



City Council Agenda

City of Idaho Falls
Regular Council Meeting
680 Park Avenue

Thursday
December 14, 2023
7:30 P.M.

Mayor

Rebecca Casper

City Council

Michelle Ziel-Dingman
Council President

John Radford
Council Seat 5

Jim Freeman
Council Seat 6

Tom Hally
Council Seat 3

Jim Francis
Council Seat 4

Lisa Burtenshaw
Council Seat 2



Livestream at www.idahofallsidaho.gov/429/Live-Stream

PUBLIC PARTICIPATION

Welcome to the Idaho Falls City Council Meeting.

Regularly scheduled City Council meetings are open to the general public. City Council meetings are also live-streamed and archived on [the City website](#). Please be aware that the meeting agenda will differ from the published version if amendments to the agenda are made by the Council during the meeting.

The Council encourages public input. While a general public comment option is not required by Idaho law, the Idaho Falls City Council welcomes general public input as part of regular City Council meetings. General public comment will be allowed for up to 20 minutes. However, citizens are always welcome to contact their Council representatives via e-mail or telephone, as listed on [the City website](#). The Council is committed to an atmosphere that promotes equal opportunity, civility, mutual respect, proper decorum and freedom from discrimination or harassment.

Those who wish to address City Council during the council meetings are encouraged to adhere to the guidelines below.

Public Comment Guidelines

Speakers are encouraged to:

- State their name and city of residence.
- Focus comments on matters within the purview of the City Council.
- Limit comments to three (3) minutes or less.
- Refrain from repeating information already presented to preserve time for others to speak. Large groups are encouraged to select one or two speakers to represent the voice of the entire group.
- Practice civility and courtesy. City leaders have the right and the responsibility to maintain order and decorum during the meeting. Time may be curtailed for those speakers whose comments are profane or disruptive in nature.
- Refrain from comments on issues involving matters currently pending before the City's Planning and Zoning Commission or other matters that require legal due process, including public hearings, City enforcement actions, and pending City personnel disciplinary matters.
- Comments that pertain to activities or performance of individual City employees should be shared directly with the City's Human Resources Director (208-612-8248), the City's Legal Department (208-612-8178) or with the Office of the Mayor (208-612-8235).

Public Hearing Guidelines

- In-person Comment. Because public hearings must follow various procedures required by law, please wait to offer your comments until comment is invited/indicated. Please address comments directly to the Council and try to limit them to three (3) minutes.
- Written Comment. The public may provide written comments via postal mail sent to City Hall or via email sent to the City Clerk at IFClerk@idahofalls.gov. Comments will be distributed to the members of the Council and become a part of the official public hearing record. Written testimony must be received no later than forty-eight (48) hours prior to the date of the hearing to ensure inclusion in the permanent City record.
- Remote Comment. When available, the public may provide live testimony remotely via the WebEx meeting platform using a phone or a computer. Those desiring public hearing access should send a valid and accurate email address to virtualattend@idahofalls.gov no later than twenty-four (24) hours prior to the date of the hearing so log-in information can be sent prior to the meeting. Please indicate which public hearing the testimony is intended for on the agenda. Please note that this remote option will not be available for all meetings.

If communication aids, services, or other physical accommodations are needed to facilitate participation or access for this meeting, please contact the City Clerk at (208) 612-8414 or the ADA Coordinator at (208) 612-8323 not less than 48 hours prior to the meeting. They will help accommodate special needs wherever possible.



City Council Meeting

Agenda

680 Park Avenue
Idaho Falls, ID 83402

Thursday, December 14, 2023

7:30 PM

City Council Chambers

City Council Agenda:

1. Call to Order.
2. Pledge of Allegiance.
3. Public Comment.

Please see guidelines above.

4. Consent Agenda.

Any Consent Agenda item may be moved to the Regular Agenda for separate consideration if requested by a Council member. Other changes to this agenda may require the approval of a majority of Council.

A. Office of the Mayor

- 1) City Director Appointment: Human Resources **23-360**

Attachments: D. Jones Resume_Redacted
Appointment of HR Director Jones.pdf

B. Municipal Services

- 1) Quote 24-008, Purchase of Ammunition for the Police Department **23-351**

Attachments: Quote 24-008 Ammunition for Police Department

- 2) Treasurer's Report for October 2023 **23-359**

Attachments: Oct 2023 Treasurers Report

C. Idaho Falls Power

- 1) Idaho Falls Power Board Meeting Minutes - September and October 2023 **23-358**

Attachments: 2023 0913 IFP Board Meeting minutes
2023 1011 IFP Board Meeting minutes

D. Public Works

- 1) Bid Award - 17th Street over the Idaho Canal **23-355**

Attachments: Bid Tab STR-2023-12

E. Office of the City Clerk

- 1) License Applications, all carrying the required approvals

Action Item:

Approve, accept, or receive all items on the Consent Agenda according to the recommendations presented (or take other action deemed appropriate).

5. Regular Agenda.**A. Office of the Mayor**

- 1) Resolution in Support of the Idaho Falls Public Library Board of Trustees **23-361**

Recent efforts to address patron concerns about access to public library collections have had the unintended consequence of disparaging the efforts of countless library staff, professional librarians and the members of the Library Boards of Trustees in Idaho. This resolution enumerates the value that the Idaho Falls Public Library brings to our community and expresses the Council's support for the volunteer Trustees who establish, guide, and see to the enforcement of library policy.

Action Item:

Pass a resolution in support of the Idaho Falls Public Library Board of Trustees.

Attachments: Library Resolution Final

B. Community Development Services

- 1) Final Plat, Reasoned Statement of Relevant Criteria and Standards, **23-349**
Willard-Warr Addition, Division No. 1, First Amended.

Attached is the application for the Final Plat and the Reasoned Statement of Relevant Criteria and Standards for Willard-Warr Addition, Division 1, First Amended. The Planning and Zoning Commission considered this item at its July 11, 2023, meeting and unanimously voted to recommend approval for the final plat as presented. Staff concurs with this recommendation.

Action Item:

1. Accept or approve the Final Plat for Willard-Warr Addition, Division No. 1, First Amended, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Willard-Warr Addition, Division No. 1, First Amended and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map
Aerial
Final Plat
05 Staff Report
Landuse Table
PC Minutes
Reasoned Statement

- 2) Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane. **23-332**

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R3A, Residential Mixed Use which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane. The Planning and Zoning Commission considered this item at its November 14, 2023, meeting and unanimously voted to recommended approval of the annexation with initial zoning of R3A including the remaining right-of-way for the bridle path and Crestwood Lane and with the exception of lot 6, block 2. Lot 6, Block 2 has been removed from the annexation request and is no longer included within the annexation documents provided to Council.

Action Item:

1. Approve the Ordinance annexing Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane, assign a Comprehensive Plan Designation of "Mixed-Use Center and Corridors", and under a suspension of the rules requiring three complete and separate readings, request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning
Aerial
Comp Plan
Staff Report
ANNX23-004
PC Minutes.docx
Ordinance
Map Exhibit.pdf
Reasoned Statement Annexation

- 3) Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R3A, Residential Mixed Use, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane. 23-333

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R3A, Residential Mixed Use which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane. The Planning and Zoning Commission considered this item at its November 14, 2023, meeting and unanimously voted to recommend approval of the annexation with initial zonings of R3A including the remaining right-of-way for the bridle path and Crestwood Lane and with the exception of lot 6, block 2. Lot 6, Block 2 has been removed from the annexation request and is no longer included within the annexation documents. Staff concurs with this recommendation.

Action Item:

1. Approve the Ordinance establishing the initial zoning for R3A, Residential Mixed Use as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the initial zoning of R3A, Residential Mixed Use and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Attachments: Zoning Map
Aerial
Comp Plan Map
Ordinance
Map Exhibit.pdf
Reasoned Statement

C. Municipal Services

- 1) Resolution to Declare Northgate Mile Railroad Property a Public Nuisance 23-366

On Monday, December 11, 2023, City Council received an updated condition report for the Northgate Mile railroad property. City staff recommended that the property be declared a public nuisance. This declaration will provide the necessary authority to clean up the property immediately.

Action Item:

Approve a resolution to declare the Northgate Mile Railroad property a public nuisance and authorize city staff to take immediate steps to clear the property (or take other action deemed appropriate).

Attachments: Resolution Northgate Mile Railroad Nuisance Abatement with exhibit A 12.12.23

2) Impact Fee Hearing - Payment of Impact Fees Under Protest

23-346

On November 9, 2023, Skidmore Construction submitted a written formal protest of the payment of Impact Fees for permit COM23-0099, Blackwood Building, 3740 Woodking Drive. Pursuant to Section 10-8-10-C., the Council shall hear the appeal within forty-five (45) days after receipt of written notice of appeal. The appellant received written notice of the Impact Fee Hearing date of Thursday, December 14, 2023, via e-mail and physical office delivery on Thursday, November 16, 2023. The written notice of protest of the payment of Impact Fees for permit COM 23-0099 was received within fifteen (15) days after the date the payment of impact fees was paid under protest as required by Ordinance, Section 10-8-10-B.

Action Item:

Conduct a hearing and render a decision in compliance with Idaho Falls City Code 10-8-10 (or take other action deemed appropriate).

Attachments: Letter of Protest
Skidmore Construction Impact Fee Protest Letter COM23-099
Blackwood Building
Skidmore Appeal Argument Letter HBH, Kovac and Blackwood
20231204160518859

6. Announcements.

7. Adjournment.

Memorandum

File #: 23-360

City Council Meeting

FROM: Rebecca Casper
DATE: Thursday, December 7, 2023
DEPARTMENT: Mayor's Office

Subject

City Director Appointment: Human Resources

Council Action Desired

- ☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)

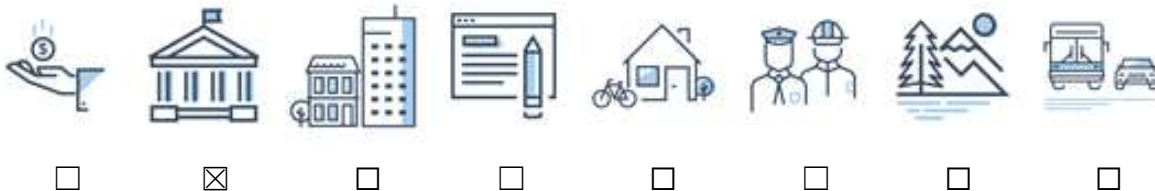
Confirm the appointment of Darin Jones to become the city's Director of Human Resources (or take other action deemed appropriate).

Description, Background Information & Purpose

Pursuant to Title 3, Chapter 9, Section 3-9-2 of the Idaho City Code

I respectfully request City Council confirmation of my appointment of Darin Jones to the position of Human Resources Director. For your insight, I have attached a memo summarizing the appointment process and a resume from Mr. Jones. If approved, Mr. Jones would assume his new role effective January 10th.

Alignment with City & Department Planning Objectives



Seeking out highly qualified individuals to hire for service to the city is in keeping with best governance practices.

Interdepartmental Coordination

All City Directors were invited to participate in the selection process in some way, either as part of the interview panel or more casually in a "meet and greet" setting.

Fiscal Impact

Mr. Jones's annual salary will be \$155,000. This represents a small net increase in the department's director salary. However, the significant salary savings that will have accrued since the previous director's retirement will more than offset this. The result will be a net savings in the FY2023-24 wage and salary budget.

Legal Review

N/A

DARIN JONES

Phone: [REDACTED]

Email: [REDACTED]

SKILLS AND QUALIFICATIONS

Human Resources Leader with over 20 years of experience leading all aspects of human resources and people including recruiting/hiring, benefits administration, labor relations, leader and executive coaching, payroll, employee relations, investigations, employment law, diversity equity, and inclusion.

Extensive experience as a business partner in the areas of HR strategy development and implementation, organizational design, recruitment strategies, and operations, Institution-level strategic planning and strategy. Leader and executive coaching. Implementation of multiple successful lean projects improving productivity while energizing and empowering the employees involved. Lean projects have included human resources and payroll process college admissions processes, and financial aid processes.

EMPLOYMENT HISTORY

Associate Vice President of Human Resources 07/15/2014-present

Grays Harbor College Aberdeen Washington

- Responsible for all HR functions for the college including payroll and benefits; labor relations and contract administration; HR policies and procedures; staff work performance issues; recruiting, classification and compensation; faculty and exempt staff contracts; DEI, workers compensation and unemployment work related issues.
- Responsible for all Risk Management functions for the college including enterprise risk management planning and implementation, insurance policies, training, policies and procedures, legal issues, etc.
- Responsible for student employment for the college.
- Serve at Title IX and EEO officer for the college.

Managing Director of Administration and HR 07/01/2008-July 2014

Westminster College Salt Lake City, UT

- Responsible for all functions listed under HR Director below. Maintain hands on work in all aspects of HR. HR Director for College.
- Responsible for Risk Management function including enterprise risk management planning and training and all risk related insurances, policies and procedures. Risk Manager for the College.
- Responsible for the security function for the College including 24/7 security staffing, emergency planning, security related training for campus, etc. Director of Campus Patrol reports to me.
- Responsible for Safety function for the College. Director Department of Occupational Health and Safety reports to me.
- Responsible for Title IX compliance for the College. Title IX Coordinator and EEO officer for the College.

HR Director 04/01/2004-06/30/2008

Westminster College Salt Lake City, UT

- Responsible for all aspects the Human Resources function for the college including Selection & Placement, Training & Development, Management Practices, HRIS (selection, implementation, &

DARIN JONES

Phone: [REDACTED]

Email: [REDACTED]

training), Health, Safety & Security, Employee Relations, Compensation & Benefits, policy development and maintenance, etc.

- Responsible for all aspects of student employment including all of the functions listed above and aligning student employment learning outcomes with broader institutional goals of the organization.
- Co-Chair Diversity, Equity, and Inclusion committee with associate provost for DEI.

HR Manager 10/03- 03/31/2004

Westminster College Salt Lake City, UT

- Responsibilities in all aspect of human resources management including; Selection & Placement, Training & Development, Management Practices, HRIS (selection, implementation, & training), Health, Safety & Security, Employee Relations, Compensation & Benefits.

Regional Director of Operations and HR 6/03-10/03

Northeastern Services, Inc. Orem, UT

- Responsibilities in all aspect of management & HR including; Full Profit & Loss responsibilities, 12 direct reports (all managers), Client Development, Customer Satisfaction, Business Process improvements, Selection & Placement, Training & Development, Management Practices, HRIS (selection, implementation, & training), Health, Safety & Security, Employee Relations, Compensation & Benefits.

HR Employment & Training Manager 8/01-6/03

*California Manufacturing Technology Consultants (CMTc) Gardena, CA
Consulting Company*

- Responsibilities in all aspect of human resources management including; Selection & Placement, Training & Development, Management Practices, HRIS (selection, implementation, & training), Health, Safety & Security, Employee Relations, Compensation & Benefits.
- Served as HR consultant for various organizations including Ready Pac, Kraft Foods, Edwards Life Sciences, & Allegiance Healthcare Corp. (Cardinal Health).

HR Employment Manager 9/99-8/01

*GlobalCare (Corporate Office), Riverside, CA
Medical Management Company*

- Responsibilities in all aspect of human resources management including; Selection & Placement, Training & Development, Management Practices, HRIS (selection, implementation, & training), Health, Safety & Security, Employee Relations, Compensation & Benefits.

Program Manager 10/97-6/99

*Bear River Mental Health, Logan, UT
Mental Health Institution*

- Directly responsible for all facets of the activity program, including budget, planning, reporting, supervising work of others, and coordinating with other company programs. Solicited participation and cooperation from local businesses and education programs. Organized the activities with participants and carried out the activities.

Carpenter 3/93-10/97

DARIN JONES

Phone: [REDACTED]

Email: [REDACTED]

Nu Homes (Century 21), Logan, UT

Home Builder/Developer

- Performed construction duties including framing, cement work, roofing, finish carpentry, drywall, siding, etc. Read blueprints and built houses according to plans. Satisfied customers as well as employer through high quality work and effective communication skills.

EDUCATION

MS Degree:

Human Resources Management, Minor Cluster Economics, Utah State University Logan, UT.

BA Degree:

Sociology, Minor Portuguese, Utah State University, Logan, UT.

Training and Certification

SHRM – Senior Certified Professional

Employment Law Seminars (regular attendance multiple times each year)

Lean Certified in Lean the Washington Way; Villanova University Lean Six Sigma courses, CTMC lean courses

Title IX Coordinator Certification

Extensive formal training programs on investigation processes, procedures, and reports.

CUPA HR Conferences (many over the years)

SHRM Conferences (many over the years)

Risk Management courses (many over the years)

Professional Organizations

Society for Human Resources Management SHRM Salt Lake City Chapter board member & president.

College and University Personnel Associate for Human Resources or CUPA HR

Washington state Community and Technical Colleges Human Resources Management Commission board member & president

MULTI-CULTURAL EXPERIENCE

Volunteer 12/90-12/92

Sao Paulo, Brazil

Assisted with the management of 200+ volunteers, developed and carried out training programs for volunteers, evaluated the progress of volunteers, and performed volunteer services. Developed fluency in Portuguese language and gained understanding and appreciation of Brazilian culture.



MEMORANDUM

TO: Idaho Falls City Council
FROM: Rebecca Casper, Mayor
DATE: 14 December 2023

RE: Appointment of Human
Resources Director

Pursuant to Title 3, Chapter 9, Section 3-9-2 of the Idaho City Code, I respectfully request City Council confirmation of my appointment of Darin Jones to the position of Human Resources Director.

As Idaho Falls has grown over the years, so has the need to offer and be aware of a broad range of employee services. Going into this hiring opportunity, we knew a strong candidate would need to have many skills. I am gratified to report that Mr. Jones brings that strong HR background to the city along with an executive management skillset we have not heretofore enjoyed in the city's leadership ranks.

Mr. Jones currently serves as Vice President for Human Resources at Gray's Harbor College in Aberdeen Washington. This position has given him access to a very broad spectrum of Human Resources activities including payroll, benefits, labor relations, contract negotiation and administration, HR policymaking, DEI, workers' comp, performance evaluation, recruiting, compensation, classification systems, risk management and employee training. In other HR positions, he has also taken on emergency planning, OSHA reporting, and employee relations. This breadth of experience will prove extremely valuable to the City of Idaho Falls.

We also anticipated that the market for experienced human resources professionals would be competitive. We received a total of 67 applications. Staff narrowed the applicant pool down to 15 candidates. Of those, I selected six to interview.

We employed two interview panels – one for the first round of candidates held via Teams, and one for the finalist round, which was held in person. The first interview panel consisted of myself, Council President Ziel-Dingman, City Attorney Mike Kirkham, BBSI's Michael Patten, and HR Manager Heather Wade. Our finalist panel had four members consisting of myself, Councilor Burtenshaw, Fire Chief Nelson, AJ Argyle from GBS.

After interviewing the six candidates in the first round, Mr. Jones emerged as the panel's unanimous choice. Staff acted quickly and were able to bring him in for a visit within a week. In addition to meeting with a formal interview panel, we also held meet and greet sessions where directors and Councilors had the opportunity to spend time with the finalist candidate. Our city HR staff also had time to meet with Mr. Jones.

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This hiring process was unique in two ways. One, I have never before only selected one candidate to bring in for a final round. But second and even more remarkable is that everyone who interacted with Mr. Jones—whether as part of a panel, a meet-and-greet, and even in the staff setting—everyone who met Mr. Jones was unanimous and enthusiastic in their support for his appointment. This unanimity is a meaningful indicator to me that something is right about our choice.

Given his rich background, I made an offer of \$155,000 a year. This is a little over the median level of pay for the position. I believe this to be appropriate given Mr. Jones' broad professional knowledge and exposure, his public sector experience, and his executive management credentials all put him in the top tier of the many talented candidates who applied.

For all of the foregoing reasons, I encourage your vote of confirmation for Darin Jones as he joins the city's ranks of highly qualified Executives, Chiefs and Directors.

Memorandum

File #: 23-351

City Council Meeting

FROM: Pam Alexander, Municipal Services Director
DATE: Tuesday, December 5, 2023
DEPARTMENT: Municipal Services

Subject

Quote 24-008, Purchase of Ammunition for the Police Department

Council Action Desired

- ☐ Ordinance
 ☐ Resolution
 ☐ Public Hearing

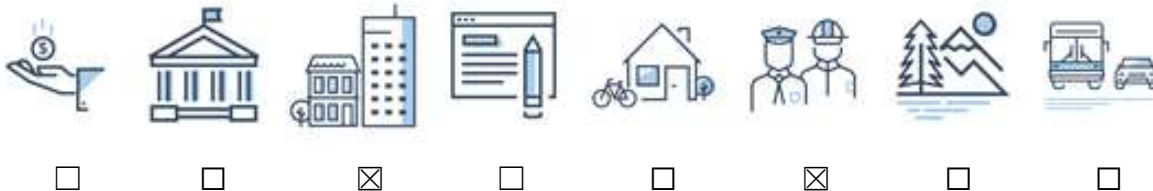
☒ Other Action (Approval, Authorization, Ratification, etc.)

Accept and approve the lowest responsive responsible bidder, Salt Lake Wholesale Sports, for a total of \$78,046.00 (or take other action deemed appropriate).

Description, Background Information & Purpose

This purchase is to replenish the Police Department inventory of various ammunition used primarily for officer training.

Alignment with City & Department Planning Objectives



The purchase of the ammunition supports the safe and security community-oriented result by providing essential supplies for law enforcement activities.

Interdepartmental Coordination

The Police Department concurs with the award recommendation.

Fiscal Impact

Funds to purchase the ammunition are within the FY2023/24 Police Department operating budget.

Legal Review

The City Attorney concurs that the desired council action is within state statute.

Municipal Services Department

Quote Tabulation

Project:

Ammunition for Police Department

Number:

Q24-008

Submitted:

Municipal Services Finance Division

Date:

12/4/2023

Item Number	Round/Case	Description	Estimated Quantity	Unit	Dooley Enterprises, Inc. Anaheim, CA		IF Gun Shop Idaho Falls, ID		Salt Lake Wholesale Sports Salt Lake City, UT	
					Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
1	1000	45 Auto 230 GR	1	CASE	No Quote		\$ 1,437.500	\$ 1,437.50	\$ 528.000	\$ 528.00
2	1000	45 Auto 230 GR	10	CASE	\$ 322.680	\$ 3,226.80	\$ 577.800	\$ 5,778.00	\$ 386.000	\$ 3,860.00
3	1000	9 MM LUG+p 124 GR	12	CASE	No Quote		\$ 1,275.000	\$ 15,300.00	\$ 429.000	\$ 5,148.00
4	1000	9MM LUGER 124 GR	140	CASE	\$ 243.120	\$ 34,036.80	\$ 377.800	\$ 52,892.00	\$ 242.000	\$ 33,880.00
5	500	223 REM 55 GR FMJ BOAT-TAIL	120	CASE	\$ 403.450	\$ 48,414.00	\$ 350.000	\$ 42,000.00	\$ 219.000	\$ 26,280.00
6	500	223 REM 55	25	CASE	No Quote		No Quote		\$ 334.000	\$ 8,350.00
TOTAL						\$ 85,677.60		\$ 117,407.50		\$ 78,046.00

45 Auto and 9 MM can ship

immediately. FMJ backordered

Memorandum

File #: 23-359

City Council Meeting

FROM: Mark Hagedorn, City Treasurer
DATE: Thursday, December 14, 2023
DEPARTMENT: Municipal Services

Subject

Treasurer's Report for October 2023

Council Action Desired

- ☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)

Accept and approve the Treasurer's Report for the month ending October 2023 or take other action deemed appropriate.

Description, Background Information & Purpose

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for the City Council review and approval. The report presented is for the month of October 2023 and includes financial institution balances, general ledger balances, cash balances by fund, summary of revenue and expenditures by fund type, and report on any significant financial adjustments. The Treasurer's report is currently being redesigned and will continue to be adjusted as infographics, formatting, and data are implemented.

For the ending October 2023 Cash and Investment balances total \$161.4 million. Total receipts for the month are 16.7 million and total expenditures are 17.3 million.

Alignment with City & Department Planning Objectives



The Monthly Treasurer's Report supports the good governance community-oriented result by providing sound fiscal management and enabling trust and transparency.

Interdepartmental Coordination

Not applicable.

Fiscal Impact

Not applicable.

Legal Review

Not applicable.

City of Idaho Falls

Treasurers Report

October 31, 2023

Table of Contents

Page 1	Bank Reconciliation- Showing Bank and Ledger Balances
Page 2	Cash by Fund- Showing the balances for the reported month in comparison to previous years
Page 3	Revenue and Expense Summary, presenting significant categories in relation to the overall budget
Page 4	Summary of Significant Adjustments- presenting a list of adjustments made by Finance office

Prepared BY: Mark Hagedorn, City Treasurer

City of Idaho Falls
Bank Reconciliation Summary
October 31, 2023

Account By Institution:	Begininng Bank Balances	Deposits	Withdrawls	Ending Bank Balances
Mountain West- Workers Comp	\$ 100,000.00			\$ 100,000.00
Bank of Idaho 8013	2,000,000.00	9,415,745.05	(9,415,745.05)	2,000,000.00
Bank of Idaho 1952	2,299,211.36	90,487.69	-	2,389,699.05
Bank of Idaho 2720	1,924,823.20	6,326,694.41	(6,251,517.61)	2,000,000.00
Bank of Idaho 2746	-	9,496,164.66	(9,496,164.66)	-
Bank of Idaho 2845	2,178,484.13	8,757,420.37	(8,783,133.43)	2,152,771.07
Bank of Idaho 2886	443,386.36	22,896,578.85	(21,904,640.80)	1,435,324.41
Wells Fargo 0017	367,269.49	16,373,614.08	(14,049,302.53)	2,691,581.04
Wells Fargo 0962	-	38,556.32	(38,556.32)	-
Wells Fargo 4394	-	309,375.89	(309,375.89)	-
Wells Fargo 7687	-	327,713.30	(327,713.30)	-
Invenstment Portfolio	162,368,201.69	12,161,132.40	(9,405,198.66)	165,124,135.43
Total Financial Instiution Balances	\$ 171,681,376.23	\$ 86,193,483.02	\$ (79,981,348.25)	\$ 177,893,511.00

	Beginning	Deposits	Withdrawls / Market Value	Ending
Reconciling Items	\$ (6,352,505.51)	\$ (2,059,605.71)	\$ (8,055,062.69)	\$ (16,467,173.91)
Total Reconciled Balances	165,328,870.72	84,133,877.31	(88,036,410.94)	161,426,337.09

General Accounting Ledger	Begininng Ledger Balances	Debits	Credits	Ending Ledger Balances
Cash (Accounts 101 and 102)	\$ 91,901,894.14	\$ 18,325,949.90	\$ (22,572,054.94)	\$ 87,655,789.10
Designated/Restricted Cash (106 and 107)	57,907,424.70	26,907.18	(67,597.03)	57,866,734.85
MERF Cash (105)	15,519,551.88	429,173.34	(44,912.08)	15,903,813.14
Total General Ledger Balances	165,328,870.72	18,782,030.42	(22,684,564.05)	161,426,337.09

Summary of Cash by Fund and Year

#	FUND	Oct-20	Oct-21	Oct-22	Oct-23
1	GENERAL	6,739,012.39	15,523,865.67	21,767,236.36	19,948,379.40
10	STREET	2,752,543.02	3,828,200.37	6,571,752.55	9,191,881.19
11	RECREATION	(245,130.28)	902,397.23	(41,076.12)	49,846.84
12	LIBRARY	3,244,533.80	3,823,041.36	3,724,341.21	3,838,978.49
13	AIRPORT PFC/CFC FUND	38,438.68	635,202.93	1,885,762.18	2,726,465.04
14	MUNICIPAL EQUIP. REPLCMT.	5,632,826.60	4,741,204.41	-	-
15	EL. LT. WEATHERIZATION FD	3,320,193.32	3,691,541.53	(10,707.62)	-
16	BUSINESS IMPRV. DISTRICT	75,403.36	83,124.96	74,528.20	24,522.13
18	GOLF	(215,063.38)	(132,413.36)	142,850.20	215,168.57
19	RISK MANAGEMENT	2,803,220.11	3,121,892.79	3,079,320.64	4,245,369.75
20	SELF-INSURANCE FD.	4,635,365.35	4,646,544.28	4,484,183.56	4,587,275.71
23	EMERGENCY MEDICAL SERVICES	(1,587,408.35)	(1,439,293.52)	867,768.07	2,008,767.34
24	WILDLAND	(738,685.41)	171,071.82	261,708.33	351,023.38
32	POLICE IMPACT FEES	-	-	62,799.76	350,390.96
33	FIRE IMPACT FEES	-	-	18,581.57	205,551.60
34	PARKS IMPACT FEES	-	-	41,012.30	416,900.73
35	STREETS IMPACT FEES	-	-	235,727.99	1,422,041.99
41	MUNICIPAL CAPITAL IMP.	1,922,559.62	2,378,944.74	2,264,719.98	2,707,905.52
42	STREET CAPITAL IMPROVEMENT	1,241,299.81	840,032.20	1,020,783.70	730,712.38
43	BRIDGE & ARTERIAL STREET	940,613.42	814,069.11	924,948.83	1,134,032.21
45	SURFACE DRAINAGE	220,866.08	264,878.15	158,002.64	122,551.99
46	TRAFFIC LIGHT CAPITAL IMPRV.	1,052,479.62	1,270,681.07	1,282,449.22	1,289,790.41
47	PARKS CAPITAL IMPROVEMENT	2,360.02	(150,651.01)	(337,363.19)	(150,115.17)
49	ZOO CAPITAL IMPROVEMENT	234,679.77	410,337.61	490,464.86	712,218.61
50	CIVIC AUDITORIUM CAPITAL IMP.	204,210.43	204,991.96	198,694.68	209,099.20
51	GOLF CAPITAL IMP.	297,181.46	(1,416,833.56)	153,879.49	154,209.50
52	POLICE CAPITAL IMPROVEMENT	-	(1,657,142.81)	(2,242.41)	(1,866,144.73)
60	AIRPORT	1,254,393.15	1,347,074.61	7,393,498.67	2,035,977.73
61	WATER	12,530,755.17	15,858,541.83	18,247,227.72	21,496,647.71
62	SANITATION	4,951,078.86	5,604,441.11	5,802,721.96	6,710,484.77
64	IDAHO FALLS POWER	54,850,140.76	42,793,339.09	42,975,846.02	49,489,152.33
67	FIBER	470,710.02	(1,153,168.37)	(523,916.86)	1,172,895.29
68	WASTEWATER	25,235,660.75	27,627,758.79	29,095,884.44	25,894,356.22
	TOTAL	131,864,238.15	134,633,674.99	152,311,388.93	161,426,337.09

City of Idaho Falls
Monthly Revenue and Expense Summary
October 31, 2023

Revenue

Fund Type	Taxes / Intergovernmental	Charges for Services	Permits / Fees	Interest	Other Financing Sources	Total	Budget	%
General Fund	\$ 1,354,677.22	\$ 177,969.09	\$ 299,630.29	\$ 65,130.89	\$ 277,060.00	\$ 2,174,467.49	\$ 69,830,459.00	3.11%
Special Revenue Funds	639,004.97	752,404.51	1,650.00	57,345.06	174,571.72	\$ 1,624,976.26	31,788,219.00	5.11%
Internal Service Funds	-	-	-	24,733.94	410,118.12	\$ 434,852.06	3,180,000.00	13.67%
Impact Fee Funds	-	-	632,322.60	4,947.66	-	\$ 637,270.26	3,225,353.00	19.76%
Capital Improvement Funds	49,520.62	49,672.23	-	19,906.49	-	\$ 119,099.34	15,554,624.00	0.77%
Enterprise Funds	1,537,983.45	9,240,722.00	-	296,948.11	709,279.42	\$ 11,784,932.98	152,957,171.00	7.70%
Total	\$ 3,581,186.26	\$ 10,220,767.83	\$ 933,602.89	\$ 469,012.15	\$ 1,571,029.26	\$ 16,775,598.39	\$ 276,535,826.00	

Expenditures

Fund Type	Personnel Cost	Operating Expense	Capital Planning	Debt	Interfunding	Total	Budget	%
General Fund	\$ 3,120,428.30	\$ 1,606,742.07	\$ 549,764.56	\$ -	\$ (1,170,117.94)	\$ 4,106,816.99	\$ 73,455,480.00	5.59%
Special Revenue Funds	816,443.33	719,837.48	161,522.17	-	(3,618.61)	1,694,184.37	\$ 34,749,740.00	4.88%
Internal Service Funds	4,947.25	258,591.95	-	-	-	263,539.20	\$ 25,980,823.00	1.01%
Impact Fee Funds	-	-	-	-	-	-	\$ 3,225,353.00	0.00%
Capital Improvement Funds	-	15,037.31	899,712.34	-	(8,019.73)	906,729.92	\$ 18,395,200.00	4.93%
Enterprise Funds	1,363,268.44	5,424,620.66	2,547,533.42	1,100,000.00	(95,845.20)	10,339,577.32	\$ 183,776,948.00	5.63%
Total	\$ 5,305,087.32	\$ 8,024,829.47	\$ 4,158,532.49	\$ 1,100,000.00	\$ (1,277,601.48)	\$ 17,310,847.80	\$ 339,583,544.00	

City of Idaho Falls
Summary of Significant Adjustments
October 31, 2023

This report is to provide information on any significant budgetary or purchase order adjustment.

Significant budget adjustments

1. A budget transfer from contingency was made for an unbudgeted MERF expenditure for Equipment Shop in the amount of \$89,851.
2. A budget transfer from contingency was made for Council approved capital items in the Special revenue funds that were not properly recorded properly. Total amount was \$1,341,000 .

Memorandum

File #: 23-358

City Council Meeting

FROM: Bear Prairie, General Manager
DATE: Thursday, December 7, 2023
DEPARTMENT: Idaho Falls Power

Subject

Idaho Falls Power Board Meeting Minutes - September and October 2023

Council Action Desired

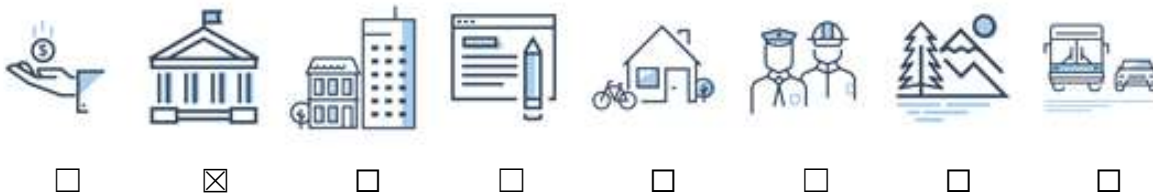
- ☐ Ordinance
 ☐ Resolution
 ☐ Public Hearing
 ☒ Other Action (Approval, Authorization, Ratification, etc.)

Approve the Idaho Falls Power Board Meeting minutes from September 13, 2023 and October 11, 2023 (or take other action deemed appropriate).

Description, Background Information & Purpose

The Idaho Open Meeting Law requires the governing body of a public agency to record written minutes for all public meetings.

Alignment with City & Department Planning Objectives



This action is in accordance with Idaho Code § 74-205(1) and supports good governance by demonstrating sound management and enabling trust and transparency.

Interdepartmental Coordination

n/a

Fiscal Impact

n/a

Legal Review

n/a

September 13, 2023 Unapproved

The Idaho Falls Power Board of the City of Idaho Falls met Wednesday, September 13, 2023, at the Idaho Falls Power Boardroom, 140 S. Capital, Idaho Falls, Idaho at 7:45 a.m.

Call to Order, Roll Call, and Announcements:

There were present:

Board Member Michelle Ziel-Dingman

Board Member Tom Hally

Board Member Jim Francis

Board Member Jim Freeman

Board Member Lisa Burtenshaw

Absent:

Mayor Rebecca L Noah Casper

Board Member John Radford

Bear Prairie, Idaho Falls Power (IFP) General Manager

Also present:

Stephen Boorman, IFP Assistant General Manager (AGM)

Randy Fife, City of Idaho Falls Attorney

Richard Malloy, Compliance and Safety Manager

Mark Hagedorn, City Controller

Jace Yancey, Operations Technology Manager

Wid Ritchie, Customer Service Manager

Josh Roos, IFP Chief Financial Officer

Linda Lundquist, IFP Board Secretary

Board Member Ziel-Dingman, presiding as Board Chair called the meeting to order at 7:46 a.m.

Calendar, Announcements, Events and Updates

Board Member Ziel-Dingman reviewed the calendar announcements. Board Member Francis gave an update on the Horse Butte Wind Farm Tour and explained the phase II expansion options. Assistant General Manager (AGM) Boorman added that the software upgrade seemed like a good option and Board Member Freeman said it was his opinion that the turbines should be replaced after they've reached the end of their useful lives. Board Member Francis said he thought the landowners seemed amenable to any type of expansion.

Hydro Relicensing Update

Compliance and Safety Manager Richard Malloy reviewed the timeline of re-licensing the bulb projects and gave an overview of how/why licensing is conducted every 40 years and explained that the licensing is more about the waterway and not the generators, unless the generators need upgrading. He said that licensing is about reevaluating the operational safety and mitigation for the impacts the projects have on the prior natural environment. Mr. Malloy talked about the recreational component (as part of the environmental impact statement) and noted there are several stakeholders that would like to see recreation on and around the river expanded. Board Member Freeman asked if IFP partners with Idaho Fish and Game and Mr. Malloy said yes and explained that one of the fish and game's big interests are the sturgeon that were introduced in this stretch of the river 10-15 years ago, and noted as a result that they could request a sturgeon fish study. He said that the tribes are other important stakeholders in the outreach process. He shared that two consulting firms are guiding the years-long process and reviewed Federal Energy Regulatory Commission's (FERC) schedule to respond to complete relicensing by 2029.

September 13, 2023 Unapproved

Peaking Plant RFP Timeline

Mr. Malloy said he anticipates receiving feedback from the request for proposals (RFP) soon and hopes to reach out to engineering and procurement entities that have built similar projects and plans to bring back a recommendation to the Board. He explained that IFP has been working with the Department of Environmental Quality (DEQ) on air permitting so that the process doesn't hold up the construction project if approved. Mr. Malloy said he's anticipating operating the plant about 2000 hours per year and that General Manager (GM) Prairie is creating a white paper that describes the peaking plant need and other power supply resources in greater detail. He noted that IFP specified in the RFP that all machines must blend hydrogen and hopes to entice the Idaho National Laboratory (INL) to join the onsite research center. Board Member Francis said he prefers that the public get to learn about the proposed plant in a public meeting and AGM Boorman said the RFP and white paper will be reviewed and discussed in the next two Board meetings.

Grant Status Update

Chief Financial Office (CFO) Roos updated the Board on the status of the grant applications that have been submitted to date and explained the reason/s the fiber grant was retracted due to a speed requirement. He said the Grid Resilience and Innovation Partnership (GRIP) grant (about \$34 million) that IFP applied to in the spring has not been awarded yet but expects to hear about it anytime. AGM Boorman pointed out if the GRIP grant is awarded, that could accelerate the utility's capital improvement projects (CIP) and cautioned that any money spent ahead of the award would not get reimbursed. Mr. Roos said IFP is currently working on a concept paper for an energy storage grant that would bring in large batteries to see how they work on our grid. He reminded the Board of the Idaho Governor's Office of Energy and Resources (OEMR) grant that was received last fall for the downtown alley projects (Construction on the first alley is ongoing and on schedule to be completed sometime in November.) Mr. Roos noted that phase II funding is expected to be released in October 2023 and pointed out that phase II will be federally funded.

Disconnect Policy Update

Mr. Roos explained the current policy and pointed out the proposed changes, which in part has to do with overnight temperatures and charging a small percentage on past due amounts to commercial accounts. He said between October 2022 and May 2023, there were over 9000 delinquent accounts (over \$2 million in revenue, with about a 2% write off every year) that received a disconnect order but weren't disconnected due to extended cold temperatures. He explained the process of turning customers back on through the current software, and the difficulty the water department has with water shutoffs in the winter. He proposed that the utility follow the Public Utilities Commission's (PUC) shut off policy where customers won't be shut off between December 1 through March 15. He'd like to focus more on educating customers about organizations that assist with utility bill payments like Low-Income Home Energy Assistant Program (LIHEAP) and Eastern Idaho Action Partnership (EICAP). Mr. Roos said that one of the biggest changes that should be made is providing a prepaid option, which isn't possible with the current software but will be discussed in more detail in the next Board meeting. The direction from the Board given to staff was to make the recommended changes to the policy and review the data in a couple of years.

Energy Efficiency Programs Update

Customer Service Manager Wid Ritchie explained that the utility has been working with Bonneville Power Administration (BPA) since 1982 on energy efficiency (EE) programs where IFP offers rebates or zero interest loans for EE appliance upgrades or weatherization projects like window replacement and home insulation upgrades. EE reduces the city's power load, saving on average about 2 million kilowatt hours per year. To encourage more participation, Mr. Ritchie said that IFP is increasing their EE program from \$550,000 to \$800,000 over the next year.

Other IFP Products and Services

September 13, 2023 Unapproved

Mr. Ritchie explained that heating and cooling are the biggest users of energy and described the generous rebate for electric heat pumps through the EE program. He said that weatherization is a very popular program but can only be funded in electrically heated homes. He said that customers can get appliance rebates if upgrading from the old Energy Star to their new tiered rating system. Mr. Ritchie explained how he has been working with industrial customers and city departments on lighting upgrade projects to not only save on energy consumption but to end up with high-quality LED lit factories, warehouses, ice rinks and office spaces. Board Member Francis said he's noticed the industry tries to educate children on energy efficiency but not necessarily teachers and Mr. Ritchie said the utility hosts teachers about once per year and provides hydro plant tours throughout the year as well as hosts the annual water festival at Gem State. Mr. Francis said that Sister Cities will be visiting Idaho Falls and would like to tour the City Plant.

Fiber Network Update

Operations Technology Manager Jace Yancey provided an update on the fiber-to-home project and said there are currently 14 fiber huts serving 6100 customers, with two more huts to come online this year at Sugarmill and Eagle Rock. Board Member Freeman asked how the fiber huts have been holding up and Mr. Yancey said that the air conditioning units are not great, but that building maintenance has been replacing the motors and noted there hasn't really been much vandalism. He said that fiber is booked out five-weeks in advance and noted that three crews are doing 60 installs per week. He reviewed the live, color-coded buildout map and said 2023 was by far the biggest construction year, pointing out that some projects were started in 2022 and that the 2023 construction season started early with multiple contractors in town and hopes will run late into the fall. He said the focus is now on the east side of town and noted that the customer base is growing at a fast clip of about 2000 new customers per year, increasing the take rate growth to another five percent (5%). He said that Sunnyside Acres is in the middle of construction and noted that many customers were slated for connection in 2024 but will be connected by the end of 2023. Mr. Yancey said that signups and scheduling appointments have been streamlined and the software has been automated (to scale up the number of installs per week) to make it easier on the customer and make more efficient use of staff time. He asked for Board feedback on what they've been hearing around town and Board Member Ziel-Dingman said she's only known of a broken sprinkler that was repaired and was noted that it was a pretty good sign that only one complaint was brought to her this year. Mr. Yancey said an incredible amount of dirt has been moved this year with lines getting pulled and moved everywhere and noted that it would be hard to not have any complaints. Board Member Francis asked the status of the 911 Center and Mr. Yancey said the last IFP hut coming online this year will give the option to get out of that center.

Utility Reports

Safety Metrics – AGM Boorman pointed out that the utility has been achieving two enormous accomplishments over the last 5 years; the fiber network expansion and that the utility continues to post an amazing safety record, having turned around the safety culture.

There being no further business, the meeting adjourned at 11:02am.

s/ Linda Lundquist

Linda Lundquist, BOARD SECRETARY

s/ Rebecca L. Noah Casper

Rebecca L. Noah Casper, MAYOR

October 11, 2023 Unapproved

The Idaho Falls Power Board of the City of Idaho Falls met Wednesday, October 11, 2023, at the Idaho Falls Power Boardroom, 140 S. Capital, Idaho Falls, Idaho at 7:45 a.m.

Call to Order, Roll Call, and Announcements:

There were present:

Mayor Rebecca L Noah Casper

Board Member Michelle Ziel-Dingman

Board Member Jim Francis

Board Member Jim Freeman

Board Member John Radford

Board Member Lisa Burtenshaw

Absent:

Board Member Tom Hally

Also present:

Bear Prairie, Idaho Falls Power (IFP) General Manager

Stephen Boorman, IFP Assistant General Manager (AGM)

Randy Fife, City of Idaho Falls Attorney

Josh Roos, IFP Chief Financial Officer

Catherine Smith, Community Development Administrator

Linda Lundquist, IFP Board Secretary

Mayor Casper called the meeting to order at 7:47 a.m.

Calendar, Announcements, Events and Updates

Board Member Francis announced the upcoming National Cleanup Workshop/Clean Energy Day and pointed out that Idaho is one of five cleanup sites and explained how these sites are being considered for windfarms since the land may have less value. Mayor Casper said the Idaho Advanced Energy Coalition (IAEC) has received a few grants and explained that with funding in place, the areas of focus will be supply chains, workforce, and state and local impact and added that she and Board Member Burtenshaw are serving on IAEC's *Local Impact* subcommittee.

General Manager (GM) Prairie mentioned that the Bonneville Power Administration (BPA) will have staff in town to perform energy audits and reminded the Board that he's increased the energy efficiency (EE) budget (which is IFP customer's money that is returned through BPA for EE programs) for the coming year, offering higher rebates for ductless heat pumps and a new program aimed at low-income customers. He explained that marketing efforts are ramping up and pointed out that the customer service staff is bi-lingual and said that Ms. Swatts has been on Spanish radio explaining the programs. GM Prairie announced that 95% of Idaho Falls residents should have access to fiber by the end of the year. He suggested the utility/Board hold a celebration/community rollout that could include an open house at the Event Center followed by a shortened Board meeting in February. The concept seemed well received by the Board. GM Prairie explained IFP's memo items for Council's consideration and pointed out that most of the recent construction has been large-scale apartment complexes that are putting in all electric, which is helping grow IFP's load and raising the peak energy numbers. He displayed the final wayfinding signs and explained the Liingo codes and said that staff is working on an accompanying, self-guided walking tour. GM Prairie said that Provider of Choice contract comments are due to BPA by the end of the week and explained that IFP is not getting credit for bulb turbines and is being penalized with the added resource we brought back in 2016 to serve IFP's load instead of continuing to sell it to BPA. He mentioned a scheduled call next week

October 11, 2023 Unapproved

with Administrator Hairston. GM Prairie announced that the American Public Power Association (APPA) will soon have an open board position that he plans to pursue.

Power Portfolio / Power Supply & New Resource Options

GM Prairie said that the white paper is meant to provide some answers to complicated topics and cautioned that it is derived from his perspective and suggested that the Board consider the time and money (comes from IFP customers) it takes to complete massive resource projects and to also think about the global economic reality. He said a prolonged cold snap can put the Northwest grid at risk and explained that the federal system could only withstand about a 2–3-day drawdown and after that, would go to the market. GM Prairie said the BPA system can no longer meet the net requirement because the loads have grown so much in the last 15 years from when the contracts were negotiated. GM Prairie explained that PacifiCorp (PAC), as a balancing authority doesn't formally see Idaho Falls Power, but instead looks at Utah Associated Municipal Power Systems' (UAMPS) total load because we take transmission service under the UAMPS transmission service agreement as a UAMPS member, which UAMPS members in total are running 300-400 megawatts (MW) short in the summer peaks and then goes out to the market. Mayor Casper asked if IFP was a member of the Western Power Pool (WPP) resource adequacy program (WRAP) and GM Prairie said it's not the place of a non-balancing authority operating utility to join typically but the job of larger utilities or for smaller utilities to have their joint action agency they belong to join like UAMPS. He noted that UAMPS decided not to join WRAP, but that WRAP will run the models for about a year and see what the numbers say. He explained the WRAP will take surplus from other members that have resource surplus and charge a fee to those that need it because they are insufficient at meeting their WRAP requirements for the period. Board Member Francis asked if the utility could set their own parameters that also include UAMPS, and market pricing and GM Prairie said that utilities cannot set their own requirements because that is whole purpose of the WRAP to have independent resource adequacy assessments. Mayor Casper said it seemed like a slippery slope if we have a policy to run the plant only when needed, but run more often and GM Prairie said we are in an interconnected grid and at the point that supply and demand pushes prices to where peaking resources like this are in the money, that he would struggle withholding energy from the market and pointed out that if another state that has carbon taxes needs the resource that they would pay their own carbon tax on the import. Attorney Fife mentioned the City's resolution declaring carbon free power and GM Prairie clarified that the City passed the policy in 2019 with an economical component that *we'll pursue clean resources if it is economically viable*. He explained that the resolution was created because the City has finite money and resources. Assistant General Manager (AGM) Boorman pointed out that California is building a lot of gas peaking resources recently, but they have not been very publicized. Mayor Casper talked about the tension between the need for resources and desire to be low carbon emitting and said we must be practical and is willing to emit carbon if that is what's required to meet our needs. GM Prairie said he constantly invests and tries to balance reliability and affordability and cautioned the Board to never take for granted our low power rates because there are Utah utilities that had to sell their assets because their rates were well over the cost of Rocky Mountain Power (RMP). There was a discussion about various resources mentioned in the white paper and Board Member Burtenshaw pointed out that because the utility was paying attention to the water call and heat dome the last year, that instead of losing \$5 million, the utility gained it. Board Member Radford said that big battery systems in California have been exploding and catching on fire and mentioned the backend issue with batteries is how to retire them and/or what to do with them. GM Prairie explained that wind, solar and battery storage requires lots of transmission line and is a higher net-life cycle carbon output than a natural gas peaking plant. Board Member Burtenshaw said she was for a peaking plant, so long as it wasn't named "Yellowstone" and Mayor Casper said the Board could spend some time considering a name. Board Member Francis said what he liked about the white paper was that it made it clear the utility needs to diversify. GM Prairie reviewed the pricing graphs and said he'd noticed at his recent visit to Southwest Power Pool (SPP) in Arkansas, that there were a lot of requests for new resources and applications for natural gas peaking plants in the Midwest. GM Prairie recapped that the Board greenlighted the exploration of a peaking plant and said that a request

October 11, 2023 Unapproved

for proposal was put out and explained that he would work with staff on an analysis of the proposals and bring back to the December Board meeting for a vote to proceed.

Peaking Plant RFP Results Review

GM Prairie said that three bids were received, with two of the bids 30-40% higher than expected and one bid higher than the desired and hoped for range. He said staff will run through the numbers, while considering alternatives and bring back the economics in the November Board meeting.

IFP Strategic Planning

The Board continued to discuss and refine the IFP Strategic Plan.

Utility Reports

Property Trade – Mr. Fife provided an update on the Mulberry property trade and mentioned that the siphon is subject to agreement by the Federal Regulatory Commission (FERC).

There being no further business, the meeting adjourned at 11:56 a.m.

s/ Linda Lundquist _____

Linda Lundquist, BOARD SECRETARY

s/ Rebecca L. Noah Casper _____

Rebecca L. Noah Casper, MAYOR

Memorandum

File #: 23-355

City Council Meeting

FROM: Chris H Fredericksen
DATE: Thursday, December 7, 2023
DEPARTMENT: Public Works

Subject

Bid Award - 17th Street over the Idaho Canal

Council Action Desired

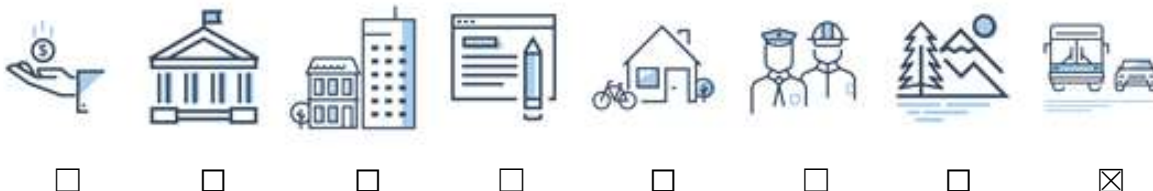
- ☐ Ordinance
 ☐ Resolution
 ☐ Public Hearing
 ☒ Other Action (Approval, Authorization, Ratification, etc.)

Approve the plans and specifications; award the bid to the lowest responsive, responsible bidder, DL Beck, Inc., in the amount of \$871,943.75; and authorize the Mayor and City Clerk to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

On Wednesday, December 6, 2023, bids were received and opened for the 17th Street over the Idaho Canal project. The tabulation of bid results is attached. The proposed project is to extend the bridge over the Idaho Canal at 17th Street, construct an eastbound right-turn lane at the 17th Street and Holmes Avenue intersection, and modify the existing traffic signal as needed.

Alignment with City & Department Planning Objectives



This project supports the community-oriented result of reliable public infrastructure and transportation by improving traffic operations at this major intersection.

Interdepartmental Coordination

Project reviews have been conducted with all necessary city departments to ensure coordination of project activities.

Fiscal Impact

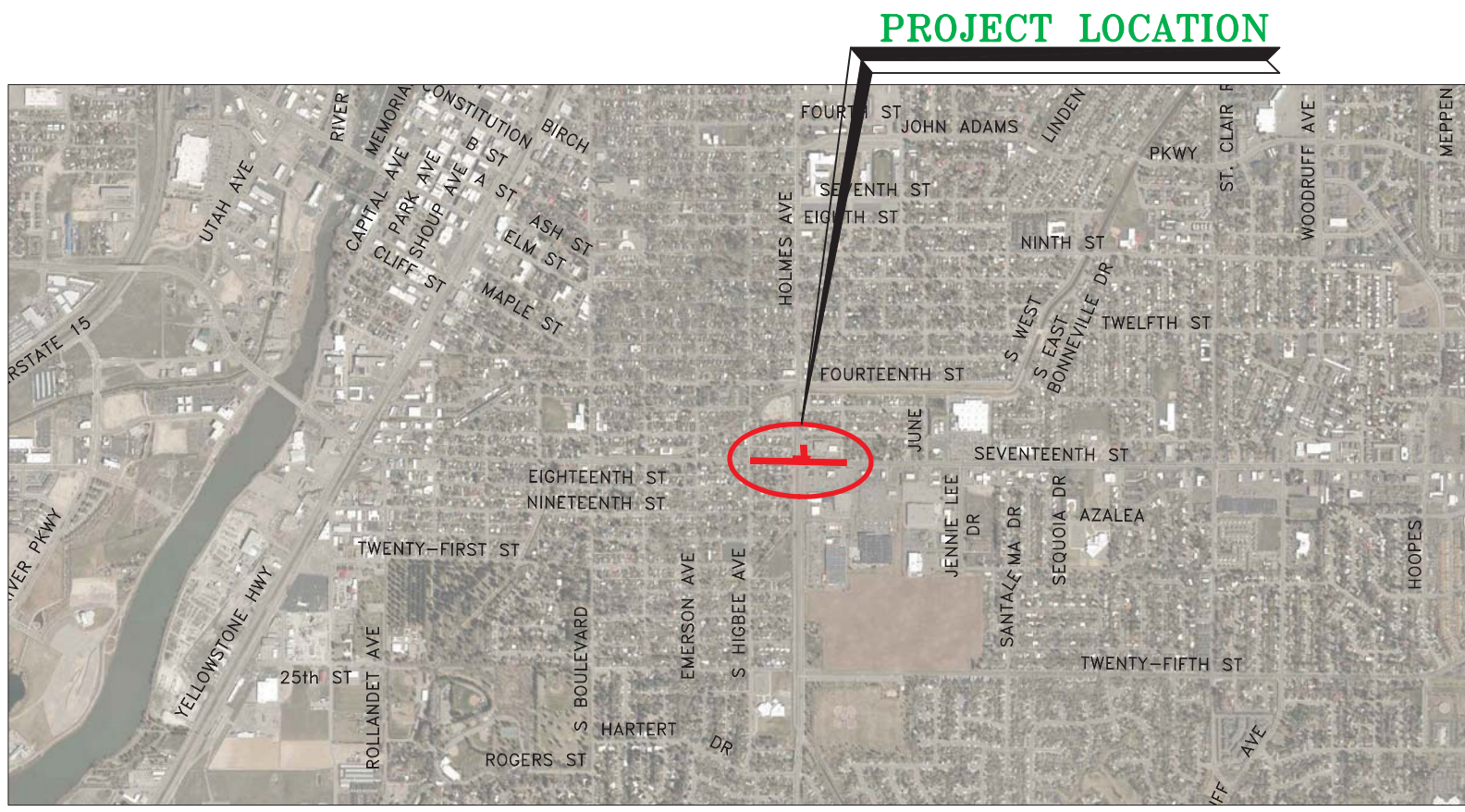
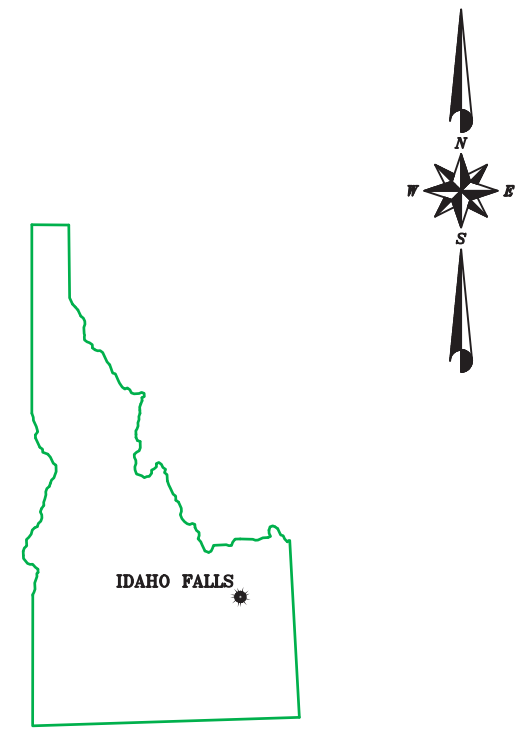
Cost allocation for this project will come from ARPA Funds. Sufficient funding and budget authority exist for completion of the proposed improvements.

Legal Review

The City Attorney's office has reviewed the bid process and concurs that the desired Council action is within Idaho State Statute authority.

2-38-20-3-STR-2023-12
2023-081

17TH ST. OVER THE IDAHO CANAL CITY PROJECT # 2-38-20-3-STR-2023-12



MAYOR

REBECCA L. NOAH CASPER

CITY COUNCIL

MICHELLE ZIEL-DINGMAN
LISA BURTENSHAW
THOMAS HALLY

JIM FRANCIS
JOHN B. RADFORD
JIM FREEMAN

ENGINEERING DIVISION

PUBLIC WORKS DIRECTOR
CHRIS H FREDERICKSEN, P.E.

CITY ENGINEER
KENT J. FUGAL, P.E., PTOE

2023

Professionally signed by Kent J. Fugal
Fugal: A01410C00000177F92E041C00017648
Date: 2023.11.15 13:14:49-0700

PROFESSIONAL ENGINEER
REGISTERED
9247
STATE OF IDAHO
KENT J. FUGAL

AS BUILT DATE / BY:			
SCALE SHOWN IS FOR SHEET 11 x 17 ONLY			
ENGINEERING DIVISION			
17TH ST. OVER THE IDAHO CANAL TITLE PAGE			
CHECKED BY:	DESIGN TECH: DESIGN TEAM	DATE PLOTTED: 11/14/2023	SHEET NO. 1 OF 7

City of Idaho Falls

Engineering Division Bid Tabulation

Project: 17TH ST OVER IDAHO CANAL
Submitted: Kent J. Fugal, P.E., PTOE

Number: 2-38-20-3-STR-2023-12
Date: December 6, 2023

Reference Number	Description	Estimated Quantity	Unit	Engineer's Estimate		DL Beck Inc		JM Concrete		Bidder - 3Knife River Corp		Sunroc Corp		HK Contractors	
				Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
DIVISION 200 - EARTHWORK															
201.4.1.D.1	Removal of Sidewalk	626	SY	\$30.00	\$18,780.00	\$25.00	\$15,650.00	\$20.00	\$12,520.00	\$6.00	\$3,756.00	\$24.00	\$15,024.00	\$22.75	\$14,241.50
201.4.1.E.1.a	Removal of Curb & Gutter	1117	LF	\$20.00	\$22,340.00	\$4.50	\$5,026.50	\$15.00	\$16,755.00	\$3.00	\$3,351.00	\$12.00	\$13,404.00	\$7.25	\$8,098.25
201.4.1.E.1.b	Removal of Extruded Curb	504	LF	\$20.00	\$10,080.00	\$3.50	\$1,764.00	\$10.00	\$5,040.00	\$9.00	\$4,536.00	\$10.00	\$5,040.00	\$9.50	\$4,788.00
201.4.1.F.1.a	Removal of Tree	3	EA	\$1,500.00	\$4,500.00	\$500.00	\$1,500.00	\$1,000.00	\$3,000.00	\$435.00	\$1,305.00	\$1,650.00	\$4,950.00	\$2,140.00	\$6,420.00
201.4.1.F.1.b	Removal of Traffic Sign	3	EA	\$60.00	\$180.00	\$350.00	\$1,050.00	\$500.00	\$1,500.00	\$515.00	\$1,545.00	\$700.00	\$2,100.00	\$141.00	\$423.00
DIVISION 300 - TRENCHING															
307.4.1.G.1	Type "P" Surface Restoration (Asphalt Roadway)	1090	SY	\$125.00	\$136,250.00	\$35.00	\$38,150.00	\$65.00	\$70,850.00	\$90.00	\$98,100.00	\$70.00	\$76,300.00	\$84.50	\$92,105.00
DIVISION 400 - WATER															
403.4.1.A.1	Hydrant	1	EA	\$4,500.00	\$4,500.00	\$1,800.00	\$1,800.00	\$3,000.00	\$3,000.00	\$7,700.00	\$7,700.00	\$6,900.00	\$6,900.00	\$4,625.00	\$4,625.00
DIVISION 700 - CONCRETE															
706.4.1.A.7.a	Curb and Gutter, Type Standard	1060	LF	\$65.00	\$68,900.00	\$70.00	\$74,200.00	\$40.00	\$42,400.00	\$50.00	\$53,000.00	\$51.00	\$54,060.00	\$82.50	\$87,450.00
706.4.1.E.1.a	Concrete Sidewalks, thickness 4"	447	SY	\$120.00	\$53,640.00	\$60.00	\$26,820.00	\$54.00	\$24,138.00	\$100.00	\$44,700.00	\$110.00	\$49,170.00	\$183.50	\$82,024.50
706.4.1.E.1.b	Concrete Sidewalks, thickness 5"	68	SY	\$130.00	\$8,840.00	\$68.00	\$4,624.00	\$60.00	\$4,080.00	\$125.00	\$8,500.00	\$135.00	\$9,180.00	\$242.00	\$16,456.00
706.4.1.E.1.c	Concrete Sidewalks, thickness 7"	99	SY	\$150.00	\$14,850.00	\$72.00	\$7,128.00	\$75.00	\$7,425.00	\$145.00	\$14,355.00	\$155.00	\$15,345.00	\$330.00	\$32,670.00
DIVISION 1100 - TRAFFIC SIGNALS & STREET LIGHTING															
1101.4.1.A.1	Traffic Signal	1	LS	\$150,000.00	\$150,000.00	\$138,500.00	\$138,500.00	\$138,500.00	\$138,500.00	\$105,000.00	\$105,000.00	\$134,000.00	\$134,000.00	\$163,500.00	\$163,500.00
1104.4.1.A.1	Pavement Line Paint or Painted Pavement Markings	3345	SF	\$4.00	\$13,380.00	\$5.00	\$16,725.00	\$2.75	\$9,198.75	\$3.00	\$10,035.00	\$4.00	\$13,380.00	\$7.50	\$25,087.50
1105.4.1.E.1	Install Traffic Sign	2	EA	\$300.00	\$600.00	\$950.00	\$1,900.00	\$950.00	\$1,900.00	\$1,000.00	\$2,000.00	\$1,600.00	\$3,200.00	\$997.50	\$1,995.00
1105.4.1.F.1	Remove and Replace Traffic Sign	1	EA	\$300.00	\$300.00	\$900.00	\$900.00	\$500.00	\$500.00	\$500.00	\$500.00	\$850.00	\$850.00	\$945.00	\$945.00
DIVISION 2000 - MISCELLANEOUS															
2010.4.1.A.1	Mobilization	1	LS	\$100,000.00	\$100,000.00	\$257,200.00	\$257,200.00	\$280,000.00	\$280,000.00	\$191,482.00	\$191,482.00	\$196,439.71	\$196,439.71	\$535,000.00	\$535,000.00
2040.4.1.D.1	Remove and Reset Fence	52	LF	\$150.00	\$7,800.00	\$20.00	\$1,040.00	\$20.00	\$1,040.00	\$95.00	\$4,940.00	\$110.00	\$5,720.00	\$71.00	\$3,692.00
2055.4.1.A.1	Decorative Rock	10	CY	\$250.00	\$2,500.00	\$150.00	\$1,500.00	\$50.00	\$500.00	\$300.00	\$3,000.00	\$270.00	\$2,700.00	\$854.00	\$8,540.00
SPECIAL PROVISIONS															
S0480A	Meter Box for 1" Service Line	15	EA	\$2,000.00	\$30,000.00	\$1,200.00	\$18,000.00	\$1,000.00	\$15,000.00	\$1,400.00	\$21,000.00	\$1,550.00	\$23,250.00	\$7,165.00	\$107,475.00
S0480B	Meter Box for 1.5" Service Line	1	EA	\$2,200.00	\$2,200.00	\$1,200.00	\$1,200.00	\$1,000.00	\$1,000.00	\$1,400.00	\$1,400.00	\$1,900.00	\$1,900.00	\$7,980.00	\$7,980.00
S0480C	Meter Box for 2" Service Line	1	EA	\$2,500.00	\$2,500.00	\$1,500.00	\$1,500.00	\$1,000.00	\$1,000.00	\$1,675.00	\$1,675.00	\$2,300.00	\$2,300.00	\$7,980.00	\$7,980.00
S0710	Extruded Curb	480	LF	\$80.00	\$38,400.00	\$60.00	\$28,800.00	\$50.00	\$24,000.00	\$62.00	\$29,760.00	\$60.00	\$28,800.00	\$97.50	\$46,800.00
S2060A	Remove and Install New Mailbox	1	EA	\$300.00	\$300.00	\$550.00	\$550.00	\$950.00	\$950.00	\$900.00	\$900.00	\$400.00	\$400.00	\$1,187.50	\$1,187.50
BRIDGE PLANS															
2100A	203-021A Removal of Bridge-Partial	1	EA	\$20,000.00	\$20,000.00	\$21,500.00	\$21,500.00	\$40,000.00	\$40,000.00	\$47,500.00	\$47,500.00	\$47,000.00	\$47,000.00	\$58,750.00	\$58,750.00
2100B	203-123A Removal of Retaining Wall and Railing	73	CY	\$100.00	\$7,300.00	\$120.00	\$8,760.00	\$300.00	\$21,900.00	\$440.00	\$32,120.00	\$1,200.00	\$87,600.00	\$187.50	\$13,687.50
2100C	205-040A Granular Borrow	119	CY	\$60.00	\$7,140.00	\$32.00	\$3,808.00	\$50.00	\$5,950.00	\$55.00	\$6,545.00	\$95.00	\$11,305.00	\$166.50	\$19,813.50
2100D	210-005A Structure Excavation	244	CY	\$55.00	\$13,420.00	\$30.00	\$7,320.00	\$60.00	\$14,640.00	\$30.00	\$7,320.00	\$70.00	\$17,080.00	\$91.00	\$22,204.00
2100E	210-015A Compacting Backfill	119	CY	\$65.00	\$7,735.00	\$35.00	\$4,165.00	\$50.00	\$5,950.00	\$55.00	\$6,545.00	\$80.00	\$9,520.00	\$200.00	\$23,800.00
2100F	502-065A Concrete Class 40AF Sch. No. 2	103	CY	\$1,400.00	\$144,200.00	\$1,100.00	\$113,300.00	\$1,000.00	\$103,000.00	\$1,800.00	\$185,400.00	\$1,600.00	\$164,800.00	\$1,260.00	\$129,780.00
2100G	503-005A Metal Reinforcement Sch. No. 1	8375	LB	\$3.00	\$25,125.00	\$1.75	\$14,656.25	\$1.00	\$8,375.00	\$2.00	\$16,750.00	\$4.00	\$33,500.00	\$3.15	\$26,381.25
2100H	503-020A Epoxy-Coated Metal Reinforcement	6420	LB	\$3.50	\$22,470.00	\$2.10	\$13,482.00	\$2.00	\$12,840.00	\$4.00	\$25,680.00	\$4.00	\$25,680.00	\$3.15	\$20,223.00
2100I	504-040A Combination Pedestrian/Bicycle & Traffic Railing	79	LF	\$400.00	\$31,600.00	\$225.00	\$17,775.00	\$500.00	\$39,500.00	\$520.00	\$41,080.00	\$650.00	\$51,350.00	\$525.00	\$41,475.00
2100J	580-005A Removal of Asphalt Overlay	1	LS	\$2,000.00	\$2,000.00	\$2,500.00	\$2,500.00	\$3,000.00	\$3,000.00	\$10,000.00	\$10,000.00	\$4,000.00	\$4,000.00	\$34,150.00	\$34,150.00
2100K	584-005A Temporary Shoring	1	LS	\$30,000.00	\$30,000.00	\$5,500.00	\$5,500.00	\$3,000.00	\$3,000.00	\$40,000.00	\$40,000.00	\$79,957.29	\$79,957.29	\$63,000.00	\$63,000.00
2100L	586-005A Utility Conduit	410	LF	\$35.00	\$14,350.00	\$15.00	\$6,150.00	\$15.00	\$6,150.00	\$26.00	\$10,660.00	\$30.00	\$12,300.00	\$10.50	\$4,305.00
2100M	626-116A Temporary Concrete Barrier	75	LF	\$75.00	\$5,625.00	\$100.00	\$7,500.00	\$50.00	\$3,750.00	\$125.00	\$9,375.00	\$165.00	\$12,375.00	\$183.50	\$13,762.50
TOTAL					\$1,021,805.00		\$871,943.75		\$932,351.75		\$1,051,515.00		\$1,220,880.00		\$1,730,815.00

Memorandum

File #: 23-361

City Council Meeting

FROM: Rebecca Casper
DATE: Friday, December 8, 2023
DEPARTMENT: Mayor's Office

Subject

Resolution in Support of the Idaho Falls Public Library Board of Trustees

Council Action Desired

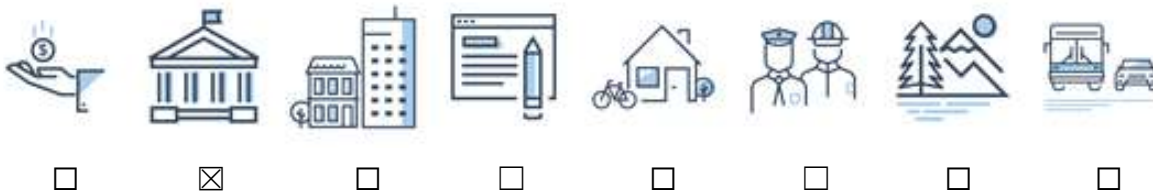
- ☐ Ordinance
 ☒ Resolution
 ☐ Public Hearing
 ☐ Other Action (Approval, Authorization, Ratification, etc.)

Pass a resolution in support of the Idaho Falls Public Library Board of Trustees.

Description, Background Information & Purpose

Recent efforts to address patron concerns about access to public library collections have had the unintended consequence of disparaging the efforts of countless library staff, professional librarians and the members of the Library Boards of Trustees in Idaho. This resolution enumerates the value that the Idaho Falls Public Library brings to our community and expresses the Council's support for the volunteer Trustees who establish, guide, and see to the enforcement of library policy.

Alignment with City & Department Planning Objectives



Click or tap here to enter text.

Interdepartmental Coordination

Council Members, the Mayor's Office and the City Attorney collaborate on the resolution.

Fiscal Impact

There is no fiscal impact associated with this action

Legal Review

The City attorney reviewed the resolution for conformity to the drafting standards for city resolutions.

RESOLUTION NO. 2023- _____

A RESOLUTION OF THE CITY COUNCIL OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING SUPPORT FOR THE IDAHO FALLS PUBLIC LIBRARY BOARD OF TRUSTEES.

WHEREAS, Idaho Falls has had a library since the 1880s when Rebecca Mitchell opened a book lending system in her home; and

WHEREAS, the Idaho Falls Public Library has long been a place that has introduced countless numbers of children to stories and books, has provided a study space for students, has provided community access to information and life-long learning opportunities, and has established a welcoming gathering place for people; and

WHEREAS, public libraries in the United States have long been institutions founded on the democratic ideal of free public access to information and a meeting space for a cross-section of members of society; and

WHEREAS, a group of women associated with the Village Improvement Society and the Round Table Club established a library board as a part of their mission to bring the benefits of culture and education to the community; and

WHEREAS, in 1916 these women, working alongside the City Council, applied for and received a grant from the Carnegie Foundation to build a public library building on the corner of Elm Street and Eastern Avenue; and

WHEREAS, Andrew Carnegie funded the construction of free local public libraries throughout the United States in communities like Idaho Falls as an essential piece of an “enduring civilization” and the “democratization of information;” and

WHEREAS, in 1974 the community of Idaho Falls overwhelmingly passed a \$2.6 million bond financing the construction of a new library building completed in 1977 on the corner of Broadway Avenue and Capital Street in downtown Idaho Falls; and

WHEREAS, the greater Idaho Falls community has long been well served by a Library Board of Trustees consisting of volunteers dedicated to the intrinsic value of free public libraries; and

WHEREAS, in accordance with Idaho Code Title 33, Chapter 26, the Library Trustees operate independently of the direct supervision of the City Council; and

WHEREAS, over the many years of the Library’s history, the Library Board of Trustees has consistently dedicated itself to establishing library policies that balance the goal of free public access to materials with the appropriateness of the collection.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, THAT:

1. The City Council and Mayor are committed to the principle that public libraries serve a foundational role in maintaining democracy in the United States as a place for free, public access to information, as a place that encourages the exchange of ideas, as a place of study for students and life-long learners, and as a gathering place for citizens of all ages.
2. The City Council and Mayor are committed to the current Idaho Law providing for the independence of the Trustees, including, but not limited to, the following:
 - a. the appointment of Trustees by the Mayor and City Council; and
 - b. the responsibility of the Trustees to hire and evaluate the Library Director; and
 - c. the responsibility of the Trustees and Director to establish, independently from the direct control of City Council and Mayor, the Library's policies for maintaining the collection and the public access to the collection.
3. The City Council and the Mayor support the Idaho Falls Public Library Board of Trustees in its duty to oversee Library operations in Idaho Falls.

ADOPTED and effective this ____ day of December, 2023.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

Corrin Wilde, City Clerk

Rebecca L. Noah Casper, Ph.D., Mayor

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, CORRIN WILDE, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Resolution entitled, “A RESOLUTION OF THE CITY COUNCIL OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, ESTABLISHING SUPPORT FOR THE IDAHO FALLS PUBLIC LIBRARY BOARD OF TRUSTEES.”

(SEAL)

Corrin Wilde, City Clerk

Memorandum

File #: 23-349

City Council Meeting

FROM: Wade Sanner, Director
DATE: Tuesday, December 5, 2023
DEPARTMENT: Community Development Services

Subject

Final Plat, Reasoned Statement of Relevant Criteria and Standards, Willard-Warr Addition, Division No. 1, First Amended.

Council Action Desired

- ☐ Ordinance ☐ Resolution ☐ Public Hearing
☒ Other Action (Approval, Authorization, Ratification, etc.)

1. Accept or approve the Final Plat for Willard-Warr Addition, Division No. 1, First Amended, and give authorization for the Mayor, City Engineer, and City Clerk to sign said Final Plat (or take other action deemed appropriate).

2. Approve the Reasoned Statement of Relevant Criteria and Standards for the Final Plat for Willard-Warr Addition, Division No. 1, First Amended and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

Attached is the application for the Final Plat and the Reasoned Statement of Relevant Criteria and Standards for Willard-Warr Addition, Division 1, First Amended. The Planning and Zoning Commission considered this item at its July 11, 2023, meeting and unanimously voted to recommend approval for the final plat as presented. Staff concurs with this recommendation.

Alignment with City & Department Planning Objectives



A successful Plat should be consistent with the Comprehensive Plan and Zoning Ordinance, which includes policies and goals related to Growth, Sustainability, Transportation, and Livable Communities.

Interdepartmental Coordination

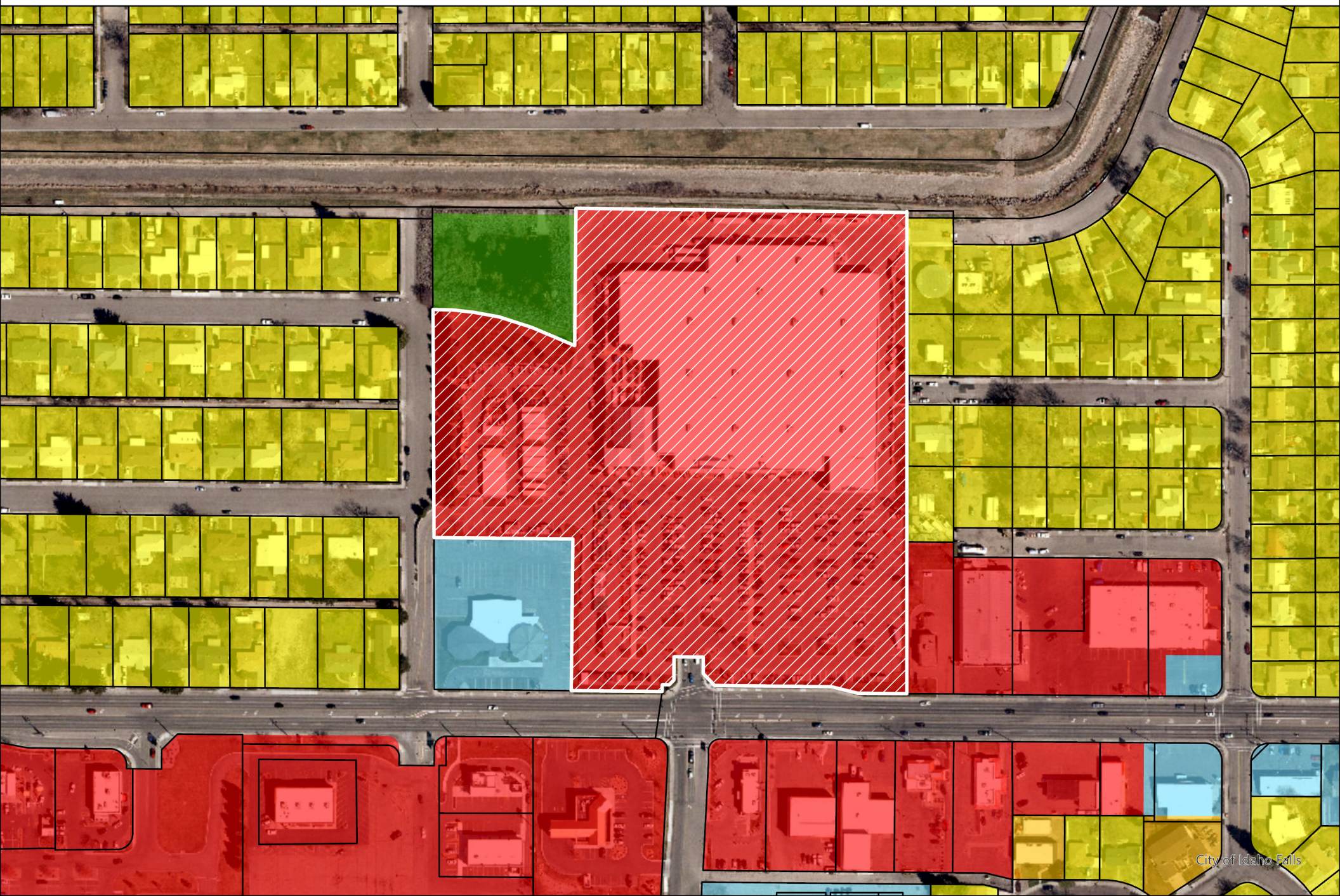
The Final Plat was reviewed by staff from Fire, Idaho Falls Power, BMPO, Water, Planning, Sewer, and Engineering & Survey.

Fiscal Impact

NA

Legal Review

This application has been reviewed by the Legal Department and is consistent with applicable law.





WILLARD-WARR ADDITION

DIVISION No. 1, FIRST AMENDED

A SUBDIVISION OF THE CITY OF IDAHO FALLS,
BONNEVILLE COUNTY, IDAHO,
BEING A REPLAT OF LOT 1 BLOCK 1 WILLARD-WARR
ADDITION, DIVISION No. 1
IN THE SW 1/4 OF SECTION 20, T. 2 N., R. 38 E.,
BOISE MERIDIAN

DECEMBER 2023 SCALE: 1" = 80' SHEET 1 OF 2

BOUNDARY DESCRIPTION

LOT 1 IN BLOCK 1 OF WILLARD-WARR ADDITION DIVISION No.1, TO THE CITY OF IDAHO FALLS, BONNEVILLE COUNTY, IDAHO, ACCORDING TO THE PLAT RECORDED APRIL 13, 1992 AS INSTRUMENT NO. 825775, CONTAINING 12.686 ACRES MORE OR LESS

CERTIFICATE OF SURVEYOR

I, ANTONIO M. CONTI, A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO, DO HEREBY CERTIFY THAT THE SURVEY OF THIS SUBDIVISION, DESIGNATED AS WILLARD-WARR ADDITION, DIVISION NO. 1, FIRST AMENDED, WAS MADE BY ME OR UNDER MY DIRECTION, AND THAT SAID SUBDIVISION IS TRULY AND CORRECTLY SURVEYED AND STAKED AS PROVIDED BY LAW AND IN ACCORDANCE WITH THE ACCOMPANYING PLAT AS DESCRIBED HEREON.

ANTONIO M. CONTI, P.L.S. 18350 DATE: _____

BASIS OF BEARING

THE BASIS OF BEARING OF THIS SURVEY IS THE SOUTH SECTION LINE OF SECTION 20 T. 2 N., R. 38 E., BOISE MERIDIAN, BEING S89° 28' 16" E AS SHOWN CITY OF IDAHO FALLS 2004 DATUM, BEING ESTABLISHED HOLDING FOUND MONUMENTS AS SHOWN HEREON.

LEGEND:

- SET 5/8" REBAR WITH PLASTIC CAP STAMPED PLS 18350
- SET 5/8" REBAR WITH PLASTIC CAP STAMPED EASEMENT PLS 18350
- FOUND 1/2" REBAR LS 827 UNLESS OTHERWISE NOTED. REPLACED WITH 5/8" REBAR WITH PLASTIC CAP STAMPED LS 18350
- ▲ FOUND MONUMENT AS SHOWN AND DESCRIBED
- FOUND PLSS BRASS DISK IN MONUMENT BOX
- ◎ FOUND PLSS ALUMINUM CAP
- SUBDIVISION BOUNDARY
- - - LOT LINE
- - - REFERENCE BOUNDARY
- EAE - LIMITS OF INGRESS/EGRESS AND EMERGENCY ACCESS EASEMENT (EAE) BY EXECUTION OF THIS INSTRUMENT
- WE - LIMITS OF PUBLIC WATER EASEMENT BY EXECUTION OF THIS INSTRUMENT
- PWE - LIMITS OF PRIVATE WATER EASEMENT BY EXECUTION OF THIS INSTRUMENT
- PUE - LIMITS OF PUBLIC UTILITY EASEMENT BY EXECUTION OF THIS INSTRUMENT
- SE - SE LIMITS OF PUBLIC UTILITY AND PUBLIC SIDEWALK EASEMENT BY EXECUTION OF THIS INSTRUMENT
- - - - - EXISTING PUBLIC UTILITY EASEMENT PURSUANT TO WILLARD-WARR SUBDIVISION No. 1 UNLESS OTHERWISE NOTED

(M) MEASURED
(R) RECORD INFORMATION PURSUANT TO WILLARD-WARR SUBDIVISION No 1 INSTRUMENT No. 825755, DATED APRIL 13, 1992
(R1) RECORD INFORMATION PURSUANT TO INSTRUMENT No. 1132207 DATED OCTOBER 17, 2003
(R2) RECORD INFORMATION PURSUANT TO INSTRUMENT No. 1749106 DATED JUNE 22, 2023

B.O.B. BASIS OF BEARING
CP&F CORNER PERPETUATION AND FILING RECORD
I.N. INSTRUMENT NUMBER
P.U.E. PUBLIC UTILITY EASEMENT
N.T.S. NOT TO SCALE

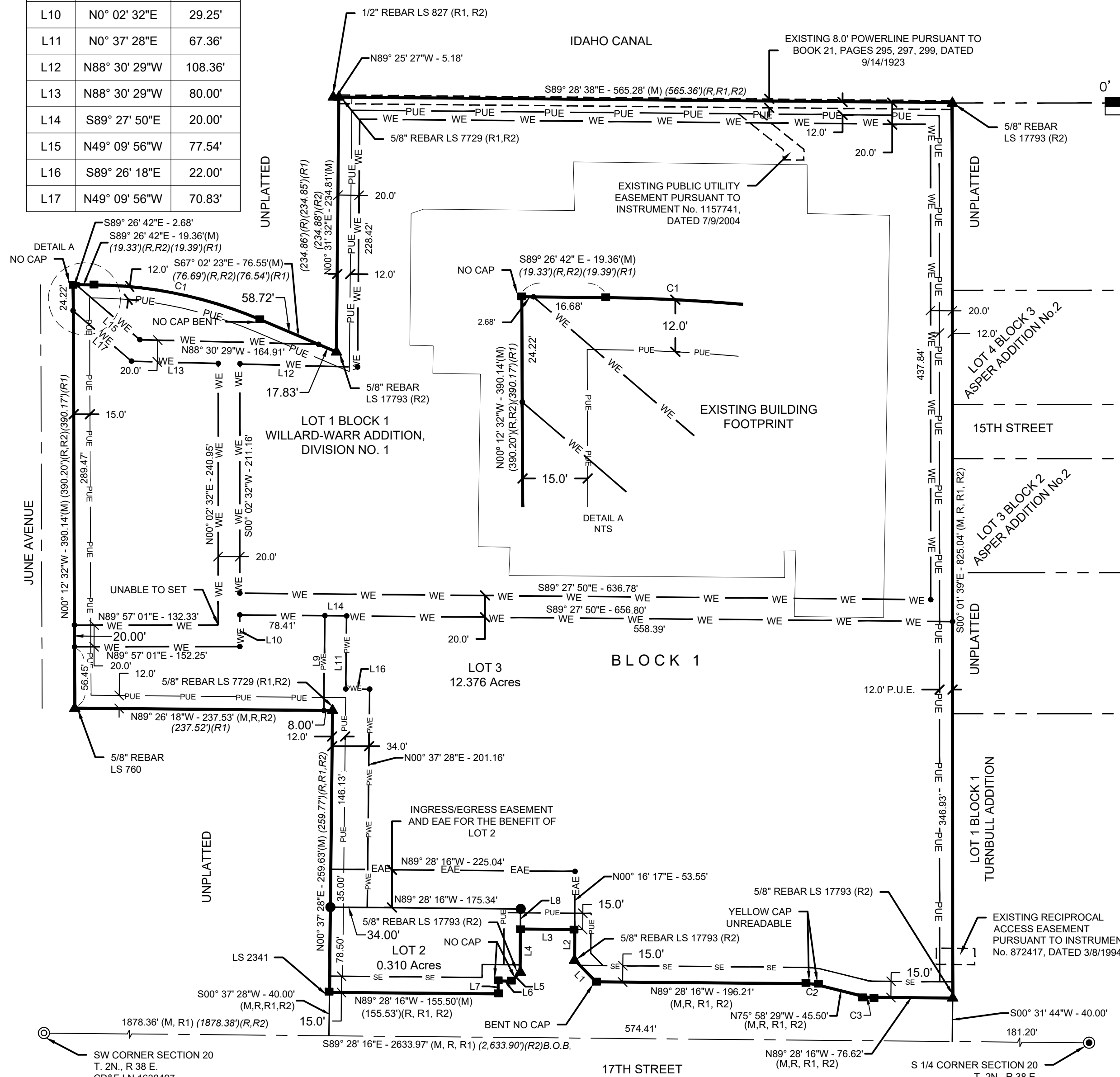


**ACKERMAN
ESTVOLD**

7661 West Riverside Drive, Ste. 102 · Garden City, ID 83714
208.853.6470 · www.ackerman-estvold.com
Minot, ND | Fargo, ND | Williston, ND | Boise, ID

Parcel Line Table		
Line #	Bearing	Length
L1	N44° 28' 17"W	28.28'(M) (R,R1,R2)
L2	N0° 16' 17"E	27.95'(M) [28.00' (R,R2)] [27.92'(R1)]
L3	N89° 28' 17"W	50.00'(M) (R,R1,R2)
L4	S0° 31' 43"W	40.00'(M) (R,R1,R2)
L5	S45° 31' 43"W	11.31'(M) (R,R2)(10.58')(R1)
L6	N89° 28' 17"W	11.98'(M) (12.00')(R,R1,R2)
L7	S0° 31' 43"W	11.95'(M) (12.00')(R,R1,R2)
L8	N0° 31' 43"E	18.55'
L9	S0° 37' 28"W	87.36'
L10	N0° 02' 32"E	29.25'
L11	N0° 37' 28"E	67.36'
L12	N88° 30' 29"W	108.36'
L13	N88° 30' 29"W	80.00'
L14	S89° 27' 50"E	20.00'
L15	N49° 09' 56"W	77.54'
L16	S89° 26' 18"E	22.00'
L17	N49° 09' 56"W	70.83'

Curve Table					
Curve #	Length	Radius	Delta	Ch. Bearing	Ch. Length
C1	157.08'	400.00'	22°30'00"	S78° 11' 42"E	156.07'
C2	7.54'	32.00'	13°30'01"	N82° 43' 30"W	7.52'
C3	4.24'	18.00'	13°29'47"	N82° 43' 23"W	4.23'



OWNER'S DEDICATION

KNOW ALL MEN BY THESE PRESENTS: THAT THE UNDERSIGNED, LOWE'S HOME CENTERS, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, SUCCESSOR-BY-MERGER TO LOWE'S HIW, INC. A QUALIFIED WASHINGTON CORPORATION, IS THE LAWFUL OWNER OF THE TRACT OF LAND INCLUDED WITHIN THE BOUNDARY DESCRIPTION SHOWN HEREON AND HAVE CAUSED THE SAME TO BE PLATTED AND DIVIDED INTO BLOCKS, LOTS, AND STREETS, WHICH PLAT SHALL HEREAFTER BE KNOWN AS WILLARD-WARR ADDITION, DIVISION No.1, FIRST AMENDED, A SUBDIVISION OF THE CITY OF IDAHO FALLS, IDAHO, BONNEVILLE COUNTY, IDAHO.

BE IT FURTHER KNOWN, THAT OWNER ALSO DOES HEREBY GRANT AND CONVEY TO THE CITY OF IDAHO FALLS ALL PUBLIC EASEMENTS FOREVER AS IRREVOCABLE PERMANENT NON-EXCLUSIVE PUBLIC EASEMENTS AS SHOWN AND DESCRIBED HEREON.

THE INGRESS/EGRESS EASEMENT INDICATED ON THIS PLAT IS DEDICATED TO THE BENEFIT OF THE OWNER OF LOT 2 AND ITS SUCCESSOR IN INTEREST. THE RIGHT TO USE SAID EASEMENTS ARE PERPETUALLY RESERVED FOR SUCH USES AS DESIGNATED HEREON.

OWNER DOES HEREBY GRANT AND CONVEY TO THE CITY OF IDAHO FALLS FOREVER A NON-EXCLUSIVE IRREVOCABLE EASEMENT FOR RIGHT-OF-WAY FOR EMERGENCY VEHICLES AND EMERGENCY RESPONDERS, ACROSS THE EMERGENCY ACCESS EASEMENT LABELED HEREON AS EAE, AND HEREAFTER REFERRED TO AS EAE.

OWNER, OR ITS HEIRS AND ASSIGNS, AGREE THEY WILL CONSTRUCT NO PERMANENT STRUCTURE WITHIN OR UPON ANY EASEMENT SHOWN HEREON, AND THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITEES OR LICENSEES SHALL ALSO HAVE THE RIGHT, TO REMOVE, CUT OR TRIM ANY TREES, BRUSH, ORNAMENTAL SHRUBBERY OR PLANT WHICH MAY INJURE OR INTERFERE WITH THE USE THEREOF FOR ITS INTENDED PURPOSES, AND CITY OF IDAHO FALLS SHALL HAVE THE RIGHT TO REMOVE ANY OBSTRUCTIONS ON SAID EAE WHICH MAY INJURE OR INTERFERE WITH THE CITY OF IDAHO FALLS' USE THEREOF, SUCH RIGHT MAY BE EXERCISED WITHOUT PRIOR NOTICE TO OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS FURTHER AGREE THAT THEY SHALL NOT PLANT ANY TREES, BRUSH, ORNAMENTAL SHRUBBERY OR PLANTS WHICH MAY HINDER THE SAFE AND EFFICIENT UTILIZATION OF SAID EASEMENTS.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS, FURTHER AGREE THAT THEY SHALL CONSTRUCT NO STRUCTURES OR MAINTAIN ANY OBSTRUCTIONS ON SAID EAE, INCLUDING BUT NOT LIMITED TO GATES, BARRIERS OR VEHICLES OF ANY TYPE.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS, FURTHER AGREE TO MAINTAIN THE SAID EAE AND TO REMOVE SNOW PURSUANT TO THE REQUIREMENTS OF THE INTERNATIONAL FIRE CODE §503 AS IT IS AMENDED FROM TIME TO TIME, AND AS ADOPTED BY THE CITY OF IDAHO FALLS, IDAHO.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS HEREBY RELEASES THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITEES OR LICENSEES FROM ANY CLAIM FOR DAMAGES, BASED UPON CONCEALED OR UNDISCLOSED PRIVATE IMPROVEMENTS CONSTRUCTED OR PERMITTED TO BE CONSTRUCTED BY OWNER OR ITS SUCCESSORS OR ASSIGNS WITHIN ANY PUBLIC EASEMENTS, SUBSEQUENT TO RECORDING THIS SUBDIVISION, THAT MAY BE INCURRED AS A RESULT OF THE CITY OF IDAHO FALLS AND ITS SUCCESSORS, ASSIGNS, PERMITEES OR LICENSEES ORDINARY USE OF THE PUBLIC EASEMENTS WITH DUE CARE.

OWNER OR ITS HEIRS, SUCCESSORS OR ASSIGNS DO HEREBY WARRANT AND SHALL DEFEND SUCH DEDICATION AND CONVEYANCES IN THE QUIET AND PEACEFUL POSSESSION OF THE PUBLIC OR THE CITY OF IDAHO FALLS, AS THE CASE MAY BE, AGAINST SAID OWNER AND ITS HEIRS, SUCCESSORS AND ASSIGNS, AND AGAINST EVERY PERSON WHOMSOEVER WHO LAWFULLY HOLDS OR WHO LATER CLAIMS TO HAVE LAWFULLY HELD ANY RIGHTS IN SAID ESTATE AS OF THE DATE HEREOF.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO SUBSCRIBED ITS SEAL AND SIGNATURE THIS _____ DAY OF _____, 2023.

LOWE'S HOME CENTERS, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, SUCCESSOR-BY-MERGER TO LOWE'S HIW, INC., A QUALIFIED WASHINGTON CORPORATION.

BY: JILL MILLER
ITS: VP ENTERPRISE STRATEGY

DRINKING WATER CERTIFICATE

PURSUANT TO I.C. §50-1334, THE OWNER DOES HEREBY CERTIFY THAT ALL LOTS SHOWN ON THIS PLAT ARE ELIGIBLE TO RECEIVE WATER FROM THE CITY OF IDAHO FALLS MUNICIPAL WATER SYSTEM, AND SAID CITY HAS AGREED IN WRITING TO PROVIDE CULINARY WATER SERVICE TO SAID LOTS PURSUANT TO THE PROVISIONS OF TITLE 8, CHAPTER 4 OF THE IDAHO FALLS CITY CODE, AS AMENDED FROM TIME TO TIME.

IN WITNESS WHEREOF, OWNER HAS HEREUNTO SET ITS SIGNATURE THIS _____ DAY OF _____, 2023

LOWE'S HOME CENTERS, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, SUCCESSOR-BY-MERGER TO LOWE'S HIW, INC., A QUALIFIED WASHINGTON CORPORATION.

BY: JILL MILLER
ITS: VP ENTERPRISE STRATEGY

SURVEY NARRATIVE

THE PURPOSE OF THIS SURVEY IS TO DIVIDE AN EXISTING PARCEL INTO TWO LOTS FOR DEVELOPMENT PURPOSES.

THE PARENT PARCEL, DESCRIBED IN PLAT OF WILLARD-WARR ADDITION, DIVISION NO. 1, WAS ESTABLISHED BY HOLDING FOUND MONUMENTS AS SHOWN IN INSTRUMENT NO. 1749106 AND REFERENCED HEREON

HEALTH DEPARTMENT CERTIFICATE OF APPROVAL

SANITARY RESTRICTIONS AS REQUIRED BY I.C. §50-1326 HAVE BEEN SATISFIED BASED ON THE DEPARTMENT OF ENVIRONMENTAL QUALITY (DEQ) APPROVAL OF THE DESIGN PLANS AND SPECIFICATIONS AND THE CONDITIONS IMPOSED ON THE DEVELOPER FOR CONTINUED SATISFACTION OF THE SANITARY RESTRICTIONS. BUYER IS CAUTIONED THAT AT THE TIME OF THIS APPROVAL, NO DRINKING WATER OR SEWER/SEPTIC FACILITIES WERE CONSTRUCTED. BUILDING CONSTRUCTION CAN BE ALLOWED WITH APPROPRIATE BUILDING PERMITS IF DRINKING WATER OR SEWER FACILITIES HAVE SINCE BEEN CONSTRUCTED OR IF THE DEVELOPER IS SIMULTANEOUSLY CONSTRUCTING THOSE FACILITIES. IF THE DEVELOPER FAILS TO CONSTRUCT FACILITIES OR MEET THE OTHER CONDITIONS OF DEQ, THEN SANITARY RESTRICTIONS MAY BE REIMPOSED, IN ACCORDANCE WITH I.C. §50-1326, BY THE ISSUANCE OF A CERTIFICATE OF DISAPPROVAL, AND NO CONSTRUCTION OF ANY BUILDING OR SHELTER REQUIRING DRINKING WATER OR SEWER/SEPTIC FACILITIES SHALL BE ALLOWED.

EASTERN IDAHO PUBLIC HEALTH DISTRICT

ENVIRONMENTAL HEALTH SPECIALIST, REHS DATE

ACKNOWLEDGMENT

STATE OF _____)
COUNTY OF _____) S.S.

ON THIS _____ DAY OF _____, 2023, BEFORE ME THE UNDERSIGNED, A NOTARY PUBLIC IN AND FOR SAID STATE, PERSONALLY APPEARED JILL MILLER, KNOWN OR IDENTIFIED TO ME, TO BE THE VP ENTERPRISE STRATEGY OF THE LIMITED LIABILITY COMPANY OF LOWE'S HOME CENTERS, LLC, A NORTH CAROLINA LIMITED LIABILITY COMPANY, SUCCESSOR-BY-MERGER TO LOWE'S HIW, INC. A QUALIFIED WASHINGTON CORPORATION, AND THE PERSON WHO SUBSCRIBED SAID LIMITED LIABILITY COMPANY'S NAME TO THE FOREGOING OWNER'S DEDICATION, AND THE DRINKING WATER SYSTEM CERTIFICATE AND ACKNOWLEDGED TO ME THAT SHE EXECUTED THE SAME IN SAID LIMITED LIABILITY COMPANY'S NAME AS A PERSON AUTHORIZED TO BIND SUCH LIMITED LIABILITY COMPANY.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND AND AFFIXED MY OFFICIAL SEAL THE DAY AND THE YEAR IN THIS CERTIFICATE FIRST ABOVE WRITTEN.

NOTARY PUBLIC FOR THE STATE OF _____

RESIDING AT: _____

COMMISSION EXPIRATION DATE: _____

CITY'S ACCEPTANCE

THE ACCOMPANYING PLAT WAS DULY ACCEPTED AND APPROVED AND THE GRANTS AND DEDICATIONS ARE HEREBY ACCEPTED BY THE CITY COUNCIL OF IDAHO FALLS, ADOPTED THIS _____ DAY OF _____, 202_

MAYOR CITY CLERK
CITY ENGINEER CITY SURVEYOR
KENT J. FUGAL, PE 9247 KENNETH BALDWIN ROBERTS, PLS 9755

IRRIGATION WATER RIGHTS

WATER RIGHTS AND ASSESSMENT OBLIGATIONS ARE NOT APPURTENANT TO THE LANDS INCLUDED WITHIN THIS PLAT. LOTS WITHIN THIS SUBDIVISION WILL NOT RECEIVE WATER RIGHTS.

WILLARD-WARR ADDITION

DIVISION No. 1, FIRST AMENDED

A SUBDIVISION OF THE CITY OF IDAHO FALLS,
BONNEVILLE COUNTY, IDAHO,
BEING A REPLAT OF LOT 1 BLOCK 1 WILLARD-WARR
ADDITION, DIVISION No. 1
IN THE SW 1/4 OF SECTION 20, T. 2 N., R. 38 E.,
BOISE MERIDIAN

DECEMBER 2023 SHEET 2 OF 2

COUNTY SURVEYOR'S VERIFICATION

I CERTIFY THAT I AM A LICENSED PROFESSIONAL LAND SURVEYOR IN THE STATE OF IDAHO AND THAT I HAVE EXAMINED THIS PLAT AND FIND THAT IT COMPLIES WITH I.C. §50-1305

BONNEVILLE COUNTY SURVEYOR DATE
DAVID D. ROMRELL PLS 12223

TREASURER'S CERTIFICATE

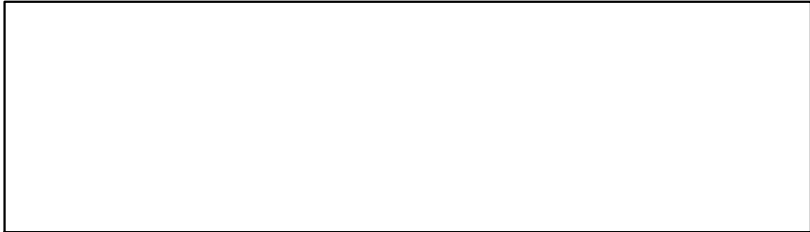
I, THE UNDERSIGNED COUNTY TREASURER IN AND FOR THE COUNTY OF BONNEVILLE, STATE OF IDAHO, PURSUANT TO THE REQUIREMENTS OF I.C. §50-1308, DO HEREBY CERTIFY THAT ALL COUNTY PROPERTY TAXES DUE FOR THE PROPERTY INCLUDED IN THE BOUNDARY DESCRIPTION SHOWN HEREON ARE CURRENT

BONNEVILLE COUNTY TREASURER DATE

RECORDER'S CERTIFICATE

I HEREBY CERTIFY THAT THE FOREGOING PLAT OF WILLARD-WARR ADDITION, DIVISION No. 1, FIRST AMENDED WAS FILED IN THE OFFICE OF THE RECORDER OF BONNEVILLE COUNTY, IDAHO

BONNEVILLE COUNTY RECORDER DATE



7661 West Riverside Drive, Ste. 102 · Garden City, ID 83714
208.853.6470 · www.ackerman-estvold.com
Minot, ND | Fargo, ND | Williston, ND | Boise, ID

**STAFF REPORT
FINAL PLAT
Willard-Warr Addition, Division No. 1, First Amended
December 14, 2023**



Community
Development
Services

Applicant: ALC Architecture

Project Manager: Naysha Foster

Location: Generally, located north of E 17th St, east of June Ave, south of E 14th, and west of Ponderosa Dr.

Size: 12.68 acres

Lots: 2

Buildable: 2

Existing Zoning:

Site: LC

North: R1

South: LC

East: R1

West: R1 & R3A

Existing Land Uses:

Site: Commercial (Lowes)

North: Residential

South: Commercial

East: Residential &
Commercial

West: Residential &
Commercial

Future Land Use Map:

General Urban & Mixed Use
Centers and Corridors

Attachments:

1. Subdivision and Zoning Ordinance Requirements
2. Maps and aerial photos
3. Final Plat

Requested Action: To approve the final plat for Willard-Warr Addition, Division No. 1, First Amended.

History: The property was platted as Eagle Rock in 1891. It was annexed in January 1955 as part of a larger area. It was and still is zoned commercial. Wal-Mart built there in 1992, it became Lowes in 2004.

Staff Comments: This final plat consists of 2 lots. Lot 3 consists of 12.379 acres and includes the Lowes Home Improvement Store. Lot 2 will consist of 0.31 acres. Lot 2 is being platted as a separate lot from the rest of the property in order to allow for additional development. It is in the southwest corner. There will be cross access easements for lot 2 through lot 3 to access 17th street.

The property is zoned LC. There is no minimum lot size in the LC zone. There is only a front setback of 20 feet and landscape buffers already exist.

Staff Recommendation: Staff has reviewed the final plat and finds that it is consistent with the Subdivision and Comprehensive Zoning Ordinance. Staff and the Planning and Zoning Commission recommend approval of the final plat.

Subdivision Ordinance: Boxes with an “X” indicated compliance with the ordinance.

REQUIREMENTS	Staff Review
Requirements listed in Section 10-1:	
Building envelopes sufficient to construct a building.	X
Lot dimensions conform to the minimum standards of Zoning Ordinance.	X
Lots have full frontage on, and access to, a dedicated street.	X
Residential lots do not have direct access to arterial streets.	N/A
Direct access to arterial streets from commercial or industrial lots shall be permitted only where it can be demonstrated that: 1) The direct access will not impede the flow of traffic on the arterial or otherwise create an unsafe condition; 2) There is no reasonable alternative for access to the arterial via a collector street; 3) There is sufficient sight distance along the arterial from the proposed point of access; 4) The proposed access is located so as not to interfere with the safe and efficient functioning of any intersection; and 5) The developer or owner agrees to provide all improvements, such as turning lanes or signals, necessitated for the safe and efficient uses of the proposed access.	X
Adequate provisions shall be made for soil preservation, drainage patterns, and debris and waste disposal and collection.	X
Sidelines of lots shall be at, or near, right angles or radial to the street lines. All corner lots shall have a minimum radius of twenty feet on the property line.	X
All property within the subdivision shall be included within a lot or area dedicated for public use.	X
All corner lots zoned RP through R-3, inclusive, shall be a minimum of ten percent larger in area than the average area of all similarly zoned lots in the plat or subdivision under consideration.	N/A
All major streets in subdivision must conform to the major street plan of the City, as set forth in Comprehensive Plan.	X
The alignment and width of previously platted streets shall be preserved unless topographical conditions or existing buildings or structures required otherwise.	N/A
Residential lots adjoining arterial streets shall comply with: 1) Such lots shall have reverse frontage on the arterial streets, 2) such lots shall be buffered from the arterial street by any effective combination of the following: lot depth, earth berms, vegetation, walls or fences, and structural soundproofing, 3) Minimum lot depth shall be 150 ft except where the use of berms, vegetation, and structures can be demonstrated to constitute an effective buffer, 4) Whenever practical, existing roadside trees shall be saved and used in the arterial buffer, 5) Parking areas shall be used as part of the arterial buffer for high density residential uses, 6) Annexation and development agreement shall include provisions for installation and continued maintenance of arterial buffers.	X

Planning Director to classify street on basis of zoning, traffic volume, function, growth, vehicular & pedestrian safety, and population density.	17 th Street, a Minor Arterial
---	---

Zoning Ordinance:

11-3-5: Purpose of Commercial Zones

(C) LC Limited Commercial Zone. This zone provides a commercial zone for retail and service uses which supply the daily household needs of the City's residents. This Zone is usually located on major streets contiguous to residential uses. This zone is characterized by smaller scale commercial uses which are easily accessible by pedestrians and non-motorized vehicles from the surrounding residential neighborhoods, although larger scale developments such as big-box stores may still serve as anchors. Connectivity is provided with walkways that provide access to and through the development site. Parking for vehicles is understated by the use of landscaping, location, and provision of pedestrian walkways to the businesses.

Table 11-3-5: Dimensional Standards for Commercial Zones

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	*	50
Setbacks – Minimum in ft.				
Front		20	20*	20
Side			*	
Rear			*	
Landscape buffer contiguous to street* in ft.	7*	15	20*	20*
Landscape buffer contiguous to a residential Zones* in ft.	10	10	20/10	30/10
Building height – Maximum in ft.		*	*	
Lot Coverage- Maximum in %		80	80	
*See explanations, exceptions and qualifications that follow in Section 11-3-6A (1-3) of this Zoning Code.				

*(1) In the LC Zone, structures may encroach into the twenty foot (20') setback up to ten feet (10') when designed with a pedestrian walkway a minimum of five feet (5') in width connecting the public sidewalk to the structure's entrance. Parking is not permitted to encroach into the twenty foot (20') setback.

6

Mixed Use Ctrs & Corridors



6. Mixed-Use Centers & Corridors

Snapshot: The Mixed-Use Centers and Corridors Transect denotes areas where people tend to shop, eat and gather. These areas include all housing types but generally at a more intense scale than other areas. These areas also include mixed-use buildings, recreation centers and commercial uses. Mixed-Use Centers and corridors may vary in scale from large, regional commercial centers with supportive housing to smaller commercial pockets called walkable centers that support a well-connected, walkable neighborhood.

Local examples: Northgate Mile and 1st Street corridors, Intersection of 65th South and 5th West, Intersection of Skyline and Broadway, Snake River Landing

5

General Urban



5. General Urban

Snapshot: The General Urban Transect denotes residential areas with a mix of commercial and service uses convenient to residents. These areas contain a wide variety of housing types, generally including small single-units, duplexes, triplexes, fourplexes, courtyard apartments, bungalow courts, townhouses, multiplexes and live-work units. Lot sizes are smaller and more compact than suburban areas. These areas could also include, parks, schools, churches and commercial services. These areas have highly connective street patterns, similar to the traditional grid-pattern that encourages bicycle and pedestrian usage. These areas should be near an existing or part of a new walkable center.

Local examples: Bonnavista Addition, Johns Height Subdivision, Jennie Lee Addition, Bell-Aire, Linden Park, Linden Trails, Falls Valley

11-2-4: ALLOWED USES IN COMMERCIAL ZONES.

Table 11-2-2: Allowed Uses in Commercial Zones

P = permitted use. C1 = administrative conditional use. C2 = Board of Adjustment conditional use. C3 = City Council conditional use. A blank denotes a use that is not allowed in that zone.

*Indicates uses that are subject to specific land use provisions set forth in the Standards for Allowed Land Uses Section of this Chapter.

Proposed Land Use Classification	Commercial				
	PB	CC	LC	HC	PT
Accessory Use	P	P	P	P	P
Accessory Use, Fuel Station*		P	P	P	
Accessory Use, Storage Yard*		P	P	P	
Amusement Center, Indoor		P	P	P	
Amusement Center, Indoor Shooting Range*		P	P	P	
Amusement Center, Outdoor*				P	
Animal Care Clinic*	P	P	P	P	
Animal Care Facility*				P	
Bed and Breakfast*		P	P		P
Boarding /Rooming House		P	P		P
Building Material, Garden and Farm Supplies			P	P	
Cemetery*		C ₂	C ₂	C ₂	
Club*		P	P	P	
Communication Facility		P	P	P	
Day Care, all Types*	P	P	P	P	P
Drinking Establishment		P		P	
Drive-through Establishment *	P*	P	P	P	P
Dwelling, Accessory Unit *		P	P	P	P
Dwelling, Multi-Unit*		P	P		P
Dwelling, Multi-Unit Attached*		P	P		P
Dwelling, Single Unit Attached*			P		
Dwelling, Single Unit Detached			P		
Dwelling, Two Unit			P		P
Eating Establishment		P	P	P	P
Eating Establishment, Limited	P	P	P	P	P

Proposed Land Use Classification	PB	CC	LC	HC	PT
Financial Institutions	P	P	P	P	P
Entertainment and Cultural Facilities	P	P	P	P	P
Equipment Sales, Rental and Services			P	P	
Food Processing, Small Scale				P	
Food Store		P	P	P	P
Health Care and Social Services	P	P	P	P	P
Higher Education Center		P	P	P	P
Home Occupation*	P	P	P	P	P
Hospital*	C ₂	C ₂	C ₂	C ₂	C ₂
Industry, Craftsman	P	P	P	P	
Industry, Light		P		P	
Information Technology	P	P	P	P	P
Laundry and Dry Cleaning		P			P
Live-Work*	C ₂	P	P	P	P
Lodging Facility		P	P	P	P
Mortuary				P	P
Parking Facility		P	P	P	P
Pawn Shop		P			
Personal Service	P	P	P	P	P
Professional Service	P	P	P	P	P
Planned Unit Development*		C ₃	C ₃		C ₃
Public Service Facility*	C ₂	C ₂	C ₂	C ₂	C ₂
Public Service Facility, Limited	P	P	P	P	P
Public Service Use	P	P	P	P	P
Recreation Vehicle Park*				P	
Religious Institution*		P	P	P	P
Residential Care Facility	P	P	P	P	P
Retail		P	P	P	P
School		P	P	P	P
Short Term Rental*		P	P		P
Fuel Station		P	P	P	
Fuel Station, Super		C ₂	P	P	
Storage Facility, Indoor		P	P	P	P
Storage Facility, Outdoor				P	
Storage Yard*				P	
Transit Station		P	P	P	P
Vehicle Body Shop				P	
Vehicle Repair and Service		P	P	P	
Vehicle Sales, Rental and Service		P		P	
Vehicle Washing Facility		C ₂	C ₂	P	

July 11 2023

7:00 p.m.

Planning Department

Civic Center

MEMBERS PRESENT: Commissioners Margaret Wimborne, Arnold Cantu, Dale Storer, Forrest Ihler, Bill Scott, Kristi Brower.

MEMBERS ABSENT: Scott Geddes, Glen Ogden, Marsha McDaniel

ALSO PRESENT: Assistant Planning Director Kerri Beutler, Planners Naysha Foster, David Peterson, Brian Stevens and interested citizens.

CALL TO ORDER: Margaret Wimborne called the meeting to order at 7:00 p.m. Wimborne introduced the new Director of Community Development Services, Wade Sanner, and asked Sanner to take a minute to introduce himself.

Wade Sanner introduced himself. Sanner moved to Idaho Falls from Sheridan, Wyoming. Sanner worked in various places across the County and is originally from Kansas. Sanner is grateful to be here and thanked the Commission for their service to the City.

MINUTES: Scott moved to accept the minutes of June 6, 2023, Ihler seconded the motion. The motion passed unanimously.

Business:

3. PLAT 23-015: FINAL PLAT. Willard-Warr Addition Division No. 1, First Amended.

Applicant: ALC Architecture, was present, but had nothing to add.

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

Scott asked if there has been an impact study as a new business would presumably create additional traffic, and getting in and out of Lowes already is challenging. Foster stated that there hasn't been a transportation study because 17th is a major arterial and there is already a stop light. Foster stated that a site plan will address those issues with the traffic engineer.

Brower stated that her grandma's house was on this property, and she was the last house to sell before they put Walmart in.

Wimborne remembered when this project (Walmart) came to be as there was a lot of discussion with entrances and exists as it was a change to this area.

Scott moved to recommend to the Mayor and City Council approval of the Final Plat for Willard-Warr Addition Division No. 1, First Amended, Storer seconded the motion.

Wimborne called for roll call vote: Cantu, yes; Storer, yes; Wimborne, yes; Ihler, yes; Scott, yes; Brower, yes. The motion passed unanimously.

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

APPROVAL OF THE FINAL PLAT OF WILLARD-WARR ADDITION, DIVISION NO. 1, FIRST AMENDED LOCATED NORTH OF 17TH ST, EAST OF JUNE AVE, SOUTH OF E 14TH ST AND WEST OF PONDEROSA DR.

WHEREAS, the applicant filed an application for a final plat on May 3, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on July 11, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on December 14, 2023; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The Planning and Zoning Commission considered the request pursuant to the City of Idaho Falls Comprehensive Plan, the City of Idaho Falls Zoning Ordinance, the City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is an approximate 12.68-acre parcel located north of E 17th St, east of June Ave, south of E 14th St and west of Ponderosa Dr.
3. The final plat includes two buildable lots. Lot 2 will consist of 0.31 acres and lot 3 will have 12.379 acres.
4. Access to the subdivision will come from E 17th Street, a minor arterial. There will be a cross access easement through lot 3 to lot 2.
5. The plat complies with all requirements of the Subdivision Ordinance and Zoning Ordinance.
6. The proposed development is consistent with the principles of the City's Comprehensive Plan and the LC, Limited Commercial Zone.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the Final Plat.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2023

Rebecca L. Noah Casper-Mayor

Memorandum

File #: 23-332

City Council Meeting

FROM: Wade Sanner, Director
DATE: Wednesday, November 15, 2023
DEPARTMENT: Community Development Services

Subject

Legislative Public Hearing-Part 1 of 2 of the Annexation and Initial Zoning-Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane.

Council Action Desired

- ☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)

1. Approve the Ordinance annexing Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane, assign a Comprehensive Plan Designation of "Mixed-Use Center and Corridors", and under a suspension of the rules requiring three complete and separate readings, request that it be read by title and published by summary (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

Attached is part 1 of 2 of the application for Annexation and Initial Zoning of R3A, Residential Mixed Use which includes the Annexation Ordinance and Reasoned Statement of Relevant Criteria and Standards for Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane. The Planning and Zoning Commission considered this item at its November 14, 2023, meeting and unanimously voted to recommended approval of the annexation with initial zoning of R3A including the remaining right-of-way for the bridle path and Crestwood Lane and with the exception of lot 6, block 2. Lot 6, Block 2 has been removed from the annexation request and is no longer included within the annexation documents provided to Council.

Alignment with City & Department Planning Objectives





Successful annexation consideration seeks for consistency with the principles of the Comprehensive Plan, including Growth, Sustainability, and Livable Communities.

Interdepartmental Coordination

The annexation legal description has been reviewed for accuracy by the Public Works Survey Division.

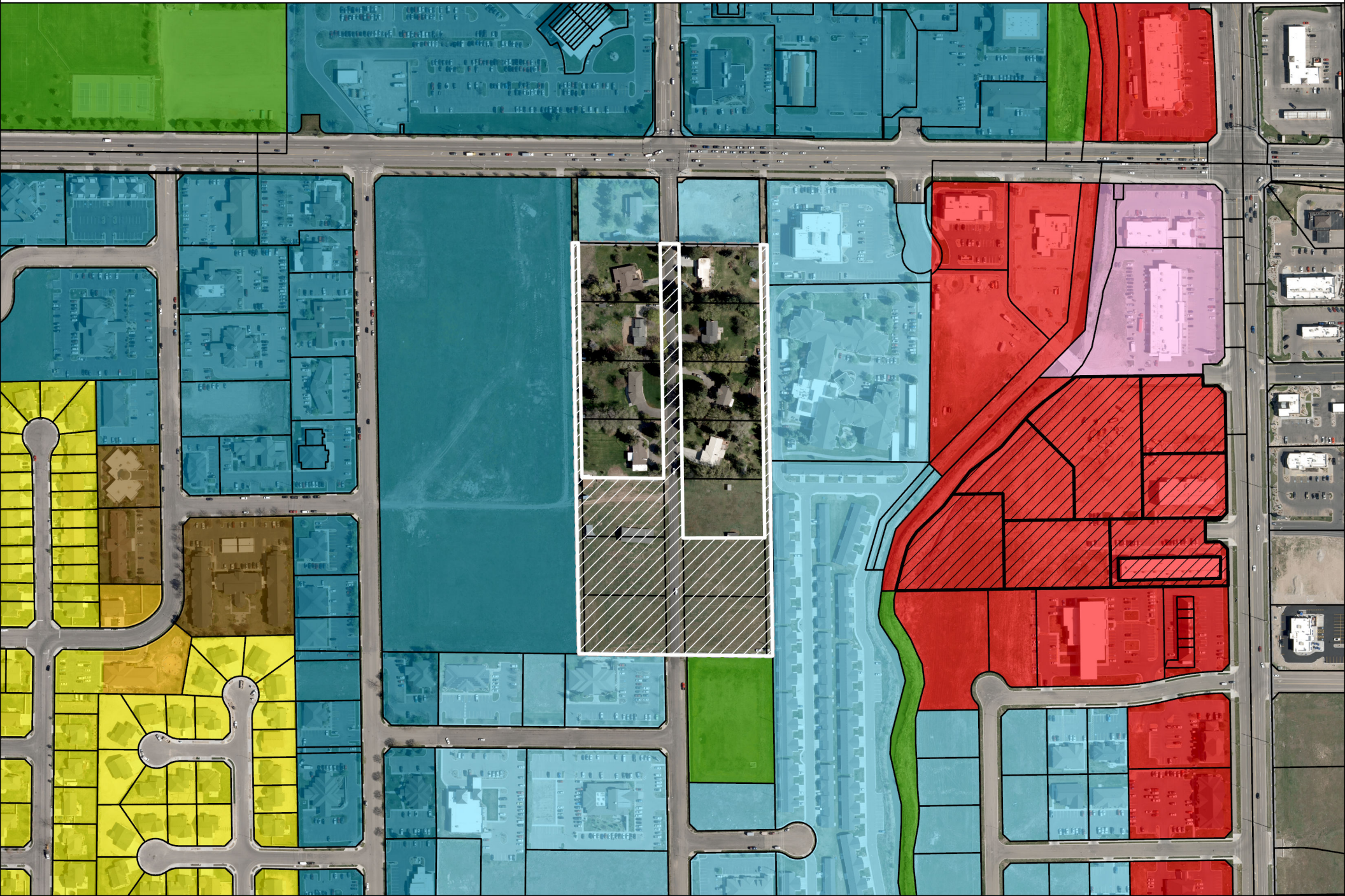
Fiscal Impact

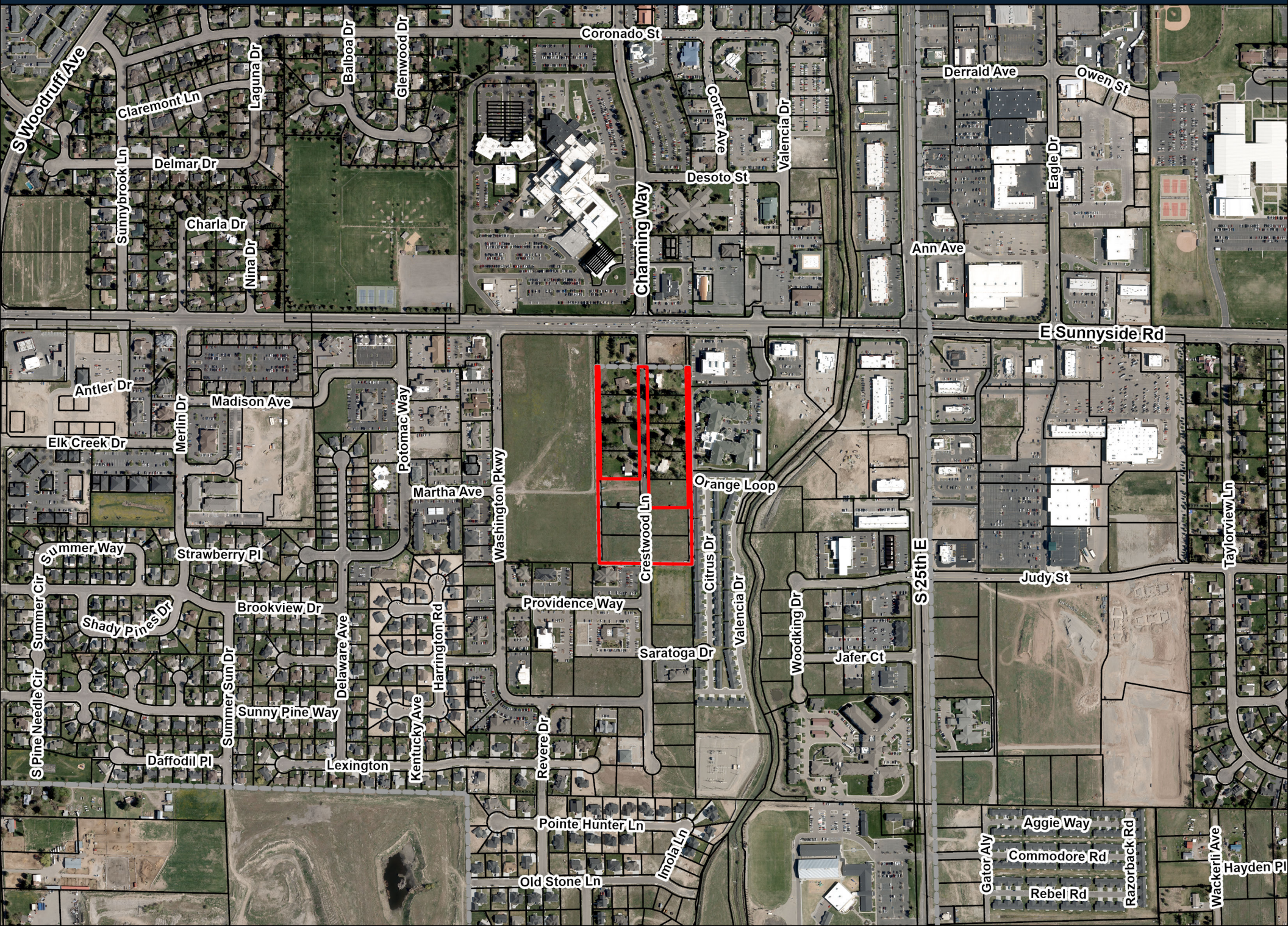
NA

Legal Review

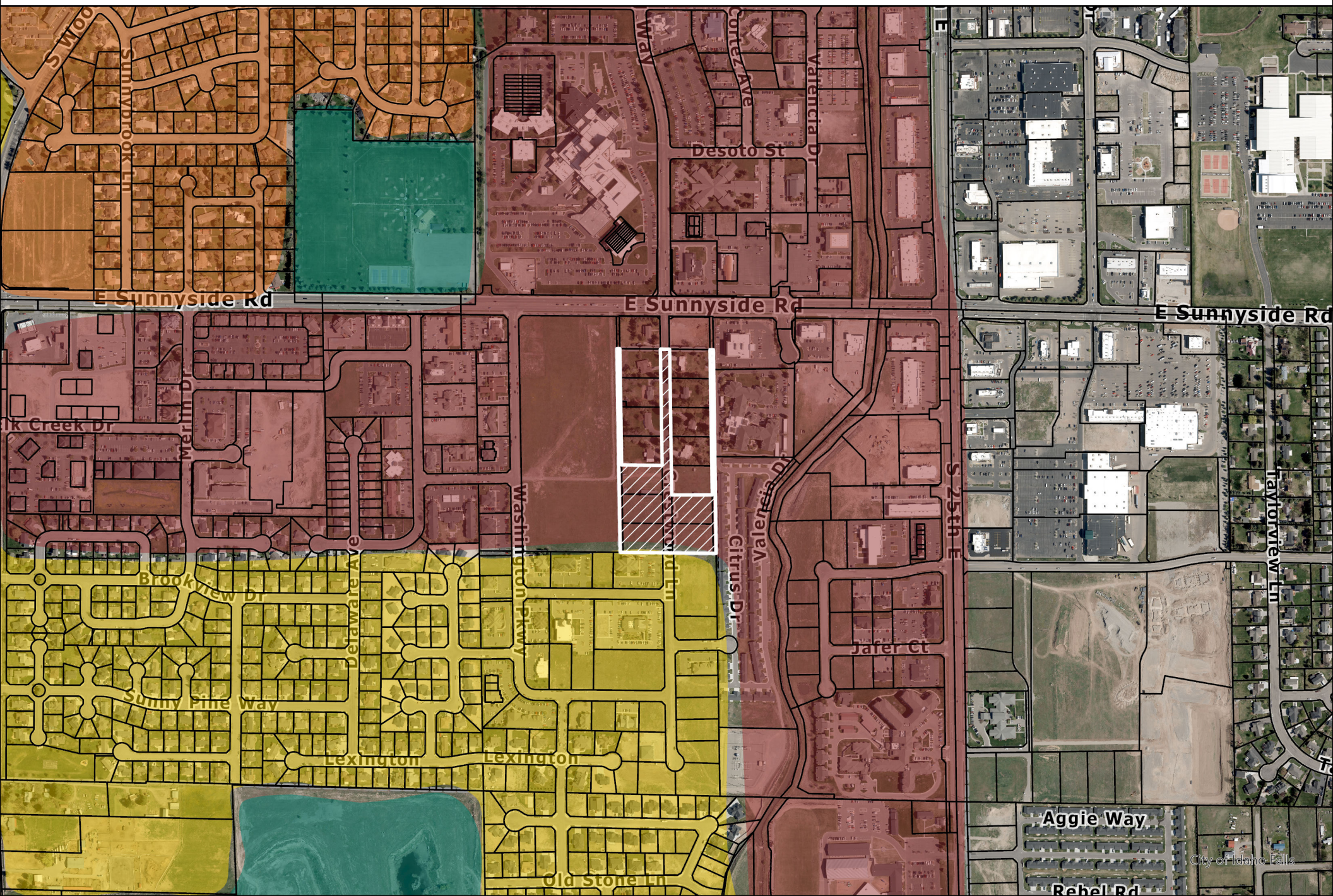
This application and ordinance have been reviewed by the Legal Department for consistency with state statutes.

RE	R1	TN	R3	PB	LC	R&D	I&M
RP	R2	RMH	R3A	CC	HC	LM	P





- General Urban
- Mixed Use Centers and Corridors
- Special Use
- Urban Core
- Industrial
- Natural and Open Space
- Suburban



STAFF REPORT

ANNEXATION AND INITIAL ZONING

**Lots 6, 7, 8, Block 1, Lots 7, 8 of Block 2 Brookhaven Division No. 1
including the remaining right-of-way for the bridle path and Crestwood
Lane
December 14, 2023**



Community
Development
Services

Applicant: David
Jorgensen

Project Manager: Naysha
Foster

Location: Generally, north
of E 49th, east of
Washington Parkway,
south of E Sunnyside Rd,
west of S 25th E

Zoning:
Existing: CountyRA-1
North: R3A
South: R3A & P
East: R3A
West: PB

Proposed Zoning: R3A

Existing Land Uses:

Site: Vacant

North:

Residential

South: Storm

Pond &

Commercial

East: Multi-family

Residential

West: Vacant

Future Land Use Map:

Mixed Use Centers &
Corridors

Attachments:

1. Comprehensive Plan
Policies
2. Zoning Information
3. Maps & Aerial Photos

Requested Action: To **approve** the annexation and initial zoning of
R3A, Residential Mixed Use.

Annexation: This is a Category “A” annexation as it is requested by
the property owner. The property is in the Area of Impact and
contiguous to City limits along the east, south, and west property lines.
City utilities are present in the immediate area to provide services to
the property.

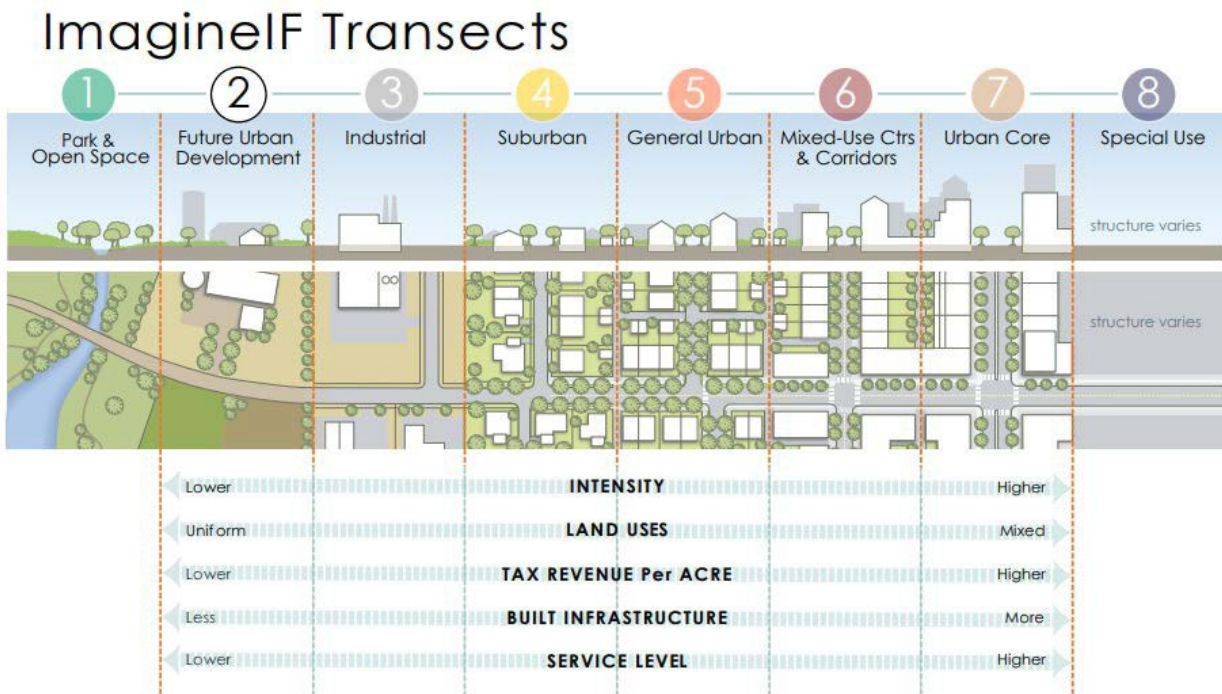
Staff Comments: This property is the south half of Brookhaven
Subdivision. There is a separate right-of-way that is called out as a
bridle path on the plat. It is on both the east and west side of the
subdivision. The bridle path was dedicated to the public as part of the
dedication on the subdivision. The bridle path and the entire right of
way for Crestwood Lane will be included in this annexation.
Bonneville County recommended annexation of the remaining right-of-
way as well as it will make it easier for extension of utilities. The two
north lots of the subdivision were annexed previously as R3A. This
area consists of mixed use of commercial and multi-family residential.

Initial Zoning: The proposed zone is R3A, Residential Mixed Use. The
R3A Zone allows for both residential and commercial uses as a mixed-use
zone. The Comprehensive Plan designates this area as Mixed-Use Centers
and Corridors, which encourages all housing types and mixed commercial
and well connected, walkable neighborhoods. The R3A Zone complies
with the policies of the Mixed-Use Centers and Corridors Comprehensive
Plan designation and fits well with the existing land uses in the
surrounding area. R3A Zoning is present on the north, east and south of
the area.

Staff Recommendation: Staff recommends approval of the annexation
and initial zoning of R3A as it is consistent with the Comprehensive
Plan and adjacent land uses.

Comprehensive Plan Land Use Transects:

pg. 60-70



6. Mixed-Use Centers & Corridors

Snapshot: The Mixed-Use Centers and Corridors Transect denotes areas where people tend to shop, eat and gather. These areas include all housing types but generally at a more intense scale than other areas. These areas also include mixed-use buildings, recreation centers and commercial uses. Mixed-Use Centers and corridors may vary in scale from large, regional commercial centers with supportive housing to smaller commercial pockets called walkable centers that support a well-connected, walkable neighborhood.

Local examples: Northgate Mile and 1st Street corridors, Intersection of 65th South and 5th West, Intersection of Skyline and Broadway, Snake River Landing

Zoning Ordinance:

11-3-3: PURPOSE OF RESIDENTIAL ZONES

R3A Residential Mixed-Use Zone. To provide for a mix of uses in which the primary use of the land is for residential purposes, but in which office buildings and certain other uses of a semi-commercial nature may be located. Characteristic of this Zone is a greater amount of automobile traffic, greater density, and a wider variety of dwelling types and uses than is characteristic of the R3 Residential Zone. While office buildings and certain other uses of a semi-commercial nature may be located in the Zone, the R3A Zone is essentially residential in character. Therefore, all uses must be developed and maintained in harmony with residential uses. This zone should be located along major streets such as arterials and collectors.

11-3-4: DIMENSIONAL STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: Dimensional Standards for Residential Zones

	RE	RP	R1	R2	TN	R3	R3A	RMH
Lot Area								
Lot Area Minimum in ft ²	1 acre*	12,000	7,000	6,000*	3,000*	5,000*	5,000	3,000
Lot Area Maximum in ft ²			13,500*					
Site Width								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	25
Setbacks, Minimum in ft.								
Front	40	30*	25*	20*	15*	15	15	15
Front Maximum in ft.					20*			
Side	20	7.5/10*	6	6	5	6	6	5
Rear	40	25	25	25	10	25*	25*	10
Lot Coverage, Building Height, and Density								
Maximum Lot Coverage in %	30	40	40	80	50	80	80	50
Maximum Building Height in ft*	24	24	24	36	*			24
Maximum Density in gross units/acre	1	4	6	17	15	35	35	35
*See explanations, exceptions and qualifications in Section 11-3-4A,B,C of this Zoning Code.								

From: Cynthia Wallace <gcwallproperties@gmail.com>

Sent: Monday, December 11, 2023 4:33 PM

To: Naysha Foster <nfoster@idahofalls.gov>

Subject: ANNX23-004

CAUTION: This email originated from outside of the organization. Do not click links or open attachments unless you recognize the sender and know the content is safe.

TO: Idaho Falls Planning and Zoning Commission/Idaho Falls City Council

FROM: Gary & Cynthia Wallace of GC Properties, LLC

RE: ANNX23-004

DATE: 12/11/2022

With the information received from the Idaho Falls Planning and Zoning meeting that was held on 11/14/2023, we again oppose the current application for annexation of the bridal path into Idaho Falls.

- 1.
- 2.
3. After the public hearing was “closed,” (and our testimony had been heard), the city
4. personnel stated that this annexation was all being done with the blessing and cooperation of the county. This statement is false.
- 5.

When we called and talked to the city planning and zoning (before that meeting), we were told that Kerry Beutler went over and sat down with Austin Black of the county planning and zoning. When we asked Austin Black about that meeting, he stated, “Yeah. That did *not* happen!” He mentioned that they might have talked with Lance with County Road and Bridge but that would be regarding the road only. As the public hearing was “closed”, we were not able to ask questions about who this was discussed with or refute this false statement that was stated as fact.

- 2.
- 3.
4. Again, after the public hearing was closed, the city personnel stated that if they
5. “did not annex the bridle path, it would take two entities, both the city and the county, to vacate it”.
- 6.

If you look at the color map that was provided for the meeting, when the two lots adjacent to Sunnyside were annexed to the city, the bridle path was not annexed. Therefore the above statement is not true.

If the statement is nevertheless true, then the map that was used for annexation is erroneous, and the bridle path was annexed with these two lots and it shows a precedent has been set by the city to annex only that area of the bridle path adjacent to the property being annexed.

In speaking to the original owner's family of this entire parcel (Blake Purcell), he confirmed the bridle path has never been used for any public purpose other than utility lines and has been maintained over the years by the adjacent property owners.

We have discussed with Austin Black and David Romrell from the county about vacating the bridle path to the property owners. They have given us access to the applications to do so. If the city waits until this happens, it would allow the remaining 9 lots to use the bridle path as it has been used and maintained over the years. When the city annexes the properties, the previous adjacent bridle paths will be annexed also.

We understand that the city council strives to be prudent with the city's funds. If the city annexes the bridle path property and road at this time it will only create a financial liability for maintenance of the road and bridle path and generate zero tax dollars for the city from the 9 properties still in the county.

In summary, we oppose this annexation because the city planning and zoning recommendations were made on false information. Specifically, there was no "cooperation and blessing of the county" regarding the bridle path and the county is willing to vacate the bridle path to the adjacent property owners. We also oppose the annexation of the bridle path as fiscally irresponsible as it obligates city tax dollars for maintenance without generating any additional tax dollars. We do not oppose the annexation of the 5 lots as R3A but would hope that reason would prevail and allow the county to vacate the bridle path before such annexation occurs.

Respectfully,

Gary & Cynthia Wallace
GC Properties, LLC
208-709-5858
gcwallproperties@gmail.com

November 14, 2023

7:00 p.m.

Planning Department

City Annex Conference Room

MEMBERS PRESENT: Commissioners Kristi Brower, Forrest Ihler, Bill Scott, Margaret Wimborne Ogden, Forrest Ihler, Bill Scott, Glen Ogden.

MEMBERS ABSENT: Marsha McDaniel, Scott Geddes, Arnold Cantu, Dale Storer.

ALSO PRESENT: Assistant Planning Director Kerry Beutler, Planners David Peterson, Naysha Foster, David Peterson, Brian Stevens and interested citizens.

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

MINUTES: Ogden moved to accept the minutes of October 4, 2023, Scott seconded the motion. The motion passed unanimously.

Public Hearing (s):

3.ANNX 23-004: ANNEXATION/INITIAL ZONING OF R3A. For Brookhaven Division No. 1.

Wimborne noted that additional comments from Cynthia Wallace were received, and she made sure that each Commissioner saw those comments.

Wimborne opened the public hearing.

Applicant: David Jorgensen. Jorgensen owns five of the 6 lots, and he thought Cynthia Wallace, who owns the last lot and he thought she wanted to go with him on this application, but she does not. Jorgensen wants to build on the lots and needs to annex the property into the City. Jorgensen indicated that the western 3 lots and the southern 2 lots are his property.

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

Wimborne asked about the Bridle path and the dedication that is discussed in the staff report, but the comments discuss vacation of the bridle paths to the individual landowners. Wimborne asked for clarification and current status of the bridle paths. Foster stated that the bridle path was dedicated as part of the plat to the public (County) it has not been developed as a bridle path and hasn't been used for anything besides neighborhood walking. There is no discussion from the County that they were going to deed the property to the landowners, but it might be something the City does in the future, but at this point they cannot leave the strips of County property unannexed. Wimborne asked about covenants in the Brookhaven Subdivision. Foster stated that the City is only obligated to enforce minimum standards and they do not get involved in protective covenants, and those discussions and disputes will have to be handled through HOA or civilly. Wimborne asked if they are looking at 6 lots or now 5. Foster stated just 5 lots at this time.

Support/Opposition:

Brett Parmenter, 3551 Crestwood Lane, Idaho Falls, Idaho. Parmenter bought his house in 2017 with the Covenants. Parmenter works for the offices of Head Start out of Washington D.C. and he goes in and rebuilds infrastructure and buildings for Head Start that wiped out in hurricanes. Parmenter stated that the first thing they need to consider is public safety of children

and families and decisions that are made in constructing roads and drainages are safety minded. In 2017 there was a barrier and trucks could not go through, and shortly after he purchased the house the applicant (Jorgensen) created a road without permission of the County and overnight they had a lot of traffic. Parmenter stated that all the streets west until Woodruff have no lights. Only Crestwood has a light going left. Parmenter stated that there are 4 x as many wrecks on Sunnyside versus Hitt due to the lights on Hitt. The City planners informed Parmenter about the rule (policy) of 660 feet between stop lights and Parmenter feels that is poor planning. Putting a lot of people in one area and don't provide egress out to major streets. Parmenter doesn't feel planners or developers should drive the public safety of the community. Parmenter stated that there are cars parked on the road on Washington because there is not enough parking in PB and Medical buildings. The ingress and egress out of the properties along Washing and west are not sufficient. Parmenter stated that the covenants on Crestwood apply to the applicants lots. Parmenter stated that if they start a lawsuit with the applicant, it will be 3 years before he can do anything, if he gets the rights votes for a business on his lots. Parmenter doesn't feel they should go forward because there is not proper ingress and egress for the area. Parmenter's concern is that the safety of the public needs to be considered in Crestwood and all the way to Woodruff and at some point, the City has to provide some relief to all the people that are coming out and turning left.

Gil and Cynthia Wallace 378 Cranbrook, Idaho Falls, Idaho. They own the 6th Lot and want to make sure their lot has been removed from the application. Wallaces were asked by Mr. Jorgensen if they wanted to join in on the application and they indicated that they were too busy at the time to deal with this process. Wallace stated that the bridle path is 16' on each side of the lots and was originally dedicated to the public in 1966 by Blake Purcell as his family originally owned the property. Many of the property owners have taken care of the bridle path. If the County is willing to vacate the bridle path, and the County has indicated that they would be willing to do that, then as you annex the lots into the City you would annex the previously placed bridle path and the City would not be obligated to take care of the path. Wallace feels that they should talk to the County first about the bridle path and see if they are willing to vacate the property to the landowners, and if the County is willing to vacate, then annexation wouldn't be an issue with parceling out property, and the residents can still take care of the bridle path as they have been doing up to this point.

3550 Crestwood, Idaho Falls, Idaho. President of HOA. He is supportive of Jorgensen getting something going in the neighborhood as it is currently a mess with weeds and people driving through his lots and tearing it up. He has been there since 2015 and has seen the speeds going higher on the street and it is scary for him. He would like to find a resolution that can benefit everyone, and safety and security is number one. The bridle path has always been maintained by residents. He doesn't want to put Jorgensen on hold, but he does want to find a better plan and hopefully get Jorgensen's plan going before he decides to retire.

Applicant: David Jorgensen. Jorgensen feels that they need to get the road widened and get access to Sunnyside. Jorgensen has owned property in the area longer than anyone that has spoken tonight. Jorgensen owned the property on the north side of Crestwood Sunnyside that was forced annexed. Jorgensen intends to honor the covenants. The covenants indicate that the bridle path should be a bridle path and that may or may not have happened over the years, but no one has had a problem with the covenants, until Jorgensen came along and wanted to change the covenants to allow growth in the area. Jorgensen feels that the bridle path could be used as a

trading tactic to get a wider road (trade 16' for 16'). Jorgensen did not build a road without County approval, and they were aware of what was going on when he built the road. The Plat dedicated that property to be a road in the 1960's. Jorgensen stated that when the neighbors bought the previous owners had to disclose the road and plat. Jorgensen stated that the disputes related to covenants will have to be taken care of civilly. This application is one step in a long road to getting the road widened and the property used in a way that the City and County would like to see.

Brett Parmenter, 3551 Crestwood Lane, Idaho Falls, Idaho. Parmenter stated that the bridle path has been maintained by property owners, and using the bridle path as leverage to get a wider road does not make sense as nothing can be put in the bridle path, because the phone line, power line and it has to be available for utility work. Parmenter stated that the bridle path does the property owners no good and should not be used as a tactic to give more width to the road. Parmenter would work with someone to make the road safer. Parmenter stated that the property that Jorgensen had was zoned residential until the City forced annexed and changed the zoning on 2 of the lots in the subdivision. Parmenter confirmed that they do have an active HOA, with meetings held often and HOA Meetings minutes. Parmenter said that Jorgensen indicated that the County gave him approval for the road, and County staff indicated to Parmenter that they didn't give permission. Parmenter stated that County staff have no affection for City staff and vice versa and that needs to be fixed in this town and that would help everyone.

Wimborne closed the public hearing.

Ogden confirmed that Lot 6 of Block 2 is excluded. If the City annexed the bridle paths the City can decide whether they would be vacated. Foster agreed. Ogden stated that R3 or R3A would be the only options for this zone when it is annexed because that is what is contiguous to the area.

Scott asked if there is a utility easement in the bridle path. Beutler stated that it is a platted right of way, so it is possible that the utility lines exist in the bridle path, but not as a separate easement. Scott is concerned about the traffic on Sunnyside and has business on Washington Parkway and goes to Crestwood because there is a light and that is a problem that needs to be addressed. Foster stated that will be addressed with development, and that will be handled by the City Traffic Engineer. The road is an arterial and it will be constructed to carry a lot of traffic to the light. Scott asked if there is a minimum width for a collector. Foster clarified that it is an arterial which is a higher category than collector. Beutler stated that the spacing between lighted intersections is 660' and there is potential for a light on Merlin that would meet the spacing requirement, but the City would not install that light until it meets warrants to install that light. Public Works is continually monitoring trips and traffic along the roads.

Scott asked if Crestwood is wide enough currently to meet the requirements. Beutler indicated that Crestwood is a 50' right of way in the County.

Wimborne asked if the spacing is dictated through BMPO. Beutler stated that the City has adopted the access management plan from the BMPO. Beutler stated that the purpose of the access management plan was to look at street classifications. Beutler stated that they would then provide recommendations for appropriate improvements to move traffic along each of the street classifications in order to move traffic, and if there should be turn lanes, right turn lanes, etc. to

safely allow traffic to enter and exit the road systems. Beutler added that the access management plan has the recommendation of 660' of spacing between lighted intersections.

Wimborne asked about the conversations on the bridle path and the County. Foster stated that the County indicated that the City should annex the bridle path and did not mention anything about dedicating the property to the owners. Wimborne asked if annexation would preclude the dedication. Foster stated that once it is under City jurisdiction then City Council could make that decision. Beutler stated that annexation would make the vacation process easier on the bridle path.

Scott asked why Jorgensen cannot build on the property without annexation. Foster stated that if the question is in regard to the protective covenants, that is not something that should be considered for the annexation, but if it is annexed and zoned, and it is already platted, he would have the right to build whatever is allowed in that zone.

Wimborne asked what the County zoning is. Foster stated that it is RA1. Beutler stated that the consideration for development purposes is availability of water and sewer, and in order to develop the lots in the County, they would have to develop their own septic and water system in order to allow for development.

Ogden asked if the existing water and sewer connects to City water and sewer if annexed. Foster stated that the utilities would have to be brought in from south or north by the developer.

Ihler stated that it needs to be annexed and it is inevitable that the area will be annexed. Ihler stated that the access management plan must be followed. The light at Channing and Crestwood was planned. Ihler wants the area developed so the property can increase the tax revenue for the City.

Ogden moved to recommend to the Mayor and City Council approval of Annexation of approximately 6 acres including Lots 6, 7, 8, Block 1, Lots 7, 8, Block 2 Brookhaven Division No. 1 including the remaining bridle path and right of way of Crestwood Lane, Brower seconded and the motion. Wimborne called for roll call vote: Brower, yes; Ihler, yes; Scott, yes; Wimborne, yes; Ogden, yes. The motion passed unanimously.

Ogden moved to amend the motion as follows: To recommend to the Mayor and City Council approval of Annexation of approximately 6 acres including Lots 6, 7, 8, Block 1, Lots 7, 8, Block 2 Brookhaven Division No. 1 including the remaining bridle path and right of way of Crestwood Lane with an initial zoning of R3A, Brower seconded and the motion. Wimborne called for roll call vote: Brower, yes; Ihler, yes; Scott, yes; Wimborne, yes; Ogden, yes. The motion passed unanimously.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF LOTS 6-8, BLOCK 1, LOTS 7 AND 8, BLOCK 2 BROOKHAVEN SUBDIVISION NO. 1 INCLUDING THE REMAINING RIGHT-OF-WAY FOR THE BRIDLE PATH AND CRESTWOOD LANE AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibit A of this Ordinance are contiguous and adjacent to the City limits of the City of Idaho Falls, Idaho; and

WHEREAS, such lands described herein are subject to annexation to the City pursuant to the provisions of Idaho Code Section 50-222, and other laws, as amended; and

WHEREAS, the annexation of the lands described in Exhibit A is reasonably necessary to assure the orderly development of the City in order to allow efficient and economically viable provision of tax-supported and fee-supported municipal services; to enable the orderly development of private lands which benefit from a cost-effective availability of City services in urbanizing areas; and to equitably allocate the costs of City/public services in management of development on the City's urban fringe; and

WHEREAS, the City has authority to annex lands into the City pursuant to procedures of Idaho Code Section 50-222, as amended; and

WHEREAS, any portion of a highway lying wholly or partially within the lands to be annexed are included in the lands annexed by this Ordinance; and

WHEREAS, the lands annexed by this Ordinance are not connected to the City only by a "shoestring" or a strip of land which comprises a railroad or right-of-way; and

WHEREAS, all private landowners have consented to annexation of such lands, where necessary; and

WHEREAS, City of Idaho Falls Comprehensive Plan includes the area of annexation; and

WHEREAS, after considering the written and oral comments of property owners whose lands would be annexed and other affected persons, City Council specifically makes the following findings:

- 1) That the lands annexed meet the applicable requirements of Idaho Code Section 50-222 and do not fall within exceptions or conditional exceptions contained in Idaho Code Section 50-222;
- 2) The annexation is consistent with public purposes addressed in annexation and related plans prepared by the City; and
- 3) Annexation of the lands described in Section 1 are reasonably necessary for the orderly development of the City; and

WHEREAS, it appears to the Council that the lands described herein below in Exhibit A of this Ordinance should be annexed to and become a part of the City of Idaho Falls, Idaho; and

WHEREAS, the City wishes to exercise jurisdiction over the annexed lands in a way that promotes the orderly development of such lands; and

WHEREAS, the City of Idaho Falls Comprehensive Plan sets out policies and strategies designed to promote and sustain future growth within the City; and

WHEREAS, such designation is consistent with policies and principles contained within the City of Idaho Falls Comprehensive Plan; and

WHEREAS, the City desires the City of Idaho Falls Comprehensive Plan Map to be amended to reflect the designation contained in this Ordinance.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, as follows:

SECTION 1. Annexation of Property. The lands described in Exhibit A are hereby annexed to the City of Idaho Falls, Idaho.

SECTION 2. Amended Map and Legal Description. The City Clerk shall file a certified copy of this Ordinance with the Bonneville County Auditor, Treasurer, and Assessor, within ten (10) days after the effective date hereof. The City Engineer shall, within ten (10) days after such effective date, file an amended legal description and map of the City, with the Bonneville County Recorder and Assessor and the Idaho State Tax Commission, all in accordance with Idaho Code Section 63-2215.

SECTION 3. Findings. The findings contained in the recitals of this Ordinance be, and the same are hereby adopted as the official City Council findings for this Ordinance, and any further findings relative to this Ordinance shall be contained in the officially adopted Council minutes of the meeting in which this Ordinance was passed.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence, clause or phrase of this Ordinance.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED BY THE COUNCIL AND APPROVED BY THE MAYOR this _____ day of _____, 2023.

Rebecca L. Noah Casper, Mayor

ATTEST:

Corrin Wilde, City Clerk

(SEAL)

STATE OF IDAHO)
 : ss.
County of Bonneville)

I, CORRIN WILDE, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO,
DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: “AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF LOTS 6-8, BLOCK 1, LOTS 7 AND 8, BLOCK 2 BROOKHAVEN SUBDIVISION NO. 1 INCLUDING THE REMAINING RIGHT-OF-WAY FOR THE BRIDLE PATH AND CRESTWOOD LANE AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE”

Corrin Wilde, City Clerk

(SEAL)

BROOKHAVEN SUBDIVISION

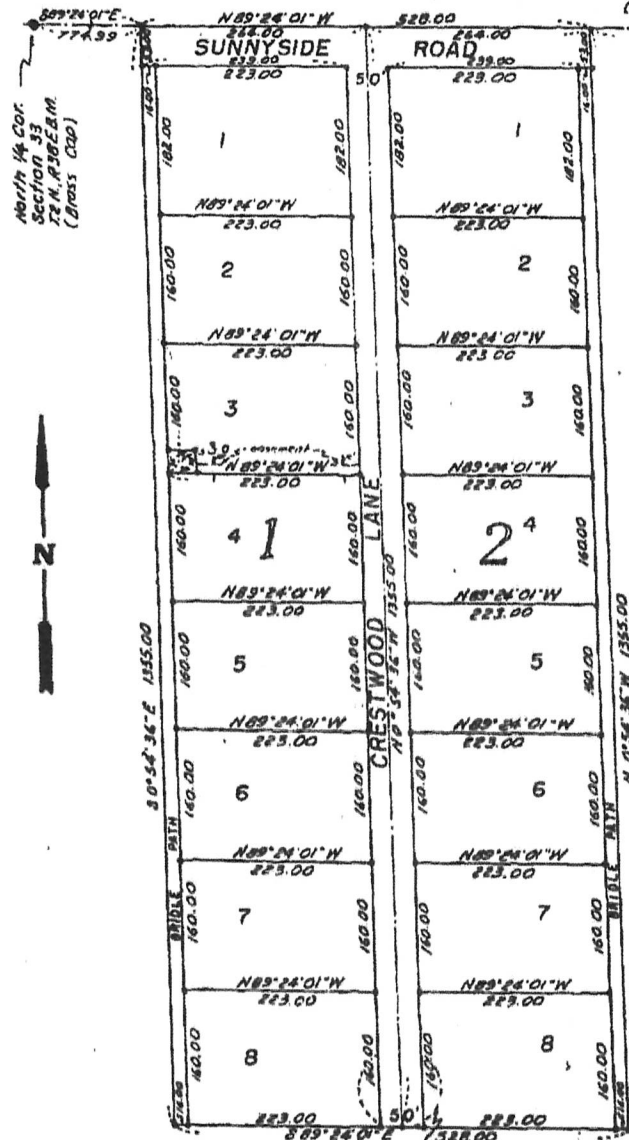
DIVISION NO. 1

BONNEVILLE COUNTY, IDAHO

PART OF THE N.E. CORNER SECTION 33, T.2N., R.38E.B.M.
DAVID E. BENTON & ASSOCIATES
CONSULTING ENGINEERS

IDAHO FALLS,
IDAHO

N.E. Corner
Section 33
T.2N., R.38E.B.M.
(Dress Cap)



DEED OF DEDICATION

State of Idaho
County of Bonneville } ss

BE IT KNOWN THAT: Robert L. Mercer, Beverly R. Mercer, Mark Purcell, Helen Purcell do hereby certify that we are the legal owners of this property shown hereon and described as follows:

Beginning at a point that is 389'-24\"/>

That we have caused the same to be subdivided into lots, blocks, streets and bridge points to be known as Brookhaven Subdivision Division No. 1, Bonneville County, Idaho and that we do hereby give grant and dedicate to the public for public use all street, easements and bridge points shown hereon.

Robert L. Mercer

Mark Purcell

Beverly R. Mercer

Helen Purcell

State of Idaho
County of Bonneville

On this 6th day of Sept. 1966, before me, the undersigned Notary Public in and for said state, personally appeared Robert L. Mercer, Beverly R. Mercer, Mark Purcell, and Helen Purcell who duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal. My commission expires 12-18-67.

David E. Benton
Notary Public
Idaho Falls, Idaho

RECORDER'S CERTIFICATE

I hereby certify that the foregoing plat of Brookhaven Subdivision Division No. 1, Bonneville County, Idaho was filed for record in the office of the recorder of Bonneville County, Idaho on this 6th day of September, 1966 and recorded in plat book No. 22 of page 22 and that this tracing is an exact copy of the original map.

Wesley H. Hansen
County Recorder
Bonneville County, Idaho



1650 Elk Creek Drive Idaho Falls, ID 83405 (208) 524-6000

While this is a photographic reproduction of portions of the record plat, no representation is made to accuracy and AmeriTitle assumes no liability therefore. Any reference to the plat of the subdivision is to the plat recorded with the County Recorder and not to this plat, which is provided only to reflect the approximate location of the property.

364739

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF LOTS 6-8, BLOCK 1, LOTS 7 AND 8 BLOCK 2 BROOKHAVEN SUBDIVISION NO. 1 INCLUDING THE REMAINING RIGHT-OF-WAY FOR THE BRIDLE PATH AND CRESTWOOD LANE, LOCATED GENERALLY NORTH OF EAST 49TH, EAST OF WASHINGTON PARKWAY, SOUTH OF EAST SUNNYSIDE ROAD, WEST OF SOUTH 25TH EAST.

WHEREAS, the applicant filed an application for annexation on September 11, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on November 14, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on December 14, 2023; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is generally located north of East 49th, east of Washington Parkway, south of East Sunnyside Road, west of South 25th East.
3. This property is in the Area of Impact and contiguous to City limits along the north, south and east property lines.
4. This application is a Category “A” annexation.
5. City utilities are present in the area to provide services to this property.
6. The Comprehensive Plan designates this area as Mixed-Use Centers and Corridors.
7. The proposed annexation is consistent with the policies of the Comprehensive Plan.
8. Idaho Falls Planning and Zoning Commission recommended approval of annexation.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the annexation as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2023

Rebecca L. Noah Casper - Mayor

Memorandum

File #: 23-333

City Council Meeting

FROM: Wade Sanner, Director
DATE: Wednesday, November 15, 2023
DEPARTMENT: Community Development Services

Subject

Legislative Public Hearing-Part 2 of 2 of the Annexation and Initial Zoning of R3A, Residential Mixed Use, Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane.

Council Action Desired

☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)

1. Approve the Ordinance establishing the initial zoning for R3A, Residential Mixed Use as shown in the Ordinance exhibits under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary, that the City limits documents be amended to include the area annexed herewith, and that the City Planner be instructed to reflect said annexation, amendment to the Comprehensive Plan, and initial zoning on the Comprehensive Plan and Zoning Maps located in the Planning office (or consider the Ordinance on the first reading and that it be read by title, reject the Ordinance, or take other action deemed appropriate).
2. Approve the Reasoned Statement of Relevant Criteria and Standards for the initial zoning of R3A, Residential Mixed Use and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

Description, Background Information & Purpose

Attached is part 2 of 2 of the application for Annexation and Initial Zoning of R3A, Residential Mixed Use which includes the Initial Zoning Ordinance and Reasoned Statement of Relevant Criteria and Standards for Lots 6-8, Block 1 and Lots 7 and 8, Block 2, Brookhaven Subdivision Division No. 1 including the remaining right-of-way for the bridle path and Crestwood Lane. The Planning and Zoning Commission considered this item at its November 14, 2023, meeting and unanimously voted to recommended approval of the annexation with initial zonings of R3A including the remaining right-of-way for the bridle path and Crestwood Lane and with the exception of lot 6, block 2. Lot 6, Block 2 has been removed from the annexation request and is no longer included within the annexation documents. Staff concurs with this recommendation.

Alignment with City & Department Planning Objectives



Consideration of initial zoning must be consistent with the principles of the Comprehensive Plan which includes many policies and goals related to Good Governance, Growth, Sustainability, and Livable Communities.

Interdepartmental Coordination

N/A

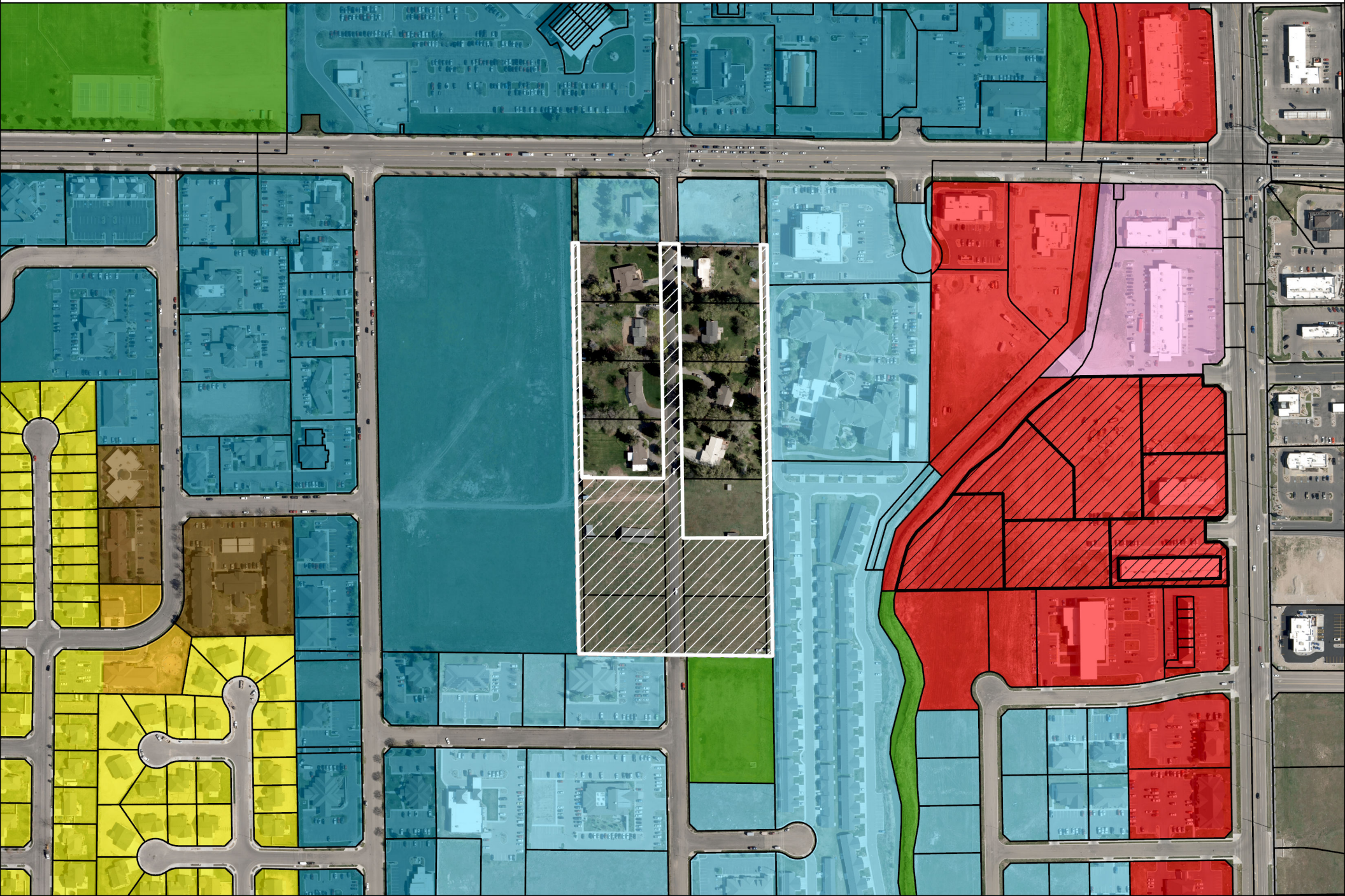
Fiscal Impact

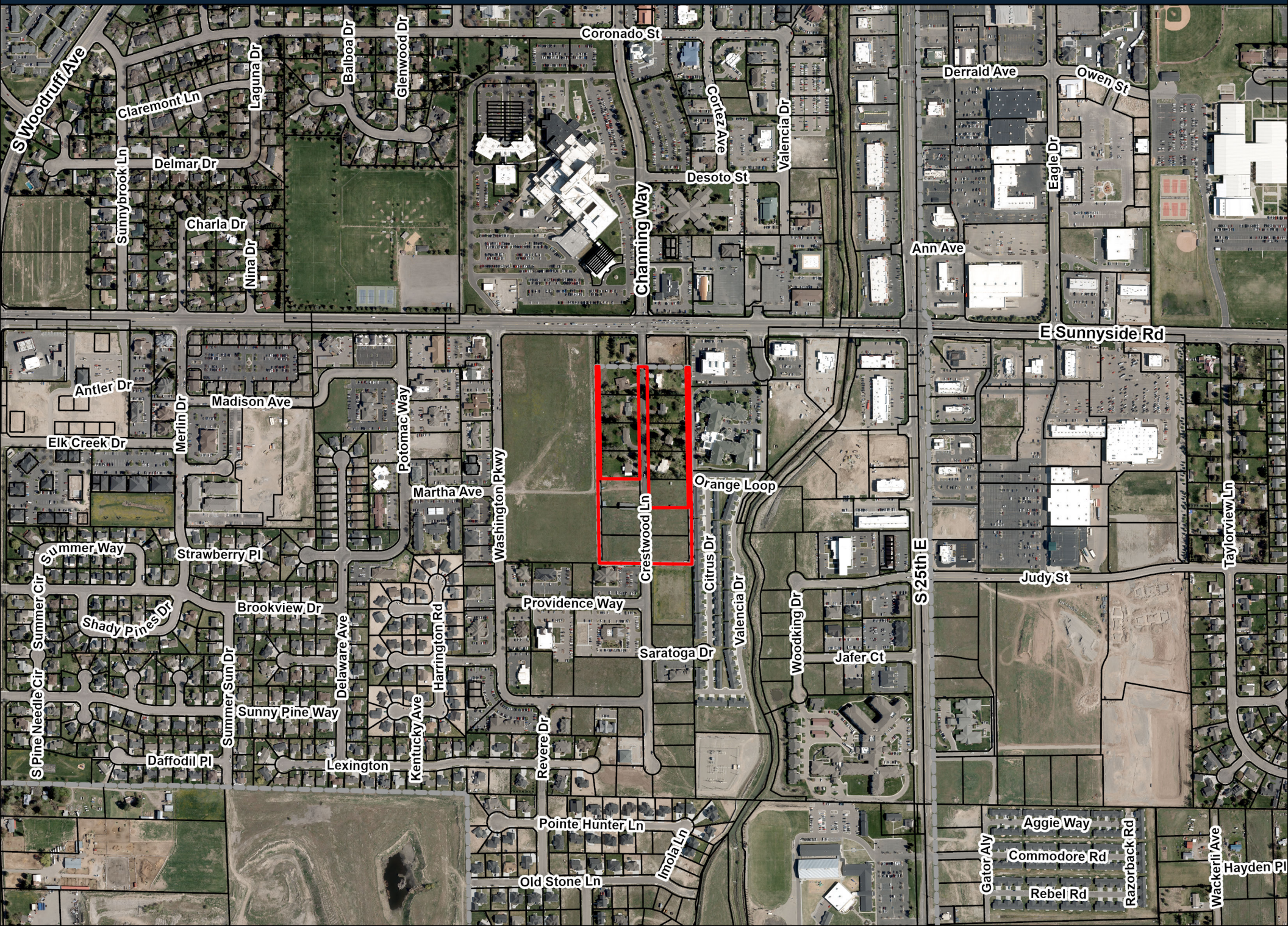
N/A

Legal Review

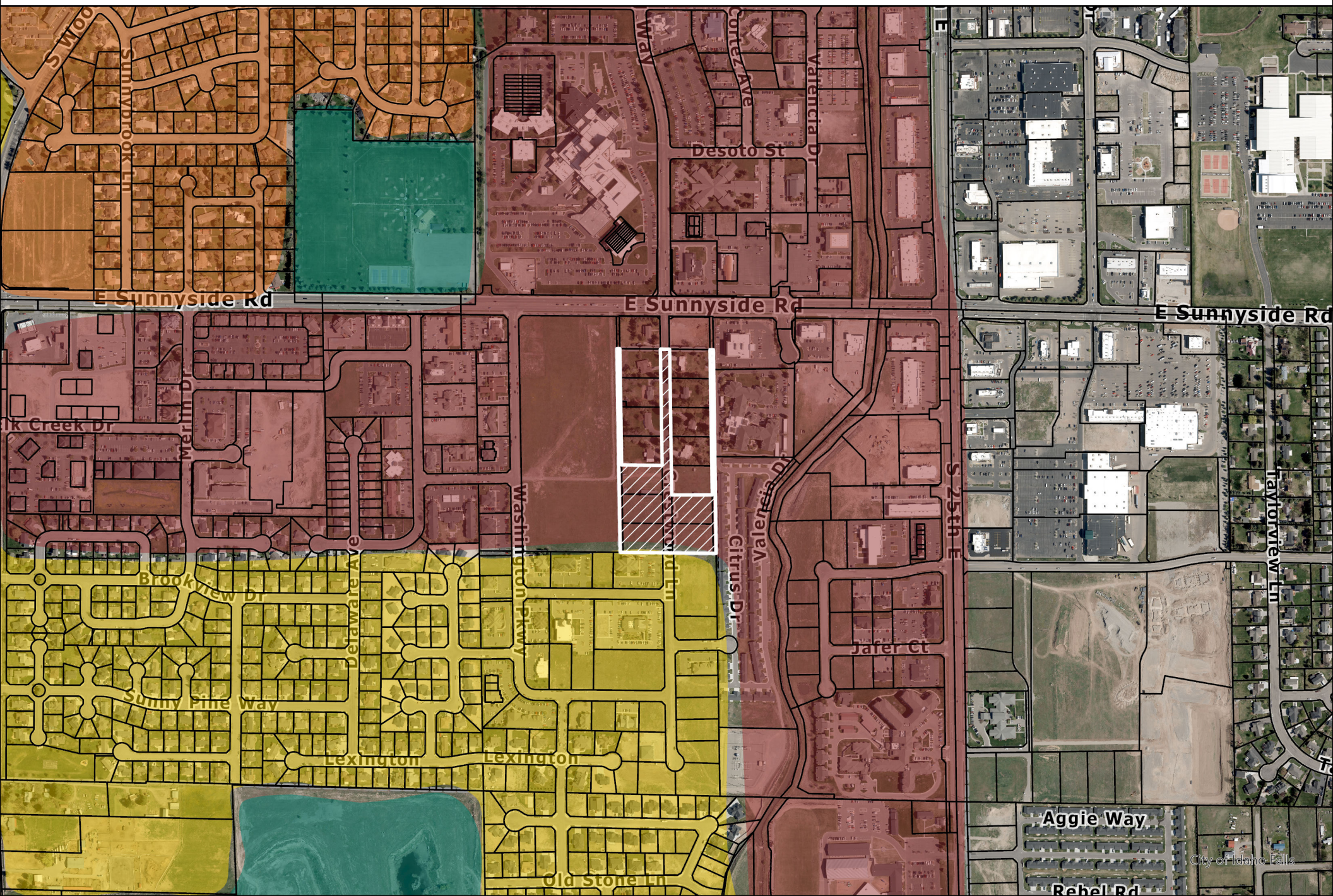
These actions have been reviewed by the Legal Department pursuant to applicable State statute.

RE	R1	TN	R3	PB	LC	R&D	I&M
RP	R2	RMH	R3A	CC	HC	LM	P





- General Urban
- Mixed Use Centers and Corridors
- Special Use
- Urban Core
- Industrial
- Natural and Open Space
- Suburban



ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF THE PROPERTY DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS R3A ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is R3A, Residential Mixed Use Zone for such annexed lands is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation “Mixed-Use Centers and Corridors”; and

WHEREAS, the proposed zoning district is consistent and compatible with the existing and surrounding zoning districts and is consistent with principles of the City of Idaho Falls Comprehensive Plan; and

WHEREAS, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as “Mixed-Use Centers and Corridors”; and

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on November 14, 2023, and recommended approval of zoning the subject property to R3A Zone; and

WHEREAS, the Council conducted a duly noticed public hearing and passed a motion to approve this zoning on December 14, 2023.

NOW THEREFORE, BE IT ORDAINED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, IDAHO, AS FOLLOWS:

SECTION 1: Comprehensive Plan Designation. The area described in Exhibit A are hereby given a Comprehensive Plan designation of Mixed-Use Centers and Corridors.

SECTION 2: Legal Description. The lands described in Exhibit A and identified as Lots 6-8, Block 1, Lots 7 and 8, Block 2 Brookhaven Subdivision NO. 1 including the remaining right-of-way for the bridle path and Crestwood Lane are hereby zoned as R3A Zone.

SECTION 3. Zoning. The property described in Section 1 of this Ordinance be and the same hereby is zoned “R3A, Residential Mixed-Use” and the City Planner is hereby ordered to make the necessary amendments to the official maps of the City of Idaho Falls which are on file at the City Planning Division Offices, 680 Park Avenue.

SECTION 4. Savings and Severability Clause. The provisions and parts of this Ordinance are intended to be severable. If any section, sentence, clause, or phrase of this Ordinance should be held to be invalid or unconstitutional by a court of competent jurisdiction, such invalidity or unconstitutionality shall not affect the validity or constitutionality of any other section, sentence,

clause or phrase of this Ordinance.

SECTION 5. Publication. This Ordinance, or a summary thereof in compliance with Idaho Code, shall be published once in the official newspaper of the City, and shall take effect immediately upon its passage, approval, and publication.

SECTION 6. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval, and publication.

PASSED by the City Council and APPROVED by the Mayor of the City of Idaho Falls, Idaho, this _____ day of _____, 2023.

CITY OF IDAHO FALLS, IDAHO

Rebecca L. Noah Casper, Mayor

ATTEST:

Corrin Wilde, City Clerk

(SEAL)

STATE OF IDAHO)
) ss:
County of Bonneville)

I, CORRIN WILDE, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO
HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Ordinance entitled, "AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF PROPERTY DESCRIBED IN SECTION 1 OF THIS ORDINANCE AS R3A ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Corrin Wilde, City Clerk

BROOKHAVEN SUBDIVISION

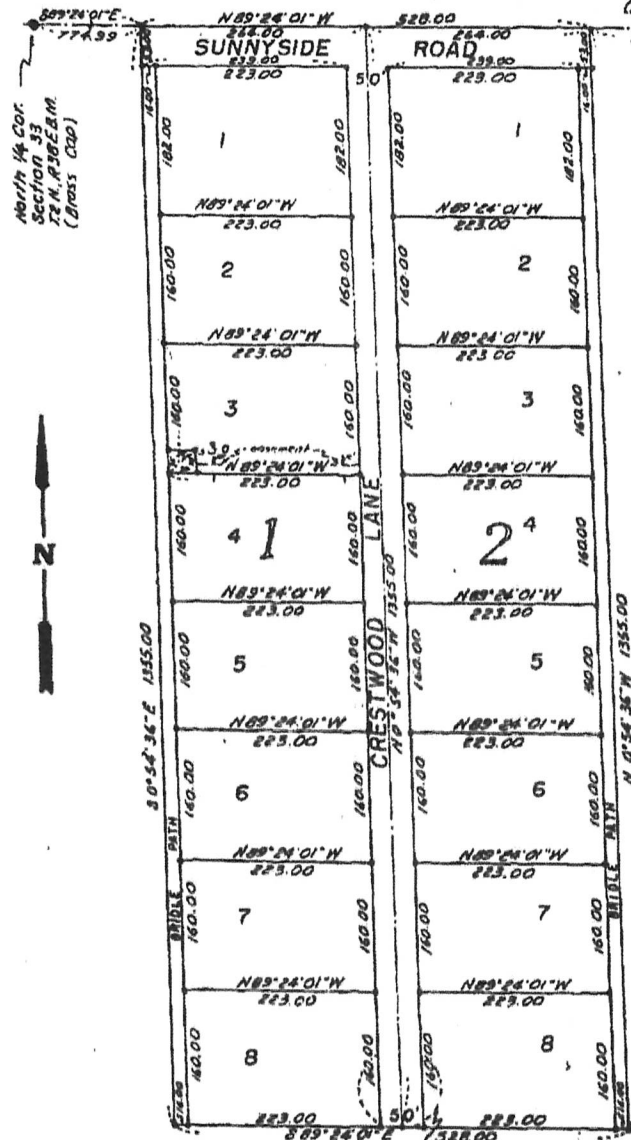
DIVISION NO. 1

BONNEVILLE COUNTY, IDAHO

PART OF THE N.E. CORNER SECTION 33, T.2N., R.38E.B.M.
DAVID E. BENTON & ASSOCIATES
CONSULTING ENGINEERS

IDAHO FALLS,
IDAHO

N.E. Corner
Section 33
T.2N., R.38E.B.M.
(Dress Cap)



DEED OF DEDICATION

State of Idaho
County of Bonneville } ss

BE IT KNOWN THAT: Robert L. Mercer, Beverly R. Mercer, Mark Purcell, Helen Purcell do hereby certify that we are the legal owners of this property shown hereon and described as follows:

Beginning at a point that is 389'-24\"/>

That we have caused the same to be subdivided into lots, blocks, streets and bridge points to be known as Brookhaven Subdivision Division No. 1, Bonneville County, Idaho and that we do hereby give grant and dedicate to the public for public use all street, easements and bridge points shown hereon.

Robert L. Mercer

Mark Purcell

Beverly R. Mercer

Helen Purcell

State of Idaho
County of Bonneville

On this 6th day of Sept. 1966, before me, the undersigned Notary Public in and for said state, personally appeared Robert L. Mercer, Beverly R. Mercer, Mark Purcell, and Helen Purcell, who duly acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal. My commission expires 12-18-67.

David E. Benton
Notary Public
Idaho Falls, Idaho

RECORDER'S CERTIFICATE

I hereby certify that the foregoing plat of Brookhaven Subdivision Division No. 1, Bonneville County, Idaho was filed for record in the office of the recorder of Bonneville County, Idaho on this 6th day of September, 1966 and recorded in plat book No. 22 of page 22, and that this tracing is an exact copy of the original map.

Wesley H. Hansen
County Recorder
Bonneville County, Idaho



1650 Elk Creek Drive Idaho Falls, ID 83405 (208) 524-6000

While this is a photographic reproduction of portions of the record plat, no representation is made to accuracy and AmeriTitle assumes no liability therefore. Any reference to the plat of the subdivision is to the plat recorded with the County Recorder and not to this plat, which is provided only to reflect the approximate location of the property.

364739

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF R3A, RESIDENTIAL MIXED USE, FOR LOTS 6-8, BLOCK 1, LOTS 7 AND 8, BLOCK 2 OF BROOKHAVEN SUBDIVISION NO 1. INCLUDING THE REMAINING RIGHT-OF-WAY FOR THE BRIDLE PATH AND CRESTWOOD LANE, LOCATED GENERALLY NORTH OF EAST 49TH, EAST OF WASHINGTON PARKWAY, SOUTH OF EAST SUNNYSIDE ROAD, WEST OF S 25TH EAST.

WHEREAS, the applicant filed an application for annexation on September 11, 2023; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on November 14, 2023; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on December 14, 2023; and

WHEREAS, having reviewed the application, including all exhibits entered and having considered the issues presented:

I. RELEVANT CRITERIA AND STANDARDS

1. The City Council considered the request pursuant to City of Idaho Falls Comprehensive Plan, City of Idaho Falls Zoning Ordinance, City of Idaho Falls Subdivision Ordinance, the Local Land Use Planning Act, and other applicable development regulations.
2. The property is located generally north of East 49th, east of Washington Parkway, south of East Sunnyside Road, west of S 25th East.
3. The proposed zoning of R3A, Residential Mixed Use, is consistent with the policies of the Comprehensive Plan and existing zoning and land uses in the area.
4. Idaho Falls Planning and Zoning Commission recommended approval of zoning the property of R3A, Residential Mixed Use.

II. DECISION

Based on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls approved the initial zoning as presented.

PASSED BY CITY COUNCIL OF THE CITY OF IDAHO FALLS

THIS _____ DAY OF _____, 2023

Rebecca L. Noah Casper - Mayor

Memorandum

File #: 23-366

City Council Meeting

FROM: Pam Alexander, Municipal Services Director
DATE: Tuesday, December 12, 2023
DEPARTMENT: Municipal Services

Subject

Resolution to Declare Northgate Mile Railroad Property a Public Nuisance

Council Action Desired

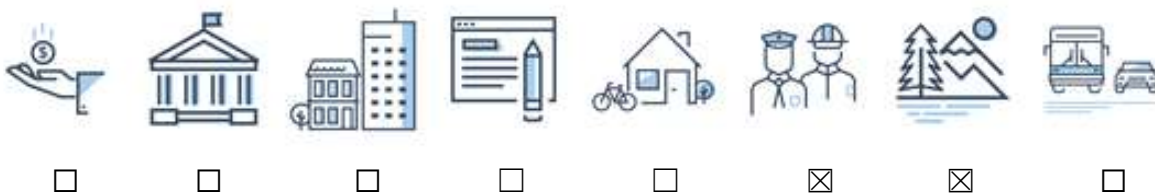
☐ Ordinance ☒ Resolution ☐ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)

Approve a resolution to declare the Northgate Mile Railroad property a public nuisance and authorize city staff to take immediate steps to clear the property (or take other action deemed appropriate).

Description, Background Information & Purpose

On Monday, December 11, 2023, City Council received an updated condition report for the Northgate Mile railroad property. City staff recommended that the property be declared a public nuisance. This declaration will provide the necessary authority to clean up the property immediately.

Alignment with City & Department Planning Objectives



The declaration of a public nuisance and subsequent removal of abandoned debris supports the safe and secure and economic growth and vibrancy community-oriented results by providing safety solutions that focus on prevention of crime and identifying areas and encouraging programs that focus on redevelopment opportunities.

Interdepartmental Coordination

There is consensus from Municipal Services, Public Works, and the Police Department that the site location will benefit greatly from removal of the abandon debris.

Fiscal Impact

Funds for the removal of the abandon debris will need to be prioritized within the 2023/24 Municipal Services, Building Maintenance and Repair list of projects planned for the 2023/24 fiscal year.

Legal Review

The City Attorney Department prepared the resolution.

RESOLUTION NO. 2023- _____

A RESOLUTION OF THE CITY COUNCIL OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, A DECLARATION OF PUBLIC NUISANCE AND ORDER OF ABATEMENT AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.

WHEREAS, Idaho's cities have the authority to deem, declare, and abate nuisance within the City's geographic and jurisdictional limits, pursuant to Idaho Code §§ 50-302, 50-334, & 50-335; and

WHEREAS, the City has adopted Idaho Falls City Code Title 5, Chapter 8, to preserve the community and public welfare from the dangerous effects of deleterious waste, including bulky waste, garbage, litter, and other deleterious waste as defined in that chapter; and

WHEREAS, a parcel of real property (hereinafter "Elva Yard") located off of Elva Street and adjacent to the railroad tracks in the City of Idaho Falls, upon lands in Bonneville County, Idaho, legally described in Exhibit "A" to this resolution and, by reference, incorporated into this Resolution as if fully set out herein, has been thoroughly inspected by the City, including the City's Municipal Services, Police, Fire, and Public Works Departments; and

WHEREAS, the Elva Yard contains debris, bulky waste, garbage, litter, and other waste that constitutes a public nuisance by detracting from the health, welfare, and the appearance of the City, and

WHEREAS, the Elva Yard is owned by the Union Pacific Railroad; and

WHEREAS, the Union Pacific Railroad has been notified of the condition of the Elva Yard but lacks the ability to immediately correct the nuisance; and

WHEREAS, the Council desires to direct City Staff to immediately abate the public nuisance on the Elva Yard.

NOW, THEREFORE BE IT RESOLVED BY THE MAYOR AND COUNCIL OF THE CITY OF IDAHO FALLS, THAT:

1. That the debris, bulky waste, garbage, litter, and other waste currently kept in the Elva Yard, more particularly described in Exhibit "A" of this Resolution, constitutes a nuisance pursuant to Idaho Code § 50-334.
2. That the condition of the property appears to be in violation of Idaho Falls City Code § 5-8-9, Litter Upon Private Property.
3. That City staff is directed to immediately abate the nuisance on the Elva Yard.
4. That City staff coordinate and work with the Union Pacific Railroad for its cooperation and compliance with this Resolution and the City Code.

ADOPTED and effective this ____ day of December 2023.

ATTEST:

CITY OF IDAHO FALLS, IDAHO

Corrin Wilde, City Clerk

Rebecca L. Noah Casper, Ph.D., Mayor

(SEAL)

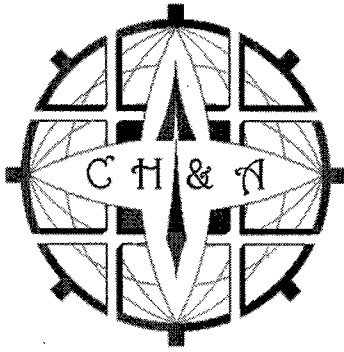
STATE OF IDAHO)
) ss:
County of Bonneville)

I, CORRIN WILDE, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO HEREBY CERTIFY:

That the above and foregoing is a full, true and correct copy of the Resolution entitled, “A RESOLUTION OF THE CITY COUNCIL OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, A DECLARATION OF PUBLIC NUISANCE AND ORDER OF ABATEMENT AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL, AND PUBLICATION ACCORDING TO LAW.”

Corrin Wilde, City Clerk

(SEAL)



Creek Hollow & Associates, Inc.

611 Wilson Ave., Suite 1A, Pocatello, ID 83201
Phone: (208) 709-3113 / Fax: (208) 238-8852

November 29, 2023
Job No. 20043

LEGAL DESCRIPTION
Exhibit "A"

A parcel of land located in the Southeast Quarter of Section 18, Township 2 North, Range 38 East, Boise Meridian, Bonneville County, Idaho, more particularly described as follows:

Commencing at the East Quarter corner of said Section 18, being marked by an iron rod with an aluminum cap as shown on Corner Perpetuation and Filing, Instrument No. 1535704; thence along the latitudinal centerline of said Section 18, South 88°42'35" West 1324.47 feet to the Center-East Sixteenth corner (from which the Center Quarter corner of Section 18 bears South 88°42'35" West 1316.00 feet); thence along the West line of the East half of the Southeast Quarter of said Section 18, South 00°11'17" West 39.76 feet to the Northeast corner of Block 1 of Dwight's Addition to the City of Idaho Falls, Bonneville County, Idaho, being the **Point of Beginning**; thence along the East line of Block 1 of said Dwight's Addition, South 00°11'17" West 155.76 feet to the Northeast corner of Parcel 1B of Grant Deed, filed with the office of the Recorder for Bonneville County, Idaho as Instrument No. 1624627; thence along the West line of said Parcel 1B of Grant Deed the following eight courses; (1) thence South 65°12'47" West 13.51 feet; (2) thence South 41°57'47" West 108.80 feet; (3) thence South 28°30'47" West 34.95 feet; (4) thence South 43°50'13" East 14.80 feet; (5) thence South 89°50'13" East 11.00 feet; (6) thence South 00°09'47" West 170.50 feet; (7) thence North 89°50'13" West 11.00 feet; (8) thence South 01°16'53" East 164.11 feet to the centerline of College Street; thence South 07°49'03" West 30.29 feet to the Northwest corner of Lot 3 Block 5 of said Dwight's Addition; thence along the line common to Lots 3 and 4 Block 5 of said Dwight's Addition, South 00°10'50" East 80.00 feet to the Northeast corner of Parcel 1A of Grant Deed, filed with the office of the Recorder for Bonneville County, Idaho as Instrument No. 1624627; thence along the North line of said Parcel 1A of Grant Deed, South 89°49'10" West 150.00 feet; thence along the West line of said Parcel 1A of Grant Deed, South 39°00'25" West 237.39 feet to the North Right-of-Way line of May Street; thence along said North Right-of-Way line, South 89°49'10" West 141.67 feet; thence parallel with the centerline of the most Easterly railroad track of the Oregon Short Line Railroad, North 27°02'59" East 1116.03 feet to the Southwest corner of the property surveyed as shown on Record of Survey, Instrument No. 1202010; thence along the South line of said Record of Survey, South 89°47'39" East 66.79 feet to the Southwest corner of Lot 24 Block 15 of Mayflower Addition to the City of Idaho Falls, Bonneville County, Idaho; thence South 26°53'25" West 89.72 feet to the **Point of Beginning**.

Parcel contains 4.000 acres.



Memorandum

File #: 23-346

City Council Meeting

FROM: Pam Alexander, Impact Fee Administrator
DATE: Wednesday, December 6, 2023
DEPARTMENT: Municipal Services

Subject

Impact Fee Hearing - Payment of Impact Fees Under Protest

Council Action Desired

☒ Ordinance ☐ Resolution ☒ Public Hearing
☐ Other Action (Approval, Authorization, Ratification, etc.)

Conduct a hearing and render a decision in compliance with Idaho Falls City Code 10-8-10 (or take other action deemed appropriate).

Description, Background Information & Purpose

On November 9, 2023, Skidmore Construction submitted a written formal protest of the payment of Impact Fees for permit COM23-0099, Blackwood Building, 3740 Woodking Drive. Pursuant to Section 10-8-10-C., the Council shall hear the appeal within forty-five (45) days after receipt of written notice of appeal. The appellant received written notice of the Impact Fee Hearing date of Thursday, December 14, 2023, via e-mail and physical office delivery on Thursday, November 16, 2023. The written notice of protest of the payment of Impact Fees for permit COM 23-0099 was received within fifteen (15) days after the date the payment of impact fees was paid under protest as required by Ordinance, Section 10-8-10-B.

Alignment with City & Department Planning Objectives



The impact fee appeal hearing process supports the good governance community-oriented result.

Interdepartmental Coordination

Municipal Services, Community Development Services, City Clerk, and City Attorney have reviewed the documentation to support the impact fee hearing.

Fiscal Impact

The total impact fees paid under protest on Thursday, November 9, 2023, for COM 23-0099, 3740 Woodking Drive are \$51,330.89

Legal Review

The City Attorney concurs that the desired Council action is within City Ordinance and State Statute.



November 7th, 2023


The City of Idaho Falls
308 Constitution Way
Idaho Falls, Idaho 83402

To Whom It May Concern:

We are writing to file a formal protest of the payment of Impact fees. Our reasons are listed herein.

1. The Ordinance did not include the fee schedule as required by State Law.
2. The City of Idaho Falls unreasonably delayed the issuance of Development approvals and/or Building Permits until after the Impact Fee Ordinance was passed.
3. City Employees gave differing information about when Impact Fees would take effect and be collected.
4. The City of Idaho Falls collected Impact Fees on Building Permits which were submitted prior to the passing of the Impact Fee Ordinance.
5. The amount of Impact Fees being collected is unreasonable. There should have been a gradual scale for collecting Impact Fees. To go from no Impact Fees to the maximum recommended in the flawed Impact Fee Study was capricious.

Sincerely,


Brett Skidmore
Owner

Permit # COM23-0099
Project Name: Blackwood Building
Project Address: 3740 Woodking Dr

Receipt Acknowledged By: _____
Date: _____

3920 E. SUNNYSIDE RD, AMMON, ID 83406

208-529-3672 SKIDMOREINC.COM

11-09-23A10:20 CFMD

COM 23-0099

Financial Information

Add	Pay	Refund	Receipts	History	Deposits	Invoicing	Unpay
Description		Qty	Amount	Comments	Paid	Receipt	
▶	▼ COMMERCIAL PERMIT		\$7,108.73				
▶	▼ ELECTRIC LINE EXTENSION FEES		\$44,113.23		10/20/23 CHECK	R25570	
▶	▼ EROSION CONTROL		\$100.00				
▶	▼ FIRE REVIEW		\$1,207.40				
▶	▼ OFFICE IMPACT FEE NONRESIDENTIAL (PER 1,000 SQ FT)		\$25,555.09				
▶	▼ PLAN CHECK		\$4,620.67				
▶	▼ SEWER CONNECTION		\$4,112.00				
▶	▼ TEMPORARY POWER		\$150.00				
▶	▼ WATER SERVICES		\$8,477.00				
			Charged: \$95,444.12	Paid: \$44,113.23			
			Deposit Bal: \$0.00	Due: \$51,330.89			

Review (10)



Cash Register Receipt

City of Idaho Falls

Receipt Number
R25741

DESCRIPTION	ACCOUNT	QTY	PAID
PermitTRAK			\$51,330.89
COM23-0099 Address: 3740 WOODKING DR APN: RPA32910010090			\$51,330.89
COMMERCIAL PERMIT			\$7,108.73
COMMERCIAL BUILDING PERMIT	1 17.01.322.1	0	\$7,108.73
EROSION CONTROL			\$100.00
EROSION CONTROL COMMERCIAL PERMIT - ONE ACRE OR MORE	1 17.01.321.16	0	\$100.00
FIRE REVIEW			\$1,207.40
FIRE CODE CONSTRUCTION PERMIT	1 23.03.322.7	0	\$70.00
FIRE STRUCTURAL PLAN REVIEW	1 23.03.341.5	0	\$1,137.40
OFFICE IMPACT FEE NONRESIDENTIAL (PER 1,000 SQ FT)			\$25,555.09
OFFICE IMPACT FEE FIRE/EMS	033-2355-325.01-00	13	\$752.48
OFFICE IMPACT FEE POLICE	032-2055-325.01-00	13	\$6,039.41
OFFICE IMPACT FEE TRANSPORTATION	035-4655-325.01-00	13	\$18,763.20
PLAN CHECK			\$4,620.67
COMMERCIAL	1 17.01.341.3	0	\$4,620.67
SEWER CONNECTION			\$4,112.00
WASTEWATER SERVICE CONNECTION FOR 2" WATER SERVICE LINE	40 65.01.348.1	0	\$4,112.00
TEMPORARY POWER			\$150.00
TEMPORARY POWER EXISTING TRANSFORMER	64 90.08.458.9	0	\$150.00
WATER SERVICES			\$8,477.00
WATER SYSTEM CONNECTION FEE FOR 2" SERVICE LINE	44 73.01.348.21	0	\$8,477.00
TOTAL FEES PAID BY RECEIPT:R25741			\$51,330.89

Date Paid: Thursday, November 09, 2023

Paid By: Skidmore Inc

Cashier: KPRI

Pay Method: CHECK 34915





November 16, 2023

Mr. Brett Skidmore
Owner
Skidmore Construction
3920 E. Sunnyside Road
Ammon, Idaho 83406

Regarding: Formal Protest Letter -Permit # COM23-099, Blackwood Building, 3740 Woodking Drive, Idaho Falls, Idaho

Dear Mr. Skidmore:

This letter documents the receipt of the impact fee formal protest letter dated November 7, 2023, and received by the City Clerk Office on November 9, 2023, at 10:20 am. We understand this that is meant as an appeal of the impact fees that you have paid under protest.

Pursuant to section 10-8-10, of the Impact Fee Ordinance 3510, the date of the hearing is Thursday, December 14, 2023, at 7:30 pm at City Council Chambers, City Hall Annex Building, 680 Park Avenue, Idaho Falls, Idaho 83402.

Should you wish to submit additional information for the hearing please submit to the City Clerk no later than Friday, December 1, 2023, by 5:00 pm. If we have misunderstood the intent of the protest and do not wish to appeal the impact fees, please let us know immediately and the appeal hearing will be cancelled.

Sincerely,


Pamela Alexander
Impact Fee Administrator

CC: City Clerk's Office
City Attorney's Office
Community Development Services Department

A COMPREHENSIVE APPEAL AGAINST IMPACT FEE ASSESSMENTS FOR SKIDMORE CONSTRUCTION DEVELOPMENTS IN IDAHO FALLS

City of Idaho Falls

City Council Members and Staff,

The purpose of this letter is to present a request of the City Council against the recent impact fees imposed on three buildings under the Skidmore Construction Family of Businesses. ("Skidmore Construction"). This appeal is in accordance with the Impact Fee Ordinance ("Ordinance"), focusing on the correct interpretation and application of the Ordinance, and the proper and just calculation of the impact fee, credit, reimbursement, or refund.

CREDIT REQUEST

Section I: Relevant History and Explanation of the Developments

1. **Overview of Developments:** The developments in question are:

- Blackwood Building, 3740 Woodking Drive, Idaho Falls, Idaho (Permit# COM23-099).
- Kovac Foot and Ankle, 3800 Woodking Drive, Idaho Falls, Idaho 83404 (Permit# COM23-0053).
- Honey Baked Hams, 3502 S. 25th E., Idaho Falls, Idaho 83404 (Permit# COM23-0097).

Notably, while responses from the City indicate that impact fees for Kovac Foot and Ankle Building and Honey Baked Hams tenant improvement were previously paid and not timely appealed, the arguments presented herein apply equally to all three developments.

2. **Historical Background:** The aforementioned properties were part of a large collection of property that was originally purchased by Dick Skidmore, the father of the present Skidmore Construction Business Developers. The property, collectively referred to as the Kingwood Property, was acquired by the Skidmore Family between 2005-2008 for commercial development. These developments are strategically located along Hitt Road and just south of Sunnyside Road, forming a crucial part of the city's commercial infrastructure. [See Attached Picture]

3. **Previous Contributions:** As part of the comprehensive development plan for the Kingwood Property area, Skidmore Construction not only envisioned but actualized significant infrastructural enhancements, far exceeding the typical scope required for commercial development. This proactive approach was pivotal in transforming a relatively underdeveloped area into a bustling commercial hub of Idaho Falls.

- **Financial and Material Contributions:** A crucial aspect of this development was the expansion and improvement of the Sunnyside and Hitt Roads intersection and Hitt Rd itself. The road and bridge fees paid by Skidmore Inc. between 2006 and 2008 totaled \$70,368.25 (\$102,812.54 today) and the surface drainage fee paid between 2006 and 2007 totaled \$7,636.12. (\$11,156.86 today).

- **Land Dedication and Utility Enhancements:** In addition to financial outlays, Skidmore Construction also generously dedicated a portion of its property for public use. This included land along the west side of the property, earmarked for a walking/biking path alongside Sand Creek. Such a dedication not only enhances the recreational and aesthetic value of the area but also demonstrates Skidmore's commitment to sustainable and community-friendly development. Skidmore's were required to make this dedication; however, the city has refused thus far to accept the land.
- **Impact Beyond Monetary Measures:** The transformation of Sunnyside and Hitt Roads, from humble two-lane paths to the city's main thoroughfare, is a testament to Skidmore Construction's vision and investment in the future of Idaho Falls. The developments produced by Skidmore Inc. have not only facilitated traffic flow but have also substantially increased the accessibility and attractiveness of the area for further commercial and residential development.
- **Bridge for Traffic Flow over Sand Creek:** Prior to Skidmore Construction's intervention, properties west of the Skidmore developments faced compliance issues regarding the safe egress of patrons onto Sunnyside Road. These issues not only posed safety risks but also hindered the fluid traffic flow necessary for developing commercial areas. Skidmore Construction addressed this problem by contributing funds to the construction of a bridge over Sand Creek. This bridge provides an alternative and safer route for drivers, enabling them to exit onto either Hitt Road or Sunnyside Road with ease. The bridge not only serves Skidmore's properties but also alleviates traffic for neighboring developments. This contribution has had a multiplicative effect on improving traffic conditions and is a testament to Skidmore Construction's commitment to the broader infrastructure needs of the community. The construction of the bridge over Sand Creek was an extraordinary measure, not a standard requirement for commercial development. It demonstrates Skidmore Construction's willingness to invest in long-term solutions for the benefit of the entire community.

It is essential to recognize that these efforts by Skidmore Construction were not mere fulfillment of development prerequisites but were significant contributions to the city's infrastructure, undertaken in a spirit of partnership with the City of Idaho Falls. This collaboration has yielded a modern, efficient, and aesthetically pleasing urban space that benefits all residents and businesses in the area, which has enabled this entire area of the city to increase in proper Development.

In conclusion, the extensive contributions made by Skidmore Construction in terms of road expansion, financial investment, land dedication, and utility enhancements have played a pivotal role in shaping the current landscape of Idaho Falls. The bridge over Sand Creek is a pivotal element in the list of infrastructural contributions made by Skidmore Construction. It represents a proactive approach to resolving traffic and safety issues, going above and beyond what was required to develop their properties. In light of these facts, it is both just and in line with the requirements of the Impact Fee Ordinance to consider these initial contributions as substantial contributions, warranting a credit towards the impact fees now assessed. These contributions, significantly exceeding typical commercial development requirements, underscore the

company's commitment to the city's growth and well-being. As such, they warrant serious consideration and appropriate credit in the context of the recent impact fee assessments.

Section II: Request for Credit for Previous Contributions

1. **Ordinance Interpretation:** According to Section 10-8-9 of the City Code, credits should be provided for system improvements that exceed normal requirements for new development. The significant contributions by Skidmore Construction, both in terms of land and financial input that had been required by the City meet and exceed these criteria.
2. **Inequity in Impact Fee Application:** The City's current imposition of impact fees disregards the substantial contributions already made by Skidmore Construction. These contributions, made during the initial development phase, should be credited against current demands under the impact fee ordinance. The lack of prior written agreement, as noted in the ordinance, should not diminish the value or recognition of these contributions.
3. **Valuation of Contributions:** The valuation of Skidmore Construction's contributions should be recalculated in today's dollars. As per Section "G. Credit for land dedications" of the ordinance, these contributions should be valued either at the most recent assessed value or at a fair market value established by an MAI appraiser.

Conclusion regarding Credit

The imposition of additional impact fees on Skidmore Construction's developments, without considering their previous significant contributions, stands in contradiction to the intent and provisions of the Impact Fee Ordinance. This appeal urges the City Council to acknowledge the extensive and costly contributions made by Skidmore Construction and to adjust the impact fees accordingly, reflecting the true spirit of equitable and just development practices.

We respectfully request that the City Council consider this appeal and apply the appropriate credits and adjustments to the impact fees levied on Skidmore Construction's developments.

EXEMPTIONS FROM IMPACT FEE ORDINANCE

In this segment, we argue for the exemption of the Skidmore Construction developments from the City of Idaho Falls' Impact Fee Ordinance, based on specific exemptions outlined in the ordinance itself and the unique nature of the developments.

Section I: Appeal Provisions and Exemptions

1. **Appeal Provisions:** As per Section 10-8-10 A of the Impact Fee Ordinance, any fee payer, including Skidmore Construction, has the right to appeal decisions made by the Fee Administrator. This includes challenging the applicability of an impact fee to a development.
2. **Purpose of the Impact Fee Ordinance:** The Ordinance aims to exact payment for calculated impacts on four key City services: police, fire/EMS, parks and recreation, and transportation public facilities.
3. **Listed Exemptions:** The Ordinance (Section 10-8-8) provides four exemptions:

- Rebuilding or replacing on the same lot without increasing the need for key city services.
- Construction of certain unoccupied structures or additions not significantly impacting city services.
- Remodeling or repairing without increasing the demand for city services.
- Temporary construction trailers or offices.

Additional exemptions apply to modular buildings, manufactured homes, and affordable housing developments under certain conditions.

Section II: Argument for Exemption Based on Nonresidential Development

1. **Focus on Exemption 3:** We focus our argument on the third exemption: "remodeling or repairing a nonresidential development in a manner that does not increase the need for police or fire/EMS or parks and recreation or transportation public facilities." The Skidmore developments - Blackwood Building, Kovac Foot and Ankle, and Honey Baked Hams - are commercial establishments (doctor's offices and a deli/meat store) and do not inherently increase the demand for these services.
2. **Previous Contributions and Transportation Impact:** As previously outlined, Skidmore's substantial contributions to the City's transportation infrastructure have already offset potential impacts. These developments should not be subject to additional fees for an infrastructure they have significantly enhanced.
3. **Police Requirements and Inequitable Exemptions:** The argument that these commercial developments would substantially impact police requirements seems unjustified, especially considering exemptions granted to affordable housing developments. The City's approach appears inconsistent, as affordable housing typically has a higher propensity for police response and patrol, yet these commercial properties are not afforded the same consideration.
4. **Acknowledgment of Potential Fire/EMS Impact:** While we recognize that Fire/EMS services might be impacted by commercial activities, this impact is minimal compared to the overall benefit these developments provide to the community.

Conclusion

The Skidmore Construction developments, given their commercial nature and the lack of significant impact on key city services, particularly in the context of police requirements, should be exempt from the City's Impact Fee Ordinance. The contributions already made by Skidmore to the City's infrastructure, particularly in transportation, further support this exemption. The City's application of impact fees in this case appears inconsistent and inequitable, especially when compared to exemptions granted in other areas such as affordable housing. We urge the City Council to recognize these factors and grant the requested exemptions to Skidmore Construction's developments.

HONEY BAKED HAM Tenant Improvement

See Exhibits A , B and I

In this section, we will articulate the argument that the Honey Baked Hams - Deli, housed in a building that had been submitted for building permit prior to the implementation of the Impact Fee Ordinance, should be exempt from said fees.

Section I: Grounds for Exemption

1. **Pre-existing Structure:** The building in question was submitted for a building permit prior to the enactment of the Impact Fee Ordinance. Skidmore Construction acquired the necessary permits and paid all relevant fees associated with the building's initial construction prior to enactment.
2. **Building Modification:** Subsequent modifications to the building were tailored to suit the specific needs of Honey Baked Hams, but these modifications did not alter the fundamental structure or purpose that would necessitate a reassessment of impact fees.
3. **Transportation fees:** Road and Bridge Fees and Surface Drainage Fees were already paid on this development.

Section II: Applicability of Exemptions

1. **Exemption Under Section 10-8-8(B):** This section of the ordinance states that an impact fee shall not be assessed for a modular building or manufactured home if it was legally in place on the lot prior to the effective date of the Chapter or if an impact fee has been previously paid for that structure on the same lot. By analogy, the Honey Baked Hams building, having been erected and legally established prior to the ordinance, should not incur additional impact fees for its current commercial use.
2. **Grandfather Clause:** The principle of a grandfather clause should apply here. Since the building was erected and its use determined before the ordinance took effect, it is reasonable to argue that it should be exempt from new fees tied to the ordinance's later enactment.
3. **Minimal Additional Impact:** The Honey Baked Hams - Deli, as a commercial entity, operates within the footprint of the pre-existing structure and should not be considered to create additional impact on the city's police, or transportation services beyond what was initially assessed and paid for.
4. **Comparison with Modular Buildings and Manufactured Homes:** Given that modular buildings or manufactured homes are exempt if pre-existing, it stands to reason that a commercial building, which typically demands less from city services, should also be exempt if it was pre-existing. The nature of the Honey Baked Hams business is such that it is unlikely to impose a greater demand on city services than a residential modular unit would.

Conclusion

The argument for exempting the Honey Baked Hams - Deli from the Impact Fee Ordinance is grounded in the building's building permit being submitted and paid for before the enactment of the Impact Fee

Ordinance, the subsequent modifications, and the original intent of the exemptions as outlined in the ordinance. We assert that to levy additional fees on this property would not only be against the spirit of the ordinance's exemptions but would also ignore the initial contributions and fees paid by Skidmore Construction. Therefore, it is both equitable and in accordance with the ordinance to exempt this building from further impact fees.

Blackwood Building

See Exhibits C, D, G, H and I

In this section, we will articulate the argument that the Blackwood Building – An insurance office with future tenants, should be exempt from Impact Fees.

Section I: Grounds for Exemption

1. **Transportation fees:** Road and Bridge Fees and Surface Drainage Fees were already paid on this development. – **Exhibit I**
2. **Inequitable Fee Determination** – Another commercial building under construction by Skidmore Construction; the Andover, had no impact fees assessed to the shell. At the very least, the tenant portion of this building should not have any fees assessed at this time. The timing of impact fees needs to be clarified. Are the impact fees assessed at the time the shell is built or at the time the tenant improvements are completed? It cannot be both.

Section II: Applicability of Exemptions

1. **Minimal Additional Impact:** The Blackwood Building should not be considered to create additional impact on the city's police, or transportation services beyond what was initially assessed and paid for during the Development phase.

We assert that to levy additional fees on this property would not only be against the spirit of the ordinance's exemptions but would also ignore the initial contributions and fees paid by Skidmore Construction. Therefore, it is both equitable and in accordance with the ordinance to exempt this building from further impact fees.

Kovac Foot and Ankle

See Exhibits E, F, G, H and I

In this section, we will articulate the argument that Kovac Foot and Ankle Building – A Medical Office Building along with future tenants, should be exempt from Impact Fees.

Section I: Grounds for Exemption

3. **Transportation fees:** Road and Bridge Fees and Surface Drainage Fees were already paid on this development. – **Exhibit I**
4. **Inequitable Fee Determination** – Another commercial building under construction by Skidmore Construction; the Andover, had no impact fees assessed to the shell. At the very least, the tenant portion of this building should not have any fees assessed at this time. The timing of impact fees needs to be clarified. Are the impact fees assessed at the time the shell is built or at the time the tenant improvements are completed? It cannot be both.

Section II: Applicability of Exemptions

2. **Minimal Additional Impact:** The Kovac Foot and Ankle Building should not be considered to create additional impact on the city's police, or transportation services beyond what was initially assessed and paid for during the Development phase.

We assert that to levy additional fees on this property would not only be against the spirit of the ordinance's exemptions but would also ignore the initial contributions and fees paid by Skidmore Construction. Therefore, it is both equitable and in accordance with the ordinance to exempt this building from further impact fees.

GENERAL APPEAL ARGUMENTS

In our continued dialogue with the City of Idaho Falls, alongside the building association and previous fee payers, we assert that the Impact Fee Ordinance, as adopted, raises significant constitutional and due process issues. Specifically, we contend the following:

1. **Noncompliance with State Law:** The Ordinance fails to incorporate the fee schedule as mandated by state law. This omission not only contravenes statutory requirements but also impedes stakeholders' ability to anticipate and understand their financial obligations, a cornerstone of fair and lawful governance.
2. **Procedural Delays:** There has been an unreasonable delay in the issuance of development approvals and/or building permits, conveniently timed to coincide with the enactment of the Impact Fee Ordinance. Such delays appear to be a deliberate strategy to subject developments to the new fee structure, which is a subversion of due process.
3. **Inconsistencies in Implementation:** City employees have provided conflicting information regarding the effective date and enforcement of impact fees. This inconsistency results in an arbitrary application of the law, which is a clear violation of the principle of due process that requires laws to be applied evenly and predictably.
4. **Retroactive Collection of Fees:** The City of Idaho Falls has engaged in the collection of impact fees on building permits submitted prior to the passage of the Impact Fee Ordinance. Imposing fees retroactively is fundamentally at odds with the principles of fair notice and due process enshrined in our constitutional framework.
5. **Unreasonable Fee Amount and Lack of Rational Basis:** The quantum of impact fees being levied is disproportionate and lacks a rational nexus to the actual impact of the developments on city services. The abrupt transition from zero to maximum fees, based on a flawed impact fee study, is indicative of a capricious and arbitrary policy rather than a measured and equitable approach.
6. **Exceeding State Code Allowances:** The scope of services for which the City has imposed impact fees extends beyond what is permissible under the state code, compounding the irrationality of the fees and suggesting an overreach of the City's statutory authority.

These collective issues represent a substantive departure from the principles of constitutional governance and due process. They undermine the trust between the City and its community of developers and property owners, and they demand immediate redress. We urge the City Council to reconsider the adoption and enforcement of the Impact Fee Ordinance in light of these serious concerns, ensuring compliance with legal standards and the fair treatment of all parties involved.


CONCLUSION AND REQUEST

In conclusion, the collective arguments presented herein — addressing the significant infrastructural contributions by Skidmore Construction, the case for exemptions under the Impact Fee Ordinance, the grandfathering of pre-existing structures, and the substantial legal and procedural concerns regarding the Ordinance’s enactment and application — form a cohesive and compelling appeal. They underscore the equitable, logical, and lawful recalibration of the impact fees levied against Skidmore Construction’s developments. The spirit and letter of the law, along with fundamental principles of fairness, dictate that the City Council of Idaho Falls must acknowledge the merit of these arguments. We implore the Council to act justly by rectifying the impact fee assessments and ensuring that the Ordinance is applied in a manner consistent with constitutional directives, due process, and the genuine intent to fairly distribute the cost burden of city services. Only through such actions can the City uphold the trust placed in its governance and foster a climate of mutual respect and cooperation with its valued developers and citizens.



PERMIT NO: COM22-0017

ON-LINE PERMIT

<div>CITY OF IDAHO FALLS</div> <div>308 Constitution Way, ID 83402</div>	<div>PERMIT TYPE</div> <div>COMMERCIAL BUILDING</div>	<div>APPLIED DATE</div> <div>2/10/2022</div>	<div><div>eTRAKIT</div></div>
<div>INSPECTION REQUEST LINE</div> <div>(208) 612-8269</div> <div>OR</div> <div>SCHEDULE EXISTING INSPECTION</div> <div>ON-LINE</div> <div>eTrakit</div>	<div>PERMIT SUB-TYPE</div> <div>NEW CONSTRUCTION</div>	<div>APPROVED DATE</div> <div>6/1/2022</div>	
	<div>JOB VALUE</div> <div>2600000</div>	<div>ISSUED DATE</div> <div>6/2/2022</div>	
	<div>APN</div> <div>PAR068655</div>		
	<div>DESCRIPTION</div> <div>Brighton @ Kingwood-Shell Only</div>		

PERMIT INFORMATION	FEE SUMMARY
<div><div>SITE</div><div>3500 S 25TH E</div><div>IDAHO FALLS, ID 83404</div></div>	<div>ELECTRIC LINE EXTENSION FEES</div> <div>\$20,127.32</div> <div>FIRE REVIEW</div> <div>\$70.00</div> <div>COMMERCIAL PERMIT</div> <div>\$9,244.73</div> <div>PLAN CHECK</div> <div>\$6,009.07</div> <div>FIRE REVIEW</div> <div>\$1,479.16</div> <div>Total Fees Charged:</div> <div>\$36,930.28</div>
<div><div>APPLICANT</div><div>Skidmore Inc</div><div>3920 E SUNNYSIDE RD</div><div>IDAHO FALLS ID 83406</div></div>	
<div><div>OWNER</div><div>Skidmore Inc</div><div>3920 E SUNNYSIDE RD</div><div>IDAHO FALLS ID 83406</div></div>	
<div><div>CONTRACTOR</div><div>Skidmore Inc</div><div>3920 E SUNNYSIDE RD</div><div>IDAHO FALLS ID 83406</div></div>	

NOTE: The permit will expire if work is not started in 180 days, is abandoned, or does not receive an inspection for more than 180 days. Additional fees will be collected to renew expired permits. This is a Building Permit when properly filled out, signed and validated, and is not transferable.

<div><div>LICENSED CONTRACTORS DECLARATION</div><div>I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.</div><div>License No: _____ Expiration Date: _____ Contractor: _____</div><div><div>OWNER-BUILDER DECLARATION</div><div>I hereby affirm under penalty of perjury that I am exempt from the contractors license Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by an applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).):</div><div>_____, I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner or property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)</div><div>_____, I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner or Property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.)</div><div>I am exempt under Sec. _____ B.P.C. for this reason _____</div><div>DATE _____ OWNER _____</div><div><div>WORKERS COMPENSATION DECLARATION</div><div>I hereby affirm under penalty of perjury one of the following declarations:</div><div>_____, I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the permit is issued.</div><div>_____, I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:</div><div>Carrier/Policy No: _____</div><div>(This section need not be completed if the permit is for one hundred dollars (\$100) or less).</div><div>_____, I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any number so as to become subject to the workers' compensation laws or California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.</div><div>DATE _____ APPLICANT: _____</div><div>WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.</div><div><div>CONSTRUCTION LENDING AGENCY</div><div>I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).</div><div>DATE _____ APPLICANT: _____</div><div>* I certify that I have read this application and state that the above information is correct. I agree to comply with all city ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes.</div><div>SIGNATURE OF APPLICANT OR AGENT : _____ DATE _____</div></div></div><div><div>INSPECTION SUMMARY</div><div><div><div>_____</div><div>BLDG FINAL</div></div><div><div>_____</div><div>CEILING GRID</div></div><div><div>_____</div><div>DRYWALL</div></div><div><div>_____</div><div>EROSION CONTROL</div></div><div><div>_____</div><div>COMMERCIAL</div></div><div><div>_____</div><div>FIRE FINAL</div></div><div><div>_____</div><div>FIRE STOP</div></div><div><div>_____</div><div>FOOTING</div></div><div><div>_____</div><div>FOUNDATION</div></div><div><div>_____</div><div>FRAMING</div></div><div><div>_____</div><div>INFORMATION ONLY</div></div><div><div>_____</div><div>INSULATION</div></div><div><div>_____</div><div>MASONRY</div></div><div><div>_____</div><div>PUBLIC WORKS FINAL</div></div><div><div>_____</div><div>ROOFING</div></div><div><div>_____</div><div>SEWER FINAL</div></div><div><div>_____</div><div>SPECIAL INSPECTION</div></div><div><div>_____</div><div>WATER DIVISION</div></div><div><div>_____</div><div>WATER FINAL</div></div><div><div>_____</div><div>ZONING FINAL</div></div></div></div></div></div>
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Permit Finaled Date:

Inspector Name:

Signature:

A

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Attachment Permit Inspections

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Site Info

Contacts

Fees \$0.00

Inspections

Chronology

Reviews

Description	Amount	Paid Date
COMMERCIAL PERMIT	\$1,241.72	9/21/2023
FIRE REVIEW	\$268.68	8/31/2023
PLAN CHECK	\$807.12	8/31/2023
RETAIL IMPACT FEE NONRESIDENTIAL (PER 1,000 SQ FT)	\$11,096.00	9/21/2023
TEMPORARY POWER	\$150.00	9/21/2023


Charged: \$13,563.52

Balance Due: \$0.00

B

PERMIT NO: COM23-0099

ON-LINE PERMIT

<div>CITY OF IDAHO FALLS</div> <div>308 Constitution Way, ID 83402</div>	<div>PERMIT TYPE</div> <div>COMMERCIAL BUILDING</div>	<div>APPLIED DATE</div> <div>6/28/2023</div>	<div><div>eTRAKIT</div></div>
<div>INSPECTION REQUEST LINE</div> <div>(208) 612-8269</div> <div>OR</div> <div>SCHEDULE EXISTING INSPECTION</div> <div>ON-LINE</div> <div>eTrakit</div>	<div>PERMIT SUB-TYPE</div> <div>NEW CONSTRUCTION</div>	<div>APPROVED DATE</div> <div>11/27/2023</div>	
	<div>JOB VALUE</div> <div>1800000</div>	<div>ISSUED DATE</div> <div>11/27/2023</div>	
	<div>APN</div> <div>RPA32910010090</div>		
	<div>DESCRIPTION</div> <div>Blackwood Building</div> <div>Shell & Build out</div>		
PERMIT INFORMATION		FEE SUMMARY	
<div>SITE</div>	<div>3740 WOODKING DR</div> <div>IDAHO FALLS, ID 83404</div>	<div>ELECTRIC LINE EXTENSION FEES</div>	<div>\$44,113.23</div>
<div>APPLICANT</div>	<div>Resin Architecture</div> <div>Zachary Flinders</div> <div>Idaho Falls ID 83401</div>	<div>OFFICE IMPACT FEE NONRESIDENTIAL (PER 1,000 SQ FT)</div>	<div>\$25,555.09</div>
<div>OWNER</div>	<div>KINGWOOD LLC</div> <div>3920 E SUNNYSIDE RD</div> <div>AMMON ID 83406</div>	<div>SEWER CONNECTION</div>	<div>\$4,112.00</div>
<div>CONTRACTOR</div>		<div>COMMERCIAL PERMIT</div>	<div>\$7,108.73</div>
		<div>FIRE REVIEW</div>	<div>\$1,207.40</div>
		<div>PLAN CHECK</div>	<div>\$4,620.67</div>
		<div>EROSION CONTROL</div>	<div>\$100.00</div>
		<div>TEMPORARY POWER</div>	<div>\$150.00</div>
	<div>WATER SERVICES</div>	<div>\$8,477.00</div>	
	<div>Total Fees Charged:</div>	<div>\$95,444.12</div>	
<div>NOTE: The permit will expire if work is not started in 180 days, is abandoned, or does not receive an inspection for more than 180 days. Additional fees will be collected to renew expired permits. This is a Building Permit when properly filled out, signed and validated, and is not transferable.</div>			
<div>LICENSED CONTRACTORS DECLARATION</div> <div>I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.</div> <div>License No: _____ Expiration Date: _____ Contractor: _____</div> <div>OWNER-BUILDER DECLARATION</div> <div>I hereby affirm under penalty of perjury that I am exempt from the contractors license Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by an applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).):</div> <div>_____, I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner or property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. 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My workers' compensation insurance carrier and policy number are:</div> <div>Carrier/Policy No: _____</div> <div>(This section need not be completed if the permit is for one hundred dollars (\$100) or less).</div> <div>I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any number so as to become subject to the workers' compensation laws or California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.</div> <div>DATE _____ APPLICANT: _____</div> <div>WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.</div> <div>CONSTRUCTION LENDING AGENCY</div> <div>I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).</div> <div>DATE _____ APPLICANT: _____</div> <div>* I certify that I have read this application and state that the above information is correct. I agree to comply with all city ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes.</div> <div>SIGNATURE OF APPLICANT OR AGENT : _____ DATE _____</div>		<div>INSPECTION SUMMARY</div> <div><div><div></div></div><div>FOOTING</div><div><div></div></div><div>CEILING GRID</div><div><div></div></div><div>DRYWALL</div><div><div></div></div><div>EROSION CONTROL</div><div><div></div></div><div>COMMERCIAL</div><div><div></div></div><div>FIRE FINAL</div><div><div></div></div><div>FIRE STOP</div><div><div></div></div><div>FOUNDATION</div><div><div></div></div><div>FRAMING</div><div><div></div></div><div>INFORMATION ONLY</div><div><div></div></div><div>INSULATION</div><div><div></div></div><div>MASONRY</div><div><div></div></div><div>PUBLIC WORKS FINAL</div><div><div></div></div><div>ROOFING</div><div><div></div></div><div>SEWER FINAL</div><div><div></div></div><div>SPECIAL INSPECTION</div><div><div></div></div><div>WATER DIVISION</div><div><div></div></div><div>WATER FINAL</div><div><div></div></div><div>WATER ROUGH-IN</div><div><div></div></div><div>ZONING FINAL</div><div><div></div></div><div>BLDG FINAL</div></div>	

Permit Finaled Date:

Inspector Name:

Signature:

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Charged entire for building

Permit #COM23-0099

Blackwood

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Permit

Inspections

Permit Info

Site Info

Contacts

Fees \$0.00

Inspections

Chronology

Reviews

Description	Amount	Paid Date
ELECTRIC LINE EXTENSION FEES	\$44,113.23	10/20/2023
OFFICE IMPACT FEE NONRESIDENTIAL (PER 1,000 SQ FT)	\$25,555.09	11/9/2023
SEWER CONNECTION	\$4,112.00	11/9/2023
COMMERCIAL PERMIT	\$7,108.73	11/9/2023
FIRE REVIEW	\$1,207.40	11/9/2023
PLAN CHECK	\$4,620.67	11/9/2023
EROSION CONTROL	\$100.00	11/9/2023
TEMPORARY POWER	\$150.00	11/9/2023
WATER SERVICES	\$8,477.00	11/9/2023


Charged: \$95,444.12

Balance Due: \$0.00

D

PERMIT NO: COM23-0053

ON-LINE PERMIT

<div>CITY OF IDAHO FALLS</div> <div>308 Constitution Way, ID 83402</div>	<div>PERMIT TYPE</div> <div>COMMERCIAL BUILDING</div>	<div>APPLIED DATE</div> <div>5/3/2023</div>	<div><div>eTRAKIT</div></div>
<div>INSPECTION REQUEST LINE</div> <div>(208) 612-8269</div> <div>OR</div> <div>SCHEDULE EXISTING INSPECTION</div> <div>ON-LINE</div> <div>eTrakit</div>	<div>PERMIT SUB-TYPE</div> <div>NEW CONSTRUCTION</div>	<div>APPROVED DATE</div> <div>9/11/2023</div>	
	<div>JOB VALUE</div> <div>1600000</div>	<div>ISSUED DATE</div> <div>9/11/2023</div>	
	<div>APN</div> <div>RPA32910010110</div>		
	<div>DESCRIPTION</div> <div>Kovac Foot & Ankle</div> <div>Shell / Build Out</div>		
PERMIT INFORMATION		FEE SUMMARY	
<div>SITE</div>	<div>3800 WOODKING DR</div> <div>IDAHO FALLS, ID 83404</div>	<div>ELECTRIC LINE EXTENSION FEES</div>	<div>\$27,449.08</div>
<div>APPLICANT</div>	<div>Resin Architecture</div> <div>Zachary Flinders</div> <div>Idaho Falls ID 83401</div>	<div>COMMERCIAL PERMIT</div>	<div>\$6,574.73</div>
		<div>FIRE REVIEW</div>	<div>\$1,122.00</div>
<div>OWNER</div>	<div>KINGWOOD LLC</div> <div>3920 E SUNNYSIDE RD</div> <div>AMMON ID 83406</div>	<div>PLAN CHECK</div>	<div>\$4,273.57</div>
		<div>EROSION CONTROL</div>	<div>\$100.00</div>
		<div>OFFICE IMPACT FEE NONRESIDENTIAL (PER 1,000 SQ FT)</div>	<div>\$18,828.00</div>
		<div>SEWER CONNECTION</div>	<div>\$12,850.00</div>
		<div>TEMPORARY POWER</div>	<div>\$150.00</div>
<div>CONTRACTOR</div>	<div>WATER SERVICES</div>	<div>\$8,477.00</div>	
		<div>Total Fees Charged:</div>	<div>\$79,824.38</div>
<div>NOTE: The permit will expire if work is not started in 180 days, is abandoned, or does not receive an inspection for more than 180 days. Additional fees will be collected to renew expired permits. This is a Building Permit when properly filled out, signed and validated, and is not transferable.</div>			
<div>LICENSED CONTRACTORS DECLARATION</div> <div>I hereby affirm under penalty of perjury that I am licensed under provisions of Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code, and my license is in full force and effect.</div> <div>License No: _____ Expiration Date: _____ Contractor: _____</div> <div>OWNER-BUILDER DECLARATION</div> <div>I hereby affirm under penalty of perjury that I am exempt from the contractors license Law for the following reason (Sec. 7031.5, Business and Professions Code: Any city or county which requires a permit to construct, alter, improve, demolish, or repair any structure, prior to its issuance, also requires the applicant for such permit to file a signed statement that he or she is licensed pursuant to the provisions of the Contractors License Law (Chapter 9 (commencing with Section 7000) of Division 3 of the Business and Professions Code) or that he or she is exempt therefrom and the basis for the alleged exemption. Any violation of Section 7031.5 by an applicant for a permit subjects the applicant to a civil penalty of not more than five hundred dollars (\$500).):</div> <div>_____, I, as owner of the property, or my employees with wages as their sole compensation, will do the work, and the structure is not intended or offered for sale (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner or property who builds or improves thereon, and who does such work himself or herself or through his or her own employees, provided that such improvements are not intended or offered for sale. If, however, the building or improvement is sold within one year of completion, the owner-builder will have the burden of proving that he or she did not build or improve for the purpose of sale.)</div> <div>_____, I, as owner of the property, am exclusively contracting with licensed contractors to construct the project (Sec. 7044, Business and Professions Code: The Contractors License Law does not apply to an owner or Property who builds or improves thereon, and who contracts for such projects with a contractor(s) licensed pursuant to the Contractors License Law.)</div> <div>I am exempt under Sec. _____ B.P.C. for this reason _____</div> <div>DATE _____ OWNER _____</div> <div>WORKERS COMPENSATION DECLARATION</div> <div>I hereby affirm under penalty of perjury one of the following declarations:</div> <div>_____, I have and will maintain a certificate of consent to self-insure for workers' compensation, as provided for by Section 3700 of the Labor Code, for the performance of the permit is issued.</div> <div>_____, I have and will maintain workers' compensation insurance, as required by Section 3700 of the Labor Code, for the performance of the work for which this permit is issued. My workers' compensation insurance carrier and policy number are:</div> <div>Carrier/Policy No: _____</div> <div>(This section need not be completed if the permit is for one hundred dollars (\$100) or less).</div> <div>_____, I certify that in the performance of the work for which this permit is issued, I shall not employ any person in any number so as to become subject to the workers' compensation laws or California, and agree that if I should become subject to the workers' compensation provisions of Section 3700 of the Labor Code, I shall forthwith comply with those provisions.</div> <div>DATE _____ APPLICANT: _____</div> <div>WARNING: FAILURE TO SECURE WORKERS' COMPENSATION COVERAGE IS UNLAWFUL, AND SHALL SUBJECT AN EMPLOYER TO CRIMINAL PENALTIES AND CIVIL FINES UP TO ONE HUNDRED THOUSAND DOLLARS (\$100,000), IN ADDITION TO THE COST OF COMPENSATION, DAMAGES AS PROVIDED FOR IN SECTION 3706 OF THE LABOR CODE, INTEREST, AND ATTORNEY'S FEES.</div> <div>CONSTRUCTION LENDING AGENCY</div> <div>I hereby affirm under penalty of perjury that there is a construction lending agency for the performance of the work for which this permit is issued (Sec. 3097, Civ. C.).</div> <div>DATE _____ APPLICANT: _____</div> <div>* I certify that I have read this application and state that the above information is correct. I agree to comply with all city ordinances and state laws relating to building construction, and hereby authorize representatives of this city to enter upon the above-mentioned property for inspection purposes.</div> <div>SIGNATURE OF APPLICANT OR AGENT : _____ DATE _____</div>		<div>INSPECTION SUMMARY</div> <div><div>FOOTING</div><div>PERIMETER SLAB INSULATION</div><div>FOUNDATION</div><div>FOOTING</div><div>FOOTING</div><div>FIRE STOP</div><div>FOUNDATION</div><div>FIRE FINAL</div><div>INFORMATION ONLY</div><div>INSULATION</div><div>DRYWALL</div><div>FRAMING</div><div>CEILING GRID</div><div>SEWER FINAL</div><div>SPECIAL INSPECTION</div><div>WATER DIVISION</div><div>WATER FINAL</div><div>WATER ROUGH-IN</div><div>ZONING FINAL</div><div>EROSION CONTROL</div><div>COMMERCIAL</div><div>ROOFING</div><div>MASONRY</div><div>PUBLIC WORKS FINAL</div><div>BLDG FINAL</div></div>	

Permit Finaled Date:

Inspector Name:

Signature:

My Dashboard

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- Apply / New Permit
 - Search Permit
 - Pay Fees
 - Fees Estimator

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- Apply for New Project
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 - Fees Estimator

- Contractor
- Renew
 - Search Contractors
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 - Scheduled

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 - Paid Items

- Contact
- Contact us

Permit Search

Search By:

Permit Type

Contains

SEARCH

[Click here for search examples](#)

Permit #COM23-0053

Attachment

Permit

Inspections

Permit Info

Site Info

Contacts

Fees \$0.00

Inspections

Chronology

Reviews

Description	Amount	Paid Date
ELECTRIC LINE EXTENSION FEES	\$27,449.08	9/11/2023
COMMERCIAL PERMIT	\$6,574.73	9/11/2023
FIRE REVIEW	\$1,122.00	5/10/2023
PLAN CHECK	\$4,273.57	5/10/2023
EROSION CONTROL	\$100.00	9/11/2023
OFFICE IMPACT FEE NONRESIDENTIAL (PER 1,000 SQ FT)	\$18,828.00	9/11/2023
SEWER CONNECTION	\$12,850.00	9/11/2023
TEMPORARY POWER	\$150.00	9/11/2023
WATER SERVICES	\$8,477.00	9/11/2023

Charged: \$79,824.38

Balance Due: \$0.00

charged for entire Building

F



My Dashboard

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- Apply / New Permit
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 - Pay Fees
 - Fees Estimator

- Projects
- Apply for New Project
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- Contractor
- Renew
 - Search Contractors
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- Contact us

Permit Search

Search By:

Permit Type

Contains

SEARCH

Click here for search examples

Permit #COM23-0015

Andover

Attachment

Permit

Add To Cart

Inspections

Permit Info

Site Info

Contacts

Fees \$12,777.00

Inspections

Chronology

Reviews

Description	Amount	Paid Date
ELECTRIC LINE EXTENSION FEES	\$19,077.74	3/3/2023
SEWER CONNECTION	\$4,112.00	\$4,112.00
WATER SERVICES	\$8,665.00	\$8,665.00
COMMERCIAL PERMIT	\$8,710.73	4/24/2023
FIRE REVIEW	\$1,463.72	4/24/2023
PLAN CHECK	\$5,661.97	4/24/2023

Charged: \$47,691.16

Balance Due: \$12,777.00

Pay All Fees



Inv# 22916

CITY OF IDAHO FALLS
TREASURER OFFICE
P.O. BOX 50220
IDAHO FALLS, IDAHO 83405
612-8218

Acct# 301. 189.00

PAYABLE DUE UPON RECEIPT

Reminder 7/02/2007

KINGWOOD DIVISION #1
LLC BDS
3920 SUNNYSIDE ROAD
IDAHO FALLS ID 83406

Prev Amount Due 8,400.67

Interest on past due 83.17

ANNEXTON FEES FOR BRIDGE AND ARTERIAL STREET
AND SURFACE DRAINAGE FEES.

V-
Document # 4
8/2/07
comet

AN URGENT PLEA -- Don't jeopardize your good credit...please pay today.

Amount Due 8,483.84

PAST DUE ACCOUNTS ARE SUBJECT TO INTEREST CHARGES OF 12% PER ANNUM.

RETURN THIS PORTION WITH PAYMENT

Inv# 22916

CITY OF IDAHO FALLS
TREASURER OFFICE
P.O. BOX 50220
IDAHO FALLS, IDAHO 83405

Acct# 301. 189.00

KINGWOOD DIVISION #1
LLC BDS
3920 SUNNYSIDE ROAD
IDAHO FALLS ID 83406

M/C Visa Exp Date

Amount Due 8,483.84

Card Number

Signature

Amount Paid

Inv# 22781

CITY OF IDAHO FALLS
TREASURER OFFICE
P.O. BOX 50220
IDAHO FALLS, IDAHO 83405
612-8218

Acct# 301. 189.02

PAYABLE DUE UPON RECEIPT

Billed 7/02/2007

KINGWOOD DIVISION #2
LLC BDS
3920 E SUNNYSIDE ROAD
IDAHO FALLS ID 83406

Prev Amount Due .00

Cur Charges

BRIDGE & ARTERIAL STREET

10,555.23

ANNEXATION AGREEMENT FOR BRIDGE & ARTERIAL STREET,
SURFACE DRAINAGE & TRAFFIC SIGNS.

✓
Document
#5

P21

LMM

--Part of your account is delinquent. Payment must be
--received within 10 days or immediate action will be taken.

Amount Due 10,555.23

PAST DUE ACCOUNTS ARE SUBJECT TO INTEREST CHARGES OF 12% PER ANNUM.

RETURN THIS PORTION WITH PAYMENT

Inv# 22781

CITY OF IDAHO FALLS
TREASURER OFFICE
P.O. BOX 50220
IDAHO FALLS, IDAHO 83405

Acct# 301. 189.02

KINGWOOD DIVISION #2
LLC BDS
3920 E SUNNYSIDE ROAD
IDAHO FALLS ID 83406

M/C__ Visa__ Exp Date__

Amount Due 10,555.23

Card Number__

Signature__

Amount Paid

CEL 2774

31-541240
473

KINGWOOD LLC
3422 E SUMMIT RD
IDAHO FALLS ID 83406

PAY TO THE ORDER OF CITY OF IDAHO FALLS \$ 19,039.81

DATE 7/5/27

WING TOWN PHARMACY AND DRUG SUPPLY DOLLARS

Small amount
shown on back

ZIONS BANK

Idaho Falls Downtown Office
1235 South Utah Avenue
Idaho Falls, Idaho 83402
www.zionsbank.com

FOR DEPOSIT ONLY
1-8493-87
2-10555-23

112100000541; 473 00470 711

[Signature]

Damon + Co

**SPECIAL CONDITIONS
FOR
KINGWOOD ADDITION DIVISION NO. 2**

S-C 1.00 Arterial Street and Bridge Fees. The Bridge and Arterial Streets fee for this Subdivision is \$70,367.50 (28.147 acres \$2500 per acre) payable as follows:

<u>Due Date:</u>	<u>Payment Amount</u>
P Upon execution hereof	\$ 7,036.83 – Billed Oct. 2 nd , 2006 \$17,592.06 → pd. ck # 1558
P October 1, 2006	\$10,555.23 – “ “ “ “ “ “
P January 1, 2007	\$10,555.23 <u>ck # 1650</u>
P April 1, 2007	\$10,555.23 <u>ck # 1738</u>
P July 1, 2007	\$10,555.23 <u>Kingwood ck # 002</u>
October 1, 2007	\$10,555.23
January 1, 2008	\$10,555.27
Total	\$70,368.25

S-C 2.00 Surface Drainage Fee. The surface drainage fee for this Subdivision is \$7,636.12 (1,018,149 square feet net area at \$.0075 per square foot) payable as follows:

<u>Due Date:</u>	<u>Payment Amount</u>
P Upon execution hereof	\$ 1,909.03 – Billed Oct. 2 nd , 2006 \$3,818.06 → pd ck # 1558
P October 1, 2006	\$ 1,909.03 – “ “ “ “ “ “
P January 1, 2007	\$ 1,909.03 <u>ck # 1650</u>
P April 1, 2007	\$ 1,909.03 <u>ck # 1738</u>
Total	\$ 7636.12

S-C 3.00 Traffic Signs. Developer agrees to install all street signs designating the names of all streets within the Subdivision. Such signs shall be installed in the manner and locations as directed by the City Engineer. Developer also agrees to pay a sum of \$600.00 (Billed Oct. 2, 2006) simultaneous upon execution hereof, in consideration of the installation by the City of all traffic control signs necessary for the control of vehicular and pedestrian traffic within the subdivision.

pd ck # 1558

Interest
ck # 1650 - \$124.64
89.45

See back for Breakdown
of Payments
AS of Aug 24, 07 →

Document # 7

**SPECIAL CONDITIONS FOR
KINGWOOD ADDITION DIVISION NO. 2**

S-C 1.00 Arterial Street and Bridge Fees. The Bridge and Arterial Streets fee for this Subdivision is \$70,367.50 (28.147 acres \$2500 per acre) payable as follows:

<u>Due Date</u>	<u>Payment Amount</u>
-----------------	-----------------------

Upon execution hereof	\$7,036.83
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September 1, 2006	\$10,555.23
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December 1, 2006	\$10,555.23
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March 1, 2007	\$10,555.23
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June 1, 2007	\$10,555.23
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September 1, 2007	\$10,555.23
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December 1, 2007	\$10,555.27
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Total	\$70,368.25
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S-C 2.00 Surface Drainage Fee. The surface drainage fee for this Subdivision is \$8,287.73 (1,018,149 square feet net area at \$.0075 per square foot) payable as follows:

<u>Due Date</u>	<u>Payment Amount</u>
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Upon execution hereof	\$1,909.03
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September 1, 2005	\$1,909.03
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December 1, 2005	\$1,909.03
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March 1, 2006	\$1,909.03
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Total	\$7,636.12
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S-C 3.00 Traffic Signs. Developer agrees to install all street signs designating the names of all streets within the Subdivision. Such signs shall be installed in the manner and locations as directed by the City Engineer. Developer also agrees to pay a sum of \$600.00 simultaneous upon execution hereof, in consideration of the installation by the City of all traffic control signs necessary for the control of vehicular and pedestrian traffic within the Subdivision.

