IDAHO FALLS



CITY COUNCIL AGENDA

City of Idaho Falls
Regular City Council Meeting
680 Park Avenue

Thursday

July 11, 2024

7:30 p.m.

Mayor

Rebecca Casper

City Council

Lisa Burtenshaw
Council President

John Radford
Council Seat 5

Jim Freeman
Council Seat 6

Michelle Ziel-Dingman
Council Seat 1

Jim Francis
Council Seat 4

Kirk Larsen
Council Seat 3

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, July 11, 2024 | **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. 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. Airport

1) Minutes from Idaho Falls Regional Airport (IDA) Board of Directors Meeting **24-280**

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

Attachments: 20240424 IDA Board Meeting Minutes - Draft
20242606 IDA Board Meeting Minutes - Draft

B. Office of the City Clerk

1) Minutes from Council Meetings **24-279**

Attachments: 2024 0627 City Council Meeting

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).

5. Regular Agenda.

A. Community Development Services

1) Final Plat and Reasoned Statement of Relevant Criteria and Standards, Westridge Commercial Plaza Division No. 1, Second Amended **24-275**

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

Standards for Westridge Commercial Plaza Division No. 1, Second Amended. The Planning and Zoning Commission considered this item at its 5 December 2023 meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

Action Item:

1. Accept or Approve the Final Plat for Westridge Commercial Plaza Division No. 1, Second Amended and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Westridge Commercial Plaza Division No. 1, Second Amended 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

2) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Sunkissed Park Division No. 1. **24-276**

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Sunkissed Park Division No. 1. The Planning and Zoning Commission considered this item at its October 4, 2023, meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

Action Item:

1. Approve the Development Agreement for the Final Plat for Sunkissed Park 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 Sunkissed Park 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 Sunkissed Park 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) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East. **24-273**

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with the Limited Development Airport Overlay and the Controlled Development Airport Overlay Zones which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East. On May 7, 2024, the Planning Commission voted to recommend approval of the annexation with initial zoning of R1, Single Dwelling Residential with the Limited Development Airport Overlay and Controlled Development Airport Overlay Zones to the Mayor and City Council with a vote of 3-2.

Action Item:

1. Approve the Ordinance annexing approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East; assign a Comprehensive Plan Designation of "Suburban Transect;" and under a suspension of the rules requiring three complete and separate readings, request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments:
Zoning
Aerial
Comp Plan Map
Land Use Table
Airport Land Use Map
PC Minutes
Staff Report
Ordinance
Exhibit A and Map Exhibit
Reasoned Statement Annexation
Written Testimony From PZ Meeting.pdf
Written Testimony Lewis.pdf
7-2-24 Charlemont Response
Supplemental Narrative for July 11 CC Hearing_18426910_4
ANX24-003 11Jul24CityCouncil_W&JSopkowiczComments
ANX24-003

4) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R2, Mixed Residential with the Limited Development and Controlled Development Airport Overlay Zones, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East. **24-274**

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with the Limited Development and Controlled Development Airport Overlay Zones which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its May 7, 2024, meeting and voted to recommended approval of the annexation with initial zoning of R1, Single Dwelling Residential with the Limited Development and Controlled Development Airport Overlay Zones with a vote of 3-2.

Action Item:

1. Approve the Ordinance establishing the initial zoning for R2, Mixed Residential with the Limited Development and Controlled Development Airport Overlay Zones as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings; and request that it be read by title and published by summary; that the City limits documents be amended to include the area annexed herewith; and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the initial zoning of R2, Mixed Residential with the Limited Development and Controlled Development Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments:
Zoning Map
Aerial
Comp Plan Map
Land Use Table
Ordinance
Exhibit A and Map Exhibit
Reasoned Statement

6. Announcements.

7. Adjournment.

Memorandum

File #: 24-280 **City Council Meeting**

FROM: Ian Turner, Airport Director
DATE: Thursday, July 11, 2024
DEPARTMENT: Airport

Subject
Minutes from Idaho Falls Regional Airport (IDA) Board of Directors Meeting

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
Approve the minutes as described below (or take other action deemed appropriate).

Description, Background Information & Purpose
These are the minutes from the April 24, 2024, and June 26, 2024, Idaho Falls Regional Airport Board meetings.

Alignment with City & Department Planning Objectives



☐ ☒ ☐ ☐ ☐ ☐ ☐ ☐

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

Interdepartmental Coordination
N/A

Fiscal Impact
N/A

Legal Review
N/A

The Idaho Falls Regional Airport Board of Directors for the City of Idaho Falls met on Wednesday, April 24, 2024, at the Idaho Falls Regional Airport Board Room 2140 N. Skyline Dr. Idaho Falls, ID at 8:00 a.m.

Call to Order and Roll Call

Mayor Casper called the meeting to order at 8:00a.m.

There were present:
Mayor Rebecca L. Noah Casper
Board Member Kirk Larsen
Board Member Jim Francis
Board Member Lisa Burtenshaw
Board Member Jim Freeman
Board Member Michelle Ziel-Dingman
Board Member John Radford

Also present:
Ian Turner, Airport Director
Brook Edwards, IDA Board Secretary
Jayme Verish, Airport Assistant Director Operations & Maintenance
Bruce Young, Airport Assistant Director Finance & Administration
Grant Kendall, Airport Safety & Security Manager
Michael Kirkham, City Attorney
Wade Sanner, Community Development Services Director
Margaret Wimborne, Mayor's Chief of Staff
Jake Penning, Volaire Aviation
Melissa Galvan-Peterson, Volaire Aviation
Nathan Cuvala, Ardurra

Welcome Remarks – Mayor Casper

Mayor Casper welcomed all attendees. A summary of events occurring across the city were shared pertinent to elected officials, airport staff, and members of the public. Board members discussed details of several future meetings. Meeting attendees were directed on how to have parking validated.

Calendars, Announcements, Reports, Updates, and Concerns – Board Members

Director Turner went over a calendar of upcoming events. These included the currently underway TSA PreCheck event, the American Association of Airport Executives Annual Conference (April 28-May 1), the annual Federal Aviation Administration Certification Inspection (May 1-3), an air service development conference (May 20-22), and the Airport's Full-Scale Emergency Exercise (June 15). Mayor Casper requested information on how individuals might participate in the emergency exercise. Assistant Airport Director Verish directed Board Members to contact her.

Airport Director's Update – Director Turner

Alaska Airlines Minimum Revenue Guarantee – Director Turner provided a timeline of events related to a minimum revenue guarantee (MRG) provided to Alaska Airlines for service to Seattle-Tacoma International Airport. It was $500,000 per year for each of two years; $1,000,000 total. The MRG agreement was approved by City Council in March 2021. Service began June 17, 2021, and the MRG period ended in June 2023. Alaska invoiced the City of Idaho Falls in August 2023 for the total amount due which totaled $976,940. 98,163 total passengers utilized the service during this period. As part of entering the MRG agreement, a promise was made by the previous director that an update would be provided. This is that update. Director Turner noted that while a majority of the MRG funds were utilized, the service remains to this day. It has been profitable since the second year of service. As a measure of success, direct revenue to only the airport is estimated at $673,205 during the MRG period.

Board members discussed that the funds came from City sources other than the airport, that the MRG expended more funds than had originally been anticipated, and how the funds were utilized by the airline for. Mr. Penning addressed many of the questions including the significant increase in airline operational costs during the MRG period, that he always recommends MRGs be treated as money spent, and that none of these funds went to the Boise service offered on Alaska Airlines.

Security Category Update – Growth is driving changes at the airport. Airport security is one of those big changes. Airport staff has identified that an increase in security category is likely with the Transportation Security Administration. This notice is expected within the next year of this change. At a minimum this will require aviation worker screening to be conducted, developing a cybersecurity plan, and other unknowns. Airport staff are working to address these items. Director Turner noted that most important to him was to proactively budget for this anticipated change. The reason for this change is driven by having more than 250,000 passenger enplanements per year. Board members and airport staff discussed what aviation worker screening and a cybersecurity plan meant for the airport. Director Turner identified that he is hesitant to conduct aviation worker screening as an airport when the Transportation Security Administration has trained personnel, equipment, and experience already present across the nation. This is not to say that aviation worker screening is not necessary. Board members offered some local perspective on cybersecurity efforts already underway in the community that may be able to be leveraged.

Project Information – Director Turner discussed the currently underway pavement maintenance project. The timeline and next steps were discussed. A grant is expected in July or August with construction expected in September. A diagram of the work was shared.

The Air Traffic Control Tower Siting Study was briefed. The siting study is currently awaiting FAA airspace review. An environmental request for qualification is currently open and proposals are due May 10. A contract will hopefully be before council soon. A grant is already in place to pay for the siting study, environmental work, and the design of a new tower. The construction work is not funded. Board Member Francis asked if the tower locations were moving forward in the Airport Master Plan without knowing a decided location. Director Turner answered that this is the purpose of the environmental work, but at this point the location on the north side of the runway is looking to be the likely location. Board members clarified what the environmental process meant and what the timeline looked like.

Airport Master Plan – The public comments from the February 7, 2024, public meeting was reviewed. Most comments were made related to the west side, maintaining Runway 17/35, and hangar development. Few specific comments were received on the Terminal area, south quad area, or the east GA hangar area layout. Director Turner and board members discussed details of the comments received.

Director Turner noted that staff propose to keep Runway 17/35 open, not place cargo on the south side of Runway 17/35, proceed with West Side Alternative Phase 1 and 2, not depict any development of the soccer fields, and depict a relocated Old Butte Road with less definition. The soccer field area must have its zoning changed to match the airport and have its ownership made clear to be for aeronautical purpose. Director Turner noted his plan was to provide Ardurra direction to proceed in this manner and present on the preferred alternative at the next board meeting. Board members discussed this thoroughly. Board members asked for clarification when the decision would be made on the way to proceed. Airport Director Turner stated that the next board meeting would have an action item on the agenda to decide on the preferred alternative with which to complete the Airport Master Plan. Board members were asked to set up individual meetings with Director Turner if further questions existed. No specific objections were raised and Ardurra will be directed to proceed as presented.

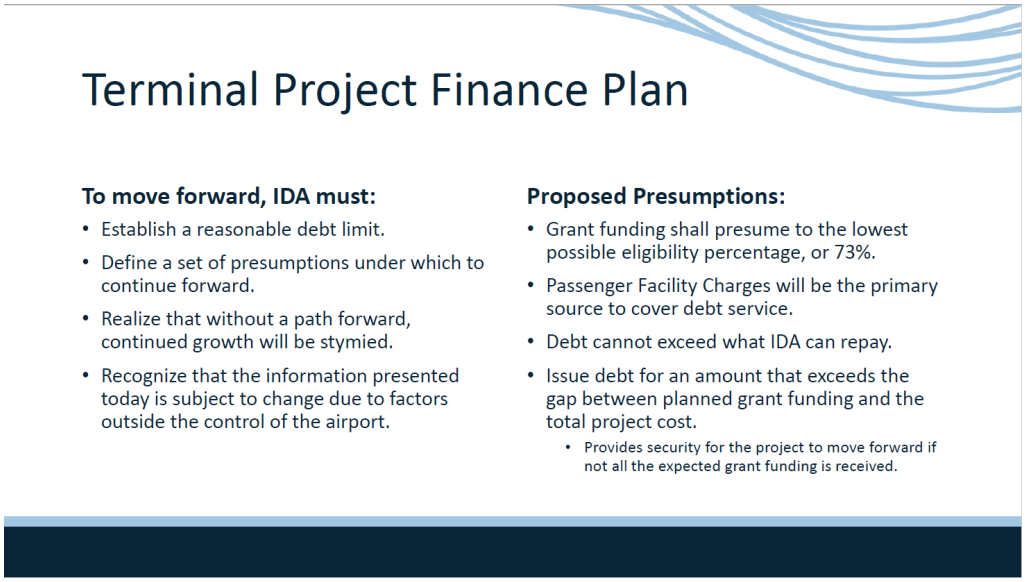
Air Service Development – Jack Penning

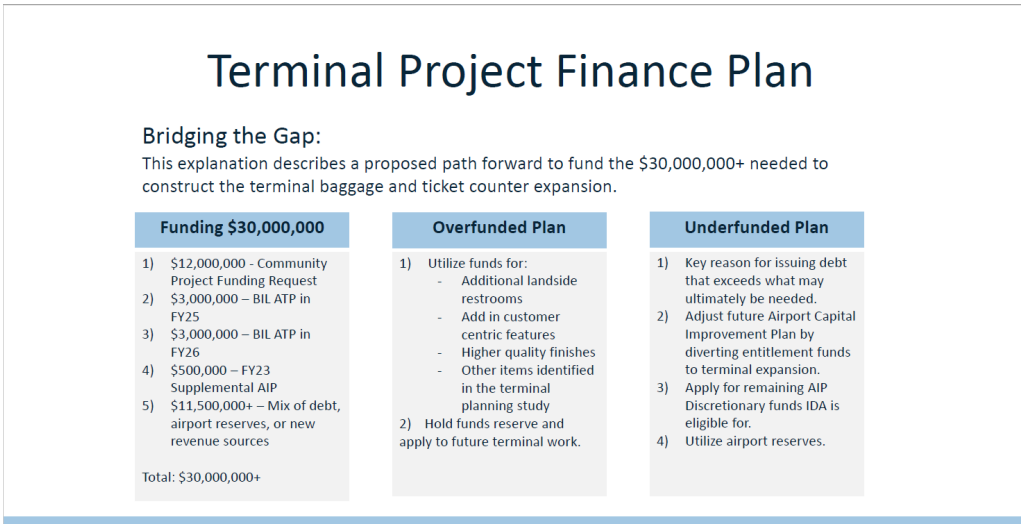
Mr. Penning provided a history of air service at the airport. In 2004, service was provided to Boise and Salt Lake City. In 2024, service is offered to ten cities on five air carriers. Capacity is up 65 percent since 2019. The airport has the highest load factor, at 86% of available seats being filled, in the Pacific Northwest. Air fares are in the middle of the pack compared to other regional markets. Mr. Penning noted the challenges to the industry that included pilot availability, pilot pay, operating costs, aircraft utilization, and airline consolidation. The number one

priority of the airport's air service development effort right now is to recruit service to the Los Angeles basin utilizing the Small Community Air Service Development Grant that was awarded. Priorities beyond this include low-cost-carriers and ultra-low-cost-carriers as well as expanding service with existing carriers.

Terminal Project Update – Director Turner

Director Turner provided a review of the terminal expansion project, focusing on funding, to date. How the funding plan has progressed since February was discussed. The airport was notified that no grant funds under the Bipartisan Infrastructure Law Airport Terminal Program (BIL ATP) were awarded. This was a $30 million request. Taking this information into account, a Community Project Funding request was submitted for $12 million, additional funds of $4 million were awarded under a previous BIL ATP application, the contractor for the terminal building was directed to suspend work for the time being, enabling work for any future building work was initiated, and the discussion of issuing debt started. The enabling work is currently the usable unit of work for the existing funds under grant. The funding plan was reviewed identifying that the airport is short at least $30 million. Director Turner stated that at this juncture, there is no reasonable path forward to expand the terminal without issuing debt. Key points included the following slides:







A discussion on the specifics of the information provided as well as the types of optional funding occurred. Board members requested that airport staff not limit the investigation of borrowing just to bonds.

2024/2025 Airport Operating Budget – Director Turner and Assistant Director Young

Director Turner stated that this was a discussion to address the start of the next budget preparation. Airport revenues are anticipated to increase by approximately 3.0% and expenses are unknown. Airport staff are planning for a small amount of discretionary spending. The priorities for the budget, including the discretionary funds available, will be used to cover the loss of the Law Enforcement Officer Reimbursement Program from the Transportation Security Administration. This was $115,000 in revenue in fiscal year 2023/2024. The 2024/2025 Airport Operating Budget will also seek to address our airport security increase. This will include addressing cybersecurity and aviation worker screening. Director Turner stated that the last priority will be to enhance passenger experience. This area will seek to add flight information displays, baggage information displays, improved terminal area signage, more baggage carts, and a uniformity in airport branding specific to the use of the appropriate airport logo. Airport staff requested other desired priorities. Board members were asked to send those along to staff.

Airport Property – Near N 5th West and 33rd N – Director Turner

Director Turner identified the airport property utilizing an aerial photo. During research of a separate topic, Director Turner discovered that a road was under construction across airport property. When funding was received from the Federal Aviation Administration to purchase this land, the use was meant for runway protection. Road development was not included. Currently, the airport is in a partial non-compliant state with this road development. To address this, Director Turner submitted a land use review to the Federal Aviation Administration to correct the oversight. After that, an environmental process will be required. Until these items can be addressed, the road construction has been halted.

Director Turner stated that since the last action of the City Council was to approve the road development, he is working with the Federal Aviation Administration toward compliance. Mayor Casper acknowledged that the proper order of action was not followed. Director Turner, Director Sanner, and City Attorney Kirkham answered board member questions. Mayor Casper stated this item is for informational purposes only and that city staff will continue to work toward correcting this situation with the Federal Aviation Administration.

Discussion, Announcements, and Q and A

Board Member Francis shared his desire for board policies. The policy manual of Idaho Falls Power was referenced. Timing of this effort was discussed, and the next fiscal year was offered. Conflicts exist with the next board meeting. That board meeting occurring is tentative as Director Turner is scheduled to be in Washington, D.C.

There being no further business, the meeting adjourned at 11:10 a.m.

X for

Brook Edwards
Board Secretary

X

Rebecca L. Noah Casper
Chair

The Idaho Falls Regional Airport Board of Director for the City of Idaho Falls met on Thursday, June 26, 2024, at the Idaho Falls Regional Airport Board Room 2140 N. Skyline Dr. Idaho Falls, ID at 8:00 a.m.

Call to Order and Roll Call

Board Member Burtenshaw called the meeting to order at 8:02a.m.

There were present:
Mayor Rebecca L. Noah Casper (virtually)
Board Member Jim Francis
Board Member Lisa Burtenshaw
Board Member Jim Freeman
Board Member Michelle Ziel-Dingman
Board Member John Radford (virtually)

Also present:
Ian Turner, Airport Director
Brook Edwards, IDA Board Secretary
Jayme Verish, Airport Assistant Director Operations & Maintenance
Bruce Young, Airport Assistant Director Finance & Administration
Michael Kirkham, City of Idaho Falls Attorney
Wayne Reiter, Ardurra
Nathan Cuvala, Ardurra

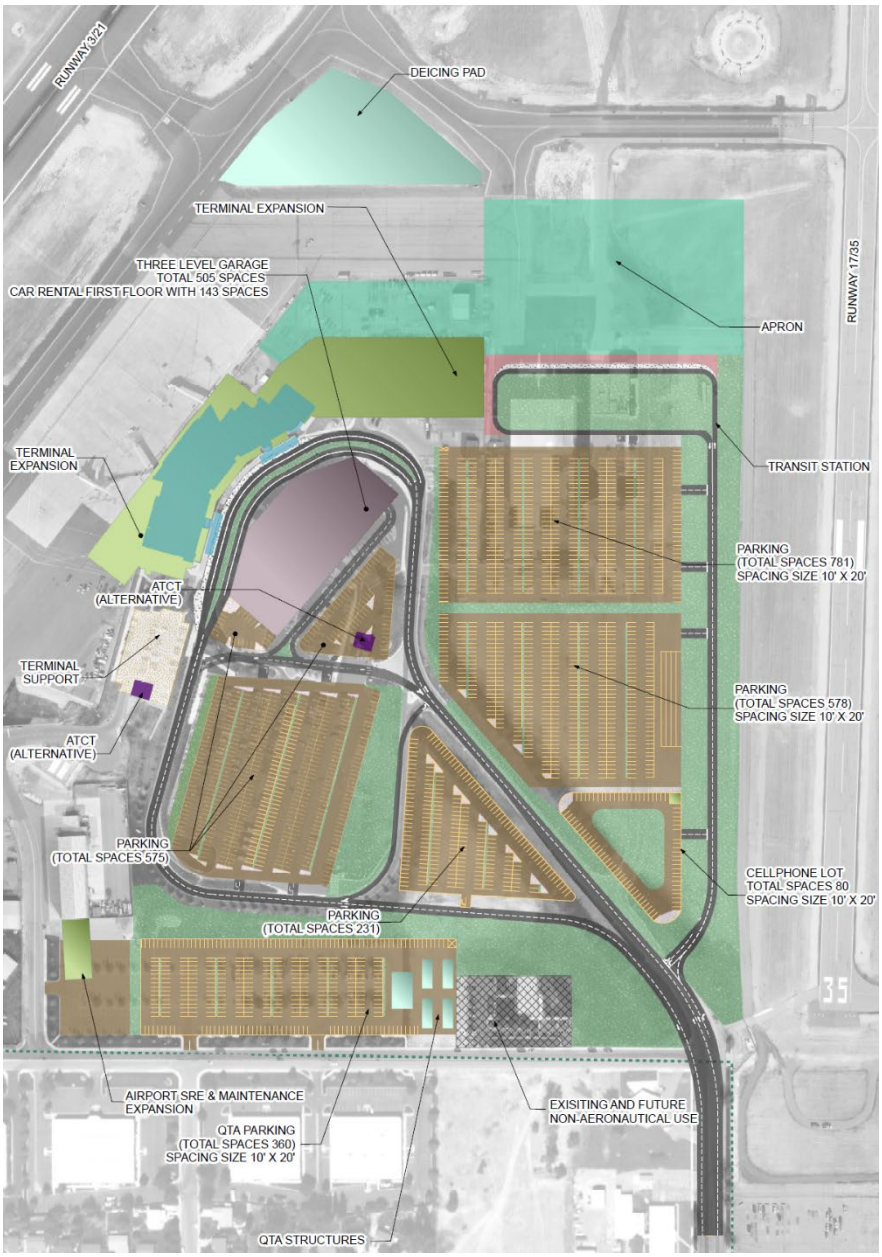
Absent:
Board Member Kirk Larsen

Discussion and Consideration of the Airport Master Plan Preferred Alternative – Wayne Reiter

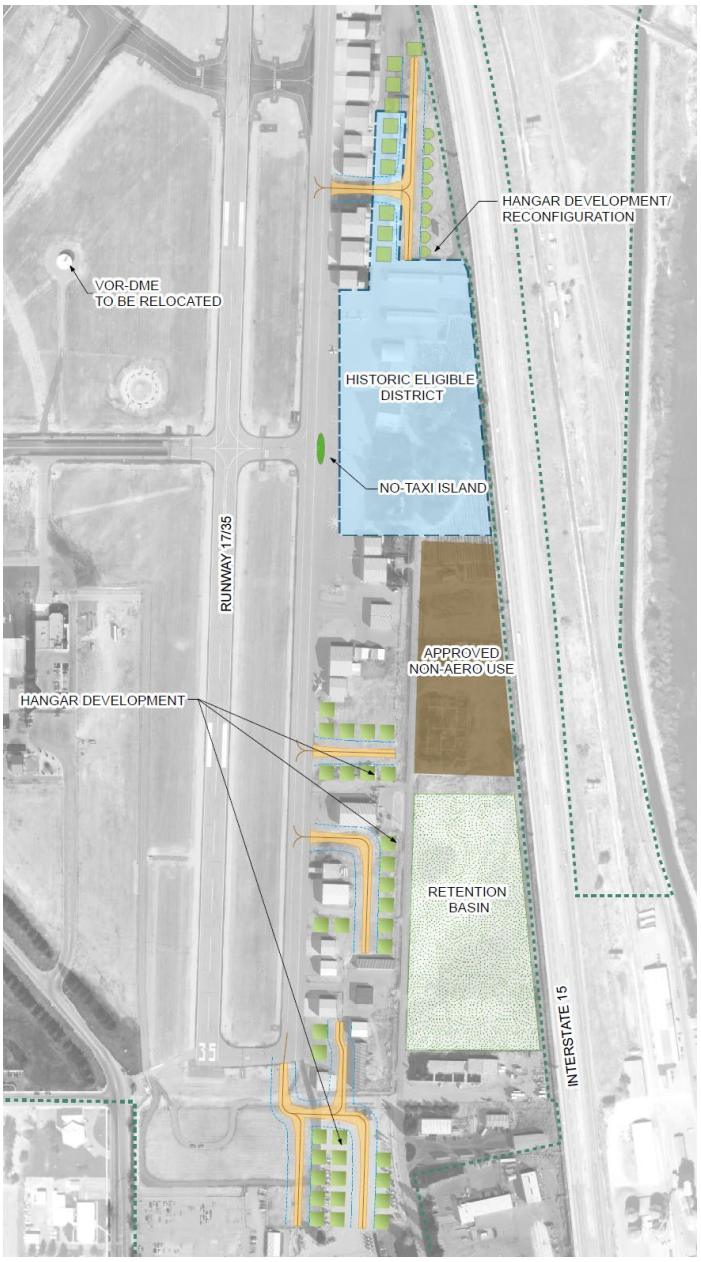
Mr. Reiter presented an update on the Airport Master Plan, beginning with a brief project overview and a review of the alternatives discussed during the February 7th public meeting. He highlighted the draft preferred alternatives and outlined the next steps. Mr. Reiter provided an overview of the development of the airport master plan to this point. The project began in July 2021 making this the end of the third year of development. Key elements completed to date include inventory, forecast, facility requirements, environmental overview, and draft alternatives. Work on the airport layout plan (ALP) is ongoing.

The draft preferred alternatives were then detailed for four functional areas of the airport. These are:

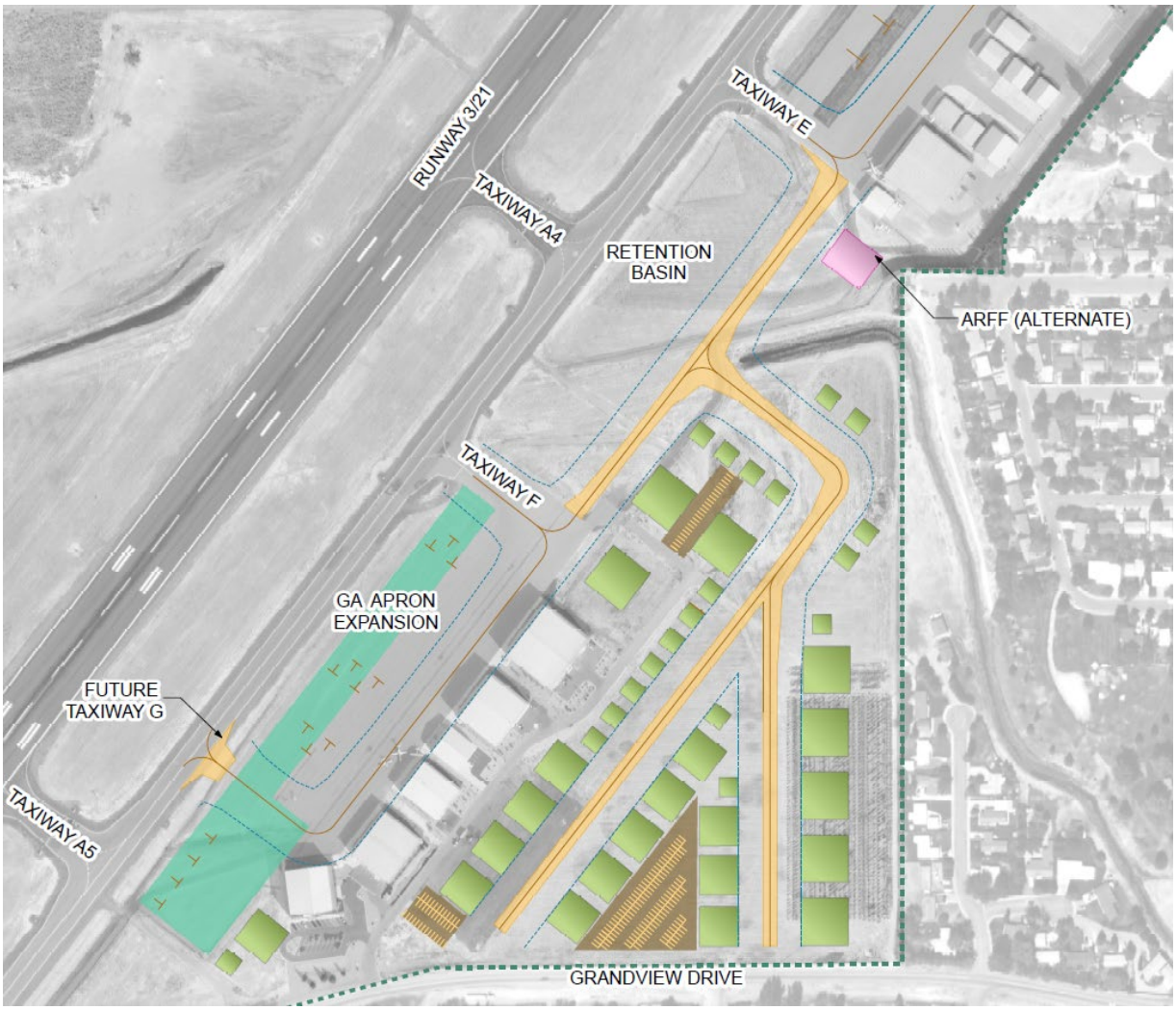
- Terminal Area: the plans included additional parking, potential relocation of cargo, car rental facilities, and various potential expansion phases.
- East Side: Runway 17-35 would be retained for light general aviation use while reconfiguring the current layout for hangers and taxi lanes.
- South Quad: development would occur in phases, adding buffer space with adjacent land use and a potential location of the firefighting station.
- West Side: the plan included a parallel taxiway, an air cargo facility, potential air traffic control relocation, and land acquisition. Future considerations have been identified for developing the soccer field area as well as how the current alignment of Old Butte Road may look.



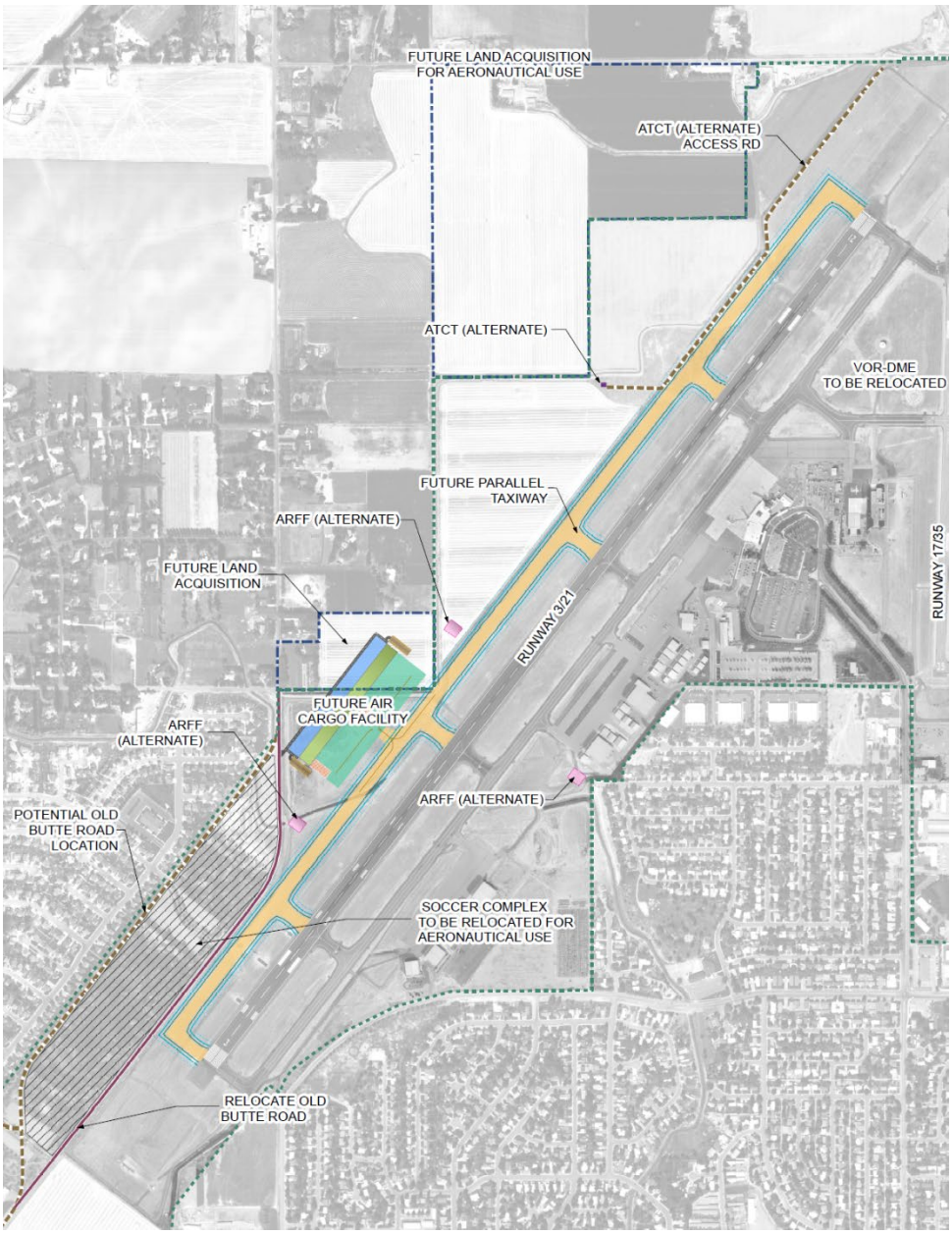
TERMINAL AREA



EAST SIDE AREA



SOUTH QUAD AREA



WEST SIDE AREA

Mr. Reiter emphasized the next steps, which include selecting the preferred alternatives, creating a Capital Improvement Plan (CIP) with project descriptions, phasing, and cost estimates, and developing an implementation plan. The ALP will be finalized, and another public meeting will be held in an open house format to review the final documents. Board members, airport staff, and Ardurra held a general discussion regarding what was presented.

Director Turner stated that now is a time to provide direction for the remainder of the Airport Master Plan process. A motion was made by Board Member Freeman, seconded by Board Member Ziel-Dingman, to approve proceeding forward with the presented preferred alternative. The motion carried unanimously.

Presentation and Consideration of the 2024/2025 Airport Operating Budget – Director Turner and Assistant Director Young

Director Turner presented the priorities for the 2024/2025 Airport Operating Budget from the April meeting. He noted that the previous 3% revenue increase projection became 27.64%. This is a substantial number but is a bit misleading as it accounts for some revenues from previous budget years that were not collect as anticipated and a different approach to budgeting revenues. Expenses are budgeted to increase by 2.92%. A small discretionary spending increase materialized. It was enough to cover the planned loss of the Law Enforcement Reimbursement Program and additional costs associated with increased security category with the Transportation Security Administration. Director Turner emphasized that the budget covers the lost revenue from the reimbursement program and increased expense related to aviation worker screening. He also mentioned the ongoing efforts to enhance passenger experience, such as updating old logos and improving flight information displays, was not able to be included directly in the budget. However, these would continue to be addressed as able in the normal operation of the airport.

Assistant Airport Director Young presented specifics on the 2024/2025 Airport Operating Budget. The presentation covered airport revenues and expenses for passenger facility charges, customer facility charges, and the airport operating fund. Overall airport expenses rose by 10%, primarily due to FAA projects. Overall airport revenues increased primarily due to changes in how the terminal project are progressing. Charges for service increases accounted for a realization in current growth, the new Airport Director's revenue projection methodology, and some planned increases to fees.

Assistant Airport Director Young provided greater detail on the Airport Enterprise Fund budget. This portion of the budget is where most operational activity occurs. Revenue is projected to be up 25.52% related to charges for services. In addition to the previously provided reasons for this, 2024 revenues exceed $3.6 million through part of June. The revenue budget for the entire current fiscal year is $4,285,000. Revenues were under budgeted for this fiscal year. Excluding non-revenue transfers, the percentage change is proposed to be a 21.35% increase from the current fiscal year's budget to the proposed budget for next year.

The Airport Enterprise operating budget was presented by division. Across the divisions, increases were highlighted related to staffing, professional services (aircraft rescue firefighting and police services), interfund transfers, utilities, and credit card fees. Additional items that increased operating expenses included acquiring screening equipment for aviation workers, increased costs in custodial supplies, and a placeholder of approximately $150,000 to address increases in airport security requirements due to passenger growth.

The capital outlay for improvements increased by $2 million, tied mainly to airfield pavement work and terminal projects. Landside and building maintenance expenditures saw varied changes, with reduced expenses in the latter.

Overall, total airport expenditures saw a 2.92% increase from the previous year when excluding FAA projects. Net revenue is budgeted at $418,917. Interfund transfers in previous years include reimbursements from the Risk Management Fund, with FY22 and FY23 actual data including audit entries. Director Turner noted that the debt service expense of $150,000 is known to not be accurate. Airport staff are awaiting better figures from City finance staff related to the pending loans going before City Council soon. This is a known budget adjustment to be made prior to the city adopting the overall budget. Director Turner told the board to expect this change.

Airport Environmental Services Contract – Director Turner

Director Turner discussed the need for an airport environmental services contract, primarily related to the relocation of the air traffic control tower. The five-year contract will cover categorical exclusions, environmental assessments, and environmental impact statements to meet FAA requirements. This contract is crucial for the airport traffic control tower relocation project. This work is funded by a $1.5 million federal grant received last year through the Bipartisan Infrastructure Law.

The first task, a siting study, is nearing completion with some outstanding objections from FAA technical operations that are currently being addressed. The next step is the environmental study, addressed by this contract, with task three being the design phase. All funding for this work is provided by a 100% FAA grant.

The process for this contract began on April 19, 2024, when a request for qualification was issued. Two proposals were evaluated, and Ardurra Group was selected. The contract for environmental services is scheduled for the City Council meeting on June 27, 2024.

Airport Director Update – Director Turner

Director Turner provided an update on various airport activities. He attended the JumpStart Air Service conference in Washington, DC. Meetings were held with Alaska, Delta, United, and American Airlines. He emphasized that the presentation by Volaire in April contained more significant information than was gathered from the airlines during these meetings. Director Turner expressed optimism about starting new air service to the LA Basin in 2025, utilizing the Small Community Air Service Development Grant. However, timing and the airline that would fly the route is still uncertain.

Director Turner reported on the recent FAA inspection, noting two minor discrepancies in training records and documentation of navigational aid maintenance documentation. These items have been addressed and a closeout letter should be received soon. He described a successful full-scale emergency exercise simulating an Embraer 170 accident. 93 volunteers and 26 responders participated.

Director Turner indicated that he is evaluating new key performance indicators or metrics to monitor performance. If any board member has an idea of what they would like, he requested this input be sent to him. Director Turner highlighted an 8.5% increase in year-to-date passenger numbers compared to 2023. He underscored the importance of expanding the terminal building to meet growing demand. Director Turner also discussed car rental revenue trends and tower operations, noting a decline in operations in 2023.

He recognized that June 26th was Airport Worker Appreciation Day in Canada and felt it was appropriate to highlight this airport’s staff. He offered accolades to staff efforts during the emergency exercise, the FAA inspection, and the quick repair of the New Sweden Canal tunnel under the runway.

Announcements, Calendar, Events, Reports, Updates, Questions, and Discussion

Upcoming events were highlighted. July is a busy week for different City Council meetings. This includes the next airport board meeting.

During the announcements and discussion section, Board Member Francis raised the topic of diversity, equity, and inclusion efforts at the airport. He noted that Assistant Director Verish previously provided a presentation on this topic and suggested making it a regular agenda item, either quarterly or biannually. This would help keep the board informed about the airport's accessibility initiatives.

Director Turner agreed. He highlighted ongoing efforts to improve accessibility, including adding better terminal signage, installing information screens, ensuring bilingual TSA announcements, providing functional baggage carts, the intention to add a hearing impairment app to staff mobile devices called “High There”, and joining the Sunflower Program for hidden disabilities.

Mayor Casper suggested that council members review the director's report and make notes on categories to be periodically addressed.

There being no further business, the meeting adjourned at 9:52a.m.

X Brook Edwards

Brook Edwards
Board Secretary

X

Rebecca L. Noah Casper
Chair

Memorandum

File #: 24-279 **City Council Meeting**

FROM: Corrin Wilde, City Clerk
DATE: Tuesday, July 2, 2024
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 27 June 2024.

Description, Background Information & Purpose
These are the Minutes from 27 June 2024 City Council Meeting.

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

680 Park Avenue
Idaho Falls, ID 83402

City Council Meeting
Minutes - Draft

Thursday, June 27, 2024, 7:30 PM City Council Chambers

1. Call to Order

Present: Council President Burtenshaw, Councilor Radford, Councilor Freeman, Councilor Francis.

Absent: Mayor Rebecca L Noah Casper, Councilor Ziel-Dingman; and Councilor Larsen

Also present:

All available Department Directors
Micheal Kirkham, City Attorney
Corrin Wilde, City Clerk

2. Pledge of Allegiance

Deputy Chief Jon Perry led those present in the Pledge of Allegiance.

3. Public Comment

Faith Neibert wanted to express gratitude for public transportation. She stated that she had been waiting for years for public transit, and now we finally have it in Idaho Falls. Faith has been blind since birth, and having public transportation is something she always desired. The first time she used the service, she beamed joyfully because it allowed her to go anywhere in the city without relying on family, friends, or relatives for transportation. This newfound independence allows her to pursue her goals without constantly asking for assistance. Faith appreciates the GIFT program, which stands for Greater Idaho Falls Transit, as it has enabled her to attend massage school and discover a local yoga studio. She is grateful that the city endorsed the program and encourages everyone to support it, recognizing that many others in the community also rely on this essential service.

4. Consent Agenda

A. Fire Department

1) Purchase of One (1) Replacement 2023 North Star Type II Ambulance

This purchase will access the Houston-Galveston Area Council (H-GAC) a cooperative government procurement organization based upon H-GAC Contract AM10-20 to replace a current fire department 2018 Type II transport ambulance. This ambulance has met its life expectancy. Replacement was scheduled in the FY2021-2022 budget when the vehicle was ordered. The ambulance is set for immediate delivery. The total payment for this apparatus is in the amount of $156,738.00. These funds were budgeted and authorized in FY21-22 utilizing the municipal equipment replacement funds.

2) Purchase of Two (2) 2025 North Star 153-1 Ambulances.

This purchase will access Houston-Galveston Area Council (H-GAC), a cooperative government procurement organization, based upon H-GAC Contract AM10-23 to replace two current fire department ambulances. These two (2) ambulances have met their life expectancy and are scheduled

for municipal equipment replacement fund (MERF) replacements. The approximate delivery will take 530-580 days. Acceptance of this proposal will place our order in the production queue without committing the City of Idaho Falls to purchase until delivery. Payment for these apparatuses will come from MERF funds for $567,302.00 upon delivery which is estimated to be in Spring 2026. Funds to purchase the apparatus are planned for within the Fire Department's EMS Municipal Equipment Replacement Fund (MERF).

B. Municipal Services

1) Quote, Hardware, Software, and Subscription Maintenance Purchase for Information Technology.

The purchase of the Palo Alto firewall solution will replace the current Checkpoint firewall used by the city over the past several years. Transitioning to the Palo Alto solution will also replace the city's VPN solution to reduce vulnerabilities of City staff accessing the City's network remotely. In addition to the hardware and software, the purchase includes a five-year subscription support service. Funds for this project are budgeted in the 2023/24 Municipal Services Department, Information Technology division budget.

2) Treasurer's Report for April 2024

For April 2024, cash and investments total $176.8M. Total fiscal year-to-date receipts received and reconciled to the general ledger were reported at $152.6M, which includes revenues of $78.7M for charges for services and taxes and intergovernmental revenues of $53.1M. Total fiscal year-to-date distributions reconciled to the general ledger were reported at $131.7M. This includes salary and benefits of $48.2M, operating costs of $56.2M, and Capital expenditures of $33.7M.

C. Idaho Falls Power

1) IFP 24-26 Lincoln to Sugarmill Conduit Project - B Jackson.

Idaho Falls Power solicited bids from qualified contractors to provide labor and materials for the Lincoln to Sugarmill electrical conduit line installation project. Nine bids were received with B Jackson Construction being the lowest responsive, responsible bidder. The base bid was $115,081.63 plus a 10% contingency of $11,508.16 for a total of $126,589.79.

D. Office of the City Clerk

1) Minutes from Council Meetings

Minutes from 20 February 2024 Work Session.

2) License Applications

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

5. Regular Agenda

A. Airport

1) Master Contract for Airport Environmental Services

The Idaho Falls Regional Airport anticipates the need for environmental services related to the Federal Aviation Administration National Environmental Policy Act requirements in the next several years. Most notably, an Environmental Assessment is expected for the relocation of the Airport Traffic Control Tower. Other professional environmental services may occur. To plan for this, a qualification-based selection process was issued as Request for Qualification 24-05 - Environmental Services for Idaho Falls Regional Airport. Two proposals were received, and the evaluation committee ranked Ardurra Group, Inc., the top qualified proposer.

Director Turner stated that the contract covers 5 years. Fundamentally, it does not guarantee any work, but its purpose is to fund the relocation of the airport traffic control tower, which has a grant. The final value will be established through future negotiations, and the work order will be brought to the Council. Additionally, there's a 5-year term because environmental services will be needed in the next 5 years. It's prudent to select a consultant for this duration.

Councilor Francis asked a clarifying question. Just to confirm, we need an environmental study to determine the suitable location. Is that correct? Director Turner agreed.

It was moved by Councilor Francis, seconded by Councilor Radford to approve a master contract for professional environmental services with Ardurra Group, Inc., and authorize the Mayor and City Clerk to execute said contract. The motion was carried by the following vote: Aye – Councilors Burtenshaw, Francis, Freeman, Radford. Nay – None

B. Idaho Falls Power

1) IFP 24-25 Gem State Boat Ramp

Idaho Falls Power (IFP) solicited bids from qualified contractors to construct a new boat ramp at Gem State Lake. The bid tabulation is attached. The one bid received was more than double the engineer's estimate. IFP staff concluded that awarding the bid was not in the best interests of the city. If the Council rejects the bid, IFP staff will go to the open market to procure qualified contractors to complete portions of the work, and IFP staff will perform the remainder of the work in-house. Funding for this project is included in the FY2023-24 CIP budget.

Assistant General Manager Stephen Boorman stated that Idaho Falls Power recommends that the Council reject all bids because it is in the best interest of the city. He explained that there was only one bidder, and their bid exceeded the engineer's estimate by more than double. The plan now is to revisit the bidding process and collaborate with Fish and Game, who have offered to contribute to the work. Additionally, there is already $120,000 worth of Fish and Game funding into this. Boorman emphasized that this bid does not align with their budget. Councilor Freeman clarified that the location of this project is at the end of the channel, downstream from the park, quite a ways.

It was moved by Councilor Freeman, seconded by Councilor Radford to reject the single bid received from JM Concrete for the construction of a boat ramp at Gem State Lake, finding that the work and services can be procured more economically by purchasing the contracting services on the open market, and direct the Mayor and staff to procure qualified contractors to perform portions of the work. The motion carried by the following vote: Aye – Councilors Burtenshaw, Francis, Freeman, Radford. Nay -None.

C. Police Department

1) Ratification of the purchase of In-car Radios

At the end of December of 2023, the Idaho Falls Police Department entered into an agreement with Motorola for the purchase of Motorola in-car radios. In previous years these radios were part of our vehicle upfits. The Department recently determined that managing the upfit process separate from the lease process provides more value, offering some cost savings and faster return of the vehicles. The most recent vehicle package approved by the Council using MERF budget funds included $97,900.00 for these in-car radios. The radios were purchased using the State contract with Motorola (#PADD20221088). However, this decision to obtain the radios separately and move to a local vendor for upfit was made after the Council approved the package. Compliance with internal purchasing rules requires separate Council approval. In this case, approval comes as a ratification of the purchase. The final price came in at $97,896.42. The impact has not changed. It will result in $97,896.42 from the Idaho Falls Police Department 2023/24 Municipal Equipment Replacement Fund.

Chief Johnson explained that in the past, vehicle upfitting was included as part of the car lease. So, when they leased a vehicle, it automatically came with all the necessary modifications. However, there were challenges with this approach. Since the upfitting was done out of state, there was less oversight, longer processing times, and higher costs.

Now Chief Johnson has arranged for a local outfitter to handle all the upfitting for the police cars. Instead of bundling it with the lease, they purchase the upfit components separately. Doing it locally reduces costs and speeds up the process. The police department has already paid the invoice, and they're seeking Council approval to ratify this expense within the previously approved budget limit.

It was moved by Councilor Freeman, seconded by Councilor Francis to ratify the purchase of Motorola in-car radios. The motion was carried by the following vote: Aye – Francis, Freeman, Radford, Burtenshaw. Nay - None.

6. Announcements

The city is celebrating the 4th of July on Thursday with the parade and fireworks show. Councilor Francis thanked all the departments involved in making this big event happen.
Heritage Park Tsunami of Sod was Tuesday night, there were over 300 volunteers that came and laid over 4 ½ acres of Sod and served 700 dips of ice cream. Councilor Radford noted that this was a great

experience and fun to see so many people come to that event. Last weekend was the Idaho Falls Pride celebration.
On the 4th of July, there will be a firecracker fun run and lots of opportunities to go and serve around this time.

7. Adjournment.

There being no further business, the meeting adjourned at 7:47 PM

s/ Corrin Wilde
Corrin Wilde, City Clerk

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

Memorandum

File #: 24-275 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Tuesday, June 25, 2024
DEPARTMENT: Community Development Services

Subject
Final Plat and Reasoned Statement of Relevant Criteria and Standards, Westridge Commercial Plaza Division No. 1, Second Amended

Council Action Desired
☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)
1. Accept or Approve the Final Plat for Westridge Commercial Plaza Division No. 1, Second Amended and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Westridge Commercial Plaza Division No. 1, Second Amended and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose
Attached is the application for the Final Plat and Reasoned Statement of Relevant Criteria and Standards for Westridge Commercial Plaza Division No. 1, Second Amended. The Planning and Zoning Commission considered this item at its 5 December 2023 meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

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, and Engineering/Survey Divisions.

Fiscal Impact
NA

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

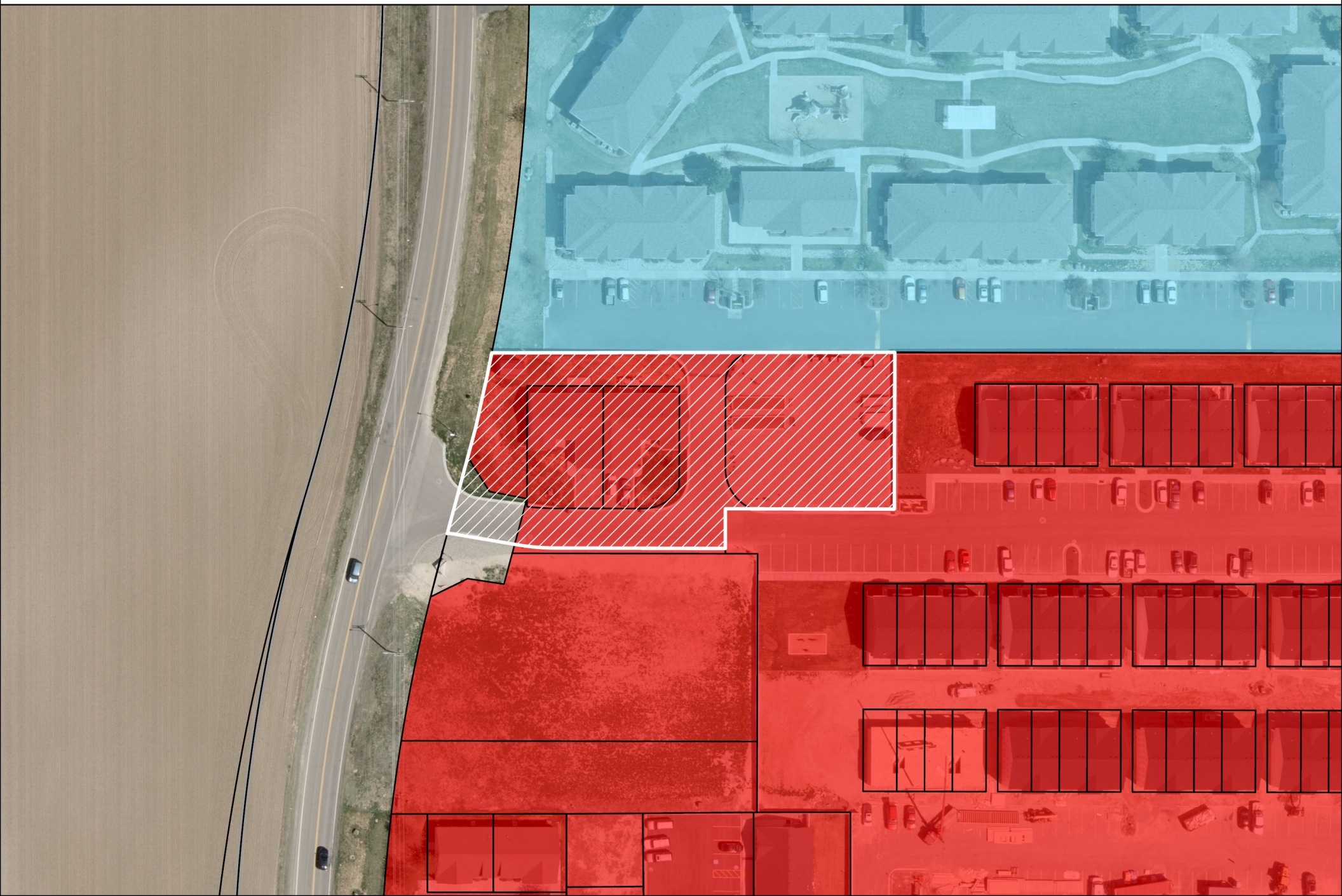
Zoning

PLAT23-029 Westridge Commercial Plaza Div 1 2nd Amended

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

RP R2 RMH R3A CC HC LM P

N



Aerial

PLAT23-029 Westridge Commercial Plaza Div 1 2nd Amended



WESTRIDGE COMMERCIAL PLAZA DIVISION NO. 1, SECOND AMENDED

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

BEING A REPLAT OF A PORTION OF LOT 5 BLOCK 1 OF FIRST AMENDED PLAT OF THE WESTRIDGE COMMERCIAL PLAZA DIVISION NO. 1

BEING PART OF THE SW 1/4 OF THE NE 1/4 SECTION 22 T.2 N. R.37 E.B.M.

BASIS OF BEARINGS

ALL MEASURED BEARINGS SHOWN HEREON RELATE 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.

LEGEND

- PLSS Control
- Placed 5/8" X 24" Iron rod with cap marked P.L.S. 15571
- Placed 1/2" X 24" Iron rod with cap marked P.L.S. 15571
- CP&F Corner Perpetuation and Filing
- Found 5/8" Iron Rod As Noted
- Center Section Corner
- (R) Record Bearing and Distance From RISING SUN TOWNHOMES Instrument Number 1695023
- (R1) Record Bearing and Distance From DLR TOWNHOMES FIRST AMENDED Instrument Number 1659309
- PUBLIC UTILITY EASEMENT AND PUBLIC MULTI-USE PATH EASEMENT
- PUBLIC UTILITY EASEMENT (P.U.E.)
- Section Line
- Emergency Access Easement (EAE)

SURVEYORS NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO CREATE A SUBDIVISION PLAT WITH 1 BLOCK AND 2 LOTS FROM PART OF LOT 5 BLOCK 1 OF THE FIRST AMENDED WESTRIDGE COMMERCIAL PLAZA DIVISION NO. 1 PLAT RECORDED AS INSTRUMENT NUMBER 1231671.

THE BOUNDARY WAS ESTABLISHED USING FOUND MONUMENTS ALONG THE BOUNDARY AND CALCULATED POSITIONS FROM THE FIRST AMENDED WESTRIDGE COMMERCIAL PLAZA DIVISION NO. 1 PLAT RECORDED AS INSTRUMENT NUMBER 1231671 AS WELL AS FOUND MONUMENTS FROM THE RISING SUN TOWNHOMES PLAT RECORDED AS INSTRUMENT NUMBER 1695023.

BOUNDARY DESCRIPTION

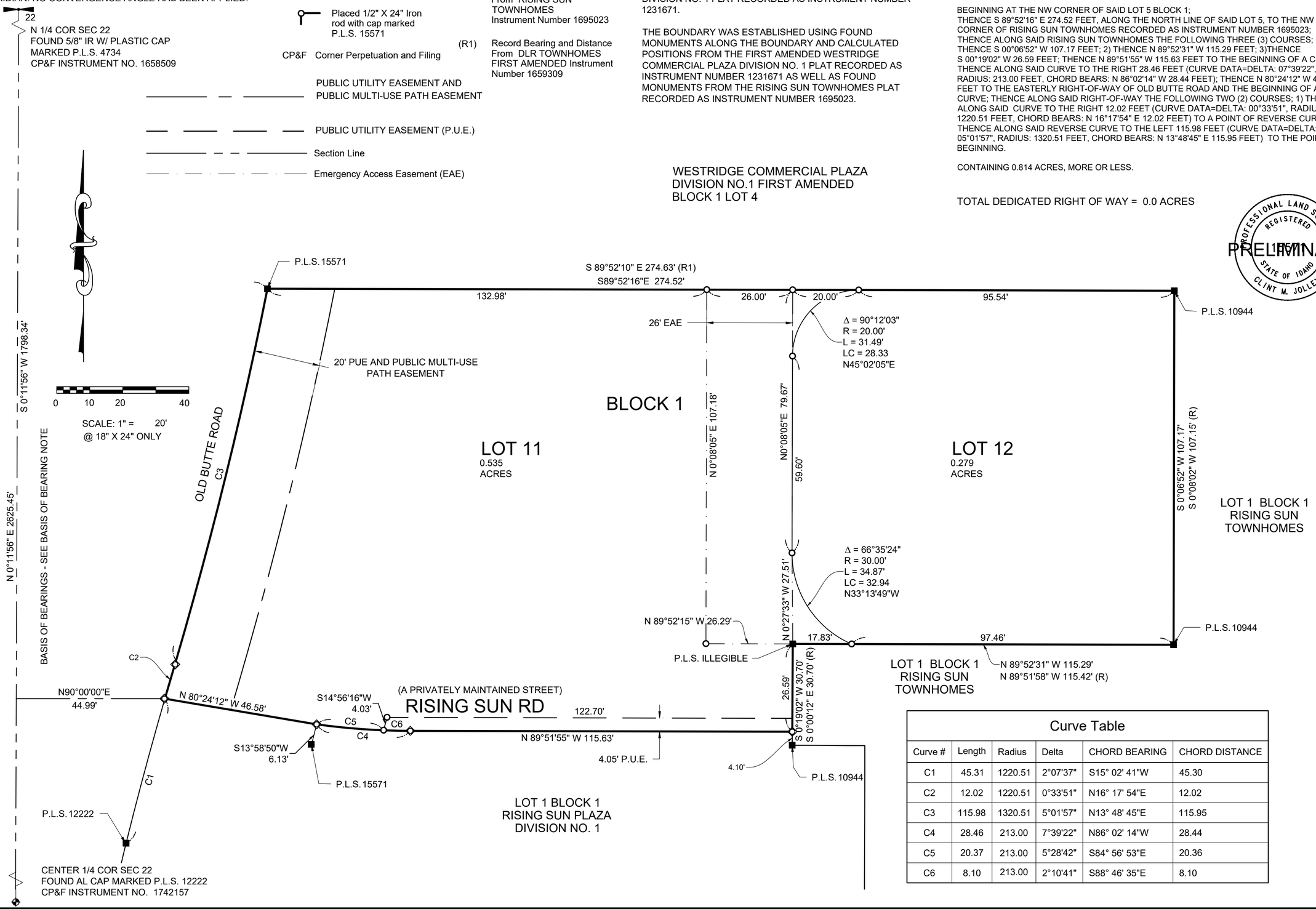
PART OF LOT 5 BLOCK 1 OF THE FIRST AMENDED PLAT OF THE WESTRIDGE COMMERCIAL PLAZA, DIVISION NO. 1 IN THE CITY OF IDAHO FALLS, BEING IN THE SW 1/4 OF THE NE 1/4 OF SECTION 22, TOWNSHIP 2 NORTH, RANGE 37 EAST, B.M., BONNEVILLE COUNTY, IDAHO DESCRIBED AS:

BEGINNING AT THE NW CORNER OF SAID LOT 5 BLOCK 1;
THENCE S 89°52'16" E 274.52 FEET, ALONG THE NORTH LINE OF SAID LOT 5, TO THE NW CORNER OF RISING SUN TOWNHOMES RECORDED AS INSTRUMENT NUMBER 1695023;
THENCE ALONG SAID RISING SUN TOWNHOMES THE FOLLOWING THREE (3) COURSES; 1) THENCE S 00°06'52" W 107.17 FEET; 2) THENCE N 89°52'31" W 115.29 FEET; 3)THENCE S 00°19'02" W 26.59 FEET; THENCE N 89°51'55" W 115.63 FEET TO THE BEGINNING OF A CURVE; THENCE ALONG SAID CURVE TO THE RIGHT 28.46 FEET (CURVE DATA=DELTA: 07°39'22", RADIUS: 213.00 FEET, CHORD BEARS: N 86°02'14" W 28.44 FEET); THENCE N 80°24'12" W 46.58 FEET TO THE EASTERLY RIGHT-OF-WAY OF OLD BUTTE ROAD AND THE BEGINNING OF A CURVE; THENCE ALONG SAID RIGHT-OF-WAY THE FOLLOWING TWO (2) COURSES; 1) THENCE ALONG SAID CURVE TO THE RIGHT 12.02 FEET (CURVE DATA=DELTA: 00°33'51", RADIUS: 1220.51 FEET, CHORD BEARS: N 16°17'54" E 12.02 FEET) TO A POINT OF REVERSE CURVE; 2) THENCE ALONG SAID REVERSE CURVE TO THE LEFT 115.98 FEET (CURVE DATA=DELTA: 05°01'57", RADIUS: 1320.51 FEET, CHORD BEARS: N 13°48'45" E 115.95 FEET) TO THE POINT OF BEGINNING.

CONTAINING 0.814 ACRES, MORE OR LESS.

TOTAL DEDICATED RIGHT OF WAY = 0.0 ACRES

WESTRIDGE COMMERCIAL PLAZA
DIVISION NO.1 FIRST AMENDED
BLOCK 1 LOT 4



PRELIMINARY

PROFESSIONAL LAND SURVEYOR REGISTERED 15571 STATE OF IDAHO CLINT M. JOLLEY

Curve Table

Curve #	Length	Radius	Delta	CHORD BEARING	CHORD DISTANCE
C1	45.31	1220.51	2°07'37"	S15° 02' 41"W	45.30
C2	12.02	1220.51	0°33'51"	N16° 17' 54"E	12.02
C3	115.98	1320.51	5°01'57"	N13° 48' 45"E	115.95
C4	28.46	213.00	7°39'22"	N86° 02' 14"W	28.44
C5	20.37	213.00	5°28'42"	S84° 56' 53"E	20.36
C6	8.10	213.00	2°10'41"	S88° 46' 35"E	8.10

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800 W. Judicial Street, Blackfoot, ID 83221, (208) 785-2977
hleinc.com

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DRAWN BY	DESIGN BY	CHECK BY
RLR	HLE	CMJ

JOB NO: 2023-574

DATE: May 22, 2024

REVISIONS	DATE

PLAT
DLR INVESTMENTS LLC.
SW 1/4 OF THE NE 1/4 SEC. 22, T. 2 N., R. 37 E.B.M.
BONNEVILLE COUNTY, IDAHO

SHEET NO. 1 OF 3 SHEETS

Z:\Projects\00-2023 Projects\23-574 Larry Reinhart Plat\3-CAD\Survey\23-574 REINHART PLAT.dwg

WESTRIDGE COMMERCIAL PLAZA DIVISION NO. 1, SECOND AMENDED

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

BEING A REPLAT OF A PORTION OF LOT 5 BLOCK 1 OF FIRST AMENDED PLAT OF THE WESTRIDGE COMMERCIAL PLAZA DIVISION NO. 1

BEING PART OF THE SW 1/4 OF THE NE 1/4 SECTION 22 T.2 N. R.37 E.B.M.

BASIS OF BEARINGS

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22
N 1/4 COR SEC 22
FOUND 5/8" IR W/ PLASTIC CAP
MARKED P.L.S. 4734
CP&F INSTRUMENT NO. 1658509

LEGEND

- PLSS Control
- Placed 5/8" X 24" Iron rod with cap marked P.L.S. 15571
- Placed 1/2" X 24" Iron rod with cap marked P.L.S. 15571
- CP&F Corner Perpetuation and Filing
- Existing Easement As Noted
- Section Line
- Emergency Access Easement (EAE)
- Found 5/8" Iron Rod As Noted
- Center Section Corner
- (R) Record Bearing and Distance From RISING SUN TOWNHOMES Instrument Number 1695023
- (R1) Record Bearing and Distance From DLR TOWNHOMES FIRST AMENDED Instrument Number 1659309

WESTRIDGE COMMERCIAL PLAZA
DIVISION NO.1 FIRST AMENDED
BLOCK 1 LOT 4

TOTAL DEDICATED RIGHT OF WAY = 0.0 ACRES

PRELIMINARY

0 10 20 40
SCALE: 1" = 20'
@ 18" X 24" ONLY

BASIS OF BEARINGS - SEE BASIS OF BEARING NOTE

OLD BUTTE ROAD

P.L.S. 15571

P.L.S. 10944

BLOCK 1

LOT 11
0.535
ACRES

LOT 12
0.279
ACRES

P.L.S. ILLEGIBLE

(A PRIVATELY MAINTAINED STREET)
RISING SUN RD

P.L.S. 15571

P.L.S. 10944

P.L.S. 12222

LOT 5 BLOCK 1
FIRST AMENDED PLAT OF THE
WESTRIDGE COMMERCIAL PLAZA
DIVISION NO. 1

LOT 1 BLOCK 1
RISING SUN TOWNHOMES

CENTER 1/4 COR SEC 22
FOUND AL CAP MARKED P.L.S. 12222
CP&F INSTRUMENT NO. 1742157

	PURSUANT TO INSTRUMENT NO	DATED	EASEMENT TYPE
1	1754656	09/18/2023	ORDINANCE NO. 3535
2	1683684	04/27/2021	30.70' PUBLIC ACCESS AND EAE
3	1528153 1532888	06/28/2016 08/24/2016	24' ROADWAY EASEMENT
4	1667259	12/14/2020	25' UTILITY AND ACCESS EASEMENT
5	1532420	08/18/2016	12' PUBLIC UTILITY EASEMENT
6	1532421	08/18/2016	20' PUBLIC UTILITY EASEMENT
7	1762817	02/13/2024	30.50' PUBLIC ACCESS EASEMENT
8	1537766	10/26/2016	26' EAE
9	1528152	06/28/2016	PUBLIC UTILITY EASEMENT

PROFESSIONAL LAND SURVEYOR REGISTERED 15571 STATE OF IDAHO CLINT M. JOLLEY

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DRAWN BY	DESIGN BY	CHECK BY
RLR	HLE	CMJ

JOB NO: 2023-574
DATE: May 22, 2024

REVISIONS	DATE

PLAT
DLR INVESTMENTS LLC.
SW 1/4 OF THE NE 1/4 SEC. 22, T. 2 N., R. 37 E.B.M.
BONNEVILLE COUNTY, IDAHO

SHEET NO. 2 OF 3 SHEETS

Z:\Projects\00-2023 Projects\23-574 Larry Reinhart Plat\3-CAD\Survey\23-574 REINHART PLAT.dwg

STAFF REPORT
FINAL PLAT
SECOND WESTRIDGE COMMERCIAL PLAZA DIVISION NO 1. SECOND AMENDED
July 11, 2023

IDAHO FALLS
Community Development Services

Applicant: Harper Leavitt Engineering

Project Manager: Naysha Foster

Location: Generally, located north of Pancheri Dr, east of S Old Butte Rd, south of Broadway, west of Sunniva Dr

Size: 0.814 acres
Lots: 2
Buildable: 2

Existing Zoning:
Site: LC
North: R3A
South: LC
East: LC
West: County A-1

Existing Land Uses:
Site: Lot 1 Residential
Lot 2 Vacant
North: Residential
South: Commercial
East: Residential
West: Ag

Future Land Use Map:
General Urban

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

Requested Action: To approve the final plat for Second Westridge Commercial Plaza Division No 1. Second Amended.

History: The property was annexed in August of 2002 and platted as 3 lots in January of 2003. In July of 2006 the plat was amended to 10 lots. Since then, the property has been replatted several times, including two condo plats. The final plat went before the Planning and Zoning Commission on December 5, 2023.

Staff Comments: This final plat consists of two lots. The lots will be accessed from a private street that connects to S Old Butte Rd; a principle arterial. The current zoning is LC, Limited Commercial with Limited Development Approach Surface Airport Overlay Zone. The LC zone provides a commercial zone for retail and service uses which supply daily household needs to surrounding residents. Residential is also allowed in the LC zone, however, the airport overlay zone prohibits residential dwellings.

Staff Recommendation: Staff has reviewed the final plat and finds that it is consistent with the Subdivision and Comprehensive Zoning Ordinance. Staff and the Planning and Zoning Commission recommend approval of the final plat.

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

REQUIREMENTS	Staff Review
Requirements listed in Section 10-1:	
Building envelopes sufficient to construct a building.	X
Lot dimensions conform to the minimum standards of Zoning Ordinance.	X
Lots have full frontage on, and access to, a dedicated street.	X
Residential lots do not have direct access to arterial streets.	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.	X
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.	N/A
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150 ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	N/A

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

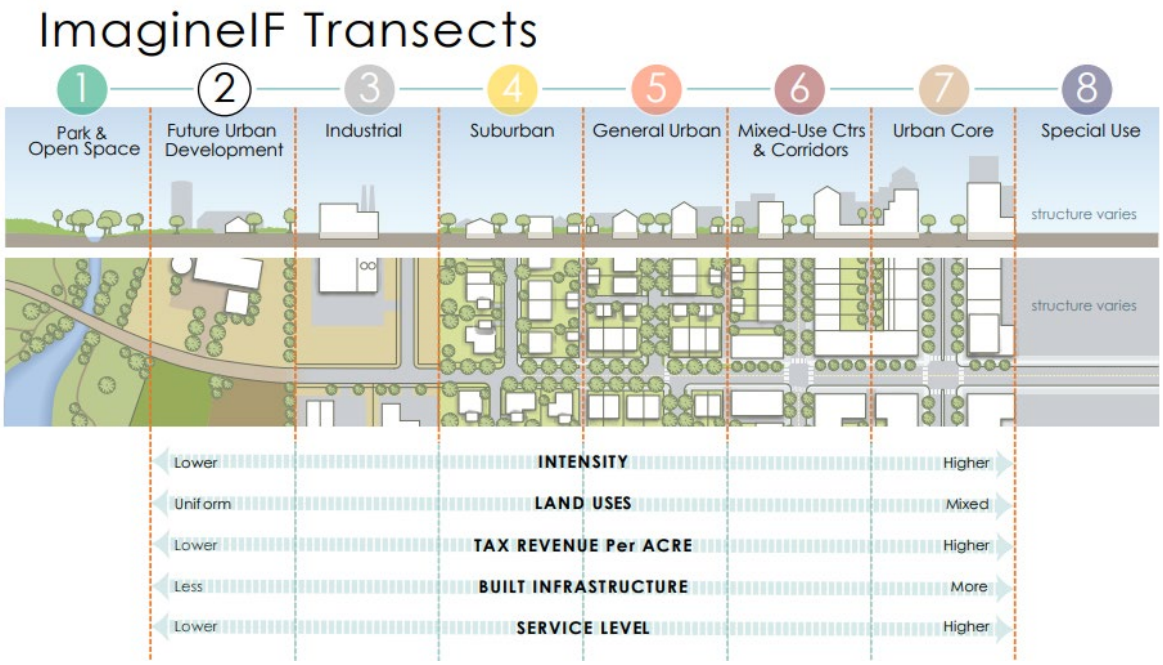
Zoning Ordinance:

11-3-5: Purpose of Commercial Zones

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	*	
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.				





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

December 5, 2023 7:00 p.m. Planning Department

City Annex Conference Room

MEMBERS PRESENT: Commissioners Glen Ogden, Kristi Brower, Forrest Ihler, Marsha McDaniel, Bill Scott.

MEMBERS ABSENT: Margaret Wimborne, Scott Geddes, Dale Storer.

ALSO PRESENT: Assistant Planning Director Kerri Beutler, Planners Naysha Foster, and interested citizens.

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

MINUTES: Scott moved to accept the minutes of November 14, 2023 with small modifications on members present and also present, Ihler seconded the motion. The motion passed unanimously.

Business:

3.PLAT 23-029: FINAL PLAT. Second Amended Westridge Commercial Plaza Division No. 1.

Applicant: Harper Leavitt Engineering – not present.

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

Odgen asked with the airport overlay, what can be built on the property. Foster stated that commercial can be built there, but not residential. Ogden asked if there are height restrictions. Foster stated there are no height restrictions in this zone.

Ihler asked why there is current residential in the area. Foster stated that the structures were built before the overlay was added. Foster stated that it is zoned LC which allows residential, but the overlay doesn't allow residential.

Scott asked about the property that is grandfathered, is there a certain amount of remodel that could be done before it triggers compliance with the zone. They could do a remodel of the interior, but not include an addition to the structures, but if the use changed they would have to conform to the current overlay zone.

Ogden confirmed and foster agreed that there is not a plan to demolish the current buildings.

Ihler asked if gas stations are allowed in LC. Foster agreed they are, but the square footage is limited.

Ihler hopes that a convenient store goes there for the neighbors. He has no problem and feels the overlay is a blessing in disguise.

McDaniel moved to recommend to the Mayor and City Council approval of Final Plat for Second Westridge Commercial Plaza Division No. 1. Ihler seconded and the motion. Ogden called for roll call vote: McDaniel, yes; Brower, yes; Ihler, yes; Ogden, yes; Scott, yes; Cantu, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

APPROVAL OF THE FINAL PLAT OF WESTRIDGE COMMERCIAL PLAZA DIVISION NO 1, SECOND AMENDED, LOCATED NORTH OF PANCHERI DR, EAST OF S OLD BUTTE RD, SOUTH OF BROADWAY, WEST OF SUNNIVA.

WHEREAS, the applicant filed an application for a final plat on October 17, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on December 5, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on July 11, 2024; 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. The property is an approximate 0.814-acre parcel located north of Pancheri Dr, east S Old Butte Rd, south of Broadway, west of Sunniva.
3. The final plat includes 2 buildable lot.
4. Access to the subdivision will come from Rising Sun Dr, a private street.
5. The Limited Development Approach Surface Airport Overlay zone prohibits residential use.
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 and the LC, Limited Commercial Zone.

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 CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2024

_____

Rebecca L. Noah Casper-Mayor

Memorandum

File #: 24-276 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Wednesday, June 26, 2024
DEPARTMENT: Community Development Services

Subject
Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Sunkissed Park 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 Sunkissed Park 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 Sunkissed Park 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 Sunkissed Park 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 Sunkissed Park Division No. 1. The Planning and Zoning Commission considered this item at its October 4, 2023, meeting and unanimously voted to recommend approval of the final plat to the Mayor and City Council as presented.

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, and

Engineering/Survey Divisions.

Fiscal Impact
NA

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

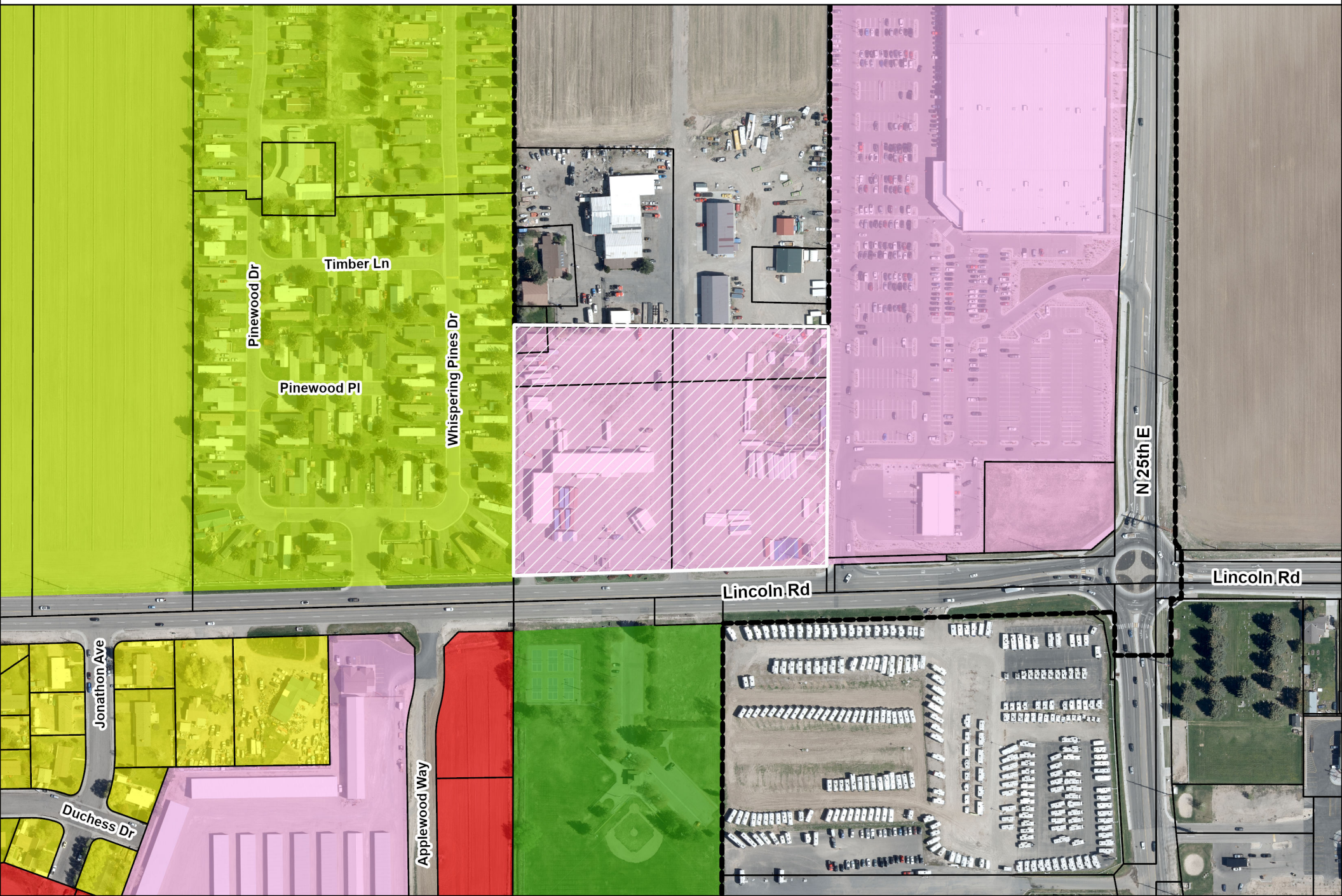
Zoning

PLAT23-022 Sunkissed Park Div 1

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

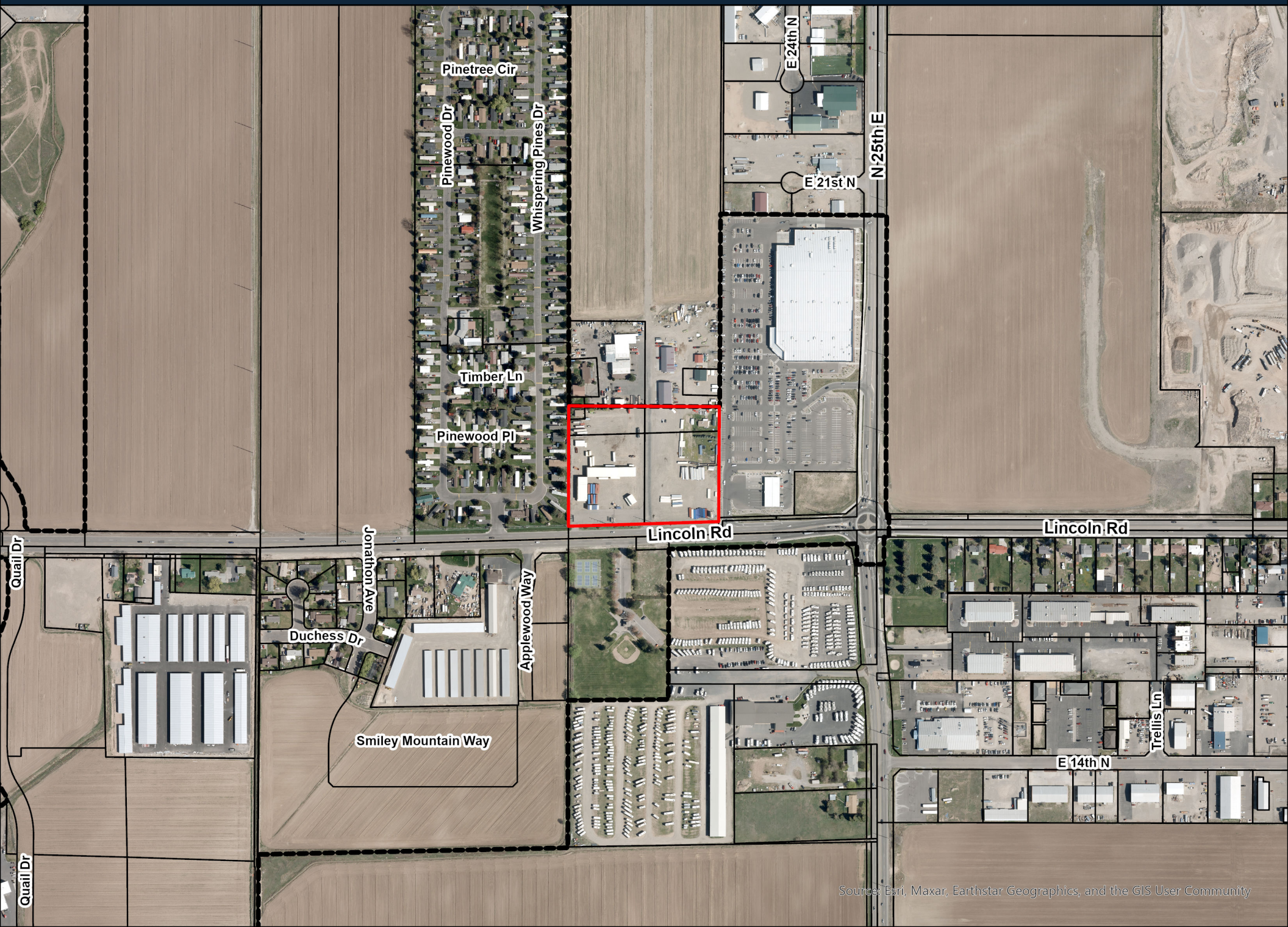
RP R2 RMH R3A CC HC LM P

N



Aerial

PLAT23-022 Sunkissed Park Div 1



SUNKISSED PARK DIVISION NO. 1

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
LOCATED IN THE SE ¼ OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN

SURVEYOR'S CERTIFICATE

I, SPENCER MCCUTCHEON , A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION, DESIGNATED AS SUNKISSED PARK 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.

PROFESSIONAL LAND SURVEYOR LICENSED 20907 STATE OF IDAHO SPENCER MCCUTCHEON

SPENCER MCCUTCHEON
PLS NO. 20907
DATE OF PLAT: 6-20-2024

SURVEYOR'S NARRATIVE

IT IS THE INTENT OF THIS PLAT AND THE SURVEY ON WHICH IT IS BASED TO CORRECTLY REPRESENT THE BOUNDARY LINES AND PROPERTY CORNERS OF THE SURVEYED PARCEL AND TO SHOW THE SUBJECT PARCEL AS REQUESTED BY CONNECT ENGINEERING. THE BASIS OF BEARING FOR THIS SURVEY IS S 88° 18' 45" W 2632.79 FEET BETWEEN THE SOUTHEAST CORNER AND THE SOUTH QUARTER CORNER OF SECTION 9 TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN, IDAHO FALLS BONNEVILLE COUNTY IDAHO. THE FIELD DATA WAS COLLECTED 11-2-2022 WITH A TRIMBLE R-8 RECEIVER CONNECTED VIA CELLULAR DEVICE TO THE UTAH REFERENCE NETWORK OF GPS BASE STATIONS, A TRIMBLE PIVOT VIRTUAL REFERENCE SYSTEM MANAGED BY THE UTAH A.G.R.C. (AUTOMATED GEOGRAPHIC REFERENCE CENTER). FOUND EVIDENCES AND MONUMENTS ARE REPRESENTED HEREON. THE COMPUTER CALCULATED GROUND SCALE FACTOR OF 1.000277265 FROM SAID TRIMBLE GPS. ORIGIN POINT FOR APPLIED SCALE FACTOR IS THE ALUMINUM CAP MARKING THE SOUTHEAST CORNER OF SAID SECTION 9. WGS84 COORDINATES FOR APPLIED SCALE FACTOR IS AS FOLLOWS LAT: 43°30'41.03455" N LONG: 111°59'02.30507"W ALL BEARINGS REFER TO THE IDAHO COORDINATE SYSTEM OF 1983, EAST ZONE, (1101).

I BROKE DOWN THE SOUTHEAST QUARTER OF SAID SECTION 9. I USED AND REFERENCED VARIOUS RECORDS OF SURVEYS AND SUBDIVISION PLATS TO HELP IN DETERMINING THE BOUNDARY LINES OF THE SURVEYED PARCEL. I FOUND (4) FOUR ½" REBAR AND REBAR AND CAP AS FOUND IN THE RECORD OF SURVEY INSTRUMENT NO. 978662. I HELD THE WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER AS THE LOCATION OF THE WESTERLY BOUNDARY LINE. I HELD THIS LINE AS THE LESS AN EXCEPTING PARCEL AS FOUND IN THE WARRANTY DEED INSTRUMENT NO. 1108960 CALLED OUT TO THE SOUTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 9. I HELD THIS AS THE CONTROLLING LINE. IN THE SAME INSTRUMENT NO. THE BOUNDARY LINES DO CALL TO AN EXISTING FENCE LINE. THIS SURVEYOR LOCATED A CHAIN LINK FENCE LINE ALONG THE WESTERLY BOUNDARY LINE. I FOUND THAT THE FENCE LINE RAN COINCIDENT MORE OR LESS WITH THE SAID WEST LINE OF THE EAST HALF OF THE SOUTHEAST QUARTER. THEREFORE THE CALL TO THE FENCE LINE IS IN HARMONY WITH THE HELD LINE.

THE NORTHERLY LINE WAS HELD ALONG THE PHASE LINE OF THE PICKERING PLACE PRELIMINARY PLAT.

THE EASTERLY LINE WAS HELD ALONG THE REESTABLISHED COSTCO SUBDIVISION LINE AS FOUND IN INSTRUMENT NO. 1625732. THIS SURVEYOR FOUND THE NORTHWEST AND THE SOUTHWEST CORNERS OF SAID SUBDIVISION AND THIS SURVEYOR HELD THOSE MONUMENTS AND FOUND THAT THE RECORD SHOWN IN THE SUBDIVISION PLAT IS IN HARMONY WITH THE FOUND MONUMENTS.

THE SOUTHERLY LINE WAS HELD ALONG A LINE THAT LIES 54.00 FEET NORTHERLY AND PERPENDICULAR TO THE MEASURED SECTION LINE. IN THE WARRANTY DEED INSTRUMENT NO. 1108960 IT EXCEPTS THE SOUTH 54 FEET OF THE DESCRIBED PROPERTY.

MY PROFESSIONAL OPINION IS RENDERED UPON THIS SUBDIVISION PLAT. THERE MAY EXIST OTHER EVIDENCE, MONUMENTS, OR DOCUMENTS THAT COULD AFFECT THIS SURVEY. ANY NEW EVIDENCE, MONUMENTS, OR DOCUMENTS CONTRADICTORY TO THIS SURVEY SHOULD BE PRESENTED TO THE ME FOR MY REVIEW AND CONSIDERATION.

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

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

RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING PLAT SUNKISSED PARK DIVISION NO. 1, WAS FILED IN THE OFFICE OF THE RECORDER OF BONNEVILLE COUNTY, IDAHO

DATE:_____

BONNEVILLE COUNTY RECORDER

HEALTH DEPARTMENT CERTIFICATE OF APPROVAL

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

EASTERN IDAHO PUBLIC HEALTH DISTRICT

ENVIRONMENTAL HEALTH SPECIALIST, REHS

DATE:

DRINKING WATER SYSTEM CERTIFICATE

PURSUANT TO I.C. §50-1334, THE OWNERS DO 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, OWNERS' HAVE HEREUNTO SET THEIR SIGNATURES THIS _____DAY OF _____, 202____.

BRAD PICKERING AND JOANN PICKERING

BRAD PICKERING

JOANN PICKERING

WATER RIGHTS DISCLOSURE

NOTICE IS HEREBY GIVEN THAT ALL LOTS OR PROPERTY INCLUDED WITHIN THIS PLAT ARE WITHIN THE PROGRESSIVE IRRIGATION DISTRICT AND THAT A SUITABLE SURFACE WATER DELIVERY SYSTEM HAS NOT BEEN PROVIDED FOR SUCH LOTS OF PROPERTY. ALL LOTS WILL REMAIN SUBJECT TO ASSESSMENTS LEVIED BY SUCH IRRIGATION DISTRICT AND EACH INDIVIDUAL PURCHASER/OWNER WILL BE RESPONSIBLE TO PAY SUCH ASSESSMENTS. ALL ASSESSMENTS ARE A LIEN UPON THE LOTS OF PROPERTY UNLESS THE PURCHASER/OWNER FILES A PETITION REQUESTING EXCLUSION FROM THE DISTRICT. THE PURCHASER/OWNER MAY FILE SUCH PETITION AT ANY FUTURE DATE. THE OWNER/DEVELOPER IS OBLIGATED TO COMPLY WITH THE PROVISIONS OF I. C. §31-3805.

ALL THOSE PORTIONS OF PROPERTY DESIGNATED AS PUBLIC RIGHT-OF-WAY DEDICATION INCLUDED WITHIN THIS PLAT HAS PETITIONED FOR AND BEEN REMOVED FROM ALL FUTURE IRRIGATION WATER RIGHTS.

DATE: _____ INSTRUMENT NO. _____

COUNTY SURVEYOR'S VERIFICATION

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

DATE:_____

BONNEVILLE COUNTY SURVEYOR, DAVID D. ROMRELL PLS 12223

BASIS OF BEARING

ALL MEASURED BEARINGS SHOWN HEREON RELATE 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, 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.

BOUNDARY DESCRIPTION

A PARCEL OF LAND THAT LIES FULLY WITHIN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN. PARCEL OF LAND CONTAINS 7.409 ACRES OF LAND AS DESCRIBED IN THE WARRANTY DEED AS FOUND IN THE BONNEVILLE COUNTY RECORDER'S OFFICE AS INSTRUMENT NO. 1108960. BASIS OF BEARING IS S 88° 18' 45" W 2632.79 FEET, MEASURED BETWEEN THE FOUND SOUTHEAST CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION 9. SUBJECT PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LINCOLN ROAD, SAID POINT LIES 54.00 FEET NORTH AND PERPENDICULAR TO THE SECTION LINE, SAID POINT LIES 674.55 FEET S 88° 18' 45" W ALONG THE SECTION LINE TO A FOUND IRON ROD AND ILLEGIBLE CAP AND 54.03 FEET N 00° 18' 34" E FROM THE FOUND SOUTHEAST CORNER OF SAID SECTION 9, TO THE TRUE POINT OF BEGINNING;

RUNNING THENCE S 88° 18' 45" W 642.00 FEET ALONG A LINE THAT LIES 54.00 FEET NORTH AND PERPENDICULAR TO THE SAID SECTION LINE TO THE WEST LINE OF THE EAST ½ OF THE SOUTHEAST ¼ OF SAID SECTION 9 AND TO A SET 5/8" IRON ROD AND CAP MARKED "PLS 20907";

THENCE N 00° 08' 38" E 513.66 FEET ALONG THE SAID WEST LINE TO A SET 5/8" IRON ROD AND CAP MARKED "PLS 20907";

THENCE S 89° 41' 03" E 643.10 FEET TO THE WESTERLY LINE OF THE COSTCO SUBDIVISION AS FOUND IN THE SAID RECORDER'S OFFICE AS INSTRUMENT NO. 1625732 AND TO A SET 5/8" IRON ROD AND CAP MARKED "PLS 20907";

THENCE ALONG THE BOUNDARY LINES OF THE COSTCO SUBDIVISION S 00° 18' 34" W 491.22 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCRIBED PARCEL OF LAND CONTAINS 322,751 SQUARE FEET OR 7.409 ACRES OF LAND.

OWNERS' DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED BRAD PICKERING AND JOANN PICKERING, ARE THE LAWFUL OWNERS 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 KNOWN AS SUNKISSED PARK DIVISION NO. 1, A SUBDIVISION OF THE CITY OF IDAHO FALLS, IDAHO, BONNEVILLE COUNTY, IDAHO

BE IT FURTHER KNOWN, THAT OWNERS DO HEREBY DEDICATE GRANT AND CONVEY TO THE PUBLIC, ALL STREETS AND RIGHT-OF-WAYS SHOWN HEREON, THAT OWNERS ALSO DO 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.

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

OWNERS OR THEIR 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.

OWNERS OR THEIR 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 OWNERS OR THEIR 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.

OWNERS OR THEIR 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 OWNERS AND THEIR 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, OWNERS HAVE HEREUNTO SUBSCRIBED THEIR SEALS AND SIGNATURES THIS _____DAY OF _____, 202____.

BRAD PICKERING AND JOANN PICKERING

BRAD PICKERING

JOANN PICKERING

ACKNOWLEDGMENT

STATE OF _____)
:SS.
COUNTY OF _____)

ON THIS _____DAY OF _____, 20___, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED BRAD PICKERING KNOWN OR IDENTIFIED TO ME, TO BE THE PERSON WHOSE NAME IS SUBSCRIBED IN THE ATTACHED OWNERS' DEDICATION AND THE DRINKING WATER SYSTEM CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

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: _____

ACKNOWLEDGMENT

STATE OF _____)
:SS.
COUNTY OF _____)

ON THIS _____DAY OF _____, 20___, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JOANN PICKERING KNOWN OR IDENTIFIED TO ME, TO BE THE PERSON WHOSE NAME IS SUBSCRIBED IN THE ATTACHED OWNERS' DEDICATION AND THE DRINKING WATER SYSTEM CERTIFICATE AND ACKNOWLEDGED TO ME THAT THEY EXECUTED THE SAME.

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: _____

DOCUMENTS AND EASEMENTS OF RECORD

THIS PLAT IS SUBJECT TO THE FOLLOWING DOCUMENTS OF RECORD PURSUANT TO ALLIANCE TITLE AND ESCROW LLC, GUARANTEE NO: SG-8015771, ORDER NO: 637362 DATED 7TH SEPTEMBER, 2023.

(13) 20' FOOT PUBLIC UTILITY EASEMENT, GROUND DRAINAGE OF NATURAL WATER AND IRRIGATION WATER, A FIRE LANE, AND LOADING ZONE IF NEEDED IN THE FUTURE, PURSUANT TO INSTRUMENT NO.: 746384, DATED: MARCH 24, 1988 (SURVEYOR'S NOTE: EASEMENT SHOWN ON SHEET 2 OF 2.)

(16) 35' FOOT PRIVATE UTILITY, PURSUANT TO INSTRUMENT NO.: 984576, DATED: DECEMBER 16, 1998 (SURVEYOR'S NOTE: EASEMENT SHOWN ON SHEET 2 OF 2.)

(18) BILLBOARD LEASE AREA, PURSUANT TO INSTRUMENT NO.: 1135333, DATED: NOVEMBER 17, 2003 (SURVEYORS NOTE: 15 YEAR LEASE HAS ENDED)

(20) BILLBOARD LEASE AREA, PURSUANT TO INSTRUMENT NO.: 1661591, DATED: OCTOBER 30, 2020 (SURVEYORS NOTE: NO DESCRIPTION OF LEASE AREA BILLBOARD OUTLINE SHOWN ON SHEET 2 OF 2)

(21) BILLBOARD LEASE AREA, PURSUANT TO INSTRUMENT NO.: 1661592, DATED: OCTOBER 30, 2020 (SURVEYORS NOTE: NO DESCRIPTION OF LEASE AREA BILLBOARD OUTLINE SHOWN ON SHEET 2 OF 2)

ROADWAY AND UTILITY EASEMENT PURSUANT TO INSTRUMENT NO. 767824, ROADWAY AND UTILITY EASEMENT PURSUANT TO INSTRUMENT NUMBER 724186 , AND THE INGRESS EGRESS EASEMENT PURSUANT TO INSTRUMENT NUMBER 573272 HAVE BEEN DULY RELEASED PURSUANT TO INSTRUMENT NUMBER 1768590

RIGHT-OF-WAY AND UTILITY EASEMENT PURSUANT TO INSTRUMENT NUMBER 1353460 HAS BEEN DULY RELEASED PURSUANT TO INSTRUMENT NUMBER _____

APEX Engineering, Inc.
661 N. Main St., Spanish Fork, UT
8660
801-796-2277

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PROFESSIONAL LAND SURVEYOR LICENSED 20907 STATE OF IDAHO SPENCER MCCUTCHEON

SUNKISSED PARK DIVISION NO 1
A SUBDIVISION OF THE CITY OF IDAHO FALLS,
LOCATED IN THE SE ¼ OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN
BONNEVILLE COUNTY, IDAHO

DATE: 3-11-2024
LOCATION: IDAHO FALLS, IDAHO
FOR: CONNECT ENGINEERING

DRAWING: 1 OF 2

SUNKISSED PARK DIVISION NO. 1

A SUBDIVISION OF THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO
LOCATED IN THE SE ¼ OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN

FOUND 5/8" IRON PIN, NO CAP C¼
CORNER SECTION 9,
T2N, R38E, BM
CP&F INST NO. 1616069

FOUND 2" ALUMINUM CAP FLUSH
WITH ASPHALT ILLEGIBLE E¼
CORNER SECTION 9,
T2N, R38E, BM
CP&F INST NO. 1100943

N 89° 17' 42" E 2630.56' (M)
(N 89° 17' 43" E 2630.80' ROS1)

INTERIOR MONUMENT COMPLETION CERTIFICATE

PURSUANT TO THE REQUIREMENTS OF I.C. §50-1331, I.C. §50-1332, AND I.C. §50-1333, I SPENCER MCCUTCHEON CERTIFY THAT THE INTERIOR MONUMENTS SHALL BE SET IN ACCORDANCE WITH THE REQUIREMENTS OF I.C. §50-1303 WITHIN ONE CALENDAR YEAR OF THE RECORDING OF THIS PLAT

Curve Table					
Curve #	Length	Radius	Delta	Chord	Chord Bearing
C2	24.99	335.00	4°16'28"	24.99	S02° 08' 46"W
C3	102.00	335.00	17°26'44"	101.61	S13° 00' 28"W
C4	15.12	335.00	2°35'10"	15.12	S23° 01' 31"W
C5	30.89	265.00	6°40'44"	30.87	S20° 58' 40"W
C6	80.18	265.00	17°20'13"	79.88	S08° 58' 11"W
C7	125.75	300.00	24°00'57"	124.83	S12° 18' 33"W
C8	140.41	335.00	24°00'57"	139.39	S12° 18' 32"W
C9	57.78	265.00	12°29'37"	57.67	S18° 04' 10"W
C10	54.63	265.00	11°48'44"	54.54	S05° 55' 00"W
C11	127.26	300.00	24°18'21"	126.31	S12° 09' 48"W
C12	3.90	42.50	5°15'09"	3.89	S88° 58' 46"E

Line Table		
Line #	Length	Direction
L1	3.00	N00° 08' 38"E
L2	27.79	S44° 17' 59"W
L3	54.60	S00° 17' 12"W
L4	28.74	S00° 18' 05"W
L5	35.00	S89° 41' 03"E
L6	35.00	S89° 41' 03"E
L7	28.72	S00° 18' 05"W
L8	28.73	S00° 18' 05"W
L9	56.25	S24° 18' 59"W
L10	50.17	S00° 17' 12"W
L11	28.75	S45° 39' 34"E
L12	98.85	N88° 23' 39"E
L13	5.11	S86° 20' 51"E
L14	3.00	N00° 18' 34"E

N 00° 09' 23" E 2681.84' (M)
(N 00° 09' 19" E 2681.72' ROS1)

N 00° 08' 38" E 513.66 FT

S89° 41' 03"E 643.10 FT

285.96 FT

287.14 FT

25'
INST. NO. 746384

35'
INST NO. 984576

109.22 FT

EAST 273.62 FT

93.80 FT

S89° 57' 00"E 233.73 FT

99.20 FT

EAST 211.11 FT

269.65 FT

4
30,677 S.F.
0.704 AC.

3
23,879 S.F.
0.548 AC.

2
21,780 S.F.
0.500 AC.

2
84,377 S.F.
1.937 AC.

38,415 S.F.
0.882 AC.
PUBLIC RIGHT-OF-WAY
DEDICATION

S89° 57' 43"E 356.60 FT

10'

10'

LOT 1
BLOCK 1

BLOCK 2

BLOCK 1

1
43,014 S.F.
0.987 AC.

1
80,609 S.F.
1.851 AC.

S 00° 18' 34" W 491.22 FT (M) (SP1)

S00° 07' 55"W 2636.69' (SP1)

N 00° 07' 52" E 2636.68' (M)
S00° 08' 14"W 2636.71' (ROS1)

RPA0000898640
WARRANTY DEED
COLLECTIVE PARKS
INST NO. 1023255

RPA3890001001O
COSTCO SUBDIVISION
KELLY KEHRER PLS NO. 16662
INST NO. 1625732

UNPLATTED

UNPLATTED

WEST LINE OF THE E½
OF THE SE¼ OF
SECTION 9

PICKERING STREET

103.36 FT

S00° 00' 38"W 103.44 FT

103.53 FT

208.44 FT

35'

35'

20'

218.57 FT

DETAIL "A"
SCALE 1" = 10'

DETAIL "B"
SCALE 1" = 10'

DETAIL "C"
SCALE 1" = 10'

SEE DETAIL "A"

SEE DETAIL "B"

SEE DETAIL "C"

191.07 FT

245.41 FT

54'

57'

N00° 17' 12"E
75.80 FT

N00° 17' 12"E
53.88 FT

233.04 FT

396.59 FT

54'

57'

PUBLIC RIGHT-OF-WAY
DEDICATION

S 88° 18' 45" W 642.00 FT

N00° 18' 34"E 54.03 FT (TIE)

674.55 FT (TIE)

FOUND 2" ALUMINUM CAP MARKED
PLS 8795 S¼ CORNER SECTION 9,
T2N, R38E, BM
CP&F INST NO. 16554942

LINCOLN ROAD

FOUND 2 1/2" ALUMINUM CAP FLUSH
WITH CONCRETE PLS 12224 SE
CORNER SECTION 9,
T2N, R38E, BM
CP&F INST NO. 1613339

BASIS OF BEARING

(SEE BASIS OF BEARING NOTE ON SHEET 1)
S 88° 18' 45" W. 2632.79' (M), 2632.77' (SP1)
S 88° 18' 42" W 2632.70' (ROS1) (SP2) 2632.30' (ROS2)
S 88° 18' 37" W (R1) S 88° 18' 24"W (R2) (R3)

LEGEND

○	SET ⅝" IRON ROD & PLASTIC CAP MARKED "PLS 20907"	⊕	SET ⅝" IRON ROD & ALUMINUM CAP MARKED "PLS 20907"
▲	SET ½" IRON ROD & PLASTIC CAP MARKED "PLS 20907"	△	SET ½" IRON ROD AND PLASTIC CAP MARKED "PLS 20907" TO BE SET ACCORDING TO THE REQUIREMENTS OF I.C. 50-1303 (SEE INTERIOR MONUMENT CERTIFICATE)
✱	FOUND GOVERNMENT P.L.S.S. MONUMENT (SECTION CORNER)	⊕	SET ⅝" IRON ROD & ALUMINUM CAP MARKED "PLS 20907" TO BE SET ACCORDING TO THE REQUIREMENTS OF I.C. 50-1303 (SEE INTERIOR MONUMENT CERTIFICATE)
✱	FOUND GOVERNMENT P.L.S.S. MONUMENT (SECTION QUARTER CORNER)	◪	FOUND ⅝" IRON ROD AND CAP ILLEGIBLE
○	FOUND GOVERNMENT P.L.S.S. MONUMENT (SECTION CENTER CORNER)		
———	SUBDIVISION BOUNDARY LINE	———	EXISTING BILLBOARD LEASE AGREEMENT PURSUANT TO INST NO'S. 1661591, AND 1661592, JUNE 5TH 2020, LOCATION AND DIMENSION OF LEASE AREA NOT SPECIFIED. LOCATION OF BILLBOARD IS SHOWN ON PLAT
———	ADJOINING DEED LINES		
———	TIE LINES		
———	LOT LINES	——·——·——	EXISTING 35' PRIVATE UTILITY EASEMENT PURSUANT TO INST NO. 984576, DATED: DECEMBER 1ST 1998
——·——·——	SECTION LINE		
- - - - - -	15' STREET FRONTAGE PUBLIC UTILITY EASEMENT (P.U.E.)	——·——·——	EXISTING 20' UTILITY, OVER GROUND DRAINAGE OF NATURAL WATER AND IRRIGATION WATER, FIRE LANE, LOADING ZONE EASEMENT IF NEEDED, PURSUANT TO INST. NO. 746384, DATED: MARCH 24TH 1988
——·——·——	12' PUBLIC UTILITY EASEMENT (P.U.E.)	(****)	SEE BONNEVILLE COUNTY REFERENCE
——·——·——	20' PUBLIC UTILITY EASEMENT (P.U.E.)	(INST)	INSTRUMENT
——— ———	ROAD CENERLINE	(CP&F)	CORNER RECORD AND FILING RECORD
——o——o——	FENCE LINE	(NO.)	NUMBER

(P.U.E.) PUBLIC UTILITY EASEMENT
(FT) FEET (P.O.B.) POINT OF BEGINNING
(AC) ACRE
(M) MEASURED

NORTH SCALE: 1" = 60'
0 60 120 180

ELEVATED LAND SURVEYING

REFERENCES BONNEVILLE COUNTY IDAHO

SP1 -COSTCO SUBDIVISION - KELLY KEHRER PLS 16662 - INST NO.1625732
SP2 -LIBERTY PARK DIVISION NO. 1 - ROBERT JON MEIKLE PLS 8795 - INST NO.1172668
ROS1 - JEREMIAH BIGELO - THOMPSON ENGINEERING - KEVIN THOMPSON PLS 10563 INST NO.1654964
ROS2 - BRAD PICKERING - MOUNTAIN RIVER ENGINEERING - ROBERT JON MEIKLE PLS 8795 - INST NO.978662
R1 - ANNIXATION ORDINANCE NO. 3205 - INST NO.1588919
R2 - WARRANTY DEED - BRAD PICKERING - INST NO.1108960
R3 - QUIT CLAIM DEED - BRAD PICKERING - INST NO.1172179

APEX Engineering, Inc.
661 N. Main St., Spanish Fork, UT
8660
801-796-2277

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PROFESSIONAL LAND SURVEYOR LICENSED 20907 STATE OF IDAHO SPENCER MCCUTCHEON

SUNKISSED PARK DIVISION NO 1
A SUBDIVISION OF THE CITY OF IDAHO FALLS,
LOCATED IN THE SE ¼ OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN
BONNEVILLE COUNTY, IDAHO

DATE: 3-11-2024
LOCATION: IDAHO FALLS, IDAHO
FOR: CONNECT ENGINEERING

DRAWING: 2 OF 2

IDAHO FALLS PLANNING AND ZONING COMMISSION
STAFF REPORT
FINAL PLAT
SUNKISSED PARK DIVISION No. 1
July 11, 2024

IDAHO FALLS
Community Development Services

Applicant: Connect Engineering

Project Manager: David Peterson

Location: Generally, north of Lincoln Rd, east of Pinewood Estates, south of E 26th N, west of N 25th E.

Size: Approximately 7.409
Lots: 6

Existing Zoning:
Site: HC
North: County C-2
South: P, County C-2
East: HC
West: RMH

Existing Land Uses:
Site: Commercial
North: Commercial, Vacant
South: Park, RV Storage
East: Commercial
West: Residential

Future Land Use Map:
Mixed Use Centers and Corridors

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

Requested Action: To **approve** the Final Plat for Sunkissed Park Division No. 1.

History: The south 5.702 acres of the property were annexed in August 2018. A preliminary plat showing the road network and future divisions was approved by the Planning Commission in June 2023 and the north 1.703 acres was annexed in July, 2023.

Staff Comments: The property is currently zoned HC, Highway Commercial. The final plat includes 6 buildable lots on approximately 7.409 acres of land.

Access will come from the south off Lincoln Rd, a principle arterial. Pickering St will be built to industrial road standards with a 70' right of way. A temporary turn around will be provided on the north side of the subdivision. There are no minimum or maximum lot sizes in the HC zone and all lots meet frontage requirements. The final plat is consistent with the preliminary plat, maintaining the street alignment but with fewer lots and removing the cul-de-sac. Access to these lots will meet the requirements of the adopted access management plan.

The Comprehensive Plan designates this area as Mixed-Use Centers and Corridors which identifies areas for mixed use development and regional commercial centers.

Staff Recommendation: Staff has reviewed the final plat and finds that it is consistent with the Comprehensive Plan and complies with the subdivision and zoning ordinances and recommends approval of Sunkissed Park Division No. 1.

Transportation Plan: Lincoln Rd – Principle Arterial, Pickering St – Collector/Industrial

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.	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.	X
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.	X
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	X
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150 ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	N/A
Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	Pickering St - 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.

11-3-6: STANDARDS FOR COMMERCIAL ZONES

(A) Dimensional Standards. Table 11-3-6 Dimensional Standards for Commercial Zones shall be used for determining the minimum site area, minimum site width measured at the setback line, minimum setbacks, maximum building height, maximum lot coverage and maximum gross density in each Commercial Zone.

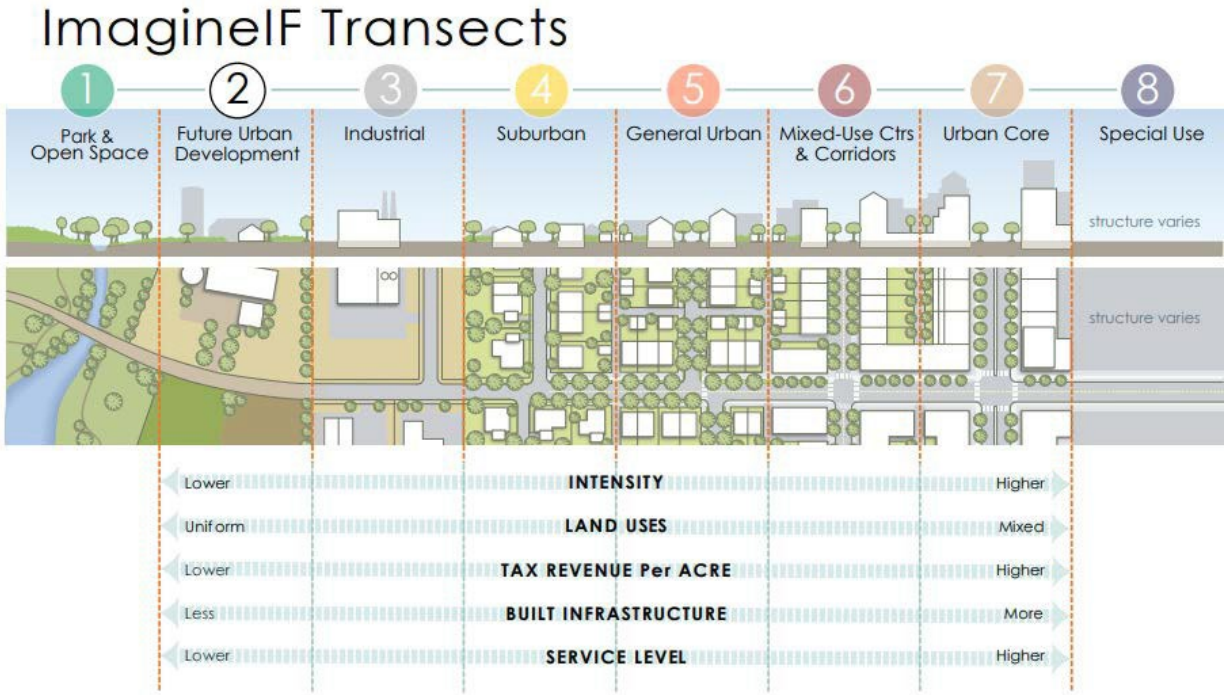
Table 11-3-5: Dimensional Standards for Commercial Zones

	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)

Comprehensive Plan Land Use

Transects: pg. 60-70





6. **Mixed-Use Centers & Corridors**

Snapshot: The Mixed-Use Centers and Corridors Transect denotes areas where people tend to shop, eat and gather. These areas include all housing types but generally at a more intense scale than other areas. These areas also include mixed-use buildings, recreation centers and commercial uses. Mixed-Use Centers and corridors may vary in scale from large, regional commercial centers with supportive housing to smaller commercial pockets called walkable centers that support a well-connected, walkable neighborhood.

Local examples: Northgate Mile and 1st Street corridors, Intersection of 65th South and 5th West, Intersection of Skyline and Broadway, Snake River Landing

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.

Business:

3.PLAT 23-022. FINAL PLAT. Pickering Place Division 1.

Applicant: Ryan Singleton, Connect Engineering, 1925 No. Bramble Lane, Idaho Falls, Idaho. Singleton is presenting the final plat for the first stage of the Pickering subdivision. These are the first 8 lots of a larger subdivision that was looked at in the preliminary plat. The property is located on Lincoln Road next to Costco. The final plat being presented will take place of where the current storage containers sit along Lincoln, and then development will move back into the subdivision.

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

Cantu moved to recommend to the Mayor and City Council approval of the Final Plat for Pickering Place Division Ihler seconded and the motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

APPROVAL OF THE FINAL PLAT OF SUNKISSED PARK DIVISION NO. 1 GENERALLY LOCATED NORTH OF LINCOLND RD, EAST OF WHISPERING PINES DR, SOUTH OF E 24TH N, WEST OF N 25TH E.

WHEREAS, the applicant filed an application for a final plat on August 3, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on October 4, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on July 11, 2024; 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. The property is approximately 7.409 acres generally located north of Lincoln Rd, east of Whispering Pines Dr, south of E 24th N, west of N 25th E.
3. The property is currently zoned HC, Highway Commercial.
4. Access to the subdivision will come from Lincoln Rd.
5. The final plat includes 6 buildable lots and is consistent with the preliminary plat.
6. The final plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance.
7. The final plat 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 _____, 2024

_____

Rebecca L. Noah Casper-Mayor

DEVELOPMENT AGREEMENT
SUNKISSED PARK DIVISION NO. 1

This DEVELOPMENT AGREEMENT SUNKISSED PARK DIVISION NO. 1 ("AGREEMENT"), made this _____ day of _____, 2024, 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 Brad and JoAnne Pickering dba SUNKISS ENTERPRISES ("DEVELOPER"), whose mailing address is 2271 East Lincoln Road, Idaho Falls, Idaho 83401.

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:

_____
Corrin Wilde, City Clerk

CITY OF IDAHO FALLS, IDAHO

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

SUNKISS ENTERPRISES

By _____
Brad Pickering, Owner

SUNKISS ENTERPRISES

By _____
JoAnne Pickering, Owner

STATE OF IDAHO)
) ss.
County of Bonneville)

On this _____day of _____, 2024, 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 Bingham)

HILLORY GROVER
COMMISSION NO. 20232919
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 7/13/2029

On this 10th day of June, 2024, before me, the undersigned, a notary public, in and for said State, personally appeared Brad Pickering, 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.

Hillory Grover
Notary Public of Idaho
(Seal) Residing at: Bingham County
My Commission Expires: 7/13/2029

HILLORY GROVER
COMMISSION NO. 20232919
NOTARY PUBLIC
STATE OF IDAHO
MY COMMISSION EXPIRES 7/13/2029

STATE OF Idaho)
) ss:
County of Bingham)

On this 10th day of June, 2024, before me, the undersigned, a notary public, in and for said State, personally appeared JoAnne Pickering, 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.

Hillory Grover
Notary Public of Idaho
(Seal) Residing at: Bingham County
My Commission Expires: 7/13/2029

EXHIBIT "A"
PROPERTY

LEGAL DESCRIPTION
SUNKISSED PARK DIVISION NO. 1

A PARCEL OF LAND THAT LIES FULLY WITHIN THE SOUTHEAST QUARTER OF SECTION 9, TOWNSHIP 2 NORTH, RANGE 38 EAST, BOISE MERIDIAN. PARCEL OF LAND CONTAINS 7.409 ACRES OF LAND AS DESCIRBED IN THE WARRANTY DEED AS FOUND IN THE BONNNEVILLE COUNTY RECORDER'S OFFICE AS INSTRUMENT NO. 1108960. BASIS OF BEARING IS S88°18'45"W 2632.79 FEET, MEASURED BETWEEN THE FOUND SOUTHEAST CORNER AND THE SOUTH QUARTER CORNER OF SAID SECTION 9. SUBJECT PARCEL MORE PARTICULARLY DESCRIBED AS FOLLOWS.

BEGINNING AT A POINT ON THE NORTHERLY RIGHT-OF-WAY LINE OF LINCOLN ROAD, SAID POINT LIES 54.00 FEET NORTH AND PERPENDICULAR TO THE SECION LINE, SAID POINT LIES 674.55 FEET S88°18'45"W ALONG THE SECTION LINE TO A FOUND IRON ROD AND ILLEGIBLE CAP AND 54.03 FEET N00°18'34"E FROM THE FOUND SOUTHEAST CORNER OF SAID SECTION 9, TO THE TRUE POINT OF BEGINNING;

RUNNING THENCE S88°18'45"W 642.00 FEET ALONG A LINE THAT LIES 54.00 FEET NORTH AND PERPENDICULAR TO THE SAID SECTION LINE TO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHEAST 1/4 OF SAID SECTION 9 AND TO A SET 5/8" IRON ROD AND CAP MARKED "PLS 20907";

THENCE N00°08'38"E 513.66 FEET ALONG THE SAID WEST LINE TO A SET 5/8" IRON ROD MARKED "PLS 20907";

THENCE S89°41'03"E 643.10 FEET TO THE WESTERLY LINE OF THE COSTCO SUBDIVISION AS FOUND IN THE SAID RECORDER'S OFFICE AS INSTRUMENT NO. 1625732 AND TO A SET 5/8" IRON ROD AND CAP MARKED "PLS 20907";

THENCE ALONG THE BOUNDARY LINES OF THE COSTCO SUBDIVISION S00°18'34"W 491.22 FEET TO THE POINT OF BEGINNING.

THE ABOVE DESCIBRED PARCEL OF LAND CONTAINS 322,751 SQUARE FEET OR 7.409 ACRES OF LAND.

EXHIBIT "B"
SPECIAL CONDITIONS

SUNKISSED PARK 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 Lincoln Road. Access to Lincoln Road shall be in accordance with the Bonneville Metropolitan Planning Organization ("BMPO") Access Management Plan.

S.C. 3.00 Lincoln Road Turn Lane Improvements. DEVELOPER shall construct turn lanes as shown on the approved improvement drawings.

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 Eight Thousand Eight Hundred Two Dollars and Thirty Cents ($8,802.30) (2886 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 Construction of Idaho Falls Power and Idaho Falls Fiber Infrastructure. DEVELOPER shall, at DEVELOPER's sole expense, install all power infrastructure as described and illustrated on the Idaho Falls Power approved and signed contractor's map provided and reviewed by Idaho Falls Power. All power infrastructure installation shall conform with Idaho Falls Power's service policy. Typical power trench installation shall have a warranty of workmanship of one (1) year beginning at the time of CITY's final acceptance. However, if power infrastructure is installed during winter conditions (where frost is evident in the ground and backfill has the potential to be frozen earth) the warranty of workmanship shall be extended to two (2) full years beginning at the time of CITY's final acceptance. DEVELOPER shall incur all costs associated with Idaho Falls Power/Idaho Falls Fiber crews removing infrastructure in order to remedy settling. This includes, but is not limited to, all settlement of trenching, transformer bases, fiber boxes, and/or conduit separation.

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 Lincoln Road. CITY agrees to allow DEVELOPER to connect to the water main located in Applewood Way, subject to DEVELOPER's payment of the water main connection fees in the amount of Twenty-Nine Thousand Five hundred Ninety-Six Dollars and Twenty Cents ($29,596.20; 642 feet currently at $46.10 per foot), pursuant to section 8-4-14 (C) of the City Code. Mainline connection fee costs are subject to adjustment when CITY's fee resolution is adjusted from time to time by City Council. This fee amount is subject to fee adjustments at time of building permit application. 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.

Memorandum

File #: 24-273 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Tuesday, June 25, 2024
DEPARTMENT: Community Development Services

Subject
Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East.

Council Action Desired
☒ Ordinance ☒ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Ordinance annexing approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East; assign a Comprehensive Plan Designation of "Suburban Transect;" and under a suspension of the rules requiring three complete and separate readings, request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose
Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with the Limited Development Airport Overlay and the Controlled Development Airport Overlay Zones which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East. On May 7, 2024, the Planning Commission voted to recommend approval of the annexation with initial zoning of R1, Single Dwelling Residential with the Limited Development Airport Overlay and Controlled Development Airport Overlay Zones to the Mayor and City Council with a vote of 3-2.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

Successful annexation consideration seeks consistency with the principles of the Comprehensive Plan, including Growth, Sustainability, and Livable Communities.

Interdepartmental Coordination
The annexation legal description has been reviewed for accuracy by professional surveyors in the Public Works Engineering Division.

Fiscal Impact
NA

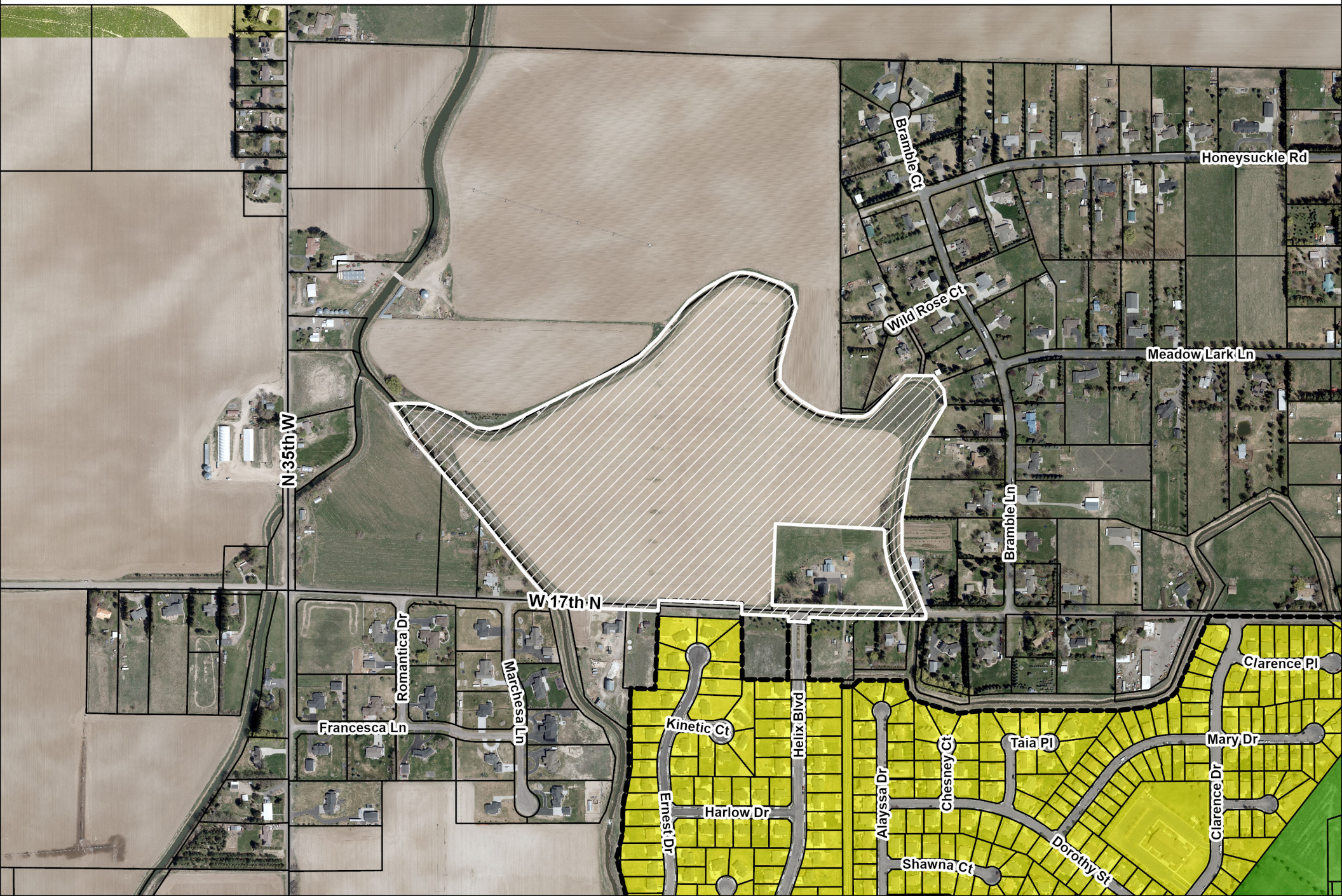
Legal Review
This application and ordinance have been reviewed by the Legal Department for consistency with state statues.

Zoning

ANX24-003 Initial Zoning R2 with Airport Overlay

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

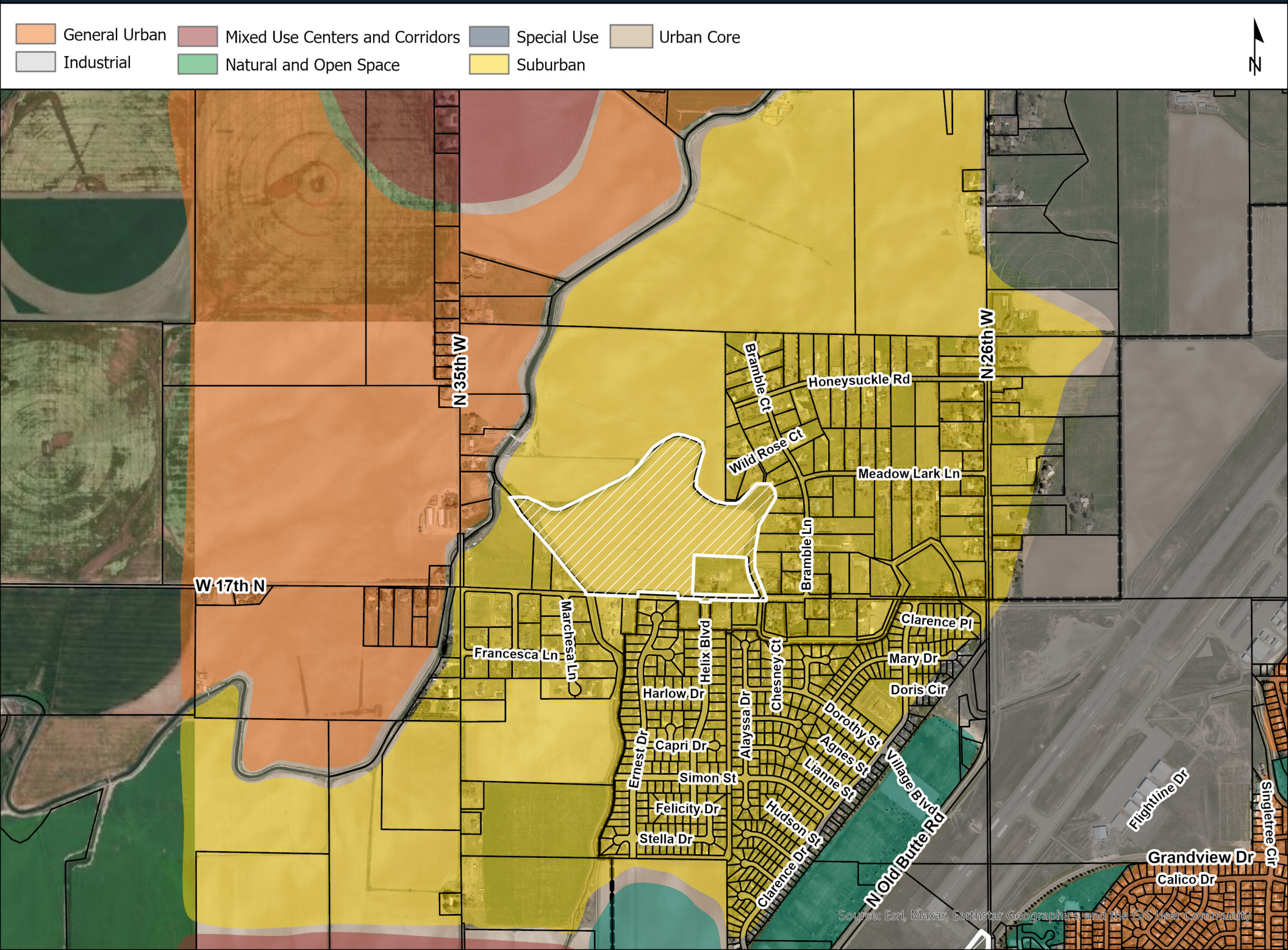
RP R2 RMH R3A CC HC LM P




Aerial
ANX24-003 Initial Zoning R2 with Airport Overlay
W 33rd N
N 35th W
N 26th W
Bramble Ct
Honeysuckle Rd
Wild Rose Ct
Meadow Lark Ln
Bramble Ln
W 17th N
Marchesa Ln
Francesca Ln
Helix Blvd
Harlow Dr
Chesney Ct
Clarence Pl
Mary Dr
Doris Cir
Dorothy St
Agnes St
Village Blvd
Alayssa Dr
Ernest Dr
Capri Dr
Simon St
Felicity Dr
Stella Dr
Liame St
Hudson St
Clarence Dr
N Old Butte Rd
Flightline Dr
Grandview Dr
Calico Dr
Singletree Cir
Singletree Ln
Coachman Dr
Burtboard Ln
Neptune Dr
Moonrite Dr
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Comprehensive Plan

ANX24-003 Initial Zoning R2 with Airport Overlay



11-2-3: ALLOWED USES IN RESIDENTIAL ZONES.

Table 11-2-1: Allowed Uses in Residential Zones

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

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

	Residential							
Proposed Land Use Classification	**RE**	**RP**	**R1**	**R2**	**TN**	**RMH**	**R3**	**R3A**
Accessory Use	P	P	P	P	P	P	P	P
Agriculture*	P							
Animal Care Clinic*					P*			P
Artist Studio					P*			
Bed and Breakfast*								P
Boarding /Rooming House							P	P
Day Care, Center*			C_2	P	P		P	P
Day Care, Group*	C_1		C_1	P	P	C_1	P	P
Day Care, Home	C_1		C_1	P	P	C_1	P	P
Dwelling, Accessory Unit*	P	P	P	P	P	P	P	P
Dwelling, Multi-Unit*				P*	P		P	P
Dwelling, Multi-Unit Attached*				P	P		P	P
Dwelling, Single Unit Attached*			P	P	P	P	P	P
Dwelling, Single Unit Detached	P	P	P	P	P	P	P	P
Dwelling, Two Unit				P	P		P	P
Eating Establishment, Limited					P*			P
Financial Institutions					P*			P
Food Processing, Small Scale					P*			P
Food Store					P*			P
Fuel Station					P*			
Health Care and Social Services					P*			P
Home Occupation*	C_1		C_1	C_1	C_1	C_1	C_1	C_1
Information Technology								P
Laundry and Dry Cleaning					P*			P
Live-Work*					C_1			P
Manufactured Home*	P	P	P	P	P	P	P	P
Mobile Home Park*						P		C_2
Mortuary								P
Park and Recreation Facility*	P	P	P	P	P	P	P	P
Parking Facility								P
Personal Service					P*			P
Planned Unit Development*	C_3	C_3	C_3	C_3	C_3	C_3	C_3	C_3
Professional Service					P			P
Public Service Facility*	C_2	C_2	C_2	C_2	C_2	C_2	C_2	C_2
Public Service Facility, Limited	P	P	P	P	P	P	P	P
Public Service Use								P

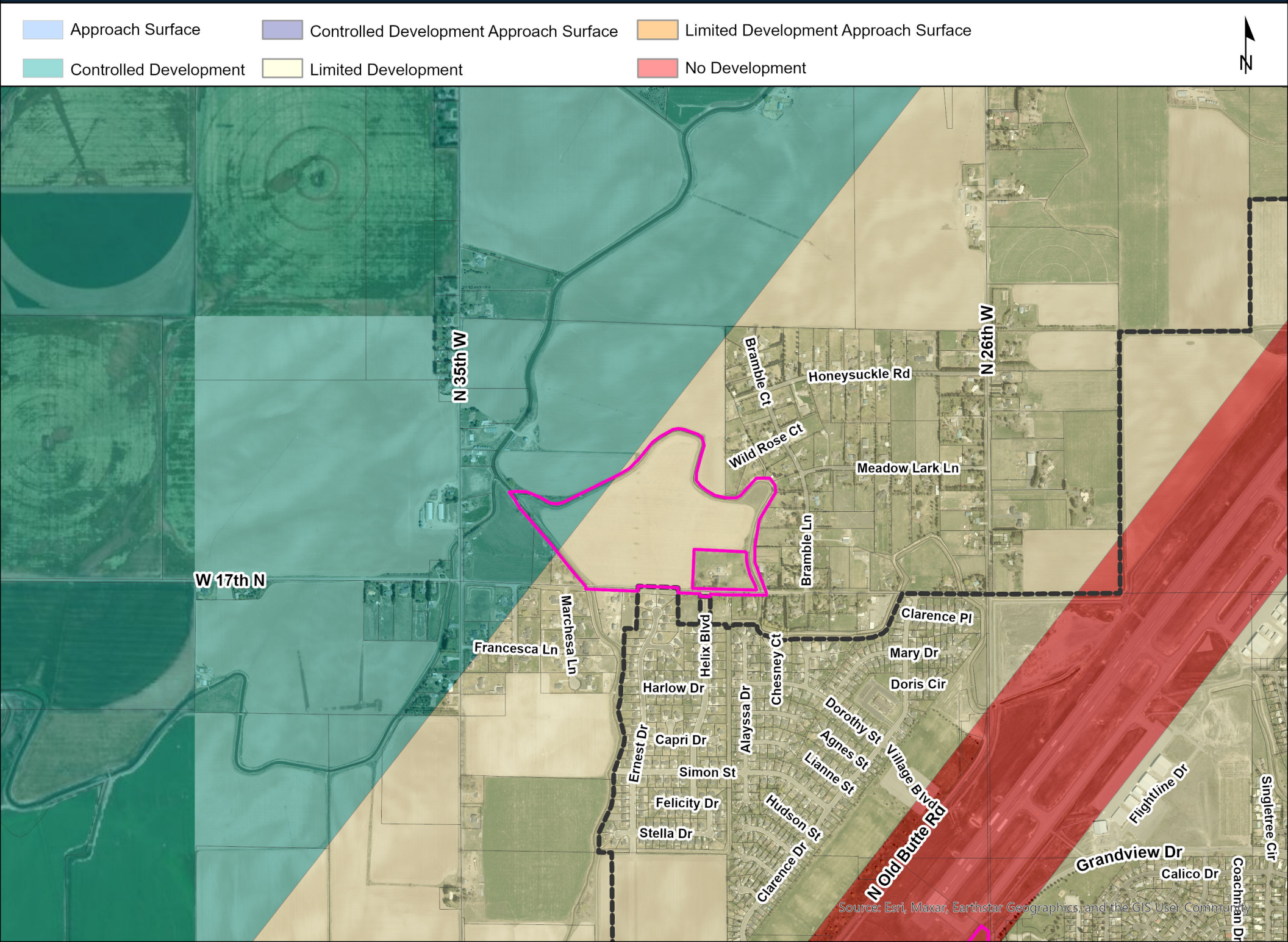
Proposed Land Use Classification	RE	RP	R1	R2	TN	RMH	R3	R3A
Recreational Vehicle Park*						P		
Religious Institution*	C_2	C_2	C_2	C_2	C_2	C_2	C_2	C_2
Residential Care Facility							P	P
Retail					P*			C_2
School	C_2	C_2	C_2	C_2	C_2	C_2	C_2	C_2
Short Term Rental*	P	P	P	P	P	P	P	P
Transit Station								P

(Ord. 3218, 9-13-18) (Ord. 3358, 12-10-20) (Ord. 3451, 3-31-22) (Ord. 3458, 4-14-22)

(Ord. 3496, 12-8-22)

Airport Compatible Land Use

ANX24-003 Initial Zoning R1, R2, R3 with Airport Overlay



May 7, 2024 7:00 p.m. Planning Department

City Annex Council Chambers

MEMBERS PRESENT: Commissioners Glen Ogden, Forrest Ihler, Bill Scott, Arnold Cantu, Marsha McDaniel

MEMBERS ABSENT: Kristi Brower, Dale Storer

ALSO PRESENT: Assistant Planning Director Kerri Beutler, David Peterson Planner, Naysha Foster Planner, Jacob Beck, Esq, Assistant City Attorney, and interested citizens.

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

MINUTES: Cantu moved to accept the minutes of April 2, 2024, Ihler seconded the motion. The motion passed unanimously.

Public Hearing:

3. ANNX 24-003: ANNEXATION/INITIAL ZONING. Annexation with an initial zoning of R2 for approximately 52.61 Acres.

Ogden opened the public hearing.

Applicant: HLE, Gilmore Jenkins, 101 South Park Ave., Idaho Falls. Jenkins stated that the lot is located west of the Airport, on the north side of 17th N and has canals on W, N E sides. The total acreage is 52.61 acres, and the lot is smaller than that closer to 50 acres, but the additional right of way being annexed totals 52.61. The initial zoning requested is R2. Jenkins feels this zoning request fits within the suburban transect of the Comprehensive Plan and R2 allows flexibility in lot size so they can have odd, shaped lots when they do a preliminary plat. The R2 zone allows 6,000 square foot lot instead of the R1 7000 minimum and does not have a maximum lot size. Jenkins stated that there are City utilities near enough to extend without much difficulty to serve the property (sewer, water, power). R2 does allow 17 units per acre, but with the odd shape of this property they cannot stick to square roads and square lots. R1 allows 8 units per acre and the R2 layout will be closer to 8 units per acre because of the shape and usability.

Ogden stated that R1 is 6 units per acre and 6,000 or 7,000 square foot minimum lot size is a difference of 1/5 acre, but the bigger reason for R2 is to eliminate the need for 13,500 maximum lot size because of uniqueness in the property. Ogden asked if that is the potential for some of the odd peninsula areas. There are some plans for the developer to have some with PUD and larger landscape areas for the development. The larger lots available for open areas is desired. Ogden asked if they couldn't dedicate a couple of the lots for the same purpose. Jenkins stated that is a possibility.

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

Ihler asked if this area is considered in the area of impact. Foster stated it is not within the area of impact, and they can annex outside of the area of impact.

Scott asked if any of the property that is contiguous zoned R2. Foster stated that the lot is contiguous to the City limits to the South, which is R1, and the rest is County.

Support/Opposition:

Ogden stated that they did receive written comments and they have spent a lot of time reading the comments for formulating thoughts for the hearing. Ogden stated that the comments are part of the public record, and the minutes and outcome will go to the City Council, and it is not necessary to repeat their comment if they submitted a written comment. Ogden wanted to address that the schools and density of schools is not something that the Planning and Zoning Commission can take into consideration and there is a different mechanism that legislation has put in place to manage schools and crowding over development. The planning commission cannot deny a request for annexation and development because a bond hasn't passed. Ogden

would like to lobby the legislature to change that mechanism, and a different mechanism to grow schools is needed. Ogden stated that the road situation is not something they can take into consideration and the developer will be required to widen 17th North in front of their property. Roads happen with development. Ogden stated that there were comments about this parcel being brought up in another prior public meeting, however this is a new request, and they cannot address any prior issues in this request and it has to stand on its own merits.

Foster stated that they are not to consider the old meeting as the Comprehensive Plan has changed since the last time this property was brought for consideration.

Bryon Reed, 2277 North 35th West, Idaho Falls, Idaho. Reed owns the 80-acre parcel north of this proposed development and the property to the east and property further to the north. The 80 acres that this adjoins is important to his business and it is the farm headquarters that supports all of the other farming operations. Reed was surprised that this did come as an R2 request as it is in conflict with the Comprehensive Plan in several areas. This is in Area 3 of the new Comprehensive Plan that was recently updated. Reed stated that Table 5.8 of the Comprehensive Plan states that higher density housing is allowed near major intersections, and this is not near any major intersections. The closest major intersection is Highway 20 and Highway 26 west by the soccer property and that is over 2 miles away and you'd have to go 3 miles to get to any real services. Reed stated that that the next area in Comprehensive Plan states that "housing units should be developed within ¼ and ½ miles of identified walkable centers" and this is not near any of those things. Reed stated that the housing plan talks about neighborhood character and Action 2 of the Comprehensive Plan stated that you "should focus on infill development rather than sprawl to reduce consumption of agricultural land". This is the complete opposite of infill, this is sprawl, it goes outside of area of impact, not infill, does affect productive farmland in the County. Reed stated that when they consider the consumption of farmland you need to consider the adjacent and adjoining farmland as well because it affects it. Reed has farmed the 80 acres adjacent to the RA2 County zoning with large County lots and he has never received complaints for the farming operations with dust and noise and other agricultural things. Reed stated that on the reverse side he farms land that is south of the soccer complex across Highway 20 and west of the Old Butte extension and to the east there were fourplexes built there 12 years ago and the first crop year after those were built, the first time they were putting on aerial application fertilizer the company received a complaint from one of the renters of the fourplexes and threatened a law suit and since that time the ability to grow different crops has changed on that land and they continue to get complaints. The fourplexes are infill and near major intersection and next to City services. Reed understands that those fourplexes are in conformity for the area, and they can conform to continue to farm in that area, but this proposal does not conform. Reed did a glance of property available for R2 zoning and there are multiple parcels that infill could be done to accommodate more R2 type development. Reed stated that there was a preliminary plat for this over a year ago, and it had fourplexes, dense housing, which he understands they would need to have density in order to pay for the development, and in part of the preliminary plat it and showed a road going to the north which is into his property. It makes sense to connect roadways for future growth, but unfortunately in this situation this parcel is forever land locked. This year the Idaho Legislature passed House Bill 608 which is agricultural protection zone. That requires counties to create ag protection zone and farmers can put their land in this zone and if you put your land in this zone, it ties the land up for 20 years minimum, with an extension on it, and when it goes into that zone there can never in those 20 years be further development, no condemnation for right of way, and it protects the land. Reed's land to the north (80 acres), the land to the east (160 acres) and further north (160 acres) will all go to the ag protection zone. The Legislation goes into effect July 1 and the County will have this zone available to sign up for this fall this subject property will be landlocked. Reed stated that at the time the Comprehensive Plan was developed the Ag protection zone didn't exist, but now it does. Reed assured the Commission that for the next 40 years and beyond that if his heirs follow his Will, the land surrounding this subject property will forever be in an ag protection zone and never be developed. Reed feels this proposal is in the wrong place. If this were an R1 or an RA1 there wouldn't be a problem or a major concern. Reed understands that the property owner has rights to develop his property. The rights of a property owner need to be able to conform to adjacent land use. R2 does not conform with RA1 to the east. Reed indicated that the area in front of the proposed subdivision would be widened, but the rest of the traffic will dump into narrow

County roads that will not be widened, and the County parcels near this subject property do not receive services that will accommodate that many residents.

Brad George, 3207 W 17th North, Idaho Falls, Idaho. George stated that showing future commercial nodes on 35th W and 33rd North is not going to happen as the Farmer in the area are not going to comply. The farmers just put up a $1 million cellar to the north that has a 100-year life span. The Comprehensive Plan is "Pie in the Sky" from the standpoint of Osgood and commercial nodes. If the farmers thought there was good commercial potential for the area, they wouldn't have built a cellar. The developer is using the neighbors to annex their land for the roadway. George asked if the City is intending to annex with adverse possession. George stated that Silver Leaf is zoned R1 and if they took planning and zoning professionals from across the Country and had them walk that subdivision and then look at the zoning categories, everyone would say that RP should be the designation because of the density, lot size and the highest density designation adjacent to this proposed development is RP and the rest of the property that is developed in the area would be RE. The density adjacent, excluding the farmland, is 1 residence to 2 acres. The density increases of 35x for this subject property. Once it is zoned R2 they are able to maximize that density. George stated that everyone says they are going to put in parks and walkways and sometimes it happens. The shape of the land as a determination on an R2 zone is a terrible justification and reason to go to R2. That is not anyone's concern besides the property owner. R2 is the only way they can make money because of the shape of the land. George stated that he owns land to the south and they all object to having 50' of annexation of their property to widen the road. George stated that treating 17th N as a major corridor puts the existing homes close to the road.

Ernie Tate 2265 N 26th West, Idaho Falls, Idaho. Tate stated that part of the justification for annexation is the subject property being contiguous to the property across 17th N to the south, and had it not been for the law that Reed brought up, they would be now, by annexing the subject property, make it contiguous to the ground to the north. Tate questioned the fact that North 17th is not a major collector as it is poorly maintained in the winter and 35th West might be. Tate stated that the intent to change this to R2 does not meet the criteria or the intent of the County Comprehensive Plan. Tate is not opposed to growth and if they were to follow the County Comprehensive Plan and put 3 houses per acre, he'd have no problem. Tate stated that if the City of Idaho Falls is turning into apartments all over. Apartments are not needed in that area. Tate stated that problems can come with the influx of people with apartments.

Jared Tate 1740 N. Bramble, Idaho Falls, Idaho (corner of Bramble and W 17th N). Tate stated he bought the house 6 years ago, and it was a quiet County neighborhood and then the subdivisions that the City put in made the growth exponential and his sprinklers are run over every year, there is no sidewalk, the road is narrow. The majority of the people in the City Subdivision use W17th North, and this winter was bad because the County quit plowing. It took him 3 hours to replace sprinkler heads because there was so much traffic. 265 new units in a proposed subdivision could potentially be 500 new vehicles moving down that road, and the road cannot handle it. The developer only has to widen the portion of his section and 80% will not be widened. Tate stated that he works from home and there is significantly more traffic than the road can handle now.

Joseph Belloff, 1735 N. Bramble Lane, Idaho Falls, Idaho. Belloff stated that Idaho Land Holdings of Jackson Wyoming wants to develop a multi-family project, which will include fourplex units, and the residents of the County area are of the opinion that a 52-acre apartment project will cause a sudden radical change to the neighborhood. The 2013 City of Idaho Falls Land Use Plan shows the area surrounding the subject 52 acres as low-density estate housing. The staff report identified these 52 acres as being in the Suburban Transect. Silver Leaf is in the suburban transect, Stone Brook and South Point are all composed of single unit dwellings and would be identified by the present zoning designation as RP Zone. All developments north of Highway 20 and west of the airport are single family-owned occupied housing. Belloff stated that Idaho Land Holdings of Jackson Wyoming is proposing that the J Bar J subdivision to be developed on this 52-acre parcel consisting of single-family duplex, and fourplex townhomes, with a total of 265 units. Imagine IF stated that Linden Trails is a textbook example of a general urban transect. The developer of Linden Trail Subdivision is Idaho Land Holdings of Jackson Wyoming. Imagine IF suggests that a general urban transect should be located near a new walkable center and have commercial services. The closest area that fulfills this criterion is located closer to the urban core of Idaho Falls approximately 2 miles southeast. The proposed J Bar J development does not belong in a suburban transect. Imagine IF's vision for suburban transect aims to have a mix of different

housing types and not be exclusively detached single units. Belloff quoted from the staff report stating that an R2 Zone would be necessary in order to achieve housing types beyond single dwelling units. That is not entirely correct as R1 does allow for attached dwelling units. Because the 52-acre plan is outside of the area of impact, the implementation of the Comprehensive Plan is subject to aspirational interpretation of the Imagine IF document. The plan is not an aid to land use and it is not a blueprint. Imagine IF on page 58-59 states no neighborhood should experience sudden and radical change, and the degrees of change should be smaller incremental change to reinforce the scale of the area. Although the City needs to rethink how it grows and develops it needs to be aware of how change can cause concerns in existing neighborhoods. Belloff quoted from the September 26 Staff report.

Ogden stated that Belloff cannot quote from the prior meeting on this parcel, and his comments about the prior meeting should be eliminated and stricken from the record.

Belloff stated that the book Missing Middle Housing states that the desired degree of change should be based on input from the local community. the potential positive recommendation for R2 zone to be placed on this parcel which would allow for a density of up to 17units per acre, would be inconsistent with the Imagine IF vision and inflict radical changes to the surrounding neighborhoods. Belloff requests that they deny the request for the R2 zone.

Bryan Heyrend, 3012 W Wild Rose, Idaho Falls, Idaho. His back yard faces this property. Heyrend stated that he has seen change over the years. The road is County. Heyrend stated that things need planned out and thought out. Old Butte and 17th North are narrow and not well maintained. Even with development and that developed portion is widened, that still puts pressure on Old Butte and 17th North. Heyrend stated that they have a lot of bicyclists and families with kids walking along the road and people walk dogs. It is congested and you have to be careful, and this development will create a safety problem. Heyrend is not opposed to planned out incremental growth between County and City. Heyrend opposes this development.

Brian Grosse 2430 N. Bramble, Idaho Falls, Idaho. Grosse did not submit written comments and he is opposed to the R2 designation zoning. The higher density is concerning to him for all the reasons already stated. Grosse stated that travel from his subdivision would be more difficult. Grosse does not want this to be developed at high density. Grosse stated that there was admission that the development would be 8 units per acre and R1 allows 6 units, so zone R1.

Dennis Rainey, 180 County Road 199, Etna, Wyoming, Development Team. Rainey stated that it is not about development, but about annexation for R2 zoning. Rainey stated that he hears discussion about development, and that is not what the hearing is about, but what they have in mind is 5-6 units per acre, and the R2 allows affordability, not consume the farmland. Rainey thinks the City has addressed this through bonds, levies, and impact fees. They want to couple the development side and the annexation and R2 is the answer because the Comprehensive Plan allows for mixed use. They want single family lots, twin homes, and individually platted town homes with 4 to a building getting them to 5-6 units per acre. They request that they approve the application as requested.

Todd Sorensen, 2895 West 17th North, Idaho Falls, Idaho. Sorensen stated that this property zoned R2 would not be consistent with anything around it, and it would be inconsistent with the surrounding property and the Comprehensive Plan.

Kelly George 3207 W 17thN, Idaho Falls, Idaho. George stated that the applicant appears to be taking other people's property to widen the road, and her concern is with the bridge, as the bridge is not built for the type of traffic. She cannot tell with the map that they have been provided if they will take care of the bridge. There are concerns with what they want to do with the R2. There is a reason why everyone that lives there is concerned about the high number of families in an R2 zone.

Sherri Clark 1644 North Marchesa, Idaho Falls, Idaho. Her home would be across the street from this development and once this is rezoned it doesn't have to be built to the specs that the developer is stating. Once it's zoned they can do what they want within that zone. Clark stated that there are not plans submitted and that

bothers her because there is nothing to keep them to what they are saying they will do. Clark does not feel that this is about a rezone but keeping them to what they are stating they want to build.

Amanda Belloff, 771 N 35th West, Idaho Falls, Idaho. Belloff stated that if it was R1 you wouldn't' have as many people at the meeting tonight. R1 gives growth that the City wants but stays away from and avoids the high density of fourplexes that an R2 allows.

Donnie Tapp 3173 West 17th North, Idaho Falls, Idaho. Tapp stated his yard is one of the yards that is proposed to become part of the road to support the ability to have the property develop. Tapp stated that 99.6 % of the land surrounding this property is County and that leaves .4 % contiguous with Silver Leaf that is R1 and R2 would be 7x as dense as Silver Leaf.

Brian Brussman 35th West, Idaho Falls, Idaho. Brussman stated that they had to call police at one time recently and for the police to respond took 45 minutes and that needs to be considered with the higher density.

Applicant: HLE, Gilbert Jenkins, 101 Park Avenue, Idaho Falls, Idaho. Jenkins stated that they are seeking R2 zone and that is considered medium density. Jenkins stated that R2 has the housing flexibility that they are seeking. The density goals of the development, and still allow for open areas and allow for the development to be a mix of unit types and price points R2 is a necessity. Some open areas will be massive storm water retention ponds. There was talk about not being held to what is being said if they are zoned R2. Jenkins stated that once they are through the annexation and zoning, they have to go through a preliminary plat process and there will be another meeting. They want to take advantage of the R2 flexibility to reach their goals and vision for this part of the world.

Dennis Rainey. Rainey stated that the concerns of drastic change are no true, as a project like this would take 5 years to complete and so it wouldn't be anything drastic. They have been building Idaho Falls since 2010 and they know what it takes, and it is more of a struggle than it's ever been. They are confident that it will be a gradual process. Rainey stated that they are not bad people, and they can get along. Change is hard to accept, but it is the reality.

Beutler wanted to clarify points of staff. Beutler stated that the questions of annexation of the right of way and what is proposed for annexation is just the annexation of the prescriptive County right of way, and not other people's property. They met with Bonneville County last week to discuss this property. Beutler stated that they will annex the road right of way. Tonight are two decisions 1 should this parcel be within the City and what is the appropriate zoning designation. Other comments about future development should be considered.

Ernie Tate 2265 N 26th West, Idaho Falls, Idaho. Tate stated that the decision will be made to annex or not tonight, but contrary to the comment of the developer, but once its annexed and changed to R2, then it doesn't matter what future meetings, and what done is done. Tate disapproves of the R2 zone.

Brad George, 3207 W 17th North, Idaho Falls, Idaho. George stated that according to the map, they are taking 50' from the center line of the road and Prescriptive is 25 feet from the center line, and the map is showing 50' from the center line.

Clint Jolley, 101 South Park Ave, Idaho Falls, Idaho. Jolley stated that it does show 50' but it shows it from the south side of the road, so it would be the full 50' of the road. George stated that it matches the fence line from the City which is 50' off the center of the road. Jolley showed a jog near Silver Leaf and what Silver Leaf had to annex on the opposite side of the road from their side. Jolley stated that it is not a fence line, it is a section line.

Ogden closed the public hearing.

Scott stated that there is no justification for R2 as it can be developed as R1 and R2 seems out of place.

McDaniel stated that she has heard the comments and taken notes, but it appears that the request is in compliance with the plans and ordinances and seems straight forward.

Ihler is usually black and white on things, but this one is tricky because he agrees with multiple points on both sides. Ihler has heard from Mr. Reed how they need to preserve farmland, and it is important to do so. Ihler stated that this is contiguous to the City of Idaho Falls and the difference between R1 and R2 is not much of a difference, and they are both considered suburban. The Comprehensive Plan was agreed upon by the Planning Commission and City Council and had input from the members of the City of Idaho Falls. Ihler stated that this property is going to have development and single-family neighborhoods are a drain on City infrastructure and they do not bring in the taxes needed to support neighborhoods. Medium and higher density brings in more taxes than single family neighborhood. Ihler doesn't like that there is a single family right next door with Silver Leaf. Ihler stated that to help cover the expenses of that neighborhood when it needs to start replacing roads and sewer lines, it needs to have a higher tax base and that is why he thinks an R2 is appropriate for this area. Ihler stated that he doesn't think that high apartments, and high crime will be the case. The rents are higher than most people's mortgages and so if you want to talk about socioeconomics, it doesn't compute. Ihler stated that it does follow the Comprehensive Plan and Ordinances, and there are no grounds to deny this application.

Cantu stated that this does align with the Comprehensive Plan, but as he's said in previous meetings, he feels that the City is losing its rural identity and rural integrity. Higher density in a rural area doesn't make sense and he doesn't see the justification for it.

Ogden stated that this is an annexation question and a zoning designation along with the annexation. What the property is developed to once it is annexed and approved is a different meeting. Ogden stated that whatever zoning designation put on the property is the zoning designation and the property developer is allowed to do whatever complies with that designation. Ogden stated that this is the once chance to get it right. If they look at the Comprehensive Plan the entire parcel is in the suburban transect, however per the Imagine IF they have stated that they would not have abrupt change and from a County zoning A1 adjacent to R2 is abrupt. The fact that if they were looking at a spot zone of the parcel that is already part of the City, the rules would indicate that it has to comply or be contiguous to another zone similar to it, and the fact that there isn't anything around it that isn't already R2 is concerning. The contiguous parcel on a very small portion of that property is R1. Ogden can go R1.

Ogden stated that they are allowed to vote and accept the proposal as submitted with an R2 designation. They can entertain a motion to change and recommend a different zone. Ogden stated that the only outlets are 17th North it is insufficient property for R2 Zone. One of the things that everyone should be aware of is with the development they would have a traffic study and 100 units would require that. That traffic study would impact all the way to 35th West and the intersections. Development brings road construction and improvements. Ogden doesn't want to deny, but rather has a motion for a change on the application to an R1 designation.

Storer asked if they can do that. Ogden stated that they can suggest a different zone. Ogden stated that this is a recommending body and whatever the Planning Commission decides is not final. It will go to the City Council after this, there is another public hearing.

Ogden moved to recommend to the Mayor and City Council approval of the Annexation of 52.61 Acres in the South ½ of Section 10, and the North ½ of Section 15, T 2 N, R 37 E, with Initial Zoning of R1 with the Airport Overlay Zones. Cantu seconded the motion.

McDaniel asked if the applicant could reapply for R2. Ogden stated that they cannot go back to Planning and Zoning, but they can make their argument to City Council. Beutler agreed that they will forward their annexation request as is, with the Commission's motion and recommendation.

Ihler stated that City Council does read all of the Commissioner's comments and the reasons why they vote yes or no.

Ogden called for roll call vote: Scott, yes; Ihler, no; Ogden, yes; Cantu, yes; McDaniel, No. The motion passed 3-2.

STAFF REPORT

ANNEXATION OF 52.229 ACRES IN THE SOUTH ½ OF SECTION 10, AND THE NORTH ½ OF SECTION 15, T 2N, R 37E
INITIAL ZONING OF R2, MIXED RESIDENTIAL WITH THE AIRPORT OVERLAY ZONES
July 11, 2024

IDAHO FALLS

Community Development Services

Applicant: HLE

Project Manager: Naysha Foster

Location: North of W17th N, east of the Great Western Canal, south of the New Sweden Canal, west of Bramble Ln.

Size: Approximately 52.229 AC.

Zoning:
Existing: County A-1
North: County A-1
South: County A-1 & City R1
East: County RA-2
West: County A-1

Proposed Zoning: R2

Existing Land Uses:
Site: Ag
North: Ag
South: Res
East: Res
West: Res/Ag

Future Land Use Map:
Suburban

Attachments:
1. Comprehensive Plan Policies
2. Zoning Information
3. Allowed Uses
4. Maps & Aerial Photos

Requested Action: To **approve** the annexation and initial zoning of R2, Mixed Residential with Airport Overlay Zones of Limited Development and Controlled Development.

Annexation: This is a Category "A" annexation as it is requested by the property owner. The property is outside the Area of Impact, however contiguous to City limits along the south property line, across W 17th N. and is included in the Comprehensive Plan. Annexation of the property is consistent with the policies of the City's Comprehensive Plan.

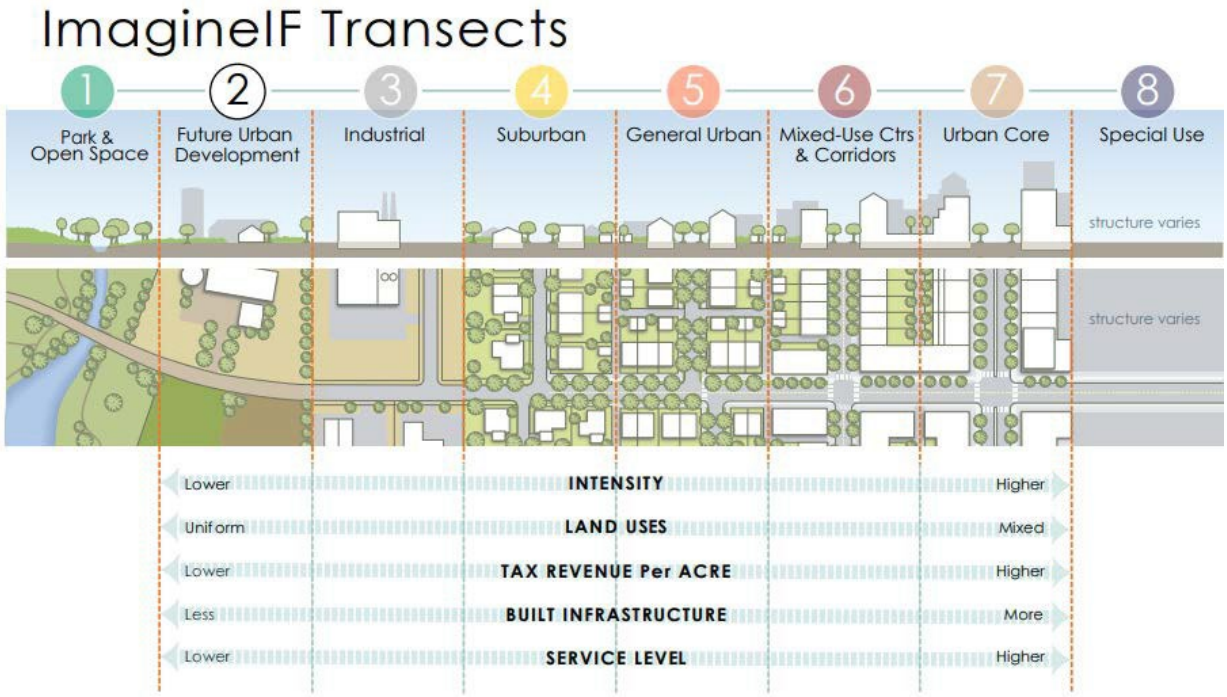
Initial Zoning: The proposed zoning is R2, Mixed Residential with the Limited Development Airport Overlay Zones. The R2 Zone provides a residential zone characterized by smaller lots and dwellings with more compact and dense residential development compared to lower density zones. The R2 Zoning is a medium density zone of 17 units per acre and requires a minimum lot size of 6,000 square feet. Most of the property is in the Limited Development Airport Overlay Zone that allows for the same uses permitted in the R2 Zone. A corner of the west side of the property is in the Controlled Development Airport Overlay Zone which has height restrictions of 5,000 to 10,000 feet. Both Zones allow for residential development.

Staff Comments: The R2 Zone fits well within the Suburban transect of the Comprehensive Plan, allowing for various hosing types and price points. The Suburban transect specifically states the area should not be exclusively detached single-dwelling units. The R2 Zoning offers more flexibility to develop the property to meet the vision of the Suburban transect. An R2 Zone would be necessary in order to achieve housing types beyond single unit dwellings. This property will need to be platted before development occurs and utilities are in the vicinity. The location of the property and proposed zone conforms to the Suburban transect with easy vehicular access to regional commercial services and daily household needs. The Comprehensive Plan also shows a future commercial node just north of this property at the intersection of N 35th W and W 33rd N as well as the intersection of N 35th W and Broadway. The property has frontage on W 17th N, a Major Collector.

Staff Recommendation: Staff has reviewed the annexation and initial zoning application and finds that it is consistent the Comprehensive Zoning Code and the City's Comprehensive Plan and recommends approval of the annexation and initial zoning of the R2 Zone, with Airport Overlay Zones. The Planning and Zoning Commission recommended approval of the annexation and initial zoning of R1.

Comprehensive Plan Land Use Transects:

pg. 60-70





4. **Suburban**

Snapshot: The Suburban Transect denotes existing or planned residential areas in close proximity to or with easy vehicular access to regional commercial service areas that provide daily household needs. These areas contain various housing types, generally including detached and attached single-unit dwellings, accessory dwelling units, duplexes and triplex and fourplex units at a house scale. Residential development should include a mix of housing types, price points and sizes and should not be exclusively detached single-dwelling units. These areas could also include parks, schools, churches and small commercial nodes adjacent to major roadways. Curvilinear streets and cul-de-sacs are common. Although existing road patterns and lot sizes have created low levels of connectivity and convenience to services, opportunities to increase these features should be identified and planned for.

Local examples: Silverleaf, Mill Run, Fairway Estates, Ivan's Acres, Shamrock Park, Home Ranch, Stonebrook, Brookside and Southpoint Subdivisions

Comprehensive Plan Policies:

Imagining Area 3

Table 5.8 Area 3 Housing

Area 3				
Theme	**Issues**	**Objectives**	**Actions**	
Housing	1. Affordability and Availability	A. Diversify of Housing Stock	**Action 1:** Allow higher density housing on the perimeter of neighborhoods and near major intersections.	◑$
			Action 2: Increase housing units, especially within 1/4 - 1/2 miles of identified walkable centers and neighborhood crossroads.	◕$
			Action 3: Explore Form-Base Regulations to diversify housing options with open space requirements.	◔$
	2. Neighborhood Character	A. Build Community and Neighborhood Capacities	**Action 1:** Foster and encourage the creation of neighborhood committees or associations to collaborate and facilitate neighborhood events and programs.	◑$
			Action 2: Focus on infill development rather than sprawl to reduce the consumption of agricultural land.	◑$

Time Frame: ◔Short ◑Medium ◕ Long
Cost: $Low $$ Medium $$$ High

Table 5.9 Area 3 Transportation and Connectivity

Area 3				
Theme	**Issues**	**Objectives**	**Actions**	
Transportation & Connectivity	1. Lack of Walkable Centers	A. Identify and Create Areas and Routes for Walkable Centers	**Action 1:** Work with neighborhoods to identify existing or potential walkable centers as identified in the MMH reports and neighborhood feedback.	◑$
	2. Lack of Alternative Modes of Transportation	A. Improve Bicycle and Pedestrian Network	**Action 1:** Continue efforts to expand the Riverwalk along the Snake River and work on connecting paths to the Riverwalk from neighborhoods in Area 3.	◕$$$
			Action 2: Work with residents and other City departments to identify physical barriers to access other parts of town and potential solutions.	◕$$
			Action 3: Continue to build the Pancheri separated pathways to connect with Broadway and the Village Subdivision.	◕$$$

Time Frame: ◔Short ◑Medium ◕ Long
Cost: $Low $$ Medium $$$ High

Zoning Ordinance:

11-3-3: PURPOSE OF RESIDENTIAL ZONES

(D) R2 Mixed Residential Zone. This zone provides a residential zone characterized by smaller lots and dwellings, more compact and denser residential development; and higher volumes of vehicular and pedestrian traffic than are characteristic of the RE, RP and R1 Zones. The principal uses permitted in the R2 Zone shall be one (1), two (2), three (3), and four (4) 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: Dimensional 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 gross 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.								

(Ord. 3218, 9-13-18) (Ord. 3310, 6-18-20) (Ord. 3452, 3-31-22) (Ord. 3496, 12-8-22)

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 52.229 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibit A of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Exhibit A is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City pursuant to procedures of Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands, where necessary; and

WHEREAS, City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:

1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and do not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;

2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and

3) Annexation of the lands described in Section 1 are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the Council that the lands described herein below in Exhibit A of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

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

SECTION 1. Annexation of Property. The lands described in Exhibit A are hereby annexed to the City of Idaho Falls, Idaho.

SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

SECTION 3. Findings. The findings contained in the recitals of this Ordinance be, and the same are hereby adopted as the official City Council findings for this Ordinance, and any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.

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

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

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

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this_____day of _____, 2024.

_____
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 ANNEXATION OF APPROXIMATELY 52.229 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____
Corrin Wilde, City Clerk

(SEAL)

Exhibit "A"

LEGAL DESCRIPTION (Page 1 of 2)

PART OF THE SOUTH HALF OF SECTION 10, AND PART OF THE NORTH HALF OF SECTION 15, T. 2 N. R. 37 E.B.M., BONNEVILLE COUNTY, IDAHO DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; THENCE N87°37'36"W 1395.57 FEET ALONG THE SECTION LINE TO THE WEST BANK OF THE GREAT WESTERN CANAL AND BEING THE POINT OF BEGINNING; THENCE ALONG SAID WEST BANK FOR THE FOLLOWING SIX (6) COURSES; (1) THENCE N41°35'53"W 181.91 FEET (2) THENCE N38°25'53"W 359.27 FEET; (3) THENCE N40°48'34"W 348.95 FEET; (4) THENCE N41°32'24"W 134.37 FEET; (5) THENCE N29°08'58"W 90.78 FEET; (6) THENCE N36°06'12"W 98.62 FEET; THENCE N86°00'40"E 83.66 FEET TO THE NORTH BANK OF THE EAST LATERAL OF NEW SWEDEN CANAL; THENCE ALONG SAID NORTH BANK THE FOLLOWING TWENTY-FIVE (25) COURSES; (1) THENCE S87°19'35"E 95.03 FEET; (2) THENCE S67°32'48"E 133.75 FEET; (3) THENCE S60°09'58"E 120.92 FEET; (4) THENCE S82°11'01"E 68.20 FEET; (5) THENCE N77°42'13"E 60.29 FEET; (6) THENCE N63°26'20"E 623.64 FEET; (7) THENCE N60°07'05"E 115.34 FEET; (8) THENCE N46°36'45"E 123.05 FEET; (9) THENCE N39°15'14"E 234.43 FEET; (10) THENCE N53°38'22"E 98.67 FEET; (11) THENCE N60°59'28"E 141.30 FEET; (12) THENCE N80°06'27"E 50.18 FEET; (13) THENCE S82°05'38"E 60.18 FEET; (14) THENCE S70°53'24"E 142.74 FEET; (15) THENCE S54°43'06"E 55.16 FEET; (16) THENCE S14°31'52"E 85.35 FEET; (17) THENCE S17°10'43"W 109.74 FEET; (18) THENCE S14°43'49"W 170.68 FEET; (19) THENCE S01°42'18"W 78.03 FEET; (20) THENCE S38°51'54"E 66.37 FEET; (21) THENCE S51°54'15"E 75.10 FEET; (22) THENCE S59°41'49"E 99.81 FEET; (23) THENCE S77°36'08"E 114.21 FEET; (24) THENCE S89°47'56"E 100.43 FEET; (25) THENCE N60°29'16"E 47.47 FEET; THENCE N42°31'10"E 234.44 FEET TO THE SOUTHERLY BOUNDARY OF LOT 11, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 6 BONNEVILLE COUNTY, IDAHO; THENCE S89°58'30"E 85.02 FEET TO THE SOUTHWEST CORNER OF LOT 9, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 5, BONNEVILLE COUNTY, IDAHO; THENCE EAST 50.00 FEET; THENCE S35°32'16"E 40.47 FEET TO THE NORTHWEST CORNER OF LOT 8, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 4, BONNEVILLE COUNTY, IDAHO; THENCE S35°31'53"E 45.55 FEET; THENCE S06°06'58"E 70.41 FEET; THENCE S30°47'23"W 320.09 FEET TO THE WESTERLY ANGLE POINT OF LOT 4, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 3, BONNEVILLE COUNTY, IDAHO; THENCE S09°24'11"W 266.37 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 1, BONNEVILLE COUNTY, IDAHO; THENCE S00°01'25"W ALONG SAID DIVISION NO. 1 BOUNDARY 161.18 FEET; THENCE S20°43'03"E ALONG SAID DIVISION NO. 1 BOUNDARY 320.86 FEET TO THE SOUTH LINE SAID SECTION 10; THENCE S00°24'57"W 25.00 FEET; THENCE RUNNING PARALLEL WITH THE SOUTH BOUNDARY OF SECTION 10 N89°35'14"W 403.88 FEET; THENCE CONTINUING PARALLEL WITH THE SOUTH BOUNDARY OF SECTION

Submitted by:

Firm Name: HLE

Contact Name: Clint Jolley

Phone Number: 208-524-0212

Email: clintj@hleinc.com

Overall Document Page Range: 1 of 2

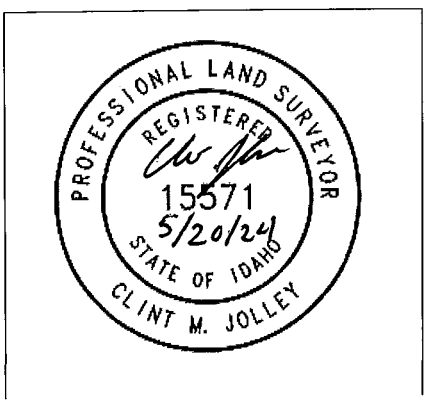


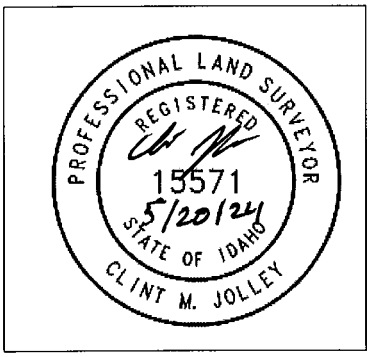
Exhibit "A"

LEGAL DESCRIPTION (Sheet 2 of 2)

10 N87°37'36"W 154.37 FEET; THENCE S00°14'47"W 25.02 FEET TO THE POINT ON THE BOUNDARY OF CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092; THENCE ALONG THE BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 N87°37'36"W 100.09 FEET; THENCE N00°14'32"E 25.02 FEET; THENCE N87°37'36"W 221.74 FEET TO THE EAST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092; THENCE ALONG THE EAST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 N00°15'35"W 25.03 FEET TO A POINT ON THE SOUTH BOUNDARY OF SECTION 10; THENCE CONTINUING ALONG THE EAST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 N00°15'35"W 26.75 FEET TO THE NORTHEAST CORNER OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092; THENCE ALONG THE NORTH BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 N87°42'14"W 397.82 FEET TO THE NORTHWEST CORNER OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092; THENCE ALONG THE WEST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 S02°22'16"W 26.25 FEET TO A POINT ON THE SOUTH BOUNDARY OF SECTION 10; THENCE CONTINUING ALONG THE WEST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 S02°22'24"W 25.00 FEET; THENCE RUNNING PARALLEL WITH THE SOUTH BOUNDARY OF SECTION 10 N87°37'36"W 519.61 FEET; THENCE N02°22'24"E 25.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF SECTION 10 AND BEING THE POINT OF BEGINNING:

EXCEPTING THEREFROM: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; THENCE N 01°23'35" E 25.00 FEET TO THE POINT OF BEGINNING; THENCE N87°37'36"W 333.00 FEET; THENCE N02°22'24"E 389.71 FEET; THENCE S87°08'30"E 523.92 FEET TO A POINT ON THE WEST BANK OF THE EAST LATERAL OF NEW SWEDEN CANAL; THENCE ALONG SAID WEST BANK THE FOLLOWING SIX (6) COURSES; (1) THENCE S05°00'00"W 14.96 FEET; (2) THENCE S00°02'31"W 60.16 FEET; (3) THENCE S09°41'45"E 68.48 FEET; (4) THENCE S16°21'19"E 90.55; (5) THENCE S25°38'40"E 123.97 FEET; (6) THENCE S12°55'02"E 39.01 FEET; THENCE N89°35'14"W 304.75 FEET TO THE POINT OF BEGINNING.

ANNEXATION PARCEL CONTAINS: 52.229 ACRES MORE OR LESS



ANNEX ORDINANCE
_____

ANNEXATION MAP
CITY OF IDAHO FALLS

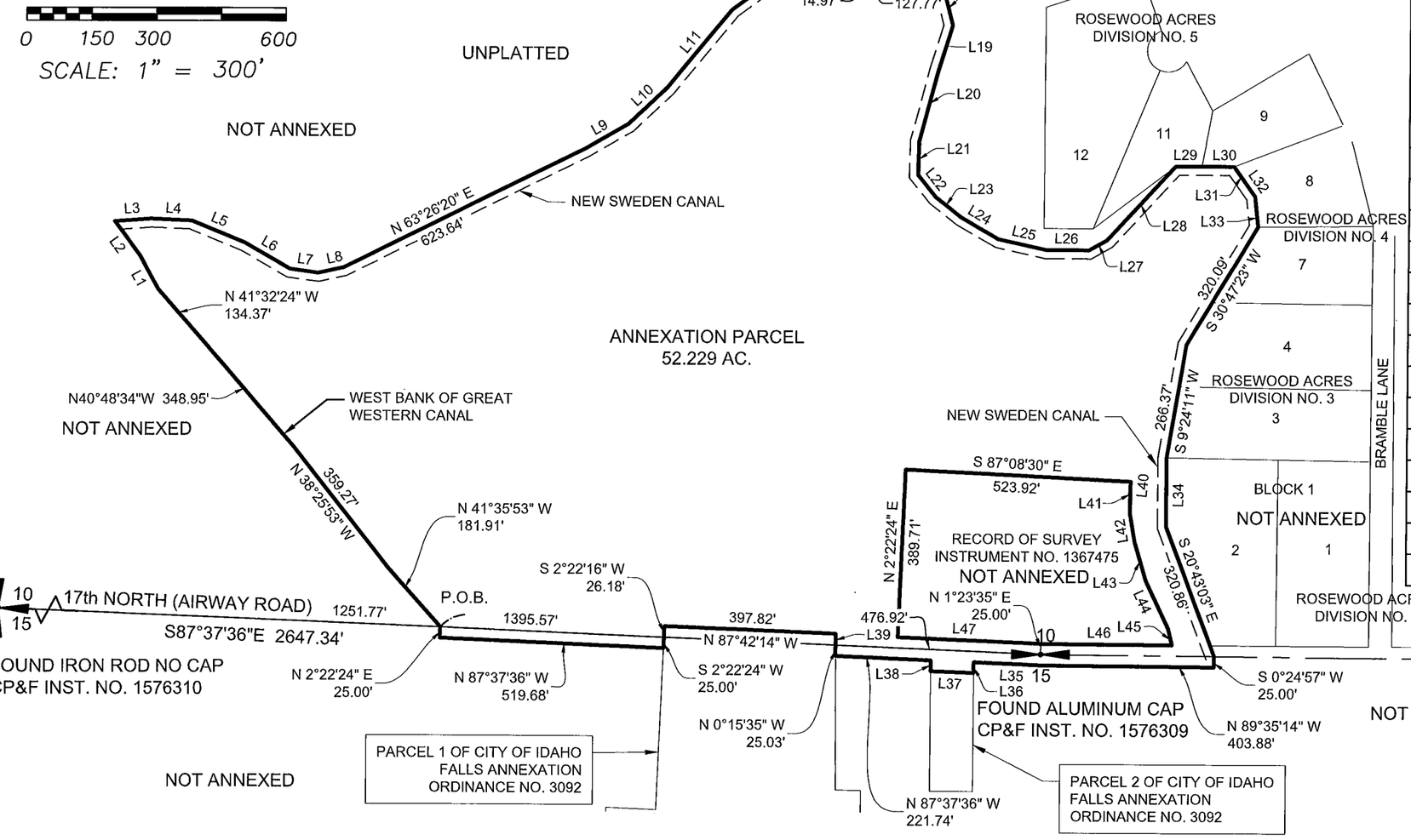
PART OF THE SOUTH HALF OF SECTION 10, AND THE NORTH HALF OF SECTION 15, TOWNSHIP 2 NORTH RANGE 37 E.B.M.
BONNEVILLE COUNTY, IDAHO

ORDINANCE RECORDED WITH THE BONNEVILLE COUNTY RECORDERS OFFICE AS INSTRUMENT NO. _____

0 150 300 600
SCALE: 1" = 300'

LEGEND

- ANNEXATION BOUNDARY LINE
- SECTION CONTROL LINE
- 10/15 SECTION CORNER
- P.O.B. POINT OF BEGINNING



Parcel Line Table			Parcel Line Table		
Line #	Direction	Length	Line #	Direction	Length
L1	N29°08'58"W	90.78'	L25	S77°36'08"E	114.21'
L2	N36°06'12"W	98.62'	L26	S89°47'56"E	100.43'
L3	N86°00'40"E	83.66'	L27	N60°29'16"E	47.47'
L4	S87°19'35"E	95.03'	L28	N42°31'10"E	234.44'
L5	S67°32'48"E	133.75'	L29	S89°58'30"E	85.02'
L6	S60°09'58"E	120.92'	L30	N90°00'00"E	50.00'
L7	S82°11'01"E	68.20'	L31	S35°32'16"E	40.47'
L8	N77°42'13"E	60.29'	L32	S35°31'53"E	45.55'
L9	N60°07'05"E	115.34'	L33	S6°06'58"E	70.41'
L10	N46°36'45"E	123.05'	L34	S0°01'25"W	161.18'
L11	N39°15'14"E	234.43'	L35	S87°37'36"E	154.37'
L12	N53°38'22"E	98.67'	L36	S0°14'47"W	25.02'
L13	N60°59'28"E	141.30'	L37	N87°37'36"W	100.09'
L14	N80°06'27"E	50.18'	L38	N0°14'32"E	25.02'
L15	S82°05'38"E	60.18'	L39	N0°15'35"W	26.75'
L16	S70°53'24"E	142.74'	L40	S5°00'00"W	14.96'
L17	S54°43'06"E	55.16'	L41	S0°02'31"W	60.16'
L18	S14°31'52"E	85.35'	L42	S9°41'45"E	68.48'
L19	S17°10'43"W	109.74'	L43	S16°21'19"E	90.55'
L20	S14°43'49"W	170.68'	L44	S25°38'40"E	123.97'
L21	S1°42'18"W	78.03'	L45	S12°55'02"E	39.01'
L22	S38°51'54"E	66.37'	L46	N89°35'14"W	304.75'
L23	S51°54'15"E	75.10'	L47	N87°37'36"W	333.00'
L24	S59°41'49"E	99.81'			

CIVIL & STRUCTURAL ENGINEERING
MATERIALS TESTING & LAND SURVEYING
101 S. Park Avenue, Idaho Falls, ID 83402, (208)524-0212
800 W. Judicial Street, Blackfoot, ID 83221, (208)785-2977
460 Lincoln Street, American Falls, ID 83211, (208)226-5764
hleinc.com

DRAWN BY	DESIGN BY	CHECK BY
RLR		CMJ

JOB NO: 2023-559
DATE: MAY 2023

REVISIONS	DATE

CITY OF IDAHO FALLS ANNEXATION

PART OF SECTIONS 10 AND 15, T. 2N., R 37 E.B.M.
BONNEVILLE COUNTY, IDAHO

SHEET NO. 1 OF 1 SHEETS

PROFESSIONAL LAND SURVEYOR
REGISTERED
15571
5/20/24
STATE OF IDAHO
CLINT M. JOLLEY

Z:\Projects\00-2023 Projects\23-559 Westbrook Survey\3-CAD\Survey\23-559 Westbrook ANNEXATION.dwg

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF APPROXIMATELY 52.229 ACRES GENERALLY LOCATED NORTH OF W 17TH N, EAST OF THE GREAT WESTERN CANAL, SOUTH OF THE NEW SWEDEN CANAL, WEST OF BRAMBLE LN.

WHEREAS, the applicant filed an application for annexation on April 2, 2024; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on May 7, 2024; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public hearing on July 11, 2024; 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 52.229 acres generally located north of W 17th N, east of the Great Western Canal, south of the New Sweden Canal, west of Bramble Ln.
3. The property is contiguous to City limits along the south property line across W 17th N.
4. This application for annexation is requested by the property owner.
5. City utilities are in the vicinity of this property.
6. The Comprehensive Plan designates this area as Suburban.
7. Idaho Falls Planning and Zoning Commission recommended approval of annexation.
8. The proposed annexation is consistent with the policies of the Comprehensive Plan.

II. DECISION

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

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2024

_____

Rebecca L. Noah Casper - Mayor

From: Colter Angell
To: Naysha Foster
Subject: ANX24-003 Concerns
Date: Monday, May 6, 2024 3:56:28 PM

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

Dear Zoning Council Members of Idaho Falls,

I am a concerned citizen that lives in the Rosewood acres adjacent to the 53 acres that are currently under review for zoning changes from A-1 to R-2 mixed residential. I am concerned that the zoning being considered doesn't match any area within an approximate mile, and will hurt property values of the surrounding neighborhood. This issue has already been addressed back in September of 2022 and the builder didn't show up to the meeting to have their concerns addressed. The surrounding neighborhood citizens showed up and took time out of their busy schedules to go through this process. I ask that we revert back to the decision that has already been made by this very council and ask to move on this immediately. I would also ask that we do not have to keep coming back every year to go through this process. I recognize that the zoning council only addresses the classification of zone designation. There are a host of additional problems this creates for the City of Idaho Falls and Bonneville County that will not be addressed but should if this gets approved.

Respectfully,

Colter Angell

623-258-8723

From: Ranae Contos
To: Naysha Foster
Subject: No to building on this side of town
Date: Monday, May 6, 2024 2:50:09 PM

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

This is in regards to the notice about building north of W 17th N east of the canal, south of new Sweden canal, west of bramble lane. R2 is NOT compatible with what we have on this side of town. We have nice, larger, single family dwellings out here. it's not compatible out here, this is farmland and country living not city living. It would make unnecessary congestion on our small roads. Please don't ruin our great farmland please don't build out here!

Ranae Contos

May 6, 2024

Dear Council Members of the City of Idaho Falls,

Provided herein are written comments for the public hearing to be held on May 7, 2024 concerning approximately 53 acres on the west side of the city of Idaho Falls (to the north of 17th North and west of Bramble Lane) that is proposed to be annexed into the city limits and to change the zoning of this property from the current A-1 Agricultural classification to a R-2 Mixed Residential classification.

The population growth in Idaho has been substantial in recent years. This has strained the current infrastructure to support providing housing for this increased population. Large changes in the rate of population growth create unique challenges to manage it so that the unique lifestyle offered by this state is preserved. Idaho's unique lifestyle and environment is what attracts people to come here. Failing to manage expansion in the growth years creates community problems and can leave a dysfunctional infrastructure when economic and other factors cause the population to contract. Zoning ordinances were created with the purpose of managing growth in a safe and orderly fashion to minimize these types of problems.

My comments relating to the proposed development are directed to the requested zoning changes. I have been a resident for 30 years in an adjoining property to the proposed development. Over these years I have enjoyed the more rural setting of this area which was a primary driver for building a home in a RA-2 Residential Agricultural zone and adjacent to an A-1 Agricultural zone. I am concerned with the proposed development which is requesting to change the A-1 zoning of that property to an "initial" R-2 Mixed Residential zoning. The R-2 zoning would accommodate smaller lots and greater population density than an R-1 Residential zone. The R-2 zoning would also accomodate single-family dwellings, duplexes, triplexes, fourplexes, and certain other public facilities.

I believe that changing the zoning of the proposed property from A-1 to R-2 is inconsistent with the purpose and protections of the Zoning and Building Ordinance of Bonneville County and would like to voice my opposition to it. To discuss where I believe the proposed zoning changes are inconsistent with the Bonneville County Ordinance, I have repeated below the following sections of the ordinance for reference.

"*Section 1-101. Title.*

This ordinance shall be known and may be cited as the Zoning and Building Ordinance of Bonneville County.

Section 1-102. Purpose.

The purposes of this ordinance and the comprehensive zoning plan adopted in accordance with the provisions here are:

1. *To promote the health, safety, peace, morals, convenience, order, prosperity, free enterprise, and general welfare of the residents of Bonneville County.*
2. *To encourage and facilitate orderly growth and development within the county.*
3. *To secure safety from fire, floods, traffic and other hazards.*

4. *To achieve economy in providing fire and police protection and other governmental services.*
5. *To reduce traffic congestion and to permit the most efficient use of streets and roads in the county.*
6. *To maintain an adequate tax base.*
7. *To foster the growth and development of agriculture and industry.*
8. *To maintain property values.*
9. *To avoid undue concentration of population.*
10. *To facilitate the making of adequate provisions to meet public needs which shall include but shall not be limited to the requirements for transportation, water, sewage, other public utilities and schools.*"

I believe that arguments in opposition to the proposed A-1 to R-2 zoning change could be advanced from each of the 10 provisions of section 1-102 of the county ordinance; however, my main objections pertain to safety and orderly growth/development of the community.

Safety

I acknowledge the need to provide housing for a growing population and am not opposing that growth, but, the safety of the community should be a fundamental constraint for controlling the rate of growth in varied portions of the county and/or city. Provisions 1, 3, 4, 5, and 10 of section 1-102 of the zoning ordinance present different aspects of safety which apply to the proposed zoning change.

The most apparent safety issue relates to the road infrastructure. Three main roads would provide access to the proposed development N 26th W (Old Butte Rd), N 35th W (Osgood Rd), and W 17th N (Airway Rd). These are all roads that were first dirt roads surrounding sections of agricultural land and were later paved with asphalt. These roads were intended for agricultural and light residential use and have never been upgraded with an adequate base and surfacing for heavier traffic. The county has struggled with having adequate resources to keep these roads maintained. One only needs to try to drive down one of these roads (especially during springtime frost heaves) at 50 miles per hour (mph) to realize that you are going 25 mph forward and 25 mph up and down and you bounce along your path. The high population density for the proposed development would significantly increase the demand on these three roads. The proposed development should not change the zoning to a higher population density for which there is not adequate roads to service the development.

The proposed development plans to annex the development to the city of Idaho Falls. This annex would limit the city's burden for road infrastructure to that which is inside the development and a small portion of Old Butte Rd. This section of Old Butte road that is maintained by the city has recently been proposed to be altered or eliminated by the planning for an airport expansion. The proposed development brings more tax revenue to the city without the additional cost to upgrade or maintain the three main roads. This shifts the cost to the county to upgrade and maintain roads which service the development when they are already struggling to maintain the roads at their current usage. The zoning change should not be approved until there is a clear plan and funding to provide a safe road infrastructure which would support a higher density housing development. Failure to do so would compromise the safety of the existing residents of the area as well as the new residents of the proposed development. Based on the provision of the county ordinance, zoning should "reduce traffic congestion" and avoid undue "concentration of population".

Construction of an R-2 residential area should be located where there is existing infrastructure to support it or provide definitive plans and resources as to how that infrastructure will be provided. The short sighted approach of the proposed development may be of benefit to the developer who sells the lots and the city who gains the tax base, but it is detrimental to county resources and the safety of the surrounding residents. If the proposed development continues without addressing the road infrastructure and unexpected events occur (i.e, change in economic conditions, etc.), the safety of the community could be impacted for many years before the road infrastructure is resolved. Human nature is to wait until something bad happens before you fix it. The zoning ordinances were created to minimize this.

Orderly Growth and Development

Provisions 2 and 7 of section 1-102 of the zoning ordinance address growth and development within Bonneville County and apply to the proposed zoning change. The above discussion of road infrastructure development illustrates how the lack of orderly growth and development can compromise safety. In addition to safety, growth should be performed consistent with the goals of the county zoning ordinance to provide a mixture of varied land uses that are orderly in that they preserve the rights of the property owners. The Bonneville County zoning map provides a visual representation of orderly array of land uses consistent with the objectives of the zoning ordinance.

Figure 1 shows the location of the proposed development on the county zoning map. The proposed location of the proposed development is inconsistent with an orderly transition of the zoning of the surrounding properties. Providing a higher density residential area next to A-1 and RA-2 zones is viewed as a step-change irregularity on the zoning map rather than an orderly transition of land uses which preserves the safety and property rights of the existing residents. An orderly development of an R-2 mixed residential zone would include providing the needed infrastructure to support the higher density population (including, but not limited to the road infrastructure previously discussed). The recently developed Linden Trails subdivision is an example of a mixed residential land use on the west side of Idaho Falls which has an orderly transition in population density and utilizes the existing infrastructure of the city without creating an infrastructure burden for the county.

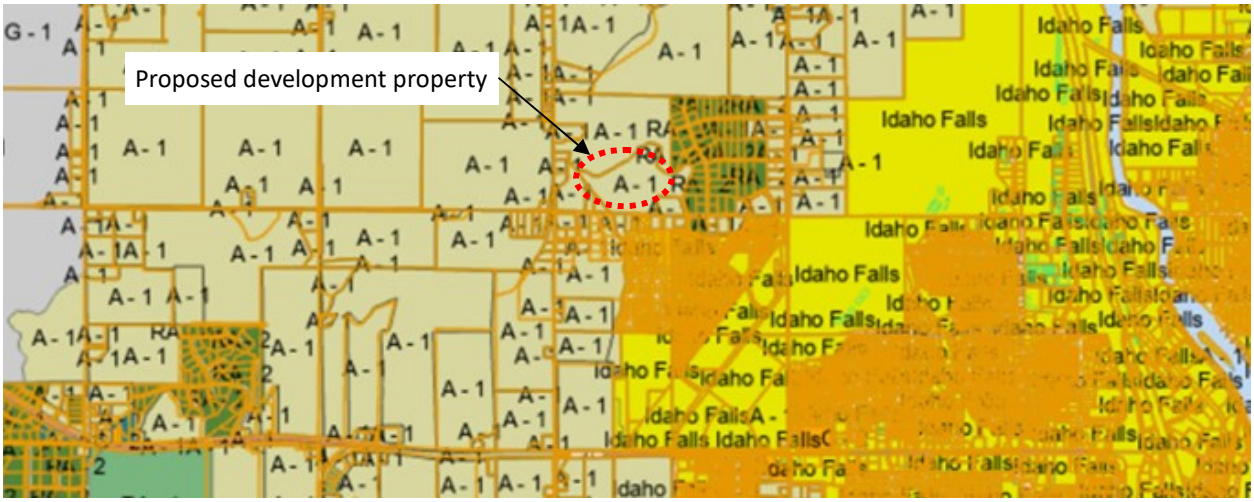


Figure 1 – Location and Surrounding Zoning of Proposed Development

Other property has been available on the west side of Idaho Falls that would more appropriately accommodate housing for a high density population as planned by the proposed development, so developers have not been limited by available property on the west side of the city. Acreage has been for sale that is located near West Broadway St. and adjacent to the city limits for which the proposed development would more effectively utilize the existing infrastructure. Property such as this and others would be consistent with the objectives of zoning ordinances for orderly growth and development.

The construction of smaller housing units in the proposed development is located adjacent to larger housing and lot sizes (such as the Silverleaf, Village, and Rosewood subdivisions) compromises the protection that the zoning ordinances should provide for the residents in these subdivisions. This type of disorderly growth and development where a sudden and discrete zoning change is made from agricultural use to mixed residential use is rarely seen for county property on the south side of Idaho Falls to protect the property value of the residents there (provision 8 of section 1-102). The same principle should be applied for land use on the west side of Idaho Falls such that the zoning ordinance preserves the rights of the all property owners in the county.

SUMMARY

The zoning change being submitted for the proposed approximately 53 acre development project on the west side of Idaho Falls (Project ANX24-003) is inconsistent with the purpose and objectives of the Zoning and Building Ordinance of Bonneville County.

The proposed zoning change is inconsistent with providing adequate planning and resources to assure safety on the existing county roads (Osgood Rd, Airway Rd, Old Butte Rd) that would provide access to the proposed development. Prior to considering a zoning change, planning and resources should be provided to upgrade these roads for the higher traffic that would occur if a higher density population area is constructed as proposed for the location.

The proposed zoning change is inconsistent with the orderly growth and development of our community. The proposed zoning change creates a discrete and sudden population density change which is opposed to an orderly transition as intended by the zoning ordinance for land use. The proposed zoning change does not effectively utilize existing county and city infrastructure resources to minimize costs to tax payers and does not protect the property rights of existing residents.

The submitted zoning change for the proposed development should be disapproved due to the above stated considerations for public safety for and to assure orderly growth and development on the west side of Idaho Falls.

Respectfully,

-Clay Hess

email – hesscc@q.com
208-313-6107

Idaho Falls Planning Division May 6, 2024
nfoster@idahofalls.gov

Subject: Proposed Annexation with an initial zoning of R2, Mixed Residential (Project File No: ANX24-003)

References:

1. BONNEVILLE COUNTY COMPREHENSIVE PLAN, EFFECTIVE DATE 1/5/1995 with last revision dated 110/3/2013
2. County Zoning Map: https://bonneville-county-planning-and-zoning-bonneville.hub.arcgis.com/pages/zoning-map: zoned as A - 1, Agricultural Zone
3. Idaho Falls Planning and Zoning Commission, File No.: ANX24-003 North of W 17th N, east of the Great Western Canal, south of the New Sweden Canal, west of Bramble Lane. Annexation with an initial zoning of R2, Mixed Residential
4. ImagineIF, A Plan to Move Idaho Falls Forward Together, City of Idaho Falls' Comprehesive Plan, dated 2021

Regarding reference 3, the proposed annexation and zoning to R2, Mixed Residential, i.e. development of high density housing blatantly flies in the face of the Bonneville County Comprehensive (BCC) Plan which states an intent to allow residential construction that preserves the rural character of the area and permits productive agriculture in surrounding areas to continue unimpeded. The BCC plan has agreed with the City that it is an area of growth impact. However, the proposal is in contradiction with the BCC Plan by exceeding development requirements of a maximum of three single family dwellings per acre (1/3 acre ea).

Idaho Code 67-6502 (h), Enabling Authority. *The Idaho Local Planning Act authorizes counties to promote the general health and safety and "To protect property rights and property values." (I.C. 67-6502(a)). Counties are also authorized "To avoid undue concentration of population and overcrowding of land."*

Basis for Planning and Zoning Commission Consideration:

Compatibility with surrounding zones and land uses

- Perhaps the most egregious part of this proposal. The BCC plan identifies places where dwellings for non-farmers may be built in a generally suburban setting under conditions which will protect the public health, preserve the rural character of the area as much as possible and permit productive agriculture in surrounding areas to continue unimpeded. The reference 3 proposal does not do that.
- All of the area north of W 17th N, is zoned as A-1, Agricultural Zone per the BCC plan. The City area south of W 17th N is zoned as Single Dwelling Residential. The proposed zoning of R2 Mixed Residential is a far cry from surrounding zones.

- The majority of the existing farm ground parcel is bound by an irrigation canal. Entrance openings are confined to be within approximately 10% of the parcel boundary which borders W 17th N. The road frontage is only a little over 1,000 ft, and yet you would have > 500 people needing to ingress/egress out of the development.
- It is unclear how the proposed rezoning would benefit the public or general welfare. It is unclear how the proposed rezoning results in genuine benefits to the City of Idaho Falls as a whole, and not just to the land owner and developer.
- This proposal bears resemblance to **Spot Zoning.** The proposed annexation and rezoning actions appear to be the singling out of a small parcel of land for a use classification totally different from that of the surrounding area and what is intended in the BCC plan, and for the benefit of the owner of such property and to the detriment of other property owners in this area.

Contiguity with City limits:

- The proposal acreage is light on contiguity with current city limits. County Road W 17th N provides a boundary/separation between City and County. If annexation is approved, only approximately 10% of the parcel boundary, or ~ 1,000 feet would border the City. The majority of the parcel borders county agricultural and farm ground. The ImagineIF plan specifically mentions avoiding initiating annexation for properties contiguous merely by touching corners, which do not have primary structures, and do not have immediate access to utilities. This includes a primary structure and a primary use that is not agricultural A. This proposal goes against the City's plan because there are no primary structures on the parcel. It is also farm ground zoned as A-1, Agricultural per the BCC plan. It is still valuable farm land that is so important to growing crops and feeding of this nation.

Consistency with the policies of the Comprehensive Plan

- Rezonings should be consistent with the policies and land use designations set out in the BCC plan. The City is required to work with the county commissioners to achieve the intent of the BCC plan. Conversely the county commissioners need to maintain a relationship with the City per the plan requirements. If the City is not keeping the county apprised of these plans and actions, nor soliciting input, they are in violation of the BCC plan. At least one county commissioner was not made aware of this hearing.
- Per the BCC plan, the county also urges the cities to provide neighborhood parks and playgrounds that attract children away from nearby croplands and pastures. This should include irrigation canals. For this proposal, reliance on the soccer complex for parks and playgrounds is now in question with the proposed Airport expansion plans.
- This proposal will establish a high-density multi-family project with a character distinct and very different from the low or medium density neighborhoods located in the City nearby.

The City's ability to provide services

- The Bonneville County Public Facilities Inventory shows that the availability of public services diminishes with distance from urban areas. It is unclear from this proposal on how well the City will be able to provide the minimum public services such as sewer, emergency medical response, supporting schools, power, etc. The acreage does not appear to have existing power connectivity infrastructure such as through Rocky Mountain Power or City of Idaho Falls Power. A traffic impact study is also necessary.
- The BCC plan map indicates areas that have been significantly committed to rural residential development which may be deemed appropriate where overriding amenities are present to warrant rural residential activities in specific and identifiable location. For this proposal, there are no overriding amenities present either by the county or city.
- The characteristics of the agricultural land, the size of the parcel, and the degree of the "public benefit" does not meet the intent nor is it consistent with the BCC plan.

As a property owner in the county, and located nearby to the proposed annexation, we live here because we highly value rural living. This proposal is the first step towards undue concentration of population and overcrowding of land. We recognize however that growth is inevitable and our area within the county will unfortunately be 'urbanized' at some point.

As county residents and per Idaho Code, the Bonneville County Commissioners have the onus to protect our property rights and should deny this annexation proposal until the City can demonstrate and guarantee a solution that follows the intent for rural areas as described in the BCC plan. This includes limited development of rural homesites in agricultural areas in a cluster pattern if it is confined and limited in scale to minimize adverse impacts on adjoining farm operations, minimizes the demand for additional public facilities and services, and helps preserve the rural character of the area.

Thank you for considering our points and counter solution

Ernest and Deborah Tate
2265 N 26th W
Idaho Falls, ID 83402

Cc:
Bonneville County Commissioners
Roger Christensen, District 1
Jon Walker, District 2
Bryon Reed, District 3
Bonneville County Planning and Zoning Commission (bonnevillebuilding@gmail.com)

From: Steven Aumeier
To: Naysha Foster
Cc: Walter Sopkowicz
Subject: Deny Project ANX24-003
Date: Monday, May 6, 2024 7:04:21 AM

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

Idaho Falls Planning and Zoning
Comments Regarding Project File ANX24-003

Regarding the proposed annexation and zoning of subject Project, I have serious concerns related to a negative impact on safety, creation of social and economic stress, and zoning inconsistent with long established county development precedence in the immediate area. Specifically:

1. The additional stress on infrastructure and resulting negative impact of safety and local social norm is unacceptable. The schools that would serve the proposed high-density development are already financially underwater and struggling to accommodate a very large underserved population; crime in our area since the expansion of The Village has become exceptionally concerning (in fact, just this weekend yet again we have had attempted burglary); and the rural roadways are not designed for the type and behavior of the traffic and pedestrian use. This proposed zoning would substantially exacerbate all of these problems and is inconsistent with public safety and public financial and social responsibility.
2. The proposed zoning is clearly out of character with the established norms of adjacent property creating negative social, financial, and safety impacts for existing property owners. The proposal would place a multifamily housing and higher-density city housing directly adjacent to two country subdivisions with large-lot character. These existing subdivisions lacks street lights, sidewalks, and other improvements key to safety when large numbers of people are present. As noted above, adding high density subdivisions in close proximity to this type of established rural subdivision has already caused significant crime issues, and as the number of people using these country subdivisions for walking and bicycling has increased there have been many near-miss accidents and rising safety concerns. The proposed subdivision will exacerbate this for no community benefit other than that for a developer. Of particular concern is that the multi-family and small-lot residences are completely out of step with neighboring established use. This is simply nonsensical. The homeowners in the established country subdivisions invested substantially over decades to maintain this social character while trusting that this established character would be maintained. The proposal would substantially negatively impact this

character, and thus home values. This amounts to a “taking” by the city and county, transferring value from long-term community members to a developer. That is shameful at best and likely would be subject to litigation.

To be clear – many of us support well planned growth to accommodate housing; but this proposed annexation is unnecessary and ill-conceived and shifts a substantial burden onto many established residents apparently to simply line the pockets of developers. These actions are accelerating loss of trust and confidence in the policy establishment due to continued bias for development over long-held and established norms of land use and community value.

Perhaps it’s time for the political establishments and the planning and zoning establishment to learn what most in our community already know and are being painfully reminded of each day – bigger is not better; better is better. The proposed annexation and in particular the proposed zoning are not better for the community.

Steven Aumeier
Rita Aumeier
2813 Honeysuckle
Idaho Falls, ID. 83402

Rosewood Development, Inc

1735 Bramble Lane

Idaho Falls, Idaho 83405

Community Development Services May 1, 2024

RE: ANX24-003

Developer has requested approval for the R2 Mixed Use Zone on the @ 51acre parcel located in Sec 10 adjacent to 17th N. The parcel is located adjacent to and North of the Silverleaf Estates Addition annexed to the City of IF in October of 2016 with an R1 Zone. However, the Idaho Falls zoning ordinance was amended in 2018 and Silverleaf Estates *as platted* would now be best described as conforming to the (RP) Residential Park Zone, which permits a maximum density of 4 units per acre. Silverleaf Estates is 63.1 Acres in size containing 147 lots with a density of 2.28 lots per acre. The lots average 14,626 SF in size with a minimum width of 80'. Existing lot areas as well as front, rear and side yard setbacks exceed the present RP Zone minimum standards.

County residential development located contiguous and adjacent to the proposed project (Rosewood Acres Division #s 1-11) are Rural Residential Tracts one (1) to five (5) acres in size. This adjacent area located to the East and South West are classified by the City Zoning Ordinance as an (RE) Residential Estate Zone.

The entire developed area (low density residential) surrounding the proposed annexation is representative of an automobile-oriented development with every residence featuring at a minimum a double car garage. The closest limited commercial services are located @ 2 miles from the site.

The requested R2 Mixed Use Zone would not be compatible with the existing adjacent development. The Developer intends to develop the parcel as a Planned Unit Development. Single structures containing 4 dwelling units absent enclosed parking (garage) are planned. There would be no minimum lot size requirements and the allowable permitted density would be 17 units per acre. This would be an exponential density expansion.

For the above reasons I would request that the Planning Commission reject ANX24-003

Joseph Belloff

Joseph Belloff

President: Rosewood Development, Inc

Dear City of Idaho Falls Planning and Zoning Commission,

Regarding: annexation 24-003 with a requested initial zoning of R-2 Residential which allows up to 17 units per acres.

The parcel under consideration as requested by this application currently contains 49+/- acres. If all of the acreage was used to maximize the zone density for this development it could mean maximum of around 833 units, which the county acknowledges will not be fully achieved because of required infrastructure and setbacks, however the county wishes to submit the following concerns because of the possible density of this development.

While the county understands per state statute the city can only require the developer to annex the portion of the road that fronts the proposed development, the county is concerned about how the proposed units will increase traffic on the portions of 17th North, 35th West, 26th West, as well as their respective ntersections which cannot currently be annexed and are still in the jurisdiction of the county. The county has concern that these arterial roadways which already have a high rate of travel at a high speed will receive a heavy increase in traffic from this development without any required improvement from the developer. If these roads are not required to have needed improvements by the developer as outlined by a completed traffic study the cost and impact of this development will have to be born by the County.

While Bonneville County understands the rights of property owners adjacent to the city to request annexation and initial zoning in compliance with state statute and the jurisdictions comprehensive plan because of the above stated reasons the county would respectfully request that the city require the developer to do a traffic study and complete any of the recommended improvements of that traffic study not only for the roadways annexed into the city, but for the surrounding impacted roadways in the county as well. As both jurisdictions work together to make this a common practice for developments which impact the city and the county we can better serve the residents of Bonneville County.

Sincerely,



Austin Black, Bonneville County Planning and Zoning Administrator

CHARLEMONT FARMS, LLC
771 N 35th W
Idaho Falls, Idaho 83402

May 2, 2024

Community Development Services
680 Park Avenue
Idaho Falls, Idaho 83405

RE: ANX24-003

In response to your notification on April 18, 2024 regarding the application by HLE for Initial Zoning and Annexation Charlemont Farms, LLC has the following comments.

On June 27,2022 Idaho Land Holdings (ILH) held a neighborhood meeting to discuss their development plans for a medium density R2, Mixed Use Project. The proposed PUD contained 265 units. The comments from the residents at that time were overwhelmingly negative. The predominate concern was that a rental project would not be consistent with the adjacent neighborhoods, which are single family detached housing units.

Subsequently, on Sept 6, 2022, the IF Planning & Zoning voted to recommend annexation of the parcel with an R1 Zone and the requirement that 1/3 of the development be single family detached dwellings.

ILH is now requesting (ANX24-003) R2, Mixed Use Zoning. ILH contends that the lower density zoning does not allow for profitable development of the property. Presumably it is not the responsibility of the Planning Commission to facilitate a positive economic outcome to speculative real estate investment.

If the developer (Idaho Land Holdings, PO Box 14856, Jackson, Wyoming) insists requesting the R2, Mixed Use Zone, we request that the Commission *deny the said request.*

Sincerely,

Amanda Belloff

Amanda Belloff

Charlemont Farms, LLC

From: Garrett Jones
To: Naysha Foster
Subject: Annexation R2 Zoning Case ANX24-003 HLE
Date: Saturday, May 4, 2024 8:33:55 AM

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We live in the adjacent neighborhood to this proposed R2 development, and I do not see how our school's classrooms, buses, and infrastructure can support a development of this size. Our kids's buses are already full, in fact they have to put K-12 students all on the same bus. You should never be having elementary age kids riding a bus with high school age kids. This development would make that situation even worse.

We have to take into consideration our kids's education before we continue to put in these large multi-family developments.

Please take into consideration the local school's capacities before approving something like this. Please show you actually care about our teachers and supporting them. It is disgraceful how we continue to build these huge developments with no consideration for the school's capacity and the teacher to student ratios.

Also, 17th north is not built to handle more traffic, it is way too narrow and under-maintained.

Please do not approve this land to be annexed, especially with an R2 mixed residential zone.

Thanks,

Garrett Jones

From: Jen Gillespie
To: Naysha Foster
Subject: ANX24-003
Date: Monday, May 6, 2024 6:19:49 AM

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I do not support the proposed annexation with initial zoning of R2 to the lot described in the attached notification. The surrounding roads will not support that kind of additional traffic. Nor will the already overcrowded school support the increase in attendance.

Jen Gillespie

From: Cody Hansen
To: Naysha Foster
Subject: Mixed residential
Date: Saturday, May 4, 2024 6:01:50 PM

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I live in the silverleaf housing development and I do not want our neighborhood to become a r2 zone. We don’t not want mixed residential housing. Thank you for your time but please stop pushing your agenda on the residents of Idaho falls.

From: Brian Stevens
To: Naysha Foster
Cc: Kerry Beutler
Subject: FW: Letter to Commission in hopes to deny request for rezoning on Project File No. ANX24-003
Date: Monday, May 6, 2024 11:49:53 AM

FYI

Thank you,

Brian J. Stevens | MS, ACoM, LA-16597 | *GIS Analyst/Planner II*

Work: (208) 612-8272
Fax: (208) 612-8520
bstevens@idahofallsidaho.gov

Would you Like to Book a meeting? Here is a link to my calendar.

From: Julie Jacobson <rmbonsai@msn.com>
Sent: Monday, May 6, 2024 11:37 AM
To: Brian Stevens <BStevens@idahofalls.gov>
Subject: Letter to Commission in hopes to deny request for rezoning on Project File No. ANX24-003

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Idaho Falls Planning and Zoning Commission,

We strongly object to the annexation and spot zoning of the subject property (Project File No. ANX24-003) as R2 considering all surrounding properties are farm land or a R1 type zoning. The proposed development is inconsistent with the surrounding properties, especially with the distance of the subject property to the city center of Idaho Falls where mixed residencies exist and make sense. Other concerns include:

1)
Significant increase of traffic on 17th north and 35th West without upgrades to roads: 17th north is a small two-lane county road without any shoulders that is already becoming dangerous due to increased traffic as result of the recently built Silverleaf development just south of this proposed annexation. Adding this annexation, especially with R2 zoning, will greatly increase the traffic and wear of the road. Further, since the City of Idaho Falls is also considering closing Old Butte Road due to expansion of the Idaho Falls Airport a large amount of traffic will have to use 17th north and 35 West. What is the plan to improve 17th North considering the existing traffic problems? What is the plan with established funding for supporting ensuring 17th North and 35th West can take the increased traffic? These questions need answered before further annexation occurs; otherwise, no annexations off of 17th should be allowed until such a plan is approved and funded.
2)
Adding significantly to an already overburdened District 91 school system: The proposed development will greatly impact the already overburdened District 91 school system schools of Westside Elementary, Fox Hollow Elementary, Ethel Boyes Elementary School, Eagle

Rock Middle School, Skyline High School, and American Heritage Charter School. Specifically, the children that will be moving will be significantly adding to the current over capacity of District 91 schools that has no new schools in plan due to no bond being passed in multiple election cycles. Further the significant increase in population with children could continue to compound the $4,000,000.00 debt District 91 is having to cut services and programs for (March 27, 2024, East Idaho News Article). Before additional annexation, especially for adding an R2 development, is approved, new schools have to be built. A plan with funding has to be established for applicable District 91 schools followed by construction of the schools, which means that any additional annexation should be paused for at least 5 years with the potential of extended delay for however long it takes to get a District 91 school bond past. As such, this annexation should be disapproved forthwith.

3)

Current city of Idaho Falls services including police, fire, and medical is not sufficient to annex in more property, especially R2 zoning: Idaho Falls police, fire, and medical already suffer from understaffing to adequately cover existing needs. Until a plan is put together, funding established, and sufficient equipment, people, and services put in place that covers the existing Idaho Falls needs no further developments should be allowed, especially an R2 zoning. Before additional annexation, especially for adding an R2 development, is approved, a plan with funding needs to be established for applicable District 91 schools.

4)

Continued evolution of this property zoning to be a denser spot zone:
Against the objections of us and many of our neighbors approximately two years ago, the City of Idaho Falls Planning and Zoning Commission approved a development for small yard single family homes and some twin homes. Now the developer wants multifamily mixed residential such as apartments that this R2 zoning would allow? Why is the developer changing zoning? Why would the Planning and Zoning Commission even consider a spot zone such as this that makes no sense considering everything that surrounds it? Why would the City support the high-density spot zone along a county road beside potato fields, and large property single family homes.

In conclusion, for all of the points stated above we request that the City of Idaho Falls Planning and Zoning Commission immediately disapprove of this annexation and rezoning request.

We live in the neighborhood adjacent to the land being considered for annexation and spot zoning.

Jacob and Julie Jacobson
1811 N. Bramble Lane
Idaho Falls, ID 83402

Folks,

I am submitting comments on Project File No. ANX24-003 dealing with the annexation proposal of 52.61 acres of lands within Bonneville County along 17 th North.

We moved to the Rosewood Acres Subdivision 36 years ago with the expressed purpose of leaving city limits. Subsequently the Village subdivision was put in just across from us and now in Idaho Falls City limits. With it has come the noise, traffic and property abuse that is consistent with current Idaho Falls City.

We started out as a rural acreage subdivision which we were willing to pay the extra cost to develop. Our goal of a quiet low traffic life has been steadily encroached by Idaho Falls City. I remember well when the City tried to ramrod a power line through a nearby local county road west of our home. I also have seen the building of the soccer complex along Old Butte road which seems to have violated Federal mandate.

The close City developments have us seeing the locals send their children on dirt bikes and 4-wheelers into our neighborhood in addition to vehicles constantly exceeding speed limits on 17 th North. I have never seen a City police officer working traffic in our area. It appears that there is no limit on growth that has changed the very nature of the Idaho I have loved for 50 years.

I am asking that the Bonneville County land owners be respected for their choice of the lifestyle they advocated with their dollars and development and the request for annexation be denied.

Very sincerely,

Harold & Anne Marie Jones

Harold + Anne Marie Jones

From:	Dan Lewis
To:	Naysha Foster
Subject:	Project file no. ANX24-003
Date:	Sunday, May 5, 2024 8:43:30 PM

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All,

Regarding ANX24-003 wanting to change the land north of 17 N to zoning of R2, I would like to voice my concerns that the infrastructure (roads, traffic, schools, etc.) is not developed to handle the traffic or population of a zone 2. ANX24-003 should not be allowed.

The infrastructure was already under scoped for the traffic of the Silverleaf houses. Not only is the infrastructure not available, but a zone 2 would devalue the local properties. This area has farms and large properties with large homes. In addition, the schools for the area are overloaded and could not handle a zone 2 in the area.

Please do not change the area to a zone 2.

Dan Lewis
Silverleaf neighborhood

Project Description: Annexation with an initial zoning of R2, Mixed Residential
Project File No: ANX24-003
Applicant: HLE
Project Location: N. of W. 17th N, E of the Great Western Canal, S of the New Sweden Canal, W. of Bramble Lane.

Planning and Zoning Commissioners of Idaho Falls, May 5, 2024.

I realize that all of you have a responsibility to protect the developers rights, yet, beyond that you also have the responsibility to protect the current surrounding property rights and to make wise use of public funds of both the county and city.

This applicant's request for R2 zoning, being able to place 265 housing structures on this 52 acre farm land does not give us like or compatible use, OR ALINES WITH THE BONNIVILE COMPREHENSIVE PLAN. To the east of this proposed development is very nice RA1 zoning with large lots known as Rosewood Acers. To the south is R1 single-family dwellings known as Silver Leaf. To the north and to the west is farm ground. Come July 1st the farmer (Allen Reed) who owns this land is going to sign up for HB 608 and put his land in Ag protection for at least 50 years. Which means no development. This makes this particular project ANX24-003 a Spot Zone which you well know, is singling out a small parcel of land to change the zone from that of the surrounding area for the benefit of the owner of such property and to the detriment of the neighboring communities. Currently there is no R2 zoning in this lands surrounding area.

We must ask the question: What changes in the circumstances warrants a zone change? Did the county comprehensive plan make a mistake when zoning this land. No they didn't. There is ample evidence they didn't. Just go and look at the amazing neighborhoods around the parcel in question. Current zoning meets the language in the rural/agricultural character of the area with-in the Bonneville comprehensive plan. And if this developer wants high density housing there is sufficient property elsewhere away from the rural atmosphere this area offers. There needs to be limits on residential density especially were these projects border farms and rural areas and it's your duty to protect and enforce these rights and laws in the comprehensive plan.

Some other arguable yet important common sense issues to consider are these:

*Due to only 2 accesses to this project, and many years if ever, to add more accesses you have a shoestring annexation. This could lead to problems with excusive traffic and children's safety with these 265 units. EMS problems mixed with road jurisdictions, and traffic congestion issues with serious safety concerns. It also can lead to incompatible zoning issues.

*Every vehicle coming and going to this development, which could be approximately 500 a day (265 times 2) will need to travel on county roads. I've heard these developers state that any asphalt road can handle that many or more all day long, and I would agree, but It's not as simple as that. The county roads does not plow those roads to handle that volume of traffic. Furthermore, it is not fair to place that burden on the county for a city development. Agreed, this one could be argued too. Yet the safety of children and adults with the added volume of vehicle's at county intersections and with-in this crowded proposal is and should be a common sense concern.

*This will also effect to some degree our Westside infrastructure, water, sewer, schools, roads, ect.

*The last point of concern is there are acers and acres of property still in the CITY boundaries and area of impact , which can be developed into R2 housing. It's simply not the right way to move forward allowing this developer to change the zoning laws with this counties rural property. It will have a major impact on the landscape of this westside country area.

*Please consider these concerns and legal issues, and at the least follow the Bonneville comprehensive plan allowing single family dwellings to preserve the rural character of this area. Knowing what the developer paid for this land they will still make a healthy profit selling lots under the current R1 zoning laws and this can be a fair and legal compromise.

Sincerely Kevin & Pam Pettingill
(2191 N 26th W Idaho Falls ID) (208-524-7421) pettingillk@gmail.com

From: Walter Sopkowicz
To: Naysha Foster
Subject: Fwd: Disapproval of ANX24-003 is Requested
Date: Sunday, May 5, 2024 8:10:14 PM
Attachments: Disapprove ANX24-003 Annexation & Zoning Change.pdf

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

City of Idaho Falls Planning and Zoning Commission ,

We strongly object to the annexation and spot zoning of the subject property (Project File No. ANX24-003) as R2 considering all surrounding properties are farm land or a R1 type zoning. The proposed development is inconsistent with the surrounding properties, especially with the distance of the subject property to the city center of Idaho Falls where mixed residences exist and make sense. Other concerns include:

1) Significant increase of traffic on 17th north and 35th West without upgrades to roads: 17th north is a small two-lane county road without any shoulders that is already becoming dangerous due to increased traffic as result of the recently built Silverleaf development just south of this proposed annexation. Adding this annexation, especially with R2 zoning, will greatly increase the traffic and wear of the road. Further, since the City of Idaho Falls is also considering closing Old Butte Road due to expansion of the Idaho Falls Airport a large amount of traffic will have to use 17th north and 35 West. What is the plan to improve 17th North considering the existing traffic problems? What is the plan with established funding for supporting ensuring 17th North and 35th West can take the increased traffic? These questions need answered before further annexation occurs; otherwise, no annexations off of 17th should be allowed until such a plan is approved and funded.

2) Adding significantly to an already overburdened District 91 school system: The proposed development will greatly impact the already overburdened District 91 school system schools of Westside Elementary, Fox Hollow Elementary, Ethel Boyes Elementary School, Eagle Rock Middle School, Skyline High School, and American Heritage Charter School. Specifically, the children that will be moving will be significantly adding to the current over capacity of District 91 schools that has no new schools in plan due to no bond being passed in multiple election cycles. Further the significant increase in population with children could continue to compound the $4,000,000.00 debt District 91 is having to cut services and programs for (March 27, 2024, East Idaho News Article). Before additional annexation, especially for adding an R2 development, is approved, new schools have to be built. A plan with funding has to be established for applicable District 91 schools followed by construction of the schools, which means that any additional annexation should be paused for at least 5 years with the potential of extended delay for however long it takes to get a District 91 school bond past. As such, this annexation should be disapproved forthwith.

3) Current city of Idaho Falls services including police, fire, and medical is not sufficient to annex in more property, especially R2 zoning: Idaho Falls police, fire, and medical already suffer from understaffing to adequately cover existing needs. Until a plan is put together, funding established, and sufficient equipment, people, and services put in place that covers the existing Idaho Falls needs no further developments should be allowed, especially an R2 zoning. Before additional annexation, especially for adding an R2 development, is approved, a plan with funding needs to be established for applicable District 91 schools.

4) Continued evolution of this property zoning to be a denser spot zone: Against the objections of us and many of our neighbors approximately two years ago, the City of Idaho Falls Planning and Zoning Commission approved a development for small yard single family homes and some twin homes. Now the developer wants multifamily mixed residential such as apartments that this R2 zoning would allow? Why is the developer changing zoning? Why would the Planning and Zoning Commission even consider a spot zone such as this that

makes no sense considering everything that surrounds it? We request that answers as to why such a re-zoning is being considered to the point of requesting the City of Idaho Falls stopping all such re-zoning considerations immediately to update the zoning ordinances to ensure a rigorous process is established with full transparency of the public at-large for such changes even being considered. Otherwise, it appears that City of Idaho Falls is just allowing greedy developers to continue to request changes in what feels like sneaky and underhanded efforts that also has the appearance of the City of Idaho Falls working to increase its tax base without putting in place the infrastructure and services needed to support the high density spot zone along a county road beside potato fields, and large property single family homes.

In conclusion, for all of the points stated above we request that the City of Idaho Falls Planning and Zoning Commission immediately disapprove of this annexation and rezoning request. Further, we strongly recommend that the City of Idaho Falls stopping all such re-zoning considerations immediately to update the zoning ordinances to ensure a rigorous process is established with full transparency of the public at-large for such changes even being considered.

V/R,

Walter and Jalin Sopkowiz

1980 N. Bramble Lane

Idaho Falls, ID 83402

From: Donald Tapp
To: Naysha Foster
Subject: ANX24-003
Date: Sunday, May 5, 2024 6:39:08 PM

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

Naysha,

I'd like to have the following concerns included in the agenda and minutes for the upcoming Planning Commission meeting if that's possible:

My family lives at 3173 W. 17th N. directly across from the 51 acre parcel which is being considered for approval to be annexed into the city of Idaho Falls and zoned R2 Mixed Use.

I recall that at the previous planning commission meeting during which annexation and zoning was considered for this property the developer for the proposed development was not present, while the issue was important enough to compel many of the neighboring property owners to vocalize their opposition in person, with many others expressing their concerns in writing before the meeting.

I personally feel that the zone R2 mixed use would be dramatically incongruent with the surrounding area. The allowable density of 17 units per acre under R2 zoning is over 7 times greater than the density of Silverleaf Estates which is the most dense adjacent development, and 34 times greater than the density of Rosewood Acres which is the only other development adjacent to the property. 99.6% of the property directly adjacent to the 51 acre parcel in question is outside of city limits, with the vast majority of that land currently serving agricultural purposes and not developed for the intended purpose of residential housing.

17th N. is the only road the proposed development would be accessible by, and is a county road that the city of Idaho Falls does not assume responsibility for maintaining. I feel this dramatically impacts the city's ability to provide the services and conditions that characterize a development zoned R2 Mixed Use as outlined by the Comprehensive Plan and Zoning Ordinance.

For these reasons I would request that the planning commission reject ANX24-003

I sincerely appreciate the planning commission's consideration for the views of those who will be affected most directly by this decision.

Thanks so much,
Donnie Tapp

From:	Tammy & Scott Wasley
To:	Naysha Foster
Subject:	Comments for Project File No. ANX24-003 hearing 5/7/24
Date:	Sunday, May 5, 2024 9:16:08 PM

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Idaho Falls Planning & Zoning

We are respectfully objecting to the annexation and zoning of the property (Project File No. ANX24-003) as zoning of R2. The proposed development is not consistent with the surrounding properties which consist of farmland or an R1 zoning. The subject property is more consistent with property within the center of Idaho Falls where many mixed residences already exist.

Originally, this was presented to the homeowners surrounding this property as small, single family homes and some town homes – but no Mixed Residential homes as allowed by an R2 zoning. It seems the developer is not being honest as he knew there would be just a select few homeowners notified of this R2 zoning and would have less resistance to the change.

This is against the compatibility with surrounding zones and land uses, and we are against the request for the R2 zoning.

It is our request that this zoning change be denied, and that the developer is notified that any future requests that are not consistent with the current land use will also be denied. As property owners, we would appreciate our voices being heard.

Scott & Tammy Wasley

2973 Wild Rose Ct

Idaho Falls, ID 83402

208-521-0396

May 6, 2024

KERRY BEUTLER
IDAHO FALLS PLANNING COMMISSION
Email: Kbeutler@idahofallsidaho.gov

To The Idaho Falls Planning Commission:

Please accept this letter as my comments for the public hearing to be held on May 7, 2024 regarding approximately 53 acres on the west side of Idaho Falls identified in the agenda as ANX24-003 which is proposed to be annexed into the City of Idaho Falls and to change the zoning of this property from A-1 (agricultural) to R-2 (mixed residential).

I am opposed to both the annexation and re-zoning.

I have resided in the Rosewood Acres Subdivision for approximately 30 years. The property at issue is adjacent to the subdivision I currently live in. I purchased the land and built my home in this subdivision in order to enjoy a more rural setting in this RA-2 Residential Agricultural zone adjacent to an A-1 Agricultural zone. I am very concerned about the proposed development which is requesting to change the A-1 zoning of the property to an "initial" R-2 Mixed Residential zone. It is my understanding that the R-2 zone would allow for smaller lots and a greater population density than an R-1 Residential zone. It would also allow not only single-family dwellings, duplexes, triplexes, fourplexes, and certain other public facilities. Such changes would drastically change the rural setting we carefully chose when we purchased and built our home in this RA-2 zone.

Additionally, this change in the zoning for the property at issue is inconsistent with the purpose and protections of the Zoning and Building Ordinance of Bonneville County–specifically Section 1-102. I understand that approximately two years ago, the zoning of this property came before the Planning Commission with a request that the developer be allowed to construct single-family homes and some twin homes but no multifamily mixed units. The request was approved over numerous objections by neighboring property owners. Now the request seeks to expand that zoning change. While I understand and sympathize with the need for additional housing as the city's population continues to grow, the safety of our community needs to be of paramount

importance. Paragraphs 1, 3, 4, 5, and 10 of Section 1-102 of the Bonneville County Zoning ordinance specifically apply to the proposed annexation and zoning change at issue. The roads servicing the property in question are narrow and not designed to handle the increased population already experienced with the development of property to the south which consists exclusively of single-family units. Adding an additional R-2 development will increase the burden on an already overburdened infrastructure. One of the roads currently used by this area is Old Butte Road. We have been informed that Old Butte Road will be altered or eliminated to accommodate the airport expansion. This will create more complexity and increase the burden on the current infrastructure. The safety of the children and adults who use these roads for travel will then be compromised by the added traffic and congestion.

As can be seen by simply driving around the City of Idaho Falls, there are numerous multifamily dwellings that have recently been constructed or in the process of being constructed in areas where the existing infrastructure is able to support that growth. The property in question does not have that same benefit.

Likewise, allowing for a higher density residential area next to A-1 and RA-2 zones should be viewed as a step-change irregularity rather than an orderly transition of land uses. There are other properties available which are within or more adjacent to the city limits and which would be more consistent with the objectives of orderly growth and development. Allowing the construction of smaller homes and multifamily dwellings adjacent to larger housing and lots sizes (for example, Silverleaf, the Village, Rosewood Acres) compromises the protection the zoning ordinances should provide to the residents in these areas. Allowing development by way of a drastic zoning change from agricultural to mixed residential should not be allowed especially when it impacts the property value and safety of the current adjacent residents.

For all of these reasons, the proposed annexation and zoning change for project ANX24-003 should be denied. Thank you.

Sincerely,

J. Michael Wheiler
2110 North Bramble Lane
Idaho Falls, ID 83402
Email: jmwlaw@centurylink.net
Phone: 208-521-9687

From: Kristin Lewis
To: Naysha Foster
Subject: Re: Project file no. ANX24-003
Date: Wednesday, May 29, 2024 7:03:51 PM

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nfoster@idahofalls.gov

All,

Regarding ANX24-003 wanting to change the land north of 17 N to zoning of R2, I would like to voice my concerns that the infrastructure (roads, traffic, schools, etc.) is not developed to handle the traffic or population of a zone 2. ANX24-003 should not be allowed.

The infrastructure was already under scoped for the traffic of the Silverleaf houses. Not only is the infrastructure not available, but a zone 2 would devalue the local properties. This area has farms and large properties with large homes. In addition, the schools for the area are overloaded and could not handle a zone 2 in the area.

Please do not change the area to a zone 2.

Dan Lewis
Silverleaf neighborhood

From: Dan Lewis <datsoondan@gmail.com>
Sent: Sunday, May 5, 2024 8:43 PM
To: nfoster@idahofalls.gov <nfoster@idahofalls.gov>
Subject: Project file no. ANX24-003

All,

Regarding ANX24-003 wanting to change the land north of 17 N to zoning of R2, I would like to voice my concerns that the infrastructure (roads, traffic, schools, etc.) is not developed to handle the traffic or population of a zone 2. ANX24-003 should not be allowed.

The infrastructure was already under scoped for the traffic of the Silverleaf houses. Not only is the infrastructure not available, but a zone 2 would devalue the local properties. This area has farms and large properties with large homes. In addition, the schools for the area are overloaded and could not handle a zone 2 in the area.

Please do not change the area to a zone 2.

Dan Lewis
Silverleaf neighborhood

CHARLEMONT FARMS, LLC
771 N 35th W
Idaho Falls, Idaho 83402

July 2, 2024

Community Development Services
680 Park Avenue
Idaho Falls, Idaho 83405

RE: ANX24-003

In response to your notification on June 21, 2024 regarding the application by HLE for Initial R2 Zoning and Annexation. Charlemont Farms, LLC has the following comments.

On Sept 6, 2022, the IF Planning & Zoning voted to recommend annexation of the parcel with an R1 Zone and the requirement that 1/3 of the development be single family detached dwellings.

On May 7, 2024 the Developer (Idaho Land Holdings) again requested Annexation and initial Zoning of R2. Planning and Zoning again denied the request for the R2 Zone and recommended annexation and initial Zoning of R1.

The Idaho Falls Planning and Zoning Commission has recommended to Council twice that the appropriate zone should be R1.

If the developer (Idaho Land Holdings, PO Box 14856, Jackson, Wyoming) insists requesting the R2, Mixed Use Zone, we request that the Idaho Falls City Council *deny the said request.*

Sincerely,

Bernard Belloff

Charlemont Farms, LLC

GIVENS PURSLEY LLP
Attorneys and Counselors at Law

601 W. Bannock Street
PO Box 2720
Boise, ID 83701
Telephone: 208-388-1200
Facsimile: 208-388-1300

www.givenspursley.com

July 2, 2024

Via Email to:
mayor@idahofallsidaho.gov; lburtenshaw@idahofalls.gov; mdingman@idahofallsidaho.gov; jfrancis@idahofallsidaho.gov; jradford@idahofallsidaho.gov; jfreeman@idahofallsidaho.gov; klarsen@idahofalls.gov

Mayor and City Council
City of Idaho Falls
308 Constitution Way
PO Box 50220
Idaho Falls, ID 83402

RE: Supplemental Narrative – ANX24-003, Annexation and R-2 Zoning of Parcel # RP02N37E105273

Dear Madam Mayor and Members of City Council:

We submit this supplemental narrative in support of the requested initial zoning of R-2 for the above-referenced application. At the May 7 Planning and Zoning commission meeting, the Commission recommended R-1 rather than R-2 zoning. We write to offer further support that R-2 is the appropriate zone for this parcel.

First, R-2 aligns with the City of Idaho Falls Comprehensive Plan. As noted by City planning staff in their report for the May 7 Planning and Zoning meeting, this parcel is within the Suburban transect. The Suburban transect purpose statement includes the following: "Residential development should include a mix of housing types, price points and sizes *and should not be exclusively detached single-dwelling units*." R-2 zoning provides for that type of housing mix, allowing single-family detached, single-family attached, duplexes, and multi-family development. R-1 on the other hand allows only single-family detached and single-family attached product, which does not provide for the type of housing diversity desired in the Comprehensive Plan.

Second, R-2 zoning aligns with the City's future plans for this area. As indicated in the staff report, the future plans for the area include a commercial node just north of this property at the intersection of N 35th W and W 33rd N as well as the intersection of N 35th W and Broadway. Again, this aligns with the Suburban transect's goals of placing development near easy vehicular access to regional commercial services and daily household needs. Though neighbor comments that the commercial node was not yet built out, it is residential development like this proposed application that drives such commercial development, not the other way around. And, compliance with the Comprehensive Plan is the means to achieve the commercial desired by the City and the neighbors.

Third, R-2 zoning would better address the City's needs for housing diversity in terms of type and cost. Idaho Falls is a rapidly growing community, and as it increasingly urbanizes, the City needs housing options that are diverse in terms of lot size, cost, and type. Allowing neighbors to override comprehensive planning will result in less affordable and less available housing and more expensive City services for everyone. As Commissioner Ihler stated in the May 7 hearing, homogeneous single-family neighborhoods promote inefficient land use, and single-family subdivisions are subsidized by higher and medium density development:

> Single-family neighborhoods that are just pure single-family neighborhoods are a drain on City infrastructure and they do not bring in the amount of taxes needed to support those neighborhoods. . . . We need to cover ourselves and to make sure we're receiving the tax base to cover the infrastructure going out to this area. Medium and Higher density we know brings in more taxes than any single family neighborhood ever will. That's just a fact that's just how it is. Higher density and medium density subsidizes single-family neighborhoods.

(Commissioner Forrest Ihler, May 7 Planning and Zoning Hearing at 1:37:44).

Finally, this application and the developer's plans are compatible with the surrounding area. Neighbors expressed concern at the May 7 meeting that the allowed maximum density in the R-2 zone would not be compatible. The City's process does not allow the developer to submit a plan during an annexation and initial zoning application process to demonstrate planned densities and transitional lot sizing, but the City and neighbors will have an opportunity to review and comment on those issues and the specific layout in a subsequent plat application.

We appreciate your consideration and ask for your support of the proposed R2 zoning. We look forward to discussing further with you at the hearing on July 11.

Very Truly Yours,

Deborah E. Nelson

cc: Naysha Foster, Planner (nfoster@idahofallsidaho.gov)

July 5, 2024

Comments from Walter and Jalin Sopkowicz of 1980 N. Bramble Lane, a residence in adjacent neighborhood to the subject property (ANX24-003) that appears to be being requested Idaho Falls City Council to be annexed into Idaho Falls and zoned as R2 even though:

Noting the comments we previously provided (see below) to the Planning and Zoning Commission and the meeting attended where we understood after a Planning and Zoning Commission 3-2 vote that R1 would be the path forward for the subject property for annexation, it was very surprising and frustrating to see the public notice for the upcoming 7/11/24 City Council meeting inferring that Annexation with an initial zoning of R2, Mixed Residential, is what appeared to be being recommended. After tracking down the meeting minutes and recalling the specifics of the meeting on May 7, I appreciate that I think is really going on is consistent with the meeting minutes that state their intent to "forward their annexation request as is *(i.e., the original R2 request)*, with the Commission's motion and recommendation *(i.e., recommend an R1 after the 3-2 vote)*'; *italicized* text added by Walter Sopkowicz for context. As such, I hope that the public is not being directly lied to as I initially worried was occurring; instead it appears that the Idaho Falls Planning and Zoning bureaucratic process is just being used in a slimy 'pass-the-buck' way combined with not being clear and transparent to the public with what is specifically going on. Frankly, I am confused as to why the Planning and Zoning Commission did not reject the R2 application based on the vote results resulting in a whole new application for R1 being put together with notice put out with supporting statements from the public included to show City Council the results of the Planning and Zoning Committee vote results and public arguments around it. Instead, the latest notice appears to be just forwarding this abhorrent R2 spot zone without the notice even recognizing the overwhelming public dissent of it or even the results of the previous public meeting. The public having to try to decipher what its public officials are doing is contrary to the foundational principles of how government should work in this Country at all levels. As such, we recommend that City of Idaho Falls review if what was done with this annexation recommendation was per City of Idaho Falls policies and if not, this annexation be disapproved immediately and restarted as the R1 it should be after the concerns below are addressed. Further, if it was per City of Idaho Fall policies, we recommend those policies be reviewed to correct them such that the appearance of deception with this annexation does not occur again.

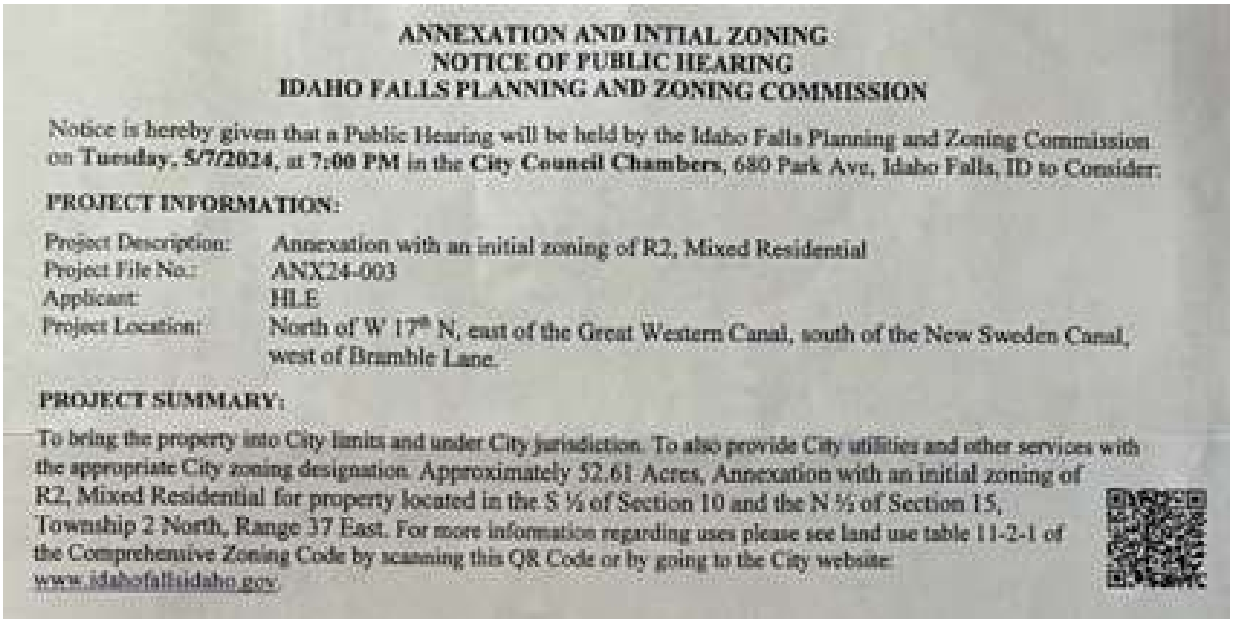
Further, we also want to make sure that Idaho Falls City Council is aware of all our concerns and frustrations as expressed to the Planning and Zoning Committee as shown below. We continue to have the concerns state below compounded by the issue stated above.

In conclusion, for all of the points stated below and above we request that the City of Idaho Falls City Council immediately disapprove of this annexation and rezoning request until bigger issues traffic, schools, and services are addressed as well as issues with management, communications, and transparency of the Idaho Falls Planning and Zoning Commission and its processes be addressed. Further, we strongly recommend that the City of Idaho Falls stop all such re-zoning considerations immediately to update the zoning ordinances to ensure a rigorous process is established with full transparency of the public at-large for such changes even being considered.

V/R, Walter and Jalin Sopkowicz

May 5, 2024

Written comments to City of Idaho Falls Planning and Zoning Commission for land annexation and initial zoning notice of public hearing planned for Tuesday, May 7, 2024, for:



ANNEXATION AND INTIAL ZONING
NOTICE OF PUBLIC HEARING
IDAHO FALLS PLANNING AND ZONING COMMISSION

Notice is hereby given that a Public Hearing will be held by the Idaho Falls Planning and Zoning Commission on **Tuesday, 5/7/2024**, at **7:00 PM** in the **City Council Chambers**, 680 Park Ave, Idaho Falls, ID to Consider:

PROJECT INFORMATION:

Project Description:	Annexation with an initial zoning of R2, Mixed Residential
Project File No.:	ANX24-003
Applicant:	HLE
Project Location:	North of W 17th N, east of the Great Western Canal, south of the New Sweden Canal, west of Bramble Lane.

PROJECT SUMMARY:

To bring the property into City limits and under City jurisdiction. To also provide City utilities and other services with the appropriate City zoning designation. Approximately 52.61 Acres, Annexation with an initial zoning of R2, Mixed Residential for property located in the S ½ of Section 10 and the N ½ of Section 15, Township 2 North, Range 37 East. For more information regarding uses please see land use table 11-2-1 of the Comprehensive Zoning Code by scanning this QR Code or by going to the City website: www.idahofallsidaho.gov.

Comments from Walter and Jalin Sopkowicz of 1980 N. Bramble Lane, a residence in adjacent neighborhood to the subject property (ANX24-003) that is being requested to be annexed into Idaho Falls and zoned as R2:

We strongly object to the annexation and spot zoning of the subject property (Project File No. ANX24-003) as R2 considering all surrounding properties are farm land or a R1 type zoning. The proposed development is inconsistent with the surrounding properties, especially with the distance of the subject property to the city center of Idaho Falls where mixed residencies exist and make sense. Other concerns include:

1) Significant increase of traffic on 17th north and 35th West without upgrades to roads: 17th north is a small two-lane county road without any shoulders that is already becoming dangerous due to increased traffic as result of the the recently built Silverleaf development just south of this proposed annexation. Adding this annexation, especially with R2 zoning, will greatly increase the traffic and wear of the road. Further, since the City of Idaho Falls is also considering closing Old Butte Road due to expansion of the Idaho Falls Airport a large amount of traffic will have to use 17th north and 35 West. What is the plan to improve 17th North considering the existing traffic problems? What is the plan with established funding for supporting ensuring 17th North and 35th West can take the increased traffic? These questions need answered before further annexation occurs; otherwise, no annexations off of 17th should be allowed until such a plan is approved and funded.
2) Adding significantly to an already overburdened District 91 school system: The proposed development will greatly impact the already overburdened District 91 school system schools of Westside Elementary, Fox Hollow Elementary, Ethel Boyes Elementary School, Eagle Rock Middle School, Skyline High School, and American Heritage Charter School. Specifically, the

children that will be moving will be significantly adding to the current over capacity of District 91 schools that has no new schools in plan due to no bond being passed in multiple election cycles. Further the significant increase in population with children could continue to compound the $4,000,000.00 debt District 91 is having to cut services and programs for (March 27, 2024, East Idaho News Article). Before additional annexation, especially for adding an R2 development, is approved, new schools have to be built. A plan with funding has to be established for applicable District 91 schools followed by construction of the schools, which means that any additional annexation should be paused for at least 5 years with the potential of extended delay for however long it takes to get a District 91 school bond past. As such, this annexation should be disapproved forthwith.

3) Current city of Idaho Falls services including police, fire, and medical is not sufficient to annex in more property, especially R2 zoning: Idaho Falls police, fire, and medical already suffer from understaffing to adequately cover existing needs. Until a plan is put together, funding established, and sufficient equipment, people, and services put in place that covers the existing Idaho Falls needs no further developments should be allowed, especially an R2 zoning. Before additional annexation, especially for adding an R2 development, is approved, a plan with funding needs to be established for applicable District 91 schools.
4) Continued evolution of this property zoning to be a denser spot zone: Against the objections of us and many of our neighbors approximately two years ago, the City of Idaho Falls Planning and Zoning Commission approved a development for small yard single family homes and some twin homes. Now the developer wants multifamily mixed residential such as apartments that this R2 zoning would allow? Why is the developer changing zoning? Why would the Planning and Zoning Commission even consider a spot zone such as this that makes no sense considering everything that surrounds it? We request that answers as to why such a re-zoning is being considered to the point of requesting the City of Idaho Falls stopping all such re-zoning considerations immediately to update the zoning ordinances to ensure a rigorous process is established with full transparency of the public at-large for such changes even being considered. Otherwise, it appears that City of Idaho Falls is just allowing greedy developers to continue to request changes in what feels like sneaky and underhanded efforts that also has the appearance of the City of Idaho Falls working to increase its tax base without putting in place the infrastructure and services needed to support the high density spot zone along a county road beside potato fields, and large property single family homes.

In conclusion, for all of the points stated above we request that the City of Idaho Falls Planning and Zoning Commission immediately disapprove of this annexation and rezoning request. Further, we strongly recommend that the City of Idaho Falls stopping all such re-zoning considerations immediately to update the zoning ordinances to ensure a rigorous process is established with full transparency of the public at-large for such changes even being considered.

From: Donald Tapp <donnietapp@icloud.com>
Sent: Friday, July 5, 2024 8:58 AM
To: Naysha Foster <nfoster@idahofalls.gov>
Subject: ANX24-003 to be considered by City Council on July 11

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

Naysha,

I'd appreciate if the following written comments concerning ANX24-003 could be added to the agenda and minutes for the upcoming City Council meeting on July 11:

My family lives at 3173 W. 17th N. directly across from the parcel which is being considered for approval to be annexed into the city of Idaho Falls and zoned R2 Mixed Use.

The zone R2 mixed use would be dramatically incongruent with the surrounding area. The allowable density of 17 units per acre under R2 zoning is over 7 times greater than the density of Silverleaf Estates which is the adjacent development within city limits, and 34 times greater than the density of Rosewood Acres which is the only other development adjacent to the property and is zoned within the county.

99.6% of the property directly adjacent to the parcel in question is outside of city limits, with the majority of that land currently serving agricultural purposes. Living outside city limits, these land owners didn't have representation during the development of the Comprehensive Plan. With that in mind I'd ask that the City of Idaho Falls take particular caution in ensuring that their decision is compatible with the surrounding zones and land uses.

17th N. is the only road the proposed development would be accessible by, and is a county road that the city of Idaho Falls does not assume responsibility for maintaining or improving. This dramatically impacts the city's ability to provide the services and conditions that characterize a development within the limits of the City of Idaho Falls. The proposal we received in the mail indicates an easement being taken from our property in order to widen 17th N. and put in utilities directly in front of the 51 acre parcel. We are not willing to provide that easement on our property.

When a representative of the developer presented his justifications for requesting R2 zoning at the Planning Commission meeting, the main reason provided was that the unconventional shape of the property limits how many lots it can be divided into. This has no bearing on the Comprehensive Plan and it isn't a relevant consideration for the City.

At the Planning Commission meeting it was also expressed that a density below R2 would not bring the city enough revenue to justify the expense of providing services to this property. If that proves to be accurate from the city's study of the area we would strongly encourage the city not to annex, as this would allow the property to continue to align well with the surrounding area while also preventing an unsustainable burden on city resources.

For these reasons we would request that the City Council reject ANX24-003

We sincerely appreciate the City Council's consideration for the views of those who will be affected most directly by this decision.

Thanks so much,
The Tapp Family

Memorandum

File #: 24-274 **City Council Meeting**

FROM: Wade Sanner, Director
DATE: Tuesday, June 25, 2024
DEPARTMENT: Community Development Services

Subject
Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R2, Mixed Residential with the Limited Development and Controlled Development Airport Overlay Zones, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East.

Council Action Desired
☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)
1. Approve the Ordinance establishing the initial zoning for R2, Mixed Residential with the Limited Development and Controlled Development Airport Overlay Zones as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings; and request that it be read by title and published by summary; that the City limits documents be amended to include the area annexed herewith; and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the initial zoning of R2, Mixed Residential with the Limited Development and Controlled Development Airport Overlay Zones and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose
Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R2, Mixed Residential with the Limited Development and Controlled Development Airport Overlay Zones which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for approximately 52.229 acres, South ½ of Section 10 and the North ½ of Section 15, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its May 7, 2024, meeting and voted to recommended approval of the annexation with initial zoning of R1, Single Dwelling Residential with the Limited Development and Controlled Development Airport Overlay Zones with a vote of 3-2.

Alignment with City & Department Planning Objectives



☐ ☒ ☒ ☐ ☒ ☐ ☐ ☐

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

Interdepartmental Coordination
N/A

Fiscal Impact
N/A

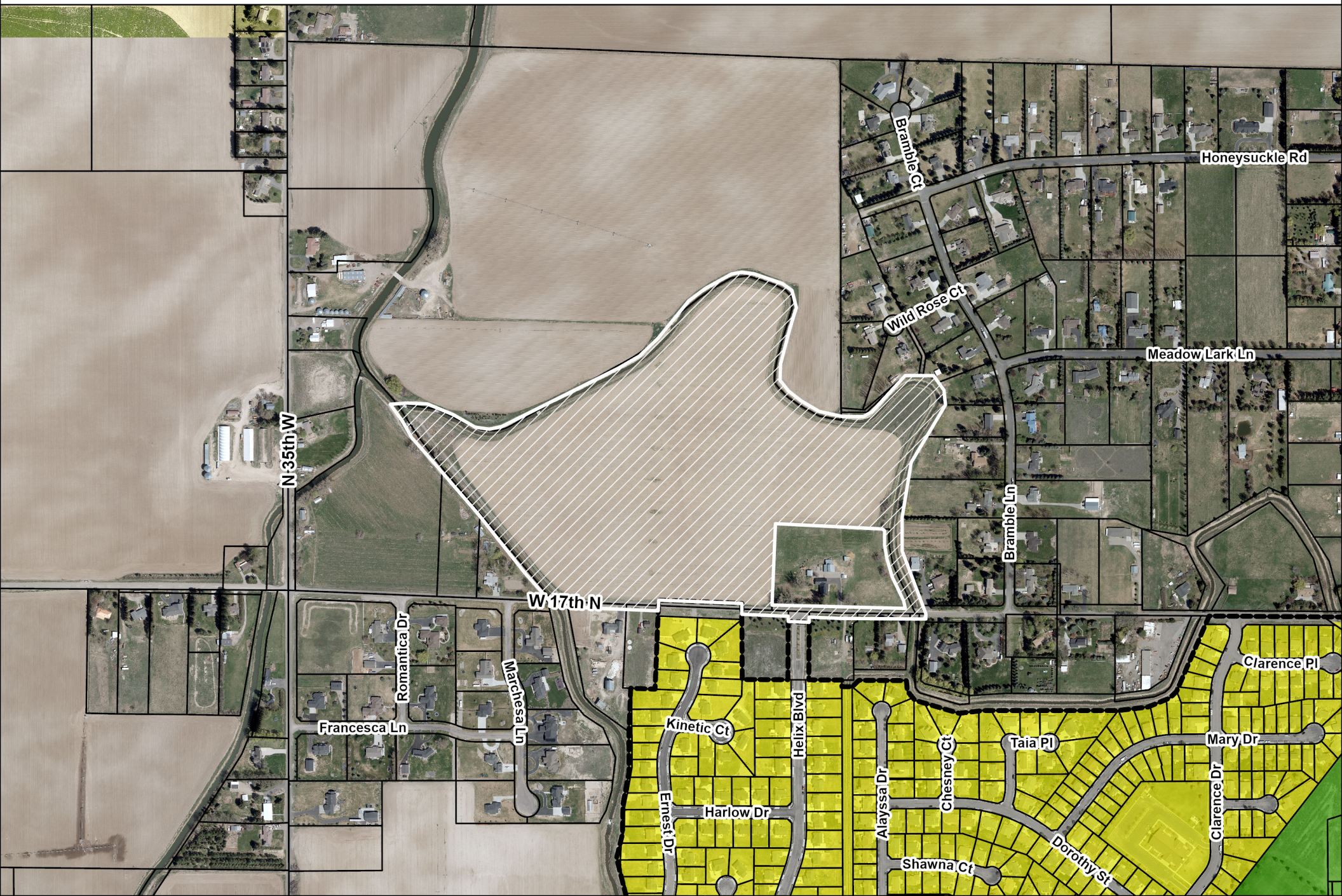
Legal Review
These actions have been reviewed by the Legal Department pursuant to applicable State statute.

Zoning

ANX24-003 Initial Zoning R2 with Airport Overlay

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

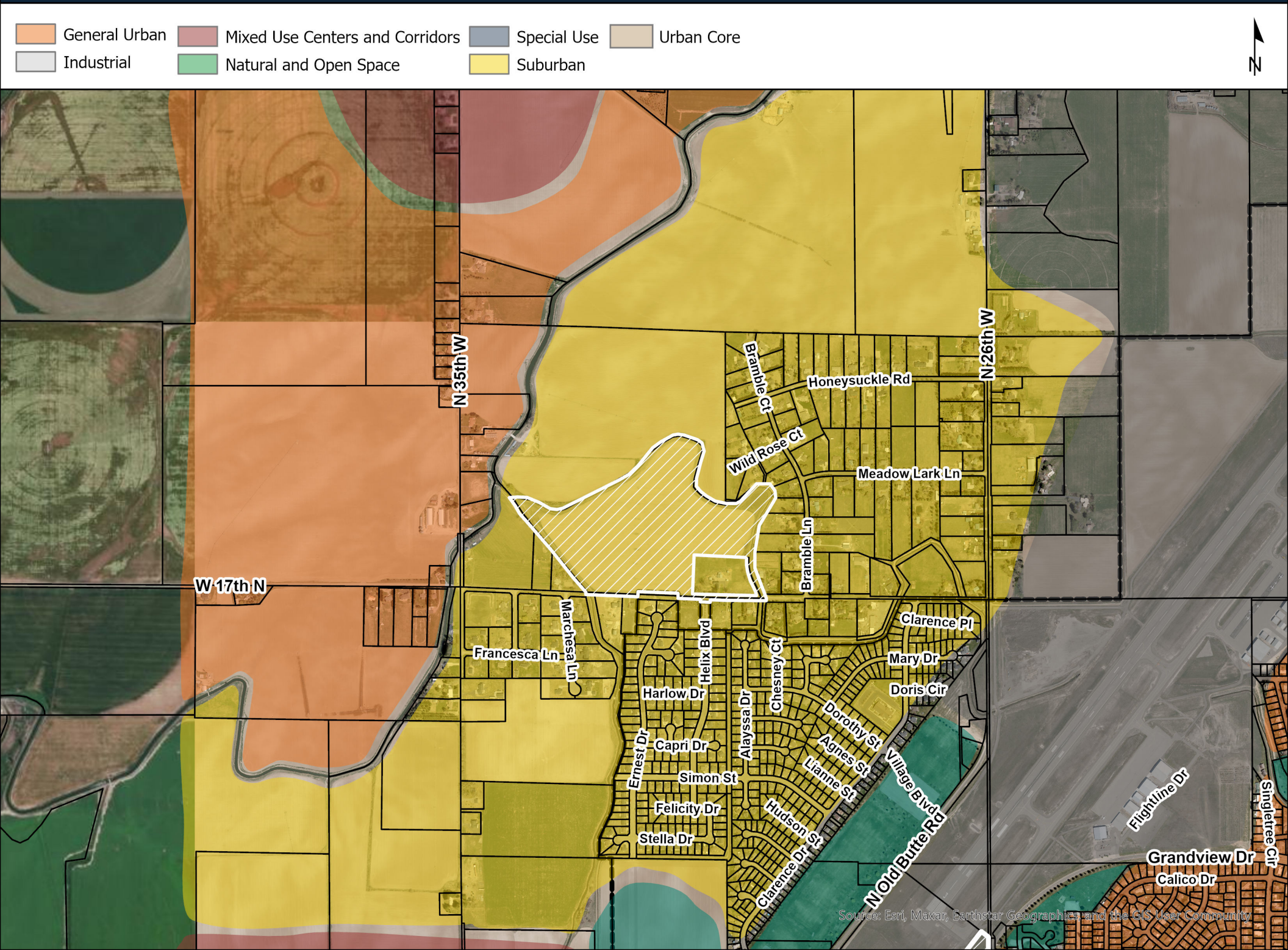
RP R2 RMH R3A CC HC LM P




Aerial
ANX24-003 Initial Zoning R2 with Airport Overlay
W 33rd N
N 35th W
N 26th W
Bramble Ct
Honeysuckle Rd
Wild Rose Ct
Meadow Lark Ln
Bramble Ln
W 17th N
Marchesa Ln
Francesca Ln
Helix Blvd
Harlow Dr
Chesney Ct
Clarence Pl
Mary Dr
Doris Cir
Dorothy St
Agnes St
Village Blvd
Alayssa Dr
Ernest Dr
Capri Dr
Simon St
Felicity Dr
Stella Dr
Liame St
Hudson St
Clarence Dr
N Old Butte Rd
Flightline Dr
Grandview Dr
Calico Dr
Singletree Cir
Singletree Ln
Coachman Dr
Burtboard Ln
Neptune Dr
Moonrite Dr
Source: Esri, Maxar, Earthstar Geographics, and the GIS User Community

Comprehensive Plan

ANX24-003 Initial Zoning R2 with Airport Overlay



11-2-3: ALLOWED USES IN RESIDENTIAL ZONES.

Table 11-2-1: Allowed Uses in Residential Zones

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

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

	Residential							
Proposed Land Use Classification	**RE**	**RP**	**R1**	**R2**	**TN**	**RMH**	**R3**	**R3A**
Accessory Use	P	P	P	P	P	P	P	P
Agriculture*	P							
Animal Care Clinic*					P*			P
Artist Studio					P*			
Bed and Breakfast*								P
Boarding /Rooming House							P	P
Day Care, Center*			C_2	P	P		P	P
Day Care, Group*	C_1		C_1	P	P	C_1	P	P
Day Care, Home	C_1		C_1	P	P	C_1	P	P
Dwelling, Accessory Unit*	P	P	P	P	P	P	P	P
Dwelling, Multi-Unit*				P*	P		P	P
Dwelling, Multi-Unit Attached*				P	P		P	P
Dwelling, Single Unit Attached*			P	P	P	P	P	P
Dwelling, Single Unit Detached	P	P	P	P	P	P	P	P
Dwelling, Two Unit				P	P		P	P
Eating Establishment, Limited					P*			P
Financial Institutions					P*			P
Food Processing, Small Scale					P*			P
Food Store					P*			P
Fuel Station					P*			
Health Care and Social Services					P*			P
Home Occupation*	C_1		C_1	C_1	C_1	C_1	C_1	C_1
Information Technology								P
Laundry and Dry Cleaning					P*			P
Live-Work*					C_1			P
Manufactured Home*	P	P	P	P	P	P	P	P
Mobile Home Park*						P		C_2
Mortuary								P
Park and Recreation Facility*	P	P	P	P	P	P	P	P
Parking Facility								P
Personal Service					P*			P
Planned Unit Development*	C_3	C_3	C_3	C_3	C_3	C_3	C_3	C_3
Professional Service					P			P
Public Service Facility*	C_2	C_2	C_2	C_2	C_2	C_2	C_2	C_2
Public Service Facility, Limited	P	P	P	P	P	P	P	P
Public Service Use								P

Proposed Land Use Classification	RE	RP	R1	R2	TN	RMH	R3	R3A
Recreational Vehicle Park*						P		
Religious Institution*	C_2	C_2	C_2	C_2	C_2	C_2	C_2	C_2
Residential Care Facility							P	P
Retail					P*			C_2
School	C_2	C_2	C_2	C_2	C_2	C_2	C_2	C_2
Short Term Rental*	P	P	P	P	P	P	P	P
Transit Station								P

(Ord. 3218, 9-13-18) (Ord. 3358, 12-10-20) (Ord. 3451, 3-31-22) (Ord. 3458, 4-14-22)

(Ord. 3496, 12-8-22)

ORDINANCE NO._____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 52.229 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R2, MIXED RESIDENTIAL ZONE AND THE AIRPORT OVERLAY ZONES OF LIMITED DEVELOPMENT AND CONTROLED DEVELOPMENT ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is R2 with the Airport Overlay Zones for such annexed lands is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Suburban"; and

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

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Suburban"; and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on May 7, 2024, and recommended approval of zoning the subject property to R1 Zone; and

WHEREAS, the Council conducted a duly noticed public hearing and passed a motion to approve this zoning on July 11, 2024.

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

SECTION 1: Comprehensive Plan Designation. The area described in Exhibit A are hereby given a Comprehensive Plan designation of Suburban.

SECTION 2: Legal Description. The lands described in Exhibit A are hereby zoned as R2 Zone.

SECTION 3. Zoning. The property described in Section 1 of this Ordinance be and the same hereby is zoned "R2 Zone" and "Limited Development and Controlled Development Airport Overlay Zones" 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 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or

unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

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

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

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this_____day of_____, 2024.

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 INITIAL ZONING OF APPROXIMATELY 52.229 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R2, MIXED RESIDENTIAL ZONE AND THE AIRPORT OVERLAY ZONES OF LIMITED DEVELOPMENT AND CONTROLED DEVELOPMENT ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

_____

Corrin Wilde, City Clerk

(SEAL)

Exhibit "A"

LEGAL DESCRIPTION (Page 1 of 2)

PART OF THE SOUTH HALF OF SECTION 10, AND PART OF THE NORTH HALF OF SECTION 15, T. 2 N. R. 37 E.B.M., BONNEVILLE COUNTY, IDAHO DESCRIBED AS:

COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; THENCE N87°37'36"W 1395.57 FEET ALONG THE SECTION LINE TO THE WEST BANK OF THE GREAT WESTERN CANAL AND BEING THE POINT OF BEGINNING; THENCE ALONG SAID WEST BANK FOR THE FOLLOWING SIX (6) COURSES; (1) THENCE N41°35'53"W 181.91 FEET (2) THENCE N38°25'53"W 359.27 FEET; (3) THENCE N40°48'34"W 348.95 FEET; (4) THENCE N41°32'24"W 134.37 FEET; (5) THENCE N29°08'58"W 90.78 FEET; (6) THENCE N36°06'12"W 98.62 FEET; THENCE N86°00'40"E 83.66 FEET TO THE NORTH BANK OF THE EAST LATERAL OF NEW SWEDEN CANAL; THENCE ALONG SAID NORTH BANK THE FOLLOWING TWENTY-FIVE (25) COURSES; (1) THENCE S87°19'35"E 95.03 FEET; (2) THENCE S67°32'48"E 133.75 FEET; (3) THENCE S60°09'58"E 120.92 FEET; (4) THENCE S82°11'01"E 68.20 FEET; (5) THENCE N77°42'13"E 60.29 FEET; (6) THENCE N63°26'20"E 623.64 FEET; (7) THENCE N60°07'05"E 115.34 FEET; (8) THENCE N46°36'45"E 123.05 FEET; (9) THENCE N39°15'14"E 234.43 FEET; (10) THENCE N53°38'22"E 98.67 FEET; (11) THENCE N60°59'28"E 141.30 FEET; (12) THENCE N80°06'27"E 50.18 FEET; (13) THENCE S82°05'38"E 60.18 FEET; (14) THENCE S70°53'24"E 142.74 FEET; (15) THENCE S54°43'06"E 55.16 FEET; (16) THENCE S14°31'52"E 85.35 FEET; (17) THENCE S17°10'43"W 109.74 FEET; (18) THENCE S14°43'49"W 170.68 FEET; (19) THENCE S01°42'18"W 78.03 FEET; (20) THENCE S38°51'54"E 66.37 FEET; (21) THENCE S51°54'15"E 75.10 FEET; (22) THENCE S59°41'49"E 99.81 FEET; (23) THENCE S77°36'08"E 114.21 FEET; (24) THENCE S89°47'56"E 100.43 FEET; (25) THENCE N60°29'16"E 47.47 FEET; THENCE N42°31'10"E 234.44 FEET TO THE SOUTHERLY BOUNDARY OF LOT 11, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 6 BONNEVILLE COUNTY, IDAHO; THENCE S89°58'30"E 85.02 FEET TO THE SOUTHWEST CORNER OF LOT 9, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 5, BONNEVILLE COUNTY, IDAHO; THENCE EAST 50.00 FEET; THENCE S35°32'16"E 40.47 FEET TO THE NORTHWEST CORNER OF LOT 8, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 4, BONNEVILLE COUNTY, IDAHO; THENCE S35°31'53"E 45.55 FEET; THENCE S06°06'58"E 70.41 FEET; THENCE S30°47'23"W 320.09 FEET TO THE WESTERLY ANGLE POINT OF LOT 4, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 3, BONNEVILLE COUNTY, IDAHO; THENCE S09°24'11"W 266.37 FEET TO THE NORTHWEST CORNER OF LOT 2, BLOCK 2, ROSEWOOD ACRES SUBDIVISION, DIVISION NO. 1, BONNEVILLE COUNTY, IDAHO; THENCE S00°01'25"W ALONG SAID DIVISION NO. 1 BOUNDARY 161.18 FEET; THENCE S20°43'03"E ALONG SAID DIVISION NO. 1 BOUNDARY 320.86 FEET TO THE SOUTH LINE SAID SECTION 10; THENCE S00°24'57"W 25.00 FEET; THENCE RUNNING PARALLEL WITH THE SOUTH BOUNDARY OF SECTION 10 N89°35'14"W 403.88 FEET; THENCE CONTINUING PARALLEL WITH THE SOUTH BOUNDARY OF SECTION

Submitted by:

Firm Name: HLE

Contact Name: Clint Jolley

Phone Number: 208-524-0212

Email: clintj@hleinc.com

Overall Document Page Range: 1 of 2

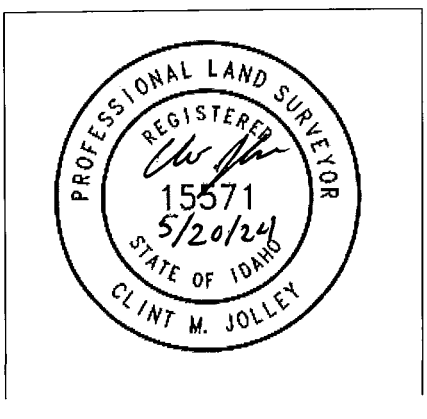


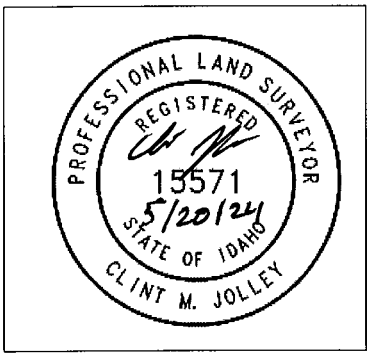
Exhibit "A"

LEGAL DESCRIPTION (Sheet 2 of 2)

10 N87°37'36"W 154.37 FEET; THENCE S00°14'47"W 25.02 FEET TO THE POINT ON THE BOUNDARY OF CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092; THENCE ALONG THE BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 N87°37'36"W 100.09 FEET; THENCE N00°14'32"E 25.02 FEET; THENCE N87°37'36"W 221.74 FEET TO THE EAST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092; THENCE ALONG THE EAST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 N00°15'35"W 25.03 FEET TO A POINT ON THE SOUTH BOUNDARY OF SECTION 10; THENCE CONTINUING ALONG THE EAST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 N00°15'35"W 26.75 FEET TO THE NORTHEAST CORNER OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092; THENCE ALONG THE NORTH BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 N87°42'14"W 397.82 FEET TO THE NORTHWEST CORNER OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092; THENCE ALONG THE WEST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 S02°22'16"W 26.25 FEET TO A POINT ON THE SOUTH BOUNDARY OF SECTION 10; THENCE CONTINUING ALONG THE WEST BOUNDARY OF SAID CITY OF IDAHO FALLS ANNEXATION ORDINANCE NO. 3092 S02°22'24"W 25.00 FEET; THENCE RUNNING PARALLEL WITH THE SOUTH BOUNDARY OF SECTION 10 N87°37'36"W 519.61 FEET; THENCE N02°22'24"E 25.00 FEET TO A POINT ON THE SOUTH BOUNDARY OF SECTION 10 AND BEING THE POINT OF BEGINNING:

EXCEPTING THEREFROM: COMMENCING AT THE SOUTH 1/4 CORNER OF SECTION 10, TOWNSHIP 2 NORTH, RANGE 37 EAST OF THE BOISE MERIDIAN, BONNEVILLE COUNTY, IDAHO; THENCE N 01°23'35" E 25.00 FEET TO THE POINT OF BEGINNING; THENCE N87°37'36"W 333.00 FEET; THENCE N02°22'24"E 389.71 FEET; THENCE S87°08'30"E 523.92 FEET TO A POINT ON THE WEST BANK OF THE EAST LATERAL OF NEW SWEDEN CANAL; THENCE ALONG SAID WEST BANK THE FOLLOWING SIX (6) COURSES; (1) THENCE S05°00'00"W 14.96 FEET; (2) THENCE S00°02'31"W 60.16 FEET; (3) THENCE S09°41'45"E 68.48 FEET; (4) THENCE S16°21'19"E 90.55; (5) THENCE S25°38'40"E 123.97 FEET; (6) THENCE S12°55'02"E 39.01 FEET; THENCE N89°35'14"W 304.75 FEET TO THE POINT OF BEGINNING.

ANNEXATION PARCEL CONTAINS: 52.229 ACRES MORE OR LESS



ANNEX ORDINANCE
_____

ANNEXATION MAP
CITY OF IDAHO FALLS

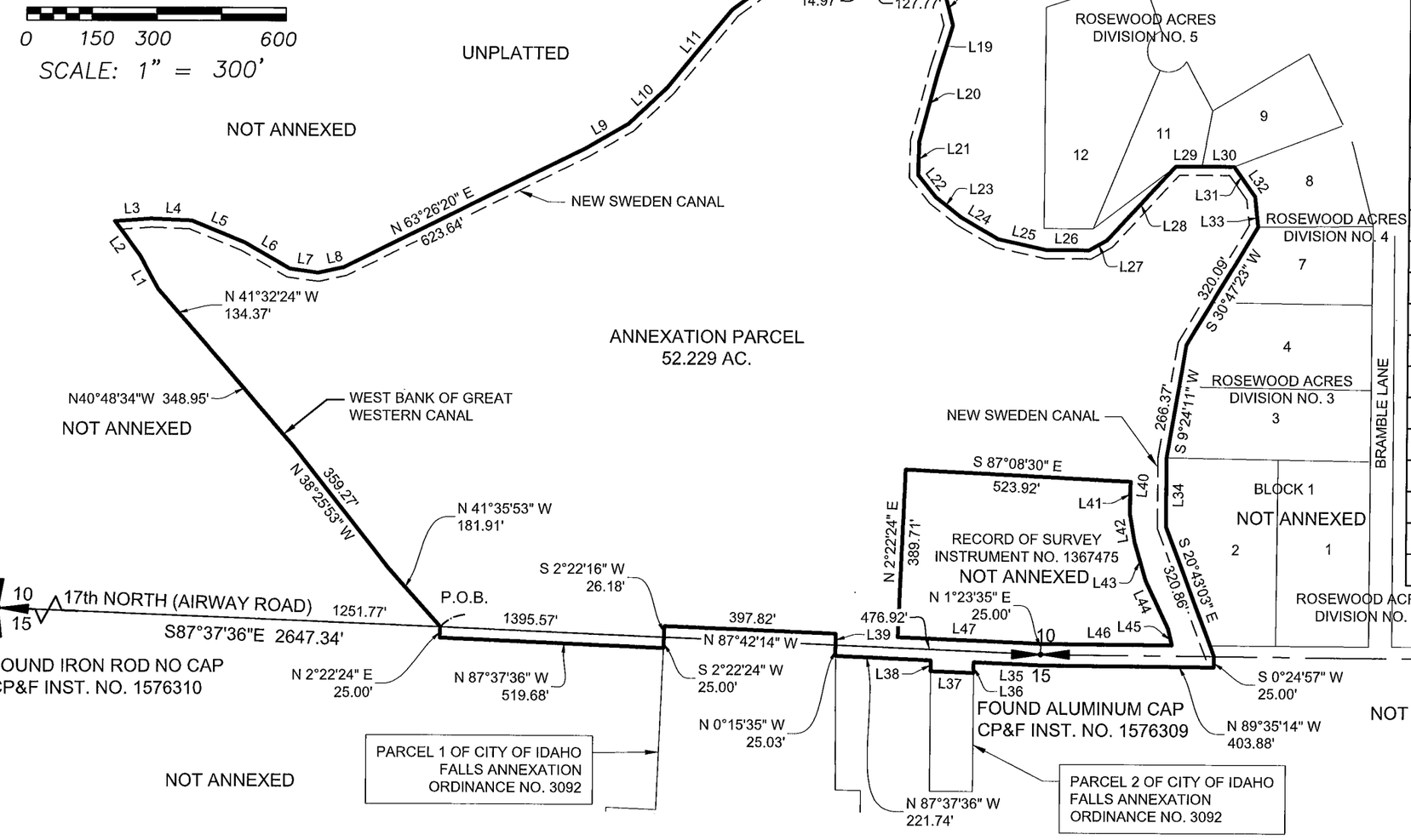
PART OF THE SOUTH HALF OF SECTION 10, AND THE NORTH HALF OF SECTION 15, TOWNSHIP 2 NORTH RANGE 37 E.B.M.
BONNEVILLE COUNTY, IDAHO

ORDINANCE RECORDED WITH THE BONNEVILLE COUNTY RECORDERS OFFICE AS INSTRUMENT NO. _____

0 150 300 600
SCALE: 1" = 300'

LEGEND

- ANNEXATION BOUNDARY LINE
- SECTION CONTROL LINE
- 10/15 SECTION CORNER
- P.O.B. POINT OF BEGINNING



Parcel Line Table			Parcel Line Table		
Line #	Direction	Length	Line #	Direction	Length
L1	N29°08'58"W	90.78'	L25	S77°36'08"E	114.21'
L2	N36°06'12"W	98.62'	L26	S89°47'56"E	100.43'
L3	N86°00'40"E	83.66'	L27	N60°29'16"E	47.47'
L4	S87°19'35"E	95.03'	L28	N42°31'10"E	234.44'
L5	S67°32'48"E	133.75'	L29	S89°58'30"E	85.02'
L6	S60°09'58"E	120.92'	L30	N90°00'00"E	50.00'
L7	S82°11'01"E	68.20'	L31	S35°32'16"E	40.47'
L8	N77°42'13"E	60.29'	L32	S35°31'53"E	45.55'
L9	N60°07'05"E	115.34'	L33	S6°06'58"E	70.41'
L10	N46°36'45"E	123.05'	L34	S0°01'25"W	161.18'
L11	N39°15'14"E	234.43'	L35	S87°37'36"E	154.37'
L12	N53°38'22"E	98.67'	L36	S0°14'47"W	25.02'
L13	N60°59'28"E	141.30'	L37	N87°37'36"W	100.09'
L14	N80°06'27"E	50.18'	L38	N0°14'32"E	25.02'
L15	S82°05'38"E	60.18'	L39	N0°15'35"W	26.75'
L16	S70°53'24"E	142.74'	L40	S5°00'00"W	14.96'
L17	S54°43'06"E	55.16'	L41	S0°02'31"W	60.16'
L18	S14°31'52"E	85.35'	L42	S9°41'45"E	68.48'
L19	S17°10'43"W	109.74'	L43	S16°21'19"E	90.55'
L20	S14°43'49"W	170.68'	L44	S25°38'40"E	123.97'
L21	S1°42'18"W	78.03'	L45	S12°55'02"E	39.01'
L22	S38°51'54"E	66.37'	L46	N89°35'14"W	304.75'
L23	S51°54'15"E	75.10'	L47	N87°37'36"W	333.00'
L24	S59°41'49"E	99.81'			

CIVIL & STRUCTURAL ENGINEERING
MATERIALS TESTING & LAND SURVEYING
101 S. Park Avenue, Idaho Falls, ID 83402, (208)524-0212
800 W. Judicial Street, Blackfoot, ID 83221, (208)785-2977
460 Lincoln Street, American Falls, ID 83211, (208)226-5764
hleinc.com

DRAWN BY	DESIGN BY	CHECK BY
RLR		CMJ

JOB NO: 2023-559
DATE: MAY 2023

REVISIONS	DATE

CITY OF IDAHO FALLS ANNEXATION

PART OF SECTIONS 10 AND 15, T. 2N., R 37 E.B.M.
BONNEVILLE COUNTY, IDAHO

SHEET NO. 1 OF 1 SHEETS

PROFESSIONAL LAND SURVEYOR
REGISTERED
15571
5/20/24
STATE OF IDAHO
CLINT M. JOLLEY

Z:\Projects\00-2023 Projects\23-559 Westbrook Survey\3-CAD\Survey\23-559 Westbrook ANNEXATION.dwg

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF R2, MIXED RESIDENTIAL, APPROXIMATELY 52.229 ACRES, GENERALLY LOCATED NORTH OF W 17TH N, EAST OF THE GREAT WESTERN CANAL, SOUTH OF THE NEW SWEDEN CANAL, WEST OF BRAMBLE LN.

WHEREAS, the applicant filed an application for annexation on April 2, 2024; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on May 7, 2024; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on July 11, 2024; 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 52.229 acres generally located north of W 17th N, east of the Great Western Canal, south of the New Sweden, west of Bramble Ln.
3. The Comprehensive Plan designates this area as Suburban.
4. The proposed R2 Zone and Airport Overlay Zones are consistent with the policies of the Comprehensive Plan and existing zoning and land uses in the area.
5. Idaho Falls Planning and Zoning Commission recommended an R1 Zone and Airport Overlay Zones of Limited Development and Controlled Development Zones.
6. The Suburban transect, of the Comprehensive Plan, specifically states the area should not be exclusively detached single-dwelling units. The R2 Zoning offers more flexibility to develop the property to meet the vision of the Suburban transect. An R2 Zone would be necessary in order to achieve housing types beyond single unit dwellings.

II. DECISION

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

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2024

_____

Rebecca L. Noah Casper - Mayor