

November 12, 2020 City Council Meeting

The City Council of the City of Idaho Falls met in Regular Council Meeting, Thursday, November 12, 2020, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:

Mayor Rebecca L. Noah Casper
Council President Michelle Ziel-Dingman
Councilor John Radford (by WebEx)
Councilor Thomas Hally
Councilor Jim Freeman (by WebEx)
Councilor Jim Francis
Councilor Shelly Smede

Also present:

All available Department Directors
Michael Kirkham, Assistant City Attorney
Kathy Hampton, City Clerk

Pledge of Allegiance:

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

Public Comment:

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

Coronavirus (COVID-19) Update:

Mayor Casper stated there were 1,158 cases statewide, 198 cases reported for Eastern Idaho Public Health (EIPH), and 95 cases in Bonneville County. She also stated since the start of the pandemic there have been 6,000 documented cases in Bonneville County (which is a hot spot in the nation), and Bonneville County has been under a mask order since the beginning of August. Mayor Casper believes trying to enforce the mandate is not the way out of a pandemic. She believes the approach is one of education as well as an appeal to embrace the current situation, take care of each other, and shoulder the community responsibility. She expects changes from the Governor's announcement on November 13. She noted basic measures have not changed. She suggested to use judgement if attending gatherings, and try not to support those who are not supporting the order. She stated this is not the year to plan large holiday events as schools need to stay open and individuals should be able to get the care they need from hospitals. Mayor Casper believes we can do better and we have to do our part by trying to slow down the spread of this illness.

Consent Agenda:

The Fire Department requested approval of Purchase of Firefighter Turnouts.

Idaho Falls Power requested approval of minutes from the September 24, 2020 and October 22, 2020 Idaho Falls Power Board Meetings.

Municipal Services requested approval of IF-20-06, Change Order for Overhead Fiber Project for Idaho Falls Power; RFP 21-076 Generator Control Services for Idaho Falls Power; IF-21-04, Purchase of Road Salt for Public Works; IF-21-B, Purchase of Backhoe Loader for Public Works – Water; IF-21-C, Purchase of Backhoe Loader for Public Works – Streets; Quote – Purchase Backup Storage System for Police Department; Quote – Microsoft

November 12, 2020 City Council Meeting

License Renewal for Information Technology; the Treasurer’s Report for September 2020; minutes from the October 19, 2020 City Council Work Session and October 22, 2020 City Council Meeting; and, license applications, all carrying the required approvals.

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

Regular Agenda:

Municipal Services

Subject: Adoption of Resolution for Inter-Departmental Direct Loan Policy

There is a strong desire to assist City Departments in achieving long term financial success. This requires careful planning and forecasting; sound investment management; and careful attention to regulatory requirements, as well as commitment and discipline in order to assist Departments with ever-changing economic conditions. This resolution will adopt a policy for the consideration of City inter-departmental direct loans, including scope, process, terms and limitations.

Councilor Smede stated this item has been thoroughly discussed. She briefly described limitations to these loans.

It was moved by Councilor Smede, seconded by Councilor Dingman, to adopt a resolution for an inter-departmental direct loan policy and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

RESOLUTION NO. 2020-27

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ADOPTING A POLICY RELATED TO CONSIDERATION OF CITY INTER-DEPARTMENTAL LOANS, INCLUDING SCOPE, PROCESS, TERMS, AND LIMITATIONS OF SUCH LOANS AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE.

Public Works

Subject: City Ordinance Revision - Title 9, Chapter 5 – Snow Removal Parking Restriction

For consideration is a proposed revision to Title 9, Chapter 5, Snow Removal Parking Restrictions prepared by the City Attorney. The proposed revision was discussed at the November 9, 2020 Council Work Session.

Councilor Freeman stated the Street Department has requested to remove overnight parking restrictions from 1st Street and Elm Street to make the snow removal operation more efficient.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Ordinance amending City Code regarding those streets that are only plowed at night, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3348

November 12, 2020 City Council Meeting

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE AMENDMENT OF IDAHO FALLS CITY CODE, TITLE 9, CHAPTER 5; SECTION 2 TO REMOVE 1ST STREET AND ELM STREET FROM THE DEFINED LIST OF NIGHT-TIME SNOW REMOVAL STREETS, PROVIDING FOR AN INFRACTION PENALTY FOR VIOLATIONS; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Resolution to Adopt a Revised Snow and Ice Control Policies and Procedures Manual

For consideration is a proposed Resolution to amend the City of Idaho Falls Snow and Ice Control Policies and Procedures Manual as discussed at the November 9, 2020 Council Work Session. The policy has been updated to reflect current snow removal practices and to account for newly annexed streets.

It was moved by Councilor Freeman, seconded by Councilor Radford, to adopt the resolution to revise the City of Idaho Falls Snow and Ice Control Policies and Procedures Manual which has been updated to reflect current snow removal practices, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2020-28

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, REVISING A UNIFORM SNOW AND ICE CONTROL POLICIES AND PROCEDURES MANUAL AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

Community Development Services

Subject: Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards, Fairway Estates Division 27

For consideration is the application for Final Plat, Development Agreement, and Reasoned Statement of Relevant Criteria and Standards for Fairway Estates Division 27. The Planning and Zoning Commission (P&Z) considered this item at its August 4, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis stated there was a request to include a traffic study for this development. The traffic study has been completed.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Development Agreement for Fairway Estates Division 27, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to accept the Final Plat for Fairway Estates Division 27, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat. Roll call as follows: Aye – Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

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 Fairway Estates Division 27, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Radford, Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

November 12, 2020 City Council Meeting

Subject: Final Plat and Reasoned Statement of Relevant Criteria and Standards, Grandview Storage 1st Amended

For consideration is the application for Final Plat and Reasoned Statement of Relevant Criteria and Standards for Grandview Storage 1st Amended. The Planning and Zoning Commission considered this item at its May 5, 2020 meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis stated this area is 6.73 acres and includes three (3) parcels along Grandview Drive.

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

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 Grandview Storage 1st Amended, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Smede, Hally, Radford, Dingman, Freeman, Francis. Nay – none. Motion carried.

Subject: Public Hearing – Annexation and Initial Zoning of RMH, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, M&B: Approximately 41.27 Acres, SE ¼, Section 9, Township 2 North, Range 38 East

For consideration is the application for Annexation and Initial Zoning of RMH, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, for M&B: Approximately 41.27 Acres, SE ¼, Section 9, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its October 6, 2020 meeting and recommended approval by a vote of 4-1. Staff concurs with this recommendation.

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

Mayor Casper requested the applicant presentation.

Mr. Jeremiah Bigelow, builder and developer, appeared. Mr. Bigelow stated he purchased 20 acres some time ago and recently purchased the adjacent 20 acres. He requested to zone for a mobile home park. He stated he has been in contact with the neighboring mobile home park and has discussed the plan. Mr. Bigelow believes the City needs a middle ground between apartments and housing. He plans to build manufactured homes and tiny homes with eight (8) units per acre including a nice park and nice landscaping. He hopes this will allow more affordable housing for Idaho Falls.

Mayor Casper requested the staff presentation.

Community Development Services Director Brad Cramer appeared. Director Cramer stated this is a Category A annexation. He reiterated this item includes 40 acres. He presented the following:

Slide 1 – Property under consideration in current zoning

Slide 2 – Comprehensive (Comp) Plan Future Land Use Map

Director Cramer stated the RMH zone has historically been located in the low-density designation as it's at the threshold of what the Comp Plan considers as low to high density. He noted low-density is defined as seven (7) units per acre. He also noted the existing mobile home park is under higher-density most likely due to when the area was revised and there was a question of the use if the area were to be redeveloped. Director Cramer stated RMH is consistent with the principles in the Comp Plan.

Slide 3 – Aerial photo of property under consideration

Director Cramer stated this property is currently undeveloped.

Slide 4 – Additional aerial photo of property under consideration

Director Cramer noted the annexation includes a portion of Lincoln Road.

November 12, 2020 City Council Meeting

Slide 5 – Photo looking north across the property

Mayor Casper requested any public testimony. No one appeared. Mayor Casper closed the public hearing.

Councilor Francis believes this fits with the surrounding area. He stated the need for affordable housing is notable. He also believes there are connections available for water and sewer. Councilor Radford stated he is excited to see the mix of mobile homes and miniature homes in this area. He hopes to see more use of these spaces.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance annexing M&B: Approximately 41.27 Acres, SE ¼, Section 9, 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. Roll call as follows: Aye – Councilors Dingman, Smede, Francis, Freeman, Hally, Radford. Nay – none. Motion carried.

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

ORDINANCE NO. 3349

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 41.271 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 Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: Approximately 41.27 Acres, SE ¼, Section 9, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

It was moved by Councilor Francis, seconded by Councilor Radford, to assign a Comprehensive Plan Designation of “Higher & Lower Density Residential” and approve the Ordinance establishing the initial zoning for RMH 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. Roll call as follows: Aye – Councilors Smede, Hally, Dingman, Radford, Freeman, Francis. Nay – none. Motion carried.

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

ORDINANCE NO. 3350

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 41.271 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS RMH ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Councilor Francis noted the correction of the acreage from 41.217 to 41.271 in the Reasoned Statement. It was moved by Councilor Francis, seconded by Councilor Hally, as proposed to be amended, to approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for RMH and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Hally, Francis, Radford, Dingman, Smede, Freeman. Nay – none. Motion carried.

Subject: Public Hearing – Zoning Ordinance Amendment for 11-4-5.E.1 regarding residential parking location

November 12, 2020 City Council Meeting

For consideration is an Ordinance the Zoning Ordinance section 11-4-5.E.1, Residential Parking Location. Full details and reasoning of the changes are included in the attached staff report. The Planning and Zoning Commission considered this item at its July 21, 2020 and recommended to the Mayor and City Council approval by a unanimous vote. On August 13, 2020 the City Council removed the rezone from the agenda because at that time it was combined with another proposed change to modify the definition of single-unit attached dwellings. That portion of the proposal has been tabled. The attached ordinance only includes the changes to residential parking locations.

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

Mayor Casper requested the staff presentation.

Director Cramer appeared. Director Cramer stated the code prior to the 2018 changes made it clear that converting a parking space to a living space was not allowed. He also stated the way the ordinance was technically written made it illegal to park in one's own driveway so the ordinance needed corrected again. The corrected ordinance establishes allowed residential parking including in permitted driveways where the curb cut exists. Per Councilor Francis, Director Cramer stated the code is ensuring the space could still be used as a garage and that a garage door is not removed and walled over. Also per Councilor Francis, Director Cramer stated there is some grandfathering and there are records of those properties; a parking pad is allowed next to a garage; and an individual could not cut their own curb, this would require a Public Works permit. Per Mayor Casper, Director Cramer defined a 'set back' as how far a building must be from the front, side and rear property line. He stated the set back is to allow open space and accessibility.

Mayor Casper requested any public testimony. No one appeared. Mayor Casper closed the public hearing.

Councilor Francis expressed his concern to someone using their garage as a shop with no intention of parking.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Amending the Zoning Ordinance of sections 11-4-5.E.1, Residential Parking Location, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilors Freeman, Radford, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3351

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING TITLE 11, CHAPTER 4 TO CLARIFY CALCULATION OF REQUIRED OFF-STREET PARKING AND LOADING SPACES AND USES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Subject: Public Hearing – Rezone from I&M to HC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Approximately 9.45 Acres, Section 25, Township 2 North, Range 37 East

For consideration is the application for Rezoning from I&M to HC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Approximately 9.45 Acres, Section 25, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its October 6, 2020, 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.

Mayor Casper requested the applicant presentation.

November 12, 2020 City Council Meeting

Steve Heath, Connect Engineering, appeared on behalf of the applicant. Mr. Heath stated the property is the abandoned Sky Vu Drive-in Movie Theater. It is currently zoned industrial and manufacturing and is surrounded by parks, limited commercial, and light manufacturing. Mr. Heath stated the property is approximately 9.45 acres and the uses include parks, commercial, and light industrial use. He also stated he has requested the area be rezoned from I&M to HC as he believes it will fit the uses and growth of the area. He noted the City's park sidewalk along the river would remain. He also noted there is a 75' easement that would not be encroached upon. Mr. Heath stated he met with Parks and Recreation who indicated they were not interested in acquiring this property. He also stated the area is close to the two (2) arterial roads and he believes it will be a good fit to provide traffic flows to the site. Per Councilor Francis, Mr. Heath stated Parks and Recreation was not interested in the Bureau of Land Management (BLM) piece.

Mayor Casper requested the staff presentation.

Director Cramer appeared. Director Cramer believes Mr. Heath covered the relevant facts. He reminded the Council the Comprehensive Plan is drawn with broad brush strokes, and he noted the request is consistent with the surrounding areas. He stated in the past there has been discussion of the opportunity to not have industrial along the river as it creates noise and dust. Councilor Francis questioned the surrounding uses, specifically commercial and manufacturing. Director Cramer stated he is not aware of many manufacturing. He also stated it is predominantly heavy commercial uses. He does not believe this would be imposing on anything that's already developed there. Mayor Casper believes the 75' helps to preserve the river-front feeling and is more than sufficient to create a park-like feel. Per Mayor Casper, Director Cramer stated the zoning ordinance requires structures to be away from the high-water water and a buffer is required. Councilor Freeman questioned access to the river and access to the path. Director Cramer stated that would be determined when the plat and site plans come forward so it is unknown at this time.

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

Councilor Francis believes this is consistent with the current surrounding uses. He noted this is a vacant lot. He also believes the developer has a proposal to make good use of this land. Councilor Smede stated she is pleased to see movement for development. Councilor Freeman concurred with Councilor Smede.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Rezoning from I&M to HC, M&B: Approximately 9.45 Acres, Section 25, Township 2 North, Range 37 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. Roll call as follows: Aye – Councilors Hally, Radford, Francis, Dingman, Smede, Freeman. Nay – none. Motion carried.

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

ORDINANCE NO. 3352

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE REZONING OF APPROXIMATELY 9.45 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM I&M ZONE TO HC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from I&M to HC of M&B: Approximately 9.45 Acres, Section 25, Township 2 North, Range 37 East, and give authorization for the Mayor to execute the necessary documents. Roll call as follows: Aye – Councilors Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

November 12, 2020 City Council Meeting

Subject: Public Hearing – Rezone from R1 to R2, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Approximately .374 Acres SE ¼ SW ¼ SW ¼, Section 13, Township 2 North, Range 37 East

For consideration is the application for Rezoning from R1 to R2, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Approximately .374 Acres SE ¼ SW ¼ SW ¼, Section 13, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its October 6, 2020 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.

Mayor Casper requested the applicant presentation.

Barry Bame, Connect Engineering, appeared on behalf of the applicant. Mr. Bame noted R1 to R3 was initially proposed, after additional discussion the developer is now requesting R1 to R2. He stated the property is a small .374 acre property which is currently zoned R1 and is adjacent to R1 although it is higher density. He noted north of the property is a Planned Unit Development (PUD), west of the property is a mobile home park, and east of the property is higher density. Mr. Bame stated although the property is designated as low density he believes the change conforms to the Comprehensive Plan. He noted it would be near impossible to develop as R1 as it is too large for an R1 lot and if it were platted into two (2) lots it would not meet the frontage. He stated it is an unkempt property. He also stated the developer is anticipating building affordable housing on this property.

Mayor Casper requested the staff presentation.

Director Cramer appeared. Director Cramer presented the following:

Slide 1 – Property under consideration in current zoning

Director Cramer stated to the immediate east of the property is R2. There is also R3 and some R1 which includes some mobile homes at a higher density than would be typical in a R1 zone. The R2 is not out of character for the area. Director Cramer stated it is also consistent with the map of the Comp Plan and the policy statements referencing higher-density housing in close proximity to service areas and streets designed to move traffic. He noted Opticos was recently hired to determine Missing Middle Housing (MMH) which is influencing an update to the Comprehensive Plan. He stated this area was identified as a missing middle ready area where housing is close to a mix of services, bike paths, and alternative transportation routes. Opticos identified the R2 zone and the Traditional Neighborhood (TN) zone as being the most ready to accommodate MMH. Director Cramer noted this was not included in the staff report although he believes it is relevant.

Slide 2 – Aerial photo of the property under consideration

Director Cramer identified existing uses in the area and the PUD.

Mayor Casper requested public testimony.

Cade Marcus, Idaho Falls resident, appeared. Mr. Marcus expressed his displeasure with the piece being designated as a higher-density R3. He stated the adjoining portion of the trailer park is in violation of correct standards which has previously been brought up. Mr. Marcus believes using someone in violation to justify a change from R1 to R3 is inappropriate. He noted a large portion of this neighborhood is residential park which is more exclusive than the regular R1 designation. He believes R1 could be fulfilled given the opportunity but he sees it is more profitable as the R3 designation. Mr. Marcus requested the Council consider the inappropriateness to spot rezone. He believes this was pushed through due to poorly attended meetings during COVID. Per Councilor Smede, Mr. Marcus stated he is a longtime resident of the neighborhood and believes the neighborhood could benefit from the R1. He believes it should stay as R1 and should not be leveraged. Per Councilor Francis, Mr. Marcus is also concerned with R2.

Randall Wheeler, Idaho Falls resident, appeared. Mr. Wheeler supports Mr. Marcus' comments. He stated he has lived in the neighborhood since 1956 and has seen what growth has done to the area. Mr. Wheeler does not believe

November 12, 2020 City Council Meeting

it would be safe to increase the density. He agrees to leave the property at R1. He noted there are some nice homes but there are pretty rough neighbors in the apartments.

Per Mayor Casper, Director Cramer confirmed the lot is too large as one (1) R1. If the lot is divided by east and west, there would be two (2) driveways onto a busy roadway. If divided by north and south the western lot would not have any frontage on a public street. The typical cure for this situation is a PUD. Director Cramer stated this lot is so small it would be challenging to meet the requirements of a PUD. He also stated an alternative could be to rezone the lot to Residential Park zone which would allow a single-family home, although that was not the request from the applicant. Per Councilor Francis, Director Cramer believes the current mobile home park may have developed prior to the existing standards. He also believes using the mobile home park for justification of why R2 fits is inappropriate. He noted the adjacent R2 zone is consistent with the principles of the Comprehensive Plan whether the mobile home park exists today or not.

Mr. Bame reappeared for rebuttal. He stated the current owner purchased the lot earlier in the year and it had been on the market and vacant for some time. He believes if someone wanted to build an R1, it would have already happened. He also believes the R2 would help to bring in affordable housing. Mr. Bame noted R2 only allows a maximum of six (6) dwellings in this area.

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

Councilor Francis believes vacant lots are not good for property values. He also believes, based on the surrounding zones, this is consistent with the surrounding area. He is excited to see the property developed. He noted this lot is walkable down to Broadway. He expressed his concern with traffic although he does not believe it will be a major issue with the current traffic. He believes the development would help prevent rundown in the area.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Rezoning from R1 to R2, M&B: Approximately .374 Acres SE ¼ SW ¼ SW ¼, Section 13, Township 2 North, Range 37 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. Roll call as follows: Aye – Councilors Freeman, Francis, Hally, Radford, Smede, Dingman. Nay – none. Motion carried.

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

ORDINANCE NO. 3353

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE REZONING OF APPROXIMATELY 0.374 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R1 ZONE TO R2 ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from R1 to R2 of M&B: Approximately .374 Acres SE ¼ SW ¼ SW ¼, Section 13, Township 2 North, Range 37 East. Roll call as follows: Aye – Councilors Dingman, Radford, Francis, Smede, Hally, Freeman. Nay – none. Motion carried.

Subject: Public Hearing – Rezone from R1 to TN, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Approximately 3 Acres N ½ SW ¼ SW ¼, Section 13, Township 2 North, Range 37 East

For consideration is the application for Rezoning from R1 to TN, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, M&B: Approximately 3 Acres N ½ SW ¼ SW ¼, Section 13, Township 2 North, Range 37 East. The Planning and Zoning Commission considered this item at its October 6, 2020 meeting and recommended approval by a vote of 5 to 1. Staff concurs with this recommendation.

November 12, 2020 City Council Meeting

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

Mayor Casper requested the applicant presentation.

Barry Bame, Connect Engineering, appeared on behalf of the applicant. Mr. Bame stated this property is in the same area as the previous rezoning. He presented the following:

Slide 1 – Property under consideration in current zoning

Mr. Bame stated the current R1 is being used as higher density with the PUD south of the project and a mixed use in the area. He also stated this property was purchased in the previous year and the owner requested R2 with P&Z which was recommended for denial. Discussion then occurred regarding development of the vacant property. Mr. Bame believes, following discussion with City staff, the TN zone would fit with the property and would keep the integrity of the neighborhood with the strict zoning requirements. Mr. Bame stated a neighborhood meeting could not be held due to COVID although he visited with the neighbors regarding the TN zone. He noted there were concerns with the neighbors who were not aware of the TN zone. He believes not all neighbors are in favor of the project. Mr. Bame stated TN is higher density than R1, therefore there are concerns with traffic and density although there will always be concerns with traffic anywhere in the City. He indicated, per discussion with other City departments, he does not believe there will be a strain on the neighbors due to multiple exits in this area. Mr. Bame believes the TN would be less intense than the current commercial use. He also believes the TN is a step-down in the zone but a step-up in the area from what the current zone is used as. He stated there is a walkable distance to many City facilities; the development would help Cassiopeia and Lola with street, curb, and sidewalk improvements; and the low spot for the storm water problem would be addressed. He also stated all parking and setbacks would be required with TN with the potential for an alley parking area. Additional parking may also be needed off Cassiopeia and Lola. Mr. Bame believes the TN would be a good transition as middle density and infill from the higher density to R1.

Per Councilor Francis, Mr. Bame realizes the storm water on site must be maintained and the developer will work with the City infrastructure.

Mayor Casper requested the staff presentation.

Director Cramer appeared. He presented the following:

Slide 2 – Comprehensive Plan Future Land Use Map

Director Cramer stated this area is near roads that are designed to move higher volumes of traffic. He noted the TN is a new zone and has not been used for new development although the TN has been successful in the older parts of town where construction has not occurred for several years. He also noted that was the purpose of the TN zone. Director Cramer stated there were concerns at the P&Z hearing believing this zone was producing the same product, although the standards of the TN and R2 are very different. He stated the current R1 is consistent and appropriate with the Comp Plan. He indicated staff believes the TN is appropriate as well due to the standards of development.

Slide 8 – TN Zone Supplemental Standards

Director Cramer stated most zones have a minimum set back from the front yard. The TN, meant to create a walkable pedestrian-oriented environment, also has a maximum set back of 15-20' from the street. This creates an open public/pedestrian feel as in older neighborhoods.

Slide 9 – Additional TN Zone Supplemental Standards

Director Cramer stated every building on the site would have to face the public street, this is not the case in other zones. He also stated long flat buildings are not allowed, there must be a break in the architecture, and there are certain roof-type requirements. He indicated most zones have a maximum height, the maximum height for the previously requested R2 is three (3) stories. The TN maximum height is based on the existing buildings on both sides of the adjacent streets as the idea is to keep development integrated within the existing neighborhood.

Slide 11 – Additional TN Zone Supplemental Standards

Director Cramer stated parking is not required on the front yard, any driveway is only allowed to be 10' wide, and garages are not allowed to protrude past the front plane of the house. He also stated alleys are encouraged and incentives are provided for an alley, sidewalks will be required, planting strips are required between the street and

November 12, 2020 City Council Meeting

the sidewalk, and the parking must be broken into pods with no more than four (4) parking stalls in any one (1) spot. He indicated this is a very unusual zone although it allows multi-family development in a way to be integrated with existing neighborhoods.

Slide 3 – Aerial photo of property under consideration

Director Cramer reiterated Opticos identified this area as a Missing Middle ready neighborhood as it is within walking distance of commercial services, there are wide pathways that connect to the greenbelt, and is a walkable area. The TN and the R2 zones are the most accommodating for this type of development. Councilor Smede questioned other TN being received by the adjacent homeowners. Director Cramer stated there were initial concerns of large apartment complexes in the middle of the neighborhoods, which has not happened. The development that has happened fits. Per Councilor Smede, Director Cramer believes this has been positive thus far. Per Councilor Francis, Director Cramer stated the TN is to adapt what's nearby, the current use could continue although the commercial buildings could not change occupancy, and a street could be allowed to connect Cassiopeia and Lola.

Mayor Casper requested public testimony.

Michelle Fletcher, appeared via WebEx. Ms. Fletcher believes intent usually captivates the best scenario. Due to the claims for apartments in the adjacent area which is a R1 PUD, Ms. Fletcher questioned why the applicant would not push to move to the higher density. She believes the zone laws are for protection and by granting a rezone to a higher density this would be allowed regardless of the proposed intent as higher density creates more opportunities for personal gains other than what's best suited for the community. Ms. Fletcher stated the lot was denied R2 in the previous year. She believes there is not enough road access for Lola to support the higher density on top of the PUD. She stated she enjoys seeing the plus sides of TN although the laws are there to make sure this does not get exploited. Ms. Fletcher stated the previous owner used this area as storage and personal use, he has since passed away. She also stated the new property owner has sought to rezone rather than build the single-family use homes, which she believes is for profit. She believes people want to live in single-family homes and it seems silly to squander this lot for more apartments when 24 homes could be created on this lot in R1. Ms. Fletcher stated she is not against change, she agrees that multi-unit developing on main roads can be great places for infill, however, Cassiopeia is tucked into a single-dwelling community with large home lots. She requested the zone stay at R1. She suggested looking at the PUB if the townhomes are necessary to assure the laws will protect from the higher density and from being exploited. Ms. Fletcher questioned the largest amount that could be built on the property with the TN zone, she believes the TN would allow 17 lots on one (1) acre.

Randall Wheeler, appeared. Mr. Wheeler stated there is adjacent R1 zoning to the west, RP to the east, R1 to the north, and mostly R1 to the south. He desires R1. He believes TN has the most diverse possibilities to use the property, including agriculture (farm yard) or a gas station. He also believes the TN designation allows more than any other zoning in the City. He does not want downtown structures in his back door. He believes this area is an ideal location for R1 housing, single-family dwellings.

Jerry Jayne, resident of Lola Street since 1964, appeared. Mr. Jayne supports retaining the R1 designation. He stated the Comp Plan calls for low density in this area as R1. He also stated across Saturn is RP with two (2) houses in the RP as larger lots. He noted R1 allows up to six (6) units per acre, RP allows four (4), and TN allows 15. He believes this is too dense and the area should not be downgraded just to fill with houses. Mr. Jayne stated he is in favor of filling this area with single-family homes. He realizes there is a housing need in Idaho Falls although he believes it is for all types of housing. He understands there is a resistance/opposition to the neighbors for duplexes and he believes duplexes should be put in appropriately-zoned areas. He does not believe this area is appropriate and should not be changed. He does not see the need to rezone for the public benefit. Mr. Jayne stated there is a slope from the west side to the east side, the construction company parked their machinery on the bottom of the east side. He also described other buildings on the property. Mr. Jayne reiterated he supports development as single-family homes and requested this proposal be rejected. He does not believe standards should be relaxed just to infill areas.

November 12, 2020 City Council Meeting

Reed Tucker, Everly Road, appeared. Mr. Tucker stated there are several lots in the City that are vacant for unknown reasons and this should not be a valid reason. He believes the R1 is doable. He also believes developers want apartments to get more money/higher profit. Mr. Tucker has not heard of any neighbors who want the apartments, therefore, he questioned the need for public notices for opinions of the surrounding neighbors if the City is going to go by the legality of what is allowed. He noted the neighbors have been against this three (3) times. He agrees with Ms. Fletcher and Mr. Wheeler that this should stay R1.

Cage Marcus, appeared. Mr. Marcus read an excerpt from City online documentation regarding the TN zone, referencing the grid-street pattern with rear street alleys. He believes the grid-street pattern would be non-conforming in this neighborhood. He also noted Director Cramer commented the grid-street pattern would be highly unusual. Mr. Marcus questioned why the TN is being applied to R1 in a neighborhood that was largely built in the 1950-60's. He also questioned doing highly unusual things that do not conform with the City policy not wanting to spot rezone an area. He believes just because this area is vacant is not a good reason to change the development. He also believes our society has rules and certain designations are there for a reason and questioned why those designations shouldn't be used to their full extent instead of something that is highly unusual. Mr. Marcus agrees with others in the neighborhood to stay with the R1. He stated if individuals wanted to live in a higher density, they would have already done so.

Barry Bame, appeared for rebuttal. Mr. Bame stated per Ms. Fletcher's comments regarding the PUD, the R1 zone does not allow for fourplexes. He also stated the TN allows 15 units per acre although the maximum density and the many restrictions must be looked at. Mr. Bame stated concepts/layouts have been completed on the property and 15 units per acre could not fit. He also stated TN could allow single-family homes, this does not have to be apartments. He believes individuals think and plan for the worst although they should also plan for the best. He also believes the benefit of TN will add housing to that middle market; the townhome market is more affordable housing; this market is needed and can be allowed; and could benefit the community as a whole. Mr. Bame indicated there were neighbors in opposition, who were supportive, or didn't care. He noted most of the time opposition shows up in meetings. Mr. Bame believes buyers need a return on their money. He does not believe this property would develop as single-family homes. Mr. Bame referenced a comment in the Comp Plan regarding the constantly changing community, including land use, needs, and goals. He believes some zone changes, infill spots, and the best use to add additional housing should be looked at. He also believes the TN will keep the integrity of the neighborhood intact. Mr. Bame reiterated, per Director Cramer's comments, the only commercial use permitted with TN would be the existing use.

Council President Dingman questioned the commercial uses in the TN. Director Cramer stated the TN allows commercial uses in a very restricted way. He also stated because the property does not have frontage on an arterial street the only commercial uses would have to take place in the existing buildings without substantial exterior remodeling. He clarified agriculture would not be allowed. Per Council President Dingman, Director Cramer noted staff recommended R2, P&Z recommended denial of R2. Per Councilor Francis, Director Cramer stated the purpose statements describe the general nature of the zone. He also stated the main characters of TN reference the height with the idea they would be found in infill situations; the buildings are the main feature with parking in the back; the land uses do not have to be the same as the surrounding area; and townhomes or duplexes could be allowed. He noted Dodson does not comply with the TN standards. Councilor Radford stated he would not have identified TN as high-density designation. Director Cramer stated TN is clarified as medium density. He believes density outlined in the Comp Plan is not helpful as there is no middle ground. Councilor Radford believes the City must be open with more flexibility for property owners. Per Councilor Smede, Director Cramer stated spot zoning is not defined, spot zoning provides special allowances and treatments to a particular piece of property that is not found anywhere in that area. Per Councilor Francis, Director Cramer stated the grid streets are in the older neighborhoods where the north/south and east/west streets connect which are important features for connectivity which invites walkability. He also stated this area is not truly gridded although it is approaching a grid in a portion of the neighborhood.

Mayor Casper closed the public hearing.

November 12, 2020 City Council Meeting

Councilor Francis believes this may fit due to the mixed use in area; it is largely consistent with the TN zone with some exceptions; it draws to the walkability concept; and it integrates with the established characteristics of the existing neighborhood as it doesn't fundamentally change what's there. Councilor Francis also believes it is more dense than single-family homes; the R1 is not what has only happened at this point; and it would not necessarily be like the current single-family homes. Councilor Hally believes individuals are wanting to own a home although the price of a single-family home may not be affordable; this will be a complex problem as cities grow; change is not always comfortable; and most things do not match fears. Councilor Smede stated she was delighted to see TN with this neighborhood although she sees concerns with the diversity of this area. She believes this must fit within the neighborhood and she has not seen any exploitation of this zone. Council President Dingman stated although the current Council approved the TN zone she does not believe the TN was created for this property, she sees this zone as R2. She does not believe TN is compatible with the surrounding residential uses and is greatly concerned to the future of the zone. Councilor Radford believes the property owners should be able to rezone. He concurs with Councilor Smede. He also believes density is not a horrible thing. He prefers interesting and compelling neighborhoods and he defends the concept that we need diversity in housing. Councilor Francis sees the community demand, the housing needs in the community, and an owner's property right to develop within the options provided by the City. He believes TN is the middle ground because of what is there.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Ordinance Rezoning from R1 to TN M&B: Approximately 3 Acres N ½ SW ¼ SW ¼, Section 13, Township 2 North, Range 37 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. Roll call as follows: Aye – Councilors Radford, Smede, Francis, Hally. Nay – Councilors Freeman, Dingman. Motion carried.

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

ORDINANCE NO. 3354

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, PROVIDING FOR THE REZONING OF APPROXIMATELY 3 ACRES AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM R1 ZONE TO TN ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Francis, seconded by Councilor Radford, to approve the Reasoned Statement of Relevant Criteria and Standards for the Rezone from R1 to TN of M&B: Approximately 3 Acres N ½ SW ¼ SW ¼, Section 13, Township 2 North, Range 37 East. Roll call as follows: Aye – Councilors Hally, Smede, Francis, Radford. Nay – Councilor Dingman. Abstain – Councilor Freeman. Motion carried.

Mayor Casper encouraged Mr. Bame to work with the neighborhood as she believes the decades that people have invested in the neighborhood should be respected.

Announcements:

There were no announcements.

Adjournment:

There being no further business, the meeting adjourned at 10:05 p.m.

s/ Kathy Hampton
Kathy Hampton, City Clerk

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