

**MINUTES**  
**PAYETTE PLANNING & ZONING COMMISSION**  
**Regular Meeting**  
**September 27, 2018**

**6:00 PM – Regular Meeting**

**ROLL CALL:**

Members Present: Randy Choate, Jim Franklin, Jody Henderson, Nial Bradshaw, Gary Youngberg arrived at 5:50P  
Members Absent: Mike Kee & Peggy Childers was excused  
Staff Present: Mary Cordova

**APPROVAL OF MINUTES**

- A. 08-13-2018 Special Meeting Minutes
- 08-23-2018 Regular Meeting Minutes

A motion was made by Franklin and seconded by Henderson to approve the minutes 08-13-2018 and 8-23-2018 as written.

After unanimous voice vote, motion CARRIED.

**PUBLIC HEARING**

1. An application by Mark Gaige for a Conditional Use Permit to operate a Wood Staining Business at property located at 300 N. 16<sup>th</sup> St. This parcel consists of a portion of Blk. 8 of Recorder's Plat in Payette, Payette County, Idaho which plat is on file in Bk. 2 of Plats at Pg. 5 in the office of the Recorder of Payette County Idaho: It is situated in the SW ¼ of the NE ¼ of Sec 34, T9N, R5W, of the B/M and is more particularly described as follows: Commencing at the NW corner of said SW ¼ of the NE ¼; Thence N. 89°54'48" E., along the N. boundary of said SW ¼ of the NE ¼ a distance of 59.74' to the true POB; Thence continuing N. 89°54'48" E., along the N. boundary of said SW ¼ of the NE ¼, a distance of 424.58' to a point at the toe of the Lower Payette Canal; Thence leaving the N. boundary of said SW ¼ of the NE ¼ and running S. 1°14'22" E., along the toe of said canal, a distance of 487.34'; Thence leaving said canal and running W., a distance of 453.32' to a point on a curve of the Easterly ROW of U.S. Highway 95; Thence Northeasterly, along the said ROW distance of 448.92' along the arc of a curve to the right having a radius of 22,880.81', a central angle of 1°07'27" and a long chord which bears N. 2°06'01" E., a distance of 448.91' to a point of curve; thence continuing along said ROW, and running Northeasterly a distance 38.02' along the arc of a curve to the left having a radius of 22,955.81', a central angle of 0°05'40" and a long chord which bears N. 2°37'41" E., a distance of 38.02' to the true POB. Except that portion of the S. 2' lying S. of an existing fence of the above described land. The property is zoned Commercial.

Mark Gaige of Cambridge Idaho stated he uses incredibly safe chemicals in his process of staining wood.

Bradshaw asked if any other businesses will be in there, and Gaige replied that it is only part of the building for his business.

Franklin asked why this is going under a CUP when it is zoned commercial. Choate explained because there is light manufacturing involved with the business. Franklin then asked if the Fire

Chief had looked at the chemicals being used. Mr. Gaige replied that yes, the fire chief did look at the chemicals, and made a recommendation to Bobbie. Franklin then explained if the neighbors complain, they may have to look at things again, and asked Mr. Gaige if he had a problem with that, and Gaige replied no, what he is doing a flood process, there will be nothing going in to the air. He invented a machine where the board goes in and covers the wood, and goes to a drying rack. It is all contained in one piece of equipment.

Youngberg asked that in granting the CUP, will he only be allowed to use this product? Gaige explained that his product will never be oil based. He had an offer from another company who wanted him to use oil base, and he would not do it. He will not use a flammable or toxic chemicals.

No other comments were heard.

2. An application by BK Property Dev. for a Conditional Use Permit to have a Residential Use in a Commercial zone at property located at 1000 S. 16<sup>th</sup> St Payette, Idaho. Basis of Bearings for this description is S. 0°17'41" W., between the brass cap marking the CN 1/16 corner and the brass cap marking the C1/4 corner of Sec 3, both in T8N., 5W., B/M., Payette County, Idaho. A parcel of land being a portion of Lot 39, of the Assessors Official Plat of Westslope, as shown on file in Bk 1 of Plats, at Pg 35, Payette County Records, located in the SE1/4 of the NW1/4 of Sec3, T8N., R5W., B/M., City of Payette, Payette County Idaho, more particularly described as follows. COMMENCING at a found brass cap marking the CN1/16 corner of Sec3; Thence N. 89°56'29" W., coincident with the N. line of the SE1/4 of the NW1/4 of Sec 3, a distance 57.06 ft to the westerly ROW line of S.H. 95; Thence S. 0°01'23" E., coincident with said westerly ROW line of S.H. 95, a distance of 164.90 ft; thence N. 89°56'30" W. 326.50 ft to the POB; Thence continuing S. 0°01'23" E., parallel with said westerly ROW line of S.H. 95, a distance of 432.96ft; Thence N. 89°58'37" E., 262.00ft; thence N. 0°01'23" W., parallel with said westerly ROW line of S.H. 95, a distance of 78.00 ft; Thence N. 89°58'37" E., 64.50 ft to said westerly ROW line of S.H. 95; Thence S. 0°01'23" E., coincident with said westerly ROW line of S.H. 95, a distance of 96.98ft; Thence N. 89°52'06" W., 431.41 ft; Thence N. 0°19'53" E., 4.00 ft; Thence S. 88°50'31" W., 177.55 ft; Thence N., 0°17'42" E., 450.70 ft; Thence S., 89°56'30" E., 279.89 ft to the POB. The property is zoned Commercial.

Lance Warnick, Aspen Engineers, 1619 North Eagle road, Kuna, asked for permission to combine both 2 and 3 as one public hearing. Chairman Choate indicated that would be fine.

Mr. Warnick stated that 11 lots would have one common lot which would be a driveway that goes back to the Armstrong property. 8 of the lots would have residential use in a commercial zone. Each building will be on a separate lot and could be sold. They meet the size and standards of the district. The final lot would be a commercial lot on the north side of Pizza Hut, just west of the new Dentist office which is now being constructed.

Water and sewer is available to the property. They have met with the City staff and have received and implemented their input. There are no water rights on the property. They will ask the Council to approve the irrigation using City water. The landscaping maintenance and irrigation will be done by the association.

Bradshaw asked if they were okay with all of the recommended conditions, and Warnick replied yes.

Choate asked about the fire hydrant on the south side of the development. Warnick pointed out that there is an existing fire hydrant on the south side of lot 10, and a new hydrant is proposed

on the south side; the fire chief has approved these locations. Warnick added that any residential construction over three units will have to be fire sprinkled.

Choate asked about a 6-foot privacy fence on the west side of the property. Warnick replied that the developer will be installing a privacy fence on the west side and on the east side to provide a buffer between the buildings and the commercial businesses.

Gill Armstrong, lives west of the construction area, asked what type of fence. Choate replied a 6-foot privacy fence; the fence will be vinyl. Mr. Armstrong asked if the units going to be sold or rented? He keeps his place clean and tidy and wants the area kept clean and tidy during construction. Basically, keep the place clean, maintain his access and a privacy fence are his main concerns.

Lance Warnick, in terms of the questions, replied that the intention is to do a 6 foot vinyl fence; the buildings will be on separate lots, and the units would be rented. In terms of the site cleaning, Bob works just up the road, and Bob would address any concerns.

No further comments were heard.

3. An application by BK Property Dev. for a Preliminary Subdivision Plat for property located at 1000 S. 16<sup>th</sup> St. Payette, Idaho. The proposed subdivision contains 4.68 acres, and will include 8 Residential lots, 2 Commercial Lots, and 1 common lot. A ptn of the SE1/4NW/14 Section 3, T8N,R5W, BM. The property is zoned Commercial.

Heard above.

4. An application by Thomas Jaramillo for a Conditional Use Permit to place a double-wide manufactured home at property located at 800 6<sup>th</sup> Ave. S. Dewitt's 1<sup>st</sup> Sub, a ptn of Block 7. The property is zoned A-Residential.

Thomas Jaramillo 2912 Kootenai Street in Boise, he is the potential buyer of the property from Lyman Adams. He just purchased a property at North 8<sup>th</sup> Street for the same condition this one has with the lot being too narrow. This property is 50 feet wide and the proposed building would meet all of the setbacks. He asked why he needs a Conditional Use Permit. Cordova replied she did not believe that a CUP is needed; if anything, it would be a variance.

Choate stated it sounds like it was annexed as an acceptable building lot. You applied for a CUP, and we don't think you need one.

No further comments were heard.

5. An application by Payette SDA Church for a Conditional Use Permit to operate a neighborhood thrift store at 305 S. 9<sup>th</sup> St. Fairview Addition: Block 1, Lot 2. The property is zoned B-Residential.

Pastor Albert Williams, 1346 North 6<sup>th</sup> Street. For many years the church has been operating a community center where they give out food and clothing. Largely due the changes in the way people view things, but in our society today if someone comes in there and has to ask for charity, it is a very hard thing to do. But if we turn it into a thrift store, it is not considered charity, it is considered a bargain. We also want to offer discount food. There are a lot of people who don't have a food budget, and don't want to ask for food. They are not changing the structure. We hope it will increase in the traffic and be used by the community, but no need for changes to the building or parking.

Choate asked about the hours of operation. We are tentatively thinking is three days a week, but hopes it does not go to six days a week as he does not want to work that hard.

Franklin asked if he would be opposed to limiting the days and hours. Mr. Williams stated that most likely it would be open on Sunday, Tuesday and Thursday. Youngberg suggested that you ask for more than you need. He applauded Mr. Williams for what they are doing and asked if they would still be a non-profit, and Williams replied yes. The revenues generated would be put back in to the community to help those in need and to help students. The last couple of weeks he has spent trying to get a homeless family into an apartment.

6. An application by Adele & Don Crownover for a Variance to have zero setbacks to place a carport on East property line at 1839 1<sup>st</sup> Ave. S. The E 28.5 'of Lot 6 of Bk 1 of Amended Plat of Payette Heights Addition, together with the S1/2 of certain alley of Bk 1, vacated and ptn of the E1/2 of 19<sup>th</sup> St vacated. The property is zoned A-Residential.

Adele and Don Crownover, 1839 1<sup>st</sup> Avenue South, Payette, addressed the Commission. We live on an unusual lot where their neighbor and their own driveway straddle the property line. The measurements of the driveway is so narrow, they do not have the option of placing the cover in another place.

Choate asked if they recommend that the structure not be enclosed at any time, would they be opposed to that, and Mrs. Crownover replied no.

No one else was present to testify; no further comments were heard.

Public Hearing closed.

## **AGENDA ITEMS**

1. An application by Mark Gage for a Conditional Use Permit to operate a Wood Staining Business at property located at 300 N. 16<sup>th</sup> St.

A motion was made by Franklin and seconded by Henderson to approve the CUP for the wood staining business provided that all state local and federal codes are met.

Motion CARRIED

2. An application by BK Property Dev. for a Conditional Use Permit to have a residential use in a commercial zone located at 1000 S. 16<sup>th</sup> Street.

Choate asked about density, and Cordova replied that the density does meet the code.

Franklin stated this is becoming a mixed use area, and Youngberg pointed out that it meets the new comprehensive plan.

A motion was made by Franklin and seconded by Henderson to grant the CUP for residential use in a Commercial zone.

3. An application by BK Property Dev. for a Preliminary Subdivision Plat for property located at 1000 S. 16<sup>th</sup> St.

Cordova asked Mr. Warnick to address the letter the City received from ITD. Warnick stated that they met with Ken and Shona from ITD today and came up with an approach to if they determine that there are additional improvements are required; that will be handled in the final plat. The apartments themselves would generate 7 trips a day per apartment, and the 32 units would generate 18 more. ITD wants more information regarding traffic generation. On the record, they will continue to work with ITD.

Youngberg made a motion to recommend approval of the Preliminary Plat by BK Property Development to the City Council under the conditions as recommended in the staff report, and to continue to work with ITD. Bradshaw seconded the motion.

After a unanimous voice vote, the motion CARRIED.

4. An application by Thomas Jaramillo for a Conditional Use Permit to place a double-wide manufactured home at 800 6<sup>th</sup> Ave. S.

The Commission did not believe Mr. Jaramillo needed a Conditional Use Permit and took no action on the request. The Commission recommended that it is determined that Mr. Jaramillo needs a variance, he should not have to pay for the application.

5. An application by Payette SDA Church for a Conditional Use Permit to operate a neighborhood thrift store at 305 S. 9<sup>th</sup> St.

Franklin pointed out that no one had a complaint regarding this request.

Franklin made a motion to operate a thrift store to be revised upon complaint.

After a unanimous voice vote, the motion CARRIED.

6. An application by Adele & Don Crowover for a Variance to have zero setback to place a carport on East property line at 1839 1<sup>st</sup> Ave. S.

The reason for setbacks is public utility easements and public safety. This is a really light structure. Henderson stated that she drives by the property every day, and she sees no issue with it. Franklin stated that as long as it is not considered a permanent structure, he did not see a problem with it.

Henderson moved that we send a favorable recommendation to the City Council for a variance to have zero setbacks for a portable carport and the structure cannot be enclosed at any time.

7. Payette County – Application for Comprehensive Plan Change from Agricultural to Rural Residential; Proposed Subdivision; SW Corner of NE 21st & Hwy 95

Franklin stated that he feels our Comprehensive Plan map should match the County's map.

Franklin stated that he thinks this is a good use of that property. Jerome Mapp stated that we should develop from the city limits out. The County will follow whatever our comprehensive plan is. Our rural residential is different from what the County's is. They are complying with County zoning. We should change our Comprehensive Plan to match. This changes the game.

The Commission read from the new Comprehensive Plan what appears to be marginal ag land at best, encourage to develop to City Standards. Even though it is identified as Ag land, it is moveable. Some of that property is appropriate as Ag, but in the long term, it may be industrial or commercial. Choate stated they could make a recommendation to the Council, because the County is changing their Comprehensive Plan map.

A motion was made by Franklin and seconded by Henderson to recommend approval of the proposed Payette County Comprehensive Plan change to the Payette County Planning & Zoning Commission if the Commission believed that the property is not good Agricultural land.

The motion CARRIED.

#### **PUBLIC COMMENTS**

Cordova informed the Commission that the City would like to hold a joint meeting with the Council and the P & Z Commission to go over use of the newly adopted Comprehensive Plan. It was determined that the P & Z Commissioners would be available at 6:00PM prior to the regular meeting of the Council scheduled for November 5, 2018.

#### **ADJOURNMENT**

A motion was made by Youngberg and seconded by Bradshaw to adjourn the meeting at 7:40 PM

After unanimous voice vote, motion CARRIED.

M. Cordova  
Recording Secretary