

March 6, 2018

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners George Morrison, George Swaney, Gene Hicks, Arnold Cantu, Natalie Black, Joanne Denney, Brent Dixon.

MEMBERS ABSENT: Julie Foster, Lindsey Romankiw, Darren Josephson, Margaret Wimborne.

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

CALL TO ORDER: George Morrison called the meeting to order at 7:00 p.m. and reviewed the public hearing procedure.

CHANGES TO AGENDA: None.

Minutes: Swaney moved to approve the minutes for February 6, 2018, Hicks seconded the motion and it passed.

Public Hearing:

1. CUP 18-001: CONDITIONAL USE PERMIT. Maeck Center (ZOO). Beutler presented the staff report, a part of the record. Dixon asked how traffic will flow if they vacate Rogers. Beutler explained that traffic will come from Boulevard and there will be a good transportation network that will handle the traffic for the park. Dixon stated that there will not be a transportation network for the south side of the park. Dixon stated that if Carnival Way doesn't go through it creates a congestion problem. Dixon suggested using the new property to the southwest and have a way to relieve the parking stress on the Park. Beutler deferred to the Parks Department for the reason on the building location. Black asked Beutler to point out where the building will be located. Beutler showed on the map that the Education Center will be near the gift shop.

Morrison opened the public hearing.

Applicant: David Penock, Director of the Idaho Falls Zoo, 5821 E. Ranchovia, Idaho Falls, Idaho. Penock stated that the placement of the Education Center was developed as part of the Tautphaus Park Master Planning Process that has been going on for over a year. Penock stated that closing Rogers was part of the Tautphaus Park Master Plan, that has gone through several public hearings. Penock stated that one of the overwhelming positive things that the public liked was the closing of Rogers, and that was before the Education Center was a possibility. Penock agreed that there are parking issues in association with the ice arena and that is being addressed in the Tautphaus Park Master Plan. Penock stated that the Plan has the development of new parking lots around the Park, and that is not part of developing the Education Center and it will come later when funds are available. Dixon asked if they have the Plan available, as Dixon believes they are creating a bigger problem, rather than solving a problem. Penock stated that there is no bigger picture for the 4-H Land, as the land was obtained in December, so the vision for that property has not been developed. Penock stated that the Plan for Tautphaus Park has been public for 3 years and is available on IFparkplans.org. Dixon asked if the east section of Rogers will remain intact. Penock stated that Rogers will remain from the Education Center to

Boulevard. Penock stated that the park has one entrance from Boulevard and 3 exits to the West with Rogers Street, Softball Drive and the one to the far north. Dixon asked if there will be a parking lot along Rogers Drive developed in the future. Penock stated that the parking lot will be accessible from Softball Drive. Dixon asked if they have considered vacating all of Rogers and re-opening the entrance from Softball Drive to Carnival Way and making that the way into the parking lot. Penock stated that the way it is now is Rogers doesn't dead end, as it goes through on Carnival Way. Dixon indicated that it appeared to be blocked off on the map. Penock stated that Carnival Way goes through and will continue to go through. Dixon indicated that there was a misunderstanding and his concern is gone.

Black asked why they are not putting the building on the 4-H Property. Penock showed the boundary of the Zoo. Penock stated that the people that designed the Education Center had certain characteristics that were important including: accessible to the public, and accessible to the inside of the Zoo, so it needed to be located on the boundary of the Zoo. Penock explained all the reasons why those two characteristics were important, and why the chosen location is the best location to meet all the desired characteristics. Penock stated that it is important for the Zoo that the Education Center is very publicly visible as they are making a statement about the Zoo being for the community and will add to the philosophical impact of the Zoo as well as the beautiful and welcoming nature of the Zoo.

Dixon asked why they are only requiring 5 additional parking spots for this building. Beutler stated that they looked at overall parking for the Park, and there is lots of parking throughout the Park.

Greg Weitzel, Director of Park and Recreation for City of Idaho Falls. Weitzel stated that there are issues at Tautphaus Park, including parking and traffic flow and those issues came out clearly in the public meetings, and they are the first two things that will be addressed with his department and the City Council. Weitzel stated that Public Works has put together some conceptual designs for a new traffic pattern through Tautphaus Park and will take parking off the Park roads and put them in parking lots. Weitzel encouraged the Commissioners to look at the Master Plan that received unanimous approval by City Council. Weitzel stated that the location was not entered into lightly, and the decision came from a committee that studied 10 different site locations. Weitzel stated that this location is the smartest location for the new Education Center. Weitzel stated that with the vacation of Rogers it will allow the Zoo to expand over into the 4-H area safely.

Black clarified and Weitzel agreed that the 4-H area will be a Zoo expansion. Weitzel indicated that they do not have a plan for that area as they only recently received the 4-H property.

No one appeared in support or opposition.

Morrison closed the public hearing.

Dixon stated that after the clarification with the traffic flow, the vacation of Rogers makes sense, and the newly acquired property can support Zoo expansion. Dixon stated that the building will be an attractive addition to the Park, and the functionality of the Education Center will expand the way the Zoo serves the community.

Black stated that she did attend one of the public meetings for the Tautphaus Park Master Plan and recalls that two of the biggest concerns were safety and parking. Black stated that she is sure

that Parks and Recreation and City Council has done due diligence for the location of the buildings.

Black moved to approve the Conditional Use Permit for the Zoo Maeck Education Center at Tautphaus Park, as presented, to include Staff's recommendation for either a 6' opaque fence or 10' landscape buffer with trees spaced at 20' intervals, Cantu seconded the motion and it passed unanimously.

Swaney moved to approve the Reasoned Statement of Relevant Criteria and Standards as presented, Dixon seconded the motion and it passed unanimously.

2. PROJ 17-002: ZONE ORDINANCE AND ZONE MAP AMENDMENT. Cramer presented the staff report, a part of the record. Cramer walked the Commissioners through the project. Cramer recognized the planning staff and their hard work. Cramer acknowledged the consultant on the project, Diane Kushlan. Cramer explained that they had a steering committee with a mix of individuals who work in an industry related to development, including George Morrison (Planning and Zoning Commission); Dana Briggs (Mayor's office); Tana Barney (Ball Ventures); Clint Boyle (Horrocks Engineering); Mike Hicks (Real Estate); Kirk Karst (Architect); Brent Wilson (Commercial Real Estate).

Cramer stated that they started with an audit and hired Diane Kushlan, then they went through the Code repeatedly and involved other City Departments, as well as the Steering Committee. Cramer stated that they have reviewed the map repeatedly, conducted land use studies to make sure the changes will fit, and they will not create a lot of problems for property owners, by creating non-conforming uses. Cramer stated that they have been on the streets studying how this will work out. Cramer stated they have tried to reach out to the public, including a You Tube Channel, that got some views, a press release was sent out, three outreach/open houses, and added the "Ask a Planner" feature to the website and that feature has been used and that component will stay on the website. Cramer stated that they have done the required notices, including block add in newspaper, and posted 90 signs around town.. Cramer walked through highlights of the code change with slides that showed, current and proposed maps. Cramer stated that one of the biggest changes was in the R-1 Zone to have a minimum and maximum lot size (12,000 sq. ft), Cramer indicated he will be requesting a change to that maximum lot size at the end of the hearing. Cramer continued to go through some of the changes in the Code. Cramer indicated that there are approximately 20,000 different parcel numbers that are changing zones. Cramer stated that most places won't see a huge difference.

Cramer stated that they will continue to discuss this Code and they plan to meet as a staff at least bi-weekly or more as needed, to discuss issues that they missed, or things that don't work, so they would be proposing changes to the Code at least every other month to modify the zoning ordinance and get it right. Cramer stated that they have come up with changes today and are presenting them to the Commission to be considered in the vote. Cramer stated that they are suggesting changing the following:

1. Increase maximum lot size from 12,000 to 13,500 (1/3 acre) for R-1;
2. Strike a line in the exception for 13,500 maximum for cul-de-sacs with wedge shaped lots and the maximum would not apply for those;
3. Change to have an exception for schools, churches, and other conditional uses;
4. Put Drive -through uses back in PB Zone (Maybe only for Banks).

Dixon asked about how they have tended to focus a type of use within a certain zone, like medical uses near the hospital. Cramer stated that in the past they wrote a zone that was specific for medical services, but that is so specialized, so they want to recognize that the professional business zone or the R-3A fits the designation. Cramer stated you can look at the Comprehensive Plan and see that employment center has large numbers of employees and the zones that allow those things will go there. Dixon stated that R&D and warehousing would be similar and how do they prevent the land getting developed into warehousing when it is specifically set up for R&D. Cramer stated that you use the "Use Tables". Cramer stated that they need to look at the tables and make sure that they like how it looks, because otherwise it is allowed by right once the zone is there. Dixon asked if there were cases that had special zones because of a special reason and those will be lost. Dixon stated that the continuing update of the Code might address the issues as they come up. Dixon asked if this will affect the Area of Impact. Cramer stated that as they did the discussion during Area of Impact they kept the code changes in the back of their minds and made sure that the differences between the zone ordinance changes are not significant enough to worry about. Cramer stated that the zone ordinance is still compatible enough, so they don't have to go to the County to make further changes. Dixon asked if the County will have an opportunity to respond. Cramer stated that he has emailed Steve Serr at various times throughout the process and have not received a response.

Morrison thanked Diane Kushlan for her attendance at the meeting.

Morrison opened the public hearing.

Applicant: City

Opposed:

Lynn Rockhold, 806 10th Street, Idaho Falls, Idaho. Rockhold thanked Staff for their effort in the zone changes. Rockhold thanked Staff for the public meetings. Rockhold stated that many people don't read the paper, she never saw it on the news, or in any internet exchange unless she was trying to find something. Rockhold stated that she did not feel the public meetings were well attended. Rockhold stated that she is not in the traditional neighborhood zone any more, but as she discussed things with Cramer and Staff the wide majority of the zones in Idaho Falls are R-1 and the R-1 single family is important for preserving the neighborhoods. Rockhold stated that the traditional neighborhood zone (Holmes to Yellowstone, and Anderson to 25th Street). Rockhold stated that those are the most historic and traditional places in the City. Rockhold stated that the traditional neighborhoods need to be preserved. Rockhold stated that if you look at the other R-1, other than the TNZ proposal, one of the things that she heard was there is a lot of mixture of uses that aren't R-1 and they weren't zoned appropriately, so there is multi-family and apartments, and commercial. Rockhold stated that outside of the TNZ area, many have apartments, multi-family, commercial. Rockhold stated that TNZ will reduce empty lots or any one that wanted to excavate an old house and start over, they can reduce the lots to 3500 square feet. Rockhold stated that it reduces the setback from 25' to 10', and it also increases the traffic and parking. Rockhold stated that there will be issues with multi-family and annoyances. Rockhold asked why they want to change it to TNZ and asked if it is for tax appropriation. Rockhold suggested a better way to post to the public. Rockhold stated that the internet is not a good source, unless you are out looking for it. Rockhold stated that she has local information that comes through on her phone each day, and maybe they could consider publishing future meetings through that source. Rockhold stated that they need more interaction with the news

media, electronic newspaper, etc. Rockhold commends Staff on meeting regularly to look at the issues and modify as needed. Rockhold stated that she feels the need to speak for people that didn't know about the meeting. Rockhold urged the Commission to go in and look at the things that are being changed in the TNZ zone. Rockhold asked if the Commissioners owned a home would they want commercial next door. Rockhold stated that it will change the look and the dynamic of the people, the cars and traffic of everything in the neighborhood. Black asked if Rockhold found the information on the City's website. Rockhold stated that it was the City's site, and it wasn't easy to find.

Support:

Stephanie Rose, 150 11th Street, Idaho Falls, Idaho. Rose indicated she is in favor of the zoning changes, especially the Traditional Neighborhood Zoning. Rose stated that they live in the Traditional Neighborhood Zone. Rose stated that her and her husband re-hab historic properties, and have a house on 12th Street, and are working on 2 on South Ridge currently. Rose stated that they are personally and financially invested. Rose stated that the view that Rockland stated is what a lot of people believe. Rose stated that if they look at the way other communities have done this, it is the exact opposite. Rose stated that the change proposed is key to revitalizing the area. Rose stated that there was death by zoning in the 50's -60's. Rose stated that the business section at 11th and Boulevard used to be a nice place with Don Wilson Drug, and a grocery store on the corner. Rose stated that they could walk to Don Wilson Drug and get a sandwich and a malt. Rose stated that most of those businesses in the area have died out. Rose stated that there was a lot of local foot traffic, and bicycle traffic. Rose stated that when the zone changed the pharmacy was grandfathered and could continue to operate the same, and as soon as those last businesses die out then they are stuck with R-1 zoning and splitting commercial and residential and the neighborhoods weren't built to be split like that, they were built to have little markets and café's. Rose stated that there is ample evidence that the Traditional Neighborhood zone works. Rose stated that she has visited traditional neighborhoods in Spokane and there was an area with a park like Kate Curley, that had a bakery/coffee shop that was in the middle of a residential area. Rose stated that they stopped for lunch and it feels very residential. Rose stated that restaurants like D'Railed on Eastern are used heavily by neighborhoods when they are allowed to come in. Rose stated that there is a building on Park that is sitting and falling apart because it is not being used, and the zoning needs to be changed. Rose stated that there are a lot of young families that want to live in walkable/bikeable neighborhoods, and they don't mind the increased density. Rose stated that the fear of increased density is overblown when you look at what it would take to tear down houses and build denser. Rose stated that the things they did in Spokane to revitalize, included removing parking restrictions and they did a lot of things that the Traditional Neighborhood Zone does, it allows business to come in and co-exist with residential. Rose stated that in the Ridge Avenue area there are some slummy multi-unit apartments that, if the neighborhood revitalizes those will get better and they can keep pushing for some rental regulation. Rose stated that the north end in Boise is a parallel to the Idaho Falls Traditional Neighborhood but 20 years ahead. Rose stated that in Idaho Falls the average price per square foot was \$85/sq. ft. and in Boise it is double. Rose stated that if you look at the older neighborhoods in Idaho Falls, the average price dropped to \$50/sq. ft. which is 60% lower to live in the Historic District Neighborhoods. Rose stated that if you want to live in the north end of Boise, the price goes up by 60% and the price is \$250/sq. ft. Rose stated that it speaks to the

desirability of the neighborhood and the things they have done. Rose stated that the traditional neighborhood zone will follow that trend.

Dixon stated that some of the things they don't want to pop up in a middle of a block, like a fuel station, but on the corner, it would be ok. Dixon asked if Rose believed a restriction in that regard might make sense. Rose stated that it is restricted, and the business districts are along certain streets, like along Boulevard and Elm. Rose stated that in Pensacola Florida there was an area like Kate Curley, and on each corner of the park there were four different historic homes and each home was turned into a restaurant or café. Rose stated that situation could happen here if each place got a conditional use permit. Rose stated that no one wants a Common Cents in the middle of the neighborhood, but along the commercial zone it would be ok. Rose stated that on Eastern and Maple where the R&R Bar is, there is an old bookstore and a laundromat that has now turned into trashy apartments. Rose stated that the buildings have been turned into living quarters because they can't be used for what they were originally intended. Rose stated that D'Railed is a good example of what could happen on the perimeters of the residential areas.

Lynn Rockhold, 806 10th Street, Idaho Falls, Idaho. Rockhold stated that there are other R-1 that have the same sort of thing. Rockhold stated that she understood that the existing places, which are sometimes very worn down and slum like, they will be grandfathered in and they will not be made to come to code. Rockhold stated that there will be a mixture of existing properties that are not up to code. Rockhold stated that Rose paints a pretty picture, but the truth is it will not all be.

Morrison thanked the Planning Commission for their efforts in reviewing the Code and Cramer and Staff's efforts in redoing the Code.

Applicant: City

Cramer directed the Commission to the Codes related to the Traditional Neighborhood that begins on page 35. Cramer showed on the map where commercial will be specifically allowed in the Traditional Neighborhood Zone. Cramer stated that if a business wants to open that is not specifically shown on the map in the commercial district, they can ask to do that, but it is not a use that is allowed by right. Cramer stated that if a pharmacy existed today in a R-1 zone and it closed its door and another pharmacy walked in that is still a grandfathered use and this code won't change that. Cramer stated that if it is a legally established use it can continue. Cramer stated that if the pharmacy closes and a different use wants to walk in, then it would have to upgrade and live by whatever standard is in place on the property.

Morrison closed the public hearing.

Swaney stated that there were good comments and there was a lot of public input. Swaney commended the Community Development Department and the steering committee in developing the change to the Code. Swaney stated that with any change there is an opportunity for the Community Development Department to fulfill its name, to develop the community. Swaney stated that if they never change the code, they never get the development that they want in the community. Swaney stated that there is no perfection in life and there won't be perfection in the Code, but they will keep working towards it. Swaney stated that this is a big step forward, not a step backward. Swaney encouraged the rest of the Commissioners to support the change.

Dixon stated that there is a lot of good things, but the one comment that resonated with him is the lack of publicity, and this comment is not pointed at the planning organization, as they have gone well beyond what is legally required, Dixon indicated he was disappointed that the news institutions haven't picked it up more and publicized it more. Dixon stated that a lot of the community is totally unaware of what is going on here. Dixon stated that Staff has tried, but he is disappointed that it hasn't really been talked about all that much. Dixon stated that a lot of people in the community don't know what zone they are in until it becomes an issue for them. Dixon stated that this is a major change, and it is a step forward. Dixon stated that he feels that a lot of the community could still feel blind sided by it. Dixon stated that they can try to make some more outreach to the news and let them know it is not a small thing and try to get them to have a few more news articles about the Code before the City Council meeting.

Morrison indicated that there was a representative from the Post Register present at the meeting.

Black stated that she has the same vision as Stephanie Rose and hopes that it will be wonderful for revitalization and will give developers some flexibility. Black stated that she likes that they have gotten rid of some of the zones that are not being used. Black stated that staff worked with developers and builders to see why they weren't using a specific zone. Black stated that if a zone is not being used, it can be taken out and something that can be used put in its place, so it gives the Community more of what they want. Black stated that she believes it will give more flexibility and they can develop some neighborhoods the way they were intended.

Dixon moved to recommend to the Mayor and City Council approval and adoption of the Zoning Ordinance and Zone Map Amended as presented, including the presentation of the suggested modifications, such as the maximum lot size for R-1, Black seconded the motion and it passed unanimously.

Business:

3. ANNX 18-001: ANNEXATION/INITIAL ZONING OF I&M-1. Acres Sanitation Field.

McLane presented the staff report, a part of the record. Dixon asked why they are zoning the river and the area right around the river industrial, as apposed to R-1. McLane stated that this area is in City control, and if the new zoning ordinance passes, this will be changed to the park zone at that time. McLane stated that the R-1 wouldn't work as its being used for the sewer treatment plant. Dixon suggested zoning the river and right along the river R-1 instead of I&M-1.

McLane stated that they can make a recommendation in the motion to change the zoning. Black confirmed that the City is the applicant and the owner of the property. Black confirmed that they will annex it into the City and then the City will change it to the parks and open space zone. McLane indicated that the Parks and Open Space Zone allows for City facilities, and it would be more of an open space.

Dixon moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of M&B 135.995 Acres, Section 35, T 2N, R 37E, with the change that the northern portion of the parcel that is in the River and approximately 100' on the south bank of the River be designated R-1, or as determined by the Planning Department as appropriate for future development of Greenbelt or other River associated features, Swaney seconded the motion and it passed unanimously.

4. PLAT 18-002: FINAL PLAT. Clay Subdivision 1. Beutler presented the staff report, a part of the record. Dixon confirmed and Beutler agreed that there will be curb, gutter and sidewalk along the frontage of the lot, but not on the other side of the street, and the asphalt will be the full width of the street to existing asphalt. Black asked if there will be one entrance from Clay Avenue. Beutler stated that they will work with that as the development comes in. Beutler stated that they could have more than one access if that is appropriate for the type of development and there are no access restrictions.

Applicant: Berry Whitson, Keller Associates, 3153 McNeil Drive, Idaho Falls, Idaho.

Whitson stated that there will be 8 flex units on the property, they will do curb, gutter, sidewalk on the frontage and continue the asphalt to Burgess. Whitson stated that it will clean the area behind Jaker's, and probably end up being used for parking for Jaker's. Dixon asked if they will be using the rail spur. Whitson stated that they will not be using the rail spur.

Swaney moved to recommend to the Mayor and City Council approval of the Final Plat for Clay Subdivision 1, as presented, Hicks seconded the motion and it passed unanimously.

5. PLAT 17-030: RECONSIDERATION OF PRELIMINARY PLAT. Park Place Revised Preliminary Plat. Beutler indicated that the Commission has a request to reconsider their decision of January 9, 2018, regarding the Preliminary Plat for Park Place Subdivision. Beutler reviewed the notes from the City Attorney and explained the reconsideration process. Beutler indicated that a reconsideration is a step for an affected party to be able to proceed toward Judicial Review. Beutler stated that an aggrieved party will come back to the Commission and have them review the decision. Beutler stated that it gives a chance for the Board to think about the basis for the decision, what the law is, and how it was applied in the decision. Beutler indicated that the Board is acting as a Quasi-judicial body. Beutler stated that when they act as a judicial body they are applying the law to a specific group or person or a focused area and acting as a judge or judicial panel. Beutler stated that this is not a public hearing. Beutler stated that the only person that has the right under due-process to speak is the person/persons who made application for the reconsideration. Beutler indicated that Bonneville County has requested the reconsideration, and in addition to Bonneville County, the City of Idaho Falls Public Works and the City of Idaho Falls Fire Department has asked to be party to the reconsideration, and there are representatives from each department to speak. Beutler stated that the applicants get to point out on the record what they think is incorrect about the decision. Beutler stated that they can only refer in their remarks to the record of January 9, 2018. Beutler stated that there is the Reasoned Statement and the Minutes regarding the Preliminary Plat. Beutler stated that after the applicants have given their remarks the Commission can decide regarding the reconsideration, and they can: affirm, modify, or reverse the decision and adopt a different decision. Beutler stated that after the Board makes the decision, they should not communicate with any one regarding the project, as it could come up again for another reconsideration.

Swaney stated that the application is not factual, as he understands the decision that was made was to have the street be for emergency access only, and the application indicates that the street is not accessible. Beutler stated that the applicant has presented their request, and they are explaining what they feel the error was. Swaney asked/stated that just because there is an appeal, it doesn't mean that anything in the appeal is factually based. Beutler stated that the Commission is the judicial body reviewing those items and making the decision. Beutler stated that the applicant is stating why they think the decision should be reconsidered.

Beutler stated that there are two things that the Commissioners need to do tonight: They need to confirm, modify or reverse the decision; and then approve the written decision (Reasoned Statement of Relevant Criteria and Standards).

Dixon stated that there are claims in the reason for the review where there is material that is not in the packet, including Minutes from some of the City/County Area of Impact Meetings, may address what kind of agreement was proposed as far as connections of roads. Dixon asked if the City Council and County Commissioners approved those discussions. Beutler clarified that with the reconsideration they do not provide additional testimony, and the reconsideration is only to reconsider their decision of January 9 and the items that were part of that testimony and decision on that night. Beutler stated that the presentation from the applicant will not present new testimony; only to review the decision that was made and determine if it was appropriate or in error and does it need a modification.

Swaney stated that the appeal itself is introducing things that were not part of the decision made on that evening on that preliminary plat, so the Commission can ignore those things in the appeal that were not part of the record. Beutler agreed with Swaney. Dixon stated that they need to determine whether the claims being made were factual and without the additional information how do they make the determination. Beutler again indicated that they are acting as a judicial panel reviewing the decision and whether it should be reconsidered, so there isn't additional testimony offered, otherwise it would be a public hearing.

Applicant:

Steve Serr, Director of Planning Bonneville County, 605 N. Capital Ave., Idaho Falls, Idaho. Serr stated that they have discussed many times continuity issues with roads and developing subdivisions. Serr stated that in this round of Area of Impact discussions as well as 14 years ago when they did the previous area of impact discussions, the continuity and extensions of roads was part of the discussion. Serr stated that when they saw the application for the subdivision the packet explained that it had been sent back to be redesigned and that the connection for Fox Run had to be built, that was the recommendation from Staff, the recommendation from the Engineering, that the roads need to be connected. Serr stated that because of those recommendations, he never put input to it, as it appeared to be compliant. Serr stated that the County did not give input as there were connections. Serr stated that the City and County planning commissions spent over a year going over standards and how they think things will be developed in the impact area and how they will proceed. Serr stated that Park Place Division 4 Subdivision and the Holden Place Subdivision are a test of the implementation of those negotiated standards. Serr stated that they came to common standards as to whether they are compatible, whether the roads were right, whether the utilities were right, and this is an integral part of all that discussion. Serr stated that if they review the two ordinances they used to be word for word, and the new City version has made some changes. Serr stated that in *Section 2 of the Subdivision Ordinance* it talks about... "*alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures require otherwise.*" Serr stated that the County plan states the same thing, you build a road, you continue it through you tie the road in and make road networks. Serr stated that in the City Subdivision Ordinance in Sections J & K, the maximum length for a cul-de-sac in an R-1 Zone (Park Place Subdivision) is 400'. Serr stated that the County standard is the same. Serr stated that both of the ordinances have an allowance for extension of road beyond 400' and the condition of the

extensions of roads, is they have to tie onto another road network to continue the road network and make it a functional network. Serr stated that there are 3 divisions to finish Park Place and two were submitted (4 & 5), Division 6 is in the middle and is not proposed to be built yet. Serr stated that the assumption is that when Division 6 comes in you will make them connect to the two roads as it was delineated on the master plan, which is the same concept as connecting onto existing platted road right of ways that were developed with the intent that they should be extended and utilized (connecting Fox Run). Serr stated that the *City Subdivision Ordinance in Section N, stated that streets in existing subdivision shall continue the alignment of streets in adjoining subdivisions. Streets and street extensions will connect to the future streets developed by the adjoining property owners.* Serr stated that is the same concept as the County plan. Serr stated that the City and County are consistent. Serr stated that when Holden Place was platted, the length of Fox Run is over 1300' and it showed a temporary cul-de-sac with the intent that the road would be extended when the adjacent property was developed. Serr stated that there was no master plan for Holden Place, contrary to testimony that was given stating the initial master plan would have large lots. Serr stated that when Holden Place was platted they took all the division rights off the property and put them into Holden Place, and got additional division rights for later development from Modelo and the division rights were transferred over and it was a separate subdivision plat that was proposed in 2003, 10 years after the initial development of Fox Run. Serr stated that the intent is the same, Fox Run will extend and tie into the next phase of the development. Serr stated that if the connection is not made to continue the road network and make it functional, it creates a violation of the County Ordinance, as there is not a cul-de-sac at the end of Holden Place, it creates a safety hazard as there is no way to turn around emergency service vehicles. Serr stated that the road makes it unable to turn around a snow plow or do maintenance in the subdivision. Serr stated that maintenance was brought up in the hearing. Serr stated that it also creates a violation of the Fire Code by not having the extension of the road and tying into a cul-de-sac to turnaround. Serr stated that the City Planning Commission has regularly been implementing the standards of connecting to roads in other subdivisions. Serr stated that there are a couple of examples that didn't connect. Serr stated that Crestwood Lane was mentioned during the hearing. Serr stated that Crestwood Lane is an old County subdivision road that the City connected to a commercial subdivision and ran all the traffic through Crestwood. Serr stated that Kinsman County Estates where Kinsman Lane was connected to Castlerock Lane. Serr stated that Handley Avenue and Thicket Avenue, was connected to Grove Lane. Serr stated that 9th West is a County road piece, that the City annexed the end and connected 9th West and all property South will have a compatible extension for development. Serr stated that recently Hallmark Subdivision, Rockwell was proposing Avalon and the design was requiring them to connect to both the County subdivision roads and extend them. Serr stated that this is a consistency issue. Serr stated that the roads need to connect. Serr stated that the discussion during the hearing indicated that Fox Run was not constructed to City Road Standards. Serr stated that Fox Run is fully compliant with the City Road cross-section. Serr stated that Section I of the Subdivision Ordinance talks about local streets are minor collector streets serving residentially zoned areas made to develop to a rural street standard in case the City's cross section is only 50' wide right of way, based upon compliance of either having 210' frontage or 1-acre minimum lot size. Serr stated that Fox Run is exactly in compliance with that ordinance, and it has a 60' right of way with 28' of asphalt, no curb and gutter and 1+ acre lot sizes. Serr stated that the Fire Code has a specific exclusion that states the barricades can not be placed in a public road right of way. Serr stated that he discussed with the City and County

Engineer about the comments that were made about a site distance issue on Fox Run where you come onto 65th South. Serr stated that both Engineering departments have looked at the approach and the visibility and have determined it is fully compliant and not out of specs for visibility. Serr stated that there was an indication in the hearing that there was an accident history on the road, however there is no accident history report, and that report has been maintained for 5 years. Serr stated that in the staff report, they were specific that they stated that the connection had to be maintained for fire safety and if the connection was not made, there was no way to keep the road in compliance with the fire code and engineering standards and it doesn't meet the subdivision rules.

Swaney asked where Serr got the idea that the road is not going to connect, because the Reasoned Statement of Relevant Criteria, item 6 states that "*Secondary Emergency Access to the Development will come from 65th South through Fox Run Drive.*" Swaney stated that indicates that Fox Run Drive will connect the development and the only stipulation the Commission made in the decision was to restrict and limit the road to emergency access only. Swaney stated that there were options discussed as how to restrict the road, but no decision was put into the Reasoned Statement of Relevant Criteria stating that anything would be installed in terms of bollards. Swaney stated that people had concerns about how they were going to control that, but the decision only stated that as much as possible they would restrict the connection to emergency access only, so it wouldn't become a generally accessible and useable thorough-fair. Swaney asked Serr why he believes that the street doesn't connect. Serr indicated that it was going to be restricted to emergency vehicles only, making so it is not accessible to the public, so it does not have a public thorough-fair and is not a public street. Serr stated that if he cannot drive down the road then it is not an established public street.

Swaney asked why there are more people talking and only one letter and one application.

Beutler indicated that the City of Idaho Falls Fire Department and the Public Works has requested to be same parties with the County on the reconsideration, and so they are applicants as well.

Corey Dennert, Fire Inspector, City of Idaho Falls Fire Marshalls Office, 343 E Street, Idaho Falls, Idaho. Dennert stated that the Fire Code does say that you must have two accesses any time you have over 30 properties. Dennert stated that the Fire Code talks about not obstructing public roads. Dennert stated that the decision for the Fire Department to not allow bollards was made over 11 years ago. Dennert stated that if there was a separation on the end of Fox Run that would make Fox run non-compliant with the Fire Code and the other direction.

Black stated that the staff notes from the meeting stated that: *There is a safety concern for emergency access without a connection and the current design of Fox Run Drive is not compliant with the Fire Code and needs a second connection to become compliant.* Black asked if Fox Run is in compliance, as Steve Serr indicated that Fox Run is in compliance. Dennert stated that Fox Run has a turn around on the end of it and you cannot make a fire truck back up more than 200 feet. Dennert stated that because of the length of the road there must be a turn-around, but the turn-around is on the adjacent property that will be developed. Dennert stated that the road is wide enough being 28' wide. Dennert stated that the width of the street is not an issue, it's the length without a turn around on Fox Run.

Dixon asked if the Fire Code is City or International. Dennert indicated that it is the International Fire Code that is currently adopted by the City (2012 Edition), and the State has adopted the 2015 edition and City Council is working on the adoption of 2015. Dixon stated and Dennert agreed, that the Fire Code is applicable to County property as well as City property. Dennert asked if there is a Fire District that is separate from the City/County barrier. Dennert indicated that he covers City and County properties as part of a Fire District. Dennert stated that the Bonneville County Fire Protection District No. 1, runs from the north and south County lines and way out west, and to the top of the developments on the east side of town. Dennert stated that it is a taxing district separate from the County that provides for fire protection and they have contracted with the City of Idaho Falls in 1991. Dixon confirmed with Dennert that the policy about bollards applies whether it is on City property or County property. Dennert stated that *Section 503.4 of the International Fire Code* reads: *Obstruction of Fire Apparatus Access Roads. Fire Apparatus Access Road shall not be obstructed in any manner, including the parking of vehicles. The minimum widths and clearances established by Section 503.2.1 shall be maintained at all times.* Dixon stated that the “policy” against bollards isn’t a policy, it is part of the Fire Code. Dennert agreed with Dixon and indicated that it has been overlooked in the past.

Swaney stated that they proposed to have an emergency access easement only, and they did not indicate bollards or state they would obstruct the street, they only stated to limit, if possible, to emergency access only. Swaney asked if they posted the area with signs that said for emergency access only, and the street physically connected, so you could go through the street, how does that present a Code compliance problem. Dennert stated that as long as it is 20’ wide and an all-weather surface that is plowed there is no problem.

Kent Fugle, City of Idaho Falls Engineer, 380 Constitution Way, Idaho Falls, Idaho. Fugle stated that he seconds a lot of the comments Serr made about the safety and emergency access service and snow plowing. Fugle stated that those issues are important to the City of Idaho Falls as they are in the same business as the County is in to provide the services to the residents, in getting sanitation trucks around, getting snow removed. Fugle stated that it is important to work together to solve those issues. Fugle stated that Fox Run will become increasingly surrounded by the City, the City needs to assume that at some point the issues that Fox Run is facing will be the City’s issues. Fugle stated that City Public Works is concerned with being able to have the access needed for emergency vehicles, but for other uses that are important in maintaining the infrastructure of the community. Fugle stated that during the January Meeting, Chris Canfield, Assistant Public Works Director spoke about the plans for 65th South, and in discussing the intersections and why this development was laid out with Maggie Drive being the residential collector that would tie into 65th South. Fugle stated that it is all about trying to meet standards for the character of roadway they anticipate having on 65th South and limiting the full access intersections to ½- 1/3 mile spacing. Fugle stated that Canfield mentioned that one of the things they would anticipate as being likely to occur is that Fox Run would be right in and right out only. Fugle stated that the issue was brought up about the safety of Fox Run Drive and the connection to 65th South. Fugle stated that while they don’t believe that there is sight distance problem, if in fact there were a safety problem pulling out onto 65th South, then restricting access to the north by taking away the connection to the subdivision would be the wrong approach. Fugle stated that the Fox Run Drive residents would have improved safety by having another way out and that public street connection would give them that other way out. Fugle stated that in the future if Fox Run becomes right in/right out, then that will give Fox Run residents more

improved access to their homes if they can access Fox Run from more than one direction via the other subdivision. Fugle stated that Public Works feels strongly that a public works connection between the developments is the right answer to the situation.

Swaney asked why Fugle believes there is not a connection authorized in the preliminary plat that was approved. Fugle stated that because it was restricted to emergency vehicles only. Fugle stated that the access is needed for more than just emergency vehicles, including maintenance vehicles, public to access other ways out of the development if the connection to 65th South is unsafe, it is needed for sanitation, etc. Fugle stated that all the needs for the connection are not met if the road is restricted to emergency vehicles only.

Dixon stated that hypothetically if the proposed street that would connect to 65th South was not there and the only access was through Fox Run Drive, given the amount of potential development north, and the potential flow of traffic, it seems like you could for see the need for a light on 65th South so people could get out both right and left. Dixon asked if the off-set of South 9th West being east of Fox Run Drive makes a problem to where it couldn't be developed. Fugle stated that the offset of Fox Run and 9th West is part of the reason why Fox Run Drive cannot be the major connection to 65th South. Fugle stated that by providing the intersection further to the east at what is being called Maggie Drive, just west of the Gustafson lateral, that will give the opportunity to develop a full turning movement access to the roadway and do it in a way that will take away the left turn access to Fox Run Drive and 9th West and provide the access at Maggie Drive.

Dixon asked for Beutler to show a photo of the north end of Fox Run Drive to show if the street is developed to the end of the County property or is there a gap. Beutler stated that the bollards are at the end of the pavement, there might be a slight gap. Dixon stated that it appears that the asphalt is developed to the end of the County, or very close thereto.

Denney stated that she still stands by her original comments, that it is a public road, there is not a need for a restriction, the residents of Fox Run need to have more than one way out. Denney indicated that she agrees with what is being said about the emergency access vehicles, snow plows, sanitation, and the people who live in both neighborhoods need more than one way in and out. Denney stated that by restricting the street to emergency access, it is not compliant.

Dixon stated that he did not vote at the meeting in January. Dixon stated that the notes indicate during the staff presentation Dixon suggested alternate ways of arranging the connection, while still maintaining a connection, so to funnel traffic to Maggie Drive, rather than to Fox Run Drive. Dixon stated that the reason he was making the suggestions, was because he thought it should connect, but still try to discourage traffic from going down Fox Run.

Black stated that looking back on the notes the Commission did discuss this issue well, but she will defer to the experts that are requesting that they make the connection, not just for emergency services only, but as a public road.

Dixon indicated that the Commission can affirm the previous decision, modify the previous decision, or reverse the decision.

Beutler stated that if they reverse the decision you would reverse and adopt a different decision, where in modify you might have the same outcome, but adjust the conditions.

Swaney asked if they can rescind the decision and have another public hearing for the property owners.

Beutler stated that if they “rescind” that would be like a reverse of the decision.

Cramer stated that if they rescinded the decision that would be a reversal. Cramer stated that if they do anything other than affirm the decision, the County residents can go through the same process where they would only be able to speak, and no administrators would speak. Cramer stated that this can go back and forth until the P&Z Commission affirms its decision. Cramer cautioned the Commissioners that if they reverse the decision and deny the plat, don't base it on the idea that you want more comment, it has to be based on the existing record, so you have to find points in the record that suggest that this plat didn't meet a code, didn't follow the Comp Plan, or doesn't meet zoning. Cramer stated that there must be a reason to deny the plat, other than wanting a hearing.

Dixon stated that if they deny they must have a good legal reason. Dixon suggested the Commissioners think about the proposal he made at the original hearing, which is a modification that allows connectivity, but does so in a way that gets away from the rectilinear street pattern and instead uses diagonals or other means to funnel traffic to Maggie Drive. Dixon suggested changing the order of development so Maggie Drive is developed before the land to the north so that people won't get into the habit of using Fox Run.

Black asked if they can modify the decision to change the road structure. Dixon suggested that it would be in the range of modify.

Black moved to modify the decision made on January 9, 2018, to approve the Preliminary Plat for Park Place with the access to Fox Run as emergency use only; and amend the decision to approve the Preliminary Plat for Park Place as originally presented, Denney seconded the motion.

Hicks stated that his concern originally was the access and egress from Fox Run or Maggie to 65th. Hicks asked if they can extend the motion to state that the access/egress from Fox Run to 65th be restricted to right in/right out. Swaney stated that the access/egress to Fox Run is not part of the plat and cannot be discussed.

Dixon stated that the original testimony mentioned that there was a consideration when 65th is widened that access on Fox Run would be limited to right turn only. Dixon stated that tonight the Commission heard that the Fire Code indicates that any kind of a physical obstruction would not be in compliance. Dixon stated that they have heard from Public Works that there are other needs besides emergency access. Dixon stated that the County indicated that connectivity has been instituted even when the uses were similar such as Crestwood Lane. Dixon stated that the need to connect Fox Run is apparent, and Black's motion does change the original decision. Dixon stated that the motion does nothing to address the other concerns that were raised at the original hearing about having Fox Run turned into a major thorough-fair for traffic.

Black asked Dixon if that can be dealt with on the preliminary plat on the next phase of the development as the road would end at the Fox Run until the new development is platted.

Dixon proposed an amendment to the Motion. Dixon moved to amend the motion to include the following conditions: That the order of development of the Preliminary Plat

develop Maggie Drive prior to development further north; and that the street arrangement north of Fox Run be rearranged to encourage flow from the north to Maggie Drive, rather than providing a straight shot to Fox Run Drive.

Cantu asked if there will be a public hearing when they vote on the motion and the amendment. Black indicated that only if a party appeals the decision.

Swaney stated that Dixon's amendment will have Fox Run Drive end in a curve to the street that runs east west and have it come over and the street continue north some distance further to the east, rather than going straight north from the end of Fox Run Drive. Dixon stated that he is suggesting that off the north end of Fox Run, instead of having a T, have a right hand turn and no straight road going north, so people coming from the north funnel towards Maggie Drive and that would require that some of the lots are not rectangles.

Cramer stated that the subdivision Code on approving preliminary plats states: *When acting on an application, the Planning and Zoning Commission shall review the preliminary plat to determine compliance with this chapter, the Comprehensive Plan and all applicable federal, state or local laws.* Cramer stated that if it complies with the Code you cannot dictate the phasing of development. Cramer stated that if for some reason developing Maggie Drive first was out of compliance with some other Code that it would be a problem. Cramer stated that he doesn't believe they can determine the phasing as the phasing isn't a requirement of the Code.

Dixon indicated that there hasn't been a second and he would like to withdraw his amendment.

Dixon moved to amend the Motion to include: Removal of the T intersection directly north of Fox Run Drive and only allow connectivity with a right hand turn to the east with no road going north; and that the connection to the north would come in further east.

Cramer stated that if there isn't a second access going north somewhere, as there is a second access going north off Brigham Drive, but if there isn't another one somewhere then the Fire Code is only going to be permitting 30 more homes without another access. Cramer stated that if they don't restrict another northern access the motion could be ok.

Dixon withdrew his motion for lack of second.

Cramer stated that there is a minimum block size so there must be enough space for it.

Dixon moved to amend the Motion to modify the proposed Preliminary Plat north of Fox Run Drive to be an elbow, rather than a T and to provide the second access farther to the north, approximately half way between the access point on the proposed plat and the norther extension of Maggie Drive.

The motion dies for lack of second.

Morrison called for a vote on the original motion from Black. **The motion passed. 5-0.**

Swaney abstained from voting.

Morrison Adjourned the meeting.

Respectfully Submitted

Beckie Thompson, Recorder