



City Council Meeting

680 Park Avenue
Idaho Falls, ID 83402

Minutes - Final

Thursday, June 24, 2021

7:30 PM

City Council Chambers

1. Call to Order.

Present: Mayor Rebecca L Noah Casper, Council President Michelle Ziel-Dingman, Councilor John Radford, Councilor Thomas Hally, Councilor Jim Freeman, Councilor Jim Francis, and Councilor Lisa Burtenshaw

Also present:

All available Department Directors

Randy Fife, City Attorney

Kathy Hampton, City Clerk

2. Pledge of Allegiance.

Mayor Casper requested Blake Jolley, local professional, to lead those present in the Pledge of Allegiance.

3. Public Comment.

Mayor Casper requested any public comment not related to items currently listed on the agenda or not related to a pending matter.

Gail Zirtzlaff, Delaware Avenue, appeared. Ms. Zirtzlaff indicated she and her husband have previously appeared in front of the Council and have also had discussions with former councilmembers, legal staff, the police chief, and fire prevention staff. She believes her neighborhood is the worst in the county for fireworks. She displayed a picture of 17 cases of fireworks set off by her neighbor, indicating this picture was taken 12 hours following sanitation pickup. She believes these fireworks cost approximately \$100 per box. Ms. Zirtzlaff stated the police came to their residence, however, they were retaliated against from the neighbors with taped fireworks set off in the driveway at 3:00 a.m. She indicated she is aware of names and addresses of those individuals. She also indicated it took five (5) hours to set off these fireworks and she does not understand why the police couldn't come within this timeframe. Ms. Zirtzlaff stated this was one of the five largest homes in the neighborhood of 274 homes. She questioned if someone who has a lot of money can do what they please. She requested police enforcement and indicated she will go to the police chief again. She doesn't know what to do for education. She expressed her frustration as she believes the neighbors don't care.

Linda Robinson (as confirmed by Mayor Casper) appeared. Ms. Robinson stated there is a need to include resurfacing of the Skyline High School (SHS) tennis court in the budget. She indicated she sent the Councilmembers an email with pictures of the current state of the tennis courts. She stated the tennis team cannot practice at these courts due to the trip and injury hazards. As a result, the tennis team missed their first four (4) games in the previous season. Ms. Robinson stated SHS has the smallest tennis team due to the state of the tennis courts which they believe is not of value or importance to the City. She also stated the coach will recruit in elementary and middle schools in order to increase tennis performance, and School Board Member Paul Haacke will have discussion with the school superintendent regarding extracurricular activities being considered as a PE credit which has occurred in School

District 93. Ms. Robinson indicated she has contacted Parks and Recreation (P&R) Superintendent Ronnie Campbell who agreed with the need. She also indicated she could not find a maintenance record for the courts. Ms. Robinson stated the SHS athletic director indicated the previous school superintendent has been in contact with P&R Director PJ Holm. Ms. Robinson realizes budgets are tight. She believes the inclusion of this item in the budget would be a show of goodwill to the school district for reimbursement of resurfacing and would show the community they care about the students health and well-being and diversity of sports.

4. Consent Agenda.

A. Public Works

1) Bid Award - Heritage Park Diversions and Grading Project

On Tuesday, June 15, 2021, bids were received and opened for the Heritage Park Diversions and Grading project. A tabulation of bid results is attached. The purpose of the proposed bid award is to enter into contract with the lowest bidder to furnish all tools, labor, equipment, and materials necessary to install storm drains in Heritage Park.

B. Idaho Falls Power

1) IF20-16, Additional Spending Request for Fiber Optic Cable Installation Services

City Council approved Wheeler Electric, Inc.'s original contract to provide residential fiber optic cable installation services for an amount of \$400,000.00 on April 23, 2020. Additional work is required to close out this phase of the project and IFF is not aware of any contractors that are interested in the work. To prevent construction delays and potential higher priced services, IFF is requesting an extension of Wheeler's contract for additional spending.

2) IF21-35 Fiber Microduct Installation Services Agreement - Shallow

Idaho Falls Fiber (IFF) solicited bids from qualified contractors to provide shallow microduct installation services with shallow depth surface trenching, generally above landscaping irrigation systems. IFF received four bids with B. Jackson Construction being the lowest responsive, responsible bidder. The base bid is \$112,512.00 plus a ten percent (10%) contingency of \$11,251.00.

3) IF21-37 Fiber Microduct Installation Services Agreement - Deep

Idaho Falls Fiber (IFF) solicited bids from qualified contractors to provide microduct installation services with deep drops, generally at a minimum of 18 inches. This installation method allows IFF to install microduct under sprinkler systems, driveways, sheds, etc., minimal surface disruption thereby minimizing damage and other costs. IFF received four quotes/bids with B. Jackson Construction being the lowest responsive, responsible bidder. The base bid was \$127,812.00, plus a ten percent (10%) contingency of \$12,781.00.

4) Idaho Falls Power Board Meeting Minutes - April and May 2021

April 22, 2021 Idaho Falls Power Board Meeting; April 22, 2021 Idaho Power Board Special Meeting; May 25, 2021 Idaho Falls Power Board Special Meeting; and May 27, 2021 Idaho Falls

Power Board Meeting.

C. Municipal Services

- 1) Minutes from Council Meetings
June 7, 2021 City Council Work Session; and June 10, 2021 City Council Meeting.
- 2) License Applications, all carrying the required approvals

Recommended Action:

It was moved by Councilor Burtenshaw, seconded by Council President Ziel-Dingman, to accept all items on the Consent Agenda according to the recommendations presented. The motion carried by the following vote: Aye - Councilors Freeman, Francis, Hally, Radford, Burtenshaw, Dingman. Nay - none.

5. Regular Agenda.

A. Public Works

1) Residential Water Conservation Pilot Program

The Water Division of the Public Works Department is seeking approval to establish a Residential Water Conservation Pilot Program. If approved, the pilot program would initiate the installation of approximately 100 water meters on residential properties chosen at random by the city. Residential water meters would be provided and installed by the city at no cost to the homeowner. Water consumption will be collected the first year and used for informational purposes. Billing for water use will continue to use flat-monthly rate fees.

Following the initial year of installation and information gathering, the city will work with homeowners to choose and install water saving fixtures within the home. The city will participate up to a maximum of \$500 for fixture replacements and an additional \$500 per household for the cost of a plumber, if required.

The pilot program will help gather water consumption data and provide valuable information regarding potential benefits of various low flow water fixture installation.

Water Superintendent David Richards appeared. He stated in 2006 the State of Idaho mandated meter pits be installed on all new construction for residential homes or commercial businesses. He noted there are more than 3,000 existing meter pits to date that have been installed on residential homes and commercial businesses. Mr. Richards stated this conservation project will give a better understanding for a future rebate program and water use patterns. Per Mayor Casper, Mr. Richards stated the City could operate from 3-4 wells in the winter, however, all 20 wells are used during the summer months. He also stated water conservation is a huge issue. He believes 30-40% of the current water usage could be saved through conservation measures. Per Councilor Burtenshaw, Mr. Richards stated the meters

have cellular technology that can be read cellularly from the office. He also stated homeowners could log into the customer portal and could self-monitor their usage on a daily basis. The software also establishes warnings, alarms, and water leak notifications. Per Councilor Radford, Mr. Richards stated the meters have previously been purchased and the cellular service was more cutting edge for this study. He noted it currently takes approximately a week to hand-read meters, and a consultant has been hired to identify a meter company. Per Councilor Francis, Mr. Richards stated the City will randomly select the lots, customers will not apply. He emphasized this project is not for billing purposes, and the selected homes will continue to pay a flat rate. Councilor Freeman stated there is a large expense to install meters on all homes, which is not taken lightly. Mr. Richards noted the Water Division is in the process of converting all commercial accounts. Mayor Casper noted rates are based on extrapolated information. Councilor Freeman believes this is one of many efforts to save water.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the Residential Water Conservation Pilot Program and give authorization for staff to implement the program. The motion carried by the following vote: Aye - Councilors Radford, Freeman, Burtenshaw, Francis, Dingman, Hally. Nay - none.

- 2) State Local Agreement with the Idaho Transportation Department (ITD) and the Eastern Idaho Railroad for the resurfacing and signal installation of the railroad crossing on Hemmert Avenue between North Holmes Avenue and North Yellowstone Highway.

Approval of the State Local Agreement with ITD for the resurfacing and signal installation of the railroad crossing on Hemmert Avenue between North Holmes Avenue and North Yellowstone Highway, and authorization for Mayor and City Clerk to sign the documents or take other action deemed appropriate.

Public Works Assistant Director Chris Canfield appeared. Mr. Canfield stated this is a three-way agreement with the railroad, ITD, and the City. The City will provide the construction of the roadway widening up to tracks, the railroad will install planking of the tracks and installation and upgrade to the railroad crossing, and ITD is programming funds for the upgrade of the signalized crossing. Per Mayor Casper, Mr. Canfield described the project stating it will accommodate sidewalk, curb, and gutter with a center turn lane and a through lane. He indicated this is a key linkage for water and street department services. He noted crossing arms will also be installed. Councilor Freeman indicated this road is heavily used by large vehicles and is a dangerous intersection.

It was moved by Councilor Freeman, seconded by Councilor Radford, to approve the State Local Agreement with ITD for the resurfacing and signal installation of the railroad crossing on Hemmert Avenue between North Holmes Avenue and North Yellowstone Highway, and authorize the Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Hally, Burtenshaw, Dingman, Freeman, Francis, Radford. Nay - none.

- 3) State Local Agreement and Resolution with the Local Highway Technical Assistance Council (LHTAC) for the South Higbee Avenue, Butte Arm Canal Bridge project.

Attached for your consideration is a State Local Agreement for construction with Local Highway Technical Assistance Council (LHTAC) for the South Higbee Avenue, Butte Arm Canal Bridge replacement.

Mr. Canfield stated per the federal aid bridge program, projects are completed as bridge allocation funds become available. He indicated ITD was able to obtain additional grant funding State-wide through an alternative incentive approaches project/programming which combined eight (8) bridge replacements into one (1) design package project. Mr. Canfield noted this is a sub-agreement with LHTAC who is administering the master agreement for all eight (8) structures. He also noted this program will allow bridge replacement sooner although it requires additional funding mechanisms. The City match is 7.34%. Per Mayor Casper, Mr. Canfield stated the City has paid approximately \$32,000 for design costs. Per Councilor Francis, Mr. Canfield explained the bridge crossing noting this is not part of the Connecting our Community (COC) Plan, extra construction would be needed for COC. Councilor Freeman noted this bridge has been banned from school bus crossings.

It was moved by Councilor Freeman, seconded by Councilor Radford, for approval of the State Local Agreement and Resolution with LHTAC for the South Higbee Avenue, Butte Arm Canal Bridge project and authorize the Mayor and City Clerk to sign the documents. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Radford, Dingman, Freeman, Francis. Nay - none.

RESOLUTION 2021-18

WHEREAS, THE LOCAL HIGHWAY TECHNICAL ASSISTANCE COUNCIL, HEREAFTER CALLED THE LHTAC, HAS SUBMITTED AN AGREEMENT STATING OBLIGATIONS OF THE LHTAC AND THE CITY OF IDAHO FALLS, HEREAFTER CALLED THE CITY, FOR REPLACING THE HIGBEE BRIDGE.

B. Community Development Services

- 1) Public Hearing-Rezone from TN to CC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards, approximately 0.1285 acres, portion of Lots 4-5, Block 18, Original Townsite.

Attached is the application for Rezoning from TN to CC, Zoning Ordinance, and Reasoned Statement of Relevant Criteria and Standards for approximately 0.1285 acres, portion of Lots 4-5, Block 18, Original Townsite. The Planning and Zoning Commission considered this item at its June 1, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested staff presentation as the applicant was not present.

Community Development Services Director Brad Cramer appeared. He presented the following:

Slide 1 - Property under consideration

Director Cramer stated this property is just over 1/10 of an acre. He noted there is CC to the west and the north, and the two (2) parcels are under the same ownership.

Slide 2 - Comprehensive Plan Future Land Use Map

Director Cramer identified the surrounding areas.

Slide 3 - Aerial photo of property under consideration

Director Cramer stated the surrounding land uses are very mixed.

Slide 4 - Additional aerial photo of property under consideration

Slide 5 - Photo looking west across the property

Slide 6 - Photo looking along adjacent street

Councilor Freeman questioned a recent easement vacation in the alley. Mr. Canfield confirmed there are utilities in the alley. Per Councilor Francis, Director Cramer confirmed CC in the adjacent zone and similar zoning and uses already occurring in the area. Also per Councilor Francis, Director Cramer stated he will verify the easement vacation. Per Mayor Casper, Director Cramer believes the functionality of the alley would not matter until the site layout changes.

Mayor Casper requested any public comment. No one appeared. Mayor Casper closed the public hearing.

Councilor Radford believes a diversity of uses in neighborhoods makes the community more interesting, more livable, and more walkable. He noted this property is adjacent to a park which could make a walkable space for any commercial use. He is hopeful to find these types of spaces in more neighborhoods. Councilor Francis believes this makes sense. Council President Dingman believes this is a perfect infill project with great entry and exit.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the ordinance rezoning approximately 0.1285 acres, portion of Lots 4-5, Block 18, Original Townsite, from TN to CC under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Dingman, Burtenshaw, Francis, Freeman, Hally, Radford. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3390

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE REZONING OF APPROXIMATELY 0.1285 ACRE AS DESCRIBED IN SECTION 1 OF THIS ORDINANCE FROM TN ZONE TO CC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

It was moved by Councilor Radford, seconded by Councilor Francis, to approve the Reasoned Statement of Relevant Criteria and Standards for the rezone from TN to CC and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Francis, Dingman, Freeman, Hally, Radford, Burtenshaw. Nay - none.

- 2) Public Hearing - Planned Unit Development (PUD) and Reasoned Statement of Relevant Criteria and Standards, Harvest Homes at Taylor View PUD.

Attached is the application for the PUD and Reasoned Statement of Relevant Criteria and Standards for Harvest Homes at Taylor View PUD. The Planning and Zoning Commission considered this item at its February 2, 2021, meeting and recommended approval by a unanimous vote. Staff concurs with this recommendation.

Councilor Francis noted several former students and current friends appeared before the P&Z Commission although he has no financial interest in this item and will not recuse himself.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. She requested applicant presentation.

Blake Jolley, Connect Engineering, appeared. He presented the following:

Slide 1 - Property under consideration

Mr. Jolley identified the surrounding area.

Slide 2 - PUD concept for Harvest Homes at Taylor View

Mr. Jolley stated this project has been in the works for some time, beginning in April 2020. He believed all items were approved in April 2020 although they had to go back to ensure due process was followed. He stated this was presented to P&Z in December 2020, and he noted the P&Z believed this was a good opportunity for the area. Mr. Jolley indicated the developer tried to alternate the fronts and backs of the buildings to prevent looking down a single street. The developer also tried to accomplish a different home front that provides different elevation views that can be diversified from the surrounding area to create a unique asset to the area. Mr. Jolley and the developer believe this is a unique piece of property due to it being so narrow and there is not a lot of frontage on Holmes Avenue, therefore, in order to provide an access into the property the developer is building basically an entire City street on the south 50 feet. He indicated, per Public Works and Engineering, as the road develops it made more sense to have the landscape strip on the south side. The north side will be similar to a standard street with asphalt, curb, and gutter. Mr. Jolley stated there is a street connection network to 49th S. He also stated a preliminary plat and a final plat have been put together for approval and he believes the P&Z supports the project.

Slide 3 - Additional PUD concept for Harvest Homes at Taylor View

Mr. Jolley stated there is approximately 38.4% of landscaping and approximately $\frac{3}{4}$ acre park in the middle that will house stormwater as well as playground equipment and a gazebo. He also stated a pathway will surround the property that will potentially connect to the Taylor View schools. Per Councilor Francis, Mr. Jolley clarified the fronts of the homes will vary by distances to the streets, and Mr. Jolley described the pathway.

Mayor Casper requested staff presentation.

Director Cramer appeared. He recognized the presence of Planner Naysha Foster as the project manager. He noted a previous PUD was withdrawn during a Council Meeting in August 2020 as

it did not comply with the current code, and the Missing Middle Report from Opticos was received that same day. He also noted this PUD was resubmitted which is different in building types although the density and layout are the same. The previous PUD was four (4) units per building, this PUD is two (2) units per building although the number of units remains the same. Director Cramer stated the code changes have since been made. He presented the following: Slide 9 (of the presentation) - Requirement for approval

11-6-3(H)(7): Upon receipt of the recommendation of the Commission, a public hearing before the City Council shall be held, and the Council shall approve or deny the application.

*If the Council denies the application, it shall prepare specific written findings indicating the basis of its denial **and the performance standards not met by such application (emphasis added).***

If the Council approves the application, it shall adopt the findings of the Commission together with any additional findings or modifications it deems necessary and order the Zoning Administrator to issue a permit which incorporates the representations made in the application and any other conditions required by the Council in order to ensure compliance with this article."

Director Cramer stated the ordinance requirements are the key findings which is the standard of approval or not. He indicated there are seven (7) pages of PUD requirements.

Slide 1 - Property under consideration

Director Cramer stated this property was annexed approximately one (1) year ago as R1. He also stated the PUD does not change the allowed land uses but it changes the densities allowed. Non PUD R1 allows seven (7) units per net acre, PUD allows eight (8) units per gross acre. Director Cramer described the gross density calculation and the net acreage calculation. He indicated a PUD provides a substantial density bonus in exchange for required amenities and performance standards which also requires a deeper public process. He stated the PUD is allowed eight (8) units per gross acre, which totals 36 units for this site. He noted 28 units are proposed.

Slide 2 - Aerial photo of property under consideration

Slide 3 - Additional aerial photo of property under consideration

Slide 4 - PUD concept for Harvest Homes at Taylor View

Director Cramer stated the connecting road is not part of the PUD, however it is part of the preliminary plat which has already been approved by P&Z. He also stated per the subdivision code, a dead end street more than 600 feet in length cannot be built unless a preliminary plat has been approved. He noted the road on the north is approximately 1,300 feet. He also noted the road will be addressed in the Development Agreement of the final plat.

Slide 5 - Closer view of the PUD concept

Director Cramer reiterated there are 28 units proposed, the net density calculation would be 22 units proposed if not for the middle space. He noted without the PUD the middle space is not required and is typically not built. He also stated the PUD complies with the 25% requirement of common open space.

Slide 8 - Photos of adjacency to Taylor View Jr. High and adjacency to existing vacant agricultural land

Director Cramer reminded the Council that P&Z unanimously approved the PUD. Per Councilor

Hally, Director Cramer stated upkeep of the retention pond is private. Per Councilor Burtenshaw, Director Cramer stated some retention is required on-site, and some of the particular middle space would be required in some fashion. Councilor Burtenshaw questioned the requirements of the A-K Standards. Director Cramer indicated the A-K Standards are included in the Purpose of the PUD within the code and have been copied/pasted into staff comments. He also indicated not all standards are reviewed for compliance, only those that would specifically apply as these are purpose statements for PUDs. Councilor Burtenshaw also questioned why every developer who wants larger density does not apply for a PUD. Director Cramer believes most developers don't want to go through the extra process or extra standards as it may not be as easy to be approved as R1. Per Councilor Freeman, Director Cramer confirmed a City street would run in front of this property and the developer is building the street. Per Councilor Francis, Director Cramer confirmed a PUD adds more open space and therefore is allowed to be more dense; the preliminary plat only comes to Council on an appeal; the preliminary plat has already been approved by P&Z; the final plat has not come before City Council yet; the development agreement covers the construction of the street; and it is not unusual for a PUD approval to come before platting because without the PUD those lots on the plat do not comply with the code. He stated the preliminary plat shows all the phases and connections which must be built. Councilor Francis questioned the connecting pathway to the school. Director Cramer deferred this question to Mr. Jolley. Mayor Casper questioned the timeliness of the road to be built. Director Cramer stated this will be addressed in the development agreement. Mr. Jolley reappeared. He stated the intent is to connect the path to the school property, unless a fence is installed on the school grounds. He noted if the street did not happen, there is a requirement to provide emergency access vehicle turnaround. He also noted the final plats have been submitted for both phases with the hope to have both final plats before the Council in one (1) construction phase. Per Councilor Burtenshaw, Mr. Jolley confirmed there are 16 lots proposed for the west end of the property which are currently zoned R1, this does not include the requested PUD. He also noted the two (2) separate properties are owned by different individuals. Per Councilor Francis, Director Cramer confirmed the landscape meets the requirements. He noted per the pathway connection, if the Council does not believe this meets the defined standard the Council could approve with condition(s). He also noted PUDs often get used to build private streets as they have lesser standards, however, roads must come closer to meet the City streetscape standards. He believes this meets the City street standard for the landscape strip, and he confirmed there is a 25' setback.

Mayor Casper requested public comment.

Curtis Smith, Holmes Avenue, appeared. Mr. Smith expressed his appreciation to the Council and City staff. He stated he had the opportunity to grow up on the numbered streets and has lived throughout other neighborhoods in the City. He believes the diversity in these neighborhoods makes the City strong. Mr. Smith indicated he and his wife moved into this property two (2) years before this process started. He also indicated he is not worried about development as he is for development. He stated approximately 100 neighbors slotted him to

be the spokesperson for this project. Mr. Smith noted his intent is not to prevent this PUD from happening. He believes the City needs this development but it should be done in a thoughtful and correct way. Mr. Smith believes the current plan is due to neighbors' suggestions at three (3) prior meetings and plans. He noted the ownership of the adjacent property has changed twice, and there was no intent of the owners to build a road. He indicated the neighbors are concerned regarding the road. He also indicated the road is a dirt road accessed by lawn crews, school district trucks, etc. He believes safety measures must be put in for the pathway and he is unaware of any changes to this road by the school district, which has not been discussed. He indicated this is a heavy traffic area but was told traffic really shouldn't be considered as a worry. Mr. Smith stated an individual can't walk down Holmes Avenue, and Holmes Avenue has become dangerous. He believes any access must be done somewhere other than Holmes Avenue until Holmes Avenue is developed with sidewalks and a safer, widened street. Mr. Smith indicated there was no argument with the P&Z about meeting the factors of the PUD, however, he believes this does not meet a PUD as there are no similarities between this proposed PUD and other PUDs around the City, they are not comparable. He reviewed four (4) of the Standards that do not meet any criteria including A: "Compatibility with the contiguous neighborhood" - considering all surrounding neighborhoods are either large county parcels or are zoned RP and RE, this does not meet the compatibility. B: "Promote redevelopment and reuse of previously developed property" - the proposed PUD is not in a previously developed area. C: "Provide for master planned development that include attractive streetscapes that are not dominated by parked vehicles or garage entrances" - a sidewalk is preferred along the back. Mr. Smith stated from experience of a gravel path, gravel would be required every year or it would be a dirt path. D: "Structures should be oriented towards common areas and have a range of building positions" - all 28 structures in the proposed PUD have the exact same setback, the exact same space between buildings, none are oriented to the common space, not a single building faces or backs on the common area with only a gravel path at the rear end each connecting to the common area, and it really doesn't meet the intent. Mr. Smith believes reasons could be found in A-K that would not fit. He indicated the neighbors were told these are suggestions. Mr. Smith believes the City ordinance suggests a PUD may be appropriate if certain conditions are met. The word 'may' in the City ordinance is important because it clarifies that even if a PUD meets all of these requirements, it still may be inappropriate for the area, not only in the location but if it doesn't meet the submitted plat it does not meet the described requirements for a PUD. Mr. Smith read a statement from Mike Groberg who owns several fields west of the proposed PUD - 'we own 11.6 acres of property just south of this parcel and have been offered six (6) times more money for our property if we can get a zone with a higher density than the traditional R1 zone allows'. Mr. Smith believes most developers would ask for a PUD. Mr. Groberg's statement continues - 'if we were to get a PUD passed on our parcel we could have 92 units immediately south of the parcel we are discussing. Ours is much more difficult to develop because of its unusual shape and the location of the utilities. Approving this PUD would set a dangerous precedent for the surrounding parcel of land. One additional purpose of a PUD states 'achieve a compatible land use relationship with the surrounding area'. This objective is obviously not being met. The surrounding areas are greater than one (1) acre County parcels

and undeveloped farm ground. Even Manchester Estates has proposed much larger lots sizes than this development. I want Idaho Falls to develop but I want it to develop in a reasonable manner. This PUD should be turned down. Only a development of less than seven (7) units per net acre should be approved in a low-density designation. If not, there is going to be fight after fight as to surrounding property and its development'. Mr. Smith reiterated he wants this parcel developed and wants Idaho Falls to have diverse neighborhoods but it should be done responsibly. He does not believe this makes sense for the infrastructure.

Jake Hall, appeared. Mr. Hall stated he grew up just down the street from Mr. Smith. He believes developing the area is a good thing as there is a lack of housing and developing high density is a more sustainable alternative to continually building low density residential areas. However, he also believes without some infrastructure upgrade on Holmes Avenue he doesn't see how the City can continue to approve developments where infrastructure doesn't exist. Mr. Hall indicated he had to be driven to school because Holmes Avenue is not a safe road. He believes this should be considered and it keeps getting pushed down the road as the City doesn't want to put in infrastructure to widen Holmes Avenue. He also believes this is a hazard and should be addressed.

Mr. Jolley reappeared for rebuttal. He stated, referring to the PUD, all individuals have opinions about what unique is. He believes there is a definition of unique and what makes this property unique for a PUD. He also believes the PUD meets the criteria in the City ordinance. He stated this application has been with staff for more than one (1) year, and he would lean on staff's recommendation. Mr. Jolley noted the R1 Zone allows twinhome/duplex (attached with a common wall). He indicated the PUD is not of that style although the 16 lots on the R1 is intended to be developed as twinhomes.

Mayor Casper closed the public hearing. Councilor Freeman believes the applicant has changed and adjusted the plan to satisfy concerns from the neighbors; the PUD meets the standards; he cannot find reason for denial; there is a need for all types of housing in the City; and this will be a good addition. He also agrees the infrastructure problems need addressed. Councilor Francis stated he has concern with Section K as he is unsure if this standard is being met; he has concern with the pathway as he does not believe the pathway is adequate; and he is unsure about the preliminary plat process. Councilor Radford indicated he would not support the PUD as he believes the infrastructure is a problem and he believes development should pay for infrastructure. He indicated the concept of having lower standards in the PUD is the reason to change the subdivision ordinance. Council President Dingman believes PUDs are infrequent due to the higher standards; developers must have a vision for creation of land to go through this process; this has become a recurring theme between the Comprehensive Plan and the Zoning Ordinance; and the Council needs to see if this meets enough of the criteria if it doesn't meet all the criteria. She indicated some members of the Council attended training for Reasoned Statements of Relevant Criteria. She also indicated density does not violate the current ordinances. She also agrees the infrastructure could be improved and is a valid concern although she cannot find a reason to deny the PUD. She believes community input matters.

Councilor Burtenshaw expressed her concern with meeting objectives of the Purposes. Council President Dingman does not believe all of A-K Standards must be met. Discussion followed regarding the objectives of permitting a PUD. Mr. Fife stated an applicant has the right to rely on the law and to rely on what the law does not contain. He reminded the Council to rely on the law that exists today and the zoning that exists today or the decision would be put at risk. Per Councilor Francis, Mr. Fife did not recommend amending the motion to include an exception. He stated the development process follows an order. Director Cramer stated the PUD could not be presented to Council had the preliminary plat not shown the road. He reiterated the preliminary plat has been approved. He also stated the final plat will have improvement drawings that will indicate all the details of the road and sidewalks as well as the development agreement that lays out all the standards and road improvements and the Council can amend any development agreement as needed. He noted permits are not issued until the plat is approved and recorded with the County. He also noted the fire lane on its own is not enough per the law. Councilor Francis stated he wants to make an amendment that demonstrates the need for an adequate paved pathway connecting to the Taylor View School built in conjunction with School District 91's approval. Mr. Fife stated the City does not have jurisdiction over the school district therefore, he counseled against the amendment. However, if a standard meets the PUD requirements, and there is a reason that can be articulated, that is in the Council's purview. Discussion followed regarding jurisdiction of other entities and the location of the pathway extending to the property line.

It was moved by Councilor Francis, seconded by Council President Ziel-Dingman, to approve the Planned Unit Development for Harvest Homes PUD as presented. The motion carried by the following vote: Aye - Councilors Burtenshaw, Hally, Dingman, Freeman, Francis. Nay - Councilor Radford.

It was moved by Councilor Francis, seconded by Councilor Freeman, that the Reasoned Statement of Relevant Criteria and Standards should include one (1) more whereas clause, that whereas Council recognizes that this PUD will be null and void if the final plats are not approved. The motion failed by the following vote: Aye - Councilors Francis, Freeman. Nay - Councilors Hally, Radford, Dingman, Burtenshaw.

It was moved by Council President Dingman, seconded by Councilor Hally, to approve the Reasoned Statement of Relevant Criteria and Standards for the Planned Unit Development for Harvest Homes at Taylor View PUD and give authorization for the Mayor to execute the necessary documents. The motion carried by the following vote: Aye - Councilors Freeman, Burtenshaw, Dingman, Francis, Hally. Nay - Councilor Radford.

Mayor Casper believes the year-long process likely resulted in a more refined plan thereby validating the value of the neighborhood meetings. She looks forward to this being standardized.

- 3)** Public Hearing-Amendment of the Comprehensive Zoning Ordinance, Table 11-4-1: Minimum Landscaping and Buffer Requirements, modifying the percentage of total lot area to be consistent with other lot coverage requirements of the code.

For consideration on the regular agenda is an amendment of the Comprehensive Zoning Ordinance, Table 11-4-1: Minimum Landscaping and Buffer Requirements, modifying the percentage of total lot area to be consistent with other lot coverage requirements of the code. This amendment was considered by the Planning and Zoning Commission at its November 11, 2020 meeting and recommended to the Mayor and City Council approval to the TN as presented and change Table 11-4-1 and the R2 Zone as 35% and Table 11-3-1 as 65% lot coverage. Staff concurs with this recommendation.

Mayor Casper opened the public hearing and ordered all items presented be entered into the record. Mayor Casper requested staff presentation.

Director Cramer appeared. He noted a developer recently pointed out there was an inconsistency in the zoning ordinance between two (2) different sections. He presented the following:

Slide 1 - 11-3-4: Standards for Residential Zones, Table 11-3-1

Director Cramer stated one of the discrepancies included the maximum lot coverage in the R2 and TN zones. The R2 allows up to 80% lot coverage which includes buildings and hard surfaces, 20% will require landscape. The TN allows up to 50% of lot coverage.

Slide 2 - Proposed ordinance language, Table 11-4-1: Minimum Landscaping and Buffer Requirements

Director Cramer stated this table showed landscaping of multi-unit on corner lots in R2 were 50% and multi-unit on interior lots were 35%. He indicated this was a carryover of an old standard which was not caught. He also indicated the same carryover occurred with TN. Director Cramer noted the Opticos report from Missing Middle identified lot coverage standards that are too high are one of the most detrimental standards to provide effective Missing Middle Housing, and TN and R2 are the most predominantly appropriate zones for Missing Middle Housing. He also noted P&Z recommended 35% and 65% and directed staff to further study this, which occurred. Director Cramer stated two (2) staff members reviewed all developments in the R2 zones for any pattern. He also stated upon review, there was no pattern, it ranges from all kinds of standards. Therefore, Director Cramer stated staff is comfortable with the 20% recommendation. Mayor Casper questioned if the code is neutral for prescribed landscaping as she expressed her concern for water usage and the amount of grass. Director Cramer believes the code is neutral as there is no requirement for the minimum amount of grass, there needs to be a combination of trees, shrubs, and ground cover.

Seeing no individuals for testimony, Mayor Casper closed the public hearing.

It was moved by Councilor Hally, seconded by Councilor Francis, to approve the ordinance amending the Comprehensive Zoning Ordinance, Table 11-4-1: Minimum Landscaping and Buffer Requirements, modifying the percentage of total lot area to be consistent with other lot coverage requirements of the code under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. The motion carried by the following vote: Aye - Councilors Freeman, Radford, Burtenshaw, Francis, Dingman, Hally. Nay - none.

At the request of Mayor Casper, the City Clerk read the ordinance by title only:

ORDINANCE NO. 3391

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; AMENDING TITLE 11, CHAPTER 4 OF THE IDAHO FALLS CITY CODE TO INCLUDE CONSISTENT LANDSCAPING REQUIREMENTS IN RESIDENTIAL ZONES; AND PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

6. Announcements.

Mayor Casper announced June 28, City Council Work Session; June 30, Public Works Annual Utility Meeting; July 2, first iteration of the budget packets; July 3-4, holiday with City offices closed on July 5; July 6, City Council Work Session including budget items; and July 8, Idaho Falls Power Board Meeting and City Council Meeting. Council President Dingman announced the elected officials will be in the parade collecting canned donations and/or monetary donations. Councilor Freeman requested neighbors be respectful and safe with fireworks.

7. Adjournment.

There being no further business, the meeting adjourned at 10:04 p.m.

s/ Kathy Hampton

Kathy Hampton, City Clerk

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, Mayor