City Council Meeting

Agenda

680 Park Avenue
Idaho Falls, ID 83402

Thursday, April 14, 2022 **7:30 PM** **City Council Chambers**

While Coronavirus (COVID-19) is still a public health risk, the City will follow Eastern Idaho Public Health (EIPH) recommendations. EIPH currently recommends observance of The Centers for Disease Control and Prevention (CDC) guidelines.

Welcome to the Idaho Falls City Council Meeting.

Regularly scheduled Council meetings are open to any member of the general public either in person or via live stream on the City website and are archived on the City website (idahofalls.gov). Please be aware that the meeting agenda may differ at times because amendments to the agenda may be made by the Council during the meeting.

The Council encourages public input. While general public comment is not required by Idaho law, the Council welcomes general public comment as part of the City Council meeting. General public comment will be allowed for up to 20 minutes on the agenda. The public is always welcome to contact their Council representatives via e-mail or telephone, as listed on the City website.

The Council is committed to an atmosphere that promotes equal opportunity and is free from discrimination or harassment. All those who wish to address City Council during the public comment period are encouraged to adhere to the following guidelines.

Public Comment Participation Guidelines.

Speakers are encouraged to:

1. State their name and address.

2. Focus comments on matters within the purview of the City Council.

3. Limit their comments to three (3) minutes or less.

4. Refrain from repeating information already presented in order to preserve time for others to speak. Large groups are encouraged to select one or two speakers to represent the voice of the whole group.

5. Practice civility and courtesy. The Council has the right and the responsibility to maintain order and decorum during the meeting. Time may be altered for those speakers whose comments are profane or disruptive in nature.

6. Refrain from comments on issues involving matters currently pending before the City's Planning and Zoning Commission or other matters that require legal due process including public hearings, City enforcement actions, and pending City personnel disciplinary matters.

Comments that pertain to activities or performance of individual City employees should be shared directly with the City's Human Resources Director (208-612-8248), the City's Legal Department (208-612-8178) or with the Office of the Mayor (208-612-8235).

Speakers should note that City Council members typically do not engage in dialogue or questions with speakers during the public comment period.

Public Hearing Participation Guidelines.

1. In-person Comment. Because public hearings must follow various procedures required by law, please wait to offer your comments until comment is invited/indicated. Please address your comments directly to the Council and try to limit them to three (3) minutes.

2. Written Comment. The public may provide written comments via postal mail sent to City Hall or via email sent to the City Clerk at IFClerk@idahofalls.gov. Comments will be distributed to the members of the Council and become a part of the official public hearing record. Written testimony must be received no later than forty-eight (48) hours prior to the date of the hearing to ensure inclusion in the permanent City record.

3. Remote Comment. When available, the public may provide live testimony remotely via the WebEx meeting platform using a phone or a computer. Those desiring public hearing access should send a valid and accurate email address to VirtualAttend@idahofalls.gov no later than twenty-four (24) hours prior to the date of the hearing so log-in information can be sent to you prior to the meeting. Please indicate for which public hearing on the agenda you wish to offer testimony. Please note that the remote option will not be available for all meetings.

If communication aids, services, or other physical accommodations are needed to facilitate participation or access for this meeting, please contact City Clerk Kathy Hampton at 208-612-8414 or ADA Coordinator Lisa Farris at 208-612-8323 not less than 48 hours prior to the meeting. They can help accommodate special needs.

City Council Agenda:

1. Call to Order.

2. Pledge of Allegiance.

3. Public Comment.

Please see guidelines above.

4. Consent Agenda.

Any item may be removed from the Consent Agenda at the request of any member of the Council for separate consideration.

A. Municipal Services

1) Treasurer's Report for February 2022 **21-469**

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending February 2022, total cash, and investments total $153.4M. Total receipts received and reconciled to the general ledger were reported at $23.9M, which includes revenues of $22.5M and interdepartmental transfers of $1.4M. Total distributions reconciled to the general ledger were reported at $14.1M, which includes salary and benefits of $5.6M, operating costs of $7.1M and interdepartmental transfers of $1.4M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at $140.6M.

Attachments: MS_February 2022 Treasurers Report.pdf

2) Minutes from Council Meetings **21-477**

March 28, 2022 City Council Work Session; March 31, 2022 City Council Meeting; April 5, 2022 County-City Meeting; April 8, 2022 Executive Session; and April 8, 2022 Budget Workshop

Attachments: 20220328 Work Session - Unapproved.pdf
20220331 Council Meeting - Unapproved.pdf
20220405 County-City Meeting - Unapproved.pdf
20220408 Executive Session - Unapproved.pdf
20220408 Budget Workshop - Unapproved.pdf

3) License Applications, all carrying the required approvals

Recommended Action:

Approve, accept, or receive all items on the Consent Agenda according to the recommendations presented (or take other action deemed appropriate).

5. Regular Agenda.

A. Public Works

1) Right-of-Way Vacation - Tara Street, West of Skyline Drive **21-474**

Public Works recommends vacation of Tara Street right-of-way located west of Skyline Drive, beginning forty feet west of the east section line of the southeast quarter of Section 23, Township 2 North, Range 37 East of the Boise Meridian as depicted in the attached Exhibit. The Developer desires the vacation to better facilitate planned development of this property.

Recommended Action:
Approve the Right-of-Way Vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it be read by title (or consider the ordinance on the first reading, reject the ordinance, or take other action deemed appropriate).

Attachments: Ordinance

2) Right-of-Way Vacation - Capotil (Capital) Hills Addition and Dwight's Addition **21-475**

Public Works recommends vacation for all remaining street and alley right-of-way dedications made by Capotil (Capital) Hills Addition and Dwight's Addition as shown in Exhibit "B". The City of Idaho Falls has purchased the surrounding property and intends to build a new Community Policing Facility at this location.

Recommended Action:
Approve the Right-of-Way Vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it be read by title (or consider the ordinance on the first reading, reject the ordinance, or take other action deemed appropriate).

Attachments: Ordinance

B. Community Development Services

1) Development Agreement, Final Plat and Reasoned Statement of Relevant Criteria and Standards, Southpoint, Division No. 11. **21-473**

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and

Standards for the Southpoint, Division No. 11. The Planning and Zoning Commission considered this item at its July 6, 2021, meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Recommended Action:

1. Approve the Development Agreement for Southpoint, Division No. 11, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

2. Accept the Final Plat for Southpoint, Division No. 11 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Southpoint, Division No. 11, Plat and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map .jpg
Aerial.jpg
Final Plat.pdf
Staff Report.docx
PC Minutes.docx
Reasoned Statement.docx
Development Agreement.pdf

2) Quasi-Judicial Public Hearing-Rezone from R1, Single Dwelling Residential to LM, Light Manufacturing and Heavy Commercial, and R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, approximately 127 acres located in Section 1, Township 2 North, Range 37 East. **21-470**

Attached is the application for Rezoning from R1 to LM and R&D with the Limited Development and Limited Development Approach Surface Airport Overlay Zones, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 127 acres located in Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its February 2, 2021, meeting and recommended to the Mayor and City Council denial of the zone change with a unanimous vote. Staff concurs with this recommendation.

Recommended Action:

1. Approve the Ordinance Rezoning approximately 127 acres located in Section 1, Township 2 North, Range 37 East from R1 to LM and R&D with the Limited Development and Limited Development Approach Surface Airport Overlay Zones, under suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from R1 to LM and R&D with the Limited Development and Limited Development Approach Surface Airport Overlay

Zones and give authorization for the Mayor to execute the necessary documents (or take other action as deemed appropriate).

Attachments: Zoning Map.jpg
Aerial.jpg
Staff Report.docx
Land Use Tables.pdf
Airport Overlay Zone.pdf
Aerial with Airport Overlay.jpg
Noise Contours.pdf
PC Minutes.docx
Chris Jensen Email.pdf
Smith Email.pdf
Ordinance
Exhibit A
Reasoned Statement.docx

3) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 10.630 acres of Section 1, Township 2 North, Range 37 East. **21-471**

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development, and Limited Development and Limited Development Approach Surface Airport Overlay Zones which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 10.630 acres of Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its February 2, 2021, meeting and unanimously voted to recommended approval of the annexation with an initial zoning of R&D.

Recommended Action:

1. Approve the Ordinance annexing 10.630 acres of Section 1, Township 2 North, Range 37 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 10.630 acres of Section 1, Township 2 North, Range 37 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map.jpg
Aerial.jpg
Comp Plan Map.jpg
Staff Report.docx
Airport LU.jpg
Airport HL.jpg
Airport NC.jpg
Land Use Tables.pdf
Airport Overlay Zone.pdf
PC Minutes.docx
Ordinance
EXHIBIT A Signed.pdf
City FAA Property Annexation Map.pdf
Reasoned Statement.docx

4) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 10.630 Acres, Southeast ¼ of Section 1, Township 2 North, Range 37 East. **21-472**

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 10.630 Acres, Southeast ¼ of Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its February 2, 2021, meeting and recommended approval of R&D by a unanimous vote.

Recommended Action:

1. Assign a Comprehensive Plan Designation of "General Urban and Special Use" and approve the Ordinance establishing the initial zoning for LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents (or take other action deemed

appropriate).

Attachments: Zoning Map.jpg
Aerial.jpg
Comp Plan Map.jpg
Ordinance
EXHIBIT A.pdf
City FAA Property Annexation Map.pdf
Exhibit B
Exhibit C
Reasoned Statement.docx

5) Second Reading for the Amendment of the Comprehensive Zoning Ordinance, Sections 11-2-6, 11-3-4 and Tables 11-2-1 and 11-3-3 allowing for accessory dwelling units in all residential zones and establishing land use standards. **21-476**

On February 15, 2022, the Planning and Zoning Commission recommended to the Mayor and City Council approval of the ordinance amendments as presented with a vote of 3 to 2.

On March 31, 2022, the Mayor and City Council approved the first reading of the ordinance allowing for Accessory Dwelling Units in all residential zones and establishing land use standards and read by Title with a vote of 4 to 1.

In response to comments from the previous work session and Council meeting, the attached draft includes changes which include rear and side yard setbacks for detached ADU's and clarifications on requirements when adjacent to alleys.

Recommended Action:
Approve the Ordinance allowing for accessory dwelling units in all residential zones and establishing land use standards under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the second reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

Attachments: Staff Report.docx
PC Minutes.docx
Email Testimony Folsom.docx
FW_ Accessory Dwelling Units.pdf
Ordinance

6. Announcements.

7. Adjournment.

Memorandum

File #: 21-469 **City Council Meeting**

FROM: Josh Roos, City Treasurer
DATE: Tuesday, April 5, 2022
DEPARTMENT: Municipal Services

Subject
Treasurer's Report for February 2022

Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the Treasurer's Report for the month-ending February 2022 (or take other action deemed appropriate).

Description, Background Information & Purpose

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending February 2022, total cash, and investments total $153.4M. Total receipts received and reconciled to the general ledger were reported at $23.9M, which includes revenues of $22.5M and interdepartmental transfers of $1.4M. Total distributions reconciled to the general ledger were reported at $14.1M, which includes salary and benefits of $5.6M, operating costs of $7.1M and interdepartmental transfers of $1.4M. As reported in the attached investment report, the total investments reconciled to the general fund were reported at $140.6M.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The monthly Treasurer's Reports supports the good governance community-oriented result by providing sound fiscal management and enable trust and transparency.

Interdepartmental Coordination

Not applicable.

Fiscal Impact

Not applicable.

Legal Review

Not applicable.

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February 2022 Total Fund Cash & Investment

General Fund

- $5,285,358 is designated for ARPA funding
- $2,787,679 is designated for MERF Funds
- $1,689,356 is designated cash

Police

- $1,154,316 Draw down on Certificate of Participation

Power

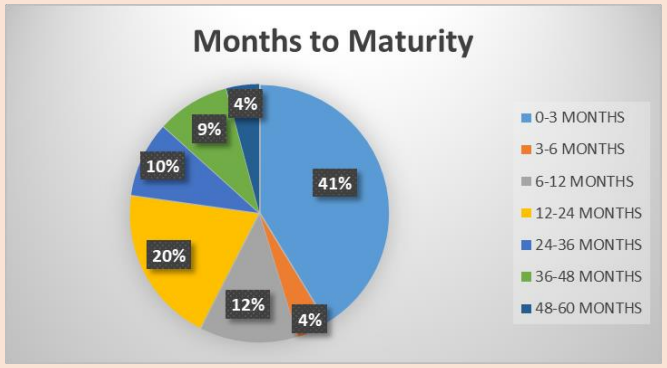
- $7,281,129 Draw down on Transmission Facilities Revenue Bond

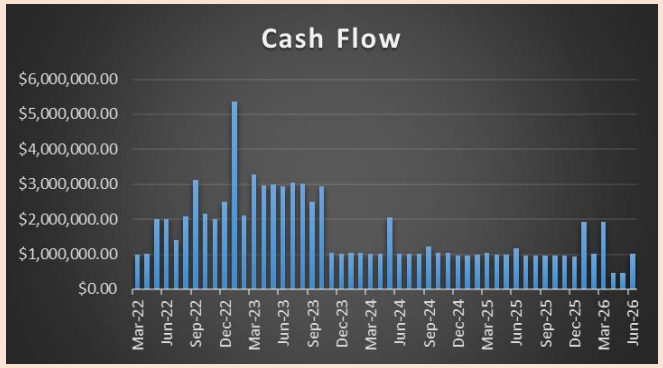
FUND	BEGINNING CASH & INVESTMENTS	Interest Earned	TOTAL RECEIPTS	TOTAL DISBURSEMENTS	ENDING BALANCE CASH & INVESTMENTS
GENERAL	$30,771,237.39	$25,676.72	$3,415,770.08	$5,186,127.08	$29,000,880.39
STREET	$5,493,102.30	$4,819.36	$251,290.42	$606,196.73	$5,138,195.99
RECREATION	$939,552.42	$817.11	$91,058.62	$313,571.35	$717,039.69
LIBRARY	$4,469,169.07	$3,884.84	$335,450.65	$310,814.22	$4,493,805.50
AIRPORT PFC FUND	$898,451.51	$780.96	$93,082.41	$2,566.97	$988,966.95
MUNICIPAL EQUIP. REPLCMT.	$216,516.68	$0.00	$99,302.05	$216,516.68	$99,302.05
EL. LT. WEATHERIZATION FD	$3,774,251.50	$3,280.67	$9,727.42	$17,559.95	$3,766,418.97
BUSINESS IMPRV. DISTRICT	$47,542.99	$41.33	$59,814.63	$135.84	$107,221.78
GOLF	($496,495.47)	($415.63)	$80,364.95	$168,991.54	($585,122.06)
SELF-INSURANCE FD.	$3,585,403.52	$3,203.44	$176,135.39	$36,153.58	$3,725,385.33
HEALTH & ACCIDENT INSUR.	$4,602,757.40	$4,000.82	$4,000.82	$13,150.54	$4,593,607.68
EMERGENCY MEDICAL SERVICES	($686,149.90)	($566.35)	$711,644.56	$597,675.87	($572,181.21)
WILDLAND	$839,509.87	$729.72	$905.46	$24,624.23	$815,791.10
MUNICIPAL CAPITAL IMP.	$2,594,583.38	$2,255.27	$12,434.56	$10,412.98	$2,596,604.96
STREET CAPITAL IMPROVEMENT	$890,093.45	$773.69	$13,825.00	$5,643.09	$898,275.36
BRIDGE & ARTERIAL STREET	$849,258.64	$738.20	$29,528.82	$9,320.59	$869,466.87
SURFACE DRAINAGE	$193,957.07	$168.59	$1,892.22	$3,637.53	$192,211.76
TRAFFIC LIGHT CAPITAL IMPRV.	$1,313,565.93	$1,141.78	$36,607.78	$65,140.49	$1,285,033.22
PARKS CAPITAL IMPROVEMENT	$140,353.75	$122.00	$122.00	$80,039.50	$60,436.25
ZOO CAPITAL IMPROVEMENT	$441,550.36	$383.81	$459.81	$9,454.77	$432,555.40
CIVIC AUDITORIUM CAPITAL IMP.	$203,499.10	$176.89	$176.89	$581.42	$203,094.57
GOLF CAPITAL IMP.	$534,283.34	$464.41	$4,613.54	$0.00	$538,896.88
POLICE CAPITAL IMPROVEMENT	($1,153,135.97)	$0.00	$1,154,366.06	$0.00	$1,230.09
AIRPORT	$208,505.08	$181.25	$392,592.38	$572,672.17	$28,425.29
WATER	$17,490,448.43	$15,203.11	$1,229,674.72	$1,045,010.67	$17,675,112.48
SANITATION	$5,883,905.81	$5,114.43	$538,039.64	$494,798.44	$5,927,147.01
IDAHO FALLS POWER	$29,000,249.35	$24,325.90	$13,878,604.62	$2,976,872.81	$39,901,981.16
FIBER	$1,444,870.50	$1,255.92	$150,240.21	$474,295.75	$1,120,814.96
WASTEWATER	$29,118,396.71	$25,310.40	$1,213,341.17	$871,141.71	$29,460,596.17
TOTAL ALL FUNDS	**$143,609,234.21**	**$123,868.64**	**$23,985,066.88**	**$14,113,106.50**	**$153,481,194.59**

February 2022 Investments Maturity

MONTH	AMOUNT	%
0-3 MONTHS	$58,116,265.11	41.32%
3-6 MONTHS	$5,490,850.18	3.90%
6-12 MONTHS	$17,244,687.55	12.26%
12-24 MONTHS	$27,781,167.07	19.75%
24-36 MONTHS	$13,318,279.26	9.47%
36-48 MONTHS	$12,859,356.90	9.14%
48-60 MONTHS	$5,853,227.24	4.16%
Total	$140,663,833.31	100.00%





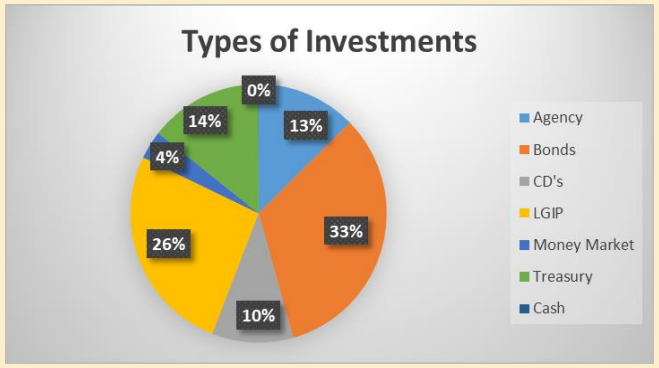


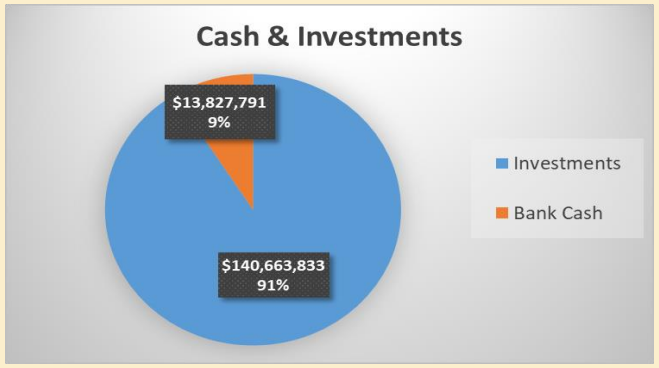
- COIF Investment Policy states that no more than 25 percent of the portfolio may be invested beyond 24 months.
- Currently the City is at 21 percent of the portfolio is invested beyond 24 months.

February 2022 Types of Investments

TYPE	AMOUNT	%
Agency	$17,763,151.84	13%
Bonds	$46,428,455.51	33%
CD's	$14,438,328.61	10%
LGIP	$36,875,374.27	26%
Money Market	$5,006,996.28	4%
Treasury	$20,056,480.54	14%
Cash	$95,046.26	0.07%
Total	$140,663,833.31	100.00%

BROKER	AMOUNT	%
LPL	$258,674	0.18%
LGIP	$36,875,374	26.22%
Wells Fargo	$78,744,029.19	55.98%
DA Davidson	$526,093.73	0.37%
WAFED	$5,267,859.59	3.74%
Lookout CU	$275,684.79	0.20%
Key Bank	$5,576,433.23	3.96%
Idaaho Central CU	$4,441,898	3.16%
Bank of Idaho	$6,632,111	4.71%
Bank of Commerce	$2,065,676	1.47%
Total	$140,663,833.31	100.00%





- COIF Investment Policy states that no more than 50% of the portfolio may be invested in one type of security.

- Yearly Investment Comparison
  - City Investment Portfolio
    - 2021: $138.1M
    - 2022: $140.6M
  - Total Cash & Investment
    - 2021: $148.7M
    - 2022: $153.5M

Memorandum

File #: 21-477 **City Council Meeting**

FROM: Kathy Hampton, City Clerk
DATE: Thursday, April 7, 2022
DEPARTMENT: Municipal Services

Subject
Minutes from Council Meetings

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)

Approve the minutes as described below (or take other action deemed appropriate).

Description, Background Information & Purpose
March 28, 2022 City Council Work Session; March 31, 2022 City Council Meeting; April 5, 2022 County-City Meeting; April 8, 2022 Executive Session; and April 8, 2022 Budget Workshop

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐
The minutes support the Good Governance community-oriented result by providing assurance of regulatory and policy compliance to minimize and mitigate risk.

Interdepartmental Coordination
N/A

Fiscal Impact
N/A

Legal Review
N/A

March 28, 2022 Council Work Session - Unapproved

The City Council of the City of Idaho Falls met in Council Work Session, Monday, March 28, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

Call to Order and Roll Call
There were present:
Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw

Absent:
Councilor Thomas Hally

Also present:
Pamela Alexander, Municipal Services Director
Michael Kirkham, Assistant City Attorney
PJ Holm, Parks and Recreation Director
Brad Cramer, Community Development Services Director
Caitlin Long, Planner
Naysha Foster, Planner
Bill Squires, Police Captain
Joel Tisdale, Police Captain
Jeremy Galbreaith, Police Captain
Chris Fredericksen, Public Works Director
Kade Marquez, Transit Coordinator
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:05 p.m. with the following items:

Calendars, Announcements, Reports, and Updates:
April 5, Combined City/County Meeting
April 6, State Superintendent of Public Instruction candidates' debate; and Mayors' Scholarship Fund Awards Ceremony
April 8, Budget Workshop
April 9, Zoo Clean-up Day
April 11, City Council Work Session
April 12, Association of Idaho Cities (AIC) Spring District Meeting
April 13, Idaho Falls Power (IFP) Board Meeting; and Bonneville Metropolitan Planning Organization (BMPO)
April 14, City Council Meeting
April 18, City Council Work Session (was moved per the Airport Board Training)
April 24-26, American Association of Airport Executives (AAAE) Board Training
April 26, Citizen Advisories Board (CAB) Meeting
April 27, Administrative Professionals Day

April 28, City Council Meeting; and Special IFP Board Meeting (tentative)
April 29, National Arbor Day (will be commemorated with tree planning at a later day)

Mayor Casper noted ribbon cuttings for the splash pad and IFP Paine Substation will be forthcoming, the American Rescue Plan Act (ARPA) funding committee meetings are on-going, and she recommended budget conversations occur per liaison assignments. She also stated the legislators have stopped legislating although they intend to reconvene for any vetoes.

Liaison Reports and Councilmember Concerns:
Council President Dingman stated she will be absent from the March 31 City Council Meeting.
Councilor Freeman stated an Idaho Falls Fiber (IFF) Open House will be held March 30, applications are still being accepted for the IFP Energy Resource Advisory Committee, and (a section of) Park Avenue is under construction.
Councilor Francis stated City Club on March 30 will address the Ukraine/Russia situation.
Councilor Burtenshaw stated, per Director Fredericksen, the Idaho Transportation Department (ITD) received no bids for the 17th Street and Woodruff Avenue project. She noted Director Fredericksen is currently in conversation with ITD, noting the project may not occur for summer as scheduled.
Councilor Radford stated the homelessness event held by the Idaho Falls Police Department (IFPD) and Eastern Idaho Public Health (EIPH) was very successful. He also stated fundraising is continuing for Funland, and the zoo opening is scheduled for April 13. He noted federal funding for the Small Modular Reactor (SMR) in the amount of $1.4B was re-approved in the budget.

Municipal Services/Discussion: City-owned Property:
Mayor Casper indicated parties are interested in this particular property, and she is aware of a particular group who is willing to pay market value for the property. Director Alexander recapped the property description (from the February 22, 2022 Council Work Session) which consists of four (4) parcels of land (totaling 8.6 acres) adjacent to Pinecrest Golf Course, the property was donated to the city in November 2016, and appraisal Market Value "as is" at $610,000. She stated an updated property appraisal value of land is in process. She also stated the property interest is from Elevate Academy Charter School which is a network of year-round 6th to 12th grade Career Technical Charter Schools in Idaho. She indicated Elevate Academy has requested to be on-site for property investigative work which includes survey, Phase 1 environmental, and geotech investigation. She also indicated once results from this investigative work are received, Elevate Academy will then decide if they wish to proceed forward with the property purchase.

Director Alexander reviewed the next steps, including determining the path to move forward pending the results of the on-site investigative work. She also recapped the steps for sale or conveyance of real property, including:

- Exception to convey property to a "tax supported government unit"
- Sale or conveyance of real property
    - Fair market value
    - Less than fair market value
- Lease property

Mayor Casper reviewed the next steps required by the city, including a public hearing to potentially be held April 28, pending council's decision. Per Council President Dingman, Director Alexander stated the property was donated to the Parks and Recreation (P&R) Department to be used as a retention pond for Pinecrest Golf Course. Also per Council President Dingman, Director Alexander stated the funds could be directed per council. Councilor Radford questioned if the entire parcel must be sold as he believes the city already owned a section of the parcel. He believes

if the city is going to sell property to generate revenue this property should go to public auction. Discussion followed regarding charter schools being a tax supported governmental entity, noting schools can receive their charter from a school district. Mr. Kirkham explained a tax supported entity, stating this particular school does have a charter. Per Councilor Radford, Director Holm stated two (2) additional parcels in this area have recently sold. Councilor Radford prefers a portion of these parcels be used for a pocket park. Mayor Casper indicated conversation has occurred with Elevate Academy regarding some horticulture activities, which could include a community park. Per Council President Dingman, Director Holm stated the road along the parcels (Vernon Avenue to Bennett Avenue) is paved. Brief discussion followed regarding the potential nuances/environmental issues on the property. Council President Dingman stated she would be in favor of selling the property at the 2022 fair market value to this entity, and potentially keeping a section as suggested by Councilor Radford, or have an alternate option for public auction. She hopes the dollars are retained in P&R. Councilor Radford prefers the property go to auction. He also prefers this area connecting to other pathways. Councilor Francis agreed with Council President Dingman, although he wants to ensure there is enough area for a park if Elevate Academy does not want the entire parcel. He also wants to ensure there is an easement. Councilor Burtenshaw prefers the higher market value amount, with $610,000 being the minimum, with the funds going toward P&R. Councilor Radford believes potential revenue could be lost if this property is sold to Elevate Academy as schools don't benefit the city in future tax revenue, noting municipal buildings could bring in revenue every year in perpetuity. Mayor Casper believes the workforce provided by Elevate Academy benefits the community. Director Holm believes the appraisal in 2016 was performed by the seller and may not be worth what the actual amount indicated in 2016. Mr. Fife stated the city's practice has been to not access a donation for a tax benefit, and there would not have been negotiations regarding the value. Councilor Freeman believes this is an opportunity for development, which has not been previously presented. Following additional brief comments, Mayor Casper stated the city will move forward with the next steps to sell the property.

Community Development Services/Discussion: Rezone of Park Property:

Mayor Casper stated the property (as previously discussed) had been zoned Limited Commercial (LC) but was changed to Parks when the city obtained it. She believes it would benefit any potential buyer if the zone was changed back to LC. Director Cramer believes there are advantages to rezone the property if the city's intent is to dispose of the property. He noted the current zone would not allow any building, and a rezone would be required if Elevate Academy were to acquire the property. He stated LC, as one of the most flexible zones, is an option for a zone, although, he cautioned the council that they must be comfortable with everything allowed in that particular zone. He also stated there are a lot of options for the rezone of the property. Director Cramer indicated the property has been platted, although, he reiterated due to the current zone, no structure could be built on the property. Per Councilor Freeman, Director Cramer stated this property was annexed numerous years ago. He reviewed the previous zones of the property. Discussion followed regarding a buffer to Pinecrest Golf Course, Coca-Cola, and the adjacent houses as well as leaving a section of the parcel zoned as Parks to allow a pocket park. Per Mayor Casper, Director Holm stated staff is currently maintaining park facilities in the adjacent area although funding for the development of a park would need to be allocated from council. Councilor Burtenshaw clarified she is not committing the city for development of a park. Brief comments followed regarding zoning options for the parcels. Mayor Casper indicated an action for this property may be forthcoming.

Community Development Services/Discussion: Proposed Accessory Dwelling Unit (ADU) Code:

Director Cramer stated housing was thoroughly discussed during the neighborhood meetings for Imagine IF, including a variety of housing types that made sense 'anywhere', 'at all', and 'somewhere'. He indicated ADUs were the only housing type that at least 50% of respondents in every neighborhood stated they would be okay with, except for one (1) area of town which was a 50/50 split. He also stated ADUs are currently allowed in most zones, and the proposal is to allow ADUs in all zones. Director Cramer reviewed Standards for Allowed Land Uses, including

the clarification of caretaker's residence in Industrial Zones. Additional review: recreational vehicles will not be permitted for use as an ADU; clarification of parking on the lot to include a driveway; ADUs will not be counted towards density calculations; and discussion of removing the requirement of one (1) bedroom per suggestion by Community Development Services staff. Brief discussion followed regarding the maximum size of an ADU of 750 square feet as well as utilities. Per Councilor Radford, Director Cramer stated an ADU would be included in impact fees as they are an added load to the system. Councilor Freeman expressed his concern for ADUs being built for potential Airbnb's. Council President Dingman believes short-term rentals are controlled by household size and lifestyle. She also believes the allowance of separate structures could create challenges. Director Cramer stated the State has preempted the ability to regulate short-term rentals. He believes there are pros and cons to short-term rentals in terms of filling housing needs. He also stated, per ADUs, the owner is required to live on site in the main residence or the ADU. He also believes, due to the housing shortage, he is not as concerned for short-term rentals. He reiterated there is broad community support for ADUs. Councilor Radford believes those individuals concerned with housing shortage should be open to ADUs as these could solve problems as short-term rentals. He also believes this could bring individuals into walkable centers. Discussion followed regarding attached and detached ADUs, the impact to the property, the setback, neighborhood covenants, parking spaces, the use of the structure, any adjustments, lot coverage (40% maximum in the R1 zone), and separation to the adjacent property line. Mayor Casper stated this item will be included on the March 31 City Council Meeting agenda.

Parks and Recreation/Land and Water Conservation Fund (LWCF) Discussion: Conversion Site Proposal:

Director Holm stated getting back into compliance with LWCF has been a priority with the P&R Department and the administration. He realizes this is a funding mechanism, and the city has been non-compliant for more than 25 years. He indicated it has been a battle, although, he believes there have been positive steps forward. Director Holm provided an update regarding the LWCF: the city's internal LWCF conversion group has been meeting to work through the LWCF conversion process; 2016 Yellow Book appraisals have been updated and will be in hand soon; a Yellow Book appraisal has been started on the Meppen Field area, although the appraisal has been stopped pending council and National Park Service (NPS) approval; P&R representative Kathy Muir will be meeting with NPS's Seattle Office LWCF Compliance Manager in the near future, this meeting will be an introduction to the LWCF projects and concerns that are currently being worked on; Ms. Muir will be in Idaho Falls mid-April, Director Holm will have discussion regarding the proposed conversion site; and Ms. Muir and Director Holm will have a conference call with the LWCF Compliance Manager during the week of April 20.

Director Holm reviewed the non-compliant properties –
Esquire Park – funding used for park development in 1983: $26,000 from LWCF
Director Holm stated in the late 1980's the city sold a piece of property to the neighbor for an extension of a garage, and another neighbor added a fence.
Yellow Book appraisal conversion amount: .183 acres @ $20,000/acre = $3,660 (2016 appraisal)
Conversion requirements: development of property appraising at a minimum of $3,660

Dora Erickson – funding used for park development in 1973: $68,858 from LWCF
Director Holm stated this area contained playground equipment as well as baseball and soccer fields. He indicated when the school was reconstructed it was built over the top of this area.
Yellow Book appraisal conversion amount: 3.618 acres @ $20,000/acre = $72,360 (2016 appraisal)
Conversion requirements: development of property appraising at a minimum of $72,360

Director Holm explained the equal fair market value, stating a Yellow Book appraisal must be done for conversion that will then give NPS the ability to approve or not to approve. He indicated the market value of conversions is approximately $76,020 (2016 appraisal) in land development.

Director Holm stated the proposed conversion property is Meppen Field, which is just north of the College of Eastern Idaho (CEI) and is adjacent to a storm drainage pond and the eastside community garden. He indicated a previous proposal from CEI included a preference by the city to keep the community garden and adjacent property. However, Director Holm believes the conversion property in this location will need to be closer to 2.5 acres. Therefore, Director Holm stated another area, which is south of the community garden, is being looked at. He indicated this property would be a connection to the proposed canal trail system in 2024. He believes this property would be a good conversion piece due to the adjacent single-family housing that has no greenspace in the area. He presented a very rough conceptual design which could include many options. Director Holm stated he is hoping to move forward with minimal space as needed while getting into compliance with the LWCF. Per Councilor Freeman, Director Holm stated mitigation is an old term, it is now all considered conversion. He also stated the property could not have been previously designated as park property, which this is not. Following brief comments, there were no concerns by the council.

Police Department/Review: Crime Statistics and Data:
Mayor Casper stated there are trends with crime and hiring that needs to be discussed prior to budget discussions. She noted a recent article that indicated the city was high ranking in crimes. Captain Squires reviewed the following with general discussion throughout:
Group A – Person Crimes for the previous five (5) years

- +15% Overall
- +20% Aggravated Battery (doubled from 2019 to 2020)
- +40% Assault
- +10% Sex Crimes (+22% 2020 to 2021)

Group A – Person Crimes Clearance Rates for the previous five (5) years for Cleared, Active, Inactive (investigation closed but remains unsolved), and Unfounded (false report/a crime did not occur).

Other Crime Categories for the previous five (5) years –

- -16% Group A Property
- -17% Group A Society (+17% overall one (1) year, Weapons Violations +58%)
- -33% Group B (Quality of Life crimes) (+13% overall one (1) year)

Captain Squires stated these groups are officer self-initiated/officer availability/unassigned time. He noted the use of Narcan is becoming a daily occurrence for overdoses.

IFPD Calls for Service for the previous five (5) years –
Captain Squires stated there is a 5% increase in incidents/calls for service (this does not include false calls), and a 25% increase in 911 calls. It was noted there was an increase of calls during Coronavirus (COVID-19).

Traffic for the previous five (5) years for Vehicle Collisions (includes four (4) traffic fatalities), Traffic Stops, and Driving Under the Influence (DUI) Arrests.

Captain Squires stated it's difficult to balance the traffic enforcement with other calls. He noted there are four (4) traffic officers although there must be a priority on 911 calls. He believes the IFPD is doing the best they can. He also noted there are several hit-and-run calls.

Other for the previous five (5) years –

- Mental Health Incidents, +32% increase
- 2017 Arrests in 2021, -25% (+17% one (1) year)

Captain Squires believes there is better follow-up of mental health cases with the Crisis Intervention Teams (CIT) Detective, although there is still an increase. General comments followed.

Mayor Casper believes there may be inconsistencies in State-wide reporting. Captain Tisdale agrees there may be nuances, although, he stated the Federal Bureau of Investigation (FBI) sets a standard/mechanism for reporting certain crimes.

Police Department/2022 Idaho Falls Police Department (IFPD) Staffing Outlook:

Captain Squires stated in the Patrol Division there are nine (9) vacant non-deployable positions, six (6) more officers are under administrative review and/or are undeployable, and three (3) officers are injured, which amounts to approximately 27-30% of authorized sworn patrolmen. He also stated he is aware of three (3) potential retirements, and three (3) officers have accepted positions in other departments. He is not aware of this low number of deployable officers since the early 1990's. He believes if the departures continue this will force the IFPD to prioritize in ways they don't want, and potentially cutting services. Captain Tisdale stated there are three (3) lateral officers in the hiring process noting two (2) of these officers may not get hired, and there are no other applicants for lateral positions. He also stated there are currently 25 individuals signed up for entry-level officer testing. He indicated it typically takes approximately 40 entry-level applicants to equal one (1) hired officer, and two (2) hired officers are needed for one (1) deployable officer. Captain Tisdale stated large agencies are sending recruiting teams across the country and are offering bonuses including recruiting bonuses, moving expenses, wage increases, incremental wage increases, paying entire pensions, different pay scales, paying benefit packages, and housing reimbursement (Captain Tisdale noted applicants are withdrawing due the housing shortage). He noted two (2) officers (one (1) was lateral, one (1) was entry-level) were recently hired. Per Councilor Radford, Captain Tisdale stated the city has an in-house academy. Captain Tisdale stated the quality of control has not changed for the IFPD. He reviewed the steps the IFPD is taking to hire officers, stating the process has been reduced from 130 days to 90 days. Mayor Casper noted there are 98 sworn authorized officers with only 75-78 officers anticipated by year end. She stated a lengthy discussion will occur on April 8 regarding recruitment retention city-wide.

Public Works/Review: Law Enforcement Complex (LEC) Bid:

Director Fredericksen recognized Assistant Public Works Director Chris Canfield for his work on this item. He stated bids for the LEC opened on March 23. He indicated those bids came in just over 102% of the engineers estimate. He also stated two (2) bids were received – Valley Design and Construction ($23,372,000.00) and Ormond Builders ($23,847,576.00). He indicated Valley Design and Construction was the apparent low bidder at the time, however, the naming convention of their electrical contractor with the actual licensing did not match in the bid package, therefore, Valley Design and Construction was deemed non-responsive so the single bid from Ormond Builders will be recommended. Captain Tisdale explained Alternate 1 items, Director Fredericksen explained Unit Price 1 and 2. General comments followed regarding those companies that declined to bid. Per Councilor Freeman, Director Fredericksen stated Ormond Builders is a local company, and he believes Valley Design and Construction is out of Utah. Per Councilor Radford, Director Fredericksen explained the naming convention discrepancy. Director Fredericksen stated construction costs submitted in September 2021 are in-line of anticipated costs. He also stated

the Furniture Fixture and Equipment (FFE) ($1,705,690) and soft costs ($2,405,769) were not inclusive of this bid. The total amounts to $27,959,035, with remaining funds ($2M) as contingency, for a total budget amount of $30M. Mayor Casper stated this item will be included on the March 31 City Council Meeting agenda.

Public Works/Discussion: Microtransit Contract and Bid Award:

Director Fredericksen provided a recap of the Request for Proposal (RFP), stating the city received three (3) responses to the mircotransit proposals, staff reviewed and scored each proposal per the criteria announced in the RFP and following the independent scoring, staff recommended Downtowner. Since that time, Director Fredericksen stated one (1) of the entities, River North Transit, LLC requested a debriefing of the rating process, which occurred online. Following this debrief, River North Transit LLC submitted a dispute letter of the evaluation process which staff and legal counsel reviewed. Director Fredericksen believes the committee responded adequately, therefore, staff's recommendation is to move forward with Downtowner. He requested approval to proceed with the consideration to enter into a contract with Downtowner. Councilor Freeman does not believe this process should be stalled. Council President Dingman believes everyone receives a good faith effort per the listed criteria. She also believes this was fairly evaluated per the listed criteria and she sees no reason to delay approving the contract. Per Councilor Radford, Director Fredericksen indicated there were a number of concerns, and it is not unusual to review the RFP. Per Mayor Casper, Mr. Kirkham explained the process for a potential lawsuit. He believes the city followed the purchasing rules and State Code regarding RFPs. Council President Dingman believes staff should move to proceed with the contract for Downtowner. Councilors Freeman and Burtenshaw agreed. Councilor Burtenshaw believes the criteria is subjective, and there were qualified scorers. Mr. Marquez noted Downtowner was the lowest bidder. Mr. Fife stated the lowest bidder is the typical process. Brief discussion followed regarding signage on the vehicles. Director Fredericksen and Council President Dingman commended Mr. Marquez. Per Councilor Burtenshaw regarding other microtransit contracts, Mr. Marquez believes this is a good contract. Brief comments followed regarding any potential changes to the contract. This item will be included on the March 31 City Council Meeting agenda.

Councilor Radford announced a Funland presentation at Winnie & Mo's Bookshop on March 29.

There being no further business, the meeting adjourned at 6:29 p.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

City Council Meeting

Minutes - Draft

680 Park Avenue
Idaho Falls, ID 83402

Thursday, March 31, 2022 **7:30 PM** **City Council Chambers**

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw
Absent: Council President Michelle Ziel-Dingman

Also present:
All available Department Directors
Randy Fife, City Attorney
Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper requested Keagan Orme, student at Key of Liberty Home School Group in RIgby, to lead those present in the Pledge of Allegiance.

3. Public Comment.

Gail Zirtzlaff, Idaho Falls resident, appeared. Ms. Zirtzlaff stated that she finds herself sandwiched between two (2) developments. She distributed several photos of the 20 months of development that has been going on around her. She stated she did not receive notice of public hearing for this development although notice had been sent to the original owner of her property, who passed away two (2) years ago. She also stated she and another neighbor were never notified of the development of the Sparrow Hill Apartments either, indicating this is 460 parking spaces and all of the apartments that come with it. She believes that is a problem. Ms. Zirtzlaff stated she was told that the fault lies with county. She indicated her husband designed the software that the county uses which needs that data to be up-to-date. She also indicated she called the Assessor's Office, which only took 12 seconds to find her residence with the software. Ms. Zirtzlaff stated she was told that people who speak at these meetings are un-informed, mis-informed, and ill-informed, in which she was insulted. She indicated she has come several times to share her personal experiences.

Dawna Howard, Idaho Falls resident, appeared. Ms. Howard stated she has been on the city website looking for certain information and has been unable to find it. She requested to see detailed budget reports as she believes these should be available to citizens. She indicated the most recent report she could find was from 2016. Ms. Howard also understands that all cities file comprehensive plans and she would like information regarding that.

Bob Smith, Idaho Falls resident, appeared. Mr. Smith stated he submitted a letter through the Clerk's Office to the board members. He indicated he has not yet received any response and would like the Mayor and Council to respond to him with written letters.

Michael Griffin, Idaho Falls resident, appeared. Mr. Griffin stated he would like to address the proposed greenbelt on the Idaho Canal south of Sunnyside Road. He believes there would be 80+ trees cut down for this, describing the various species of trees. He expressed his concern that the road on the west side of the canal is used daily, so he does not see a need to pave a path on the other side. He believes there was grant money received that should be used elsewhere rather than for this project.

It was then moved by Councilor Burtenshaw, seconded by Councilor Francis, to remove item D.1 Public Works State Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the crosswalks at 17th St, 1st St and Lincoln Road as this item is not ready as originally intended. Councilor Burtenshaw noted this item will be presented to the council at another time. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Hally. Nay - none.

4. Consent Agenda.

A. Idaho Falls Power

1) Quote S012898605, Purchase of Electrical Cable for Idaho Falls Power

This request is to purchase various quantities of electrical cable.

2) Idaho Falls Power Board Meeting minutes - February 2022

The Idaho Open Meeting Law requires that the governing body of a public agency provide for the taking of written minutes of all its meetings and make them available to the general public within a reasonable time after the meeting.

B. Public Works

1) Bid Award - Street Overlays 2022

On Tuesday, March 8, 2022, bids were received and opened for the Street Overlays - 2022 project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into a contract with the lowest bidder to perform plant mix pavement overlays on various city streets.

2) Bid Award - Seal Coats 2022

On Tuesday, March 8, 2022, bids were received and opened for the Seal Coats 2022 project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into a contract with the lowest bidder to perform seal coating on city streets.

C. Municipal Services

1) Quote 22-021, 2022 Concrete Replacements for Public Works

This purchase provides replacement concrete to make corners ADA compliant, replace valley gutters, curbs, and sidewalks in areas throughout the city as identified by the Streets division.

2) Quote 22-022, 2022 Water Line Surface Repair for Public Works

This purchase will facilitate surface repairs on water mains and service lines in need of repair throughout the city as identified by the Water Division.

3) Bid IF-22-13, Water Line Materials for Public Works

This purchase of water line materials will be used for various water projects throughout the city as determined by the Water Division. On March 22, 2022, bids were received and opened for Water Line Materials and a tabulation of bids was published. During the evaluation of the bids received, it was

determined that the bid received for section VII for $68,710.00 from Core & Main was non-responsive because it did not provide a delivery date in weeks and/or days as stipulated in the invitation to bid documents.

4) Minutes from Council Meetings

February 24, 2022 City Council Meeting; March 7, 2022 City Council Work Session; and March 10, 2022 City Council Meeting

5) License Applications, all carrying the required approvals

Recommended Action:

It was moved by Councilor Radford, seconded by Councilor Burtenshaw, to approve all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Freeman, Francis, Radford. Nay - none.

5. Regular Agenda.

A. Municipal Services

1) Public Hearing for Sale or Conveyance of Real Property

This property was donated to the City in January 2016. The Municipal Services and Parks and Recreation departments have determined this property is no longer needed and recommend the sale or conveyance of this real property within the appraised market value. The Notice of Public Hearing will be published on Sunday, April 10, 2022. The Public Hearing will be scheduled for Thursday, April 28, 2022, in the Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho. At the conclusion of the hearing, Council will have met the notice and hearing requirements to sell or convey the property to a tax supported governmental unit pursuant to §50-1403(4).

Municipal Services Director Pamela Alexander appeared. Director Alexander stated this item has been discussed at previous Council Work Sessions (February 22, 2022 and March 28, 2022). Per Councilor Radford, Director Alexander clarified this item is only to request a public hearing for any sale. Mayor Casper clarified that any decision will be made at the conclusion of the public hearing. Per Councilor Francis, Director Alexander indicated the property appraisal will be received prior to the hearing.

It was moved by Councilor Radford, seconded by Councilor Burtenshaw, to give authorization to the Mayor and staff to take the actions necessary to conduct a public hearing as soon as possible regarding the sale or conveyance of city property located at Bel-Aire Division No. 3, Lots 1, 2, and 3 inclusive, Block 16; and Lot 1, Block 17, in the W 1/2 NE 1/4 of Section 17, Township 2 North, Range 38, E.B.M . The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Freeman, Francis. Nay - none.

B. Parks & Recreation

1) Lease Agreement between the City of Idaho Falls and the Snake River BMX Association.

This lease agreement allows for the Snake River BMX Association to lease a designated area on the Sandy Downs property for their program operations. The term of this agreement will be five years from

2022 through 2027.

Parks and Recreation (P&R) Department Director PJ Holm appeared. Director Holm stated the Snake River BMX Association has been around for 35 years, although, they are losing their lease at their current location out near Highway 26. He also stated they originally looked at Noise Park, however, the group currently using Noise Park would like to continue using the motocross track at the facility, making it unusable for this additional purpose. At the request of Councilor Freeman, Director Holm stated P&R wanted to find a facility that would work for this organization. He also stated Snake River BMX is a non-profit organization for people of all ages and they have a great range of community impact. He indicated Casey Christensen, the President of this association, is very dedicated and gives up hours of time for the program, this group has phenomenal volunteerism, and they put their passion into this recreational opportunity. Director Holm stated the city will receive $1 for each paid competitor, racer, and spectator at each event, which includes both races and practices, and Snake River BMX is asking for no help from city employees. He mentioned the importance of ensuring this partnership will not pull P&R staff from their other duties. Per Councilor Hally, Director Holm confirmed that general insurance will be provided by Snake River BMX, and that they will not be utilizing alcohol at the facility, however, this option would be available for the organization to utilize for fundraisers or other events. Per Councilor Burtenshaw, Director Holm confirmed there is only one (1) proposed BMX location at Sandy Downs. Councilor Radford is pleased the city is supporting another recreational activity. Councilor Freeman believes this is a great example of partnership between a private entity and government. He believes it is a win-win situation.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the agreement and give authorization for the Mayor and City Clerk to execute said lease agreement between the City of Idaho Falls and the Snake River BMX Association. The motion carried by the following vote: Aye - Councilors Francis, Burtenshaw, Freeman, Hally, Radford. Nay - none.

C. Idaho Falls Power

1) IFP 22-08 17th St and Woodruff Project- Bluelake Utility Services, LLC

Idaho Falls Power (IFP) solicited bids from qualified contractors to underground IFP power lines for the Public Works 17th and Woodruff road and intersection road widening project. Three bids were received with Bluelake Utility Services, LLC being the lowest responsive, responsible bidder. The base bid is $355,000.00 with a ten percent (10%) contingency of $35,500 for a total cost of $390,500.00.

Idaho Falls Power (IFP) Director Bear Prairie appeared. Director Prairie stated the intersection of Woodruff and 17th Street is going to be widened, noting the consent agenda contained an item for the purchase of conductors (wire) that are essential for underground utility lines. He indicated this is a major feeder for the electrical system and that intersection ties into the substation, so this is critical infrastructure for the electric utility. Director Prairie stated they will move forward with this project regardless of any time delay that may occur with the construction involved in widening the intersection. Per Mayor Casper, Director Prairie confirmed that dependent upon any potential time delay with the construction work, IFP may have to complete some of the work, patch up the affected roadway area, and then complete the rest of the project later. Mayor Casper reminded the public that the city spends years planning for projects and this project is being impacted due to workforce as well as demand. Per Councilor Radford, Director Prairie stated the bid from Blue Lakes Utility Services was lower due to directional boring versus going through the surface and digging up the road. He noted fiberoptic and

other telecommunication lines will have to be moved as well.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve this bid award to Bluelake Utility Services, LLC of Nampa, Idaho for a not-to-exceed amount of $390,500.00 and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Freeman, Hally, Radford, Burtenshaw. Nay - none.

2) IFP 22-10 Westside Substation Relays and Racking - Electrical Power Products, Inc.

Idaho Falls Power solicited bids from qualified contractors to provide Schweitzer relays and racking and also the wiring of the relays. There were two bids received with Electrical Power Products, Inc. being the lowest responsive, responsible bidder.

Director Prairie stated this item has been a long-time project to purchase the Westside Substation from the Bonneville Power Administration (BPA). He also stated the city now owns all assets in this major substation, which contains two (2) major power delivery points. He noted IFP will consolidate and modernize the facility. Councilor Radford stated this type of work will keep the grid functioning well.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve this bid award to Electrical Power Products, Inc. of Des Moines, Iowa for a not-to-exceed amount of $131,230.00 and give authorization to the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Freeman, Francis. Nay - none.

D. Public Works

1) State Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the 17th St, 1st St and Lincoln Road X-Walks.

Attached for your consideration is a State Local Agreement for design and construction with ITD to improve pedestrian safety along 17th Street, 1st Street and Lincoln Road. Proposed work includes the installation of thermoplastic stop bars and crosswalks on all cross-street approaches. ADA upgrades will also be made to several locations.

This item was removed from the agenda.

2) Proposal Award - Micro-Transit Pilot Project

Proposals for a turn-key operation to design, launch, operate, market, and maintain a demand response rideshare service pilot project were received and evaluated; through a competitive process Downtowner Holdings LLC's proposal was accepted. The purpose of the proposed contract award is to enter a contract with Downtowner Holdings LLC to perform these actions as outline above.

Public Works Director Chris Fredericksen appeared. Director Fredericksen explained this bid is for a replacement for the city's transit service which was lost some time ago. He explained how microtransit services work. He noted after consideration of several proposals, a one-year with Downtowner, LLC was selected, with cost of the contract to be $1,523,500. He indicated this item has been discussed at multiple Council Work Sessions, and is paid for with federal grant money so there is no cost to the city at this point. Per Councilor Francis, Director Fredericksen explained minor changes to the contract. Per Councilor Radford, Director Fredericksen clarified service to the public should begin within eight (8) weeks of the signing of the contract. Mayor Casper stressed the importance of public transit, which has

been absent from the city for the past three (3) years. She recognized the efforts by Council President Dingman and Director Fredericksen. She also noted the city will have to figure out how to finance this project once the grant expires. Director Fredericksen stated minor fees for this service will be discussed in the near future. He also recognized the new transit coordinator Kade Marquez as well as the number of departments involved with this project. Mayor Casper noted that the Greater Idaho Falls Transit (GIFT) Board consists of community members who volunteer their time.

It was moved by Councilor Burtenshaw, seconded by Councilor Freeman, to approve the proposed contract between the City of Idaho Falls and Downtowner Holdings LLC and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Hally. Nay - none.

3) Bid Award - Idaho Falls Community Policing Facility

On Wednesday, March 23, 2022, bids were received and opened for the Idaho Falls Community Policing Facility project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into a contract with the lowest bidder to perform the construction of the Idaho Falls Community Policing Facility.

Director Fredericksen stated the city entered into a contract with an architect design group to work on the development of a new police station in December 2020, and this project has been discussed in numerous Council Work Sessions. He also stated the lowest responsive bid was received by Ormond Builders for $23,827,176. He noted this is a very large project for the city and is one (1) of the largest bid amounts the Public Works Department has dealt with. Director Fredericksen expressed his appreciation to Assistant Public Works Director Chris Canfield, Police management, as well as Public Works staff for their work on this project. Councilor Freeman stated this project is a long time coming that has been in discussion for several years. Councilor Radford noted he would be voting nay due to the funding mechanism, however, he expressed his support for the police. Councilor Francis noted the engineer's estimate was very close to the lowest bid, which speaks well to the planning and designing. He also believes this facility will meet many needs. Councilor Hally recalled the need for a new police facility being addressed in 2004. He explained the bonding processing, noting this facility will be paid for within the budget, which will require frugality. He believes this location will be a catalyst for the area with positive development. Councilor Burtenshaw believes this project is needed for the police as well as the public as engagement with the public at the current facilities is disconcerting. Mayor Casper noted the Police Department is currently spread out among 8-9 facilities, noting the importance of being in one (1) location.

It was moved by Councilor Freeman, seconded by Councilor Francis, to approve the plans and specifications, award to the lowest responsive, responsible bidder, Ormond Builders as the apparent low responsive bid at $23,827,176.00 base bid with the Bid Alternate #1 at $20,400.00 and unit cost #1 (removal of Unsuitable Materials) at $40.00/cy and unit cost #2 (Rock Removal) at $115.00/cy and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Francis, Burtenshaw, Freeman. Nay - Councilor Radford.

E. City Attorney

1) Amendment to Council member Election Ordinance

This Ordinance conforms City Code Council elections with Idaho Code Title 50, Chapter 4 by reducing the number of registered qualified electors accompanying a Council candidate's petition from not more

than forty (40) to not less than five (5).

City Attorney Randy Fife appeared. Per Councilor Freeman, Mr. Fife confirmed paying a fee in lieu of collecting signatures is still part of the process. Per Councilor Francis, Mr. Fife confirmed that the outdated language is being changed to clarify alignment with State Code.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance amending City Code Title 1, Chapter 6 to conform Council candidate petition requirements with the Idaho Code under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3448
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 1, CHAPTER 6, TO ALIGN REQUIREMENTS FOR COUNCIL MEMBER ELECTION PETITIONS WITH IDAHO CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

2) Public Hearing for increase of fees to the March 2022 Fee Schedule

The Office of the City Attorney respectfully requests that the Mayor and Council conduct a public hearing for the addition of certain fees to the City's fee schedule and approve the corresponding resolution. The Public Hearing has been scheduled for Thursday, March 31, 2022 at 7:30 pm in the City Council Chambers of the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho. The hearing is required pursuant to Idaho Code §50-1002. The Notice of Public Hearing for the fee schedule was published on Sunday, March 20, 2022 and Sunday, March 27, 2022.

Mayor Casper opened the public hearing.

Mr. Fife stated all fees are consolidated into one (1) fee resolution. He also stated a hearing is only required when an increase to a current fee reaches 5%, however, the city has chosen to hold a hearing for all fees. Mayor Casper noted the listed fee is the maximum that can be charged, although the city can choose to charge less. She also noted fees must be commensurate with cost.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing. Councilor Radford noted he is not in favor of the airport fees.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the fee resolution and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Burtenshaw, Hally, Freeman. Nay - Councilor Radford.

RESOLUTION NO. 2022-10
A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

F. Community Development Services

1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Park Place Division No. 7.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for the Park Place Division No. 7. The Planning and Zoning Commission considered this item at its July 20, 2021, meeting and recommended approval by unanimous vote. Staff concurs with this recommendation

Councilor Francis noted a piece of property will be set aside for the pathway system for the city. He expressed his appreciation to the developer.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Development Agreement for the Final Plat for Park Place Division No. 7 and give authorization for the Mayor and City Clerk to sign said agreement. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Hally. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Radford, to accept the Final Plat for Park Place Division No. 7 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Freeman, Francis, Radford. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Park Place Division No. 7 and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Freeman, Francis. Nay - none.

2) Final Plat and Reasoned Statement of Relevant Criteria and Standards, Lorin C. Anderson Addition, Division No. 1, Fifth Amended Plat.

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for the Lorin C. Anderson Addition, Division No. 1, Fifth Amended Plat. The Planning and Zoning Commission considered this item at its January 4, 2022, meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Councilor Francis stated this will be one (1) buildable lot with two (2) buildings that are connected.

It was moved by Councilor Francis, seconded by Councilor Radford, to accept the Final Plat for Lorin C. Anderson Addition, Division No. 1, Fifth Amended Plat and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. The motion carried by the following vote: Aye - Councilors Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Lorin C. Anderson Addition, Division No. 1, Fifth Amended Plat and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Freeman, Hally, Radford, Burtenshaw. Nay - none.

3) Resolution approving the Statement of Annexation Principles.

Attached is a resolution approving an amended version of the Statement of Annexation Principles. The amendments to the document clarify that the City will hold a public hearing for Category A annexations pursuant to Idaho Code and modifies the policy regarding roadway annexations. Previously, the City has only annexed arterial and collector roadways when City boundaries are on both sides of that road. The proposed amendment states the City will generally annex the road when the City becomes adjacent to only one side of the road. The document was sent to Bonneville County officials for review and comment. Most of the comments received were in regard to parts of the document already adopted and not proposed for changed and are not incorporated in this draft. However, County officials did express that the revised policy on roadway annexations is acceptable. Staff respectfully requests approval of the resolution.

Alignment with City & Department Planning Objectives

Community Development Services (CDS) Director Brad Cramer appeared. Director Cramer explained the two (2) modifications including the addition of public hearings for Category A annexations, and the city will generally annex arterial roadways once the city is on either of the roadway. He stated the change will avoid sending developers to two (2) different jurisdictions for permitting. He believes this will be a good step forward. Per Councilor Francis, Director Cramer explained amendments to the revised version of the resolution. Councilor Burtenshaw believes this amendment will allow citizens to have certain expectations of roadway improvements once they are in the city's control. Mayor Casper explained annexation of a road does not bring/include annexation of any tax-paying entity to help offset the costs of maintaining the road. She believes desirable roads could potentially attract development.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the resolution approving the Statement of Annexation Principles and give authorization for the Mayor and City Clerk to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Freeman, Francis. Nay - none.

RESOLUTION NO. 2022-11
A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING A STATEMENT OF CITY ANNEXATION PRINCIPLES; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

4) Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 1.001 acres, Northwest ¼ of Section 16, Township 2 North, Range 38 East.

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of LC, Limited Commercial which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 1.001 acres, Northwest ¼ of Section 16, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its March 1, 2022, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested applicant presentation.

Barry Baine, Connect Engineering, appeared. Mr. Baine stated this property is one (1) acre and the requested zone is LC (Limited Commercial). He also stated this annexation is part of a road that will help

Quail Drive continue south and attach to Bentley Drive. He noted the landowners are working together on the bend of the road for traffic calming. Mr. Baine stated this property is surrounded by LC and HC and is located south of Lincoln Road and east of Woodruff Avenue. Per Councilor Francis, Mr. Baine stated the land to the east is annexed, the land to the west is not annexed, which is not wanted at this time and is not needed for Quail Drive.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:
Slide 1 - Property under consideration
Director Cramer reiterated the adjacent zones.

Slide 2 - Comprehensive Plan Future Land Use Map
Director Cramer stated this area is Mixed Use Centers and Corridors.

Slide 3 - Aerial photo of property under consideration
Director Cramer reiterated the location.

Slide 4 - Preliminary Plat
Director Cramer identified the road, stating this is a clean-up annexation.

Per Councilor Francis, Director Cramer confirmed this is the first time the transect idea from Imagine IF is being applied. He explained the Mixed Use Center and Corridors stating these areas are designed for a mix of residential, commercial, and service-type uses closer to major roadways and intersections, and would expect to find more intense, dense type of development. He noted the LC zone is the most heavily utilized mixed-use zone which is geared to be connected to neighborhoods. Per Councilor Freeman, Director Cramer explained a curvature of a road helps calms the speed.

Mayor Casper requested public comment. No one appeared. Mayor Casper closed the public hearing.

Councilor Francis believes this annexation make sense.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the ordinance annexing 1.001 acres, Northwest ¼ of Section 16, Township 2 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Burtenshaw, Freeman. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3449
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.001 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 1.001 acres, Northwest ¼ of Section 16, Township 2 North, Range 38 East and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Hally. Nay - none.

5) Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of LC, Limited Commercial, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 1.001 Acres, Northwest ¼ of Section 16 Township 2 North, Range 38 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of LC, Limited Commercial which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 1.001 Acres, Northwest ¼ of Section 16 Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its March 1, 2022, meeting and recommended approval of LC, Limited Commercial by a unanimous vote. Staff concurs with this recommendation and recommends approval.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to assign a Comprehensive Plan Designation of "Mixed Use Centers and Corridors" and approve the Ordinance establishing the initial zoning for LC, Limited Commercial as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office. The motion carried by the following vote: Aye - Councilors Hally, Radford, Francis, Burtenshaw, Freeman. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3450
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 1.001 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LC, LIMITED COMMERCIAL; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of LC, Limited Commercial and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Freeman, Hally, Radford, Burtenshaw. Nay - none.

6) Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Aspen Point PUD.

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Aspen Point PUD. The Planning and Zoning Commission considered this item at its July 20, 2021, meeting and voted 5 to 1 to recommended approval of the PUD with the condition that the developer confer with the City Engineer regarding a turn lane on the west side of the property from Sunnyside.

Councilor Francis stated he is aware of individuals from his teaching career who may be speaking although he has no financial interest in this item.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested applicant presentation.

Kurt Roland, Eagle Rock Engineering and representative of the Aspen Point developer, appeared. Mr. Roland stated this property includes 6.78 acres and is zoned LC. He also stated, per the LC, 35 units per acre are allowed which would equate to 237 units, however, the developer wants a less dense property and a nicer feel with more greenspace, therefore, 138 total units are being proposed which includes 42 townhomes and 96 condominiums. Mr. Roland stated the greenspace is 25.6%, noting the PUD requires 25%. He also stated the townhomes will be sold separately. Per Mayor Casper, Mr. Roland explained the townhomes will be two (2) stories with a two-car garage on each unit and will be three (3) bedroom units; the condominiums will be 24 plex's, which are similar to apartments but will be sold individually. Per Councilor Burtenshaw, Mr. Roland confirmed the 96 units will be sold separately.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:
Slide 1 - Property under consideration
Director Cramer stated this property is a triangular piece located on the south side of Sunnyside Road, east of Grove Lane and the canal, and is currently zoned LC to the northeast. He also stated there is adjacent R1, R3, and R2 zones. He noted this property was part of a city-initiated annexation a number of years ago.

Slide 2 - Comprehensive Plan Future Land Use Map
Director Cramer stated the old Comprehensive Plan was still in place when the PUD was submitted and was considered Planned Transition. He explained 17th Street is an example of planned transition, noting this area is more of large lot county-type development which transitions to high-density development.

Slide 3 - Aerial photo of property under consideration
Director Cramer stated most uses are residential with a mix of single-family and multi-family.

Slide 4 - Additional aerial photo of property under consideration

Slide 5 - Site Plan
Director Cramer identified the townhomes along the perimeter, noting the remaining area is for the condominiums.

Slide 6 - Phasing plan
Director Cramer stated Phase 1 is the townhomes, the parking area, and the landscaping area; Phase 2 will include the condominiums. He noted PUD requires amenities be built in the first phase.

Slide 7 - Photos looking from Sunnyside Road looking south

Slide 8 - Elevation view of Aspen Point Townhomes

Director Cramer stated, referencing Slide 5, the Planning and Zoning (P&Z) Commission recommended approval pending the developer meet with the city regarding correct access point and a deceleration lane, which has occurred. He confirmed the access aligns with the street across Sunnyside Road.

Regarding the canal, Director Cramer stated the canal on the west side has thick trees and the city has a maintenance agreement with the canal company in exchange to build pathways. He noted, per the agreement, the city will remove trees at the canal company's request. He also noted the canal company has made that request for this development to avoid conflict, and the trees are not a required element for the PUD. Director Cramer stated, per the agreement, the pathway(s) must be placed on the opposite side of the access road for liability and safety reasons. He emphasized this maintenance agreement is not up for debate. The question is whether the PUD is compliant with the zoning ordinance and consistent with the principles of the Comprehensive Plan, which Director Cramer stated it is. He reiterated the trees are not up for discussion.

Per Councilor Francis questioning the possible dead end, Director Cramer stated the fire code will require a secondary access after 30 units. Per Councilor Radford, Director Cramer is unsure of a historic barn on the property. Councilor Burtenshaw noted the property has old chicken coops. Councilor Freeman questioned any plans to increase the landscape on the developer's side to replace the trees on the west side. Director Cramer deferred this question to the developer. Mr. Roland stated the master plan would have kept the trees with some trimming, and the path would have fit with the trees. Mr. Fife explained landscaping can be discussed, however, anything outside of the footprint cannot be discussed. Per the dead end, Mr. Roland stated an area has been designated for back-up turnaround for any fire trucks and a second access has been identified. Councilor Francis questioned a sidewalk being declared as an amenity. Director Cramer stated a sidewalk can be an amenity if it's connecting to the city's pathway network. He noted a playground is also an amenity. Following discussion regarding amenities being required for every 50 units, Director Cramer believes only two (2) amenities are required for this number of units.

Mayor Casper requested public comment.

Randy Elwood, Grove Lane, appeared. Mr. Elwood stated his house was built 31 years ago and was the first house in this area. He also stated he built his house on that particular side due to the canal and the trees and believed there would be no one behind them. However, the neighbors have now sold the property. Mr. Elwood stated, referencing the trees, he had previous discussion with the canal company regarding cutting the trees down for a road. Mr. Fife reminded the council this discussion is irrelevant, and the discussion must be regarding the petition of the PUD. Mr. Elwood stated when the new developers came to the neighbors, there was concern for the three-story condominiums, the developers indicated the said trees would not be removed so the neighbors were encouraged as they wouldn't be looking into someone's condominium and vice versa. He indicated the neighbors are now definitely concerned with no buffer area to the proposed dwelling.

Brett Rasmussen, Grove Lane, appeared. Mr. Rasmussen stated in the previous hearing on the PUD the developer had time to consult with the canal company and at that time they testified that trees would be kept in the PUD. Mr. Rasmussen questioned what has changed with the canal company with no notification. He believes statements in the previous hearing are no longer factual.

Mr. Fife reminded those present it is okay to refer to a buffer for the PUD and what would be allowed to go forward, it is not okay to talk about something that is not within the PUD. Mayor Casper believes the P&Z hearing was focused on the PUD and not the external circumstances. She stated she has no reason to believe the P&Z incorrectly used external circumstances to make their decision.

Michael Griffin, appeared. Mr. Griffin questioned the appropriate time to discuss the trees. Mayor Casper believes a response will need to be developed. Mr. Griffin indicated the three-story condos on the canal was questioned at the P&Z with the answer given due to the buffer, which will no longer be there. He requested the three-story condos be reconsidered to be in-line with the rest of the complex as the townhomes since no buffer will be there. He also believes the height of the proposed condominiums be reduced, and townhomes be put along the canal as well.

Gail Zirtzlaff, Idaho Falls, appeared. Ms. Zirtzlaff questioned the number of parking spaces. She indicated she was recently rear-ended on Sunnyside as the traffic has grown. She also questioned the traffic on Sunnyside. She believes there doesn't seem to be a choice for development. She indicated, per Imagine IF, the city wants to hear community voices, and as a citizen who's trying to stay involved, the city listens and then they do. She expressed her frustration to see growth with no responsible plan. She expressed her concern, stating community voices do want to be heard.

Trevor Boyle, W. 18th Street, appeared. Mr. Boyle believes LC is considered a buffer zone between R1 to more-dense development. He indicated he recently returned to Idaho Falls and believes development is exciting to see, development is positive to the city, and this is providing affordable housing for first-time home buyers or for those who do not have a need for a large house. He stated he is excited to see other proposed developments.

Councilor Radford questioned the council's options to dictate required landscape buffering. Mr. Fife believes that question would be deferred to Director Cramer. He indicated there are options to decide how the PUD fits within the current ordinance and to make any buffer directions with certain types of trees. Director Cramer stated the zoning ordinance allows for ways to mitigate impact. He indicated this was discussed at the P&Z hearing, although he believes the request to remove the buffer had not been received at that time. He stated there is no buffer requirement on the west side of the development due to the canal being a separate lot, although the east side will require a buffer. He also stated on the plan there is 16 feet as well as a public utility easement and certain types of trees would be permitted/allowed per City Code, and the council could make those changes per the zoning code. Councilor Francis questioned the difference of buffer and setback. Director Cramer stated setback is a distance measured from property line to foundation wall. Per Councilor Francis, Director Cramer believes a buffer could be required as long as it's within City Code. Director Cramer explained City Code referring to utility easements. Per Councilor Freeman, Director Cramer stated the height requirement and setback standard does not apply as it's next to a canal, not to single-family property. Per Councilor Radford, Director Cramer stated the ordinance requires frontage along a public street, and the only way around that is through a PUD. Councilor Radford questioned changing the subdivision code and the zoning code. Director Cramer stated the council could change these codes, noting commercial does not have this requirement. Councilor Radford questioned the amount of the percentage of greenspace. Director Cramer stated this particular development would require 20% landscaping and maximum of 80% lot coverage, noting the landscape strips are not counted. He also stated the required amenities are lost. Mayor Casper questioned parking spaces. Director Cramer stated this is one (1) stall per bedroom with a maximum of two (2) stalls per unit, noting there are 280 proposed stalls. He also stated, due to the safety concerns of Sunnyside Road, the developer is required to provide a deceleration lane for vehicles traveling east on Sunnyside. Per Mayor Casper, Director Cramer stated there is no acceleration lane. Councilor Burtenshaw questioned the deceleration lane with the bike path. Director Cramer believes the bike path will adjust with the lane. Councilor Burtenshaw questioned the timing of the 10' walking path. Director Cramer believes the pathway may not be part of the

development, and the timing of the pathway would be between the city and the canal company. Councilor Burtenshaw believes the condominiums have a sidewalk that leads to the pathway and would connect to Sunnyside Road, or the condominiums would have to go through the parking lot. She believes the proposal is appealing to access the walking path along the canal. Director Cramer indicated he would obtain clarification from staff via text. Mayor Casper questioned the distance of the canal as the PUD is against the canal which took away the normal setback and buffer requirements. Director Cramer indicated the canal is much farther away. Mr. Roland reappeared. He confirmed the bike path will be adjusted for the turning lane and it will have the Americans with Disabilities Act of 1990 (ADA) ramps on both sides. He believes the canal trail would be constructed in Phase 2 when the condominiums are built. Mr. Roland stated he is unsure of who (the developer or the city) is building the pathway. Councilor Francis believes there is space between the Phase 2 buildings and the canal, he questioned the feasibility of trees in this area. Mr. Fife clarified buffer, landscaping, and access within the PUD is appropriate for discussion, although he expressed his concern for what may be discussed in the adjacent lot. Kade Klinger, the developer, appeared. He expressed his appreciation with the community members and their many voices. He indicated the canal company's concern was liability for any trees falling into and flooding the canal into these condominiums. He stated a landscaping plan was presented to the canal company in collaboration with the city which was the largest concern. He also stated an amended landscaping plan has not been presented to the canal company since that decision was made. He noted they will continue to collaborate with the canal company regarding the concerns of the trees. He also noted they have tried to work with the community to make this the best possible development for the community. Per Councilor Burtenshaw, Mr. Klinger confirmed the tree height is the issue with the canal company. Per Mayor Casper, Mr. Fife explained the liability of trees, stating this is typically a shared liability. Mr. Klinger stated they wanted to provide a buffer, and they are still working with the canal company. Councilor Freeman questioned if there was consideration of the condominiums being built on the other side. Mr. Klinger stated this has been considered, other options have also been considered including a commercial development. He also stated they are at a 41.9% deduction in units as compared to the parameters of landowner rights. He indicated they are trying to do above and beyond, they feel it can be presented with the offsets, and they would propose to stay with the PUD as presented.

Brett Rasmussen reappeared. Mr. Rasmussen stated two (2) trees have already fallen into the canal and there has been no flooding to the east or the west.

Gail Zirtzlaff reappeared. Ms. Zirtzlaff believes development is being jammed down their throats, it's one after another after another. She reiterated her being rear-ended. She referenced an article in the Post Register referring to density and that we need to look like New York. She stated that is not what individuals in Imagine IF said. She requested to wait, she questioned if we are being reasonable, and do we have to say yes. She also requested the traffic on Sunnyside be considered. She believes what we're dealing with now is what was approved three (3) years ago.

Director Cramer reappeared. He clarified the pathway was identified as an amenity at the cost of the developer.

Mayor Casper closed the public hearing.

Councilor Francis recognizes the growth issue in the city, the council has made efforts to do infill to prevent sprawl, and this fits into that. He also recognizes there's a traffic increase that requires other

ways to address although this situation can't be avoided. He suggested easement appropriate trees along the west side of Phase 2 at a 40' level distancing be required as he believes the circumstances have changed. He expressed his concern that a canal company can control this property when the city can't control the canal bank. He believes judgement should be used with the type of trees. Councilor Radford, referencing growth, believes a Ponzi scheme has been built in the western United States with a system of no way to build roads 100 years from now. He also believes growth should be walkable with less cars and less traffic. He clarified his comment in the Post Register stating he did not say anything about Idaho Falls looking like New York, he stated we don't hear complaints in New York regarding density because they have a beautiful city. He also stated this cannot be built in Idaho Falls due to the subdivision ordinances, although we're trying to fix that. Councilor Burtenshaw agreed with Councilor Francis regarding the canal company and the trees on this property. She also agreed with easement appropriate trees. She believes the developer has taken the time to get this right and this is an opportunity for home ownership that is not priced out of the market. She highly commended the developer and is pleased with the infill and the product. Mayor Casper believes density is often referred to as rentals. She also believes in homeownership, and fundamental property ownership is the control of your property. She stated government puts limitations on ownership and those have to be done with a measure of restraint so not overly infringing. She also stated council is outside of their rights if they overstep their bounds and overregulate when ordinances are in place. Mayor Casper believes a responsible conversation was held with the canal company.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Planned Unit Development for Aspen Point PUD as amended to include planting of easement appropriate trees on the west side of the property line with 40' spacing between the trees to match the north side. Following brief comments including a suggestion by Mr. Fife, it was then moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Planned Unit Development for Aspen Point PUD as amended to include planting of easement appropriate trees approved by the City Arborist at 40' spacing where reasonable on the west side of the property line. Brief comments followed regarding the walking path. The motion carried by the following vote: Aye – Councilors Francis, Hally, Radford, Burtenshaw. Nay – Councilor Freeman.

Director Cramer suggested two (2) additional changes for the Relevant Criteria and Standards regarding an inclusion in the Criteria as well as an amended Decision.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Aspen Point PUD with the language suggested by Director Cramer, and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye – Councilors Radford, Francis, Burtenshaw, Hally, Freeman. Nay – none.

7) Amendment of the Comprehensive Zoning Ordinance Tables 11-2-1, 11-2-2 and 11-2-3, amending the uses allowed in residential, commercial, and industrial zones.

On March 1, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the amendment as presented.

Note - this item had been discussed and approved prior to Director Cramer clarifying this item required a public hearing.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record.

She requested staff presentation, noting the city is the applicant.

Director Cramer appeared. He stated this item includes clean-up of duplicated land use tables and duplicated uses as well as clarification of Planning Commission versus the Board of Adjustment. Per Councilor Francis, Director Cramer explained the transit station would be similar to the Targhee Regional Public Transit Authority (TRPTA) facility.

Mayor Casper requested public comment. No one appeared. Mayor Casper closed the public hearing.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the ordinance amending the uses allowed in residential, commercial, and industrial zones under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Hally, Francis, Burtenshaw, Freeman, Radford. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3451
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING CITY ZONING CODE TABLES 11-2-1, 11-2-2 AND 11-2-3 IN TITLE 11, CHAPTER 2 TO CLARIFY USES ALLOWED IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONES; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

8) Amendment of the Comprehensive Zoning Ordinance, Sections 11-2-6, 11-3-3, 11-3-4, 11-4-4, 11-7-1 and Tables 11-1-1, 11-2-4, 11-3-1, 11-3-3, 11-4-1 clarifying the development standards related to manufactured and mobile homes.

On February 15, 2022, the Planning and Zoning Commission unanimously voted to recommend to the Mayor and City Council approval of the ordinance amendments as presented.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested staff presentation, noting the city is the applicant.

Director Cramer appeared. He stated the Residential Mobile Home (RMH) was brought to staff's attention pre-pandemic by a developer who indicated the city's density does not work with the development of mobile home parks or subdivisions. He indicated discussion then occurred with local and national developers. He explained the current RMH standards are developed around the R1 standards, which does not make sense. He indicated the original thought was to increase the density requirement but that didn't fix anything due to the land use standards which prohibits density from happening. Director Cramer stated this code will establish clarifications and standards for a mobile home park pertaining to one (1) lot that is being leased so there is no individual ownership of the park. This code will also clarify development standards for RMH subdivision for individually-owned lots. Director Cramer stated this will now mirror the TN standards in terms of lot sizes and setbacks that will make more sense for the type of home found in that zone. Per Councilor Francis, Director Cramer stated this will allow a more efficient way of building smaller homes and smaller varieties. He also stated, per State requirement, any manufactured home on a foundation must be treated like a single-family home. Also per Councilor Francis, Director Cramer confirmed this could accommodate a 'tiny home' as this increases options. Per Councilor Freeman, Director Cramer stated this will comply with fire and building codes per the standards.

Mayor Casper public comment. No one appeared. Mayor Casper closed the public hearing.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the ordinance clarifying the development standards related to manufactured and mobile homes and establishing land use standards under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Freeman, Francis, Radford. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3452
AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING CITY ZONING CODE SECTIONS 11-2-6, 11-3-3, 11-3-4, 11-4-4, 11-7-1 AND TABLES 11-1-1, 11-2-4, 11-3-1, 11-3-3 AND 11-4-1 OF THE COMPREHENSIVE ZONING ORDINANCE PERTAINING TO THE RMH, RESIDENTIAL MOBILE HOME STANDARDS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

9) Amendment of the Comprehensive Zoning Ordinance, Sections 11-2-6, 11-3-4 and Tables 11-2-1 and 11-3-3 allowing for accessory dwelling units in all residential zones and establishing land use standards.

On February 15, 2022, the Planning and Zoning Commission recommended to the Mayor and City Council approval of the ordinance amendments as presented with a vote of 3 to 2.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested staff presentation, noting the city is the applicant.

Director Cramer appeared. He stated this amendment would allow ADUs in all zones that allow residential dwellings. He also stated this is the effort of a group that traveled to Colorado to work on a housing plan that would remove barriers to provide a variety of housing types and affordable housing, and this proposed amendment is also a direct reflection from the public during the Imagine IF public outreach. He noted there are some amendments following discussion at the March 28, 2022 Council Work Session. Director Cramer then presented the following:

Slide 1 - Imagine IF, Managing Change (pages 58-59)
Director Cramer explained, per this document, that no neighborhood can be exempt from change, and no neighborhood should experience sudden, radical change. He stated they're trying to find the balance in the next step of evolution of a neighborhood.

Slide 2 - Imagine IF, Managing Change (pages 58-59)
Director Cramer explained the three (3) degrees of change: Maintain - smaller, more incremental changes, mostly reinforcing the existing scale of an area; Evolve - opportunities for small-to-medium-sized public and private investments or projects; and Transform - opportunities for larger-scale changes such as a significant increase in scale and possible mix of uses, these changes are more likely to be widespread and not on focused sites. He believes this is a mix of Maintain and Transform while this is not a sudden radical change.

Slide 3 - Housing Types That Would Make Sense "Anywhere"
Director Cramer explained these housing types were asked in all groups in the five (5) neighborhood

meetings where housing units would make sense. He stated ADUs were significantly higher on this scale than other housing types.

Slide 4 - Housing Types That Would Not Make Sense At All
Director Cramer stated there were no neighborhoods that at least 50% said they don't make sense at all.

Slide 5 - Housing Types That Would Make Sense "Somewhere"
Director Cramer stated ADUs were the only housing type that every group was comfortable with in their neighborhood.

Slide 6 - Accessory Dwellings Graph
Director Cramer stated there was an almost 50/50 split in Area 3 (west side of town), there was a majority in all other neighborhood areas.

Slide 7 - Table 4.2 City-wide Housing
Director Cramer stated one (1) of the goals for affordability and availability from Imagine IF is to allow ADUs in all zones that allow housing.

Slide - Zoning Practice 2012
Director Cramer stated, due to setbacks and separate structure concerns from the Council Work Session discussion, he reviewed the American Planning Association publication which stated land development and building design standards are key issues, and a 10-15 feet setback is recommended on rear yards and a 5-foot setback is recommended on side yards. Therefore, Director Cramer staff modified the ordinance to require a 10-foot setback on rear yards and a 5-foot setback on side yards for RP and R1 Zones only. He reviewed the other zones stating they are more dense environments and density would be expected, they would be limited by lot size, or a building may already be up against an alley. He noted this requirement may preclude some existing structures from being converted to an ADU.

Slide 9 - Aerial sample of a neighborhood with detached structures that would meet those setback requirements
Director Cramer noted some of the buildings in this neighborhood could not be converted.

Slide 10 - Allowed Uses in Residential Zones
Director Cramer stated this proposal is to add ADUs to three (3) zones that are not already included.

Slide 11 - Standard for Allowed Land Uses
Director Cramer clarified caretaker's residence in Industrial Zone.

Slide 12 - Additional information
Director Cramer reviewed current standards in all zones. He stated additions include that recreational vehicles will not be permitted for use as an ADU, clarification of parking on the lot to include a driveway, ADUs will not be counted towards density calculations (direct recommendation from Opticos), and discussion of removing requirement of one (1) bedroom.

Slide 13 - Maximum lot coverage

Director Cramer stated lot coverage is identified as a significant barrier.

Slide 14 - Removal of rear lot coverage
Director Cramer stated there is a lot coverage requirement for an entire lot and a separate coverage for the rear yard, however, because the lot coverage requirement in the rear yard is extremely prohibitive, this has been recommended to be removed and have the requirement for the entire lot as a whole.

Director Cramer stated emails have been received for support and opposition. He reiterated the community supported ADUs, noting the standards are not easy to achieve but are doable. Per Councilor Hally, Director Cramer stated ADUs could be used as Airbnb units noting the State of Idaho has specific requirements and the owner would have to live on the property; this is a way to provide small affordable units on existing units, there would be no separate title for ownership and a deed restriction would be required; and covenants may restrict these but the city doesn't get involved with covenants. Councilor Francis believes the homeowner living there is positive and would be more controlled. Councilor Burtenshaw questioned if all tables must be looked at collectively or separately. Director Cramer does not believe they need to be looked at collectively but they will make less sense if looked at separately. Councilor Freeman questioned different addresses. Director Cramer believes the fire department requested no separate addresses. He also clarified there could be a single power meter or a separate meter although the owner cannot sell power to the tenant at a higher rate.

Mayor Casper requested public comment.

Trevor Boyle, Idaho Falls resident, appeared. Mr. Boyle stated he lives in a TN zone and he likes the proposal due to land use restrictions for the back yard. He indicated he has plans to build an ADU in the next few years. He believes additional dwellings helps the landowner increase the affordability of their house with another source of income and it also provides more options for those individuals who can rent. Mr. Boyle believes this is an amazing concept and is helpful for the community.

Neil Hutten, E. Harvest Run Drive, appeared. Mr. Hutten expressed his concern for the ADUs. He believes there will be negative outcomes for residences such as increases in congestion, crowding, and city functions such as snow removal and garbage removal. He also believes ADUs will increase density in neighborhoods which will create greater demand for city utilities and services, and parking. Mr. Hutten stated homeowners have a reasonable expectation about major land zoning decisions and parameters that existed at the time of their home's construction would still be enforced and would not be changed retroactively; homeowners purchased their homes partly because of curb appeal of the home as well as curb appeal of the overall neighborhood; the aesthetics would be reduced if ADUs are allowed and would create an urban looking environment; the number of single-family detached homes for future residents would be significantly reduced in all existing residential areas and would reduce housing diversity; allowing ADUs is an attempt to increase housing density and will increase property tax revenues. He believes this form of retroactive infill may seem attractive to city planners due to the cost of services but the city owes its current residents the right to preserve and maintain the character of open spaces provided by single-family homes without ADUs. Mr. Hutten stated the council could take the position that future housing development could be built that includes 750 square foot homes on small plots of lands to allow greater diversity if desired. He requested the council vote against this proposal and to have a measure of restraint on development.

Gail Zirtzlaff, Idaho Falls resident, appeared. Ms. Zirtzlaff stated she lives in Area 5. She indicated she did

not participate in any meetings although she contacted an individual on the Imagine IF committee. She expressed her concerns about density that are related to her previous concerns about fireworks. She believes every working group needs a variety of personalities and if a working group has a visionary this would be the eagle who could be above things and work toward as a goal, noting a lion or bear that charges in, and every working group also needs a turtle who would wait. Ms. Zirtzlaff stated she has heard nothing about schools and she questioned where land is for the schools with the developments and the infill has been gobbled up. She believes this is important and complicated. She requested the council not suspend the rules and let this have three (3) times. She also requested the public have a chance to consider as there have been so many developments.

Bob Smith, Idaho Falls resident, appeared. Mr. Smith stated the city won't let him build an addition to his house that he's lived in for more than 30 years. He also stated if this will allow a one-bedroom addition to his house then he is all for it.

Trevor Boyle, reappeared. Mr. Boyle believes the proposal reduces government restrictions on his property and it will allow more flexibility for his property.

Gail Zirtzlaff, reappeared. Ms. Zirtzlaff stated she will bring Maslow's hierarchy of needs to the next Council Meeting. She believes certain needs need to be met first and the bottom rung is safety and security. She indicated when she hears density she thinks of safety, and the more people crowded into an area the more police will be needed as freedom ends where other freedom begins. Ms. Zirtzlaff believes this won't get better, there's a lot to consider, we all have to follow the rules, and personal freedom is more important.

Per Councilor Francis, Director Cramer confirmed an additional bedroom could be added per current regulations although a kitchen could not be added. He also confirmed there's a separate structure, additional structure, or within the existing structure, noting within the existing structure could be difficult per the building code restrictions, and it could be tricky to go up.

Mayor Casper closed the public hearing.

Councilor Francis believes ADUs make multi-family caregiving possible as well as short-term rentals. He expressed his concern with an unattached ADU being close to a property line as individuals have expectations that the zoning won't be changed. He believes this could be a radical change for some. He prefers more input. Councilor Burtenshaw stated she agrees with the unattached ADUs although she is in favor of an attached ADU. She believes there's a lot of radical change happening in most neighborhoods and this could be the chance to slow down. She also believes this reduces housing diversity, and it makes sense to take out the minimum lot coverage. Councilor Freeman stated he agrees with Councilors Francis and Burtenshaw. He believes neighborhoods believe nothing will change although landowners have rights and should be able to build as they wish. He also prefers to slow down and get more input. Councilor Radford stated an Idahoan committee was supportive of this concept due to there being no place to live for attracting talent. He believes this is the number one (1) way to help with housing and homeless crisis, this is the right way to find middle housing; this is not all that popular; not everyone can afford this but it could help with housing costs in other ways including extra revenue to pay for a mortgage; there is a cultural valve to care for people on properties; and it's a good moderate policy. He also believes if this was radical it would not be seen in Idaho Falls. Councilor Radford believes we need to have alternatives as there are no other choices for housing, and this gives

options. Councilor Hally stated he sees a need but he expressed his concern with the same address for income benefits and voting issues. He is unsure if this would reduce rental expenses although he recognized the strong benefit to be able to care for relatives. He also sees restrictive covenants in neighborhoods that may not allow these. He prefers to hear from more individuals. Per Mayor Casper, Director Cramer confirmed this is a legislative hearing so additional information could be received. Per Councilor Francis, Mr. Fife explained the ordinance readings stating the ordinance could be edited at any time to make changes as necessary. Councilor Francis stated he agrees with Councilor Radford, although he reiterated his concerns are with the detached ADUs. Councilor Radford believes the expertise should be trusted. He doesn't believe neighborhoods across the county are being invaded. He believes this will make a difference. He also believes there is a need to take the councils responsibility seriously. Mayor Casper believes it's understandable that property owners don't want the rules to change although this can also be unreasonable. She requested the council to remember the people who aren't in the room whose needs also need to be considered. She stated the Comprehensive Plan public meetings were well done with a statistically valid sample of what the community believes and feels and there was a chance for dialogue and questions with a highly informed proxy of voting. Mayor Casper stated the team that participated in Colorado is trying diligently to apply best practices. She indicated all these things are in play as the city is in a time of great need with an unaffordable housing situation. She emphasized she has no disrespect for those who feel differently.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve on the first reading the ordinance allowing for accessory dwelling units in all residential zones and establishing land use standards and that it be read by title. Mr. Fife explained the ordinance title reading. The motion carried by the following vote: Aye - Councilors Hally, Radford, Freeman, Francis. Nay - Councilor Burtenshaw.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING CITY ZONING CODE SECTIONS 11-2-6, 11-3-4, AND TABLES 11-2-1, 11-3-3 TO CLARIFY REQUIREMENTS REGARDING ACCESSORY DWELLING UNITS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Mayor Casper indicated this item will be included on the April 11 City Council Meeting agenda.

6. Announcements.

Mayor Casper announced the following: April 5, County/City Meeting; April 6, Mayors' Scholarship Fund Awards Banquet; April 8, Budget Meeting; April 9, Zoo clean-up day; April 11, City Council Work Session; and April 12, Association of Idaho Cities (AIC) Spring Training.

7. Adjournment.

There being no further business, the meeting adjourned at 11:49 p.m.

_____ _____

Kathy Hampton, City Clerk | Rebecca L. Noah Casper, Mayor

April 5, 2022 County/City Quarterly Coordination Conference - Unapproved

The City Council of the City of Idaho Falls met in Special Meeting – County/City Quarterly Coordination Conference, Tuesday, April 5, 2022, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls at 3:00 p.m.

Call to Order and Roll Call
There were present:
Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis (via WebEx)
Councilor Lisa Burtenshaw

Also present:
Roger Christensen, Bonneville County Commissioner (via WebEx)
Byron Reed, Bonneville County Commissioner
Jon Walker, Bonneville County Commissioner
Connie Chadwick, Regional Development Alliance (RDA)
Brad Cramer, Community Development Services Director (via WebEx)
PJ Holm, Parks and Recreation (P&R) Director (via WebEx)
Rick Cloutier, Idaho Falls Regional Airport (IDA) Director (via WebEx)
Dave Lent, Senator
Chris Fredericksen, Public Works Director
Joseph Nilsson, Chief Information Technology Officer
Randy Fife, City Attorney
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:05 p.m. with the following items:

Dispatch and Emergency Operations Center (EOC):
Councilor Francis stated a consultant, On the Ground, has been hired for the 911 working group to determine equitable funding. He indicated the formula is not as simple as counting the calls as there is also a pattern of calls. He also indicated the consultant is on track as this requires budget involvement with both entities, and the contract needs to be in place by October 1, 2022. Councilor Francis stated there is a multi-agency advisory board that will work on a formula with the Idaho Falls Police Department (IFPD) regarding paying rent for space at the Law Enforcement Building (LEB). This will then be presented to the county and the council. Commissioner Reed believes the committee has worked well to find the needed answers. Per Mayor Casper, Commissioner Reed is unsure of a phased-in approach for funding. He believes the goal is to take all funding on board the first year. Councilor Francis agreed.

Magistrate Court Funding—last year:
Mayor Casper believes this coming year is the last budget year for the city to transfer $90,000 to the county. Commissioner Christensen stated a law passed in 2019 that required the State to take funding. He indicated this funding allocation was 20% each year, and 2023 will be 0% from the city and final funding from the State. He also

stated beginning in 2024 the distribution of the Liquor Fund will be 51% to the county and 49% to the city. He indicated House Bill (HB) H643 negotiated these amounts.

Eastern Idaho Regional Wastewater Association (EIRWWA) Progress:

Commissioner Christensen stated in approximately 2000 there was a Joint Powers Agreement (JPA) with several cities and counties for the EIRWWA. He indicated there was a proposal to the City of Idaho Falls to become part of EIRWWA, in which the city chose not to have a wastewater provider outside of the area. Commissioner Christensen stated this item will be included on the May ballot to make EIRWWA a district so all property owners over five (5) acres would have to petition to get into the district. He indicated most individuals opted in although there was concern with lift stations and capacities. He noted the city chose not to opt in due to Sandy Downs and the Sand Creek Golf Course.

Implementation of H735aaS (House Bill re: Public Defense and County Indigent Fund):

Commissioner Christensen stated this is a combination of public defense with the State taking over for three (3) years during transition. He noted this was supported by the Association of Idaho Cities (AIC). He indicated for the next two (2) years the State will pay the county the amount of money that was levied in 2019 for public defense, noting the county will have to eliminate this levy. He also indicated this will provide proposed tax relief in the amount of $33M State-wide. He explained this money will be taken out of reserves, and in Fiscal Year (FY) 2025 $20M will come off the top of revenue sharing. It is anticipated the growth will come back in 2027. Commissioner Christensen stated the Indigent fund will go away although this will be required to be taken out of the levy as well. He indicated this is good, as the county will not have to deal with the fund anymore, although this will affect the future 3% base. He noted the majority of indigent cases happen inside populated areas. Councilor Radford questioned employees of the county going to public defense. Commissioner Christensen explained the grants from the State, stating during the two-year transition these individuals will be employed by the county with money from 2019. He indicated wage increases were not addressed so the levy can continue for two (2) years. He also indicated there is a study committee to determine the status of the employees for any transition. Mayor Casper stated AIC indicated cities use less than 1% of public defense, the remaining is IFPD enforcing State law. She believes a compromise occurred.

Fairgrounds/Sandy Downs Planning:

Mayor Casper believes these facilities are creating collaboration. Commissioner Reed stated the fairgrounds continue to grow. He provided a brief update on the buildings and the Jr. Posse. He also stated this building was designed to be used year-round and rent of the buildings has helped pay for upgrades to the fairgrounds. Commissioner Reed indicated the Road and Bridge Department is looking for a sand and salt shed in this area to prevent long distance hauling. He also indicated they are looking at a spot on the fairgrounds or on Sandy Downs, if the city would desire, as they believe the city could benefit from a shed as well. He noted the county would participate in cost sharing. Mayor Casper stated this would need to be discussed with Public Works and P&R liaisons. Commissioner Reed is hopeful for construction of a shed this summer. He explained the location per the provided slide. Brief discussion followed including a paid campground facility, the adjacent utilities, the BMX track, the Tautphaus Park Master Plan, and moving soccer fields from the soccer complex per the IDA overlay zone.

IDA Air Service Development and Planning:

Council President Dingman stated 2019 was a record year for enplanements, 2021 was 25% higher than 2019, and there were 3.5M pounds of cargo, which was 29% higher than 2019. She believes IDA provides a large economic benefit and impact to the community via individual and business perspective. She noted there are 14 non-stop destinations, and she announced additional upcoming direct flights. Council President Dingman stated construction

at IDA is almost completed with more construction to occur, noting 2024 construction will include a new air traffic control tower. She also stated parking issues are being discussed with the IDA board. Councilor Hally stated car rental revenue was $1.2M for January and February, which is one (1) of the highest rates in the nation. Mayor Casper stated a percentage of car rentals is being allocated to parking improvements. Council President Dingman noted the restaurant services in IDA have also expanded. Councilor Freeman stated the Jackson Airport runway will be closed for approximately 80 days noting all flights will be diverted to Idaho Falls and Bozeman. Brief comments followed including the effects of Coronavirus (COVID-19), and the City Council becoming the official IDA Board. Mayor Casper also noted Greater Idaho Falls Transit (GIFT) will be coming in June.

Review and Discussion: 2022 Legislative Session and 2023 Session Goals:

HB635, regarding annexation, was discussed mainly for the Boise area. Mayor Casper believes this discussion also included a racetrack in Northern Idaho, and a pending lawsuit with Star/Middleton will be resolved. She is unsure of Peace Officer Standards and Training (POST), and H529 (eliminating motor vehicle registration stickers – Commissioner Walker believes this is important to pay attention to as it could cause issues with law enforcement). Mayor Casper stated this item will be discussed again in the future.

Briefing and Discussion: Future Plans for Bonneville County Technology Center (BCTC):

Mayor Casper stated the goal is to stand up a community-wide workforce training center. She provided a history of a jointly owned asset between Bonneville County, Idaho Falls, and the RDA which began in 1993. She indicated the county put up the land at 101 Technology Drive with some funding, the city contributed money including utilities, and RDA funded the center as part of a secured grant match of federal funding from the Economic Development Administration (EDA). Ms. Chadwick explained the revolving loan fund, stating EDA had several stipulations on the funds, which made it difficult to lend to qualified businesses. She also explained that through the process, RDA become more conservative for lending, therefore, the fund began to increase, which is still available. Mayor Casper stated the length of the committed time was 20 years, and regular reporting was submitted to EDA, although by 2013 enough turnover occurred that the institutional knowledge was lost. She noted she traveled with Dana Kirkham, who was on the board at the time, to obtain additional information. This information was brought toward Dana Briggs, the city's former Economic Development Coordinator, who helped pieced the history together. Mayor Casper stated the EDA has officially de-federalized the loan, although the asset (the county-owned building) must still be managed. She indicated there has been a mutual decision that there is a need for this facility. Commissioner Reed stated the committee met to determine a need to support a workforce facility. The committee found overwhelmingly that the need was great as it is difficult to obtain specialized skilled individuals which would support the facility, although, they could not commit any funding to stand up the facility. It then transformed to College of Eastern Idaho (CEI) to stand up. Senator Lent expressed his appreciation to all those who serve the community. He stated through his previous experiences he lived through many transitions. He believes Eastern Idaho is at the beginning to build out the capacity that the rest of the State has. He indicated he has been working on this for two (2) years and is seeing many national trends. He believes there's the opportunity to have the workforce development center and to have the capacity to build high schools and specialized skills. Senator Lent commended Ms. Kirkham and Ms. Briggs. He wants employable jobs that could support families. He indicated 35-40% of individuals graduate from college, and college has been used as a threshold. He believes this is important, the timing is right, there is access to funds, and this is a benefit to those who live here. Commissioner Reed explained the history of the building. He believes this fulfills the original purpose of the grant and the original intent. He stated the county has agreed to transfer the building to CEI and per discussion with CEI President Rick Aman, President Aman believes the building will be perfect. He indicated the RDA money will help put the building in useful condition, and the city would have to agree to the transfer. Mayor Casper stated the expectation is to draft an agreement signed by all three (3) parties for approval of the building for CEI. The goal for this agreement is prior to October 1

before the current leases expire. Mayor Casper stated a group of individuals meet quarterly regarding site projects noting the workforce needed in the next five (5) years will amount to 1,500-2,300 laborers each year. Per Councilor Freeman, Ms. Chadwick believes private sectors may be more willing to assist with funding as they realize the workforce has a high turnover. She noted any tuition would be paid by the employer. Commissioner Reed believes the industry leaders were concerned with start-up funding, which CEI can provide. Councilor Burtenshaw questioned the location not being near CEI. Commissioner Reed indicated President Aman is happy with the location and it would not present a problem. Ms. Chadwick described the building premise. Comments followed regarding specific trainings, the model of training, the curriculum provided by employers, and knowledge of the workforce. Commissioner Christensen indicated this was a vision by former Commissioner Cliff Long several years ago, he believes this fits that vision and he agrees this will help fill the need. Mayor Casper stated an agreement will be forthcoming. Senator Lent believes, while not urgent, this agreement is important.

Discussion: Area of Impact (AOI) Policy and Planning:

Mayor Casper distributed clarifying questions regarding the AOI. She stated AOI conversations occurred around 2018, noting nothing new was adopted, therefore, the entities are working with a 20+ year old agreement. She believes there is a different growth conversation than 2018. Commissioner Walker believes there is a need to discuss expansion. Councilor Burtenshaw believes, per Director Fredericksen and Director Cramer, expansion is needed on the northern section of town. She indicated decisions have been made that affect the current AOI. Commissioner Reed stated the county recognizes the need for expansion, he would like to see this occur in the next couple of years. He personally is willing and anxious to consider the greatest need to expand. Commissioner Christensen agrees, although, he believes statutorily this needs to start with the Planning Commissions. He believes in order to expedite more meetings should occur with the city and county planning commissions. He also believes this got hung up on policies that were not understood. Mayor Casper agrees with the formal process. Councilor Francis stated he is very reluctant to put this back to either staff. He believes it is asking too much of city staff to re-write. He also believes this is up to the elected officials. Brief discussion followed regarding the previous discussions/policies and what may have or may not have occurred. Commissioner Walker believes the previous problems are related to communication. He also believes progress with the elected officials continues as the elected officials should be doing the right thing for the citizens. Councilor Burtenshaw recognizes the county may have their own questions regarding the policy. She agrees with Councilor Francis, and she believes it would be more useful to know the city policies and the county policies. Commissioner Christensen agreed. Councilor Radford believes extension of services is a key issue. He also believes if services are extended, the conversation would need to start over. Councilor Burtenshaw believes road annexation/right-of-way needs to be discussed. Council President Dingman agrees with Councilor Radford as well as agreeing with Commissioner Walker regarding the communication issues, noting many elected officials have changed over the course of time. Councilor Freeman stated he is not totally against extension of services, and he believes this is the main issue. Following brief discussion, Mayor Casper outlined next steps including prioritizing items, working with staff, and follow-up discussion at the next joint meeting.

Brief discussion followed regarding a future meeting and future agenda items.

There being no further business, the meeting adjourned at 5:09 p.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

April 8, 2022 Special Meeting, Executive Session

The City Council of the City of Idaho Falls met in Executive Session, Friday, April 8, 2022 at the College of Eastern Idaho (CEI), President's Board Room, located at 600 S. 25th E. in Idaho Falls, Idaho at 7:48 a.m.

There were present:
Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Jim Francis
Councilor Lisa Burtenshaw
Councilor Jim Freeman

Also present:
Duane Nelson, Fire Chief
Chris Fredericksen, Public Works Director
Brad Cramer, Community Development Services Director
Pamela Alexander, Municipal Services Director
Randy Fife, City Attorney

The Executive Session was called pursuant to the provisions of Idaho Code Section 74-206(1)(c) to acquire an interest in real property which is not owned by a public agency.

There being no further business, the meeting adjourned at 8:23 a.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

April 8, 2022 Budget Workshop - Unapproved

The City Council of the City of Idaho Falls met in Special Meeting – 2022/23 Budget Workshop, Friday, April 8, 2022, at College of Eastern Idaho, located at 600 S. 25th E. in Idaho Falls at 8:30 a.m.

Call to Order and Roll Call
There were present:
Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford
Councilor Thomas Hally
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw

Also present:
All Department Directors
Mark Hagedorn, Controller
Josh Roos, Treasurer
Bud Cranor, Mayor's Office Chief of Staff
Carla Bruington, Mayor's Office Executive Assistant
Julie Hart, Association of Idaho Cities (AIC) Lobbyist (via WebEx)
Eric Day, Idaho Falls Fire Department (IFFD) Division Chief
Mallory Johnson, Eastern Idaho Public Health (EIPH)/Health Education Specialist
Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 8:35 a.m.

Mayor Casper announced the legislators have appropriated funds for Idaho State University (ISU) for a pedestrian bridge across the railroad. This will be coordinated with Public Works. She also announced Idaho Falls Power (IFP) Board Meeting as well as Bonneville Metropolitan Planning Organization (BMPO) on April 13.

Mayor Casper believes this year has less money and more pressure to spend internally, noting money could be received from other sources (the American Rescue Plan Act (ARPA), Infrastructure Investment and Jobs Act. (IIJA), grants, etc.). Mayor Casper briefly explained the Special Training item, stating she had a personal family experience with an opioid overdose. She also stated Opioid settlement money will be available in the near future. Councilor Radford provided brief comments regarding opioids as well.

Budget Outlook: External Conditions - State Legislative Update:
Mr. Cranor stated Ms. Hart was representing the city on several legislative bills. Ms. Hart believes it's important for larger cities to have their own lobbyist. She indicated the city used this support for several bills. She believes the longer a lobbyist is dedicated, the more that lobbyist understands specific issues and innerworkings in that particular city as all cities have different needs. She explained House Bill (HB) 436 (income tax bill) stating the funding could have been distributed by other methods. She indicated 15 bills were introduced regarding public records which can create a legal conflict. Ms. Hart provided an overview of the recent legislative session: HB469 (Peace Officer Standards and Training (POST) funding, the State will take on funding this academy); HB499 (Public Employees Retirement System of Idaho (PERSI) Rule of 80); and HB735 (funding public defense, amended from HB785). Per Mayor Casper, Ms. Hart stated HB66 (the library bill) will come back, the firearms bill may come back,

the ILETS bill will come back, the monument bill (not the first time this bill has been introduced) will come back, HB635 (annexation/Area of Impact (AOI)) will definitely come back, and HB741 will only come back pending the return of Jim Rice. Also per Mayor Casper regarding bills specific to the city, Ms. Hart provided a recap of HB618 (media recording bill, was printed). Mayor Casper believes the issues related to this bill have been well vetted. Per Councilor Hally, Ms. Hart provided a recap of the tax funding, and she is unsure of the status of the bill regarding switching parties in the primary election. Mayor Casper also noted a campaign election phone number is now required in the State database. Per Councilor Freeman, Ms. Hart stated city elections being partisan is only supported by a small minority group. She is unsure of the status at this time. Mr. Cranor requested other future bills/items be submitted to Mayor Casper and Ms. Hart.

Economic Conditions:

Mr. Roos stated the market changes on a daily basis. He reviewed the inflation report stating the annual February report rose from 7.5% to 7.9%, and economists are predicting 8.5%. He indicated reasons for inflation are due to Coronavirus (COVID-19) as businesses shut down which reflects supply and demand, however, the government decreased interest rates and provided stimulus money to encourage spending. He also indicated economists like to see 2-3%, this will be more than 8%. Mr. Roos stated inflation was also affected by supply chain, noting the oil prices have been affected due to the war in Ukraine; the price of goods (expecting 10% increase for goods and services), noting individuals are paying $433 more per month than the previous year which may result in other household cuts (zoo, traveling, etc.); and inflation which could affect the hiring ability due to wages. Mr. Roos reviewed the Unemployment Rate stating this has been decreasing significantly and the rate is almost back to pre-COVID numbers, noting the unemployment rate for the State has gone from 3% to 2.8%. Mr. Roos stated inflation and unemployment affects the Federal Open Market Committee and the rates. He indicated the feds recently announced interest rates will have a 50-basis point increase, and rates are anticipated to increase throughout the year. Mr. Roos reviewed the Treasury Yield Curve, noting these rates can affect mortgage rates. He also noted the treasury hit its highest level since 2019, although realtors do not believe this will affect the local growth. He indicated the yield curve was beginning to flatten, however, the yield curve is now starting to invert which is a sign of a recession. He stated this is one (1) of three (3) main signs that could lead to a recession. Mr. Roos believes we can't live in fear, and we must move forward as a city and keep citizens happy. Mr. Roos stated the feds are trying to bring inflation down, hoping for 3% in December. Councilor Hally stated a recession can also be positive as this can reduce costs. Director Alexander believes cash should be stashed. Mr. Roos stated the city's investments are currently fantastic. He briefly explained these investments.

Grants and other Funding Sources:

Mayor Casper believes grants may help with the Enterprise Funds. She stated the ARPA Committee is continuing to meet with proposals for each of the funds. These recommendations should be presented to the council in early May. Per Mayor Casper, Mr. Cranor believes IIJA, ARPA, and other funding opportunities should be available for the next five (5) years. Mayor Casper is unsure if/what grants the city is qualified for. Director Cloutier indicated the airport has been meeting with the Ferguson Group that identified funding opportunities for five (5) years. He believes billions of dollars will be available. Director Cramer stated the grant administrators are actively working on grants, noting the Ferguson Group may only be federal funding. Brief discussion followed regarding a contract with the Ferguson Group. Director Fredericksen stated the city recently received two (2) Transportation Alternatives Program (TAP) grants. He briefly reviewed upcoming projects.

Legal Judgements:

Mr. Fife explained options for any claims against the city, including insurance, money for uncovered risk, and/or levying a special tax to collect money. He stated in the upcoming year there are three (3) claims that may have a

dollar amount for the city – the lawsuit by Christopher Tapp, an eminent domain case against the Johnson Legacy property by the airport, and a wrongful death claim against an Idaho Falls Police Department officer. He provided an update on each of these claims. He believes the risks are low that the city would have to go outside of the budget for each of these claims.

Special Training: Proper Administration of Narcan:

Division Chief Day stated opioids are painkillers derived from the poppyseed plant which can become more potent as they are made and can become highly addictive. He indicated there is a huge increase in the number of individuals becoming addicted due to this painkiller being prescribed by hospitals based on how 'happy their patients' were, and now individuals are going to other sources to obtain opioids. He noted opioids can affect anyone. Ms. Johnson stated 2 milligrams is a lethal dose, which is 100 times more potent than Morphine. She described other illicit opioids containing fentanyl and heroin. Division Chief Day and Ms. Johnson emphasized pharmaceutical prescriptions are safe as they have federal regulations. Ms. Johnson explained the three (3) waves of rise in opioid use as well as the impact to Idaho. Division Chief Day stated the IFFD has partnered with EIPH to provide a leave-behind program of Narcan/Naloxone in the case of a suspected or known opioid-related emergency. It was noted Naloxone cannot be self-administered and it should be administered when in doubt of a suspected overdose as there is no side effect or detriment. Division Chief Day explained the contents of the overdose rescue kit. Ms. Johnson stated this kit is designed to assist with treatment and resources. Discussion followed regarding the cost of this kit as well as the cost and availability of EpiPens. It was noted the shelf life of Narcan is three (3) years. Ms. Johnson explained the organizational Naloxone leave-behind policy for providing Narcan. She further explained the contents of the overdose rescue kit and how to administer the internasal Narcan spray. She noted these kits are provided at many locations throughout the community. Division Chief Day believes these kits should be located alongside Automated External Defibrillator (AEDs) in city buildings. Chief Nelson believes this would be coordinated with Jim Jernigan, the city's Safety and Training Coordinator. Ms. Johnson recommended these kits not be kept in vehicles. She described a locking medicine box, deactivation pouches provided by EIPH that can be discarded, and the QR code for Eastern Idaho community resources. It was noted most prescriptions should not be flushed.

2022/23 Budget: Internal Challenges and Priorities-City Employee Considerations:

Mayor Casper believes, per previous director budget discussion, employees need to be a priority in the upcoming year. Director Tew stated he contacted the six (6) largest cities in the State as well as other cities in the west regarding employees. He presented information regarding Cost of Living Adjustment (COLA), prioritizing budget needs, turnovers and solutions, hiring at market rate, hiring bonuses, salary structures, and other benefits for Boise; Meridian; Nampa; Pocatello; Caldwell; Coeur d' Alene; Fort Collins, Colorado; Rapid City, South Dakota; Bozeman, Montana, and other municipalities. He also presented information about what the City of Idaho Falls is doing. Mayor Casper believes outsourcing conversations need to occur regarding the balance of savings and services. General comments followed including the need for data to direct these decisions, the total cost of outsourced services, and the potential of outsourcing fire services at the airport. Director Tew reviewed best practices regarding pending/potential retirements including age discrimination issues, trust between employees and senior management/council (this creates transparency), treating people with respect, succession planning (and passing on institutional knowledge), career plans, and cross training. He also reviewed best practices regarding retention including employees often quit their supervisor, management training, treat people like people, create opportunities for growth and advancement, career ladders and promote from within, competitive wages and benefits, job security, work life balance and flexible work schedules, counter offers and retention bonuses, and employees not staying as long. Mayor Casper believes specific job markets may need to be reviewed throughout the year. She questioned setting money aside for these specific cases. Brief comments followed regarding leveraging against the city, which may be a perception. Director Tew reviewed best practices regarding recruitment including

competitive pay and benefits, hire closer to market rate, vacation balance at hire, career paths, work life balance and flexible work schedules, hiring bonuses, referral bonuses, housing bonuses and housing allowances, relocation assistance for managers, recruiters and headhunters, lower education requirements, start 10% higher if live in city limits, add city benefits for families, add long-term and short-term disability, recruit at high schools and colleges, Zip Recruiter and Indeed, pay for Commercial Driver's License (CDL) classwork, and modify job postings. Mayor Casper questioned the formation of a subcommittee for hiring hard-to-fill positions. Discussion followed regarding the criteria including a definition list of those positions, a consistent policy, budget line items with a cap, temporary positions, and a mechanism for a case-by-case basis. Councilor Francis believes a subcommittee makes sense. Mr. Fife believes data would need to be provided to the taxpayers. Councilor Radford believes the elected officials can request more money from directors. Mayor Casper believes these same pressures may not be around in the next several years so this may need to be temporary. She questioned if ARPA funds could be used. She requested Director Tew to proceed forward. Brief comments followed regarding recruiting/signing bonuses, current employees, word of mouth, and treating everyone equally and equitably.

Director Tew presented market data for October 2019, December 2020, and December 2021, respectively –

Average of total compensation	+6.33%, +3.75%, (will be received in the near future)
Average base wages	+5.72%, +2.29%, +4.23% (longevity was not included)
Average range minimum	+5.20%, +2.74%, -0.80%
Average range maximum	+2.58%, +1.54%, +0.21%

Director Tew stated the city is right on with the market as respect to the structure, if no change is made to the structure the city will fall behind, and average base wages can vary based on seniority. He indicated he did not anticipate the increase on the average base wages. He noted IFP and limited positions of the airport were not included. It was noted the average of total compensation number will affect any COLA. Mayor Casper stated this market data was originally going to be performed every other year. Director Tew indicated the market adjustment would be a structure adjustment and has the same effect as a COLA. Mr. Hagedorn stated market adjustments and COLAs are based on different data. He also stated the decision should be based on factors and trends, not on what everyone else is doing. Discussion followed regarding requested information from the consultant including leading the market, meeting the market, lagging the market, and any COLA adjustments. Mr. Hagedorn believes a COLA is more for retention of employees, and bonuses (as a one-time cost) are more for recruitment. Additional discussion followed regarding future compensation conversations. Mr. Hagedorn noted the health insurance is currently included in the budget, although the prescription benefits will need to be discussed.

Mayor Casper suggested the Sustainability Goals discussion be postponed for another time.

2022/23 Spending Goals and Priorities:

Mayor Casper stated there is the Connecting Us-Sustaining Progress (CUSP) plan, the Imagine IF plan, and the strategic plan which are trying to be merged per council priorities. Mr. Cranor indicated Councilor Francis has gone through the Imagine IF and CUSP to make sure the data aligns with the council's vision. He also indicated other staff and councilors have worked with this data which will be forthcoming. Mayor Casper questioned other priorities. Councilor Freeman stated his priorities were employee compensation and a grant writer. Councilor Radford believes the city cannot continue to be run like it is. Councilor Burtenshaw believes services needs a deep dive as she is not aware of all services that are being provided. Mayor Casper believes dollars will be limited for 'add ons' in order to compensate employees. General comments followed including property values, health care, a potential recession, and the growth. Council President Dingman believes compensation is the top priority although this may result in a cut to services. She also believes Parks and Recreation (P&R) may result in the most cut in services. Council President

Dingman and Councilor Freeman prefer to use forgone. Mr. Hagedorn explained the options of taking the $6M forgone.

Impact Fees:

Director Fredericksen stated the city has adopted the Impact Fee Study as well as an ordinance. He indicated there was preference to hear more from the community. He believes the Impact Fee Advisory Committee should bring forward a proposal regarding the amount and the effective date. He indicated the Impact Fee Advisory Committee recommended a 3-year implementation with Year 1 as 0% to P&R, 66% to Transportation, 66% to Police, and 66% to Fire/EMS with implementation after October 1, 2022; Year 2 as 50% to P&R, 75% to Transportation, 75% to Police, and 75% to Fire/EMS with implementation after October 1, 2023; and Year 3 as full implementation across the board. Director Fredericksen stated this information was shared with the departments, and staff recommends full implementation ASAP as they believe there are immediate budgetary impacts, and delaying each month is impactful to the city. He also stated this has been discussed for several months, noting arterial development could also be funded by impact fees and $4.5M could be spent to defer costs to the Law Enforcement Complex (LEC). Director Fredericksen stated this item will be discussed at the April 11, 2022 City Council Work Session, noting fee implementation would be 30 days following the fee public hearing, to be effective June 1, 2022. Director Cramer stated Community Development Services staff reviewed the residential implications of any delay, indicating this would be a $6-8M decision. He also stated staff is anticipating $8.1M this year and next year. He believes due to the current development environment this is a significant amount, and he expects to see a rush of permits prior to implementation. Per Councilor Freeman, Councilor Francis stated these specific numbers were not discussed with the Impact Advisory Committee. Councilor Radford believes this money would offset the General Fund although if not taken this would be lost revenue. Per Councilor Burtenshaw, Director Fredericksen stated the Police allocation would include the LEC repayment and $830,000 for police vehicles. He also explained the allocations for Fire as well as P&R. Chief Nelson indicated a fire apparatus could be replaced. Council President Dingman clarified the fees could be lowered. Discussion followed regarding a phased-in approach. Councilor Hally believes the impact is to the city. Council President Dingman believes anything less than 100% is being subsidized by the current citizens. Councilor Freeman believes these fees should be captured this year. Council President Dingman believes this will be the largest impact to services. Councilor Francis believes the advisory board should not be over-ridden again. Council President Dingman indicated, per outside conversation, the impact would be minimal to a mortgage. Councilor Burtenshaw indicated there is currently a plan for the LEC where the impact fees were not included. She prefers removal of the P&R fee, 100% for transportation, and 70-80% for Fire and Police with implementation ASAP. Councilor Hally prefers 100% for all categories with implementation of June 1. Discussion followed regarding the existing level of service, the quality of life, and a new recreation center, eliminating the $4.2M for the LEC, concerns by the commercial building community, comparison of commercial and residential impact fees with other cities, submittal of building permits, and collection of impact fees within the Area of Impact. Mayor Casper believes, for the most part, this is a pass-through fee, however, she questioned a one-year phased-in approach. It was reiterated that follow-up discussion will occur at the April 11, 2022 City Council Work Session.

2022/23 General Fund Budget Management/Budget Development Schedule, Process, Definitions:

Mr. Hagedorn reviewed concepts of fund (accounting term) and funds (cash) as well as budget (all departments are encouraged to stay within their budget) and cash (any surplus/balance of revenue). He also reviewed accounting structure needs analysis of funds and divisions (this will be reviewed and re-defined as needed) as well as implementing internal controls of specified amounts (such as wages and the Municipal Equipment Replacement Fund (MERF)). Mr. Hagedorn stated budget packets will be distributed to directors on April 15, will be due to the accountants on May 31, with first submission to council on July 1. He also stated these dates could change pending the direction from council. Mr. Hagedorn stated the MERF Fund 14 is being removed (as it's not meeting accounting

standards) and will be redistributed to governmental funds, it will be expanded for allowable equipment, and it will be implementing communication and reporting process improvements. Mayor Casper believes there are suitable and non-suitable MERF items. She prefers some guidelines. Mr. Hagedorn stated this is a budgetary decision by directors as Municipal Services should not be making this decision. He noted this is a savings program for replacement. Discussion followed regarding MERF items, the calculated/estimated cost, budgeting for future costs to relieve the stress of the budget, and under-funding of MERF.

2022 Budget Process Improvements:

Mr. Hagedorn stated the budget process will move to Gravity (a cloud-based digital platform) noting this will take more than one (1) year to compile. He stated this application will be in real-time, it has the ability to itemize and include attachments, and it includes an approval process for dissemination. Councilor Radford believes this will be beneficial in many ways. Mr. Hagedorn defined the expectations for a flat budget.

Preliminary Numbers:

2021 Property Tax Levy		$40,673,424
2022 property tax estimates –		
3% statutory allowable		$1,220,203
Growth and annexation		
	2%	$813,468
	3%	$1,220,203
	4%	$1,626,937
	5%	$2,033,671
1% Forgone		$430,000

Mr. Hagedorn stated the 3% statutory must be taken before any growth and annexation could be taken. He also stated staff's recommendation is to automatically take 1% forgone each year, which is considered ongoing. Discussion followed regarding conversation with the county, the previous year's numbers and the proposed amount that was lost in the previous year due to the calculation, and recouping last year's amount.

Future Areas of Focus/Final Comments/Announcements:

Mayor Casper announced an Idaho Broadband Advisory Board Meeting on April 11, the Idaho National Laboratory (INL) is hosting a Net-zero Fair on April 18, and a Day of Giving is forthcoming. Director Fredericksen announced letters will be sent in the near future to proceed with the Conditional Use Permit (CUP) for the water tower. He indicated there will be four (4) forums for the public, and due to COVID the prequalification of contractors will occur in May with an August/September bid, with the budget anticipated for next year. Mr. Hagedorn stated the finance department should have benchmarks to control operations/wages costs, these will be presented in the budget.

There being no further business, the meeting adjourned at 3:43 p.m.

Kathy Hampton, City Clerk

Rebecca L. Noah Casper, Mayor

Memorandum

File #: 21-474 **City Council Meeting**

FROM: Chris H Fredericksen, Public Works Director
DATE: Wednesday, April 6, 2022
DEPARTMENT: Public Works

Subject

Right-of-Way Vacation - Tara Street, West of Skyline Drive

Council Action Desired

☒ Ordinance ☐ Resolution ☐ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)

Approve the Right-of-Way Vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it be read by title (or consider the ordinance on the first reading, reject the ordinance, or take other action deemed appropriate).

Description, Background Information & Purpose

Public Works recommends vacation of Tara Street right-of-way located west of Skyline Drive, beginning forty feet west of the east section line of the southeast quarter of Section 23, Township 2 North, Range 37 East of the Boise Meridian as depicted in the attached Exhibit. The Developer desires the vacation to better facilitate planned development of this property.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

This right-of-way vacation supports the community-oriented result of well-planned growth and development by allowing property owners to better utilize their property.

Interdepartmental Coordination

Other appropriate departments have reviewed and approved the vacation.

Fiscal Impact

N/A

Legal Review

The vacation was prepared by the City Attorney.

2022-035

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ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATIONS OF RIGHT-OF-WAY LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED RIGHT-OF-WAY SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the developer of the property surrounding Tara Street west of Skyline Drive has requested the vacation of Tara Street to better facilitate the development of the property; and

WHEREAS, the City of Idaho Falls Public Works Department has reviewed the request and recommend the request be approved; and

WHEREAS, the utilities have agreed to the vacation.

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

SECTION 1. Vacation.

All that Right-of-Way of Tara Street beginning forty (40') feet west of the east section line of the south east quarter of Section 23, Township 2 North, Range 37 East of the Boise Meridian, Idaho Falls, Bonneville County, Idaho.

SECTION 2. Exceptions from Vacation. Vacation of property described in Section 1 of this Ordinance shall not include any other easements, public right-of-way, or any franchise rights that are not described in Section 1 above or in the attached Exhibit "A."

SECTION 3. Right-of-Way Vacation. Council deems it expedient for the public good and to be in the best interests of the adjoining properties that the property described in Section 1 of this Ordinance be and the same is hereby vacated in its entirety to Matilda Kolbet and her successors, heirs, and assigns.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately

upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this_____day of _____, 2022.

ATTEST:

_____ _____

Kathy Hampton, City Clerk Rebecca L. Noah Casper, Ph.D., Mayor

(SEAL)

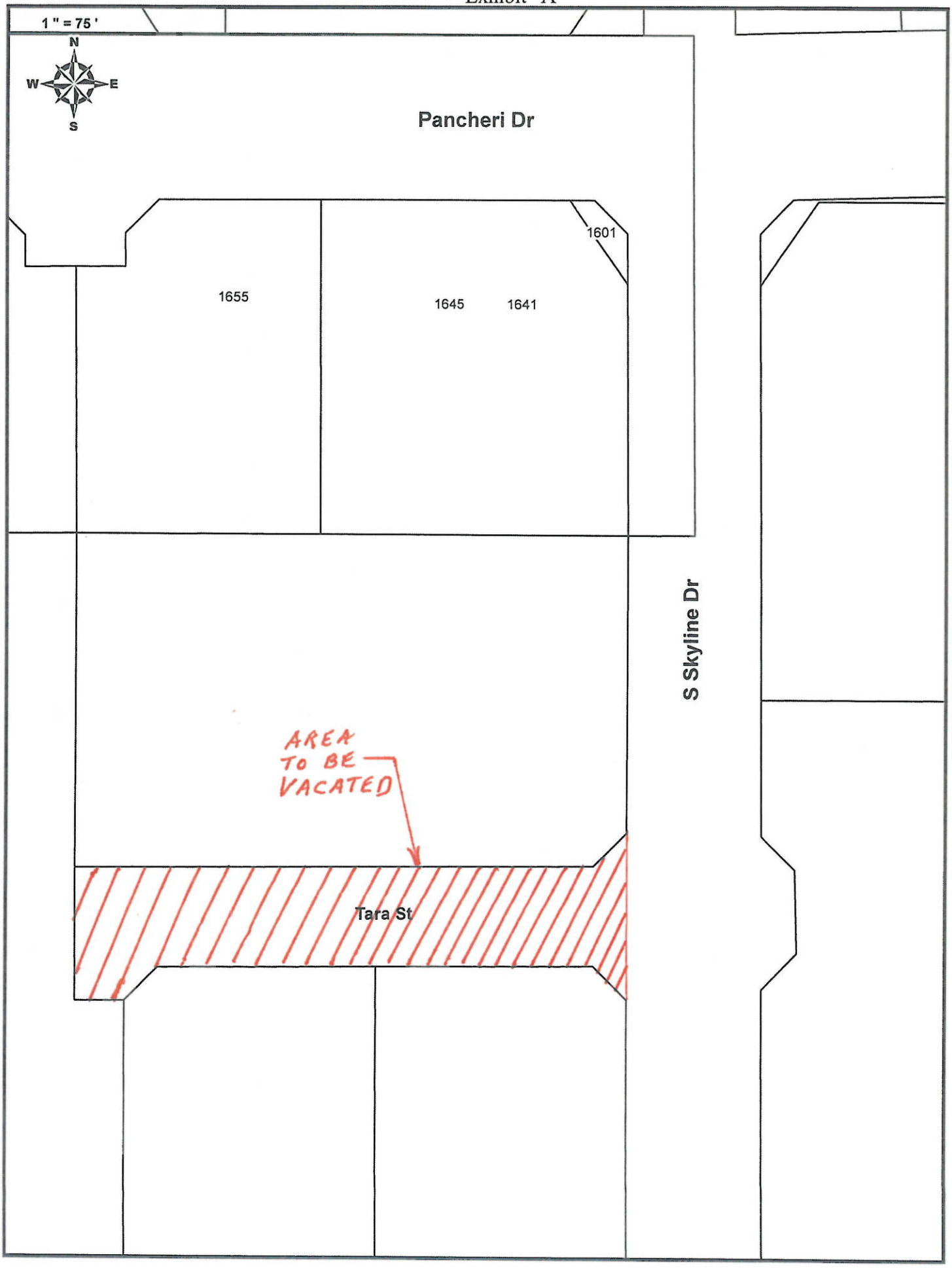
STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATIONS OF RIGHT-OF-WAY LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED RIGHT-OF-WAY SHALL VEST AS SPECIFIED IN SECTION 3 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW."

_____
Kathy Hampton
(SEAL) City Clerk

Exhibit "A"


1 " = 75 '
N
W
E
S
Pancheri Dr
1601
1655
1645
1641
S Skyline Dr
AREA TO BE VACATED
Tara St

Memorandum

File #: 21-475 **City Council Meeting**

FROM: Chris H Fredericksen, Public Works Director
DATE: Thursday, April 7, 2022
DEPARTMENT: Public Works

Subject

Right-of-Way Vacation - Capotil (Capital) Hills Addition and Dwight's Addition

Council Action Desired

☒ Ordinance ☐ Resolution ☐ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc)

Approve the Right-of-Way Vacation Ordinance under a suspension of the rules requiring three complete and separate readings and request that it be read by title (or consider the ordinance on the first reading, reject the ordinance, or take other action deemed appropriate).

Description, Background Information & Purpose

Public Works recommends vacation for all remaining street and alley right-of-way dedications made by Capotil (Capital) Hills Addition and Dwight's Addition as shown in Exhibit "B". The City of Idaho Falls has purchased the surrounding property and intends to build a new Community Policing Facility at this location.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

This right-of-way vacation supports the community-oriented result of well-planned growth and development by allowing the city to construct a new Community Policing Facility.

Interdepartmental Coordination

Other appropriate departments have reviewed and approved the right-of-way vacation.

Fiscal Impact

N/A

Legal Review

The vacation was prepared by the City Attorney's Office.

2022-036

ORDINANCE NO. 2022-

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF STREET AND ALLEY RIGHT-OF-WAY LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED RIGHT OF WAY SHALL VEST AS SPECIFIED IN SECTION 2 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, the right-of-way was dedicated as part of the Capotil (Capital) Hills Addition and Dwight's Addition subdivisions; and

WHEREAS, the City has now acquired all the property in that subdivision and plans to build a police facility over the right-of-way; and

WHEREAS, the right-of-way is no longer needed.

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

SECTION 1. Vacation.

All remaining street and alley right-of-way dedications made by Capotil (Capital) Hills Addition to the City of Idaho Falls, Bonneville County, Idaho, and Dwight's Addition to the City of Idaho Falls, Bonneville County, Idaho, lying within the property boundary described in Exhibit "A" and shown in Exhibit "B."

SECTION 2. Right-of-Way Vacation. Council deems it expedient for the public good and to be in the best interests of the adjoining properties that the property described in Section 1 of this Ordinance be in the same is hereby vacated in its entirety to the City of Idaho Falls, Idaho.

SECTION 3. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this_____day of _____, 2022.

ATTEST:

_____
Rebecca L. Noah Casper, Ph.D., Mayor

_____
Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE VACATION OF STREET AND ALLEY RIGHT-OF-WAY LOCATED WITHIN THE CITY OF IDAHO FALLS AND LEGALLY DESCRIBED IN SECTION 1 OF THIS ORDINANCE; PROVIDING THAT TITLE TO SAID VACATED RIGHT OF WAY SHALL VEST AS SPECIFIED IN SECTION 2 OF THIS ORDINANCE; PROVIDING THAT THIS ORDINANCE SHALL BE IN FULL FORCE AND EFFECT FROM AND AFTER PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW."

_____
Kathy Hampton
City Clerk

(SEAL)

EXHIBIT "A"

A parcel of land lying in a portion of the Southeast ¼ of Section 18, Township 2 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho, described as follows:

COMMENCING at the East ¼ Corner of said Section 18, (from which the Center ¼ corner of Section 18 bears S 88°42'35" W 2640.47 feet), continuing from said point of commencement THENCE S 88°42'35" W 1324.47 feet along the East-West Center of Section line to the Center-East 1/16th Corner; THENCE S 00°11'17" W 39.76 feet along the west line of the East ½ of the Southeast ¼ of said Section 18 to the northeast corner of Block 1, Dwight's Addition to the City of Idaho Falls, Bonneville County, Idaho, said point being the **TRUE POINT OF BEGINNING**, and running THENCE N 89°49'10" E 65.48 feet to the northwest corner of Block 4, of Capotil (Capital) Hills Addition to the City of Idaho Falls, Bonneville County, Idaho; THENCE continuing, N 89°49'10" E 250.00 feet along the north line of said Block 4 to the northeast corner of Lot 15 of said Block 4; THENCE S 00°10'50" E 124.00 feet along the east line of said Lot 15 to the southeast corner of said Lot 15; THENCE continuing, S 00°10'50" E 16.00 feet to the northwest corner of Lot 35 of said Block 4; THENCE N 89°49'10" E 212.18 feet along the northerly line of Lots 35 through 43 of said Block 4 to a point on the northwesterly right-of-way line of Yellowstone Highway (Northgate Mile); THENCE S 36°17'01" W 594.36 feet along said northwesterly right-of-way line to a point on the centerline of College Street; THENCE S 89°49'10" W 108.95 feet along said street centerline to a point on the easterly right-of-way line of Emerson Avenue; THENCE S 00°10'50" E 147.42 feet along said easterly right-of-way line of Emerson Avenue to a point on said northwesterly right-of-way line of Yellowstone Highway (Northgate Mile); THENCE S 36°17'01" W 182.26 feet along said northwesterly right-of-way line to a point on the north right-of-way line of May Street; THENCE S 89°49'10" W 352.10 feet along said north right-of-way line of May Street to the southwest corner of Lot 32, Block 5 of said Dwight's Addition; THENCE N 39°00'25" E 237.39 feet to a point on the line common to Lots 9 and 10 of said Block 5, said point being 44 feet north of the alley running through said Block 5; THENCE N 89°49'10" E 150.00 feet along a line parallel and perpendicular 44 feet distant from the north line of said alley of Block 5, to a point on the line common to Lots 3 and 4 of said Block 5; THENCE N 00°10'50" W 80.00 feet along said line common to Lots 3 and 4 to the northwest corner of said Lot 3; THENCE N 07°49'03" E 30.29 feet to a point on the centerline of said College Street; THENCE along a boundary line defined on Parcel 1b of Grant Deed, filed with the Office of the Recorder for Bonneville County, Idaho as instrument number 1624627 the following eight (8) bearings and distances:



1. THENCE N 01°16'53" W 164.11 feet;
2. THENCE S 89°50'13" E 11.00 feet;
3. THENCE N 00°09'47" E 170.50 feet;
4. THENCE N 89°50'13" W 11.00 feet;
5. THENCE N 43°50'13" W 14.80 feet;
6. THENCE N 28°30'47" E 34.95 feet;
7. THENCE N 41°57'47" E 108.80 feet;
8. THENCE N 65°12'47" E 13.51 feet to a point on said east line of Block 1, Dwight's Addition;

THENCE N 00°11'17" E 155.76 feet along said east line of Block 1, Dwight's Addition to the **TRUE POINT OF BEGINNING**.

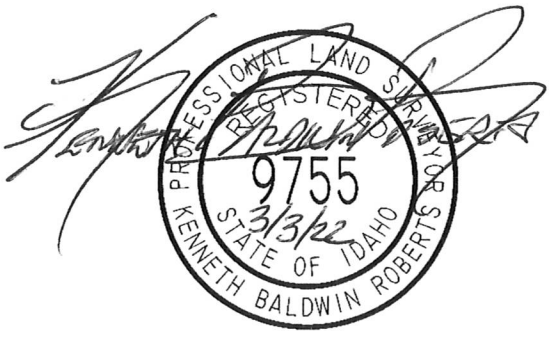


EXHIBIT "B"

CITY OF IDAHO FALLS

BONNEVILLE COUNTY

SE ¼ OF SEC. 18, T. 2 N., R. 38 E., B.M.

CENTER ¼ CORNER SECTION 18

S88°42'35"W 1316.00'

S0°11'17"W 39.76'

N89°49'10"E 250.00'

S88°42'35"W 1324.47'

ELVA STREET

S0°10'50"E 124.00'

S0°10'50"E 16.00'

N89°49'10"E 212.18'

N89°49'10"E 65.48'

N0°11'17"E 155.76'

N65°12'47"E 13.51'

N41°57'47"E 108.80'

N28°30'47"E 34.95'

N43°50'13"W 14.80'

N89°50'13"W 11.00'

N0°09'47"E 170.50'

S89°50'13"E 11.00'

N1°16'53"W 164.11'

N7°49'03"E 30.29'

N0°10'50"W 80.00'

N89°49'10"E 150.00'

N39°00'25"E 257.39'

S89°49'10"W 352.10'

S36°17'01"W 182.26'

ORD 561

ORD 496

ORD 25

ORD 566

ORD 979

S36°17'01"W 594.36'

YELLOWSTONE AVENUE (NORTHGATE MILE)

WHITTIER STREET

COLLEGE STREET

MAY STREET

EMERSON AVENUE

HIGBY AVENUE

S89°49'10"W 108.95'

S0°10'50"E 147.42'

S0°13'05"W 2627.48'

18 20

19 20

18 17

N

W E

S

SCALE

120' 60 0 150

150 90 30 75

1 INCH = 150 FT.

LEGEND

ORD 496 PREVIOUSLY VACATED R-O-W

NEW VACATION OF R-O-W

IDAHO FALLS PUBLIC WORKS

VACATION EXHIBIT OF STREET AND ALLEY RIGHT-OF-WAY SE ¼ OF SECTION 18 T. 2 N., R. 38 E., B.M. BONNEVILLE COUNTY, IDAHO

DWG: VACATION EXHIBIT MAP.dwg

SCALE:	PROG. NO.	PLOT DATE:	SHEET NO.
1" = 150'	WF003815I-1	2022-03-03	1 OF 1

E:\6-SURVEY BY DEPARTMENT\POLICE\FOR VACATION\VACATION EXHIBIT MAP.dwg, 3/17/2022 8:50:48 AM

ORDINANCE – POLICE STATION RIGHT-OF-WAY VACATION 4.7.22

Memorandum

File #: 21-473 **City Council Meeting**

FROM: Brad Cramer, Director
DATE: Tuesday, April 5, 2022
DEPARTMENT: Community Development Services

Subject
Development Agreement, Final Plat and Reasoned Statement of Relevant Criteria and Standards, Southpoint, Division No. 11.

Council Action Desired

☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Development Agreement for Southpoint, Division No. 11, and give authorization for the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

2. Accept the Final Plat for Southpoint, Division No. 11 and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

3. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Southpoint, Division No. 11, Plat and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for the Southpoint, Division No. 11. The Planning and Zoning Commission considered this item at its July 6, 2021, meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

Consideration of the Final Plat must be consistent with the principles of the Comprehensive Plan and Zoning Ordinance, which include many policies and goals related to Good Governance, Growth, Sustainability, Transportation, and Livable Communities.

Interdepartmental Coordination

The Final Plat was reviewed by staff from Fire, Idaho Falls Power, BMPO, Water, Planning, Sewer, Engineering, Survey, and Parks and Rec.

Fiscal Impact

NA

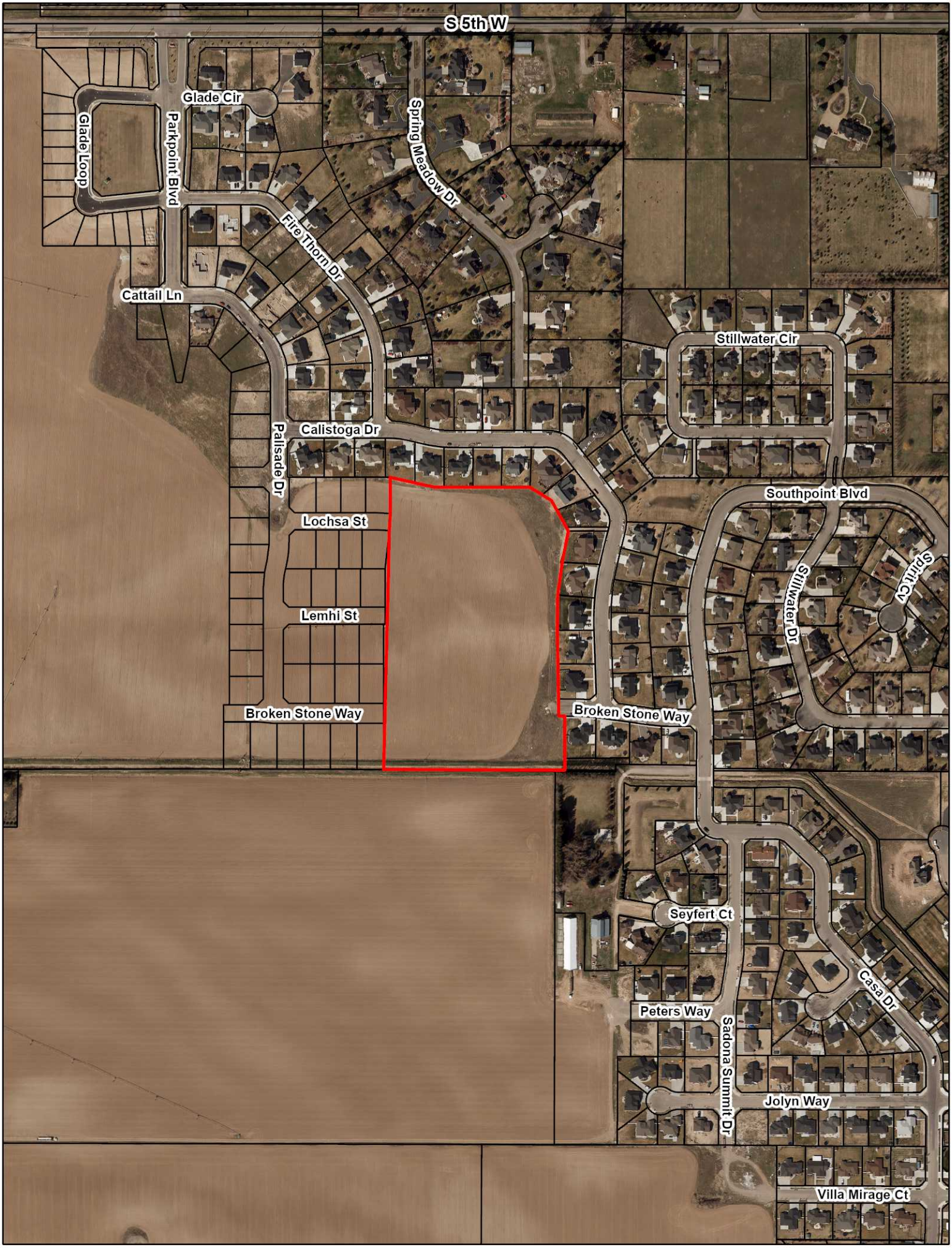
Legal Review

This application has been reviewed by the City Attorney pursuant to applicable law.

Final Plat

PLAT21-020 Southpoint Division 11 Final Plat



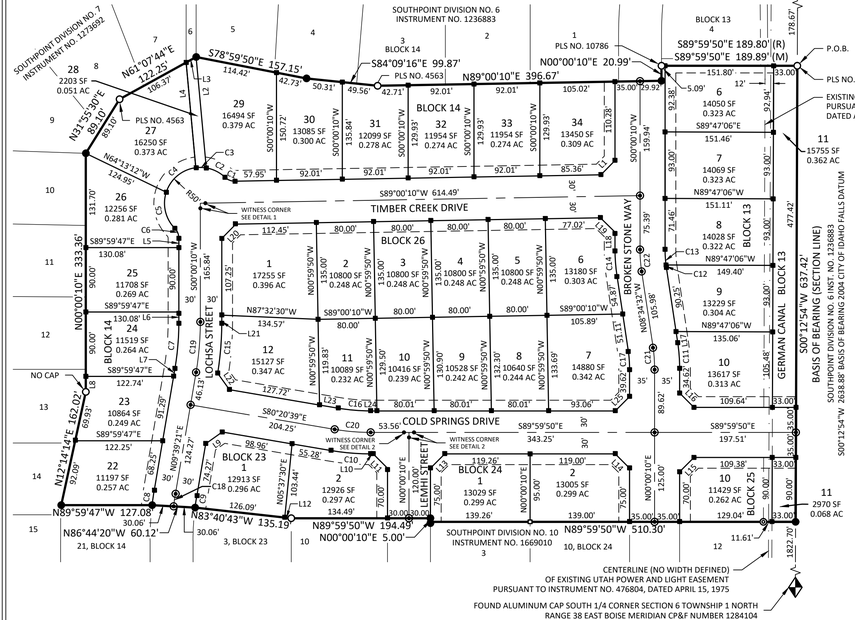

S 5th W
Glade Cir
Glade Loop
Parkpoint Blvd
Spring Meadow Dr
Fire Thorn Dr
Cattail Ln
Stillwater Cir
Calistoga Dr
Palisade Dr
Southpoint Blvd
Lochsa St
Stillwater Dr
Spitt Cv
Lemhi St
Broken Stone Way
Broken Stone Way
Seyfert Ct
Casa Dr
Peters Way
Sadona Summit Dr
Jolyn Way
Villa Mirage Ct

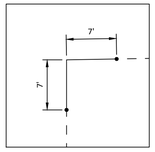
SOUTHPOINT DIVISION NO. 11

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO

BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 6,TOWNSHIP 1 NORTH, RANGE 38 EAST, BOISE MERIDIAN

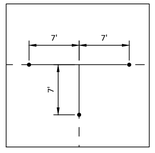
SHEET 1 OF 2





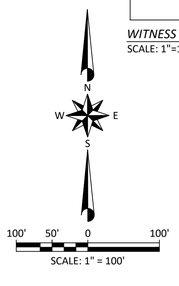
WITNESS CORNER DETAIL 1

SCALE: 1"=10'



WITNESS CORNER DETAIL 2

SCALE: 1"=10'



SCALE: 1" = 100'

CURVE TABLE					
CURVE	LENGTH	RADIUS	DELTA	CHORD BEARING	CHORD LENGTH
C1	15.50'	20.00'	44°24'55"	S68°47'22"E	15.12'
C2	29.53'	50.00'	33°50'10"	N63°30'00"W	29.10'
C3	14.69'	50.00'	16°50'13"	N88°50'11"W	14.64'
C4	56.54'	50.00'	64°47'09"	S50°21'07"W	53.57'
C5	54.43'	50.00'	62°22'18"	S13°13'36"E	51.78'
C6	15.50'	20.00'	44°24'55"	N22°12'18"W	15.12'
C7	65.71'	390.00'	9°39'11"	N04°49'46"E	65.63'
C8	22.95'	430.00'	3°03'30"	S08°07'28"W	22.95'
C9	16.25'	370.00'	2°30'59"	S08°23'21"W	16.25'
C10	55.60'	330.00'	9°39'11"	S85°10'14"E	55.53'
C11	35.93'	240.00'	8°34'42"	N04°17'11"W	35.90'
C12	3.85'	170.00'	1°17'51"	S07°55'37"E	3.85'
C13	21.60'	170.00'	7°16'52"	S03°38'16"E	21.59'
C14	35.93'	240.00'	8°34'42"	S04°17'11"E	35.90'
C15	72.11'	450.00'	9°10'55"	N04°35'37"E	72.04'
C16	45.49'	270.00'	9°39'11"	S85°10'14"E	45.44'
C17	25.45'	170.00'	8°34'42"	N04°17'11"W	25.43'
C18	19.60'	400.00'	2°48'28"	S08°15'07"W	19.60'
C19	70.76'	420.00'	9°39'11"	N04°49'46"E	70.68'
C20	50.54'	300.00'	9°39'11"	S85°10'14"E	50.48'
C21	30.69'	205.00'	8°34'42"	N04°17'11"W	30.66'
C22	30.69'	205.00'	8°34'42"	S04°17'11"E	30.66'

LINE TABLE		
SEGMENT	BEARING	LENGTH
L1	N44°30'10"E	28.04'
L2	S05°14'33"E	155.76'
L3	S61°07'44"W	15.88'
L4	S05°14'33"E	147.76'
L5	S00°00'10"W	12.96'
L6	S00°00'10"W	13.89'
L7	N09°39'21"E	10.87'
L8	S00°00'10"W	21.66'
L9	N54°39'21"E	28.28'
L10	S89°59'50"E	3.56'
L11	S44°59'50"E	28.28'
L12	S83°40'43"E	9.10'
L13	N45°00'10"E	28.28'
L14	S44°59'50"E	28.28'
L15	N45°00'10"E	28.28'
L16	N44°59'50"W	28.28'
L17	N08°34'32"W	15.73'
L18	S00°00'10"W	24.42'
L19	S45°29'50"E	28.53'
L20	S44°30'10"W	28.04'
L21	S00°00'10"W	9.45'
L22	S35°34'47"E	28.17'
L23	S80°20'39"E	26.54'
L24	S89°59'50"E	8.71'
L25	N45°00'10"E	28.28'

BOUNDARY DESCRIPTION

BEGINNING AT A POINT THAT IS S.00°12'54"W. ALONG THE NORTH-SOUTH CENTER SECTION LINE 178.67 FEET FROM THE CENTER 1/4 CORNER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN; RUNNING THENCE S.00°12'54"W. ALONG SAID NORTH-SOUTH CENTER SECTION LINE 637.42 FEET TO THE NORTH LINE OF SOUTHPOINT, DIVISION NUMBER 10, AN ADDITION TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO; THENCE WESTERLY ALONG SAID NORTH LINE THE FOLLOWING SIX (6) COURSES: (1) THENCE N.89°59'50"W. 510.30 FEET; (2) THENCE N.00°00'10"E. 5.00 FEET; (3) THENCE N.89°59'50"W. 194.49 FEET; (4) THENCE N.83°40'43"W. 135.19 FEET; (5) THENCE N.86°44'20"W. 60.12 FEET; (6) THENCE N.89°59'47"W. 127.08 FEET TO THE EAST LINE OF SOUTHPOINT, DIVISION NUMBER 7, AN ADDITION TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO; THENCE NORTHERLY ALONG SAID EAST LINE THE FOLLOWING FOUR (4) COURSES: (1) THENCE N.12°14'14"E. 162.02 FEET; (2) THENCE N.00°00'10"E. 333.36 FEET; (3) THENCE N.31°55'30"E. 89.10 FEET; (4) THENCE N.61°07'44"E. 122.25 FEET TO THE SOUTH LINE OF SOUTHPOINT, DIVISION NUMBER 6, AN ADDITION TO THE CITY OF IDAHO FALLS, IDAHO; THENCE EASTERLY ALONG SAID SOUTH LINE THE FOLLOWING FIVE (5) COURSES: (1) THENCE S.78°59'50"E. 157.15 FEET; (2) THENCE S.84°09'16"E. 99.87 FEET; (3) THENCE N.89°00'10"E. 396.67 FEET; (4) THENCE N.00°00'10"E. 20.99 FEET; (5) THENCE S.89°59'50"E. 189.89 FEET (MEASURED)(RECORD=189.80 FEET) TO THE POINT OF BEGINNING, CONTAINING 14.037 ACRES.

SURVEYOR'S NARRATIVE

EAGLE ROCK ENGINEERING WAS COMMISIONED BY SOUTHGATE PROPERTIES LLC TO DESIGN A SUBDIVISION PLAT FOR THE REMAINING PROPERTY PURSUANT TO INSTRUMENT NUMBER 1670670. THE NORTH AND WEST BOUNDARY LINES ARE ADJOINED BY TWO RECORDED SUBDIVISION PLATS KNOWN IN THE BONNEVILLE COUNTY RECORDS AS SOUTHPOINT DIVISION NUMBER 6, PURSUANT TO INSTRUMENT NUMBER 1236883 AND SOUTHPOINT DIVISION NUMBER 7, PURSUANT TO INSTRUMENT NUMBER 1273692. THE NORTH-SOUTH CENTER SECTION LINE ADJOINS ON THE EAST SIDE OF THE PROPERTIES. THE EAST RIGHT-OF-WAY FOR BROKEN STONE WAY ALONG THE NORTH BOUNDARY IS CONTROLLED FROM THE EXISTING LOCATION OF A FOUND MONUMENT L.S. 10786 FOUND DURING DIVISION NUMBER 11 PLATTING. THE SOUTH BOUNDARY LINE IS ADJOINED BY ONE RECORDED SUBDIVISION KNOWN IN THE BONNEVILLE COUNTY RECORDS AS SOUTHPOINT DIVISION NUMBER 10, PURSUANT TO INSTRUMENT NUMBER 1669010. CITY OF IDAHO FALLS CONTROL WAS USED FOR SECTION CONTROL. FOUND MONUMENTS IN THE SURROUNDING PLATS WERE USED TO ESTABLISH THE BOUNDARY.
THE EXISTING POWER POLE LINE DIMENSIONED HEREON IS BASED ON THE PHYSICAL LOCATION OF THE POLE LINE, THE MATHEMATICAL LOCATION INDICATED IN THE EASEMENT DOCUMENT HAVING INSTRUMENT NO. 476804 DOES NOT MATCH EXACTLY WITH THIS LOCATION.

PROFESSIONAL LAND SURVEYOR REGISTERED 9369 STATE OF IDAHO KURTIS J. ROLAND

LEGEND

P.O.B.	POINT OF BEGINNING
	ROADWAY CENTERLINE
	SECTION LINE
	LOT LINE
	PLAT BOUNDARY
	15' PUBLIC UTILITY EASEMENT (P.U.E.) UNLESS OTHERWISE DIMENSIONED
	EXISTING UTILITY EASEMENT AS NOTED
	FOUND 1/2" X 24" IRON ROD WITH YELLOW PLASTIC CAP MARKED P.L.S. 14750 (OR AS NOTED)
	FOUND 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED P.L.S. 14750 OR AS NOTED
	FOUND 5/8" X 30" IRON ROD WITH ALUMINUM CAP MARKED P.L.S. 14750 WITNESS CORNER
	PLACED 1/2" X 24" IRON ROD WITH YELLOW PLASTIC CAP MARKED P.L.S. 9369
	PLACED 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED P.L.S. 9369
	PLACED 5/8" X 30" IRON ROD WITH ALUMINUM CAP MARKED P.L.S. 9369
	PLACED 5/8" X 30" IRON ROD WITH ALUMINUM CAP MARKED P.L.S. 9369 (WITNESS CORNER)
	P.L.S.S. CORNER AS NOTED
(R)	RECORD DISTANCE PURSUANT TO SOUTHPOINT DIVISION NO. 6 INSTRUMENT NO. 1236883 DATED 9-08-2006

NOTES

1. A 15 FOOT WIDE PUBLIC UTILITY EASEMENT IS HEREBY RESERVED WITHIN EACH LOT ALONG ALL ROAD FRONTAGES AS SHOWN.
2. AREA OF STREETS = 3.674 ACRES.
3. LOT 11 BLOCK 13, LOT 28 BLOCK 14 AND LOT 11 BLOCK 25 ARE NON-BUILDABLE LOTS.
4. LOT 11 BLOCK 25 AND LOT 11 BLOCK 13 ARE SUBJECT TO CANAL RIGHT-OF-WAY AS DEFINED IN THE CANAL RIGHT-OF-WAY CERTIFICATE INCLUDED HEREON. THE BOUNDARY LINES DEFINING THESE COMMON LOTS DO NOT SERVE TO LIMIT STATUTORY RIGHT-OF-WAY OF THE CANAL.
5. LOT 28, BLOCK 14 IS GRANTED AS A BLANKET PUBLIC UTILITY EASEMENT AND PUBLIC MULTI-USE PATHWAY EASEMENT IN ITS ENTIRETY, BY EXECUTION OF THIS INSTRUMENT.

EAGLE ROCK ENGINEERING
CIVIL ○ PLANNING ○ SURVEYING
IDAHO FALLS (208) 542-2065 REXBURG (208) 359-2065

OFFICES AT:
1331 Fremont Ave.
Idaho Falls, Idaho 83402
343 E 4th N, Suite 119
Rexburg, Idaho 83440

SURVEYED BY:	T. HANSEN
DRAWN BY:	B. DALEY
APPROVED BY:	K. ROLAND
PROJECT NO.	20242
DATE:	March 31, 2022
CAD NAME:20242 DIV 11 SOUTHPOINT FINAL PLAT.DWG	

SOUTHPOINT DIVISION NO. 11

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
BEING A PART OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 38 EAST, BOISE MERIDIAN

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED SOUTHGATE PROPERTIES, LLC, AN IDAHO LIMITED LIABILITY COMPANY, IS THE LAWFUL OWNER OF THE TRACT OF LAND INCLUDED WITHIN THE BOUNDARY DESCRIPTION SHOWN HEREON AND HAS CAUSED THE SAME TO BE PLATTED AND DIVIDED INTO BLOCKS, LOTS, AND STREETS, WHICH PLAT SHALL HEREAFTER BE KNOWN AS SOUTHPOINT DIVISION NO. 11, A SUBDIVISION OF THE CITY OF IDAHO FALLS, IDAHO, BONNEVILLE COUNTY, IDAHO.

BE IT FURTHER KNOWN, THAT OWNER DOES HEREBY DEDICATE GRANT AND CONVEY TO THE PUBLIC, ALL STREETS AND RIGHT-OF-WAYS SHOWN HEREON, THAT OWNER ALSO DOES HEREBY GRANT AND CONVEY TO THE CITY OF IDAHO FALLS ALL PUBLIC EASEMENTS FOREVER AS IRREVOCABLE PERMANENT NON-EXCLUSIVE PUBLIC EASEMENTS AS SHOWN AND DESCRIBED HEREON.

OWNER, OR ITS HEIRS AND ASSIGNS, AGREE THEY WILL CONSTRUCT NO PERMANENT STRUCTURE WITHIN OR UPON ANY EASEMENT SHOWN HEREON, AND THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITEES OR LICENSEES SHALL ALSO HAVE THE RIGHT, TO REMOVE, CUT OR TRIM ANY TREES, BRUSH, ORNAMENTAL SHRUBBERY OR PLANT WHICH MAY INJURE OR INTERFERE WITH THE USE THEREOF FOR ITS INTENDED PURPOSES, SUCH RIGHT MAY BE EXERCISED WITHOUT PRIOR NOTICE TO OWNER OR ITS SUCCESSORS OR ASSIGNS.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS FURTHER AGREE THAT THEY SHALL NOT PLANT ANY TREES, BRUSH, ORNAMENTAL SHRUBBERY OR PLANTS WHICH MAY HINDER THE SAFE AND EFFICIENT UTILIZATION OF SAID EASEMENTS.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS HEREBY RELEASES THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITEES OR LICENSEES FROM ANY CLAIM FOR DAMAGES, BASED UPON CONCEALED OR UNDISCLOSED PRIVATE IMPROVEMENTS CONSTRUCTED OR PERMITTED TO BE CONSTRUCTED BY OWNER OR ITS SUCCESSORS OR ASSIGNS WITHIN ANY PUBLIC EASEMENTS, SUBSEQUENT TO RECORDING THIS SUBDIVISION, THAT MAY BE INCURRED AS A RESULT OF THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITEES OR LICENSEES ORDINARY USE OF THE PUBLIC EASEMENTS WITH DUE CARE.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS DO HEREBY WARRANT AND SHALL DEFEND SUCH DEDICATION AND CONVEYANCES IN THE QUIET AND PEACEFUL POSSESSION OF THE PUBLIC OR THE CITY OF IDAHO FALLS, AS THE CASE MAY BE, AGAINST SAID OWNER AND ITS HEIRS, SUCCESSORS AND ASSIGNS, AND AGAINST EVERY PERSON WHOMSOEVER WHO LAWFULLY HOLDS OR WHO LATER CLAIMS TO HAVE LAWFULLY HELD ANY RIGHTS IN SAID ESTATE AS OF THE DATE HEREOF.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO SET ITS SIGNATURE THIS _____DAY OF _____, 202__.

SOUTHGATE PROPERTIES, LLC, AN IDAHO LIMITED LIABILITY COMPANY

_____

BRAD PICKETT, MANAGING MEMBER

ACKNOWLEDGMENT

STATE OF _____)
:SS.
COUNTY OF _____)

ON THIS _____DAY OF _____, 20___, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED BRAD PICKETT, KNOWN OR IDENTIFIED TO ME, TO BE THE MANAGING MEMBER OF THE LIMITED LIABILITY COMPANY OF SOUTHGATE PROPERTIES, LLC, AN IDAHO LIMITED LIABILITY COMPANY, AND THE PERSON WHO SUBSCRIBED SAID LIMITED LIABILITY COMPANY'S NAME TO THE FOREGOING OWNER'S DEDICATION AND THE DRINKING WATER SYSTEM CERTIFICATE AND ACKNOWLEDGED TO ME THAT HE EXECUTED THE SAME IN SAID LIMITED LIABILITY COMPANY'S NAME AS A PERSON AUTHORIZED TO BIND SUCH LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND THE YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

_____

NOTARY PUBLIC FOR THE STATE OF _____

RESIDING AT: _____

COMMISSION EXPIRATION DATE: _____

SURVEYOR'S CERTIFICATE

I, KURTIS J. ROLAND, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION, DESIGNATED AS SOUTHPOINT DIVISION NO. 11, WAS MADE UNDER MY DIRECTION, AND THAT SAID SUBDIVISION IS TRULY AND CORRECTLY SURVEYED AND STAKED AS PROVIDED BY LAW AND IN ACCORDANCE WITH THE ACCOMPANYING PLAT AS DESCRIBED HEREON.

PROFESSIONAL LAND SURVEYOR
REGISTERED
9369
STATE OF IDAHO
KURTIS J. ROLAND

TREASURER'S CERTIFICATE

I, THE UNDERSIGNED COUNTY TREASURER IN AND FOR THE COUNTY OF BONNEVILLE, STATE OF IDAHO, PURSUANT TO THE REQUIREMENTS OF I.C. §50-1308, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE FOR THE PROPERTY INCLUDED IN THE BOUNDARY DESCRIPTION SHOWN HEREON ARE CURRENT.

DATE:_____

_____

BONNEVILLE COUNTY TREASURER

IRRIGATION WATER RIGHTS RELEASE

THE PROPERTY INCLUDED IN THIS PLAT HAS PETITIONED FOR AND BEEN REMOVED FROM ALL FUTURE IRRIGATION WATER RIGHTS.

DATE:_____ INSTRUMENT NO._____

COUNTY SURVEYOR'S VERIFICATION

I CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO AND THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT COMPLIES WITH I.C. §50-1305.

DATE:_____

_____

BONNEVILLE COUNTY SURVEYOR
THOMAS TAYLOR, P.L.S. NO. 8348

CITY'S ACCEPTANCE

THE ACCOMPANYING PLAT WAS DULY ACCEPTED AND APPROVED BY THE CITY COUNCIL OF IDAHO FALLS ADOPTED THIS _____ DAY OF _____ , 202____.

_____ _____
MAYOR CITY CLERK

_____ _____
CITY ENGINEER CITY SURVEYOR
KENT J. FUGAL, PE 9247 KENNETH BALDWIN ROBERTS, PLS 9755

RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING PLAT SOUTHPOINT DIVISION NO. 11, WAS FILED IN THE OFFICE OF THE RECORDER OF BONNEVILLE COUNTY, IDAHO.

_____DATE_____
BONNEVILLE COUNTY RECORDER

CANAL RIGHT-OF-WAY

ALL CANALS, AS SHOWN HEREON, EXIST WITHIN A RIGHT-OF-WAY DEFINED BY I.C. §42-1102 AND MUST HAVE WRITTEN PERMISSION OF THE OWNER OR OPERATOR OF THE RIGHT-OF-WAY TO CONSTRUCT ANYTHING WITHIN, UNDER, UPON OR OVER THE AREA, TO ENSURE THAT ANY SUCH ENCROACHMENTS WILL NOT UNREASONABLY OR MATERIALLY INTERFERE WITH THE USE AND ENJOYMENT OF THE RIGHT-OF-WAY

DRINKING WATER SYSTEM CERTIFICATE

PURSUANT TO I.C. §50-1334, THE OWNER DOES HEREBY, CERTIFY THAT ALL LOTS SHOWN ON THIS PLAT ARE ELIGIBLE TO RECEIVE WATER FROM THE CITY OF IDAHO FALLS MUNICIPAL WATER SYSTEM, AND SAID CITY HAS AGREED IN WRITING TO PROVIDE CULINARY WATER SERVICE TO SAID LOTS PURSUANT TO THE PROVISIONS OF TITLE 8, CHAPTER 4 OF THE IDAHO FALLS CITY CODE, AS AMENDED FROM TIME TO TIME.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO SET ITS SIGNATURE THIS _____DAY OF _____ , 202__.

SOUTHGATE PROPERTIES, LLC, AN IDAHO LIMITED LIABILITY COMPANY

_____

BRAD PICKETT, MANAGING MEMBER

HEALTH DEPARTMENT CERTIFICATE

SANITARY RESTRICTIONS AS REQUIRED BY I.C. §50-1326 HAVE BEEN SATISFIED BASED ON THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH I.C. §50-1326, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

EASTERN IDAHO PUBLIC HEALTH DISTRICT

_____ _____
ENVIRONMENTAL HEALTH SPECIALIST, REHS DATE:

EAGLE ROCK ENGINEERING
CIVIL ○ PLANNING ○ SURVEYING
IDAHO FALLS (208) 542-2665 REXBURG (208) 359-2665

OFFICES AT:
1331 Fremont Ave.
Idaho Falls, Idaho 83402

343 E 4th N, Suite 119
Rexburg, Idaho 83440

SURVEYED BY:	T. HANSEN
DRAWN BY:	B. DALEY
APPROVED BY:	K. ROLAND
PROJECT NO.	20242
DATE:	March 31, 2022
CAD NAME	20242 DIV 11 SOUTHPOINT FINAL PLAT.DWG

STAFF REPORT
FINAL PLAT
Southpoint Division No. 11
April 14, 2022

IDAHO FALLS
Community Development Services

Applicant: Eagle Rock Engineering

Project Manager: Caitlin Long

Location: Generally, north of W 65th S, east of S 5th W, south of Calistoga Dr, west of S Holmes Ave

Size: 14.037 Acres
Lots:
Total: 37
Buildable: 34

Existing Zoning:
Site: R1
North: RP
South: R1
East: County A-1
West: RP

Existing Land Uses:
Site: Vacant
North: Residential
South: Vacant
East: Agricultural
West: Residential

Future Land Use Map:
Suburban

Attachments:
1. Subdivision and Zoning Ordinance Requirements
2. Comprehensive Plan Policies
3. Maps and aerial photos
4. Final Plat

Requested Action: To **approve** the final plat for Southpoint Division No. 11.

Staff Comments: This parcel was annexed in April 2021 with a R1 Zone and an updated preliminary plat was approved in February 2021. The previous preliminary plat was from 2000 and had expired. The Final Plat for Division 11 includes 34 buildable lots with 3 non-buildable lots, for a total of 37 lots. Two of the unbuildable lots are for the German Canal, on the east side of the Development. Lot 28, Block 14 is also a non-buildable lot for pathway connection that was platted in previous sections. This will provide for pedestrian connection between Calistoga Drive and Timber Creek Drive. The average size of the lot is 13,068 sq ft. Access to the subdivision will be from W 65th S through Columbia St., a residential collector. A stub road will also be provided to allow for connection with future development to the east. The final plat is consistent with the preliminary plat.

Staff Recommendation: Staff has reviewed the final plat and finds it complies with the Subdivision Ordinance and is consistent with the development standards of the R1 Zone. Staff recommends approval of the plat.

Subdivision Ordinance: Boxes with an "X" indicated compliance with the ordinance

REQUIREMENTS	Staff Review
Requirements listed in Section 10-1:	
Building envelopes sufficient to construct a building.	X
Lot dimensions conform to the minimum standards of Zoning Ordinance.	X
Lots have full frontage on, and access to, a dedicated street.	X
Residential lots do not have direct access to arterial streets.	X
Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that: 1) The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition; 2) There is no reasonable alternative for access to the arterial via a collector street; 3) There is sufficient sight distance along the arterial from the proposed point of access; 4) The proposed access is located so as not to interfere with the safe and efficient functioning of any intersection; and 5) The developer or owner agrees to provide all improvements, such as turning lanes or signals, necessitated for the safe and efficient uses of the proposes access.	N/A
Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.	X
Sidelines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of twenty feet on the property line.	X
All property within the subdivision shall be included within a lot or area dedicated for public use.	X
All corner lots zoned RP through R-3, inclusive, shall be a minimum of ten percent larger in area than the average area of all similarly zoned lots in the plat or subdivision under consideration.	X
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	X
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	X
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150 ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	N/A
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	Broken Stone Way – Residential Collection All others -Local

Subdivision Ordinance:
Section 10-1-9A
(9) If the final plat conforms to the provisions of this Chapter and all other applicable State or Federal laws, or local ordinances, the Council shall approve the final plat and authorize the Mayor and Clerk to sign the original plat.

Zoning Ordinance:
11-3-3: Purpose of Residential Zones,
(C) R1 Single Dwelling Residential Zone. This zone provides a residential zone which is representative of a less automobile-oriented, more walkable development pattern, characterized by somewhat smaller lot widths; and a somewhat denser residential environment than is characteristic of the RP Residential Park Zone. The principal uses in the R1 Residential Zone shall be single detached and attached dwelling units. This zone is also generally located near limited commercial services that provide daily household needs.

11-3-4: STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: Standards for Residential Zones

	RE	RP	R1	R2	TN	R3	R3A	RMH
Lot Area								
Lot Area Minimum in ft^2	1 acre*	12,000	7,000	6,000*	3,000*	5,000*	5,000	5,000
Lot Area Maximum in ft^2			13,500*					
Site Width								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	50
Setbacks, Minimum in ft.								
Front	40	30*	25*	20*	15*	15	15	30
Front Maximum in ft.					20*			
Side	20	7.5/10*	6	6	5	6	6	10
Rear	40	25	25	25	10	25*	25*	25*
Lot Coverage, Building Height, and Density								
Maximum Lot Coverage in %	30	40	40	80	50	80	80	40
Maximum Building Height in ft*	24	24	24	24	*			24
Maximum Density in net units/acre	1	4	6	17	15	35	35	8
*See explanations, exceptions and qualifications in Section 11-3-4A,B,C of this Zoning Code.								

(Ord. 3218, 9-13-18)

Comprehensive Plan Policies:

Residential development should reflect the economic and social diversity of Idaho Falls. (pg. 40)

Arterial streets should be located along the perimeter of residential neighborhoods, preferably at the square mile. At least one east-west collector and one north-south collector street should be located in every square mile of residential development. If such collector streets provide access to homes, the design of the collector shall discourage through traffic. (pg. 41)

Low density residential: Single family homes on individual lots at a density of 7 units or less per net acre. This area may include detached homes or homes which share a common wall, open space, or other common facilities. (pg. 63)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. (pg. 67)

July 6, 2021 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Brent Dixon, Arnold Cantu, Joanne Denney, Lindsey Romankiw, Natalie Black, Margaret Wimborne.

MEMBERS ABSENT: Gene Hicks, George Morrison

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Naysha Foster, Caitlin Long, and interested citizens.

CALL TO ORDER: Brent Dixon called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Cantu moved to approve the Minutes from June 1, 2021 and June 15, 2021, Wimborne seconded the motion and it passed unanimously.

Business:

5. PLAT 21-020: FINAL PLAT. Final Plat for Southpoint Division No. 11.

Applicant: Kurt Roland Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, Idaho. Roland stated that there are 37 total lots with 34 buildable lots zoned R1 consisting of 14 acres of ground. Roland stated that Division 10 is under construction, and this is north of Division 10.

Dixon asked if this provides another linkage to the east, and Roland confirmed that it does.

Long presented the staff report, a part of the record.

Black moved to recommend to the Mayor and City Council approval of the Final Plat for Southpoint Division No. 11, Denney seconded the motion. Dixon called for roll call vote: Denney, yes; Romankiw, yes; Black, yes; Cantu, yes; Wimborne, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT OF SOUTHPOINT DIVISION 11 LOCATED GENERALLY NORTH OF W 65TH S, EAST OF S 5TH W, SOUTH OF CALISTOGA DR, WEST OF S HOLMES AVE

WHEREAS, the applicant filed an application for a final plat on April 24, 2021; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on July 6, 2021; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on April 14, 2022; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 14.037 acre parcel located generally north of W 65th S, east of S 5th W, south of Calistoga Dr, west of S Holmes Ave
3. The property is zoned R1 and includes 37 lots, with 34 buildable lots with 3 non-buildable lots.
4. Access to the development will be consistent with the Access Management Plan.
5. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance.
6. The proposed development is consistent with the principles of the City's Comprehensive Plan.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2022

_____

Rebecca L. Noah Casper, Mayor

DEVELOPMENT AGREEMENT
SOUTHPOINT DIVISION NO. 11

This DEVELOPMENT AGREEMENT SOUTHPOINT DIVISION NO. 11 ("AGREEMENT"), made this 29th day of March, 2022, by and between the CITY OF IDAHO FALLS, a municipal corporation of the State of Idaho, ("CITY"), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho 83405, and SOUTH GATE PROPERTIES, LLC., an Idaho limited liability company ("DEVELOPER"), whose mailing address is 3943 Willow Ridge Drive, Idaho Falls, Idaho 83406.

W I T N E S S E T H:

WHEREAS, DEVELOPER is the sole owner, in law or equity, of a certain tract of land in the County of Bonneville, State of Idaho, which land (hereafter referred to as "Subdivision"), is more particularly described in Exhibit "A" attached hereto and by this reference made a part hereof; and,

WHEREAS, DEVELOPER desires to develop the Subdivision within CITY and has submitted a plat bearing the Subdivision name described in the caption of this AGREEMENT; and,

WHEREAS, City Engineer, and the Idaho Falls Planning and Zoning Commission, have recommended such development be allowed, subject to certain requirements and obligations on the part of DEVELOPER; and

WHEREAS, CITY is willing to allow the development of the Subdivision within City of Idaho Falls, Idaho, subject to the terms and conditions of this AGREEMENT and the Special Conditions attached hereto; and

WHEREAS, CITY has authority to approve Subdivision plats and the construction of streets, utility lines and other public improvements within the CITY; and

WHEREAS, DEVELOPER specifically waives DEVELOPER's right to protest development requirements described in this AGREEMENT, including DEVELOPER's right of judicial review contained in Chapter 52, Title 67, Idaho Code, and pursuant to the standards set forth in § 67-5279, Idaho Code; and,

WHEREAS, DEVELOPER understands that the public improvements required herein are standards required pursuant to Idaho Falls City Code, Title 10, Chapter 1, and are authorized by Idaho Code §§ 67-6513 and 67-6518; and,

WHEREAS, DEVELOPER and CITY believe that without the public improvements required herein, CITY would not be able to otherwise provide for mitigation of the effects of the

Subdivision development on the ability of CITY to deliver services without compromising quality of such service delivery to current CITY residents, or without imposing substantial additional costs upon current CITY residents to accommodate the proposed Subdivision; and,

WHEREAS, CITY desires to ensure that public improvements consisting of those described in this AGREEMENT, including Special Conditions for the Subdivision, are constructed; and,

WHEREAS, DEVELOPER understands that a waiver of public improvements is available pursuant to Idaho Falls City Code, but DEVELOPER specifically does not wish to request such a waiver and wishes to enter into this AGREEMENT; and,

WHEREAS, DEVELOPER enters into this AGREEMENT of DEVELOPER's own free will and accord, without coercion and without inducement and at DEVELOPER's request; and,

WHEREAS, DEVELOPER has read this AGREEMENT, has understood it, and has had the opportunity to avail itself of legal and other counsel prior to entering into this AGREEMENT and prior to signing it; and,

WHEREAS, DEVELOPER has submitted a preliminary plat bearing the Subdivision name described in the caption of this AGREEMENT; and,

WHEREAS, City Engineer and City Planning and Zoning Commission have recommended such Subdivision be approved subject to certain requirements and obligations on the part of DEVELOPER; and,

WHEREAS, CITY is willing to approve the Subdivision to CITY, subject to the terms and conditions of this AGREEMENT and the Special Conditions attached hereto;

NOW, THEREFORE, in consideration of the covenants and conditions set forth herein, the parties agree as follows:

1. Approval of Subdivision. CITY hereby approves the Subdivision plat as described in Exhibit "A" attached hereto and made a part to this AGREEMENT by reference, and agrees that upon DEVELOPER's full and complete performance of the terms and conditions hereto, it will accept and maintain the property dedicated to CITY on the Subdivision plat and all public facilities and improvements shown in the Improvement Plans for the Subdivision.

2. Improvement, Preliminary, and Final Improvement Plans. "Improvement Plans," used in this AGREEMENT, are engineer-designed plans showing all streets, sewer lines, water lines, storm drains, street signs, traffic control devices, barricades, other public utilities (telephone, gas, electricity, fiber optic and irrigation facilities) and other public improvements contemplated within the Subdivision. "Preliminary Improvement Plans" as used in this AGREEMENT, are those Improvement Plans submitted and considered for the Subdivision development prior to the

approval of City Engineer, and not yet approved for construction. "Final Improvement Plans" as used in this AGREEMENT, are those Improvement Plans submitted, considered and approved by City Engineer for the Subdivision development.

DEVELOPER anticipates that development of the entire Subdivision will occur in phases or divisions. DEVELOPER has filed, and City Engineer has approved, Improvement Plans for the public improvements to be constructed within public rights-of-way exterior to the Subdivision, (hereafter referred to as the "Exterior Improvement Plans") showing the width, location and alignment of all streets, sewer lines and water lines within the Subdivision and the size and materials specifications for such water and sewer lines. Prior to the commencement of any construction or development within any phase or division of the Subdivision, DEVELOPER shall also file with, and obtain the approval of, City Engineer Improvement Plans (hereafter the "Interior Improvement Plans") for all streets, sewer lines, water lines, storm drainage facilities, street signs, traffic control devices, barricades and other public improvements contemplated within such phase or division of the Subdivision. The filed Improvement Plans shall also show the proposed location of other public utilities (telephone, gas and electricity), and irrigation facilities affected by the development of such phase or division of the Subdivision. Preliminary Improvement Plans are incorporated herein by reference as though set out in full, and the Final Improvement Plans shall also, upon approval by City Engineer, be deemed to be incorporated herein by reference.

3. Construction of Public Improvements. Unless otherwise agreed in the Special Conditions, DEVELOPER shall, at its expense, design and construct all public improvements shown in the Exterior Improvement Plans and Interior Improvement Plans. Unless otherwise agreed in writing by City Engineer, DEVELOPER shall construct all required public improvements within such Improvement Plans in strict accordance with the approved Preliminary and Final Improvement Plans and CITY Standard Engineering Drawings and Specifications (hereafter referred to as the "Standard Specifications") in effect at the time the construction is accomplished. The Standard Specifications are incorporated herein by reference as though set out in full and compliance to the Standard Specifications is a condition of this AGREEMENT.

4. Permits. DEVELOPER shall obtain all right-of-way, excavation and/or other permits required by local ordinance and comply with all requirements therein with respect to the timely performance of the work governed by such permits.

5. Inspection. DEVELOPER shall retain a professional engineer (hereafter referred to as the "Project Engineer") licensed within the State of Idaho to supervise, inspect and test the construction of all public improvements within the Subdivision in order to ensure such improvements are constructed in accordance with this AGREEMENT, the Improvement Plans and the Standard Specifications. DEVELOPER shall not materially deviate from the Improvement Plans or Standard Specifications without the express written approval of the City Engineer.

6. Corrected Improvement Plans. Prior to acceptance of any phase or division of the Subdivision, DEVELOPER will file "As Constructed"/ "As Built" Improvement Plans (hereafter referred to as the "Corrected Improvement Plans") with City Engineer. Such Corrected Improvement Plans shall be prepared by the Project Engineer and shall show the actual constructed location of all public improvements within the Subdivision including the horizontal and vertical location of all water, sewer and storm drain lines, individual building service lines curb and gutter alignment and street grades. Such Corrected Improvement Plans shall also specifically show all changes between the Final Improvement Plans and the public improvements as actually constructed. The Project Engineer shall also certify upon the Corrected Improvement Plans that such Corrected Improvement Plans correctly show all public improvements as actually constructed and that such public improvements have been constructed in accordance with the Standard Specifications in effect at the time such construction was accomplished. The Project Engineer shall also deliver to City Engineer all compaction reports, daily construction logs, reports, written tests, analysis and other data as may be necessary to verify or support the certification of the Project Engineer.

7. Acceptance of Subdivision. Upon satisfactory completion of such public improvements and facilities, DEVELOPER's delivery of Corrected Improvement Plans and the filing and approval by CITY of a final plat, CITY will accept that portion of the Subdivision for which a final plat has been approved. Such acceptance shall not be valid unless expressly acknowledged in writing by City Engineer. Except as otherwise expressly provided in the Special Conditions, upon acceptance of any phase or division within the Subdivision, CITY shall assume ownership and control of all public facilities within any dedicated street or public utility right-of-way within the Subdivision and shall execute and record an instrument documenting such acceptance and that also references the recording information for this AGREEMENT and thereby releasing the Subdivision, or the accepted portion thereof, from the encumbrances of this AGREEMENT. Acceptance of the Subdivision Improvements and recording the acceptance instrument shall not be deemed as a waiver of DEVELOPER's agreement herein to fully and completely perform the terms and conditions of this AGREEMENT, or as a waiver or release of the warranty set forth below in this AGREEMENT.

8. Warranty. DEVELOPER warrants that the materials and workmanship employed in the construction of all public improvements within the Subdivision shall be good and sound, and shall conform to generally accepted standards within the construction industry. Such warranty shall extend for a period of one (1) year after acceptance of any phase or division of the Subdivision within which such improvements are located, by CITY, provided nothing herein shall limit the time within which CITY may bring an action against DEVELOPER on account of DEVELOPER's failure to construct such improvements in accordance with this AGREEMENT, the Improvement Plans or the Standard Specifications. DEVELOPER, and DEVELOPER's heirs, successors and assigns, shall and do hereby respectively warrant and agree, to defend the quiet and peaceful possession of CITY in all easements, rights-of-way, street dedications or other estates conveyed

pursuant to the terms of this AGREEMENT or pursuant to the subdivision plat which is the subject hereof, from and against all claims against DEVELOPER and DEVELOPER's successors or assigns, respectively, and against every person whomsoever who lawfully holds, or who later lawfully claims to have held, rights in the premises by or through DEVELOPER and DEVELOPER's successors or assigns, respectively, as of the date of this AGREEMENT.

9. Water and Sewer Main Connection Charges. DEVELOPER agrees to pay to CITY at the time any separate sanitary sewer service or culinary water service connection to CITY sanitary sewer system or culinary water system is requested, all connection fees, main connection charges, and main charges as set forth in the City Code in effect at the time such request for service is made.

10. Failure to Pay Fees. In the event DEVELOPER fails or refuses to pay any of the fees, charges or costs set forth herein, CITY may disannex any property owned by DEVELOPER within the Subdivision or declare the entire unpaid balance immediately due and payable and collect such sums in the manner provided by law, or may pursue any other remedy set forth herein or as may be available at law or in equity. All such remedies shall be cumulative and CITY may pursue the same separately or simultaneously as it deems necessary or appropriate. In the event of such acceleration, all sums due shall bear interest at the rate established by law for judgments entered in the State of Idaho, commencing on the date the unpaid amount is declared immediately due and written demand therefor is delivered to DEVELOPER.

11. Participation by CITY. The parties agree that those portions of the water main, the sanitary sewer line, storm drains and street section work (hereafter collectively referred to as the "Shared Work"), the cost of which CITY has expressly agreed to pay pursuant to the Special Conditions, including any water or sewer line or storm line extensions, increased line size or capacity and road width or thickness, are required because of future service needs originating from properties not owned by DEVELOPER and located within the vicinity of the Subdivision, and that sound planning requires construction thereof at the present time in order to accommodate future expansion and development. In recognition of the cost savings which can be accomplished by construction of such excess capacity and improvements concurrently with the facilities to be constructed for DEVELOPER's purposes, and the impracticality or impossibility of constructing such excess capacity and improvements separately or at a later time, DEVELOPER agrees to design and construct such facilities subject to CITY's agreement to reimburse DEVELOPER for a portion of such costs, all as set forth in the Special Conditions. Prior to the commencement of the Shared Work, DEVELOPER shall obtain and deliver to CITY three (3) independent bona fide bids for the performance of such work from qualified and responsible contractors. Such bids shall be solicited and itemized in a manner which allows clear and specific identification of that portion of the construction work for which CITY is responsible. CITY shall have no obligation to pay for any portion of the costs of the Shared work unless prior to the commencement of the work, the parties have expressly agreed in writing to a specific amount for which CITY will reimburse the DEVELOPER. Payment of such costs by CITY shall be due within thirty (30) days from

acceptance of the Subdivision by CITY and delivery of an itemized statement to CITY setting forth in detail the total amount of the costs for which CITY is responsible.

12. Special Conditions. In recognition of the unique circumstances relative to this Subdivision the parties agree to the Special Conditions attached hereto as Exhibit "B" and by this reference made a part hereof.

13. Irrigation Facilities. DEVELOPER shall relocate or reconstruct, at DEVELOPER's expense, all ditches, headgate structures, culverts, siphons, drywells or other similar appurtenant structures that will be impaired or otherwise disturbed by the construction of this Subdivision. DEVELOPER shall also obtain the consent of all persons or entities who have any water right or control over such structures. DEVELOPER shall also indemnify and hold CITY harmless from any action, claim, demand or cost of any kind, including attorney's fees and court costs, arising from the relocation or reconstruction of such facilities or DEVELOPER's failure to properly relocate or reconstruct such facilities.

14. Relocation of Power Lines. DEVELOPER shall relocate at its expense, all existing electric utility poles or other utility lines or fixtures necessary to construct the public improvements within this Subdivision as shown on the Improvement Drawings.

15. Construction Schedule Change. Any modification to the public improvements shown in the Improvement Drawings or to the construction phase limits shall be approved by City Engineer. Prior to said approval, revised Improvement Drawings shall be resubmitted to City Engineering Department showing the proposed changes.

16. Taxes and Assessments. DEVELOPER shall pay all real property taxes and assessments levied or assessed against any interest in real property which DEVELOPER has agreed to convey to CITY pursuant to this AGREEMENT up to the date the final Subdivision plat for this Subdivision is recorded. Such taxes and assessments shall be paid prior to the acceptance by CITY of the public improvements within any phase or division of the Subdivision.

17. Occupancy. No building or structure within the Subdivision shall be used or occupied for any purpose other than for the construction of such building or structure, unless a final plat has been filed and approved and all public improvements within the plat have been completed and accepted by City Engineer. CITY may withhold Certificates of Occupancy until all such work has been completed. Nothing herein shall prevent the use of a model building for the purpose of DEVELOPER's sales promotional efforts provided the building is not occupied for any other commercial or industrial purposes.

18. Default. In the event DEVELOPER fails to comply with the terms and conditions hereof in any material respect, CITY may, without further notice to DEVELOPER, exercise any or all of the following remedies:

A. Withhold the issuance of any building permit or certificate of occupancy for any structure located within any phase or division of the Subdivision affected by such default;

B. Withhold the connection of water, sewer or electric service to any property located within any phase or division of the Subdivision affected by such default;

C. Refuse to accept public ownership and maintenance of public improvements within any phase or division of the Subdivision affected by such default and record a notice of such action with the Bonneville County Recorder's office;

D. Issue a stop work order for any building under construction within any phase or division of the Subdivision affected by such default;

E. Withhold reimbursement of Subdivision inspection fees collected pursuant to the Idaho Falls City Code; and

F. Bring an action for damages, injunctive relief, specific performance or any other remedy available at law or in equity.

19. Notices. Any notice required by this AGREEMENT shall be mailed to the receiving party at the address set forth above or such other address as may be delivered to the sending party in writing. Such notice shall be mailed by certified mail, return receipt requested, postage prepaid and addressed as set forth above and shall be deemed received upon its deposit in the United States mail in such manner.

20. Recording and Recording Fees. CITY may record this AGREEMENT with the Bonneville County Recorder's office and prior to the execution and approval of this AGREEMENT, DEVELOPER shall pay to CITY all recording fees necessary to record this AGREEMENT with the Bonneville County Recorder's office. Prior to the approval of any final plat within the Subdivision, DEVELOPER shall pay to CITY all recording fees necessary to record such final plat with the Bonneville County Recorder's office.

21. Irrigation District Release. Prior to the approval of the Subdivision plat, DEVELOPER shall: (i) include a statement on the Subdivision plat that the property subject to this AGREEMENT has been excluded from the applicable irrigation district and reference the district's exclusion order by recording date and instrument number; or (ii) obtain a certification upon the Subdivision plat signed by any irrigation district, canal company, ditch association or other similar water delivery entity who provides or delivers water to any property located within the Subdivision. This certification shall contain a statement certifying that the property subject to this AGREEMENT has been excluded from the irrigation district, canal company, ditch association or other similar water delivery entity who provides or delivers water to any property located within the Subdivision or the water rights for all property within the Subdivision have been transferred

from such property and that all liens and assessments of such water delivery entity have been satisfied and released.

22. Storm Water Discharge Certification. Prior to the acceptance and approval of Final Improvement Plans for any division or phase of the Subdivision, DEVELOPER shall obtain the certification of any Irrigation District, canal company or other entity into which any storm water from such phase or division will be discharged. The certification shall state that such water delivery entity has reviewed and approved the Final Improvement Plans for such phase or division and that the discharge of storm waters from such area into their canal or ditch in the manner shown in the Final Improvement Plans is approved and accepted by such entity.

23. Conflict With Standard Specifications. In the event of any conflict between the terms of this AGREEMENT or the Improvement Plans and the Stand Specifications, the terms of this AGREEMENT or the Improvement Plans shall prevail over any contrary provision of the Standard Specifications. In the event of any conflict between the terms of this AGREEMENT and the Improvement Plans, the terms of this AGREEMENT shall prevail.

24. Covenants Appurtenant to the Land. All covenants and conditions set forth herein shall be appurtenant to and run with the Subdivision and shall be binding upon DEVELOPER's heirs, successors or assigns.

25. Governing Law. This AGREEMENT shall be governed by the laws of the State of Idaho. The venue for any action arising out of this Agreement shall be exclusively in the District Court of the Seventh Judicial District of the State of Idaho, Bonneville County or in the United States District Court for the District of Idaho.

26. Entire Agreement. This writing evidences the final and complete agreement between the parties and no other prior statement, representation or understanding shall be binding upon the parties unless expressly set forth herein.

27. Effective Date. This AGREEMENT shall become valid and binding only upon its approval by CITY Council of CITY and upon its execution by the Mayor.

INWITNESS WHEREOF, the parties have hereunto set their hands and seals this day and year first above written.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

_____

Kathy Hampton, City Clerk

By _____

Rebecca L. Noah Casper, Ph.D., Mayor

SOUTH GATE PROPERTIES, LLC.,

By: _____
Brad Pickett, Manager

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____ day of _____, 2022, before me, the undersigned, a notary public for Idaho, personally appeared Rebecca L. Noah Casper, known to me to be the Mayor of the City of Idaho Falls, Idaho, the municipal corporation that executed the foregoing document, and acknowledged to me that they are authorized to execute the same for and on behalf of said City.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

_____
Notary Public of Idaho
(Seal) Residing at: _____
My Commission Expires: _____

STATE OF IDAHO)
) ss:
County of Bonneville)

On this 29th day of March, 2022, before me, the undersigned, a notary public, in and for said State, personally appeared Brad Pickett, known or identified to me to be the Manager of South Gate Properties, LLC., and whose name is subscribed to the within instrument and acknowledged to me that they are authorized to execute the same for and on behalf of said company.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year first above written.

Notary Public of Idaho
Residing at: Bonneville County
My Commission Expires: 10/26/2027

(Seal)

KURTIS J. ROLAND
COMMISSION NO. 20215125
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 10/26/2027

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION

SOUTHPOINT DIVISION NO. 11

BEGINNING AT A POINT THAT IS S.00°12'54"W. ALONG THE NORTH-SOUTH CENTER SECTION LINE 178.67 FEET FROM THE CENTER 1/4 CORNER OF SECTION 6, TOWNSHIP 1 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN; RUNNING THENCE S.00°12'54"W. ALONG SAID NORTH-SOUTH CENTER SECTION LINE 637.42 FEET TO THE NORTH LINE OF SOUTHPOINT, DIVISION NUMBER 10, AN ADDITION TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO; THENCE WESTERLY ALONG SAID NORTH LINE THE FOLLOWING SIX (6) COURSES: (1) THENCE N.89°59'50"W. 510.30 FEET; (2) THENCE N.00°00'10"E. 5.00 FEET; (3) THENCE N.89°59'50"W. 194.49 FEET; (4) THENCE N.83°40'43"W. 135.19 FEET; (5) THENCE N.86°44'20"W. 60.12 FEET; (6) THENCE N.89°59'47"W. 127.08 FEET TO THE EAST LINE OF SOUTHPOINT, DIVISION NUMBER 7, AN ADDITION TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO; THENCE NORTHERLY ALONG SAID EAST LINE THE FOLLOWING FOUR (4) COURSES: (1) THENCE N.12°14'14"E. 162.02 FEET; (2) THENCE N.00°00'10"E. 333.36 FEET; (3) THENCE N.31°55'30"E. 89.10 FEET; (4) THENCE N.61°07'44"E. 122.25 FEET TO THE SOUTH LINE OF SOUTHPOINT, DIVISION NUMBER 6, AN ADDITION TO THE CITY OF IDAHO FALLS, IDAHO; THENCE EASTERLY ALONG SAID SOUTH LINE THE FOLLOWING FIVE (5) COURSES: (1) THENCE S.78°59'50"E. 157.15 FEET; (2) THENCE S.84°09'16"E. 99.87 FEET; (3) THENCE N.89°00'10"E. 396.67 FEET; (4) THENCE N.00°00'10"E. 20.99 FEET; (5) THENCE S.89°59'50"E. 189.89 FEET (MEASURED)(RECORD=189.80 FEET) TO THE POINT OF BEGINNING.

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CONTAINING 14.037 ACRES

EXHIBIT "B"

SPECIAL CONDITIONS
SOUTHPOINT DIVISION NO. 11

S.C. 1.00 Arterial Street and Bridge Fees. The Bridge and Arterial Streets fee for this Subdivision is Six Thousand Eight Hundred Dollars $6,800.00 (34 lots zoned residential at $200 per lot); payable as follows:

Due Date	Payment Amount
Upon execution of this AGREEMENT	$ 680.00
July 1, 2022	$ 1,530.00
October 1, 2022	$ 1,530.00
January 1, 2023	$ 1,530.00
April 1, 2023	$ 1,530.00
TOTAL	$ 6,800.00

S.C. 2.00 Surface Drainage Fee. The surface drainage fee for this Subdivision is Two Thousand Nine Hundred Sixty-Six Dollars and Forty-Four Cents $2,966.44 (395,525 square feet net area at $.0075 per square foot) payable as follows:

Due Date	Payment Amount
Upon execution of this AGREEMENT	$ 296.64
July 1, 2022	$ 667.45
October 1, 2022	$ 667.45
January 1, 2023	$ 667.45
April 1, 2023	$ 667.45
TOTAL	$ 2,966.44

S.C. 3.00 Traffic Signs. DEVELOPER agrees to install all street signs designating the names of all streets within the Subdivision. Street signs designating the name of public streets shall be constructed with white letters over green background. Street signs designating the name of private streets shall be constructed with white lettering over blue background. Such signs shall be installed in the manner and location directed by CITY Engineer.

S.C. 4.00 Existing Infrastructure. When it is necessary to move or remove existing infrastructure not belonging to CITY and not within CITY right-of-way, DEVELOPER shall coordinate such activities with the applicable owner, (e.g., poles owned by Pacificorp, dba Rocky Mountain Power). Any existing electrical infrastructure owned by Pacificorp, dba Rocky Mountain Power, will require a buy-out from DEVELOPER prior to receipt of electrical service from CITY. Request for the buy-out, if any, is to be initiated by DEVELOPER after annexation.

S.C. 5.00 Subdivision Seal Coat. In order to preserve the long-term effectiveness of required roadway seal coat in the Subdivision, DEVELOPER shall pay all seal coat costs associated with Subdivision improvements rather than applying the seal coat. In lieu of DEVELOPER seal coat application, DEVELOPER shall pay Twenty-Five Thousand Three Hundred Forty-Four Dollars and Sixty-Six Cents ($25,344.66) (10,473 square yards at $2.42 per square yard). CITY shall use

such payment to apply the required seal coat at a later date, when Subdivision building permits are completed and at CITY's sole discretion on timing.

S.C. 6.00 Storm Drainage. Storm Drainage shall be designed and constructed to accommodate drainage of the lots within the Subdivision by DEVELOPER. The storm drainage system shall meet CITY's Storm Drainage Policy. The storm pond to be constructed as shown on the Improvement Drawings. DEVELOPER shall provide for the installation of grass and an irrigation system. Maintenance of the storm pond shall be the responsibility of DEVELOPER or DEVELOPERS'S heirs, successors, or assigns.

S.C. 7.00 Bridge Across German Canal. This Subdivision is near a future connection on the East side of the Subdivision (where Cold Springs Drive crosses the German Canal). Recognizing that a portion of the future and current traffic on Cold Springs Drive originates from properties outside the Subdivision, DEVELOPER shall pay for one half (1/2) of the cost to construct the bridge crossing of the German Canal on Cold Springs Drive. DEVELOPER's estimated cost for this work is One Hundred Twelve Thousand One Hundred Twenty-Five Dollars ($123,125.00). DEVELOPER acknowledges that the construction of the improvements will be completed at a future date when CITY determines that the connection is necessary. Payment for improvements, in lieu of installation, shall be as follows:

Due Date	Payment Amount
Upon execution of this AGREEMENT	$ 12,312.50
October 1, 2021	$ 27,703.13
January 1, 2022	$ 27,703.13
April 1, 2022	$ 27,703.13
July 1, 2022	$ 27,703.11
TOTAL	$ 123,125.00

Memorandum

File #: 21-470 **City Council Meeting**

FROM: Brad Cramer, Director
DATE: Tuesday, April 5, 2022
DEPARTMENT: Community Development Services

Subject
Quasi-Judicial Public Hearing-Rezone from R1, Single Dwelling Residential to LM, Light Manufacturing and Heavy Commercial, and R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, approximately 127 acres located in Section 1, Township 2 North, Range 37 East.

Council Action Desired

☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Ordinance Rezoning approximately 127 acres located in Section 1, Township 2 North, Range 37 East from R1 to LM and R&D with the Limited Development and Limited Development Approach Surface Airport Overlay Zones, under suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from R1 to LM and R&D with the Limited Development and Limited Development Approach Surface Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents (or take other action as deemed appropriate).

Description, Background Information & Purpose

Attached is the application for Rezoning from R1 to LM and R&D with the Limited Development and Limited Development Approach Surface Airport Overlay Zones, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 127 acres located in Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its February 2, 2021, meeting and recommended to the Mayor and City Council denial of the zone change with a unanimous vote. Staff concurs with this recommendation.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☒ ☐

Consideration of the rezone must be done consistent with the principles of the Comprehensive Plan, which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

Interdepartmental Coordination

The Rezone was reviewed by staff from the Planning Division.

Fiscal Impact

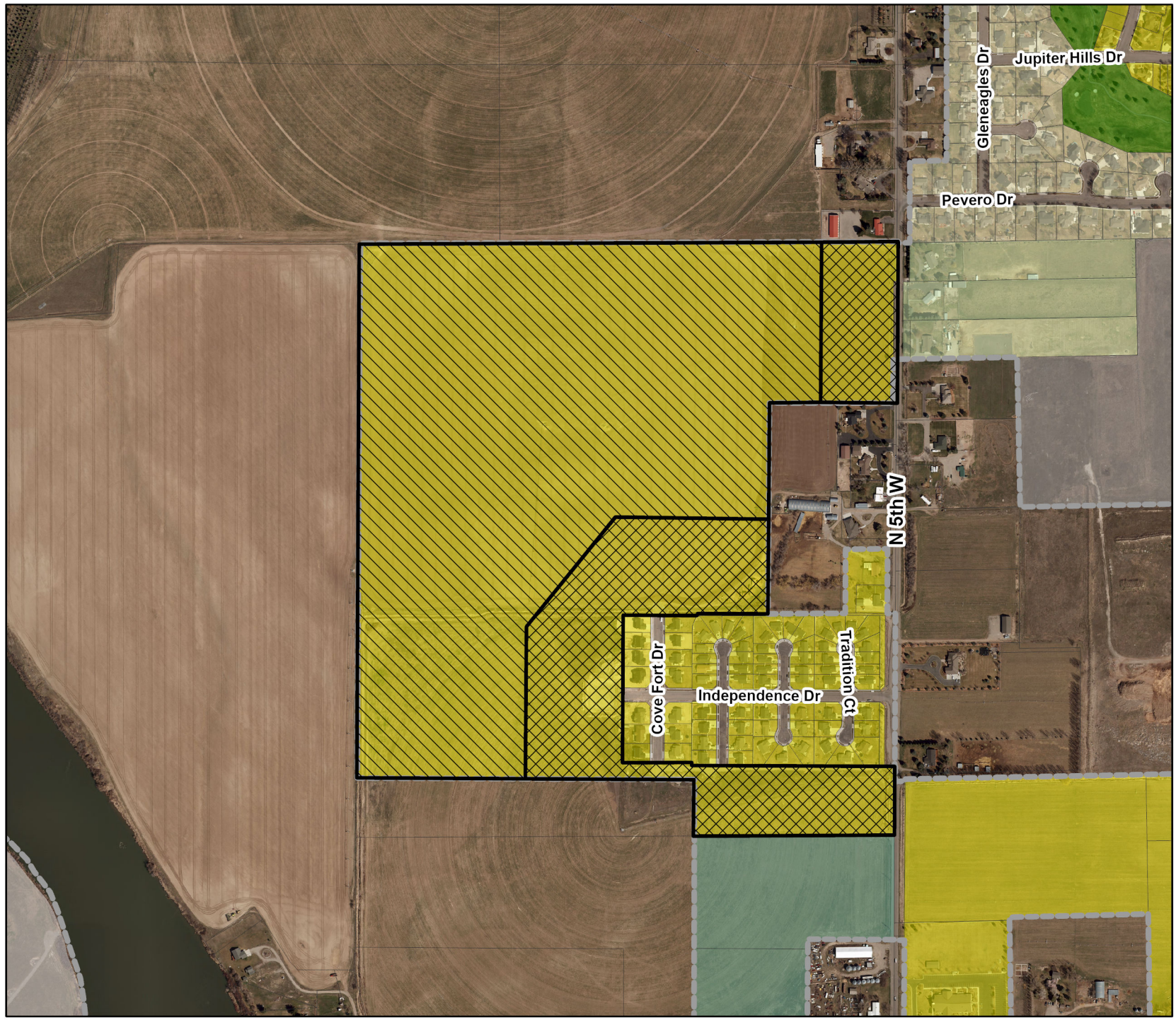
NA

Legal Review

The application and ordinance have been reviewed by the City Attorney pursuant to applicable law

Rezone

RZON21-001 Airport Property R1 to LM and R&D



Legend

- Proposed LM Zone
- Proposed R&D Zone
- City Limit

Overlays

- PT
- PT&T-1
- PUD
- T-1
- T-2

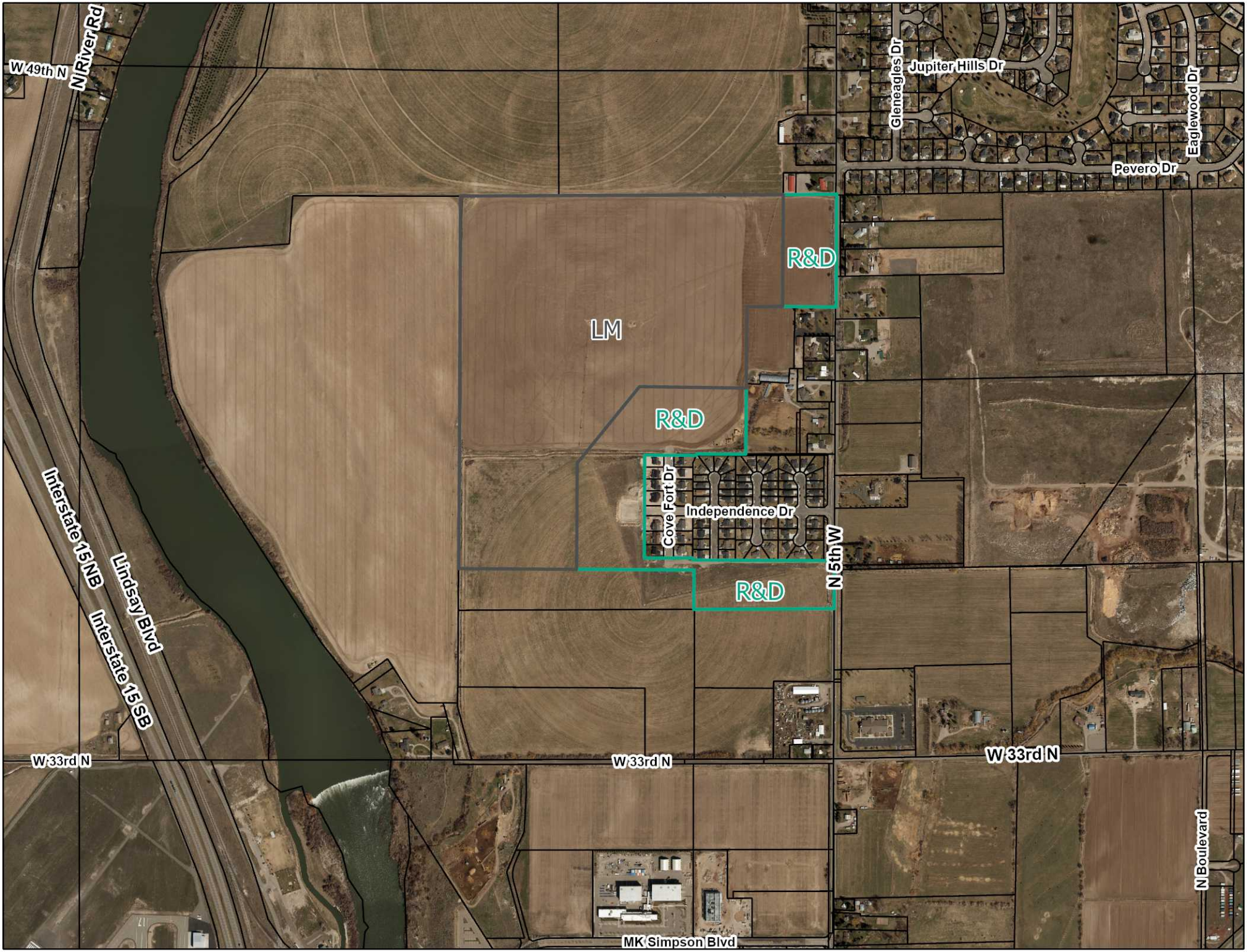
Zoning

- RE
- RP
- R1
- R2
- TN
- RMH
- R3
- R3A
- PB
- CC
- LC
- HC
- R&D
- LM
- I&M
- P

IDAHO FALLS

Planning Division
City Annex Building
680 Park Ave.
Idaho Falls, ID 83402
(208) 612-8276

N


W 49th N
N River Rd
Gleneagles Dr
Jupiter Hills Dr
Eaglewood Dr
Pevero Dr
R&D
LM
R&D
Cove Fort Dr
Independence Dr
N 5th W
R&D
Interstate 15 NB
Interstate 15 SB
Lindsay Blvd
W 33rd N
W 33rd N
W 33rd N
N Boulevard
MK Simpson Blvd

STAFF REPORT

REZONE FROM R1 to LM, R&D, LIMITED DEVELOPMENT AND LIMITED DEVELOPMENT APPROACH SURFACE AIRPORT OVERLAY ZONES, Section 1, T 2 N, R 37 E

April 14, 2022

IDAHO FALLS

Community Development Services

Applicant: City of Idaho Falls

Project Manager: Kerry Beutler

Location: Generally west of and adjacent to N 5th West, south of Pevero Drive, north of W 33rd North and east of the Snake River.

Size: 127 acres

Zoning:
North: County A-1
South: R&D/County A-1
East: RE/County A-1
West: County A-1

Existing Zoning: R1
Proposed Zoning: LM, R&D, Airport Overlay

Existing Land Uses:
Site: Agricultural
North: Agricultural
South: Agricultural
East: Residential
West: Agricultural

Future Land Use Map: Special Use and General Urban

Attachments:
1. Comprehensive Plan Policies
2. Zoning Information
3. Maps

Requested Action: To approve of the rezone from R1, Single Dwelling Residential to LM, Light Manufacturing and Heavy Commercial, and R&D Research and Development and Limited Development Approach Surface Airport Overlay Zone to the Mayor and City Council.

Staff Recommendation: Staff recommends approval of the rezone to LM, R&D and the Overlay Zone as it is consistent with the policies of the Comprehensive Plan.

History: This land was annexed and zoned R1 in 2006 as part of a master plan development called Heritage Hills. Two divisions of Heritage Hills were completed, the first in 2007 and a smaller division in 2015. In 2019 additional residential development was being contemplated for the balance of the master plan area. In January of that year a moratorium was put in place while city staff worked on code language for an Airport Overlay Zone. In May of 2019 the Airport Overlay Zone language was adopted and the Comprehensive Plan Map changed from Low Density Residential to Employment Center and Higher Education Centers to be in line with the overlay zone. The new Comprehensive Plan was recently adopted, and this area was designated largely Special Use, which is representative of unique uses like the airport.

Staff Comments: This land was purchased by the Idaho Falls Regional Airport to protect future airport operations as it lies within the Limited Development Approach Surface Zone of the airport. The City of Idaho Falls is requesting rezoning of most of the property to Light Manufacturing and Heavy Commercial (LM) to be consistent with the zoning and use of other airport property and Research and Development for the eastern portions of the property to act as a buffer between residences and the LM Zone. This was proposed as a result input gathered from a neighborhood meeting held in May of 2021. The Limited Development Approach Surface Airport overlay zone limits the type of uses allowed with this area. Residential uses are not allowed with the overlay zone in place. The uses allowed in the LM and R&D Zones most closely align with the uses outlined in the Limited Development Approach Surface Zone. The LM and R&D Zones are consistent with the Special Use designation of the Comprehensive Plan. In placing LM in this area, the city needs to consider that the area was previously identified for residential development and there is residential development existing in the area. This was discussed and taken into consideration when the Comprehensive Plan Map was amended in 2019. The LM and R&D Zones have larger landscape buffering requirements when adjacent to residential. They also have larger side and rear yard setbacks and height limitations when adjacent to residential uses. The R&D Zone will act as a buffer between the Residential and LM Zone. The city does not have any immediate plans for the property but acquired to protect the approach to the airport. The airport plans to include this area in its future long range planning activities.

Rezoning Considerations: Because the comprehensive plan provides only general guidance for zoning decisions, the Planning Commission shall also take the following considerations into account:

Criteria for Rezoning Section 11-6-5(I) of Ordinance	**Staff Comment**
The Zoning is consistent with the principles of City's adopted Comprehensive Plan, as required by Idaho Code.	The LM and R&D Zones are consistent with the Employment Center and Higher Education Centers designation of the Comprehensive Plan.
The potential for traffic congestion as a result of development or changing land use in the area and need that may be created for wider streets, additional turning lanes and signals, and other transportation improvements.	Traffic generation will be addressed as development occurs. Uses allowed in the overlay zone have the potential to generate employment and delivery traffic. Many uses could have a larger footprint but generate little traffic. 5th West is classified as a minor arterial and is in both Bonneville County and city jurisdiction. The road is currently built to a rural county section. Improvements to 5th West will be required if development were to occur.
The potential for exceeding the capacity of existing public services, including, but not limited to: schools, public safety services, emergency medical services, solid waste collection and disposal, water and sewer services, other public utilities, and parks and recreational services.	Rezoning to LM and R&D will not have an impact on utility infrastructure in the area.
The potential for nuisances or health and safety hazards that could have an adverse effect on adjoining properties.	Commercial development has the potential to have additional lighting, signage and increased noise and traffic. The City also has ordinances in place to deal with these types of nuisances and prevent them from impacting neighboring properties.
Recent changes in land use on adjoining parcels or in the neighborhood of the proposed zoning map amendment.	In 2019 the city adopted and Airport Overlay Zone that eliminates the possibility of residential development on the property. The city also amended its Comprehensive Plan Map. The city has recently purchased the property.
Zoning Application Questions:	**Applicant's response:**
Explain how the proposed change is in accordance with the City of Idaho Falls Comprehensive Plan.	The LM and R&D Zones are consistent with the Comprehensive Plan. These are the most consistent with the Limited Development Approach Surface Overlay Zone
What changes have occurred in the area to justify the request for rezone?	In 2019 the city adopted and Airport Overlay Zone that eliminates the possibility of residential development on the property. The city also amended its Comprehensive Plan. The city has recently purchased the property.
Are there existing land uses in the area similar to the proposed use?	South of the 33rd South along MK Simpson Blvd include research and development and other commercial uses. Light manufacturing uses are not found in the area.

Is the site large enough to accommodate required access, parking, landscaping, etc. for the proposed use?	Yes

Comprehensive Plan Policies:

Plan for different commercial functions within the City of Idaho Falls. (p.46)

Regional commercial centers, as other major traffic generators, should be located approximately at or within one-half mile from major state thoroughfares and be served by existing arterial streets. Convenient access and visual exposure are important to the success of regional commercial centers. Utilizing existing state highways and arterial streets with excess capacity will reduce future public costs. (p. 48)

At the citizen participation events, comments on our employment base were minimal. However, if we intend to become less dependent on the Idaho National Laboratory (INL), lands designed to accommodate employment are important. Regional economic development efforts have targeted industries likely to be attracted to our location. We want to be sure we have the available lands to accommodate these new employers. We want to provide a variety of industrial lands and office parks -- lands that offer opportunities to the more traditional aspects of our economy such as agri-business as well as lands offering an industrial park or office park environment with attractive amenities to "high-tech" businesses, sports and recreation equipment manufacturers, call centers, and other potential employers. (p.50)

Monitor the R&D-1 Zone and amendments to the M-1 Zone. Some industries, including research and development laboratories, wish to locate in a clustered development which is served by arterial streets and transportation facilities, has utilities, and is attractively landscaped. The setting is more campus like than industrial and such industries are suitable in areas near the Greenbelt. In the past few years, the M-1 was modified to permit research laboratories as well as manufacturing near residential uses. In response to the need for research and development laboratories with open storage, the R&D-1 Zone was written. As these zones develop, we need to monitor such development to assure the regulations work for the community and the private entities. (p. 52)

Assure industrial and heavy commercial traffic does not move through neighboring residential areas. Locating industrial lands adjacent to highways or arterial streets should prevent truck traffic from moving through residential lands. Unless the industrial area is less than 100 acres, four lane access roads are desirable. Commercial traffic should be directed to collectors and arterials which are not located in residential neighborhoods. (p. 53)

Buffer industrial uses from residential uses. While less critical for light industry, warehousing, and distribution than for heavier industrial uses, site planning should buffer immediate residential neighbors from the sound and light generated by neighboring industrial uses. (p. 53)

Encourage heavier industries to locate in the northern areas of the community or separate such uses from residential areas by open space or land use buffers. Heavy industrial processes which generate off-site noise, glare, odor and smoke should be located in areas where compatibility with neighbors is not an issue. (p. 53)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. (p. 67)

Land Use: The Idaho Falls Regional Airport would like its voice heard regarding development within four miles of its borders. Its updated master plan Airport includes a model zoning ordinance to address development concerns within these areas. For example, commercial uses such as retail trade and manufacturing could be allowed with conditions that lighting on buildings and parking lots is limited and directed downward. Residential development is discouraged in the "Limited Development" areas but allowed with low densities, navigation easements, and proper location of structures. (Background Studies p.26)

Zoning:

11-3-7: PURPOSE OF INDUSTRIAL ZONES
(A) LM Light Manufacturing and Heavy Commercial Zone. This zone provides a light industrial zone in which the primary use of land is for non-nuisance industries, and heavy commercial establishments. This Zone is characterized by a wide variety of businesses, warehouses, equipment yards, and light manufacturing and industrial uses, and located convenient to transportation systems.

11-3-9: PURPOSE OF SPECIAL PURPOSE ZONES
(A) R&D Research and Development Zone. This zone provides a special purpose zone in which the primary use of the land is a center for research, development, and higher education. This Zone should be located close to transportation, public utilities and other facilities necessary to support research and development and higher education facilities. This Zone is also characterized by attractively designed buildings and off-street parking lots situated among, trees, shrubs and other landscape features.

11-3-8: STANDARDS FOR INDUSTRIAL ZONES

(A) Dimensional Standards. Table 11-3-7 Dimensional Standards for the LM and I&M Zones shall be used for determining the minimum site area, minimum setbacks, maximum building height and maximum lot and building coverage in that Zone.

Table 11-3-6: Dimensional Standards for Industrial Zones

	LM	I&M
Site Area- Minimum in acres		
Setbacks – Minimum in ft.		
Front	30	30
Side	0/30*	0/30*
Rear	0/30*	0/30*
Building Height- Maximum	see sub-sections (2) below	
Lot Coverage- Maximum in %	80	
Building Coverage- Maximum in %	50	
*See explanations, exceptions and qualifications that follow in 11-3-8A (1-2) of this Zoning Code.		

(Ord. 3233, 12-20-18)

(1) In the LM and I&M Zones, a setback of thirty feet (30') shall be provided from all residential uses, residential zones, the R3A Zone if occupied by residential uses, or from land designated for low or higher density residential in the City's Comprehensive Plan.

(2) Any structure with a height greater than thirty feet (30') shall be set back seventy-five feet (75') from all residential uses, residential zones, the R3A Zone if occupied by residential uses, or land designated for low or higher density residential in the City's Comprehensive Plan, unless approved as a conditional use by the Planning Commission, as set forth in Section 11-6-5B.

(3) For commercial uses, lot coverage shall include all areas under roofs and paved surfaces including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.

Table 11-3-7: Dimensional Standards for Special Zones

	R&D	P
Site Area- Minimum in acres	30*	1*
Setbacks – Minimum in ft.		
Front	30	30
Side	0/ 20 *	20
Rear	0/ 20 *	30
Building Height- Maximum in ft.	see sub-section (3) below*	35
Lot Coverage- Maximum in %	80	
*See explanations, exceptions and qualifications that follow in Section 11- 3-10A (1-4) of this Zoning Code.		

11-2-5: ALLOWED USES IN INDUSTRIAL AND SPECIAL PURPOSE ZONES.

Table 11-2-3: Allowed Uses in Industrial Zones

P = permitted use. C1 = administrative conditional use. C2 = Planning Commission conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.

*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.

	Industrial		Special Purpose	
Proposed Land Use Classification	**LM**	**I&M**	**R&D**	**P**
Accessory Use*	P	P	P	
Accessory Use, Fuel Station*	P	P	P	
Accessory Use, Storage Yard*	P	P	P	
Airport	P			
Agriculture*	C_2	P		C_2
Agriculture Tourism	C_2	P		C_2
Amusement Center	P	P		
Amusement Center, Indoor Shooting Range*	P	P		
Amusement Center, Outdoor*	P	P		C_2
Adult Business*		P		
Animal Care Clinic*	P	P		
Animal Care Facility*	P	P		
Artist Studio	P	P		
Auction, Livestock		C_2		
Building Contractor Shop	P	P		
Building Material, Garden and Equipment	P	P		
Cemetery*				C_2
Club*	P	P		
Communication Facility	P	P	P	
Correctional Facility or Jail	C_2	P		
Day Care*	P	P	P	
Drinking Establishment	P	P		
Drive-through Establishment*	P	P		
Dwelling, Accessory Unit*	P	P		
Eating Establishment	P	P		
Eating Establishment, Limited	P	P	P	
Equipment Assembly and Sales	P	P		
Financial Institution	P	P	P	
Food Processing, Small Scale Processing With or Without Sales	P	P		
Food Products, Processing, With or Without Retail Sales		P		
Food Store	P	P		
Fuel Station, Super	P	P		

Proposed Land Use Classification	LM	I&M	R&D	P
Health Care and Social Services			P	
Higher Education Facilities	P		P	
Hospital*	C_2	C_2	C_2	
Industry, Craftsman	P	P		
Industry, Heavy		P		
Industry, Light	P	P		
Information Technology	P	P	P	
Laundry and Dry Cleaning	P	P		
Lodging Facility	P		C_2	
Medical Support Facilities	P		P	
Parking Facility	P	P	P	
Park and Recreation Facility*				P
Pawn Shop	P	P		
Personnel Service	P	P		
Professional Service	P	P	P	
Public Service Facility*	P	P	C_2	C_2
Public Service Facility, Limited	P	P	P	P
Public Service Use	P	P	P	P
Railroad Freight Terminal and Station		P		
Recreational Vehicle Park*				C_2
Research and Development Business	P	P	P	
Retail	P	P		
Storage Facility, Indoor	P	P		
Storage Facility, Outdoor	P	P		
Storage Yard*	P	P		
Terminal Yard, Trucking and Bus		P		
Transit Station	P	P	P	
Vehicle and Equipment Sales	P	P		
Vehicle Body Shop	P	P		
Vehicle Sales	P	P		
Vehicle Washing Facility	P	P		
Warehouse	P	P		
Warehouse, Wholesale With Flammable Materials	P	P		

(Ord. 3218, 9-13-18) (Ord. 3233, 12-20-18)

11-5-3: AIRPORT OVERLAY ZONE

(A) Purpose. The City has accepted federal and state grants for projects at its Idaho Falls Regional Airport ("Airport"). As a condition of these grants, the City is required to comply with grant assurances regarding compatible land use and protection of airspace. For compatible land uses these grant assurances require the City to restrict the use of land adjacent to or in the immediate vicinity of the Airport to activities and purposes compatible with normal Airport operations, including landing and takeoff of aircraft. For the protection of airspace these grant assurances require the City to take appropriate action to assure the airspace required to protect instrument and visual operations for the Airport will be adequately cleared and protected by removing, lowering, relocating, marking, lighting, or otherwise mitigating existing Airport hazards and by preventing the establishment or creation of future Airport hazards.

(B) Compatible Land Use Regulations.

(1) Establishment of Zones. For the purpose of regulating the development of noise-sensitive land uses, to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from the effects of incompatible development, and to promote the health, safety, and general welfare of property users. The controlled area of the Airport is divided into five (5) Airport-Compatible Land Use Overlay Zones known as:

(a) No Development Zone. The No Development Zone generally protects the area lateral and adjacent to the Airport runway. In most cases, only aeronautical -related uses are authorized in this Zone.

(b) Limited Development Approach Surface Zone. The Limited Development Approach Surface Zone provides a sixty (60)-degree sector in which aircraft are conducting their turn and decent to fi nal approach or initial turn after take off.

(c) Controlled Development Approach Surface Zone. The Controlled Development Approach Surface Zone protects the area on an extended approach or departure path from the runway end.

(d) Limited Development Zone. The Limited Development Zone is the area in which routine traffi c and touch-and-go maneuvers are conducted. This Zone provides a general environment of safety for aircraft, persons and property.

(e) Controlled Development Zone. The Controlled Development Zone is the area where aircraft are transitioning to or from en route altitude or Airport over-fl ight altitude to or from the standard traffi c pattern altitude of eight hundred (800) to one thousand (1,000) feet above airport elevation. In this Zone, the underlying Zone land use restrictions apply, and a 7460.1 Form from the FAA is required for structures that do not meet the exceptions of Section 11-5-3(D) FAA Form 7460.1, Notice of Proposed Construction or Alteration.

(2) The Airport Compatible Land Use Overlay zoning boundary lines shall be shown on the official Idaho Falls Regional Airport Off Airport Land Use Map, located in the City's Planning Division. Where uncertainty exists regarding the boundaries of the Airport Compatible Land Use Overlay Zones, as shown on the official map, the rules of Chapter 3 shall apply in order to determine Zone boundaries.

(3) Multiple Zones on a Single Parcel. Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zones, the area of the property within the boundaries of each

Zone shall apply individually and respectively to each portion of the property.

(4) If a proposed land use of property is not listed in Table 11-5-6: Compatible Uses in the Airport Overlay, the land use shall be prohibited, unless the Zoning Administrator specifically determines that the proposed use is equivalent to a compatible use or compatible use with conditions required by the Zoning Administrator which make the use compatible. In making the use determination, the Zoning Administrator shall consider each of the following:

(a) Whether the likely impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the allowed uses listed in the applicable Zone;

(b) Whether the proposed use involves a more intense level of activity or greater density than one or more of the allowed uses listed in the applicable Zone;

(c) Whether the proposed use is consistent with the purpose of the Zone in which the use is proposed to be located; and

(d) Whether the proposed use is in substantial conformance with goals and objectives of the Comprehensive Plan and Airport Master Plan.

(5) Conflicts in Uses. Where there is a conflict in compatible uses set forth in Table 11-5-6: Compatible Uses in the Airport Overlay and any use set forth in Chapter 2 of this Code, the more restrictive shall apply.

(6) The Zoning Administrator shall determine the most appropriate category for mixed uses or for uses that fall into more than one (1) category of land use classifications. The determination shall be permitted based on the more restrictive use.

(7) Existing Uses. No building permit shall be granted that would allow any obstruction of a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Chapter or on the date of any amendments to this Chapter.

(8) Where specified on Table 11-5-6: Compatible Uses in the Airport Overlay and in order to mitigate the effects of development on the ability of the City to continue to deliver public airport services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision development and to the extent the City does not have a prescriptive easement, the property owner shall dedicate to the City, in advance of receiving a building permit, an avigation easement, as defined by this Zoning Code. Avigation easement dedication is not necessary where or to the extent the City has established a prescriptive right to the airspace.

(9) For property that is within the Idaho Falls Regional Airport Off Airport Land Use Map but outside of the jurisdictional limits of the City, regulations of this Section of Code shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions.

(10) No use shall be made of land, water or structures within any Zone established by this Chapter in such a manner that creates electrical interference with navigational signals or radio communication between the Airport and aircraft; makes it difficult for pilots to distinguish between Airport lights and others or result in glare in the eyes of pilots using the airport; impairs visibility in the vicinity of the Airport; creates bird-strike hazards; or otherwise endangers or interferes with the landing, taking off or flight operations of aircraft utilizing the Airport.

(11) Uses listed as not compatible in Table 11-5-6: Compatible Uses in the Airport Overlay, may beconsidered compatible when:

(a) The use was approved prior to the approval of this Section.

(b) The FAA Form 7460.1, Notice of Proposed Construction or Alteration determines that there is "no objection" or "no objection with provisions" for the use.

(c) The requirements of the most restrictive Zone are applied.

Table 11-5-6: Compatible Uses in the Airport Overlay

"N" denotes a use that is not compatible and is prohibited.
"Y" denotes a use that is compatible.
"C" denotes a use that is compatible that meets one or more of the following indicated conditions where applicable:
a. Residential densities must be less than nine (9) units per acre for areas of parcels located within the sixty fi ve (65) decibel limit on the IFRA Noise Contours Map (located in the City's Planning Division)
b. Structures shall be shifted away from runway centerline when possible
c. A recorded avigation easement is required
d. A recorded avigation easement is required if within one thousand feet (1000') of the runway.
e. Permitted uses will not create bodies of water, or generate smoke, steam, or other visual obstruction
f. An Airport Disclosure Note is required on plats recorded after the adoption of this Section.

Compatable Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Accessory use	N	C[c,f]	Y	Y
Adult Business	N	C[c,f]	Y	Y
Agriculture	N	Y	Y	Y
Agriculture Tourism	N	C[c,f]	Y	Y
Airport	Y	Y	Y	Y
Amusement Center, Indoor	N	N	Y	Y
Amusement Center, Indoor Shooting Range	N	N	Y	Y
Amusement Center, Outdoor	N	C[c,e,f]	C[e]	Y
Animal Care Clinic	N	C[C,F]	Y	Y
Animal Care Facility	N	C[c,f]	Y	Y
Artist Studio	N	C[b,c,e,f]	C[e]	C[e]
Auction, livestock	N	C[c,e,f]	Y	Y
Bed and Breakfast	N	N	C[a,b,f]	C[d,f]
Boarding /Rooming House	N	N	C[a,b,f]	C[d,f]
Building Contractor Shop	N	C[b,c,f]	Y	Y
Building Material, Garden and Farm Supplies	N	C[b,c,f]	Y	Y
Cemetery	N	C[c,e,f]	C[e]	Y
Club	N	N	Y	Y
Communication Facility	N	C[b,c,e,f]	Y	Y
Correctional Facility or Jail	N	C[b,c,e,f]	C[b,e]	Y
Day Care, all Types	N	C[b,c,f]	Y	Y
Drinking Establishment	N	C[b,c,f]	Y	Y

Compatable Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Drive-through Establishment	N	C[b,c,f]	Y	Y
Dwelling, accessory unit	N	N	C[a,b,f]	C[d,f]
Dwelling, multi-unit	N	N	C[a,b,f]	C[d,f]
Dwelling, single unit attached	N	N	C[a,b,f]	C[d,f]
Dwelling, single unit detached	N	N	C[a,b,f]	C[d,f]
Dwelling, two unit	N	N	C[a,b,f]	C[d,f]
Eating Establishment	N	C[b,c,f]	Y	Y
Eating Establishment, limited	N	C[b,c,f]	Y	Y
Equipment Assembly	N	C[b,c,e,f]	C[b,e]	C[e]
Entertainment and Cultural Facilities	N	N	Y	C[e]
Equipment Sales, Rental and Services	N	C[b,c,f]	Y	Y
Financial Institutions N	N	C[b,c,f]	Y	Y
Food Processing, small scale	N	C[b,c,e,f]	C[b,e]	C[e]
Food Processing N Cb,c,e,f Cb,e Ce	N	C[b,c,e,f]	C[b,e]	C[e]
Food Store N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Fuel Station N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Fuel Station, super N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Health Care and Social Services N N Y Y	N	N	Y	Y
Higher Education Center N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Home Occupation N N Y Y	N	N	Y	Y
Hospital N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Industry, Craftsman N Cb,c,e,f Cb,e Ce	N	C[b,c,e,f]	C[b,e]	C[e]
Industry, Heavy N Cb,c,e,f Cb,e Ce	N	C[b,c,e,f]	C[b,e]	C[e]
Industry, Light N Cb,c,e,f Cb,e Ce	N	C[b,c,e,f]	C[b,e]	C[e]
Information Technology N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Laundry and Dry Cleaning N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Live-Work	N	N	C[a,b,f]	C[d,f]
Lodging Facility	N	N	C[a,b,f]	C[d,f]
Manufactured Home	N	N	C[a,b,f]	C[d,f]
Medical Support Facility	N	C[b,c,f]	Y	Y
Mobile Home Park	N	N	C[a,b]	C[d,f]
Mortuary	N	N	Y	Y
Park and Recreation Facility	N	N	Y	Y
Parking Facility	C[b,c,e,f]	C[b,c,f]	Y	Y
Pawn Shop	N	C[b,c,f]	Y	Y
Personal Service	N	C[b,c,f]	Y	Y
Planned Unit Development	N	N	C[a,d,f]	C[d,f]
Professional Service	N	C[b,c,f]	Y	Y
Public Service Facility	C[b,c,e,f]	C[b,c,e,f]	C[b,e]	C[e]

Compatable Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Public Service Facility, limited	C[b,c,e,f]	C[b,c,e,f]	C[b,e]	C[e]
Public Service Use	C[b,c,e,f]	C[b,c,e,f]	C[b,e]	C[e]
Railroad Freight Terminal and Station	C[b,c,e,f]	C[b,c,f]	Y	Y
Recreational Vehicle Park	N	N	C[a,b,f]	C[d,f]
Religious Institution	N	N	Y	Y
Research and Development	N	C[b,c,e,f]	C[b,e]	C[e]
Residential Care Facility	N	N	C[a,b,f]	C[d,f]
Retail	N	C[b,c,f]	Y	Y
School	N	C[b,c,f]	Y	Y
Short Term Rental	N	N	C[a,b,f]	C[d,f]
Storage Facility, Indoor	N	C[b,c,f]	Y	Y
Storage Facility, self serve	N	C[b,c,f]	Y	Y
Storage Yard	N	C[b,c,f]	Y	Y
Terminal Yard, trucking and bus	C[b,c,e,f]	C[b,c,f]	Y	Y
Transit Station	C[b,c,e,f]	C[b,c,f]	Y	Y
Vehicle Body Shop	N	C[b,c,f]	Y	Y
Vehicle Repair and Service	N	C[b,c,f]	Y	Y
Vehicle Sales and Rentals	N	C[b,c,f]	Y	Y
Vehicle Washing Facility	N	C[b,c,f]	Y	Y
Warehouse	N	C[b,c,f]	Y	Y
Warehouse, Wholesale with flammable materials	N	N	C[b]	Y

(C) Airport Overlay Height Zone Limitations. In order to support the provisions of this Chapter, there are hereby created and established certain Height Zones, which Zones include all of the land and airspace above the surface of the land. Such Height Zones shall be known respectively as the Approach Surface Height Zone, Transitional Surface Height Zone, Horizontal Surface Height Zone and Conical Surface Height Zone. Such Height Zones are shown on the Idaho Falls Regional Airport Height Limitations Map, located in the City's Planning Division.

(1) Establishment of Airport Height Zones: Each portion of a parcel located in more than one (1) of the following Height Zones shall be evaluated independently. The various zones are hereby established and defi ned as follows:

(a) Approach Surface Height Zone. The inner edge of this Zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The Approach Surface Height Zone expands outward uniformly from the edge of the runway to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet. Its centerline is the continuation of the centerline of the runway.

(b) Transitional Surface Height Zone. The Transitional Surface Height Zone is the areas beneath the transitional surfaces.

(c) Horizontal Surface Height Zone. The Horizontal Surface Height Zone is established by

swinging arcs of five thousand (5,000) or ten thousand (10,000) feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Surface Height Zone does not include the Approach Surface Height Zone or the Transitional Surface Height Zone. The Horizontal Surface Height Zone is constructed with ten thousand (10,000) feet radii.

(d) Conical Surface Height Zone. The Conical Surface Height Zone is established as the area that commences at the periphery of the Horizontal Surface Height Zone and extends outward from a horizontal distance of four thousand (4,000) feet.

(2) Airport Height Zone Limitations. Except as otherwise provided in this Section, no structure shall be erected, altered or maintained in any Height Zone created by this Section to a height in excess of the applicable height limit herein established for such height Zone. Such applicable height limitations are hereby established for each of the Height Zones as follows:

(a) Approach Surface Height Zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface of the Airport and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline. The surface then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first ten thousand (10,000) feet and extending to a horizontal distance of forty thousand (40,000) feet along the extended runway centerline.

(b) Transitional Surface Height Zone. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface of the Airport and the Approach Surface Height Zone and extending to a height of one hundred fifty (150) feet above the Airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the Approach Surface Height Zone and extending to where it intersects the Conical Surface Height Zone. Where the Approach Surface Height Zone projects beyond the Conical Surface Height Zone, there are height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the Approach Surface Height Zone and extending a horizontal distance of five thousand (5,000) feet, measured at ninety (90) degree angles to the extended runway centerline.

(c) Horizontal Surface Height Zone. One hundred fifty (150) feet above the Airport elevation.

(d) Conical Surface Height Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the Horizontal Surface Height Zone and at one hundred fifty (150) feet above the Airport elevation and extending to a height of three hundred fifty (350) feet above the Airport elevation.

(D) FAA Form 7460.1, Notice of Proposed Construction or Alteration.

(1) Future Uses. No change shall be made in the use of land and/or structure established in any Height Zone defined in this Chapter unless a Form 7460.1 from the FAA has been applied for and received a letter of determination that has “no objection” or “no objection with provisions”. Each application for a Form 7460.1 shall indicate the purpose for which the building permit or development project is desired, with sufficient particularity to be determined whether the use or structure would conform to the regulations of this Chapter. An FAA Form 7460-1, Notice of Proposed Construction or Alteration, shall accompany each application for a building permit, plat, or site plan. The building permit or development project shall be granted where compliance with this Chapter and this Zoning Code is demonstrated and determined by the Zoning Administrator.

No building permit or development project shall be granted for any use inconsistent with the provisions of this Chapter.

(a) In the area lying within the limits of the established Height Zones, no FAA Form 7460.1, Notice of Proposed Construction or Alteration shall be required by this Chapter for any structure where:

(i) The structure is less than two hundred (200) feet above ground level, and

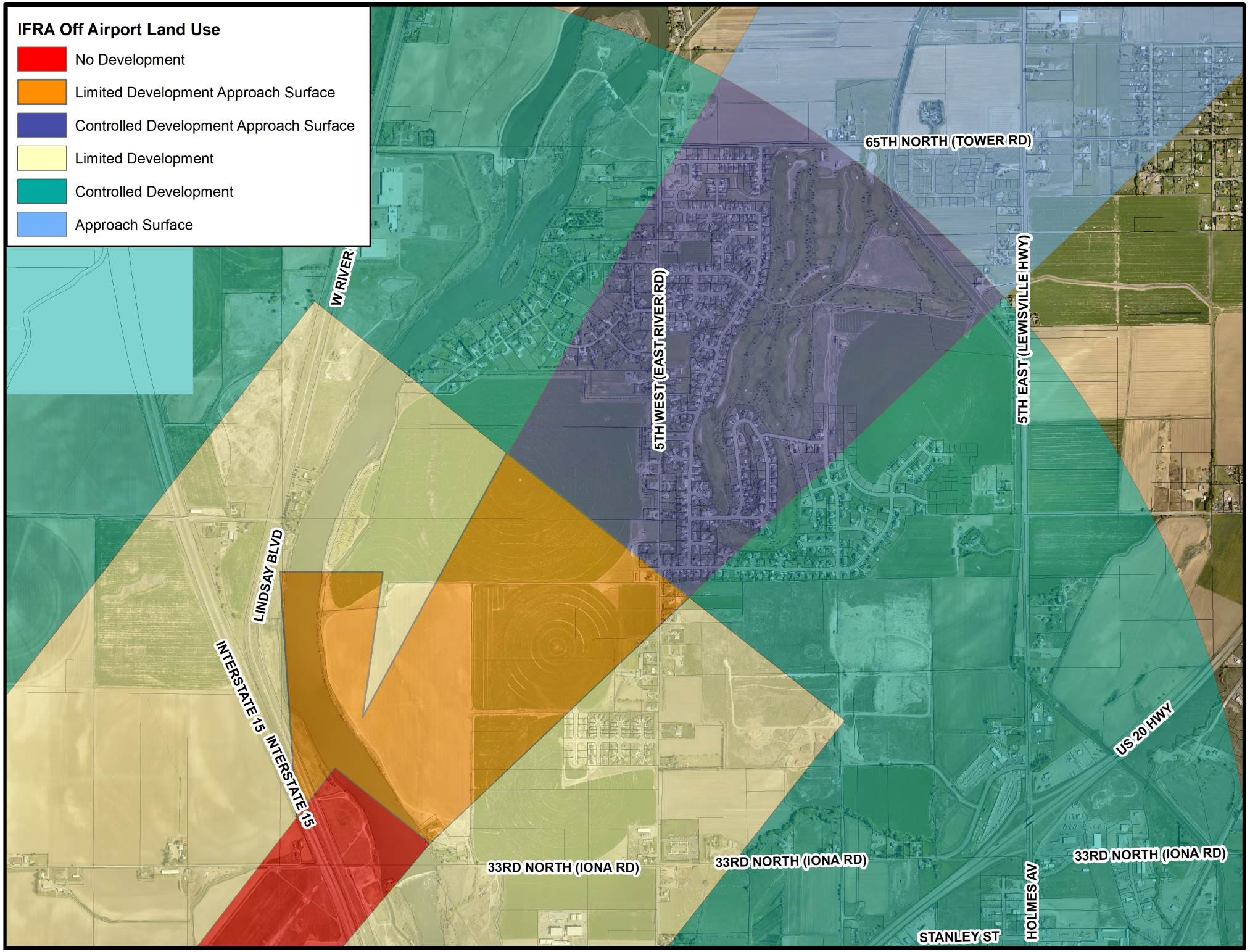
(ii) The structure is lower than an imaginary surface extending outward and upward at a slope of one hundred (100) feet horizontal for each one foot (1') vertical beginning at the closest point of the closest runway to the structure.

(E) The Zoning Administrator may waive dimensional standards or design and development regulations required by this Code when the building is an aviation facility on land owned by the City at the Airport. (Ord. 3310, 6-18-20)

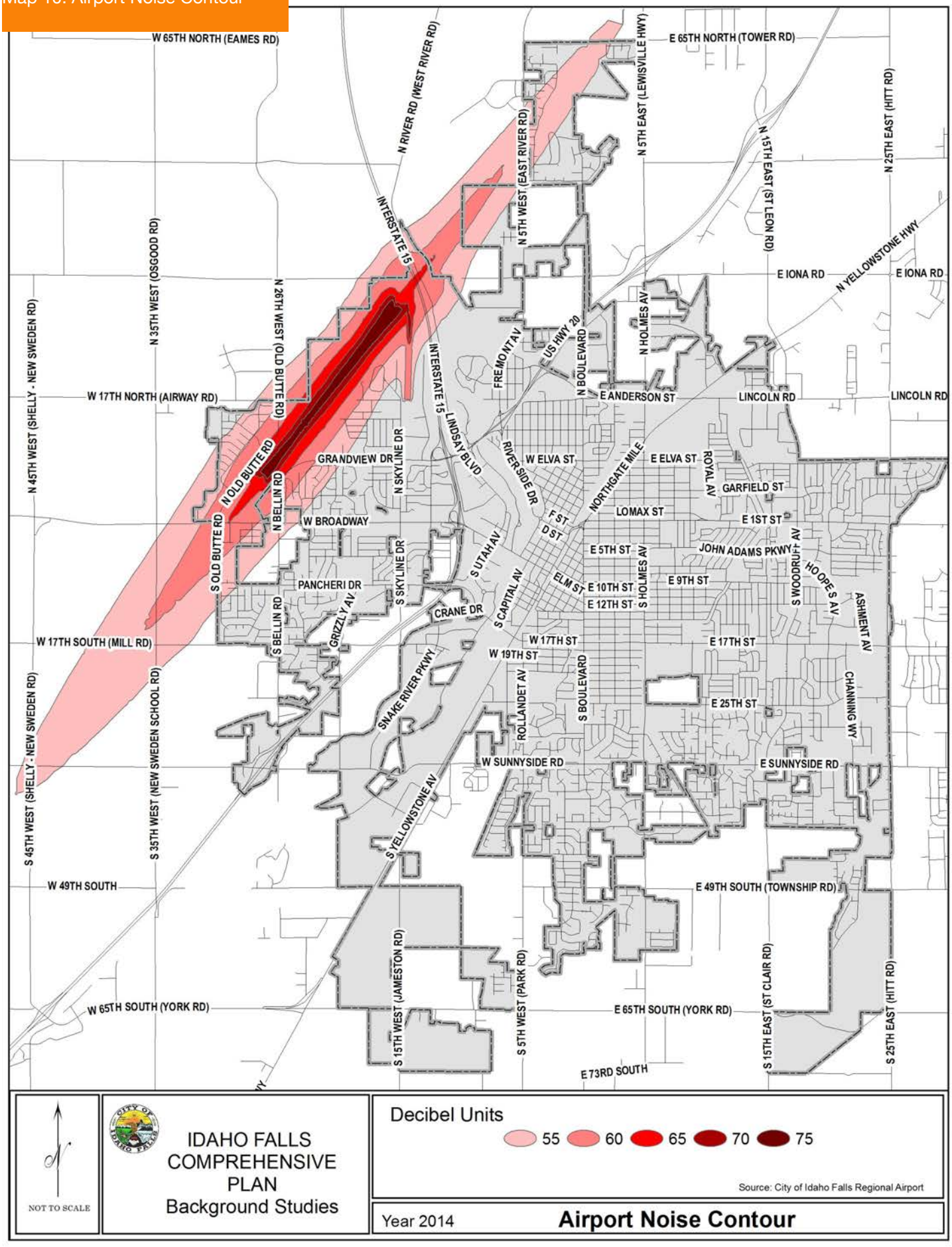
(F) Variances. Any person desiring to erect or increase the height of any structure or use of a property, not in accordance with the regulations prescribed in this Chapter, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration regarding the effect of the proposal on the operation of air navigation facilities and the safe, effi cient use of navigable airspace. Variances shall be allowed where it is found that a literal application or enforcement of the applicable regulations will result in unnecessary hardship and when the relief granted will not be contrary to the public interest; not create a hazard to air navigation; do substantial justice; and is consistent with the purpose of this Chapter.

(G) Enforcement. It shall be the duty of Zoning Administrator to administer and to enforce this Chapter. Applications for permits and variances shall be made to the City. Applications required by this Chapter shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be transmitted to it promptly by the City.

(Ord. 3248, 5-9-19)(Ord. 3310, 6-18-20)


IFRA Off Airport Land Use
No Development
Limited Development Approach Surface
Controlled Development Approach Surface
Limited Development
Controlled Development
Approach Surface
65TH NORTH (TOWER RD)
W RIVER
5TH WEST (EAST RIVER RD)
5TH EAST (LEWISVILLE HWY)
LINDSAY BLVD
INTERSTATE 15
INTERSTATE 15
US 20 HWY
33RD NORTH (IONA RD)
33RD NORTH (IONA RD)
33RD NORTH (IONA RD)
HOLMES AV
STANLEY ST

Map 10: Airport Noise Contour



February 2, 2021 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Natalie Black, George Morrison, Brent Dixon, Joanne Denney, Margaret Wimborne, Arnold Cantu.

MEMBERS ABSENT: Gene Hicks, Lindsey Romankiw

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Naysha Foster, Brian Stevens; and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES:

Dixon moved to approve the January 5, 2021 Minutes with the requested correction, Morrison seconded the motion. The motion passed unanimously.

Public Hearing(s):

4. RZON21-001: REZONE. Rezone from R1 to LM.

Black opened the public hearing.

Applicant: City of Idaho Falls.

Beutler presented the staff report, a part of the record.

Wimborne clarified that parks were considered, but it is not an allowable use with the airport overlay. Beutler agreed and confirmed. Wimborne asked if they could zone it park, but not build a park. Beutler agreed. Wimborne asked why they wouldn't do something like that. Wimborne reminded the Commission that you have to be aware of what that zone could allow in another universe, if the airport closed down, if this is zoned Light Manufacturing and Heavy commercial, that would be different for the neighbors. Wimborne asked why they wouldn't just leave it as R1, knowing that there are limits to that development because of the overlay; or do parks which couldn't happen because of the overlay. Wimborne stated that this area is unique because of the overlay issues. Wimborne clarified that her question is why can't they zone for parks and not build a park or leave it as R1. Beutler stated that they would create a false impression of what the property could be or what the property is for. Beutler stated that the other concern is the intent for the acquisition was to protect the airport, they need to be up front and zone the property to something that is appropriate, and when the property around develops they are clear of the expectations, and they don't give false intentions. Beutler stated that now that it is under City ownership, they need to proceed with zoning it to something that is appropriate for future development.

Dixon understands the LM Zone, because as he looks at what is allowed by the FAA, it is a decent match to LM. Dixon doesn't understand what the FAA is doing by saying you can have a school, bar, jail, which are all high density uses, and if a plane crashed, 100s could die, but a house is not allowed? Beutler stated that they had a lot of the same conversations as they went through the zoning process. Beutler stated that the FAA reasoning is not straight forward, but the

overlay zone was developed within the guidelines so the City can be in compliance with the FAA which effects the Airport funding and other operations of the Airport. Dixon asked what the City has planned for compatibility for the existing residential. Dixon understands the driver for rezoning is a federal mandate, but how do they take care of the current residents and streets that exist. Beutler stated that the airport has recently acquired the land and there are not future specific plans. Beutler stated that Jamie from the Airport is on the call and can clarify more things. Beutler stated that as the airport performs its long-range future planning, they will be looking at this property as something that will be key to how the master plan plays out, and they will consider adjacent neighbors and uses and will try to be respectful of them. Beutler stated that there are built in protections with the setbacks. Beutler stated that where the City is the owner, they will always strive to be a good neighbor and consider the adjacent properties. Dixon asked if this activity is premature if the airport doesn't know what they want to do with the land. Beutler stated that the LM zone is the most appropriate designation for airport operations, so anything that they will be looking at will require that zone, and it is the most consistent with the airport use. Dixon doesn't see the airport using this for anything because it is on the wrong side of the river; and rather they are owning it to prevent development that is not compatible with the FAA requirements. Beutler deferred to the airport. Beutler clarified that the intent is to signal that this area is not compatible for residential use.

Wimborne reminded the Commission to only look at the zoning for the area, because if the airport sells the land tomorrow, then there is LM in the area. Wimborne asked if Jamie should be part of the public hearing, rather than the staff report.

Dixon stated that the applicant is the City, and asked if Jamie is a City Employee, if so then Jamie is making the applicants presentation, not staff. Beutler agreed. Dixon suggested that she make application as part of the applicant's presentation.

Applicant: City of Idaho Falls. Jamie, Assistant Director for Idaho Falls Airport. Jamie stated that there is potential for the airport to use and develop the land even though it is on the other side of the river. Jamie stated that the airport just purchased this land, and they are just starting to explore options. Jamie stated that LM is the only zone that the airport can exist in. Jamie stated that in order for the airport to continue to grow, it makes sense that the property be in the LM zone. Jamie stated that they could use the land for navigational aids for aircraft, advanced lighting controls, weather observation/monitoring stations and those uses would benefit the safety and operation of the airport. Jamie stated that the airport cannot sell the land without an act of Congress to release the land that an airport has bought with federal dollars, which is what was done. Jamie clarified that the land is the property of the City and the Airport from now until an act of Congress to release the land purchased with federal dollars.

Someone from the audience asked if the meeting was being conducted appropriately and if the person speaking (Jamie) was a City employee.

Black asked if there are any rules and regulations with the FAA about having that property zoned park or recreational. Jamie indicated that there are rules, and it would not be allowed by the FAA.

Wimborne asked if there are restrictions on the airport leasing the land where someone else could do something on the property within the zoning. Jamie indicated that they are allowed to lease the property as an act of revenue generation and anything that was leased would have to be

compatible with the zoning and any other applicable rules, and they would have to go through the process of having the plans approved, as the airport cannot arbitrarily say yes you can do "x", and the lease has to remain compatible with the airport and the zone.

Black asked if the land could continue to be run with an agricultural use. Jamie indicated that she is not sure and doesn't want to speak incorrectly. Jamie believes they could leave it as agricultural but is not 100% sure. Beutler clarified that the LM Zone does allow agriculture so it would be compatible with the zoning.

Dixon asked what zones does the city have that allow agriculture as a permitted use. Beutler indicated that the existing R1 does not allow agriculture, RE, R3A, LM, I&M and Parks zones allow for agricultural use. Beutler stated that the only zones that would be compatible with the overlay would be LM or I&M. Dixon asked if agricultural uses in LM require a conditional use. Beutler indicated that the LM there would be a conditional use, but it is an allowed use in the overlay zone. Dixon asked if they need permission from the Planning Commission for the CUP. Beutler stated that it was agriculture when it was annexed, so it would be a considered a legal use, but if they changed to a different type of operation then they would need a CUP.

Morrison asked about the property to the west, and what the zone is on the property. Beutler stated that Heritage Hill is zoned R1, north of Heritage Hills are County property zoned County A1. Cramer corrected Beutler and stated that the County recently rezoned that property to a residential ag zone RA2. Morrison asked why the airport didn't buy all the property within the airport overlay. Beutler stated that the airport is in discussions about purchasing the property to the west between this property and the river, and the airport would like to acquire that property for the same reasons to protect the airport.

Support/Opposition:

Beutler read a letter from Chris Jensen:

Chris Jensen. Jensen stated that it would be considerate to know what the airport intends to do with the land and enjoys watching the planes land each day. Jensen stated that if the airport doesn't want homes in the way of landing, how can they justify putting anything at all, and farming seems to be the safest option for planes to land. Jensen stated that people chose to live in this area to feel like they are not living in the City.

LeeAnn Astle, 3805 Brighton Drive, Idaho Falls, Idaho. Astle stated that the people living in Heritage Hills bought with the intent of this area being zoned residential and the original plans had the neighborhood expanding towards the river and south. Astle stated that changing from R1 to LM still allows adult businesses, drinking establishments, food processing, pawn shops, vehicle sales, correctional facilities. Astle recognizes that the airport would have to lease the property, but it is not uncommon to have long term leases, and any of those listed establishments aside from agriculture would affect the property values significantly. Astle stated that if there is another zone such as parks that would still allow the property to be leased as ag, and allow the airport to bring in revenue, but put a barrier in place to keep the property values in the neighborhood.

Garrett Larsen, 3860 Coffort Drive, Idaho Falls, Idaho. Larsen is the Secretary for Heritage Hills HOA. Larsen feels this is rushed. Larsen stated that there is a lack of granularity and such a wide array of businesses that can go in LM, so that doesn't inspire confidence from the

immediate neighbors to the development. Larsen stated that the approach zone doesn't cover the southern portion of the property and that could be zoned (fine grain) and have something other than LM in that area. Jensen is concerned that it wouldn't be one section of the neighborhood that would be facing LM, but it could wrap the neighborhood.

Leonard Karroum, (chat). Karroum is in Fairway Estates and is concerned that changing the zoning from commercial to residential will negatively impact the neighborhoods with additional noise and traffic. Karroum chose to live in this neighborhood because it is quiet, rural residential area. Karroum stated that placing commercial and industrial developments in this area, will dramatically change this area in a way that was never anticipated by neighbors or long-term planners. Karroum hopes the City will consider that if it were a private developer trying to change the zoning on this piece of land there would be little justification for the change, and just because the City owns the property should make the process to rezone any easier.

Keith Banare, 3774 Coffort Drive, Idaho Falls, Idaho. Banare thanked the Commissioners for their consideration. Banare pointed out that using the LM Zone because that is what the other properties the airport owns are zoned is not a good method because this is across the river and not conducive to the airport operations that are conducted on the other land the airport owns. Banare stated that if they are wanting to build some weather station, then the zone should be changed when they are ready to proceed with that development and construction, and for the time being a good use for the land would be R&D which is what the southern portion was zoned when he moved into the neighborhood. Banare stated that R&D would allow a lot of the compliant types of construction, but not as much as LM and it would be a better neighbor for the neighborhood. Banare believes the existing ag could continue to operate as a grandfathered use. Banare understands that new people moving in shouldn't think that it is going to be R1 or a park, but R&D could be a good solution to the problem.

Christopher Hanon, 3800 Coffort Drive, Idaho Falls, Idaho. Hannon asked if they are going to read the letter provided. Beutler stated that they were given the letter as part of the packet, so it has been entered as part of the record.

Laura Kelley, 3900 Coffort Drive, Idaho Falls, Idaho. Kelley's fiancé Jayson is with her. Kelley just bought her house after they researched areas in Bonneville County, and they chose this area because it didn't have much traffic, it is close to downtown, but far enough that they don't have noise and things that come with big subdivisions. Kelley stated that if they'd known that this was going to be the outcome, they wouldn't have built there, and now they are faced with an act of congress to get the property changed because the FAA gets to decide what happens with the land. Kelley stated that everyone on their street built their house in the last few years, and they are going to be wrapped with potential LM businesses and construction associated with development. Kelley wants the Commission to consider how they would feel if it was their house.

James Reynolds, 5081 Jupiter Hills, Idaho Falls, Idaho. Reynolds wants to clarify who owns the land. Reynolds wants to know who owns the land that is requesting the rezoning of the land. Reynolds wants to know what the relationship between the request for rezoning and the Idaho Transportation Departments offering of alternate H2 as a primary consideration for the construction of the interchange in that area. Reynolds wants to know what the Commission is thinking about doing about the significant increase in traffic on 5th West, as it is a narrow road and there needs to be a consideration as to what to do with traffic. Reynolds feels that the

agricultural use is the ideal possibility or a wildlife management area. Reynolds feels there are reasonable possibilities for the use of the land which would not have an impact on the residential properties in the immediate area. Reynolds is representing the Kings Island HOA.

Jason Morton, 3900 Coffort Drive, Idaho Falls, Idaho. Morton wonders why they have to take 100's of acres and make it one zone and would ask the Commission to consider creating a less offensive zone near the housing units and have LM farther away from the neighborhood. Morton doesn't feel that a 30' buffer is enough.

Applicant: City of Idaho Falls.

Black asked Beutler to explain how this property came about. Beutler stated that in 2019 this development was considered, and it was determined that it was not compatible (residential) use for the approach zone. Beutler stated that they enacted the airport overlay zoning language and modified the Comprehensive Plan to modify the change from residential to employment center and higher education center. Since those changes the Idaho Falls Airport purchased the property, and they could verify with Jamie as how the ownership is listed whether in the City's name or the Airport's name, but the Airport is a City department. Beutler stated that the City is requesting the rezone, and the intent is to be consistent with the Comprehensive Plan and consistent with the intent of the land and restrictions related to residential in the area. Beutler stated that ITD has no relationship between this piece of property the Airport owns and the rezone application and what ITD is doing in future projects. Beutler stated that 5th West is classified as a minor arterial road and so it is intended to be wider and larger than it currently is. Beutler stated that some parts are under the jurisdiction of the County, and as development would occur, just like any other development, the Airport would be required to develop the frontages along 5th West and widen the roads, and potentially look at a traffic impact study. Beutler stated that a wildlife management area would fall under a park designation and that is not compatible with the approach surface area. Beutler stated that R&D zone is more restrictive with the number of uses allowed, and the one hang up is it does not allow for airports or airport uses, so that particular use would not be allowed, and agriculture is not allowed.

Black asked Beutler to clarify that a correctional facility or jail. Beutler stated that the zones build on each other, so you'd first go to the proposed zone of LM, where a correctional facility is a conditional use, but the overlay zone would require additional conditions to be in compliance with the overlay. Beutler clarified that adult business wouldn't be allowed.

Morrison asked if LM is the only zoning, and is that an FAA requirement, or was that picked because everything fits together under what they are looking for. Beutler indicated that the FAA has not directed a specific zone, and the FAA was involved in creating the overlay zone, and their guidance was used to create the language. Beutler stated that the LM zone is the most consistent with the uses that are allowed in the approach surface area. Beutler stated that it is the most consistent, but not the heaviest use, as I&M would be a heavier use. Morrison asked if this could be broken into pieces where parts of the property are not in the orange zone (overlay) so that area could be another zone, such as R1. Beutler stated that the challenge with maintaining a residential zone in this area, is because the airport cannot sell the property and the city doesn't develop residential development or uses, so there wouldn't be anything that can be sold. Beutler stated that there are areas along the south that aren't within the approach surface, so they could potentially remain residential, but that would be problematic because of the way the property

was acquired and it would have to be something different than R1 because single family lots could never be sold.

Black closed the public hearing.

Dixon stated that he has compared the zones in the package and what is allowed in the limited development approach surface and every zone has one or more permitted uses not allowed, for example, LM allows indoor shooting range, but that is not allowed within the development approach, R&D has fewer uses, but health care and social services is a permitted use, and park zone doesn't allow a park and recreation facility, but everything matched up within the R&D, Park, LM. Dixon indicated that non match perfectly as each zone allows something that is not allowed within that approach zone. Dixon understands that R1 is not permitted at all and needs to be changed from R1, so what would work to change it to. Dixon stated that the City doesn't know what to do and permitting a lot of uses by going to LM seems excessive, and he feels there should be a zone that is much more restrictive of the ones that have a close match, and that would be R&D that has only one permitted use that doesn't match up and the park zone only has one zone that doesn't match up. Dixon feels that they should provide the least amount of uses at this time until they figure out what they want to do with it and then they can come back and have a public hearing based upon that planned use, or if they want to break it into different sections and have different zones on different sections. Dixon stated that if they did Park or LM he would suggest that they indicate that if City Council goes along with the recommended zoning that the Planning Commission approves the conditional use for agriculture, because having it left as farm would be the least impact on the current residents.

Black asked if R&D could have a conditional use permit for agriculture. Dixon stated that R&D doesn't allow ag, but it could be a grandfathered use. Beutler stated that it is currently a grandfathered use, and it would be inappropriate to do a conditional use permit with the zoning and that would have to be advertised separately as a separate item.

Morrison is uncomfortable with zoning the entire thing LM as there are too many things that could happen. Morrison wants to find a zone that would satisfy everyone and something agricultural would be the best plan.

Black stated that staff indicated that they had discussed all of the different zoning areas and the pros and cons and this is what they found to be the best that would be the most restrictive. Black feels that has some value. Black is unhappy but losing the funding for the airport would be extremely difficult. Black stated that they have testimony from the airport director, that with these issues we could lose the Federal funding which would be devastating to the community, so it needs to be dealt with.

Wimborne feels that there isn't a perfect fit and that is a struggle. Wimborne appreciates that the City has purchased the property, and they shouldn't give a false sense of what the property is going to become by leaving it R1 or Park, but LM is not a good fit even though the rest of the airport land is zoned LM. Wimborne feels this is unique and she was struck by the comment that if this were anyone else coming forward the Commission would not give two seconds of thought to going from R1 to LM as it is a huge jump. Wimborne understands the staff has spent time analyzing the zones but they need to look at something different like an airport overlay zone that allows the operations that you can't do in R&D but provides protection to people.

Dixon understands that the staff went through and found a zone that matches with what is allowed and a lot of those uses would not be a problem if it were the south end of the runway like putting a restaurant along west Broadway or off the end of Skyline, but the north end of the runway none of the uses make sense in that location so they shouldn't be approving a zone that allows those as permitted uses. Dixon stated that just because they fit in to what the FAA allows doesn't mean that the particular piece of land is a good place for them.

Morrison stated that he understands that they are trying to mitigate a problem that got out of hand before they knew what was happening and there isn't a specific zone that would be airport overlay and Morrison suggested adding that zone to the checklist and create an airport overlay that is a zone that is more restrictive.

Wimborne moved to recommend to the Mayor and City Council denial of the Rezone from R1 to LM as presented, Morrison seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes; The Motion passed unanimously.

Cramer stated reminded the public in the room that this is just a recommendation and the applicant can still take it to City Council for their final vote.

From:	Christopher Michael Jensen
To:	Kerry Beutler
Subject:	Idaho Falls Rezone of Airport Property from Single Dwelling to Light Manufacturing and Heavy Commercial
Date:	Tuesday, January 26, 2021 12:54:00 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Dear City of Idaho Falls Zoning Committee,

For the public hearing, it would be considerate to know what the Idaho Falls Airport intends to do with the land. I have the great pleasure of watching the airplanes land each day and can't imagine that rezoning the land to put in many things listed under light manufacturing (restaurants, banks, business, freeways, storage facilities, etc...) is better than residential housing. If the airport doesn't want homes in the way of landing how can we justify putting anything at all in the landing path. Farming seems to be the safest option for planes to land (knowing pilots who actually land at the airport frequently).

If the airport wants to turn this area into a commercial area it will devalue this neighborhood. It's bad enough a freeway is being suggested to go right between two neighborhoods let alone it becoming a commercial area. Many people choose to live in the semi country to not feel like they are living in the city.

Kindly Regards,

Chris Jensen
801-660-8199
cmjensen93@gmail.com

From:	mike smith
To:	Kerry Beutler
Subject:	Project: RZON21-001 from R1 to LM (2 Feb 2021) -- Complete Text
Date:	Monday, January 25, 2021 2:02:01 PM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Thank you for the opportunity to comment on the proposed changes to our R1 subdivision via email which is less traumatic than public testimony on such an emotional matter.

I am in my eighth year as a resident in Heritage Hills, which -- if the rezone proposal goes through -- will become surrounded by light industrial and heavy commercial properties. I chose this, my "last" home when retiring in 2013 after searching through Oregon, Utah, Montana before choosing Idaho Falls, Idaho. This is a region of which I have been visiting for more than two decades. I actually visited EVERY available new home in IF, Ammon and Iona before choosing to spend the rest of my days in Heritage Hills, Idaho Falls.

Fifty percent of my cul de sac neighbors are also retired and probably made similar choices for similar reasons (though not all are interested in the easy access to world class fly fishing and resident discounts for annual golf passes as I am).

I've spent the last several days trying to calm myself (lots of meditation) to get to a point where I could calmly and rationally comment on the proposal. I've spent most of today reviewing what I could find concerning the airport overlay, moratorium (expired) and Airport Land Use Zones (which is NOT on the City's website), but the State has a paper with which one could easily calculate and create their own conical map overlays -- easily if one were an avigation engineer with the correct workstation and software, that is). But, enough snarkiness (I guess the meditation is wearing off, eh?).

Heritage Hills development is incomplete. Several R1 Zone-required amenities and safety features have yet to be completed and the "planned" locations now exist within the "Site" to become LM. Do these now become a City (new development owner) responsibility to provide within the new Site? They include::
1. Emergency Access Road: is not maintained or paved (on the south border of Heritage Hills R1 within new Site LM)
2. Amenities have yet to be built: consistent with an R1 development, such as green space, common area vegetation trees and shrubs, connecting walking paths, etc.. These were supposed to be created in the Heritage Hills development plat that is now within the Site areas adjacent to and South, West and North of the current Heritage Hills subdivision's truncated Plat.
3. Safe Entrance and Exit to East River Road: this is the same requirement as for the LM Site (though that should be much larger in scope to ensure safe use by larger and heavier commercial traffic). Only a deceleration lane and a left turn lane (which seems to disappear each snow event) have been created, with the south exit acceleration lane yet to be paved.
4, No walkway, bike path, multi use path or other connection to the greenbelt and Site properties exist along East River road, although a bike path exists on the East side of East River Road (which necessitates crossing a 50MPH roadway at least TWICE to use). A multi use path or paved walk/bike path connecting to Freeman park would be GREAT!

The new LM zone would require maximum sound levels of 65 Db (current Airport Sound Contours have the area in a "less than 60 Db level) and sound walls and minimum 30' width greenspace (with paths, trees and landscaping with native plants and bushes) between Site properties and Heritage Hills R1 properties (plus additional 2' width for 1' height for any property in Site above 24').

Since a requirement for LM zone is to be: "located convenient to transportation system," will such a system be included in Site development?

With heavy and increased volume of commercial traffic along East River road, won't that overload both the traffic limits and asphalt thickness and width of the road way? (note: width of right of way seems restricted with the R1 and RE setbacks already in place on either side of the road).

Even if the road way could be reinforced and widened, would the 50 MPH speed limit be retained or would the City 35 MPH be imposed (and continued all the way south to Iona) for safety?

So, these are my concerns if the Site were to be rezoned to LM (and. hopefully no junk yards or food processing plants are allowed!!).

Since the Site is not "airport adjacent" nor does it have "direct airport access", I do have some suggestions for the City use of the Site as LM, though, creating a new sports and activity complex, to include:
1. Relocation of the Soccer complex into Site (Airport can then use its "former" location for airport and aviation related purposes that are consistent with its long term plan.
2. Add more recreation amenities, such as more sports fields, hockey rink, 5k (or,even 10k) running and biking paths, add groomed cross country ski paths (a published City amenity that I have yet to locate).
3. Add central Picnic and group picnic areas (covered and uncovered) with close by equipment, snack and convenience store concession AND large paved area with hookups for a variety of food trucks.
4. The city could also move the BMX track and Skate Park into the complex.
5. Maybe the landscaping could actually have some hills, making more interesting biking and hiking over, around and between them?

Thank you, once more for providing this email access for the planning session, in case I cannot make the in-person meeting.

Michael F. Smith
3897 Stein Creek Circle

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 127 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R1, SINGLE DWELLING RESIDENTIAL TO LM, LIMITED MANUFACTURING AND HEAVY COMMCERCIAL, R&D, RESEARCH AND DEVELOPMENT, WITH THE LIMITED DEVELOPMENT AND LIMITED DEVELOPMENT APPROACH SURFACE AIRPORT OVERLAY ZONES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed zoning district of lands described in Section 1 is LM, R&D with the Limited Development and Limited Development Approach Surface Airport Overlay Zones for such annexed lands and such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designations of "Special Use" and "General Urban" and

WHEREAS, the proposed zoning district is consistent and compatible with the existing and surrounding zoning districts and is consistent with the City of Idaho Falls Comprehensive Plan; and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on February 2, 2021, and recommended denial of zoning the subject property to LM Zone. After a neighborhood meeting the R&D zoning designation was added to the easterly portions of the property as a result of neighing property owner's input, providing a buffer between residents and the LM Zone; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve this zoning on April 14, 2022.

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

SECTION 1: LEGAL DESCRIPTION:

This ordinance shall apply to the following described lands in Idaho Falls, Idaho, Bonneville County, to-wit:

Approximately 127 acres, Section 1, Township 2 North, Range 37 East

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned LM, R&D, with the Limited Development and Limited Development Approach Surface Airport Overlay Zones as shown on Exhibit A and the City Planner is hereby ordered to make the necessary amendments to the official maps of the City of Idaho Falls which are on file at the City Planning Department Offices, 680 Park Avenue.

SECTION 3. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 4. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this_____day of_____, 2022.

CITY OF IDAHO FALLS, IDAHO

_____
Rebecca L. Noah Casper, Mayor

ATTEST:

_____
Kathy Hampton, City Clerk

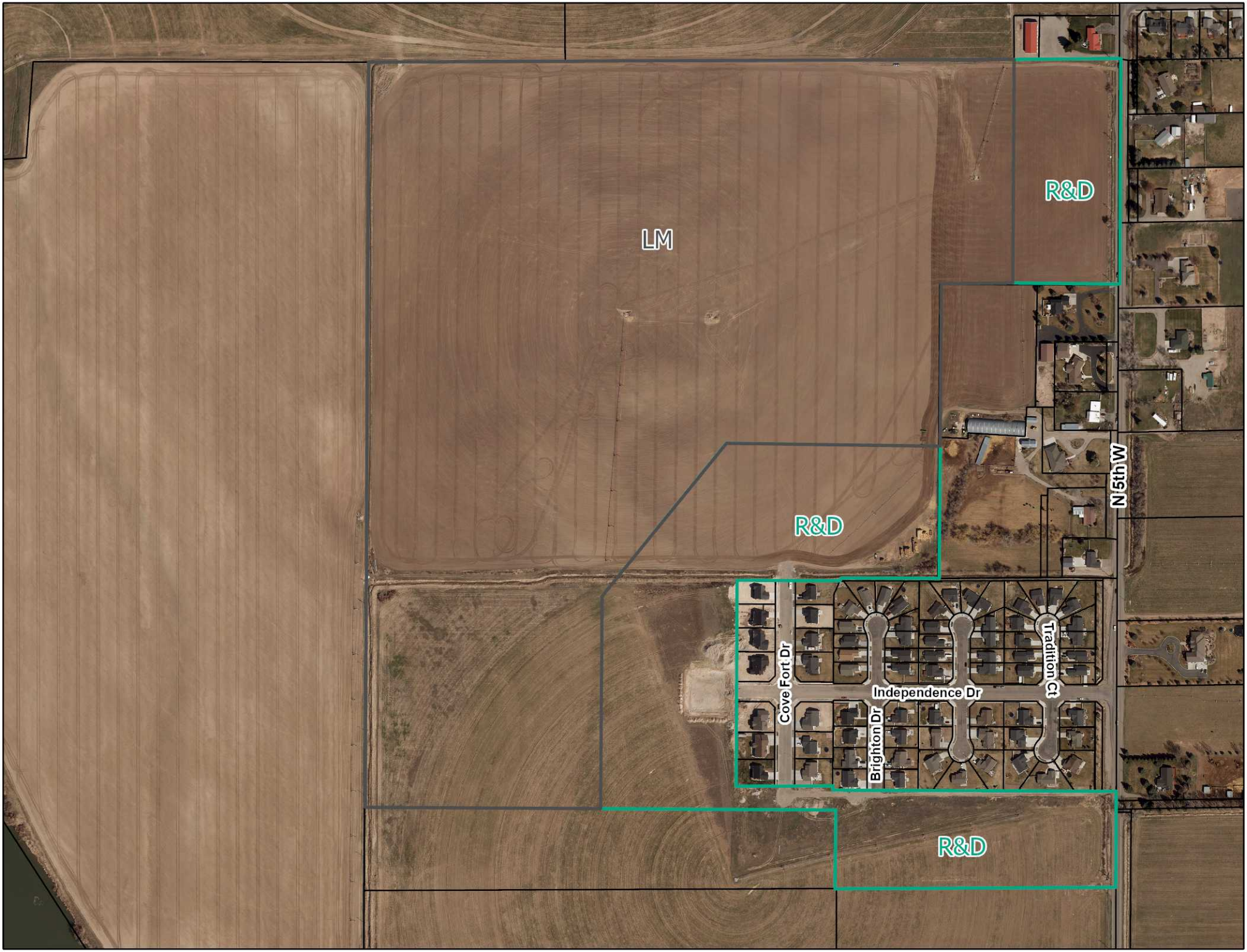
(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 127 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R1, SINGLE DWELLING RESIDENTIAL TO LM, LIMITED MANUFACTURING AND HEAVY COMMCERCIAL, R&D, RESEARCH AND DEVELOPMENT, WITH THE LIMITED DEVELOPMENT AND LIMITED DEVELOPMENT APPROACH SURFACE AIRPORT OVERLAY ZONES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
Kathy Hampton, City Clerk


LM
R&D
R&D
R&D
N 5th W
Cove Fort Dr
Independence Dr
Tradition Ct
Brighton Dr

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

REZONE FROM R1, SINGLE DWELLING RESIDENTIAL TO LM, LIMITED MANUFACTURING AND HEAVY COMMERCIAL, R&D, RESEARCH AND DEVELOPMENT WITH THE LIMITED DEVELOPMENT AND LIMITED DEVELOPMENT APPROACH SURFACE AIRPORT OVERLAY ZONES FOR APPROXIMATELY 127 ACRES, SECTION 1, TOWNSHIP 2 NORTH, RANGE 37 EAST, GENERALLY LOCATED WEST OF AND ADJACENT TO N 5TH WEST, SOUTH OF PEVERO DRIVE, NORTH OF W 33RD NORTH AND EAST OF THE SNAKE RIVER.

WHEREAS, the applicant filed an application for rezoning on January 8, 2021; and
WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on February 2, 2021; and
WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on April 14, 2022 and
WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to the City of Idaho Falls 2013 Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is generally located west of and adjacent to N 5th West, south of Pevero Drive, north of W 33rd, north and east of the Snake River.
3. The Comprehensive Plan designation for this area as Special Use and General Urban.
4. The requested LM and R&D Zoning is consistent with the Comprehensive Plan designations as well as the zoning and use of other airport property.
5. This land has been purchased by the Idaho Falls Regional Airport in an effort to protect future airport operations as it lies within the Limited Development Approach Surface Zone of the airport.
6. In May of 2019 the Airport Overlay Zone language was adopted and the Comprehensive Plan changed from Low Density Residential to Employment Center and Higher Education Centers to be in line with the overlay zone. In January 2022, the Comprehensive Plan changed again designating this area as Special Use created specifically for the airport and other unique municipal uses.
7. The overlay zone limits the type of uses allowed with this area. Residential uses are not allowed with the overlay zone in place. The uses allowed in the LM and R&D Zones most closely align with the uses outlined in the Limited Development Approach Surface Zone of the overlay zone.
8. The Planning and Zoning Commission recommend denial of the rezone from R1 to LM Zone. May of 2021 a neighborhood meeting was held, and the R&D Zone was added as a result of the neighboring property owners input, to act as a buffer between the residents and the LM Zone.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Rezone.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2022.

_____

Rebecca L. Noah Casper, Mayor

Memorandum

File #: 21-471 **City Council Meeting**

FROM: Brad Cramer, Director
DATE: Tuesday, April 5, 2022
DEPARTMENT: Community Development Services

Subject
Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 10.630 acres of Section 1, Township 2 North, Range 37 East.

Council Action Desired

☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Ordinance annexing 10.630 acres of Section 1, Township 2 North, Range 37 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 10.630 acres of Section 1, Township 2 North, Range 37 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development, and Limited Development and Limited Development Approach Surface Airport Overlay Zones which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for 10.630 acres of Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its February 2, 2021, meeting and unanimously voted to recommended approval of the annexation with an initial zoning of R&D.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

Consideration of annexation must be consistent with the principles of the Comprehensive Plan which includes many

policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

Interdepartmental Coordination

The annexation legal description has been reviewed by the Survey Division.

Fiscal Impact

NA

Legal Review

This application and ordinance have been reviewed by Legal pursuant to applicable law.

Zoning

ANNX20-020: Initial Zone LM & R&D

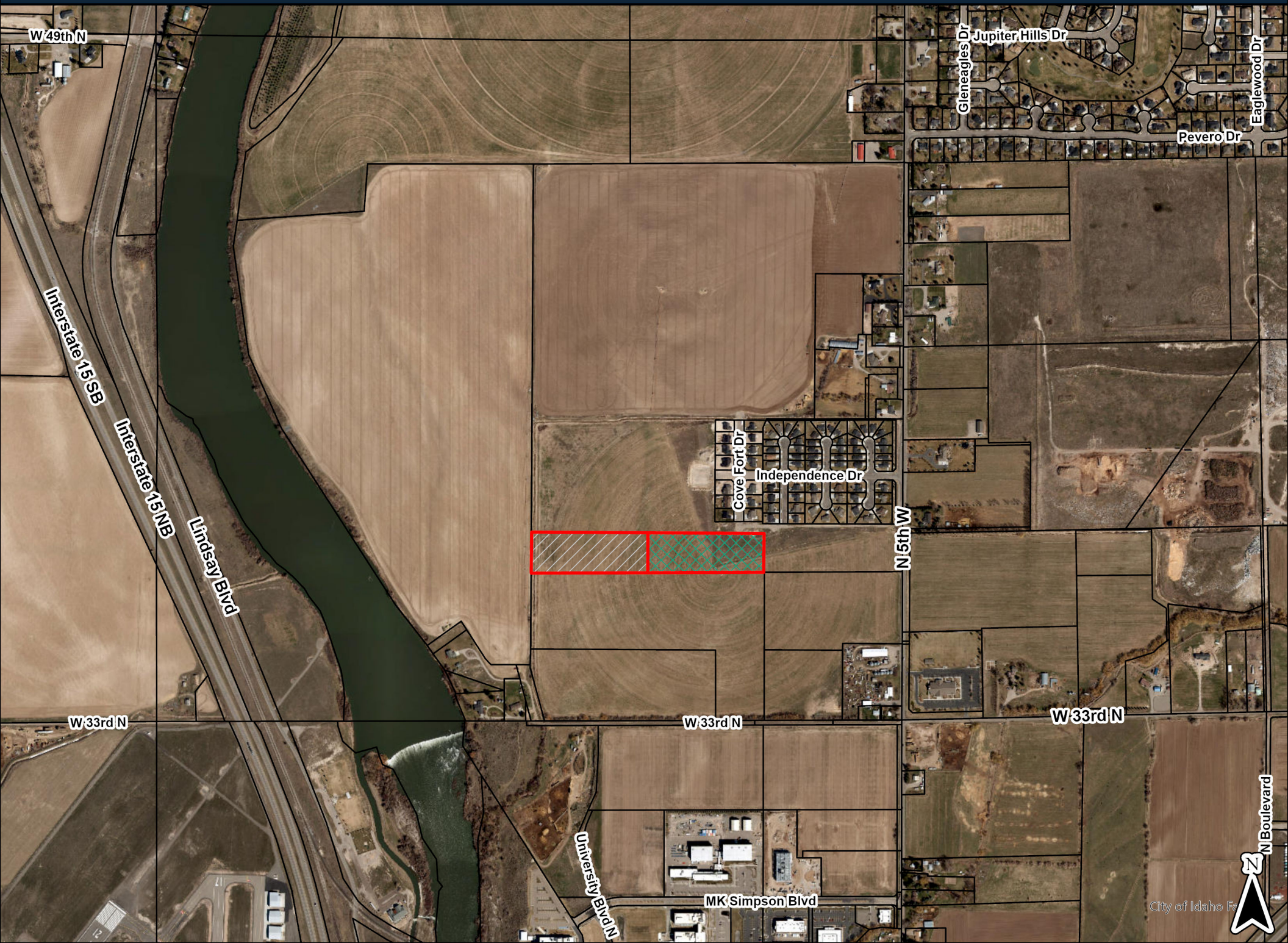
RE R1 TN R3 PB LC R&D I&M
RP R2 RMH R3A CC HC LM P

N



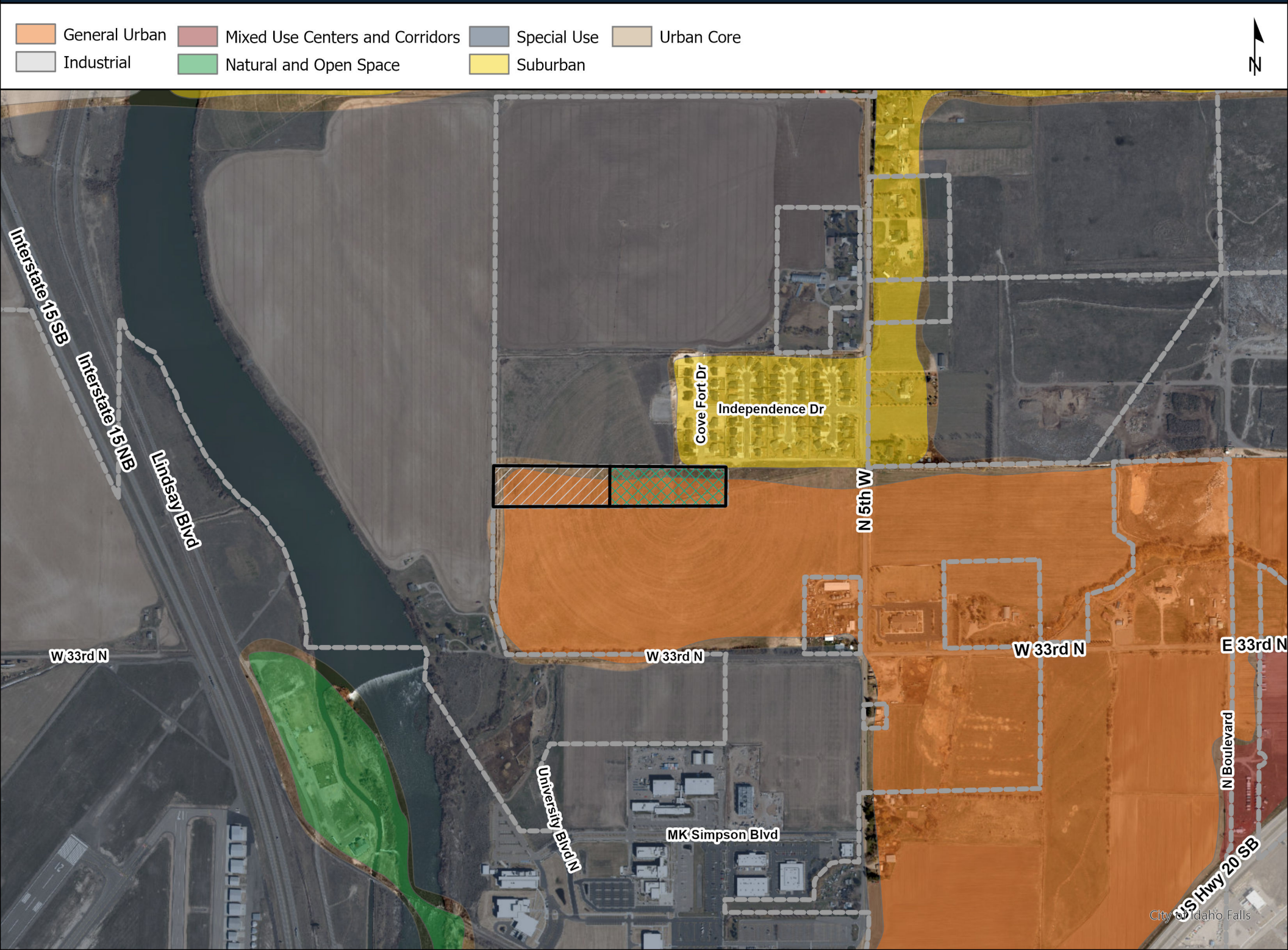
Aerial

ANNX20-020: Initial Zone LM & R&D



Comprehensive Plan

ANNX20-020: Initial Zone LM & R&D



STAFF REPORT

Annexation and Initial Zoning of LM, Light Manufacturing and Heavy Commercial and R&D, Reasearch and Development, Approach Surface Airport Overlay Zones, Section 1, T 2 N, R 37 E
April 14, 2022

IDAHO FALLS
Community Development Services

Applicant: City of Idaho Falls

Project Manager: Kerry Beutler

Location: Generally, south of Independence Dr, west of N 5th W, north of W 33rd N, and east of the Snake River.

Size: 10.630 acres

Zoning:
North: R1
South: R3A
East: R1
West: County A-1

Existing Zoning:
County A-1
Proposed Zoning:
I&M and R&D

Existing Land Uses:
Site: Agricultural
North: Ag/Residential
South: Agricultural
East: Residential
West: Agricultural

Future Land Use Map: Urban General

Attachments:
1. Comprehensive Plan Policies
2. Zoning Information
3. Maps

Requested Action: Approval of annexation and initial zoning of LM, Light Manufacturing and Heavy Commercial and R&D, Research and Development and Limited Development Approach Surface Airport Overlay Zones.

Staff Recommendation: Staff recommends approval of the annexation and initial zoning of LM and R&D with the Airport Overlay Zones as it is consistent with the policies of the Comprehensive Plan and Airport Overlay Ordinance.

History: In 2019 annexation and additional residential development was being contemplated for this property. In January of that year a moratorium was put in place while city staff worked on code language for an Airport Overlay Zone. In May of 2019 the Airport Overlay Zone language was adopted and the Comprehensive Plan changed from Low Density Residential to Employment Center and Higher Education Centers to be in line with the overlay zone. In 2022, the new Comprehensive Plan was adopted designating this property as General Urban with Special Use designation surrounding the property on two sides.

Annexation: This is a Category "A" annexation as it is requested by the property owner. The property is within the Area of Impact and contiguous to the City limits on three sides.

Initial Zoning: The City of Idaho Falls is requesting annexation with an initial zoning of Light Manufacturing and Heavy Commercial (LM) and Research and Development (R&D) including the appropriate Airport Overlay Zones to be consistent with the zoning and use of other airport property. The overlay zone limits the type of uses allowed with this area. Approximately 5.31 acres on the west half of the property would be zoned LM and the remaining acreage would be R&D. The R&D designation would be closer and more compatible with the residential uses in the area. The uses allowed in the LM and R&D Zone most closely align with the uses outlined in the Limited Development Approach Surface Zone. The LM Zone and R&D Zones are consistent with the some of the General Urban and all aspects of the Special Use designation of the Comprehensive Plan, which is in close proximity of this property.

Staff Comments: This land was purchased by the Idaho Falls Regional Airport in an effort to protect future airport operations as it lies within the Limited Development Approach Surface Zone of the airport. A neighborhood meeting was held in May of 2021. The neighboring property owners indicated that R&D zoning was a better option than the LM, which was what was originally proposed for the easterly portion of the property.

In placing LM in this area, the city needs to consider that the area was previously identified for residential development and there is residential development existing in the area. This was discussed and taken into consideration when the Comprehensive Plan was amended in 2019. The LM Zone does have a larger 30-foot landscape buffering requirement when it is adjacent to residential. It also has large side and rear yard setbacks as well as requirement for any structure that is taller than 30 feet to be set back a minimum of 75 feet from all residential uses.

The city does not have any immediate plans for the property but acquired in order to protect the approach to the airport. The airport plans to include this area in its future long range planning activities. Currently all property controlled by the Airport is zoned LM.

Comprehensive Plan Policies:

Plan for different commercial functions within the City of Idaho Falls. (p.46)

Regional commercial centers, as other major traffic generators, should be located approximately at or within one-half mile from major state thoroughfares and be served by existing arterial streets. Convenient access and visual exposure are important to the success of regional commercial centers. Utilizing existing state highways and arterial streets with excess capacity will reduce future public costs. (p. 48)

At the citizen participation events, comments on our employment base were minimal. However, if we intend to become less dependent on the Idaho National Laboratory (INL), lands designed to accommodate employment are important. Regional economic development efforts have targeted industries likely to be attracted to our location. We want to be sure we have the available lands to accommodate these new employers. We want to provide a variety of industrial lands and office parks -- lands that offer opportunities to the more traditional aspects of our economy such as agri-business as well as lands offering an industrial park or office park environment with attractive amenities to "high-tech" businesses, sports and recreation equipment manufacturers, call centers, and other potential employers. (p.50)

Monitor the R&D-1 Zone and amendments to the M-1 Zone. Some industries, including research and development laboratories, wish to locate in a clustered development which is served by arterial streets and transportation facilities, has utilities, and is attractively landscaped. The setting is more campus like than industrial and such industries are suitable in areas near the Greenbelt. In the past few years, the M-1 was modified to permit research laboratories as well as manufacturing near residential uses. In response to the need for research and development laboratories with open storage, the R&D-1 Zone was written. As these zones develop, we need to monitor such development to assure the regulations work for the community and the private entities. (p. 52)

Assure industrial and heavy commercial traffic does not move through neighboring residential areas. Locating industrial lands adjacent to highways or arterial streets should prevent truck traffic from moving through residential lands. Unless the industrial area is less than 100 acres, four lane access roads are desirable. Commercial traffic should be directed to collectors and arterials which are not located in residential neighborhoods. (p. 53)

Buffer industrial uses from residential uses. While less critical for light industry, warehousing, and distribution than for heavier industrial uses, site planning should buffer immediate residential neighbors from the sound and light generated by neighboring industrial uses. (p. 53)

Encourage heavier industries to locate in the northern areas of the community or separate such uses from residential areas by open space or land use buffers. Heavy industrial processes which generate off-site noise, glare, odor and smoke should be located in areas where compatibility with neighbors is not an issue. (p. 53)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. (p. 67)

Land Use The Idaho Falls Regional Airport would like its voice heard regarding development within four miles of its borders. Its updated master plan Airport includes a model zoning ordinance to address development concerns within these areas. For example, commercial uses such as retail trade and manufacturing could be allowed with conditions that lighting on buildings and parking lots is limited and directed downward. Residential development is discouraged in the "Limited Development" areas but allowed with low densities, navigation easements, and proper location of structures. (Background Studies p.26)

Zoning:

11-3-7: PURPOSE OF INDUSTRIAL ZONES
(A) LM Light Manufacturing and Heavy Commercial Zone. This zone provides a light industrial zone in which the primary use of land is for non-nuisance industries, and heavy commercial establishments. This Zone is characterized by a wide variety of businesses, warehouses, equipment yards, and light manufacturing and industrial uses, and located convenient to transportation systems.

11-3-8: STANDARDS FOR INDUSTRIAL ZONES

(A) Dimensional Standards. Table 11-3-7 Dimensional Standards for the LM and I&M Zones shall be used for determining the minimum site area, minimum setbacks, maximum building height and maximum lot and building coverage in that Zone.

Table 11-3-6: Dimensional Standards for Industrial Zones

	LM	I&M
Site Area- Minimum in acres		
Setbacks – Minimum in ft.		
Front	30	30
Side	0/30*	0/30*
Rear	0/30*	0/30*
Building Height- Maximum	see sub-sections (2) below	
Lot Coverage- Maximum in %	80	
Building Coverage- Maximum in %	50	
*See explanations, exceptions and qualifications that follow in 11-3-8A (1-2) of this Zoning Code.		

(Ord. 3233, 12-20-18)

(1) In the LM and I&M Zones, a setback of thirty feet (30') shall be provided from all residential uses, residential zones, the R3A Zone if occupied by residential uses, or from land designated for low or higher density residential in the City's Comprehensive Plan.

(2) Any structure with a height greater than thirty feet (30') shall be set back seventy-five feet (75') from all residential uses, residential zones, the R3A Zone if occupied by residential uses, or land designated for low or higher density residential in the City's Comprehensive Plan, unless approved as a conditional use by the Planning Commission, as set forth in Section 11-6-5B.

(3) For commercial uses, lot coverage shall include all areas under roofs and paved surfaces including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.

11-3-1 : PURPOSE OF SPECIAL PURPOSE ZONES

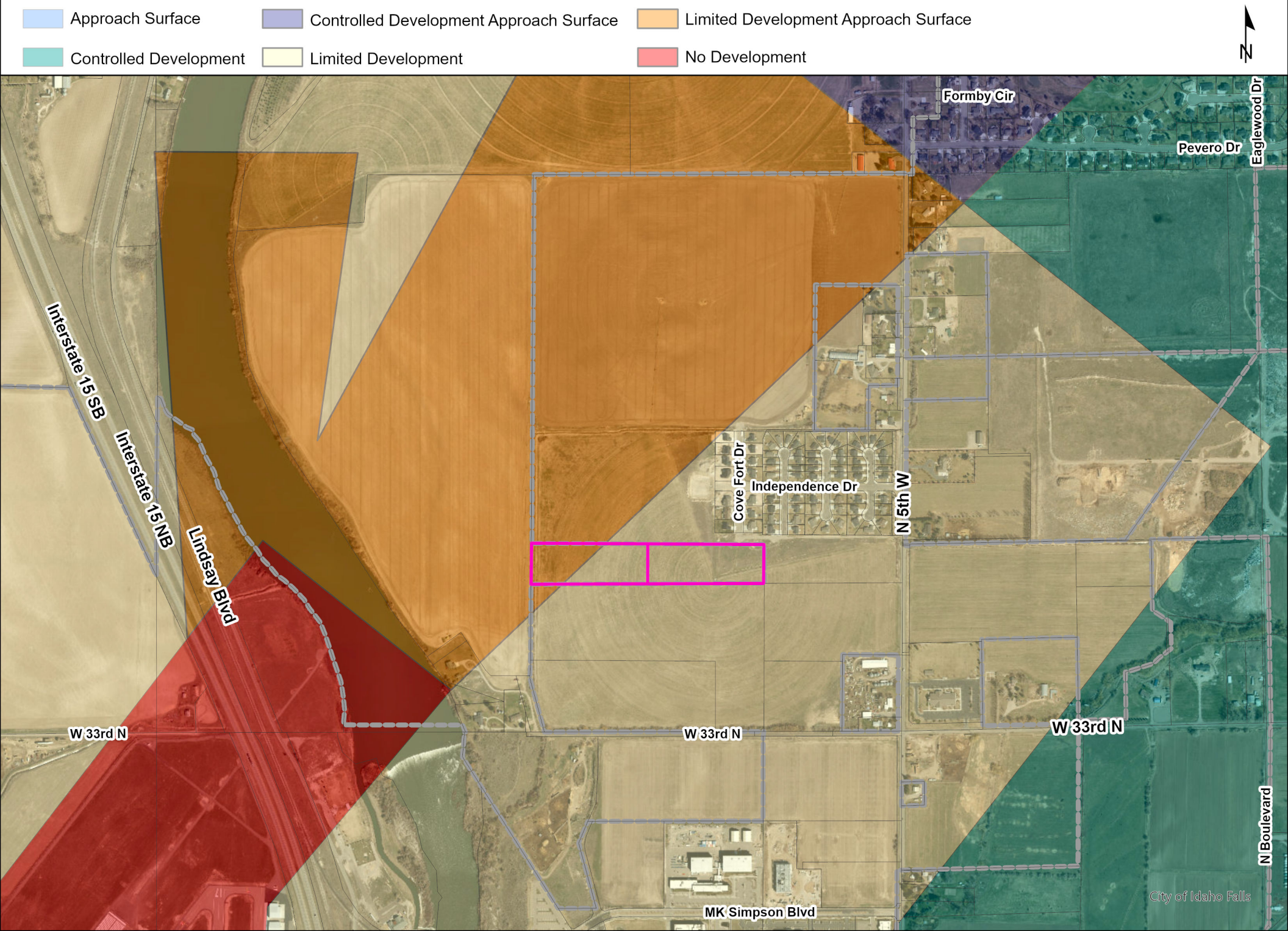
(A) R&D Research and Development Zone. This zone provides a special purpose zone in which the primary use of the land is a center for research, development, and higher education. This Zone should be located close to transportation, public utilities and other facilities necessary to support research and development and higher education facilities. This Zone is also characterized by attractively designed buildings and off-street parking lots situated among, trees, shrubs and other landscape features.

Table 11-3-7: Dimensional Standards for Special Zones

	R&D	P
Site Area- Minimum in acres	30*	1*
Setbacks – Minimum in ft.		
Front	30	30
Side	0/ 20 *	20
Rear	0/ 20 *	30
Building Height- Maximum in ft.	see sub-section (3) below*	35
Lot Coverage- Maximum in %	80	
*See explanations, exceptions and qualifications that follow in Section 11-3-10A (1-4) of this Zoning Code.		

Airport Compatible Land Use

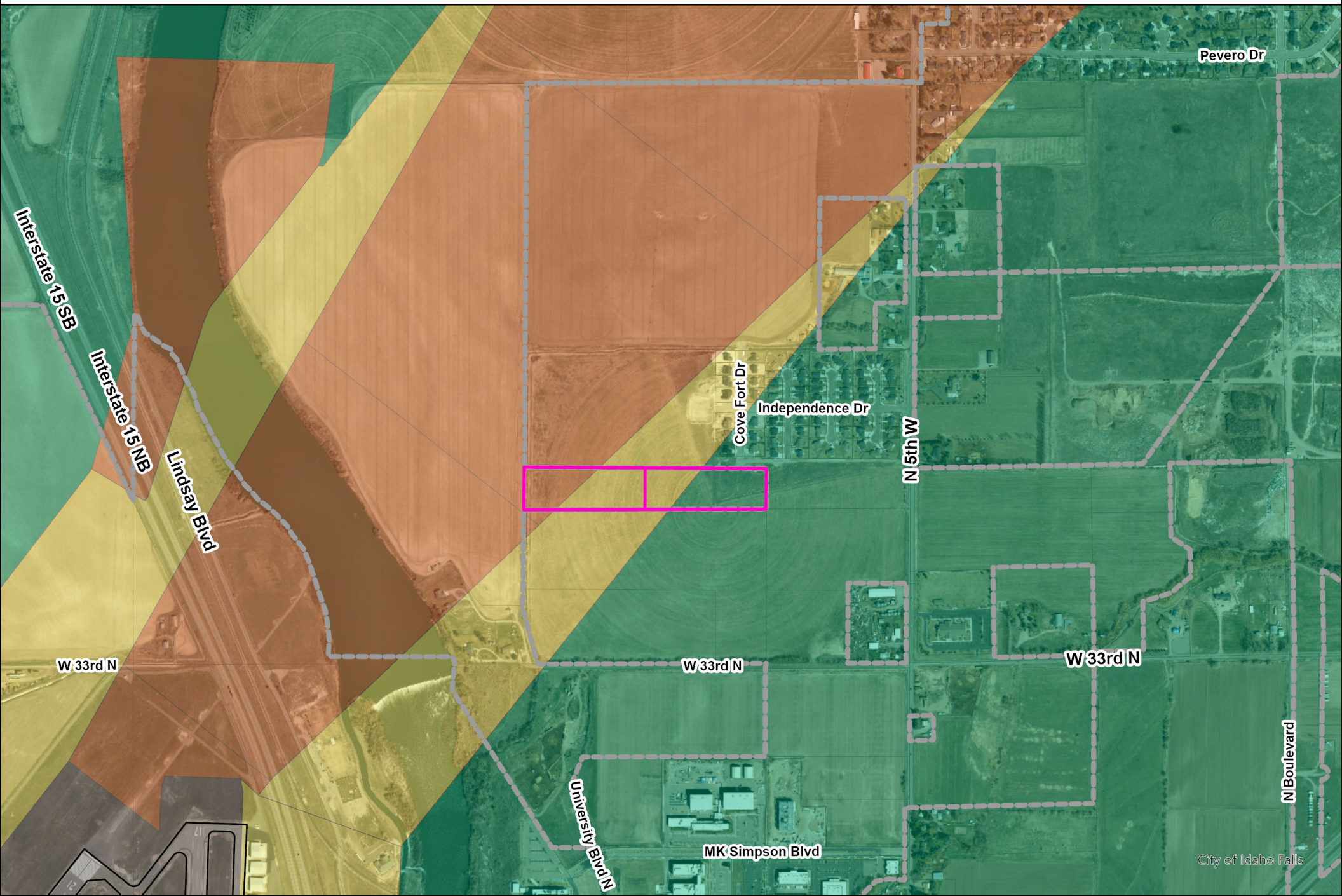
ANNX20-020: Initial Zone LM & R&D



Airport Height Limitations

ANNX20-020: Initial Zone LM & R&D

Transitional Surface
Approach Surface
Conical Surface
Horizontal Surface
Primary Surface



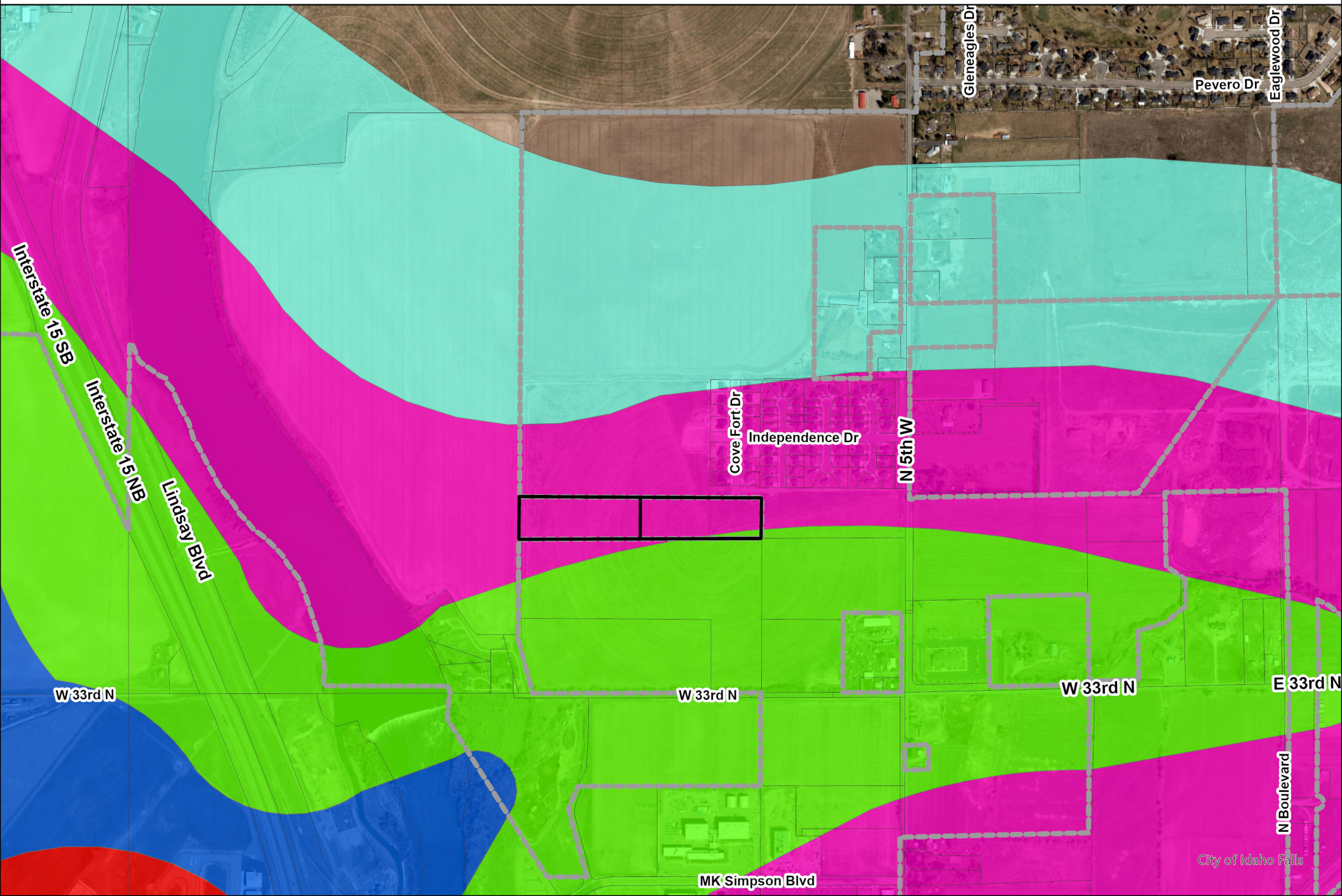
Airport Future Noise Contour

ANNX20-020: Initial Zone LM & R&D

Day-night Level (dBA)

50 60 45

55 65



11-2-5: ALLOWED USES IN INDUSTRIAL AND SPECIAL PURPOSE ZONES.

Table 11-2-3: Allowed Uses in Industrial Zones

P = permitted use. C1 = administrative conditional use. C2 = Planning Commission conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.

*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.

	Industrial		Special Purpose	
Proposed Land Use Classification	**LM**	**I&M**	**R&D**	**P**
Accessory Use*	P	P	P	
Accessory Use, Fuel Station*	P	P	P	
Accessory Use, Storage Yard*	P	P	P	
Airport	P			
Agriculture*	C_2	P		C_2
Agriculture Tourism	C_2	P		C_2
Amusement Center	P	P		
Amusement Center, Indoor Shooting Range*	P	P		
Amusement Center, Outdoor*	P	P		C_2
Adult Business*		P		
Animal Care Clinic*	P	P		
Animal Care Facility*	P	P		
Artist Studio	P	P		
Auction, Livestock		C_2		
Building Contractor Shop	P	P		
Building Material, Garden and Equipment	P	P		
Cemetery*				C_2
Club*	P	P		
Communication Facility	P	P	P	
Correctional Facility or Jail	C_2	P		
Day Care*	P	P	P	
Drinking Establishment	P	P		
Drive-through Establishment*	P	P		
Dwelling, Accessory Unit*	P	P		
Eating Establishment	P	P		
Eating Establishment, Limited	P	P	P	
Equipment Assembly and Sales	P	P		
Financial Institution	P	P	P	
Food Processing, Small Scale Processing With or Without Sales	P	P		
Food Products, Processing, With or Without Retail Sales		P		
Food Store	P	P		
Fuel Station, Super	P	P		

Proposed Land Use Classification	LM	I&M	R&D	P
Health Care and Social Services			P	
Higher Education Facilities	P		P	
Hospital*	C_2	C_2	C_2	
Industry, Craftsman	P	P		
Industry, Heavy		P		
Industry, Light	P	P		
Information Technology	P	P	P	
Laundry and Dry Cleaning	P	P		
Lodging Facility	P		C_2	
Medical Support Facilities	P		P	
Parking Facility	P	P	P	
Park and Recreation Facility*				P
Pawn Shop	P	P		
Personnel Service	P	P		
Professional Service	P	P	P	
Public Service Facility*	P	P	C_2	C_2
Public Service Facility, Limited	P	P	P	P
Public Service Use	P	P	P	P
Railroad Freight Terminal and Station		P		
Recreational Vehicle Park*				C_2
Research and Development Business	P	P	P	
Retail	P	P		
Storage Facility, Indoor	P	P		
Storage Facility, Outdoor	P	P		
Storage Yard*	P	P		
Terminal Yard, Trucking and Bus		P		
Transit Station	P	P	P	
Vehicle and Equipment Sales	P	P		
Vehicle Body Shop	P	P		
Vehicle Sales	P	P		
Vehicle Washing Facility	P	P		
Warehouse	P	P		
Warehouse, Wholesale With Flammable Materials	P	P		

(Ord. 3218, 9-13-18) (Ord. 3233, 12-20-18)

11-5-3: AIRPORT OVERLAY ZONE

(A) Purpose. The City has accepted federal and state grants for projects at its Idaho Falls Regional Airport ("Airport"). As a condition of these grants, the City is required to comply with grant assurances regarding compatible land use and protection of airspace. For compatible land uses these grant assurances require the City to restrict the use of land adjacent to or in the immediate vicinity of the Airport to activities and purposes compatible with normal Airport operations, including landing and takeoff of aircraft. For the protection of airspace these grant assurances require the City to take appropriate action to assure the airspace required to protect instrument and visual operations for the Airport will be adequately cleared and protected by removing, lowering, relocating, marking, lighting, or otherwise mitigating existing Airport hazards and by preventing the establishment or creation of future Airport hazards.

(B) Compatible Land Use Regulations.

(1) Establishment of Zones. For the purpose of regulating the development of noise-sensitive land uses, to promote compatibility between the Airport and the surrounding land uses, to protect the Airport from the effects of incompatible development, and to promote the health, safety, and general welfare of property users. The controlled area of the Airport is divided into five (5) Airport-Compatible Land Use Overlay Zones known as:

(a) No Development Zone. The No Development Zone generally protects the area lateral and adjacent to the Airport runway. In most cases, only aeronautical -related uses are authorized in this Zone.

(b) Limited Development Approach Surface Zone. The Limited Development Approach Surface Zone provides a sixty (60)-degree sector in which aircraft are conducting their turn and decent to fi nal approach or initial turn after take off.

(c) Controlled Development Approach Surface Zone. The Controlled Development Approach Surface Zone protects the area on an extended approach or departure path from the runway end.

(d) Limited Development Zone. The Limited Development Zone is the area in which routine traffi c and touch-and-go maneuvers are conducted. This Zone provides a general environment of safety for aircraft, persons and property.

(e) Controlled Development Zone. The Controlled Development Zone is the area where aircraft are transitioning to or from en route altitude or Airport over-fl ight altitude to or from the standard traffi c pattern altitude of eight hundred (800) to one thousand (1,000) feet above airport elevation. In this Zone, the underlying Zone land use restrictions apply, and a 7460.1 Form from the FAA is required for structures that do not meet the exceptions of Section 11-5-3(D) FAA Form 7460.1, Notice of Proposed Construction or Alteration.

(2) The Airport Compatible Land Use Overlay zoning boundary lines shall be shown on the official Idaho Falls Regional Airport Off Airport Land Use Map, located in the City's Planning Division. Where uncertainty exists regarding the boundaries of the Airport Compatible Land Use Overlay Zones, as shown on the official map, the rules of Chapter 3 shall apply in order to determine Zone boundaries.

(3) Multiple Zones on a Single Parcel. Where a parcel of land lies within more than one (1) Airport Compatible Land Use Overlay Zones, the area of the property within the boundaries of each

Zone shall apply individually and respectively to each portion of the property.

(4) If a proposed land use of property is not listed in Table 11-5-6: Compatible Uses in the Airport Overlay, the land use shall be prohibited, unless the Zoning Administrator specifically determines that the proposed use is equivalent to a compatible use or compatible use with conditions required by the Zoning Administrator which make the use compatible. In making the use determination, the Zoning Administrator shall consider each of the following:

(a) Whether the likely impacts on public services and activities associated with the proposed use are substantially similar to those of one or more of the allowed uses listed in the applicable Zone;

(b) Whether the proposed use involves a more intense level of activity or greater density than one or more of the allowed uses listed in the applicable Zone;

(c) Whether the proposed use is consistent with the purpose of the Zone in which the use is proposed to be located; and

(d) Whether the proposed use is in substantial conformance with goals and objectives of the Comprehensive Plan and Airport Master Plan.

(5) Conflicts in Uses. Where there is a conflict in compatible uses set forth in Table 11-5-6: Compatible Uses in the Airport Overlay and any use set forth in Chapter 2 of this Code, the more restrictive shall apply.

(6) The Zoning Administrator shall determine the most appropriate category for mixed uses or for uses that fall into more than one (1) category of land use classifications. The determination shall be permitted based on the more restrictive use.

(7) Existing Uses. No building permit shall be granted that would allow any obstruction of a nonconforming use or structure to become a greater hazard to air navigation than it was on the effective date of this Chapter or on the date of any amendments to this Chapter.

(8) Where specified on Table 11-5-6: Compatible Uses in the Airport Overlay and in order to mitigate the effects of development on the ability of the City to continue to deliver public airport services without compromising quality of service delivery to current residents or imposing substantial additional costs upon current residents to accommodate the proposed subdivision development and to the extent the City does not have a prescriptive easement, the property owner shall dedicate to the City, in advance of receiving a building permit, an avigation easement, as defined by this Zoning Code. Avigation easement dedication is not necessary where or to the extent the City has established a prescriptive right to the airspace.

(9) For property that is within the Idaho Falls Regional Airport Off Airport Land Use Map but outside of the jurisdictional limits of the City, regulations of this Section of Code shall apply to formulate land use recommendations or responses to land use comment requests from other jurisdictions.

(10) No use shall be made of land, water or structures within any Zone established by this Chapter in such a manner that creates electrical interference with navigational signals or radio communication between the Airport and aircraft; makes it difficult for pilots to distinguish between Airport lights and others or result in glare in the eyes of pilots using the airport; impairs visibility in the vicinity of the Airport; creates bird-strike hazards; or otherwise endangers or interferes with the landing, taking off or flight operations of aircraft utilizing the Airport.

(11) Uses listed as not compatible in Table 11-5-6: Compatible Uses in the Airport Overlay, may beconsidered compatible when:

(a) The use was approved prior to the approval of this Section.

(b) The FAA Form 7460.1, Notice of Proposed Construction or Alteration determines that there is "no objection" or "no objection with provisions" for the use.

(c) The requirements of the most restrictive Zone are applied.

Table 11-5-6: Compatible Uses in the Airport Overlay

"N" denotes a use that is not compatible and is prohibited.
"Y" denotes a use that is compatible.
"C" denotes a use that is compatible that meets one or more of the following indicated conditions where applicable:
a. Residential densities must be less than nine (9) units per acre for areas of parcels located within the sixty fi ve (65) decibel limit on the IFRA Noise Contours Map (located in the City's Planning Division)
b. Structures shall be shifted away from runway centerline when possible
c. A recorded avigation easement is required
d. A recorded avigation easement is required if within one thousand feet (1000') of the runway.
e. Permitted uses will not create bodies of water, or generate smoke, steam, or other visual obstruction
f. An Airport Disclosure Note is required on plats recorded after the adoption of this Section.

Compatable Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Accessory use	N	C[c,f]	Y	Y
Adult Business	N	C[c,f]	Y	Y
Agriculture	N	Y	Y	Y
Agriculture Tourism	N	C[c,f]	Y	Y
Airport	Y	Y	Y	Y
Amusement Center, Indoor	N	N	Y	Y
Amusement Center, Indoor Shooting Range	N	N	Y	Y
Amusement Center, Outdoor	N	C[c,e,f]	C[e]	Y
Animal Care Clinic	N	C[C,F]	Y	Y
Animal Care Facility	N	C[c,f]	Y	Y
Artist Studio	N	C[b,c,e,f]	C[e]	C[e]
Auction, livestock	N	C[c,e,f]	Y	Y
Bed and Breakfast	N	N	C[a,b,f]	C[d,f]
Boarding /Rooming House	N	N	C[a,b,f]	C[d,f]
Building Contractor Shop	N	C[b,c,f]	Y	Y
Building Material, Garden and Farm Supplies	N	C[b,c,f]	Y	Y
Cemetery	N	C[c,e,f]	C[e]	Y
Club	N	N	Y	Y
Communication Facility	N	C[b,c,e,f]	Y	Y
Correctional Facility or Jail	N	C[b,c,e,f]	C[b,e]	Y
Day Care, all Types	N	C[b,c,f]	Y	Y
Drinking Establishment	N	C[b,c,f]	Y	Y

Compatable Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Drive-through Establishment	N	C[b,c,f]	Y	Y
Dwelling, accessory unit	N	N	C[a,b,f]	C[d,f]
Dwelling, multi-unit	N	N	C[a,b,f]	C[d,f]
Dwelling, single unit attached	N	N	C[a,b,f]	C[d,f]
Dwelling, single unit detached	N	N	C[a,b,f]	C[d,f]
Dwelling, two unit	N	N	C[a,b,f]	C[d,f]
Eating Establishment	N	C[b,c,f]	Y	Y
Eating Establishment, limited	N	C[b,c,f]	Y	Y
Equipment Assembly	N	C[b,c,e,f]	C[b,e]	C[e]
Entertainment and Cultural Facilities	N	N	Y	C[e]
Equipment Sales, Rental and Services	N	C[b,c,f]	Y	Y
Financial Institutions N	N	C[b,c,f]	Y	Y
Food Processing, small scale	N	C[b,c,e,f]	C[b,e]	C[e]
Food Processing N Cb,c,e,f Cb,e Ce	N	C[b,c,e,f]	C[b,e]	C[e]
Food Store N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Fuel Station N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Fuel Station, super N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Health Care and Social Services N N Y Y	N	N	Y	Y
Higher Education Center N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Home Occupation N N Y Y	N	N	Y	Y
Hospital N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Industry, Craftsman N Cb,c,e,f Cb,e Ce	N	C[b,c,e,f]	C[b,e]	C[e]
Industry, Heavy N Cb,c,e,f Cb,e Ce	N	C[b,c,e,f]	C[b,e]	C[e]
Industry, Light N Cb,c,e,f Cb,e Ce	N	C[b,c,e,f]	C[b,e]	C[e]
Information Technology N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Laundry and Dry Cleaning N Cb,c,f Y Y	N	C[b,c,f]	Y	Y
Live-Work	N	N	C[a,b,f]	C[d,f]
Lodging Facility	N	N	C[a,b,f]	C[d,f]
Manufactured Home	N	N	C[a,b,f]	C[d,f]
Medical Support Facility	N	C[b,c,f]	Y	Y
Mobile Home Park	N	N	C[a,b]	C[d,f]
Mortuary	N	N	Y	Y
Park and Recreation Facility	N	N	Y	Y
Parking Facility	C[b,c,e,f]	C[b,c,f]	Y	Y
Pawn Shop	N	C[b,c,f]	Y	Y
Personal Service	N	C[b,c,f]	Y	Y
Planned Unit Development	N	N	C[a,d,f]	C[d,f]
Professional Service	N	C[b,c,f]	Y	Y
Public Service Facility	C[b,c,e,f]	C[b,c,e,f]	C[b,e]	C[e]

Compatable Land Uses				
Land Use	No Development	Limited Development Approach Surface	Controlled Development Approach	Limited Development
Public Service Facility, limited	C[b,c,e,f]	C[b,c,e,f]	C[b,e]	C[e]
Public Service Use	C[b,c,e,f]	C[b,c,e,f]	C[b,e]	C[e]
Railroad Freight Terminal and Station	C[b,c,e,f]	C[b,c,f]	Y	Y
Recreational Vehicle Park	N	N	C[a,b,f]	C[d,f]
Religious Institution	N	N	Y	Y
Research and Development	N	C[b,c,e,f]	C[b,e]	C[e]
Residential Care Facility	N	N	C[a,b,f]	C[d,f]
Retail	N	C[b,c,f]	Y	Y
School	N	C[b,c,f]	Y	Y
Short Term Rental	N	N	C[a,b,f]	C[d,f]
Storage Facility, Indoor	N	C[b,c,f]	Y	Y
Storage Facility, self serve	N	C[b,c,f]	Y	Y
Storage Yard	N	C[b,c,f]	Y	Y
Terminal Yard, trucking and bus	C[b,c,e,f]	C[b,c,f]	Y	Y
Transit Station	C[b,c,e,f]	C[b,c,f]	Y	Y
Vehicle Body Shop	N	C[b,c,f]	Y	Y
Vehicle Repair and Service	N	C[b,c,f]	Y	Y
Vehicle Sales and Rentals	N	C[b,c,f]	Y	Y
Vehicle Washing Facility	N	C[b,c,f]	Y	Y
Warehouse	N	C[b,c,f]	Y	Y
Warehouse, Wholesale with flammable materials	N	N	C[b]	Y

(C) Airport Overlay Height Zone Limitations. In order to support the provisions of this Chapter, there are hereby created and established certain Height Zones, which Zones include all of the land and airspace above the surface of the land. Such Height Zones shall be known respectively as the Approach Surface Height Zone, Transitional Surface Height Zone, Horizontal Surface Height Zone and Conical Surface Height Zone. Such Height Zones are shown on the Idaho Falls Regional Airport Height Limitations Map, located in the City's Planning Division.

(1) Establishment of Airport Height Zones: Each portion of a parcel located in more than one (1) of the following Height Zones shall be evaluated independently. The various zones are hereby established and defi ned as follows:

(a) Approach Surface Height Zone. The inner edge of this Zone coincides with the width of the primary surface and is one thousand (1,000) feet wide. The Approach Surface Height Zone expands outward uniformly from the edge of the runway to a width of sixteen thousand (16,000) feet at a horizontal distance of fifty thousand (50,000) feet. Its centerline is the continuation of the centerline of the runway.

(b) Transitional Surface Height Zone. The Transitional Surface Height Zone is the areas beneath the transitional surfaces.

(c) Horizontal Surface Height Zone. The Horizontal Surface Height Zone is established by

swinging arcs of five thousand (5,000) or ten thousand (10,000) feet radii from the center of each end of the primary surface of the primary runway and connecting the adjacent arcs by drawing lines tangent to those arcs. The Horizontal Surface Height Zone does not include the Approach Surface Height Zone or the Transitional Surface Height Zone. The Horizontal Surface Height Zone is constructed with ten thousand (10,000) feet radii.

(d) Conical Surface Height Zone. The Conical Surface Height Zone is established as the area that commences at the periphery of the Horizontal Surface Height Zone and extends outward from a horizontal distance of four thousand (4,000) feet.

(2) Airport Height Zone Limitations. Except as otherwise provided in this Section, no structure shall be erected, altered or maintained in any Height Zone created by this Section to a height in excess of the applicable height limit herein established for such height Zone. Such applicable height limitations are hereby established for each of the Height Zones as follows:

(a) Approach Surface Height Zone. Slopes fifty (50) feet outward for each foot upward beginning at the end of and at the same elevation as the primary surface of the Airport and extending to a horizontal distance of ten thousand (10,000) feet along the extended runway centerline. The surface then slopes forty (40) feet outward for each foot upward beginning at the end of and at the same elevation as the first ten thousand (10,000) feet and extending to a horizontal distance of forty thousand (40,000) feet along the extended runway centerline.

(b) Transitional Surface Height Zone. Slopes seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the primary surface of the Airport and the Approach Surface Height Zone and extending to a height of one hundred fifty (150) feet above the Airport elevation. In addition to the foregoing, there are established height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the Approach Surface Height Zone and extending to where it intersects the Conical Surface Height Zone. Where the Approach Surface Height Zone projects beyond the Conical Surface Height Zone, there are height limits sloping seven (7) feet outward for each foot upward beginning at the sides of and at the same elevation as the Approach Surface Height Zone and extending a horizontal distance of five thousand (5,000) feet, measured at ninety (90) degree angles to the extended runway centerline.

(c) Horizontal Surface Height Zone. One hundred fifty (150) feet above the Airport elevation.

(d) Conical Surface Height Zone. Slopes twenty (20) feet outward for each foot upward beginning at the periphery of the Horizontal Surface Height Zone and at one hundred fifty (150) feet above the Airport elevation and extending to a height of three hundred fifty (350) feet above the Airport elevation.

(D) FAA Form 7460.1, Notice of Proposed Construction or Alteration.

(1) Future Uses. No change shall be made in the use of land and/or structure established in any Height Zone defined in this Chapter unless a Form 7460.1 from the FAA has been applied for and received a letter of determination that has “no objection” or “no objection with provisions”. Each application for a Form 7460.1 shall indicate the purpose for which the building permit or development project is desired, with sufficient particularity to be determined whether the use or structure would conform to the regulations of this Chapter. An FAA Form 7460-1, Notice of Proposed Construction or Alteration, shall accompany each application for a building permit, plat, or site plan. The building permit or development project shall be granted where compliance with this Chapter and this Zoning Code is demonstrated and determined by the Zoning Administrator.

No building permit or development project shall be granted for any use inconsistent with the provisions of this Chapter.

(a) In the area lying within the limits of the established Height Zones, no FAA Form 7460.1, Notice of Proposed Construction or Alteration shall be required by this Chapter for any structure where:

(i) The structure is less than two hundred (200) feet above ground level, and

(ii) The structure is lower than an imaginary surface extending outward and upward at a slope of one hundred (100) feet horizontal for each one foot (1') vertical beginning at the closest point of the closest runway to the structure.

(E) The Zoning Administrator may waive dimensional standards or design and development regulations required by this Code when the building is an aviation facility on land owned by the City at the Airport. (Ord. 3310, 6-18-20)

(F) Variances. Any person desiring to erect or increase the height of any structure or use of a property, not in accordance with the regulations prescribed in this Chapter, may apply to the Board of Adjustment for a variance from such regulations. The application for variance shall be accompanied by a determination from the Federal Aviation Administration regarding the effect of the proposal on the operation of air navigation facilities and the safe, effi cient use of navigable airspace. Variances shall be allowed where it is found that a literal application or enforcement of the applicable regulations will result in unnecessary hardship and when the relief granted will not be contrary to the public interest; not create a hazard to air navigation; do substantial justice; and is consistent with the purpose of this Chapter.

(G) Enforcement. It shall be the duty of Zoning Administrator to administer and to enforce this Chapter. Applications for permits and variances shall be made to the City. Applications required by this Chapter shall be promptly considered and granted or denied. Application for action by the Board of Adjustment shall be transmitted to it promptly by the City.

(Ord. 3248, 5-9-19)(Ord. 3310, 6-18-20)

February 2, 2021 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Natalie Black, George Morrison, Brent Dixon, Joanne Denney, Margaret Wimborne, Arnold Cantu.

MEMBERS ABSENT: Gene Hicks, Lindsey Romankiw

ALSO PRESENT: Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler; Naysha Foster, Brian Stevens; and interested citizens.

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES:

Dixon moved to approve the January 5, 2021 Minutes with the requested correction, Morrison seconded the motion. The motion passed unanimously.

Public Hearing(s):

5. ANNX 20-020: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of LM.

Black opened the public hearing.

Beutler presented the staff report, a part of the record.

Morrison asked if there is any way to annex a piece of property without a zone. Beutler indicated that they are required to designate a zone at the time of annexation.

Support/Opposition:

LeighAnn Astle, 3805 Brighton Drive, Idaho Falls, Idaho. Astle asked if it would be prudent to zone it consistent with what is currently around the property.

Garrett Larsen, 3860 Coffort, Idaho Falls, Idaho. Larsen is the Heritage Hills HOA Secretary. Larsen got notification via letter for the issue preceding (rezone) but did not get letters in the neighborhood for this agenda item. Larsen is concerned about notification. Larsen stated that all his previous concerns with the LM rezone apply to this piece of property.

Jason Morton, 3900 Coffort Drive, Idaho Falls, Idaho. Morton indicated that they did not receive any notification of this item.

Laura Kelley 3900 Coffort Drive, Idaho Falls, Idaho. Kelley asked if the Airport has a Comprehensive Strategic Plan and is it somewhere that the public can see it.

Beutler stated that the notifications requirements are different and there were separate notifications sent for this agenda item. Beutler stated that the Airport does have a long-range planning document and they are working on revising that document and it is available through the airport or the Planning Offices.

Cramer explained the law regarding notification for a category A annexation. Cramer explained that they are required to hold a hearing and because this is a Legislative Issue, Idaho Code under the Local Land Use Planning Act talks about the manner of notification. Cramer stated that they are required to publish one notice on the newspaper 15 days prior to the hearing and required to send notice to political subdivisions, school districts, the airport, etc. 15 days prior to the hearing. Cramer stated that this is different because they are not required to send letters to people that are 300' of the property which would explain why there was not letter to the neighbors. Cramer confirmed that they did give the required notice.

Black closed the public hearing.

Dixon stated that this is different because they need a zone if it is going to be annexed, so the choices are similar, so they can say no don't annex, or say annex, but this zone makes sense. Dixon stated that one comment from the public was use a near by zone, and that would include R1 which is incompatible with the FAA and R&D which is almost fully compatible. Dixon feels there is a choice to say no or say yes with R&D rather than LM. Dixon doesn't feel bars, restaurants and correctional facilities make sense at this location, and it is inconsistent with the Comprehensive Plan.

Morrison agreed with Dixon and feels this property is farther south and off the orange grid that had the overlay, and it could be possible to do R&D as he is against LM zone for this land.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation of Approximately 10.6 Acres, Section 1, T 2N, R 37E, with initial zoning of R&D, Morrison seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes. The motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 10.630 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibit A of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Exhibit A is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City pursuant to procedures of Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands, where necessary; and

WHEREAS, City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:

1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and does not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;

2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and

3) Annexation of the lands described in Section 1 are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the Council that the lands described herein below in Exhibit A of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, as follows:

SECTION 1. Annexation of Property. The lands described in Exhibit A are hereby annexed to the City of Idaho Falls, Idaho.

SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

SECTION 3. Findings. The findings contained in the recitals of this Ordinance be, and the same are hereby adopted as the official City Council findings for this Ordinance, and any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this_____day of _____, 2022.

_____
Rebecca L. Noah Casper, Mayor

ATTEST:

_____
Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
: ss.
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 10.630 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
Kathy Hampton, City Clerk

(SEAL)

EXHIBIT "A"

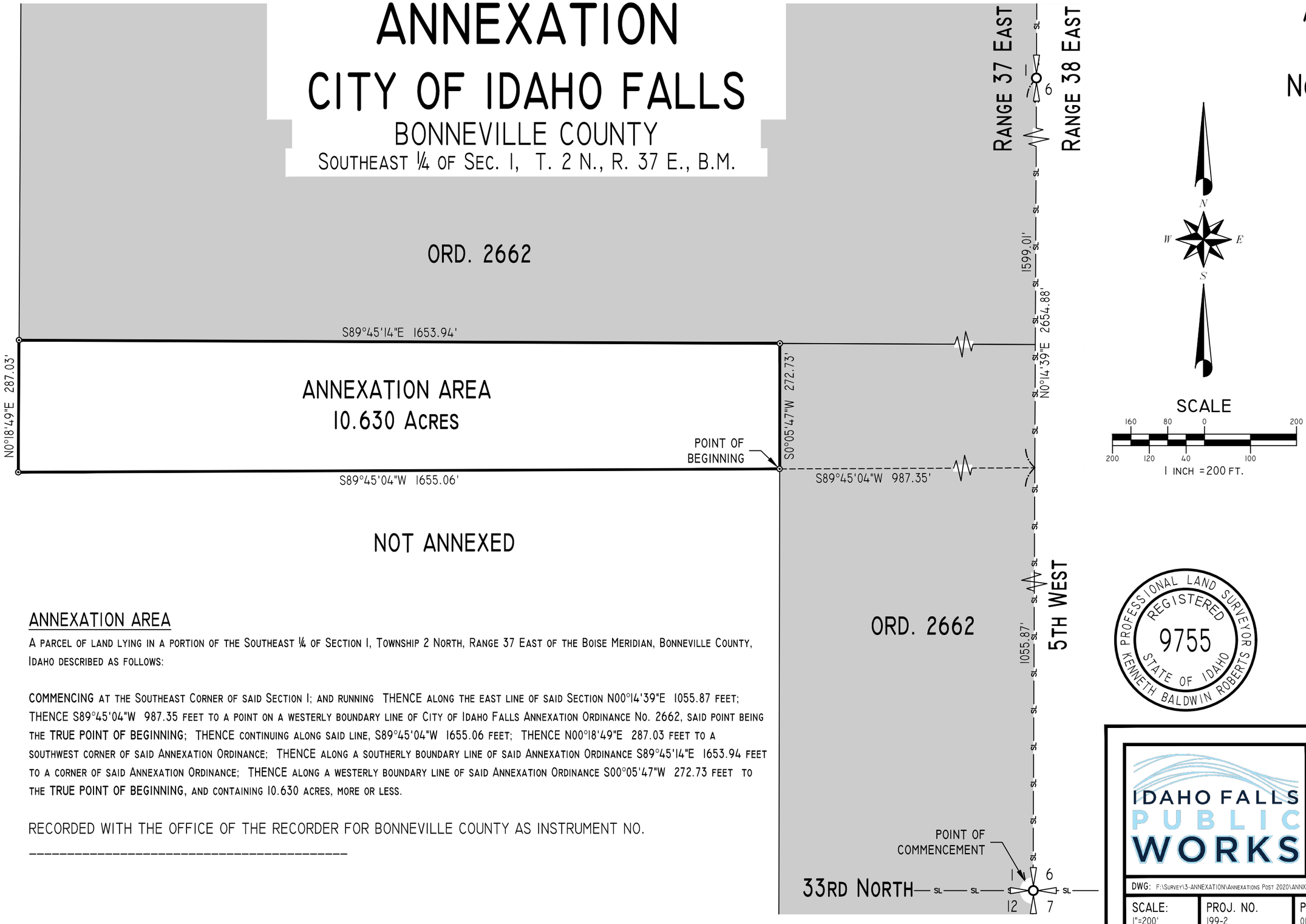
A parcel of land lying in a portion of the Southeast ¼ of Section 1, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho described as follows:

COMMENCING at the Southeast Corner of said Section 1; and running THENCE along the east line of said Section N00°14'39"E 1055.87 feet; THENCE S89°45'04"W 987.35 feet to a point on a westerly boundary line of City of Idaho Falls Annexation Ordinance No. 2662, said point being the **TRUE POINT OF BEGINNING**; THENCE continuing along said line, S89°45'04"W 1655.06 feet; THENCE N00°18'49"E 287.03 feet to a southwest corner of said Annexation Ordinance; THENCE along a southerly boundary line of said Annexation Ordinance S89°45'14"E 1653.94 feet to a corner of said Annexation Ordinance; THENCE along a westerly boundary line of said Annexation Ordinance S00°05'47"W 272.73 feet to the **TRUE POINT OF BEGINNING**, and containing 10.630 acres, more or less.



ANNEXATION
CITY OF IDAHO FALLS
BONNEVILLE COUNTY
SOUTHEAST ¼ OF SEC. 1, T. 2 N., R. 37 E., B.M.

ANNEXATION ORDINANCE
No._____



N
W E
S

SCALE
160 80 0 200
200 120 40 100
1 INCH = 200 FT.

NOT ANNEXED

ANNEXATION AREA

A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHEAST ¼ OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 1; AND RUNNING THENCE ALONG THE EAST LINE OF SAID SECTION N00°14'39"E 1055.87 FEET; THENCE S89°45'04"W 987.35 FEET TO A POINT ON A WESTERLY BOUNDARY LINE OF CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 2662, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID LINE, S89°45'04"W 1655.06 FEET; THENCE N00°18'49"E 287.03 FEET TO A SOUTHWEST CORNER OF SAID ANNEXATION ORDINANCE; THENCE ALONG A SOUTHERLY BOUNDARY LINE OF SAID ANNEXATION ORDINANCE S89°45'14"E 1653.94 FEET TO A CORNER OF SAID ANNEXATION ORDINANCE; THENCE ALONG A WESTERLY BOUNDARY LINE OF SAID ANNEXATION ORDINANCE S00°05'47"W 272.73 FEET TO THE **TRUE POINT OF BEGINNING**, AND CONTAINING 10.630 ACRES, MORE OR LESS.

RECORDED WITH THE OFFICE OF THE RECORDER FOR BONNEVILLE COUNTY AS INSTRUMENT NO.
_____

PROFESSIONAL LAND SURVEYOR
REGISTERED
9755
STATE OF IDAHO
KENNETH BALDWIN ROBERTS

IDAHO FALLS PUBLIC WORKS

ANNEXATION SKETCH OF CITY OWNED LAND IN A PORTION OF THE SE ¼ OF SECTION 1 T. 2 N., R. 37 E., B.M. BONNEVILLE COUNTY, IDAHO

DWG: F:\SURVEY\3-ANNEXATION\ANNEXATIONS POST 2020\ANNX20-020 HERITAGE HILLS DIV. 3\HERITAGE HILLS DIVISION NO 3.DWG

SCALE:	PROJ. NO.	PLOT DATE:	SHEET NO.
1"=200'	199-2	01/12/2021	1 OF 1

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF APPROXIMATELY 10.630 ACRES OF SECTION 1, T 2N, R 37E, GENERALLY LOCATED SOUTH OF INDEPENDENCE DR, WEST OF N 5TH W, NORTH OF W 33RD N AND EAST OF THE SNAKE RIVER.

WHEREAS, the applicant filed an application for annexation on December 24, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on February 2, 2021; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public hearing on April 14, 2022; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is approximately 10.630 acres generally located south of Independence Dr, west of N 5th W, north of W 33rd N, and east of the Snake River.
3. This property is contiguous to city limits on three side and is within the city's area of impact.
4. The application is a Category "A" annexation.
5. The Comprehensive Plan designates this area as General Urban and Special Use.
6. Idaho Falls Planning and Zoning Commission recommended approval of annexation.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the annexation as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2022

_____

Rebecca L. Noah Casper - Mayor

Memorandum

File #: 21-472 **City Council Meeting**

FROM: Brad Cramer, Director
DATE: Tuesday, April 5, 2022
DEPARTMENT: Community Development Services

Subject
Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, 10.630 Acres, Southeast ¼ of Section 1, Township 2 North, Range 37 East.

Council Action Desired

☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
1. Assign a Comprehensive Plan Designation of "General Urban and Special Use" and approve the Ordinance establishing the initial zoning for LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of LM, Light Manufacturing and Heavy Commercial, R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for 10.630 Acres, Southeast ¼ of Section 1, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its February 2, 2021, meeting and recommended approval of R&D by a unanimous vote.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

Consideration of initial zoning must be consistent with the principles of the Comprehensive Plan which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

Interdepartmental Coordination

The initial zoning legal description has been reviewed by the Survey Division.

Fiscal Impact

NA

Legal Review

This application and ordinance have been reviewed by Legal pursuant to applicable law.

Zoning

ANNX20-020: Initial Zone LM & R&D

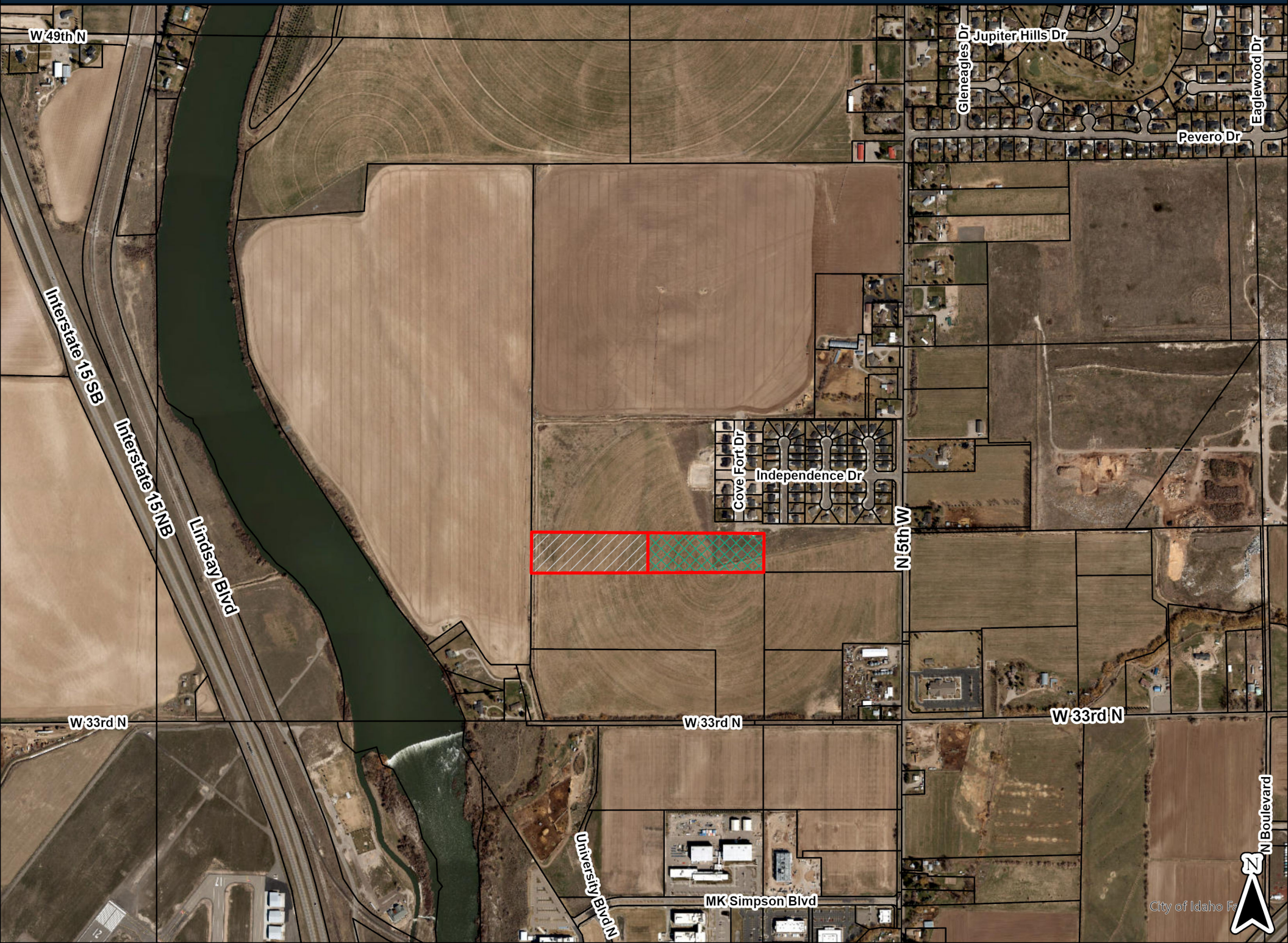
RE R1 TN R3 PB LC R&D I&M
RP R2 RMH R3A CC HC LM P

N



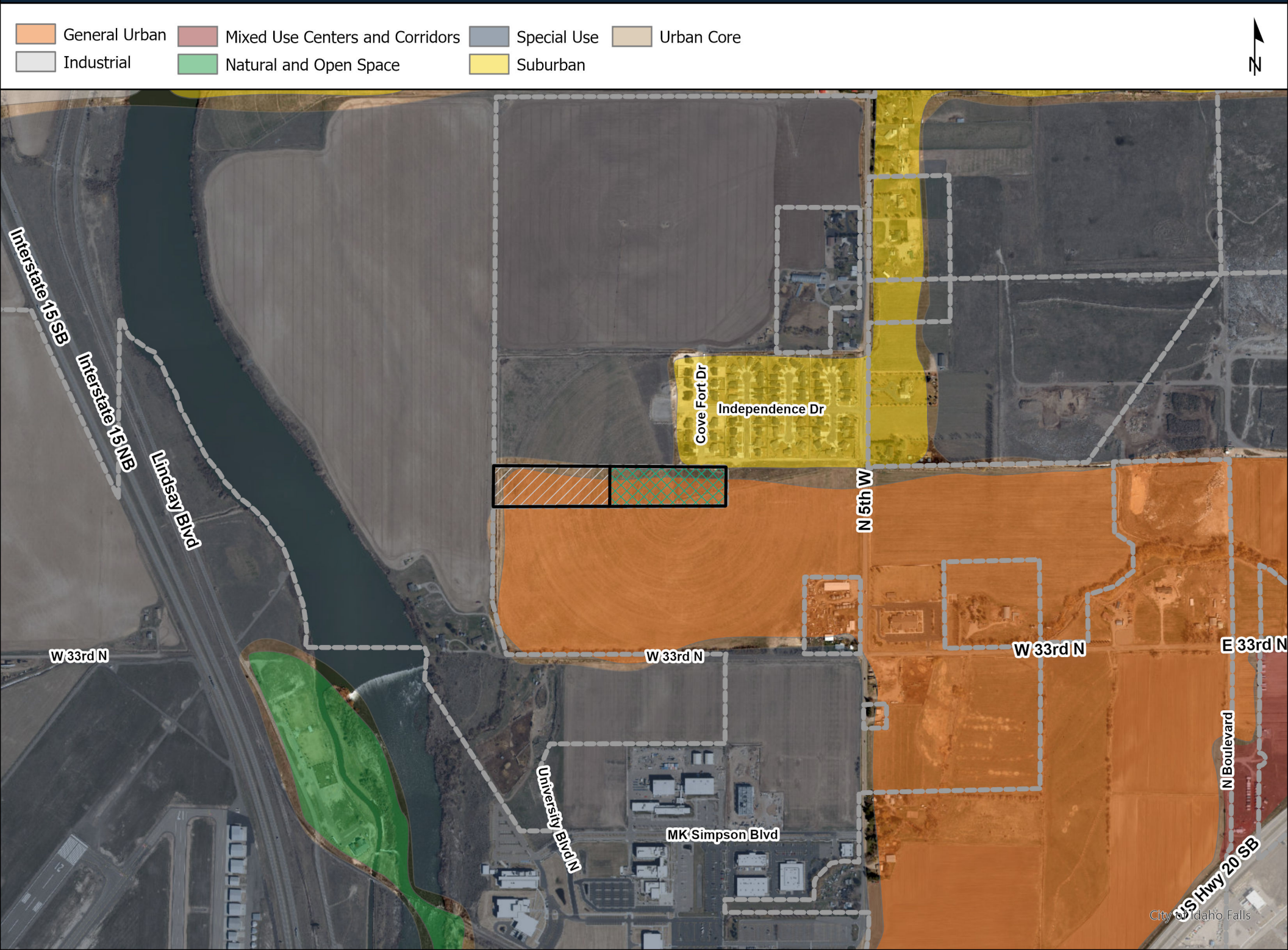
Aerial

ANNX20-020: Initial Zone LM & R&D



Comprehensive Plan

ANNX20-020: Initial Zone LM & R&D



ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 10.630 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LM, LIMITED MANUFACTURING AND HEAVY COMMERCIAL AND R&D, RESEARCH AND DEVELOPMENT, WITH THE LIMITED DEVELOPMENT AND LIMITED DEVELOPMENT APPROACH SURFACE AIRPORT OVERLAY ZONES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is LM, Limited Manufacturing and Heavy Commercial, and R&D, Research and Development, with the Limited Development and Limited Development Approach Surface Airport Overlay Zone for such annexed lands is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "General Urban and Special Use"; and

WHEREAS, the proposed zoning districts are consistent and compatible with the existing and surrounding zoning districts and is consistent with principles of the City of Idaho Falls Comprehensive Plan; and

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "General Urban" and "Special Use"; and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on February 2, 2021, and recommended approval of zoning the subject property to LM, Limited Manufacturing and Heavy Commercial, and R&D, Research and Development with the Limited Development and Limited Development Approach Surface Airport Overlay Zones; and

WHEREAS, the Council conducted a duly noticed public hearing and passed a motion to approve this zoning on April 14, 2022.

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

SECTION 1: Comprehensive Plan Designation. The area described in Exhibit A are hereby given a Comprehensive Plan designation of "General Urban" and "Special Use."

SECTION 2: Legal Description. The lands described in Exhibit A are hereby zoned as LM and R&D Zones with the Limited Development and Limited Development Approach Surface Airport Overlay Zone.

SECTION 3. Zoning. The property described in Section 1 of this Ordinance be and the same hereby is zoned "LM," "R&D," and "Limited Development" and "Limited Development Approach Surface" as shown on Exhibits B and C, the City Planner is hereby ordered to make the necessary amendments to the official maps of the City of Idaho Falls which are on file at the City Planning Department Offices, 680 Park Avenue.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this_____day of_____, 2022.

CITY OF IDAHO FALLS, IDAHO

_____
Rebecca L. Noah Casper, Mayor

ATTEST:

_____
Kathy Hampton, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 10.630 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LM, LIMITED MANUFACTURING AND HEAVY COMMERCIAL AND R&D, RESEARCH AND DEVELOPMENT, WITH THE LIMITED DEVELOPMENT AND LIMITED DEVELOPMENT APPROACH SURFACE AIRPORT OVERLAY ZONES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
Kathy Hampton, City Clerk

EXHIBIT "A"

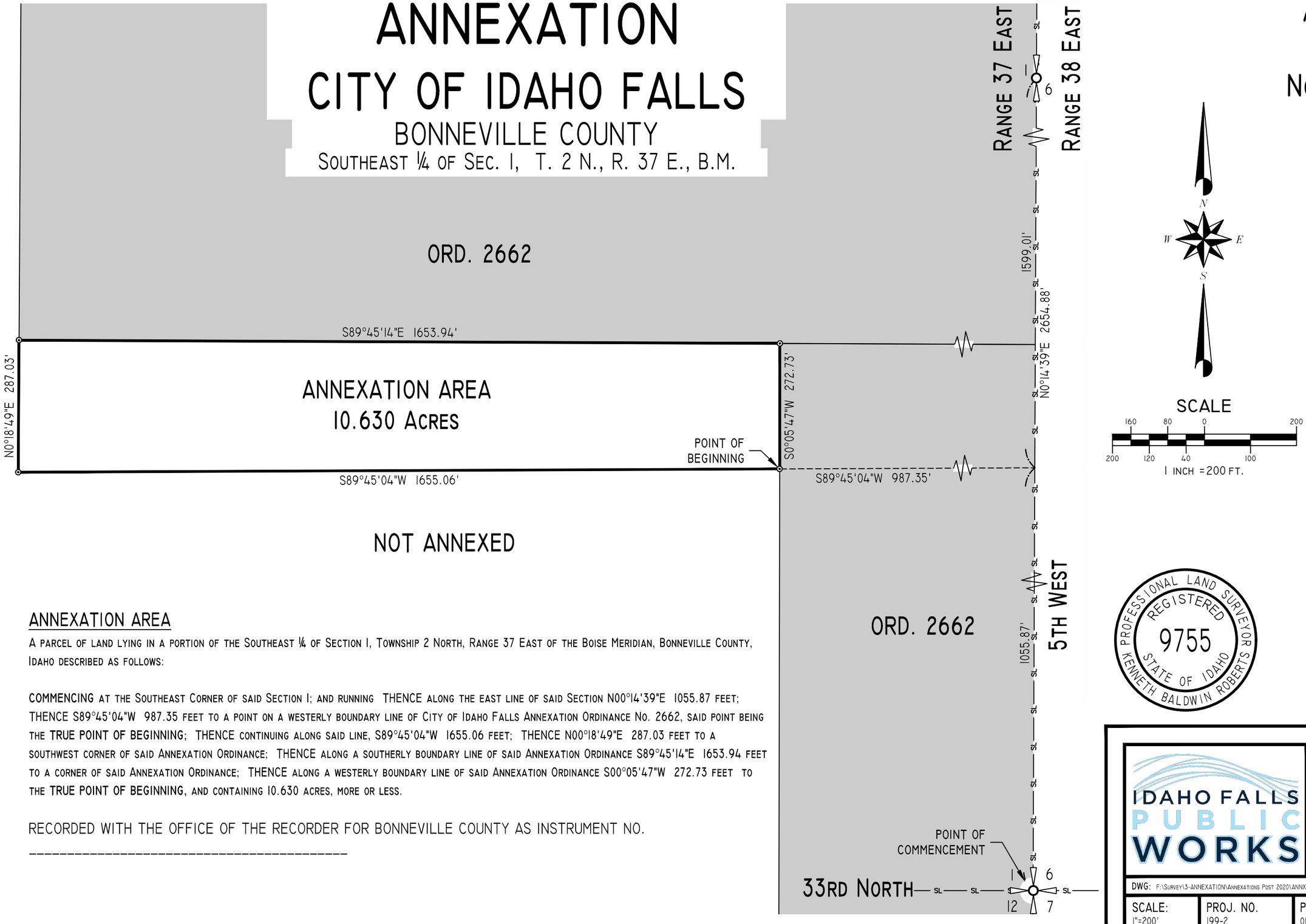
A parcel of land lying in a portion of the Southeast ¼ of Section 1, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho described as follows:

COMMENCING at the Southeast Corner of said Section 1; and running THENCE along the east line of said Section N00°14'39"E 1055.87 feet; THENCE S89°45'04"W 987.35 feet to a point on a westerly boundary line of City of Idaho Falls Annexation Ordinance No. 2662, said point being the **TRUE POINT OF BEGINNING**; THENCE continuing along said line, S89°45'04"W 1655.06 feet; THENCE N00°18'49"E 287.03 feet to a southwest corner of said Annexation Ordinance; THENCE along a southerly boundary line of said Annexation Ordinance S89°45'14"E 1653.94 feet to a corner of said Annexation Ordinance; THENCE along a westerly boundary line of said Annexation Ordinance S00°05'47"W 272.73 feet to the **TRUE POINT OF BEGINNING**, and containing 10.630 acres, more or less.



ANNEXATION
CITY OF IDAHO FALLS
BONNEVILLE COUNTY
SOUTHEAST ¼ OF SEC. 1, T. 2 N., R. 37 E., B.M.

ANNEXATION ORDINANCE
No._____



N
W E
S

SCALE
160 80 0 200
200 120 40 100
1 INCH = 200 FT.

NOT ANNEXED

ANNEXATION AREA

A PARCEL OF LAND LYING IN A PORTION OF THE SOUTHEAST ¼ OF SECTION 1, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF SAID SECTION 1; AND RUNNING THENCE ALONG THE EAST LINE OF SAID SECTION N00°14'39"E 1055.87 FEET; THENCE S89°45'04"W 987.35 FEET TO A POINT ON A WESTERLY BOUNDARY LINE OF CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 2662, SAID POINT BEING THE **TRUE POINT OF BEGINNING**; THENCE CONTINUING ALONG SAID LINE, S89°45'04"W 1655.06 FEET; THENCE N00°18'49"E 287.03 FEET TO A SOUTHWEST CORNER OF SAID ANNEXATION ORDINANCE; THENCE ALONG A SOUTHERLY BOUNDARY LINE OF SAID ANNEXATION ORDINANCE S89°45'14"E 1653.94 FEET TO A CORNER OF SAID ANNEXATION ORDINANCE; THENCE ALONG A WESTERLY BOUNDARY LINE OF SAID ANNEXATION ORDINANCE S00°05'47"W 272.73 FEET TO THE **TRUE POINT OF BEGINNING**, AND CONTAINING 10.630 ACRES, MORE OR LESS.

RECORDED WITH THE OFFICE OF THE RECORDER FOR BONNEVILLE COUNTY AS INSTRUMENT NO.
_____

PROFESSIONAL LAND SURVEYOR
REGISTERED
9755
STATE OF IDAHO
KENNETH BALDWIN ROBERTS

IDAHO FALLS PUBLIC WORKS

ANNEXATION SKETCH OF CITY OWNED LAND IN A PORTION OF THE SE ¼ OF SECTION 1 T. 2 N., R. 37 E., B.M. BONNEVILLE COUNTY, IDAHO

DWG: F:\SURVEY\3-ANNEXATION\ANNEXATIONS POST 2020\ANNX20-020 HERITAGE HILLS DIV. 3\HERITAGE HILLS DIVISION NO 3.DWG

SCALE:	PROJ. NO.	PLOT DATE:	SHEET NO.
1"=200'	199-2	01/12/2021	1 OF 1

Zoning

ANNX20-020: Initial Zone LM & R&D

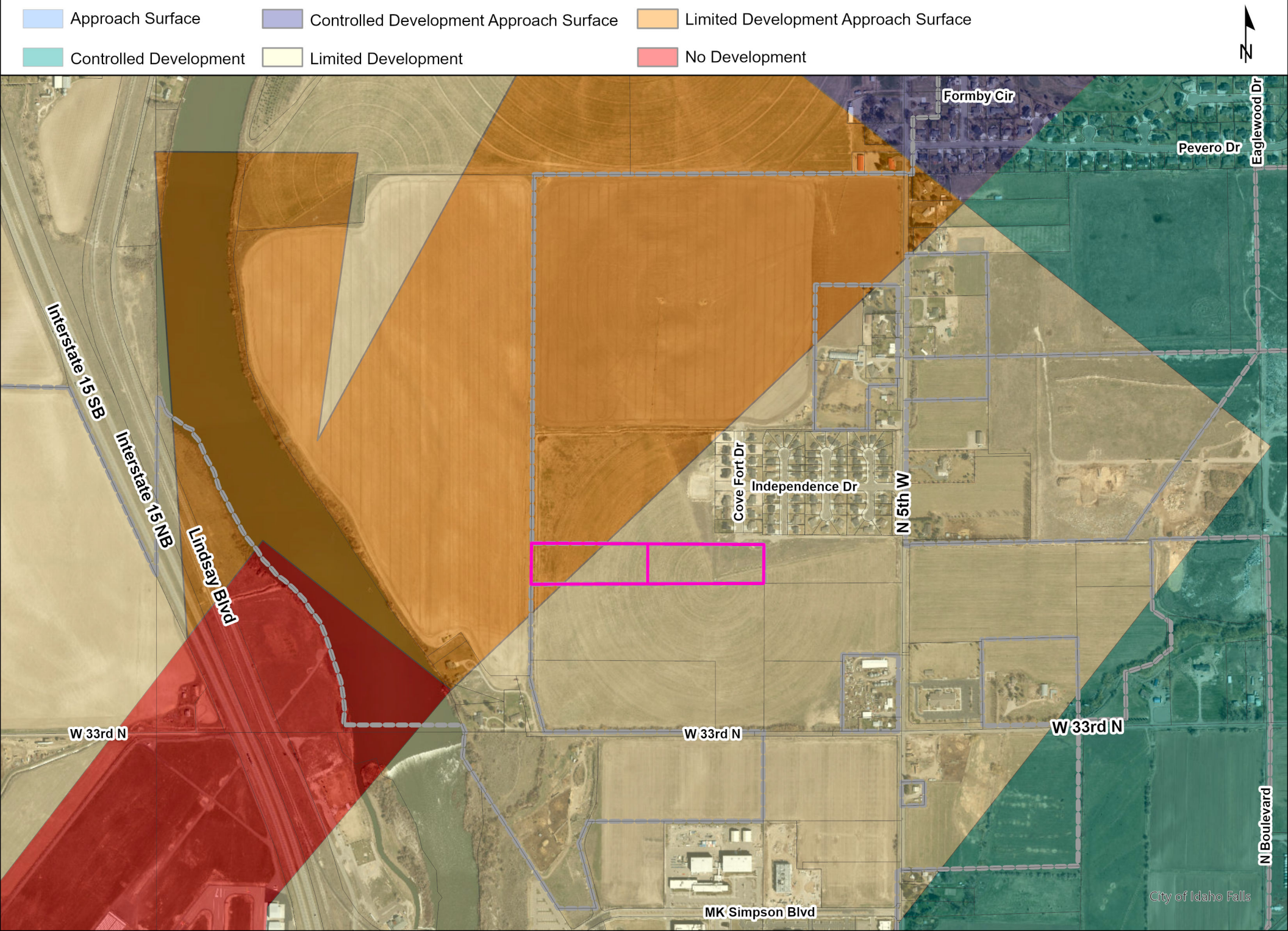
RE R1 TN R3 PB LC R&D I&M
RP R2 RMH R3A CC HC LM P

N



Airport Compatible Land Use

ANNX20-020: Initial Zone LM & R&D



REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF LM, LIMITED MANUFACTURING AND HEAVY COMMRCIAL, R&D, RESEARCH AND DEVELOPMENT, WITH THE LIMITED DEVELOPMENT AND LIMITED DEVELOPMENT APPROACH SURFACE AIRPORT OVERLAY ZONES, APPROXIMATELY 10.630 ACRES IN SECTION 1, T 2N, R 37E, GENERALLY LOCATED SOUTH OF INDEPENDENCE DR, WEST OF N 5TH W, NORTH OF W 33RD N AND EAST OF THE SNAKE RIVER.

WHEREAS, the applicant filed an application for annexation on December 24, 2020; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on February 2, 2021; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on April 14, 2022; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is approximately 10.630 acres generally located south of Independence Dr, west of N 5th W, north of W 33rd N and east of the Snake River.
3. The Comprehensive Plan designates this area as General Urban and Special Use.
4. The proposed zoning of LM and R&D Zones are consistent with the Comprehensive Plan map and policies and existing zoning and land uses in the area.
5. Idaho Falls Planning and Zoning Commission recommended approval of zoning the property LM and R&D with the Limited Development and Limited Development Approach Surface Airport Zone.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the initial zoning as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2022.

_____

Rebecca L. Noah Casper - Mayor

Memorandum

File #: 21-476 **City Council Meeting**

FROM: Brad Cramer, Director
DATE: Thursday, April 7, 2022
DEPARTMENT: Community Development Services

Subject
Second Reading for the Amendment of the Comprehensive Zoning Ordinance, Sections 11-2-6, 11-3-4 and Tables 11-2-1 and 11-3-3 allowing for accessory dwelling units in all residential zones and establishing land use standards.

Council Action Desired

☒ Ordinance ☐ Resolution ☐ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
Approve the Ordinance allowing for accessory dwelling units in all residential zones and establishing land use standards under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary (or consider the Ordinance on the second reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

Description, Background Information & Purpose
On February 15, 2022, the Planning and Zoning Commission recommended to the Mayor and City Council approval of the ordinance amendments as presented with a vote of 3 to 2.

On March 31, 2022, the Mayor and City Council approved the first reading of the ordinance allowing for Accessory Dwelling Units in all residential zones and establishing land use standards and read by Title with a vote of 4 to 1.

In response to comments from the previous work session and Council meeting, the attached draft includes changes which include rear and side yard setbacks for detached ADU's and clarifications on requirements when adjacent to alleys.

Alignment with City & Department Planning Objectives



☒ ☒ ☒ ☒ ☐ ☐ ☐ ☒

The proposed ordinance is consistent with principles of Good Governance, Transportation, and Livable Communities.

Interdepartmental Coordination
CDS has worked with the City Attorney's office on the drafting of the ordinance.

Fiscal Impact
NA

Legal Review
The City Attorney's office has reviewed the attached ordinance.

STAFF REPORT

Amendments to Sections 11-2-6, and 11-3-4 and Tables 11-2-1, 11-3-3 of the Comprehensive Zoning Ordinance Pertaining to the Accessory Dwelling Units (ADUs)

March 31, 2022

IDAHO FALLS

Community Development Services

Applicant: City of Idaho Falls

Project Manager: Caitlin Long

Attachments:

1. Zoning Ordinance for Amended Sections for ADUs

Staff Recommendation: To approve the amendment to Sections 11-2-6, and 11-3-4 and Tables 11-2-1, 11-3-3 of the Comprehensive Zoning Ordinance.

Staff Comments: Accessory Dwelling Units were introduced with the city-wide code changes in April 2018. With the adoption of the Imagine IF Comprehensive Plan, an action item in the plan was to permit ADUs in all residential zones. The proposed amendment would change the following to achieve this action item:

- Section 11-2-3: Allowed uses in Residential Zones, Table 11-2-1: Allowed Uses in Residential Zones – Permit ADUs in RP, R1, and RMH which would then allow ADUs in all residential zones.

In addition to permitted ADUs in all residential zones, other proposed amendments are also included:

- Section 11-2-6: Standard for Allowed Land Uses, addition of the following in subsection (N)(2)(h): "Recreation vehicles shall be prohibited for use as an accessory dwelling unit."

-Section 11-2-6, subsection (N)(3) cleanup of language for parking on the lot to permit parking to include the driveway space as an acceptable parking space for the ADU.

-Section 11-2-6, subsection (N)(5) addition of language "Accessory dwelling units shall not be counted in density calculations."

-Section 11-2-6, subsection (N)(d) addition of language to clarify ADUs for caretakers in industrial zones

- Section 11-3-4 Dimensional Standards for Residential Zones, subsection (C)(2) addition of R2 and TN to include in lot coverage requirement to only include those areas under roofs for single unit residential zones.

- Section 11-3-4 subsection (D) Table 11-3-3: Dimensional Standards for Accessory Structure in Residential Zones removal of Lot Coverage of Rear Yard for all residential zones.

-Section 11-2-6, subsection (N)(2)(a): removal of the limit of one bedroom

The changes made reduces barriers for ADUs to be built, by reducing limitations on lot coverage in rear yards and ensuring lot coverage for the lot overall only include areas under roofs. Also not including ADUs in density requirements ensure ADUs are not only available in all residential zones but also plausible for most of the homes in these zones.

February 15, 2022 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Brent Dixon, Joanne Denney, Arnold Cantu, George Morrison, Margaret Wimborne, Lindsey Romankiw

MEMBERS ABSENT: None.

ALSO PRESENT: Assistant Planning Director Kerry Beutler, planners Naysha Foster, Caitlin Long Anas Almassrahy and Caitlin Long and interested citizens.

CALL TO ORDER: Brent Dixon called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: None.

Public Hearing(s):

4. RZON 22-001: Amendment of the Comprehensive Zoning Ordinance, Sections 11-2-6, 11-3-4 and Tables 11-2-1 and 11-3-3 allowing for accessory dwelling units in all residential zones and establishing land use standards.

Denney opened the public hearing.

Applicant: City of Idaho Falls.

Long stated that Accessory Dwelling Units (ADU) were introduced with the City-wide Code changes in April 2018. Long stated that they are almost ready to adopt the new Comprehensive Plan Imagine IF, and one of the action items was to permit ADU's in all zones.

Long presented that ADU's will be permitted in all residential zones, and that would need to change the code to permit ADU's in RP, R1, and RMH. Long stated that in addition to allowing them in all residential zones they are working to create ease to build the ADU's.

Long presented the change to 11-2-6 (N) (1)(d) that clarified Caretaker's residence; 11-2-6 (N)(2)(h) prohibiting Recreational vehicles as ADU's; 11-2-6 (N)(3) requiring a parking space on the lot where the ADU is located; 11-2-6 (N)(5) ADU's will not be calculated towards density calculations.

Long presented the change to 11-2-4 (C)(2) remove the rear lot coverage and added R2 and TN to include that the lot coverage is only areas under roofs.

Long wanted to go over the process of getting an ADU. Long indicated that it comes in as a building permit, which is reviewed by the building permit, and then also reviewed by the planning department to ensure that it meets all the ADU requirements. Long stated that they haven't had a lot of ADU's come forward, and they will monitor it to work out any bugs.

Long stated that they did have a comment brought to them about liming ADU's to one bedroom. Long wants the commission to discuss that and if they want it added, it can be added before City Council.

Morrison asked what the maximum square footage for the ADU could be. Long stated that currently the ADU has a maximum of 750 square feet and included in that 750 square feet there is another requirement that the ADU only have one bedroom, and the public has asked that the 1-bedroom requirement be removed.

No one appeared in support or opposition.

Denney closed the public hearing.

Denney asked the Commissioners about their feeling on the one bedroom.

Wimborne doesn't feel that it is required, as you can have one bedroom and have 8 people in the living room, so limiting to one bedroom doesn't put the limit on that you would think you are putting on, but rather the 750 square feet will limit appropriately.

Morrison asked if there has been success or failure in other cities with ADU's. Long stated that it varies on how aggressive the city wanted to be, and the cities that were more successful removed a lot of the restrictions, so they didn't require parking on the property, had different size restrictions, and had very robust programs that supplied floor plans, targeted residents to build ADU's. Long felt that those programs had a lot of success, and if you let it be, it happens more organically.

Dixon asked about the prohibition on recreational vehicles and asked if it is a structure that doesn't have a foundation. Long stated that essentially that is what it would be, something on wheels that can be moved would not be permitted. Dixon asked about the foundation requirements for RMH. Beutler stated that RMH is the mobile home zone, and the unit would be required to meet the foundation or tie down requirements. Beutler stated that an RV is mobile and could move instead of being tied down. Beutler stated that there are already restrictions in the City of Idaho Falls, that you cannot live in a RV unless you are in a designated RV Park. Beutler stated this addition was an effort to reemphasize that requirement to make it clear. Beutler added that the short-term rental standards also indicate that it cannot be an RV. Dixon confirmed that the RMH Zone cannot have a trailer and it has to be off the wheels and tied down. Beutler clarified that if it is an RV park that it can be a trailer. Dixon clarified that the primary residence could be an RV, but the secondary residence couldn't be an RV. Beutler stated that RV Parks have specific development standards. Dixon is trying to understand ADU's as an allowed use in every zone, and he is looking at some zones and trying to understand what it means in that zone. Foster stated that in an RMH zone you can have a single wide, a double wide, manufactured home, but it has to be in a foundation, unless it is in an RV Park. Foster stated that you can have a double wide on a permanent foundation with an ADU. Beutler clarified that RMH zone does allow for an RV Park, but an RV Park has limitations to its use. Beutler stated that a mobile home and manufactured home park is a separate use all together, and it is similar with the pad sites, and the park is under one ownership, and they lease pad sites to place their homes. Beutler stated that adding ADU's to RMH zone is because even in an RMH zone you are also allowed to have a single-family home, so the intent is to provide ADU's anywhere a single-family home is allowed. Beutler added that you will not have ADU's in mobile home parks or RV parks because those are separate uses and have different development standards. Dixon asked if there is language stating that it is not allowed. Beutler stated that it is not the same use. So the use table in the staff report there will be uses called out.

Dixon asked why they don't count the ADU as part of the density calculation. Long stated that their research stated that it is by right, and by right if you have a dwelling unit, you can have an accessory dwelling unit, so that is why they didn't include it in the density. Dixon stated that you are doubling the allowed density without making it clear that you are doubling the allowed density. Dixon stated that for every dwelling unit you can have an ADU so if the density is limited to a certain number of units per acre you just doubled that number. Long stated that ADUs have guidelines and square footage requirements and they are smaller and have a purpose of a mother in lawsuits, or caretaker quarters. Long stated that it might not be a full dwelling, just an ADU to the main dwelling. Dixon argued that there aren't standards that the main dwelling unit be any particular size. Dixon stated that the main dwelling could be 751 square feet and the ADU 750 square feet, and most people would view that as a twin home. Dixon stated that this proposal would eliminate the idea of a single family detached home. Beutler stated that single unit detached home is allowed in every zone in the City. Dixon stated that if everyone has an ADU then you no longer have a single unit detached, you now have a double unit detached. Beutler stated it is unlikely that will occur. Beutler stated that ADU's are viewed as having very little impact to the neighborhood. Beutler stated that it was never the goal of the City to only have single family detached, and rather they want to diversify the housing choice. Dixon argued that it is a form of diversity to have neighborhoods that only have single family detached.

Wimborne asked if a neighborhood could create covenants that would restrict or limit ADU's in specific neighborhoods. Morrison stated that there are many neighborhoods that have an HOA. Beutler stated that it is possible, but there is a Bill being presented to the Legislature that will prevent any major restriction of allowing ADU's in a residential zone. Beutler stated that the Legislature did a similar thing a few years back with short term rentals, so that same proposal is coming forward with ADU's. Beutler added that it will prevent an HOA from having protective covenants that would prevent an ADU from being established.

Wimborne moved to recommend to the Mayor and City Council approval of the Amendments to Sections 11-2-6 and 11-3-4 and Tables 11-2-1, 11-3-3 of the Comprehensive Zoning Ordinance Pertaining to the Accessory Dwelling Units (ADUs) as outlined, Cantu seconded the motion. Denney called for roll call: Cantu, yes; Dixon, no; Morrison, no; Romankiw, yes; Wimborne, yes. The motion passed 3-2.

Dixon opposed the motion because he feels this is doubling the potential density and he doesn't understand it needs to be done this way as opposed to simply stating the allowed densities have been doubled, and he feels it is a hidden doubling of the density; and zoning is in place for people to choose in what type of a neighborhood they live in and not have to live next to an 8 plex if they don't choose to, and this will remove the guarantee of living in a single family neighborhood even though single family detached is the most popular form of housing in the City.

Morrison agreed with Dixon and feels this should be brought forth in an individual session of the Planning Commission and work on it more.

From: Carla Bruington
To: Kathy Hampton
Subject: FW: Accessory Dwelling Units
Date: Monday, March 28, 2022 2:22:51 PM
Attachments: image001.jpg

RE: Public Comment received

Office of the Mayor
Carla Bruington | *Executive Assistant to the Mayor*

308 Constitution Way
Idaho Falls, Idaho 83402
Work: (208) 612-8235
Fax: (208) 612-8560
CBruington@idahofallsidaho.gov

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From: Neil Hutten <huttnc@gmail.com>
Sent: Monday, March 28, 2022 1:58 PM
To: Office of the Mayor <Mayor@idahofalls.gov>
Cc: Michelle Ziel-Dingman <MDingman@idahofalls.gov>; Thomas Hally <THally@idahofalls.gov>; Jim Freeman <JFreeman@idahofalls.gov>; Jim Francis <JFrancis@idahofalls.gov>; John Radford <JRadford@idahofalls.gov>; Lisa Burtenshaw <LBurtenshaw@idahofalls.gov>
Subject: Accessory Dwelling Units

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

At the February 24, 2022, City Council meeting Mayor Rebecca Casper told the public that Accessory Dwelling Units would not be discussed during that night's meeting but that ADUs would be discussed at the March 31, 2022, City Council meeting. Therefore, it appears that public comments are still welcome on the topic of permitting ADUs in RP, R1, and RMH which would then allow ADUs in all residential zones. We have several concerns with these proposed changes.

Please vote against the proposed changes to ADUs in RP, R1, and RMH zones which would allow ADUs in all residential zones.

Accessory Dwelling Unit (ADU)

Approving the recommendation of Idaho Falls Planning Division staff to change the comprehensive plan to permit Accessory Dwelling Units (ADUs) in all residential areas will have several negative outcomes that will impact the city and residents of Idaho Falls.

1. Increasing the number of homes that include ADUs on any property in any existing residential area will result in increased congestion and crowding on city streets. This in turn will impact city functions such as snow removal and garbage pick up and access by emergency

vehicles. Allowing ADUs in all existing subdivisions will cause increased density in neighborhoods, increased crowding, greater demand for city utilities and services, and demand for parking space.

2. Homeowners in existing residential areas have a reasonable expectation that the major land zoning decisions and parameters that existed at the time of their home's construction would not be changed retroactively.

3. Homeowners in currently existing residential areas purchased their property partly due to the overall aesthetics and sightlines of the home and its neighborhood (aka curb appeal).

4. The aesthetics and desirability of any given existing subdivision will be reduced if ADUs are allowed because a homeowner in the subdivision might and could build another housing unit next to another without notice. This would create a higher density urban appearance in neighborhoods.

5. The number of available Single family detached homes for future residents would be significantly reduced by approval of ADUs in all existing residential neighborhoods. This category of home is the most sought after in Idaho Falls. Approval of ADUs in all existing residential areas will reduce housing diversity.

6. Allowing ADUs in areas that are currently not zoned for ADUs is a thinly veiled attempt to increase housing density within the city. This form of retroactive in-fill may seem attractive to some city planners who only look at the cost of services. The city owes its current residents the right to preserve and maintain the character of open space in existing subdivisions that is provided by single family detached homes without ADUs.

7. **Future new** housing developments can be built that include 750 sq ft homes on smaller plots of land. This would allow for a greater degree of housing diversity, such as in the subdivision being contemplated near Holmes and 25th Street or others.

Please vote against the proposed changes to ADUs in RP, R1, and RMH zones which would allow ADUs in all residential zones.

Respectfully submitted,

Neil and Dolores Hutten

199 E. Harvest Run Drive

Idaho Falls, ID 83404

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING CITY ZONING CODE SECTIONS 11-2-6, 11-3-4, AND TABLES 11-2-1, 11-3-3 TO CLARIFY REQUIREMENTS REGARDING ACCESSORY DWELLING UNITS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the City adopted April 12, 2018, edition of the Comprehensive Zoning Code which promotes the health, safety, peace, convenience, and general welfare of the inhabitants of the City by implementing the goals and policies of the City's Comprehensive Plan; and

WHEREAS, the City desires the standards of the Zoning Code to be consistent and clear; and

WHEREAS, upon review of the Zoning Code, City Planning Division staff has determined there are updates needed to improve the consistency and clarity of the Code's standards pertaining to Accessory Dwelling Units; and

WHEREAS, the Council recognizes the desire for accessory dwelling units in all residential zones; and

WHEREAS, accessory dwelling units are permitted in all zones as are minor changes to reduce barriers to construct these units; and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on February 15, 2022, and recommended approval of the code changes to the mentioned sections and tables pertaining to Accessory Dwelling Units; and

WHEREAS, on March 31, 2022, the Council conducted a duly noticed public hearing and passed a motion to approve the recommended changes on the first reading; and

WHEREAS, on April 14, 2022, the Council passed a motion to approve the revised recommended changes;

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

SECTION 1. Table 11-2-1, of the City Code shall be amended to read as follows:

…

Table 11-2-1: Allowed Uses in Residential Zones

P = permitted use. C1 = administrative conditional use. C2 = Planning Commission conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.

*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.

	Low Density Residential			Medium Density Residential			High Density Residential	
Proposed Land Use Classification	**RE**	**RP**	**R1**	**R2**	**TN**	**RMH**	**R3**	**R3A**
Accessory Use	P	P	P	P	P	P	P	P
Agriculture*	P							
Animal Care Clinic					P*			P
Artist Studio					P*			
Bed and Breakfast*								P
Boarding /Rooming House							P	P
Day Care, Center*			C2	P	P		P	P
Day Care, Group*	C1		C1	P	P	C1	P	P
Day Care, Home	C1		C1	P	P	C1	P	P
Dwelling, Accessory Unit*	P	**P**	**P**	P	P	**P**	P	P
Dwelling, Multi-Unit*				P*	P		P	P
Dwelling, Multi-Unit Attached*				P	P		P	P
Dwelling, Single Unit Attached*			P	P	P	P	P	P
Dwelling, Single Unit Detached	P	P	P	P	P	P	P	P
Dwelling, Two Unit				P	P		P	P
Eating Establishment, Limited					P*			P
Financial Institutions					P*			P
Food Processing, Small Scale					P*			
Food Store					P*			
Fuel Station					P*			
Health Care and Social Services					P*			P
Home Occupation*	C1		C1	C1	C1	C1	C1	C1

Information Technology								P
Laundry and Dry Cleaning					P*			P
Live-Work*					C 1			P
Manufactured Home*	P	P	P	P	P	P	P	P
Mobile Home Park*						C2		C2
Mortuary								P
Park and Recreation Facility*	P	P	P	P	P	P	P	P
Parking Facility								P
Personal Service					P*			P
Planned Unit Development*	C3	C3	C3	C3		C3	C3	C3
Professional Service								P
Public Service Facility*	C2	C2	C2	C2	C 2	C2	C2	C2
Public Service Facility, Limited	P	P	P	P	P	P	P	P
Public Service Use								P

…

SECTION 2. Section 11-2-6 of the City Code shall be amended to read as follows:

…

11-2-6: STANDARD FOR ALLOWED LAND USES

…

(N) Dwelling, Accessory Unit.

(1) The accessory dwelling unit may be configured as follows:

(a) As an integral portion of a principal dwelling unit on any floor or basement; or

(b) As an attached structure to the principal dwelling unit; or

(c) As a separate structure; or

(d) As a caretaker's residence, when accessory and incidental to a permitted use and constructed as an integral portion of any floor of a structure in an Industrial or Commercial Zone.

(2) The accessory dwelling unit shall comply with the following dimensional and design requirements, except for those units that fall under 11-2-6(N)(1)(d): (Ord. 3218, 9-13-18)

(a) The maximum size of the accessory dwelling is seven hundred and fifty (750) sq. ft.~~, and not more than one (1) bedroom.~~

(b) The structure that contains an accessory dwelling shall meet all required dimensional standards for the zone, with the following exceptions:

(i) A detached accessory dwelling shall have the same side yard

requirement as a primary structure, as required by the zone in which the accessory dwelling is located.

(ii) A detached accessory dwelling shall have a minimum setback from the rear property line of ten feet (10'), except when adjacent to a public or private alley that is at least sixteen feet (16') wide. If adjacent to a public or private alley, the detached accessory dwelling shall comply with Table 11-3-3 (3).

(c) A detached accessory dwelling that is more than twelve feet (12') in height shall comply with Table 11-3-3 (1).

(d) The accessory dwelling structure shall be well-matched in height, bulk, and site location with the adjoining neighborhood.

(e) As an attached structure the accessory dwelling unit shall be designed together with the principal dwelling in such a way as to resemble that of a single-unit dwelling.

(f) As an attached or separate structure the accessory dwelling unit shall be designed with the same architectural design, style and appearance of the principal dwelling unit.

(g) If included as part of the primary structure, only one (1) entrance to the primary structuremay be located on the front building elevation except for structures where multiple entrances already exist. If multiple entrances exist then the accessory dwelling may utilize an existing entrance on the front building elevation.

(h) The accessory dwelling unit shall have a separate entrance from the primary dwelling, meet the building code requirements for a separate unit, and be functionally separate from the primary dwelling.

(i) Recreational vehicles shall be prohibited for use as an accessory dwelling unit.

(3) One (1) parking space shall be required on the lot where ~~for~~ the accessory dwelling is located in addition to the existing minimum parking requirement for the principal dwelling unit. A driveway ~~apron~~ may be used for this requirement. Conversion of a garage into an accessory unit is not permitted unless required parking can be provided elsewhere on the lot.

(4) The property owner shall occupy either the principal dwelling unit or the accessory dwelling unit as their primary residence, except for units accessory to nonresidential uses. This requirement shall be enforced through recordation of a deed restriction with the Bonneville County Recorder.(Ord. 3218, 9-13-18)

(5) Only one (1) accessory dwelling unit shall be permitted on a lot of a principal dwelling unit. Accessory dwelling units shall not be counted in density calculations.

(6) The accessory dwelling unit shall not be sold separately or converted to any form of legalownership different from the principal dwelling unit.

…

SECTION 3. Section 11-3-4(C) and Table 11-3-3 of the City Code shall be amended to read as follows:

…

11-3-4: DIMENSIONAL STANDARDS FOR RESIDENTIAL ZONES.

…

(C) Maximum Lot Coverage, Building Height, and Density.

(1) Public use, public service facility, school and religious institutions may be erected to any height, provided the building is set back from the required building setback lines at least one foot (1') for each additional foot of building height above the maximum height permitted in the Zone.

(2) In the RE, RP, R1, R2, TN and RMH Zones lot coverage for single unit residential uses shall only include those areas under roofs.

(3) For multi-unit or commercial uses lot coverage shall include all areas under roofs and paved surfaces, including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.

(4) When a multi-unit dwelling or commercial use is developed on a property that adjoins a property zoned RE, RP, R1, R2, TN, or unincorporated land designated for Low Density Residential in the City's Comprehensive Plan and the height of the building is over twenty-four feet (24'), every one foot (1') of additional building height requires and additional one foot (1') in setback. (Ord.3310, 6-18-20)

…

Table 11-3-3: Dimensional Standards for Accessory Structures in Residential Zones

	RE	RP	R1	R2	TN	R3	R3A	RMH
Setbacks – Minimum in ft.								
Front	40	30	25	20	15	15	15	25
Side	20	0/7.5*	0/6*	0/6*	0/5*	0/6*	0/6*	0/10*
Rear	40*	0*	0*	0*	0*	0*	0*	0*
Building height-Maximum in ft.		12/24*	12/24*	12/24*	12/24*			12/24*
~~Lot coverage of the rear yard, maximum %~~	~~30~~	~~30~~	~~30~~	~~30~~	~~30~~			~~30~~
*See explanations, exceptions and qualifications that follow in Section 11-3-4D (1-5) of this Zoning Code.								

(1) In residential zones, accessory structures which are more than twelve feet (12') in height must meet the same setbacks as primary buildings.

(2) In all residential zones, except the RE Zone, side yard requirements for accessory buildings

shall be the same as for main buildings, except that no side yard shall be required for accessory buildings which are located more than twelve feet (12') in the rear of the main building.

(3) The rear yard setback shall be three feet (3') on lots in any residential zone in which the rear yard is contiguous to an alley.

(4) In the RMH Zone, a minimum rear yard of fifteen feet (15') is permitted if one (1) of the required side-yards is a minimum of twenty-five feet (25').

(5) Properties zoned RP and RP-A prior to the adoption of this Zoning Code shall meet the setbacks required at the time they were approved. A listing of applicable subdivisions can be found in the

Section 11-7-2. The applicable setbacks required at the time they were approved are as follows:

Table 11-3-4: Prior RP and RP-A Accessory Building Setbacks

	RP	RP-A
Setbacks – Minimum in ft.		
Front	30	30
Side	20	5*
Rear	25	5*
*See explanations, exceptions and qualifications that follow in Section11-3-4D(1,3) of this Zoning Code.		

…

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause, or phrase of this Ordinance.

SECTION 5. Codification Clause. The City Clerk is instructed to immediately forward this Ordinance to the codifier of the official municipal code for proper revision of the Code.

SECTION 6. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 7. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this day of_____, 2022.

ATTEST: CITY OF IDAHO FALLS, IDAHO

_____ _____

KATHY HAMPTON, CITY CLERK REBECCA L. NOAH CASPER, Ph.D., MAYOR

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING CITY ZONING CODE SECTIONS 11-2-6, 11-3-4, AND TABLES 11-2-1, 11-3-3 TO CLARIFY REQUIREMENTS REGARDING ACCESSORY DWELLING UNITS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____

(SEAL) KATHY HAMPTON, CITY CLERK

From: Ron Folsom
To: Brad Cramer
Subject: Re: ADU Unit Proposal
Date: Friday, February 25, 2022 7:26:05 AM

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

Brad,

Good to hear from you. No, I didn't take your excellent explanation of what you've gone through to get to this place as adversarial. Just the opposite and I appreciate.

You should know that I made the first presentation years ago to the Ammon Commission and Council on ADUs, so I've been a supporter of the idea for years. I asked for 750 sq ft but couldn't convince them of it so I think it was 500 and more of a studio than the ADUs they build now. My concern is protecting the integrity of the neighborhoods and an ADU regulated as you are saying will do that. Unfortunately, when we read an article in the paper, we don't get that story. Maybe I should have called you!!

STR in Island Park are at a point there are nearly no workforce housing left available. In fact, people have sold their rentals and some of them their homes because of the high market value and STR people pay even higher than market. We had people leave last summer that had lived here in rentals some for as long as ten years, but the cabin was sold to STR owners. Up here it has become not just a summer homeowner subsidizing their expenses to have a home its now corporations buying five or six homes and several individuals that have jumped on board and own five or six themselves. None of them live here so that's what the biggest issue has become. When neighbors have an issue, they talk to a property manager that has no authority and the owners and visitors have no vested interest. It makes for some tense moments. I'm fortunate, there are six rentals in my neighborhood, but none have ever been an issue, but I have friends that live in a nightmare for weeks at a time with ATVs cutting through their property, snow machines in the winter, noise and dozens of vehicles. The biggest issue is seriously Fremont County's lack of enforcement of the ordinances they have in place which do not conflict with HB216. We're hoping to have a new ordinance in place by fall but the County moves slower than you can imagine. They've been working on a new development plan for six years. In all that time they have held not even one public meeting, no surveys, and no community committees for review. Basically, one person is writing it and making the changes with no input, not even from the Commission. Its hard for me to even wrap my head around.

So, it sounds like you have your ADUs under control and the property owner living on property is a big step in the right direction. I would only caution you on STR and size of the ADU which you mentioned. Up here a two-bedroom ADU is allowed eight STR renters. If you add that to a principal home as a STR you can have easy 25 people on the lot. Just beware!

Thanks for your great explanation and you have indeed changed my mind!!

Ron Folsom 208.313.4180

On Feb 24, 2022, at 3:58 PM, Brad Cramer <BCramer@idahofalls.gov> wrote:

Good afternoon Ron,

It's good to hear from you and thank you for the email. I'll make sure its included in the packet that goes to City Council for the hearing. I know you've worked in this field and understand the issues at a deeper level than most so I did want to address a couple of your concerns here. I'm also happy to chat more about it. I wasn't at the P&Z meeting so I wasn't able to respond directly to some of Dixon's concerns, but I would have.

When we were doing our community engagement for our new comprehensive plan, we spent a lot of time asking questions and having discussions about housing. Specifically, we were trying to find the right balance for diversifying neighborhoods without drastically changing the character of existing neighborhoods. We asked about all kinds of housing types, including ADUs and asked people where they thought they belonged. We did this with the City as a whole and we also divided the City into 5 areas and asked the questions there to see if responses varied by geography. The only housing type that more than 50% of respondents said they were ok with anywhere in the neighborhood was ADUs. The other types were much more mixed. With that support, we began expanding where we currently allow them to all zones that allow housing.

You and Dixon are correct that it may mean ADUs start popping up in historically single-family only zones. Where we are going to disagree is I don't see this as an issue. ADUs will still have restrictions that we've tried to structure carefully to avoid the nuisances. We've put in the code that on properties that have an ADU, the owner of the property must live on the property. A deed restriction must be filed against the property to help keep this from becoming an issue when the property is sold. There is currently a limit for 1-bedroom although we're going to recommend the Council consider changing that.

Yes, for now they could be used as a short-term rental, but right now so could any home in Idaho Falls. That's a much larger issue/question as you well know living in Island Park, that needs to be thought through as well, but the legislature has made that difficult with the law they passed a couple of years ago. Likewise, no

resident can have any reasonable expectation that their next door neighbor will always be an owner of the property. There are no restrictions on whether a home can be rented or not. In our single-family zones, twin homes are allowed by right and have been allowed for years (previously as CUPs). There is no expectation that those wouldn't be rentals. The expectation that is changing is that there would only be one dwelling on the same property, but that's also only been an expectation since zoning came to Idaho Falls anyway. Neighborhoods built prior to zoning ordinances were full of diverse housing types, including basement apartments, boarding houses, etc. Those neighborhoods are now some of the most beloved in Idaho Falls and many other communities. This really isn't a new concept, it's just one that zoning made illegal for 75 years or so.

I do take some issue with Dixon's comments about not having a choice about what happens on a neighbor's property. What right has one owner ever had over their neighbor's property? As I'm sure you are aware since you worked in planning for many years, zoning has deep roots in segregation. It was used for decades as a tool to separate people based on race. That has evolved to today's world where it is seen by many (although it's never described this way) as a way to separate by socio-economic status. Cities and states across the country are starting to ask if the government's role is to maintain codes that perpetuate such segregation. Some states are now pre-empting cities from having single-family exclusive zoning.

There are also benefits to ADUs to a community. It is a relatively easy way to add more affordable, smaller units which are desperately needed. With the supplemental income, it increases the ability to own a home. For an owner that wants a smaller space but doesn't want to move from their neighborhood, they can live in the ADU and rent out the larger home. Under our standards with the requirement that the owner live on the property, the issue with absentee landlords diminishes. As with all rentals and owner-occupied homes, there will be good tenants and not-so-good tenants. It won't be perfect. But we really do believe this is an important step to take in Idaho Falls to help address our housing issues.

Ron, I hope you'll not take this as adversarial or trying to convince you of our approach, just commentary between two people who used to work together in neighboring cities. I'd be happy to discuss further if you'd like.

<image002.png>

Community Development Services

Brad Cramer | *Director*

680 Park Avenue
Idaho Falls, Idaho 83402
Work: (208) 612-8276

Fax: (208) 612-8520
bcramer@idahofallsidaho.gov

From: Carla Bruington <CBruington@idahofalls.gov>
Sent: Thursday, February 24, 2022 1:24 PM
To: Ron Folsom <ronwfolsom@icloud.com>
Cc: Brad Cramer <BCramer@idahofalls.gov>
Subject: RE: ADU Unit Proposal

Good Afternoon – Thank you for reaching out the Office of the Mayor with your ADU-related comments. Community Development Services Director Brad Cramer is copied on this response that he may be informed of your position.

Sincerely,

Office of the Mayor

<image003.jpg>

Office of the Mayor
Carla Bruington | *Executive Assistant to the Mayor*

308 Constitution Way
Idaho Falls, Idaho 83402
Work: (208) 612-8235

Fax: (208) 612-8560

CBruington@idahofallsidaho.gov

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From: Ron Folsom <ronwfolsom@icloud.com>
Sent: Wednesday, February 23, 2022 5:39 PM
To: Office of the Mayor <Mayor@idahofalls.gov>; Michelle Ziel-Dingman <MDingman@idahofalls.gov>; Thomas Hally <THally@idahofalls.gov>; Jim Freeman <JFreeman@idahofalls.gov>; Jim Francis <JFrancis@idahofalls.gov>; John Radford <JRadford@idahofalls.gov>; Lisa Burtenshaw <LBurtenshaw@idahofalls.gov>
Subject: ADU Unit Proposal

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February 23, 2022

Idaho Falls Mayor and City Council,

I read the article in a recent Post Register about the Planning and Zoning Commission recommending that ADUs be allowed in all residential zones. I have recently sold my last property in Idaho Falls but still think of the Idaho Falls as my hometown.

As I read through the quotes it seems that Commissioner Dixon hit the nail on the head several times but was countered by questionable explanations by Staff.

First and foremost, the idea that it is “unlikely that would occur” when Dixon suggested that no residential zones will be exclusively single family detached properties and instead be double detached residential properties. Honestly, Dixon’s argument is very spot on. Weather or not every property owner decides they want an ADU or not, this change is a major change to the zoning that currently allows single family detached homes only.

The idea that “a homeowner has the right to build an ADU” may well be a movement that is common but that does not make it reasonable. Based on that

logic, can a property owner consider it their right to have an auto service business in their garage? Of course not, and simply put that isn't losing a right it is using zoning as it was intended to be and that is to regulate and maintain the integrity of residential subdivisions. Certainly, there may be a need for a zone that allows ADUs, but they should not be allowed by a sweeping change of zoning that has been in place for decades. Please understand that by providing a right to what will likely be a minority of property owners, you will have taken the right from all surrounding properties to the regulations that they purchased their property expecting. Property with a backyard that is quiet with only one family group, no threat of having a rental property adjacent to their backyard and the expectations that the property adjacent to a neighbor be one with likely only one structure in the backyard. Will you also remove the right of the ADU builder that they cannot have a shed in their backyard to maintain the one accessory building rules?

One Staff member stated the "The goal has always been to try to diversify and provide housing choice, rather than having neighborhoods that only have one type of housing." Really? While providing diversity has been a goal in most planning circles for many years the idea of making a change to the most successful and in demand type neighborhood was certainly not always the plan. The diversity of single family detached home with only one dwelling per lot will be taken away with if this idea is adopted. Some of these logics fail to recognize what rights are being taken away from the other property owners that aren't interested in having an ADU in their or their neighbor's backyard which is very often why people buy property.

To have a staff member suggest that it could be controlled by HOAs and then immediately add that there is currently a bill in the Legislature to ban HOAs from controlling ADUs as well as ban local jurisdictions from banning them. If the bill passes this discussion at your City Council is null and void since you will have no choice on the matter (kind of like all the people expecting only one dwelling per lot).

When Dixon brought up the question of density, he was told that an amendment to the rules would "accessory dwelling units shall not be counted in density calculations." So, the proposal is to allow up to a 750 square foot dwelling on the same lot as another single family detached dwelling. Easily that size dwelling can include two bedrooms. How many occupants does that allow on a short term? Regularly up to eight occupants if you allow it and the occupancy level of short-term rentals are a major issue for the rental marketplace player because each occupant raises the nightly rate. Dwelling unit density is just that and not counting them is at the very least deceptive.

Unfortunately, it seems very clear where this movement will lead. The pressure from Real Estate Corporations and in the Legislature the short-term rental marketplace has had a huge effect on residential subdivisions. While Idaho Falls doesn't seem to have been affected yet by the short-term rental boom, it like most large cities will eventually be affected without regulation and this step is a step of putting a short-term rental in every ADU that's built. If there's one primary building and one ADU on a lot with the property occupying the primary, you currently cannot prohibit the owner from renting the ADU as a short-term rental. Once again if there's only one every block or so that will likely never affect Idaho

Falls but if you do research, you will see there are cases on short term rental companies purchasing multiple properties in a neighborhood and turn the entire property into short term rentals. This is an issue that the recreation cities in our State have seen and understand clearly. The idea of adding short term rentals to every neighborhood will not make citizens happy when the noise begins. This may never happen with the ADUs but what happens when the property sells, and the primary house is rented short term and the ADU is then rented short term? You then have two groups of people that have no vested interest in the property or the City. Maybe you regulate so only one of the two can be a short-term rental for instance or short-term rentals in ADUs be required to have the owner occupying the primary house to help the neighborhood. This is what effects neighborhoods and adding ADUs as an allowed use starts your city down that road.

In closing I hope you take my comments for what they are and that is a serious concern for allowing something that can easily be damaging to neighborhoods that have been in place for years. If this type of zoning is needed, create that zone and allow those neighborhoods that support it to do a rezone. Please don’t do a blanket allowance by approval of this idea.

Thanks,

Ron Folsom

208.313.4180