



**AGENDA**  
**PAYETTE PLANNING & ZONING COMMISSION**  
**April 28, 2016**  
**REGULAR MEETING**

**CHAIRMAN RANDY CHOATE PRESIDING**

JIM FRANKLIN      PEGGY CHILDERS  
JODY HENDERSON      NIAL BRADSHAW  
RON WALLACE      GARY YOUNGBERG

**6:00 PM – Regular Meeting**

- I. ROLL CALL
- II. APPROVAL OF MINUTES
  - A. 03-24-2016 Regular Meeting
- III. COMMUNICATIONS
- IV. PUBLIC HEARING (Items A, B, C are continued from the Special Meeting on March 10,2016)
  - A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9<sup>th</sup> Street, from Commercial to C1-Commercial Downtown. Chase Addition, Block 2, Lots 1 thru 5, Payette County Records.
  - B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9<sup>th</sup> Street, to allow residential use in a C1-Commercial Downtown, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.
  - C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9<sup>th</sup> Street, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.
  - D. An application by Juan Lopez for a Conditional Use Permit to have the second story of the warehouse as a living space for the owner of the store. As well as storage units to store citizens' personal property at 653 North 7<sup>th</sup> Street Payette, ID 83661. Lots 1&2, BLK 3, Browns Addition. Property is Zoned C-2 Commercial.
  - E. An application by Eric Saenz for a Conditional Use Permit to exceed height fence regulations from 36" to 72" at 1836 1st Avenue South Payette, ID 83661. Lot 6- E1/2 Lot 5, BLK 4. Property is zoned A- Residential.
- V. AGENDA ITEMS (Items A, B, C are continued from the Special Meeting on March 10,2016)
  - A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9<sup>th</sup> Street, from Commercial to C1-Commercial Downtown.

- B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9<sup>th</sup> Street, to allow residential use in a C1-Commercial Downtown.
- C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9<sup>th</sup> Street.
- D. An application by Juan Lopez for a Conditional Use Permit to have the second story of the warehouse as a living space for the owner of the store. As well as storage units to store citizens' personal property at 653 North 7th Street Payette, ID 83661.
- E. An application by Eric Saenz for a Conditional Use Permit to exceed height fence regulations from 36" to 72" at 1836 1st Avenue South.

VI. PUBLIC COMMENT

VII. ADJOURNMENT

VIII. *Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.*

**MINUTES  
PAYETTE PLANNING & ZONING  
Regular Meeting  
March 24, 2016**

**6:00 PM – Regular Meeting**

- I. ROLL CALL: Jim Franklin, Peggy Childers Jody Henderson, Gary Youngberg and Nial Bradshaw.  
Members Absent: Chairman Randy Choate  
Staff Present: Mary Cordova & Matea Gabiola

- II. APPROVAL OF MINUTES  
A. 2-25-2016 Regular Meeting  
B. 3-10-2016 Special Meeting

A motion was made by Bradshaw and seconded by Henderson to approve the Regular Meeting minutes of 2-25-2016 and the 3-10-2016 Special Meeting as written.

The motion CARRIED by unanimous voice vote.

- III. COMMUNITCATIONS  
Ms. Cordova informed the Commission that the Request for Proposals (RFP) is out and being advertised for the Comprehensive Plan and Strategic Plan.

IV. PUBLIC HEARING

- A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9<sup>th</sup> Street, from Commercial to C1-Commercial Downtown. Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. Kimmie Serrano, 2067 Shelley Drive Payette, ID, addressed the Commission. Ms. Serrano spoke on behalf of items A, B & C stating that they have requested a continuance on all items due not having a site plan yet. Ms. Serrano is aware that the Planning & Zoning needs to have a site plan in order to move forward with all of their requests. It is in progress but not completed at this time. Mr. Franklin asked would this apply to the Conditional Use Permit for residential use for the same property. Ms. Serrano stated yes everything located at 307 North 9<sup>th</sup> Street.

- B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9<sup>th</sup> Street, to allow residential use in a C1-Commercial Downtown, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

See discussion above in item A.

- C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9<sup>th</sup> Street, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

See discussion above in item A.

- D. An application by Tioga Investments LLC for a Conditional Use Permit to sell beer & wine at 116 N Main Street, Lot 4 BLK 6, Gorrie; Meechans Restaurant. The property is zoned C1- Commercial Downtown. Kimmie Serrano: 2067 Shelley Drive addressed the Commission: Ms. Serrano is asking to transfer the ability to sell beer and wine at this location. This will stay a restaurant and good food. Ms. Serrano stated all they are asking for is a transfer. They have purchased the business and this is the process needed to complete the transfer. Mr. Youngberg asked Ms. Serrano if there will be any change in the use of this location. Ms. Serrano stated no it will remain the same, as a restaurant that serves beer & wine.

No one else addressed the Commission.

The Public Hearing for Items A, B & C will continue contingent upon receipt of the Site plan from the applicant.

The Public Hearing for Item D is closed.

V. AGENDA ITEMS

- A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9<sup>th</sup> Street, from Commercial to C1-Commercial Downtown.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

- B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9<sup>th</sup> Street, to allow residential use in a C1-Commercial Downtown.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

- C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9<sup>th</sup> Street.

No action was taken on this item. Public Hearing will continue on the next Planning & Zoning Meeting contingent upon receipt of the Site Plan from the applicant.

Ms. Gabiola stated that if the applicant has the Site plan to her by April 8, 2016 the Public Hearing for items A, B & C can convene on the April 14, 2016 Special Planning & Zoning Meeting at 5:30 pm. If they haven't obtained the Site plan in time, then it will convene on the Regular scheduled meeting on April 28, 2016 at 6 pm. Ms. Serrano stated unfortunately we are at the mercy of the architect, so as soon as they obtain the Site plan they will provide it to City Hall.

- D. An application by Tioga Investments LLC for a Conditional Use Permit to sell beer & wine at 116 N Main Street.

A motion was made by Henderson and seconded by Bradshaw to approve the Conditional Use Permit for Tioga Investments LLC to sell beer and wine at 116 No Main Street contingent on all local and state federal regulations are met.

The motion CARRIED by unanimous voice vote.

- VI. PUBLIC COMMENT  
None

- VII. ADJOURNMENT

A motion was made by Youngberg and seconded by Henderson to adjourn the meeting at 6:10pm.

After unanimous voice vote, motion CARRIED.

Matea Gabiola  
Recording Secretary



## NOTICE OF PUBLIC HEARING

The Payette City Planning & Zoning Commission will conduct a Public Hearing during a special scheduled meeting to receive input concerning the following:

A. A re-zone application by Frank & Kimmie Serrano for property located at 307 N. 9<sup>th</sup> Street, from Commercial to C1-Commercial Downtown. Chase Addition, Block 2, Lots 1 thru 5, Payette County Records.

B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9<sup>th</sup> Street, to allow residential use in a C1-Commercial Downtown, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

C. An application by Frank & Kimmie Serrano for a Conditional Use Permit to sell beer & wine at 307 N. 9<sup>th</sup> Street, Chase Addition, Block 2, Lots 1 thru 5, Payette County Records. The property is zoned Commercial.

The Public Hearing on the above proposal will be held **March 10, 2016 at 6:00 PM**, or shortly thereafter, in the Payette Council Chambers, 700 Center Avenue, Payette, Idaho. Interested citizens may appear with regard to the foregoing item and will be given the opportunity to be heard in support of, or in opposition to the proposal. The Public is invited and encouraged to attend.

*Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.*

Matea Gabiola, Administrative Assistant Clerk



## NOTICE OF PUBLIC HEARING

The Payette City Planning & Zoning Commission will be conducting a Public Hearing during a regular scheduled meeting to receive input concerning the following requests:

- A. An application by Juan Lopez for a Conditional Use Permit to have residential use in a commercial zone; and individual storage units at 653 North 7<sup>th</sup> Street Payette, ID 83661. Lots 1&2, BLK 3, Browns Addition. Property is Zoned C-2 Commercial.
- B. An application by Eric Saenz for a Conditional Use Permit to exceed height fence regulations from 36" to 72" at 1836 1<sup>st</sup> Avenue South Payette, ID 83661. Lot 6- E1/2 Lot 5, BLK 4. Property is zoned A- Residential.

The Public Hearing on the above requests will be held **April 28, 2016 at 6:00 PM**, or shortly thereafter, in the Payette Council Chambers, 700 Center Avenue, Payette, Idaho. Interested citizens may appear with regard to the foregoing item and will be given the opportunity to be heard in support of, or in opposition to the proposal. The Public is invited and encouraged to attend.

*Any person needing special accommodations to participate in the above noticed meeting should contact the City at least 5 days before the meeting at 700 Center Avenue or at 642-6024.*

Matea Gabiola, Administrative Assistant

## STAFF REPORT

**P&Z Public Hearing Date:** April 28, 2016

**Applicants Name:** Juan Lopez

**Describe Request:** Conditional Use Permit – to have second story of warehouse as living quarters for owner of store. As well as storage units to store citizens' personal property.

**Property Zoned:** C2- Commercial

**Address:** 653 7<sup>th</sup> Ave North

**Property Size:** 9,520 sq. ft.

**Access:** 7<sup>th</sup> Ave North

**Structures:** Commercial/ Residential Unit

**Comp Plan:** C2- Commercial Downtown

**Surrounding Uses:** C2- Commercial Downtown

**Employees:**

**Hours:**

**Sign:** Yes

**Payette City Code:**

### 17.32.030: 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.

Uses permitted in A residential districts and in B residential districts. Any permitted residential use shall meet the residential zoning standards as specified in the A residential and B residential zoning regulations.

Churches.

Dance halls.

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

Light manufacturing, which is not dangerous or offensive on account of dust, gas or smoke and noise.

Manufactured home parks. Because of increased residential density in a manufactured home park, commercial uses allowed in commercial zones will not be permitted within a manufactured home park.

Residential use directly connected to the business including, but not limited to, motel residences, security housing, office/residence setups. Such residences shall meet all standards for residences as specified in the B residential

district.

Warehouses used for storage of merchandise that is sold at retail on the premises to the ultimate consumer, excluding mail order warehouses.

Warehouses used for storage of personal property not intended for sale. (Ord. 1330, 2010)

### **17.36.030: 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.

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

Fuel yards.

Manufactured home parks.

Residential uses; any permitted residential use shall meet the residential standards as specified in the B residential zone regulations. (Ord. 1204, 2002)

#### **Staff Recommendations:**

Staff Recommends that there is a drainage plan and landscaping completed prior to consideration to this new request. Also sidewalks either repaired or installed.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

Date Received 4/7/14

Fees Paid  Y /  N

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name Juan C Lopez Address 915 7th Ave N

City Payette State ID Phone 208 546 2889

Owner

Name Juan & Sheryl Lopez Address 915 7th Ave N

City Payette State ID Phone 83661

Property Covered by Permit

Address 653 7th Ave N Payette ID 83661 Zone C2 Commercial

Legal Description (Lot, Block, Addition, Subdivision)

Lots 1 & 2 Blk 3 Payette Brown.

Nature of Request (Briefly explain the proposed use)

(1) Use partial space of the current building for storage units to store persons personal property. (2) Utilize second story space as living quarters for owner.

Existing use of property

Property was built with the above intended use as well as a warehouse for over-flow merchandise

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?  
500 gallons, line are adequate
2. What is the estimated sewer usage per month? Will pretreatment be necessary?  
800 gallons no pretreatment needed
3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?  
1-5 vehicles per day
4. If commercial, industrial, or a home occupation, what will be the hours of operation?  
1100 6am - 10pm
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 storm water will be retained
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?  
living quarters will be owner occupied
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?
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?  
There is adequate space to fit a semi, or approx 7 vehicles
9. Where will solid waste generated be stored? Is access adequate for the City collection?  
Solid waste will be stored with solid waste from Westside Mkt.
10. What is the type of noise that will be generated by the use? What are the hours of noise generation?  
None
11. What type of equipment will be used in the conduct of the business?  
None
12. What are the surrounding land uses? Has buffering been provided as required by the ordinance?  
Residential / Commercial

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?

~~There is significant space for truck parking~~ Normal Exterior lights

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?

~~7th Ave~~ There is significant space for truck parking

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

7th Ave

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

2' x 4' non illuminated sign "EZ Self Storage LLC"

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 3<sup>rd</sup> 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



Date

4/7/16

106

☆ 11055

RIVERSIDE SUB [1710]

70

25

80

28

170

30.00

20

140  
3913

60

T9N R5W

33

140  
3914

643

BROWN ADD [P1060]

140  
3915

635





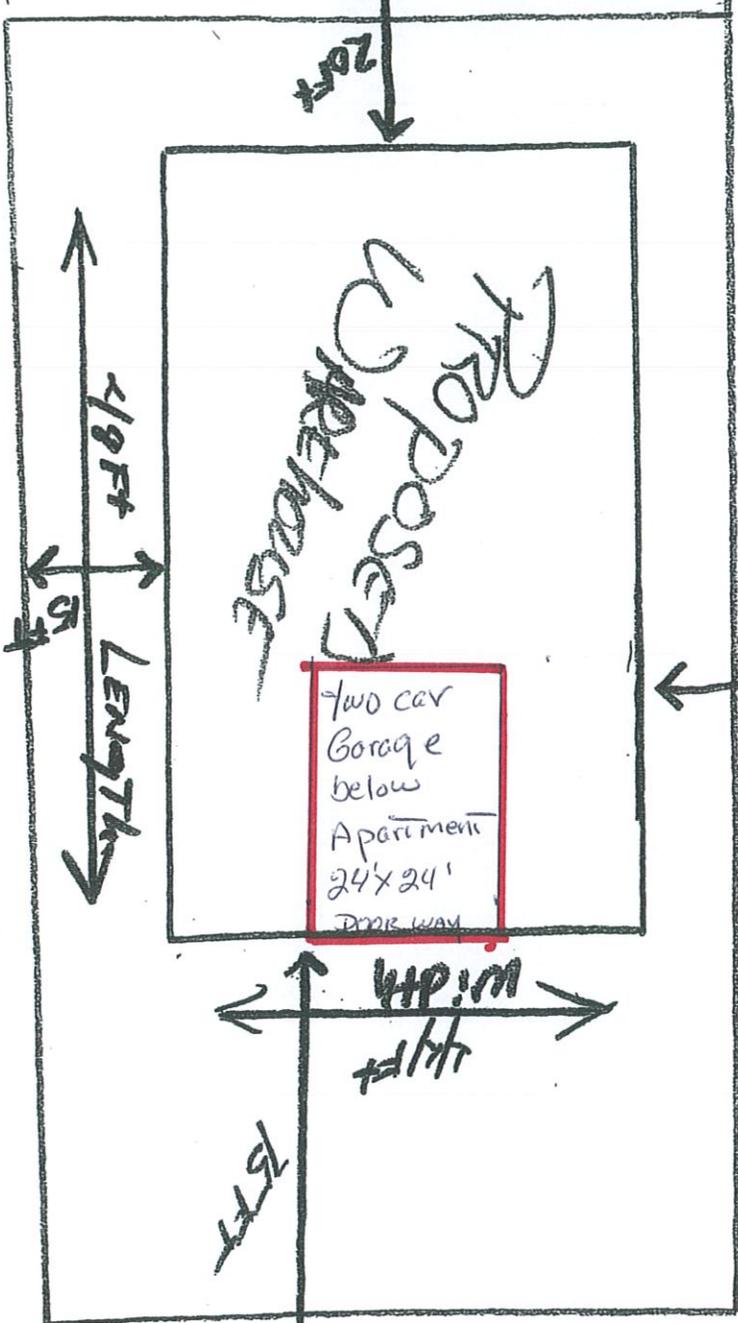


WALKSIDE  
MARKET

Alley

Alley

20ft



PROPOSED  
Warehouse

Two car  
Garage  
below  
Apartment  
24'x24'  
Door way

49ft

5ft

Length

44ft  
width

15ft

Existing  
Garage

16ft

Ave N

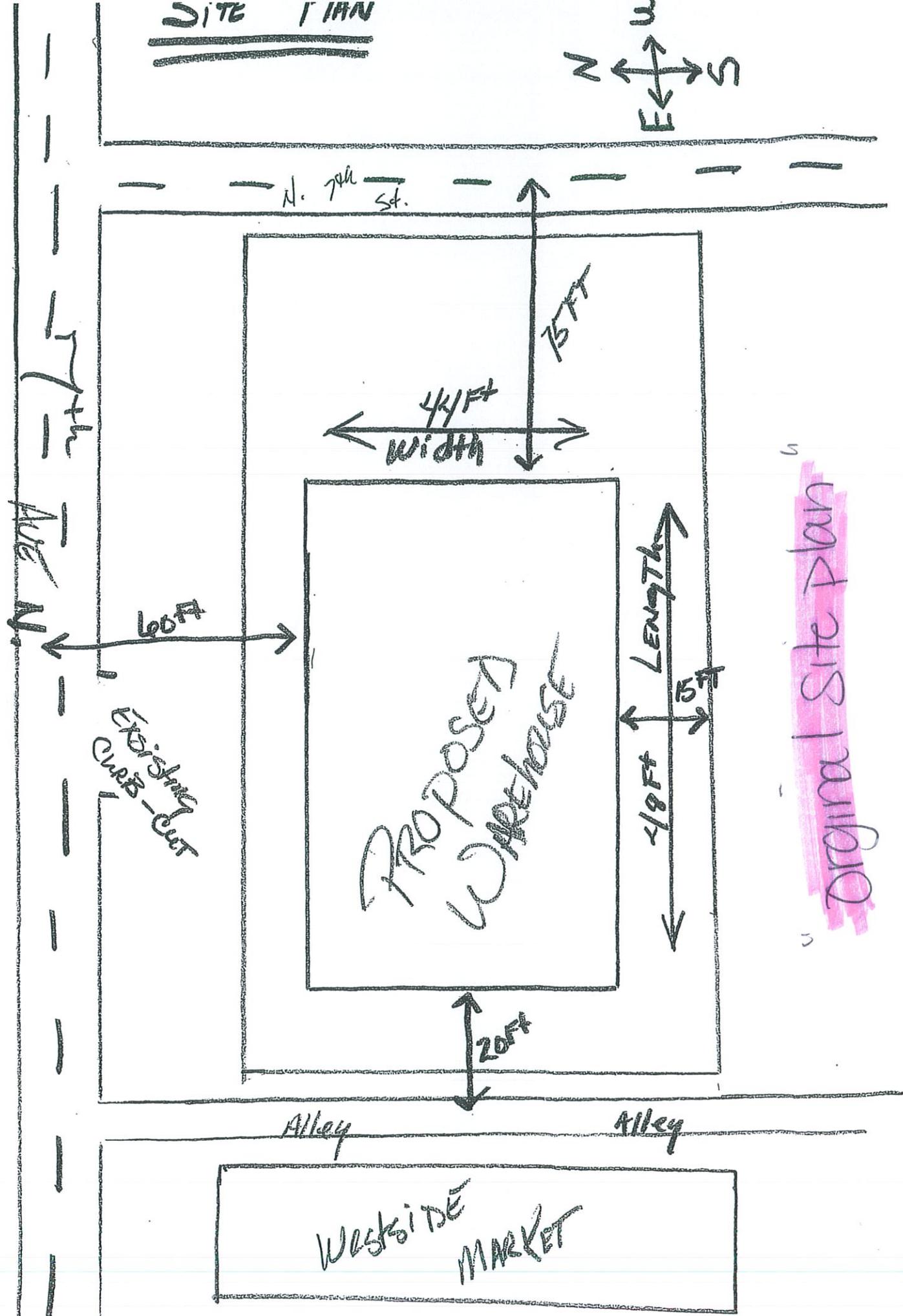
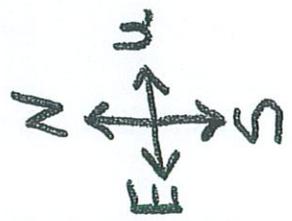
5th

11.7m  
St.



DATE / 1/1/11

SITE PLAN



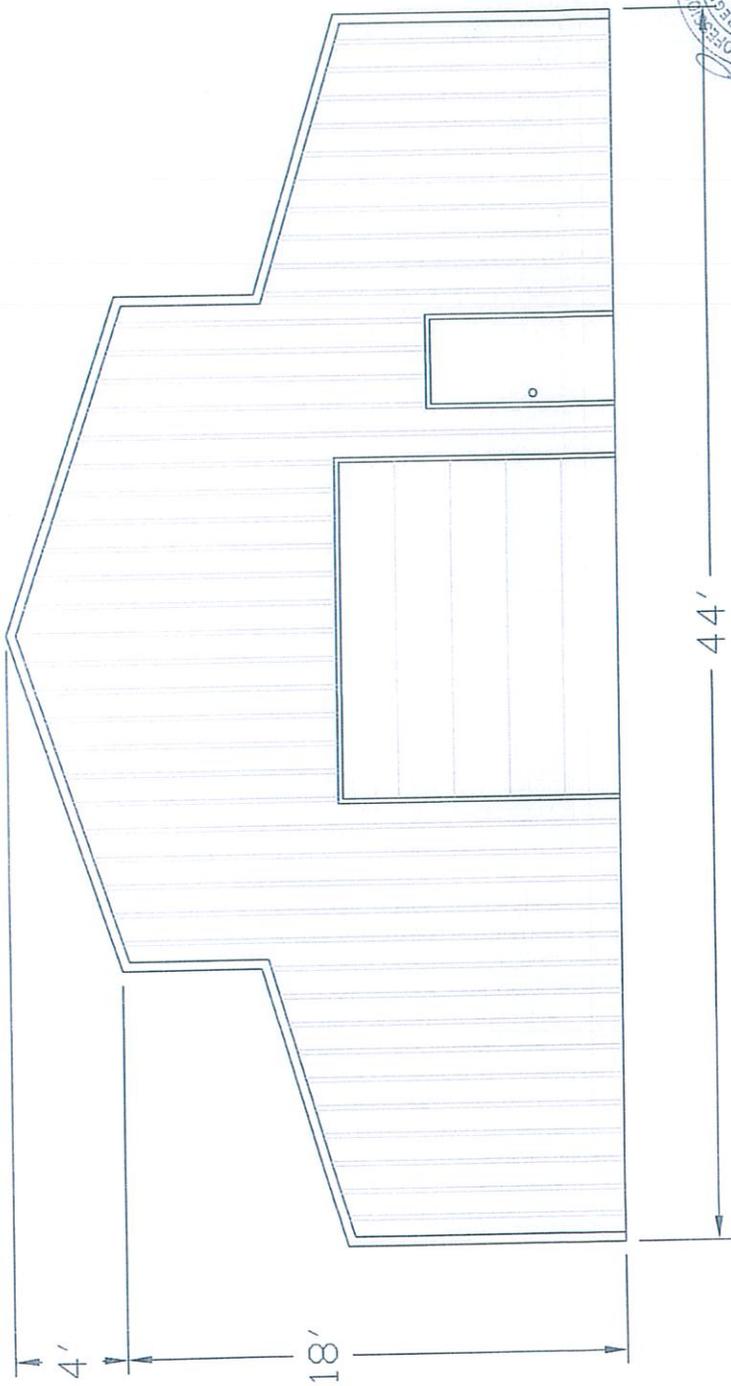
Original Site Plan



Rogue Richardson, PE  
2114 E Greenhurst  
Nampa, ID 83686  
(208) 577-7071

Superior Painting &  
Construction  
3590 NW 1st Ave  
New Plymouth, ID 83655  
(208) 739-3404

Juan Lopez  
653 7th Ave S  
Payette, ID 83661

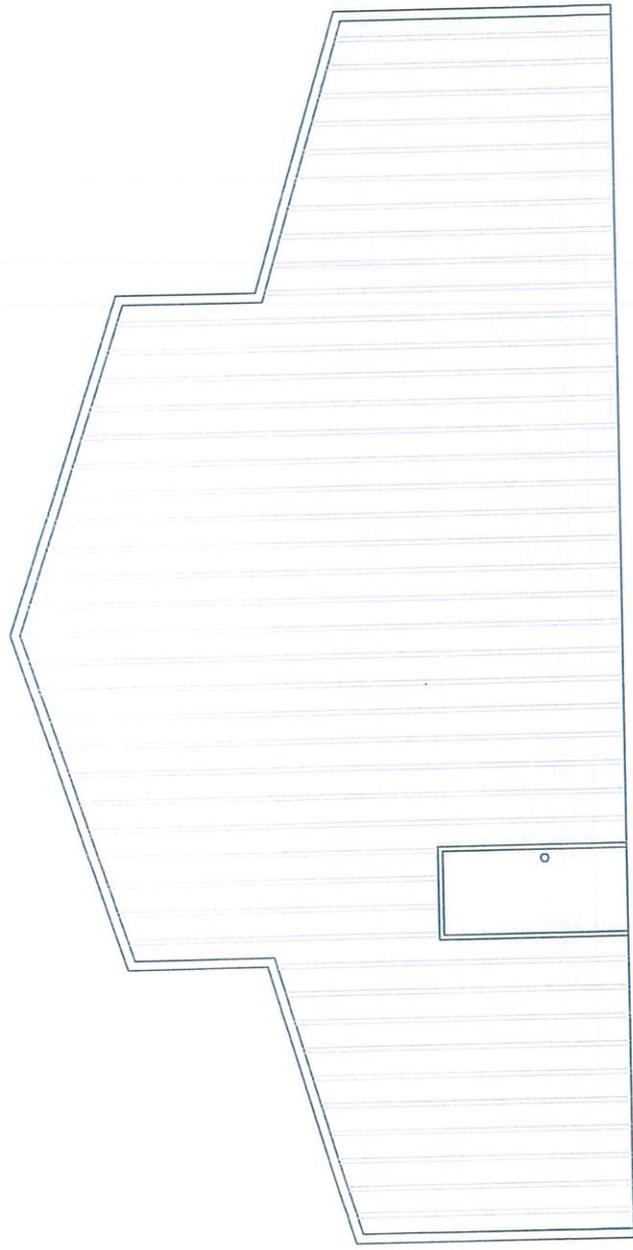


FRONT ELEVATION

Juan Lopez  
653 7th Ave S  
Payette, ID 83661

Superior Painting &  
Construction  
3590 NW 1st Ave  
New Plymouth, ID 83655  
(208) 739-3404

Rogue Richardson, PE  
2114 E Greenhurst  
Nampa, ID 83686  
(208) 577-7071



REAR ELEVATION

Juan Lopez  
 653 7th Ave S  
 Payette, ID 83661

Superior Painting & Construction  
 3590 NW 1st Ave  
 New Plymouth, ID 83655  
 (208) 739-3404

Rogue Richardson, PE  
 2114 E Greenhurst  
 Nampa, ID 83686  
 (208) 577-7071



SIDE ELEVATION

Juan Lopez  
653 7th Ave S  
Payette, ID 83661

Superior Painting &  
Construction  
3590 NW 1st Ave  
New Plymouth, ID 83655  
(208) 739-3404

Rogue Richardson, PE  
2114 E Greenhurst  
Nampa, ID 83686  
(208) 577-7071

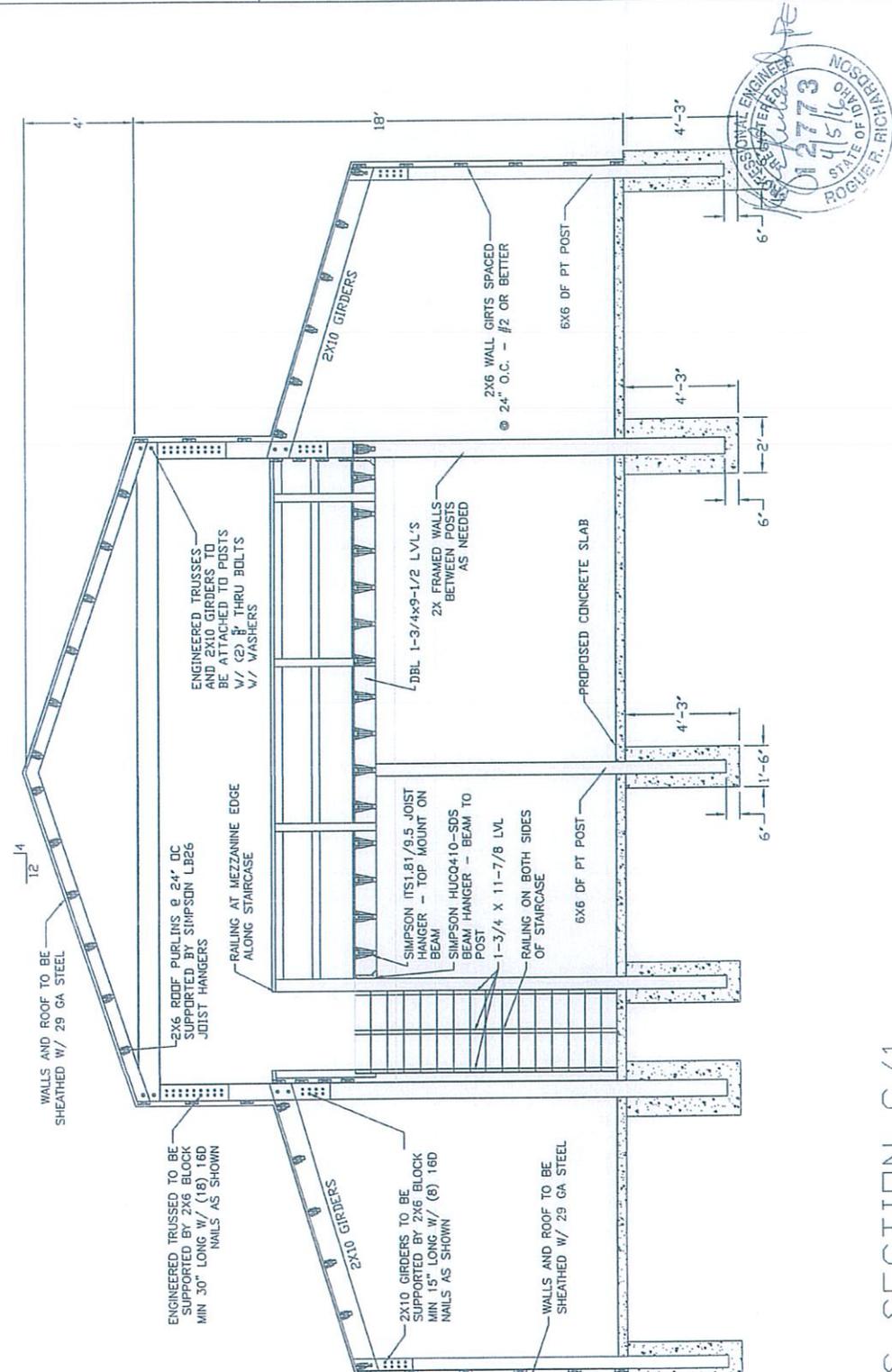


SIDE ELEVATION

Juan Lopez  
 653 7th Ave S  
 Payette, ID 83661

Superior Painting & Construction  
 3590 NW 1st Ave  
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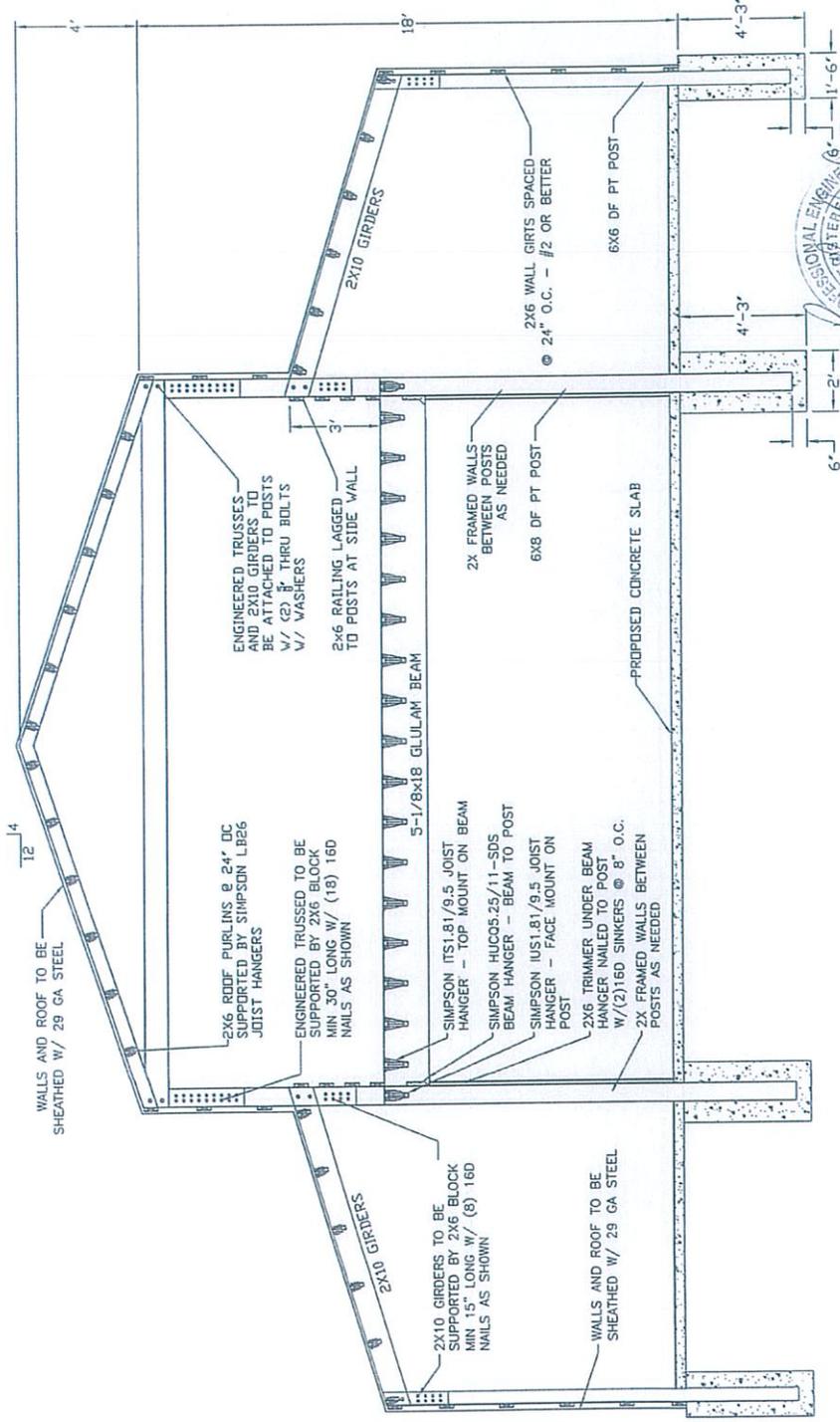


CROSS SECTION C/1

Rogue Richardson, PE  
 2114 E Greenhurst  
 Nampa, ID 83686  
 (208) 577-7071

Superior Painting &  
 Construction  
 3590 NW 1st Ave  
 New Plymouth, ID 83655  
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Juan Lopez  
 653 7th Ave S  
 Payette, ID 83661

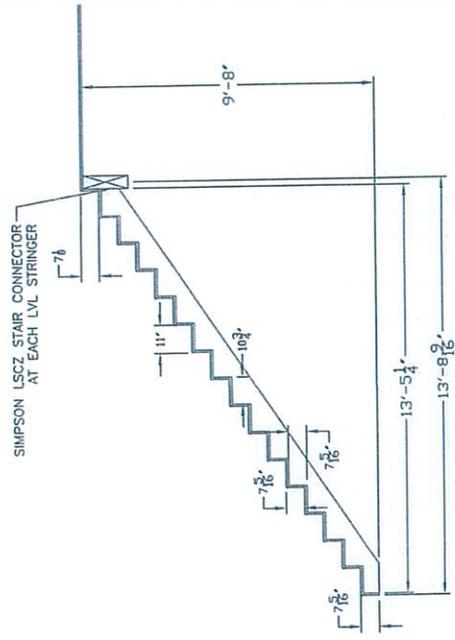


CROSS SECTION C/2

Juan Lopez  
653 7th Ave S  
Payette, ID 83661

Superior Painting &  
Construction  
3590 NW 1st Ave  
New Plymouth, ID 83655  
(208) 739-3404

Rogue Richardson, PE  
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Nampa, ID 83686  
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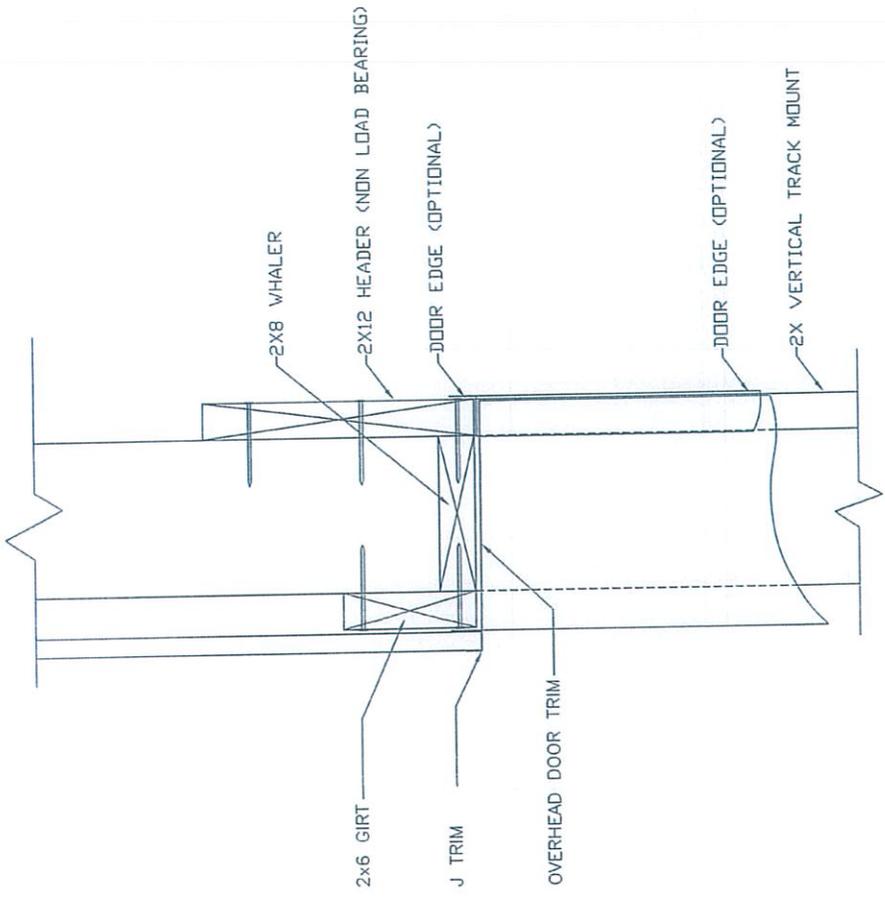


CROSS SECTION OF STAIRCASE

Rogue Richardson, PE  
2114 E Greenhurst  
Nampa, ID 83686  
(208) 577-7071

Superior Painting &  
Construction  
3590 NW 1st Ave  
New Plymouth, ID 83655  
(208) 739-3404

Juan Lopez  
653 7th Ave S  
Payette, ID 83661



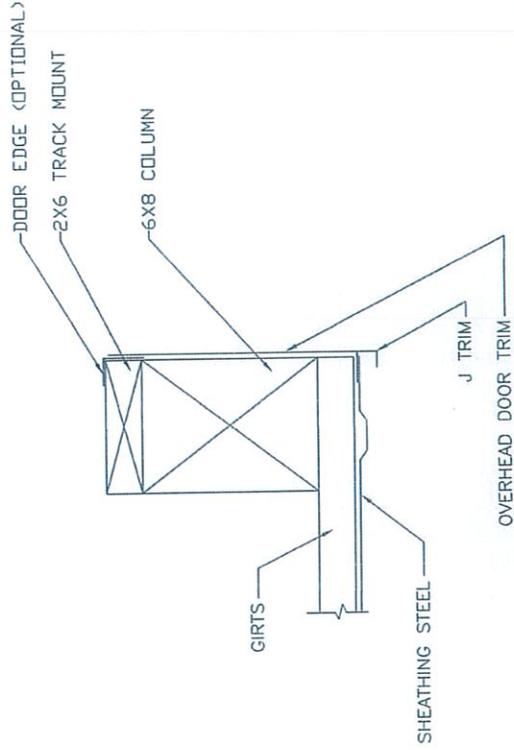
# HEADER DETAIL

DETAIL D/1

Juan Lopez  
653 7th Ave S  
Payette, ID 83661

Superior Painting &  
Construction  
3590 NW 1st Ave  
New Plymouth, ID 83655  
(208) 739-3404

Rogue Richardson, PE  
2114 E Greenhurst  
Nampa, ID 83686  
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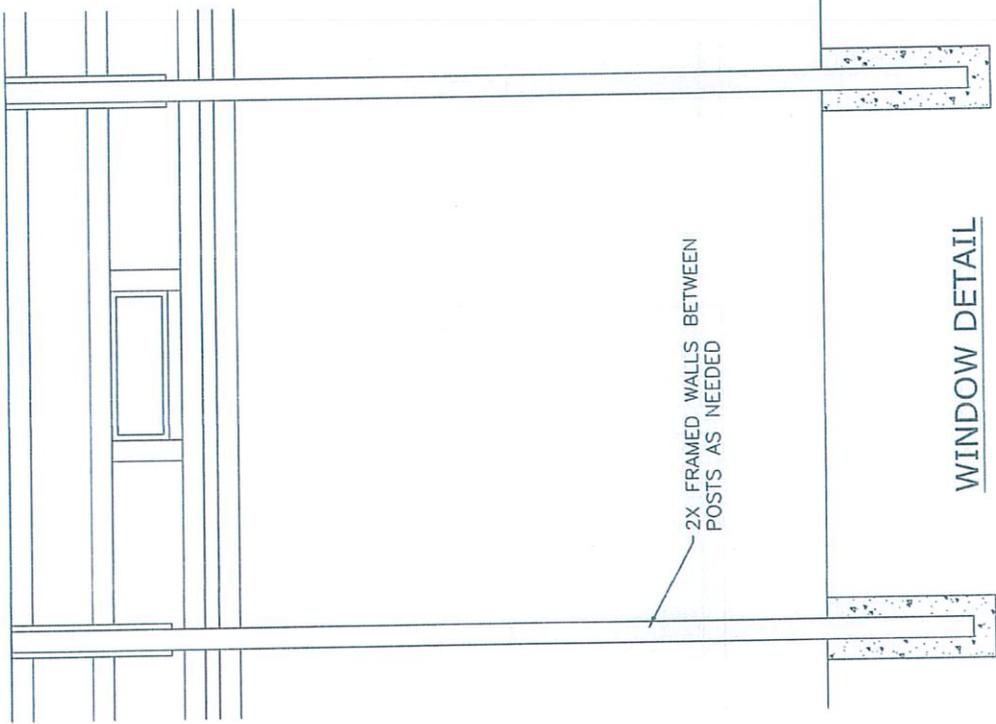
**JAMB DETAIL**

DETAIL D/2

Juan Lopez  
653 7th Ave S  
Payette, ID 83661

Superior Painting &  
Construction  
3590 NW 1st Ave  
New Plymouth, ID 83655  
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Nampa, ID 83686  
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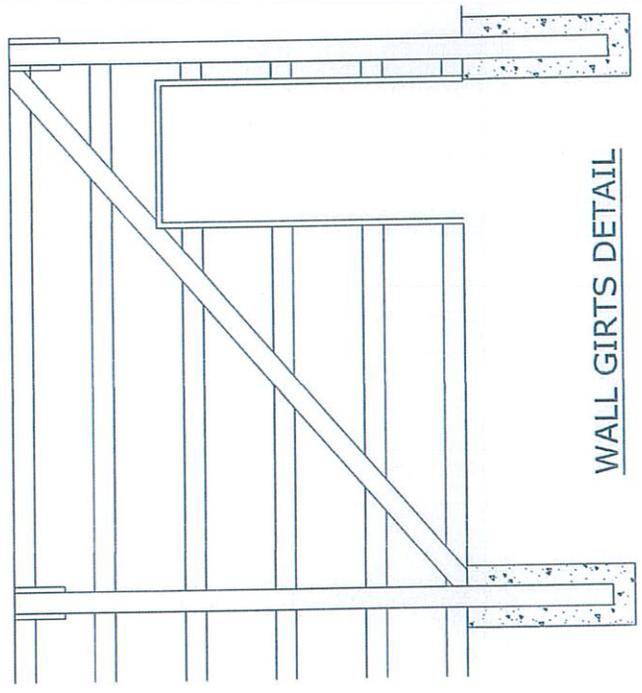
WINDOW DETAIL

DETAIL D/4

Juan Lopez  
653 7th Ave S  
Payette, ID 83661

Superior Painting &  
Construction  
3590 NW 1st Ave  
New Plymouth, ID 83655  
(208) 739-3404

Rogue Richardson, PE  
2114 E Greenhurst  
Nampa, ID 83686  
(208) 577-7071



WALL GIRTS DETAIL

DETAIL D/5

**MINUTES  
PAYETTE CITY COUNCIL  
Public Hearing & Special Meeting  
November 19, 2015**

**ROLL CALL**

Members Present: Ray Wickersham, Nancy Dale, Lee Nelson and Jeff Sands  
Members Absent: Mayor Williams, Mark Heleker and Craig Jensen  
Staff Present: Mary Cordova, City Coordinator and Bobbie Black, Deputy City Clerk

**PUBLIC HEARING**

A. An application by Juan & Sheryl Lopez for a zoning change to change the zoning from A-Residential to C-2 Commercial; Lots 1&2, BLK 3, Browns Addition. The property is zoned A-Residential.

Ms. Cordova stated that the Lopez's are asking for a zoning change to build a warehouse on an empty lot. The property is A-Residential and they would like to have it rezoned to C-2 Commercial. This has gone before Planning & Zoning and they sent a favorable recommendation.

Steve King, 2850 N. River Road addressed the Council. He is the contractor for the project. He stated right now it is a warehouse for the store. In the future they would like to add an office. They built the pad last week and it is in line with Westside Market. There is no storage in the store right now. **The future plans are for an office and bathroom. There will be no living quarters in the warehouse now or in the future.** Sands stated he is good as long as there will never be living quarters in the warehouse. You have to have separation for living quarters and has to be built differently. Mr. King stated when they build the office he was told by the building inspector that he would have to apply for another building permit. It was stated that the neighbors have all been notified through the public hearing process. It will be an open shelved warehouse that he is building right now. The doors do face 7<sup>th</sup> Avenue North and that will allow a semi to unload there. Ms. Cordova stated it will be plumbed for a bathroom only and the Planning & Zoning asked the same question. Mr. Sands asked about sidewalks and Mr. King stated there is already a curb cut on 7<sup>th</sup> Avenue North. Ms. Cordova stated the sidewalk on 5<sup>th</sup> is not in the best of shape. That will be addressed with the building permit.

No one else addressed the Council.

Public hearing closed at 8:15 am

**8:00 AM – Regular Meeting**

A regular meeting of the Payette City Council was called to order at 7:00 PM by Mayor Jeff Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

**ROLL CALL**

Members Present: Ray Wickersham, Nancy Dale, Lee Nelson and Jeff Sands  
Members Absent: Mayor Williams, Mark Heleker and Craig Jensen  
Staff Present: Mary Cordova, City Coordinator and Bobbie Black, Deputy City Clerk

**AGENDA ITEMS**

A. Ordinance #1398 -Re-zone – Juan & Sheryl Lopez

A motion was made by Sands and seconded by Dale introduce Ordinance #1398 by title only.

**MINUTES**  
**PAYETTE PLANNING & ZONING**  
**Regular Meeting**  
**October 22, 2015**

**6:00 PM – Regular Meeting**

- I. ROLL CALL: Chairman Randy Choate, Jim Franklin, Jody Henderson, Nial Bradshaw, Gary Youngberg and Peggy Childers  
Members Absent: Kevin Hanigan  
Staff Present: Mary Cordova, Matea Gabiola

II. APPROVAL OF MINUTES

A. 09-24-2015 Regular Meeting Minutes

A motion was made by Franklin and seconded by Henderson to approve the public hearing & regular meeting minutes 09-24-2015 as written.

The motion CARRIED.

III. COMMUNICATIONS

None heard.

IV. PUBLIC HEARING

- A. An application by Juan & Sheryl Lopez for a zoning change to change the zoning from A-Residential to C-2 Commercial; Lots 1&2, BLK 3, Browns Addition. The property is zoned A-Residential - Juan Lopez- 934 3<sup>rd</sup> Ave. South, Payette addressed the Commission. Mr. Lopez stated he wants to build a warehouse in the empty lot behind Westside Market for the excess product of his store, as well as storage units around the building and rent them out in the future. Mr. Franklin asked Mr. Lopez if there will be any plumbing in the building. Mr. Lopez replied there will be a toilet facilities and that he ultimately wants an office space type room in the warehouse. Mr. Bradshaw asked if there was any retail space in the warehouse and if he will conduct retail from the warehouse. Mr. Lopez stated no, it is just for excess storage of goods. Mr. Bradshaw asked if he knew how big the warehouse was going to be. Mr. Lopez stated he wasn't sure how big the structure was going to be, but the contractor who will be building it for him is here tonight on his behalf. Mr. Choate stated on the application the building was going to be 44'x36'. Mr. Lopez stated after conferring with his contractor that is indeed the size of the building. Mr. Choate also asked if there will be storage units within the warehouse. Mr. Lopez stated that the actual size of the warehouse to be built will be big, so he wanted to take advantage of the space and put storage units around it. Mr. Franklin asked if they will have any parking for this lot. Mr. Lopez stated that there will be quite a bit of extra space after they build the warehouse. Mr. Franklin also asked if this will be the parking for the storage spaces that he is wanting to rent out. Mr. Lopez replied even with the warehouse there is enough room to drive and park because of the lot size. Mr. Choate stated per the picture in the packet that the storage units would be on the right side of the building. Ms. Henderson asked if this was going to be next to 7<sup>th</sup> Ave No. Mr. Bradshaw asked if the alley will remain accessible. Mr. Lopez said yes it will. Mr. Choate asked if the lot Westside Market is currently on is zoned Commercial, Mr. Lopez said yes he believes so. Mr. Choate asked Ms. Cordova if this application is just to deal with the zoning portion, and the storage units fall in if it's within proper setbacks. Ms. Cordova stated it could be part of a rezone and the local land use planning act enables the Planning & Zoning Commission to set parameters that could be spelled out in a development

constructed or the developing conditions upon the lot where it is being constructed, will it have to comply with landscaping ordinances, does it require curb, gutter and sidewalks. Ms. Cordova stated that she hasn't seen the site plan yet, but she believes that there isn't anything that is out of the ordinary. This is why she suggested the development agreement, due to hearing about the storage units. Mr. Choate stated if the Commission follows what is on the application, which states storage unit, any deviation from that would require some input. Ms. Henderson stated then the storage units would have to come before the Commission. Mr. Choate stated that they could still be there; they just have to go through all the various levels of building codes.

A motion was made by Henderson to recommend to the City Council to approve application from Juan & Sheryl Lopez for a zoning change of 653 North 7<sup>th</sup> Street from A- Residential to C-2 Commercial. Lots 1 & 2, BLK 3, Browns Addition. The motion was seconded by Franklin.

Ms. Cordova stated the Planning & Zoning Commission finds that the recommendation to the City Council is based upon the criteria found in the Comprehensive Plan because it conforms to promoting to build within the city and it is adjacent to an existing commercial zone.

The Motion CARRIED.

B. Louis Oliver- Conditional Use Permit- 733 River Street- Mr. Franklin asked is 2-3 horses too many animals for that size of property. Ms. Cordova pulled up this location on Google earth. Ms. Cordova stated on the application this property is only 1.07 acres. Mr. Choate stated that per code one horse can be maintained on a lot provided there is at least 21,000 square foot of fenced irrigated pasture, so as long as they have ½ an acre that is fenced they can have 1 horse, 2 cows, and 3 sheep, but Planning & Zoning may expand the number of animals. The Commission brought up the fact that they approved a Conditional Use Permit just recently involving horses/mules so approving this shouldn't be a problem.

A motion was made by Franklin to approve the Conditional Use Permit for Louis Oliver for 2-3 horses provided that there is at least ½ acre of fenced irrigated pasture on the lot at 733 River Street. The motion was seconded by Henderson.

The Motion CARRIED.

B. Impact Area Application for the CUP-11454 HWY 95, Car Storage/ Tow Yard- Mr. Franklin stated in reviewing this we are to send a favorable recommendation to the County Planning and Zoning. Ms. Cordova stated this goes to the county due it being a Conditional Use Permit within the County. Ms. Cordova showed the Planning & Zoning Commission the Comprehensive Impact Plan chart. Mr. Franklin stated his concerns for this type of business would be the cars and the type of mess they bring with them. Regarding this property Mr. Youngberg stated that 20 years down the road will we be ok with a junk yard in the city. Mr. Franklin stated it is typical along the Highway and is zoned Commercial, so this could be a good use for the property. Ms. Cordova stated the only problem with that is that in the Comprehensive Plan Map that area is zoned B- Residential, so they would have to make an amendment to the current map. Ms. Childers asked how someone could apply for the application if they don't not own the property. Mr. Franklin stated that because it in the City's impact area, that they should send a favorable recommendation provided they comply with city code regarding the

## STAFF REPORT

**P&Z Public Hearing Date:** April 28, 2016

**Applicants Name:** Eric Saenz

**Describe Request:** Conditional Use Permit – exceed height fence regulations from 36” to 72”.

**Property Zoned:** A- Residential

**Address:** 1836 1<sup>st</sup> Ave South

**Property Size:** .2557 Acres

**Access:** South 19<sup>th</sup> Street

**Structures:** Residential Unit

**Comp Plan:** A- Residential

**Surrounding Uses:** A- Residential

**Employees:**

**Hours:**

**Sign:**

**Payette City Code:**

### 17.24.040: AREA AND LOCATION REQUIREMENTS:

- A. There shall be a setback of at least twenty five feet (25') from the front of the property line or fifty five feet (55') from the street centerline, whichever setback is greater; provided, however, where a uniform setback exists which is less or greater than required in this subsection, the setback shall conform to such uniform setback
- B. There shall be a side yard of not less than eight feet (8').
- C. On a corner lot, the minimum setback on the street upon which a majority of the building fronts shall be twenty five feet (25') from the property line or fifty five feet (55') from the street centerline, whichever setback is greater; the setback on an intersecting street shall be not less than ten feet (10') from the property line or forty feet (40') from the centerline of the intersecting street; provided, however, that in the event the majority of the buildings on both streets comply with the minimum setback for fronting streets, the minimum setback on both sides of the corner lot may be required to be the setback of the fronting street.

### 12.17.010: FENCE REGULATIONS:

- A. It shall be unlawful to construct a fence in any front yard, side yard, back yard or in any open space except as allowed by this chapter.
1. For purposes of this chapter, the word "fence" shall include fences, hedges, walls, berms or any other structures designed to separate or isolate an open area or a building.
  2. No fence shall be constructed adjacent to a public street which would interfere with the free movement of pedestrian traffic over or along a public sidewalk.
  3. No fence shall be installed, constructed, planted, created, maintained, or allowed on any city right of way. If a fence or any structure is built upon or across any city easement or right of way, the city may immediately remove the fence or structure. If the city allows a fence or other structure to be built over a public easement or right of way, in the event it becomes necessary to perform work upon that easement or right of way, the landowner shall be responsible for removal of the structure to ensure access by a city crew.
  4. Fences shall not be constructed of discarded plastic materials, fiberglass panels, wood paneling, metal paneling, barbed wire, woven wire, hog wire, chicken wire, mesh wire, electric fencing wire, rayon wire, concertina wire, or any single wire or woven wire or any hazardous or dangerous material.
  5. Fences located within a yard area in residential districts shall not exceed six feet (6') in height. All fences within twenty five feet (25') of a front property line shall not exceed thirty six inches (36") in height. For purposes of this chapter, a corner lot which abuts against two (2) intersecting streets, shall be deemed to have two (2) front yards and all fences within twenty five feet (25') of the street right of way shall not exceed thirty six inches (36") in height. Nothing herein shall permit an obstruction of vision at an intersection as is prohibited in subsections A7 and A8 of this section or as defined by Idaho Code.
  6. Unless otherwise provided, fences located within the property boundaries in commercial or industrial districts shall not exceed six feet (6') in height. In the case of security fences, when a barbed wire top section is utilized, the six foot (6') maximum height limitation may be exceeded by up to thirty inches (30") only by the barbed wire security top section. In no instance shall barbed wire be used below the height of six feet (6'). Fences adjacent to residential areas must be sight/site obscuring and shall not be allowed the use of a barbed wire security top section. Property which is zoned as commercial or industrial, but which is being used for residential purposes, shall adhere to the fencing restrictions as outlined in subsection A5 of this section. All fences erected on a boundary or property line shall comply with vision clearance requirements located at intersections, driveways and public roadways. Nothing herein shall permit an obstruction of vision at an intersection as is prohibited in subsections A7 and A8 of this section.
  7. Metal chainlink or woven wire fencing shall be permitted, provided such fencing:
    - a. Does not cross a public sidewalk.
    - b. Does not interfere with automobile operator's visibility along a public street.
    - c. Does not interfere with visibility at the intersection of a private drive and a public roadway or create a blind spot.
    - d. Does not interfere with visibility at the intersection of public roadways.
    - e. Is no smaller than 11<sup>1</sup>/<sub>2</sub>-gauge, but no larger than 9-gauge wire.
  8. Wooden or vinyl fencing shall be permitted, provided such fencing:
    - a. Does not cross a public sidewalk.
    - b. Does not interfere with automobile operator's visibility along a public street.
    - c. Does not interfere with visibility at the intersection of a private drive and a public roadway or create a blind spot.
    - d. Does not interfere with visibility at the intersection of public roadways.

9. All fences permitted by this chapter shall be kept in good order and repair and shall not be allowed to become rundown or in such a state of disrepair as to constitute a private or public nuisance. No fence shall be built until a permit is first obtained from the city clerk or his/her designee.
10. All fences permitted by this chapter shall be kept free of weeds and grasses exceeding eight inches (8") in height.
11. In the event a fence interferes with direct and unrestricted access to a water meter, the landowner at the landowner's expense, shall provide a remote reading device which device is approved by the city or a "man" gate. In the instance a "man" gate is provided, it shall be clearly marked indicating the presence of animals. In addition, no fence shall be built within thirty six inches (36") of a fire hydrant.
12. No fence permitted by this chapter and constructed after its adoption shall be used as evidence to establish a boundary line, unless said fence was placed upon a boundary line designated by a licensed surveyor of the state of Idaho, after a survey has been conducted and the boundary line established thereby. All expenses incurred in establishing said boundary shall be at the property owner's expense. No permit issued by the city nor any representation made by a city employee or a city official shall be used as evidence in establishing a property boundary.
13. A person who places a fence on a boundary line, or his successor or tenant, shall be solely responsible for its maintenance and upkeep, but shall not acquire any rights to trespass on adjoining lands to maintain the same, unless the fence has been set back at least three feet (3') from the property line. Setting a fence back pursuant to this chapter in order that the same may be properly maintained shall not be construed as forfeiting any property to adjoining landowners in the event any suit is filed for taking by adverse possession or under a similar theory.
14. Any fence which is constructed in such a manner as to be in violation of this chapter, or any fence which is allowed to become in violation after construction, shall be subject to removal in accordance with the following terms:
  - a. Any fence which is being constructed in such a manner so that, upon completion, the fence would violate this chapter, shall be subject to injunctive action.
  - b. Any fence which is constructed in violation of this chapter is a nuisance per se and shall be subject to immediate removal by the city, if after ten (10) working days' notice sent registered mail return receipt to either the landowner, a tenant or occupant of the premises, the violation has not been eliminated or the fence removed.
  - c. Any fence which shall fall into a state of disrepair so as to constitute a public or private nuisance shall be subject to repair or removal, if ten (10) working days after notice has been mailed, as above, the condition has not been corrected.
  - d. Any fence which has been constructed in such a manner so that it obstructs the visibility of a driver at an intersection on public roadway shall be subject to immediate removal, without notice of any kind.
15. Should it be necessary to enforce any provisions of this chapter, all costs incurred shall be borne by the property owner, tenant or occupant, jointly or severally. Costs shall include costs of notice, removal, repair, cleaning, court costs and attorney fees. The costs and expenses shall then be assessed against the property with the owner of the property responsible therefor.
16. Any individual whose property is affected by this section may, upon written application, apply to the planning and zoning commission of the city for conditional use to allow a variation in the height of any fence. The planning and zoning commission of the city may upon investigation grant to the applicant the requested conditional use. Any affected party may appeal to the city council. The granting of such permit shall continue with each successive owner provided the original conditions are maintained as presented.
17. The terms of this chapter may be varied by a conditional use permit after public hearing by the planning and zoning commission. (Ord. 1336, 2011; Ord. 1244 § 2, 2005; Ord. 1044, § 1, 1992)



# City of Payette

## Conditional Use Permit Application

**OFFICE USE ONLY**

Date Received 4/8/14

Fees Paid  Y  N

**Non-Refundable Fees:**

Application..... \$100.00

### Applicant

Name Eric Saenz Address 1836 1<sup>st</sup> Ave SO

City Payette State ID Phone 741-9203

### Owner

Name Eric Saenz Address 1836 1<sup>st</sup> Ave SO

City Payette State ID Phone 741-9203

### Property Covered by Permit

Address 1836 1<sup>st</sup> Ave SO Zone A-Res

### Legal Description (Lot, Block, Addition, Subdivision)

Lot 10 - E 1/2 Lot 5, Blk 4.

### Nature of Request (Briefly explain the proposed use)

VERY FINE RELOCATIONS, ~~AT~~ I.E. HEIGHT, SETBACK

### Existing use of property

SINGLE FAMILY HOME

### 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?  
N/A
2. What is the estimated sewer usage per month? Will pretreatment be necessary?  
N/A
3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?  
Private, 2-4 cars
4. If commercial, industrial, or a home occupation, what will be the hours of operation?  
Home
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 - N/A
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?  
Corner, 40'
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?  
See Attached
9. Where will solid waste generated be stored? Is access adequate for the City collection?  
N/A
10. What is the type of noise that will be generated by the use? What are the hours of noise generation?  
N/A
11. What type of equipment will be used in the conduct of the business?  
N/A
12. What are the surrounding land uses? Has buffering been provided as required by the ordinance  
N/A

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?

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

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

1st Ave South

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

N/A

*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 WITHING 300 FEET OF THE AFFECTED PROPERTY MUST BE INCLUDED WITH THIS APPLICATION**

- List may be obtained at Payette County Assessor's Office 1130 3<sup>rd</sup> 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

Date

Apr. 8, 2016



P1560004006A

SAENZ ERIC T

1836 1 AVE S

Tax ID 0049430000

Printed 04/04/2016

Card No. 1 of 1

SAENZ ERIC T  
1836 1ST AVE S  
PAYETTE, ID 83661  
LOT 6- E1/2 LOT 5, BLK 4  
HEIGHTS PAYETTE

Neighborhood Number  
10010

Neighborhood Name  
P-1

TAXING DISTRICT INFORMATION

Jurisdiction Name Payette  
Area 001  
District 001-00  
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
SAENZ ERIC T	0	10/27/2011	QC 374717	In
BENSON DWANE B et ux	0	10/27/2011	WD 374716	Fu
BENSON DWANE B et ux	0	10/27/2011	QC 374715	QC
BENSON DWANE D & CONNIE L	0	10/15/2010	CD 369160	SP

Valuation Record

Assessment Year	2010	2011	2012	2013	2013	2014	2015
Reason for Change	03 - Assessor 03 - Assessor 03 - Assessor 02 - Assesseme 01 - Revaluat 01 - Revaluat 02 - Assesseme						
MARKET VALUE	19800 85410 105210	19800 81270 101070	19800 40630 60430	19800 38340 58140	19800 70530 90330	19800 70530 90330	19800 64012 83812



02.03.2014

Land Size

Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
City Lot 75.0	0.2557	0	L -10%

Physical Characteristics

Style: 13 Pre 1979 > 1400 SqFt  
 Occupancy: Single Family - Owner  
 Story Height: 1.0  
 Finished Area: 2076  
 Attic: None  
 Basement: 3/4

ACCOMMODATION  
 Finished Rooms 7  
 Bedrooms 4  
 Formal Dining Rooms 1  
 HEATING AND AIR CONDITIONING  
 Primary Heat: Forced hot air-gas  
 Lower Full Part  
 /Bsmt 1 Upper Upper

ROOFING  
 Material: Cedar shingles  
 Type: Gable  
 Framing: Std for class  
 Pitch: Not available

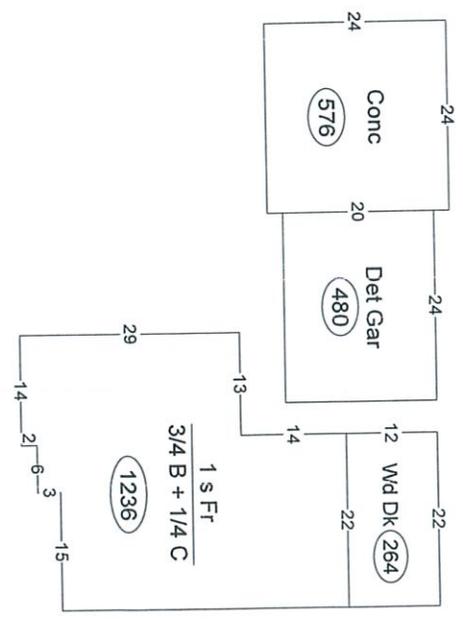
FLOORING  
 Slab B  
 Sub and Joists 1.0  
 Base Allowance B, 1.0

EXTERIOR COVER  
 Shingle-wood 1.0

INTERIOR FINISH  
 Drywall 1.0  
 Paneling B

PLUMBING  
 # TF  
 3 Fixt. Baths 2 6  
 2 Fixt. Baths 1 2  
 Kit Sink 1 1  
 Water Heat 1 1  
 TOTAL 10

REMODELING AND MODERNIZATION  
 Amount Date



Special Features

Description  
 D : Garbage disposer,  
 Garbage disposer

Summary of Improvements

ID	USE	Story Height	Const Type	Grade	Year Cons	Eff Year	Cond	Size or Area
D 01	DWELL DETGAR	0.00 8.00	1	Fair Fair	1939 1939	1939 1939	AV AV	2076 480

Instrument # 374716

PAYETTE COUNTY  
2011-10-27 04:13:04 PM No. of Pages: 1  
Recorded for: ALLIANCE TITLE - PRODUCTION CE  
BETTY J DRESSEN Fee: \$10.00  
Ex-Officio Recorder Deputy Kathryn Johns  
Index To: WARRANTY DEED  
Electronically Recorded by Simplifile



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

(B)

359732 - CB  
11-4492-3L

WARRANTY DEED

For Value Received Dwane B. Benson and Connie L. Benson, husband and wife  
hereinafter referred to as Grantor, does hereby grant, bargain, sell, warrant and convey unto

~~Erig T. Seanz, an unmarried man~~ a married man  
as his sole and separate property  
hereinafter referred to as Grantee, whose current address is 1836 1st Avenue South, Payette, ID 83661  
the following described premises, to-wit:

In the Amended Plat of Payette Heights Addition, as per Plat in Book 1, Page 2;  
Plat records, City and County of Payette, Idaho;  
In Block 4: Lot 6 and the E1/2 of Lot 5.

To HAVE AND TO HOLD the said premises, with their appurtenances unto the said Grantee(s), and Grantee(s) heirs and assigns forever. And the said Grantor(s) does (do) hereby covenant to and with the said Grantee(s), the Grantor(s) in and to the owner(s) in fee simple of said premises; that said premises are free from all encumbrances EXCEPT those to which this conveyance is expressly made subject, and those made, suffered or done by the Grantee(s); and subject to U.S. Patent reservations, restrictions, dedications, easements, rights of way and agreements, (if any) of record, and current years taxes, levies, and assessments, includes irrigation and utility assessments, (if any) which are not yet due and payable, and that Grantor(s) will warrant and defend the same from all lawful claims whatsoever.

Dated: October 24, 2011

*Dwane B. Benson* *Connie L. Benson*  
Dwane B. Benson Connie L. Benson

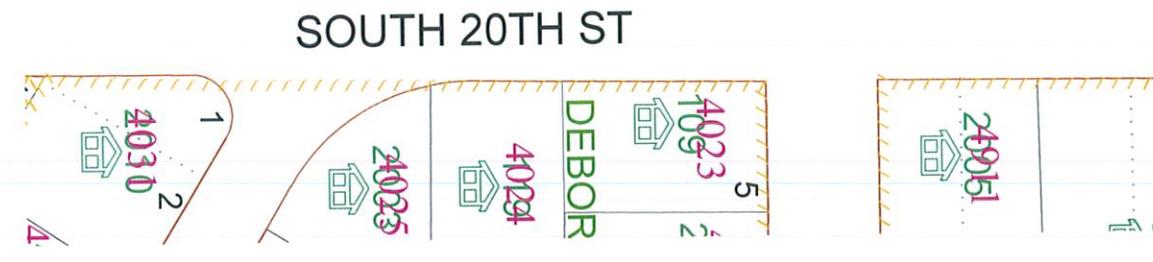
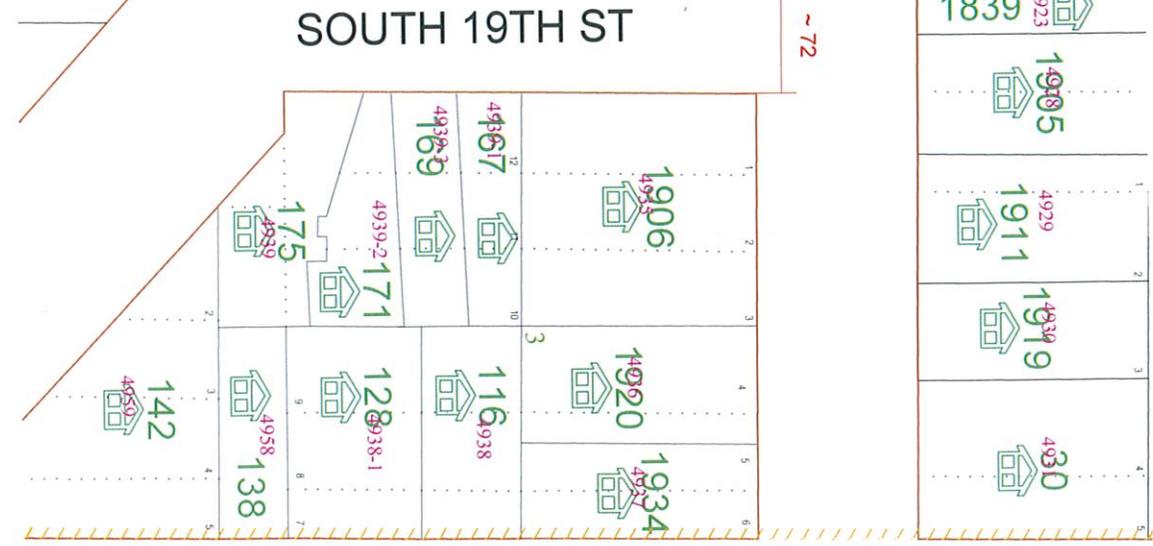
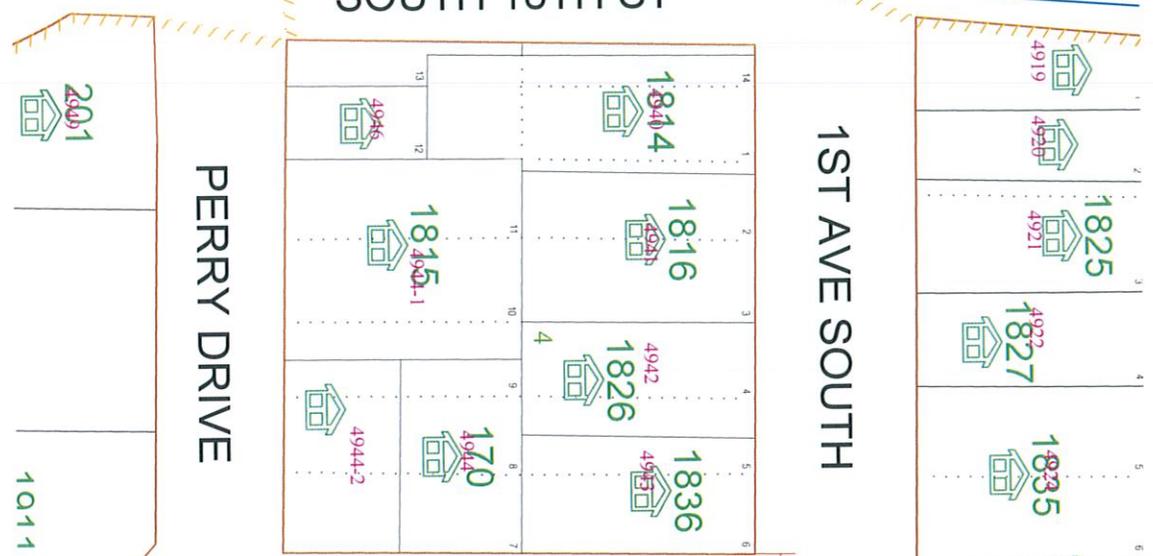
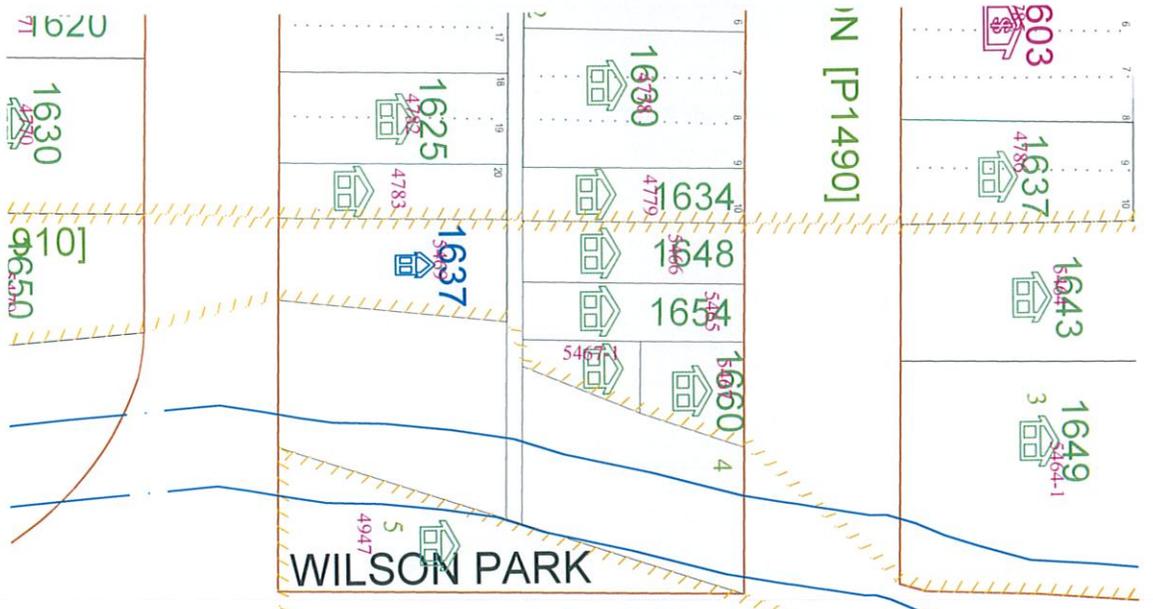
STATE OF IDAHO, County of LATAH, ss.

On this 25th day of October, in the year of 2011, before me the undersigned, notary public personally appeared Dwane B. Benson and Connie L. Benson known or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.



*Heidi Zumhore*  
Notary Public of Idaho  
Residing Moscow at  
Commission 2/21/2013 expires:

ELECTRONICALLY RECORDED - DO NOT REMOVE THE COUNTY STAMPED FIRST PAGE AS IT IS NOW INCORPORATED AS PART OF THE ORIGINAL DOCUMENT.

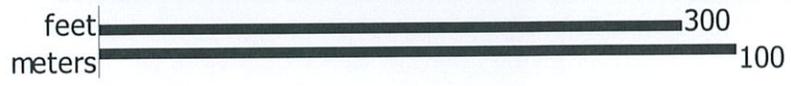




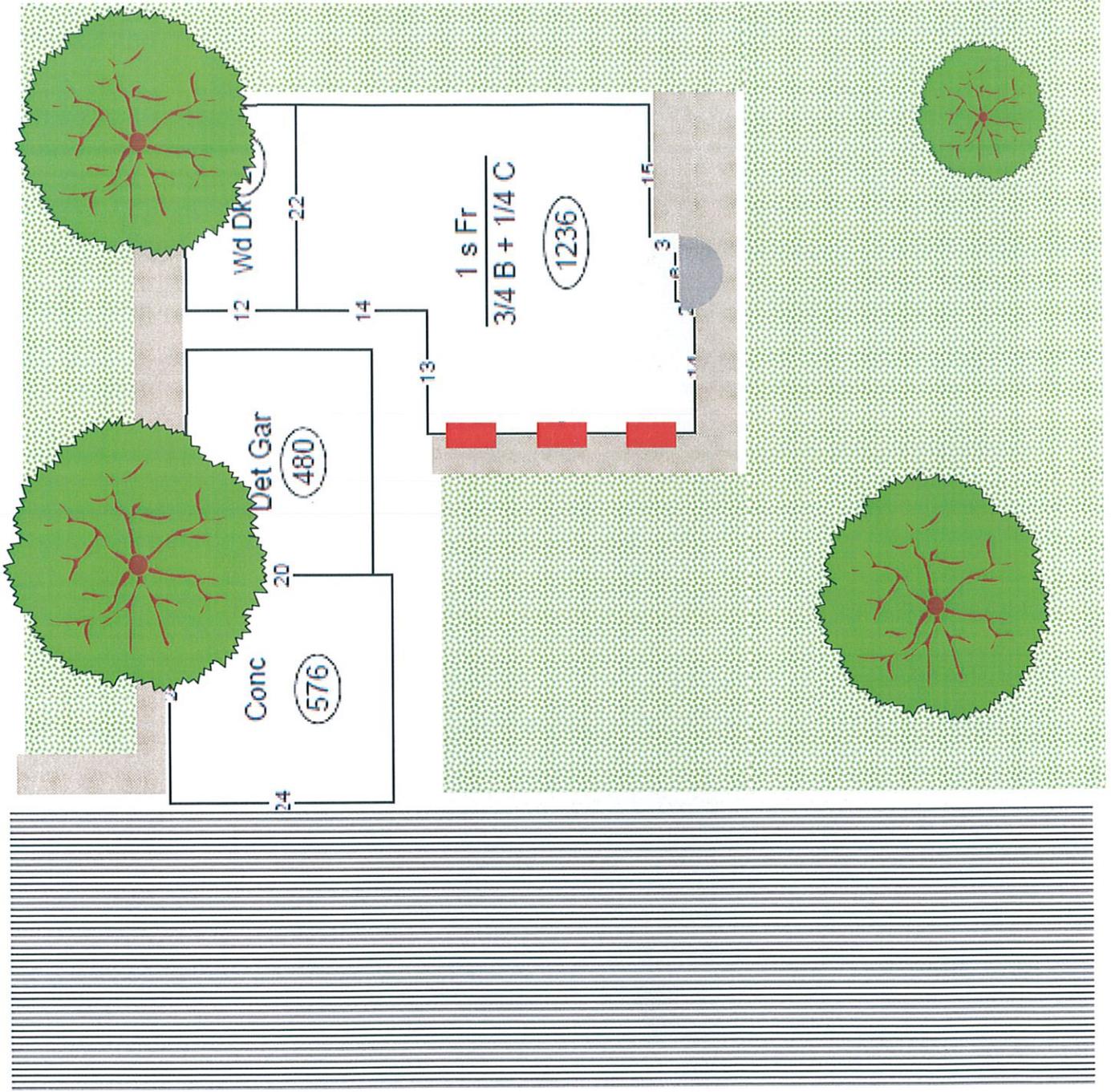




Google earth

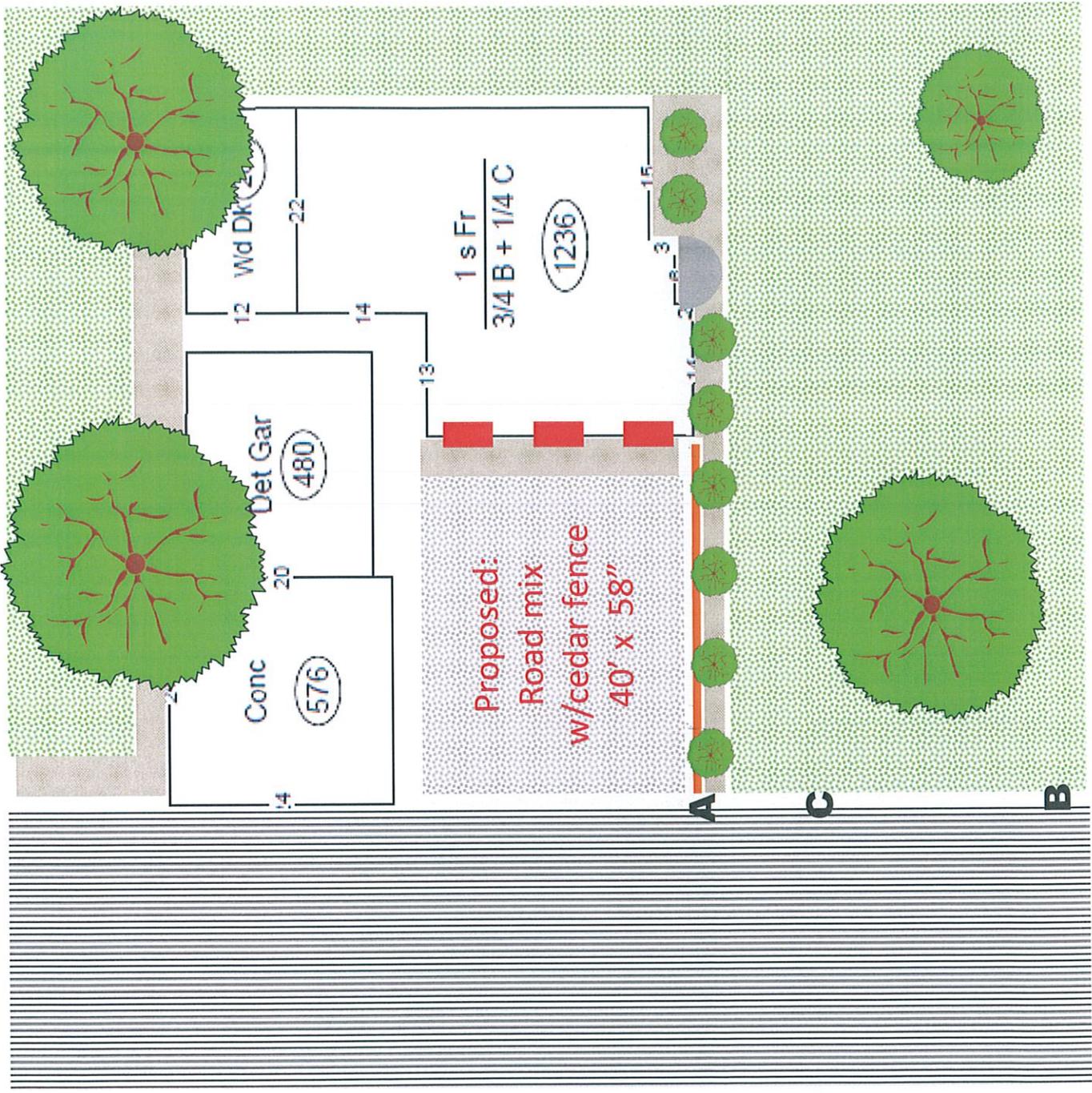


This is the current layout of our property, parking and landscaping. We are in a unique location which affords us visibility from 3 sides, West, North and East. This is due to the elevation, and also having a corner lot. We chose this neighborhood because it offers character and safe residency. In order for us to bring more privacy to our home, we elected to install a fence (see page 2) and convert some of our lawn into an parking area. The red rectangular shapes are the upstairs bathroom and bedroom windows. And bedroom windows. Leaving the drapes open during the day allows viewing into these rooms, from the roadway. The installation of the fence and parking of the RV will allot us some bit of privacy, parking off the street, beautiful cedar fence panels, and an opportunity to add landscaping to our yard outside of grass. (Please see page 2)



The following interprets our final goal. The fence will not impede triangulated line of site. Title 49 of the Idaho Motor Vehicle Statutes states the measurement to the intersection on the property line is 40', any obstructions from 3' to 10' must be removed. The measurement from point A to B is 67' from the NE corner yard to the edge of the fence. Point B to C, approximates the actual distance for the line of sight. We have no neighbors that are close enough to be visually impeded by the Fence. The neighbors across the Street (19<sup>th</sup>) to the east, and our neighbors to the south are all the way back in the cul-de-sac. Page 3 pinpoints area where actual pictures have been taken. The fence, landscaping, fence repairs on the SE corner and painting of the House will be Value Added. There is also value added and visual appeal of off street parking.

Ref: Title 49, IDMV, Chpt 2, general



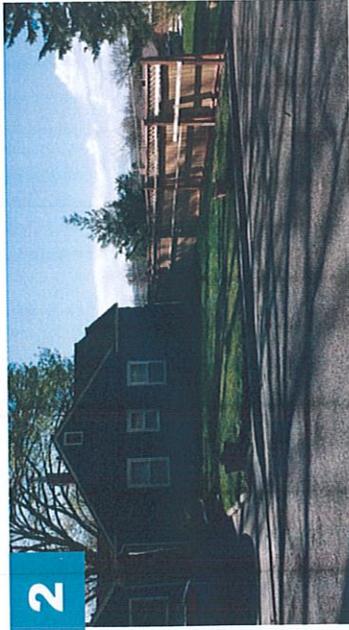








1



2



3

This is the type of fencing  
That will be used

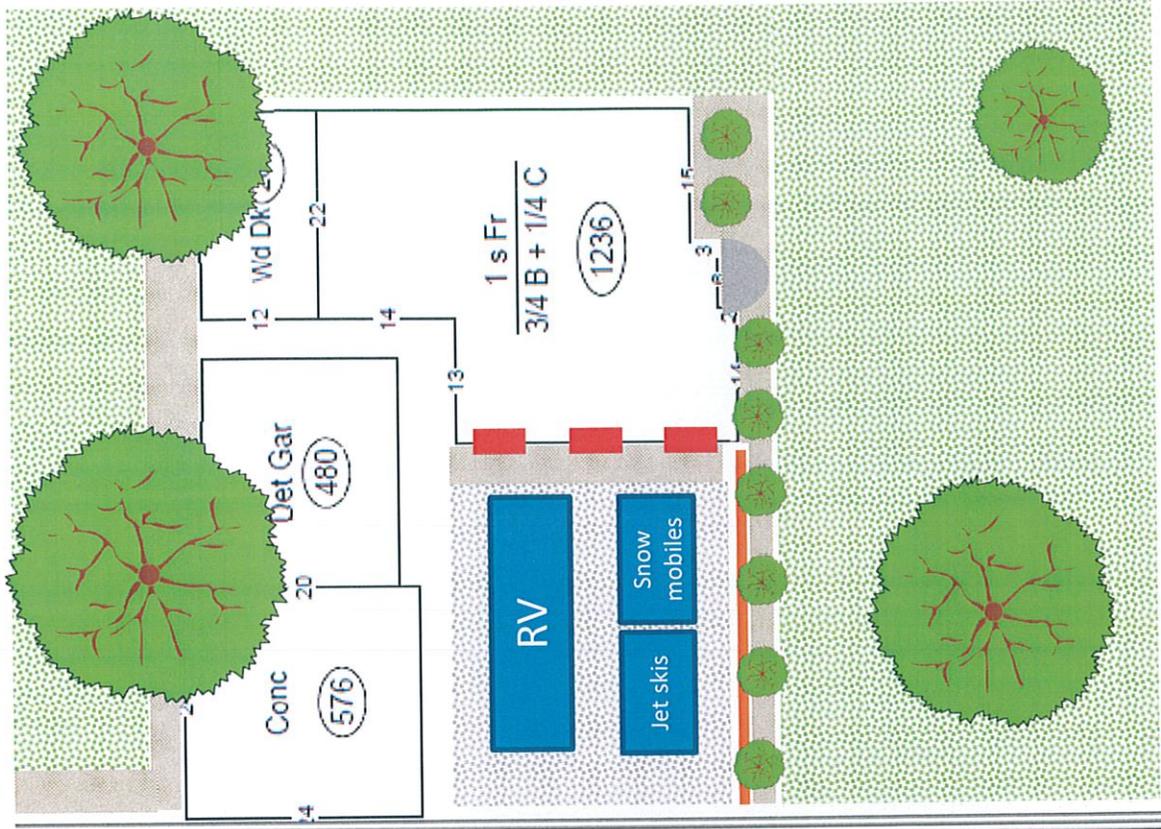


1st Ave S.

19th

1

2



RV

Jet skis

Snow mobiles