

July 10, 2018

7:00 p.m.

Planning Department
Council Chambers

MEMBERS PRESENT: Commissioners Lindsey Romankiw, George Morrison (via telephone), George Swaney, Gene Hicks, Joanne Denney, Natalie Black. (6 present 5 votes).

MEMBERS ABSENT: Julie Foster, Brent Dixon, Margaret Wimborne, Arnold Cantu, Darren Josephson.

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

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

CHANGES TO AGENDA: None.

MINUTES: Swaney moved to approve the Minutes of June 5, 2018, Denney seconded the motion and it passed unanimously.

Swaney moved to approve the Minutes of June 19, 2018, Black seconded the motion and it passed unanimously.

Public Hearing:

1. CUP 18-005: CONDITIONAL USE PERMIT. Emerson Increase in Student Size from 150- 200. Black recused herself due to her employment with School District No. 91. Stephens presented the staff report, a part of the record. Hicks asked how many students attend in the evening. Stephens stated that the original CUP allowed 100 day time and 100 night time and the night time classes have not increased from then original 100 students.

Romankiw opened the public hearing.

Applicant: Robyn Bush, Principal Emerson Highschool, 335 5th Street, Idaho Falls, Idaho. Bush indicated she has been the principal at Emerson for 6 years. Bush asked for the increase due to the change from 2 classes a day for 3 blocks to 3 classes a day with 6 blocks, so the students can earn up to 18 credits because the classes are each 2 hours long. Bush stated that they have the class room capacity for the additional students, as they are only utilizing 8 class rooms and with the increase they would utilize 10 rooms. Bush indicated that they will no longer be having teacher training at the Innovative Center (building next to Emerson). Bush indicated that they spent \$2 million in 2015 to remodel the building and keep it historical. Bush stated that their population is 68% mobile and they have extra teaching to do about being a good neighbor. Bush indicated that she has 35+ students that are wanting in, but there is no room. Bush did a survey to find out why kids are wanting to come to Emerson. Bush stated that approximately 50% of her students suffer from anxiety, 10% are on probation, and the rest of the students have social/emotional issues. Bush stated that according to the State they are required to come with less than 1.5 GPA. Bush stated that when she came to Emerson she told the students that she wanted them to improve on their respect towards other people. Bush stated that in the last 2 years they had 45 students graduate, and that is average for an alternative school (approximately 1/3 of population graduate). Bush stated that this year they had 90 possible graduations and 71 graduated. Bush attributed the success to the increased credits available to

earn. Bush stated that they had a couple of incidents in the neighborhood and some of the boys went down and apologized for what had happened. Bush stated that they started an interview process to determine who to take. Bush stated that they have a student contract and that contract includes a punishment for breaking rules. Bush stated that they have installed a morning duty and the SRO has tried to come more often, and the City has discussed bringing a 3rd SRO for the District, as there are 2 covering 18 schools, and if that is passed then one will be at the school during lunch which is likely the time when they have the most problems. Bush stated that most of the kids live in the moment and don't see their future at all. Bush stated that their dilemma is the 35 students that cannot get into school. Bush stated that the rules for alternative schools according to the State Emerson cannot grow any bigger, without being relocated because you can only have 20 in a classroom. Bush indicated that Ms. Chidester is one of the counselors at the school and she will talk about the increase and how the students are doing from where they were before, including better behavior, and a senior report that they have to do with a Mentor and so a more community support would be helpful.

Morrison asked how many students drive to school. Bush indicated 35-40 students drive. Morrison asked what will happen in the future when they are in the same spot needing more room. Bush indicated that they would have to be relocated to a different facility. Bush stated that alternative schools should not get bigger than 200 as they become unmanageable or require more staff and full time SRO. Bush stated that when they asked for the original CUP they could not foresee the need for this many at risk students.

Denney asked if the campus is open or closed. Bush indicated that it is open as they do not have a big enough cafeteria to serve all kids at one time. Denney asked about the night classes. Bush indicated that they have never had over 50 come to the night school due to them only having 40 accessible computers at night.

Swaney asked about the hours of operation. Bush indicated that the kids come at 8:30 for breakfast and classes start at 9 until 3:30 and night school starts at 4 until 7.

Hicks asked about the block. Bush indicated that a block is 60 hours and is six weeks long, with each class consisting of 2 hours to total the 60 hours and that is how they get the credit. Bush indicated that it is a compressed trimester and students at Emerson must get 47 credits and the comprehensive high schools must get 61 and the difference is that the students at Emerson don't have to take as many electives. Hick asked if there is enough parking on the grounds of the school with some street parking. Bush indicated that there is some street parking and she believes its easier for the guys that drive trucks to park on the street. Bush indicated that they ask the students not to park on 5th Street because it impedes the people in the pull out, and today she had two staff members parked on 5th Street.

Support/Opposition:

Jon Ochi, 247 4th Street, Idaho Falls, Idaho. J. Ochi has been interested in education for a long time and served in many capacities. J. Ochi is in opposition to the increased number of students for Emerson. J. Ochi wrote a letter with pictures that is attached for the record. J. Ochi quoted page 39 of the Comprehensive Plan and page 43 of the City of Idaho Falls Comprehensive Plan: "High schools, Junior high and Middle schools should not be located in the core of the neighborhood." J. Ochi gave history stating that Dr. Murdock wanted to move the alternative High school to the old Emerson school between 4th and 5th Street, and they had 50-55 students

that needed taught at that location. J. Ochi was surprised when Dr. Murdock came before City Council and requested 100 student cap and indicated that with that number he would never have to come before the City Council for a bigger number. J. Ochi indicated that because of the small number the council members were willing to overlook this provision in the comprehensive plan to allow the high school in a neighborhood. J. Ochi was surprised again in 2008 when Dr. Boland asked again for an increase to 150 students. J. Ochi was told personally by Dr. Boland that they will never ask for an enlarged number because "I live in the Street neighborhood also." J. Ochi doesn't believe that City Council would have allowed the High School to be put at Emerson if they had come with their original number of 300 total students. J. Ochi was assured by Dr. Murdock that they had a "Good Neighbor Policy" so the school would behave to the standards of any other good neighbor and to ensure that there would be a full time SRO. J. Ochi stated that the SRO for Emerson is serving many schools. J. Ochi stated that they have had a big problem with littering, graffiti, and the cigarette smoking is at an all time high. J. Ochi stated that people who are working with alternative students are working a noble cause, but the Planning Commission has a responsibility to all stake holders. J. Ochi stated that no one likes to have people drive through their neighborhood yelling profanities, no one likes to pick up cigarette butts, no one likes to have litter in the streets. J. Ochi stated that these "at risk" students have problems and have had a tough life, and something needs to be done for them, but alternative schools should not be large and requesting the larger number contradicts what Ms. Bush stated about having small numbers to keep them manageable. J. Ochi stated that they need to take into consideration what the neighborhood requires and until the school shows that it can manage 150 students there is no reason to increase the number, and without more resources the problem will only get worse. J. Ochi stated that they were not calling the police for infractions but that is no longer the case, and until the problem is under control it is unfair to have the problem grow unless there is a way to control the situation. J. Ochi stated that while the traffic engineer states that the streets can handle the increased traffic the streets in front of J. Ochi's house are 33' wide and with on street parking it becomes a life-threatening situation in the winter, so increasing the school's population will add to the narrow street problem. J. Ochi stated that there was an accident a few weeks ago where a child walked into the street and was hit by a vehicle and while that accident was the fault of the child for not looking, the cars parked on the street are hard to see around and see oncoming traffic. J. Ochi stated that it is not good public policy to put "at Risk" kids at more risk. J. Ochi agrees that the overwhelming majority of the students are likely not a problem, but the Commission should not grant an enlargement of a problem that is getting worse, not better. J. Ochi stated that any granting of a permit should put in writing that the planning commission will not entertain further additions for growth. J. Ochi urged the Commission to think of all the constituents. J. Ochi stated that they have tried hard to clean up their neighborhood and all their neighbors are following suit and the neighborhood is coming up.

Gail Ochi, 247 4th Street, Idaho Falls, Idaho. G. Ochi submitted a letter to the Commission that is part of the record. G. Ochi read her letter. G. Ochi stated that there is no fence around the parking area on the west side of Emerson. G. Ochi stated that she is not sure what would stop portable classrooms from being brought in to accommodate more students. G. Ochi stated that under the transportation plan 4th Street is not listed.

Tammy Sermon, 246 4th Street, Idaho Falls, Idaho. Sermon dealt with high risk kids at the California State Youth Authority. Sermon stated that she has asked the students nicely to get off her neighbor's lawns. Sermon indicated that she has been called many names and gotten into an

argument with one girl. Sermon indicated that she called the school and has not gotten any response. Sermon stated that the principal did return a call on one occasion and indicated that it would be a closed campus, but now the applicant is indicating that it is not a closed campus. Sermon stated that the blue truck in the pictures staff presented drives his truck fast up and down the street 3 times a day. Sermon stated that last Friday there were kids swinging off the branches of the trees. Sermon doesn't feel it is the neighbors job to police the kids. Sermon is concerned about her property value. Sermon stated that there was a group of boys that apologized to her and two girls came up first and one of the girls told Sermon that not all the kids at the school are bad. Sermon understands that all the kids are not bad. Sermon understands that a lot of the kids have a horrible home life. Sermon stated that the traffic is a problem and it is kids and staff speeding. Sermon has pictures and has given them to the principal but doesn't feel that it is her job to sit out and take pictures of the kids.

Sharon Mueller, 274 4th Street, Idaho Falls, Idaho. Mueller moved in 4 months ago. Mueller was picking up garbage daily and was wondering where it was coming from. Mueller stated that all the neighbors have complained about the garbage. Mueller stated that it is disconcerting when a car goes by or when you ask the kids to pick up their garbage and cigarettes and the kids spew profanities at you, and you are concerned for your safety. Mueller stated that one of her main issues is kids hanging out behind her home, and she has taken pictures of the children for proof (Mueller distributed the pictures to the Commission). Mueller stated that the kids have been behind her house continuously and the kids are lighting pipes and Mueller assumes it is marijuana. Mueller is disturbed more by the fact that some of the kids back behind her house aren't attending Emerson. Mueller has talked with the SRO and the police and they are told there isn't much they can do, and the officers have told them that because it is in the alley it is out of their jurisdiction. Mueller stated that the pictures staff showed had no garbage in them and there is always garbage in the playground. Mueller was a teacher and does not believe that "at risk" students should be in a residential area. Mueller stated that "at risk" kids become bad examples to small children in the neighborhood, and Mueller believes that the alternative school needs to be relocated with another school or in an area that is not residential. Mueller stated that until they can solve the problems with the current 150 students they should not add another 50 students.

Kay Woodfield, 270 4th Street, Idaho Falls, Idaho. Woodfield stated that she had parked her car on the curb in front of her house and went to get things out of her car door facing the street. Woodfield indicated that a car swerved into her and she flung herself against her car and was barely missed by the 3 teenagers driving the car. Woodfield would like to believe that they are distracted drivers and not out terrorizing the neighborhood. Woodfield stated that most kids are at risk of an accident right after they get their license and the risk goes up when they have other kids in the car with them. Woodfield stated that they are putting students that are already at risk in a residential neighborhood. Woodfield stated that Idaho Falls will put a bond up in August and that she hopes that they will take the money and look at the "At risk" alternative students and find a home for them that is not in a residential area. Woodfield suggested moving them to the Idaho Falls Highschool to get them in the mainstream with their peers and in connection with career opportunities. Woodfield stated that the structure of the alternative school is good for the kids and they can maintain the structure but have them interacting with their peers. Woodfield stated that keeping the "at risk" students in residential areas is not good for the community. Woodfield asked the Commission to deny the CUP. Woodfield stated that she talked to a City

employee out doing work and she asked them about the streets in Idaho Falls, and the streets around Emerson and the lettered streets are the narrowest in the area. Woodfield stated that the streets are narrow and one way. Woodfield stated that the streets are narrow and dangerous and adding the teenage drivers to the mix makes it very dangerous. Woodfield asked why they can park on the street around the school, and they should be required to park within the parking lot on the school, as parking on the street is problematic. Woodfield stated that a closed campus would go against what an alternative school needs, and that is why an alternative school is hard in a residential area. Woodfield stated that Comprehensive Plans are done at the beginning of planning and the Comprehensive Plan should be followed. Woodfield asked what the zoning issues were that required this to go to City Council instead of allowing Planning Commission to decide. Woodfield supports public education and believes that this request is a bad request.

Larry Haws, 265 4th Street, Idaho Falls, Idaho. Haws indicated that he is not speaking as a member of the School Board but is on the School Board. Haws has lived on 4th Street for 42 years. Haws indicated that he has had 2 cars hit in front of his house, 30- years ago and 25 years ago before the alternative school existed. Haws indicated that they had graffiti on the back of his house once 26 years ago. Haws stated that things happen all the time, and kids have smoked on the corner since 1953 when he went to Emerson and at that time they were 4th and 5th graders. Haws stated that he has gone to the graduations and the kids work hard, and you've never seen prouder, happier parents. Haws stated that last year they got \$3,000 in scholarships for Emerson students, and this year they got \$25,000 in scholarships and the kids are working hard for it. Haws indicated that as with anywhere, there is always a bad group of kids that don't obey. Haws stated recommended that they get together to have the rules set, so there is communication.

Rebecca Chidester ,246 N. Curlew, Idaho Falls, Idaho. Chidester is a counselor at Emerson. Chidester is in support of increasing the number of students at Emerson. Chidester agrees with the things the neighbors have said, and she is also concerned about the choices the kids are making. Chidester stated that it is a consideration for all the stake holders. Chidester stated that she's overheard kids talking about how much they wanted to come to Emerson and be a part of the school, because for the first time they are catching a glimpse of completing education. Chidester had a former graduate bring in a sibling because the graduate had found success for the first time and had hope for their sibling. Chidester stated that turning away the students that are glimpsing the hope for education is hard for her, despite the challenges they face. Chidester stated that she wishes that her kids came from Stonebrook homes, or that they had good examples of eloquence, and good stable homes. Chidester stated that the power and intellect displayed in the neighbors and she wished she could find a way to collaborate the students to see the examples and learn from those examples of how to be purposeful citizens. Chidester stated that many of their students are first generation college and/or high school graduates. Chidester stated that the Emerson is a last resort school, and the ability to produce a good citizen makes the difference for her. Chidester stated that if she can produce a high school graduate, then the likelihood of them holding a job where they can make an income to support themselves and their family increases. Chidester stated that their likelihood of criminal problems is reduced if they are high school graduates. Chidester acknowledged that it is a burden to the neighborhood, but the sacrifice to create a graduate for the community is worth it.

Elizabeth Clarry, 295 4th Street, Idaho Falls, Idaho. Clarry stated that she lives on the corner and she has the maple trees and retaining wall that the kids like to sit on and smoke. Clarry stated that the students are abusive when they speak to you and you must wonder if her animals

and her are safe. Clarry stated that she doesn't students to retaliate. Clarry asked if the remodel was for asbestos. Clarry stated that parking is an issue and they park on 4th Street and on Emerson and meet other students/people. Clarry stated that she has called and has not gotten a response from the principal. Clarry stated that last night she picked up 5 cigarette butts. Clarry has had students dig up her sprinkler heads. Clarry stated that kids sit on the Emerson side of the street on the retaining wall and the dogs go out and bark and animal control gets called on Clarry. Clarry asked how they can eat breakfast at the school, but not lunch. Clarry indicated that students kiss in the abandoned building behind her house.

Applicant: Robyn Bush, 335 5th Street, Idaho Falls, Idaho. Bush indicated that they have lunch brought in as they do not have a kitchen. Bush stated that a truck brings breakfast in the morning and lunch in the afternoon and it is brought from Compass Academy or from IF Highschool. Bush stated that the kids must sign up for lunch in the morning to have their lunch delivered and some kids leave for lunch and some kids go to work. Bush stated that she has the students clean up the neighborhood and she had the students clean this morning. Bush stated that a lot of the litter was from the 4th of July. Bush stated that they cannot control the kids that come into the alleys that don't go to Emerson, and if they are caught on the property they get a trespassing ticket. Bush stated that some kids that drop out come back and want to be with their friends and hang in the alleys. Bush stated that the police have told her the same thing about jurisdiction in the alleys. Denney asked about the situation with the SRO. Bush stated that they share their SRO with Skyline, Eagle Rock and 6 elementary schools. Bush stated that the SRO will come when he is called, and he drives by in the morning. Bush stated that they had to call a patrol car for a fight recently and they came quickly. Bush stated that she asks the neighbors to take pictures is because they cannot prove it unless there are pictures. Bush stated that it is not the job of the neighbors, but she appreciates the help to manage the kids.

Romankiw closed the public hearing.

Cramer addressed the zoning question and why this will go to City Council. Cramer stated that in the past the zoning ordinance had specific things listed as Conditional Use Permits that only come to this body, including schools, parks, churches. Cramer stated that when they rewrote the Code they moved the language over and the table was not clear, but the language that stated schools, churches, and parks only go to Planning Commission did not make it in, so it is on the agenda to change the code back next month, but they must follow the law as it is currently written.

Swaney commended the neighbors for putting up with this nuisance, and commended Mr. Ochi for his well-written document. Swaney stated that District 91 has shirked its responsibility to the community. Swaney stated that it is not the neighbor's responsibility to deal with the students that are at risk. Swaney stated that Emerson school is now at risk because CUP's can be revoked. Swaney stated that the only bright spot about the request for additional students is that it presents the opportunity to develop a performance-based CUP that can be negotiated between the residents and the School District so that the conditions are enforceable. Swaney stated that if there is a complaint then School District 91 needs to recognize that they risk not having Emerson available. Swaney stated that the District has the responsibility to come up with a CUP and it should be modified and negotiated between the residents and District 91 and for the moment they should recommend to the City Council that the process occur. Swaney stated that the campus needs to be restricted if it cannot be closed. Swaney stated that there is no reason for there to be

any misunderstanding whether there is a student there for classes or just lingering. Swaney stated that District 91 has dropped the ball with an SRO, and if anybody needs an SRO full time, Emerson needs one. Swaney stated that Mr. Ochi's letter had discussions of a good neighbor policy and that needs to be clearly outlined in the negotiations with District 91 and the residents. Swaney suggested establishing a panel between residents, students and staff that jointly meet to discuss the problems in the neighborhood, so they can be addressed and resolved. Swaney indicated that staff should be told where to park on the street, and the students must park by permit in the parking lot and that would take the parking element out of the problem. Swaney added that District 91 needs to be censured that they have not come up with a long-term solution for an alternative school, as Emerson doesn't meet the needs of an alternative school. Swaney stated that it is not the responsibility of the neighbors to make sure the alternative students get through life, it is the responsibility of all the residents of District 91.

Hicks concurred with Swaney and added that it is not the community's problem to solve the school's problem and will vote no for this application because he doesn't believe the school has put forth the effort to work with the community and adding 50 more problems is not fair to the community.

Morrison agreed with Swaney and Hicks and stated that the school needs to solve the current problems before adding to them.

Denney is a teacher and has worked with at risk students and knows how different they are than a regular student and they often have problems with authority, mainly due to their homelife. Denney disagrees that it is the school's problem and not the community's problem, because the students are everybody's problem. Denney stated that these students will go out and earn a living and it is important for them to graduate. Denney stated that District 91 has dropped the ball in its community relations. Denney is shocked that the SRO is serving so many different schools. Denney indicated that the SRO in her school is there for half the day and then he goes to an elementary school. Denney stated that the High school next to her school issues parking permits and the students want to park in the Junior High parking lot to avoid paying for a parking permit and Denney is frequently writing down plate numbers and issuing tickets for the SRO to catch all the kids that are parking in the back of the school. Denney stated that her school is closed campus meaning the kids cannot leave for lunch and visitors must check in, and the high school has too many students to serve lunch to, so they have an open campus and sometimes the students from the high school come and visit the junior high. Denney stated that it is hard to regulate closed/open campus. Denney stated that the community should take all the pictures they can, and if they are not posting them on the internet with names, they can take pictures and use them for evidence for the SRO.

Swaney moved to recommend to the Mayor and City Council denial of the Conditional Use Permit for Emerson Highschool and further recommend that District 91 to return to the drawing board with a proposal for a more thorough and enforceable Conditional Use permit, Denney seconded the motion and it passed unanimously.

Romankiw called a 5-minute recess.

2. CONDITIONAL USE PERMIT. Sandy Downs Substations (Archery Range). Stephens presented the staff report, a part of the record. Hicks asked about the size of the canal. Stephens indicated that it is Sandcreek. Hicks asked if flooding is a concern. Stephens indicated that it is not a concern and there is not a flood plain associated therewith.

Romankiw opened the public hearing.

Applicant: Richard Maloy, Idaho Falls Power, 140 South Capital Ave., Idaho Falls, Idaho.

Maloy gave background stating in 2009 the City acquired part of Sandy Downs and it was approved as part of the Idaho Falls City Council Transmission Plan. Maloy stated that when they started looking at the location from a geo-technical standpoint they found 12' of sand in the area and in the pathway of migrating dunes. Maloy stated that the geo-technical on this location showed 2' of sand. Maloy indicated that the sand must be removed because it is a poor medium for a ground grid base for the substation. Maloy stated that the cost of construction is significantly higher at the north location of Sandy Downs versus this current location. Maloy stated that the new housing development (Sandpoint) also became an issue for the old location. Maloy stated that they want to build the necessary electrical infrastructure before the people have arrived to build. Maloy stated that if the CUP is approved they plan to assign the location as a future location for a substation so it is clear to all future developers. Maloy stated that they do not want to displace the archery range, and they have a 5-year lease and Idaho Falls Power would let them run through the end of their lease. Maloy stated that there is at least 3 years of geo-technical work, engineering design, and equipment acquisition before they can break ground on the property. Malloy stated that they are committed to relocating the range as it currently exists. Malloy stated that they have offered up some potential locations on City ground next to hydroelectric facilities. Malloy indicated that this is an ideal location because of the 161 line that would be the primary feed into the substation and then they would have feeders to branch off. Maloy indicated that as growth continues to occur in the area they will need additional capacity for electrical infrastructure. Maloy stated that the infrastructure that serves subdivisions is step down at substations to 125 and then is distributed out to service the locations and this substation will be critical for growth in the area and can serve Sandy Downs that is now part of the City and can give them \$0.06 power instead of \$0.13 power from Rocky Mountain.

Swaney asked what a reasonable time frame would be to grant the CUP for to give enough time for planning and development. Maloy indicated that they would like to run the Archery Range to the end of their lease, and there is a lot of geotechnical work on the location. Maloy stated that 10 years would be plenty, with hopes of starting construction in 5 years.

Black asked if the Federal Grant for Sandcreek Golf Course, or the expense of the sand removal is the reason for the new location. Maloy stated that they wanted to shift the location further to the east due to the migrating sand dune issue, and when they looked at maps of city owned ground they found this seemingly unused portion of ground to the north of 65th South (York prior location) and that seemed like an idealic location. Maloy stated that when they went through the CUP process they found they couldn't build anything there because it was within the defined boundary that was under federal restrictions for recreational use because of a grant given to the City for the construction of the golf course. Maloy stated they were forced to look elsewhere. Black confirmed with Maloy that he believes this is the best location on City property. Maloy agreed and indicated that the City property is limited, and this is on the periphery of Sandy Downs and out of the way. Maloy stated that they will plant trees to mitigate the appearance of

the substation. Black stated that this area is beautiful and the substation and asked if the chain-link fence is the best kind of fencing to go around the substation or can there be something more covering. Maloy stated that they can look at alternative types of fencing, but chain-link is the least expensive. Black asked if the water (Sandcreek) is a concern. Maloy stated that there is a significant slope from where the substation is to the canal.

Support/Opposition:

Kent Fugal, City Engineer, 380 Constitution Way, Idaho Falls, Idaho. Fugal spoke on behalf of Public Works. Fugal stated that they believe that this is the best location for the substation. Fugal stated that the proximity to residential development on the other sites were a concern to Public Works. Fugal stated that future needs for the improvement of York Road were considered, and when York develops into a major roadway they will need to make some geometric improvements to the road to get rid of some of the curvature in the road, and this site works well for Public Works in that respect.

Justin Miller, 3823 Heath Circle, Idaho Falls, Idaho. Miller stated that he is in favor of this location for the substation. Miller indicated that he was battling with Maloy last year when they were going to put the substation in the previous location because it was right next to the property that he is currently developing at Sandpoint. Miller stated that this is a better location. Miller indicated that the piece of property won't be able to develop any farther to the South because of Bonneville County's sewer line running through the back and is isolated with the canal on the other side so this is a perfect spot.

Cramer stated that if a CUP is abandoned for 12 months it is automatically gone. Cramer stated that if the City's Attorney was of the opinion that if Idaho Falls Power does something within the first 12 months then the CUP's 12-month time frame has been met. Cramer stated that page 3 on the staff report notes that the Planning Commission can put conditions on CUP's that include controlling the sequence and timing and the duration of the development. Cramer stated that if they feel it is appropriate to give a time frame on construction the Commission would be within their prerogative.

Black asked if they can grant a 10-year CUP and not have anything done on the property until the lease is up with the Archery Range. Cramer stated that the lease issue will be dealt with by City Council. Black stated that she wouldn't want the City to put a fence on the property that would infringe upon the Archery Range lease. Cramer indicated that the applicant should speak to that timing.

Richard Maloy, Idaho Falls Power 140 South Capital Ave., Idaho Falls, Idaho. Maloy stated that in discussions with the City Attorney he indicated that a sign will suffice the CUP requirements.

Romankiw closed the public hearing.

Swaney stated that he doesn't think a CUP should be issued in perpetuity and there should be a time limit, because if you don't move forward in a certain amount of time (10 years) something about your planning changed.

Black stated she was glad she heard from a developer in the area that indicated that this is the better spot for the substation, because she originally believed that the other spot was a better

spot. Black added that 15 years is a long time, and she would agree with 10 years for a time limit on the CUP.

Black moved to recommend to the Mayor and City Council approval of the Conditional Use Permit for Sandy Downs Substation with a 10-year time limit, Morrison seconded the motion and it passed unanimously.

3. RZON 18-012: REZONE. EMC & Master Planned Development Signs. Beutler presented the staff report, a part of the record. Black confirmed and Beutler agreed that this sign is intended to be seen from the Freeway, so you have enough time to react and pull off at your desired exit. Black asked who is responsible for the signs on the Freeway and putting what is available at the next exit. Beutler stated that is done through ITD and there is a limit to the number of signage that can be placed on the signs. Hicks asked if this will create a lot of tall signs that will clutter the Freeway. Beutler stated that the Comprehensive Plan wants entry ways decluttered from signage to make it appealing and one of the ways to declutter are the electronic message signs. Beutler stated that the master plan development sign will help to declutter these large properties so not everyone needed a large pole sign. Black asked if these signs will be loading up next to the freeway. Beutler clarified that these signs only deal with the Master Plan Development and other developments will have to deal with the regular sign code. Black asked if there would be only one electronic sign in the area for Large developments. Beutler stated that Jackson Hole Junction can have one sign per arterial street. Black asked if there can be businesses all along I-15 with large signs if this amendment is approved. Beutler clarified that only master planned developments can have signs with this large of dimensions.

Cramer emphasized that this amendment is not to accommodate Jackson Hole Junction. Cramer stated that this process has reintroduced a problem that they knew they had. Cramer stated that the list of variances showed a problem with the code and it needs to be changed. Cramer stated that they are being careful to find what it was being needed for the variances and use that experience, along with Jackson Hole Junctions request to craft a code to meet the City's needs. Cramer emphasized that this is not a change for all businesses along I-15, only master planned developments. Cramer stated that they do not want to see every business in a development with a popsicle stick and a big board on top, that causes clutter and they are trying to avoid that.

Hicks asked if individual business signs throughout the development would be large and tall as well. Beutler indicated that there will be additional signage, and it will be like Snake River Landing. Beutler stated that the intent of the Master Planned Development sign is to allow the larger signs, but also to allow additional signage, like monument signs.

Cramer stated that the 300 square foot recommendation for the LED signs was not just a conservative approach, but rather they will go with whatever the Commission is comfortable with and what makes the sign visible and the applicant will have some evidence in support of their position thereon.

Romankiw opened the public hearing.

Applicant: Clint Boyle, Horrocks Engineers, 901 Pier View Drive, Idaho Falls, Idaho.

Boyle stated that Jackson Hole Junction is a 42 Acre master plan site. Boyle stated that they have tenants and letters of intent coming into the development. Boyle stated that the applicant went through the master development process and went through a CUP process. Boyle stated

that currently 600 sq. ft. is allowed. Horrocks stated that they applied for the CUP and felt like they had met all the requirements, and staff issued a formal approval of the CUP and when they applicant moved forward and hired YESCO to build the signs, when they applied for a building permit they were told that there was a provision missed and that provision was that the Electronic Message Center for most signs is restricted to 75% of the sign, and their sign meets that, however, there is an additional sentence that indicates “or 250 sq. ft, which ever is less” and they did not meet that, as they were over the 250 sq. ft., but under the 75%. Boyle stated that they started working with staff to find a solution. Boyle stated that the code for Master Development signage, does not allow the developer to apply for a variance for an adjustment, but single use sites can apply for variances. Boyle stated that staff had mentioned 80’ high and 800 sq. ft. for a master planned development sign. Boyle clarified that master plan development must be 25 acres or larger. Boyle stated that the US Signage Council adopted some standards that are based on the speed of the road, and a limited access Freeway (like I-15) with a 75 MPH speed limit the recommended signage is 850 sq. ft. and 86’ tall for visibility and reaction time. Boyle stated that if it was allowed they might do the whole sign in LED. Boyle stated that the sign code is great and regulates the LED signs and how long it can rotate through tenants, foot candles, transitions, etc. Boyle stated that a big master plan development sign with a large LED sign is good, so each tenant can have their signage slot. Boyle stated that the cost of electronic message centers is coming down and becoming more affordable. Boyle stated that his client has discussed with the Mayor about allowing the City to have some advertisement time on the LED sign. Boyle stated that the Electronic Message Centers assist in decluttering entry ways. Boyle stated that master plan developments are at a disadvantage versus a single user. Boyle stated that their frontage is way longer than a single user. Boyle stated that the 250 square foot limitation for master planned development and a single tenant user with 330’ of frontage can have a 330 sq. ft. sign and the same size of electronic message center, so the single tenants get a much larger ration of electronic message center to the overall sign. Boyle indicated that they believe that the planned master development that is within the 660’ of I-15 should get a 75% message center. Boyle stated that tonight’s changes are only for master planned development. Boyle stated that they have no issues with the changes that staff is recommending except for one minor adjustment and that would be to allow the signs in a master planned development, for electronic message centers within 660’ of I-15 to be allowed up to 75%. Boyle stated that from the Jackson Hole Junction sign from where you get off the interstate is 2000 feet (1/2 mile) and the Sign Council’s statistics sate that for the traveling public to see the sign the letters must be 4-5 feet tall to be legible, and the sign at Jackson Hole Junction with a 360 sq. ft. sign could only get 2-3 lines of lettering that is visible.

Support/Opposition:

Justin Steadman, YESCO Custom Electric Signs, 1530 West Sunnyside, Idaho Falls, Idaho.

Steadman showed the sign as proposed at 360 sq. ft. versus the 250 square feet that is allowed. Steadman stated that the sign that is 360 sq. ft. the W in Wendy’s is 4’ tall and the smaller (250 square foot sign) the W in Wendy’s is 3’. Steadman stated that traffic traveling south bound, in order to be influenced by the sign in time to exit they need to be able to read the sign from 1500’ away. Steadman stated that the smaller square footage you can only read it 1,260’ away and the proposed sign with 360 square feet you can read the sign from 1,680 feet away. (1” readability for every 35’ away). Steadman stated that the 250 square feet that is allowed by the code is adequate for City streets, however on the interstate it becomes inadequate due to speeds.

Steadman indicated that the larger sign would also keep people compliant with the sign code, so they wouldn't have to make the letters large and scroll them across. Steadman stated that the digital billboards that are 14' x 48' (672 sq. ft.) and the technology is so good now that the billboard will catch you off guard when it changes because it looked just like a regular sign. Steadman stated that there shouldn't be a separate square footage restriction for an electronic sign that looks just like a static sign.

Matt Morgan, Developer of Jackson Hole Junction, Idaho Falls, Idaho. Morgan stated that they did go through the master plan process and there was an honest oversight that took place with the approvals that resulted in Morgan being out for bid with signs and being under construction for a sign, and then when they applied for permits they ran into the current issue. Morgan stated that the code amendment that is being proposed is for properties that are 25 acres or larger you won't see a lot on the I-15 corridor (maybe 2 or 3 in the next 2 decades). Morgan stated that the intention with the sign is to draw attention and get people off the freeway and into Idaho Falls. Morgan stated that the nature of Jackson Hole Junction is that it will not have any local existing businesses, but rather it will be national brand tenants and franchise operators that are new to the area. Morgan stated that they will have a new Holiday Inn and Suites and his agreement with Holiday Inn was to have the proposed sign. Morgan stated that the LOI's and national tenants that they are negotiating with, they all expect the electronic message centers that are larger for this type of substantial development off the interstate. Morgan stated that he would like to see the 75% of the 800 sq. ft. be approved.

Romankiw closed the public hearing.

Swaney asked staff if they arrived at the 300 sq. ft message center as a picked number. Swaney stated that considering the progress that the City is seeing and there is a developer who is at state of the art right now in the process of doing a development. Swaney stated that if they went to 75% of 800 sq. ft. that would give him the ability to do an electronic message center that is up to 600 sq. ft. Swaney stated that is 2x the number that the staff picked, but it would be a bounding limit that would seem unlikely anyone would want to exceed that limit. Swaney stated that the problem in the past has been the request for variances because over time people wanted bigger signs. Swaney stated that it seems short sided to pick a small number, especially when there is a developer already in a bind because the tenants were expecting a larger sign to begin with. Swaney proposed to the Commission to approve the 75% of 800 sq. ft., and if someone wants to spend the money to get a 600 sq. ft. sign that will be the limiting factor.

Black indicated that it is important that if national chains are coming in an expecting a certain size and the code is woefully inadequate, there doesn't seem to be a set national standard. Black stated that she is in favor of the larger electronic message centers for large developments. Black stated that they do need to make sure they are not limiting development that is coming. Black doesn't have a problem with going to the 75%.

Swaney stated that this is an extremely limited use with large master plan developments of 25 acres or more. Romankiw added that it only applies to the developments that are within the 660' corridor which is another limiting factor.

Morrison agreed with Swaney and Black. Romankiw agrees with Black and Swaney and is persuaded by the comment about the technology and the signs are so good that you cannot tell

that they are electronic signs, and the code has so many restrictions that the signs are not garish and Romankiw likes them better than static signs as they do not get outdated.

Black indicated that this amendment would give 75% of the total signage for electronic message center, and Boise's code is only 50% and Meridian is only 30%.

Beutler stated that some of the examples are from the electronic message signs, more like the Storage Plus signs, and not the master planned development sign.

Swaney asked what they need to do to make the recommendation.

Beutler stated that the only adjustment that would need to be made, as everyone seems comfortable with the initial changes (660 ft from I-15, 80' high and 800 sq. ft.), the only change would be an adjustment with the electronic message center, and if the intent is to allow for 75% then in the motion it can be recommended the approval of the current language with the adjustment to allow the electronic message center to be up to 75% and staff can make that change before City Council.

Swaney moved to recommend to the Mayor and City Council approval of the Sign Code Amendment as presented with the exception of 7-9-43(A) the last sentence to read "...except that signs within 660' of I-15 or US Highway 20 right of way shall not exceed 75% of the 800' allowable sign area." Hicks seconded the motion and it passed unanimously.

Business:

4. PLAT 18-018: FINAL PLAT, INL Park N Ride Subdivision: McLane presented the staff report, a part of the record. Swaney asked if there will be an amended plat coming shortly. McLane stated that it is soon enough that they can change the plat before going to Council. Black confirmed, and McLane agreed that it came to the Planning Commission in October for annexation. Black asked if a Park N Ride fits in an employment Center, as the area is designated in the Comprehensive Plan. McLane indicated that it does fit in employment center and it is an allowed use in the LC Zone.

Applicant: Clint Jolley, Harper Leavitt Engineering, 101 South Park, Idaho Falls, Idaho. Jolley indicated that they will be changing the Plat to make 3 pad sites along the frontage because INL came back and only needed the south half.

Black asked about the landscaping plans. Jolley indicated that landscaping will be taken care of on the site plan and staff will have to approve that.

No one appeared in support or opposition.

Denney moved to recommend to the Mayor and City Council approval of the Final Plat for INL Park N Ride, as presented, Morrison seconded the motion and it passed unanimously.

Romankiw adjourned the meeting.

Respectfully Submitted

Beckie Thompson, Recorder