christensen <cchristensen@cityofemmett.org>; Mike Giery <mgiery@cityofemmett.org>; assessor@co.gem.id.us; lboston@co.gem.id.us; swiley@co.gem.id.us; ncapps@co.gem.id.us; gcrb@co.gem.id.us; Craig Woods <cwoods@isd221.net>; treasurer@co.gem.id.us; mkeene@co.gem.id.us; juhrig@idahopower.com; IGCOwyheeDistrictOperationsAide@intgas.com; Jessica.mansell@intgas.com; monica.taylor@intgas.com; jwalker@kellerassociates.com; rmorgan@Kellerassociates.com; csturlin@Kellerassociates.com; lastchanceditch@gmail.com; Clint Seamons <cseamons@cityofemmett.org>; Mike Knittel <mknittel@cityofemmett.org>
Cc: Brian Sullivan <bsullivan@cityofemmett.org>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>; jsweeten@capitolawgroup.com
Subject: Annexation with Rezone and Preliminary Plat Application ANN 21-001 RESPONSE REQUESTED

Good Afternoon,

Attached is the Annexation Application ANN 21-001, made by Kelsey Peterson with K&B Development for the annexation of parcel RP06N01W170800, and the preliminary plat of Moon Creek Subdivision on E 12th St. The application includes a rezone from a county zoning of A-2 Rural Transitional Agriculture to a city zoning of R-1 Single Family Residential.

We are asking for comments by **Monday April 26, 2021**. If you do not have any comments you can just reply to bsullivan@cityofemmett.org stating so, for the record.

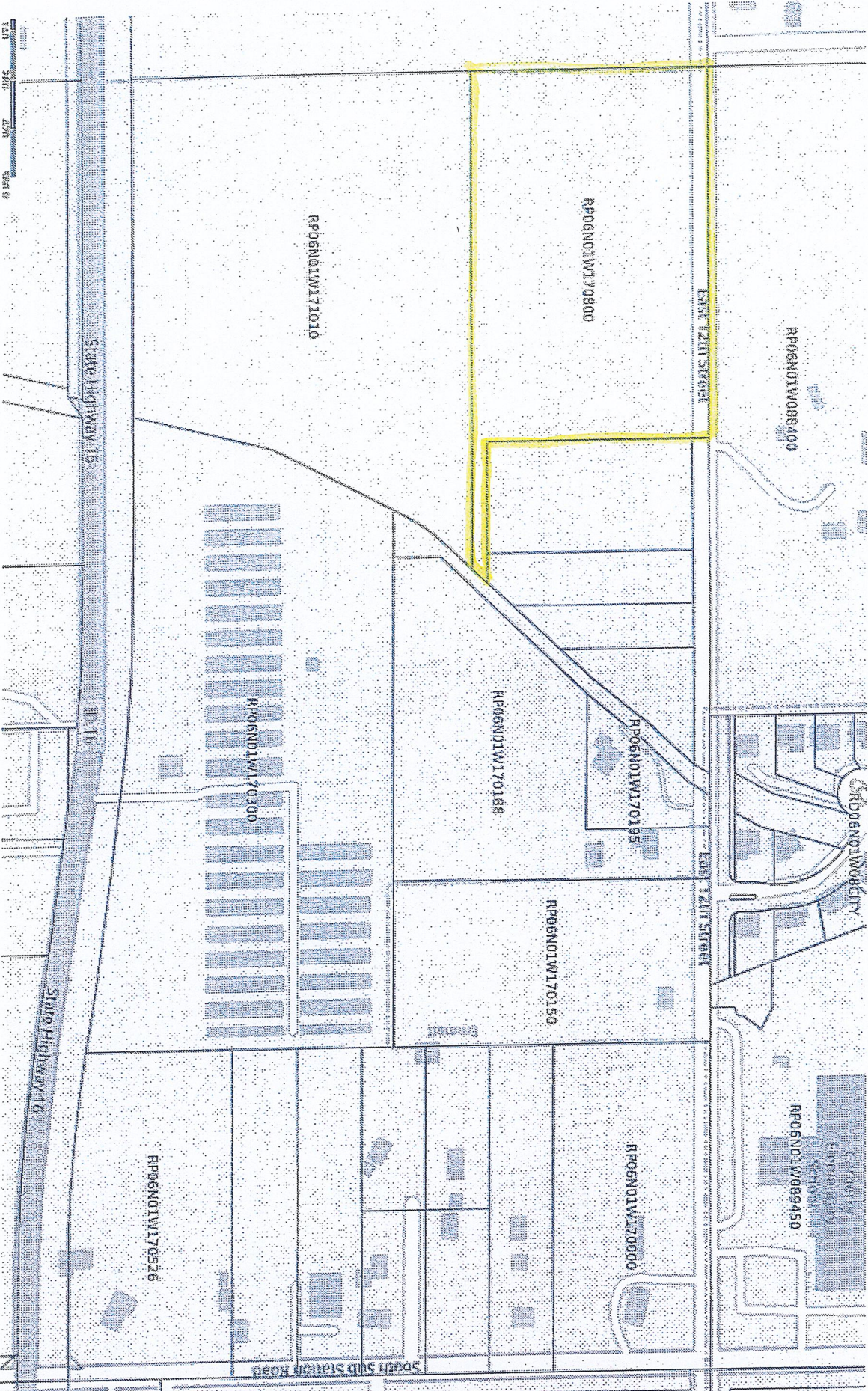
Thank you in advance.

Alishia Elliott

Planning Clerk
City of Emmett
601 E 3rd St
Emmett, Idaho 83617
(208)365-9569 ext 6



Parcel Map



Irrigation and Drainage Neighbors
(within 500 feet)

Irrigation - Last Chance Ditch Company:

Sunbeam Acres LLC - 2550 E. Quail Run Rd., Emmett ID 83617
Johnnie C Edmunson - 1806 Hwy 16, Emmett ID 83617
Frederika Wilhelmy - 1877 E 12th St, Emmett ID 83617
Antoinette Archambeau - 1875 E 12 St, Emmett ID 83617
Austin & Amy Burr - 1815 E 12th St, Emmett ID 83617
Jeremy & Shaha Thornock - 1785 E 12th St, Emmett ID 83617
Nicolas Maurer - 1755 E 12th St, Emmett ID 83617
K&B Development Inc (self) - 2550 E Quail Run Rd., Emmett ID 83617

Drainage - Gem County Drainage District #1:

The Barnyard LLC - 2550 E. Quail Run Rd., Emmett ID 83617
BRD Holdings LLC - 577 S Moon Beam Way, Eagle ID 83616-5024
Sunbeam Acres LLC - 2550 E. Quail Run Rd., Emmett ID 83617
Emmett Valley LLC - 1264 E Prairie View Dr., Eagle ID 83616-7027

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS FOR
MOON CREEK SUBDIVISION

DECLARATION OF COVENANTS, CONDITIONS AND RESTRICTIONS made _____, 2020, by K&B Development, Inc., an Idaho corporation ("Grantor"), concerning the fifteen (15) parcels of real property described in the attached Exhibit A which is incorporated by this reference as if set out in full ("Property"). "Plat" shall mean any subdivision plat covering any portion of the Property as recorded at the office of the Gem County Recorder, State of Idaho, as the same may be amended by duly recorded amendments thereof.

BACKGROUND

- A. Grantor owns the real property located in Gem County, State of Idaho, described in Exhibit A.
- B. Grantor desires that the Property constitute a community known as MOON CREEK SUBDIVISION ("Subdivision") with rights and obligations toward the ownership of said parcels and that the Property is also benefited and burdened by the same land-use restrictions and controls.
- C. Grantor desires to provide for land use restrictions to promote and assure that the Property is a quality community.

For the purpose of maintaining the value of the Property and to provide for a quality community, Grantor subjects the Property to the following declaration, conditions and restrictions, subject to limitations contained in this Declaration. Notwithstanding the foregoing, no provision of this Declaration shall be construed as to prevent or limit Grantor's right to complete development of the Property and to construct improvements thereon.

1. **Identification of Property:** The Property consists of parcels 1-14, of Block 1 and parcel 1 of Block 2 ("Parcels") as described in Exhibit A. All fifteen (15) parcels are referred to as "Residential Parcels" except parcel 1 of Block 2, which is a common parcel to the Subdivision. The person or other legal entity holding fee simple interest of record to a Parcel is referred to as an "Owner."

2. **Residential Parcels:** Except as otherwise authorized in this Declaration, no use whatsoever shall be made of any Residential Parcel other than as the sited and grounds of a private residence; manufactured, mobile, and modular homes are not allowed. Other structures including detached garages, guest

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quarters, barns, outbuildings, and storage sheds are allowed on Residential Parcels, if in conformity with applicable law and shall be constructed of, and with, similar colors and design, as the private residence on the same Residential Parcel. All exterior construction on Residential Parcels must be completed within 1 year after commencement. Animals alone are not permitted on Residential Parcels. As used in this Declaration, the term "private residence" is intended to exclude: (1) every form of multi-family dwelling, boarding, or lodging house, and the like; and (2) commercial buildings or commercial storage facilities. An Owner may rent or lease their Residential Parcel provided that: the Owner shall assure that the renters/lessees are aware of this Declaration and shall incorporate the terms of this Declaration into any rental or lease agreement; the Owner shall be liable for any violations by renter/lessees of any of the provisions of this Declaration; and, the minimum rental period shall be (30) days.

a. **Private Residence:** A private residence shall contain no less than one thousand six hundred (1600) total square feet of floor area devoted to living purposes (i.e. exclusive of roof or unroofed porches, terraces, basements or garages); and all construction must be of good quality and done in a good workmanlike manner and in accordance with applicable laws, codes, and requirements.

b. **Use of Private Residence:** No shack, garage, barn, or other outbuilding shall be used on any Residential Parcel at any time as a private residence, either temporarily or permanently.

c. **Building and Grounds Condition:** Each Owner shall maintain the exterior of their private residence and all other improvements in good condition and shall cause them to be repaired as the effects of damage or deterioration become apparent. Each Owner shall maintain his or her Residential Parcel in good appearance at all times.

d. **No Further Subdivision or Easements:** No Residential Parcel may be further subdivided. Except for utility or irrigation easements, no other easements may be granted by a Residential Parcel.

3. **Noxious weeds:** Noxious weeds on any Parcel shall be eliminated according to applicable State, County, and City laws or plans by the builder or Owner of the Parcel, no later than completion of building construction.

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4. **Fences:** A fence may be erected or maintained on that portion of the Parcel that follows the perimeter. Any Owner that desires that animals not intrude onto such Owner's Parcel is responsible for erecting a fence to secure such Owner's Parcel, which shall be at such Owner's sole expense. There shall be no fencing or gate(s) of any kind obstructing the roadway that provides access to the Parcels. Fences shall be of good quality and workmanship and shall be properly finished and maintained. No fence shall be higher than six feet. Fences shall not extend closer than 20 feet to any adjacent street.

5. **Refuse:** At no time shall unsightly objects or materials, including but not limited to abandoned or inoperative vehicles, trash, rubbish, garbage, grass or shrub clippings, construction debris, scrap material or other refuse, or receptacles or containers, be stored, accumulated or deposited outside or so as to be visible from any neighboring property or adjoining street except during refuse collections. Trash or garbage herein referred to as trash, shall be kept inside commercial or retail trash containers at all times when awaiting pickup by the local sanitary company.

6. **Nuisances:** No noxious or offensive activity shall be carried on, upon any Parcel at anytime or shall anything be done thereon tending to cause embarrassment, discomfort, annoyance or nuisance to the neighborhood. This includes, but is not limited to: continuous loud barking, or other noises, of Owner's pets or animals; the operation of recreational vehicles (motorcycles, ATVs, etc.) that creates frequent, repetitive, or continuous sounds; creation or operation of a race track or other course in which recreational vehicles operate.

7. **Storage of Vehicles and Equipment:** All automobiles, trucks, snowmobiles, all-terrain vehicles, boats, trailers, campers, motor homes, or other vehicles shall be parked/stored so as not to create a nuisance. Parking said vehicles shall be limited to enclosed areas, excepting functional automobiles and trucks. Enclosed areas are defined as garages, other buildings on the property as permitted, and/or backyards. Parking in open areas of all vehicles and equipment for loading and unloading are permitted provided such activities do not exceed two (2) days.

8. **Animals:**

a. **Large Animals:** Large animals are permitted subject to local law. Wild animals, exotic animals, and swine are not permitted.

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b. **Pets:** Household pets may be kept for personal, non-commercial, recreational purposes only if the presence of such pets does not constitute a nuisance. Pets must be kept within the boundaries of the Parcel unless accompanied by and under the control of the Owner. No dog breeding or farming for commercial purposes is permitted.

9. **No Mining or Drilling:** No portion of the Property shall be used for the purpose of mining, quarrying, drilling, boring, or exploring for or removing water, oil, gas, or other hydrocarbons, minerals, rocks, stones, sand, gravel, or earth. This paragraph shall not prohibit exploratory drilling or coring which is necessary to construct a residential structure or improvements.

10. **Easements:**

a. **Drainage and Utility Easements.** As shown and described on the Plat or otherwise designated in any recorded document, Grantor expressly reserves for the benefit of all the Property reciprocal easements of access, ingress and egress for all Owners to and from their respective Parcels to install, use, operate, maintain, replace, improve and repair an irrigation ditch or pipe for water irrigation and drainage, including ingress, egress, access, hookup and working space and access for and use of all equipment needed for such activities over, through, under and across the Property; to access and regulate control devices at the diversion point for the irrigation ditch or pipeline; and to install, connect to such irrigation ditch or pipeline, operate, maintain, replace, improve and repair an electric irrigation pump including ingress, egress, access, hookup, working space and access for and use of all equipment needed for such activities (all together, the "irrigation and drainage system"). Notwithstanding anything expressly or impliedly contained herein to the contrary, this Declaration shall be subject to all easements heretofore or hereafter granted by Grantor for the installation and maintenance of the irrigation and drainage system that are required for the development of the Property. In addition, Grantor hereby reserves for the right to grant additional easements and rights-of-way over the Property and/or a Parcel as appropriate, to the Property until close of escrow for the sale of the last Parcel in the property to a purchaser. If exercised, such additional easements or rights-of-way shall not create undue burden for existing Owners of Parcels.

b. **Improvement of Drainage and Utility Easement Areas.** The Owners of Parcels are hereby restricted and enjoined from constructing any improvements upon any drainage or irrigation easement areas as shown or described on the Plat or otherwise designated in any recorded document which would interfere with or prevent the easement from being used for such purposes;

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provided, however, that the Owner of such Parcel or the Grantor, shall be entitled to install and maintain landscaping on such easements areas, and also shall be entitled to build and maintain fencing on such easement areas so long as the same would not interfere with or prevent the easement areas from being used for their intended purposes; provided, that any damage sustained to improvements on the easement areas as a result of legitimate use of the easement areas shall be the sole and exclusive obligation of the Owner of the Parcel whose improvements were so damaged.

c. **Water Supply Systems.** No separate or individual irrigation and drainage system, regardless of the proposed use of the water to be delivered by such system, shall be permitted on any Parcel unless such system is designed, located, constructed, and equipped in accordance with the requirements, standards, and recommendations of all governmental authorities having jurisdiction. Grantor or affiliates of Grantor may use the water supply as deemed necessary for temporary or other irrigation purposes.

d. **Repair and Maintenance.** It is recognized that all Owners of the Parcels may use the irrigation and drainage system or the irrigation and drainage system that may be constructed on the Property. The Grantor, on behalf of the Grantor and the Grantor's heirs, successors, assigns, purchasers, or transferee of any kind, covenants and agrees as follows:

- i. All costs or expenses related to the irrigation and drainage system on the Property (including, without limitation, all costs of maintenance and repair) shall be allocated equally between the Owners of the Parcels included in the applicable water users association for the irrigation system, and equally between the Owners of the Parcels included in the subdivision for the drainage system;
- ii. All costs or expenses related to the maintenance of common areas on Lot 1 of Block 2 shall be allocated equally between Owners of the Parcels in the Subdivision.
- iii. The Parcels owned by such Owners shall be subject to a lien for (i) such costs allocated to such person or individual, and (ii) expenses incurred in collecting the amounts due.

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e. **Indemnification.** Each Owner agrees to indemnify, defend and hold the other Owners, and their successors, assigns, and agents harmless from any and all claims, liability, losses, costs, charges, or expense that arise from their respective use or use by their respective customers, agents, invitees, or representatives of the irrigation and drainage system.

11. **Exemption of Grantor:** Nothing contained in this Declaration shall limit the right of Grantor to subdivide or re-subdivide any portion of the Property, to grant licenses, to reserve rights-of-way and easements to utility companies, public agencies, or others, or to complete excavation, grading, and construction of improvements to and on any portion of the Property owned by Grantor, or to alter the foregoing and its construction plans and designs, or to construct such additional improvements as Grantor deems advisable in the course of development of the Property so long as any Parcel in the Property remains unsold. Such right shall include, but shall not be limited to, erecting, constructing, and maintaining on the Property such structures and displays as may be reasonably necessary for the conduct of Grantor's business of completing the work and disposing of the same by sales, lease or otherwise. Grantor shall have the right at any time prior to acquisition of title to a Parcel by a purchaser from Grantor to grant, establish, and/or reserve on that Parcel, additional licenses, reservations and rights-of-way to Grantor, to utility companies, or to others as may from time to time be reasonably necessary to the proper development and disposal of the Property. Grantor may use any structures owned by Grantor on the Property as model home complexes or real estate sales or leasing offices for lots and homes. The rights of Grantor hereunder may be assigned by Grantor to any successor in interest in connection with Grantor's interest in any portion of the Property.

12. **Miscellaneous and General Provisions:**

a. Each Owner by purchasing any parcel subject to this Declaration shall automatically be bound by the terms and conditions of this Declaration.

b. This Declaration shall continue and be in force for a period of thirty (30) years from the date the Declaration is recorded. The Declaration shall continue for successive ten (10) year periods unless terminated by 100% of the Owners of the Parcels subject to this Declaration. So long as Grantor owns a Parcel in the Property, the provisions of this Declaration may be amended, modified, clarified, supplemented, added to or terminated by Grantor by recordation of a written instrument setting forth such amendment or termination. When Grantor no longer owns a Parcel in the Property, this Declaration may be terminated or

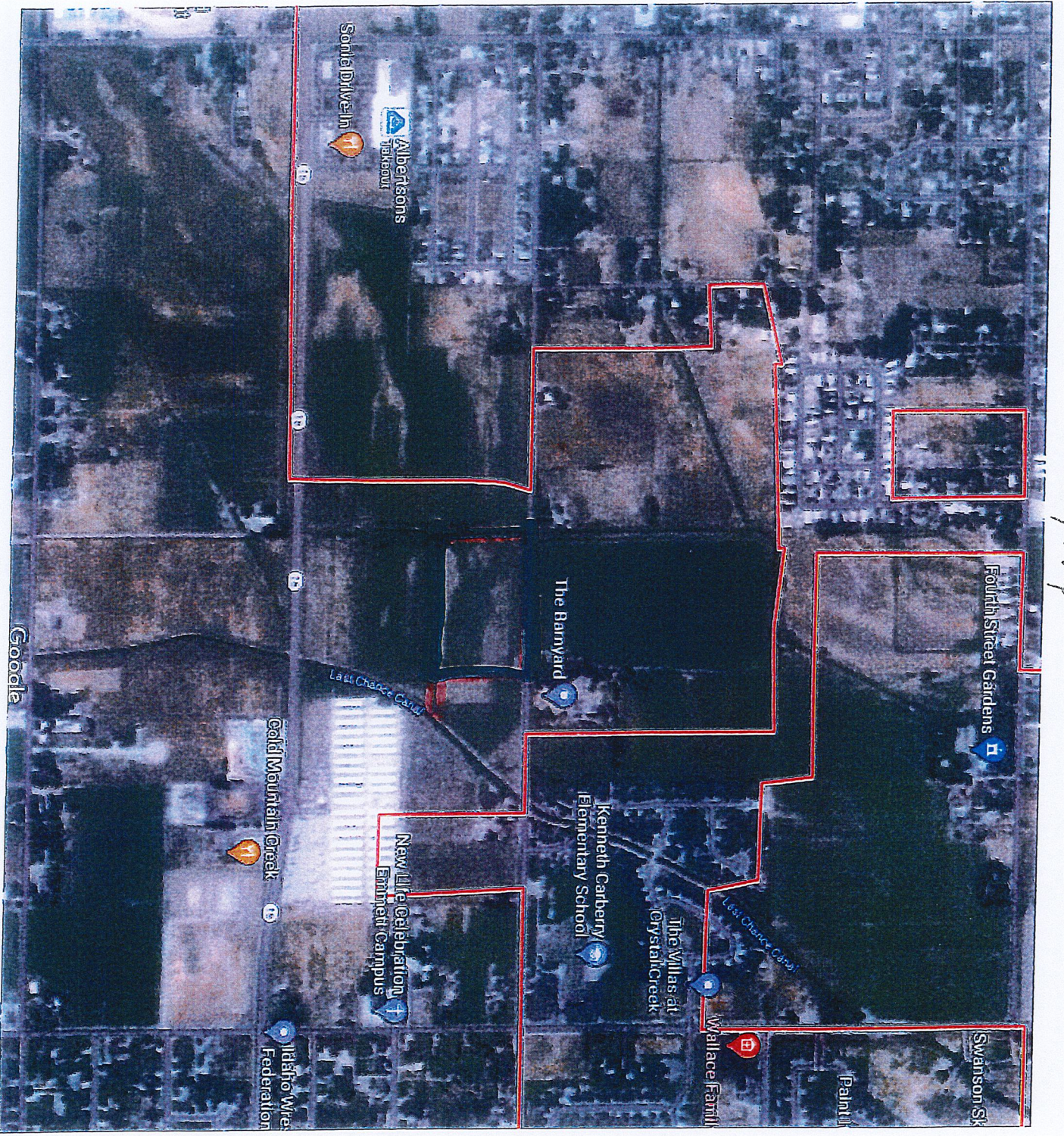
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modified, and all of the real property now or hereafter affected may be released from all or part of the terms and conditions of this Declaration, by the Owners of 100% of the Parcels subject hereto. If at any time it is proposed to terminate this Declaration, then the Owners shall execute and acknowledge an appropriate written agreement or agreements for that purpose, and record the same at the office of the Recorder for Gem County, Idaho.

c. All of the provisions of this Declaration, including any easements, shall be deemed to be covenants running with the land, and shall be binding and inure to the benefit of the Owners of the properties described in Exhibit A their heirs, successors and assigns, and all parties claiming by, through or under them, shall be taken to hold, agree and covenant with such Owners, their successors and titles, and with each other, to conform to and observe all of the terms and conditions contained in this Declaration.

d. Any Owner may commence legal proceedings, including an action for injunctive relief, to compel or enforce any of the terms and conditions of this Declaration and may also sue for damages in the event the terms and conditions of this Declaration are not followed.

Venue Map



Instrument # 333010
EMMETT, GEM, IDAHO
2021-03-12 03:33:53 PM No. of Pages: 2
Recorded for: ALLIANCE TITLE - BOISE PRODUCT
SHELLY TILTON Fee: \$15.00
Ex-Officio Recorder Deputy SStewart
Index To: QUIT CLAIM DEED
Electronically Recorded by Simplifile



QUITCLAIM DEED

Alliance Title & Escrow, LLC ORDER NO.: 467872
ACCOMMODATION ONLY
FOR VALUE RECEIVED,

Sunbeam Acres, LLC

do(es) hereby convey, release, remise and forever quitclaim unto

K & B Development, Inc.

whose current address is: 2550 E. Quail Run Rd., Emmett, Id. 83617

the following described premises:

BASIS OF BEARING for this description is South 89°27'09" East between an aluminum cap "PLS 6552" marking the North Quarter corner of Section 17 and a brass cap "PLS 878" marking the Northeast corner of Section 17, both located in Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho.

A parcel of land located in the Northwest Quarter of the Northeast Quarter of Section 17, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho more particularly described as follows:

BEGINNING at an aluminum cap marking the North Quarter corner of Section 17;
Thence South 89°27'09" East, coincident with the North boundary line of said Northwest Quarter of the Northeast Quarter of Section 17, a distance of 752.73 feet to a 5/8" rebar with cap PLS 11574;

Thence leaving the North boundary line of said Northwest Quarter of the Northeast Quarter, South 0°46'02" West, 453.24 feet to a 5/8" rebar with cap PLS 11574 marking the Southwest corner of Sunny Acres Subdivision, Book 6, Page 9;

Thence South 89°27'09" East, coincident with the South boundary of said Sunny Acres Subdivision, 286.57 feet to the centerline of the Last Chance Ditch, witnessed by a 5/8" rebar with cap PLS 11574, bearing North 89°27'09" West, 49.64 feet;

Thence South 43°30'32" West, coincident with said centerline of the Last Chance Ditch, a distance of 41.06 feet, said point witnessed North 89°27'09" West, witnessed by a 5/8" rebar with cap PLS 11574, bearing North 89°27'09" West, 47.51 feet;

Thence leaving said centerline of the Last Chance Ditch, North 89°27'09" West, parallel with the North boundary line of said Northwest Quarter of the Northeast Quarter, a distance of 1009.24 feet to a 5/8" rebar with cap PLS 11574, on the West boundary line of said Northwest Quarter of the Northeast Quarter;

Thence North 0°30'28" East, coincident with said West boundary of the Northwest Quarter of the Northeast Quarter, a distance of 483.28 feet to the POINT OF BEGINNING.

TO HAVE AND TO HOLD the said premises, unto the said grantees, heirs and assigns forever.

Dated: March 8, 2021

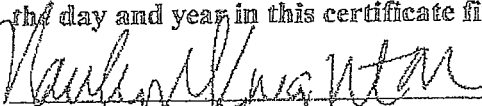

Kelsey Peterson


Brit Peterson

State of Idaho} ss
County of Gem}

On this 11 day of March, 2021, before me, Marilyn Knighton, a Notary Public in and for said state, personally appeared Kelsey Peterson and Brit Peterson known or identified to me to be the Managing Member in the Limited Liability Company known as Sunbeam Acres, LLC who executed the foregoing instrument in said LLC name.

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


Marilyn Knighton
Notary Public for the State of Idaho
Residing at: Emmett
Commission Expires: April 4, 2023

MARILYN KNIGHTON
COMMISSION #44165
NOTARY PUBLIC
STATE OF IDAHO

City of Emmett Council Meeting

August 24, 2021

The Emmett City Council held a regular meeting at 501 E. Main Street, Emmett, Idaho.
Mayor Gordon Petrie called the meeting to order at 7:00p.m.
Mayor Gordon Petrie led the **Pledge of Allegiance**
Al Cinnamon offered the **Community Invocation**

Council Present: President Steve Nebeker, Councilor Denise Sorenson, Councilor Michelle Welch, Councilor Gary Resinkin

Council Present via telephone: Councilor Tona Henderson

Council Absent: Councilor Thomas Butler

Counselor Present: Jake Sweeten

Staff Present: City Clerk Lyleen Jerome, Library Director Alyce Kelly, Police Chief Steve Kunka, IT Systems Director Mike Knittel, Building/Zoning Director Brian Sullivan

AGENDA: Council President Nebeker MOTIONED TO APPROVE THE AGENDA AS PRESENTED, Seconded by Councilor Resinkin, AYES – 5, NOES – 0 **Motion Carried.**

Declaration of Conflicts of Interest: None.

Declaration of Council Members' Discussion Outside an Open Meeting: None

ELECTED OFFICIALS:

- A. Mayor - National Library Card Month Proclamation presented to Alyce Kelley, Library Director
- B. Council
- C. Announcements and Good of the Order

PUBLIC HEARING:

A. **2021-2022 Budget Hearing.** Mayor Petrie called the Public Hearing to order. Lyleen Jerome, City Clerk/Treasurer presented the proposed City budget for the next fiscal year beginning October 1, 2021 and ending September 30, 2022 in the amount of \$8,595,697. Mayor asked three times if there was anyone from the public that would like to be heard on this topic. No one from the public requested to be heard.

Close of Public Hearing - Mayor Petrie closed the Public Hearing.

Decision of Public Hearing – Councilor Sorenson MOTIONED TO APPROVE THE FISCAL YEAR BUDGET 21-22 APPROPRIATING THE SUM OF \$8,595,697 FOR THE PURPOSE OF DEFRAYING THE EXPENSE AND LIABILITIES OF THE City of Emmett for said fiscal year. Seconded by Councilor Henderson, AYES – 5, NOES 0. **Motion Carried.**

CONSENT AGENDA:

- A. **Approval of Minutes:** August 10, 2021– Regular Meeting
- B. **Approval of Accounts Payable**
- C. **Approve Permits:** Bartender Permit – Nathan R. Wilson

Councilor Henderson **MOTIONED TO ACCEPT THE CONSENT AGENDA.** Seconded by Councilor Welch. AYES -5, NOES - 0. **Motion Carried.**

DISCUSSION/INFORMATION/UPDATES: Brad Turpen, Chief Executive Officer of Valor Health gave a presentation on some plans to expand local Primary Health Care options in our community by constructing a new building in Emmett. The new facility will be located off Highway 16 with a targeted completion date in the Fall of 2022.

NON-CONSENT AGENDA BUSINESS

A. **Approve Ordinance #O2021-06 –** Presented Lyleen Jerome, City Clerk/Treasurer
AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 APPROPRIATING THE SUM OF \$8,595,597 TO DEFRAY THE EXPENSE AND LIABILITIES OF THE CITY OF EMMETT, IDAHO FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSE FOR WHICH SAID APPROPRIATION IS MADE.

Councilor Welch **MOTIONED TO APPROVE ORDINANCE #O2021-06 AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 APPROPRIATING THE SUM OF \$8,595,597 TO DEFRAY THE EXPENSE AND LIABILITIES OF THE CITY OF EMMETT, IDAHO FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSE FOR WHICH SAID APPROPRIATION IS MADE** and dispensing with the rule requiring ordinances to be read on three separate days and once in full, and that the ordinance be read once by title. Seconded by Councilor Henderson. Mayor Petrie called a Roll Call Vote – President Nebeker, AYE, Councilor Resinkin, AYE, Councilor Welch, AYE, Councilor Henderson, AYE, Councilor Sorenson, AYE 5-AYES, -0- NOES, 1-ABSENT **Motion Carried.**

Ordinance #O2021-06 read by Lyleen Jerome, City Clerk/Treasurer. ORDINANCE #2021-06 AN ORDINANCE ENTITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2021 APPROPRIATING THE SUM OF \$8,595,597 TO DEFRAY THE EXPENSE AND LIABILITIES OF THE CITY OF EMMETT, IDAHO FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF SUFFICIENT TAX UPON THE

City of Emmett Council Meeting

August 24, 2021

TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSE FOR WHICH SAID APPROPRIATION IS MADE.

Council President Nebeker **MOTIONED TO ACCEPT THE FIRST AND ONLY READING OF ORDINANCE #O2021-06**, direct Mayor to sign and direct that it be published in full. Seconded by Councilor Welch. Roll Call Vote Council President Nebeker, AYE, Councilor Resinkin, AYE, Councilor Welch, AYE, Councilor Henderson, AYE, Councilor Sorenson, AYE. 5 AYES, 0 NOES, 1 ABSENT. **Motion Carried.**

B. Approve Payment to Irby in the amount of \$19,316.82 presented by Mike Knittel, Systems Administrator. Council President Nebeker **MOTIONED to approve payment to Irby in the amount of \$19,316.82.** Seconded by Councilor Welch. 5 AYES, 0 NOES, 1- Absent **Motioned Carried.**

C. Approve Generator Bid from Payette River Electric & Control in the amount of \$72,000 presented by Mike Knittel, Systems Administrator. Council President Nebeker **MOTIONED to approve Bid #1075 from Payette River Electric & Control for the Locust Booster Facility backup generator in the amount of \$72,000.** Seconded by Councilor Resinkin. 5 AYES, 0 NOES, 1 ABSENT. **Motion Carried.**

D. Approve Surplus of Fiber Optic Conduit presented by Mike Knittel, Systems Administrator. Councilor Henderson **MOTIONED to approve the surplus of a single 1.25” fiber optic conduit along the City of Emmett conduit path between the intersections of N. Washington Avenue and E. Park Street to Highway 52 and Airport Road.** Seconded by Councilor Sorenson. 5 AYES, 0 NOES, 1 ABSENT. **Motion Carried.**

E. Approve Agreement for Sale of Conduit to Fatbeam, LLC presented by Mike Knittel, Systems Administrator. Councilor Henderson **MOTIONED to approve the Agreement for Sale of Conduit between the City of Emmett and Fatbeam, LLC with Mayor to sign, and direct the proceeds from the sale to the fiber optic utility fund.** Seconded by Councilor Welch. Roll Call Vote – Council President Nebeker, AYE, Councilor Resinkin, AYE, Councilor Welch, AYE, Councilor Sorenson, AYE 5 AYES, 0 NOES, 1 ABSENT. **Motion Carried.**

DEPARTMENT/ ACTIVITY REPORTS

- A. **Building Official/City Planner** – Brian Sullivan
- B. **Clerk** – Lyleen Jerome, City Clerk
- C. **Fire** – Absent
- D. **Library** – Alyce Kelley, Director
- E. **Police** - Steve Kunka, Police Chief
- F. **Public Works** – Clint Seamons
- G. **Systems Administrator** – Mike Knittel, IT Systems Director
- H. **Engineer** – No Report

Councilor Henderson **MOTIONED TO ADJOURN.** Seconded by Councilor Sorenson 5-AYES, 0-NOES. **Motion Carried.**

Meeting Adjourned at 7:51 p.m.

Mayor Gordon Petrie

Lyleen Jerome, City Clerk



CITY OF EMMETT

Bartender Permit Checklist

Applicant Name LAYNIE DAHL-SNYDER

Date Application Received 08/31/21 By LJEROME

- New Application Renewal Application
- Application Notarized
- Fingerprint Receipt Attached (New only)
- Copy of Driver's License Attached
- Permit Fee Paid
- Temporary Permit Language added to Receipt (New only)

Police Department

Background Check _____

✓ A

Emmett Police Name/Records Check

Gem County Sheriff's Name/Records Check

Other

W. London

9/1/21

Completed (signature)

Date

[Signature]

Chief of Police (signature)

9-2-21

Date

Fingerprint Results Attached (New only) 9/1/21

City Council

Added to Council Agenda for approval

City Council Approved Yes No _____

Council Date

Official Permit

Created _____

Mailed _____

Tracking # _____

210 Main, LLC

P.O. Box 488
210 W. Main Street
Emmett, ID 83617
208-365-4611

September 2, 2021

City of Emmett
City Council
Attn: Brian Sullivan
501 E. Main Street
Emmett, Idaho 83617

Re: 210 Main, LLC – Payette River Orchards Phase 3 and 4
Request to install 8-foot fence

Mr. Sullivan,

We (210 Main, LLC) request City Council permission to utilize an 8 to 10 foot vinyl privacy fence in a section of Payette River Orchards Subdivision, which will be platted as Phase 4. This request is for the rear property line of Lots 2-13 of Block 13 in Phase 4. A copy of the applicable page of the draft final plat is include.

The reason for this request is that the adjoining road, separated by a common area, is approximately 5' higher than the rear property line. If limited to a 6' fence the backyards of these lots will not be shielded from traffic on the road and pedestrians on the sidewalk. An 8'-10' fence will provide privacy and based on the topography will be less obvious than a 6' fence located on flat or elevated ground.

I have attached a portion of the Phase 3 and Phase 4 approved construction plans which show the grading difference for a portion of these lots. The difference in road grading to rear fence line for these lots will continue in future phases.

We appreciate your consideration and review of this request.

210 Main LLC

Adam Little

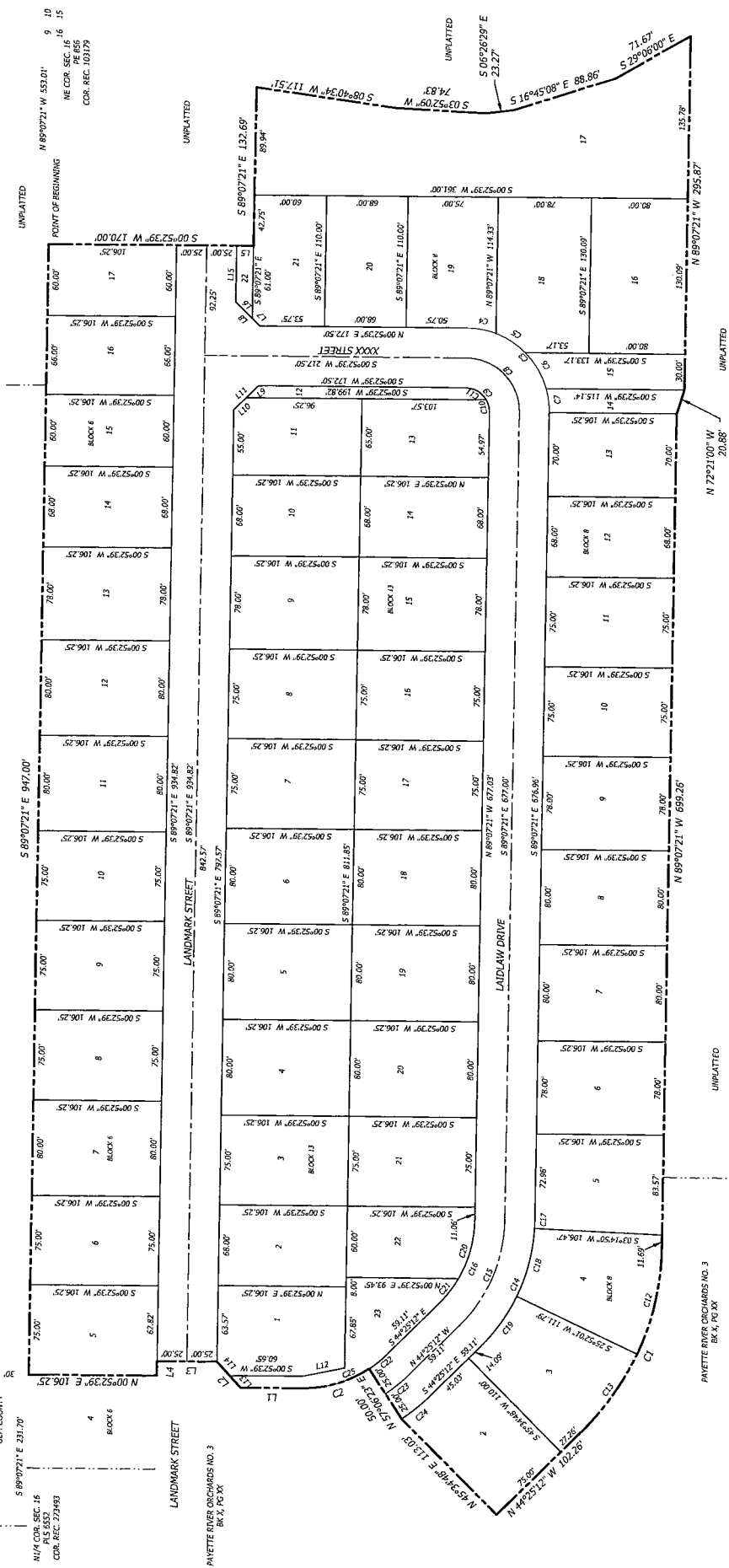
By: Adam Little, Its: Member

PAYETTE RIVER ORCHARDS SUBDIVISION NO. 4 21-XXX
LOCATED IN THE NE1/4 OF SECTION 16, T.6 N., R. 1 W., B.M.,
CITY OF EMMETT, GEM COUNTY, IDAHO
2021

SAND HOLLOW SUBDIVISION NO. 1
BK. 2, PG. 17

GEM COUNTY
N 89°07'21" E 231.70'
N 1/4 COR. SEC. 16
R. 1 S. 6552
COR. REC. 22483

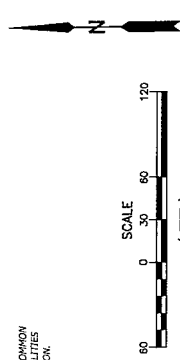
S 89°07'21" E 2549.01' - BASIS OF BEARING



8. LOTS 14, 15, 17 AND 22, BLOCK 8, LOT 12 AND 23, BLOCK 13, ARE RESERVED AS COMMON AREA, ARE NON-BUILDABLE LOTS, ARE BLANKET EASEMENTS FOR DRAINAGE AND UTILITIES AND ARE OWNED AND MAINTAINED BY THE EMMETT HIGHLAND OWNERS ASSOCIATION.

- REFERENCES:
- R1) SUNSET HEIGHTS SUBDIVISION, BOOK 3, PAGE 8
 - R2) AGENCY HEIGHTS SUBDIVISION, BOOK 4, PAGE 9
 - R3) SAND HOLLOW SUBDIVISION NO. 1, BOOK 2, PAGE 17
 - R4) RECORD OF SURVEY INST. NO. 149849
 - R5) RECORD OF SURVEY INST. NO. 161719
 - R6) RECORD OF SURVEY INST. NO. 243772
 - R7) RECORD OF SURVEY INST. NO. 257805
 - R8) RECORD OF SURVEY INST. NO. 274933
 - R9) RECORD OF SURVEY INST. NO. 297816
 - R10) RECORD OF SURVEY INST. NO. 201148
 - R11) STATE OF IDAHO, RIGHT OF WAY PLANS, FAP 5-3822(2)
 - R12) GRANT DEED INST. NO. 326780

- NOTES:
1. THE EXISTING ZONING OF THIS SUBDIVISION IS R-1.
 2. PER I.C. 31-3-305, THIS PLAT IS WITHIN EMMETT IRRIGATION DISTRICT AND THE LOTS AS SHOWN HEREON ARE SUBJECT TO THE WATER RIGHTS OF THE EMMETT HIGHLAND OWNERS ASSOCIATION AND ARE SUBJECT TO RECEIVE WATER FROM EMMETT IRRIGATION DISTRICT.
 3. MINIMUM BUILDING SETBACKS SHALL BE IN ACCORDANCE WITH THE CITY OF EMMETT ZONING ORDINANCE, CHAPTER 10, ARTICLE 10.01, SECTION 10.01.01.
 4. THIS DEVELOPMENT RECOGNIZES SECTION 22-4030 OF THE IDAHO CODE, RIGHT TO FARM EXPANSION THEREON SHALL BE OR BECOME A RESIDENCE, PRIVATE OR PUBLIC, BY ANY CHANGED CONDITIONS IN OR ABOUT THE SURROUNDING NON-AGRICULTURAL ACTIVITIES AFTER IT HAS BEEN IN OPERATION FOR MORE THAN (1) ONE YEAR, UNLESS THE OPERATOR, CONSTRUCTED THE PROVISIONS OF THIS SECTION SHALL NOT APPLY WHEN A RESIDENCE RESULTS FROM THE IMPROPER OR NEGLIGENT OPERATION OF AN AGRICULTURAL OPERATION, AGRICULTURAL FACILITY OR EXPANSION THEREOF.
 5. ANY FUTURE STRUCTURES ERECTED WITHIN THE SUBDIVISION SHOWN HEREON SHALL REMAIN OUTSIDE ANY PUBLIC UTILITY, DRAINAGE AND IRRIGATION EASEMENTS, AND SHALL MEET ALL REQUIRED CITY OF EMMETT BUILDING SETBACKS.
 6. THERE IS AN UNOCCUPIED UTILITY, FIBER, IRRIGATION (GRAVITY AND PRESSURE IRRIGATION), AND DRAINAGE EASEMENT ALONG:
FRONT LOT LINES 10 FOOT WIDE, REAR LOT LINES 7 FOOT WIDE, AND SIDE LOT LINES 5 FOOT WIDE.
 7. THESE PARCELS LIE WITHIN ZONE D. PER MAP NO. 160127 0202A, EFFECTIVE DATE 4/17/1978. ZONE D. AREAS OF UNDETERMINED, BUT POSSIBLE, FLOOD HAZARDS.



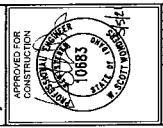
OWNER: 210 MAIN, LLC.

2030 S. WASHINGTON AVE.
EMMETT, ID 83617
(208) 398-8104
FAX (208) 398-8105

WWW.SAWTOOTHLS.COM

SHEET: 1 OF 3 DATE: 7/2021 DRAWN BY: AR CHECKED BY: KB TORRE: 121085 DWG#: PP-PRO4

SEE SHEET 2 OF 3 FOR LINE/CURVE TABLES



NO.	DESCRIPTION	BY	DATE

NOTES TO CONTRACTOR

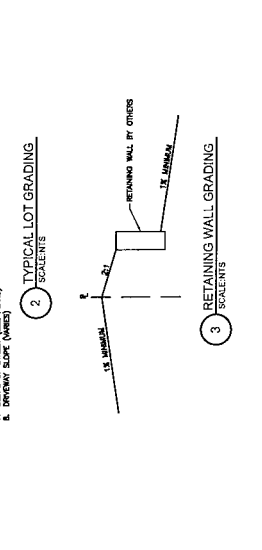
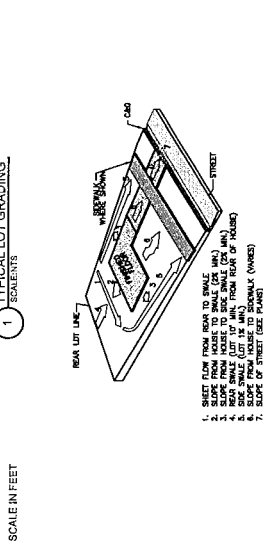
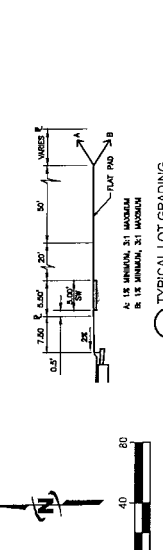
- ADD 2400 FEET TO ALL SPOT ELEVATIONS TO OBTAIN ACTUAL ELEVATION.
- SEE AND SIDES OF LOTS ARE AT 2.0% GRADE THROUGHOUT.

EARTHWORK
 CUT: 13.235 C.Y.
 FILL: 18.463 C.Y.
 NET: 5.228 C.Y. IMPORT

NOTE: QUANTITIES ARE BASED ON NET IMPORT AND EXPORT. EXCESS IMPORT AND EXPORT SHALL BE OBTAINED FROM THE LOCAL GOVERNMENT AGENCIES TO DETERMINE NECESSARY QUANTITIES.

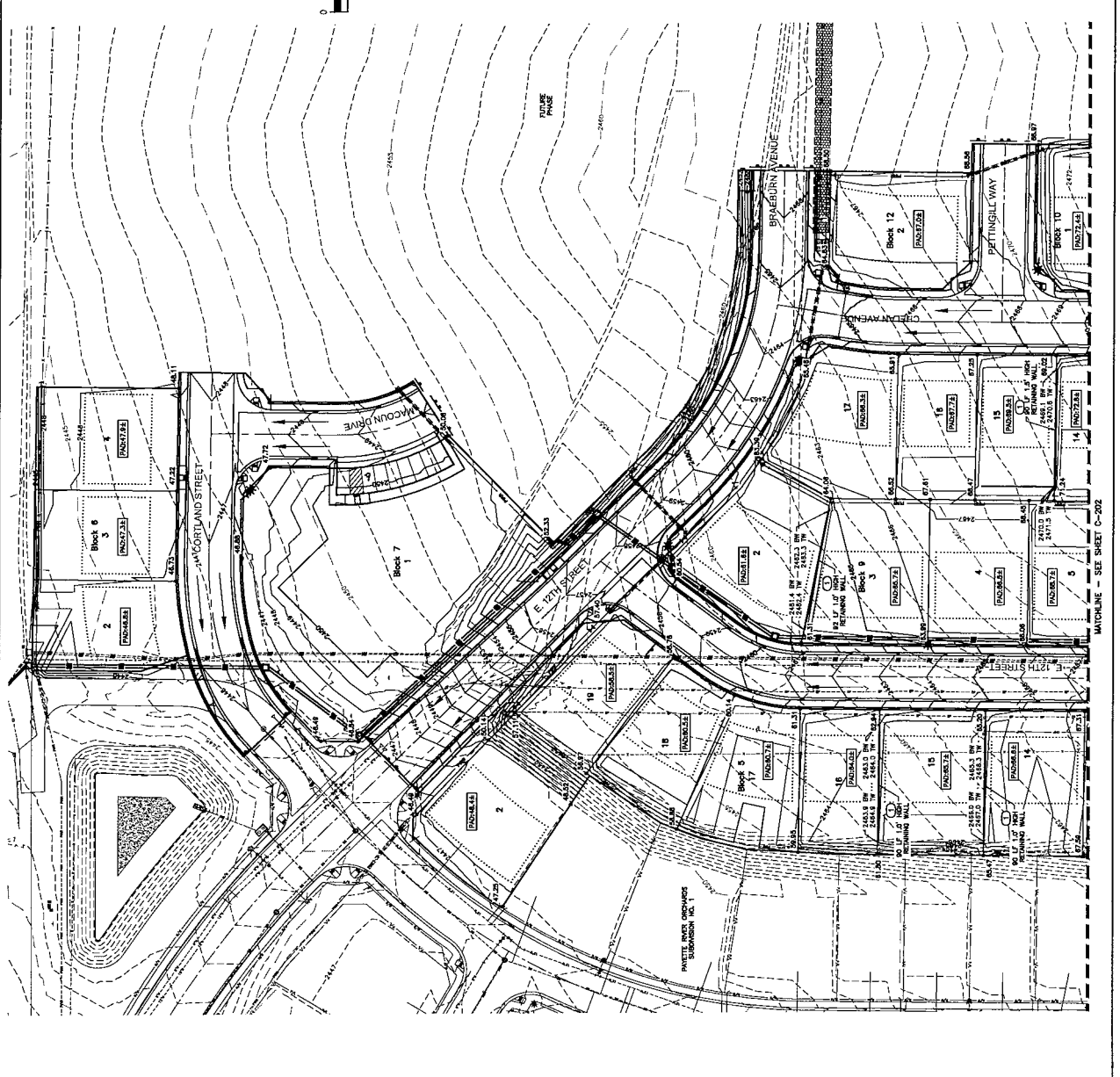
LEGEND

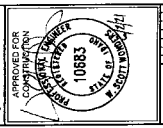
- EXISTING CONTOURS
- PROPOSED CONTOURS
- PAV. LANE
- FO ELEVATION



NOTES

- RETAINING WALL TO BE BUILT BY OTHERS





NO.	DESCRIPTION	BY DATE	CHECKED DATE

NOTES TO CONTRACTOR

- ADD AND FILL TO ALL SPOT ELEVATIONS TO DETERMINE ACTUAL ELEVATIONS AT BEGS AND SIDES OF LOTS AND AT 20' INTERVALS OTHERWISE SHOWN.

LEGEND

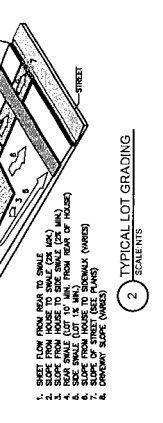
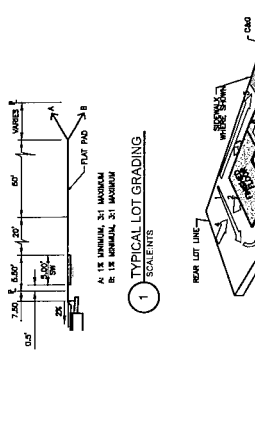
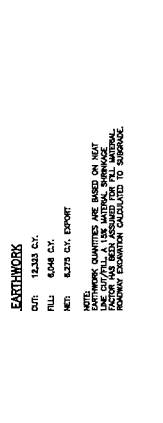
- EXISTING CONTOURS
- PROPOSED CONTOURS
- PRO LINE
- FB ELEVATION

EXISTENCE

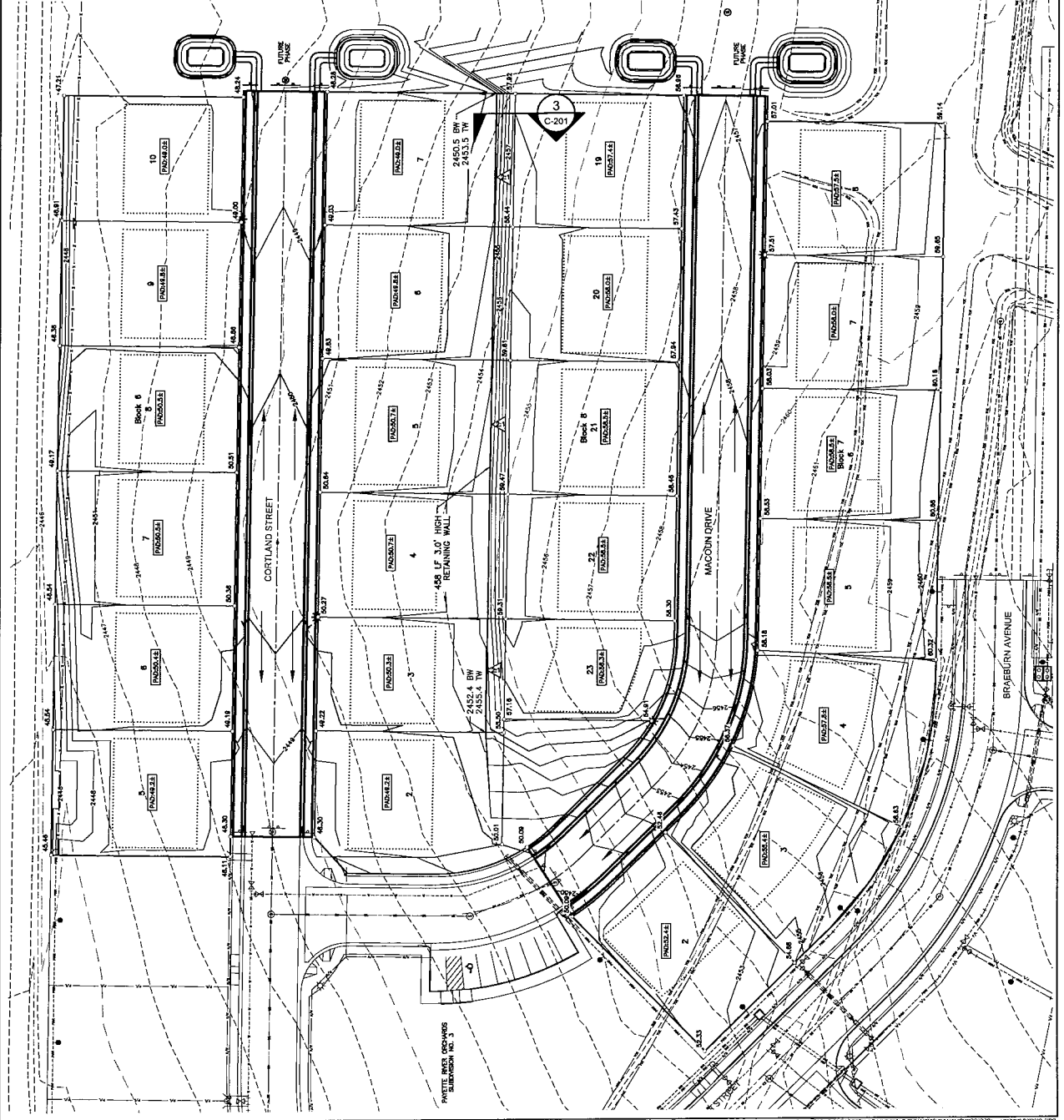
DOT: 12.0% C.V.
 FILL: 6.0% C.V.
 MET: 6.7% C.V. EXPORT

NOTE: FINISH ELEVATIONS ARE BASED ON NAVD 83 DATUM. ALL ELEVATIONS ARE IN FEET. SEE METERS FOR CONVERSION. ROADWAY DIMENSIONS CALCULATED TO SURFACE.

SCALE: 1" = 20' FEET



811
 Know what's below.
 Call before you dig.
 CALL 2 BUSINESS DAYS IN ADVANCE BEFORE YOU DIG, GRADE, OR EXCAVATE FOR THE MARKING OF UNDERGROUND MEMBER UTILITIES



ORDINANCE NO. O2021-07

AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, AMENDING THE ANNUAL APPROPRIATION ORDINANCE #O2020-10 FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2020, TO REFLECT THE RECEIPT OF UNSCHEDULED REVENUES, INCREASING AND ESTABLISHING THE APPROPRIATIONS FOR EXPENDITURES IN VARIOUS DEPARTMENTS AND FUNDS, PROVIDING THAT THE TAX LEVY UPON TAXABLE PROPERTY WITHIN THE CITY IS NOT AFFECTED HEREBY, PROVIDING THAT ALL ORDINANCES IN CONFLICT HEREWITH ARE REPEALED TO THE EXTENT OF SUCH CONFLICT, AND PROVIDING THAT THE ORDINANCE SHALL BE EFFECTIVE UPON ITS PUBLICATION DATE.

Section 1. That Ordinance No. O2020-10, the appropriations ordinance for the City of Emmett, Idaho, for the fiscal year commencing October 1, 2020, and ending September 30, 2021, be and the same is hereby amended as follows:

That the addition of \$998,110 be appropriated to defray the necessary expenses and liabilities of the City of Emmett, Gem County, Idaho for the fiscal year beginning October 1, 2020, thereby amending Ordinance No. O2020-10.

Section 2. Purposes and Amounts of Appropriation. That the objects and purposes for which such appropriations are made, and the amounts of such appropriations are as follows after accounting for receipt of unscheduled revenues:

PROPOSED PROJECT EXPENDITURES

GENERAL FUND:

BUILDING DEPARTMENT	
Salaries	\$ 13,000
POLICE DEPARTMENT	
Dues & Subscriptions	\$ 26,000
IT DEPARTMENT	
Grant Funds	\$ 613,000

WATER FUND:

Water Improvement Contingency	\$ 336,110
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TOTAL PROPOSED NEW EXPENDITURES **\$ 988,110**

PROPOSED REVENUES/FUNDING RESOURCES

GENERAL FUND:

BUILDING DEPT - Permits	\$ 13,000
POLICE DEPT - Police Services	\$ 26,000
IT DEPARTMENT – Grant Funds	\$ 613,000

WATER FUND:

Water Meter Installations	\$ 336,110
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TOTAL PROPOSED NEW REVENUES **\$ 988,110**

Section 3. Tax Levy unaffected. That the tax levy established for the City of Emmett for the Fiscal year beginning October 1, 2019, shall be unaffected by this ordinance.

Section 4. Amendment of Conflicting Ordinances. That all ordinances or parts of ordinances in conflict with this ordinance are hereby amended to the extent of such conflict to conform to the appropriations made by this ordinance.

Section 5. This ordinance shall take effect and be in full force upon its passage, approval and publication in one issue of the Messenger Index, a newspaper of general circulation in the City of Emmett, and the official newspaper of said City.

PASSED under suspension of the rules upon which a roll call vote was taken and duly enacted an ordinance of the City of Emmett, Gem County, Idaho at a convened meeting of the City of Emmett City Council held on the 14th day of September, 2021.

ATTEST:

GORDON W. PETRIE
MAYOR

LYLEEN JEROME
CITY CLERK

RESOLUTION #R2021-08

**RESOLUTION OF THE CITY COUNCIL
OF THE CITY OF EMMETT, IDAHO
TO ADOPT COMPLETE STREETS STRATEGIES FOR ALL NEW AND
REHABILITATED STREETS IN EMMETT, IDAHO, WHEN FUNDING ALLOWS**

WHEREAS, the Emmett City Council finds that it is important for a community to provide access to safe and convenient places to be physically active for residents of and visitors to the city regardless of age, race, income, socio-economic status, disability status, or geographic location; and,

WHEREAS, the Emmett City Council finds that physical exercise is one of the activities that adults, children and their families in Emmett, Idaho, can participate in to improve their health;

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS by the City Council of Emmett, Idaho, pursuant to Title 50, Chapter 3 of the Idaho Code, and specifically, those sections contained therein dealing specifically with the powers of city councils to build and maintain streets and sidewalks within their municipal corporate limits:

FIRST, effective on and after the date hereof, the City Council adopts a Complete Streets strategy for all new and later rehabilitated or repaired streets within the corporate limits of Emmett, Idaho, provided funding is available;

SECOND, such strategy should be designed to make it safer and easier to walk, bicycle or wheelchair roll for all people of all ages and abilities by improving the street and pathways design in Emmett, Idaho, in connecting routes such as sidewalks, trails, bicycle lanes to everyday destinations such as, but not limited to, grocery stores, schools, worksites, libraries, parks, and healthcare facilities.

THIRD, such strategy should further be designed to enhance access to places for physical activity and encourage the execution of our 2020 Pedestrian and Bicycle Master Pathways Plan, to include, but not limited to, connecting the Gem Island Sports Complex, our public parks and trails, our schools and commercial areas, our senior center and as many worksites as practicable.

PASSED this ___ day of September 2021 by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

APPROVED:

MAYOR

ATTEST:

CITY CLERK



EMMETT PUBLIC WORKS DEPARTMENT
601 East 3rd Street - Emmett, Idaho 83617
Clint Seamons, Public Works Director

Tuesday, September 7, 2021

Mayor, City Council:

I am requesting from City Council a **MOTION to approve GRANT AGREEMENT IDAHO AIRPORT AID PROGRAM STATE FISCAL YEAR-22 for Beacon replacement at the Emmett Municipal Airport, FS Program Number L228S78, Project number: SP-S78-18 in the maximum amount of \$13,150.00 to match the City of Emmett's \$13,150.00 with Mayor to sign.**

Attached is the agreement for your review.

Thank you,

Clint Seamons, Public Works Director

GRANT AGREEMENT
IDAHO AIRPORT AID PROGRAM
STATE FISCAL YEAR-22

TO: City of Emmett, Idaho
(Hereinafter referred to as the "SPONSOR")

FROM: The State of Idaho, acting through the IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF AERONAUTICS
(Hereinafter referred to as the "STATE")

WHEREAS, the SPONSOR has submitted to the STATE an application for assistance from the Idaho Airport Aid Program for development of the Emmett Municipal Airport, together with the planning proposal or plans and specifications for the project. The STATE approved the application and it is hereby incorporated herein and made a part thereof:

WHEREAS, the Idaho Transportation Board has approved a project for development of the airport consisting of the following described airport development:

Project Description: Beacon replacement
FS Program Number: L228S78
Project Number: SP-S78-18

NOW THEREFORE, for the purpose of carrying out the provisions of the Uniform State Aeronautics Department Act; Title 21 of the Idaho Code,, as amended, and in consideration of the SPONSOR acceptance of this offer, as hereinafter provided, the STATE hereby agrees to pay, as its share of the costs incurred in accomplishing the project, not more than 50% of allowable project costs.

This Grant incorporates the following terms and conditions:

1. The STATE affirms that:
 - A. The maximum obligation of the STATE payable under this Grant shall be \$13,150.00.
 - B. This grant expires on June 30, 2024 and the STATE shall have no further obligation after that date.
2. The SPONSOR shall:
 - A. Certify the availability of at least \$13,150.00 to match STATE participation in said project. The Airport Sponsor agrees to comply with the regulations relative to non-discrimination in State assisted programs of the Idaho Transportation Department.
 - B. Diligently and expeditiously complete this project by June 30, 2024 and likewise pursue appropriate measures as may be agreed upon by the SPONSOR and the STATE to remedy project delays, including but not limited to litigation or condemnation.
 - C. Carry out and complete the project in accordance with the plans, specifications, and property map, incorporated herein, as they may be revised or modified, with approval of the STATE.

- D. Competitively bid all contracts for construction involved in this project in accordance with bidding procedures outlined in Idaho Statute Title 67, Chapter 92 of the Idaho Code and Title 2 CFR part 200 and provide solicitation documentation to the Division of Aeronautics.
- E. In connection with the acquisition of real property for the project, secure at least two written appraisals by licensed appraisers and not pay in excess of the highest appraisal without the written consent of the STATE or except as directed by a court of competent jurisdiction after a contested trial and a judgment not resulting from agreement between the parties.
- F. No State funds will be paid to the SPONSOR in any case until it certifies in writing that it has funds available and will spend at least the amount designated for this project in the Grant Agreement, solely for the project in question.
- G. The SPONSOR agrees to hold said airport open to the flying public for the useful life of the facilities developed under this project.
- H. The SPONSOR shall grant no exclusive use or operating agreements, to any person, company, or corporation. Failure to abide by such agreement shall automatically obligate the immediate and full return of all State of Idaho money expended on behalf of the project to the State of Idaho.
- I. Agrees to fulfill the FAA assurances applicable to this project and follow the requirements in 49 USC 471 Airport Development. (Only applies to FAA funded projects)
- J. Agrees to follow and include applicable FAA required contract terms to any associated contracts granted in association with this grant. (Only applies to FAA funded projects)
- K. Submit with this accepted Grant Agreement the full name of the local Project Manager/Inspector along with full contact information including work phone number, cell phone number, fax number, email address, and postal mailing address. Also include a job related contact that will know the whereabouts of and can contact the Project Manager/Inspector quickly for Grant related matters.
- L. Use the provided "Project List and Submittals" form to monitor the project's progress. The SPONSOR will submit the form when submittals are made, and provide the completed form, along with the reports, as part of the closeout documents.
- M. Such allocation agreement shall become effective upon the SPONSOR acceptance of this offer and shall remain in full force and effect throughout the useful life of the facilities developed under the project but in any event not to exceed twenty (20) years from the date of acceptance.
- N. Said offer and acceptance shall comprise allocation agreement, constituting the obligation and rights of the State of Idaho and the SPONSOR with respect to the accomplishment of the project and the operation and the maintenance of the airport.
- O. SPONSOR must develop the airport in accordance with current Idaho Division of Aeronautics design and construction standards.

- P. SPONSOR cannot allow any activity or action on the airport that would interfere with its use for airport purposes.
 - Q. SPONSOR must allow all types, kinds, and classes of aeronautical activities use the airport. This includes such activities as parachute jumping and ultralight vehicles. One possible reason for not allowing an aeronautical activity on the airport is if it cannot be conducted safely. The final safety determination is the responsibility of the Idaho Division of Aeronautics.
 - R. SPONSOR must allow people to service their own aircraft according to all applicable Federal Aviation Regulations (FARs). IDAPA 39.04.01
 - S. All revenue generated on the airport by the Sponsor will be used for airport purposes only.
 - T. SPONSOR should have a master plan or an airport or heliport layout plan to be eligible for participation in the allocation program. The plan must be accepted by the Division of Aeronautics. IDAPA 39.04.01
 - U. SPONSOR will have proof of ownership or lease of all land upon which any project is proposed in order to protect the investment of public funds.
 - V. SPONSOR will have compatible land use and height zoning for the airport to prevent incompatible land uses and the creation or establishment of structures or objects of natural growth which would constitute hazards or obstructions to aircraft operating to, from, on, or in the vicinity of the subject airport. Idaho Statute 67-6508q
 - W. That any Exclusive Operating or Use Agreement shall Automatically Obligate the Immediate and full Return of all State of Idaho money expended in behalf of the Project to the State of Idaho.
 - X. SPONSOR will maintain a fee and rental structure for services and facilities at the airport which will make the airport as self-sustaining as possible taking into account such factors as the volume of traffic and economy of collection. The Division of Aeronautics can provide assistance with establishing the structure base.
 - Y. SPONSOR is required to make selection for professional engineering or construction management pursuant to Idaho Code Title 54 and will provide evidence of based selection to the Division of Aeronautics. Idaho Code 67-2320
3. The allowable costs of the project shall not include any costs determined by the STATE to be ineligible.
 4. The STATE reserves the right to amend or withdraw this offer at any time prior to its acceptance by the SPONSOR.
 5. This offer shall expire and the STATE shall not be obligated to pay any part of the costs of the project unless the final agreement has been accepted by the SPONSOR on or before 10/31/2021 or such subsequent date as may be prescribed in writing by the STATE.

Except for those projects receiving both State and Federal Aid (submit copies of FAA Application and Agreement), the following inspection schedule, and reporting system is required:

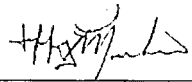
6. Inspection Schedule and Reporting System:

Inspection Schedule and Reporting System will vary for each project. The SPONSOR must make reports and be subject to inspections on the following schedule:

- A. SPONSOR shall report project commencement date.
- B. SPONSOR shall make quarterly reports during construction.
- C. SPONSOR shall receive approval prior to any change in the scope of the project
- D. SPONSOR shall report project completion date and request final inspection and payment.
- E. STATE may participate in the final inspection and shall sign off the project as completed.
- F. STATE may arrange for audit of account in accordance with regularly scheduled audit program.

The execution of this instrument by the SPONSOR and ratification and adoption of the project application incorporated herein provides proof of the Sponsors commitment, as hereinafter provided. Said offer and acceptance shall comprise allocation agreement, constituting the obligation and rights of the State of Idaho and the SPONSOR with respect to the accomplishment of the project and the operation and the maintenance of the airport. Such allocation agreement shall become effective upon the SPONSOR acceptance of this offer and shall remain in full force and effect throughout the useful life of the facilities developed under the project but in any event not to exceed twenty (20) years from the date of acceptance.

STATE OF IDAHO, ITD
Division of Aeronautics

By: 

Jeffrey L. Marker, Administrator

ACCEPTANCE

THE SPONSOR DOES HEREBY RATIFY AND ADOPT ALL STATEMENTS, representations, warranties, covenants, and agreements contained in the project application and incorporated materials referred to in the foregoing offer and does hereby accept said offer and by such acceptance agrees to all of the terms and conditions thereof.

Executed this _____ day of _____, 2021.

By: _____
Gordon Petrie, Mayor
City of Emmett, City Council

ATTEST:

Lyleen Jerome, City Clerk

I, Lyleen Jerome, City Clerk do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. _____ adopted at a regular meeting of the City Council held on the _____ day of _____, 2021, and that the same is now in full force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City, this _____ day of _____, 2021.

Lyleen Jerome, City Clerk

City Resolution

Exact from the minutes of a regular meeting
of the City Council of City of Emmett, Idaho
Held on _____, 2021.

Councilman _____, introduced the following Resolution, was read in full, considered, and adopted:

Resolution number R2021-09 of City of Emmett, Idaho accepting the Grant Offer of the State of Idaho through the Idaho Transportation Department, Division of Aeronautics, in the maximum amount of \$13,150.00 to be used under the Idaho Airport Aid Program, FS Program number: L228S78, Project number: SP-S78-18 in the development of the Emmett Municipal Airport; and

Be it resolved by the Mayor and City Council of City of Emmett, Idaho (herein referred to as the City as follows:

Sec. 1. That the City shall accept the Grant Offer of the State of Idaho in the amount of \$13,150.00, for the purpose of obtaining State Aid under FS Program Number: L228S78, Project Number: SP-S78-18 in the development of the Emmett Municipal Airport; and

Sec. 2. That the Mayor of the City of Emmett City Council is hereby authorized and directed to sign the statement of Acceptance of said Grant Offer (entitled Acceptance) on behalf of the City, the City Clerk is hereby authorized and directed to attest the signature of the Mayor and to impress the official seal of the City on the aforesaid statement of Acceptance; and

Sec. 3. A true copy of the Grant Agreement referred to herein be attached hereto and made a part thereof.

Passed by the City Council and approved by the Mayor this ____ day of _____, 2021.

Gordon Petrie, Mayor

ATTEST:

Lyleen Jerome, City Clerk

CERTIFICATE

I, Lyleen Jerome, City Clerk do hereby certify that the foregoing is a full, true, and correct copy of Resolution No. _____ adopted at a regular meeting of the City Council held on the ____ day of _____, 2021, and that the same is now in full force and effect. IN WITNESS WHEREOF, I have hereunto set my hand and impressed the official seal of the City, this ____ day of _____, 2021.

Lyleen Jerome, City Clerk