

June 6, 2023

7:00 p.m.

Planning Department
Civic Center

MEMBERS PRESENT: Commissioners Margaret Wimborne, Marsha McDaniel, Forrest Ihler, Bill Scott, Glen Ogden

MEMBERS ABSENT: Scott Geddes, Kristi Brower, Arnold Cantu, Dale Storer,

ALSO PRESENT: Assistant Planning Director Kerri Beutler, Planners Naysha Foster, David Peterson and interested citizens.

CALL TO ORDER: Margaret Wimborne called the meeting to order at 7:00 p.m.

MINUTES: McDaniel moved to accept the minutes of April 4, 2023, Scott seconded the motion. The motion passed unanimously.

Public Hearing(s):

1. RZON 23-001: REZZONE. Rezone from R3A with a PUD overlay to R3A, Residential Mixed Use removing the PUD overlay for 2060 S. Woodruff Ave.

Applicant: Bryce Marsh, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Marsh is presenting a rezone application for a 2 Acre property off Woodruff south of 17th Street, across from medical imaging center east of the property. This property has an existing building and a vacant lot. Existing building has parking lot and utilities. The current property has a PUD with an underlying zone of R3A. Marsh gave history of site from the 80's when the PUD was not built and expired. In 2004 another site plan was approved just beyond this parcel, and the surrounding area has been developed separately from the subject property. This parcel was stripped from the overall master plan, and the PUD has been voided for this property. Applicant is asking for the removal of the PUD on the subject property and maintain the underlying R3A zoning. The zone is consistent with the Comprehensive Plan and surrounding land uses. Removal of the PUD would allow the property to move forward.

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

Wimborne referenced the letter from the neighbor with concerns that without the PUD there would not be the protections for the adjacent property owners. Foster stated that if they built anything in this spot, it wouldn't conform to the master PUD plan, so they couldn't build anything if the PUD remains. Wimborne clarified that the R3A zoning has nothing different. Foster agreed that if the PUD is removed, they can build anything in R3A zone, and with the PUD they can build nothing.

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Ogden has looked at this and feels it makes sense to remove the PUD to move the process forward.

Ogden Moved to recommend to the Mayor and City Council approval of the Rezone from R3A with a PUD Overlay to R3A, Residential Mixed use removing the PUD Overlay for 2060 S. Woodruff Ave., as presented, Ihler seconded the motion. Wimborne called for roll call vote: McDaniel, yes; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

2. RZON 23-002: REZON. Amendment to Title 11, Comprehensive Zoning Ordinance, Section 11-2-6(W)10, Standard for Allowed Land Uses, Planned Unit Development Amenities

Applicant: City

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

Foster indicated that yellow is things they want to add, and crossed out is to remove. Foster stated that they tried to implement things the Commissioners wanted during the work session.

Wimborne asked about section I when discussing the playground equipment with 3 functions. Foster stated that they had one PUD where the amenity was a little spring rider for toddlers, and they decided that if the amenity had 3 different functions it would be useable for all ages.

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Scott moved to recommend to the Mayor and City Council approval of the Amendments to Title 11, Comprehensive Zoning Ordinance, Section 11-2-6(W)10, Standard for Allowed Land Uses, Planned Unit Development, Amenities, Ogden seconded the motion. Wimborne called for roll call vote: McDaniel, yes; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

3. PLAT 23-013: PRELIMINARY PLAT. Creekside Village.

Applicant: Kurt Rolland, Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, Idaho.

Rolland presented that the property is located on the SE corner of the intersection of 33rd and 5th north of Energy Drive. Consisting of 27.4 acres. There are 3 access points, 33rd and 5th and another development to the east will have a road running north and south between the two properties. There will be a 70' right of way for MK Simpson Blvd to connect to in the future. The property will be developing apartment complexes and townhomes. There is sewer to the property and there will be a water main extending from 33rd, and the water line will go from 5th to Lewisville Highway.

Foster presented the Staff report, a part of the record.

Ogden asked about the airport land use, and what is the maximum height. Foster stated that there is not a height restriction. Ogden asked if there were minutes for the neighborhood meeting. Foster stated believed it was 4 people that attended the meeting.

Ihler asked if the neighborhood meeting was required. Foster stated it was required in 2021. Ihler confirmed that the City will be doing the improvements on 33rd North and 5th West and

asked what improvements that entails. Foster stated that the developer will be responsible for the construction and cost of improving the collector, the interior road and the minor arterial. The City collects impact fees, and those funds are used to do adjustments not the main arterial. Ihler asked if the developer initially improves the interior roads and improves the perimeter roads including 33rd North and 5th West, they will pay for that, and the impact fees will improve other parts of the roads later. Foster clarified that the impact fees will improve 5th West, and the developer will pay to construct the rest of the arterials, including 33rd North and the interior roads. Ihler asked if the impact fees will go towards extending MK Simpson Blvd. Foster stated that impact fees only go towards major arterials.

Wimborne asked about the traffic study and will that look at 5th West and 33rd North impacts. Foster indicated that it would look at those impacts.

McDaniel asked about the proposed road that goes directly through a structure. Foster stated that if that property is ever developed it would connect there, and there will be minor adjustments as things go forward and when you see a final plat for the area, there will be a more definitive route.

Wimborne opened the public hearing.

Earl White, 10 acres north of this property. The entrance to his home is within 50' of the proposed road going onto 33rd North. White stated that the existing road next to Willow Creek is close to his driveway and the church driveway and the intersection of 5th West and 33rd North. White suggested moving the road straight north of the semi-circle and leave the west side of Willowcreek to be built as a path or something else. White wants the road moved to the east 300'. White stated that when they built the church 10 years ago on the corner of 33rd N and 5th West. White stated that the present sewer terminates 10 feet into his property in the road. The City required the Church to get the sewer to that point. He understood that whoever developed the rest would run the sewer continuously to the end of the development, which would put it on the east boundary of 33rd North. White feels it is unfair to make the church run the sewer 600' and not make the subsequent developers continue the sewer.

Rod Jenkins, 3178 N 5th West, Idaho Falls, Idaho. Jenkins is concerned about his irrigation water. Jenkins stated that there is no drainage shown on the papers he has showing drainage back into the creek. Jenkins asked if the sidewalk on 5th West will take up a portion of his yard.

Jeanine White, 292 W 33rd North, Idaho Falls, Idaho. White has lots of questions but is concerned about the driveway. White stated that the road that cuts through is too close to their driveway. They have an at home school program and have a lot of traffic in and out of their driveway when parents come to pick up children and drop them off. White recommended that the roadway does not go there, so close to their driveway. White asked about the sewer line extension on 33rd North and where is the water main going to go. White would like to understand what the plan is for the development of a turn lane, or something to widen the road. White has a question about the easement jogging into the middle of the road. White wants to understand what is going to happen to Willowcreek and the water that comes through there and will it be rerouted. White is concerned about the ambiance of their property and doesn't want it disrupted because of this development.

Mike Marshall, 3734 N 5th West, Idaho Falls, Idaho. Marshall stated that he irrigates property to the south and there is an irrigation ditch on the east side of this development. Marshall has

talked with the engineers at Eagle Rock Engineering and has expressed his concern about the water in the ditch all summer, and they have assured him that they would build up the bank to make it secure. Marshall stated that by the time you get to Willowcreek there is a 5-6' drop and all the water that runs across the east border of the proposed subdivision runs downhill to the west. Marshall wants them to look at piping the ditch at the cost of the developer.

Gaylon Williams, 3754 E 97 N, Idaho Falls, Idaho. Williams has been farming here for 35 years and has met with the developer in neighborhood meetings. Williams stated that when you look at the plat on the farm it runs in a V. The ditch runs north and south, and the property to the right of it is where Williams farms, and the farm was supposed to be sold to a developer and that was supposed to co mingle and work together, but now the deal is off, and Williams is going to farm the property. Williams planted crops on the east side, and that elevation is 5' higher than the ditch, so the green shown is irrigated. The water delivery and drainage rights are part of Idaho Law. Williams stated that with the cloud burst 2 weeks ago, they had 300 inches of water in the ditch and another 100 inches got dumped on top. Williams is concerned that they are not prepared to handle 500" of water so high above the development. Williams stated that the ditch is filled when they irrigate, and it is the last point of diversion on Willow Creek. Williams stated that the ditch drains ½ mile and co mingles with the City well, and eventually the City water goes under East River Road and into the Snake River. Williams feels that this will be a disaster if the water issue is not addressed. Williams has created over the last 30 years a system to control the water. Williams stated that there are 3 other property owners that are flood irrigating. Williams is not opposed to the development but feels that if you are living within the ag world, you need to address worst case scenario with water. Williams doesn't want to be liable for flooding residential property.

Russell. He feels River Road is getting busy and the speed limit changes. If the road is not expanded, it cannot handle the amount of traffic for a new development.

Applicant: Kurt Rolland Eagle Rock Engineering. Wimborne asked him to address the sewer line issue, and water problems. Rolland stated that the exterior roads County/City they must extend sewer to the edge of their property pursuant to City Code. Rolland stated that the other development will have to extend their sewer. Rolland stated that they aren't touching Willowcreek, pursuant to Idaho Law they cannot restrict water to any ditch. Drainage water will have to be addressed with surrounding property owners. Rolland stated that the jog boundary line on 33rd will be to annex the road into the City and is not a property line. Rolland stated that the road on the west side of Willowcreek that ties in, they have met with the City Engineer, and they were asked to put it on the west side of Willowcreek.

Ihler asked why they wanted to the move the road. Foster stated that there is a spacing requirement on arterial so that is why they were asked to move the entrance to the west.

Ihler clarified that the final plat would get into the details with ditch heights. Foster stated that the final plat will have more details and they do look at those ditches. The development will have to retain all storm water on site. Wimborne added that other City departments will review the final plat before the Commissioners get the final plat. Foster stated that they do send a memo with some notations and concerns of Planning and Zoning. Foster stated that the City Engineer does look at the creeks and ditches.

Wimborne clarified that the traffic study will dictate what will need to be done for 33rd and 5th West. Foster added that the traffic study is not just for this development, it will include all the developments in the area.

Wimborne closed the public hearing.

McDaniel stated that because this is adjacent to the INL she will recuse herself.

Ihler stated that he is in support of higher density on the edge of town and the City needs tax dollars to pay for the future. Ihler is in support but wants to make sure all stake holders involved with the water are taken care of and their input is taken into consideration.

Scott is concerned about the level of attention to be given to the drainage, and whose liability is flooding. Scott feels that the higher density developments are important near the INL and a plus for the City.

Ogden is less concerned about the 100-year flood and more concerned about the daily water.

Ogden moved to approve the Preliminary Plat for Creekside Village, as presented, Ihler seconded the motion. Wimborne called for roll call vote: McDaniel, recused; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

Ogden moved to accept the Reasoned Statement of Relevant Criteria and Standards, Ihler seconded the motion. Wimborne called for roll call vote: McDaniel, recused; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

4. ANNEX 23-003: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of 1.7 Acres with initial zoning of HC.

Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Suite 6, Idaho Falls, Idaho. Bane is presenting an annexation and initial zoning of 1.7 acres directly west of Costco. It will be for commercial use, and the property adjacent is zoned HC. This is a request of the property owner for annexation. The Comprehensive Plan lists this as mixed use and HC conforms with the use. The property is contiguous to the City. The property will have a preliminary plat and this area will be division 1 of the final plat.

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

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Ihler feels this is straight forward.

Ihler moved to recommend to the Mayor and City Council approval of the Annexation of 1.703 acres of the Southeast ¼ of Section 9, T 2N, R 38 E, with initial zoning of HC, McDaniel seconded the motion. Wimborne called for roll call vote: McDaniel, yes; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

5. PLAT 23-014: PRELIMINARY PLAT. Preliminary Plat for Pickering Place Division 1-3.

Applicant: Barry Bane, Connect Engineering, 2295 N. Yellowstone, Idaho Falls, Idaho.

Bane stated that they are proposing a preliminary plat on the entire property that is owned by the landowner. The property is west of Costco and east of the mobile home park. The total size is under 39 acres with lots from ½ acre – 1.8 acres. They will connect to Lincoln and go up and connect to the east north of Costco. This will be public roads dedicated to the public, and the City utilities will be extended. The final plat will work with City staff for public improvements along Lincoln Road. They did have a neighborhood meeting and 1 person showed up inquiring about lots to purchase. They worked with the City Engineer and there was not a traffic impact study recommended.

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

Ihler asked how they can do a preliminary plat for parcels that are not annexed yet. Peterson stated that the preliminary plat establishes road networks, and the exact details will go in the final platting process, so this is a conceptual planning document. Wimborne agreed that the Mayor and City Council will approve the annexation before the preliminary plat. Peterson stated that the annexation is to facilitate division 1. There is a limitation with how far they can develop before they connect to the east. This must be phased so they can accommodate all the requirements. Ihler asked if there is a chance for them to develop in the County if the City doesn't annex this property. Beutler stated that there is always the potential that something doesn't annex, and it would be challenging to develop these small lots without water and sewer services. This is a planning phase and no issue with the commission acting on property not annexed. Peterson stated that if the final plat deviates too much from the preliminary plat it will have to go back to the preliminary plat process.

Wimborne asked about the second access and are they allowed 40 lots before the second access point. Peterson stated that they can develop 400' into the property before they must put a second access.

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Ihler feels this is a good development.

Ihler moved to approval of the Preliminary Plat for Pickering Place Division 1-3 as presented, McDaniel seconded the motion. Wimborne called for roll call vote: McDaniel, yes; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

McDaniel moved to approve the Reasoned Statement of Relevant Criteria and Standards with the amendment of the acreage listed to 38.824 from 38.284, Ogden seconded the motion. Wimborne called for roll call vote: McDaniel, yes; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

Business

6. PLAT 23-009: FINAL PLAT. Final Plat for Eagle Rock Town Center Division No. 4.

Applicant: Russell owner of property. They are reconfiguring the remaining lot of the Deseret book building and they are replating to separate the lot that is vacant. Russell stated that years ago the approval was received, and it didn't get recorded prior to the deadline.

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

Scott moved to recommend to the Mayor and City Council approval of the Preliminary Plat for Eagle Rock Town Center Division as presented, Storer seconded the motion.

Wimborne called for roll call vote: McDaniel, yes; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

7. PLAT 23-011: FINAL PLAT. Final Plat for Virlow Village Division 1.

Applicant: Barry Bane, Connect Engineering, 2295 N Yellowstone, Idaho Falls, Idaho.

Bane is presenting the final Plat for Virlow Village Division No 1. Bane stated the property is sandwiched between Virlow and 1st Street. The property is zoned R3A and consists of 2.495 acres. They are proposing 18 lots. 2 lots come off Virlow with a cross access easement. Those buildings will have multifamily lots with a 4 plex on each. The south side has lots divided up so the lots can be sold individually as single family attached homes. There is cross access easement through that portion, so there aren't 40 accesses to 1st Street. The jogs in the road are for fire code access. The garages had to be spread to conform with fire code. Bane stated that they are working through City review for water and sewer.

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

Wimborne asked about the garages on 1st Street. Bane stated that there is the road, the required buffer, the garages, drive isle, then homes, and the garages are not the buffer. The garages are set back from 1st Street.

Ihler asked if there is any access from the lots along 1st Street up to Virlow. Bane stated that there is no cross access going south. Bane stated that there is not vehicular access, but there is pedestrian access. Ihler was concerned with the kids being able to walk to school.

Wimborne asked if the front doors face 1st street. Bane agreed. Bane stated that the townhomes have a 1 car garage attached, and then separated garage.

Scott moved to recommend to the Mayor and City Council approval of the Final Plat for Virlow Village Division 1 as presented, Storer seconded the motion. Wimborne called for roll call vote: McDaniel, yes; Ogden, yes; Ihler, yes; Wimborne, yes; Scott, yes. The motion passed unanimously.

Next meeting July 11 at the Civic Center.

Adjourned at 8:40 p.m.

Respectfully Submitted

Beckie Thompson, Recorder