

City of Heyburn Planning & Zoning Meeting & Public Hearing
Tuesday, September 20, 2022
4:00 P.M.

Welcome, Declaration of a Quorum:

Planning & Zoning Chairperson Heather Petersen welcomed everyone to the meeting at 4:00 p.m. A quorum was confirmed by Heather Petersen. Those present were Amy Despain, Bryan Jensen, Noel Santana, and Damon Gillette. Employees present were Paul Ross, Jerome Fagaldefeg, and Debra Encinas. Tony Morley City Administrator was excused.

Discuss / Consider Approval of the Minutes of the September 13, 2022, Special Planning & Zoning Meeting & Public Hearing – ACTION ITEM

Motion by Amy Despain to approve the minutes of the September 13, 2022, Special Planning & Zoning Meeting & Public Hearing as presented. Second by Noel Santana. Vote: All in favor, none opposed.

Public Hearing – Application for Zoning submitted by the City of Heyburn pursuant to Idaho Code 67-6511 of the property belonging to Diane Griswold contiguous to the City of Heyburn. The Griswold Property is an open field/ditch located west of 500 West and north of Interstate 84, Heyburn, Idaho. This property is currently zoned Agricultural Low by Minidoka County.

Paul Ross City Attorney presented.

Chairperson Heather Petersen opened the public hearing.

Those speaking in favor of the Application for Zoning were: None.

Those speaking who are neutral to the Application for Zoning were: None.

Those speaking against the Application for Zoning were: None.

Hearing no further comments, Chairperson Heather Petersen closed the public hearing.

Discuss / Consider Approving and Recommending to City Council Application for Zoning submitted by the City of Heyburn pursuant to Idaho Code 67-6511 of the property belonging to Diane Griswold contiguous to the City of Heyburn – ACTION ITEM

After discussion, motion by Bryan Jensen to approve and recommend to City Council the Application for Zoning as Commercial General submitted by the City of Heyburn pursuant to Idaho Code 67-6511 of the property belonging to Diane Griswold contiguous to the City of Heyburn. Second by Amy Despain. Vote: All in favor, none opposed.

Public Hearing - Application for Zoning submitted by the City of Heyburn pursuant to Idaho Code 67-6511 of the property belonging to Nick Cozakos, Mary Cozakos, and Ferris Taylor contiguous to the City of Heyburn. The Cozakos Properties and the Taylor Property are located at 505 South River Drive, Heyburn, Idaho, and part of South River Drive. These properties are currently zoned Agricultural Low by Minidoka County.

Mr. Ross presented.

Chairperson Heather Petersen opened the public hearing.

Those speaking in favor of the Application for Zoning were:

Brad Cottom, wanting to know why the city is doing this now, he has been on the property over 50 years. There is nothing left in Sonville to develop other than Lot Q. He read from Judge Brody's Judgment regarding Lot F and indicated the interests of the other lots in Lot F.

Those speaking who are neutral to the Application for Zoning were:

Ferris Taylor joined the meeting by phone. Mr. Ferris stated that there is no value to Lot F to him as the owner and there are no city services for this lot. It makes sense to him that the city would want the road and the lots that are on city services. Mr. Ferris said he is surprised that the entire Sonville Subdivision is not yet annexed into the city. Mr. Ferris said his mother was the trustee of the Sonville Farms/Son Trust and his sister-in-law is now the trustee, he has 75 plus years of history with the area and he is not opposed to Lot F being part of this consideration.

Those speaking against the Application for Zoning were:

Mary Frances Cozakos, part owner of Lot H, wants to make sure that Villa is also being annexed. She doesn't know why the city would want to annex Lot G as it is pasture. Wants to know if they are going to receive low pressure irrigation and police protection? The police turn around at Linda Drive. She also stated that Nick and her are on a fixed income and this would be a problem.

Jim Cozakos said there needs to be a correction to the documents, he and Janet are the owners of Lot G, not Nick & Mary Cozakos. He doesn't see any good reason why the city would want to annex a piece of property that has been nothing but a pasture since 1972. He will require the city to run him water, sewer and low pressure, just like they do for every other city lot and he does not want to wait 10 years for this to happen.

Karry Rathe owner of Lot K, her parents own Lot J. Her parents bought their property in 1973 and built a home. She has lived in this area her entire life, almost 50 years. No one has ever been down to maintain Lot F, the county nor the city. The owners of Lots I through Q are the ones who have maintained Lot F due to their interest. The only thing that could ever be built on that

lot are boat landings. There is no purpose to have this property annexed in. She's has lived there her entire life and has never needed any of the city's service for anything. She has never met Ferris Taylor, he has never lived in the area and it is unfair for the families that live in the area for him to want the property annexed into the city just because his name is on the property. Diane Griswold said her concern is for the increase in property taxes once they get annexed into the city. She is opposed to them having lived there for over 50 years and all of a sudden having their taxes go up because of being annexed.

Kim Ball said she is the one that was referring to as being annexed last year. She is here again, unfortunately. All these people have lived here longer than them. When they moved in they had no idea that they were going to be annexed until almost a year later. Now the city is going after the river property, that was the whole point of them buying the house, was for the access through Lot F. And to take that away is wrong, what the city is doing is wrong. There are a lot of things going on here that shouldn't be, they just can't get to the bottom of it, but there is a reason and it's an ugly one, it's an unkind one and like Kerry Rathe said there is no reason for the city to need it. All they do is use it as a family access to the water. Heyburn doesn't even have a boat dock. And the city is trying to take this away from them.

Hearing no further comments, Chairperson Heather Petersen closed the public hearing.

Mr. Cottom asked at what point does the seller's rights disappear, Mr. Ross explained that seller's rights are not being altered. Nothing changes in ownership. Mr. Ross also explained that is a Category A Annexation.

Karry Rathe asked why now, it has never changed, until the Ball's property was annexed. They know it's not going to stop, they feel like they are being misled, they are not being told the whole truth, of what is the city's entire plan. Mr. Ross explained Council's previous direction of annexing connected owners.

Discuss / Consider Approving and Recommending to City Council Application for Zoning submitted by the City of Heyburn pursuant to Idaho Code 67-6511 of the properties belonging to Nick Cozacos, Mary Cozacos and Ferris Taylor contiguous to the City of Heyburn – ACTION ITEM

After discussion, motion by Noel Santana to approve and recommend to City Council Application for Zoning as Residential Low submitted by the City of Heyburn pursuant to Idaho Code 67-6511 of the properties belonging to Nick Cozacos, Mary Cozacos and Ferris Taylor contiguous to the City of Heyburn. Second by Amy Despain. Vote: All in favor, none opposed.

Training: No training held due to lapse of time.

Motion to Adjourn – ACTION ITEM

Motion to adjourn the meeting by Bryan Jensen. Second by Amy Despain. Vote: All in favor, none opposed.

The meeting adjourned at 5:02 p.m.

Heather Petersen
Chairperson

Debra Encinas
Planning & Zoning Clerk