

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
March 24, 2011**

6:00 PM – Regular Meeting

ROLL CALL

Members Present: Randy Choate, Brent King, Gary Youngberg, Larry Hogg, Tom Ladley, Kevin Hanigan

Members Absent: Jim Franklin

Staff Present: Mary Cordova, City Coordinator/Clerk; Tiffany Howell, Assistant Deputy Clerk/Treasurer

APPROVAL OF MINUTES

A motion was made by Ladley and seconded by Hanigan to approve the regular meeting minutes of 02/24/2011 as written.

After a unanimous voice vote by the Commission, the motion CARRIED.

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

A. A request by Chester G. and Sandra Boren to be DE-ANNEXED for property at 2089 North 6th Street, Riverside Plat, A portion of Block 3, situated in Government Lot 1 of Sec. 28, T9N, R5W, BM, and more particularly described as follows: Beginning at a point 1320 feet West and 661 feet North of the SE corner of aforesaid Government Lot 1; run thence North 339 feet, more or less, to the Easterly meander line of the Snake River; thence in a Southwesterly direction following said meander line of said river to a point 385 feet West of the point beginning; thence East 385 feet, more or less, to the point of beginning. The property is B-Residential.

Chester Boren – 2089 North 6th Street; Payette, Idaho 83661

Mr. Boren stated that he has lived at the location for 45 years and that the property is located so far out from City services. It is basically an island between the city and cemetery because it is so far out. After speaking with the city manager for the sewer he stated that due to the location and the amount we had to cover and that the sewer is only three feet deep it would be hard to get sewage out there without a pump station. We have had that place out there for so long that I don't see a reason for us to be in the city and with the location of services being so far away I would like to be de-annexed and continue with my lifestyle out there.

Commissioner Hanigan asked if Mr. Boren asked to be annexed. Mr. Boren stated no, he has never asked to be annexed. If he wanted to be annexed he would have subdivided his property and put in the request for annexation. Mr. Boren stated that his son has some things he would have found that he would like to talk to you about.

Commissioner Hogg asked Mr. Boren if the sole reason he wants to be de-annexed is due to the water and sewer being so far away. Mr. Boren stated yes, that is one reason, but the other reason would be the way of lifestyle he is accustomed to. Mr. Boren stated that he only has a few years left

and he would like to stay living the way he has been living. Mr. Boren stated that if he was able to get services out there he would split his property and sell some river front property.

Commissioner Hanigan asked how long he has been annexed into the city. Mr. Boren stated that he has been in the city roughly three months.

Commissioner Youngberg asked how much property was taken in at the time of annexation. Mr. Boren stated that he was a pie shape that was taken in. Mr. Boren stated that there is no city property around him as far as he knows. Centennial Park is across from my property, but is between a state highway. There is a cemetery next to me, but it is a county cemetery, not a city one. Mr. Boren stated that he would ask that those questions be deferred to his son Chad Boren. Commissioner Youngberg stated that Mr. Boren hasn't said anything about taxes yet. Commissioner Youngberg asked Mr. Boren if taxes were an issue to him. Mr. Boren stated no not so much as my way of living out there. I like my lifestyle out there and want it to stay that way. Mr. Boren stated that it will probably double his taxes now and he doesn't see that appropriate with where he lives.

Commissioner Hanigan asked Mr. Boren how he sees the annexation changing his lifestyle. Mr. Boren stated that there is quite a style different between city and county. City living requires a lot more regulations that I don't want to deal with. The county is a little more liberal with the way you can live. I have animals and don't want to be regulated as to what animals I can have. If you park a camper you have regulations and I like to stay away from regulations as much as possible. Most of the reason I don't like regulations is because I'm hard to get along with so I try to stay away from them.

Commissioner Hanigan stated that his recollection of the annexation is that the use will not change as long as you are the owner. Commissioner Hanigan told Mr. Boren that he wrote a letter to the Planning and Zoning Commission and have not addressed any of the items in the letter other than the water and sewer. Mr. Boren stated that you would have to talk to the sewer man about that. He is supposed to be writing a letter. Mr. Boren stated that he was told by Clerk Cordova that water and sewer were available in the park across the street, but when I met with the sewer man he stated that it was only three foot deep there. Mr. Boren asked Mr. Hanigan if you have been involved with the city you know that one day the regulation is this and the next day it is something else. Commissioner Hanigan asked Mr. Boren if to date anything has changed with the use of your property. Mr. Boren stated no, the point being that it could come down the line. We have a body of people that can limit what you can do with your property. Commissioner Hanigan asked if someone in the middle of the city or a different border of the city asked for the same request what would your response be. Commissioner Hanigan also stated that he does understand that your property is a bit unique piece of property. Mr. Boren stated that is what he is trying to stress is that he has a unique piece of property and that if he was in the middle of the city he doesn't even feel he would have a complaint. Mr. Boren stated that he likes his style of living and his property is unique. He does not see what the benefit of the property is and the county patrols the property and he keeps a watchful eye on the cemetery. Mr. Boren stated that if he was in the middle of the city he would see no point and on the flip side since he is on the outskirts he sees no point.

Chad Boren – 2089 North 6th Street; Payette, Idaho

Mr. Boren stated that we wished to be de-annexed due to the same reasons that were given to Gerald and Jane Young in Ordinance 1306 and Ordinance 1275 given to the Bear's and Miller's property. In the city's own annexation application it states that the property must be surrounded by city property. Mr. Boren stated that our property is not, it borders Highway 52, the Snake River

Bridge, the county cemetery, and the Snake River itself. The cemetery has been in the city since 1991 and the city does not maintain the road, nor do they maintain river road. The property has also been in the city limits since 1991 and they have not put any street lights out there. The cemetery is not hooked to the city sewer, but was recently hooked to the water. The reason the Council gave for the annexation was that they do not want closer islands of county property within the city limits. I think that where our property lies it is in the county and is paid by the county, but the city claims it but for what purpose. Ordinance 1275 states that you must be with 150 foot of development or a 5 year term has lapsed and I believe that our property falls under this ordinance. The sewer line is over 500 foot away.

According to the Planning and Zoning records your commission sent a favorable vote to the City Council on Ordinance 1306 for de-annexation and they voted and passed it unanimously. The City of Payette's annexation request states that the property owners have every right to city services and a time line of when services will be provided. Mr. Boren stated that they were never given a timeline and I hope this commission sees the hardship this has put on us.

Commissioner Youngberg stated that you talk about hardships, can you please elaborate. Mr. Boren stated that with the new library his taxes will be two or three times what we have been paying. We don't have service so what exactly are we paying for then? The sewer bond was just passed recently and we will never see any of that and we didn't get to vote on it. To me that is taxation without representation. Mr. Boren stated that it is more of a service based problem in my eyes and you have done this twice with the Young's, Bear's and Miller's property and I feel we should be too. Commissioner Youngberg asked if he is referring to de-annexation of the other properties. Mr. Boren stated yes, one of them was actually de-annexed and that would be the Young's property. They came in front of you guys because the Bear's property wasn't within 150' of the property. Councilor Hanigan stated that we should be consistent with our voting and I believe that is a true statement. Mr. Boren stated that he is surrounded by State and County property. The high water mark on our side of the river is county property.

Commissioner Hogg stated that if city services were available this would be an issue. Mr. Boren stated no, we wouldn't have a problem. Mr. Boren stated that we do not get road services out there. The cemetery road has never been maintained, there is no lighting, no snow removal. We had to get our own backhoe out to do snow removal. Commissioner Hogg asked where Mr. Boren's driveway comes out at. Mr. Boren states that it is the same one as the cemetery, so it comes out on 6th Street, the cemetery road has never been maintained since 1991.

Mary Cordova – City of Payette; Payette, Idaho 83661

Clerk Cordova stated that both the Boren's bring up good points. The city cannot get water and sewer to property and this is true. The city does not require people to hook up to city water and sewer unless they are within 250 foot of their property. We have annexed a lot of property that do use septic tanks, if the water lines are within the limits and they have a functioning well and septic they are not required to hookup at that time of annexation. If the septic tank goes south then they would be required to hookup. Annexation has nothing to do with water and sewer service, they are fee based and not tax based. We are talking about the tax dollars, parks, streets, library all of those services. Back in 2009 the Young's did ask for de-annexation and the City at that time informed this body and the council that it was not in the best interested to de-annexed. The Young's property was predicated by the Gold Ridge Estates 50 homes that were going to be built, which they never did. The Miller's and the Bears were granted a reprieve of 5 years or when services were within 500 foot and they have a couple more years before they are annexed and the Young's are on the same schedule. That

annexation was different though because that was a planned development that was going in. We called this the Northwest Annexation and in your packet you will see a map that shows where we were cleaning up some boundary issues. All of this has come in within this Northwest Annexation. All of the other properties came into the city on January 1, 2010, but the Boren's property was given an extra year and was annexed January 1, 2011. The County Assessor's provided us with a map that shows the city limits. In regards to no receiving any city services I know for a fact the street sweeper has been up there. As far as the driveways being barricaded during the winter, that happens throughout the entire town. The street lights come when the dollars come, so when we get some money we will be putting in some street lights.

Commissioner Youngberg asked who is responsible for snow removal within the cemetery. Clerk Cordova stated that they are their own taxing district, so the roads within the cemetery are not city roads. Commissioner Hogg asked if this property would have been considered in the impact area if it wasn't annexed. Clerk Cordova stated yes. Commissioner Hogg stated that when the Boren's were talking about lifestyle what would have come under the scrutiny of the zoning laws before the annexation took place. Clerk Cordova stated that yes, the County Planning and Zoning Department deters those to us since they are in our impact area and they usually go with our recommendation.

Commissioner Hanigan stated the Young's, Bear's, and Miller's will be annexed in 5 years regardless of development. Clerk Cordova stated yes, that is correct. Commissioner Hanigan asked if the City is thinking of doing anything different with those three people since Gold Ridge will probably no go through by that time. Clerk Cordova stated no, they will be annexed.

Chad Boren – 2089 North 6th Street; Payette, Idaho 83661

Mr. Boren stated that yes, I understand where she's coming from and the tax dollars are going for the police and so on, but we do not get any of these services. We are also forced to use the trash service and since January 1 our garbage cans have not been picked up. She talks about police and they only police 17th Avenue North, so what are we paying for? She says that water and sewer are rate based and that is true, but are we going to see a portion of our taxes going to the water and sewer bond? Hell yes.

B. An application by Adam Telly for a Conditional Use Permit for property to be used as a wrecking yard and impound yard at 1010 South Park Street, DEWITT'S 1ST SUBDIVISION, BLOCK 3. The property is zoned Industrial.

Commissioner Ladley added the following document into the records for this public hearing.



ECAR Fact Sheet for Idaho Stormwater

- [Regulations](#)
- [Self-Audit Checklist](#)
- [Best Management Practices](#)
- [Contacts](#)
- [Related ECAR Fact Sheets](#)
- [Other Relevant Resources](#)

[BACK to VIRTUAL TOUR](#)

The following fact sheet was prepared by the ECAR Center staff. Once prepared, each ECAR Center fact sheet undergoes a review process with the applicable state environmental agency(ies). You can check on the status of the review process [here](#). Please read the disclaimer on the status page. While we have tried to present a summary of the essential information on this topic, you should be aware that other regulations, such as local regulations, may apply to you.

What You Need to Know

The Clean Water Act requires virtually every automotive salvage or recycling operator to obtain a stormwater permit. The exceptions to this rule are few, and they are explained further in the detailed information provided below. Therefore, ***if you own or operate a salvage or recycling operation and you do not currently have a stormwater permit, you most likely are out of compliance.*** The purpose of this fact sheet is to help you either to get into compliance or to assist you to develop a more efficient and effective compliance strategy.

Rain or snow falling on your property can pick up contaminants as it runs off, and can carry the contaminants through drainage systems directly into streams, rivers, and lakes. The term "stormwater" refers to this type of runoff.

In 1987, Congress mandated that "industrial" sites obtain stormwater permits. In 1990, EPA defined "industrial" to include, among many other types of sites, "salvage yards and automotive [recyclers]." [[Title 40 CFR 122.26\(b\)\(14\)\(vi\)](#)]. These mandates apply across the country, regardless of your state. Congress and EPA took this action because stormwater that comes in contact with metals, oil and grease, used batteries and tires, and other materials common at automotive recycling facilities may cause localized pollution that can affect the local community's ability to swim and fish in lakes, rivers, and streams.

For example, the mercury that still may be found in old automotive switches or even some new parts is toxic to humans and to the fish they may catch and eat. By obtaining a stormwater permit, and more importantly, by taking some common sense actions under the permit to prevent stormwater contamination, you can provide your community with environmental benefits to compliment the value of recycling end-of-life vehicles.

Although Congress and EPA created the national rules that provide the basic framework for stormwater regulations, the rules are implemented by the individual state environmental agencies. EPA may help certain states develop programs and it

Stormwater Resource Locator

All vehicle dismantling facilities in the United States (except those in a combined sewer service area or facilities that do not discharge stormwater from their property) are required by the Clean Water Act to obtain a stormwater permit either from the U.S. Environmental Protection Agency or from an appropriate state agency. For more information on EPA's stormwater regulations, please see:

[Federal EPA National Pollutant Elimination Discharge System \(NPDES\) Stormwater Regulations](#)

EPA defines automobile salvage yards and scrap recycling facilities as industries eligible to use the multi-sector general permit (MSGP). [Sector M: Auto Salvage Yards](#)

provides guidance to all states, but for the most part, **you obtain a stormwater permit from your state environmental agency.** Information about your state permit, compliance requirements, contact information, and other helpful hints are provided in the following pages of this site. The most important part of the compliance program is developing a stormwater pollution prevention plan, and this site will help you to develop such a plan. The key for you is to make sure that you implement the plan and adhere to your legal obligations.

Included in this permitting process are requirements to file a Notice of Intent (NOI) with the appropriate state agency and to prepare a Storm Water Pollution Prevention Plan (SWPPP) to describe how you will address your facility's stormwater issues. For information on how to comply with these requirements, please see:

[EPA's Multi-Sector General Permit](#)

Regulations

Since 1990, federal regulations require automotive recyclers to obtain coverage under an industrial stormwater permit to prevent stormwater pollution. Idaho is not a National Pollutant Discharge Elimination System (NPDES) delegated state, which means the state does not have general permitting authority. Therefore, the automobile recycling/dismantling/salvage industry is covered under EPA's Multi-Sector General Permit.

Auto recyclers must:

- Obtain a stormwater permit by submitting a Notice of Intent (NOI) form to EPA if their facility discharges into a lake, stream, or other surface water body or discharges through a Municipal Separate Stormwater Sewer System (MS4). There are no permit fees;
- Meet the conditions of the permit, including:
 - Develop and implement a stormwater pollution prevention plan (SWPPP),
 - Collect and analyze samples of stormwater for specified pollutants, and submit monitoring results on a Discharge Monitoring Report form to EPA;
 - Conduct quarterly visual examinations of stormwater, record the results, and
 - Maintain records of all inspections and monitoring information for at least three years.

Your SWPPP must include a description of potential sources of stormwater pollution and measures and controls, including best management practices (BMPs) that will be implemented at your facility to prevent or minimize stormwater contamination. When developing the SWPPP, you must consider the use of certain BMPs that EPA considers applicable to specific areas such as vehicle dismantling/storage areas and fluids storage areas. However, you do not need to limit yourself to just these BMPs. For more specific information on developing a Pollution Prevention Plan, visit the ECAR [SWPPP fact sheet](#).

Exceptions. Under the conditional no exposure exclusion, operators of industrial facilities in any of the 11 categories of "stormwater discharges associated with industrial activity," (except construction activities, which are addressed under the construction component of the NPDES Stormwater Program) have the opportunity to certify to a condition of "no exposure" if their industrial materials and operations are not exposed to stormwater. As long as the condition of "no exposure" exists at a certified facility, the operator is excluded from NPDES industrial stormwater permit requirements.

Links to the Regulations and Forms. Use the following links to view the regulations pertaining to stormwater management.

[Federal EPA National Pollutant Elimination Discharge System \(NPDES\) Stormwater Regulations](#)

[Notice of Intent \(NOI\) Form](#)

[No Exposure Certification](#)

Self-Audit Checklist

When an inspector comes to your facility, there are certain things he or she checks to see if you are in compliance with environmental regulations. It makes good sense for you to perform a "self-audit" and catch and correct problems before they result in penalties. Also, there are some compliance incentives associated with self-audits (see [Audit Policy Page](#)).

Use the following list to audit your stormwater permit.

1. **Does your facility have a stormwater permit?** Verify that your facility has a current stormwater permit issued by EPA if your facility falls under the requirement.
2. **Has your facility developed and implemented a stormwater pollution prevention plan?** Verify that a SWPPP has been prepared and is available on-site for inspection. Review the plan and verify that BMPs have

been implemented. Note: If the facility is inspected, the SWPPP will be checked against all requirements in the permit. It is required that all SWPPPs be fully compliant with the permit.

3. **Does your facility have a stormwater monitoring program?** Review your records to verify that visual observations and sampling have been performed.

Best Management Practices (BMPs)

The following is a list of BMPs for auto salvage facilities identified by EPA when the stormwater regulations were published:

Dismantling and vehicle maintenance:

- Drain all fluids from vehicles upon arrival at the site. Segregate the fluids and properly store or dispose of them.
- Maintain an organized inventory of materials used in the maintenance shop.
- Keep waste streams separate (i.e. waste oil and solvents). Non-hazardous substances that are contaminated with hazardous substances are considered a hazardous waste.
- Recycle antifreeze, gasoline, used oil, mineral spirits and solvents.
- Dispose of greasy rags, oil filters, air filters, batteries, spent coolants and degreasers properly.
- Label and track the recycling of waste material.
- Drain oil filters before disposal or recycling.
- Store cracked batteries in a nonleaking secondary container.
- Promptly transfer used fluids to the proper container.
- Do not pour liquid waste down floor drains, sinks or outdoor storm drains.
- Plug floor drains that are connected to the storm or sanitary sewer. If necessary, install a sump that is pumped regularly.
- Inspect the maintenance area regularly for proper implementation of control measures.
- Filter stormwater discharges with devices such as oil-water separators.
- Train employees on proper waste control and disposal procedures.

Outdoor vehicle, equipment and parts storage:

- Use drip pans under all vehicles and equipment waiting for maintenance and during maintenance.
- Store batteries on impervious surfaces. Curb, dike or berm this area.
- Confine storage of parts, equipment and vehicles to designated areas.
- Cover all storage areas with permanent cover (roof) or temporary cover (canvas tarps).
- Inspect the storage yard for drip pans and other problems regularly.

Vehicle, equipment and parts washing areas:

- Avoid washing parts or equipment outside.
- Use phosphate-free biodegradable detergents.
- Consider using detergent-based or water-based cleaning systems in place of organic solvent degreasers.
- Designate an area for cleaning activities.
- Contain steam cleaning washwaters or discharge under an applicable NPDES permit.
- Ensure that washwaters drain well, and are not draining into a MS4 or surface water body.
- Do not discharge wastewater into a dry well.
- All discharges authorized by the general stormwater permit must fully meet all applicable water quality standards.
- Inspect cleaning area regularly.
- Install curbing, berms or dikes around cleaning areas.

Liquid storage in above ground containers:

- Maintain good integrity of all storage containers.
- Install safeguards (such as berms) against accidental releases in the storage area.
- Inspect storage tanks to detect potential leaks. Perform preventative maintenance.
- Inspect piping systems for failures or leaks.
- Train employees on proper filling and transfer procedures.

Improper connection with storm sewers:

- Plug all floor drains if it is unknown whether the connection is to storm sewer or sanitary sewer. Alternatively, install a sump that is pumped regularly.
- Update facility schematics to accurately reflect all plumbing connections.
- Install a safeguard against vehicle washwaters and parts cleaning water entering the storm sewer unless permitted.

- Maintain and inspect the integrity of all underground storage tanks; replace when necessary.
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Contacts

1. For general permit questions, contact 208-373-0115.
 2. Mail discharge reports to: Stormwater Monitoring Reports, U.S. Environmental Protection Agency, Mail Code: 4203M, 1200 Pennsylvania Ave., Washington, DC 20460.
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Related ECAR Fact Sheets

1. [SWPPP](#)
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Other Relevant Resources

1. [EPA Fact Sheet on No Exposure Certification](#)
2. [EnvCAP's Industrial Stormwater Resource Locator](#)
3. [PNEAC Offers Industrial Stormwater Permit Guide](#)

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Adam Telly – 1010 South Park Street; Payette, Idaho 83661

Mr. Telly stated that he was forced into this permit deal. I got a call from City Hall stating that if you pull a part off a car it is considered a wrecking yard. Regardless it is going to be a impound yard, regardless of the vehicles I buy them and then get rid of them and towing is slow right now and I do this on the side. I have no parts on site and I don't stack cars out there and I am here due to the fact that I was forced into saying this is a wrecking yard.

Commissioner Hogg stated that he is here because of this permit. Mr. Telly stated yes, because I take off a part it is considered a wrecking yard, and most of the houses around here should be considered that if you work on your own cars. I am certified and have permits to do my towing business and I have a yard in Washington County and am having a hard time getting on the Payette County rotation list and I am in the process of dealing with that. I don't understand why we have 5 companies from Oregon that are on the rotation list. I want to leave it as an impound yard and pull off an occasional part that I need and the only reason I am here is because the city told me to be. I take off an occasional Cadillac converter I am considered a wrecking yard; I drain all the fluids out of the car into 55 gallon drums and take them to Jim Breach at C-Bass. Mr. Telly stated that he takes pride in his stuff and he does not look like some of the other wrecking yards in town.

Commissioner Hanigan asked Mr. Telly if he is opposed to the permit or if he is opposed to the Ordinance. Mr. Telly stated yes, correct I am not opposed to the permit I just think the Ordinance issue needs to be looked at. Mr. Telly stated that I just want this permit to continue to do what I have already been doing.

Steve Ford – 821 South Park Street; Payette, Idaho 83661

Mr. Ford stated that on the county is no letting him on the tow list, so why does he need a tow business. I do not want a wrecking yard in my front yard and even if he says he's going to do what he's going to do is he going to have to get a fence. If he gets full blown and dumping oil and so on he is in a flood zone and Hanigan's had water at their front door. They did bring in a few loads of dirt, but there was water at his property last year, so we are looking at an issue with the oil and antifreeze sitting on my yard when it floods again. If he gets full blown then we are going to have thieves in the area shopping at everyone's house and our property values going to decrease.

Commissioner Hogg asked what his recommendation is. Mr. Ford stated that he is not against the guy making money, but with all the permits he is getting he will want to get bigger and become a C-Bass business. Commissioner Hogg stated so your recommendation is to deny this permit. Mr. Ford stated yes, there are other places than right on the river. Mr. Ford stated that there is also another gentleman in town that has a tow truck that drives like crazy down that road.

Thomas Ladley – 1082 South Park Street; Payette, Idaho 83661

Mr. Ladley stated that he wants to enter this fact sheet from DEQ.

Clerk Cordova stated that we have been working with Mr. Telly to try and find a suitable site for an impound yard. It does have to be fenced and zoned appropriate since it is adjacent to residential it will need to be privacy slats in the fence. A wrecking yard is an allowed use in an industrial zone with a conditional use permit. An impound yard is merely for impounded vehicles and a wrecking yard is when you start keeping the vehicles and so on.

Adam Telly – 1010 South Park Street; Payette, Idaho 83661

Mr. Telly stated that if I can get booming down the road then I will get going. I am trying to support my family and I am not trying to disrupt my neighbors or the community and I understand where they are coming from and how they feel. As far as property values go, have you driven down that road, I am trying to help the community.

C. An application by Warren Cook for a Conditional Use Permit to have a home office at 811 North 6th Street, MAXFIELD ADDITION, LOTS 3-4, BLOCK 1. The property is zoned A-Residential.

Warren Cook – 811 North 6th Street; Payette, Idaho 83661

Mr. Cook stated that he owns the house 5 years ago and was in a bad car accident and is now disabled and in the process of getting a contract with Commercial Tire to polish semi tires. If I have the doors shut on my trailer you wouldn't be able to hear it within 25-30 foot. Commissioner Choate asked where the trailer would be parked. Mr. Cook stated in his driveway. Commissioner Choate asked if he wears hearing protection. Mr. Cook stated no.

Commissioner Hogg asked what he does to polish these wheels. Mr. Cooks stated that he has air tools inside the trailer that polish the wheel to a mirror image. Commissioner Ladley asked what the hours of operation are. Mr. Cook stated that due to his accident his will only work from 9am to 2pm because he has a metal plate in his back.

D. An application by James and Melissa Dobney for a Conditional Use Permit to allow a residential apartment on premise at 808 3rd Avenue North, GORRIE ADDITION, LOTS 8-9-10 BLOCK 7. The property is zoned C-1 Commercial.

James Dobney; 808 3rd Avenue North; Payette, Idaho 83661

Mr. Dobney stated that 808 3rd Ave No is the old historical firehouse. In the early 80's a gentleman put some apartment's in there and then it became Intermountain Gas Company and then when the Johnston's bought it they used it as an apartment. We gave up our farmhouse and moved into the old City Hall, this is not a permanent thing, but rather a temporary one year thing. I would like to add to this application to add the owner Tonda Johnston to the application.

Commissioner Hanigan stated that he believes it has to be in the tenant's name not the owner is that correct. Clerk Cordova stated that we can grant it to the owner, which we do to other owner's, but that would have to be signed by the owner and due to that it would get pushed forward. Commissioner Hanigan asked if it would have to have another public hearing. Clerk Cordova stated yes. It is issued to whoever applies for the application. Commissioner Hanigan asked if he would like us to act on this application or do you want to amend it? Mr. Dobney stated yes, act on the one in front of you.

Mr. Dobney stated that his second request would be that the 2nd water meter on the property be vacated since it has not been used since 2000. Commissioner Hanigan asked Clerk Cordova if this is something that would even come in front of the Planning and Zoning Commission. Clerk Cordova stated yes. Our code states that when you have a separate residential unit, you have to have a separate water meter. Clerk Cordova stated that there currently was two meter, but one has not been used in a while. Clerk Cordova stated that this would have to go in front of the City Council.

Commissioner Choate asked Mr. Dobney if he received a letter from the State Fire Marshall's office. Mr. Dobney stated yes they had copies of everything. Mr. Dobney also stated that his neighbors filed

a complaint with the Police Department regarding their dogs, but the dog that was not very wise is now gone.

- E. An application by The City of Payette requesting a Zoning Change from A-Residential and B-Residential to I-Industrial at 522 River Street, Parcel 1, Assessor's Tioga Plat, a portion of Block 34. Property is zoned A-Residential. Parcel II, Assessor's Tioga Plat, a portion of Block 33. Property is zoned B-Residential.

Clerk Cordova – 700 Center Avenue; Payette, Idaho 83661

Clerk Cordova stated that the two parcels on your map are properties that they want to rezone from B residential to Industrial. Basically this is just some housekeeping items.

A motion was made by Hanigan and seconded by King to end the public hearing at 7:24 PM.

After a unanimous voice vote by the Commission, the motion CARRIED.

OLD BUSINESS

A. Design review guidelines –

A motion was made by Hanigan and seconded by Ladley to defer all old business to the next month's agenda.

After a unanimous voice vote by the Commission, the motion CARRIED.

NEW BUSINESS

A. De-annexation request at 2089 North 6th Street – Chester & Sandra Boren

Mr. Youngberg stated that he feels Mr. Boren's pain as he has been in his situation not too long ago. Commissioner Choate stated that he also empathizes with the Boren's as well.

A motion was made by Hogg and seconded by Youngberg to send an unfavorable recommendation to the City Council for the de-annexation request at 2089 North 6th Street.

After a unanimous voice vote by the Commission, the motion CARRIED.

B. Conditional Use Permit application for a wrecking yard at 1010 South Park Street – Adam Telly

Commissioner Hanigan stated that he is unsure if they should act on this tonight or if needs to go in front of our legal counsel. Clerk Cordova read the definition of junk and junk yard from the Payette City Code.

A motion was made by Hogg and seconded by Ladley to approve the conditional use permit submitted by Adam Telly

at 1010 South Park Street and that there not be more than three (3) salvage vehicles on the property for no longer than five (5) days and that the permit can be revisited upon any complaints.

After a unanimous voice vote by the Commission, the motion CARRIED.

C. Conditional Use Permit application for a home office at 811 North 6th Street – Warren Cook

A motion was made by Hanigan and seconded by King to approve the conditional use permit submitted by Warren Cook to allow a home office at 811 North 6th Street and that it can be revisited upon any complaints.

After a unanimous voice vote by the Commission, the motion CARRIED.

D. Conditional Use Permit application to allow residential apartments at 808 3rd Ave No – James & Melissa Dobney

A motion was made by Ladley and seconded by King to approve the conditional use permit to allow for a residential apartment at 808 3rd Avenue North with stipulations that all the requirements by Fire Chief Steve Castenada dated 3/22/2011 be addressed and the permit can be revisited upon any complaints.

After a unanimous voice vote by the Commission, the motion CARRIED.

E. Application for a zone change at 522 River Street from A & B Residential to I - Industrial

A motion was made by Hogg and seconded by Youngberg to recommend a zoning change at 522 River Street from A & B Residential to I-Industrial.

After a unanimous voice vote by the Commission, the motion CARRIED.

ADJOURNMENT

A motion was made by Hanigan and seconded by Ladley to adjourn to at 8:00 PM.

The motion CARRIED.

Recording Secretary
Tiffany Howell