

March 7, 2023

7:00 p.m.

Planning Department

City Annex Building

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

MEMBERS ABSENT: Marsha McDaniel, Kristi Brower

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

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

Beutler indicated that there has been a request from the Applicant for Agenda Item #5 be postponed until the April 4, 2023 Planning and Zoning Meeting. Beutler gave the Commission the option to reorder the Agenda and deal with Item #5 as Item #1, or leave it on the Agenda as Item #5 and deal with it at that point.

Cantu moved to reorder the agenda to move item # 5, to #1 and renumber the remainder of the Agenda appropriately, Scott seconded the motion, motion passed unanimously.

MINUTES: Scott moved to accept the minutes of February 7, 2023, Cantu seconded the motion. The motion passed unanimously.

Business(s):

1. ANNEX 23-001: ANNEXATION/INITIAL ZONING HC, Highway Commercial; LC, Limited Commercial; and R3A, Residential Mixed Use for approximately 166 acres.

Storer moved to Postpone this item until April 4, 2023, Geddes second, motion passed unanimously

2. PLAT 23-001: FINAL PLAT. BVHZ Division No. 1.

Wimborne asked for clarification, as this item has been recommended for annexation, and now has a final plat before the Commission, prior to the annexation being approved by City Council. Beutler indicated that this item has been submitted for annexation, and the Commission has recommended to the City Council approval of the annexation of the property and that will be scheduled with the Council Agenda, and there is no issue in the order, as the Commission is a recommending body on the Final Plat. Beutler confirmed that Annexation will be completed before the Final Plat is scheduled.

Applicant: Justin Scott, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Scott stated that this property is under 3 acres and the applicant has requested this property be annexed into the City and they are working on wrapping that up with City Council. Scott is presenting the Final Plat for property on the corner of Pioneer Drive and Pioneer Road. Scott stated that it is a one lot plat, with dedication of right of way onto Pioneer Road and Pioneer Drive with 40' of dedication to the City, which leaves just over 2 acres left for the single lot. The zoning is HC.

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

Scott asked for HC zoning is there any proximity to a highway interchange that is required. Peterson stated that there should be access to highway locations and servicing traveling public is the main requirements for HC. This is in proximity to other HC zoned areas, and is close to I-15 and Sunnyside. Peterson reminded the Commission that for the Plat the zoning is less of the topic.

Ogden moved to recommend to the Mayor and City Council approval of the Final Plat for BVHZ Division No. 1, as presented, Storer seconded the motion. Wimborne called for roll call vote: Geddes, yes; Cantu, yes; Ihler, yes; Wimborne, yes; Storer, yes; Scott, yes; Ogden, yes. The motion passed unanimously.

3. PLAT 23-002: FINAL PLAT. Wasatch Apple Subdivision, 1st Amended.

Applicant: Kaden Fuhrman, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Fuhrman stated this was originally platted as a larger subdivision of 60 acres, and they are platting the very west lot. It is all zoned LC, and at the time of the original platting, the infrastructure has been completed, and the developers have a better idea of what they want to do with Lot 1, 17 acre parcel that will be split into 5 lots. They are working with City Staff to make sure that technically it is sound with access to all lots, etc.

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

Storer asked about the access onto 25th Street and questioned if access would only go west, with right in and right out. Foster stated that one of the access points is outside of the median and would be able to go both left and right.

Wimborne clarified that lot 6 and 9 has a shared access.

Scott Moved to recommend to the Mayor and City Council approval of the Final Plat for Wasatch Apple Subdivision, 1st Amended, as presented, Ihler seconded the motion. Wimborne called for roll call vote: Geddes, yes; Cantu, yes; Ihler, yes; Wimborne, yes; Storer, yes; Scott, yes; Ogden, yes. The motion passed unanimously.

Public Hearing(s):

3. PLAT 22-034: PRELIMINARY PLAT. Bellin 33 Subdivision.

Applicant: Kaden Fuhrman, Horrocks Engineers, 2194 Snake River Parkway, Idaho Falls, Idaho. Fuhrman gave a general location of the land, north of Sunnyside, west of I15 and adjacent to Bellin Road, directly to the east of Bellin. Fuhrman stated that this lot is just under thirty-five acres, and they are proposing to split into 10 different lots. Fuhrman showed the Comprehensive Plan showing this area designated with suburban and mixed use centers and corridors and this property is currently zoned as LC, with a County island in the center and is not included in this preliminary plat. Fuhrman stated that on the east is Bellin Road, that is designated as major collector, and the west side of the property BMPO has proposed Old Butte Road that will be a principle arterial and that will connect from Pancheri to Sunnyside. There is a road to the south that is private to service West Mark (Vista Blvd) that turns into Outlet Blvd that snake around and ties into Sunnyside Road. Fuhrman stated that there is water and sewer in Vista Blvd (Private drive), and public water along Bellin that ends near where the property begins. New Sweden Irrigation District has 2 ditches in this area that border this property, one is the Side Hill Ditch which comes across Bellin, cuts through the property and crosses the property line

south all the way to the west, and the north side is the Porter Canal that runs adjacent to the property. Fuhrman stated that as part of the submittal they are proposing to divide the property into 10 lots dividing it into 2 divisions, with east side being Division 1, and west being Division 2. Fuhrman stated that they are proposing to add a neighborhood collector that connects existing Bellin Road to the future proposed Old Butte Road and that is a future plan, and they have had multiple meetings with City Staff. The connector from Bellin to Old Butte would alleviate traffic concerns getting onto Sunnyside from Outlet Blvd. They are showing the right of way extending through the County parcel, and that county parcel is not part of the plat today, but they are showing what could happen in the future as part of the preliminary plat. Fuhrman stated that the remainder of Division 2 will not be developed until Old Butt is put in place. Fuhrman stated that they are proposing to break up the ground into lots to make it more marketable for the developer, with correct access, utility connections and a path moving forward.

Ogden asked about lots 1 and 2 of Division 1, the dividing line is the Battle Creek Canal, and slopes down between lots 2 and 3, and does the Canal run alongside, or underneath the proposed road. Fuhrman stated that between 2 and 3 they do not know if they will bury or leave it where it is at, and where it crosses the neighborhood collector the collector will go over the ditch. Fuhrman showed the path of the canal.

Wimborne asked if they could address the concerns of the New Sweden Canal Company. Fuhrman stated that they did receive the letter from the New Sweden Irrigation District and they are on the schedule for the Irrigation District Board meeting this month on March 21st. This has been a process with City Staff and have gone back and forth, they decided to go with a lot layout with the neighborhood collector for something the City would accept and once that was pinned down, there is a lot of design aspects with the Irrigation Company that will have to be worked out. Once they got the plat to a point where the City Staff would accept the Preliminary plat, they will go before the New Sweden Irrigation District Board and let them direct them as to what they would like to see happen. Fuhrman stated that depending on what the Irrigation District requires, there might be changes, and the Irrigation District's concerns will be heard and addressed.

Ihler asked about the County island and the access to this property is through lot 6, 5, 4. Ihler asked how they plan to make access for the County property. Fuhrman stated that they did hold a neighborhood meeting on December 6 and talked with the neighbors, and the neighbors don't mind where the access comes from, and they want to save the mature trees on the property and the developers would like to honor that request. The east side of Lot 5 has a 20 foot cross access easement, that runs north up lot 5 and west directly to the property and the size of lot 5 was determined by the existing access to the County parcel. Ihler asked about the neighborhood collector going through the County parcel, and asked if there is easement for the developer to put the road through, or will that easement have to be acquired. Fuhrman stated that as it sits now, that parcel is not included in the plat, and they can build the right of way with an approved turn around, and service Division 1 as a standalone unit, and in order for the right of way there would be a process, and those conversations will be in the future with the property owner. Fuhrman stated that they are showing it because the City wants to show full connectivity. Ihler asked if Division 2, lot 7 has a single point access from the west. Fuhrman stated there will likely be a single point of access to the west, and likely internal access through lot 6, that is not shown on this plat.

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

Wimborne asked Long to address the concerns of the Irrigation District. Long stated that the comments and technical items will be addressed during the final plat process.

Wimborne opened the public hearing.

Craig Remsburg, 2842 South Bellin Road, Idaho Falls, Idaho. Remsburg owns the outlying piece of property, and he was told he would have access maintained. Remsburg wants to know if the canal will be buried eventually, as that is where he gets his irrigation water. Wimborne informed him that they would make note of that but could not answer that question.

Wimborne closed the public hearing.

Ogden stated that he read the Irrigation District comments and he has concerns that aren't being addressed and he doesn't feel that the Irrigation District is on board, and Ogden wants to postpone until those concerns are addressed.

Ihler stated that he understands that Irrigation District technical things will be addressed during the final plat, and the final plat is very detailed between the City and developer and other stake holders, and he feels that all those things can be addressed during the final platting situation. Preliminary plat is a general layout. Ihler is not concerned as he knows that due diligence will be done.

Storer agrees with Ihler and added that there will be a development agreement where technical details will be addressed.

Ogden asked if there will be another opportunity to address this plat before the final plat. Long stated that the final plat will come to this body for review. Ogden confirmed that they are a recommending body on the final plat, and approval on preliminary plat.

Storer asked if they would have the development agreement available for review at final plat. Long stated that the City Council reviews development agreement and P&Z will not see it.

Ogden asked if Planning and Zoning will see the traffic study at the final plat. Long stated that the traffic study is not usually included, as it is reviewed by City Staff and not included in the packet. Long added that the recommended improvements from the traffic study will be on the final plat. Ogden asked what the intention of the Battle Creek Road. Long stated that Old Butte Road on the west side is intended to be a principle arterial that will run up and connect through.

Ihler feels it is straight forward, and this is a growing area. Ihler stated that the zoning is adequate as this area is changing. Ihler stated that he doesn't know what they have planned, but considering the zoning it will fit the area in the future. Ihler stated that it sounds like the property in the middle will have future discussions as to what that will look like for the property owner, as they are now focusing on Division 1 at this point. Ihler is in agreement with the preliminary plat.

Ihler moved to approve the Preliminary Plat for Bellin 33 as presented, Storer seconded the motion. Wimborne called for roll call vote: Geddes, yes; Cantu, yes; Ihler, yes; Wimborne, yes; Storer, yes; Scott, yes; Ogden, yes. The motion passed unanimously.

Wimborne reiterated the importance of addressing the issues with the Irrigation District, and reminded the applicant that the canals and water is the life blood of the town as fields still need that water.

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

4. ANNEX 23-002: ANNEXATION/INITIAL ZONING. R1 Single Dwelling Residential for 0.019 acres.

Applicant: Ryan Singleton, Connect Engineering, 2295 N. Yellowstone, Idaho Falls, Idaho.

This annexation consists of a parcel that is 830 square feet, .019 acres and this annexation is required as they are in the process of developing an additional division of Sandcreek Estates and in order to dedicate the correct width of right of way, they need more land. The developer has entered into negotiations with the property owner and is going to purchase the land they are annexing and if this annexation is approved the land will be relinquished to the City as right of way.

Wimborne clarified that Singleton is representing the developer. Singleton (Connect Engineering) is working with the developer and the existing land they are developing has an access that leads from 15th East back into the development and the width is not wide enough to provide the roadway profile that the City requires and provide the right of way width. They had to approach the landowner and purchase 2.5 feet of width to use the entrance that the parcel is provided to get the adequate cross section.

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

Wimborne asked if category A is requested by the property owner, but the developer doesn't own the property. Foster stated that there is a legal affidavit the property owner signs giving Connect Engineering permission to act on their behalf.

Ihler asked if this tiny piece will be its own weird parcel. Foster stated it will become part of the right of way.

Scott asked to be oriented north and south. Foster stated that 15th East runs north and south, and Sandcreek Subdivision is 1.25 miles south of town, just north of Sandy Downs, West of Dunes Subdivision.

Wimborne opened the public hearing.

No one appeared in support or opposition.

Wimborne closed the public hearing.

Storer moved to recommend to the Mayor and City Council approval of the Annexation of .019 acres of Right of Way east of 15th East and South of Sand Creek, Division 2, with initial zoning of R1, Ogden seconded the motion. Wimborne called for roll call vote: Geddes, yes; Cantu, yes; Ihler, yes; Wimborne, yes; Storer, yes; Scott, yes; Ogden, yes. The motion passed unanimously.

Miscellaneous:

Next Meeting April 4, 2023.

Adjourned at 8:00 p.m.

Respectfully Submitted

Beckie Thompson, Recorder