

**PAYETTE PLANNING & ZONING COMMISSION  
RE-SCHEDULED MEETING  
June 2, 2011**

**5:47 PM – City Council and Planning & Zoning Meeting with Anne Wescott**

**ROLL CALL**

Members Present: Brent King, Larry Hogg, Jim Franklin, Tom Ladley, Mark Heleker, Mayor Jeff Williams  
Staff Present: Tiffany Howell, Assistant Deputy Clerk/Treasurer; Jennifer Kelley, HR

Ms. Wescott briefed the Council and Commission on what impact fees are and why we need them. Her slideshow is attached.

**6:30 PM –Planning & Zoning Meeting**

**ROLL CALL**

Members Present: Brent King, Larry Hogg, Jim Franklin, Tom Ladley

Members Absent: Gary Youngberg, Randy Choate, Kevin Hanigan  
Staff Present: Tiffany Howell, Assistant Deputy Clerk/Treasurer; Jennifer Kelley, HR

**APPROVAL OF MINUTES**

A motion was made by Ladley and seconded by Hogg to approve the regular meeting minutes of 04/28/2011 as written.

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

**COMMUNICATIONS**

None Heard.

**PUBLIC HEARINGS**

A. Notice is hereby given that on June 2, 2011 at 6:00 p.m., in the City Hall Council Chambers, 700 Center Avenue, Payette, Payette County, Idaho, public hearing will be held before the Payette Planning & Zoning Commission for the purpose of receiving testimony from interested persons regarding an update to the Capital Improvement Plan/Impact Fees for police, fire, parks and streets. The Commission will make a recommendation to the City Council regarding the possible adoption of the Capital Improvement Plan Update as an amendment to the Payette Comprehensive Plan per IC 67-6509.

The draft update to the Capital Improvement Plan is contained in a report entitled City of Payette, Idaho Impact Fee Study and Capital Improvement Plans dated May 4, 2011. The report includes the following: an overview of the report's background and objectives; a definition of impact fees and a discussion of their appropriate use; an overview of land use and demographics; a step-by-step calculation of impact fees under the Capital Improvement Plan (CIP) approach; a list of implementation recommendations; and a brief summary of conclusions. The Plan also contains a list of projected capital improvements for each of the following: police, fire, parks and streets. For

each category the Plan described the capital improvement, projected costs, the proportionate share attributable to new growth, and related information.

No public comment heard.

B. An application by Ariel Sanchez for a Conditional Use Permit to build a 1200 square foot 39'7" x 30'1" shop/storage at 327 ½ 7th Avenue North, RIVER SIDE PLAT, TAX 12, BLOCK 84. The property is zoned A- Residential.

No public comment heard.

C. An application by Josh Jackson for a Conditional Use Permit to build a 30' x 50' garage to store vehicles at 1005 Center Avenue, GORRIE ADDITION, LOTS 1 & 2, BLOCK 16. The property is zoned B-Residential.

Jim Bivens – First Baptist Church

Mr. Bivens stated that he has some concerns that could come up in the future. Is it a storage or is it going to be a working garage. The reason for the concern is our church is right across the street and on Sundays it was be very noisy if he's working on his vehicles. Where will he be parking these cars if he cleans the garage out, will they be on the street? That would be an issue for the church due to the parking restraints. Also, what type of equipment will he be using? Will it be making loud noises? The only other issue is a 30x50 garage is not a normal size garage in that area, but having said that if it is properly built it would probably fit in.

Josh Jackson – 1005 Center Avenue –

Mr. Jackson stated that they lived in Fruitland recently and had an issue with the vehicles being in the yard and the appearance of our property, so they required us to put up a fence. The types of vehicles are non-registered vehicles and it will not be a business. Three of the 4 doors will be facing the alley, and 2 of the doors will be facing the street, so it shouldn't affect parking. I am trying to keep it from looking like a junk yard with cars parked in my yard. I am having an engineer design the garage, and it will have the same color siding as the house does. I want to have a nice place to work on the cars and it will be fully sheeted and have insulation, so there shouldn't be a noise issue. There were never any issues with the neighbor where we lived in Fruitland.

Commissioner Franklin asked if we included that it is only for residential use and that it is not a business would that be an issue. Mr. Jackson stated no, I have 10 vehicles at the moment and am looking at maybe getting some lifts in the shop in order to have more room in there. I know it seems like a very oversized garage, but in order to work in there I need all that room. Commissioner King asked Mr. Jackson if he meets all the setback requirements. Mr. Jackson stated absolutely he does, and that he has been in several times speaking with the building inspector on the issue. I have been in contact with many builders and have picked out a local contractor Brad Heater. Commissioner Ladley asked if Mr. Jackson works on his vehicles on Sundays. Mr. Jackson state no, not normally, but it can happen. Commissioner Ladley asked if Mr. Jackson would be open for restrictions on when Mr. Jackson would start working or decibel level. Mr. Jackson stated no, not with decibel level, but turning a wrench does not make much noise, and I'm not putting in a huge compressor so it wouldn't make much noise, and all of my vehicles are muffled. Commissioner Hanigan stated that the Commission normally puts a stipulation on the permit that if there are any complaints the permit can be re-visited, do you have any problems with that. Mr. Jackson stated no, not at all. Commissioner

Hogg asked where Mr. Jackson is currently storing all the vehicles. Mr. Jackson stated that he has some at his in-laws and some at a friend until the garage is completed, but all the street legal vehicles are at the home. Mr. Jackson stated that he is looking into converting a small portion of his front yard to park vehicles to get them off the street. Commissioner King asked Mr. Jackson if there is already a shop on the property. Mr. Jackson stated not anymore, he took it down. He talked with the building inspector, but because the building was not very sturdy they decided to just take it down and build a new one.

Dianne Salois – 1018 1<sup>st</sup> Avenue South

Ms. Salois stated that the only entrance she has to the back part of her property is through the alley, and it would be going right past his business. When they moved the little old garage out no consideration was given to the neighbors and the alley was blocked. I want to know if the alley is going to be left open. If he is going to pull his cars into his garage from the alley there is not much room and if he has his doors open that would make less room. Ms. Salois stated that she would like the Commission to review this closely and take into consideration that many of us have to park in the back and there is not much room in the back. Also, during the construction process will the alley be blocked? Commissioner Hogg asked Ms. Salois how big the garage was before. Ms. Salois stated that it was small; you might be able to park a model A in it, but that would be it. Commissioner King asked Ms. Salois if there is access to her property on the other end of the alley. Ms. Salois stated yes, but the way they have to swing into park their cars it is easier and closer to come in on Mr. Jackson's side, and frankly I pay taxes on both so I should be able to use both. Commissioner Hogg asked Ms. Salois if both ends of the alley were blocked when they were taking down the old garage. Ms. Salois stated no, just the one end was blocked. Commissioner Hogg asked Ms. Salois how long the alley was blocked. Ms. Salois stated she was not sure she did not stand out there and watch them; she had a few days off and didn't leave her home.

Jeb Allred – 1011 Center Avenue –

Mr. Allred stated that he and his wife oppose this, due to some noise and safety issues. In the future if they left the house and someone else came in they might use the shop in a different manner and I really don't want to look at this metal building over my fence. I feel this is a residential neighborhood and this big of a structure belongs somewhere else. A double car garage would fit, but not this big of a building. Commissioner Hogg asked Mr. Allred if there is anything that the applicant could do to amend his application to be ok with it. Mr. Allred stated that if it was half the size that would be more normal for that neighborhood. Commissioner Hogg asked Mr. Allred if the size is his main concern. Mr. Allred stated that his main concern is noise, and it is going to change the whole dynamics of the neighborhood and I don't want to look over my fence and see this big building.

Larry Keeton – 1024 Center Avenue -

Mr. Keeton stated that noise is a concern and this is nice quiet neighborhood. Commissioner Franklin asked if the building is too large. Mr. Keeton stated yes, I think it is.

Christine McPike – 1019 Center Avenue –

Ms. McPike stated that this B-Residential zone and that is for homes. I am afraid with the size of the garage that this could turn into a business. The daycare is not for residential use.

Josh Jackson – 1005 Center Avenue-

Mr. Jackson stated that it is not a place of business. The noise level will be isolated and I can make the same noise in a smaller garage as well as a big one. Esthetically I don't have anything to say about that, it is a big building, but it will be well taken care of and blend in with the house. I would think people would want my cars in a garage and not in my yard like my neighbor does. The alley was blocked for about 4 hours while they got the garage loaded onto the truck. I will talk with the contractor and let him know that the alley needs to be open at all times, and I will take down my fence so they can drive on my yard if need be to rectify the situation. Commissioner King asked if these vehicles were ones that he races. Mr. Jackson stated some are yes. I have had numerous Camaros, Nova's etcetera that I disrepair, fix up, drive around for a while and then sell it and get something else. I like fixing up old cars. One of the two cars is one that is raced out at Meridian Speedway, which is you cannot register. I would like them to have them in the garage, one of my cars is worth over \$100,000 and I would like it to stay nice. When I purchased this property it had an 18x13 wide structure that was not stable, I made sure there was the option of building a structure to put my cars. My garage doors are overhead doors, so they will not swing into the alley and block and portion of the alley.

D. An application by Tiffany Jackson for a Conditional Use Permit to have a group childcare at 1005 Center Avenue, GORRIE ADDITION, LOTS 1 & 2, BLOCK 16. The property is zoned B-Residential.

Tiffany Jackson – 1005 Center Avenue –

Mrs. Jackson stated that she wants to open a group daycare which is 7 to 12 children. I have talked with the gentlemen and they will be coming over to do the fire inspection. It's got the smoke detectors, egress windows, kitchenette, and bathroom. Commissioner Franklin asked if the Commission limits the number of children is that ok. Mrs. Jackson stated yes. Commission Franklin asked what the hours of operation are. Mrs. Jackson stated it will be Monday-Friday 6:00AM to 6:00PM. Commissioner Franklin asked if they put those restrictions of hours on the permit would that be ok. Mrs. Jackson stated yes, that would be fine. Commissioner Hogg asked Mrs. Jackson if she is planning on having an area in the back for the children to play. Mrs. Jackson stated yes, and it is already set up and there was already a daycare in the home. There is a 3 foot fence around the back of the house and then set into the back of the yard is a 6 foot tall fence.

Chris Christopher – 1010 1<sup>st</sup> Avenue North –

Ms. Christopher stated they had a daycare center their before and it was noisy. What she is talking about as far as a fence was a kennel and it's not very big and the kids won't have very much room to play. The area is cement. Mr. Jackson just mentioned he will be selling some of his cars and that is a business. Commissioner Franklin stated that everyone is allowed to sell their vehicles if they want. Ms. Christopher stated that we have had kids in their before and it is noisier than hell. I am retired and I like it being quiet in my backyard. Ms. Christopher stated that if he takes some of our alley then it will be hard to get in and out in the winter time. I should not have to shut my windows in the summer time because of the noise, I have renters next door and I have been to court 20 million times with their dogs barking. I want my neighborhood to stay clean and I want the trash out my neighborhood and I think this might bring some of that back. Commissioner King asked Ms. Christopher about the kennel. Ms. Christopher stated they put a kennel up and that is where she wants to have the kids play there. Commissioner Hogg asked Ms. Christopher how long she has lived in the neighborhood. Ms. Christopher stated she has lived there for 21 years. Commissioner Hogg asked Ms. Christopher how long there has been a daycare in her neighborhood. Ms. Christopher stated 2 years. Commissioner Hogg asked Ms. Christopher how long it has been since the daycare has been gone. Ms. Christopher

stated it has been less than a year; she got evicted because she didn't pay her house payment. She had her daughter there so they were allowed to have more kids and they were loud in the pool outside.

Pam Allred – 1011 Center Avenue –

Mrs. Allred stated that her main concern is safety. Ms. Christopher is right, that is where they used to keep their dogs locked up in the kennel. Mrs. Allred stated that the shop and the daycare are too much. My big concern is traffic the coming and going of kids to the park, library. We have children up and down Center all year long. I would be so worried because people don't drive 25 mph past there. We have put thousands and thousands of dollars to restore it and we bought it because of our neighbors, they are retired and good people and they don't deserve the loud noise and so on. Commissioner Hogg asked if Mrs. Allred would be ok with one or the other. Mrs. Allred stated she bought in a residential neighborhood and wants to keep it that way, it's residential and we have grandchildren and I don't need any more traffic.

Tiffany Jackson – 1005 Center Avenue –

Mrs. Jackson stated most all daycares are residential. In that area she is talking about it is not concrete it will be moved and expanded out the whole yard with new grass. With a daycare you are not allowed to have swimming pools, so that will not be a problem. With a group daycare licensed by the State you cannot have more than 12 kids. With the kids being noisy and kids being around there are always kids the classrooms walked by last week and that is why I picked that area because it is safe for that area. Commissioner Hogg asked how big the fenced in play area would be. Mr. Jackson stated that once the shop is there it will be a 30x70 area of play. Commissioner Hogg asked where the area was. Mrs. Jackson stated it would be the entire back yard that the kids would be able to play in.

E. An application by The City of Payette for a Conditional Use Permit to install a 40' Communication Tower with a 20' antenna. Requesting permit for no more than 21' over peak of roof. In Recorder's Plat of Sec. 34, TWP, 9N. R.5W, B.M. as per plat in Book 2, Page 5, Plat Records of Payette County, Idaho Block 3, Less Tax 1 & Tax 5. The property is zoned C-Commercial.

Steve Castenada –

Mr. Castenada stated that it will be on the northeast corner of the building. It will be a 40 foot tower. The antenna will be 18 foot so that is why we located it to the northeast corner of the building.

## **OLD BUSINESS**

### **A. Design review guidelines –**

A motion was made by Hogg and seconded by King to move this item to the next agenda.

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

### **B. Proposed Used Cars & Used Car Lot Ordinance -**

A motion was made by King and seconded by Hogg to move this item to the next agenda.

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

**NEW BUSINESS**

**A. Impact Fee Recommendation -**

Commissioner Hogg stated that he thinks this is a good thing to have in place. He thinks the folks that help cause the growth help pay for it. Commissioner King agrees.

A motion was made by King and seconded by Hogg to send a favorable recommendation to City Council to update the capital improvement plan, adopt the impact fee structure and also add the inflationary index terminology.

At the roll call:  
Ayes: Hogg, King  
Nays: Ladley  
The motion CARRIED.

**B. Conditional Use Permit – Arial Sanchez – 327 ½ 7<sup>th</sup> Avenue North -**

A motion was made by Hogg and seconded by Ladley to approve the conditional use permit submitted by Arial Sanchez to approve a 1200 square foot shop at 327 ½ 7<sup>th</sup> Avenue North contingent upon compliance with all other city ordinances, and that it will be revisited upon complaints.

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

**C. Conditional Use Permit – Josh Jackson – 1005 Center Avenue–**

A motion was made by Hogg and seconded by King to deny the application for Josh Jackson at 1005 Center Avenue.

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

**D. Conditional Use Permit – Tiffany Jackson – 1005 Center Avenue –**

A motion was made by Ladley and seconded by King to approve the conditional use permit submitted by Tiffany Jackson to have a group childcare at 1005 Center Avenue contingent that all state, city & county regulations are met, that the max number of children not exceed 12, the hours of operation be Monday through Friday 6:00AM to 6:00PM and that the permit be revisited upon any complaints.

At the roll call:  
Ayes: King, Ladley  
Nays:Hogg  
The motion CARRIED.

**E. Conditional Use Permit – City of Payette–**

A motion was made by King and seconded by Hogg to approve the Conditional Use Permit to install a 40' Communication Tower with a 20' antenna.

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

**ADJOURNMENT**

A motion was made by Franklin and seconded by Ladley to adjourn to at 7:32 PM.

The motion CARRIED.

Recording Secretary  
Tiffany Howell