



**AGENDA
PAYETTE PLANNING & ZONING COMMISSION
MARCH 28, 2013
REGULAR MEETING**

CHAIRMAN RANDY CHOATE PRESIDING

**LARRY HOGG THOMAS LADLEY
JIM FRANKLIN GARY YOUNGBERG
KEVIN HANIGAN CASSANDRA MCELRAVY**

6:00 PM – Regular Meeting

- I. ROLL CALL
- II. APPROVAL OF MINUTES
 - A. 02-28-2013 Regular Meeting Minutes.....1
 - B. 03-05-2013 Rescheduled Meeting Minutes.....2
- III. COMMUNICATIONS
- IV. PUBLIC HEARINGS
 - A. An application by Pamela Jorstad for a Conditional Use Permit to allow for 10 calves and 4 horses on River St, a ptn of Blk 65 of the Official Plat of Riverside. The property is zoned B-Residential. Information can be obtained from Tiffany at City Hall 208-642-6024.....5
 - B. An application by Jake & Heather Ruth for a Variance Application to the lot size requirements on a corner lot to build a 16x32 addition at 304 10th Ave No, N 99.5' of the W 69' of Lot 3 in Block 6 of T J. Lloyd's Sub. The property is zoned A- Residential.....23
 - C. An application by Sergio Castro for a Conditional Use Permit to operate a dance hall and beer only bar at 109 No Main St, Lot 18, 19, 20 & the So 10' of Lot 17 in Block 5 of Gorrie Addition. The property is zoned C 1 Commercial Downtown.....42
 - D. Proposed Oil & Gas Draft Ordinance.....56
- V. OLD BUSINESS
- VI. NEW BUSINESS
 - A. Pamela Jorstad – River Street – Conditional Use Permit
 - B. Jake & Heather Ruth – 304 10th Avenue North – Variance Application
 - C. Sergio Castro – 109 North Main Street – Conditional Use Permit
 - D. Gas & Oil Ordinance
- VII. PUBLIC COMMENT
- VIII. ADJOURNMENT

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING MINUTES
FEBRUARY 28, 2013**

6:00 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Gary Youngberg (via phone), Jim Franklin, Kevin Hanigan and Cassandra McElravy
Members Absent: Thomas Ladley, Randy Choate, Larry Hogg,
Staff Present: Mary Cordova and Tiffany Howell

A motion was made by Hanigan and seconded by McElravy to re-schedule the meeting to March 5th at 6pm.

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

ADJOURNMENT

A motion to adjourn was made by Hanigan and seconded by McElravy. The meeting was adjourned by a unanimous vote at 6:02.

Recording Secretary
Tiffany Howell

**PAYETTE PLANNING & ZONING COMMISSION
RE-SCHEDULED MEETING MINUTES
MARCH 05, 2013**

5:00 PM – Committee Meeting

- A. Discussion of Gas & Oil Ordinance

6:00 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Randy Choate, Larry Hogg, Jim Franklin, and Kevin Hanigan

Members Absent: Gary Youngberg & Thomas Ladley Cassandra McElravy

Staff Present: Mary Cordova and Tiffany Howell

APPROVAL OF MINUTES

A motion was made by Hanigan and seconded by Hogg to approve the regular meeting minutes 01-24-2013 written.

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

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

The public hearing opened at 6:00pm.

- A. An application by Mike Moon for a Variance to the side setback to allow a pre-constructed garage at 2065 3rd Avenue North, E 35.52' Lots 2 & W 55.54' Lot 3 of Uehlings 2nd Sub. The property is zoned A-Residential.

Connie Moon – 9086 Kemp Road; Middleton, Idaho 83644

Mrs. Moon stated that the neighbors have agreed to sell 60 square feet of their property. Mrs. Moon also stated that the building will be brought up to code and a fire wall will be installed as well as the water line for the neighbors will be moved. Everything will be done properly, we have hired Dave Jeffries. Mrs. Moon stated that they have now lost two buyers due to all this, and we are hoping to get this taken care of. Commissioner Hogg asked if all the building will be on the Moon's property. Mrs. Moon stated yes. Commissioner Hanigan asked if there is going to be a problem with the corners of the property. Clerk Cordova stated yes, the property line will jog around the building. Mrs. Moon stated they would like this variance approved because it is the one that will cost them the least amount of money.

- B. An application by Alan Smutz for a Conditional Use Permit to construct a 23 ½' x 31' metal carport with a roof pitch of 15' at 423 So 12th St, Tax 1 of Block 18 Westslope Plat. The property is zoned B-Residential.

Alan Smutz – 423 South 12th St; Payette, Idaho 83661

Mr. Smutz stated that he wants to construct a pre-fabricated metal building for his RV. Mr. Smutz stated that he believes he can meet all the setbacks he is just here because it is over 12' tall. Mr. Smutz stated that he is going 8 ½ feet from the property line is because there is cement curbing on the far side and he has flower beds and does not want to tear it out. Mr. Smutz wanted to know if he has to consider the overhang from his house in the setback. He was told he had to be 3' from the building and he was unaware if this is accurate or not, that is why he depicted it in his drawing. Mr. Smutz stated that he is 70' from the front setback but he might have to push it forwards a few feet because he does not want to tear out his bushes. Commissioner Choate asked why he doesn't use the great big building that is already on the property as RV storage. Mr. Smutz stated that he is currently storing his RV in that building but he wants to turn that into a workshop. Mr. Smutz stated that his big issue is to now how far back from the other building he has to be, is it the eave or the building. Clerk Cordova stated that this is a CUP for the accessory building due to the size and height, not just the height. Clerk Cordova stated that Tiffany had spoken to the building inspector. Tiffany Howell stated that the building inspector stated that it needs to be from the eave not the building itself. Clerk Cordova stated that he will also be required to expose his property pins prior to the building permit being pulled. Clerk Cordova asked if Mr. Smutz has exposed his property pins. Mr. Smutz stated no but he has measured from his fence. Clerk Cordova stated that if the Planning & Zoning commission approves this, he will need to expose his property pins and will need to follow all of the guidelines, but all that can be determined once the property pins are exposed.

The Public Hearing closed at 5:42pm.

NEW BUSINESS

A. Mike Moon – 2065 3rd Avenue North – Variance Application

A motion was made by Hogg and seconded by Youngberg to send a favorable recommendation approval of side setbacks and it be contingent upon completing the lot line adjustment and all city, state and federal guidelines being met.

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

B. Alan Smutz – 423 South 12th Street – Conditional Use Permit

A motion was made by Hanigan and seconded by Hogg to approve the conditional use permit at 423 South 12th Street with the following stipulations: No residential use at any time, the builder does not exceed 744 square foot, height does not exceed 15 foot, complies with all setbacks, permit can be revisited upon complaints, must comply with all federal, state and city regulations and a building permit must be obtained prior to construction.

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

OLD BUSINESS

None Heard.

PUBLIC COMMENT

None Heard.

ADJOURNMENT

A motion to adjourn was made by Hanigan and seconded by Hogg. The meeting was adjourned by a unanimous vote at 5:50pm.

Recording Secretary
Tiffany Howell

STAFF REPORT

P&Z Public Hearing Date: March 28, 2013

Applicants Name: Pamela Jorstad

Describe Request: Conditional Use Permit – Applicant is hoping to have a maximum of 10 calves and 4 horses

Property Zoned: B-Residential

Address: River Street

Property Size: 8.9 Acres

Access: 7th Avenue North and River Street

Structures: Open Field

Comp Plan: B-Residential

Surrounding Uses: Residential

Employees: N/A

Hours: N/A

Sign: N/A

Payette City Code:

17.28.050: BUILDING AREA AND USE RESTRICTIONS:

C. One horse, or three (3) sheep or one cow with calf may be maintained on the lot, provided there is at least twenty one thousand eight hundred (21,800) square feet of fenced irrigated pasture area for the animals and the landowner obtains a permit from the planning and zoning commission and only so long as the animals do not cause offensive odors or create a disturbance to the people of the neighborhood. After notice and hearing, pursuant to section 17.28.030 of this chapter, the planning and zoning commission may further limit or expand the number of animals which may be kept. Swine and goats are prohibited. (Ord. 1204, 2002: Ord. 1128 § 2, 1996: Ord. 1066 § 1, 1993: Ord. 971 § 11, 1987: prior code § 11-7-1(C))

Staff Comments:

Ms. Jorstad wants to house a maximum of 10 calves and 4 horses on the property. Staff recommendation would be to approve the conditional use permit for a maximum of 14 calves and horses, as long as the property is fenced and irrigated and there is a minimum of 305,200 square feet of pasture land. CUP shall become null and void at the time any structure is erected on the same property. Property owner shall prevent animals from creating a noise, odor, or other disturbance to surrounding neighbors at all times.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

Date Received 2-28-13

Fees Paid Y N

Check # 1254

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name Pamela Jorstad Address 1134 N. 2nd St.

City Payette State Id 83661 Phone 808 277 0844

Owner I will be purchasing Property if permit is
Approved

Name AS ABOVE Address _____

City _____ State _____ Phone _____

Property Covered by Permit 8.9 acres near 807 River Street,

Address see Attached Legal Zone B Residential

Legal Description (Lot, Block, Addition, Subdivision)

4 Tracts - see Attached legal - Exhibit A

Nature of Request (Briefly explain the proposed use)

Reestablish Irrigated Pasture land for grazing.
Raise 8-10 calves per year for resale. Frequently
will have up to 4 head of horses in training
max to be 10 calves, 4 horses

Existing use of property

VACANT, overgrown with weeds, has been pasture land
in past, Lower End of Property is in River over
flow zone

Will this have an impact on schools?

No

Conditional Use Permit

The following information will assist the Planning and Zoning Commission to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?

Will use existing Irrigation Shares

2. What is the estimated sewer usage per month? Will pretreatment be necessary?

NONE

3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?

Private vehical - minimal

4. If commercial, industrial, or a home occupation, what will be the hours of operation?

NA

5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?

NA

6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing: multifamily for young families, singles and couples, or elderly?

NA

7. What provisions has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for firefighting equipment?

No New Buildings, Nearest hydrant 170 feet, 67' Access

8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?

NA

9. Where will solid waste generated be stored? Is access adequate for the City collection?

NA

10. What is the type of noise that will be generated by the use? What are the hours of noise generation?

Lives Fock

11. What type of equipment will be used in the conduct of the business?

Occasional tractor use for Farm work

12. What are the surrounding land uses? Has buffering been provided as required by the ordinance

Subdivisions & Residential on Small Acreages, several other live stock in area

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

No

14. Will the parking lot or other outdoor areas have lighting?

NA

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

NA

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial Street?

NA

17. What, if any, signage is anticipated in connection with the proposed usage?

NONE

The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.

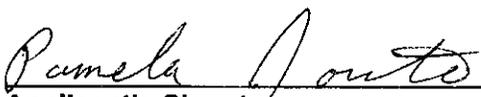
A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

A LIST OF ALL NEIGHBORS WITHIN 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessor's Office 1130 3rd Avenue North, Payette

Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.


Applicant's Signature

Feb 28, 2013
Date

0358794

EXHIBIT A

TRACT I

A parcel of real property situate within Lot 4, Section 28, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho and also being a portion of Block 65 of the Official Plat of Riverside as perpetuated at the Official Records of Payette County at Book 1 of Plats, page 10, and being more particularly described as:
Commencing at the South $\frac{1}{4}$ corner of said Section 28;
Thence North $89^{\circ}35'55''$ West along the Southerly line of said Section 28 a distance of 662.05 feet to a $\frac{5}{8}$ " iron pin;
Thence North $00^{\circ}47'18''$ East a distance of 440.01 feet to a point;
Thence North $89^{\circ}35'55''$ West a distance of 25.00 feet to a point on the Westerly right of way of River Street;
Thence continuing North $89^{\circ}35'55''$ West a distance of 507.01 feet to THE POINT OF BEGINNING;
Thence North $89^{\circ}35'55''$ West a distance of 399.66 feet to a point;
Thence North $00^{\circ}47'18''$ West a distance of 217.98 feet to a point;
Thence South $89^{\circ}35'55''$ East a distance 399.66 feet to a point;
Thence South $00^{\circ}47'18''$ East a distance of 217.98 feet to THE POINT OF BEGINNING.

TRACT II

A parcel of real property situate within Lot 4, Section 28, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho and also being a portion of Block 65 of the Official Plat of Riverside as perpetuated at the Official Records of Payette County at Book 1 of Plats, page 10, and being more particularly described as:
Commencing at the South $\frac{1}{4}$ corner of said Section 28;
Thence North $89^{\circ}35'55''$ West along the Southerly line of said Section 28 a distance of 662.05 feet to a $\frac{5}{8}$ " iron pin;
Thence North $00^{\circ}47'18''$ East a distance of 440.01 feet to a point;
Thence North $89^{\circ}35'55''$ West a distance of 25.00 feet to a point on the Westerly right of way of River Street;
Thence continuing North $89^{\circ}35'55''$ West a distance of 906.67 feet, THE POINT OF BEGINNING;
Thence North $89^{\circ}35'55''$ West a distance of 746.70 feet to a point on the mean high water line of the right bank of the Payette River;
Thence along said mean high water the following courses;
North $66^{\circ}02'53''$ West a distance of 50.45 feet;
North $56^{\circ}09'49''$ West a distance of 237.28 feet;
North $81^{\circ}42'00''$ West a distance of 151.39 feet;
North $66^{\circ}00'17''$ West a distance of 115.60 feet;
Thence South $89^{\circ}35'55''$ East a distance of 1248.33 feet to a point;
Thence South $00^{\circ}47'18''$ West a distance of 217.98 feet to THE POINT OF BEGINNING.

CONTINUED

0358794

TRACT III

An easement for utilities, ingress and egress (formerly a 30 foot easement) more particularly described as:

Commencing at the South $\frac{1}{4}$ corner of said Section 28;

Thence North $89^{\circ}35'55''$ West along the Southerly line of said Section 28 a distance of 662.05 feet to a $\frac{5}{8}$ " iron pin;

Thence North $00^{\circ}47'18''$ East a distance of 440.01 feet to a point;

Thence North $89^{\circ}35'55''$ West a distance of 25.00 feet to a point on the Westerly right of way of River Street, **THE POINT OF BEGINNING**;

Thence continuing North $89^{\circ}35'55''$ West a distance of 906.67 feet to a point; Thence North $00^{\circ}47'18''$ West a distance of 20.00 feet;

Thence South $89^{\circ}35'55''$ East a distance of 906.67 feet to a point on the Westerly right of way of River Street;

Thence South $00^{\circ}47'18''$ East a distance of 20.00 feet to **THE POINT OF BEGINNING**.

TRACT IV

A parcel of real property situate within Lot 4, Section 28, Township 9 North, Range 5 West, Boise Meridian, Payette County, Idaho and also being a portion of Block 65 of the Official Plat of Riverside as perpetuated at the Official Records of Payette County at Book 1 of Plats, page 10, and being more particularly described as:

Commencing at the South $\frac{1}{4}$ corner of said Section 28;

Thence North $89^{\circ}35'55''$ West along the Southerly line of said Section 28 a distance of 662.05 feet to a $\frac{5}{8}$ " iron pin;

Thence North $00^{\circ}47'18''$ East a distance of 440.01 feet to a point;

Thence North $89^{\circ}35'55''$ West a distance of 25.00 feet to a point on the Westerly right of way of River Street, **THE POINT OF BEGINNING**;

Thence along said Westerly right of way North $00^{\circ}47'18''$ East a distance of 67.00 feet to a point;

Thence North $89^{\circ}37'14''$ West a distance of 125.00 feet to a point;

Thence North $00^{\circ}47'18''$ East a distance of 73.00 feet to a point;

Thence North $89^{\circ}37'14''$ West a distance of 25.00 feet to a point;

Thence North $00^{\circ}47'18''$ East a distance of 78.03 feet (formerly 80.00 feet) to a point on the Northerly line of said Block 65;

Thence North $89^{\circ}35'52''$ West a distance of 357.01 feet to a point;

Thence South $00^{\circ}47'18''$ West a distance of 217.98 feet to a point;

Thence South $89^{\circ}35'55''$ East a distance of 507.01 feet to **THE POINT OF BEGINNING**.

END OF SCHEDULE A

SERIES US DEBENTURE HOLDERS
 PO BOX 670
 MERIDIAN, ID 83680
 RIVERSIDE PLAT E 125' OF TAX 17, BLK 65

Neighborhood Number
 13010
 Neighborhood Name
 R-1
 TAXING DISTRICT INFORMATION
 Jurisdiction Name Payette
 Area 001
 District TAG 00
 Census Tract 0

Tax ID 0052900010

Printed 02/28/2013

Transfer of Ownership

Owner Consideration Transfer Date Deed Book/Page Deed Type

PETTINGILL REX H 0 02/27/2009 TD 358794 Sp
 SHEPHERD WILLIAM D & DEBBIE A 0 06/15/2007 WD 345650 Fu
 CHANCELLOR JAMES & ADDIE FAMILY TRUS 0 08/23/2005 WD
 CHANCELLOR TRUST JAMES & ADDIE 0 08/16/2005 WD 328566 WD
 CHANCELLOR, JAMES & ADDIE 0 08/20/1998 BS

*Pam Jarsted
 (808) 277-0844*

Valuation Record

Assessment Year	2006	2007	2008	2009	2010	2011	2012
Reason for Change	Value	Update 5Y Reval	Value	Update Value	Update Value	Update Value	Update 5Y Reval
MARKET VALUE	130	130	2280	2280	2280	2280	2130
L	0	0	0	0	0	0	0
I	130	130	2280	2280	2280	2850	2130
T							

Site Description
 Topography
 Public Utilities
 Street or Road
 Neighborhood
 Zoning:
 Legal Acres:
 0.1900

13

Land Size

Land Type	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
Rural Undeveloped				0 -81%

SERIES US DEBENTURE HOLDERS
PO BOX 670
MERIDIAN, ID 83680
RIVERSIDE PLAT TAX 15 IN BLK 65

Neighborhood Number
13010
Neighborhood Name
R-1

TAXING DISTRICT INFORMATION

Jurisdiction Name Payette
Area 001
District TAG 00

Tax ID 0089160000

Printed 02/28/2013

Card No. 1 of 1

Transfer of Ownership

Owner
PETTINGILL REX H
PETTINGILL REX H
SHEPHERD WILLIAM D & DEBBIE A
Consideration 0
Transfer Date 02/27/2009
Deed Book/Page 358794
Deed Type Sp
QC 349114
Fu
wd 345650

Valuation Record

Assessment Year	2008	2009	2010	2011	2012
Reason for Change					
MARKET VALUE	L I T	Value Update Value 60370 0 60370	Update Value 60370 0 60370	Update Value 60370 0 60370	Update 5Y Reval 40430 0 40430

Assessment Year	2008	2009	2010	2011	2012
Reason for Change					
MARKET VALUE	L I T	Value Update Value 60370 0 60370	Update Value 60370 0 60370	Update Value 60370 0 60370	Update 5Y Reval 40430 0 40430

Assessment Year	2008	2009	2010	2011	2012
Reason for Change					
MARKET VALUE	L I T	Value Update Value 60370 0 60370	Update Value 60370 0 60370	Update Value 60370 0 60370	Update 5Y Reval 40430 0 40430

Land Size

Rating Soil ID - or - Actual	Land Type	Frontage	Acres	Square Feet - or - Effective Depth	Influence Factor
	Rural Undeveloped				0 -23%

Site Description
Topography

Public Utilities
Street or Road
Neighborhood
Zoning:
Legal Acres:
4.8100

SERIES US DEBENTURE HOLDERS
 PO BOX 670
 MERIDIAN, ID 83680
 RIVERSIDE PLAT TAX 16, BLK 65

Neighborhood Number
 13010
 Neighborhood Name
 R-1
 TAXING DISTRICT INFORMATION
 Jurisdiction Name Payette
 Area 001
 District TAG 00

Site Description
 Topography
 Public Utilities
 Street or Road
 Neighborhood
 Zoning:
 Legal Acres:
 2.0000

Tax ID 0089170000

Printed 02/28/2013

Card No. 1 of 1

Transfer of Ownership
 Owner

Consideration Transfer Date Deed Book/Page Deed Type

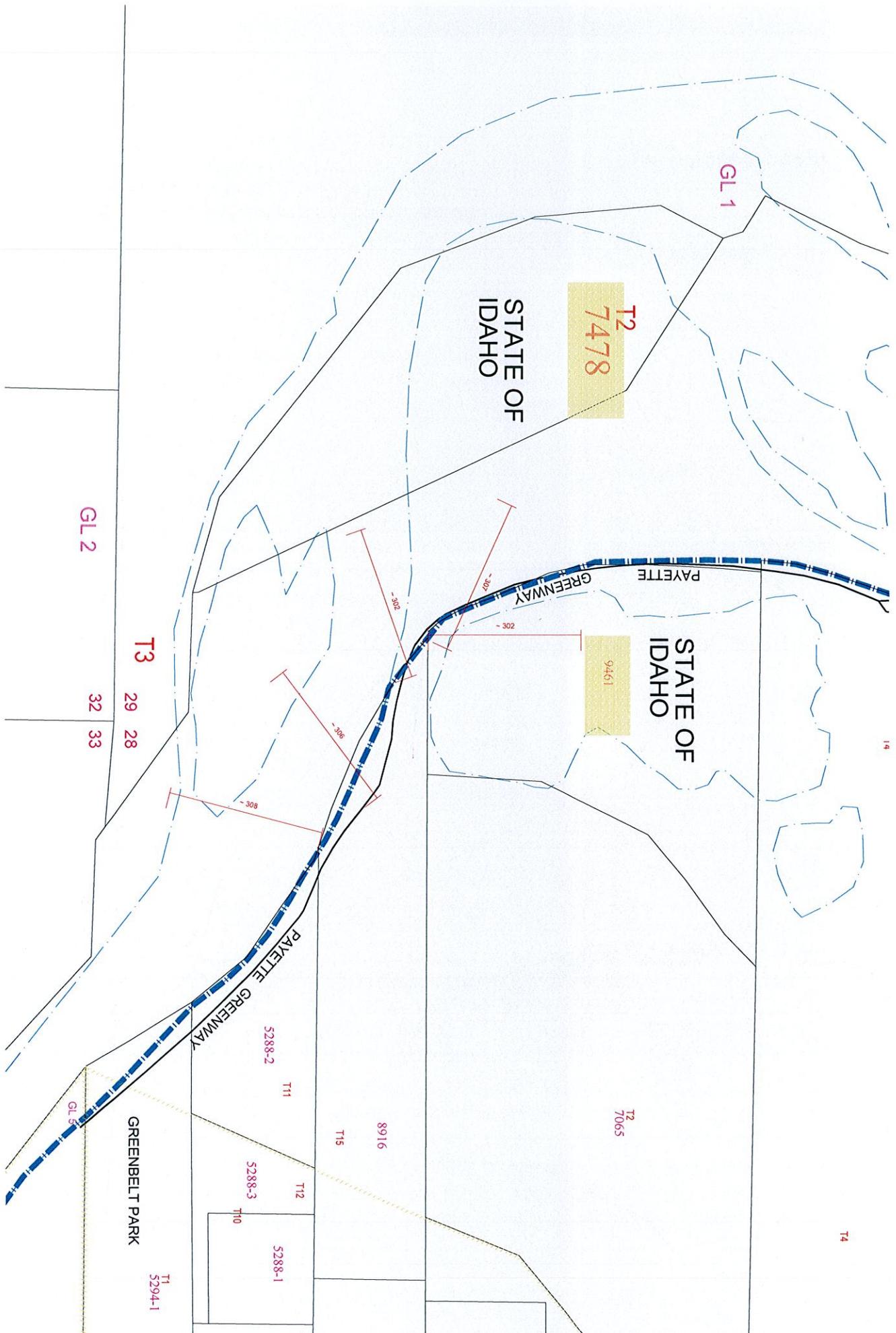
PETTINGILL REX H 0 02/27/2009 TD 358794 Sp

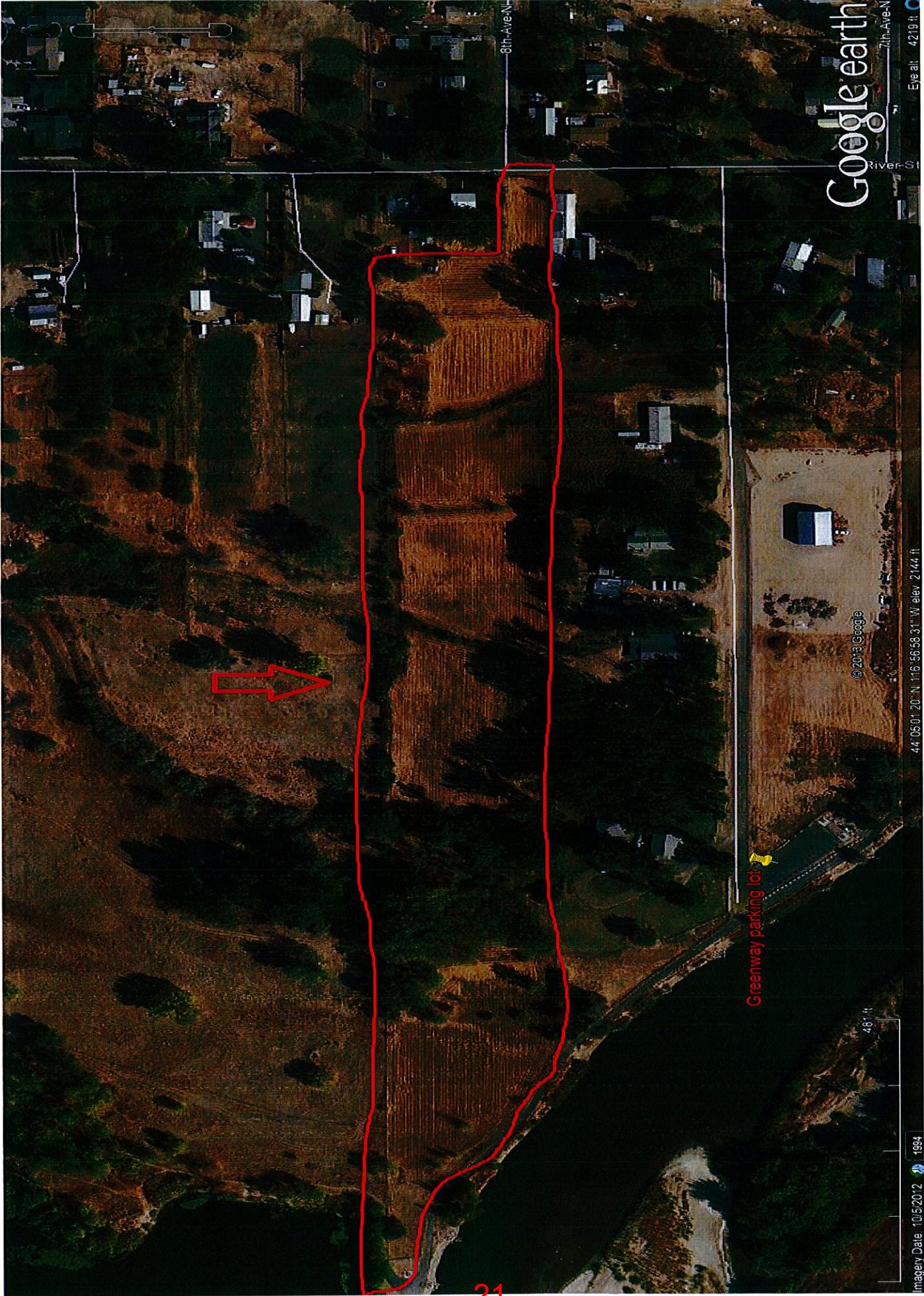
Valuation Record

Assessment Year	2008	2009	2010	2011	2012
Reason for Change					
MARKET VALUE	25850	25850	25850	21340	18980
L	0	0	0	0	0
I	25850	25850	25850	21340	18980
T					

Land Size

Rating: Soil ID - or - Actual Frontage	Land Type	Acres - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
	Rural Undeveloped			0 -45%





Google earth

7th Ave N
River St
Eye alt: 4219 ft

© 2013 Google

44° 05' 01" 20" N, 116° 56' 58" 31" W elev 2144 ft

Greenway parking lot

481 ft

Imagery Date: 10/5/2012 1994



FOI
10/13/2011

STAFF REPORT

P&Z Public Hearing Date: March 28, 2013

Applicants Name: Heather Ruth

Describe Request: Variance to expand a structure on a non-conforming lot and minimum lot size requirements

Property Zoned: A-Residential

Address: 304 10th Avenue North

Property Size: 6,865.50 sq. ft.

Access: 6th Avenue South & River Street

Structures: Residential

Comp Plan: A-Residential

Surrounding Uses: Residential

Employees: No

Hours: N/A

Sign: N/A

Payette City Code:

17.24.040: AREA AND LOCATION REQUIREMENTS:

G. Minimum lot size shall be eight thousand (8,000) square feet unless it is a corner lot, which shall be a minimum of ten thousand (10,000) square feet. (Ord. 1271 § 1, 2006: Ord. 1204, 2002: Ord. 971 § 8, 1987: Ord. 887, 1978: Ord. 847, 1976: prior code § 11-6-1(B))

17.56.030: BUILDINGS OR STRUCTURES; RESTRICTIONS ON ALTERATIONS:

A nonconforming building or structure may be altered, improved, or reconstructed provided such work is not to an extent exceeding in aggregate cost sixty percent (60%) of the assessed value of the building or structure, unless the building or structure is changed to a conforming use. (Ord. 1204, 2002: prior code § 11-4-1(A)(2))

17.78.010: VARIANCES; PERMISSIBLE WHEN:

The city council shall consider variances to the terms of this title which will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title will result

in undue hardship upon a landowner and under such conditions that the spirit of this title shall be observed and substantial justice done. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship because of the characteristics of the site. In acting upon a variance request, the city council shall make full investigation and shall only grant a variance upon finding that the following are true:

- A. That the granting of the variance will not be in conflict with the spirit and intent of the comprehensive plan for the city, and will not effect a change in zoning.
- B. That there are exceptional or extraordinary circumstances or conditions, applicable to the property involved, or the intended use thereof, which do not apply generally to the property or class of use in the district, so that a denial of the relief sought will result in:
 - 1. Undue loss in value of the property.
 - 2. Inability to preserve the property rights of the owner.
 - 3. The prevention of reasonable enjoyment of any property right of the owner.
- C. The granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property or improvements of other property owners or the quiet enjoyment of such property improvements.
- D. That the reason for a variance was not caused by the owners, or previous owner's actions. (Ord. 1204, 2002)

Staff Comments:

Mr. & Mrs. Ruth have to tear out the current structure do to a crack in the concrete slab. This crack caused moisture in the walls with caused mold to grow. When tearing this down and re-pouring the concrete they would like to square off the house to make the master bedroom bigger.

Our recommendation is to approve the variance for the minimum lot size requirement



City of Payette

Variance Application

OFFICE USE ONLY

Date Received 3-7-13 Paid Y / N

Date of Notice _____

Date of Hearing _____

P&Z Action _____

City Council Action _____

Non Refundable Fees:

Application..... \$200.00

Payette City Code 17.78.010

Applicants Name JAKE & HEATHER RUTH

Address 304 10th Ave North

City Payette State ID Zip 83661

Phone 208-405-5553 (Jake) Alt Number 208-405-5116 (Heather)

Please attach the following:

_____ Legal Description

_____ Map

_____ Proof of ownership

_____ Name & Addresses of all property owners & residents within 300 feet of the exterior boundaries of the land being considered. (This can be obtained at the Payette County Assessor's Office)

Street Address of the property 304 10th Ave North

Size of the property 69 feet X 99.5 feet

What is the property zoned Residential - A

Nature of Request

Describe the nature of the Variance requested To tear down existing bedroom and Add more square footage when rebuilding, 10x32 addition

Existing use of the property Single-Family Home

Requests for Granting a Variance

The following conditions must be fulfilled before a variance can be considered by the Planning & Zoning Commission. Showing that a variance is profitable or desirable for the owner and no harm will be done to others is not sufficient.

Below each requirement explain why your request conforms:

1. Show how granting of variance will not affect a change in zoning Because we
are not going any closer to our property lines
than we already are.

2. Explain any exceptional or extraordinary circumstances or condition applicable to the property involved, or the intended use thereof, which do not apply, generally to the property of use in zoning district. So that if the request is denied it will result in undue loss in value, inability to preserve property rights

Still a ~~is~~ single-family home / Residential

3. Indicate the alleged hardship. Has the hardship been created by the action of the property owner or the applicant? (i.e. applicant did not reduce size of the lot by prior sale)

Cracked concrete slab / moisture caused mold.
No, because we did not build the bedroom
it was there when we purchased home.

4. Approval of the variance will not be in conflict with the interest of the neighborhood or public interest in general. (Health, safety or welfare)

No.

3/6/2013
Date

Necetha Ruth / Jacob Ruth
Signature

Variance Information

Q. What is a “variance?”

A. A variance is an exception to City of Payette Municipal Code, usually involving property line setback or zoning requirements.

Q. Why is a variance required?

A. City of Payette Municipal Code provides “dimensional requirements,” such as setback from property lines for structures. Sometimes these dimensional requirements cannot be met due to unusual site constraints, such as steep slopes, rock outcrops, or other physical features peculiar to a particular parcel.

Q. How long does it take to process a variance application?

A. Processing time is dependent on a number of factors, including the nature of the variance, the complexity of the project, the completeness of the application and the number of applications being considered by the City at any given time. Plan on a minimum of 30 days for the processing of the permit.

Q. How much does it cost to apply for a variance?

A. The variance application filing fee is \$200.00.

Q. Who prepares a variance application?

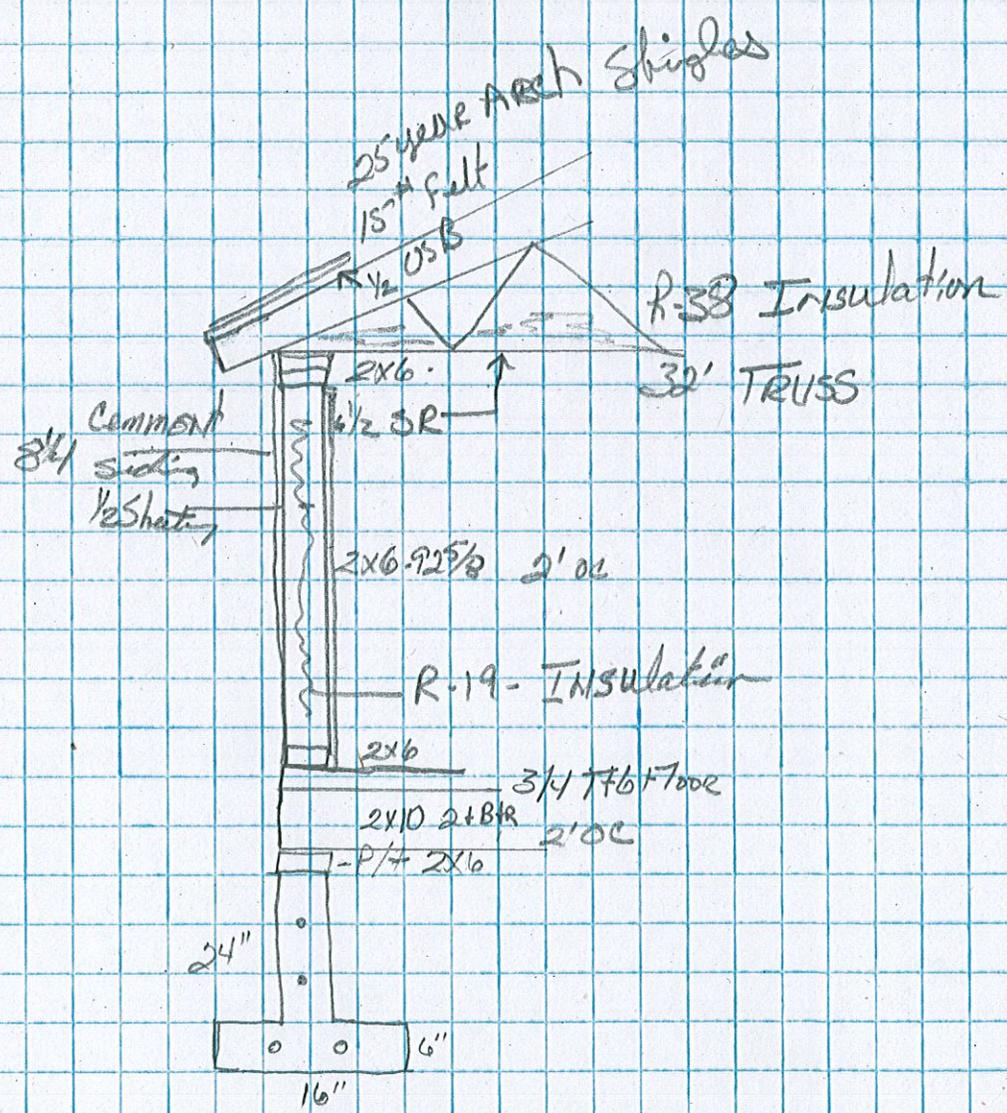
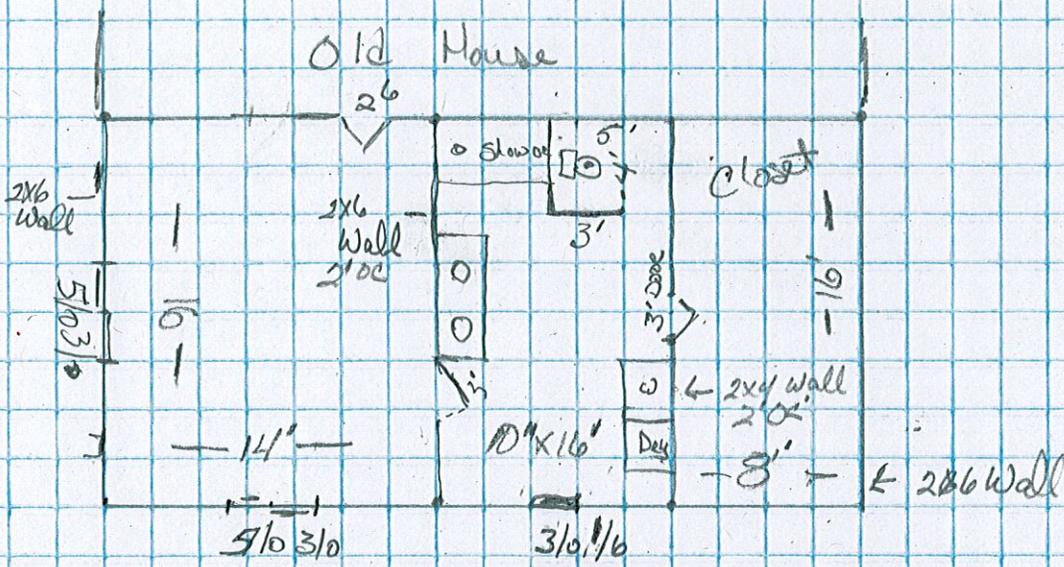
A. Applications typically retain a licensed land surveyor or registered civil engineer to serve as the project representative. Detailed, accurate mapping is necessary which usually requires a professional to prepare. However, it is not required by City of Payette Municipal Code that variance applications be prepared by a licensed land surveyor or registered civil engineer.

Q. Who reviews and approves a variance application?

A. City staff reviews variance applications for compliance with City of Payette Municipal Code. Applications may also be reviewed by state and federal agencies for conformity with state and federal guidelines. If additional information is required by either the City of Payette or any reviewing agency, planning staff will forward this request for information to the applicant. After all reviews are complete, the project will be acted on by the Planning and Zoning Commission at a public Hearing. Planning and Zoning Commission decisions may be appealed to the Payette City Council within 30 days of the Planning and Zoning Commission’s decision.

THE CITY STRONGLY ENCOURAGES THE APPLICANT TO SUBMIT ANY SUPPORTING DOCUMENTATION, SUCH AS LETTER FROM ADJACENT NEIGHBORS AND PICTURES, TO HELP EXPEDITE THE PROCESS!

VARIANCES DO NOT INVOLVE LAND USE! A variance is a modification of the requirements of the ordinance as to lot size, lot coverage, width, depth, front yard, side yard, rear yard, setbacks, parking space, height of buildings, or other provisions affecting the size or shape of a structure or the placement of the structure upon lots, or the size of lots (67-6516 Idaho Code).



North 10th HVZ

69

25

25

32

12'

29

29

Old House

East

16'

16'

New add on

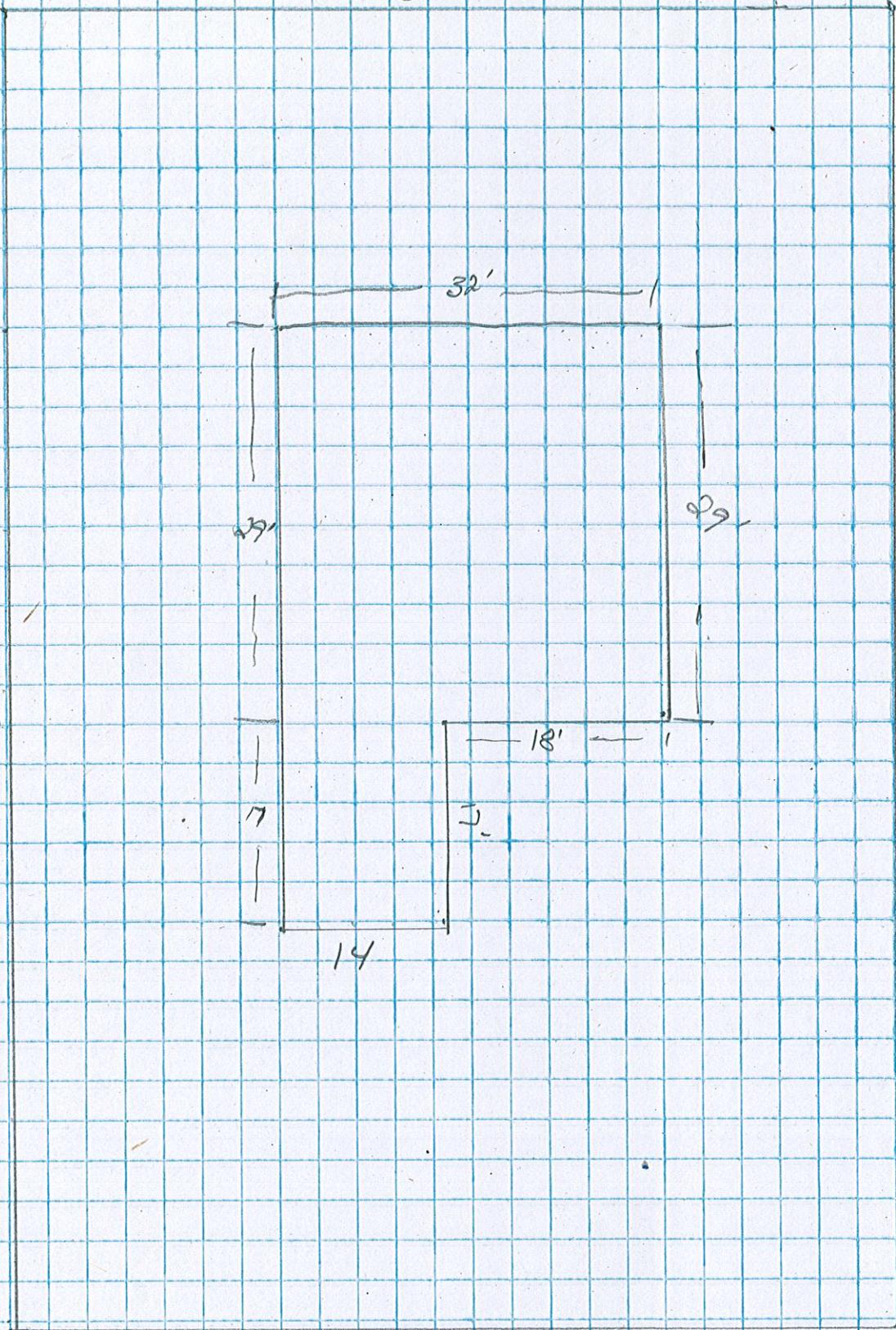
32

25

South

West

North 10° A/B
69'



West

99.5

East

99.5

South

OLD House

16'

16"x8" Vent

16"x6" Footing Cement
2x4 - Pony wall

32'

ATTN: SHAWN



8151 W. Rifleman Ave. / Boise
Idaho 83704 / (208) 377-2700

0021514

WARRANTY DEED

For Value Received Eric A. Soderman and Cindi J. Soderman, Husband and wife
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto
Jacob T. Ruth and Heather J. Ruth, husband and wife

hereinafter referred to as Grantee, whose current address is 304 10th Ave. South, Payette, Idaho 83611

the following described premises, to-wit:
THE NORTH 99.5 FEET OF THE WEST 69 FEET OF LOT 3 IN BLOCK 6 OF T. J. LLOYD'S
SUBDIVISION, ACCORDING TO THE OFFICIAL PLAT THEREOF, FILED IN BOOK 2 OF PLATS AT
PAGE 26, ORRICIAL RECORDS OF PAYETTE COUNTY, IDAHO.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee, his heirs
and assigns forever. And the said Grantor does hereby covenant to and with the said Grantee, that Grantor
is the owner in fee simple of said premises; that said premises are free from all encumbrances except current
years taxes, levies, and assessments, and except U.S. Patent reservations, restrictions, easements of record,
and easements visible upon the premises, and that Grantor will warrant and defend the same from all claims
whatsoever.

Dated: July 25, 2006

[Signature]
Eric A. Soderman

[Signature]
Cindi J. Soderman

Washington King
STATE OF Idaho, County of Ada, ss.

On this 28 day of July, in the year of 2006, before me the undersigned, notary public personally
appeared Eric A. Soderman known or identified to me to be the person/persons whose name is/are
subscribed to the within instrument, and acknowledged to me that he/she/they executed the same.

*Cindi J. Soderman



[Signature]
Sharon M. Wilson
Notary Public of Idaho
Residing at Boise, Idaho
Commission expires: May 10, 2012
Matthew P. Wahlquist
Washington WA
Sumner WA
1/3/2008

Instrument # 337373
PAYETTE COUNTY
2006-08-01 09:55:00 No. of Pages: 1
Recorded for: AMERITITLE
BETTY J DRESSEN
Ex-Officio Recorder Deputy *[Signature]* Fee: 3.00
Index to: WARRANTY DEED *[Signature]*

T. J. LLOYD

STATE OF OHIO }
COUNTY OF PAVETTE } S.S.

I, T. J. LLOYD, DO HEREBY CERTIFY THAT I AM THE
OWNER OF THE SEVERAL PLATS OF RECORD IN
BLOCK 77 OF THE ORIGINAL PLAT OF HIGHWAY BE-
TWEEN THE SE 1/4 OF THE SE 1/4 OF SECTION 10,
T. 11 N. R. 5 W. SEC. 28,
COUNTY OF PAVETTE, OHIO, AND THAT I AM
WITHIN SAID SUBDIVISION AND BY THESE PRESENTS DEED,
FOR STREET AND ALLEY PURPOSES,
IN WITNESS WHEREOF I HAVE HEREUNTO SET MY
HAND AND SEAL OF OFFICE AT DAYTON, OHIO, THIS
30th DAY OF SEPTEMBER, A.D. 1936.

STATE OF OHIO }
COUNTY OF PAVETTE } S.S.

I, J. C. GARDNER, CLERK OF THE COURT,
DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD AS THE SAME APPEARS IN THE RECORDS
OF THE CLERK OF THE COURT OF THE COUNTY OF
PAVETTE, OHIO.

STATE OF OHIO }
COUNTY OF PAVETTE } S.S.

I, GEORGE MARION, A DAY LICENSED PROFESSIONAL
ENGINEER, DO HEREBY CERTIFY THAT THE FOREGOING IS A
TRUE AND CORRECT COPY OF THE ORIGINAL
RECORD AS THE SAME APPEARS IN THE RECORDS
OF THE CLERK OF THE COURT OF THE COUNTY OF
PAVETTE, OHIO.

I, WITNESS WHEREOF I HAVE SET MY HAND AND
SEAL OF OFFICE AT DAYTON, OHIO, THIS
30th DAY OF SEPTEMBER, A.D. 1936.

APPROVED BY THE MAYOR AND COUNCIL THIS
30th DAY OF SEPTEMBER, A.D. 1936.

Charles E. ...
CITY CLERK

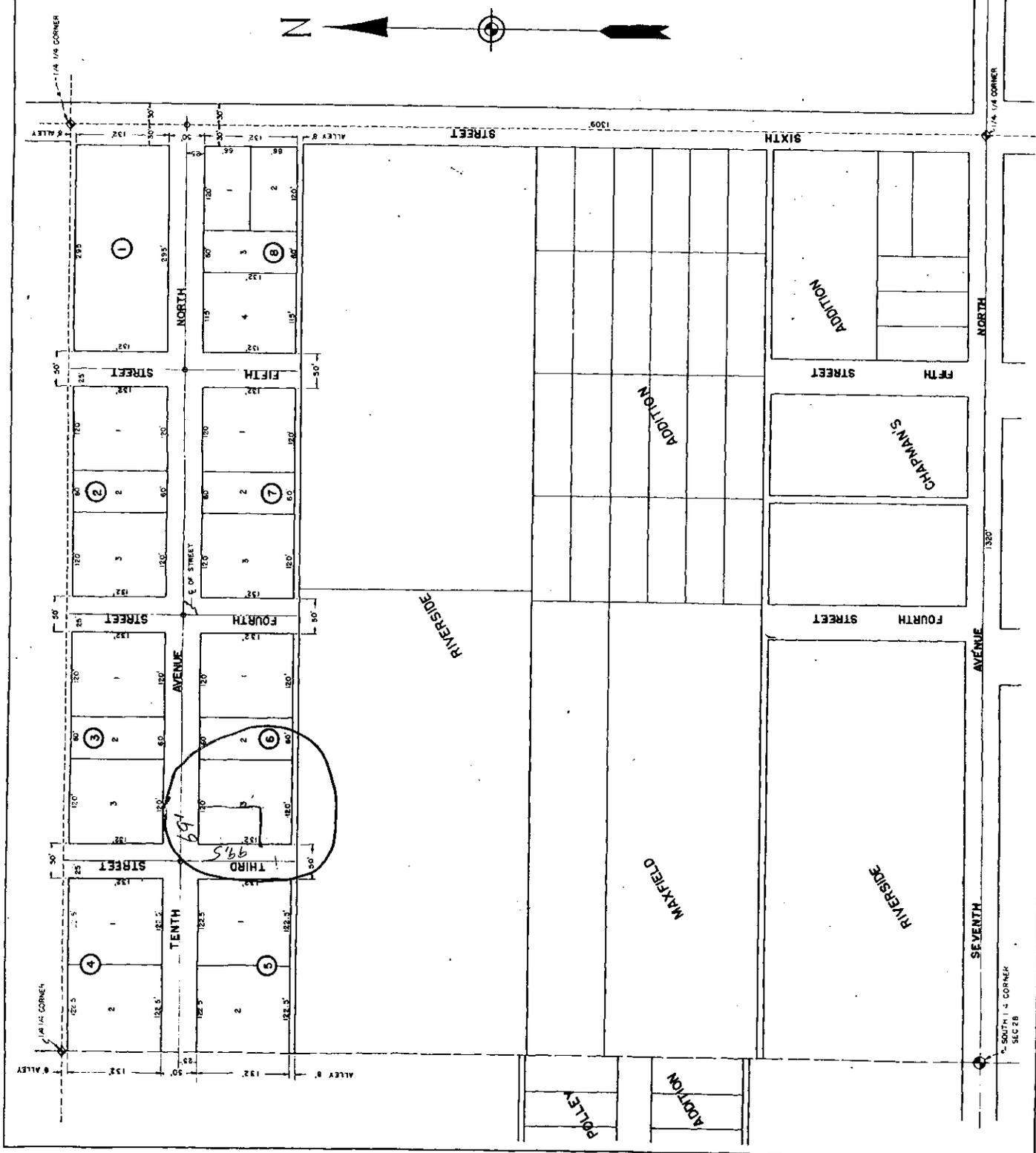
STATE OF OHIO }
COUNTY OF PAVETTE } S.S.

I, HENRY GERTY, CLERK OF THE COURT,
DO HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED
FOR RECORD IN THE OFFICE OF THE CLERK OF THE
COURT OF THE COUNTY OF PAVETTE, OHIO, ON THE
30th DAY OF SEPTEMBER, A.D. 1936.

FILE

T. 11 N. R. 5 W. SEC. 28
1/4 1/4 CORNER

SOUTH 1/4 CORNER
SEC 28



TTU
4001



1/183

8' AL

N 3RD ST

8' ALLEY 99.5

TTU
3003B

TTU
3003A

TTU
3002

TTU
4451
3001

T.J.L

122.50

35

457

001

1

5

120

60

120

3

90 2

1

~~4461~~
4461
6003A

4461-1
6003B

4460

6002A

4459

6001A

6

50

TTU

RUTH JACOB T & HEATHER J
304 10TH AVE N
PAYETTE, ID 83661
N 99.5' OF W 69' OF LOT 3, BLK 6 T.J.
LLOYD SUB

Neighborhood Number
10030
Neighborhood Name
P-3
TAXING DISTRICT INFORMATION
Jurisdiction Name Payette
Area 001
District TAG 00
Census Tract 0

Site Description
Topography
Public Utilities
Street or Road
Neighborhood
Zoning:
Legal Acres:
0.0000

Tax ID 0044610010

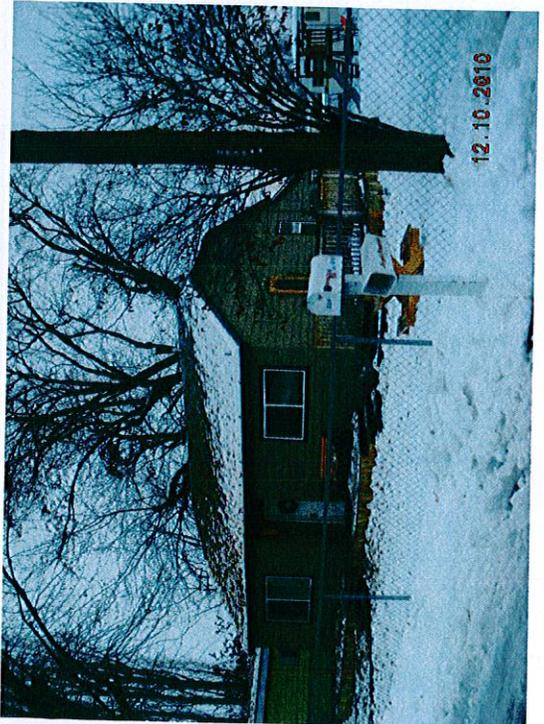
Card No. 1 of 1

Printed 02/06/2013

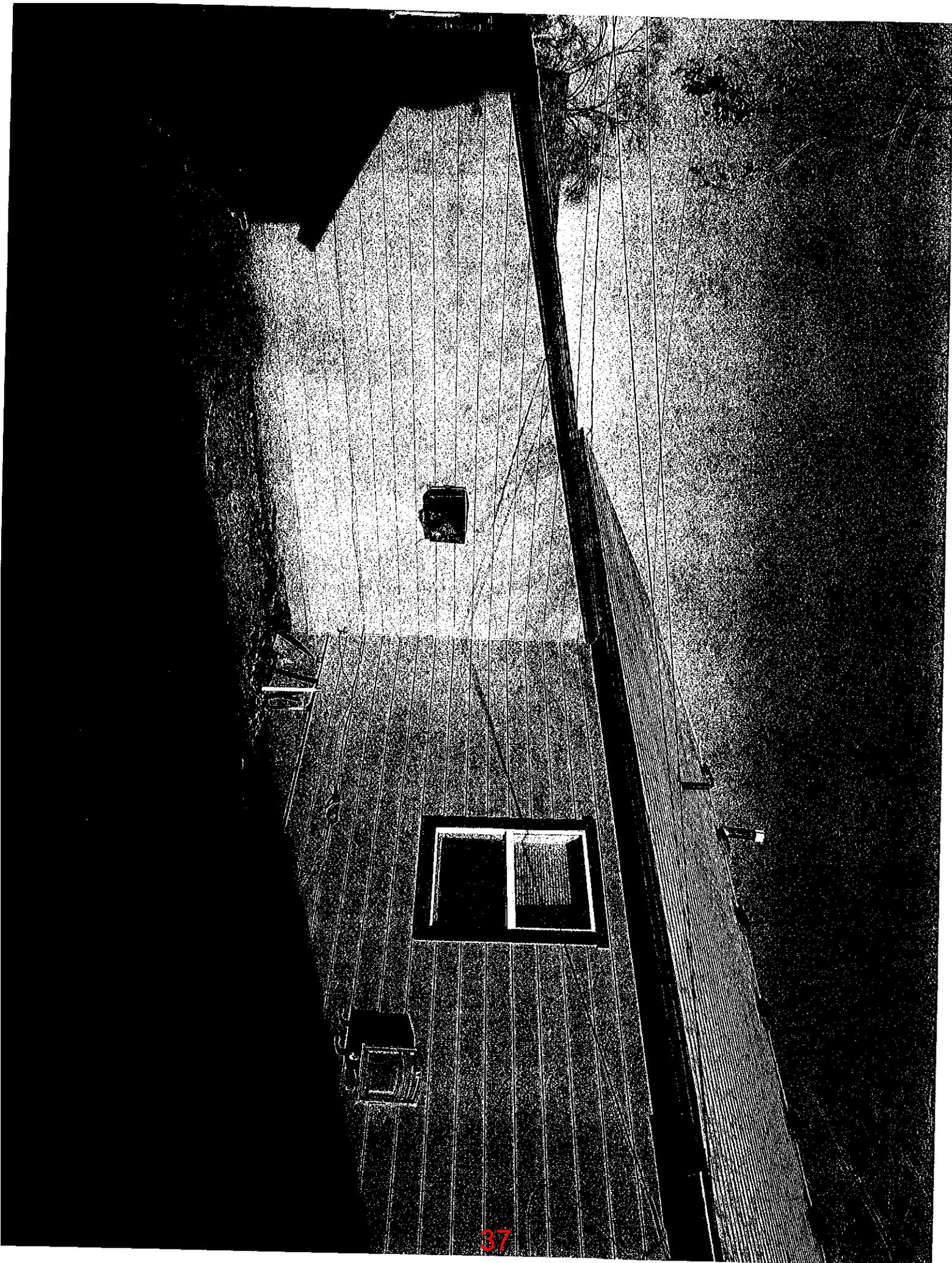
Owner	Consideration	Transfer Date	Deed Book/Page	Deed Type
SODERMAN ERIC A	0	08/01/2006	WD 337373	WD
ALEXANDER HALLIE C	0	07/07/2005	WD 326953	WD
ALEXANDER, BENJAMIN L & HALLIE C	0	10/11/2001	296786	

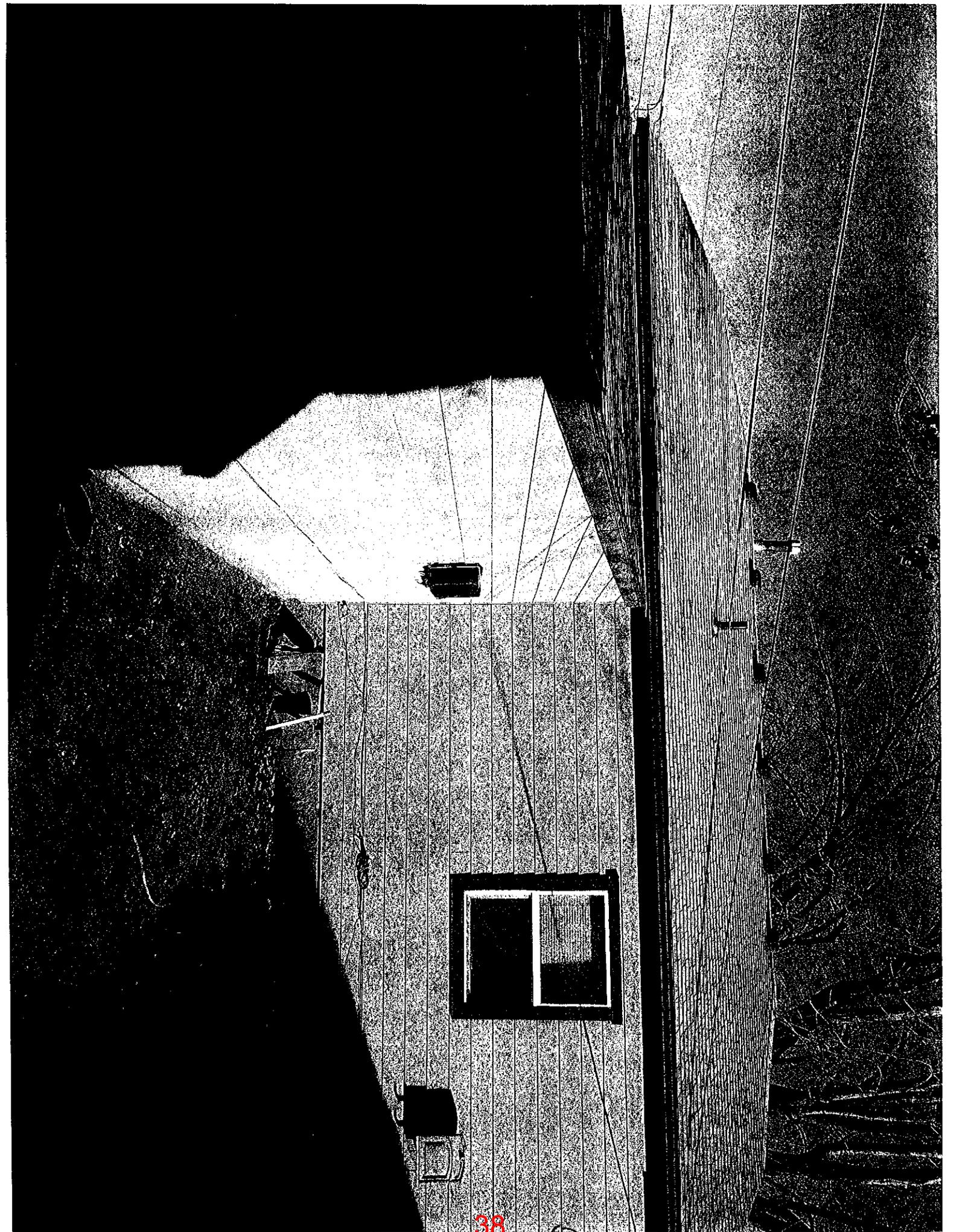
Valuation Record

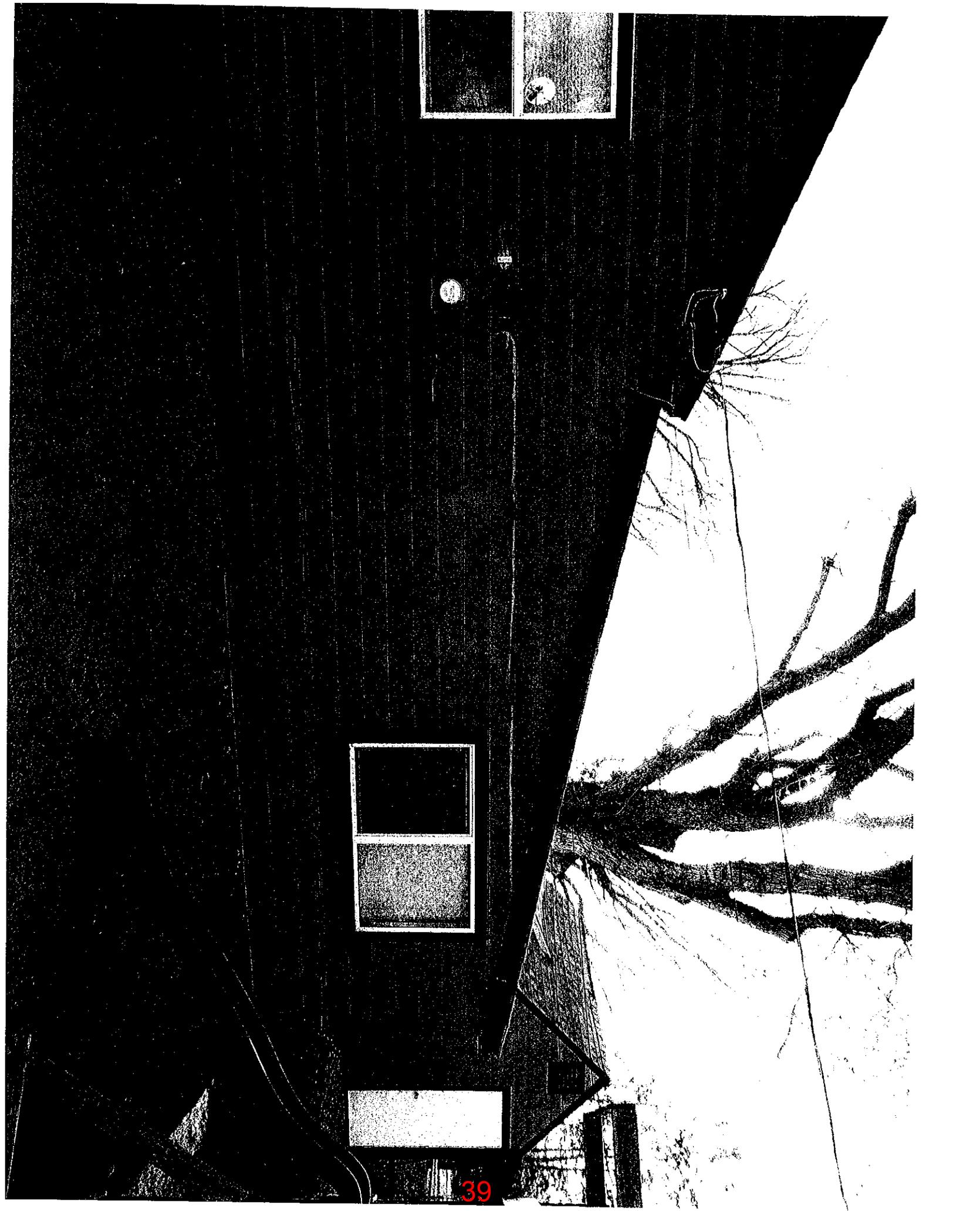
Assessment Year	2006	2007	2008	2009	2010	2011	2012
Reason for Change	5Y Reval						
MARKET VALUE	L I T	8360 50900 59260	22110 58590 80700	21570 58590 80160	21570 58590 80160	19410 51860 71270	19410 21560 40970
		Value Update	Value Update	Value Update	Value Update	Value Update	Value Update
		5Y Reval	Value Update				
			Value Update				
			Value Update				
			Value Update				



City Lot	Land Type	Rating, Soil ID - or - Actual Frontage	Acreege - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
					ε L -10%









Google ear

© 2013 Google
© 2013 Google

5 ft

304 10th Ave N, Payette, ID

STAFF REPORT

P&Z Public Hearing Date: March 28, 2013

Applicants Name: Sergio Castro

Describe Request: Conditional Use Permit – Applicant is hoping to serve beer at the 109 North Main Street.

Property Zoned: C-1 Commercial - Downtown

Address: 109 North Main Street; Payette, Idaho

Property Size: 0.1997 – 30x145 square foot

Access: Main Street and 2nd Avenue North

Structures: Restaurant

Comp Plan: C-1 Commercial Downtown

Surrounding Uses: Building next door is Jimbo’s across the street is Payette River Irrigation, Hit Industries and Meechan’s Diner

Employees: No

Hours: Thursday – Sunday 2pm to 2am

Sign: Yes, needs to get a permit

Payette City Code:

17.34.030: CONDITIONAL USES:

The following uses may be permitted by the planning and zoning commission after public notice has been given by United States mail to all property owners within three hundred feet (300') of the property in question and a public hearing is held. The planning and zoning commission may require appropriate safeguards and special conditions as said commission deems necessary. Such uses and buildings must be appropriately located and designed to meet a community need without adversely affecting the neighborhood.

All conditional uses as allowed in a C commercial district.

Drinking establishments that serve beer, wine or liquor for on site consumption.

Residential use. (Ord. 1204, 2002)

TITLE 23
ALCOHOLIC BEVERAGES
CHAPTER 10
BEER

23-1011B. Bars or taverns not allowed near churches or schools -- Exceptions. No license shall be issued for any place where beer is sold or dispensed to be consumed on the premises, whether conducted for pleasure or profit, that is within three hundred (300) feet of any public school, church, or any other place of worship measured in a straight line to the nearest entrance to the licensed premises, except with the approval of the governing body of the

municipality; provided that this limitation shall not apply to any duly licensed premises that at the time of licensing did not come within the restricted area but subsequent to licensing came therein.

Staff Comments:

Mr. Castro wants to operate a dancing establishment which serves beer. All fire and safety inspections need to be completed prior to any license being issued.

Mr. Castro must comply with all provisions of Chapter 5 Beer & Wine.

Also, 115 North Main Street is not part of the bar nor this application, therefore cannot be used for storage etc. The last bar we had in this building was using 115 North Main as a residential unit.

Staff recommendation would be to approve the CUP with provisions being met.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

Date Received 3/8/13

Fees Paid Y / N

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name Sergio Castro Address 716 NW 3rd

City Frankland State ID Phone (208) 739-8712

Owner

Name Rong Fen Deng Address 107 N main st

City Payette State IDAHO Phone 208-420-2774

Property Covered by Permit

Address 109 N Main St Payette ID Zone C1 Comm downtown

Legal Description (Lot, Block, Addition, Subdivision)

Lot

Nature of Request (Briefly explain the proposed use)

Entertainment = (Dancing).

Beverage : sodas, Alcohol (Beer only)

Existing use of property

Was a Bar, But is Vacant

Will this have an impact on schools?

NO

Conditional Use Permit

The following information will assist the Planning and Zoning Commission to determine if your proposal will meet the requirements under the zoning ordinance.

1. What is the estimated water usage per month? Are the existing mains adequate to provide fire protection?
minimum / yes
2. What is the estimated sewer usage per month? Will pretreatment be necessary?
Minimum / no need pretreatment.
3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?
5-10 vehicles, Private vehicles
4. If commercial, industrial, or a home occupation, what will be the hours of operation?
Commercial, Thursday - Sunday 2pm - 2AM
5. Will storm water drainage be retained on site? Is an existing storm drain available? Is it at capacity? If so, will new facilities be constructed?
no / yes / Yes
6. If proposed use is residential, describe number and type of dwelling units. Will this be student housing; multifamily for young families, singles and couples, or elderly?
N/A
7. What provisions has been made for fire protection? Where is the nearest fire hydrant? Is any point of the building further than 150 feet from access sufficient in width for firefighting equipment?
NO
8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?
Street parking only, Yes, N/A
9. Where will solid waste generated be stored? Is access adequate for the City collection?
Pick up weekly / yes
10. What is the type of noise that will be generated by the use? What are the hours of noise generation?
Music, 2pm - 1AM
11. What type of equipment will be used in the conduct of the business?
no equipment
12. What are the surrounding land uses? Has buffering been provided as required by the ordinance
Retail Commercial Business

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars?

NO, NO.

14. Will the parking lot or other outdoor areas have lighting?

YES

15. Are passenger loading zones for such uses as daycare centers and schools provided? How is (school) busing routed? For commercial uses, where are the loading docks? Is there sufficient space for truck parking?

N/A, N/A, YES, N/A, YES

16. If a commercial, multi-family, or public assembly use, where is the nearest collector street? Arterial Street?

N/A

17. What, if any, signage is anticipated in connection with the proposed usage?

YES Gabbana CLUB

The Commission or Council may address other points than those discussed above. Including a narrative attached to this application addressing at least those applicable points will assist in processing your application.

A PLOT PLAN MUST BE ATTACHED IN ORDER TO PROCESS THIS APPLICATION.

- Included on the plot plan will be setbacks, parking, etc.

A LIST OF ALL NEIGHBORS WITHIN 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION

- List may be obtained at Payette County Assessor's Office 1130 3rd Avenue North, Payette

Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use Permit.


Applicant's Signature

3-7-13
Date

P1270005018A

DENG RONG FEN

109 N MAIN ST

Tax ID 0042110000

Printed 03/08/2013

Card No. 1 of 1

DENG RONG FEN
107 N MAIN ST
PAYETTE, ID 83661
LOT 18 - S 10' OF LOT 17, BLK 5 GORRIE
ADD

Neighborhood Number
10020
Neighborhood Name
P-2
TAXING DISTRICT INFORMATION
Jurisdiction Name
Payette
Area
001
District
TAG 00
Census Tract
0

Site Description
Topography
Public Utilities
Street or Road
Neighborhood
Zoning:
Legal Acres:
0.0000

Transfer of Ownership

Owner	Consideration	Transfer Date	Deed Book/Page	Deed Type
DENG RONG FEN	0	10/28/2008	QC 356680	QC
DENG RONG FEN	0	10/28/2008	WD 356679	Fu
DENG RONG FEN	0	01/05/2007	WD 341266	Fu
WONG BRENDAA	0	01/05/2007	WD 341265	Fu
Multiple Owners	0	01/05/2007	WD 341264	Fu

Assessment Year

2007

2008

2008

2009

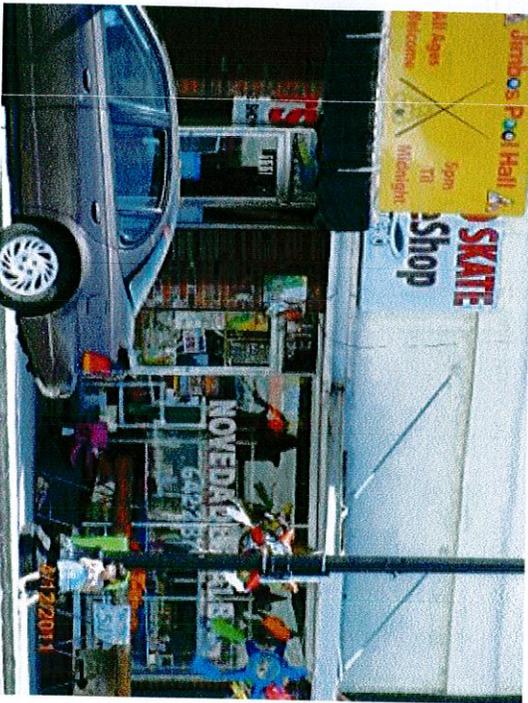
2010

2011

2012

Valuation Record

Reason for Change	MARKET VALUE	Value Update							
L	12120	12120	12120	12120	10910	10910	10910	10910	
I	55810	49980	55810	55810	55810	57560	57560	57560	
T	67930	62100	67930	67930	66720	68470	68470	68470	



Land Type	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
Primary Commercial/Indust Land	40.0	40.0	145.0	L -10%

OREG OVERPASS

OREG

52

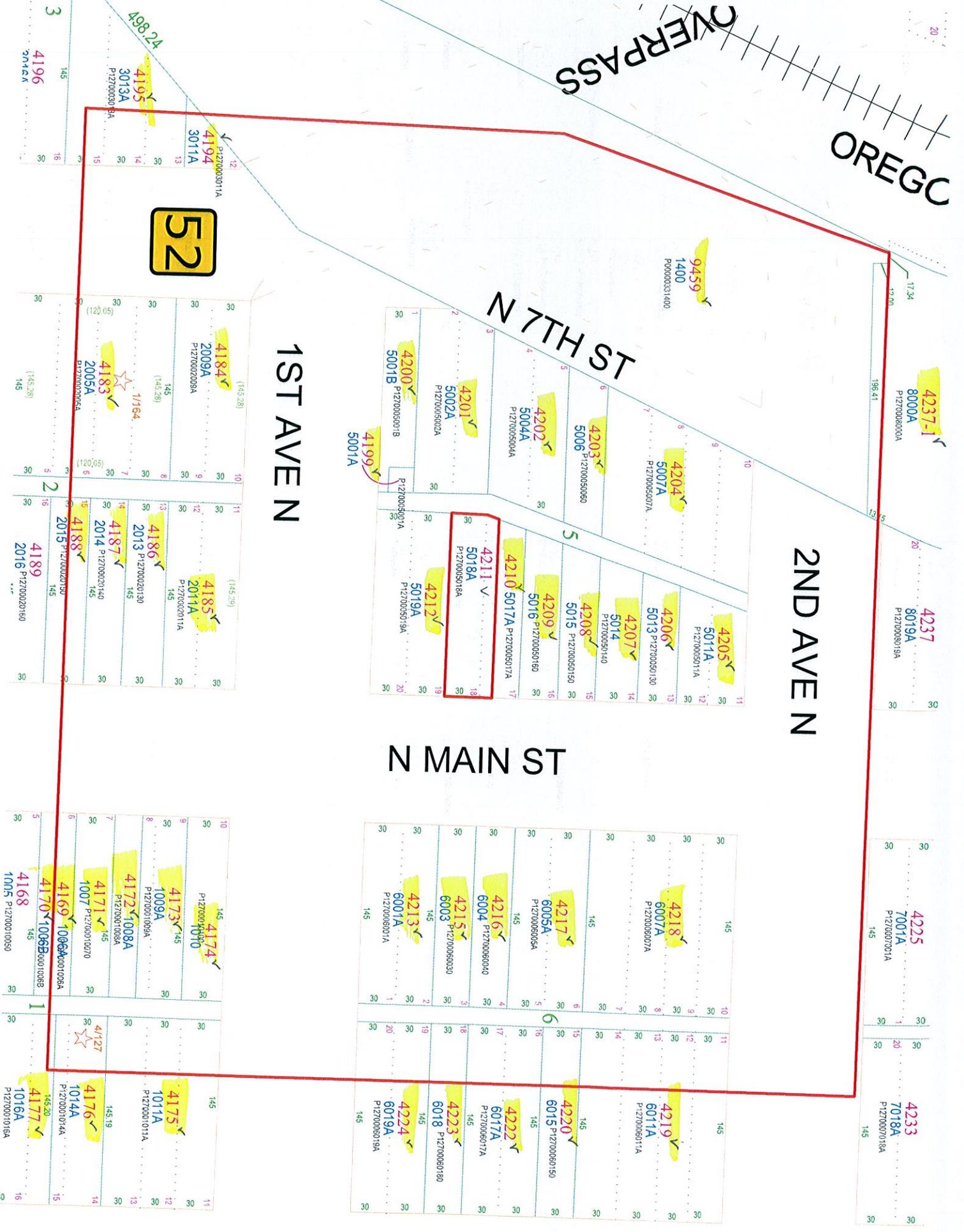
1ST AVEN

N 7TH ST

2ND AVEN

N MAIN ST

N 9TH ST



RENTAL AGREEMENT

This agreement made between, **Rong Fen Deng**, (Owner), hereafter called "Agent" and **Sergio Castro**, hereafter called "Tenant". Agent rent to Tenant that certain real property commonly known and described as a commercial property. Located at **109** North Main ST. Payette, Idaho, Payette County.

Said commercial property to be on a 6 months rental basis:

1. Tenants Agree as Follows:

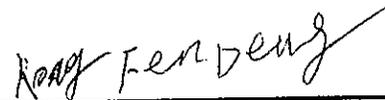
- a. To pay rent in the amount of \$500.00 due on the 10st of each month. Rent not paid within 7 days of due date will be subject to \$10.00 each day after. Security deposit of \$500.00
- b. To have all utilities and services put into tenants name.
- c. To permit owners or their agents to enter said premises at reasonable times to examine its' condition.
- d. To maintain premises and furnishings in as good a state and condition with reasonable wear and tear, damage by the elements and fire accepted, and to pay for repairs or cleaning to the property made necessary by damage resulting from the negligence or carelessness of tenant.
- e. To allow owners or their agents to show premises at re-rental or to show property with 12 hour's notice in the event of a possible sale.
- f. To remove all trash and other property owned by tenants or their agents, from the premises upon vacating.
- g. To hold owners and their agents harmless from any loss, damage, or liability caused by tenants or their agents, employees, or invitees.
- h. The rental property is to be rented AS IS.
- i. If Tenants break year lease, Tenant will be responsible for the remaining amount of rent due on the contract.

2. Owners Agree As Follows:

- a. To pay all taxes and assessments on the premises as they become due and payable.
- b. To keep the premises, but not the tenant's effects, insured by standard insurance coverage for loss and damage due to fire.

- c. To keep roof and exterior of building in a good state or repair, except for glass breakage arising from use and occupancy of the premises by tenants.

The violation of any of the covenants of this agreement or the non-payment of any rent when due and unpaid shall be sufficient cause for eviction from said premises upon three day's written notice thereof by registered mail or certified mail or by personal service, and that if suit be brought to collect rent or damages or to cause eviction from said premises, or to collect the costs of repairs to or cleaning of said premises, Tenants agree to pay all costs of such action, including reasonable attorney's fees as may be fixed by the action, including reasonable attorney's fees as may be fixed by the court.

X 

Rong Fen Deng

X 

Sergio Castro

10/01/2012

10/01/2012

State of Idaho

Idaho State Police

Cycle Tracking Number: 62288

Premise Number: 1P-13703

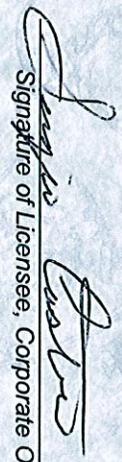
Retail Alcohol Beverage License

License Year: 2013
License Number: 13703

This is to certify, that **Gabbana Club LLC**
doing business as: **Gabbana Club**
is licensed to sell alcoholic beverages as stated below at: **109 N Main St, Payette, Payette County**

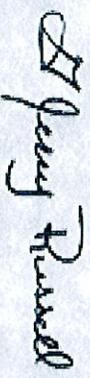
Acceptance of a license by a retailer shall constitute knowledge of and agreement to operate by and in accordance to the Alcohol Beverage Code, Title 23. Only the licensee herein specified shall use this license.
County and city licenses are also required in order to operate.

Liquor	No	No
Beer	Yes	\$50.00
On-premise consumption	Yes	<u>\$0.00</u>
Kegs to go	No	
Restaurant	No	
Wine by the bottle	No	
Wine by the glass	No	
Multipurpose arena	No	
TOTAL FEE:		<u>\$50.00</u>


Signature of Licensee, Corporate Officer, LLC Member or Partner

GABBANA CLUB LLC
GABBANA CLUB
716 NW 3RD ST
FRUITLAND, ID 83619
Mailing Address

License Valid: 11/07/2012 - 05/31/2013
Expires: **05/31/2013**


Director of Idaho State Police



2013

PAYETTE COUNTY
STATE OF IDAHO

No. 46

RETAIL ALCOHOLIC BEVERAGE LICENSE

THIS IS TO CERTIFY THAT

doing business as

GABBANA CLUB
109 N MAIN ST. PAYETTE, ID 83661

at

a(n)

LLC

, is licensed to sell Alcoholic Beverages as stated below, subject to the provisions of Chapters 23-903 and 23-916 Idaho Code Annotated, and the laws of the State of Idaho, Municipal Ordinances, and the regulations of the Commissioner in regard to sale of Alcoholic Beverages and the resolution passed by the Commissioners of said County, on file in the office of the Clerk of the Board at the Payette County Courthouse, Payette, Idaho.

Dated: Beer: 11/28/1949 Retail Liquor: 11/28/1949 Retail Wine: 06/07/1971 Wine By Drink: 06/07/1971.

Draught and Bottled or Canned Beer 0.00
Bottled or Canned Beer to be consumed on premises 75.00

James Baker
Signature of Licensee or Officer of Corporation

Bottled or Canned Beer not to be consumed on premises 0.00

This license is TRANSFERABLE and EXPIRES 12/31/2013.
Witness my hand and seal this 19th day of February, 2013.

Retail Liquor 0.00

Retail Wine 0.00

Wine by the Drink 0.00

Mark
Chairman

Special Wine (Sunday) 0.00

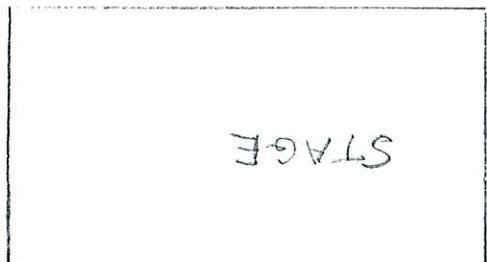
Jason
Commissioner

TOTAL FEE: 75.00

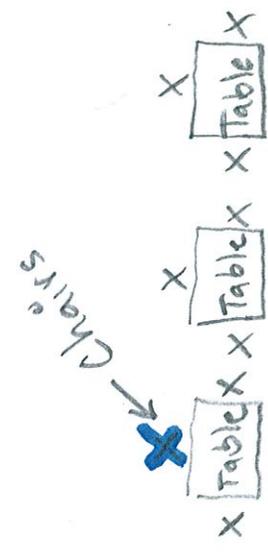
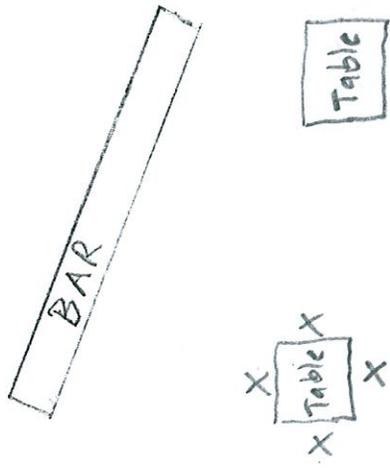
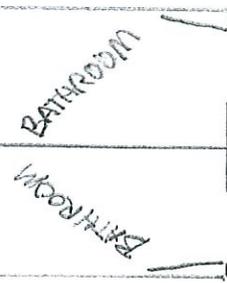
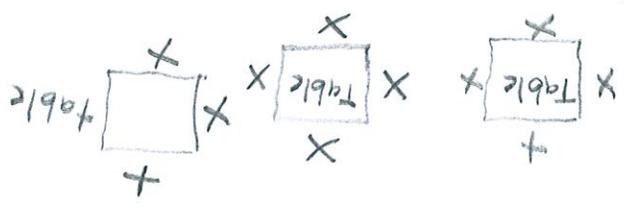
(SEAL)

Jim Beckwith
Clerk of the Board of County Commissioners

Jimmy Stewart
Commissioner

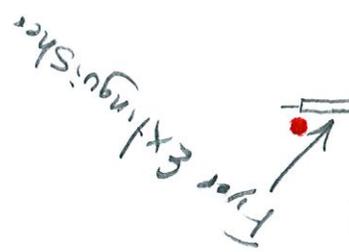


DANCE FLOOR



Fyer Extinguisher

Fyer Alarm



I Rong Fen Deng agree
to rent space 109 N. Main Street
in Payette Idaho to Sergio
Castro. I am fully aware and
have been informed about his
plans, I have agreed. If you
have any more questions, please
Call me at 208-420-2774
Thank You

This Building is going to be a dance Hall, and bar.
JD

Rong Fen Deng
3-8-2013



CITY OF PAYETTE, IDAHO
ORDINANCE NO. 2013-__

AN ORDINANCE OF THE CITY OF PAYETTE, PAYETTE CITY, IDAHO, ADOPTING A NEW CHAPTER 17.90 "OIL & GAS OPERATIONS" UNDER TITLE 17, ZONING, OF THE PAYETTE MUNICIPAL CODE; PROVIDING FOR A SEVERABILITY CLAUSE; ESTABLISHING A REPEALER CLAUSE; ESTABLISHING A PENALTY; ALLOWING FOR PUBLICATION IN SUMMARY FORM; PROVIDING FOR THE EFFECTIVE DATE OF THIS ORDINANCE UPON PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF PAYETTE AS FOLLOWS:

SECTION 1. Adoption of New Chapter 17.90 to Title 17, Zoning.

The City of Payette Code of Ordinances is hereby amended to add the following new Chapter 17.90 under Title 17, Zoning:

Chapter 17.90

OIL AND GAS OPERATIONS

17.90.010. Purpose

17.90.020. Definitions

17.90.030. Zoning Classification

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17.90.010. Purpose.

The purpose of this ordinance is to provide, through zoning provisions, for the reasonable development of land for Oil and Gas drilling while providing adequate health, safety and general welfare protections of the residents of the City of Payette. Oil and Gas exploration, drilling and extraction operations involve activities that are economically important and will impact the City of Payette. Accordingly, it is necessary and appropriate to adopt reasonable requirements for Oil and Gas resource development so that these resources can be obtained in a manner

that is economically remunerative, and that minimizes the potential impact on the residents of the City of Payette.

Local governments are preempted from regulating the same features Oil and Gas Well operations or accomplishing the same purposes regulated under Idaho Statute 47-317. Local zoning regulates surface land use as authorized under the Local Land Use Planning Act (I.C. 67-65).

17.90.020. Definitions.

For the purposes of this Chapter, all terms used that are defined in the IDAPA regulations and are not defined in this Chapter are defined as provided in the IDAPA regulations as of the effective date of this Chapter. The following definitions shall apply unless the context clearly indicates or requires a different meaning.

Administrative: A regulatory review and/or action performed by an employee or contractor of the City of Payette and not deemed a legislative or quasi-judicial action.

Applicant: Any person, Owner, Operator, partnership, company, corporation and its subcontractors and agents who has an interest in real estate for the purpose of exploring or drilling for, producing, or transporting Oil or Gas.

Department: The Idaho Department of Lands.

Development: Any work which actively promotes bringing in production.

Drilling Pad: The area of surface operations surrounding a proposed or existing well or wells and accessory structures and equipment necessary for drilling, completion, recompletion, work over, development and production activities

Oil and Gas: Crude oil, natural gas, methane gas, propane, butane and/or any other constituents or similar substances that are produced by drilling an oil or gas well.

Oil and Gas Well: A hole drilled into the earth for the purpose of exploring for or extracting oil, gas, or other hydrocarbon substances.

Roadway: Any street, avenue, boulevard, road land, parkway, place, viaduct, easement for access, or other way which is an existing state, City, or municipal roadway; or a street or way shown in a plat heretofore approved pursuant to law or approved by official action; or a street or way in a plat duly filed and recorded within the right-of-way boundaries whether improved or unimproved and may be comprised of pavement, shoulder, curbs, gutters, sidewalks, parking areas, and lawns.

- a. "Arterial Route" - A general term including expressways, major and minor arterial streets; and interstate, state or City highways having regional continuity.
- b. "Collector Street" - A street that provides for traffic movement within neighborhoods of the City and between major streets and local street and for direct access to abutting property.
- c. "Local Street" - A street that provides direct access to residential, commercial, industrial, or other abutting land for local traffic movements and connects to collector and/or arterial streets.
 1. "Marginal Access Street" - A minor street parallel and adjacent to an arterial route and intercepts local streets and controls access to an arterial route.
 2. "Cul-de-sac Street" - A short local street having one end permanently terminated in a vehicular turnaround.
 3. "Loop Street" - A minor street with both terminal points on the same street of origin.
 4. "Alley" - A public service way used to provide secondary vehicular access to properties otherwise abutting upon a street.

Road Repair Agreement: A written agreement between the owner/operator and the City obligating the operator to repair damage, excluding ordinary wear and tear, if any, to public streets, including but not limited to bridges, caused by the operator or its employees, agents, contractors, subcontractors or representatives in the performance of drilling or production of any wells authorized by the city or City.

Well: An oil and gas well or an injection well, including but not limited to directional drilling wells (for example, any well hole drilled into the ground).

17.90.030: Zoning Classifications

Subject to the provisions of this ordinance, an oil or gas well site shall be considered a permitted use by right within any Zoning District(s), subject to the standards listed herein.

17.90.040. Permit Requirement:

A. No oil or gas well site, or an addition to an existing oil or gas well site, shall be constructed or located within the City unless an administrative zoning permit under this ordinance has been issued by the City to the applicant approving the construction or preparation of the site for oil or gas development.

B. Each application shall be submitted with the fee established pursuant to resolution of the City as adopted. Such fee shall be reasonable related to the cost of administering this Chapter of Payette City Code.

C. Any modification to an existing and/or permitted oil or gas well site that materially alters the size, location, number of wells or accessory equipment or structures, shall require a modification of the permit under this ordinance.

Like-kind replacements shall not require a permit modification.

D. Wells that were permitted and constructed prior to the adoption of this ordinance shall not be required to meet the requirements of this ordinance. Any modification to an existing or permitted oil or gas well site that occurs after the effective date of this ordinance and materially alters the size, type, location, number of wells and other accessory equipment or structures, shall require compliance with this ordinance.

E. Upon receiving notice from the Department that an application has been submitted, the City will notify all property owners within three hundred (300) feet of the affected tax parcel that an application for a new Oil and Gas operation has been filed with the City Planning & Zoning Department. The notice is for informational purposes only and will not solicit any public comments on the application.

F. An oil or gas well permit shall not be required for exploration for oil or gas. Exploration of oil or gas means geologic or geophysical activities, including, but not limited to surveying and seismic exploration, related to the search for oil, gas, or other sub-surface hydrocarbons.

G. If an applicant does not conduct said business for a period of two (2) years, the administrative zoning permit shall be null and void. Permits issued under this ordinance shall not be transferable to any other applicant, except by a majority vote of the City Council, and the filing of an application by the

applicant to whom such license is, or may be, transferred or assigned.

17.90.050. Permit Application:

A. The applicant shall provide to the City at the time of permit application:

1. A narrative describing an overview of the project including the number of acres to be disturbed for development, the number of wells to be drilled including Department permit number(s) for all wells, if available, at the time of submittal and provided when issued later, and the location, number and description of equipment and structures to the extent known.

2. The address of the oil or gas well site and a legal description of the parcel as determined by the City and information needed to gain access to the well site in the event of an emergency.

3. The contact information of the individual or individuals responsible for the operation and activities at the oil or gas well site shall be provided to the City and all applicable Emergency Responders as determined by the City. Such information shall include a phone number where such individual or individuals can be contacted twenty-four hours per day, three-hundred sixty-five days a year. Annually, or upon any change of relevant circumstances, the applicant shall update such information and provide it to the City and all applicable Emergency Responders as determined by the City.

4. A scaled site plan of the oil or gas well site showing the drilling pad, planned access roads, the approximate location of derricks, drilling rigs, equipment and structures and all permanent improvements to the site and any post construction surface disturbance in relation to natural resources. Included in this map shall be an area within the development site for vehicles to locate while gaining access to the oil or gas well site.

5. A narrative and map describing the planned access routes to the well sites on public roads including the transportation and delivery of equipment, machinery, water, chemicals and other materials used in the siting, drilling, construction, maintenance and operation of the oil or gas well site.

6. The applicant will make the operation's Preparedness, Prevention and Contingency Plan available to the City and all Emergency Responders at least 30 days prior to drilling of an oil or gas well and at least annually thereafter while drilling activities are taking place at the oil or gas well site.

7. An appropriate site orientation for all applicable Emergency Responders as determined by the City. The cost and expense of the orientation shall be the sole responsibility of the applicant. If multiple wells/well pads are in the same area (covered by the same emergency response agencies), evidence from the appropriate emergency response agencies that a site orientation was offered in the last 12 months shall be accepted.

8. A narrative describing the environmental impacts of the proposed project on the site and surrounding land and measures proposed to protect or mitigate such impacts shall be provided to the City.

17.90.060. Issuance of Permit.

A. Within five (5) business days after receipt of a permit application, the City will determine whether the application is complete and advise the applicant accordingly.

B. If the application is complete and fulfills the requirements of this ordinance, the City Planning and Zoning Administrator shall issue a permit within 21 days following the date the complete application was submitted.

C. If the application is incomplete or does not fulfill the requirements of this ordinance, the City will notify the applicant of the missing and/or inadequate material and, upon receiving said material, shall issue the permit within twenty-one (21) days following the date the complete application was submitted.

D. As a condition of permit approval, applicant shall provide all permits and plans from the Department and all other appropriate regulatory agencies within 30 days of receipt of such permits and plans.

E. Temporary housing for well site workers is not permitted at any time on the well site.

17.90.070. Site Design and Installation:

A. Access.

1. Vehicular access to a natural gas well, oil well or well pad solely via a local street is discouraged unless it can be proven that the only viable vehicular access to the well site is via the local route. The use of collector streets is preferred.

2. Payette City Roadway Standards and Development Procedures pertaining to minimum traffic sight distances for all access points shall be adhered to.

3. Access directly to State roads from a well site may require an Idaho Transportation Department (ITD) Approach Permit. Prior to initiating any work at a drill site, the City shall be provided a copy of any required Approach Permit.

4. Access directly to City local streets shall require a Payette City Road Repair Agreement prior to initiating any work at a well site. Operator shall comply with any generally applicable bonding and permitting requirements for City roads that are to be used by vehicles for site construction, drilling activities and site operations.

A. Height.

1. There shall be an exception to the height restrictions contained in this section for the temporary placement of drilling rigs, drying tanks, pad drilling and other accessory uses necessary for the actual drilling or re-drilling of an oil or gas well. The duration of such exemption shall not exceed the actual time period of drilling or re-drilling of an oil or gas well or pad drilling.

2. If applicable, application will meet standards as defined in Ordinance 938 of the City of Payette, Payette Municipal Airport Hazard Zoning Ordinance.

C. Setbacks/Location.

1. Setback distances shall, at minimum, follow requirements listed in the Department Rules Governing Oil and Gas Conservation.

2. Recognizing that the specific location of equipment and facilities is an integral part of the oil and gas development, and as part of the planning process, operator shall strive to consider the location of its temporary and permanent operations, where prudent and possible, so as to minimize interference with Payette City residents' enjoyment of their property and future City development activities as authorized by the Payette City applicable ordinances.

3. Exception from the standards established in this subsection may be granted by the City upon good cause by the operator that it is not feasible to meet the setback requirements from surface tract property lines and that adequate safeguards have or will be provided to justify the exception.

D. Screening and Fencing.

1. Security fencing shall not be required at oil or gas well sites during the initial drilling, or redrilling operations.

2. Upon completion of drilling or redrilling security fencing consisting of a permanent chain link fence or approved alternate shall be promptly installed at the

oil or gas well site to secure well heads, storage tanks, water or liquid impoundment areas, and other mechanical and production equipment and structures on the oil or gas well site.

3. Security fencing shall be at least 6 feet in height equipped with lockable gates at every access point and having openings no less than 12 feet wide. Additional lockable gates used to access oil and gas well sites by foot may be allowed, as necessary.

4. Warning signs shall be placed on the fencing surrounding the oil or gas well site providing notice of the potential dangers and the contact information in case of an emergency. During drilling and hydraulic fracturing, clearly visible warning signage must be posted on the pad site.

5. In construction of oil or gas well sites, the natural surroundings should be considered and attempts made to preserve existing trees and other native vegetation. Existing trees and respective root systems should not be disturbed whenever possible. Re-forestation/re-vegetation of the well site will be provided by the owner/operator as required by rules governing Oil and Gas Conservation.

E. Lighting.

Lighting at the oil or gas well site, either temporary or permanent, shall be directed downward and inward toward the activity, to the extent practicable, so as to minimize the glare on public roads and adjacent properties.

F. Noise.

The City recognizes that oil and gas development is accompanied by inherent noise. However, the operator shall consider, to the extent possible, mitigation of noise resulting from the oil or gas well development.

G. Dust Control

Operator shall control fugitive dust arising from operations. Operator shall dust proof work area by sprinkling with water or a water/calcium chloride mixture where necessary.

H. Weed/Debris Control

The site shall be kept in a clean and sanitary condition, free from weeds, debris and rubbish of every character to the satisfaction of the City Code Enforcement Officer. The well pad should remain vegetation free.

I. Work hours

Site development, other than drilling shall be conducted only between 7:00 a.m. and 7:00 p.m. Monday through Friday and 9:00 a.m. to 5:00 p.m. on Saturday. Truck deliveries of equipment and materials associated with drilling and well servicing, site preparation and other related work conducted on the site shall be limited to the above same work hour restrictions except in cases of an emergency. The operator may request an exception to this section for good cause shown.

Section 2. This Ordinance may be published in summary form as permitted by the State of Idaho.

Section 3. This Ordinance shall be in full force and effect immediately upon passage and publication as required by the laws of the State of Idaho.

Section 4. Any ordinances or resolutions which are in conflict with this Ordinance are hereby repealed, but only insofar as the conflict exists.

Section 5. If any portion of this Ordinance should be found to be unconstitutional or unenforceable for any reason, the remainder of the Ordinance shall be applied to effectuate the purposes of this Ordinance.

Section 6. Any violation of this Ordinance shall be a misdemeanor punishable by fine and/or imprisonment up to but not exceeding the maximum penalties set forth in Idaho Code § 18-113 and §50-302.

PASSED and APPROVED by the City Council of the City of Payette, Idaho this ____ day of _____, 2013.

CITY OF PAYETTE, PAYETTE CITY, IDAHO

by _____
JEFFREY T. WILLIAMS, MAYOR

ATTEST:

City Clerk