

**CITY OF EMMETT, IDAHO
ZONING COMMISSION**

Live Stream

www.cityofemmett.org/zoningmeeting

AGENDA

Monday, March 7, 2022, 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: January 10, 2021 **ACTION ITEM**
6. New Business:
 - a. Overview of Commissioner Duties
 - b. Application updates
 - c. Commissioner update
7. Unfinished Business:
8. Items from the Commission:
9. Items from the: Building Official/Zoning Administrator:
10. Upcoming Meeting(s): Monday, April 4, 2022
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 Monday March 2, 2022, at 4:00 am/pm by: Alishia Elliott

EMMETT CITY ZONING COMMISSION

January 10, 2022

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, Kim Butler, Marta Henry, Larry Jenkins
Commissioners Online: Jeff Wiechmann
Commissioners Absent: Brian Gregory

Staff Present: City Attorney, Jake Sweeten; Zoning Administrator, Brian Sullivan; Recording Clerk, Alisha Elliott
Staff Online: None

Public Present: Joe Jones, Tom Helzer, Connie Downs

Review of Agenda:

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

Approval of Minutes: Commissioner Butler made a motion to approve the November 1, 2021 minutes.
Commissioner Wiechmann seconded the motion. **Motion Carried.**

#1 Public Hearing: Special Use Permit Application by Tom Helzer, 510 S Washington Ave. Residence in a commercial zone.

Zoning Administrator's Presentation

Zoning Administrator Brian Sullivan read the staff report to the commission. The commission had no questions or comments to the Administrator.

Applicant Presentation

Applicant Tom Helzer informed the commission that he plans to change the use from commercial to a residence. Commissioner Butler asked Helzer what the current use is. Helzer informed the commission that the property was being used as a real estate office but now has been changed to a residence.

Public Input

None

Rebuttal

None

The public hearing was closed at 6:18 P.M.

Decision of Public Hearing: ACTION ITEM

Commissioner Butler made a motion to approve the special use permit application and adopt the staff report.
Commissioner Henry seconded the motion. **Motion carried.**

#2 Public Hearing: Variance Request to lot frontage by Joe Jones with Sawtooth Land Surveying, 911 E Locust for property owned by Lloyd and Pamela Wellborn.

Zoning Administrator's Presentation

Commissioner Henry disclosed to the commission that her adult son works for Sawtooth Land Surveying, but did not disclose any information to her regarding this application. Zoning Administrator Brian Sullivan read the staff report to the commission. Commissioner Butler asked for an aerial of the property. The applicant Joe Jones provided an aerial of the property. Commissioner Earls asked if the deeds would be updated once the variance is approved. Sullivan informed the commission that the deeds will be updated once the split has been approved. No further discussion was held.

Applicant Presentation

Applicant Joe Jones with Sawtooth Land Surveying asked the commission if they had any questions for him. The commission had no questions for the applicant. No further discussion was held.

Public Input

None

Rebuttal

None

The public hearing was closed at 6:36 P.M.

Decision of Public Hearing: ACTION ITEM

Commissioner Wiechmann made a motion to approve the variance application and adopt the staff report.

Commissioner Butler seconded the motion. Motion carried.

New Business:

a. Election of Officers **ACTION ITEM**

Commissioner Butler made a motion to elect Gwen Earls as Chairman and Brian Gregory as Vice Chairman.

Commissioner Henry seconded the motion. Motion Carried.

b. Elevate Emmett Survey Responses

The commission reviewed the survey responses. No discussion was held.

Unfinished Business:

None

Items from the Commission:

None

Items from the Building Official/ Zoning Administrator:

Next Regular Meeting – February 7, 2022

Commissioner Butler will be absent at the next meeting.

Meeting adjourned at 6:47 p.m.

Chairman Gwen Earls

Acting Secretary

**CITY OF EMMETT
ZONING COMMISSION
March 7, 2022
6:00pm**

**OVERVIEW OF COMMISSIONER DUTIES
SAMPLE MOTIONS AND OTHER INFORMATION**

Types of Applications

1. Change in the law:
 - a. Ordinance Amendment (Zoning Title 9, Subdivision, Title 10)
 - b. Annexation
 - c. Rezone
 - d. Comprehensive Plan Amendment
 - Nature of decision = addressing the values and benefits to city

2. Permit:
 - a. Subdivision permit / Preliminary Plat
 - b. Planned Unit Development
 - c. Special Use Permit
 - d. Variance
 - Nature of decision = complying with adopted standards

P&Z Commission and City Council Decision-making Authority

3. City Council final decision with Zoning Commission recommendation:
 - a. Ordinance amendment
 - b. Annexation
 - c. Development Agreement
 - d. Rezone
 - e. Comprehensive Plan amendment
 - f. Subdivision permit / Preliminary Plat (no public hearing required at council level)

4. Zoning Commission final decision (unless appealed to City Council):
 - a. Special Use Permit
 - b. Variance

5. City Council final decision (no Zoning hearing):
 - a. Final Plat
 - b. Vacation

Motion Options

1. Applications with required findings:
 - a. Special Use Permit (ECC 9-8-3)
 - b. Planned Unit Development (ECC 9-9-11)
 - c. Annexation (ECC 9-15-10.H)
 - d. Variance (ECC 9-13-5)
 - e. Subdivision Permit/Preliminary Plat (ECC 10-2-3.H)
 - The Commission is required to make decision on the findings outlined in the ordinance.
 - Discuss findings in hearing and/or during deliberation – discuss either one-by-one OR as a whole (typically between 2 and 5 findings)
 - Use/reference the staff report for the exact wording and suggested findings
 - Motion must reference findings prepared by staff, findings made by Commission or combination thereof (The reason we adopt the staff report which contains the findings)
2. Applications without required findings:
 - a. Zoning Ordinance amendment (ECC 9-15-5 refers to Comp Plan, but does not require findings be made)
 - b. Rezone (ECC 9-15-5 refers to Comp Plan, but no required findings)
3. Options for Commission to consider:
 - Take recess to draft motion – recommended if several changes have been discussed
 - Make motion to approve or deny based upon findings presented in the hearing
 - Remember to discuss public testimony and any changes the Commission wants to make based upon public input
 - Motion needs to clarify if ALL written recommendations submitted for the record are included in the decision or if NONE of the recommendations are included or if PARTS of the recommendations are included in decision – please eliminate all guesswork for staff!! (Adopting the staff report includes impact agencies comments)
4. Process of Final Decision
 - a. Zoning office creates summary minutes of hearing and deliberation – typically includes verbatim minutes of motion
 - b. Zoning Department drafts Decision & Order based upon the minutes and motion. Remember - staff only includes items in the motion
 - c. Decision & Order is signed and mailed to applicant
 - d. If Zoning Commission Recommendation to City Council, staff amends the staff report to refer to Zoning Commission and forwards to City Council

5. Who is “staff”?

- Staff includes any City of Emmett employee and/or contracted staff
- Staff does not include outside agencies or departments. Need to refer to ALL written testimony and recommendations

6. What is attached to an ordinance?

- Zoning Commission Recommendations to City Council include all Zoning packet material PLUS the Commission’s written recommendation
- Ordinances passed by City Council typically include a legal description and any concept plans, including Development Agreements, if applicable

7. Almost all planning and zoning decisions made by local zoning boards, commissions, and elected officials fall into one of two categories: legislative decisions or quasi-judicial decisions. The basic difference between the two categories is that legislative decisions establish policies for future application, while quasi-judicial, or administrative decisions are the application of those policies.

8. Examples of legislative decisions-those that establish policies- include the:

- Adoption of plans
- Adoption of ordinances (or amendments to ordinances)
- Passing budgets

9. All legislative decisions are made by the local government’s elected body, but not every decision made by the elected body is a legislative decision.

10. Examples of quasi-judicial decisions– those that apply previously-established policies – include decisions on:

- Variances
- special exceptions
- subdivision plats
- zoning code violations
- site plan review

11. The term “quasi-judicial” literally means court-like; implying that proceedings must be similar to those followed in court proceedings.

12. Quasi-judicial proceedings must follow basic standards of due process, including:

- Proper notice of the hearing
- Providing everyone with an interest in the proceedings an opportunity to be heard and to hear what others have to say
- Full disclosure to everyone of the facts being considered by the decision-making body (i.e., ex parte contacts)
- An impartial decision-maker free from bias and conflicts of interest
- Decisions based on the facts of the case, not on political pressure of vocal opposition.

13. I.C. 67-5253. EX PARTE COMMUNICATIONS. Unless required for the disposition of ex parte matters specifically authorized by statute, a presiding officer serving in a contested case shall not communicate, directly or indirectly, regarding any substantive issue in the proceeding, with any party, except upon notice and opportunity for all parties to participate in the communication.

**CITY OF EMMETT
PLANNING & ZONING COMMISSION
March 7, 2022
6:00pm**

Previously Approved Applications and the status.

- 1. Skyhawk and Skyhawk East Plat- Both approved by Council, construction is underway of Skyhawk.**
- 2. Moon Creek Annexation and Plat- Approved by Council**
- 3. Re-Plat of Sunny Acres lot 4- Constructed and approved final plat**
- 4. Payette River Estates Annexation and Plat – Approved by Council, traffic impact study was required by Council.**
- 5. Gem Valley Townhomes – Approved by Council and construction drawings have been submitted for review.**
- 6. Legacy Heights- Under construction**
- 7. Payette River Orchards- Phase 1-3 have received final plat approval and phase 4-5 have been submitted for final plat approval on March 8, 2022.**
- 8. Park Hampton LLC Annexation – Approved by Council**
- 9. 919 Wardwell Re-Zone – Approved by Council**
- 10. Black Rezone, N. Boise and Dion – Approved by Council**