

The regular meeting of the Fruitland Planning and Zoning Commission was held at Fruitland City Hall on Monday, January 5, 2015 at 7:00 p.m. Commissioners Dickinson, Leonard, Heitz, Deardorff, Carlman, Grant and Percy were present.

Guests included Teresa Fabricius, Heather Heitz, Verna Roberts, Ronnie and Hayley Craig, Howard Matsumura, Kelly Henggeler, Dwayne Holloway and Rick Watkins.

Commissioner Dickinson made the motion to approve the December 1, 2014 meeting minutes. Commissioner Carlman seconded the motion. Motion carried.

Public Hearings:

Rick Watkins explained public hearing procedures and asked the commissioners to declare any conflicts. Commissioner Heitz declared a conflict with the item of annexation, zone designation and comprehensive plan change for 7070 S Pennsylvania Avenue and 7100 S Pennsylvania Avenue as he is representing the Heitz Family Trust. The first hearing was opened at 7:03 p.m.

Ronnie and Hayley Craig – Variance of side yard setback at 1865 Walnut Avenue:

Hayley Craig (1865 Walnut Avenue) testified when they built their home, they believed everything was okay until their neighbors built their home and it was realized the front property pin was missing. Mrs. Craig testified they had the property resurveyed and replaced the pin. Mrs. Craig stated they were notified by the city their side yard setback was six feet from the property line rather than the eight feet required and were out of compliance.

Commissioner Grant asked if the landscaper had moved the pin. Mr. and Mrs. Craig testified they didn't know and stated they had hired a landscaper, installers for sprinkler system and fence and was unaware the pin was missing until the neighbors needed measurements for construction of their home.

Commissioner Deardorff asked about the fence and Mr. Craig testified the fence and some trees would be moved in the Spring. Mr. Craig stated he found it odd they had six feet on the west side of the home and ten feet on the east side. Mrs. Craig submitted copies of the building permit and footing inspection for their home.

With no further testimony, the hearing was closed at 7:11 p.m.

City of Fruitland – Annexation, Zone Designation of Single Family Residential for vacant land adjacent to the north side of Crestview Park: Rick Watkins testified the city had acquired eight acres north of Crestview Park in a land swap with LeeRoy and Lorrie Tracy. Mr. Watkins testified parks, schools and public lands are allowed in Single Family Residential zone with a conditional use permit. Mr. Watkins explained if the annexation and zone designation is granted, a conditional use permit application for a public park will be submitted.

Commissioner Grant asked if there was a canal on the property. Mr. Watkins testified a drain ditch runs down one side and an irrigation ditch down the other which are proposed to create water features. Mr. Watkins stated a sewer trunk also runs through the middle of the property.

Commissioner Deardorff asked if Ayers Street would continue through and Mr. Watkins didn't foresee it.

Commissioner Dickinson asked if the surrounding residences were included in the proposal and Mr. Watkins explained the surrounding homes are currently in city limits and the proposal is only for the vacant land in the center.

Mr. Watkins read into the record testimony received in support of the proposal from Farmers Co-operative Irrigation Company, Pharmer Engineering, Tesoro Logistics NW Pipeline, Idaho Transportation Department, Jerry Campbell and HDR Engineering.

With no further testimony, the hearing was closed at 7:19 p.m.

Heitz Family Trust – Annexation, Zone Designation of Heavy Industrial, Comprehensive Plan Change from General Commercial to Heavy Industrial at 7070 S Pennsylvania Avenue and 7100 S Pennsylvania Avenue:

Rick Watkins explained an error on the application stating the current comprehensive plan zone designation of Light Industrial, the current designation is General Commercial.

Terry Heitz (521 W 1st Street) representing the Heitz Family Trust testified the property at 7100 S Pennsylvania Avenue was purchased in the early 60's and was a dairy farm. Mr. Heitz explained a few years later a portion of the property was split off and 7070 S Pennsylvania Avenue was created with a house. Mr. Heitz testified the house burned down and the house on 7100 S Pennsylvania Avenue was removed from the property, leaving approximately twelve acres of farm ground. Mr. Heitz testified the property has not been listed for sale and no one is interested at this time.

Mr. Heitz testified his two older brothers are pressuring to sell the property in order to reap some benefit as they retire. Mr. Heitz testified he was requesting Heavy Industrial zone, but felt twelve acres was not large enough to put heavy industry on unless it was joined with properties to the east and south and wanted to provide the option to potential buyers. Mr. Heitz testified annexation and zone of Heavy Industrial would allow a buyer to come in with options, stating there were hardly any properties within city limits available for purchase.

Commissioner Percy asked why not zone the property General Commercial. Mr. Heitz testified he wanted the option to move his business from Ontario to Fruitland if he was unable to sell the property. Mr. Heitz explained his business would not be allowed in a General Commercial zone. Mr. Heitz testified the property would be good for heavy industry because it has Hwy 95 frontage, railway to the east, and foresees the entire block being used someday.

Commissioner Dickinson asked if there was access and Mr. Heitz explained there are two accesses with water and sewer available.

Rick Watkins read into the record written testimony received expressing no opposition from Farmers Co-operative Irrigation Company, Pharmer Engineering, Tesoro Logistics NW Pipeline, Idaho Transportation Department, Jerry Campbell and HDR Engineering. Mr. Watkins read testimony received from Mason & Stanfield expressing no opposition to annexation. Mason & Stanfield expressed concern with the zone designation, stating incompatibility with the school on the adjacent property to the north and heavy industrial land along the major entry corridor. Mason & Stanfield recommend the request be carefully evaluated by the city.

Teresa Fabricius (2113 E 1st Street) testified she was representing the school district and had no comment on the annexation request, however had concerns with the zone designation and comprehensive plan change requests. Ms. Fabricius cited 1984 city code 11-2B-1 regarding the purpose of heavy industrial zone and requirement for buffering from residential uses to mitigate the effects of noise, vibration, traffic, odor, dust and smoke. Ms. Fabricius asked the commission to consider how the effects may negatively impact the schools, staff and students.

Ms. Fabricius testified concern with traffic and stated approximately 1200 people walk to school or are transported to school and a majority of those on Pennsylvania Avenue. Ms. Fabricius stated the elementary school and middle school in close proximity involve 1364 people, although not adjacent to the property, utilize Pennsylvania Avenue. Ms. Fabricius asked the commission to consider whether Heavy Industrial is an appropriate zone designation for the property.

Ms. Fabricius submitted a copy of her testimony.

Verna Roberts (1155 S Pennsylvania Avenue) testified she understood Mr. Heitz's predicament in selling family land and is not opposed to the annexation request, however is opposed to the request for a Heavy Industrial zone designation. Ms. Roberts cited several passages from the Fruitland Comprehensive Plan regarding compatible land use and felt the zone designation requested would not be compatible with the area.

Ms. Roberts testified she resides on Pennsylvania Avenue and experiences traffic congestion at 8 a.m. and 3 p.m. Ms. Roberts testified she has been a teacher for forty years and felt industry and the noise associated next door to a school is not compatible with learning. Ms. Roberts testified taxpayers have continuously voted to raise taxes to build beautiful schools and stated her family had donated land to widen and assist in the beautification of Pennsylvania Avenue, never dreaming an industrial site would be at the end of it. Ms. Roberts testified she can hear the operations from the Performix Nutrition Systems mill and doesn't want to hear more.

Ms. Roberts submitted her testimony in written form.

Kelly Henggeler (1755 SW 3rd Avenue) testified he sits on the school board and doesn't recall land issue conflicts between the school board and city boards and credits this to good planning. Mr. Henggeler asked the commission to consider the definition and uses allowed in Heavy Industrial zone and the compatibility. Mr. Henggeler stated he couldn't recall the area being envisioned as heavy industrial during the comprehensive plan process.

Terry Heitz testified he didn't know how to solve the traffic problem, however he also needs to be able to get in and out of his property. Mr. Heitz stated it was unfair the traffic problem at the school should prevent him from selling his property. Mr. Heitz testified people were concerned with heavy industry, however believes the property is too small to put a heavy industrial use on it and at this time the property is not listed and only wants to have options.

Mr. Heitz testified some of the heavy industrial uses allowed may not be wanted in that location and others would fit well. Mr. Heitz stated the city has a review committee for industrial properties and any development will be reviewed and the interests of the city and school will be considered. Mr. Heitz testified the schools came in after his property and feels he was been encroached upon and couldn't do anything about it. Mr. Heitz stated the school property is zoned Light Industrial and commonly Heavy Industrial zone adjoins Light Industrial zone.

Commissioner Carlman asked if there were any plans to develop the property and Mr. Heitz stated no. Commissioner Carlman asked if Mr. Heitz believed Heavy Industrial provided the most options rather than General Commercial. Mr. Heitz testified he felt General Commercial would allow him to sell the front 300' of the property, leaving the back portion with nothing. Mr. Heitz testified east of the property is the feed company, onion sheds, a rail spur, and the property has access to Hwy. 95, he sees a company similar to Milstak Company using the property.

Commissioner Dickinson asked if he had considered zoning the property Light Industrial and Mr. Heitz stated the property could always be rezoned later, but wanted to give options for potential buyers.

Commissioner Percy asked why not zone the property General Commercial and let the buyer rezone it. Mr. Heitz stated if he was going to come to the community and buy property to set up a business, he would want to know at the time what he could do with the property and Heavy Industrial provides those options. Mr. Heitz testified he doesn't think anyone will build a heavy industrial use next to a school and felt it wouldn't fit on twelve acres.

With no further testimony, the hearing was closed at 7:51 p.m.

Regular Meeting:

Ronnie & Hayley Craig – Variance of side yard setback at 1865 Walnut Avenue:
Commissioner Grant made the motion to send a favorable recommendation to city council for a variance allowing a six foot side yard setback at 1865 Walnut Avenue. Commissioner Carlman seconded the motion. Motion carried.

City of Fruitland – Annexation of vacant land adjacent to north side of Crestview Park:
Commissioner Dickinson made the motion to send a favorable recommendation to city council for annexation of vacant land north of Crestview Park. Commissioner Grant seconded the motion. Motion carried.

City of Fruitland – Zone Designation of Single Family Residential for vacant land adjacent to north side of Crestview Park: Commissioner Carlman made the motion to send a

favorable recommendation to the city council for zone designation of Single Family Residential for vacant land north of Crestview Park. Commissioner Percy seconded the motion. Motion carried.

Heitz Family Trust – Annexation of 7070 S Pennsylvania Avenue and 7100 S Pennsylvania Avenue: Commissioner Percy made the motion to send a favorable recommendation to city council for annexation of 7070 S Pennsylvania Avenue and 7100 S Pennsylvania Avenue. Commissioner Dickinson seconded the motion. Motion carried.

Heitz Family Trust – Zone Designation of Heavy Industrial for 7070 S Pennsylvania Avenue and 7100 S Pennsylvania Avenue: Commissioner Dickinson stated the uses allowed in Heavy Industrial zone are not appropriate next to a school and though there are no plans for development, there's no control for what happens.

Commissioner Percy agreed it was difficult to designate a zone before knowing what the use will be and heavy industry next to the school or in the vicinity is not cohesive.

Commissioner Percy made the motion to send an unfavorable recommendation to the city council for zone designation of Heavy Industrial for 7070 S Pennsylvania Avenue and 7100 S Pennsylvania Avenue. Commissioner Leonard seconded the motion. Motion passed.

Heitz Family Trust – Comprehensive Plan Change from General Commercial to Heavy Industrial for 7070 S Pennsylvania Avenue and 7100 S Pennsylvania Avenue: Commissioner Percy made the motion to send an unfavorable recommendation to the city council for comprehensive plan change from General Commercial to Heavy Industrial for 7070 S Pennsylvania Avenue and 7100 S Pennsylvania Avenue. Commissioner Dickinson seconded the motion. Motion carried.

Impact Area: Transfer of Development Right – Doug Scarlett to Beau Clover: Commissioner Carlman made the motion to send a favorable recommendation to city council for transfer of development right from Doug Scarlett to Beau Clover. Commissioner Heitz seconded the motion. Motion carried.

Impact Area: Transfer of Development Right – Doug Scarlett to Troy & Chelsea Bidwell: Commissioner Grant made the motion to send a favorable recommendation to city council for transfer of development right from Doug Scarlett to Troy and Chelsea Bidwell . Commissioner Carlman seconded the motion. Motion carried.

Elect 2015 Officers: Commissioner Grant made the motion to nominate and elect Barry Carlman for Chairman, Commissioner Dickinson seconded the motion. Motion carried. Commissioner Dickinson made the motion to nominate and elect Doug Deardorff for Vice Chairman. Commissioner Grant seconded the motion. Motion carried.

The meeting adjourned at 8:07 p.m.

Doug Deardorff, Chairman

ATTEST:

Beth Earles, Secretary