

February 2, 2021

7:00 p.m.

Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Natalie Black, George Morrison, Brent Dixon, Joanne Denney, Margaret Wimborne, Arnold Cantu.

MEMBERS ABSENT: Gene Hicks, Lindsey Romankiw

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

CALL TO ORDER: Natalie Black called the meeting to order at 7:00 p.m.

CHANGES TO AGENDA: None.

MINUTES:

Dixon moved to approve the January 5, 2021 Minutes with the requested correction, Morrison seconded the motion. The motion passed unanimously.

Public Hearing(s):

1. ANNEX 20-019: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of R1, R3 and LC.

Black opened the public hearing.

Applicant: Kurt Roland, Eagle Rock Engineering 13310 Fremont, Idaho Falls, Idaho.

Roland indicated they are requesting R1, R3 and LC on this property on Township Road. Roland stated there are approximately 70 acres total on the property. Roland stated that Division 10 was the last one approved by City Council and that is under construction. Roland stated that they are asking for R1 and will do the same size lots that have been done throughout the development with single family homes then proceed out to R3 and LC. Roland stated that they have talked to staff and feel that this matches the Comprehensive Plan that the City of Idaho Falls has in place.

Dixon asked about a piece of property on the side of the LC. Stevens and Roland indicated it is the newest City of Idaho Falls Well. Dixon asked about the status of the Glade Loop. Roland indicated that is a different developer, but that loop is built, and roads are in.

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

Support/Opposition:

Stevens read letters/comments from public.

Patrick Denerud. Denerud is a resident of South Point Subdivision. Denerud understood that the remainder of South Point would be developed as R1 residential property which was part of the appeal for them to buy in South Point. Denerud understands that Brad Picket plans to developing the two sections close to 65th South as R3 and LC. Denerud opposes the plan as it will lower the quality and feel of the neighborhood. Denerud stated that having apartments and multi-family apartments in the neighborhood will bring unwanted problems and safety concerns

that come with lower cost housing. Denerud's children enjoy safety in their neighborhood. Denerud wants to maintain the neighborhood.

Chris Beaman. Beaman owns a home in South Point Subdivision and does not agree with the rezone of the currently undeveloped plat as proposed. Beaman built in this subdivision after review of the covenants conditions and restrictions (CC&R). Beaman stated that the CC&R's included the following items which believe are to protect the property owner's investment. CC&R "shall be binding upon all persons having acquired any right, title or interest in the property for any lot, parcel or version of the property or interest therein." Article 2 Section 2.1: "No lot shall be used except for residential purposes and no lot shall be used for acquiring an interest or business or professional activity." "No improvements shall be erected, altered, placed or permitted to remain on any lot under the line design to accommodate no more than 1 single family residential dwelling." Beaman stated that throughout the CC&R's there are requirements for landscape to enhance the value of the neighborhood. Beaman acknowledges that Article 6-Annexation of Additional Properties allows the developer to annex portion of the property to be "used and developed for any purpose allowed under appropriate zoning regulations." Beaman stated that up until January 28, 2021 Homeowners in Southpoint were under the impression that any R3 residential home would be built along 65th E, as per Page 13 of the preliminary plat map for South Point. Beaman stated that proposed changes to the plat alter the makeup of the subdivision which has the potential to negatively impact the property values of existing single-family homes. Beaman stated that the construction of multi-family units in South Point will create a burden to the overly populated schools in the area (Sunnyside Elementary). Beaman stated that they feel that this hearing was short notice which may be attributed to a failure of communication between the developer and the HOA. Beaman feels they had very little time to provide comment on the proposed changes. Beaman asks the Board to reject the proposed preliminary plat for South Point Division 11.

Stevens stated that Beaman's letter addresses both annexation and the preliminary plat (item 2).

Stevens moved to the Preliminary Plat for Southpoint Division No. 11 to point out on the zoning map of the annexation. Stevens clarified that this is currently County property that is not annexed into the City and it is not a rezone being requested.

Morrison asked if the CC&R's of the previous subdivision apply to this property. Roland indicated that the CC&R's do not apply to this property. Roland stated that the CC&R's were for the original Southpoint Division 1 is what the CC&R's that Beaman was reading from.

Wimborne clarified that all the requested parcels R1, R3 and LC are all unannexed properties requesting an original zoning.

Dixon asked if the preliminary plat that was shown was when they were anticipating an elementary school site. Stevens agreed and indicated that the preliminary plat is from 2000.

Roland indicated that the R1 zoning request is adjoining the existing single-family homes, and the LC and R3 are not up against the existing single-family homes, with the exception of possible one lot.

Dixon asked about the collector to the west and asked if there will be roads to the south. Roland indicated that they will be putting a road in and it will be shown on the preliminary plat. Dixon confirmed that the higher density housing would be able to exit to two different arterials without

going through the neighborhood. Roland stated that there will be a major road coming off of 65th going through the middle and another to the west about 660' from the intersection of 5th West and 65th that will look like Parkpoint Blvd with the landscape island in the middle.

Cramer received a Chat message to read:

Barbara Beller. Beller is a resident at 365 Cattail Ln. Beller's property will be adjacent to the R3 Zone and wants to know what will happen to this area.

Roland indicated that the end of Cattail Ln will have a cul-de-sac where the road stubs. Roland stated that they will be putting townhomes in the R3.

Kirkham advised that the chat comments should be directed by the Chair so that the Chair can govern the meeting and regulate the chat comments in the same way they would take ordinary testimony. Black asked if she should direct where the question should go and then at a specific time stop. Kirkham reminded that the purpose of the public hearing is to offer comment, and not just a question-and-answer session.

Cramer read a follow up comment from **Barbara Beller.** Beller indicated that she thought all the property in Southpoint was zoned R1.

Patrick Denerud (Chat). Denerud asked if the R3 will not be part of the Southpoint Subdivision.

Hal Tobin, 242 Calistoga. Tobin assumed it was all going to be residential. Tobin asked if this is a requested change or has this always been proposed to be commercial and mixed multi-family. Tobin clarified and asked are they asking permission or is this a done deal that they are becoming aware of.

Stevens clarified that this property is County property that has not been annexed into the City. The County zone is agricultural. Stevens stated in 2013 when they created a Comprehensive Plan, they created the intersection of 65th and 5th West as a future place for employment centers and commercial and higher density housing. Stevens stated that the applicant is proposing something that is consistent with the Comprehensive Plan. Stevens clarified again that it is not a rezone, but rather an annexation with initial zoning.

Cramer added that the Southpoint Subdivision preliminary plat has always shown higher density near that intersection. Cramer stated that the Comprehensive Plan used Southpoint as a model and shows commercial and higher density along the arterial. Cramer stated that he has never seen any other design that what is shown with single family to the north, and multi-family and commercial to the south.

Black closed the public hearing.

Wimborne believes the application is in line with the Comprehensive Plan. Wimborne indicated that currently this land is not in the City and is zoned for ag and the application compliments the Comprehensive Plan.

Dixon showed the original preliminary plat that was presented 20 years ago and indicated that the development has been proceeding from the north to the south. Dixon indicated that when it was originally presented there was a thought that a new school might go in this area and it is shown on the lower left side. Dixon indicated that it also shows that York would be developed to

a high capacity arterial, and the Comprehensive Plan directs higher density near arterials and away from the core of neighborhoods. Dixon stated that there was the idea of a commercial node at the intersections of the two major roads. Dixon stated that the school district is not going to locate a school in that area and the development planning for York will make York a major road with 3 lanes in each direction which will move traffic, and single-family residences will not want to back up to that much traffic. Dixon stated that this application will provide the ability for higher density to get out to main roads without going through the neighborhood. Dixon stated that this is consistent with the original plan.

Morrison would like to see the commercial node develop and would cut down the traffic going north and south to the city if they could go get gas and groceries at this intersection. Morrison is in favor of the annexation and zoning.

Dixon moved to Recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of approximately 70 acres, a part of the south west quarter of section 6, Township 1 N, Range 38 E, with initial zoning of R1, R3 and LC as presented, Cantu seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes. The Motion passed unanimously.

2. PLAT 20-045: PRELIMINARY PLAT. Preliminary Plat for Southpoint Division No. 11.

Black opened the public hearing.

Applicant: Kurt Roland, Eagle Rock Engineering. 1331 Fremont Ave., Idaho Falls, Idaho. Rolland stated that the main road goes through the middle running north and south. Roland showed another access to the east 660' from the intersection. Roland showed in the R1 lots that they are single family lots consistent with other lots in Southpoint.

Dixon asked about the height North to south of the LC and R3 portions. Roland indicated that they are 520' -530' for LC running north and south, and the R3 is 300' north and south.

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

Wimborne wanted to clarify that the road going north/south will connect Calistoga. Stevens agreed that the road is Calistoga that the new road will connect to.

Support/Opposition:

Stevens at the suggestion of Kirkham re-read letters that were received and read at the annexation hearing, as they referred to the preliminary plat as well.

Patrick Denerud. Denerud is a resident of South Point Subdivision. Denerud understood that the remainder of South Point would be developed as R1 residential property which was part of the appeal for them to buy in South Point. Denerud understands that Brad Picket plans to developing the two sections close to 65th South as R3 and LC. Denerud opposes the plan as it will lower the quality and feel of the neighborhood. Denerud stated that having apartments and multi-family apartments in the neighborhood will bring unwanted problems and safety concerns that come with lower cost housing. Denerud's children enjoy safety in their neighborhood. Denerud wants to maintain the neighborhood.

Chris Beaman. Beaman owns a home in South Point Subdivision and does not agree with the rezone of the currently undeveloped plat as proposed. Beaman built in this subdivision after

review of the covenants conditions and restrictions (CC&R). Beaman stated that the CC&R's included the following items which believe are to protect the property owner's investment. CC&R "shall be binding upon all persons having acquired any right, title or interest in the property for any lot, parcel or version of the property or interest therein." Article 2 Section 2.1: "No lot shall be used except for residential purposes and no lot shall be used for acquiring an interest or business or professional activity." "No improvements shall be erected, altered, placed or permitted to remain on any lot under the line design to accommodate no more than 1 single family residential dwelling." Beaman stated that throughout the CC&R's there are requirements for landscape to enhance the value of the neighborhood. Beaman acknowledges that Article 6-Annexation of Additional Properties allows the developer to annex portion of the property to be "used and developed for any purpose allowed under appropriate zoning regulations." Beaman stated that up until January 28, 2021 Homeowners in Southpoint were under the impression that any R3 residential home would be built along 65th E, as per Page 13 of the preliminary plat map for South Point. Beaman stated that proposed changes to the plat alter the makeup of the subdivision which has the potential to negatively impact the property values of existing single-family homes. Beaman stated that the construction of multi-family units in South Point will create a burden to the overly populated schools in the area (Sunnyside Elementary). Beaman stated that they feel that this hearing was short notice which may be attributed to a failure of communication between the developer and the HOA. Beaman feels they had very little time to provide comment on the proposed changes. Beaman asks the Board to reject the proposed preliminary plat for South Point Division 11.

Black closed the public hearing.

Morrison moved to recommend to the Mayor and City Council approval of the Preliminary Plat for Southpoint Division 11, as presented, Denney seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes. The Motion passed unanimously.

Stevens read the Reasoned Statement of Relevant Criteria and Standards. Dixon requested a word change to state that it is "Proposed to be zoned R1, R3 and LC".

Dixon moved to approve the Reasoned Statement of Relevant Criteria and Standards; Morrison seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes. The Motion passed unanimously.

3. PUD 20-009: PLANNED UNIT DEVELOPMENT. Planned Unit Development for Harvest Homes at Taylor View

Black opened the public hearing.

Applicant: Blake Jolley, Connect Engineering, 1150 Hollipark Drive, Idaho Falls, Idaho. Jolley indicated that this is not new to the Commission as they started this process in April 2020. Jolley stated that this is a unique property at 4.62 acres and is narrow and skinny. Jolley stated that the application was presented as TN and unanimously approved. Jolley stated that there was a need to go back and go back through a public hearing process and as part of that process the initial application that was for TN there was mention to the Commission that R1 would be acceptable to the applicant. Jolley stated that they moved to an R1 style of development and

during that time there was discussion of modifying the R1 zone to allow four-plexes, although that did not pass-through City Council. The applicant wanted to start working on a housing project for the City of Idaho Falls instead of waiting. Jolley stated that the application originally consisted of four-plexes, and the application today is for single-family residences in a twin home fashion with one common wall. Jolley showed the architectural characteristics. Jolley stated that the TN would have allowed for 44 units, and this application shows 28 units. Jolley indicated that if the PUD if granted, would allow up to 8 units to the gross acre, and that would total 37 units on this property. Jolley reiterated that they are asking for 28 units, which is 25% below what would be allowed. Jolley stated that they are not maximizing what could be there, but rather maximizing the potential of the area. Jolley showed that in the middle of the property has a green space in the middle that is $\frac{3}{4}$ acre and will have an amenity for the residences of the area. Jolley read section 11-26 under Planned Unit Development and read the purpose statement. Jolley stated that this property is hard to work with to develop within the City. Jolley pointed out that this project has a City street proposed within the project and as part of the application it shows how this will eventually connect to Manchester Estates and 49th and that will create an efficient system of streets. Jolley stated that the buildings are off set so the front of the homes are not all the same distance from the street or the back and that will provide character to the area. Jolley indicated that this property will be developed in one phase. Jolley stated that the property is 4.629 acres, and the proposed density is 6 units to the gross acre and the provided landscaping is over 38% and the included amenities are a park area, gathering place for the tenants and a walking path to connect to Holmes and in the future to Manchester Estates and to the school. Jolley stated that as part of the PUD they can ask for variances and they are not asking for any variance on setback.

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

Support/Opposition:

Mike Groberg, 540 Castlerock, Idaho Falls, Idaho. Groberg apologized and understands that Falkenrath is trying to maximize his land, but he feels there are disagreements, and it is nothing personal. Groberg clarified that this parcel is not unique and there are four identical parcels in the same block. Groberg stated that these are not difficult to develop, but it could be difficult to make a lot of money to develop. Groberg stated that this project with one 60' right of way would work as well if the lots weren't the bare minimum allowed, and they could do $\frac{1}{4}$ acre lots, but they wouldn't make as much money. Groberg corrected Foster when she said it was 22 units, but rather it is 28 units as Jolley indicated. Groberg stated that Jolley's presentation on how this PUD would fit with the Comprehensive Plan is misleading as the Comprehensive Plan in this area is a combination of low density and estate. Groberg stated that in the Comprehensive Plan it identifies what low density means which his "7 units or less per net acre." Groberg indicated that Jolley's statement is in gross acreage. Groberg stated that this development on the net acre is almost 10 units per net acre. Groberg blames the City for having a conflicting policy and having a zone that doesn't comply with the Comprehensive Plan. Groberg states that this development by definition doesn't comply with the Comprehensive Plan as it is not low density as defined by the Comprehensive Plan. Groberg stated that this development is not compatible with the contiguous/existing neighborhood. Groberg stated that the smallest lots in the area are in Manchester Estates and these lots are much smaller. Groberg was frustrated when they proposed the TN zone and felt it was ridiculous. Groberg was frustrated when the public was notified that the discussion would be on TN Zone, so everyone comes ready and informed on TN

Zone, and in then the Commission decided to recommend the R1 zone and gave the public zero notice to become educated on that zone. Groberg asked what the point of notification to the public if they are not notified correctly about the meeting. Groberg stated that this is a trick that developers use, by trying for the more dense zone and then they move to a less dense zone and give the public no opportunity to comment on the less dense zone. Groberg has tried it in the City of Ammon and the City Planner and City Attorney stated that they cannot do that as they have to notify the people as to what the hearing is about. Groberg doesn't feel that this property has been legally zoned as R1. Groberg presented a PUD presentation. The presentation showed 6 PUDs in Idaho Falls in the R1 Zone. Groberg's presentation showed PUD's that are compatible with the surrounding areas and that are surrounded by higher density zones. Groberg stated that this development will not look compatible to the surrounding acre lots. Groberg stated that they keep saying its hard to develop, but that only means its hard to make lots of money developing it. Groberg continued to show the slide show of PUD's in the R1 zone. Groberg stated that higher density near arterials doesn't make sense because there is an arterial every mile in the City, so you are never farther than ½ mile, so everything is "close to an arterial". Groberg stated that this development is surrounded by the largest City parcels in the Idaho Falls. Groberg feels he can make a development compatible with the Comprehensive Plan and compatible with the surrounding neighborhoods. Groberg showed in his power point how "not unique" this parcel is and it has 4 surrounding parcels that are similar, and if they used the same PUD concept on each parcel, they could each have 40 units. Groberg stated that if there are townhomes built in this area, he will have to build townhomes on his property because no one wants to live in estate size lots near townhomes.

Lisa Baker, 715 Castlerock Lane, Idaho Falls, Idaho. Baker has a Petition signed by 90 residents. Baker feels the opposition to this development has been misunderstood. Baker stated that it is not about the type of housing, or the land, it is about density, and they feel it is inappropriate to put such a dense development in this area. Baker stated that her home was zoned R1 when she bought it and she assumed at the hearing for the zoning of this parcel, that her home was still R1, and so when the developer offered to change to R1 she assumed that it would match the areas around it. Baker stated that not only is it and R1 zone near RP and Estate, but they are now asking for a variance to make it even more dense. Baker stated that no one is opposed to development and they don't expect that land to stay vacant. Baker is asking the City to develop in a way that the Comprehensive Plan Shows. Baker stated that Groberg and the Smith's are not the type of people that fight things. Baker feels that Manchester Estates was perfectly compliant and did not understand why there was the fight with it. Baker stated that they are being portrayed as not exclusive, and not wanting people to come into their neighborhood. Baker stated that years ago they felt it was unsafe to have the kids going across the canal bridge to get to school, and Groberg personally paid for engineering to show that it can be done cheaper and Baker's children gathered signatures to get it to City Council. Baker stated that they are not exclusive and want to be good neighbors. Groberg stated that the growth needs to happen in the right place like downtown, and PUD's are designed to reward developers for using underdeveloped land, empty lots that are closer to the downtown area. Baker feels it is a dangerous precedent that you can put a PUD on any piece of land. Baker indicated that with a PUD this is a time when the Commission can use discretion and decide if it is appropriate for the area. Baker has the Petition that has been signed by all the residents. Baker asked if she needed to re-read the Petition or if she can paraphrase.

Kirkham suggested she read it as this is a separate proceeding from the last time it was read.

Baker read the petition:

The purpose of this Petition signed by many members of our community is used to show strong opposition to the PUD application for Harvest Homes at Taylorview. We oppose the PUD primarily due to its much higher density at 10 units per net acre. Surrounding areas that are zoned RP are unique with a net density of 1-4 units per acre. The proposed area is zoned R1 allowing 6 units per acre, which is very dense to surrounding units. By requesting the PUD exception the developer is allowed to calculate using gross acreage for the entire plot including road surfaces. This can be confusing because the application claims 6 units per acre, but in real terms this translates to 10 units per net acre. Most importantly this PUD section does not follow the Comprehensive City Plan which states low density residential is developed in densities of 7 dwelling units or less per net acre. We respectfully request that the Planning and Zoning Commission deny the application. In addition we again request that the Planning and Zoning Commission first set aside this PUD application all together and revisit the initial zoning and annexation of this property as it was never noticed or allowed the public to comment on the R1 zoning of this property. We believe that the original zoning and annexation hearing was not in compliance with City procedure requiring notice and public comment on the new zone. A coalition of the neighboring property owners will be presenting this argument to City Council. This PUD is an exception to the R1 Zone. This implies that it should be held to a more rigorous level of scrutiny, judgment, and planning. This PUD application does not meet this level of planning and does not meet the conditions for allowing a PUD for the following reasons:

Traditionally PUD's are for accommodating complexes or privately maintained homes and utilities. The City allows for more density because they won't have the burden to maintain the property. In this case the road is to be public and this should already spur up scrutiny. The Comprehensive Plan suggests developers develop a program to _____. This has not been done. Every neighbor's concern resolves around density. It is not about type or size of dwelling. The conflict is over how many units the developer is proposing. The Comprehensive Plan also reads to reduce land use conflicts existing land uses are recognized as a starting point for future development patterns. For this property, the Comprehensive Plan indicates the area as low density and estate. The Comprehensive Plan also states low density. This is important because the PUD pushes the net to 10 units per acre, which is nearly 30% more than the Comprehensive Plan allows. Interestingly enough the City Planner included his point and proposal at the bottom of page 3 in their proposal, however the staff comments on page 1 state the allowed density for a PUD in R1 is 8 units per gross acre. WE feel it is very important that the Commissioners realize that 6 units per gross acre actually translate into 10 units per net acre, and this is well above the Comprehensive Plan's definition. The City Ordinance suggest that the PUD may be appropriate if certain conditions are met. The Word May in the City Ordinance is important, because it clarifies that even if the PUD meets all of the requirements it still may be inappropriate for the area. This decision is up to you as a Planning and Zoning Commission. You get to decide if this PUD is appropriate. We the property owners in the area do not think it should be passed because the density is much greater than _____. IN addition we also feel that it does not meet the higher standards and conditions of the City Ordinances. (1) Compatible with contiguous neighborhood; (2) promote redevelopment or use of previously developed property; (3) provide for master plan development. (4) structures should be oriented towards common areas and have a range of positions.

In short this is not a planned unit development this is simply a work around to allow the developer to put the maximum number of units to maximize profits at the expense of surrounding homeowners. There is nothing exceptional or planned about this PUD. We respectfully ask the Commissioners to consider all the above and to deny the application.

Baker indicated that there are 96 signatures. Baker added that it is only about density and not them being bad people. They want to keep their neighborhood with continuity and the way that they were led to believe by the City.

Cramer asked if he could make a statement about statements made that he doesn't feel are factual or that should be considered.

Groberg asked if they can respond to Cramer if he does make a statement.

Kirkham thinks that the Chair has the discretion on how she orders and receives testimony. Kirkham stated that it can go back and forth like ping pong, or you can say is you are going to accept public hearing, and then allow the applicant or staff to respond and then take rebuttal.

Black asked Cramer to wait.

Curtis Smith, 4417 S. Holmes, Idaho Falls, Idaho. Smith is directly across the street from the proposed development. Smith stated that they appreciate development and developers and appreciate the fact that the City is mindful of getting housing for people. Smith stated that once a development is done across the street from him, they will be lucky as they are in a beautiful part of Idaho Falls with fantastic neighbors. Smith emphasized that it has felt like some people are labeling them as "rebel rousers". Smith and his neighbors want a development, but they have been shocked by what has been proposed. Smith stated that they are not only maximizing the density, but also asking for a PUD which is an exception and would give a maximum density. Smith stated that Groberg did a good job expressing that it makes sense for a developer to want to maximize density but might not make sense from a planning point. Smith stated that when Holmes gets widened the City will tell him that he should have known, just the same as the developers that bought this "unique" parcel across the street should have known that they might not get away with putting maximum density when the rest of the density in the area is RP and estate. Smith stated that if the developer indicates that this is a unique parcel and the Commission agrees, why does unique equal maximum density. Smith hasn't heard a good argument as to why because its unique we need to stuff as many units as could possibly be had and turn it also into extra units by a PUD which is an exception, and not the reason why PUD's were set up. Smith stated that there is nothing unique for people to walk to, not coffee shops, not downtown shopping. Smith stated that PUD's were set up for parcels to be developed in a unique way that allowed for extra density but in a population base and area that would allow people to partake in services. Smith stated that there is nothing about this parcel that is unique. Smith thinks that the Commission does a great job but wants to remind the Commission that this is their opportunity to make a decision based on what you feel is right, and it doesn't matter what the City is recommending. Smith stated that this is something that everyone is going to have to drive by and see and know they were a part of. Planning can be done so that developers can develop land, people can have good housing, and done in a responsible way. Smith has not seen a plan yet on this unique property that has been a responsible plan. Smith stated that once it is submitted to the Commission, they get the say and it doesn't matter what has come out of the

City staff, developers, or attorney's office. The Commission decides if this plan meets the exception for a PUD. Smith stated that if they read what has been done traditionally, it does not meet the exception, and that isn't even dealing with the prior notice issues that were problematic when the rezoning was done, and he doesn't feel it was fair to the neighbors. Smith thinks the neighbors felt slighted. Smith is urging the Commission to deny the PUD as it doesn't meet the criteria and it is not what the City needs. Smith stated that this lot needs to be developed responsibly.

Cramer stated that there has been a statement in each of the public testimonies that he doesn't feel is appropriate to consider because it is not what this application is about; and it is not true. Cramer stated that the commentary about whether the zone is legally established, and whether or not the property is R1. Cramer stated that the Traditional Neighborhood was the advertisement, but the Commission recommended R1, and that is the Commission's prerogative. Cramer stated that the second public hearing held at the City Council level where R1 was discussed and ultimately approved. Cramer stated that the idea that no public notice was given, and they did not have an opportunity to be heard and the zone is illegally established is false. Cramer stated that before the Commission is a PUD that is on annexed land that is R1, and there was legal opportunity to challenge the initial zoning.

Kirkham reminded staff and the Commission that today's hearing is not a re-hash of what happened in the past with the zoning decision. Kirkham stated that to the extent that is relied on as a reason to approve or deny the PUD is inappropriate. Kirkham stated that they gave leeway to presenters tonight to talk about that, and have given Cramer leeway, but the Commission needs to focus on the standards that are established by City Ordinance for the PUD and not on whether the zoning is appropriate. The extent the zoning applies to this decision the Commission should look to R1 and not to any other zone. Kirkham stated that to reconsider the zoning decision that City Council made is inappropriate.

Applicant: Blake Jolley, 1150 Hollipark, Idaho Falls, Idaho. Jolley stated that it is good to have neighbors that are passionate. Jolley stated that PUD's are unique with what you are going to see. Jolley stated that there are lots of definitions for unique, and tonight the Commission gets to decide if this property is unique. Jolley stated that 7 units to the acre is what is discussed and brought up for low density in the Comprehensive Plan. Jolley stated that the R1 PUD states that in a PUD the commission has the ability to look at increased density in R1 as R1 is considered a low-density zone, and this instance they are given the leeway to vary from it. Jolley stated that arterials every 1 mile are exceptional, and this preliminary plat has access to two arterials, not close, not adjacent, but direct access to those streets. Jolley stated that the PUD in R1 would allow 36 units in this area, and this proposal of 28 is 25% below the maximum. Jolley stated that this property has been recommended for approval of the preliminary plat and the density that is shown tonight is also on the preliminary plat.

Black closed the public hearing.

Morrison complimented the applicant for the new design of the buildings and the reduction in number of units. Morrison feels it will be an attractive development and a good addition to the neighborhood. Morrison has not heard that the neighbors were problematic. Morrison takes exception to people thinking that the Commission does things other than vote their conscience and they are not influenced by any one and they go by the facts. Morrison feels this development is right and he will be voting for it.

Black appreciates both sides making comments. Black stated that the Comprehensive Plan is coming up to be looked at and the last time they looked at it was 7 years ago. Black stated that a lot has changed in Idaho Falls and housing in the demographics, and they need to be looking at the Comprehensive Plan more often because things have changed so quickly. Black stated that the Comprehensive Plan is a guide, and not set-in stone. Black stated that the housing needs have changed dramatically, and developers are saying costs are skyrocketing so it is not just a matter of a developer trying to make money, but also provide affordable housing for the residents. Black stated that they would love to have estate properties all over, but not everyone can afford that, so they need to look at the missing middle. Black stated that they are trying to get more housing in Idaho Falls. Black stated that they want things that fit and be good planners. Black stated that they have to plan well along with providing things the City needs.

Wimborne asked staff to clarify the density for R1 zone with a PUD the density is 8 units per gross acre, and the developer is proposing 6 units per acre. Wimborne asked for clarification that the Comprehensive Plan defines low density as 7 units per net acre. Foster agreed with Wimborne. Wimborne asked what the density for R1 per gross acre without the PUD. Foster stated that the density for R1 per NET acre is 6 units per acre. Wimborne stated that the density in the Comprehensive Plan is a little higher than R1 with 7 versus 6 units per acre, but the PUD allows for those densities to be calculated on gross acres, Foster agreed with Wimborne.

Dixon requested staff to provide larger copies of plan so they can see what the amenity is providing and so they can read things. Dixon stated that when he looks at it from a Comprehensive Plan perspective, one of the provisions is higher density should be near arterials. Dixon stated that if this is considered higher density, and he doesn't feel it is, if they are talking about 6 units per acre, but they are next to an arterial. Dixon stated that they shouldn't have a long straight street, but this is ¼ mile long and straight but with the lot shape, they cannot do anything different. Dixon stated that there is no surrounding development to be compatible with, they have a field to the south, field to the west, field associated with school to north, and across the street to the east there are County properties, but no development around this to be compatible with. Dixon stated that this would provide a variation of development in the wider area, but there is nothing to be compatible with. Dixon doesn't like the long street, and he wished there were details to see what is going on, but there is nothing in particular that is counter to the criteria that is used to judge development.

Morrison stated that the configurations that were presented by Groberg were not good examples, as they were squares and different kinds of shapes and not similar to this property.

Morrison moved to recommend to the Mayor and City Council approval of the Planned Unit Development for Harvest Homes at Taylorview, Denney seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes. The Motion passed unanimously.

4. RZON21-001: REZONE. Rezone from R1 to LM.

Black opened the public hearing.

Applicant: City of Idaho Falls.

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

Wimborne clarified that parks were considered, but it is not an allowable use with the airport overlay. Beutler agreed and confirmed. Wimborne asked if they could zone it park, but not build a park. Beutler agreed. Wimborne asked why they wouldn't do something like that. Wimborne reminded the Commission that you have to be aware of what that zone could allow in another universe, if the airport closed down, if this is zoned Light Manufacturing and Heavy commercial, that would be different for the neighbors. Wimborne asked why they wouldn't just leave it as R1, knowing that there are limits to that development because of the overlay; or do parks which couldn't happen because of the overlay. Wimborne stated that this area is unique because of the overlay issues. Wimborne clarified that her question is why can't they zone for parks and not build a park or leave it as R1. Beutler stated that they would create a false impression of what the property could be or what the property is for. Beutler stated that the other concern is the intent for the acquisition was to protect the airport, they need to be up front and zone the property to something that is appropriate, and when the property around develops they are clear of the expectations, and they don't give false intentions. Beutler stated that now that it is under City ownership, they need to proceed with zoning it to something that is appropriate for future development.

Dixon understands the LM Zone, because as he looks at what is allowed by the FAA, it is a decent match to LM. Dixon doesn't understand what the FAA is doing by saying you can have a school, bar, jail, which are all high density uses, and if a plane crashed, 100s could die, but a house is not allowed? Beutler stated that they had a lot of the same conversations as they went through the zoning process. Beutler stated that the FAA reasoning is not straight forward, but the overlay zone was developed within the guidelines so the City can be in compliance with the FAA which effects the Airport funding and other operations of the Airport. Dixon asked what the City has planned for compatibility for the existing residential. Dixon understands the driver for rezoning is a federal mandate, but how do they take care of the current residents and streets that exist. Beutler stated that the airport has recently acquired the land and there are not future specific plans. Beutler stated that Jamie from the Airport is on the call and can clarify more things. Beutler stated that as the airport performs its long-range future planning, they will be looking at this property as something that will be key to how the master plan plays out, and they will consider adjacent neighbors and uses and will try to be respectful of them. Beutler stated that there are built in protections with the setbacks. Beutler stated that where the City is the owner, they will always strive to be a good neighbor and consider the adjacent properties. Dixon asked if this activity is premature if the airport doesn't know what they want to do with the land. Beutler stated that the LM zone is the most appropriate designation for airport operations, so anything that they will be looking at will require that zone, and it is the most consistent with the airport use. Dixon doesn't see the airport using this for anything because it is on the wrong side of the river; and rather they are owning it to prevent development that is not compatible with the FAA requirements. Beutler deferred to the airport. Beutler clarified that the intent is to signal that this area is not compatible for residential use.

Wimborne reminded the Commission to only look at the zoning for the area, because if the airport sells the land tomorrow, then there is LM in the area. Wimborne asked if Jamie should be part of the public hearing, rather than the staff report.

Dixon stated that the applicant is the City, and asked if Jamie is a City Employee, if so then Jamie is making the applicants presentation, not staff. Beutler agreed. Dixon suggested that she make application as part of the applicant's presentation.

Applicant: City of Idaho Falls. Jamie, Assistant Director for Idaho Falls Airport. Jamie stated that there is potential for the airport to use and develop the land even though it is on the other side of the river. Jamie stated that the airport just purchased this land, and they are just starting to explore options. Jamie stated that LM is the only zone that the airport can exist in. Jamie stated that in order for the airport to continue to grow, it makes sense that the property be in the LM zone. Jamie stated that they could use the land for navigational aids for aircraft, advanced lighting controls, weather observation/monitoring stations and those uses would benefit the safety and operation of the airport. Jamie stated that the airport cannot sell the land without an act of Congress to release the land that an airport has bought with federal dollars, which is what was done. Jamie clarified that the land is the property of the City and the Airport from now until an act of Congress to release the land purchased with federal dollars.

Someone from the audience asked if the meeting was being conducted appropriately and if the person speaking (Jamie) was a City employee.

Black asked if there are any rules and regulations with the FAA about having that property zoned park or recreational. Jamie indicated that there are rules, and it would not be allowed by the FAA.

Wimborne asked if there are restrictions on the airport leasing the land where someone else could do something on the property within the zoning. Jamie indicated that they are allowed to lease the property as an act of revenue generation and anything that was leased would have to be compatible with the zoning and any other applicable rules, and they would have to go through the process of having the plans approved, as the airport cannot arbitrarily say yes you can do "x", and the lease has to remain compatible with the airport and the zone.

Black asked if the land could continue to be run with an agricultural use. Jamie indicated that she is not sure and doesn't want to speak incorrectly. Jamie believes they could leave it as agricultural but is not 100% sure. Beutler clarified that the LM Zone does allow agriculture so it would be compatible with the zoning.

Dixon asked what zones does the city have that allow agriculture as a permitted use. Beutler indicated that the existing R1 does not allow agriculture, RE, R3A, LM, I&M and Parks zones allow for agricultural use. Beutler stated that the only zones that would be compatible with the overlay would be LM or I&M. Dixon asked if agricultural uses in LM require a conditional use. Beutler indicated that the LM there would be a conditional use, but it is an allowed use in the overlay zone. Dixon asked if they need permission from the Planning Commission for the CUP. Beutler stated that it was agriculture when it was annexed, so it would be a considered a legal use, but if they changed to a different type of operation then they would need a CUP.

Morrison asked about the property to the west, and what the zone is on the property. Beutler stated that Heritage Hill is zoned R1, north of Heritage Hills are County property zoned County

A1. Cramer corrected Beutler and stated that the County recently rezoned that property to a residential ag zone RA2. Morrison asked why the airport didn't buy all the property within the airport overlay. Beutler stated that the airport is in discussions about purchasing the property to the west between this property and the river, and the airport would like to acquire that property for the same reasons to protect the airport.

Support/Opposition:

Beutler read a letter from Chris Jensen:

Chris Jensen. Jensen stated that it would be considerate to know what the airport intends to do with the land and enjoys watching the planes land each day. Jensen stated that if the airport doesn't want homes in the way of landing, how can they justify putting anything at all, and farming seems to be the safest option for planes to land. Jensen stated that people chose to live in this area to feel like they are not living in the City.

LeeAnn Astle, 3805 Brighton Drive, Idaho Falls, Idaho. Astle stated that the people living in Heritage Hills bought with the intent of this area being zoned residential and the original plans had the neighborhood expanding towards the river and south. Astle stated that changing from R1 to LM still allows adult businesses, drinking establishments, food processing, pawn shops, vehicle sales, correctional facilities. Astle recognizes that the airport would have to lease the property, but it is not uncommon to have long term leases, and any of those listed establishments aside from agriculture would affect the property values significantly. Astle stated that if there is another zone such as parks that would still allow the property to be leased as ag, and allow the airport to bring in revenue, but put a barrier in place to keep the property values in the neighborhood.

Garrett Larsen, 3860 Coffort Drive, Idaho Falls, Idaho. Larsen is the Secretary for Heritage Hills HOA. Larsen feels this is rushed. Larsen stated that there is a lack of granularity and such a wide array of businesses that can go in LM, so that doesn't inspire confidence from the immediate neighbors to the development. Larsen stated that the approach zone doesn't cover the southern portion of the property and that could be zoned (fine grain) and have something other than LM in that area. Jensen is concerned that it wouldn't be one section of the neighborhood that would be facing LM, but it could wrap the neighborhood.

Leonard Karroum, (chat). Karroum is in Fairway Estates and is concerned that changing the zoning from commercial to residential will negatively impact the neighborhoods with additional noise and traffic. Karroum chose to live in this neighborhood because it is quiet, rural residential area. Karroum stated that placing commercial and industrial developments in this area, will dramatically change this area in a way that was never anticipated by neighbors or long-term planners. Karroum hopes the City will consider that if it were a private developer trying to change the zoning on this piece of land there would be little justification for the change, and just because the City owns the property should make the process to rezone any easier.

Keith Banare, 3774 Coffort Drive, Idaho Falls, Idaho. Banare thanked the Commissioners for their consideration. Banare pointed out that using the LM Zone because that is what the other properties the airport owns are zoned is not a good method because this is across the river and not conducive to the airport operations that are conducted on the other land the airport owns. Banare stated that if they are wanting to build some weather station, then the zone should be

changed when they are ready to proceed with that development and construction, and for the time being a good use for the land would be R&D which is what the southern portion was zoned when he moved into the neighborhood. Banare stated that R&D would allow a lot of the compliant types of construction, but not as much as LM and it would be a better neighbor for the neighborhood. Banare believes the existing ag could continue to operate as a grandfathered use. Banare understands that new people moving in shouldn't think that it is going to be R1 or a park, but R&D could be a good solution to the problem.

Christopher Hanon, 3800 Coffort Drive, Idaho Falls, Idaho. Hannon asked if they are going to read the letter provided. Beutler stated that they were given the letter as part of the packet, so it has been entered as part of the record.

Laura Kelley, 3900 Coffort Drive, Idaho Falls, Idaho. Kelley's fiancé Jayson is with her. Kelley just bought her house after they researched areas in Bonneville County, and they chose this area because it didn't have much traffic, it is close to downtown, but far enough that they don't have noise and things that come with big subdivisions. Kelley stated that if they'd known that this was going to be the outcome, they wouldn't have built there, and now they are faced with an act of congress to get the property changed because the FAA gets to decide what happens with the land. Kelley stated that everyone on their street built their house in the last few years, and they are going to be wrapped with potential LM businesses and construction associated with development. Kelley wants the Commission to consider how they would feel if it was their house.

James Reynolds, 5081 Jupiter Hills, Idaho Falls, Idaho. Reynolds wants to clarify who owns the land. Reynolds wants to know who owns the land that is requesting the rezoning of the land. Reynolds wants to know what the relationship between the request for rezoning and the Idaho Transportation Departments offering of alternate H2 as a primary consideration for the construction of the interchange in that area. Reynolds wants to know what the Commission is thinking about doing about the significant increase in traffic on 5th West, as it is a narrow road and there needs to be a consideration as to what to do with traffic. Reynolds feels that the agricultural use is the ideal possibility or a wildlife management area. Reynolds feels there are reasonable possibilities for the use of the land which would not have an impact on the residential properties in the immediate area. Reynolds is representing the Kings Island HOA.

Jason Morton, 3900 Coffort Drive, Idaho Falls, Idaho. Morton wonders why they have to take 100's of acres and make it one zone and would ask the Commission to consider creating a less offensive zone near the housing units and have LM farther away from the neighborhood. Morton doesn't feel that a 30' buffer is enough.

Applicant: City of Idaho Falls.

Black asked Beutler to explain how this property came about. Beutler stated that in 2019 this development was considered, and it was determined that it was not compatible (residential) use for the approach zone. Beutler stated that they enacted the airport overlay zoning language and modified the Comprehensive Plan to modify the change from residential to employment center and higher education center. Since those changes the Idaho Falls Airport purchased the property, and they could verify with Jamie as how the ownership is listed whether in the City's name or the Airport's name, but the Airport is a City department. Beutler stated that the City is requesting the rezone, and the intent is to be consistent with the Comprehensive Plan and

consistent with the intent of the land and restrictions related to residential in the area. Beutler stated that ITD has no relationship between this piece of property the Airport owns and the rezone application and what ITD is doing in future projects. Beutler stated that 5th West is classified as a minor arterial road and so it is intended to be wider and larger than it currently is. Beutler stated that some parts are under the jurisdiction of the County, and as development would occur, just like any other development, the Airport would be required to develop the frontages along 5th West and widen the roads, and potentially look at a traffic impact study. Beutler stated that a wildlife management area would fall under a park designation and that is not compatible with the approach surface area. Beutler stated that R&D zone is more restrictive with the number of uses allowed, and the one hang up is it does not allow for airports or airport uses, so that particular use would not be allowed, and agriculture is not allowed.

Black asked Beutler to clarify that a correctional facility or jail. Beutler stated that the zones build on each other, so you'd first go to the proposed zone of LM, where a correctional facility is a conditional use, but the overlay zone would require additional conditions to be in compliance with the overlay. Beutler clarified that adult business wouldn't be allowed.

Morrison asked if LM is the only zoning, and is that an FAA requirement, or was that picked because everything fits together under what they are looking for. Beutler indicated that the FAA has not directed a specific zone, and the FAA was involved in creating the overlay zone, and their guidance was used to create the language. Beutler stated that the LM zone is the most consistent with the uses that are allowed in the approach surface area. Beutler stated that it is the most consistent, but not the heaviest use, as I&M would be a heavier use. Morrison asked if this could be broken into pieces where parts of the property are not in the orange zone (overlay) so that area could be another zone, such as R1. Beutler stated that the challenge with maintaining a residential zone in this area, is because the airport cannot sell the property and the city doesn't develop residential development or uses, so there wouldn't be anything that can be sold. Beutler stated that there are areas along the south that aren't within the approach surface, so they could potentially remain residential, but that would be problematic because of the way the property was acquired and it would have to be something different than R1 because single family lots could never be sold.

Black closed the public hearing.

Dixon stated that he has compared the zones in the package and what is allowed in the limited development approach surface and every zone has one or more permitted uses not allowed, for example, LM allows indoor shooting range, but that is not allowed within the development approach, R&D has fewer uses, but health care and social services is a permitted use, and park zone doesn't allow a park and recreation facility, but everything matched up within the R&D, Park, LM. Dixon indicated that non match perfectly as each zone allows something that is not allowed within that approach zone. Dixon understands that R1 is not permitted at all and needs to be changed from R1, so what would work to change it to. Dixon stated that the City doesn't know what to do and permitting a lot of uses by going to LM seems excessive, and he feels there should be a zone that is much more restrictive of the ones that have a close match, and that would be R&D that has only one permitted use that doesn't match up and the park zone only has one zone that doesn't match up. Dixon feels that they should provide the least amount of uses at this time until they figure out what they want to do with it and then they can come back and have a public hearing based upon that planned use, or if they want to break it into different sections

and have different zones on different sections. Dixon stated that if they did Park or LM he would suggest that they indicate that if City Council goes along with the recommended zoning that the Planning Commission approves the conditional use for agriculture, because having it left as farm would be the least impact on the current residents.

Black asked if R&D could have a conditional use permit for agriculture. Dixon stated that R&D doesn't allow ag, but it could be a grandfathered use. Beutler stated that it is currently a grandfathered use, and it would be inappropriate to do a conditional use permit with the zoning and that would have to be advertised separately as a separate item.

Morrison is uncomfortable with zoning the entire thing LM as there are too many things that could happen. Morrison wants to find a zone that would satisfy everyone and something agricultural would be the best plan.

Black stated that staff indicated that they had discussed all of the different zoning areas and the pros and cons and this is what they found to be the best that would be the most restrictive. Black feels that has some value. Black is unhappy but losing the funding for the airport would be extremely difficult. Black stated that they have testimony from the airport director, that with these issues we could lose the Federal funding which would be devastating to the community, so it needs to be dealt with.

Wimborne feels that there isn't a perfect fit and that is a struggle. Wimborne appreciates that the City has purchased the property, and they shouldn't give a false sense of what the property is going to become by leaving it R1 or Park, but LM is not a good fit even though the rest of the airport land is zoned LM. Wimborne feels this is unique and she was struck by the comment that if this were anyone else coming forward the Commission would not give two seconds of thought to going from R1 to LM as it is a huge jump. Wimborne understands the staff has spent time analyzing the zones but they need to look at something different like an airport overlay zone that allows the operations that you can't do in R&D but provides protection to people.

Dixon understands that the staff went through and found a zone that matches with what is allowed and a lot of those uses would not be a problem if it were the south end of the runway like putting a restaurant along west Broadway or off the end of Skyline, but the north end of the runway none of the uses make sense in that location so they shouldn't be approving a zone that allows those as permitted uses. Dixon stated that just because they fit in to what the FAA allows doesn't mean that the particular piece of land is a good place for them.

Morrison stated that he understands that they are trying to mitigate a problem that got out of hand before they knew what was happening and there isn't a specific zone that would be airport overlay and Morrison suggested adding that zone to the checklist and create an airport overlay that is a zone that is more restrictive.

Wimborne moved to recommend to the Mayor and City Council denial of the Rezone from R1 to LM as presented, Morrison seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes; The Motion passed unanimously.

Cramer stated reminded the public in the room that this is just a recommendation and the applicant can still take it to City Council for their final vote.

5. ANNEX 20-020: ANNEXATION/INITIAL ZONING. Annexation and Initial Zoning of LM.

Black opened the public hearing.

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

Morrison asked if there is any way to annex a piece of property without a zone. Beutler indicated that they are required to designate a zone at the time of annexation.

Support/Opposition:

LeighAnn Astle, 3805 Brighton Drive, Idaho Falls, Idaho. Astle asked if it would be prudent to zone it consistent with what is currently around the property.

Garrett Larsen, 3860 Coffort, Idaho Falls, Idaho. Larsen is the Heritage Hills HOA Secretary. Larsen got notification via letter for the issue preceding (rezone) but did not get letters in the neighborhood for this agenda item. Larsen is concerned about notification. Larsen stated that all his previous concerns with the LM rezone apply to this piece of property.

Jason Morton, 3900 Coffort Drive, Idaho Falls, Idaho. Morton indicated that they did not receive any notification of this item.

Laura Kelley 3900 Coffort Drive, Idaho Falls, Idaho. Kelley asked if the Airport has a Comprehensive Strategic Plan and is it somewhere that the public can see it.

Beutler stated that the notifications requirements are different and there were separate notifications sent for this agenda item. Beutler stated that the Airport does have a long-range planning document and they are working on revising that document and it is available through the airport or the Planning Offices.

Cramer explained the law regarding notification for a category A annexation. Cramer explained that they are required to hold a hearing and because this is a Legislative Issue, Idaho Code under the Local Land Use Planning Act talks about the manner of notification. Cramer stated that they are required to publish one notice on the newspaper 15 days prior to the hearing and required to send notice to political subdivisions, school districts, the airport, etc. 15 days prior to the hearing. Cramer stated that this is different because they are not required to send letters to people that are 300' of the property which would explain why there was not letter to the neighbors. Cramer confirmed that they did give the required notice.

Black closed the public hearing.

Dixon stated that this is different because they need a zone if it is going to be annexed, so the choices are similar, so they can say no don't annex, or say annex, but this zone makes sense. Dixon stated that one comment from the public was use a near by zone, and that would include R1 which is incompatible with the FAA and R&D which is almost fully compatible. Dixon feels there is a choice to say no or say yes with R&D rather than LM. Dixon doesn't feel bars, restaurants and correctional facilities make sense at this location, and it is inconsistent with the Comprehensive Plan.

Morrison agreed with Dixon and feels this property is farther south and off the orange grid that had the overlay, and it could be possible to do R&D as he is against LM zone for this land.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation of Approximately 10.6 Acres, Section 1, T 2N, R 37E, with initial zoning of R&D, Morrison seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes. The motion passed unanimously.

6. PLAN 20-001: PLAN. Northgate/1st Street Area Wide Planning Study.

Black opened the public hearing.

Applicant: City of Idaho Falls.

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

Support/Opposition:

None.

Black closed the public hearing.

Wimborne commended staff on this plan and feels this part of the City needs attention.

Morrison is also excited for the potential in this part of the City and need to pursue it.

Wimborne moved to recommend to the Mayor and City Council adoption of the Plan for Northgate/1st Street Area Wide Planning Study, Cantu seconded the motion. Black called for roll call vote: Dixon, abstain because he wasn't at the meeting and hasn't seen the presentation; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes; Black, yes. The motion passed unanimously.

Business:

7. PLAT 20-043: FINAL PLAT. Final Plat for Winchester-Kingwood Addition Division 1, Third Amended.

No Applicant was present.

Beutler presented the staff report a part of the record.

Dixon asked if there is a cross access agreement. Beutler indicated there will be when the shopping center develops.

Dixon moved to recommend to the Mayor and City Council approval of the Winchester-Kingwood Addition Division 1, Third Amended as presented, Wimborne seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes. The motion passed unanimously.

Miscellaneous:

Election of Officers: Morrison presented the slate for election of officers: Chair= Brent Dixon; Vice Chair = Joanne Denney; Secretary/Treasurer = Lindsey Romankiw.

Dixon asked for clarification on the need to be in person as the Chair.

Kirkham indicated that the Governor suspended the requirement to have one member of a Board appear at the meeting in person so that is why they could operate remotely, but that suspension has expired so the public meetings law requires at least one member of the Board to appear in person and that is why the Chair has been invited to attend in person, but it could be any member of the Board.

Dixon is ok with the nomination of him for Chairman.

Denney is ok with the nomination of her for Vice-Chairman.

Morrison moved to approve the slate of Officers as presented with Brent Dixon as Chairman; Joanne Denney as Vice-Chairman; and Lindsey Romankiw as Secretary/Treasurer, Wimborne seconded the motion. Black called for roll call vote: Dixon, yes; Cantu, yes; Morrison, yes; Denney, yes; Wimborne, yes. The motion passed unanimously.

Black adjourned the meeting at approximately 11:00 p.m.

Respectfully Submitted

Beckie Thompson, Recorder