

MINUTES
PAYETTE PLANNING & ZONING
Regular Meeting
July 28, 2016

6:00 PM – Regular Meeting

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

- II. APPROVAL OF MINUTES
A. 06-23-2016 Regular Meeting

A motion was made by Henderson and seconded by Bradshaw to approve the minutes of 06-23-2016 Regular Meeting as written.

After unanimous voice vote, motion CARRIED

- III. COMMUNITCATIONS
None

- 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.

Dan Greig, 139 SW 3rd St, Fruitland, ID, addressed the Commission. Mr. Greig is the General Manager for Farmers Mutual Telephone Company, and they are wanting to construct a 100-foot communication tower on the existing lot behind the County Courthouse. Famers Mutual already has a building on this lot that services the Payette County Courthouse, and adding this pole would broaden the service lines that they able to provide. Mr. Greig stated that his company keeps getting requests to provide higher speed internet for Wi-Fi. The tower that is in Fruitland doesn't reach the Payette area very well and having this pole would up the internet speed. It also would give Farmers Mutual the ability to offer internet services to the Payette Schools. Mr. Franklin asked Mr. Grieg if the area is already fenced in. Mr. Greig stated no, but the tower will be fenced in. Mr. Franklin asked what type of fence will be used. Mr. Greig stated chain-link fencing. Mr.

Franklin asked if Mr. Greig knew if any utility right-of-way's that could be affected with the tower there. Mr. Grieg stated on the south end of the lot there is a conduit system that CenturyLink owns, but other than that none should be effected. Mr. Franklin asked if Mr. Grieg had any concerns about the tower impeding the site triangle. Mr. Greig stated no, due to this tower being built in the back corner of the lot. Mr. Bradshaw asked if there was going to be any flashing lights on top of this tower. Mr. Greig stated no, anything over 200 feet by federal regulations has to have flashers, but this tower will only be 100 feet.

- 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.

Ron Owen, 2141 Uehlin Drive, Payette, ID, addressed the Commission. Mr. Owen purchased the property at 15 North 9th Street and is making a man cave for his own personal use. Mr. Owens stated during his clean-up and construction phase he has two storage units to store his property, they are going to be temporary not permanent. Mr. Franklin asked Mr. Owen if the site triangle would be impeded with these containers. Mr. Owen stated no they are set far back out of site. Mr. Franklin asked Mr. Owen is he would have any problem with the conditions of his permit being that utility services and a site triangle can't be impeded. Mr. Owens stated that was fine.

- 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.

No one was in attendance to speak on this item.

- D. Non- Conforming Lots – Amending Payette Municipal Code section 17.56 to allow certain exceptions to rebuilding on non-conforming lots.

No one was in attendance to speak on this item.

- E. Sidewalk Cafes- Amending the Payette Municipal Code section 17.34.020 in Chapter 17.34 of Title 17, by adding permitted use.

No one was in attendance to speak on this item.

Public Hearing closed at 6:13 pm.

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.

A motion was made by Bradshaw and seconded by Henderson to approve the Conditional Use Permit for Farmers Mutual Telephone Company to construct a 100 – foot communication tower at the property located at 1171 1st Ave North AKA 1130 3rd Ave North with the following conditions:

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

After unanimous voice vote, motion CARRIED

- 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.

Ms. Cordova suggested extend the 180 days of use to 1 year, due to that fact that the 180 days expires in December. Mr. Franklin stated that he sees no problem in this due to the fact that no one was in attendance to testify against it.

A motion was made by Henderson and seconded by Childers to approve the Conditional Use Permit for Ron Owen to have temporary storage unit/ containers for the property located at 15 North 9th Street with the following conditions:

1. Permit not to exceed 1 year as of this meeting date.
2. Containers remain out of the site triangle
3. Containers area remain clean and free of debris
4. Utility service access not impeded and maintained
5. Will be revisited upon complaint

After unanimous voice vote, motion CARRIED

- 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.

The Planning & Zoning Commission recommended their suggested changes to the City code as drafted in the ordinance.

A motion was made by Bradshaw to send a favorable recommendation to City Council to modify Ordinance 1410, to add the language as written in draft. The motion was seconded by Henderson.

After unanimous voice vote, motion CARRIED

- D. Non- Conforming Lots – Amending Payette Municipal Code section 17.56 to allow certain exceptions to rebuilding on non-conforming lots.

Ms. Cordova stated the intent of eliminating a non-conforming use is to eventually become a conforming use, this is State statute, but unfortunately lenders on home loans don't like that. In the event of a lender requesting a rebuild letter the City cannot provide one, due to current zoning standards. This would eliminate that issue and make it easier for home buyers. Ms. Cordova stated by the City adding this language and the if home meets the listed three requirements, they would be allowed to rebuild on the same footprint within a year. The three requirements are what type of development is surrounding this property and, does the property owner have approval from the majority of the surrounding property owners, and if the abutting property owners approve there needs to be documentation. Ms. Childers asked what was meant by the majority, is it all of abutting property owners or 2/3 majority. Ms. Cordova stated it needs to be simply majority, example would be if there are four property owners the applicant would need to have documentation and approval by at least three. Mr. Bradshaw likes this idea and believes that the City shouldn't hinder any type of home buying.

A motion was made by Henderson to send a favorable recommendation to City Council modify Ordinance 1412, to add the language as written in draft. The motion was seconded by Childers.

After unanimous voice vote, motion CARRIED

- E. Sidewalk Cafes- Amending the Payette Municipal Code section 17.34.020 in Chapter 17.34 of Title 17, by adding permitted use.

Mr. Franklin asked Ms. Cordova if anyone has asked to do a sidewalk café before. Ms. Cordova said yes, with a Special Events permit, but not on a permanent basis. This would only allow this type of use in C-1 Commercial District, to potentially draw in more business. The only thing that the Planning & Zoning Commission is changing tonight is making this type of use a permitted use.

A motion was made by Henderson to send a favorable recommendation to City Council to modify Ordinance 1411, to add this as a permitted use in PMC 05.12.015. The motion was seconded by Bradshaw.

After unanimous voice vote, motion CARRIED

- F. Source Water Protection Ordinance- Mr. Franklin wanted to recap that this ordinance is to protect our City wells, and this is very important for our community. Ms. Cordova stated that this ordinance is a model that the Association of Idaho Cities put out and to use as a template to build upon for each individual City and its needs. Ms. Henderson stated that she likes the idea of a surety bond, in case of any damage that is made to the City wells, there is liability on the business owner. The Planning and Zoning Commission went through the highlighted areas in the draft ordinance. Ms. Cordova stated that the highlight areas in each tier could be prohibited uses under this ordinance. Mr. Franklin stated that the water in Payette is both high and deep, so he would like to see injection wells prohibited all together in any tier. The Commission discussed petroleum wells, and whether or not to allow them in any tier. Mr. Bradshaw stated that he would hate to deter any development coming into Payette, but possibly putting perimeters on that type of use would help protect the wells and also have another business in this area. Ms. Henderson stated one perimeter could be a footage requirement, meaning this type of use can't be within a certain amount of footage of a City well head. Ms. Childers stated that she believes drilling sites shouldn't be permitted in any tier. So she suggested to add number 11 & 12 in section A to section B as well. Ms. Cordova stated if any of these businesses wanted to develop in those tiers and that is a prohibited use, they could have the ability to appeal before the Planning & Zoning Commission as well as the Council. Ms. Henderson stated then in Section C #5 it states if a permit is denied then an appeal to administration would be conducted. It would need to be changed to Planning & Zoning Commission. Ms. Childers stated that phrase would need to be changed in all sections. Ms. Cordova wanted to remind the Commission that some of the outer tiers are located in the County and they would have jurisdiction, but this would give the City a tool

to have a say in it. Mr. Bradshaw appreciates the City for being proactive in wanting to protect its citizens and its water supply. He believes that the oil and gas industry may be on the rise in this area, so having this in place is a good idea.

A recommendation was made by Childers to the City Council to consider the Source Water Protection Ordinance with the changes discussed. It was seconded by Bradshaw.

A. PUBLIC COMMENT

None

B. ADJOURNMENT

A motion was made by Henderson and seconded by Bradshaw to adjourn the meeting at 6:54 PM.

After unanimous voice vote, motion CARRIED.

Matea Gabiola
Recording Secretary