Pursuant to a call by the Mayor, the City Council of the City of Idaho Falls met in Special Session in the Civic Auditorium, in the City of Idaho Falls, Idaho, on March 23, 1964, at 7:30 P.M. for the purpose of conducting a public hearing, relative to the new, proposed zoning ordinance. There were present at said Meeting: Mayor S. Eddie Pedersen; Councilmen Nelson, Page, Freeman, Leahy, Keller, and Parish. Also present: Roy C. Barnes, City Clerk; Arthur Smith, City Attorney; Ray Browning, Building Official; Members of the Planning Commission.

The Mayor announced that this was the time and the place for a public hearing, as advertised, relative to the proposed zoning ordinance affecting all lands within the corporate limits of the City of Idaho Falls.

The Mayor welcomed all those who were present and said that the relatively small crowd was, in his opinion, an indicator that the citizens of the City, generally, were in accord with the work that was being accomplished. He said the Planning Commission was entitled to the credit for the progress which has been made to date in considering any and all protests and revising the ordinance accordingly, in a combined effort to satisfy protestants and still create an ordinance which would adhere to a program of good City Planning. He said the work was progressing nicely and should be finalized within a week.

The Mayor introduced the members of the Planning Commission and also the Councilmen.

Mr. Floyd Heyrend, Chairman of the Planning Commission, appeared and spoke briefly with regard to the activities of the Planning Commission since the last public hearing. He explained that the existing R-3 zone will be known under the new ordinance as R-3-A as the new R-3 classification will allow residential units only.

The Mayor then explained that several written protests had been received so recently that time had not permitted their being reviewed by the Planning Commission; and directed the City Clerk to present and read same, as follows:

23 MARCH 1964
LAST CHANCE RANCH INCORPORATED

Dear Floyd Heyrend and Members of the City Planning Commission,

Please be advised that we desire that our property remain as it is pertaining to present zoning. We now have Lot 1, Block 2, zoned Commercial and Lot 2, Block 2, zoned R-3, both lots are in the Strobel Addition, Division #1.

We have again reexamined our future requirements for said properties and it is essential that we have the zoning that the City of Idaho Falls granted us on the 15th day February, 1962, without any protest.

We have advised our attorney, John Sharp, that these are our wishes. Our Civil Engineer, David Benton, has also been advised.

We feel that this will meet with your approval since we already have the legal zoning.

Sincerely yours,
s/ Shawna E. Strobel
s/ J. Edwin Strobel

JOHN S. HATCH, M.D.
March 21, 1964

Honorable Mayor and City Council
City Hall
Idaho Falls, Idaho

Gentlemen:

This letter is written in protest to the proposed new zoning ordinance as it affects my property at the southeast corner of Eighth Street and South Boulevard, described as Lots 21 through 24, Block 29, Crows Addition to the City of Idaho Falls, Idaho.

This property is presently being used as a medical clinic for which it was approved in April, 1953. The plan for which approval originally was given was for a building nearly twice as large as now presently constructed. In the last few years consideration has been given to building the second half of this plan.

At the last hearing of this proposed new zoning ordinance, the above described property was proposed to be zoned R-3-A which would have placed the property in a zone confirming to its present use. This type of zoning seems to be in accordance with City planning principles and is compatible with the area.

I hereby strongly request that the above described property be zoned R-3-A in accordance with the proposed new zoning ordinance so that this property would not remain a non-conforming use.

Very truly yours,
s/ John S. Hatch, M.D.
100 8th Street
Idaho Falls, Idaho

March 23, 1964

Mayor Eddie Pedersen and Council
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

Attached herewith is a petition signed by 265 residents presently living in the area immediately surrounding the property bounded by Ninth Street, Division Avenue, Russett Street and Lincoln Drive, asking that this property be purchased for a public park and playground, or alternately, be rezoned as a residential area.

It is noted that during the solicitation for the petition the signers almost without exception were vehement in expressing their desire that the above area not be continued as a commercial zone. One of the important factors in the minds of the petitioners was fear for the safety of school children if business establishments, with their attendant street traffic, were to be permitted.

It is suggested that action on this petition be deferred until after adoption of the proposed new City Zoning Ordinance, so that adoption of the ordinance will not be adopted in the near future, it is desired that this petition be given your immediate consideration.

Yours very truly,
s/ Percy L. Rice
920 7th Street
Idaho Falls, Idaho

Copy (without list of signatures) to:
City Clerk
Chairman-City Planning Commission

PETITION TO THE MAYOR AND COUNCIL, CITY OF IDAHO FALLS

This is a petition for (1) the City purchase of property described herein for use as a public park and playground or alternately (2) the rezoning of such property to residential R-1.

WHEREAS, the highly developed residential area defined by the four major streets (1) Holmes Avenue, (2) 17th Street, (3) Woodruff Avenue and (4) First Street constitutes essentially a solid core residential neighborhood consistent with the neighborhood concept of City planning and,

WHEREAS, the undeveloped area within that neighborhood (1) bounded by 9th Street, Division Avenue, Russett Drive, and Lincoln Drive extended, and (2) located centrally of such neighborhood, has been zoned for commercial uses since 1948, and,

WHEREAS, such commercial zoning is completely contrary to the 'residential neighborhood" concept of City planning, and,

WHEREAS, the aforementioned undeveloped area is (1) bounded on two sides by an R-1 zone, on another side by an R-2 zone and on the other side by developed church property and (2) located near Linden Park Elementary School, and

WHEREAS, said undeveloped area is therefore ideally situated for a public park in accordance with the neighborhood concept of City planning, it being centrally located with respect to a developed high density modern residential neighborhood area, and,

WHEREAS, development of the defined undeveloped area for commercial purposes will inevitably and perpetually cause an erosion of the currently established residential character of the aforementioned major neighborhood and consequently also cause an immeasurable loss in residential property values, and,

NOW, THEREFORE, we the resident petitioners, whose signatures appear below respectfully request the Mayor and Council of the City of Idaho Falls to take the following action:

1. Acquire the above specified and develop is as a public park and playground, or alternately, if such action is found to be not feasible in the judgment of the Mayor and Council, then

2. Rezone such underdeveloped area as residential R-1.

P E T I T I O N

Comes now the Idaho Falls Animal Products Company and petitions the Mayor and City Council to reconsider the proposed zoning ordinance and the establishment and operation of a fat rendering and dead animal reduction plant in an I&M zone for the following reasons:

Idaho Falls Animal Products Company commenced operation in Idaho Falls in 1936. A conservative estimate of the replacement value of said plant would be in excess of $400,000.00. The Idaho Falls Animal Products Company serves the entire Snake River Valley, covering the regular routes as far south as Pocatello, including the Pocatello area and as far north as St. Anthony, including the St. Anthony area with the closest plant similar to the operation of Idaho Falls Animal Products company being located in Twin Falls, Idaho. The Idaho Falls Animal Products Company has in the past and certainly its management intends in the future to keep its filtering system in first-class working order and to adopt the most modern filtering methods available to our client in operating its plant on Higbee Avenue. Idaho Falls Animal Products Company has cooperated with every request of the City in making improvements to its present plan on the Higbee Avenue, in fact said company has on its own initiative made improvements to its plant with the cooperation and approval of the City of Idaho Falls.

Idaho Falls Animal Products Company is an industry operating and contributing to the lifeblood of Idaho Falls, said industry together with all of the other industries in Idaho Falls represents the lifeblood of this City, all of which industries must be encouraged if Idaho Falls is to continue to be the leading City in Idaho.

Idaho Falls Animal Products Company has a total of twelve employees on its payroll. The byproducts produced by it from its operation consist of meat meal, hides and tallow, which tallow is shipped to the various soap companies such as Lever Brothers, Gambles, and etc. The payroll of Idaho Falls Animal Products Company in the Idaho Falls area is in excess of $65,000.00 annually. In addition to the moneys paid out on an annual payroll , Idaho Falls Animal Products Company purchases equipment and supplies including but not limited to gasoline and petroleum products for its trucks and vehicles. It has equipment in the Idaho Falls area, pays real and personal property taxes, purchases electricity, heating fuel and further has all of the other normal expenses of a general industry.

Without the services of the Idaho Falls Animal Products Company, all of the meat processing plants in the Snake River Valley would have to completely change their operation if they were to meet the standards set out by the State of Idaho for health inspection in that said meat processing plants are completely dependent upon Idaho Falls Animal Products Company for picking up and removing their scraps from the premises and disposing of same. The Company further serves the City of Idaho Falls and the entire Upper Snake River Valley in that its pick-up services are available in removing any dead animals. What would be the effect on Idaho Falls Animal Products Company if the present ordinance is passed and Idaho Falls Animal Products Company becomes a non-confirming use industry?

1. As I understand the law pertaining to non-conforming uses, it would be impossible for Idaho Falls Animal Products Company to remodel its present plant operation to add to said plant operation, or to exercise any costly attempts to keep in repair its filter system and other major elements of its operation.

2. If the filter system of Idaho Falls Animal Products Company could not be kept in repair, renewed and modernized, the odors that would originate from the plant of Idaho Falls Animal Products Company would increase and would eventually cause said company to fall in the category of a possible nuisance, all of which would result in the closing of the Idaho Falls plant, the dismissing of the employees employed by said company, the taking away of the payroll contributed by the operation of the Idaho Falls Animal Products Company plant in Idaho Falls, together with all of the other benefits derived by the local businesses from purchases made in purchasing their products, and further the loss of tax revenue to the City, County and State governments. The proposed ordinance is unconstitutional wherein said ordinance attempts to eliminate a fat rendering plant from the corporate limits of the City of Idaho Falls:

In the case at bar, the plant of Idaho Falls Animal Products Company is located immediately north and adjacent to the Idaho Falls Stockyards, and under the present proposed zoning ordinance it is proposed that the Idaho Falls Animal Products Company be included in an I&M-2 zone (Industrial and Manufacturing Zone), which zone permits a livestock auction and activities related to the handling, transporting and selling of livestock. Said I&M-2 zone specifically prohibits the operation of a fat rendering plant which restriction also applies to all of the other zoning categories proposes in the present zoning ordinance presently under consideration by the Mayor and City Council.

It is the position of Idaho Falls Animal Products Company that if a stockyard is permitted in an I&M-2 zone, certainly there should be no objection to operating a fat rendering plant in the same zone and in an area immediately adjacent to the stockyard operation. Odors originating from the stockyards are more offensive and in much greater volume than those originating from a plant such as that operated and maintained by the Idaho Falls Animal Products Company and this is urged unequivocally on the ground that all odors originating in the said plant are, by regulation and strict control of the Company, retained within the inside walls of said plant, and any air or odors emanating from said plant are never allowed to pass to the outside until the air has been properly filtered. Under present operational facilities no odor can escape from the plant except through mechanical failure.

The Company further urges reconsideration of this zoning of such business out of the confines of Idaho Falls and relegating the Company's existing business to the status of non-conforming use for the following reasons:

1. If even one more slaughter house were located in the vicinity of Idaho Falls or its environs and required the service of the Idaho Falls Animal Products Company, the present plant would need to be enlarged. If it were relegated to non-confirming use status, this could not be done.

2. Without being able to grow with the City of Idaho Falls by enlarging its $400,000.00 plant as the needs of the community is enlarged, the present facilities would be stalemated and never be able to adequately improve and expand to meet increasing needs; and yet be caught in the vice-grip unable to abdicate its large investment to relocate elsewhere outside the City.

3. A plant such as the Idaho Falls Animal Products plant must have the City's water, sewer and electrical service to operate. To zone it out of the City would deprive it of these needed services and hence deprive it of its benefit to the community. The

Company further urges such reconsideration of the ordinance for at least two other and primary reasons:

1. The proposed zoning being considered by the City arbitrarily discriminates against a fat rendering plant by eliminating the business of Idaho Falls Animal Products Company from the corporate limits of the City of Idaho Falls, while in the same ordinance another business which has uncontrolled, and probably uncontrollable odors which are many time more offensive, is allowed.

2. Under previous ordinances of the City the plant of Idaho Falls Animal Products was allowed, and was, in fact, annexed into the City by an annexing ordinance. Under that ordinance the plant has, by right of law, grown and developed with the rest of the City to the industry it is today. Is it due process, after bestowing such a right to the within the City and cause, by virtue of the annexing ordinance, that such a business develop itself to a plant worth $400,000.00 and to become dependent on City services that now, by new ordinance, the City cuts it off from its original right to continue to grow and develop with the City, and force its progress to be halted from that of the other businesses?

Respectfully submitted,
PETERSON, MOSS AND OLSEN
By: s/ George C. Petersen, Jr.
By: s/ Reed Moss

March 17, 1964

S. Eddie Pedersen, Mayor
City of Idaho Falls
Idaho Falls, Idaho

Gentlemen:

Reference is made to Lots 41, 42, 43, and 44 of Block Eleven, Capitol Hill Addition to the City of Idaho Falls. (Lots 39 and 40 were subsequently purchased). This property is more clearly recognized as the property at the northwest corner of the intersection of May Street and Holmes Avenue.

This property was acquired in the early 1953's with the sole intention of construction of a service station when the business potential would so justify.

The fact that the entire area encompassed by North Yellowstone Avenue on the northwest, Holmes Avenue on the east, and May Street on the south was zoned to permit

service station construction prompted us to apply to the City of Idaho Falls for a building permit. During the summer of 1958, we proceeded with the recommended procedure which required that a petition with the signatures of 75% of the property owners within a distance of two hundred feet show by signing the petition that they had no objection to the proposed use of this property. The petition was circulated and all but two of the property owners concerned signed the petition. These signatures were far in excess of the 75% required.

As of this date, one of the two property owners who did not sign the petition has stated verbally that as of the present time he has no objection to the property being used as originally planned.

Subsequently, the request for a building permit was rejected for the reasons stated in the attached copy of the Minutes of the Board of Adjustment meeting held on August 7, 1958.

An evaluation of the types of business now operating in the aforementioned area includes service stations, automobile dealers, used car lots, livestock hauler, maintenance shops, banks, lumber yards, building supply dealer, laundry, warehouses of various types, wholesale petroleum bulk plant and many others.

It is apparent that with these types of businesses now in operation in this area that our request for a service station permit should not be again discriminated against.

Attention is also directed to the fact that with the completion of the shopping center now being constructed at the north end of Holmes Avenue and the existence of similar facilities at First Street and Seventeenth Street as well as various types of public accommodations in between consensus of public opinion is that with this trend in evidence, Holmes Avenue will continue to develop as a major traffic arterial.

A remark often heard when a request for this type of zoning is made is, "there are already too many service stations." We feel that this is merely a matter of personal opinion and that if the City feels that it is its responsibility and duty to regulate and control the economic aspects of business in our City, then a committee consisting of qualified economists and investment consultants should be formed for this explicit purpose.

We recognize the value and importance of long range City planning and have sincerely attempted to cooperate with the principal involved, but strongly feel at this time that our request should not be refused.

When considering this request, please bear in mind the following:

1. This property was acquired more than ten years ago for the explicit purpose of constructing a service station.

2. Our application for a building permit in 1958 complied with all zoning requirements.

3. Existing conditions in this area indicate that a service station at this location is very acceptable.

4. Future developments point to an ever increasing flow of traffic on Holmes Avenue.

5. The improvements we intend to make at this location will provide additional service facilities for the public; beautify and improve the appearance of this area, and add taxable improvements for the benefit of the City of Idaho Falls.

Respectfully,
CONRAD AND BISCHOFF INC.
BY: _____

cc: City Planning Commission
Board of Adjustments

The Mayor then explained that various written protests had been registered, dating back to November, 1963 and had been considered as received by the Planning Commission; resulting, in some instances, in recommended revisions to the ordinance. He said that, in the interest of time, these would not be read but that they would be placed on file in the office of the City Clerk and considered a matter of record in the proceedings of this meeting. He asked the Clerk to read the names of said protestants, as follows: Edward J. Brooks; a petition signed by Merlin Barnes, Arthur B. Johnson, Jack Weitfle, Duane Mitchell, Richard Skidmore; a joint protest, signed by T. L. Ashton and E. L. Berry; Crown Realty, signed by Vernon Short and Edward Milton; Hugh F. Jennings; David Klingenberg; Mrs. L. A. Munther; J. Edwin Stobel; Peggy Lagos Taylor; A. M. Wackerli; Wilcox Construction Company.

Mr. Alex Creek representing the local oil industry, appeared and referred to Page 100 of the proposed ordinance, under the RSC zone, last section, under I, entitled "Vehicular Access." He recommended that this working be revised so that the City Traffic Engineer be given some jurisdiction as to egress and ingress into a service station located in a Residential Shopping Center and suggested that, without this provision, developers could be discouraged toward proper land use within the area.

Mr. Lloyd Stalker, local architect, appeared and observed that the ordinance provides for an I&M-2 zone but same does not appear on the zoning map. Heyrend explained that this was changed to read I&MI-A which provides for the stock yards area but not the Animal Products Company. He explained further that there is no zone classification for this latter company which is an established business and would be permitted to operate under "Non-Conforming Use."

Stalker then gave an illustration of a lot 100 feet wide and 260 feet in depth, adjoined by a lot 76.3 wide and 260 feet in depth, owned by the same party, all in an RP zone. He asked, under the

new ordinance, whether or not there could be additional building on these lots and, otherwise, how could the owner obtain the best land use from them. Le Grande Marchant, Commission Member, explained that the ordinance was not designed to provide solution to all unusual problems and that this would be a matter for Board of Adjustment consideration.

Stalker then referred to Page 53 under fencing, noting that same must be built within 15 feet from the street to prevent view obstruction. He asked about fencing that was of the type that would not obstruct view.

Commissioner Poitevin agreed that the wording was confusing and would be reworded prior to final passage of the ordinance. With regard to the fence height regulation of three feet, Poitevin explained that this was designed, principally, to insure traffic safety.

Stalker then referred to Pages 45 and 46, pertaining to open areas within a tenant development to be maintained by the property owner, and asked for clarification. Poitevin said each development would be considered on its own merit and the developer would be obliged to satisfy the City Council that said development would be properly maintained.

Mr. George Petersen, local attorney, appeared in the interests of his client, the Idaho Falls Animal Products Company, and asked if there was a contemplated zone that would provide for the business of his client. Heyrend said no zone was included but could be considered. Petersen then requested that an I & M-2 zone be considered, so that the Animal Products Company could enjoy normal expansion. Petersen then introduced Mr. Bernard Rose, representing the parent company of Animal Products. He registered concern that a company as vital as Animal Products be not provided with an appropriate zoning classification. He pointed out how important such a company is to the community. He submitted statistics as to plant investment and payroll. He reminded the Council that the company is in the community. He submitted statistics as to plant investment and payroll. He reminded the Council that the company has invested $100,000.00 to eliminate noxious odors. Heyrend assured Rose and Petersen that the request would be considered.

Mr. Tom Ashton appeared, representing himself and other Pine Acre residents, relative to the lighting problem at the First Street Recreation Center. He asked for assurance that no Council action be taken this night, relative to said lighted area and received same from the Mayor.

Mr. David Benton, Civil Engineer, appeared and referred to the establishment of the RSC Zone which was passed by amending ordinance on August 23rd, 1963. He pointed out that, in his opinion, as well as his clients, said amending ordinance had many good features including the provision that certain development must be accomplished before the issuance of conditional use permits. He registered concern that the proposed ordinance would supersede the amending ordinance in question and, thus, eliminate this attractive feature. He said if precaution isn't taken, a residential shopping center may be applied for and started but that only one of the contemplated units will be completed, resulting in scattered grocery stores, drug stores, etc., mingled with residences throughout the City. Heyrend pointed out that if the center is not fully developed within a reasonable time, the property could be rezoned by the City Council. He said the existing ordinance requires development completion within thirty months which, in the opinion of the Commission, is unrealistic. He said a bond would be dangerous as it would not be to the developers advantage, nor the City's to proceed with a development when the traffic didn't warrant.

Benton then turned to Pages 17 and 18 of the proposed ordinance with reference to lot frontage. He said he knew of instances where people have had their back properties completely hemmed in by the acquisition of land around them so that they lost all access except by means of their own private driveways, thus prohibiting home construction where area requirements would otherwise permit. Marchant said this would be another unusual case that should be presented to the Board of Adjustment. He said some solution would no doubt be forthcoming from that group, as it would not be in the best interests of the community to have large areas of land that could otherwise be developed to advantage.

Benton concluded by proposing that the new ordinance have a summary type index so that the average layman would not have to peruse the entire ordinance to find specific types of conditions requiring conditional use permits that should otherwise be referred to the Board of Adjustments, or the Planning Commission. Heyrend assured Benton that this would be done.

Mr. Creek reappeared and referred to the previous discussion with regard to the proposed need for time regulations on the development of residential shopping centers. He said an appropriate illustration should be the John Hatch Shopping Center where certain delay has been necessary. He said, even so, Dr. Hatch has invested much money, to date, on its pre-development and fully intends, eventually, to complete same.

Two maps were then projected on a screen, the existing zoning map and the proposed map.

Mr. Herbert Ferguson appeared, as an interested land owner on Lincoln Road, asking as to its proposed zoning. Mr. Ray Browning, Building Official, explained that this is presently zoned C-2 and the proposed rezoning is GC-1 with an overlay which regulates the set back. He pointed out that that particular zoning permitted warehousing. Heyrend explained that the overlay provision was for the purpose of improving and stabilizing property values along major streets, to facilitate the movement of traffic and to promote safety.

Mr. Gene Goodwin appeared and asked about present vs. proposed zoning at Block 4, Crow's Addition. He was advised that present zoning is C-1 and R-3 and that proposed zoning is I&M-1 to permit general commercial and warehouse activities.

Miss Caroline Goldsworthy appeared, representing herself and other Holmes Avenue residents, asking about proposed rezoning west of Holmes, between 5th and 9th Streets, and was informed that this is proposed as R-1 with the exception of the clinic at the corner of 5th and Holmes which is designated C-1.

This concluded the hearing. The Mayor thanked all for their interest in attending, also Mr. Benton for his constructive suggestions, then declared the hearing adjourned.

ATTEST: s/ Roy C. Barnes
CITY CLERK

s/ S. Eddie Pedersen
MAYOR

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