

## Notice of Public Hearing to Consider New Fees for Information Technology

All citizens are invited to attend a public hearing on December 10<sup>th</sup>, 2019 at 7:00 p.m. in the Emmett City Hall Council Chambers, 501 E. Main St. Emmett, Idaho.

The purpose of the Public Hearing is to allow public input on a proposed new fee structure for Information Technology, specifically Fiber Optic and Colocation services.

**These fees only apply to persons/businesses voluntarily wanting the following services:**

**Residential Rates** Fiber Optic Utility Base Rate: \$15.00/month

**Commercial Rates** Fiber Optic Utility Base Rate: \$25.00/month

**Government Rates** Negotiated and contracted on a case-by-case basis.

**Colocation Services**

1. One Rack Unit 0-400watts (1U) w/120v, Battery Backup, HVAC: \$35/month
2. One Rack Unit 501-750watts (1U) w/120v, Battery Backup, HVAC: \$50/month
3. One Rack Unit 750watts and over (1U) w/120v, Battery Backup, HVAC: Negotiated

Standard single mode fiber patch cables will be supplied by the tenant. The following one time fees apply when patch cables are placed or moved.

4. During Business Hours: \$15
5. Outside Business Hours: \$100

**Dark Fiber Rates** Dark fiber between anchor facilities only (i.e. Water Tower, City Hall, Water Treatment Plant, Well 9): \$100/per strand/month (No Service Level Agreement)\* If specific Service Level Agreement terms are needed rates will be negotiated on a case-by-case basis.

**Fiber Splicing** Instances of emergency repair/general splicing rate: \$100/hour/per technician

For information about specific fees and amounts, please contact the Clerk's office at 208-365-6050 or 501 E. Main St., Emmett, ID.

City Hall and Council Chambers are accessible to persons with disabilities.



**CITY OF EMMETT**  
**Building & Zoning Department**  
601 E. 3rd 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

December 2, 2019

RE: Payette River Orchards Subdivision Development Agreement Modification  
DA # 19-002

Mayor and City Council,

City of Emmett Zoning Commission held a public hearing on October 7, 2019 and November 4, 2019 and recommend approval of application DA #19-002 as modified.

Proposed Motion:

I would like to make a motion to approve application DA #19-002, a modification of the development agreement between the City of Emmett and 210 Main LLC, submitted by the applicant 210 Main LLC.

OR

I would like to make a motion to deny application DA #19-002, a modification of the development agreement between the City of Emmett and 210 Main LLC, submitted by the applicant 210 Main LLC, for the following reasons:

Sincerely,

A handwritten signature in black ink, appearing to read "Brian Sullivan".

Brian Sullivan  
Building / Zoning Administrator

# Memo

To: City of Emmett Zoning Commission, Emmett City Council  
From: Brian Sullivan  
CC: Project File DA # 19-002  
Date: 10/1/19, 12/2/19  
Re: Modification of Development Agreement City of Emmett and 210 Main LLC

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Commissioners,

Here is a brief history of this property. This property was annexed with a Development Agreement (DA) into the City in 2006. Along with annexation, the property was approved for a preliminary plat. Construction started on the underground infrastructure in the roads, including sewer, water lines, and fire hydrants for phase 1 of the development. Individual lots had sewer and water lines extended from the main lines to the edge of each property. With the downturn in the economy, the project went into default with the bank, and was foreclosed on.

Exhibit 2- Condition of Approval from 2013 Modified DA and 2019 Modified DA (*Staff Comments are in italics*)

1. In 2013, 130 acres of the property was de-annexed from the city. The DA was modified to reflect the de-annexed property along with repealing the concept plan approved under the original DA. This modified DA removed property from the city located south of Black Canyon Canal at the intersection of E. 12<sup>th</sup> Street Extension and State Highway 16 at the entrance to Little Gem Cycle Park. This property was zoned residential and commercial that would have allowed small retail types of businesses and a church. The old Sanders Packing sheds and home remain in the city and are not part of this application.

Land Uses, Concept Plan, and Development (2019 Modified DA)

- *As part of the new concept plan that was submitted as Exhibit "3", the following three items were also submitted as part of the concept.*
- *Special Use Permit is submitted with this DA for Community Bible Church and part of the concept plan. **Approved 11/4/19 by Emmett Zoning Commission***
- *A variance from lot size, frontage, and setbacks is submitted and part of this DA due to previously installed infrastructure. **Approved 11/4/19 by Emmett Zoning Commission***

- *A preliminary plat as Exhibit "5". **Recommended approval 11/4/19***
2. The 10-year development timeframe required under the original DA was repealed with no specific sunset date or timeframe requirements. (2013 Modified DA)
    - *The new DA follows this requirement of no sunset date or timeframe requirements except as outlined in the Public Works , Utilities, and Common Area section of this exhibit with respect to the Booster Station: and Owner shall obtain the certification of the acceptance of Phase #1 within eighteen (18) months of approval of preliminary approval of Phase #1.*
  3. No structural building permit or subdivision permits shall be granted on the property until such time as the Owner submits a modification to this Agreement prior to or concurrent with a future development application. (2013 Modified DA)
    - *The modification to the DA has been submitted with the 2019 modified DA.*
  4. Any future development must accommodate the planned extension of Plaza Road for 12<sup>th</sup> Street to the planned SH 16 interchange, as shown on the Major Street Map, adopted September 26, 2006. (2013 Modified DA)
    - *A new addition of the Major Street Map has been adopted by the City in 2018 and does not have the Plaza Road extension thru this property.*
    - *This interchange is not on a future map for ITD, it has been discussed, but not adopted.*
    - *From the 2019 Modified DA. The concept plan shows that 12<sup>th</sup> street will be rerouted in part and dedicated to the City and the City will in part vacate a portion of 12<sup>th</sup> street. Access to existing lots will be preserved as shown on the Concept Plan as submitted.*
    - *As illustrated in the Concept Plan, 12<sup>th</sup> Street shall be designed to allow for a potential future additional canal crossing. This will need to be discussed as the City has adopted a new Major Street Plan and removed this future road from the plan.*

Public Works, Utilities, and Common Area

1. The 2013 Modified DA requires infrastructure improvements to provide water, sewer, and stormwater facilities to the property and shall not be approved until a modified DA is submitted and approved.

The existing water, sewer and fire infrastructure existing on the property remain privately owned and are not approved until tested and accepted by the Public Works Department. The City makes no guarantee through this agreement that said infrastructure will comply with minimum specifications at time of development.

2019 Modified DA

2. The City of Emmett water system currently does not have the capacity to provide minimum water pressure for all this project and other land in the area. The water system improvements will be constructed by the developer and dedicated to the City of Emmett pursuant to the Zone 1 Booster Station Construction and reimbursement Agreement, attached as Exhibit "4".

**The City Council has given approval for Public Works to construct the booster station.**

- ~~Exhibit 4 Booster Station Reimbursement Agreement is still under discussion between Developer and City of Emmett Public Works. A final approved decision on construction of the Booster Station has not been reached between the developer and Public Works for funding the station. **This does not apply now.**~~

3. Sewer connections are based on a per lot fee established to buy capacity into the wastewater system. The fees are deposited into a dedicated account to replace deteriorated sewers lines and provide funds for sewer system upgrades as needed. With a current connection fee of \$4220.00 per lot (242 lots) for sewer connection, the estimated yield is approximately \$1,021,240.00 to go for system repairs and upgrades.
4. The Common open space requirement for development is based on ECC 10-3-11 and is calculated at 2.77% of an acre for each residential lot in the project. With 242 residential lots, the Project will require 6.7 acres of Common open space. The City does not desire and will not take possession or responsibility for maintenance of any of the Common open space. Lot 28, Block 1, (as submitted in the preliminary plat) will be reserved and dedicated to the City for a future water storage tank and will count towards the Common open space requirement. Not all of Lot 26, Block 1 will be dedicated as Common open space. The final design of Lot 26, Block 1 will include private open space owned by the church and Common open space (which will be attributed to the Common open space requirement). The size and design will be finalized in construction plans to meet the minimum requirements required for the phasing of the Project. Owner may build more Common open space than required in the initial phase of phases of the Project. Owner may utilize any overbuild of Common open space in the Project towards Common open space requirements of: (1) any future phases of the Project; (2) any additional lands developed by the owner (or its assign) within one mile of the Project; or (3) may sell or assign such credit of overbuilt Common open space to another developer within one mile of the Project.

#### ECC 9-18-8: Modification and Termination:

- A. Modification of Agreements: Development agreements may only be modified through the public hearing process identified in section 9-18-5 of this chapter.

Staff has reviewed the current development agreement and the proposed modification. Staff is in support to modify the DA between the City of Emmett and 210 Main LLC. ~~Further approvals need to be completed before this agreement can be approved in reference to the Water Booster Station. Staff recommends continuing this public hearing to the next available meeting date of the City of Emmett Zoning Commission to allow time for the water booster station agreements to be completed.~~

If the Commission approves the modification, a recommendation to approve the modification must be made to the City Council.

Notice to the owner and applicant: Owner will need to transfer or assign all interests, rights, or obligations under this agreement to the purchaser of the property. City will require a recorded document showing this transfer. (See the following section 6)

## 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

Brian Sullivan

Zoning Administrator

**SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF EMMETT, IDAHO, AND 210 MAIN, LLC**

THIS SECOND AMENDED AND RESTATED DEVELOPMENT AGREEMENT (“Agreement”) is entered into as of this \_\_\_\_ day of \_\_\_\_\_, 2019, by and between the City of Emmett, a Political Subdivision of the State of Idaho (“City”) and 210 Main, LLC, an Idaho limited liability company (“Owner”), pursuant to the authority of Idaho Code § 67-6511A, *et seq.*

**BACKGROUND:**

A. City and Emmett Valley, LLC, entered into that certain Development Agreement dated May 24, 2006 and recorded as Instrument No. 252047, Gem County, Idaho records (“2006 Development Agreement”);

B. City and Sand Hollow Sixteen, LLC entered that certain Amended Development Agreement dated May 14, 2013 and recorded on May 15, 2013 as Instrument No. 292150, Gem County, Idaho records (“First Amendment”). The First Amendment amended the 2006 Development Agreement, deannexed a portion of the property and released such therein defined “Released Property” from the City’s jurisdiction, and required modifying the development agreement prior to obtaining building permits, subdivision permits, or connecting to City services;

C. The Owner now owns the real property or has the right to develop and negotiate this agreement with regard to that certain tract of land in the County of Gem, State of Idaho, which land is more particularly described in Exhibit “1” and is subject to the First Amendment, hereinafter referred to as the “Project”;

D. City and Owner consent to the amendment of the First Amendment upon the terms of this Agreement;

E. All notices and public hearings required in order for the First Amendment to be amended have occurred;

F. City has authority to amend the First Amendment pursuant to Idaho Code § 67-6511A; and

G. Owner agrees to amend the First Amendment and to enter into this 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, by virtue of the 2006 Development Agreement, was made effective upon the publication of Ordinance No. 2006-9. This Agreement, when recorded, completely amends and restates the 2006 Development Agreement and the First Amendment (except for the deannexation approved in the First Amendment).

1.2 Permitted Use, Density, and Intensity of Use. This Agreement shall vest the right to develop the Project as restricted by the Conditions of Approval attached to this Agreement as Exhibit "2".

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 for any Planned Unit Development and/or subdivision applications, 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.

1.6 City Code. All development within the Project must comply with the standards and criteria established in Title 9 and Title 10 of Emmett City Code.

**Section 2. Cooperation in the Event of Legal Action.** In the event of any legal or equitable action or other proceeding instituted by any third party (including a governmental entity or official) challenging the validity of any provision of this Agreement, the parties hereby agree to cooperate in defending such action or proceeding. The City and Owner may agree to select mutually agreeable legal counsel to defend such action or proceeding, or each party may select its own legal counsel. Owner shall pay all reasonable attorneys' fees and costs incurred by the parties arising out of the defense of any third party claim challenging the validity of this Agreement, and Owner shall indemnify the City against any third party costs awarded in such action.



### **Section 3. Violation; Remedies; Termination.**

3.1. General Provisions. Failure or unreasonable delay by the Owner to perform any term or provision of this Agreement, after written notice thereof from the City, shall constitute a violation under this Agreement. Said notice shall specify the nature of the alleged violation and the manner in which said violation may be satisfactorily cured. If the nature of the alleged violation is such that it cannot be reasonably 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 Violation 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. 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 2006 Development 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 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 § 67-651 1A.

**Section 4. Hold Harmless-Indemnification.** Owner shall defend, indemnify, and hold the City, its officers, agents, and employees harmless for injuries to persons or property occurring on the Project arising out of, or resulting from the negligence or willful misconduct of Owner, its agents or employees in performing the duties described in this Agreement.

In the event the City is alleged to be liable in any manner, as a result of 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 account of alleged acts, omissions, or negligence, or all three (3), the Owner shall defend such allegations through counsel chosen by the City and the 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 harmless the City for any loss expense, or damage of any type experienced by the City as a result of Owner's violation 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:

City:  
City of Emmett  
Attn: City Clerk  
501 E. Main St.  
Emmett, Idaho 83617

Owner:  
210 Main, LLC  
Attn: David Little  
210 W. Main St.  
PO Box 488  
Emmett, ID 83617  
[dalittle61@outlook.com](mailto:dalittle61@outlook.com)

## **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 interest, rights, or obligations under this Agreement shall not require City approval, but shall be subject to the provision of this Section 6.

6.2 It is the intent of the parties that, as the Project is developed, all requirements of the Conditions of Approval(s) shall be met. 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 (an "Assignment") whereby Transferee agrees to perform all conditions of approval(s), and/or obligations of this Agreement applicable to the transferred property as set forth in Idaho Code §67-6511A. No fewer than thirty (30) days prior to entering into the Assignment, Owner shall submit to the City Clerk a draft of the Assignment, conditions of approval(s) and any other obligations detailing the obligations to be assumed by Transferee pursuant to the Assignment.

## **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 in 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 1 – Project Legal Description
- Exhibit 2- Conditions of Approval
- Exhibit 3- Concept Plan
- Exhibit 4 - Phasing of preliminary plat

7.4 Recordation of Agreement. The City shall record an executed original of this Agreement at the Gem County, Idaho, 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.

**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 term 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. The background and exhibits attached hereto are incorporated by reference and made a part hereto.

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, County of Gem, State of Idaho.

9.7 Merger and Integration. This writing embodies the whole agreement of the parties with regard to the Project. There are no promises, terms, conditions, or obligations other than those contained in this Agreement or specifically referenced agreements or exhibits. All other 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.

9.9 Authorization. Any person signing for an entity represents that he has authority to sign for such entity and to bind such entity by this signature.

[signature page follows]

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

<u>City:</u> <b>Mayor, City of Emmett</b>	<u>Owner:</u> <b>210 Main, LLC</b>
By: _____ Gordon Petrie, Mayor	By: _____ David Little, Its: Member

ATTEST:

\_\_\_\_\_  
\_\_\_\_\_, City Clerk

[Seal]

STATE OF IDAHO            )  
  ) ss.  
County of Gem            )

On this \_\_\_ day of \_\_\_\_\_, 2019, before me a notary public, personally appeared Gordon Petrie, known or identified to me, to be the Mayor of the City of Emmett, Idaho that executed the said instrument, and acknowledged to me that he executed the same on behalf of such City.

\_\_\_\_\_  
Notary Public for Idaho  
Commission Expires \_\_\_\_\_

STATE OF IDAHO            )  
  ) ss.  
County of Gem            )

On this \_\_\_ day of \_\_\_\_\_, 2019, before me a notary public, personally appeared David Little, known or identified to me, to be the Member of 210 Main, LLC that executed the said instrument, and acknowledged to me that he executed the same on behalf of such company.

\_\_\_\_\_  
Notary Public for Idaho  
Commission Expires \_\_\_\_\_

**SECOND AMENDED DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF EMMETT, IDAHO AND 210 MAIN, LLC**

Exhibit "1"

(legal description of the "Project")

A parcel of land located in Gem County, Idaho, being a portion of the N ½ NE ¼, and a portion of the SW ¼ NE ¼ of Section 16 Township 6 North, Range 1 West, Boise Meridian, and more particularly described as follows:

**BEGINNING** at the ¼ Corner common to Sections 9 and 16, currently monumented by a 1" I.D. Iron Pipe (Corner Record, Instrument Number 184613) said Point of Beginning being North 89°07'21" West a distance of 2549.12 feet from the NE Corner of Section 16, currently monumented by a 3 ¼" diameter Brass Cap Monument (Corner Record, Instrument Number 103179);

Thence South 89°07'21" East, coincident with the northerly line of Section 16, a distance of 1731.72 feet to a point on the northwesterly line of the U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, as described in a Final Order of Condemnation, dated and filed December 13, 1938, recorded January 9, 1939, Instrument Number 40305, Book 5 of Miscellaneous, Page 127, Gem County Recorder Records, said point being North 89°07'21" West, a distance of 130.28 feet from the intersection point of the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way and the northerly line of Section 16; said intersection being 89°07'21" East a distance of 1862.00 feet from ¼ Corner common to Sections 9 and 16, currently monumented by a 1" I.D. Iron Pipe (Corner Record, Instrument Number 184613);

Thence coincident with said northwesterly Right of Way line offset 110.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

South 33°16'39" West, a distance of 52.79 feet;

Southwesterly, on a curve to the left, an arc distance of 166.32 feet, said curve having a radius of 410.00 feet, a central angle of 23°14'35", and a chord bearing South 21°39'21" West a distance of 165.19 feet;

Thence North 79°57'56" West, continuing coincident with said northwesterly Right of Way line, a distance of 10.00 feet, to a point offset 120.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence continuing coincident with said northwesterly Right of Way line offset 120.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

Southwesterly, on a non-tangential curve to the left having a radial bearing of South 79°57'56" East, an arc distance of 138.72 feet, said curve having a radius of 420.00 feet, a central angle of 18°55'25", and a chord bearing South 00°34'21" West a distance of 138.09 feet;

Exhibit "1" (page 2)

(legal description of the "Project")

South 08°53'21" East, a distance of 108.80 feet;

Southeasterly, on a curve to the left, an arc distance of 126.59 feet, said curve having a radius of 320.00 feet, a central angle of 22°40'00", and a chord bearing South 20°13'21" East a distance of 125.77 feet;

South 31°33'21" East, a distance of 133.10 feet;

Southeasterly, on a curve to the right, an arc distance of 32.94 feet, said curve having a radius of 180.00 feet, a central angle of 10°29'06", and a chord bearing South 26°18'48" East a distance of 32.89 feet;

Thence South 68°55'45" West, continuing coincident with said northwesterly Right of Way line, a distance of 20.00 feet, to a point offset 140.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence continuing coincident with said northwesterly Right of Way line offset 140.00 feet from said survey centerline alignment, southwesterly, on a non-tangential curve to the right having a radial bearing of South 68°55'45" West, an arc distance of 120.00 feet, said curve having a radius of 160.00 feet, a central angle of 42°58'19", and a chord bearing South 00°24'54" West a distance of 117.21 feet;

Thence South 68°05'56" East, continuing coincident with said northwesterly Right of Way line, a distance of 10.00 feet, to a point offset 130.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence continuing coincident with said northwesterly Right of Way line, offset 130.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

Southwesterly, on a non-tangential curve to the right having a radial bearing of North 68°05'56" West, an arc distance of 30.00 feet, said curve having a radius of 170.00 feet, a central angle of 10°06'35", and a chord bearing South 28°57'21" West a distance of 29.98 feet;

South 32°00'39" West, a distance of 247.10 feet;

Thence South 57°59'21" East, continuing coincident with said northwesterly Right of Way line, a distance of 5.00 feet, to a point offset 125.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence continuing coincident with said northwesterly Right of Way line, offset 125.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

South 32°00'39" West, a distance of 116.90 feet;

Southwesterly, on a curve to the right, an arc distance of 29.05 feet, said curve having a radius of 125.00 feet, a central angle of 13°18'56", and a chord bearing South 38°40'06" West a distance of 28.98 feet;



Exhibit "1" (page 3)

(legal description of the "Project")

Thence North  $44^{\circ}40'26''$  West, continuing coincident with said northwesterly Right of Way line, a distance of 75.00 feet, to a point offset 200.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence continuing coincident with said northwesterly Right of Way line, offset 200.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

Southwesterly, on a non-tangential curve to the right having a radial bearing of North  $44^{\circ}40'26''$  West, an arc distance of 36.38 feet, said curve having a radius of 50.00 feet, a central angle of  $41^{\circ}41'04''$ , and a chord bearing South  $66^{\circ}10'06''$  West a distance of 35.58 feet;

South  $87^{\circ}00'39''$  West, a distance of 197.20 feet;

North  $62^{\circ}17'21''$  West, a distance of 38.40 feet;

Northwesterly, on a curve to the left, an arc distance of 80.60 feet, said curve having a radius of 400.00 feet, a central angle of  $11^{\circ}32'42''$ , and a chord bearing North  $68^{\circ}03'43''$  West a distance of 80.46 feet;

Thence South  $16^{\circ}09'55''$  West, continuing coincident with said northwesterly Right of Way line, a distance of 10.00 feet, to a point offset 190.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence continuing coincident with said northwesterly Right of Way line, offset 190.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

Southwesterly, on a non-tangential curve to the left having a radial bearing of South  $16^{\circ}09'56''$  West, an arc distance of 106.33 feet, said curve having a radius of 390.00 feet, a central angle of  $15^{\circ}37'18''$ , and a chord bearing North  $81^{\circ}38'43''$  West a distance of 106.00 feet;

North  $89^{\circ}27'21''$  West, a distance of 487.60 feet;

Southwesterly, on a curve to the left, an arc distance of 227.12 feet, said curve having a radius of 390.00 feet, a central angle of  $33^{\circ}22'00''$ , and a chord bearing South  $73^{\circ}51'39''$  West a distance of 223.92 feet;

South  $57^{\circ}10'39''$  West, a distance of 146.40 feet;

Thence South  $32^{\circ}49'21''$  East, continuing coincident with said northwesterly Right of Way line, a distance of 20.00 feet, to a point offset 170.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence continuing coincident with said northwesterly Right of Way line, offset 170.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

South  $57^{\circ}10'39''$  West, a distance of 130.20 feet;

Exhibit "1" (page 4)

(legal description of the "Project")

Southwesterly, on a curve to the right, an arc distance of 35.52 feet, said curve having a radius of 430.00 feet, a central angle of 04°44'00", and a chord bearing South 59°32'39" West a distance of 35.51 feet;

South 61°54'39" West, a distance of 115.20 feet;

Thence South 28°05'21" East, continuing coincident with said northwesterly Right of Way line, a distance of 35.00 feet, to a point offset 135.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence continuing coincident with said northwesterly Right of Way line, offset 135.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

South 61°54'39" West, a distance of 14.80 feet;

Southwesterly, on a curve to the left, an arc distance of 15.56 feet, said curve having a radius of 335.00 feet, a central angle of 02°39'38", and a chord bearing South 60°34'49" West a distance of 15.55 feet, to a point on the westerly line of the SW ¼ NE ¼ of Section 16, said point being North 00°48'37" East a distance of 1186.71 feet from the C ¼ Corner of Section 16, currently monumented by a 3 ¼" diameter Brass Cap Monument (Corner Record, Instrument Number 200719, except marked PELS 3260);

Thence North 00°48'37" East coincident with the westerly line of the SW ¼ NE ¼ of Section 16, a distance of 145.41 feet to the NW Corner SW ¼ NE ¼ of Section 16 (CN 1/16), currently monumented by a 1½" Aluminum Cap (Corner Record, Instrument Number 161718);

Thence continuing North 00°48'37" East coincident with the westerly line of the NW ¼ NE ¼ of Section 16, a distance of 1332.12 feet to the **POINT OF BEGINNING**.

The area described above contains approximately 45.69 Acres.

Basis of bearings is **GRID NORTH**, Idaho State Plane Coordinate System, West Zone.

Exhibit "1" (page 5)

(legal description of the "Project")

A parcel of land located in Gem County, Idaho, being the E ½ NE ¼ NW ¼ of Section 16 Township 6 North, Range 1 West, Boise Meridian, and more particularly described as follows:

**BEGINNING** at the ¼ Corner common to Sections 9 and 16, currently monumented by a 1" I.D. Iron Pipe (Corner Record, Instrument Number 184613);

Thence South 00°48'37" West, coincident with the easterly line of the NE ¼ NW ¼ of Section 16, a distance of 1332.12 feet to the SE Corner of the NE ¼ NW ¼ of Section 16 (CN 1/16), currently monumented by a 1 ½" Aluminum Cap (Corner Record, Instrument Number 161718); said SE Corner being North 00°48'37" East, a distance of 1332.12 feet from the C 1/4 Corner of Section 16, currently monumented by a 3 ¼" diameter Brass Cap Monument (Corner Record, Instrument Number 200719, except marked PELS 3260);

Thence North 89°51'56" West, coincident with the southerly line of the NE ¼ NW ¼ of Section 16, a distance of 655.85 feet, to the SW Corner of the E ½ NE ¼ NW ¼ of Section 16, currently monumented by a 5/8" Rebar w/Yellow Cap PLS 5077, said corner being South 89°51'56" East a distance of 1966.94 feet from the N 1/16 Corner common to Sections 16 and 17, currently monumented by a 2" Aluminum Cap, PLS 885;

Thence North 00°43'01" East, coincident with the westerly line of the E ½ NE ¼ NW ¼ of Section 16, a distance of 1329.64 feet, to the NW Corner of the E ½ NE ¼ NW ¼ of Section 16, said corner being North 89°55'16" East a distance of 1973.53 feet from the NW Corner of Section 16, currently monumented by a 3 ½" diameter Brass Cap Monument (Corner Record, Instrument Number 184612);

Thence North 89°55'16" East coincident with the northerly line of the NE ¼ NW ¼ of Section 16, a distance of 657.84 feet to the **POINT OF BEGINNING**.

The area described above contains approximately 20.06 Acres.

Basis of bearings is **GRID NORTH**, Idaho State Plane Coordinate System, West Zone.

Exhibit "1" (page 6)

(legal description of the "Project")

A parcel of land located in Gem County, Idaho, being a portion of the SE ¼ NW ¼ of Section 16 Township 6 North, Range 1 West, Boise Meridian, and more particularly described as follows:

**BEGINNING** at the NE Corner SE ¼ NW ¼ of Section 16 (CN 1/16), currently monumented by a 1 ½" Aluminum Cap (Corner Record, Instrument Number 161718); said Point of Beginning being North 00°48'37" East a distance of 1332.12 feet from the C ¼ Corner of Section 16, currently monumented by a 3 ¼" diameter Brass Cap Monument (Corner Record, Instrument Number 200719, except marked PELS 3260), and said Point of Beginning being South 00°48'37" West a distance of 1332.12 feet from the ¼ Corner common to Sections 9 and 16, currently monumented by a 1" I.D. Iron Pipe (Corner Record, Instrument Number 184613);

Thence South 00°48'37" West, coincident with the easterly line of the SE ¼ NW ¼ of Section 16, a distance of 145.41 feet to a point on the northwesterly line of the U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, as described in a Final Order of Condemnation, dated and filed December 13, 1938, recorded January 9, 1939, Instrument Number 40305, Book 5 of Miscellaneous, Page 127, Gem County Recorder Records, said point being offset 135.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, and said point being the beginning of a non-tangential curve;

Thence coincident with said northwesterly Right of Way line offset 135.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way, the following courses:

Southwesterly, on said non-tangential curve to the left having a radial bearing of South 30°45'00" East, an arc distance of 84.91 feet, said curve having a radius of 335.00 feet, a central angle of 14°31'22", and a chord bearing South 51°59'19" West a distance of 84.69 feet;

South 44°43'39" West, a distance of 151.20 feet;

Southwesterly, on a curve to the left, an arc distance of 65.64 feet, said curve having a radius of 735.00 feet, a central angle of 05°07'00", and a chord bearing South 42°10'09" West a distance of 65.62 feet;

South 39°36'39" West, a distance of 139.70 feet;

Southwesterly, on a curve to the left, an arc distance of 100.47 feet, said curve having a radius of 335.00 feet, a central angle of 17°11'00", and a chord bearing South 31°01'09" West a distance of 100.09 feet;

South 22°25'39" West, a distance of 30.70 feet;

Exhibit "1" (page 7)

(legal description of the "Project")

Thence North 67°34'21" West, coincident with said northwesterly Right of Way line, a distance of 71.92 feet, to a point on the northwesterly Right of Way line of State Highway 16, said point being offset 50.00 feet from the survey centerline alignment, as shown on a Record of Survey by Washington Group International for the Idaho Transportation Department, recorded 07/14/2005, Instrument Number 244565, Gem County Recorder Records, and said point being South 67°34'21" East a distance of 3.08 feet from a point offset 210.00 feet from the survey centerline alignment of said U.S. Bureau of Reclamation Canal (Black Canyon Canal) Right of Way;

Thence northwesterly, coincident with said northwesterly Right of Way line of State Highway 16, offset 50.00 feet from said survey centerline alignment of State Highway 16, on a non-tangential curve to the left having a radial bearing of South 41°48'28" West, an arc distance of 1002.37 feet, said curve having a radius of 2133.48 feet, a central angle of 26°55'09", and a chord bearing North 61°39'07" West a distance of 993.18 feet to a point having a radial bearing of South 14°53'19" West, said point being on the westerly line of the SE ¼ NW ¼ of Section 16;

Thence North 00°37'24" East, coincident with the westerly line of the SE ¼ NW ¼ of Section 16, a distance of 79.44 feet to the NW Corner SE ¼ NW ¼ of Section 16 (NW 1/16), said NW Corner being North 00°46'57" West, a distance of 6.50 feet from a 3 ½" Aluminum Cap Reference Monument, stamped R/M NW 16, 6.36 N, LS 885;

Thence South 89°51'56" East, coincident with the northerly line of the SE ¼ NW ¼ of Section 16, a distance of 1311.29 feet to the **POINT OF BEGINNING**.

The area described above contains approximately 9.06 Acres.

Basis of bearings is **GRID NORTH**, Idaho State Plane Coordinate System, West Zone.

**SECOND AMENDED DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF EMMETT, IDAHO AND 210 MAIN, LLC**

Exhibit "2"

(Conditions of Approval)

**General Terms**

1. Nothing in this Agreement shall be construed as relieving 210 Main, LLC or its successors from further compliance with all other permit and code requirements for subsequent applications for the same 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.

**Land Uses, Concept Plan, and Development**

1. The Project is in the R-1, Single Family Residential, zoning district. The development conceptual master plan included as Exhibit "3" ("Concept Plan") is approved for development of the Project. Notwithstanding the need to file all applications required under Emmett City Code, the development shall be generally designed in accordance with the attached concept plan. In this context, "generally designed" is meant to refer to the basic density of residential areas and the circulation and access control objectives of the street layout. This is intended to provide a basic level of assurance to the Owner and the City regarding the scope of the development. All other details and approvals shall be addressed through subsequent applications or submittal of construction plans. Owner may adjust lot sizes, layout, and location of roads as long as it remains substantially consistent with the submitted Concept Plan, so long as the overall residential units do not increase greater than 5%, and with any increase in density the minimum requirement for open space is achieved.
2. A Special Use Permit is contemporaneously submitted with this Agreement for approval by City for use of a portion of the Project for a church by Community Bible Church, Inc. of Emmett, Idaho, an Idaho non-profit corporation consistent with the Concept Plan. The church shall be approved pursuant to the Special Use Permit process.
3. A variance from lot size and setbacks is contemporaneously submitted for 11 lots which were originally designed, and improvements installed with 50' frontage and shown in Phase #1 of the submitted preliminary plat (Lots 7-11, Block 5, and Lots 2-7, Block 4). These lots have existing sewer infrastructure installed consistent with the originally approved but expired preliminary plat. For these lots, setbacks

are approved to permit a structure 40' in width, interior side setbacks of five (5) feet are approved and side street setbacks are approved for the two lots bordering a side street to enable a residence 40' in width consistent with the submitted preliminary plat.

4. A preliminary plat is contemporaneously submitted and will be phased substantially as set forth in Exhibit "4".
5. This Agreement has no specific sunset date or development timeframe requirements except Owner shall obtain the certification of the acceptance of Phase #1 within eighteen (18) months of approval of preliminary approval of Phase #1, unless an extension is obtained pursuant to City Code. Each successive phase, if submitted within successive intervals of one year, may be considered for final approval without resubmission for preliminary plat approval. This one-year time frame shall begin on the recording date of the final plat of the prior phase. Extensions may be permitted as provided for in Emmett Code. The actual scheduling of when certain portions of the Project (except where a specific timeframe is specified) shall be dictated by the market, at the sole discretion of the Owner.
6. The Project shall conform to the City's Dark Sky Regulations, Emmett Code § 9-20-1 et seq.
7. With submittal of the construction designs, the Project shall submit draft Conditions, Covenants, and Restrictions setting forth the restrictions imposed by this Development Agreement and approval of the preliminary plat.

#### **Public Streets/Highways**

1. As shown on the Concept Plan and submitted preliminary plat, 12<sup>th</sup> Street will be rerouted in part and dedicated to the City and the City in part will vacate a portion of 12<sup>th</sup> Street. Access to existing lots will be preserved as shown in the Concept Plan and submitted preliminary plat.
2. As illustrated in the Concept Plan, 12<sup>th</sup> Street shall be designed to allow for a potential future additional canal crossing.

#### **Public Works, Utilities, and Common Area**

1. Water:
  - a. Booster Station. The City of Emmett water system does not currently have the minimum water pressure for all this Project and other land in the area. The water booster station improvement will be constructed by the City of Emmett. The Owner will reserve and dedicate, by appropriate conveyance, free of any liens or encumbrances, to the City of Emmett a portion of Common Lot 7, Block 1 for a water booster station facility. The Owner will grant an easement to the City of Emmett for construction of the booster station prior to recording the final plat of phase 1. Owner acknowledges that but for Owner completing the Project, City would not

construct the necessary booster station. If this Agreement is terminated as provided in Section 3.4, then Owner shall reimburse City for the City's costs related to construction of the booster station, including but not limited to the City's costs for engineering, material, labor, and testing. In such event, the City's reimbursement will be reduced by hook-up fees paid for water from the Project (if any), and Owner shall receive a credit equal to any such payment for future hook-up fees to the water system for Project lots connected to the system pursuant to City Code. Notwithstanding the foregoing, City shall retain any and all other rights and remedies provided herein or under applicable law.

- b. **Storage Tank.** The Owner will reserve and dedicate, by appropriate conveyance, free of any liens or encumbrances, to the City of Emmett, Common Lot 28, Block 1, along with a permanent easement across Lot 26, Block 1, for a potential future storage tank, the Owner will not be responsible for constructing the storage tank.
2. **Open Space / Parks:** Section 10-3-11 of the City Ordinance requires 2.77% of an acre of "Common open space" for each residential lot in the project. At 242 residential units, the Project will require 6.7 acres of Common open space. The City does not desire and will not take possession or responsibility for maintenance of any of the Common open space; however, the lot reserved for a future storage tank lot will count towards the Common open space requirement (Lot 28, Block 1 in the submitted preliminary plat). The contemplated Common open space is identified in the Concept Plan and more specifically in the submitted preliminary plat. Not all of Lot 26, Block 1 will be dedicated as common open space. The final design of Lot 26, Block 1 will include private open space owned by the church and Common open space (which will be attributable to the Common open space requirement) the size and design will be finalized in construction plans to meet the minimum requirements required for the phasing of the Project. The Owner may build more Common open space than required in the initial phase or phases of the Project. Owner may utilize any overbuild of Common open space in the Project toward Common open space requirements of: (1) any future phases of the Project; (2) any additional lands developed by the Owner (or its assign) within one mile of the Project; or (3) may sell or assign such credit of overbuilt Common open space to another developer within one mile of the Project.



**SECOND AMENDED DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF EMMETT, IDAHO AND 210 MAIN, LLC**

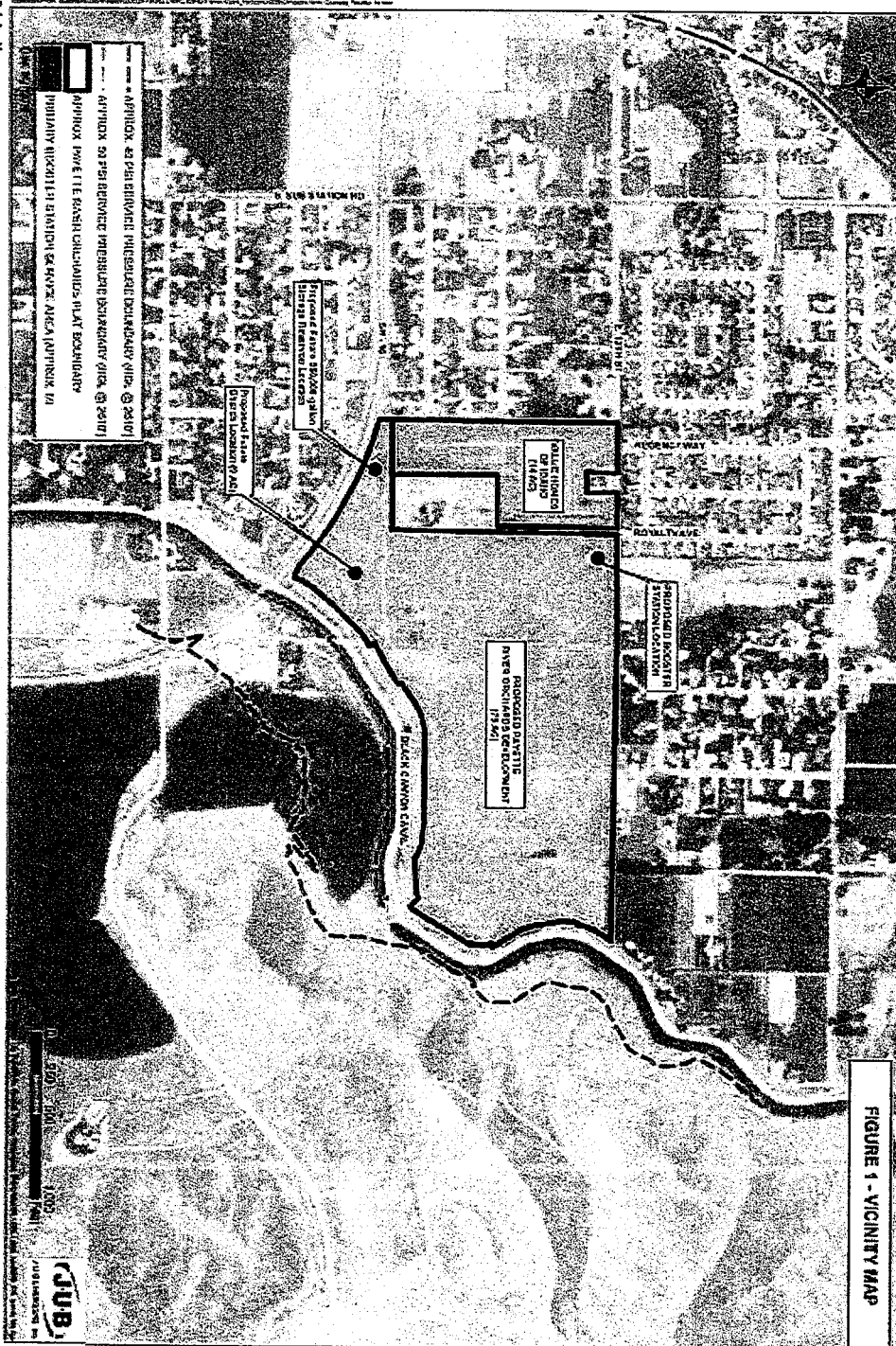
**EXHIBIT 3**

**CONCEPT PLAN**

(See Attached)

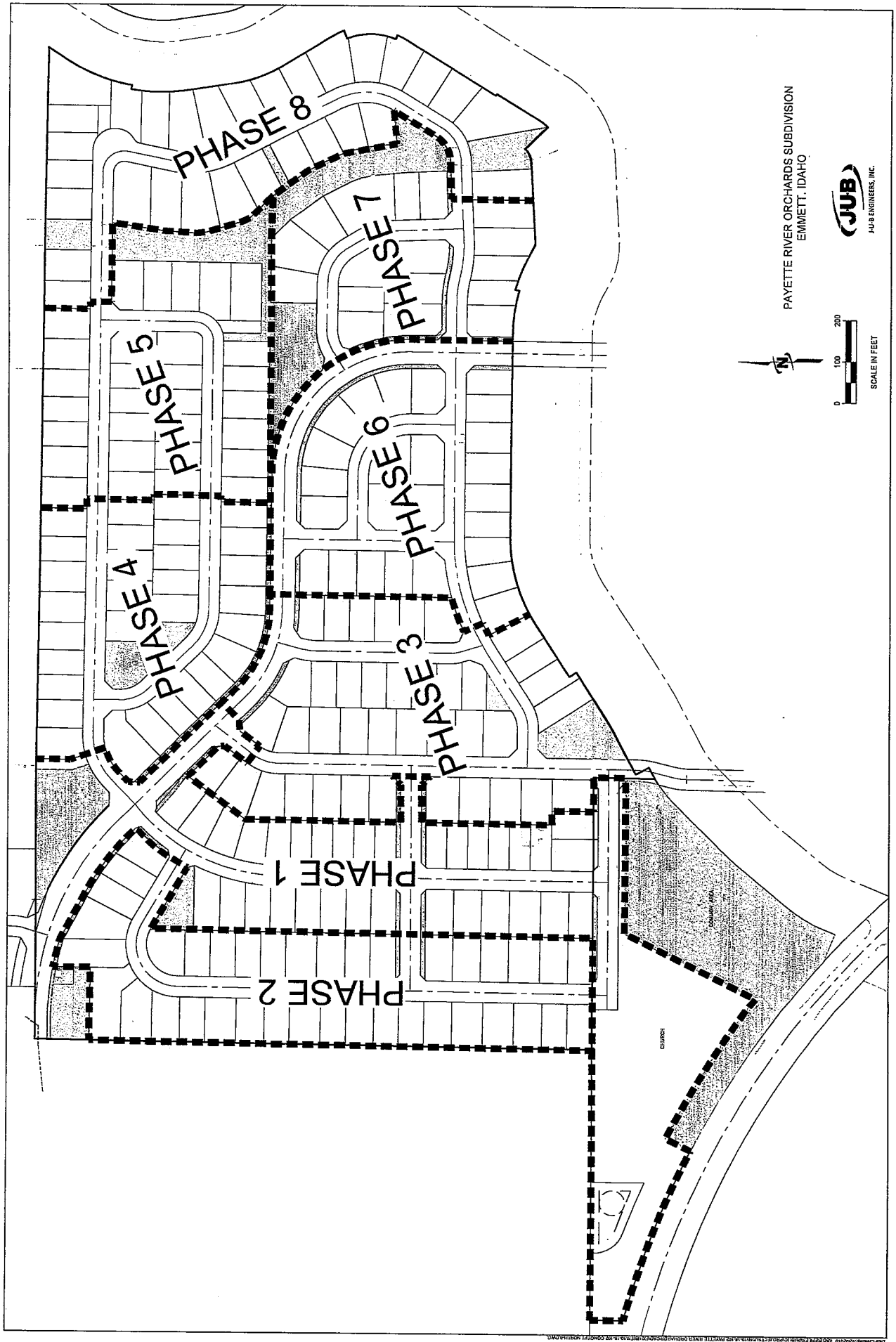
# EXHIBIT 3 Site Plan

Page 1 - Vicinity Map

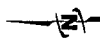


**SECOND AMENDED DEVELOPMENT AGREEMENT BETWEEN  
THE CITY OF EMMETT, IDAHO AND 210 MAIN, LLC**

Exhibit 4 - Phasing



PAYETTE RIVER ORCHARDS SUBDIVISION  
EMMETT, IDAHO



SCALE IN FEET

# City of Emmett Council Meeting

November 26, 2019

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**  
Hugh Orr offered the **Community Invocation**

**Council Present:** Council President Michelle Welch, Councilman Gary Resinkin, Councilman Steve Nebeker, Councilman Tona Henderson, Councilman Mike Stout

**Absent:** Councilman Shawn Alder, City Attorney, Jake Sweeten and City Clerk, Lyleen Jerome

**Staff Present:** Curt Christensen, Steve Kunka, William Babcock, Clint Seamons, Bruce Evans, Mike Knittel, Stephanie Johnson, and Alishia Elliott

**Public Present:** Wayne and Vi Rexford - 2784 Orchard Lane, Hugh and Pam Orr - 1110 Royalty Ave, , Gerald Turner - 527 E. 2nd St., and Brian Gregory - 1116 Regency Way.

**Amendments to the Agenda:** Mayor Petrie removed item A #2 from the agenda.

Councilman Nebeker made a **MOTION TO APPROVE THE AGENDA AS AMENDED. Seconded. 5 -AYES, 0- NAYES. Motion Carried.**

**Declaration of Conflicts of Interest:** - None

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

## **CONSENT AGENDA:**

- A. Approval of Minutes – November 12, 2019 Road Plan Workshop and Regular Meeting
- B. Approval of Accounts Payable

Councilman Henderson made a **MOTION TO ACCEPT THE CONSENT AGENDA. SECONDED. 5 – AYES, 0- NOES. Motion Carried.**

## **ELECTED OFFICIALS:**

### A. Mayor

1. Employer Recognition - Mayor Petrie recognized Curt Christensen, Chief Steve Kunka and Deputy Chief Will Babcock for their involvement in the training event on October 31st at the City Airport.
2. Presentation of Mayor Walking Challenge Funds to Gem Recreation District. Mayor Petrie presented a check in the amount of \$1,000 to go towards the future pool to Wayne Rexford
3. Arbor Day Proclamation. Mayor Petrie proclaimed Friday April 24th, 2020 as Arbor Day and presented the Proclamation to Bruce Evans

### B. Announcements

### C. City Council

## **NON-CONSENT AGENDA**

### **BUSINESS**

- A. Appointment of Brian Gregory to Joint Planning Commission. Mayor Petrie made the recommendation of the appointment of Brian Gregory to the Joint Planning Commission. Councilman Stout made a **MOTION TO APPROVE THE APPOINTMENT OF BRIAN GREGORY TO JOINT PLANNING COMMISSION. Seconded. 5 - AYES, 0-NOES. Motion Carried.**

City of Emmett Council Meeting

November 26, 2019

- B. Acceptance of the November 5th Canvass of Election Results. Stephanie Johnson, Deputy Clerk presented the November 5th Canvass of Election Results given by the County Clerk's Office. Councilman Nebeker made a **MOTION TO ACCEPT THE NOVEMBER 5TH CANVASS OF ELECTION RESULTS AS PRESENTED. Seconded. 5 - AYES, 0. Motion Carried.**

**GEM COUNTY RESULTS  
NOVEMBER 5, 2019 GENERAL ELECTION**

Precinct	CITY OF EMMETT		CITY OF EMMETT				CITY OF EMMETT			
	MAYOR	MAYOR	COUNCILMAN		COUNCILMAN		COUNCILMAN		COUNCILMAN	
	Steve Nebeker	Gordon W. Petrie	Shawn Alder	Thomas Butler	Brian Gregory	Tona Henderson	Brett McGann	Denise Sorenson	Michael J. Stout	Gerald Turner
01 Central	119	121	66	86	57	99	93	107	85	29
02 North Emmett	107	105	59	71	70	97	85	83	82	31
03 Butteview	120	147	80	104	68	123	103	97	118	46
04 South Emmett	103	130	85	85	47	88	92	118	64	39
05 West Emmett	18	11	12	10	7	4	10	12	12	7
06 Emerson	22	33	30	22	18	21	16	30	9	4
07 Lincoln	40	47	32	49	24	29	23	39	24	10
08 Letha	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
09 Hanna	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
10 Brick	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
11 Bench	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
12 Sweet/Montour	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
13 Ola	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A	N/A
Absentee	124	134	85	89	67	109	83	119	113	25
<b>CO. TOTAL</b>	<b>653</b>	<b>728</b>	<b>449</b>	<b>516</b>	<b>358</b>	<b>570</b>	<b>505</b>	<b>605</b>	<b>507</b>	<b>191</b>

- C. Approve Surplus of Equipment. Chief Kunka gave the list of Surplus of Equipment. Councilman Nebeker made a **MOTION TO APPROVE THE SURPLUSING OF EQUIPMENT. Seconded. 5 - AYES, 0 - NOES. Motion Carried.**
- D. Approve Arbor Day Tree City Application for Certification. Clint Seamons Public Works Director presented the Arbor Day Tree Application. Councilman Henderson made a **MOTION TO APPROVE THE ARBOR DAY TREE CITY APPLICATION FOR CERTIFICATION AND TO DIRECT THE MAYOR TO SIGN. Seconded. Roll Call Vote. COUNCIL PRESIDENT WELCH - AYE, COUNCILMAN STOUT - AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN RESINKIN - AYE. Motion Carried.**
- E. Approve Draft of City Hanger Rental Lease Agreement. Clint Seamons, Public Works Director presented the agreement. Councilman Nebeker **MADE A MOTION TO APPROVE THE DRAFT OF CITY HANGER RENTAL LEASE AGREEMENT. Seconded. Motion Carried.**
- F. Approve Hanger Lease on Cadwalder Anstrand Family Partnership. Clint Seamons, Public Works Director presented the Hanger Lease for the Cadwalder Anstrand Family Partnership. Councilman Henderson made a **MOTION TO APPROVE THE HANGER LEASE ON CADWALDER ANSTRAND FAMILY PARTNERSHIP AND TO DIRECT THE MAYOR TO SIGN. Seconded. Roll Call Vote. COUNCIL PRESIDENT WELCH - AYE, COUNCILMAN STOUT - AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN RESINKIN - AYE. Motion Carried.**
- G. Approve Lowest Bid from TC Sales and Service in the Amount of \$26, 430.00. Clint Seamons, Public Works Director presented the bid. Councilman Henderson made a **MOTION TO APPROVE THE LOWEST BID FROM TC SALES AND SERVICE IN THE AMOUNT OF \$26,430.00. Seconded. Motion Carried.**

City of Emmett Council Meeting

November 26, 2019

**DEPARTMENT/ ACTIVITY REPORTS**

- A. **Building Official/City Planner** – Brian Sullivan - absent
- B. **City Clerk** – Stephanie Johnson, Deputy Clerk - gave monthly report.
- C. **Fire** – Chief Curt Christensen - gave monthly report
- D. **Library** – Alyce Kelley - Absent
- E. **Police** – Chief Steve Kunka - gave monthly report
- F. **Public Works** – Director Clint Seamons - gave monthly report
- G. **Systems Administrator** – Mike Knittel - gave monthly report
- H. **Engineer**

**EXECUTIVE SESSION:**

Executive Session 74-206 (1) (b) To consider the evaluation, dismissal or discipling of, or to hear complaints or charges brought against a public officer, employee, staff member or individual agent, or public-school student. Councilman Nebeker made a **MOTION IN REGARDS TO 74-206 (1) (b) TO GO INTO EXECUTIVE SESSION. SECONDED. ROLL CALL VOTE - COUNCIL PRESIDENT WELCH – AYE, COUNCILMAN STOUT- AYE, COUNCILMAN NEBEKER - AYE, COUNCILMAN HENDERSON - AYE, COUNCILMAN ALDER - AYE, COUNCILMAN RESINKIN - AYE. MOTION CARRIED. COUNCIL WENT INTO EXECUTIVE SESSION AT 7:56 PM. RETURNED AT 8:40PM**

**DECISION OF EXECUTIVE SESSION:**

Councilman Stout made a **MOTION TO HAVE COUNSELOR SWEETEN LOOK INTO VARYING POLICY AND PROCEDURES VIA AIC, ICRMP, AND OTHER CITIES TO DEAL WITH COMPLAINTS CONCERNING THE CITY COUNCIL MEMBERS AND TO OFFER COUNSELING TO THE CITY CLERK. Seconded. 5 - AYES, 0 - NOES. Motion Carried.**

Councilman Stout made a **MOTION TO ADJOURN, SECONDED, 5 – AYES, 0 – NOES. Motion Carried.**

Meeting Adjourned at 8:41 p.m.

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Mayor Gordon Petrie

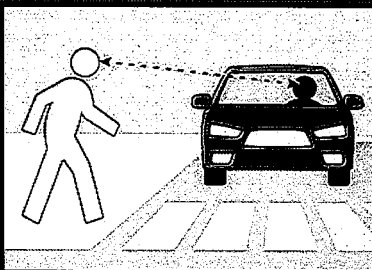
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Stephanie Johnson, Deputy City Clerk

# How to use a RAPID FLASHING BEACON

## 1. Push the button

Press button to activate flasher. The light will start to flash letting drivers know a person is ready to cross the road.

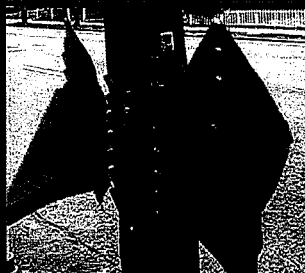


## 2. Make eye contact

Make eye contact with drivers in the car. Wait until they have stopped before crossing the road.

## 3. Grab a flag & look

Hold flag up high and look both ways when crossing the street and always stay in the crosswalk.



## 4. Replace the flag

After you have safely crossed the street, place the flag back in the bag.

### Basic Safety Factors:

- **Be Visible**
- **Stay Alert**
- **Follow Rules**
- **Walk in Safe Places**



**S**taying Safe

**A**lways Pay Attention

**F**ollow Rules

**E**ye Contact With Drivers

**T**urn on The Flashing Beacon Signal

**Y**ou Are a Smart Walker!



**RESOLUTION #R2019-02**

**RESOLUTION OF THE CITY COUNCIL  
OF THE CITY OF EMMETT, IDAHO  
EMMETT INFORMATION TECHNOLOGY FEES**

WHEREAS the City Council held a Public Hearing on December 10, 2019 at 7:00 p.m. at City Hall, 501 E. Main Street, Emmett, Idaho; and

WHEREAS the purpose of the Public Hearing was to discuss establishing certain fees related to Fiber Optic Utility Rates.

NOW, THEREFORE, BE IT RESOLVED by the City Council of Emmett, Idaho, that effective on and after January 1, 2020, the following fees shall be in effect:

- Residential Rates**- Fiber Optic Utility Base Rate: \$15.00/month
- Commercial Rates**- Fiber Optic Utility Base Rate: \$25.00/month
- Government Rates** – Negotiated and contracted on a case-by-case basis

**Colocation Services**

- 1. One Rack Unit 0-400watts (1U) w/120v, HVAC \$35.00/month
- 2. One Rack Unit 501-750watts (1U) w/120v, HVAC \$50.00/month
- 3. One Rack Unit 750watts and over (1U) w/120v, HVAC Negotiated

Standard single mode fiber patch cables will be supplied by the tenant.

The following one-time fee applies when patch cables are placed or moved.

- 4. During Business Hours: \$ 15.00
- 5. Outside Business Hours: \$100.00

**Dark Fiber Rates**

- 1. Dark fiber between anchor facilities only (i.e. Water Tower, City Hall, Water Treatment Plant, Well 9): \$100/per strand/month (No Service Level Agreement).  
\* If specific Service Level Agreement terms are needed rates will be negotiated on a case-by-case basis.

**Fiber Splicing**

- 1. Instances of emergency repair/general splicing rate: \$100.00/hour per technician.

RESOLUTION introduced and passed December 10, 2019, by the following vote:

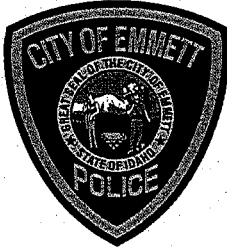
AYES: \_\_\_\_\_ NOES: \_\_\_\_\_ ABSENT: \_\_\_\_\_

ATTEST:

APPROVED:

\_\_\_\_\_  
CITY CLERK

\_\_\_\_\_  
MAYOR



## EMMETT POLICE DEPARTMENT

501 E. Main Street – Emmett, ID 83617

Fax: 208-365-6062 Phone: 208-365-6055

Chief Steve Kunka

December 3, 2019

Pursuant to the city's purchasing policy, IIX. Surplus Property, the Police Department seeks a motion from the Council that authorizes the police department to declare two older portable breath testing devices as surplus property.

The units are older and will begin to require maintenance. Also, the police department has more than a sufficient supply of portable breath testing devices available for officers. If we declare these two older units as surplus, we will still have 4 units available for use.

To prevent malfeasance of these items being used by the public, pursuant to Section D of the Purchasing Policy, the police department would be donating these items to other local law enforcement agencies in need, who could use the equipment.

Respectfully,

A handwritten signature in black ink, appearing to be "S. Kunka", written over a large, stylized flourish.

Chief Steve Kunka



**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.)*

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**Application:** Preliminary Plat– Payette River Orchards Subdivision

**Applicant:** 210 Main LLC

**Date of Zoning Commission Public Hearing(s):** October 7, 2019 (continued) &  
November 4, 2019 (final)

**Date of City Council Meeting:** December 10, 2019, 7:00pm

**Summary of Public Testimony:**

- Applicant provided summary/overview of proposed plat and amenities
- Property owners in the immediate vicinity testified with concerns regarding the following topics in the first public hearing. *(Staff comments are in italics and were addressed in the second hearing)*
  - Connectivity of sidewalks - *Proposed development will connect to the existing sidewalk at Regency Heights Subdivision*
  - Increased pedestrian traffic at 12<sup>th</sup> Street and Substation Road - *Install Rapid Flashers which was done with the 12<sup>th</sup> street pathway project.*
  - Bridge over Black Canyon Canal - *Roadway will be one way northbound over the bridge into the development with a designated walking/biking lane over the bridge. Roadway will be signed "No Thru Traffic, Do Not Enter, One-Lane Bridge Ahead, Watch for Pedestrians, etc."*
  - Speed Limit - *Speed limit will be reduced from 35 MPH to 20 MPH.*
  - Traffic entering Highway 16 at Sand Hollow Road - *One-way grid will direct the traffic to Substation Road and not to this intersection.*
  - Heavy traffic during construction of the subdivision - *This will be discussed during the pre-construction meeting with developer and contractor. Project will be signed for construction entrance off E. 12<sup>th</sup> St.*
  - Input from School District - *Zoning Department received no response from the school district during the first public hearing. School district responded after a zoning commission member contacted them. Letter is in packet.*

- The applicant agrees with the proposed solutions to the questions asked.

**Commission Recommendation:**

- At the October 7, 2019 meeting, the Commission voted to continue the public hearing to give staff time to rebut the community comments and time to modify the Development Agreement after the Council Meeting November 12<sup>th</sup> regarding the water booster station.
- At the November 4, 2019 meeting, the Commission reviewed the comments and solutions brought forward from staff.
- Based on the findings included in the accompanying staff report, the Commission voted to recommend approval of the application adopting the staff report, including the solutions to the questions that arouse from the first public hearing. Unanimous vote.

**Reason(s) and Findings for Recommendation:** See Staff Report.

**Outstanding Issues for City Council Meeting:**

- Note: Emmett City Code only requires one (1) public hearing for a Preliminary Plat application. Therefore, the 12/10/19 City Council meeting was not re-noticed to the public. Staff recommends that any significant changes to the Zoning Commission recommendation that City Council wants to make be addressed only during a new public hearing later. Otherwise, you can discuss the Commission's recommendations as presented and make a final decision.
- ITD submitted a letter dated 12/2/19 with requirements. City staff agrees with removal of existing approach located approximately 480 ft. north of the canal. ITD has this listed as US 20/26 in their letter but is located on Hwy 16.
- City staff does not agree with the requirement of a Proportionate Share Contribution for improvements outside of Gem County. The improvements requested are located and described as the Southbound thru lane at Beacon Light/SH-16 and Ultimate SH-16/SH-44 Interchange.
- ITD is wanting the City to impose a Proportionate Share Contribution, (impact fee) on a subdivision development, but states nothing about imposing this fee on the other building lots located in the City of Emmett and Gem County, which just in 2019, created approximately 160 new residences. By agreeing to this, the City would need to impose impact fees and specify that a certain percentage goes to ITD for roadway improvements. IC 67-8204A, Intergovernmental Agreements, states that governmental entities which are affected by development are authorized to enter into agreements for developing joint plans for capital improvements or to collect and expend impact fees, provided such an agreement complies with state law. This statement alone shows that the City would be mandated to impose an impact fee ordinance. It is our opinion that the Proportionated Share Contribution (impact fee) needs to go thru the Idaho State Legislature and be imposed, following the guidelines outlined in Idaho Statute 67-82, on every building being constructed statewide.

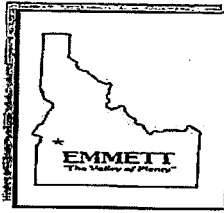
**Possible Motion:**

I make a motion to approve preliminary plat #PP 19-002 for Payette River Orchards Subdivision, adopting the staff report, staff recommendations, solutions to mitigate community concerns, removal of existing approach to Highway 16 approximately 480 ft north of Black Canyon Canal, and deny the request for a Proportionate Share Contribution to ITD due to the fact the city has not adopted an

impact fee ordinance.

OR

I make a motion to deny the application for Payette River Orchards Subdivision for the following reason:



**CITY OF EMMETT  
MASTER PUBLIC HEARING APPLICATION**

501 E. Main St., Emmett, Idaho 83617 www.cityofemmett.org phone: (208) 365-6050 fax: (208) 365-3064

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

- |  |  |  |
|--|--|--|
| <input type="checkbox"/> ANNEXATION                        | <input checked="" type="checkbox"/> DEVELOPMENT AGREEMENT    | <input type="checkbox"/> SUBDIVISION, MODIFICATION |
| <input type="checkbox"/> APPEAL                            | <input type="checkbox"/> REZONE                              | <input type="checkbox"/> VACATION                  |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input checked="" type="checkbox"/> SPECIAL USE PERMIT       | <input checked="" type="checkbox"/> VARIANCE       |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT  | <input checked="" type="checkbox"/> SUBDIVISION, PRELIMINARY | <input type="checkbox"/> ZONING TEXT AMENDMENT     |
| <input type="checkbox"/> DESIGN REVIEW                     | <input type="checkbox"/> SUBDIVISION, FINAL                  |  |
|  | <input type="checkbox"/> SUBDIVISION, COMBINED/MINOR         |  |

PROJECT NAME: PAYETTE RIVER ORCHARDS SUBDIVISION

**SITE INFORMATION:**

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

Quarter: NW & NE Section: 16 Township: 06N Range: 01W Total Acres: 74.8

Subdivision Name (if applicable): Payette River Orchards

Site Address: East 12<sup>th</sup> Street Lot: \_\_\_\_\_ Block: \_\_\_\_\_  
City: Emmett

Tax Parcel Number(s): RP06N01W162400; RP06N01W164200; RP06N01W160188 Current Zoning: R1 Current Land Use: pasture

**PROPERTY OWNER:**

Name: Little Enterprises, LLLP by merger from Sand Hollow Sixteen LLC

Address: PO Box 488, 210 W. Main St.

City: Emmett State: ID Zip: 83617

Telephone: 208-365-4611 Fax: \_\_\_\_\_

**APPLICANT:**

Name: 210 Main, LLC

Address: PO Box 488, 210 W. Main St.

City: Emmett State: ID Zip: 83617

Telephone: 208-365-4611 Fax: \_\_\_\_\_  
Email: dalittle61@outlook.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.

David Little 8/29/19  
Signature: (Owner) Date

David Little 8/29/19  
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.:
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**CITY OF EMMETT**  
**OFFICIAL PRELIMINARY SUBDIVISION APPLICATION**

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

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

APPLICANT NAME: 210 Main, LLC PHONE: cell 208-869-9754  
work 208-365-4611

ADDRESS: PO Box 488, 210 W. Main St., Emmett, ID 83617

OWNERS OF RECORD: Little Enterprises, LLLP by merger from Sand Hollow 16, LLC PHONE 208-365-4611

ADDRESS: PO Box 488, 210 W. Main St. Emmett, ID 83617

ENGINEER, SURVEYOR, OR PLANNER: Scott Wonders, JUB PHONE: (208)860-1623

PROPERTY ADDRESS AND LEGAL DESCRIPTION: 12<sup>TH</sup> Street, Emmett, Idaho  
A PARCEL OF LAND SITUATE IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF  
SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN,

PROPOSED NAME OF SUBDIVISION: Payette River Orchards Subdivision

I understand:

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

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

Signature: 

Date: 8/29/19



**VARIANCE/WAIVERS**

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

**SUBDIVISION FEATURES**

Lots and dwelling units per gross acre: 3.64 Number of Lots: 243 Acres of land in contiguous ownership: 74.81

Complete Gross Acreage of Subdivision: 74.81 Existing zoning classification: R-1

**BUILDING PROGRAM**

Type of building construction proposed (Residential, Commercial, Industrial, Combination): residential and 1 church

Type of dwellings proposed (Single-family, Duplexes, Multi-family, Apartments): 242 residential / 1 church

Are there any existing buildings?  YES  NO. If yes, please describe the existing buildings: \_\_\_\_\_

**PUBLIC STREETS AND IMPROVEMENTS**

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

**PRIVATE STREETS**

Are private streets proposed?  YES  NO

**PUBLIC UTILITIES**

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

**CITY SEWER AND WATER**

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

**IRRIGATION**

Name of Irrigation Entity: Emmett Irrigation District

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

Is irrigation water to be provided to each lot?  YES  NO

The point of delivery of the irrigation water that serves your property is: (please check one)  under the jurisdiction of the irrigation entity listed above;  under a private water user's association;  other (describe).

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

**DRAINAGE PLANS**

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

**FIRE PROTECTION**

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

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

## **210 Main, LLC**

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

August 29, 2019

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

Re: 210 Main, LLC – Payette River Orchards applications

Mr. Sullivan,

Enclosed are 210 Main, LLC's applications for the Payette River Orchards Subdivision including:

1. Master Public Hearing Application;
2. Development Agreement Application;
3. Preliminary Subdivision Application;
4. Special Use Permit; and
5. Variance Application

This cover letter addresses matters requested in the applications to be addressed in a separate cover letter or additional narrative.

A brief history of the property is included:

A previous owner of the property (Emmett Valley, LLC) originally proposed a development on this land, it was permitted by the City of Emmett by a May 24, 2006 Development Agreement, and 220 acres were annexed into the City of Emmett. It was originally permitted for 531 dwelling units and commercial uses. Planning and engineering was conducted, and initial construction work was performed, primarily installation of sewer and water lines and initial grading. In the financial downturn the project failed, and we purchased the property. To enable construction of center-pivots and use of part of the property for commercial farming (which is not permitted in the city limits), approximately 130 acres of the original project were de-annexed from the City of Emmett. In de-annexing the property, the 2006 Development Agreement was amended to allow for farming on the de-annexed property and a condition was that a new development

agreement would be entered prior to any construction on the property remaining in the city limits.

The Community Bible Church, Inc. of Emmett, Idaho approached us about purchasing a portion of the property remaining in the city limits for a church. In reviewing the water, road, and sewer needs of the Church and process to amend the development agreement, it was determined that a comprehensive amendment of the development agreement and phased development plan of the property would be the best way to meet the needs of the Church and utilize the property consistent with the Comprehensive Plan. This Project will enable the Church to build its desired site and the construction of needed housing in the City of Emmett.

## 1. Master Public Hearing Application

Enclosed is the Master Public Hearing Application and an Affidavit of Legal Interest.

A total fee of \$3,945.00 is submitted (\$310.00 (development agreement), \$3,030 (preliminary subdivision application), \$315.00 (special use permit), and \$290.00 (variance)).

## 2. Development Agreement

Enclosed is 210 Main's proposed Second Amended and Restated Development Agreement between the City of Emmett, Idaho, and 210 Main, LLC ("Development Agreement"). The submittal requirements in the City of Emmett's Development Agreement checklist are addressed in the order presented in the checklist:

1. Master Public Hearing cover sheet – enclosed
2. Fee of \$310.00 - enclosed
3. Affidavit of Legal Interest – enclosed
4. A legal description for the property subject to the development agreement – see attached as Exhibit "1" to the enclosed proposed Development Agreement (**see Tab 2**).
5. A narrative describing how the proposed Development Agreement is in compliance with the applicable goals and policies of the Comprehensive Plan in table format is attached as "**Exhibit A**".
6. A conceptual master plan, at an adequate scale, that addresses the following: - see Concept Plan and more specific submitted preliminary plat
  - a. Vehicular and pedestrian circulation, to include adjacent and proposed paths and roadways, as well as parking and snow removal
  - b. Existing and proposed buildings and uses, including open space and common areas
  - c. Conceptual grading and landscaping
  - d. Schematic building plans
  - e. Proposed design criteria (height, setbacks, density, etc.)
  - f. Utility capacity, connections and layout
  - g. Other items as requested by the Administrator, Zoning Commission or City Council
7. Proposed Development Agreement enclosed contains the following:
  - a. List of uses to be allowed – see Exhibit "2" (Conditions of Approval)
  - b. Identification of development standards required under the agreement – see Exhibit "2"

- c. Identification of locations for permitted uses on a proposed conceptual plan – see Exhibit “3”
- d. Planned implementation of improvements with a construction and completion schedule – see Exhibit “2”, Exhibit “4” (construction of Booster Station), and Exhibit “5” (Phasing)
- e. Provision that the standards, processes and information contained in this Title and Title 10 of this Code shall apply to the development of the property in the Development Agreement – see Section 1.6
- f. Required consensual lien and/or surety for project completion if abandoned or otherwise uncompleted – see Section 1.5
- g. A provision that the property owners/developer consents that failure to comply with the terms of the agreement, including construction schedule of improvements, shall result in a reversion of the zoning of the real property to the zoning designation existing immediately prior to the agreement; or in the case of an initial zone at annexation, the zoning of the real property shall be changed to a zoning designation deemed appropriate by the City Council – see Section 3.4
- h. A provision specifying that the agreement and all conditions, terms and duties and obligations included in said agreement shall be an encumbrance on the real property – see section 8.1
- i. Any other matter required by the City Council or City Attorney as deemed appropriate

### 3. Preliminary Subdivision Application

Please find enclosed the Project’s submitted preliminary subdivision application. As identified below in “4. Special Use Permit” and “5. Variance Application” each are being requested with this preliminary plat. Enclosed are the preliminary subdivision plat and plans and landscaping plans. The proposed development agreement sets forth the phasing and staging of the development as well as requirements for common open space and other requirements.

A – Master Public Hearing Application form – provided in Tab 1;

B – Fee provided;

C – See Preliminary Plat at “D”;

D – subdivision plat and 11”x17” copy – enclosed at “D”;

E – elements for preliminary plat – see in “D”;

F – six copies of preliminary engineering - enclosed in “F”;

G – proposed restrictive covenants or deed restrictions, to be supplemented at City request with conditions imposed by Development Agreement and approved preliminary plat;

H – proof of property interest – enclosed in “H”;

I – affidavit of legal interest – see Tab 1;

J – pictures of area under consideration – enclosed in “J”;

K – Statement of Intended Use – As set forth more specifically in the proposed and submitted Development Agreement and this cover letter, the intended use of the subdivision is for 242 phased residential housing lots, one lot used for a church, a lot for a booster station, a lot reserved to the City of Emmett for a above ground storage tank, and open space with pathways.

L – Three full size copies of the preliminary landscaping plan – enclosed in “L”

#### 4. Special Use Permit

Please find enclosed a Special Use Permit application from the Community Bible Church, Inc. of Emmett, Idaho for permitting Lot 27, Block 1 in the submitted preliminary plat for use of a church. The surrounding Lot 26, Block 1 will be used partially as Common open space with a pathway and partially as recreational space for the church. The allocation to common open space will be determined in the submittal of construction plans and in such a way to meet the overall Project’s minimum required Common open space. We similarly support and request this special use permit.

#### 5. Variance Application

We are requesting a variance from lot frontage, area, and setbacks for 12 lots which were originally designed, and improvements installed with 50’ frontage and shown in Phase #1 of the submitted preliminary plat (Lots 7-11, Block 5, and Lots 2-7, Block 4). These lots have existing sewer infrastructure installed consistent with the originally approved but expired preliminary plat. We are requesting variances to finalize construction of these 12 lots as improvements were originally constructed and as now depicted in the submitted preliminary plat and to permit a structure 40’ in width, which requires approval of interior side setbacks of five (5) feet and side street setbacks for the two lots bordering a side street to enable a residence 40’ in width consistent with the submitted preliminary plat.

The lots are contiguous and would not impact any other property owners. Special conditions and circumstances exist to the land involved as they were originally permitted and have existing infrastructure in place. The location of the initial infrastructure was not our action and was initially permitted. The granting of this variance is unique and will not confer any special privileges that are denied to other lands, structures, or buildings in the same district.

Permitting this variance will allow for efficient use of the existing infrastructure that has been evaluated and determined to be good quality and usable for this project.

We appreciate your consideration and review of this application. In the event any provided information is necessary in a digital or alternative form please contact us.

210 Main LLC



By: David Little, Its: Member



By: Adam Little, Its: Member

**Exhibit A – Narrative describing compliance with Comprehensive Plan**

The Gem Community Joint Comprehensive Plan by the City of Emmett, Idaho and Gem County, Idaho updated February 2014 (“Comprehensive Plan”) sets forth goals and policies.

**Chapter 3 – Housing**

	Applicable Comprehensive Plan Goals and Policies	Narrative describing compliance with Comprehensive Plan
	Chapter 3 – Housing	
1.0 Goals	<p>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:</p> <ul style="list-style-type: none"> <li>• Encourage development within the Emmett Area of City Impact and Rural Residential areas in the County.</li> <li>• Encourage workforce housing (affordable to households earning from 80% to 140% of the Area Median Income) in the Gem Community</li> <li>• Encourage diversified housing including single-family, multi-family and rental housing.</li> </ul>	<p>The proposed project is in Emmett City limits and in the Emmett Area of City Impact and will increase the supply of housing available in the City of Emmett and provide a variety of lot sizes not currently in supply in the City of Emmett.</p>
3.1.1	<p>Housing - Policies for the Gem Community:</p> <p>Encourage the provision of quality and diverse housing, as well as creative subdivision designs, of all price ranges for present and future residents.</p>	<p>The project will provide a variety of lot sizes and housing options for present and future residents.</p>
3.1.2	<p>Create and maintain a high quality of life through the provision of adequate open space and recreational opportunities.</p>	<p>The project will comply with City of Emmett open space requirements and include open space for recreational opportunities.</p>
3.1.6	<p>Support an open housing market free from discrimination on the basis of race, religion, sex, family status, mental or physical handicap.</p>	<p>The project will not discriminate on the basis of race, religion, sex, family status, mental or physical handicap and will include a provision in the CCRs.</p>
3.1.7	<p>Encourage the development of housing close to employment, transportation, schools, parks, downtown and city centers.</p>	<p>The project is in the city limits and within one-half mile of an existing school, and within 2.5 miles of downtown Emmett.</p>
	Chapter 8 – Recreation and Open Space	
	3.0 Bike Paths, Pathways, Greenbelt and Trail Goal:	<p>The Project will include walking trails and preserve existing irrigation corridors.</p>

	Support the establishment and maintenance of a Greenbelt along the Payette River while preserving existing trail and irrigation corridors.	
8.3.3	Through subdivision review, annexation and zoning, emphasize the establishment of trails and open space corridors.	The project includes open space and trails and will include pathways of approximately 0.60 mile in length and all lots are anticipated to be less than 0.25 mile from open space.
	Chapter 9 – Public Services and Utilities	
	1.0 General Public Services Goal Statement: Emmett and Gem County will serve all citizens in an objective, efficient and professional manner. Government leaders will evaluate public opinion and take actions to maintain high quality services in the community.	The project calls for the developer to construct a booster station and transfer ownership to the City of Emmett, which will increase the City of Emmett's service area, as called for in the proposed Development Agreement.
9.1.1	Investigate alternative public service financing options.	The project calls for the developer to initially finance the construction of the booster station and receive reimbursement with credit on hook-up fees and late-comer fees as set forth in the proposed Development Agreement.
9.1.3	All public safety services provided or authorized by the city will be considered good to excellent by a majority of the citizens. The City will strive for a rating of good to excellent in all other services. If a survey indicates that a public safety service is considered less than good or that any other service is poor, the City Council will evaluate that service and take necessary action to eliminate, privatize, consolidate or increase the quality of that public service.	The project will increase the water pressure available in an area that is currently identified as lacking adequate water pressure.
	3.0 Engineering and Public Works Goal Statement: To provide high quality technical analysis, construction, inspection and maintenance of the City's utility infrastructure and utilities in the Gem Community.	The City and City's engineers will inspect and approve the new infrastructure before it is turned over to the City.
9.3.1	All new developments should be phased for efficient connection to the municipal water and sewer system within the Impact Area.	The project is phased to allow for the efficient use of existing infrastructure. Variances from setbacks and lot size are only requested where previously permitted and existing infrastructure is already in the ground. Not permitting these lots would add costs and be inefficient as we would be unable to use the infrastructure that was previously installed

9.3.2	Ensure adequate water supply will be available for fire protection and industrial demands.	A preliminary engineering report has been conducted and approved by the City of Emmett engineer and Idaho Department of Environmental Quality that will ensure adequate water supply for fire protection through construction of a booster station to be financed by Owner that will serve an area in the City of Emmett that currently lacks adequate water flows. The project will be submitted for review by public safety personnel for comment.
9.4.16	All proposed commercial, industrial and residential (subdivision) development plans should be reviewed by public safety personnel for comment.  6.0 Utilities Goal Statement: The City of Emmett and Gem County will work in partnership with all utility providers that serve the Gem Community to provide reliable services that meet existing demands and future growth. In order to balance the interests of providing quality utility services, utility designs must minimize their impact on public health, safety and welfare, community aesthetics and the integrity of the Gem Community's residential neighborhoods.	The project will include underground utilities to provide services and construction of a booster station to provide domestic and fire suppression that will serve an area in the City of Emmett that currently lacks adequate water flows.
	Chapter 10 – Transportation	
	2.0 Street Beautification Goal Statement: Promote the beautification of state and local roads to improve the visual impact of the Gem Community, especially its entryway corridors.	The Project will include a landscape buffer with trees and green space along 12 <sup>th</sup> Street and improved landscape along Highway 16 for residents entering the City of Emmett.
10.2.1	Enforce the landscape ordinance that requires new development to plant trees in street landscaping buffer zones within the city limits and Area of City Impact.	The project landscape plan includes a variety of trees and green space.
	3.0 Transportation System Development Goal Statement: The elected officials of the Gem Community will identify transportation projects that need to be funded and constructed for community development and public safety. Land use and development should support transportation by requiring development only where sufficient roads can carry traffic without degradation of level of service. Necessary development fees shall be collected from new construction to fund transportation projects as a result of this growth.	A traffic impact study is being conducted with the scoping requests of the City of Emmett.



	<p>4.0 Pathways Goal Statement: Gem Community will consider cyclists, equestrians, pedestrians, skateboarders, skaters and other nonmotorized transportation needs in all land use decisions. (Wheelchairs and similar mobility devices for the handicapped are also included in this pathway goal.)</p>	<p>The project will include sidewalks and paths for multiple modes of nonmotorized transportation.</p>
10.4.2	<p>Consider all new development an opportunity to provide multi-use pathways and facilities.</p>	<p>The project will include pathways of approximately 0.60 mile in length in addition to sidewalks.</p>
10.4.3	<p>Provide for safe pedestrian pathways, whether paved or unpaved.</p>	<p>The project will include pathways of approximately 0.60 mile in length in addition to sidewalks.</p>
	<p><b>New Development</b> These areas must comply with guidelines and standards, such as the amount of common or open areas, pathways, landscaping etc. Subdivisions should be scrutinized to uphold ideals of quality of life and the potential impact on the community.</p>	<p>The project will comply with open space and landscaping guidelines and standards and include pathways approximately 0.60 mile in length.</p>
	<p>Chapter 12 – Land Use</p>	
	<p>General Land Use Policies</p>	
12.1	<p>Respect the responsibilities and rights of land ownership.</p>	
12.3	<p>Ensure due process of land development is clear and concise and avoid unnecessary delays for citizens and businesses.</p>	
12.4	<p>Promote high quality residential developments that contain the necessary parks, access to schools, and neighborhood commercial facilities to maintain and form identifiable neighborhoods.</p>	<p>The project will provide a quality subdivision and housing to the residents of the City of Emmett. The Project is located within 0.50 mile of an existing school and includes a complementary location for a church.</p>
12.5	<p>Promote the design and landscaping of attractive entranceways into our communities.</p>	<p>The project includes attractive entrances and will improve a property located close to an entryway to the City of Emmett.</p>
12.6	<p>Promote and support the community business cores, including adopting and enforcing policies that promote growth which radiates outward from those core areas of each community.</p>	<p>The project is located in the City of Emmett and contiguous to existing residential development. The Project will also enable building in the City of Emmett rather than further out in Gem County.</p>
12.7	<p>Support agriculture and business by buffering agriculture and business from incompatible land use encroachment.</p>	<p>The project has a natural buffer with the Black Canyon Canal between the existing residential development and the agricultural uses.</p>
	<p>Residential Land Use Policies</p>	

12.13	Encourage the provision of quality and diverse housing, as well as creative subdivision designs, of all price ranges for present and future residents.	This project will achieve this goal of providing quality and new opportunities for housing in the City of Emmett with a variety of lot sizes and housing options to meet the diverse needs of present and future residents.
12.14	Create and maintain a high quality of life through the provision of adequate open space and recreational opportunities.	This project will provide open space and recreational opportunities by providing open space and paths in the City of Emmett.
12.15	Encourage compatible infill development, which will complement existing neighborhoods.	This project is located in the City of Emmett and contiguous to existing residential development. The Project will also enable building in the City of Emmett rather than further out in Gem County.
12.16	Support the innovative mix of residential, commercial and light industrial land uses such as through the use of Planned Unit Developments.	This project includes residential as well as a complementary church to be located on the project.

**CITY OF EMMETT**  
**Planning & Zoning Department**

**STAFF REPORT**  
**P&Z Hearing Draft**

**DESCRIPTION: PRELIMINARY PLAT APPLICATION FOR PROPOSED PAYETTE RIVER ORCHARDS**

**P&Z COMMISSION HEARING DATE: OCTOBER 7, 2019, NOVEMBER 4, 2019**

**APPLICANT: 210 MAIN LLC  
PO BOX 488  
EMMETT, ID, 83617**

**PROPERTY LOCATION: NORTH OF SH-16 ALSO, NORTH OF BLACK CANYON CANAL TO 12<sup>TH</sup> STREET.**

**STAFF PLANNER: BRIAN SULLIVAN, STAFF PLANNER**

**1. APPLICATION SUMMARY/BACKGROUND:**

The applicant, 210 Main LLC, is requesting approval of a Preliminary Plat (PP) application. In 1997, the City approved a Comprehensive Plan Amendment to change the land use designation of this property from "Agriculture/Natural Resources" to "Urban Residential" and "Mixed Planned Development" (adjacent to SH-16). On May 23, 2006, the City Council approved annexation of the property with a Development Agreement (DA) and rezoned the property to R-1, Single Family Residential. In 2006 the preliminary plat of Payette Valley Orchards Subdivision was approved, and construction of utilities and roadways were underway. The project halted in 2007 with the downturn of the economy, and the project went into foreclosure. The property sat vacant for several years before Sand Hollow 16, LLC purchased the property and started utilizing the land for agricultural purposes. In 2013, the owner de-annexed approximately 130 acres of the original 220 from the City limits and modified the Development Agreement to allow commercial farming with center pivot irrigation.

The PP application proposes 242 single family lots, one commercial use lot, two lots dedicated to the city for infrastructure improvements, and 23 common lots on 74.8 acres.

The gross density is 3.64 dwelling units/acre. Approximately 6.46 acres are dedicated residential open space with 3.98 acres in commercial open space for a total of 10.44 acres (13.9%) of the total area as landscaped open space. The project will be phased, beginning at the northwest corner of the plat where E. 12<sup>th</sup> Street is re-routed. This is the location where the utilities are already in the ground.

A new municipal booster station site and future water storage tank site is proposed to be dedicated to the City with this application. The booster pump station is required for this development as the water pressure required (1500 psi) cannot be met with the current water delivery system due to the elevation increase.

The applicant's geotechnical engineer, American GeoTechnics, completed a detailed geo-tech investigation in April of 2006. In July of 2019, Adam Little (Owner), authorized an update to this report. The report summarizes methods and findings regarding soils and water levels as well as test pit results. They determined that the site is generally suitable for the proposed type of construction (single-family homes with off-site sewage, no basements, etc.).

**Recommendation:** Staff is recommending approval of the preliminary plat application with changes outlined in City staff and agency comments. Construction drawings for phase 1 will need to be submitted for review and approval to the City.

## **2. APPLICATION & PROPERTY FACTS:**

### **A. Site Address/Location:**

The subject property is generally located south of the 12<sup>th</sup> Street extension and north along the Black Canyon Canal. The subdivision lies within T6N, R1W section 16.

### **B. Current Owner: 210 Main LLC**

### **C. Applicant(s): 210 Main LLC**

### **D. Representative: David and Adam Little**

### **E. Present Zoning: R-1, Single –Family**

### **F. Present Comprehensive Plan Designation: Area of City Impact and Mixed Planned Development**

### **G. Property Size: Approx. 74.8 acres**

## **3. APPLICATION PROCESS FACTS:**

### **A. Application Submittal:**

The complete application for this item was received by the P&Z Department on August 29, 2019.

### **B. Notice of Public Hearing:**

Notice of Public Hearing on the application for the Emmett Planning and Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code on September 18, 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 September 16, 2019. The physical property was posted for the public hearing on September 30, 2019.

### **C. Relevant Ordinances and Required Actions:**

The subject application constitutes a Preliminary Plat as determined by ECC, Title 10, Chapter 2. By reason of the provisions of the Emmett City Code Title 9, Chapter 15, a public hearing is required before the Planning & Zoning Commission and the City Council on this matter.

### **D. History of Previous Actions on Property:**

In 1997, one of the existing property owners, Sands Orchards, Inc. (Maurice Sanders), applied to amend the Comprehensive Plan to change from Agriculture/Natural Resources to Urban Residential. The application was approved. In March 2006, Gem County Commissioners and Emmett City Council also met in a workshop with the applicant to discuss issues regarding the Area of City Impact boundary. The current boundary is the Black Canyon Canal (north and west). Even though some of the subject property

is outside the ACI boundary (south and east), the County Commission agreed that the City of Emmett could annex the land south of the canal. On May 23, 2006, the Emmett City Council approved the annexation.

In 2007 the Area of City Impact Boundary was changed to stop at the 2700' elevation on the eastern slope hillside of the community starting at the intersection of Fuller Road and Frozen Dog Road extending south to Sand Hollow Road, continuing at the 2700' elevation line south to a line that meets Highway 16.

- E. Companion Applications: Development Agreement Modification DA #19-002, Variance VA#19-001, and Special Use Permit SUP#19-005 Also, a Vacation application may be required later to vacate portions of existing public right-of-way within the project. (E. 12<sup>th</sup> St. Extension)

**4. LAND USE**

- A. Existing Land Use(s): Open pastureland.
- B. Description of Character of Surrounding Area: Low density residential in the unincorporated areas (1/2-acre to 5-acre parcels) and medium density residential in city limits (Regency Heights Sub).
- C. Adjacent Comprehensive Plan, Zoning and Land Use:

	<b>COMP PLAN DESIGNATION</b>	<b>ZONING DESIGNATION</b>	<b>LAND USE</b>
<b>North of site</b>	Area of City Impact	<ul style="list-style-type: none"> <li>- R-1, Single-family Res. (City limits, Regency Heights Sub)</li> <li>- R-2, Residential Transition (County, Sand Hollow Sub)</li> <li>- A-2, Rural Transitional Ag (County, 5-ac. Min. lot size, unplatted)</li> </ul>	<ul style="list-style-type: none"> <li>- Single-family residential (medium density)</li> <li>- Single-family residential (low density)</li> <li>- Rural &amp; Rural resid.</li> </ul>
<b>South of site</b>	Area of City Impact	A-2, Rural Transitional Agriculture (5-acre min. lot size)	Agriculture / Range and grass lands
<b>East of site</b>	Area of City Impact	A-2, Rural Transitional Agriculture (5-acre min. lot size)	Open rangelands/ Little Gem Cycle Park
<b>West of site</b>	Area of City Impact Mixed Planned Development (adjacent to SH-16)	R-2, Residential Transition (1-acre min. lot size)	Low density single-family residential

D. Site Design Information:

	TOTAL ACREAGE OF SITE	PROPOSED LOTS	CURRENT MINIMUM
SITE DATA	74.8+/- acres	242 residential lots, 270 total lots	6,000 sq. ft.

E. Streets and/or Access Information: The subject property has 300-400 feet of direct frontage on E. 12<sup>th</sup> Street at the northwest corner and 12<sup>th</sup> Street continues south across the existing Black Canyon bridge into the Sands Orchard parcel (which is not a part of this subdivision).

5. ZONING ORDINANCE (Staff comments are in *italics* below each ordinance citation.)

- A. Purpose Statement of Zone: ECC 9-3-2. B lists the purpose of the “R-1” zone as follows: “To permit the establishment of residential dwellings.”
- B. Landscaping: ECC 9-17 lists several required landscaping elements for subdivisions. Most of these items are addressed at the time of final plat submittal. However, the applicant has submitted a conceptual landscape plan showing open space areas and street trees.

6. SUBDIVISION ORDINANCE (PRELIMINARY PLAT)

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

1. The conformance of the subdivision with the comprehensive development plan.

*Staff has evaluated this application for compliance with the Comprehensive Plan and has determined it follows the goals and intent of the Comprehensive Plan.*

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

*This includes, among other services, EMS, fire, law enforcement, library, schools, streets and irrigation. To date, written comments have been received from the following service providers:*

*Emmett Public Works*

*Gem Co. Treasures Office*

*Last Chance Irrigation District*

*Emmett Irrigation District*

*Emmett School District October 24, 2019 letter after first public hearing*

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

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

*Currently, there is not an adopted Capital Improvement Program for the City of Emmett.*

## **7. SPECIAL CONSIDERATIONS & REQUESTED INFORMATION**

P&Z staff offers the following areas as topics of special discussion at the October 7<sup>th</sup> public hearing. This is not intended to be a comprehensive list, as other agencies have raised issues which also need discussion. Some of these are comments and information requests while others are topics for the Commission to consider. We request the applicant address each of these issues with the Commission and provide a written response, if possible, prior to the hearing.

### **Preliminary Plat Application**

Design: Staff requests the following concerns regarding the layout be addressed:

- A. Fencing: No fencing details were submitted. Please clarify if developer-constructed fencing is being proposed or not. Specifically, is fencing needed or proposed adjacent to the Black Canyon Canal?
- B. 12<sup>th</sup> Street Vacation: It's unclear from the plat how much of the existing 12<sup>th</sup> Street Road rights-of-way is proposed to change alignment and/or be vacated. The applicant should state if a Vacation application is intended or some other right-of-way exchange is desired. Any vacation of existing right-of-way must be done in accordance with Idaho Code 50-13 and completed prior to any plat being recorded that includes or is adjacent to said right-of-way. In the DA, it calls out for a portion of E. 12<sup>th</sup> Street to be vacated.
- C. Signs – If approved, each private common driveway for lots 6 & 7, Block 14, lots 20 & 21, Block 7, and lots 24 & 25, Block 6 must be signed “No Parking” at the intersection with the adjacent public street.
- D. Baldwin Way is requested by Gem County Assessor’s Office to be changed to a different name. In Gem County, there is a Baldwin Lane which could cause confusion. Any proposed name will need to be approved prior to filing a final plat.
- E. 12<sup>th</sup> Street needs to be turned/renamed at the intersection of Breaburn Avenue and extend in the existing location across the bridge as 12<sup>th</sup> Street. Remove the name of Breaburn Avenue. Rename the 12<sup>th</sup> street road east of this intersection. Original plat showed 12<sup>th</sup> street extending to a new bridge crossing. This bridge crossing is not proposed for this development and the Plaza Road Extension that would have utilized this bridge crossing has been removed in the current (2018) Major Street Plan. The extension of 12<sup>th</sup> street between lots 15, block 11, and lot 47, block 6 needs to be addressed and either created into another building lot, or common area.

## **8. RECOMMENDED SITE-SPECIFIC CONDITIONS**

1. Comply with all terms and conditions of the Modified Development Agreement between City of Emmett and 210 Main LLC.
2. Comply with all conditions of approval, as approved by City Council, from impact agencies and utility providers.
3. Comply with the recommendations of American Geo-Technics in their study.
4. All dead-end roads shall have barricades placed stating road closed and/or turnarounds in accordance with Emmett Fire Department standards.
5. All utilities within the development must be constructed underground.

## **9. STAFF RECOMMENDATION**

Staff recommends approval of the preliminary plat following agencies comments and comments listed in section 6, 7, and 8.





**CITY OF EMMETT**  
Building & Zoning Department  
601 E. 3rd Street  
Emmett, ID 83617

Building & Zoning Department

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

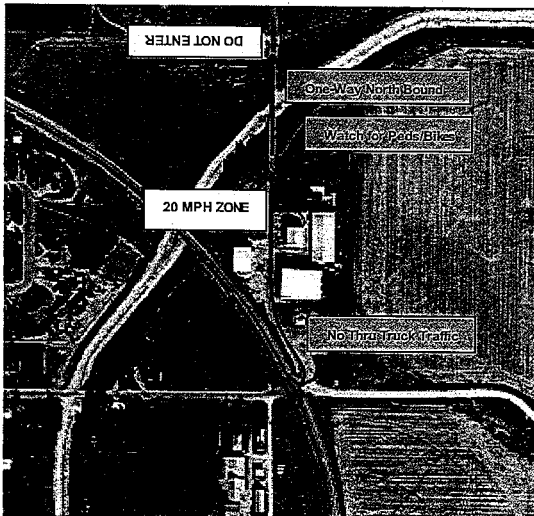
PROPOSED PAYETTE RIVER ORCHARDS SUBDIVISION  
STAFF RESPONSE to OCT 7<sup>th</sup> 2019 PUBLIC HEARING CONCERNS

**ISSUE: Existing 12<sup>th</sup> St. Bridge Capacity/Safety and Traffic Flow Entering Hwy 16**

There were several concerns voiced at the Public Hearing about the safety/integrity of the existing 12<sup>th</sup> St. bridge. The bridge is narrow (only 21ft wide) and has a slight hill-shape which makes it hard for oncoming traffic to see pedestrians. The concern is big trucks and increased traffic volumes could degrade the integrity of the bridge and pose unsafe bike/ped conditions. In regards to Hwy 16 traffic flow, cars coming off Hwy 16 entering the subdivision have a dedicated lane to slow down in and turn right, however cars coming from the subdivision trying to cross traffic to make a left to go up the hill could foreseeably cause an accident.

**PROPOSED SOLUTIONS:**

- Turn 12<sup>th</sup> St. into a One-way North-bound only street, starting just south of the bridge until entering the subdivision (see black arrow segment in the map below).
- Include a 5ft separated pathway on the bridge dedicated for pedestrians and bicyclist. The pathway will include a physical barrier and projected reflectors (similar to 12<sup>th</sup> St Pathway).
- Post several signs in the vicinity including: “No Thru Truck Traffic”; “Do Not Enter”; “One-Lane Bridge Ahead”; “20MPH Speed Limit”; “Watch for Peds/Bikes” (see proposed locations in the map below).
- Post non-stationary signs during construction to direct heavy equipment according to Construction Management Plan.

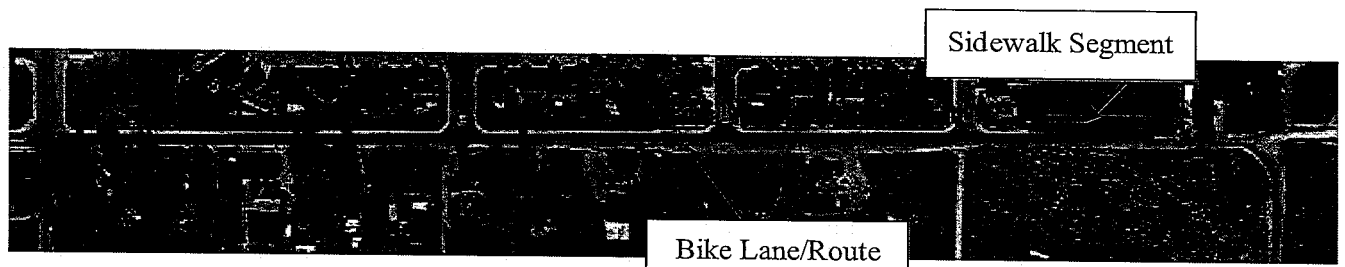
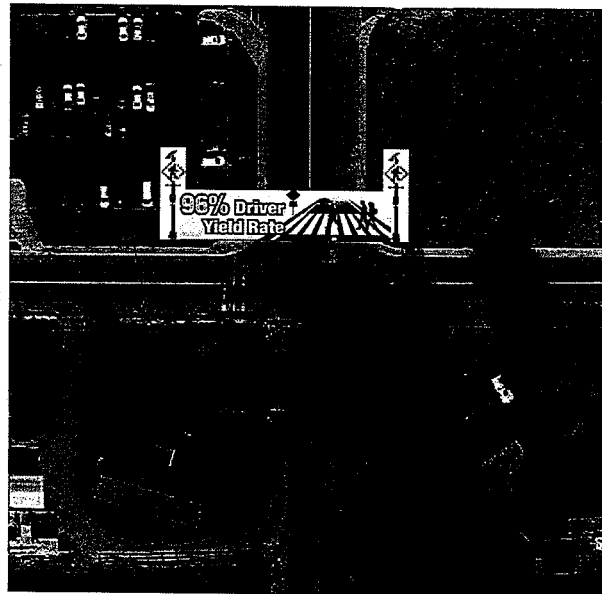


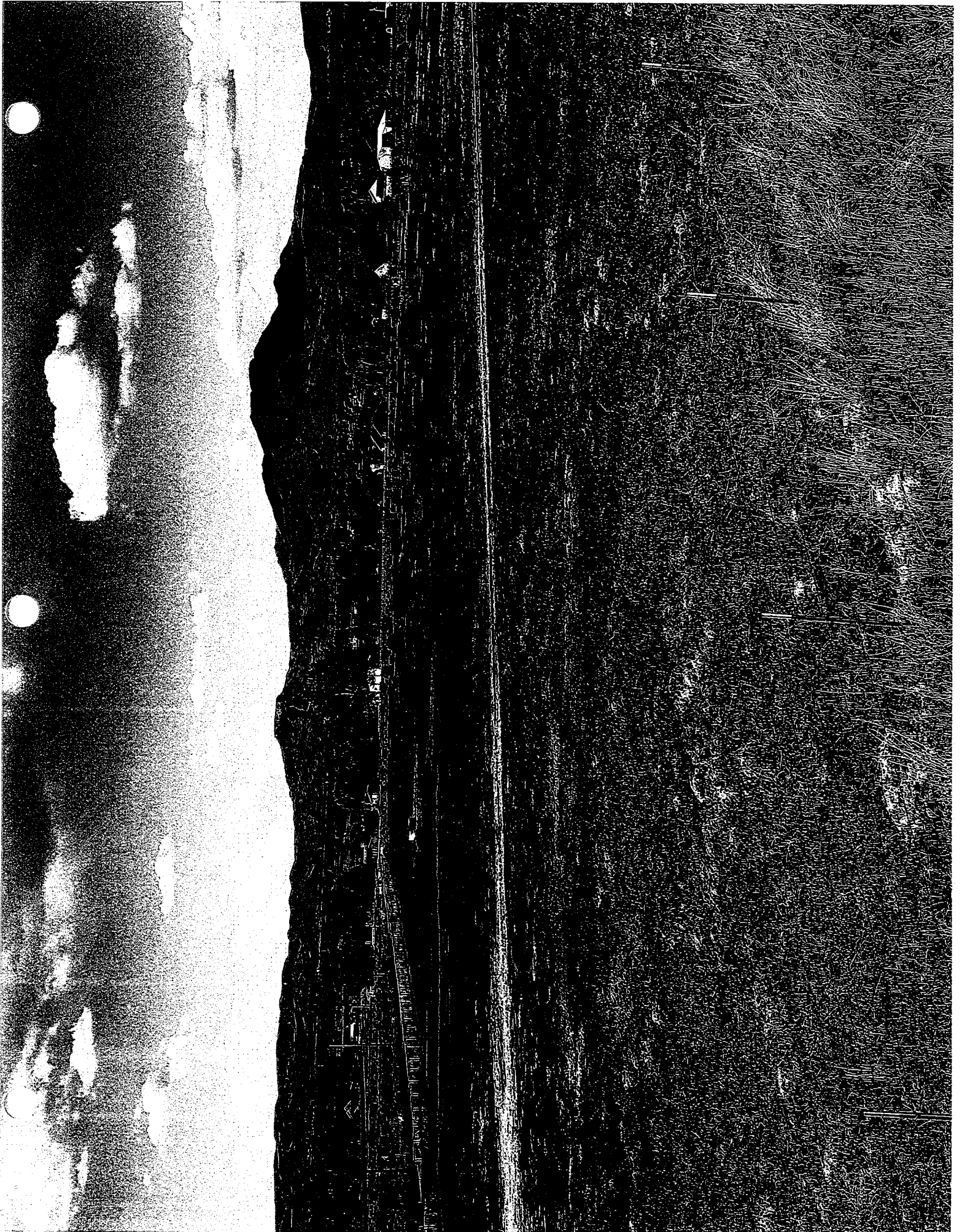
**ISSUE: Increased Traffic Volumes/Pedestrian Safety on 12<sup>th</sup> and Substation Rd.**

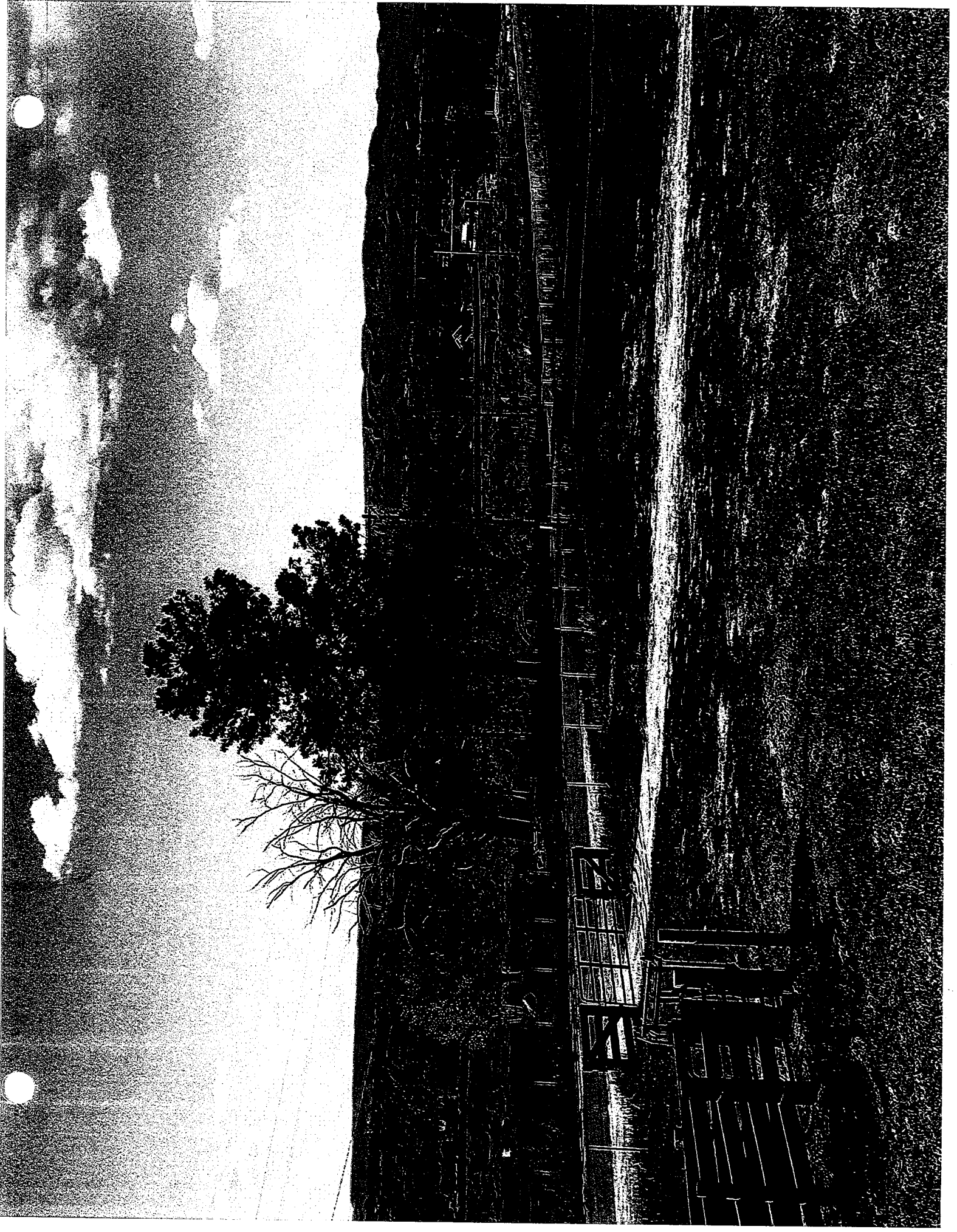
There were several concerns voiced at the Public Hearing about the impact on Substation Rd. and 12<sup>th</sup> St., especially there at the intersection where Carberry School and Orchard Christian Church are located. An additional 242 new households will certainly increase the number of trips along 12<sup>th</sup> Street and out to Substation Rd.

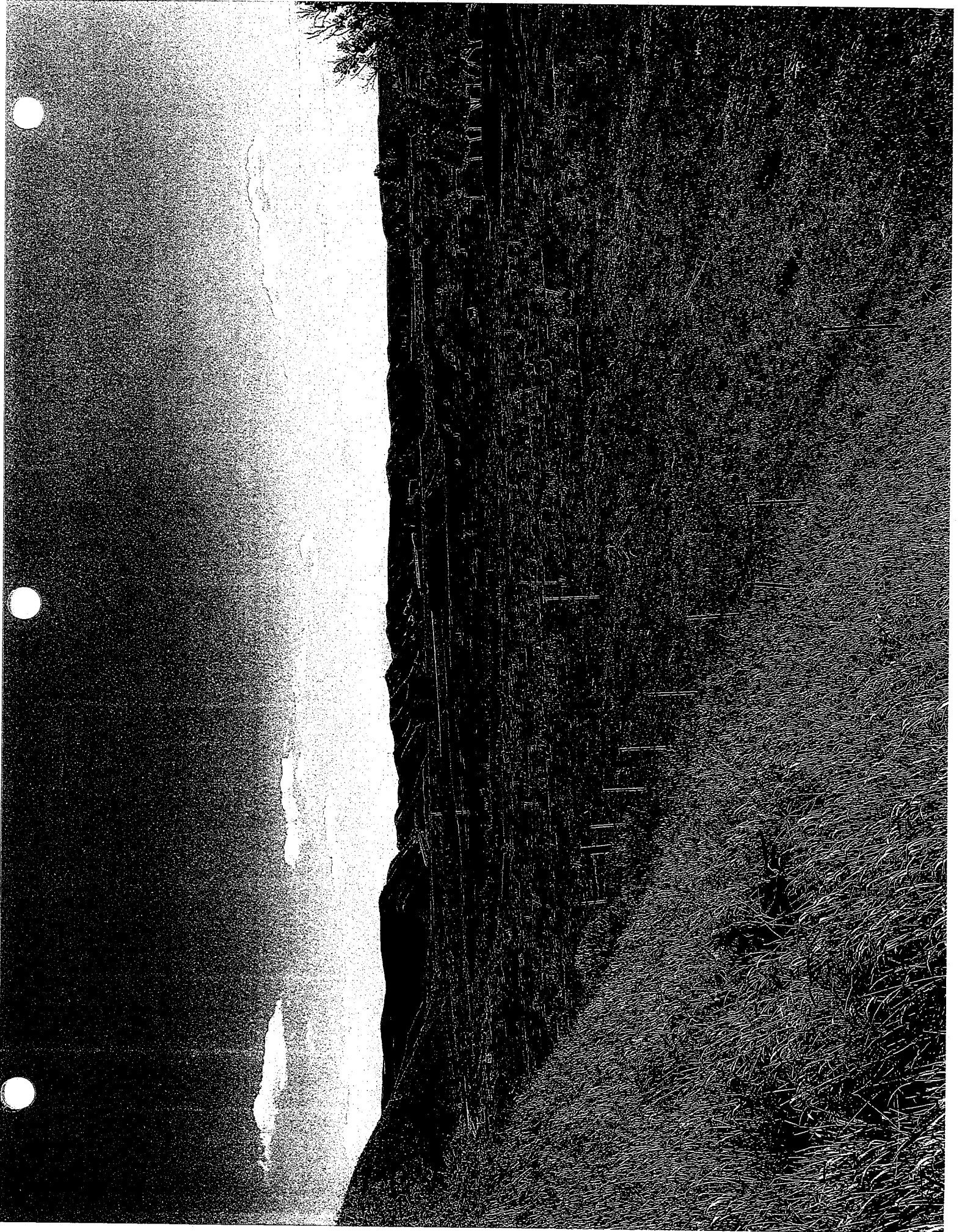
**PROPOSED SOLUTIONS**

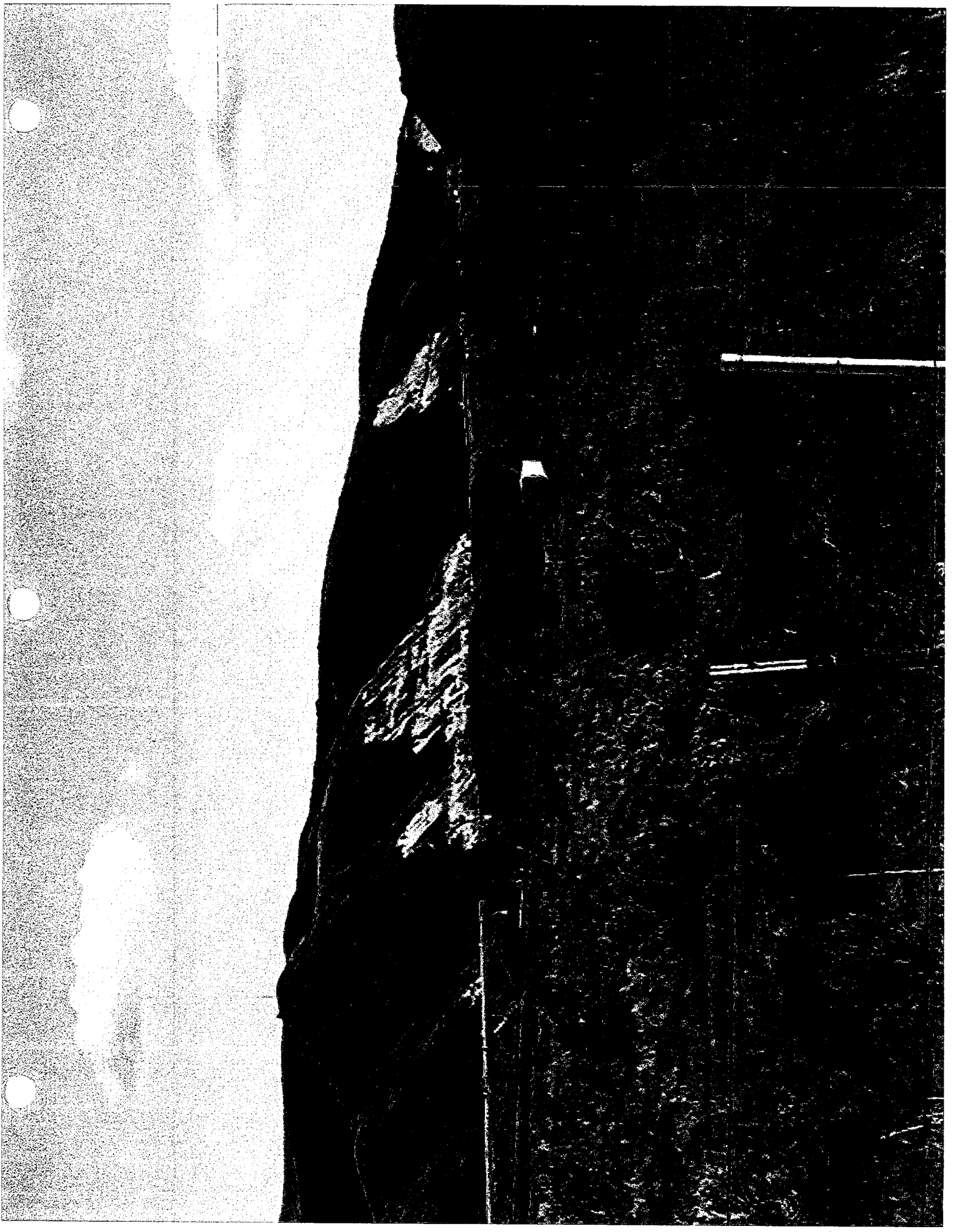
- Install Rapid Flashers across Substation Rd. on the North side of the Intersection (these were just installed Oct 10<sup>th</sup> 2019).
- Ensure the sidewalk is completed along the North side of 12<sup>th</sup> St. all the way up to the subdivision entrance (see sidewalk segment in the map below).
- Install either a Class 2 or Class 3 bike lane/route on 12<sup>th</sup> St. -where feasible. A Class 2 bike lane is striped and stenciled. A Class 3 bike route includes a “Share the Road” stencil in the vehicle-travel lane on roads that are not wide enough for designated bike lanes.

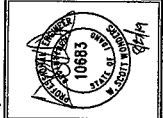








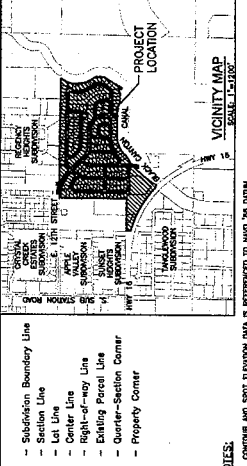




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**PAYETTE RIVER ORCHARDS SUBDIVISION**  
EMMETT, IDAHO  
BOUNDARY AND PROJECT INFORMATION

**PP-01**  
SHEET NUMBER



- NOTES:**
1. Contour and spot elevation data is reproduced to avoid confusion.
  2. ALL STREETS SHOWN ON THIS DEVELOPMENT ARE PUBLIC STREETS AND SHALL BE CONSTRUCTED IN ACCORDANCE WITH CITY OF EMMETT STANDARDS FOR PUBLIC STREETS WITH A MINIMUM STREET WIDTH OF 60 FEET.
  3. ALL LOTS AND RESIDENTIAL BUILDING LOTS EXCEPT LOTS 1, 2, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13, 14, 15, 16, 17, 18, 19, 20, 21, 22, 23, 24, 25, 26, 27, 28, 29, 30, 31, 32, 33, 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50, 51, 52, 53, 54, 55, 56, 57, 58, 59, 60, 61, 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76, 77, 78, 79, 80, 81, 82, 83, 84, 85, 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98, 99, 100, 101, 102, 103, 104, 105, 106, 107, 108, 109, 110, 111, 112, 113, 114, 115, 116, 117, 118, 119, 120, 121, 122, 123, 124, 125, 126, 127, 128, 129, 130, 131, 132, 133, 134, 135, 136, 137, 138, 139, 140, 141, 142, 143, 144, 145, 146, 147, 148, 149, 150, 151, 152, 153, 154, 155, 156, 157, 158, 159, 160, 161, 162, 163, 164, 165, 166, 167, 168, 169, 170, 171, 172, 173, 174, 175, 176, 177, 178, 179, 180, 181, 182, 183, 184, 185, 186, 187, 188, 189, 190, 191, 192, 193, 194, 195, 196, 197, 198, 199, 200, 201, 202, 203, 204, 205, 206, 207, 208, 209, 210, 211, 212, 213, 214, 215, 216, 217, 218, 219, 220, 221, 222, 223, 224, 225, 226, 227, 228, 229, 230, 231, 232, 233, 234, 235, 236, 237, 238, 239, 240, 241, 242, 243, 244, 245, 246, 247, 248, 249, 250, 251, 252, 253, 254, 255, 256, 257, 258, 259, 260, 261, 262, 263, 264, 265, 266, 267, 268, 269, 270, 271, 272, 273, 274, 275, 276, 277, 278, 279, 280, 281, 282, 283, 284, 285, 286, 287, 288, 289, 290, 291, 292, 293, 294, 295, 296, 297, 298, 299, 300, 301, 302, 303, 304, 305, 306, 307, 308, 309, 310, 311, 312, 313, 314, 315, 316, 317, 318, 319, 320, 321, 322, 323, 324, 325, 326, 327, 328, 329, 330, 331, 332, 333, 334, 335, 336, 337, 338, 339, 340, 341, 342, 343, 344, 345, 346, 347, 348, 349, 350, 351, 352, 353, 354, 355, 356, 357, 358, 359, 360, 361, 362, 363, 364, 365, 366, 367, 368, 369, 370, 371, 372, 373, 374, 375, 376, 377, 378, 379, 380, 381, 382, 383, 384, 385, 386, 387, 388, 389, 390, 391, 392, 393, 394, 395, 396, 397, 398, 399, 400, 401, 402, 403, 404, 405, 406, 407, 408, 409, 410, 411, 412, 413, 414, 415, 416, 417, 418, 419, 420, 421, 422, 423, 424, 425, 426, 427, 428, 429, 430, 431, 432, 433, 434, 435, 436, 437, 438, 439, 440, 441, 442, 443, 444, 445, 446, 447, 448, 449, 450, 451, 452, 453, 454, 455, 456, 457, 458, 459, 460, 461, 462, 463, 464, 465, 466, 467, 468, 469, 470, 471, 472, 473, 474, 475, 476, 477, 478, 479, 480, 481, 482, 483, 484, 485, 486, 487, 488, 489, 490, 491, 492, 493, 494, 495, 496, 497, 498, 499, 500, 501, 502, 503, 504, 505, 506, 507, 508, 509, 510, 511, 512, 513, 514, 515, 516, 517, 518, 519, 520, 521, 522, 523, 524, 525, 526, 527, 528, 529, 530, 531, 532, 533, 534, 535, 536, 537, 538, 539, 540, 541, 542, 543, 544, 545, 546, 547, 548, 549, 550, 551, 552, 553, 554, 555, 556, 557, 558, 559, 560, 561, 562, 563, 564, 565, 566, 567, 568, 569, 570, 571, 572, 573, 574, 575, 576, 577, 578, 579, 580, 581, 582, 583, 584, 585, 586, 587, 588, 589, 590, 591, 592, 593, 594, 595, 596, 597, 598, 599, 600, 601, 602, 603, 604, 605, 606, 607, 608, 609, 610, 611, 612, 613, 614, 615, 616, 617, 618, 619, 620, 621, 622, 623, 624, 625, 626, 627, 628, 629, 630, 631, 632, 633, 634, 635, 636, 637, 638, 639, 640, 641, 642, 643, 644, 645, 646, 647, 648, 649, 650, 651, 652, 653, 654, 655, 656, 657, 658, 659, 660, 661, 662, 663, 664, 665, 666, 667, 668, 669, 670, 671, 672, 673, 674, 675, 676, 677, 678, 679, 680, 681, 682, 683, 684, 685, 686, 687, 688, 689, 690, 691, 692, 693, 694, 695, 696, 697, 698, 699, 700, 701, 702, 703, 704, 705, 706, 707, 708, 709, 710, 711, 712, 713, 714, 715, 716, 717, 718, 719, 720, 721, 722, 723, 724, 725, 726, 727, 728, 729, 730, 731, 732, 733, 734, 735, 736, 737, 738, 739, 740, 741, 742, 743, 744, 745, 746, 747, 748, 749, 750, 751, 752, 753, 754, 755, 756, 757, 758, 759, 760, 761, 762, 763, 764, 765, 766, 767, 768, 769, 770, 771, 772, 773, 774, 775, 776, 777, 778, 779, 780, 781, 782, 783, 784, 785, 786, 787, 788, 789, 790, 791, 792, 793, 794, 795, 796, 797, 798, 799, 800, 801, 802, 803, 804, 805, 806, 807, 808, 809, 810, 811, 812, 813, 814, 815, 816, 817, 818, 819, 820, 821, 822, 823, 824, 825, 826, 827, 828, 829, 830, 831, 832, 833, 834, 835, 836, 837, 838, 839, 840, 841, 842, 843, 844, 845, 846, 847, 848, 849, 850, 851, 852, 853, 854, 855, 856, 857, 858, 859, 860, 861, 862, 863, 864, 865, 866, 867, 868, 869, 870, 871, 872, 873, 874, 875, 876, 877, 878, 879, 880, 881, 882, 883, 884, 885, 886, 887, 888, 889, 890, 891, 892, 893, 894, 895, 896, 897, 898, 899, 900, 901, 902, 903, 904, 905, 906, 907, 908, 909, 910, 911, 912, 913, 914, 915, 916, 917, 918, 919, 920, 921, 922, 923, 924, 925, 926, 927, 928, 929, 930, 931, 932, 933, 934, 935, 936, 937, 938, 939, 940, 941, 942, 943, 944, 945, 946, 947, 948, 949, 950, 951, 952, 953, 954, 955, 956, 957, 958, 959, 960, 961, 962, 963, 964, 965, 966, 967, 968, 969, 970, 971, 972, 973, 974, 975, 976, 977, 978, 979, 980, 981, 982, 983, 984, 985, 986, 987, 988, 989, 990, 991, 992, 993, 994, 995, 996, 997, 998, 999, 1000.

**OWNER/DEVELOPER**  
74.81 AC  
66.53 AC  
220 LOTS  
242 LOTS  
17 LOTS  
3 LOTS  
1 LOT  
364 DU/AC  
645 AC (61.94)  
645 AC (61.78)  
388 AC (48.13)  
5455 S.F.  
R-1

**IRRIGATION DISTRICT**  
222 E. PARK STREET  
EMMETT, ID 83601  
208-368-0681

**LAND SURVEYOR**  
CASS PERKINS LLC  
SAVING LAND SURVEYING  
200 S. WASHINGTON AVE.  
EMMETT, IDAHO 83601  
208-368-4104

**CIVIL ENGINEER**  
JUB ENGINEERS  
250 S. BEECHWOOD AVE.  
EMMETT, IDAHO 83709  
208-376-7330

**BOUNDARY AND PROJECT INFORMATION**

**LEGEND**

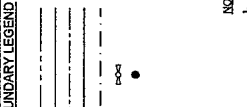
**EXISTING**

- SANITARY SEWER LINE
- WATER LINE
- POST TENSION PIPE
- PRESSURE IRRIGATION LINE
- OVERHEAD POWER LINE
- CENTURINE
- LOT LINE
- 6" VERTICAL CURB & GUTTER
- ROLLED CURB & GUTTER
- 5' SIDEWALK
- SEWER MANHOLE
- DITCH FLOW LINE
- IRRIGATION BOX
- STREET LIGHT
- TREE DECIDUOUS
- TREE CONIFER
- EDGE OF PAVEMENT
- WATER METER
- FIRE HYDRANT
- POWER POLE
- 5' CONTOUR LINE
- 1' CONTOUR LINE

**PROPOSED**

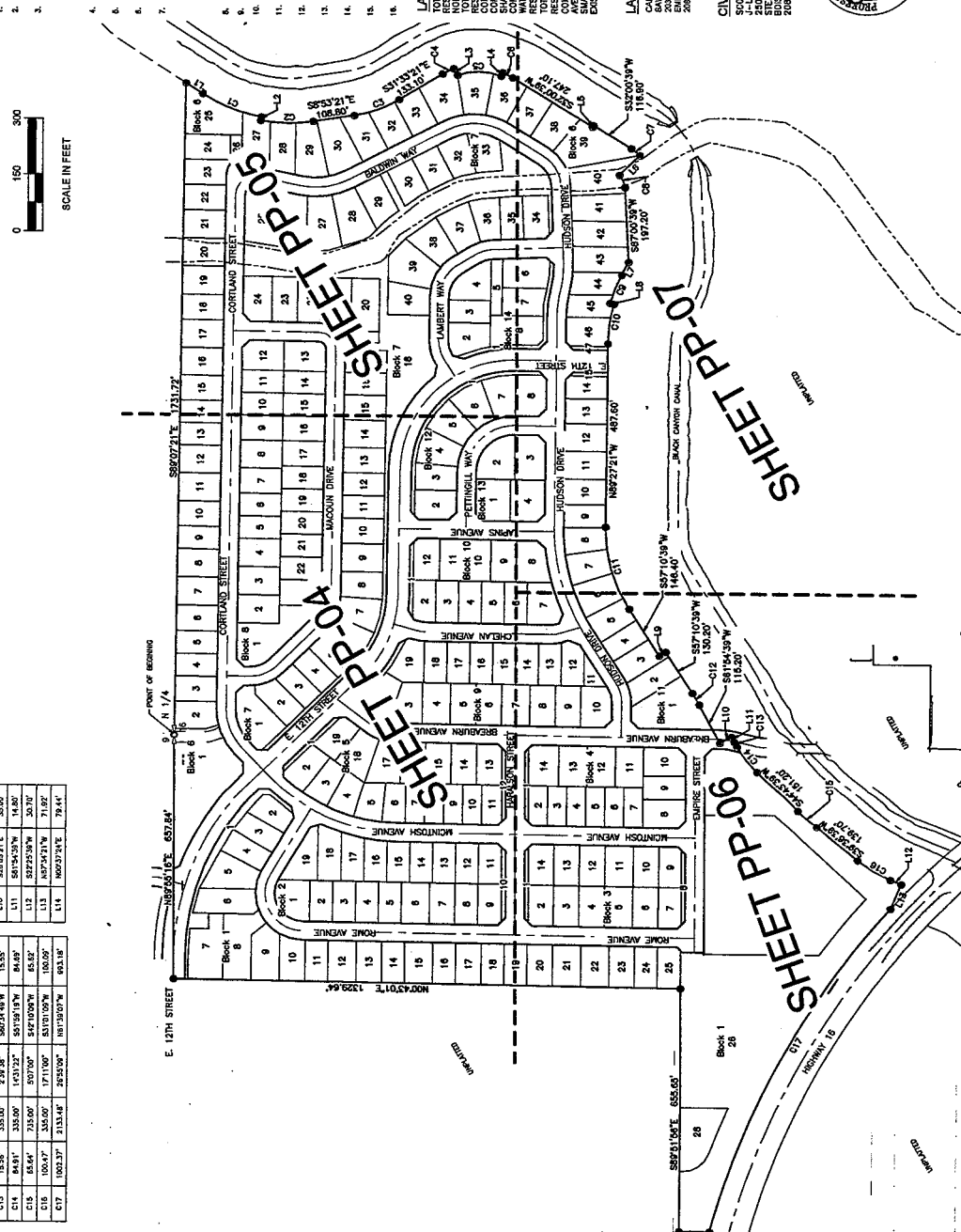
**BOUNDARY LEGEND**

- Subdivision Boundary Line
- Section Line
- Center Line
- Right-of-Way Line
- Center Line
- Drinking Section Corner
- Quarter-Section Corner
- Property Corner



**PRELIMINARY PLAT FOR PAYETTE RIVER ORCHARDS SUBDIVISION**  
A PARCEL OF LAND SITUATE IN THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 16, TOWNSHIP 6 NORTH, RANGE 1 WEST, BOISE MERIDIAN, EMMETT, IDAHO 2019

Curve #	Length	Radius	Chord Bearing	Chord Length	
C1	163.37	410.00	S71°43'30" E	281.192317*	163.19
C2	138.27	420.00	S89°52'30" E	209.2317*	138.09
C3	128.27	310.00	S74°00'00" E	197.9317*	128.77
C4	32.84	160.00	S70°00'00" E	52.876451*	32.86
C5	130.00	160.00	S70°00'00" E	52.876451*	117.31
C6	30.00	150.00	S70°00'00" E	52.876451*	28.89
C7	24.00	120.00	S70°00'00" E	52.876451*	22.89
C8	38.38	90.00	S70°00'00" E	52.876451*	35.39
C9	38.38	90.00	S70°00'00" E	52.876451*	35.39
C10	38.38	90.00	S70°00'00" E	52.876451*	35.39
C11	38.38	90.00	S70°00'00" E	52.876451*	35.39
C12	38.38	90.00	S70°00'00" E	52.876451*	35.39
C13	15.95	315.00	S70°00'00" E	52.876451*	15.95
C14	84.81	315.00	S70°00'00" E	52.876451*	84.81
C15	65.84	315.00	S70°00'00" E	52.876451*	65.84
C16	100.87	315.00	S70°00'00" E	52.876451*	100.87
C17	100.37	313.48	S69°58'00" E	181.19070*	803.38



**BOUNDARY AND PROJECT INFORMATION**

**LEGEND**

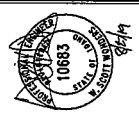
**EXISTING**

- SANITARY SEWER LINE
- WATER LINE
- POST TENSION PIPE
- PRESSURE IRRIGATION LINE
- OVERHEAD POWER LINE
- CENTURINE
- LOT LINE
- 6" VERTICAL CURB & GUTTER
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- STREET LIGHT
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- TREE CONIFER
- EDGE OF PAVEMENT
- WATER METER
- FIRE HYDRANT
- POWER POLE
- 5' CONTOUR LINE
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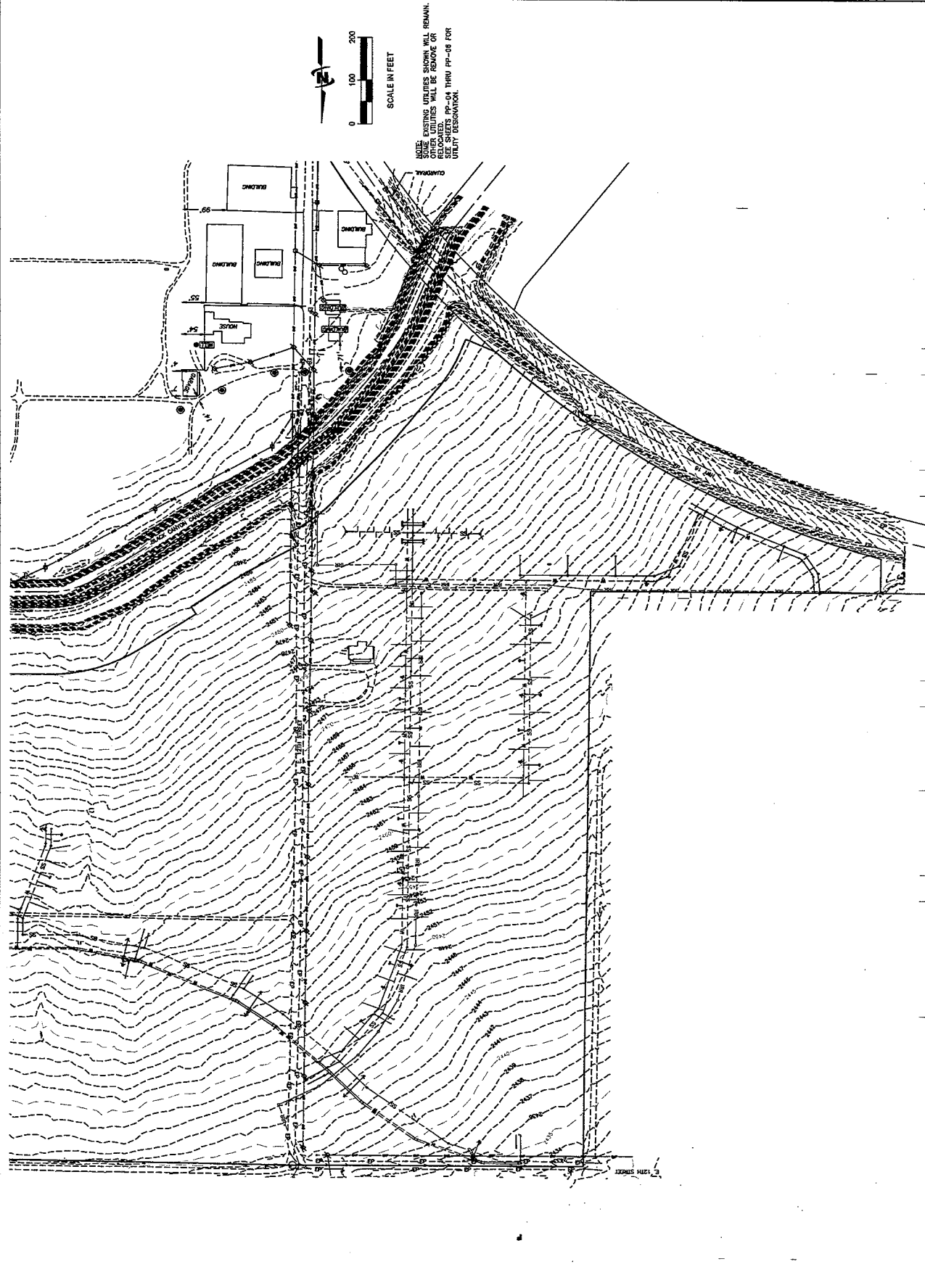
**PROPOSED**

**BOUNDARY LEGEND**

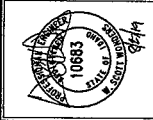
- Subdivision Boundary Line
- Section Line
- Center Line
- Right-of-Way Line
- Center Line
- Drinking Section Corner
- Quarter-Section Corner
- Property Corner



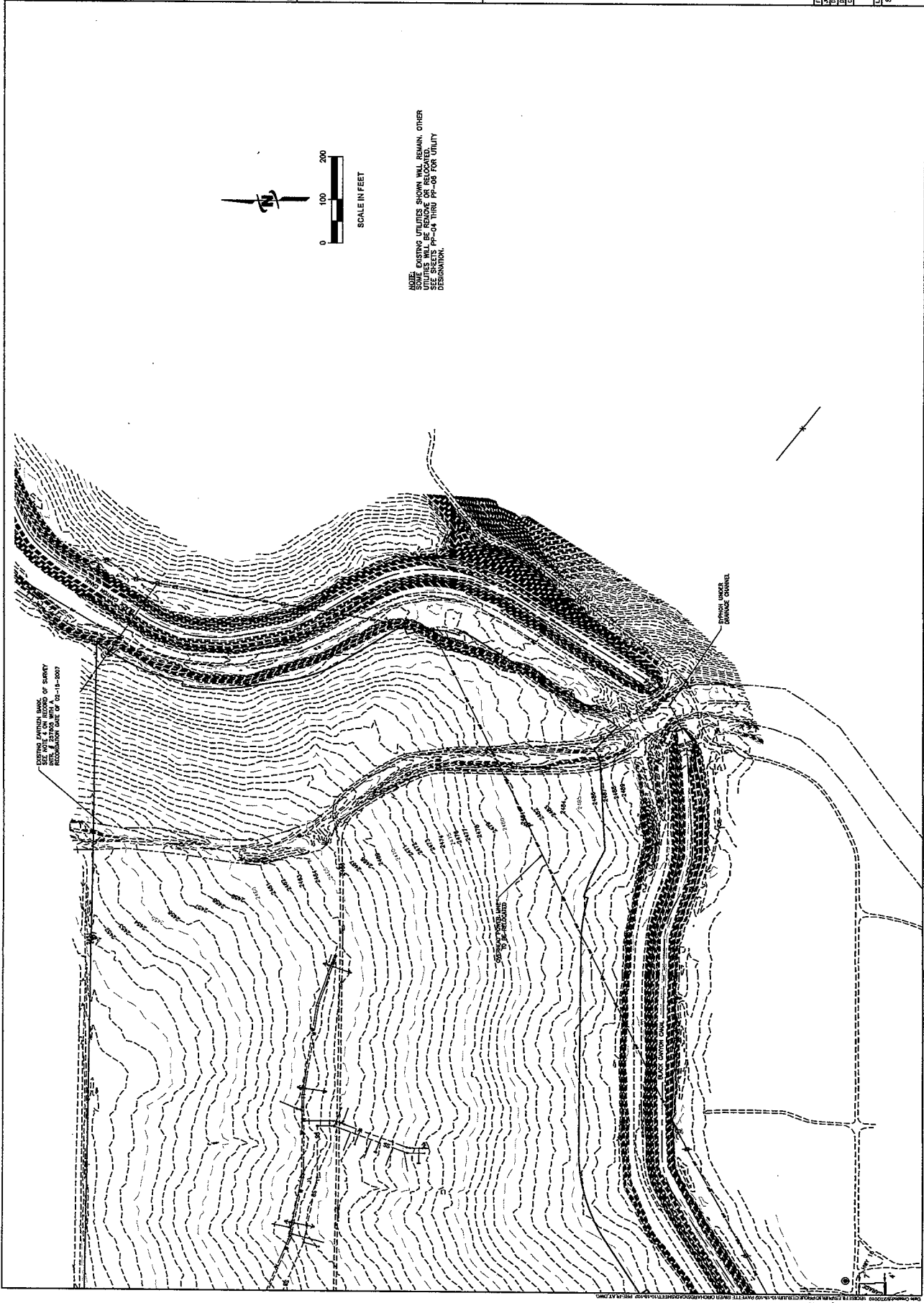
NO.	DESCRIPTION	DATE



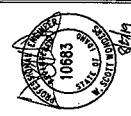




NO.	DESCRIPTION	DATE	BY	CHKD.



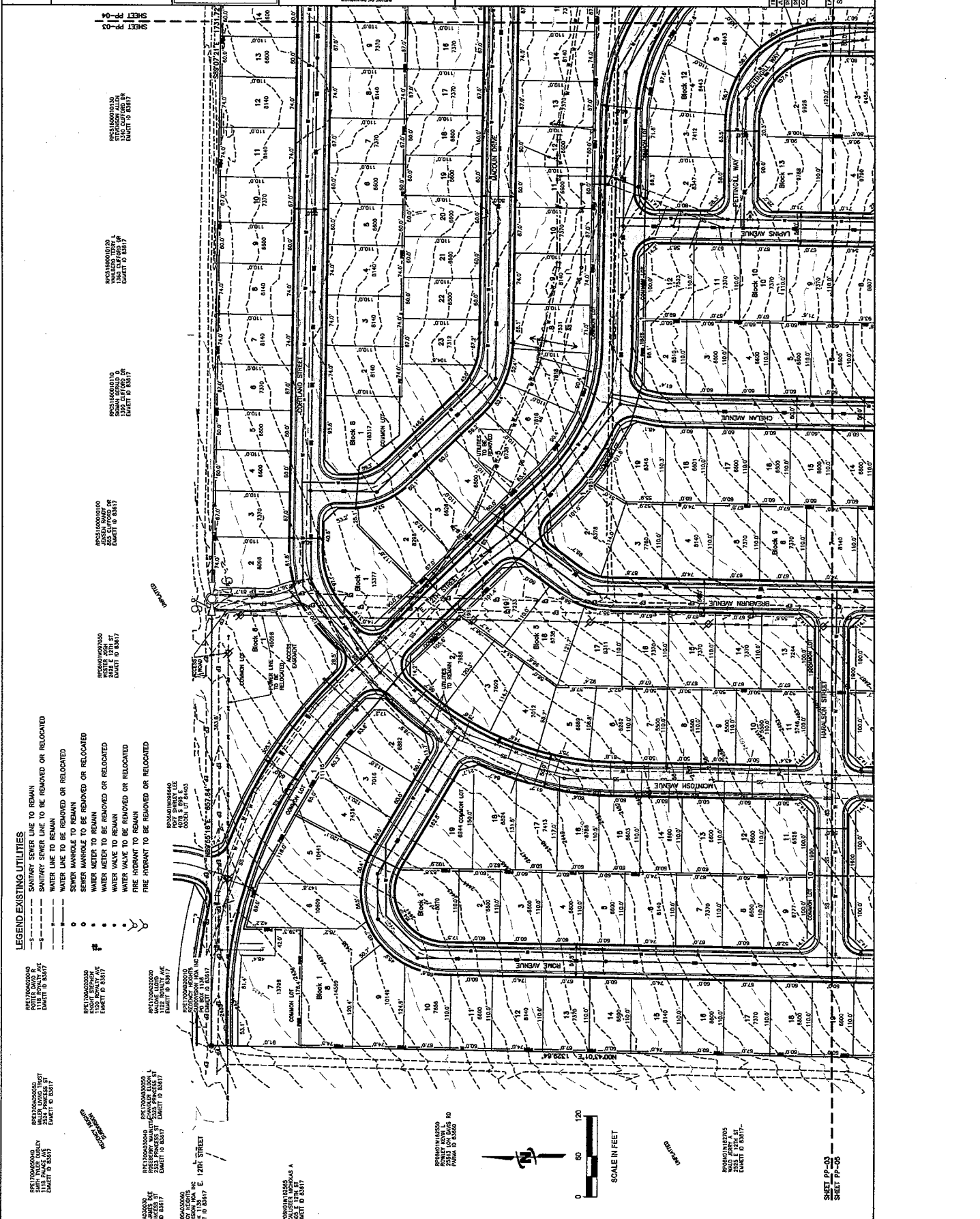
DATE: 10-11-2007  
 DRAWN BY: JUB  
 CHECKED BY: JUB  
 AT SCALE: 1"=40'  
 LOCAL PROJECT NUMBER: PP-03



NO.	DESCRIPTION	REV.	DATE
1	ISSUED FOR PERMITS		
2	REVISED TO SHOW PERMITS		
3	REVISED TO SHOW PERMITS		
4	REVISED TO SHOW PERMITS		
5	REVISED TO SHOW PERMITS		
6	REVISED TO SHOW PERMITS		
7	REVISED TO SHOW PERMITS		
8	REVISED TO SHOW PERMITS		
9	REVISED TO SHOW PERMITS		
10	REVISED TO SHOW PERMITS		
11	REVISED TO SHOW PERMITS		
12	REVISED TO SHOW PERMITS		
13	REVISED TO SHOW PERMITS		
14	REVISED TO SHOW PERMITS		
15	REVISED TO SHOW PERMITS		
16	REVISED TO SHOW PERMITS		
17	REVISED TO SHOW PERMITS		
18	REVISED TO SHOW PERMITS		
19	REVISED TO SHOW PERMITS		
20	REVISED TO SHOW PERMITS		
21	REVISED TO SHOW PERMITS		
22	REVISED TO SHOW PERMITS		
23	REVISED TO SHOW PERMITS		
24	REVISED TO SHOW PERMITS		
25	REVISED TO SHOW PERMITS		
26	REVISED TO SHOW PERMITS		
27	REVISED TO SHOW PERMITS		
28	REVISED TO SHOW PERMITS		
29	REVISED TO SHOW PERMITS		
30	REVISED TO SHOW PERMITS		

**PAYETTE RIVER ORCHARDS SUBDIVISION**  
**EMMETT, IDAHO**  
 PROPOSED CONDITIONS

SHEET NUMBER  
**PP-04**

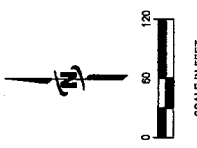


**LEGEND EXISTING UTILITIES**

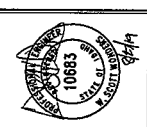
- EXISTING WATER MAINS TO REMAIN
- EXISTING SANITARY SEWER LINES TO BE REMOVED OR RELOCATED
- EXISTING WATER LINES TO BE REMOVED OR RELOCATED
- EXISTING SEWER MAINS TO REMAIN
- EXISTING WATER METERS TO REMAIN
- EXISTING WATER VALVES TO REMAIN
- EXISTING FIRE HYDRANTS TO REMAIN

**PROPOSED UTILITIES**

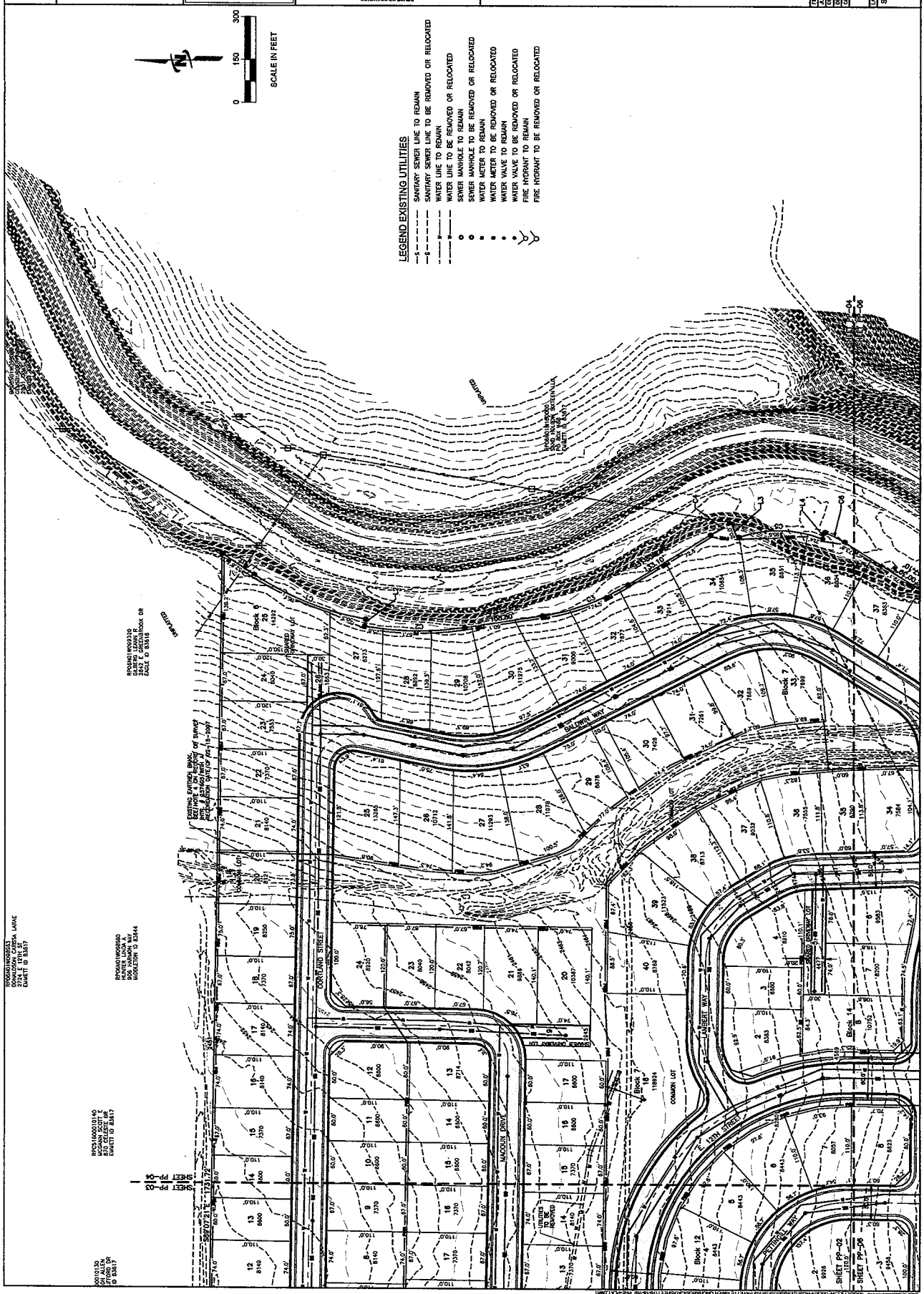
- PROPOSED WATER MAINS TO REMAIN
- PROPOSED SANITARY SEWER LINES TO BE REMOVED OR RELOCATED
- PROPOSED WATER LINES TO BE REMOVED OR RELOCATED
- PROPOSED SEWER MAINS TO REMAIN
- PROPOSED WATER METERS TO REMAIN
- PROPOSED WATER VALVES TO REMAIN
- PROPOSED FIRE HYDRANTS TO REMAIN



SHEET PP-03  
 SHEET PP-04



NO.	DESCRIPTION	BY	DATE



**LEGEND EXISTING UTILITIES**

- SANITARY SEWER LINE TO REMAIN
- SANITARY SEWER LINE TO BE REMOVED OR RELOCATED
- WATER LINE TO REMAIN
- WATER LINE TO BE REMOVED OR RELOCATED
- SEWER MANHOLE TO REMAIN
- SEWER MANHOLE TO BE REMOVED OR RELOCATED
- WATER METER TO REMAIN
- WATER METER TO BE REMOVED OR RELOCATED
- WATER VALVE TO REMAIN
- WATER VALVE TO BE REMOVED OR RELOCATED
- FIRE HYDRANT TO REMAIN
- FIRE HYDRANT TO BE REMOVED OR RELOCATED



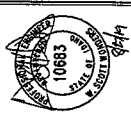
BOOK 16001140  
 ON ALTA  
 RECORD SCHEMATIC  
 SURVEY OF 2017 BY  
 JUB ENGINEERS, INC.

BOOK 16001140  
 ON ALTA  
 RECORD SCHEMATIC  
 SURVEY OF 2017 BY  
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 JUB ENGINEERS, INC.

BOOK 16001140  
 ON ALTA  
 RECORD SCHEMATIC  
 SURVEY OF 2017 BY  
 JUB ENGINEERS, INC.

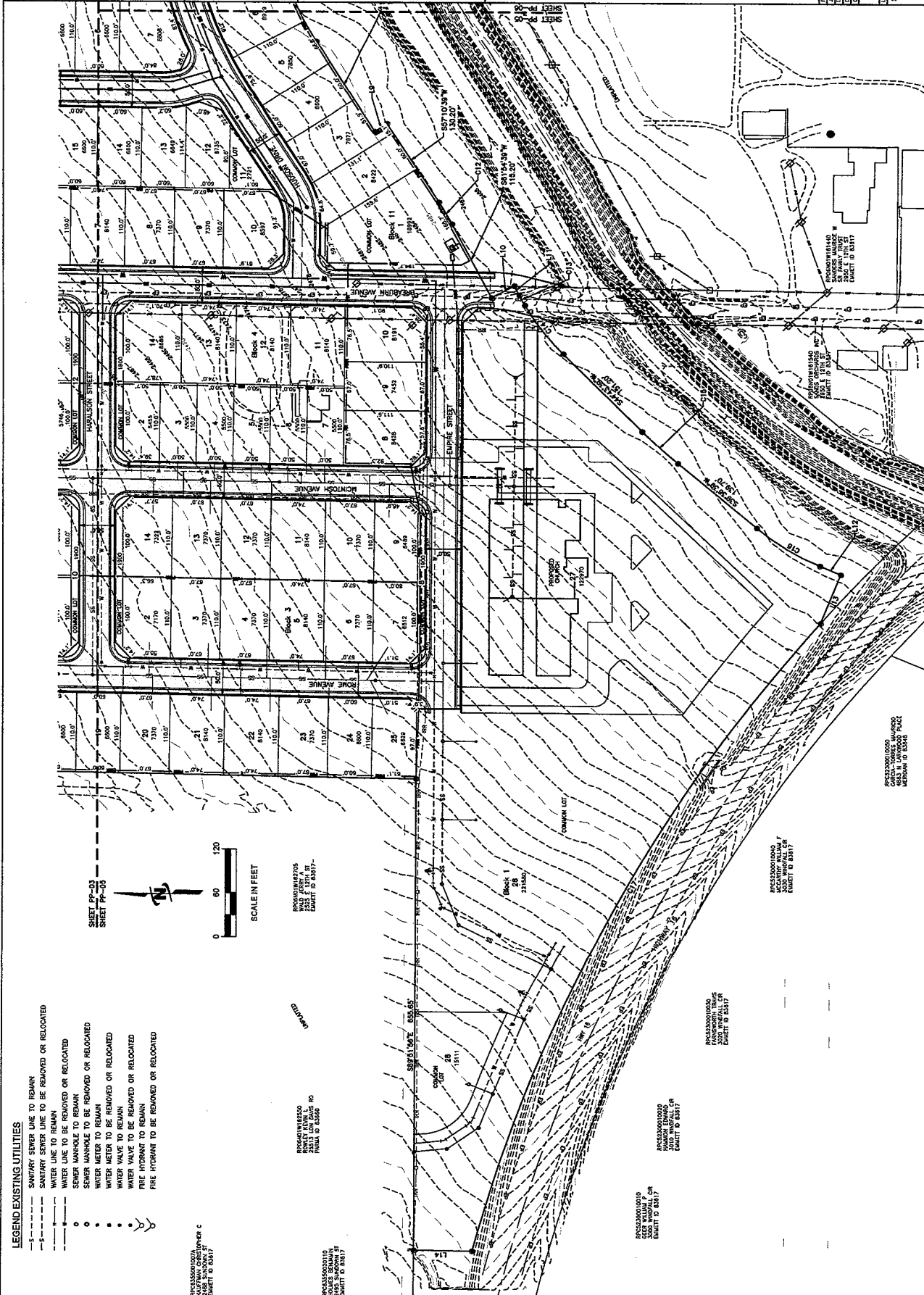
SHEET PP-02  
 SHEET PP-03  
 SHEET PP-04  
 SHEET PP-05



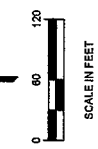
NO.	DESCRIPTION	BY	DATE

PROPOSED CONDITIONS  
 PAYETTE RIVER ORCHARDS SUBDIVISION  
 EMMETT, IDAHO

SHEET NUMBER:  
 PP-06



- LEGEND EXISTING UTILITIES**
- SANITARY SEWER LINE TO BE REMOVED OR RELOCATED
  - SANITARY SEWER LINE TO BE REMOVED OR RELOCATED
  - WATER LINE TO BE REMOVED OR RELOCATED
  - WATER LINE TO BE REMOVED OR RELOCATED
  - SEWER MANHOLE TO BE REMOVED OR RELOCATED
  - WATER MANHOLE TO BE REMOVED OR RELOCATED
  - WATER METER TO BE REMOVED OR RELOCATED
  - WATER METER TO BE REMOVED OR RELOCATED
  - WATER VALVE TO BE REMOVED OR RELOCATED
  - WATER VALVE TO BE REMOVED OR RELOCATED
  - FIRE HYDRANT TO BE REMOVED OR RELOCATED
  - FIRE HYDRANT TO BE REMOVED OR RELOCATED



PROFESSIONAL ENGINEER  
 JUB ENGINEERS, INC.  
 250 S. BEECHWOOD AVENUE  
 SUITE 201  
 BOISE, IDAHO 83709-0844  
 LICENSE NO. 10683  
 EXPIRES 10/28/2003

PROFESSIONAL ENGINEER  
 JUB ENGINEERS, INC.  
 250 S. BEECHWOOD AVENUE  
 SUITE 201  
 BOISE, IDAHO 83709-0844  
 LICENSE NO. 10683  
 EXPIRES 10/28/2003

PROFESSIONAL ENGINEER  
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 250 S. BEECHWOOD AVENUE  
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 EXPIRES 10/28/2003

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 SUITE 201  
 BOISE, IDAHO 83709-0844  
 LICENSE NO. 10683  
 EXPIRES 10/28/2003



# 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

September 25, 2019

CITY OF EMMETT ZONING COMMISSION  
601 E 3<sup>RD</sup> ST  
EMMETT ID 83617

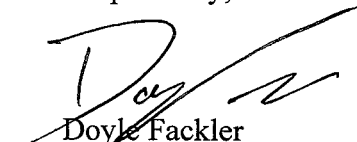
Re: PP 19-002 Development Application for 210 Main LLC

To All for Whom It May Concern:

Upon review of the proposed plans for the applicant, Last Chance Ditch has no objections to the application but requests a detailed proposal for how the storm water runoff will be handled.

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

Respectfully,



Doyle Fackler  
Ditch Manager

GEM COUNTY

OFFICE OF  
Megan Keene  
TREASURER  
TAX COLLECTOR  
PUBLIC ADMINISTRATOR



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

September 27, 2019

Emmett Zoning Department  
Attn: Brian Sullivan  
601 E. 3<sup>rd</sup> Street  
Emmett, ID 83617

RE: PP 19-002, DA 19-002, VAR 19-001  
LOC: E. 12<sup>th</sup> St.; Payette River Orchards Subdivision  
PIN: RP06N01W162400, RP06N01W164200, RP06N01W160188

Dear Brian,

After reviewing the preliminary subdivision application, the following are my comments concerning the referenced parcel.

Parcel **RP06N01W162400, RP06N01W164200 AND RP06N01W160188** have the 2018 taxes paid in full and will have 2019 taxes due at a future date.

**Any split/combined/property boundary adjustment/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, 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,

A handwritten signature in cursive script that reads "Megan Keene".

Megan Keene  
Gem County Treasurer's Office



**CITY OF EMMETT**  
**PUBLIC WORKS DEPARTMENT**  
601 East 3<sup>rd</sup> Street  
Emmett, Idaho 83617

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

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

Emmett Zoning/ Attention Brian Sullivan,

City of Emmett Public Works Dept. only has one comment on the 12<sup>th</sup> street reroute for the Payette River Orchard Subdivision. The utilities are already installed so changing the original 12<sup>th</sup> street alignment would require a change in the Water/Sewer infrastructure.

**Clint Seamons**

**Superintendent**  
**Public Works Department**



222 E. Park St.  
Emmett, Idaho 83617



208-365-4582  
Fax 208-365-1324

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**Serving the Valley Since 1910**

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City of Emmett planning and zoning  
Attn: Brian Sullivan

09/23/19

Re: Payette River Orchards Subdivision


Requirements:

1. EID project application filled out and returned with all paper work required and application fee for Board approval.
2. Engineer certified irrigation delivery and overflow conduit system installed within the irrigation easements on the subdivision plat, inspected by EID.
3. The rights of all who have irrigation pipelines that deliver water through this property must be protected per Idaho statues 42-1204, 42-1207 and all others that may apply
4. A copy of the certified irrigation plan delivered to EID.
5. A water user's agreement, recorded with the county, if required.
6. A license user's agreement, recorded with the county, if required.
7. Emmett Irrigation Dist. board meets the first Tuesday each month, for final approval, projects need to be on the Agenda 48 hours before start of meeting.

Neil Shippy  
Emmett Irrigation District  
Cell: 208-365-8983  
[emmettirrigationshop@gmail.com](mailto:emmettirrigationshop@gmail.com)

# INDEPENDENT SCHOOL DISTRICT OF EMMETT #221

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Craig Woods, Superintendent

October 24, 2019

Brian Sullivan  
Zoning Administrator  
Emmett Zoning Office  
601 E. 3<sup>rd</sup> Street  
Emmett ID, 83617


City Zoning Department:

The Emmett Independent School District 221 wish to offer comments regarding an application made by 210 Main LLC --Payette River Orchards application, and the impact it will have on the Emmett School District. As Superintendent of the Emmett School District I did reach out to 210 Main LLC and spoke with David Little regarding both impact this subdivision may have on both the City of Emmett and the Emmett School District.

The proposed development poses a challenge for the Emmett School District in accommodating the increased student population. The US census data indicates the city population of 6,903 residents of which 25% of those residents are under the age of 18 or considered school age children. With a total of 2,697 households in the city of Emmett that would indicate an average of 1.5 school age children per household. If this average continues then the plan project would impact the school district by potentially adding 363 students into the school system.

The Emmett School District is developing a strategic plan to address current facility needs and future needs in the district. Future facility needs can be addressed through bond levies, these levies require a 66 2/3% majority vote and historically have not been consistently successful in the Emmett School District. With the projected growth in the Emmett Valley a large concern is the lack of land to build new schools to accommodate for growth. Mr. Little did express that his family had donated 17 acres to the Emmett Public School Foundation.

---




Emmett Ensures Educational Excellence

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[www.emmettschools.org](http://www.emmettschools.org)

# INDEPENDENT SCHOOL DISTRICT OF EMMETT

## #221

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Craig Woods, Superintendent

The second challenge that is faced with this project will be the impact of additional bus stops for secondary age students. Our transportation routes would need to be adjusted to accommodate for secondary age students living within Payette River Orchards. The District would ask Zoning to look at possibly including designated bus stops that are lighted and provide enough room for students to wait safely for buses in each phase of the proposed development.

The final concern involves increased traffic congestion at the intersection of 12<sup>th</sup> and Substation because of this proposed subdivision. Currently, many elementary age students cross Substation road at the corner of 12<sup>th</sup> and Substation. The proposed subdivision will increase the number of elementary age students that must cross this busy road to attend Carberry Elementary. There is a concern of increased traffic and congestion at this intersection with the main entry to the proposed subdivision being on 12<sup>th</sup> street.

The Emmett School District is in favor of the proposed Payette River Orchards subdivision concept with a possible few adjustments to provide safe bus stops and with the city's review of the added congestion at the intersection of 12<sup>th</sup> and Substation.

The Emmett School District welcomes planned and controlled growth and economic development for the city of Emmett. We would like to collaborate with developers and city planners early in the process to help develop a plan to accommodate student population growth and safety. The Emmett School District would like to see future proposed subdivision include larger open space areas that would be available for future Emmett School District neighborhood schools.

Finally, please take note that our comments in respect to the proposed subdivision. While I have taken every effort to present accurate information for your consideration if I have miscalculated numbers it was unintentionally.

Respectfully,

Craig Woods  
Emmett School District Superintendent

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[www.emmettschools.org](http://www.emmettschools.org)



September 25, 2019

City Of Emmett  
601 E. 3Rd Street  
Emmett, Id 83617

To whom it may concern,

Thank you for your inquiry about electrical service at East 12Th Street  
Emmett, Idaho 83617

This property is located within Idaho Power's service area in the state of Idaho .

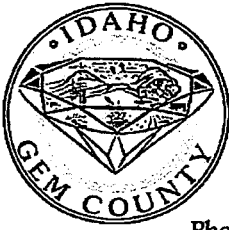
Idaho Power will provide electrical service to this location once any required easement or right of way are obtained by Idaho Power and/or the Customer, and in compliance with the statutes of the State of Idaho/Oregon and the Idaho Power tariffs on file with our regulators. Tariffs include the General Rules and Regulations that covers new service attachments and distribution line installations or alterations.

To start new service or obtain more information about new service, visit our website:  
<https://www.idahopower.com/service-and-billing/> . You may also contact Idaho Power's Customer Care Team at 208-388-2323, or 1-800-488-6151 (outside the Treasure Valley).

Sincerely,

A handwritten signature in cursive script that reads "Shelley King".

Shelley King  
Distribution Designer  
Sking@idahopower.Com  
208-642-6278



Gem County Assessor

Hollie Ann Strang

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

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

<sup>-Prelim-</sup> Assessor's Office Review for  
Subdivision/Administrative Split/  
Administrative Combo/Property Boundary Adjustment

Date: 9/24

Date received from DS: 9/19/19 (City) Review # 1

Current parcel numbers: Little/Sand Hollow Sixteen -  
RPOUND1W1U0188, RPOUND1W1U2400, RPOUND1W1U4200

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

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

Comments: Boundary measurements were checked & potential sub would fit within these perimeter boundary of the 3 existing parcels.  
Road names checked - Baldwin W exists & can be confused with a potential Baldwin Way. Other road names are unique.

Mapper Signature

Date

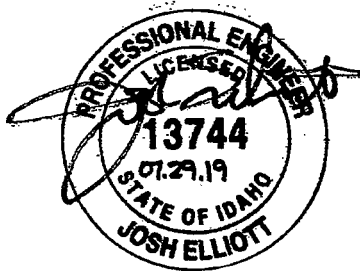
Assessor Signature

Date

# Payette River Orchards Water Booster Pump Station

## Preliminary Engineering Report for 210 Main LLC

July 2019



**APPROVED**

Nicholas Griffith

By: \_\_\_\_\_  
State of Idaho  
Department of Environmental Quality  
August 16, 2019

Date: \_\_\_\_\_

Prepared by



**J-U-B ENGINEERS, Inc.**  
250 S. Beechwood Ave., Suite 201  
Boise, Idaho 83709  
208-376-7330  
Project No. 10-18-102



STATE OF IDAHO  
DEPARTMENT OF  
ENVIRONMENTAL QUALITY

1410 North Hilton • Boise, Idaho 83706 • (208) 373-0502  
www.deq.idaho.gov

Governor Brad Little  
Director John H. Tippetts

August 16, 2019

Adam Little  
210 Main LLC  
210 W Main Street  
P.O. Box 488  
Emmett, Idaho 83617

RE: Payette River Orchards Subdivision - Water Booster Pump Station (*Emmett, Gem County*)  
Public Drinking Water System - Preliminary Engineering Report

Dear Mr. Little:

The referenced-project appears to meet state of Idaho standards, and is approved based on the conditions listed below.

**I. PROJECT SPECIFIC CONDITIONS:**

This approval is for the Preliminary Engineering Report only. No construction can begin until the detailed plans and specifications have been reviewed and approved by DEQ. You may submit plans and specifications to DEQ for review and approval at your convenience.

Please call me with any questions at 208-373-0514 or via email at [nick.griffith@deq.idaho.gov](mailto:nick.griffith@deq.idaho.gov).

Sincerely,

Nicholas Griffith, EIT  
Environmental Engineering

NG:slt

Enclosures: One Approved and Stamped PER Cover Page

cc: (*w/ Approved and Stamped PER Cover Page*)  
Josh Elliott, PE, JUB Engineers, Inc., [jelliott@jub.com](mailto:jelliott@jub.com)  
Todd Crutcher, PE, DEQ Boise Regional Office  
Dan Smith, PE, DEQ Boise Regional Office  
Michael Stambulis, PE, IDEQ Technical Services  
Record Number: 2019AGD5088



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**IDAHO TRANSPORTATION DEPARTMENT**

P.O. Box 8028 • Boise, ID 83707-2028  
(208) 334-8300 • itd.idaho.gov

December 2, 2019

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

VIA EMAIL

RE: Payette River Orchards – ITD Traffic Impact Study Acceptance Letter

Dear Mr. Sullivan,

The Idaho Transportation Department (ITD) completed the review of the Payette River Orchards Traffic Impact Study (TIS) dated October 2019. The development is located northeast of SH-16 between E 12<sup>th</sup> Street and Sand Hollow Road. The proposed subdivision is not requesting direct access to the State Highway system. The proposed subdivision adds to the congested SH-16 corridor thus causing impacts to safety and mobility at several intersections.

ITD requests the City of Emmett require Payette River Orchards to mitigate impacts to the State Highway system. The following improvements are required prior to occupancy:

**Removal of Existing Approach on US 20/26**

Remove existing approach located approximately 480ft north of the canal. Perform earthwork to match typical drainage features. Removal and drainage activities will occur within ITD's right-of-way, thus requiring an encroachment permit (ITD 2111). Provide application and fee to ITD for approval prior to commencing any work within the right-of-way.







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**Proportionate Share Contribution**

Site generated traffic from Payette River Orchard will add to congestion on SH-16 and consume available capacity. The SH-16 corridor from Beacon Light to SH-44 has been studied under prior traffic impact studies and three key intersections have been identified as needing intersection improvements to handle new development growth. ITD District 3 has issued *Memo 39-Development Proportionate Share Contribution* as a means to request equitable contribution from developers to improve public facilities needed to serve new growth and development.

(1) Southbound thru Lane at Beacon Light / SH-16

ITD estimates the proposed intersection improvement as \$1,385,000. ITD requests the developer pay a proportionate share of \$52,668 (3.8%) to the future intersection treatment based off of total AM intersection volumes.

(2) Ultimate SH-16 / SH-44 Interchange

ITD estimates the proposed intersection improvement as \$40,000,000. ITD requests the developer pay a proportionate share of \$273,133 (0.7%) to the future intersection treatment based off of total PM intersection volumes.

**Table 9. SH 16 Intersections - Proportional Share Contributions**

Intersection	Cost <sup>1</sup>	Payette River Orchards – Site Trips	Intersection Total Trips <sup>2</sup>	Percentage	Payette River Orchards – Proportional Cost	Volume Notes
SH 16 / Beacon Light Road	\$1,385,000	91	2,393	3.8%	\$52,668	Based on AM Volumes
SH 16 / SH 44	\$40,000,000	98	14,352	0.7%	\$273,133	Based on PM Volumes
<b>Total</b>	<b>\$41,385,000</b>				<b>\$325,801</b>	

Notes:<sup>1</sup>Project costs from ITD (summer 2019). <sup>2</sup>SH 16 / Beacon Light Road intersection total trips volume represents year 2028 a.m. peak hour volume, inclusive of the Hormachea-Belvoir project and Payette River Orchards site trips. SH 16 / SH 44 intersection total trips volume represents forecast year 2045 p.m. peak hour volume.



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ITD would like to start discussions with the City of Emmett regarding creation of an interagency agreement to hold the developer's proportionate share contribution for use in a future project(s) on SH-16. We appreciate the opportunity to work with the City of Emmett in prioritizing projects on SH-16 that meet the demands of safety and mobility created by new development growth.

This letter acknowledges ITD's acceptance of the Payette River Orchards TIS. Maintaining safety and mobility for Idaho's motorists is of the utmost importance to ITD. ITD encourages the City of Emmett to require the Payette River Orchards to provide \$325,801 in proportionate share contributions to mitigate for their impacts to the State Highway system. If you have any questions please do not hesitate to contact me at [erika.bowen@itd.idaho.gov](mailto:erika.bowen@itd.idaho.gov) or 208-265-4312 extension #7.

Sincerely,

A handwritten signature in cursive script that reads "Erika R. Bowen".

Erika R. Bowen, P.E.  
ITD – District 3  
Traffic Technical Engineer

cc.

Sonia Daleiden – Kittelson



# Idaho Statutes

Idaho Statutes are updated to the web July 1 following the legislative session.

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 82  
DEVELOPMENT IMPACT FEES

67-8203. DEFINITIONS. As used in this chapter:

(1) "Affordable housing" means housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the service area or areas within the jurisdiction of the governmental entity.

(2) "Appropriate" means to legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity.

(3) "Capital improvements" means improvements with a useful life of ten (10) years or more, by new construction or other action, which increase the service capacity of a public facility.

(4) "Capital improvement element" means a component of a comprehensive plan adopted pursuant to chapter 65, title 67, Idaho Code, which component meets the requirements of a capital improvements plan pursuant to this chapter.

(5) "Capital improvements plan" means a plan adopted pursuant to this chapter that identifies capital improvements for which development impact fees may be used as a funding source.

(6) "Developer" means any person or legal entity undertaking development, including a party that undertakes the subdivision of property pursuant to sections 50-1301 through 50-1334, Idaho Code.

(7) "Development" means any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, which creates additional demand and need for public facilities or the subdivision of property that would permit any change in the use, character or appearance of land. As used in this chapter, "development" shall not include activities that would otherwise be subject to payment of the development impact fee if such activities are undertaken by a taxing district, as defined in section 63-201, Idaho Code, or by an authorized public charter school, as defined in section 33-5202A, Idaho Code, in the course of carrying out its statutory responsibilities, unless the adopted impact fee ordinance expressly includes taxing districts or public charter schools as being subject to development impact fees.

(8) "Development approval" means any written authorization from a governmental entity that authorizes the commencement of a development.

(9) "Development impact fee" means a payment of money imposed as a condition of development approval to pay for a proportionate share of the cost of system improvements needed to serve development. This term is also referred to as an impact fee in this chapter. The term does not include the following:

(a) A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for development;

(b) Connection or hookup charges;

(c) Availability charges for drainage, sewer, water, or transportation charges for services provided directly to the development; or

(d) Amounts collected from a developer in a transaction in which the governmental entity has incurred expenses in constructing capital improvements for the development if the owner or developer has agreed to be financially responsible for the construction or installation of the capital improvements, unless a written agreement is made pursuant to section 67-8209(3), Idaho Code, for credit or reimbursement.

(10) "Development requirement" means a requirement attached to a developmental approval or other governmental action approving or authorizing a particular development project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval.

(11) "Extraordinary costs" means those costs incurred as a result of an extraordinary impact.

(12) "Extraordinary impact" means an impact that is reasonably determined by the governmental entity to:

(a) Result in the need for system improvements, the cost of which will significantly exceed the sum of the development impact fees to be generated from the project or the sum agreed to be paid pursuant to a development agreement as allowed by section 67-8214(2), Idaho Code; or

(b) Result in the need for system improvements that are not identified in the capital improvements plan.

(13) "Fee payer" means that person who pays or is required to pay a development impact fee.

(14) "Governmental entity" means any unit of local government that is empowered in this enabling legislation to adopt a development impact fee ordinance.

(15) "Impact fee." See development impact fee.

(16) "Land use assumptions" means a description of the service area and projections of land uses, densities, intensities, and population in the service area over at least a twenty (20) year period.

(17) "Level of service" means a measure of the relationship between service capacity and service demand for public facilities.

(18) "Manufactured home" means a structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one (1) or more sections, which, in the traveling mode, is eight (8) feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred twenty (320) or more square feet, and which is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the secretary of housing and urban development and complies with the standards established under 42 U.S.C. 5401, et seq.

(19) "Modular building" is as defined in section 39-4301, Idaho Code.

(20) "Present value" means the total current monetary value of past, present, or future payments, contributions or dedications of goods,

services, materials, construction or money.

(21) "Project" means a particular development on an identified parcel of land.

(22) "Project improvements" means site improvements and facilities that are planned and designed to provide service for a particular development project and that are necessary for the use and convenience of the occupants or users of the project.

(23) "Proportionate share" means that portion of the cost of system improvements determined pursuant to section 67-8207, Idaho Code, which reasonably relates to the service demands and needs of the project.

(24) "Public facilities" means:

(a) Water supply production, treatment, storage and distribution facilities;

(b) Wastewater collection, treatment and disposal facilities;

(c) Roads, streets and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways;

(d) Storm water collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements;

(e) Parks, open space and recreation areas, and related capital improvements; and

(f) Public safety facilities, including law enforcement, fire, emergency medical and rescue and street lighting facilities.

(25) "Recreational vehicle" means a vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, which either has its own motive power or is mounted on or drawn by another vehicle.

(26) "Service area" means any defined geographic area identified by a governmental entity or by intergovernmental agreement in which specific public facilities provide service to development within the area defined, on the basis of sound planning or engineering principles or both.

(27) "Service unit" means a standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of capital improvements.

(28) "System improvements," in contrast to project improvements, means capital improvements to public facilities designed to provide service to a service area including, without limitation, the type of improvements described in section 50-1703, Idaho Code.

(29) "System improvement costs" means costs incurred for construction or reconstruction of system improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in section 50-1702(h), Idaho Code, to provide additional public facilities needed to serve new growth and development. For clarification, system improvement costs do not include:

(a) Construction, acquisition or expansion of public facilities other than capital improvements identified in the capital improvements plan;

(b) Repair, operation or maintenance of existing or new capital improvements;

(c) Upgrading, updating, expanding or replacing existing capital improvements to serve existing development in order to meet stricter

safety, efficiency, environmental or regulatory standards;

(d) Upgrading, updating, expanding or replacing existing capital improvements to provide better service to existing development;

(e) Administrative and operating costs of the governmental entity unless such costs are attributable to development of the capital improvements plan, as provided in section 67-8208, Idaho Code; or

(f) Principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance capital improvements identified in the capital improvements plan.

History:

[67-8203, added 1992, ch. 282, sec. 1, p. 861; am. 1996, ch. 366, sec. 1, p. 1226; am. 2002, ch. 347, sec. 1, p. 983; am. 2007, ch. 252, sec. 16, p. 753; am. 2008, ch. 389, sec. 1, p. 1068; am. 2019, ch. 70, sec. 1, p. 164.]

How current is this law?

**Search the Idaho Statutes and Constitution**



# Idaho Statutes

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 82  
DEVELOPMENT IMPACT FEES

67-8204A. INTERGOVERNMENTAL AGREEMENTS. Governmental entities as defined in section 67-8203(14), Idaho Code, which are jointly affected by development are authorized to enter into intergovernmental agreements with each other or with highway districts, fire districts, water districts, sewer districts, recreational water and sewer districts or irrigation districts for the purpose of developing joint plans for capital improvements or for the purpose of agreeing to collect and expend development impact fees for system improvements, or both, provided that such agreement complies with any applicable state laws. Governmental entities are also authorized to enter into agreements with the Idaho transportation department for the expenditure of development impact fees pursuant to a developer's agreement under section 67-8214, Idaho Code.

History:

[67-8204A, added 1996, ch. 366, sec. 3, p. 1232; am. 2007, ch. 167, sec. 1, p. 496.]

How current is this law?

**Search the Idaho Statutes and Constitution**



# Idaho Statutes

TITLE 67  
STATE GOVERNMENT AND STATE AFFAIRS  
CHAPTER 82  
DEVELOPMENT IMPACT FEES

67-8214. OTHER POWERS AND RIGHTS NOT AFFECTED. (1) Nothing in this chapter shall prevent a governmental entity from requiring a developer to construct reasonable project improvements in conjunction with a development project.

(2) Nothing in this chapter shall be construed to prevent or prohibit private agreements between property owners or developers, the Idaho transportation department and governmental entities in regard to the construction or installation of system improvements or providing for credits or reimbursements for system improvement costs incurred by a developer including interproject transfers of credits or providing for reimbursement for project improvements which are used or shared by more than one (1) development project. If it can be shown that a proposed development has a direct impact on a public facility under the jurisdiction of the Idaho transportation department, then the agreement shall include a provision for the allocation of impact fees collected from the developer for the improvement of the public facility by the Idaho transportation department.

(3) Nothing in this chapter shall obligate a governmental entity to approve development which results in an extraordinary impact.

(4) Nothing in this chapter shall obligate a governmental entity to approve any development request which may reasonably be expected to reduce levels of service below minimum acceptable levels established in the development impact fee ordinance.

(5) Nothing in this chapter shall be construed to create any additional right to develop real property or diminish the power of counties or cities in regulating the orderly development of real property within their boundaries.

(6) Nothing in this chapter shall work to limit the use by governmental entities of the power of eminent domain or supersede or conflict with requirements or procedures authorized in the Idaho Code for local improvement districts or general obligation bond issues.

(7) Nothing herein shall restrict or diminish the power of a governmental entity to annex property into its territorial boundaries or exclude property from its territorial boundaries upon request of a developer or owner, or to impose reasonable conditions thereon, including the recovery of project or system improvement costs required as a result of such voluntary annexation.

History:

[67-8214, added 1992, ch. 282, sec. 1, p. 873; am. 1996, ch. 366, sec. 9, p. 1237.]

How current is this law?



## EXECUTIVE SUMMARY

210 Main LLC is proposing to develop the Payette River Orchards Subdivision in Emmett Idaho. The development plan consists of 239 single-family detached residential units, 20 common area lots and a lot for a potential future church. The development is situated on approximately 75 acres in Emmett east of the Sub Station Road/SH 16 intersection and northwest of the Black Canyon Canal.

Access to the Payette River Orchards Subdivision is proposed via the extension and re-alignment of E 12<sup>th</sup> Street, which will terminate within the site. Although the site plan shows the location of an existing bridge structure across Black Canyon Canal, as well as another future canal crossing to the east, those accesses are not part of the current development application and are not evaluated as part of this TIS. As coordinated with the City, since the existing bridge structure is only 22 feet-wide, it is anticipated that the bridge structure would be converted to one-way traffic or limited to emergency vehicle access only. Therefore, this analysis assumes that all site generated trips will utilize E 12<sup>th</sup> Street and S Sub Station Road.

The Payette River Orchards development is planned to be fully built-out by the year 2026. The TIS addresses the existing (2019), background build out year (2026 without the development), and the development's impacts total traffic in the build-out year 2026.

## FINDINGS

### Existing Conditions

- All study intersections were found to operate at acceptable operating standards during the existing weekday a.m. and p.m. peak hours.
- Crash data at the study intersections for the most recent five years (2014-2018) was analyzed for any existing crash trends.
  - There were no reported crashes the Sub Station/E 12<sup>th</sup> Street or Driveway/E 12<sup>th</sup> Street intersections.
  - No fatalities occurred at any of the study intersections, nor were there any reported crashes involving pedestrians or bicycles.
  - The most prevalent crash types at the Sub Station Road / SH 16 intersection were rear-end and turning crashes, typical of signalized intersections located on higher speed highway arterials.
    - All approaches to the signalized Sub Station Road / SH 16 intersection include Flashing Yellow Arrow (FYA) operations for permitted left-turn movements.
  - Though south of the study area, ITD plans to widen SH 16 to include a southbound passing lane in the vicinity of Freezeout Hill to improve mobility and reduce crashes

along the corridor. Construction is planned for FY 2024/2025 but is not anticipated to impact any study area intersections.

### Year 2026 Background Traffic Conditions

- Year 2026 background traffic volumes were forecasted using a 3.5% compounded annual growth rate.
- Year 2026 background traffic analysis (without inclusion of site-generated traffic) found that all study intersections are expected to operate at acceptable operating standards during the weekday a.m. and p.m. peak hours with the exception of:
  - **SH 16 / Cherry Lane-Sand Hollow Road-E 12th Street (PM Peak Hour)**
    - The minor street westbound approach is anticipated to operate at LOS E, exceeding the ITD LOS D standard, however it is well under capacity (  $V/C=0.12$  ) and as such no mitigation is recommended for this condition typical of a minor approach to a higher speed, higher volume arterial.

### Trip Generation and Distribution

- The *ITE Trip Generation Manual, 10<sup>th</sup> Edition* was used to estimate the trip generation for the proposed Payette River Orchards Subdivision.
- The proposed Payette River Orchards Subdivision, with 239 single-family homes and a single church lot, is estimated to generate a total of 2,481 daily trip ends with 182 trip ends occurring in the a.m. peak hour (49 inbound / 133 outbound) and 247 trip ends occurring in the p.m. peak hour (153 inbound / 94 outbound).

### Year 2026 Total Traffic Conditions

- Year 2026 total traffic conditions analysis found that the site-generated trips do not impact any additional intersections not previously identified in the background traffic conditions.
- Year 2026 total traffic conditions 95<sup>th</sup> percentile queuing analysis found that the southbound left-turn movement queue at the Sub Station Road / SH 16 intersection will exceed the striped storage capacity during the a.m. peak hour by 2 – 3 vehicles. Extension of the southbound left-turn lane storage would create additional conflict with the adjacent Sundown Street access to Sub Station Road and the southbound through lane storage could accommodate the additional 2-3 southbound left-turning vehicles, if needed
- The percent of site-generated traffic added the two ITD SH 16 intersection to the south was calculated as follows:
  - SH 16 / Beacon Light Road – 3.8 %
  - SH 16 / SH 44 – 0.7 %

- The total Payette River Orchards proportional share anticipated to be requested as a contribution is estimated at \$325,801 or \$1,363.18 per residential unit, if the City of Emmett (and Gem County) determines to enter in an agreement with ITD to impose an assessment on all units build in the City of Emmett (and Gem County).

## RECOMMENDATIONS

Based on the report's analyses and evaluation findings, the following recommendations were developed:

- Due to the narrow width, the existing E 12<sup>th</sup> Street canal crossing bridge should be restricted to emergency access only, have a reduced speed limit or be converted to one-way traffic (northbound) only.
- The internal intersections should be designed such as to ensure adequate sight distance along the E 12<sup>th</sup> Street extension and re-alignment.
- Shrubbery, weeds, and landscaping near the internal intersections should be designed maintained to ensure adequate sight distance.



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## INTRODUCTION

Kittelson & Associates, Inc. (Kittelson) has conducted a Transportation Impact Study (TIS) for the proposed Payette River Orchards Subdivision in Emmett, Idaho. The study was prepared in accordance with requirements of the Idaho Transportation Department (ITD) *Rules Governing Highway Right-of-Way Encroachment Rights-of-Way* (Reference 1) and through coordination with ITD and City of Emmett staff. The TIS examines the current transportation network and addresses the transportation impacts associated with background growth and the proposed development.

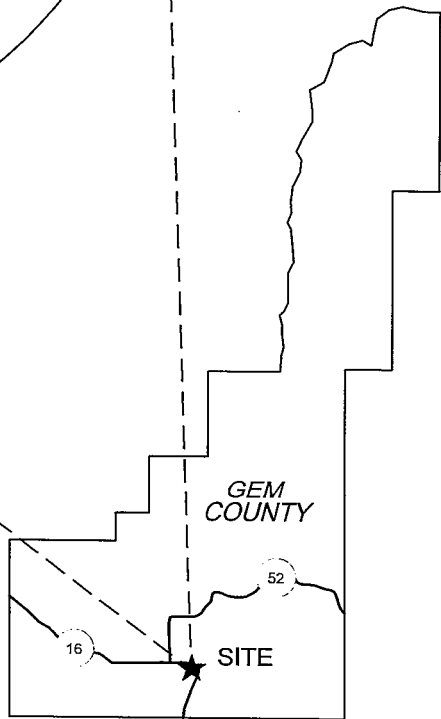
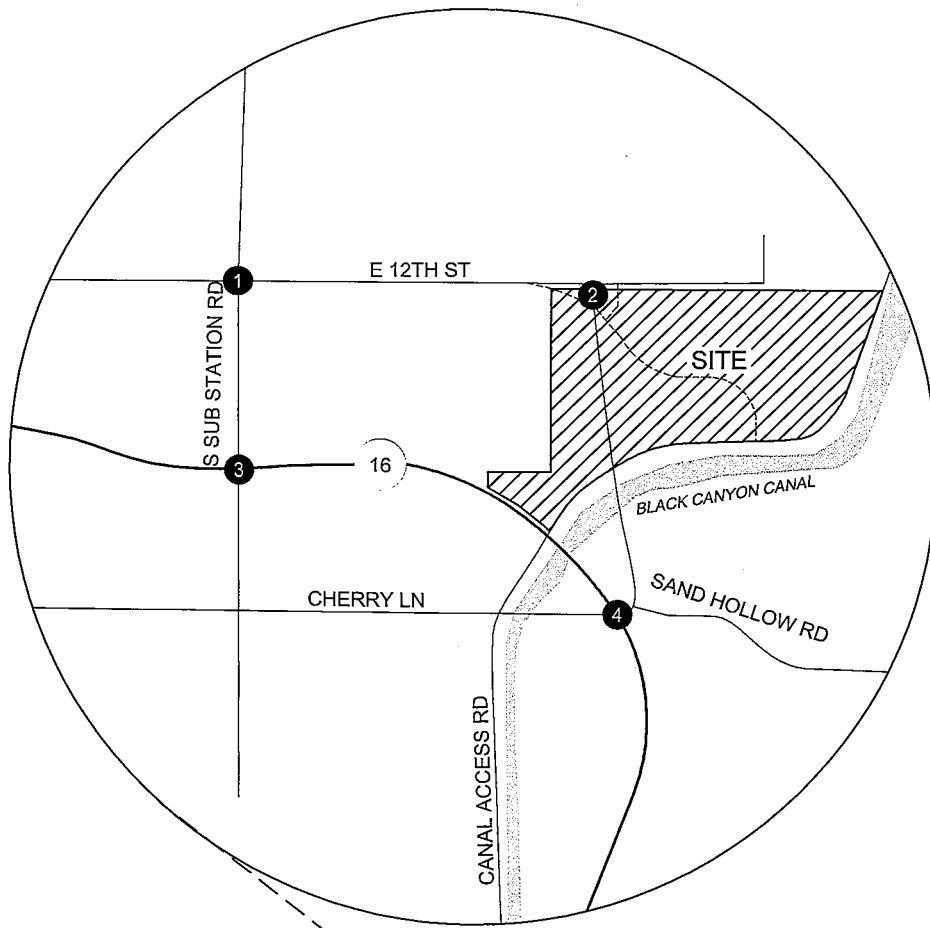
## PROJECT DESCRIPTION

210 Main LLC is proposing to develop the Payette River Orchards Subdivision, which will consist of 239 single-family detached residential units, 20 common area lots and a potential future church lot. The development is situated on approximately 75 acres of land in Emmett, Idaho, located east of the Sub Station Road/SH 16 intersection and northwest of the Black Canyon Canal. Figure 1 illustrates the site's vicinity in Gem County, Idaho and Figure 2 details the development site plan.

The proposed development is located within the City of Emmett. The parcels of land proposed for the new subdivision are identified as Single Family Residential (R-1) by the City of Emmett *Zoning Map* (Reference 2).

Access to the Payette River Orchards Subdivision is proposed via the extension and re-alignment of E 12<sup>th</sup> Street, which will terminate within the site. Although the site plan shows the location of an existing bridge structure across Black Canyon Canal, as well as another future canal crossing to the east, those accesses are not part of the current development application and are not evaluated as part of this TIS. As coordinated with the City, since the existing bridge structure is only 22 feet-wide, it is anticipated that the bridge structure would be converted to one-way traffic, have a reduced speed limit or be limited to emergency vehicle access only. Therefore, this analysis assumes that all site generated trips will utilize E 12<sup>th</sup> Street and S Sub Station Road.

Currently, the site is undeveloped. The development is planned to be fully built-out by the year 2026. The TIS addresses the existing (2019), background (2026), and the development's impacts in the build-out year 2026 and necessary mitigation measures.

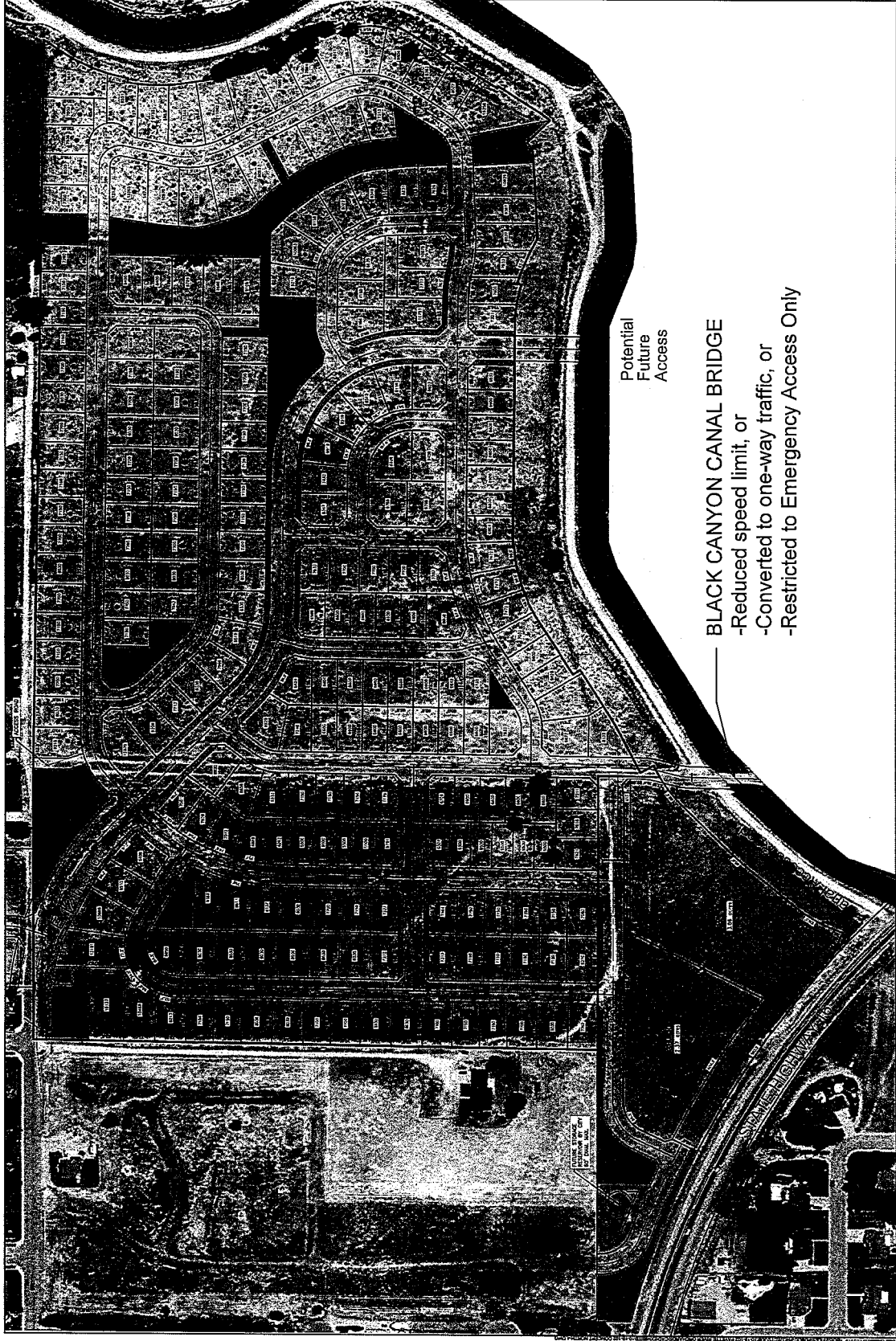


- # - Study Intersections
- Proposed Roadway Alignment

Site Vicinity Map  
Emmett, ID

Figure  
1

H:\24124177 - Payette Valley Orchards\report\Figs\24177 Payette Valley Figs\_TIS.dwg Oct 14, 2019 - 12:02pm - cdougherty Layout Tab: Fig 1 Site Vicinity Map



Provided by 210 Main, LLC  
on June 11, 2019.

Proposed Site Plan  
Emmett, ID

Figure  
2



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## SCOPE OF THE REPORT

The scope, methodology, and key assumptions within the TIS were reviewed and agreed upon by ITD and the City of Emmett in Summer/Fall 2019. *Appendix A includes the Proposed Scope of Work for the Transportation Impact Analysis memorandum and response emails from ITD.*

This report evaluates the following transportation issues:

- Existing land-use and transportation system conditions, including intersection and roadways within the site vicinity for a typical weekday a.m. and p.m. peak hour;
- Planned developments and transportation improvements for the area surrounding the Payette River Orchards development;
- An annual compound growth rate of 3.5% was applied to the existing traffic volumes to estimate the local and regional growth in the study area for future year background analyses;
- Intersection analysis of year 2026 background traffic conditions (existing counts plus seven years of regional growth) during the weekday a.m. and p.m. peak hours;
- Trip generation, distribution, and trip assignment estimates for the proposed Payette River Orchards subdivision;
- Intersection analysis of year 2026 total traffic conditions (year 2026 background traffic plus site-generated trips) during the weekday a.m. and p.m. peak hours;
- Identified transportation improvement mitigations at the study intersections impacted by site-generated trips; and
- Summary of findings and recommendations.

## STUDY AREA

The following study intersections were identified and included in this analysis:

1. Sub Station Road / E 12<sup>th</sup> Street
2. E 12<sup>th</sup> Street / Existing Driveway (12<sup>th</sup> Street Extension)
3. Sub Station Road / SH 16
4. SH 16 / Cherry Lane-Sand Hollow Road-E 12<sup>th</sup> Street

As requested by ITD, a limited analysis (site-generated traffic volumes and proportional share of future volumes) are provided at the following ITD intersections:

- SH 16 / Beacon Light Road
- SH 16 / SH 44



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## INTERSECTION PERFORMANCE MEASURES

Intersection performance measures reported in this study include level of service (LOS), volume-to-capacity ratio (V/C), delay, and 95<sup>th</sup> percentile queues.

The performance measures are used to gauge the performance of the transportation system and overall quality of the travel experience through an intersection as it is perceived by the traveler:

- *Level-of-service (LOS)* is currently the most commonly used performance measure. LOS uses an “A” to “F” ranking based on the average control delay experienced by motorists. LOS “A” conditions have very low vehicles delay times (10 seconds or less), while LOS “F” conditions have high delay times (over 80 seconds on average per vehicle at the signalized intersection) that are considered unacceptable to most drivers.
- *Volume-to-capacity (V/C)* compares the volume of traffic to the theoretical capacity of the facility to accommodate traffic. A V/C ratio of 1.0 indicates an intersection is operating at capacity. A V/C ratio over 1.0 indicates the intersection’s capacity is exceeded.
- *95<sup>th</sup> percentile queue* is the queue length that has only a 5% probability of being exceeded during the analysis time period. It is used to help determine turn lane storage, but not what the typical driver would experience. This performance measure is helpful in assessing access spacing from adjacent unsignalized and signalized intersections.

The performance measures are based on the peak 15-minutes of the peak hour and therefore, conditions may be better during other times of the day.

Overall intersection performance is calculated for signalized intersections and all-way stop-controlled intersections. For two-way stop-controlled intersection, performance measures are reported for the critical movement.



## TRAFFIC ANALYSIS METHODOLOGY

The intersection operational analysis for signalized and stop-controlled was prepared using Synchro 10 and following the *Highway Capacity Manual (HCM) 6<sup>th</sup> Edition* (Reference 3) analysis procedures. For a signalized intersection’s overall V/C ratios, the *HCM 2000* (Reference 4) procedure was utilized since the HCM 6<sup>th</sup> Edition procedure doesn’t produce an overall intersection V/C ratio.

All intersection level of service (LOS) analyses use the peak 15-minute flow rate during the weekday a.m. and p.m. peak hour. Using the peak 15-minute flow rate ensures that this analysis is based on a reasonable worst-case scenario. For this reason, the analysis reflects conditions that are only likely to occur for 15 minutes out of each average peak hour. Therefore, it is expected that the transportation system will operate better than the conditions described in this report during all other time periods throughout the day.

### Signal Timing and Other Parameters

ITD provided current signal timing for the signalized study intersections. *Appendix B contains the signal timing data provided.* Regionally accepted values were used for the ideal saturation flow rate (1800 vehicles per hour per lane), while other inputs were gathered from field data including truck percentages, peak hour factors, posted speeds, and storage lengths.

## OPERATING STANDARDS

The operating standards required by ITD policy were used to assess the traffic operations of the study intersections. Through previous discussions with ITD District 3 staff, ITD requires that intersections must operate at LOS D or better and have a V/C ratio of 0.90 or lower, and that each lane group operate with a V/C ratio of 0.90 or lower. Table 1 summarizes the proposed operating thresholds for each of the study intersections.

**Table 1. Study Intersections and Corresponding Operational Standards**

Study Intersection	Agency	Traffic Control	ITD Operating Standards	City of Emmett
Sub Station Rd / E 12 <sup>th</sup> St	City of Emmett	TWSC	<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>	<ul style="list-style-type: none"> <li>• No specified standard<sup>2</sup></li> </ul>
E 12 <sup>th</sup> St / Existing Driveway	City of Emmett	TWSC <sup>1</sup>	<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>	<ul style="list-style-type: none"> <li>• No specified standard<sup>2</sup></li> </ul>
Sub Station Rd / State Highway 16	ITD	Signal	<ul style="list-style-type: none"> <li>• LOS D or better</li> <li>• Intersection V/C Ratio ≤ 0.90</li> <li>• Lane Group V/C Ratios ≤ 0.90</li> </ul>	<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>
State Highway 16 /Cherry Ln-Sand Hollow Rd- E 12 <sup>th</sup> St	ITD	TWSC	<ul style="list-style-type: none"> <li>• LOS D or better</li> <li>• Lane Group V/C Ratios ≤ 0.90</li> </ul>	<ul style="list-style-type: none"> <li>• Not Applicable</li> </ul>

<sup>1</sup>No existing traffic control devices present, assumed driveway approach must stop and yield to traffic on E 12<sup>th</sup> Street.

<sup>2</sup>Though the City of Emmett does not have adopted or specified operating standards, at unsignalized intersections critical movement V/C < 0.9 and LOS E or better are typically acceptable operating standards consistent with ITD standards for its facilities.

## EXISTING CONDITIONS

The existing conditions analysis identifies the current site conditions, including operational and geometric characteristics of the roadways within the study area. Existing traffic counts at the study intersections were collected in late August 2019, when area schools were in-session. In addition, KAI staff visited and inventoried the proposed subdivision development site and surrounding study area in September 2019. At that time, KAI collected information regarding site conditions, adjacent land uses, and transportation facilities in the study area.

## SITE CONDITIONS AND ADJACENT LAND USES

The proposed development is within the City of Emmett and is zoned Single Family Residential (R-1). The site is currently vacant and is bordered by residential neighborhoods to the north and west, and Black Canyon Canal to the south and east.

## TRANSPORTATION FACILITIES

The transportation system inventory identifies the current characteristics of roadways within the study area. Major roadways within the study area were identified and catalogued, including transit facilities and pedestrian and bicycle infrastructure.

### Roadway Facilities

Table 2 provides a summary of the existing roadway facilities included in this study within the site vicinity.

**Table 2. Existing Study Transportation Facilities and Roadways**

Roadway	Functional Classification <sup>1</sup>	Number of Lanes	Posted Speed (mph <sup>3</sup> )	Sidewalks	Bicycle Lanes	On-Street Parking
E 12 <sup>th</sup> Street	Local <sup>2</sup>	2	35 <sup>4</sup>	Partial <sup>5</sup>	No	No
Sub Station Road	Minor Arterial	2	35 <sup>4</sup>	Partial <sup>6</sup>	No	Partial <sup>8</sup>
SH 16	Principal Arterial	2	55	No	No	No
Cherry Lane	Major Collector <sup>3</sup>	2	35	Partial <sup>7</sup>	No	No
Sand Hollow Road	Local	2	No Posted	No	No	No

Notes: <sup>1</sup>Per the City of Emmett *Transportation Plan Update – Future Func. Class (2035) Map* (Reference 5). <sup>2</sup>E 12<sup>th</sup> Street is classified as a Local System street from Sub Station Road to the east and as a Major Collector from Sub Station Road to the west. <sup>3</sup>Though identified on the City of Emmett as such classification, route does not currently function in that capacity and is more typical of a minor collector or local street. <sup>4</sup>Posted 20 mph during school hours. <sup>5</sup>East of Sub Station Road, sidewalks are provided along the northside of E 12<sup>th</sup> St. The City of Emmett recently added more sidewalk along E 12<sup>th</sup> St, west of Sub Station Road. <sup>6</sup>Sidewalks are provided along the eastside of Sub Station Road from SH 16 to Sunrise Street. No sidewalk is provided from Sunrise Street to E 12<sup>th</sup> Street. Sidewalk is provided on both sides of Sub Station Road north of E 12<sup>th</sup> Street, for approximately one quarter of a mile. <sup>7</sup>East of Sub Station Road, sidewalks are provided along the northside of Cherry Lane. <sup>8</sup>There is space for limited street parking on the east side of Sub Station Road, between Sundown Street and Sunrise Street.

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## Transit Facilities

There is no localized transit service in Emmett, though the ACHD Commuteride program includes carpool and vanpool options between Emmett and Boise. Additionally, the Senior Center operates a small fleet of accessible buses and vans and offers free transportation for senior and disabled in the community.

## Pedestrian and Bicycle Facilities

Within the site's vicinity, most roads are rural in nature limited pedestrian and bicycle facilities. Along Sub Station Road, E 12<sup>th</sup> Street, and Cherry Lane sidewalks generally exist on at least one-side of the roadway, parallel to existing subdivision developments.

The City of Emmett recently completed the E 12<sup>th</sup> Street pathway and fiber optic project, which added pathway along E 12<sup>th</sup> Street, west of Sub Station Road, for a pedestrian connection to Kenneth Carberry Elementary School.

## EXISTING TRAFFIC CONDITIONS

Turning movement counts and heavy vehicle counts were collected during a typical midweek (Tuesday through Thursday) a.m. peak period (7:00 a.m. – 9:00 a.m.) and p.m. peak period (4:00 p.m. – 6:00 p.m.) in late August, when schools were in session. *Appendix C includes the existing weekday a.m. and p.m. peak period counts at each of the study intersections.*

### Existing Weekday AM and PM Peak Hour Traffic Volumes and Intersection Operations

Existing peak hour traffic operations were analyzed for a typical mid-weekday a.m. peak hour and p.m. peak hour. The a.m. peak hour generally occurred from 7:00 to 8:00 a.m., except for the intersections of Sub Station Road / SH 16 and Sub Station Road / E 12<sup>th</sup> Street intersections, for which the a.m. peak hour occurred later in the morning, likely related to the adjacent elementary school operations. For a conservative analysis, individual intersection peak hours volumes were for the a.m. analysis. The p.m. peak hour was consistent for all study intersections and was found to occur from 4:45 to 5:45 p.m.

Figure 3 shows the existing lane configuration and traffic control devices at study intersections and Figure 4 shows the existing weekday a.m. and p.m. peak hour traffic volumes.

Table 3 summarizes the existing traffic conditions operational analysis. *Appendix D includes the existing conditions Synchro worksheets.*

**Table 3. Existing Intersection Operations – Weekday AM and PM Peak Hour**

No.	Intersection	Intersection (AM / PM) <sup>4</sup>			Lane Group	AM Peak Hour			PM Peak Hour		
		V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>		V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>	V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>
1	Sub Station Road / E 12 <sup>th</sup> Street	-	-	-	NBL	0.01	A	7.8	0.02	A	7.8
					EBLTR	0.15	B	12.4	0.15	C	15.1
					WBLTR	0.06	B	12.3	0.06	B	14.2
					SBL	0.01	A	7.5	0.01	A	8.0
2	E 12 <sup>th</sup> Street / Driveway	-	-	-	EBL	0.01	A	7.2	0.01	A	7.3
					SBLR	0.01	A	8.5	-	A	0
3	Sub Station Road / SH 16	0.43 / 0.55	B / B	16.3 / 18.6	EBL	0.17	B	12.9	0.36	B	12.2
					EBT	0.44	B	16.6	0.15	B	10.0
					EBR	0.44	B	16.6	0.15	B	10.1
					WBL	0.00	B	14.2	0.00	B	11.0
					WBT	0.52	C	20.6	0.70	C	21.4
					WBR	0.20	B	16.1	0.34	B	14.6
					NBL	0.09	B	18.1	0.10	C	27.5
					NBTR	0.06	C	20.3	0.17	C	29.9
					SBL	0.37	B	16.2	0.26	C	25.9
					SBTR	0.35	B	18.5	0.53	C	29.7
4	SH 16 / Cherry Lane-Sand Hollow Road-E 12 <sup>th</sup> Street	-	-	-	NBL	0.06	A	8.8	0.02	A	7.9
					EBLTR	0.06	B	13.4	0.04	B	13.8
					WBLTR	0.10	C	20.3	0.06	C	24.2
					SBL	0.01	A	7.8	0.01	A	9.4

Notes: <sup>1</sup>V/C Ratio is defined as vehicle-to-capacity ratio which calculates the number of vehicles divided by the capacity of the roadway/intersection during the peak 15 minutes of the peak hour; <sup>2</sup>LOS = Level of Service; <sup>3</sup>Delay is reported in seconds per vehicle; <sup>4</sup>Signalized intersection operations reported based on HCM 2000 methodology; and Bold, *italics* and highlighted cells indicate an intersection and/or lane group operates below its jurisdiction's standards.

As the table shows, all study intersections currently operate within the applicable agency operating standards.



## CRASH HISTORY

Crash data for the study intersections was provided by the Idaho Transportation Department for the most recent five years crash data is available (2014-2018). This data was used to evaluate and document any potential crash trends occurring at study intersections. *Appendix E contains the crash data reports provided by ITD.*

Table 4 presents the numbers of crashes, by crash type and severity, at each study intersection with reported crashes. During this timeframe, no crashes were reported at the Sub Station/E 12th Street or Driveway/E 12th Street intersections.

**Table 4. Study Intersection Crash Type and Severity Summary (2014-2018)**

Intersection	Crash Type							Severity				Total
	Rear-End	Fixed Object	Head-On	Side Swipe	Angle	Turning	Other	Ped/bike	PDO <sup>1</sup>	PI <sup>2</sup>	Fatality	
Sub Station Road / SH 16	6	-	-	1	-	5	-	-	5	7	-	12
SH 16 / Cherry Lane-Sand Hollow Road-E 12th Street	-	-	-	-	-	1	-	-	-	1	-	1

Notes: <sup>1</sup> PDO = property damage only crash; <sup>2</sup> PI = personal injury crash.

As seen in Table 4, no fatalities occurred at any of the study intersections. Additionally, there were no reported crashes involving pedestrians or bicycles.

The most prevalent crash types at the Sub Station Road / SH 16 intersection were rear-end and turning crashes, typical of signalized intersections located on higher speed highway arterials. All approaches to the signalized Sub Station Road / SH 16 intersection include Flashing Yellow Arrow (FYA) operations for permitted left-turn movements.

The single reported crash at the SH 16/ Cherry Lane-Sand Hollow Road-E 12th Street intersection occurred during the p.m. peak hour involved a northbound left-turning vehicle and a southbound vehicle and resulted in an injury. Both the northbound and southbound SH 16 approaches to the intersection include signage alerting drivers to the presence of the intersections.

Though south of the study area, ITD plans to widen SH 16 to include a southbound passing lane in the vicinity of Freezeout Hill to improve mobility and reduce crashes along the corridor. Construction is planned for FY 2024/2025 but is not anticipated to impact study area intersections.

## YEAR 2026 BACKGROUND AND TOTAL TRAFFIC CONDITIONS

This section identifies how the study area's transportation system will operate under year 2026 traffic conditions both without and with the proposed Payette River Orchards Subdivision development. Build-out of the development is anticipated for year 2026. The impact of site-generated trips by the proposed development during the weekday a.m. and p.m. peak hours was examined as follows:

- Future conditions were estimated using a 3.5% annual compound growth rate applied to existing traffic volumes to account for regional growth in the site vicinity.
- Year 2026 background traffic conditions (build-out year of the proposed development but without the Payette River Orchards Subdivision site-generated traffic) were analyzed at the study intersections during the weekday a.m. and weekday p.m. peak hours.
- Trip generation, trip distribution, and trip assignment were estimated for build-out of the proposed Payette River Orchards Subdivision.
- Site-generated trips were added to the year 2026 background traffic volumes.
- Year 2026 total traffic conditions (build-out year of the proposed development with the Payette River Orchards Subdivision site-generated traffic included) were analyzed at the study intersections during the weekday a.m. and weekday p.m. peak hours.

### YEAR 2026 BACKGROUND TRAFFIC CONDITIONS

The year 2026 background traffic conditions analysis identifies how the study area's transportation system will operate in the future but without the Payette River Orchards Subdivision is in place. This analysis includes traffic attributed to general background growth but does not include traffic from the proposed development.

#### Planned Roadway Improvements

Based on a review of and the ITD STIP, there are no planned roadway or intersection projects within the study area.

#### Background Growth

An annual growth rate was used to account for general growth within the study area and region. Based on review of ITD ATR data, the traffic growth rates on state routes in the vicinity of Emmett over the past 7 years show approximately 2.0 - 4.0 percent growth per year. As the ATR station closest to the site on SH 16 shows growth that is closer to the higher end of the calculated range, a 3.5 percent annual compound growth rate was applied to existing traffic volumes for all roadways and intersections in the study area.

### In-Process Developments

No specific in-process developments in Emmett were identified or included in the background year 2026 volumes beyond the general 3.5 percent annual growth. Though there are several recently approved developments in Eagle and Star, these projects are located several miles to the south of the study area and trips generated by these developments are accounted for in the regional growth factor applied to existing traffic volumes.

### Year 2026 Background Traffic Volumes

Year 2026 background traffic volumes reflect existing traffic counts plus 7 years of 3.5% annual compound growth (which equates to a total increase of 27% over existing volumes). Figure 5 shows the year 2026 background conditions traffic volumes at the study intersections.

### Year 2026 Background Intersection Operations

Table 5 summarizes the traffic operation results for each study intersection under year 2026 background conditions during the weekday a.m. and p.m. peak hours. *Appendix F includes the year 2026 background conditions operations worksheets.*

**Table 5. Year 2026 Background Intersection Operations – Weekday AM and PM Peak Hour**

No.	Intersection	Intersection (AM / PM) <sup>4</sup>			Lane Group	AM Peak Hour			PM Peak Hour		
		V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>		V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>	V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>
1	Sub Station Road / E 12 <sup>th</sup> Street	-	-	-	NBL	0.02	A	8.0	0.23	A	8.0
					EBLTR	0.23	B	14.6	0.25	C	19.7
					WBLTR	0.09	B	14.1	0.10	C	17.2
					SBL	0.01	A	7.6	0.01	A	8.2
2	E 12 <sup>th</sup> Street / Driveway	-	-	-	EBL	0.01	A	7.2	0.01	A	7.4
					SBLR	0.01	A	8.6	-	A	0
3	Sub Station Road / SH 16	0.53 / 0.70	B / C	18.7 / 24.2	EBL	0.22	B	13.3	0.55	B	16.4
					EBT	0.49	B	17.9	0.18	A	9.8
					EBR	0.49	B	17.7	0.18	A	9.8
					WBL	0.00	B	14.9	0.01	B	10.8
					WBT	0.58	C	22.5	0.82	C	26.9
					WBR	0.23	B	17.0	0.40	B	15.2
					NBL	0.12	C	21.1	0.16	C	31.5
					NBTR	0.07	C	23.9	0.15	C	34.6
					SBL	0.46	B	17.6	0.36	C	30.4
					SBTR	0.42	C	21.3	0.75	D	36.7
4	SH 16 / Cherry Lane-Sand Hollow Road-E 12 <sup>th</sup> Street	-	-	-	NBL	0.01	A	9.4	0.03	A	8.2
					EBLTR	0.09	C	15.9	0.07	C	18.3
					WBLTR	0.18	D	30.7	<b>0.12</b>	<b>E</b>	<b>37.4</b>
					SBL	0.01	A	8.0	0.01	B	10.4

Notes: <sup>1</sup>V/C Ratio is defined as vehicle-to-capacity ratio which calculates the number of vehicles divided by the capacity of the roadway/intersection during the peak 15 minutes of the peak hour; <sup>2</sup>LOS = Level of Service; <sup>3</sup>Delay is reported in seconds per vehicle; <sup>4</sup>Signalized intersection operations reported based on HCM 2000 methodology; and Bold, *italics* and highlighted cells indicate an intersection and/or lane group operates below its jurisdiction's standards.

As shown in the Table 5, all the study intersections are anticipated to continue operating acceptably under year 2026 background weekday a.m. and p.m. peak hours conditions, except for the minor street westbound approach to the SH 16 / Cherry Lane-Sand Hollow Road-E 12<sup>th</sup> Street intersection, which operates at LOS E during the p.m. peak hour, exceeding the ITD LOS D standard. However, the V/C ratio



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of the low volume approach is well below the 0.90 operating standard threshold. The high reported delay is due to the time required for left-turning vehicles to find sufficient gaps in the traffic on SH 16 and this condition is typical of a minor street approach to a higher volume arterial. Therefore, no mitigation is recommended.





## PAYETTE RIVER ORCHARDS SUBDIVISION ESTIMATED TRIP GENERATION

Weekday daily, a.m., and p.m. peak hour vehicle trips for the proposed development were estimated based on the *Trip Generation Manual, 10<sup>th</sup> Edition* (Reference 9) and are shown in Table 6. Internal trips and pass-by trips were deemed not applicable, as the primary proposed land use is residential. The fitted curve equations provided in the manual were used to generate the trip estimates for both land use types. Since there is not a specific site plan for the church at this time, the square-footage of the church building was estimated based on review of other nearby churches and their building size compared to lot size.

**Table 6. Payette River Orchards Subdivision Estimated Trip Generation**

Land Use	ITE Code	Size	Daily	Weekday AM Peak Hour			Weekday PM Peak Hour		
				Total	In	Out	Total	In	Out
Single Family Detached Housing	210	239 units	2,318	174	44	130	234	147	87
Church	560	23,780 SF	163	8	5	3	13	6	7
<b>Total Trips</b>			<b>2,481</b>	<b>182</b>	<b>49</b>	<b>133</b>	<b>247</b>	<b>153</b>	<b>94</b>

Notes: Fitted curve equation used based on data provided by ITE.

As shown in Table 6, the proposed Payette River Orchards Development is estimated to generate a total of 2,481 daily trip ends, of these 182 are estimated to occur in the weekday a.m. peak hour (49 inbound and 133 outbound), and 247 are estimated to occur in the weekday p.m. peak hour (153 inbound and 94 outbound).

## TRIP DISTRIBUTION AND TRIP ASSIGNMENT

The distribution of site generated trips onto the roadway system was developed based review of the surrounding roadway system, existing travel patterns seen from traffic counts, knowledge of regional travel patterns and experience with other projects in the area.

Access to the Payette River Orchards Subdivision is proposed via the extension and re-alignment of E 12th Street, which will terminate within the site. Although the site plan shows the location of an existing bridge structure across Black Canyon Canal, as well as another future canal crossing to the east, those accesses are not part of the current development application and are not evaluated as part of this TIS. As coordinated with the City, since the existing bridge structure is only 22 feet-wide, it is anticipated that the bridge structure would be converted to one-way traffic, have a reduced speed limit or be limited to emergency vehicle access only. Therefore, the site-generated trips distribution assumed all trips will utilize E 12th Street and S Sub Station Road.

The resulting trip distribution and assignment of development trips to study intersections during the a.m. and p.m. peaks hours is presented in Figure 6.

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## YEAR 2026 TOTAL TRAFFIC CONDITIONS

The year 2026 total traffic scenario analyzed how the study area's transportation system will operate with the site-generated trips from the build-out of the 239 single-family unit homes and church facility proposed for the Payette River Orchards Subdivision.

### Year 2026 Roadway Network Assumptions

As it is anticipated that with the development, the existing canal bridge will be limited to emergency vehicle access only, existing vehicle trips currently utilizing the canal bridge to access SH 16 from the neighborhoods to the north and west of the site were re-assigned to access SH 16 via E 12<sup>th</sup> Street and Sub Station Road.

Additionally, as E 12<sup>th</sup> Street is re-aligned within the proposed development, therefore removing study intersection #2, the existing driveway/E 12<sup>th</sup> Street intersection trips were re-assigned to reflect accessing the internal access road shown on the site plan.

### Year 2026 Total Traffic Volumes

The site-generated peak hour trips shown in Figure 6 and re-distributed neighborhood trips discussed above were added to the year 2026 background weekday a.m. and p.m. peak hour traffic volumes to arrive at year 2026 total traffic volumes shown in Figures 7.

### Year 2026 Total Traffic Conditions Intersection Operations

Table 7 presents the traffic operation results for each study intersection and its corresponding lane groups under 2026 total traffic conditions during the weekday a.m. and p.m. peak hours. *Appendix G includes the year 2026 total traffic conditions operations worksheets, as well as Figure G1, which details the re-assigned neighborhood trips.*

**Table 7. Year 2026 Total Intersection Operations – Weekday AM and PM Peak Hour**

No.	Intersection	Intersection (AM / PM) <sup>4</sup>			Lane Group	AM Peak Hour			PM Peak Hour		
		V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>		V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>	V/C <sup>1</sup>	LOS <sup>2</sup>	Delay <sup>3</sup>
1	Sub Station Road / E 12 <sup>th</sup> Street	-	-	-	NBL	0.02	A	8.1	0.02	A	8.0
					EBLTR	0.27	C	16.5	0.41	D	30.1
					WBLTR	0.68	D	33.6	0.63	E	44.2
					SBL	0.01	A	7.8	0.02	A	8.9
2	E 12 <sup>th</sup> Street / Driveway	-	-	-	EBL	-	-	-	-	-	-
					SBLR	-	-	-	-	-	-
3	Sub Station Road / SH 16	0.62 / 0.77	C / C	21.1 / 28.2	EBL	0.29	B	15.3	0.74	B	20.0
					EBT	0.51	C	20.3	0.18	B	10.7
					EBR	0.51	C	20.2	0.18	B	10.7
					WBL	0.00	B	17.0	0.01	B	12.5
					WBT	0.59	C	25.6	0.86	C	32.2
					WBR	0.32	C	20.5	0.61	C	21.6
					NBL	0.13	C	23.8	0.16	C	34.6
					NBTR	0.08	C	26.8	0.16	D	38.0
					SBL	0.58	B	18.5	0.47	C	30.6
					SBTR	0.47	C	21.4	0.76	D	38.0
4	SH 16 / Cherry Lane-Sand Hollow Road-E 12 <sup>th</sup> Street	-	-	-	NBL	0.01	A	9.7	0.03	A	8.3
					EBLTR	0.10	C	17.8	0.08	C	21.4
					WBLTR	0.01	B	10.4	<b>0.10</b>	<b>E</b>	<b>41.6</b>
					SBL	0.01	A	8.0	0.009	B	10.8

Notes: <sup>1</sup> V/C Ratio is defined as vehicle-to-capacity ratio which calculates the number of vehicles divided by the capacity of the roadway/intersection during the peak 15 minutes of the peak hour; <sup>2</sup> LOS = Level of Service; <sup>3</sup> Delay is reported in seconds per vehicle; <sup>4</sup> Signalized intersection operations reported based on HCM 2000 methodology; and Bold, *italics* and highlighted cells indicate an intersection and/or lane group operates below its jurisdiction's standards.

As shown in the Table 7, all the study intersections are anticipated to operate acceptably under year 2026 total traffic weekday a.m. and p.m. peak hours conditions, with the exception of the minor street westbound approach to the SH 16 / Cherry Lane-Sand Hollow Road-E 12th Street intersection, which, as under 2026 background conditions without the proposed development, operates at LOS E during the p.m. peak hour, exceeding the ITD LOS D standard. However, the V/C ratio of the low volume approach is well below the 0.90 operating standard threshold. The high reported delay is due to the time required for left-turning vehicles to find sufficient gaps in the traffic on SH 16 and this condition is typical of a minor street approach to a higher volume arterial. Therefore, no mitigation is recommended.



## Year 2026 Total Traffic – 95<sup>th</sup> Percentile Queueing Analysis

Queue lengths were evaluated at applicable study intersections to identify potential queue spillback occurring during year 2026 weekday a.m. and p.m. peak hours.

Table 8 summarizes the 95<sup>th</sup> percentile queue lengths estimated by Synchro 10 at the each of the signalized study intersection’s respective turn lanes, as well as for the unsignalized stop-controlled intersections under year 2026 total traffic conditions (with site-generated traffic) . The 95<sup>th</sup> percentile queue lengths represent the worst-case queue that occurs 5% of the time during the peak hour. *Appendix G includes the Synchro 10 95<sup>th</sup> percentile queueing reports.*

**Table 8. Year 2026 – 95<sup>th</sup> Percentile Queues**

No.	Intersection	Movement	Available Storage (ft)	Total Traffic Condition	
				AM Peak Hour Queue (ft)	PM Peak Hour Queue (ft)
1	Sub Station Road / E 12 <sup>th</sup> Street	EBLTR	95 <sup>1</sup>	50	50
		WBLTR	235 <sup>2</sup>	125	100
3	Sub Station Road / SH 16	EBL	400	100	175
		WBL	185	25	25
		WBR	525	50	100
		NBL	100	50	50
		SBL	200 <sup>3</sup>	<b>275</b>	175
4	SH 16 / Cherry Lane-Sand Hollow Road-E 12 <sup>th</sup> Street	NBL	175	25	25
		EBLTR	50 <sup>4</sup>	25	25
		WBLTR	25 <sup>5</sup>	25	25
		SBL	100	25	25

Notes:

95<sup>th</sup> percentile queue lengths have been rounded up to the nearest car length, assuming one vehicle equals 25 feet; Highlighted, Bold and italicized cells indicate 95<sup>th</sup> percentile queue lengths exceed available storage; <sup>1</sup> There is approximately 95 feet of storage between the intersection approach and first driveway to the west; <sup>2</sup>As measured to the nearest driveway approach to E 12<sup>th</sup> Street, east of the intersection. There is an additional driveway in the vicinity of the intersection that may be impacted by queued vehicles; <sup>3</sup>As measured to Sundown Street, which is in the vicinity of the termination of the striped left-turn lane bay; <sup>4</sup>As measured to the nearest driveway to the west; <sup>5</sup>As measured to the intersection of Sand Hollow Road.

As highlighted in Table 8, the only movement with 95<sup>th</sup> percentile queue lengths in excess of the striped storage available considering year 2026 total traffic conditions is the southbound left-turn (from Sub Station Road) movement at the Sub Station Road / SH 16 intersection during the a.m. peak hour.

Though the projected 95<sup>th</sup> percentile queue exceeds the approximated striped left-turning bay storage by 2-3 vehicles during the a.m. peak hour, there is adequate roadway width to the north to consider re-striping Sub Station Road to extend the left-turn bay storage to accommodate additional left-turning vehicles. However, extension of the southbound left-turn lane would create additional conflict with left-turning vehicles from Sundown Street, which accesses Sub Station Road only 200 feet to the north of the signalized intersection. Additionally, removal or restriction of northbound Sub Station Road on-street parking would be needed to accommodate the additional southbound approach turn bay lane width. Considering these challenges, it is not recommended that the southbound left-turn lane be re-striping, as the additional 2-3 queued vehicles can be stored in the southbound through lane, if needed.



## PROJECT TRAFFIC AT SH 16 INTERSECTIONS

Based on the new approach ITD began taking this year with other developments sending traffic through key SH 16 intersections, ITD requested information on the proposed development’s relative impact and influence at the SH 16/Beacon Light Road and SH 16/SH 44 intersections located over ten and twelve miles, respectively, to the south of the study area.

Site-generated trips were distributed to both intersection and percentage impacts were calculated to show how much of the projected future total traffic at each study intersection is attributable to the project. Table 9 summarizes the estimated number of site trips added, as compared to the future volumes at these intersections.

**Table 9. SH 16 Intersections - Proportional Share Contributions**

Intersection	Cost <sup>1</sup>	Payette River Orchards – Site Trips	Intersection Total Trips <sup>2</sup>	Percentage	Payette River Orchards – Proportional Cost	Volume Notes
SH 16 / Beacon Light Road	\$1,385,000	91	2,393	3.8%	\$52,668	Based on AM Volumes
SH 16 / SH 44	\$40,000,000	98	14,352	0.7%	\$273,133	Based on PM Volumes
<b>Total</b>	<b>\$41,385,000</b>				<b>\$325,801</b>	

Notes:<sup>1</sup>Project costs from ITD (summer 2019). <sup>2</sup>SH 16 / Beacon Light Road intersection total trips volume represents year 2028 a.m. peak hour volume, inclusive of the Hormachea-Belvoir project and Payette River Orchards site trips. SH 16/ SH 44 intersection total trips volume represents forecast year 2045 p.m. peak hour volume.

As seen in Table 9, the proposed Payette River Orchards development is estimated to add 91 a.m. peak hour trips to the SH 16 / Beacon Light Road intersection and 98 p.m. peak hour trips to the SH 16 / SH 44 intersection.

Considering the site-generated trips added to these intersections, and the intersection future volumes (consistent with other TIS’ recently completed in the area), the percentage of trips added is calculated as 3.8 percent at the SH 16 / Beacon Light Road intersection and as 0.7 percent at the SH 16 / SH 44 intersection. When these percentages are multiplied by the ITD improvement project costs, the total Payette River Orchards proportional share anticipated to be requested as a contribution is estimated at \$325,801, or \$1,363.81 per residential unit, if the City of Emmett (and Gem County) determines to enter an agreement with ITD to impose an assessment on all units built in the City of Emmett (and Gem County).

## INTERSECTION SIGHT DISTANCE CONSIDERATIONS

Sight distance was not evaluated for on the planned internal roadways since these have yet to be designed or constructed. The following are recommended to ensure adequate safety and operation at the site internal intersections, and roadways:

- The internal intersections should be designed such as to ensure adequate sight distance along the E 12<sup>th</sup> Street extension and re-alignment.
- Shrubbery, weeds, and landscaping near the internal intersections should be designed maintained to ensure adequate sight distance.



## Section 5 Findings & Recommendations



## FINDINGS & RECOMMENDATIONS

The results of the traffic impact analysis indicate that the proposed Payette River Orchards Subdivision development can be constructed while maintaining acceptable levels of service and safety on the surrounding transportation system. The findings of this analysis and recommendations are discussed below.

### FINDINGS

#### Existing Conditions

- All study intersections were found to operate at acceptable operating standards during the existing weekday a.m. and p.m. peak hours.
- Crash data at the study intersections for the most recent five years (2014-2018) was analyzed for any existing crash trends.
  - There were no reported crashes the Sub Station/E 12<sup>th</sup> Street or Driveway/E 12<sup>th</sup> Street intersections.
  - No fatalities occurred at any of the study intersections, nor were there any reported crashes involving pedestrians or bicycles.
  - The most prevalent crash types at the Sub Station Road / SH 16 intersection were rear-end and turning crashes, typical of signalized intersections located on higher speed highway arterials.
    - All approaches to the signalized Sub Station Road / SH 16 intersection include Flashing Yellow Arrow (FYA) operations for permitted left-turn movements.
  - Though south of the study area, ITD plans to widen SH 16 to include a southbound passing lane in the vicinity of Freezeout Hill to improve mobility and reduce crashes along the corridor. Construction is planned for FY 2024/2025 but is not anticipated to impact any study area intersections.

#### Year 2026 Background Traffic Conditions

- Year 2026 background traffic volumes were forecasted using a 3.5% compounded annual growth rate.
- Year 2026 background traffic analysis (without inclusion of site-generated traffic) found that all study intersections are expected to operate at acceptable operating standards during the weekday a.m. and p.m. peak hours with the exception of:
  - **SH 16 / Cherry Lane-Sand Hollow Road-E 12th Street (PM Peak Hour)**
    - The minor street westbound approach is anticipated to operate at LOS E, exceeding the ITD LOS D standard, however it is well under capacity ( V/C= 0.12 ) and as such no mitigation is recommended for this condition typical of a minor approach to a higher speed, higher volume arterial.



## Trip Generation and Distribution

- The *ITE Trip Generation Manual, 10<sup>th</sup> Edition* was used to estimate the trip generation for the proposed Payette River Orchards Subdivision.
- The proposed Payette River Orchards Subdivision, with 239 single-family homes and a single church lot, is estimated to generate a total of 2,481 daily trip ends with 182 trip ends occurring in the a.m. peak hour (49 inbound / 133 outbound) and 247 trip ends occurring in the p.m. peak hour (153 inbound / 94 outbound).

## Year 2026 Total Traffic Conditions

- Year 2026 total traffic conditions analysis found that the site-generated trips do not impact any additional intersections not previously identified in the background traffic conditions.
- Year 2026 total traffic conditions 95<sup>th</sup> percentile queuing analysis found that the southbound left-turn movement queue at the Sub Station Road / SH 16 intersection will exceed the striped storage capacity during the a.m. peak hour by 2 – 3 vehicles. Extension of the southbound left-turn lane storage would create additional conflict with the adjacent Sundown Street access to Sub Station Road and the southbound through lane storage could accommodate the additional 2-3 southbound left-turning vehicles, if needed
- The percent of site-generated traffic added the two ITD SH 16 intersection to the south was calculated as follows:
  - SH 16 / Beacon Light Road – 3.8 %
  - SH 16 / SH 44 – 0.7 %
- The total Payette River Orchards proportional share anticipated to be requested as a contribution is estimated at \$325,801, or \$1,363.18 per residential unit, if the City of Emmett (and Gem County) determines to enter an agreement with ITD to impose an assessment on all units built in the City of Emmett (and Gem County).

## RECOMMENDATIONS

Based on the report's analyses and evaluation findings, the following recommendations were developed:

- Due to the narrow width, the existing E 12<sup>th</sup> Street canal crossing bridge should be restricted to emergency access only, have a reduced speed limit, or be converted to one-way traffic (northbound) only.
- The internal intersections should be designed such as to ensure adequate sight distance along the E 12<sup>th</sup> Street extension and re-alignment.
- Shrubbery, weeds, and landscaping near the internal intersections should be designed maintained to ensure adequate sight distance.



**CITY of EMMETT ZONING COMMISSION**

**Oct 7<sup>th</sup> 2019 Public Hearing and Meeting Minutes**

**FINAL APPROVED**

The City of Emmett's Zoning Commission held a regular meeting and 4 public hearings on October 7<sup>th</sup>, 2019 at 6pm at 501 E. Main St. in Emmett.

**Commissioners Present:** Jeff Chapman, Marta Henry, Jeff Wiechmann, Gwen Earls, Kim Butler, Jennifer Frieboes, and City Attorney, Jake Sweeten filling in as Temp Chair.

**Staff Present:** Zoning Administrator, Brian Sullivan; Recording Clerk, Anna Marie Young, Public Works Director, Clint Seamons.

**Attn Sweeten:** I am fulfilling the role of Chairman tonight. Our former Chairman and Vice Chairman have both resigned so the first order of business is to elect a new Chairman and Vice Chairman. However, before that we will have the Administrator introduce two new Commissioners.

**Zoning Administrator:** Introduces Jeff Wiechmann and Jennifer Frieboes

**Commissioner Earls:** I volunteer to be the new Chairwoman

**Commissioner Wiechmann:** Motions that Commissioner Earls becomes the new Chairwoman

**Commissioner Butler:** Seconds the Motion

**Attn Sweeten:** All in favor say "yay" . . . all say "yay". Motion Passes.

**Chairwoman Earls:** Do we have volunteer for Vice Chairman?

**Commissioner Wiechmann:** I volunteer to be Vice Chairman

**Chairwoman Earls:** asks is there anyone else who would like to volunteer?

**Commissioner Butler:** I volunteer to be Vice Chairwoman.

**Chairwoman Earls:** takes a pol vote . . . Commissioner Chapman votes Butler, Commissioner Henry votes Butler, Commissioner Wiechmann votes for himself, Chairwoman Earls votes Butler, and Commissioner Frieboes votes for Butler.

**Commissioner Henry:** Motions to appoint Commissioner Butler as Vice Chairwoman

**Commissioner Wiechmann:** Seconds the Motion.

**Chairwoman Earls:** All in favor say "yay" . . . all say "yay". Motion passes.

**Attn Sweeten:** explains general rules for Public Hearings. He said once you close the public hearing you cannot ask for more/new information, so its important to ask all questions now during the hearing.

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**PUBLIC HEARING for PRELIMINARY PLAT PP #19-002 PAYETTE RIVER ORCHARDS SUBDIVISION.**

**Chairwoman Earls:** Opens the Public Hearing

**Commissioner Chapman:** re-cues himself due to relationship/conversations with the applicant.

**Chairwoman Earls:** asks if any Commissioners had any conversations regarding this application.

**Attn Sweeten:** explains that any communication held outside a Public Hearing is ok it's just that it must be disclosed at the Public Hearing.

**Zoning Administrator:** additional that also includes any site visits, Commissioners must disclose if they have visited any of the project sites.

**Zoning Administrator:** Gives a brief history of the project site and introduces the application. In 2006 the property was annexed into the City, zoned R-1 Residential, and a Preliminary Plat with a Development Agreement were approved. Construction of roads and utilities began. After the project went into foreclosure in 2007, the property sat vacant for a couple years before Sand Hollow 16 LLC bought the property and has since been using for agricultural purposes. In 2013 the owner de-annexed 130 acres of the original 220 acres and Modified the DA to allow for commercial farming with center pivot irrigation. The current proposed PP includes 242 residential lots and 1 commercial lot on a total of 74.8 acres, 10.44 acres of which are for landscaped open space. Phase one is located where utilities are already in the ground. A future water-booster station site and water-tank site will be dedicated to the City. A new water-booster station is required for this development due to the elevation increase.

**Zoning Administrator:** Goes over his staff report and concludes that staff recommends approval of the application with changes outlined for in city staff and agency comments. Will still need to be submitted for review

**Zoning Administrator:** goes over "Staff Written Comments to Applicant A-E" and the applicants corresponding written responses to each that were submitted/returned prior to the hearing (see included in staff report).

**Zoning Administrator:** Goes over "Staff Recommended Site-Specific Conditions 1-5" from staff report and concludes staff approval of application follows agency comments and comments listed in section sections 6,7, and 8.

**Chairwoman Earls:** Asks to hear from the applicant

**Applicant David Little:** 3111 Sand Hollow Rd, Emmett Idaho. We bought the property in 2009 and have been raising corn there since 2013. In July 2017 Terry Gardner with the Community Bible Church approached us to say he'd like to build a new church on part of the property. We said "fine by us" but we knew because a booster station is one of the requirements that we needed to come up with a solution for the entire property. In March 2018 we began working with the city and engineers. It's taken us a while to get to this point. We believe the project

meets the City's requirements and will be good for the valley. I'm a neighboring rancher so we are right here and in it for the long-term success of the project.

**Chairwoman Earls:** asks if any Commissioners if they any questions? There were none.

**Applicant Adam Little:** 1137 Harcourt Dr. Boise. Points out that they have reviewed some of the impact agencies comments. And provided the following feedback . . .

- In regards to Gem County Treasurer's Office Comments: we will make sure all taxes will be paid to date.
- In regards to Last Chance Ditch Company, Emmett Irrigation District and Black Canyon Irrigation District: we will make sure all water transfers are done appropriately. We will work to coordinate our efforts to address their concerns of fencing and protecting their right of way.
- In regards to Public Works with re-routing the road and utilities, will make sure to address that in our Construction Plans and coordinate so that the City team is on board.

**Carl Porter:** Sawtooth Land Surveying Company, 2030 S. Washington Ave. Emmett. Points out that that the property has been surveyed, including a boundary survey and a topographic survey.

**Commissioner Wiechmann:** asks is there access to the church off Hwy 16?

**Carl Porter:** Answer's "no".

**Chairwoman Earls:** Asks for any other questions from the Commission? There were none.

**Attn Sweeten:** Asks if the lot that the church is proposed to be on is still owned by 210 Main LLC?

**Applicant Adam Little:** Responds, yes, it needs to be subdivided after their application for SUP permit is approved.

**Chairwoman Earls:** asks if there is anyone else that wants to speak for the Applicant? There were none. Asks if anyone from the public that wants to comment they are welcome to step up to the podium.

**John McGovern:** 2405 Pinyon Peek Dr. Emmett. What concerns me is traffic on 12<sup>th</sup> St. I can't tell by looking at the map how traffic comes in and out? Are they planning to leave access to Hwy 16 in place or are they closing that off?

**Zoning Administrator:** Responds, showing on the map, that there will still be access from 12<sup>th</sup> street into the subdivision. 12<sup>th</sup> street will just cut short this corner continue south through the subdivision and access to Hwy 16 will still be there.

**Gwynna Jensen:** 865 Clifford Dr. Emmett. I am the sharp corner and I see probably 80 cars a day go flying around that corner and that's without 300 new cars coming into it because that's where people are out walking their dogs. I'm excited for the new houses but there needs to be some speed bumps, widen the road, some walking paths because 300 new homes means kids going to Carberry. There also needs to still be access to our gates off 12<sup>th</sup> street.

**Zoning Administrator:** Responds that there will still be access to that private road, the new spur into the development will have curb and gutter sidewalks, but there is a gap it won't go all the way to Regency.

**Applicant David Little:** Responds that everywhere within the subdivision will have sidewalks, and we are hoping to do a walking path around the outside of the property as well.

**Chairwoman Earls:** if there is anyone else please step up to the podium

**Jackie McGovern:** 2405 Pinyon Peek Dr. Emmett. Asks any idea when this is going to kick off?

**Applicant David Little:** Responds that there are 8 phases. We are projecting that this will take multi years. We expect that next Spring/Summer to start construction and actual houses by next Fall.

**Carl Porter:** Responds that this is the approval process, we need to get Preliminary Plat approval first before we can get Final Plat approval.

**Jonathan Philips:** 912 Gem Stone Way, Emmett. Pastor of Community Bible Church. We are ready to break ground but we are waiting for approval here. Until then can we lay some time-lines. We have a plot ready for purchase and we have plans but can't do anything until these meetings take place.

**Carol Davis:** 2295 E. Quail Run Rd: We take 12<sup>th</sup> St. Road everyday over that bridge to go over the hill. What is going to be affect on that bridge with 300 new cars driving on it? The problem is also once you get to Hwy 16. You better be on your mark because it's dangerous. There will be a fatality right there. So then the other problem is that if people can't get on to Hwy 16 they will be coming down 12<sup>th</sup> street as an alternative. Then there is Carberry. Is there going to be a light put right there? It's getting to be Fall and Winter and kids walk to school. Where are we putting in the safety measures for this subdivision? My property borders Regency. And they didn't do a great job. They left the City with a huge bill and got out of town. And what are the quality of the building that will be put in? Are we putting standards on buildings? Is it going to be one builder or a series of builders?

**Attn Sweeten:** Responds with that there are certain things that the City has jurisdiction over and there are certain things that we don't. The way our Zoning Code works is that if a developer comes in and meets requirements, they will be able to do what they want. One of the things that is outside the City's control is the quality of the homes, of course they will meet building set-back/square footage requirements but "quality" is subjective and our Zoning and Building Code doesn't account for that.

**Applicant Adam Little:** Responds by explaining that the Phases were picked in a way to minimize the impact on the road. The modification of 12<sup>th</sup> St. to curve slightly instead of a 90-degree turn is to mitigate cars going off the road there. The existing part of 12<sup>th</sup> Street extension that goes North/South is going to be a widened but until Phase 3. Access through there will not be closed off during Phase 1 and 2. In regards to the bridge, the existing bridge will NOT be improved.

**Unidentified Member of the Public:** That bridge is dangerous for pedestrians currently. Cars come flying over at 35mph and they can't see me as I'm walking across the bridge. Things will only get worse with 300 more cars coming in and out of there.

**Zoning Administrator:** Responds that the City can drop the speed limit down to 20mph within the subdivision. We don't have anything in our code book regarding bridge widths or impacts to bridges. In regards to the quality of building the subdivisions CC&Rs could address the quality and the style.

**Andy Frasier:** 2295 E. Quail Run. Voices concerns of bringing over extra wide heavy equipment over that bridge and about massive traffic jams at Substation Ave.

**Applicant David Little:** Responds that they can put temporary caution signs out there during construction.

**Unidentified Member of the Public:** who is responsible for the bridge?

**Applicant David Little:** I don't know the answer to that question.

**Chairwoman Earls:** Asks any more public comments?

**Jackie McGovern:** 2405 Pinyon Creek Dr. Emmet: When regency was going in there was so much truck traffic going on back and forth it was ridiculous. To say it will go on in phases in ridiculous. Its going to come and come and keep coming. It's going to get very busy on 12<sup>th</sup> street, there are a lot of kids and people out walking their dogs. So it kind of annoys me that you are saying you don't know how much traffic there is going to be!?

**Chairwoman Earls:** We are to the point where we are going to have to limit the number of times people can comment and to limit comments to 3-minutes. Asks any more public comments?

**Brian Weers:** 2480 Sunrise St. Emmett. I understand from Brian that we don't have all responses back from Public Agencies yet but I'm wondering is Carberry at capacity?

**Zoning Administrator:** Responds that he did send a packet to Emmett Independent School District but that they did not respond.

**Chairwoman Earls:** Asks what agencies do we send the packet out to? Who gets notified?

**Zoning Administrator:** We have a list: ITD, our Engineers, the School District, All the irrigation districts and companies, Sawtooth Land Surveying, all City and County agencies, Police, Fire, and EMS . . . about 20 agencies.

**Chairwoman Earls:** In the past has the School District responded?

**Zoning Administrator:** We had one earlier this year and the School District did not respond.

**Brian Weers:** How does that affect decision making overall?

**Chairwoman Earls:** I would suggest you ask that to the School District.

**Chairwoman Earls:** Asks Commissioners if they have any more questions regarding this application?

**Attn Sweeten:** Reminds everybody that there are 4 Companion Applications. If there are no more questions on the 1<sup>st</sup> Application, then we can move on to the next one.

**Vice Chairwoman Butler:** questions the renaming 12<sup>th</sup> street?

**Zoning Administrator:** Points out on the map that the original 12<sup>th</sup> St. that runs horizontal will stay 12<sup>th</sup> Street but that the 12<sup>th</sup> St. segment that runs North and South through the subdivision will change.

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**PUBLIC HEARING for VARIANCE #19-001 LOT SIZE, FRONTAGE, and SETBACKS for 11 LOTS (COMPANION APP to PP #19-002).**

**Chairwoman Earls:** Opens Public Hearing

**Zoning Administrator:** Summarizes the Application. The Variance is for 11 of the proposed 242 lots. The variance would allow these particular sub-standard lots to be legal in the Payette River Orchard Subdivision. The reason is due to the existing infrastructure that was already constructed for the previous development that was approved in 2006. The existing infrastructure includes underground sewer and water lines to each of these 11 lots. The City's standard lot size for R-1 is 6000 square foot, the proposed size is 5500 square foot. The standard road frontage requirement is 60ft and the proposed size is 50ft. And the standard set back requirements are 7ft and the proposed is 5ft.

**Zoning Administrator:** Based on staff findings, staff recommends approval of the application. It would be an unnecessary hardship on the developer to have to reconstruct sewer and water infrastructure that has already been tabbed. And the fewer tabs is better for the integrity of our system.

**Chairwoman Earls:** Asks Commissioners if they have any questions?

**Vice Chairwoman Butler:** Asks who was the previous developer?

**Zoning Administrator:** Responds it was Sanderson company out of Bend Oregon.

**Chairwoman Earls:** Asks would the Applicant like to speak?

**Applicant Adam Little:** We've had the sewer lines inspected, and they are in good shape. Keeping the tabs where they are would avoid having to plug those up and would help maintain long-term integrity of the line.

**Chairwoman Earls:** Any more comments from the public or the Commission? There were none.

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**PUBLIC HEARING FOR SPECIAL USE PERMIT SUP #19-005 CHURCH IN A RESIDENTIAL ZONE (COMPANION APP to PP #19-002)**

**Chairwoman Earls:** Opens the Public Hearing

**Zoning Administrator:** Introduces the Application and goes over the staff report. The Applicant is Community Bible Church but the land is still currently owned by 210 Main LLC. Explains how the Application relates/is in agreement with the City's Comprehensive Plan

Policies and City Code. Staff feels that a church in a residential zone adds to the small town feel in the community.

**Zoning Administrator:** Based on city requirements and staff findings staff recommends approval of the application and adopting staff findings, Staff Report and Staff Comments as being part of the approval.

**Chairwoman Earls:** Asks Commissioners if they have any questions.

**Vice Chairwoman Butler:** Asks to clarify where the Church access points are?

**Zoning Administrator:** Shows the two access points.

**Vice Chairwoman Butler:** Confirms, so the two access points are from within the subdivision itself, not from 12<sup>th</sup> St. or Hwy 16. So in order to reach the Church you would have to go through the subdivision.

**Zoning Administrator:** Correct

**Vice Chairwoman Butler:** Asks how big is the congregation?

**Community Bible Church, Terry Gardner:** 2101 E Quail Run Emmett. Our plan is to have something very attractive as people enter the City on Hwy 16. The seating is probably between 300-400. The average in attendance now is 150 in attendance.

**Chairwoman Earls:** Asks any other questions from the Public? or the Commission? There were none.

\*\*\*

**PUBLIC HEARING FOR MODIFICATION OF DEVELOPMENT AGREEMENT DA #19-002  
(COMPANION APP to PP #19-002)**

**Chairwoman Earls:** Opens the public hearing.

**Zoning Administrator:** I have created a Memo for this Development Agreement Modification. This Agreement is between the City of Emmett and 210 Main LLC. Gives a brief history of the 2013 Modified DA. Most important to note is that the 2013 Agreement states that no permits shall be granted until the owner submits another Modification to this Agreement. The DA must address the required Booster Station for the site.

**Zoning Administrator:** explains that the Funding/Reimbursement Agreement for the Booster Station, between the Developer and Public Works is still in discussion. Staff recommends that we continue the hearing on this and all Companion Applications the next Zoning Commission Meeting to allow time for the DA to be completed. A recommendation to approve the modification must be made to the City Council.

**Chairwoman Earls:** Thanks the Zoning Administrator

**Zoning Administrator:** Clarifies that the Zoning Commission does not "approve a DA Modification" but makes a recommendation to City Council. Same thing for the Variance. For

the PP and the SUP the Zoning can approve those. The PP does go to City Council for final approval but they do not have another Public Hearing on it.

**Chairwoman Earls:** Asks Commissioners if they have any questions for Zoning Administrator.

**Commissioner Wiechmann:** to keep things moving forward can we make decision on the PP without being able to make a recommendation on the DA?

**Zoning Administrator:** Asks Attn Sweeten what he thinks?

**Attn Sweeten:** I believe the best thing to continue the public hearing and table ALL the applications.

**Chairwoman Earls:** Asks if there are any comments from the public or the Applicant?

**Applicant Adam Little:** Suggests that we continue approval of PP with a sort of contingency-agreement regarding the DA.

**Attn Sweeten:** I think what Adam Little is saying is to keep the project moving forward by "Approving with Conditions" tonight. Warns that if there is a substantial changes we would have to open the public hearing again and start the whole process over again, so I still suggest we table everything.

**Chairwoman Earls:** Asks for any more comments from the public? Or Commissioners?

**Zoning Administrator:** Clarifies that ex parte communication doesn't include talking to staff. Commissioners can ask any of us any questions about the project anytime. You just can't talk about it with the Applicant, the public, or each other (without disclosure).

**Commissioner Wiechmann:** Asks how are funding negotiations are going between Public Works and the Applicant regarding the booster station?

**Public Works Director, Clint Seamons:** 6218 S Teton Peak Way, Boise. The Littles have been great to work with, we've been working on this for awhile. We are making sure it will be profitable for both sides.

**Vice Chairwoman Butler:** Motions to continue the public hearing for all these applications- not excluding discussion and more information on the width of bridge and the North/South segment on 12<sup>th</sup> St. and information from ITD regarding access to Hwy 16.

**Commissioner Wiechmann:** Seconds the Motion.

**Chairwoman Earls:** All if favor say "yay" . . . any opposed? Motion Passes.

\*\*\*

## REGULAR ZONING COMMISSION MEETING

**Chairwoman Earls:** Please review the minutes from the last meeting.

**Vice Chairwoman Butler:** Motions to approve Sept 3<sup>rd</sup> 2019 Meeting Minutes.

**Commissioner Henry:** Seconds the Motion.



**Chairwoman Earls:** All in favor say "yay" . . . any opposed? Motion Passes.

**Chairwoman Earls:** Clarifies the job of the Commission is to see if proposed development meets city requirements and addresses concerns of the public. If something doesn't feel right to you its ok to ask questions so we can put it on the table for discussion.

**Commissioner Wiechmann:** Asks if the City Code can help shape HOA requirements?

**Zoning Administrator:** They will give us their CC&Rs for us to review to make sure they comply with City Code, e.g. how tall the fence is, how far the fence is set back but we cannot tell them what kind of fences to use.

**Chairwoman Earls:** Any items from the public? Any unfinished business from Zoning Administrator?

**Planning Clerk, Anna Marie Young:** Asks Commission to send photos and short bios to post on new Zoning Commission Webpage.

**Attn Sweeten:** Warns that any communication regarding city business is subject to public records request so Commissioners should only be using their city email address for communication.

**Zoning Administrator:** Confirms that we will no longer be sending packets out to personal email addresses.

**Chairwoman Earls:** Our next meeting is scheduled for Nov 4<sup>th</sup> 2019.

**Commissioner Henry:** Motions to adjourn.

**Vice Chairperson Butler:** Seconds the Motion.

**Chairwoman Earls:** All in favor say "yay" . . . any opposed? Meeting Adjourned!

**CITY of EMMETT ZONING COMMISSION**  
**Nov 4<sup>th</sup> 2019 Public Hearing and Meeting Minutes**

The City of Emmett's Zoning Commission held a regular meeting and 4 public hearings on November 4<sup>th</sup>, 2019 at 6pm at 501 E. Main St. in Emmett.

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

**Commissioners Absent:** Jeff Chapman, Marta Henry

**Staff Present:** Zoning Administrator, Brian Sullivan; Recording Clerk, Anna Marie Young, Public Works Director, Clint Seamons.

**PUBLIC HEARING for PAYETTE RIVER ORCHARDS SUBDIVISION PP #19-002**

**Chairwoman Earls:** Brought the Public Hearing to session.

**Chairwoman Earls:** Asked if any of the Commissioners had any ex-parte communication?

**Chairwoman Earls:** Disclosed she herself had some ex-parte communication, she contacted the Superintendent of the School District and asked if he received the City's information about the proposed project. His response was that he wasn't sure. She suggested he contact Brian.

**Zoning Administrator:** Started with the Preliminary Plat Application PP #19-002, asked are there any questions from the last public hearing? There were none. He continued with new information, going over the hand out, "Staffs Response to the Oct 7<sup>th</sup> Public Hearing Concerns".

**Zoning Administrator:** Said he met with Craig Woods after the last Public Hearing. Read the Letter from the School District. Concluded that its true the Littles' donated 17 acres to the school district and agreed that typically School Bus stops in subdivisions are placed on corners that are safe and well lit.

**Chairwoman Earls:** Asked Commissioners if they had any other questions?

**Commissioner Butler:** Asked where are the 17 acres?

**Zoning Administrator:** Responded that they are located off E. 4<sup>th</sup> St.

**Chairwoman Earls:** Asked would the Applicant like to speak?

**Applicant Adam Little:** 1137 E. Harcourt Dr. Boise. Said that the Transportation Impact Study (TIS) concluded that with the added development the Level of Service (LOS) for surrounding roads will still be adequate.

**Commissioner Wiechmann:** Asked for an estimated timeline of when the built out will be?

**Applicant Adam Little:** Responded that 5-10 years, 7 years, is what we budgeted for.

**Commissioner Earls:** Asked if there were any other questions from the commission? There were none. Asked if anyone from the public in favor of the proposed project to come speak?

**Carl Porter, Sawtooth Land Surveying:** 2030 S. Washington Ave. Emmett. I did the Land Surveying for the project, helping prepare a final plat. It will be a great addition to the City of Emmett. We have a great need for it.

**Zoning Administrator:** Explained that the lots in this proposed subdivision would be susceptible to the City's already-established Late-Comer-Fees. \$575 goes to the previous private developer for the sewer infrastructure and \$500 goes to Emmett Independent School District for water, who paid for a municipal well.

**Chairwoman Earls:** Asked if there is any more public comment on the PP Application?

**Jayne Ward:** 1100 Palace Ave. Emmett. I'm excited to see new family housing in Emmett, my concern are the things talked about going to be done up front or 4-7 years from now?

**Zoning Administrator:** Responded that all improvements are done in the first phase.

**Chairwoman Earls:** Asked if there are anymore public comments?

**Hugh Orr:** 1110 Royalty Ave. Emmett. Asked if making the bridge wider is being considered? It's really inconvenient to not be able to head out of the subdivision. Explained that he lived in Ada County for 20 years where developments were done but no infrastructure improvements were made to support it. Chinden Blvd. and the Paramount Subdivision are a perfect example of that. Developers should make the improvements instead of making us all just work around it.

**Zoning Administrator:** I understand the inconvenience, however the TIS and the City of Emmett have determined that the intersection at Sand Hollow Rd and Hwy 16 in the morning is a huge safety concern and it's not likely ITD would approve a light right there at the bottom of the hill.

**Jayne Ward:** 1100 Palace Ave. Emmet. In addition to all that new one-way traffic coming out of the proposed new subdivision you have the possibility of another 53 new homes going in [in the adjacent vacant lot for sale]. It's not only a traffic problem for us because then you have your school children and school buses.

**Zoning Administrator:** Clarified that the PP for the 53 lots has expired. As it is now that lot is just one building lot for one home.

**Chairwoman Earls:** Asked if the Applicant would like an opportunity to respond?

**Applicant David Little:** No further comments.

#### **PUBLIC HEARING for VARIANCE Lot Size, Frontage, and Set Backs VAR #19-001**

**Chairwoman Earls:** Brought the Public Hearing to session.

**Zoning Administrator:** There is no new information on this application.

**Chairwoman Earls:** Asked the Commissioners if they had any questions? There were none.

**PUBLIC HEARING FOR CHURCH in a RESIDENTIAL ZONE SUP #19-005**

**Chairwoman Earls:** Brought the Public Hearing to session.

**Zoning Administrator:** There is no new information on this application.

**Chairwoman Earls:** Asked the Commission if they had any questions. There were none.

**PUBLIC HEARING FOR SECOND AMENDED AND RESTATED DA #19-002**

**Chairwoman Earls:** Brought the Public Hearing to session.

**Zoning Administrator:** In the last DA there was a booster station and a late-comers-agreement reimbursement credit policy, all that has been removed. Read over the new part of the agreement starting with the Conditions of Approval 1-7.

**Zoning Administrator:** Pointed out that the water booster station, necessary for this development, will be constructed by the City of Emmett in the Common Lot 7, Block 1. The owner will grant an easement for construction prior to recording the Final Plat of Phase One. In addition, the owner will give a permanent easement for a lot TBD for a future water storage tank.

**Attorney Sweeten:** I've been in communication with the Developer and there is one more final point that needs added. In the agreement its written that IF the project was terminated that the developer would reimburse the City for the Booster Station costs. The developer is asking to add language to take into account any hook-up fees the City received to off-set those potential reimbursement costs. Said he doesn't see any problem with that.

**Zoning Administrator:** Explained that to add that "off-set" language it would need to be included in the Commission's recommendation to City Council.

**Commissioner Wiechmann:** Asked Clint Seamons, Publics Works Director to comment on the cost vs benefits of the City building the booster station.

**Clint Seamons, Public Works Director:** We've estimated that it will cost about \$350,000 to build the booster station ourselves, and from the hook up fees from the 242 lots we will collect about \$750,000.

**Chairwoman Earls:** Asked the Applicant if he would like to add anything?

**Applicant Adam Little:** Concurred that everything discussed he feels was represented accurately.

**Commissioner Earls:** Asked Commissioners if they had any other comments or questions on the DA? There were none. Asked if there was any public comment?

**Neil Shippy, Emmett Irrigation District:** New Plymouth. Reminded the Commission that Title 42 Chapter 13 Idaho Statue states that if there are 3 or more parties under one delivery point the parties are supposed to form a lateral user association. As it is now we have multiple subdivision associations and we would rather have one big association where everyone is working together. That is something they will need to work out.

**Commissioner Butler:** Asked if there will be a traffic study done to assess the effects of changing the bridge to a one-way bridge?

**Zoning Administrator:** Responds that there was a Traffic Impact Study done by Kittelson and Associates. He explained that their recommendations are the same as staff's recommendations, and read the "Recommendations" excerpt from it.

**Applicant Adam Little:** We have existing water rights on the property and will make sure there is only one pressurized irrigation system on the property and design it accordingly.

**Chairwoman Earls:** Asked if there are any other comments/questions before we close the public hearing.

**Chairwoman Earls:** Closed the Public Hearing.

### **REGULAR ZONING COMMISSION MEETING**

**Commissioners Present:** Jeff Wiechmann, Kim Butler, Jennifer Frieboes, Gwen Earls

**Commissioners Absent:** Jeff Chapman, Marta Henry

**Chairwoman Earls:** Called the meeting to order. Conducted roll call, determined quorum.

**Chairwoman Earls:** Asked for a motion to approve the Agenda.

**Commissioner Butler:** Motioned to approve the agenda for the meeting as written.

**Commissioner Frieboes:** Seconded the Motion.

**Chairwoman Earls:** Motion passed.

**Commissioner Wiechmann:** Motioned to approve the Oct 7, 2019 Meeting Minutes

**Commissioner Butler:** Seconded the motion.

**Chairwoman Earls:** Motion passed.

**Chairwoman Earls:** Moving on to our four action items, we will go in the following order:

- 1) PP #19-002 (Commissions' Recommendation to City Council)
- 2) VAR #19-001 (Commissions' Decision)
- 3) SUP #19-005 (Commissions' Decision)
- 4) DA #19-002 (Commissions' Recommendation to City Council)

**Commissioner Butler:** Motioned to recommend to City Council approval of PP #19-002, following agency comments and including adoption of all related staff reports.

**Commissioner Wiechmann:** Seconded the Motion.

**Chairwoman Earls:** Motion passed.

**Commissioner Butler:** Motioned to approve VAR #19-001, including adoption of all related staff reports.

**Commissioner Wiechmann:** Seconded the Motion.

**Chairwoman Earls:** Motion passed.

**Commissioner Butler:** Motioned to approve SUP #19-005, including adoption of all related staff reports.

**Commissioner Frieboes:** Seconded the Motion.

**Chairwoman Earls:** Motion passed.

**Commissioner Wiechmann:** Motions to recommend to City Council approval of DA #19-002, including adding said verbiage to the agreement regarding off-setting the reimbursement requirement.

**Commissioner Butler:** Seconded the Motion.

**Chairwoman Earls:** Motion Passed.

**Chairwoman Earls:** Any items from the public? There were none.

**Chairwoman Earls:** Any unfinished business? There was none.

**Chairwoman Earls:** Any items from Building and Zoning?

**Zoning Administrator:** We may want to cancel the next meeting which is scheduled for Dec 2<sup>nd</sup>

**Commissioner Butler:** Motioned to close the meeting.

**Commissioner Frieboes:** Seconded the Motion.

**Chairwoman Earls:** Motion passed. Meeting Adjourned!

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Chair

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Acting Secretary



**CITY OF EMMETT  
PUBLIC WORKS DEPARTMENT**

601 East 3<sup>rd</sup> Street  
Emmett, Idaho 83617

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

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

Wednesday, December 04, 2019

Request approval of new hanger lease agreement William P. Geer and Sheri Slade-Geer.

Mayor, City Council:

I am requesting from City Council a **MOTION to approve new hanger lease agreement between William P. Geer, Sheri Slade-Geer and the City of Emmett with Mayor to sign.**

Thank you,

Clint Seamons  
Public Works Director

LEASE  
AGREEMENT

Lease agreement dated \_\_\_\_\_, 2019 ("Lease"), between the City of Emmett, Idaho ("Landlord") and **William P Geer and Sheri Slade-Geer 2510 S Substation Road Emmett Idaho 83617** ("Tenant").

WITNESSETH

Landlord leases and rents to Tenant, and Tenant leases and rents from Landlord, the real property described in Exhibit A which is attached hereto and incorporated herein by reference as if set out in full ("Premises"). The Premises that Landlord is leasing to Tenant is bare ground.

The term of this Lease is for a period commencing on \_\_\_\_\_, 2019 and terminating on December 31st, 2039 under the following terms and conditions:

1. **RENT**: Tenant shall pay Landlord rent in advance annually. The rent will be \$50.00 more per year than the rent for two (2) tie-down spaces at the Emmett Airport. Rent will be \$500.00. Rent is due on or before January 1 of each year. Landlord may, by resolution of the Emmett City Council, periodically adjust the rent. Any such adjustment shall become effective for the next annual rental payment due. Such adjustments shall not occur more frequently than once each year.
2. **PROPERTY OF TENANT**: Tenant shall obtain property insurance on all Property of Tenant located on the Premises and hereby releases and discharges Landlord of and from any liability for damage to the Property of Tenant. "Property of Tenant" shall mean and include all personal property of Tenant including structures, equipment, furniture, and personal belongings kept or used on or installed in the Premises that are owned by and separately assessed to Tenant.
3. **WARRANTIES**: There are no warranties by Landlord. Tenant, in executing this Lease, is relying upon its own judgment, information and inspection of the Premises.
4. **ENTRY BY LANDLORD**: Landlord shall have the right to enter the Premises at any reasonable time to examine the same and determine that Tenant is complying with the terms of this Lease.
5. **INDEMNIFICATION**: Tenant agrees to indemnify, defend and hold harmless Landlord and its officers, agents and employees, from and against any and all claims, losses, actions or judgments for damages or injury to persons or property arising out of or in connection with the acts and/or any performances or activities of Tenant, Tenant's agents, Tenant's employees, Tenant's



representatives, Tenant's invitees, or any other person allowed on the Premises by Tenant.

6. HAZARDOUS WASTE AND HAZARDOUS MATERIALS: Tenant agrees not to store, generate, or otherwise use or bring upon the Premises, any hazardous waste as defined by Federal, State or local laws and regulations. All hazardous materials shall be stored and disposed of strictly in accordance with any State or Federal regulations. Tenant shall hold Landlord harmless from any liability associated with Tenant's use or possession of hazardous materials.
  
7. USE OF PREMISES: Tenant will construct a hangar on the Premises for aeronautical purposes, primarily to store, maintain and construct aircraft. Except for hazardous materials, non-aeronautical items may be stored in the hangar provided the items do not interfere with the aeronautical use of the hangar. Items are generally considered to interfere with the aeronautical use of the hangar when they impede the movement of aircraft in and out of the hangar, or displace the aeronautical contents of the hangar. Tenant shall, at all times, comply with all laws, regulations and ordinances associated with the use of the Premises. Tenant shall not construct any additional buildings on the Premises without first obtaining Landlord's written permission. Tenant's use of the Premises shall not be changed without the written consent of Landlord. All use and operation on the Premises shall be in strict accordance to all applicable Local, State and Federal (FAA) rules and regulations.
  
8. USES NOT PERMITTED: Tenant shall not use and Tenant shall not permit anyone else to use the Premises for any of the following purposes:
  - (a) The operation of any business without written permission from the Landlord;
  - (b) Construction of any additional buildings without Landlord's written permission;
  - (c) Aircraft construction and maintenance not in accordance with Federal Aviation Regulations;
  - (d) Any residential use;
  - (e) The storage of any refuse or trash;
  - (f) Smoking by anyone in the hangar;
  - (g) Running the aircraft engine in the hangar;
  - (h) Fueling or de-fueling the aircraft in the hangar;

9. OPTION TO RENEW: Tenant shall have the right to renew the Lease for a period of twenty (20) years. If Tenant desires to renew the Lease, then written notice of such renewal shall be given not sooner than one (1) year and not less than one hundred twenty (120) days prior to the termination date of this Lease.
10. TERMINATION OF LEASE: In the event that Landlord ceases to own or operate the airport or finds that because of Federal, State or other restrictions, it is impractical to continue the Lease, or in the event that Landlord determines in its sole discretion that it is not in Landlord's best interest to continue with the Lease, this Lease shall terminate. Landlord shall give Tenant notice of such termination 90 or more days in advance of the termination date.
11. REPAIRS: Tenant shall repair damages, except those caused by normal use, to the airport and Premises which are the result of Tenant's action or of any invitee of Tenant while making use of the airport or Premises. Repairs shall be completed within ninety (90) days of the date of any such damage. If Tenant cannot reasonable repair such damage within ninety (90) days, Tenant shall give notice to Landlord of that fact and request an extension of 90 days. Such an extension shall not be unreasonably withheld.
12. RELOCATION: In the event that Landlord undertakes airport renovation and/or expansion or any other project which requires the use of the Premises, Tenant shall relocate its hangar to another location. Landlord shall attempt to provide a comparable location for the substituted Premises. Landlord shall give Tenant written notice one (1) year in advance of when such relocation is required. Relocation shall be at Tenant's expense.
13. UTILITIES: Tenant shall pay before the same are delinquent all sewer, water, gas, electricity, power and other utilities used by Tenant. Tenant shall pay all connection costs, meter installation costs and any other costs associated with utilities used by Tenant. All installations must be approved by and comply with any municipal, state or federal laws and regulations.
14. TAXES AND ASSESSMENTS: Tenant shall pay all personal property taxes and assessment levied against Tenant's personal property, including the hangar and any other taxes associated with the Premises, promptly before the same become delinquent.
15. ACCESS: Tenant shall have access to the Premises by aircraft and by automobile. Automobiles may be parked inside the hangar while Tenant's aircraft is being operated, or at a parking area off of the aircraft ramps that is so designated.

16. LIENS: Tenant shall not suffer or permit any liens to be filed against the Premises or any part of the Premises. If a lien is filed against the Premises, Tenant shall cause the same to be removed of record within sixty (60) days after the date of the filing of the lien. Failure to remove the lien shall be a default under this Lease, or any renewal thereof.
17. FIRE HAZARDS: Tenant shall comply with all applicable fire codes.
18. WASTE PROHIBITED: Tenant shall not commit any waste or damage to the Premises and shall not permit any waste or damage to the Premises.
19. MAINTENANCE: Tenant shall keep and maintain the Premises in a neat and orderly manner and shall keep the Premises free from debris, garbage, and other unsightly material. Tenant shall maintain all leased surfaces not covered by asphalt or concrete in a weed-free condition.
20. LIABILITY INSURANCE: Tenant shall maintain a comprehensive liability insurance policy in an amount of not less than five hundred thousand dollars (\$500,000.00) covering the Premises during the terms of this lease. The policy shall provide coverage for all acts for which Tenant is required to indemnify Landlord under Paragraph 5 of this agreement. Tenant shall have Landlord named as an additional insured and shall provide Landlord with proof of current insurance during the term of this Lease, or any renewal thereof. The policy shall provide that the insurance company shall give Landlord written notice of any proposed cancellation of the insurance 30 or more days in advance of such cancellation.
21. ASSIGNMENT AND SUBLETTING: Tenant shall not assign this Lease without the written consent of Landlord. Tenant may sublet the whole or any part of the Premises. Tenant shall promptly provide Landlord with the names and contact information of any sub-Tenants. If Tenant sublets, then Tenant shall remain liable to Landlord for full performance of Tenant's obligations.
22. ATTORNEY'S FEES: In the event an action is brought to enforce any of the terms or provisions of this Lease, or to enforce forfeiture thereof for default by either of the parties, the successful party in such action shall be entitled to recover from the losing party reasonable attorney's fees, together with such other costs as may be authorized by the court.
23. SERVICE OF NOTICES: Any notice may be served upon Landlord by certified mail, return receipt requested, to Landlord at 501 East Main Street, Emmett, ID 83617, and any notice may be served upon Tenant by certified mail, return receipt requested, to Tenant at the above address. Service of notice by certified mail shall be deemed complete upon the date of the post mark by certified mail. Either party may

change the address for service of notice by written notice to the other party.

24. **CONSTRUCTION OF STRUCTURE:** Any construction approved by Landlord shall be in accordance with plans approved by Landlord. All plans and specifications shall be subject to the approval of the Landlord, the City of Emmett and the Gem County Building Inspector, the State of Idaho, and the FAA. All construction shall be at Tenant's own expense and must be according to the drawings and specifications submitted to and approved by Landlord prior to commencement of construction. Any changes must have the approval of all required approving agencies. Aesthetic design standards shall be determined by Landlord. Tenant shall comply with FAR Part 77 which requires that all such construction on an airport be coordinated with FAA using FAA Form 7460-1, "Notice of Proposed Construction or Alteration." Such forms shall be completed by the Tenant and approved by the Landlord before being submitted to the FAA. Tenant shall submit the form to the FAA unless otherwise directed by Landlord. Tenant shall provide a copy of all such forms to Landlord. The City Airport Advisory Committee with input from the Airport Manager shall approve the plans before construction is commenced. Structures shall be completed within one (1) year after construction has started.
25. **NOTICE TO AIRMEN:** Tenant shall notify the airport manager in writing when construction begins and when it ceases. The airport manager will request and cancel a NOTAM with the FAA in Boise, Idaho, for the appropriate time of construction.
26. **SALE OF HANGAR:** Tenant shall not sell the hangar without first obtaining written permission from Landlord. Landlord shall not unreasonably withhold its consent. Any sale shall be subject to the terms of this Lease.
27. **REMOVAL OF STRUCTURE:** At the termination of this Lease, Tenant shall be entitled to remove the hangar provided that the Tenant returns the Premises to the same or better condition as it existed immediately before Tenant commenced construction of the hangar. If the hangar has not been removed within 120 days after the lease expires, it shall be considered the property of Landlord and Tenant shall have no further right or interest in the hangar.
28. **DEFAULT:** In the event Tenant fails to comply with any of the terms of this Lease, Landlord shall be entitled to give Tenant written notice of such default. If Tenant has not corrected such default within ninety (90) days after the date such notice was sent, Landlord may terminate this Lease at Landlord's option.
29. **ENTIRE AGREEMENT:** This is the entire agreement of the parties and can only be modified or amended in writing by the parties.

DATED this \_\_\_ day of \_\_\_\_\_, 2019.

LANDLORD:  
CITY OF EMMETT, IDAHO

TENANT:

By: \_\_\_\_\_  
Mayor

By: *William P Geer*  
William P Geer

Attest: \_\_\_\_\_  
City Clerk

By: *Sheri Slade-Geer*  
Sheri Slade-Geer

STATE OF IDAHO                    )  
  ) ss.  
County of Gem                    )

On this \_\_\_ day of \_\_\_\_\_, 2019, before me, the undersigned, a Notary Public for Idaho, personally appeared Gordon Petrie, known to me to be the person whose name is subscribed to the within instrument, and acknowledged to me that he executed the same as the Mayor of the City of Emmett, Idaho.

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

Notary Public for Idaho  
Residing at \_\_\_\_\_  
My Commission Expires \_\_\_\_\_

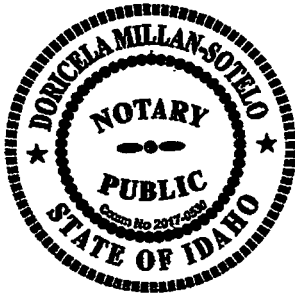
STATE OF IDAHO)

) ss.

County of Gem )

On this 27 day of November, 2019, before me, the undersigned, a Notary Public for Idaho, personally appeared William P Geer and Sheri Slade-Geer known to me to be the persons whose name is subscribed to the within instrument.

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



A handwritten signature in black ink, appearing to read "Doricela Millan-Sotelo".

Notary Public for Idaho  
Residing at Gem County  
My Commission Expires 9-10-2023

**Exhibit A**

EXHIBIT MAP FOR THE CITY OF EMMETT  
 OF THE CITY OF EMMETT AIRPORT  
 LOCATED IN THE S1/2 OF THE SE1/4 OF SECTION 14,  
 T. 6 N., R. 2 W., S.M., GEM COUNTY, IDAHO  
 2018

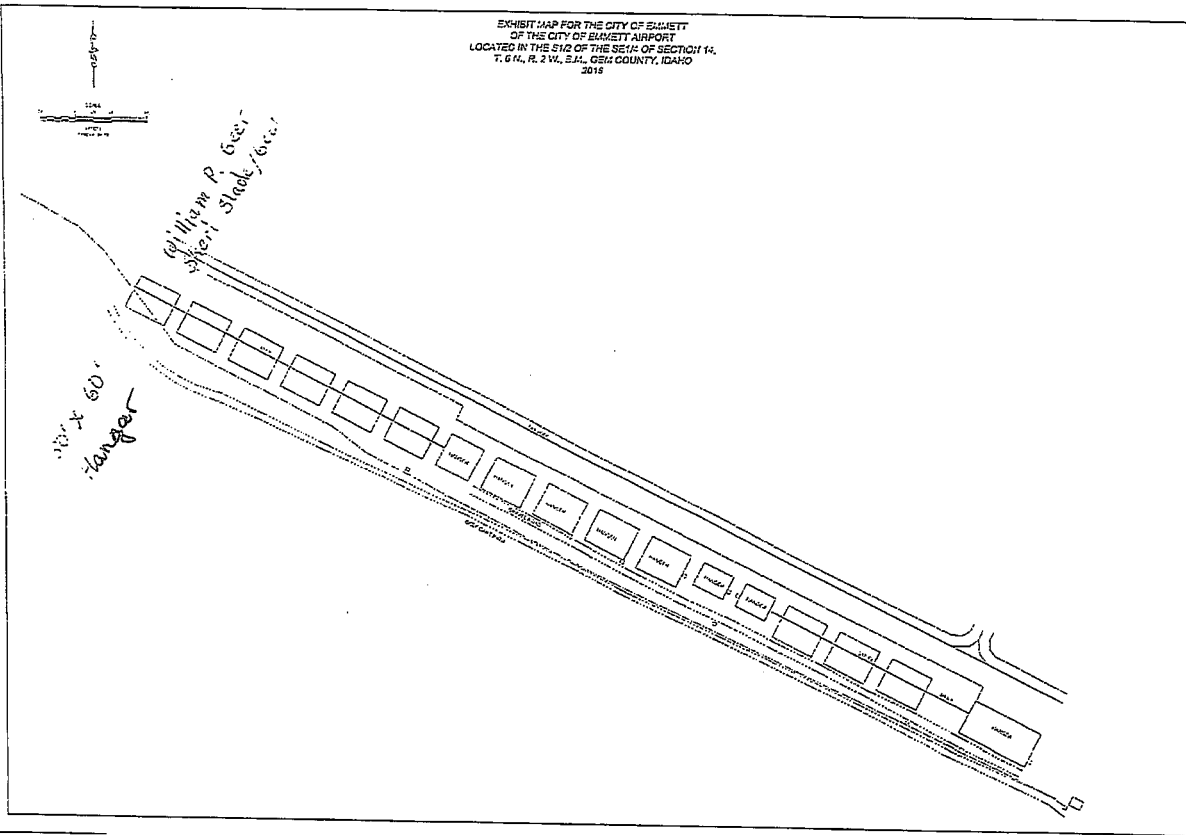


EXHIBIT NUMBER: 14-C-018-001-0001	DATE:
	PREPARED BY:
CONTRACTOR:	INVOICE NUMBER: CITY OF EMMETT
3018 S. LEACHMAN BLVD. EMMETT, ID 83601 ANDREW J. HARRIS 208-765-1111	INVOICE NUMBER: 8001
TITLE: EXHIBIT MAP FOR THE CITY OF EMMETT AIRPORT	DATE: 10/1/18
DRAWN BY: JPH	CHECKED BY: JPH
SCALE: AS SHOWN	SHEET NO. 1 OF 1





**CITY OF EMMETT**  
**PUBLIC WORKS DEPARTMENT**  
601 East 3<sup>rd</sup> Street  
Emmett, Idaho 83617

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

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

Thursday, December 05, 2019

Request approval of Pay Request #4 in the amount of \$8603.70 to Asphalt Driveways and Patching with Mayor to sign

Mayor, City Council:

I am requesting from City Council a **MOTION to approve Pay Request #4 in the amount of \$8603.70 to Asphalt Driveways and Patching with Mayor to sign.**

Thank you,

Clint Seamons  
Public Works Director



Pay Estimate Period	
8/31/2019 – Project Completion	
Asphalt Driveways & Patching Pay Request #4 - FINAL	\$8,603.70

Date: November 26, 2019  
 To: Clint Seamons  
 601 E 3<sup>rd</sup> Street  
 Emmett, ID 83617  
 Subject: 12th Street Pathway Pay Application 4 -  
 FINAL

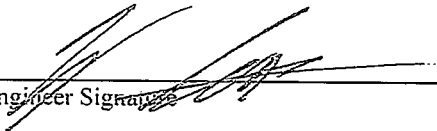
**Pay Request #4 - FINAL**  
**Pay to Order of:**  
 Asphalt Driveways & Patching  
 PO Box 702  
 Nampa, ID 83653

For City review and approval, we have enclosed the following items:

Pay Request No.	Pay Estimate Period	Project No.	Description
4	8/31/2019 – Project Completion	210022-046	Pay Request #4 includes release of project retainage. This is the final pay request for the project.

Item	Contract Amount	Amount Requested this Period	Total Recommended for Payment to Date	Percent Complete
Asphalt D&P, Contract	\$172,074.00	\$8,603.70	\$172,074.00	100.0%

We have reviewed the attached Asphalt Driveways & Patching Pay Request and recommend the City pay the requested amount. If the attached pay request is found acceptable, please sign.

  
 \_\_\_\_\_  
 Engineer Signature Date 11/26/2019  
 \_\_\_\_\_  
 City Signature Date

Enclosure(s): Asphalt Patching and Driveways Pay Request #4 - FINAL (October 14, 2019)

ASPHALT DRIVEWAYS & PATCHING  
 PO BOX 702  
 Nampa, Id 83653  
 (208) 467-5368

# Statement

Date
10/14/2019

To:
City of Emmett Clint Seamons 601 E 3rd Street Emmett, Id 83617

		Amount Due	Amount Enc.		
		\$8,603.70			
Date	Transaction	Amount	Balance		
09/09/2019	Balance forward				
09/10/2019	INV #9253.		76,231.80		
	— Service \$8,603.70	8,603.70	84,835.50		
09/20/2019	PMT #32672. Dated 09/12/2019	-76,231.80	8,603.70		
<b>CURRENT</b>	<b>1-30 DAYS PAST DUE</b>	<b>31-60 DAYS PAST DUE</b>	<b>61-90 DAYS PAST DUE</b>	<b>OVER 90 DAYS PAST DUE</b>	<b>Amount Due</b>
0.00	8,603.70	0.00	0.00	0.00	\$8,603.70

## 2020 HOLIDAY SCHEDULE

<b>NEW YEAR'S DAY</b>	Wednesday	01/01/20
<b>MARTIN LUTHER KING DAY</b>	Monday	01/20/20
<b>PRESIDENT'S DAY</b>	Monday	02/17/20
<b>MEMORIAL DAY</b>	Monday	05/25/20
<b>INDEPENDENCE DAY</b>	Friday	07/03/20
<b>LABOR DAY</b>	Monday	09/07/20
<b>COLUMBUS DAY</b>	Monday	10/12/20
<b>VETERANS DAY</b>	Wednesday	11/11/20
<b>THANKSGIVING</b>	Thursday Friday	11/26/20 11/27/20
<b>CHRISTMAS EVE</b>	Thursday close at 12:00 pm	12/24/20
<b>CHRISTMAS DAY</b>	Friday	12/25/20

### **\*\*BIRTHDAY**

Employee handbook authorizes 12 holidays per year in addition to vacation time.

\*\* The 12<sup>th</sup> holiday is a birthday holiday, to be taken during the employee's birth month.