

January 8, 2019

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners Joanne Denney, George Morrison, Gene Hicks, Lindsey Romankiw, Brent Dixon, Arnold Cantu. (6 present 5 votes).

MEMBERS ABSENT: Julie Foster, Darren Josephson, George Swaney, Natalie Black.

ALSO PRESENT: Planning Director, Brad Cramer, Assistant Planning Directors Kerry Beutler, Brian Stevens, Brent McLane; and interested citizens.

CALL TO ORDER: Joanne Denney called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES: Morrison moved to approve the December 4, 2018 minutes, Dixon seconded the motion and it passed unanimously.

Morrison moved to amend the minutes of December 4, 2018 to indicate that the officers that were nominated were elected by a unanimous vote, Cantu seconded the motion passed unanimously.

Business:

1. ANNEX 18-017: ANNEXATION/INITIAL ZONING OF P, LM AND I&M. City Owned Parcels. Beutler presented the staff report, a part of the record.

Applicant: City of Idaho Falls

Dixon moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of P, LM and I&M as presented, Morrison seconded the motion and it passed unanimously.

2. ANNEX 18-018: ANNEXATION/INITIAL ZONING OF I&M. Super T Transport.

Stevens presented the staff report, a part of the record. Dixon asked about the reason for the T2 Overlay, and the reason for keeping the T2 overlay in the area. Stevens stated that they don't know what the future use is for the property.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark Dr., Idaho Falls, Idaho.

Jolley indicated that it is a clean up parcel to be annexed similar to everything else around it.

Morrison moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of I&M with T2 Overlay for the property as presented (Super T Transport), Cantu seconded the motion and it passed unanimously.

3. PLAT 18-027: FINAL PLAT. Fanning Park Division 1. McLane presented the staff report,

a part of the record. Morrison asked what size of houses can be built on the lots. McLane explained that a standard attached dwelling will fit on the lots as they have a shared fire wall to separate the unit. Dixon asked about the public utility easement. McLane explained that there are no utilities in Fanning Ave., so they are pulling the sewer and water out of the multi-unit development to the south, and the easement includes the storm water retention area. McLane explained that power is requiring easements on the south side, and there are existing power

easements on the north to serve the residents to the north, and public works needs an access road to get to the services.

Applicant: Steve Elsworth, Elsworth & Associate, 253 1st Street, Idaho Falls, Idaho.

Elsworth stood for questions.

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for Fanning Park Division 1, as presented, Romankiw seconded the motion and it passed unanimously.

4. PLAT 18-028: FINAL PLAT. Sandstone Estates Division 2. Beutler presented the staff report, a part of the record. Hicks asked about the common lots. Beutler indicated that the Sandcreek lot will be deeded to the City, and the storm pond lot would need to have improvements made to it, so the parks department would take it on for maintenance or maintained by the HOA. Dixon asked about Sandcreek to the west of Lot 23 and 21. Beutler stated that they are part of Phase I.

Applicant: Steve Elsworth, Elsworth & Associates, 253 1st Street, Idaho Falls, Idaho.

Elsworth indicated that they intend to stub water and electrical into the storm pond, so the City will maintain the lot. Elsworth stated that the Sandcreek lot will be deeded to the City.

Dixon commended the developer on the larger lot sizes, and Sandpiper way providing access to the west and including a jog so there does not become a speed way.

Dixon moved to recommend to the Mayor and City Council approval of the Final Plat for Sandstone Division 2, as presented, Morrison seconded the motion and it passed unanimously.

5. PLAT 18-029: FINAL PLAT. 7Synergy Subdivision Final Plat. Stevens presented the staff report, a part of the record. Dixon asked if the plat needs to reflect the access restrictions. Stevens indicated that the access management plan will govern, but ultimately the State Highway Department governs.

Applicant: Kaden Fuhrman, Horrocks Engineers, 901 Pier View Drive, Idaho Falls, Idaho.

Fuhrman stated that they have been working with ITD for the access and they have an approach permit for the approach on Sunnyside that will be shifted to the west and they will shut down one access on Yellowstone and use the access farther to the South on Yellowstone.

Morrison moved to recommend to the Mayor and City Council approval of the Final Plat for 7Synergy Subdivision Final Plat, as presented, Hicks seconded the motion and it passed unanimously.

6. PLAT 18-030: FINAL PLAT. Ivywood Subdivision Division 2. Stevens presented the staff report, a part of the record. Dixon asked if they added a lot from the preliminary plat. Stevens deferred to applicant, as it appears there is one additional lot. Hicks asked about access to 65th. Stevens indicated that there is no access from the subdivision to 65th. Hicks asked about future planning on 65th. Cramer indicated that he would discuss the issue further with Hicks after the meeting.

Applicant: Justin Scott, Horrocks Engineers, 901 Pier View Drive, Idaho Falls, Idaho. Scott stated that there will be no access off 65th. Scott stated that the canal will be moved to the north end between the subdivision and 65th South.

Hicks moved to recommend to the Mayor and City Council approval of the Final Plat for Ivywood Subdivision Division 2, Morrison seconded the motion and it passed 4-1. Dixon opposed the motion.

Dixon is opposed due to the addition of another lot in an already small lot subdivision.

7. PLAT 18-031: FINAL PLAT. HOTEL TANGO ESTAGES. Stevens presented the staff report, a part of the record. Dixon asked if I&M allows for hotels.

Applicant: Blake Jolley, 1150 Hollipark, Idaho Falls, Idaho. Jolley indicated that the owner of the property has military background and Hotel Tango is a military term.

Romankiw moved to recommend to the Mayor and City Council approval of the Final Plat for Hotel Tango Estates as presented, Hicks seconded the motion and it passed unanimously.

Miscellaneous:

Discussion on Airport Overlay and Influence Areas. Cramer showed the land use map for the Idaho Falls Airport Master Plan, showing land uses that are allowed; allowed with conditions; limited circumstances; not allowed. Cramer indicated that FAA and land use around airports has changed. Cramer stated that historically development around the airport they had a note on the plat that showed the area had potential noise nuisance. Cramer stated that the FAA has changed in the last 10 years how much they care about land uses. Cramer stated that there is a lot of development pressure in a critical area of the airport and the approach zones. Cramer stated that State of Idaho passed an Amendment to the Local Land Use Planning Act that required cities and counties to address airports in the Comprehensive Plan and the Idaho Falls Comprehensive Plan has always addressed airports. Cramer stated that when he reads a code, unless it specifically states that “no” you cannot do that, then there is a way to do it, and the FAA understands it differently and does not believe it should happen unless absolutely necessary. Cramer indicated that the consequences of not following the FAA rules are very severe. Cramer indicated that they hired Voice Advocacy to reach out to property owners/stake holders to find out if there are common interests, plans, opinions, etc. Cramer stated that they have to change the Zoning Ordinance and they have to change the Comprehensive Plan.

Rick Cloutier, Idaho Falls Airport Director. Cloutier stated that there are many Federal Requirements and Federal Regulations and Federal Laws that specifically govern use around an airport. Cloutier stated that Federal Law 7460 Requires impact and land use planning and involvement of the airport with all construction with 10 miles of the center of the airport. Cloutier stated that most land use is not a concern, but you have to stay away from towers, hazards of navigation, and land use directly around the airport is important to the FAA and they have changed their thinking the last 10 years. Cloutier stated that residential development has continued to creep toward the airport. Cloutier stated that the City has Grant Assurances that they sign every year, stating that the City will Comprehensive Land Use Planning in accordance with FAA requirements. Cloutier stated that Santa Monica Airport is having to close due to residential development and the City of Santa Monica has to repay has to pay back \$45 million

in grant money. Cloutier stated that it is a way to protect the airport and the City has a fiduciary responsibility. Cloutier stated that the new Silverleaf Development is in an area where “they should not allow residential development, but if you have to this is what you have to do.” Cloutier stated that the approach paths are specifically stating no residential development, or anything that has a large population of people. Cloutier indicated that the airport is continuing to grow, and they have to work to protect the surfaces and the airport is currently acquiring additional land to protect the airport. Cloutier stated that there is large development potential in areas near the airport, but it just is not residential in nature.

Dixon asked if the County has to comply. Cloutier indicated it is a federal regulation, so the County does have to comply, but the City is required to protect and have land use zoning to protect within their areas. Cloutier stated that when the area for Silverleaf was approved they were not required to abide by the restrictions that should have been implemented. Cloutier indicated that the Golf Course north of town is an allowed use because the density is less than what is required.

Cramer stated that they have a draft Ordinance ready to send, and next month they will have a work session just about the Code. Cramer stated that they are confident they know what to do to fix the problem. Cramer stated that they will send the draft Ordinance in advance, so they have time to read it. Dixon asked if this will have an impact on the Area of Impact Negotiations. Cramer indicated that it doesn't. Cloutier stated that there are federal regulations that allow them to attempt to stop development they don't have control of through legal actions, but hopefully that can be avoided.

Andrea Hansen, Voice Advocacy. Hansen represents Voice Advocacy and they are a strategic communication organization. Hansen stated that the FAA standards became very significant and it is at a time that there is a lot of interest and pressure to build residential in areas and expanding existing areas. Hansen stated that the FAA Standards present a non-negotiable restraint to which the City is subject and that has to be communicated to various stake holders, including City leadership; INL, ISU Campus Representative; IDT Representative; and some local developers that were willing to speak to them, including Woodbury. Hansen stated that they begin with indicating that the zoning restraints are non-negotiable, and potentially trying to create a vision of coherent district. City leadership expressed educational development as a high priority. Hansen stated that ISU has had discussions about a master plan over then next 10 years and hoping to improve and increase graduate programs related to things the INL could facilitate; but a deterrent has been where the students will live and what will they do when they are not in school to entertain themselves. Hansen stated that ITD indicated that the decision on the connector is very fluid and they are committed to a connector. Hansen stated that Woodbury is very interested in a mixed development and Woodbury is willing to purchase land that could alleviate concerns from other property owners.

Hicks suggested a medical treatment center. Hansen agreed and indicated that they know what they cannot do, and they will zone it and get public input on what the public would like to see in the area and follow the leads.

Hicks asked why the local developers are hesitant to talk to Hansen. Hansen stated that there is tension among owners of property where subdivisions were started and now cannot go forward. Hansen stated that one of the key communications hurdles that must be cleared is to get

registered in the mind of the public that the zones are non-negotiable, and not everyone has accepted that it is non-negotiable.

Cramer stated that some property owners are upset because they had visions locked in and millions of dollars invested into the vision and now the appearance is the vision is gone.

Cramer showed a map and presented a timeline indicating: 1. Propose a moratorium for the “purple and orange” areas to prevent things that are of most concern to the airport and that would be passed towards the end of January. 2. Next month there will be a work session to discuss code for the Zoning Ordinance, and the Code will be separated from the Plan. 3. Open house with general public regarding Code (not opinion gathering). 4. Gather property owners for northern area and hold two stake holder meetings to discuss plan changes, and then present the changes. 5. Gather property owners on south end for meeting through February and March. 6. March 5th Meeting will have public hearing on Code and work session on plan amendments. 7. April 2nd meeting will have public hearing on plan amendments. 8. Then go to City Council meeting in May.

Cramer stated that they have 182 (6 months) days from the Moratorium to get into place what they need. They need to stay on schedule.

Denney adjourned the meeting.

Respectfully Submitted

Beckie Thompson, Recorder