



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, April 22, 2021

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper requested Councilor Freeman to lead those present in the Pledge of Allegiance.

3. Public Comment.

Temporarily suspended.

4. Consent Agenda.

A. Idaho Falls Power:

- 1) 249686 Battelle Energy Alliance, LLC Renewable Energy Certificate Purchase
BEA, a management and operating contractor for the Department of Energy (DOE) at the Idaho National Laboratory (INL) solicited bids for Renewable Energy Certificate purchases. Idaho Falls Power has been awarded the contract to provide 19,611 renewable energy certificates totaling \$93,152.25 to supply their renewable and green energy needs.

B. Public Works:

- 1) Bid Award - Heritage Park Stormwater
On Thursday, April 15, 2021, bids were received and opened for the Heritage Park Stormwater project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to perform storm drainage installation in advance of constructing other park amenities.
- 2) Bid Award - Reinhart Park Splash Pad Parking Lot
On Thursday, April 15, 2021, bids were received and opened for the Reinhart Park Splash Pad Parking Lot project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to construct a parking lot to serve the

Reinhart Park splash pad.

- 3) Bid Award - WWTP Secondary Clarifier 1 Mechanism Reconstruction project
On Tuesday, April 13, 2021, bids were received and opened for the WWTP Secondary Clarifier 1 Mechanism Reconstruction project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to perform reconstruction of the Secondary Clarifier 1 Mechanism.
- 4) Development Agreement -1457 Carson Street
This Development Agreement supports the community-oriented results of well-planned growth and development and reliable public infrastructure and transportation by ensuring that new development participates financially in expanding needed infrastructure.

C. Municipal Services:

- 1) Quote 21-017 Replacement Mower for Parks and Recreation Department
This purchase will replace unit #6806, a 2007 Jacobsen HR 9016 mower that has reached its useful life and scheduled for replacement. Unit #6806 will be sold on public surplus.
- 2) Bid IF-21-25, Purchase of Electrical Conductor for Idaho Falls Power
This request is to purchase various quantities of electrical conductor for Idaho Falls Power.
- 3) Bid IF-21-26, Purchase of Fiber Inventory for Idaho Falls Power
This request is for approval to purchase a variety of quantities of fiber inventory for Idaho Falls Power.
- 4) Treasurer's Report for February 2021
A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval. For the month-ending February 2021, total cash and investments total \$148.7M. Total receipts received and reconciled to the general ledger were reported at \$13.9M, which includes revenues of \$12.8M and interdepartmental transfers of \$1.1M. Total disbursements reconciled to the general ledger were reported at \$13.3M, which includes salary and benefits of \$5.5M, operating costs of \$6.7M and interdepartmental transfers of \$1.1M. As reported in the attached investment report, the total investments reconciled to the general ledger were reported at \$138M.
- 5) Minutes from Council Meetings
April 5, 2021 City Council Work Session; and April 8, 2021 City Council Meeting.
- 6) License Applications, all carrying the required approvals

Recommended Action:

It was moved by Councilor Burtenshaw, seconded by Councilor Radford, to accept the Consent Agenda

according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

5. Regular Agenda.

A. City Attorney

1) Resolution - Condemnation of Property for Expansion, Improvement, and Protection of the Idaho Falls Regional Airport.

The City of Idaho Falls, Idaho, owns and operates the Idaho Falls Regional Airport (Airport). Since the mid 1930's the Airport has grown into a vital part of the region's economic development and provides the public with easy access to air travel to the City, County, and region. The City's 2010 Airport Master Plan identified critical areas to the Airport operations that require additional adjacent land for the expansion, improvement, or protection of the Airport. The City has acquired some of this additional adjacent land through arm's length negotiations. However, the City's effort to negotiate for the property identified in this proposed Resolution has not been successful. City staff have negotiated with the property owner and made fair-market offers to purchase the property, but staff have been unable to reach agreement for the property. Therefore, it is recommended that the City exercise its eminent domain authority to acquire necessary right-of-way to complete the proposed intersection improvements.

Mr. Fife stated unsuccessful negotiations have been occurring over the course of the previous year. He stated the resolution is required for the court system filing. Mr. Fife reiterated there have been several correspondence as well as a number of offers, which have been unsuccessful. He noted a counter-offer was received although this was not fair market value and would be inappropriate for the City to pay. He also stated staff has been working with the Federal Aviation Administration (FAA) to ensure grant assurances continue and to ensure IDA remains viable. Per Councilor Francis, IDA Director Rick Cloutier confirmed the FAA has identified this property in the control approach zone. Councilor Hally believes IDA is a top-notch airport; the City has an excellent relationship with the FAA; millions of dollars come from the FAA, and it is necessary to protect the asset. Councilor Francis believes the Council is acting for the community. He also agrees this is an asset for the future of IDA. Council President Dingman concurred with the previous remarks. She believes this is not an ideal situation, however, the consequences of not following FAA are very severe to the community and to the region. She also believes safety is the number one responsibility. Councilor Burtenshaw also concurs with the previous comments. She believes IDA cannot continue to be out of compliance due to past practices. Mayor Casper stated Director Cloutier was able to identify inconsistencies with FAA grant assurances, and dialogue has occurred with several property owners. She believes there was amiability about the entire conversation including the legal rights of property owners.

It was moved by Councilor Hally, seconded by Council President Ziel-Dingman, for approval of the resolution and authorization for the Mayor and City Clerk to sign the document. The

motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally. Nay - Councilor Radford.

RESOLUTION NO. 2021-11

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF THE STATE OF IDAHO, ORDERING THE CONDEMNATION OF PROPERTY FOR EXPANSION, IMPROVEMENT, AND PROTECTION OF THE IDAHO FALLS REGIONAL AIRPORT; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

B. Idaho Falls Power

1) IF21-07 Change Order No. 5 Summit Line Construction 161kV Line Project

The following change order for \$423,464.00 is about eight percent (8%) of the total approved project, which is allowed to be executed by the Mayor or their Designee under Resolution No. 2020-26. However, staff felt it appropriate due to the magnitude of the dollar amount to bring to Council for approval. It is also unique in that the change is actually for additional work outside the original contractor's scope of work for the project. Originally, IFP crews were going to perform this construction work, but due to other construction and city growth projects, IFP is limited on internal resources to complete the project on the timeline needed. Furthermore, in comparing the cost analysis, the costs are comparable to what it would cost IFP internal crews versus having Summit complete with their current work on the project.

Idaho Falls Power Director Bear Prairie stated the original project regarding the construction piece amounted to \$5.1M. He also stated this approval will add scope of work for the contractor. He believes this is a competitive amount as compared to internal labor costs. Per Councilor Radford, Director Prairie confirmed this is only for the City's benefit and does not include Rocky Mountain Power (RMP).

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve Change Order No. 5 with Summit Line Construction for the 161kV Line Project from Lincoln Rd. to Paine Substation for a not-to-exceed amount of \$423,464.00. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

C. Public Works

1) State Local Agreement and Resolution with the Idaho Transportation Department (ITD) to improve ADA Access and Crosswalks along 17th Street, 1st Street and Lincoln Road.

Attached for your consideration is a State Local Project Development Agreement with ITD for the ADA access and crosswalk improvements along 17th Street (Yellowstone Avenue to 25th East), 1st Street (Yellowstone Avenue to 25th East), and Lincoln Road (Northgate Mile to 25th East) project. The purpose of the project is to improve ADA access at intersections and thermoplastic stop bars and crosswalks as needed to better delineate safe street crossing locations.

Public Works Director Chris Fredericksen stated this project includes 57 locations along the designated routes, including approximately 20 corners with upgraded Americans with Disabilities Act (ADA) access points. He noted the City will be responsible for \$22,533 of the \$307,000 budget, most of which is paid by in-kind work. Per Councilor Francis, Director Fredericksen stated most of these areas do not currently have sidewalks, and are side-street intersections. Per Councilor Radford, Director Fredericksen explained the process of thermoplastic stating the life of the thermoplastic is approximately seven (7) years.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the State Local Agreement and Resolution with ITD for the 17th Street, 1st Street, and Lincoln Road ADA Access and Crosswalk Improvements and give authorization for the Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Radford, Freeman, Francis. Nay - none.

RESOLUTION 2021-12

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 CONSIDERATION OF 17TH STREET, 1ST STREET AND LINCOLN ROAD X-WALKS.

D. Community Development Services

1) Approval of CDBG Contract for Professional Services

Attached is a professional services contract with Western Economic Services, LLC (WES) for development of the 2021-2025 5-Year Consolidated Plan and Analysis of Impediments to Fair Housing. The total contract amount is \$61,460. These plans and reports are due to HUD by August 4th. Typically, the City Council does not review CDBG contracts even when they exceed the \$50,000 threshold because the expenditures are approved during the grant allocation approval process. In this case, however, the Council has only reviewed two-thirds of the cost during the CV-1 and CV-3 grant approval processes. The remaining one-third of the cost will come from the 2021 CDBG grant, which has already been allocated to the City by HUD but which has not gone through the full allocation process by the City. That process will take place as part of this project. In short, the full \$61,460 will be covered by grant funds and no general funds will be applied. The cost is also sufficiently covered in the current CDBG budget. Because Council had not reviewed that one-third, CDS and Legal staff agreed the contract should be reviewed and approved through the standard approval process.

Community Development Services Brad Cramer stated it was noted during the Coronavirus (COVID-19) grant dollar hearings that administrative dollars would be used for this plan. He noted the deadline for this plan was earlier than anticipated, although, due to the office activity he does not believe there is staff capacity to accomplish the deadline without outside consulting. Per Councilor Francis, Director Cramer stated this consultant specializes in this type of agreements. He also stated the consultant will be looking at the Comprehensive (Comp) Plan, the zoning ordinance, and the Community Development Block Grant (CDBG) plan to ensure there is opportunity for affordable housing. He believes this will be the deepest dive in

the CDBG program. Per Councilor Burtenshaw, Director Cramer stated 'something' will have to be adopted at the end of this process in order to maintain the CDBG program. He also stated Council will be involved along the way. Councilor Radford believes the City is fortunate to have this program. He expressed his appreciation to Director Cramer and Grants Administrator Lisa Farris. Councilor Francis believes this is the right time for a consultant.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Professional Services contract with Western Economic Services, LLC 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, Radford, Dingman, Burtenshaw, Freeman. Nay - none.

2) Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Rising Sun Townhomes Division No. 1.

Attached is the application for the Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Rising Sun Townhomes Division No. 1. The Planning and Zoning Commission considered this item at its August 5, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Director Cramer stated this property includes 75 units. Per Councilor Francis, Director Cramer explained the net density is calculated for the number of units only upon the land upon which they are built and does not include public streets, storm ponds, and parks. He noted the Planned Unit Development (PUD) is meant to give a density bonus. Director Cramer also explained the gross acreage is the entire area of development and calculates the number of units on the overall boundaries. This does include public streets, storm ponds, and parks.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Development Agreement for Rising Sun Townhomes Division No. 1 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, Dingman, Hally. Nay - none.

It was moved by Councilor Radford, seconded by Councilor Francis, to accept the Final Plat for Rising Sun Townhomes Division No. 1 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, Radford, Francis, Dingman, Burtenshaw, Freeman. Nay - none.

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

3) Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 70.496 acres, a part of the SW1/4, Section 6, Township 1 North, Range 38 East.

Attached is part 1 of 2 of the application for Annexation/Initial Zoning to R1, R3, and LC, which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for M&B: 70.496 acres, a part of the SW1/4, Section 6, Township 1 North, Range 38 East. The Planning and Zoning Commission considered this item at its February 2, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper noted this hearing will include the desired actions for agenda items 3 and 4.

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

Mayor Casper requested applicant presentation.

Kurt Roland, Eagle Rock Engineering, appeared via WebEx, on behalf of the developer. Mr. Roland stated this property is south of Southpoint Subdivision, the requested annexation is approximately 70 acres, and the initial zoning request is for R1, R3, and LC. He explained the specific zones for the property, stating R1 currently exists on the property.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Property under consideration in current zoning

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer stated this area is intended to be a zone of mixed uses.

Slide 3 - Aerial photo of property under consideration

Director Cramer stated single-unit detached homes are the predominantly developing uses in this area.

Slide 4 - Additional aerial photo of property under consideration

Director Cramer stated the most recently annexed portion of Southpoint includes R3 zoning.

Slide 5 - Initial Zoning Exhibit Map

Director Cramer stated R1 transitions to R3 which transitions to LC.

Slide 6 - Image from the Comprehensive Plan

Director Cramer noted this slide was not included in the Planning and Zoning (P&Z) Commission hearing. He stated this area has been labeled as a preferred neighborhood alternative which includes a transition from single-unit homes to higher-density homes to a mix of uses. He noted this image has been included in the Comp Plan for at least 15 years and has been planned for the southern end of the development since the inception of Southpoint.

Slide 7 - Missing Middle Housing (MMH) Report - Missing Middle Housing and Walkable Centers

Director Cramer stated this report specifically talks about developing walkable centers on undeveloped land where medium-density housing could be built. He noted the corner of E. 65th South and S. 5th West are included in the list of places for the City to consider as a future

walkable center. He also noted adjacent land has intentionally been left vacant for future potential retail services.

Slide 8 - Photos looking at the area from various angles

Per Councilor Francis, Director Cramer confirmed Glade Loop is zoned R3. Mr. Roland believes this area has smaller patio homes. Per Councilor Freeman, Director Cramer clarified a version of the Comp Plan has been modified. Per Councilor Francis, Director Cramer stated Missing Middle Ready is an area that is close to a current or future walkable area from existing residences. He noted Park Place, Ivywood, and the majority of Southpoint are naturally more walkable due to the gridded pattern and smaller blocks. He also noted MMH includes single-family homes, mid-rise apartments, duplexes, townhomes, and accessory dwellings as allowed in R1 and R3. Per Councilor Burtenshaw, Director Cramer stated any widening of the road will occur at the time of platting, roads are not typically annexed until the City boundary is on both sides of the road, and this will be a developer obligation.

Mayor Casper requested any public comment.

Earl and Patty Lavagnino, Palisade Drive, appeared via WebEx. Mr. Lavagnino stated he and Ms. Lavagnino have resided in Southpoint since 2019. He also stated at the time of the purchase of the lot, the existing master plan was looked at and it looked good with the proposed plans. Mr. Lavagnino expressed his concern and his objection to R3. He indicated 'something' is being built near the entrance to Southpoint, and he expressed his concern for this structure. He stated their house was custom built per the master plan but he expressed his concern that plans have changed and the commercial area has expanded beyond 65th South. He is unsure of the plan but he does not believe this will be the same Southpoint. Mr. Lavagnino is hopeful that the Council will consider and not change the master plan. Mr. Lavagnino stated he would like to know what the developer is going to build as R3. He questioned if this part of the development will be part of the Home Owners Association (HOA); if this is not part of the HOA will a dividing wall be built, and what is the structure near the entrance. He believes this area should be zoned R1. Ms. Lavagnino expressed her concern for the value of the neighborhood being different than what it currently is.

Per Councilor Francis, Mr. Fife stated development is irrelevant to the annexation and initial zonings although a range of activities within the zoning can be discussed. Also per Councilor Francis, Mr. Roland confirmed the area east of Palisade Drive is proposed as R1, which is consistent with the northern area.

Seeing no additional testimony, Mayor Casper closed the public hearing.

Councilor Radford stated he is heartened to see the variabilities that leads for interesting opportunities. He believes individuals are interested in the varied approach to this initial zoning. He is also hopeful for walkable centers to the south. Councilor Francis stated he understands the concerns although R1 and R3 are currently in the area and R3 can have

beautiful development. He believes this follows the Comp Plan, and he is in favor of walkable and livable communities. Councilor Freeman echoed the Comp Plan matching this area. He believes this gives individuals the opportunity for services near their homes. Councilor Burtenshaw noted School District 91 still owns two (2) lots on 65th South.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance annexing 70.496 acres, a part of the SW1/4, Section 6, Township 1 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 Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

Per Mayor Casper, Director Cramer clarified the number of acres had been slightly adjusted since the P&Z hearing.

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

ORDINANCE NO. 3382

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 70.496 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 Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of 70.496 acres, as described in the previous motion. The motion carried by the following vote: Aye - Councilors Dingman, Radford, Francis, Burtenshaw, Hally, Freeman. Nay - none.

- 4) Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning-Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: 70.496 acres, a part of the SW1/4, Section 6, Township 1 North, Range 38 East.

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R1, R3, and LC, which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards, M&B: 70.496 acres, a part of the SW1/4, Section 6, Township 1 North, Range 38 East. The Planning and Zoning Commission considered this item at its February 2, 2021 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

It was moved by Councilor Radford, seconded by Councilor Francis, to assign a Comprehensive Plan Designation of "Low Density, Higher Density, Employment Center, and Commercial" and approve the Ordinance establishing the initial zoning for R1, R3, and LC 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 Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

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

ORDINANCE NO. 3383

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 70.496 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R1, R3, AND LC ZONES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning of R1, R3, and LC and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

- 5) Public Hearing-Rezone from PB to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: 7.99 acres, SW1/4, Section 28, Township 2 North, Range 38 East. Attached is the application for Rezoning from PB to LC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for M&B: 7.99 acres, SW1/4, Section 28, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its March 16, 2021, meeting and recommended approval by a vote of 5-2. Staff concurs with this recommendation.

Councilor Burtenshaw recused herself from this item.

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

Mayor Casper requested applicant presentation.

Kurt Rowland, Eagle Rock Engineering, appeared via WebEx, on behalf of the owners. Mr. Rowland stated this property is approximately eight (8) acres on the northeast corner of the intersection of Woodruff and Sunnyside. He also stated the rezone request is from Professional Business (PB) to Limited Commercial (LC). He noted adjacent zoning to the south is LC and adjacent zoning to the west is PB.

Mayor Casper requested staff presentation.

Director Cramer appeared. He presented the following:

Slide 1 - Property under consideration in current zoning

Director Cramer confirmed adjacent areas include PB, LC, R1 and RP zones.

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer stated the LC and PB zones would not be inconsistent with the Comprehensive Plan. He also stated this property was previously zoned Medical Services (MS) until the City re-wrote the zoning ordinance and this zone was merged with the PB zone. Director Cramer indicated the reason for merging the zones was that PB was almost exclusively office use. MS was written to allow a zone near hospitals and major medical centers that also allowed services near hospitals such as hotels, small retail, and restaurants. MS also allowed a 15,000 square foot pharmacy. Director Cramer stated the MS zone, because it was an open zone, was being requested in areas far away from any medical center. Therefore, staff believed these things could be combined. However, the hotel and the 15,000 square foot pharmacy was not included in the combined zone. Director Cramer stated when the ordinance was re-written, staff believes the PB zone was the closest option to the MS zone. He also stated the owner was not pleased with the allowed uses in the zone and has requested a rezone. He indicated staff was aware the rezone would be requested.

Slide 3 - Aerial photo of property under consideration

Director Cramer stated there is a significant amount of single-unit residential in the adjacent area. There are also multi-unit residential, commercial, and offices in the adjacent area.

Slide 4 - Additional aerial photo of property under consideration

Director Cramer stated the property is currently vacant.

Slide 5 - Photos of property under consideration

Slide 6 - Missing Middle Housing (MMH) Report - Missing Middle Housing and Walkable Centers

Director Cramer identified the broader Channing area as a Missing Middle Ready Neighborhood. The report also specifically identified a walkable center to be considered at Woodruff Avenue and Sunnyside Road. Director Cramer believes either zone fits in this area.

Slide 7 - PB and LC Development Standards

Director Cramer stated the PB zone allows a 20' setback from all streets, a 15' landscape buffer along each street, a 15' buffer from any residential, and no maximum height. He also stated LC has a 20' setback although this can be reduced to 10' if the buildings are pushed forward and parking is in the back, a 20' landscape buffer although this can be reduced to 10' if the buildings are pushed forward and parking is in the back, a 20' buffer from residential which can also be reduced, and no maximum height.

Slide 8 - Uses allowed in LC but not in PB

Director Cramer believes this was a concern.

Per Council President Dingman, Director Cramer confirmed access points will be determined during development. Per Mayor Casper, Director Cramer clarified if the Council chooses to deny a rezone the specific reason(s) must be identified in the Reasoned Statement per the Comprehensive Plan policy. Per Councilor Francis, Director Cramer confirmed either zone is consistent with the Comp Plan. Also per Councilor Francis, Director Cramer believes any concerns must be relevant to the question at hand.

Mayor Casper requested public comment. No one appeared.

Per Councilor Francis, Mr. Fife confirmed all information from the P&Z hearing and packet should be part of the decision-making process.

Mayor Casper closed the public hearing.

Councilor Francis expressed his concern for the potential uses in this area as there are only possibilities within the options. Mr. Fife stated the Council has the discretion when making law including broad discussion and broad information/input in order to create a Comprehensive Plan for general guidance and to identify any uses allowed within the definition. He also stated there is a different process when the Council applies the law to a specific piece of property or person. That process converts the Council from a legislative body to a quasi-judicial body. Mr. Fife stated the task of the Council is to honor the property rights identified by the Council and allow the developer to have those rights unless there is evidence to the contrary that can be supported. He also stated a reason of Reasoned Statement of Relevant Criteria and Standards is to show the reviewing body wasn't arbitrary, capricious, or against the weight of the evidence; discretion is for the appropriate zone; and the Council must logically apply reasons for the right or inappropriate zoning change. He noted it was not illegal for the City to apply the PB zone to this property, the property owner has the right to request a change, and the Council must decide if this is appropriate within the rules. Councilor Francis believes there are obligations to the community and adjacent development should influence the balance of property rights within the law. Per Councilor Radford, Mr. Fife explained several reasons for challenging a rezone. Councilor Hally recalled previous hearings with the adjacent properties. Councilor Freeman reiterated the LC allows setbacks and buffering. He believes the zoning will provide the buffer as intended. He also believes the property owner should have the right and opportunity to develop as requested. Council President Dingman stated she is struggling to find where this rezone does not meet the standards. She noted the LC zone is more restrictive in buffering. She also noted the adjacent areas are zoned PB and LC. She believes a rezone can be a difficult decision, however, when a zone is not filled, she believes the wrong zone is in place.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Ordinance Rezoning M&B: 7.99 acres, SW1/4, Section 28, Township 2 North, Range 38 East from PB to LC under the 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, Radford, Dingman, Freeman. Nay - Councilor Francis.

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

ORDINANCE NO. 3384

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF 7.99 ACRES IN THE SW1/4, SEC 28, T 2N, R 38E AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM PB ZONE TO LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Freeman, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from PB to LC and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Dingman, Freeman, Hally, Radford. Nay - Councilor Francis.

6. Announcements.

Councilor Radford announced April 22 as Earth Day. He recognized the City's forefathers and the efforts by IFP to reduce the City's carbon footprint. Mayor Casper announced May 6 as National Day of Prayer; and May 9 as Mother's Day.

7. Adjournment.

There being no further business, the meeting adjourned at 9:27 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor