

City of Emmett

May 9, 2023

Joint Public Hearing with Commissioners and Council

The Emmett City Council and the Gem County Commissioners held a meeting at 501 E. Main Street, Emmett, Idaho.

Mayor Petrie called the meeting to order at 6:00 p.m.

Mayor Petrie led the Pledge of Allegiance

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

Commissioners Present: Chairman Bill Butticci, Commissioner Mark Rekow, Commissioner Kirk Wille

Absent: City Councilor Tona Henderson

Counsel Present: City Attorney Jake Sweeten

Absent: County Attorney – Tahja Jensen

Staff Present: Lyleen Jerome, Brian Sullivan, Mike Knittel, Neal Capps, Jennifer Kharri, Sara Story

Public Present: Glenn Flaherty, 1759 Buttercup Ln, Emmett, ID

Public Present via telephone: None

Amendments to the Agenda: None

Declaration of Conflict of Interest: None

PUBLIC HEARING:

Public Hearing opened at 6:02 p.m. by Mayor Petrie

Brian Sullivan, Building Official, Zoning Administrator presented the new Area of City Impact Agreement and answered questions from the joint board.

Public Comments: Mayor Petrie called for any public comments three times and there were no comments or testimony from the public.

Council President Nebeker **MOVED TO CONTINUE THE PUBLIC HEARING TO JUNE 27, 2023 AT 6:00 P.M.** Seconded by Councilor Resinkin. Chairman Butticci asked for discussion concerning the date of the continuance. After discussion Council President Nebeker **MOVED TO AMEND HIS MOTION FOR THE DATE AND TO CONTINUE THIS PUBLIC HEARING MAY 23, 2023 AT 6:00 P.M.** Seconded by Councilor Resinkin.

Motion Carried by voice vote. AYES-8, NOES-0

Mayor Gordon Petrie

Lyleen Jerome, City Clerk

“Chapter 7 TERRITORIAL EXTENT AND AREA OF CITY IMPACT

Sec. 1-7-1. - Corporate Limits.

The corporate boundary lines of the city are defined and established on the official map that is on file in the office of the city clerk, and it is available for public inspection.

Sec. 1-7-2. Jurisdiction of city.

The city includes all of the land lying within the corporate boundary lines as herein redefined and established, and the city has corporate jurisdiction and control over the same and over the whole thereof.

Sec. 1-7-3. Area of City Impact Purpose.

The purpose of establishing an area of city impact is to promote the public health, safety, and general welfare of Gem County’s and the City of Emmett’s residents by establishing regulations for the Emmett Area of City Impact, and further to ensure timely and economical provision of public services such as water supply, sanitary and storm sewage collection and treatment, public safety services, other community service facilities, and promote land use compatibility, street alignment and traffic flow objectives. Section 67-6526, Idaho Code, requires that cities and counties negotiate an area of city impact.

Sec. 1-7-4 EMMETT AREA OF CITY IMPACT BOUNDARY

A. Boundary Map: The Emmett Area of City Impact is the area designated on the City of Emmett land use map as Emmett Area of City Impact, attached as Exhibit A which is incorporated by this reference, copies of which are available for inspection and delivery at the City of Emmett Zoning Department office.

B. Real Property Split by Boundary: In case a parcel of real property under single ownership is divided by the boundary line of the Emmett Area of City Impact and the line divides such property so that one or both parts have a depth of three hundred feet (300’) or less, such part may be included in the jurisdiction within which the remainder and larger portion of the property is located.

Sec. 1-7-5 ANNEXATION LIMITED

A. Real Property Within Area of City Impact: Annexation by the City of Emmett shall be limited to real property lying within the Emmett Area of City Impact and pursuant to Idaho Code sections 50-222 et seq., for land that is contiguous or adjacent to the boundaries of the City of Emmett.

B. Application of Provisions Upon Annexation: Upon annexation, the provisions of this title shall no longer apply to the annexed area.

C. Annexation Notification: The City of Emmett shall notify the director of Gem County's development services department in writing ten (10) calendar days in advance of the first public hearing at which annexation is considered by the City of Emmett. The City of Emmett shall notify Gem County in writing within ten (10) calendar days following the effective date of the adoption of each annexation ordinance.

Sec. 1-7-6 APPLICABLE COMPREHENSIVE PLAN

The Gem County Comprehensive Plan, as amended, shall apply to the Emmett Area of City Impact. Gem County recognizes that the City of Emmett has also developed a comprehensive plan and accompanying map for the Emmett Area of City Impact. Gem County shall consider the City of Emmett's comprehensive plan map designations when evaluating development requests within the Emmett Area of City Impact.

Sec. 1-7-7 APPLICABLE ORDINANCES AND STANDARDS

A. ZONING: Applications for zoning in the Emmett Area of City Impact shall be evaluated for conformance to the standards set forth in the Gem County Zoning & Subdivision Ordinance, Titles 11 and 12 of the Gem County Code.

B. SUBDIVISION:

(1) Applications for residential subdivision development that are both in the Emmett Area of City Impact and within one quarter (1/4) mile of the corporate limits of the City of Emmett shall be evaluated for conformance to the standards set forth in the City of Emmett's subdivision ordinance, as amended. The City of Emmett's Engineer will review the application and provide written confirmation of conformance with the subdivision ordinance.

(2) Applications for residential subdivision development in the Emmett Area of City Impact but are beyond one quarter (1/4) mile of the corporate limits of the City of Emmett shall be evaluated for conformance to the standards set forth in Gem County's subdivision ordinance, as amended.

(3) Applications for minor residential subdivision development, as defined in Gem County Code, in the Emmett Area of City Impact shall be evaluated for conformance to the standards set forth in Gem County's subdivision ordinance, as amended.

(4) Applications for a commercial subdivision development in the Emmett Area of City Impact shall be evaluated for conformance to the standards set forth in the City of Emmett's subdivision ordinance, as amended. The City of

Emmett's Engineer will review the application and provide written confirmation of conformance with the subdivision ordinance.

C. SPECIAL USE PERMITS AND ALL OTHER DISCRETIONARY APPLICATIONS:

- (1) Applications for anything other than zoning or subdivision development in the Emmett Area of City Impact but not contiguous or adjacent to the corporate limits of the City of Emmett shall be evaluated for conformance to the standards set forth in Gem County Code, as amended.
- (2) Applications for anything other than zoning or subdivision development in the Emmett Area of City Impact and contiguous or adjacent to the corporate limits of the City of Emmett shall take into consideration the City of Emmett's ordinance for such application but shall be evaluated for conformance to the standards set forth in Gem County Code, as amended.

D. AIRPORT AREA OF INFLUENCE: Any land use application within the airport area of influence as depicted on the City of Emmett's Master Airport Plan shall be referred to the City of Emmett for review and comment at least thirty (30) days prior to decision on the application. Gem County shall take into consideration the City of Emmett's comments and the City of Emmett's Master Airport Plan when evaluating applications within the airport area of influence.

Sec. 1-7-8 COORDINATION OF PLAN AMENDMENTS, ORDINANCE AMENDMENTS AND ZONING APPLICATIONS

- A. Each entity considering an amendment to their respective Comprehensive Plan and/or zoning ordinances which apply within the Emmett Area of City Impact shall send notice to the other entity at least thirty (30) days prior to a public hearing on such amendment.
- B. At least thirty (30) days prior to any public hearing, all county applications for subdivisions, rezones, and special use permits within the Emmett Area of City Impact shall be sent to the City of Emmett. Written comments and recommendations shall be sent to Gem County no later than twenty (20) days after the referral is received. If no written comment is received, then the county will consider the absence of written comments from the city as "No comments from the City of Emmett" and this wording will be entered into the official public record for the application.
- C. At least thirty (30) days prior to any public hearing, all city applications for subdivisions, rezones, and special use permits within the Emmett Area of City Impact shall be sent to Gem County. Written comments and recommendations shall be sent to the City of Emmett no later than twenty (20) days after the referral is received. If no written comment is received, then the city will consider the absence of written comments from the county as "No comments from Gem County" and this wording will be entered into the official public record for the application.

Sec. 1-7-9

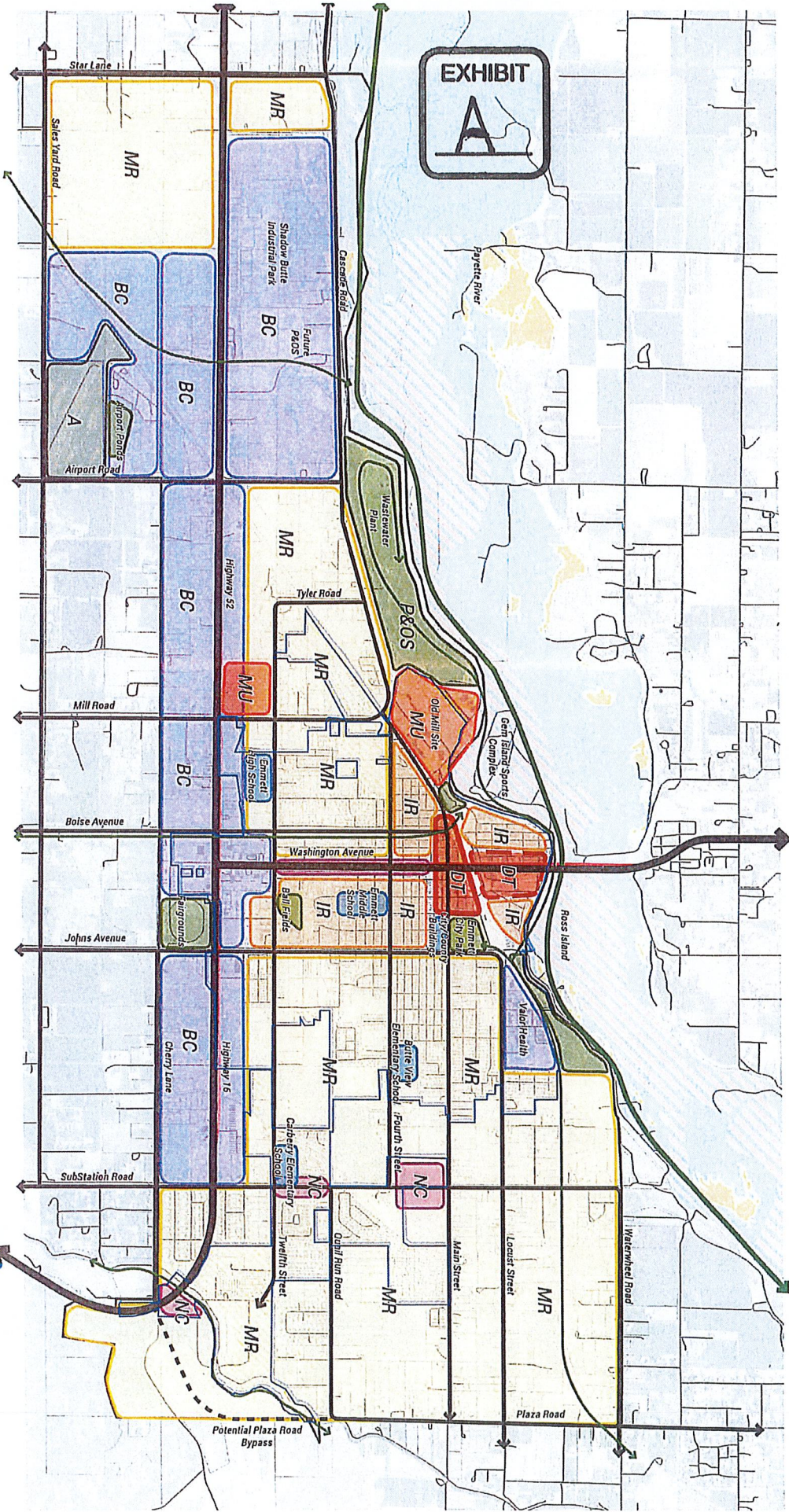
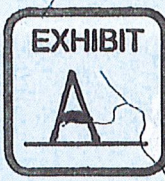
RENEGOTIATION

- A. In accordance with Idaho Code 67-6526(d), the Board of Gem County Commissioners or the Emmett City Council may request, in writing, to renegotiate any provision of this Chapter. Within thirty (30) days of receipt of such request a meeting between the two jurisdictions shall occur.
- B. While renegotiation is occurring, the provisions of this Chapter shall remain in effect until this Chapter is amended or a substitute ordinance is adopted by Gem County and the City of Emmett, in accordance with the notice and hearing procedures provided in City of Emmett and Idaho Codes, or until a declaratory judgment from the District Court is final. However, this Chapter or stipulated portions thereof shall be of no further force and effect if both jurisdictions so agree by mutually adopted resolution.

Sec. 1-7-10 SEVERABILITY

If any section, paragraph, sentence, or provision hereof or the application thereof to any circumstances shall ever be held invalid or unenforceable, then such holding shall not affect the remainder hereof, which shall continue in full force and effect and applicable to all circumstances to which it may validly apply.

Exhibit A
City of Emmett land use map



- Legend**
- City Boundary
 - Area of City Impact
 - Thoroughfare
 - 300-Year Floodplain
 - 100-Year Floodplain
 - Parks
- Land Use**
- Downtown and Expansion Area (DT)
 - Light Residential (LR)
 - Mixed Residential (MR)
 - Neighborhood Commercial (NC)
 - Neighborhood (N)
 - Commercial (C)
 - Business/Office (BO)
 - Neighborhood Commercial (BC)
 - Neighborhood (N)
 - Public, Parks, and Open Space (PS)
 - Trail
 - Roadways (existing and potential)
 - 1/8 m., 1/4 m., 1/2 m.

Disclaimer

The Land Use Map is illustrative and for reference purposes only. This is not a regulatory document. Planning, zoning, and decisions are generalized to illustrate concepts.

