

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
October 25, 2012**

5:00 PM –Committee Meeting

- A. Discussion of Draft Oil & Gas Ordinance

6:00 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Larry Hogg, Jim Franklin, Cassandra McElravy, Kevin Hanigan, Gary Youngberg,
Thomas Ladley

Members Absent: Randy Choate

Staff Present: Mary Cordova and Tiffany Howell

APPROVAL OF MINUTES

A motion was made by Hogg and seconded by McElravy to approve the regular meeting minutes 09-27-2012 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 Mike Moon for a Variance to the side and back setback at 2065 3rd Avenue North, E 35.52' Lots 2 & W 55.54' Lot 3 of Uehlin's 2nd Sub. The property is zoned A-Residential.

Walt Neitz – 2422 12th Avenue #323; Nampa, Idaho

I was contacted by my client Mr. Moon to find out if the garage encroached on the neighbor's property and it did. The house was built back in the 70's and they created a well that serviced all three of those lots, however the position of the garage was determined based on the location of the well. Originally the property was surveyed to the north for the Uehlin's and we set a corner for the lots to the north and I'm not sure if the contractor thought that was the corner of Mr. Moon's lot, but it was not accurate. The corners between the two lots are about 8 foot apart, so it is presumable that is what he thought. Commissioner Hogg stated that for us to approve a variance we have to find just cause for approval. In this case how can this fall under this. Mr. Knight stated that he can move the garage, but that will then deny access to the well. At the time the lots were established there was no city water available. Clerk Cordova stated that if you are within 250 foot of city water you are to hook up if the well ever goes bad. Commissioner Hogg asked if pipes could be re-routed if the setbacks were to be maintained for the well. Mr. Neitz stated that it is strictly just access to the well itself. Commissioner McElravy stated that the agreement between the neighbors states that nothing can be placed in the easement. Commissioner Hanigan asked if the garage is permanently attached. Mr. Neitz stated that it is a metal building on a slab, but I would assume it is bolted to the concrete.

Mark Moore – 2035 3rd Avenue North; Payette, Idaho

Mr. Moore stated that they own the property next to theirs, which is in question. In September Mr. Moon approached them stating that garage was on their land and that it causing a delay in the sale of the land. Mr. Moore stated that Mr. Moon did offer to buy the land, but they needed time to think about it. Mr. Moore and his wife have thought about it and they do not want to sell, they worked too hard to give up their land. They are not insisting the lot to be torn down or moved, but we are not ever giving up our right. Mr. Moore stated that he has concerns about the future construction of his land and we have con. We just heard tonight that if the well ever goes bad that we have to hook up to city, and that opens up a can of worms for us. Commissioner Franklin stated that he said they didn't see. Commissioner Ladley asked if there would be a problem when he tries to sell his land. Mr. Moore stated yes. This is our final home and when this is left to our children they will probably want to sell and there will be an issue then. I don't know how the mortgage end of it works, but I could see a problem. Mr. Moore stated that Mr. Moon has attached a pin gate and if there is an issue with the well they would take the pin gate off and they would use our shared driveway. Mr. Moore stated that the bottom line is that we do not want to give up our right to our own property. Commissioner Hogg stated that the fact that it is on your property seems line it is an issue between you and your neighbor. Commissioner McElravy asked Clerk Cordova if Mr. Moore wanted to build a storage unit would there be an issue with setbacks. Clerk Cordova stated yes. Mr. Moore stated that is one of the issues we are concerned about is the rights to our own property.

Hazel Griffin – 2085 3rd Avenue North

Mrs. Griffin stated that her only issue is getting a truck into service that pump. If we have to back a truck in there we are going to break a lot of sprinklers and mess up his lawn. Mrs. Griffin stated that Mr. Moon's garage is right next to the gate which is our access into the well. Commissioner Hogg asked Mrs. Griffin if she is opposed to the variance. Mrs. Griffin stated no.

Clerk Cordova asked if there were no trees next to the other property line would a truck be able to get down there? Commissioner Franklin asked if a truck could access the property between Mr. Moon's and your house. Mrs. Griffin stated no.

- B. An application by Mike Moon for a Conditional Use Permit for an existing 600 square foot garage at 2065 3rd Avenue North, E 35.52' Lots 2 & W 55.54' Lot 3 of Uehlins 2nd Sub. The property is zoned A-Residential.

Walt Neitz – 2422 12th Avenue #323; Nampa, Idaho

Mr. Neitz stated that they need to have a conditional use permit for the garage since they didn't get one to begin with. Commissioner Hogg asked why they didn't do this previously. Mr. Neitz stated that the Moon's were told that the contractor complied with all the building regulations and the contractor has since left the state.

- C. An application by Preston Reynolds for a Conditional Use Permit to construct a detached 24x24 sq ft garage at 2066 3rd Avenue North, Lots 10 & 11, Block 3 of Deckers 2nd Subdivision at. The property is zoned A-Residential.

Preston Reynolds – 1301 South Tear; Meridian

Mr. Reynolds stated that they are just putting up a 24x24 storage building and that he has a request of the Commission to approve the building permit and the certificate of completion before we would need to complete the lot line adjustment. Commissioner Franklin stated if he would need a variance. Mr. Reynolds stated that he miss spoke and that he will not need to do this. He doesn't want the City engineer to come back and stop construction because they need a lot line adjustment. Clerk Cordova stated that the prior building Mr. Reynolds did crossed over two lot lines and this one does not.

The Public Hearing closed at 6:37pm.

NEW BUSINESS

A. Preston Reynolds – Conditional Use Permit – 2066 3rd Avenue North; Payette, Idaho

A motion was made by Hanigan and seconded by Ladley to approve the conditional use permit at 2066 3rd Avenue South to construct a 24x24 garage and that the permit can be revisited upon complaints

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

B. Mike Moon – Variance Application – 2065 3rd Avenue North; Payette, Idaho

A motion was made by Hogg and seconded by McElravy to send a recommendation to City Council for a variance application to be denied at 2065 3rd Avenue North to the side and back setbacks.

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

C. Mike Moon – Conditional Use Permit – 2065 3rd Avenue North; Payette, Idaho

A motion was made by Hanigan and seconded by Ladley to approve the Conditional Use Permit Application by Mike Moon at 20653rd Avenue North to allow a pre-built 600 square foot garage contingent upon the following: must apply for a building permit, must meet all lot setbacks, and that the permit can be revisited upon complaints.

OLD BUSINESS

None Heard.

PUBLIC COMMENT

None Heard.

ADJOURNMENT

A motion to adjourn was made by Hanigan and seconded by Ladley. The meeting was adjourned by a unanimous vote at 7:10pm.

Recording Secretary
Tiffany Howell