

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall on Tuesday, December 11, 2018 at 7:00 p.m. Commissioners present were Helen Dickinson, Jim Ashley, Terry Heitz, Barry Carlman, Doug Deardorff, Mike Smith, Carrie Grant and Suzanne Percy. Commissioner Cathy Yasuda was absent.

Guests included Carmen Perez, Kay and Larry Haley, Kevin and Ramona Bell, Russ Roberts, Yolanda Juarez, Refugio Gonzalez, Diana Gonzalez, LaVaughan Beck, Tim and Lisa Davis, Scott Capps, Grant and Ynnet Baxter, Brian Howell, Danny Little and Rick Watkins.

Commissioner Deardorff made the motion to approve the November 19, 2018 minutes. Commissioner Smith seconded the motion. Motion carried.

Public Hearings:

Opening the hearing at 7:00 p.m., Rick Watkins explained public hearing procedures and asked the commissioners to disclose any conflicts. No conflicts were declared.

Rywest Homes - Zone Change and Comprehensive Plan Change from General Commercial to Multi-Family Residential; Amendment to Development Agreement for 2185 N. Whitley Drive, 2171 N. Whitley Drive, 2145 N. Whitley Drive, 2159 N. Whitley Drive and 2131 N. Whitley Drive: Tim Davis (125 Beech Street) representing Rywest Homes testified he is requesting a zone change and comprehensive plan change from General Commercial to Multi-Family Residential for the western lots of the Creekside Professional Plaza Subdivision. Mr. Davis testified he intends to construct seven multi-family fourplexes on a private street accessed from NW 21st Street with a gated emergency access from Shamrock Court. Mr. Davis testified the fourplexes would be built in two phases with four units built the first year and three units in the second year. Mr. Davis stated a berm and fence will be erected between the multi-family residential lots and the commercial lots.

Rick Watkins stated written testimony had been received from Michael Moscrip; City Engineer, Carl Hipwell; Peggy Murphy of Farmers Co-operative Irrigation Co.; Public Works Supervisor, Jerry Campbell; City Engineer, William Russell; and Midge Kline of Andeavor.

Kevin Bell (1083 NW 21st Street), President of the Creekside Homeowners Association testified the property is within the boundaries regulated by the Association and is bound by Article 5 of the HOA's covenants. Mr. Bell testified approval of the proposal would be contrary to the Association's covenants.

Russ Roberts (1075 NW 21st Street), testified the subdivision's covenants state the lots shall be used as commercial lots and requested the commission deny the proposal. Mr. Roberts requested if the lots are zoned multi-family that they be required to abide by the Creekside HOA's CC&Rs.

Yolanda Juarez (980 Shamrock Court) testified she is concerned with potential traffic coming through the cul-de-sac on Shamrock Court and would like it to remain as it is.

Diana Gonzalez (2202 Shamrock Court) testified the placement of the gate off Shamrock Court would impact how they park their vehicles in their driveway. Ms. Gonzalez requested the gate be moved over.

Tim Davis testified each fourplex will have a covered carport for four vehicles. Mr. Davis stated he felt multi-family residential was the best use of the property which would create a buffer between the subdivision and the commercial traffic along Highway 95. Mr. Davis testified he wrote the CC&Rs for the Creekside Subdivision when he developed the subdivision. At the time he did not own the subject property in the Creekside Professional Plaza Subdivision. The CC&Rs were written for duplexes and it would be difficult to apply the current CC&Rs to the development of fourplexes. Mr. Davis stated there are CC&Rs for the Creekside Professional Plaza which will need to be amended.

With no further testimony, the hearing was closed at 7:33 p.m.

Regular Meeting

Recommendations:

Rywest Homes - Zone Change and Comprehensive Plan Change from General Commercial to Multi-Family Residential; Amendment to Development Agreement for 2185 N. Whitley Drive, 2171 N. Whitley Drive, 2145 N. Whitley Drive, 2159 N. Whitley Drive and 2131 N. Whitley Drive: Commissioner Smith made the motion to send a favorable recommendation to the city council for a zone change, comprehensive plan change and amendment of the development agreement as proposed. Commissioner Heitz seconded the motion. Motion carried.

Impact Area Recommendations:

Kelly James Dullanty - Conditional Use Permit for a Martial Arts Studio at 1875 NW 1st Avenue: Commissioner Deardorff made the motion to send a favorable recommendation to the city council for a conditional use permit as proposed. Commissioner Dickinson seconded the motion. Motion carried.

Knife River Corporation - Conditional Use Permit for a Concrete Batch Plant at Agriservice Way: Commissioner Percy made the motion to send a favorable recommendation to the city council for a conditional use permit as proposed with the recommendation that development follow the city's development standards. Commissioner Grant seconded the motion. Motion carried.

Chairman Carlman adjourned the meeting at 8:00 p.m.

Barry Carlman, Chairman

ATTEST:

Beth Earles, Secretary