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## MASTER PUBLIC HEARING APPLICATION

GEM COUNTY DEVELOPMENT SERVICES

109 SOUTH MCKINLEY, EMMETT, IDAHO 83617 WWW.GEMCOUNTY.ORG PHONE: (208) 365-5144

TYPE OF APPLICATION: (PLEASE CHECK ALL THAT APPLY.)

- |  |  |   |
|--|--|---|
| <input type="checkbox"/> APPEAL                            | <input type="checkbox"/> PLANNED COMMUNITY                       | <input type="checkbox"/> SUPPLEMENTAL AMENDMENT |
| <input type="checkbox"/> COMPREHENSIVE PLAN TEXT AMENDMENT | <input checked="" type="checkbox"/> REZONE                       | <input type="checkbox"/> VACATION               |
| <input type="checkbox"/> COMPREHENSIVE PLAN MAP AMENDMENT  | <input type="checkbox"/> SPECIAL USE PERMIT                      | <input type="checkbox"/> VARIANCE               |
| <input type="checkbox"/> DESIGN REVIEW                     | <input type="checkbox"/> SPECIAL USE PERMIT (MINERAL EXTRACTION) | <input type="checkbox"/> ZONING TEXT AMENDMENT  |
| <input type="checkbox"/> DEVELOPMENT AGREEMENT             | <input type="checkbox"/> SUBDIVISION, PRELIMINARY                |   |
| <input type="checkbox"/> PLANNED UNIT DEVELOPMENT          | <input type="checkbox"/> SUBDIVISION, MODIFICATION               |   |

PROJECT NAME: Meadow Bluff - Brinkerhoff (5AC Parcel)

SITE INFORMATION:

(This information can be found on the Assessor's property information assessment sheet.)

Quarter: SE Section: 31 Township: 7N Range: 1 West Total Acres: 5 AC  
Subdivision Name (if applicable): Garcia Minor Sub  
Site Address: TBD off lower Bluff in Meadow Bluff Lot: TBD Block: TBD  
City: Emmett  
Tax Parcel Number(s): 2007 N01W317505 Current Zoning: A-2 Current Land Use: RUT AG

PROPERTY OWNER:

Name: Walker Building LLC  
Address: 7750 Westridge Ln  
City: Emmett State: ID Zip: 83617

APPLICANT:

Name: Jay Walker  
Address: 849 E State St, STE 104/103  
City: Eagle State: ID Zip: 83616

Telephone: 208-941-9877  
Email: brandonwalker@icloud.com

Telephone: 208-484-4479  
Email: jay.walker@kimley-horn.com

I consent to this application and allow Development Services staff to enter the property for site inspections related to this application.

I certify this information is correct to the best of my knowledge.

Brandon Walker

Signature: (Owner)

Jay Walker

Date Signature: (Applicant)

Date

OFFICE USE ONLY

File No.: R2 Received By: MB Date: 10/1/21 Fee: 710 Receipt No: 1214

21-011



## REZONE SUBMITTALS AND CHECKLIST

(Not a business license or building permit)

### GEM COUNTY DEVELOPMENT SERVICES

109 South McKinley, Emmett, Idaho 83617 Phone: (208) 365-5144

WWW.GEMCOUNTY.ORG

No rezone shall be recommended for approval by the Commission or granted by the Board of Commissioners unless the following findings are made by the Commission or Board;

- The requested rezone complies with the Comprehensive Plan text and future land use map; and
- The requested amendment is not materially detrimental to the public health, safety, or welfare; and
- The subject property meets the minimum dimensional standards of the proposed zoning district; and
- The uses allowed under the proposed zoning district would be harmonious with and appropriate for existing or intended character of the general vicinity and that such uses would not change the essential character of the same area; and
- The effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within Gem County's planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem County's planning jurisdiction.

PRESENT LAND USE: Vacant lot A-2 Rural Transitional Agricultural  
3-4 Single family Homes

PROPOSED LAND USE: R-2 1AC SINGLE-FAMILY RESIDENTIAL

EXISTING ZONING CLASSIFICATION: A-2

PROPOSED ZONING: R-2

COMPREHENSIVE PLAN DESIGNATION: RESIDENTIAL

### Submittal Requirements:

- ✓ FEE: A \$710.00 fee must accompany this completed application. (Non-refundable)

### LETTER OF INTENT:

- Intended uses of property if Rezone approved.
- How the proposed rezone relates to the Comprehensive Plan (please refer to page and section numbers of the Comprehensive Plan).
- Availability of public facilities and compatibility with the surrounding area and quantifiable data that will verify that rezoning would not cause economic, social or physical stress on existing use surrounding areas.



# Kimley»Horn

September 29, 2021

Ms. Michelle Barron, Associate Planner  
Gem County Development Services  
109 S. McKinley  
Emmett, ID 83617  
Office: (208) 365-5144  
[mbarron@co.gem.us](mailto:mbarron@co.gem.us)

Re: Meadow Bluff – Brinkerhoff (5ac parcel) - Walker Rezone

Ms. Barron,

Per Gem County Development Service requirements for rezone of a parcel, an application is being submitted to request rezone on behalf of Walker Building LLC and submitted for Parcel # RP07N01W317505 – Brinkerhoff (5ac). This letter of intent fulfills one of the submittal items and identifies for this application the proposed and existing zones for the project site. The rezone application also includes with this letter; a legal description, digital copy of the legal description, a vicinity map, proof of ownership, and the \$710 non-refundable fee.

The owner of approximately 5-acres, located just east of Lower Bluff north of E Idaho Ave in Emmett, Idaho owned by Walker building, LLC, is seeking rezone of the A-2 zoned County parcel. The request will allow subdivision of the parcel into 1-acre minimum lot for residential use. The owner and developer team are proposing a single-family residential subdivision under the existing and approved A-2 to R-2 zoning.

This proposed development helps support Gem County's Comprehensive Plan with meeting one of its goals of encouraging opportunities for a diversity of housing choices in Gem County. The intent of the property subdivision is to develop the vacant land originally Brinkerhoff into 3-4 single family residences on 1 acre minimum each. Agency requirements will be fully met. The remaining entitlement and design efforts will occur in coming the months and be submitted for your review and comment. It is noted again that the requested location fits Gem County's Comprehensive Plan and zoning requirements. Walker Building, LLC., as well as their development team, will use best engineering, architectural, and construction practices in creating a residential development that enhances these parcels and this Gem county community.

Thank you for your attention to this matter and review of our submitted applications.



Jay Walker, MS/PM  
Kimley-Horn



2nd and 3rd

Lower Bluff

Lower Bluff





## GEM COUNTY DEVELOPMENT SERVICES DEPARTMENT

109 S. MCKINLEY AVENUE EMMETT, IDAHO 83617

OFFICE OF THE ADMINISTRATOR  
PLANNING & ZONING

PHONE: (208) 365-5144

WEB PAGE: GEMCOUNTY.ORG

### STAFF REPORT

**APPLICATION DESCRIPTION:** REZONE (A-2 TO R-2)

**FILE NUMBER(s):** RZ-21-011

**ZONING COMMISSION HEARING DATE:** November 8, 2021, 6:00pm

**PROPERTY OWNER:** Walker Building, LLC  
7750 Westridge Lane  
Emmett, ID 83617

**APPLICANT:** Jay Walker

**SITE LOCATION:** IDAHO BOULEVARD

**STAFF PLANNER:** Jennifer Kharri

#### 1. APPLICATION SUMMARY:

The applicant, Jay Walker, on property owned by Walker Building LLC, is requesting a rezone of property located on Idaho Boulevard. The application proposes a change from A-2, Rural Transitional Agriculture (5-acre minimum lot size), to R-2, Residential Transitional (1-acre minimum lot size). The application states the reason for the request is to develop the land into 3-4 parcels for single-family residences. (Subdividing the property is a separate application and must be preceded by a rezone.) The property proposed to be rezoned is 5.00 acres in size and lies fully within Priority Growth Area 1 of the County Residential Area, as designated on the Future Land Use Map in the Comprehensive Plan. There are no structures on site.

**Note:** Staff is aware of the future plans for this property along with two adjacent properties owned by the same party that are already zoned R-2. This particular rezone application is specific to the 5-acre parcel however, there is a bigger picture that needs to be considered for the full impact. If this application is supported, staff recommends at a minimum that a Development Agreement be required with a project plan and a water quality/quantity study for all adjoining parcels that will be part of the development.

#### 2. APPLICATION & PROPERTY FACTS:

##### A. Site Address/Location:

The property is located on Idaho Boulevard and is within Township 7N, Range 1W, Section 31

(Tax Parcel #RP07N01W317505).

B. Current Owner(s): Walker Building, LLC  
7750 West Ridge Lane  
Emmett, ID 83617

C. Applicant(s): Jay Walker

D. Present Zoning: A-2, Rural Transitional Agriculture (5-acre minimum)

E. Present Comprehensive Plan Designation: County Residential Area, Priority Growth Area #1

F. Property Size: 5.00 acres

### 3. APPLICATION PROCESS FACTS:

A. Application Submittal:

The application for this item was received and deemed complete by the Development Services Department on October 1, 2021.

B. Notice of Public Hearing:

Notice of Public Hearing on the application for the Gem County Zoning Commission was published in accordance with requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-15-5 on October 20, 2021. Notice of this public hearing was mailed to property owners within 300 feet of the subject property in accordance with the requirements of Title 67, Chapter 65, Idaho Code and Gem County Code 11-7-6 on October 15, 2021. The physical property was posted for the public hearing on October 15, 2021. Requests for all impact agencies' reviews were mailed on October 19, 2021.

Gem County Development Services received letters from the following public impact agencies: ITD and Gem County Road and Bridge Department.

Public hearing notices were mailed to eight (8) parcels in the immediate vicinity. No letters were submitted from members of the public.

C. Relevant Ordinances and Required Actions:

The subject application will in fact constitute a rezone as determined by Gem County Code. By reason of the provisions of the Gem County Code Title 11, Chapter 15, a public hearing is required before the Zoning Commission and the Board of County Commissioners on this matter.

D. History of Previous County Actions on Property: The applicants had a pre-application meeting with staff in September 2021 regarding their full subdivision plans on a total of three adjacent parcels.

E. Companion Applications: There are no companion applications to the Rezone.

### 4. LAND USE

A. Existing Land Use(s): Irrigated pasture land.

B. Description of Character of Surrounding Area: The immediate vicinity includes a combination of active and inactive agricultural lands and single-family residential properties.



The entire vicinity contains irrigated and/or irrigatable lands (Emmett Irrigation District).

C. Adjacent Comprehensive Plan, Zoning and Land Use:

	<b>COMP PLAN DESIGNATION</b>	<b>ZONING DESIGNATION</b>	<b>LAND USE</b>
<b>North of site</b>	County Residential Area, Priority Growth Area #	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential
<b>South of site</b>	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture	Irrigated agricultural land; rural residential
<b>East of site</b>	County Residential Area, Priority Growth Area #1	R-3, Rural Residential and R-2, Residential Transitional	Irrigated agricultural land; rural residential;
<b>West of site</b>	County Residential Area, Priority Growth Area #1	A-2, Rural Transitional Agriculture and R-2, Residential Transitional	Irrigated agricultural land; rural residential

D. Physical Constraints and Opportunities:

1. Wastewater and Domestic Water:

- a. Water: The site currently has no domestic well.
- b. Septic: The site currently doesn't have an individual septic system and drain field. Under today's Zoning Ordinance, future lots in the proposed R-2 zone may apply for individual septic systems, subject to approval by Southwest District Health.

2. Vegetation: Pasture land

3. Floodplain: The parcel falls within zone "X" on FEMA's Flood Insurance Rate Map, Community Panel Number 160127 0338 B, which indicates areas of undetermined flood hazards. No flood insurance is required in Zone X areas.

4. Canals/Ditches/Irrigation: The property is served by Emmett Irrigation District.

E. Subdivision Plat Information: N/A

F. Streets and/or Access Information:

The site is currently served by an easement off of Idaho Boulevard and it appears there are future plans for an easement off of Lower Bluff Road.

**5. COMPREHENSIVE PLAN POLICIES & GOALS** [Staff comments and analysis are shown in *italics*.]

Staff finds the following policies in the Joint Comprehensive Plan are applicable to this application:

The Comprehensive Plan Future Land Use Map identifies the subject property as **County Residential Area, Priority Growth Area 1**. The County Residential Area is set aside for primarily residential development. The long-term vision for this planning area is to maintain the uniquely rural character and to preserve non-conforming uses. The Priority Growth Area 1 allows densities down to one (1) unit per one (1) acre, or as the Zoning and Subdivision Ordinances currently allow.

*The proposed R-2 zone designation would allow a minimum one (1) acre lot size for primarily residential uses. The proposed R-2 zone complies with the purpose of the County Residential Area and Priority Growth Area 1 policies.*

The following policies have been set forth in the Housing Chapter of the Joint Comprehensive Plan (Chapter 3) and generally support the application:

3.8 - Rural residential and small ranchette type development shall be encouraged in areas where it is compatible with existing agricultural and ranching development.

*If the rezone request is approved, the applicant intends to subdivide their 5.00 acres and create three to four 1+ acre parcels, thereby creating the opportunity for small ranchette type development, which is consistent with this Comprehensive Plan policy.*

The following policy has been set forth in the Natural Resources and Hazardous Areas chapter of the Joint Comprehensive Plan (Chapter 6) and generally supports the application:

GC6.8 - Ensure that new development includes Health District approved site utilities to protect the quality of water in the county.

*At this time, no new development is being proposed. If the rezone is approved and the applicant proceeds with a subdivision application, Southwest District Health will be notified and new development will need to comply with their standards.*

The following policies have been set forth in the Land Use chapter of the Joint Comprehensive Plan (Chapter 12) for future growth and are found to be relevant to this application:

12.1 – Respect the responsibilities and rights of land ownership.

12.3 – Ensure due process of land development is clear and concise and avoid unnecessary delays for citizens and businesses.

*The applicant/property owner met with Development Services staff to review the application process for both rezoning and subdividing.*

12.7 – Support agriculture and business by buffering agriculture and business from incompatible land use encroachment.

*There are existing agricultural uses in the vicinity of this parcel. They are mostly small-scale and a potential residential development of 1-acre minimum lot sizes at full buildout could encroach or impede these enterprises more than what is existing. If such concerns are raised during the public*



*hearing, the Commission has the option to require a Development Agreement with the Rezone if more restrictive conditions are warranted.*

12.1.10 – Review all development proposals in areas that are critical to groundwater recharge and groundwater source to determine impacts, if any, to protect surface and groundwater quantity and quality.

12.1.11 – Growth should start at the community centers and radiate outwards in a logical, orderly fashion.

12.9.1 – Encourage management and land –use priorities that support agricultural lands.

## **6. ZONING ORDINANCE**

- A. Purpose Statement of Zone: Gem County Code 11-4-4A lists the purpose of the R-2 zone as follows: “To provide lands for the development of single-family dwellings.” The R-2 zone has a one (1) acre minimum lot size requirement.

*The applicant's intent is to create three or four 1+ acre parcels on this particular parcel. (If the rezone is approved, a Minor Subdivision application must be filed to subdivide the property). The requested zoning would support this type of development. The subject site is large enough for such development, therefore this criteria is met.*

B. Permitted Uses:

The subject site is currently zoned A-2 (5-acre minimum) and allows the following types of uses, either outright or as a Special Use Permit:

Agriculture, kennel, mining, utilities, some manufacturing, limited trade, entertainment and recreation, aircraft transportation, government services, limited private services (e.g. auto repair, construction yards), group quarters, various housing/residential uses, including halfway houses and single-family residential.

The proposed R-2 zone allows the following uses, either outright or as a Special Use Permit:

Commercial food stand, utility buildings, convenience store, park and ride lot, botanical garden/arboretum, health club, libraries, government services, parks, schools, swimming pools, sports arena, hospitals/clinics, bed and breakfast, daycare facilities, group quarters, single-family residential, multifamily residential, and manufactured home parks.

*With the exception of a health club and a hospital (only allowed through a Special Use Permit in the R-2 zone) and duplex/multi-family residential uses allowed outright, staff finds the land uses in an R-2 zone to be more restrictive than uses allowed in the current A-2 zone. This is largely due to the mining and entertainment land uses allowed in the A-2 which are prohibited in the R-2 zone.*

## **7. REQUIRED FINDINGS & STAFF ANALYSIS** [Staff comments and analysis are shown in *italics*.]

According to Title 11, Chapter 15, Section 4., “No map amendments (rezones) shall be

recommended for approval by the Commission or granted by the Board of Commissioners unless the following findings are made by the Commission or Board”:

1. The requested amendment complies with the Comprehensive Plan text and Future Land Use Map;

*Based on the Comprehensive Plan analysis provided in Section 5 above, staff finds the majority of the applicable policies support an R-2 rezone in this area. In Staff's estimation, the Comprehensive Plan Future Land Use Map relevant policies does support the rezone application to R-2 since the parcel falls within the County Residential Area, Priority Growth Area 1.*

2. The requested amendment is not materially detrimental to the public health, safety, or welfare;

*Staff finds an R-2 zone would allow four (4) additional dwellings on the subject parcel beyond what is permitted today (as it sits today, there is a building permit available on the parcel). The potential increased septic use has not been viewed as detrimental to the health, safety, or welfare when located on one (1) acre minimum lot sizes, but has not yet been verified by SWDH. If supported, the County should require a Development Agreement for further analysis on ground water impacts for this parcel and the two adjacent properties owned by the same party that are zoned R-2 before a subdivision can be approved along with a Project Plan showing the full buildout of all three parcels.*

3. The subject property meets the minimum dimensional standards of the proposed zoning district;

*The minimum lot size in the proposed R-2 zone is one-acre. The subject area to be rezoned is currently 5.00 acres in size. The site complies with the minimum size and setbacks of the R-2 zone. The subject site could be developed to comply with the minimum dimensions for an R-2 zone.*

4. The uses allowed under the proposed zoning district would be harmonious with and appropriate for the existing or intended character of the general vicinity and that such uses would not change the essential character of the same area;

*A list comparing the allowed uses in the proposed R-2 zone with the existing A-2 zone is shown in Section 6 of this report. More intense uses are allowed with or without a SUP in the current zone than in the proposed R-2 zone. There are a few special uses allowed in the R-2 zone that would not be harmonious with the existing rural residential character of Idaho Boulevard, such as convenience stores and a hospital, but since these require special approval from the County as well as neighbor notification, they are not found to change the essential character of the area in and of themselves. As such, staff finds the uses allowed in an R-2 zone are compatible with the intended character of the area.*

5. The effects of the proposed zone change upon the delivery of services by any political subdivision providing public services, including school districts, within Gem County's planning jurisdiction have been considered and no unmitigated adverse impacts upon those services will impose additional costs upon current residents of Gem County's planning jurisdiction.



*The public service agencies/providers that responded to this rezone application was ITD with no concerns and the Road and Bridge Department who has some concerns. If the applicant submits a subdivision request, all agencies/providers will review for compliance with their regulations at that time.*

*The impacts of development of 5.00 acres of R-2-zoned land into one-acre parcels could be expected to generate demands on public services beyond the current service demands, especially with the two adjacent parcels owned by the same party that are already zoned R-2. The Board adopted an Impact Fee Ordinance which is used to off-set costs, to the public road system and other public services that are provided, caused by new homes and their traffic generation.*

#### **8. IMPACT AGENCIES NOTIFIED**

Gem County Road Department  
Gem County School District #221  
Gem County Mapper  
Idaho Department of Transportation  
Gem Rural Fire District #1  
Emmett Irrigation District

#### **9. STAFF RECOMMENDATION**

Staff finds that the proposed rezone application meets all of the required findings from the Zoning Ordinance listed in Section 7 of this report and conforms with the overall intent of the applicable Comprehensive Plan policies and Future Land Use Map. **However, based on the information presented to date and available to staff, we only support this application with a Development Agreement that requires a project plan for the full build out along with a water quality and quantity study for the subject property and the two adjacent properties.** The Commission must rely upon any additional testimony provided during the public hearing when making its recommendation to the Board of County Commissioners.

*Gem County  
Road & Bridge Dept.  
402 North Hayes Ave.  
Emmett, ID 83617-2646*



*Neal Capps, Director  
Phone: 208-365-3305  
Fax: 208-365-2530  
Email: [gcrb@co.gem.id.us](mailto:gcrb@co.gem.id.us)*

November 1, 2021

Jennifer Kharri  
Development Services  
109 S. McKinley Ave.  
Emmett, ID 83617

RE: Walker/Brinkerhoff (Rezone)

Dear Jennifer,

Gem County Road & Bridge Department (GCRB) has reviewed the 5 acre Rezone Application of Walker Building, LLC, property located on/at East Idaho Boulevard. The property in question is located in the center of 2 other properties that have recently been rezoned to R2 (1 acre minimum). Walker Building, LLC., has rezoned a total of 24.25 +/- acres causing concern regarding the number of potential building lots (24 lots) in this area. Each property lot shall require easement to a County Road. Previous, property rezone applicant requested the use of existing easement access to East Idaho Blvd. (See Att: A), this easement was denied by Gem County Fire District 1, due to the nature of 90 degree corners and length of roadway. In addition to easement from E. Idaho Blvd., the Brinkerhoff property has easement to Lower Bluff Road, which could be used for ingress/egress. According to the application (See Att: B), site address TBD, Lower Bluff Road, the total number of lots within 3 properties will exceed the private lane, 10 lot maximum. Thus causing concern of a potential new County Road, if all lots use easement to Lower Bluff Road.

GCRB recommends the following conditions be added to the development agreement if approved;

1. Applicant shall provide a development plan, for all three properties.
2. No access shall be granted to Scenic Drive, for all three properties.

If you have any questions please contact our office at 208-365-3305.

Thank you,

A handwritten signature in blue ink, appearing to be "NC", with a stylized flourish at the end.

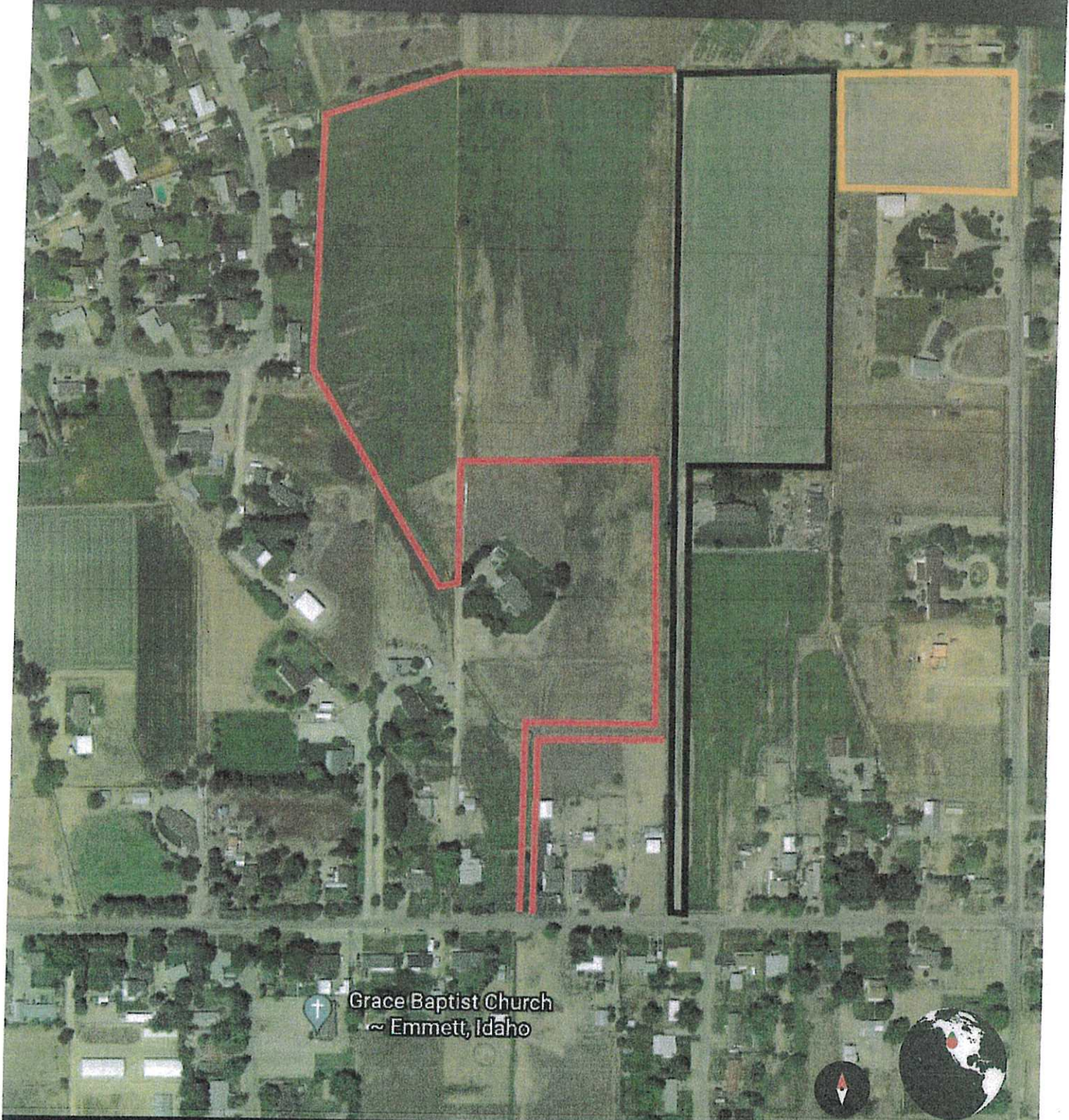
Neal Capps, Director  
Gem County Road & Bridge



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## Michelle Barron

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**From:** Sarah Arjona <Sarah.Arjona@itd.idaho.gov>  
**Sent:** Monday, October 18, 2021 9:57 AM  
**To:** Michelle Barron  
**Subject:** RZ-21-011 Meadow Bluff

Good morning,

ITD has received application RZ-21-011 for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

*Sarah Arjona  
Development Services Coordinator  
ITD District 3  
(208) 334-8338*

**From:** Michelle Barron <MBarron@co.gem.id.us>  
**Sent:** Friday, October 15, 2021 2:57 PM  
**To:** Sarah Arjona <Sarah.Arjona@itd.idaho.gov>  
**Subject:** [EXTERNAL] Proposed Rezones and Special Use Permit for Gem County

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

*Michelle Barron  
Associate Planner  
Gem County Development Services  
208-365-5144*

GEM COUNTY CONFIDENTIALITY DISCLAIMER: This message (including any attachments) may be privileged, confidential and/or protected from disclosure under applicable law. It is intended only for the use of the individual or entity above-named. You are hereby notified that any dissemination, distribution or copying of this communication is strictly prohibited. If you are not the intended recipient please notify the sender by reply email and immediately delete this email.



CERTIFICATE OF MAILING

I hereby certify that on the 15<sup>th</sup> day of October 2021, I served a true and correct copy of the foregoing upon:

**PROPERTY OWNER LIST WITHIN 300 FEET**

Walker Building  
T07N, R01W, Section 31

Mauricio Garcia-Torres  
4863 N Larkwood Place  
Meridian, ID 83646

Toni Pulley  
500 East Idaho Boulevard  
Emmett, ID 83617

Zelda Larson Trust  
2405 Lower Bluff Road  
Emmett, ID 83617

Carolyn Howard  
2505 Lower Bluff Road  
Emmett, ID 83617

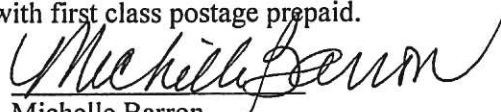
Theodore Kovarik  
2525 Lower Bluff Road  
Emmett, ID 83617

Jess Schultz  
477 E Central Road  
Emmett, ID 83617

Ryan Karasek  
405 East Central Road  
Emmett, ID 83617

Stanley Sturtz  
460 East Idaho Boulevard  
Emmett, ID 83617

By depositing a copy thereof in the United States mail, with first class postage prepaid.

  
Michelle Barron  
Associate Planner

