

April 2, 2019

7:00 p.m.

Planning Department

Council Chambers

MEMBERS PRESENT: Commissioners Margaret Wimborne, Natalie Black, Gene Hicks, Arnold Cantu, George Swaney, Joanne Denney, Brent Dixon, Lindsey Romankiw, George Morrison. (9 present 8 votes).

MEMBERS ABSENT:

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

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

CHANGES TO AGENDA: None.

MINUTES: Swaney moved to approve the March 5, 2019 minutes, Morrison seconded the motion and it passed unanimously.

Public Hearing:

1. RZON 19-003: REZONE. Snake River Landing Rezone: LC to HC. Stevens presented the staff report, a part of the record. Morrison asked for a comparison of LC and HC zones, and whether this rezone will affect the plans for the Event Center. Stevens indicated that the event center can fit in LC or HC. Stevens indicated that the large roads in the vicinity of the 47 Acres lend it to the rezone of HC and the other properties in the area and near the freeway are zoned HC. Cramer added that LC is designed to be near neighborhoods and is a zone that allows mixed use of commercial and residential and HC is strictly commercial/office zone and that is a key distinction, HC also allows for hotels and surrounding the event center that makes more sense. Dixon indicated that previously Highway Commercial would have been directly accessible by the highway and it would make sense along entrances to the City. Dixon stated that things that are next to the Freeway are not accessible to the Freeway. Dixon does not believe this makes sense for Highway Commercial when it is not near any highways. Stevens indicated that the HC zone is found throughout Idaho Falls and it meets a lot of the uses that are happening in the zone. Stevens indicated that there could be a better term to use for this zone there is not the perception of "Highway". Cramer stated that when they rewrote the zoning code, they tried to consolidate the commercial zones into two main types or scales (LC & HC). Cramer indicated that the event center is a large-scale development and makes more sense to have it zoned HC and the things that will likely develop with the event center will be large scale development. Dixon was concerned that this zone change will draw a hard line where residential is and where residential is not. Cramer indicated that there is a topographical line already drawn by a tall canal and it makes sense to have a differentiation in zones and uses. Swaney suggested having the applicant come forward for these questions.

Wimborne opened the public hearing.

Applicant: Laeth Sheets, 901 Pier View Drive, Suite 205, Idaho Falls, Idaho. Sheets indicated that when the zones were changed and consolidated by the City in 2018 this area was C-1 and was changed to LC, but the applicant would have rather had it zoned HC in the transition. Sheets stated that 20 acres of the rezone will be the event center. Sheets stated that

they had meetings with the Idaho Falls Auditorium District Board to get their approval and make sure it meets the needs of the Auditorium District. Sheets stated that Snake River Landing is largely commercial, and they want to open up options for development that fits with what Snake River Landing is wanting to develop. Sheets indicated that the HC will mesh well with the LC.

Support:

1. Eric Isom, SRL Development, Idaho Falls, Idaho. Isom indicated that Snake River Landing was intended to be a mixed-use project and create a community where people can live close to work, play, etc. Isom stated that they master planned the development and they have a planning code and standard that dictates what can go in each area with the end goal of creating a unique community. Isom stated that at conception they were given C-1 zone with the idea of having flexibility to find users and they intended to earn trust in how they developed in the area, and as they needed to change zones they could and this rezone will bring them back in line with where they were before the zones were consolidated and changed from C-1.

2. Mark Fuller, Esq., 410 Memorial Drive, Idaho Falls, Idaho. Fuller is the attorney for the Auditorium District. Fuller indicated that this matter was presented to the Auditorium District and approved unanimously to support the modification. Fuller indicated that the rezone will have little effect upon the auditorium district. Fuller stated that it does change the landscaping requirements inside the parking lot area and will allow an additional 20-30 car parking spaces because the landscaping can be on the outside of the parking to shield the parking lot and allow better parking layout. Fuller indicated that the Auditorium District also controls the 22 acres on the north east corner adjacent to the freeway. Fuller stated that this land was selected by the Auditorium District because it is adjacent to the freeway and equidistant between the Broadway and Sunnyside entrances. Fuller stated that the primary goal of the facility is to serve tourists and is funded by a bed tax. Fuller stated that the purpose is to attract people driving down the highway.

Opposition:

1. Lyle Castle, 1164 Saddleback Ridge Court, Idaho Falls, Idaho. Castle indicated his is close to this rezone and there is confusion between light commercial and highway commercial. Castle stated that they wanted a bikeable, walkable community to live in and they wanted the highway commercial to stay out towards Sunnyside and more businesses that are conducive to a walkable/bikeable community.

2. Mark Schmalls, 1177 Saddleback Ridge Court, Idaho Falls, Idaho. Schmalls stated that the pictures presented are old, and Snake River Parkway is a 4-lane road, and it is the only wide road in the area. Schmalls stated that the increased traffic will disrupt Warm Springs Avenue as it is only 30' wide and designated as a fire lane. Schmalls stated that the noise and traffic level could get very high. Schmalls stated that the rezone will create an overload for the area, and they believed they would have a quiet residential area to live in.

3. Jesus Rodriguez, 1199 Saddleback Ridge Court, Idaho Falls, Idaho. Rodriguez purchased his property in 2014 under the moto that housing was going to be developed on both sides of the main road in the area. Rodriguez stated that he believes they want the rezone because some of the property did not sell. Rodriguez stated that the rezone does not make sense for traffic flow and compared it to the hospital not be accessible because it is located near the

center of the town when it should be closer to the highway. Rodriguez stated that the area closer to Sunnyside should be the commercial area. Rodriguez stated that the traffic is already noisy, and the main drive is not designed to support that amount of traffic and a highway commercial area doesn't make sense near a residential area. Rodriguez stated that access to the area is not easy and people coming off the freeway will not know how to get to the area.

Applicant. Laeth Sheets, 901 Pier View Drive, Suite 205, Idaho Falls, Idaho. Sheets clarified that the current zoning is commercial, and the majority of the concerns are already approved to do with the current zoning. Sheets stated that HC does not allow High density housing. Sheets stated that across the street from the single-family homes are being developed as high density and single family residential. Sheets stated that Snake River Landing has always been intended to be mixed use. Sheets showed that Snake River Parkway is a 4-lane arterial road and designated as a major road to move a lot of traffic. Sheets stated that they are building a 5-lane road up event Center Drive to take traffic from the Event Center to disburse it south. Sheets stated that Pioneer Road is a two-lane road but will be developed into a 3-lane road with a center turn lane. Dixon asked about the property that is on the east side of the canal and along Snake River Parkway. Sheets stated that Snake River Landing is looking for flexibility, and they are wanting to limit the housing development to a certain area.

Wimborne closed the public hearing.

Morrison believes there is a definition confusion with highway commercial and clarified that highway commercial will be similar to the rest of Snake River Landing developments. Morrison added that the Event Center will create traffic and hopefully the roads can take care of the flow of traffic.

Black indicated that the sign code opens this property up a bit more for development. Black stated that traffic is an issue in any town as it grows, and the roadway will accommodate the 4500 that is anticipated seating for the Event Center. Black indicated that the area is meant for multi-use.

Dixon indicated that this development has proceeded nicely, and development was slowed because of the recession. Dixon indicated that the developer has gained trust through their past projects. Dixon stated that if there is a 4-lane road is put in there should be anticipated traffic.

Swaney agreed with Dixon and added that the City has contributed to the need for a rezone by the revision of the Ordinance. Swaney stated that Snake River Landing has followed through on their commitments throughout the years and have earned incremental trust in the development of this area and the Event Center and believes this rezone should be approved.

Morrison moved to recommend to the Mayor and City Council approval of the Snake River Landing Rezone (M&B 47.918 Acres Sections 25 & 26 T 2N R 37E, including Lot 1, Block 9 Snake River Landing Division 9 & Lots 4-6, Block 6, Snake River Landing Division 12) from LC to HC as presented, Dixon seconded the motion and it passed unanimously.

2. RZON 18-022: REZONE. Amendment of Comp Plan around the Airport. McLane presented the staff report, a part of the record. Dixon asked if the Amended Comprehensive Zoning Ordinance had been approved by City Council. Cramer indicated that it will go before City Council on May 9. Dixon asked why they suggested to change the lower right-hand triangle from Education to Industrial. McLane indicated that the development in the area is mostly I&M

and already developed industrial and not higher education/research and development. Dixon confirmed that INL has a major research facility and some minor buildings, including the Innovations Center in that area. Dixon asked if Higher education in the Comprehensive Plan allows for residential/dormitory/apartments. McLane indicated that it does allow for that development and only a portion of the new overlay would not allow for residential, so as people come to request annexation and zoning the staff would look at the overlay and the requirements and make sure the zoning fits. Morrison asked if the County has addressed this issue. McLane indicated that the County is not responding to the information that has been sent, and their Comprehensive Plan in this area does not match the City's. Morrison asked how many funds the City has received for the Airport over the last 10 years. Swaney added that he was at the County Planning Commission meeting last week and for the 2nd time this issue was brought up by Swaney and was told that the issue will not come before the County Planning Commission. Dixon asked if each of the property owners in these areas got notification. McLane indicated that they posted signs all over the western side of the City, did a press release and newspaper advertisement. Dixon asked if INL and University Place were notified. McLane indicated that they were notified, and they are very interested in these issues and have been actively participating in the discussion. Cramer indicated that the airport has received \$40 million dollars in FAA Funding over the last 15 years and is projected to receive another \$20 million over the next 3 years for projects.

Wimborne opened the public hearing.

Applicant: City of Idaho Falls.

Support:

1. Roger Blue, 825 Jerry Ave., Idaho Falls, Idaho. Blue indicated that this will bring the zoning in line with what the FAA requires. Blue indicated that the airport is at risk for having to repay the \$40 million plus the \$20 million coming soon, as well as if the zoning cannot get in line with the FAA requirements the City could lose the airport along with having to repay the funding. Blue stated that Sun Valley/Haley Airport 10 years ago began looking for a new location for their airport and found a site 30 miles south of Haley and the estimated price to move the airport was \$200-300 Million and the FAA would not pay for that move. Blue stated that Idaho Falls Airport would cost between \$300-500 Million to move. Blue stated that if the airport is lost this area will have to travel to Pocatello for air travel.

Opposition:

1. Jerry Johnson, 1000 W 33rd North, Idaho Falls, Idaho. Johnson lives across the river from the airport. Johnson stated that he has been told that the amendment is not just because of the decibel level, but also to provide a safe spot if an aircraft had to do a crash landing. Johnson stated that his property is 110 acres. Johnson stated that if an aircraft was coming into crash land there is a canal to clear, power lines, and land before they hit the river. Johnson recalled a single engine plane crash in the river and the pilot drowned as his plane went over the falls from the diversion dam. Johnson stated that planes trying to crash land in this area could easily land in the river and would end badly. Johnson stated that if there was a crash landing on I-15 it could result in a bad accident with vehicles or 10-wheeler semi. Johnson stated that the vector on the south is smaller than the north, and the prevailing wind is out of the southwest and aircraft take off from the north east to the south west and planes can crash on takeoff as well as landing. Johnson

believes the airport is located in the wrong spot to begin with. Johnson stated that there are only 14 commercial flights each day. Johnson stated that patching this problem will not fix the location and it would make more sense to re-locate the airport between Idaho Falls and Pocatello. Johnson stated that he would rather the airport relocate instead of penalizing the property owners. Johnson stated that his property is his retirement. Johnson stated that his land is worth \$65,000/acre. Johnson stated that the undeveloped value of the land would be \$4.3 million. If they have to sell it for ag land it would be sold for \$6,000/acre and that would lose them \$3.8 million. Johnson suggested relocating the airport to a regional area between Idaho Falls and Pocatello.

2. Andrew Mickelsen, 2782 E 500 North, Roberts, Idaho. Mickelsen is a pilot and family own 150 acres of the property that would be affected. Mickelsen stated that the County has been pushing back on this proposal because the County residents have been pushing back. Mickelsen stated that the higher education section is close to 400 acres of property. Mickelsen stated that Eastern Idaho Community College is located on 40-50 acres, BYU is on 70 acres. Mickelsen stated that it will take a lot of colleges and a lot of development to fill that acreage in. Mickelsen stated that he saw how fast the INL developed buildings across the river from his home growing up. Mickelsen stated that over the last 25 years they have slowly added things, but with the amount of acreage it will take 200 years to fill the property. Mickelsen stated that residential sells, and commercial, greenbelt, mixed use takes a long time to develop. Mickelsen questioned what zoning is allowed in this amendment to the comprehensive plan that would provide value for the City in the near future. Mickelsen stated that 1 year ago they sold a large portion of their property to a developer for residential development, after they had checked with the City and was told that there would be no problem with development. Mickelsen stated that he looked through the Runway Protection Zones, and from the Idaho Airport Land use Guidelines of 2016 it says *“FAA and ITD recommends airport sponsors control the runway protection zones, preferably exercised through the acquisition of sufficient property interest in the RPZ, clear the RPZ and maintain them clear of any incompatible uses or objects such as roads and structures of any kind.”* Mickelsen stated that the first step should be to find a way to take control of the RPZ and not simply regulate them with zoning changes. Mickelsen stated that the City has not approached any of the land owners to talk to them about what their land could be used for or attempt to purchase the property to make it fair and equitable. Mickelsen stated that they had anticipated selling the other half of their property but with the changes they cannot anticipate selling. Mickelsen stated that some of the property they have they paid \$18,000/acre for, and they are trying to recoup costs. Mickelsen stated that they encourage a dialogue between the City and the property owners to find something that is fair and equitable for the land owners, and would prefer to not have to go through lawsuits to settle this matter. Mickelsen stated that they feel they are being told what they have to do, and there have been no talks about easements.

3. Craig Zedusko, 6280 Red Rock Drive, Idaho Falls, Idaho. Zedusko lives in Sage Lake Golf Course Area/Fairway Estates. Zedusko asked if there has been any consideration given for the area in terms of the decibel levels and hours of operation for the airport. Zedusko stated they had a plane come in at 12:30 a.m. Zedusko stated that the airport should grow, and the City needs the growth, but they need to consider limitation on the noise and the operating hours. Zedusko suggested not having flights come in after 10 p.m. or before 6 a.m.

4. David Johnson, Esq., 477 Shoup Ave., Idaho Falls, Idaho. Johnson was speaking on behalf of Johnson Legacy, LLC, that owns the farm across the river of the north end of the

airport. Johnson stated that this farm has 7/10 of river frontage and border the Mickelsen property. Johnson stated that the Idaho Legislature has recently enacted laws or amendments to Title 50 Section 222 that talk about forced annexation to the City. Johnson stated that there have not been any meaningful or substantive interactions with City Personnel. Johnson stated they have attended the Stake Holder meetings but have not been able to talk about the possible uses for the property. Johnson acknowledged that the airport is a valuable asset and it benefits the community. Johnson stated that it is not an FAA requirement that the Comprehensive Plan be changed, but rather conditions of the funding. Johnson stated he realizes that it will cost millions to move the airport. Johnson stated that Title 67 has different conditions that the Commission must consider including private rights; usage of the property in a manner that is beneficial to the community; etc. Johnson stated that Comprehensive Plan is for long term goals for the benefit of the community. Johnson stated that this case has the City using Comprehensive Zoning for a short-term problem in order to preserve funding for the FAA. Johnson stated that in the area to be designated as Higher Education only has a satellite campus consisting of 2 buildings for 3 different Idaho universities to interact with the Site individual. Johnson stated that statistically universities across the country has decreased enrollment and projections state that by 2030 half of the colleges in the Country will close. Johnson urged the Commission to discuss if there is a need for this type of Comprehensive Planning. Johnson stated that the zoning was done for a specific purpose to preserve the funds from the FAA that the City has become dependent upon. Johnson stated that the City should be required to acquire the land as an alternative and not change zoning and Comprehensive Plan as a way to do a regulatory taking of property that will put the City and the County into a disadvantaged position in the future. Johnson stated that the airport has a limited number of flights. Johnson indicated that in order to have a viable airline you have to have a 90% passenger load and because of that the Idaho Falls Airport will not be getting more flights because they do not have the population. Johnson stated that there will not be an economic benefit to the consumer. Johnson indicated that if they are looking at long term planning, they should be looking to combine airports with Pocatello because the City's statistics show they could increase the population base to have a more viable airport system and develop routes that have been lost regionally. Johnson indicated that the proposed change to the Comprehensive Plan is for higher education and INL buildings and he does not believe either of those industries are going to be growing. Johnson stated that the overlay zoning makes no sense and the only thing that would be allowed without any conditions would be agriculture. Johnson stated that to say the airport is the center of the focus it is very myopic. Johnson stated that the greatest resource in Idaho Falls is the Snake River and the quality of life people can share. Johnson stated that allowing industrial use near the airport would be regressing.

Applicant:

McLane indicated that they have had Stake Holder meetings with broad discussion. McLane stated that Dana Briggs, Economic Development Coordinator is starting the process to coordinate a meeting with property owners and the INL and developers for the things they would like to see happen along portions of the area prior to the City Council meeting. McLane indicated that the higher education designation includes more than just campuses and research and development, it can include accessory development that can go along, including commercial and residential. Morrison asked if there has been discussion about the City purchasing any of the property for the Airport. McLane deferred to the Airport Director. McLane clarified that the

Airport is only really interested in purchasing the red area on the map which is critical to the airport.

Wimborne closed the public hearing.

Black stated that she is confused that they want to build more housing, but people that live near the airport are complaining about the noise from the airport. Black stated that the City has worked extremely hard at trying to figure out an answer, and this is not the City pushing, but rather the FAA requiring certain things of the City to have a properly functioning airport. Black stated that the airport is a huge benefit to the City, not just for direct flights, but cargo including Amazon packages etc. Black stated she does understand that people want to sell their property for what the comprehensive Plan currently states, but the Comprehensive Plan has been changed and it is reviewed to see what changes, and trends in industry are dictating. Black indicated that the Comprehensive Plan is a guideline and not set in stone. Black stated that the Airport is beneficial to the whole community. Black indicated that the site is currently building a cyber-security building that will employ 200 people and there is growth happening and just because its not residential, doesn't mean the property isn't valuable.

Dixon stated that when he moved here 39 years ago his first job was in the Willow Creek Building that had just been completed and there was only one other building. Dixon stated that there are at least 12 major buildings that have been built in that area since then as well as 2 under construction right now. Dixon stated that the property that is worth high dollars for development have had nothing develop in the last 39 years along the river and it has only been farmed and continues to be farmed. Dixon believes the area mapped out for Higher Education/Research and Development is large, and he believes there could be other possible uses that would still be compatible, such as greenbelt mixed use. Dixon believes that the portion that is proposed to change to Industrial that is east of Highway 20 and west of North Boulevard is already developed as research facilities and that designation should not be changed.

Swaney reminded the Commission that ultimately the reason they are having the discussion is because the FAA says public safety needs to be preserved and this is the method to do it. Swaney stated that this is a public safety issue and airline crashes are not a thing of the past. Swaney stated that if the areas in the glide path develop, they are putting public safety at risk. Swaney stated that the adjustments to the Comprehensive Plan will preserve the Airport and preserve public safety for air travel.

Hicks is concerned about the County's stance on this and doesn't believe that this can be resolved until there is a County/City Agreement. Hicks believes there needs to be a more concentrated effort by the City to get the County to become involved. Hicks indicated that 400 acres is a lot of ground for a school and the things that go along with it, so maybe they can look at the most practical thing that can be done and still make sure that the small area that the FAA needs to have preserved is done.

Morrison indicated that they spent 2 years discussing the Comprehensive Plan/Area of Impact with the County. Morrison stated that as a City they have a responsibility to do what ever they can to help the areas they are responsible for and the County will have to be accountable for its actions.

Dixon is unsure that they are ready to proceed and make an explicit recommendation to the Mayor and City Council and he believes more care needs to be had to determine what makes the most sense.

Wimborne indicated that it is not unusual to have proposals that come forward to have pieces to sort through and the City Staff has taken time to pull together. Wimborne suggested moving forward as it is laid out.

Black stated that the City has worked hard with the FAA and Airport and this is the second meeting to go over all of this information. Black stated that the industrial area that Dixon is concerned with is to limit some of the Educational area so its not such a large section of land. Black is comfortable recommending it to the City Council.

Morrison moved to recommend to the Mayor and City Council approval of the Comprehensive Plan Change Around the Airport, Denney seconded the motion.

Dixon proposed an Amendment to the Motion to change the area east and south east of Highway 20 and west of Boulevard not be changed to Industrial and remain higher education/Research. Motion dies for lack of second.

Wimborne called for a vote on the original Motion from Morrison to recommend to the Mayor and City Council approval of the Comprehensive Plan Change Around the Airport as presented. The motion passed 6-2. Dixon and Hicks opposed the motion.

Dixon indicated he opposed the motion because he doesn't believe they should change the Comprehensive Plan for an area that is already developed and consistent with the Comprehensive Plan; and some of the areas that are currently farm land and are identified to become Higher education/research is too big of an area.

Hicks indicated he opposed the motion because the City and the County need to work harder to come to a reasonable agreement.

3. RZON 19-004: REZONE Amend the Zoning Map to Include the Airport Overlay Zone.

McLane presented the staff report, a part of the record. Cramer indicated that they have tried to reach out to the County and have had initial discussions at the beginning and since then not a lot of response. Cramer indicated that they are on the 10th or 11th draft of the Code and the 2nd draft of the plan and the only constant is the map. Cramer stated that they need to be able to go to the County with a finished product. Cramer stated that he sends them periodic information and they are likely reviewing and aware of it. Cramer stated that they will make a more diligent effort to work with planning and zoning commission once they have a definite plan. Hicks clarified and Cramer agreed that this map will remain the same.

Wimborne opened the public hearing.

Applicant: City of Idaho Falls.

Support:

1. Roger Blue, 825 Jerry Ave., Idaho Falls, Idaho. Blue stated that this map is the next step in ensuring that the City is complying with the FAA requirements, so they are not in violation of their grant assurances and put the Airport at risk. Blue noted that based on the experience with the Sun Valley/Haley Airport it is not likely that this airport can be moved and if this airport goes

away the region will have to use Pocatello Airport. Blue corrected information about the Runway Protection Zone. Blue stated that this discussion has not included the RPZ. Blue stated that the RPZ are fully held within the red areas on the map and the City purchased most of the land to comply with the RPZ in the 60's. Blue added that the Runway Protection Zone has nothing to do with this problem.

Opposition:

1. Kevin Alcott, 101 Park Ave., Idaho Falls, Idaho. Alcott is concerned that they are so many versions beyond what was presented, and he is unsure what the changes are. Alcott stated that this map is dictated by Federal regulations and is not something local. Alcott stated that the ordinance that underlies this map is critical and needs to be highly addressed. Alcott stated that he doesn't want to lose funding, but he doesn't want to lose sight of the minimum guidelines established by the FAA, and the City shouldn't go past those minimum guidelines. Alcott believes that they got ahead of themselves by placing the moratorium and pushing beyond the Federal Regulations.

2. Ryan Loftus, Aspen Engineering, 10727 North Yellowstone Highway, Idaho Falls, Idaho. Loftus indicated that he has discussed many of these items with the County and suggested that the reason there has been no feed back from the County is because it has been dictated to them what it will be rather than getting County input. Loftus indicated that the County residents who cannot be represented by the Planning and Zoning of Idaho Falls as well as City Council will take their redress to the County Commissioners and the County Planning and Zoning and without their buy- in they will not accept this plan, and this will be back to square one. Loftus recommended that the City work with the County so that it doesn't force residents to be divided between the City and the County.

3. Andrew Mickelsen, 2782 E 500 N, Roberts, Idaho. Mickelsen echoed Loftus. Mickelsen stated that he was not notified of the first meeting on this likely because they are not City residents and the property is not on City boundaries, but this plan affects them. Mickelsen stated that he would have come to the previous meetings had he known about them. Mickelsen stated that this change is premature and doesn't believe this can be rushed.

4. Lynn Rockhold, 5905 Glen Eagles, Idaho Falls, Idaho. Rockhold lives in the purple area. Rockhold went to the second open house and learned more about how these changes could impact Fairway Estates. Rockhold believes the letters that were sent out were disregarded as they believed it did not affect them, and only was about the moratorium to developers. Rockhold agreed with Dixon on the Comprehensive Plan about the Research and Development East of Highway 20. Rockhold stated that the Comprehensive Plan is a glimpse in the future and not well defined. Rockhold stated that Voice Advocacy took comments from the public to develop a report and the emphasis has been on how much Idaho Falls will grow in population, and now Idaho Falls has been designated the top 25th place for business growth. Rockhold believes the north end of Idaho Falls is a gem in the rough for annexation and residential development and improvement. Rockhold urges the Commission to hone in the requirements to exactly what the FAA requires and nothing more. Rockhold is upset about the Real Estate Disclosure Statements that could affect their property value and easements that are difficult to understand. Rockhold would like a group of Fairway Estate residents to meet with City Staff to help them understand what the impact to them will be. Rockhold suggested that moving the airport would not be too far for people to go to another airport.

Swaney suggested having the Airport Director comment and include the timeline that the FAA has given for this problem to be resolved.

Rick Cloutier, Idaho Falls Airport Director. Cloutier stated that the Idaho Falls Airport is found in non-compliance with their land use by the FAA in a recent audit. Cloutier stated that there is no timeline, and the Airport has been put on notice and the FAA can come at any time and find the Airport in violation. Cloutier stated that the Comprehensive Plans and Maps have been vetted by the FAA already and that is why some of the changes were made in some of the documents due to input from the FAA. Cloutier stated that they have worked to bring the regulations and changes to the most minimum standards and some areas they have put the wording in place that brings them into compliance with the FAA but still be able to make some decisions.

Swaney clarified and Cloutier agreed that there is not an unlimited amount of time to work through these issues. Cloutier added that they were in jeopardy of not receiving the grant this upcoming year in June, if they do not make headway to resolve the non-compliance. Cloutier indicated that they have started an expansion of the baggage claim area and are anticipating more improvements. Cloutier stated that the Airport has 7 different destinations that are served directly. Cloutier stated that during the winter there are 14 daily flights and summer there are 16-18 flights. Cloutier indicated that both the major carriers of United and Delta have added flights beginning June and July and they will have more direct flights every day to different destinations including Minneapolis. Cloutier stated that in 2018 they had 35,000 more passengers than 2017. Cloutier stated that they are the fastest growing Airport per-capita in the State of Idaho. Cloutier stated that from 2010 Economic Impact Statement they had a \$44 million/year economic impact on the Region. Cloutier stated that the passenger employments are over 93% capacity on every flight.

Dixon asked what it means to be in non-compliance and what are the things that limit the capacity of the Airport and how close is this Airport to those limits, including the runway and how many planes can come in and out in a day and the terminal that can be expanded. Cloutier indicated that many airports throughout the Country are found in non-compliance. Cloutier stated that the City/ County of San Diego spent millions of dollars to improve the same zones that are being discussed and where they couldn't get rid of buildings, they spent millions of dollars to sound proof the buildings. Cloutier stated that the runway is 9700' long so they can handle aircraft on the runway up to a 737, Airbus 320 (180 passengers). Cloutier stated that the most limiting thing currently is terminal capacity. Dixon asked how many flights it would take to see limitations of only having one runway. Cloutier indicated that 150 flights/operations can be handled by the single runway. Cloutier clarified that they are doing 18 commercial flights and 65 total operations (commercial, private, cargo).

Jerry Johnson, 1000 W 33rd North, Idaho Falls, Idaho. Johnson asked if they can take some of the \$20 million that the airport is getting and buy the farms. Wimborne clarified that the money is part of a grant for airport operations.

Jim Clayton, 630 W Riverview, Idaho Falls, Idaho. Clayton asked why they have allowed the developers to develop residential (River Acres, Fairway Estates) and only now are realizing this is a problem and the development now needs to be controlled. Clayton asked why the Comprehensive Plan did not look ahead and now it is affecting these people, and their livelihoods.

Dave Johnson, Esq., 477 Shoup Ave., Idaho Falls, Idaho. Johnson asked what compliance is necessary for them to control that is outside of the City limits and in the jurisdiction of Bonneville County.

Lynn Rockhold, 5905 Glen Eagles, Idaho Falls, Idaho. Rockhold thanked the City for helping her gather documents. Rockhold wanted a copy of the latest version of the easement and it is complicated. Rockhold stated that they do not have a real estate disclosure statement for Fairway Estates and that concerns her. Rockhold requested that they have public meetings with residents to talk this over. Rockhold stated that the easement led to questions, and it appears to be between the City (Grantor) and the Airport (Grantee). Rockhold requested better communication between the residents and City so they know what they can do within the confines of the law.

Applicant:

McLane stated that the disclosure statement that Rockhold brought up has been changed and now the Real Estate Disclosure Statement is now a note made on plats for new plats and existing plats would fall under a change in the zoning ordinance and if it is a non-conforming use and the development pattern changes (replatting or change of use) then the plat would be required to be updated with the note, but an existing residential neighborhood will not be retroactively effected with the note. McLane stated that the Avigation Easement's language was incorrect when he sent the draft to Rockhold and that has been updated and corrected. McLane stated that the City has jurisdiction only over City property and not County property. McLane stated that there is a current Area of Impact Agreement between the City and County that states any properties within the Area of Impact Agreement the City has some influence on those properties. McLane state that the Area of Impact guidelines will allow the City to continue to make recommendations based on the current code. McLane stated that if the County chose to develop a property that is contrary to what the City wants, they could take legal action to protect the Airport as well as other options the FAA might have to help mitigate the discrepancies that could happen between the developments. Wimborne clarified and McLane agreed that the County does not have an agreement with the FAA or airport.

Rick Cloutier, Idaho Falls Airport Director. Cloutier stated that there are Federal Regulations that protect the lands so even about the City/County level the FAA requires the City or sponsor to be able to control what they can (Annexed property) and there are Federal Regulations that they can pursue along with the FAA to control development in the area.

Black asked if the north area that is being affected with the change to the comprehensive Plan and Overlay Zone is part of the Area of Impact. McLane showed that there are portions that are within the Area of Impact.

Cramer stated that the FAA has changed what it cares about and that is why they are having to make these changes now. Cramer stated that originally the concern was height, then 20-30 years ago they started to care about noise, and now they care about land use, height, and noise. Cramer stated that there has been a Comprehensive Plan in place, and they accommodated what they thought the FAA cared about which is why some of the residential development has been allowed, and the reality is now they care about new things and the City is now trying to address it.

McLane stated that the Comprehensive Plan has within it a statement saying that it should be reviewed frequently to address these types of changes.

Wimborne closed the public hearing.

Dixon indicated that this action is a recommendation on the map, but the same packet includes a lot of additions to the Zoning Ordinance that is then reflected in the map and what rules apply to each of the zones on the map. Dixon stated that the rules are FAA mumbo jumbo and Dixon recommended that the Staff consider writing a short section written so it can be understood easily to show the impact on the people already living in the zones.

Hicks clarified that they are only approving the Airport Overlay Map. Wimborne agreed and added that the Zoning Ordinance has already been recommended to move on to the Mayor and City Council. Dixon indicated that the FAA generated and defined the map and their rules are defining what is on the map.

Black asked what draft # is in the packet. McLane stated that the draft in the packet is #6, and changes have been made after internal discussions. Black clarified and McLane agreed that City Council will have the final draft and what they approve will be final.

Swaney reminded the Commission that the whole purpose of this is to maintain public safety and not an exercise in to equitably compensating anyone who lives within the zone for any distress they may feel about the change.

Morrison moved to recommend to the Mayor and City Council approval of the Amendments to the Zoning Map to Include the Airport Overlay Zoning, Dixon seconded the motion and it passed unanimously.

Wimborne called a 5- minute recess.

Wimborne called the Meeting back to Order.

Business:

4. PLAT 17-021: FINAL PLAT. Eagle Rock Town Center Division 4. McLane presented the staff report, a part of the record. Dixon asked if there is a cross-access agreement on the property. McLane confirmed that there is a cross-access agreement on the property, and they don't always put it on the plat, but will include it on the site plan.

No Applicant.

Hicks moved to recommend to the Mayor and City Council approval of the Final Plat for Eagle Rock Town Center Division 4, Denney seconded the motion and it passed unanimously.

5. PLAT 19-003: FINAL PLAT. Sand Pointe Div. No. 3. Beutler presented the staff report, a part of the record. Black asked about the connecting bike path. Beutler indicated that the bike path is in Division 2 along the canal.

Applicant was present but did not speak.

Dixon moved to recommend to the Mayor and City Council the Final Plat for Sand Pointe Division No. 3, Hicks seconded the motion and it passed unanimously.

Respectfully Submitted

Beckie Thompson, Recorder