

The regular meeting of the Fruitland Planning and Zoning Commission was held at Fruitland City Hall on Tuesday, September 8, 2015 at 7:00 p.m. Commissioners Helen Dickinson, Tracy Leonard, Terry Heitz, Doug Deardorff, Barry Carlman, Carrie Grant and Suzanne Percy were present.

Guests included Patricia Ann, Correna Kessler, Robert Kessler, Chet Boren, Mary Lou Chrz, Debbie and Tom Pallis, Steve Cockerum, Joe and Nena Connor, Dan Little and Rick Watkins.

Commissioner Deardorff made the motion to approve the August 3, 2015 meeting minutes. Commissioner Dickinson seconded the motion. Motion carried.

Public Hearings:

Rick Watkins explained public hearing procedures and asked the commissioners to declare any conflicts. No conflicts were declared.

**Robert and Correna Kessler – Conditional Use Permit to store vehicles at 1711 N Whitley Drive:** Robert and Correna Kessler (805 NW 3<sup>rd</sup> Street) testified their situation came about when they purchased an abundance of vehicles at auctions this year and required a storage lot to avoid exceeding the number of cars allowed on their sales lot. Mrs. Kessler testified the property at 1711 N Whitley Drive is a fenced area out of public view.

Commissioner Carlman asked the number of cars and Mrs. Kessler stated 105 vehicles are on the sales lot and 50 to 60 cars are waiting to come onto the lot. Commissioner Carlman asked how many cars move through the lot each month and Mrs. Kessler stated on average 8 to 12 and 15 to 16 in a high month.

Commissioner Percy asked how many cars are not running. Mrs. Kessler stated two and added most may need a windshield, side windows or a battery replaced and need detailed. Commissioner Percy asked if any cars would be used for parts and Mrs. Kessler stated no.

Commissioner Carlman asked where repairs are done and Mrs. Kessler stated at the sales lot.

Commissioner Heitz asked if the proposed lot was entirely fenced. Mrs. Kessler stated a part of the fence had blown down and will be put back up.

Commissioner Grant stated there were questions regarding drainage issues and asked what was producing the runoff. Mrs. Kessler replied the cause was natural due to snow and rain

Commissioner Carlman asked if they were the ones who had elevated the land and what the plans were for the property once the 60 cars were gone. Mrs. Kessler testified they had not elevated the land and had no future plans for the property as they only want to get their inventory down to the 75 vehicles allowed on the sales lot. Commissioner Carlman what the time frame was for storing vehicles on the lot and Mrs. Kessler stated six months to a year explaining some vehicles would be rotated back to auction or private sales with other dealers.

Commissioner Grant asked about weeds growing on the property and Mrs. Kessler stated they had knocked down the weeds, but had not visited the lot in a month because they were unsure they would be granted the permit to use the lot. Mrs. Kessler assured the commission the weeds would be taken care of.

Commissioner Dickinson asked if there would be any salvage vehicles and Mrs. Kessler stated no they would be crushed.

Commissioner Percy asked if the cars were covered under insurance and Mrs. Kessler stated yes. Commissioner Percy stated according to city code an inoperable vehicle is considered a junk vehicle and storage of such in city limits may constitute a nuisance.

Rick Watkins read into the record written testimony received from Patricia Ann.

Patricia Ann (1705 & 1707 N Whitley Drive) testified the subject property is landlocked and police cannot patrol without trespassing. Ms. Ann testified there has been drainage issues with the property that affects her property to the east.

Chester Boren (2089 N 6<sup>th</sup> Street, Payette) testified he owns the property and drainage is not an issue. Mr. Boren testified at one time runoff from the Centennial Plaza would run across his parking lot and flood Patricia Ann's property. Mr. Boren testified the city created a drain field to solve the issue and he created a drainage ditch six foot deep behind Patricia Ann's property. Mr. Boren testified he put the driveway through from N Whitley Drive in order to bring his tractor and mower in and there would be no other traffic to create dust.

There was discussion regarding the drain ditch to the east of the subject property.

Tom Pallis (1715 N Whitley Drive) testified he has seen the ditch fill up and overflow into Patricia Ann's backyard and onto his property to the north. Mr. Pallis testified he believes there is a problem and it starts with the properties to the southwest and the water runs downhill into the ditch but doesn't percolate into the ground.

Commissioner Dickinson asked if the drainage issue was created from the subject property or the surrounding area. Mr. Pallis stated it was from the surrounding area and testified he had no problem with the proposal.

Correna Kessler testified they would do what they can to maintain the property.

With no further testimony the hearing was closed at 7:43 p.m.

**Mary Lou Chrz – Temporary Use Permit (Hardship) at 607 S Pennsylvania:** Mary Lou Chrz testified since January her ability to walk has declined and she is unable to get up on her own when she has fallen. Ms. Chrz testified she would like her children to remain on the property to assist her.

Commissioner Deardorff asked if anything would change in regards to the trailer that had been put in place to care for Mr. Chrz. Joe Conner testified there would be no changes.

With no further testimony, the hearing was closed at 7:46 p.m.

Regular Meeting:

**Robert and Correna Kessler – Conditional Use Permit to store vehicles at 1711 N Whitley Drive:** The commission discussed the need for stipulations regarding repairs or salvage, the need for the weeds and fencing to be maintained and a time frame established.

Commissioner Percy stated she appreciated what the Kesslers were trying to do and wants them to be successful but felt a storage lot was not appropriate in a commercial zone and not cohesive with the environment. Commissioner Percy felt it was the commission's job to protect residents and business owners and neither would appreciate oil or gas spills, wasp nests or vandalism.

Commissioner Deardorff made the motion to approve the conditional use permit to store vehicles at 1711 N Whitley Drive with the following stipulations: expires in one year; maximum 30 cars allowed in six months time; weeds are to be controlled; maintain privacy fence; no repairs or dismantling of vehicles; only access from gate on southeast corner. Commissioner Heitz seconded the motion. Motion carried.

**Mary Lou Chrz – Temporary Use Permit (Hardship) at 607 S Pennsylvania:** Commissioner Deardorff made the motion to approve the temporary use permit with the stipulation the trailer be removed when Ms. Chrz no longer needs assistance. Commissioner Leonard seconded the motion. Motion carried.

The meeting adjourned at 8:07 p.m.

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Barry Carlman, Chairman

ATTEST:

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Beth Earles, Secretary