



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 #20-001 from R-2 (Duplex) to R-3 (Multi-family)

Applicant: Stephen Frey on behalf of 913 Wardwell LLC

Date of Zoning Commission Public Hearing(s): February 3, 2020

Date of City Council Public Hearing: March 10, 2020

Summary of Public Testimony:

In Favor: None

Neutral: Suzanne Shemwell

Opposed: None

Recommendation: Approval of the Rezone from R-2 to R-3 with the following conditions, 1) No structures/landscaping shall be within 12ft of irrigation lateral bank, 2) Add existing structure to the site plan, irrigation lateral, drain, and ditch flows shall be maintained, ensure 10ft easement for pressure irrigation lines, and 3) that only one additional duplex will be allowed and a minimum of 3 off-street parking spaces be provided. . Unanimous vote.

Reason(s) and Findings for Recommendation:

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

Possible Motion:

I make a motion to approve the re-zone of parcel number RP06N01W079240 for applicant Stephen Frey, with the following conditions, 1) No structures/landscaping shall be within 12ft of irrigation lateral bank, 2) Add existing structure to the site plan, irrigation lateral, drain, and ditch flows shall be maintained, ensure 10ft easement for pressure irrigation lines, and 3) that only one additional duplex will be allowed and a minimum of 3 off-street parking spaces be provided. designate the zoning classification of R-3 Multi-Family Residential and direct staff to create an ordinance to bring back to Council for approval.

OR

I make a motion to deny the application by Stephen Frey for a re-zone for the following reason:



CITY OF EMMETT
PLANNING & ZONING DEPARTMENT

STAFF REPORT

DESCRIPTION: REZONE APPLICATION OF 0.428+/- ACRES FROM R-2 (DUPLEX) TO R-3 (MULTI-FAMILY)

APPLICATION # RZ20-001

ZONING COMMISSION HEARING DATE: JANUARY 6, 2020 6:00PM

APPLICANT: STEPHEN FREY
913 S WARDWELL AVE.
EMMETT, ID 83617

PROPERTY OWNER: 913 WARDWELL LLC

SUBJECT PROPERTY LOCATION: 913 S. WARDWELL AVE, T 06N; R 01W; SECTION 7;

PARCEL#: RP06N01W079240

STAFF PLANNER: ANNA MARIE YOUNG

1. APPLICATION SUMMARY/BACKGROUND:

The applicant, Stephen Frey, on behalf of 913 Wardwell LLC, is requesting approval of a Rezone application on a parcel totaling approximately .428 acres from R-2 (Duplex) to R-3 (Multi-Family). There is an existing duplex on the property, that the Applicant recently built. The application states the intended use of the property, after the re-zone, would be to construct another similar duplex. The property is located on the South West bend of the Wardwell-McKinley horse shoe. Although the property is entirely bordered by single-family residences, there are several duplexes within a ¼ mile radius.

Comprehensive Plan / Future Land Uses

The parcel falls within the *Area of City Impact* designation of the 2007 Future Land Use Map of the Comprehensive Plan. (Note: this is an actual land designation and not just the legal Area of City Impact boundary line.)

Staff Recommendation

As further described below, Staff finds that the Rezone application meets the goals of the Comprehensive Plan for a rezone to R-3, Multi-Family, and recommends approval with conditions outlined in the "Staff Recommendations" section below.

2. APPLICATION & PROPERTY FACTS:

A. Site Address/Location:

The property is located at 913 S. Wardwell Ave. The parcel is in Township 06N, Range 01W, Section 7.

B. Assessor Parcel No(s): RP06N01W079240

C. Current Owner(s): 913 Wardwell LLC
13545 Longfellow Ln.
San Diego, CA 92129

D. Applicant(s): Stephen Frey

E. Representative: Same

F. Present Zoning: R-2, Duplex

G. Present Comprehensive Plan Designation: Area of City Impact

H. Property Size: Approximately 0.428 +/- acres, 18,643.68 sq. ft.

3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The Rezone application was received by the Zoning Department on November 7, 2019 and deemed complete on November 12, 2019.

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 December 18th, 2019. 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 December 16, 2019. The physical property was posted for the public hearing on Dec 23rd 2019.

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: None

D. Companion Applications: None

E. Response Letters Received From:

- Last Chance Ditch Company (see comments)
- Keller Associates (see comments)
- City Public Works Dept (see comments)
- Gem County Assessor's Office (no comments)
- Gem County Emergency (no comments)
- Gem County Treasures Office (taxes paid in full)
- City Police Dept (no concerns)
- Emmett School District (no concerns)
- Idaho Power (no comments)

- Jolene Vaughn (concerned residents)

4. LAND USE

- A. Existing Land Use(s): Existing duplex on property
- B. Description of Character of Surrounding Area: The surrounding area is of smaller, older homes, with the exception of several newer duplexes on S. McKinley Ave. and S. Hayes Ave. The property is located within walking distance of Emmett’s Middle School and is also near commercial properties on S. Washington Ave.
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	ZONING DESIGNATION	CURRENT LAND USES
North	R-2 Duplex, P Public Use	Smaller-older homes Emmett Middle School
South	P Public Use	RV Park
East	R-2 Duplex	Smaller-older homes Two duplexes Duplex under construction
West	R-2 Duplex, C Commercial	Six duplexes Duplex under construction

D. Existing Site Characteristics: Existing duplex on property

E. Streets and/or Access Information: Parcel has access to S. Wardwell Ave. only.

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 Future Land Use Map. The Zoning Commission and City Council must review both the Future 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.

Related Excerpts from Comp Plan Chapter 12 Land Use: defining “Area of City Impact”

“Area of City Impact is expected to be the most urbanized area of Gem County. It contains Emmett, which is the county seat and center of government activities and is also the employment center of the county. . . In order to preserve the Area of City Impact for urban development and to better facilitate the future extension of sewer and water lines throughout this area, the minimum lot size for unincorporated land within this area will be five (5) acres. A planning goal of the Area of City Impact is to keep enough land within this area to ensure an adequate supply of land for urban growth into the future.”

“These land areas are generally adjacent to arterials and are anticipated for a variety of residential densities. Residential areas in close proximity of city limits, activity centers and public transportation routes should range in density from 3 to 25 units per acre. Radiating from city centers, decreased density should be at 2 to 6 units per acre to ensure compatibility with existing residential development and continue to promote the community vision. Examples of housing types include, multi-family, townhouses, zero-lot-line development, single-family attached and single family detached. This designation is only intended for use in the Area of City Impact.”

These descriptions of the Area of City Impact land designation outline the purpose of existing and future

uses in this area. It is intended to be "the most urbanized area of Gem County," which is interpreted to mean land that is designed to accommodate a higher population base, increased density and more traffic than rural areas and is served with water and sewer services and other utilities. These Chapter 12 policies also call for adequate land for "urban growth." The application states that the proposed use, if rezoned, is to build another duplex.

Related Excerpts from Comp Plan Chapter 12 Land Use:

There are several important social, economic and environmental factors and trends, which will influence future land use in the Gem community throughout the planning period of 2007-2025. These factors and trends are:

- Increasing population and increasing employment
- Providing for housing diversity
- Increasing demand for business development
- Increasing development along the Payette River
- 12.15 Encourage compatible infill development, which will complement existing neighborhoods.

Related Excerpts from Comp Plan Chapter 3 Housing:

Purpose: Encourage a variety of housing to fit the individual needs of all residents.

Introduction: The housing element has a pivotal role in growth management plans. The element encourages the development of housing in a way which conserves open space, reduces unnecessary cost, and provides housing choices. With this approach, the Gem Community has a way to guide the effects of growth without losing its sense of community. Providing a wide range of housing opportunities for our residents, encourages neighborhoods to remain strong and people to care about community. We desire to maintain the quality of our neighborhoods while planning for the future.

Future Conditions: Continuous planning must occur to reflect the changing economic conditions and/or policies locally and statewide. The Gem Community must recognize and anticipate that future national and state energy policies will impact housing standards. In planning for residential growth, various densities and housing types should be allowed. Examples of housing types include, multi-family, duplex, townhouses, zero-lot -line development, and single family detached. The Gem Community is committed to orderly, logical and fiscally-sound growth (pay as you go, not putting the burden on current residents).

1.0 General Housing Goal Statement: The Gem Community recognizes that housing is one of the most basic and important human needs. All citizens must be provided with the opportunity for adequate housing. Housing policies focus on these areas:

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

Policy 3.1.1 Encourage the provision of quality and diverse housing, as well as creative subdivision designs, of all price ranges for present and future residents.

The above sections of the Joint Comprehensive Plan, support the request to re-zone the property from R-2, Duplex to R-3 Multi-Family. Duplex housing is compatible with the neighborhood as there are several duplexes within ¼ mile of this property.

6. ZONING ORDINANCE

A. Purpose Statement of Zone: Residential R District: The purpose of the R district is to permit the establishment of residential dwellings and other uses that are compatible with residential uses. Centralized water and sewer facilities are required in the R district in accordance with section of this code.

B. The main difference between the R-2 Duplex (existing zone) and the R-3 Multi-Family (proposed re-zone), besides the number of units allowed, is the maximum building height, setbacks, and the minimum lot area, see comparison chart below. Both street-setbacks are the same at 15ft and both Zones require a carport or garage to be constructed.

	R-2 Duplex	R-3 Multi-Family
Max Height	40 ft	45 ft
Set Back	5 ft (sides and rear)	10 ft (sides and rear)

Min Lot Area	8,000 sq ft	8,000 sq ft (for first 2 units) plus 800 sq ft per additional unit
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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

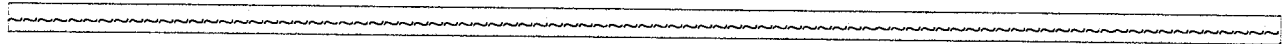
Staff finds that the proposed Rezone conforms with the basic intent of the Comprehensive Plan policies and Future Land Use Map. Staff finds the location and proximity to existing multi-family uses to be a key consideration along with the policies that support a change for this parcel. Based on the information presented to date and available to staff, we recommend “approval with conditions” of this application. The recommended conditions are as follows:

- **Last Chance Ditch Company letter requiring:** No structures/landscaping within 12ft of irrigation lateral bank.
- **Keller Associates letter requiring:** add existing structure to site plan, irrigation lateral, drain, and ditch flows shall be maintained, and to ensure 10ft easements for pressure irrigation lines
- **Approval based on allowing only one (1) additional duplex** to be constructed on the property

-Or-

- **Require a Development agreement for this property**

The Commission must rely upon any additional testimony provided during the public hearing when making its recommendation to the City Council.



For Commissioners only.

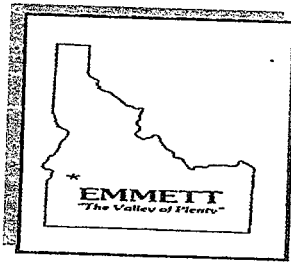
Possible Motion: I recommend approval of application RZ20-001 re-zone from R-2 Duplex to R-3 Multi-family with the following conditions:

- **Last Chance Ditch Company letter requiring:** No structures/landscaping within 12ft of irrigation lateral bank.
- **Keller Associates letter requiring:** add existing structure to site plan, irrigation lateral, drain, and ditch flows shall be maintained, and to ensure 10ft easements for pressure irrigation lines
- **Approval based on allowing only one (1) additional duplex** to be constructed on the property

-Or-

- **Require a Development agreement for this property**

Possible Motion: I recommend denial of the application based on



CITY OF EMMETT REZONE SUBMITTALS AND CHECKLIST

CITY OF EMMETT
601 E. 3rd Street, Emmett, Idaho 83617 www.cityofemmett.org Phone: (208) 365-9569 Fax (208) 365-4651

No rezone shall be recommended for approval by the Commission or granted by the City Council unless they find that the requested rezone is in accordance with the adopted Comprehensive Plan.

PRESENT LAND USE: R-2 Duplexes

PROPOSED LAND USE: R-3 Multi-Family

EXISTING ZONING CLASSIFICATION: R-2 PROPOSED ZONING: R-3

COMPREHENSIVE PLAN DESIGNATION: _____

Submittal Requirements:

FEE: A \$450.00 fee must accompany this completed application. (Non-refundable)

LETTER OF INTENT:

- Intended uses of property if Rezone approved.
- How the proposed rezone relates to the Comprehensive Plan (please refer to page and section numbers of the Comprehensive Plan).

LEGAL DESCRIPTION: A metes and bounds description or lot and block reference of proposed property.

DIGITAL COPY OF LEGAL DESCRIPTION.

SITE PLAN: A vicinity map, which is drawn to scale, must be attached showing the location of the property under consideration.

PROOF OF OWNERSHIP OR VALID OPTION HOLDER: Attach a recorded copy of your property deed, option agreement, quit claim deed, or title report.

*PLAT MAP: Show property under consideration and surrounding properties.

*AERIAL PHOTO: Show property under consideration and surrounding properties.

*(THE ABOVE ITEMS WILL BE PROVIDED BY THE ZONING STAFF)

Checklist

<u>SUBMITTALS</u>	<u>APPLICANT</u> (√)	<u>STAFF</u> (√)
FEE	✓	
LETTER OF INTENT	✓	
LEGAL DESCRIPTION	✓	<i>Need a copy of amended Rec. of survey Inst # 173886</i>
DIGITAL COPY	✓	
SITE PLAN	✓	
PROOF OF OWNERSHIP	✓	
PLAT MAP	N/A	
AERIAL PHOTO	N/A	
PROPERTY OWNERS WITHIN 300'	N/A	

The Administrator reserves the right to not officially accept this application until total review is accomplished and all required information is submitted.

The date of the public hearing will be established by the Administrator upon the acceptance of complete application.

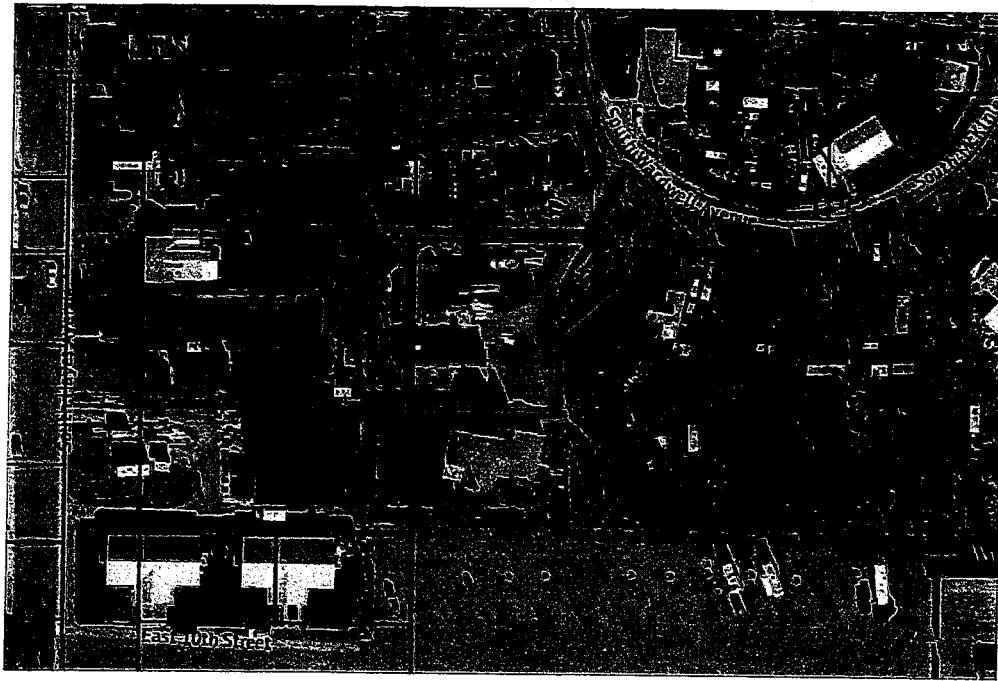
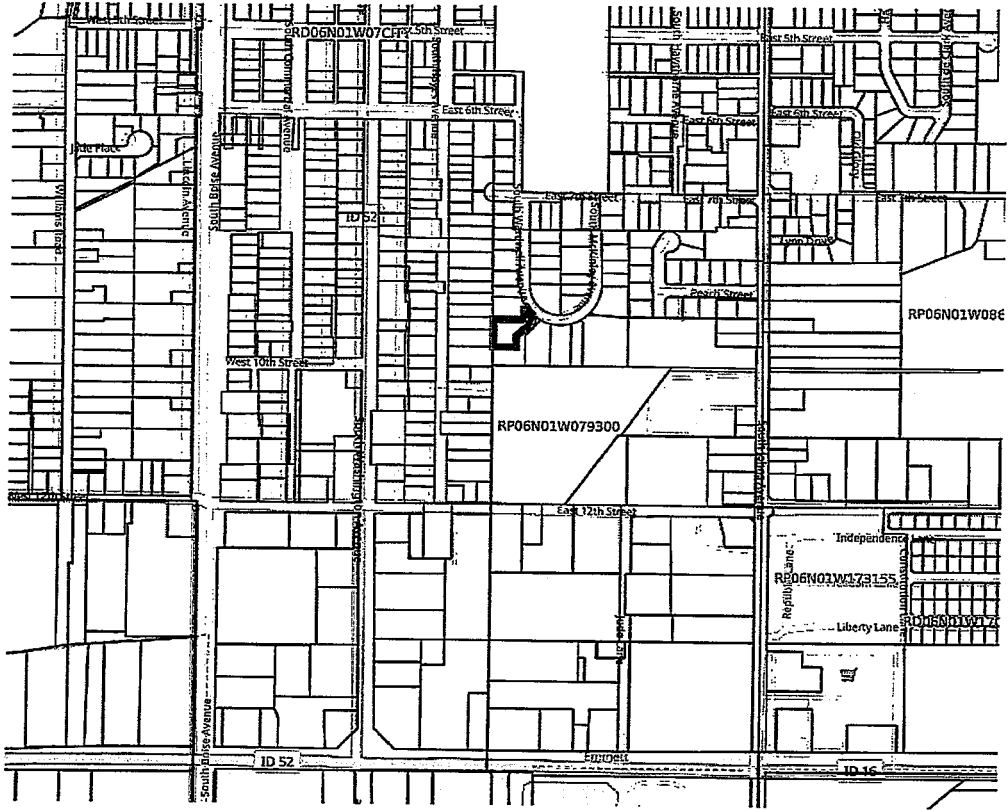
Applicant will be responsible for all publication fees involved with a rezone and change to the zoning ordinance map.

Applicant's Signature *na* Date: *9-27-19*

FOR OFFICE USE ONLY

APPLICATION COMPLETION DATE: _____ COMMISSION HEARING DATE: _____

PROPOSED RE-ZONE 913 S. Wardwell Ave. Emmett, ID



Stephen Frey
Frey Construction
901 S Hayes Ave
Emmett, ID, 83617
208-365-2183

City of Emmett
601 E 3rd Street
Emmett, ID 83617

Dear Sir:

This is a statement to ask for the rezone of 913 S Warwell, Emmett, Id from R-2 to R-3. It is my intent to add two more units with carports on this property to make it a total of four units.

This a large infill lot in a neighborhood of older houses and rental housing. The best use of this lot would be to add two more units to make a fourplex. There would be ample room for off street parking and a large open area to be landscaped. The Owner will build a new fence, install sprinklers and landscape the entire lot.

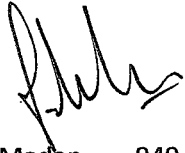
There is severe shortage of rental housing in Emmett and this application, if approved, would create two 3 bedrooms units that would be affordable for working families.

This approval of rezoning would be covered in the Comprehensive plan in Chapter 3-Housing item numbers 3.1.1 thru 3.1.8

Stephen Frey
Frey Construction

Stephen Frey is owner's agent for this application.

Owner: 913 Wardwell LLC
13545 Longfellow Ln San Diego CA 92129



Owner contact Madan 949-322-6318

(Sitaraman)

For 913 Wardwell LLC

RECORD OF SURVEY

A TRACT OF LAND SITUATED IN THE NW 1/4 OF THE SE 1/4 OF THE
OF THE SE 1/4 OF SECTION 7, TOWNSHIP 6 NORTH, RANGE 1 WEST,
BOISE MERIDIAN, GEM COUNTY, IDAHO

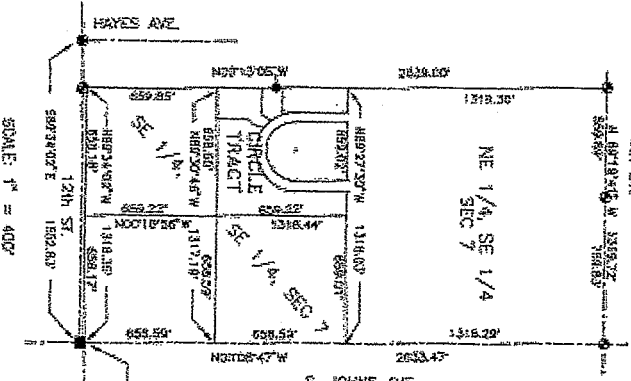
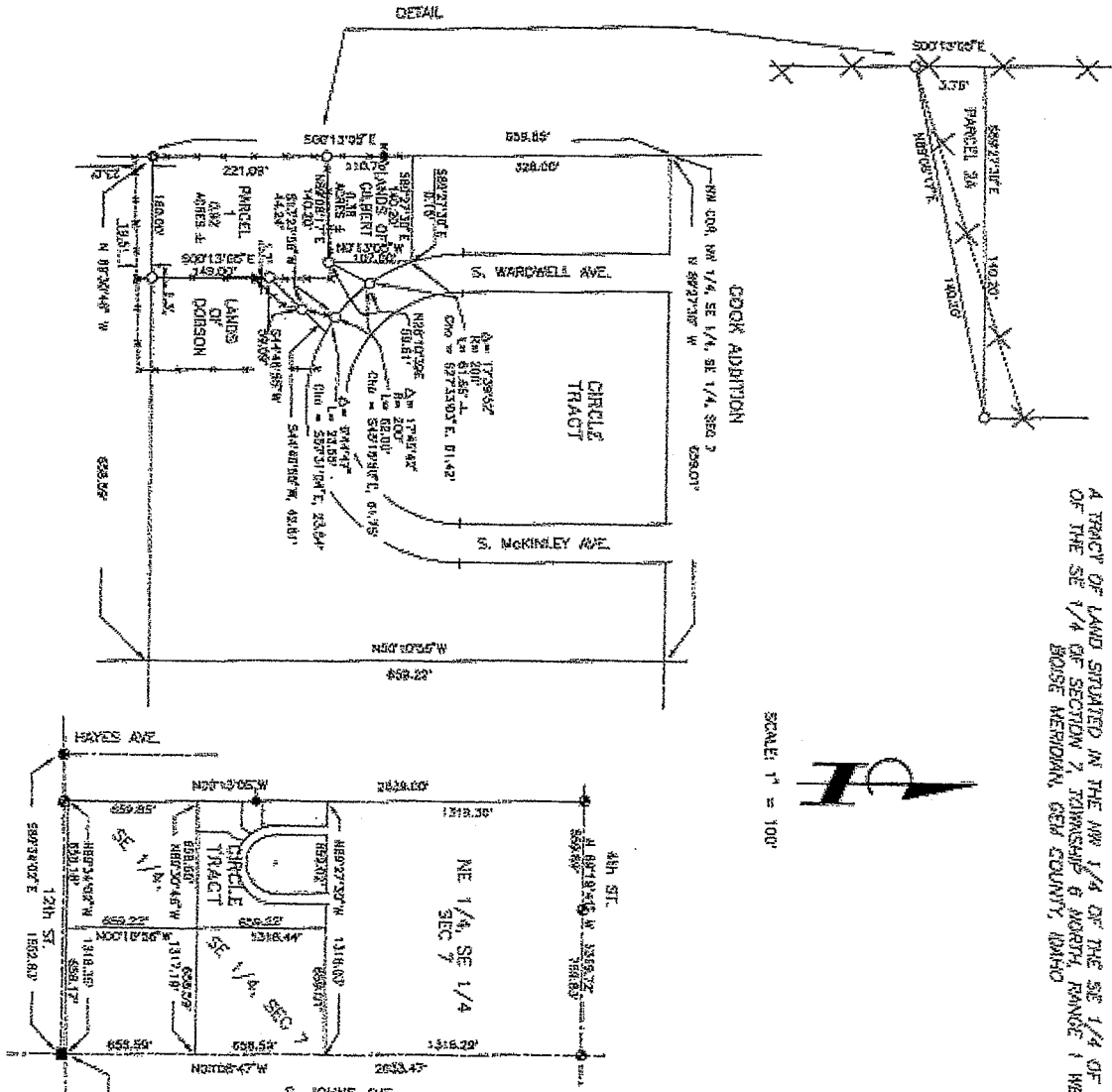
BASIS OF BEARINGS

THE BEARING MEASURED ALONG THE EAST LINE
OF THE SE 1/4 OF SECTION 7, T. 6 N., R. 1 W.,
S.M., AS SHOWN ON THE GROUND RECORD OF SURVEY
ON FILE IN THE NO. 191704, RECORDS OF GEM
COUNTY, IDAHO, WAS TAKEN AS THE BASIS OF
BEARINGS FOR THIS SURVEY.

LEGEND

- FOUND GRASS CAP HORNMARK
- FOUND CAP FROM NW
- FOUND 1/2" IRON PIN
- ▲ FOUND 3/4" x 1/2" IRON PIN
- SET 5/8" IRON PIN P.L.S. 4100
- SET 1/2" IRON PIN P.L.S. 4100
- SET IRON NAIL
- FOUND BY S.M.
- IRONED WIRE FENCE
- § 2000'

SCALE: 1" = 100'



SURVEY FOR:

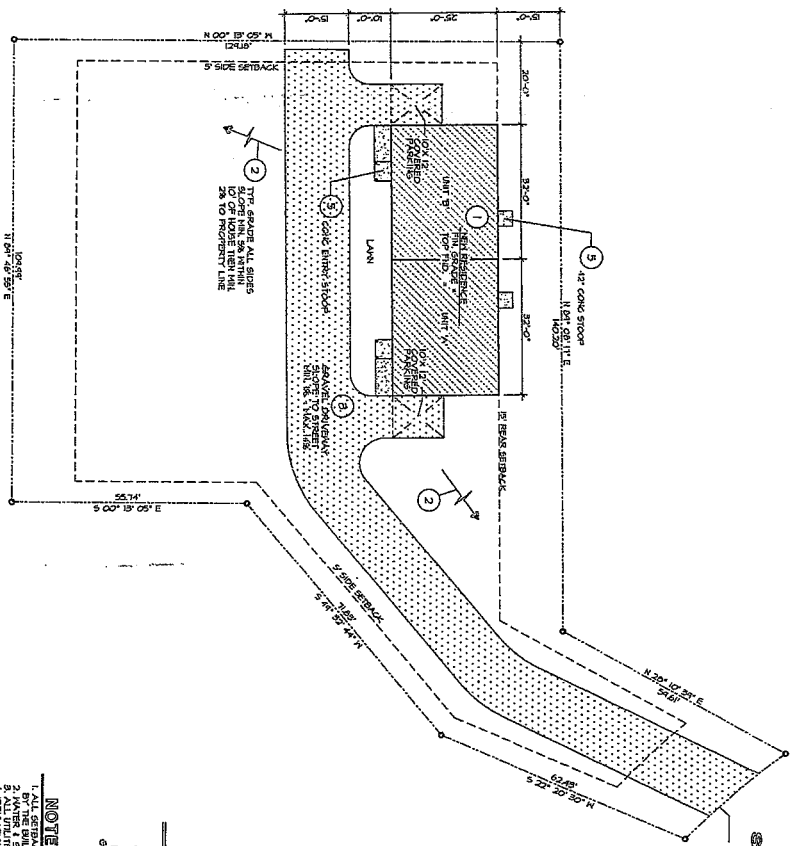
MILK AND HONEY DAIRY
TRUCKS AND EQUIPMENT
FINLEY, DAVID 23017
PHONE: (208) 365-4495

Fischer Land Surveying
PROFESSIONAL LAND SURVEYORS
404 So. Washington
P.O. Box 277
EMERALD, IDAHO 83617
Phone: (208) 365-4146



170896

STATE OF IDAHO
COUNTY OF GEM
Recorded at request of
David Finley, Surveyor
Date: 10/12/82
Book: 22222-2
Page: 22222-2
Recorded as a Survey
Taker: D. Heston, Clerk
Ex-officio Recorder
Pat. S. G.S.
Gem County



SITE PLAN

415 SOUTH WARDWELL AVENUE, BEMETT, IDAHO
 PARCEL 7 - ASSIGNED RECORD OF SURVEY
 DIST. COUNTY, IDAHO - INSTRUMENT NO. 12886

NOTES

1. ALL DIMENSIONS TO CENTER UNLESS NOTED OTHERWISE.
2. WATER & SEWER RECORDS BY CITY OF LOCAL WATER CORP.
3. REVISIONS TO THIS PLAN SHALL BE PROVIDED PER IDAHO CODE, SECT. 51-3005.
4. REVISIONS TO THIS PLAN SHALL BE PROVIDED PER IDAHO CODE, SECT. 51-3005.
5. ALL DIMENSIONS TO CENTER UNLESS NOTED OTHERWISE.

KEY NOTES

1. THIS DRAWING IS THE PROPERTY OF WILLIAMS & ASSOCIATES.
2. THE OWNER SHALL BE RESPONSIBLE FOR OBTAINING ALL NECESSARY PERMITS AND RECORDS FROM THE CITY OF LOCAL WATER CORP.
3. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LOCAL WATER CORP. RECORDS.
4. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LOCAL WATER CORP. RECORDS.
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10. CONSTRUCTION SHALL BE IN ACCORDANCE WITH THE CITY OF LOCAL WATER CORP. RECORDS.



WILLIAMS & ASSOCIATES
 200 EAST 30TH STREET
 BOISE, IDAHO 83714
 (208) 412-8738
 will4088@msn.com

JOB NO. 4412 - SF
 DATE: OCTOBER 02, 2011
 DWN. BY: LOREN D WILLIAMS
 APP. BY: LOREN D WILLIAMS

PROJECT: RESIDENCE - 415 S WARDWELL AVENUE, BEMETT, IDAHO
 (2) EACH 800 SQ FT UNITS
 FOR: STEPHEN FREY CONSTRUCTION - CONT NO. 2201
 BEMETT, IDAHO (208) 565-2169
 THIS DRAWING SHALL NOT BE REVISED OR ALTERED WITHOUT THE WRITTEN AUTHORIZATION OF WILLIAMS & ASSOCIATES

I DO HEREBY CERTIFY THAT THIS DRAWING OR PLAN AND RELATED SPECIFICATIONS MEET ALL LOCAL CODE REQUIREMENTS AND ARE IN SUBSTANTIAL CONFORMITY WITH THE FNA AND VA MINIMUM PROPERTY REQUIREMENTS.

DATE	REVISIONS	BY

SHEET :
2



Pioneer Title Co.
GOING BEYOND

1500 S. Washington Ave., Ste. B
Emmett, ID 83617

ELECTRONICALLY RECORDED-DO NOT
REMOVE THE COUNTY STAMPED FIRST
PAGE AS IT IS NOW INCORPORATED AS
PART OF THE ORIGINAL DOCUMENT

File No. 663778 PG/JW

WARRANTY DEED

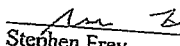
For Value Received Stephen Frey, an unmarried man
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

913 Wardwell LLC, an Idaho Limited Liability Company
hereinafter referred to as Grantee, whose current address is 746 E. Bridgewater Ct. Boise, ID 83706
The following described premises, to-wit:

See Exhibit A attached hereto and made a part hereof.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and
Grantees(s) heirs and assigns forever. And the said Grantor(s) does-(do) hereby covenant to and with the
said Grantee(s), the Grantor(s) is/are the owner(s) in fee simple of said premises; that said premises are
free from all encumbrances EXCEPT those to which this conveyance is expressly made subject and those
made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions,
dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies,
and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable,
and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

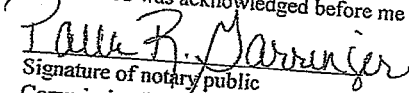
Dated: September 26, 2018



Stephen Frey

State of ID, County of GEM

This record was acknowledged before me on 9/27/2018 by Stephen Frey



Signature of notary public

Commission Expires: 12/04/2020
RESIDING: EMMETT, ID

EXHIBIT A

A tract of land situated in a portion of the Northwest quarter of the Southeast quarter of the Southeast quarter of Section 7, Township 6 North, Range 1 West, Boise-Meridian, Gem County, Idaho, more particularly described as follows:

Commencing at the Northwest corner of the Northwest quarter of the Southeast quarter of the Southeast quarter of Section 7, Township 6 North, Range 1 West, Boise-Meridian, Gem County, Idaho; thence
South 00°13'05" East, 438.76 feet along the West line of said Northwest quarter of the Southeast quarter of the Southeast quarter of Section 7 to a found 1/2" iron pin L.S. 4108 and the REAL POINT OF BEGINNING; thence
North 89°08'17" East, 140.20 feet to the Southeasterly corner of that certain parcel of land deeded to L.F. Gilbert and Arla P. Gilbert per Instrument No. 134453, recorded November 10, 1980, records of Gem county, Idaho; thence
North 28°10'39" East, 59.61 feet to a point on the Southerly right of way line of South Wardwell Avenue, being also a point on a non-tangent 200.00 foot radius curve to the left concave Northeasterly; thence
Southeasterly along the arc of said curve having a central angle of 08°52'21" an arc length of 30.97 feet and a chord which bears south 41°03'53" East, 30.94 feet to a set 1/2" iron pin L.S. 4108; thence leaving said curve
South 22°20'30" West, 62.43 feet to a set 1/2" iron pin L.S. 4108; thence
South 49°32'44" West, 71.83 feet to a set 1/2" iron pin L.S. 4108; thence
South 00°13'05" East, 55.74 feet to a set 1/2" iron pin L.S. 4108; thence
South 89°46'55" West, 109.99 feet to a point on the West line of the Northwest quarter of the Southeast quarter of the Southeast quarter by a set 1/2" iron pin L.S. 4108; thence
North 00°13'05" West along said West line, 129.18 feet to the REAL POINT OF BEGINNING.

Except ditch and road rights of way.

Subject to a waterline easement to install, repair, maintain and alter water lines across and under the East part of the above described property (known as Parcel 2 of Fischer Survey Job No. 92-04,002) for the benefit of this property and for the benefit of the property to the South and adjacent to this parcel (known as Parcel 1 of Fischer Survey Job No. 92-04.001).

TOGETHER with a sewer line easement to install, repair, maintain & alter sewer lines, across and under the East portion of adjacent parcel described as (Parcel 1 of Fischer Survey Job No. 92-04.001) to the Easterly portion of the above described (Parcel 2 of Fischer Survey Job No. 92-04.002) for the benefit of both described Parcels.



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

Affidavit of Legal Interest

I, MADAN SITARAMAN, residing at 13545 Longfellow Ln
San Diego, CA 92129 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 Stephen Frey 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 _____ day of _____, 20 ____.

 Signature

State of Idaho)

S.S.

County of _____)

On this _____ day of _____, in the year of 20 ____, before me _____ a notary public, personally appeared _____, proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument, and acknowledged that he/she executed the same.

(Seal)

 Notary Public

My Commission Expires on _____

CALIFORNIA CERTIFICATE OF ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California)

County of San Diego)

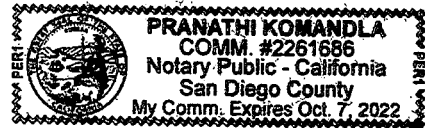
On January 2nd 2020 before me, Pranathi Komandla, Notary Public,
(here insert name and title of the officer)

personally appeared Madan Sitaraman _____

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature Pranathi _____

(Seal)

Optional Information

Although the information in this section is not required by law, it could prevent fraudulent removal and reattachment of this acknowledgment to an unauthorized document and may prove useful to persons relying on the attached document.

Description of Attached Document

The preceding Certificate of Acknowledgment is attached to a document titled/for the purpose of Affidavit of legal interest

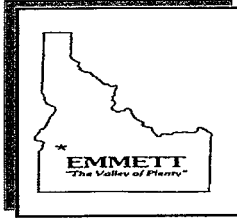
containing 1 pages, and dated 01/02/2020

The signer(s) capacity or authority is/are as:

- Individual(s)
- Attorney-in-Fact
- Corporate Officer(s) _____
Title(s)
- Guardian/Conservator
- Partner - Limited/General
- Trustee(s)
- Other: _____

representing: _____
Name(s) of Person(s) or Entity(ies) Signer is Representing

Additional Information	
Method of Signer Identification	
Proved to me on the basis of satisfactory evidence:	
<input type="radio"/> form(s) of identification <input type="radio"/> credible witness(es)	
Notarial event is detailed in notary journal on:	
Page # _____ Entry # _____	
Notary contact: _____	
Other	
<input type="checkbox"/> Additional Signer(s) <input type="checkbox"/> Signer(s) Thumbprint(s)	
<input type="checkbox"/> _____	



CITY OF EMMETT
MASTER PUBLIC HEARING APPLICATION

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

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: REZONE 20A-001 913 S. Wardwell Ave.

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: 913 S. Wardwell Ave. Lot: Block: City: Emmett

Tax Parcel Number(s): RPO6N01W079240 Current Zoning: R-2 Current Land Use: ONE DUPLEX

PROPERTY OWNER:

Name: Madan

Address: 13545 Long Fellow Ln

City: San Diego State: CA Zip: 92129

Telephone: 619-322-6318 Fax:

APPLICANT:

Name: Stephen Frey

Address: 901 S Hayer

City: Emmett State: ID Zip: 83617

Telephone: 209-625-1992 Fax: Email: Freyrdqhe@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: (Owner)

Signature: (Applicant)

Signature: (Owner)

Date Signature: (Applicant)

Date

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

OFFICE USE ONLY

File No.: 20-001 Received By: AY Date: Nov 12 2019 Fee: Receipt No:

LAST CHANCE DITCH COMPANY

PO BOX 428 / 118 N Commercial Ave
Emmett ID 83617

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

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

December 19, 2019

CITY OF EMMETT ZONING COMMISSION
601 E 3RD ST
EMMETT ID 83617

Re: PROPOSED REZONE 913 S. WARDWELL AVE_FREY, STEPHEN

To Whom It May Concern:

Upon review of the proposed plans for the applicant, Last Chance Ditch has no objections to the application but will require the following condition be met:

- No structures, trees/vegetation, or other interferences within 12' of the top of the irrigation lateral bank to allow for ditch right of way for management and maintenance matters.

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

Respectfully,

Doyle Fackler
Ditch Manager



151 SW 5th Ave, Suite A
Meridian, ID 83642
(208) 288-1992

December 27, 2019

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

Re: City of Emmett—Rezone Application for 913 S Wardwell Avenue Property

Keller Associates, Inc. has reviewed the Rezone application for 913 S Wardwell Avenue dated December 16, 2019. We reviewed the applicant's package to check conformance with the City's Ordinances. This development is proposing rezone from an R-2 to R-3 status. The development states they will add two more units to make a fourplex. The comments below identify some items of question that will require clarification, and a few requirements that will be placed on the development. Some of the questions and comments listed below would typically be addressed later in design, but are included now for consideration by the City.

1. Existing structures should be shown on the site plan to show how new improvements will impact the existing site features.
2. Historic irrigation lateral, drain, and ditch flow patterns shall be maintained unless approved in writing by the local irrigation district or ditch company.
3. 10-foot easements for pressure irrigation lines will need to be shown once the applicant determines the alignment location(s) for the facilities. Show all ditch and drainage easements.

We recommend that the Rezone be **APPROVED with the conditions listed above**. Any variance or waivers to the City of Emmett standards, ordinances, or policies must be specifically approved in writing by the City. Approval of the above referenced rezone does not relieve the Registered Professionals of those responsibilities.

If you should have any questions, please feel free to contact me at (208) 288-1992.

Sincerely,

KELLER ASSOCIATES, INC.

A handwritten signature in black ink, appearing to read "Ryan V. Morgan".

Ryan V. Morgan, P.E.
City Engineer

cc: File



**CITY OF EMMETT
PUBLIC WORKS DEPARTMENT**

601 East 3rd Street
Emmett, Idaho 83617

Clint Seamons
Director
Public Works Dept.

Gordon Petrie, Mayor
Michelle Welch, City Council President
Lyleen Jerome, City Clerk
Jake Sweeten, Attorney

Councilman: Mike Stout
Eltona Henderson
Shawn Alder
Steve Nebeker
Gary Resinkin

Emmett Zoning
Attn: Brian Sullivan

Applicant: Steven Frey
Address: 913 S. Wardwell Ave. Emmett

Mr. Sullivan,

Emmett Public Works will require new sewer and water connections to each building and curb/gutter/sidewalk in City right-of-way. Developer will need to check elevations for sewer and placement of the curb/gutter/sidewalk will need to be staked by a professional surveyor.

Clint Seamons
Public Works Director

Anna Marie Young

From: Sharron Wiley <swiley@co.gem.id.us>
Sent: Friday, December 27, 2019 5:00 PM
To: Anna Marie Young
Subject: RE: COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.

Follow Up Flag: Follow up
Flag Status: Flagged

Good Afternoon...

I have reviewed this... and have no comments at this time

From: Anna Marie Young [mailto:ayoung@cityofemmett.org]
Sent: Monday, December 16, 2019 9:32 AM
To: Anna Marie Young <ayoung@cityofemmett.org>
Cc: Brian Sullivan <bsullivan@cityofemmett.org>; Jake Sweeten <jsweeten@capitolawgroup.com>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>
Subject: COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.

Good Morning,

Please review the attached Rezone Application and send us your comments **by Friday Dec 27th**. Even if you don't have any comments, please provide us a letter stating you have no comments for the record.

Thank you so much!

~Anna Marie Young

City of Emmett, Planning Clerk
Building & Public Works Dept.
601 E 3rd St. Emmett, ID 83617
(208) 365-9569
ayoung@cityofemmett.org



GEM COUNTY CONFIDENTIALITY DISCLAIMER: *This message (including any attachments) may be privileged, confidential and/or protected from disclosure under applicable law. It is intended only for the use of the individual or entity above-named. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient please notify the sender by reply email and immediately delete this email.*

OFFICE OF
Megan Keene
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR

GEM COUNTY



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

December 24, 2019

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

RE: Rezone (Stephen Frey)
Loc: 913 S. Wardwell Avenue
PIN: RP06N01W079240
FILE NO.: CRZ 20-001

Dear Brian,

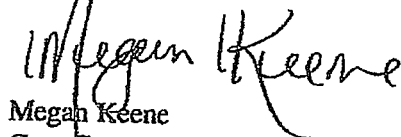
After reviewing the Rezone Application for the above applicant, following are my comments concerning the subject parcel:

Parcel RP06N01W079240 has the 2019 taxes paid in full.

***Please note--Splits, Combos, PBAs, Platted Subdivisions, and Manufactured Homes Declared Real need to be correctly recorded by no later than May 1, 2019, in order to show up in the 2019 Assessment Roll and 2019 Tax Roll. Anything recorded after that date will be valued and taxed based on how the property was as of January 1, 2019.*


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

Sincerely,


Megan Keene
Gem County Treasurer

:mm

**INDEPENDENT SCHOOL DISTRICT OF EMMETT
#221**



Craig Woods, Superintendent

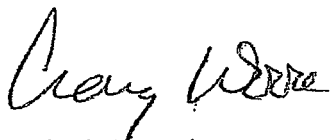
December 17, 2019

Brian Sullivan
Zoning Administrator
City of Emmett Zoning Commission
601 E 3rd St
Emmett ID, 83617


Brian Sullivan:

At this time Emmett Independent School District 221 does not have any current concerns regarding the application made by Stephen Frey to rezone the property located at 913 S Wardwell in Emmett.

Respectfully,



Craig Woods
Emmett School District Superintendent



Emmett Ensures Educational Excellence

400 Pine St. Suite 1, Emmett, ID. 83617 Phone (208) 365-6301 Fax (208) 365-2961
www.emmettschools.org

Brian Sullivan

From: King, Shelley <SKing@idahopower.com>
Sent: Monday, December 16, 2019 11:06 AM
To: Brian Sullivan
Subject: FW: COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.
Attachments: CRZ 20-001 Impact Agency Packet 913 S Wardwell Ave.pdf

Idaho Power has no comment on the rezone of the above property.

Thank you,

Shelley King
Regional Designer Leader
1550 S Main St. | Payette, ID | 83661
Work 208-642-6278
sking@idahopower.com

From: Anna Marie Young <ayoung@cityofemmett.org>
Sent: Monday, December 16, 2019 9:32 AM
To: Anna Marie Young <ayoung@cityofemmett.org>
Cc: Brian Sullivan <bsullivan@cityofemmett.org>; Jake Sweeten <jsweeten@capitollawgroup.com>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>
Subject: [EXTERNAL]COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.

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

Good Morning,

Please review the attached Rezone Application and send us your comments **by Friday Dec 27th**. Even if you don't have any comments, please provide us a letter stating you have no comments for the record.

Thank you so much!

~Anna Marie Young

City of Emmett, Planning Clerk
Building & Public Works Dept.
601 E 3rd St. Emmett, ID 83617
(208) 365-9569
ayoung@cityofemmett.org



Brian Sullivan

From: Anna Marie Young
Sent: Tuesday, December 17, 2019 1:40 PM
To: Laurie Boston
Cc: Brian Sullivan
Subject: RE: COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.

Thank you for your response!

From: Laurie Boston <lrboston@co.gem.id.us>
Sent: Tuesday, December 17, 2019 11:19 AM
To: Anna Marie Young <ayoung@cityofemmett.org>
Subject: RE: COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.

Good Morning,

I have reviewed the proposed rezone for 913 S. Wardell Ave. and have no comments for the record.

Thanks,
Laurie

Laurie Boston
Gem County Emergency Manager
208.284.0772

From: Anna Marie Young [<mailto:ayoung@cityofemmett.org>]
Sent: Monday, December 16, 2019 9:32 AM
To: Anna Marie Young <ayoung@cityofemmett.org>
Cc: Brian Sullivan <bsullivan@cityofemmett.org>; Jake Sweeten <jsweeten@capitolawgroup.com>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>
Subject: COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.

Good Morning,

Please review the attached Rezone Application and send us your comments **by Friday Dec 27th**. Even if you don't have any comments, please provide us a letter stating you have no comments for the record.

Thank you so much!

~Anna Marie Young

City of Emmett, Planning Clerk
Building & Public Works Dept.
601 E 3rd St. Emmett, ID 83617
(208) 365-9569
ayoung@cityofemmett.org



Anna Marie Young

From: Steve Kunka
Sent: Monday, December 16, 2019 12:25 PM
To: Anna Marie Young
Subject: RE: COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.

To whom it may concern,

I did review the attached proposed ReZone at 913 S. Wardwell and had an officer go look at the property. I do not have any concerns or comments at this time for the addition of the two 3 bedroom units.

Respectfully,

Chief Steve O. Kunka

From: Anna Marie Young
Sent: Monday, December 16, 2019 9:32 AM
To: Anna Marie Young
Cc: Brian Sullivan; Jake Sweeten; Doricela Millan-Sotelo
Subject: COMMENTS REQUESTED for Proposed ReZone 913 S. Wardell Ave.

Good Morning,

Please review the attached Rezone Application and send us your comments **by Friday Dec 27th**. Even if you don't have any comments, please provide us a letter stating you have no comments for the record.

Thank you so much!

~Anna Marie Young

City of Emmett, Planning Clerk
Building & Public Works Dept.
601 E 3rd St. Emmett, ID 83617
(208) 365-9569
ayoung@cityofemmett.org



December 27, 2019

Jolene Vaughn
826 S. Wardwell Ave.
Emmett, ID 83617

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

RE: 913 S. Wardwell Ave.
06N; 01W; Section 7

To Whom It May Concern:

I have lived at 826 S. Wardwell Ave. in Emmett since July 2013. I really like this neighborhood. The circle around to McKinley has been pretty quiet. I have many neighbors who have small children and they are awesome kids!! **I love that they have felt safe enough to draw hop-scotch on the sidewalk and play.**

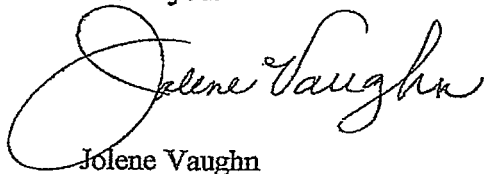
The TRAFFIC has been tolerable... until about a year ago.

The traffic has not only INCREASED substantially, but is FAST!!! I have literally stood out in the middle of the road to stop offenders and tell them they either slow down, or I will take license plate numbers and turn them in. That has helped a little, but there are constant (evidently visitors) newcomers and it is a never-ending battle.

The S. Wardwell / S. McKinley circle is a very narrow road. With some of the on-street parkers, cars need to wait in order to pass.

My concern (objection) is that with the addition of a 2 more 'families' in this neighborhood, the traffic will be more than the road can handle... and more than the current families... more than all of us... can handle.

Thank you.


Jolene Vaughn

Norman Zimmerman 827 S. Wardwell Ave.
Ashley Wyatt 827 S. Wardwell Ave
Ashley Wyatt
Amanda Gragg 903 S. Wardwell Ave
Amanda Gragg
PATRICIA WOOD 966 S. WARDWELL
Michael Roadster Patricia Wood



CITY OF EMMETT

Zoning Commission

Recommendation to City Council

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

Application: Annexation ANN #20-002 with zoning classification and a Development Agreement DA #20-001

Applicant: Sawtooth Land Surveying for owner One Plus None, LLC

Date of Zoning Commission Public Hearing(s): February 3, 2020

Date of City Council Public Hearing: March 10, 2020

Summary of Public Testimony:

- In Favor: None
- Opposed: None
- Neutral: None

Recommendation: Approval of the annexation with development agreement of .452 acres with C- Commercial zoning classification per the findings in the application. Unanimous vote.

Reason(s) and Findings for Recommendation:

The Commission finds the proposed annexation conforms with the basic intent of the Comprehensive Plan and Future Land Use Map. See the attached application/staff report for details.

Possible Motion:

I make a motion to approve the annexation with development agreement of parcel number RPC91000010040 for owner One Plus None LLC and designate the zoning classification of C- Commercial and direct staff to create an ordinance to bring back to Council for approval.
OR

I make a motion to deny the application by One Plus None LLC for annexation and development agreement for the following reason:



**CITY OF EMMETT
PLANNING & ZONING DEPARTMENT**

**APPLICATION FOR
ANNEXATION**

DESCRIPTION: ANNEXATION W/ZONING CLASSIFICATION, .452 ACRES

APPLICATION NUMBER: ANN#20-002

ZONING COMMISSION HEARING DATE: FEBRUARY 3, 2020 @ 6:00

**APPLICANT: SAWTOOTH LAND SURVEYING
2030 S. WASHINGTON
EMMETT, ID 83617**

PROPERTY OWNER: GUS PORTER, 1 PLUS NONE, LLC

**SUBJECT PROPERTY LOCATION: LOT 4, BLOCK 1, COMMERCIAL SUBDIVISION, 2030 S.
WASHINGTON, SECTION 18, TOWNSHIP 6 N., R. 1 W.,
B.M., GEM COUNTY, IDAHO.**

PARCEL#: RPC91000010040

STAFF PLANNER: BRIAN SULLIVAN

1. APPLICATION SUMMARY:

The purpose of this application is to request annexation with zoning classification of a parcel of land located at 2030 S. Washington Ave. into the City of Emmett. The existing county zoning classification is C-1, Commercial, and the requested city zoning classification is C, Commercial. This area is eligible to request annexation as it is within the Area of City Impact and contiguous to the existing city limits. The area to be annexed is approximately .452+- acres and has frontage on S. Washington Ave.

ECC 9-15-10, Annexation Procedures, outlines the complete application and review process for annexation requests. Section E.13 allows the Administrator to require certain types of studies, depending upon the size and location of the proposed annexation. Staff's determination is that the review of the annexation application can proceed without these studies.

2. APPLICATION PROCESS FACTS:

A. Application Submittal:

The complete application for this item was filed by Sawtooth Land Surveying on December 19, 2019.

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 6509, Idaho Code on January 15, 2020 in the Messenger Index. The physical property was posted on January 24, 2020.

C. Relevant Ordinances and Required Actions:

The subject application will in fact constitute an Annexation application as determined by Emmett City Code (ECC) 9-15-10A - D. By reason of the provisions of the ECC Title 9, Chapter 15, a public hearing is required before the Zoning Commission ("Commission") and the City Council ("Council") on this matter. The Commission must make a recommendation to the Council and make findings of fact and conclusions of law relating to compliance with the Comprehensive Plan, per ECC 9-15-10H.

3. APPLICATION & PROPERTY FACTS:

A. Site Address/Location:

The area to be annexed contains approximately .452 acres and fronts S. Washington. The property is surrounded by the City of Emmett.

4. LAND USE

A. Existing Land Use(s): Business office or Sawtooth Land Surveying

B. Description of Character of Surrounding Area: This vicinity is comprised of D & B to the north, vacant lot owned by Sawtooth Land Surveying to the south, Bi-Mart to the west, and vacant land owned by D & B to the east.

C. Adjacent Comprehensive Plan, Zoning and Land Use:

	COMP PLAN DESIGNATION	ZONING DESIGNATION	LAND USE
North of site	Area of City Impact	C- Commercial	Retail Store, D & B
South of site	Area of City Impact	C- Commercial City, C-1, Commercial County	Vacant Land Ed's Automotive
East of site	Area of City Impact	C- Commercial	Vacant Land
West of site	Area of City Impact	C-Commercial	Retail Store, Bi-Mart

D. Existing Site Characteristics: Business Office for Sawtooth Land Surveying.

E. Streets and/or Access Information: Parcel has frontage and access to S. Washington Ave.

5. IDAHO STATUTE

A. Idaho statute title 50, chapter 2, section 50-222 gives general provisions for annexation by cities. (1) Legislative intent. The legislature hereby declares and determines that it is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services, to enable the orderly development of private lands which benefit from

the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe.

(2) General authority. Cities have the authority to annex land into a city upon compliance with the procedures required in this section. In any annexation proceeding, all portions of highways lying wholly or partially within an area to be annexed shall be included within the area annexed unless expressly agreed between the annexing city and the governing board of the highway agency providing road maintenance at the time of annexation. Provided further, that said city council shall not have the power to declare such land, lots or blocks a part of said city if they will be connected to such city only by a shoestring or strip of land which comprises a railroad or highway right-of-way.

(3) Annexation classifications. Annexations shall be classified and processed according to the standards for each respective category set forth herein. The three (3) categories of annexation are:

(a) Category A: Annexations wherein:

(i) All private landowners have consented to annexation. Annexation where all landowners have consented may extend beyond the city area of impact provided that the land is contiguous to the city and that the comprehensive plan includes the area of annexation;

(ii) Any residential enclaved lands of less than one hundred (100) privately owned parcels, irrespective of surface area, which are surrounded on all sides by land within a city or which are bounded on all sides by lands within a city and by the boundary of the city's area of impact; or

(iii) The lands are those for which owner approval must be given pursuant to subsection (5)(b)(v) of this section.

This annexation is classified as a category A annexation as outlined above.

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

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

CHAPTER 9 - PUBLIC SERVICES AND UTILITIES

- GC9.1.2: Policies for City of Emmett-Encourage annexations within the Impact Area for hook-up to municipal services.
- GC9.2.3 – Revise the zoning and subdivision ordinances and adopt, as necessary, specialized planning tools or development review guidelines, based on the Comprehensive Plan.

This application is a Zoning Amendment application which updates the official zoning map of the City of Emmett and, in that sense, is a revision to the ordinance to keep-up with development changes. The existing and proposed zoning is found to be in accordance with the Comprehensive Plan.

CHAPTER 12 – LAND USE

- Growth Management- Gem community citizens consider growth management a high priority issue. Existing elements of growth management include: annexation policies, the Gem Community Comprehensive Plan, Zoning and Subdivision Ordinances, Sewer and Water Plans and Health District Policies. Annexing land, and subsequently extending service throughout the Area of City Impact allows for an orderly, logical expansion of the city.
- 12.8 – Protect citizen investments in existing public facilities by managing growth through community planning, reviews and development agreements and fees.
- 12.31– Support commercial and business developments throughout the county that are compatible with adjacent development and/or agricultural uses.

7. REQUIRED COMMISSION FINDINGS & STAFF ANALYSIS

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

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

The analysis of the Gem Community Comprehensive Plan is provided in Section 6 above. Staff finds the property included in this annexation request lies within the "Area of City Impact" designation of the Future Land Use Map in the Joint Comprehensive Plan. Chapter 12 of the Gem Community Comprehensive Plan describes the intent and development goals of this area. Land in this area is slated to be annexed and zoned when it becomes contiguous with the city limits and when urban services are available. This property is completely surrounded by City limits.

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

Staff recommends the Commission support the proposed zoning classification of C, Commercial for the .452 acres and recommend approval of the annexation with Development agreement to City Council.



Annexation Application

Property Owner Consent:

By signature hereon, the property owner acknowledges that City officials and/or employees may, in the performance of their functions, enter upon the property to inspect, post legal notices, and/or other standard activities in the course of processing this application, pursuant to Idaho Code §67-6507. The property owner is also hereby notified that members of the Zoning Commission and City Council are required to generally disclose the content of any ex parte discussion (outside the hearing) with any person, including the property owner or representative, regarding this application.

Property Owner's Signature: [Signature] Date: 12/17/19

Name of Registered Surveyor/Engineer: Sawtooth Land Surveying

Mailing Address: 2030 S Washington Ave, Emmett, ID 83617

Phone: (208) 398-8104 Fax: () - Cell: (208) 860-0532

Zoning: Current Zone (County) Commercial Proposed zone (City) Commercial

Submittal Requirements:

- Fee up to 5 acres - \$475.00
More than 5 but less than 50 acres - \$700.00
More than fifty acres - \$1200.00
• A vicinity map showing the general area of the annexation-1/2 mile radius.
• A metes and bounds legal description. For zoning purposes, said legal shall describe to the centerline of any adjacent public streets plus 25 feet on the opposite side of centerline. If the public street is fee simple ownership by a public entity, the legal shall include all of the existing right-of-way.
• A digital copy of the legal description. (.pdf or word document)
• A parcel map, to scale, showing accurate boundaries of the parcel proposed for annexation.
• A schematic design of the entire project showing the proposed uses, density, streets, alleys, easements, and proposed size and location of open spaces and parks.
• One 11" x 17" copy of any larger plans and/or maps accompanying the application.
• Proof of ownership interest in the subject property.
• A phasing plan showing the proposed dates of construction and completion of phased construction for infrastructure, streets, alleys, utilities and all other development. In the case of a phased project, items C and D of Section 9-15-10-E of the attached Annexation Ordinance No. 02005-12 may be omitted for future phases; however provisions shall be made within an annexation agreement for submittal of plans and payment of fees for future phases.
• Unless the Administrator determines, in the Administrator's sole and absolute discretion, one or more of the

NARRATIVE STATEMENT	✓	✓
PROPERTY OWNER LIST WITHIN 300'	N/A	—

The Administrator reserves the right to not officially accept this application until total review is accomplished and all required information is submitted. The date of the public hearing will be established by the Administrator upon the acceptance of a completed application.

Additional fees for services rendered (including, but not limited to fees for City Attorney, City Engineer, and Staff) to be negotiated before application is certified as complete.

The applicant shall pay all publication costs associated with the annexation application.

Cost of additional noticing, recording fees, and other direct costs will also be assessed.

Applicant's Signature Wally Benier Date: 12/18/19

****FOR OFFICE USE ONLY****

APPLICATION COMPLETION DATE: _____ COMMISSION HEARING DATE: _____

following studies are not warranted based on the size, scope and impact of a proposed annexation, the following studies shall be submitted:

- a) Traffic study showing impact on adjacent streets and streets that would serve the proposed project.
 - b) Floodplain study (if applicable).
 - c) Soils study (if applicable).
 - d) Wetland study (if applicable).
 - e) Wildlife study.
 - f) Contour map depicting 15% and 25% slope lines measured at two foot (2') intervals.
- A fiscal impact analysis or an updated fiscal impact analysis in accordance with Section 9-15-10-I(B). The analysis may be submitted at the time of the application for annexation, or when the application is reviewed by the Emmett City Council ("Council") as set forth in Section 9-15-10-I.
 - Narrative statement describing the following eight items:
 1. How the proposed project complies with specific goals and policies of the Gem Community Comprehensive Plan.
 2. How the proposed project is compatible with adjacent neighborhood(s).
 3. How applicable natural resources (e.g., water courses, springs, streams, wildlife and access to public lands) and natural hazards (e.g., floodplains and floodways) are incorporated into proposed project and/or mitigated.
 4. What contributions and/or dedications the applicant is willing to make as part of the proposed annexation.
 5. How the proposed annexation will protect Emmett's established or proposed wellhead protection zones.
 6. How the annexation will impact the existing municipal infrastructure and services (e.g., water, sewer, streets, library, police, fire and parks).
 7. Who will maintain the streets, alleys, parks and utilities (privately and publicly owned utilities) and how the maintenance of the streets, alleys, parks and utilities (privately owned utilities) will be funded.
 8. The proposed project, including the approximate a) number and size of proposed lots, b) length and location of the proposed water and sewer mains, c) length and location of proposed streets and alleys, and d) length and location of the proposed sidewalks.

Checklist

<u>SUBMITTALS</u>	<u>APPLICANT</u>	<u>STAFF</u>
	(√)	(√)
FEE	✓	✓
VICINITY MAP	✓	✓
LEGAL DESCRIPTION / DEED	✓	✓
DIGITAL COPY		N/A
PARCEL MAP	✓	✓
SCHEMATIC DESIGN	NA	?
11 X 17 COPY	NA	-
PROOF OF OWNERSHIP / DEED	✓	✓
PHASING PLAN	NA	N/A
STUDIES	NA	N/A
FISCAL IMPACT ANALYSIS	NA	N/A



Sawtooth Land Surveying, LLC

P: (208) 398-8104 F: (208) 398-8105
2030 S. Washington Ave., Emmett, ID 83617

Narrative Statement

December 19, 2019

Brian Sullivan
City of Emmett

RE: Office Annexation

Dear Brian Sullivan,

On behalf 1 Plus None, LLC, I am submitting this Narrative Statement, attached application and supporting documents for the Annexation of 2030 S Washington Ave, Emmett, ID 83617.

This office comprises of .45 acres and is located on South Washington Ave. south of D&B Supply. Also located in Section 18, T. 6 N., R. 1 W., B.M., Gem County, Idaho. Details on the existing individual property comprising the project is as follows:

<u>Address</u>	<u>Parcel Number</u>	<u>Acreage</u>
2030 S. Washington Ave	RPC91000010040	.45

This property is within Gem County and carries the Commercial zoning designation. It is one of the few outlier county parcels that are included in a tentative plan by the City to annex said outlier county parcels into the City of Emmett. This proposal is not for a new development, but is proposing the annexation of an existing office building and parking lot with no further modifications.

There are no proposed changes that will affect or impact wildlife, water courses, streams, public lands, etc.

The City of Emmett already owns the right of way fee-simple along South Washington Ave., so no additional contributions or dedications will be proposed.

We are proposing to connect an existing 4000 square foot office building and parking lot to City water and sewer.

South Washington Ave. is a public road and maintained by the City of Emmett. The existing parking lot is privately owned and will continue to be privately owned and maintained by 1 Plus None, LLC.

There are no known health, safety, or environmental issues that currently exist or that will exist as a result of this annexation.

Please contact us should you have any questions or if we can be of any assistance with your processing of this applications.

Sincerely,
Vice President

Gus Porter
Sawtooth Land Surveying, LLC



Sawtooth Land Surveying, LLC

2030 S. Washington Ave.
Emmett, ID 83617
P: (208) 398-8104
F: (208) 398-8105

560 W. Canfield Ave., #200
Coeur d'Alene, ID 83815
P: (208) 714-4544
F: (208) 719-0404

1410 Lincoln Ave., Ste. G
Jerome, ID 83338
P: (208) 329-5303
F: (208) 324-3821

December 19, 2019
ANNEXATION PARCEL

BASIS OF BEARINGS for this legal description is South 89°23'42" East between the brass cap marking the CN1/16 corner of Section 18 and a brass cap marking the NE1/16 corner of Section 18, both in T. 6 N., R. 1 W., B.M., Gem County, Idaho.

Lot 4, Block 1, of Commercial Subdivision, as shown in Book 2 of plats at Page 28, Records of Gem County and a portion of the right of way of S. Washington Ave. A parcel of land located in the SW1/4 of the NE1/4 of Section 18, T. 6 N., R. 1 W., B.M., Gem County, Idaho, more particularly described as follows;

COMMENCING at the brass cap marking the CN1/16 corner of said Section 18;

Thence South 89°23'42" East, coincident with the north line of said SW1/4 of the NE1/4 of Section 18, a distance of 684.62 feet to the northwest corner of said Commercial Subdivision;

Thence South 0°07'42" East, coincident with the west line of said Commercial Subdivision, 289.03 feet to the **POINT OF BEGINNING**;

Thence North 89°52'18" East, 251.22 feet to the northeast corner of Lot 4, Block 1 of said Commercial Subdivision;

Thence South 0°02'58" West, coincident with the east line of said Lot 4, Block 1 of Commercial Subdivision, 114.98 feet to a 1/2" rebar no cap;

Thence South 89°52'18" West, 250.86 feet, to the west line of said Commercial Subdivision;

Thence North 0°07'42" West, coincident with the west line of said Commercial Subdivision, a distance of 114.98 feet to the **POINT OF BEGINNING**.

The above described parcel contains 0.663 acres more or less.





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

Affidavit of Legal Interest

I, Gus Porter, residing at 2030 S Washington Ave
Emmett, ID 83617 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 Sawtooth Land Surveying 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 17TH day of DECEMBER, 20 19.

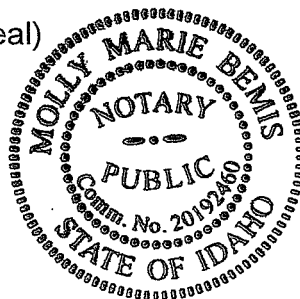
Gus Porter
Signature

State of Idaho)

County of Gem) S.S.

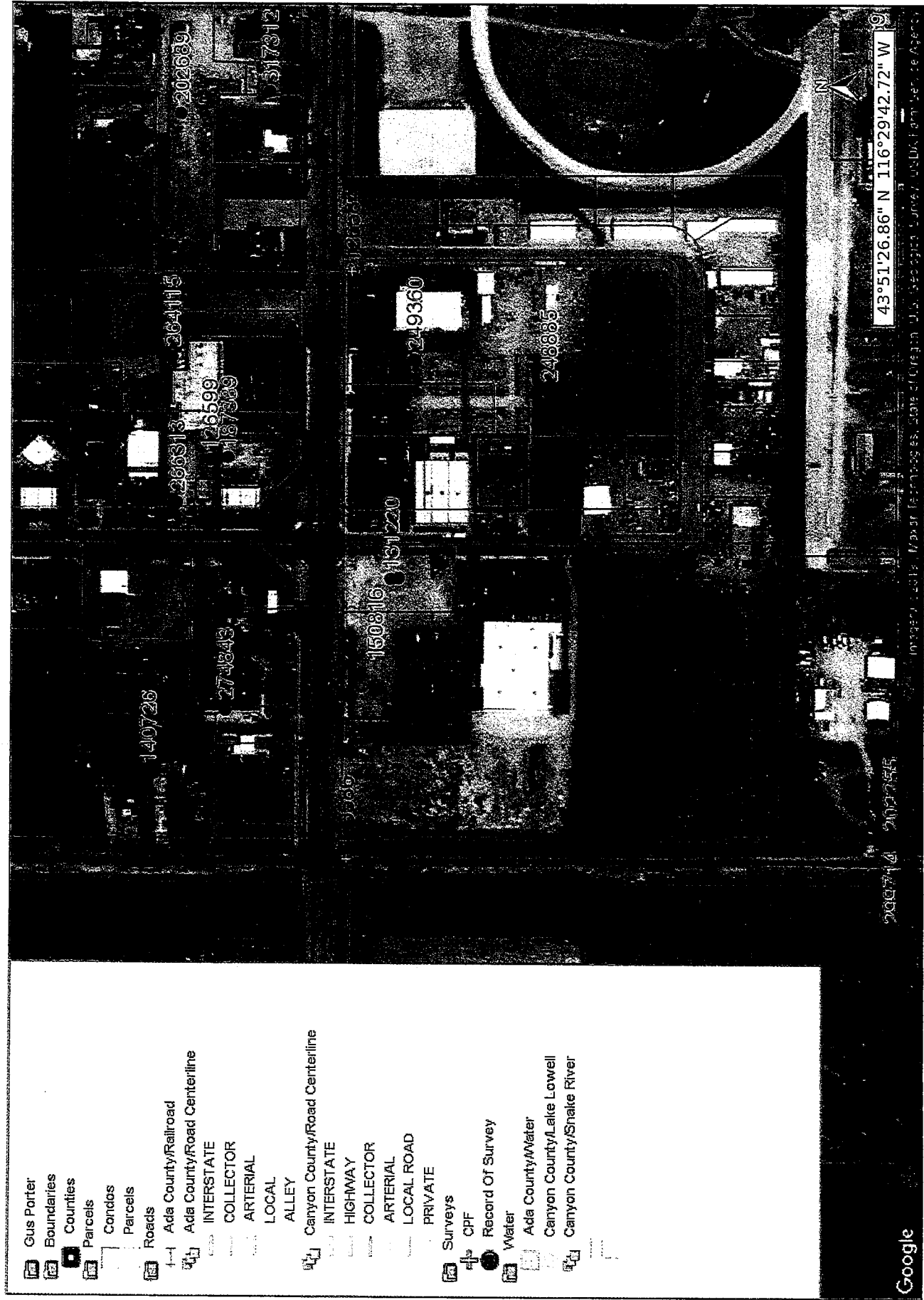
On this 17 day of December, in the year of 20 19, before me
Molly Bemis a notary public, personally appeared Gus Porter,
proved to me on the basis of satisfactory evidence to be the person whose name is
subscribed to the within instrument, and acknowledged that he/she executed the same.

(Seal)



Molly Bemis
Notary Public

My Commission Expires on 11/25/2025



Instrument # 323631

EMMETT, GEM, IDAHO
2019-10-15 03:16:17 PM No. of Pages: 2
Recorded for: ALLIANCE TITLE - BOISE PRODUCT
SHELLY TILTON Fee: \$15.00
Ex-Officio Recorder Deputy SStewart
Index To: WARRANTY DEED
Electronically Recorded by Simplifile

WARRANTY DEED

Alliance Title & Escrow Corp. Order No.:454092

FOR VALUE RECEIVED

CGA Holdings, LLC, an Idaho Limited Liability Company

the grantor(s), do(es) hereby grant, bargain, sell and convey unto

1 Plus None, LLC, an Idaho Limited Liability Company

whose current address is

2030 S. Washington Ave.
Emmett, ID 83617



the grantee(s), the following described premises, in Gem County, Idaho, TO WIT:

Lot 4 in Block 1 of Commercial Subdivision, according to the official plat thereof, filed in Book 2 of Plats at Page(s) 28, records of Gem County, Idaho.

TO HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, heirs and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee(s), that (s)he is/are the owner(s) in fee simple of said premises; that they are free from all encumbrances Except: Current Year Taxes, conditions, covenants, restrictions, reservations, easements, rights and rights of way, apparent or of record.

And that (s)he will warrant and defend the same from all lawful claims whatsoever.

Dated: October 14, 2019

CGA Holdings, LLC, an Idaho Limited Liability Company

Carl Porter
Carl Porter, Member

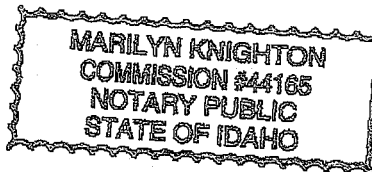
Tyler Gus Porter
Tyler "Gus" Porter, Member

State of Idaho } ss
County of Gem }

On this 14 day of October, 2019, before me, Marilyn Knighton, a Notary Public in and for said state, personally appeared Carl Porter known or identified to me to be the Managing Member in the Limited Liability Company known as CGA Holdings who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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

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

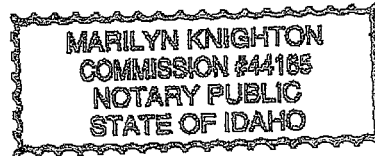


State of Idaho } ss
County of Gem }

On this 15 day of October, 2019, before me, Marilyn Knighton, a Notary Public in and for said state, personally appeared Tyler "Gus" Porter known or identified to me to be the Managing Member in the Limited Liability Company known as CGA Holdings who executed the foregoing instrument, and acknowledged to me that he/she executed the same in said LLC name.

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

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

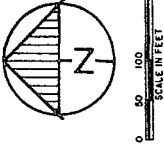


COMMERCIAL SUBDIVISION

SECTION 16, T6N, R1W, B.M. IDAHO

LEGEND

- PLAT BOUNDARY
- LOT LINE
- CENTERLINE
- EASEMENT
- BRASS CAP
- 5/8" ROD
- 1/2" ROD
- IRREGULAR UTILITY
- DRAINAGE
- EASEMENT
- UNDERGROUND
- UTILITY EASEMENT



STATE OF IDAHO S.S.
COUNTY OF GEM

I, Ronald H. Blakely, a Registered Professional Engineer, in and for said County and State do hereby certify that the survey of COMMERCIAL SUBDIVISION in Gem County, Idaho, as described on the back of this plat was made by me or under my direction and this plat correctly shows the survey as made.

IN WITNESS WHEREOF, I have hereunto set my hand and seal this 25th day of April, A.D. 1978

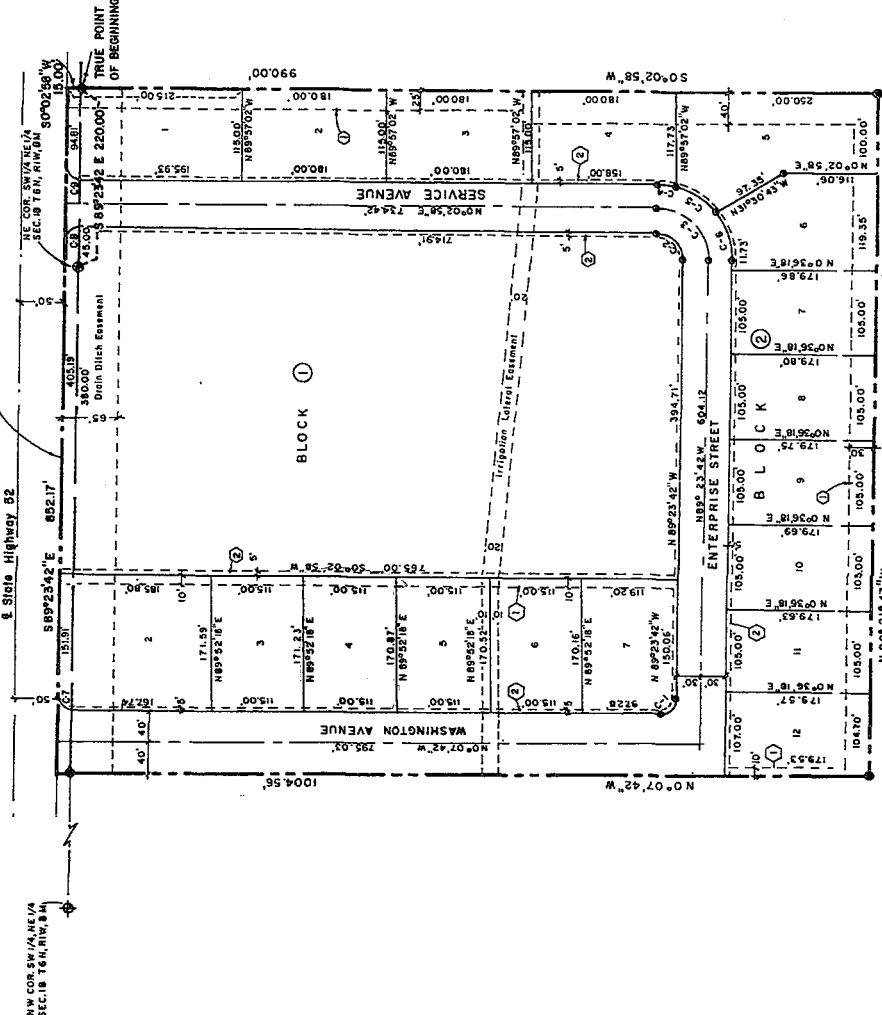


I hereby certify that this instrument was filed for record on the request of Ronald H. Blakely 48 1/2 minutes past 2:00 p.m. this 25th day of April, A.D. 1978.

Fee \$10.00 134.00
Instrument No. _____
Recorder Shelma R. Kuehler
Deputy Shirley L. Russell

Protective Covenants filed with this plat
Instrument No. 234102
Sidewalk to be in place before occupancy.

TAX ASSESSMENT
CHANGING TAX
GENERAL SCHOOL TAX
FIRE DIST. NO. _____
SCHOOL DIST. NO. _____
MOSQUITO ABATEMENT _____

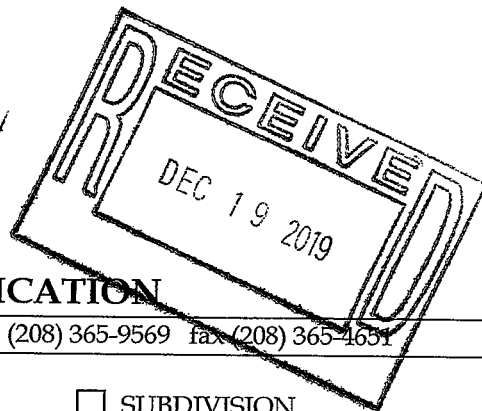
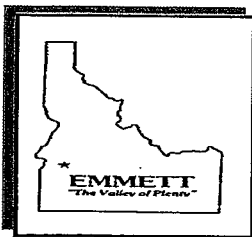


CURVE DATA						
CURVE NO.	R	Δ	T	L	L.C.	L.C. BEARING
C-1	20.00'	89°16'00"	1975'	31.16'	28.00'	N 44° 45' 42" W
C-2	30.00'	90° 33' 20"	3029'	47.41'	42.63'	N 45° 19' 38" E
C-3	60.00'	90° 33' 20"	6058'	94.83'	85.26'	N 45° 19' 38" E
C-4	90.00'	149° 08' 56"	1117'	22.23'	22.17'	N 07° 07' 26" E
C-5	90.00'	38° 56' 33"	3182'	61.17'	60.00'	N 35° 40' 00" E
C-6	90.00'	37° 27' 51"	3052'	58.85'	57.81'	N 71° 52' 12" E
C-7	20.00'	90° 44' 00"	2022'	31.67'	28.40'	S 45° 04' 18" W
C-8	20.00'	89° 28' 40"	1981'	31.22'	28.15'	S 44° 40' 22" E
C-9	20.00'	90° 33' 20"	2019'	31.61'	28.42'	S 44° 19' 58" W

Solitary restriction in force under Title 50, Chapter 15, Idaho code, no building or other requiring water supply or sewage disposal can be built on this tract of land until the solitary restriction is removed by the Director of the Idaho Department of Health and Welfare, or his designee.

FRONT

BOOK 2 PAGE 28



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: Sawtooth LS Office

SITE INFORMATION:

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

Quarter: _____ Section: 18 Township: 6N Range: 1W Total Acres: .45

Subdivision Name (if applicable): _____

Site Address: 2030 S Washington Ave Lot: 4 Block: 1
City: Emmett

Tax Parcel Number(s): RPC91000010040 Current Zoning: Commercial Current Land Use: Commercial

PROPERTY OWNER:

Name: Gus Porter / I Plus None, LLC

Address: 2030 S Washington Ave

City: Emmett State: ID Zip: 83617

Telephone: 208-398-8104 Fax: _____

APPLICANT:

Name: Sawtooth Land Surveying

Address: 2030 S Washington Ave

City: Emmett State: ID Zip: 83617

Telephone: 208-398-8104 Fax: _____

Email: Molly@sawtoothls.com

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

Gus Porter 12/17/19

Signature: (Owner)

Date

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

Molly Dennis 12/17/19

Signature: (Applicant)

Date

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

OFFICE USE ONLY

File No.:	Received By:	Date:	Fee:	Receipt No.:
<u>Ann 20-002</u>	<u>AY</u>	<u>12/23/19</u>	<u>\$1475</u>	<u>RCT19-53</u>

Brian Sullivan

From: Anna Marie Young
Sent: Tuesday, January 28, 2020 10:22 AM
To: Sharron Wiley
Cc: Brian Sullivan
Subject: RE: COMMENTS REQUESTED for Proposed Annexation 2030 S Washington Ave Emmett

Thank you Shar, I will record your response :)

From: Sharron Wiley <swiley@co.gem.id.us>
Sent: Tuesday, January 28, 2020 10:21 AM
To: Anna Marie Young <ayoung@cityofemmett.org>
Subject: RE: COMMENTS REQUESTED for Proposed Annexation 2030 S Washington Ave Emmett

Good Morning, Anna Marie.

I have no comments to add at this time for this Annexation Application.

Thanks
Shar

From: Anna Marie Young [<mailto:ayoung@cityofemmett.org>]
Sent: Monday, January 13, 2020 11:22 AM
To: Anna Marie Young <ayoung@cityofemmett.org>
Cc: Brian Sullivan <bsullivan@cityofemmett.org>; Doricela Millan-Sotelo <dmillan-sotelo@cityofemmett.org>; Jake Sweeten <jsweeten@capitolawgroup.com>
Subject: COMMENTS REQUESTED for Proposed Annexation 2030 S Washington Ave Emmett

Good Morning, Please review the attached Annexation Application, ANN #20-002, and send us your comments **by Monday Jan 27th**. Even if you don't have any comments, please provide us a letter or email stating you have no comments for the record. Thank you so much!

~Anna Marie Young

City of Emmett, Planning Clerk
Building & Public Works Dept.
601 E 3rd St. Emmett, ID 83617
(208) 365-9569
ayoung@cityofemmett.org



GEM COUNTY CONFIDENTIALITY DISCLAIMER: *This message (including any attachments) may be privileged, confidential and/or protected from disclosure under applicable law. It is intended only for the use of the individual or entity above-named. You*

GEM COUNTY

OFFICE OF
Megan Keene
TREASURER
TAX COLLECTOR
PUBLIC ADMINISTRATOR



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

January 14, 2020

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

RE: Annexation with Rezone
Applicant: Sawtooth Land Surveying
Property Owner: Gus Porter / 1 Plus None, LLC
Loc: 2030 South Washington Avenue
PIN: RPC91000010040
FILE NO.: Ann 20-002

Dear Brian,

After reviewing the Annexation with Rezone Application for the above applicant, following are my comments concerning the subject parcel:

Parcel RPC91000010040 as of January 14, 2020 has 2019 taxes owing in the amount of \$2,522.73. The 1st installment was due December 20th, 2019 and is now delinquent. Interest will continue to accrue at 1% per month on any delinquent amounts. There will be 2020 taxes due at a later date.

Any split/combined/property boundary adjustment/minor sub parcels must have all taxes paid in full.

***Please note--Splits, Combos, PBAs, Platted Subdivisions, and Manufactured Homes Declared Real need to be correctly recorded by no later than May 1, 2020, in order to show up in the 2020 Assessment Roll and 2020 Tax Roll. Anything recorded after that date will be valued and taxed based on how the property was as of January 1, 2020.*

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

Sincerely,

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

Megan Keene
Gem County Treasurer

:mm

Property Tax Reminder Notice

GEM COUNTY
MEGAN KEENE, TAX COLLECTOR
415 E MAIN ST, STE 200
EMMETT, ID 83617
208-365-3272

PIN: RPC91000010040
AIN: RP00255504

AUTO

1 PLUS NONE LLC
2030 S WASHINGTON AVE
EMMETT ID 83617-9090

Balance Good Through:	01/14/2020
Current Year Balance:	\$2,522.73
Prior Year(s) Balance: (see below for details)	\$0.00
Total Due:	\$2,522.73

Description: 06N 01W Sec 18 Commercial Sub Lot 04
Blk 01

Situs: 2030 S WASHINGTON AVE

IN ADDITION TO PAYMENTS MADE BY CASH OR CHECK WE ACCEPT DEBIT, CREDIT CARD AND E-CHECK PAYMENTS. FEES WILL APPLY TO ELECTRONIC TRANSACTIONS. YOU MAY COME INTO THE OFFICE, PAY BY TELEPHONE OR GO TO WWW.GEMCOUNTY.ORG. PLEASE MAKE CHECKS PAYABLE TO THE GEM COUNTY TAX COLLECTOR.

Current Charges									
PIN	Year	Bill Number	Inst	Due Date	Charges	Interest	Pen/Fees	Paid	Balance
RPC91000010040	2019	102594	1	12/20/2019	1,245.98	5.85	24.92	0.00	1,276.75
RPC91000010040	2019		2	06/22/2020	1,245.98	0.00	0.00	0.00	1,245.98
Current Year Totals					2,491.96	5.85	24.92	0.00	2,522.73

Prior Years							
PIN	Year	Bill Number	Charges	Interest	Pen/Fees	Paid	Balance
Prior Years Total							

Overall Totals					2,491.96	5.85	24.92	0.00	2,522.73
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**DEVELOPMENT AGREEMENT
THE CITY OF EMMETT, IDAHO, AND 1 PLUS NONE, LLC**

THIS DEVELOPMENT AGREEMENT (“Agreement”) is entered into as of this ____ day of _____, 2020, by and between the CITY OF EMMETT, a Political Subdivision of the State of Idaho (“City”) and 1 Plus None, LLC, (“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 annex and 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”.

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.

2.1 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.

4.1 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:

Tyler Porter, 1 Plus None, LLC
2030 S. Washington
Emmett, ID 83617
Telephone: 208-398-8104

With copy to:

Capitol Law Group, PLLC
c/o Jake Sweeten, City Attorney
P.O. Box 188
Emmett, Idaho 83617
Telephone: 208-365-4136
Facsimile: 208-424-8874

Section 6. Assignment.

6.1 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

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. Covenants Appurtenant To The Project.

8.1 All covenants and conditions set forth herein shall be appurtenant to and run with the Project and shall be binding upon Owner's heirs, successors, and assigns until all Conditions of Approval have been satisfied and work completed at which time this Agreement shall be automatically terminated and of no force or effect and the parties shall reasonably cooperate to record any necessary instruments to evidence such termination.

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 ____ day of _____, 2020, 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

1 PLUS NONE, LLC

TYLER PORTER, MEMBER

STATE OF _____)
County of _____) ss.

On this _____ day of _____, 2020, before me a notary public, personally appeared Tyler Porter, known or identified to me, to be the member of 1 PLUS NONE, LLC and the person whose name is subscribed to this instrument, and acknowledged to me that he executed the same as Member.

Notary Public for _____
Commission Expires: _____

EXHIBIT A
LEGAL DESCRIPTION

Annexation Parcel:

Basis of Bearings for this legal description is South 89°23'42" East between the brass cap marking the CN1/16 corner of Section 18 and a brass cap marking the NE1/16 corner of Section 18, both in T.6 N., R. 1 W., B.M., Gem County, Idaho.

Lot 4, Block 1, of Commercial Subdivision, as shown in Book 2 of plats at Page 28, Records of Gem County and a portion of the right of way of S. Washington Ave. A parcel of land located in the SW1/4 of the NE1/4 of Section 18, T. 6 N., R. 1 W., B.M., Gem County, Idaho, more particularly described as follows;

COMMENCING at the brass cap marking the CN1/16 corner of said Section 18;

Thence South 89°23'42" East, coincident with the north line of said SW1/4 of the NE1/4 of Section 18, a distance of 684.62 feet to the northwest corner of said Commercial Subdivision;

Thence South 0°07'42" East, coincident with the west line of said Commercial Subdivision, 289.03 feet to the POINT OF BEGINNING;

Thence North 89°52'18" East, 251.22 feet to the northeast corner of Lot 4, Block 1 of said Commercial Subdivision;

Thence South 0°02'58" West, coincident with the east line of said Lot 4, Block 1 of Commercial Subdivision, 114.98 feet to a ½" rebar no cap;

Thence South 89°52'18" West, 250.86 feet, to the west line of said Commercial Subdivision;

Thence North 0°07'42" West, coincident with the west line of said Commercial Subdivision, a distance of 114.98 feet to the POINT OF BEGINNING.

The above described parcel contains 0.663 acres more or less.

**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, 1 Plus None, LLC, Tyler Porter, is _____ for annexation and rezone to **Commercial**. The boundaries of said zone shall be as per the annexation 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 structure height for the development is sixty feet (60’).

LAND USE TYPE	PERMIT TYPE
Amusement center, indoor	Not Permitted
Bakery or bakery goods store, deli, coffeehouse	Permitted
Bank and other financial	Permitted
Barber, beauty shop	Permitted
Bed and breakfast	Permitted
Cabinet shop	Not Permitted
Car wash	Permitted
Church	Not Permitted
Cleaning, laundry, commercial plant	Not Permitted
Clinics, medical, dental, optical, etc.	Permitted
Club, lodge, social hall	Not Permitted
Contractor’s storage yard	Not Permitted
Dance, music, voice, studio	Permitted
Daycare - Family	Not Permitted

Daycare - Group	Not Permitted
Drive-in-restaurant – food stand	Not Permitted
Drugstore-pharmacy	Permitted
Equipment rental and sales - Light	Not Permitted
Equipment rental and sales - Heavy	Not Permitted
Food store (5,000 sq ft or less)	Not Permitted
Frozen food locker	Not Permitted
Furniture refinishing or manufacturing	Not Permitted
Government – office, land	Permitted
Halfway house	Not Permitted
Hospital -private	Not Permitted
Hotel and motel	Not Permitted
Laboratory – medical, dental, optical	Permitted
Laundromat – self-service	Not Permitted
Laundromat – commercial plant	Not Permitted
Laundry – dry cleaning	Not Permitted
Manufacturing- Light, other	Not Permitted
Multi-family residential	Not Permitted
Mortuary	Not Permitted
Newspaper and commercial printing	Permitted
Nursery for children (pre-school)	Not Permitted
Nursery for flowers and plants	Permitted
Nursing and adult homes	Not Permitted
Office, professional	Permitted
Photography studio	Permitted
Printing and blueprinting	Permitted
Reducing salon – masseur	Not Permitted
Schools - private	Not Permitted
Schools- public	Not Permitted
Shop for building contractor	Not Permitted
Sign shop	Permitted
Storage facility	Not Permitted
Warehousing	Not Permitted
Vet clinic, small	Permitted

EXHIBIT B

Development Requirements

1. All future development on the properties shall submit an application for a Certificate of Zoning Compliance prior to submitting for a building permit.
2. All future development on the properties shall submit a Design Review Application prior to submitting for a building permit. The application will be reviewed by the Design Review Board.

CITY of EMMETT ZONING COMMISSION

Feb 3, 2020 Public Hearing and Meeting Minutes

~DRAFT for REVIEW~

The Emmett City Zoning Commission held a Regular Meeting and Public Hearing on February 3, 2020 at 6:00 p.m. at 501 E. Main Street, Emmett, Idaho.

Commissioners Present: Marta Henry, Jeff Wiechmann, Gwen Earls, Kim Butler, Jennifer Frieboes, and City Attorney, Jake Sweeten

Commissioners Absent: Jeff Chapman

Staff Present: Zoning Administrator, Brian Sullivan; Planning Clerk, Anna Marie Young

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

Chairwoman Earls: conducted roll call and led Pledge of Allegiance . . .

Review of Agenda:

Commissioner Wiechmann: made a motion to approve the Agenda.

Commissioner Henry: seconded the motion.

Motion Passed.

Approval of Minutes:

Vice Chairwoman Butler: made a motion to approve the January 6th, 2020 Minutes.

Commissioner Frieboes: seconded the motion.

Motion Passed.

PUBLIC HEARING RZ #20-001 (913 S Wardwell Ave, R-2 to R-3 Zone)

Chairwoman Earls: Opened the public hearing

Chairwoman Earls: asked if there was any ex parte communication. There was none.

Planning Clerk: went over staff report

Chairwoman Earls: asked the Commission if they had any questions? There were none. Asked the applicant to come speak.

Applicant Stephen Frey: 901 S Hayes Ave. There is certainly a demand for more rental housing. I plan to put up a fence all the way around the property and a couple of

storage sheds to make it look a little nicer. I understand there is a speeding traffic problem, which I am concerned about myself. I am willing to help with that by putting up signs or putting in a speed bump, or whatever I can do to help.

Suzanne Shemwell: 915 S Wardwell Ave. I am not opposed to the re-zone. We need to keep in mind what is affordable. Concessions need to be made regarding maintenance of the road and driveway. There needs to be enough parking. The egress needs to be clearly outlined. I think there is enough space for multi housing but it just needs to be thoughtful. As a result of the first duplex, most of the gravel was removed and not replaced and thus there is a big hole that gathers water in the street.

Attorney Sweeten: What are the parking requirements for a Duplex vs R-3 zone?

Zoning Administrator: Responded that 1.5 spaces per unit are required in an R-3 zone so a total of 3 units would be required.

Chairwoman Earls: Any comments or questions from the Commission or the Public?

Commissioner Wiechmann: What is the likely hood that Public Works could put in a speed bump?

Zoning Administrator: My experience is that Public Works doesn't like speed bumps because somebody goes over it at 50mph and then blames the City for their vehicle damage.

Commissioner Wiechmann: How many parking spaces did you plan for?

Applicant Stephen Frey: 6 in addition to the car ports.

Chairwoman Earls: Any comments or questions from the Commission or the Public?

Chairwoman Earls: Closed the public hearing.

PUBLIC HEARING ANN #20-002 & DA #20-001 (2030 S Washington Ave, County to City Commercial Zone)

Chairwoman Earls: Opened the Public Hearing

Zoning Administrator: went over staff report, pointed out that the Gem County Treasurer requires all 2019 property taxes be paid in full, before approval.

Zoning Administrator: Went over companion Development Agreement application staff report, pointing out the Conditions of Approval.

Applicant Gus Porter: 7590 Appaloosa Lane- I don't have anything to add, but I'm happy to answer any questions?

Vice Chairwoman Butler: regarding the property taxes owed, how does that play into our recommendation?

Zoning Administrator: Responded that it just means that before the City can approve all taxes must be paid.

Chairwoman Earls: Closed the public hearing.

REGULAR MEETING

Chairwoman Earls: Do I have a motion on the decision for RZ #20-001?

RZ #20-001 Decision

Vice Chairwoman Butler: Motioned to recommend approval of RZ #20-001 to City Council with the following conditions 1) No structures/landscaping shall be within 12ft of irrigation lateral bank 2) Add existing structure to site plan, Irrigation lateral, drain, and ditch flows shall be maintained, ensure 10ft easements for pressure irrigation lines. And 3) that only one additional duplex will be allow and a minimum of 3 off-street parking spaces be provided.

Commissioner Wiechmann: seconded the motion.

Motion passed.

ANN #20-002 & DA #20-001 Decision

Vice Chairwoman Butler: Motioned to recommend approval of ANN #20-002 to City Council including adoption of staff findings and analysis, as well as the DA #20-001 as written.

Commissioner Henry: Seconded the motion.

Motion Passed.

Items from the Public: none

Unfinished Business: none

Items from the Commission: Vice Chair Woman Butler reminded staff of her request for some suggested-language-cards for the Commissioners to reference during public hearings/meetings.

Items from the Building Official/ Zoning Administrator: Handed out the proposed 2020 Meeting Schedule.

Commissioner Wiechmann: moved to approve the meeting schedule

Vice Chairwoman Butler: seconded the motion.

Motion passed.

Zoning Administrator: Regarding annual elections, we just elected three months ago so I'd like to stay on that rotation and do elections the first of Oct of every year.

Attorney Sweeten: agreed that works great.

Next Regular Meeting – March 2, 2020

Commissioner Frieboes: made a motion to adjourn.

Commissioner Henry seconded the motion.

Motion Passed.

Meeting adjourned at 7:04 p.m.

Chairwoman

Acting Secretary

City of Emmett Council Meeting

February 25, 2020

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

Council Present: Council President Steve Nebeker, Councilman Tona Henderson, Councilman Gary Resinkin, Councilman Denise Sorenson, Councilman Michelle Welch and Councilman Thomas Butler.

Staff Present: Lyleen Jerome, Brian Sullivan, Mike Giery, Alyce Kelley, Steve Kunka, Mike Knittel, Stephanie Johnson

Public Present Carol & Burton Briggs - 1871 W.S. Slope Rd, Craig Woods - Star, Bob Jensen- 523 E. 4th St, Hoss and Brooke White - 1976 Edgemont, Resident at 2116 Pinyon Peak.

Council President Nebeker made a MOTION TO APPROVE THE AGENDA. Seconded by Councilman Henderson. 6 -AYES, 0- NOES. Motion Carried.

Amendments to the Agenda: None

Declaration of Conflicts of Interest: None

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

ELECTED OFFICIALS:

A. Mayor

1. National Nutrition Month 2020 Proclamation – Mayor Petrie presented to Carol Briggs a Proclamation proclaiming March 2020 as National Nutrition Month with the theme of “Eating Right, Bite by Bite.”

B. City Council

C. Announcements and Good of the Order

PRESENTATION:

A. Craig Woods, Emmett School District Superintendent presented to the Council the Emmett School District Bond Proposal that will be up for the Gem County vote on May 19, 2020.

CONSENT AGENDA:

A. **Approval of Minutes** - February 11, 2020 Workshop Meeting
February 11, 2020 Regular Meeting

B. **Approval of Accounts Payable.**

Councilman Henderson made a MOTION TO ACCEPT THE CONSENT AGENDA. Seconded by Councilman Welch. 6 – AYES, 0- NOES. Motion Carried.

NON-CONSENT AGENDA

BUSINESS:

A. Police Chief, Steve Kunka asked for Approval of Ordinance #O2020-01 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, AMENDING CITY CODE 6-2-6: PARKING TICKETS AND PROCEDURES, SUBSECTION A; AND CITY CODE 6-2-7: PENALTIES FOR PARKING VIOLATIONS; CLARIFYING THE TERM “VEHICLE” **Councilman Nebeker made a MOTION TO APPROVE THE ORDINANCE #O2020-01 AN ORDINANCE OF THE CITY OF EMMETT, IDAHO, AMENDING CITY CODE 6-2-6: PARKING TICKETS AND PROCEDURES, SUBSECTION A; AND CITY CODE 6-2-7: PENALTIES FOR PARKING VIOLATIONS; CLARIFYING THE TERM “VEHICLE” AND DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE IN FULL AND THAT THE ORDINANCE BE READ ONCE BY TITLE. Seconded by Councilman Welch. ROLL CALL VOTE. COUNCIL PRESIDENT NEBEKER – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN – RESINKIN – AYE, COUNCILMAN SORENSON – AYE, COUNCILMAN WELCH – AYE, COUNCILMAN BUTLER – AYE. Motion Carried. Councilman Henderson made a MOTION TO ACCEPT THE FIRST AND ONLY READING OF ORDINANCE #O2020-01, DIRECT THE MAYOR TO SIGN AND DIRECT THAT IT BE PUBLISHED BY SUMMARY. Seconded by Councilman Resinkin. ROLL CALL VOTE. COUNCIL PRESIDENT NEBEKER – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN – RESINKIN – AYE, COUNCILMAN SORENSON – AYE, COUNCILMAN WELCH – AYE, COUNCILMAN BUTLER – AYE. Motion Carried.**

B. Building Director Brian Sullivan asked for Approval of Ordinance #O2020-02 AN ORDINANCE ANNEXING TO THE CITY OF EMMETT, IDAHO, CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF GEM COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF EMMETT, IDAHO; ESTABLISHING THE ZONING CLASSIFICATIONS OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE. **Council President made a MOTION TO APPROVE ORDINANCE #O2020-02 AN ORDINANCE ANNEXING TO THE CITY OF EMMETT, IDAHO, CERTAIN REAL PROPERTY LOCATED IN THE UNINCORPORATED AREA OF GEM COUNTY, IDAHO, AND CONTIGUOUS TO THE CORPORATE LIMITS OF THE CITY OF EMMETT, IDAHO; ESTABLISHING THE ZONING CLASSIFICATIONS OF SAID REAL PROPERTY; DIRECTING THAT COPIES OF THIS**

City of Emmett Council Meeting

February 25, 2020

ORDINANCE BE FILED AS PROVIDED BY LAW; AND PROVIDING AN EFFECTIVE DATE TO DISPENSE WITH THE RULE REQUIRING ORDINANCES TO BE READ ON THREE SEPARATE DAYS AND ONCE IN FULL AND THAT THE ORDINANCE BE READ ONCE BY TITLE. Seconded by Councilman Welch. ROLL CALL VOTE. COUNCIL PRESIDENT NEBEKER – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN – RESINKIN – AYE, COUNCILMAN SORENSON – AYE, COUNCILMAN WELCH – AYE, COUNCILMAN BUTLER – AYE. Motion Carried. Councilman Henderson made a MOTION TO ACCEPT THE FIRST AND ONLY READING OF ORDINANCE #O2020-02, DIRECT THE MAYOR TO SIGN AND DIRECT THAT IT BE PUBLISHED BY SUMMARY. ROLL CALL VOTE. Seconded by Councilman Resinkin. COUNCIL PRESIDENT NEBEKER – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN – RESINKIN – AYE, COUNCILMAN SORENSON – AYE, COUNCILMAN WELCH – AYE, COUNCILMAN BUTLER – AYE. Motion Carried.

C. Director of Public Works, Clint Seamons asked for approval to Convert Tennis Court 3 to a Pickleball Court. Councilman Nebeker made a MOTION TO APPROVE THE CONVERSION OF TENNIS COURT 3 TO A PICKLEBALL COURT. Seconded by Councilman Resinkin. 6 – AYES, 0 – NOES. Motion Carried.

D. Director of Public Works, Clint Seamons asked for approval of a payment to Ferguson Waterworks in the Amount of \$19,287.61. Councilman Henderson made a MOTION TO APPROVE THE PAYMENT TO FERGUSON WATERWORKS IN THE AMOUNT OF \$19,287.61. Seconded by Councilman Resinkin. 6 – AYES, 0 – NOES. Motion Carried.

E. Director of Public Works, Clint Seamons asked to Approve the Agreement for Professional Services to Keller Associates, Inc. for 12th Street Booster Station. Councilman Henderson made a MOTION TO APPROVE THE AGREEMENT FOR PROFESSIONAL SERVICES TO KELLER ASSOCIATES, INC FOR THE 12TH STREET BOOSTER STATION AND FOR THE MAYOR TO SIGN. Seconded by Councilman Resinkin. COUNCIL PRESIDENT NEBEKER – AYE, COUNCILMAN HENDERSON – AYE, COUNCILMAN – RESINKIN – AYE, COUNCILMAN SORENSON – AYE, COUNCILMAN WELCH – AYE, COUNCILMAN BUTLER – AYE. Motion Carried.

DEPARTMENT/ ACTIVITY REPORTS

- A. **Building Official/City Planner** – Director Brian Sullivan- report presented.
- B. **City Clerk** – Lyleen Jerome – report presented
- C. **Fire** – Deputy Chief Giery – report presented
- D. **Library** – Director Alyce Kelley – report presented
- E. **Police** – Chief Steve Kunka – report presented
- F. **Public Works** – Director Clint Seamons – report presented
- G. **Systems Administrator** – Mike Knittel – report presented.
- H. **Engineer**

Councilman Henderson made a MOTION TO ADJOURN. Seconded by Councilman Resinkin 6 – AYES, 0 – NOES. Motion Carried.

Meeting Adjourned at 8:12 p.m.

Mayor Gordon Petrie

Lyleen Jerome, City Clerk

ORDINANCE NO. O2020-03

**AN ORDINANCE OF THE CITY OF EMMETT, IDAHO ADDING CHAPTER 11
“LATECOMERS” TO TITLE 1 OF THE CITY CODE, SECTION 1: EXTENSIONS AND
IMPROVEMENTS TO CITY WATER OR SEWER FACILITIES.**

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF
EMMETT, IDAHO, as follows:

- I. Section 1-11-1 of the Code is added as follows:

Chapter 11
LATECOMERS

1-11-1: EXTENSIONS AND IMPROVEMENTS TO CITY WATER OR SEWER
FACILITIES:

- A. Latecomers Policies and Agreements Authorized: The City is hereby
authorized to adopt by resolution, separate policies that provide real
property owners and developers (“Sponsoring Developers”), a mechanism
to voluntarily seek reimbursement for eligible water or sewer facilities that
exceed the Sponsoring Developer’s on site water or sewer facilities.

This ordinance shall take effect and shall be in force from and after its passage, approval
and publication as required by law.

Passed by the City Council on the ____ day of _____, 2020.

Approved by the Mayor on the ____ day of _____, 2020.

MAYOR

ATTEST:

CITY CLERK



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

Wednesday, March 04, 2020

Mayor, City Council:

I am requesting from City Council a **MOTION to approve City of Emmett Truck Route Analysis Technical Memorandum**

Attached is the technical memorandum for your review.

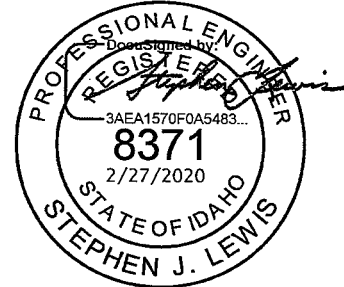
Thank you

Clint Seamons
Public Works Director



Technical Memorandum

TO: Clint Seamons, City of Emmett
FROM: Stephen Lewis, PE, PTOE
 Alex Grover, PE, PTOE
DATE: February 27, 2020
SUBJECT: City of Emmett Truck Route Analysis



This memo documents truck off-tracking analyses performed at four intersections (circled red in **Figure 1** below) in Gem County. Some trucks currently travel between SH-16 and SH-52 using Substation Road and Plaza Road, instead of the State Highways, as illustrated by the dashed red lines in **Figure 1** below. There are concerns about the size and weight of trucks on these City and County roadways, and their effects on safety and the quickly deteriorating pavement condition. Off-tracking analyses were performed using Autodesk Vehicle Tracking for several truck design vehicles, to determine the largest trucks that can navigate the intersections without tracking into opposing travel lanes or off the existing pavement edge.

The following design vehicles were evaluated:

- SU-30 Single-Unit Truck, 30-foot total length
- SU-40 Single-Unit Truck, 40-foot total length
- WB-40 Semitrailer, 45.5-foot total length
- WB-50 Semitrailer, 55-foot total length
- WB-62 Semitrailer, 69-foot total length
- WB-67 Semitrailer, 73.5-foot total length
- WB-67D "Double-Bottom" Semitrailer, 72.3-foot total length

The largest design vehicles that can safely navigate each of the intersections are:

- Main St & Substation Rd: WB-40
- Main St & Plaza Rd: WB-40
- Waterwheel Rd & Substation Rd: SU-30
- Waterwheel Rd & Plaza Rd: SU-30

Attachments: WB-40 design vehicle
 Example sign assembly to restrict trucks by length

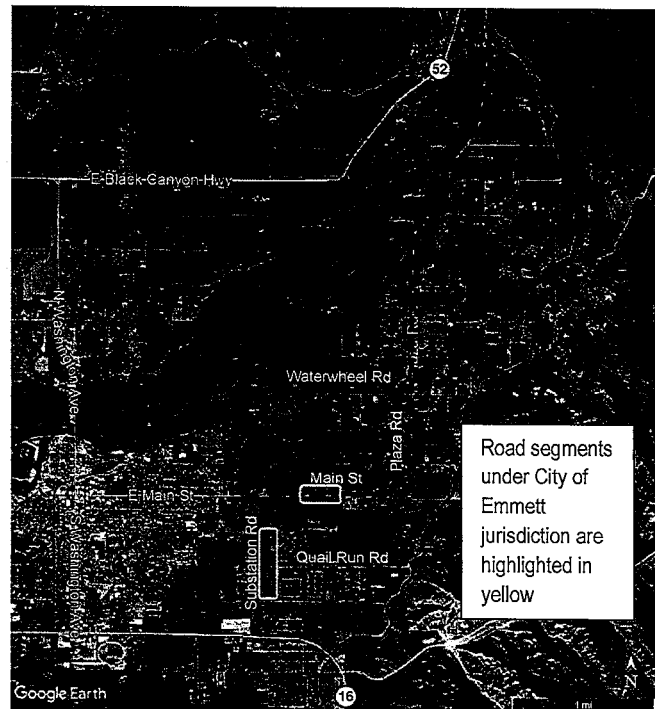
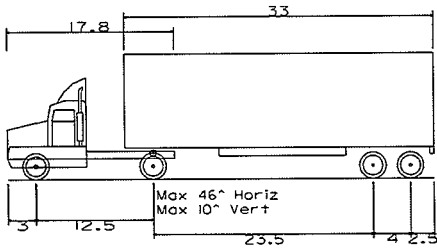


Figure 1: Routes Bypassing State Highways

WB-40 Design Vehicle



WB-40 - Intermediate Semi-Trailer

Overall Length	45.499ft
Overall Width	8.000ft
Overall Body Height	13.500ft
Min Body Ground Clearance	1.334ft
Track Width	8.000ft
Lock-to-lock time	4.00s
Max Steering Angle (Virtual)	20.30°

Recommended Sign Assemblies for the Restriction of Truck Traffic on City of Emmett Streets:

Substation Road
and Main Street





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

Thursday, March 05, 2020

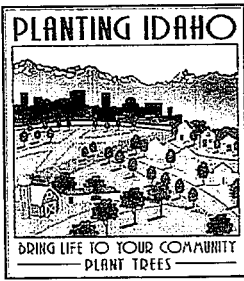
Mayor, City Council:

I am requesting from City Council a **MOTION to approve 2020 Arbor Day Grant Application with Mayor to Sign.**

Attached is the application for your review.

Thank you,

Clint Seamons
Public Works Director



2020 Arbor Day Grant Program "PLANTING IDAHO"

Application Form

Community Applying	City of Emmett				
Contact Person	Bruce Evans				
Position	Operations Analysts/Grant Writer Public Works Department				
Mailing Address	601 East 3 rd Street				
City	Emmett	State	ID	Zip	83617
Phone	208-941-7365		Fax	208-365-4651	
Email	bevans@cityofemmett.org				



1. When is your community planning to celebrate Arbor Day?	Friday, April 24 th , 2020
2. Arbor Day Event: Describe the Arbor Day Celebration your community is planning and how this grant will help your community's celebration.	If awarded grant funds, the City will plant a tree in the Main City Park.
3. Have you considered overhead utilities when selecting tree species for this site?	Yes <input checked="" type="checkbox"/> No <input type="checkbox"/>



Authorized Signature:
I certify the celebration described in this application is approved and supported by my city government.

Date	Authorized Signature	Title
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Return to: Idaho Nursery and Landscape Association
P. O. Box 2065, Idaho Falls, Idaho 83403

OR fax/email to: 208-529-0832 abates@inlagrow.org

Questions? Ann Bates - (208) 681-4769
Website: inlagrow.org

Note: Applications may be returned by mail, fax or email, but must be received in the INLA office no later than March 20, 2020. All applicants will be notified the week of March 23, 2020.

IMPORTANT
You **MUST** also submit a copy of your Arbor Day Proclamation signed by the Mayor with this application.



CITY OF EMMETT
Building & Zoning Department
501 E. Main Street
Emmett, Idaho 83617

Building & Zoning Department

Brian Sullivan:
bsullivan@cityofemmett.org
Anna Marie Young
ayoung@cityofemmett.org
Ph: (208) 365-9569
Fax: (208) 365-4651

March 3, 2020

Mayor and Council:

210 Main LLC, is requesting to vacate, relocate and exchange a portion of E. 12th Street for consistency with the approved preliminary plat of Payette River Orchards Subdivision. Consistent with the Preliminary Plat, 210 Main LLC will be constructing and dedicating roads to the City of Emmett and constructing sidewalks. No compensation to the City is proposed because the City will be receiving much more road area than will be vacated, and they will be incurring the costs of construction and building the road.

According to Emmett City Code, all vacations must be presented to the council for review of the request, and either reject the request or send it to the planning and zoning commission for action and their recommendation to the council.

Sincerely,

A handwritten signature in black ink that reads "Brian Sullivan". The signature is written in a cursive style with a long horizontal flourish extending to the right.

Brian Sullivan
Building / Zoning Administrator

EMMETT FIRE DEPARTMENT STANDARD OPERATING GUIDELINES

DISPATCH PROTOCOLS

Date: 4/2011

Section: 201.11

APPROVED: 4/26/2011 Emmett City Council Page: 1 of 1

Emmett Fire & Rescue Dispatch Protocols

Approved April 26, 2011

EFD shall be dispatched to the following calls within the City of Emmett

- ❖ All Injury and Unknown Motor Vehicle Accidents
- ❖ All water and misc. rescue responses (trench collapse, rope rescue, trapped individual,)
- ❖ All fire and smoke related calls
- ❖ All calls related to odor of natural gas propane or other gas odors
- ❖ All Fire Alarm/CO2 alarm calls
- ❖ Hazardous Material Incidents/All Spills, Leaks, or Suspected Releases
- ❖ Non-Injury Motor Vehicle Accidents with fluids on the ground
- ❖ All airplane crashes/rescue and fire calls at Airport
- ❖ Bomb Threats/Scares
- ❖ Illegal Burns

- ❖ Mutual Aid Requests from other agencies/Type
- Emergency Medical Response provided upon request from dispatch or other agencies.

Mayor Butticci Review and Approval April 19, 2011

Emmett City Council Approval, April 26, 2011 City Council Meeting

SOG 201.11 and Dispatch Protocols



EMMETT FIRE DEPARTMENT STANDARD OPERATING GUIDELINES

TITLE: Dispatch Protocols

ISSUE DATE: 4/2011

NUMBER: 201.11

REVISED DATE: 2/2020

APPROVAL: 3/14/2020 Emmett City Council

PURPOSE:

This standard operating guideline addresses procedures for dispatch protocols related to the type of calls to which the Emmett Fire Department be dispatched. The Fire Chief or his designee will have authority to request the Emmett Fire Department to be dispatched to any call within City limits.

SCOPE:

This SOG pertains to all personnel in this organization. This SOG does not limit Dispatch or Law Enforcement from seeing a need for the Emmett Fire Department and dispatching them to other emergencies.

DEFINITIONS:

There are no definitions pertinent to this SOG.

GUIDELINE:

Emmett Fire Department shall be dispatched to the following calls within the City of Emmett:

- Emergency Medical Response automatic for all **Code Blues**, at the request of GCEMS, or **when GCEMS has an extended delay**
- All injury and unknown injury motor vehicle accidents (**vehicle vs. pedestrian or vehicle vs. building incidents**)
- All water and miscellaneous rescue responses (trench collapse, rope rescue, trapped individual)
- All fire and smoke related calls
- All calls related to odor of natural gas, propane, or other gas odors
- All Fire alarm/CO2 alarm calls
- Hazardous Material Incidents (all spills, leaks, or suspected releases)
- Non-Injury accidents with fluids on the ground

- All airplane crashes, rescues, and fire calls at the Emmett Municipal Airport
- Bomb Threats, **Active Shooter, or Large Scale Incidents**
- Illegal burning
- **Hazards that could put the public at risk**
- Mutual Aid requests from other agencies

Mayor Petrie reviewed and approved _____

Emmett City Council review and approved _____