

August 6, 2019

7:00 p.m.

Planning Department

Council Chambers

**MEMBERS PRESENT:** Commissioners Margaret Wimborne, Joanne Denney, Brent Dixon, George Swaney, George Morrison, Gene Hicks. (6 present 5 votes).

**MEMBERS ABSENT:** Natalie Black, Lindsey Romankiw, Arnold Cantu,

**ALSO PRESENT:** Planning Director Brad Cramer; Assistant Planning Directors Brent McLane and Brian Stephens; City Attorney Michael Kirkham, Esq.; and interested citizens.

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

**CHANGES TO AGENDA:** None.

**MINUTES:** Hicks moved to approve the July 11, 2019 minutes, Morrison seconded the motion and it passed unanimously.

**Public Hearing:**

**1. PLAT 19-013: PRELIMINARY PLAT. Preliminary Plat for Fairway Estates Subdivision.**

Wimborne reminded the commission that this was approved by the Planning and Zoning Commission; the decision was then appealed to City Council; and City Council remanded the application back to Planning and Zoning with direction to consider a traffic count or traffic study. Wimborne asked for clarification and direction whether traffic is the only issue the Commission can consider this evening. Cramer advised that the remand back was specifically so the Commission could consider new information related to traffic, specifically a traffic count or a traffic study. Cramer stated that the point of the traffic count or study is to determine when the bridge should be required. Swaney asked if the intent is to have the Commission require a new traffic study. Kirkham indicated that is up to the Commission and within the Commission's authority to decide what they want to see. Cramer stated that they can decide tonight that they want a traffic study; or open the hearing and listen to the information presented and then decide. Wimborne stated that the Commission will decide tonight to approve; deny; or table waiting for more information. Kirkham stated that the Commission has some discretion but are locked into the question of when the bridge will be appropriate based on the facts. Wimborne asked about pros and cons on tabling the application. Kirkham stated that they can see what the applicant has and see if the information he has to present is enough to satisfy the Commission and if that is not enough information, they can require another study. Dixon stated that there needs to be a purpose behind additional information that could be obtained. Dixon asked how they base the decision on the time frame for the bridge, on a legal basis. Cramer stated that the data is available to determine the capacity of the road and where it is currently at. Cramer stated that if a traffic study makes a recommendation it would show up in a development agreement on the final plat to require it, so the preliminary plat would approve the plat with the recommendations of the traffic study.

McLane asked the Commission what they want to do with the public hearing.

Swaney asked what the date is from the traffic study that will be presented if the hearing is opened. McLane indicated it is a traffic count performed on June 26 that was conducted by BMPO over a 48-hour period, after a request was made by staff to obtain more information.

Wimborne indicated that if there is information regarding the traffic, she would like to open the public hearing and consider that information.

McLane provided and read a letter from Emilia Barger that was given to this office today that is in reference to the Bridge.

McLane presented the traffic count. McLane stated that the physical capacity (approx. 8,000 cars) of the road is different than the reasonable capacity of the road (3,000 cars per day), and this traffic count had just over 4000 for the 2 days.

Swaney asked if there was construction occurring in the area during the traffic study. McLane indicated that there are other phases of the subdivision under construction.

McLane stated that there is capacity for future travel, but at what point does the road meet the capacity, and the count doesn't give that without analysis.

Hicks was concerned that there wasn't a peak shown in the count. McLane agreed and doesn't know the reason for that lack of peak times.

Wimborne asked the difference between count and study. McLane indicated that a traffic study includes an interpretation of counts and has more modeling involved and is done by a professional traffic engineer. Wimborne asked what the turnaround time is for a traffic study. McLane did not know.

Dixon asked how many developed lots are beyond the point where the count was taken place versus how many additional single-family lots would be added on this preliminary plat, prior to the R2/R3 area. McLane showed where the Count was done at the intersection of Pevero and East River Road. McLane deferred to the applicant for information on what lots are built on and what is currently in construction, etc.

Wimborne opened the public hearing.

**Applicant: Kevin Alcott, 101 Park Ave., Idaho Falls, Idaho.** Alcott indicated that there are approximately 30 homes under construction currently. Alcott stated that there are approximately 30+ vacant lots. Alcott reminded the Commission that the traffic count was over a 2-day period. Alcott indicated that the 2700 trips on Wednesday is not correct and is an extrapolation as it indicates that Wednesday was operated for 0.6 days and they started about 10 a.m. and the number shown represents an extrapolation of the rest of the day back. Alcott presented his chart that he went over with the Fire Marshall, showing the two entrances into the new preliminary plat area and gave specific findings showing the area that can be developed based on the two entrances pursuant to the requirements the Fire Marshall places on development. Dixon asked why he chose that intersection to measure from, instead of going west 1/3 mile and measuring the distance between the island and Pevero. Alcott indicated that he didn't measure it, and it was measured by the Fire Department and based on the International Fire Code. Alcott indicated that the traffic count picked up multiple areas. Alcott showed an illustration that shows a breakdown of the amount of occupied homes, (homes under construction were treated as an equivalent dwelling unit). Alcott counted cars and indicated there were 1.1 cars parked on the day he counted per house and gave an allotment for deliveries, etc. and assigned 1.25 cars per house and gave each car 4 trips per day. Alcott indicated he was attempting to interpret the true utilization on the roads. Alcott allocated the cars in the area into two areas one going from Glen Eagles and

down, and one area comes down Pevero. Alcott stated that 157 dwelling units on Pevero and Glen Eagles had 86. Alcott presented a table that converted the dwelling units to a percentage of the traffic that showed on Pevero (east of Glen Eagles) it is 1295 cars and BMPO stated that the road can handle 3000 cars so the road currently is at 43% usage with an average of 8.25 car trips per house per day, and Glen Eagles is at 23% of capacity. Alcott then presented that at the 8.25 trips per home he could build 207 more homes to push the area to capacity. Alcott stated that 120 more homes would push the narrow section to the expected usage. Alcott showed where the existing homes have been built, he showed the area the Fire Department will restrict building on until the bridge is built, and he showed the condition that Planning and Zoning put on the property at the prior approval (R2 and R3 cannot develop until bridge is built). Alcott showed the area that he could possibly develop prior to building the bridge and there are 130 planned lots. Dixon asked if the lots under construction and the vacant lots were built out already, how would these number be affected. Alcott deferred the question. Alcott feels he lost 4.5 months of construction due to the moratorium and is now just starting the process. Alcott stated he has a business need to stay solvent. Alcott stated that there should be a reasonable approach. Alcott stated that he will sit with the engineering staff and go through this plat again, although Engineering has already reviewed the plat and feels this is a reasonable proximation. Alcott believes they will get to the bridge long before they built out the 120 lots. Alcott showed a new road they are trying to build that allows traffic to flow better. Alcott would like the Commission to approve the plat even with conditions and then he will deal with the engineering staff on those conditions. Alcott believes he is one division away from getting to the bridge, depending on how the lots sell in the area as they are market driven. Alcott understands he has to comply with all the Ordinances and believes they can move forward with the information they have showing the road is not at capacity. Alcott believes it is difficult to get an accurate traffic count in the area because it is easy to go and make laps. Alcott read a social media post about the traffic counter that indicated people were making "several laps over it daily". Alcott doesn't believe another traffic count/study will show anything different and the road is not over utilized. Alcott presented based on the peak hour of the count 360 cars with a 25-mph speed limit gives an average distance between the cars is over 2/10 of a mile on the road. Alcott spent 2.5 days on and off making videos and counting and the road cannot be classified as busy.

Cramer suggested having the City Engineer speak and comment.

**Kent Fugal, City Engineer.** Fugal went through the details of what Alcott has presented and looked at the methodology and assumptions. Fugal stated that not all traffic studies are done the same and each firm has their own ideas and approaches. Fugal stated that the reasoning of Alcott is well supported, and the methodology is a kin to what an engineering firm would do in a traffic study. Fugal stated you might learn something from a formal study that wasn't presented here. Fugal stated that the applicant has presented sound reasoning. Fugal indicated he has no concerns with the information presented.

Dixon asked if there is any way to tell cars versus large vehicles on the counter. Fugal stated that the ability of traffic counters to make the differentiation accurately there needs to be two tubes. Fugal stated this report shows everything reported as lane one because likely there was only one tube. Fugal stated with the one tube you do not get the speed and is much more difficult to differentiate the pulses for multi-axle truck or two cars however the difference that would make in these results would be insignificant. Dixon asked about the lack of a peak. Fugal stated he cannot draw anything conclusive, however there is a pronounced peak around the time people

are coming home from work. Fugal stated that the lack of a morning peak is not unusual as the trips to work are less than half the trips for the household. Dixon asked if Fugal can give a comparison to other single lane streets in town that have had a recent traffic count that is similar to this level of traffic. Fugal could not recollect a specific count, however, gave a reference to South Boulevard south of 17<sup>th</sup> Street that has 7,000-8000 vehicles per day and this neighborhood has ¼ of the traffic compared to South Boulevard and the road on Pevero is wider than S. Boulevard.

### **Support:**

**Danielle Kingston, 4885 Glen Eagles Drive, Idaho Falls, Idaho.** Kingston indicated that she came to complain, but her mind was changed after listening to information presented. Kingston indicated that she did not believe there would be much of a change with a traffic study and feels like the area is slower paced than most subdivisions. Kingston feels that promoting and having additional lots for people to come into the subdivision is a plus. Kingston stated that there is more heavily populated construction currently. Kingston stated that Pevero is not backed up and congested. Kingston stated that she does not see a benefit to an additional study or count. Kingston showed embarrassment about her neighbors going around making laps on the counter, and indicated she wants real information, not numbers that are skewed. Kingston was concerned about the bridge but understands how the bridge comes into the development of the other lots and it will naturally go into its own development stage. Kingston stated that the lots are limited that are available in the area and has demand for lots in the area. Kingston commended the development team for thinking about the area and the CC&R's.

Swaney asked Kingston what number of the 130 lots being sold does she believe the bridge needs to be built. Kingston indicated that 60% of the lots sold. Kingston stated that lots are sold and not built on a lot in this subdivision. Kingston reiterated that there is not a huge delay or backed up traffic in the area.

### **Opposition:**

**Thomas Collins, 4730 Glen Eagles, Idaho Falls, Idaho.** Collins stated that the traffic count reflects 2700 cars and 3000 is capacity, contrary to Alcott's assertion that there was extrapolation. Collins believes that Alcott stands to gain the most from the development and the Commission should not rely on his estimations and suggested getting an independent traffic study performed by an independent person that is an expert in the field. Collins believes the more facts they can obtain, the better decisions the Commission can make.

Dixon asked if Collins believes the City Engineer who reviewed the estimation an independent person with expertise in the area. Collins indicated that Fugal stated that the assumptions Alcott made would be the same that an engineering firm would make. Collins indicated that the engineering firm is independent and doesn't gain anything. Collins believes that the engineering firm, because they are independent, would have a more valuable opinion, because they have nothing to gain from the development

**Laren Covert, 114 Pevero Drive, Idaho Falls, Idaho.** Covert stated that during the City Council meeting his recollection of the instructions by City Council was for a traffic Count and/or Traffic Study to be conducted and paid for by the applicant, and then this Commission consider that information. Covert doesn't believe that the instructions have been completed.

Wimborne indicated that the information she received was a remand with direction to consider a traffic count or traffic study.

Cramer stated that the motion from City Council was that the Plat be remanded back to Planning Commission with the recommendation that they consider either a traffic count or a traffic study as part of the decision and it should be paid for by the developer.

Covert stated that the instructions have not been followed, and if the Commission proceeds forward without those instructions being followed it would be in error. Covert understands the traffic count was done by the City after this Commission made its decision, but prior to the City Council meeting on the appeal, but that is not in compliance with City Council's direction, which was the Commission consider a traffic study and/or Count paid for by the applicant.

Swaney clarified that the City requested BMPO to conduct the traffic count. Covert indicated that the traffic count was completed prior to City Council's appeal hearing, so it would not be in compliance with the remand where the count was done prior to the remand. Covert believes the Commission should wait to decide until a count or study is completed by the applicant as directed by City Council and would strongly urge the Commission to request a traffic study. Covert does not believe that the Applicants information and calculations on the traffic count should be used. Covert doesn't believe the applicants lot count is correct and believes there will be in excess of 200 lots which would put the area over the count for what the road is designed for. Covert indicated that all construction that is going on in the area is construction on current platted developments and if the preliminary plat is approved it will add an additional layer of construction. Covert believes the reasonable approach is to require that any new construction on any additional lots should require the construction of the main road and the bridge leading out to the Highway. Covert indicated that the developer has come in and redone what was originally platted to create more R1 in the area that has been designated by the Fire Department, and Covert believes it is to be able to develop more homes prior to building the bridge. Covert believes that the previous decision of the Commission to require the bridge when he reaches the R2/R3 area will encourage him to never develop the R2/R3. Covert believes the reasonable approach is to have the road put in have the bridge put in prior to any further approval. Covert showed concern about the partial final plats and believes it is to avoid putting the bridge in. Covert asked the Commission to get the information from the City of Idaho Falls Fire Department on what they are looking at on their calculations and what the calculations mean, and what is a two-fire apparatus road by definition. Covert stated that he lives on the corner of Pevero and Eagle Wood and the City of Idaho Falls considers those two roads two access roads, and it doesn't matter where the two roads end up. Covert stated that the International Fire Codes are set as a minimum, but they need to be looked at carefully to determine if the minimum meets the purpose of having planning and building. Covert stated that in 10-1-2 the first purpose for the Subdivision Ordinances in the City of Idaho Falls are to promote the public health, safety and welfare. Covert urged the Commission to have a traffic study performed, paid for by the developer as required by City Council; and look at whether the determination by the Fire Department promotes the public health, safety and welfare in their approval of the large arch radius.

**Kyle Hicken, 375 Pevero Drive, Idaho Falls, Idaho.** Hicken had a thumb drive that had additional information. Hicken read statements from Fire Code Law regarding fire apparatus roads and when those are necessary. Hicken read Exception 1 (Section D107 International Fire

Code 2015). Hicken read D107.2. Hicken indicated that he feels the whole area is being served so he measured distances and divided them by 2 to find the distance that is required between entrances and got 2,147'. Hicken stated the distance from the two entrances is only 1,873' which means that it is short of meeting the code by 273 feet. Hicken stated that the development, before any new development, is already in violation of the Fire Code. Hicken used the point for measurement because the Code states "the maximum overall diagonal dimension". Hicken believes the Fire Chief misinterpreted the 2 entrance points as the area they measured from is not a road, it is a dead end with a fence that leads to the landfill, and no fire truck is going to go through the unstable dump to get to the development.

**Alison Hicken, 375 Pevero Drive, Idaho Falls, Idaho.** Alison was home on June 4<sup>th</sup> watching the live stream and her husband was testifying to find out why the bridge had not already been built because in 2005 it was on the Preliminary Plat and 2017 the cover letter states that the bridge to the Lewisville Highway needs to be completed before. Alison stated that the new plat has 182 new homes. Alison showed the current plat. Alison indicated that the area has 250 current homes and empty lots and all those homes exit out Pevero. Alison shared a story from last summer on July 25 there was lightening that struck a power pole in her backyard that knocked out power to the neighborhood and south of the development. On 5<sup>th</sup> West and 33<sup>rd</sup> North there was a tree down, and a tree down on 33<sup>rd</sup> North. Alison called 911 because of a power pole that was on sparking and lit the pasture behind the homes on fire. Alison stated that she called 911 and waited but they could not get to her because everything is down in the neighborhood, and they tried to come up 5<sup>th</sup> West, they tried to go to 33<sup>rd</sup> North, so they had to go back through town, cross Railroad tracks, past INL buildings, turn up Science Center Drive, and go around up to Fred Meyer, back to Holmes then go to Lewisville Highway up to 65<sup>th</sup> North, around the golf course, and back down weaving through the neighborhood streets. Alison stated that her cell phone records show it was approximately 30 minutes for them to get to the fire. Alison stated that one access point is not sufficient for 250 current neighbors and 182 future neighbors to be reached in an emergency. Alison indicated this information as highlighted in her appeal. Alison stated that this type of incident has occurred 6 documented times in the last 5 years where 5<sup>th</sup> West has been closed entirely. Alison stated that a large accident could knock both the entrances out. Alison showed an illustration on how people will likely get out to East River Road using a hypothetical home at the new development. Alison stated that the easiest answer to remedy all the access problems is putting in a bridge to Lewisville Highway. Alison stated that the traffic count likely didn't show a peak in the morning because the neighborhood has a lot of retired people that don't leave for work at 8 am. Alison stated that this area is likely not a "2 car home" and doesn't have a typical traffic pattern. Alison stated that her appeal has some bridge and street codes listed that state that if there is increased traffic volume due to development that the City can require additional roads to be built. Alison called BMPO and noted that Pevero Drive is a residential collector, and South Boulevard is an arterial road. Alison believes her road is busy. Alison stated that there is a car that passes every 8-12 seconds. Alison stated that her 4-year-old cannot cross the street in that amount of time. Alison read from a table that shows characteristics of a residential collector and indicated that residential collectors are not designed to be long stretches of road. Alison stated that Codes are to protect citizens and they don't want a bunch of cars driving long distances through neighborhoods, and she believes that is the intent of the code. Alison stated that the goal of a residential collector is to be ¼ to ½ mile in length then Pevero up to the point of current development is 1 mile and it will continue beyond there with new development. Alison believes the point of that ¼ to ½ mile distance is to

avoid people traveling long distances through residential traffic. Alison doesn't believe City Planning has done a good job in creating a neighborhood that gets traffic out. Alison believes if the bridge is built prior to the rest of the development then residents would have an option and emergency vehicles would have a way to access the neighborhood. Alison stated that the capacity of the road physically is not the same as what reasonable traffic should be such as a residential neighborhood road. Alison doesn't believe that the numbers should be pushed all the way to 100% before something is done.

**Judy Schmidt, 215 Pevero Drive, Idaho Falls, Idaho.** Schmidt stated that the road is wide and long, and it encourages speeding. Schmidt stated that East River Road used to be a safe road to be a pedestrian on, and it is now fast and busy. Schmidt believes East River Road is now dangerous and too busy. Schmidt stated that there are 4 access points to East River Road from Fairway Estates. Schmidt stated that the development needs an access onto the Lewisville Highway.

**Blake Peterson, 5222 Jupiter Hills, Idaho Falls, Idaho.** Peterson stated that in January he had to drive in the opposite lane of traffic to avoid the potholes on East River Road. Wimborne asked Peterson to reserve comments to traffic. Peterson stated that East River Road is heavily travelled between INL and Golf Course. Peterson stated that there is a ditch that runs along the road on the east side and the grass is tall and you have to pull into the lane of traffic to see a car coming. Peterson stated that it would be 300' to get onto the Lewisville Highway with a bridge and instead they are directing traffic down Pevero Drive and that doesn't make sense. Peterson indicated that they have been promised a community park, and instead they are getting a freeway. Peterson believes development is good for the economy, but they have to remember public safety. Peterson stated that there is a reason why people want to live in Fairway Estates, and it is one of the highest taxed neighborhoods in Idaho Falls. Wimborne redirected Peterson back to traffic. Peterson wants the bridge built and access onto Lewisville Highway.

**Uane Butikofer, 10318 N. Lewisville Highway, Idaho Falls, Idaho.** Butikofer has property on East River Road and Lewisville Highway and a house across from the golf course. Butikofer wants to know the impact the traffic will make onto the Lewisville Highway.

**Applicant: Kevin Alcott 101 Park, Idaho Falls, Idaho.** Alcott believes the 2700 cars is an extrapolation and the actual count was not that high. Alcott stated that City Council was aware that there has been a traffic count done, but it was not admissible because it was not part of the record from Planning Commission hearing. Alcott stated that City Council's motion was the Commission recommend getting a traffic count or a traffic study paid by the developer, they did not indicate that the traffic count was paid by the developer, just the traffic study. Alcott stated that there was a motion on the table to force it to be a traffic study, but there was no 2<sup>nd</sup> to the motion. Alcott believes that it was brought up, improperly in the hearing that there was a traffic count, so they wanted the commission to be able to look at the traffic count and rely on that information. Alcott believes that the Fire Marshall is qualified to determine the Fire Code. Alcott stated that the Fire Code clearly states in exception 2 that it would apply as determined by the Fire Code Official, and that power is vested in the Fire Marshall who is the Code Official. Alcott believes the Fire Marshall's interpretation of the map is accurate and he is qualified to interpret the map. Alcott stated that line is started on the map at the corner they are measuring the diagonal from and not indicating an access point, the access is from Pevero and over to Cross Creek, and Cross Creek is built to City standards. Alcott indicated that they did replat a section

near the Lewisville Highway as originally it was going to be commercial and then it was determined that commercial was not a good idea in that area, so they converted the plat to residential. Alcott stated that currently they have pulled the bridge closer from where it is in the current approved preliminary plat. Alcott stated that if cars are going down the road every 8-12 seconds then that would be 450 cars per hour and the count showed that at the peak hour there was 180 cars. Alcott watched cars this morning and watched traffic and did not see cars having to wait to back onto the street. Alcott stated that occasionally there are more cars, but generally there are more people in the street than cars. Alcott stated that the table showing the characteristics of a residential collector and clarified that the table doesn't say that the road should be  $\frac{1}{4}$  or  $\frac{1}{2}$  mile long, it says that the spacing on the road is  $\frac{1}{4}$  to  $\frac{1}{2}$  mile which means coming off of the main roads (arterials) every  $\frac{1}{4}$  to  $\frac{1}{2}$  mile there should be a residential collector and the plat map shows  $\frac{1}{2}$  mile of frontage and the road will be in the middle when they hit the Lewisville Highway so it is platted exactly how a residential collector should work. Alcott stated that they have tried to comply with the Ordinances and rules. Alcott stated that it is an ordinance that bridges should be built, and that Ordinance establishes the impact fees for road and bridges, and he pays into that fund in accordance with the Ordinance for every lot they build. Alcott has no control over the community park. Alcott stated that he has done exactly what he said he would do with regards to building the bridge and he intends to build the bridge. Alcott intends to get to the bridge prior to the build out of all the R1 lots.

Cramer wanted to clarify some confusion. Cramer stated that the Fire Code and where the arch could be drawn has been debated. Cramer stated that moving forward it is the Fire Officials job to determine where the arch is drawn. Cramer stated that if the Commission upheld their decision even with conditions, and if the Fire Marshall was convinced that he had misinterpreted the Code and the arch should be drawn back further, it doesn't negate the preliminary plat, because this preliminary plat as drawn complies with the Fire Code because it has the second access onto the Lewisville Highway and the question is when, so if the Fire Code Official determines the "when" is with the next division of Fairway Estates, then when the next final plat comes forward and it is reviewed by the Fire Code Official and they determine that they should have moved the arch, then the bridge will be required at that time, regardless of the Commissions decision or conditions. Cramer stated that the reference to the 2017 Preliminary plat has been made and that plat was approved and if this plat is denied that plat does still stand and is valid and final plats can come forward on those plats and they all show the bridge. Cramer stated that the debate on spacing vs. length is supposed to be spacing and that is in the Comprehensive Plan that every  $\frac{1}{4}$  to  $\frac{1}{2}$  mile there should be a collector.

Dixon asked Fugal the difference between the total count and ADT. Fugal stated that ADT is Average Daily Traffic. Fugal stated that the reason the ADT would be there is to take the counts for the limited periods that were done and extrapolate those to an average day. Fugal stated that the numbers shown in the document are only as good as the input behind them. Fugal showed where number of days is located and there are fractions of days entered in, .4 on Sunday, .6 on Wednesday, 1 on Thursday, 1 on Friday, 1 on Saturday, and that is intended to so that if someone took the time to accurately determine what fraction of a day the counts that were done on that day represent, then the ADT number on the 3<sup>rd</sup> row would be correct, however this was not done in this case, as is evident by the fact that it is putting in 1.0 on Friday when Friday was only counted for a few hours. Fugal stated that whoever set this count up, they didn't take the time to do that because their focus was on getting the actual data, so the ADT doesn't mean anything

because there is not the accurate input to have that give accurate results. Dixon asked under the total count and 1700 hours it shows 356 is that the peak number per hour, or does that number need to be divided by 2 to get the total number of trips. Fugal stated that he understands that it is the total count from the 2 days that included the 1700 hour added together. Dixon clarified that he would then need to divide that number by 2 to get the accurate approximation for one day. Fugal stated that he has not gone through to add all the numbers to make sure his assumption is correct. Fugal was under the impression that the count is a total that was counted in the hour for the 2 days counted and that is a possible that it is an average. Dixon stated he is trying to determine if it is 180 trips on the peak hour that is basically a car every 20 seconds and if it is 360 it is a car every 10 seconds.

Wimborne closed the public hearing.

Morrison stated that this is a temporary thing for a few years until the construction is done and the other road is opened. Morrison stated that there has been a lot of emotion and speculation, but the experts have determined that this should be adequate. Morrison stated that a traffic count that was done recently seems to be adequate for this situation and the City Engineer demonstrated that it was adequate. Morrison believes they should take the same action they took previously.

Swaney disagrees with Morrison. Swaney stated that the BMPO traffic count is possible to interpret in a number of ways. Swaney agrees with the testimony that if they are going to rely on an interpretation of something that interpretation should be provided by an independent uninterested party and only interested in providing the best objective data. Swaney believes that this issue was remanded back to the Commission with the instruction to either look at the Traffic Count which seems in many ways inadequate or have a traffic study paid for by the developer. Swaney believes that if they develop a motion in regards to this matter, the motion would be to delay a final decision until an independent traffic study paid for by the developer and with the engineering firm selected by the IF Planning and Community Development Organization is completed and ready to be presented; then they would have an independent and objective opinion of the situation in the area. Swaney respects the developer and recognizes he has suffered from a number of inconveniences in regard to proceeding with this development. Swaney would like to have the traffic study presented to the Idaho Falls Fire Department Planning folks, and have someone from the Fire Department representing them, testify before this Commission as to their opinion as to what the appropriate time during future development to have the second access bridge installed. Swaney believes that City Council declined to do an inconvenient job and dumped it back on Planning Commission and so this Commission needs to act in the best interest of Idaho Falls.

Dixon had made up his mind prior to the last questions with the Traffic Engineer, which brought into question how to interpret the traffic study. Dixon doesn't see the need for the delay and expense of a traffic study if the ADT volume shown on the page is accurate at 90 trips for a peak hour and that is not a lot of traffic. Dixon stated that he has questions and would like to hear from the independent organization that did the traffic count so he can understand what the count says. Dixon would like to have a better understanding of why the basis for the arch from the Fire Department is the intersection of Pevero and Eagle Wood versus Cross Creek and Eagle Wood, instead of Pevero and Glen Eagles versus Jupiter Hills and Glen Eagles. Dixon believes those things could be covered by delaying the decision tonight until the next meeting when

representatives from the two organizations can be present to clarify the issues. Dixon would then feel confident in saying whether a traffic study is needed.

Denney doesn't believe a full traffic study is needed but does agree that a more accurate count that is complete would be nice. Denney has every confidence in the Fire Department, Fire Marshall and City Engineer that they know their jobs. Denney indicated that her mind has not been changed from the previous vote.

Hicks concurred with Swaney. Hicks does believe that if the presentation was to go through and clarify some of the questions, and project forward then they would have the answers to make a solid decision.

Wimborne has some concerns about the traffic count, but it can be interpreted in different ways. Wimborne is unsure that a full traffic study is needed, but it would be good to get better information from a traffic count. Wimborne is unsure if there is a reason to delay the decision as one of the options that staff has reviewed is that the plat could be approved contingent upon issues or requirements that may come out of the traffic count. Wimborne believes that even if they hear from the fire Marshall and the traffic engineer, they understand the issues and Wimborne trusts their decisions. Wimborne added that the final plat will have different decision points and reviews that will be conducted by City Staff as well as Traffic and Fire.

Dixon agreed that he was where Wimborne currently is before the confusion on the traffic study, but he can see a path forward and put conditions on the traffic count and if it is found to be 50% in error it needs to come back to planning and zoning for another review.

Cramer stated that the City Engineer has been trying to answer Dixon's question more fully, but the public hearing would have to be reopened to receive the information on the Count.

Morrison agreed with Wimborne's idea of accepting this with conditions and realizing it can be changed at the final plat if everything points to a dire circumstance, and then they do not delay progress that can be made.

Wimborne asked staff if a new traffic count is necessary, does a traffic count give department heads the information needed to make other determination or does it need to be a traffic study. Kirkham stated that you get a report with a traffic count, and a traffic study would give some analysis and conclusions. Wimborne asked if that will give City Staff enough information to ensure that the development meets and addresses the concerns that have been raised. Kirkham deferred to Cramer. Kirkham stated that the Commission can ask City Staff to weigh in on the traffic count. Wimborne stated that they are considering approving the project with the condition that if there are issues raised, they would be addressed. Cramer stated that the traffic count will tell City staff how close the road is to capacity and the City Engineer would do similar analysis to determine if the bridge would be required earlier.

Swaney still thinks an independent traffic study is necessary because then they are not looking at a count alone that is interpreted by many people many ways and the conclusions are presented by the engineer and he stands behind his conclusions.

Hicks believes that the study would give the detail and project when the time comes that the bridge needs to be put in.

Dixon is concerned that a traffic study could say that the bridge is not necessary until after the R2 and R3 are developed. Dixon stated the this plat is only preliminary and before the applicant can develop any more streets or lots they have to get a final plat, and they can put some conditions on reviews that have to take place prior to the next final platting, such as the fire department review the question as part of the review for the next final plat. Dixon stated that a traffic engineer is independent of the developer and the traffic count was provided by a separate independent agency, However the Engineer has some questions on how to interpret the information, but that could be clarified by the Engineer and BMPO sitting down and having his questions answered by the person who did the study, and if the result comes out to not be different from what was shown tonight, then there is not a reason to require more, if the result is significantly different from the Commissions current understanding, and because City Council sent it back to the Commission for traffic information and if the information has not been correctly interpreted based upon the City Engineer sitting down with BMPO engineer, then that would be a reason to bring the updated information back to the Commission, otherwise additional counts and studies are not going to be different.

Wimborne stated that there is an issue with interpretation and the Traffic Engineer could possibly clarify his remarks. Wimborne asked if she opens the public hearing can she open it just for those comments or does it open it for everyone. Kirkham stated that if the hearing is re-opened it could be for the limited purpose of discussing that information, but you cannot open it for one individual, it would have to be for anyone wanting to talk. Wimborne asked the Commissioners if they want the hearing re-opened.

Hicks asked how long a traffic study would take. No one was sure on the time frame.

**Dixon moved to reaffirm the approval of the Preliminary Plat with the following conditions:**

- 1. As part of the review for the next final plat that the Fire Safety Review include specifically looking at how access of two separate access points is determined, should it be based on Pevero Drive and Eagle Wood versus Cross Creek and Eagle Wood; or based on Pevero and Glen Eagles versus Jupiter Hills and Glen Eagles.**
- 2. A City Traffic Engineer meet with BMPO to specifically get clarification of any questions that the City Traffic Professional has about the traffic count that was presented as part of the record and from that if the determination is that the average daily trip volume in the peak hour increases more than 50% than the issue would come back to the Commission for presentation of the updated information about the traffic count and the Commission could make a decision on whether they require a full traffic study.**

**Morrison seconded the motion and it passed 3-2. Swaney and Hicks opposed the motion.**

**Hicks believes his opposition has already been stated.**

**Swaney is going back to the Memorandum that remanded the application back to the Commission that directed specifically to resolve this in the review of the preliminary plat and he doesn't feel that it has been resolved in terms of the review of the preliminary plat, and gives the Commission more latitude to develop more information before the final plat**

**goes through. Swaney does not believe that the Commission followed the direction of City Council.**

Wimborne called a 5-minute recess.

Wimborne called the meeting back to Order.

Wimborne indicated that the Reasoned Statement of Relevant Criteria is in the packet, and the points that have been changed are point 5 to indicate future access, because at this point access is not coming from the bridge, 6 was added which deals with the Fire Review and 7 which deals with the City Engineer and BMPO clarifying the Count. Cramer suggested that 6 and 7 be moved to the decision. Cramer clarified that if the Commission approved the previous decision, and reaffirmed it, they would still be including the condition that the bridge be built prior to any R2 or R3 development. Dixon stated that his motion also stated explicitly identifying the intersections to look at for the Fire Code Review.

**Morrison moved to accept the Reasoned Statement of Relevant Criteria and Standards, Dixon seconded the motion and it passed 3-2. Swaney and Hicks opposed the motion based on their previous objections.**

**2. ZONE CHANGE. AMENDMENT TO TITLE 11, CHAPTER 5.** Cramer presented the staff report, a part of the record.

Wimborne opened the public hearing.

**Applicant: City of Idaho Falls.**

Wimborne closed the public hearing.

**Hicks moved to recommend to the Mayor and City Council approval of the Amendment to Title 11, Chapter 5, Denney seconded the motion and it passed unanimously.**

Swaney left the meeting after confirming that without his presence there would still be a quorum.

**Business:**

**3. ANNEX 19-007: ANNEXATION/INITIAL ZONING OF HIGHWAY COMMERCIAL. Snake River Landing Division No. 14.** Stephens presented the staff report, a part of the record. Hicks asked if they are annexing the road. Stephens clarified that they will annex the road so they have the ability to improve the road, and in the plat, they will give an additional 30' to the City and will give them the ability to have the turn lane onto Event Center Drive.

**Applicant: Justin Scott, Horrocks Engineers, 901 Pier View Drive, Suite 205, Idaho Falls Idaho.** Scott stated that they are getting the lot ready for sale and development.

**Morrison moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of Highway Commercial for Snake River Landing Division No. 14, as presented, Hicks seconded the motion and it passed unanimously.**

**4. PLAT 19-019: FINAL PLAT. Snake River Landing Division No. 14.** Stephens presented the staff report, a part of the record.

**Morrison moved to recommend to the Mayor and City Council approval of the final plat for Snake River Landing Division No. 14, Hicks seconded the motion and it passed unanimously.**

**5. ANNEX 19-008 ANNEXATION/INITIAL ZONING OF HIGHWAY COMMERCIAL.**

Cramer presented the staff report, a part of the record. Cramer passed out a letter from Bonneville County Commissioners. Cramer stated that the letter is a consent to annexation of the roadways, with concerns stated about the Costco Traffic Development Plan. Hicks confirmed and Cramer agreed that the annexation is just for the road, and not dealing with the access points. Cramer agreed that the access points are typically handled with the plat, however the plat has already gone through the process, so it is the improvement drawings that will determine the access onto the road. Wimborne clarified and Cramer agreed that Costco would like the right of ways annexed so they don't have to comply with the recommendations from the County. Wimborne clarified and Cramer agreed that the City Traffic Engineer is comfortable that this area will not turn into another "Target/Hitt Road mess". Cramer stated that they are satisfied with the Traffic Study and the recommendations and recognize that the traffic study does say that as other areas develop, more improvements will be needed and that will be upon the City to make sure the other developments contribute to the improvements. Cramer stated that the roundabout at Iona and Ammon will be negatively impacted by Costco and so there are fees that will be collected by the City and turned over to the County to pay for improvements to the round-about. Cramer stated that through the amended development agreement the funds will be collected for improvements in the future. Hicks asked about the intersection to the west (Woodruff/Lincoln) and indicated that the problem will be compounded by this development. Cramer stated that the intersection was referenced in the Traffic Study. Cramer stated that there will be trigger points where additional improvements are required and those are within the scope of the existing study. Cramer stated that Costco is being asked to address its immediate impacts on the area and that will be required at this time. Dixon asked about the County's suggestion to improve exit C with a roundabout, that would include land that is outside of the current right of way and Ammon would own a portion of the round-about. Dixon believes they are creating problems. Dixon asked if there was consideration of getting rid of the roundabout and putting in a light. Cramer stated that if anyone had known before the project started that a Costco was coming that would have been in the discussion point. Cramer stated that no one knew and when they annexed the property the landowner was talking much smaller scale and then Costco showed up in the middle of the project. Cramer stated he cannot recall if a traffic light shows up in the study at this point now. Cramer indicated that Kent Fugal with the Engineering Department reviewed the capacity of the Roundabout and it does have the ability to move a lot of traffic, but a light will be required eventually. Dixon pointed out that a lot of people don't know how to use roundabouts. Cramer stated that once the round-about is in the City's jurisdiction they will put some signage up that explains the round-about and then work with the City's PIO's to do some educational new releases or PSA.

**Applicant: City of Idaho Falls.**

**Denney moved to recommend to the Mayor and City Council approval of the Annexation and Initial Zoning of Highway Commercial for Hitt Road and Lincoln Right of Way adjacent to Costco Subdivision, as presented, Hicks seconded the motion and it passed 4-1. Dixon opposed the motion.**

Dixon believes that if the idea is to have a round-about as part of the right of way and if the idea is for Idaho Falls to own Hitt Road, then they should own all of the Round-about as part of that rather than having Ammon own a portion as it will create problems in the future with trying to figure out paying for maintenance.

Wimborne adjourned the meeting.

**Respectfully Submitted**

**Beckie Thompson, Recorder**