

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 28, 2021 at 7:00 P.M. or as soon thereafter as may be heard, to consider a request by Ken & Julia Bishop for a comprehensive plan amendment and rezone from Single Family Residential to Multi-Family Residential and Development Agreement for 301, 303, 305 N Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road, more specifically described as:

In NORTHEAST ADDITION TO FRUITLAND, IDAHO, as per Plat in Book 2, Page 36, Plat Records, Payette County, Idaho: In Block 2: Lots 1, 2, 11 and 12.

The West 70 feet of Lot 5 in Block 2 in Northeast Addition to Fruitland, Idaho as per Plat in Book 2, Page 36, Plat Records, Payette County, Idaho.

The Fruitland Planning & Zoning Commission has forwarded favorable recommendations of the requests. 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.

Suzanne Percy, City Clerk



Annexation, Comprehensive Plan Change, Zone Change Application

200 S. Whitley Drive/P.O. Box 324 Fruitland, Idaho 83619 Phone: 208-452-4946

Danny Little, Zoning Administrator
dlittle@fruitland.org

www.fruitland.org

Beth Earles, Secretary
bearles@fruitland.org

APPLICANT: Ken & Julia Bishop

Address: 315 N Pennsylvania Ave, Fruitland ID 83619

Mailing Address: 315 N Pennsylvania Ave, Fruitland ID 83619

Telephone: 208-452-3319 Fax: 208-452-3817 E-mail: kenbishop@fmtc.com

FILING CAPACITY:

- Recorded property owner as of 1998 (Date)
- Purchasing as of _____ (Date)
- Leasing property as of _____ (Date)
- Authorized agent of any of the foregoing, duly authorized in writing.
(Written authorization must be attached.)

ENGINEER/ARCHITECT:

Name: _____

Address: _____

Telephone: _____ Fax: _____ E-mail: _____

LEGAL DESCRIPTION OF PROPERTY AND PLOT PLAN: *Submit a drawing of property stamped by an Idaho Engineer and a legal description with metes and bounds. The drawing and legal description shall be submitted in such form as to be acceptable to the Idaho State Tax Commission, Payette County Clerk, Payette County Treasurer and the Payette County Assessor.*

Size of Area: 1.8 acres, and/or _____ sq. ft.

Description of Existing Use: Multi-Family Residential

ZONING:

Present: Single Family Residential Proposed: Multi-Family Residential

COMPREHENSIVE PLAN:

Present: Single Family Residential Proposed: Multi-Family Residential

JUSTIFICATION:

State reason for requested action. To conform zoning to current property use. The existing units have been on these parcels since the late 1980s. Conforming the zoning would allow for old units to be replaced.

APPLICANT CERTIFICATION:

Ken A. Bishop, being first duly sworn, deposes and says that he/she is the applicant and knows the contents thereof to be true to his/her knowledge.

Applicant's Signature

Subscribed and sworn to before me this _____ day of _____ 20____.

Notary Public for Idaho

Residing at: _____

My Commission Expires: _____

OWNER CERTIFICATION:

I have read and consent to the filing of this application as the owner of record of the property being considered in this application.

Name: Ken A. Bishop

Address: 315 N Pennsylvania Avenue, Fruitland ID

Telephone: 208-452-3319 Fax: 208-452-3817 E-mail: kenbishop@fmtc.com

Owner's Signature: _____ Date: _____

FILING FEES:

- Annexation \$500.00
- Comprehensive Plan Change \$500.00
- Zone Change \$500.00

TOTAL FEES: 500

*If any combination of the above are requested together, application fee will be a total of \$500.00
All costs for engineer reviews will be billed to the applicant.*

NORTHEAST ADDITION
per Plat in Book 2,
Page 36, Block 2

Lots 1, 2, 5, 11, 12

Lot 5

Lot 12

Lot 11

NW 4TH ST

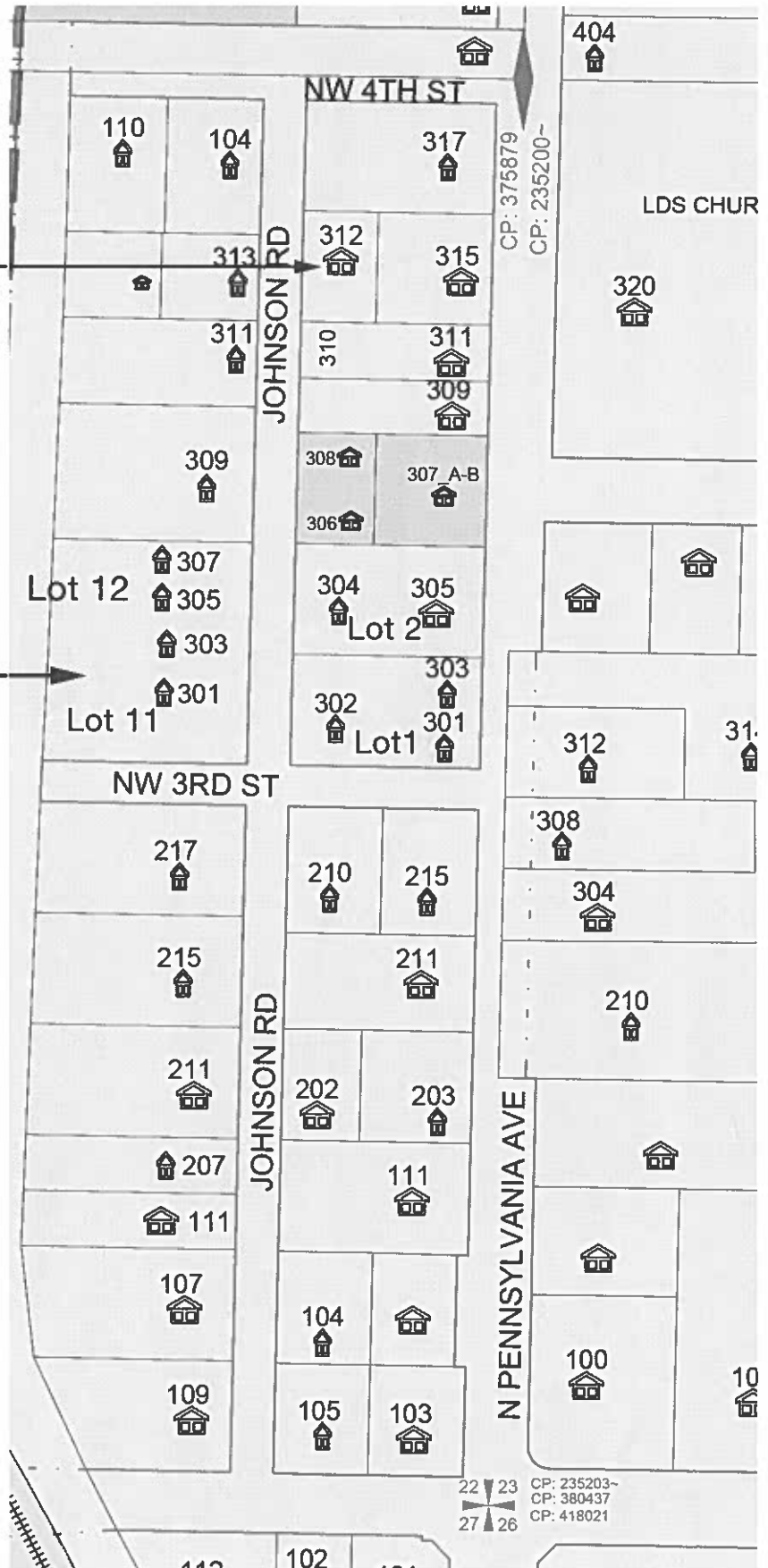
JOHNSON RD

NW 3RD ST

JOHNSON RD

N PENNSYLVANIA AVE

22 23
27 26
CP: 235203~
CP: 380437
CP: 418021



April 8, 2021

Beth Earles, Secretary
Planning and Zoning Commission
City of Fruitland
P.O. Box 324
Fruitland, ID 83619

RE: Ken & Julia Bishop - Request for Comprehensive Plan Amendment and Rezone

Dear Ms. Earles:

T-O Engineers has reviewed the zone and comprehensive plan change for the Lots 1, 2, 5, 11, and 12 of the Northeast Addition, Plat in Book 2, Page 36, Block 2 parcels as received and dated March 26, 2021. As the City's Transportation Engineer, T-O Engineers reviewed the described change to assure it meets City Code as it pertains to Transportation requirements per City Code. As such, we have no opposition to the requested comprehensive plan amendment and rezone from Single Family Residential to Multi-Family Residential.

Thank you for giving T-O Engineers the opportunity to review this proposed comprehensive plan amendment and zone change.

Sincerely,



for:

William H. Russell, PE
T-O Engineers, Inc.

Enclosures
WHR/pms

Beth Earles

From: Kline, Midge <MAKline2@marathonpetroleum.com>
Sent: Thursday, April 8, 2021 7:11 PM
To: Beth Earles
Subject: RE: [EXTERNAL] Fruitland Land Developments

Beth-

I have reviewed the preliminary information of these 3 developments. It does not appear the MPL pipeline system will be impacted at these three sites.

Grizzley
Bishop
Johnson

Thank you-

Midge Kline, SR/WA, R/W-NAC
Adv Right-of-Way Specialist



201 N. Phillippi Street
Boise, Idaho 83706
O: 208-373-2141 C: 208-514-6147
MAKline2@marathonpetroleum.com

From: Beth Earles <BEarles@fruitland.org>
Sent: Wednesday, March 24, 2021 10:39 AM
To: Kline, Midge <MAKline2@marathonpetroleum.com>
Subject: [EXTERNAL] Fruitland Land Developments

Good morning,

The Fruitland Planning and Zoning Commission will hold several public hearings on April 13, 2021 for proposed land developments. Attached are the letters, public hearing notices and applications for your consideration. Please share any comments you may have.

Due to the size of the attachments – they will be sent in two e-mails.

Thank you,

Beth Earles



T-O ENGINEERS

April 6, 2021

Rick Watkins, Planning Administrator
City of Fruitland
200 S. Whitley
Fruitland, ID 83619

RE: Ken and Julia Bishop Comprehensive Plan Amendment and Rezoning

Dear Rick,

T-O Engineers received a copy of an application for comprehensive plan amendment and rezoning of multiple properties owned by Ken and Julia Bishop. There are five lots in total, all within the City of Fruitland. 301, 303, 305 N Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Way are the addresses associated with the lots. We have reviewed the site and civil elements of the submittal on behalf of the City of Fruitland and do not have any comments or concerns at this time.

If you have any questions or need additional information, please feel free to contact me directly at (208) 442-6300.

Sincerely,
T-O Engineers

Kasey Ketterling, P.E.
City Engineer



Professional Engineers, Land Surveyors and Planners

924 3rd St. South, Suite B, Nampa, ID 83651
Ph (208) 454-0256 Fax (208) 467-4130

e-mail: wmason@masonandassociates.us

To: Danny Little, Fruitland Zoning Administrator
Beth Earles, Fruitland Deputy City Clerk

From: William J. Mason, P.E. 

Date: March 31, 2021

Subject: Ken & Julia Bishop

-301, 303, & 305 N. Pennsylvania Street

And

-301, 302, 303, 305, 307, 312 Johnson Road

A.k.a.

Lots 1, 2, 5, 11, & 12 Northeast Addition to Fruitland, Idaho

Comprehensive Plan Amendment and Rezone Request Recommendation

We have reviewed the property description for the comprehensive plan change and rezone request application for the Ken & Julia Bishop.

We have no concerns with the comprehensive plan amendment and rezone application descriptions or the proposed request

Please let me know if you have any questions or need additional information.

Beth Earles

From: D3 Development Services <D3Development.Services@itd.idaho.gov>
Sent: Wednesday, March 24, 2021 12:48 PM
To: Beth Earles
Subject: Bishop - Comp Plan Amendment Pennsylvania Ave

Good afternoon,

ITD has received comprehensive plan amendment application for review. ITD does not anticipate any significant traffic impact to the State Highway system from this development and has no objections to the proposed development.

Thank you,

Sarah Arjona
Development Services Coordinator
ITD District 3
(208) 334-8338

From: Beth Earles <BEarles@fruitland.org>
Sent: Wednesday, March 24, 2021 10:23 AM
To: D3 Development Services <D3Development.Services@itd.idaho.gov>
Subject: [EXTERNAL] Fruitland Land Developments

--- This email is from an external sender. Be cautious and DO NOT open links or attachments if the sender is unknown. ---

Good morning,

The Fruitland Planning and Zoning Commission will hold several public hearings on April 13, 2021 for proposed land developments. Attached are the letters, public hearing notices and applications for your consideration. Please share any comments you may have.

Due to the size of the attachments – they will be sent in two e-mails.

Thank you,

Beth Earles
Building/Zoning Clerk
City of Fruitland
P.O. Box 324, Fruitland, ID 83619
208-452-4946

City of Fruitland

Office of Zoning Administrator

3-29-2021

Please Be Advised,

Denny Zettle
Administrator

Per your notification

Re: Residential to Multi-Family Residential
Ken + Julia Bishop

Written testimony: My property 309 N. Pennsylvania Ave
was neighbor 311 & 315 and since I started buying this property
February 2014, I have been subjected to harassment
and threats. 'low-class acts' as they are a
team

'in collusion'
'running a drug house' 311 & both Ken + Julia defend
'Karl's activities.' 'Setting his back door bottle secured
at his back door area in plain view from my back
door yard area'. My 5 year old grandchildren
subjected to his vulgar display & Ken telling
me to build a higher fence. Told him No, I'm not the
one breaking the law. Their activity is to be inside
their home. (He can build higher fence) and did, but
told him did not want his 'Johns' coming to my fence and
complaining about his business. I said "Why you are paying
or it"?

"Ken telling me upon introducing himself that he
was Cardinal Queen, Notus Weed Ho of Fruitland.
Just asked him to keep his trash to himself.
Refrain from coming to my yard fence and oggling my
guests they are afraid of him."

Also, 311 N. Johnson
at my back yard road

Keeps telling me.

"He winds my friend", blows his tree leaves
trash over the road into my fence and yard
clear up to my driveway up front.

Told me to build a 12' fence there and I would
not have that problem!

Told him: "I am not responsible
for his garbage "your responsibility to
keep your stuff on your own property"

He had first asked "Why'd you put fence up -
Eddie my ^{ONLY} temporary renter had allowed him
full access to my back yard." Told
him, temporary renter no authority to do so,
without my permission. Me Cara Emma Cara,
No.

Andrew Kimmel (3050 N. Lake Harbor Lane, Boise), engineer for the proposed development will submit a revised plat to city council addressing comments from the city engineers. The development will include the widening of NW 24th, extending sewer line to the north for future developments.

Written testimony was received from Public Works Supervisor, Jerry Campbell, Kasey Ketterling of T-O Engineers, Midge Kline of Marathon Pipe Line, William Russell of T-O Engineers, Will Mason of Mason & Associates, and Andrew Kimmel of Great West Engineering.

Nathan McGehee (2603 Applewood Avenue) questioned how far the sewer line would go on NW 26th Street.

Don Mitchell (1583 NW 26th Avenue) questioned if the road would be disturbed in placing the sewer line and concerned with property owner's ability to access their properties.

Larry Hale (1557 NW 26th Avenue) testified to concerns with the placement of privacy fences and asked they be placed on property lines. Mr. Hale is not happy about the sewer placement down the street but understands the extension and has no issues with single family homes.

Greg Randleman (1560 NW 26th Avenue) questioned who is responsible and will bear the cost of returning NW 26th Avenue to its present condition after the sewer line installation. Mr. Randleman stated there were water lines crossing under the road.

Mr. Kimmel explained there is an existing sewer easement along the eastern edge of White Birch Estates, and the line will be placed in the right-of-way with little impact to the asphalt. They will locate all utilities before installation and will replace any asphalt necessary.

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

Fruitland LLC - Annexation, Comprehensive Plan Amendment from Neighborhood Commercial to Light Industrial, Zone Designation of Light Industrial for Proposed Parcel 4, Comprehensive Plan Amendment and Rezone from Heavy Industrial to Light Industrial for Proposed Parcels 1-3 and Proposed SW 7th Street Right-of-Way for Property Adjacent to 602 SW 7th Street: Doug DeLong, representing Fruitland LLC testified they are requesting annexation and zone changes to obtain consistent zoning between parcels.

Written testimony was received from Kasey Ketterling of T-O Engineers, Public Works Supervisor, Jerry Campbell, Midge Kline of Marathon Pipe Line, Will Mason of Mason & Associates, and William Russell of T-O Engineers. With no further testimony, the hearing was closed at 7:56 p.m.

Ken & Julia Bishop - Comprehensive Plan Amendment & Rezone from Single Family Residential to Multi-Family Residential for 301, 303, 305 N. Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road: Ken Bishop (315 N. Pennsylvania Avenue) testified he wishes to rezone five lots to Multi-Family Residential in order to bring the properties in

compliance with their use. Since the 1980's the lots have had multiple units and are non-compliant with the current code.

Written testimony was received from Kasey Ketterling of T-O Engineers, Idaho Transportation Department, Will Mason of Mason & Associates, Linda McQuisten, Midge Kline of Marathon Pipe Line, and William Russell of T-O Engineers.

Ed Needles (217 Johnson Road) opposed the request due ability to add more units, the size of the street and potential congestion.

Shaya Trujillo (1806 N Vista Avenue) testified rezoning from single family residential to multi-family residential opens up the possibility for apartments in the future. Ms. Trujillo asked the commission to consider traffic issues, road conditions, whether multi-family units would cosmetically suit surroundings, upkeep of apartments and property values.

Josh Knott (715 NW 3rd Street) testified he owns property on Johnson Road and N. Pennsylvania Avenue, and is in favor of the request. Mr. Knott feels property owners should be able to use their property as its intended to be used.

With no further testimony, the hearing was closed at 8:11 p.m.

Gerald & Terece Johnson - Annexation, Comprehensive Plan Amendment from County Agricultural to Single Family Residential, Zone Designation of Single Family Residential, Shor Plat and Development Agreement for Addition Subtraction Multiplication Subdivision in the South 1300 Block of NW 24th Street: Gary Johnson (505 Cedar Place, Philomath, OR) testified the property is a half-acre situated between two residences. Mr. Johnson is requesting a development agreement to reflect that curb and gutter will be installed when installation occurs on either side of the property.

Written testimony was received from Kasey Ketterling of T-O Engineers, Will Mason of Mason & Associates, Public Works Supervisor, Jerry Campbell, Midge Kline of Marathon Pipe Line, and William Russell of T-O Engineers.

Derrick Helderman (1350 NW 24th Street) testified he had no problem with the proposal but was concerned that his drain field runs into the property.

Mr. Johnson stated there have been several irregularities with the property and was unaware of the drain field issue.

With no further testimony, the hearing was closed at 8:17 p.m.

Paul Knudson - Variance of the Minimum Lot Size Requirement for Property in North 1200 Block of NW 19th Street: Paul Knudson (912 Bobwhite Street) testified the property was formerly approved for access to the lot north of the property. The current proposed development of River's Edge Subdivision No. 2 will provide access to the north lot, resulting in a vacant lot in a single family neighborhood. The lot is 50' wide x 106' deep with the code requiring 75' wide x

recommendation to the city council for a variance of the minimum lot size requirement as presented. Commissioner Ashley seconded the motion. Motion carried.

Grizzly Leasing, LLC - Annexation, Comprehensive Plan Amendment from Single Family Residential to Multi-Family Residential, Zoning Designation of Multi-Family Residential for Property in the North 2110 Block of E. 1st Street: Commissioner Dickinson made the motion to send a favorable recommendation to the city council for annexation as presented. Commissioner Judson seconded the motion. Motion carried. Commissioner Dickinson made the motion to send a favorable recommendation to the city council for comprehensive plan amendment from Single Family Residential to Multi-Family Residential and zone designation of Multi-Family Residential subject to a favorable development agreement. Commissioner Grant seconded the motion. Motion carried.

Summertime Residential Properties - Variances of Lot Depth Requirement for Proposed Lots 4, 5, 15 in Block 1, Lots 6-8 in Block 3, Lot 2 in Block 5, Lot 12 in Block 6, and Minimum Width Required at Building Line for Lot 2 in Block 6 of Proposed River's Edge Subdivision No. 2: Commissioner Judson made the motion to send a favorable recommendation to the city council for variances, observing the city engineer's comments. Commissioner DeCroo seconded the motion. Motion carried.

Summertime Residential Properties - Preliminary Plat of River's Edge Subdivision No. 2: Commissioner Judson made the motion to send a favorable recommendation to the city council for the preliminary plat of River's Edge Subdivision No. 2, observing the city engineer's comments. Commissioner DeCroo seconded the motion. Motion carried.

Summertime Residential Properties - Preliminary Plat of River's Edge Subdivision No. 3: Commissioner Grant made the motion to send a favorable recommendation to the city council for the preliminary plat of River's Edge Subdivision No. 3, observing the city engineer's comments. Commissioner Judson seconded the motion. Motion carried.

Fruitland LLC - Annexation, Comprehensive Plan Amendment from Neighborhood Commercial to Light Industrial, Zone Designation of Light Industrial for Proposed Parcel 4 Adjacent to 602 SW 7th Street: Commissioner Yasuda made the motion to send a favorable recommendation to the city council for the annexation, comprehensive plan amendment, and zone designation as presented. Commissioner Judson seconded the motion. Motion carried.

Fruitland LLC - Comprehensive Plan Amendment and Rezone from Heavy Industrial to Light Industrial for Proposed Parcels 1-3 and Proposed SW 7th Street Right-of-Way for Property Adjacent to 602 SW 7th Street: Commissioner Dickinson made the motion to send a favorable recommendation to the city council for the comprehensive plan amendment, and rezone as presented. Commissioner DeCroo seconded the motion. Motion carried.

Ken & Julia Bishop - Comprehensive Plan Amendment & Rezone from Single Family Residential to Multi-Family Residential for 301, 303, 305 N. Pennsylvania Avenue: Commissioner Judson made the motion to send a favorable recommendation to the city council

for a comprehensive plan amendment, and rezone as presented, upon a favorable development agreement. Commissioner Ashley seconded the motion. Motion carried.

Ken & Julia Bishop - Comprehensive Plan Amendment & Rezone from Single Family Residential to Multi-Family Residential for 301, 302, 303, 304, 305, 307, 312 Johnson Road: Commissioner Judson made the motion to send a favorable recommendation to the city council for a comprehensive plan amendment and rezone as presented, upon a favorable development agreement. Commissioner Dickinson seconded the motion. Motion carried.

Gerald & Terece Johnson - Annexation, Comprehensive Plan Amendment from County Agricultural to Single Family Residential, Zone Designation of Single Family Residential for Property in the South 1300 Block of NW 24th Street: Commissioner Heitz made the motion to send a favorable recommendation to the city council for the annexation, comprehensive plan amendment, and zone designation as presented. Commissioner Ashley seconded the motion. Motion carried.

Gerald & Terece Johnson - Short Plat of Addition Subtraction Multiplication Subdivision: Commissioner Heitz made the motion to send a favorable recommendation to the city council for the preliminary and final plat of the Addition Subtraction Multiplication Subdivision as presented. Commissioner DeCroo seconded the motion. Motion carried.

Gerald & Terece Johnson - Development Agreement for Addition Subtraction Multiplication Subdivision. Commissioner Heitz made the motion to send a favorable recommendation to the city council for a development agreement to reflect that curb and gutter will be installed when installation occurs on either side of the property. Commissioner Yasuda seconded the motion. Motion carried.

Chairman Carlman adjourned the meeting at 9:42 p.m.

Barry Carlman, Chairman

ATTEST:

Beth Earles, Secretary

CITY OF FRUITLAND
FINDINGS OF THE PLANNING & ZONING COMMISSION

INTRODUCTION

The Fruitland Planning & Zoning Commission held a public hearing and regular meeting on April 13, 2021. Commission members present were Cathy Yasuda, Helen Dickinson, Jim Ashley, Terry Heitz, Barry Carlman, Tami DeCroo, Carrie Grant, and Lindsey Judson.

Ken & Julia Bishop submitted an application requesting approval for a comprehensive plan amendment and zone change from Single Family Residential to Multi-Family Residential for Lots 1, 2, 11, 12, and Lot 5 of the Northeast Addition, consisting of 301, 303, 305 N. Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road.

STANDARDS APPLIED

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

FINDINGS OF FACT

At the time the application was filed:

- Lot 5 being 312 Johnson Road had a duplex, and is bordered on the west by Johnson Road, on the north, south, east by properties zoned Single Family Residential with residences.
- Lots 11 and 12 being 301, 303, 305, 307 Johnson Road had multiple trailers and is bordered on the north by property zoned Single Family Residential with a residence, on the east by Johnson Road, on the south by NW 3rd Street, on the west by Farmers Cooperative Canal.
- Lot 1 being 302 Johnson Road, 301, 303 N. Pennsylvania Avenue had two residential trailers, bordered on the north by property zoned Single Family Residential with residences, on the east by N. Pennsylvania Avenue, the south by NW 3rd Street, the west by Johnson Road.
- Lot 2 being 304 Johnson Road and 305 N. Pennsylvania Avenue had a residence and residential trailer, bordered on the north by property zoned Multi-Family Residential with multi-family residences, the east by N. Pennsylvania Avenue, the south by property zoned Single Family Residential with multiple residential trailers, the west by Johnson Road.

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 on March 28, 2021.

The subject properties are owned by the applicant as of 1998.

This proposals are not in conflict with the provisions of adopted regulations or the intent of adopted city policy or uses within the proposed zone classification.

The subject properties are zoned Single Family Residential. The Comprehensive Plan designates the properties as Single Family Residential.

Testimony was presented as follows:

Ken Bishop testified he wishes to rezone five lots to Multi-Family Residential in order to bring the properties in compliance with their use. Since the 1980's the lots have had multiple units and are non-compliant with the current code.

Ed Needles opposed the request due ability to add more units, the size of the street and potential congestion.

Shaya Trujillo testified rezoning from single family residential to multi-family residential opens up the possibility for apartments in the future. Ms. Trujillo asked the commission to consider traffic issues, road conditions, whether multi-family units would cosmetically suit surroundings, upkeep of apartments and property values.

Josh Knott testified he owns property on Johnson Road and N. Pennsylvania Avenue, and is in favor of the request. Mr. Knott feels property owners should be able to use their property as its intended to be used.

Written testimony was received from Kasey Ketterling of T-O Engineers, Idaho Transportation Department, Will Mason of Mason & Associates, Linda McQuisten, Midge Kline of Marathon Pipe Line, and William Russell of T-O Engineers.

CONCLUSIONS

The proposed comprehensive plan amendment and zone change is compatible with surrounding uses and zones.

The subject properties have access to power, water, sewer, fire protection, police protection, school facilities and highway access.

The proposals impose no burden upon taxing entities for services which will be provided.

The subject properties are not in a flood plain or airport approaches.

No encroachments on easements appear to exist.

The proposed comprehensive plan amendment and zone change will not set precedence for future uses incompatible with existing uses.

RECOMMENDATION

The Fruitland Planning & Zoning Commission, pursuant to the aforementioned, enters a **FAVORABLE** recommendations for the comprehensive plan amendment and zone change from Single Family Residential to Multi-Family Residential for properties at 301, 303, 305 N. Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road, upon a favorable development agreement.

DATED this 13th day of April, 2021.



Barry Carlman, Chairman

ATTEST:



Beth Earles, Secretary



Development Agreement Application

200 S. Whitley Drive/P.O. Box 324 Fruitland, Idaho 83619 Phone: 208-452-4946

Danny Little, Zoning Administrator
dlittle@fruitland.org

www.fruitland.org

Beth Earles, Secretary
beearles@fruitland.org

APPLICANT: Ken & Julia Bishop

Address: 315 N. Pennsylvania Ave, Fruitland

Mailing Address: Same

Telephone: 208-452-7696 Cell: 208-~~452~~²³⁰-3214 Fax: 208-452-3817

E-mail: Kenbishop@smte.com

FILING CAPACITY:

- Recorded property owner as of 1998 (Date)
- Purchasing as of _____ (Date)
- Leasing property as of _____ (Date)
- Authorized agent of any of the foregoing, duly authorized in writing.
(Written authorization must be attached.)

LEGAL DESCRIPTION OF PROPERTY: (Attach if necessary)

STATEMENT: Specify the present and future proposed use or uses of the property upon which the development agreement is sought.

DEVELOPMENT: Explain the time period for which the agreement is requested to be valid, including the time period with which the development or use must commence and the time period within which the development and the terms of the agreement are to be completed. Include the phasing plan and proposed phasing schedule.

See Attached

Draft Exhibit B for a Development Agreement with the City of Fruitland for the subject lots

Ken & Julia Bishop

Lots 1 & 2

- 1) No more than a two-story structure
- 2) No more than 2 duplexes per lot.

Note: We are willing to donate the land along Pennsylvania for Right of Way and future street expansion.

Lots 11 & 12

- 1) No more than a two-story structure
- 2) No more than 2 duplexes per lot.

Lot 5

- 1) One duplex only

DEVELOPMENT AGREEMENT

THIS AGREEMENT, made and entered into this ___th day of ___, 2021, by and between the CITY OF FRUITLAND, a municipal corporation of the State of Idaho, party of the first part, hereinafter called the "CITY" and KEN BISHOP and JULIA BISHOP, party of the second part, hereinafter called the "DEVELOPER", whose address is 315 N Pennsylvania, Fruitland, ID.

WITNESSETH:

WHEREAS, DEVELOPER is the owner of a certain tract of land in the County of Payette, State of Idaho, described in Exhibit "A", which is attached hereto and by this reference incorporated herein as if set forth in full; and

WHEREAS, the State of Idaho legislature, in 1991 passed Idaho Code 67-6511A, creating Development Agreements, which provides that cities may enter into development agreements with developers upon rezoning of land; and

WHEREAS, the CITY has adopted Ordinance No. 306 allowing the CITY to enter into Development Agreements; and

WHEREAS, the DEVELOPER has submitted an application for zoning of that certain property described in Exhibit "A", and has requested zoning a designation of "Multi-Family Residential"; and

WHEREAS, the DEVELOPER has made representations in a public hearing before the Fruitland Planning & Zoning Commission as to how the land would be developed and what improvements would be made; and

WHEREAS, the CITY has authority to place conditions and restrictions upon annexation or rezoning of property; and

WHEREAS, the DEVELOPER, deems it to be in his best interest to be able to enter into this agreement and acknowledges that this agreement was entered into voluntarily and at his urging and request; and

WHEREAS, the DEVELOPER, as owner of said land, has made request to the CITY to request a change in zoning from Single-family to Multi-family residential as part of the zoning the CITY adopted and approved Findings of Fact and Conclusions of Law; and

WHEREAS, the Findings of Fact and Conclusions of Law required that the DEVELOPER enter into a Development Agreement, based upon the DEVELOPER'S request.

NOW, THEREFORE, IT IS HEREBY AGREED AS FOLLOWS:

DEVELOPER agrees, and hereby binds the land, together with his heirs, successors and assigns to this agreement, in consideration for the zone designation of the area as follows:

1. That the above recitals are contractual and binding and are incorporated herein as if set forth in full.
2. The DEVELOPER, in accordance with his representations before the CITY, shall, on the land described in Exhibit "A", shall meet all of the requirements of the "Multi-Family Residential" zone.
3. The DEVELOPER shall file, or cause to be filed with the City Engineer; a complete set of "Improvement Plans" showing all streets, utilities, pressurized irrigation facilities, sewer, water, drainage, street and other similar signing and barricades, and other such improvements shown thereon shall meet the approval of the City Engineer. DEVELOPER shall be responsible for all review costs.
4. The DEVELOPER shall, at his own expense, construct and install all sanitary sewers, storm drains, pumping stations, water mains and appurtenances, fire hydrants, curbs and gutter, pressurized irrigation system, electrical transmission lines, natural gas lines, telephone lines, sidewalks, cross drains, street, street surfacing, street signs, and barricades as well as any and all other improvements shown on the Improvement Plans. DEVELOPER shall also install telephone, electrical power, gas lines and televisions as required for the development.
5. That DEVELOPER shall construct and install all such improvements in strict accordance with the approved Improvement Plans, and the current Idaho Standards for Public Works Construction or as otherwise agreed between the DEVELOPER and the CITY if the standards and specifications are more restrictive and onerous at the time of construction than at the time of execution of this agreement.
6. That DEVELOPER shall provide the City Engineer with at least fifteen (15) days advance written notification of when and of what portion, or portions of, and agrees to make such modifications and/or construct any temporary facilities necessitated by such phased construction work as shall be required and approved by the City Engineer.
7. That DEVELOPER shall, immediately upon the completion of any such constructed portion, portions, or the entirety of said development, notify the City Engineer and request his inspection and written acceptance of such completed improvements.
8. That DEVELOPER agrees that no permits will be issued by CITY, until all improvements are completed and approved by the CITY within each phase.
9. The DEVELOPER agrees that no Certificate of Occupancy will be issued until all improvements are completed, unless the CITY and the DEVELOPER have entered in to

an addendum agreement stating when the improvements will be completed in a phase development. In any event no Certificates of Occupancy shall be issued in any phase in which the improvements have not been installed, completed, and accepted by the CITY.

10. That DEVELOPER agrees, in recognition of the unique and peculiar circumstances relative to this development, to the special conditions set forth in Exhibit "B" attached hereto and by reference made a part hereof.
11. That DEVELOPER agrees that any notice required by the Agreement shall be given at the following address:

CITY:
City Clerk
City of Fruitland
P.O. Box 324
Fruitland, ID 83619

DEVELOPER:
Ken and Julia Bishop
315 N Pennsylvania Ave
Fruitland, ID 83619

12. That DEVELOPER agrees to pay all recording fees necessary to record this Agreement with the Payette County Recorder's office.
13. All covenants and conditions set forth herein shall be appurtenant to, shall run with the land and shall be binding upon DEVELOPER his successors and assigns.
14. This agreement shall become valid and binding only upon its approval by the City Council and execution of the Mayor and City Clerk.

EXHIBIT "A"

**TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN THE
CITY OF FRUITLAND, IDAHO
AND
KEN and JULIA BISHOP**

Lands situated in Payette County, State of Idaho, to-wit:

That portion in NORTHEAST ADDITION TO FRUITLAND, IDAHO, as per Plat in Book 2, Page 36, Plat Records, Payette County, Idaho: In Block 2: Lots 1, 2, 11 and 12.

The West 70 Feet of Lot 5 in Block 2 in the Northeast Addition to Fruitland, Idaho as per Plat in Book 2, Page 36, Plat Records, Payette County, Idaho

EXHIBIT "B"

**TO THE DEVELOPMENT AGREEMENT
BY AND BETWEEN THE
CITY OF FRUITLAND, IDAHO
AND
KEN and JULIA BISHOP**

The DEVELOPMENT for the described property SHALL include:

Lot 1 and 2 Block 2

No more than 2 duplexes per lot, not exceeding two stories in height.
Donate ten feet (10') of along the west side of N Pennsylvania Ave for and future street expansion plus an appropriate amount of property for a radius transition to NW 3rd Street.

Lots 11 and 12 Block 2

No more than 2 duplexes per lot, not exceeding two stories in height.

Lot 5 Block 2

No more than one duplex, not exceeding two stories in height.

The regular meeting of the Fruitland Planning and Zoning Commission was held at the Fruitland City Hall on Tuesday, June 8, 2021 at 7:00 p.m. Commissioners present were Cathy Yasuda, Helen Dickinson, Terry Heitz, Barry Carlman, Tami DeCroo, Mike Smith, and Lindsey Judson. Commissioners Jim Ashley and Carrie Grant were absent.

Staff present were Danny Little, and Beth Earles.

Guests present were Jennifer Stewart, Ken and Julia Bishop.

Commissioner Smith made the motion to approve the May 11, 2021 meeting minutes. Commissioner Yasuda seconded the motion. Motion carried.

Public Hearing

Opening the hearing at 7:01 p.m., Zoning Administrator, Danny Little, explained public hearing procedures and asked the commission to declare any conflicts. No conflicts were declared.



Ken & Julia Bishop - Development Agreement for 301, 303, 305 N. Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road: Ken Bishop (315 N. Pennsylvania Avenue) testified the subject properties are rental properties with a mixture of a duplex, single family residence, and manufactured homes. In response to the concerns raised by neighbors regarding future development of the properties upon a successful zoning designation of Multi-Family Residential, Mr. Bishop is proposing a development agreement. The agreement includes no more than two duplexes per lot that do not exceed two stories, donation of property to the city for N. Pennsylvania Avenue improvements and the radius transition to NW 3rd Street.

With no further testimony, the hearing was closed at 7:10 p.m.

Regular Meeting

Recommendation

Ken & Julia Bishop - Development Agreement for 301, 303, 305 N. Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road: Commissioner Heitz made the motion to send a favorable recommendation to the city council for approval of the development agreement as presented. Commissioner Judson seconded the motion. Motion carried.

Chairman Carlman adjourned the meeting at 7:11 p.m.

Barry Carlman, Chairman

ATTEST:

Beth Earles, Secretary

**CITY OF FRUITLAND
FINDINGS OF THE PLANNING & ZONING COMMISSION**

INTRODUCTION

The Fruitland Planning & Zoning Commission held a public hearing and regular meeting on June 8, 2021. Commission members present were Cathy Yasuda, Helen Dickinson, Terry Heitz, Barry Carlman, Tami DeCroo, Mike Smith, and Lindsey Judson.

Ken and Julia Bishop submitted an application to enter into a Development Agreement for 301, 303, 305 N. Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road.

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 publication requirements for the hearing have been met as required by Fruitland City Code and the laws of the State of Idaho. Publication occurred May 23, 2021.

No testimony was received in opposition of the proposal.

CONCLUSION

The proposed Development Agreement will provide an agreement that is applicable to Lots 1, 2, 5, 11 and 12 of the Northeast Addition, consisting of 301, 303, 305 N. Pennsylvania Avenue and 301, 302, 303, 304, 305, 307, 312 Johnson Road.

RECOMMENDATION

The Planning & Zoning Commission, pursuant to the aforementioned, enters a FAVORABLE recommendation in the matter of a Development Agreement as submitted by Ken and Julia Bishop, limiting development to two duplexes per lot to not exceed two story, and donation of land to the city for improvements on N. Pennsylvania Avenue and the radius transition to NW 3rd Street.

DATED this 8th day of June, 2021.



Barry Carlman, Chairman

ATTEST:


Beth Earles, Secretary