

## NOTICE OF PUBLIC HEARING

Notice is hereby given of a public hearing to be held before the Fruitland City Council at Fruitland City Hall, 200 S. Whitley Drive, Fruitland, ID on June 12, 2023 at 7:00 PM, or as soon thereafter as may be heard, for the purpose of receiving public testimony regarding consideration of a proposed amendment of section 10-6B-2A and 10-6B-2D of Fruitland City Code, to allow for a residential dwelling in a storage unit facility in Light Industrial zone.

The Fruitland Planning & Zoning Commission has forwarded favorable recommendations of the request. Citizens are encouraged to provide oral and written testimony. The applications and supporting documentation may be reviewed at the office of the City Clerk during regular office hours 8AM-5PM, Monday-Friday or reviewed on-line at [www.fruitland.org](http://www.fruitland.org).

Suzanne Pearcy, City Clerk

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall on Tuesday, May 9, 2023 at 7:00 p.m. Commissioners present were Helen Dickinson, Jim Ashley, Terry Heitz, Barry Carlman, Mike Smith, and Lindsey Judson. Commissioners Cathy Yasuda, Tami DeCroo, and Sharon Blacketter were absent. Staff present were Danny Little and Beth Earles. Guests present included Brandon Tarvin, Stuart Grimes, Melissa Zueger, Jeana Jeffries, Keely Jeffries, Melissa Brunner, Leif Anderson, Lori and Adam Atkinson, Mer Bilyeu, Adam Owens, Nikki Owens, Steve Copeland, Zach Bieker, Katie Miller, David Bailey, Phyllis Swanson, Bob Swanson, Tony Godinho, James Shively, Richard Wood, Mark Howe, Dawn Walker, Dean Leas, Richie Myers, David and Desiree Wallace, Lorrie Spickelmire, Dennis and Diane Nielsen.

Commissioner Dickinson made a motion to approve the April 11, 2023 meeting minutes. Commissioner Ashley seconded the motion. Motion carried.

### Public Hearings

Zoning Administrator, Danny Little, opened the first hearing at 7:02 p.m. and explained public hearing procedures. Mr. Little asked for the commission to disclose any conflicts. No conflicts were declared.

Jonathan Graber - Conditional Use Permit to Allow Greenhouse & Mini Barn Sales Lot at 975 NW 16<sup>th</sup> Street: The applicant was not present. No written or oral testimony was received. The hearing was closed at 7:05 p.m.

Proposed Code Amendment to Allow Single Caretaker Dwelling for Storage Unit Facility of Minimum Fifty Units in Light Industrial Zone: No written or oral testimony was received. The hearing was closed at 7:07 p.m.

Trilogy Development – Annexation, Comprehensive Plan Amendment from Neighborhood Commercial to Single Family Residential, Zone Designation of Single Family Residential for Property in the 2100 Block of SE 6<sup>th</sup> Street to the North 2250 Block of NW 2<sup>nd</sup> Avenue, Preliminary Plat of Orchard Heights Subdivision: David Bailey of Bailey Engineering, Inc. (1119 E. State Street, Eagle), representing Trilogy Development testified they are requesting annexation, comprehensive plan amendment, and a zone designation of Single Family Residential in order to develop Orchard Heights Subdivision. Mr. Bailey testified the subdivision will be accessed from NW 2<sup>nd</sup> Avenue, SE 6<sup>th</sup> Street, Zellers Crossing Subdivision, and from an extension of Richey Road. The subdivision will be developed in eight phases with 368 buildable lots, 44 common lots, 2 miles of walking paths, open space to include park areas with playground equipment. The pipeline will be landscaped as well as around the station on SE 6<sup>th</sup> Street.

The phases will consist of: Phase 1: March 2024 – 38 buildable lots; Phase 2: March 2026 – 40 buildable lots; Phase 3: January 2028 – 42 buildable lots; Phase 4: July 2029 – 46 buildable lots; Phase 5: July 2031 – 71 buildable lots; Phase 6: July 2032 – 40 buildable lots; Phases 7-8: 10-15 year build out to 2039. Open space will be included with each phase.

Improvements will include road improvements to SE 6<sup>th</sup> Street, NW 2<sup>nd</sup> Avenue, extension of Richey Road to NW 2<sup>nd</sup> Avenue, railroad crossings, and pump upgrade of the E 1<sup>st</sup> Street Lift Station. After eighty lots, a right turn lane on Hwy. 95 at NW 2<sup>nd</sup> Avenue will be constructed. The extension of Richey Road will be done in Phase 5. The city Master Transportation Plan calls for a traffic light at NW 2<sup>nd</sup> Avenue and Hwy. 95. Idaho Transportation Department will determine the contributions required for the light as well as the railroad crossing improvement on SE 6<sup>th</sup> Street.

Mr. Bailey addressed the concerns received from the Fruitland Public Works Supervisor, and the city engineers. Items to deliberate and reach a consensus on include any improvements of SE 6<sup>th</sup> Street west of the railroad tracks. At this time, there is no plan for rebuilding the canal crossing on SE 6<sup>th</sup> Street.

Written testimony was received from Jerry Campbell, Public Works Supervisor; Idaho Transportation Department, Adurra, and Bailey Engineering.

Nikki Owens (446 Blacksmith Avenue) testified in opposition to the proposals due to concerns with increased traffic and lack of infrastructure.

CITY OF FRUITLAND  
FINDINGS OF THE PLANNING & ZONING COMMISSION

**INTRODUCTION**

The Fruitland Planning & Zoning Commission held a public hearing and regular meeting on May 9, 2023. Commissioners present were Helen Dickinson, Jim Ashley, Terry Heitz, Barry Carlman, Mike Smith, and Lindsey Judson.

The Fruitland City Council requested consideration of amending Section 10-16B-2A of the Fruitland City Code to allow for a residential dwelling in a storage unit facility in a Light Industrial Zone; amending Section 10-6B-2D to allow residential uses when specifically allowed.

**STANDARDS APPLIED**

The standards applied by the Commission in making its recommendation are taken from the Fruitland Land Use Ordinance, Fruitland Comprehensive Plan, and Title 67 of Idaho Code.

**FINDINGS OF FACT**

The city council is proposing to amend Section 10-16B-2A of the Fruitland City Code to allow for a residential dwelling unit to be maintained as an accessory use for an employed caretaker of a storage unit facility with a minimum of fifty storage units, and to amend Section 10-6B-2D to allow residential uses when specifically allowed.

The publication requirements for the hearing have been met as required by Fruitland City Code and the laws of the State of Idaho. Publication occurred April 23, 2023.


No testimony was received.

**CONCLUSIONS**


The Planning & Zoning Commission, pursuant to the aforementioned, enters the following recommendation:

FAVORABLE for Amendment of Sections 10-16B-2A and 10-6B-2D of the Fruitland City Code to allow for a residential dwelling in a storage facility in Light Industrial Zone, and allow for residential uses when specifically allowed.

DATED this 9<sup>th</sup> of May, 2023.

  
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Barry Carlman, Chairman

**ATTEST:**

  
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Beth Earles, Secretary

ORDINANCE NO. \_\_\_\_\_

AN ORDINANCE OF THE CITY OF FRUITLAND, IDAHO, AMENDING SECTION 10-6B-2A OF THE FRUITLAND CITY CODE TO ALLOW FOR A RESIDENTIAL DWELLING IN A STORAGE UNIT FACILITY IN LIGHT INDUSTRIAL ZONE; AMENDING SECTION 10-6B-2D TO ALLOW RESIDENTIAL USES WHEN SPECIFICALLY ALLOWED; ESTABLISHING REPEALER; SETTING AN EFFECTIVE DATE AND ALLOWING PUBLICATION BY SUMMARY

WHEREAS, the City of Fruitland ("City") has determined that it is in best interests of the citizens of the City to amend the Fruitland City Code to allow for a single-family residential dwelling unit in a storage unit facility;

THEREFORE, BE IT ORDAINED BY THE MAYOR AND CITY COUNCIL OF THE CITY OF FRUITLAND, IDAHO AS FOLLOWS:

SECTION 1: That Title 10, Chapter 6B, Section 2A of the Fruitland City Code is hereby amended as follow:

10-6B-2: ALLOWED USES:

A. Permitted Uses In LI Zone: The following uses and structures are permitted on each building site in the light industrial zone (LI) as follows:

Residential: One residential dwelling unit may be maintained as an accessory use for an employed caretaker of a storage unit facility with a minimum of fifty (50) storage units.

SECTION 2: That Title 10, Chapter 6B, Section 2D of the Fruitland City Code is hereby amended as follow:

D. Residential Use Prohibited: All residential uses shall be prohibited in the industrial zones, unless specifically allowed.

SECTION 3. REPEALER CLAUSE. All City of Fruitland ordinances or resolutions or parts thereof, which are in conflict herewith, are hereby repealed.

SECTION 4. EFFECTIVE DATE. This Ordinance shall be in full force and effect from and after its passage, approval and publication. Publication may be by summary.

PASSED by the City Council and APPROVED by the Mayor of Fruitland this \_\_\_\_ day of May, 2023.

CITY OF FRUITLAND, IDAHO

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Brian Howell, Mayor

ATTEST:

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Suzanne Percy  
City Clerk