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The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, February 13, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

- Mayor Rebecca L. Noah Casper
- Councilmember Michelle Ziel-Dingman
- Councilmember John Radford
- Councilmember Shelly Smede
- Councilmember Jim Francis
- Councilmember Thomas Hally
- Councilmember Jim Freeman

Also present:

- All available Department Directors
- Randy Fife, City Attorney
- Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested Ren Bishop, a sophomore at Compass Academy and Boy Scout Troop #387, to lead those present in the Pledge of Allegiance.

Public Comment:

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter. No one appeared.

Consent Agenda:

Idaho Falls Power requested approval of Power Trade Confirmation Agreements; Idaho Falls Power Service Policy Update; and, minutes from the January 30, 2020 Idaho Falls Power Board Meeting.

Municipal Services requested approval of IF-20-K, Purchase Jet Truck for Public Works; Request for Qualification (RFQ) 20-071, Elevator Upgrade at the Gem State Hydroelectric Plant; Treasurer's Report for December 2019; minutes from the January 27, 2020 Council Work Session; and, January 30, 2020 Council Meeting; and, license applications, all carrying the required approvals.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

Regular Agenda:

Mayor Casper stated item 5.E.2. Public Hearing for Form-based Code, has been recommended to be tabled for a future meeting.

Fire Department

Subject: Approval for Modification of City Ordinance, Title 7 Chapter 10 and Title 4 Chapter 17

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The risk to the public and emergency personnel of the City of Idaho Falls can be considerably lessened when emergency response personnel have current and accurate information about the conditions, conduct, and operations of a business during an emergency response. This ordinance will allow the Idaho Falls Fire Department (IFFD) Prevention Division to better identify, inspect and verify that the accurate use, permits, and maintenance is being performed within these properties.

Councilmember Hally stated this item was discussed at a previous (January 27, 2020) Work Session. Required information must be submitted to the IFFD including the layout of a building and any items that may be stored at the location. This ordinance will increase safety for firefighters and will protect the building and any adjacent property. This ordinance also requires qualified individuals to repair and maintain sprinkler systems. Councilmember Hally noted the fee for this permit/license is minimal.

It was moved by Councilmember Hally, seconded by Councilmember Smede, to approve the modification of the City Ordinance Title 7, Chapter 10 and addition of Title 4, Chapter 17 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3296

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTER 10, TITLE 7 OF THE CITY CODE; ADDING CHAPTER 17 TO TITLE 4 OF THE CITY CODE TO ESTABLISH A REQUIREMENT FOR BUSINESSES PERMITTED PURSUANT TO THE INTERNATIONAL FIRE CODE TO REGISTER WITH THE CITY CLERK; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Municipal Services

Subject: Haul and Spread of Liquid Wastewater Bio-Solids for Public Works

Bid IF-20-09 was published and did not receive any bidders. To maintain compliance with Idaho Department of Environmental Quality (IDEQ) discharge permit requirements, Public Works must have the ability to haul and spread liquid wastewater bio-solids. The estimated amount to haul as stated in the bid invitation was 145,000 gallons. With no bids received, Public Works is requesting the authorization to enter into the open market.

Councilmember Smede and Municipal Services Director Pamela Alexander stated the open market allows the City to seek/approach different vendors for this particular service.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to give authorization to enter into the open market to contract for haul and spread of liquid wastewater bio-solids services for Public Works. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Public Works

Subject: Approval for Modification of City Sewer Ordinance, Title 8, Chapter 1

For consideration are proposed modifications to City Sewer Ordinance, Title 8, Chapter 1. The Idaho Department of Environmental Quality (IDEQ) has recently taken over the duties of primacy of wastewater discharges in Idaho from the US Environmental Protection Agency (EPA). This past year was the first that IDEQ staff completed Pretreatment Program inspections and as part of those inspections, IDEQ requested several changes to our Sewer

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ordinance. Public Works staff have worked with IDEQ and our Legal Department to accommodate those changes and to update the ordinance.

Councilmember Freeman stated this item was discussed at a recent (January 27, 2020) Work Session.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve modifications of the City Sewer Ordinance, Title 8, Chapter 1 to incorporate suggestions made by the Idaho Department of Environmental Quality, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3297

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 8, CHAPTER 4, OF THE IDAHO FALLS CITY CODE TO CONFORM THE SEWER ORDINANCE TO IDAHO DEPARTMENT OF ENVIRONMENTAL QUALITY ADMINISTRATIVE JURISDICTION; AMENDING RELATED DEFINITIONS, PROCESSES, AND PENALTIES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Approval of the State/Local Agreement with Idaho Transportation Department for the W 17th Street and Rollandet Avenue Intersection Improvements

For consideration is a State/Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the development of the W 17th Street and Rollandet Avenue Intersection Improvements project. A safety audit of 17th Street in 2016 indicated a need to install a median curb and island in the intersection and create a left-hand turn restriction. As a consequence of this traffic alteration, W 19th Street at the railroad crossing will receive increased traffic volume and this project will also improve the condition of this intersection near the railroad tracks.

Councilmember Freeman stated the cost for this project is estimated at \$487,000 with the City responsible for \$35,746. Most of the City portion will be in-kind work. Councilmember Freeman stated this project is a development agreement and is anticipated to occur in summer of 2021.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the State/Local Agreement, and the accompanying resolution, with Idaho Transportation Department for the W 17th Street and Rollandet Avenue Intersection Improvements, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

RESOLUTION NO. 2020-02

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, hereafter called the City, for development of Int 17th St & Rollandet.

Subject: Approval of State/Local Agreement with Idaho Transportation Department for the Path Connection Plan on Short Street

For consideration is a State/Local Agreement and Resolution with the Idaho Transportation Department (ITD) for development of the Path Connection Plan. This project will provide a sidewalk along S Yellowstone Avenue between W 15th Street and Cliff Street and also along the east side of Capital Avenue from Pancheri Drive to Short Street.

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Councilmember Freeman stated this is one (1) of many anticipated projects in the south downtown area. The cost for this project is estimated at \$389,000 with the City match of \$28,553. This is also a development agreement.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the State/Local Agreement, and the accompanying resolution, with Idaho Transportation Department for the Path Connection Plan on Short Street, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

RESOLUTION NO. 2020-03

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, hereafter called the City, for development of a Path Connection Plan.

Subject: Approval of the State/Local Agreement with Idaho Transportation Department for the Americans with Disabilities Act (ADA) Sidewalk and Thermoplastic Upgrades Project

For consideration is a State/Local Agreement and Resolution with the Idaho Transportation Department (ITD) for the construction of ADA sidewalk and thermoplastic improvements on various streets. The agreement combines two separate projects into one that should help lower bid costs as the two projects will bid as a combined package. ADA corner upgrades will be completed on 5th Street, 9th Street, 10th Street and 12th Street between South Boulevard and Holmes Avenue. ADA corner upgrades will also be completed along 25th Street, John Adams Parkway and Garfield Street and thermoplastic crosswalks will be placed on minor street approaches to these streets.

Councilmember Freeman stated this project will occur in the upcoming year. The estimated cost of this project is \$679,000 with the City match of \$50,000 in in-kind work. Councilmember Francis believes these sidewalks will make more of a walkable community. Mayor Casper stated Public Works has chosen to make ADA improvements a priority.

It was moved by Councilmember Freeman, seconded by Councilmember Radford, to approve the State/Local Agreement, and the accompanying resolution, with Idaho Transportation Department for the ADA Sidewalk and Thermoplastic Upgrades project and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2020-04

WHEREAS, the Idaho Transportation Department, hereafter called the State, has submitted an Agreement stating obligations of the State and the City of Idaho Falls, hereafter called the City, for construction of ADA Sidewalk Impr Stg 2 and Thermoplastic & ADA Improvements.

Office of the Mayor

Subject: E-Scooter/E-Bike Ordinance

For consideration is an ordinance that provides comprehensive regulation of E-bikes and E-scooters within the City of Idaho Falls. This ordinance was drafted by several City departments including Police, Public Works, Community Development Services, Parks & Recreation, Legal Services, and the Mayor's Office of Economic Development.

Mayor Casper stated six (6) departments have coordinated and worked on this item for some time. It was moved by Councilmember Dingman, seconded by Councilmember Smede, to approve the ordinance amending Title 9 by the

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addition of Chapter 8 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Councilmember Francis stated an amendment to the ordinance would establish Central Downtown as a dismount zone on sidewalks. E-scooters and E-bikes would not be allowed on sidewalks although they would be allowed in the streets. Central Downtown would include both sides of N. Capital, N. Park, and, N. Shoup Avenues between Broadway and Constitution Way and would include both sides of A Street and B Street between Memorial Drive and N. Yellowstone Avenue. Councilmember Francis stated this particular wording was due to a specific concern raised in a previous (January 27, 2020) Work Session discussion. This would be limited to the central core of downtown which has been encouraged for sidewalk dining and, to those exiting downtown businesses. Councilmember Francis stated there would also be a requirement to have a note on rental company vehicles indicating the dismount zone. Per Mayor Casper's request, it was moved by Councilmember Francis, seconded by Councilmember Freeman, to adopt the amendment to the ordinance proposed by Councilmember Dingman regarding E-bikes and E-scooters which would establish a dismount zone in Central Downtown as previously defined. Councilmember Francis stated key parts of the amendment include the definition of Central Downtown (as previously stated/defined); added wording to 9-8-16: Labeling Requirements; and, 9-8-7(A): an E-bike or E-scooter may be operated upon a sidewalk 'except' in the Central Downtown area. He believes the ordinance is due to these vehicles being heavier than non-motorized scooters or bicycles. He noted the requirement for an E-scooter must be able to stop within 25 feet if going 10 miles per hour (mph). He believes this is inconsistent with encouraged activities in the Central Downtown area. He noted this amendment does not prevent an E-scooter or E-bike rider from using the downtown streets or walking their bikes. The amendment also leaves a north/south and east/west route open for riding on sidewalks. Councilmember Francis stated it is not unusual to see dismount zones on downtown sidewalks. He believes this is more enforceable than trying to enforce a speed limit. Councilmember Freeman stated he has been against E-scooters on the downtown sidewalks. He does not see a reason to ban these vehicles in the downtown area although there is concern for the sidewalks. He believes this is a nice compromise, he commended Councilmember Francis. Councilmember Radford believes there is a disservice to citizens when issues are codified when common sense would be more fitting. He also believes there would be more risk of being backed into. He is unsure of any problems in the City and would vote against this ordinance. Councilmember Hally believes there is an obligation to be preventive as this is an arguable issue across the country. He stated the sidewalks, as identified by Councilmember Francis, are narrow and unsafe. He prefers to error on the side of preventing an accident. He is in favor of the amendment. Councilmember Francis reiterated the amendment does not ban the E-scooters and E-bikes from downtown, it would only require a dismount on the sidewalks. It also provides an option to ride in the street if comfortable. Councilmember Dingman expressed her appreciation for the work by Councilmember Francis. She believes banning the E-bikes and E-scooters altogether in the downtown area would be challenging and problematic; there will be an enforcement issue; the ordinance is inconsistent with the regulation of other modes of transportation; it is unknown if the heavier weight would make them more dangerous for pedestrians; and, most riders would not understand the dismount zone. Councilmember Dingman stated she would support the amendment in the name of safety. Councilmember Smede stated other cities have ordinances in effect and there have been many accidents. She believes a policy could be adjusted later. She indicated she would support the amendment as being proactive as she believes there are options to go through town. Mayor Casper also believes enforcement will be an issue; scooter riders may not be diligent in reading City Code; officers will not be waiting to write tickets; the deterrent effect may not be effective; and, the use of scooters will be a form of transportation not a form of recreation due to cost although these may be used by tourists. She expressed her concern for over-regulation although an ordinance can be amended as needed. Roll call on the amended motion as follows: Aye – Councilmembers Smede, Hally, Dingman, Freeman, Francis. Nay – Councilmember Radford. Motion carried. Councilmember Francis questioned 9-8-14(D) regarding the 30mph speed limit. Assistant City Attorney Michael Kirkham believes the intent is the difference of E-scooters and E-bikes as E-bikes are intended to be faster. Councilmember Freeman noted a provision is included in the ordinance regarding current speed limits in the City. Roll call on the original motion to approve the ordinance as amended as follows: Aye – Councilmembers Francis, Freeman, Dingman, Hally, Smede. Nay – Councilmember Radford. Motion carried. Brief discussion followed regarding the intent of Councilmember Francis' amended motion.

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

ORDINANCE NO. 3298

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AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY CODE TITLE 9 BY THE ADDITION OF CHAPTER 8 TO PROVIDE COMPREHENSIVE REGULATION OF E-BIKES AND E-SCOOTERS WITHIN THE CITY; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Community Development Services

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Jackson Hole Junction Subdivision, 1st Amended

For consideration is the application for a Final Plat for Jackson Hole Junction Subdivision 1st Amended. The Planning and Zoning (P&Z) Commission considered this item at its February 4, 2020, meeting and recommended approval of the plat by unanimous vote. Staff concurs with this recommendation.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to accept the Final Plat for Jackson Hole Junction Subdivision, 1st Amended, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilmembers Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Jackson Hole Junction Subdivision, 1st Amended, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Subject: Public Hearing – Ordinance Amending the Form-Based Code to allow Parklets

Because this is an amendment to a Zoning Code, public hearing notification is required. Although the hearing was duly noticed and, therefore, must be placed on the agenda, the full ordinance packet was not fully prepared in time for the meeting and therefore must be tabled. The Planning and Zoning Commission reviewed this item at its December 3, 2019, meeting and recommended approval by unanimous vote.

Community Development Services Director Brad Cramer reiterated the item was included on the agenda per requirements of the Local Land Use Planning Act (LLUPA) although the documentation was not prepared. He indicated this item will be rescheduled for the February 27, 2020 Council Meeting as this type of notice is only published in the newspaper.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to table consideration of the proposed Ordinance to the February 27th, 2020 meeting. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Public Hearing – Planned Unit Development Amendment and Reasoned Statement of Relevant Criteria and Standards Linden Trails Townhomes

For consideration is the application for a Planned Unit Development (PUD) Amendment for Linden Trails Townhomes. The Planning and Zoning Commission considered this item at its January 7, 2020 meeting and recommended denial of the PUD by a 5-3 vote. Specifically, the motion at the meeting stated to recommend denial, “on the basis that (the developers) have an approved amendment that was submitted in July 2019 and there needs to be more discussion between the developer and the Community Development Department of the appropriateness and the best way to continue with this PUD, and there is no indication that they are suffering either financially, or suffering any adverse consequences to the developer to continue development of the PUD with the twin home concept.” This motion was not based on any criteria relevant to approval or denial of the request and staff does not concur with the recommendation and recommends approval of the request.

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

Director Cramer stated an email was received from Peggy Fransen after the digital packets were distributed. The email was distributed to the Councilmembers prior to the meeting. Director Cramer noted the email was opposed to the PUD. Director Cramer reminded the Council this item is an amendment to a PUD, not a request for a rezone as the zone will remain the same. He presented the following:

Slide 1 – Property under consideration in current zoning of R2

Slide 2 – Aerial photo of property under consideration

Director Cramer noted this is an older photo and does not show all the homes currently built, including the existing townhomes (four-plex style), and some of the twin homes built in the center of the development.

Slide 3 – Additional aerial photo of property under consideration

Slide 4 – Original site plan

Director Cramer stated this development was approved in 2016 for construction of 172 townhome units to be built over six (6) phases. Once three (3) phases were built the developer requested an amendment. This information was reported incorrect in the P&Z meeting. The amendment was requested and approved in 2018 to allow the developer to change the northern half of the development.

Slide 5 – Three (3) phases built out

Slide 6 – Amendment approved in 2018

Director Cramer noted, per Code, there are major and minor amendments when planning new developments. Minor developments are not required to go through a public hearing process and, one (1) of the minor amendments is the reduction of the overall number of units in a development. Director Cramer stated a public hearing would be required if the number of units increased by more than 5%. He also stated in 2018, after some of the twin homes were built, the developer requested a change of 20 twin homes to 40 townhome units which is more than 5% although, the total number of units (150) would still be less than the originally approved 174 units. Following discussion, staff agreed to follow the letter of the requirement. The R2 zone allows townhomes which should not be a point of discussion, as confirmed with legal counsel. Director Cramer stated a PUD allows an elected body to adjust the layout and design if there are reasons to do so. PUD's are required when a developer is trying to do something outside the normal bounds of an ordinance, such as building private streets or platting residential lots that don't front a public street, as in this case. Director Cramer indicated this developer wanted to plat and sell the lots individually and the zoning ordinance would require those lots to be along a public street unless they are in a PUD. He also indicated the question is whether this development meets the requirements of the PUD Code, which it does, and, if any modifications should be made to mitigate any potential problems with the layout or design. Director Cramer stated the Council can deny, approve, or, approve the PUD with conditions. Staff recommends approval due to the P&Z motion as stated in the memo. Director Cramer stated financial suffering is not criteria for approval or denial. Staff is concerned that recommendation is not based on any criteria of the Code. It was made clear in the staff presentation this development meets all of the Code requirements and staff recommends approval. To the response of Mayor Casper, Director Cramer stated the Council should be focusing their scrutiny on what is eligible for consideration. It would be appropriate to discuss the traffic which is a concern to the neighbors. This area had a traffic study performed when it was planned to have 174 units so it is built to have 174 units or more, but if there is something about the layout the Council feels is causing undue traffic burden they could request an additional access point. It would also be appropriate to discuss if the layout indicates the units are too close and not following the ordinance. However to Director Cramer's recollection, there are no violations of any setbacks in this development. If parking was inadequate that could be discussed, however this development exceeds the City parking requirements. Also to the response of Mayor Casper, Director Cramer stated the City does not get involved with Homeowners Association (HOA). To the response of Councilmember Freeman, Director Cramer confirmed there were 172 units planned in November 2016, amended in 2018 to 130, and, the current request is for 150 total units. To the response of Councilmember Francis, Director Cramer confirmed all townhomes are two (2) stories and the R2 zoning does not allow for more than two (2) stories. To the response of Councilmember Dingman, Director Cramer confirmed the two-story buildings will back up to the one-story buildings. To the response of Councilmember Francis, Director Cramer pointed out the driveways are on the front of the twin homes.

Mayor Casper requested any public comment.

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Blake Jolley, Connect Engineering, appeared. Mr. Jolley stated a portion of development has created nice changes along Pancheri. He reiterated the dates and density calculations and he believes the PUD has substantially remained the same and if there is any change it has decreased density. He also confirmed the parking is adequate and exceeds minimum parking requirements. The spaces are not always right in front of each dwelling unit although there are spaces available to accommodate with some walking. Mr. Jolley stated the common space has been maintained over 40% and has not decreased even with the decrease in number of the units because the footprints of the buildings stayed the same. He also stated the requirement is 25% open space. None of the amenities have been removed during the amendments. Mr. Jolley reminded the Council that R1 also allows two-story dwellings as well as R2, therefore he does not believe it is a concern with the height of the buildings where two (2) stories are allowed in adjacent zones. Councilmember Radford questioned why they exceeded the 25% requirement of open space to 40%. Mr. Jolley stated this was to provide an open space development and not have everything crammed in. He believes this is a better project due to the 40% open space. To the response of Councilmember Francis, Mr. Jolley confirmed there is open space between each building. He also stated there are walking paths throughout the development to get to the bike path that goes to Broadway. Councilmember Smede questioned the change in units and why the developer is going back and forth. Mr. Jolley deferred that question to the client although he indicated they were trying to provide different ideas for housing and different opportunities.

Dennis Hourany, Wyoming resident and member of the development team, appeared. To the response of Councilmember Smede, Mr. Hourany stated five (5) twin homes were sold, with one (1) twin home still available, in 13 months. He also stated 69 townhomes were sold in 20 months. Those numbers indicate where the market is. Mr. Hourany stated the Division 1 (the southern end with townhomes) required 152 parking spaces with 239 spaces provided, which is 57% over the minimum. Division 3 (the twin homes in the center) required 68 parking spaces with 174 spaces provided. Division 4 (the subject property on the north) required 80 parking spaces with 113 spaces provided. This indicates the development is well over the requirement for parking. Mr. Hourany stated the idea of having the 40% open space versus the required 25% is to create a nicer community.

Sara Hamilton, Blackwood, appeared. Ms. Hamilton stated she is opposed to the PUD as her home backs up to the proposed townhomes. She indicated when she purchased her home in August 2019, she was promised by the builder that more twin homes would be built behind her home. She believes this amendment would significantly damage the resale value of her home and the overall quality of her daily life. She stated her home is a single-story and backs up to the two-story townhome which borders her fence and the parking overlaps property lines. She believes the PUD will increase traffic and parking on the street. Ms. Hamilton wrote a letter including an appendix which shows Blackwood as the main access point for Elmwood and the new proposed street. She indicated the City has a standard that demands high-density housing should be located closer to arterial and collector streets. The proposed amendment violates the standard set by the City. Ms. Hamilton also indicated, according to the Comprehensive Plan Appendix B, the area was not intended to contain high-density housing. She believes that pursuing high-density housing in the area violates the plan set forth by the City. She also believes the amendment to the plan seems to mirror the original intended plan in terms of density but because of the twin homes that are already built, the new amendment is significantly different than the originally approved design. Those people residing in the twin homes were promised more twin homes and bought their homes under that assumption. Ms. Hamilton stated the elected representatives now have the opportunity to represent and protect the owners from predatory business practices. She has collected 40 residential signatures on a petition with complaints about noise, parking, snow removal, and, fire hazards. She stated the streets are private and are maintained by the HOA and the poor snow removal has added to the parking problems. She also stated during the P&Z Meeting the twin homes would not cause a financial burden on the developer merely to state it will not cause additional suffering, but it shows the proposed amendment is unnecessary. Ms. Hamilton indicated the builder has sold 69 townhomes due to building more. He has only built six (6) twin homes with two (2) more in the process and all five (5) have sold prior to being finished. Ms. Hamilton stated she had to beg to buy the model home. She also assumes the sixth unoccupied twin home is being used as a model home. Ms. Hamilton stated the traffic study mentioned was done without the twin homes and does not include the fact that high-density traffic will go through a low-density area. She also stated the townhomes are two (2) stories tall and the majority of the windows on the townhomes face the backyard.

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Taylor Houcke, Fox Wood Drive, appeared. Ms. Houcke reiterated none of the homes in Linden Trails were finished or purchased until 2018 after the twin home modification. She recognizes this may have been part of the original plan although it was not part of the plan to any of the current property owners. She stated she went door to door prior to the P&Z Meeting and found no one out of the 25 people were in favor of the change from the twin homes to townhouses. She also stated the majority of the people she contacted live in the current townhouses. After the P&Z hearing, Ms. Houcke indicated she spoke to over 90% of the residents of the Linden Trails development and most were against the proposed density changes. Only two (2) residents chose not to sign the petition as they were short-term renters and did not feel the amendment would affect them. Ms. Houcke believes it is unethical to sell homes and within six (6) months to a year change the entire layout of Linden Trails development by deleting the twin homes. She believes Linden Trails promotes an idea of community living with single-family homes, townhouses, and, twin homes which creates an opportunity for everyone in the community to be part of something, and that is something that Idaho Falls is lacking. She also believes the deletion of the twin homes causes a loss of an aspect. Ms. Houcke believes the quick and quiet change is negligent on the part of the builder and she, along with other property owners, would not have purchased if it had been townhomes. She stated the twin homes will have townhouses on each side and is an unusual and undesirable circumstance. She also stated the biggest concern is the park area and, by changing the twin homes to townhomes will create twice as much traffic to go past the park where children play and that is not ideal to the community. The walking paths have not been maintained by the HOA and if they are not maintained for snow removal, they are not accessible. Ms. Houcke stated there is a lack of twin home or duplex-style housing available. She indicated there were six (6) twin home-style houses available in the Idaho Falls/Ammon area, none of which were on the west side of town and all were built before 1999. This area already has townhomes. Ms. Houcke urged the City Council to reject the amendment and live up to the potential the current property owners were promised.

Curtis Tucker, Periska Way, appeared. Mr. Tucker stated he purchased his home in December 2018. He also stated he had conversation with Mr. Hourany prior to the purchase of his home who was very specific and showed him where the townhouses would be and told him everything else would remain twin homes. Mr. Tucker indicated that was an important part of his decision to purchase the home. He also indicated Mr. Hourany gave his word and Mr. Tucker believes it should stay that way. Mr. Tucker stated there are parking issues. He identified an area that had 5-15 cars in one (1) area that cannot find parking and also showed 16 units that aren't built which would account for 32 cars that are not in the area yet. Mr. Tucker stated in Idaho everyone has a car and, some individuals own trailers. He is against the amendment as he was committed to by Mr. Hourany. He believes the PUD will decrease the value of his home and will increase the traffic in the area.

Councilmember Smede questioned which units are built and which units are proposed. Director Cramer was unsure and deferred to the developer.

Brent Monette, Rexburg, Idaho, appeared. Mr. Monette stated he is the Construction Manager on this project and is contracted by New Earth Development to oversee the construction progress. He also stated he is in attendance on his own volition and not at the request of New Earth Development. Based on conversations with Mr. Hourany and the residents, Mr. Monette identified which units are built, which units are under construction, and, which twin homes are built and occupied. He stated there are two (2) homes with one (1) on the market and one (1) recently occupied. He also identified where Mr. Tucker lives. He recognized some residents that live on Boxwood would be affected by the amendment. He indicated he spoke with residents that live in the back of Boxwood and they shared the same concern for the overall community that others have spoken of. He also indicated he has worked with many of the residents while taking care of warranty issues. He understands HOA cannot enforce parking. He stated the current limited parking is due to the construction and dumpsters. Mr. Monette stated he has agreed to do snow removal inside the community although he was under the impression the sidewalks are the City's responsibility and not the HOA's. He also stated the added units will not affect the snow removal so that is not a valid issue for this hearing but could be brought up with the HOA. Mr. Monette stated the eight (8) planned units have no driveways so that would create less snow removal. Each unit has two (2) spaces if they don't have a garage and 2-3 spaces if they do have a garage, which is adequate. The City will have to enforce parking. Mr. Monette indicated the community was originally designed for a diverse economic group. He also indicated the townhome development would be chosen over the twin home development for the middle-income housing as the townhome provides great

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economic diversity. To limit one (1) from the other is a jump in \$100,000 of buying power which changes the income demographic by 10,000-20,000/year per person. Without townhomes, teachers, educators, firefighters, nurses, etc. are limited to purchase and live in this community. An average income and median income for Idaho Falls is \$58,000. Townhomes would add value to the community. Mr. Monette stated a lot of people are paying cash for their townhomes which he believes is wise. If the amount of housing is reduced 20 taxpayers are taken away from the community and that makes a big difference in the type of funding that schools get. Mr. Monette commended the Council on this type of forum as part of the democratic process.

Peggy Fransen, Boxwood, appeared. Ms. Fransen stated the townhomes have a garage option to be purchased for additional parking, although the new townhomes would not have that option. She also stated it was noted in the P&Z Meeting the bulk of the population should be towards the outlet, however the new amendment puts the townhomes in the center of the development. Ms. Fransen detailed a route through the neighborhood if a resident wanted to get to Broadway.

Eric Peterson, Idaho Falls, appeared. Mr. Peterson stated he lives in a twin home and expressed his concern with parking – he indicated the residents in the townhomes have three options to park but the options are not near their townhome and instead they park on Periska Way; with the snow removal – he believes there is no place to put the snow being removed; and, with traffic and the route to get to an outlet. He believes residents with young children would also be concerned with traffic. Mr. Peterson stated he can afford the twin home as the only earner in his family, he doesn't believe people cannot afford the twin homes.

Nicole Young, Idaho Falls, appeared. Ms. Young stated she lives on the east side of town as there are more opportunities for housing. She believes there is a need for housing and increasing the amount of housing opportunities is beneficial. She indicated more twin homes and less townhomes are being built. She believes there is a demand for townhomes and she is excited to see the west side being developed as she believes increasing the amount of properties available on the west side of town is beneficial to everyone. Ms. Young believes the townhomes have a better pricing for people with lower incomes.

Heather Anderson, Idaho Falls, appeared. Ms. Anderson stated she is excited for the new development and believes there is a need for affordable housing on the west side of town. She indicated following a search for houses under \$200,000, there were approximately 12 houses available on the west side, four (4) of them were townhomes, and, the rest were older homes. Ms. Anderson believes people will benefit from the PUD and is in support.

Doug Crawford, Blackwood, appeared. Mr. Crawford stated he purchased his property in September because of the layout of the neighborhood and the plan that was presented. He indicated he saw a plan in 2017 although he is unsure if that was the approved plan. Mr. Crawford agrees with the points against the plan. He indicated he will be disappointed if the City had an opportunity to do something about this but didn't. He also indicated all those in favor of the amendment do not live in the neighborhood.

Ty Bergeson, Blackwood, appeared. Mr. Bergeson stated everyone bought into the neighborhood on a promise of a really interesting balance with a good share of townhomes and a nice balance of twin homes. He believes the trust was violated if the plan is reversed and amended after everyone has purchased based on a plan presented to them. Mr. Bergeson is opposed to the PUD as he believes it upsets the balance of the unique development.

Mr. Peterson reappeared. Mr. Peterson stated the single-family homes are approximately \$400,000 and there is a huge disparity on the single-family homes and the townhomes. He also stated the single-family area has three (3) housing plans which are all around \$400,000; the townhome is \$200,000 or under; and, the twin homes are \$250,000. He does not believe he would be able to sell a single-family home for what he paid for it if townhomes are built next to it. Mr. Peterson stated traffic is a concern although he might feel different if there was another outlet.

Jonathan Wilcox, Blackwood, appeared. Mr. Wilcox indicated the townhomes on the south end are bought and sold as rentals. He also determined one (1) or two (2) of the townhomes are being used as group homes. Mr. Wilcox

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stated Ms. Houcke and her husband were able to afford a \$400,000 home and she is a teacher and, Ms. Hamilton purchased her house at the age of 22 for over \$250,000. He does not believe the twin homes are out of reach for young individuals or people looking for a middle-range house. Mr. Wilcox believes the PUD gives the elected representatives the opportunity to protect their constituents from out of State individuals that are looking to turn a quick profit. He stated it does not matter whether the PUD meets all the codes if it doesn't suit the constituents or the people in the neighborhood, it has the ability to be denied.

Yasir Arafat appeared. Mr. Arafat stated he purchased his home on Periska Way hoping he would be able to sell the home in a couple of years with the rise of housing values. He expressed his concern for the update and the traffic as presented by the neighbors. He stated the common area did fulfill the code requirements but because there are no outlets on the adjacent streets he expressed his concern about taking kids to the park with the traffic on the road.

To the response of Councilmember Francis, Director Cramer confirmed the City has no responsibility to plow or maintain the interior street and, the City is not responsible for the sidewalks, contrary to public testimony. He also confirmed the green space within the PUD is maintained by the HOA, not by Parks and Recreation. Also to the response of Councilmember Francis, Director Cramer stated the City initially enforces that development meets the minimum parking requirement of code which is two (2) stalls per housing unit. If someone is blocking a public intersection the police should be notified and the vehicle can be towed but parking is allowed on public streets throughout most of the City unless it is posted no parking. He also stated if there is a parking problem in a way that blocks a fire lane the police should be notified as that can be addressed as a safety issue. He indicated the City must be notified of parking problems as there is not patrol for blocked fire lanes. Councilmember Francis questioned what contingency the Council has. Director Cramer stated the number of units is not something that can be changed as the zone allows 17 units per acre and this development has proposed 8.9 units per acre. He also stated if there is a legitimate reason for safety, outside of normal standard, etc., those are potential reasons to have a building moved or repositioned. Councilmember Francis clarified it is not in the Council's parameters to say fewer buildings must be built if within the code. To the response of Councilmember Hally, Director Cramer stated the HOA could determine the types of homes being built but the City would have nothing to do with it as the City will allow what the zone allows. Also to the response of Councilmember Hally, Mayor Casper clarified the record indicates there is an HOA. Director Cramer clarified the R2 and R1 Zones both allow a maximum of a two-story building. The developer would have been within his right to build two-story twin homes with no public hearing as the height is a right allowed by the zone. Director Cramer stated the access plan was still okay with the original plan that had 172 units. He also stated the City looks at the PM peak hour and a traffic study is required when there will be more than 200 peak-hour trips. In this case it was determined the 20 additional units will add 20 additional trips in the course of an hour. This equals one (1) car every three (3) minutes, which is not a significant change.

Mr. Hourany reappeared. Mr. Hourany stated the tenants on the lower right side of the townhomes park in front of the unit in the fire lane and they are not allowed to park there. He indicated there is legal parking 20 feet away although the tenants won't park there. He also indicated no matter where parking is located it is a function of wanting to park as close to a front door and, the perimeters are always empty. Mr. Hourany stated two (2) garage complexes would allow potential home buyers to have a garage which wasn't opted for it. A purchase of a townhome also required purchase of a garage as that was the only way to sell the garages and, they were sold at a loss. Therefore, it didn't make sense to add garages to the amendment. Mr. Hourany stated the walking path is a City asphalt walking path and, the sidewalks are the homeowners' responsibility. He also stated the walking path, which was required, is parallel to Periska Way and is a continuous path that partially runs through the City, however, because the City didn't maintain the path, the HOA took the responsibility. Mr. Hourany stated the open space is 43% as opposed to the required 25% which requires more snow to store. He also stated the retention basin can hold a lot of snow although snow is currently being pushed to the empty lots as it is closer and more convenient. Mr. Hourany stated the fire lane is not blocked and is not allowed to be blocked, however, owners use this fire lane as an egress. Mr. Hourany stated the HOA monitors parking, sends out notices, and, advises owners the vehicles will be towed if they are not moved. Mr. Hourany stated snow removal has been a challenge for the whole City this year. He requested to know what law or ordinance was not met if the amendment is denied. To the response of Councilmember Francis, Mr. Hourany stated due to the lava on some of the lots there will be some two-story homes although there is no guarantee that every home will be single-story but they will design the home so it

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is not imposing. Mr. Hourany also stated the homes are developed garage-to-garage so it's not a car to a front door, which is friendlier, and there is a plan for screening between the proposed amendment and the twin homes with landscaping. Mr. Hourany stated the promise of twin homes throughout was never the case. There is a document that shows twin homes, but this is economics and for over two (2) years they were able to sell 10 single-family homes and in 13 months they sold five (5) twin homes and the one (1) which is still for sale is not a model home. Mr. Hourany stated the first five (5) twin homes were priced right, and the economics are pushing the price up. Because of the demand for the townhomes he believes this is best for the community and best for him as a developer. Mr. Hourany noted they are an Idaho Corporation.

Mr. Jolley reappeared. Mr. Jolley clarified Periska Way is a residential collector, designed to collect higher volumes of traffic. He stated he worked with the City Engineer to create the traffic pattern to receive higher volumes of traffic specifically for this development. He also stated this PUD had no requested setback reductions and all setbacks meet the standard.

Mayor Casper closed the public hearing.

Mr. Fife stated the City Council does not have the role to redesign the application. He also stated, per Code, there are ways to change what is proposed. The City does not control HOA or covenants or restrictions. The Council looks at whether or not the application complies to the regulations and any adjustments must be based upon the reasons of the Reasoned Statement of Relevant Criteria and Standards. The economics is not part of the Council's role other than from a design and compliance standpoint. Mr. Fife reminded the Council to compare the City Code to the application. If the application meets the Code the law requires that Council grant the application. Council must view the application for design, compliance, and, functionality but not with the interior unless there is a safety issue. Councilmember Francis believes the parking might not be the best solution, although it was a thought to keep the open space between the twin homes and the townhouses. Councilmember Freeman understands the frustration, but the developer is well within the legal rights with the amendment.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Planned Unit Development for Linden Trails Townhomes as presented. Roll call as follows: Aye – Councilmembers Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Linden Trails Townhomes as presented, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Subject: Public Hearing – Ordinance and Reasoned Statement of Relevant Criteria and Standards Rezoning Property from RP to R3, 2550 Richards Avenue

For consideration is the application to rezone property located at 2550 Richards Avenue from RP to R3. This item was considered by the Planning and Zoning Commission at its December 3, 2019 meeting. The Commission recommended approval of rezoning the property to R2, rather than R3, by unanimous vote. Staff believes the R3 is still a more appropriate zone in terms of matching the existing zoning scheme in the area, although R2 is also supported by the principles of the Comprehensive Plan.

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

Director Cramer presented the following:

Slide 1 – Property under consideration in current zoning

Director Cramer stated this area was part of a City-initiated annexation and the City recommended RP because of the existing land use. The requested rezone is for potential changes to development on the site. Staff recommended R3 because the property to the south is also R3 therefore, the zoning would match. It is also consistent with the Comprehensive Plan to have higher density next to the intersection of two (2) collectors and an arterial. P&Z recommended R2, either zone would be consistent with the Comprehensive Plan.

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Slide 2 – Comprehensive Plan Future Land Use Map

Director Cramer reiterated R2 and R3 would be consistent with the designation on the Comprehensive Plan Map.

Slide 3 – Aerial photo of property under consideration

Slide 4 – Additional aerial photo of property under consideration

Director Cramer stated R2 has more stringent setback requirements especially from public streets. This piece of property has two (2) public streets that the property fronts. He also stated the front setback in R2 would be 20' on both sides of the street and, R3 would reduce the setback to 15'. Parking is not allowed in the front setback of either zone and would require the parking to be pushed back away from the public streets. R2 has two-story maximum, R3 has no specific height requirement. R2 restricts the number of units per building to four (4) although multiple buildings could be placed on the site. R3 has no limit to the number of units in a building. R2 allows 17 units per acre, R3 allows 35 units per acre. There is no specific height restriction in R3, however, because there are single-family homes to the north the limit on height is 24' unless the building is pushed farther away from the single-family home. For every 1' of building height above 24' the buildings have to move an additional 2' away from the single-family home. Director Cramer explained the building would not be closer than 48' from the single-family to the north, and for every 1' of building height past 24' the building would shift 2' away from the single-family dwelling.

Slide 5 – Photos of St Clair Road and Richards Avenue

Director Cramer reminded the Council no specific development plans should be discussed. The question should be whether or not the request is consistent with the Comprehensive Plan and, does the zone make sense for the area. Director Cramer stated the request is for R3 which would fit the Comprehensive Plan and a recommendation from P&Z. R2 would also fit within the Comprehensive Plan. He also stated the property has limitations that would prohibit density, including parking requirements, landscaping requirements, and, height restrictions, so it would not be practical to think the density would be met for R3. To the response of Councilmember Francis, Director Cramer indicated there is a dispute on the size of the property. The tax records indicate it is 1.1 acre, which is being used as the legal description. Councilmember Francis questioned the entry/exit into the property and whether it would make a difference being R2 or R3. Director Cramer stated the Comprehensive Plan reads that when there is a higher-density development it should have access onto the collector, which would be St. Clair, rather than local access, which is Richards. Councilmember Hally believes parking is restricted on the west side of St. Clair. Councilmember Dingman stated R3 is consistent with the property around it, and since the applicant has requested R3 there is not a reason to deny based upon the principles of the Comprehensive Plan, although the R2 also makes sense. Director Cramer concurred. He indicated that staff has continued to recommend R3 because of the adjacent zoning and R2 might look like a spot zone. Spot zoning is granting a special privilege although R2 would not be a spot zone as it would be consistent with the Comprehensive Plan.

Mayor Casper requested any public comment.

Nathan Saunders, owner of the property and the applicant, appeared. Mr. Saunders stated there is parking on the street by the high-density apartments. His family owned all of the surrounding property and the development of the family farm has gone to developing the City. He also stated when he bought the property he was not annexed and since being annexed he has been told that he has to spend \$80,000 to bury the canal so there can be on-street parking for the City. Mr. Saunders stated if he had understood the restrictions on RP at the time of annexation, he would not have agreed to RP zoning and would have requested R2 or R3 as the sidewalk and canal were not discussed at the time of annexation. Mr. Saunders would like to stay consistent with the neighbors to the south for the density. He stated the homes that would be most impacted by height has trees so he believes there is no impact on the neighbors. The goal would be to exit onto St. Clair and block off access to Richards Avenue with the exception of a possible fire exit.

Sterling Barnes, Autumn Lane, appeared. Mr. Barnes stated he is working with Mr. Saunders with the intent to build four-plexes on the property but has not defined plans until the zoning is approved. He also stated that they prefer to build high-density affordable housing for the community. The R3 designation has sufficient restrictions with the practical height restrictions and setbacks and, R3 is justified and would blend well with current adjacent property on the south and the north.

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Jeremy Westwood, Legend Circle, appeared. Mr. Westwood stated he lives in the subdivision adjacent to the subject property. He also stated R3 has no height restrictions although there are ways developers can increase height, including underground parking. He believes R2 is perfect for four-plexes. Mr. Westwood stated staff recommended RP when the property was annexed in December 2018. RP is consistent with everything adjacent to it, except for the apartments and the apartments are the skinniest portion. Mr. Westwood stated this would be the last hearing for members of the community if zoned R3 and the developers could do whatever they want that is consistent with R3 zone. He expressed his concern the developer might not have to pipe the canal as the other developers were required to do. He also expressed his concern with the possible access to Richards Avenue as that access would not be consistent with the Comprehensive Plan. Mr. Westwood indicated he is an owner in Big Sky Apartments and is pro-development. He indicated development of Big Sky property is 15.8 units per acre and meets an R2 requirement. Mr. Westwood expressed his concern about parking on St. Clair and the City's lack of enforcement. He stated two (2) years ago R3 zoning was requested on the corner of E. Sunnyside and Springfield. He also stated the zoning was rejected by P&Z because of the height. Mr. Westwood believes this is the exact same situation as R3 has no height restrictions and, there are ways around the setback and parking requirements. He stated a precedent has been set with the Sunnyside/Springfield property. He reminded the Council that P&Z unanimously approved R2.

Mayor Casper reminded the Councilmembers the proposed use should not be on the list of considerations in a rezone so any reference to what might be built is not relevant.

Luke Stallings, Legends Circle, appeared. Mr. Stallings would like the house to remain a single-family home. He understands it is an old farmhouse and some development needs to be done so the compromise of finding middle ground with the neighbors should be R2. He understands the property to the south is zoned R3, but it is developed more to the standard of an R2. He is unsure of the parameters when the property was built and whether standards have changed but he believes this property should be R2 which would create a buffer between the R1 and R3.

Davette Bogart, Richards Avenue, appeared. Ms. Bogart stated she lives in the twin homes north of the property on 25th Street. She agrees with comments from Mr. Westwood. She believes R2 would be more appropriate in this situation and would avoid tying the hands of the public and the Council. She also stated once the developer gets the zone then anything that is allowed can happen even after the plan is approved. Ms. Bogart read from the Comprehensive Plan: "The Map does not speak to the livability of the community, does not address how new development looks, or how it works, it does not help us create change that is good or better than what we presently have." She believes this is the opportunity for the Council to "Manage growth, to minimize disruption, to create linkages and improve attractiveness of the community." Ms. Bogart stated three (3) sides of this property are single-family homes. "To manage growth communities have to increase the ability . . . we will have to return to the community to ask for continuing evaluation." Ms. Bogart believes this is the community's opportunity to speak to the Council about this property. She also believes R2 is good as it keeps the height and serves all purposes.

Brent Tueller, Legends Circle, appeared. Mr. Tueller stated his was the second house built in the area. He agrees with the comments from the neighbors although he added if the developers want to build duplexes there shouldn't be a problem to understand R2 would be the best zoning. Mr. Tueller would like to keep his property value, he believes R3 would devalue his property.

Councilmember Freeman questioned piping of the canal being required in R2 and not required in R3. Director Cramer stated he is unsure and deferred to the applicant. He also stated no improvements are required, including curb, gutter, and, sidewalk, until development happens which would be true of any zone. To the response of Councilmember Freeman, Director Cramer stated the zone change would not change the ability to access Richards Avenue although it would depend on what and how it gets built. He stated R2 and R3 allow lower-density and higher-density development so some lower-to-medium-density could be allowed access onto Richards Avenue but high-density wouldn't be allowed. Mayor Casper questioned the relevancy of the smallest point of adjacency of the R3. Director Cramer stated the size is not relevant as the proximity is what counts with the Comprehensive Plan. He also stated if it is contiguous to the zone, it is designated for higher-density. Mayor Casper questioned how height is measured and, the underground parking tactic. Director Cramer stated height is height and if the building goes up it

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has to be moved away from the single-family. He also stated the underground parking would be a way to achieve greater density by getting rid of the surface parking although it would not create more height. To the response of Councilmember Freeman, Director Cramer stated the apartments to the south are 15 units per acre. 17 units per acre is allowed in R2. To the response of Councilmember Francis, Director Cramer stated there would not be a preliminary plat hearing as this would likely be developed as a single lot. There would also not be another public hearing with the exception of a public hearing for a PUD. He added there is an appeals process if the vote goes R3, then the applicant has the right to request reconsideration. Director Cramer noted the ordinance and the Reasoned Statement were written in favor of R3.

Mr. Saunders reappeared. To the response of Councilmember Radford, Mr. Saunders stated he prefers R3 to leave the options open in reference to density. He is willing to look at R3 with a height restriction and that is what happened to the south. He stated he stays in a house with three (3) kids, two (2) bedrooms, and, no furnace, but any development he does on the house will require him to bury the canal. Mr. Saunders stated Richards Avenue residents have considered their roads to be private and development will require the City streets to be used by people. He also stated the goal is to exit onto St. Clair, bury the canal, and, make the road wider so it is safer for the families living in the unit.

Director Cramer stated development agreements were used to place restrictions outside of normal zoning standards and that should never have been allowed.

Mr. Westwood reappeared. Mr. Westwood clarified the canal not being buried are direct comments from staff on the staff memo. He stated underground parking allows the unit in the middle of the property to meet any required setbacks and parking and, height can go as higher with the density based upon the parking underground.

Director Cramer stated if required street improvements can be completed without burying the canal then that is acceptable, although if not, the canal will need to be buried or relocated. The City cares about the street improvements, curb, gutter, and, sidewalk. To the response of Mayor Casper, Director Cramer stated fire code requires a second access after 30 units and that would require an R3 zone. To the response of Councilmember Dingman, Director Cramer confirmed curb, gutter, and, sidewalk improvements are required regardless of R2 or R3. To the response of Councilmember Francis, Director Cramer stated “possibility” would remain in any zone.

Mayor Casper closed the public hearing.

Councilmember Francis believes transition makes most sense with R2. He expressed his appreciation for the housing demand and he believes more than one (1) house on this property will help meet City demand, although that could be accomplished with the R2. Councilmember Freeman concurs with Councilmember Francis and P&Z. He also believes the current R3 is more in-line with R2 and, the transition of R2 would be good. Councilmember Hally stated he uses this street often and is cautious as there are children on the curb. He is in favor of limiting density and is leaning towards R2.

It was moved by Councilmember Radford to approve the Ordinance Rezoning M&B: 1.1228 Acres NW1/4 of the NW1/4 of the SW1/4, Section 28, T 2N, R 38E, from RP to R3 under suspension of the rules that require three complete and separate readings and that it be read by title and published by summary. Motion died for lack of a second. It was then moved by Councilmember Francis, seconded by Councilmember Hally, to approve the Ordinance Rezoning M&B: 1.1228 Acres NW1/4 of the NW1/4 of the SW1/4, Section 28, T 2N, R 38E, from RP to R2 under suspension of the rules that require three complete and separate readings and that it be read by title and published by summary. Mr. Fife believes additional work may be required on the ordinance due to the amended motion. Following a review of the proposed ordinance, Director Cramer believes there are minimal changes. Roll call as follows: Aye – Councilmembers Freeman, Francis, Hally, Smede, Dingman. Nay – Councilmember Radford. Motion carried.

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

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ORDINANCE NO. 3299

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF 1.128 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM RP ZONE TO R2 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Mr. Fife stated, per consensus of the Council, any adjustments within the ordinance will be reflected by the title reading,

It was moved by Councilmember Francis, seconded by Councilmember Freeman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezoning of M&B: 1.1228 Acres NW1/4 of the NW1/4 of the SW1/4, Section 28, T 2N, R 38E, from RP to R2, making the necessary adjustments in the Reasoned Statement to reflect the previous motion, and give authorization for the Mayor to execute the necessary documents. Director Cramer stated the Reasoned Statement, II. Decision, will require an amendment. Roll call as follows: Aye – Councilmembers Dingman, Francis, Smede, Hally, Freeman. Nay – Councilmember Radford. Motion carried.

Subject: Public Hearing – Subdivision Ordinance Amendments

For consideration are changes to the Subdivision Code which clarify various procedures and requirements. Many of these needed changes were brought to light following a recently appealed plat. During that process, a number of confusing and missing elements were discovered. These proposed changes address those issues. The changes also include a thorough description of various meeting types and procedures. This is a requirement of the Local Land Use Planning Act but has been missing from our codes. The Planning and Zoning Commission considered these changes at its December 3, 2019, and recommended approval by unanimous vote.

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

Director Cramer stated this is mainly clean-up work. He reiterated the amendments include clarifying appeals and procedures, application procedures, and, the addition of procedures for quasi-judicial hearings as required by the LLUPA. These procedures define one (1) hearing versus two (2) hearings, how the meetings run, and, the options for testifying and appealing. This will comply with State Code.

Seeing no one present for public comment, Mayor Casper closed the public hearing.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Ordinance amending City Code Title 10, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3300

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CITY SUBDIVISION CODE TO CLARIFY PLATTING PROCEDURES; AMENDING THE ZONING CODE BY ESTABLISHING HEARING AND MEDIATION PROCEDURES FOR CERTAIN LAND-USE MATTERS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Public Hearing – Zoning Ordinance Amendments

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For consideration are changes to three sections of the Zoning Ordinance. First is to correct some numbering issues that were inadvertently created with a previous adjustment to the code. The second change is to adjust standards for accessory dwellings and blank walls on commercial buildings. The changes to blank wall requirements are a result of monitoring issues with the current requirements over the past 12-18 months. The final change is to adjust standards for screening and open storage. The current language has created confusion and need to be clarified. The Planning and Zoning Commission considered these changes at its November 5, 2019, and January 7, 2020, meetings and recommended approval by unanimous vote. Staff concurs with this recommendation and respectfully requests approval of the changes.

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

Director Cramer stated amendments include numbering errors from previously adopted changes; adjusting setback standards for accessory structures that were not consistent with main structures; and, adjusting blank wall standards and screening requirements for open storage and service areas.

Seeing no one present for public comment, Mayor Casper closed the public hearing.

It was moved by Councilmember Radford, seconded by Councilmember Francis, to approve the Ordinance amending City Code Title 11, Chapters 2, 3, and 4 under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Hally, Smede, Dingman, Freeman, Francis, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3301

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 11, CHAPTER 2 TO CORRECT NUMBERING IN THAT CHAPTER; AMENDING CHAPTER 3 TO MODIFY ACCESSORY STRUCTURE SETBACKS AND COMMERCIAL ZONE BLANK WALL AND SCREENING REQUIREMENTS; AMENDING CHAPTER 4 TO CLARIFY ENTRY WALL STANDARDS IN THE TRADITIONAL NEIGHBORHOOD ZONE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE

Announcements:

Mayor Casper wished everyone a Happy Valentine's Day and, she stated Engineers Week is forthcoming with several youth activities.

Adjournment:

There being no further business, the meeting adjourned at 11:16 p.m.

s/ Kathy Hampton
CITY CLERK

s/ Rebecca L. Noah Casper
MAYOR