

MINUTES
PAYETTE PLANNING & ZONING
Regular Meeting
May 19, 2016

6:00 PM – Regular Meeting

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

- II. APPROVAL OF MINUTES
 - A. 04-14-2016 Special Meeting
 - B. 04-28-2016 Regular Meeting

A motion was made by Youngberg and seconded by Henderson to approve the minutes of 04-14-2016 Special Meeting and 04-28-2016 Regular Meeting as written.

After unanimous voice vote, motion CARRIED

- III. COMMUNITCATIONS
None

- IV. PUBLIC HEARING

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

No one was in attendance to speak on this item.

- B. An application by Frank & Kimmie Serrano for a Conditional Use Permit for property located at 307 N. 9th 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.

No one was in attendance to speak on this item.

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

No one was in attendance to speak on this item.

D. An application by Karen Eby for a Conditional Use Permit to have a home occupation/retail shop located at 1844 7th Ave North # 13. North Payette Tax 3 BLK 46 Less S 40' Sec 27-9-5. The property is zoned B-residential. Karen Eby, 1844 7th Ave North #13, Payette, ID addressed the Commission. Ms. Eby has purchase this property, it has a duplex on it. The previous owners, the Ashton's, had a small diary and vet clinic. The back buildings is where the vet clinic was, and has not been used in over 15 years, so she is cleaning them up and wants to use them for her home occupation. Ms. Eby has property in New Meadows with 100-year-old barns. She takes pieces of these old barns and makes furniture out of them for home decor. She would also have her mother's handmade jewelry, western clothing and fabric. There would be only one business under her name, not multiple vendors. Mr. Youngberg asked about possible signs and available parking. The signage she wants to do out front is simply a small 2 ft. x 2 ft. sandwich board sign by the sidewalk pointing to the building. And there is more than enough adequate parking. Ms. Eby stated she will only be open 3 days a week, Thursday & Friday 12 pm -7pm and Saturday 10 am- 4 pm. Mr. Youngberg asked Ms. Eby on how many employees will there be. Ms. Eby stated herself, and sometimes her mother if need be. Mr. Franklin asked Ms. Eby if she has ever considered a retail space downtown. Ms. Eby stated yes, but due to having a daughter that is disabled, she would prefer to be closer to home in case of emergencies. Ms. Eby's hope is one day she will get big enough to be able to move into a space in the downtown. Mr. Youngberg asked Ms. Eby if she is aware of the restrictions of a residential zoned area. Ms. Eby stated yes. Mr. Bradshaw asked Ms. Eby is she plans on making this building a salon. Ms. Eby stated she only does nails, and isn't advertising this business, she just does a few old clients once and a while, but this isn't the main purpose. Ms. Eby stated that it would be a good place to have it so it isn't in her home, but no she doesn't advertise or have a big client base. Mr. Youngberg asked if there are any restrooms available for the retail space. Ms. Eby stated she was going to get a portable restroom, so the clients aren't using her home until she can construct a bathroom in the space.

E. An application by Larry Armstrong for a Conditional Use Permit to have 4 trucks for his trucking company, as well as use the shop for his own repairs at property located 1700 North 6th Street. W 175' of Blk 12 Riverside Plat. The property is zoned B- Residential. Larry Armstrong, 1700 North 6th Street Payette, ID addressed the Commission. Mr. Armstrong owns a trucking company and at this time he and his son only own two trucks. He purchased the home and is wanting to use the garage and acreage to work, repair, and park their trucks. Mr. Armstrong stated they would only be coming in on the weekends for

repairs. There could be a possibility of during the week if repair is needed. Mr. Armstrong doesn't plan on running any type of business out of the garage or from his home, this is specifically for his personal use. Mr. Franklin addressed possible noise issues. Mr. Armstrong stated he would only have noise generated from the truck engines, air compressors, air guns or any other tool used in repairs, but again this would be on an as need basis for the trucks. It would be during the day time anyway, not during the night where it would cause a disturbance. Mr. Franklin asked Mr. Armstrong if the Commission put restrictions on use times (7am-7pm on the weekends) would he have any issues. Mr. Armstrong stated that would be fine and has no problems with that.

- F. An application by James & Mardelle Kropp for a Conditional Use Permit to have a 20'x 21' storage shed on an existing cement pad at the property located at 2059 Decker Drive. Lot 6 BLK 3 Deckers 2nd sub. The property is zoned A- Residential. James Kropp, 2059 Decker Drive Payette, ID addressed the Commission. Mr. Kropp placed a steel carport building on the existing cement pad, that was already there. Mr. Kropp just purchased this home and was wanting a place to keep his boat, lawnmower and camper trailer. Most of his neighbors don't even know it is there because it sits behind the house hidden from sight. Mr. Franklin asked if it meets the setback requirements. Mr. Kropp stated no, he took pictures and the City building inspector and Fire Chief looked at them and said it was ok. Mr. Youngberg asked what are the setbacks, and how far is it from the property lines. Mr. Kropp stated from the property lines he believes about 15 feet. Mr. Youngberg asked how far from the garage. Mr. Kropp stated about 3.5 feet. Mr. Youngberg asked if that is from wall to wall or hang over to building. Mr. Kropp stated wall to wall. Mr. Youngberg asked what is the distance from roof to roof. Mr. Kropp stated it sets a great deal above this steel building, and he was told this wasn't a fire hazard. Mr. Bradshaw asked if this was completely enclosed. Mr. Kropp stated the sides and back are closed the front is open.
- G. An application by Gene Lancaster for a Conditional Use Permit to allow pasturing of no more than 54 horses on the land for the property located at the Lancaster Development between Center Avenue and Payette Heights road. W1/2SWNE LESS TAX 39 & 40 SEC 35-9-5 & W1/2E1/2SWNE LESS S 264' SEC 35-9-5. The property is zoned A-residential. Gene Lancaster, 11428 Scotch Pines Road, Payette, ID addressed the Commission. Mr. Lancaster stated that he has had horses on the property for 10-15 years, but he is before the Commission tonight because his permit has expired. One of his neighbors is protesting that we cannot have barb wire fencing in the City of Payette, but this fencing has been containing the horses for years. This neighbor wanted to construct a hog wire fence on his

personal property. Mr. Lancaster stated that was fine with him, but he wanted to construct another fence six to eight back that will hold the horses in and out of this neighbors fence. Mr. Franklin asked Ms. Cordova if all of this property in the City limits. Ms. Cordova stated yes, all the ground he is running the horses on. Mr. Bradshaw asked Mr. Lancaster how long has his permit been expired. Mr. Lancaster wasn't sure when it expired, he just learned of it when he contacted Mayor Williams and he looked into it. Mr. Bradshaw asked Mr. Lancaster if there is a weed problem. Mr. Lancaster stated yes, that is what the horses are for. They eat and stomp down the weeds. Mr. Lancaster stated he received a letter for the City of Payette ordinance officer about the weeds, and he told her he was getting his permit back into place.

David Mitchell, 2817 Center Ave, Payette, ID addressed the Commission. Mr. Mitchell stated that Shannon Pierce is the owner of the horses, and is currently getting water from his personal well to water the horses. There a group of Stallions on the south side and a group of mares and fillies in this area that he is requesting the permit for. Mr. Mitchell stated there was a fire last summer that came up to the back of his property, but he had taken precautions in creating a fire barrier. Mr. Mitchell has no objection to the horses, or Mr. Lancaster. The horses do help the weed problem. Mr. Mitchell also stated that the fence that the protesting neighbor constructed isn't horse worthy, so the fence that Mr. Lancaster plans to build 6-8 feet back would be a good idea. The barb wire fencing has been there for many years, and he has no issues. Mr. Mitchell stated that mowing these properties would be difficult due to there being debris all over. Mr. Mitchell is in favor of this permit.

Public hearing closed at 6:21 pm.

V. AGENDA ITEMS

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

No action was taken on this item.

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

No action was taken on this item.

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

No action was taken on this item.

- D. An application by Karen Eby for a Conditional Use Permit to have a home occupation/retail shop located at 1844 7th Ave North # 13.

Ms. Henderson stated that she thinks is a great idea, because of the property and how it is set up. Mr. Wallace stated he is most concerned with the portable and how long it is going to be there. Ms. Cordova stated that we contacted the City attorney and made sure we were interpreting the code correctly and retail isn't allowed in B- residential zones, and the home occupation space she has stated she was using exceeds the 20% required. So we may need to look into a change to the Comprehensive Plan, because the plan designates the property being residential in the future. Ms. Cordova stated that there could only be a 2' x 2' sign on the building nothing in the streets or on the sidewalks. This request would comply if it was scaled down a bit. Mr. Bradshaw asked Ms. Cordova if the room the applicant plans to put this in needs to be scaled down. Ms. Cordova stated yes, it is too big to meet the requirements of a home occupation. Ms. Cordova stated there is enough space, but it doesn't go with the current zoning, as well as the Comprehensive Plan. Ms. Cordova stated that this was annexed into the City not long ago. Mr. Youngberg stated making that area Commercial would make sense due to there being more businesses that residential uses. Mr. Franklin stated that currently the City has Commercial zoning along HWY 95, so this makes sense. The question in this area is how far from HWY 95 on the north side of 7th Ave North would you go back. Mr. Franklin stated the Commission could send a favorable recommendation to the Council to rezone that area to Commercial. Even then what we have before us won't be addressed. Mr. Youngberg stated yes, but that would give her a path, if this request was rejected. Mr. Franklin stated if the Commission sent a favorable recommendation to the Council, once the applicant applies for the rezone then we would view this as an appropriate use for this property. Mr. Youngberg stated well yes it, under Commercial. Mr. Franklin stated that the portable is an issue. Mr. Youngberg asked Ms. Cordova if retail spaces are required to have bathroom facilities. Ms. Cordova stated yes they are required. Ms. Cordova stated that if this use is scaled down and meets all requirements for a home occupation, then it would be an allowed use. Mr. Bradshaw asked if the Commission could ask the applicant that if they scaled this down, would it still work for now, until a possible rezone. Mr. Franklin stated if she meets all the requirements of a home occupation then this Conditional Use Permit can be approved. Mr. Franklin stated the Commission can grant this Conditional Use Permit provided it complies with all home occupation requirements. Ms. Cordova stated yes.

A motion was made by Youngberg and seconded by Henderson to approve the Conditional Use Permit by Karen Eby for a home occupation/ retail space at 1844 7th Ave North contingent upon all home occupation requirements can be met, and can be revisited upon complaint.

After unanimous voice vote, motion CARRIED

- E. An application by Larry Armstrong for a Conditional Use Permit to have 4 trucks for his trucking company, as well as use the shop for his own repairs at property located 1700 North 6th Street.

Ms. Henderson's only concern is that if he was only going to work on his trucks on the weekends. Mr. Franklin stated that Mr. Armstrong was ok with having a time and days of the week stipulation in his permit.

A motion was made by Bradshaw and seconded by Youngberg to approve the Conditional Use Permit by Larry Armstrong with the following stipulations:

1. Repairing of trucks between 7am-7pm.
2. No business is being conducted at the shop
3. Owners trucks will remain parked on owners' property, not City Streets.
4. Will be revisited upon complaint.

After unanimous voice vote, motion CARRIED

- F. An application by James & Mardelle Kropp for a Conditional Use Permit to have a 20'x 21' storage shed on an existing cement pad at the property located at 2059 Decker Drive.

A motion was made by Henderson and seconded by Bradshaw to approve the Conditional Use Permit by James & Mardelle Kropp to have a 20' x 21' storage shed on the existing cement pad at 2059 Decker Drive, with an agreement to only allow the storage of motorized or recreational vehicles, and to be revisited upon complaint.

After unanimous voice vote, motion CARRIED

- G. An application by Gene Lancaster for a Conditional Use Permit to allow pasturing of no more than 54 horses on the land for the property located at the Lancaster Development between Center Avenue and Payette Heights road.

Mr. Youngberg stated that the original permit was for two years and has now since expired, and keeping a time frame he thinks is a good idea. Mr. Franklin stated yes, but once developing becomes practical he doesn't think they would be keeping the horses on the property. Mr. Bradshaw asked why was this permit limited to only two years, and how was this expired permit not caught? Ms. Cordova stated that when permits are issued, it can be difficult to keep track of everyone and if they have an expiration date. We hope that the applicant would aid the City in this endeavor. This permit was first issued in 2009, and the applicant asked to run no more than 54 head of horses on 64 acres. At the time of the original application there were a few neighbors not in favor because it had been annexed, and they came to complain about the weeds. The idea was to run the horses on this property to help with the weed problem. There were neighbors also opposed to electric and barbwire fences, and that's why Ms. Cordova stated there was a two-year limit put on it. With this new application the applicant is asking to allow no more than 54 horses on 76+ acres of land. Until a citizen comes and complains it's not usually addressed. Ms. Cordova addressed Mr. Bradshaw regarding his weed issue. Ms. Cordova stated that even with the horses being there doesn't exempt him from maintaining the weeds.

A motion was made by Youngberg and seconded by Henderson to approve the Conditional Use Permit by Gene Lancaster to allow pasturing of no more than 54 horses on the property located at the Lancaster Development between Center Avenue and Payette Heights Road with the following stipulations of:

1. Pasturing of horses between April 1 – July 31 of each year.
2. Construct a fire break around the adjacent residential homes
3. Must be compliant with weed control ordinances.
4. Will be revisited upon complaint.

After unanimous voice vote, motion CARRIED

H. Ordinance Change- Liquor License Locations

Ms. Cordova stated this item was brought to the Planning & Zoning per the Council's request. The Council is wanting to get input on a drinking establishments that serves beer & wine in any Commercial Zone. It would be Permitted Use and no longer a required Conditional Use. Mr. Franklin stated he believes that a function of a Conditional Use Permit in this situation is a good idea, because it allows the neighbors and public to have input, and how it will affect the area. Ms. Cordova stated that State code already states that you can't be within 300 feet from a school or church, but the City Council can grant exceptions to that. Ms. Cordova stated that this is brought in front of you to be a friendlier City and allow it in any Commercial zone. Ms. Cordova stated that we have researched and called other cities in the surrounding areas, and every City except Boise, has a Special Use Permit or Conditional Use Permit for this type of use. The only City that does allow this type of use or doesn't make the applicant go through a Permit process is Boise, but they have specific areas in which this use is permitted. The Commissioners looked at the Comprehensive Plan Map for future zoning and land use. Mr. Youngberg asked the restrictions that the Idaho State Liquor board makes for the applicants. Ms. Cordova stated that the applicant has to comply with City Codes, pay the fees and are given an extensive background check. Mr. Youngberg asked if there is a limit to how many liquor licenses, or drinking establishments a City can have. Ms. Cordova stated yes there is a limit of liquor establishments. Mr. Franklin is in favor of keeping this ordinance a Conditional Use, because it allows for public input. Mr. Bradshaw believes that defining in a Commercial district as a permitted use, would be too broad. Due to having a lot of residential use in Commercial zones. Ms. Gabiola informed the Commission that in speaking with the City of Caldwell, that if a new owner came in and bought an existing drinking establishment they transferred the permit to the new owner within a time frame of conducting business. If there was a new license holder, with a new establishment coming to town, they had to go through a Special Permit process. The Commissioners liked this idea. Ms. Gabiola stated that in Caldwell they gave perimeters on a time frame, to begin business, and if that time frame lapsed the applicant had to re-apply for a Special Permit. Mr. Youngberg stated this would be easier for an applicant who purchased an existing establishment, but would also give the Planning & Zoning and the general public a say on a new establishment. Ms. Cordova stated that the City can draft something up to bring to the next Planning & Zoning meeting, and if you approve, the City can hold a public hearing at the following meeting.

- I. Non-Conforming Lots- Payette City Code Chapter 17.56- Ms. Cordova stated this has been brought to the Commissions attention due to a situation regarding the Iwasa home on 915 3rd Ave North which is currently a non-conforming lot. Ms. Cordova stated that the City changed our code not long ago to say:

Any single-family structure, located in any district that was in use as a single-family residence at the time of adoption or amendment to this chapter, and which has continued as a residential use, shall not be considered to be a nonconforming use but shall be considered a special use until such time that the residential use is replaced with another approved use. A single-family residential structure, granted special use status, shall have the same privileges as a permitted residential structure and may be replaced/remodeled if a building permit has been obtained, and as long as the setbacks can be met or a variance is granted. Upon a change in use, to commercial or industrial, the residential structure shall not be changed back to a residential use unless a conditional use permit has been approved through following the public hearing process. A change in use shall not be considered to have occurred until the structure has actually been converted to a nonresidential use. (Ord. 1392, 2015)

The underwriters involved in the Iwasa house situation wanted a 100% rebuild letter for this home. Currently this home doesn't meet the setbacks, so the City cannot issue a 100% rebuild letter. Then the underwriters wanted the City to grant a variance for this property, but the City doesn't know what they are wanting to vary, so the variance can't be issued. Mr. Youngberg stated this was put into place for nonconforming lots, to rebuild within the setbacks and eventually comply. Ms. Cordova stated that a Council member called another surrounding City, and they allow the home owner to re-build on the same foot print within a years' time. Ms. Cordova stated that the City can draft something up for the next meeting to bring in front of the Commission.

- J. Source Water Protection Ordinance- Ms. Cordova stated that many cities have this ordinance, but Payette does not. Ms. Cordova stated this is an effort to protect the City's well water, which is crucial to Payette. Ms. Cordova directed the Commissioners to the overlay map on page 86, and stated that the hydrological reports show is that anything that goes into the ground water between can affect the well water within a certain amount of years. Ms. Cordova gave an example of having a Landfill in the 3-6-year zone, and if there are any containments or leaking seepage that will be in our water. The purpose of this ordinance is to create an overlay zone in our zoning code to protects our wells. Ms. Cordova asked the Commissioners, what do they want to protect and keep out of our water. Mr. Youngberg asked if we currently have some ordinance in place right now? Ms. Cordova stated we have a well head protection ordinance that is required by the State, but not a source water protection. Ms. Cordova stated that the City can draft something up for the next meeting to bring in front of the Commission.

K. Sidewalk Café's- Ms. Cordova stated this would be guidelines or design perimeters, for the downtown district zone to allow outdoor dining areas for restaurants. Ms. Cordova stated this is currently not allowed. Mr. Youngberg asked if it is currently going on. Ms. Cordova stated that Meechans requested a Special Use Permit for that purpose and would like to eventually make it permanent. The Planning & Zoning can set perimeters to what would be allowed, for example: height of fencing, number of tables, umbrellas or only food establishments. The Council wanted to have the main focus be a restaurant that serves beer and wine, not bars. Mr. Franklin thinks this would be a good addition to our downtown area. Ms. Cordova stated that the City can draft something up for the next meeting to bring in front of the Commission.

VI. PUBLIC COMMENT
None

VII. ADJOURNMENT

A motion was made by Henderson and seconded by Youngberg to adjourn the meeting at 7:55 PM

After unanimous voice vote, motion
CARRIED.

Matea Gabiola
Recording Secretary