

City of Emmett Council Meeting

August 27, 2024

Regular Meeting

The Emmett City Council held a meeting at 501 E. Main Street, Emmett, Idaho.

Mayor Petrie called the meeting to order at 5:30 p.m.

Mayor Petrie led the Pledge of Allegiance

Chris Abrahamsen offered the Community Invocation

Council Present: Council President Henderson, Councilor Tom Butler, Councilor Denise Sorenson, Councilor Jody Harris, Councilor Gary Resinkin

Council Present by Phone: None

Council Absent: Councilor Steve Nebeker

City Attorney: Jake Sweeten

Staff Present: Lyleen Jerome, Mike Knittel, Steve Kunka, Curt Christensen, Clint Seamons, Brian Sullivan, Alyce Kelley

Staff Present by Zoom: None

Public Present: Jethro Batchelor, 904 S. McKinley Ave, Emmett, ID

Amendments to the Agenda: Item 9B removed

Declaration of Conflict of Interest: None

Declaration of Council Members' Discussion Outside an Open Meeting: Mayor declared there was an email sent to all council members, department heads, and the city attorney about a public hearing that is scheduled for the future. Mayor asked the council members if the e-mail that they received would sway their decision in any way once the item came before them for decision. All stated it would not.

ELECTED OFFICIALS:

Mayor: Mayor Petrie proclaimed September as Library Card Sign-up month in Emmett, Idaho and encourage everyone to sign up for a library card. Mayor also invited everyone to make a visit to library to celebrate Alyce Kelley Day on August 28th 2024.

City Council: None

Announcements and Good of the Order: None

PUBLIC HEARING: Review Proposed Budget for Fiscal year 2024-2025

Mayor Petrie opened the public hearing at 5:35 p.m.

Lyleen Jerome, City Clerk/ Treasurer presented the proposed budget for fiscal year 2024-2025

Mayor Petrie called for any public comments three times and there were no comments from the public

Mayor Petrie closed the public hearing at 5:40 p.m.

DECISION OF PUBLIC HEARING:

Council President Henderson **MOVED TO APPROVE ANNUAL APPROPRIATIONS FOR THE CITY OF EMMETT IN THE AMOUNT OF \$10,741,860.00 FOR FISCAL YEAR BEGINNING OCTOBER 1, 2024 AND ENDING SEPTEMBER 30, 2025. Seconded by Councilor Resinkin. Motion carried 5-AYES, 0-NOES, 1-ABSENT**

CONSENT AGENDA:

Approval of Minutes – August 13, 2024 – Regular Council Meeting

Approval of Accounts Payables

Approval of Permits – Bartenders – Shina King, Rochelle Russell

Councilor Resinkin **MOVED TO APPROVE THE CONSENT AGENDA. Seconded by Council President Henderson. Motion carried by voice vote.**

BUSINESS:

Lyleen Jerome, City Clerk/Treasurer requests approval of Ordinance #O2024-03 AN ORDINANCE TITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 APPROPRIATING THE SUM OF \$10,741,860.00 TO DEFRAY THE EXPENSE AND LIABILITIES OF THE CITY OF EMMETT, IDAHO FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE.

Councilor Sorenson **MOVED TO APPROVE ORDINANCE #O2024-03, AN ORDINANCE TITLED THE ANNUAL APPROPRIATION ORDINANCE FOR THE FISCAL YEAR BEGINNING OCTOBER 1, 2024 APPROPRIATING THE SUM OF \$10,741,860.00 TO DEFRAY THE EXPENSE AND LIABILITIES OF THE CITY OF EMMETT, IDAHO FOR SAID FISCAL YEAR, AUTHORIZING A LEVY OF A SUFFICIENT TAX UPON THE TAXABLE PROPERTY AND SPECIFYING THE OBJECTS AND PURPOSES FOR WHICH SAID APPROPRIATION IS MADE AND TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONE IN FULL, AND THAT THE ORDINANCE BE READ ONCE BY TITLE. Seconded by Council President Henderson. Role call vote:** Council President Henderson – AYE, Councilor Butler – AYE, Councilor Harris- AYE, Councilor Resinkin – AYE, Councilor Sorenson – AYE. 5-AYES, 0-NOES, 1-ABSENT. Motion Carried.

City Clerk, Lyleen Jerome read ordinance #O2024-03 by title. Councilor Sorenson **MOVED TO ACCEPT THE FIRST AND ONLY READING OF ORDINANCE #O2024-03, DIRECT THE MAYOR TO SIGN, AND DIRECT THAT IT BE PUBLISHED IN FULL. Seconded by Council President Henderson. Role call vote:** Council President Henderson – AYE, Councilor Butler – AYE, Councilor Harris- AYE, Councilor Resinkin – AYE, Councilor Sorenson – AYE. 5-AYES, 0-NOES, 1-ABSENT. **Motion Carried.**

City of Emmett Council Meeting

August 27, 2024

Regular Meeting

Clint Seamons, PW Director explained that we have two large events that use our city park annually and we have provisions in place when these events happen that ensures that our park facility is taken care of. One of the events being Cherry Festival and the other event being Cruise Night Car Show. Now we have other events that want to use our city park but the concern is the wear and tear that is happening with more and more events. Director Seamons is asking support from the council to work with the staff and the city attorney to establish some controls for events in order to protect our park from future damage. Director Seamons will move forward in gathering information from staff and the city attorney and will present some options to the council at a later date.

Clint Seamons, PW Director presented an update on the Evergreen Sewer Improvement Project. No major construction will be performed at this time, instead he will continue to work with the owners of the homes, and closely monitor for any new activity or issues that may arise.

Clint Seamons, PW Director requests approval of Low Bid Award to Butte Fence Inc. in the amount of \$16,713.99 for the Booster Station Gate Project. Council President Henderson **MOVED TO APPROVE THE LOW BID AWARD TO BUTTE FENCE INC. IN THE AMOUNT OF \$16,713.99 FOR THE BOOSTER STATION GATE PROJECT.** Seconded by Councilor Resinkin. Motion carried by voice vote.

Clint Seamons, PW Director requests approval to purchase a one-ton truck to be used by the water and sewer department. Councilor Sorenson **MOVED TO APPROVE USING \$60,000 TO BE SPLIT BETWEEN WATER AND SEWER DEPARTMENT FOR THE PURCHASE OF A USED THREE-QUARTER OR ONE-TON TRUCK.** Seconded by Councilor Harris. Motion carried by voice vote.

Clint Seamons, PW Director requests approval of an amendment to owner-consultant agreement. Council President Henderson **MOVED TO APPROVE KELLER ASSOCIATES AMENDMENT TO OWNER CONSULTANT AGREEMENT AMENDMENT No. 1 IN THE AMOUNT OF \$109,100.00 FOR THE 12TH STREET LIFT STATION UPGRADES WITH MAYOR TO SIGN.** Role call vote: Council President Henderson – AYE, Councilor Butler – AYE, Councilor Harris- AYE, Councilor Resinkin – AYE, Councilor Sorenson – AYE. 5-AYES, 0-NOES, 1-ABSENT. Motion Carried.

Clint Seamons, PW Director requests approval of agreement with Integrity Pump Solutions, Inc. Councilor Sorenson **MOVED TO APPROVE AGREEMENT BETWEEN CITY OF EMMETT AND INTEGRITY PUMP SOLUTIONS, INC. FOR CONSTRUCTION CONTRACT FOR EMMETT WELL 6 UPGRADES IN THE TOTAL AMOUNT OF \$130,644.00 WITH MAYOR TO SIGN.** Seconded by Council President Henderson. Role call vote: Council President Henderson – AYE, Councilor Butler – AYE, Councilor Harris- AYE, Councilor Resinkin – AYE, Councilor Sorenson – AYE. 5-AYES, 0-NOES, 1-ABSENT. Motion Carried.

ACTIVITY REPORTS:

Building Official/City Planner – Brian Sullivan – Reported
City Clerk, Lyleen Jerome – Reported
Fire Marshal – Mike Giery- Reported
Library Director, Alyce Kelley – Reported
Police Chief, Steve Kunka – Reported
Public Works, Clint Seamons – Reported
IT Systems Director, Mike Knittel – Reported

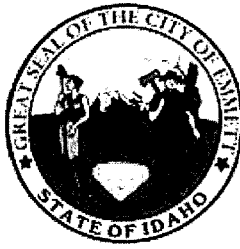
ADJOURN

Councilor Harris **MOVED TO ADJOURN.** Seconded by Butler. Motion carried by voice vote.

Meeting adjourned at 6:21 p.m.

Mayor Gordon Petrie

Lyleen Jerome, City Clerk



CITY OF EMMETT
Zoning Commission
Recommendation to City Council

(This recommendation is to be used in conjunction with the Staff Report for the same application.)

Applications: Rezone RZ 24-001 from R-1 (single-family) to R-3 (multi-family) with a Development Agreement DA 24-002.

Applicant: Betty Baker

Date of Zoning Commission Public Hearing(s): June 3, July 1, and August 5, 2024

Date of City Council Public Hearing: September 10, 2024

Summary of Public Testimony:

In Favor: Applicant

Neutral:

Opposed: See staff report and attached letters.

Zoning Commission Recommendation: Approval of the Rezone from R-1 to R-3. Unanimous vote. Approval of the DA with the addition of requiring two off street parking spaces per unit.

Reason(s) and Findings for Recommendation:

The Commission finds the proposed re-zone conforms with the basic intent of the Comprehensive Plan and Future Land Use Map.

Possible Motion:

I make a motion to approve application RZ 24-001, the re-zone of parcel number RPE3160001001A for applicant Betty Baker, designate the zoning classification as R-3 Multi-Family Residential, adopt the staff report, and approve companion application, DA 24-002, a Development Agreement for parcel RPE3160001001A, and direct staff to create an ordinance to bring back to Council for approval.

OR

I make a motion to deny applications RZ 24-001 and DA 24 -002 for parcel RPE3160001001A for the following reason:

EMMETT CITY ZONING COMMISSION

August 5, 2024

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: Tracy Howard, Gwen Earls, Kim Butler, Larry Jenkins

Commissioners Online: none

Commissioners Absent: Brian Gregory, Austin Lindstrom

Staff Present: Zoning Administrator, Brian Sullivan; City Attorney, Jake Sweeten; Recording Clerk, Shannon Ferraro

Staff Online: none

Public Present:

Stacy Heimlich -511 E 4th St

Mike and Barb Beesley -621 E 4th St

Richard Poundstone -520 S Johns

Lynn Baker -3004 Gala Trail

Review of Agenda:

Commissioner Butler made a motion to approve the agenda. Commissioner Howard seconded the motion. **Motion Carried.**

Approval of Minutes: Commissioner Howard made a motion to approve the minutes from July 1, 2024, Commissioner Butler seconded the motion. **Motion Carried.**

Public Hearing: Rezone, adding a Development Agreement, by Betty Baker, 607 E. 4th Street

Request to change the zoning from R-1 single family to R-3 multi-family, with a Development Agreement.

Administrator Sullivan presented the D.A. and answered questions from the commission.

Chairman Earls then calls the applicant up to the podium. Lynn Baker comes forward, representing the applicant, Betty Baker.

Chairman Earls asked if there was a drawn-up plan of what the potential building, and parking lot would look like. Administrator Sullivan answered no there was not. Lynn Baker (who represents the applicant) also stated that there were no plans of what the development would look like. He also states that this is a rezone application, not a development application.

Chairman Earls calls the public to come up and speak. Stacy Heimlich comes forward and expresses concerns about irrigation, as well as parking. She also brings to attention that she did not receive notification about this rezone hearing. Barb Beesley comes up and states she is okay with a single-family home but does not agree with this rezone. She brings forward again concerns about parking, and how that can cause many issues in the neighborhood. Richard Poundstone then comes to the podium and asks a few questions about alley widths within the city. He also asks about setbacks and about parking in the alley way.

The commissioners then have a small discussion about requiring the applicant to install two off street parking spaces per unit. The commissioners all agreed to this request and want it added into the DA.

Commissioner Butler motions to recommend approval of rezone RZ24-001 with conditions. Commissioner Jenkins seconds. **Motion Carried.**

Commissioner Jenkins makes a motion stating the application appears to be in accordance with the Comprehensive Plan. Commissioner Butler seconds. **Motion Carried.**

Commissioner Howard then makes a motion to adopt the staff report. Commissioner Jenkins seconds. **Motion Carried.**

Commissioner Jenkins motions to recommend approval of the D.A. with modification of two off street parking spaces per unit. Commissioner Butler seconds. **Motion Carried.**

New Business: Accessory Dwelling Workshop to be continued at next meeting.

Unfinished Business: none

Items from the Commission: none

Items from the Building Official/ Zoning Administrator: none

Next Regular Meeting –September 9, 2024

Commissioner Butler made a **motion to adjourn**. Commissioner Howard seconded the motion. **Motion Carried.**

Meeting adjourned at 7:12 p.m.

Chairman Gwen Earls

Acting Secretary

EMMETT CITY ZONING COMMISSION

July 1, 2024

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, Tracy Howard, Larry Jenkins, Austin Lindstrom

Commissioners Online: none

Commissioners Absent: Kim Butler

Staff Present: Zoning Administrator, Brian Sullivan; City Attorney, Jake Sweeten; Recording Clerk, Shannon Ferraro

Staff Online: none

Public Present:

Barb Beasley 621 E 4th St

Mike Beasley 621 E 4th St

Betty Baker 4565 W Black Canyon

Lynn Baker 3004 Gala Trail

Jessica Marlow 630 E 4th St

Virginia Morrison 1741 Rome

Sharon and Jack Lee 1771 Rome

Pam DuBoise 2522 Monarch St

Patrick Colwell 332 Broadmore Way

Shelley Tilton 1115 Royalty

Chet Cole 1571 Rome Ave

Jayne Ward 1100 Palace

Gary Frankle 619 E 4th

Rick and Kim Weeks 630 E 4th

Approval of Minutes: Chairman Earls calls for review of June 3, 2024 minutes. Commissioner Gregory moves to approve June 3, 2024 minutes. Commissioner Howard seconds. All in favor, none opposed.

Review of Agenda: Chairman Earls calls for review of agenda.

HEARING: RZ24-001 at 607 E 4th St. Emmett Id, 83617. Chairman Earls asks if there has been any exparte` communication in regard to the rezone.

Brian Sullivan is called forward. Tonight's public hearing is a continuance from last month's public hearing. There were some issues that the commission requested from the applicant. Brian describes the application from the last hearing. We have a rezone application of .40 acres From R1 single-family residential, to R3 multi-family residential. Application number is RZ24-001. The first hearing date was June 3, 2024, tonight is the continuance from last months meeting. The applicant is Betty Baker 4565 W Black Canyon Hwy Emmett ID 83617. Betty is also the owner of the property. The property is 607 E 4th St, located at township 6N range 1W Section 8, Davis addition, subdivision lots 1, 2, 3, 4, and 5 of block 1. Parcel number is RPE3160001001A. Application summary and background, the applicant Betty Baker is requesting approval of a rezone application on a parcel of bare land approximately .40 acres from an R1 to an R3 zone. The applicant states that they are not sure if they will build on the property or sell if rezoned. The property is located on the SE corner of South Johns Ave and E. 4th Street. Property is bordered on all sides by residential uses. The Comprehensive Plan and future land uses, this parcel falls within the mixed residential neighborhood, which is MR designated on the land use map of the "Elevate Emmett" Comprehensive Plan. Official Sullivan than goes through some sections of the Comprehensive Plan, which explains what the city's vision for housing and land use within city limits. Staff comments and the above section in the Comprehensive Plan support the rezone from an R1 single family zone to an R3 multifamily zone.

Mr. Sullivan then brings forth the concerns that were brought to attention at the last meeting. One of the biggest concerns was the alley way, and it's use. The applicant is proposing using the alley. Clint Seamons was asked to be here tonight. He could not be here. Justin Walker, an engineer from Keller

and Associates wrote a letter in regards to the access to the Baker property. The letter states: The driver access recommendations for S. Johns between 4th and 5th street were as follows: For the city of Emmett access guidelines 4.2.1 on page 11 states that no driver access should be allowed into a major collector (which is the designation of S Johns Ave) within 150 ft of the nearest intersection street, nor should it be allowed for residential lot access on to a major collector or arterial. Furthermore, in this case, because there is a mini roundabout at 4th and Johns, we would further discourage driver access off or onto S Johns due to complications and conflicts that would present to the pedestrian and the vehicle movements on the approach into the roundabout. Consequently, it is recommended that access be the alleyway off of S Johns, between 4th and 5th, in accordance with the city's access management guidelines. This would provide the safest and least disruptive access for both vehicles and pedestrians. Commissioner Gregory asks for clarification on access to the property from 4th St. Brian then clarifies that the recommendation is no access off of 4th nor off of 5th St. Brian then reminds Mr. Gregory what Mixed Residential use means. Gregory suggests a development agreement may be beneficial in this case.

Chairman Earls then asks Betty Baker to come forward. Betty comes forward and states her name and address. She then goes into how the Comprehensive Plan supports her rezone application. She states that she knows the alley is a major concern, and understands the neighbors' concerns. But reminds the commission that it is a public alleyway.

Chairman Earls states expectations and guidelines for the public to speak. Jessica Marlow comes forward. She is against the rezoning to commercial, and she wants to bring attention to the many emails and letters from other neighbors that are against this rezone. She is against it for many reasons, strain on utilities, children and traffic. A few other members of the public come forward with reasons why they are opposed to this rezone. The amount of parking spaces is brought up. Betty Baker comes back up, and expresses her concerns for the city of Emmett as well. She states some of the concerns of the public, and empathizes with them.

Chairman Earls then opens up for discussion among the commissioners. Discussion on building height and parking take place. Attorney Sweeten reminds the commission that this is just a recommendation to the city council. Mr. Sullivan then explains the benefits of it being zoned an R3, Estetics, etc. He also points out that S Johns is a corridor for our community, and appearance may be a factor that the commission may want to take into consideration. Alleyway width, and parking sign compliance in the alley is discussed. The number of units are discussed 6 verses 8.

Attorney Sweeten is then asked to help out with this recommendation. There is a proposed motion to recommend the rezone from R1 to R3 because it conforms with the basic intent of the comprehensive plan. But also recommending that the rezone be conditioned on the applicant entering into a development agreement with the city and that some of the basic terms of the development agreement for the development of the property need to include a height restriction of 35 ft, that no parking signs be placed on the alley side for some sort of mitigation, and that the property be limited to 4-6 units with no more than 9 parking spaces. Betty Baker then steps back up, reminds the commission that there is no R3 in the are because the comprehensive plan was written in 2023. She would voluntarily do a development agreement if one was requested. Betty then reminds the commission that R3 would require a paved parking lot landscaping etc. Sweeten then recommends to leave this hearing open. Where at time Mrs. Baker would work with Mr. Sullivan to submit a DA application, which would then be considered concurrently with the rezone. Gregory then motions to recommend staff that they begin a DA with the applicant, and that the DA would include the height at 35 feet max, no parking signs, and limit the number of units to 4-6 units. Commissioner Jenkins seconds that. All in favor signify by say aye, all agree with the exception of Lindstrom.

HEARING: PP204-001 Chairman Earls asks if there has been any exparte` communication in regard to this hearing. She then calls Brian Sullivan up to the podium. We have a preliminary plat application, for the proposed Legacy Heights #2 subdivision. File number is PP24-001. Owner is Kevin Rowley 11896 Lincoln Rd, Caldwell ID 83605. He is also the applicant. Subject property is 2525 E 12th St. Application Summary and back ground, the applicant Kevin Rowley is requesting city approval of a preliminary plat application for Legacy Heights #2 subdivision. The proposed single family detached residential development contains 14 building lots and 1 common lot for a total of .58 Acres of open space on approximately 5.4 acres. The gross density for this site is 2.59 residential lots per acre. Lot size range from 8,079 Sq ft, to approximately 13,997 sq ft. There is an existing house on the property located on a 29,437 sq ft. lot which will remain as lot 11. The property is currently zoned R1 as a single family residential, which has a 6,000 sq ft minimum lot size. This parcel was annexed in March 2004, by Bridgeland Development, James Smith, who originally planned this parcel as part of phase 3 and 4 of Regency Heights subdivision. The subdevelopments findings of the preliminary plat, before recommending approval or approving any subdivision, Emmett city code 10-2-3H requires the commission and city council to consider the objectives of a subdivision elements and at least the following findings. 1. The conformance of a subdivision with the Comprehensive Plan. Staff comment. Staff generally finds that the plat to comply with the Comprehensive Plan, as in section 5 above. The availability of public services to accommodate the proposed development. This finding expands upon the preliminary plat findings above, that require all public services to be evaluated before approval of the PP application. This includes among other services EMS, firefighters, schools, law enforcement, libraries, streets and irrigation. Written Comments have been received from the following service providers. Keller and Associates, Emmet Public Works Department, Shelly Tilton, Jen Nelson, and Ryan Van Leuven. Public Works has no comment at this time. 2. The continuity of the proposed development plan with the Capital Improvement Program. 3. The public financial capabilities of supporting services for the proposed development. 4. The other health, safety, or environmental problems that may be brought to the Commission's attention.

Staff sees no health, safety, or environmental problems with the proposed development. 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 response, if possible, prior to the hearing. (**Applicant has agreed to all comments outlined below**).

Preliminary Plat Application

1. Comply with all conditions of approval, as approved by City Council, from impact agencies and utility providers.
2. 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.
3. Per ECC 10-4-2. E, all utilities within the development must be constructed underground.
4. Supply CC & R's to the Zoning Department prior to final plat.
5. Updated landscape plan needs to be submittal prior to installation and final plat.
6. All lots must have pressure irrigation system capable of supplying the 14 lots proposed. Any addition to the existing irrigation system for Legacy Heights must be evaluated by a qualified licensed Idaho Engineer, and documentation must be

submitted to the City of Emmett Public Works and Zoning Department showing the system has the water capacity and pump size to supply the pressure irrigation system for both developments. The system must not compromise water deliver downstream for other users.

7. Frontage on East 12th street will need to be dedicated to the City of Emmett in compliance with the adopted street roadway width for E. 12th St.
8. Per ECC 9-20, all lighting within Legacy Heights Subdivision shall conform to the City of Emmett's dark sky lighting standards. Applicant shall add this requirement to the CC&R's.
9. The sub divider shall install a 6-foot solid, perimeter fence around the subdivision as a screen for the impacted neighboring properties to the west and south.
10. Developer must install a gang style mailbox system for the 14 residential lots.
11. The applicant shall comply with the specifications outlined in agency letters or emails from the following:
 - a. Keller Associates, dated June 26, 2024. **ADDRESSED**
12. Applicant shall comply with ECC 10-2-3 regarding plat approval period standards and shall submit a Final Plat application for Phase 1 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 sub divider 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. for Phase 2 within one (1) year of Final Plat approval of Phase 1.

10. STAFF RECOMMENDATION

Staff recommends the preliminary plat for Legacy Heights #2 be approved with Site Specific Conditions of Approval being part of the recommended motion as submitted or amended.

Commissioner Gregory asks a few questions about where access to the subdivision will be. Brian Sullivan answers his questions. Earls also asks a few questions about the streets, and where access will be as well. Pat Calwell from Ventura Group steps forward, he is representing Kevin Rowley. He asks for a recommendation for approval of this preliminary plat. He addresses the concern that Regency Heights may lose water due to this subdivision being built. It will not. No questions from the Commission. Earls calls for at this time the public to come forward with comments, and /or concerns. Virginia Morrison comes forth, her concerns are her view if two story homes are being built, and the dust and dirt in the air. She would like a direct number to call. She is also concerned about the windmill that exists. Will it stay? A few other members of the community come forward with similar concerns as well. Irrigation water also seems to be a hot topic of concern amongst the public.

Earls then calls back Mr. Calwell to respond. Mr. Calwell then responds on the dust issues, the windmill, irrigation, and location questions. Tracy Howard mentions the height of the homes, and landscaping. Sweeten then reminds council of the process of which this can be recommended or not recommended. Gregory recommends Application PP24-001 to council for approval, with the site-specific conditions presented by staff. Lindstrom seconds, all in favor, non-opposed. PP24-001 will be recommended.

New Business: ADU's

Unfinished Business: PUD's: Attorney Sweeten recommends that there be a zoning amendment. Talks of a practice run are brought up.

Items from the Commission: Linstrom states as of September 2024 he will no longer be an Idaho resident. **Next meeting Monday August 5, 2024**

Items from the Building Official/ Zoning Administrator: none

Motion to adjourn from Commissioner Gregory. Linstrom seconds. All in Favor. Meeting adjourned.
Meeting adjourned at 7:45pm

Chairman Gwen Earls

Acting Secretary

EMMETT CITY ZONING COMMISSION
June 3, 2024

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, Tracy Howard, Austin Lindstrom
Commissioners Online: none
Commissioners Absent: Larry Jenkins, Kim Butler

Staff Present: Zoning Administrator, Brian Sullivan; City Attorney, Jake Sweeten; Recording Clerk, Shannon Ferraro
Staff Online: none

Public Present:

Barb Beasley 621 E 4th St
Mike Beasley 621 E 4th St
Betty Baker 4565 W Black Canyon
Lynn Baker 3004 Gala Trail
Jessica Marlow 630 E 4th St

Kera Kindau 665 NW 2nd Ave
Mike Lowe 625 E 4th St
Alaina Massar 625 E 4th St
Richard Poundstone 520 S Johns Ave

Approval of Minutes: Chairman Earls calls for review of February 5, 2024 minutes. Commissioner Gregory moves to approve February 5, 2024 minutes. Commissioner Lindstrom seconds. All in favor, none opposed.

Review of Agenda: Chairman Earls calls for review of agenda.

HEARING: RZ24-001 at 607 E 4th St. Emmett Id, 83617. Chairman Earls asks if there has been any exparte` communication in regard to the rezone. She also asks that any public that would like to speak to state their name and address and keep comments to no longer than 3 minutes. She then explains how tonight's hearing will work.

Brian Sullivan is called forward. Tonight, we have a rezone application of .40 acres From R1 single-family residential, to R3 multi-family residential. Application number is RZ24-001 tonight is the rescheduled zoning hearing date. The applicant is Betty Baker 4565 W Black Canyon Hwy Emmett ID 83617. Betty is also the owner of the property. The property is 607 E 4th St, located at township 6N range 1W Section 8, Davis addition, subdivision lots 1, 2, 3, 4, and 5 of block 1. Application summary and background, the applicant Betty Baker is requesting approval of a rezone application on a parcel of bare land approximately .40 acres from an R1 to an R3 zone. The applicant states that they are not sure if they will build on the property or sell if rezoned. The property is located on the SE corner of South Johns Ave and E. 4th Street. Property is bordered on all sides by residential uses. The Comprehensive Plan and future land uses, this parcel falls within the mixed residential neighborhood, which is MR designated on the land use map of the "Elevate Emmett" Comprehensive Plan. Official Sullivan than goes through some sections of the Comprehensive Plan, which explains what the city' s vision for housing and land use within city limits. Staff comments and the above section in the Comprehensive Plan support the rezone from an R1 single family zone to an R3 multifamily zone. Brian Sullivan then explains some of the differences between the R1 and R3 zoning as pertains to setbacks, height, and square footage. He then explains what a development agreement or "DA" is, and how it can be used. Chairman Earls, then asks for any questions from the commission. Commissioner Gregory asks for clarification on the size and lots on said property. Official Sullivan explains that they are 5,

25 Sq Ft lots. You cannot build a house on the 25 Sq ft lot but you may combine them to build a home on. Discussion on how many units will fit on the land in question arises. Clarification is given. At this time, we hear from the applicant. Betty Baker 4565 W Black Canyon Hwy. She states she is here to apply for a rezone of her property at 607 E 4th St. She states she has owned the property since October of 1999, and would like to rezone to an R3, as the location of the property falls under the mixed-use area on the Future Land Use Map in the Comprehensive Plan. Commissioner Howard asks if Ms. Baker would potentially sell if rezoned. Betty Baker answers that she is unsure of what she is going to do with the property.

Chairman Earls now calls the public up to give any comments or concerns about the said rezone application.

Barbara Beasley lives at 621 E 4th St. They have lived there for 40 years, when they moved in there was a home on the Baker lot. Beasley then brings to attention that the only way in and out of their garages, is an alley way that runs right by the corner of the Baker property. Her concerns of the alley being blocked, as well as the traffic at the roundabout are brought up. Mr. Poundstone then comes forward, states his name and address. He lives at 520 S Johns; his property is directly south of the Baker property right across the alley. He brings up that this same property was up for a rezone about 20 years ago, and it was not passed then. He mentions the access to the alley being blocked is a concern as well as additional traffic in that specific area. Accidents and horns blowing due to traffic. He has no concerns with 1 or 2 houses being put there, his concerns are the congestion of the alley. Rentals bringing crime is also a concern for him, as well as R3 setbacks. Jessica Marlow 630 E 4th St. Ms. Marlow looks directly at the Baker lot. She is concerned about traffic obstruction, and crime increasing due to rentals being put there. She would like to see it stay a nice neighborhood. Mike Beasley steps forward, introduces himself as Barbs husband, and he lives at the dead end of the alley, and as of current, comes across issues with the alley being blocked as it is. It is a 1 lane and there are issues already with it being blocked. Jessica Marlow comes back up with concerns about parking and if the parking will be enough for tenants, or will parking spill over into 4th St.

Brian Sullivan then addresses questions from the public. Chairman Earls asks for clarification between R1 and R2 zones are. Legal setbacks from the roundabout are inquired. Clint Seamons and the Fire Chief would have answers that pertain to those questions. Earls calls Betty Baker back up. Betty has little else to say except she asks that the Comprehensive Plan be considered, as she feels it supports her rezone application. Chairman Earls thanks everyone and asks the commission for input. Brian Gregory makes a few remarks and then Earls brings to attention that there are a few questions that need to be answered before a decision is made. A development agreement is brought up again, and how this may be a beneficial tool in this rezone. Commissioner Gregory suggests to make a motion to continue the hearing at another time, until they can get further information from Mr. Seamons, as well as the Fire Chief. Brian Gregory motions to call for Clint Seamons, and Chief Christiansen to be present at the continuation of this hearing. Commissioner Howard seconds. All in favor, say aye, Commissioner Lindstrom opposes.

New Business: ADU WORKSHOP

Accessory Dwelling Units or ADU's are where a single-family home is allowed to put another home on your property. They can go above your garage; you can add it onto your home as an addition. We can limit the size of lot it can go on. It gives people another option to have others come live with them, or can be used as a source of income. Discussion on ADU's begins. The topic of Bed and Breakfasts comes up.

Unfinished Business: PUD's: Attorney Sweeten ran into a few issues when reviewing.

- A. The term "development plan". It is a term used throughout our code, but seems to carry different meanings given the circumstances. We need a consistent definition.

- B. 9-9-3 The 20% was not matching up with other percentages of land use uses. Also how is an industrial use is going to serve the residence of the PUD, this discussion carries on to leave in the word industrial.
- C. Common open space. Define. Is common open space the same as recreational facilities. No, they are not. Open space active, and open space passive are also two different definitions. How will the wording be for "Common open space"? "Common open space, which can include recreational facilities"?
- D. Set completion time for a PUD, when it must begin, and be completed by.

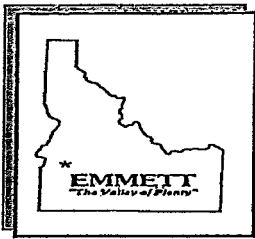
Items from the Commission: Next meeting Monday July 1, 2024

Items from the Building Official/ Zoning Administrator: none

**Motion to adjourn from Commissioner Gregory. All In Favor. Meeting adjourned.
Meeting adjourned at 7:48pm**

Chairman Gwen Earls

Acting Secretary



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: 4th & Johns

SITE INFORMATION:

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

Quarter: Section: Township: Range: Total Acres:

Subdivision Name (if applicable):

Site Address: 607 E 4th Lot: Block: City: EMMETT ID

Tax Parcel Number(s): Current Zoning: Current Land Use:

PROPERTY OWNER:

Name: BETTY L BAKER

Address: 4565 N. Black Canyon Hwy

City: EMMETT State: ID Zip: 83617

APPLICANT:

Name: BETTY L BAKER

Address: 4565 N. Black Canyon Hwy

City: EMMETT State: ID Zip: 83617

Telephone: 208-861-1115 Fax:

Telephone: 208-861-1115 Fax:

Email: CONCRETEHADY01@YAHOO.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.

Signature: Betty Baker

Signature: (Owner)

Signature: Betty Baker Date: 11/20/2023

Date Signature: (Applicant)

Date

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

OFFICE USE ONLY

File No.: R224-001 Received By: Date: 3-13-2024 Fee: \$450.00 Receipt No: 0294390



CITY OF EMMETT
PLANNING & ZONING DEPARTMENT

STAFF REPORT

DESCRIPTION: REZONE APPLICATION OF 0.40+/- ACRES FROM R-1(SINGLE-FAMILY) TO R-3 (MULTI-FAMILY RESIDENTIAL)

APPLICATION # RZ24-001

ZONING COMMISSION HEARING DATE: JUNE 3, 2024 6:00PM

COUNCIL HEARING DATE: TBD

APPLICANT: BETTY BAKER
4565 W. BLACK CANYON HWY
EMMETT, ID, 83617

PROPERTY OWNER: BETTY BAKER

SUBJECT PROPERTY LOCATION: 607 E. 4TH ST., T 06N; R 01W; SECTION 8; DAVIS
ADDITION SUB. LOTS 1,2,3,4 AND 5, BLK 1

PARCEL#: RPE3160001001A

STAFF PLANNER: BRIAN SULLIVAN

1. APPLICATION SUMMARY/BACKGROUND:

The applicant, Betty Baker, is requesting approval of a Rezone application on a parcel of bare land totaling approximately .40 acres from R-1 (Single-Family Residential) to R-3 (Multi-Family Residential). The applicant states they are not sure if they would build or sell the property if rezoned. The property is located on the south east corner of S. Johns Ave. and 4th Street. The property is bordered on all sides by residential uses.

Comprehensive Plan / Future Land Uses

The parcel falls within the *Mixed Residential Neighborhoods (MR)* designation on the land use map of the Elevate Emmett Comprehensive Plan, and is bordered on the west side by the *Infill Residential (IR)* designation on the land use map.

2. APPLICATION & PROPERTY FACTS:

A. Site Address/Location: 607 E. 4th St.

The parcel is in Township 06N, Range 01W, Section 8, Davis Addition, lots 1-5, block 1.

- B. Assessor Parcel No(s): RPE3160001001A
- C. Current Owner(s): Betty Baker
4565 W. Black Canyon Hwy
Emmett, Idaho, 83617
- D. Applicant(s): Betty Baker
- E. Representative: Same
- F. Present Zoning: R-1, Single-Family Residential
- G. Present Comprehensive Plan Designation: Mixed Residential Neighborhoods (MR)
- H. Property Size: Approximately 0.40 +/- acres, 17,424 sq. ft.

3. APPLICATION PROCESS FACTS:

- A. Application Submittal:
The Rezone application was received by the Zoning Department on March 13, 2024.
- 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 April 17, 2024, and May 15, 2024. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code on April 17, 2024 and May 7, 2024. The physical property was posted for the public hearing on April 24, 2024 and remains thru the Council Hearing.
- C. Relevant Ordinances and Required Actions:
The subject application will in fact constitute a rezone as determined by Emmett City Code. By reason of the provisions of the Emmett City Code Title 9, Chapter 15, a public hearing is required before the Zoning Commission and the City Council on this matter.
- C. History of Previous Actions on Property: Rezone in 2000. Comp plan used for this decision was the 1995 Comprehensive Plan.
- D. Companion Applications: None
- E. Response Letters Received From:
 - Gem County Assessor's Office (no comments)
 - Emmett Police Chief (no comment)
 - Public Works Director (no comments)
 - Emmett School District (no comments)
 - Last Chance Ditch (no comments)
 - Idaho Power (no comments)
 - Janet Monte Opposed to R-3
 - Bill Butticci Opposed to R-3, ok with R-2

- Travis Wrigh Opposed
- Isaiah T. Silkwood Opposed
- Robert J. Marlow Opposed
- Stephanie Weldon Opposed
- Ben Holmes Opposed
- Jessica Marlow Opposed
- Elizabeth Silkwood Opposed
- Dallas James Opposed
- Judith Gatfield Opposed
- Wanda Vasquez Opposed
- Daniel E. Mifflin Opposed
- Alaina Massy Opposed
- Michael Beasley Opposed
- Barb Beasley Opposed
- Richard Poundstone Opposed
- Tracy Poundstone Opposed
- Mike Lowe Opposed
- Tracy Hunt Opposed
- Gary Franklin Opposed
- Dane Hamilton Opposed
- 711 E. 4th Opposed
- Jill Nash Opposed
- Cyndi Butticci Opposed
- Joshua Williams Opposed
- Kristy Hunt Opposed
- Tacole Chapman Opposed
- Ernie Blacker Opposed
- Buck Nash Opposed
- Dwayne Villamor Opposed

4. LAND USE

- A. Existing Land Use(s): Bare Land
- B. Description of Character of Surrounding Area: The surrounding area is of smaller, older homes, with the exception of a new two-story house being built to the west of this parcel.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

| | ZONING DESIGNATION | CURRENT LAND USES |
|-------|--------------------|---------------------|
| North | R-1, Single Family | Smaller-older homes |
| South | R-1, Single Family | Smaller-older home |
| East | R1, Single Family | Smaller-older homes |
| West | R-1, Single Family | Smaller-older homes |

- D. Existing Site Characteristics: Bare Land
- E. Streets and/or Access Information: Parcel has access to the alley at the rear of the property, but no access

to 4th or directly to S. Johns.

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

Before the City of Emmett can approve a Rezone application, it must determine that the proposed zone (R-3, Multi-Family) complies with the goals and policies of the Comprehensive Plan and Land Use Map. The Zoning Commission and City Council must review both the Land Use Map and the text of the Plan to see if the proposed zoning matches the vision described in the Plan. Below, staff has copied pertinent sections of the Comprehensive Plan and provided an analysis of each one.

CHAPTER 3, GOALS AND POLICIES

HOUSING

1. Support development of local workforce housing.
 - A. Integrate workforce, attainable, and affordable housing as part of individual neighborhoods and distribute throughout the larger community.
 - B. Develop incentives to promote development of housing for the local workforce such as density bonuses or parking reductions.
 - C. Encourage the development of housing nearby employment, transportation, schools, parks, and Downtown.
2. Provide more opportunities for housing choices.
 1. Encourage development of a variety of housing types and densities in newly developing areas that expands housing options, including high-density housing, Accessory Dwelling Units (ADUs or granny flats) and mixed-use buildings within the Downtown.
 2. Expand housing options in existing neighborhoods by encouraging:
 - i. Compatible infill development on vacant and underutilized lots within Downtown Expansion and Infill Neighborhood areas.
 - ii. Conversion of internal spaces such as small basement or upstairs apartments to serve as attached ADUs.
 - iii. Development of detached ADUs above garages or within backyards on lots of sufficient size.
 - iv. Construction of missing middle housing, including duplexes through fourplexes, townhomes, small multifamily projects integrated within new neighborhoods.
 - v. Construction of duplexes, townhomes, and clusters of small single-family houses compatible with the building scale of adjacent properties.

CHAPTER 4 LAND USE FRAMEWORK AND CATEGORIES:

Future Land Use Map

Overview, Opportunities and Constraints

The future land use map illustrates desired growth patterns by illustrating existing and anticipated location of land use within the City of Emmett and its Area of City Impact. The future land use map illustrates desired growth patterns by illustrating existing and anticipated location of land use within the City of Emmett and its Area of City Impact. The future land use map should influence any zoning changes as development and redevelopment occur. Constraints such as existing development, water and sewer service area boundaries, hydrology and floodplain, and conservation easements have been considered in development of the future land use map.

The location and characteristics of the defined land uses reflect the overall community vision and opportunities as identified from community discussion throughout the planning process:

- o *Emphasize residential development within surrounding neighborhoods, but ensure a mix of housing types and sizes, and allow the flexibility for low-impact mixed-uses.*

Mixed residential neighborhoods are the predominant land use within the City and Area of City Impact, and consists primarily of single-family homes, with a mix of multifamily homes. These neighborhoods are served by a highly connected street pattern, centered around schools, public facilities, neighborhood amenities or parks, and connected by trails. A neighborhood center and/or park should be integrated within every neighborhood.

Key Characteristics

- o Primary Uses: detached and attached single-family; backyard cottages; cottage courts; duplexes; townhomes, apartments, condominiums
- o Secondary Uses: civic uses, schools, parks, and open space
- o Suggested Residential Density Range: 3 - 20 units per acre net density
- o Allowed Zoning: R-1, Single-Family Dwellings; R-2, Two-family Dwellings/Duplexes; R-3, Multifamily Dwellings/Apartments; P, Public Use
- o Existing Example: Most neighborhoods within the city

The above sections of the Comprehensive Plan, support the request to re-zone the property from R-1, Single-Family to R-3 multi-family.

6. ZONING ORDINANCE

- A. The difference between the R-1 Single-family (existing zone) and the R-3 multi-family (proposed zone), besides the uses allowed, is the maximum building height, setbacks, and the minimum lot area, see comparison chart below.

| | R-1 single-family | R-3 multi-family |
|--------------|-------------------|--|
| Max Height | 35 ft | 45 ft |
| Set Back | 5' sides, 7' rear | 10 ft (sides and rear) |
| Min Lot Area | 6000 sf. | 8,000 sq ft (for first 2 units) plus 800 sq ft per additional unit |

7. REQUIRED FINDINGS & STAFF ANALYSIS

Emmett City Code 9-15-4, Transmittal to Commission, outlines the process and findings for review and approval of Zoning Amendment applications, which is what Rezone applications are classified under. Section B requires the Commission to find that the request is “in accordance with the adopted Comprehensive Plan.” This is the only standard in the Zoning Ordinance by which the Commission must evaluate Rezone requests. Staff’s analysis of relevant Comprehensive Plan policies is provided above. The Commission and Council must find that the Comprehensive Plan map and policies support the Rezone application.

8. STAFF RECOMMENDATION

Staff finds that the proposed Rezone from R-1 to R-3 conforms with the basic intent of the Comprehensive Plan policies and Land Use Map. Staff finds the conformance of this request with the

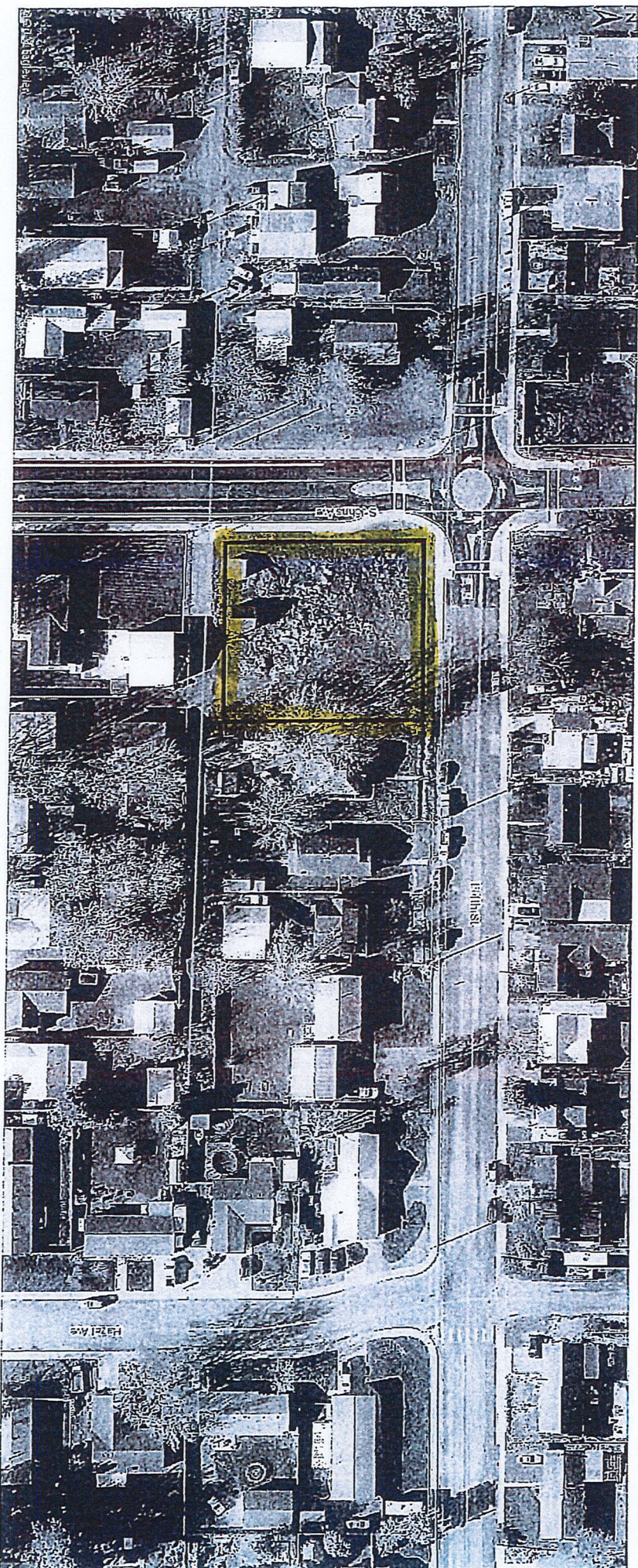
Elevate Emmett Comprehensive Plan is a key consideration for approval of this application.

At any time during the processing for an annexation or a rezone application, a request to enter into a development agreement for the subject property may be submitted by the applicant, or may be recommended by the Planning and Zoning Commission at the Commission's public hearing, or may be required by the City Council at the public hearing.

The Commission or Council must decide if a Development Agreement (DA) should be required for this type of rezone, and state the specific issues to be addressed in the DA. If the applicant agrees to submit an application for a DA, then the commission shall defer its recommendation to the council until a public hearing on the DA is held.

The applicant has submitted a Development Agreement with this rezone application.

RPE3160001001A



11/19/2021 - 12/18/2021

BETTY BAKER
4565 W. BLACK CANYON HWY
EMMETT, IDAHO 83617

MARCH 1, 2024

Re: 607 E. 4TH ST. (CORNER OF 4TH & JOHNS) REZONE FOR MIXED USE.

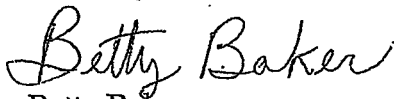
Dear Brian,

I would like to apply for re-zone for 607 E. 4th St. Emmett, Idaho. I would like mixed use with R-3 and Commercial use. I am not sure if I will build on property or just get rezoned and then sell property.

I am enclosing rezone and development form along with fees for both.

Let me know if you need more information. Thank you for your time.

Sincerely,


Betty Baker

QUITCLAIM DEED

FOR VALUE RECEIVED,

GRANTORS, **BETTY L. BAKER**, a single person, and **BETTY L. BAKER**, as Personal Representative of the Estate of Billy Ray Baker, aka Bill R. Baker, deceased, Gem County Probate Case No. CV2005-947, does hereby convey, release, remise and forever quitclaim unto:

BETTY L. BAKER, as GRANTEE, whose current address is 4565 W. Black Canyon Highway, Emmett, Idaho, 83617, the following real estate situated in the Southwest ¼ of Section 8, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, described as:

Lots 1, 2, 3, 4 and 5, Block 1, of DAVIS' ADDITION, according to the Official Plat thereof, filed in Book 1 of Plats at Page 11, records of Gem County, Idaho.

Said tract of land includes all water and ditch rights appurtenant to or used therein, and subject to all rights-of-way or easements of record or in use.

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

Dated: 12/28/06

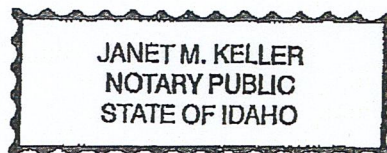
Betty L. Baker
Betty L. Baker

Betty L. Baker
Betty L. Baker, Personal Representative of the Estate of
BILLY RAY BAKER, aka BILL R. BAKER, deceased

State of Idaho }
 }ss
County of Gem }

On this 28 day of December, 2006, before me, a Notary Public in and for said state, personally appeared **BETTY L. BAKER**, known to me to be the person whose name is subscribed to the within Instrument and also known to me to be the personal representative of the estate of **BILLY RAY BAKER**, aka **BILL R. BAKER**, deceased, and acknowledged to me that she executed the same.

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



Janet Keller
Notary Public for the State of Idaho
Residing at: Emmett
Commission Expires: Dec. 18, 2012

Clint Seamons

From: Justin Walker <jwalker@Kellerassociates.com>
Sent: Thursday, June 27, 2024 6:28 PM
To: Clint Seamons
Cc: Justin Walker
Subject: Emmett-Driveway Access Recommendations near intersection S Johns Ave and between 4th and 5th St

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Clint,

Please find this email in response to your inquiry about Driveway Access Recommendations along S Johns Ave and between 4th and 5th St. In the City of Emmett's Access Management Guidelines in Section 4.2.1 on Page 11 it states that no driveway access should be allowed onto a Major Collector (which is the designation for S Johns Ave) within 150 feet of the nearest right of way line of an intersection street, nor should it be allowed for residential lot access onto a major collector or arterial. Furthermore, in this case because there is a mini roundabout at 4th and S Johns, we would further discourage driveway access off/onto S Johns because of the complications and conflicts it would present to the pedestrian and vehicle movements on the approach into the roundabout. Consequently, we would recommend access coming off the alley between 4th and 5th in accordance with the City's Access Management Guidelines. This would provide the safest and least disruptive access for both vehicles and pedestrians.



JUSTIN WALKER, PE

Project Manager

DIRECT 208-813-7590 | CELL 208-859-2932 | OFFICE 208-288-1992

100 East Bower Street, Suite 110, Meridian, ID 83642

kellerassociates.com

Brian Sullivan

From: Steve Kunka
Sent: Thursday, April 25, 2024 11:46 AM
To: Brian Sullivan
Subject: RE: Public Hearing notice for comment

No comment.

Steve O. Kunka
Police Chief
Emmett Police Department
501 East Main Street
Emmett, Idaho 83617
Phone (208)398-2082

-----Original Message-----

From: Brian Sullivan <bsullivan@cityofemmett.org>
Sent: Wednesday, April 17, 2024 9:38 AM
To: Steve Kunka <skunka@emmettpolice.com>; Clint Seamons <cseamons@cityofemmett.org>; Curt Christensen <cchristensen@cityofemmett.org>; Richter, Brandi J - Emmett, ID <brandi.j.richter@usps.gov>; assessor@co.gem.id.us; Sandy Mitchell <samitchell@co.gem.id.us>; treasurer@co.gem.id.us; Uhrig, Jake <JUhrig@idahopower.com>; lastchanceditch@gmail.com; Craig Woods <cwoods@isd221.net>; Angela Mattingly <amattingly@isd221.net>
Subject: Public Hearing notice for comment

Good Morning,

Attached is a public hearing notice for a rezone located at E. 4th St. and S. Johns Ave.

Please respond with comments or just an email stating no comment by the due date of May 1, 2024.

Thank you,

Brian Sullivan
Building Official/Zoning Administrator
City of Emmett
208-365-9569
bsullivan@cityofemmett.org
www.cityofemmett.org

Brian Sullivan

From: Uhrig, Jake <JUhrig@idahopower.com>
Sent: Monday, April 22, 2024 4:42 PM
To: Brian Sullivan
Subject: RE: Public Hearing notice for comment

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Idaho Power has no comments concerning the rezoning of parcel RPE3160001001A.

Thank you for the opportunity to comment.

Jake Uhrig

DESIGN LEADER | WESTERN REGION
Idaho Power | Payette Operations Center
1550 S. Main Street | Payette, ID | 83661
Phone 208-642-6278
juhrig@idahopower.com

From: Brian Sullivan <bsullivan@cityofemmett.org>
Sent: Wednesday, April 17, 2024 9:38 AM
To: Steve Kunka <skunka@emmettpolice.com>; Clint Seamons <cseamons@cityofemmett.org>; Curt Christensen <cchristensen@cityofemmett.org>; Richter, Brandi J - Emmett, ID <brandi.j.richter@usps.gov>; assessor@co.gem.id.us; Sandy Mitchell <samitchell@co.gem.id.us>; treasurer@co.gem.id.us; Uhrig, Jake <JUhrig@idahopower.com>; lastchanceditch@gmail.com; Craig Woods <cwoods@isd221.net>; Angela Mattingly <amattingly@isd221.net>
Subject: [EXTERNAL] Public Hearing notice for comment

Good Morning,

Attached is a public hearing notice for a rezone located at E. 4th St. and S. Johns Ave.

Please respond with comments or just an email stating no comment by the due date of May 1, 2024.

Thank you,

Brian Sullivan

From: Clint Seamons
Sent: Wednesday, April 17, 2024 11:53 AM
To: Brian Sullivan
Subject: RE: Public Hearing notice for comment

No Comments at this time.

-----Original Message-----

From: Brian Sullivan <bsullivan@cityofemmett.org>
Sent: Wednesday, April 17, 2024 9:38 AM
To: Steve Kunka <skunka@emmettpolice.com>; Clint Seamons <cseamons@cityofemmett.org>; Curt Christensen <cchristensen@cityofemmett.org>; Richter, Brandi J - Emmett, ID <brandi.j.richter@usps.gov>; assessor@co.gem.id.us; Sandy Mitchell <samitchell@co.gem.id.us>; treasurer@co.gem.id.us; Uhrig, Jake <JUhrig@idahopower.com>; lastchanceditch@gmail.com; Craig Woods <cwoods@isd221.net>; Angela Mattingly <amattingly@isd221.net>
Subject: Public Hearing notice for comment

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Please respond with comments or just an email stating no comment by the due date of May 1, 2024.

Thank you,

Brian Sullivan
Building Official/Zoning Administrator
City of Emmett
208-365-9569
bsullivan@cityofemmett.org
www.cityofemmett.org

Brian Sullivan

From: Sandy Mitchell <samitchell@co.gem.id.us>
Sent: Wednesday, April 17, 2024 9:43 AM
To: Brian Sullivan; Steve Kunka; Clint Seamons; Curt Christensen; Richter, Brandi J - Emmett, ID; Hollie Ann Strang; Megan Keene; Uhrig, Jake; lastchanceditch@gmail.com; Craig Woods; Angela Mattingly
Subject: RE: Public Hearing notice for comment

Caution! This message was sent from outside your organization.

Good morning

The Assessor's Office has no comment on the submitted Rezone request at this time.

Thank you and have a great day!

Sandy Mitchell
Certified Cadastral Specialist / GIS Specialist Gem County Assessor's Office
415 E Main St Ste 201
Emmett, ID 83617
208-477-2005
mapper@co.gem.id.us

-----Original Message-----

From: Brian Sullivan <bsullivan@cityofemmett.org>
Sent: Wednesday, April 17, 2024 9:38 AM
To: Steve Kunka <skunka@emmettpolice.com>; Clint Seamons <cseamons@cityofemmett.org>; Curt Christensen <cchristensen@cityofemmett.org>; Richter, Brandi J - Emmett, ID <brandi.j.richter@usps.gov>; Hollie Ann Strang <hstrang@co.gem.id.us>; Sandy Mitchell <samitchell@co.gem.id.us>; Megan Keene <mkeene@co.gem.id.us>; Uhrig, Jake <JUhrig@idahopower.com>; lastchanceditch@gmail.com; Craig Woods <cwoods@isd221.net>; Angela Mattingly <amattingly@isd221.net>
Subject: Public Hearing notice for comment

Good Morning,

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Please respond with comments or just an email stating no comment by the due date of May 1, 2024.

Thank you,

Brian Sullivan
Building Official/Zoning Administrator
City of Emmett
208-365-9569
bsullivan@cityofemmett.org

Brian Sullivan

From: Angela Mattingly <amattingly@isd221.net>
Sent: Wednesday, April 17, 2024 9:49 AM
To: Brian Sullivan
Subject: Re: Public Hearing notice for comment

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At this time the Emmett Independent School District has no concerns with this matter.

Angela Mattingly
District Secretary
Clerk of the Board

Emmett Independent School District #221
District Office
119 N Wardwell Ave
Emmett, Idaho 83617
208-365-6301

www.emmettschools.org

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On Wed, Apr 17, 2024 at 9:38 AM Brian Sullivan <bsullivan@cityofemmett.org> wrote:
Good Morning,

Attached is a public hearing notice for a rezone located at E. 4th St. and S. Johns Ave.

Please respond with comments or just an email stating no comment by the due date of May 1, 2024.

Brian Sullivan

From: lastchanceditch@gmail.com
Sent: Wednesday, April 17, 2024 10:15 AM
To: Brian Sullivan
Subject: RE: Public Hearing notice for comment

Caution! This message was sent from outside your organization.

Last Chance Ditch has no objections to this rezone.

Ashley Dupree
Office Manager
Last Chance Ditch Company
PH:208-365-1902 *FAX: 208-365-1903
Email: lastchanceditch@gmail.com
PO Box 428
118 N Commercial Ave
Emmett ID 83617

-----Original Message-----

From: Brian Sullivan <bsullivan@cityofemmett.org>
Sent: Wednesday, April 17, 2024 9:38 AM
To: Steve Kunka <skunka@emmettpolice.com>; Clint Seamons <cseamons@cityofemmett.org>; Curt Christensen <cchristensen@cityofemmett.org>; Richter, Brandi J - Emmett, ID <brandi.j.richter@usps.gov>; assessor@co.gem.id.us; Sandy Mitchell <samitchell@co.gem.id.us>; treasurer@co.gem.id.us; Uhrig, Jake <JUhrig@idahopower.com>; lastchanceditch@gmail.com; Craig Woods <cwoods@isd221.net>; Angela Mattingly <amattingly@isd221.net>
Subject: Public Hearing notice for comment

Good Morning,

Attached is a public hearing notice for a rezone located at E. 4th St. and S. Johns Ave.

Please respond with comments or just an email stating no comment by the due date of May 1, 2024.

Thank you,

Brian Sullivan
Building Official/Zoning Administrator
City of Emmett
208-365-9569
bsullivan@cityofemmett.org
https://us-east-2.protection.sophos.com?d=cityofemmett.org&u=d3d3LmNpdHlvZmVtbWV0dC5vcmc=&i=NWY3MzZiODczNzUwZmlwZWFkN2VkMjJl&t=KzVMaIVuMGtFUvV0dTI1NHJkNWVvV1BLcmI4RnI1QlB0Z2tvQlJPdk9aWT0=&h=a0cf58ab81fd4b88af92ee2ce99387c4&s=AVNPUEhUTONFTkNSWVBUSVbUuTOLR5oXloKaZ7TiHjr_9X8ZZhCDVFGk9vznWln2jQ

Bill & Cyndi Butticci

610 East 5th Street

Emmett, Idaho

April 30th, 2024

Ref: Baker Rezone request RPE3160001001A

Dear Zoning Commissioners,

I appreciate the opportunity to give my comment on this rezone application. As you surely know this same application came before the Zoning Commission and City Council requesting a change to R-3 for a multi-family unit back in 2012 I believe. At that time, it was denied based on the size of the lot for quality of life, parking challenges and access constraints. The applicant was asking to allow the tenants to park in the ally easement way which is a code violation. The alley needs to remain free and clear for utility services such as the sanitation trucks, Idaho power, phones and internet companies. Also, for the residents that access their garages on their property through this dead-end ally. I do use the alley for access to my property.

This property being on a very busy corner then did not have the ability of curb street parking and with the addition of the round-about is even more restricted in what it may be used for now. With the constraints caused with the roundabout, population growth, two public schools on each end of 4th street and pedestrians a multi-family or commercial use is not recommended.

I ask that this parcel remain a single-family residential R-1 or a two-family duplex R-2 such as on the corner of Johns Ave and 7th Street just down a couple blocks. With an additional unit now being built on a very small lot on the other side of the corner of Johns Ave and 4th Street the roundabout visibility for oncoming traffic is going to be even more obstructive for drivers approaching the roundabout.

Sincerely,


Bill Butticci

Brian Sullivan

From: Bill and Janet Monti <wjmonti@gmail.com>
Sent: Monday, August 19, 2024 1:34 PM
To: Brian Sullivan
Cc: Gordon Petrie; Tona Henderson; Gary Resinkin; Steve Nebeker; Denise Sorenson; Jody Harris; Thomas Butler
Subject: Baker rezone at city council

Caution! This message was sent from outside your organization.

Good afternoon Brian Sullivan

I am writing about the rezone request for Betty Baker's property at 607 E. 4th St, parcels 1, 2, 3, 4 & 5).

I appreciate getting a copy of the proposed conditions of approval.

I am glad to see each of the proposed land uses require off-street parking spaces for 2 vehicles for each unit. This is especially important as this corner lot has no on-street parking on the west side and limited parking on the north side. As written it should have NO parking in the alley

Under the development standards and conditions, I am uncertain on the height restrictions. Does this include first floor garage with housing about the garage?

I would be okay. If the 35-feet allows a total three-story structure (including a first floor garage), I would object. This would be totally out of character for the neighborhood. There are very few structures in town that would be called three stories and certainly not in a residential area.

I would be okay if the proposed 35-feet would be for a two-story structure, with the first floor including the garage..

peace
janet monti
404 S. Johns Ave.
Emmett, Idaho

Brian Sullivan

From: Bill and Janet Monti <wjmonti@gmail.com>
Sent: Tuesday, April 30, 2024 9:24 AM
To: Brian Sullivan
Cc: wjmonti@gmail.com
Subject: Baker rezone comment for public hearing

Caution! This message was sent from outside your organization.

[Block sender](#)

Good morning Brian Sullivan

Thank you for making time Monday morning for me to ask my questions about the Betty Baker rezone request at 607 E. 4th St.

I think most zoning decisions are challenging. And, the position of Emmett right now adds to the challenges, especially in these in-fill type areas.

Based on your answers....

** I understand the property is actually 4 narrow lots facing East Fourth Street.

** I understand the commercial zone would not comply with the Emmett Comprehensive Plan, so any comments about this portion of the request are irrelevant, as commercial use could **not** be granted.

** I understand a R3 would allow a structure up to 45-feet tall, which I am **AGAINST**. A three-story building in this Residential neighborhood would be completely out of place, looking like a high rise building. In addition with the requirement of 1.5 off-street parking spaces per home, it would create a very narrow small-footprint structure.

** I understand an R1 or R2 would allow a two-story structure, which is OK for me. This would be in keeping with the neighborhood. It could also look similar to other R2 structures throughout town, which do not conflict from the overall look of the neighborhood

I am in **FAVOR** of R1 or R2 and
AGAINST R3 or Commercial.

Thank you

peace,
janet monti
404 S. Johns Ave.
Emmett, Idaho

Brian Sullivan

From: Dwayne Villamor <dwayne_villamor@yahoo.com>
Sent: Friday, May 24, 2024 11:17 AM
To: Brian Sullivan
Subject: Potential Re-zoning of 607 E 4th St.

Caution! This message was sent from outside your organization.

Hi, this is Dwayne Villamor.

I received your letter concerning the application to have the lot at 607 E 4th St re-zoned.

I live kitty-corner from that property at 524 E 4th St and would prefer 607 E 4th St to remain classified as R-1.

There is already a lot of traffic, confused drivers and constant honking of peoples' horns at the roundabout, and putting an apartment building or other commercial building there would, in my opinion, exacerbate the situation.

Also, as far as I can tell, and I could be wrong, the four city blocks that converge at 4th and Johns contain single family residential houses exclusively, with the sole exceptions of the city annex at 3rd and Johns and the little church on the corner of 3rd and Hazel, neither of which could be considered commercial enterprises.

I for one would prefer not to have apartments, duplexes, mobile homes, or anything other than single-family dwellings built on that property.

I respectfully request that the property owner's application to re-zone that parcel be denied.

Thank you very much.

Sincerely,

Dwayne Villamor
(208) 507-2595.

X

Dear Emmett City and Zoning Commission,

I am writing to express my strong opposition to the proposed rezoning at the corner of 4th Street and Johns Ave. While the local community may be unable to prevent development that will be detrimental to the area, nearly all residents in the 4th Street and Johns Ave neighborhoods are completely opposed to the addition of multi-family housing that will cause traffic and safety problems, create even more problems with schools that are already overcrowded, and potentially lower the property values of the existing community.

Traffic and the safety of pedestrians are a major area of concern. Traffic jams already span the distance between 4th Street and Johns Ave. The intersection is routinely blocked by traffic turning onto Johns Ave towards 4th Street during rush hour. The current roundabout at the intersection of Johns Ave and 4th Street is not big enough to accommodate the extra flow of traffic that would come with this housing complex. While the traffic may be lighter on average, the local neighborhood traffic will disproportionately surge during morning and evening rush hours causing traffic issues during critical times for the existing neighborhood. The traffic surge during morning rush hours will also negatively impact safety for the children walking to school. There are three schools within walking distance from this parcel. In general, the area traffic is continuing to increase and heavy traffic is already common at times at the Johns Ave roundabout, which may not have been anticipated during the last rezoning request.


The only way residents on South 4th Street have access to their garages is through the alley off Johns Ave. The alley is a dead end with no other access. This alley is directly connected to the parcel requesting re-zoning and could potentially block all the residents' access to their garages.

Schools in the area are already reported at near capacity, and the council should not approve multi-family dwellings that creates or exacerbates a situation that will cause school concurrency to fail for this proposal and/or other approved plans.

Property values are likely to go down in the area if multi-family apartments or condominiums are built. Multi-family dwellings are inconsistent with the neighborhoods developed in the area. This could also put a strain on the infrastructure in the area.

I urge you to disapprove the proposed rezoning, and from recent meetings and discussions with my neighbors, I know my opinions are shared by many who have managed to attend meetings or write letters and emails.

Best regards,


Travis Wright 4.30.24

**DEVELOPMENT AGREEMENT
THE CITY OF EMMETT, IDAHO, AND BETTY BAKER**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is entered into as of this _____, 2024, by and between the CITY OF EMMETT, a Political Subdivision of the State of Idaho (“City”) and Betty Baker (“Owner”), pursuant to the authority of Idaho Code § 67-6511A, *et seq.*

BACKGROUND:

Owner is the owner of a certain tract of land in the County of Gem, State of Idaho, which land is more particularly described in Exhibit “A” and is hereinafter referred to as the “Project”; and,

City has authority to rezone property pursuant to Title 9, Chapter 15 of the Emmett City Code and Section 67-6504 of the Idaho Code; and,

City has authority to enter into development agreements to condition annexations and rezones; and,

Owner desires to be assured that it may proceed with development of the Project in accordance with this Agreement. In order to obtain this benefit, Owner has determined that it is advantageous to Owner to enter into the Agreement.

NOW, THEREFORE, in consideration of the promises, covenants, and provisions set forth herein, the parties agree as follows:

Section 1. Development of the Project.

1.1 Effective Date. In accordance with Idaho Code § 67-6511A, this Agreement will be effective upon the publication of Ordinance _____, approving the rezone for the Project, and upon the recordation of this Agreement.

1.2 Permitted Use, Density, and Intensity of Use. This Agreement shall vest the right to develop the Project on land described in Exhibit “A” (Legal Description) and by this

reference made a part hereof, with respect to the approved application for the Owner, as restricted by the Conditions of Approval attached to this Agreement as Exhibit “B”, and Development Standards & Conditions attached to this Agreement as Exhibit “C”.

1.3 Changes in State and Federal Law. This Agreement shall not preclude the application to the Project of any law that is specifically mandated and required by changes in state or federal laws or regulations. In the event such law prevents or precludes compliance with one or more provisions of this Agreement, City and Owner shall meet and confer to determine how provisions of this Agreement would need to be modified or suspended in order to comply with the law and shall prepare and process the necessary amendment or amendments to this Agreement, or the City Council may elect to terminate this Agreement pursuant to Section 3.4.

1.4 Police Power. Nothing in this Agreement shall be construed to be in derogation of the City’s police power to protect the public health and safety in the case of an emergency. For purposes of determining whether the City can exercise its police power inconsistent with the provisions and conditions of this Agreement, “emergency” shall mean a sudden, unexpected occurrence, involving a clear and imminent danger, demanding immediate action to prevent or mitigate loss of, or damage to, life, health, property or essential public services involving the Project or the community.

1.5 Surety for Project Completion: In accordance with Emmett City Code and future conditions of approval, the Owner agrees to comply with all lien and/or surety requirements for completion of the project if it is abandoned or otherwise not completed.

Section 2. Cooperation In The Event Of Legal Action.

In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such

action or proceeding. The City and Owner may agree to select mutually agreeable legal counsel to defend such action or proceeding, or each party may select its own legal counsel. Owner shall pay all reasonable attorneys' fees and costs incurred by the parties arising out of the defense of any third party claim challenging the validity of this Agreement, and Owner shall indemnify the City against any third party costs awarded in such action.

Section 3. Violation; Remedies; Termination.

3.1 General Provisions. Failure or unreasonable delay by the Owner to perform any term or provision of this Agreement, after written notice thereof from the City, shall constitute a violation under this Agreement. Said notice shall specify the nature of the alleged violation and the manner in which said violation may be satisfactorily cured. If the nature of the alleged violation is such that it cannot reasonably be cured within 90 days after written notice, the commencement of the cure within such time period and the diligent prosecution to completion of the cure shall be deemed a cure within such period.

Subject to the foregoing, after notice and expiration of the 90-day period without cure, the violation will be deemed a default under this Agreement and the City, at its option, may institute legal proceedings pursuant to this Agreement and/or give notice of intent to terminate the Agreement.

3.2 Violations by City. In the event City violates any provision under the terms of this Agreement, Owner shall have all rights and remedies provided herein or under applicable law, including without limitation the right to seek specific performance by the City. But in no event shall Owner have any right to punitive damages.

3.3 Enforced Delay; Extension of Time of Performance.

a) In addition to specific provisions of this Agreement, performance by either party hereunder shall not be deemed to be in default where delays or defaults are due to war, insurrection, strike, walk-out, riot, flood, earthquake, fire, casualty, or act of God.

b) Performance hereunder shall not be deemed in default where delays or defaults are due to governmental agencies. An extension of time necessary to gain approval of another independent governmental agency as required in the conditions of approval will be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

c) Upon the request of either party hereto, an extension of time for such cause will be granted in writing for the period of the enforced delay, or longer as may be mutually agreed upon.

3.4 Termination.

a) This Agreement may be terminated, and the zoning designation upon which the use is based reversed to the zoning district existing immediately prior to the Agreement (deemed appropriate by the City Council), upon the failure by the Owner to comply with the terms and conditions contained in this Agreement after notice by the City to the Owner, or upon the failure of the Owner, each subsequent owner or each other person acquiring an interest in the Project site to comply with the terms and conditions in this Agreement and after the Council has complied with the notice and hearing provisions of Idaho Code § 67-6511A.

Section 4. Hold Harmless – Indemnification.

Owner shall defend, indemnify, and hold the City, its officers, agents, and employees harmless for injuries to persons or property occurring on the Project arising out of, or resulting from, the negligence or willful conduct of Owner, its agents or

employees in performing Owner's duties described in this Agreement or Owner's development activities on the Project.

In the event the City is alleged to be liable in any manner, as a result of the acts, omissions, or negligence of Owner, the Owner shall indemnify and hold the City harmless from and against all liability, claims, loss, costs, and expenses arising out of, or resulting from Owner's development activities on the Project, and Owner shall defend such allegations through counsel chosen by the City. Owner shall bear all costs, fees, and expenses of such defense, including, but not limited to, all attorney fees and expenses, court costs, and expert witness fees and expenses. Owner shall not be obligated to indemnify or defend the City as set forth above from and against any actions liability, claims, loss, costs, or expenses arising out of, or resulting from, the negligence, gross negligence or willful conduct of the City, its agents, officers or employees.

Owner guarantees the City that all services, programs, or activities provided under this Agreement will be in accordance with all applicable federal, state, and local statutes, regulations, and requirements, including, but not limited to, the Americans with Disabilities Act (ADA). Further, Owner agrees to indemnify, defend, and hold the City harmless from and against any loss, expense, or damage of any type incurred by the City as a result of Owner's breach of the guarantee requirements of this paragraph.

Section 5. Notices.

5.1 Any notice, demand, or other communication ("Notice") given under this Agreement shall be in writing and given personally or by registered or certified mail (return receipt requested). If given by registered or certified mail, a notice shall be deemed to have been given and received on actual receipt by the addressee. If personally delivered, a notice shall be deemed to have been given when delivered to the party to whom it is addressed. A courtesy copy of the notice may be sent by facsimile

transmission. Any party may designate any other address in substitution of the address contained herein by like written notice.

5.2 Notices shall be given to the parties at their addresses set forth below:

If to City, to:

City of Emmett
601 E. 3rd
Emmett, Idaho 83617
Attention: Planning Director
Telephone: 208-365-9569
Facsimile: 208-365-4651

If to Owner, to:

Betty Baker
4565 W. Black Canyon Hwy.
Emmett, ID 83617
Telephone: 208-861-1115

With copy to:

City Attorney
c/o City Clerk,
501 E. Main
Emmett, Idaho 83617
Telephone: 208-365-6050

Section 6. Assignment.

If all or any portion of the Project is transferred by Owner to any person or entity ("Transferee"), then Owner may assign or transfer to Transferee all or any portion of its interests, rights, or obligations under this Agreement with respect to the transferred property. The assignment or transfer of interests, rights, or obligations under this Agreement shall not require City approval, but if Owner transfers any portion of the Project to a Transferee, Owner shall continue to be responsible for performing the obligations under this Agreement as to the transferred property until such time as there is delivered to City a legally binding instrument approved by the City whereby Transferee agrees to perform all conditions of approval(s), and/or other obligations of this Agreement applicable to the transferred property as set forth in Idaho Code § 67-6511A.

Section 7. Entire Agreement; Counterparts; Exhibits; Recording.

7.1 Waivers. No provision or condition of this Agreement shall be considered waived unless duly amended as provided in Section 9.1. The failure of the City to require strict

performance of any term or condition of this Agreement or to exercise any option herein conferred in any one or all instances shall not be construed to be a waiver or relinquishment of any such term or condition, but the same shall be and remain in full force and effect, unless such waiver is evidenced by the prior written consent of the City.

7.2 Duty to Act Reasonably. Unless otherwise expressly provided, each party shall act reasonably in giving any consent, approval, or taking any other action under this Agreement.

7.3 Exhibits. The following exhibits are attached to this Agreement and incorporated herein by this reference:

Exhibit A – Project Legal Description

Exhibit B – Conditions of Approval

Exhibit C- Development Standards & Conditions

7.4 Recordation of Agreement. The City shall record an executed original of this Agreement at the Gem County Recorder's Office. Owner agrees to pay all recording fees necessary to record this Agreement with the Gem County Recorder's Office.

Section 8. Agreement Appurtenant To The Project.

This Agreement, including all covenants and conditions set forth herein, is binding on the Owner, each subsequent owner, and each other person acquiring an interest in the Project, and shall be appurtenant to and run with the Project.

Section 9. Miscellaneous.

9.1 Amendment. Modifications to this Agreement may be made only by the permission of the City Council after complying with the notice and hearing provisions of Idaho Code § 67-6511A. The Agreement may only be modified after public hearing by the City Council. Major modifications as determined by the Planning Director shall require a

hearing and recommendation by the Emmett Zoning Commission prior to hearing by the Council.

9.2 Interpretation: Any term contained in this Agreement will be defined pursuant to Title 9 of the Emmett City Code and if not contained therein general common understanding of the word will apply.

9.3 No Agency, Joint Venture or Partnership. City and Owner hereby renounce the existence of any form of joint venture or partnership between the City and Owner and agree that nothing contained herein or in any document executed in connection herewith shall be construed as making City and Owner joint venturers or partners.

9.4 Severability. If any provision of this Agreement or the application of any provision of this Agreement to a particular situation is held by a court of competent jurisdiction to be invalid, void, or unenforceable, such provision shall be disregarded and this Agreement shall continue in effect. However, if such provision is not severable from the balance of the Agreement so that the mutually dependent rights and obligations of the parties remain materially unaffected, this Agreement shall become void.

9.5 Construction. This Agreement has been reviewed and revised by legal counsel for both City and Owner, and no presumption or rule that ambiguities shall be construed against the drafting party shall apply to the interpretation or enforcement of this Agreement. This instrument constitutes and contains the entire Agreement of the parties and supersedes and merges all other prior understandings and/or agreements between the parties, if any, whether verbal or written.

9.6 Choice of Law. This Agreement and its performance shall be construed in accordance with and governed by the laws of the State of Idaho, with venue for any action brought pursuant to this Agreement to be in the Third Judicial District, State of Idaho, County of Gem.

9.7 Merger and Integration. This writing embodies the whole agreement of the parties. There are no promises, terms, conditions, or obligations other than those contained in this Agreement. All previous and contemporaneous communications, representations, or agreements, either verbal or written, between the parties are superseded by this Agreement.

9.8 Third Party Beneficiaries. Nothing contained herein shall create any relationship, contractual or otherwise, with, or any rights in favor of, any third party.

IN WITNESS WHEREOF, this Agreement has been executed by the parties hereto effective the day and year first above written.

City of Emmett

By: _____
Gordon Petrie, Mayor

ATTEST:

Lyleen Jerome, City Clerk

STATE OF IDAHO)
) ss.
County of Gem)

On this _____, 2024, before me a notary public, personally appeared Gordon Petrie, known or identified to me, to be the Mayor of the City of Emmett, and the person who executed the said instrument, and acknowledged to me that he executed the same as Mayor.

Notary Public for Idaho
Commission Expires _____

Owner:

**EXHIBIT A
LEGAL DESCRIPTION**

Rezone Parcel:

A tract of land in the Southwest quarter of section 8, Township 6 North, Range 1 West, Boise Meridian, Gem County, Idaho, described as follows:

Lots 1, 2, 3, 4, and 5, Block 1, of Davis Addition, according to the Official Plat thereof, filed in Book 1 of Plats at Page 11, records of Gem County, Idaho.

**EXHIBIT B
CONDITIONS OF APPROVAL**

General Terms

1. Nothing in this Agreement shall be construed as relieving the Owner or its successors from further compliance with all other permit and code requirements for subsequent applications for the same property. Specifically, the processes and information contained in Title 9 of Emmett City Code shall apply to all future development of the property.
2. Entering into this Agreement shall not prevent the City of Emmett from applying new standards, regulations or conditions that do not conflict with the written commitments within this Agreement in any subsequent actions or applications made for the same property.
3. The applicant, Betty Baker, is _____ for a rezone to **R-3** _____. The boundaries of said zone shall be as per the rezone ordinance legal description.

Land Uses

1. The future land uses permitted outright on the property must be consistent with the permitted uses listed below. Uses requiring a special use permit are not allowed. All other land uses are prohibited, unless otherwise allowed through an amendment to this agreement. An amendment to the permitted land uses requires a public hearing before the Emmett City Council.
2. The maximum units allowed for this property is 6 apartments.
3. The maximum duplex units will be two structures with 4 units.
4. The maximum single-family residential units are 2.

| LAND USE TYPE | PERMIT TYPE |
|----------------------|--------------------|
| R-3: Apartments | Permitted |
| R-2, Duplex | Permitted |
| R-1, Single-Family | Permitted |
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EXHIBIT C

Development Standards & Conditions

1. Applicant shall post the alley as a no parking zone.
2. Applicant shall comply with Emmett City Code (ECC) for all development on this property.
3. The maximum structure height for the development is thirty-five feet (35').
4. The applicant shall provide 2 parking spaces per living unit.



CITY OF EMMETT

Zoning Department
601 E. 3rd Street
Emmett, Idaho 83617
208-365-9569

September 04, 2024

Mayor and Emmett City Council,

Kent Brown, on behalf of Heartland Townhomes Property Management LLC, is requesting a one-year time extension for Skyhawk East Subdivision. The developer requested a one-year time extension in October, 2022, and again in October of 2023. The preliminary plat for Skyhawk East is due to expire on October 25, 2024. ECC 10-2-3L allows an extension of time to file a final plat and shall state the reasons for failure to file the final plat application. Extension of time shall not exceed 1 year. More than one extension may be granted upon showing of good cause.

Staff is in support of this time extension.

Possible Motion:

I would like to make a motion to grant a one-year time extension to October 25, 2025, for Heartland Townhomes Property Management to file a final plat for Skyhawk East Subdivision.

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Sullivan", written over a white background.

Brian Sullivan
Zoning Administrator

KENT BROWN PLANNING SERVICES

August 27, 2024

City of Emmett
601 E. 3rd St.
Emmett, ID 83617

RE: Time Extension for Skyhawk East Subdivision. (PP21-003)

Dear Brian Sullivan,

On behalf of Heartland Townhomes Property Management LLC., please accept this request for a one-year time extension for the Skyhawk East Subdivision. Skyhawk East Subdivision was originally approved on October 26, 2021. The developer requested a one year time extension in October of 2022 and again in 2023. The plat currently expires on October 25, 2024.

The developer is scheduled to begin construction this fall but will not be completed in time to meet the October 25th date. The developer plans on paving next spring and completing the subdivision early summer next year.

Therefore, please accept this request for a one-time extension of Skyhawk East (PP-21-003).

Sincerely,



Kent Brown
Planner