

**PAYETTE PLANNING & ZONING COMMISSION
REGULAR MEETING
October 27th 2011**

6:00 PM –Planning & Zoning Meeting

ROLL CALL

Members Present: Randy Choate, Jim Franklin, Gary Youngberg, and Larry Hogg

Members Absent: Tom Ladley, Kevin Hanigan and Brent King

Staff Present: Mary Cordova, City Clerk and Bobbie Black, Deputy City Clerk

APPROVAL OF MINUTES

A motion was made by Franklin and seconded by Youngberg to approve the regular meeting minutes of 09-22-2011 as written.

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

A motion was made by Franklin to move agenda reverse agenda items V. & VI. The motion was seconded by Youngberg and passed by unanimous voice vote.

COMMUNICATIONS

None Heard.

PUBLIC HEARINGS

- A. An application by Chrystal Winn for a Conditional Use Permit to operate an in-home group childcare from 7AM – 6PM, Monday through Friday at 144 11th Avenue North, LOT 2, BLOCK 3 OF WESTSIDE SUB. The property is zoned B-Residential. Chrystal Winn, 144 11th Avenue North addressed the Commission. She wants to operate an in-home group childcare at her home. Operation will be Monday-Friday, 7:00 am to 6:00 pm and she will have no more than 12 kids at a time. Her permit from the State allows for up to 12 children. She has a completely fenced yard. She stated that they can pull into her driveway to park or by the curb. The drop offs are staggered throughout the day. The Commission asked her about putting a stipulation about any complaints permit can be revisited and she stated that was fine. Her neighbors were very understand and encouraging to her business.

No one else addressed the Commission.

- B. An application by Cheryl Mason for a Conditional Use Permit to operate a family home childcare from 6AM - 6PM, Monday through Friday at 108 South 13th Street , LOT 10 E1/2 LOT 9, BLOCK 20, MELCHER ADDITION. The property is zoned A-Residential. Cheryl Mason, 108 South 13th Street addressed the Commission. She wants to operate a family home childcare with only 6 children. Her yard is totally fenced in. The kids are younger than having a pre-school. Parking is not an issue; there are no other neighbors

that park on South 13th Street. She has applied to the State for up to 6 children. She will have her fire inspection once approved.

No one else addressed the Commission.

NEW BUSINESS

- A. An application by Chrystal Winn for a Conditional Use Permit to operate an in-home group childcare from 7AM – 6PM, Monday through Friday at 144 11th Avenue North, LOT 2, BLOCK 3 OF WESTSIDE SUB. The property is zoned B-Residential.

Commissioner Franklin made a motion to approve the permit for Chrystal Winn to operate an in-home group childcare for up to 12 children with the following stipulations:

1. Hours of operation: Monday-Friday from 7:00 am to 6:00 pm
2. Permit can be revisited upon any complaints

The motion was seconded by Commissioner Youngberg and passed by unanimous voice vote.

- B. An application by Cheryl Mason for a Conditional Use Permit to operate a family home childcare from 6AM - 6PM, Monday through Friday at 108 South 13th Street , LOT 10 E1/2 LOT 9, BLOCK 20, MELCHER ADDITION. The property is zoned A-Residential.

Commissioner Franklin made a motion to approve the permit for Cheryl Mason to operate a family home childcare for up to 6 children with the following stipulations:

1. Hours of operation: Monday-Friday from 6:00 am to 6:00 pm
2. All State licenses are approved before operating
3. All Fire inspections are completed before operating
4. Permit can be revisited upon any complaints

The motion was seconded by Commissioner Hogg and passed by unanimous voice vote.

OLD BUSINESS

- A. **Design review guidelines** – Commissioner Franklin stated that he has a problem with the ordinance as present, due to it being open for interpretation. Someone can decide to build/remodel and it can be interpreted to fit their needs. He does agree with the thought to help improve our current code. The Commission discussed that it pertains to Commercial only. Youngberg stated he would hate to penalize the small percentage that wouldn't abide by our current code. Planning & Zoning and the Planning and Zoning Administrator would be the design review committee the way it is written now. Mary Cordova stated that this ordinance as written, we do everything now; the only thing we don't do is show the plans to Planning & Zoning. She stated some give us their color scheme now and some don't. This ordinance doesn't apply to any existing building unless a building permit is pulled. Randy Choate asked if we can say if the building is appropriate or not and said no. This just adds layer on top of layer in our code. It can be approved by Administration and if not then it would go to Planning & Zoning. We don't know if we have the qualifications to approve or deny the application. If we choose to deny application it could be appealed to City Council. The Commission discussed if we had a Historic District then these guidelines would be beneficial. Discussed if the City Council wants us to proceed farther a public hearing should be held to receive input from the citizens and residents of these areas.

A motion was made by Franklin and seconded by Hogg to forward this to City Council to get opinion on whether to not move forward with these design review guidelines until a

Historic District has been formed or do they want Planning & Zoning to further continue their recommendations and hold a public hearing in January to receive public input. The motion passed by unanimous voice approval.

B. Gas & Oil Ordinance –

The Commission discussed that the City Council work session held Monday was just the first of more work sessions to be held. Talked about if it was a dry well, they go 8' to 10' to cap it and that is a concern if the water table is low, there is a greater risk of contamination. Discussed about was talked about at the work session: aquifers, how drilled, design of wells, monitoring and fracking. None of this will be able to be done on a normal city lot. Gary Youngberg showed a picture that will be put into record. The objective of Planning and Zoning is to discuss what was heard on Monday and to keep in mind that there will be more work sessions to come. Need to start thinking what if this in your backyard; what would you like to see. We have the ability to say what is best for our community. The Planning and Zoning have authority on zoning and land use issues. Discussed the well that was drilled on Killebrew and they had a lot of truck traffic. They also discussed about the severance tax. We need to make sure that the work is being done responsibly. Protecting our water source is paramount.

Mary Cordova addressed the Commission. She talked about the open meeting law manual and that anything you talk about that you could possibly make a decision on has to be in an open meeting. The decision has to be based on what you hear in meetings or testimony taken. Reminded them just be to very careful.

ADJOURNMENT

The meeting was adjourned by a unanimous decision at 7:02PM.

Recording Secretary
Bobbie Black