



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, March 31, 2022

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Absent: Council President Michelle Ziel-Dingman

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

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

3. Public Comment.

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

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

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

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

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

4. Consent Agenda.

A. Idaho Falls Power

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

This request is to purchase various quantities of electrical cable.

2) Idaho Falls Power Board Meeting minutes - February 2022

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

B. Public Works

1) Bid Award - Street Overlays 2022

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

2) Bid Award - Seal Coats 2022

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

C. Municipal Services

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

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

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

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

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

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

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

- 4) Minutes from Council Meetings
February 24, 2022 City Council Meeting; March 7, 2022 City Council Work Session; and March 10, 2022 City Council Meeting
- 5) License Applications, all carrying the required approvals

Recommended Action:

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

5. Regular Agenda.

A. Municipal Services

1) Public Hearing for Sale or Conveyance of Real Property

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

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

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

B. Parks & Recreation

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

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

2022 through 2027.

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

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

C. Idaho Falls Power

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

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

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

other telecommunication lines will have to be moved as well.

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

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

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

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

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

D. Public Works

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

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

This item was removed from the agenda.

2) Proposal Award - Micro-Transit Pilot Project

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

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

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

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

3) Bid Award - Idaho Falls Community Policing Facility

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

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

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

E. City Attorney

1) Amendment to Council member Election Ordinance

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

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

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

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

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

ORDINANCE NO. 3448

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 1, CHAPTER 6, TO ALIGN REQUIREMENTS FOR COUNCIL MEMBER ELECTION PETITIONS WITH IDAHO CODE; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

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

Mayor Casper opened the public hearing.

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

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

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

RESOLUTION NO. 2022-10

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A SCHEDULE OF REVISED FEES FOR SERVICES PROVIDED AND REGULARLY CHARGED AS SPECIFIED BY CITY CODE; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

F. Community Development Services

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

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

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

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

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

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

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

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

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

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

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

3) Resolution approving the Statement of Annexation Principles.

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

Alignment with City & Department Planning Objectives

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

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

RESOLUTION NO. 2022-11

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, AMENDING A STATEMENT OF CITY ANNEXATION PRINCIPLES; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

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

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

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

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

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

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Property under consideration

Director Cramer reiterated the adjacent zones.

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer stated this area is Mixed Use Centers and Corridors.

Slide 3 - Aerial photo of property under consideration

Director Cramer reiterated the location.

Slide 4 - Preliminary Plat

Director Cramer identified the road, stating this is a clean-up annexation.

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

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

Councilor Francis believes this annexation make sense.

It was moved by Councilor Francis, seconded by Councilor Burtenshaw, to approve the ordinance annexing 1.001 acres, Northwest $\frac{1}{4}$ of Section 16, Township 2 North, Range 38 East under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Hally, Francis, Radford, Burtenshaw, Freeman. Nay - none.

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

ORDINANCE NO. 3449

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 1.001 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

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

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

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

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

ORDINANCE NO. 3450

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 1.001 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LC, LIMITED COMMERCIAL; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

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

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

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

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

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

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Property under consideration

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

Slide 2 - Comprehensive Plan Future Land Use Map

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

Slide 3 - Aerial photo of property under consideration

Director Cramer stated most uses are residential with a mix of single-family and multi-family.

Slide 4 - Additional aerial photo of property under consideration

Slide 5 - Site Plan

Director Cramer identified the townhomes along the perimeter, noting the remaining area is for the condominiums.

Slide 6 - Phasing plan

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

Slide 7 - Photos looking from Sunnyside Road looking south

Slide 8 - Elevation view of Aspen Point Townhomes

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

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

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

Mayor Casper requested public comment.

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

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

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

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

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

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

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

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

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

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

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

Mayor Casper closed the public hearing.

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

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

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

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

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

- 7) Amendment of the Comprehensive Zoning Ordinance Tables 11-2-1, 11-2-2 and 11-2-3, amending the uses allowed in residential, commercial, and industrial zones.
On March 1, 2022, the Planning and Zoning Commission unanimously voted to recommend approval of the amendment as presented.

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

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

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

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

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

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

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

ORDINANCE NO. 3451

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING CITY ZONING CODE TABLES 11-2-1, 11-2-2 AND 11-2-3 IN TITLE 11, CHAPTER 2 TO CLARIFY USES ALLOWED IN RESIDENTIAL, COMMERCIAL, AND INDUSTRIAL ZONES; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

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

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

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

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

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

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

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

ORDINANCE NO. 3452

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING CITY ZONING CODE SECTIONS 11-2-6, 11-3-3, 11-3-4, 11-4-4, 11-7-1 AND TABLES 11-1-1, 11-2-4, 11-3-1, 11-3-3 AND 11-4-1 OF THE COMPREHENSIVE ZONING ORDINANCE PERTAINING TO THE RMH, RESIDENTIAL MOBILE HOME STANDARDS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

- 9) Amendment of the Comprehensive Zoning Ordinance, Sections 11-2-6, 11-3-4 and Tables 11-2-1 and 11-3-3 allowing for accessory dwelling units in all residential zones and establishing land use standards. On February 15, 2022, the Planning and Zoning Commission recommended to the Mayor and City Council approval of the ordinance amendments as presented with a vote of 3 to 2.

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

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

Slide 1 - Imagine IF, Managing Change (pages 58-59)

Director Cramer explained, per this document, that no neighborhood can be exempt from change, and no neighborhood should experience sudden, radical change. He stated they're trying to find the balance in the next step of evolution of a neighborhood.

Slide 2 - Imagine IF, Managing Change (pages 58-59)

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

Slide 3 - Housing Types That Would Make Sense "Anywhere"

Director Cramer explained these housing types were asked in all groups in the five (5) neighborhood

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

Slide 4 - Housing Types That Would Not Make Sense At All

Director Cramer stated there were no neighborhoods that at least 50% said they don't make sense at all.

Slide 5 - Housing Types That Would Make Sense "Somewhere"

Director Cramer stated ADUs were the only housing type that every group was comfortable with in their neighborhood.

Slide 6 - Accessory Dwellings Graph

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

Slide 7 - Table 4.2 City-wide Housing

Director Cramer stated one (1) of the goals for affordability and availability from Imagine IF is to allow ADUs in all zones that allow housing.

Slide - Zoning Practice 2012

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

Slide 9 - Aerial sample of a neighborhood with detached structures that would meet those setback requirements

Director Cramer noted some of the buildings in this neighborhood could not be converted.

Slide 10 - Allowed Uses in Residential Zones

Director Cramer stated this proposal is to add ADUs to three (3) zones that are not already included.

Slide 11 - Standard for Allowed Land Uses

Director Cramer clarified caretaker's residence in Industrial Zone.

Slide 12 - Additional information

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

Slide 13 - Maximum lot coverage

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

Slide 14 - Removal of rear lot coverage

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

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

Mayor Casper requested public comment.

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

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

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

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

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

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

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

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

Mayor Casper closed the public hearing.

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

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

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

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

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

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

6. Announcements.

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

7. Adjournment.

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

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor