

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
August 23, 2012**

6:00 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Randy Choate, Larry Hogg, Jim Franklin, Cassandra McElravy, Thomas Ladley and Gary Youngberg

Members Absent: Kevin Hanigan

Staff Present: Mary Cordova, and Tiffany Howell

APPROVAL OF MINUTES

A motion was made by Franklin and seconded by McElravy to approve the regular meeting minutes 07-26-12 as written.

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

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

The public hearing opened at 6:00pm.

- A. An application by Norma Ruiz for a Conditional Use Permit to operate a childcare group for 7-12 children at 2055 Shelley Drive, Lot 7, Block 2 Vistair Replat Sec 26-9-5. The property is zoned A residential.

Commissioner Youngberg stated that he is the president of the home owners association and that he has been contacted by a few of these members.

Norma Ruiz – 2055 Shelley Drive; Payette, Idaho 83661

Mrs. Ruiz stated that she applied for a State license and they told her that she needs to get a City license. Mrs. Ruiz stated that she has been doing daycare there for about 8 years since she moved there. Commissioner Franklin asked if she has a fenced yard. Mrs. Ruiz stated yes. Commissioner Franklin asked how long she has been doing a daycare. Mrs. Ruiz stated 8 years, but she was just notified that she has to have a City license. Commissioner Hogg asked if the number of children has to increase. Mrs. Ruiz stated no, that she applied for 7-12 children because she doesn't want to get in trouble if she has 7 children.

Janet Medley – 2057 Shelley Drive; Payette, Idaho 83661

Mrs. Medley stated that she has lived there for 8 years and she has never had a problem. The children are very well behaved and most of the time the dogs are worse than they are. My husband and I are in support of her daycare and that the traffic has not been a problem. We would like her to continue her daycare.

Gary Youngberg – 2091 Shelley Drive; Payette, Idaho 83661

Mr. Youngberg stated that he did get calls regarding what the homeowner's covenants were and if there was a conflict. Mr. Youngberg stated that he does wear two hats and that he couldn't talk about that but he did tell them that the covenants only allows up to 8 children. Commissioner Choate asked what his opinion was. Mr. Youngberg stated that he is friends with them and has no problems.

- B. An application by Ricardo Sotelo for a Variance Application for a 5; side setback, 218 North 10th Street, N 59' of LOTS 1&2, BLK 18, Gorrie Addition. The property is zoned B-Residential.

None Heard.

The Public Hearing closed at 6:09pm.

NEW BUSINESS

- A. Norma Ruiz – Conditional Use Permit – 2055 Shelley Drive

A motion was made by Franklin and seconded by Hanigan to grant the conditional use permit for Norma Ruiz at 2055 Shelley Drive to operate a childcare group for 7-12 children and that the permit can be revisited upon complaints.

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

- B. Ricardo Sotelo – Variance Application – 218 North 10th Street

Commissioner Youngberg asked if there was a penalty for not complying with the ordinance. Clerk Cordova stated yes. Commissioner Hogg stated that at first he wasn't in favor, but it does look like they improved it.

A motion was made by Franklin and seconded by Ladley to send a favorable recommendation to City Council with the following stipulations: 1. No residential use of structure at any time in the future. 2. Must obtain a building permit. 3. Structure must be brought up to code. 4. All State, Local, and Federal regulations shall be met.

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

- C. Gas & Oil Ordinance

Commissioner Hogg stated that the way he reads this is that basically they tell us what they are doing and we approve it. Commissioner Franklin stated that are hands are basically tied. Commissioner Franklin stated that if he was to push for something it would be the close loop system. Clerk Cordova asked if that would be in certain zones or out of city limits or what? Commissioner Franklin stated probably zones. Commissioner Choate asked if the molting equipment has to comply with setbacks. Clerk Cordova stated no, not necessarily. Clerk Cordova stated that basically the States opinion is if its gas and oil or natural gas, it is allowed. Commissioner Hogg stated that he would like to see a little more teeth into the roads section.

Commissioner Choate asked if there equipment has to comply with the setback guidelines. Clerk Cordova stated no. Commissioner Choate asked if we could. Clerk Cordova stated yes, possible. There standard is 200 foot form a structure. Commissioner Youngberg stated that he assumes if they build a permanent structure that it has to comply with the setbacks. Commissioner McElravy stated yes. Commissioner McElravy asked Clerk Cordova if down the road they find that there is something that needs to be added if it can be amended. Clerk Cordova stated yes. Clerk Cordova stated that it is not required to notify the property owners by law, but it is a suggested that we do. Clerk Cordova stated that it cost us to send out the notifications, but we could add that into the permit. Commissioner Franklin stated that the only issue he sees with the draft ordinance is the closed loop system. Commissioner Youngberg stated that in a previous meeting it was stated that once they start drilling they cannot stop for a while. Clerk Cordova stated yes, but if that is something you want to see changed let me know. Commissioner Youngberg stated that my big thing is the construction process and making sure they don't ruin our roads and the noise and so on. Commissioner Hogg asked if we have a noise ordinance. Clerk Cordova stated not for this type of issue. Clerk Cordova stated that we could regulate the noise by zones and what kind of machines can be used. Commissioner Hogg stated that he would like to see something in the draft ordinance about noise. Commissioner Youngberg stated that he would like to see something about decibel levels around residences. Clerk Cordova stated that will not happen. Commissioner Choate asked Clerk Cordova if the Council had seen the draft ordinance. Clerk Cordova stated no, would you like them to see it. Commissioner Choate yes, let's get their input because I remember the Council being very adamant on a few items.

OLD BUSINESS

None Heard.

PUBLIC COMMENT

None Heard.

ADJOURNMENT

A motion to adjourn was made by Franklin, and seconded by Ladley. The meeting was adjourned by a unanimous vote at 6:55 pm.

Recording Secretary
Tiffany Howell