

AGENDA
NEW PLYMOUTH
PLANNING & ZONING COMMISSION
MONDAY
OCTOBER 27, 2025
6:00 PM
215 N Plymouth Avenue
CITY HALL COUNCIL CHAMBERS

1. CALL TO ORDER
2. Pledge of Allegiance
3. Roll Call
4. September 22, 2025, Meeting Minutes **(Action Item)**
5. Public Hearing-
 - a. Annexation- William Cummings Estate- SEC 9-7-4 Tax 693 IN SENW Parcel #07N04W094400 PIN#10448 (Co-PR Sheena Barnes & Co-PR Nan Joi Haynes) – **(Action Item)**
 - b. Comp Plan- Elizbeth Allen, HDR – **(Action Item)**
 - c. Proposed Ordinance Amendments Title 11 – **(Action Item)**
6. New Business
 1. Annexation- William Cummings Estate- SEC 9-7-4 Tax 693 IN SENW Parcel #07N04W094400 PIN#10448 (Co-PR Sheena Barnes & Co-PR Nan Joi Haynes- **(Action Item)**
 2. Comp Plan- Final Draft-Recommendation to City Council- **(Action Item)**
 3. Proposed Ordinance Amendments Title 11-Recommendation to City Council- **(Action Item)**
7. Adjourn

****CITIZEN COMMENTS**

This time is reserved for the public to address their elected officials regarding concerns or comments they would like to provide to the City Council regarding subjects not on the agenda. At times, the City Council may seek comments/opinions regarding specific City matters during this allotted time. This is not a time slot to give formal testimony on a public hearing matter, or comment on a pending application or proposal.

Any person needing special accommodations to participate in the above noticed meeting should contact New Plymouth City Clerk's Office five (5) days prior to the meeting at 215 N. Plymouth or phone 278-5338

Posted: October 24, 2025 at _____am/pm. by: _____

CITY OF NEW PLYMOUTH
PLANNING AND ZONING COMMISSION MEETING MINUTES
MONDAY
22nd September 2025
6:00 PM
CITY HALL COUNCIL CHAMBERS

The New Plymouth Planning and Zoning Commission held a meeting at the New Plymouth City Hall on the 22nd of September 2025 at 6:05 PM. Roll call was taken. Commission members Penny Kovick, Jesse Morales, Debbie Mills-Smith and Angela Graham were present. Commission Chair Teresa Allen was absent. City Clerk/Planning and Zoning Administrator Marianne Gatchell were in attendance.

Commissioner Kovick moved to approve the minutes of the August 25th, 2025, Planning & Zoning meeting. Commissioner Graham seconded the motion. All in favor. Motion carried.

Citizen Comments: NONE

Commissioner's Comments: Commissioner Kovick was disappointed with the lack of items on the agenda. Commissioner Morales asked if the packets could be delivered sooner.

New Business:

1. Area of Impact- Payette County P&Z – Recommendation to City Council
Commissioner Kovick feels that the appropriate time was taken to present a good representation of what the city feels is an accurate depiction of where we see us moving in the next 5 years. Superintendent Beau Ziemer put in a lot of effort and followed the codes in coming up with this map of our city's future.
Commissioner Graham moved to accept the new area of impact map and send a favorable recommendation to city council for a favorable recommendation of the new area of impact map to be sent to Payette County P&Z. Commissioner Mills-Smith seconded the motion. All in favor. Motion carried.

Commissioner Graham moved to adjourn the meeting. Commissioner Kovick seconded the motion. All in favor. Motion carried. Meeting adjourned at 6:27 p.m.

Penny Kovick, Commissioner

Marianne Gatchell, Planning & Zoning Admin



City of New Plymouth

215 N. Plymouth Avenue ♦ P.O. Box 158 ♦ New Plymouth, Idaho 83655
Phone : (208) 278-5338 ♦ www.npidaho.com

PUBLIC HEARING NOTICE

Pursuant to established procedure, NOTICE IS HEREBY GIVEN that the New Plymouth Planning and Zoning Commission will hold the following public hearing at the City Hall in New Plymouth, Idaho on the 27th day of October 2025 at 6:00pm.

An application for Annexation has been submitted by The Estate of William Cummings, Co-PR Sheena Barnes & Co-PR Nan Joi Haynes. The property is situated in Payette County, Idaho more particularly described as: (This property is located on SW 2nd Ave across the street from 4167 SW 2nd Ave New Plymouth)

PARCEL 1 Annexation:

This Land is a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9 in Township 7 North, Range 4 West of the Boise Meridian, Payette County, Idaho and is more particularly described as follows:

COMMENCING at the Southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, (C $\frac{1}{4}$ Corner, Section 9), a found brass cap monument,

Thence North 88°10'45" West along the South boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 831.68 feet to the TRUE POINT OF BEGINNING, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 1°42'47" East a distance of 20.00 feet;

Thence continuing along said South boundary bearing North 88°10'45" West a distance of 193.61 feet to the Southwest corner of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 1°42'47" East a distance of 20.00 feet;

Thence North 1°42'47" East along the West boundary of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1309.85 feet to the Northwest corner of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

Thence South 88°19'49" East along the North boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 314.11 feet to a point on the centerline of a drain ditch;

Thence South 38°21'49" East along said centerline a distance of 274.92 feet to a point witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 88°19'49" West a distance of 25.00 feet;

Thence leaving said drain ditch bearing North 88°19'49" West, parallel with the North boundary of the SE ¼ NW ¼, a distance of 297.50 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

Thence South 1°42'47" West, parallel with the West boundary of the E ½ W ½ SE ¼ NW ¼, a distance of 1099.86 feet to the TRUE POINT OF BEGINNING.

The hearing is open to the public. Written and oral comments are encouraged.

Publish Date(s): October 11, 2025

Any person needing special accommodations to participate in the above noticed meeting should contact New Plymouth City Clerk's Office five (5) days prior to the meeting at 215 N. Plymouth Ave. or phone (208)278-5338.

Marianne Gatchell
Planning and Zoning Administrator Assistant



Office of the Clerk

City of New Plymouth
P.O. Box 158
215 N. Plymouth Avenue
New Plymouth, ID 83655

(208) 278-5338
(208) 278-5338 Fax
www.npidaho.com

Annexation recommendation 10/27/2025

Commissioners,

My recommendation is to hold the public hearing and then close the public hearing. This will complete the public sharing and need for additional publication.

Before you make a recommendation to the city council, I think there are a few things we need to see. From what I gather, the applicant is requesting an annexation for the sole purpose to make the property more marketable and profitable. The way that that is usually handled is the property is marketed as a possible annexation. If someone wants to buy it annexed into the city, the sale would be contingent upon annexation being approved. At any rate due to this property only being contiguous to the city through another property that has been annexed but not developed yet I would recommend that you table your recommendation to the city council. We need to know the feasibility of providing water and sewer to the property. This feasibility information would be provided and paid for by the applicant. I would also recommend we ask for a pre-annexation agreement, in this agreement we can hold the applicant to any kind of road repairs that need done. Also, the way in which they will hook up to water and sewer. As well as anything else, you think that it is important to this being annexed into the city. We don't want it annexed and then sit for 10 years. Then a developer comes along to develop it because after it's annexed and, in the city, it's harder to make requirements on the development.

Respectively, Beau Ziemer
Public works Superintendent City of New Plymouth, Idaho

STAFF REPORT

Estate of Williams Cummings
Annexation

Property Information

An application for Annexation has been submitted by The Estate of William Cummings, Co-PR Sheena Barnes & Co-PR Nan Joi Haynes. The property is situated in Payette County, Idaho more particularly described as:

PARCEL 1 Annexation: 6.83 acres

This Land is a portion of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ of Section 9 in Township 7 North, Range 4 West of the Boise Meridian, Payette County, Idaho and is more particularly described as follows:

COMMENCING at the Southeast corner of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, (C $\frac{1}{4}$ Corner, Section 9), a found brass cap monument,

Thence North 88°10'45" West along the South boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 831.68 feet to the TRUE POINT OF BEGINNING, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 1°42'47" East a distance of 20.00 feet;

Thence continuing along said South boundary bearing North 88°10'45" West a distance of 193.61 feet to the Southwest corner of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ N $\frac{1}{4}$, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 1°42'47" East a distance of 20.00 feet;

Thence North 1°42'47" East along the West boundary of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$ a distance of 1309.85 feet to the Northwest corner of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S.;

Thence South 88°19'49" East along the North boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 314.11 feet to a point on the centerline of a drain ditch;

Thence South 88°19'49" East along said centerline a distance of 274.92 feet to a point witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 88°19'49" West a distance of 25.00 feet;

Thence leaving said drain ditch bearing North 88°19'49" West, parallel with the North boundary of the SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 297.50 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

Thence South 1°42'47" West, parallel with the West boundary of the E $\frac{1}{2}$ W $\frac{1}{2}$ SE $\frac{1}{4}$ NW $\frac{1}{4}$, a distance of 1099.86 feet to the TRUE POINT OF BEGINNING.

History of the Property

Bare land with no building rights

Purpose

Property Owners would like to make this a more desirable sellable property. They will list it once the annexation has been approved. Currently there are no building rights to this property. Annexation will make this a buildable property.

Staff Correspondence

Superintendent Beau Ziemer has reviewed the application and has included his comments separately.

Adjacent Property Owner Contact

Signage placed at property-10/9/2025

Letters were mailed out to property owners 300 ft from property- 10/8/2025

Notifications were sent to the required agencies- 10/8/2025

Packet Contents

Application

Public Hearing Notice

Overview Map

Written Correspondence (if applicable)



Annexation, Comprehensive Plan Change, Zone Change Application

City of New Plymouth
215 N Plymouth Ave/PO Box 158 New Plymouth, ID 83655
Phone: (208)278-5338 Fax: (208)278-5330

Marianne Gatchell, City Clerk/Treasurer

Suzanna Culpepper, Deputy Clerk

APPLICANT: Estate of William R. Cummings [Sheena Barnes Co-PR and Nan Joi Haynes Co-PR]

Address: 5881 Herons Landing Dr, Viera FL 32955

Mailing Address: 5881 Herons Landing Dr, Viera FL 32955

Telephone: 321-266-6037

Fax:

E-mail: kimchee@cfl.rr.com

SEC 9-7-4 TAX 693 IN SENW
parcel # 07N04W094400
PIN # 10448

FILING CAPACITY:

☒ Recorded property owner as of 6/12/2024 (Date)

☐ Purchasing as of _____ (Date)

☐ Leasing property as of _____ (Date)

☐ Authorized agent of any of the foregoing, duly authorized in writing.

(Written authorization must be attached.)

ENGINEER/ARCHITECT:

Name: _____

Address: _____

Telephone: _____ **Fax:** _____ **E-mail:** _____

LEGAL DESCRIPTION OF PROPERTY AND PLOT PLAN: SEC 9-7-4 TAX 693 IN SENW

Size of Area: 6.83 acres

Description of Existing Use: AG

ZONING:

Present: AG

Proposed: Residential A

COMPREHENSIVE PLAN:

Present: AG

Proposed: _____

JUSTIFICATION:

State reason for requested action. Annexing AG into City of NP can provide space for development, such as housing, to accommodate population growth and stimulate economic expansion, and additional revenue.

APPLICANT CERTIFICATION:

SHEENA BARNES, co-PR of the Estate of William Cummings, being first duly sworn, deposes and says that she is the applicant and knows the contents thereof to be true to her knowledge.

Sheena Barnes CO-PR

Sheena Barnes, co-PR

Subscribed and sworn to before me this 26th day of August, 2025.



Misook Park

Notary Public for Idaho

Residing at: Boise

My Commission Expires: 05/21/28

OWNER CERTIFICATION:

I have read and consent to the filing of this application as the owner of record of the property being considered in this application.

Name: Estate of William R. Cummings, Sheena Barnes Co-PR and Nan Joi Haynes Co-PR

Address: 5827 W Filly St, Boise ID 83703

Telephone: 208-577-1973

Fax:

E-mail: jsmusic2001@gmail.com

Owner's Signature: Sheena Barnes

Date: August 26th, 2025

FILING FEES:

☒ Annexation \$250.00 check #211 9/15/25 mg

☐ Comprehensive Plan Change \$250.00

☐ Zone Change \$250.00

TOTAL FEES: \$250.00

If any combination of the above are requested together, application fee will be a total of \$250.00

All costs for engineer reviews will be billed to the applicant.

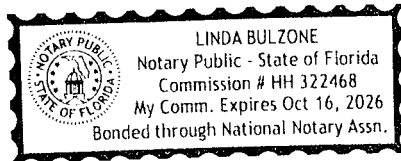


APPLICANT CERTIFICATION:

NAN JOI HAYNES, co-PR of the Estate of William Cummings, being first duly sworn, deposes and says that she is the applicant and knows the contents thereof to be true to her knowledge.


Nan Joi Haynes, co-PR

Subscribed and sworn to before me this 20th day of August, 2025.




Notary Public for ~~Idaho~~ Florida

Residing at: 5445 Murrell Rd, Rockledge, FL 32955

My Commission Expires: October 16, 2026

OWNER CERTIFICATION:

I have read and consent to the filing of this application as the owner of record of the property being considered in this application.

Name: Estate of William R. Cummings, Sheena Barnes Co-PR and Nan Joi Haynes Co-PR

Address: 5881 Herons Landing Dr, Viera FL 32955

Telephone: 321-266-6037

Fax:

E-mail:

kimchee@cfl.rr.com

Owner's Signature: 

Date: August 20, 2025

Attachments:

1. Letters Testamentary and Oath
2. Corrected Sheriff's Certificate of Sale (PP 3-4) for legal description
3. Record of Survey by Skinner Land Survey dated Aug 19, 2021 showing schematic

Wm. F. Nichols
Marc J. Bybee
WHITE, PETERSON, GIGRAY & NICHOLS, P.A.
5700 East Franklin Road, Suite 200
Nampa, Idaho 83687-7901
Telephone: (208) 466-9272
Facsimile: (208) 466-4405
ISB No.: 3496, 9245
Email: wfn@whitepeterson.com
iCourt Service Email: icourt@whitepeterson.com

**Attorneys for Nan Joi Cummings Haynes, E. Tim Cummings,
Eldon Cummings, Sheena Barnes, Charles D. Cummings,
Clyde Cummings**

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF
THE STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE**

Magistrate Division

In the Matter of the Estate of)
)
WILLIAM CUMMINGS,)
)
Decedent.)
)
)

CASE NO: CV38-19-0414

LETTERS TESTAMENTARY
AND OATH
(I.C. §§ 15-3-602, 15-3-702)

NAN JOI HAYNES and SHEENA BARNES are hereby appointed successor co-personal representatives of the Estate of William Cummings, Deceased, with all authority pertaining thereto. Administration of the Estate is unsupervised.

These Letters are issued to evidence the appointment, qualification and authority of the successor co-personal representatives.

WITNESS: Robert L. Jackson, Magistrate of the District Court, County of Payette,
State of Idaho, with the seal of the Court affixed on _____ Signed: 2/21/2020 03:38 PM

Signed: 2/21/2020 03:38 PM

(SEAL)

Magistrate

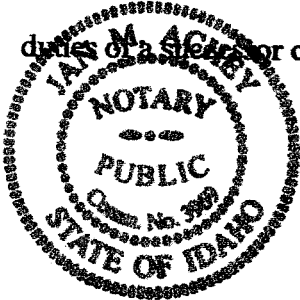
Robert L. Jackson

STATE OF IDAHO)

:SS

County of Canyon)

I hereby accept appointment to the office of successor co-personal representative of the Estate of William Cummings, Deceased, and do solemnly swear that I will perform, according to law, the duties of a successor co-personal representative of said estate.



Nan Joi Haynes

NAN JOI HAYNES
5881 Herons Landing Dr.
Viera, FL 32955
321 266 6037

SUBSCRIBED AND SWORN to before me this 16 day of February, 2020.

(SEAL)

Ian M. Achey
Notary Public for Idaho

Commission expires: 4-27-2022

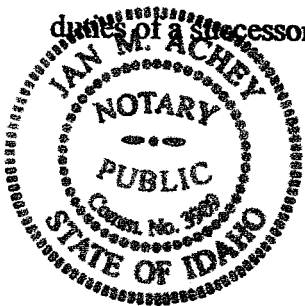
STATE OF IDAHO)

:SS

County of Canyon)

I hereby accept appointment to the office of successor co-personal representative of the Estate of William Cummings, Deceased, and do solemnly swear that I will perform, according to law, the

duties of a successor co-personal representative of said estate.



Sheena Barnes

SHEENA BARNES
5827 W. Filly St.
Boise, ID 83703
208 577 1973

SUBSCRIBED AND SWORN to before me this 16 day of February, 2020.

(SEAL)

Ian M. Achey
Notary Public for Idaho

Commission expires: 4-27-2022

CLERK'S CERTIFICATE OF SERVICE

The undersigned does hereby certify that a conformed copy of this LETTERS
TESTAMENTARY AND OATH was emailed on Signed: 2/25/2020 04:26 PM to:

Wm. F. Nichols
WHITE, PETERSON, GIGRAY & NICHOLS, P.A.
at icourt@whitepeterson.com

CLERK OF THE COURT

R
Deputy Clerk

W:\Work\C\Cummings, Charles D. 25954Estate of William R Cummings .000Pleadings\Letters Testamentary and Oath.doc

STATE OF IDAHO COUNTY OF PAYETTE } ss
I hereby certify that the foregoing instrument is a true and correct copy of the original on file in this office.
DATED Signed: 2/25/2020 04:27 PM
Betty Dressen
BETTY J. DRESSEN, Clerk of the District Court
By <u>R</u> Deputy



456162

Vaughn Fisher, ISB No. 7624
Robert J. Tunison, ISB No. 10325
FISHER HUDSON BROWN HORTON
950 W. Bannock St., Ste. 630
Boise, ID 83702
Telephone: (208) 345-7000
Facsimile: (208) 514-1900
Email: vaughn@fisherhudson.com
robert@fisherhudson.com

Instrument # 456162

STATE OF IDAHO, PAYETTE COUNTY

6-12-2024 11:45:02 AM No. of Pages: 4

Recorded for : PAYETTE SHERIFF OFFICE

LINDSEY BRATCHER

Ex-Officio Recorder Deputy

Index to: CERTIFICATE OF SALE - MSC

Fee: 0.00

Attorneys for Plaintiffs

**IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT OF THE
STATE OF IDAHO, IN AND FOR THE COUNTY OF PAYETTE**

NAN JOI HAYNES AND SHEENA BARNES,
as beneficiaries of and Co-Personal
Representatives of THE ESTATE OF
WILLIAM R. CUMMINGS, deceased,

Case No.: CV38-23-0427

Plaintiffs,

vs.

JIM REEVES, an individual; JANE REEVES,
an individual; JANE L. REEVES as Trustee of
the JANE LEIGH REEVES LIVING TRUST;
JANE LEIGH REEVES LIVING TRUST and;
DOES I through V, inclusive; if any of the
above-named defendants be deceased, then in
that event, all the unknown heirs and devisees of
each of said deceased persons and all of the
unknown owners and unknown claimants of all
or part of the following described real property
situate in the Count of Payette, State of Idaho,
to-wit,

See Exhibit A attached to the First Amended
Complaint and Demand for Jury Trial.

Defendants.

**CORRECTED SHERIFF'S
CERTIFICATE OF SALE**

456162

Whereas a Sheriff's Certificate of Sale dated May 22, 2024 was recorded in records of Payette County, Idaho on May 29, 2024 as Instrument No. 455957.

Whereas said Sheriff's Certificate of Sale incorrectly stated that the Sheriff's sale was conducted on the 22nd day of May, 2017 instead of the 22nd day of May, 2024.

Whereas this Corrected Sheriff's Certificate of Sale is being issued and recorded to amend and correct the original Sheriff's Certificate of Sale.

NOW THEREFORE:

The Sheriff of Payette County, State of Idaho, does hereby certify that, by virtue of an Order For Sale and an Interim Default Judgment as to Count III of First Amended Complaint, both entered on April 4, 2024 in the above-entitled action and directed to me, and in accordance with said Order and Judgment, I have levied on, and published a Notice of Sale in the newspaper of general circulation in Payette County, Idaho for three consecutive weeks on the following days May 1st, May 8th, May 15th, 2024, and also posted the same at the Real Property located at **TBD SW 2nd Avenue, New Plymouth, Idaho 83655**, more particularly described below, and the following three (3) places in the Courthouse Precinct and three (3) places in the Precinct of said Real Property to be sold:

Courthouse Precinct:

1. Payette County Courthouse
2. Payette City Hall
3. Payette Post Office

Real Property's Precinct:

1. New Plymouth City Hall
2. New Plymouth Post Office
3. Fruitland Post Office

456162

On the 22nd day of May, 2024 at 10:00 a.m. at the location of the Payette County Courthouse, 1130 3rd Ave North, Payette, Idaho 83661, sold at public auction, in one lot or parcel to the above-named Plaintiffs, NAN JOI HAYNES AND SHEENA BARNES, as beneficiaries of and Co-Personal Representatives of THE ESTATE OF WILLIAM R. CUMMINGS, together with its successors and assigns, who was the highest bidder, in the sum of \$493,110.08, which was bid in credit by said Purchaser, claim and interest of the within named Plaintiffs and Defendant, Jim Reeves, in and to the real estate located at **TBD SW 2nd Avenue, New Plymouth, Idaho 83655** in Payette County, Idaho and more particularly described as follows:

This Land is a portion of the SE 1/4 NW 1/4 of Section 9 in Township 7 North, Range 4 West of the Boise Meridian, Payette County, Idaho and is more particularly described as follows:

COMMENCING at the Southeast corner of the SE 1/4 NW 1/4, (C 1/4 Corner, Section 9), a found brass cap monument,

thence North 88°10'45" West along the South boundary of the SE 1/4 NW 1/4 a distance of 831.68 feet to the TRUE POINT OF BEGINNING, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 1°42'47" East a distance of 20.00 feet;

thence continuing along said South boundary bearing North 88°10'45" West a distance of 193.61 feet to the Southwest corner of the E 1/2 W 1/2 SE 1/4 NW 1/4, witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 1°42'47" East a distance of 20.00 feet;

thence North 1°42'47" East along the West boundary of the E 1/2 W 1/2 SE 1/4 NW 1/4 a distance of 1309.85 feet to the Northwest corner of the E 1/2 W 1/2 SE 1/4 NW 1/4, a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

thence South 88°19'49" East along the North boundary of the SE 1/4 NW 1/4, a distance of 314.11 feet to a point on the centerline of a drain ditch;

thence South 38°21'49" East along said centerline a distance of 274.92 feet to a point witnessed by a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352 bearing North 88°19'49" West a distance of 25.00 feet;

456162

thence leaving said drain ditch bearing North 88°19'49" West, parallel with the North boundary of the SE 1/4 NW 1/4, a distance of 297.50 feet to a 5/8 x 24 inch rebar set with a plastic cap stamped P.L.S. 15352;

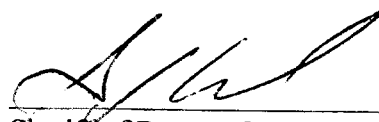
thence South 1°42'47" West, parallel with the West boundary of the E 1/2 W1/2 SE 1/4 NW 1/4, a distance of 1099.86 feet to the TRUE POINT OF BEGINNING.

And that the said Real Property is subject to redemption within six (6) months after the sale based on said Real Property consisting of a tract of land of less than twenty (20) acres, pursuant to Idaho Code §§ 11-401, except: No exceptions.

This Sheriff's Certificate of Sale confirms that said Order of Sale and Interim Judgment as to Count III of First Amended Complaint issued on April 4, 2024, have been satisfied.

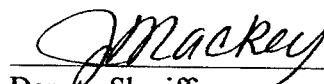
Dated this 4th day of June, 2024.

By:



Sheriff of Payette County

By:

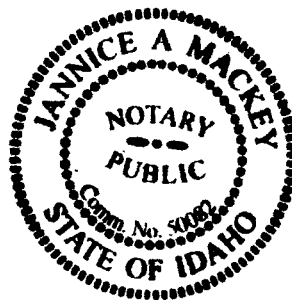


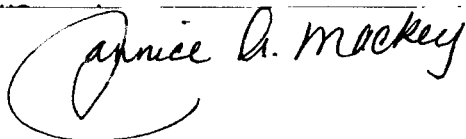
Deputy Sheriff

STATE OF IDAHO)
COUNTY OF PAYETTE)

On this 4th day of June in the year 2024
before me Jannice A. Mackey
, a notary public, personally
appeared Sheriff Andy Creech
personally known to me to be the person whose name is
subscribed to the within instrument, and acknowledged to that
he/she executed the same.

My commission expires May 31, 2025





Jannice A. Mackey

CUMMINGS ESTATE

NEW PLYMOUTH ORIGINAL [N5480]
ROAD

T856
N00000094650

N00000092800

07N04W092540

VENTURES REPLAT [N5880]

PLEASANT LOO
WILLIAMSON'S

07N04W093781

T32
T33
T473
T474
T38

07N04W094501

T693
T696
T695
07N04W094230
T34
T694
07N04W094661

N00000091351

N00000091500

HARVEY SUB

MOSCRIP ESTATES [N3400]

T564
T563
RT22

T7N R4W

07N04W095251

07N04W095551

07N04W095200

07N04W096291

07N04W096450

07N04W095260

07N04W098550

CANAL

07N04W162420

07N04W163150

N

CUMMINGS WILLIAM R ESTATE OF
5881 HERONS LANDING DR
VIERA, FL 32955
SRC 9--4 TAX 693 IN SENW

Neighborhood Number
51010

Neighborhood Name
FC

Property Class
101 101 Irrigated Crop Land

TAXING DISTRICT INFORMATION
Jurisdiction Name Payette
Area 001
District 025-00

Site Description
Topography
Public Utilities
Street or Road
Neighborhood
Zoning:
Legal Acres:
6.8332

Transfer of Ownership				
Owner	Consideration	Transfer Date	Deed Type	Deed Book/Page
CUMMINGS WILLIAM R ESTATE OF	0	06/12/2024	SD	COR SS
REEVES JIM D	0	05/29/2024	SD	SD
REEVES JIM D	0	09/07/2023	QC	QCD
REEVES JIM D	0	12/17/2021	QC	GD 442392
REEVES JIM D	0	08/30/2021	QC	SEG - 439614

Valuation Record					
Assessment Year	2022	2023	2024	2024	2025
Reason for Change	01- Revaluat	01- Revaluat	01- Revaluat	01- Revaluat	01- Revaluat
MARKET VALUE L I T	10967	11924	13267	13267	13287
	0	0	0	0	0
	10967	11924	13267	13267	13287

Land Size			
Land Type	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth
Irrigated Cropland - Type 1 Road Right of Way		6.5550 0.2782	

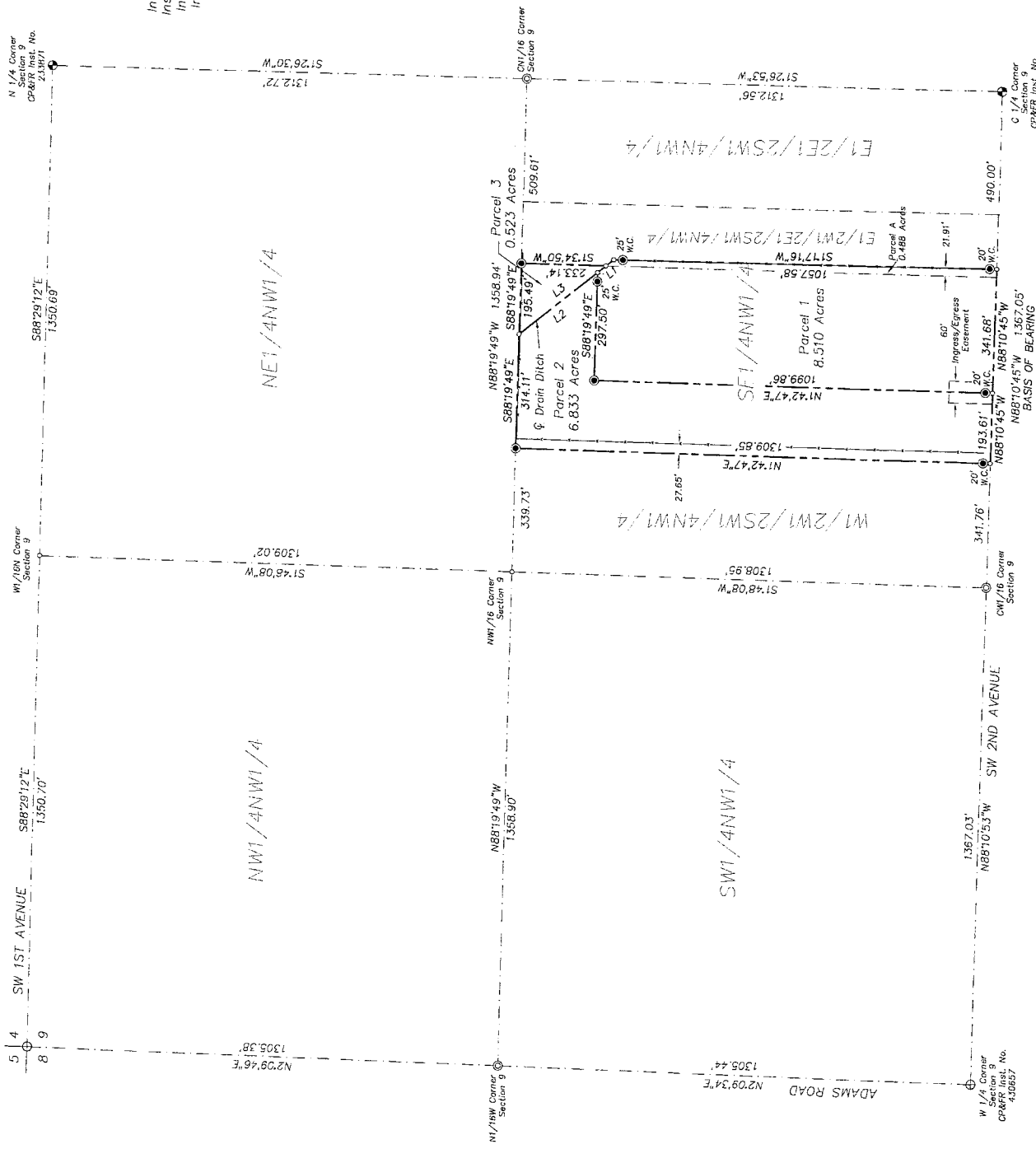
RECORD OF SURVEY

A PORTION OF THE SE 1/4 NW 1/4 OF SECTION 9,
TOWNSHIP 7 NORTH, RANGE 4 WEST, BOISE MERIDIAN,
PAYETTE COUNTY, IDAHO

LINE TABLE

NO	BEARING	LENGTH
1.1	S38°21'49"E	56.43'
1.2	N38°21'49"W	274.92'
1.3	S38°21'49"E	304.49'

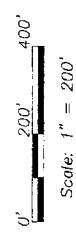
NW Section Corner
Section 9
CP&R Inst. No.
233873



Instrument # 439533
STATE OF IDAHO PAYETTE COUNTY, Boise, Idaho
Recorded by: SKINNER LAND SURVEY
8-27-2021 01:56:58 PM No. of Pages: 1
Surveyed by: JIM REEVES
Ex-Officio Recorder Deputy: J. Skiller
Date of Recording: Survey

Reference Surveys:
Inst. No. 294337 Book 6, Page 132
Inst. No. 420982 Book 12, Page 146
Inst. No. 430688 Book 14, Page 10
Inst. No. 268619 Book 5, Page 54

Reference Deed:
Inst. No. 412852



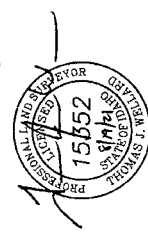
LEGEND

- BRASS CAP MONUMENT -- FOUND
- ALUMINUM CAP MONUMENT -- FOUND
- 5/8" REBAR -- FOUND
- 5/8" x 24" REBAR -- SET
- CALCULATED POINT
- PROPERTY BOUNDARY LINE
- SECTION/ALIQUOT PART LINE
- FENCE LINE
- W.C. WITNESS CORNER

Surveyor's Narrative:
This survey was performed at the request of Jim Reeves to divide the parcel described in the reference deed. Section control was located and held as shown. The NW 1/4 was then divided by single proportion and intersection according to the BLM Manual of Instructions and surveying principles. The East boundary was found to be 21.91 feet west of an existing fence line. The client asked to survey to fence line due to an agreement with the adjacent owner. A legal description was created for this labeled Parcel A. The parcel was then divided at the corner of this labeled Parcel A. The basis for this survey was established by GNSS observations collected in Idaho State Plane Coordinate system, West Zone, NAD83 datum. All bearings shown are on grid azimuth and all distances are ground at project elevation.

CERTIFICATION

I, Thomas J. Weiland, do hereby certify that I am a Professional Land Surveyor, licensed by the State of Idaho, and that this map has been prepared from an actual survey made on the ground under my direct supervision. This map is an accurate representation of said land and that I am a duly qualified and licensed Professional Surveyor, Idaho Code 55-1601 through 55-1612.



INDEX No. 744-09-4-2-0-00-00

SURVEY FOR

JIM REEVES

Drawn By	ZCL
Date	Aug. 19, 2021
Surveyed By	ZCL
Job No.	MY0921

Skinner
Land Survey
17842 Sand Hollow Road
Caldwell, Idaho 83407
(208)-454-0933
WWW.SKINNERLANDSURVEY.COM

**NOTICE OF PUBLIC HEARING
CITY OF NEW PLYMOUTH, IDAHO**

NOTICE IS HEREBY GIVEN that the New Plymouth Planning and Zoning Commission will hold a public hearing on **Monday, October 27, 2025 at 6:00 p.m.**, in City Council Chambers, located at 215 N. Plymouth Ave., New Plymouth, ID, to hear the following:

Zoning Code amendments to amend the City of New Plymouth's Zoning Code (Title 11, New Plymouth City Code) as follows:

Title 11, Chapter 1, Section 3 – Purpose: Add subsections addressing school district participation and airports.

Title 11, Chapter 1, Section 4 – Jurisdiction: Remove jurisdiction over area of city impact.

Title 11, Chapter 2, Section 2 – Definitions: Amend definition of “Commission” to refer to the “Planning and Zoning Commission.”

Title 11, Chapter 4, Section 14 – Accessory Buildings: In subsection (C), amend the setback from main building from 10 feet to 5 feet.

Title 11, Chapter 4, Section 17 – Change of Use Requires Certificate of Compliance: Delete/repeal subsection (B).

Title 11, Chapter 4, Section 18 – Conditional Uses: Delete/Repeal this section.

Title 11, Chapter 18 – Appeals: Repeal and Replace this chapter with updated appeal procedures, including requirements for reconsideration in accordance with Idaho Code §67-6535(2)(b).

Individuals wishing to provide testimony are invited to attend. Written comments will be accepted until 12:00 p.m. on October 24, 2025 and may be delivered to City Hall or emailed to clerk@npidaho.com. Persons requiring special accommodations to participate in the hearing should contact the City Clerk by Thursday, October 23, 2025. For more information, call (208) 278-5338.

Marianne Gatchell
City Clerk/Planning & Zoning Administrator
(Publish: October 11, 2025)

CITY OF NEW PLYMOUTH, IDAHO
ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF NEW PLYMOUTH, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING NEW PLYMOUTH CITY CODE TITLE 11 (“ZONING”), CHAPTER 1 (“THE ZONING ACT”), SECTION 3 (“PURPOSE”) AND SECTION 4 (“JURISDICTION”); CHAPTER 4 (“GENERAL ZONING PROVISIONS”), SECTION 14 (“ACCESSORY BUILDINGS”), SECTION 17 (“CHANGE OF USE REQUIRES CERTIFICATE OF COMPLIANCE”), AND REPEALING SECTION 18 (“CONDITIONAL USES”); AND REPEALING AND REPLACING CHAPTER 18 (“APPEALS”) WITH A NEW CHAPTER 18 (“APPLICATION PROCEDURES, DECISION AUTHORITY AND PROCESS”); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AUTHORIZING PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

WHEREAS, Idaho Code §67-6511 requires governing boards to establish by ordinance adopted, amended, or repealed in accordance with the notice and hearing procedures provided under Idaho Code §67-6509, one or more zones or zoning districts within the jurisdiction, which ordinance shall include appropriate standards to regulate each zone or zoning district; and

WHEREAS, the City of New Plymouth has previously adopted a zoning ordinance codified in Title 11 of the New Plymouth City Code; and

WHEREAS, the City of New Plymouth desires to amend its zoning code to comply with requirements of the Idaho Local Land Use Planning Act that have been implemented since the City’s zoning code was adopted and to codify regulations relating to accessory buildings; and

WHEREAS, the City Council of the City of New Plymouth intends to adopt the changes herein.

NOW, THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF NEW PLYMOUTH, PAYETTE COUNTY, IDAHO, as follows:

Section 1: That the foregoing recitals are hereby incorporated into this ordinance as if fully set forth herein.

Section 2: That Title 11, Chapter 1, Section 3 (“Purpose”), New Plymouth City Code be, and the same is hereby amended to read as follows:

11-1-3: PURPOSE: ~~The purpose of this act title shall be to promote the health, safety and general welfare of the people of the State as follows:~~ is to establish standards and regulations to govern the use of land and structures in the City and for review and approval of all proposed development of real property in the City, and to provide a development review process that will be comprehensive, consistent, and efficient in the implementation of the Comprehensive Plan and any applicable policies, master plans, or area plans. This title is specifically intended to:

- (A) Carry out the intent and purposes of the “Local Land Use Planning Act.” Idaho Code §67-6501 *et seq.*, as amended.
- (B) ~~To ensure that adequate public facilities and services are provided to the people at reasonable cost.~~ Conserve and promote the public health, safety and general welfare of present and future residents.
- (A) (C) ~~To~~ Protect property rights and enhance property values.
- (D) Carry out the policies of the Comprehensive Plan by classifying and regulating the uses of property and structures within the incorporated areas of the City of New Plymouth and planning for future growth and land use patterns within the area of city impact and planning boundaries.
- (E) Establish districts within the City of New Plymouth in accord with the adopted Comprehensive Plan and in conformance with Idaho Code §67-6511.
- (D) (F) ~~To~~ Ensure that the important environmental features of the State and localities are protected and enhanced.
- (C) ~~To ensure that the economy of the State and localities is protected and enhanced.~~
- (E) ~~To encourage the protection of prime agricultural, forestry, and mining lands for production of food, fibre and minerals.~~
- (G) Aid in the harmonious, orderly, progressive development of the City while ensuring satisfactory interrelationships of residential, commercial, industrial, agricultural, recreational, and open space areas of the City through the regulation of land uses within each zoning district, bulk and dimensional standards, landscaping and buffering, and conformance with the City’s Comprehensive Plan.
- (F) (H) ~~To~~ Encourage urban and urban-type development within incorporated areas, by ensuring that land densities increase the closer to the center of the City and along major transportation corridors, with densities decreasing the closer to the City’s planning boundary. This is accomplished through conformance with the Comprehensive Plan and through the regulation of land uses and densities based on zoning district.
- (G) ~~To avoid undue concentration of population and overcrowding of land.~~
- (H) ~~To ensure that the development of land is commensurate with the physical characteristics of the land.~~
- (I) ~~To protect life and property in areas subject to natural hazards and disasters.~~ Ensure the intensity of land uses are appropriate and any negative impacts are mitigated.

- (J) ~~To protect fish, wildlife, and recreation resources.~~ Ensure the use of land and properties is in conformance with city codes, policies, laws, and with the City's Comprehensive Plan.
- (K) Provide standards for the orderly growth and development of the City of New Plymouth as required by Idaho Code §67-6511. Such standards include, but are not limited to, those regulating:
1. The height, number of stories, massing and scaling, architectural design, setbacks, construction, reconstruction, alteration, repair, and location, placement and orientation of structures.
 2. The required lot size, lot frontage, parking, pedestrian amenities, site improvements, open space, landscaping, and site design of all properties.
 3. The use, intensity, and density of all structures, properties, and developments.
- (L) Secure safety from fire and provide adequate open spaces for light and air.
- (M) Protect fish, wildlife and recreation resources.
- ~~(K)~~ (N) To Avoid undue water and air pollution.
- (O) Allow local school districts to participate in the community planning and development process to address public school needs and impacts on an ongoing basis.
- (P) Promote implementation of the comprehensive plan.
- (Q) Stabilize expectations regarding the future development of the City, thereby providing a basis for wise decisions with respect to such development.
- (R) Protect public airports as essential community facilities that provide safe transportation alternatives and contribute to the economy of the City.

Section 3: That Title 11, Chapter 1, Section 4 ("Jurisdiction"), New Plymouth City Code be, and the same is hereby amended to read as follows:

11-1-4: JURISDICTION: This Title applies to the zoning and uses of land within the incorporated area of the City, ~~together with the unincorporated area of Payette County, Idaho, as the same is included within the City's adopted impact area.~~

Section 4: That Title 11, Chapter 4, Section 14 ("Accessory Buildings"), New Plymouth City Code be, and the same is hereby amended to read as follows:

11-4-14: ACCESSORY BUILDINGS: Accessory buildings, except as otherwise permitted in this title, shall be subject to the following regulations:

- (A) Where any accessory building is structurally attached to a main building, it shall be subject, and will conform to, all regulations of this chapter applicable to the main building.
- (B) Accessory buildings shall be set back from interior lot lines and rear lot lines the distance of five feet (5') as required by the International Residential Code.
- (C) No detached accessory building shall be located closer than ~~ten feet (10')~~ five feet (5') to any main building.
- (D) An accessory building shall not be erected prior to the establishment or construction of the principal use building.
- (E) An accessory building shall not encroach upon or into a front yard. On corner lots, an accessory building shall not encroach upon or into any front yard which is adjacent to an abutting street.

Section 5: That Title 11, Chapter 4, Section 17 (“Change of Use Requires Certificate of Compliance”), New Plymouth City Code be, and the same is hereby amended to read as follows:

11-4-17: CHANGE OF USE REQUIRES CERTIFICATE OF COMPLIANCE:

- (A) The use of a building already erected at the time this title becomes effective shall not be changed to some other use or occupied for any other purpose, unless the owner applies for and receives a certificate of compliance.
- ~~(B) On all matters of concern or interest to citizens generally which would involve the change of use or occupancy for the purpose to which there might be general objection, the Zoning Commission shall issue public notices at least five (5) days in advance of a public hearing, at which all interested parties shall be heard and then a decision shall be made by the Zoning Commission on the question of issuing such permit or imposing such restrictions or conditions as the commission shall require after such hearing.~~

Section 6: Repeal Title 11, Chapter 4, Section 18 (“Conditional Uses”).

Section 7: Repeal Title 11, Chapter 18 (“Appeals”) and replace it with the following:

APPLICATION PROCEDURES, DECISION AUTHORITY AND PROCESS

SECTION:

- 11-18-1: PURPOSE
- 11-18-2: SCHEDULE OF FEES, CHARGES AND EXPENSES
- 11-18-3: APPLICATION REQUIREMENTS, REVIEW AND FEES
- 11-18-4: DECISION MAKING AUTHORITY AND PROCESS TABLE
- 11-18-5: NEIGHBORHOOD MEETING PROCEDURES

- 11-18-6: PROCEDURES FOR APPLICATIONS CONSIDERED AND DECIDED IN PUBLIC MEETING
- 11-18-7: ADMINISTRATIVE DECISION BY ADMINISTRATOR
- 11-18-8: COMMISSION DECISIONS AND RECOMMENDATIONS
- 11-18-9: CITY COUNCIL DECISIONS
- 11-18-10: MEDIATION
- 11-18-11: APPEAL OF DIRECTOR OR COMMISSION DECISIONS
- 11-18-12: RECONSIDERATIONS
- 11-18-13: REFILE LIMITATION ON DENIED APPLICATIONS

11-18-1: PURPOSE: The purpose of this chapter is to outline the general application, decision making authority and process for any permit authorized or required under the provisions of this title and as provided by Idaho Code §50-222, Chapter 13 of Title 50 Idaho Code, and Chapter 65 of Title 67 Idaho Code.

11-18-2: SCHEDULE OF FEES, CHARGES AND EXPENSES: The Council shall establish a schedule of fees, charges, and expenses and a collection procedure for zoning permits, amendments, appeals, variances, conditional use permits, plan approvals, and other matters pertaining to the administration and enforcement of this title requiring investigations, inspections, legal advertising, postage and other expenses. The schedule of fees shall be posted in the office of the Administrator and may be altered or amended only by the Council. Until all applicable fees, charges, and expenses have been paid in full, no action shall be taken on any application or appeal.

11-18-3: APPLICATION REQUIREMENTS, REVIEW AND FEES:

- (A) Application requirements: All persons making an application for annexation, zoning, subdivision approval or any permit or other matter governed by this title or Title XII New Plymouth City Code are required to submit the Administrator an application on forms provided by the Administrator.
- (B) Pre-application meeting: When required by this Title or Title XII New Plymouth City Code, a pre-application meeting with the Administrator shall be held no more than three (3) months prior to submitting an application. The pre-application meeting requirement may be waived by the Administrator on a case-by-case basis.
- (C) Fees: The Council shall, by resolution, establish fees for all applications or petitions authorized by this Title and Title XII.
- (D) Application completeness and compliance review: Applications are not accepted until the Administrator, the Administrator's designee, or the City Engineer find that the application is complete and complies with this Title or Title XII. Application completeness and compliance review fees are required to be paid prior to the application being reviewed by the Administrator. The Administrator shall have sixty (60) days to review to determine and notify in writing the applicant whether or not the application is complete and in compliance.

- (E) Incomplete applications: If the Administrator or their designee determines that an application is incomplete, they shall provide notice to the applicant of such deficiencies. In the event an applicant fails to provide the missing information within a period of fourteen (14) calendar days of such notice, the application shall be deemed to have expired and will not be further processed by the City unless and until an entirely new application is submitted.
- (F) Acceptance of applications: Applications, which are found by the Administrator to be complete and in compliance, are then officially accepted for processing. The Administrator will issue and deliver to the applicant a letter of application acceptance. The date of acceptance determination shall be the date the Administrator issues an acceptance letter.

11-18-4: DECISION MAKING AUTHORITY AND PROCESS TABLE: The following table provides guidance concerning the application and decision-making process provided for in this title and in title XII.

Application Type	Decision-Making Body		Process				
	Recommending Body	Decision-Making Body	Administrative Approval	Pre-Application Meeting	Neighborhood Meeting	Public Meeting	Public Hearing
Annexation and/or rezone	PZ	CC		x	x		x
Conditional Use Permit	None	PZ		x	x		x
Design Review							
Comp. Plan Amendment	PZ	CC		x			x
Development Agreement/Modification	A	CC		x	x		x
Final Plat/Modification	A	CC				x	
Lot Line Adjustment	None	A	x				
Lot Split	None	A	x				
Combination/Short Plat (5 lots or less)							
Preliminary Plat	PZ	CC		x	x		x
Time Extension, Administrator	None	A	x				
Time Extension, Council	A	CC				x	
Text/Ordinance Amendment	PZ	CC		x			x
Vacation – Exempt per I.C. §50-1306A(5)	None	A	x				
Vacation – Rights-of-Way	A	CC				x	
Vacation – All Others	PZ	CC		x	x		x
Variance	A	PZ		x	x		x
A = Administrator	PZ = Planning & Zoning Commission			X = Required			

11-18-5: NEIGHBORHOOD MEETING PROCEDURES: The applicant or owner shall conduct a neighborhood meeting in person prior to the Administrator's submittal and scheduling an application for any public hearing in accord with the following procedures:

- (A) It shall be the sole duty of the applicant to provide notice via United States Postal Service to all property owners or purchasers of record owning property within three hundred feet (300') of the external boundaries of the land being considered, and any additional area that may be substantially impacted by the proposed application. The notice shall be mailed at least fourteen (14) days prior to the neighborhood meeting. Notice of a neighborhood meeting shall be in addition to, and not in lieu of, mailed radius notices already required by this title.
- (B) The purpose of the neighborhood meeting shall be to provide information on the proposed project.
- (C) The meeting shall be on a weekend between 10:00 a.m. and 7:00 p.m. or on a weekday between 6:00 p.m. and 8:00 p.m. Meetings shall not take place on a holiday, a holiday weekend, or the day before or after a holiday or holiday weekend.
- (D) The meeting shall be held at one (1) of the following locations:
 - 1. On the subject property; or
 - 2. At the nearest available public meeting place including, but not limited to, a fire station, library, school or community center; or
 - 3. At an office with suitable meeting facilities if such facilities are within a one (1) mile radius of the subject property.
- (E) A virtual attendance option may be provided as a component of the neighborhood meeting; however, it shall not be used as a substitute of the neighborhood meeting.
- (F) The application materials shall include a written verification of the neighborhood meeting (form provided by the Administrator).
- (G) The applicant shall be responsible for providing minutes from the neighborhood meeting. Neighborhood meeting minutes shall identify the applicant, the application(s), the project, the date, time and location of the meeting, who was in attendance representing the applicant, a sign-in sheet for all others in attendance (to be appended to the minutes), and the comments, concerns and recommendations of those in attendance that expressed the same. Proof of service shall be appended to the minutes. Failure to keep minutes, and provide a copy of such minutes to the City as part of an application may result in a determination the application is incomplete.

11-18-6: PROCEDURES FOR APPLICATIONS CONSIDERED AND DECIDED IN PUBLIC MEETING:

- (A) Applications that will be considered and decided in public meetings are not required to abide by the public hearing notice and posting requirements of this title or Idaho Code §67-6509.

- (B) Upon acceptance of a complete application, the Administrator or their designee shall review such application and shall:
 - 1. Schedule a public meeting with the Commission or Council, depending upon the type of application; and
 - 2. Send a summary of the application to applicable agencies and political subdivisions and prepare a report and recommendation.
- (C) Following the public meeting, the decision-making body shall provide the applicant written findings of fact and conclusions of law in accord with Idaho Code §67-6519 and §67-6535, stating the reasons for the decision reached. Conditions of approval shall, in most instances, be a part of the written decision.

11-18-7: ADMINISTRATIVE DECISION BY ADMINISTRATOR:

- (A) Upon the acceptance of a complete application for which the Administrator has authority to review and decide, the Administrator shall prepare a written final Administrator's decision which shall be supported by a reasoned statement in accord with Idaho Code §67-6519 and §67-6535.
- (B) The Administrator shall provide to the applicant notice of the final decision.

11-18-8: COMMISSION DECISIONS AND RECOMMENDATIONS:

- (A) The Administrator shall schedule a hearing before the Commission after the application is deemed complete.
- (B) The Commission shall conduct public hearings in accordance with this title. The Commission may continue the hearing if it determines in its discretion that additional information is necessary or until the applicable agencies and political subdivisions have completed their final comments.
- (C) The Commission shall provide the applicant a reasoned statement in accord with Idaho Code §67-6519 and §67-6535 within sixty (60) days after the date of the public hearing, stating the reasons for the decision or recommendation reached. For applications where the Commission is acting as a recommending body, the Commission shall forward their reasoned statement and recommendation to the Council.

11-18-10: MEDIATION:

- (A) A request for mediation may be filed with the Administrator by the applicant, an affected person (as defined in Idaho Code §67-6521), the Commission or the Council at any point before final City action or after final decision but prior to the filing of a judicial review.

- (B) Mediation requests shall be processed by the Administrator in accordance with the provisions of Idaho Code §67-6510 and submitted to the Council for the selection of a mediator and a determination of who are the parties who shall determine the compensation of the mediator after the first meeting at the outset of the mediation and who shall participate in at least one (1) mediation session. The mediation expenses of the first meeting are to be paid by the City, as required by Idaho Code §67-6510, and which shall be paid out of the Administrator's budget appropriation.
- (C) The mediation meeting, dates and location shall be determined by the Administrator in coordination with the mediator and the parties as determined by the Council.
- (D) The Administrator shall keep a record of who is participating in the mediation and provide written meeting notices to the mediation participants in accordance with the contact information provided by the participants.
- (E) The mediation record shall be maintained by the Administrator.

11-18-11: APPEAL OF DIRECTOR OR COMMISSION DECISIONS:

- (A) Appeals: A right to appeal to the Council a decision of the Administrator or the Commission shall be available to the applicant, the Administrator, or an affected person (as defined in Idaho Code §67-6521), under the following procedures:
 - 1. A notice of appeal shall be filed in writing with the Administrator within fourteen (14) days after a written decision is issued. The notice of appeal shall be filed together with the required fee and set forth the following information:
 - a. The decision being requested for appeal;
 - b. The name and address of the person requesting the review and their interest in the matter; and
 - c. The specific grounds upon which the request for appeal is made.
 - 2. All appeals shall be heard as a de novo public hearing before the Council.
 - 3. The Council may uphold, modify, or overrule the decision.
 - a. In the case of an appeal of a decision of the Administrator:
 - (1) If the action is overruled, the Council shall issue a written decision and send the matter back to the Administrator for action consistent with the Council's decision.
 - (2) If the action of the Administrator is upheld, the Council shall issue a written decision stating the decision and reasons for the decision.

- b. In the case of an appeal of a decision of the Commission, if the decision is modified or overruled, the Council shall issue findings consistent with the decision.
 - 4. Within ten (10) days after a decision has been rendered by the Council, the Administrator shall send a copy of the written decision to the applicant, the Administrator, or affected person(s) as applicable.
- (B) Legislative actions and decisions, including but not limited to annexations and right-of-way vacations, shall not be eligible for reconsiderations or appeals.

11-18-12: RECONSIDERATIONS:

- (A) Pursuant to Idaho Code §67-6535, on any application brought before the Council affecting the use, occupancy, or development of real property, including but not limited to those matters governed by this title and by Chapter 65 of Title 67 Idaho Code, a party may request that the Council reconsider a decision pursuant to the terms of this section. Decisions and recommendations of the Commission are not subject to reconsideration but may be appealed to the Council as provided in this chapter.
- 1. A request for reconsideration shall be in writing and filed with the City Clerk within fourteen (14) days of the final written decision. Upon reconsideration, the decision may be affirmed, reversed or modified after compliance with applicable procedural standards.
 - 2. The request must identify specific deficiencies in the decision for which reconsideration is sought.
 - 3. If the request is timely filed, the Council shall schedule the matter to be heard at a regular or specially scheduled meeting of the Council.
 - 4. The Council may reconsider its decision only if it finds any of the following:
 - a. There was a clerical error in the decision;
 - b. The decision resulted from fraud or mistake;
 - c. There is new evidence for the record or a change in circumstances;
 - d. There was a procedural error;
 - e. The Council previously rejected the application by a tie vote; or
 - f. The decision was made in violation of substantive law.

5. If the Council chooses to reconsider the final decision, the Council shall provide the applicant or affected person a written decision on such action. If the Council grants reconsideration in whole or in part, a hearing before the Council will be scheduled to address the specific deficiencies identified by the applicant or affected person, which shall be conducted pursuant to the public hearing notice procedures set forth in this title. The issues examined upon reconsideration shall be limited to issues raised by the petition for reconsideration and the record previously established, as well as the applicable law. The cost of all required notices shall be borne by the party(ies) seeking reconsideration of the decision and paid in advance.
6. Following the hearing on the reconsideration, the Council may affirm, reverse, or modify, in whole or in part, its prior decision and shall provide a written decision to the applicant and the affected person(s) within sixty (60) days of receipt of the request for reconsideration. If the Council fails to timely decide, the request for reconsideration is deemed denied. A decision shall not be deemed final for purposes of judicial review unless the process required in this section has been followed. The twenty-eight (28) day time frame for seeking judicial review is tolled until the date of the written decision regarding reconsideration or the expiration of the sixty (60) day reconsideration period, whichever occurs first.
7. Once the Council has reconsidered any of its decisions relating to a given application, as set forth hereinabove, it may not entertain any additional or subsequent request for reconsideration, whether by the same or any other interested party.
8. A failure to request reconsideration is a failure of the applicant or affected person to exhaust administrative remedies.

11-18-13: REFILE LIMITATION ON DENIED APPLICATIONS: Applications which have been found by the Administrator to be non-compliant, or any other application for which the Administrator, Commission or Council has taken a final action of denial, may not be refiled in substantially the same form within one (1) year from the date of final City action of denial, provided that the Administrator may waive the one-year requirement and accept a new application where the subject property is affected by amendments to the Comprehensive Plan or to this title which materially affects the legal basis of the denial.

Section 8: Severability Clause. This Ordinance is hereby declared to be severable. If any section, subsection, sentence, clause or phrase of this Ordinance is held by a court of competent jurisdiction to be invalid, such decision shall not affect the remaining portions of this Ordinance and shall continue in full force and effect and shall be read to carry out the purpose(s) of the Ordinance before the declaration of partial invalidity. The City Council of the City of New Plymouth hereby declares that it would have passed this Ordinance and each section, subsection, sentence, clause or phrase thereof irrespective of the fact that one or more sections, subsections, sentences, clauses or phrases be declared invalid.

Section 9: Repealer Clause. All previous ordinances, resolutions, orders or parts thereof in conflict herewith are hereby repealed, rescinded and annulled.

Section 10: Effective Date. This Ordinance shall take effect and be in force from and after its passage, approval and publication as required by law.

Section 11: Publication by Summary. In lieu of publication of the entire Ordinance, a summary thereof in compliance with Idaho Code §50-901A may be published. The summary of the Ordinance, attached hereto as Exhibit A, is hereby approved as to both form and content.

PASSED by the City Council and APPROVED by the Mayor of the City of New Plymouth, Payette County, Idaho, on this _____ day of _____, 20____.

Ron Martinez, Mayor

Attest: _____
Marianne Gatchell, City Clerk

EXHIBIT A

**STATEMENT OF NEW PLYMOUTH CITY ATTORNEY
AS TO ADEQUACY OF SUMMARY OF ORDINANCE NO. XX**

The undersigned, Jill S. Holinka, in her capacity as City Attorney of the City of New Plymouth, Idaho, hereby certifies that she is the legal advisor of the City and has reviewed a copy of the attached Summary of Ordinance No. xx of the City of New Plymouth, Idaho, and has found the same to be true and complete and provides adequate notice to the public pursuant to Idaho Code §50-901A(3).

DATED this _____ day of _____, 20____.

Jill S. Holinka
City Attorney

**SUMMARY OF ORDINANCE NO. XX
OF THE CITY OF NEW PLYMOUTH, IDAHO**

PUBLIC NOTICE IS HEREBY GIVEN that the City of New Plymouth, Idaho, adopted at its regular meeting of _____, 20____, that Ordinance No. xx entitled:

AN ORDINANCE OF THE CITY OF NEW PLYMOUTH, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING NEW PLYMOUTH CITY CODE TITLE 11 (“ZONING”), CHAPTER 1 (“THE ZONING ACT”), SECTION 3 (“PURPOSE”) AND SECTION 4 (“JURISDICTION”); CHAPTER 4 (“GENERAL ZONING PROVISIONS”), SECTION 14 (“ACCESSORY BUILDINGS”), SECTION 17 (“CHANGE OF USE REQUIRES CERTIFICATE OF COMPLIANCE”), AND REPEALING SECTION 18 (“CONDITIONAL USES”); AND REPEALING AND REPLACING CHAPTER 18 (“APPEALS”) WITH A NEW CHAPTER 18 (“APPLICATION PROCEDURES, DECISION AUTHORITY AND PROCESS”); PROVIDING A SEVERABILITY CLAUSE; PROVIDING A REPEALER CLAUSE; AUTHORIZING PUBLICATION BY SUMMARY; AND PROVIDING AN EFFECTIVE DATE.

Section 1: Provides for incorporation of recitals.

Section 2: Amends NPCC 11-1-3 (“Purpose”) to provide for additional purposes.

Section 3: Amends NPCC 11-1-4 (“Jurisdiction”) to remove reference to the area of impact.

Section 4: Amends NPCC 11-4-14(C) (“Accessory Buildings”) to reduce setbacks between the main building and accessory use.

Section 5: Amends NPCC 11-4-17 (“Change of Use Requires Certificate of Compliance”) by deleting subsection (B).

Section 6: Repeals NPCC 11-4-18.

Section 7: Repeals NPCC 11-18 (“Appeals”) and replaces it with a new chapter 18 (“Application Procedures, Decision Authority and Process”).

Section 8: Provides for severability.

Section 9: Provides for repealer.

Section 10: Provides an effective date.

Section 11: Provides for publication by summary.

The effective date of the ordinance is from and after the date of its passage, approval, and publication. A copy of the full text of the ordinance is available at the city clerk’s office, 215 N. Plymouth Ave., New Plymouth, ID 83655. Examination may be requested in writing or in person during regular business hours of the City, pursuant to Idaho Code §50-901A(4).

DATED this _____ day of _____, 20____.

Ron Martinez, Mayor

ATTEST:

Marianne Gatchell, City Clerk

