

**PAYETTE PLANNING & ZONING COMMISSION  
REGULAR MEETING  
December 15, 2011**

**6:01 PM –Planning & Zoning Meeting**

**ROLL CALL**

Members Present: Kevin Hanigan, Larry Hogg, Jim Franklin and Randy Choate

Members Absent: Brent King, Thomas Ladley and Gary Youngberg

Staff Present: Mary Cordova, City Clerk and Tiffany Howell, Assistant City Clerk

**APPROVAL OF MINUTES**

A motion was made by Hanigan and seconded by Hogg to approve the regular meeting minutes 11-28-2011 as written.

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

**COMMUNICATIONS**

A. Town Hall Meeting

**PUBLIC HEARINGS**

A. An application by Adam Telly for a Conditional Use Permit to have an impound yard at 1020 6<sup>th</sup> Avenue South, Tax 7, Block 22, Less Tax 10 Westslope Plat. The property is zoned Commercial.

Adam Telly – 9340 Washoe Road; Payette, Idaho 83661

Mr. Telly stated that he currently has an impound yard on South Park Street and would like to move the impound yard to 1020 6<sup>th</sup> Avenue South and it is commercial. Mr. Telly stated that the property he is interested in is located right next to Payette Tire, and there is currently an old abandoned house on the lot. Mr. Telly stated that it would only be an impound yard for City or County vehicles, and that he will be putting up a 6 foot fence. Mr. Telly stated that it will only be an impound yard, he will not be using any tools, no air compressors, or any other type of loud tool. Mr. Telly stated that it is just to drop of vehicles, pick them up and drop them off.

Commissioner Franklin asked if Mr. Telly will be salvaging any parts off the vehicles. Mr. Telly stated no. Commissioner Franklin asked Mr. Telly what he will be doing about the oil drippings and so on from the vehicles that are in the lot. Mr. Telly stated that he will be cleaning it up, cat litter and a shovel. Commissioner Choate asked what the time limit is that a vehicle can stay in impound. Mr. Telly stated that it depends, if the customer doesn't come pick it up then the county or city has to do paperwork that could take 30-90 days. Mr. Telly stated that it was basically whenever he get the paperwork down there and the city or county gets it mailed out to the owner.

Commissioner Hogg asked how the towing business works. Mr. Telly stated that he is on the rotation list with Payette County. Mr. Telly stated that if he gets a call for a DUI or a wreck he goes and picks it up, then takes the vehicle to the impound yard and the customer has 48 hours to come pick up the vehicle before he takes the paperwork to the city or county. Commissioner Hogg asked what type of a fence Mr. Telly will be putting up. Mr. Telly stated that he will be putting up a 6 foot fence which is required by law and that it would be chain link. Commissioner Franklin asked Mr. Telly how he felt

about changing the type of fence to something the public couldn't see through. Mr. Telly stated that he could cover the whole front and sides so you couldn't see through. I just want to do what is right and what I need to do to make the neighbors happy, I don't want them to think that it's going to be all hours of the night and that I'm going to keep people away, but if I get a call at 2am I have to go get it and bring it to the lot. Commissioner Hanigan asked if Mr. Telly would be fencing 6<sup>th</sup> Avenue South. Mr. Telly stated that he would fence 6<sup>th</sup> Avenue South, along the residential side and right behind the house. Commissioner Hogg asked if the impound yard would just be in front of the house. Mr. Telly stated that is correct. Mr. Telly stated that the most he has ever had on his property on South Park Street is 3 cars. Commissioner Choate asked if the lot was dirt or gravel. Mr. Telly stated that it is dirt and gravel.

Clerk Cordova asked Mr. Telly if he will be taking out the house. Mr. Telly stated that he is not sure; he is just renting the property. Mr. Telly stated that he is not using the house and he is unaware of what the owner will want to do with it. Clerk Cordova asked Mr. Telly if the tow truck will be on site, or at Mr. Telly's residence. Mr. Telly stated that it will be at his residence in the county. Commissioner Hanigan asked why Mr. Telly wants to move his location. Mr. Telly stated that the new address is a better location and the rent is cheaper. Commissioner Hogg asked what makes it a better location. Mr. Telly stated that a lot of people that call don't know the area, so they are always trying to find Park Street. Mr. Telly stated that it is mainly about the rent aspect of it though.

Shirley Galligar – 1033 6<sup>th</sup> Avenue; Payette, Idaho 83661

Mrs. Galligar stated that she does not want to see Mr. Telly lose money, but she has lived there for 38 years. The City just came through and did the curbs and gutters and that improved our street and this is not improving our streets. He said that he only gets 2 or 3 cars, but he doesn't know, he could get 5 or 10 cars and you can see right through a chain link fence. This is not going to help our neighborhood at all, if this was a daycare or coffee shop that would be better, but not this. This is just not something that we need and I disagree that Park Street is only a block down the road. Commissioner Franklin asked if a solid fence would make her feel better. Mrs. Galligar stated that it would help, but no, it is a deterrent. Mrs. Galligar stated that the Commissioners would not like that in their neighborhood. Commissioner Franklin asked if the fence would help. Mrs. Galligar stated that not really, look at Payette Tire it looks like a junk yard, the only kind of fence that would improve it would be a really, really pretty fence.

Adam Telly – 9340 Washoe Road; Payette, Idaho 83661

Mr. Telly stated that she is concerned about the fence and the requirement is 6 foot tall and if they would like to see it be privacy I can do that. Mr. Telly stated that the property value in the neighborhood where he is moving is good and he doesn't see how it would bring it down and I don't want to stress her out and see the EMT here. Commissioner Choate stated that with the fence, he knows with the chain link they can put slats in there to make it private and I'm wondering if that would be viable for you, because this commission tries to meet people in the middle. Commissioner Hanigan stated that we always a caveat on the permit that it can be revisited upon complaints, so if someone were to complain after the fact the trouble to you would be if we granted you a permit it could be taken away and you have invested all this money, so there is a good risk on your part and I want you to be aware of this now. Mr. Telly stated that if he is granted this permit now, in 6 months you could come and pull the permit if I was established. Commissioner Hanigan said say if you have a dog grooming business and the neighbors start complaining then we would re-visit the permit at that time. Mr. Telly stated yes, but the dog barking is something the police would be called out, that is a

noise violation. Commissioner Hanigan stated that he used that as an example, it is any type of complaint that would cause us to re-visit the permit. The rent may be cheaper in the new location, but overall it may not be feasible overall. Commissioner Hogg asked if Mr. Telly is putting the fence up. Mr. Telly stated yes. Commissioner Hogg asked Mr. Telly if he had gotten any estimates on how much the fencing is going to cost. Mr. Telly stated yes, about \$1,300 and that is not counting the privacy deal. I had to put a privacy deal on my other address and all I did was put that black mesh up and all the neighbors seemed happy and I have even had neighbors coming over and letting me know that it's not as noisy as they thought.

B. An application by High Desert Towing & Salvage for a Conditional Use Permit to have an impound yard at 915 South Main Street, Tax 7 in Blocks 26 & 40, Westslope Plat. The property is zoned Commercial

Brooks Medford – 475 6<sup>th</sup> Avenue South; Payette, Idaho 83661

Mr. Medford stated that he managed Hanigan Chevrolet Towing for 8 years and about 6 months ago I bought the towing portion of that and it is now High Desert Towing. Mr. Medford stated that it is the same bull pen that has been used before he started in 2003. Mr. Medford stated that the bull pen was expanded about 5 years ago into Hanigan's lot. Mr. Medford stated that his business is High Desert Towing and Salvage, he own' s Payette Salvage, and so that is where the salvaging will take place. This bull pen will act as a holding facility just like Telly's. Commissioner Choate asked if it was strictly an impound yard. Mr. Medford stated yes, the salvage takes place at his other business in the county. Mr. Medford stated that it is the same ownership and same company but they are working as a DBA. Commissioner Hogg asked Mr. Medford if what he is proposing is what is already taking place down there. Mr. Medford stated yes, it has been going on for years. Mr. Medford stated that he bought the business in June and has been being used under his name since that time and he has yet to take a part off a car. Mr. Medford stated that the lot is chain link and is graveled.

The public hearing was closed at 6:29pm.

### **NEW BUSINESS**

A. Adam Telly – Conditional Use Permit – 1020 6<sup>th</sup> Avenue South –

Commissioner Franklin stated that it is amazing how close these applications are to one another. Commissioner Hanigan asked if the house next to the property on 6<sup>th</sup> Avenue South is commercial. Clerk Cordova stated yes, but when it is being used as residential it has to comply with B-Residential guidelines. Commissioner Choate asked if the house was occupied. Clerk Cordova stated no. Clerk Cordova stated that the big conundrum is that we don't have anything that defines what an automobile wrecking yard is; a wrecking and salvage yard is allowed in an industrial zone with a conditional use permit. They are not even allowed in this zone, but if they are strictly using it for an impound yard, generally the cars are there for more than 30 days. Our code allows them to sit there as long as it's not more than 30 days. In looking at other cities what seems to be the norm is some type of a buffer, especially if its next to a residential zone We need to have some type of buffer there. If there is going to be some type of officer there, then you will have to comply with the paving and all that. If we are simply going to designate these as impound yards and they are not having vehicle traffic, no offices, than we might want to stick some type of a definition of an impound yard in the code. Clerk Cordova stated that is why she asked if there was an office there. Commissioner Choate asked if the fees from one company to another are different. Clerk Cordova stated it is set by the county and what started all of this was that the county just passed a towing ordinance. We had some

people who were located in Emmett and the officers would call for a tow and it would take them forever to get here, so the county passed an ordinance that stated they had to have their business in Payette County. Clerk Cordova stated that there might be 7 on the counties list right now, but not all of them have licenses to do business in the City of Payette, nor do they have a conditional use permit to operate in town. Commissioner Choate stated that we have two gentlemen here tonight setting up similar business in different locations, one seems to be ok and the other seems to be controversial. Commissioner Choate stated that if we have 5 others coming in, one common place would be realistic to all companies. Commissioner Hanigan stated that then you have 6 people working together and the person who took the vehicle is ultimately responsible for the safe keeping of the vehicle. Commissioner Hanigan stated that they need to have separate locations and that is not something they would want to share. Commissioner Franklin stated that during the public comment I think the best control is the re-visit upon complaints and I think the privacy fence is a must. Commissioner Choate stated that if the fence is coming across the back behind the house it is about the same as any other standard city lot. Commissioner Choate stated that he thinks 5 or 6 vehicles is the most he can have and I know staff's recommendation was 18, but I just don't think that will work here.

Commissioner Hanigan stated that the problem is that it's not common for a vehicle to last longer than 30 days, but if you have insurance issues it could take a couple months to get it taken care of. Commissioner Hanigan stated that if we limit it to 6 I think you are going to limit Mr. Telly's ability to get more business. Commissioner Franklin asked Clerk Cordova where the 18 number came into play that was on the staff report. Clerk Cordova stated that she thought he was going to use the whole lot, not just a portion of it. Commissioner Hogg stated that he is surprised there is that much demand. Commissioner Franklin stated that we ask other lots to have drip pans and I don't see that on the list. Commissioner Hanigan stated that his challenge is if they are similar applications if you put certain requirements on one that could be a challenge for the other, so I think we need to be careful. Commissioner Hanigan stated that we currently don't use drip pans, we have graveled; it is a tough thing to require and monitor. Commissioner Choate stated that it is a tough thing to monitor unless the ordinance officer sees it, or a neighbor complains. Commissioner Hanigan stated I think in this first application in order to appease the neighbors I think you need to put up a solid fence and that is not a chain link fence with slats in it, that is a solid wood, rock or vinyl fence and that is according to the city recommendation.

Commissioner Hogg stated that one of the differences is that the first on the fence is going to, but right up to the neighbor's house and there can't be 10 feet to the neighbor's house. On the second application is the house a residence. Commissioner Hanigan stated yes. Commissioner Hogg stated that I think you have the same issue then. Commissioner Choate stated that a chain link with slats would be sufficient but that's me. Commissioner Choate stated that the staff recommendation that the fencing requirement be solid, would chain link with slats be accepted. Clerk Cordova stated that it is in our code for a wrecking or salvage in an industrial zone, but for residential it is supposed to be solid but, the planning and zoning commission can make a determination as to what that is. It is our recommendation, especially where it is adjacent to residential dwellings that the privacy fencing is in place for both applications. One application needs to be the same for all of them and there are more to come that need to meet the requirements. Commissioner Hogg stated that we need to define what privacy fencing is. Clerk Cordova stated that might be your biggest issue. Commissioner Hanigan stated that you could sell this better to unhappy neighbors if you have solid fencing, and I think if your putting in a fence, you can still see through with the slats. I think to satisfy the neighborhood then we need to take care of addressing that. I would be leaning towards a solid wood fence, at least on the 6<sup>th</sup> Avenue South side and I don't know how you deal with the neighbor. Commissioner Franklin stated that he thought we could change the statement to all adjacent properties to all adjacent

residential properties. Commissioner Franklin stated that he is with Commissioner Hanigan on the solid fencing. Commissioner Franklin asked about the drip pan. Commissioner Choate stated it would be hard to monitor with the privacy fencing. Commissioner Choate asked if Hanigan's had pea gravel in their pen. Commissioner Hanigan stated yes about 3 or 4 inches. Commissioner Choate stated that I think if you are proactive with it, it gives some protection from stuff leaking into the ground. Commissioner Choate stated that I'm not worried about the impounded vehicles, but the ones that are leaking antifreeze. Commissioner Hogg asked if we can require so much gravel in there to soak up the chemicals. Commissioner Hogg stated that if we end up with 3 or 4 cars week leaking antifreeze and we do nothing what would happen. Would they need to be a complaint and then EPA comes in. Commissioner Choate stated yes. Commissioner Hogg asked if it's necessary for us to do something now, if we require something, so much gravel etc. Commissioner Franklin stated that there are a lot of people who park on dirt driveways and let their stuff leak on the ground and this is no different, but it is a valid concern. Commissioner Choate stated that you have May Trucking in town who parks there big rigs on a dirt parking lot, that's something to think about.

A motion was made by Franklin and seconded by Hogg to approve the conditional use permit for Adam Telly at 1020 6<sup>th</sup> Avenue South with the following stipulations: Mr. Telly complies with all State, Federal and City Ordinances, that it is an impound yard only no salvaging or dismantling, that there not be more than 18 vehicles, that is fully enclosed by a solid wood, rock, or vinyl fence, which would be the portion bordered by 6<sup>th</sup> Avenue South and any residential properties, that there be no street parking, that he meets all the sign requirements and all business related items will be kept inside the yard and that the permit may be revisited upon complaints.

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

#### B. High Desert Towing & Salvage – Conditional Use Permit – 915 South Main Street –

Commissioner Hanigan abstained from the voting.

Clerk Cordova stated there is another company that is not allowed to be operating, but at Nelson's Metal they have rented a portion of the fence; it will be the same issue, a fenced yard adjacent to residential use. We just need to make sure we are consistent with everyone. A state statue allows junk yards to be fenced and not visible from the highway per the beautification award.

A motion was made by Franklin and seconded by Hogg to approve the conditional use permit for High Desert Towing at 915 South Main Street with the following stipulations: Mr. Medford complies with all State, Federal and City Ordinances, that it is an impound yard only no salvaging or dismantling, that is fully enclosed by a solid wood, rock, or vinyl fence, which would be any areas boarding residential, that there be no street parking, that he meets all the sign requirements and all business related items will be kept inside the yard and that the permit may be revisited upon complaints.

#### C. Proposed Short Plat Ordinance

Clerk Cordova stated that we are looking to seek information from the Commission on whether or not this is something you would like to see. A unanimous consensus from the Commission was given that they would like to see something at the next meeting.

D. 2012 Planning & Zoning Calendar

A motion was made by Franklin and seconded by Hanigan to approve the 2012 Planning & Zoning Calendar.

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

**OLD BUSINESS**

None Heard

**ADJOURNMENT**

The meeting was adjourned by a unanimous decision at 7:08 PM.

Recording Secretary  
Tiffany Howell