



AGENDA
PAYETTE CITY COUNCIL
August 1st, 2011
WORK SESSION & REGULAR MEETING

HONORABLE MAYOR JEFFREY T. WILLIAMS PRESIDING

GEORGIA HANIGAN MARK HELEKER
LEE NELSON IVAN MUSSELL
KATHY DODSON LES COCHRAN

5:15 PM – Work Session

- A. Highway 52 Heritage By-Way Committee
- B. Budget Discussion
- C. Employee Handbook
- D. Porta Potty at Greenway
- E. General Discussion

7:00 PM – Regular Meeting

- I. ROLL CALL
- II. PLEDGE OF ALLEGIANCE
- III. CITIZENS COMMENTS
- IV. APPROVAL OF MINUTES
 - A. 07-18-11 Work Session & Regular Meeting..... 1
- V. APPROVAL OF BILLS & PAYROLL..... 9
- VI. SPECIAL ORDERS
 - A. Beautiful Yard Contest Winners for August
- VII. COMMUNICATIONS
 - A. Thank You Note from Riley Hill..... 10
 - B. Thank You Note from Emmett Police Dept..... 10A
- VIII. PLANNING & ZONING
 - A. Meeting Minutes of June 23, 2011..... 11
- IX. OLD BUSINESS
 - A. ORDINANCE #1349 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW SECTION 17.80 TO THE PAYETTE CITY CODE WHICH SECTION REQUIRES DEVELOPMENT IMPACT FEES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER – 3rd Reading..... 20
 - B. ORDINANCE #1348 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 5.38 IN TITLE 5 TO LICENSE AND REGULATE USED CAR SALES AND USED CAR LOTS FOR THE PURPOSE OF SALES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY-

	2 nd Reading.....	41
X.	NEW BUSINESS	
	A. Discussion of Lot Line Adjustment ~Larry & Nancy Kelley – 726 N. 4 th Street	
	B. Curb Cut Request ~Josh Jackson – 1005 Center Avenue.....	45
	C. Adoption of Employee Handbook	
	D. Appeal Hearing of Abatement of Dangerous Building ~Tim McGourty – 121 North Main Street.....	46
	E. Special Events Permit ~Valley Family Health Care.....	48
	F. Change order #9 for \$7,458.75 ~Payette Fire Department.....	53
	G. Pay request #11 for \$88,317.50 ~Payette Fire Department.....	57
	H. Special Events Permit ~Payette County Drill.....	63
	I. Recommendation to County Planning & Zoning ~Craig Jensen – 10497 Railroad Lane.....	70
XI.	DEPARTMENTAL REPORT	
	A. Fire Department – July 2011.....	82
XII.	MAYOR'S COMMENTS	
XIII.	CITIZEN'S COMMENTS <i>(Limited to 5 minutes per person, at the discretion of the Mayor)</i>	
XIV.	EXECUTIVE SESSION ~ Pursuant to I.C. 67-2345(f), the City Council will recess into Executive Session to Communicate with Legal Counsel for the public agency to discuss the legal ramifications of and legal options for pending litigation, or controversies not yet being litigated but imminently likely to be litigated.	
XV.	ADJOURNMENT	

**MINUTES
PAYETTE CITY COUNCIL
Work Session, Public Hearing & Regular Meeting
July 18, 2011**

5:30 PM – Work Session

ROLL CALL

Members Present: Mayor Jeff Williams, Georgia Hanigan, Lee Nelson, Mark Heleker, Kathy Dodson and Ivan Mussell

Members Absent: Les Cochran

Staff Present: Mary Cordova, City Coordinator; Mark Clark, Chief of Police; Doug Argo, Holladay Engineering; Dave Platt, Captain; Jaimie Couch, Street Superintendent; Randy Schwartz, WWTP Superintendent; Bobbie Black, Deputy City Clerk.

A motion was made by Heleker and seconded by Mussell to amend the work session agenda to delete #d and add general discussion. After a unanimous voice vote by the Council, the motion CARRIED.

- A. Proposed Gas & Oil Ordinance:** Mary Cordova addressed the Council. She stated that friends and neighbors are being approached to lease their land for future oil & gas. Asked the Council how much do we want to regulate within our City limits? It is not a matter of if, it is when. Asked how do we want to proceed? Discussion followed on hours of operation, days of the week, maintaining the sites, improving roadways and our aquifer. Do we want to set acre limits or how close to a school they can be? It would be wise for them to get a conditional use permit on each site. If we set rules before it happens then they would have to be followed. What about bonding on each site? The Council asked if we could control where the pipe line was dug and Ms. Cordova stated yes if it is in our right of way. We could charge a franchise fee as we chose to. We can control dust, vibrations, grass, weeds, trash, fencing, fracking and setbacks. The wells are ranging 2000' to 5000' deep. The Council would like this ordinance to go before Planning & Zoning and also the Public Works Committee and come back with a proposal for the Council. State law says there can be one in every ¼ section, but we could put acreage size within our ordinance. Councilor Mussell asked what the up side to this is and Ms. Cordova stated employment and the long term is that Payette County and the property owner get 1/8 of the income.
- B. Enforcement of Mobile Home Park Permits:** Mary Cordova stated that when Fred McLaren purchased the trailer park on 3rd Avenue South that was sorely below code, he fixed it up. This ordinance has been in our code book since 1980. We have some that are health and fire hazards. Asked the Council is their intent is to move forward to enforce code. Mark Clark stated he has been dealing with one at 907 7th Avenue North. He has been in several that are deplorable and unsafe. Some are being used as flop houses. Ms. Cordova stated that we need to start enforcing or take the code out. Unless we hear differently we are going forward with enforcing our current code.
- C. Dollar HUD Home:** Mary Cordova stated that the City is purchasing a Dollar HUD home at 1012 1st Avenue South. We had the opportunity to purchase for \$1.00 after 6 months on the market. We thought it could be used as a community improvement when sold. She called HUD to check the details and was told that Dollar HUD homes have to be used to serve low to moderate persons. Started thinking what other projects in the community it would serve and it will serve the purpose for Rose Advocates project. Rose Advocates started saving money years ago for a shelter. After applying for the grant we made the 1st round and it was noticed that Davis Bacon wages were not included in the project. That made the project short. The architect lowered his bill by \$8,000 on the 6,200 sq ft shelter/office building. We are proposing using the house as the cash part to make Dept. of Commerce

more comfortable. The risk to the City is if the house doesn't sell for 1-2 years we will not get our investment back until then. We would like to be authorized for staff to negotiate to sell the house and with the proceeds to be used for the purpose stated. If the money is not needed to complete project Rose Advocates could use as a transitional house. Council discussed also that the house could be donated to MISTI for people going through chemo. Ms. Cordova stated that Melba used their home to help fund and LID for low to moderate seniors who qualified. There might be other HUD homes that come up to purchase. Delores Larson addressed the Council. She stated that this project has been a long time coming and they are so grateful to the City of Payette and Mary Cordova for all the work they have done. They have had the property for 8 years and have tried several times for grants before the City made their dream come true. She stated that 136 people have come through their office for transitional housing. She also thanked law enforcement for their outstanding service. Ms. Larson stated that they shelter provides for 90 days and then they try to find transitional housing for them. They are in need of transitional housing.

D. Employee Handbook – This item taken off of agenda.

E. General Discussion: Mayor Williams stated that the Idaho National Guard is contacting Cites to see if they would like to sponsor a welcome home party. There might be some funding available and staff to help. They Mayor asked what the Council felt. The Council stated that they would like more information on how many people and who else would be able to help.

Mary Cordova gave an update on the airport. We are working on the project for the runway rehab. We received a \$140,000 grant and have about 6 months to get the project done. We have approached the County to help with in-kind services and they were not so receptive due to the amount of work that needs to be done for the 500' extension. The City is still looking at getting the overlay done on the runway. In 2002 the County committed to the entire project and things have changed since then. Our primary focus needs to be on protecting what we currently have.

Ms. Cordova asked the Council about Bob Griffith's hanger extension that expired June 30, 2011, and he also has an additional hangar that needs to be cleaned up. Unless we hear anything different we will proceed with legal action.

Mary Cordova gave the Council an update on the Iowa Avenue project. She stated that it is still out for bid.

The work session closed at 6:28 p.m.

6:30 PM – Public Hearing

A. 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. Josh Jackson, 1005 Center Avenue addressed the Council. He stated that when he met with Planning & Zoning he was not properly prepared. He stated that he can build a 30'X40' detached structure and he is just asking for an additional 10'. If he can't get the conditional use permit he can put a breezeway and build it. He had one neighbor that didn't want a large building and the church was concerned about the noise. He wants to store unregistrable cars. It will be a nice structure that is color coordinated with his house. He will have a 15' setback from the alley. The building is slightly bigger than a 2 car garage. Hanigan asked if he can meet the setbacks and he stated yes. Mr. Jackson said that a 1,200 sq ft building is allowed and this is just an appeal from Planning & Zoning on the size of the structure. The Council asked about the 12' tall walls, did Planning & Zoning okay the height? He stated no, the building inspector said he had to have engineering done. It will be a 16' peak when done. His father owns the property and he is using

for personal use for his race cars. He used the building inspector's measurements. He stated that his property has 72' frontage. The Council stated that the map only shows 60' frontage, so he might not be able to meet setbacks. Mr. Jackson stated that he wouldn't have purchased the property if the building inspector wouldn't have said it was okay.

Diane Salois, 1018 1st Avenue North, addressed the Council. She wanted to make sure that what Mr. Jackson had told her was what he was going to tell the Council. It was. We have to work together and this is an old neighborhood. This will be a big structure and she is concerned about the alley access and noise. Mr. Jackson has assured her that the doors will be closed and insulated.

Barbara Choate, 735 S. 12th Street, representing the Bible Baptist Church addressed the Council. She stated that they have no concerns on the noise.

Pam Allred, 1011 Center Avenue addressed the Council. She is concerned about the high pitch. It was her understanding that he purchased the property and not his father. She is concerned about the noise level. She also wants to make sure that the building is placed correctly on the property. Mr. Jackson has stated before he buys, rebuilds and sells cars.

Christina Christopher, 1010 1st Ave North addressed the Council. She is concerned about the 3 garage doors and 1 door towards the street. She read that it was a 12' pitch. She is worried about 3 accesses.

Mary Cordova addressed the Council. She asked the Council to turn to page 34 in their packets and handed out pictures. The recommendation of staff is to uphold the discussion of Planning & Zoning. The setback is 55' from the middle of the road and 10th Street has a 100' right of way. The drawing he presented shows 10' on the West side for a setback and the lots are only 60' wide. His 30'X50' would leave 4 1/5' for a setback on the West and that would require a variance. We are dealing with the 30'X50' building tonight. He has several options he can check into. If the Council were to allow, he would have to have a variance to the setbacks and height of building. Mussell stated that we need more education up front before proceeding. Ms. Cordova stated that the applicant always has the option to proceed regardless of what he is told. The burden is on the applicant to prove property boundaries.

Josh Jackson readdressed the Council. He apologized for wasting the Council's time. He asked if the building meant the setback would he need a variance and was told no he wouldn't need one. Asked if there was a way to speed up the process and was stated that we have to do the proper notifications and publication per law.

There being no further testimony, the public hearing closed at 7:06 PM.

7:00 PM – Regular Meeting

A regular meeting of the Payette City Council was called to order at 7:08 PM by Mayor Williams in the City Council Chambers of Payette City Hall, 700 Center Avenue.

ROLL CALL

Members Present: Mayor Jeff Williams, Katherine Dodson, Georgia Hanigan, Lee Nelson, Mark Heleker, and Ivan Mussell

Members Absent: Les Cochran

Staff Present: Mary Cordova, City Coordinator; Mark Clark, Chief of Police; Doug Argo, Holladay Engineering; Dave Platt, Captain; Jaimie Couch, Street Superintendent; Randy Schwartz, WWTP Superintendent; Bobbie Black, Deputy City Clerk.

PLEDGE

Josh Jackson in the audience led the pledge.

CITIZENS COMMENTS

None Heard.

APPROVAL OF MINUTES

A motion was made by Heleker and seconded by Nelson to approve the work session and regular meeting minutes of July 5th, 2011, as written.

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

APPROVAL OF BILLS & PAYROLL

A motion was made by Hanigan and seconded by Mussell to approve the City Bills & Payroll in the amount of \$485,343.77.

At the roll call:
Ayes: Hanigan, Dodson, Nelson, Heleker and Mussell
Nays:
The motion CARRIED.

SPECIAL ORDERS

Mary Cordova introduced the Street Department to the Council. Introduced were Jamie Couch, Brad Davis, John Goss, Dan Bond and Scott Olson. Mark Judd was unable to attend the meeting. She told the Council that they take care of all of our streets in the community and they are the first to be called to seek help from other departments. The Street Department has been helping at the airport, golf course and boat docks. They also assisted with the flooding from the Western Core fire. They go above and beyond what a normal street department does.

COMMUNICATIONS

Thank You from Bonnie Davis for help from the Police Department.
Thank You from City of Weiser Police Department for assistance from the Police Department during Fiddle Week.

PLANNING & ZONING

OLD BUSINESS

- A. Appeal of Decision of Planning & Zoning Commission - Conditional Use Permit – Josh Jackson: The Council discussed what the correct lot size was for Mr. Jackson. Mayor Williams stated that the information given was not intentional and suggested waiving any future fees Mr. Jackson might have regarding his building if it required a public hearing.

A motion was made by Heleker and seconded by Dodson that the City Council uphold the decision to deny the conditional use permit for Josh Jackson, and waive any future public hearing fees on this building. After a unanimous voice vote by the Council, the motion CARRIED.

- B. ORDINANCE #1346- AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 10.45 OF THE PAYETTE CITY CODE AND ADDING A NEW SECTION 10.45.010 PROHIBITING THE USE OF AN ELECTRONIC WIRELESS COMMUNICATIONS DEVICE FOR TEXTING WHILE OPERATING A MOTOR VEHICLE; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A PENALTY; ESTABLISHING A REPEALER- 3RD Reading

A motion was made by Heleker and seconded by Nelson to introduce Ordinance 1346 by title only.

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

The Council discussed since no legal council was present and at the last meeting requested verbiage on e-mailing be added. Discussed that portions of the ordinance talked about e-mails but wanted legal advice on it before adopted.

A motion was made by Heleker and seconded by Nelson to approve Ordinance 1346 contingent on legal counsel's approval.

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

A motion was made by Heleker and seconded by Mussell that Ordinance 1346 do pass on legal counsel's approval.

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

- C. ORDINANCE #1349 – AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW SECTION 17.80 TO THE PAYETTE CITY CODE WHICH SECTION REQUIRES DEVELOPMENT IMPACT FEES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER ~ 2nd Reading

A motion was made by Mussell and seconded by Heleker to introduce Ordinance 1349 by title only

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

Mussell stated that he is leaning towards going for part of the fees. Ms. Cordova reminded the Council that this is a 10 year plan to identify fees. Discussed that extraction process for businesses. The City has the ability to negotiate with the builder. Keep in mind that when that time comes we can give them credit. We can't just make fees go away, if we reduce fees from the schedule, the City will have to pick up the additional fees and put into the fund. If was asked if they could donate land to satisfy the other departments and was told no. We currently charge \$850.00 for development fee and this would triple that amount. We have to identify how much

was needed and if we reduce we have to come up with the funds. We would collect the money if growth happens. The other option is to not pass the ordinance.

A motion was made by Mussell and seconded by Heleker to move Ordinance 1349 to a third reading.

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

NEW BUSINESS

- A. ORDINANCE #1348 - AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 5.38 IN TITLE 5 TO LICENSE AND REGULATE USED CAR SALES AND USED CAR LOTS FOR THE PURPOSE OF SALES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY-1st Reading

A motion was made by Heleker and seconded by Mussell to introduce Ordinance 1348 by title only

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

Hanigan asked if this would cover a new car dealer that sold used cars and was told yes.

A motion was made by Mussell and seconded by Hanigan to move Ordinance 1348 to a second reading.

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

- B. Special Events Permit Application - Heinz Picnic

A motion was made by Mussell and seconded by Heleker to approve the Special Events Permit for Heinz Picnic on July 18th at Kiwanis Park.

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

- C. Approval of Credit Application for Airport Fuel^m

A motion was made by Hanigan and seconded by Heleker to give permission for the City Official to sign contract with City Services for fuel at the airport.

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

- D. Change Order #4 for \$5,178.41 - Payette Library

A motion was made by Heleker and seconded by Nelson to approve Change Order #4 for Library expansion in the amount of \$5,178.41.

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Heleker, Mussell

Nays:

The motion CARRIED.

E. Change Order #8 for \$10,250.89 - Payette Fire Station

A motion was made by Mussell and seconded by Hanigan to approve Change Order #8 for Payette Fire Station in the amount of \$10,250.89.

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Heleker, Mussell

Nays:

The motion CARRIED.

F. Pay request #4 for \$67,938.75 - Payette Library

The council discussed that they have until January to finish plus an additional 8 days that was approved in the change order tonight.

A motion was made by Heleker and seconded by Mussell to approve Pay Request #4 for Library expansion in the amount of \$67,938.75.

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Heleker, Mussell

Nays:

The motion CARRIED.

G. Pay request #10 for \$167,421.56 - Payette Fire Station

A motion was made by Heleker and seconded by Dodson to approve Pay Request #10 for Payette Fire Station in the amount of \$167,421.56.

At the roll call:

Ayes: Hanigan, Dodson, Nelson, Mussell, Heleker,

Nays:

The motion CARRIED.

H. Dollar HUD Home

A motion was made by Dodson and seconded by Hanigan to approve staff to proceed with the sale of the home at 1012 1st Avenue South for security with the Department of Commerce for funds for Rose Advocates.

After a unanimous voice vote by the Council, the motion CARRIED

DEPARTMENTAL REPORTS

- A. Police Department – June 2011
- B. Treasurer's Report – June 2011
- C. Jamie Couch informed the Council that the street department will begin chip sealing this Friday and they will be handing out door knockers to inform the people.

MAYOR'S COMMENTS

None Heard.

CITIZEN'S COMMENTS

None Heard.

ADJOURNMENT

A motion was made by Heleker and seconded by Mussell to adjourn the regular meeting at 8:02 PM.

The motion CARRIED.

Signed this ____ day of _____, 2011.

Jeff Williams, Mayor

ATTEST:

Mary Cordova, City Clerk

August 1, 2011

Vendor	Accepted	Check	Amount
City Payroll	07/28/11		88,083.47
HARDIN SANITATION, INC.	7/20/2011		29,986.84
ADVANCED CONTROL SYSTEMS	07/28/11	5202	269.00
ARGUS OBSERVER	07/28/11	5203	35.80
BRADY INDUSTRIES, INC.	07/28/11	5204	373.87
BURKE ELECTRIC	07/28/11	5205	5,100.00
CHEAPER THAN DIRT	07/28/11	5206	112.73
CONSOLIDATED SUPPLY	07/28/11	5207	573.36
DART'S TRUE VALUE	07/28/11	5208	1,913.53
DOS TECHNOLOGIES	07/28/11	5209	1,102.48
DETAILS DOME RIGHT	07/28/11	5210	250.00
DRAPER ENTERPRISES	07/28/11	5211	275.00
ERA	07/28/11	5212	483.24
EMITE'S ELECTRIC, INC.	07/28/11	5213	2,745.34
FERGUSON ENTERPRISES #3204	07/28/11	5214	1,262.97
FTIRATION TECHNOLOGY	07/28/11	5215	464.88
FRUITLAND ELECTRIC	07/28/11	5216	1,825.00
GALL'S INC.	07/28/11	5217	354.35
HANIGAN CHEVROLET	07/28/11	5218	251.79
HANIGAN, GEORGIA	07/28/11	5219	61.20
HARDIN SANITATION, INC.	07/28/11	5220	605.21
IDAHO ASPHALT SUPPLY	07/28/11	5221	15,877.45
IDAHO POWER, PROCESSING CENTER	07/28/11	5222	3,345.57
INDEPENDENT ENTERPRISE	07/28/11	5223	76.38
INTERSTATE ELECTRIC	07/28/11	5224	63.72
ISPEED	07/28/11	5225	160.00
JERRY'S BOYWAY	07/28/11	5226	75.39
KAMAN INDUSTRIAL TECHNOLOGIES	07/28/11	5227	55.23
KEPRA CONSTRUCTION	07/28/11	5228	89,317.50
L. N. CURTIS AND SONS	07/28/11	5229	52.00
LEONARD PETROLEUM	07/28/11	5230	2,372.50
MATERIALS TESTING	07/28/11	5231	212.00
MERSCODIP, INC.	07/28/11	5232	2,118.10
ONTARIO FLOORS TO GO	07/28/11	5233	339.00
ONTARIO TOOL AND RENTAL	07/28/11	5234	55.00
OREGON CORRECTIONS ENTERPRISES	07/28/11	5235	88.00
OUTDOORSMAN	07/28/11	5236	83.25
OKARC	07/28/11	5237	1,737.86
PAYETTE COUNTY SHERIFF	07/28/11	5238	5.00
PAYETTE PRINTING	07/28/11	5239	201.90
ROBBINS REFRIGERATION	07/28/11	5240	25.00
ROBERTSON SUPPLY	07/28/11	5241	30.38
SAFETY KEEN	07/28/11	5242	289.40
SCOTTCO DISTRIBUTORS, INC	07/28/11	5243	6,500.00
STAPLES CREDIT PLAN	07/28/11	5244	100.75
STMS ELECTRIC	07/28/11	5245	369.00
UNITED STATES PLASTIC CORP.	07/28/11	5246	75.92
WHITE CLOUD COMMUNICATIONS	07/28/11	5247	295.58
WILLIAMS, JEFF	07/28/11	5248	61.20
XEROX CORPORATION	07/28/11	5249	1,173.41
Total:			260,286.57

Thank You

7/19/11

Ms. Cordova

A short note to you and the City of Payette for helping me present my case to the Idaho Dept of Transportation.

It is a rare case that a City will go the extra mile that you did. You were very prepared and presented convincing arguments.

Thank you much
Sincerely

Patricia J. Hill



EMMETT POLICE DEPARTMENT

501 E. Main Street – Emmett, ID 83617
Fax 365-6062 Phone 365-6055

Steve Nebeker, Chief of Police

July 27, 2011

Chief Mark Clark
Payette Police Department

Chief Clark,

I wanted to thank you for your assistance during the 2011 Cruise Night event held here in Emmett on July 16th of this year. Officers Draper, Corn, and Smith helped immensely in helping keep our community safe. Your officers represented your agency in a professional and courteous manor and their assistance was greatly appreciated.

For a small community like Emmett it would be impossible to provide the safety and security needs to our citizens without help from other agencies like yours. I am truly grateful for your departments support.

Steve Nebeker

A handwritten signature in blue ink that reads "Steve Nebeker".

Chief of Police

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
June 23, 2011**

6:00 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Brent King, Randy Choate, Jim Franklin, Tom Ladley

Members Absent: Gary Youngberg, Larry Hogg, Kevin Hanigan

Staff Present: Tiffany Howell, Assistant Deputy Clerk/Treasurer; Mary Cordova, City Clerk

APPROVAL OF MINUTES

A motion was made by Franklin and seconded by King to approve the rescheduled meeting minutes of 06/02/2011 as written.

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

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

A. An application by James Gonzalez for a Conditional Use Permit to build a 6' tall wood fence in his back yard at 1834 3rd Avenue South, RICHARDS SUBDIVISION, LOTS 10& 11 BLK 1. The property is zoned A-Residential.

James Gonzalez – 1834 3rd Avenue South –

Mr. Gonzalez stated that he wants a 6 foot fence along his backyard, but the problem is that there are streets behind him. They are Sunrise and Sunset and they are both dead ends. The reason I want to put a fence up there is privacy and security. I have teenagers in the summer time that cross through my yard and up my steps to the next street. One time a man cut across my yard when I was out there. When cars drive by they can see right into my back yard, so I feel like I'm always on show. My girls play outside all the time and we have stray dogs that come through. Basically I want the fence for privacy and security of my family.

Commissioner Franklin asked Mr. Gonzalez what he thought of a 3 foot tall fence. Mr. Gonzalez stated that someone could see that 3 foot tall fence and jump right over it pretty easily and dogs can too. That is why I did not want a 3 foot tall fence. I want people to second guess themselves. Commissioner King stated that they are concerned with visibility and traffic hazards. Mr. Gonzalez stated that it is not a 90 degree corner; it's more of a circular drive. A person can drive to the intersection and still see the cars coming. Commissioner Ladley asked what Mr. Gonzalez thought of a chain link fence. Mr. Gonzalez stated they would still be able to see down into the back yard. Commissioner Ladley stated that it would give you the security you are looking for. Mr. Gonzalez stated yes, it would give me the security, but it won't give me the privacy that I'm looking for. Commissioner Ladley stated that you also want to go out to the curb but how about if we move it in.

Mr. Gonzalez stated that on one side of his yard is a hill, where the curve is at, it will be moved in a little bit. I have 6 foot long 2'x4's so it will come in a little bit. I drove my car out there just to test it out, and I don't want people to get into wrecks and I drove it and I can see.

Commissioner King stated that the problem would be the people coming down off of the hill, not going up. Mr. Gonzalez stated that the fence is starting 40 foot back from 3rd, and the only issue is the corner of Sunrise and Sunset Drive. Commissioner Ladley asked Mr. Gonzalez how he felt about a fence with slats in it so cars can at least see a little bit. Mr. Gonzalez stated that that could be a possibility but I do want the privacy and want it fenced off. I don't want my neighbors Chihuahua coming in and my dog eating him. I understand where you guys are coming from regarding the view. Commissioner King stated that it would cause some visibility issues don't you think. Mr. Gonzalez stated no, you can see oncoming cars with the 6 foot fence. Commissioner King stated Sunrise is a bit higher isn't it. Mr. Gonzalez stated yes. It is not a 90 degree and that is why you cannot see. My understanding is that on a corner lot you have to be 30 foot back from the center of the road so when I do that there is really only a 4 foot difference.

Commissioner Choate asked what the 4 foot was. Mr. Gonzalez stated that if you are standing on the corner 30 foot would only cut off 4 or 5 foot in length. My girls are always out there and I don't want a stranger coming in there. Even with a chain link fence they can still see and maybe they will be watching more and with a wood fence it would be harder to see. I have 2 registered sex offenders within a 3 block radius and I have 31 within a mile radius. If something happened to my girls I would be in jail. We are really the only ones with kids in that area so that may be why no one worried about a fence. Commissioner Ladley asked if you were going to start right after the big tree. Mr. Gonzalez stated yes and we want to go all the way to the other tree. Commissioner Choate asked Mr. Gonzalez if he was just running the fence along the back property line. Mr. Gonzales stated yes. Commissioner Choate asked Mr. Gonzalez how that was going to keep people out of his back yard. Mr. Gonzalez stated that it will tie into the house but that is not an issue. Commissioner Ladley asked Mr. Gonzalez if he was going to block the step entrance to the street from his property. Mr. Gonzalez stated yes. Commissioner Choate asked if you are building the fence around the whole property or just the back. Mr. Gonzalez stated just the back yard. Commissioner Choate stated that you want to build a 6 foot tall fence to enclose your property is that correct. Mr. Gonzalez stated yes, that is correct. The reason I am here is just for the little section. I am allowed to do everything else as long as it is 30 feet.

Sandra Massey – 1920 3rd Avenue South –

Mrs. Massey stated that she is totally in agreement with everything he said about security and people being able to see into their back yard. When I shut my drapes I can see right into their yard. I can see the issue with the traffic. People come whipping around Sunset and in the six years that I have lived here I have learned that you crawl up the hill. I have driven this several times thinking what it would be like with a 6 foot tall fence but it is going to be hard to see. Because of the curvature of Sunrise and Sunset on the other side they cannot see even now, so my concern is the traffic but I would like to see them get some kind of security. I am just against putting the fence right up against the curb. They do have some property where they could set it back a little ways.

Paula Winsor – 345 Sunrise Drive –

Mrs. Winsor stated that she lives on Sunrise and as soon as she rounds the bend you can see right into their back yard. I can appreciate that there are always kids walking up and down the road. The next closest bus stop is on Iowa and when they are late they cut off on the dirt road that runs behind our house, run through our yard, and then running through their yard. There is a problem up there

with dogs that just run wild. My biggest concern is the kids, and that blind corner is hard with kids. We get a lot of people who just drive through the neighborhood and there is not a stop sign or a yield sign up there. My concern is one of the kids are going to get caught on that blind corner. When we moved in 10 years ago the people who owned the home had pines trees along that corner to give themselves a little bit of privacy. Commissioner Ladley asked what the vision level was when the pine trees were there. Mrs. Winsor stated that it wasn't clear, right now when you come up you can see what is coming and it would go back to being limited. I don't know what the answer really is, whether it is putting up a sign, but I understand their concerns. Commissioner Ladley asked what Mrs. Winsor thought of them putting up a 3 foot tall fence. Mrs. Winsor stated that you would be able to see, but that isn't going to do them any good, you will still be able to see right into their back yard. The house is far enough away and it steps when you drive down you can see right into their yard. Commissioner Choate asked if there sidewalks. Mrs. Winsor stated no, there was a house that was built later and they have sidewalk right in front of their house but nowhere else. There are not a lot people that live up there for the amount of traffic we get. Commissioner Ladley stated that you have a total of 7 houses up there. Mrs. Winsor stated yes that is correct.

Commissioner Choate stated that we have a letter that was submitted from Byron & Nancy Dale that will be entered into record.

RECEIVED
JUN 14 2011
CITY OF PAYETTE

Byron & Nancy Dale
313 Sunrise Drive
Payette, Idaho 83661
(208) 642-0838

June 13, 2011

Re: Notification of Public Hearing

To Whom It May Concern,

In response to your notice of request for a Conditional Use Permit from James Gonzalez; we understand the desire for privacy as his back yard is still very much a front yard in regard to traffic flow. Our concern is for the safety of those passing through the Sunrise Sunset Intersection. Whether or not a safe compromise is possible with Mr. Gonzalez setting his fence back in at the point of the intersection would need to be determined by The City.

Sincerely,

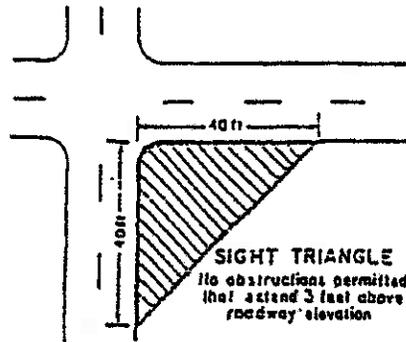
Byron & Nancy Dale

49-221. Removal of traffic hazards.

(1) It shall be the responsibility of the owner of real property to remove from his property any hedge, shrubbery, fence, wall or other sight obstructions of any nature except buildings and trees where these sight obstructions constitute a traffic hazard. The above sight obstructions shall not extend more than three (3) feet in height above the existing center line highway elevation within the vision triangle of vehicle operators. The boundaries of the vision triangle are defined by measuring from the intersection of the edges of two (2) adjacent highways forty (40) feet along each highway and connecting the two (2) points with a straight line. The sight distance obstruction is also applicable to railroad-highway grade crossings with vision triangle defined by measuring forty (40) feet along the railroad property line.

(2) When the department or any local authority determines upon the basis of an engineering and traffic investigation that a traffic hazard exists, it shall notify the owner and order that the hazard be removed within fifteen (15) days.

(3) The failure of the owner to remove the traffic hazard within fifteen (15) days shall constitute a misdemeanor and every day the owner shall fail to remove the obstruction shall be a separate and distinct offense.



**Back yard of 1834 3rd Ave South .
Looking down Sunrise Dr.**



**Back yard of 1834 3rd Ave South on left.
Looking East on Sunset Dr.**



**Back yard of 1834 3rd Ave South on Right Side
Looking South on Sunrise Dr.**



James Gonzalez – 1834 3rd Avenue South –

Mr. Gonzalez stated that I see the concern with the traffic but on Sunset where the visibility is an issue; there is only one person that lives there. If I have to go over there and talk to them then I will, maybe we need a stop or yield sign. Commissioner Franklin asked Mr. Gonzales if it is possible for him to set the fence back from the curb. Mr. Gonzalez stated yes, I was going to anyways because of the whole 6 foot pole that I cannot bend, so I would have to set it back from the curb.

Commissioner Choate stated that my concern is that you have kids in this neighborhood and they have to walk to and from the bus stop. We build a fence to sit right on the curb and you have kids and cars traveling on the same road and no way to get off the road. There is definitely a public safety issue with the fence. Mr. Gonzalez stated that right now if there was an accident and a child had to get off the road they would roll down my hill. Commissioner Choate stated that he is trying to find a way for there to be an escape route for someone.

Commissioner Franklin asked if there is a width for a sidewalk back there. Mr. Gonzalez stated just where the curvature is, the rest will need to go all the way to the curb. Commissioner King asked how close you can put your fence up to the curb, isn't there a distance you have to be back? Clerk Cordova stated that it is actually 25 feet back from the City right of way. Sunrise is a 40 foot right of way, so 40 foot back would be the property line, so it sits back from the road. We would have to measure from the center line. The right of way on that road is 40 foot back from the property line. It has to be 25 foot from the property line and it shall not exceed 3 foot high. Consider this, since he is on a corner lot he is considered to have 2 front yards therefor which cannot exceed 3 foot in height. Mr. Gonzalez stated that he thought it was from the corners not from the center of the road. Basically I want to put the fence the way I had it. On Sunrise it just goes straight down and where the curve is at there is about 4 foot. If I put it back 40 foot that defeats the purpose, people can still see in the back yard. Commissioner Ladley stated that he is going to go down the back of his property with the fence; he has about 4 foot where the purple bush is. Commissioner King stated that it is a moot point, he cannot build in our right of way. Clerk Cordova stated that he could if the City granted him permission; with the understanding that if they had to go through there at any time and do work it would be at the owner's expense to take the fence down.

Clerk Cordova stated that Title 12 states that nothing should cause a vision obstruction; you have the Idaho Code attached. If you look at page 25 that shows 40 and 35 foot right of way, whether it is a dead end or not it is an obstruction. You have to measure 40 foot back and then go over on both ends and that is your sight triangle.

Mr. Gonzalez stated that if the City can approve it and if something has to be built and I have to take it down, then I would take that chance. I would even get the neighbors together and let them know. Commissioner Franklin wanted to know if the Public Safety Department could go out and look at this.

B. An application by Russell & Julie Warden for a Conditional Use Permit to sell beer & wine at Kloy's Pizza & More at 120 North Main Street, A PORTION OF BLOCK 6, LOTS 5 & 6 OF GORRIE ADDITION. The property is zoned C1- Commercial District – Downtown.

Russ Warden – 445 No 7th St –

Mr. Warden stated that they want to continue to sell beer and wine at Kloy's Pizza. Commissioner Ladley asked if they took over the existing business that already sold this type of beverages. Mr. Warden stated yes, that is correct. Clerk Cordova stated that the conditional use permit stays with the person not the property which is why Mr. Warden is here tonight.

OLD BUSINESS

A. Design review guidelines –

A motion was made by Franklin and seconded by Ladley 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 Franklin and seconded by King to send a favorable recommendation to the City Council for the

Proposed Used Car & Used Car Lot Ordinance with the change that they lower the trailer weight.

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

NEW BUSINESS

A. Conditional Use Permit – Larry Kelley – November 2010 -

Larry Kelley – 726 North 4th Street

Mr. Kelley stated that he needs to expand his garage to 24' x 28' because he measured wrong and his truck will not fit in it.

A motion was made byFranklinand seconded by Ladley to amend the original conditional use permit size to 24' x 28' to Larry & Nancy Kelley at 726 North 4th Street.

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

B. Conditional Use Permit – James Gonzalez – 1834 3rd Avenue North -

A motion was made by Franklin and seconded byKing to deny the conditional use permit as written for a 6' fence at 1834 3rd Avenue North.

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

C. Conditional Use Permit – Russ & Julie Warden – 120 North Main Street–

A motion was made by King and seconded by Ladley to approve the conditional use permit application to sell beer & wine at 120 North Main Street with the stipulation that the permit can be revisited upon any complaints.

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

ADJOURNMENT

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

The motion CARRIED.

ORDINANCE 1349

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, ADDING A NEW SECTION 17.80 TO THE PAYETTE CITY CODE WHICH SECTION REQUIRES DEVELOPMENT IMPACT FEES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER.

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

**CHAPTER 17.80
DEVELOPMENT IMPACT FEES**

Section 1. A new Chapter 80 is added to Title 17 of the Payette City Code, which section shall read as follows:

17.80.010: LEGISLATIVE FINDINGS:

The Payette City Council of Payette, Payette County, Idaho finds that:

- A. Based on the Payette Comprehensive Plan adopted by the Payette City Council pursuant to Chapter 65, Title 67, Idaho Code, including but not limited to the Capital Improvements Element of the Comprehensive Plan, and the general governmental goal of protecting the health, safety, and general welfare of the citizens of the Payette it is necessary that the Payette's Public Facilities for (1) Police, (2) Fire, (3) Parks, and (4) Streets be expanded and improved to accommodate new Development within the City of Payette. Throughout this Chapter, the System Improvements for these four (4) types of Public Facilities are sometimes collectively referred to as the "Payette Capital Facilities" and sometimes individually referred to as a "Payette Capital Improvements Element."
- B. The City of Payette has formed the Development Impact Fee Advisory Committee required by Idaho Code Section 67-8205, and that Committee has performed the duties required of it pursuant to such statute. The City intends that the Committee continue to exist and to perform those duties identified in Idaho Code Section 67-8205 that occur following the adoption of Development Impact Fees.
- C. New residential and nonresidential Development imposes and will impose increasing and excessive demands upon City Capital Facilities.
- D. The revenues generated from new residential and nonresidential Development often do not generate sufficient funds to provide the necessary improvements of these City Capital Facilities to accommodate new Development.
- E. New Development is expected to continue, and will place ever-increasing demands on the City to provide and expand City Capital Facilities to serve new Development.
- F. The City has planned for the improvement of the City Capital Facilities in the Capital Improvements Element of the Payette Comprehensive Plan.
- G. Chapter 82, Title 67 of the Idaho Code (the Idaho Development Impact Fee Act) authorizes the City to adopt a Development Impact Fee system to offset, recoup, or reimburse the portion of the costs of needed improvements to the City Capital Facilities caused by new Development in the City.
- H. The creation of an equitable Development Impact Fee System would promote the purposes set forth in the Idaho Development Impact Fee Act, in that it would: (1) ensure that adequate Public Facilities are available to serve new growth and Development; (2) promote orderly growth and Development by establishing uniform standards by which local governments may require that those who benefit from new growth and Development pay a Proportionate Share of the cost of new Public Facilities needed to serve new growth and Development; (3) ensure that those who

benefit from new growth and Development are required to pay no more than their Proportionate Share of the cost of Public Facilities needed to serve new growth and Development, and (4) prevent duplicate and ad hoc Development Requirements.

- I. The creation of an equitable Development Impact Fee system would enable the City to accommodate new Development, and would assist the City to implement the Capital Improvements Element of the Comprehensive Plan.
- J. In order to implement an equitable Development Impact Fee system for the City Capital Facilities, the City retained BBC Research & Consulting to prepare an impact fee study for these types of facilities. The resulting document is titled "City of Payette of, Idaho, Development Impact Fees Study & Capital Improvements Element Plans," dated May 4, 2011 (the "Development Impact Fee Study"), and that document is hereby incorporated by reference.
- K. The methodology used in preparing the Development Impact Fee Study, when applied through this Chapter, complies with all applicable provisions of Idaho Law, including those set forth in Idaho Statutes Sections 67-8204(2), 67-8204(16), 67-8204(23), 67-8207 and 67-8209. The incorporation of the Development Impact Fee Study by reference satisfies the requirement in Idaho Statutes Section 67-8204(16) for a detailed description of the methodology by which the Development Impact Fees were calculated, and the requirement in Idaho Code Section 67-8204 (24) for a description of acceptable Levels of Service for System Improvements.
- L. The Development Impact Fee Study contains the Capital Improvements Element of the City Comprehensive Plan, and such element has been prepared in conformance with the requirements of Chapters 65 and 82 of Title 67 of the Idaho Code.
- M. The Development Impact Fee Study sets forth reasonable methodologies and analyses for determining the impacts of various types of new Development on the City Capital Facilities, and determines the cost of acquiring or constructing the improvements necessary to meet the demands for such facilities created by new Development.
- N. In accordance with Idaho Code, the Development Impact Fee Study was based on actual System Improvement Costs or reasonable estimates of such costs. In addition, the Development Impact Fee Study uses a Fee calculation methodology that is net of credits for the Present Value of revenues that will be generated by new growth and Development based on historical funding patterns and that are anticipated to be available to pay for System Improvements, including taxes, assessments, user fees, and intergovernmental transfers.
- O. The Development Impact Fees described in this Chapter are based on the Development Impact Fee Study, and do not exceed the costs of System Improvements for City Capital Facilities to serve new Development that will pay the Development Impact Fees.
- P. The facilities for Police, Fire, Parks, and Streets included in the calculation of fees in the Development Impact Fee Study will benefit all new residential and nonresidential Development throughout the City, and it is therefore appropriate to treat all areas of the City as a single Service Area for purposes of calculating, collecting, and spending the Development Impact Fees collected from residential and nonresidential Development.
- Q. There is both a rational nexus and a rough proportionality between the Development impacts created by each type of Development covered by this Chapter and the Development Impact Fees that such Development will be required to pay.
- R. This Chapter creates a system by which Development Impact Fees paid by new Development will be used to finance, defray, or reimburse a portion of the costs incurred by the City to construct improvements for City Capital Facilities in ways that benefit the Development for which each Development Impact Fee was paid within a reasonable period of time after the Development Impact Fee is paid, and in conformance with Idaho Code Section 67-8210.

- S. This Chapter creates a system under which Development Impact Fees shall not be used to correct existing deficiencies for any capital facilities, or to replace or rehabilitate existing improvements, or to pay for routine operation or maintenance of those facilities.
- T. This Chapter creates a system under which there shall be no double payment of impact fees, in accordance with Idaho Code Section 67-8204(19).
- U. This Chapter is consistent with all applicable provisions of Chapter 82, Title 67, Idaho Code, concerning Development Impact Fee Ordinances.

17.80.020: AUTHORITY AND APPLICABILITY:

- A. This Chapter is enacted pursuant to the City's general police power, the authority granted to the City pursuant to Chapter 65 and 82, Title 67, Idaho Code, and other applicable laws of the State of Idaho.
- B. This Chapter shall apply to all areas of the City.

17.80.030: INTENT:

- A. This Chapter is adopted to be consistent with, and to help implement, the Payette Comprehensive Plan, and particularly the Capital Improvements Element of that Plan.
- B. The intent of this Chapter is to ensure that new Development bears a Proportionate Share of the cost of improvements to City Capital Facilities; to ensure that such Proportionate Share does not exceed the cost of improvements to such facilities required to accommodate new Development; and to ensure that funds collected from new Development are actually used for improvements to City Capital Facilities that benefit such new Development.
- C. It is the further intent of this Chapter to be consistent with those principles for allocating a fair share of the cost of new capital facilities to new Development, and for adopting Development Impact Fee Ordinances, established by Chapter 82, Title 67 of the Idaho Code.
- D. It is not the intent of this Chapter to collect any money from any new Development in excess of the actual amount necessary to offset new demands for City Capital Facilities created by such new Development.
- E. It is not the intent of this Chapter that any monies collected from any Development Impact Fee deposited in an Impact Fee Account ever be commingled with monies from a different Impact Fee Account, or ever be used for a Development Impact Fee component different from that for which the Fee was paid, or ever be used to correct current deficiencies in the City Capital Facilities or ever be used to replace, rehabilitate, maintain, or operate any City facility.

17.80.040: DEFINITIONS:

For the purpose of this Chapter, the following terms shall have the following meanings, some of which are assigned by Idaho Code Section 67-8203, as indicated:

ACCOUNTS: The Police, the Fire, the Parks, and the Streets, established as part of the Development Impact Fee Trust Fund established in Section 17.80.070 of this Chapter.

AFFORDABLE HOUSING: Housing affordable to families whose incomes do not exceed eighty percent (80%) of the median income for the City. Section 67-8203(1) Idaho Code.

APPROPRIATE: To legally obligate by contract or otherwise commit to use by appropriation or other official act of a governmental entity. Section 67-8203(2) Idaho Code.

BUILDING PERMIT: A Building Permit issued by the building official permitting the construction of a building or structure within the City.

CAPITAL IMPROVEMENT: An improvement with a useful life of ten (10) years or more, by new construction or other action that increases the service capacity of a public facility. Section 67-8203(3) Idaho Code.

CAPITAL IMPROVEMENTS ELEMENT: A component of the City Comprehensive Plan adopted pursuant to Chapter 65, Title 67, Idaho Code, which component meets the requirements of a Capital Improvements Plan pursuant to Chapter 65, Title 67 of the Idaho Code, Section 67-8203(4) Idaho Code.

CAPITAL IMPROVEMENTS PLAN: A plan adopted pursuant to this Chapter that identifies Capital Improvements for which Development Impact Fees may be used as a funding source. Section 67-8203(5) Idaho Code.

CITY: City of Payette, Idaho

CITY COUNCIL: The City Council of the City of Payette, Idaho.

DEVELOPER: Any Person or legal entity undertaking Development, including a party that undertakes the subdivision of property pursuant to Idaho Code Sections 50-1301 through 50-1334. Section 67-8203(6) Idaho Code.

DEVELOPMENT: Any construction or installation of a building or structure, or any change in use of a building or structure, or any change in the use, character or appearance of land, that creates additional demand and need for Public Facilities or the subdivision of property that would permit any change in the use, character or appearance of land, except that "Development" shall not include activities that would otherwise be subject to the payment of the Development Impact Fee if such activities are undertaken by a taxing district as defined in Section 63-201, Idaho Code, in the course of carrying out the taxing district's public responsibilities, unless the adopted impact fee ordinance expressly includes taxing districts as being subject to Development Impact Fees. Section 67-8203(7) Idaho Code.

DEVELOPMENT APPROVAL: Any written authorization from a governmental entity that authorizes the commencement of a Development. Section 67-8203(8) Idaho Code.

DEVELOPMENT IMPACT FEE: The payment of money imposed as a condition of Development Approval to pay for a Proportionate Share of the cost of System Improvements needed to serve Development. Section 67-8203(9) Idaho Code. In the context of this Chapter, Development Impact Fee means one of the four (4) impact fees defined for the four (4) City Capital Facilities elements, and Development Impact Fees means all four (4) impact fees. The term does not include:

- A. A charge or fee to pay the administrative, plan review, or inspection costs associated with permits required for Development;
- B. Connection or hookup charges;
- C. Availability charges for drainage, sewer, water or transportation for services provided directly to the Development; or
- D. Amounts collected from a Developer in a transaction in which the City or another governmental entity has incurred expenses in constructing Capital Improvements for the Development if the owner or Developer has agreed to be financially responsible for the construction or installation of the Capital Improvements, unless a written agreement is made pursuant to Idaho Code Section 67-8209(3) for credit or reimbursement.

DEVELOPMENT IMPACT FEE ADMINISTRATOR: That individual designated from time to time by the City Council of Payette, Idaho, to administer the Development Impact Fee system established by this Chapter.

DEVELOPMENT IMPACT FEE STUDY: The document entitled "City of Payette of Payette, Idaho Development Impact Fees Study & Capital Improvements Element Plans," dated May 4, 2011, prepared by BBC Research & Consulting for the City of Payette that sets forth reasonable methodologies and analyses for determining the impacts of various types of Development on the Payette Capital Facilities and determines the cost of expansions to those facilities necessary to meet the demands created by new Development.

DEVELOPMENT IMPACT FEE TRUST FUND: The trust fund established by Section 17.80.070 of this Chapter that includes: a) a Police Capital Facilities Account, b) a Fire Capital Facilities Account, c) a Parks Capital Facilities Account, and d) a Street Capital Facilities Account. The Development Impact Fee Trust Fund is also sometimes called the Trust Fund.

DEVELOPMENT REQUIREMENT: A requirement attached to a developmental approval or other governmental action approving or authorizing a particular Development Project including, but not limited to, a rezoning, which requirement compels the payment, dedication or contribution of goods, services, land, or money as a condition of approval. Section 67-8203(10) Idaho Code.

EXTRAORDINARY COSTS: Those costs incurred as a result of an Extraordinary Impact. Section 67-8203 (11) Idaho Code.

EXTRAORDINARY IMPACT: An impact that is reasonably determined by the governmental entity to: a) result in the need for System Improvements, the cost of which will significantly exceed the sum of the Development Impact Fees to be generated from the Project or the sum agreed to be paid pursuant to a development agreement as allowed by Idaho Code Section 67-8214(2), or b) result in the need for System Improvements that are not identified in the Capital Improvements Plan. Section 67-8203(12) Idaho Code.

FEE PAYER: That Person who pays or is required to pay a Development Impact Fee. Section 67-8203 (13) Idaho Code. A Fee Payer may include a Developer.

FIRE CAPITAL FACILITIES: Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of "Capital Improvement," used for fire and emergency medical service facilities included in the calculation of the Fire Impact Fee in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

IMPACT-GENERATING LAND DEVELOPMENT: Land Development designed or intended to permit a use of the land that will contain more dwelling units or floor space than the then existing use of the land, or the making of any material change in the use of any structure or land in a manner that increases demand for City Capital Facilities. The type of proposed Impact-Generating Land Development shall be based on the proposed use of the land.

INDIVIDUAL ASSESSMENT: A study prepared by a Fee Payer, calculating the cost of expansions or improvements to one or more of the City Capital Improvements Elements required to serve the Fee Payer's proposed Development, that is based on the established LOS standard, is performed on an average cost (not marginal cost) methodology, that uses the Service Units and unit construction costs stated in the Development Impact Fee Study, and is performed in compliance with any criteria for such studies established by this Chapter or by the City.

LAND USE ASSUMPTIONS: A description of the Service Area and projections of land uses densities, intensities, and population in the Service Area over at least a twenty (20) year period. Section 67-8203 (16) Idaho Code.

LEVEL OF SERVICE ("LOS"): A measure of the relationship between service capacity and service demand for Public Facilities. Section 67-8203(17) Idaho Code.

MANUFACTURED HOME: A structure, constructed according to HUD/FHA mobile home construction and safety standards, transportable in one or more sections, that, in the traveling mode, is eight (8') feet or more in width or is forty (40) body feet or more in length, or when erected on site, is three hundred

twenty (320) or more square feet, and that is built on a permanent chassis and designed to be used as a dwelling with or without a permanent foundation when connected to the required utilities, and includes the plumbing, heating, air conditioning, and electrical systems contained therein, except that such term shall include any structure that meets all the requirements of this subsection except the size requirements and with respect to which the manufacturer voluntarily files a certification required by the Secretary Of Housing And Urban Development and complies with the standards established under 42 U.S.C. 5401, et seq. Section 67-8203(18) Idaho Code.

MODULAR BUILDING: Is defined in Section 39-4301, Idaho Code. Section 67-8203(19) Idaho Code.

PARK CAPITAL FACILITIES: Open space lands, as well as buildings, improvements to land, and related equipment meeting the definition of Capital Improvement, used for public parks, recreation, open space, and trail facilities included in the calculation of the Park Impact Fee in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

PERSON: An individual, corporation, governmental agency, business trust, estate, partnership, association, two (2) or more Persons having a joint or common interest, or any other entity.

POLICE CAPITAL FACILITIES: Lands, as well as buildings, improvements to land, and related equipment and vehicles meeting the definition of "Capital Improvement," used for police facilities included in the calculation of the Police Impact Fee in the Development Impact Fee Study, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

PRESENT VALUE: The total current monetary value of past, present, or future payments, contributions or dedications of goods, services, materials, construction or money. Section 67-8203(20) Idaho Code.

PROJECT: A particular Development on an identified parcel of land. Section 67-8203(21) Idaho Code.

PROJECT IMPROVEMENTS: Site improvements and facilities that are planned and designed to provide service for a particular Development Project and that are necessary for the use and convenience of the occupants or users of the Project. Section 67-8203(22) Idaho Code.

PROPORTIONATE SHARE: That portion of the cost of System Improvements determined pursuant to Idaho Code Section 67-8207, that reasonably relates to the service demands and needs of the Project. Section 67-8203(23) Idaho Code.

PUBLIC FACILITIES: (a) water supply production, treatment, storage and distribution facilities; (b) wastewater collection, treatment and disposal facilities; (c) roads, streets and bridges, including rights-of-way, traffic signals, landscaping and any local components of state or federal highways; (d) storm water collection, retention, detention, treatment and disposal facilities, flood control facilities, and bank and shore protection and enhancement improvements; (e) parks, open space and recreation areas, and related Capital Improvements; and (f) public safety facilities, including law enforcement, fire, emergency medical and rescue and street lighting facilities.

RECREATIONAL VEHICLE: A vehicular type unit primarily designed as temporary quarters for recreational, camping, or travel use, that either has its own motive power or is mounted on or drawn by another vehicle. Section 67-8203(25) Idaho Code.

SERVICE AREA: Any defined geographic area identified by a governmental entity or by intergovernmental agreement in which specific Public Facilities provide service to Development within the area defined, on the basis of sound planning or engineering principles or both. Section 67-8203(26) Idaho Code.

SERVICE UNIT: A standardized measure of consumption, use, generation or discharge attributable to an individual unit of development calculated in accordance with generally accepted engineering or planning standards for a particular category of Capital Improvements. Section 67-8203(27) Idaho Code.

SUCCESSOR IN INTEREST: A Person, as defined by this Chapter, who gains a fee simple interest in land for which a Development Impact Fee is paid or a credit is approved pursuant to the terms of this Chapter.

SYSTEM IMPROVEMENTS: In contrast to Project Improvements, means Capital Improvements to Public Facilities that are designed to provide service to a Service Area including, without limitation, the type of improvements described in Idaho Code Section 50-1703. Section 67-8203(28) Idaho Code. For the purposes of this Chapter, the System Improvements are the Police Capital Facilities, Fire Capital Facilities, Parks Capital Facilities, and Street Capital Facilities.

SYSTEM IMPROVEMENT COSTS: Costs incurred for construction or reconstruction of System Improvements, including design, acquisition, engineering and other costs attributable thereto, and also including, without limitation, the type of costs described in Idaho Code Section 50-1702(h), to provide additional Public Facilities needed to serve new growth and Development. For clarification, System Improvement Costs do not include: (a) construction, acquisition or expansion of Public Facilities other than Capital Improvements identified in the Capital Improvements Plan; (b) repair, operation or maintenance of existing or new Capital Improvements; (c) upgrading, updating, expanding or replacing existing Capital Improvements to serve existing development in order to meet stricter safety, efficiency, environmental or regulatory standards; (d) upgrading, updating, expanding or replacing existing Capital Improvements to provide better service to existing development; (e) administrative and operating costs of the governmental entity unless such costs are attributable to development of the Capital Improvement plan, as provided in Idaho Code Section 67-8208; or (f) principal payments and interest or other finance charges on bonds or other indebtedness except financial obligations issued by or on behalf of the governmental entity to finance Capital Improvements identified in the Capital Improvements plan. Section 67-8203(29) Idaho Code.

STREETS, TRAFFIC SIGNALS AND BRIDGES CAPITAL FACILITIES: Lands, improvements to land, and equipment meeting the definition of "Capital Improvement," used for the system of traffic signals and for the widening of bridges on arterial and collector roads, included in the calculation of the Road Impact Fee in the Development Impact Fee Study, and consistent with the Capital Improvements Element, and specifically including those related costs included in the definition of "System Improvement Costs," but not including maintenance, operations, or improvements that do not expand capacity.

17.80.050: DEVELOPMENT IMPACT FEES IMPOSED:

A. Fee Obligation

1. After the effective date of this Ordinance hereof, any Person who commences any Impact-Generating Land Development, except those exempted pursuant to subsection "B" of this section, shall be obligated to pay Development Impact Fees upon commencement of such activity. The amount of the Development Impact Fees shall be determined in accordance with this Chapter.
2. If the Fee Payer is applying for an extension of a permit issued previously, then the Development Impact Fees required to be paid shall be the net increase between the Development Impact Fees applicable at the time of the current permit application and any Development Impact Fees previously paid pursuant to this Chapter to finance similar types of System Improvements to accommodate demands created by the same Development.
3. If the Fee Payer is applying for a permit to allow a change of use or for the expansion, redevelopment, or modification of an existing development, the Development Impact Fees required to be paid shall be based on the net increase in the Development Impact Fees for the new use as compared to the previous use.

B. Exemptions

The following types of Development shall be exempted from payment of the Development Impact Fees. Any claim for exemption shall be made no later than the time when the applicant applies

for the first Building Permit for the proposed Development that creates the obligation to pay the Development Impact Fees, and any claim for exemption not made at or before that time shall have been waived. The Development Impact Fee Administrator or a designee shall determine the validity of any claim for exemption pursuant to the criteria set forth below.

1. Rebuilding the same amount of floor space of a structure that was destroyed by fire or other catastrophe, providing the structure is rebuilt and ready for occupancy within two (2) years of its destruction;
2. Remodeling or repairing a structure that does not increase the number of Service Units;
3. Replacing a residential unit, including a Manufactured Home, with another residential unit on the same lot, provided that the number of Service Units does not increase;
4. Constructing an addition on a residential structure that does not increase the number of Service Units;
5. Placing a temporary construction trailer or office on a lot;
6. Adding uses that are typically accessory to residential uses, such as tennis courts or clubhouse, unless it can be clearly demonstrated that the use creates a significant impact on the capacity of System Improvements;
7. The installation of a Modular Building, Manufactured Home, or Recreational Vehicle if the Fee Payer can demonstrate by documentation such as utility bills and tax records that either: (a) a Modular Building, Manufactured Home, or Recreational Vehicle was legally in place on the lot or space prior to the effective date of this Ordinance hereof, or (b) a Development Impact Fee has been paid previously for the installation of a Modular Building, Manufactured Home or Recreational Vehicle on that same lot or space.
8. Projects for which a Development Impact Fee for each type of public facility covered by this Chapter has previously been paid in an amount that equals or exceeds the Development Impact Fee that would be required by this Chapter;
9. Projects built by the federal government or the State government; and
10. Public schools.

C. Fee Table and Calculation of Amount of Development Impact Fees

Impact Fee Category	
Police Fees	
Residential (per dwelling unit)	\$457.00
Nonresidential (per square foot)	\$0.28
Fire Fees	
Residential (per dwelling unit)	\$363.00
Nonresidential (per square foot)	\$0.22

Parks Fees	
Residential (per dwelling unit)	\$440.00
Nonresidential (per square foot)	N/A
Street Fees	
Residential (per dwelling unit)	\$1,689.00
Nonresidential (per square foot)	\$4.40
Total City Impact Fees	
Residential	\$2,949.00
Nonresidential	\$4.90

1. Using the Fee Table. Development Impact Fees shall be calculated using the Fee Table incorporated into this Ordinance by reference above, unless: (a) the Fee Payer requests an Individualized Assessment pursuant to subsection "2" below of this section or (b) the City designates the proposed development as a Development of Extraordinary Impact in writing to the Fee Payer, in which case the provisions of subsection "3" below of this section shall apply.
 - a. Any Person who commences any new Impact-Generating Land Development, except those exempted pursuant to this Chapter, or those preparing an Individual Assessment pursuant to this Chapter, shall pay all Development Impact Fees applicable to the proposed development, as determined by the fee table incorporated into this Ordinance by reference. Persons choosing to pay applicable Development Impact Fees pursuant to fee table shall be deemed to have made a full and complete payment of the Project's Proportionate Share of City Capital Facilities costs for System Improvements, except as noted in subsection "E" of this Chapter.
 - b. If the proposed development is of a type not listed in Exhibit A, then the City shall apply the Development Impact Fees applicable to the most nearly comparable type of land use listed in Exhibit A. The determination as to which type of development is most nearly comparable to the proposed development shall be made by referring to traffic generation rates for land uses published by Institute of Transportation Engineers, and by identifying that land use listed in Exhibit A whose traffic generation rates are most comparable to the proposed land use. If no traffic generation rate for the proposed land use appears in a publication of the Institute of Transportation Engineers, or if it not possible to determine which land use listed in Exhibit A has the most comparable traffic generation rates, then the most nearly comparable land use shall be determined by the Development Impact Fee Administrator based on comparison of other characteristics of the proposed land use (including employment or occupancy, the size of the facility, and the amount of parking to be provided) with the characteristics of those land uses listed in Exhibit A.
 - c. If the proposed Development includes a mix of those uses listed in Exhibit A, then the Development Impact Fees shall be determined by adding up the Development Impact Fees that would be payable for each use as if it were a freestanding use pursuant to Exhibit A.

- d. If the Fee Payer requests that the City calculate the amount of Development Impact Fees due pursuant to Exhibit A, the City shall notify the Fee Payer of such amount within thirty (30) days after receipt of that request.

2. Using an Individual Assessment

- a. In lieu of calculating the amount(s) of Development Impact Fees by reference to Exhibit A, a Fee Payer may request that the amount of the required Development Impact Fee be determined through an Individual Assessment for the proposed development. The Individual Assessment process shall permit consideration of studies, data, and any other relevant information submitted by the Fee Payer to adjust the amount of the fee. If a Fee Payer requests the use of an Individual Assessment, the Fee Payer shall be responsible for retaining a qualified professional to prepare the Individual Assessment that complies with the requirements of this Chapter, at the Fee Payer's expense. The Fee Payer shall bear the burden of proving by clear and convincing evidence that the resulting Individual Assessment is a more accurate measure of its Proportionate Share of the cost of City Capital Improvements, based on the City's adopted Levels of Service, than the Development Impact Fees that would otherwise be due pursuant to the Fee Table.
- b. Each Individual Assessment shall be based on the same Level of Service standards and unit costs for System Improvements used in the Development Impact Fee Study, shall use an average cost (not a marginal cost) methodology, and shall document the relevant methodologies and assumptions used.
- c. An application for an Individual Assessment may be submitted at any time that the number of dwelling units in the proposed dwelling units and the types and amounts of development in each nonresidential category identified in Exhibit A is known. The City shall issue a decision within thirty (30) days following receipt of a completed application for Individual Assessment and supporting information from the applicant, so as not to unreasonably delay subsequent applications for or issuance of Building Permits.
- d. Each Individual Assessment shall be submitted to the Development Impact Fee Administrator or a designee, and may be accepted, rejected, or accepted with modifications by the Development Impact Fee Administrator or a designee as the basis for calculating Development Impact Fees. The criteria for acceptance, rejection, or acceptance with modifications shall be whether the Individual Assessment is a more accurate measure of demand for the City Capital Improvements Element(s) created by the proposed Development, or the costs of those facilities, than the applicable fee shown in Exhibit A.
- e. The decision by the Development Impact Fee Administrator or designee on an application for an Individual Assessment shall include an explanation of the calculation of the impact fee, shall specify the System Improvement(s) for which the impact fee is intended to be used, and shall include an explanation of those factors identified in Idaho Code Section 67-8207.
- f. If an Individual Assessment is accepted or accepted with modifications by the Development Impact Fee Administrator or a designee then the Development Impact Fees due under this Chapter for such Development shall be calculated according to such Individual Assessment.

3. Extraordinary Impacts

- a. If the City determines that a proposed development generates Extraordinary Impacts that will result in Extraordinary Costs, the City will notify the Fee Payer of such determination within thirty (30) days after receipt of a request for a

Certification pursuant to subsection "D" or a request for a Building Permit or Development Approval, whichever occurs first. Such notice shall include a statement that the potential impacts of such development on System Improvements are not adequately addressed by the Development Impact Fee Study, and that a supplemental study at the Fee Payer's expense will be required.

- b. Circumstances that may lead to a determination of Extraordinary Impacts include, but are not limited to: (i) an indication that traffic generation from the proposed Development or activity will exceed those typical for a facility or activity of its type, (ii) an indication that employment generated by the Development or activity will exceed those typical for a facility or activity of its type, (iii) an indication the assumptions used in the Development Impact Fee Study underestimate the level of activity or impact on City Capital Facilities from the proposed Development or activity, or (iv) an indication that levels of calls for law enforcement, fire, or emergency services from developments or activities owned or operated by the Fee Payer or its agents exceed the assumptions used in the Development Impact Fee Study.
 - c. Within thirty (30) days following the designation of a Development with Extraordinary Impacts, the City shall meet with the Fee Payer to discuss whether the Fee Payer wants to: (i) pay for the supplemental study necessary to determine the System Improvement Costs related to the proposed Development, or (ii) modify the proposal to avoid generating Extraordinary Impacts, or (iii) withdraw the application for Certification, Building Permit, or Development Approval.
 - d. If the Fee Payer agrees to pay for the supplemental study required to document the proposed Development's Proportionate Share of System Improvement Costs, then the City and the Fee Payer shall jointly select an individual or organization acceptable to both to perform such study; the Fee Payer shall enter into a written agreement with such individual or organization to pay the costs of such study. Such agreement shall require the supplemental study to be completed within thirty (30) days of such written agreement, unless the Fee Payer agrees to a longer time.
 - e. Once the study has been completed, the Fee Payer may choose to: (i) pay the Proportionate Share of System Improvement Costs documented by the supplemental study, or (ii) modify the proposed development to reduce such costs, or (iii) withdraw the application. If the Fee Payer agrees to pay the System Improvement Costs documented in the supplemental study, that agreement shall be reduced to writing between the City and the Fee Payer prior to review and consideration of any application for any Development Approval or Building Permit related to the proposed Development.
 - f. Notwithstanding any agreement by the Fee Payer to pay the Proportionate Share of System Improvement Costs documented by the supplemental study, nothing in this Chapter shall obligate the City to approve development that results in an Extraordinary Impact.
4. In any fiscal year in which an impact fee update is not conducted by the City, impact fees will be adjusted to reflect inflationary costs using the "Engineering News-Records" construction cost index as of January 1 of that fiscal year. The adjustment shall be effective on October 1 of the next fiscal year. The City shall provide notice to the public of any such adjustment sixty (60) days in advance of the effective date of such adjustment.

D. Certification

After the Development Impact Fees due for a proposed Development have been calculated pursuant to Exhibit A or the Individual Assessment, the Fee Payer may request the Development Impact Fee Administrator or a designee for a certification of the amount of Development Impact Fees due for that Development. Within thirty (30) days after receiving such request, the Development Impact Fee Administrator or a designee shall issue a written certification of the amount of Development Impact Fees due for the proposed Development. Such certification shall establish the Development Impact Fee so long as there is no material change to the particular Project as identified in the Individual Assessment Application, or the impact fee schedule set forth in Exhibit A. The Certification shall include an explanation of the calculation of the impact fee including an explanation of factors considered under Idaho Code Section 67-8207 and shall also specify the System Improvement(s) for which the Development Impact Fee is intended to be used.

E. Payment of Fees:

1. All Development Impact Fees due shall be paid to the City at the following times:
 - a. If a Building Permit or Manufactured Home installation permit is required, then at the time such permit is issued; or
 - b. If no Building Permit or Manufactured Home installation permit is required, then at the time that construction commences; or
 - c. At such other time as the applicant and the City have agreed to in writing, pursuant to applicable Idaho law.
2. All monies paid by a Fee Payer pursuant to Exhibit A shall be identified as Development Impact Fees and shall be promptly deposited in the appropriate Accounts described in section 17.80.070 (B).
3. A Fee Payer may pay a Development Impact Fee under protest in order to avoid delay in the issuance of a Building Permit or Development Approval. A Fee Payer making a payment under protest shall not be estopped from exercising the right of appeal provided in section 17.80.100 below, nor shall such Fee Payer be estopped from receiving a refund of any amount deemed to have been illegally collected.

17.80.060: SERVICE AREAS:

The following Service Areas are established for each Development Impact Fee Element.

- A. The Park Impact Fee Service Area shall include the entire City, and Park Impact Fees may be expended for Park Capital Facilities located anywhere in the City.
- B. The Police Impact Fee Service Area shall include the entire City, and Police Impact Fees may be expended for Police Capital Facilities located anywhere in the City.
- C. The Fire Impact Fee Service Area shall include the entire City, and Fire Impact Fees may be expended for Fire Capital Facilities located anywhere in the City.
- D. The Streets, Traffic Signals and Bridges Service Area shall include the entire City, and Street, Traffic Signals and Bridges Impact Fees may be expended for Street Capital Facilities located anywhere in the City.

17.80.070: USE OF DEVELOPMENT IMPACT FEE FUNDS:

- A. Establishment of Trust Fund and Accounts

1. A Development Impact Fee Trust Fund (the "Trust Fund") is hereby established for the purpose of ensuring that the Development Impact Fees collected pursuant to this Chapter are used to address impacts reasonably attributable to new Development for which the Development Impact Fees are paid.
2. The Trust Fund shall be divided into four (4) Accounts: a Police Capital Facilities Account, a Fire Capital Facilities Account, a Parks Capital Facilities Account, and a Street Capital Facilities Account.
3. The Development Impact Fee Trust Fund shall be maintained in an interest bearing account. The interest earned on each Account shall not be governed by Idaho Code Section 57-127, but shall be considered funds of the Account and shall be subject to the same restrictions on uses of funds as the Development Impact Fees on which the interest is generated.
4. Monies in each Account shall be considered to be spent in the order collected, on a first-in/first-out basis.

B. Deposit and Management of the Trust Fund

1. All Development Impact Fees collected by the City pursuant to this Chapter shall be promptly deposited into the appropriate Account in the Trust Fund.
2. The City shall maintain accounting records for each Account.
3. As part of its annual audit process, the City shall prepare an annual report: (a) describing the amount of all Development Impact Fees collected, appropriated, or spent during the preceding year for each Capital Improvements Element and Service Area; and (b) describing the percentage of taxes and revenues from sources other than Development Impact Fees collected, appropriated or spent for System Improvements during the preceding year by Capital Improvements Element and Service Area.

C. Limitations on Expenditures of Fees in Accounts

1. **Police Impact Fee.** The monies collected from the Police Impact Fee shall be used only to plan for and acquire or construct Police Capital Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Police Capital Facilities within the City or to reimburse the City for such costs.
2. **Fire Impact Fee.** The monies collected from the Fire Impact Fee shall be used only to plan for and acquire or construct Fire Capital Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Fire Capital Facilities within the City or to reimburse the City for such costs.
3. **Parks Impact Fee.** The monies collected from the Parks Impact Fee shall be used only to plan for and acquire or construct Park Capital Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Park Capital Facilities within the City or to reimburse the City for such costs.
4. **Street Impact Fee.** The monies collected from the Street Impact Fee shall be used only to plan for and acquire or construct Street Capital Facilities, or to pay debt service on any portion of any future general obligation bond issue or revenue bond issue or similar instrument used to finance the acquisition or construction of Street Capital Facilities within the City or to reimburse the City for such costs.

5. Development Impact Fees shall not be used to pay for any purpose that does not involve System Improvements that create additional service available to serve new growth and development.

17.80.080: REFUNDS OF DEVELOPMENT IMPACT FEES PAID:

A. Duty to Refund

Development Impact Fees shall be refunded to the Fee Payer, or to a Successor in Interest, in the following circumstances:

1. Service is available but never provided;
2. A Building Permit or permit for installation of a Manufactured Home is denied or abandoned;
3. The Fee Payer pays a Development Impact Fee under protest and a subsequent review of the Fee paid or the completion of an Individual Assessment determines that the Fee paid exceeded the Proportionate Share to which the governmental entity was entitled to receive; or
4. The City has collected a Development Impact Fee and has failed to Appropriately or expend the collected Fees pursuant to subsection "B" below.

- B. Failure to Encumber Trust Funds or Commence Construction:** Any Development Impact Fees paid shall be refunded if the City has failed to commence construction of System Improvements in accordance with this Chapter, or to appropriate funds for such construction, within eight (8) years after the date on which such Fee was paid. Any refund due shall be paid to the owner of record of the parcel for which the Development Impact Fees were paid. The City may hold Development Impact Fees for longer than eight (8) years if it identifies in writing: (i) a reasonable cause why the Fees should be held longer than eight (8) years; and (ii) an anticipated date by which the Fees will be expended, but in no event greater than eleven (11) years from the date they were collected. If the City complies with the previous sentence, then any Development Impact Fees identified in such writing shall be refunded to the Fee Payer if the City has failed to commence construction of System Improvements in accordance with this Chapter, or to appropriate funds for such construction on or before the date identified in such writing.

C. No Refund Due:

Later Changes to Development. After a Development Impact Fee has been paid pursuant to this Chapter no refund of any part of such Fee shall be made if the Project for which the Fee was paid is later demolished, destroyed, or is altered, reconstructed, or reconfigured so as to reduce the size of the Project or the number of units in the Project.

D. Interest:

Each refund shall include a refund of interest at one-half (1/2) the legal rate provided for in Idaho Code Section 28-22-104 from the date on which the Fee was originally paid.

E. Timing:

The City shall make a determination of whether a refund is due within thirty (30) days after receipt of a written request for a refund from the owner of record of the property for which the Fee was paid. When the right to a refund exists, the City shall send the refund to the owner of record within ninety (90) days after the City determines that a refund is due.

F. Standing:

Any Person entitled to a refund shall have standing to sue for a refund under the provisions of this Chapter if there has not been a timely payment of a refund pursuant to subsections "A" through "B" above.

17.80.090: CREDITS AGAINST DEVELOPMENT IMPACT FEES:

A. Credits to be Issued:

When a Developer or his or her predecessor in title or interest has constructed System Improvements of the same category as a City Capital Improvements Element, or contributed or dedicated land or money towards the completion of System Improvements of the same category as a City Capital Improvements Element, and the City has accepted such construction, contribution, or dedication, the City shall issue a credit against the Development Impact Fees otherwise due for the same City Capital Improvements Element in connection with the proposed Development, as set forth in this section. Credit shall be issued regardless of whether the contribution or dedication to System Improvements was required by the City as a condition of Development Approval or was offered by the Developer and accepted by the City in writing, and regardless of whether the contribution or dedication was contributed by the Developer or by a Local Improvement District controlled by the Developer.

B. Limitations:

Credits against Development Impact Fees shall not be given for: (i) Project Improvements, or (ii) any construction, contribution, or dedication not agreed to in writing by the City prior to commencement of the construction, contribution, or dedication. Credits issued for one City Capital Improvements Element may not be used to reduce Development Impact Fees due for a different Capital Improvements Element. No credits shall be issued for System Improvements contributed or dedicated prior to the effective date of this Ordinance.

C. Valuation of Credit at Present Value:

1. Land: Credit for qualifying land dedications shall, at the Fee Payer's option, be valued at the Present Value of (a) one hundred (100) percent of the most recent assessed value for such land as shown in the records of the County Assessor, or (b) that fair market value established by a private appraiser acceptable to the City in an appraisal paid for by the Fee Payer.
2. Improvements. Credit for qualifying acquisition or construction of System Improvements shall be valued by the City at the Present Value of such improvements based on complete engineering drawings, specifications, and construction cost estimates submitted by the Fee Payer to the City. The City shall determine the amount of credit due based on the information submitted, or, if it determines that such information is inaccurate or unreliable, then on alternative engineering or construction costs acceptable to the City as a more accurate measure of the value of the offered System Improvements to the City.

D. When Credits Become Effective:

1. Approved credits for land dedications shall become effective when the land has been conveyed to the City in a form acceptable to the City at no cost to the City, and has been accepted by the City. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.
2. Approved credits for acquisition or construction of System Improvements shall generally become effective when: (a) all required construction has been completed and has been accepted by the City, (b) a suitable maintenance and warranty bond has been received and approved by the City, and (c) all design, construction, inspection, testing, bonding, and acceptance procedures have been completed in compliance with all applicable requirements of the City and the State of Idaho. Approved credits for the construction of

System Improvements may become effective at an earlier date if the Fee Payer posts security in the form of a performance bond, irrevocable letter of credit, or escrow agreement and the amount and terms of such security are accepted by the Development Impact Fee Administrator or a designee. At a minimum, such security must be in the amount of the approved credit or an amount determined to be adequate to allow the City to construct the System Improvements for which the credit was given, whichever is higher. When such conditions have been met, the City shall note that fact in its records. Upon request of the Fee Payer, the City shall issue a letter stating the amount of credit available.

E. Application Procedures:

1. In order to obtain a credit against Development Impact Fees otherwise due, a Fee Payer shall submit a written offer to dedicate to the Development Impact Fee Administrator or a designee for specific parcels of qualifying land or a written offer to contribute or construct specific System Improvements to the City Capital Facilities in accordance with all applicable State or City design and construction standards, and shall specifically request a credit against the type of Development Impact Fees for which the land dedication or System improvement is offered. No request for a credit against Development Impact Fees shall be accepted unless a written offer to dedicate, contribute, or construct has previously been approved in writing by the City.
2. After receipt of the request for credit, the Development Impact Fee Administrator or a designee shall review the request and determine whether the land or System Improvements offered for credit will reduce the costs of providing City Capital Facilities by an amount at least equal to the value of the credit. If the Development Impact Fee Administrator or a designee determines that the offered credit satisfies that criteria, then the credit shall be issued. The City shall complete its review and determination of an application for credit within thirty (30) days after receipt of an application for credit.

F. Transferability of Credit:

A credit may only be transferred by the Fee Payer that has received the credit to a Successor in Interest pursuant to the terms of this Chapter. The credit may be used only to offset Development Impact Fees for the same City Capital Improvements Element for which the credit was issued. Credits shall be transferred by any written instrument clearly identifying which credits issued under this Chapter are being transferred, the dollar amount of the credit being transferred, and the City Capital Improvements Element for which the credit was issued. The instrument of transfer shall be signed by both the transferor and transferee, and a copy of the document shall be delivered to the Development Impact Fee Administrator or a designee for documentation of the change in ownership before it shall become effective.

G. Accounting of Credits:

Each time a request to use approved credits is presented to the City the City shall reduce the amount of the Development Impact Fees for the type of Fee for which the credit is provided, and shall note in the City's records the amount of credit remaining, if any. Upon request of the Fee Payer or Successor in Interest to whom the credit was issued, the City shall issue a letter stating the amount of credit remaining.

H. Credits Exceeding Fee Amounts Due:

If the credit due to a Fee Payer pursuant to subsections "A" through "D" of this section exceeds the Development Impact Fee that would otherwise be due from the Fee Payer pursuant to section 17.80.050 of this Chapter (whether calculated through Exhibit A or through an Independent Assessment), the Fee Payer may choose to receive such credit in the form of either: (1) a credit against future Development Impact Fees due for the same Capital Improvements Element, or (2) a reimbursement from Development Impact Fees paid by future Development that impacts the System Improvements contributed or dedicated by the Fee

Payer. Unless otherwise stated in an agreement with the Fee Payer, the City shall be under no obligation to use any City funds, other than Development Impact Fees paid by other Development for the same City Capital Improvements Element – to reimburse the Fee Payer for any credit in excess of Development Impact Fees due.

I. Written Agreement Required:

If credit or reimbursement is due to the Fee Payer pursuant to this subsection, the City shall enter into a written agreement with the Fee Payer, negotiated in good faith, prior to the contribution, dedication, or funding of the System Improvements giving rise to the credit. The agreement shall provide for the amount of credit or the amount, time and form of reimbursement, and shall have a term not exceeding ten (10) years.

17.80.100: APPEALS AND MEDIATION:

Disputes regarding decisions made in the application of this Chapter shall be resolved through Appeal to the City Council or through mediation, as set forth below.

A. Right to Appeal:

1. Any Fee Payer that is or may be obligated to pay a Development Impact Fee, or that claims a right to receive a refund, reimbursement, or credit under this Chapter, and who is dissatisfied with a decision made by the Development Impact Fee Administrator or a designee in applying this Chapter, shall first request that the Development Impact Fee Administrator reconsider the decision. A Fee Payer requesting reconsideration shall state in writing to the Development Impact Fee Administrator the reasons why the Fee Payer believes the decision to be in error. The Development Impact Fee Administrator shall issue a written decision confirming or modifying the decision within fifteen (15) days of receipt of a written request for reconsideration.
2. Any Fee Payer that is dissatisfied with the decision of the Development Impact Fee Administrator upon reconsideration pursuant to subsection “1” of this section, may appeal such decision to the City Council. The Fee Payer shall have the burden of proving by clear and convincing evidence that the decision was in error.
3. In order to pursue the appeal described in subsection “2” of this section, the Fee Payer shall file a written notice of the appeal with the Development Impact Fee Administrator or a designee within thirty (30) days after the date of the reconsideration, or the date on which the Fee Payer submitted a payment of Development Impact Fees under protest, whichever is later. Such written application shall include a statement describing why the Fee Payer believes that the decision was in error, together with copies of any documents that the Fee Payer believes support the claim.
4. The City Council shall hear the appeal within sixty (60) days after receipt of a written notice of appeal. The Fee Payer shall have a right to be present and to present evidence in support of the appeal. The Development Impact Fee Administrator or designee who made the decision under appeal shall likewise have the right to be present and to present evidence in support of the decision. The criteria to be used by the City Council in considering the appeal shall be whether: (i) the decision or interpretation made by the Development Impact Fee Administrator after reconsideration, or (ii) the alternative decision or interpretation offered by the Fee Payer, more accurately reflects the intents of this Ordinance that new Development in the City pay its Proportionate Share of the costs of System Improvements to City Capital Facilities necessary to serve new Development. The City Council shall issue a decision upholding, reversing, or modifying the decision being appealed within thirty (30) days after hearing the appeal.

B. Mediation:

1. Any Fee Payer that has a disagreement with the City regarding a Development Impact Fee that is or may be due for a proposed Development pursuant to this Chapter, may enter into a voluntary agreement with the City to subject the disagreement to mediation by a qualified independent party acceptable to both the Fee Payer and the City.
2. Mediation may take place at any time following the filing of a timely appeal pursuant to this section, or as an alternative to such appeal, provided that the request for mediation is filed no later than the last date on which a timely appeal could be filed pursuant to subsection "A" of this section.
3. Participation in mediation does not preclude the Fee Payer from pursuing other remedies provided for in this subsection.
4. If mediation is requested, any related mediation costs shall be shared equally by the Fee Payer and the City, and a written agreement regarding the payment of such costs shall be executed prior to the commencement of mediation.

17.80.110: ENFORCEMENT AND COLLECTION:

When any Development Impact Fee is due pursuant to the terms of this Chapter, or pursuant to the terms of any written agreement between a Fee Payer and the City authorized by this Chapter, and such Fee has not been paid in a timely manner, the City may exercise any or all of the following powers, in any combination, to enforce the collection of the Fee.

- A. The City may withhold Building Permits or other Development Approvals related to the Development for which the Fee is due until all Development Impact Fees due have been paid.
- B. The City may withhold utility services from the Development for which the Fee is due until all Development Impact Fees due have been paid.
- C. The City may add to the amount of the Fee interest at the legal rate provided for in Idaho Code Section 28-22-104 from the date on which the Fee was due.
- D. The City may impose liens for failure to timely pay a Development Impact Fee following procedures contained in Chapter 5, Title 45, Idaho Code.

17.80.120: MISCELLANEOUS PROVISIONS:

- A. Nothing in this Chapter shall be construed to create any additional right to develop real property or diminish the power of the City in regulating the orderly Development of real property.
- B. Nothing in this Chapter shall obligate the City to approve any development request that may reasonably be expected to reduce Levels of Service below minimum acceptable levels established in the Development Impact Fee Study.
- C. Nothing in this Chapter shall restrict or diminish the power of the City: (1) to impose reasonable conditions on the annexation of any property to the City in accordance with Idaho Code, including conditions for recovery of Project or System Improvement Costs required as a result of such voluntary annexation, or (2) to negotiate and execute development agreements that may impose additional conditions on Development, including the recovery of Project or System Improvement Costs, either in connection with a proposed annexation or in connection with any other Development within the City.
- D. Notwithstanding any other provision of this Chapter, that portion of a Project for which a complete application for a Building Permit has been received by the City prior to the effective date of this Ordinance hereof shall not be subject to the Development Impact Fees imposed by this Chapter. If the resulting Building Permit is later revised or replaced after the effective date of this Chapter, and the new Building Permits reflects a Development density, intensity, or number of units more

than ten percent (10%) higher than that reflected in the original Building Permit, then Development Impact Fees may be charged on the difference in density, intensity, or number of units between the original and the revised or replacement Building Permit.

- E. Nothing in this Chapter shall restrict the City from requiring Fee Payer or an applicant for a Development Approval or Building Permit to construct reasonable Project Improvements required to serve the applicant's Project, provided that such request does not duplicate a System Improvement in a category for which costs were included in the Development Impact Fee Study.
- F. Any monies, including any accrued interest not assigned to specific System Improvements within such Capital Improvements program and not expended pursuant to section 17.80.070 of this Chapter or refunded pursuant to section 17.80.080 of this Chapter shall be retained in the same Account until the next fiscal year.
- G. If the City discovers an error in the Development Impact Fee Study that results in assessment or payment of more than a Proportionate Share of System Improvement Costs on any proposed development, the City shall: (1) adjust the Development Impact Fee to collect no more than a Proportionate Share or (2) discontinue the collection of any Development Impact Fees until the error is corrected by ordinance.
- H. If Development Impact Fees are calculated and paid based on a mistake or misrepresentation, they shall be recalculated. Any amounts overpaid by a Fee Payer shall be refunded by the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code Section 28-22-104 from the date on which the Fee was paid. Any amounts underpaid by the Fee Payer shall be paid to the City within thirty (30) days after the City's acceptance of the recalculated amount, with interest at the legal rate provided for in Idaho Code Section 28-22-104 from the date on which the Fee was paid. In the case of an underpayment to the City, the City may withhold issuance of Building Permits or Development Approvals for the Project for which the Development Impact Fee was paid until such underpayment is corrected, and if amounts owed to the City are not paid within such thirty (30) day period, the City may also repeal any Building Permits or Development Approvals or Building Permits issued in reliance on the previous payment of such Development Impact Fee and refund such Fee to the Fee Payer.
- I. The Development Impact Fee Advisory Committee established during the preparation of the Development Impact Fee Study shall continue in existence, and shall be composed of not fewer than five (5) members appointed by City Council. Two (2) or more members shall be active in the business of Development, building, or real estate. The Committee shall serve in an advisory capacity and has been established to: (1) assist the City in adopting Land Use Assumptions; (2) review the Capital Improvements Plan, and proposed amendments, and file written comments; (3) monitor and evaluate implementation of the Capital Improvements Plan; (4) file periodic reports, at least annually, with respect to the Capital Improvements Plan and report to the City any perceived inequities in implementing the plan or imposing the Development Impact Fees; and (5) advise the City of the need to update or revise Land Use Assumptions, the Capital Improvements Plan, and Development Impact Fees.
- J. The City Council shall consider the Development Impact Fee Advisory Committee's recommended revision(s) to this Chapter at least once every twelve (12) months. The Committee's recommendations and the City Council's actions are intended to ensure that the benefits to a fee paying Development are equitable, in that the fee charged to the Development shall not exceed a Proportionate Share of the costs of System Improvements, and the procedures for administering Development Impact Fees remain efficient.
- K. Nothing in this Chapter shall be construed to prevent or prohibit private agreements between Developers, the City, the Idaho Transportation Department, and/or other governmental entities in regard to the construction or installation of System Improvements or providing for credits or reimbursements for System Improvement Costs incurred by a Developer or Fee Payer, including inter-project transfers of credits, or providing for reimbursement for Project Improvements that are used or shared by more than one Development Project. If it can be shown that a proposed

Development has a direct impact on a public facility under the jurisdiction of the Idaho Transportation Department, then the agreement shall include a provision for the allocation of Development Impact Fees collected from the Developer or Fee Payer for the improvement of the Public Facility by the Idaho Transportation Department.

- L. Violation of this Chapter shall be a misdemeanor and shall be subject to those remedies provided in City of Payette Code Section 1.12.010. Knowingly furnishing false information to any official of the City charged with the administration of this Chapter on any matter relating to the administration of this Chapter, including without limitation the furnishing of false information regarding the expected size, use, or impacts from a proposed Development, shall be a violation of this Chapter.
- M. The section titles used in this Chapter are for convenience only, and shall not affect the interpretation of any portion of the text of this Chapter.
- N. All provisions, terms, phrases and expressions contained in this Chapter shall be liberally construed in order that the true intent and meaning of the Idaho Development Impact Fee Act and the City Council may be fully carried out.
- O. If any portion of this Chapter is subsequently determined to be inconsistent with any requirement of the constitutions of laws of the United States or Idaho, such provision shall be severed from the remainder of this Chapter, and the remainder shall remain in full force and effect.
- P. Any other Chapter or provision thereof in conflict with this Chapter is hereby repealed.

Section 2. This Ordinance may be published in summary form as permitted 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. Any violation of this ordinance shall be a misdemeanor punishable in accordance with the misdemeanor statutes of the State of Idaho.

Section 6. 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 _____, 2011.

CITY OF PAYETTE, IDAHO

BY _____

Jeffrey T. Williams, Mayor

ATTEST:

Mary Cordova, City Clerk

EXHIBIT "A" IMPACT FEE SCHEDULE	
Police Fees	
Residential (per dwelling unit)	\$457.00
Nonresidential (per square foot)	\$0.28
Fire Fees	
Residential (per dwelling unit)	\$363.00
Nonresidential (per square foot)	\$0.22
Parks Fees	
Residential (per dwelling unit)	\$440.00
Nonresidential (per square foot)	N/A
Street Fees	
Residential (per dwelling unit)	\$1,689.00
Nonresidential (per square foot)	\$4.40
Total City Impact Fees	
Residential	\$2,949.00
Nonresidential	\$4.90

ORDINANCE 1348

AN ORDINANCE OF THE CITY OF PAYETTE, IDAHO, CREATING A NEW CHAPTER 5.38 IN TITLE 5 TO LICENSE AND REGULATE USED CAR SALES AND USED CAR LOTS FOR THE PURPOSE OF SALES; SETTING AN EFFECTIVE DATE; ALLOWING PUBLICATION IN SUMMARY FORM; ESTABLISHING SEVERABILITY; ESTABLISHING A REPEALER; PROVIDING A PENALTY:

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

Section 1. The Payette Municipal Code is amended by the addition of a new Chapter 5.38, entitled "USED CAR SALES AND USED CAR LOTS," which chapter shall read as follows:

Chapter 5.38

USED CAR SALES AND USED CAR LOTS

Sections:

- 5.38.010 Definitions
- 5.38.020 Established Used Car Lots
- 5.38.030 License Requirements and Procedures for Obtaining License
- 5.38.040 Regulations
- 5.38.050 Revocation
- 5.38.060 Penalty

5.38.010 Definitions

1. "Used car," as used in this chapter, means any used, pre-owned or second-hand motor vehicle to which a certificate of title or license plates have been issued and which motor vehicle has been registered for use on the highways by a purchaser, consumer or by a dealer, and includes any used or second-hand vehicle, defined as any vehicle required to be titled, trailer coaches or trailers weighing over 1,000 pounds.
2. "Used car dealer" means a person who brokers, deals or engages in the purchase, sale, lease, consignment sale or exchange of five (5) or more used cars within a 12-month period.
3. "Used car business" means the purchase, sale, lease, consignment sale or exchange by any person, firm or corporation of five (5) or more used cars within a 12-month period.
4. "Used car lot" means any place where used cars are displayed and offered for purchase, sale, lease, consignment sale or exchange in the open by a used car dealer or used car business.
5. "Established used car lot" means any land in the City of Payette maintained or used

for conducting a used car business which business was in existence at the time this chapter was created.

5.38.020: Established Used Car Lots

Any established used car lot must have:

A. A permanent structure containing not less than one hundred twenty (120) square feet of interior floor space to be used as business or sales office. Any new structure to be built shall conform to the Payette Municipal Code and the International Building Code, 2009 edition. Any existing structure shall substantially conform to standards established in the Payette Municipal Code, in regard to matters connected with public health and safety. The City Building Inspector shall cause an inspection to be made to determine such compliance.

B. Improved grounds complying with the following minimum requirements upon that portion of the land to be used for display and/or offering for sale of used cars:

1. Parking space for inventory shall be not less than ten (10) feet by twenty (20) feet for each used car.

2. Improved ground shall contain a gravel base of not less than four (4) inches covered by a minimum of two (2) inches of pavement or concrete that conforms to Idaho Department of Transportation Standards of Specifications.

3. The finished grade of such improved grounds shall be not less than twelve (12) inches or more than thirty six (36) inches above the grade of the street adjoining said premises.

4. Two driveways, one for ingress and one for egress, or one driveway adequate to permit simultaneous ingress and egress.

C. Must be in compliance with all standards of the Payette Municipal Code, including but not limited to, section 17.72.020.

5.38.030: License Requirements and Procedure for Obtaining License

No person, firm, corporation or other entity shall operate as a used car dealer or engage in a used car business within the City of Payette without a City Used Car Sales License as herein provided. A separate City Used Car Sales License shall be required for each established used car lot.

The City Clerk is hereby authorized to issue a City Used Car Sales License upon submission by the applicant of a written application on forms to be provided by the City Clerk and upon compliance by the applicant with the following requirements:

A. The application shall be accompanied by written detailed plans showing the layout of land to be used, the portion thereof to be improved as required herein, method proposed for improvement, drainage, driveways for ingress and egress, and buildings to be built or existing buildings to be used in the operation of the established used car lot.

The application shall also be accompanied by evidence that he/she has obtained all applicable zoning, use, or site plan approvals/permits required to be obtained prior to operating a used car lot or business in the proposed location in the City. The granting of a City Used Car Sales License is contingent on obtaining all applicable zoning, use, or site plan approvals/permits. The City Clerk shall submit all such plans to the City Engineer for his/her approval prior to granting of the City Used Car Sales License.

B. Applicant must furnish evidence that he/she possesses a valid State of Idaho Used Vehicle Dealer's License.

C. Payment of an annual City Used Car Sales License fee in the amount of \$100.

All City Used Car Sales Licenses issued under this ordinance shall be for a period of one year expiring on December 31 of each year. The City Clerk is hereby authorized to issue a renewal City Used Car Sales License upon expiration of the initial license upon written application on forms to be provided by the City Clerk accompanied by a renewal City Used Car Sales License fee in the amount of \$100 and a determination by the City Clerk that the applicant is complying with all of the provisions of this ordinance.

No City Used Car Sales License issued under this ordinance may be transferred except upon written application by the licensee and the proposed transferee on forms to be provided by the City Clerk and the payment of a transfer fee in the amount of \$25. Provided however, the transferee shall be required to furnish any and all information as may be contained in an initial application for a City Used Car Sales License. Prior to transferring any City Used Car Sales License, the City Clerk shall determine that the established used car lot for which the City Used Car Sales License has been issued is complying with all of the provisions of this ordinance.

5.38.040: Regulations

Each licensee under this ordinance shall comply with the following regulations:

1. Keep the premises in a neat and clean condition. Dealer shall not allow any used motor vehicles that are part of its inventory to encroach upon the streets, alleys, sidewalks or other publicly maintained areas of the City.
2. Not allow any loud or boisterous noises to emanate from its place of business, either by persons congregating there or by the playing of recording instruments, radios and/or television sets or other sound-reproducing equipment.
3. At all times keep each motor vehicle used in connection with its said business or maintained as part of the inventory thereof insured with public liability and property damage insurance in an amount not less than \$10,000 per person and \$20,000 per accident, personal injury or death liability insurance and \$5,000 property damage insurance.

5.38.050: Revocation

Any City Used Car Sales License issued under this ordinance shall be automatically revoked upon termination, suspension, revocation or failure to renew the licensee's State of Idaho Used Vehicle Dealer's License or upon proof by competent legal evidence that the licensee made a false statement in any application for City Used Car Sales License filed upon this ordinance. Any such City Used Car Sales License may be revoked by the City Council in their discretion upon proof of conviction of the licensee for a violation of this ordinance.

5.38.060: Penalty

Any violation of this Ordinance shall be a misdemeanor punishable by fine, imprisonment or both, up to but not exceeding the maximum penalties set forth in Idaho

Code § 50-302, as amended.

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 _____, 2011.

CITY OF PAYETTE, IDAHO

by _____
JEFF WILLIAMS, Mayor

ATTEST:

Mary Cordova, City Clerk



City of Payette

Curb Cut Application

Payette City Code Section:
12.04

OFFICE USE ONLY

Date Received 7-25-11

Received by BMC

Date Inspected _____

Inspected by _____

Name Josh Jackson Phone Number 208-695-9006

Project Address 1005 Center Ave Payette ID 83661

Addition _____ Block 10 Lot 1 & 2 Zoning B Residential

Property Owner Richard Jackson

Owner's Address 1005 Center Ave Owner's Phone Number 541-571-0510

Contractor Brad Heffer Phone Number 208-350-9115

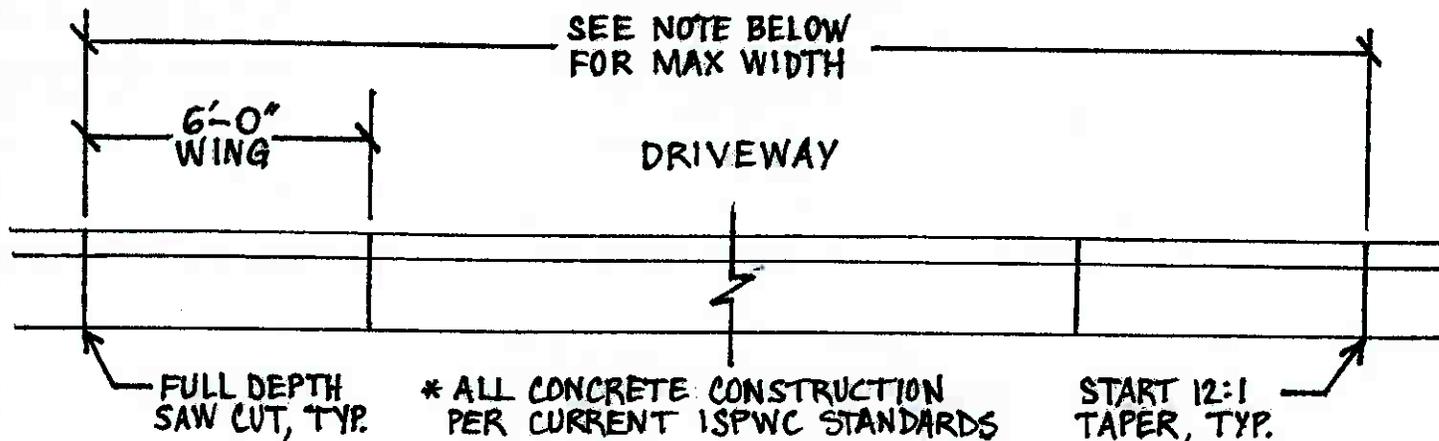
Total Width of Driveway 20' Total Width of Curb Cut 32'

To the best of my knowledge, all plans and information submitted are complete and accurate and present the project to be constructed.

[Signature]
Applicant Signature

Josh Jackson
Applicant Printed Name

7-22-11
Date



Curb Cuts: Requests for curb cuts must be made, in writing; to the City Clerk's Office Curb cuts up to twenty feet (20') may be allowed on fifty foot (50') lots, and up to thirty five percent (35%) on lots above fifty feet (50'). No curb cut may be longer than thirty five feet (35'), and twenty one feet (21') of curb must be left between any two (2) curb cuts except where there are adjoining driveways. Curb cuts in compliance with these regulations may be approved by the City Clerk and City Engineer, or their designees. A request for any deviation in these regulations must be referred to the planning commission for approval before the council will consider such request. Every application for a building permit shall show where the curb cut will be and must have the approval of the engineer or building official



NOTICE OF APPEAL HEARING

The Payette City Council will be conducting an Appeal Hearing during a scheduled regular meeting to receive input concerning the following requests:

- A. An appeal of the abatement of dangerous buildings by Tim McGourty, 121 N. Main Street, Payette, ID.

The Appeal Hearing on the above requests will be held **August 1st, 2011 at 7:00 PM**, or shortly thereafter, in the Payette City Council Chambers, 700 Center Avenue, Payette, Idaho. 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.

Bobbie Black, Deputy City Clerk

Mary

July 11, 2011

City of Payette
799 Center Ave
Payette, ID 83661

Property address: 121 North Main, Payette, ID

“Before the board of appeals of the City of Payette”

Appeal of the abatement of dangerous buildings by Tim McGourty

Tim McGourty is the sole owner of the building and property located at 121 N. Main Payette, ID.

The repair required to the brick work on the rear elevation is minor and does not impose an immediate danger to the structure.

The repairs of the loose brick and the installation of the gutter to carry the water away from the rear wall.

All the above Tim McGourty declares to be correct under penalty of perjury.

Respectfully,



Tim McGourty
2313 W. Overland Rd.
Boise, ID 83705



City of Payette

Special Event Permit Application

OFFICE USE ONLY

CITY OF PAYETTE

Council Action _____

Approved and Issued _____

Not Approved _____

City Clerk/Deputy City Clerk _____

Non Refundable Fees:

Application..... \$100.00
 Security Deposit..... \$100 refundable

Complete application must be received by the City Clerk no less than 30 days prior to the scheduled event to ensure application review by staff and still afford the opportunity for appeal (if necessary) prior to the planned event date.

1. **EVENT NAME** Valley Family Health Care Employee Picnic

2. **LOCATION OF EVENT** (Be specific, i.e. west side of Kiwanis Park, all of Center Ave. between 9th & Main, 2 N. Main)

Public Property Private Property
Kiwanis Park - pool side

3. EVENT SCHEDULE

Special Events are limited to four days, including set-up and tear-down days. No more than eight events per calendar year can be conducted by a single party or organization, unless a modification is granted by the City Council.

Date(s) of Event	Hours	Estimated # of Attendees
<u>August 5, 2011</u>	Start Time: <u>9:00</u> End Time: <u>4:00</u>	All Day: <u>90 to 150</u>
	Start Time: End Time:	All Day:
Date of Set-Up	Start Time: End Time:	
<u>August 5, 2011</u>	Start Time: <u>9:00</u> End Time: <u>-10:30</u>	
Date of Tear Down	Start Time: End Time:	
<u>August 5, 2011</u>	Start Time: <u>3:30</u> End Time: <u>4:00</u>	

4. FEES

Special Event Permit Application Fee	\$100.00	* Separate Checks
Staff Per Diem Fee (as set by Council)	\$ _____	
Security Deposit	\$100.00	* Separate Checks
Additional Deposit Required	\$ _____	
TOTAL DUE	\$ 200.00	

\$ 200 pd
July 15, 2011
ck# 29440

5. ORGANIZATION INFORMATION

Applicant Name Julie Warden Title Admin Services Coord.

Mailing Address 1441 NE 10th Ave

Street Address 1441 NE 10th Ave

Day Telephone 208-642-9376 Evening Telephone _____ Cell 707-0092

FAX Number 208-642-9598 Email Address jwarden@vfhc.org

Sponsoring Organization Valley Family Health Care

Non-profit? Yes No Tax Exempt # _____

Federal Tax # [REDACTED] State Tax # _____

6. EVENT INFORMATION

New Event: Yes No Annual Event: Yes No Years Operating 3

Event Category: Commercial Non-commercial

Estimated Gross Ticket Sales & Revenues (commercial event only) n/a

Description of Event _____

Additional Details _____

7. INSURANCE REQUIREMENTS

It is the responsibility of your Special Event organizers to maintain a COMPREHENSIVE GENERAL LIABILITY insurance policy with coverage of not less than \$1,000,000.00 combined single limit per occurrence. *Each policy shall be written as a primary policy, not contributing with or in excess of any coverage with the City may carry. A certificate naming the State of Idaho, Payette County, the City of Payette, as additional insured shall be delivered to the City of Payette with this application.* The adequacy of all insurance required by these provisions shall be subject to approval by the City Clerk. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of the application.

Insurance Company Three Rivers Agency Agent Name _____

Address 26 Main Street, Payette Phone 208-642-9311

HOLD HARMLESS CLAUSE

Permittee (organization/applicant) shall indemnify and hold harmless the City of Payette, its agents, its employees and authorized volunteers from and against all claims, damages, losses and expanses, including attorney's fees, arising out of the permitted activity or the conduct of Permittee's operation of the event if such claim (1) is attributable to personal injury, bodily injury, disease or death, or to injury to or destruction of property, including the loss of use there from, and (2) is not caused by any negligent act or omission of willful misconduct of the City of Payette or its employees acting within the scope of their employment.

(Attach any additional pages as needed)

SPECIAL EVENT ACTIVITIES & CITY SERVICES REQUESTED

Your event organizer is responsible for providing a complete list of event activities including a list of suppliers providing services. An event logistics map is required, detailing the location for all road closures, event set up, canopies, stages, vendors, booths, and any other major services or events planned.

Check all Planned Activities		Check all Planned Activities	
n/a	Street Closures & Access/Parade Detailed map listing areas of closure, parade Route is required. An ITD permit is required for Hwy 95 Organizer must notify all affected businesses, Churches, schools and neighborhoods	n/a	Alcohol Served (name of provider) Requires alcohol catering permit (PMC 5.15)
n/a	Security (detail who, number of officers, times. Attach plan.)	n/a	Beverages will be served List Caterers
n/a	Electricity/Generators (Size _____) detailed electrical plan	n/a	Medical Services (Circle) First Aid and/or EMS Services Who is providing service? _____
n/a	Water Drinking / Washing (circle)	n/a	Lighting Plan: attach plan
n/a	Porta Toilets / Wash Stations Quantity ADA Regular)	n/a	Gray Water Barrel/Grease Barrel (circle/detail # and locations)
n/a	Canopies/Tents/Temporary Structures (number and sizes) City of Payette Fire Department, Fire Code Enforcement	✓	Sanitation - Trash bins, Dumpsters (circle / detail # and locations) <i>Hardin will deliver prior to event</i>
n/a	Vendors Items sold/solicitation	n/a	Stages (number and sizes)
n/a	Control/Shuttle Buses (number of buses / locations / hours of operation, Attach plan)	n/a	Booths Profit / Non-profit
n/a	Number of Staff working event <i>6</i>	n/a	Barricades How many / identify locations and attach
	Number of Staff working event <i>6</i>		Number of volunteers working <i>n/a</i>
EVENT estimated attendance <i>90 to 150</i>			

I hereby certify that I have read and will abide by the laws, rules and regulations set forth by the City of Payette, Payette County, and the State of Idaho, and in signing this application, I hereby agree that I and the organization I represent, shall hold the City of Payette and all of its agents or employees free and blameless from any claim, liability or damage which may arise from use of City facilities or equipment, whether or not the City of Payette, its agents or employees are jointly negligent. I further agree to promptly reimburse the City of Payette and all of its agents for any clean up, loss or damage to City property resulting from this use, as well as permitting, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees or public equipment for the Special Event. In the event the deposit exceeds the actual charges, the City Clerk shall refund the balance to the applicant.

Permittee agrees to maintain access for emergency vehicles.

Event Organizer's Signature: _____

Date: *7/13/2011*

THIS PAGE FOR OFFICE USE ONLY

Date Application Received July 15, 2011 Date Fees Paid July 15, 2011

DEPARTMENT COMMENT/APPROVAL

FIRE: [Signature]

Check if special requirements attached:

APPROVED: YES DENIED:

COMMENTS: _____

Est. Hours _____ x Hourly Rate \$ _____ =\$ _____

POLICE: Capt. D. Platt #101

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

Est. Hours _____ x Hourly Rate \$ _____ =\$ _____

PARKS: Randy Falis

Check if special requirements attached:

APPROVED: 7-25 DENIED:

COMMENTS: _____

Est. Hours _____ x Hourly Rate \$ _____ =\$ _____

STREETS: [Signature]

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

Est. Hours _____ x Hourly Rate \$ _____ =\$ _____

CITY CLERK: [Signature]

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

RISK MANAGEMENT: _____

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

\$1,000,000 Insurance Certificate _____

Street Closure Information:

Street Closure Necessary? Yes No ITD Permit required? Yes No

Time of Street Closure: From _____ To _____

ITD Approval Received? Yes No N/A

Comments:



CERTIFICATE OF LIABILITY INSURANCE

OP ID: MH

DATE (MM/DD/YYYY)

07/25/11

THIS CERTIFICATE IS ISSUED AS A MATTER OF INFORMATION ONLY AND CONFERS NO RIGHTS UPON THE CERTIFICATE HOLDER. THIS CERTIFICATE DOES NOT AFFIRMATIVELY OR NEGATIVELY AMEND, EXTEND OR ALTER THE COVERAGE AFFORDED BY THE POLICIES BELOW. THIS CERTIFICATE OF INSURANCE DOES NOT CONSTITUTE A CONTRACT BETWEEN THE ISSUING INSURER(S), AUTHORIZED REPRESENTATIVE OR PRODUCER, AND THE CERTIFICATE HOLDER.

IMPORTANT: If the certificate holder is an ADDITIONAL INSURED, the policy(ies) must be endorsed. If SUBROGATION IS WAIVED, subject to the terms and conditions of the policy, certain policies may require an endorsement. A statement on this certificate does not confer rights to the certificate holder in lieu of such endorsement(s).

PRODUCER 208-642-9311 Three Rivers Ins/Payette P. O. Box 219 Payette, ID 83661-0219 Mike Holcomb		CONTACT NAME: PHONE (A/C No. Ext): 208-642-2017 FAX (A/C. No.): E-MAIL ADDRESS: PRODUCER CUSTOMER ID #: VALLE-1
INSURED Valley Family Health Care 1441 NE 10th Avenue Payette, ID 83661		INSURER(S) AFFORDING COVERAGE INSURER A: American Hallmark Ins. Company INSURER B: American Hallmark Ins. Company INSURER C: SAIF INSURER D: INSURER E: INSURER F:

COVERAGES **CERTIFICATE NUMBER:** **REVISION NUMBER:**

THIS IS TO CERTIFY THAT THE POLICIES OF INSURANCE LISTED BELOW HAVE BEEN ISSUED TO THE INSURED NAMED ABOVE FOR THE POLICY PERIOD INDICATED. NOTWITHSTANDING ANY REQUIREMENT, TERM OR CONDITION OF ANY CONTRACT OR OTHER DOCUMENT WITH RESPECT TO WHICH THIS CERTIFICATE MAY BE ISSUED OR MAY PERTAIN, THE INSURANCE AFFORDED BY THE POLICIES DESCRIBED HEREIN IS SUBJECT TO ALL THE TERMS, EXCLUSIONS AND CONDITIONS OF SUCH POLICIES. LIMITS SHOWN MAY HAVE BEEN REDUCED BY PAID CLAIMS.

INSR LTR	TYPE OF INSURANCE	ADDL SUBR INSR	POLICY NUMBER	POLICY EFF (MM/DD/YYYY)	POLICY EXP (MM/DD/YYYY)	LIMITS
A	GENERAL LIABILITY	X	44CL460261	06/29/11	06/29/12	EACH OCCURRENCE \$ 1,000,000
	<input checked="" type="checkbox"/> COMMERCIAL GENERAL LIABILITY					DAMAGE TO RENTED PREMISES (Ea occurrence) \$ 1,000,000
	<input type="checkbox"/> CLAIMS-MADE <input checked="" type="checkbox"/> OCCUR					MED EXP (Any one person) \$ 10,000
	GEN'L AGGREGATE LIMIT APPLIES PER: <input type="checkbox"/> POLICY <input type="checkbox"/> PRO-JECT <input type="checkbox"/> LOC					PERSONAL & ADV INJURY \$ 1,000,000
A	AUTOMOBILE LIABILITY		44CL460261	06/29/11	06/29/12	GENERAL AGGREGATE \$ 2,000,000
	<input checked="" type="checkbox"/> ANY AUTO					PRODUCTS - COMP/OP AGG \$ 2,000,000
	<input type="checkbox"/> ALL OWNED AUTOS					
	<input type="checkbox"/> SCHEDULED AUTOS					
B	UMBRELLA LIAB <input checked="" type="checkbox"/> OCCUR		44CU460262	06/29/11	06/29/12	COMBINED SINGLE LIMIT (Ea accident) \$ 1,000,000
	EXCESS LIAB <input type="checkbox"/> CLAIMS-MADE					BODILY INJURY (Per person) \$
	DEDUCTIBLE					BODILY INJURY (Per accident) \$
	<input checked="" type="checkbox"/> RETENTION \$ 10,000					PROPERTY DAMAGE (Per accident) \$
C	WORKERS COMPENSATION AND EMPLOYERS' LIABILITY	Y/N	956033	08/01/11	08/01/12	
	ANY PROPRIETOR/PARTNER/EXECUTIVE OFFICER/ MEMBER EXCLUDED? (Mandatory in NH)					
	<input type="checkbox"/> N/A					E.L. EACH ACCIDENT \$ 500,000
	If yes, describe under DESCRIPTION OF OPERATIONS below					E.L. DISEASE - EA EMPLOYEE \$ 500,000
						E.L. DISEASE - POLICY LIMIT \$ 500,000

DESCRIPTION OF OPERATIONS / LOCATIONS / VEHICLES (Attach ACORD 101, Additional Remarks Schedule, if more space is required)
 named insured is hosting their annual employee BBQ in Kiwanis Park on August 5th.

CERTIFICATE HOLDER CITY OF PAYETTE 700 CENTER AVE PAYETTE, ID 83661	CITYP-1	CANCELLATION SHOULD ANY OF THE ABOVE DESCRIBED POLICIES BE CANCELLED BEFORE THE EXPIRATION DATE THEREOF, NOTICE WILL BE DELIVERED IN ACCORDANCE WITH THE POLICY PROVISIONS. AUTHORIZED REPRESENTATIVE Mike Holcomb
---	----------------	--

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CHANGE ORDER #9



PROJECT:
 PAYETTE CITY / RURAL FIRE STATION
 PAYETTE, IDAHO 83661

OWNER:
 CITY OF PAYETTE
 700 CENTER AVENUE
 PAYETTE, IDAHO 83661

CONTRACTOR:
 ATKINS GENERAL BUILDERS DBA KEPHA CONSTRUCTION
 3606 EAST NEWBY STREET
 NAMPA, IDAHO 83687

ARCHITECT:
 GOWLAND JOHANSON ZIMMERMAN
 ARCHITECTURE, INC.
 400 SOUTH MAIN STREET
 PAYETTE, IDAHO 83661

THE FOLLOWING CHANGES TO THE PLANS AND SPECIFICATIONS SHALL BECOME A PART OF THE CONTRACT DOCUMENTS:

ITEM #1 RELOCATE FIRE SPRINKLER LINES TO ALLOW FOR REQUIRED OVERHEAD DOOR OPERATOR CLEARANCE (ASI #12, ITEM #1) \$ 7,458.75

TOTAL CONTRACT VALUE CHANGE \$ 7,458.75

TOTAL CONTRACT TIME CHANGE 28 DAYS

ORIGINAL CONTRACT AMOUNT	\$	1,666,311.00
CHANGE ORDER #1 AMOUNT	\$	2,657.60
CHANGE ORDER #2 AMOUNT	\$	12,154.57
CHANGE ORDER #3 AMOUNT	\$	4,084.63
CHANGE ORDER #4 AMOUNT	\$	1,805.98
CHANGE ORDER #5 AMOUNT	\$	8,977.27
CHANGE ORDER #6 AMOUNT	\$	73,922.19
CHANGE ORDER #7 AMOUNT	\$	16,891.50
CHANGE ORDER #8 AMOUNT	\$	10,250.89
CHANGE ORDER #9 AMOUNT	\$	7,458.75
NEW CONTRACT AMOUNT	\$	1,804,514.38

ORIGINAL SUBSTANTIAL COMPLETION DATE JULY 25, 2011
 CHANGE ORDER TIME CHANGE 42 DAYS
 NEW SUBSTANTIAL COMPLETION DATE SEPTEMBER 5, 2011


 ARCHITECT 07/26/2011
 DATE


 CONTRACTOR 7-26-11
 DATE

OWNER _____
 DATE

Atkins General Builders, Inc.**CHANGE ORDER REQUEST
No. 00004REV**3606 E. Newby Street
Nampa, Idaho 83687**Phone:** 208-461-2700
Fax: 208-461-2702**TITLE:** Fire Spinkler / Water Line ASI #12**DATE:** 7/25/2011**PROJECT:** Payette City/Rural Fire Station**JOB:** K200-10**TO:** Attn: Houston Head
Gowland Johanson & Zimmerman Arch.
400 South Main
Payette, Idaho 83661
Phone: 208-642-4452 Fax: 208-642-4453**CONTRACT NO:** KEPHAMAIN**RE: COR To: GOWJOHID From: KEPHA Number: 00004****DESCRIPTION OF PROPOSAL**

Revise fire sprinklers and water line to adjust for overhead door operators per ASI #12 dated, July 18, 2011. An extension of time of (28) days is required from time of approval. Revise fire sprinklers and water line to adjust for overhead door operators per ASI #12 dated, July 18, 2011. WATERLINE RELOCATION IS NOT INCLUDED IN THIS COR. To facilitate the Architect, the subcontractor has agreed to forego their OH&P as has the General Contractor.

Item	Description	Stock#	Quantity	Units	Unit Price	Tax Rate	Tax Amount	Net Amount
00001	Fire Sprinkler Adjustment		1.000	LS	\$7,458.75	0.00%	\$0.00	\$7,458.75
00002	Relocate water line NOT INCLUDED.		1.000	LS	\$0.00	0.00%	\$0.00	\$0.00

Unit Cost: \$7,458.75
 Unit Tax: \$0.00
Unit Total: \$7,458.75

APPROVAL:**By:** _____
L. Brian Atkins**By:** _____
Houston Head**Date:** July 25, 2011**Date:** _____

JBL FIRE PROTECTION, LLC.

7236 CHERRY LANE

NAMPA, ID 83687

208-573-2104

FAX 208-463-1891

CHANGE ORDER FORM

Change order number: 01	Date of Work: TBA	JBL Project No.: 10106
Project Name: <u>Pavette Fire Station</u>		
Description of Change Order: <u>To adjust elevation on (4) branch-lines in apparatus bays</u>		
Materials Used:		
*additional overhead materials to include: (16) 1.25" 90 elbow, (16) 1.25" steel pipe nipples, (21') of 1.25" schedule 40 pipe, (42') of 1.00" schedule 40 pipe, (4) 1.25" x 1.25" x .50" tee, (42") of 5/8" unistrut, (40) 1.25" unistrut pipe clamps, (50) Victrolite (V27) brass, quick response 155 F pendent sprinklers, and other quantities of various pipe hanger attachments/supports—wood sammys, nuts and washers etc.		
Additional overhead materials total:		\$1,525.75
Misc. materials:		
*Re-design of effected lines; re-calculation/details required for re-submittal to State		\$750.00
*Re-submittal to State fire plan reviewer		\$125.00
*Scissor lift rental for work to be completed		\$425.00
*Tools and equipment charge		\$535.00
Miscellaneous materials total:		\$1,835.00
Sub-total for overhead and miscellaneous materials:		\$3,360.75
Labor to Complete Change Order:		
*Overhead labor to perform and complete change of work		\$3,475.00
*Additional trip and travel expenses for change of work		\$650.00
Sub-total for all materials, labor and trip for change of work:		\$7,485.75
Subcontractor P & O at (12%) for change of work performed:		\$898.22
Grand total for change of work performed:		\$8,384.04

JBL Fire Protection, LLC.

Owner/Contractor

By: *James B. Lee* 7/13/11
 Signature Date

By: _____
 Signature Date

Matthew B. Lee, Owner
 Print Name and Title

 Print Name and Title



Project: Payette Fire Station
Payette, ID

Job #: Job #1001

ASI #12

NOTICE TO CONTRACTORS :

This Architect's Supplemental Instructions #12 shall supplement, amend and become a part of the Bidding Documents, Drawings, and Specifications. The items set forth govern the work insofar as they apply and take precedence over the original Drawings and Specifications.

1. Provide pricing to adjust the elevation of four branch fire sprinkler lines in the truck bays that conflict with the overhead door operators. These lines shall be run tight to the ceiling. Change the existing upright style sprinkler heads on these lines to pendant style sprinkler heads. This change will also require adjusting the elevation of the sprinkler lines that branch off under the overhead door tracks.
2. Provide pricing to adjust the elevation of the existing 1" CW lines in the truck bays that conflict with the overhead door operators. These CW lines shall be run tight to the ceiling.

Houston Head
Author

July 18, 2011
Date

END OF ASI #12

KEPHA Construction



3606 E. Newby Street ~ Nampa, Idaho 83687
 Phone: 208-461-2700 Facsimile: 208-461-2702

INVOICE

DATE: 7/31/2011
INVOICE # K200-10-11

Bill To:

Name Ms. Mary Cordova
Company City of Payette
Address 700 Center Avenue
City, State ZIP Payette, Idaho 83661
Phone 208-642-6024

Architect:

Name Dion Zimmerman
Company Gowland, Johansson, Zimmerman Architecture
Address 400 South Main
City, State ZIP Payette, Idaho 83661
Phone 208-642-4452

Job Number	Job Name	Contract Amount	Change Orders	Credits	Revised Amount
K200-10	City of Payette Rural Fire Station	\$1,666,311.00	\$120,493.74	\$0.00	\$1,786,804.74

Completed/Stored to Date	\$1,429,054.42
Retention	5.00%
Total Retention	\$71,452.72
Previously Paid	\$1,269,284.20
Due This Period	\$88,317.50

Copies to:

Owner ✓
Architect ✓
Contractor ✓

Please return a fully executed original to contractor - Thank you for you business!

TO OWNER: City of Payette
 700 Center Avenue
 Payette, Idaho 83661

PROJECT: Payette City/Rural Fire Station
 APPLICATION NO: 00011
 PERIOD TO: 7/31/2011
 PROJECT NOS.: 1001

Distribution to:
 OWNER
 ARCHITECT
 CONTRACTOR

FROM CONTRACTOR: Atkins General Builders, Inc.
 3606 E. Newby Street
 Nampa, Idaho 83687

VIA ARCHITECT: Gowland Johanson & Zimmerman
 400 South Main
 Payette, Idaho 83661

CONTRACT DATE:

CONTRACT FOR:

CONTRACTOR'S APPLICATION FOR PAYMENT
 Application is made for payment, as shown below, in connection with the contract.
 Continuation Sheet, AIA Document G703, is attached.

1. ORIGINAL CONTRACT SUM	\$1,666,311.00
2. Net change by Change Orders	\$120,493.74
3. CONTRACT SUM TO DATE (Line 1 ± 2)	\$1,786,804.74
4. TOTAL COMPLETED & STORED TO DATE	\$1,429,054.42
5. RETAINAGE:	
a. 5.000 % of Completed Work	\$71,452.72
(Columns D + E on G703)	
b. 0 % of Stored Material	\$0.00
(Columns F on G703)	
Total Retainage (Line 5a + 5b or Total in Columns I on G703)	\$71,452.72

6. TOTAL EARNED LESS RETAINAGE	\$1,357,601.70
(Line 4 less Line 5 Total)	
7. LESS PREVIOUS CERTIFICATES FOR PAYMENT	\$1,269,284.20
(Line 6 from prior Certificate)	
8. CURRENT PAYMENT DUE	\$88,317.50

9. BALANCE TO FINISH, INCLUDING RETAINAGE	\$429,203.04
(Line 3 less Line 6)	

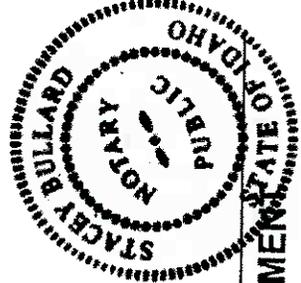
CHANGE ORDER SUMMARY	ADDITIONS	DEDUCTIONS
Total changes approved in previous months by Owner	\$120,493.74	\$0.00
Total approved this Month	\$0.00	\$0.00
TOTALS	\$120,493.74	\$0.00
NET CHANGES by Change Order		\$120,493.74

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The undersigned Contractor certifies that to the best of the Contractor's knowledge, information and belief the Work covered by this application for Payment has been completed in accordance with the Contract Documents, that all amounts have been paid by the Contractor for Work for which previous Certificates for Payment were issued and payments received from the Owner, and that current payment shown herein is now due.

CONTRACTOR: Atkins General Builders, Inc.
 By: [Signature] Date: 7-31-11
 L. Brian Atkins

State of: Idaho
 County of: Canyon
 Subscribed and sworn to before me this 31st day of July, 11
 Notary Public: [Signature]
 My Commission expires: 3/30/12



ARCHITECT'S CERTIFICATE FOR PAYMENT
 In accordance with the Contract Documents, based on on-site observations and the data comprising this application, the Architect certifies to the Owner that to the best of the Architect's knowledge, information and belief the Work has progressed as indicated, the quality of the Work is in accordance with the Contract Documents, and the Contractor is entitled to payment of the AMOUNT CERTIFIED.

AMOUNT CERTIFIED \$88,317.50 ~~-\$0.00~~
 (Attach explanation if amount certified differs from the amount applied for. Initial all figures on this Application and on the Continuation Sheet that are changed to conform to the amount certified.)

ARCHITECT: Gowland, Johanson, Zimmerman Arch
 By: [Signature] Date: 07/26/2011
 Dion Zimmermas

This Certificate is not negotiable. The AMOUNT CERTIFIED is payable only to the Contractor named herein. Issuance, payment and acceptance of payment are without prejudice to any rights of the Owner or Contractor under this Contract.

CONTINUATION SHEET

AIA DOCUMENT G703

PAGE 1 OF 2 PAGES

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: 00011

APPLICATION DATE:

PERIOD TO: 7/31/2011

ARCHITECT'S PROJECT NO.: 1001

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D O R E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (D + E)						
0000005	INDIRECT COSTS								
0000010	Insurances	\$21,500.00	\$21,500.00	\$0.00	\$0.00	\$0.00	\$21,500.00	\$0.00	\$0.00
0000020	Bonds	\$18,500.00	\$18,500.00	\$0.00	\$0.00	\$0.00	\$18,500.00	\$0.00	\$0.00
0000030	General Conditions	\$15,000.00	\$11,250.00	\$750.00	\$0.00	\$0.00	\$12,000.00	\$3,000.00	\$0.00
0000040	Surveying	\$3,200.00	\$3,200.00	\$0.00	\$0.00	\$0.00	\$3,200.00	\$0.00	\$0.00
0000050	Roll Off Containers	\$11,150.00	\$8,362.50	\$557.50	\$0.00	\$0.00	\$8,920.00	\$2,230.00	\$0.00
0000060	Project Management/Supervision	\$64,050.00	\$48,037.50	\$3,202.50	\$0.00	\$0.00	\$51,240.00	\$12,810.00	\$0.00
0000070	Final Cleaning	\$6,100.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$6,100.00	\$0.00
0000075	SUBTOTAL	\$139,500.00	\$110,850.00	\$4,510.00	\$0.00	\$0.00	\$115,360.00	\$24,140.00	\$0.00
0000078	DIRECT COSTS								
0000080	Earthwork	\$180,061.00	\$137,381.65	\$0.00	\$0.00	\$0.00	\$137,381.65	\$42,679.35	\$0.00
0000090	Fences & Gates	\$4,000.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$4,000.00	\$0.00
0000100	Rebar & Wire Mesh	\$8,000.00	\$8,000.00	\$0.00	\$0.00	\$0.00	\$8,000.00	\$0.00	\$0.00
0000110	Concrete Accessories	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	\$0.00	\$0.00
0000120	Concrete	\$137,000.00	\$116,450.00	\$0.00	\$0.00	\$0.00	\$116,450.00	\$20,550.00	\$0.00
0000130	Concrete Staining/Sealing	\$2,000.00	\$2,000.00	\$0.00	\$0.00	\$0.00	\$2,000.00	\$0.00	\$0.00
0000140	Masonry	\$70,000.00	\$70,000.00	\$0.00	\$0.00	\$0.00	\$70,000.00	\$0.00	\$0.00
0000150	Structural Metals	\$20,000.00	\$20,000.00	\$0.00	\$0.00	\$0.00	\$20,000.00	\$0.00	\$0.00
0000160	Rough Carpentry - Materials	\$28,700.00	\$28,700.00	\$0.00	\$0.00	\$0.00	\$28,700.00	\$0.00	\$0.00
0000170	Rough Carpentry - Subcontract	\$37,000.00	\$37,000.00	\$0.00	\$0.00	\$0.00	\$37,000.00	\$0.00	\$0.00
0000180	Pre-Fab Trusses	\$41,500.00	\$41,500.00	\$0.00	\$0.00	\$0.00	\$41,500.00	\$0.00	\$0.00
0000190	Cabinets & Casework	\$23,350.00	\$16,345.00	\$0.00	\$0.00	\$0.00	\$16,345.00	\$7,005.00	\$0.00
0000200	Insulation	\$12,150.00	\$5,467.50	\$6,682.50	\$0.00	\$0.00	\$12,150.00	\$0.00	\$0.00
0000210	Metal Roofing	\$98,000.00	\$98,000.00	\$0.00	\$0.00	\$0.00	\$98,000.00	\$0.00	\$0.00
0000220	Joint Sealants	\$2,500.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$2,500.00	\$0.00
0000230	Doors & Hardware - Labor	\$4,000.00	\$1,800.00	\$0.00	\$0.00	\$0.00	\$1,800.00	\$2,200.00	\$0.00
0000240	Doors & Hardware - Materials	\$26,000.00	\$10,400.00	\$0.00	\$0.00	\$0.00	\$10,400.00	\$15,600.00	\$0.00
0000250	Overhead Doors	\$50,000.00	\$47,500.00	\$0.00	\$0.00	\$0.00	\$47,500.00	\$2,500.00	\$0.00
0000260	Storefront	\$31,200.00	\$31,200.00	\$0.00	\$0.00	\$0.00	\$31,200.00	\$0.00	\$0.00
0000270	Plastering	\$16,000.00	\$12,480.00	\$2,080.00	\$0.00	\$0.00	\$14,560.00	\$1,440.00	\$0.00
0000280	Drywall	\$41,000.00	\$29,110.00	\$9,430.00	\$0.00	\$0.00	\$38,540.00	\$2,460.00	\$0.00
0000290	Flooring	\$13,000.00	\$9,880.00	\$0.00	\$0.00	\$0.00	\$9,880.00	\$3,120.00	\$0.00



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G703-1992

CONTINUATION SHEET

AIA DOCUMENT G703

AIA Document G702, APPLICATION AND CERTIFICATE FOR PAYMENT, containing Contractor's signed Certification, is attached.

In tabulations below, amounts are stated to the nearest dollar.

Use Column I on Contracts where variable retainage for line items may apply.

APPLICATION NO.: 00011

APPLICATION DATE:

PERIOD TO: 7/31/2011

ARCHITECT'S PROJECT NO.: 1001

A ITEM NO.	B DESCRIPTION OF WORK	C SCHEDULED VALUE	D WORK COMPLETED		E THIS PERIOD	F MATERIALS PRESENTLY STORED (NOT IN D OR E)	G TOTAL COMPLETED AND STORED TO DATE (D+E+F)	H BALANCE TO FINISH (C - G)	I RETAINAGE (IF VARIABLE) RATE
			FROM PREVIOUS APPLICATION (D + E)	THIS PERIOD					
0000300	Painting	\$19,000.00	\$0.00	\$3,610.00	\$0.00	\$0.00	\$3,610.00	\$15,390.00	\$0.00
0000310	Specialties	\$31,500.00	\$28,035.00	\$0.00	\$0.00	\$0.00	\$28,035.00	\$3,465.00	\$0.00
0000320	Louvers & Vents	\$5,200.00	\$5,200.00	\$0.00	\$0.00	\$0.00	\$5,200.00	\$0.00	\$0.00
0000330	Appliances	\$16,950.00	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$16,950.00	\$0.00
0000340	Fire Sprinklers	\$2,000.00	\$49,920.00	\$0.00	\$0.00	\$0.00	\$49,920.00	\$2,080.00	\$0.00
0000350	Plumbing	\$74,000.00	\$51,800.00	\$0.00	\$0.00	\$0.00	\$51,800.00	\$22,200.00	\$0.00
0000360	HVAC	\$197,400.00	\$177,660.00	\$0.00	\$9,870.00	\$0.00	\$187,530.00	\$9,870.00	\$0.00
0000370	Electrical	\$273,300.00	\$153,048.00	\$0.00	\$34,000.00	\$0.00	\$187,048.00	\$86,252.00	\$0.00
0000380	SUBTOTAL	\$1,526,811.00	\$1,190,877.15	\$65,672.50	\$0.00	\$0.00	\$1,256,549.65	\$270,261.35	\$0.00
0000430	CHANGE ORDERS								
C000001	COR 00001	\$2,657.60	\$2,657.60	\$0.00	\$0.00	\$0.00	\$2,657.60	\$0.00	\$0.00
C000002	COR00002, PCO 00001	\$12,154.57	\$12,154.57	\$0.00	\$0.00	\$0.00	\$12,154.57	\$0.00	\$0.00
C000003	PCO 0003 Electrical / Masonry	\$4,084.63	\$0.00	\$2,655.01	\$0.00	\$0.00	\$2,655.01	\$1,429.62	\$0.00
C000004	PCO4REV, 5, 6, 7,	\$1,805.98	\$0.00	\$0.00	\$0.00	\$0.00	\$0.00	\$1,805.98	\$0.00
C000005	PCO 00009 Casework/Plumbing/Elect	\$8,977.27	\$3,860.23	\$0.00	\$4,668.18	\$0.00	\$8,528.41	\$448.86	\$0.00
C000006	PCO10, PCO 11	\$73,922.19	\$3,696.11	\$0.00	\$14,784.44	\$0.00	\$18,480.55	\$55,441.64	\$0.00
C000007	Radio Antenna PCO 000012	\$16,891.50	\$11,992.97	\$0.00	\$675.66	\$0.00	\$12,668.63	\$4,222.87	\$0.00
C100000	SUBTOTAL	\$120,493.74	\$34,361.48	\$22,783.29	\$0.00	\$0.00	\$57,144.77	\$63,348.97	\$0.00
		\$1,786,804.74	\$1,336,088.63	\$92,965.79	\$0.00	\$0.00	\$1,429,054.42	\$357,750.32	\$0.00



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G703-1992

**CONDITIONAL WAIVER AND RELEASE UPON
PROGRESS PAYMENT**

Upon receipt by the undersigned of a check from **The City of Payette** in the sum of **\$88,317.50** payable to **Atkins General Builders, Inc., dba KEPHA Construction** (Contractor) and when the check has been properly endorsed and has been paid by the bank upon which it is drawn, this document shall become effective to release any mechanic's lien, stop notice, or bond right the undersigned has on the job of **City of Payette Rural Fire Station** (Owner) located at **7th Avenue N and Highway 95** (Location) for project (Job Description) **1001, New Rural Fire Station** to the following extent. This release covers a progress payment for labor, services, equipment or material furnished to **Atkins General Builders, Inc., dba KEPHA Construction** through **July 31, 2011** (Date) only and does not cover any retentions retained before or after the release date; extras furnished before the release date for which payment has not been received; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written change order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release. This release of any mechanic's lien, stop notice, or bond right shall not otherwise affect the contract rights, including rights between parties to the contract based upon a rescission, abandonment, or breach of the contract, or the right of the undersigned to recover compensation for furnished labor, services, equipment, or material covered by this release if that furnished labor, services, equipment, or material was not compensated by the progress payment. Before any recipient of this document relies on it, said party should verify evidence of payment to the undersigned.

Dated: July 31st, 2011

Atkins General Builders, Inc., dba KEPHA Construction

By:  L. Brian Atkins

Title: President

CONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT

M:\Documents\apps\PROJECTS\PROJECTS 2010\K200-10 Payette City Rural Fire Station\Payment Applications\Pay App #00011\KEPHA Conditional Waiver Progress K200-10-11.doc

**UNCONDITIONAL WAIVER AND RELEASE UPON
PROGRESS PAYMENT**

The undersigned has been paid and has received a progress payment in the sum of **\$1,269,284.20** for labor, services, equipment, or material furnished to **Atkins General Builders, Inc. dba KEPHA Construction** on the job of **The City of Payette (Owner)** located at **7th Avenue and Highway 95, Payette, Idaho 83661** (Job Location) project, **K200-10, Payette City/Rural Fire Station** (Job Description) and does hereby release any mechanic's lien, stop notice, or bond right that the undersigned has on the above referenced job to the following extent. This release covers a progress payment for labor, services, equipment, or materials furnished to; **The City of Payette**, through **June 30, 2011**, (Date) only and does not cover any retentions retained before or after the release date; extras or items furnished after the release date. Rights based upon work performed or items furnished under a written change order which has been fully executed by the parties prior to the release date are covered by this release unless specifically reserved by the claimant in this release.

Dated: July 31st, 2011

Atkins General Builders, Inc.,
dba KEPHA Construction

By: Brian Atkins

Title: President



State of: Idaho

County of: Canyon

Subscribed and sworn to before me

Notary Public: Stacey Bullard

My Commission Expires: 3/30/12

NOTICE: THIS DOCUMENT WAIVES RIGHTS UNCONDITIONALLY AND STATES THAT YOU HAVE BEEN PAID FOR GIVING UP THOSE RIGHTS. THIS DOCUMENT IS ENFORCEABLE AGAINST YOU IF YOU SIGN IT, EVEN IF YOU HAVE NOT BEEN PAID. IF YOU HAVE NOT BEEN PAID, USE A CONDITIONAL RELEASE FORM.

CONDITIONAL WAIVER AND RELEASE UPON PROGRESS PAYMENT

M:\Documents\apps\PROJECTS\PROJECTS 2010\K200-10 Payette City Rural Fire Station\Payment Applications\Pay App #00011\KEPHA Unconditional Waiver Progress K100-10-10.doc



City of Payette

Special Event Permit Application

OFFICE USE ONLY

Council Action 8-1-11

Approved and Issued _____

Not Approved _____

City Clerk/Deputy City Clerk

Non Refundable Fees:

Application..... \$100.00
Security Deposit..... \$100 refundable

Complete application must be received by the City Clerk no less than 30 days prior to the scheduled event to ensure application review by staff and still afford the opportunity for appeal (if necessary) prior to the planned event date.

1. EVENT NAME Payette County Drill

2. LOCATION OF EVENT (Be specific, i.e. west side of Kiwanis Park, all of Center Ave. between 9th & Main, 2 N. Main)

Public Property Private Property
All of West Side Kiwanis park # 600 Bk of S 6th St.

3. EVENT SCHEDULE

Special Events are limited to four days, including set-up and tear-down days. No more than eight events per calendar year can be conducted by a single party or organization, unless a modification is granted by the City Council.

Date(s) of Event	Hours		Estimated # of Attendees
<u>Aug 3rd</u>	Start Time: <u>09:00</u>	End Time: <u>17:00</u>	All Day: <u>300</u>
	Start Time:	End Time:	All Day:
Date of Set-Up	Start Time:	End Time:	
<u>Aug 2nd</u>	Start Time: <u>08:00</u>	End Time: <u>17:00</u>	
Date of Tear Down	Start Time:	End Time:	
	Start Time:	End Time:	

4. FEES

Special Event Permit Application Fee	\$100.00	* Separate Checks
Staff Per Diem Fee (as set by Council)	\$ <u>N/A</u>	
Security Deposit	\$100.00	*Separate Checks
Additional Deposit Required	\$ <u>N/A</u>	
TOTAL DUE	\$ <u>N/A</u>	

5. ORGANIZATION INFORMATION

Applicant Name Mark Clark Title Chief

Mailing Address 700 Center Ave Payette ID 83661

Street Address " "

Day Telephone 642-6026 Evening Telephone X

FAX Number 208-642-8136 Email Address chief.clark@cityofpayette.com

Special Event Permit, continued.

Sponsoring Organization Payette Police

Non-profit? Yes No Tax Exempt # Yes

Federal Tax # _____ State Tax # _____

6. EVENT INFORMATION

New Event: Yes No Annual Event: Yes No Years Operating _____

Event Category: Commercial Non-commercial

Estimated Gross Ticket Sales & Revenues (commercial event only) N/A

Description of Event large scale Bus vs. Truck accident drill. All Payette County emergency personnel will be involved, approx 300 Bus drivers, as Spectators.

Additional Details 2. Bus will be placed on their side on S 6th St. All will be drained of fluids.

7. INSURANCE REQUIREMENTS

It is the responsibility of your Special Event organizers to maintain a COMPREHENSIVE GENERAL LIABILITY insurance policy with coverage of not less than \$1,000,000.00 combined single limit per occurrence. Each policy shall be written as a primary policy, not contributing with or in excess of any coverage with the City may carry. A certificate naming the State of Idaho, Payette County, the City of Payette, as additional insured shall be delivered to the City of Payette with this application. The adequacy of all insurance required by these provisions shall be subject to approval by the City Clerk. Failure to maintain any insurance coverage required by this agreement shall be cause for immediate termination of the application.

Insurance Company _____ Agent Name _____

Address _____ Phone _____

HOLD HARMLESS CLAUSE

Permittee (organization/applicant) shall indemnify and hold harmless the City of Payette, its agents, its employees and authorized volunteers from and against all claims, damages, losses and expenses, including attorney's fees, arising out of the permitted activity or the conduct of Permittee's operation of the event if such claim (1) is attributable to personal injury, bodily injury, disease or death, or to injury to or destruction of property, including the loss of use there from, and (2) is not caused by any negligent act or omission of willful misconduct of the City of Payette or its employees acting within the scope of their employment.

(Attach any additional pages as needed)

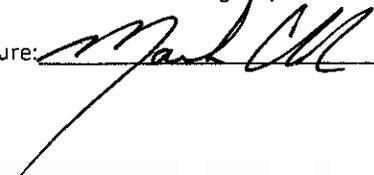
SPECIAL EVENT ACTIVITIES & CITY SERVICES REQUESTED

Your event organizer is responsible for providing a complete list of event activities including a list of suppliers providing services. An event logistics map is required, detailing the location for all road closures, event set up, canopies, stages, vendors, booths, and any other major services or events planned.

Check all Planned Activities		Check all Planned Activities	
Yes	Street Closures & Access/Parade Detailed map listing areas of closure, parade Route is required. An ITD permit is required for Hwy 95 Organizer must notify all affected businesses, Churches, schools and neighborhoods	X NO	Alcohol Served (name of provider) Requires alcohol catering permit (PMC 5.15)
			Beverages will be served List Caterers
NO	Security (detail who, number of officers, times. Attach plan.)	Yes	Medical Services (Circle) First Aid and/or EMS Services Who is providing service? <u>P.C.P.</u>
NO	Electricity/Generators (Size _____) detailed electrical plan	NO	Lighting Plan: attach plan
NO	Water Drinking / Washing (circle)	NO	Gray Water Barrel/Grease Barrel (circle/detail # and locations)
NO	Porta Toilets / Wash Stations Quantity ADA Regular)	NO	Sanitation – Trash bins, Dumpsters (circle / detail # and locations)
NO	Canopies/Tents/Temporary Structures (number and sizes) City of Payette Fire Department, Fire Code Enforcement	Yes	Stages (number and sizes) <u>By School Dist,</u>
NO	Vendors Items sold/solicitation	NO	Booths Profit / Non-profit
NO	Control/Shuttle Buses (number of buses / locations / hours of operation, Attach plan)	Yes	Barricades How many / identify locations and attach
30	Number of Staff working event	30+	Number of volunteers working
	EVENT estimated attendance <u>300</u>		

I hereby certify that I have read and will abide by the laws, rules and regulations set forth by the City of Payette, Payette County, and the State of Idaho, and in signing this application, I hereby agree that I and the organization I represent, shall hold the City of Payette and all of its agents or employees free and blameless from any claim, liability or damage which may arise from use of City facilities or equipment, whether or not the City of Payette, its agents or employees are jointly negligent. I further agree to promptly reimburse the City of Payette and all of its agents for any clean up, loss or damage to City property resulting from this use, as well as permitting, staffing, equipment use/rental, property use/rental, clean up, inspections involving the use of public property, public employees or public equipment for the Special Event. In the event the deposit exceeds the actual charges, the City Clerk shall refund the balance to the applicant.

Permittee agrees to maintain access for emergency vehicles.

Event Organizer's Signature:  Date: 6-29-11

THIS PAGE FOR OFFICE USE ONLY

Date Application Received _____ Date Fees Paid _____

DEPARTMENT COMMENT/APPROVAL

FIRE:

[Signature]

Check if special requirements attached.

APPROVED: DENIED:

COMMENTS: _____

Est. Hours _____ x Hourly Rate \$ _____ = \$ _____

POLICE:

[Signature]

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

Est. Hours _____ x Hourly Rate \$ _____ = \$ _____

PARKS:

[Signature]

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

Est. Hours _____ x Hourly Rate \$ _____ = \$ _____

STREETS:

[Signature]

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

Est. Hours _____ x Hourly Rate \$ _____ = \$ _____

CITY CLERK:

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

RISK MANAGEMENT:

Check if special requirements attached:

APPROVED: DENIED:

COMMENTS: _____

\$1,000,000 Insurance Certificate _____

Street Closure Information:

Street Closure Necessary? Yes No

ITD Permit required? Yes No

Time of Street Closure: From Aug 2nd 0800

To Aug 3rd 17:00

ITD Approval Received? Yes No N/A

Comments:

Need road closed at 6th Ave S & S 6th St.

AND S 6th St. & Canal Crossing, will coordinate with Street Dept.

Truck vs. Bus Accident

Payette County Drill

Dates & Times of Planning:

June 20th 2011, 11:30 Kloys Pizza, Payette Idaho (Departments lead person for group discussion & Planning).

July 27th 2011, 10:00 hrs Payette City council chambers. (Table top exercise) .

August 3rd 2011, 0900 hrs, 500 block on south 6th St, behind Kiwanis park, (actual drill)

Participants:

Region 3 school bus employees.

Payette City Police department.

Payette County Sheriff's office.

Payette County Paramedics.

Treasure Valley Paramedics.

Newplymouth Fire department.

Payette Fire Department.

Fruitland Fire Department.

Fruitland Police Department.

Payette County Corner.

—Q.R.U. —

Idaho State Police.

Supporting personnel and agencies:

Disaster services (Bob Barowsky)

Payette City Street (Jamie Couch)

Treasure valley metal (John)

Payette Bus Barn (Steve Phillips)

Scenario

On August 3rd 2011 at approx 11:00 am Payette County dispatch receives a cell phone call from a motorist reporting a truck vs. school bus accident on south 6th St Payette. Within minutes several other calls started coming in from other motorist and injured children with cell phones calling from the scene of the accident, they were reporting injuries to several students who were passengers of the bus.

Police officers from Payette city and Payette County deputies are dispatched to the scene. Back up Officers from Idaho State Police and Fruitland City is also dispatch to assist. Payette City Officers first on the scene reported several injuries and children trapped in the school bus. Paramedics from Payette County and Treasure Valley were dispatch along with extrication from Payette fire, Fruitland Fire and Newplymouth fire.

As paramedics arrive on scene they start treating the most critical and set up a trauma area to treat the injured and coordinate with Life Flight to transport patients. Fire personnel begin the task of extrication attempting to free some of the trapped victims in the bus.

Police assist with treating the injured and securing the accident scene. An incident command center is set up not far from the accident scene.

While emergency personnel work on the incident concerned and emotional parents start to arrive insisting on seeing their children. There are concerns of unaccounted students and fear of fire due to the smell of fuel in the air. Several other people who claim to have seen the accident are yet to be interviewed.

Jeff, narrate.

10 - Students. victims.

Parma - Fire 1-dummy

I.S.P. 8:30.

Parents.

City truck Dump truck,

Corner, - Sheriff call

- Stag -

- Greg - P.A.

- Argus -

Dispatcher - Jimes.

Training show - P.F.D.

South 6th

Pre-Event Planning Map
Payette County Sheriff's Office
Created by: Cpl. Andy Creech

Power Lines

N



Payette River

Power Pole

Ditch

Rehab Center

Trees

Playground Equipment

Dumpster

Power Pole

Generator

Generator

Generator

Power Pole

Ditch

Trees

Power Poles

Power Poles

Bridge

6th Avenue South

RECEIVED

JUL 28 2011

CITY OF PAYETTE

MEMO

**PAYETTE COUNTY
PLANNING AND ZONING**



FROM: Lindsey Royston, Administrator

DATE: July 26, 2011

TO: Mary Cordova
700 Center Ave.
Payette ID 83661

REGARDING: Applications that are in the Payette City Impact Area on the Payette County Planning and Zoning Agenda for August 18, 2011.

The Payette County Planning and Zoning Commission is requesting a recommendation from the City Council and P&Z regarding the following application prior to our August 18, 2011 meeting. Please find enclosed a copy of the following application.

- 1. CONCEPTUAL PLAN & VARIANCE (Setback) by Craig Jensen dba C&T Storage for property located at 10497 Railroad Lane, Payette, Idaho, and owned by Craig & Tracy Jensen.

Property is described more specifically:
A portion of land in Block 34 of North Payette in the SESW in Section 22, T.9N., R.5W., Boise Meridian, Payette County ID.

If you have any questions, please contact our office at (208) 642-6018.

**PAYETTE COUNTY
PLANNING AND ZONING
APPLICATION FOR CONCEPTUAL PLAN FOR DEVELOPMENT**
(This is not a business license or building permit)

Applicant:

Owner of Record:

Name Craig Jensen dba C+T Storage Name Craig Jensen
 Address 316 15th Ave N. Address Same
 City Payette State Id. Zip 83661 City _____ State _____ Zip _____
 Telephone: 208-642-4654
 Mailing Address (If different) _____

IF APPLICATION IS BEING PRESENTED BY A PARTY OTHER THAN ABOVE:

Name _____ Address _____ City _____ State _____ Zip _____
 Telephone Number _____

APPLICATION FOR: (Check Appropriately)

CONCEPT PLAT + Waiver DEVELOPMENT AGREEMENT
 ~~CONDITIONAL USE PERMIT FOR~~ Variance (setback)

SITE INFORMATION:

Location: Quarter S Section 22 Township 9N Range 5W Total Acres 4
 Site Address: 10497 Railroad Ln. Payette, Id. 83661
 Name of the proposed subdivision: _____

Acreage if part of total 3 1/2 acres Tax Parcel Number 6151
 COMP PLAN DESIGNATION Com Existing Zoning Commercial - 1

1. Irrigation water rights: Is irrigation water available?
 YES [] NO [X]

Number of shares? _____ Irrigation District? _____

Attach verification from appropriate water district

2. Flood Plain area? YES [] (Community Panel Number _____) NO [X]

3. Surrounding Usages: Identify predominant land use within 1/2 mile in each direction.

North Farming South Residential Neighborhood
 East Farming West Residential Home

4. Are there any dairies or feedlots within a one mile radius?

[X] NO [] YES Name of owner _____

5. City Impact Area? YES [X] (City of Payette) NO []

I VERIFY THAT I HAVE READ THE FOREGOING APPLICATION WHICH MAY INCLUDE ATTACHED INFORMATION. I HAVE PERSONAL KNOWLEDGE OF THE CONTENTS THEREOF, AND I SIGN THE APPLICATION UNDER PENALTY OF PERJURY. ANY INACCURACIES IN THE INFORMATION PRESENTED MAY BE GROUNDS TO REVOKE MY APPLICATION.

Craig Jensen
 Signature (Applicant)

Craig Jensen
 Signature (Owner of Record)

STAFF REPORT

P&Z PUBLIC HEARING DATE: August 18, 2011

APPLICANTS NAME: Craig Jensen dba C&T Storage

OWNERS NAME: Craig & Tracy Jensen

DESCRIBE REQUEST: Applicants have submitted a Conceptual Plan for additional storage units on their Commercially zoned property. In addition, applicant is requesting a Variance to side setback requirements and a waiver to Engineered Plat/Conceptual Plan requirements.

PROPERTY: Sec. 22-9-5
PARCEL: 6151
ADDRESS: 10497 Railroad Lane, Payette (see map)
PROPERTY SIZE: 4.00 Acres
WATER AVAILABILITY: No
ACCESS: Existing access from Railroad Lane
STRUCTURES: **Additional 125 storage units:**
140' x10'
80' x30'
150' x30'
150' x5'
90' x5'
50' x35'
150' x35'

***NOTE:** Attached site plan indicates 4 existing storage units and a manufactured home & office outlined in bold. All distances from fence line are not measured from ROW but from edge of pavement and Railroad track.

SETBACKS: Zone C-1 **50' from Road ROW;** no side yards or rear yards are required except where a lot adjoins a residential R zone, or except when off street parking is required, in which case a **side yard** of not less than **ten feet (10')** is required, and a **rear yard of fifty feet (50')** is required.

REQUESTED SETBACKS: Western Side setback is 0' (See staff comments)

EXISTING RIGHT-OF-WAYS (ROW): Railroad Lane- 60' ROW*
Highway 95- 120' ROW
Union Pacific Railroad- 100' ROW

***NOTE:** Railroad Lane is located on a Section line. Roadways on Section lines are considered as potential arterials or collector highways. Payette County Roadway Standards C.3.01 states arterials shall have a minimum of 80'-100' ROW & Collectors 60'-80' ROW.

CITY IMPACT: Yes, Payette
RECOMMENDATION: PENDING
COMP PLAN: Commerical-1 **ZONING:** Commercial 1
SURROUNDING USES: Agriculture; Residential:
STAFF COMMENTS:

HISTORY OF PROPERTY:

June 12, 1995 - Property was rezoned from Ag to Com-1 and a Conditional Use Permit was granted allowing for closer setbacks. At the time of Rezone proposal, mini-storages were predicted for the property and the City sent a favorable recommendation. The applicant/owner dedicated property to the County for Road Right-of-way.

VARIANCE REQUEST: Commercial zones do allow for zero setbacks except when off-street parking is required. Off-street parking is always required in the County. Currently the western storage units are built on the property line.

WAIVER REQUEST: Payette County Code states storage units are permitted with an engineered plat, however one lot developments can be permitted with a conceptual plan. In the past, existing developments have been permitted without platting and without public hearing approval. Since the code states storage units are allowed when accompanied by an engineered plat staff would not issue a building permit. Applicant was given the option of appealing the Administrator's decision or applying for a conceptual plan. Applicant chose the Conceptual Plan in hopes the Commission would not require engineering, formal platting, or a technical review. The property is properly zoned, and has existing structures placed on the property with the County's previous approval. Technical reviews are not always required.

8-8-5: ZONE C-1 (COMMERCIAL 1):

A. Purpose: The purpose of the C-1 zone is to permit the establishment of those businesses which historically have a low volume of people and with limited traffic. Local businesses permitted in C-1 zones shall include tracts devoted to small clusters of low volume retail and personal service shops, but do not include tracts devoted to manufacturing, wholesaling or industrial purposes.

B. Uses: The following uses are permitted in all C-1 zones accompanied by an engineered plat:

1. Bakery shops; cabinet shops; cemetery; equipment rental, equipment sales; furniture refinishing; commercial laundry plant; medical, dental or optometric laboratory; mortuary; nursery; commercial printer; sign shop; radio and appliance repair shop; residential storage units; medical offices, dental offices, optometric offices; drugstores; gift shops.
2. Other compatible uses permitted by conditional use permit and public hearing process. (Ord. 2009-03, 6-15-2009)

8-5-13: CONCEPTUAL PLAN:

- A. When any person shall apply for a conditional use permit, a transfer of a development right (TDR), a one lot subdivision, a rezone, a variance, or any other permit which is being sought through which an applicant will be allowed to construct a structure upon real property, the zoning administrator may require the applicant to provide a conceptual plan of a project at the time of filing of an application. A conceptual plan is intended primarily for development on a single lot. If a proposed development contains more than a single lot, a preliminary plat may be required. A conceptual plan may or may not be presented to the technical review committee.
- B. A conceptual plan may be accepted by the administrator if an application is seeking development of a single lot.
- C. All conceptual plans shall contain a notarized signature, shall address such matters as may be addressed at hearings, shall provide for a signature line for the applicant and a Payette County official, shall contain a legal description of the property, and shall be of a quality that can be recorded.
- D. Definition: A drawing less detailed than a preliminary plat, mechanically drafted to scale, showing a footprint of existing and proposed structures, access to public roadways, parking areas, easements, utilities, retention basins, setbacks and other features that may be applicable to the property. (Ord. 2008-10, 8-25-2008)

8-12-1: GENERAL: The planning and zoning commission may authorize in specific cases such variance from the terms of this title as will not be contrary to the public interest where, owing to special conditions, a literal enforcement of the provisions of this title would result in unnecessary hardship. No nonconforming use of neighboring lands, structures or buildings in the same zone and not permitted or nonconforming use of lands, structures or buildings in other zones shall be considered grounds for issuance of a variance. Variances shall not be granted on the grounds of convenience or profit, but only where strict application of the provisions of this title would result in unnecessary hardship. A variance shall not be considered a right or special privilege, but may be granted to an applicant only upon showing of undue hardship. (Ord. 57, 4-18-1988)

July 20th, 2011

To: Payette County Planning and Zoning

From: Craig & Tracy Jensen, Owners of C & T Storage

Re: Narrative of Proposed Development

Tracy and I have owned C & T Storage of Payette and Weiser for over 22 years. We bought the storages located at 10497 Railroad Lane in Payette in October 2008. At the time the business was known as A to Z Storages. We made our initial and accepted offer to buy the place in June, 2008. Before we made the offer, we were assured by one bank and one mortgage company that we could get the financing. Unfortunately, this was the beginning of the meltdown of the financial institutions and when we went to get financing the mortgage company was not making commercial loans at all and the bank was not making loans over \$500,000.00.. At the time of our original offer we were given a current P & L statement as well as monthly rental statements for the last 12 months. At the time, they were running about a 10% vacancy factor as well as 10% of renters 30 days or more past due which is normal for this area. By the time we got our financing in October of that year, we didn't ask for a new P & L statement because our storages we already owned were still running at a 10% vacancy factor. When we finally took possession we were shocked to find that they had a 25% vacancy factor as well as a 30% factor of renters 30 days or more past due. If we had known that we wouldn't have stayed at the original purchase price that we offered. For the 1st year we barely made the mortgage payment and utilities. However; we had faith in the local mini-storage market and in our ability to run a successful mini-storage complex. After a year, the storages started to fill up and we actually developed a positive cash flow.

Fast forward to present day and the storages at this location are full. Our current plans are to build a 35x150 storage building located just north of the existing 35x300 building. From past experience it will take about a year to fill the building and we like to wait at least 6 months to a year to make sure it stays full before building another. Our design shows the sizes of the additional buildings we can add to the existing fenced 3 ½ acres. We figure this to be a 10 to 12 year expansion plan and that is, of course, if the demand is there. At that time we plan to gravel the back ½ acre and move our outdoor storage to that piece of property. We have one access gate off of Railroad Lane and that will remain the only way to enter or exit the property for security reasons. We have no wildfire exposures surrounding the existing site and we do have a functioning well with hose attachments as well as a water faucet located on the backside of the

Manufactured Home. The site is located in the city's impact area and is in compliance with all CCR's.

In closing, in 2 years I will be 62 and plan to take early Social Security. We feel that with the additional income we will be receiving from the new storage building we will be able to hire an employee to run the storage for us. That way Tracy and I will be able to get out of town occasionally. We honestly feel that developing the site with more storage buildings is the best and most reasonable use of the existing land. Thank you for your consideration in this matter.

Sincerely,

Craig & Tracy Jensen

C & T Storage

C & T Storage
 10497 Railroad Ln
 Payette County
 642-4654

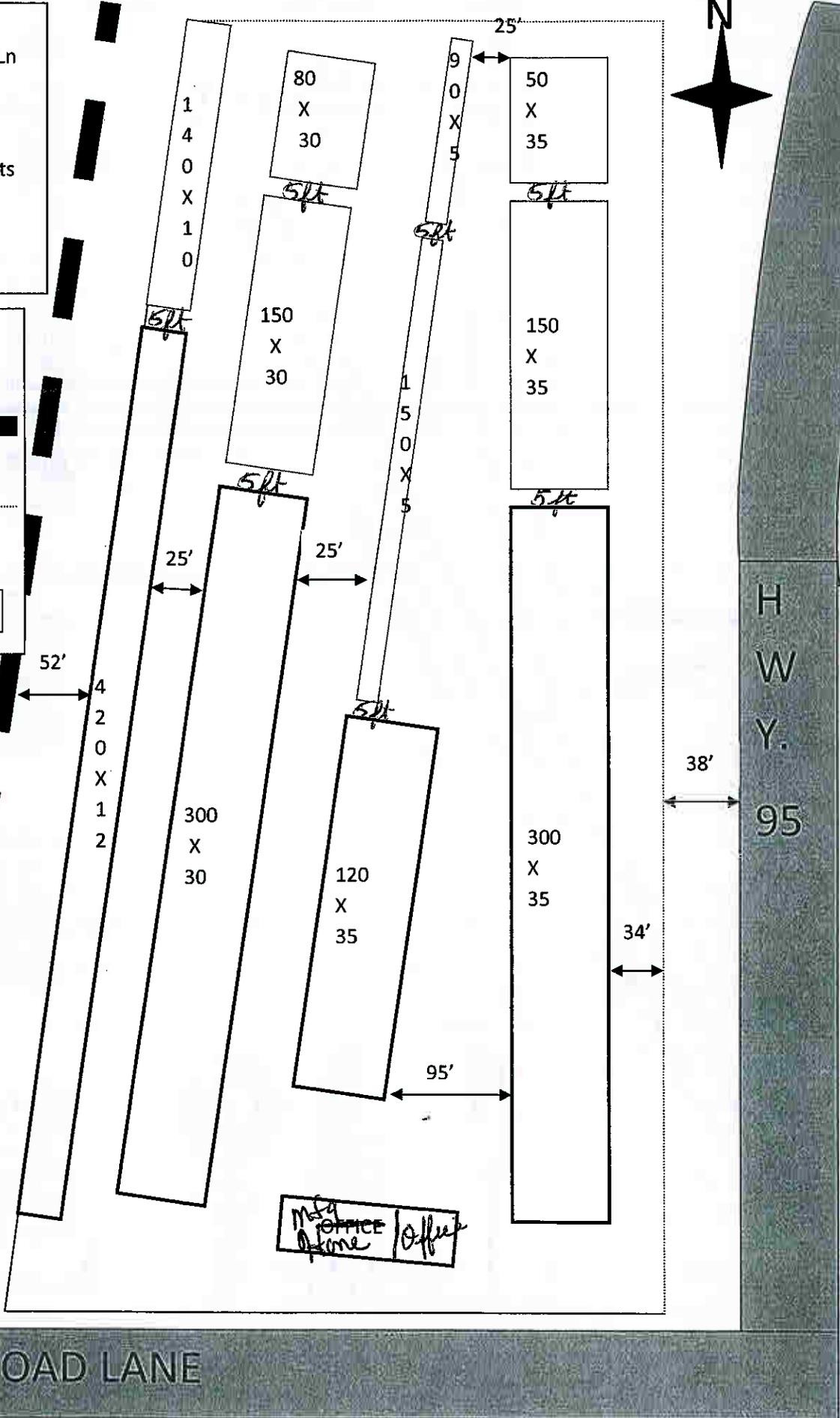
175 Existing Units
125 New Units
 300 Total Units

KEY

Railroad

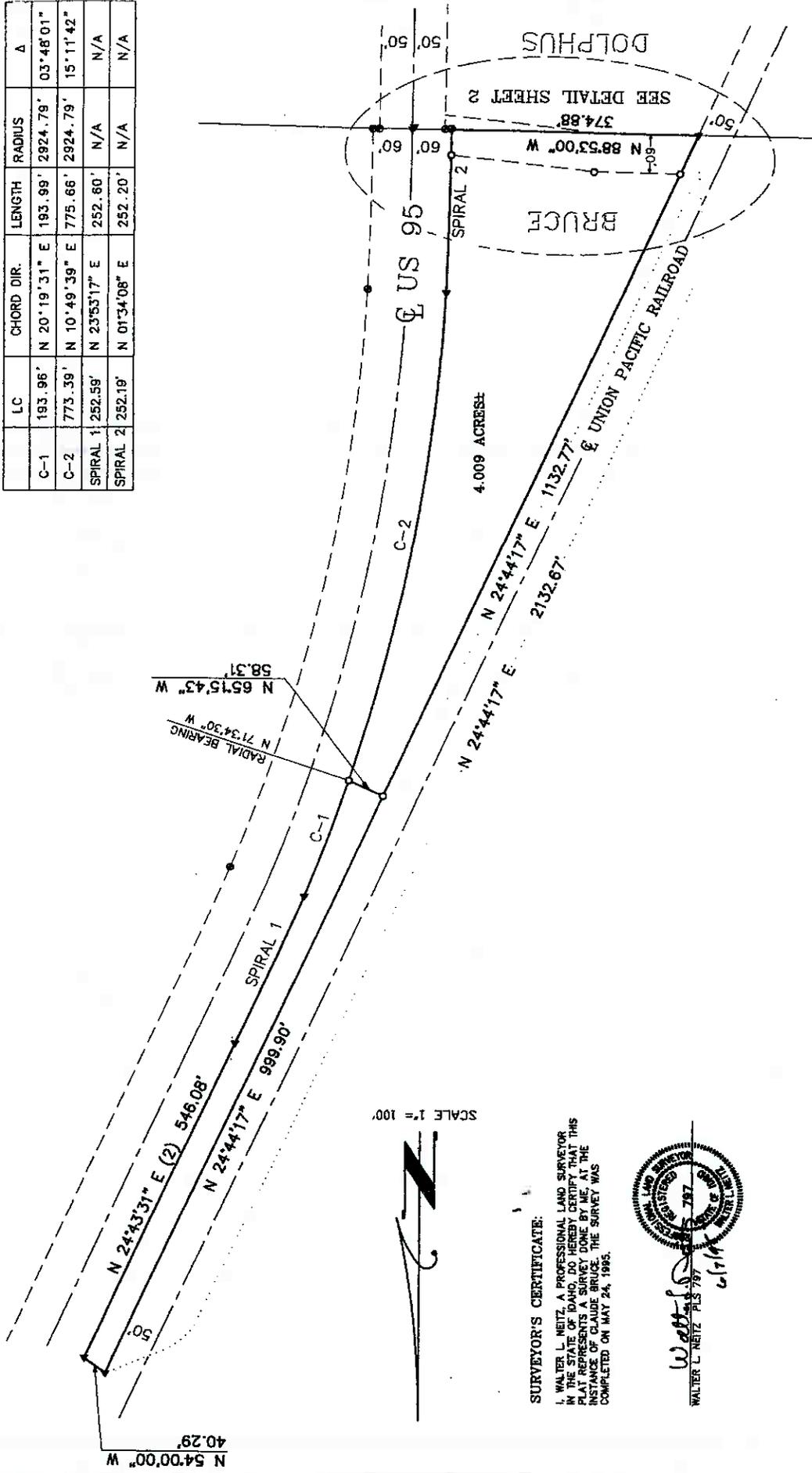

Fence


New Building

RAILROAD LANE

LC	CHORD DIR.	LENGTH	RADIUS	Δ
C-1	N 20° 19' 31" E	193.99'	2924.79'	03° 48' 01"
C-2	N 10° 49' 39" E	775.66'	2924.79'	15° 11' 42"
SPIRAL 1	N 23° 53' 17" E	252.80'	N/A	N/A
SPIRAL 2	N 01° 34' 08" E	252.20'	N/A	N/A



SCALE 1" = 100'

SURVEYOR'S CERTIFICATE:

I, WALTER L. NETZ, A PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THIS SURVEY WAS ACCURATELY DONE BY ME, AT THE INSTANCE OF CLAUDE BRUCE. THE SURVEY WAS COMPLETED ON MAY 24, 1995.



WALTER L. NETZ, PLS 797

LEGEND:

- SET 5/8" REBAR W/PLS 797 CAP.
- FND. BRASS CAP HWY MONUMENT.
- ⊕ FND. BRASS CAP SECTION CORNER
- ⊗ FND. ALUM. CAP SECTION CORNER.
- ⊙ FND. BRASS CAP 1/4 CORNER.
- ⊘ CALCULATED 1/4 CORNER POSITION.
- SECTION LINE
- - - RIGHT-OF-WAY LINE
- · · CENTER LINE
- — — PROPERTY LINE

REFERENCES:
 (1) CITY OF PAYETTE RECORD OF THE SURVEY, INSTRUMENT NO. 253973.
 (2) FEDERAL AID PROJECT NO. F-312(13), PAGE 53.
 (3) GASHLER & ASSOC. R.O.S. INSTRUMENT NO. 182301.

BASIS OF BEARING:
 THE BASIS OF BEARING FOR THIS SURVEY IS THE WEST 1/2 OF THE SOUTH SECTION LINE OF SECTION 22, T9N, R5W, B.M., AS SHOWN ON THE CITY OF PAYETTE RECORD OF SURVEY, INSTRUMENT NO. 253973, I.E. N 89° 10' 32" W.

COUNTY RECORDER'S CERTIFICATE
 INSTRUMENT NUMBER: 255797
 STATE OF IDAHO } S.S.
 COUNTY OF PAYETTE }

I HEREBY CERTIFY THAT THIS INSTRUMENT WAS FILED AT THE REQUEST OF BI-STATE SURVEYS LTD. AT 5:45 MINUTES PAST 10 O'CLOCK P.M. THIS 7 DAY OF May 1995, RECORDED IN BOOK 2 OF SURVEYS, AT PAGE 105
 LAURA L. STIGLE, DEPUTY COUNTY RECORDER

SURVEY INDEX NUMBER: 95A-22-32

RECORD OF SURVEY for
CLAUDE BRUCE
 a Portion of S1/2
 SEC. 22, T9N, R5W, B.M.
 PAYETTE COUNTY
 IDAHO

BI-STATE SURVEYS
 18 NORTH MAIN STREET 420-91
 PAYETTE, IDAHO 83401
 TEL (208) 642-1100
 FAX (208) 642-1104

CONCEPTUAL PLAN & VARIANCE by Craig Jensen dba C&T Storage
PARCEL: 6151 SEC.22 T.9N R.5W





Payette Fire Department – Monthly Report



July 2011

Incident Summary: Total: 33

Medical Assists – 4

Fires – 14

Public/Agency Assist – 5

False Alarm or Cancelled Enroute – 3

Investigations – 2

Swift Water Rescue – 1

Mutual Aid – 2

Traffic Accident - 2

Fire Inspections Conducted: 2

Public Education Programs: 2

Significant Incidents:

July 11th – Working fire in a vacant 12 unit apartment building at 10 N. 9th St. The fire started in a basement unit which extended to the upper floors. Fruitland and Ontario Fire provided mutual aid assistance. Damage estimate @ \$50,000. Idaho Fire Marshall's Office assisted with the investigation, the cause is under investigation.

July 26th – Swift water rescue in the Snake River. Fire department swift water rescue team was quickly deployed and assisted in recovery of one victim found deceased.

Training Topics:

- Fire chief orientation
- Personal protective equipment
- Swift water rescue

Significant Events:

- 4th of July proactive patrols were conducted from 2200-0001 hours. One small grass fire occurred within the city limits.
- New radio repeater system installed and in service on Clay Peak. This will provide better radio communications and eliminate interference from other area dispatch centers. All PFD radios and pagers were reprogrammed for this new repeater and narrow-banding compliance.