

DEVELOPMENT AGREEMENT CHECKLIST
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APPLICABILITY: A development agreement is a written commitment, as contemplated under Idaho Code section 67-6511A, which, as a condition of rezoning or annexation, specifies the uses(s) or use restrictions different from the requirements of a particular zone district, and which may be submitted by an applicant for a zone change or annexation, required by the City Council upon recommendation from the Zoning Commission or required by the Council in accordance with Emmett City Code 9-18, which is available on our website at www.cityofemmett.org or in the Emmett Zoning office.

Check here if this is an amendment to a recorded Development Agreement

Fee: A \$310.00 fee must accompany this completed application (Non-refundable)

		Staff Use Only	
	SUBMITTAL REQUIREMENT	Complete (Date)	Notes
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	1. Completed and signed Master Public Hearing cover sheet		
	2. Fee paid		
	3. An affidavit by the property owner agreeing to the submission of the development agreement.		
	4. A legal description for the property subject to the development agreement.		
	5. Narrative describing how the draft Development Agreement is in compliance with the goals and policies of the Comprehensive Plan		
	6. A conceptual master plan, at an adequate scale, that addresses the following: <ul style="list-style-type: none"> • Vehicular and pedestrian circulation, to include adjacent and proposed paths and roadways, as well as parking and snow removal • Existing and proposed buildings and uses, including open space and common areas • Conceptual grading and landscaping • Schematic building plans • Proposed design criteria (height, setbacks, density, etc.) • Utility capacity, connections and layout • Other items as requested by the Administrator, Zoning Commission or City Council 		

	<p>7. Draft Development Agreement shall contain the following:</p> <ul style="list-style-type: none"> • List of uses to be allowed • Identification if development standards required under the agreement • Identification of locations for permitted uses on a proposed conceptual plan • Planned implementation of improvements with a construction and completion schedule • 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 • Required consensual lien and/or surety for project completion if abandoned or otherwise uncompleted • 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 • 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 • Any other matter required by the City Council or City Attorney as deemed appropriate 		

Development Application Procedures

Request For A Development Agreement: At any time during the processing of an annexation or a rezone application, a request to enter into a development agreement for the subject property may be submitted by the applicant, or may be recommended by the planning and zoning commission at the commission's public hearing, or may be required by the city council at the council's public hearing.

1. In the event an applicant seeks to enter into a development agreement, the development agreement shall be taken to the planning and zoning commission at the time of the scheduled rezone or annexation hearing. The commission shall forward its recommendation to the city council regarding each of the applicant's requests.

2. If an application does not include a development agreement and the commission concludes that the application should not be approved without a development agreement, the commission may recommend that the application be denied or the commission may recommend that the council remand the application to the commission for a public hearing on a development agreement. The public hearing will be held in accordance with #4 below. The council shall, upon remand, direct the commission on specific issues to be addressed in the development agreement. If, however, the applicant agrees to submit an application for a development agreement, then the commission shall defer its recommendation to the council until a public hearing on the development agreement is held.

3. In the event of a determination by the city council that a development agreement should be entered into, then the council shall remand the matter back to the commission for a public hearing as specified in #4 below. The council shall, upon remand, direct the commission on specific issues to be addressed in the development agreement.

4. The commission shall review and make recommendation to the city council regarding the development agreement as part of the public hearing process for an annexation or rezone request. The commission shall conduct at least one public hearing, with at least fifteen (15) days' notice of the time and place of such hearing in which interested persons shall have the opportunity to be heard. The public hearing shall, at a minimum, be conducted and noticed as required by Idaho Code section 67-6509.