

EMMETT CITY ZONING COMMISSION

March 3, 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: Gwen Earls, Tracy Howard, Kim Butler

Commissioners Online: none

Commissioners Absent: Brian Gregory

Staff Present: Zoning Administrator, Brian Sullivan; City Attorney, Jake Sweeten

Staff Online: none

Public Present: none

Review of Agenda: Chairmen Earls calls for review of agenda.

Approval of Minutes: Commissioner Butler moves to approve minutes for meeting held on January 6, 2025

Commissioner Howard seconded motion. All in favor. Motion carried.

New Business: Chairman Earls calls Official Brian Sullivan forward. Accessory Dwellings Unit ordinance, as well as Short-term Rental ordinance. Chairman Earls asks if the accessory dwelling units are the module homes that are used as a second home that is put on a property.

Official Sullivan states that you could put a second home on your property, and that there is a square footage requirement. Tiny homes are not allowed, but you could build a small home or use your garage, or a bonus room above your garage as an accessory dwelling.

Chairman Earls asks for clarification on a tiny home.

Official Sullivan states it must be on a permanent foundation. Also, that tiny homes are built to RV standards, not IBC standards. The questions that Official Sullivan has pertains to the size of the ADU; at a maximum of 800 sq ft, or half the size of the primary dwelling, but no more than 1,200 sq ft.

Chairman Earls then asks if there will be any land restrictions.

Official Sullivan states that the ADU will have to meet the regular required setbacks, as well as having their own water and sewer connections. Also, the ADU will have to have off street parking and its own address. Impact fees will be required as well. And just like a regular home the ADU is required to have a working kitchen and bathroom. It is specified in number 8 that tiny homes and recreational vehicles are prohibited as an ADU. Official Sullivan states that ADU's are in the Comprehensive Plan, to encourage Accessory Dwelling Units, and that it is a huge demand in our community.

Chairman Earls brings to attention that 1 off street parking space will be required. Also that the ADU can not be used for Bed and Breakfast or short term rentals as stated in number 14. Official Sullivan states that there are restrictions for the ADU's, and that there is an application process that is required for Short-term Rentals.

Chairman Earls asks the commissioners if they have any questions about the ADU's.

Chairman Earls would like to see how the Short-term Rentals will work.

Attorney Sweeten states that the ADU's and Short-term Rentals are mutually exclusive.

Chairman Earls asks if an ADU can be used as a Short-term Rental. Official Sullivan states that an ADU can be used as a Short-term Rental, but not as a long-term rental at the same time. Your Short-term rental application would have to be canceled, and there is also a renewal fee, and a registration fee for Short-term Rentals.

Commissioner Butler asks if there are ADU's in Gem County.

Official Sullivan states that yes there are. It was originally 1,100 sq ft max, but has now been changed to 1,800 sq ft..

Official Sullivan states that part of regulating ADU's is for emergency services, so that they know that there are two dwellings on a property.

Commissioner Butler brings to attention number 14, that the owner occupied dwelling does not have to be the principle dwelling.

Attorney Sweeten then states that this is part of the Zoning Ordinance and would take a public hearing, and what he would do is if they would like to proceed with this it would be put into an ordinance form and then bring it back for a public hearing. Then at that point the commission would make a recommendation to amend the Zoning

Ordinance to include this. The Commissioners then review the Short-term Rental portion. **Official Sullivan** brings to attention that there is some communication regarding trash pick up. That the owner of the Sort-term Rental would have to arrange with Emmett Sanitation for the trash to be picked up daily. Also that with a Short-term Rental, a business license is required. They would register with the city and that they would have to register as a business with the state of Idaho for tax purposes. The Fire Department would do inspections for the bedrooms and any campfires on the property. Also that ADU's are not for a commercial venture such as wedding venues, corporate retreats, etc., that it may be used solely for a residential purpose.

Official Sullivan states that in letter H there must be a placard on the wall which will show the maximum occupancy, parking restrictions, property address, emergency exit plan, contact information and also quiet hours.

Commissioner Butler asks about parking.

Official Sullivan states that if there are two bedrooms in the ADU there is a requirement for two spaces. If there are four bedrooms then there is a requirement for 4 spaces. The topic of grandfathering in an ADU is brought up. **Official Sullivan** states that he is not sure if legally he can go back and ask them to comply with the new ordinance if the ADU is already existing.

Attorney Sweeten states it could be done voluntarily.

Official Sullivan brings up the administrative process as drawn out in 9-22-4, which talks about a completed application, there is also a self-limitation form which is part of the application process. Also a site plan showing the parking, lighting, and any fire pits, operational plan, and there are tax requirements that have to be met as well. There are also proof of water and sewer, trash pick up etc. **Charman Earls** asks how realistic is it to enforce something like this.

Official Sullivan states that once an application has been submitted and approved it would be our job to monitor those. **Official Sullivan** then states if we see someone advertising on Facebook Market place or Air BNB platforms for example, we can notify the owner that there is an ordinance in place. We could also contact the platform and let them know that the owner is not in compliance with the ordinance.

Official Sullivan brings to attention a highlighted area, that is about mailing notices with a 300 foot list. We would mail out notices to property owners within 300 feet of the applications address notifying them that there is a Short-term rental at said address.

Chairman Earls asks if this would be public information, and also brings up people with disabilities. **Official Sullivan** states that he sees nothing in the state statute about the notice.

Attorney Sweeten says to take it out if that the case.

Chairman Earls states the application fee is \$225 plus \$50 for the fire safety inspection which is required annually at time of renewal. **Chairman Earls** also asks that this if will all be put into an ordinance form, and then brought back to the commission.

Official Sullivan answers yes.

Chairman Earls requests a motion to close meeting. **Commissioner Howard** motions to close meeting.

Commissioner Butler seconds. All in favor, meeting adjourned.

Unfinished Business: none

Items from the Commission: none

Items from the Building Official/ Zoning Administrator: none

Next Regular Meeting – April 7, 2025

Meeting adjourned at 6:36pm


Chairman Gwen Earls


Acting Secretary