

MINUTES
PAYETTE PLANNING & ZONING COMMISSION
Regular Meeting
September 22, 2016

6:00 PM – Regular Meeting

ROLL CALL: Chairman Randy Choate, Jim Franklin, Jody Henderson, Peggy Childers, Nial Bradshaw and Ron Wallace.

Members Absent: Gary Youngberg

Staff Present: Mary Cordova & Matea Gabiola

APPROVAL OF MINUTES

A. 08-25-2016 Regular Meeting

A motion was made by Franklin and seconded by Henderson to approve the minutes of 08-25-2016 Regular Meeting as written.

After unanimous voice vote, motion CARRIED

COMMUNICATIONS

None

PUBLIC HEARINGS

- A. An application by Kathy Maclean for a Conditional Use Permit to have a 20' x 20' metal carport at the property located at 723 North 11th St. Lot 5 Less SW 15', BLK 1 Payette Hughes. The property is zoned C-2 Commercial.

Kathy Maclean, 723 North 11th Street Payette addressed the Commission. She stated that she wants to get a 20' x 20' metal carport to hold two of her cars, back behind her house. The side driveway isn't wide enough on setbacks so that is why she is wanting to put it in the back. One car will be sitting majority of the time and the other is to keep her current vehicle out of the weather. Mr. Franklin asked why she needed a permit. Ms. Maclean stated due to the size of it being over 399 square feet. She also stated she had visited with our City building inspector, to make sure everything was ok on that end as well. Mr. Bradshaw asked if it is higher than 12 feet. Ms. Maclean stated it is exactly 12 feet.

- B. An application by Don Crownover for a Conditional Use Permit to have a 20' x 24' Tuff Shed at the property located at 1839 1st Ave So. Payette Heights TAX 152 IN BLK 1 SEC 34-9-5. The property is zoned A-Residential.

Don Crownover, 1839 1st Ave South addressed the Commission. He stated he wants a 20'x 24" Tuff shed from Home Depot in the back of his property. He wants it to store his personal belongings. Mr. Franklin asked if it meets the setback requirements. Mr. Crownover stated yes it does. Mr. Franklin asked Mr. Crownover if he plans to have plumbing to the shed. Mr. Crownover stated yes, he is wanting to have a bathroom in the shed. Mr. Franklin asked about power, will it have that as well. Mr. Crownover stated yes, he will install that himself. Mr. Choate asked if this will ever be used for residential purpose. Mr. Crownover stated no. It will not have any heat to the building other than a small heater he will place in there in the winter to prevent pipes breaking. Br. Bradshaw asked if it is higher than 12 feet at the peak. Mr. Crownover stated from the plans it doesn't look that way.

- C. An application by Amanda Spurling for a Conditional Use Permit to have home occupation at the property located at 475 Manser Dr. Continental Village #2 LT 2 BLK 2 SEC 34-9-5 The property is zoned A- Residential.

Amanda Spurling, 475 Manser Drive addressed the Commission. She stated she wanting to have an in-home business selling the brand name LuLaRoe clothing. This business is 95% based online, but storage of the clothing is at your personal home. A requirement of the business is to obtain any permits required through the City in order to operate. This business will not have a sign on the home nor set hours. That is not allowed. Ms. Spurling is just wanting to store her clothing and have staged set ups in her garage, so if a customer is wanting to try a piece of clothing on it isn't in her home where her children are. There will not be a steady volume of traffic other than if she holds a party, much like a pampered chef. There would be at most 10 people at these parties maybe once or twice a month at most. Mr. Franklin asked Ms. Spurling if she did hold a party, is there enough parking. Ms. Spurling stated there are several spots in front of her house, and she has spoken with the neighbors and none see a problem with it.

- D. An application by Jodee Howell for a Conditional Use Permit to have a childcare center for the property located at 335 So. 16th St., AM. Payette Land & IMP. LOT 2. The property is zoned Commercial.

Jodee Howell, 515 Perry Drive addressed the Commission. She stated she is wanting to open a childcare center. The State license that Ms. Howell has applied for is 26+ children. The location that she is wanting to have her daycare was previously a childcare facility so it is all set up. Mr. Franklin asked how many children do you expect to have there at a time. Ms. Howell stated that the capacity for the building is 35 people, that includes staff. Ms. Howell stated that if she has an average of 5

employees then she can have no more than 30 children. There is also a State law of a ratio of workers to the number of children. Mr. Franklin asked if it fenced in. Ms. Howell stated yes. Ms. Childers asked if the building is owned or rented. Ms. Howell stated she is renting the building from the owners of the Hideaway Grill.

- E. An application by Cody Freeman for a Conditional Use Permit to have a four-foot chain link fence within 25 feet of property line at the property located at 540 So Iowa. Lots 53 & 54 Terrace Sub. The property is zoned A- Residential

Cody Freeman, 540 South Iowa Payette addressed the Commission. He stated he is wanting to have a 4-foot chain link fence in his side yard off of Terrace Drive. The fence will start in line with the garage and go out 10 feet then back towards the next door neighbors fence. This fence will be only 10 feet off of Terrace Drive, but will be 25 feet back from Iowa. The stop sign won't be affected nor will the sight triangle or utility access.

Robert Coates, 2290 Terrace Drive, Payette, addressed the Commission. He just wanted some clarification on where the fence was going to be. He was in favor of the fence and commends the new owners on cleaning the place up.

- F. An application by Chad Bennett for a Conditional Use Permit to have a storage container not to exceed one year for the property located at 2036 1st Ave So. Debord Add LT 2 BLK 1 SEC 34-9-5. The property is zoned A- Residential

Applicant was not in attendance to speak on his behalf.

Chuck Kinney, 2026 1st Ave South Payette, addressed the Commission. He stated that the picture on the PowerPoint doesn't show the storage container in the front driveway. He believes that it devalues the surrounding properties and upsets the neighborhood. He is not in favor. Mr. Kinney stated he has signatures of the surrounding neighbors not in favor. He gave that to the Planning & Zoning administrative staff to add to the record. Mr. Bradshaw asked Mr. Kinney if even for a year or period of time, he would not be in favor of having this storage container. Mr. Kinney stated no. He has read the City code and it is only allowed for construction purposes not for personal storage.



Payette City Planning & Zoning

1130 3rd Ave N Payette ID 83661

Payette Idaho, 83661

We are against the issuance of a conditional use permit to allow a storage container at 2036 1st Ave S., or any neighborhood, in the City of Payette . We believe this de-values property. This is not against our neighbors, but we believe this to be a disruption to the neighborhood and would set a precedent for the City of Payette.

Thank You,

Chuck & Dianne Kinney

2026 1st Ave S. Payette

Mrs. & Mrs. Sullivan 2033 1st Ave S Payette
 Timmy D Cummin-Rodriguez 2040 1st Ave S.
 Ab & Kathy Borghotthaus 2014 1st Ave S.
 Debbie & Dave Mashburn 2017 1st Ave S.
 Claude McCully 2005 1st Ave S.
 Helen McCully 2005 S Payette Id. 83661

Diane Kinney, 2026 1st South Payette, addressed the Commission. Ms. Kinney stated that the applicant got rid of his storage unit, and thought it would be cheaper to move the container in. Ms. Kinney stated that when she approached him, he stated he was getting a conditional use permit for one year then he was just going to ask for another one. Ms. Kinney stated this isn't against them, just doesn't need to be in the neighborhood. She is not in favor.

- G. An application for annexation of a parcel of land located at 1835 NE 10th Ave in the SW1/4SE1/4 of Sec.3, Twp. 8N, R 5W, BM, being all of Blocks 53 and 55 and a portion of Block 54, more particularly described as follows: Commencing on the west side line of said SW1/4 SE1/4 at a point 643.5 feet S of the NW corner of said SW1/4 SE1/4; thence south following said west side line 272.25 feet; thence east and parallel to the north side line of said SW1/4 SE1/4 660 feet; thence north and parallel to the west side line of said SW1/4 SE1/4 660 feet; thence north and parallel to the west side line of said SW1/4 SE1/4 915.75 feet to the north side line of SW1/4 SE1/4; thence west following said north side line 330 feet; thence south and parallel to the west side line of said SW1/4 SE1/4 643.5 feet; thence west 330 feet to the point of beginning; including all road right of ways of NE 10th Ave and Hurd Lane.

Mr. Franklin stated he will abstain from this item due to a conflict of interest.

Andy Oyervides, 800 Flintlock Way, Weiser, of Teton Machine addressed the Commission. He stated that Teton Machine has future plans to expand and develop with the use of City services, at the empty lot next to the existing building. In order to do that we need to be annexed. Ms. Childers asked if the Teton building is already annexed. Mr. Oyervides stated yes, it is. Mr. Choate stated it is refreshing to have someone request to be annexed into the City.

Public hearing closed at 6:30 pm

AGENDA ITEMS

- A. An application by Kathy Maclean for a Conditional Use Permit to have a 20' x 20' metal carport at the property located at 723 North 11th St.

A motion was made by Franklin and seconded by Henderson to approve the Conditional Use Permit for Kathy Maclean to have a 20'x 20' metal carport at 723 North 11th St, provided she follows Federal, State and Local regulations and to be revisited upon complaint.

After unanimous voice vote, motion CARRIED

- B. An application by Don Crossover for a Conditional Use Permit to have a 20' x 24' Tuff Shed at the property located at 1839 1st Ave So.

A motion was made by Henderson and seconded by Childers to approve the Conditional Use Permit for Don Crossover to have a 20'x 24" Tuff Shed at the

property 1839 1st Ave South, provided he follow Federal, State and Local regulations and to be revisited upon complaint.

After unanimous voice vote, motion CARRIED.

- C. An application by Amanda Spurling for a Conditional Use Permit to have home occupation at the property located at 475 Manser Dr.

A motion was made by Franklin and seconded by Henderson to approve the Conditional Use Permit for Amanda Spurling to have a home occupation at 475 Manser Drive, provided she follow Federal, State and Local regulations and to be revisited upon complaint.

After unanimous voice vote, motion CARRIED

- D. An application by Jodee Howell for a Conditional Use Permit to have a childcare center for the property located at 335 So. 16th St. AM.

A motion was made by Henderson and seconded by Bradshaw to approve the Conditional Use Permit for Jodee Howell to have a childcare center for the property at 335 SO 16th Street with the following stipulations:

1. Ms. Howell's stated hours of operation to be 6am-6:30pm (Permitted 5:30am-6:30pm)
2. All Federal, State & Local regulations are met.
3. City obtains a copy of the State Childcare License.
4. Permit to be revisited upon complaint.

After unanimous voice vote, motion CARRIED

- E. An application by Cody Freeman for a Conditional Use Permit to have a chain link fence within 25 feet of property line at the property located at 540 So Iowa.

A motion was made by Franklin and seconded by Henderson to approve the Conditional Use Permit for Cody Freeman to vary fence height regulations within the setbacks at the property of 540 South Iowa with the following stipulations:

1. Sight triangle maintained.
2. Utility access not impeded.

3. If required, the fence to be removed it will be at the owners' expense.

After unanimous voice vote, motion CARRIED

- F. An application by Chad Bennett for a Conditional Use Permit to have a storage container not to exceed one year for the property located at 2036 1st Ave So.

A motion was made by Childers and seconded by Franklin to deny the Conditional Use Permit for Chad Bennett for a storage container at 2036 1st Ave South.

After unanimous voice vote, motion CARRIED.

- G. An application for annexation of a parcel of land located at 1835 NE 10th Ave in the SW1/4SE1/4 of Sec.3, Twp. 8N, R 5W, BM, being all of Blocks 53 and 55 and a portion of Block 54, more particularly described as follows: Commencing on the west side line of said SW1/4 SE1/4 at a point 643.5 feet S of the NW corner of said SW1/4 SE1/4; thence south following said west side line 272.25 feet; thence east and parallel to the north side line of said SW1/4 SE1/4 660 feet; thence north and parallel to the west side line of said SW1/4 SE1/4 660 feet; thence north and parallel to the west side line of said SW1/4 SE1/4 915.75 feet to the north side line of SW1/4 SE1/4; thence west following said north side line 330 feet; thence south and parallel to the west side line of said SW1/4 SE1/4 643.5 feet; thence west 330 feet to the point of beginning; including all road right of ways of NE 10th Ave and Hurd Lane.

Mr. Franklin abstained from this vote due to conflict of interest.

Ms. Cordova stated that the City is very pleased that business has the plans to expand. The City would like to help them any way we can to accomplish this.

A motion was made by Henderson to send a favorable recommendation to the City Council to annex the parcel of land located at 1835 NE 10th Ave Blocks 53 & 55, and the zoning of the parcels are designated as Industrial. The motion was seconded by Childers.

After unanimous voice vote, motion CARRIED

- H. An application from Payette County Planning & Zoning Commission to Transfer Development Rights of Everett Pierce within the Impact area at the property located at 11476 Hill Road Payette, ID.

A motion was made by Franklin to send a favorable recommendation to the Payette County Planning & Zoning to Transfer the Development Rights from parcel AIN 002684-01 to parcel AIN 0095190000. The motion was seconded by Henderson.

After unanimous voice vote, motion CARRIED

I. Utility Pole Discussion

Mr. Franklin stated he is in favor of having restrictions on zoning and utility poles. Presented to the commission were ordinances from three different cities that had codes regarding utility poles; the City of Jerome, Iona and Albuquerque. Mr. Franklin stated that in being overly restrictive applicants would have to ask for exceptions and the Commission would have the authority to approve or deny their request. The Planning and Zoning Commission stated to draft an ordinance then hold a public hearing as well as invite someone in the utility service field to work with on this ordinance.

PUBLIC COMMENT

Ms. Cordova stated that the City Council contracted with Jerome Mapp, of Planning & Facility Management to update the Comprehensive Plan. Ms. Cordova stated the first step is for the Mayor to assign a citizen's committee for input. The Commission will be very busy this next year.

ADJOURNMENT

A motion was made by Franklin and seconded by Henderson to adjourn the meeting at 6:57 PM.

After unanimous voice vote, motion CARRIED.

Matea Gabiola
Recording Secretary