

CITY OF EMMETT, IDAHO
ZONING COMMISSION
www.cityofemmett.org/zoningmeeting

AGENDA

Monday, March 3, 2025, 6:00 P.M.
Emmett City Hall, 501 E. Main St.

REGULAR MEETING

1. Call to Order:
2. Roll Call:
3. Pledge of Allegiance:
4. Review Agenda:
5. Approval of Minutes: January 6, 2025 Action Item
6. New Business: Action Items
 - a. Accessory Dwelling Unit Workshop
 - b. Short Term Rental Workshop
7. Unfinished Business: Action Items
8. Items from the Commission:
9. Items from the Building Official/Zoning Administrator:
10. Upcoming Meeting(s): Monday, April 7, 2025
11. Adjournment

This institution is an equal opportunity provider. Any person needing special accommodations to participate in the above noticed meeting should contact City Hall prior to the meeting at 501 East Main Street, Emmett, Idaho (208-365-6050)

Posted, February 26, 2025, at _____ am/pm by: _____

EMMETT CITY ZONING COMMISSION

January 6, 2025

The Emmett City Zoning Commission held a Regular Meeting at 501 E. Main Street, Emmett, Idaho.

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

Chairman Earls led the Pledge of Allegiance.

Commissioners Present: Tracy Howard, Gwen Earls, Kim Butler

Commissioners Online: none

Commissioners Absent: Brian Gregory, Larry Jenkins

Staff Present: Zoning Administrator, Brian Sullivan; City Attorney, Jake Sweeten; Recording Clerk, Shannon Ferraro

Staff Online: none

Public Present: none

Review of Agenda: Chairman Earls calls for a review of the agenda.

Approval of Minutes: Chairman Earls calls for a motion to approve the minutes from December 2, 2024.

Commissioner Howard makes a motion to approve, **Commissioner Butler** seconds. All in favor, none opposed. Minutes are approved.

Action Item: Nominations for Chairman and Vice Chairman. **Chairman Earls** states that she is okay with remaining in the role of Chairman. **Commissioner Butler** nominates Gwen Earls for Zoning Commission Chairman, and Brian Gregory as Vice Chairman. **Commissioner Howard** seconds. All in favor, none opposed. The positions will remain the same.

Public Hearing: none

New Business: none

Unfinished Business: none

Items from the Commission: none

Items from the Building Official/ Zoning Administrator: none

Next Regular Meeting – February 3, 2025

Commissioner Howard makes a motion to adjourn. **Commissioner Butler** seconds. All in favor, none opposed. Meeting adjourned at 6:05 pm

Chairman Gwen Earls

Acting Secretary

ORDINANCE NO. 02025-

AN ORDINANCE OF THE CITY OF EMMETT, IDAHO; AMENDING TITLE 9, CHAPTER, SECTION, SUBSECTION:

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

ACCESSORY DWELLING UNIT:

Accessory Dwelling Units (ADUs) are dwelling units that contain a kitchen, a full bathroom (including a shower or tub), living and sleeping areas (which may be combined), that is incidental and subordinate to the principal use of the premises, that is located on the same lot or parcel as a principal dwelling unit, and that does not alter the essential characteristic of the principal use of the property.

A. Private Restrictions: This section is not intended to impair or interfere with other regulations of private restrictions on the use of land improvements and structures. The provisions of this section shall be in addition to, and shall not be deemed to repeal, abrogate, or impair, any other easement, covenant, or deed restriction. Where this section imposes greater restrictions than that imposed by private restrictions, this section shall prevail.

B. Setbacks And Dimensional Standards:

1. Setbacks shall meet the zoning district setback requirements;
2. No accessory dwelling unit structure shall be allowed in front of the principal structure.

C. Additional Standards: In addition to meeting all building codes for a dwelling unit the following provisions shall be complied with:

1. Not more than one (1) accessory dwelling unit shall be allowed per property;
2. Direct ingress and egress to accessory dwelling unit shall be provided;
- ~~3. ADU must have a separate water and sewer connection, and pay any impact fee that may be associated.~~

4. Accessory dwelling unit may be eight hundred (800) square feet or up to fifty percent (50%) of the size of the principal dwelling unit, whichever is greater, up to a maximum of one thousand two hundred (1,200) square feet.
5. Accessory dwelling unit shall have at least three hundred (300) square feet of habitable space as defined by the adopted building code;
6. Accessory dwelling unit shall be clearly incidental to the principal structure in use. For the purposes of accessory dwelling units, "incidental" means used in connection with the residential use and structure on site, but does not constitute the principal dwelling unit;
7. Accessory dwelling unit shall be compatible in design, materials, and scale with the principal structure;
8. Accessory dwelling unit shall be declared real property and be on a foundation. ADU's are not "tiny homes on wheels," as these are mobile dwellings and are considered recreation vehicles or campers. Such homes, (tiny homes, recreation vehicles) are prohibited from being classified as an ADU.
9. A minimum of one off street parking space shall be provided.
10. Accessory dwelling unit shall be identified with an approved address;
11. Accessory dwelling unit shall provide a kitchen with appliances for the cooking of food, a sink and storage;
12. Accessory dwelling unit shall provide a bathroom with minimally a sink, toilet and bathtub and/or shower;
13. Accessory dwelling unit shall provide for at least one (1) closet per bedroom.
14. The ADU cannot be used as a commercial use, i.e.: Bed and Breakfast, etc. Short-term rentals may only be allowed following the short term rental ordinance and application process.
15. ADU's are permitted only when one of the structures on the property are owner-occupied. Owner-occupied structure does not need to be the principal dwelling. Ownership cannot be fractional or timeshare ownerships.

Passed by City Council on the ____ day of _____, 2025.

Approved by the Mayor on the ____ day of _____, 2025.

MAYOR

ATTEST:

CITY CLERK

ORDINANCE NO. 02025-

AN ORDINANCE OF THE CITY OF EMMETT, IDAHO; ADDING SHORT TERM RENTAL, TITLE 9, CHAPTER 22; PURPOSE; BUSINESS LICENSE; CONDITIONS AND STANDARDS; ADMINISTRATIVE PERMIT PROCESS; AND PENALTY.

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

9-22-1 Purpose.

This chapter shall be called the “short-term rental ordinance.” The purpose of the short-term rental ordinance is to implement reasonable regulations to safeguard the public health, safety and general welfare in order to protect the integrity of residential neighborhoods in Emmett, Idaho, as allowed by Idaho Code, Section 67-6539.

9-22-2 Business license – Permitted where.

Short-term rentals (STR), as defined in this title, shall obtain a business license and shall be a permitted use in all zones that permit residential use within the City of Emmett subject to the following conditions and standards listed in this chapter. At no time shall an existing STR be considered a “grandfathered” use.

9-22-3 STR conditions and standards.

A. Number of Units. One STR unit is allowed on a parcel with a business license, along with a fee as adopted by resolution that meets the requirements described in this section. One or more STR use on a parcel in the Downtown Historic District, second floor, will require a special use permit in accordance with Title 9, Chapter 8 ECC.

B. Water, Sewer, and Garbage.

1. The STR must meet all requirements of the city of Emmett with respect to the provision of individual potable water (approved water system) and be served by a municipal sewage system.
2. The STR cannot be serviced by Porta Potties for any portion of the approval including overflow in the number of occupants.
3. The STR must contract for garbage pickup with the local provider. STR property management is responsible for garbage removal daily. *(Staff Comment, this is up for discussion).*

C. Parking. Parking of vehicles shall not be in a public right of way. The parking areas must be clearly defined so that there is not a haphazard parking over landscaped area. All parking for the unit is contained on the site and not less than one parking space per bedroom provided.

D. The STR may be used for residential purposes only. It cannot be used as a wedding venue, corporate retreat, seminar, team-building event, or other use that requires a special use permit.

1. Bedrooms shall be defined as an enclosed portion of a building designed or intended to be used for sleeping purposes, including a closet, and an emergency escape and rescue opening, as defined by the International Fire Code. The Fire Marshall will have final determination on allowed sleeping areas.

E. On-Site Lighting. Must comply with city of Emmett Dark Sky ordinance (ECC 9-20).

F. Campfire Management. All campfires must be in an approved fire pit as determined by the Fire Marshal. A fire extinguisher and/or water hose must be accessible. Fire pits shall comply with all setbacks. Consideration should be given to smoke impacting neighbors.

G. Safety Monitors and Property Information. Each STR shall provide and maintain appropriate smoke detectors, carbon monoxide detectors, liquified petroleum detectors, etc., for the occupancy type of the property.

H. Posted Notice. A written notice shall be posted in a conspicuous location within the unit that describes restrictions on use of the unit. Notice shall include the following:

1. Maximum Occupancy
2. Parking restrictions
3. Property address posted on structure and on posted notice inside residence
4. Emergency exit plan
5. Emergency contact numbers
6. Quiet hours 10:00 pm – 6:00 am

I. Outdoor amplified sound, other than household speakers, shall not be allowed at any time.

J. Occupancy. There shall be no associated RVs or tents used to supplement the maximum occupancy. It will be limited to legal bedrooms with proper egress windows. At no time shall occupancy exceed four people/bedroom up to a maximum of 11 people unless a special use permit is obtained.

K. Outbuildings are allowed but shall not be used for sleeping or any human habitation.

L. Must observe local ordinances in the use of recreational vehicles such as ATVs and UTVs.

M. Exterior change. No exterior change shall be made to the structures or site conditions at a Short-Term Rental that would eliminate its appearance or use as a dwelling unit for long term residency.

9-22-4 STR administrative permit process.

A. Application package shall be submitted to the City of Emmett Zoning Department and will be reviewed by the Zoning Administrator with the appropriate fee as adopted by resolution.

B. Application package shall include the following:

1. Completed City of Emmett application form.
2. Completed Short Term Rental Occupancy Self-Limitation form.
2. Site plan showing structures, parking, lighting, fire pits, etc.
3. Operation plan that includes compliance with tax requirements: shall submit with the application proof of compliance with payment of sales tax, through the STR marketplace or provide the Employee Identification Number for the self-managed STR. Sales tax paid will need to be in accordance with Title 63, Chapter 36 of the Idaho Code.
4. Proof of water and sewer connection.
5. Rules that will be posted on site.
6. Garbage pick-up agreement.
7. Declaration as to whether this is a part-time STR or a full-time STR. If part-time, number of months it will be used as a rental.

C. Notice. Verification the STR does not violate a homeowner association's CC&R's.

D. Property manager or owner shall file an annual report with the fee as adopted by resolution, as follows:

1. Due date (renewal date) is before December 31 of each year.
2. Business license and Fire Inspection, renewed yearly, due prior to December 31 of each year.
3. Shall show compliance with all requirements of original license.
4. State intent for the current upcoming year.

5. List any changes that were made to operations and/or facilities. If changes are made to the structure, use, number of occupants, etc., a new license will be required with the updated information.

6. Permit and business license shall be revoked if not submitted within 30 days of the renewal date.

7. Within fourteen (14) days of a change of local contact person, or any other material change in facts pertaining to the information contained in the Short-Term Rental Permit, the new proposed local contact person shall submit an update to the Short-Term Rental permit, on a form provided by the Zoning Department, which must be obtained prior to continuing to rent the subject unit as a Short-Term Rental. An administrative fee adopted by resolution of the City Council will apply.

E. Staff can inspect the interior and exterior of the STR if complaints are received or there is a reason to believe the structure has been modified to accommodate a greater occupancy than allowed.

9-22-5 Violation – Penalty.

Failure to obtain a business license for an STR or violation of the business license shall be cause for revocation of the license and shall be subject to enforcement and penalties as outlined in ECC 1-4-1, Violation and penalty.

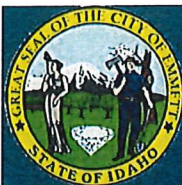
Passed by City Council on the ____ day of _____, 2025.

Approved by the Mayor on the ____ day of _____, 2025.

MAYOR

ATTEST:

CITY CLERK



Short-term Rental Permit Application

CITY OF EMMETT ZONING DEPARTMENT

601 E. 3rd Street Emmett, Idaho 83617

208-365-9569 X6

REQUIRED DOCUMENTS IN ADDITION TO THE SHORT-TERM RENTAL PERMIT:

****For all rental locations with occupancy of 12 or above, a special use permit is required.****

Name of Owner of Rental Property: _____

Name under which you intend to transact business: _____

Property Owner's Physical Address:

*****This is your home address, not the address of your rental*****

Street Address: _____

City: _____

State: _____

Postal/Zip Code: _____

Is Mailing Address Different?

Yes _____

No _____

Phone Number of Owner: _____

Email of Owner: _____

Do you rent through any of the following:

Airbnb _____

VRBO _____

Evolve _____

Local Property Manager _____

N/A _____

Other _____

Type of Business Ownership:

Sole Proprietorship _____

General Partnership _____

Corporation _____

Limited Liability Partnership_____

Limited Liability Company_____

Limited Partnership_____

Other_____

Each rental must have a local contact person available 24 hours per day, 7 days per week while the rental is being rented for the purpose of responding within 60 minutes to complaints regarding the condition, operation or conduct of occupants of the short-term rental and taking remedial action to resolve any such complaint.

Who is your local Contact?

I will be the local contact_____

Other designated person_____

DISCLAIMER: This document is a public record and the information set out in the Certificate may be released if sought by public record request.

Is the rental managed by a property management company or manager other than the owner?

Yes_____

No_____

Short Term Rental Property Information

Property Name:_____ (if applicable)

Rental Properties Physical Address:

Street Address_____

City_____

State/Province/Region_____

Postal/Zip Code_____

The address of the short-term rental, maximum occupancy, number of vehicles allowed to be parked, and the name and contact information including telephone number for the local contact person **must be sent to all property owners within 300 feet of the location of the short-term rental.**

NOTE: Notices to addresses within 300-foot radius **MUST BE MAILED TO THE MAILING ADDRESS** of the owner of the property. The easiest way to get the mailing addresses of property owners is through a title company.

(Staff Comment Only) The city may do this like a public hearing notice, and part of the fee is to cover this expense.

Please attach a copy of the notice mailed and a list of the property owners including their mailing addresses that were sent the notice:

Date of the mailing to property owners: _____

Short-term rentals shall contain no more than two (2) people per bedroom, plus 2 more people. Total maximum occupancy of the short-term rental shall be based on the number of bedrooms times two (2) plus two (2). Maximum people allowed is 11 without a special use permit.

Number of Bedrooms: _____

Please note: the Fire Marshall will have final determination of allowed sleeping areas, to be determined at the time of the fire and safety inspection.

Number of Parking Spaces on Site: _____

Number of parking spaces cannot exceed the number of bedrooms. Parking spaces may not be located in any landscape area or street right of way.

Is an accessory dwelling unit located on the site?

Yes _____

No _____

By initialing the following I agree that I have read and understand the following short term rental requirements.

_____ **Access**

Owners shall maintain access to the property and structures that is safe and free from obstructions for pedestrians and vehicles and shall be adequately sized and designed so that access to other properties is not impacted nor are unsafe conditions on public streets created contrary to the standards adopted by the Emmett Fire Department and the City Council.

_____ **Bedrooms**

A bedroom shall be defined as an enclosed portion of a building designed or intended to be used for sleeping purposes, including a closet, and an emergency escape and rescue opening, as defined by the International Fire Code. The Fire Marshall will have final determination of allowed sleeping areas.

_____ **Parking**

Noise

Safety Inspection

Trash Service

Posted Notice:

Exterior Changes

Attachments:

Dimensioned Floor Plan

Site Plan of Property

Applicant's Declaration

I agree

Applicant's Printed Name: _____

Signature: _____

Date: _____

Local Contact Person's Printed Name _____

if different from applicant

Signature Local Contact Person: _____

Date: _____

The undersigned agrees to maintain a current short-term rental permit for each calendar year while the rental is operational.

The applicant agrees to pay the application fee of \$225.00 plus the \$50.00 fee for the Fire Safety Inspection, for a total of \$275.00. Fees will not be prorated and are non-refundable. The application process may take up to 28 days to complete, longer if information received for the application is incorrect or incomplete. The Short-Term Rental Permit is active for the calendar year, expiring on December 31 of each year.

The annual renewal fee is \$25.00 plus the \$50.00 Fire Safety Inspection Fee. The renewal fee is due by December 31 each year with the Fire Safety Inspection completed prior to December 31.

Please sign acknowledging that you have read the application in its entirety and that all information provided is complete and accurate to the best of your knowledge.

Print Applicant's Name: _____

Signature of Applicant: _____

Date: _____