

March 1, 2022

7:00 p.m.

Planning Department

City Annex Building

**MEMBERS PRESENT:** Commissioners Brent Dixon, Joanne Denney, Arnold Cantu (via Webex) Margaret Wimborne (via Webex)

**MEMBERS ABSENT:** Lindsey Romankiw, George Morrison

**ALSO PRESENT:** Assistant Planning Director Kerry Beutler; planner Caitlin Long and interested citizens.

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

**CHANGES TO AGENDA:** None.

**MINUTES:** Dixon moved to accept the Minutes of February 1, 2022, Wimborne seconded the motion and it passed unanimously.

**Public Hearing(s):**

**1. ANNEX 22-001: ANNEXATION/INITIAL ZONING. Annexation and initial zoning of LC, Limited Commercial:**

Denney opened the public hearing.

**Applicant: Barry Baine, Connect Engineering, 2295 N. Yellowstone, Unit 6, Idaho falls, Idaho.** Baine presented the proposed annexation of approximately 1 acre near Lincoln and Woodruff. Baine stated that this annexation will be the dedicated right of way for Quail Drive to connect to Lincoln Road. Baine stated that they are wanting the annexation with initial zoning of LC which is the same zoning that is around the property.

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

No one appeared in support or opposition.

Denney closed the public hearing.

Dixon stated that this now shows the new alignment of Quail Drive. Long stated that the other right of way will need to be vacated. Dixon feels that this is consistent with the previously seen plat, and it makes sense to annex this property.

**Dixon moved to recommend to the Mayor and City Council approval of the Annexation of approximately 1 acre of Section 16, T2N, R 38, with initial zoning of LC, Wimborne seconded the motion. Denney called for roll call vote: Wimborne, yes; Cantu, yes; Dixon, yes. The motion passed unanimously.**

**2. RZON 22-004: REZONE. Amendment of the Comprehensive Zoning Ordinance Tables 11-2-1, 11-2-2 and 11-2-3 amending the uses allowed for residual, commercial and industrial zones.**

**Applicant: City of Idaho Falls.** Beutler presented for the City. Beutler state that the amendments are house keeping items. Beutler stated that several years ago they changed that the CUP's would be heard by the Board of Adjustment rather than the Planning Commission.

Beutler stated that the change was made in the administration section of the code but neglected to make the change to the land use tables, so they are now striking out planning commission and adding board of adjustment. Beutler explained that an asterisk in the land use table shows that there are additional development standards that are specific to that land use type. Beutler stated that as amendments have been made occasionally, they failed to eliminate or add asterisks. Beutler stated that Animal Care Clinic would need an asterisk added, and Park and Recreation Facility would need the asterisk removed. Beutler stated that they will add PUDs would be a conditional use in TN Zone, just like they are allowed as a conditional use in every other residential neighborhood. Beutler stated they are proposing a change in the RMH column of the table for a Recreational Vehicle Park that was listed as a conditional use in RMH, and they are proposing that be changed to a permitted use, which is in sync with the proposed amendments made last month with regard to the RMH zone. Beutler stated that in the Industrial table they are striking out Vehicle and Equipment Sales because it is a duplicate from Equipment Sales, and they are trying to make sure that the uses listed in the use table match with the definitions in the definition section.

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

Dixon asked about the definition of residential mobile and manufactured home zone doesn't make sense, as it states that a manufactured and mobile home subdivision, mobile home park or travel trailer park are special facilities specifically designed to accommodate mobile or recreational vehicles. Dixon doesn't understand how a manufactured home fits in that description as a manufactured home is not a mobile vehicle. Dixon feels the definition is too restrictive. Beutler agreed to look into that purpose statement.

Dixon asked about changing the conditional use permit from Planning Commission to Board of Adjustments. Dixon asked if the planning commission would no longer do any conditional use permits. Beutler clarified that the Code is currently written that no CUP's come to the planning commission, and they go directly to the Board of Adjustment. Beutler added that the only CUP that the Planning Commission gets to hear is for a PUD. Dixon stated that PUD is C3 which is to go to City Council. Beutler clarified what Dixon asked and stated that it would come to the Planning Commission first then on to City Council. Dixon wants them to look through the items that are C2 and see if it makes sense for them all to go to the Board of Adjustment or if some of them need to go to Planning Commission and then on to City Council, and Dixon is particularly concerned with a hospital, as it is a big deal and has a large campus with road access. Beutler agreed to look at the conditional uses and see where they might line up. Dixon also suggested a day care center in R1. Dixon stated that he is thinking of things that the public is really interested in. Beutler confirmed that the Board of Adjustment has public hearings and the reason the change was made in 2019 was because the Planning Commission's workload is full of land use applications, it was an effort to make the Planning Commission load lighter. Dixon feels that some of the uses would involve things that the Board of Adjustment usually doesn't get into like traffic loads. Dixon suggested they review religious facilities as those can be large. Beutler agreed to look into the Conditional uses.

Dixon stated that on the second page of the staff notes has mobile home park listed as C2 and asked if that should be struck and it be a permitted use. Beutler agreed that it should be a permitted use.

Dixon asked what constitutes a public service facility. Beutler stated that public service facility is for public utility or infrastructure, and includes power plant, sub stations, water treatment plants, pumping stations, transmission, sewage disposal, recycling centers, storage yards, well houses, etc. Beutler stated that it is property owned by a public entity. Dixon stated that some of those are pretty large and more of a regional thing like sewage treatment facility and that could have an impact over a large area and asked if that is appropriate for the Board of Adjustments, or not. Dixon acknowledged that they shouldn't be subdivided, but it seems that some are different levels of impact.

Dixon asked the difference of Accessory use (which asterisks is proposed to be removed) and Accessory use, Fuel station and Accessory use storage yard. Beutler stated that an accessory use by definition is a use that is allowed in that use but is secondary to the primary use.

Dixon asked how the Commission would proceed if the staff is going to review some of the things. Beutler indicated that staff's recommendation is to proceed with the amendments that have been outlined and looking at the conditional uses is a bigger project. Beutler stated that they shouldn't hold up these changes. Beutler will look into the conditional uses and make changes if they make sense, and if the definition of RMH make sense to change they can look at that as well, and they will bring those back as separate amendments at another hearing.

Wimborne asked if since the change in 2019 has the Board of Adjustments handled a lot of CUPs and are they handling them well and risen to the task or are there concerns. Beutler stated that just like the planning commission, they do regular training with the Board of Adjustment and make sure they have active people that are able to make decisions. Beutler stated that most recently they heard the Conditional Use Permit for the placement of the water tower in Capital Park, which was a very visual, lots of people in the room meeting. Beutler added that they are used to having public meetings and not everyone is always happy with them. Beutler stated that they have no issue with sending CUPs to Board of Adjustment. Wimborne knew that the change was made years ago and there have been things that came through, so she wanted to get a sense of what they have been doing and it sounds like they have been handling some big and controversial projects and are up to the task. Beutler stated that they have 4-6 meetings a year and they have managed the bigger projects well.

Kirkham stated that the Board of Adjustment also handles license denials, and they are not strangers to controversial meetings or pressure. Beutler agreed and stated that they are set up to be the appeal board for a lot of other things in the City.

Dixon stated that given that information, he would still like staff to look into hospitals as they are large campuses, with access points, etc. Dixon asked if they should also elevate those items to the Mayor and City Council as well. Beutler agreed to look around the State and see how other places treat hospitals. Beutler will need to do research and see how they should be handled. Dixon asked if they could propose a change that is not advertised, such as the correction on mobile home park 11-2-1. Beutler stated they can make that recommendation as the advertisement was to modify the tables, and as long as the change is to the tables it can be included in the recommendation. Kirkham agreed.

No one appeared in support or opposition.

Denney closed the public hearing.

**Dixon moved to recommend to the Mayor and City Council approval of the amendments to tables 11-2-1, 11-2-2 and 11-2-3 of the zoning code as presented, with the following exceptions: Table 11-2-1 for Mobile Home Park in the RMH Zone the current designation of Conditional Use Permit 2 instead be changed to permitted use to be consistent with other changes throughout; Table 11-2-2 that the planning department review the change to hospital that would move the approval of the conditional use permits to the Board of Adjustments and before this goes to City Council can make a recommendation on whether they suggest proceeding that way or suggest having City Council approve the Conditional use for hospitals. Cantu seconded the motion. Denney called for roll call vote: Wimborne, yes; Cantu, yes; Dixon, yes. The motion passed unanimously.**

**Next Meeting April 5, 2022 (2 meetings in April)**

Denney adjourned the meeting at approximately 7:45 p.m.

**Respectfully Submitted**

**Beckie Thompson, Recorder**