



AGENDA
PAYETTE PLANNING & ZONING COMMISSION
July 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. 06-23-2016 Regular Meeting.....**1-3**
- III. COMMUNICATIONS
- IV. PUBLIC HEARING
 - A. An application by Farmers Mutual Telephone Company for a Conditional Use Permit to construct a 100-foot communication tower on the existing lot for the property located at 1171 1st Ave North AKA 1130 3rd Ave North, SEC 34-9-5 REV TAX 6, BLK 6 IN SWNW COURTHOUSE. The property is zoned A- Residential.
 - B. An application by Ron Owen for a Conditional Use Permit to have temporary storage containers/ units for up to no more than 180 days for the property located at 15 North 9th Street, GORRIE ADD TAX 2, BLK 1. The property is zoned C1- Commercial Downtown
 - C. Liquor Locations – Amending the Payette Municipal Code section 17.32.030 in Chapter 17.32 of Title 17, 17.34.030 in Chapter 17.34 of Title 17, and 17.36.060 in Chapter 17.36 of Title 17 by allowing licensee to operate upon existing licensed premises without obtaining a conditional use permit
 - D. Non- Conforming Lots – Amending Payette Municipal Code section 17.56 to allow certain exceptions to rebuilding on non-conforming lots
 - E. Sidewalk Cafes- Amending the Payette Municipal Code section 17.34.020 in Chapter 17.34 of Title 17, by adding permitted use
- V. AGENDA ITEMS
 - A. An application by Farmers Mutual Telephone Company for a Conditional Use Permit to construct a 100-foot communication tower on the existing lot for the property located at 1171 1st Ave North AKA 1130 3rd Ave North, SEC 34-9-5 REV TAX 6, BLK 6 IN SWNW COURTHOUSE.**5-19**

- B. An application by Ron Owen for a Conditional Use Permit to have temporary storage containers/ units for up to no more than 180 days for the property located at 15 North 9th Street, GORRIE ADD TAX 2, BLK 1.**20-26**
- C. Liquor Locations – Amending the Payette Municipal Code section 17.32.030 in Chapter 17.32 of Title 17, 17.34.030 in Chapter 17.34 of Title 17, and 17.36.060 in Chapter 17.36 of Title 17 by allowing licensee to operate upon existing licensed premises without obtaining a conditional use permit.**27-28**
- D. Non- Conforming Lots – Amending Payette Municipal Code section 17.56 to allow certain exceptions to rebuilding on non-conforming lots.**29**
- E. Sidewalk Cafes- Amending the Payette Municipal Code section 17.34.020 in Chapter 17.34 of Title 17, by adding permitted use.**30**
- F. Source Water Protection Ordinance.....**31-42**
- G. PUBLIC COMMENT
- H. ADJOURNMENT
- I. *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
June 23, 2016

6:00 PM – Regular Meeting

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

II. APPROVAL OF MINUTES
A. 05-19-2016 Special Meeting

A motion was made by Franklin and seconded by Childers to approve the minutes of 05-19-2016 Regular Meeting as written.

After unanimous voice vote, motion CARRIED

III. COMMUNITCATIONS
None

IV. PUBLIC HEARING

A. An application by Aaron Sobers for a Conditional Use Permit to fence height regulations in the front yard for property located at 2855 Center Avenue, SEC 35-9-5 S 264' of E 165' of W1/2E1/2SWNE. The property is zoned A-Residential.

Aaron Sobers, 2855 Center Ave Payette, ID addressed the Commission on wanting to construct a 5-foot fence in the front of his property to prevent citizens using their driveway as a turn around and to prevent tumbleweeds coming in their yard. This will be a chain link fence that will be professionally installed. Mr. Franklin asked if any utility lines that would be impeded. Mr. Sobers stated no there is not. Mr. Franklin didn't understand why the City Hall office staff made a recommendation of future development may require the fence to be removed at the owners' expense. Mr. Sobers stated at one time there was to be a housing development, but that has since been either not an option or simply hasn't happened yet. At one time there was talk of extending utility lines and widening the roads up Center, but that hasn't happened yet. Mr. Choate stated if down the road there is development and an access road is built on the side of your property, then the sight triangle would be impeded, so moving it could be a possibility.

Public hearing closed at 6:07 pm.

V. AGENDA ITEMS

- A. An application by Aaron Sobers for a Conditional Use Permit to fence height regulations in the front yard for property located at 2855 Center Avenue, SEC 35-9-5 S 264' of E 165' of W1/2E1/2SWNE.

A motion was made by Franklin and seconded by Youngberg to approve the Conditional Use Permit for Aaron Sobers for fence height regulations at the property of 2855 Center Avenue with the following stipulations:

1. Public utilities access must be maintained and not impeded.
2. No future site impairment.
3. Future development requires the fence to be removed at the owners' expense.
4. Will be revisited upon complaint.

After unanimous voice vote, motion CARRIED

- B. Steve Pierson- Building Permit discussion

Steve Pierson, City of Payette Building Inspector, stated that the City had a current situation arise where an applicant was told to apply for a Conditional Use Permit to have apartments in a Commercial Zone, as well as obtain a building permit. Due to a chain of events the City has discovered yes, they did go through the Conditional Use Permit process and was approved, but they did not obtain a building permit which is required. Mr. Pierson is wanting to come to an agreement or way to better track applicants who need building permits, so this won't happen again. Mr. Youngberg stated this makes complete sense and would help a lot, due to some applicants thinking that the Conditional Use Permit is all that they need, when in reality it doesn't exempt them from obtaining a building permit. Mr. Choate stated to help these situations, the City Hall staff can confirm with Mr. Pierson if they do or don't need a building permit and if they are in need make that part of the contingencies as well as part of the motion.

- C. Ordinance Change- Liquor License Locations – Mr. Franklin stated that he likes this change and stated to move forward with a public hearing.
- D. Non- Conforming Lots- Payette City Code Chapter 17.56- Mr. Choate stated that with there being so many non-conforming lots in the city,

some mortgage lenders wont finance these homes, and adding this change could possibly help. Mr. Choate stated to go forward with the public hearing.

E. Source Water Protection Ordinance- Tabled to next Planning & Zoning Meeting.

F. Sidewalk Café's- Mr. Franklin thinks this is a great idea and would add something to our downtown. Mr. Franklin stated to move forward with the public hearing.

G. PUBLIC COMMENT
None

H. ADJOURNMENT

A motion was made by Youngberg and seconded by Franklin to adjourn the meeting at 6:37 pm.

After unanimous voice vote, motion
CARRIED

Matea Gabiola
Recording Secretary



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 Farmers Mutual Telephone Company for a Conditional Use Permit to construct a 100-foot communication tower on the existing lot for the property located at 1171 1st Ave North AKA 1130 3rd Ave North, SEC 34-9-5 REV TAX 6, BLK 6 IN SWNW COURTHOUSE. The property is zoned A- Residential.
- B. An application by Ron Owen for a Conditional Use Permit to have temporary storage containers/ units for up to no more than 180 days for the property located at 15 North 9th Street, GORRIE ADD TAX 2, BLK 1. The property is zoned C1- Commercial Downtown.
- C. Liquor Locations – Amending the Payette Municipal Code section 17.32.030 in Chapter 17.32 of Title 17, 17.34.030 in Chapter 17.34 of Title 17, and 17.36.060 in Chapter 17.36 of Title 17 by allowing licensee to operate upon existing licensed premises without obtaining a conditional use permit.
- D. Non- Conforming Lots – Amending Payette Municipal Code section 17.56 to allow certain exceptions to rebuilding on non-conforming lots.
- E. Sidewalk Cafes- Amending the Payette Municipal Code section 17.34.020 in Chapter 17.34 of Title 17, by adding permitted use.

The Public Hearing on the above requests will be held **July 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: July 28,2016

Applicants Name: Farmers Mutual Telephone Company

Describe Request: Conditional Use Permit – to construct 100-foot communications tower on an existing lot.

Property Zoned: A- Residential

Address: 1171 1st Ave North AKA 1130 3rd Ave North

Property Size: 5.49 Acres

Access: 1st Ave North

Structures: Residential

Comp Plan: A- Residential

Surrounding Uses: A- Residential

Employees: N/A

Hours: N/A

Sign: Yes, tower will be fenced with signage indicating that area is under surveillance.

Payette City Code:

7.20.040: AREA AND LOCATION REQUIREMENTS:

- A. Height Regulations: Any building or structure or portion thereof hereafter erected which is not of an agricultural nature, shall not exceed twenty feet (20') in height unless a greater height is approved by conditional use permit
- B. Setback Requirements: The following are setback requirements for the T transitional zone:
1. Front Yard: No building or structure shall be erected nearer than thirty feet (30') of the street side property line.
 2. Side Yard: No building shall be erected closer than ten feet (10') to any side property line, except corner lots shall maintain a thirty foot (30') side yard adjacent to the street which intersects the street upon which the building fronts.
 3. Rear Yard: There shall be a rear yard having a depth of not less than twenty-five feet (25').
 4. Area Requirements: The minimum lot area shall be two and one-half (2¹/₂) acres (108,900 square feet). (Ord. 1204, 2002)

Staff Comments:

1. Doesn't impeded the site triangle.
2. Meets fencing requirements.
3. Utility Services access not impeded and maintained.
4. Comply with Local, State & Federal Regulations.
5. Revisited upon complaint.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

Date Received

10/16/17

Fees Paid

Y / *N*

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name Farmers Mutual Telephone Company Address PO Box 1030 319 SW 3rd St

City Fruitland State Idaho Phone 208-452-2000

Owner

Name Farmers Mutual Telephone Company Address PO Box 1030 319 SW 3rd ST

City Fruitland State Idaho Phone 208-452-2000

Property Covered by Permit

Address 1171 1st Ave North Zone _____

Legal Description (Lot, Block, Addition, Subdivision)

Nature of Request (Briefly explain the proposed use)

We wish to place a 100 foot communications tower on the lot near our existing Telepone Communications building for the purpose of offering Fixed Wireless Broadband Ethernet throughout the Payette Area. Additionally, we are looking at establishing a redundant path via microwave back to our Fruitland tower for 911 services. We also are looking at the possibility of microwave paths to both McCain Middle School and West Side Schools to fill out a complete internet service offering to the entire Payette School district.

Existing use of property

This is a mostly empty lot owned by Payette County. Farmers Mutual Telephone Company has a 10' X 40' communications building on the lot adjacent to the area where we wish to place the tower

Will this have an impact on schools?

This should have no negative impact on schools

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?

There will be no water used at this location

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

There will be no sewer usage at this location

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

There will be primarily pickup trucks and cars at this location one to two days per week at the most

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

This building will not be occupied other than for occasional electronic communications equipment maintenance

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?

Other than the concrete pad for the tower there will be no pavement on the lot, and therefore we do not believe storm drainage will be a factor

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?

Usage is not for residential or any other type of people housing

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?

Access for firefighting equipment is adequate

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?

A gravel parking area has been established adequate for 3-4 vehicles.

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

Any solid waste brought in to the location will be removed by the Telco

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

In normal use of the site there will be no noise generated. At some point we may add an emergency generator which will be located inside the communications building with mufflers and will only operate in emergency and maintenance testing circumstances

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

Electronic transmission cabinets at the ground level with antennas on the tower at the 100' level

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

Payette County offices to the North and West, residential to the South and East.

13. Are any air quality permits required? Is dirt or other dust creating materials moved by open trucks or box cars? *No Air quality permits should be necessary*

14. Will the parking lot or other outdoor areas have lighting? *Yes, the parking area is lighted.*

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?
N/A

17. What, if any, signage is anticipated in connection with the proposed usage?
The tower are will be fenced with signage indicating that the area is under surveillance.

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 3rd Avenue North, Payette

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



Applicant's Signature

6-14-2016

Date

LEASE

THIS LEASE made effective the 22 day of October, 2012, by and among Payette County, and FARMERS MUTUAL TELEPHONE COMPANY, a non-profit Idaho corporation (hereinafter referred to as "Tenant").

WITNESSEITH:

LEASE: That for and in consideration of the rentals to be paid by Tenant and the mutual covenants and promises to be kept and performed by the respective parties hereto, at the times and in the manner hereinafter set forth, the legal sufficiency of which is hereby acknowledged, Landlord does hereby let, lease and demise unto Tenant and Tenant does hereby lease from Landlord, upon the terms and conditions hereinafter set forth, all that certain real property as shown in **EXHIBIT "A"**, attached hereto and incorporated herein by reference (hereinafter referred to as the "property").

TO HAVE AND TO HOLD the property unto Tenant upon the terms and conditions hereinafter set forth for Tenant's proper use and benefit.

TERM: The term of this Lease shall be for a period of five (5) years, commencing on the 22nd day of October, 2012 and ending on the 21st day of October, 2017.

EXTENSION OF TERM: The parties expressly agree that in the event that at the end of the initial term hereof the weather and/or land conditions are such that it is not reasonably feasible for the Tenant to remove all improvements it has placed upon the property, then the term of this Lease shall be extended such time as the weather and ground conditions become such that it does become reasonably feasible for the Tenant to remove the same.

OPTION TO RENEW TERM: Landlord does hereby grant to Tenant the option to renew this Lease for ten (10) additional terms to commence upon the day after the end of the initial term hereof. If exercised, such exercise shall be by Tenant giving written notice signed by Tenant and sent to Landlord, together with the sum of One Dollar per Year (\$1.00) as payment for such renewal term, prior to the expiration of the initial term hereof. Provided, however, the County may, not later than thirty days after the renewal date, terminate this agreement upon ninety (90) days notice.

RENTS:

(A) Basic Rents: For the use and rent of the property, Tenant agrees to pay to Landlord, or order, the sum of One Dollar per Year (\$1.00) for the term hereof, to be paid in Annual payments upon anniversary of execution of document.

(B) Additional Charges: In addition to the basic rent provided for above, Tenant shall pay during the term of this Lease as additional rents the following:

- (1) All charges for any heat, light, power, water and other services or utilities provided to the property.
- (2) The cost of all insurance for the personal property, together with any improvements, placed upon the property by Tenant.

USE OF PROPERTY:

(A) Permitted Use. Tenant may use and occupy the property for the purposes locating Tenant's Telecommunications building and any and all items necessary to be used in connection therewith, and for any lawful purpose related hereto.

(B) Restrictions on Use. In connection with the use of the property, Tenant shall:

(C)

- (1) Conform to all applicable laws and regulations of any public authority affecting the property and the use, and correct at Tenant's own expense any failure of compliance created through Tenant's fault or by reason of Tenant's use.
- (2) Refrain from any use which would be a nuisance or reasonably offensive to Landlord or owners or users of adjoining property or which would tend to create a nuisance or damage the reputation of the property.

MAINTENANCE: It is understood and agreed that Tenant has had an opportunity to inspect the property to its satisfaction and is leasing the property in its present "as is" condition. During the life of this Lease, Tenant shall take good care of the property, and shall, at its own expense, provide and pay for all maintenance which are or may be necessary for its use or which it may desire.

INSPECTION BY LANDLORD: Tenant shall permit Landlord or Landlord's agents, representatives, or employees to enter the property at reasonable times for the purpose of inspecting the property to determine whether Tenant is complying with the terms of this Lease and for the purpose of doing any other lawful acts that may be necessary to protect Landlord's interest in the property or to improve the property.

ALTERATIONS: Tenant may, at its own expense, make such reasonable improvements and/or alterations on or to the property as it may choose to make.

INSURANCE:

- (A) Insurance required. Tenant shall, at Tenant's expense, provide such insurance upon the property as Tenant may desire.
- (B) Damage and Destruction. If the property of Tenant is damaged or destroyed by fire or any casualty, it shall be repaired by Tenant.

(C) Liability Insurance. Before going into possession of the property, Tenant shall procure and thereafter during the term of this Lease shall continue to carry, at Tenant's expense, public liability and property damage insurance in a responsible company with limits of not less than \$500,000 for injury to one person, \$3,000,000 for injury to two or more persons in one occurrence, and \$ 500,000 for damage to property. Such insurance policies shall cover all risks arising directly or indirectly out of Tenant's activities on or any condition of the leased property whether or not related to an occurrence caused or contributed to by Landlord's negligence, shall protect Tenant against the claims of Landlord on account of the obligations assumed by Tenant under the provisions of the paragraph "INDEMNIFICATION", and shall protect both Landlord and Tenant against claims of third persons; it being understood and agreed that Landlord shall be named as an additional insured thereon.

LIABILITY TO THIRD PERSONS:

- (A) Liens. Tenant shall pay, when due, all claims for work done on and for services rendered or material furnished to the property and shall keep the property free from any liens.
- (B) Non-payment. Tenant may withhold payment of any claim in connection with a good-faith dispute over the obligation to pay, so long as Landlord's property interests are not jeopardized.

INDEMNIFICATION: Tenant shall indemnify and defend Landlord from any claim, loss or liability arising out of or related to any activity of Tenant on the property or any condition of the property in the possession or under the control of Tenant.

LANDLORD'S WARRANTY: Landlord warrants that Landlord is the owner of the property and has the right to lease it free of all encumbrances, and Landlord will defend Tenant's right to quiet enjoyment of the property from the lawful claims of all persons during the term of this lease.

ACCEPTANCE BY TENANT: Tenant accepts the property, together with any improvements thereon and appurtenances thereto, in its present condition upon the basis of Tenant's own inspection and knowledge thereof, without any representation of Landlord or Landlord's agents.

DEFAULT:

(A) Defaults. The following shall be events of default:

- (1) Failure of Tenant to pay any rent or other charge when due, provided that such failure shall continue for more than fifteen days after the due date thereof; or,
- (2) Failure of Tenant to comply with any term or condition or fulfill any obligation of this Lease within thirty (30) days after written notice by Landlord specifying the nature of the default with reasonable particularity. If the default is of such a nature that it cannot be completely remedied within the thirty-day period and thereafter proceeds with reasonable diligence and in good faith to effect the remedy as soon as practicable.

(B) Remedies On Default. In the event of a default that is not cured, this Lease may be terminated at the option of Landlord by notice in writing to Tenant, after the running of the thirty-day grace period for default.

SURRENDER AT EXPIRATION:

(A) Condition of Property. Upon expiration of the term and any renewal hereof Tenant shall surrender the property.

(B) Alterations, fixtures and improvements.

- (1) All alterations, fixtures and improvements placed upon the property by Tenant shall be, and remain, the property of Tenant and may be removed by Tenant.
- (2) The time for removal of any alterations, fixtures, and improvements which Tenant may remove from the property upon termination shall be on or before the date this Lease terminates because of expiration of the original or a renewal term.
- (3) At the time of the removal of the alterations, fixtures and improvements placed upon the property by Tenant, Tenant shall, to the extent reasonably possible, restore the leased property to the condition it was in prior to the commencement of this Lease.

TIME OF ESSENCE: Time is of the essence of this Lease.

NONWAIVER: Waiver by either party of strict performance of any provision of this Lease and Option shall not be a waiver of or prejudice the party's right to require strict performance of the same provision in the future or of any other provision.

ATTORNEY REPRESENTATION:

- (A) Representation. It is understood and agreed by and between the parties that this Lease has been prepared by attorney for Landlord; that she represents only the interests of Landlord; and that Tenant has been advised to consult with separate counsel of their choosing for independent advice concerning this transaction.
- (B) Enforcement Expense. If any litigation commenced to enforce the respective rights and duties of the parties under this Lease, the non-prevailing party agrees to pay all reasonable attorney fees, court costs and expenses incurred by the prevailing party; the amount of said fees to be determined by the Court. In addition, should it become necessary for either party to retain the services of an attorney for the purpose of enforcing the terms and conditions of this Lease as the result of a default by the other party, the party in default agrees to pay to the other a reasonable attorney fee for such services rendered in the event that the matter of default is resolved without actual litigation.

NOTICES: Any notice required or permitted under this Lease shall be given when actually delivered or when deposited in the United States mail as certified mail addressed as follows:

To Landlord Payette County

To Tenant FARMERS MUTUAL TELEPHONE COMPANY

PO Box 1030

Fruitland, ID 83619

or to such other address as may be specified from time to time by either of the parties in writing.

INTERPRETATION: In construing this Lease, it is understood that Landlord or Tenant may be more than one person; that if the context so requires, the singular pronoun shall be taken to mean and include the plural, the masculine, the feminine and the neuter, and that generally all grammatical changes shall be made, assumed and implied to make the provisions hereof apply equally to corporations and to individuals.

IN WITNESS WHEREOF, the parties have hereunto set their hands and seals the day and year first above written.

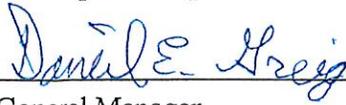
LANDLORD:

TENANT:

Payette County

FARMERS MUTUAL TELEPHONE CO.,
an Idaho non-profit corporation



By: 
It's General Manager

PAYETTE COUNTY
 1130 3RD AVE N # 104
 PAYETTE, ID 83661
 SEC 34-9-5 REV TAX 6, BLK 6 IN SHNW
 COURTHOUSE

Transfer of Ownership

Owner	Consideration	Transfer Date	Deed Book/Page	Deed Type
PAYETTE COUNTY	0	07/09/2012	QC - C 378577	QC
PAYETTE COUNTY	0	08/15/2011	QC 373699	QC

Neighborhood Number
99010

Neighborhood Name
602-A Government

TAXING DISTRICT INFORMATION

Jurisdiction Name Payette
 Area 001
 District 001-00
 Census Tract 0

Valuation Record

Assessment Year	2010	2011	2012	2013	2014	2015	2016
Reason for Change	03- Assessor	03- Assessor	03- Assessor	01- Revaluat	02- Assessme	02- Assessme	02- Assessme
MARKET VALUE L	0	0	0	0	0	0	0
I	0	0	0	0	0	0	0
T	0	0	0	0	0	0	0

Site Description
Topography

Public Utilities

Street or Road

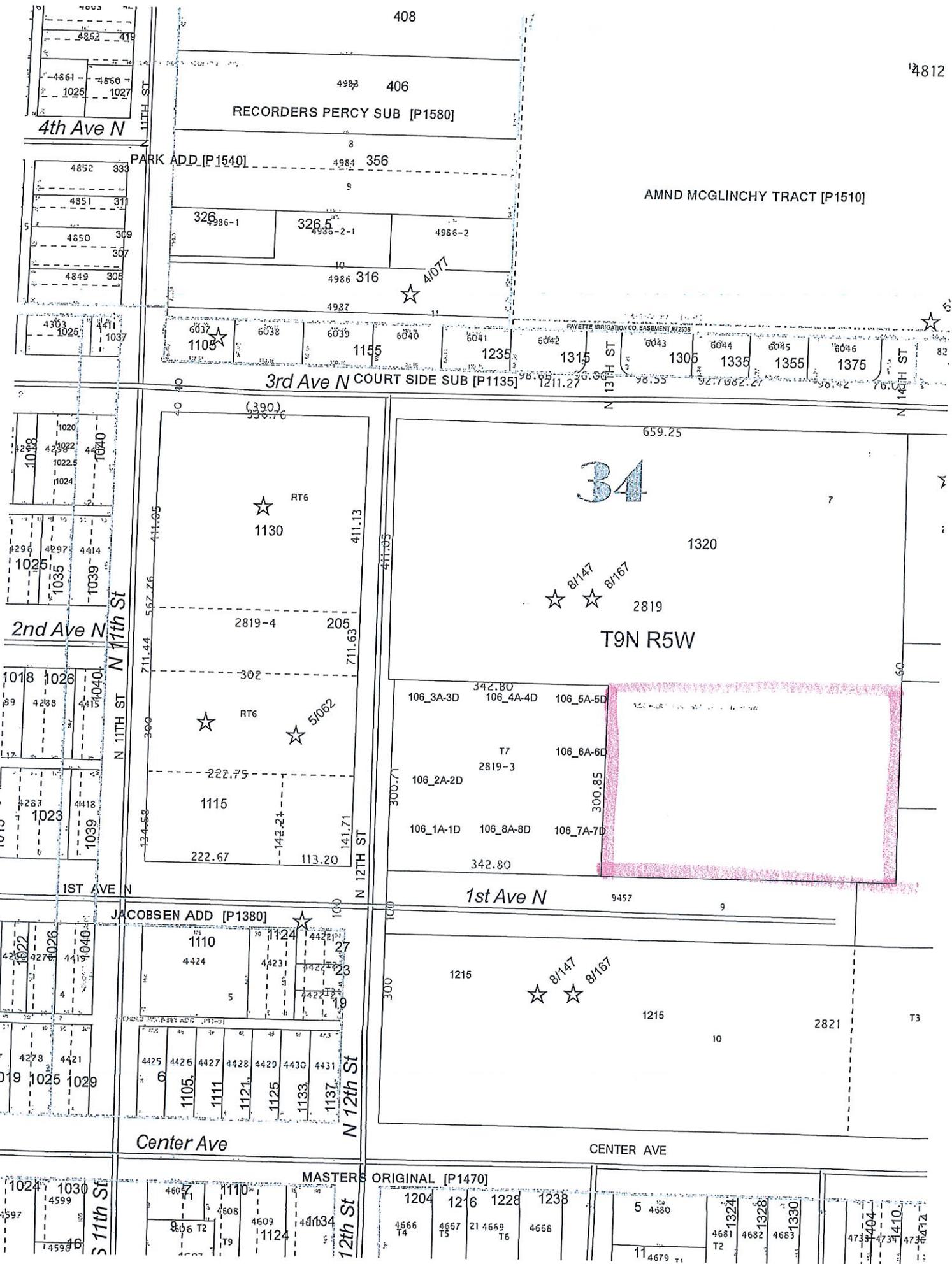
Neighborhood

Zoning:

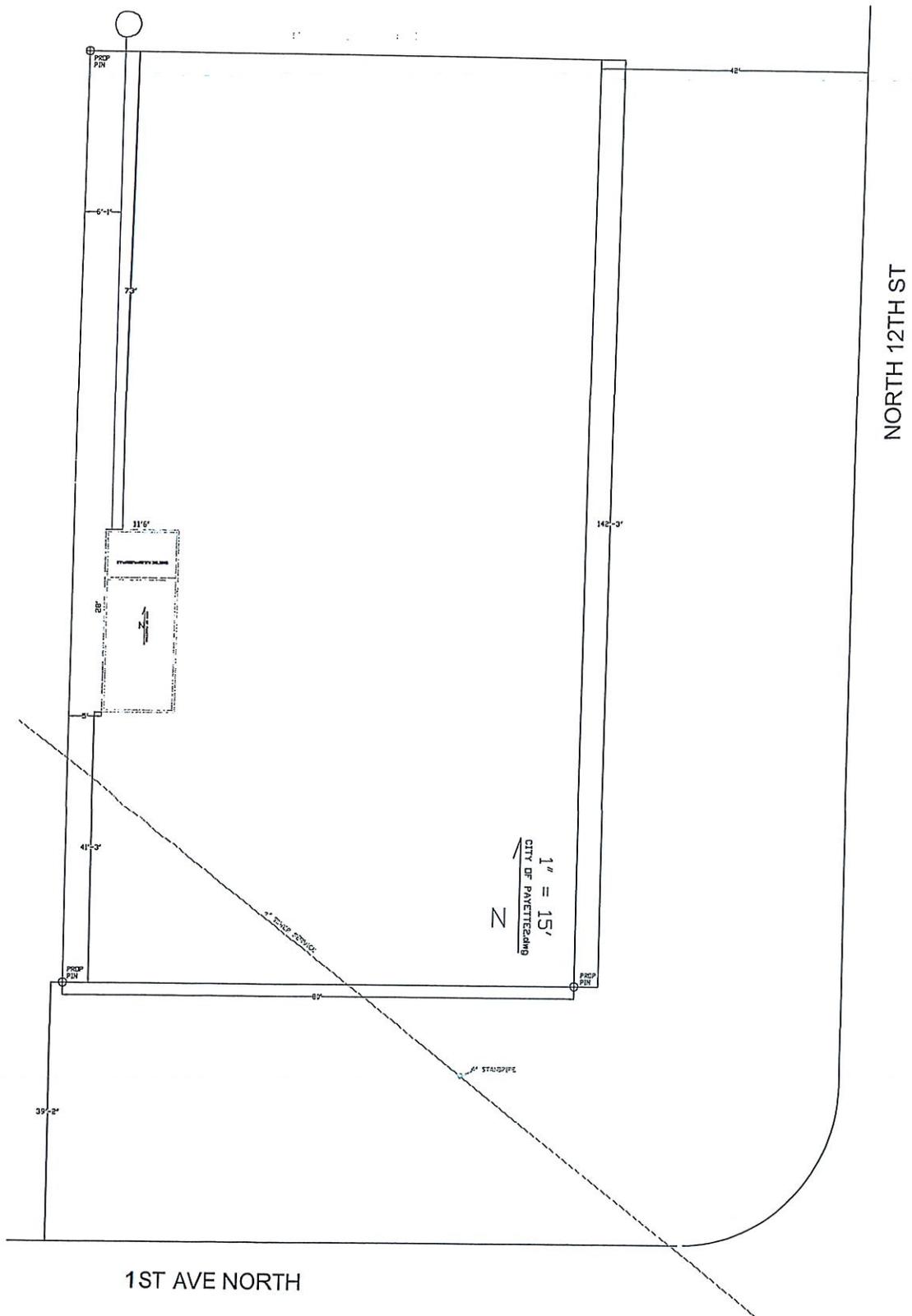
Legal Acres:
5.4900

Land Size

Land Type	Rating, Soil ID - or - Actual Frontage	Acreage - or - Effective Frontage	Square Feet - or - Effective Depth	Influence Factor
Exempt Land		5.4900		







STAFF REPORT

P&Z Public Hearing Date: July 28,2016

Applicants Name: Ron Owen

Describe Request: Conditional Use Permit – to have temporary storage containers/units for up to no more than 180 days.

Property Zoned: C1- Commercial Downtown

Address: 15 North 9th Street

Property Size: 10440.00 square feet

Access: Center Avenue & North 9th Street

Structures: Residential & Commercial

Comp Plan: C1- Commercial Downtown

Surrounding Uses: C1- Commercial Downtown

Employees: N/A

Hours: 8am-5pm – Light Construction

Sign: N/A

Payette City Code:

17.64.220: RAILROAD BOXCARS/MOTOR VEHICLE CARGO CONTAINERS:

Railroad boxcars, motor vehicle cargo containers, old unoccupied mobile or manufactured homes or other containers normally used for the shipment of freight, cargo or other items, by rail, ship or motor vehicular transportation, wherein the applicant desires to cause the same to be located upon property within the city for storage or other purposes are specifically prohibited from being located within any district within the city or the area of city impact except if utilized on a short term basis not to exceed three (3) months for construction purposes. Placement of a storage container may be authorized by a conditional use permit. (Ord. 1204, 2002)

Staff Comments:

1. Containers remain out of the sight triangle due to this being a corner lot.
2. Container Areas remain clean and free of debris.
3. Utility Services access not impeded and maintained.
4. Permit not to exceed the 3 months.
5. Will be revisited upon complaint.



City of Payette

Conditional Use Permit Application

OFFICE USE ONLY

Date Received _____

Fees Paid Y / N

Non-Refundable Fees:

Application..... \$100.00

Applicant

Name RON OWEN Address 2141 RICHIE DR.
City PAYETTE State IDA Phone 307-272-4987

Owner

Name Same as Above Address _____
City _____ State _____ Phone _____

Property Covered by Permit

Address 15 N. 9TH ST. Zone Comm.

Legal Description (Lot, Block, Addition, Subdivision)

Nature of Request (Briefly explain the proposed use)

TEMP. STORAGE UNIT^S 90 Day^S To
180

Existing use of property

PERSONAL ONLY

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 YES
2. What is the estimated sewer usage per month? Will pretreatment be necessary?
N/A NO
3. What is the estimated daily traffic to be generated? Will the traffic be primarily private vehicles or commercial trucks?
N/A BOTH
4. If commercial, industrial, or a home occupation, what will be the hours of operation?
N/A
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?
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?
City Fire Hydrant 90 FT away - NO
8. How much parking is being provided on-site? Do the aisle widths and access points comply with ordinance requirements? Has landscaping been provided in accordance with the ordinance?
20 STALLS - YES - N/A
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?
Lite Const. - 8 to 5 Daily
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?
COWEN / RESID. N/A

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

N/A - No

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

No

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?

N/A

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 3rd Avenue North, Payette

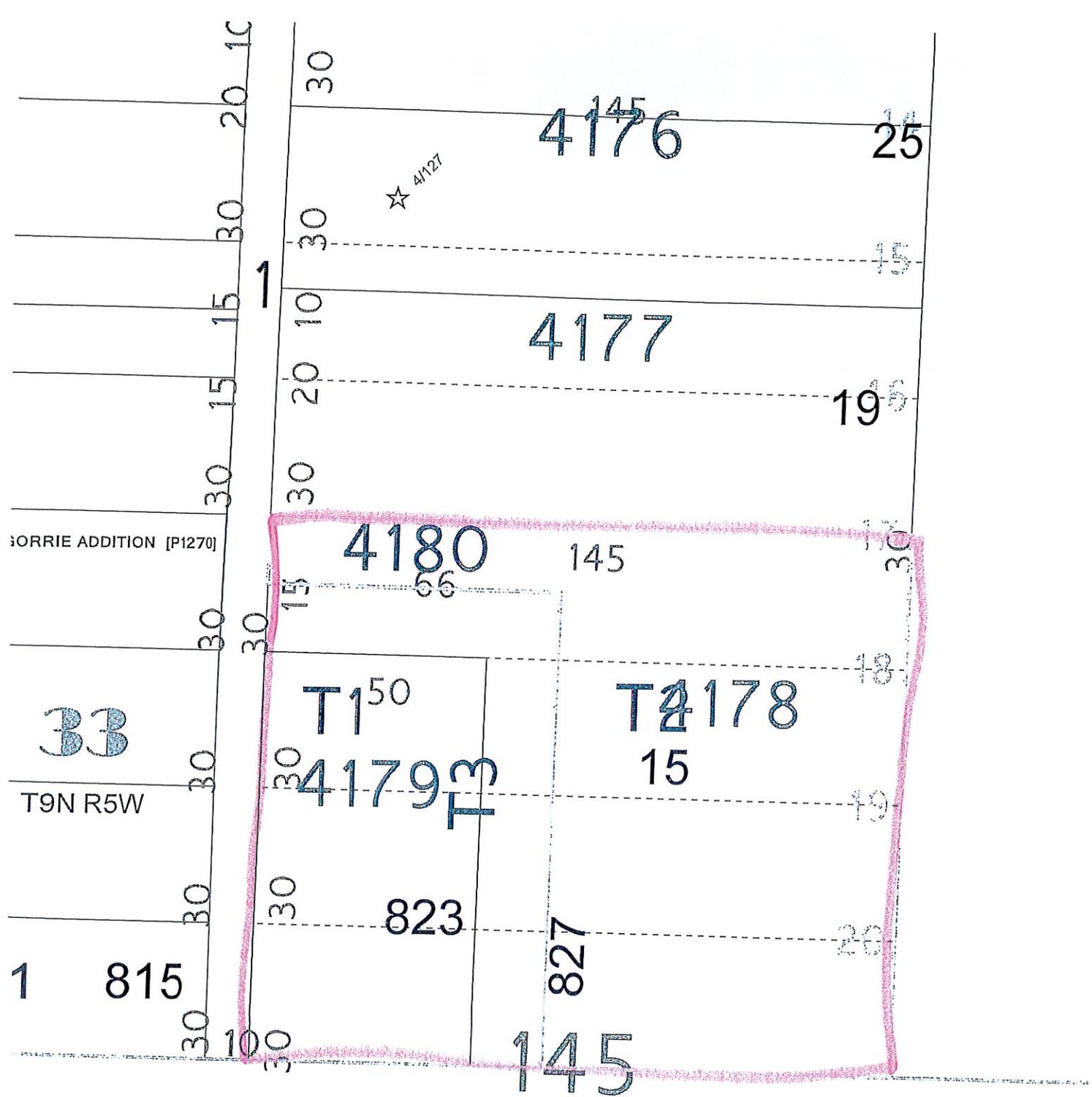
Formal Notice will be sent to applicant after approval of a Conditional Use Permit. Notice will state the conditions of the permit. If conditions are violated or not met there will be a 90 day period to cure the problem. Failure to comply with the terms may result in revocation of the Conditional Use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



Applicant's Signature

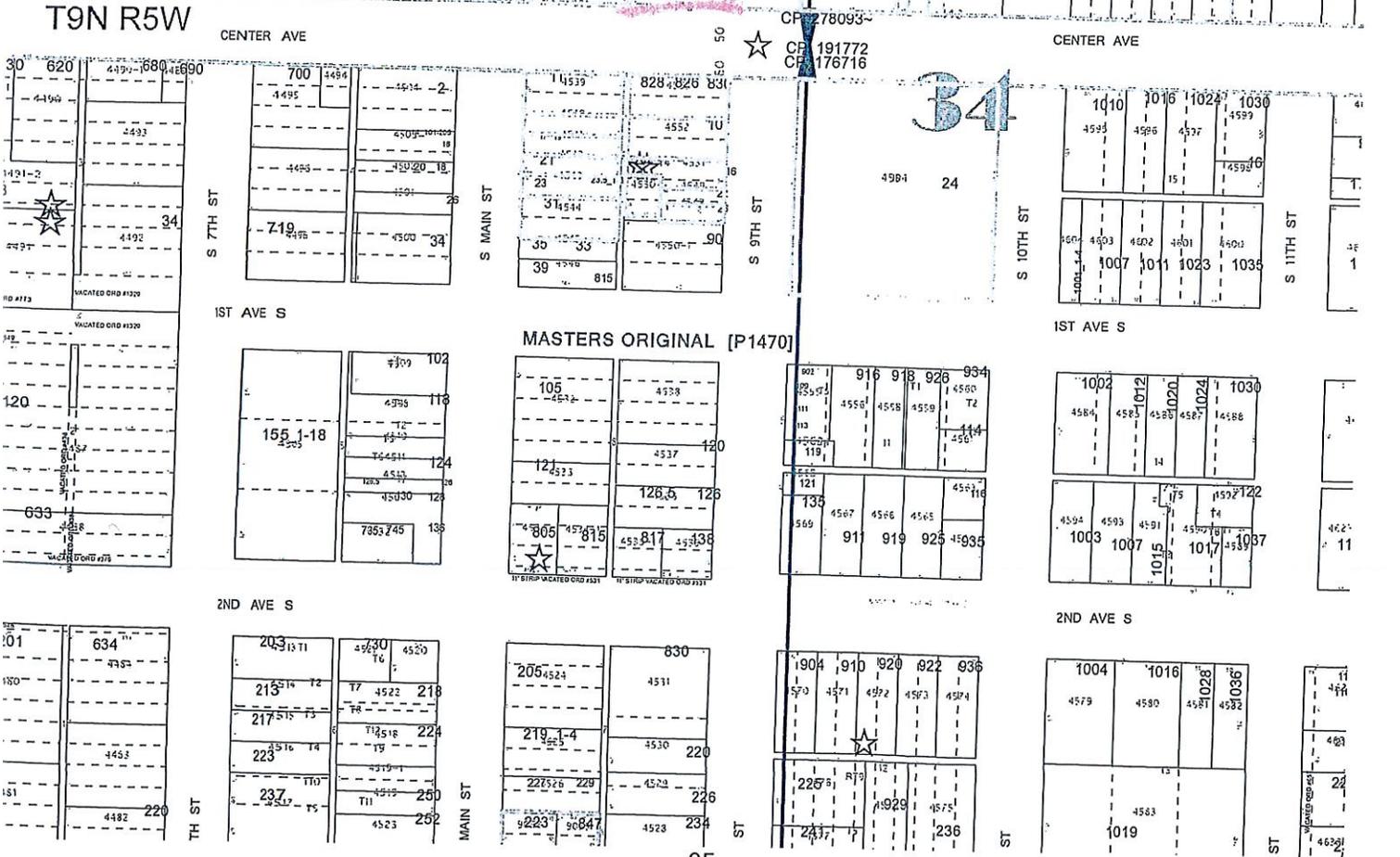
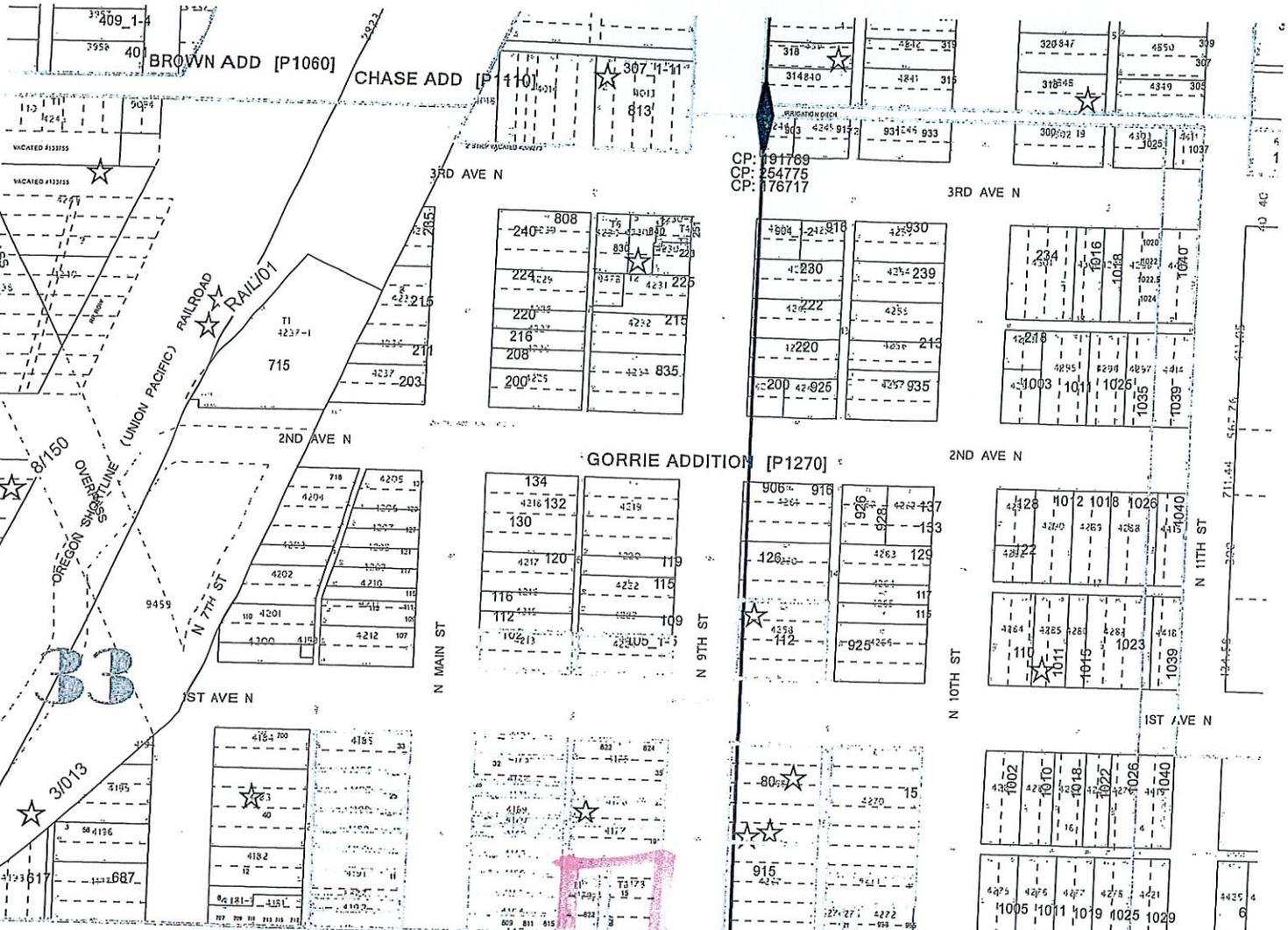
6-28-16

Date



50
50

☆ 710'





ORDINANCE 1410

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.32.030 IN CHAPTER 17.32 OF TITLE 17, 17.34.030 IN CHAPTER 17.34 OF TITLE 17, AND 17.36.030 IN CHAPTER 17.36 OF TITLE 17 BY ALLOWING LICENSEE TO OPERATE UPON EXISTING LICENSED PREMISES WITHOUT OBTAINING A CONDITIONAL USE PERMIT; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Section 17.32.030, 17.34.030 and 17.36.030 of Title 17, Chapter 17.32, Chapter 17.34 and Chapter 17.36 of the Payette Municipal Code is hereby amended to read as follows:

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 on site consumption. **If drinking establishment license is transferred to a new owner within 90 days from the date the current owner is no longer in business a conditional use permit is not required. Any change in the use, including, but not limited to, hours of operation, size, capacity, type of drinking establishment, or entertainment shall be subject to a new conditional use permit.**

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.

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

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this _____ day of _____, 2016.

CITY OF PAYETTE, IDAHO

BY _____
Jeffrey T. Williams, Mayor

ATTEST:

City Clerk

ORDINANCE 1412

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.56.060 IN CHAPTER 17.56 OF TITLE 17 BY ADDING A NEW SUB-SECTION 1, EXCEPTIONS; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Section 17.56.060 of Title 17, Chapter 17.56 of the Payette Municipal Code is hereby amended to read as follows:

17.56.060: RESTORATION PERMISSIBLE WHEN:

Nothing in this title shall prevent the reconstruction, repairing, rebuilding and continued use of any nonconforming building or structure damaged by fire, collapse, explosion or act of God, subsequent to the effective date of the provisions codified in this chapter, wherein the expense of such work does not exceed sixty percent (60%) of the actual value of the building or structure at the time such damage occurred. Provided, however, in the case of damage exceeding sixty percent (60%) of the value of a residential dwelling which is located in a commercially zoned area, the owner shall be allowed to rebuild the structure provided the rebuilt/replacement structure complies with the most current residential setback requirements and the building permit is applied for and construction commences within one year of the damage.

1. The planning administrator, or a designee, may grant exceptions to this standard which exception allows for the reconstruction of single-family residential structures in nonresidential zones upon finding that:

a. Commercial or industrial uses have not or are not developing in the zone, and

b. A majority of the abutting property owners or their representatives are not opposed to a continuation of the use of the structure as a principal residence.

c. When requesting a permit or a rebuild letter seeking an exception, an applicant shall supply the administrator with written statements from the abutting property owners or their representatives which indicate whether the abutting landowners oppose or favor the request.

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

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

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

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

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this _____ day of _____, 2016.

CITY OF PAYETTE, IDAHO

BY _____
Jeffrey T. Williams, Mayor

ATTEST:

City Clerk

ORDINANCE 1411

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, AMENDING THE PAYETTE MUNICIPAL CODE SECTION 17.34.020 IN CHAPTER 17.34 OF TITLE 17, BY ADDING PERMITTED USE; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF PAYETTE, IDAHO:

Section 1. Section 17.34.020 of Title 17, Chapter 17.34 of the Payette Municipal Code is hereby amended to read as follows:

17.34.020: PERMITTED USES:

Permitted uses in the C-1 commercial district are as follows:

Licensed Sidewalk Cafes and Outdoor Dining per PMC 05.12.015

All uses allowed in a C commercial district. (Ord. 1204, 2002)

Section 2. This Ordinance may be published in summary form allowed by Idaho Code.

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

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

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

PASSED and APPROVED by the Mayor and City Council of the City of Payette, Idaho this _____ day of _____, 2016.

CITY OF PAYETTE, IDAHO

BY _____
Jeffrey T. Williams, Mayor

ATTEST:

City Clerk

10010 Ordinance No.
Source Water Protection Ordinance

AN ORDINANCE OF THE CITY OF PAYETTE SETTING FORTH A TITLE AND PURPOSES, DEFINING TERMS, AUTHORIZING ESTABLISHMENT OF SOURCE WATER OVERLAY DESIGNATIONS, DEFINING SUCH DESIGNATIONS, PROVIDING FOR THE ADOPTION OF A MAP DEPICTING SUCH DESIGNATED LOCATIONS, REQUIRING A PERMIT APPLICANT TO DEMONSTRATE COMPLIANCE, PROVIDING PENALTIES, PROVIDING ADMINISTRATIVE PROCEDURES RELATING TO PERMIT APPROVALS, REQUIRING A WRITTEN RECORD OF PERMIT ACTIVITY, AUTHORIZING APPEALS TO THE CITY COUNCIL, ESTABLISHING THE STATUS OF EXISTING NONCONFORMING USES, PROVIDING FOR SEVERABILITY, PROVIDING FOR REPEAL OF CONFLICTING ORDINANCES, PROVIDING FOR AN EFFECTIVE DATE

Whereas, avoidance of the costs and disruption caused by pollution of the community drinking water supply is the most cost-effective means by which to protect the public interest, and

Whereas, the provision of clean, safe drinking water is one of the most vital assets available to any community, and

Whereas, the presence of hazardous materials and the conduct of certain land-related practices can make the source of community drinking water supply (source water) vulnerable to irreparable harm, and

Whereas, certain natural hydrogeologic conditions can increase the vulnerability of the community source water to contamination, and

Whereas, it is universally recognized that the costs of remediation of source water pollution in both economic and social terms are the most expensive means by which to meet the community's needs for clean water, and

Whereas, certain forms of source water pollution cannot be readily remediated irrespective of cost or need, and

Whereas, treatment of the drinking water supply after it has been collected from the source to meet drinking water quality standards can be costly, and

Whereas, suitable alternatives of drinking water may be costly or not available if the water supply becomes contaminated, and

Whereas, Article XII, section 2 of the Constitution of the State of Idaho authorizes Idaho's counties and cities to "make and enforce, within its limits, all such local police, sanitary, and other regulations as are not in conflict with its charter or with the general laws," and

Whereas, Idaho Code 67-65, "Local Land Use Planning," authorizes land-use regulations to implement comprehensive plan policies intended to protect natural resources and maintain the economic health of each community, and

Whereas, the planning and zoning process should be complementary to health and safety requirements that protect the health of individuals and sustain economic well-being within each local jurisdiction.

Whereas, the City of Payette has adopted Title 17, Zoning, of the Payette Municipal Code.

Now, therefore, be it ordained by the Mayor and Council of the City of Payette as follows:

SECTION I. TITLE AND PURPOSES

- A. This ordinance may be referred to as the *Source Water Protection Ordinance*.
- B. The purposes of this ordinance include
 - 1. Protecting the health, safety, and general welfare of the public.
 - 2. Fostering economic well-being derived from the availability of clean water.
 - 3. Minimizing public costs related to remediation, treatment, or replacement of the community water supply.
 - 4. Avoiding private costs and economic dislocation as a result of pollution of the public water supply.
 - 5. Providing effective and efficient means for processing administrative permits to implement this ordinance.

SECTION II. DEFINITIONS

Consider adding more definitions to define measures that are determined to be the most effective, practical means of preventing or reducing point source or non point source pollution to groundwater and water bodies. May consider financial guarantees or other leverage to ensure compliance.

Certain defined words and phrases shall have the particular meaning set forth in this section when used within the text of this ordinance or as particularly defined in IDAPA 58.01.08, "Idaho Rules for Public Drinking Water Systems" adopted by the Idaho Board of Environmental Quality and Idaho Legislature. All other words and phrases contained in this ordinance shall be construed in light of their typical meaning applied in the context of the purpose and intent set forth above and elsewhere herein.

- A. **Agricultural Runoff Waste Water.** Water diverted for irrigation, but not applied to

crops, or runoff of irrigation water from cropland as a result of irrigation.

- B. **Aquifer Remediation-Related Wells.** Wells used to prevent, control, or remediate aquifer pollution, including, but not limited to, wells at Superfund sites.
- C. **Community Public Water System.** A public water system (PWS) that serves at least 15 service connections used by year-round residents or regularly serves at least 25 year-round residents.
- D. **Facility.** Any land use, business, or undertaking that is established, constructed, or modified to serve a particular purpose for which potential issues may affect possible degradation of source water.
- E. **Hazardous Waste Disposal Facility.** A hazardous waste treatment, storage, or disposal facility that receives hazardous material as described in the Code of Federal Regulations 40 CFR 260.1.
- F. **Hazardous Waste or Material.** Any waste or material that because of its quantity, concentration, physical, chemical, or infectious characteristics may
 1. Cause or significantly contribute to an increase in mortality or an increase in serious irreversible or incapacitating reversible illness; or,
 2. Pose a substantial present or potential hazard to human health or to the environment when improperly treated, stored, transported, disposed of, or otherwise managed; or,
 3. Any material or substance designated as a hazardous or toxic substance defined by 40 CFR 261.3, or any material or substance designated as a hazardous or toxic substance by the State of Idaho, acting through the Idaho Department of Environmental Quality (DEQ) or any successor agency.
- G. **Idaho Department of Environmental Quality Public Water System Records.** Geographic information system data concerning the location and environmental characteristics of water sources for PWSs maintained on computer systems by DEQ or by those subject to DEQ oversight.
- H. **Injection Well.** Any excavation or artificial opening into the ground used for or intended to be used for injection of waters into the ground inclusive of all facilities so defined within the rules of the Idaho Department of Water Resources.
- I. **Nontransient Noncommunity Public Water System.** A PWS that does not meet the definition of a community PWS and that serves at least 25 of the same persons over 6 months per year. Examples of nontransient noncommunity systems include schools, offices, and businesses.
- J. **Public Water System.** An integrated source and distribution system defined in Idaho code or regulation serving piped water for human consumption, if such system has at least 15

service connections or regularly serves an average of at least 25 individuals at least 60 days out of the year, or as such definition may subsequently be modified by state law or regulation. A PWS can be either a *community PWS*, a *nontransient noncommunity PWS*, or a *transient noncommunity PWS*.

- K. **Sanitary Landfill.** A solid waste disposal operation as defined by Idaho code or regulation.
- L. **Source Water.** Any aquifer, surface water body, or watercourse from which water is taken either periodically or continuously by a PWS for drinking or food-processing purposes.
- M. **Special Drainage Wells.** Injection wells used for disposing of water from sources other than direct precipitation. Examples of this well type include landslide control drainage wells, potable water tank overflow drainage wells, swimming pool drainage wells, and lake level control drainage wells.
- N. **Storm Water Runoff.** Water discharged into the environment as a result of rain, melting snow, or other precipitation.
- O. **Time of Travel Areas.** Time of travel (TOT) is land area plotted based on the time required for a particle of water to move from a specific point in the aquifer to a well or spring that serves as a source for a PWS. TOT areas are those calculated or approved by DEQ professionals and maintained in DEQ's public records.
- P. **Transient Noncommunity Public Water Systems.** A PWS that does not regularly serve at least 25 of the same persons over 6 months per year (e.g., tavern, restaurant with less than 25 regular employees, motel, church, campground, state or federal park, a recreational vehicle park, or highway rest area).
- Q. **Wellhead.** The upper terminus of a well, including adapters, ports, seals, valves, and other attachments.

SECTION III. AUTHORIZATION TO ESTABLISH SOURCE WATER PROTECTION OVERLAY DESIGNATIONS.

A. To protect source water from exposure to hazardous materials or practices that expose a well or spring that supplies water to a PWS, the Source Water Protection Overlay (SWPO) designation established pursuant to this ordinance shall implement certain measures of protection for water sources appropriate to the risk posed by particular conductor activities. A SWPO designation shall be identified and configured to protect a well, spring, or surface water source from vulnerability to pollutants within a calculated 10-year Time of Travel (TOT) area determined by studies and mapping provided by DEQ. Original data concerning such studies can be obtained from DEQ.

B. Source Water Protection Overlay (SWPO) designations shall be depicted on a map of the City of Payette that is designated as the official SWPO designation map. Each spring, well, or surface water intake that serves as a source for a PWS shall be located on the SWPO map. The

official SWPO map of like date with the initial effective date of this ordinance is hereby adopted as a component of this ordinance and as a complement to the zoning ordinance of the City of Payette. Each subsequently identified PWS well, spring, or surface water intake shall hereby be automatically added to the SWPO map with the well, spring, or surface water intake location identified by its Global Positioning System coordinates, or by the same means that other wells, springs, or surface water intakes are located within DEQ records concerning PWS wells, springs, or surface water intakes as soon as DEQ studies concerning such PWS are complete. Even if a PWS well, spring, or surface water intake is not depicted on the SWPO map, it shall nonetheless be subject to the protection and limitations afforded by this ordinance. No amendment of this ordinance or map shall be necessary to apply the requirements of this ordinance to any PWS source. Corrective amendments to the SWPO map can be made by administrative staff of the City of Payette upon a determination of factual propriety.

**SECTION IV. WELL OR SPRING WATER PROTECTION TIERS-
AUTHORIZATION, ESTABLISHMENT, AND LIMITATIONS**

Establishment of Wellhead or Spring-Related Vulnerability Tiers. Surrounding each PWS well or spring shall be 4 functional tiers that correlate with the vulnerability of a PWS well or spring to contamination. Each tier shall be subject to the functional use and activity limitations prescribed by the City of Payette zoning ordinance.

1. Wellsite/Springsite Tier

The land that immediately surrounds the wellhead or the point of capture of water flowing from a spring and having a radius of not less than 50 (suggest using a six month time of travel TOT map which will require a groundwater study) feet from the well or spring center, or as otherwise depicted in DEQ's PWS records, shall be known and designated as the Wellsite/Springsite Tier. Irrespective of the local land-use zone applied within the Wellsite/Springsite Tier, uses permitted therein shall be limited to necessary public water supply wellhead equipment, which may include pump houses, wellhead facility buildings, water storage tanks, disinfection equipment, disinfection chemical storage, and approved landscaping. No uses otherwise permitted by the underlying land-use zone shall be permitted in the Wellsite/Springsite Tier unless approved by DEQ. The area encompassed by the Wellsite/Springsite Tier shall include, at a minimum, the land (six months time of travel as defined by map and study) referenced above.

2. Inner Vulnerability Tier

The PWS Inner Vulnerability Tier constitutes those lands located outside the Wellsite/Springsite Tier, extending outward to the inside boundary of the Intermediate Vulnerability Tier. The inside boundary of the Intermediate Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 0 to 3-year TOT area for community and nontransient noncommunity PWSs, or a 1,000-foot radius for transient noncommunity PWSs as determined by site-specific DEQ evaluation. In addition to the land-use standards made applicable by the

underlying land-use zone and general restrictions supplied by the City of Payette zoning ordinance, the land uses, physical installations, or conditions established by Chapter 17.90 the City of Payette zoning ordinance shall be restricted or prohibited within the Inner Vulnerability Tier as determined

within the applicable DEQ records for each PWS.

3. Intermediate Vulnerability Tier

The PWS Intermediate Vulnerability Tier constitutes those lands located outside the Inner Vulnerability Tier, extending outward to the inside boundary of the Outer Vulnerability Tier. The inside boundary of the Outer Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 3 to 6-year TOT area as determined by site-specific DEQ evaluation. In addition to the land-use standards made applicable by the underlying land-use zone and general restrictions supplied by the City of Payette zoning ordinance, the land uses, physical installations, or conditions established by Chapter 17.90 of the City of Payette zoning ordinance shall be **restricted or prohibited** within the Intermediate Vulnerability Tier as determined within the applicable DEQ records for each PWS.

4. Outer Vulnerability Tier

The Outer Vulnerability Tier constitutes those lands located outside the Intermediate Vulnerability Tier extending outward to the outside boundary of the Outer Vulnerability Tier. The outside boundary of the Outer Vulnerability Tier coincides with the outer limit of the area determined to circumscribe the 6 to 10-year TOT area as determined by site-specific DEQ evaluation.

In addition to the land-use standards made applicable by the underlying land-use zone and general restrictions supplied by the City of Payette zoning ordinance, the land uses, physical installations, or conditions established by _____ of the City of Payette zoning ordinance shall be restricted or prohibited within the Outer Vulnerability Tier as determined within the applicable DEQ records for each PWS.

SECTION V. SURFACE WATER SOURCE PROTECTION

Establishment of Surface Water Intake Vulnerability Tiers. Surrounding each PWS surface water intake shall be 2 functional tiers that correlate with the vulnerability of a PWS surface water source to contamination. Each tier shall be subject to the functional, use, and activity limitations prescribed by the City of Payette zoning ordinance.

1. Site of Surface Water Intake Tier

The land that immediately surrounds the point of intake of water from a surface water body and having a radius of 1,000 feet from the center of the intake shall be known and designated as the Surface Water Intake Tier. Irrespective of the land-use zone applied to lands located within 1,000 feet of a PWS surface water intake, uses permitted at a vertical elevation at or above the elevation of the surface water intake within the Surface Water Intake Tier shall be limited to necessary public water supply intake equipment. No uses otherwise permitted by the underlying land-use zone shall be permitted in the Surface Water Intake Tier unless site design practices have been employed to prevent discharge of contaminants into the PWS surface water intake by gravity or by means of pressure.

2. Surface Water Watershed Tier

Within the jurisdictional limits of the City of Payette, the lands within watersheds that influence the quality of waters that supply the surface water intake, but outside the Site of Surface Water Intake Tier, shall be known and designated as the Surface Water Watershed Tier. Irrespective of the land-use zone applied to lands located within the watershed that feeds any PWS surface water intake, land-use activities permitted by the City of Payette zoning ordinance subsequent to the enactment of this ordinance shall comply with best management practices (BMPs), which define methods to prevent surface water contamination. Such BMPs shall be adopted by resolution of the City Council.

SECTION VI. DEMONSTRATION OF COMPLIANCE REQUIRED

Any request for a building or zoning permit to the City of Payette that falls within a designated Vulnerability Tier requires the applicant to demonstrate compliance with the provisions of this ordinance.

SECTION VII. ADMINISTRATIVE REQUIREMENTS

Administrative Permit or Conditional Use Permit Process??

Define basis for granting or denying Permit.

Check enforcement tools in ordinances for permit revocation.

- A. All permit requests shall be in writing. The obligation to demonstrate compliance with the requirements of this ordinance shall lie with the permit applicant. Whenever any permit request calls for proof of compliance, the administrator of this ordinance shall maintain written records of the compliance process from the point of initial application to its conclusion.
- B. Whenever an administrative authorization is required to demonstrate compliance with standards established by this ordinance or whenever an administrative authorization decision is appealed to the City Council of the City of Payette, written notice of the hearing shall be given to the entity(ies) operating the public water supply(ies) within the regulatory distance called for pursuant to this ordinance. Any administrative determination shall comply with any procedural requirements established by the City of Payette zoning ordinance and this ordinance. Said determination shall be in writing and shall state the basis in fact and law for the approval or denial of a permit. An applicant is authorized to request reconsideration of any permit decision by the administrator, provided that an affected PWS shall be notified of any such request and shall be allowed to participate in any such proceedings. The permit applicant and affected PWS shall be promptly notified of the final decision.
- C. Any permit decision made by the administrator may be appealed by the permit applicant or the PWS to the City Council of the City of Payette. Any such appeal must be filed within 28 days of the mailing date of the final decision by the administrator and shall state the legal basis therefor. The appellant, any opposing party, and the administrator shall be entitled to be heard by the City Council. Any decision on appeal made by City Council of the City of Payette shall be in writing and shall state the facts and legal standards relied upon.

SECTION VIII. PENALTY FOR VIOLATION

Failure to demonstrate compliance with applicable provisions of this ordinance, failure to demonstrate compliance with the City of Payette zoning ordinance, or express noncompliance with this ordinance shall constitute a violation of this ordinance subject to a misdemeanor criminal fine of up to \$1,000 per day of violation, 6 months of incarceration per day of violation, or both such fine and incarceration for each day that a violation continues.

SECTION IX. STATUS OF LAWFUL EXISTING FACILITIES

Any lawful use existing at the time of the adoption of this ordinance and characterized as a prohibited or restricted use herein, shall be recognized as a lawful nonconforming facility. Any such nonconforming facility may not be expanded or modified except as otherwise provided in the zoning ordinance and in accordance with provisions of this ordinance. Mitigation or preventive measures may be required as a precondition for allowing modification or expansion of nonconforming facilities located within any designated tier.

SECTION X. SEVERABILITY

The ordinance is hereby declared to be severable. Should any portion of this ordinance be declared invalid by a court of competent jurisdiction, the remaining provisions shall continue in full force and effect and shall be read to carry out the purpose(s) of the ordinance before the declaration of partial invalidity.

SECTION XI. REPEAL OF CONFLICTING PROVISIONS

All provisions of the current City of Payette code or ordinances of the City of Payette that conflict with the provisions of this ordinance are hereby repealed to the extent of such conflict.

SECTION XII. EFFECTIVE DATE

This ordinance shall be effective upon its passage and publication as provided by law.

Enacted by the City Council as an ordinance of the City of Payette on the day of _____, 2016.

Approved by the Mayor on the ____ day of _____, 2016.

Attest: _____
City Clerk

Proposed addition to the City of Payette Zoning Ordinance:

Section (X). Protection of Public Water System Sources

Irrespective of the zoning designation applied to any land or land use governed by this ordinance, such zoning designation shall be subject to the limitations established by this section pursuant to the complementary ordinance of the City of Payette, which is intended to protect source water that supplies public water systems (PWS) within the City of Payette. By reference to the provisions and accompanying map (Title of Map and revision date) that comprise Ordinance No. (or code section reference), the following requirements and limitations apply within any land-use zone:

- A. As respects the Inner Vulnerability Tier designated by Ordinance No. _____, the following uses are hereby prohibited:
- i. Sanitary landfill.
 - ii. Confined Animal Feeding Operation (CAFO) as defined by code or rule.
 - iii. Hazardous Waste Storage or Disposal Facility as defined herein.
 - iv. Injection wells (shallow and deep) except for closed systems, certified as such by a licensed professional engineer.
 - v. Existing sewer lines less than 100 feet from a PWS wellhead-serves as constraint on new well placement.
 - vi. New sanitary sewer system components and sewer lines closer than 150 feet from a PWS wellhead.
 - vii. Existing septic tanks or drainfields less than 100 feet from a PWS wellhead serves as constraint on new well placement.
 - viii. Any newly installed septic tanks or drainfields less than 200 feet away from a PWS wellhead.
 - ix. Junk or salvage yards as defined by this zoning ordinance.
 - x. Automobile or truck body/repair shops, gas stations, maintenance or fueling areas.
 - xi. Petroleum manufacturing or processing facilities providing treatment or disposal of petroleum products including but not limited to waste oil, oil filters, and tires and all other petroleum products.
 - xii. Oil and gas wells or drilling sites.
 - xiii. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.

Any such application denied a permit may seek an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS. Any decision on an administrative appeal may be heard before the City Council of the City of Payette.

- B. As respects the Intermediate Vulnerability Tier designated by Ordinance No. _____, the following uses are hereby prohibited:

- i. Sanitary landfill.
- ii. CAFO as defined by code or rule.
- iii. Hazardous Waste Storage or Disposal Facility as defined herein.
- iv. Deep injection well (18 feet in depth or more), except when designed and used for geothermal heat, heat pump return flow, and uncontaminated cooling water return flow certified as such by a licensed professional engineer or other qualified professional including a public agency building inspector.
- v. Shallow injection well (less than 18 feet in depth), if the depth to ground water is less than 25 feet. All shallow injection wells shall use best management practice (BMP) options, such as those included in the most current version of DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*. The following injection wells are exempt: aquifer recharge flow, aquifer remediation-related well, and septic tank and drainfield systems permitted and constructed according to law.
- vi. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water.

Any such application denied a permit may seek an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS. Any decision on an administrative appeal may be appealed to the City Council of the City of Payette.

C. As respects the Outer Vulnerability Tier designated by Ordinance No. _____ the following uses are hereby prohibited:

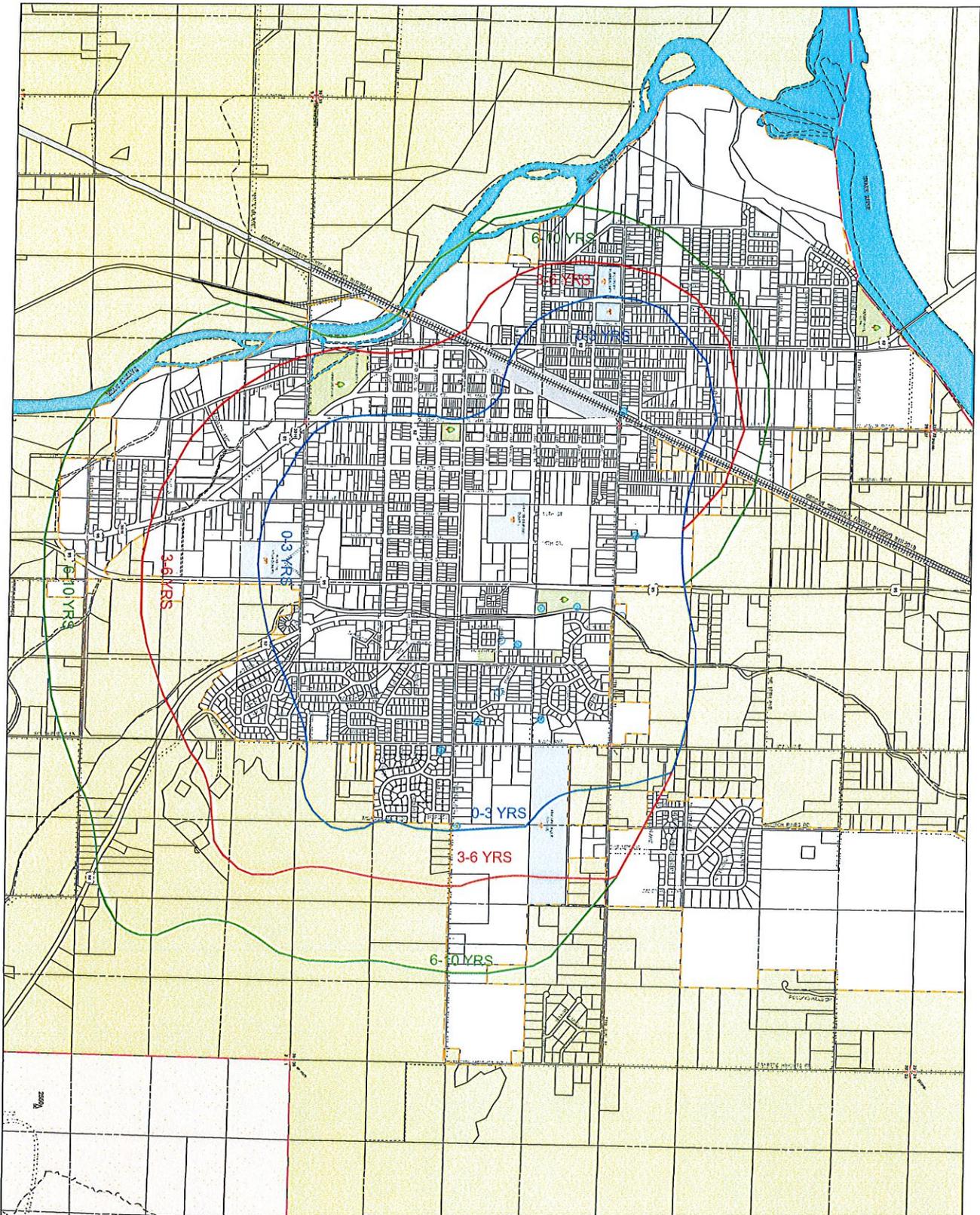
- i. Sanitary landfill.
- ii. Hazardous Waste Storage or Disposal Facility as defined herein.
- iii. Deep injection well (18 feet in depth or more), except when designed and used for geothermal heat, heat pump return flow, and uncontaminated cooling water return flow certified as such by a licensed professional engineer or other qualified professional including a public agency building inspector.
- iv. Shallow injection well (less than 18 feet in depth), if the depth to ground water is less than 25 feet. All shallow injection wells shall use BMPs, such as those included in the most current version of DEQ's *Catalog of Stormwater Best Management Practices for Idaho Cities and Counties*. The following injection wells are exempt: aquifer recharge flow, aquifer remediation-related well, and

- v. septic tank and drainfield systems permitted and constructed according to law. All manufacturing or industrial businesses involving the collection, handling, manufacture, use, storage, transfer, or disposal of any hazardous solid or liquid material or waste that is not positively contained such that it cannot migrate into the earth, ground water, or surface water, thereafter presenting the potential impact of polluting ground water. Any such applicant denied a permit may seek an administrative authorization by demonstrating with clear and convincing evidence that the activity prohibited would pose no material risk of polluting the water source for a potentially affected PWS. Any decision on an administrative appeal may be appealed to City Council of the City of Payette.

D. As respects the Surface Water Vulnerability Tiers designated by Ordinance No. _____, the following uses are hereby prohibited or restricted:

Within the Surface Water Intake Tier, all uses that are not part of the public water supply intake apparatus and related equipment or facilities are prohibited unless such uses are downgradient from the water intake or do not pose any threat to the quality of water entering the surface water intake.

- ii. Within the Surface Water Watershed Tier, all land uses established or materially modified from their current state that are upgradient from the surface water intake shall be modified in ways that comply with BMPs adopted by resolution of the City Council.



City of Payette
 Payette County, Idaho
 Source Water Protection Ordinance



- Legend**
- WELL
 - CITY LIMITS
 - IMPACT AREA
 - COUNTY
 - SCHOOLS
 - PARKS

This map represents a compilation of public information from various sources provided to the City of Payette. The City of Payette is not responsible for the accuracy or completeness of the information provided. The City of Payette is not responsible for the accuracy or completeness of the information provided. The City of Payette is not responsible for the accuracy or completeness of the information provided.

