IDAHO FALLS



City Council Agenda

City of Idaho Falls
Regular Council Meeting
680 Park Avenue

Thursday
November 9, 2023
7:30 P.M.

Mayor

Rebecca Casper

City Council

Michelle Ziel-Dingman
Council President

Tom Hally
Council Seat 3

John Radford
Council Seat 5

Jim Francis
Council Seat 4

Jim Freeman
Council Seat 6

Lisa Burtenshaw
Council Seat 2

Livestream at www.idahofallsidaho.gov/429/Live-Stream

PUBLIC PARTICIPATION

Welcome to the Idaho Falls City Council Meeting.

Regularly scheduled City Council meetings are open to the general public. City Council meetings are also live-streamed and archived on the City website. Please be aware that the meeting agenda will differ from the published version if amendments to the agenda are made by the Council during the meeting.

The Council encourages public input. While a general public comment option is not required by Idaho law, the Idaho Falls City Council welcomes general public input as part of regular City Council meetings. General public comment will be allowed for up to 20 minutes. However, citizens are 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, civility, mutual respect, proper decorum and freedom from discrimination or harassment.

Those who wish to address City Council during the council meetings are encouraged to adhere to the guidelines below.

Public Comment Guidelines

Speakers are encouraged to:

- State their name and city of residence.
- Focus comments on matters within the purview of the City Council.
- Limit comments to three (3) minutes or less.
- Refrain from repeating information already presented to preserve time for others to speak. Large groups are encouraged to select one or two speakers to represent the voice of the entire group.
- Practice civility and courtesy. City leaders have the right and the responsibility to maintain order and decorum during the meeting. Time may be curtailed for those speakers whose comments are profane or disruptive in nature.
- 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).

Public Hearing Guidelines

- 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 comments directly to the Council and try to limit them to three (3) minutes.
- 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.
- 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 prior to the meeting. Please indicate which public hearing the testimony is intended for on the agenda. Please note that this 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 the City Clerk at (208) 612-8414 or the ADA Coordinator at (208) 612-8323 not less than 48 hours prior to the meeting. They will help accommodate special needs wherever possible.

City Council Meeting

Agenda

680 Park Avenue
Idaho Falls, ID 83402

Thursday, November 9, 2023 **7:30 PM** **City Council Chambers**

City Council Agenda:

1. Call to Order.

2. Pledge of Allegiance.

3. Public Comment.

Please see guidelines above.

4. Guest Presentation and Veteran's Day Briefing, Robert "Bob" Skinner, Chair, Military Affairs Committee and American Legion National Committeeman.

5. Consent Agenda.

Any Consent Agenda item may be moved to the Regular Agenda for separate consideration if requested by a Council member. Other changes to this agenda may require the approval of a majority of Council.

A. Office of the Mayor

1) Appointment of City Attorney **23-317**

Attachments: Kirkham Resume 2023

B. Idaho Falls Power

1) IFP 23-23 Conductor Material for Idaho Falls Power - Irby **23-314**

Attachments: Irby

2) IFP 24-04 Transformer Inventory for Idaho Falls Power **23-315**

Attachments: 2024 xrfrm bid sheet - for distribution

C. Municipal Services

1) Bid IF-24-02 Purchase Chlorine and Sodium Bisulfite for Public Works **23-309**

Attachments: IF-24-02 Chlorine and Sodium Bisulfite

2) Bid IF-24-03 Purchase Road Salt for Public Works **23-310**

Attachments: IF 24-03 Road Salt for Public Works

3) Q 24-001 Quote for Upfitting Two Police K-9 Tahoe’s for Police **23-311**

Department

Attachments: Quote 24-001 Upfitting Police K-9 Tahoes

4) Security Hardware Installation for the Fire Department **23-312**

Attachments: Quote - Security Hardware Installation for the Fire Department

5) Quote 24-006, Replacement Mower for Parks and Recreation Department **23-313**

Attachments: Quote 24-006 Replacement Mower for Parks and Recreation

D. Office of the City Clerk

1) Minutes from Council Meetings **23-318**

Attachments: 2023 1023 Work Session Unapproved

2) License Applications, all carrying the required approvals

Action Item:

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

6. Regular Agenda.

A. Community Development Services

1) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Rose Cottages Division No. 1. **23-307**

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Rose Cottages Division No. 1. The Planning and Zoning Commission considered this item at its July 5, 2022, meeting and unanimously voted to recommend approval for the final plat to the Mayor and City Council as presented. The delay between Planning Commission and City Council resulted because of a change of ownership and addressing all technical review comments. The final plat meets all minimum requirements of the subdivision and zoning ordinances. Staff continues to recommend approval.

Action Item:

1. Approve the Development Agreement for the Final Plat for Rose Cottages Division No. 1 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).
2. Accept or Approve the Final Plat for Rose Cottages Division No. 1 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 Rose Cottages Division No. 1 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

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

2) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, BVHZ Division No. 1. **23-308**

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for BVHZ Division No. 1. The Planning and Zoning Commission considered this item at its March 7, 2023, meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented. Staff concurs with this recommendation.

Action Item:
1. Approve the Development Agreement for the Final Plat for BVHZ Division No. 1 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).
2. Accept or Approve the Final Plat for BVHZ Division No. 1 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 BVHZ Division No. 1 and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

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

3) Quasi-judicial Public Hearing-Rezone from LC, Limited Commercial with Planned Unit Development Overlay to LC, Limited Commercial, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards on approximately 13.8 acres for The Narrows, Division No. 2 **23-306**

Attached is the application for Rezoning from LC with PUD Overlay to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 13.8 acres for The Narrows, Division No. 2. The Planning and Zoning Commission considered this item at its October 3, 2023, meeting and voted unanimously to recommend approval of the zone change, to remove the PUD Overlay Zone to the Mayor and City Council as presented.

Action Item:

1. Approve the Ordinance Rezoning approximately 13.8 acres for The Narrows, Division No. 2 from LC, Limited Commercial with Planned United Development Overlay to LC, Limited Commercial, 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 LC with PUD Overlay to LC and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map
Aerial
Comp Plan Map
PUD
Staff Report
PC Minutes
Ordinance
Reasoned Statement
Neighborhood Meeting Packet.pdf

4) Quasi-judicial Public Hearing-Rezone from LC, Limited Commercial to CC, Central Commercial, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards on Lots 1-48, Block 2, Including the alley extending in an east west direction across said block 2, Capitol Hill. **23-305**

Attached is the application for Rezoning from LC, Limited Commercial to CC, Central Commercial, Zoning Ordinance, and a Reasoned Statement of Relevant Criteria and Standards for Lots 1-48, Block 2, Including the alley extending in an east-west direction across said block 2, Capitol Hill. The Planning and Zoning Commission considered this item at its October 3, 2023, meeting and voted to recommend approval of the rezone from LC to CC to the Mayor and City Council with a vote of 3 to 2.

Action Item:

1. Approve the Ordinance Rezoning Lots 1-48, Block 2, Including the alley extending in an east-west direction across said block 2, Capitol Hill from LC, Limited Commercial to CC, Central Commercial 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 LC, Limited Commercial to CC, Central Commercial and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map
Aerial
Comp Plan Map
PC Minutes
Ordinance
Reasoned Statement
Neighborhood Meeting Packet.pdf
Staff Report

7. Announcements.

8. Adjournment.

Memorandum

File #: 23-317 **City Council Meeting**

FROM: Rebecca Casper

DATE: Thursday, November 2, 2023
DEPARTMENT: Mayor's Office

Subject
Appointment of City Attorney

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Give consent to Mayor Casper's appointment of Michael Kirkham to serve as the City Attorney pursuant to Idaho Falls City Code 3-10-2 and Idaho Code 50-204 (or take other action deemed appropriate).

Description, Background Information & Purpose
I respectfully request City Council confirmation of my appointment of Michael Kirkham to serve as Idaho Falls City Attorney effective 1 December 2023-immediately upon the current City Attorney's retirement. For your insight, I have attached a resume for Mr. Kirkham.

As the Idaho Falls City Attorney, Mr. Kirkham will continue to bring his legal knowledge and expertise to the administration of our city's Legal Department. As you review his resume and credentials, you will find that he has the requisite background for service in this new capacity. Serving for several years as the Assistant City Attorney has prepared him to understand the role and function of every city department he would be working with.

Some years ago, Mr. Kirkham determined that he did indeed wish to serve as a city attorney. He then set about developing the skills and knowledge that would best serve this goal. His affiliation with the Idaho Municipal Attorney Association and service on its board has provided excellent experience for Mr. Kirkham. This not only broadened his awareness of the practice of municipal law in Idaho, it also allowed him to develop relationships with attorneys all across the state. This is a valuable network of associates who already know, appreciate, and trust him.

Having been raised in Eastern Idaho and having attended law school in Idaho, Mr. Kirkham has a significant advantage in terms of understanding our state's legal culture. Both he and his spouse have invested their personal time in service to the greater Idaho Falls community. They believe in giving back. And when it comes to the city's unique regulatory environment and its wide variety of other legal obligations, he is well prepared. In addition, I am particularly gratified to know he has developed significant expertise with respect to Idaho's Open Records law.

All who work with Mr. Kirkham have had an opportunity to become familiar with his impressive intellectual capacity. But what has been perhaps even more impressive is that he brings a positive demeanor to his service. He is both a hard

worker and an optimist. I am confident he will help city leaders develop creative solutions that fit within Idaho's constantly changing municipal legal landscape.

As both city and community leaders, I am confident you will appreciate what a tremendous opportunity we have before us. Having Mr. Kirkham serve as the City's Attorney will allow Idaho Falls to have yet another highly trained and well-respected attorney who knows, understands, and loves his work and his community.

I absolutely believe we have the very best fit for this position at this time in Mr. Kirkham. I am confident he has the right leadership and managerial background, and I believe this sentiment is widely shared. Every city leader I have approached has demonstrated support for this appointment. For me, this is a meaningful indicator that something is right with this approach.

For all of the foregoing reasons, I respectfully encourage you to offer your vote of confirmation for Michael Kirkham as he moves into the city's ranks of highly qualified Executives.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

Seeking out the best and most highly qualified individuals to hire for service to the city is in keeping with best governance practices.

Interdepartmental Coordination
Numerous city leaders across departments demonstrated support of this appointment.

Fiscal Impact
Mr. Kirkham's annual salary, budgeted from the Legal Department budget, is less than Mr. Fife's annual salary (after many years of service to the City). This represents a minor net savings to the department.

Legal Review
N/A

MICHAEL KIRKHAM

117 Tautphaus Drive, Idaho Falls, Idaho 83402
(208) 477-1112 • kir05004@gmail.com

RELEVANT PRACTICE EXPERIENCE:

City of Idaho Falls

Assistant City Attorney April 2014 - Present

- Providing general legal counsel to Mayor, City Council, and City Directors
- Specializing in Real Estate, Land Use, Contracts, Employment Law
- Managing outside counsel
- Representing City in civil litigation cases and appeals; and administrative hearings
- Provided training to City staff on legal topics, i.e. risk assessment, legal compliance
- Licensed in Idaho

Craig W. Christensen, Chartered

Independent Contract Attorney August 2013 – April 2014

Pocatello, Idaho

- Specializing in Bankruptcy litigation and Creditors' Rights

PROFESSIONAL ASSOCIATIONS & AWARDS

- Idaho Municipal Attorney Association, President 2021-2022, Board Member 2018-current.
- 2023 Distinguished Under Forty – Greater Idaho Falls Chamber of Commerce
- 2023 Professionalism Award - Idaho Municipal Attorney Association
- 2019 Rising Star – Idaho Municipal Attorney Association

CLERKSHIP EXPERIENCE:

The Honorable John Stegner,

Idaho District Court, Second Judicial District, Moscow, Idaho

Judicial Law Clerk August 2012 – August 2013

The Honorable N. Randy Smith,

United States Court of Appeals, Ninth Circuit, Pocatello, Idaho

Summer Extern May 2011 – August 2011

The Honorable Lloyd D. George,

United States District Court, District of Nevada, Las Vegas, Nevada

Summer Extern June 2010 – July 2010

MICHAEL KIRKHAM

117 Tautphaus Drive, Idaho Falls, Idaho 83402
(208) 477-1112 • kir05004@gmail.com

EDUCATION:

University of Idaho, College of Law — May 2012

Juris Doctor

- Executive Board – Executive Editor, Idaho Law Review, 2011-2012
- National Moot Court Team, 2011-2012
- Idaho Trial Lawyers Association 2010 Trial Brief Competition Runner Up
- Legal Research and Writing Teaching Assistant for Professor McIntosh
- Dean's List

Brigham Young University–Idaho, Rexburg, Idaho — July 2009

Bachelors of Science, Political Science

Memorandum

File #: 23-314 **City Council Meeting**

FROM: Bear Prairie, General Manager
DATE: Thursday, November 2, 2023
DEPARTMENT: Idaho Falls Power

Subject
IFP 23-23 Conductor Material for Idaho Falls Power - Irby

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the purchase of conductor material from Irby of Salt Lake City, UT for a total of $214,500.00 (or take other action deemed appropriate).

Description, Background Information & Purpose
Idaho Falls Power solicited bids in June 2023 from qualified vendors to purchase materials for the Paine South Feeder, which included 1100 MCM conductor wire. Additional wire is needed to replenish IFP's inventory and Irby has agreed to extend their June pricing.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

This action shows our readiness for healthy economic growth, ensuring a well-supplied inventory for Idaho Falls Power projects. This action also supports the growth and reliability element of the IFP Strategic Plan.

Interdepartmental Coordination
The Legal Department

Fiscal Impact
Funds are budged in the 2023/24 Idaho Falls Power budget.

Legal Review
The City Attorney concurs that this purchase is within state statute.

Quotation

irby
A Sonepar Company

STUART C IRBY BR 1093 SALT LAKE CTY
6312 WEST BEAGLEY ROAD
WEST VALLEY CITY UT 84128
385-285-3199

QUOTE DATE	ORDER NUMBER
10/24/23	S013785676

REMIT TO:
STUART C. IRBY CO.
POST OFFICE BOX 843959
DALLAS TX 75284

PAGE NO. 1

SOLD TO:
CITY OF IDAHO FALLS
PO BOX 50220
IDAHO FALLS, ID 83405-0000

SHIP TO:
CITY OF IDAHO FALLS
140 S CAPITAL
IDAHO FALLS, ID 83402-0000
208-612-8433

ORDERED BY: KRISTA

CUSTOMER NUMBER	CUSTOMER ORDER NUMBER	JOB/RELEASE NUMBER	OUTSIDE SALESPERSON
238934	1100 OKONITE		Joe R Arnold

INSIDE SALESPERSON		REQD DATE	FRGHT ALLWD	SHIP VIA
Joseph C Rho		10/24/23	Yes	

ORDER QTY	SHIP QTY	LINE	DESCRIPTION	Prc/Uom	Ext.Amt
			******** Shipping Instructions *********		
			* MUST CALL 24-48HRS BEFORE DELIVERY *		
			* KRISTA 208-612-8356 *		
			**********		
15600FT		1	*OKON 160-23-9590 15KV OKOGUARD URO-J 1100MCM 220MIL 133% INSUL	13750.000M	214500.00
			**********		
			6X2600 JULY LEAD TIME		
			12X1300 POSSIBLY SOONER		
			**********		

*** This is a quotation ***

Prices firm for acceptance within 30 days with the exception of commodity prices which are subject to change daily. Quotation is void if changed. Complete quote must be used unless authorized in writing.

Subtotal	**214500.00**
S&H CHGS	**0.00**
Sales Tax	0.00
TOTAL	**214500.00**

OUR PRODUCT AND SERVICES ARE SUBJECT TO, AND GOVERNED EXCLUSIVELY BY, OUR TERMS AND CONDITIONS OF SALE, WHICH ARE INCORPORATED HEREIN AND AVAILABLE AT www.irby.com/terms. ADDITIONAL OR CONFLICTING TERMS ARE REJECTED, VOID AND OF NO FORCE OR EFFECT.

** Reprint ** Reprint ** Reprint **

Bid Tabulation

Project: Paine South Feeder Material
Submitted: Krista Thornton Facility Services Manager

Number: IFP - 23-23
Date: 5/31/2023

				Meyer Utility Structures - Memphis Tennessee			IRBY- West Valley		
	Description	Quantity	Unit	Unit Cost	Total Amount	Delivery Time	Unit Cost	Total Amount	Delivery Time
1	6" X 10', PVC Conduit, one bell end	520	Feet	$ -	$ -		$ 8.75	$ 4,550.00	Stock
2	6" X 10', Rigid steel conduit	100	Feet	$ -	$ -		$ 59.75	$ 5,975.00	Stock
3	Bell end: 6" PVC	115	Each	$ -	$ -		$ 9.95	$ 1,144.25	Stock
4A	4" Conduit, HDPE 50' Sticks Red or Black with red stripe	18,200	Feet	$ -	$ -		$ 2.45	$ 44,590.00	10 Weeks
4B	4" Conduit, HDPE 50' Sticks Orange or Black with Orange stripe	18,850	Feet	$ -	$ -		$ 2.45	$ 46,182.50	10 Weeks
5	Elbow: 4" PVC Sweep, 36 Radius 90 degree	60	Each	$ -	$ -		$ 33.50	$ 2,010.00	2-3 Weeks
6	Elbow: 4" PVC Sweep, 36 Radius, 45 degree	15	Each	$ -	$ -		$ 24.09	$ 361.35	2-3 Weeks
7	Lubricant: 2 1/2 Gallon Cable Pulling, Cold Weather	400	Each	$ -	$ -		$ 38.50	$ 15,400.00	Stock
8	Insulator: 15KV Polymer	350	Each	$ -	$ -		$ 52.00	$ 18,200.00	1-2 Weeks
9	Insulator: 30" Length, Strain Fiberglass Rod	60	Each	$ -	$ -		$ 26.50	$ 1,590.00	170 days
10	Insulator: 3 Weathersheds, 15KV, 11" Length	200	Each	$ -	$ -		$ 11.75	$ 2,350.00	2-3 Weeks
11	Insulator Conductor, Insulator: Spool	100	Each	$ -	$ -		$ 2.50	$ 250.00	Stock
12	Guard: Line Protection For Large Conductor	140	Each	$ -	$ -		$ 77.00	$ 10,780.00	4-6 Weeks
13	Guard: Large Clamp Top Insulator	80	Each	$ -	$ -		$ 97.50	$ 7,800.00	4-6 Weeks
14	Pin Poletop Bracket	40	Each	$ -	$ -		$ 41.00	$ 1,640.00	1-2 Weeks
15	Bolt: 3/4" X 14" (MA)	275	Each	$ -	$ -		$ 2.30	$ 632.50	Stock

16	Bolt: 5/8" X 14" (DU)	100	Each	$ -	$ -		$ 15.90	$ 1,590.00	1-2 Weeks
17	Stud Bolt: 7 9/16"	250	Each	$ -	$ -		$ 10.57	$ 2,642.50	1-2 Weeks
18	Washer: 3/4" Spring, Double Coil	1,000	Each	$ -	$ -		$ 0.96	$ 960.00	Stock
19	Clamp: #795 Trunnion Type	200	Each	$ -	$ -		$ 37.00	$ 7,400.00	30 Weeks
20	Clamp: 4 1/2" to 6"	20	Each	$ -	$ -		$ 31.85	$ 637.00	1-2 Weeks
21	Stinger Cover: 25' Rolls	5	Rolls	$ -	$ -		$ 195.00	$ 975.00	2-3 Weeks
22	Stinger Cover: 3/8" OH Line, 50'	10	Rolls	$ -	$ -		$ 185.00	$ 1,850.00	2-3 Weeks
23	Ampact Tap: #795 - #795	200	Each	$ -	$ -		$ 60.00	$ 12,000.00	10-12 Weeks
24	Deadend: 3/8" Strandvise Standard Short Bail	50	Each	$ -	$ -		$ 17.00	$ 850.00	18-20 Weeks
25	Strap: 6" Unistrut	25	Each	$ -	$ -		$ 5.13	$ 128.25	Stock
26	Anchor Rod: 1" X 7'	30	Each	$ -	$ -		$ 65.00	$ 1,950.00	107 days
27	Screw Anchor: 14"	30	Each	$ -	$ -		$ 225.00	$ 6,750.00	100 days
28	Spade Extension: 8-Hole	15	Each	$ -	$ -		$ 56.00	$ 840.00	120 days
29	Crossarm: Fiberglass 8' Tangent	60	Each	$ -	$ -		$ 168.00	$ 10,080.00	8-12 Weeks
30	Crossarm: Fiberglass 12' Deadend	5	Each	$ -	$ -		$ 701.00	$ 3,505.00	8-12 Weeks
31	Nut: Thimble Eye 5/8"	50	Each	$ -	$ -		$ 4.25	$ 212.50	Stock
32	Plate: Pole Eye	10	Each	$ -	$ -		$ 13.00	$ 130.00	Stock
33	Deadend: 1/4" Strandvise Standard Short Bail	50	Each	$ -	$ -		$ 17.60	$ 880.00	Stock
34	Transformer: 75KVA 208Y/120, Three Phase	3	Each	$ -	$ -		$ 21,865.00	$ 65,595.00	52 Weeks
35	Transformer: 225KVA 208Y/120, Three Phase	3	Each	$ -	$ -		$ 31,100.00	$ 93,300.00	52 Weeks

36	Transformer: 300KVA 208Y/120, Three Phase	3	Each	$ -	$ -		$ 35,900.00	$ 107,700.00	52 Weeks
37	Cable: 1100 MCM Primary 3 Conductors	155,700	Feet	$ -	$ -		$ 13.75	$ 2,140,875.00	Jan - March 2024
38	6" HDPE Conduit, Schedule 40	48,800	Feet	$ -	$ -		$ 4.39	$ 214,232.00	10 Weeks
39	T-Body Kit, 1100, With no Reducer Includes Insulating Plug	320	Each	$ -	$ -		$ 215.00	$ 68,800.00	24-26 Weeks
40	Connecting Plug with Stud	150	Each	$ -	$ -		$ 130.00	$ 19,500.00	24-26 Weeks
41	600 AMP Protective Cap	30	Each	$ -	$ -		$ 99.50	$ 2,985.00	Stock
42	Concrete Vault, PCORP, 7' X 12'	26	Each	$ -	$ -		$ 11,853.85	$ 308,200.10	10-12 Weeks
43	Underground Cable Racking, 20 Hole, T-Slots	624	Each	$ -	$ -		$ 11.75	$ 7,332.00	1-2 Weeks
44	Underground Cable Rack Hook, 18"	936	Each	$ -	$ -		$ 13.50	$ 12,636.00	1-2 Weeks
45	Unistrut Spring Nuts, 1/2"	1,250	Each	$ -	$ -		$ 4.90	$ 6,125.00	Stock
46	4" Arnco Fittings, Shurlock	12	Each	$ -	$ -		$ 32.00	$ 384.00	Stock
47	Power Pole, 55', Class 1	17	Each	$ 4,672.00	$ 79,424.00	21 Weeks	$ 3,675.00	$ 62,475.00	34 weeks
48	Power Pole, 60', Class 1	4	Each	$ 4,926.00	$ 19,704.00	21 Weeks	$ 3,830.00	$ 15,320.00	34 Weeks
49	Power Pole, 65', Class 1	2	Each	$ 5,190.00	$ 10,380.00	21 Weeks	$ 4,035.00	$ 8,070.00	34 Weeks
50	Pad Mount Switchgear PSE-9	2	Each	$ -	$ -		no bid	$ -	
51	Pad Mount Switchgear PSE-11	1	Each	$ -	$ -		no bid	$ -	
52	Deadend Shoe Clamp	150	Each	$ -	$ -		$ 28.00	$ 4,200.00	14-16 Weeks
				Total	$ 30,084.00			$ 3,354,564.95	

Memorandum

File #: 23-315 **City Council Meeting**

FROM: Bear Prairie, General Manager
DATE: Thursday, November 2, 2023
DEPARTMENT: Idaho Falls Power

Subject
IFP 24-04 Transformer Inventory for Idaho Falls Power

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve bids from Western United Electric and Border States to resupply IFP's transformer inventory for a total of $2,042,306.08 (or take other action deemed appropriate).

Description, Background Information & Purpose
Idaho Falls Power solicited bids from qualified vendors to resupply IFP's transformer inventory. Seven bids were received with Western United Electric and Border States being the lowest responsive, responsible bidders, who also meet our construction schedule.

Alignment with City & Department Planning Objectives



☐ ☐ ☒ ☐ ☐ ☐ ☐ ☐

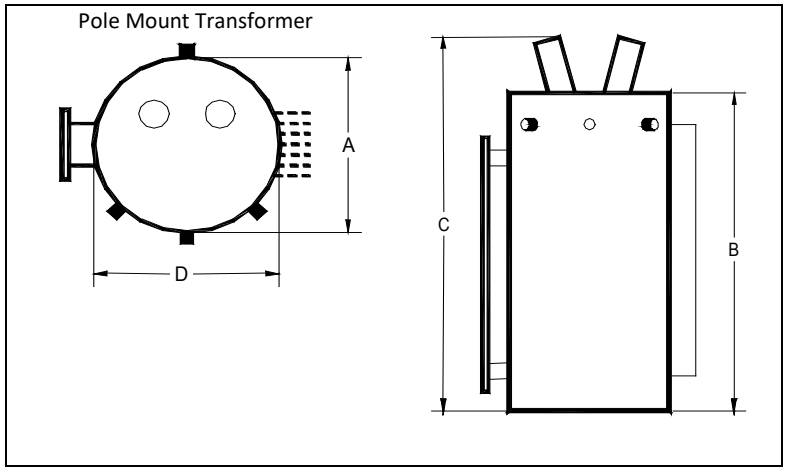
This action shows our readiness for healthy economic growth by ensuring a well-supplied inventory so that community infrastructure meets current and future needs. This action also supports the growth and reliability elements of the IFP Strategic Plan.

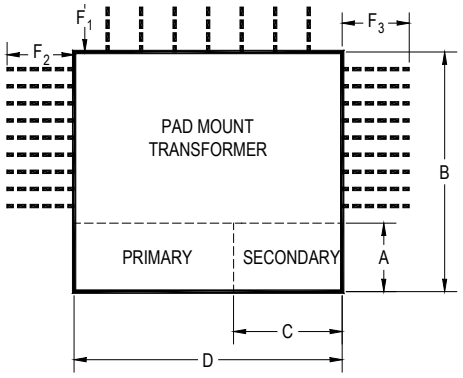
Interdepartmental Coordination
The Legal Department

Fiscal Impact
Funds are budged for these items in the 2023/24 Idaho Falls Power budget.

Legal Review
The Legal Department concurs that this purchase is within state statute.

Transformer Dimensions





Transformer Specifications

						Dimensions				Additional Pad Mount Dimensions: Fins			Secondary Cubicle		Secondary Spade Horizontal Spacing	
Item	KVA	Description	Voltage	Gross Weight (lbs)	A	B	C	D	F1	F2	F3	Width	Depth	Between Spades	Spade to Wall
1-phase 240/120 2 bushing															
1	15	1 Ph u/g	12470 GrdY/7200 - 240/120V												
3	37.5	1 Ph u/g	12470 GrdY/7200 - 240/120V												
4	50	1 Ph u/g	12470 GrdY/7200 - 240/120V												
5	75	1 Ph u/g	12470 GrdY/7200 - 240/120V												
6	100	1 Ph u/g	12470 GrdY/7200 - 240/120V												
7	167	1 Ph u/g	12470 GrdY/7200 - 240/120V												
1-phase 240/120 3 bushing															
8	25	1 Ph u/g	12470 GrdY/7200 - 240/120V												
9	37.5	1 Ph u/g	12470 GrdY/7200 - 240/120V												
10	50	1 Ph u/g	12470 GrdY/7200 - 240/120V												
11	75	1 Ph u/g	12470 GrdY/7200 - 240/120V												
12	100	1 Ph u/g	12470 GrdY/7200 - 240/120V												
13	167	1 Ph u/g	12470 GrdY/7200 - 240/120V												
3-phase 208/120															
14	45	3 Ph u/g	12470 GrdY/7200 – 208Y/120V												
15	75	3 Ph u/g	12471 GrdY/7200 – 208Y/120V												
16	112.5	3 Ph u/g	12472 GrdY/7200 – 208Y/120V												
17	150	3 Ph u/g	12473 GrdY/7200 – 208Y/120V												
18	225	3 Ph u/g	12474 GrdY/7200 – 208Y/120V												
19	300	3 Ph u/g	12474 GrdY/7200 – 208Y/120V												
20	500	3 Ph u/g	12471 GrdY/7200 – 208Y/120V												

	750	3 Ph u/g 12471 GrdY/7200 – 208Y/120V													
	1,000	3 Ph u/g 12471 GrdY/7200 – 208Y/120V													
3-phase 480/277															
21	75	3 Ph u/g 12470 GrdY/7200 – 480Y/277V													
22	112.5	4 Ph u/g 12470 GrdY/7200 – 480Y/277V													
23	150	5 Ph u/g 12470 GrdY/7200 – 480Y/277V													
24	225	6 Ph u/g 12470 GrdY/7200 – 480Y/277V													
25	300	7 Ph u/g 12470 GrdY/7200 – 480Y/277V													
26	500	8 Ph u/g 12470 GrdY/7200 – 480Y/277V													
27	750	9 Ph u/g 12470 GrdY/7200 – 480Y/277V													
28	1000	10 Ph u/g 12470 GrdY/7200 – 480Y/277V													
29	1500	11 Ph u/g 12470 GrdY/7200 – 480Y/277V													
30	2000	12 Ph u/g 12470 GrdY/7200 – 480Y/277V													
31	2500	13 Ph u/g 12470 GrdY/7200 – 480Y/277V													
32	3750	14 Ph u/g 12481 GrdY/7200 – 480Y/277V													

Idaho Falls Power

Bid Tabulation

Project: IFP 2024 Transformer Purchase Number IFP 24-04

Submitted: Krista Thornton Facility Services Manager

Item		KVA	Description	Voltage	Qty	ULS CORPORATE (ULS Transformers)			WEG TRANSFORMERS USA (Weg Transformers)			PULSEMAC SOLUTIONS (Dalexim Bellfic Transformers)			IRBY UTILITIES (Howard Transformers)			IRBY UTILITIES (ABB Transformers)			WESTERN UNITED ELECTRIC (ERMCO Transformers)			BORDER STATES (Howard Transformers)			GENERAL PACIFIC (Howard Transformers)		
						Unit Price	Extended Price	Delivery Time	Unit Price	Extended Price	Delivery Time	Unit Price	Extended Price	Delivery Time	Unit Price	Extended Price	Delivery Time	Unit Price	Extended Price	Delivery Time	Unit Price	Extended Price	Delivery Time	Unit Price	Extended Price	Delivery Time	Unit Price	Extended Price	Delivery Time
1-phase 240/120 2 bushing																													
1	91569810015	15	1 Ph s/g	12470 Grdy/7200 - 240/120V	5	$ 7,278.27	$ 36,391.35	24-26 WEEKS		$ -		$ 6,709.50	$ 33,547.50	18 WEEKS	$ 4,520.00	$ 22,600.00	72 WEEKS	$ -	$ -		$ 3,437.00	$ 17,185.00	52 WEEKS	$ 2,338.20	$ 11,691.00	72-75 WEEKS	$ 4,811.00	$ 24,055.00	72-102 WEEKS
2	91569810025	25	1 Ph s/g	12470 Grdy/7200 - 240/120V	20	$ 8,058.10	$ 160,122.00	24-26 WEEKS		$ -		$ 7,241.90	$ 142,830.00	18 WEEKS	$ 5,150.00	$ 103,000.00	72 WEEKS	$ -	$ -		$ 3,785.00	$ 75,700.00	52 WEEKS	$ 2,544.94	$ 50,898.80	72-75 WEEKS	$ 5,471.00	$ 109,420.00	72-102 WEEKS
3	91569810037	37.5	1 Ph s/g	12470 Grdy/7200 - 240/120V	20	$ 9,054.17	$ 181,083.40	24-26 WEEKS		$ -		$ 7,884.00	$ 157,680.00	18 WEEKS	$ 6,078.00	$ 121,560.00	72 WEEKS	$ -	$ -		$ 4,111.00	$ 82,220.00	52 WEEKS	$ 3,087.21	$ 61,955.00	72-75 WEEKS	$ 6,470.00	$ 129,360.00	72-102 WEEKS
4	91569810050	50	1 Ph s/g	12470 Grdy/7200 - 240/120V	40	$ 9,388.97	$ 375,558.80	24-26 WEEKS		$ -		$ 8,356.50	$ 334,260.00	22 WEEKS	$ 6,890.00	$ 275,600.00	72 WEEKS	$ -	$ -		$ 3,668.00	$ 186,720.00	52 WEEKS	$ 3,519.10	$ 140,764.00	72-75 WEEKS	$ 7,334.00	$ 293,360.00	72-102 WEEKS
5	91569810075	75	1 Ph s/g	12470 Grdy/7200 - 240/120V	20	$ 18,195.60	$ 363,913.80	24-26 WEEKS		$ -		$ 8,612.00	$ 172,240.00	24 WEEKS	$ 9,670.00	$ 193,400.00	72 WEEKS	$ -	$ -		$ 2,785.00	$ 115,200.00	52 WEEKS	$ 4,301.25	$ 86,025.00	72-75 WEEKS	$ 9,230.00	$ 184,600.00	72-102 WEEKS
6	91569810100	100	1 Ph s/g	12470 Grdy/7200 - 240/120V	20	$ 19,796.91	$ 395,938.20	24-26 WEEKS		$ -		$ 10,584.00	$ 211,680.00	24 WEEKS	$ 10,400.00	$ 208,000.00	72 WEEKS	$ -	$ -		$ 6,928.00	$ 138,560.00	52 WEEKS	$ 5,226.97	$ 104,539.40	72-75 WEEKS	$ 11,086.00	$ 221,720.00	72-102 WEEKS
7	91569810167	167	1 Ph s/g	12470 Grdy/7200 - 240/120V	20	$ 22,562.65	$ 451,253.00	24-26 WEEKS		$ -		$ 12,163.50	$ 243,270.00	24 WEEKS	$ 13,850.00	$ 277,000.00	72 WEEKS	$ -	$ -		$ 10,108.00	$ 202,160.00	52 WEEKS	$ 7,596.63	$ 151,932.60	72-75 WEEKS	$ 14,929.00	$ 298,580.00	72-102 WEEKS
1-phase 240/120 3 bushing																													
8	91569810325	25	1 Ph s/g	12470 Grdy/7200 - 240/120V	2		$ -			$ -		$ 7,241.90	$ 14,483.80	26 WEEKS	$ 5,695.00	$ 11,390.00	72 WEEKS		$ -		$ 3,965.00	$ 7,930.00	52 WEEKS	$ 5,264.86	$ 10,529.72	72-75 WEEKS	$ 6,659.00	$ 13,318.00	72-102 WEEKS
9	91569810337	37.5	1 Ph s/g	12470 Grdy/7200 - 240/120V	2		$ -			$ -		$ 7,884.00	$ 15,768.00	26 WEEKS	$ 6,890.00	$ 13,780.00	72 WEEKS		$ -		$ 4,310.00	$ 8,620.00	52 WEEKS	$ 7,024.19	$ 14,048.38	72-75 WEEKS	$ 7,341.00	$ 14,682.00	72-102 WEEKS
10	91569810350	50	1 Ph s/g	12470 Grdy/7200 - 240/120V	6		$ -			$ -		$ 8,356.50	$ 50,139.00	26 WEEKS	$ 7,475.00	$ 44,850.00	72 WEEKS		$ -		$ 4,911.00	$ 29,466.00	52 WEEKS	$ 7,626.71	$ 45,760.26	72-75 WEEKS	$ 7,870.00	$ 47,220.00	72-102 WEEKS
11	91569810375	75	1 Ph s/g	12470 Grdy/7200 - 240/120V	2		$ -			$ -		$ 9,612.00	$ 19,224.00	26 WEEKS	$ 9,065.00	$ 18,130.00	72 WEEKS		$ -		$ 5,859.00	$ 11,718.00	52 WEEKS	$ 9,247.11	$ 18,494.22	72-75 WEEKS	$ 9,664.00	$ 19,328.00	72-102 WEEKS
12	91569813100	100	1 Ph s/g	12470 Grdy/7200 - 240/120V	2		$ -			$ -		$ 10,584.00	$ 21,168.00	26 WEEKS	$ 11,270.00	$ 22,540.00	72 WEEKS		$ -		$ 7,051.00	$ 14,102.00	52 WEEKS	$ 11,493.17	$ 22,986.34	72-75 WEEKS	$ 12,011.00	$ 24,022.00	72-102 WEEKS
13	91569813167	167	1 Ph s/g	12470 Grdy/7200 - 240/120V	2		$ -			$ -		$ 12,163.50	$ 24,327.00	26 WEEKS	$ 14,450.00	$ 28,900.00	72 WEEKS		$ -		$ 10,231.00	$ 20,462.00	52 WEEKS	$ 14,719.24	$ 29,438.48	72-75 WEEKS	$ 15,382.00	$ 30,764.00	72-102 WEEKS
3-phase 208/120																													
14	91569812045	45	3 Ph s/g	12470 Grdy/7200 - 208Y/120V	4	$ 26,147.26	$ 104,589.04	51 WEEKS	$ 12,245.00	$ 48,980.00	126-128 WEEKS	$ 23,900.00	$ 74,000.00	26 WEEKS	$ 18,000.00	$ 72,000.00	52 WEEKS	$ 25,200.00	$ 100,800.00	113-114 WEEKS	$ 14,936.00	$ 59,756.00	80 WEEKS	$ 11,466.24	$ 45,864.72	52-55 WEEKS	$ 20,328.00	$ 75,796.00	52-82 WEEKS
15	91569812075	75	3 Ph s/g	12471 Grdy/7200 - 208Y/120V	12	$ 28,478.35	$ 339,340.60	51 WEEKS	$ 59,710.00	$ 236,520.00	126-128 WEEKS	$ 23,193.00	$ 278,316.00	18 WEEKS	$ 19,575.00	$ 234,900.00	52 WEEKS	$ 23,250.00	$ 279,000.00	113-114 WEEKS	$ 15,777.00	$ 189,324.00	80 WEEKS	$ 12,342.70	$ 148,352.40	52-55 WEEKS	$ 20,864.00	$ 250,368.00	52-82 WEEKS
16	91569812012	112.5	3 Ph s/g	12472 Grdy/7200 - 208Y/120V	5	$ 29,294.46	$ 146,972.30	51 WEEKS	$ 26,177.00	$ 130,855.00	126-128 WEEKS	$ 27,326.00	$ 136,630.00	18 WEEKS	$ 23,925.00	$ 119,625.00	52 WEEKS	$ 26,900.00	$ 134,500.00	113-114 WEEKS	$ 17,196.00	$ 85,980.00	80 WEEKS	$ 22,363.83	$ 111,819.15	52-55 WEEKS	$ 23,371.00	$ 116,855.00	52-82 WEEKS
17	91569812015	150	3 Ph s/g	12473 Grdy/7200 - 208Y/120V	12	$ 31,750.90	$ 381,154.80	51 WEEKS	$ 24,535.00	$ 294,420.00	126-128 WEEKS	$ 29,389.00	$ 352,674.00	18 WEEKS	$ 23,000.00	$ 276,000.00	52 WEEKS	$ 26,800.00	$ 321,600.00	113-114 WEEKS	$ 19,575.00	$ 234,900.00	80 WEEKS	$ 20,207.80	$ 242,493.60	52-55 WEEKS	$ 25,470.00	$ 305,712.00	52-82 WEEKS
18	91569812025	225	3 Ph s/g	12474 Grdy/7200 - 208Y/120V	10	$ 36,085.86	$ 360,858.60	51 WEEKS	$ 29,419.00	$ 294,190.00	126-128 WEEKS	$ 31,873.50	$ 318,735.00	18 WEEKS	$ 28,600.00	$ 286,000.00	52 WEEKS	$ 30,500.00	$ 305,000.00	113-114 WEEKS	$ 21,354.00	$ 213,540.00	80 WEEKS	$ 18,121.35	$ 181,213.50	52-55 WEEKS	$ 30,463.00	$ 304,630.00	52-82 WEEKS
19	91569812030	300	3 Ph s/g	12474 Grdy/7200 - 208Y/120V	15	$ 40,028.65	$ 600,429.75	51 WEEKS	$ 34,113.00	$ 511,695.00	126-128 WEEKS	$ 33,930.00	$ 509,085.00	18 WEEKS	$ 32,250.00	$ 483,750.00	52 WEEKS	$ 29,000.00	$ 435,000.00	113-114 WEEKS	$ 23,915.00	$ 358,725.00	80 WEEKS	$ 21,184.27	$ 317,764.05	52-55 WEEKS	$ 34,352.00	$ 515,280.00	52-82 WEEKS
20	91569812050	500	3 Ph s/g	12471 Grdy/7200 - 208Y/120V	5	$ 47,872.97	$ 239,364.85	51 WEEKS	$ 50,078.00	$ 250,390.00	126-128 WEEKS	$ 40,675.50	$ 203,377.50	26 WEEKS	$ 40,800.00	$ 204,000.00	52 WEEKS	$ 45,650.00	$ 228,250.00	113-114 WEEKS	$ 31,802.00	$ 159,010.00	80 WEEKS	$ 28,817.86	$ 144,089.30	52-55 WEEKS	$ 43,530.00	$ 217,650.00	52-82 WEEKS
3-phase 480/277																													
21	91569814875	75	3 Ph s/g	12470 Grdy/7200 - 480Y/277V	2	$ 27,272.96	$ 54,555.90	51 WEEKS	$ 59,762.00	$ 99,524.00	126-128 WEEKS	$ 23,193.00	$ 46,386.00	26 WEEKS	$ 19,185.00	$ 38,370.00	52 WEEKS	$ 26,300.00	$ 52,600.00	113-114 WEEKS	$ 15,736.00	$ 31,472.00	80 WEEKS	$ 20,907.87	$ 41,815.74	52-55 WEEKS	$ 20,448.00	$ 40,896.00	52-82 WEEKS
22	91569814812	112.5	3 Ph s/g	12470 Grdy/7200 - 480Y/277V			$ -			$ -			$ -			$ -			$ -			$ -			$ -			$ -		
23	91569814815	150	3 Ph s/g	12470 Grdy/7200 - 480Y/277V	4	$ 30,880.53	$ 123,522.04	51 WEEKS	$ 25,906.00	$ 93,224.00	126-128 WEEKS	$ 29,389.50	$ 117,558.00	26 WEEKS	$ 23,100.00	$ 92,400.00	52 WEEKS	$ 28,300.00	$ 113,300.00	113-114 WEEKS	$ 17,677.00	$ 70,708.00	80 WEEKS	$ 14,878.65	$ 59,514.60	52-55 WEEKS	$ 24,632.00	$ 98,528.00	52-82 WEEKS
24	91569814825	225	3 Ph s/g	12470 Grdy/7200 - 480Y/277V	2	$ 34,956.26	$ 69,991.06	51 WEEKS	$ 27,762.00	$ 55,524.00	126-128 WEEKS	$ 33,873.50	$ 67,747.00	26 WEEKS	$ 27,150.00	$ 54,300.00	52 WEEKS	$ 32,975.00	$ 65,950.00	113-114 WEEKS	$ 20,616.00	$ 41,220.00	80 WEEKS	$ 17,350.87	$ 34,701.74	52-55 WEEKS	$ 28,068.00	$ 57,468.00	52-82 WEEKS
25	91569814830	300	3 Ph s/g	12470 Grdy/7200 - 480Y/277V	2	$ 39,076.40	$ 78,152.80	51 WEEKS	$ 31,470.00	$ 62,938.00	126-128 WEEKS	$ 39,996.00	$ 67,878.00	26 WEEKS	$ 29,925.00	$ 59,850.00	52 WEEKS	$ 33,600.00	$ 67,200.00	113-114 WEEKS	$ 22,216.00	$ 44,420.00	80 WEEKS	$ 19,591.23	$ 39,071.46	52-55 WEEKS	$ 31,899.00	$ 63,798.00	52-82 WEEKS
26	91569814850	500	3 Ph s/g	12470 Grdy/7200 - 480Y/277V	3	$ 46,971.96	$ 140,915.88	51 WEEKS	$ 39,317.00	$ 117,951.00	126-128 WEEKS	$ 40,675.50	$ 122,026.50	26 WEEKS	$ 39,100.00	$ 117,300.00	52 WEEKS	$ 44,250.00	$ 132,750.00	113-114 WEEKS	$ 27,048.00	$ 81,147.00	80 WEEKS	$ 24,348.33	$ 73,044.93	52-55 WEEKS	$ 41,703.00	$ 125,109.00	52-82 WEEKS
27	91569814750	750	3 Ph s/g	12470 Grdy/7200 - 480Y/277V	0	$ 54,498.26	$ -	51 WEEKS	$ 51,763.00	$ -	126-128 WEEKS	$ 46,286.00	$ -	26 WEEKS	$ 49,675.00	$ -	52 WEEKS	$ 58,450.00	$ -	156-158 WEEKS	$ 37,756.00	$ -	80 WEEKS	$ 30,184.27	$ -	52-55 WEEKS	$ 53,863.00	$ -	52-82 WEEKS
28	91569811480	1000	10 Ph s/g	12470 Grdy/7200 - 480Y/277V	0	$ 61,114.79	$ -	51 WEEKS	$ 54,378.00	$ -	84-86 WEEKS	$ 48,951.00	$ -	26 WEEKS	$ 60,175.00	$ -	52 WEEKS	$ 78,000.00	$ -	156-158 WEEKS	$ 44,296.00	$ -	80 WEEKS	$ 41,594.11	$ -	52-55 WEEKS	$ 64,369.00	$ -	52-82 WEEKS
29	91569811500	1500	13 Ph s/g	12470 Grdy/7200 - 480Y/277V	0		$ -			$ -			$ -			$ -			$ -			$ -			$ -			$ -		
30	91569812000	2000	12 Ph s/g	12470 Grdy/7200 - 480Y/277V	0		$ -			$ -			$ -			$ -			$ -			$ -			$ -			$ -		
31	91569812500	2500	13 Ph s/g	12470 Grdy/7200 - 480Y/277V	0	$ 91,128.96	$ 91,128.96	51 WEEKS	$ 73,916.00	$ 73,916.00	84-86 WEEKS	$ 78,972.50	$ 78,972.50	26 WEEKS	$ 97,100.00	$ 97,100.00	52 WEEKS	$ 110,500.00	$ 110,500.00	156-158 WEEKS	$ 83,906.00	$ 83,906.00	80 WEEKS	$ 69,799.16	$ 69,799.16	52-55 WEEKS	$ 96,098.00	$ 96,098.00	52-82 WEEKS
32	91569813750	3750	14 Ph s/g	12481 Grdy/7200 - 480Y/277V	0	$ 130,705.89	$ 130,705.89	51 WEEKS	$ 151,691.00	$ 151,691.00	84-86 WEEKS	$ 74,331.00	$ 74,331.00	26 WEEKS	$ 139,600.00	$ 139,600.00	52 WEEKS		$ -			$ -		$ 137,222.92	$ 137,222.92	52-55 WEEKS	$ 143,406.00	$ 143,406.00	52-82 WEEKS
				Total			$ 4,661,608						$ 3,903,788.00			$ 3,636,655.00			$ 2,370,950.00			$ 2,551,599.00			$ 2,405,523.65			$ 3,879,301.00
				Specifications-All Comply					Specifications: 1 Exception_See Bid for Detail			Specifications-Did not Note any Exceptions			Specifications: 1 Exception_See Bid for Detail			Specifications: 1 Exception_See Bid for Detail			Awarded	$ 209,696.00		Awarded	$ 1,832,610.08		Specification: 4 Exceptions_See Bid for Detail		
																					Specifications: 2 Exceptions_See Bid for Detail			Specifications-All Comply					
																					Total Award	$ 2,042,306.08							

Note: Bids may be awarded individually and based on any combination that is in the best interest of IFP

We took a deeper dive into our inventory and up coming projects after seeing pricing and we increased quantities and some we decided we could wait until next year.

Memorandum

File #: 23-309 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Tuesday, October 31, 2023
DEPARTMENT: Municipal Services

Subject
Bid IF-24-02 Purchase Chlorine and Sodium Bisulfite for Public Works

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the bids received from the lowest responsive and responsible bidder, Thatcher Company, Inc. for a total of $697,499.00 (or take other action deemed appropriate).

Description, Background Information & Purpose
Bids for the annual purchase of chlorine and sodium bisulfite were received on October 17, 2023. The chemicals are used for the water and wastewater treatment operations.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The purchase of the chemicals supports the good governance community-oriented results by maintaining safe and efficient city water and wastewater operations.

Interdepartmental Coordination
Public Works concurs with the recommendation to award.

Fiscal Impact
Funds for the purchase of the chemicals are budgeted within the Public Works 2023/24 water and wastewater operating budgets.

Legal Review
The City Attorney concurs that the desired Council action is within State Statute.

City of Idaho Falls

Municipal Services Department

Bid Tabulation

Project: Chlorine and Sodium Bisulfite ***Number:*** IF-24-02

Submitted: Municipal Services Finance Division ***Date:*** October 17, 2023

Item Number	Reference Number	Description	Estimated Quantity	Unit	Thatcher Company Inc Salt Lake City, UT		
					Unit Price	**Total Amount**	**Demurrage Fee After 120 Days**
1	Section I	Chlorine 150 Pound Cylinders	114	EA	$ 553.50	$ 63,099.00	.30/day per cylinder
2	Section II	Chlorine 1 Ton Container	192	EA	$ 2,475.00	$ 475,200.00	2.75/day per container
3	Section III	Sodium Bisulfite	80,000	GA	$ 1.99	$ 159,200.00	
		TOTAL				**$ 697,499.00**	

Memorandum

File #: 23-310 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Tuesday, October 31, 2023
DEPARTMENT: Municipal Services

Subject
Bid IF-24-03 Purchase Road Salt for Public Works

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the bid received from the lowest responsive and responsible bidder, Compass Minerals America, Inc. for a total of $131,910.00 (or take other action deemed appropriate).

Description, Background Information & Purpose
On October 26, 2023, bids were received for the purchase of road salt. This purchase will provide approximately 3,000 tons of road salt for the Street Division.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

The purchase of road salt supports the reliable transportation community-oriented result for providing safe and reliable transportation on city streets.

Interdepartmental Coordination
Public Works concurs with the award recommendation.

Fiscal Impact
Funds to purchase the road salt are budgeted in the 2023/24 Public Works, Street Division budget.

Legal Review
The City Attorney concurs that the desired Council action is within State Statute.

City of Idaho Falls

Municipal Services Department
Bid Tabulation

Project: Road Salt ***Number:*** IF-24-03

Submitted: Municipal Services Finance Division ***Date:*** October 26, 2023

Item Number	Reference Number	Description	Estimated Quantity	Unit	Engineer's Estimate		Compass Minerals America Inc. Overland Park, KS			Specialty Construction Supply Idaho Falls, ID		
					Unit Price	Total Amount	Price Per Ton	Total Amount	Exceptions	Price Per Ton	Total Amount	Exceptions
1	I	Road Salt	3,000	Ton	N/A	N/A	$43.97	$131,910.00	none	$51.66	$154,980.00	
		TOTAL						**$ 131,910.00**			**$ 154,980.00**	

Memorandum

File #: 23-311 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Wednesday, November 1, 2023
DEPARTMENT: Municipal Services

Subject
Q 24-001 Quote for Upfitting Two Police K-9 Tahoe's for Police Department

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the lowest responsive and responsible quote received from Day Wireless Systems for a total of $91,459.78 (or take other action deemed appropriate).

Description, Background Information & Purpose
Two quotes were received on October 13, 2023, for the installation or upfitting of K-9 related equipment into two Police K-9 replacement vehicles-make and model of vehicles: Chevy Tahoe. The lowest quote received from Sound Source on October 13, 2023 was withdrawn as they determined, after the quote was received, that they were unable to provide and install the equipment listed on page 2 of the quote specifications. Staff recommends awarding the quote to the remaining vendor, Day Wireless Systems. The upfitting will be for units 5646, a 2008 Silverado and 5686, a 2011 Explorer. Each has reached its useful life and is scheduled for replacement.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

The upfitting of the K-9 vehicles supports the reliable transportation community-oriented result by providing equipment necessary for Police operations.

Interdepartmental Coordination
The Police Department concurs with the award recommendation.

Fiscal Impact
Funds for upfitting the two Tahoes are within the 2023/24 Police Department Municipal Equipment Replacement Fund.

Legal Review

The City Attorney concurs that the desired Council action is within State Statute.

powered by Legistar™

City of Idaho Falls

Municipal Services Department

Bid Tabulation

Project: Upfitting Police K-9 Tahoe ***Number:*** Q24-001

Submitted: Municipal Services Finance Division ***Date:*** October 13, 2023

Item Number	Reference Number	Description	Estimated Quantity	Unit	Day Wireless		Sound Source (*)		Teton Communications	
					Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	Q24-001	Upfitting K-9 Tahoe	2	EA	$45,729.89	$91,459.78	$35,175.44	$70,350.88	No Quote	

(*) Vendor withdrew quote on Friday, October 20, 2023, as they determined they are unable to provide and install the equipment listed on page 2 of the request for quote.

Memorandum

File #: 23-312 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Wednesday, November 1, 2023
DEPARTMENT: Municipal Services

Subject
Security Hardware Installation for the Fire Department

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the purchase of professional services from the National Cooperative Purchasing Alliance (NCPA) contract #01-107 from CompuNet for a total of $83,760.00 (or take other action deemed appropriate).

Description, Background Information & Purpose
This purchase will provide professional services for the installation of security hardware equipment at all city Fire Department stations.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☒ ☐ ☐

The installation of security hardware supports the safe and secure community-oriented result by installing updated security access control at city Fire Department stations.

Interdepartmental Coordination
The Fire Department concurs with the contract award.

Fiscal Impact
Funds to purchase the professional services for the hardware installation are included within the 2023/24 Fire Department budget.

Legal Review
The City Attorney concurs that desired Council action is within State Statute.

Derek Hibdon
2084887229
dhibdon@compunet.biz
Quote #: DH209378

Fire Dept Doors-Install

Contract Information
All, NCPA, 01-107

Quote Information:

Quote #: DH209378

Version: 1
Quote Date: 11/01/2023
Expiration Date: 11/19/2023

Prepared for:

City of Idaho Falls

Oliver Lewis
2086128662
olewis@idahofallsidaho.gov

Bill To:

City of Idaho Falls

Accounts Payable
308 Constitution Way
PO Box 50220
Idaho Falls, ID 83405
accountspayable@idahofallsidaho.gov

Ship To:

City of Idaho Falls

Oliver Lewis
343 E Street

Idaho Falls, ID 83402

Pro-Services Installation Services

Product Details		Qty	Price	Ext. Price
CNet FF - Installation	CompuNet Installation Services	1	$60,000.00	$60,000.00
CNet FF - Installation	CompuNet Installation Services-Programming	1	$10,500.00	$10,500.00
CNet FF Project Materials	Project Materials-Conduit,Parts,Supplies	1	$5,900.00	$5,900.00
CNet FF Project Materials	Lift Rental Estimated Cost. Actual to be billed upon project completion	1	$2,500.00	$2,500.00
CNet Travel & Expenses - Install	Travel & Expenses	1	$4,860.00	$4,860.00
			Subtotal:	**$83,760.00**

Shipping

Product Description	Quantity	Price	Ext. Price
Ground Shipping To Be Determined, Billed As Actual	1	$0.00	$0.00

Derek Hibdon
2084887229
dhibdon@compunet.biz

Quote #: DH209378

Quote Summary

Description	Amount
Pro-Services Installation Services	$83,760.00
Total:	$83,760.00

Taxes, shipping, handling and other fees may apply. We reserve the right to cancel any order arising from pricing or other errors. If Customer is purchasing a subscription-based product, Customer agrees to pay all charges for the complete term of the subscription. By signing below or issuing a Purchase Order, Customer agrees to CompuNet's standard terms and conditions, which can be reviewed **here**, provided, that if Customer and CompuNet are parties to a currently effective Master Product Purchase and Services Agreement (MSA), the terms and conditions of such MSA shall control and shall supersede these standard terms and conditions. Your electronic signature, per the Electronic Signature Act, is considered equivalent to your signed and faxed signature, and allows you to accept and place your order. This Quote becomes binding and noncancelable upon Customer's return to CompuNet of acceptance. A copy of this acceptance and the attached proposal document will be sent to your email address to complete your order acceptance. You are NOT required to electronically sign your order, you may fax or email your signed proposal to your Account Executive.

City of Idaho Falls

Signature: _____

Name: _____

Title: _____

Date: _____

PO Number: _____

Memorandum

File #: 23-313 **City Council Meeting**

FROM: Pam Alexander, Municipal Services Director
DATE: Thursday, November 2, 2023
DEPARTMENT: Municipal Services

Subject
Quote 24-006, Replacement Mower for Parks and Recreation Department

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Accept and approve the quote received from the Sourcewell cooperative purchase contract 031121-TTC to purchase one Toro Groundsmaster® 4000-D mower for a total of $86,608.93 (or take other action deemed appropriate).

Description, Background Information & Purpose
This purchase will replace unit 2068, a 2013 Jacobsen R311 T mower that has reached its useful life and scheduled for replacement. Unit 2068 will be sold on public surplus.

Alignment with City & Department Planning Objectives



☐ ☐ ☐ ☐ ☐ ☐ ☐ ☒

This purchase supports the reliable public infrastructure and transportation community-oriented result by acquiring or replacing equipment required in the field.

Interdepartmental Coordination
Parks and Recreation concurs with the recommendation for award.

Fiscal Impact
Funds to purchase the replacement mower are within the 2023/24 Parks and Recreation Municipal Equipment Replacement Fund.

Legal Review
The City Attorney concurs that the desired Council action is within State Statute.

Proposal Date: 2023-10-31
Expiration Date: 2023-11-30
Quote ID: Q120426

Count on it.

Turf Equipment & Irrigation, Inc.
1630 S. Gladiola St. SLC, UT 84104
P.O. Box 26903 SLC, UT 84126-0903
(801) 566-3256

Prepared by:
Austin Petterborg
Commercial Sales
+1 2083514346
austin.petterborg@turfequip.com

Tyler Smith

City of Idaho Falls Parks

SOURCEWELL
Account# 24221

Quote is good for 30 days, Pricing and Availability is subject to change without notice.

Qty	Model #	Name	MSRP	Sourcewell
1	**30609**	**Groundsmaster 4000-D (T4)**	**$111,037.00**	**$86,608.93**
1	44967	MVP Kit 1000 Hour (PX Hydraulic Fluid - September 12, 2018 And Up)		

Equipment Total: **$86,608.93**

Does not include Sales Tax, Use Tax, or Personal Property Tax

Memorandum

File #: 23-318 **City Council Meeting**

FROM: Corrin Wilde, City Clerk
DATE: Thursday, November 9, 2023
DEPARTMENT: Mayor's Office

Subject
Minutes from Council Meetings

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the minutes from 23 October 2023 City Council Work Session.

Description, Background Information & Purpose
23 October 2023 City Council Work Session

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

The Minutes support the Good Governance community-oriented result by providing assurance of regulatory and policy compliance to facilitate transparency and minimize and mitigate risk.

Interdepartmental Coordination
N/A

Fiscal Impact
N/A

Legal Review
N/A

October 23, 2023, Council Work Session

The City Council of the City of Idaho Falls met in the Council Work Session, on Monday, October 23, 2023, 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
Councilor John Radford
Councilor Jim Freeman
Councilor Jim Francis
Councilor Lisa Burtenshaw

Absent: Council President Michelle Ziel-Dingman, Councilor Tom Hally

Also present:
Heather Wade, Human Resources Manager
Duane Nelson, Fire Chief
Mark Hagedorn, Finance Manager / Treasurer
Kirk Larsen
Michael Kirkham, Assistant City Attorney
Corrin Wilde, City Clerk

Mayor Casper called the meeting to order at 3:04 p.m. with the following items:

Mayor Casper noted that there is a campaign-related City Club event on Thursday at noon for Idaho Falls City Council candidates running for seats one, three, and five.
Mayor Casper let the Council know that she has not made formal plans to participate in the Real Heros Trunk R Treat and feels that mingling with the first responders is an option to consider and encourages Council members to come and participate with the public.
Mayor Casper informed the Council members of her travels to Vienna. She was a delegate to a UN conference, representing the United States. This is the second time she has had the privilege of going and feels it was a very successful conference for us. She explained that the city belongs to an organization called the ECA (Energy Community Alliance) and because we participated in the ECA and over the years of being a member and she has been selected as a Vice Chair of the Board. This year and last year the Chair and Vice Chair got to go to the conference last year and this year. Mayor Casper stated that last year they created an organization called the Global Partnership for Nuclear Municipalities. These are local governments coming together in the UK, European Union, Canada, and the United States.
The organization has several objectives including five primary objectives and has solidified those over the past year they all have to do with helping find the element of engagement that needs to happen with local communities when there is a nuclear facility within that community. Mayor gave some examples of what a nuclear facility is, including a Nuclear Power Plant and Radioactive Waste Management Facility as well as Radioactive Isotopes in medicine. She said there were representatives there from African countries that would like to join this partnership but they are single municipalities and we have first encouraged them to create a league of municipalities within their country or region. Mayor Casper shared the opportunity to meet the Director General to share information about this Global Partnership.

Mayor and Council: Calendars, Announcements, Events, Reports, Updates, Concerns, Questions, and Discussion:

- Councilor Radford stated that Parks and Recreation has had over 10K guests over three nights for the Event Boo at The Zoo. They will leave the lights up tonight and tomorrow from 6 pm to 8 pm and you can go and see the animals at night. The downtown flower baskets have been removed and irrigation systems

throughout the parks have been winterized. Holiday lights are being hung now and will be tuned on November 18th in conjunction with Downtown Developments Christmas tree lighting.

- Councilor Francis stated that tomorrow is the deadline for anyone applying for the HR Director position. Councilor Francis stated that Chief Johnson will have a lot of staff involved in the Trunk-or-Treat if Councilor members want to help the police areas and animal shelter it would be great. Councilor Francis says that he found out that the State has changed the law so that an unopposed Council member will not appear on the ballot. He said Micheal Ziel-Dingman is not on the ballot because she is unopposed in this election. Councilor Radford feels this is problematic as the number of votes and time served determines seniority.
  Councilor Freeman read online at the Secretary of States website about this and his understanding is that unopposed candidates would not be on the ballot because they did not want to have an election if there was only one person for that seat unopposed and was intended to save money.
- Councilor Freeman stated that there was a press release today for the Idaho Falls Regional Airport Terminal Expansion. He shared some information from the article as follows: the expansion is 18,000 square feet and is 45 million dollars and is expected to start next year and finish in the year 2026. Clayco is the main contractor and is the designer and builder but will have an association with the Construction Solutions Company which is a local company in Idaho Falls. Councilor Burtenshaw questioned whether we had secured full funding for the project. Micheal Kirkham explained that within the agreement it is contingent on getting that funding and is not sure if that has come through yet. Mayor Casper will seek clarity on this.
  Councilor Freeman stated that yesterday was the 123rd anniversary of Idaho Falls Power. That was the day that they turned on the generator and the lights downtown 123 years ago. He also noted that Kirk Miller is the Executive Director of the Northwest Public Power Association. He said Kirk worked for Northwest River Partners before and he took Scott Corwin's place when Scott moved up to President of the American Public Power Association and Councilor Freeman is pleased to have both in the position, they are in.
- Councilor Burtenshaw stated that November 14th at the College of Eastern Idaho will be the first public outreach for the high-capacity roadway study and is something that she and John Walker have tried to work on to make sure that we have the right public input so that it can be brought back to the elected bodies of Ammon, Iona, Idaho Falls, and the County so that it is not just a study that ends up sitting on the shelf. Councilor Burtenshaw stated that after the public meeting would be a chance to come back to a Council Work Session to talk about the results of what that public input was and make sure the elected officials are still on board for the next steps. She said she would work with Chris Canfield to make sure they have the right partners in that meeting. Councilor Burtenshaw stated that she and Council Member Francis met with the Legal Department last week to talk about the Soccer Complex; she feels based on that conversation that we have a three-year contract now on the soccer fields, and we have a preliminary Master Plan for the Airport that shows the Soccer fields in the last phase and feels that we may need to get this on an agenda. Mayor Casper stated that until formal action has been taken there is not much to be super concerned about in terms of commitments being made but feels an update would be smart. She feels because the Airport is involved it will be important to have some Airport leadership in place and is planning to hire an Interim Director soon and indicated that having an update would be a little bit in the future because she would like to have informed parties from both departments.

Mayor Casper shared an event coming up involving Yellowstone Teton Clean Cities Coalition on November 2nd from 2 PM to 5 PM. She indicated that one of the areas of emphasis in this meeting is EVs (electric vehicles) and the work that is being done throughout the region on EVs. They also wanted to hear a little about Public Transportation and have invited Kade Marquez to speak about GIFTS efforts to obtain some EV vehicles.
Mayor Casper informed Council members that we are 1 of 10 finalists for this grant and have been identified as a Tech Hub for Innovation and Nuclear. She said our application was from Idaho and Wyoming and the City of Idaho

Falls was a party to that grand application. Mayor Casper stated that we participated today in a press conference that came out of the White House and explained that the preliminary phase for the ten finalists comes with half a million dollars to prepare for the final and the final 75 million dollars. Our application is the only one with Nuclear and is related to not just clean energy but also to future innovation.

Acceptance and/or Receipt of Minutes:
It was moved by Councilor Francis, seconded by Councilor Burtenshaw, that the Council receive the recommendations from the October 3, 2023, meeting of the Planning and Zoning (P&Z) Commission pursuant to the Local Land Use Planning Act (LLUPA). The motion carried with the following vote: Aye – Councilors Francis, Radford, Burtenshaw, Freeman. Nay – none.

It was then moved by Councilor Francis, seconded by Councilor Radford, that the Council move into Executive Session.
(At 3:43 p.m.). The Executive Session is being called pursuant to the provisions of Idaho Code Section 74-206 (l) (j) to consider labor contract matters authorized under Idaho Code Section 74-206A (l)(a) and (b), Idaho Code. The Executive Session will be held in the City Annex Conference Room. The Council will not reconvene in an open session after the executive session.

The motion was carried by the following vote:
Aye – Councilors Burtenshaw, Radford, Freeman, Francis. Nay – none.

The City Council of the City of Idaho Falls met in Executive Session, on Monday, October 23, 2023, in the City Annex Conference Room in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:44 p.m.

There were present:
Mayor Rebecca L. Noah Casper
Councilor John Radford
Councilor Lisa Burtenshaw
Councilor Jim Freeman
Councilor Jim Francis

Also present:
Duane Nelson, Fire Chief
Mark Hagadorn, Treasurer
Heather Wade, Human Resources Manager
Micheal Kirkham, Assistant City Attorney

There being no further business, the meeting adjourned at 4:33 p.m.

s/Corrin Wilde
Corrin Wilde, City Clerk

s/Rebecca L. Noah Casper
Rebecca L. Noah Casper, Mayor

Memorandum

File #: 23-307 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Monday, October 30, 2023
DEPARTMENT: Community Development Services

Subject
Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Rose Cottages Division No. 1.

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

1. Approve the Development Agreement for the Final Plat for Rose Cottages Division No. 1 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).

2. Accept or Approve the Final Plat for Rose Cottages Division No. 1 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 Rose Cottages Division No. 1 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, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Rose Cottages Division No. 1. The Planning and Zoning Commission considered this item at its July 5, 2022, meeting and unanimously voted to recommend approval for the final plat to the Mayor and City Council as presented. The delay between Planning Commission and City Council resulted because of a change of ownership and addressing all technical review comments. The final plat meets all minimum requirements of the subdivision and zoning ordinances. Staff continues to recommend approval.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

A successful Plat should be consistent with the Comprehensive Plan and Zoning Ordinance, which includes policies and goals related to Growth, Sustainability, Transportation, and Livable Communities.

Interdepartmental Coordination

The Final Plat was reviewed by staff from Fire, Idaho Falls Power, BMPO, as well as the Water, Planning, Wastewater, Engineering, and Survey Divisions.

Fiscal Impact
NA

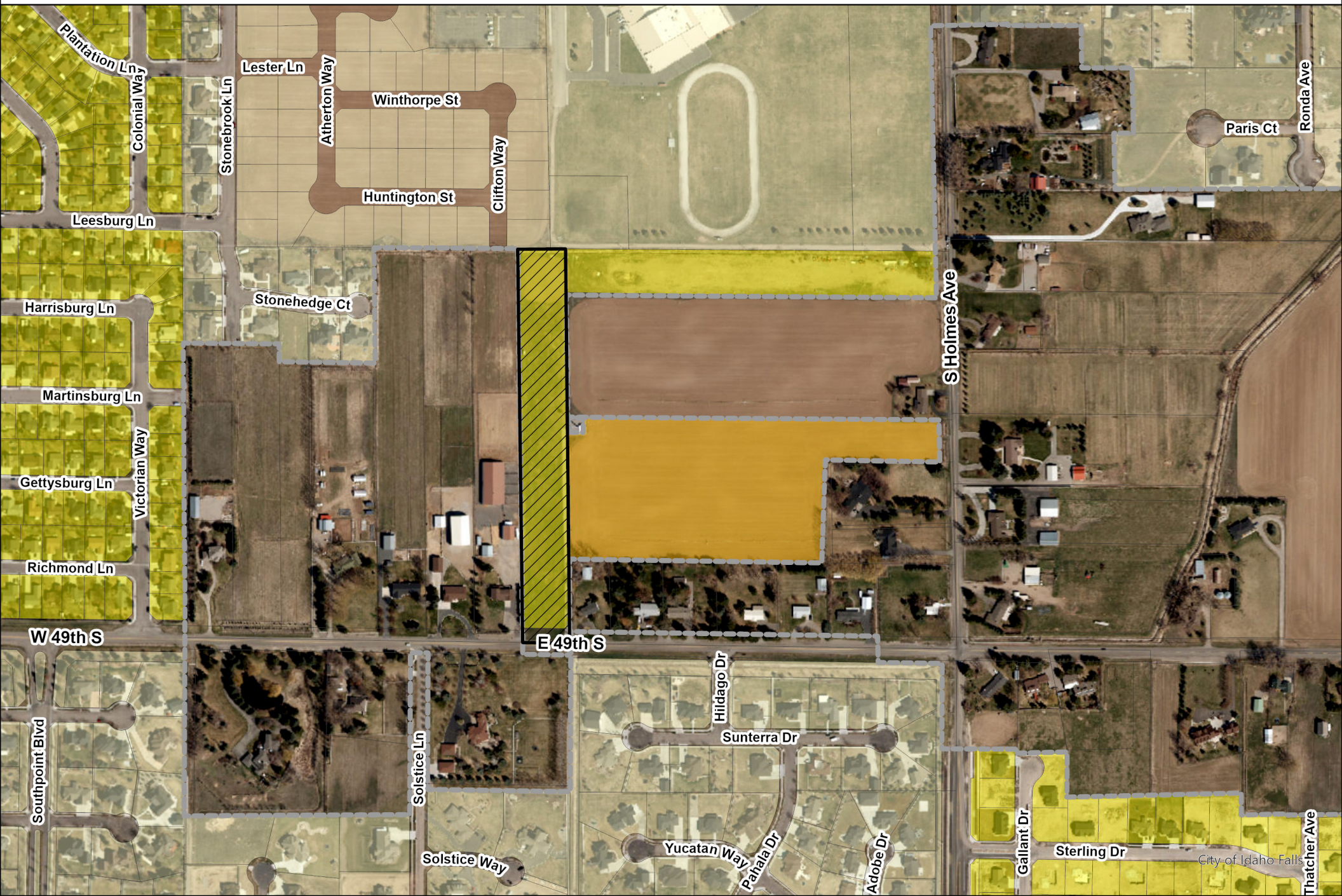
Legal Review
This application has been reviewed by the Legal Department and is consistent with applicable law.

Zoning

PLAT22-020

RE | R1 | TN | R3 | PB | LC | R&D | I&M

RP | R2 | RMH | R3A | CC | HC | LM | P



Aerial

PLAT22-020



ROSE COTTAGES
DIVISION NO. 1

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
BEING A REPLAT OF LOT 1, BLOCK 1 OF GALASAD ADDITION, DIVISION NO. 1
LOCATED IN THE SE 1/4 OF SECTION 31, T2N R38E, B.M.

PROFESSIONAL LAND SURVEYOR REGISTERED 10563 STATE OF IDAHO KEVIN L. THOMPSON
FOR REVIEW ONLY

0 40 80 160
Graphic Scale
(This Scale Valid only for 18" X 24" Prints)
Scale 1"=40'

NORTH

UNPLATTED

MATCH LINE

(R1 = N 00°43'25" W)
N 00°43'10" W 1295.34'

69.41' 69.29' 69.18' 69.07' 68.96' 68.85' 68.74' 68.63' 68.52' 82.68' 30.01' 30.01' 104.18'

Lot 10 7082 SF 0.163 Acres | Lot 9 7082 SF 0.163 Acres | Lot 8 7082 SF 0.163 Acres | Lot 7 7082 SF 0.163 Acres | Lot 6 7082 SF 0.163 Acres | Lot 5 7082 SF 0.163 Acres | Lot 4 7082 SF 0.163 Acres | Lot 3 7082 SF 0.163 Acres | Lot 2 7082 SF 0.163 Acres | Lot 1 8274 SF 0.190 Acres

S 89°25'04" W 102.12' | S 89°25'04" W 102.29' | S 89°25'04" W 102.45' | S 89°25'04" W 102.62' | S 89°25'04" W 102.79' | S 89°25'04" W 102.95' | S 89°25'04" W 103.11' | S 89°25'04" W 103.28' | S 89°25'04" W 103.44'

15' P.U.E.

B L O C K 2

69.41' 69.29' 69.18' 69.07' 68.96' 68.85' 68.74' 68.63' 68.52' 61.20'

84.01' 30' 30' 80.82' 82.91'

28.03' S 45°04'33" E

N 89°34'09" W 163.66'

ELIZA JOY LANE

B L O C K 1

15' P.U.E. 12' P.U.E. 15' PR-C.A.E. and P.U.E.

Lot 2 8559 SF 0.196 Acres

104.22'
N 00°25'51" E

Lot 1 8521 SF 0.196 Acres

82.82' 28.96'

30.00'

Public Right-of-Way Dedication - 1.831 Acres

S 00°34'56" E 1162.08'

ALLY ROSE LANE

30.00' 29.93' 23.54' 30.01' 25' 15' 25' Existing Easement Agreement 104.33' 51.55'

Power Box No. 317180

901.96'

S 00°46'22" E 1059.83'
(R1 = S 00°46'39" E)

MATCH LINE

UNPLATTED

Manchester Estates, Division No. 1
Instrument No. 1659403
Lot 18, Block 3
(R2 = N 89°35'05" W 111.91')
(R1 = S 89°36'45" E)
S 89°36'30" E 111.87'

(R1 = S 89°38'53" E)
S 89°38'40" E

Stonebrook, Division No. 6
Instrument No. 806751
Lot 2, Block 17

Lot 29, Block 1
Taylorview Homes Division No. 1
15' PR-C.A.E. and P.U.E.
Lot 1, Block 1 is subject to a existing 10' utility easement along the East boundary line pursuant to GALASAD ADDITION, Division No. 1, recorded as Instrument No. 1062625 on 13th November, 2001.
Lot 28, Block 1
Taylorview Homes Division No. 1

Aluminum Cap - PLS Unknown
CP&F - PLS 10563
Instrument No. 1687445

Basis of Bearing - 2004 City of Idaho Falls Control (See Narrative)

49th South
N 89°08'23" W 2637.14'
(R1 = N 89°08'38" W 161.01')
N 89°08'23" W 161.02'
160.35'
1153.79'
1323.00'

49th South Right-of-Way
Not part of Plat

Aluminum Cap - PLS 13934
CP&F - PLS 13934
Instrument No. 1482057

T 2 N
T 1 N

MATCH LINE

(R1 = N 00°43'25" W)
N 00°43'10" W 1295.34'

50.02' 79.08' 69.92' 69.92' 69.75' 69.63' 69.52' 69.41' 69.29'

Lot 16 7907 SF 0.182 Acres | Lot 15 7076 SF 0.162 Acres | Lot 14 7088 SF 0.163 Acres | Lot 13 7082 SF 0.163 Acres | Lot 12 7082 SF 0.163 Acres | Lot 11 7082 SF 0.163 Acres | Lot 10 7082 SF 0.163 Acres | Lot 9 7082 SF 0.163 Acres

S 89°25'04" W 101.12' | S 89°25'04" W 101.29' | S 89°25'04" W 101.46' | S 89°25'04" W 101.62' | S 89°25'04" W 101.79' | S 89°25'04" W 101.96' | S 89°25'04" W 102.12'

15' P.U.E. 15' P.U.E. 80.46' 50.52'

S 45°08'20" W 28.64'

B L O C K 2

61.11' 69.92' 69.92' 69.75' 69.63' 69.52' 69.41' 69.29'

Public Right-of-Way Dedication - 1.831 Acres

30'

S 00°34'56" E 1162.08'

ALLY ROSE LANE

30.04' 32.62' 33.00'

50.00'
N 00°02'35" E

P.O.B.

901.96'

S 00°02'35" W 236.84'
(R1 = S 00°02'20" W)

Power Pole No. 317003

Existing underground Right-of-Way Easement pursuant to Instrument No. 1480083, recorded August 14th, 2014
A 15' wide x 750' long more or less power easement running from power pole No. 317003 to power box No. 317180 as shown on EXHIBIT A of said above Instrument No.
RETAIN AND PROTECT

ROSENWINKEL ADDITION
INSTRUMENT NO. 462052

Dedicated Right-of-Way

33.00' 32.62' Right-of-Way line

(R1 = N 89°08'38" W)
N 89°08'23" W
0.38'

MATCH LINE

LEGEND

- Set 5/8" iron rod with aluminum cap stamped K.L.T. PLS 10563
- Set 1/2" Iron Rod with plastic cap Marked K.L.T. PLS 10563
- Found 5/8" iron rod with aluminum cap stamped K.L.T. PLS 10563
- Found 1/2" iron rod with cap marked P.L.S. K.L.T. PLS 10563
- Found 1/2" iron rod with cap marked P.L.S. 8795, replaced with a 5/8" X 24" iron rod with aluminum cap stamped K.L.T. 10563
- Found 5/8" iron rod - Cap Illegible, replaced with plastic cap marked PLS 10563
- Found MAG spike with washer stamped PLS 8795
- 15' Public Utility Easement (P.U.E.) granted pursuant to the execution of this instrument as shown hereon.
- 15' PR-C.A.E. and P.U.E - Private Cross-Access Easement and Public Utility Easement
- Deed or adjacent lot line
- Existing 25' Easement pursuant to Easement Agreement, recorded as Instrument No. 807624 on June 4, 1991.
- R1 = Record pursuant to Galasad Addition, Division No. 1, recorded as instrument no. 1062625 on 13th November, 2001.
- R2 = Record pursuant to Manchester Estates, Division No. 1, recorded as instrument no. 1659403 on 14th October, 2020.
- P.O.B. Point of Beginning
- PLSS Corner Contol

ROSE COTTAGES
DIVISION NO. 1 - FINAL PLAT

LOCATED IN THE SE 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 38 EAST, BONNEVILLE, IDAHO

Job Name: Connect Eng/Justin Miller
Job Number: 2019-020
CoGo File: N/A

Drawn By: J.W.T
Checked By: K.L.T
Date: 10/19/2023
Revision No.
Scale: 1" = 40'
Sheet 1 Of 2

THOMPSON LAND SURVEYING, INC.
215 Farnsworth Way, Rigby, Idaho 83442

ROSE COTTAGES

DIVISION NO. 1

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
BEING A REPLAT OF LOT 1, BLOCK 1 OF GALASAD ADDITION, DIVISION NO. 1
LOCATED IN THE SE 1/4 OF SECTION 31, T2N R38E, B.M.

OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS: that the undersigned JV Enterprises LLC, a 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 Rose Cottages Division No. 1, 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 also does hereby grant to the OWNERS of all lots shown hereon equally a private cross-access easement as shown on accompanying drawing and labeled as PR-C.A.E., the said private cross-access easement is granted by the mutual consent and agreement between the parties, the adequacy and receipt of which is hereby acknowledged. OWNER does hereby grant, bargain, and convey to the owners of said Lots hereafter referred to as, BENEFITTED CAE HOLDERS, its licensees, invitees, agents, successors, and assigns, the full and free right for said BENEFITTED CAE HOLDERS and said BENEFITTED CAE HOLDERS' tenants, invitees, licensees, and visitors to the private cross-access agreements described herein in common with all persons designated to have a like right at all times hereafter, for pedestrian ingress and egress.

OWNER, or its heirs and assigns, agree they will construct no permanent structure within or upon any public 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 OWNER'S heirs, 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 subscribed its seal and signature this _____day of _____, 202____.
JV Enterprises LLC, Limited Liability Company

_____
Justin Miller - Managing Member

ACKNOWLEDGMENT

STATE OF _____)
:SS.
COUNTY OF _____)

On this _____day of _____, 202___, before me the undersigned, a notary public in and for said state, personally appeared Justin Miller, known or identified to me, to be a managing member of the limited liability company of JV Enterprises LLC, 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, Kevin L. Thompson, a licensed professional land surveyor in the State of Idaho, do hereby certify that the survey of this subdivision, designated as Rose Cottages Division No. 1, 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.

_____, P.L.S. 10563

PROFESSIONAL LAND SURVEYOR REGISTERED 10563 STATE OF IDAHO KEVIN L. THOMPSON

FOR REVIEW ONLY

IRRIGATION WATER RIGHTS RELEASE

The property included in this plat has petitioned for and been removed from all future irrigation water rights.

Date: 8/19/2022 Instrument No. 1730876

CITY'S ACCEPTANCE

The accompanying plat was duly accepted and approved and the grants and dedications are hereby accepted by the City Council of Idaho Falls adopted this _____ day of _____, 202____.

_____ _____
MAYOR CITY CLERK

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

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, David D. Romrell, PLS 12223

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

HEALTH DEPARTMENT CERTIFICATE OF APPROVAL

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 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 Section 50-1326, Idaho Code, 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:

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 _____, 20___.
JV Enterprises LLC, Limited Liability Company

_____
Justin Miller - Managing Member

RECORDER'S CERTIFICATE

I hereby certify that the foregoing plat Rose Cottages Division No. 1, was filed in the Office of the Recorder of Bonneville County, Idaho

_____ DATE_____
BONNEVILLE COUNTY RECORDER

FLOOD PLAIN NOTE

This Subdivision falls in Zone C (No Flooding) as per FIRM Map No. 1600270230C, Dated November 4, 1981.

BOUNDARY DESCRIPTION

Part of the SW¼ of the SE¼ of Section 31, Township 2 North, Range 38 East, of the Boise Meridian, Bonneville County, Idaho, more particularly described as follows:
Commencing at the Southeast Corner of said Section 31, said point being Monumented with an Aluminum Cap, Recorded as Instrument No. 1482057 in the Bonneville County Clerk's Office;
Thence N89°08'23"W (Rec. = N89°08'38"W) along the South line of said Section 31 for a Distance of 1323.00 feet to the Southeast corner of Galasad Addition, Division No. 1, recorded as Instrument No. 1062625;
Thence N00°02'35"E (Rec. = S00°02'20"W) a Distance of 50.00 Feet to the Southeast corner of Lot 1 of said Plat, point also being the True Point of Beginning.
Thence N89°08'23"W (Rec. = N89°08'38"W) a Distance of 161.02 feet to the Southwest Corner of said Lot 1;
Thence N00°43'10"W (Rec. = N00°43'25"W) a Distance of 1295.34 feet to the Northwest corner of said Lot 1;
Thence S89°36'30"E (Rec. = S89°36'45"E) along the North line of said Lot 1 a Distance of 111.87 feet;
Thence S89°38'40"E (Rec. = S89°38'55"E) a Distance of 51.65 feet to the Northeast corner of said Lot 1;
Thence S00°46'22"E (Rec. = S00°46'39"E) along the East line of said Lot 1 a Distance of 1059.83 feet;
Thence N89°08'23"W (Rec. = N89°08'38"W) along said Lot 1 a Distance of 0.38 feet;
Thence S00°02'35"W (Rec. = S00°02'20"W) along said Lot 1 a Distance of 236.84 feet to the True Point of Beginning, containing 4.871 Acres more or less.

NARRATIVE

This subdivision was commissioned at the request of Connect Engineering and Brett Falkenrath to annex and create lots for the purpose of building homes in the City of Idaho Falls. Rose Cottages Division No. 1 was needed so Taylorview Homes Division No. 1 could move forward and have a exit to 49th south. 5/8" Iron Rods with plastic caps illegibly marked, 1/2" Iron Rods with plastic caps marked PLS 8795, and Mag Spikes with washers stamped PLS 8795 was found in the field and matches the corners as shown on the Galasad Addition Plat, Instrument No. 1062625. Warranty Deed Instrument No. 1656662 is recorded to JV Enterprises LLC as Lot 1, Block 1, Galasad Addition. Rocky Mountain Power easement No. 1480083 is shown going from existing power pole No. 317003 to a existing power box No. 317180 as shown on EXHIBIT A. The power pole and power box are the monuments.

The bearing along the labeled line is the basis for all other bearings listed on this survey. This bearing relates directly to the "City of Idaho Falls Coordinate System of 2004". Which is derived from the Idaho State Plane Coordinate System (East Zone 1101) US survey feet and using a combined scale factor of 1.000277265 for a grid to ground conversion. The system orientation is based on grid north along the East Zone central meridian. No convergence angle has been applied.

SURVEYOR
Kevin L. Thompson, P.L.S.
215 Farnsworth Way
Rigby, ID. 83442
(208) 745-8771

CIVIL ENGINEER
Blake D. Jolley, P.E.
1150 Holliday Park
Idaho Falls, ID 83405
(208) 681-8590

LAND DEVELOPER
JV Enterprises LLC
3823 E Heath Cir
Idaho Falls, ID 83401

ROSE COTTAGES DIVISION NO. 1 - FINAL PLAT

LOCATED IN THE SE 1/4 OF SECTION 31, TOWNSHIP 2 NORTH, RANGE 38 EAST, BONNEVILLE, IDAHO

Job Name: Connect Eng/Justin Miller
Job Number: 2019-020
CoGo File: N/A

Drawn By:	J.W.T
Checked By:	K.L.T
Date:	10/19/2023
Revision No.	
Scale:	N/A
Sheet	2
Of	2

THOMPSON LAND SURVEYING, INC.
215 Farnsworth Way, Rigby, Idaho 83442

STAFF REPORT
Final Plat
Rose Cottages Division NO 1
(Formerly Known asTaylorview Townhomes, Division 2)
July 5, 2022

IDAHO FALLS
Community Development Services

Applicant: Connect Engineering

Project Manager: Naysha Foster

Location: Generally located north of E 49th S, east of S 5th W, south of E Sunnyside, west of S Holmes Ave.

Size: 4.871 acres
Total Lots: 18
Buildable Lots: 18
Common Lots: 0

Existing Zoning: R1
North: RP
South: County A-1
East: R1, County A-1, R2
West: County A-1

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

Future Land Use Map:
Suburban

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

Requested Action: To **approve** the Final Plat for Rose Cottages Division NO 1.

History: This property was annexed and zoned R-1 in September of 2001. The property was platted into a one lot subdivision called Galasad Addition in November of 2001. April of 2020 a preliminary plat was approved along with Taylorview Division 1.

Staff Comments: The application for the final plat was submitted on May 10, 2022. There will be 18 buildable lots. Approximately 63 feet of right-of-way will be dedicated along the east side of the subdivision, consisting of approximately 1.831 acres. It will access E 49th S. The dedicated street will tie into division 1 to the north, and access S Holmes Ave. There is also a stub road to the west. Lot sizes and lot frontage widths comply with the standards of the Zoning Ordinance for the R1 zone, not to exceed 13,500 square feet, with a minimum square footage of 7,000 and a minimum frontage width of 50 ft. The length of the block is 1,162 ft and complies with the standards of the Subdivision Ordinance not to exceed 1,300 ft. The final plat is consistent with the approved preliminary plat.

Staff Recommendation: Staff and the Planning and Zoning Commission recommend approval of the final Plat for Rose Cottages to the Mayor and City Council. The final plat conforms to the requirements outlined in the Zoning Ordinance as well as, the Subdivision Ordinance.

10-1-5: GENERAL SUBDIVISION STANDARDS (F) (G):
(F)(1) Each lot shall be arranged so that the lot meets all qualifications necessary to secure a City building permit.
(F)(2) Lot dimensions shall conform to the minimum standards in the Zoning Ordinance.
(G)(1) Blocks shall be designed in accordance with sound engineering practices and standards, taking into consideration such factors as access, circulation, traffic safety and control, topography, utilities, and service easements.
(G)(2) A residential block length shall not exceed one thousand three hundred feet (1,300'), nor shall it be less than four hundred feet (400') in length. The Planning and Zoning Commission may recommend (and the Council may require) dedication and construction of hard-surfaced pedestrian ways, where necessary, to provide safe and convenient circulation or access to schools, parks, playgrounds, the river and greenbelt, shopping areas, alternate modes of transportation, planned pathways, or any other community facilities.

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.	N/A
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	N/A
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	N/A

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.	
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	Local Street

Zoning Ordinance:

11-3-4: Purposed of Residential Zones

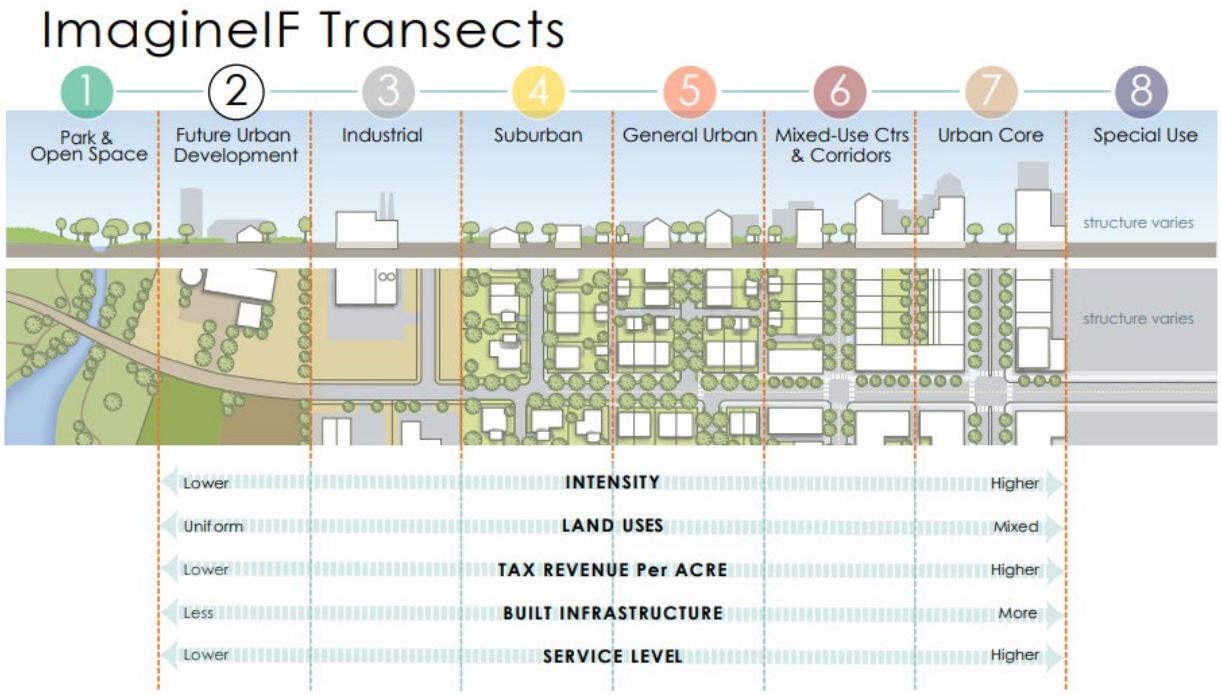
(C) R1 Single Dwelling Residential Zone. This zone provides a residential zone which is representative of a less automobile-oriented, more walkable development pattern, characterized by somewhat smaller lot widths; and a somewhat denser residential environment than is characteristic of the RP Residential 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.

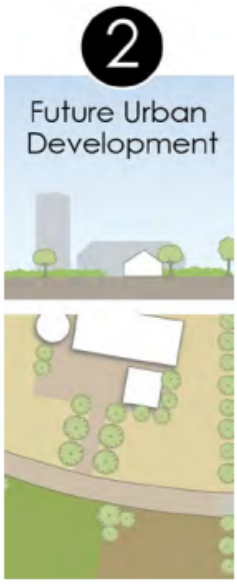
11-3-4: DIMENSIONAL STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: Standards for Residential Zones

	RE	RP	R1	R2	TN	R3	R3A	RMH
Lot Area								
Lot Area Minimum in ft²	1 acre*	12,000	7,000	6,000*	3,000*	5,000*	5,000	3,000
Lot Area Maximum in ft²			13,500*					
Site Width								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	25
Setbacks, Minimum in ft.								
Front	40	30*	25*	20*	15*	15	15	15
Front Maximum in ft.					20*			
Side	20	7.5/10*	6	6	5	6	6	5
Rear	40	25	25	25	10	25*	25*	10
Lot Coverage, Building Height, and Density								
Maximum Lot Coverage in %	30	40	40	80	50	80	80	50
Maximum Building Height in ft*	24	24	24	36	*			24
Maximum Density in net units/acre	1	4	6	17	15	35	35	35
*See explanations, exceptions and qualifications in Section 11-3-4A,B,C of this Zoning Code.								

Comprehensive Plan:





2. **Future Suburban/Urban Development**

Snapshot: The Future Suburban and Urban Development Transect denotes agricultural land, as well as associated buildings and residences, within the vicinity of the Area of City Impact, where City services can readily be provided. This transect designation includes areas within the Bonneville Metropolitan Planning Organization's (BMPO) designated urbanized area. It includes existing homes on large lots, vacant properties which have been subdivided into tracts of 20 acres or less and properties with frontage on county road sections.

Local examples: Areas along E 49th South (Township Road), E 65th South (York Road), N 5th E – north of US HWY 20

July 5, 2022 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Joanne Denney, Glen Ogden, Brent Dixon, Kristi Brower, Lindsey Romankiw.

MEMBERS ABSENT: Margaret Wimborne, George Morrison, Arnold Cantu

ALSO PRESENT: Assistant Planning Director Kerry Beutler; planner Caitlin Long, Naysha Foster, Assistant City Attorney Michael Kirkham, Esq. and interested citizens.

CALL TO ORDER: Joanne Denney called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Ogden had one typo to change. **Ogden moved to accept the minutes of June 7, 2022, Dixon seconded the motion and the motion passed unanimously.**

Business:

5. PLAT 20-020: FINAL PLAT for Taylorview Townhomes Division 2.

Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Suite 6, Idaho Falls, Idaho. Bane stated that there is a Taylorview Townhomes Division 1, that goes east/west, and this is a continuation of that final plat. Bane presented that the property is just under five acres and is proposing 18 buildable lots. Bane presented that they are giving a right of way along the east side of the project with a 60' right away. Bane presented that the road will connect to Division 1 and stub west for future connectivity.

Dixon asked if this is platted for twin homes. Bane stated that this is zoned R1, so it could be anything in R1. Bane believes that they are duplexes. Bane stated that Division 1 is four plex townhomes with individually platted PUD. Division 2 is platted for duplexes.

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

Dixon asked about the northwest edge of the plat with the stub for Eliza Joy Lane going west, and Clifton Way stubbed in coming south and that is within 50 yards of each other, but no connectivity. Foster stated that the connectivity is not going to be right away.

Ogden moved to recommend to the Mayor and City Council approval of the Final Plat for Taylorview Townhomes Planned Unit Development, Romankiw seconded the motion. Denney called for roll call vote: Romankiw, yes; Brower, yes; Ogden, yes; Dixon, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

FINAL PLAT ROSE COTTAGES DIVISION NO 1, LOCATED GENERALLY NORTH OF E 49TH S, EAST OF S 5TH W, SOUTH OF E SUNNYSIDE, WEST OF S HOLMES AVE.

WHEREAS, the applicant filed an application for a final plat on May 10, 2022; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on July 5, 2022; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on November 9, 2023; and

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

I. RELEVANT CRITERIA AND STANDARDS

1. The Planning and Zoning Commission considered the request pursuant to the City of Idaho Falls 2022 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 final plat is a 4.871 acre parcel located generally north of E 49th S, east of S 5th W, south of E Sunnyside, and west of S Holmes Ave.
3. The property is currently zoned R1, Single Dwelling Residential.
4. The final plat consists of 18 buildable lots.
5. Lots sizes and frontage widths are consistent with the R1 standards.
6. Approximately 63 feet of right-of-way consisting of approximately 1.831 acres will be a dedicated along the east side of the subdivision accessing E 49th S and tie into division 1 to access S Holmes Ave.
7. The block length is compliant with the standards of the Subdivision Ordinance.
8. The final plat complies with the requirements of both the Subdivision and Zoning Ordinance of the City of Idaho Falls.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat for Rose Cottages Division NO 1.

PASSED BY THE CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____ 2023

_____

Rebecca L. Noah Casper, Mayor

DEVELOPMENT AGREEMENT
ROSE COTTAGES DIVISION 1

This DEVELOPMENT AGREEMENT ROSE COTTAGES DIVISION 1 ("AGREEMENT"), made this _____ day of _____, 2023, by and between CITY OF IDAHO FALLS, IDAHO, a municipal corporation of the State of Idaho, ("CITY"), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho 83405, and JUSTIN MILLER, ("DEVELOPER"), whose mailing address is 6406 Glass Mountain Boulevard, Idaho Falls, Idaho 83404.

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 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. Compliance With Applicable Law and Regulation. DEVELOPER agrees to comply with all applicable rules, regulations, Ordinances, Resolutions, statutes or administrative laws having applicability to development to this Subdivision and or phase of this Subdivision including, of those of CITY, Bonneville County, the State of Idaho, the United States of America, or any agency or political subdivisions thereof having jurisdiction over the Subdivision and to obtain any permits, licenses, permissions, authorizations, etc., that are required for such development.

23. Conflict With Standard Specifications. In the event of any conflict between the terms of this AGREEMENT or the Improvement Plans and the Standard 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. Anti-Boycott Against Israel Act. Pursuant to Idaho Code section 67-2346, if payments under this AGREEMENT exceed one hundred thousand dollars ($100,000) and DEVELOPER employs ten (10) or more persons, DEVELOPER certifies that it is not currently engaged in, and will not for the duration of this AGREEMENT engage in, a boycott of goods or services from Israel or territories under its control. The terms in this Paragraph that are defined in Idaho Code section 67-2346 shall have the meaning defined therein.

27. Certification of No Chinese Ownership. Pursuant to Idaho Code 67-2359, DEVELOPER certifies that DEVELOPER is not currently owned or operated by the government of the People's Republic of China and will not, for the duration of this AGREEMENT, be owned or operated by the government of the People's Republic China.

27. Non-Discrimination. DEVELOPER shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, creed, political ideals, sex, age, marital status, physical, or mental handicap, gender identity/expression, sexual orientation, or national origin.

28. 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.

29. 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

By _____

Corrin Wilde, City Clerk

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

DEVELOPER

By _____

Justin Miller

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____ day of _____, 2023, 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 23 day of OCTOBER, 2023, before me, the undersigned, a notary public, in and for said State, personally appeared Justin Miller, known or identified to me to be an authorized signator 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 developer.

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

ISAAC BRUNSON NOTARY PUBLIC Comm. No. 20180952 STATE OF IDAHO

_____
Notary Public of Idaho
(Seal) Residing at: Bonneville, Idaho
My Commission Expires: 5/23/24

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION
ROSE COTTAGES DIVISION 1

Part of the SW1/4 of the SE1/4 of Section 31, Township 2 North, Range 38 East, of the Boise Meridian, Bonneville County, Idaho, more particularly described as follows:

Commencing at the Southeast Corner of said Section 31, said point being Monumented with an Aluminum Cap, Recorded as Instrument No. 1482057 in the Bonneville County Clerk's Office;

Thence N89°08'23"W (Rec. = N89°08'38"W) along the South line of said Section 31 for a Distance of 1323.00 feet to the Southeast corner of Galasad Addition, Division No. 1, recorded as Instrument No. 1062625;

Thence N00°02'35"E (Rec. = S00°02'20"W) a Distance of 50.00 feet to the Southeast corner of Lot 1 of said Plat, point also being the True Point of Beginning.

Thence N89°08'23"W (Rec. = N89°08'38"W) a Distance of 161.02 feet to the Southwest Corner of said Lot 1;

Thence N00°43'10"W (Rec. = N00°43'25"W) a Distance of 1295.34 feet to the Northwest corner of said Lot 1;

Thence S89°36'30"E (Rec. = S89°36'45"E) along the North line of said Lot 1 a Distance of 111.87 feet;

Thence S89°38'40"E (Rec. = S89°38'55"E) a Distance of 51.65 feet to the Northeast corner of said Lot 1;

Thence S00°46'22"E (Rec. = S00°46'39"E) along the East line of said Lot 1 a Distance of 1059.83 feet;

Thence N89°08'23"W (Rec. = N89°08'38"W) along said Lot 1 a Distance of 0.38 feet;

Thence S00°02'35"W (Rec. = S00°02'20"W) along said Lot 1 a Distance of 236.84 feet to the True Point of Beginning, containing 4.871 Acres more or less.

EXHIBIT "B"
SPECIAL CONDITIONS

ROSE COTTAGES DIVISION 1

S.C. 1.00 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 locations as directed by CITY's Engineer.

S.C. 2.00 Landscape Buffer. DEVELOPER agrees to provide, at minimum, a Twenty foot (20 ft) in depth landscape buffer North of, and adjacent to, 49th South. Maintenance of the landscape buffer shall be the legal and financial responsibility of DEVELOPER or DEVELOPER's heirs, successors, or assigns.

S.C. 3.00 Access to 49th South - Shall be in accordance with the Bonneville Metropolitan Planning Organization ("BMPO") Access Management Plan.

S.C. 4.00 Street Section Improvements for 49th South. DEVELOPER shall be responsible for the design and construction of Arterial Roadway (162 ft) improvements in 49th South through the limits of the Subdivision in accordance with CITY approved Improvement Drawings. DEVELOPER shall be responsible for the construction costs per Idaho Falls City Code 10-2-4 (D), CITY shall reimburse DEVELOPER for additional width and depth per Idaho Falls City Code 10-2-4(D).

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 Sixteen Thousand Two Hundred Seventy-Nine and Twenty Cents ($16,279.20) (5168 square yards at $3.15 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 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. 7.00 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 shall be constructed as shown on the CITY-approved Improvement Drawings. DEVELOPER shall provide for the installation of grass and an irrigation system, at DEVELOPER's sole expense, to serve this Subdivision. Maintenance of the storm pond shall be the responsibility of DEVELOPER or DEVELOPER's heirs, successors, or assigns.

S.C. 8.00 Water Line Connection in 49th South. CITY agrees to allow DEVELOPER to connect to the water main located in 49th South, subject to DEVELOPER's payment of the water main connection fees in the amount of Seven Thousand One Hundred Eleven Dollars and Eighty Cents ($7,111.80; 162 ft currently at $43.90 per foot), upon execution of this AGREEMENT, pursuant to Section 8-4-14 (C) of Idaho Falls City Code. Pursuant to section 8-4-14 (B) of the City Code, DEVELOPER or DEVELOPER's heirs or assigns shall also pay individual water system connection fees each time an individual water service line is connected to CITY water systems. Such fees shall be paid in the amounts and manner set forth in such Code Sections.

S.C. 9.00 Construction of Water Lines. DEVELOPER shall, at DEVELOPER's sole expense, design and construct One Thousand Two Hundred Eighteen feet (1,218') of Eight-inch (8") water main line starting at the intersection of Eliza Joy Lane and Ally Rose Lane and continuing across the entire frontage of this Subdivision to the intersection of Ally Rose Lane and 49th South, as shown on the improvement plans approved by and on file with CITY Engineer. DEVELOPER shall design and construct, at DEVELOPER's sole expense, all water mains and appurtenances within the Subdivision in accordance with CITY Standard Drawings and Engineering Specifications and as shown on the Improvement Drawings filed with and approved by CITY Engineer, and upon completion thereof, DEVELOPER shall furnish CITY with a certificate signed by a licensed professional engineer, certifying that the water mains and appurtenances have been constructed in accordance with such Specifications.

S.C. 10.00 Reimbursement of Water Main Charges. Upon connection of water service to any property owned by any person other than DEVELOPER and fronting upon that portion of the Ally Rose Lane right-of-way in which DEVELOPER has constructed a water main line, CITY shall, to the extent permitted by law, and upon written request of DEVELOPER, pay to DEVELOPER all water main connection charges collected by CITY from the owners of such property, pursuant to Section 8-4-14(c), City Code, as the same currently exists or may be amended hereafter. Such right to reimbursement shall terminate with respect to any water main charge collected by CITY after the expiration of ten (10) years from the date of this AGREEMENT.

Memorandum

File #: 23-308 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Monday, October 30, 2023
DEPARTMENT: Community Development Services

Subject
Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, BVHZ Division No. 1.

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

1. Approve the Development Agreement for the Final Plat for BVHZ Division No. 1 and give authorization for the Mayor and City Clerk to sign said agreement (or take other action deemed appropriate).

2. Accept or Approve the Final Plat for BVHZ Division No. 1 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 BVHZ Division No. 1 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, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for BVHZ Division No. 1. The Planning and Zoning Commission considered this item at its March 7, 2023, meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented. Staff concurs with this recommendation.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

A successful Plat should be consistent with the Comprehensive Plan and Zoning Ordinance, which includes policies and goals related to Growth, Sustainability, Transportation, and Livable Communities.

Interdepartmental Coordination
The Final Plat was reviewed by staff from Fire, Idaho Falls Power, BMPO, as well as the Water, Planning, Wastewater, Engineering, and Survey Divisions.

Fiscal Impact
NA

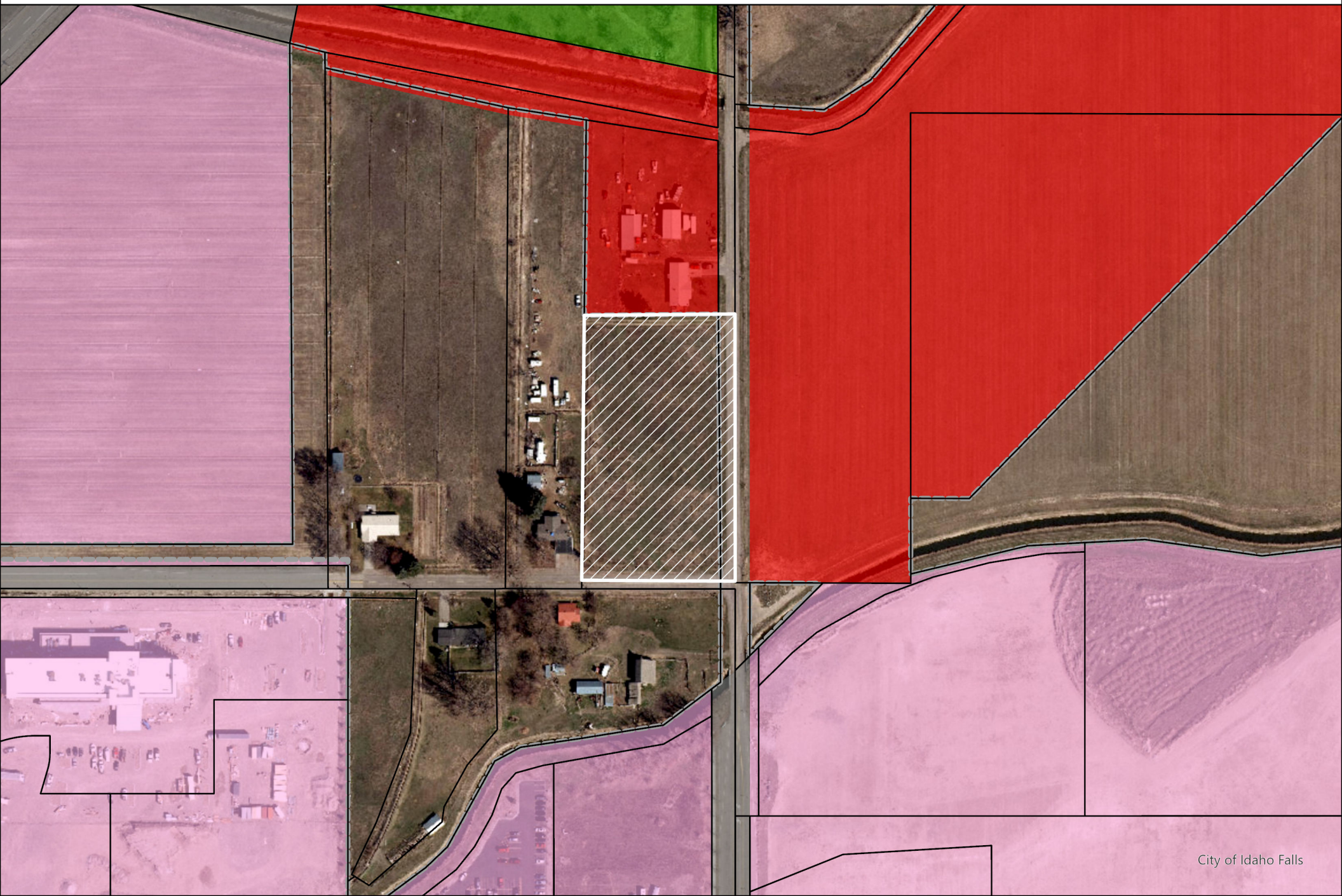
Legal Review
This application has been reviewed by the Legal Department and is consistent with applicable law.

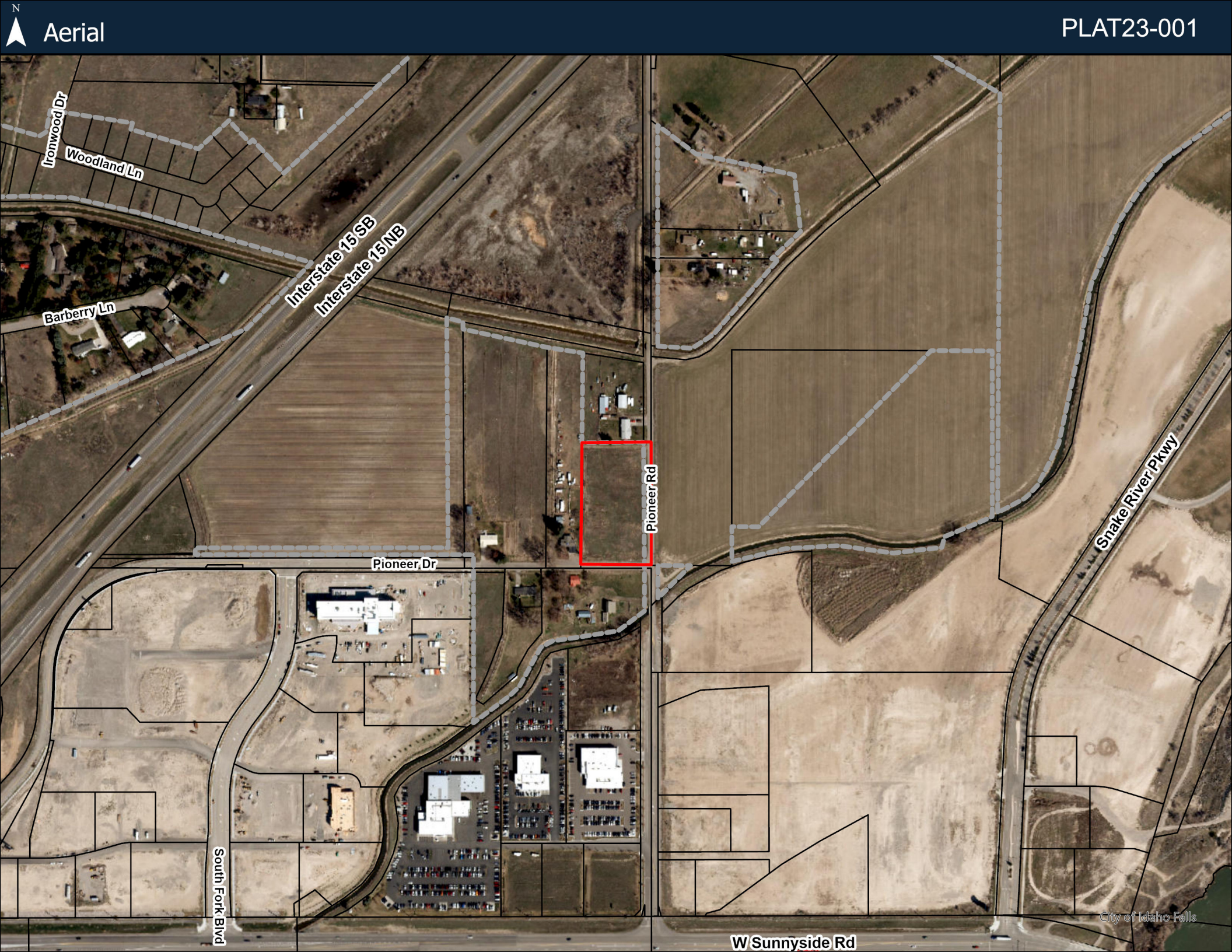
Zoning

PLAT23-001

RE R1 TN R3 PB LC R&D I&M

RP R2 RMH R3A CC HC LM P

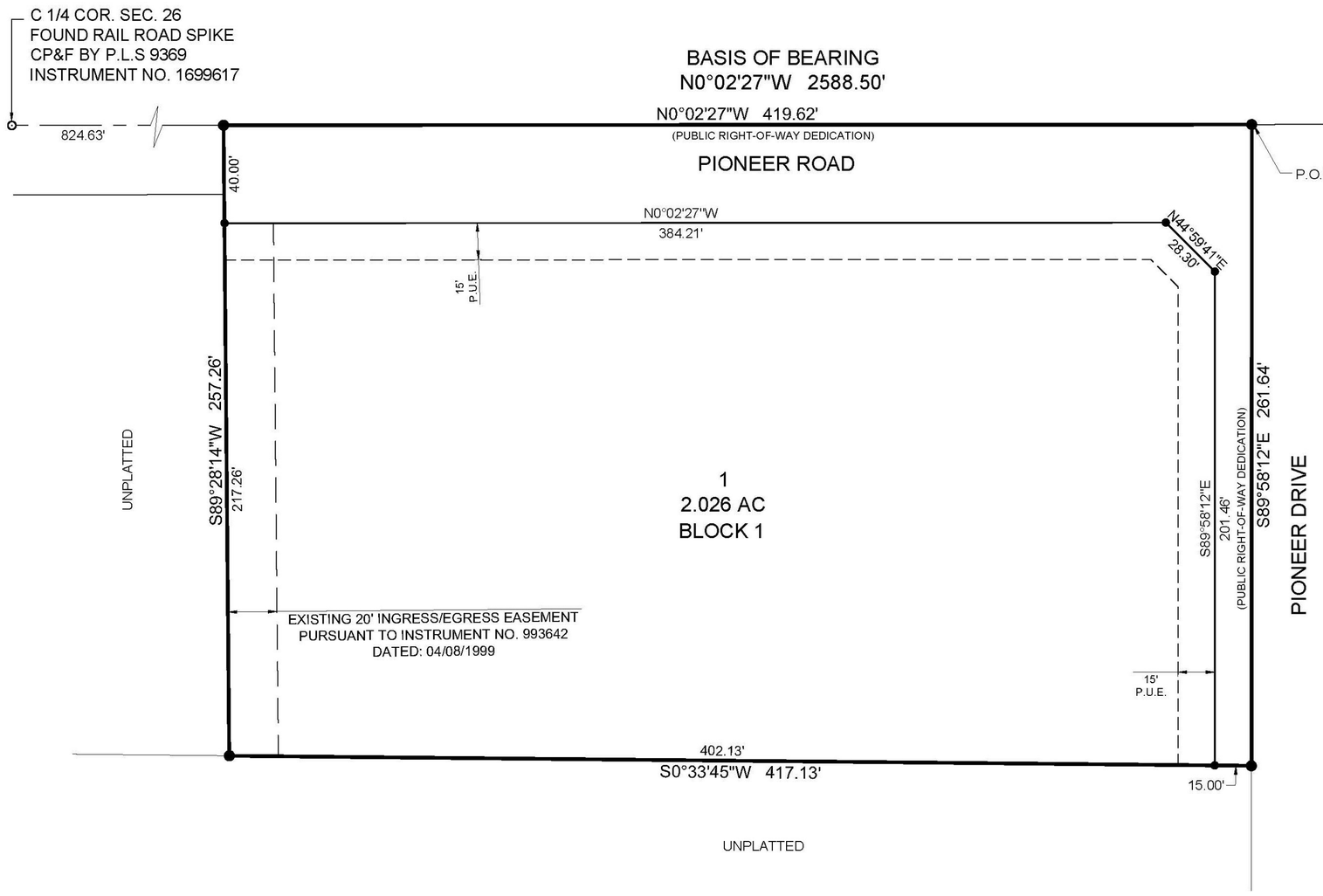



N
Aerial
PLAT23-001
Ironwood Dr
Woodland Ln
Interstate 15 SB
Interstate 15 NB
Barberry Ln
Pioneer Rd
Pioneer Dr
Snake River Pkwy
South Fork Blvd
W Sunnyside Rd
City of Idaho Falls

BVHZ DIVISION NO. 1

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO,
LOCATED IN THE SW¼ OF SECTION 26, T.2N., R.37E., B.M.,
-2023-

0 40' 80'
SCALE: 1" = 40'



LEGEND

●	SET 5/8" REBAR WITH PLASTIC CAP - P.L.S. 19961
●	SET1/2" REBAR WITH PLASTIC CAP - P.L.S. 19961
⋈	PLSS CORNER
———	SUBDIVISION BOUNDARY LINE
———	LOT LINE
— — —	SECTION LINE
— — — —	PUBLIC UTILITY EASEMENT LINE (P.U.E.)
— — — —	EXISTING EASEMENT LINE
P.O.B.	POINT OF BEGINNING
P.U.E.	PUBLIC UTILITY EASEMENT
P.O.C.	POINT OF COMMENCEMENT
CP&F	CORNER PERPETUATION AND FILING

BASIS OF BEARING

THE BEARING ALONG THIS LINE IS THE BASIS FOR ALL OTHER BEARINGS LISTED ON THIS SURVEY. THIS BEARING RELATES DIRECTLY TO THE "CITY OF IDAHO FALLS COORDINATE SYSTEM OF 2004". WHICH IS DERIVED FROM THE IDAHO STATE PLANE COORDINATE SYSTEM (EAST ZONE 1101) US SURVEY FEET AND USING A COMBINED SCALE FACTOR OF 1.000277265 FOR A GRID TO GROUND CONVERSION, (REFERENCE FRAME NAD_83(2011), EPOCH 2010.0000). THE SYSTEM ORIENTATION IS BASED ON GRID NORTH ALONG THE EAST ZONE CENTRAL MERIDIAN. NO CONVERGENCE ANGLE HAS BEEN APPLIED.

NOTES

0.466 ACRES IS BEING DEDICATED FOR PUBLIC RIGHT-OF-WAY

SURVEYOR'S NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO SUBDIVIDE THE PROPERTY SHOWN INTO LOTS, BLOCKS, AND STREETS AS SHOWN HEREON. THE BOUNDARY WAS DETERMINED BY PLOTTING RECORD BEARING AND DISTANCES AND ROTATING TO THE BASIS OF BEARING, AS NO MONUMENTS WERE RECOVERED.

THE DEED CALLS FOR THE PARCEL, RECORDED AS INSTRUMENT NUMBER 1303953, WERE HELD AS ROTATED. ADJOINING PARCEL DEEDS, BEING INSTRUMENT NUMBERS 1447621 ON THE WEST, 1026902 ON THE NORTH, AND 1709871 ON THE EAST, WERE COMPARED AND FOUND TO BE IN COMMON WHEN ROTATED TO THE SAME BASIS.

THE SOUTHERN BOUNDARY WAS ESTABLISHED BY THE EXISTING RIGHT-OF-WAY FOR COUNTY ROAD PIONEER DRIVE, AS DEDICATED IN BOOK 7 OF DEEDS, PAGE 34.

PROFESSIONAL LAND SURVEYOR
LICENSED
19961
STATE OF IDAHO
SEAN M BOGGS

2194 Snake River Pkwy
Suite 205
Idaho Falls, Idaho
Main: 208-522-1223
HORROCKS ENGINEERS

STAFF REPORT

FINAL PLAT BVHZ DIVISION NO. 1November 9, 2023
7, 2023

IDAHO FALLS

Community Development Services

Applicant: Horrocks Engineers

Project Manager: David Peterson

Location: Generally, north of Pioneer Dr, east of Interstate 15, south of the Porter Canal, west of Pioneer Rd.

Size: Approximately 3 Acres
Total Lots: 1
Buildable Lots: 1
Common Lots: 0

Existing Zoning
Site: HC
North: LC
South: County A-1
East: LC
West: County A-1

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

Future Land Use Map:
Mixed Use Centers and Corridors

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

Requested Action: To **approve** the Final Plat for BVHZ Division No. 1 by the Mayor and City Council.

History: This property was annexed into the city in April 2023 with an initial zoning of HC, Highway Commercial.

Staff Comments: The final plat application was submitted on January 25, 2023. The plat comprises one lot consisting of approximately 3 acres. The lot will have frontage on Pioneer Rd and Pioneer Dr. Development of this property will require improvement of these streets to city standards, including curb, gutter, and sidewalk. Access for the property will be according to the Access Management Plan.

The comprehensive plan designates this area as Mixed Use Centers and Corridors. There are no minimum lot size standards for this zone and the final plat meets requirements for lot and block size laid out in the subdivision ordinance.

Staff Recommendation: Staff has reviewed the plat and finds that it is consistent with the City's comprehensive plan and complies with the subdivision ordinance and the development standards of the HC Zone and recommends approval for BVHZ Division No. 1.

10-1-5: GENERAL SUBDIVISION STANDARDS:
(I) Cross Sections:
(1) Final geometric design of street sections shall be approved at the time improvement drawings are submitted for approval by the City. Traffic counts and traffic impact studies, when required, shall be performed by the developer and submitted to the City for review and approval.

A traffic study is not required for this final plat as it does not meet the threshold to conduct one.

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

REQUIREMENTS	Staff Review
Requirements listed in Section 10-1:	N/A
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.	N/A
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.	N/A
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	N/A
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	N/A

development agreement shall include provisions for installation and continued maintenance of arterial buffers.	
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	Pioneer Dr – Local Street Pioneer Rd – Major Collector

Zoning Ordinance:

11-3-5: PURPOSE OF COMMERCIAL ZONES

(D) HC Highway Commercial Zone. This zone provides a commercial zone for retail and service uses serving the traveling public. Characteristics of the Zone are buildings set back from the right-of-way line to promote safety on the highway and maintain maximum use of highway right-of-way for travel purposes, and a wide variety of architectural forms and shapes. This Zone should be located at specific locations along highways leading into the City.

March 7, 2023 7:00 p.m. Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Margaret Wimborne, Scott Geddes, Dale Storer, Bill Scott, Forrest Ihler, Arnold Cantu, Glen Ogden

MEMBERS ABSENT: Marsha McDaniel, Kristi Brower

ALSO PRESENT: Interim Planning Director Kerry Beutler; planners David Peterson; Naysha Foster, Caitlin Long and interested citizens.

CALL TO ORDER: Margaret Wimborne called the meeting to order at 7:00 p.m.

Beutler indicated that there has been a request from the Applicant for Agenda Item #5 be postponed until the April 4, 2023 Planning and Zoning Meeting. Beutler gave the Commission the option to reorder the Agenda and deal with Item #5 as Item #1, or leave it on the Agenda as Item #5 and deal with it at that point.

Cantu moved to reorder the agenda to move item # 5, to #1 and renumber the remainder of the Agenda appropriately, Scott seconded the motion, motion passed unanimously.

MINUTES: Scott moved to accept the minutes of February 7, 2023, Cantu seconded the motion. The motion passed unanimously.

Business(s):

2. PLAT 23-001: FINAL PLAT. BVHZ Division No. 1.

Wimborne asked for clarification, as this item has been recommended for annexation, and now has a final plat before the Commission, prior to the annexation being approved by City Council. Beutler indicated that this item has been submitted for annexation, and the Commission has recommended to the City Council approval of the annexation of the property and that will be scheduled with the Council Agenda, and there is no issue in the order, as the Commission is a recommending body on the Final Plat. Beutler confirmed that Annexation will be completed before the Final Plat is scheduled.

Applicant: Justin Scott, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Scott stated that this property is under 3 acres and the applicant has requested this property be annexed into the City and they are working on wrapping that up with City Council. Scott is presenting the Final Plat for property on the corner of Pioneer Drive and Pioneer Road. Scott stated that it is a one lot plat, with dedication of right of way onto Pioneer Road and Pioneer Drive with 40’ of dedication to the City, which leaves just over 2 acres left for the single lot. The zoning is HC.

David Peterson presented the staff report, a part of the record.

Scott asked for HC zoning is there any proximity to a highway interchange that is required. Peterson stated that there should be access to highway locations and servicing traveling public is the main requirements for HC. This is in proximity to other HC zoned areas, and is close to I-15 and Sunnyside. Peterson reminded the Commission that for the Plat the zoning is less of the topic.

Ogden moved to recommend to the Mayor and City Council approval of the Final Plat for BVHZ Division No. 1, as presented, Storer seconded the motion. Wimborne called for roll call vote: Geddes, yes; Cantu, yes; Ihler, yes; Wimborne, yes; Storer, yes; Scott, yes; Ogden, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

APPROVAL OF THE FINAL PLAT OF BVHZ DIVISION NO. 1 LOCATED GENERALLY NORTH OF PIONEER DR, EAST OF INTERSTATE 15, SOUTH OF THE PORTER CANAL, WEST OF PIONEER RD

WHEREAS, the applicant filed an application for a final plat on January 25, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on March 7, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on November 9, 2023; and

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

I. RELEVANT CRITERIA AND STANDARDS

1. The Planning and Zoning Commission 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. This is an approximate 3-acre property located generally north of Pioneer Dr, east of Interstate 15, south of the Porter Canal, and west of Pioneer Rd.
3. The property is zoned HC, Highway Commercial.
4. The Final Plat includes one (1) buildable lot.
5. Access to the subdivision will come from Pioneer Dr, a local street.
6. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance.
7. 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 _____, 2023

_____

Rebecca L. Noah Casper, Mayor

DEVELOPMENT AGREEMENT
BVHZ DIVISION NO. 1

This DEVELOPMENT AGREEMENT BVHZ DIVISION NO. 1 ("AGREEMENT"), made this _____ day of _____, 2023, by and between CITY OF IDAHO FALLS, IDAHO, a municipal corporation of the State of Idaho, ("CITY"), whose mailing address is P.O. Box 50220, Idaho Falls, Idaho 83405, and 2998 PIONEER ROAD PROPERTY, LLC, ("DEVELOPER"), whose mailing address is 2252 Sunnyside Road, Idaho Falls, Idaho 83402.

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 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, DEVEL OPER 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. Compliance With Applicable Law and Regulation. DEVELOPER agrees to comply with all applicable rules, regulations, Ordinances, Resolutions, statutes or administrative laws having applicability to development to this Subdivision and or phase of this Subdivision including, of those of CITY, Bonneville County, the State of Idaho, the United States of America, or any agency or political subdivisions thereof having jurisdiction over the Subdivision and to obtain any permits, licenses, permissions, authorizations, etc., that are required for such development.

23. Conflict With Standard Specifications. In the event of any conflict between the terms of this AGREEMENT or the Improvement Plans and the Standard 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. Anti-Boycott Against Israel Act. Pursuant to Idaho Code section 67-2346, if payments under this AGREEMENT exceed one hundred thousand dollars ($100,000) and DEVELOPER employs ten (10) or more persons, DEVELOPER certifies that it is not currently engaged in, and will not for the duration of this AGREEMENT engage in, a boycott of goods or services from Israel or territories under its control. The terms in this Paragraph that are defined in Idaho Code section 67-2346 shall have the meaning defined therein.

27. Certification of No Chinese Ownership. Pursuant to Idaho Code 67-2359, DEVELOPER certifies that DEVELOPER is not currently owned or operated by the government of the People's Republic of China and will not, for the duration of this AGREEMENT, be owned or operated by the government of the People's Republic China.

27. Non-Discrimination. DEVELOPER shall not discriminate against any employee or applicant for employment on the basis of race, color, religion, creed, political ideals, sex, age, marital status, physical, or mental handicap, gender identity/expression, sexual orientation, or national origin.

28. 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.

29. 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

_____
Corrin Wilde, City Clerk

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

2998 PIONEER ROAD PROPERTY, LLC

By _____
Travis Zmak, Manager

On this _____ day of _____, 2023, 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
Residing at: _____
My Commission Expires: _____

(Seal)

STATE OF IDAHO)
) ss:
County of Bonneville)

On this 26 day of October, 2023, before me, the undersigned, a notary public, in and for said State, personally appeared Travis Zmak, known or identified to me to be an authorized signator 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 developer.

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

VALARIE AESCHBACHER NOTARY PUBLIC Comm. No. 52614 STATE OF IDAHO

(Seal)

Valarie Aeschbacher
Notary Public of Idaho
Residing at: Bonneville
My Commission Expires: 7/8/26

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION
BVHZ DIVISION NO. 1

A parcel of land located in the southwest quarter of Section 26, Township 2 North, Range 37 East, Boise Meridian, Bonneville County, Idaho, more particularly described as follows:

Commencing at the south quarter corner of Section 26, thence along the longitudinal centerline of said section N 0°02'27" W 1344.25 feet to a point on the northerly right-of-way of Pioneer Drive, said point being the **TRUE POINT OF BEGINNING;**

Thence continuing N 0°02'27" W 419.62 feet;

Thence S 89°28'14" W 257.26 feet;

Thence S 0°33'45" W 417.13 feet to the northerly right-of-way of Pioneer Drive;

Thence S 89°58'12" E 261.64 feet along said right-of-way to the **TRUE POINT OF BEGINNING**.

Said parcel contains 2.492 acres more or less.

EXHIBIT "B"
SPECIAL CONDITIONS

BVHZ DIVISION NO. 1

S.C. 1.00 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 locations as directed by CITY's Engineer.

S.C. 2.00 Access to Pioneer Road and Pioneer Drive. Subdivision access to Pioneer Road and Pioneer Drive shall be in accordance with the Bonneville Metropolitan Planning Organization ("BMPO") Access Management Plan.

S.C. 3.00 Street Section Improvements for Pioneer Road and Pioneer Drive. DEVELOPER shall be responsible for the design and construction of Arterial Roadway (261 ft) improvements in Pioneer Drive and (419 ft) improvements in Pioneer Road through the limits of the Subdivision in accordance with CITY approved Improvement Drawings. DEVELOPER shall be responsible for the construction costs per Idaho Falls City Code 10-2-4 (D). CITY shall reimburse DEVELOPER for additional width and depth per Idaho Falls City Code 10-2-4(D).

S.C. 4.00 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 Seven Thousand Nine Hundred Thirty Dollars ($7,930.00) (2,600 square yards at $3.05 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. 5.00 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. 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 shall be constructed as shown on CITY-approved Improvement Drawings. DEVELOPER shall provide for the installation of grass and an irrigation system, at DEVELOPER's sole expense, to serve this Subdivision. Maintenance of the storm pond shall be the responsibility of DEVELOPER or DEVELOPER's heirs, successors, or assigns.

S.C. 7.00 Construction of Water Main Line in Pioneer Road. DEVELOPER shall, at DEVELOPER's sole expense, design and construct water main line along Pioneer Road, as shown on the improvement plans approved by and on file with CITY Engineer. The water main on Pioneer

Road is Six Hundred and Seventy-Seven feet (677') of Twelve-inch (12") water main line starting at the South side of the Sidehill canal and continuing North including the entire frontage of the Subdivision. DEVELOPER shall design and construct, at DEVELOPER's sole expense, all water mains and appurtenances within the Subdivision in accordance with CITY Standard Drawings and Engineering Specifications and as shown on the Improvement Drawings filed with and approved by CITY Engineer, and upon completion thereof, DEVELOPER shall furnish CITY with a certificate signed by a licensed professional engineer, certifying that the water mains and appurtenances have been constructed in accordance with such Specifications. CITY agrees to reimburse DEVELOPER that portion of the costs of materials for the Twelve-inch (12") main line which exceeds the costs of materials for an eight-inch (8") water main line, subject to the limitations and bid procurement requirements of this AGREEMENT.

S.C. 8.00 Pioneer Drive Water Main Line City Participation. DEVELOPER shall, at DEVELOPER's sole expense, design and construct water main line along Pioneer Drive as shown on the improvement plans approved by and on file with CITY Engineer. The water main on Pioneer Drive is Six Hundred and Seventy-Four feet (674') of Eight-inch (8") water main line starting at the intersection of Pioneer Road and Pioneer Drive and continuing West across the Subdivision frontage (288 Feet) and West beyond the Subdivision an additional (386 Feet) to the existing water main line. Pursuant to paragraph 11 of this AGREEMENT and subject to CITY's approval of design and construction costs, CITY agrees to reimburse DEVELOPER for the construction of that portion of the water main West of this Development (386 feet). DEVELOPER shall provide a minimum of three (3) itemized bids to establish the cost participation by CITY, subject to approval by CITY. Said bids shall be clearly itemized in order to allow segregation of the costs for which CITY is responsible from the cost for which DEVELOPER is responsible.

S.C. 9.00 Reimbursement of Water Main Charges. Upon connection of water service to any property owned by any person other than DEVELOPER and fronting upon that portion of the Pioneer Road right-of-way in which DEVELOPER has constructed a water main line, CITY shall, to the extent permitted by law, and upon written request of DEVELOPER, pay to DEVELOPER all water main connection charges collected by CITY from the owners of such property, pursuant to Section 8-4-14(c), City Code, as the same currently exists or may be amended hereafter. Such right to reimbursement shall terminate with respect to any water main charge collected by CITY after the expiration of ten (10) years from the date of this AGREEMENT.

The water main installed in Pioneer Drive West of the Subdivision (386 feet) will not be subject to this **S.C. 9.00**.

S.C. 10.00 Sewer Main Connection Fee Pioneer Road. CITY agrees to allow DEVELOPER to connect to the sewer previously constructed within the Subdivision, subject to DEVELOPER's payment of the sewer main connection charge pursuant to section 8-1-23(C) of the City Code in the amount of Eleven Thousand Seven Hundred Nineteen Dollars and Twenty Cents ($11,719.20; 456 feet; currently at $25.70 per foot). Mainline connection fee costs will be adjusted accordingly in the event that the connections are not made at time when CITY Fee Resolution reflects the rate referenced herein. Pursuant to section 8-1-23(B) of the City Code, DEVELOPER or DEVELOPER's heirs or assigns shall also pay individual sewer connection fees each time an individual sewer service line is connected to CITY sewer system. Such fees shall be paid in the amounts and manner set forth in such Code Section.

Memorandum

File #: 23-306 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Monday, October 30, 2023
DEPARTMENT: Community Development Services

Subject
Quasi-judicial Public Hearing-Rezone from LC, Limited Commercial with Planned Unit Development Overlay to LC, Limited Commercial, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards on approximately 13.8 acres for The Narrows, Division No. 2

Council Action Desired
☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Ordinance Rezoning approximately 13.8 acres for The Narrows, Division No. 2 from LC, Limited Commercial with Planned United Development Overlay to LC, Limited Commercial, 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 LC with PUD Overlay to LC 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 Rezoning from LC with PUD Overlay to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 13.8 acres for The Narrows, Division No. 2. The Planning and Zoning Commission considered this item at its October 3, 2023, meeting and voted unanimously to recommend approval of the zone change, to remove the PUD Overlay Zone to the Mayor and City Council as presented.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☒ ☐

The rationale for rezoning 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
N/A

Fiscal Impact
N/A

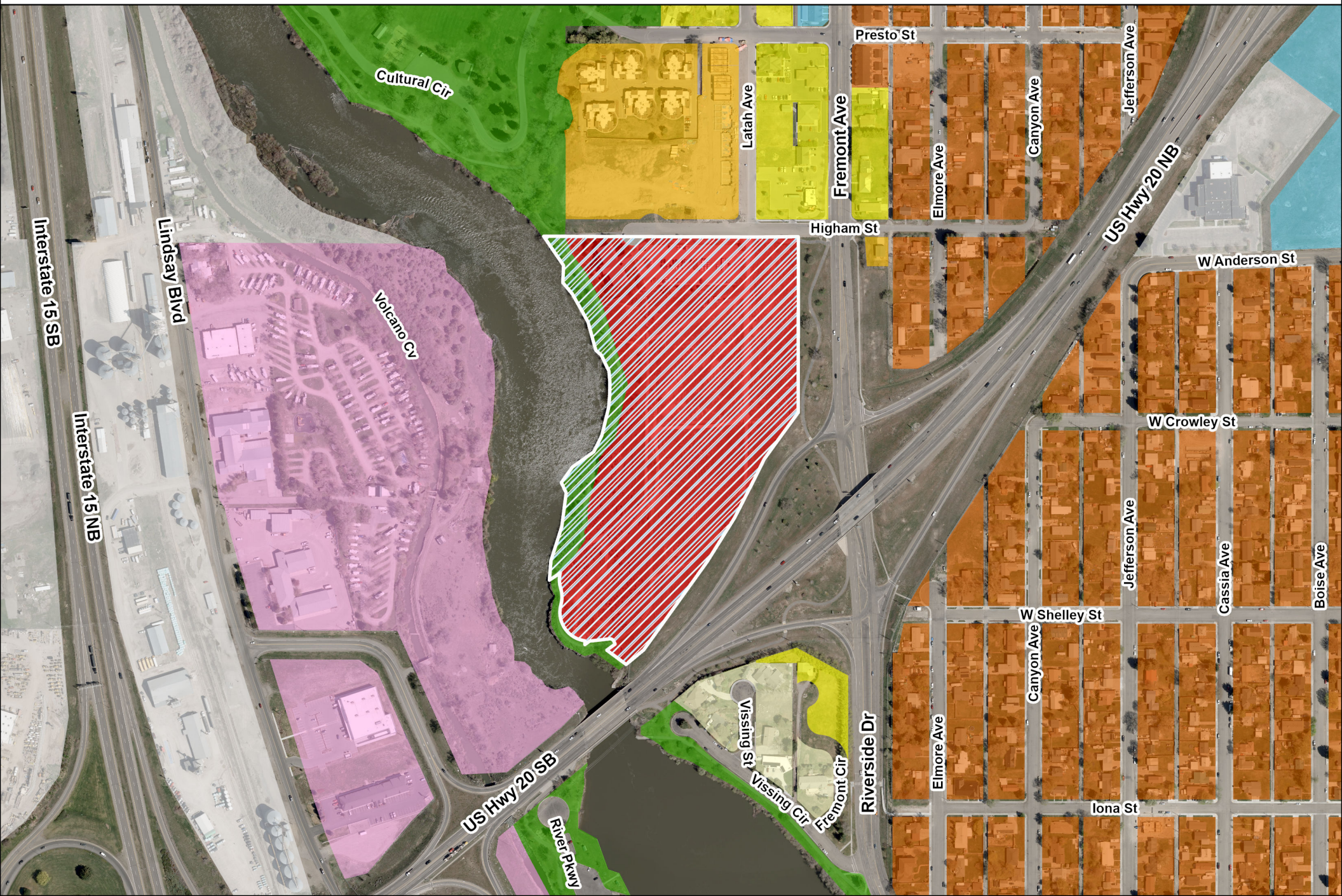
Legal Review
The application and ordinance have been reviewed by the City Attorney's Office pursuant to applicable law.

Zoning

RZON23-006 Remove PUD Overlay

RE R1 TN R3 PB LC R&D I&M

RP R2 RMH R3A CC HC LM P

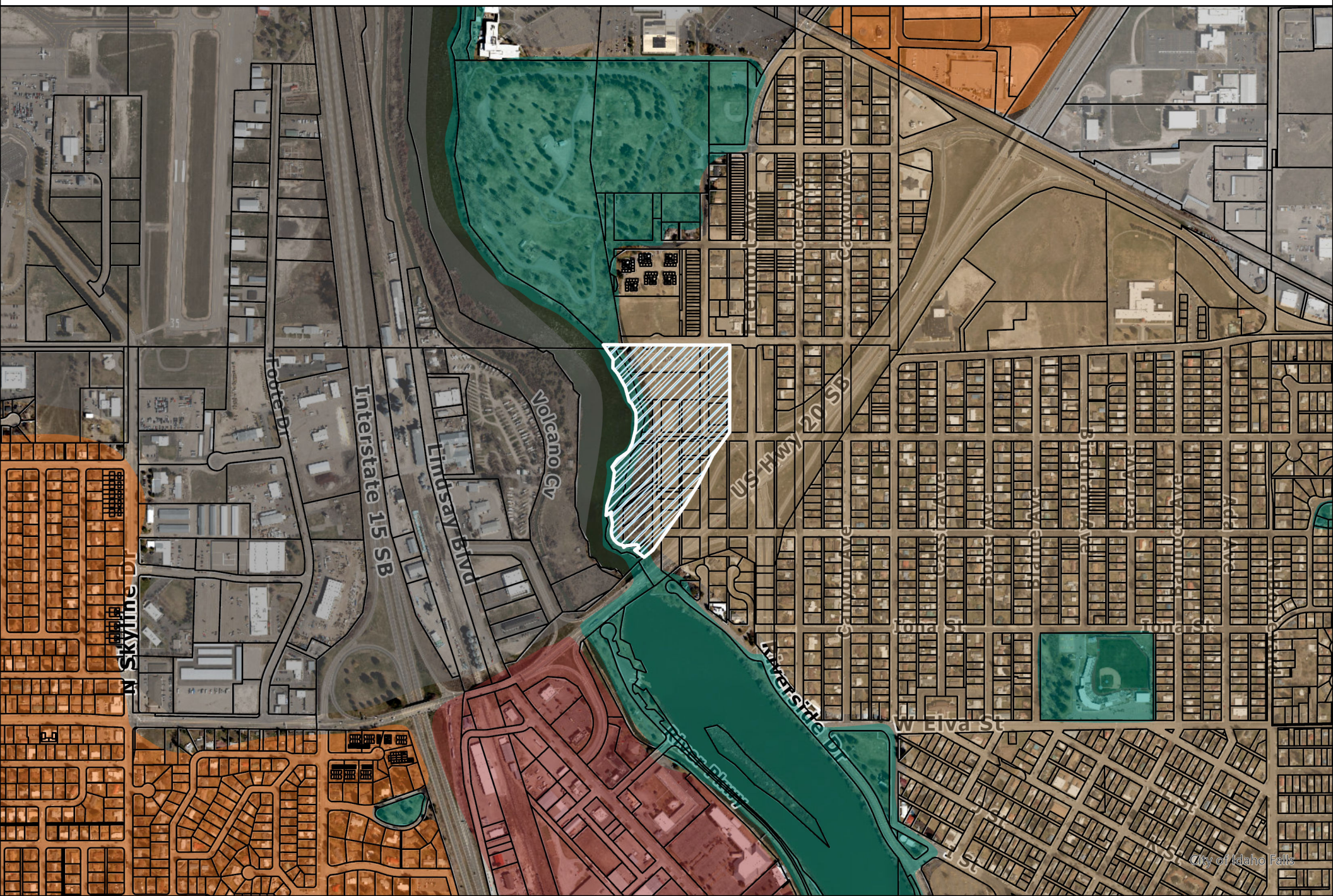



N
Aerial
RZON23-006 Remove PUD Overlay
Cultural Cir
Latah Ave
Fremont Ave
Presto St
Elmore Ave
Canyon Ave
Jefferson Ave
US Hwy 20 NB
Higham St
W Anderson St
W Crowley St
W Shelley St
Iona St
Interstate 15 SB
Interstate 15 NB
Lindsay Blvd
Volcano Cv
Jefferson Ave
Cassia Ave
Boise Ave
Canyon Ave
Elmore Ave
Riverside Dr
Fremont Cir
Vissing Cir
Vissing St
US Hwy 20 SB
River Pkwy
City of Idaho Falls

Comprehensive Plan

RZON23-006 Remove PUD Overlay

General Urban
Industrial
Mixed Use Centers and Corridors
Natural and Open Space
Special Use
Suburban
Urban Core





BOUNDARY DESCRIPTION

Commencing at the Northeast Corner of Section 13, Township 2 North, Range 37 East of the Boise Meridian; running thence N89°41'38"W 1163.08 feet along the north section line of said Section 13; thence N00°03'49"E 29.23 feet to the True Point of Beginning, said point being on the South Right-of-Way line of Higham Street; running thence S00°03'49"W 599.24 feet to the Northwesterly Right-of-Way line of U.S. Highway 20; thence along said Right-of-Way line the following six (6) courses: (1) S36°05'00"W 197.42 feet; (2) thence S25°49'33"W 72.15 feet; (3) thence S25°52'44"W 123.60 feet; (4) thence S32°04'13"W 234.92 feet; (5) thence S36°03'43"W 346.33 feet; (6) thence S50°27'24"W 58.40 feet; thence N89°56'11"W 25.42 feet; thence N22°27'28"W 64.53 feet to a non-tangent curve with a radius of 15.39 feet and a chord that bears N59°14'12"W 18.42 feet; thence to the left along said curve 19.75 feet thru a central angle of 73°31'40"; thence S83°59'28"W 60.55 feet to a non tangent curve with a radius of 98.00 feet and a chord that bears N40°08'19"W 162.22 feet; thence to the right along said curve 191.09 feet thru a central angle of 111°43'15" to a point of reverse curve with a radius of 102.00 feet and a chord that bears N00°28'01"W 56.88 feet; thence to the left along said curve 57.64 feet thru a central angle of 32°22'40" to a point of reverse curve with a radius of 98.00 feet and a chord that bears N03°25'05"E 67.27 feet; thence to the right along said curve 68.67 feet thru a central angle of 40°08'53"; thence N53°36'34"E 13.84 feet; thence N34°33'32"E 110.22 feet to a non-tangent curve with a radius of 28.00 feet and a chord that bears N04°38'01"E 27.92 feet; thence to the left along said curve 29.23 feet thru a central angle of 59°48'46" to a point of reverse curve with a radius of 15.00 feet and a chord that bears N10°05'53"E 17.37 feet; thence to the right along said curve 18.52 feet thru a central angle of 70°44'28" to a point of reverse curve with a radius of 29.00 feet and a chord that bears N18°49'34"E 26.01 feet; thence to the left along said curve 26.97 feet thru a central angle of 53°17'06" to a point of reverse curve with a radius of 180.00 feet and a chord that bears N04°00'43"E 73.79 feet; thence to the right along said curve 74.32 feet thru a central angle of 23°39'24"; thence N15°50'25"E 129.31 feet; thence N14°38'36"W 15.67 feet; thence N36°37'05"E 98.06 feet to the Eastern lot line of Block 1, Lot 4 of The Narrows Division No. 1, an Addition to the City of Idaho Falls, Bonneville County, Idaho; thence along said property line N12°58'30"E 183.05 feet; thence N18°20'28"W 132.79 feet to the Southwest Corner of Block 1, Lot 3 of said division; thence along south property line of said lot S89°56'11"E 480.18 feet to the West line of Block 38 , Highland Park Addition, to the City of Idaho Falls, Bonneville County, Idaho; thence along said property line N00°03'49"E 376.22 feet to the South Right-of-Way line of Higham Street; thence along said Right-of-Way line S89°56'11"E 140.84 feet to the True Point of Beginning, containing 13.030 acres.

NOTE:

1. ALL WATER, SANITARY SEWER, AND STORM SEWER FACILITIES SHALL BE PRIVATELY OWNED AND MAINTAINED.

2. NO EMERGENCY ACCESS WILL BE AVAILABLE THROUGH ITD PROPERTY.

	SQUARE FOOTAGE	ACREAGE	PERCENT OF TOTAL
TOTAL AREA	569,767.08	13.080	
TOTAL BUILDING AREA	130,788.00	3.002	23.0%
TOTAL IMPREVIOUS AREA	255,140.67	5.858	42.7%
TOTAL LANDSCAPED AREA	183,838.41	4.220	34.3%
TOTAL # OF PARKING SPACES:			271 SP.
TOTAL RESIDENTIAL	191,748.66	4.402	33.7%
TOTAL COMMERCIAL	378,018.42	8.678	66.3%

City of Idaho Falls PLANNING COMMISSION
X Approved w conditions
☐ Denied
DATE: 12.4.07

City of Idaho Falls CITY COUNCIL
☐ Approved
☐ Denied
DATE: 4.8.08

NO.	DESCRIPTION	REV. BY	CKD. BY	DATE
	REVISIONS TO DRAWINGS			

This document or any part thereof in detail or design concept is the property of Schiess & Associates and shall not be copied in any form without the written authorization of Schiess & Associates.

PROJECT NO.	06132		
DATE:	OCTOBER 2007		
DESIGNED BY:	K. ROLAND	DRAWN BY:	J. CROFT
CHECKED BY:	K. ROLAND	APPROVED BY:	K. ROLAND
HORIZONTAL SCALE:	1" = 50'	VERTICAL SCALE:	N/A

Schiess & Associates
ENGINEERING • PLANNING • LAND SURVEYING
Idaho Falls 522-1244 Rexburg 356-6092

ROCKY MOUNTAIN CONTRACTORS, LLC

THE NARROWS PLANNED UNIT DEVELOPMENT
OVERALL SITE PLAN

RECEIVED NOV 27 2007

SHEET C-1
REV. NO.

Improvement drawings submitted April, 2008 Contain corrections

STAFF REPORT

REZONE FROM LC, LIMITED COMMERCIAL WITH THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY TO LC, REMOVE THE PUD OVERLAY ZONE

The Narrows, Division NO. 2

November 9, 2023

IDAHO FALLS

Community Development Services

Applicant: Eagle Rock

Project Manager: Naysha Foster

Location: Generally north of US Hwy 20, east of the Snake River, south of Higham St, west of Freemont Ave.

Size: 13.8 acres

Existing Zoning:
Site: LC/PUD Overlay
North: R2 & R1
South: P, RP & R1
East: TN
West: HC

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

Future Land Use Map:
Urban Core

Attachments:
1. Zoning Ordinance Information
2. Comprehensive Plan Policies
3. Maps and aerial photos

Requested Action: To approve the rezone from LC with the PUD overlay zone to LC or remove the PUD overlay zone.

History: This property was platted as part of the Highland Park Addition in 1892. It was annexed in 1906. The zoning at that time is unknown. Records indicate that the property was zoned C-1 with the PUD Overlay Zone prior to 2008. The plat has been amended several times. In 2003 the public streets and some of the alleys were vacated. In 2007, a PUD and final plat was approved. At this time the PUD Overlay zone was added. The Narrows was approved in 2008, a CUP was approved to build within 75 feet of the floodway and a Traffic Impact Study was done. In 2018 the City initiated a city wide zone changed and changed the zoning to LC. The Airport Overlay Zone was added in 2019.

Staff Comments: The property currently includes Northwind office building and associated parking lot. This is only structure to be built from the PUD and site plan. The remainder of the PUD is not valid as the plat has been amended several times and streets and some alleys have been vacated. Since 2004 the City's PUD requirement have changed making this property nonconforming, with regard to the PUD. This property can't develop under the current PUD standards as they are specific to residential and master planned developments. It is necessary to remove the PUD to allow for development. By removing the PUD overlay zone the developer would be allowed to develop the property according to the LC Zone or R3A (for residential uses) standards rather than what was approved under the original PUD.

Staff Recommendation: Staff has reviewed the requested zone change and finds it is consistent with the Comprehensive plan and surrounding zoning and land use. Staff recommends approval of the zone change from LC with the PUD Overlay Zone to LC with the removal of the PUD Overlay Zone.

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.	X
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	N/A
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	N/A
The potential for nuisances or health and safety hazards that could have an adverse effect on adjoining properties	None
Recent changes in land use on adjoining parcels or in the neighborhood of the proposed zoning map amendment	None
Zoning Application Questions:	**Applicant's Response:**
Explain how the proposed change is in accordance with the City of Idaho Falls Comprehensive Plan.	The proposed change does not affect the current zoning for this property but simply removes the PUD overlay that was applied to the property by the previous owners in 2008. As such the proposed change keeps the property zoning the same and similarly aligned with the Comprehensive plan.
What changes have occurred in the area to justify the request for rezone?	In order to develop this property with a plan that is not aligned with the current PUD overlay and associated concept it was recommended by City Planning staff that the current owners apply for removal of the current PUC. If a site plan for the LC zoning requiring the PUD develops in the future the owners will need to apply at that time for a PUD and present a new over all concept for the

	development.
Are there existing land uses in the area similar to the proposed use?	As the existing PUD overlay was approved for a development in 2008 that never came to fruition it follow that the proposed changes associated with this application will allow greater flexibility for the developer as well as the city staff to ensure that future development o this property is more closely aligned with the development occurring in this area. Removing the existing PUD overlay will help ensure that this property "fits" better with the existing land uses in the surrounding area.
Is the site large enough to accommodate required access, parking, landscaping, etc. for the proposed use?	Yes, all future development I the area will be planned to meet the requirements of the existing LC zoning.

October 3, 2023 7:00 p.m. Planning Department

City Annex Conference Room

MEMBERS PRESENT: Commissioners Glen Ogden, Forrest Ihler, Bill Scott, Dale Storer, Arnold Cantu.

MEMBERS ABSENT: Margaret Wimborne, Marsha McDaniel, Scott Geddes, Kristi Brower

ALSO PRESENT: Assistant Planning Director Kerry Beutler, Planners David Peterson, Naysha Foster, and interested citizens.

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

MINUTES: Scott moved to accept the minutes of September 5, 2023, Storer seconded the motion. Ogden called for roll call vote: Ihler, yes; Scott, yes; Ogden, yes; Storer, yes; Cantu, yes. The motion passed unanimously.

Public Hearing (s):

2. RZON 23-006: REZONE. Rezone from LC Limited Commercial and PUD Overlay to LC, Limited Commercial removing the PUD Overlay.

Ogden opened the public hearing.

Applicant: Neil Humphreys Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, Idaho. Humphreys stated that they are requesting the removal of the PUD from the project area. Humphreys gave a location of the Narrows north of US 20, East of Snake River, South of Higham and west of Fremont consisting of 13 acres of LC with PUD Overlay. The existing land uses are vacant sites, residential to the south, east and west and some commercial. This is designated as Urban Core. Humphreys stated that the intent of the developer is to get the ball rolling to plan this area, and they need to remove the existing PUD as it no longer conforms to the City Standards, and it was applied specifically to a potential development in 2007-time frame. They want to remove the overlay so they can move forward with planning, and they are in the preliminary planning stage. The removal of the PUD is consistent with the City's plan for the area. This is a good location for future development. Humphreys feels that removing the PUD is the first step in developing this area.

Ihler asked is there a reason to stick with LC instead of going to CC. Humphreys stated that there hasn't been much conversation about the intent to rezone from the client. If plans materialize that require higher density, they can apply for that in the future. Ogden clarified that the purpose of this rezone is to remove the PUD overlay so there are other options that can be done with the property.

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

Storer asked what the time frame in which a proposed rezone can be reconsidered for another rezone in the future. Foster stated that if it is City initiated it is 4 years, but if it is property owner initiated it can be requested to the same zone within 6 months unless things of a material nature have changed. Foster stated that if they were requesting LC tonight, and that was denied, they would have to wait 6 months to re-request LC, but they could come back before the 6 months and request a different zone.

Support/Opposition:

Evelyn Stanton, 1020 Vessing Street, Idaho Falls, Idaho. Stanton lives across the highway from the proposed development. Stanton stated that a few years ago the City came and put a new sewer line in and since then they have a tremendous amount of development on that side of the highway, including small apartments, more at University Place, INL, Sage Lake, and all that sewer runs right in front of her house, and the manhole cover is stinky and smells like an open sewer. Stanton stated that it is a huge line, so they have fulfilled a lot of development and in the summer it is stinky. Stanton would like to know how much more stink she will get from this development. Stanton wants the traffic considered as the I-15 off ramp is being reconsidered for the location and the City would like to have her corner and she will sell for $ 1 million today and tomorrow $2 million. Stanton loves her property, and it is the only corner zoned single family. Stanton urged the Commission to think about the sewer running in front of her house. Stanton stated that she will look to the City to fix the sewer problem.

Steve Stanfield 1300 Vessing Circle, Idaho Falls, Idaho. Stanfield stated that the manhole cover is ripe. Stanfield stated that the rest of the greenbelt has a PUD overlay that requires a certain amount of public access to go along the river. Stanfield stated that where they are wanting to change the PUD Overlay, the green along the river stays green and then it changes, and the developer has stated that they will leave the right of way along the river so people can walk along the river to the park and go under the bridge to get to the greenbelt. Stanfield does want the property developed because there are a lot of people that shouldn't be there at night and if it was developed that would go away. Stanfield is concerned that if the PUD overlay is removed, then the access along the river between the park and the greenbelt can reduced or harder to get to. Stanfield is concerned that if they remove the PUD, it will be made into a smaller path and people won't have public access to go to the park. Stanfield stated that there is a requirement with the PUD to have certain portions for the public.

Graham Whipple, Resin Architecture 305 1st Street, Idaho Falls, Idaho. Whipple is involved in a portion of the hoped-for development in this area. Whipple stated that if they rewind 15 years PUDs were the mechanism to provide a catalyst. Whipple stated that sometimes the biggest hurdle of getting something to happen in an area, is cleaning up good intentions from previous years. The PUD from 2008 was never realized and the ownership is now fragmented, and the idea of a PUD cannot be realized. With the PUD overlay in place this will continue to be an undeveloped area because there is no cohesive ability to develop a plan and the PUD is outdated. By removing the PUD overlay you remove the series of guidelines that was defined in 2008 and bringing it to the current zoning standards and it does not change the underlying zoning of LC. Whipple stated that his client's portion doesn't impact the river greenbelt front. Whipple stated that by removing the PUD you open this parcel up to an opportunity for redevelopment. This has a great opportunity for redevelopment. Resin Architecture sponsored an international competition for design, and this was one of 3 sites identified in the City of Idaho Falls that is underutilized. They had submissions from all around the world, and the concepts and ideas showed how much more could happen in this spot, but the PUD Overlay prevents it. Removing the PUD will allow something to happen.

Steve Stanfield, 1300 Vessing Circle, Idaho Falls, Idaho. Stanfield wants to see a guarantee that the greenbelt aspect is protected. If there is another ordinance that would protect the

greenbelt use that. He is scared that without the PUD the owners will take away the public's opportunity to use the path.

Applicant: Neil Humphreys, Eagle Rock Engineering, 1331 Fremont Street, Idaho Falls, Idaho. Humphreys stated that he lives in the row homes on Fremont, and he thinks more amenities in the area would be great. There are a lot of commercial along most of the greenbelt, but the highway bisects this area and so there hasn't been growth. Humphreys stated that he doesn't think the PUD removal will affect the greenbelt useability and any potential developer will see that as a value added and use it to showcase it as a feature.

Ihler asked if the property owners own up to a certain point and then the City owns it along the river. Foster stated that the overlay extends along the green portion on City property and all the green along the river is owned by the City, and it extends down. Foster clarified that if they leave the PUD, they have to build what the original PUD looked like. Foster stated that there are standards for setbacks along the river as well. The corridor is protected.

Ogden closed the public hearing.

Ihler stated that this is an incredible piece of property and he had been hoping someone would do something with it. Ihler stated that getting rid of the PUD will help this property. Ihler feels this is a great area for redevelopment and supports removing the PUD.

Scott is in favor of this being developed and is assuming there won't be any serious impact of the sewage system and is hoping that the City can be approached with the sewer problem and sympathizes with the public's concern on sewage.

Ogden stated that removing the PUD will not address the sewer issues, but future development could potentially help with the sewer problem. Ogden was happy to hear that the City owns the waterfront and removing it does open up opportunities.

Storer clarified that the State of Idaho, not the City, controls the green property up to the high-water mark, and the removal of the PUD will not change that. Storer wants the sewer concern looked at carefully.

Storer moved to recommend to the Mayor and City Council approval of the rezone from LC Limited Commercial and PUD overlay to LC Limited Commercial removing the PUD Overlay, Scott seconded the motion and 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 REZONING OF APPROXIMATELY 13.8 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM LC, LIMITED COMMERCIAL WITH THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE TO REMOVE THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed zoning district of lands described in Section 1 is LC, Limited Commercial for such annexed lands and such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Urban Core"; 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 October 3, 2023, and recommended approval of zoning the subject property to LC without the PUD overlay Zone; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve this zoning on November 9, 2023.

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 13.8 acres, The Narrows, Division NO. 2

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned "LC Zone" 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_____, 2023.

CITY OF IDAHO FALLS, IDAHO

_____
Rebecca L. Noah Casper, Mayor

ATTEST:

_____
Corrin Wilde, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, CORRIN WILDE, 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 13.8 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM LC, LIMITED COMMERCIAL WITH THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE TO REMOVE THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
Corrin Wilde, City Clerk

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ZONE CHANGE FROM LC, LIMITED COMMERCIAL WITH A PUD, PLANNED UNIT DEVELOPMENT OVERLAY, TO LC, LIMITED COMMERCIAL REMOVING THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE, APPROXIMATELY 13.8 ACRES, GENERALLY LOCATED NORTH OF US HWY 20, EAST OF THE SNAKE RIVER, SOUTH OF HIGHAM ST, AND WEST OF FREEMONT AVE

WHEREAS, the applicant filed an application for a rezone on August 21, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on October 3, 2022; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public hearing on November 9, 2023; 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 13.8 acres generally located north of US Hwy 20, east of the Snake River, south of Higham St, and west of Freemont Ave.
3. The Comprehensive Plan designates this area as Urban Core.
4. The proposed zoning of LC without the PUD Overlay is consistent with the Comprehensive Plan map and policies and existing zoning and land uses in the area.
5. Rezoning the property to remove the PUD Overlay zone will allow the property to be developed as under the current LC or R3A (for residential) standards without the additional requirements as set forth in the PUD development standards.
6. Idaho Falls Planning and Zoning Commission recommended approval of zoning the property to remove the PUD Overlay zone.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the change of zoning as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2023

_____

Rebecca L. Noah Casper - Mayor

THE NARROWS, DIVISION NO. 2

AN ADDITION TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
BEING PART OF THE NE 1/4 OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 37 EAST, B.M.

BOUNDARY DESCRIPTION

Commencing at the Northeast Corner of Section 13, Township 2 North, Range 37 East of the Boise Meridian; running thence N89°41'21"W 1163.08 feet along the north section line of said Section 13; thence N00°03'49"E 29.24 feet to the True Point of Beginning, said point being on the South Right-of-Way line of Higham Street; running thence S00°03'48"W 600.78 feet to the Northwesterly Right-of-Way line of U.S. Highway 20; thence along said Right-of-Way line the following six (6) courses: (1) S36°20'52"W 196.18 feet; (2) thence S25°49'33"W 72.15 feet; (3) thence S25°52'44"W 123.60 feet; (4) thence S31°49'07"W 235.06 feet; (5) thence S36°14'02"W 346.27 feet; (6) thence S50°27'24"W 58.40 feet; thence N89°56'11"W 25.42 feet; thence N22°27'28"W 64.53 feet to a non-tangent curve with a radius of 15.39 feet and a chord that bears N59°14'12"W 18.42 feet; thence to the left along said curve 19.75 feet thru a central angle of 73°31'40"; thence S83°59'28"W 60.55 feet to a non-tangent curve with a radius of 98.00 feet and a chord that bears N40°08'19"W 162.22 feet; thence to the right along said curve 191.09 feet thru a central angle of 111°43'15" to a point of reverse curve with a radius of 102.00 feet and a chord that bears N00°28'01"W 56.88 feet; thence to the left along said curve 57.64 feet thru a central angle of 32°22'40" to a point of reverse curve with a radius of 98.00 feet and a chord that bears N03°25'05"E 67.27 feet; thence to the right along said curve 68.67 feet thru a central angle of 40°08'53"; thence N53°36'34"E 13.84 feet; thence N34°33'32"E 110.22 feet to a non-tangent curve with a radius of 28.00 feet and a chord that bears N04°38'01"E 27.92 feet; thence to the left along said curve 29.23 feet thru a central angle of 59°48'46" to a point of reverse curve with a radius of 15.00 feet and a chord that bears N10°05'53"E 17.37 feet; thence to the right along said curve 18.52 feet thru a central angle of 70°44'28" to a point of reverse curve with a radius of 29.00 feet and a chord that bears N18°49'34"E 26.01 feet; thence to the left along said curve 26.57 feet thru a central angle of 53°17'06" to a point of reverse curve with a radius of 180.00 feet and a chord that bears N04°00'43"E 73.79 feet; thence to the right along said curve 74.32 feet thru a central angle of 23°39'24"; thence N15°50'25"E 129.31 feet; thence N14°38'36"W 15.67 feet; thence N36°37'05"E 98.06 feet to the Eastern lot line of Block 1, Lot 4 of The Narrows Division No. ', an Addition to the City of Idaho Falls, Bonneville County, Idaho; thence along said property line N12°58'30"E 183.05 feet; thence N18°20'28"W 132.79 feet to the Southwest Corner of Block 1, Lt 3 of said division; thence along south property line of said lot S89°56'11"E 420.16 feet to the West Right-of-Way line of Block 38, Highland Park Addition to the City of Idaho Falls, Bonneville County, Idaho thence along said property line N00°03'49"E 356.22 feet; thence N44°56'11"W 28.28 feet to the South Right-of-Way line of Higham Street; thence along said Right-of-Way line S89°56'11"E 220.84 feet to the True Point of Beginning, containing 13.562 acres.

OWNER'S CERTIFICATE

KNOW ALL MEN BY THESE PRESENTS: that I the undersigned am the owner of the tract of land included within the Boundary Description shown hereon and have caused the same to be platted and divided into Blocks, Lots, and Streets, which plat shall hereafter be know as THE NARROWS, DIVISION NO. 2, an addition to the City of Idaho Falls, Bonneville County, Idaho. Be it further known, that I do hereby dedicate to the public, all streets and right-of-ways shown hereon, that I also grant and convey to the City of Idaho Falls all easements shown on the plat and that I hereby warrant and shall defend the estate to such dedication and conveyances in the quiet and peaceful possession of the public or the city, as the case may be, against said owners and their heirs an 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. Owners, and their heirs and assigns, agree they will construct no permanent structure within or upon any public utility easement shown hereon, and the city and its successors, assigns or permitess shall also have the right, at the owners' or their heirs', successors' or assigns' expense, 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. I also certify that the 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 serve said lots.

In witness whereof, I have hereunto set my signature this_____day of_____2008.

_____

Rocky Mountain Contractors, LLC
Rick Hancock, Managing Member

ACKNOWLEDGMENT

STATE OF IDAHO
County of Bonneville

On this day of_____2008 before me, the undersigned, a Notary Public in and for said State, personally appeared Rick Hancock known to me to be a managing member of Rocky Mountain Contractors, L.L.C, a Limited Liability Company, and the manger who subscribed said limited liability companies name to the forgoing insturment on behalf of said company, and acknowledged to me such company executed the same.

_____

Notary Public for the State of Idaho
Residing In_____County,_____
Commission Expiration Date:_____

SURVEYOR'S CERTIFICATE

I, Kurtis J. Roland, a Registered Professional Land Surveyor in the State of Idaho do hereby certify that the survey of this subdivision designated as THE NARROWS DIVISION NO. 2, was made under my direction, and that said subdivision is truly and correctly staked as provided by law and in accordance with the accompanying plat as described hereon.

CERTIFICATE NO. 9369

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

EXAMINING SURVEYOR'S CERTIFICATE

I hereby certify that I have examined this plat and find it to be correct and acceptable as required in Section 50-1305 of the Idaho Code.

Date: _____ _____ _____
Professional Land Surveyor Cert. No.

HEALTH DEPARTMENT CERTIFICATE

Sanitary restrictions as required by Idaho Code, Title 50, Chapter 13 have been satisfied based on the DEQ approval of the design plans and specifications and the conditions imposed on the developer for continued satisfaction of 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 these per conditions of DEQ, then sanitary restrictions are in force, in accordance with Section 50-1326, Idaho Code, and no construction of any building or shelter requiring drinking water or sewer/septic facilities shall be allowed.

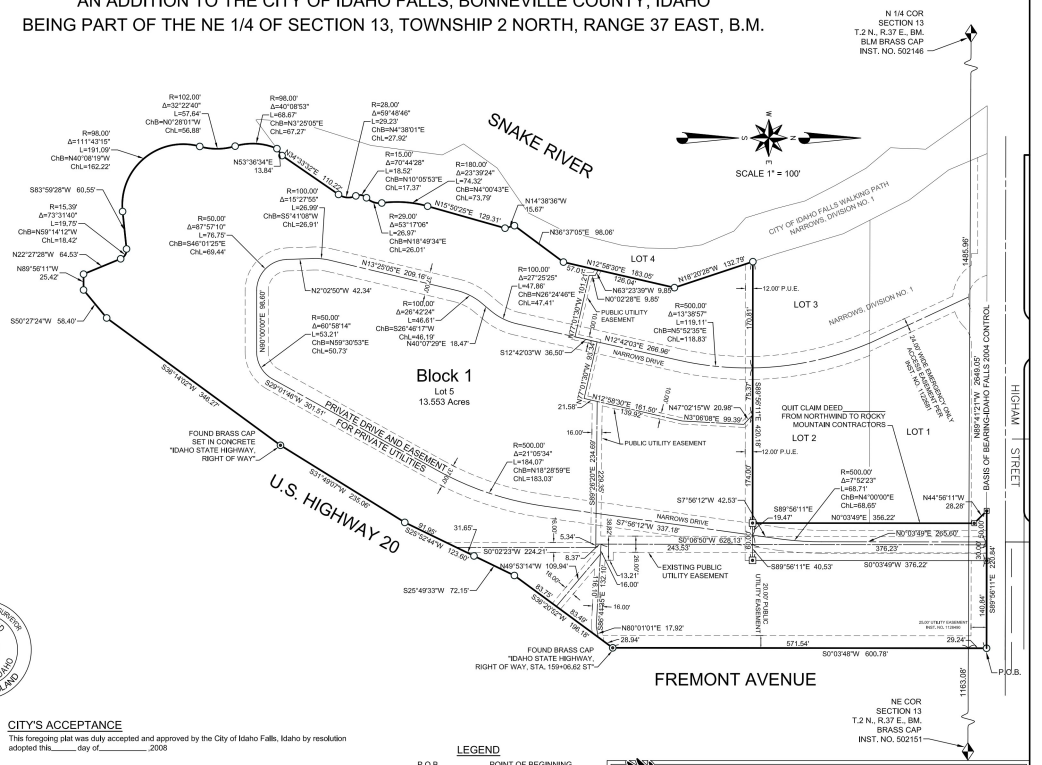
EASTERN IDAHO PUBLIC HEALTH DISTRICT

Date: _____ _____
Enviromental Health Specialist

IRRIGATION WATER DELIVERY SYSTEM

The property included in this plat has petitioned for and been removed from all future irrigation water rights.

Date: _____ _____
Instrument No.



CITY'S ACCEPTANCE

This foregoing plat was duly accepted and approved by the City of Idaho Falls, Idaho by resolution adopted this_____ day of_____,2008

_____ _____
Mayor City Clerk

_____ _____
City Engineer City Surveyor

TREASURER'S CERTIFICATE

I the undersigned County treasurer in and for the County of Bonneville, State of Idaho, per the requirements of Idaho Code 50-1308, do hereby certify that all county property taxes due for the property included in this project are current.

Date: _____ _____
Bonneville County Treasurer

RECORDER'S CERTIFICATE

I hereby certify that the foregoing plat of the THE NARROWS-DIVISION NO. 2, to the City of Idaho Falls, Bonneville County, Idaho was filed for recording in the office of the Recorder of Bonneville County, Idaho on this_____day of_____,2008 at____m and recorded under Instrument Number,_____

_____
Bonneville County Recorder

LEGEND

P.O.B.	POINT OF BEGINNING
	ROADWAY CENTERLINE
	PROPERTY LINE
	PUBLIC UTILITY EASEMENT
	ACCESS EASEMENT
○	SET 5/8" BY 24" IRON ROD WITH YELLOW PLASTIC CAP MARKED P.L.S. 9369
⊙	FOUND ROW MONUMENT
⊡	FOUND IRON ROD WITH ORANGE PLASTIC CAP MARKED P.L.S. 8795
▣	FOUND PK NAIL IN CONCRETE
◆	SECTION CORNER

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

OFFICES AT:

310 N 2nd East, Suite 153
Rexburg, Idaho 83440

1331 Fremont Ave.
Idaho Falls, Idaho 83402

DESIGNED BY:	
DRAWN BY:	
APPROVED BY:	
PROJECT NO.	
SCALE:	1:100
DATE:	
REVISION:	
CAD NAME:	FINAL PLAT

- NEIGHBORHOOD MEETING INVITEES

STATE OF IDAHO PO BOX 879
BOISE, ID 83707

PIKE MARGARET
2845 E MORNINGSIDE DR
IDAHO FALLS, ID 83402

RENTAL SERVICES LLC
5035 E 34TH N
RIRIE, ID 83443

HILLMAN BROTHERS
INVESTMENTS LLC PO BOX 37
DRIGGS, ID 83422-0037

PEREZ RITA
1308 FREMONT AVE
IDAHO FALLS, ID 83402

LOWMAN JOYCE
1150 HIGHAM ST
IDAHO FALLS, ID 83402

CITY OF I F
PO BOX 50220
IDAHO FALLS, ID 83405

HANSEN JOY
1165 HIGHAM ST
IDAHO FALLS, ID 83402

RIVERFRONT DEVELOPMENT LLC
545 SHOUP AVE #244
IDAHO FALLS, ID 83402

RIVERFRONT DEVELOPMENT LLC THE
2184 CHANNING WAY #227
IDAHO FALLS, ID 83404

IDAHO TRANSPORTATION BOARD
3311 W STATE ST
BOISE, ID 83703

STANFIELD STEVEN M
1300 VISSING CIR
IDAHO FALLS, ID 83402

RIVERFRONT LUXURY TOWNHOMES LLC
2587 N HOLMES AVE
IDAHO FALLS, ID 83401

CLARK JON
1065 VISSING ST
IDAHO FALLS, ID 83402

ERE PROPERTIES LLC
1331 FREMONT AVE
IDAHO FALLS, ID 83402

MAT LAND HOLDINGS LLC
798 BRANDON DR
IDAHO FALLS, ID 83402

JH RANCH LLC
7957 N RIVERFRONT DR
IDAHO FALLS, ID 83401

-MEETING MAILER

EAGLE ROCK ENGINEERING
CIVIL ○ PLANNING ○ SURVEYING
IDAHO FALLS (208) 542-2665 REXBURG (208) 359-2665
Fax (208) 522-2664
1331 Fremont Ave, Idaho Falls, ID 83402

Dear Neighbor,

We hope this letter finds you well. As part of our commitment to being good community members and transparent communicators, we would like to inform you of a proposed development in your neighborhood.

The project, known as "The Narrows Division 2," is being undertaken by our firm. As is standard and required by the City of Idaho Falls for developments of this nature, we are hosting a Neighborhood Meeting to discuss the project and provide you with detailed information on what to expect as the project progresses. We hope you will join us to learn more about our vision and ask any questions you may have.

Details of the meeting are as follows:

Neighborhood Meeting;
Date: Thursday, August 3th
Time: 6:00 - 8:00 PM
Location: Eagle Rock Engineering - 1331 Fremont Avenue Idaho Falls, ID 83402

During the meeting, we will present a brief overview of the project as well as the next steps that will take place between Eagle Rock Engineering and the City to help this project become a reality. There will also be an opportunity for an open Q&A session.

We are excited to share the vision for future development in this area of Idaho Falls with you and your feedback and comments are valuable to us. To make sure everyone's voice is heard, we will provide comment sheets and a sign-up sheet for those interested in staying informed as the project progresses.

We look forward to your presence at the meeting and your valuable input on this exciting development project.

Should you have any immediate concerns or queries, please don't hesitate to contact us.

Sincerely,

Niel Humphreys | Project Manager | Idaho Falls Office

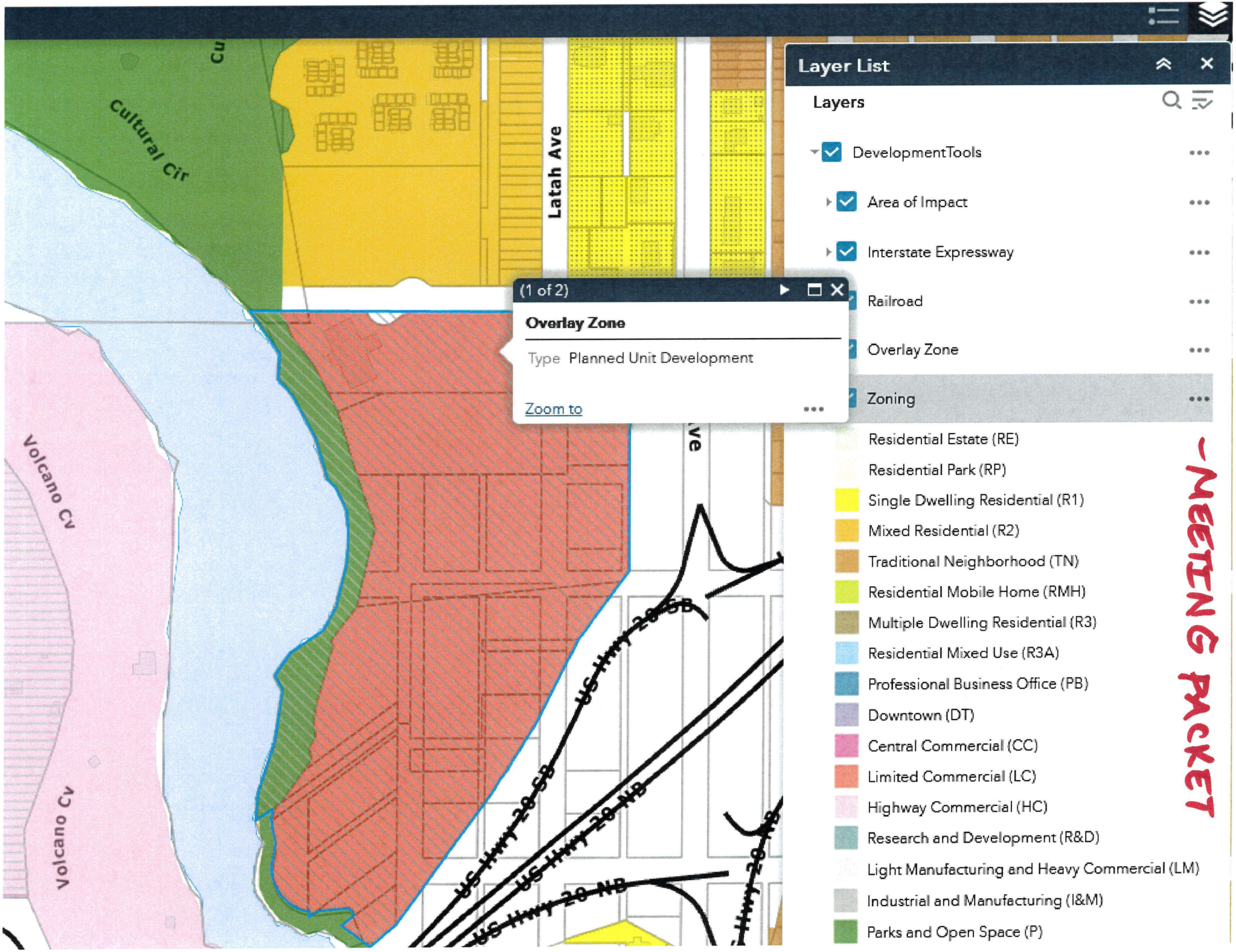
Welcome!

Please Sign In*

Date August 3rd 2023

Name	Email Address	Phone Number
Niel Humphreys	NHUMPHREYS@EAGLEROCKENGINEERING.COM	208-391-1925
Margaret Perez de Ugaki	margie@ugakiconsulting inc.com	
Steven & L. Kaui Stanfield	Lkauilanis2@gmail.com	208/403-3694
X Steve & Kaui Stanfield		(208) 757-0495 / 2084797985
Helen K Stanton	helenastentonegmail.com	

* Providing contact information is not required, and the purpose is to provide updates regarding the project. However, please be aware that any information provided on this sheet will become part of the public record.

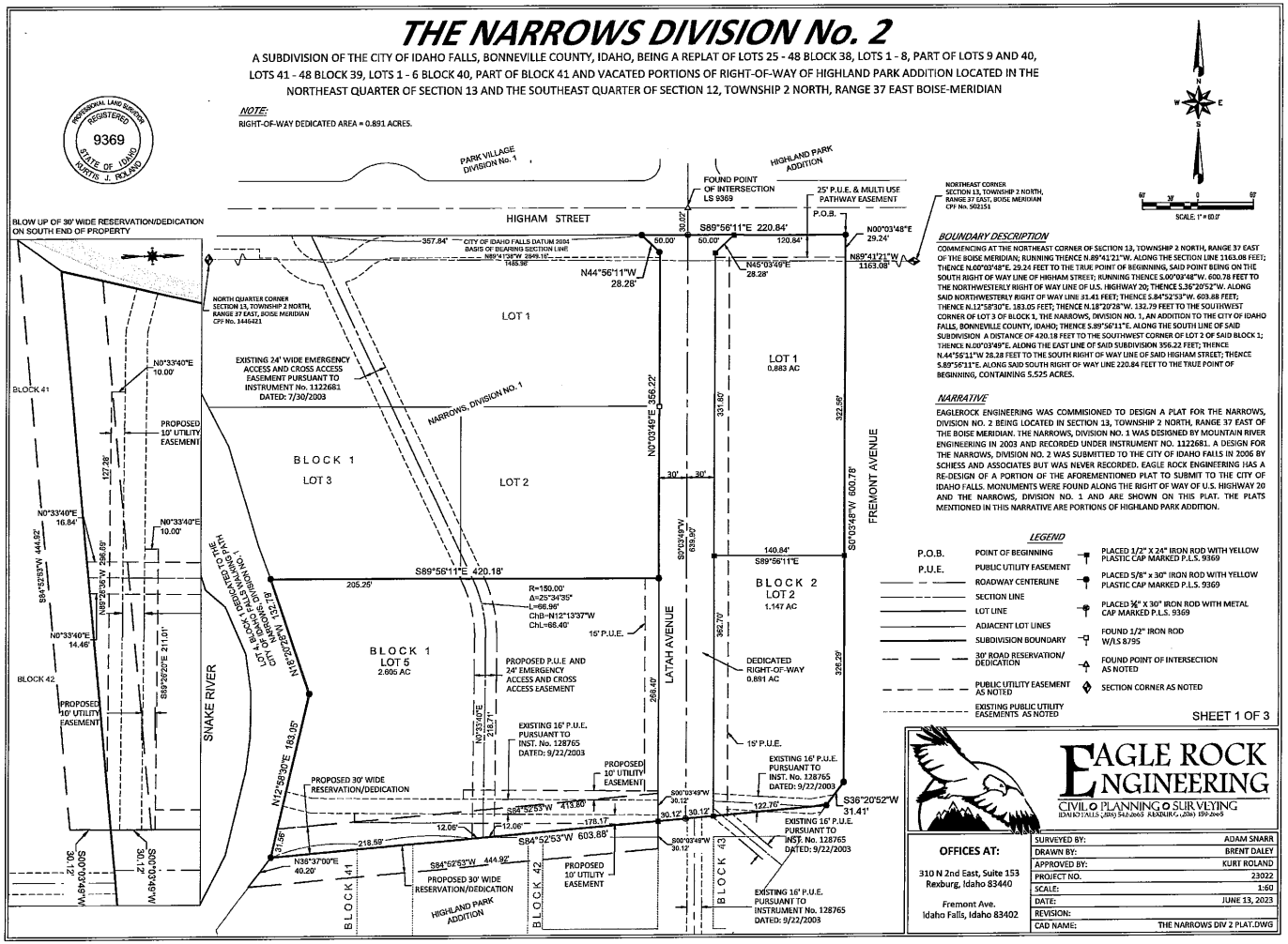

Layer List
Layers
DevelopmentTools
Area of Impact
Interstate Expressway
Railroad
Overlay Zone
Zoning
Residential Estate (RE)
Residential Park (RP)
Single Dwelling Residential (R1)
Mixed Residential (R2)
Traditional Neighborhood (TN)
Residential Mobile Home (RMH)
Multiple Dwelling Residential (R3)
Residential Mixed Use (R3A)
Professional Business Office (PB)
Downtown (DT)
Central Commercial (CC)
Limited Commercial (LC)
Highway Commercial (HC)
Research and Development (R&D)
Light Manufacturing and Heavy Commercial (LM)
Industrial and Manufacturing (I&M)
Parks and Open Space (P)
(1 of 2)
Overlay Zone
Type Planned Unit Development
Zoom to
Latah Ave
Cultural Cir
Volcano Cv
Volcano Cv
US Hwy 20 SB
US Hwy 20 NB
US Hwy 20 NB
US Hwy 20 NB
-MEETING PACKET

THE NARROWS DIVISION No. 2

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, BEING A REPLAT OF LOTS 25 - 48 BLOCK 38, LOTS 1 - 8, PART OF LOTS 9 AND 40, LOTS 41 - 48 BLOCK 39, LOTS 1 - 6 BLOCK 40, PART OF BLOCK 41 AND VACATED PORTIONS OF RIGHT-OF-WAY OF HIGHLAND PARK ADDITION LOCATED IN THE NORTHEAST QUARTER OF SECTION 13 AND THE SOUTHEAST QUARTER OF SECTION 12, TOWNSHIP 2 NORTH, RANGE 37 EAST BOISE-MERIDIAN

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

NOTE:
RIGHT-OF-WAY DEDICATED AREA = 0.891 ACRES.



BOUNDARY DESCRIPTION

COMMENCING AT THE NORTHEAST CORNER OF SECTION 13, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN; RUNNING THENCE N.89°41'21"W. ALONG THE SECTION LINE 1163.08 FEET; THENCE N.00°03'48"E. 29.24 FEET TO THE TRUE POINT OF BEGINNING, SAID POINT BEING ON THE SOUTH RIGHT OF WAY LINE OF HIGHAM STREET; RUNNING THENCE S.00°03'48"W. 600.78 FEET TO THE NORTHWESTERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 20; THENCE S.36°20'52"W. ALONG SAID NORTHWESTERLY RIGHT OF WAY LINE 31.41 FEET; THENCE S.84°52'53"W. 603.88 FEET; THENCE N.12°58'30"E. 183.05 FEET; THENCE N.18°20'28"W. 132.79 FEET TO THE SOUTHWEST CORNER OF LOT 3 OF BLOCK 1, THE NARROWS, DIVISION NO. 1, AN ADDITION TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO; THENCE S.89°56'11"E. ALONG THE SOUTH LINE OF SAID SUBDIVISION A DISTANCE OF 420.18 FEET TO THE SOUTHWEST CORNER OF LOT 2 OF SAID BLOCK 1; THENCE N.00°03'49"E. ALONG THE EAST LINE OF SAID SUBDIVISION 356.22 FEET; THENCE N.44°56'11"W 28.28 FEET TO THE SOUTH RIGHT OF WAY LINE OF SAID HIGHAM STREET; THENCE S.89°56'11"E. ALONG SAID SOUTH RIGHT OF WAY LINE 220.84 FEET TO THE TRUE POINT OF BEGINNING, CONTAINING 5.525 ACRES.

NARRATIVE

EAGLEROCK ENGINEERING WAS COMMISIONED TO DESIGN A PLAT FOR THE NARROWS, DIVISION NO. 2 BEING LOCATED IN SECTION 13, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN. THE NARROWS, DIVISION NO. 1 WAS DESIGNED BY MOUNTAIN RIVER ENGINEERING IN 2003 AND RECORDED UNDER INSTRUMENT NO. 1122681. A DESIGN FOR THE NARROWS, DIVISION NO. 2 WAS SUBMITTED TO THE CITY OF IDAHO FALLS IN 2006 BY SCHIESS AND ASSOCIATES BUT WAS NEVER RECORDED. EAGLE ROCK ENGINEERING HAS A RE-DESIGN OF A PORTION OF THE AFOREMENTIONED PLAT TO SUBMIT TO THE CITY OF IDAHO FALLS. MONUMENTS WERE FOUND ALONG THE RIGHT OF WAY OF U.S. HIGHWAY 20 AND THE NARROWS, DIVISION NO. 1 AND ARE SHOWN ON THIS PLAT. THE PLATS MENTIONED IN THIS NARRATIVE ARE PORTIONS OF HIGHLAND PARK ADDITION.

LEGEND

P.O.B.	POINT OF BEGINNING		PLACED 1/2" X 24" IRON ROD WITH YELLOW PLASTIC CAP MARKED P.L.S. 9369
P.U.E.	PUBLIC UTILITY EASEMENT		PLACED 5/8" x 30" IRON ROD WITH YELLOW PLASTIC CAP MARKED P.L.S. 9369
	ROADWAY CENTERLINE		PLACED ¾" X 30" IRON ROD WITH METAL CAP MARKED P.L.S. 9369
	SECTION LINE		FOUND 1/2" IRON ROD W/LS 8795
	LOT LINE		FOUND POINT OF INTERSECTION AS NOTED
	ADJACENT LOT LINES		SECTION CORNER AS NOTED
	SUBDIVISION BOUNDARY		
	30' ROAD RESERVATION/ DEDICATION		
	PUBLIC UTILITY EASEMENT AS NOTED		
	EXISTING PUBLIC UTILITY EASEMENTS AS NOTED		

SCALE: 1" = 60.0'

SHEET 1 OF 3

EAGLE ROCK ENGINEERING
CIVIL ○ PLANNING ○ SURVEYING
IDAHO FALLS, (208) 542-2063 REXBURG, (208) 359-2063

OFFICES AT:
310 N 2nd East, Suite 153
Rexburg, Idaho 83440
Fremont Ave.
Idaho Falls, Idaho 83402

SURVEYED BY:	ADAM SNARR
DRAWN BY:	BRENT DALEY
APPROVED BY:	KURT ROLAND
PROJECT NO.	23022
SCALE:	1:60
DATE:	JUNE 13, 2023
REVISION:	
CAD NAME:	THE NARROWS DIV 2 PLAT.DWG

(G) Prohibitions. The following are not allowed in any Residential Zone:

(1) Dwelling units entirely built below grade.

(2) The storage of commercial vehicles, including commercial automobiles, trucks and construction equipment (e.g., bulldozers, graders, cement mixers, and compressors). An exception is provided for construction equipment that may be stored on a site during the construction of a building, not exceeding one (1), calendar year.

(3) The storage of trailers, recreational vehicles or boats in any required front yard or side yard setback that faces a street, except for permitted driveways. No portion of a trailers, recreational vehicles or boats may be parked in such a way as to be over or onto a public sidewalk or to obstruct visibility as required by Section 11-4-7A, Clear View Triangle of this Code.

(4) The storage of mobile homes and manufactured homes.

(5) The storage of junk and debris.

11-3-5: PURPOSE OF COMMERCIAL ZONES

(A) PB Professional Business Office Zone. This zone provides a commercial zone for business and professional offices, medical facilities, governmental and cultural facilities, and other uses of a semi-commercial nature. The Zone encourages the provision of a limited number and type of supportive retail services for employees and visitors, as well as support services to health and medical providers. This Zone is characterized by relatively high traffic volumes, and a variety of office types. This Zone should be located in close proximity to an arterial or collector street.

(B) CC Central Commercial Zone. This zone provides a mixed use zone which includes a variety of housing types and a variety of commercial uses. For this reason, the Zone is primarily located in the central part of the City where development has already occurred and the street and land use patterns are more densely developed. The CC Central Commercial Zone is characterized by lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Shops, stores, offices and other buildings are also characteristic of this Zone. Uses which tend to create business "dead spots," cause undue scattering of business, and generally tend to thwart the use of the land for its primary purpose, are excluded from this Zone.

(C) LC Limited Commercial Zone. This zone provides a commercial zone for retail and service uses which supply the daily household needs of the City's residents. This Zone is usually located on major streets contiguous to residential uses. This zone is characterized by smaller scale commercial uses which are easily accessible by pedestrians and non-motorized vehicles from the surrounding residential neighborhoods, although larger scale developments such as big-box stores may still serve as anchors. Connectivity is provided with walkways that provide access to and through the development site. Parking for vehicles is understated by the use of landscaping, location, and provision of pedestrian walkways to the businesses.

(D) HC Highway and General Commercial Zone. This zone provides a commercial zone for retail and service uses serving the traveling public. Characteristics of the Zone are buildings set back from the right-of-way line to promote safety on the highway and maintain maximum use of highway right-of-way for travel purposes, and a wide variety of architectural forms and shapes. This Zone should be located at specific locations along highways leading into the City.

LC Zone At-A-Glance

11-3-5: PURPOSE OF COMMERCIAL ZONES

(C) LC Limited Commercial Zone. This zone provides a commercial zone for retail and service uses which supply the daily household needs of the City's residents. This Zone is usually located on major streets contiguous to residential uses. This zone is characterized by smaller scale commercial uses which are easily accessible by pedestrians and non-motorized vehicles from the surrounding residential neighborhoods, although larger scale developments such as big-box stores may still serve as anchors. Connectivity is provided with walkways that provide access to and through the development site. Parking for vehicles is understated by the use of landscaping, location, and provision of pedestrian walkways to the businesses.

Table 11-3-5: Dimensional Standards for Commercial Zones

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	*	50
Setbacks – Minimum in ft.				
Front		20	20*	20
Side			*	
Rear			*	
Landscape buffer contiguous to street* in ft.	7*	15	20*	20*
Landscape buffer contiguous to a residential Zones* in ft.	10	10	20/10	30/10
Building height – Maximum in ft.		*	*	
Lot Coverage- Maximum in %		80	80	
*See explanations, exceptions and qualifications that follow in Section 11-3-6A (1-3) of this Zoning Code.				

(Ord. 3233, 12-20-18) (Ord. 3277, 10-10-19)

(O) Dwelling, Multi-Unit.

(1) In the R2 Zone, no more than four (4) dwelling units shall be constructed within a single structure.

(2) In the LC Zone, multi-unit developments shall comply with the development standards of the R3A Zone. (Ord. 3277, 10-10-19)

(W) Planned Unit Development (PUD).

(1) Purpose. The purpose of the Planned Unit Development (PUD) regulations is to allow for residential and limited commercial uses, or a mix of residential and limited commercial uses, in an overall site development that may vary from the requirements of this Code. The intent of the PUD regulations is also to:

(a) Allow for flexibility from traditional zoning standards that results in development providing an improved living environment, including usable common space, amenities or services, increased landscaping, additional architectural features or standards, and compatibility with the contiguous neighborhood.

(b) Promote flexibility and innovation of design while permitting diversification of development types in order to encourage the most suitable use of a site.

(c) Achieve a compatible land use relationship with the surrounding area.

(d) Promote redevelopment and reuse of previously developed property.

(e) Encourage development of vacant properties within developed areas.

(f) Provide usable and suitably located common space, recreation facilities or other public/ common facilities.

(g) Facilitate functional and efficient systems of streets, pathways, utilities, and municipal services on and off site.

(h) Promote efficient use of land with a more flexible arrangement of buildings and land uses.

(i) Provide for master planned development that includes interconnected design elements between structures or phases, increased amounts of landscaping or natural features, connections to the surrounding neighborhood or public lands and unique architectural features.

(j) Ensure appropriate phasing of development and amenities.

(k) Provide for attractive streetscapes that are not dominated by parked vehicles or garage entrances.

(2) Allowed Uses.

(a) All uses allowed in the underlying zone.

(b) Limited commercial uses in mixed use developments not otherwise allowed in the base zone as set forth in Chapter 2 Land Use Regulations of when:

(i) The uses are consistent with the character of the neighborhood, mitigate impacts to the surrounding area and are sited and designed such that the activities present will not detrimentally affect residential uses.

(ii) The uses do not create a traffic or pedestrian safety hazard or generate traffic more than the capacity of the public streets serving the development or its own proposed access points to those streets.

(iii) The limited commercial uses within a residential zone do not constitute more than twenty percent (20%) of the gross land area of the PUD.

(3) General Requirements.

(a) Unified Control. The development site of a PUD shall be under unified ownership or control and shall be planned as a whole so all landscaping, off-street parking and other common areas can be properly maintained.

(b) Establishing Additional Standards. In addition to general building and development standards, additional design standards may be imposed in the approval of a conditional use to satisfy the criteria for PUD development as set forth in this Section. The requirement of additional conditions to implement these standards shall be consistent with the process for approval of a conditional use permit for a PUD as set forth in Chapter 6 Administration.

(c) Applicability of Other Regulations. Unless otherwise approved through the Conditional Use Permit, a PUD shall conform to all requirements set forth elsewhere in this Code, Subdivision Regulations, Standard Specifications and Drawings, and all other applicable regulations and standards of the City of Idaho Falls.

(d) Approval Process. The application requirements, review steps and approval process for a PUD as set forth in Chapter 6 Administration.

(4) Dimensional Requirements. Dimensional standards, including minimum lot size, setbacks,

maximum density and height, and required parking and parking dimensional standards, if different from the regular requirements of this code shall be established for each individual PUD based upon the following criteria:

(a) PUD Size. The minimum site size for a PUD shall be two (2) acres. Smaller acreage may be considered for a PUD on land that the Council finds is redeveloping, or provides a public benefit or amenity.

(b) Lot Size. There shall be no minimum lot size.

(c) Density.

(i) The maximum density allowed in residential zones is set forth in Table 11-2-4 Maximum Residential Density:

Table 11-2-4: Maximum Residential Density

Base Residential Zone	Dwelling units/gross acres
RE	2
RP	5
RMH	35
R1	8
R2	17
TN	17
R3	35
R3A	35

(Ord. 3452, 3-31-22)

(ii) For other base zones where residential uses are allowed, the maximum density allowed shall be thirty-five (35) dwelling units per gross acre.

(iii) The maximum number of units permissible in each individual zone shall be calculated separately, and no allowed dwelling unit density can be transferred between zones.

(d) Setbacks shall reflect the general standards of the area and character of the neighborhood in which the PUD is located.

(i) In residential PUDs, the established setbacks of residential properties contiguous to or across the street from the PUD, shall constitute the minimum setback for the perimeter area of the PUD which it is contiguous to.

(ii) Internal setbacks between buildings or internal lot lines within residential PUDs may be established as part of the PUD process.

(e) Height. The maximum structure height for a residential PUD shall be determined by the underlying base zone, except where a structure is set back from required setback lines by at least two foot (2') for each additional one foot (1') of building height.

(5) Arrangement and Design.

(a) A PUD shall be compatible with the surrounding neighborhood bulk, scale, structural mass, and character demonstrated by similar building types, construction, separations, and

heights.

(b) Structures and uses of lowest height and intensity shall be arranged around the boundaries of the development.

(c) Taller structures should be located toward the interior of the site or in a location to lessen the adverse impacts of height on the surrounding neighborhood.

(d) Structures should be oriented towards common areas. Residential uses should be separated and arranged to provide for private space, in addition to providing for common areas.

(e) Structures should include a high quality of design and architecture as demonstrated by cohesive building styles, a range of building positions, custom architectural features, and varied building materials.

(6) Landscaping and Buffering.

(a) All areas within the PUD not covered by buildings, parking spaces, sidewalks or driveways shall be landscaped and maintained.

(b) Landscape plans shall be submitted as part of the PUD application.

(c) Internal landscaping area, excluding required buffers, shall provide the following, a minimum one (1) tree per five thousand square feet (5,000 ft^2). A minimum of two (2) shrubs for each required tree. The use of native vegetation which reduces water consumption is encouraged.

(d) Alternate tree spacing can be requested as part of the PUD, but shall not reduce the total minimum number of trees required.

(e) All PUDs that include limited commercial uses or residential uses contiguous to existing commercial uses shall provide a buffer from contiguous residential uses that are not part of the PUD development.

(i) The buffer shall be no less than ten feet (10') in width and shall include trees with no less than twenty foot (20') centers separating them; and

(ii) A six foot (6') opaque fence (opaque fence shall not include chain link fencing with or without slats) or a dense hedge of shrubbery which shall attain a height of at least six feet (6').

(7) Parking Lot Design and Landscaping.

(a) Parking areas more than twenty-four (24) parking spaces shall include landscaping of a minimum of ten percent (10%) of the parking area with trees and appropriate ground cover. Landscape rock alone shall not constitute appropriate ground cover.

(b) Parking lots containing twenty-four (24) or more parking spaces contiguous to public or private streets shall include within the contiguous landscape strip a berm of no less than four feet (4') in height.

(c) Interior parking lot landscaping shall be designed to incorporate pedestrian ways through the parking area and to break large parking areas into smaller bays.

(8) Streetscapes.

(a) All PUDs shall have frontage on a public or an approved private street.

(b) The development shall provide safe, inviting, and attractive streetscapes.

(c) Except for the area occupied by a permitted driveway, a landscape strip shall be provided and maintained along the side of the property bordering any public or private street that is closest to the portion of the lot containing a structure or other development.

(i) The landscape strip contiguous to perimeter public streets shall be no less than twenty feet (20') in width and shall include trees (with no less than thirty feet (30') centers separating them) and lawn or other ground cover.

(ii) The landscape strip contiguous to internal public and private streets shall be no less than ten feet (10') in width and shall include trees (with no less than forty feet (40') centers separating them) and lawn or other ground cover.

(d) Trash enclosures and dumpsters shall not be located within setbacks or contiguous to any street.

(9) Common Space. All PUDs shall provide common space and landscape areas as follows:

(a) Not less than twenty-five percent (25%) of the gross area of a PUD shall be designated and maintained as common space for the recreational and/or common use of the occupants of the development.

(b) Common space may include an outdoor space parcel or parcels of land, an area of water, or a combination of land and water, recreational facilities, either public or private, ball courts, swimming pools, playgrounds, drainage facility developed with physical amenities, exercise rooms or similar facilities. Usable outdoor space shall include outdoor areas on the ground, deck or patio, gazebo or pavilion designed and accessible for outdoor living, recreation or park-like facilities and shall include landscaping. Usable outdoor space shall not include parking areas or communal facilities of a non-recreational nature.

(c) Common spaces shall not include areas within any road, driveway, parking area, sidewalk contiguous to a public or private street, required landscape strip or buffer, and a drainage facility that does not include additional physical amenities, as identified in this Section, beyond open space.

(10) Amenities. All PUDs shall provide amenities in addition to the common space required by this Section as follows:

(a) The number and size of amenities should increase as overall acreage and scale of the development increases. At least one (1) amenity shall be provided for the first fifty (50) residential units proposed, and one (1) additional amenity shall be provided for each fifty (50) residential units proposed thereafter.

(b) Amenities should be placed in logical areas that allow convenient access to most of the occupants of the development.

(c) PUDs shall provide at least one (1) of the following amenities:

(i) Private or public indoor or outdoor recreational facility, such as a swimming pool, hot tub, theater room, gym, ball courts, or commercial playground equipment featuring a minimum of three (3) different functions, such as slide, swing set and climbing wall.

(ii) Private or public plaza, pedestrian mall, community garden area which includes irrigation and planting beds, outdoor kitchen facilities, shade structures such as pavilions, or other similar space for social gatherings.

(iii) Public access to or additions to the greenbelt, bike lanes, neighborhood park systems

or other public open space or enhanced pedestrian connections to City pathway system, adjacent employment and shopping centers.

(iv) Trail system or pedestrian paths in addition to necessary circulation paths that would be required if the development was not a PUD.

(v) A drainage facility developed with additional permanently affixed physical amenities beyond open space.

(vi) Dog Park. Dog Parks must be completely fenced and shall include pet waste stations, trash cans, benches or picnic tables and a minimum of one of the following: wash station, grooming tables, or agility training equipment.

(vii) Similar amenities which reflect the purposes of this Section, as approved by the Council.

(Ord. 3522, 06-29-23)

(11) Pedestrian system.

(a) PUDs shall provide pedestrian connections to existing or proposed schools, parks, public lands or pathways on adjacent properties.

(b) The pedestrian connections shall form a logical, safe, and convenient system for pedestrian access to all structures, project facilities and amenities, and principal off-site pedestrian destinations.

(12) Phasing. Phasing of development and associated public and private improvements is permitted, subject to an approved phasing schedule. Phased development shall be considered with the initial PUD approval process and ate phasing schedule shall be approved as part of the development plan. Proposed amenities shall be constructed with the first phase or approved according to the phasing schedule, provided that a majority of the improvements occur within the first phase. Upon approval of the development plan and schedule for all phases of the PUD, each phase of the development may occur in accordance with the review and approval procedures, as specified by this Code. (Ord. 3277, 10-10-19) (Ord. 3496, 12-8-22)

EAGLE ROCK
ENGINEERING
CIVIL ○ PLANNING ○ SURVEYING
IDAHO FALLS (208) 542-2665 REXBURG (208) 359-2665
Fax (208) 522-2664
1331 Fremont Ave, Idaho Falls, ID 83402

Narrows Division 2 Neighborhood Meeting Notes:

A general introduction was made by Eagle Rock Engineering as to the physical location and project boundary, and that the developers were hoping to initiate a "rezone" of the project location in order to remove the existing PUD overlay from the project boundary. A general discussion on PUD's was had as well as the rezone process, including the fact that part of the rezone process was the meeting that was currently taking place. It was noted to the attendees that the meeting was to allow them to ask any pertinent questions pertaining to the project so that they could be informed ahead of the planning and zoning meeting so that, if they desired, they could attend the meeting ready to give input or feedback if desired.

Some general questions were asked to the developers (Rocky/Andrea, and Austin) who were present at the meeting. Most of these questions revolved around the intention of the future development. The neighbors were keen to know what might be constructed within the project boundary in the future. Rocky, who was the initiating party for this rezone application was able to provide feedback to these questions and the neighbors seemed to respond well to his intention to put a gym on his property. Austin told the neighbors that there weren't any specific intentions at this time with the remaining portions of the project boundary that he owns.

Some of the neighbors, specifically Margaret and Helen expressed concern about the level of growth that has been occurring in this area of the city (and the city in general). Eagle Rock as well as the developers made an effort to address these concerns by stating that all development would be performed only with city approval and only according to city design standards. It was also conveyed to the neighbors that if they were not satisfied with how things were developing in the city that the appropriate avenue to express those concerns would be at the upcoming planning and zoning as well as city council meetings.

Without other details to discuss the meeting was adjourned.

Memorandum

File #: 23-305 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Monday, October 30, 2023
DEPARTMENT: Community Development Services

Subject
Quasi-judicial Public Hearing-Rezone from LC, Limited Commercial to CC, Central Commercial, Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards on Lots 1-48, Block 2, Including the alley extending in an east west direction across said block 2, Capitol Hill.

Council Action Desired
☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Ordinance Rezoning Lots 1-48, Block 2, Including the alley extending in an east-west direction across said block 2, Capitol Hill from LC, Limited Commercial to CC, Central Commercial 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 LC, Limited Commercial to CC, Central Commercial 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 Rezoning from LC, Limited Commercial to CC, Central Commercial, Zoning Ordinance, and a Reasoned Statement of Relevant Criteria and Standards for Lots 1-48, Block 2, Including the alley extending in an east-west direction across said block 2, Capitol Hill. The Planning and Zoning Commission considered this item at its October 3, 2023, meeting and voted to recommend approval of the rezone from LC to CC to the Mayor and City Council with a vote of 3 to 2.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☒ ☐

The rationale for rezoning 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
N/A

Fiscal Impact
N/A

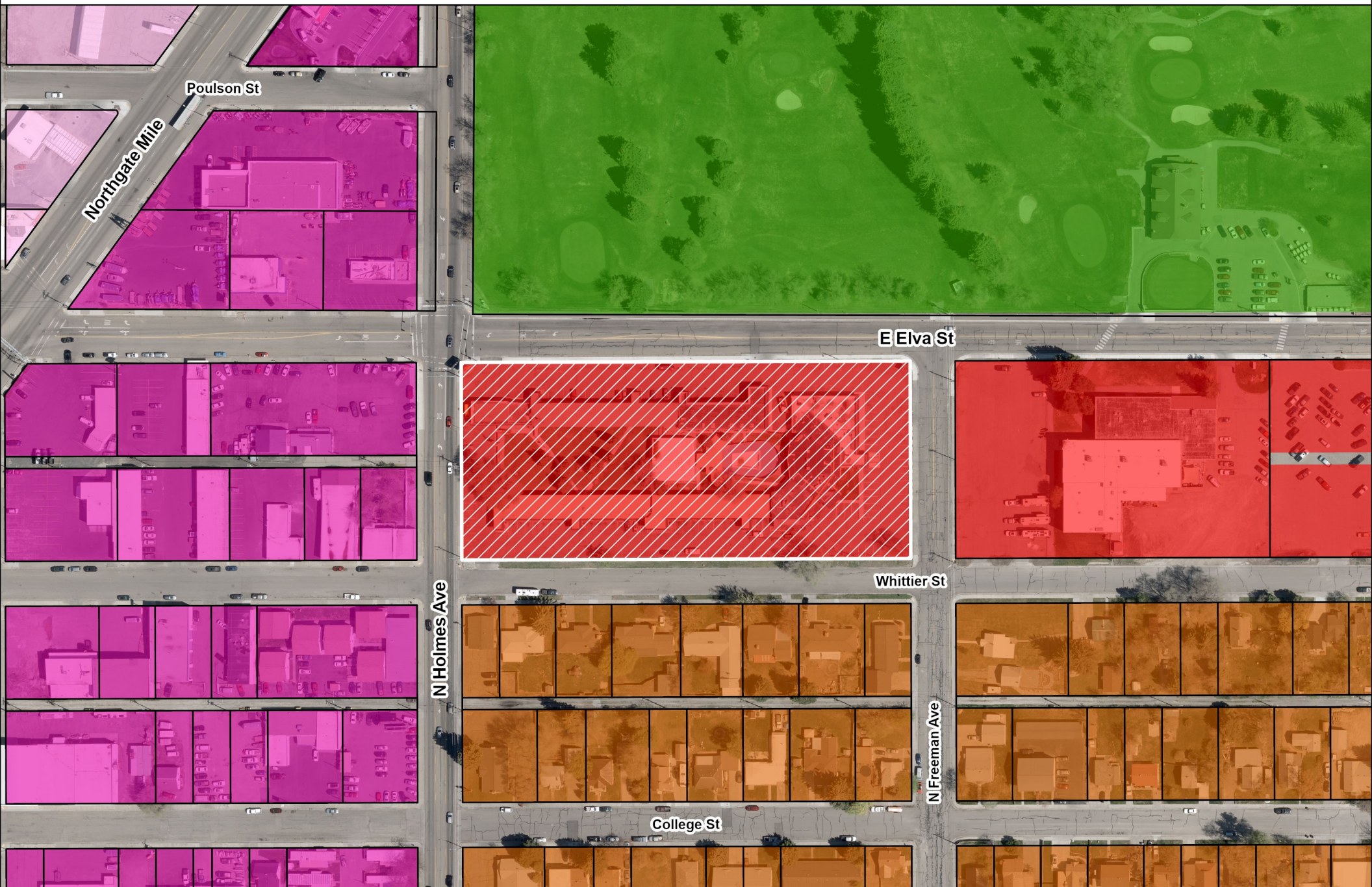
Legal Review
The application and ordinance have been reviewed by the City Attorney's Office pursuant to applicable law.

Zoning

RZON23-005 LC to CC

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

N



Aerial

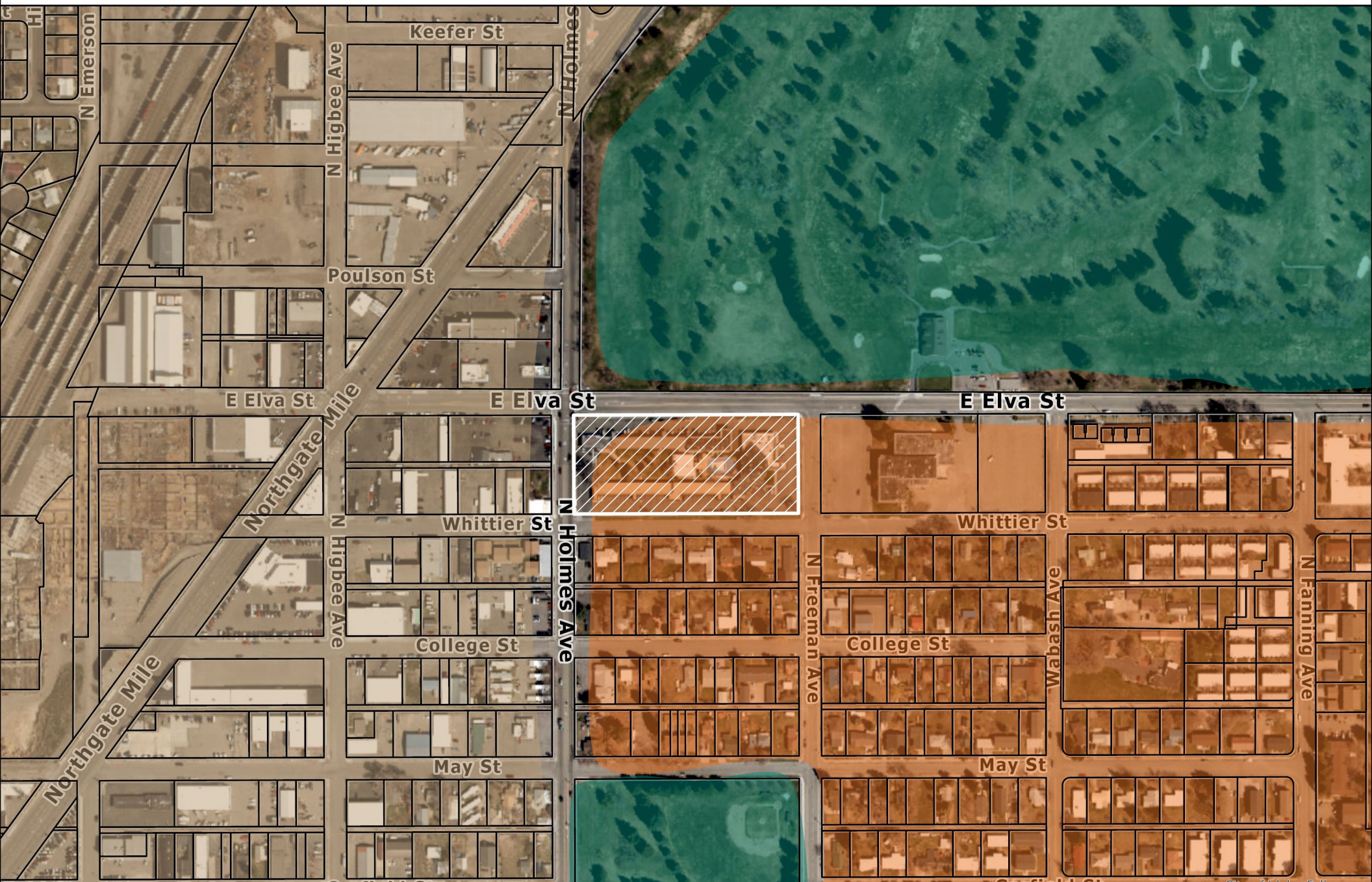
RZON23-005 LC to CC



Comprehensive Plan

RZON23-005 LC to CC

General Urban
Industrial
Mixed Use Centers and Corridors
Natural and Open Space
Special Use
Suburban
Urban Core



October 3, 2023 7:00 p.m. Planning Department

City Annex Conference Room

MEMBERS PRESENT: Commissioners Glen Ogden, Forrest Ihler, Bill Scott, Dale Storer, Arnold Cantu.

MEMBERS ABSENT: Margaret Wimborne, Marsha McDaniel, Scott Geddes, Kristi Brower

ALSO PRESENT: Assistant Planning Director Kerry Beutler, Planners David Peterson, Naysha Foster, and interested citizens.

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

MINUTES: Scott moved to accept the minutes of September 5, 2023, Storer seconded the motion. Ogden called for roll call vote: Ihler, yes; Scott, yes; Ogden, yes; Storer, yes; Cantu, yes. The motion passed unanimously.

Public Hearing (s):

1. RZON 23-005. REZONE. Rezone request from LC, Limited Commercial to CC, Central Commercial for Lots 1-48, including the alley, Block 2 Capitol Hill Addition.

Ogden opened the public hearing.

Applicant: Gilmore Jenkins, Harper Leavitt Engineering 101 South Park Ave, Idaho Falls, Idaho. Jenkins gave the location of the subject property consisting of 3.64 acres, zoned LC, with existing uses consisting of a hotel with a commercial area that has been used as a bar for many years. The rezone request to CC is to facilitate the change of use from a hotel to remodel the hotels into apartment buildings, and in the future phase they will demolish and reconstruct the lot into a high density multi family unit. There is contiguous commercial zoning and many multi-family uses in the area. There is available infrastructure to facilitate this project nearby. The high density use on this property would improve this area and would fit well with the comprehensive plan, as the property is in the General Urban Area, which is intended to have multi-family and commercial uses. Jenkins asked one of the designers to present additional information.

Grahm Whipple, Resin Architecture, 305 1st Street, Idaho Falls, Idaho. Whipple stated that Resin is wanting to revitalize this area and build on the vision that the City of Idaho Falls has identified on the Northgate and 1st Street Areas. Whipple stated that the location is bounded on the north by the golf course, east by Elks Lodge, south by an established residential neighborhood, west by predominantly commercial mixed use historic zone. The portion to the west has been identified within the City's master plan for Northgate and 1st Street District for redevelopment. Whipple stated that what they are proposing on this side of the street is similar to what has already been approved across the street. The Master Plan has visions of bicycle paths, pedestrian paths, activity streets, main street development that has been envisioned for Holmes. All these things have been approved and are being spearheaded by the City of Idaho Falls, and they want this development to align with the same principles. Some of the character and amenities they will create with this development fit in with what the City's Master Plan for this area is asking for including bike and pedestrian paths along Elva, Freeman Avenue is identified as a festival street, much like the areas in Downtown, and Holmes will be developed in

a main street style. Whipple stated that it is important to connect green spaces with pedestrian and bike traffic to create vitality for the City. Central Park is a few blocks south and the golf course directly north, as well as small pocket parks to the east. They are wanting to create a high-density neighborhood that has access to other parts of the City. Whipple doesn't want the residents to be scared by a high-density neighborhood, as what they are looking to do is strengthen and lift the area. Whipple stated that they are proposing a high-density development on this property. There are areas that are commercial, service, residential and along Holmes there would be a commercial component along the street level, Elva would reinforce smaller business, along south they are aware of the residential development and established long term residents, so they are trying to scale the project as they look south, so views are not blocked. The commercial aspects will benefit the existing neighborhood and alleviate burdens on traffic as some of the needs are met within the development. Whipple showed some concepts of what they are intending to do. They are going to improve the landscaping on the south side. Whipple showed a concept image of the corner of Holmes and Whittier looking to the east. Whipple stated that it is not the final design and only a vision of what kind of development will reinforce the City's long-term plan for this corridor. They are asking for this block to be rezoned to continue the vision across to the east side of Holmes. Whipple showed another image of the corner of Freeman and Whittier showing a lower height overall, and as they go north the height steps up. There is a constraint that will balance and govern the overall density of this development and that is the parking balance. The parking allowed in the cc zone is what they are working with the restrictions to find the maximum development and improve the amenities around the perimeter at street level.

Gilmore Jenkins, Harper Leavitt, 101 South Park Ave, Idaho Falls, Idaho. Jenkins indicated that the car park will be below the building with two levels of parking to keep the street view clean.

Scott asked how many units they are intending. Jenkins stated that currently they are close to 315 units, and they are still working depending on parking constraints in the CC Zone. Scott clarified that there would be one parking space per unit at a minimum. Scott asked what restrictions of the LC zone are a problem for this development. Whipple stated that there is height, density and set back restrictions. Whipple stated that to get a density development it cannot be done in the LC zone.

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

Ihler asked if the boundaries on the Comprehensive Plan are broad brush, and not hard lines. Peterson agreed and indicated that the Comprehensive Plan is stylized the way it is because they are not hard/fast rules, and they are flexible.

Ogden asked about the Master Plan and asked if the urban village would have something similar to this proposed development. Peterson stated that the study is general and available on the website to read, but it is looking for catalyst to have investment come into the area. These areas were identified that were available and able to accommodate a catalyst, such as the new police station on Northgate, and this proposed development could serve as an additional catalyst. Ogden asked if the activity centers are going to continue on the west side of Holmes and maintain the residential feel on the east side, or why the red line demarcation is made right up Holmes. Beutler stated that the City received grant funding from the EPA to accomplish this work and the boundary wasn't intended to isolate uses or redevelopment, or to designate areas. It

just established the highest priorities and a reasonable area that the funding would allow the City to look at. The intent was to take the principles and concepts they learned and allow them to expand through the area so they can see reinvestment throughout the entire portion of town. Ogden asked if staff feels that this development will provide the catalyst for the rest of the area. Peterson indicated that staff feels it could be a catalyst.

Scott asked about storm water runoff when there is 100% coverage on lots, and asked what kind of requirements there are, and how much runoff they can deal with. Peterson stated that is a challenge for the designers and engineers, and they will have to contain their storm water in a sufficient way as required by the City Engineer.

Ogden asked about traffic, and asked why there is no comment from staff on a 315 unit. Peterson stated that there are plans to increase traffic flow, and it is supposed to be a walkable area. Peterson stated that not everyone in the development will be driving their cars at the same time. Ogden stated that it will be initially isolated as the services are not in the area yet. Peterson agreed there will be some impact to traffic. Beutler stated that there is a light at Elva and the development is only a block away from Northgate, and traffic will be managed safely. Ogden asked about the sewer and water capabilities and asked what will have to be expanded. Peterson stated that will be determined after a site plan is submitted and engineering can explore that issue.

Support/Opposition:

Holverson, 560 Whittier, Idaho Falls, Idaho. Holverson read Title 67 Chapter 65 regarding Rezoning Statutes. "Notice shall also be posted on the premises no less than one week prior to the hearing, in absence of a locally adopted alternative procedure… in addition to posting on all external boundaries of the site." Holverson drove around the block yesterday and did not see any postings on Whittier, Elva or Freeman. Holverson asked if the hearing should be moved to a different date when proper hearing notice can be made.

Holverson continued with City Statute Title 10 Chapter 3 – He read the following uses are permitted in CC1- Item 4 is apartment houses. For Apartment Houses is states that Court apartments or multiple dwellings, area frontage, location, height and size requirements shall be the same as for dwellings in the R3 Zone, except that no requirement shall apply to dwellings located above the ground floor, when said ground floor is exclusively devoted to commercial use permitted in the zone. Holverson stated that the plan appears that it will be partially residential, and the ground floor is not exclusively devoted to commercial use. When it is not commercial on the ground floor there are set back requirements according to the City Title 10, Chapter 3-13(e) there are setback requirements with 20' from any public street, and 1 foot added for every 2' of building height above 25'. Holverson indicated that their plan is not set up yet and that is a concern.

Holverson stated that the traffic comment should not be N/A when there will be congestion issues with 315 apartments. It appears that the developers have reduced the size from the community meeting presentation, as there was less parking. The neighbors are concerned with building height and the height requirements. Holverson stated that there is multi-family across Holmes, but it is not comparable to this development. Holverson stated that there will be a buffer, but possibly traffic going in and out on Elva, Freeman and Whittier.

Holverson stated that during the neighborhood meeting minutes they indicated that the building could be up to 7 stories tall with parking. Holverson wants to know the exact size of the buildings and the answers keep changing. Holverson is concerned about the green space that will be 38' wide yard as requested by the City and wants to know the total dimensions.

Holverson stated that the staff notes indicate that the sewer will not be affected, but they have already stated that the sewer line is not big enough. Holverson doesn't feel legal notice was given due to the Statute and feels the hearing should be set for a different date.

Bret Lowes, 512 Whittier, **Idaho Falls, Idaho**. Lowes stated that when there was the flood 3 months ago, his basement got 6 inches of water, and the sewage and drainage backed up. Lowes stated that with 315 homes with rent at $1500- $2000 a month would require two working adults with 2 cars would be more than 500 cars and there is not room for cars and the cars will spill out onto the streets and there is not room for that. Lowes is concerned about the height and his front yard will be in the shade and the sun will be blocked out if this building is tall.

Beutler stated that he feels the City has met the requirements for notice of the hearing, and the Planning Commission is a recommending body, and there will be another round of public notification for City Council. Ogden clarified that more opportunity to review and address these questions later during a final plat, this is only a rezone request.

Beutler clarified that as the Commission considers a rezone, he urged them to be careful not to consider a specific plan that has been presented, as plans and developments come and go. The Application is to change the zoning from LC to CC and with every zoning designation there is a list of allowed and permitted uses. To be comfortable with a zoning request, you should be comfortable with all the allowed uses that are allowed, as any of the uses could be presented to the City if the zone is changed.

Applicant: Gilmore Jenkins, Harper Leavitt Engineering, 101 Park Ave., Idaho Falls, Idaho. Jenkins stated that they are the beginning of the process and until the rezone is approved, they will not get too deep into a design, and City Staff will hold them to every Ordinance that is in the zoning. Traffic Study conversations have been started to discuss where they can allow entrances. Jenkins indicated that there is a slide in the packet that shows where there is City infrastructure, and there is plenty of water to serve any use, sewer will need to be extended to a 12" coming north from a manhole 2 blocks south, and any high-density use, that is something that they will have to do. The storm water is required to have a 1.33" storm catch over the entire site to be retained and percolated or treated in some way on the site. They will work through that design as they get further into this project. There are 2 layers of parking if they continue with the vision, and the number of floors and height restrictions will meet City ordinances.

Graham Whipple, Resing Architecture, 305 1st Street, Idaho Falls, Idaho. Whipple stated that with a rezone the Commission must recognize all the potential uses. Whipple stated that there are far worse things that could happen in this area. The proximity to established residential discussion is respected. Whipple stated that the City of Idaho Falls sees the vision of forward thinking for redevelopment, and reinvestment to benefit the City and the Developers will be held to statutes and zoning ordinances and all rules. This is in the early phases of design, and they do not have final plans. Whipple stated that a large development does not rely on the soil to catch the water, and a dry catch basin can take on water faster than soil. Whipple does believe that CC

rezone is what is right for this property and what will help give the spark to the area. Whipple will consider comments and feedback during their process.

Ogden closed the public hearing.

Storer commended the applicant and the neighbors on excellent comments. Storer heard the words catalyst and spark, and he thinks that is an important concept because the area is stagnating. Storer stated that if the contemplated plans were to materialize this would be a major change for the better in the area. Storer stated that the traffic flow is a legitimate concern when they get into the development plans, and that needs to be addressed. Storer feels that they are at the beginning of this project and there are many things that need to be addressed as the development firms up. Storer is concerned about the notice issue. Storer stated that if there is not proper notice you do not get proper input. Storer encouraged staff that every effort be made in the future to ensure that proper notice is given. Storer is in favor of moving forward.

Ihler stated that this is the type of project he likes to see in the City. Ihler stated that the City of Idaho Falls is at an influx point and bigger cities tended to grow out instead of focus on the core, and those bigger cities are now in financial trouble, as the tax base isn't in the middle, and they have too much infrastructure to maintain, and the zoning restrictions don't allow them to revitalize the areas. The City of Idaho Falls has better zoning codes to reinvest in areas properly, and this is the type of project to allow that to happen. Ihler stated that big apartment buildings are a change, and this is not a radical change, and the property is already commercial use. If all the hotel rooms were full there would be many people in the area. The Comprehensive Plan suits the area. Ihler stated that this is just zoning, and they are not looking at the specific plans and he knows the developer will be held accountable to fit what they want to develop into the zoning code. There is a traffic light on the corner to handle traffic. Ihler stated that there will be rush hour, but not all cars will empty out at the same time. Ihler is not worried about traffic issues. Ihler stated that this project can potentially have commercial in it, and it is a good mixed-use project.

Scott agrees with Storer and Ihler. Scott sympathizes with the residents to the south, but they need to recognize that the City is growing, and the zoning regulations allow them to stay ahead of the game. This type of zoning is appropriate for the area and could be a catalyst to improve the City and he is in favor of the rezone.

Ihler stated that the City is growing out, and if the City continues to grow outward with City family neighborhoods that is fine, but the City also has to do projects like this in the core to counter-balance the outward growth, so they do not dig the City into a financial hole with the maintenance of infrastructure.

Cantu stated that this is just a zoning decision, and the Commission has to feel comfortable with the zone. Cantu looked at allowed uses between CC and LC and he doesn't feel the change is necessary, unless they want to build a gigantic apartment building. Cantu doesn't see the need the need to change from LC to CC.

Ogden feels that the CC works better on the west of this property and the LC is more suitable as it is directly adjacent on the east side of Holmes to the neighborhoods. Ogden feels you can do a lot in an LC and CC is not what he envisioned on the east side of Holmes.

Scott moved to recommend to the Mayor and City Council approval of the Rezone from LC to CC for lots 1-48, including the alley of Block 2 Capitol Hill Addition, Storer seconded the motion. Ogden called for roll call vote: Ihler, yes; Scott, yes; Ogden, no; Storer, yes; Cantu, no. The motion passed 3-2.

Beutler clarified that the testimony provided about notice, and the notice for the item tonight was complete and accurate and the section that was referred to during public testimony is when the notice is required for 200 or more property owners. If they are taking an action that involves 200 or more property owners, there is a higher level of notification. This rezone notice tonight only went to 33 property owners. Beutler feels the testimony tonight potentially misread or misjudged what the State Statute requires.

Ogden appreciated the clarification for the record, and that it was appropriatly noticed.

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 13.8 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM LC, LIMITED COMMERCIAL WITH THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE TO REMOVE THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed zoning district of lands described in Section 1 is LC, Limited Commercial for such annexed lands and such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Urban Core"; 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 October 3, 2023, and recommended approval of zoning the subject property to LC without the PUD overlay Zone; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve this zoning on November 9, 2023.

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 13.8 acres, The Narrows, Division NO. 2

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned "LC Zone" 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_____, 2023.

CITY OF IDAHO FALLS, IDAHO

_____
Rebecca L. Noah Casper, Mayor

ATTEST:

_____
Corrin Wilde, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, CORRIN WILDE, 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 13.8 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM LC, LIMITED COMMERCIAL WITH THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE TO REMOVE THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
Corrin Wilde, City Clerk

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ZONE CHANGE FROM LC, LIMITED COMMERCIAL WITH A PUD, PLANNED UNIT DEVELOPMENT OVERLAY, TO REMOVE THE PUD, PLANNED UNIT DEVELOPMENT OVERLAY ZONE, APPROXIMATELY 13.8 ACRES, GENERALLY LOCATED NORTH OF US HWY 20, EAST OF THE SNAKE RIVER, SOUTH OF HIGHAM ST, AND WEST OF FREEMONT AVE

WHEREAS, the applicant filed an application for a rezone on August 21, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on October 3, 2022; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public hearing on November 9, 2023; 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 13.8 acres generally located north of US Hwy 20, east of the Snake River, south of Higham St, and west of Freemont Ave.
3. The Comprehensive Plan designates this area as Urban Core.
4. The proposed zoning of LC without the PUD Overlay is consistent with the Comprehensive Plan map and policies and existing zoning and land uses in the area.
5. Rezoning the property to remove the PUD Overlay zone will allow the property to be developed as under the current LC or R3A (for residential) standards without the additional requirements as set forth in the PUD development standards.
6. Idaho Falls Planning and Zoning Commission recommended approval of zoning the property to remove the PUD Overlay zone.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the change of zoning as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2023

_____

Rebecca L. Noah Casper - Mayor

NEIGHBORHOOD MEETING

Dear Property Owner or Resident:

This letter is being sent to you to let you know about a development proposal, Lodge Falls Apartments, in your area and to invite you to an informational meeting where the developer will present (his/her) development concept. You can learn more about the proposed project and can ask questions about it.

Lodge Falls Apartments is a project for apartments at 888 N. Holmes Ave., Idaho Falls, ID 83401. The property is zoned limited commercial and is 3.64 acres in size. The property presently contains a 92-unit Econolodge Motel.

The proposed project is to build three new 7 story apartment buildings with underground parking. It will be done in phases, with 1 building being built about every 2 years. We welcome and encourage your participation.

Your input is an important part of the City's development review process. Please join us for a neighborhood meeting to discuss the proposal on August 3rd, 2023. The meeting will be held at 888 N. Holmes Ave, Idaho Falls, Idaho in the conference center. The meeting is an opportunity for you to provide input on the project and to have your questions answered directly by the applicant.

If you are unable to attend the meeting, but would like to provide input or ask questions, please contact Gilmore Jenkins at 208-524-0212 or gilmorej@hleinc.com. We look forward to seeing you at the meeting.

Sincerely,

William H. Caldwell, Managing Member, Lodge Falls Apartments LLC

PARADIGM REALESTATE

William H. Caldwell, SSS, CNE, REIA, Principal Broker, Commercial Loan Broker,

LODGE FALLS APARTMENTS LLC

Name	Phone Number	Address	Sign.
Mel		560 Whittier	
Clip	801-644-4493	560 Whittier	
Kathy Hodson	208-521-3936	565 College St.	Kahodson@yahoo.com
[signature]	208-419-9974	560 Whittier	

CamScanner

Lodge Falls

RENOVATIONS TO EXISTING BUILDINGS

CONSTRUCTING NEW HOUSING

From Homes looking East

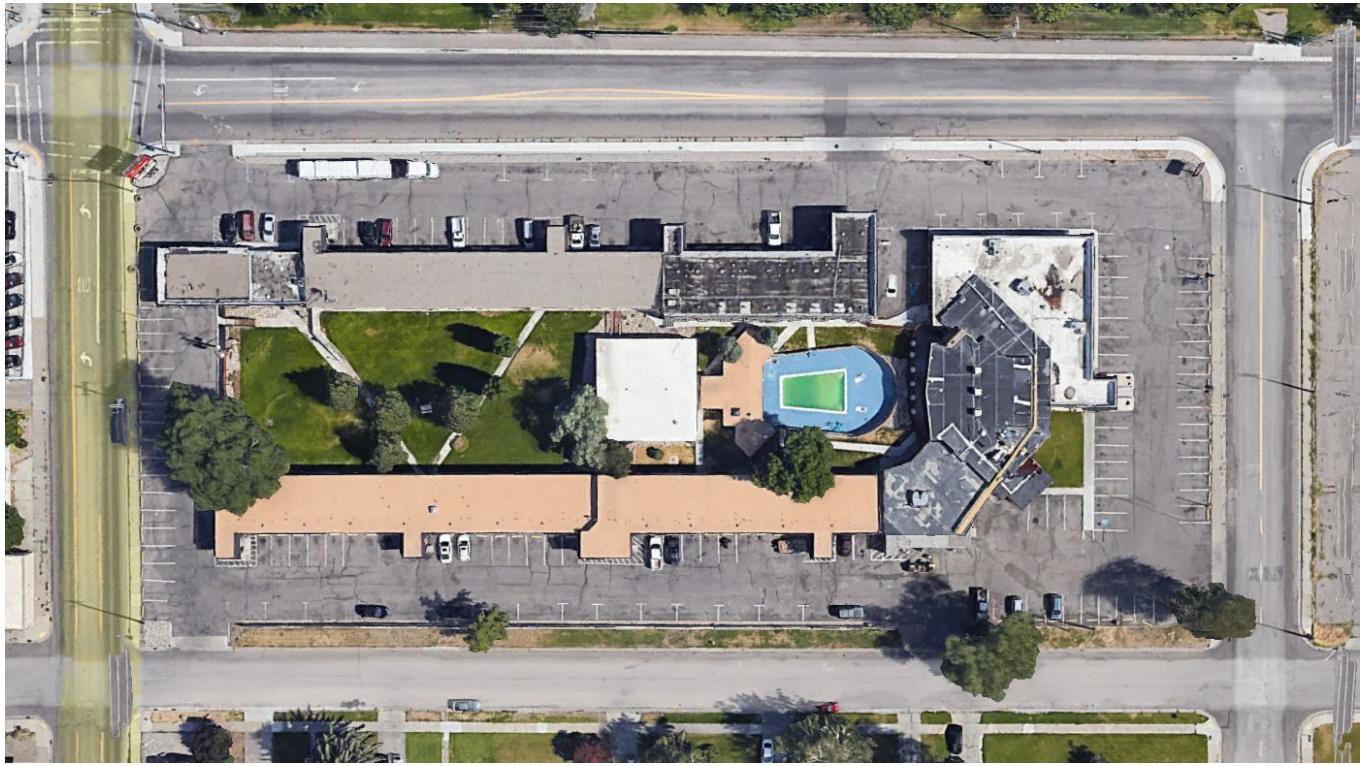


Corner of N Freeman and Whittier looking north



Existing site overview

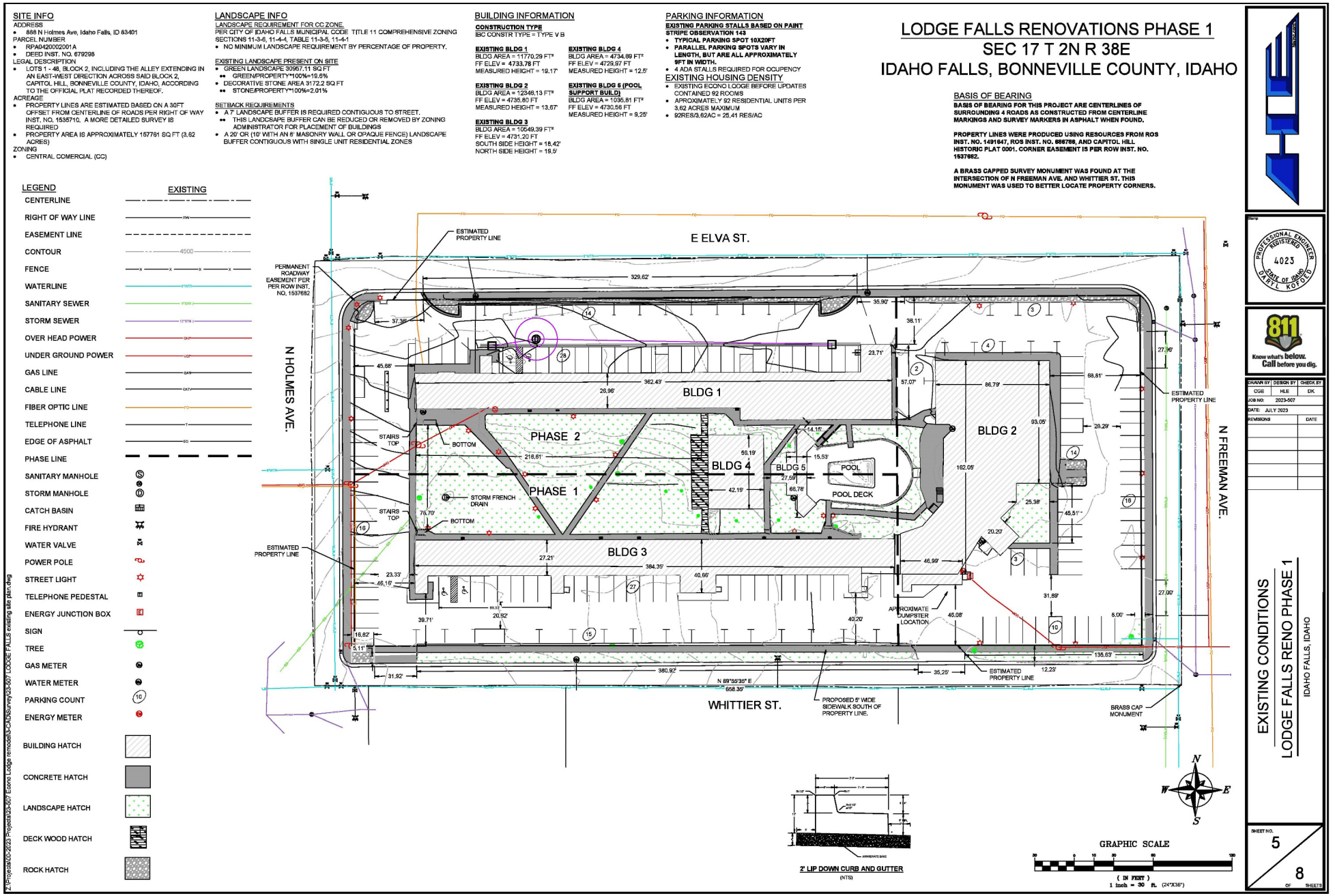
- An existing 3.62 acre lot
- 3 existing primary buildings with 2 support buildings.
- Eastern building previously used for bars
- North and South buildings previously Econo lodge hotel
  - Will be renovated for housing in early phasing
- New construction will replace structures with modern buildings



Existing site Plan

Existing phasing

- PH 1 renovate South building
- PH 2 renovate North building
  - Create stormwater drainage system
- PH 2 may also include demo of East building and construction of new building.

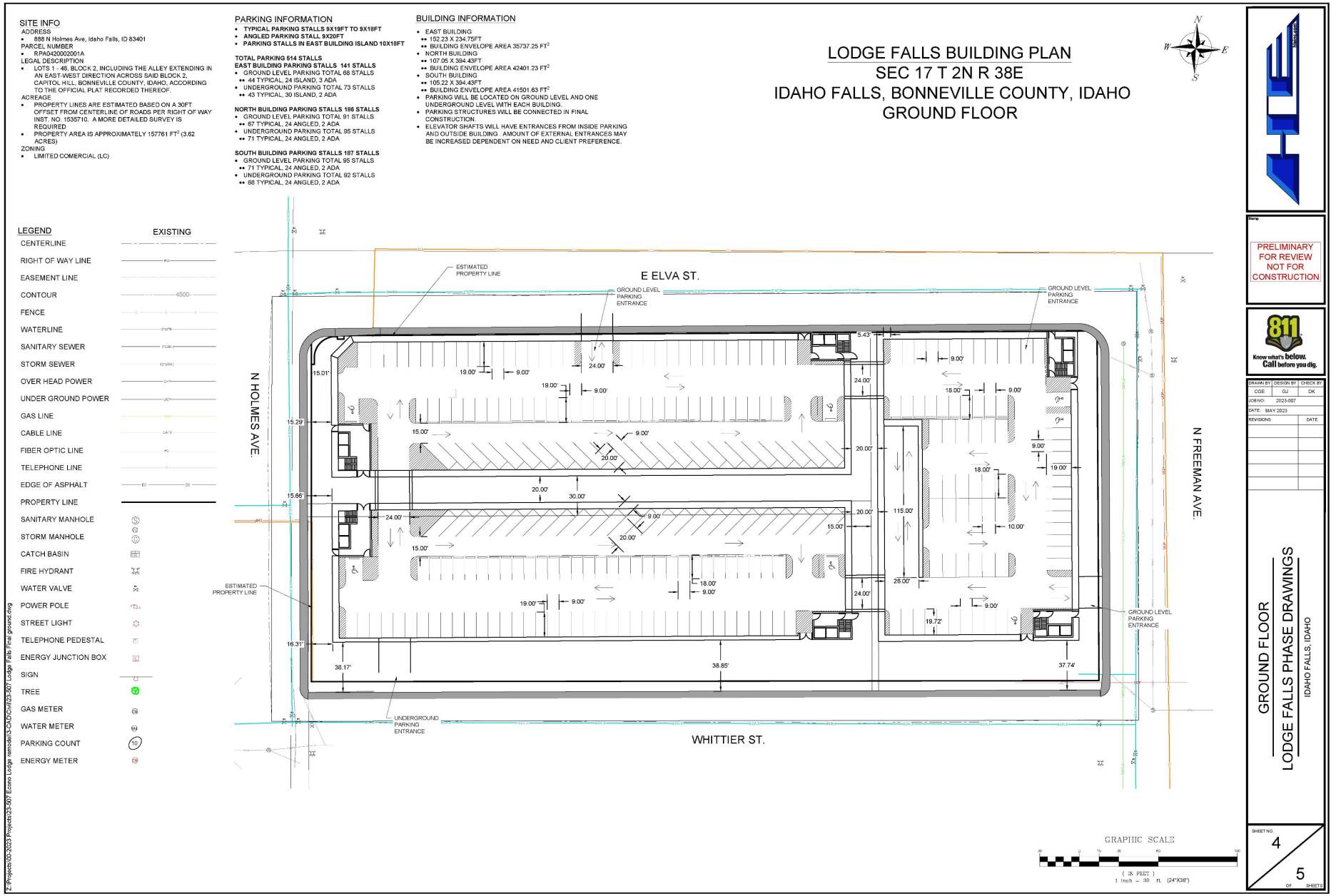


Proposed site Plan

- 3 buildings constructed
- One building per phase
- Building order East, South, then North

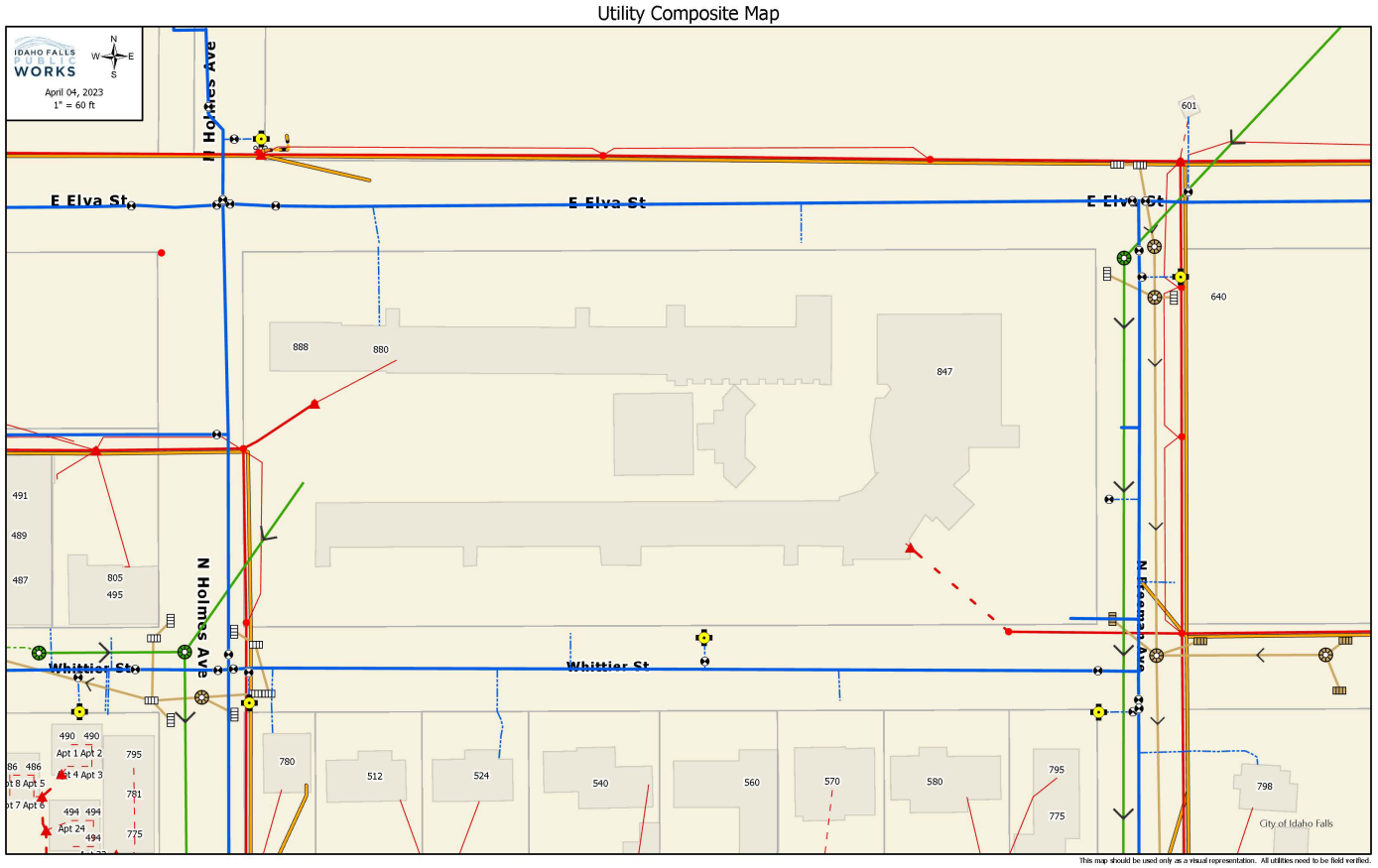
Parking

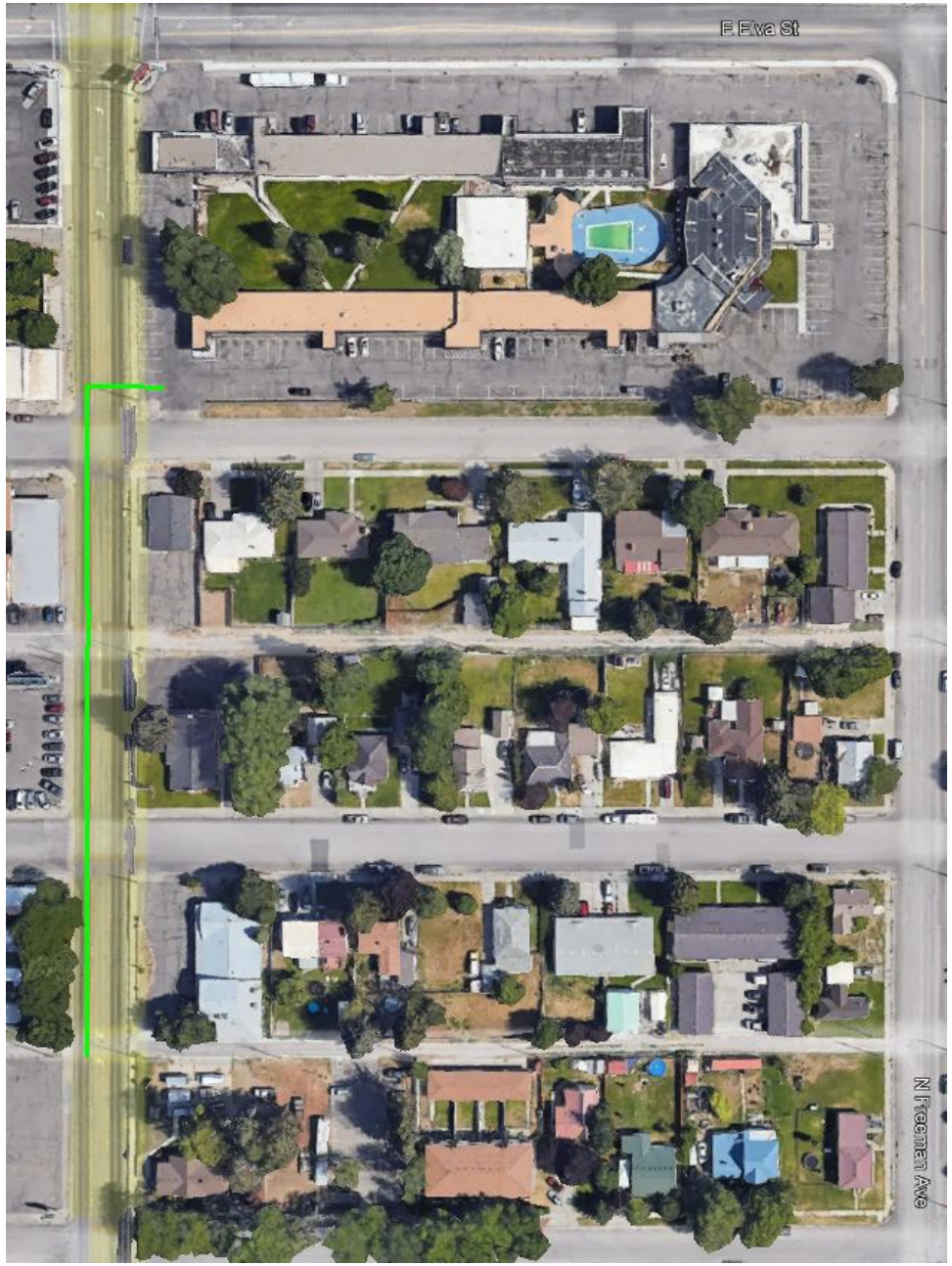
- Underground
- Ground level
- Each level will be connected in a loop
- Ground level will have entrance North and East
- Under ground will have entrance on South edge at low elevation
- 512 parking stalls provided



Utilities

- Current sanitary sewer lines may not support new load
- A 12” sanitary sewer line will be connected to a manhole located 2 blocks South on the West side near an alleyway





FOR: Lodge Falls
JOB No. 23-507
DATE: 08-03-2023
BY: CGE

Lodge Falls Neighborhood meeting minutes

- Purpose of meeting
  - The purpose of this meeting was to inform the surrounding community of the construction activities related to the project.
  - Guests were requested to fill out an attendance sheet so that attendees could be more easily contacted afterwards.
- Location of meeting
  - Meeting was held on site in smaller conference building located in the center of the foyer greenery area.
  - Meeting was scheduled to start at 6:00 PM but was delayed to 6:15 PM to allow for later guests.
- Order of events
  - Greetings
    - Presentation by Bill Caldwell
    - Development by Mitch Burton
    - Engineering by HLE including Gilmore Jenkins and Connor Erb
  - Powerpoint presentation
    - Introduction, Renders, Site plans , Utility considerations
  - Questions and comments were also contributed during presentation
    - Concerns with volume of new people present
    - Bill responded showing all standards have been met regarding desired zoning and use case.
    - Bill responded declaring that this area is as walkable as any other similar locations with bulk shopping, schools and some restaurants located in walking distance.
- Community questions
  - Expected community?
    - Less children expected per unit compared to non high rise living.
    - 1 to 2 individuals per unit expected
    - Medium income housing
    - Building will have some considerations to avoid homeless people loitering and is expected to be less of a public disturbance than existing bar and hotel combination.
  - Unit size?
    - A blend of studio 1 and 2 bedroom units.
  - How big will building be?
    - Bill declared buildings to be up to 7 stories tall when including parking.
    - Ultimeate height is restricted by city standards so it will not exceed heights considered acceptable by city.
  - How much greenspace will be present?

        - Greenspace will be on South side facing residential with an approximately 38' wide yard as requested by the city.
        - Green space may also be provided in balconies and roof spaces.
    - How will Demolition be handled?
        - Developer is accustomed to safely removing hazardous materials such as led and asbestos.
        - Demolition will be phased out.
        - New buildings will be constructed once constructed buildings receive clientele.
        - Construction is not intended to be continuous over the several expected years of development.
    - Contacts with important people
        - Provided letter has contacts to Gilmore for engineering and Resin architecture for architectural questions.
        - Other contacts are also present and available to community.
    - Meeting schedules
        - Desire meeting with city at 29th of August for next steps.
        - Then will pursue a meeting with city council.
    - How loud will construction be?
        - Construction noise is expected and is mostly unavoidable.
        - ICF (Insulated Concrete Form) construction is declared to be fast to construct with very good noise isolation after constructed.
        - ICF buildings are also declared to be very energy efficient in regards to heating and cooling.
    - Reminding that clientele are expected to be medium class.
        - Bill and mitch proclaimed building to be a modern Class A building.
    - How will this affect surrounding property values?
        - Bill said it will be difficult to predict how values might change.
        - He emphasized that the building of "nice things" can encourage the production of more nice things in the surrounding area.
        - If this trend is present here as previously observed, then values are expected to rise.
    - Will residence receive any negative effects from new loads placed on utilities?
        - Residence should experience no changes.
        - Those utilities that will be receiving extra pressure will be reasonably improved by developer.
    - Will stormwater and snow melt flood the road like recent storm?
        - Stormwater and snow melt will be better controlled on site than previously using stormwater retention technology such as French drains.
        - Reasonable engineering considerations will be made per city code.
- Closing
    - Community members were reminded that they are free to contact listed people for any questions they may have.
    - Meeting concluded at approximately 7:15 PM.

STAFF REPORT

REZONE FROM LC, LIMITED COMMERCIAL, TO CC, CENTRAL COMMERCIAL
Lots 1-48, Alley, Block 2, Capitol Hill
November 9, 2023

IDAHO FALLS
Community Development Services

Applicant: HLE, Inc.

Project Manager: David Peterson

Location: Generally located north of Whittier St, east of N Freeman Ave, south of E Elva St, west of N Holmes.

Size: Approximately 3.64 acres

Existing Zoning:
Site: LC
North: P
South: TN
East: LC
West: CC

Existing Land Uses:
Site: Commercial
North: Public
South: Single-Dwelling Residential
East: Commercial
West: Commercial

Future Land Use Map:

Attachments:
1. Zoning Ordinance Information
2. Comprehensive Plan Policies
3. Maps and aerial photos
4. Application & Meeting Notes

Requested Action: To **approve** the rezone from LC, Limited Commercial, to CC, Central Commercial.

History: This property was platted as part of the Capitol Hill Addition in 1893 and annexed into the City in 1907. The property was zoned Limited Business in 1960 with the intent to construct a motel. In 1991, a variance was granted limiting required parking to 256 total spaces.

Staff Comments: The property is currently the location of the Econo Lodge with the former Peppertree Lounge and Hurricane's located on the eastern portion. The applicants are seeking a rezone to CC to take advantage of the more flexible landscape and set back requirements of that zone. A neighborhood meeting was held on August 3, 2023, with four people in attendance.

The CC Zone does not restrict density on the property provided the development can meet all minimum development standards. Additionally, the CC Zone allows for reduced setbacks, property coverage and parking requirements compared to the LC Zone. The front setback in the LC Zone is 20' and is 7' to 0' in the CC Zone. The LC Zone only allows for 80% of the property to be covered with building and hardscape whereas the CC Zone does not have a maximum property coverage requirement. The CC Zone requires 1 parking space per residential unit compared to 1 required space per bedroom (up to 2) in the LC zone.

The Comprehensive Plan designates this area as General Urban, which denotes residential areas with a mix of commercial and service uses convenient to residents. These areas have highly connective street patterns, similar to the traditional grid-pattern that encourages bicycle and pedestrian usage. General Urban areas should be near an existing or part of a new walkable center. Additionally, this property is a block away from the Civic Activity Center (centered around the new Police Complex) identified in the Northgate/1st Street Area Plan, which recommends repurposing vacant/underutilized properties in and around this area. Other CC zoned areas are immediately to the west across N Holmes Ave. A CC Zoning designation may be appropriate for this property as it is immediately adjacent to the urban core, existing walkable centers, includes smaller block sections in a gridded pattern, and is walkable to employment and daily services.

Staff Recommendation: Staff has reviewed the requested zone change and finds it is consistent with the Comprehensive plan and surrounding zoning and land uses. Staff recommends approval of the rezone from LC to CC.

Comprehensive Plan Policies:

Rezoning Considerations: Because the comprehensive plan provides only general guidance for zoning decisions, the City Council 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.	Yes
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	The property is adjacent to an arterial and a collector street. A lighted intersection currently exists at E Elva St and N Holmes Ave. The neighborhood's gridded street system will also help to disperse traffic.
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	Public utilities and services are in the area. Any increase in capacity will be determined with redevelopment of the property regardless of current or future zoning designations.
The potential for nuisances or health and safety hazards that could have an adverse effect on adjoining properties	None
Recent changes in land use on adjoining parcels or in the neighborhood of the proposed zoning map amendment	None
Zoning Application Questions:	**Applicant's Response:**
Explain how the proposed change is in accordance with the City of Idaho Falls Comprehensive Plan.	The project requests a change from Limited Commercial to Central Commercial in order to produce high density multi family housing in the form of tower apartments. Multi Family housing fits the concept of urban development.
What changes have occurred in the area to justify the request for rezone?	The existing use as a hotel will change to a multi family use. The current lot layout is in better compliance with the current CC Zoning ordinance. the CC Zone will also provide allowance to fulfill the full vision of the project which is to demo and replace the existing buildings in phases to three new multifamily apartment

	buildings with underground parking.
Are there existing land uses in the area similar to the proposed use?	There is Multi Family use across Holmes Avenue to the West, two blocks to the East, and to the South according to the current land use map.
Is the site large enough to accommodate required access, parking, landscaping, etc. for the proposed use?	Yes. The lot is approximately 3.6 acres. It is proposed for parking to be underground allowing for larger buildings and more diversified units and increase security for the residence. There is plan for landscape buffer against Whittier St. providing additional buffering from the single family use residences to the south. There is option for an access off of Elva St, Freeman Ave, and Whittier St.

Table 11-3-5: Dimensional Standards for Commercial Zones

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	*	50
Setbacks – Minimum in ft.				
Front		20	20*	20
Side			*	
Rear			*	
Landscape buffer contiguous to street* in ft.	7*	15	20*	20*
Landscape buffer contiguous to a residential Zones* in ft.	10	10	20/10	30/10
Building height – Maximum in ft.		*	*	
Lot Coverage- Maximum in %		80	80	
*See explanations, exceptions and qualifications that follow in Section 11-3-6A (1-3) of this Zoning Code.				

(Ord. 3233, 12-20-18) (Ord. 3277, 10-10-19)

(1) In the LC Zone, structures may encroach into the twenty foot (20') setback up to ten feet (10') when designed with a pedestrian walkway a minimum of five feet (5') in width connecting the public sidewalk to the structure's entrance. Parking is not permitted to encroach into the twenty foot (20') setback.

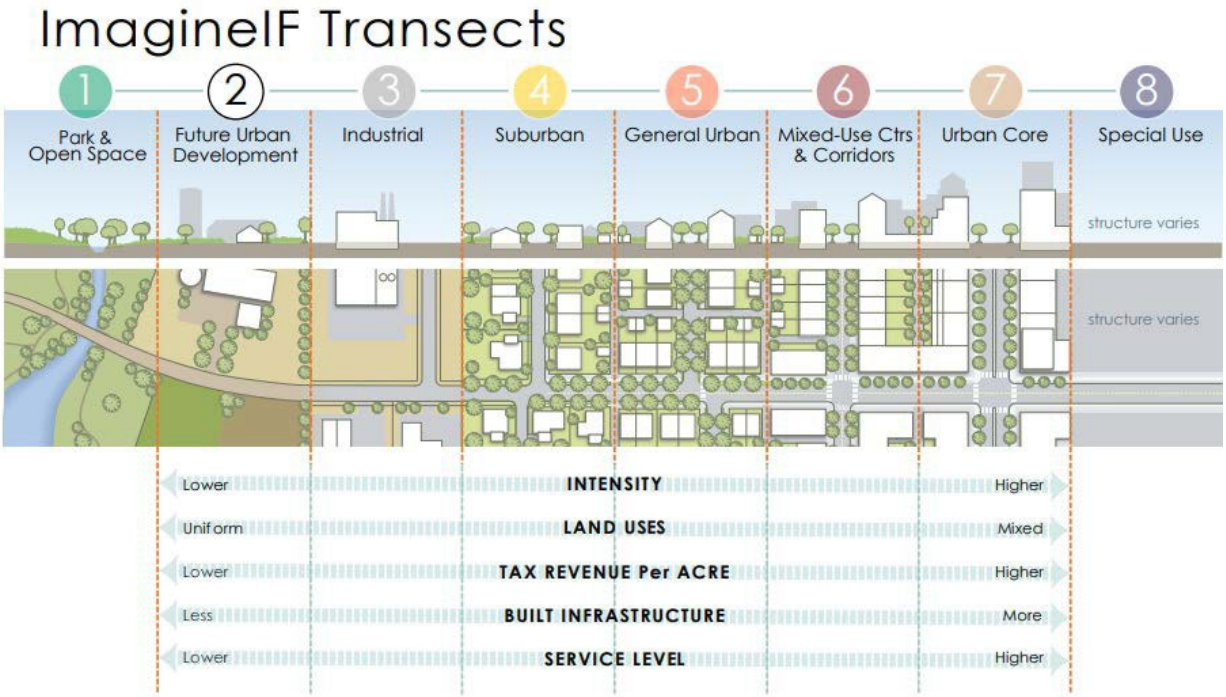
(2) In the HC Zone, display space may encroach into the landscape buffer contiguous to the street. Such encroachments may not exceed twenty five percent (25%) of the linear frontage contiguous to the street.

(3) In the CC Zone, the landscape buffer contiguous to a street may be reduced or removed where a building is located within the required landscape buffer, as determined by the Zoning Administrator.

(4) When a multi-unit dwelling or commercial use is developed on a property that adjoins a property zoned RE, RP, R1, R2, or TN, and the height of the building is over twenty-four feet (24'), every one foot (1') of additional building height requires an additional two feet (2') in setback with the minimum setback being thirty feet (30'). (Ord. 3233, 12-20-18) (Ord. 3496, 12-8-22)

(5) 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.

(6) In the LC Zone, residential uses shall comply with the R3A Zone dimensional standards.





5. **General Urban**

Snapshot: The General Urban Transect denotes residential areas with a mix of commercial and service uses convenient to residents. These areas contain a wide variety of housing types, generally including small single-units, duplexes, triplexes, fourplexes, courtyard apartments, bungalow courts, townhouses, multiplexes and live-work units. Lot sizes are smaller and more compact than suburban areas. These areas could also include, parks, schools, churches and commercial services. These areas have highly connective street patterns, similar to the traditional grid-pattern that encourages bicycle and pedestrian usage. These areas should be near an existing or part of a new walkable center.

Local examples: Bonnavista Addition, Johns Height Subdivision, Jennie Lee Addition, Bell-Aire, Linden Park, Linden Trails, Falls Valley