

**MINUTES**  
**PAYETTE PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**July 26, 2018**

**6:00 PM – Regular Meeting**

**ROLL CALL:** Members Present: Jim Franklin, Peggy Childers, Jody Henderson, Mike Kee, Nial Bradshaw, and Gary Youngberg  
Members Absent: Randy Choate.  
Staff Present: Emiley Gallegos and Bobbie Black

**APPROVAL OF MINUTES**

A. 06-28-2018 Regular Meeting Minutes

A motion was made by Henderson and seconded by Childers to approve the minutes 06-28-2018 as written.

After unanimous voice vote, motion CARRIED.

**COMMUNICATIONS**

1. Remind Commission of Public Hearing for 2018 Draft Comprehensive Plan.

Gallegos stated all the chapters of the draft plan are available online on the City's website, and there is also a printed copy down at City Hall that can be checked out if it is easier to view it on paper.

**PUBLIC HEARING**

- A. An application by Dana Spohn for a Conditional Use Permit to have a Residential use in a Commercial zone at property located at 805 2<sup>nd</sup> Avenue S. The W 71.80 ft of lots 8,9, & 10 in Blk 8 of W.F. MASTERS PLAT OF PAYETTE, as per plat in Bk 1, Pg 18, Plat records, Payette County, ID. Also, the N 11 ft of 2<sup>nd</sup> Ave S, as vacated by Ordinance #531, recorded Nov 28, 1947 as instrument No. 68079, Miscellaneous Records of Payette County, ID, lying S and coincident with the S boundary of said lot 10.

Dana Spohn, 802 2<sup>nd</sup> Avenue S., addressed the Commission. She stated that she is currently living in this church. She stated she had requested a public records form of a previous Conditional Use Permit approved for a residence. She has already been approved to have her Child Daycare and the room that the residence will be in has a fire escape window in it. There was an inspection done, and during that inspection there were several minor things that were found. The biggest thing was there were several broken trusses due to the snow fall a couple years back, and this is going to be fixed and covered under the owner's insurance.

Franklin asked if the inspector addressed the fire egress and ingress down in the basement and Spohn responded no, but the City building inspector had discussed the egress. She has direct access to the outside from downstairs. Franklin then asked if she knows if that meets the fire egress, and Spohn responded no she does not, because she had not had a fire inspection yet.

Spohn stated she believes the room upstairs does because it is directly connected to a window with fire escape stairs and the one down stairs is directly connected to a door

that leads outside. Franklin wanted to clarify that she had not yet had a fire inspection done, and she responded no she has not it is with her understanding that she will get a fire inspection done when she is ready to submit paperwork for the license to have a Day Care. She stated she does have two phone lines that are directed to the fire department that she is responsible for maintaining.

Franklin asked if the Conditional Use Permit is approved would she be okay that it be approved under the stipulations that Idaho State Building Code and Fire Code are met and if they could not be met, the Conditional Use Permit would be revoked? Spohn responded yes.

She wanted to clarify as to what 5% landscaping met as defined in the code and Franklin responded he believes that is part of the beautification of Downtown.

No further comments were heard.

- B. An application by Caylee Andero to annex property located in T9N, R5W, B/M: Sec 35: the N. 132.60 ft. of the E  $\frac{1}{2}$  NE  $\frac{1}{4}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  , and being described by metes and bounds as follows: BEGINNING at the NE corner of said SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  (SW 1/16 corner); thence along the E. line of said SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  S.  $00^{\circ} 37' 17''$  W. 132.60 ft; thence parallel with the N. line of said SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  , N.  $89^{\circ} 16' 08''$  W. 328.54 ft, to the W. line of said E  $\frac{1}{2}$  N/E  $\frac{1}{4}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  thence along said W. line N.  $00^{\circ} 35' 47''$  E. 132.60 ft, to the N. line of said SW  $\frac{1}{4}$  SW  $\frac{1}{4}$ ; thence along said N. line S.  $89^{\circ} 16' 08''$  E. 328.60 ft to the POB. This contains 1 acre.

Caylee Andero, 303 S. Iowa Ave, addressed the Commission. She stated that she had purchased property and later found out that it is not accessible via City road with in a subdivision so they are needing to be annexed because of this.

Franklin asked Andero if she knows they are going to be annexed in under B-Residential and her response was no but that is okay with her.

Kee asked Andero if they have already started to build and she responded no because they had to wait to get permission from Planning & Zoning.

Childers asked where the access is at, and Andero responded it is in the Vista Hills Subdivision off of Peggy Drive it runs directly to the property.

No further comments were heard.

- C. An application by Bret and Marybeth Bennett to annex property located in T9N, R5W, B/M: Sec 35: That portion of the NW  $\frac{1}{4}$  SW  $\frac{1}{4}$  SW  $\frac{1}{4}$  being more particularly described as follows: Commencing at the SW corner of said Sec 35; thence along the W. line of said Sec 35, N.  $00^{\circ} 31' 18''$  E. 718.3 feet, to the POB; thence continuing along said W. line N.  $00^{\circ} 31' 18''$  E. 161.20 ft; thence S.  $89^{\circ} 18' 15''$  E. 325.00 ft; thence S.  $00^{\circ} 31' 18''$  W. 161.20 ft; thence N.  $89^{\circ} 18' 15''$  W. 325.00 ft to the POB. This contains 1.20 acres

Bret Bennett, 303 So Iowa Ave, addressed the Commission. He stated the property that they are wanting to annex in, is adjacent to the Eagles Lodge. They are wanting to annex this as one parcel, and then eventually they will divide it into two lots, one to build on one to sell.

Youngberg asked if this is continuous with City Limits and the response was yes, Iowa

Avenue runs right in front of these two lots, and City services are available there off of I-90.

Kee asked how big the two lots will be, and Bennett responded about 1.1 acres. Black reminded the Commission that this annexation is for the one lot not the two that will be divided. This will happen at a later date.

No further comments were heard.

- D. An application by William and David Morriss for a Conditional Use Permit to have a Residential use in a Commercial zone at property located on land in the City and County of Payette, Idaho, as follows: in the DAINES CENTENNIAL ADDITION, as per plat in Bk. 5 Pg. 27, Plat Records, Payette County, Idaho Lot 1.

No comments were heard.

Public Hearing closed.

## AGENDA ITEMS

- A. An application by Dana Spohn for a Conditional Use Permit to have a Residential use in a Commercial zone at property located at 805 2<sup>nd</sup> Avenue S.

Black directed the Commission to the email provided in the packet from the building inspector with requirements that need to be met before this could be a livable residence. Franklin asked Black if they approved the Conditional Use Permit with the stipulations that all City, State, and Fire Codes are met, would this be okay and Black responded yes.

A motion was made by Bradshaw and seconded by Childers to approve the Conditional Use Permit for Dana Spohn to have a Residential Use in a Commercial zone with the stipulations that all City, State, and Fire Codes are met.

Motion APPROVED, with Kee voting nay.

- B. An application by Caylee Andero to annex property located in T9N, R5W, B/M: Sec 35:

A motion was made by Henderson and seconded by Kee to send a favorable recommendation to City Council to approve the annexation for Caylee Andero.

After unanimous voice vote, motion CARRIED.

- C. An application by Bret and Marybeth Bennett to annex property located in T9N, R5W, B/M: Sec 35:

A motion was made by Youngberg and seconded by Kee to send a favorable recommendation to City Council to approve the annexation for Bret and MaryBeth Bennett.

After unanimous voice vote, motion CARRIED.

- D. An application by William and David Morriss for a Conditional Use Permit to have a Residential use in a Commercial zone at property located on land in the City and County of Payette.

Gallegos stated that Morriss has plans to build duplexes on this vacant lot, but he can only do so with a Conditional Use Permit because it is zoned Commercial and per City Code you cannot have a residential use in a Commercial zone without a Conditional Use Permit.

Black stated that the lot adjacent to this lot is owned by the City. The reason why we had purchased this property was so eventually the road could be extended to 15<sup>th</sup>.

A motion was made by Youngberg and seconded by Henderson to approved the Conditional Use Permit for Morriss to have a Residential Use in a Commercial zone.

After unanimous voice vote, motion CARRIED.

- E. Discussion on proposed changes to front yard setbacks.

Black stated that to her understanding this subject has been brought to our attention by a few developers, and they think our City is a little more restrictive on front-yard setbacks than what surrounding towns are. Gallegos has prepared a spreadsheet of surrounding Cities and what their front yard setbacks are.

Youngberg stated that after reading the minutes of the last meeting, it is to his understanding that they are wanting to have bigger back yards compared to bigger front yards, and Black responded yes.

Black stated that this is not to make a motion on tonight, this is for the Commission to tell us, yes, they would like to see changes to this or no they would like to keep it the same. If they are wanting to see changes they will bring forward the changes during a Public Hearing to further discuss and send to the City Council.

Kee stated that per our City Code where it reads 25' from the property line or 55' from the center of the road, whichever is greater. Why would you want whichever is greater? Black responded because in the older subdivision that were plotted years ago the streets were not as big as what we require now. Kee asked if the 55 from the center of the road is ever going to be bigger than the 25 feet. Black responded she has never seen it happen.

Kee stated unless they are just wanting to clean it up he doesn't see any issue and Henderson agreed. Black wanted to clarify what they are wanting to clean up and the response was taking out the 55 feet and leaving it has just 25 feet.

Youngberg stated that it is interesting how Emmett goes based off of whether it is a local street or it is a collector street, he thinks having something like this on the new subdivisions that are on collector streets gives more freedom. Kee and Henderson agreed.

Franklin wanted to clarify that they are wanting to get rid of the 55 feet from the center of the road and leave it as 25 feet or are we wanting to change the street frontage as well. Black asked the Commission if they are wanting to see some changes during the next meeting that they could hold a Public Hearing on. Franklin wanted to clarify that they would come up with some changes that they could see at the next meeting.

**PUBLIC COMMENTS**

No comments were heard.

**ADJOURNMENT**

A motion was made by Childers and seconded by Youngberg to adjourn the meeting at 6:27 PM

After unanimous voice vote, motion CARRIED

Emiley Gallegos  
Recording Secretary