

CITY OF EMMETT, IDAHO
ZONING COMMISSION

Live Stream

www.cityofemmett.org/zoningmeeting

AGENDA

Monday, October 2, 2023, 6:00 P.M.

Emmett City Hall, 501 E. Main St.

REGULAR MEETING

1. Call to Order:
2. Roll Call:
3. Pledge of Allegiance:
4. Review Agenda:
5. Approval of Minutes: July 10, 2023 Action Item

#1 Public Hearing: Special Use Permit Application by Heather Gregory for property located at 136 E. Main St. The request is to allow a 1-bedroom residential apartment above a commercial business.

- Zoning Administrator's Presentation
- Applicant Presentation
- Public input
- Rebuttal
- Decision of Public Hearing: **ACTION ITEM**

#2 Public Hearing: Vacate application by the City of Emmett. The request is to vacate a sewer line easement located in Skyhawk Subdivision on East 4th St.

- Zoning Administrator's Presentation
- Applicant Presentation
- Public input
- Rebuttal
- Decision of Public Hearing: **ACTION ITEM**

6. New Business: Action Items
7. Unfinished Business: Action Items
 - a.
8. Items from the Commission:
9. Items from the: Building Official/Zoning Administrator:
10. Upcoming Meeting(s): Monday, November 6th, 2023
11. Adjournment

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 (208-365-6050)

Posted Friday, September 29, 2023, at _____ am/pm by: _____

EMMETT CITY ZONING COMMISSION

July 10, 2023

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, Kim Butler, Austin Lindstrom

Commissioners Online: None

Commissioners Absent: Larry Jenkins

Staff Present: City Attorney, Jake Sweeten; Zoning Administrator, Brian Sullivan;

Staff Online: None

Public hearing #1 Longhorn Acres

Zoning Administrator Sullivan presented the staff report for application PP 23-001, Long Horn Acres Subdivision, located at 1033 E. 12th St. The subdivision consists of 11 commercial lots on 11.36 acres. There are two proposed access points to State Highway 16, one being in the second phase and will consist of a traffic light at Foxfire Rd. The State of Idaho has agreed to these access points with some stipulations.

Administrator Sullivan read the letter from ITD into the record.

The Idaho Transportation Department (ITD) has conducted a preliminary review of the proposed subdivision by Rocky Mountain Companies, "Longhorn Station", located in the southeast quadrant of the intersection of the future Foxfire Rd and SH-16 in Emmett, Idaho. The developer has worked closely with ITD in consideration of safety concerns and possible mitigations of the state highway system.

The development is proposing one temporary full access from SH-16 west of the planned Firefox Rd intersection with inbound and outbound right-hand turn lanes and one permanent full access from the planned Firefox Rd on the eastside of the development. The temporary access from SH-16 would remain open until the development generates 60 left turn out movements out of the subdivision per hour. The developer plans to start construction of Firefox Rd in a timeframe that allows full buildout of the new intersection and roadway prior to reaching the 60 cars per hour threshold. Immediately upon the completion of Firefox Rd, the developer will modify the temporary full access west of the Firefox Rd to a right-in right out with a porkchop limiting left-out movements.

ITD has reviewed the developer's proposal and has no objections at this time. Upon final review of the Developments Traffic Impact Study, ITD will issue a final conditions memo and coordinate the permitting process as applicable.

Maintaining safety and mobility for Idaho's motorists is of utmost importance to ITD. If you have any questions, please contact Development Services Manager Brian Duran at Brian.Duran@itd.idaho.gov. or call 208-334-8375.

Commissioner Earls asked the commissioners if they have any question. No questions

Applicant Kindi Moosman gave an overview of the application and letter from ITD.

Mathew Witt, Director of Design and Construction for Rocky Mountain Company, 350 N. 9th St, Suite 200, Boise, Id, 83702, gave an overview of the project.

Commissioner Gregory asked about tiling the drain ditch. Matt discussed the ditch and location of the future Foxfire Rd to the east of the drain ditch.

Commissioner Earls asked for public comments. None

Commissioner Gregory made a motion to close the public hearing at 6:21, Commissioner Lindstrom seconded the motion, motion passed.

Commissioner Earls asked for questions from the commissioners.

Commissioner Butler asked how many lots. Administrator Sullivan explained 11 lots at full buildout.

Commissioner Gregory made a motion to recommend approval to Emmett City Council, application PP23-001, a preliminary plat for Long Horn Acres Subdivision, conditioned on final approval from ITD on the access in and out, and adopt the staff report as part of this approval.

Seconded by Commissioner Lindstrom, all in favor.

Public hearing #2 Annexation ANN 23-001

Administrator Sullivan gave the staff report for ANN 23-001 presented by Sawtooth Land Surveying for Steven Thayn. The property is located at 142 Nielsen Lane. The size of the property is approximately 1.554 acres accessed by Nielsen Lane.

Commissioner Gregory asked if all homes are on foundations. Administrator Sullivan explained one is a double wide on a foundation, the remaining 4 are stick built homes, and he does not know if they are on a foundation.

Commissioner Gregory asked about the upgrade to the sewer lines and when it was done. It was done 2 months ago.

Commissioner Lindstrom asked why zone to R-1 instead of R-3. Administrator Sullivan explained that R-1 fits as they are all single-family homes and the intend of the owner is to subdivide them off onto individual lots.

Amy Rosa, Sawtooth Land Surveying, gave brief description of the application and possible future subdivide.

Commissioner Earls asked about turn around for fire. Administrator Sullivan explained the access and chained off access road.

Commissioner Gregory asked about the road being large enough. Administrator Sullivan explained the private lane will remain the same as it always has been.

Cory Walker spoke in favor of the application.

Commissioner Gregory made a motion to close the public hearing, Commissioner Butler second. All in favor.

Attorney Sweeten gave direction on how to make a recommendation to council.

Commissioner Gregory asked about the chained off road at the end of the road. Administrator Sullivan explained about the emergency access and how it could be removed.

Commissioner Gregory made a motion to recommend approval of application ANN 23 -001 with a zoning of R-1 classification to city council.

Commissioner Butler seconded the motion. All in favor.

New Business: None

Unfinished Business:

None

Items from the Commission:

None

Items from the Building Official/ Zoning Administrator: None

Commissioner Gregory moved to **Adjourn the meeting**. Seconded by Commissioner Lindstrom. Motion carried by **voice vote**.

Next Regular Meeting – Monday August 7, 2023

Meeting adjourned at 6:45 p.m.

Chairman Gwen Earls

Acting Secretary



**CITY OF EMMETT
PLANNING AND ZONING DEPARTMENT**

601 E. 3rd St. EMMETT, IDAHO 83617
OFFICE OF THE ADMINISTRATOR
PLANNING & ZONING

FAX: (208) 365-4651

PHONE: (208) 365-9569

WEB PAGE: www.cityofemmett.org

**DESCRIPTION: SPECIAL USE PERMIT APPLICATION – SINGLE FAMILY RESIDENCE IN A
COMMERCIAL ZONE.**

FILE NUMBER: SUP 23-001

ZONING COMMISSION PUBLIC HEARING DATE: OCTOBER 2, 2023

**OWNER: HEATHER GREGORY
1116 REGENCY WAY
EMMETT, ID 83617**

APPLICANT: BRIAN GREGORY

**SUBJECT PROPERTY: 136 E. MAIN ST., EMMETT, ID, 83617
PARCEL RPE3210013005A**

STAFF PLANNER: BRIAN SULLIVAN

1. APPLICATION SUMMARY & OVERVIEW

The applicant, Brian Gregory, has applied for a Special Use Permit (SUP) at 136 E. Main St. to allow residential living within a commercial building. The residential apartment will be constructed on the 2nd floor, and to the rear in the commercial business. The application states the apartment will have 1 bedroom, 1 bath, kitchen and living room and is 700 square feet used for residential living. The apartment will have its own entrance from the alley. The building is located within the C -Commercial zone. The property currently houses a commercial printing business.

2. APPLICATION & PROPERTY FACTS

A. Site Address/Location:

SUP-23-001
Gregory

The property is located at 136 E. Main. The general location is on the northside of E. Main Street approximately 245' east of N. Washington Ave. and located within Township 6N, Range 1W, Section 7, Parcel RPE3210013005A.

B. Current Owner(s): Heather Gregory
1116 Regency Way
Emmett, ID 83617

C. Applicant(s): Brian Gregory
1116 Regency Way
Emmett, ID 83617

D. Representative: Brian Gregory

E. Present Zoning: C - Commercial

F. Present Comprehensive Plan Designation: DT- Downtown and Expansion Area

G. Property Size: Approximately .09 acres or 3,920Sq. Ft.

3. APPLICATION PROCESS FACTS

A. Application Submittal:

The complete application for this item was received by the Planning and Zoning Department on August 14, 2023.

No letters were received from property owners in response to this Special Use Permit request. The following public service agencies replied:

- Gem County Assessor, (no comment)

B. Relevant Ordinances and Required Actions:

The subject application will constitute a Special Use as determined by City of Emmett Code 9-8-1 and 9-7-5U. A public hearing on this matter is required under ECC Title 9, Chapter 8 Section 5.

C. History of Previous Actions on Property: None

D. Companion Applications: None

4. LAND USE

A. Existing Land Use(s): Commercial.

B. Description of Character of Surrounding Area: Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	DT- Downtown and Expansion Area	Commercial	Commercial Businesses
South of site	IR-Infill Residential Neighborhoods	Commercial	Commercial Businesses

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
East of site	DT- Downtown and Expansion Area	Commercial	Commercial Businesses
West of site	DT- Downtown and Expansion Area	Commercial	Commercial Businesses

5. REQUIRED FINDINGS & STAFF ANALYSIS [Staff comments and analysis are shown in *italics*.]

Section 9-8-1 General Standards in the Special Use Chapter of the City of Emmett Zoning Ordinance states the following: The Commission shall review the facts and circumstances of each proposed special use in terms of the following standards and shall find adequate evidence showing that such use at the proposed location:

- a. Will, in fact, constitute a special use as established on the official schedule of district regulations for the zoning district involved;**

ECC, 9-5-2, Official Schedule of District Regulations, lists “Single-Family Dwelling” as requiring a SUP in the Commercial zone. ECC 9-7-5U#4, states single-family and two-family residential uses are permitted in the C District only when approved through a special use permit.

The residential use will constitute a special use permit as outlined in the Official Schedule of District Regulations.

- b. Will be harmonious with and in accordance with the general objectives or with any specific objective of the Comprehensive Plan and/or this zoning title;**

Staff finds the following Comprehensive Plan definition and Zoning Ordinance sections apply to this application in the C-Commercial zone:

Comprehensive Plan

The land use category *DT-Downtown* is defined as follows in the Elevate Emmett Comprehensive Plan.

- o Primary Uses: Restaurants, retail, office, entertainment, artisan and civic, apartment and condominium units, short-term and hotel lodging in a vibrant, walkable environment
- o *Secondary Uses*: Neighborhood parks and civic space, live-work units, smaller-scale apartments, and townhomes

Chapter 3, Goals and Policies- Population, Growth, and Economic Development

2. ENHANCE DOWNTOWN AS THE HEART OF THE CITY.

- A. Encourage pedestrian-oriented activities including, restaurants, employment, specialty retail shops, and mixed residential.
- D. Promote residential uses on the second floors of Downtown to create more vibrancy on Main Street.

This section of the Comprehensive Plan supports residential use in a commercial zone.

Title 9: Zoning Regulations

Staff finds the following sections of Title 9 apply to this application. The Commission must find the application is either in accordance with these provisions or they do not apply before the application can be approved.

- **ECC 9-5-2**, Schedule of Zoning Regulations, lists “Single-Family Dwelling” as permitted with a Special Use Permit in the C zone.

This section allows for a new residential use in the Commercial zone with a SUP.

- **ECC 9-7-5U**, Single-Family and Two-Family Dwellings in The C District; states Single-family and two-family residential uses are permitted in the C District on upper stories above ground floor nonresidential use or ground floors behind storefront space or integrated into a mixed-use structure where design is consistent with the storefront character.

Based on this ordinance section, the new residence will be constructed above and at the rear of the commercial business.

- c. Will be designed, constructed, operated and maintained to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and that such use will not change the essential character of the same area;**

The newly created residential use will be inside an existing building, and will not change the general character of the building. Staff finds the proposed use and appearance to be harmonious and appropriate with the existing character of the general vicinity.

- d. Will not be hazardous or disturbing to existing or future neighboring uses;**

Staff finds that the proposed residential use will not be hazardous or disturbing to the neighboring uses.

- e. Will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;**

Staff finds that the subject property at 136 E. Main currently has a water and sewer connection, and can be serviced by Emmett Sanitation, police, fire and schools. Adding the residential occupancy should not have any negative impact on these services.

- f. Will not create excessive additional requirements at public cost for public facilities and services and will not be detrimental to the economic welfare of the community;**

Staff finds that there will be no public cost for public facilities and services that are not already being provided to the property.

- g. Will not involve uses, activities, processes, materials, equipment and conditions or operation that will be detrimental to any person, property or the general welfare because of excessive production of traffic, noise, smoke, fumes, glare or odors;**

Staff finds that adding the residential use would not involve activities that would be detrimental to neighboring properties.

- h. Will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares.**

Staff finds the access to this residence will be from the rear of the building off the alley. No parking is allowed in the alley as this is a city street.

- i. Will not result in the destruction, loss or damage of a natural, scenic or historic feature of major importance. (Ord. 804,11-28-1989)**

Staff finds the site is not located in an area encouraged for preservation or known to be of specific importance as to the natural, scenic or historic features.

6. STAFF RECOMMENDATION

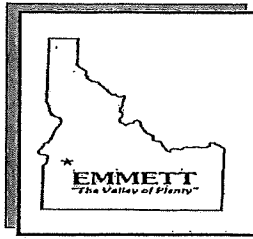
Staff finds the proposed Special Use Permit by Heather Gregory meets all the required findings from the Zoning Ordinance and Comprehensive Plan listed in Section 5 of this report. Based on the information presented to date and available to staff, we recommend approval for this application.

Possible Motion:

I would like to make a motion to approve application SUP23-001 as presented.

OR

I would like to make a motion to deny application SUP23-001 for the following reason:



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: Gregory Apartment

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: 136 E Main St City: Emmett

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

PROPERTY OWNER:

Name: Heather Gregory

Address: 1116 Regency Way

City: Emmett State: ID Zip: 83617

Telephone: 208-365-8877 Fax:

APPLICANT:

Name: Heather Gregory

Address: 1116 Regency Way

City: Emmett State: ID Zip: 83617

Telephone: 208-365-8877 Fax:

Email: Gregorymom.fab5@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.

Signature: Heather Gregory Date: 8/14/2023

Signature: Heather Gregory Date: 8/14/2023

Signature: (Owner)

Date

Signature: (Applicant)

Date

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

OFFICE USE ONLY

File No.: SUP-23-001 Received By: [Signature] Date: 8-14-23 Fee: 315.00 Receipt No: 0294373



Emmett Zoning Department

Brian Sullivan:

bsullivan@cityofemmett.org

Doricela Millan-Sotelo: dmillan-

sotelo@cityofemmett.org

Phone (208)365-9569

Fax (208)365-4651

Affidavit of Legal Interest

I, Heather Gregory, residing at 1116 Regency Way
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 Brian Gregory 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 14th day of August, 2023.

Heather Gregory
Signature

State of Idaho)

S.S.

County of Gen)

On this 14 day of August, in the year of 20 23, before me Doricela Millan-Sotelo a notary public, personally appeared Heather Gregory 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.



Doricela Millan-Sotelo
Notary Public

My Commission Expires on 9-18-23

Gregory Apartment

My intent is to build a small 700 sq. ft. apartment in the back of our existing building on the 2nd story. This studio or 1 bedroom apartment will have its own entrance and exit into the alley behind our building.

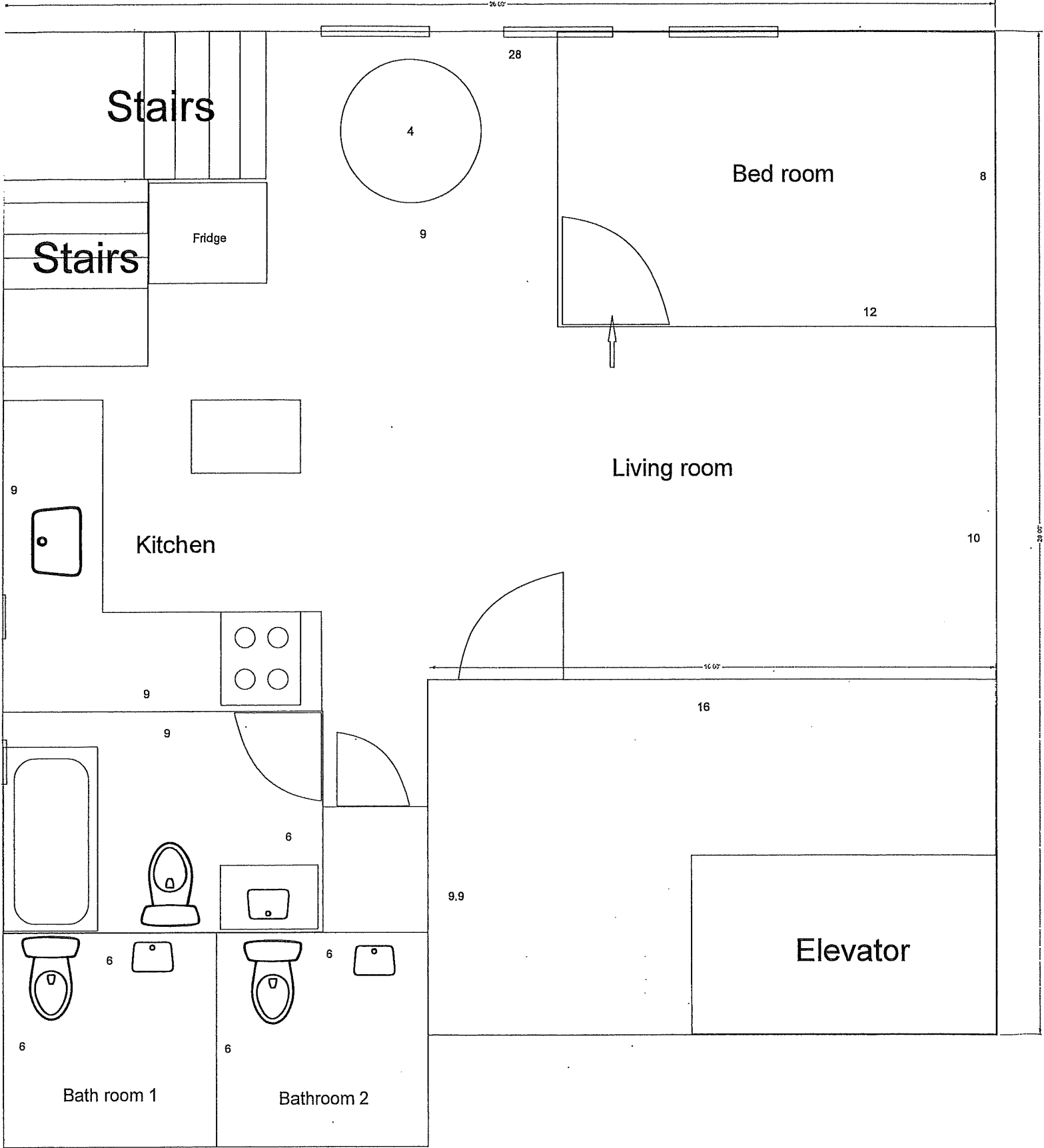
This apartment will fit the general objectives of the comprehensive plan by providing more affordable residential housing. This renovation of an existing building will not change the essential characteristics of the surrounding area and will be adequately served by existing services.

I think this will be a great addition to the downtown atmosphere and general welfare of downtown businesses.

Thank you

Brian and Heather Gregory

N ↑

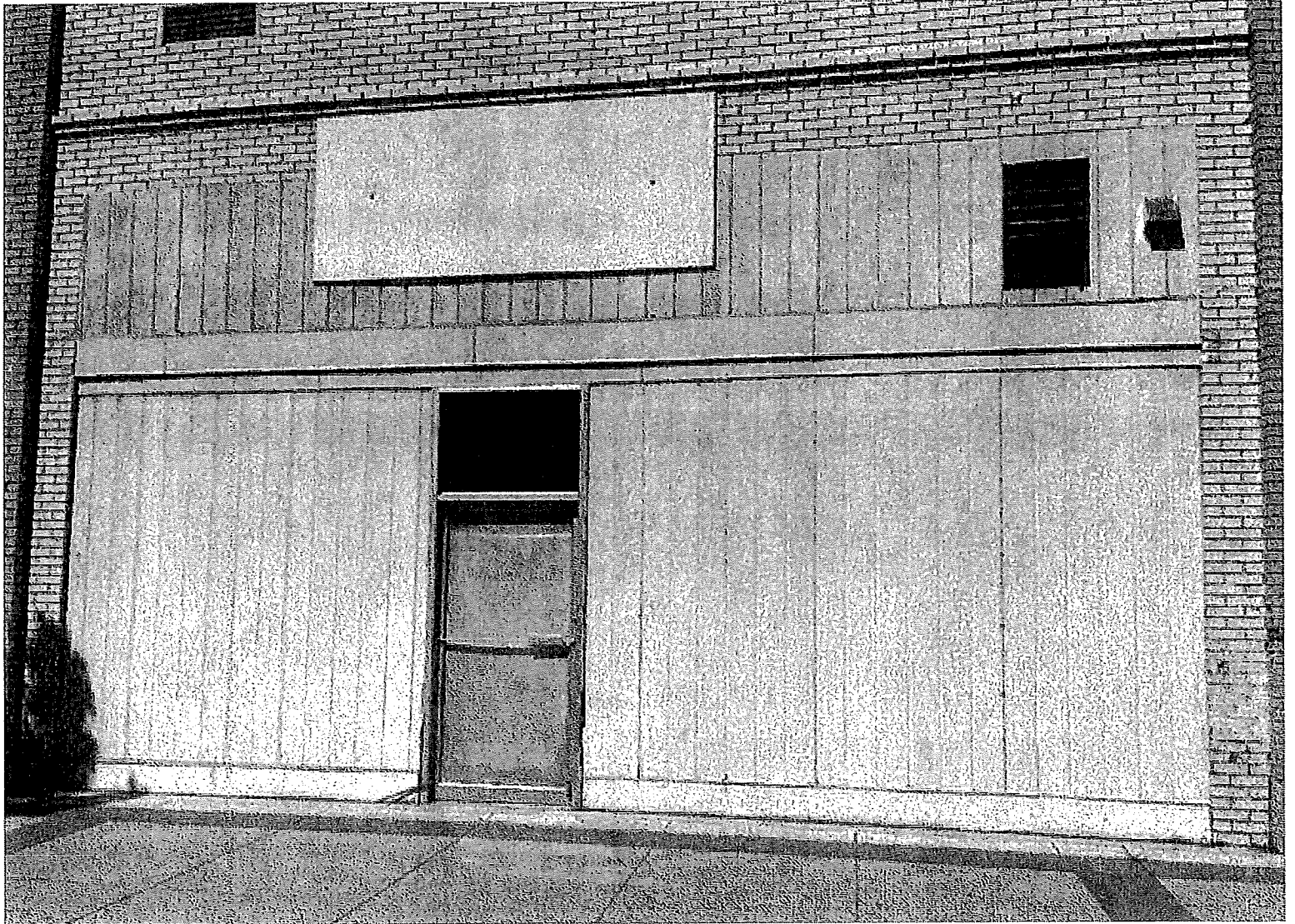


2nd Story Rear of Building

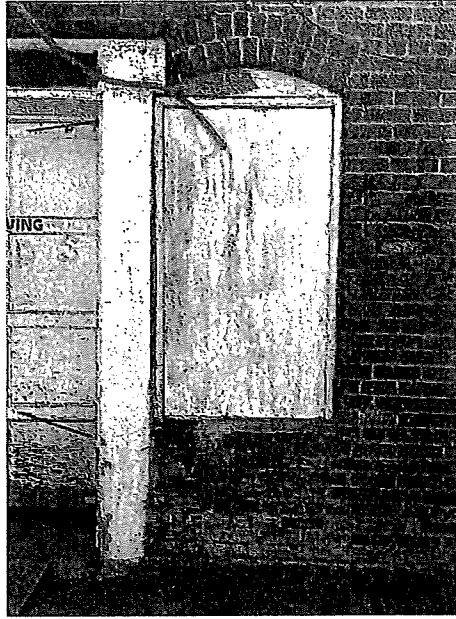
Google Maps



Imagery ©2023 Airbus, Map data ©2023 Google 20 ft



Front of 136 E. Main



New rear entrance
in alley.

Brian Sullivan

From: Hollie Ann Strang <hstrang@co.gem.id.us>
Sent: Tuesday, September 19, 2023 10:18 AM
To: Brian Sullivan
Cc: Sandy Mitchell
Subject: RE: SUP application 136 E. Main

My office has no comments at this time.

Hollie Ann Strang

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

From: Brian Sullivan [mailto:bsullivan@cityofemmett.org]
Sent: Tuesday, September 19, 2023 7:58 AM
To: Clint Seamons <cseamons@cityofemmett.org>; Curt Christensen <cchristensen@cityofemmett.org>; Steve Kunka <skunka@emmettpolice.com>; Hollie Ann Strang <hstrang@co.gem.id.us>; Sandy Mitchell <samitchell@co.gem.id.us>; Megan Keene <mkeene@co.gem.id.us>
Subject: SUP application 136 E. Main

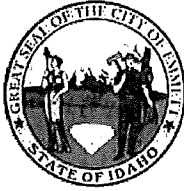
Good Morning,

Attached is a special use permit application for your review and comment. Please send any comments you may have by September 28, 2023.

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=KzVMaVUuMGtFUuV0dTI1NHJkNWVlV1BLcmI4RnI1QlB0Z2tvQlJPdk9aWTO=&h=e2e09e8ab1e94ccf8439d258265ef48f&s=AVNPUEhUTONFTkNSWVBUSVYxel_sMJ7IP4e5MeMg_WyL_kJDJx6vrUYAJdDNkoPdtabD9dEIU0hzCg2B3Ft2JHg

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**CITY OF EMMETT
PLANNING & ZONING DEPARTMENT**

STAFF REPORT

DESCRIPTION: VACATION OF 18" SEWER LINE, SKYHAWK SUB.

FILE NUMBER: VAC-23-001

ZONING COMMISSION PUBLIC HEARING DATE: OCTOBER 2, 2023

**OWNER: CITY OF EMMETT
601 E. 3RD
EMMETT, ID 83617**

APPLICANT: CITY OF EMMETT

SUBJECT PROPERTY: SKYHAWK SUBDIVISION, S. BLACKFOOT AVE.

STAFF PLANNER: BRIAN SULLIVAN

1. APPLICATION SUMMARY & OVERVIEW

The City of Emmett is requesting approval to vacate an abandoned sewer line and easement located in Skyhawk Subdivision. The developer was required as a condition of this subdivision development to upgrade this sewer line to a 21" line, and run it in the road right of way, which will be owned by the City of Emmett. The old 18" sewer line was abandoned in place, but the easement crosses several lots in the subdivision.

Vacation applications are governed under Emmett City Code, Title 2, Chapter 1, Section 6 and by certain provisions of Idaho Code, Title 50, Chapter 13. Emmett City Code requires a public hearing be held before the Zoning Commission.

2. APPLICATION & PROPERTY FACTS

- A. Site Address/Location:
The parcel is generally located on S. Blackfoot Ave. in the Skyhawk Subdivision located within Township 6N, Range 1W, Section 7.
- B. Current Owner(s): City of Emmett
- C. Applicant(s): City of Emmett
- D. Present Zoning: R-1, Single-Family Residential and R-3 Multi-Family Residential
- E. Present Comprehensive Plan Designation: MR- Mixed Residential Neighborhoods
- F. Property Size: Approximately .827 acres.

3. APPLICATION PROCESS FACTS

- A. Application Submittal:
The completed application for this item was received by the Zoning Department on July 24, 2023.
- 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 50, Chapter 13, Idaho Code. The physical property was posted for the public hearing on September 25, 2023.
- C. Relevant Ordinances and Required Actions:
The subject application will in fact constitute a Vacation as determined by Emmett City Code (ECC), Title 2, Chapter 1, Section 6. By reason of the provisions of this code, a public meeting is required before the City Council and they shall reject the request or send it to the Zoning Commission for action and their recommendation to the Council. The City Council informally reviewed the Vacation request at their August 8th meeting and made a motion to send the application to the Zoning Commission to hold a formal public hearing.
- D. Idaho State Code:
Title 50, Chapter 13 of Idaho Code outlines the requirements for vacating plats, roads, easements, etc. within unincorporated and incorporated areas. I.C. 50-1306A gives the procedure to be followed within the city limits.

4. LAND USE

- A. Existing Land Use(s): Skyhawk Subdivision
- B. Description of Character of Surrounding Area: Vacant land that is being transformed into a subdivision.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	MR-Mixed Residential Neighborhoods	R-3, Multi-Family Residential	Meadowbrook apartments
South of site	MR-Mixed Residential Neighborhoods	R-1, Single Family Residential	Indian Meadows Sub.
East of site	MR-Mixed Residential Neighborhoods	R-1, Single Family Residential	Vacant land
West of site	MR-Mixed Residential Neighborhoods	R-1, Single Family Residential	Single Family Residents

5. IMPACT AGENCY AND PUBLIC COMMENTS

The following comments were received from impact agencies in response to the notice of this application:

1. No response

6. SITE SPECIFIC CONDITIONS OF APPROVAL

1. The City of Emmett must adhere to all required elements of Idaho Code Title 50, Chapter 13 pertaining to the vacation of easements as part of this application.

7. STAFF RECOMMENDATION

Staff recommends approval of the application.

Possible Motion:

I make a motion to recommend approval to the Emmett City Council, application VAC 23-001, 18” sewer line easement vacation located in Skyhawk Subdivision.

FOR THE SUM OF \$ 1,213.60, receipt of which is hereby acknowledged, Phillip F. and Elisa Jayo, GRANTORS, hereby grant, bargain, sell, convey and transfer unto CITY OF EMMETT, a municipal corporation, GRANTEE, its successors and assigns, a permanent easement and right-of-way for the purpose of locating, establishing, constructing, maintaining, repairing and operating underground sewer lines, mains and appurtenances together with the right to excavate and refill ditches and/or trenches for the location of said sewer lines or mains, the right to remove bushes, trees, undergrowth and other obstructions interfering with the location, construction and maintenance of said sewer lines and mains and the right of ingress and egress in, from, to and over said easement for the purpose of inspecting, maintaining and repairing such sewer mains and lines.

The perpetual easement and right-of-way hereby given, granted, conveyed and transferred for maintaining, repairing and operating underground sewer lines and mains is described as follows:

A 30.00-foot-wide parcel of land being 15.00 feet Westerly of and 15.00 feet Easterly of and parallel with the following described centerline lying in a portion of Block 5 of Ball Subdivision, as filed for record in the office of the Gem County Recorder, Emmett, Idaho lying in the SW 1/4 of Section 7, T.6N., R.1W., B.N., Gem County, Idaho and more particularly described as follows: Beginning at a brass cap marking the Southwest corner of the said Section 7; thence North 90°00'00" East 767.00 feet along the Southerly boundary of the said SW 1/4 of Section 7, which is also the centerline of 12th Street, to a point; thence North 00°24'10" East 1,445.00 feet, more or less, to a point on the Southerly boundary of the said Block 5 of Ball Subdivision, also said point being the REAL POINT OF BEGINNING; thence North 00°24'10" East 2.00 feet to a point; thence North 06°25'26" West 910.71 feet to a point; thence North 05°10'12" West 291.26 feet, more or less, to a point on the Northerly boundary of the said Block 5 of Ball Subdivision, which is also the centerline of Fourth Street, and also said point being the POINT OF ENDING of the above-described 30.00-foot-wide parcel of land.

GRANTORS further give, grant and convey a temporary easement for the purposes of constructing and installing said sewer mains and lines described as:

A 15.00-foot-wide parcel of land lying 15.00 feet Easterly of and parallel with the Easterly boundary, respectively, and a 15.00-foot-wide parcel of land lying 15.00 feet Westerly of and parallel with the Westerly boundary, respectively, of the above-described 30.00-foot-wide parcel of land.

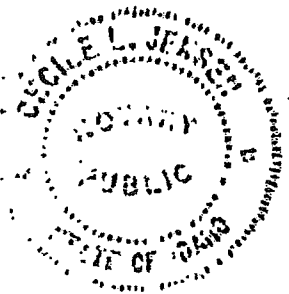
TO HAVE AND TO HOLD the said perpetual easement, rights and rights-of-way to City of Emmett, its successors and assigns forever, except the GRANTORS reserve the right to occupy, use and cultivate the surface of said easement for all purposes not inconsistent with the rights herein granted. Further, the GRANTEE agrees and covenants with the GRANTORS to restore the subsurface and surface of the easements and rights-of-way herein granted and conveyed, to a like condition existing prior to the grant of this easement and right-of-way for both present and future construction. The GRANTEE hereby waives its normal sewer connection fee for three (3) household sewer services which will be extended to the limits of the above-described perpetual easement. The GRANTORS will be responsible for placement of the sewer service on their property, and the GRANTORS will pay monthly use fees for such sewer service after connection is made. The GRANTEE agrees to indemnify and save and hold harmless GRANTORS from any and all losses, claims, actions or judgments for damages or injuries to persons or property arising out of or from, or caused by, the construction, operation, maintenance and use of the aforesaid easements and rights-of-way.

Phillip F. Jayo Elisa Jayo

STATE OF IDAHO)
County of Gem) ss

ON THIS 20 day of October, 19 86 before me, a notary public in and for said State, personally appeared Phillip F. and Elisa Jayo, known to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

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



Cecile L. Jensen
Notary Public for Idaho
Residing at Emmett, Idaho
My Notary Commission Expires 3/12/92
My Notary Bond Expires 2/10/87

155801

Gem County, IDAHO) ss
Recorded at request of
City of Emmett
Time 4:09 PM
DATE October 29, 1986
Instr. No. 155801
Recorded as a Deed
Tol. a R. Kofobici



CITY OF EMMETT
Building & Public Works
Department
601 E. 3rd Street

Building & Public Works
Department

Brian Sullivan:
bsullivan@cityofemmett.org
Clint Seamons
cseamons@cityofemmett.org
Ph: (208) 365-9569

July 26, 2023

Re: Vacate Sewer Easement Skyhawk

Mayor and Council,

Emmett City Code 2-1-6 B.1 describes the process to vacate a subdivision, public right-of-way or existing easement. It requires the council to review a vacation request, and either reject the request, or send it to the planning and zoning commission for action and their recommendation to the council. The planning and zoning shall hold a public hearing, and recommend to the city council approval, denial, or modification of the application. Vacation application will be submitted by the City of Emmett.

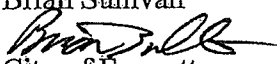
Background/Reason for Application

The Public Works Department and Emmett Building Department have determined the 18" vacated sewer line easement that runs from Indian Meadows Subdivision to W. 4th street along S. Blackfoot Ave. has encroached on properties in the soon to be platted Skyhawk Subdivision. The developer was required to install a new upsized trunk line as part of this development. The new trunk line easement is completely in the right of way of S. Blackfoot Ave., so the existing easement for the 18" trunk line will need to be vacated. The sewer easement was recorded October 29, 1986 under instrument number 155801.

Possible Motion:

I make a motion to send the application to vacate the easement of the 18" sewer trunk line from Indian Meadows Subdivision to W. 4th Street along S. Blackfoot Ave. to the planning and zoning department for a public hearing, and the commission to make a formal recommendation the city council.

to

Brian Sullivan

City of Emmett
Building Official
Zoning Administrator

