

February 7, 2023

7:00 p.m.

Planning Department

City Annex Building

MEMBERS PRESENT: Commissioners Margaret Wimborne, Scott Geddes, Dale Storer, Bill Scott, Kristi Brower, Forrest Ihler, Marsha McDaniel, Glen Ogden, Arnold Cantu

MEMBERS ABSENT: None.

ALSO PRESENT: Interim Planning Director Kerry Beutler; planners David Peterson; Naysha Foster and interested citizens.

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

MINUTES: Storer moved to accept the minutes of January 3, 2023, Ogden seconded the motion. The motion passed unanimously.

Public Hearing(s):

1. ANNEX 22-022: ANNEXATION/INITIAL ZONING. Annexation of Approximately 3 acres in the Northwest corner of Pioneer Rd, and Pioneer Drive, with the initial Zoning of HC, Highway Commercial.

Applicant: Justin Scott, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Scott is presenting the BBHZ Division No. 1 Annexation and Initial Zoning. The property is at the corner of Pioneer Road and Pioneer Drive, bordered on the east and north by City limits, west along Pioneer Drive is Jackson Hole Junction, North along Pioneer Road is the Event Center. They are asking for initial zoning of HC, Highway Commercial. The property is approximately 3 acres and is proposed to be utilized for commercial use after it has been annexed and zoned.

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

Storer asked about the location of the existing water and sewer. Peterson stated that they come down Pioneer Road towards Sunnyside. Peterson stated that it is not expected to have to go far for this subdivision.

Ogden asked why this request HC, not LC to be consistent with the neighboring property, and is the use the applicant is wanting not allowed by LC. Peterson stated that the requested zone was HC, and although it is not contiguous to HC there is HC in the area, and so it is consistent for the area. Peterson stated that LC allows for more residential uses, whereas HC is more retail and commercial. Ogden confirmed that the allowance of residential in LC is the big difference.

Wimborne asked about the portion of Pioneer Drive that is being requested for annexation, and asked if this will have the entire stretch of Pioneer Drive annexed. Peterson agreed and confirmed that it's the intention that the entire right of way from Pioneer Drive to Pioneer Road is annexed into the City.

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Cantu moved to recommend to the Mayor and City Council approval of the Annexation of Approximately 3 acres in Section 26 Township 2 North, Range 37 East with an initial zoning of HC, Highway Commercial including the controlled development airport overlay, McDaniel seconded the motion. Wimborne called for roll call vote: Cantu, yes; McDaniel, yes; Ogden, yes; Storer, yes; Ihler, yes; Brower, yes; Geddes, yes; Scott, yes. The motion passed unanimously.

2. PUD 22-005: PLANNED UNIT DEVELOPMENT. Anderson Townhomes Planned Unit Development.

Applicant: Barry Bane, Connect engineering 2295 N. Yellowstone, Idaho Falls, Idaho. Bane appeared via Teams. Bane stated the property is off Science Center Drive, and Anderson. This total site is over 1 acre, and they are planning 4 buildings of 4 units for a total of 16 units for the PUD. The R3A zone allows for 35 units per acre. They have the required 25% common space (27% total) with some amenities. They have the required setbacks, and landscape buffers, required landscape islands for parking. They have 2 additional parking stalls past the minimum requirements. They held a neighborhood meeting, and 1 neighbor showed up across the street to the south and voiced her concerns with traffic and voiced her concern for the neighbor to the east, indicating that they would like a fence for added privacy. They have added a fence to the PUD. Bane stated that they are bringing a PUD so the townhomes are platted individually to sell. All the setbacks and other requirements have been met.

Storer asked about the proposed playground on the east property line, and asked how large the playground area is. Bane stated that they don't have specifics on it yet. Storer stated that 16 total units are planned, and playgrounds are fun.

Ihler asked if parking is allowed along the streets in this area. Bane deferred to staff for that question. Bane thinks it does but is not sure.

Wimborne stated that one of the amenities is in the storm retention pond. Bane stated that there is a swing set to be put in the left side of the project and the southwest is the storm water retention pond that they are planning putting a swing set in, as well as French drains to drain the storm ponds to help the water dissipate as fast as possible, so the amenities can be used. Wimborne appreciates the detail on the storm drains.

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

Peterson confirmed Anderson does allow parking on the street, but Science Center Drive does not allow parking on the street in that area.

Ihler asked why the swing set is in the storm pond and not with the other equipment. Peterson stated that the requirement is one amenity, but to include the storm pond in the overall 25% landscape, they need an amenity in the storm pond.

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Ihler doesn't like that the swing set and the playground are separated with a need to cross a driveway, as kids want to go back and forth between swings and playground equipment. Ihler is also concerned with the swing set by the road. Ihler asked if they could put something else like a pergola in the storm drain so it can count. He feels the swing set is not in a good place.

Ogden is concerned with only 2 additional parking spaces. Ogden sees that there is parking on the road, on the south side of Anderson, and asked if there is parking available on the north side of Anderson. Peterson and Beutler confirmed that they can park on both sides of Anderson. Ogden suggested that the anticipation is that guests would have to park on Anderson and feels that is tight for 16 units.

Ihler stated that every unit won't have visitors all at the same time and feels that an extra 2 is adequate and if people live there and have more than one car, or 2 cars, they will have to figure that out, and they bought the town home for a reason. Ihler feels it will balance, and there is plenty of street parking.

Geddes Moved to recommend to the Mayor and City Council approval of the Planned Unit Development for Anderson Townhomes, Storer seconded the motion. Wimborne called for roll call vote: Cantu, yes; McDaniel, yes; Ogden, yes; Storer, yes; Wimborne, yes; Ihler, yes; Brower, yes; Geddes, yes; Scott, yes. The motion passed unanimously.

Business:

3. PLAT 21-039: FINAL PLAT. Final Plat Stone Creek Estates Division No. 4 Extension.

Beutler stated that the applicant is Aspen Engineering, and they are not present, because this is only an extension of the Final Plat. The Final Plat for Stone Creek Estates Division No. 4, came before the Planning commission last February. Beutler explained that when a plat hasn't proceeded to City Council for over a year, they bring it back to the Planning Commission to refresh the recommendation and make sure there haven't been any adjustments or changes that need to be addressed prior to it preceding to City Council. Beutler stated that since February 15 will be a year mark, and they are trying to get ahead of it. The applicant is still working on the plat and working through review comments with Staff. Stone Creek Estates is on the east side of town by 49th. There have been previous divisions of Stone Creek Estates platted, and street sections are stubbed in so that future divisions could be platted and moved forward. The area is vacant waiting for construction. The plat is an odd shape, so it appears on a couple of pages. There is an internal street network to connect existing roads on the south and north ends of the plat. Beutler stated that this Division is a final piece to the puzzle to make the connection across Sandcreek so everyone doesn't have to go down to 49th if they want to move through the neighborhood. Nothing has changed in the subdivision and zoning standards related to this plat in the last year, and staff still continues to recommend approval.

Ogden moved to recommend to the Mayor and City Council continued approval of the Final Plat for Stone Creek Estates Division No. 4, Cantu seconded the motion. Wimborne called for roll call vote: Cantu, yes; McDaniel, yes; Ogden, yes; Storer, yes; Wimborne, yes; Ihler, yes; Brower, yes; Geddes, yes; Scott, yes. The motion passed unanimously.

4. Resolution Validating Conformity of the Urban Renewal Plan for the Proposed Anderson Bush Urban Renewal Project with the City of Idaho Falls' Comprehensive Plan.

Brad Cramer, 1742 Avalon, Idaho Falls, Idaho. Cramer is Representing the Idaho Falls Redevelopment Agency.

Cramer stated that they are considering a new urban renewal district in Idaho Falls, and the plan is to the point to be submitted to the Planning and Zoning Commission for consideration as to whether the plan is in conformity to the Comprehensive Plan. Cramer showed the boundary of the site, and there is a PUD within that was considered during this meeting tonight that is within this boundary. US 20 bounds the property on the west, Anderson Street on the south, Science Center Drive on the north, east by North Boulevard. Cramer gave an overview of what IFRA does and what the State Law Requires. Urban Renewal Agencies are the mechanism in the State of Idaho by which tax increment financing can be used. Every parcel has a taxable value and based on that value and the levy rate a certain tax is paid to the City/County/taxing entities. When an urban renewal district is created, the taxes paid to the City and County the value of the parcels within that District, essentially freeze. The City and County will receive the taxes in the amount that they had received prior to the creation of the District, from the point of creation of the District until the District is closed, and anything that happens on the parcels to increase the value of the parcels, all of the value above the frozen base value is paid to IFRA instead of the City or County so the Agency can reinvest the money into the District for public purposes. There are limitations on how the funds can be used and those are outlined in the law. Districts can only be open for 20 years. Cramer stated that IFRA has been conservative with funds, has primarily built public infrastructure, and has recently been used to make sites developable. In part of Idaho Falls there are significant amounts of basalt rock, and the funds can be used to blast rock to put the site on a level playing field with a green field development and makes projects feasible financially. There are 4 open districts currently in Idaho Falls, including: River Commons (Northern half of Snake River Landing); Eagle Ridge (Utah/Pioneer -Guns and Gear); Jackson Hole Junction (Along Sunnyside); Pancheri East Bank (Southwest of Yellowstone and Pancheri). Two districts have recently closed, Snake River and Pancheri Yellowstone District. This would be the fifth operating District in Idaho Falls.

In order to create a District, the developer petitions the Redevelopment Agency to consider the land and move forward with the District. The Agency hires a consultant to do an Eligibility Report, and looks at 14 requirements outlined in State Law to see if the boundary meets anyone (1) of the requirements. The Agency and City Council have approved the Eligibility Report. The consultant is hired with a legal team to write an urban renewal plan and a financial feasibility report, based on what they know. Urban Renewal Plan Page 3 shows A-K that outlines in general terms the master purposes of the plan and things they intend to do in the district. They are general so as projects come up they can be fit into the general category. Recently the Idaho Code has been changed to not allow amendments to Districts without resetting the base value, and that is detrimental to the program. Cramer pointed out the Financial Feasibility Report (Attachment 5 of Urban Renewal Plan) and it shows the projects that they know about, and the development that they know about, including rock blasting, roadway improvements, and other needs within that boundary that could come up. Whether this plan is in conformity with the Comprehensive Plan, these are the main components to consider, do these things and uses look consistent with the principles of the Comprehensive Plan.

The Comprehensive Plan states that this area is identified as part of the Urban Core, which denotes central area which functions as the City core, and close proximity to downtown. Includes residential subdivisions platted in traditional grid pattern, characterized by taller structures, mixed use, all housing types, civic buildings, town squares, and trains stations are typical. This area is within the urban core, and it is consistent with the Comprehensive Plan as it is in within 1 mile of the northern boundary of downtown, gridded street pattern, connection to green spaces – Civitan Park and Highland Park, market to serve area residents next to Melaleuca Field. The auto-oriented transportation system broke off how this area was supposed to develop, and Jefferson was intended to connect to these sites, and Highway 20 isolated this parcel. Basalt has made development costly. The type of development proposed with higher density residential is consistent with urban core description.

Cramer identified in the staff report where they went through the community wide roles in Imagine IF and identified the ways that he felt were consistent with the Comprehensive Plan and also looked at Area 4 which this is located and identified how it relates to this. One of the consistent themes of Imagine IF is to focus on infill development and this site is traditional infill development, as the parcels around it have developed and this site has not. The utilities are in Anderson Street. The biggest challenge of the site is that amenities are close by to the west, including Freeman Park, and to the east there is a shopping center, but the connection to those amenities is not great, and this entire neighborhood has been identified by the USDA as a food desert. This site is within the distance, but it has barriers to get there, including the highway and railroad making it challenging. This plan doesn't address all of the barriers, but does address the walkability of Anderson Street. Cramer stated that they don't do the large districts like they used to, because the limitation on the number of years it could be open has been limited from 28 down to 20 and that is significant, if you don't already have a development plan in place. They learned with the Pancheri Yellowstone District that without development in place, the District is not successful and when a District closes, that exact boundary can never be opened again. Cramer stated that there aren't as many development opportunities within a close radius that would produce the kind of revenue that the larger districts had produced. They aren't going to see millions of dollars in taxes because the land close by is not available. They are exploring a district north of this area. In this District, they had to tell the developer that his investments might not be recouped in the 20-year district as it is a thin margin. The margins aren't there in residential. For that reason they are keeping the District small because of the limitations. Cramer stated that the Highway 20 project moves from where ITD has proposed it to be, half of this parcel could be wiped out with the new interchange.

Infill is a primary goal of the Comprehensive Plan and there is a specific reference in the economic development section to use tax increment financing districts to promote infill. This will provide affordable housing which is a community wide goal. Area 4 under community health dealing with connectivity issues, and they will try to improve the walkability and sidewalk along Anderson and the neighborhood. Cramer stated that the intersection of North Boulevard and Science Center was specifically included in the boundary. If a traffic study states there are improvements needed to the intersection, it would be eligible for funds to be spent in that intersection.

Cramer stated that the Redevelopment Agency submits that plan is consistent with the Comprehensive Plan.

Ihler asked what would happen if ITD or the Federal Highway Administration decided to do the proposal of Highway 20 in this area. What would happen to the District. Cramer stated that the developer knows that is a potential and is only proposing development on the southern half, and would be outside of the ITD project, but it would limit the potential for additional revenue, and would give less opportunity for growth.

Storer asked about the lake that was located west of Bush Elementary school, and has any consideration been given to using that lake to provide some open space, parks, water front activities that would facilitate and mitigate the impact of high density residential in this area. Storer doesn't feel any consideration was given to the existence of the lake. Why wasn't the lake considered. Cramer stated that the lake wasn't considered. Storer is disappointed that they didn't give consideration to using the lake to mitigate the impact of additional residential development, by turning it into a park. Storer asked what it would take to address that potential and how that could be integrated. Cramer stated that there was some effort to stick with what they knew in terms of the project, and whether that site would be wiped out with US 20 project. On page 3 of the Plan, there is language in letter E that provision of adequate land for open space, street rights of way and pedestrian rights of way including pathways. In speaking with Agency legal counsel, it is not infeasible if the commission wants to include in its discussion and recommendation and advise City Council to add more to Letter E, to instruct the lake to be used as open space, and that could be a potential project. The PUD that was recommended tonight is part of this boundary, and those revenues were not anticipated. It is worth discussing and suggesting through discussion that the language be adjusted to letter E before it goes to City Council.

Scott asked if that area is still considered a wetland. Cramer stated that when they wrote the Comprehensive Plan they looked for wetlands and this area was not identified on the Federal maps as a wetland, so it might not be officially permitted as a wetland. The staff will take a second look at it, and as development continues that will be required.

Scott asked if this is a unilateral action, and have the other land owners have been contacted, and can they opt out. Storer is bothered by the use of eminent domain and feels it could lead to issues. Cramer stated that other land owners are notified, and there is not a way to opt out, unless the property is unannexed. All the property is annexed in this area. The Agency has never used eminent domain and doesn't intend to use eminent domain.

Scott asked about the proximity to the areas that have been mentioned including Fred Meyer and Freeman Park and this area is not pedestrian friendly, and asked how this development is going to fit in so it's not an island. Cramer stated that it goes back to revenue, and there is not a development opportunity that would produce the revenue to build an improved connection system. What can be produced within this District is the question. There is no opportunity to generate much increment in the sites to the east. Cramer stated that impact fees will be collected for parks from this development and the PUD that was just approved, and how the City chooses to use those is up to them, and pathways is something they can consider. There are other tools to address the connectivity issue.

Scott wants more information on how the I15/ US 20 corridor will throw off the Economic Feasibility. Cramer stated that it is ok and common to end up with more projects than you knew about in the beginning. Cramer explained how the monies are allocated and used. The developer for the high density housing project will pay everything up front, and the Agency will develop an Owner Participation Agreement (OPA) which the Agency agrees to repay a certain %

of taxes as reimbursement for things they have done. If the PUD developer wanted to engage in an OPA as well, they can look at what their site needs. The City can identify projects if there is an excess of funds. Before they close a District the Agency looks to spend those funds in that area before the funds are turned back to the County.

Scott asked, if assuming that this project is approved before the PUD is completed, can the PUD retroactively get funds, or are they working on their own thing. Cramer stated that the developer of the PUD can talk to the Agency about an owner participation agreement.

Storer had similar concerns as Scott as to whether the timing is right due to the uncertainty relative to Highway 20. Storer, while reviewing the Comprehensive Plan was astounded that this area was designated Urban Core, because this area is significantly burdened because development costs are high, and it will be difficult to make this project pencil out. Storer asked how much consideration was given to the availability of other grants for recreational purposes for the former lake bed development. Storer stated that he is concerned as he didn't see any discussion about the availability of the grants, and if the proposed project were modified to include restoration of the lake that would reduce the cost of the project and enhance the attractiveness of the area. Storer asked if there was consideration given to availability of other grants. Cramer stated that the City Council has told the Agency to move forward to create the District, and tonight they are looking whether this is in conformity with the Comprehensive Plan, not so much the timing and whether it is right. Cramer stated that they haven't discussed grants because the Agency would not apply for grants, and they can coordinate with the City and if they need matching funds to qualify for the Grants that is something the Agency could work with the City on. The City has not been eligible for a lot of the grants, as they have been out of compliance with land and water conservation requirements, but they are close to solving, and once that is solved more money becomes available. The Agency has a good working relationship between the Agency and the City and they know the model and templates and know how to get it done.

Wimborne asked Cramer to fill in the timeline. Cramer stated that if the Commission approves the Resolution tonight, they will hold a public hearing with the City Council to consider the creation of the District. Before that happens, they will notify the taxing entities, publishing 2x in the newspaper, the City Council can pass on the 1st reading or stretch it out to multiple readings. If it is passed on the 1st reading, the earliest this could be adopted is the last week in March.

Wimborne had concerns about her role as an employee of the District, because there is an elementary school in the middle of the proposed area. Wimborne doesn't see any conflict, but wanted to ask Michael Kirkham, Esq., whether it would be better for her to abstain from this vote, and have Commissioner Ogden move forward.

Kirkham indicated that he doesn't see a conflict because there is no way to financially benefit from this decision, however, whether Wimborne participates in the vote is up to her. Kirkham stated that in Idaho, if there is a conflict, they disclose that there is a conflict, meaning you can put money in your own pocket, or the pocket of a close relative, and that financial conflict doesn't exist.

Wimborne abstained from voting, due to her role with the School District.

Ogden moved to approve the Resolution of the Planning Commission, for the City of Idaho Falls, Idaho, validating conformity of the urban renewal plan for the proposed Anderson Bush Urban Renewal Project with the City of Idaho Falls' Comprehensive Plan, McDaniel Seconded the motion.

Storer wanted to discuss the Resolution. Storer commended staff and Renee Magee for the marvelous work on the Eligibility Study and the Plan and the work that was done by Elam and Burke. Storer feels it is clear that they are dealing with a deteriorating area as required by the Urban Renewal Statute. Storer stated that there are a number of things documented well in the information, specifically the barrier created by Highway 20 and Science Center Drive to regional parks; the extreme difficulties by the basalt; and noted the comments about the area to the south that is comprised of low-income households, many with no cars. Storer stated that information as noted carefully and adequately. Storer asked what the Comprehensive Plan is, as the Resolution finds that the Plan is in accordance with the City's Comprehensive Plan, and he wants Kirkham to say what is a Comprehensive Plan, is it guideline only; force of law; does it prevent consideration of other components that have not been addressed in the plan.

Kirkham stated that it is an aspirational planning document that helps guide the land use planning decisions of the City particularly the zoning and rezoning questions. Under the Local Land Use Planning Act, there is a process that every local division that is tasked with regulating land use needs to take and the first step is creating a comprehensive plan with a vision of what the City might grow into. The Comprehensive Plan was just recently updated to the City of Idaho Falls Plan, and it is referred to as Imagine IF (The City's Comprehensive Plan). There are several parts of the Local Land Use Planning Act that require City's Planning Commissioners to make decision in conformance with the Comprehensive Plan and Courts when they review they take the Commissions' lead as to what is in conformance. There are a lot of elements to consider and that is to help the Commission make specific decisions on zoning and land use, and whether it is consistent with the aspirations of the City.

Storer asked whether or not there is a feature of the proposed Plan that is not addressed in the Comprehensive Plan and whether additional features can be considered that are not part of the plan. Does it have an effect of law in preventing consideration of additional factors or features. Kirkham advised that although the Supreme Court has held that the Comprehensive Plan is not a controlling law, like a zoning code, Kirkham encouraged the Commission to always start with the Comprehensive Plan. If something is lacking in the Comprehensive Plan that should be addressed that can be taken up with staff for an amendment to the Comprehensive Plan if needed. The Comprehensive Plan is a guide to advise the Commission. Do not stray too far from the Comprehensive Plan. If there is something lacking in the Comprehensive Plan, put that into the decision when they right of up the standards and criteria that they set their decision on, and reference what was missing out of the Comprehensive Plan, so they can understand where the Commission is coming from.

Storer knows this is a deteriorated area, and many things could be improved with additional funding. Storer is concerned whether those funding projects have been explored and can they be added to enhance the plan in this area. Science Center and Highway 20 have created this area an Island with no connections for pedestrians. This is a low-income residential area, and it could benefit from additional recreational amenities. Storer wants to defer it to obtain additional information specifically the possibility of using the old lakebed for additional recreational

facilities; have they looked at the impact of high-density development in an area that is substandard; and if they were to make changes how would that effect the financial feasibility of the area. Storer is concerned that the Commission doesn't have the information that addresses the recreational amenities that are available through the plan and how they can be used to better improve this project. Storer is concerned that due to the recent change in urban renewal law, if they don't address these issues, they will be hamstrung if they later decide they need additional recreational amenities for the area. Storer would not support the adoption of the resolution and would like to see the matter deferred back to Renee Magee to look at the issues he discussed, and enhance the plan so that there are no missed opportunities to improve the area.

Wimborne stated that they need to maintain focus on what is before the Planning Commission with the Resolution about the creation of the urban renewal district and does it conform with the Comprehensive plan.

The Recording Secretary read the Resolution by Title:

RESOLUTION OF THE PLANNING COMMISSION FOR THE CITY OF IDAHO FALLS, IDAHO; VALIDATING CONFORMITY OF THE URBAN RENEWAL PLAN FOR THE ANDERSON BUSH URBAN RENEWAL PROJECT, WITH THE CITY OF IDAHO FALLS' COMPREHENSIVE PLAN.

Wimborne called for roll call vote: **Cantu, yes; McDaniel, yes; Ogden, yes; Storer, no; Wimborne, abstain; Ihler, yes; Brower, yes; Geddes, yes; Scott, no. The motion passed 6-2**

Scott did not support the motion. Scott stated he is in favor of the urban renewal project, he just has concerns that they are jumping the gun before they know where US 20/I15 is going to go, and what the possible implications of the low area might be in terms of developing recreational facility or having concerns with permitting. He feels that the area is so isolated from any accessible recreation aspects. He feels they are missing an opportunity to have more of a focus on this development of where the people are going to play.

Storer added that he is opposed to the Resolution and asked that his email sent to staff be made part of the record.

Work Session:

5. PUD Amenities Discussion

Naysha Foster has been with the City for years and was a planner with Jefferson County prior to that.

Foster is looking for discussion and suggestions. No action is required, they are just suggesting language. Foster stated that they have talked about PUD and they have a higher standard, but you give and take a little with that standard. They have included the intent and purpose of the PUD in the staff report.

Foster went to the last paragraph of the staff report and summarized the report. The City requires one amenity per 50 units in a PUD; and after 50 units they get a nice amenity and then something small, like a picnic table, tot lot, or "dog park" that is not a dog park. Foster showed the current language in the Code for amenities. Foster stated that the amenities that are installed are put in

because they are required and technically meet the standard. Staff has suggested some additional standards:

Foster went over the language that they are adding on outdoor and indoor facilities. Foster added language for outdoor facilities and pointed out the commercial playground equipment has to have at least 3 different functions, so they don't have a tot lot with 2 toys. They have added definition to a community garden area. They have added bike lanes to part of the public access connections, or bike lanes to the neighborhood park system. The words permanently affixed have been added to storm ponds for amenities. They have added words defining a dog park, including fencing requirements, pet waste station, trash can, and benches or picnic tables and one of the following additional amenities in the dog park like a dog washing station, grooming tables, or agility training equipment. They have also added "as approved by City Council."

Scott asked about the word private and public indoor and outdoor recreational facility and what it means, do all residents have access. Foster stated that private is on private property, and public will be donated to City for maintenance, so there could be both private and public amenities located on a property. Scott confirmed that private does imply accessible by all residents. Foster stated that PUD standards are one lot and everything outside of your home is communal property. They are required to have an HOA to maintain common spaces within the PUD.

Geddes loves the added verbiage and asked to add fixed benches to the gazebos.

Ihler likes trees, and thinks they are important. Ihler doesn't like to see developers trying to pass off storm ponds as an adequate amenity. Ihler thinks that if they are going to add an amenity in the storm pond there needs to be trees in the area, so the area is enjoyable so you do not sit in the scorching sun. Trees would create a more park-like atmosphere.

Storer likes the proposed language and feels it is helpful and clear. Storer wanted to add a picnic shelter to the list of amenities.

McDaniel doesn't like to add additional restrictions to what the developers are going to do because supply chains, and it could be tough to get things. McDaniel is concerned that if a community garden isn't feasible. She wants to remove the restrictions, rather than add new restrictions. McDaniel stated that if it is not feasible to have a wash station due to plumbing and it isn't feasible. Foster confirmed that they would have to choose from one of the amenities, it doesn't require all three amenities in the dog park.

Wimborne stated that in the intent language for a PUD suitable and useable common spaces, and the language seems good, but what is "useable", and is a swing set in a storm pond useable. Wimborne feels that the language needs restructured to reemphasize that they need to be useable common spaces, and not just compliance items, as over the years they have checked the boxes, but not thought about families that will be using the items. Wimborne stated that 50 units seems like a lot before you get a swing set. Foster stated that they have to do an amenity with the first 50 and after 51 they have to do 2 amenities. Foster stated that the amenity has to be constructed with the first phase of the planned unit development. Wimborne stated that the drainage facility with an affixed amenity can be on the open space, but she is nervous about adding too many restrictions and requirements to the storm drain amenity. Foster stated that there are standards for drainage, it has to drain at a certain rate. Wimborne likes the additional suggestions and clarity.

Brower doesn't see any emphasis on Handicap accessibility for the children or others. Brower asked if the ADA compliance is anywhere else in the PUD language and requirements. Foster stated that is under the Disability Act, and unless they have a handicap unit, they are not required to have a handicap stall. They could add it to the PUD standards. Wimborne suggested changing the language to encourage people to think about that these needs to be used by all sorts of people, and families

Foster asked the Commissioners to email her with any suggestions.

6. I15/US 20 Connector Update

Beutler wanted to update Commissioners with the I15/US 20 connector. They are excited about the project. ITD has announced that they have their recommended preferred alternative. Normally there would be a preferred alternative and that is where they'd go. This case is a recommended preferred alternative. ITD has shown their preference, and they still have to complete their studies and are looking at both options. The recommended preferred alternative is H2, which would be moving US 20 north, creating a new interchange northwest of the airport, crossing the river, and cutting south of Fairway Estates. The existing interchange would be adjusted and moved over. They are early in the process and haven't gotten to engineered drawings. The other option would provide expansion of the Highway on the existing route. ITD is looking north to avoid the impact on US 20 on the neighborhoods and in order to get overtop of the existing freeway, you'd have to go 3 stories tall with the on off ramps, and the road deck does enter the airport airspace for the runway that runs north south. If ITD is doing maintenance they'd have to get approval from FAA, and that is a concern. There is also concern about the high winds and empty trucks and plowing snow over the edge.

H2 scenario to the north creates a large circle, due to the proximity to the airport and the need to cross the freeway and the river, in order to keep the elevations low, they needed to pull that over, and they are trying to maintain freeway speeds to make the maneuvers at 65 MPH. It does create potential for future connectivity to the west. Beutler indicated that now that they are in the process, they have 2 years to finish the study, and then ITD would make a determination and look at constructability. ITD has concerns about acquiring right of way. Beutler stated that either option has implications for undeveloped parcels of land, and the Commission will have to make decisions in the future. The Commission needs to think through the land use applications that come forward and determine where they are at in the Highway 20 process. Beutler stated that there will be some challenges in working through this phase, and please let staff know if questions arise, but they need to proceed with land use applications. They are still setting the future corridor and they need to think through implications with either option. ITD will continue to do updates, and the staff is meeting this week to talk in detail.

Scott asked if the H2 proposal includes any work on the current interchange. Beutler stated that with H2, the intersection at Broadway and Grandview will be redesigned and incorporated into a single interchange at Broadway.

Ihler asked how much leeway or input does the City have with ITD. Ihler feels going north is encouraging urban sprawl. Beutler stated that ITD has been open and transparent with the City. ITD has listened to all dynamics and concerns and there are concerns with both options. They

did some value engineering exercises and got engineers in the room to determine if there were things to make it less expensive. Beutler stated that the City Council hasn't made a "Chosen" route. Beutler stated that urban sprawl north to Fairway Estates is out of the bag, and H2 is a lot of benefit because it gives an opportunity to bring neighborhoods back together and provides a better alternative for the City. Beutler stated that they are currently looking at a strategic arterial plan with BMPO for a belt loop system around the City and they are just starting and the study in 2011 has done well and the outcome of this study is that if this stays on route, you still need another option for a belt loop. Ihler asked if from a planning standpoint, can they make it dense to pay for the City expanding that way. Beutler stated that they do want to see City growth, and they have seen that in the zoning designations that have been made in that area.

Wimborne stated that there are lots of variables and agencies involved, but could they hold workshops for P&Z so they could look at some of the areas, and see what is in the City for those areas, and discuss how to plan appropriately. Beutler agreed that a workshop would be great.

Miscellaneous:

Beutler asked if the Commission prefers the printed version. Brower wants to opt out of the paper version, and other Commissioners want printed.

Next Meeting March 7, 2023.

Adjourned at 9:05 p.m.

Respectfully Submitted

Beckie Thompson, Recorder