CITY COUNCIL MEETING



Thursday, December 12, 2019 7:30 p.m.

CITY COUNCIL CHAMBERS 680 Park Avenue Idaho Falls, ID 83402

Thank you for your interest in City Government. If you wish to express your thoughts on a matter listed below, please contact Councilmembers by email or personally **before** the meeting. Public testimony on agenda items will not be taken unless a hearing is indicated. Be aware that an amendment to this agenda may be made upon passage of a motion that states the reason for the amendment and the good faith reason that the agenda item was not included in the original agenda posting. Regularly-scheduled City Council Meetings are live streamed at www.idahofallsidaho.gov, then archived on the city website. If you need communication aids or services or other physical accommodations to participate or access this meeting, please contact City Clerk Kathy Hampton at 612-8414 or the ADA Coordinator Lisa Farris at 612-8323 as soon as possible and they will accommodate your needs.

- 1. Call to Order.
- 2. Pledge of Allegiance.
- 3. **Public Comment.** Members of the public are invited to address the City Council regarding matters that are **not** on this agenda or already noticed for a public hearing. When you address the Council, please state your name and city for the record and please limit your remarks to three (3) minutes. Please note that matters currently pending before the Planning Commission or Board of Adjustment, which may be the subject of a pending enforcement action or which are relative to a City personnel matter, are not suitable for public comment.
- 4. **Consent Agenda.** Any item may be removed from the Consent Agenda at the request of any member of the Council for separate consideration.
 - A. Item from the Airport:
 - 1) Approve and Accept Idaho Transportation Department Division of Aviation Grant
 - B. Item from Idaho Falls Power:
 - 1) Ratification of Power Trade Confirmation Agreements
 - C. Items from Public Works:
 - Bid Award Tautphaus Park North Park Drive Improvements at Butte Arm Canal
 - 2) Bid Award Fielding Cemetery Road Improvements
 - D. Items from Municipal Services:
 - 1) Treasurer's Report for the month of October, 2019
 - 2) Accept Gift Deed for Idaho Falls Power
 - 3) Bid IF-20-01, Purchase of Side-Load Container Trucks for Public Works
 - 4) Bid IF-20-02, Purchase of Tilt-Frame Truck for Public Works
 - E. Items from the City Clerk:
 - 1) Minutes from the November 25, 2019 Council Work Session; and, November 26, 2019 Special Council Meeting
 - 2) License Applications, all carrying the required approvals

RECOMMENDED ACTION: 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. Public Works

1) Iona Bonneville Sewer District (IBSD) – Request for Sewer Service Area Expansion: For consideration of a request from the IBSD to increase the District's sewer service area boundary by 68.64 acres for Liberty Homes. The proposed expansion area is for inclusion of property located generally south of the North Yellowstone Highway and north of the East Iona Road.

RECOMMENDED ACTION: Approve the expansion request from the Iona Bonneville Sewer District and give authorization to modify the sewer service area accordingly (or take other action deemed appropriate).

B. Idaho Falls Power

1) Consulting Services Agreement with Kleinschmidt Associates for Phase I Relicensing Preparatory Work: For consideration is a proposal for consulting services agreement with Kleinschmidt Associates for Idaho Falls Power (IFP) Phase I Relicensing Preparatory Work. The consulting services agreement will provide document development for the relicensing of the Hydropower Projects for a not-to-exceed cost of \$70,000.00.

RECOMMENDED ACTION: Approve the consulting services agreement for Phase I Relicensing Preparatory Work with Kleinschmidt Associates for a not-to-exceed cost of \$70,000.00, and give authorization for the Mayor to execute the necessary documents (or take other action deemed appropriate).

C. Community Development Services

1) Annexation and Initial Zoning of CC, Annexation and Initial Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, 2.617 acres, 1754 Milligan Road: For consideration is the Annexation and Initial Zoning of CC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 2.617 acres of Section 24, Township 2 North, Range 37 East, for a property located at 1754 Milligan Road. The Planning and Zoning Commission considered this item at its November 12, 2019 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance annexing M&B: 2.617 acres of Section 24, Township 2 North, Range 37 East, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance).
- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: 2.617 acres of Section 24, Township 2 North, Range 37 East, and give authorization for the Mayor to execute the necessary documents.

- c. Assign a Comprehensive Plan Designation of Greenbelt Mixed Uses, and to approve the ordinance establishing the initial zoning for M&B: 2.617 acres of Section 24, Township 2 North, Range 37 East, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance), 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.
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: 2.617 acres of Section 24, Township 2 North, Range 37 East, and give authorization for the Mayor to execute the necessary documents.
- 2) Annexation and Initial Zoning of I&M, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Lot 4, Block 1, Sunnyside Industrial and Professional Park: For consideration is the Annexation and Initial Zoning of I&M, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for Lot 4, Block 1, Sunnyside Industrial and Professional Park. The Planning and Zoning Commission considered this item at its December 3, 2019 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance annexing Lot 4, Block 1, Sunnyside Industrial and Professional Park, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance).
- Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of Lot 4, Block 1, Sunnyside Industrial and Professional Park, and give authorization for the Mayor to execute the necessary documents.
- c. Assign a Comprehensive Plan Designation of Highway Related Industrial, and to approve the ordinance establishing the initial zoning for Lot 4, Block 1, Sunnyside Industrial and Professional Park, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance), 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.
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for Lot 4, Block 1, Sunnyside Industrial and Professional Park, and give authorization for the Mayor to execute the necessary documents.
- 3) Annexation and Initial Zoning of LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, 27.646 Acres, Section 16, T 2N R 38E: For consideration is the Annexation and Initial Zoning of LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 27.646 acres in Section 16,

Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its October 1, 2019 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance annexing M&B: 27.646 acres, Section 16, Township 2 North, Range 38 East, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance).
- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: 27.646 acres, Section 16, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.
- c. Assign a Comprehensive Plan Designation of Commercial, Higher Density, and Lower Density, and to approve the ordinance establishing the initial zoning for M&B: 27.646 acres, Section 16, Township 2 North, Range 38 East, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance), 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.
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: 27.646 acres, Section 16, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.
- **4)** Public Hearing Annexation and Initial Zoning, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Approximately 220 acres: For consideration is the Annexation and Initial Zoning of I&M, LM, HC, LC and R1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East. These properties are generally non-residential land uses. The Planning and Zoning Commission considered this item at its October 1, 2019 meeting and recommended approval of the following according to the areas (refer to map):

Area 1: As presented by a unanimous vote

Area 2: As presented by a vote of 7-1

Area 3: As presented by a unanimous vote

Area 4: As presented by a vote of 7-1

Area 5: As presented by a vote of 7-1

Area 6: As presented by a unanimous vote

RECOMMENDED ACTIONS (in sequential order):

a. Approve the Ordinance annexing M&B: Approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38

East, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance).

- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: Approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.
- c. Assign a Comprehensive Plan Designation of Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Employment Center, Greenbelt Mixed Use, Parks, Recreation Public Facilities, Open Space, and to approve the ordinance establishing the initial zoning for M&B: Approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance), 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.
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: Approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.
- 5) Public Hearing Annexation and Initial Zoning, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards, Approximately 110 acres: For consideration is the Annexation and Initial Zoning of I&M, LC, R3A, RMH, R2, RE, RP and R1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 110 Acres in Sections 1, 14-15, 24-26, 35-36, Township 2 North, Range 37 East and Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East. These properties in this annexation are generally residential land uses. The Planning and Zoning Commission considered this item at its October 1, 2019 meeting and recommended approval of the following according to the areas (refer to map):

Area 1: As presented by a vote of 6-1.

Area 2: Delay on consideration of these properties for annexation until further research can be completed on these properties regarding whether the properties are enclaved or not, connection to city water and agreement for annexation are a direct result of ground water pollution from the city dump to the east by a vote of 7-0.

Area 3: Approval with an initial zoning for the canal piece to be consistent with the zoning of the canal piece to the south by a vote of 7-0.

Area 4: Approval with the exclusion of the property identified in slide 4B by a vote of 7-0.

Area 5: Approval with an initial Zoning of RE, Residential Estate by a vote of 6-1.

Area 6: As presented by a vote of 6-1.

Area 7: As presented by a vote of 6-1.

RECOMMENDED ACTIONS (in sequential order):

- a. Approve the Ordinance annexing M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North, Range 37 East, and Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance).
- b. Approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North, Range 37 East, and Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.
- c. Assign a Comprehensive Plan Designation of Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Medical Services Center, Employment Center, and Parks, Recreation and to approve the ordinance establishing the initial zoning for M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North, Range 37 East, and Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East, under a suspension of the rules requiring three complete and separate readings and 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, or reject the Ordinance), 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.
- d. Approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North, Range 37 East, and Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.
- 6. **Announcements.**
- 7. Adjournment.

CONSENT AGENDA:



MEMORANDUM

FROM: Idaho Falls Regional Airport **DATE:** Monday, December 9, 2019

RE: Consent Agenda, Approve and Accept Idaho Transportation Department Division of Aviation

Grant

Item Description

It is the recommendation of the Idaho Falls Regional Airport to approve and grant of \$15,000 from the IDT Division of Aeronautics.

Purpose

This a grant from IDT for state matching of FAA grant #AIP045-2019 for the amount of \$15,000. The council previously approved the FAA portion of #AIP045-2019 at the September 26, 2019 City Council Meeting.

Fiscal Impact / Financial Review

This project is 93.75% funded from FAA AIP grant 046-2019. The breakdown is as follows: FAA funded amount is \$1,710,274, State of Idaho Division of Aeronautics grant \$15,000 and the airport share of the project is \$100,000.

Legal Review

Grants have been reviewed by the legal department.

Interdepartmental Review

Municipal Services has reviewed as part of the budget process.

Recommended Action

It is the recommendation of the IFRA staff that the city council approve and accept this grant award and authorized the Mayor and City Clerk execute the necessary documents.







☐ Governance





☐ Learning







oxtimes Safety



oxtimes Sustainability



 $oxed{\boxtimes}$ Transportation

GRANT AGREEMENT

IDAHO AIRPORT AID PROGRAM STATE FISCAL YEAR-20

TO: City of Idaho Falls, Idaho

(Hereinafter referred to as the "SPONSOR")

FROM: The State of Idaho, acting through the IDAHO TRANSPORTATION DEPARTMENT, DIVISION OF

AERONAUTICS

(Hereinafter referred to as the "STATE")

WHEREAS, the SPONSOR has submitted to the STATE an application for assistance from the Idaho Airport Aid Program for development of the Idaho Falls Regional Airport, together with the planning proposal or plans and specifications for the project. The STATE approved the application and it is hereby incorporated herein and made a part thereof:

WHEREAS, the Idaho Transportation Board has approved a project for development of the airport consisting of the following described airport development:

Project Description: SRE, DESIGN terminal, ARFF

FS Program Number: F208IDA

Project Number: AIP045

NOW THEREFORE, for the purpose of carrying out the provisions of the Uniform State Aeronautics Department Act; Title 21 of the Idaho Code, as amended, and in consideration of the SPONSOR acceptance of this offer, as hereinafter provided, the STATE hereby agrees to pay, as its share of the costs incurred in accomplishing the project, not more than a lump sum amount of \$15,000.

This Grant incorporates the following terms and conditions:

1. The STATE affirms that:

- A. The maximum obligation of the STATE payable under this Grant shall be \$15,000.00.
- B. This grant expires on June 30, 2024 and the STATE shall have no further obligation after that date.

2. The SPONSOR shall:

- A. Certify the availability of at least \$223,451.13 to match STATE participation in said project.
- B. Diligently and expeditiously complete this project by June 30, 2024 and likewise pursue appropriate measures as may be agreed upon by the SPONSOR and the STATE to remedy project delays, including but not limited to litigation or condemnation.
- C. Carry out and complete the project in accordance with the plans, specifications, and property map, incorporated herein, as they may be revised or modified, with approval of the STATE.

- D. Competitively bid all contracts for construction involved in this project in accordance with bidding procedures outlined in Idaho Statute Title 67, Chapter 92 of the Idaho Code and Title 2 CFR part 200 and provide solicitation documentation to the Division of Aeronautics.
- E. In connection with the acquisition of real property for the project, secure at least two written appraisals by licensed appraisers and not pay in excess of the highest appraisal without the written consent of the STATE or except as directed by a court of competent jurisdiction after a contested trial and a judgment not resulting from agreement between the parties.
- F. Receive no STATE funds in any case until it certifies in writing that it has funds available and will spend at least the amount designed in Paragraph (A) above, solely for the project in question.
- G. Agrees to hold said airport open to the flying public for the useful life of the facilities developed under this project. Grant no exclusive use or operating agreements, to any person, company, or corporation. Failure to abide by such agreement shall automatically obligate the immediate and full return of all State of Idaho money expended on behalf of the project to the State of Idaho.
- H. Agrees to fulfill the FAA assurances applicable to this project and follow the requirements in 49 USC 471 Airport Development. Applicable to airport sponsors receiving BOTH State and Federal funding.
- I. Agrees to follow and include applicable FAA required contract terms to any associated contracts granted in association with this grant. Applicable to airport sponsors receiving BOTH State and Federal funding.
- 3. The allowable costs of the project shall not include any costs determined by the STATE to be ineligible.
- 4. The STATE reserves the right to amend or withdraw this offer at any time prior to its acceptance by the SPONSOR.
- 5. This offer shall expire and the STATE shall not be obligated to pay any part of the costs of the project unless the final agreement has been accepted by the SPONSOR on or before **12/15/2019** or such subsequent date as may be prescribed in writing by the STATE.

Except for those projects receiving both State and Federal Aid (submit copies of FAA Application and Agreement), the following inspection schedule, and reporting system is required:

6. <u>Inspection Schedule and Reporting System</u>:

Inspection Schedule and Reporting System will vary for each project. The SPONSOR must make reports and be subject to inspections on the following schedule:

- A. SPONSOR shall report project commencement date.
- B. SPONSOR shall make quarterly progress reports during construction.
- C. SPONSOR shall receive approval prior to any change in the scope of the project.

- D. SPONSOR shall report project completion date and request final inspection and payment.
- E. STATE may participate in the final inspection and shall sign off the project as completed.
- F. STATE may arrange for audit of account in accordance with regularly scheduled audit program.

The execution of this instrument by the SPONSOR and ratification and adoption of the project application incorporated herein provides proof of the Sponsors commitment, as hereinafter provided. Said offer and acceptance shall comprise allocation agreement, constituting the obligation and rights of the State of Idaho and the SPONSOR with respect to the accomplishment of the project and the operation and the maintenance of the airport. Such allocation agreement shall become effective upon the SPONSOR acceptance of this offer and shall remain in full force and effect throughout the useful life of the facilities developed under the project but in any event not to exceed twenty (20) years from the date of acceptance.

STATE OF IDAHO, ITD Division of Aeronautics

THE SPONSOR DOES HEREBY RATIFY AND ADOPT ALL STATEMENTS, representations, warranties, covenants, and agreements contained in the project application and incorporated materials referred to in the foregoing offer and does hereby accept said offer and by such acceptance agrees to all of the terms and conditions thereof.

ACCEPTANCE

Executed this	day of	, 2019.	
		By: Rebecca Casper, Mayor City of Idaho Falls, City Council	
ATTEST:			
Kathy Hampton, C	ity Clerk		
No	adopted a , 2019, and th	eby certify that the foregoing is a full, true, and correct at a regular meeting of the City Council held on the at the same is now in full force and effect. IN WITNESS ed the official seal of the City, this day of	day of S WHEREOF, I have
2019.			
		Kathy Hampton, City Clerk	

City Resolution

of	xact from the minutes of a regular me the City Council of City of Idaho Falls eld on	, Idaho
Councilman considered, and adopted:	, introduced the	following Resolution, was read in full,
Idaho through the Idaho Transpo	rtation Department, Division of Aer laho Airport Aid Program, FS Progra	accepting the Grant Offer of the State of conautics, in the maximum amount of am number: F208IDA, Project number:
Be it resolved by the Mayor and C follows:	ity Council of City of Idaho Falls, Ida	tho (herein referred to as the "City" as
	under FS Program Number: F2081	o in the amount of \$15,000.00, for the IDA, Project Number: AIP045 in the
statement of Acceptance of said Gra	ant Offer (entitled Acceptance) on bel he signature of the Mayor and to imp	by authorized and directed to sign the half of the City. The City Clerk is hereby press the official seal of the City on the
Sec. 3. A true copy of the Grant Ag	reement referred to herein be attach	ed hereto and made a part thereof.
Passed by the City Council and app	proved by the Mayor this day o	of, 2019.
	Rebecca Casper, Mayor	
ATTEST:		
Kathy Hampton, City Clerk		
	CERTIFICATE	
No adopte , 2019, and t	d at a regular meeting of the City hat the same is now in full force and	all, true, and correct copy of Resolution y Council held on the day of effect. IN WITNESS WHEREOF, I have day of, 2019.
	Kathy Hampton, City Cle	 rk

IDAHO FALLS POWER COUNCIL AGENDA



MEMORANDUM

FROM: Bear Prairie, General Manager

DATE: Friday, December 6, 2019

RE: Consent Agenda – Power Trade Confirmation Agreements

Item Description

Idaho Falls Power requests that these Power Trade Confirmation Agreements with Shell Energy North America (US), LP to purchase 10-MWs of energy per hour for the month of December 2019 be placed on the consent agenda for ratification.

Purpose

This action supports the good governance and strong, stable, and healthy economic growth and vibrancy community-oriented results. It also supports the financial stability and risk management element of the IFP Strategic Plan.

Fiscal Impact / Financial Review

These energy purchases are within the FY20 IFP Budget. The negotiated prices are in line with the projected power supply targets.

Legal Review

n/a

Interdepartmental Review

n/a

Recommended Action

The recommended action is to ratify the trade confirmation agreements with Shell Energy North America (US), LP.









☑ Growth



□ Learning



☐ Livable



 \square Safety





 \square Transportation



Shell Energy North America (US), L.P.

1000 MAIN ST LEVEL 12 HOUSTON, TX 77002 877-504-2491

November 22, 2019

Deal No.

3610579

CITY OF IDAHO FALLS 140 S CAPITOL AVENUE, IDAHO FALLS, ID 83405

Fax:

1(208)612-8435

CONFIRMATION AGREEMENT

This confirmation agreement (this "Confirmation" or "Agreement") shall confirm the agreement reached on November 21, 2019, between Shell Energy North America (US), L.P. ("Shell Energy") and CITY OF IDAHO FALLS ("CounterParty") (herein sometimes referred to as a "Party" and collectively as the "Parties") regarding the sale of electric capacity and/or electric energy under the terms and conditions set forth below.

BUYER:

CITY OF IDAHO FALLS

SELLER:

Shell Energy North America (US), L.P.

PRODUCT/FIRMNESS:

WSPP Sch. C

PERIOD OF DELIVERY

12/01/2019 through 12/31/2019

QUANTITY:

10 Mws of energy per hour

PRICE:

\$ 47/Mwhr Fixed

DELIVERY POINT(S):

MONA

SCHEDULING:

Monday thru Saturday, Hours ending 0700 thru 2200 Excluding NERC Holidays

TIME ZONE:

PPT

TOTAL MWH:

4,000

SPECIAL CONDITIONS:

Seller and Buyer agree to notify each other as soon as practically possible of any interuption or

curtailment affecting this transaction. Buyer should notify Coral at 1-(800) 267-2562.

SUBJECT TO MASTER AGREEMENT DATED: WSPP as amended 02/01/2000

No Challenges; Defense of Agreement. Neither Party will exercise any of its respective rights under Section 205 or Section 206 of the Federal Power Acts to challenge or seek to modify any of the rates or other terms and conditions of this Agreement.

Mobile-Sierra.

- (a) Absent the agreement of all parties to the proposed change, the standard of review for changes to any portion of this Agreement or any Transaction entered into hereunder proposed by a Party, a non-party, or the Federal Energy Regulatory Commission acting sua sponte, shall be the "public Interest" standard of review set forth in United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956) (the "Mobile-Sierra" doctrine).
- (b) The Parties agree that, if and to the extent that FERC adopts a final Mobile-Sierra policy statement in Docket No. PL02-7-000 ("Final Policy Statement"), which requires that, in order to exclude application of the "just and reasonable" standard under Sections 205 and 206 of the Federal Power Act, the Parties must agree to language which varies from that set forth in clause (a) immediately above, then, without further action of either Party, such Section shall be deemed amended to incorporate the specific language in the Final Policy Statement that requires the "public interest" standard of review.

Deal No.

3610579

This Confirmation sets forth the terms of the transaction into which the Parties have entered into and shall constitute the entire agreement between the Parties relating to the contemplated purchase and sale of electric energy and/or electric capacity please have this confirmation executed by an authorized representative or officer of your company and return via facsimile to (713) 767 5414. If no facsimile objection to this Confirmation has been received by Shell Energy by facsimile transmission by 5:00 p.m., Houston, Texas time, five (5) business days after delivery of this Confirmation to the other Party by facsimile, then this Confirmation (i) shall be binding and enforceable against Counterparty and Shell Energy and (ii) shall be the final expression of all the terms hereof, regardless whether executed by the other Party.

CITY OF	FIDAHO FALLS	Shell Energy North America (US), L.P.	
	Chase Morgan	John W. Pillion	
By: Name:	Chase Morgan	By: Name: John W. Pillion	
Title:	Power Supply Dispatcher	Title: Confirmations Team Lead	
Date:	11/26/2019	Date: 11/22/2019	
		Date.	



Shell Energy North America (US), L.P.

1000 MAIN ST LEVEL 12 HOUSTON, TX 77002 877-504-2491

November 22, 2019

Deal No.

3610580

CITY OF IDAHO FALLS 140 S CAPITOL AVENUE, IDAHO FALLS, ID 83405

Fax:

1(208)612-8435

CONFIRMATION AGREEMENT

This confirmation agreement (this "Confirmation" or "Agreement") shall confirm the agreement reached on November 21, 2019, between Shell Energy North America (US), L.P. ("Shell Energy") and CITY OF IDAHO FALLS ("CounterParty") (herein sometimes referred to as a "Party" and collectively as the "Parties") regarding the sale of electric capacity and/or electric energy under the terms and conditions set forth below.

BUYER:

CITY OF IDAHO FALLS

SELLER:

Shell Energy North America (US), L.P.

PRODUCT/FIRMNESS:

WSPP Sch. C

PERIOD OF DELIVERY

12/01/2019 through 12/31/2019

QUANTITY:

10 Mws of energy per hour

PRICE:

\$ 37/Mwhr Fixed

DELIVERY POINT(S):

MONA

SCHEDULING:

NERC Holidays, Hours ending 0100 thru 2400; Monday thru Saturday, Hours ending 0100 thru

0600; Monday thru Saturday, Hours ending 2300 thru 2400; Sunday thru Sunday, Hours ending 0100

thru 2400

TIME ZONE:

PPT

TOTAL MWH:

3,440

SPECIAL CONDITIONS:

Seller and Buyer agree to notify each other as soon as practically possible of any interuption or

curtailment affecting this transaction. Buyer should notify Coral at 1-(800) 267-2562.

SUBJECT TO MASTER AGREEMENT DATED: WSPP as amended 02/01/2000

No Challenges; Defense of Agreement. Neither Party will exercise any of its respective rights under Section 205 or Section 206 of the Federal Power Acts to challenge or seek to modify any of the rates or other terms and conditions of this Agreement.

Mobile-Sierra.

- (a) Absent the agreement of all parties to the proposed change, the standard of review for changes to any portion of this Agreement or any Transaction entered into hereunder proposed by a Party, a non-party, or the Federal Energy Regulatory Commission acting sua sponte, shall be the "public interest" standard of review set forth in United Gas Pipe Line Co. v. Mobile Gas Service Corp., 350 U.S. 332 (1956) and Federal Power Commission v. Sierra Pacific Power Co., 350 U.S. 348 (1956) (the "Mobile-Sierra" doctrine).
- (b) The Parties agree that, if and to the extent that FERC adopts a final Mobile-Sierra policy statement in Docket No. PL02-7-000 ("Final Policy Statement"), which requires that, in order to exclude application of the "just and reasonable" standard under Sections 205 and 206 of the Federal Power Act, the Parties must agree to language which varies from that set forth in clause (a) immediately above, then, without further action of either Party, such Section shall be deemed amended to incorporate the specific language in the Final Policy Statement that requires the "public interest" standard of review.

Deal No.

3610580

This Confirmation sets forth the terms of the transaction into which the Parties have entered into and shall constitute the entire agreement between the Parties relating to the contemplated purchase and sale of electric energy and/or electric capacity please have this confirmation executed by an authorized representative or officer of your company and return via facsimile to (713) 767 5414. If no facsimile objection to this Confirmation has been received by Shell Energy by facsimile transmission by 5:00 p.m., Houston, Texas time, five (5) business days after delivery of this Confirmation to the other Party by facsimile, then this Confirmation (i) shall be binding and enforceable against Counterparty and Shell Energy and (ii) shall be the final expression of all the terms hereof, regardless whether executed by the other Party.

CITY OF IDAHO FALLS Shell Energy North America (US), L.P. John W. Pillion Chase Morgan By: By: Chase Morgan Name: Name: John W. Pillion **Power Supply Dispatcher** Title: Title: Confirmations Team Lead 11/26/2019 Date: Date: 11/22/2019

PUBLIC WORKS COUNCIL AGENDA



MEMORANDUM

FROM: Chris H Fredericksen, Public Works Director

DATE: Wednesday, November 27, 2019

RE: Bid Award - Tautphaus Park North Park Drive Improvements at Butte Arm Canal

Item Description

On Tuesday, November 26, 2019, bids were received and opened for the Tautphaus Park North Park Drive Improvements at Butte Arm Canal project. A tabulation of bid results is attached.

Purpose

The purpose of the proposed bid award is to enter into contract with the lowest bidder to straighten North Park Road to better align with the existing bridge over the Butte Arm Canal. Improvements to the existing road supports the community-oriented results of a livable community and reliable public infrastructure and transportation.

Fiscal Impact / Financial Review

The cost allocation for this project will be provided by the park general fund and sufficient funding and budget authority exist for completion of the proposed improvements.

Legal Review

N/A

Interdepartmental Review

Reviews have been conducted with all necessary departments to ensure coordination of project activities.

Recommended Action

Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, DePatco, Inc., in an amount of \$70,671.90, and authorization for the Mayor and City Clerk to sign contract documents.



☐ Economic





☐ Governance



 \square Safety



☐ Growth



 \square Sustainability



☐ Learning



 $oxed{\boxtimes}$ Transportation

Fax (208) 612-8570



MEMORANDUM

TO:

Chris H Fredericksen, P.E., Public Works Director

FROM:

Kent J. Fugal, P.E., PTOE, Engineering Dept.

DATE:

November 27, 2019

SUBJECT:

TAUTPHAUS PARK N PARK DR IMPROVEMENTS

AT BUTTE ARM CANAL

Project No. 2-38-30-3-PRK-2017-23

This memo is to advise you that at 11:00 A.M., LOCAL TIME, TUESDAY, NOVEMBER 26TH, 2019, bids were opened for the above referenced project. Attached please find the bid tabulation which shows that **DePatco Inc.** of **Idaho Falls**, **ID 83402**, was the lowest responsive, responsible bidder at \$70,671.90. The Engineer's estimate on this project was \$81,013.00. We recommend that City Council accept and approve the project plans and specifications on file with the City Engineer, and the contract be awarded to said Contractor.

KJF:tn

Attachment

2-38-30-3-PRK-2017-23 ED-12, Rev. 4/5/2013

City of Idaho Falls

Engineering Department Bid Tabulation

TAUTPHAUS PARK N PARK DR IMPROVEMENTS AT BUTTE ARM CANAL

**Rent J. Fugal, P.E., PTOE

**Date: November 26, 2019

			Pato.		HEOR EC, ECT											
Item Number	Reference Number	Description	Estimated Quantity	Unit	Engineer	's Estimate	DePa	itco, Inc.	HK Cont	ractors, Inc.		Corporation -	TMC Con	tractors, Inc	3H Constr	uction, LLC
					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		in the					D. C. L. S.		ALC: NO					Total ranounc
2.01	201.4.1.B.1	Clearing and Grubbing	1	LS	\$5,000.00	\$5,000.00	\$3,450.00	\$3,450.00	\$1,286.00	\$1,286.00	\$4,060.00	\$4,060.00	\$2,135.00	\$2,135,00	\$10,000.00	\$10,000.00
2.02	201.4.1.D.1	Removal of Pavement	26	SY	\$35.00	\$910.00	\$59.00	\$1,534.00		\$1,123.72			\$40.00	\$1,040.00		\$650.00
2.03	202.4.1.C.1	Excavation	51	SY	\$35.00	\$1,785.00	\$41.50	\$2,116.50		\$2,667.30			\$24.00	\$1,224.00		\$1,326.00
2.04	202.4.6.A.1	Borrow	101	CY	\$35.00	\$3,535.00	\$27.00	\$2,727.00		\$4,242.00			\$43.00	\$4,343.00		
(1)		DIVISION 300 - TRENCHING			Harris and the	NO. ST. LOS	CONTRACTOR OF THE PARTY OF THE			1 1 1 1 1 1 1 1		ALL DESCRIPTION OF THE PERSON			\$20.00	Ψ2,020.00
3.01	307.4.1.G.1	Type "P" Surface Restoration (Asphalt Roadway) (2.5"/6")	20	SY	\$80.00	\$1,600.00	\$99.00	\$1,980.00	\$206.59	\$4,131.80	\$68.00	\$1,360.00	\$120.00	\$2,400.00	\$100.00	\$2,000.00
	Three Street	DIVISION 800 - AGGREGATES & ASPHALT	(35).LOV	17.3	STATE OF THE	CHONE W	No. of the last of			The state of	7-17-5		CC TO	1 200		
8.01	802.4.1.A.1.a	6" Crushed Aggregate for Base, Type I	69	CY	\$35.00	\$2,415.00	\$53.10	\$3,663.90	\$39.70	\$2,739.30	\$55.00	\$3,795.00	\$69.00	\$4,761.00	\$32.00	\$2,208.00
8.02	810.4.1.A.1.a	2.5" Plant Mix Pavement 3/4", PG 58-34		TON	\$85.00	\$4,845.00	\$96.00			\$6,822.90			\$165.00	\$9,405.00		
8.03	810.4.1.A.1.c	1.5" Plant Mix Pavement 1/2", PG 58-34		TON	\$82.00	\$27,552.00					\$108.00	\$36,288.00	\$105.00			
a kora		DIVISION 2000 - MISCELLANEOUS		75.73		To be a selected	THE REAL PROPERTY.	111162 833		100000	Teau - 2			400,200.00	\$100.00	Ψ+0,020.00
20.01	2010.4.1.A.1	Mobilization	1	LS	\$7,500.00	\$7,500.00	\$8,950.00	\$8,950,00	\$8,835.76	\$8,835,76	\$16,800.00	\$16,800,00	\$25,100.00	\$25,100.00	\$9,500.00	\$9,500.00
20.02	2030.4.1.A.1	Manhole, Adjust to Grade	2	EA	\$800.00	\$1,600.00		\$1,394.00		\$1,925.02						\$1,200.00
20.03	2050.4.1.C.1	Subgrade Separation Geotextile, Type II	413	SY	\$2.00	\$826.00				\$507.99			\$1.50			
		SPECIAL PROVISIONS		300								1012			40.00	\$1,200.00
SP-1	S0205	Topsoil	49	CY	\$40.00	\$1,960.00	\$30.40	\$1,489.60	\$26.99	\$1,322.51	\$29.00	\$1,421.00	\$24.00	\$1,176.00	\$50.00	\$2,450.00
SP-2	S0206	Sod	271	SY	\$35.00	\$9,485.00	\$7.50	\$2,032.50	\$6.33	\$1,715.43	\$7.00	\$1,897.00	\$6.00	\$1,626.00		\$4,065.00
SP-3	S0905	Irrigation System	1	LS	\$5,000.00		\$1,250.00		\$1,604.00	\$1,604.00		\$1,110.00	\$975.00	\$975.00		\$5,200.00
SP-4	S2050	Repair Sprinkler System	1	LS	\$5,000.00	\$5,000.00	\$800.00	\$800.00	\$691.00	\$691.00	\$720.00	\$720.00	\$630.00			\$1,000.00
SP-5	S2055	Repair Landscaping	1	LS	\$2,000.00	\$2,000.00	\$400.00	\$400.00	\$345.00	\$345.00	\$360.00	\$360.00	\$315.00			\$6,000.00
		TOTAL				\$81,013.00		\$70,671.90		\$74,312.37		\$87,696.50		\$93,309.50		\$104,599.00

One additional bid received was deemed non-responsive.

TAUTPHAUS PARK N PARK DR IMPROVEMENTS AT BUTTE ARM CANAL PROJECT # 2-38-30-3-PRK-2017-23







REBECCA L. NOAH CASPER CITY COUNCIL

MICHELLE ZIEL-DINGMAN SHELLY SMEDE

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

REVIEWED BY: PARKS & REC

DATE: 11-5-19





N PARK DR IMPROVEMENTS

CRIK BY: Y.G. DBG BY: Y.G. DWW BY: W.E.M.

FILE NO. 2-38-30-3-PRK-2017-23 DATE FLOTTED: SHEET NO.

DWG NO. MAIN-N PARK DR.dwg 11/4/2019 1 of 5

PUBLIC WORKS COUNCIL AGENDA



MEMORANDUM

FROM: Chris H Fredericksen, Public Works Director

DATE: Wednesday, December 4, 2019

RE: Bid Award – Fielding Cemetery Road Improvements

Item Description

On Tuesday, December 3, 2019, bids were received and opened for the Fielding Cemetery Road Improvements project. A tabulation of bid results is attached.

Purpose

The purpose of the proposed bid award is to enter into contract with the lowest bidder pave existing gravel roads with the cemetery. These improvements support the community-oriented results of a livable community and reliable public infrastructure and transportation.

Fiscal Impact / Financial Review

The cost allocation for this project will be provided by the park general fund and sufficient funding and budget authority exist for completion of the proposed improvements.

Legal Review

N/A

Interdepartmental Review

Reviews have been conducted with all necessary departments to ensure coordination of project activities.

Recommended Action

Public Works recommends approval of the plans and specifications, award to the lowest responsive, responsible bidder, HK Contractors, Inc., in an amount of \$58,595.00, and authorization for the Mayor and City Clerk to sign contract documents.



 \square Economic





☐ Governance



☐ Safety



☐ Growth



 \square Sustainability



☐ Learning



 $oxed{\boxtimes}$ Transportation

Fax (208) 612-8570



MEMORANDUM

TO:

Chris H Fredericksen, P.E., Public Works Director

FROM:

Kent J. Fugal, P.E., PTOE, Engineering Dept.

DATE:

December 3, 2019

SUBJECT:

FIELDING CEMETERY ROAD IMPROVEMENTS

Project No. 2-37-35-4-PRK-2019-28

This memo is to advise you that at 10:00 A.M., LOCAL TIME, TUESDAY, DECEMBER 3RD, 2019, bids were opened for the above referenced project. Attached please find the bid tabulation which shows that **HK Contractors, Inc.** of **Idaho Falls, ID 83405**, was the lowest responsive, responsible bidder at \$58,595.00. The Engineer's estimate on this project was \$58,600.00. We recommend that City Council accept and approve the project plans and specifications on file with the City Engineer, and the contract be awarded to said Contractor.

KJF:tn

Attachment

2-37-35-4-PRK-2019-28 ED-12, Rev. 4/5/2013

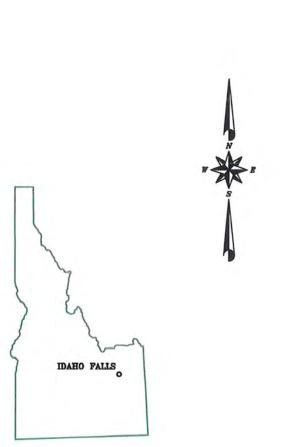
City of Idaho Falls Engineering Department Bid Tabulation

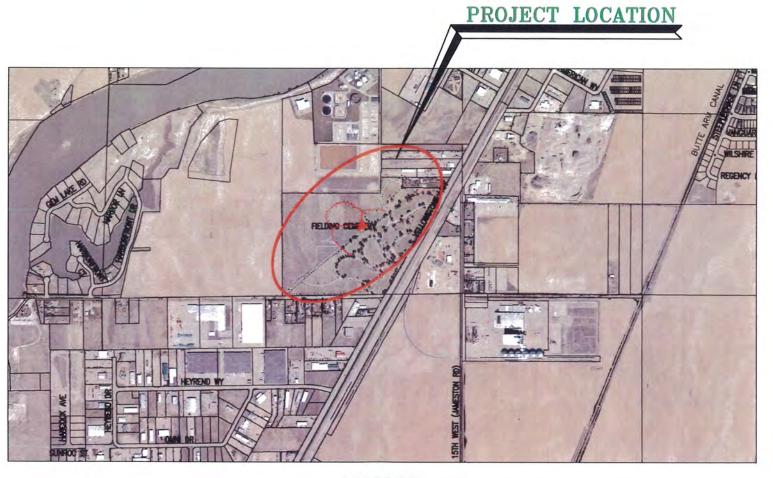
FIELDING CEMETERY ROAD IMPROVEMENTS

Number: 2-37-35-4-PRK-2019-28

Submitted:	Kent J. Fugal, P.E.	, PTOE	Date:	Decer	mber 3, 2019											
Item Number	Reference Number	Description	Estimated Quantity	Unit	Enginee	's Estimate	HK Cont	ractors, Inc.	DePat	tco, Inc.	A STATE OF THE STA	r Corporation - tain West	RC Heav	y Haul, Inc.	TMC Cont	ractors, Inc.
					Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount	Unit Price	Total Amount
	in Silvani in Marsh	DIVISION 800 - AGGREGATES & ASPHALT		4-07			144			Parking and						
8.01	802.4.1.A.1.c	Crushed Aggregate for Base, Type I	25	CY	\$50.00	\$1,250.00	\$80.00	\$2,000.00	\$74.75	\$1,868.75	\$175.00	\$4,375.00	\$420.40	\$10,510.00	\$40.00	\$1,000.00
8.02	810.4.1.A.1.c	2" Plant Mix Pavement 1/2", PG 58-34	610	TON	\$85.00	\$51,850.00	\$92.00	\$56,120.00	\$90.75	\$55,357.50		\$51,240.00		\$54,595.00		\$49,410.00
		DIVISION 1000 - CONSTRUCTION STORMWATER BMP's	a last of					10.24								
10.01	1001.4.1.A.1	Sediment Control	1	LS	\$5,500.00	\$5,500.00	\$475.00	\$475.00	\$1,665.00	\$1,665.00	\$3,500.00	\$3,500.00	\$1,950.00	\$1,950.00	\$16,755.00	\$16,755.00
	The state of the s	TOTAL		1	Fig. 1	\$58,600.00		\$58,595.00		\$58,891.25		\$59,115.00		\$67,055.00		\$67,165.00

FIELDING CEMETERY ROAD IMPROVEMENTS PROJECT # 2-37-35-4-PRK-2019-28







REBECCA L. NOAH CASPER CITY COUNCIL

MICHELLE ZIEL-DINGMAN

JIM FRANCIS SHELLY SMEDE JOHN B. RADE THOMAS HALLY JIM FREEMAN JOHN B. RADFORD

ENGINEERING DIVISION

PUBLIC WORKS DIRECTOR CHRIS H FREDERICKSEN, P.E.

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

REVIEWED BY: PARKS DEPARTMENT DATE: 11 5-19





CHIK BY: K.J.F. DOG BY: FILE NO. 2-37-35-4-PRK-2019-28 DATE PLOTTED: DWG NO. PRK-2019-28 TITLEPAGE



MEMORANDUM

FROM: Municipal Services

DATE: Wednesday, November 27, 2019

RE: Consent Agenda, Treasurer's Report for October 2019

Item Description

Attached please find the Treasurer's Report for the month-ending October, 2019.

Purpose

A monthly Treasurer's Report is required pursuant to Resolution 2018-06 for City Council review and approval.

Fiscal Impact / Financial Review

For the month-ending October 2019, total cash and investments total \$115M. As reported in the attached investment report the total investments reconciled to the October bank statements were \$97M. Total receipts received and reconciled to the general ledger were reported at \$14.5M, which includes revenues of \$12.3M and interdepartmental transfers of \$2.2M. Total disbursements reconciled to the general ledger were reported at \$20.6M, which includes salary and benefits of \$5.7M, operating costs of \$12.7 and interdepartmental transfers of \$2.2M.

Legal Review

Not applicable.

Interdepartmental Review

Not applicable.

Recommended Action

We recommend the Council to approve and accept the Treasurer's Report for the month-ending October 2019 on the consent agenda (or take other action deemed appropriate).



☐ Economic





☐ Growth



☐ Learning







☐ Safety



☐ Sustainability



☐ Transportation

CITY OF IDAHO FALLS MONTHLY TREASURER'S REPORT October, 2019

FUND	BEGINNING CASH & INVESTMENTS	TOTAL RECEIPTS	TOTAL DISBURSEMENTS	ENDING BALANCE CASH & INVESTMENTS
GENERAL	\$7,231,473.16	\$3,368,223.54	\$5,158,902.13	\$5,440,794.57
STREET	\$3,065,582.01	\$88,254.48	\$2,095,364.39	\$1,058,472.10
RECREATION	(\$173,358.02)	\$97,321.51	\$136,824.45	(\$212,860.96)
LIBRARY	\$2,954,288.16	\$294,001.06	\$246,553.56	\$3,001,735.66
AIRPORT PFC FUND	\$0.00	\$60,938.69	\$60,938.69	\$0.00
MUNICIPAL EQUIP. REPLCMT.	\$15,004,402.28	\$310,067.63	\$31,094.82	\$15,283,375.09
EL. LT. WEATHERIZATION FD	\$2,793,795.13	\$37,336.92	\$79,372.40	\$2,751,759.65
BUSINESS IMPRV. DISTRICT	\$91,526.35	\$549.25	\$25,000.00	\$67,075.60
GOLF	\$30,018.97	\$78,154.63	\$230,034.21	(\$121,860.61)
SELF-INSURANCE FD.	\$3,093,534.07	\$157,895.16	\$560,525.44	\$2,690,903.79
HEALTH & ACCIDENT INSUR.	\$4,559,391.86	\$8,022.47	\$0.00	\$4,567,414.33
WILDLAND	(\$10,082.51)	\$140,352.78	\$49,394.47	\$80,875.80
SANITARY SEWER CAP IMP.	\$2,471,676.60	\$44,071.03	\$3,472.00	\$2,512,275.63
MUNICIPAL CAPITAL IMP.	\$1,203,196.63	\$2,117.08	\$3,265.43	\$1,202,048.28
STREET CAPITAL IMPROVEMENT	\$880,744.82	\$1,549.71	\$2,617.71	\$879,676.82
BRIDGE & ARTERIAL STREET	\$661,703.61	\$25,163.40	\$0.00	\$686,867.01
WATER CAPITAL IMPROVEMENT	\$4,348,988.11	\$79,472.25	\$58,052.14	\$4,370,408.22
SURFACE DRAINAGE	\$176,573.72	\$5,783.26	\$0.00	\$182,356.98
TRAFFIC LIGHT CAPITAL IMPRV.	\$944,258.59	\$37,457.30	\$9,899.79	\$971,816.10
PARKS CAPITAL IMPROVEMENT	\$80,271.09	\$4,054.31	\$25,783.87	\$58,541.53
FIRE CAPITAL IMPROVEMENT	(\$2,861,150.21)	\$0.00	\$11.65	(\$2,861,161.86)
ZOO CAPITAL IMPROVEMENT	(\$155,406.58)	\$0.00	\$0.00	(\$155,406.58)
CIVIC AUDITORIUM CAPITAL IMP.	\$388,721.17	\$5,683.97	\$306,630.00	\$87,775.14
AIRPORT	\$100,746.53	\$1,954,908.85	\$1,268,603.55	\$787,051.83
WATER	\$6,513,913.70	\$1,025,064.59	\$2,096,231.32	\$5,442,746.97
SANITATION	\$2,838,095.93	\$553,600.72	\$577,099.30	\$2,814,597.35
AMBULANCE	(\$2,109,562.70)	\$542,111.63	\$614,056.83	(\$2,181,507.90)
IDAHO FALLS POWER	\$48,505,073.75	\$4,461,413.25	\$4,649,030.54	\$48,317,456.46
FIBER	\$867,440.20	\$102,014.13	\$1,090,566.71	(\$121,112.38)
WASTEWATER	\$17,649,572.68	\$1,086,965.72	\$1,296,339.17	\$17,440,199.23
TOTAL ALL FUNDS	\$121,145,429.10	\$14,572,549.32	\$20,675,664.57	\$115,042,313.85

CITY OF IDAHO FALLS INVESTMENT RECONCILIATION Oct-19



MEMORANDUM

FROM: Municipal Services Department **DATE:** Tuesday, November 26, 2019

RE: Accept Gift Deed for Idaho Falls Power

Item Description

On November 20, 2019 the City received a signed and notarized gift deed for Sunnyside North Properties, LLC.

Purpose

As per the attached map, the gift deed is for approximately 0.2669 acres. Acquiring this land supports the good governance community oriented result by securing land adjacent to Idaho Falls Power infrastructure.

Fiscal Impact / Financial Review

No City funds will be exchanged for the gift deed.

Legal Review

Legal has reviewed the documentation and has found no irregularities in the attached gift deed.

Interdepartmental Review

Reviews have been conducted with the necessary city departments to ensure coordination of the gift deed.

Recommended Action

Municipal Services recommends the acceptance of the gift deed from Sunnyside North Properties, LLC. and authorize staff to execute the necessary documents, or take other action deemed appropriate.



















☐ Learning



☐ Livable	☐ Safety	☐ Sustainability	☐ Transportation

Unless otherwise instructed, after recording return to:

LANE R. ARCHIBALD, PLLC

P.O. Box 51156 Idaho Falls, ID 83405-1156 (208) 521-4490 Our File No. L-2168

GIFT DEED

SUNNYSIDE NORTH PROPERTIES, LLC, an Idaho Limited Liability Company, as GRANTOR,

for and in the consideration of a donation to

the CITY OF IDAHO FALLS, a municipal corporation of the State of Idaho, as GRANTEE,

does hereby gift, quitclaim, release, remise and convey unto Grantee and Grantee's successors and assigns, all of the following described real property, to-wit:

(North and West of Sunnyside)

Beginning at the most Westerly comer of Lot 3, Block 1, Wycoff Addition, an Addition to the City of Idaho Falls, Bonneville County, Idaho; running thence S.60°43'36"E. along the Lot line 184.38 feet to the Westerly Right-of-Way line of Sunnyside Road; thence along said Westerly Right-of-Way line the following two (2) courses: N.43°31'59"E. 89.73 feet to a point of curve with a radius of 688.98 feet and a chord bearing N.45°29'01 "E. 46.90 feet; thence to the right along said curve 46.91 feet through a central angle of 03°54'03" to the North line of said Lot 3, Block 1, Wycoff Addition, said point also being on a curve with a radius of 2921.79 feet and a chord bearing S.88°03'24"W. 231.97 feet; thence along said North line the following two (2) courses: to the right along said curve 232.03 feet through a central angle of 04°33'00" to a point of reverse curve with a radius of 5672.58 feet and a chord bearing N.89°47'27"W. 24.25 feet; thence to the left along said curve 24.25 feet through a central angle of 00°14'42" to the POINT OF BEGINNING.

SUBJECT TO 2019 general taxes and assessments, all existing patent reservations, easements, right of ways, protective and restrictive covenants, zoning ordinances and applicable building codes, laws and regulations

TOGETHER WITH any and all improvements, water and ditch rights, easements, tenements, hereditaments and appurtenances thereunto belonging or in anywise appertaining, and any reversion, remainder, rents, issues, and profits thereof.

In construing this Deed and where the context so requires, the singular includes the plural, and the masculine, the feminine and neuter.

Dated: 11-20-19

SUNNYSIDE NORTH PROPERTIES, LLC

Gift Deed - Page 1 2168 Gift Deed (4/26/16)

STATE OF HOLHO Utah COUNTY OF BONNEVILLE Washington

executed the same.

Nothing Public for the State of Hahr Utah
Commission Expiration Date: May 31, 2023



NOTARY PUBLIC JANET SORENSEN COMM. # 706584 COMMISSION EXPIRES MAY 31, 2023 STATE OF UTAH



IDAHO FALLS

MEMORANDUM

FROM: Pam Alexander, Municipal Services Director

DATE: Thursday, December 5, 2019

RE: Bid IF-20-01 – Side Load Container Trucks for Public Works

Item Description

On November 15, 2019 bids were received for three new side load container trucks for Public Works.

Purpose

The purchase of the side load container trucks is for the sanitation division and supports the safety community oriented result by providing safe and reliable equipment.

Fiscal Impact / Financial Review

Funds to purchase the side load containers are within the Public Works 2019/20 budget.

Legal Review

Legal has confirmed the purchase complies with State Statute §67-2806(1).

Interdepartmental Review

Public Works concurs with the purchase.

Recommended Action

Municipal Services recommends approval of the purchase of three new side load container trucks to the lowest responsive, responsible bidder, Premier Truck Group of Idaho Falls in the amount of \$492,420.00 (or take other action deemed appropriate).



☐ Economic



☐ Livable



☐ Governance





☐ Growth



☐ Sustainability



☐ Learning



City of Idaho Falls
PO BOX 50220
IDAHO FALLS, IDAHO 83405
PHONE: (208) 612-8433

Office of Purchasing Agent

BID IF-20-01

Three (3) New 2020 or newer Side Load Refuse Container Body -mounted on three (3) New 2020 or newer Conventional Cab and Chassis

BIDDER	Rush Truck Centers	Premier Truck Group Bid "A"	Premier Truck Group Bid "B"
	Jerome, ID	Idaho Falls, ID	Idaho Falls, ID
REFUSE CONTAINER BODY			
Manufacturer	Southwestern Equipment	Southwestern Equipment	Kahn
Model	Challenger -30-LH	Challenger-30-LH	Packmaster Treehugger
Year	2020	2020	2020
CAB AND CHASSIS			
Manufacturer	International	Freightliner	Freightliner
Model	HV607	M2106	M2106
Year	2021	2021	2021
Delivery Time of Complete Unit	180-200 Days	120-150 Days ARO	120-150 Days ARO
Price per Each	\$179,100.00	\$176,140.00	\$215,405.13
TOTAL Price Without Trade-Ins	\$537,300.00	\$528,420.00	\$646,215.39
Trade-in Allowance #7027	\$16,000.00	\$18,000.00	\$18,000.00
Trade-in Allowance #7023	\$20,000.00	\$18,000.00	\$18,000.00
TOTAL PRICE WITH TRADE-INS	\$501,300.00	\$492,420.00	\$610,215.39
Idaho Motor Vehicle Dealer's License	169	4288	4288
	Southwestern	Southwestern	Solid Waste Sysyems

Opening Date: November 15, 2019

MUNICIPAL SERVICES COUNCIL AGENDA

IDAHO FALLS

MEMORANDUM

FROM: Pam Alexander, Municipal Services Director

DATE: Thursday, December 5, 2019

RE: Bid IF-20-02 -Tilt Frame Truck for Public Works

Item Description

On November 15, 2019 bids were received for one tilt frame truck for Public Works.

Purpose

The purchase of the tilt frame truck is for the sanitation division and supports the safety community oriented result by providing safe and reliable equipment.

Fiscal Impact / Financial Review

Funds to purchase the tilt frame truck are within the Public Works 2019/20 budget.

Legal Review

Legal has confirmed the purchase complies with State Statute §67-2806(1).

Interdepartmental Review

Public Works concurs with the purchase.

Recommended Action

Municipal Services recommends approval of the purchase of one tilt frame truck to the lowest responsive, responsible bidder, Rush Truck Centers of Jerome, Idaho in the amount of \$114,709.00 (or take other action deemed appropriate).



City of Idaho Falls PO BOX 50220 IDAHO FALLS, IDAHO 83405 PHONE: (208) 612-8433

Office of Purchasing Agent

BID IF-20-02

Opening Date: November 15, 2019

	One (1) New 2019 or Newer	r Roll-Off Container Tilt Frame m	One (1) New 2019 or Newer Roll-Off Container Tilt Frame mounted on One (1) New 2020 Cab and Chassis	and Chassis	
BIDDER	Rush Truck Centers Bid A Jerome, ID	Rush Truck Centers Bid B Jerome, ID	Metroquip Meridian, ID		
ROLL OFF CONTAINER TILT FRAME					
Manufacturer	Galfab	Galbreath	Stellar Industries		
Model	10601745072	U5-I/0-174	S160-17410		
Year	2019-2020	2019-2020	2020		
CAB AND CHASSIS					
Manufacturer	International	International	Freightliner		
Model	HV607	HV607	M2		
Year	20-2021	2020-2021	2021		
Delivery Time of Complete Unit	150-200 Days	150-180 Days	180-210 Days		
Price without Trade-In	\$140,504.00	\$139,709.00	\$148,927.29		
Trade-in Allowance #7039	\$25,000.00	\$25,000.00	\$20,500.00		
TOTAL PRICE WITH TRADE-IN	\$115,504.00	\$114,709.00	\$128,427.29		
Idaho Motor Vehicle Dealer's License	169	169	0844-0		
Sub-Bidder Container Refuse Body	Galfab	Galbreath	N/A		

The City Council of the City of Idaho Falls met in Council Work Session, Monday, November 25, 2019, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 3:00 p.m.

Call to Order and Roll Call:

There were present:

Mayor Rebecca L. Noah Casper

Councilmember Thomas Hally

Councilmember Michelle Ziel-Dingman

Councilmember Jim Freeman

Councilmember Jim Francis

Councilmember Shelly Smede

Councilmember John Radford (arrived at 3:11 p.m.)

Also present:

Rachel Pallister, Idaho Transportation Department (ITD) Grants Officer

Pamela Alexander, Municipal Services Director

Carla Bruington, Mayor's Office Executive Assistant

Linda Lundquist, Idaho Falls Power Executive Assistant

Dana Briggs, Economic Development Coordinator

Chris Fredericksen, Public Works Director

Randy Fife, City Attorney

Kathy Hampton, City Clerk

Mayor Casper called the meeting to order at 3:00 p.m. with the following items:

Targhee Regional Public Transportation Authority (TRPTA) Update:

Councilmember Dingman presented the following:

Board of Directors and ITD Key Players:

- TRPTA Board Dave Radford, Chair-Bonneville County Commissioner; Michelle Ziel-Dingman, Idaho Falls City Council; Lisa Farris, City of Idaho Falls Grants Administrator; Sean Coletti, Mayor of Ammon; Jerry Merrill, Mayor of Rexburg
- ITD Key Players Rachel Pallister, Grants Administrator-Public Transit; Shauna Miller, Safety, Performance, and Asset Management Grants Officer

Councilmember Dingman stated a new director of public transit will begin working the first week of December. She noted the director has no public transit experience.

May – July 2019

- Operations ceased May 1, 2019
- TRPTA Boards goals during this timeframe: grasp the financial commitments of the organization; contact creditors and receive updated account balances; communicate with riders and partners alternative solutions/cessation of service; manage building operations and tenant relationships in a timely, efficient manner; and, communicate with ITD and Federal Transit Administration (FTA) about current state of affairs and future planning

May – July 2019 Outcomes

- Negotiated debt or acquired debt forgiveness with approximately 60% of debtors. Current outstanding debt at approximately \$415,000 although this exact amount is still unknown.
- Built an improved relationship with current tenants, Jenkins Glass and Bonneville Metropolitan Planning Organization (BMPO)
- Paid out former TRPTA employees paid time off (PTO) and Public Employee Retirement System of Idaho (PERSI) benefit debt utilizing local match from the City and FTA grants
- Maintained minimum building standards and security with the help of BMPO staff

- Communicated with City staff and local interested parties transportation alternatives (limited methods)
- Councilmember Dingman met with ITD and FTA staff and attended ITD's 2019 Public Transportation Summit in Boise

August – October 2019

• TRPTA Boards goals during this timeframe: inventory TRPTA's assets; secure auction provider for a public, open, and, fair liquidation process, then liquidate assets to improve cash position; communicate building plans with current tenants; explore means of restructuring the organization financially and operationally; and, work with FTA and ITD on next steps of future transportation planning

August – October 2019 Outcomes:

- Completed full inventory of TRPTA's assets
- Secured auction company to manage auction process. Public auction began in late September and closed October 6.
- All items were sold: \$179,032.50 collected from auction, minus expenses and commissions. TRPTA profited \$160,584.61. Approximately \$35,000 from this payment will be owed to FTA for their portion of assets sold.
- BMPO announced they are vacating the TRPTA building in December. Jenkins Glass continues to rent from TRPTA.
- TRPTA acquired the services of Taggart & Maynes, filing for bankruptcy in late November.
- Community Transportation Association of America (CTAA), a non-profit organization, is in contract negotiations with ITD to provide TRPTA consulting services. Some of their scope of work includes a need assessment, route configuration, operation sustainability, and grant opportunities. This contract should be executed by the end of December 2019 and will start in January 2020.

Councilmember Dingman believes there was the opportunity to provide the community a fixed-route system that would meet the needs of public transit, this was not necessarily in the same manner that TRPTA operated. She also believes the majority of the board agrees there is a need for a fixed-route system within the City of Idaho Falls, which does not currently exist. The board is exploring something that is sustainable and is able to provide a scaled-back system from TRPTA. Ms. Pallister stated previous TRPTA was meshing paratransit and non-emergency medical transportation, which should be separate. Paratransit, a federal requirement if there is a fixed-route system, is the most expensive form of transportation due to demand-response based. Previous TRPTA was exceeding the requirement and was combining those rides with non-emergency medical transportation (Medicaid) reimbursement. Ms. Pallister stated required paratransit can be performed efficiently by not allowing beyond those who are eligible. She also stated paratransit and demand-response is available to anyone. Ms. Pallister noted that CTAA has worked in Idaho for 20+ years and is very knowledgeable and familiar with TRPTA. Existing information will be used from ITD, BMPO, and, TRPTA for rebuilding. The focus is how to financially do this successfully. To the response of Mayor Casper, Ms. Pallister stated because the TRPTA name is included in the Code, a new name could be 'Doing Business As'. She also stated a bus system could be marketed per the community route. To the response of Mayor Casper, Councilmember Dingman stated any decision for the current board or a new board will be decided through the bankruptcy filings and reorganization. She also stated it is the attorney's legal opinion that TRPTA cannot be operating outside of Bonneville County. She noted the City of Idaho Falls is the only local match for TRPTA for the upcoming year. Other surrounding cities, and Bonneville County, will not be contributing to TRPTA in the fiscal year. Councilmember Dingman stated the board is doing their best to run an organization as an existing legal entity as well as ensuring the buildings are properly maintained. To the response of Councilmember Hally, Councilmember Dingman stated the building process is still being determined, the value of the building will be determined through the bankruptcy. Brief discussion followed regarding time dependent and the size of vehicles. Ms. Pallister confirmed all vehicles need to be Americans with Disabilities Act (ADA) compliant. She also stated CTAA will lay out options of an efficient system. Councilmember Dingman stated ITD will be taking on all contract costs with CTAA. Ms. Pallister stated ITD will also administer future funding for TRPTA, she believes this will allow better communication. She noted due to the small office for FTA Region 10, there was not a lot of support. Councilmember Dingman expressed her appreciation to ITD as a sponsoring member of the funds. She also expressed her appreciation to Ms. Farris, particularly with her grant writing expertise. To the response of Councilmember Freeman, Ms. Pallister

confirmed ITD will be utilizing their funds for CTAA, administering grants will be ITD's own overhead. To the response of Councilmember Francis, Councilmember Dingman believes the local match from governmental entities and private partners within Bonneville County will help set the stage for the routes. She stated routes and pricing are unknown at this time, CTAA will provide this information. General discussion followed. Councilmember Dingman expressed her appreciation to the other elected officials for her ability to work on the project. Mayor Casper confirmed 'old TRPTA' will be involved in the bankruptcy, this will allow a new opportunity for 'new TRPTA' although the timing is unknown at this time.

Acceptance and/or Receipt of Minutes:

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to receive recommendations from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA). Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Radford, Smede. Nay – none. Motion carried.

Calendars, Announcements and Reports:

November 26, City Council Meeting; and, Salvation Army annual bell ringing kickoff

December 10, City Holiday Party

December 12, Association of Idaho Cities (AIC) Fall Academy (legislative items will be included)

Mayor Casper distributed a letter of appreciation; a letter of support for the Idaho Falls Chukars; and, miscellaneous calendars.

Liaison Reports and Concerns:

Councilmember Hally had no items to report.

Councilmember Smede had no items to report.

Councilmember Freeman stated a Winter Carnival will be occurring December 28 at the Ice Arena.

Councilmember Francis stated he will be making a motion to remove the E-Bike and E-Scooter item from the November 26 Special Council Meeting agenda.

Councilmember Radford announced Deck the Falls water show on the falls.

Councilmember Dingman stated the outcome for the Airport Small Community Air Service Development Grant (SCASDP) should be known in the near future.

2020 Calendar Review:

Mayor Casper recognized the team effort of Director Alexander, Ms. Lundquist, Ms. Bruington, and, Ms. Hampton for the proposed 2020 meetings calendars. The holiday schedule (provided by Human Resources), Council Meetings (as determined by City Code), Council Work Sessions (typically held on the Monday prior to Council Meetings), Council travel (several meetings are still to be determined), Idaho Falls Power Board Meetings (typically held the fourth Thursday of each month), and, the Budget calendar (scheduled in a reverse order from the required publication dates) were reviewed with general discussion throughout. Final calendars will be distributed in the near future.

<u>Liiingo Presentation/Rollout:</u>

Ms. Briggs stated the Liiingo app, which will provide visitors an experience in their own language, has been developed by the City to further tourism and economic development in the community. She believes the app is very user friendly. Ms. Briggs interactively demonstrated the app with the Councilmembers. The app has information available in four (4) languages: English, Chinese, Japanese, and, Spanish. Ms. Briggs stated the contract was funded through the Community Partnership Grant in the amount of \$5,500. The languages were decided through predominant visitors in the community. Additional languages could be expanded or changed as needed. Ms. Briggs stated the app was designed with the visitor in mind with a general downtown overview. She also stated as businesses are interested in Liiingo, those individual businesses will have a separate contract with Liiingo. Ms. Briggs noted, as the City contact, she has the ability to change the content and update the app information as needed. She also noted there is a broad implementation strategy, including brochures, business cards, window clings, and, information on the City's website and social media pages. Ms. Briggs stated Liiingo has expressed their appreciation for the City as the first municipality using the app, therefore, Liiingo has waived the annual contract fee.

Costco Memorandum of Understanding (MOU) and Water Line Purchase Agreement with Falls Water Discussion: Director Fredericksen stated following City-initiated annexations and the development of Costco, it has been determined that Falls Water has an existing water line in Lincoln Road. He noted discussion had previously occurred regarding purchasing Falls Water. Suggestions presented were: 1 – buy the water asset through a water purchase agreement or, 2 – enter into a MOU. Director Fredericksen stated Falls Water is determining if the asset can be sold per the Idaho Public Utility Commission. He reviewed the service area map, stating the majority of the service area is on the eastern side of Hitt Road. There is also service areas on the west side, which is referred to as Ouarter Circle. The proposal in the MOU would include current property within the Area of Impact (AOI) with the exception of a small area on the southwest side of Hitt Road (Smith RV). Falls Water would continue to serve current areas surrounding Quarter Circle. Director Fredericksen stated the MOU has a five-year renewable term with a 30-day out clause. To the response of Mayor Casper, Director Fredericksen believes Falls Water is a lower water rate. To the response of Councilmember Francis, Director Fredericksen stated Falls Water is subject to water calls although he does not believe they are subject to water mitigation. Mr. Fife stated the intent of the MOU is to keep current areas intact, not take away authority, and, allow for City growth. He also stated the MOU may address the decision for the interconnections across jurisdictions. The City may also have to decide and govern what type of utilities for crossing jurisdictions. Councilmember Freeman noted Quarter Circle is served by the City sewer system. Director Fredericksen believes this is a long-range planning tool for future infrastructure. Brief general discussion followed. Director Fredericksen reviewed the areas within the Water Line Purchase agreement, if approved by the Idaho Public Utility Commission. The total cost would amount to \$43,385.30. Director Fredericksen stated the timeframe would be within six (6) weeks, although per a previous City commitment, water service needs to be provided to Costco by April 1, 2020.

Sewer Service Connections for Bonneville County Local Improvement District (LID) Resolution Discussion: Director Fredericksen stated the LID was created in 1997 with Bonneville County to provide sewage collection within LID No. 2. Even though there has been a decision not to serve outside of City limits, the properties within the LID have paid an assessment to allow for these connections. In the agreement to provide sewage, there is also a notice for individual agreements. The proposed resolution would allow approval of these individual agreements with the Mayor's signature only. Director Fredericksen stated if the entire building is within the LID, the City would intend to serve. A septic system would be located beyond this area and annexation would be required in order to provide City services. To the request of Mayor Casper, Director Fredericksen reviewed the AOI within the LID. This item will be included on the November 26 Council Meeting agenda.

There being no further business, the meeting adjourned at	t 5:06 p.m.
CITY CLERK	MAYOR

The City Council of the City of Idaho Falls met in Special Council Meeting, Tuesday, November 26, 2019, in the Council Chambers in the City Annex Building located at 680 Park Avenue in Idaho Falls, Idaho at 7:30 p.m.

Call to Order:

There were present:
Mayor Rebecca L. Noah Casper
Councilmember Thomas Hally
Councilmember Jim Francis
Councilmember Michelle Ziel-Dingman
Councilmember Shelly Smede
Councilmember Jim Freeman

Absent:

Councilmember John Radford

Also present: All available Department Directors Randy Fife, City Attorney Kathy Hampton, City Clerk

Pledge of Allegiance:

Mayor Casper requested McKenzi Riggs, a senior at Taylor's Crossing Public Charter School, to lead those present in the Pledge of Allegiance.

Public Comment:

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

Robert Smith, Idaho Falls resident, appeared. Mr. Smith expressed his concern about the Idaho Falls Police Department (IFPD). He requested a meeting with the Mayor and members of the Council to discuss his concerns. He wishes to discuss how the IFPD treated him in a previous manner, who did what, and, why they did it.

Consent Agenda:

Parks and Recreation requested approval of Receipt of Pledge received from the William J. and Shirley A. Maeck Family Foundation.

Municipal Services requested approval of Receipt of Pledge received from the William J. and Shirley A. Maeck Family Foundation; Bid IF-20-04, Road Salt for Public Works; Quote IF-20-009, Bobcat Skid Steer Loader for Public Works; and, Quote IF-20-010, Distribution Transformers for Idaho Falls Power.

The City Clerk requested approval of Canvass of the Vote from the November 5, 2019 Election; minutes from the November 12, 2019 Council Work Session; and, November 14, 2019 Council Meeting; and, license applications, all carrying the required approvals.

It was moved by Councilmember Smede, seconded by Councilmember Freeman, to approve, accept, or receive all items on the Consent Agenda according to the recommendations presented. Roll call as follows: Aye – Councilmembers Freeman, Smede, Francis, Dingman, Hally. Nay – none. Motion carried.

Regular Agenda:

Office of the Mayor

Subject: E-Scooter/E-Bike Ordinance

Councilmember Francis recognized the major effort and interdepartmental cooperation for the draft proposal. He believes the Council should give due deliberation and seek more public input prior to passage. He also believes the City is trying to establish an ordinance that mutually benefits the community and businesses. It was then moved by Councilmember Francis, seconded by Councilmember Freeman, to table item A.1) on the Regular Agenda, titled E-Scooter/E-Bike Ordinance, to a time certain of Thursday, February 13, 2020, a regularly-scheduled Council Meeting. Roll call as follows: Aye – Councilmembers Hally, Dingman, Francis, Smede, Freeman. Nay – none. Motion carried.

Mayor Casper stated this item will be included as needed on the December 9, Council Work Session; the January 27, Council Work Session; and, the February 10, Council Work Session, to prepare for a vote on February 13.

Municipal Services

Subject: Approve Ordinance to Adopt Changes to Titles 4 and 7, License Expiration Dates

The Municipal Services Department recommends approval to adopt changes to license expiration dates for all business and tradesman licenses.

Councilmember Smede believes this item is a long time coming. She stated all license renewals are currently due by December 31. This change would allow businesses and tradesman a full year of licensure from the time the license was issued. This change would also slow down the rush in the Clerk's Office at the end of the year. It was noted this change would not include recent changes to alcohol licenses.

It was moved by Councilmember Smede, seconded by Councilmember Dingman, to approve the Ordinance amending Titles 4 and 7, under a suspension of the rules requiring three complete and separate readings and request that it be read by title and published by summary. Roll call as follows: Aye – Councilmembers Dingman, Smede, Francis, Freeman, Hally. Nay – none. Motion carried.

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

ORDINANCE NO. 3282

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, AMENDING CHAPTERS 5, 6, 7, 8, 11, 12, 13, 14, 15, AND 16, OF TITLE 4 AND CHAPTER 9 OF TITLE 7 OF THE IDAHO FALLS CITY CODE TO PROVIDE LICENSE RENEWALS TO EXPIRE ONE CALENDAR YEAR FROM THE DATE OF ISSUANCE AND TO CLARIFY THE PROCEDURES TO OBTAIN THE CITY'S ITINERANT MERCHANTS AND MOBILE FOOD LICENSES; PROVIDING SEVERABILITY, CODIFICATION, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

Public Works

Subject: Resolution allowing the Mayor to approve Sewer Service Connections within Bonneville County – Local Improvement District (LID) No. 2

For consideration is a Resolution that would allow the Mayor to execute sanitary sewer service connection agreements to properties located within the Bonneville County Local Improvement District (LID) No. 2.

Councilmember Freeman stated this area is commonly known as the Quarter Circle Parcel. The LID was established in 1977 and the property owners within its boundaries have been paying sewer assessment fees since

that time. The property is now being developed. Mayor Casper stated the LID was created by the County and, the City is bound to it. She questioned the expiration of the LID. Mr. Fife stated LIDs are set up for a certain time and the assessment role is spread out in equal payments over the term of the LID. He stated although the LID has probably been paid, the obligation remains. To the response of Mayor Casper, Director Fredericksen stated there was a mutual County/City agreement for the LID. He noted even after the City changed policy no longer allowing sewer services outside City limits there were previous requests which had to be honored to meet the agreements. Mayor Casper stated the County should not expand the City's Area of Impact (AOI) outside a limit although the County created a zone for development. She believes there should be a separate set of principles for County development and City development. Director Fredericksen stated the LID was initiated due to environmental concern of the properties, specifically septic tank concerns. He also stated the AOI interconnects at this location. Mayor Casper stated she also shares the environmental concerns. To the response of Councilmember Smede, Director Fredericksen believes LIDs no longer exist in the area. To the response of Councilmember Francis, Director Fredericksen confirmed the main line infrastructure will be paid by the developer. He stated this will allow sewer users to be placed under City ordinance in order to apply fees.

It was moved by Councilmember Freeman, seconded by Councilmember Francis, to approve the resolution allowing the Mayor to approve Sewer Service Connections within Bonneville County – Local Improvement District (LID) No. 2, and give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows: Aye – Councilmembers Francis, Dingman, Freeman, Hally, Smede. Nay – none. Motion carried.

RESOLUTION NO. 2019-24

A RESOLUTION OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO, MEMORIALIZING CITY POLICY BY GRANTING THE MAYOR SPECIAL AUTHORITY TO EXECUTE CONTRACTS TO PERMIT OUTSIDE THE CITY CONNECTIONS TO PROPERTIES WITHIN THE GEOGRAPHIC BOUNDARIES OF THE LOCAL IMPROVEMENT DISTRICT NO. 2, ESTABLISHED BY BONNEVILLE COUNTY ORDINANCE NO. 108-7; AND PROVIDING THAT THIS RESOLUTION BE EFFECTIVE UPON ITS PASSAGE, APPROVAL AND PUBLICATION ACCORDING TO LAW.

Announcements:

Mayor Casper stated City offices will be closed November 28 and 29 for the Thanksgiving holiday; the Salvation Army is hosting a Thanksgiving meal on November 28 for members of the community; the downtown tree lighting and Shop Small Saturday will be occurring November 30; and, she noted Cyber Monday and Giving Tuesday for charities.

There being no further business, the meeting adjo	burned at 7:54 p.m.
CITY CLERK	MAYOR

REGULAR AGENDA:

PUBLIC WORKS COUNCIL AGENDA



MEMORANDUM

FROM: Chris H Fredericksen, Public Works Director

DATE: Wednesday, December 4, 2019

RE: Iona Bonneville Sewer District (IBSD) – Request for Sewer Service Area Expansion

Item Description

Public Works is in receipt of a request from the IBSD to increase the District's sewer service area boundary by 68.64 acres for Liberty Homes. The proposed expansion area is for inclusion of property located generally south of the North Yellowstone Highway and north of the East Iona Road as depicted in the attached exhibit.

Purpose

Section 8 of the Cooperative Agreement for Sewage Collection and Treatment between Idaho Falls and the District requires that enlargements to the sewer service area be approved by the City of Idaho Falls. The City had previously requested that the District not expand its sewer service area unless alternative means were secured for sewage to reach the Wastewater Treatment Plant. Currently, the Sunnyside Sanitary Sewer Trunk line carries all flow from the District to the Plant. The District did reduce its service area in response to our request and is approximately 231 acres smaller than when originally requested by the City. The District's sewer service area would still be approximately 162 acres smaller than it was in 2016, if this request is approved. This request is in conformance with community-oriented results of well-planned growth and development and environmental sustainability.

Fiscal Impact / Financial Review

Expansion of the sewer service area will have no out of pocket expense to the city.

Legal Review

N/A

Interdepartmental Review

N/A

Recommended Action

Public Works recommends approval of this request and authorization to modify the sewer service area accordingly.

2019-119



 \square Economic



☐ Livable



☐ Governance



☐ Safety





oxtimes Sustainability



☐ Learning



 $\hfill\square$ Transportation



MAILING 3395 E. Leihm Lane Idaho Falls, Idaho 83401 OFFICE 3395 E. Leihm Lane Idaho Falls, Idaho 83401 (208) 524- 4545

OTHER
Fax (208) 524-4646
Email - <u>ibsd@sewerdistrict.com</u>
Website - <u>www.sewerdistrict.com</u>

November 22, 2019

Mr. Chris Fredericksen Public Works Director City of Idaho Falls 380 Constitution Way Idaho Falls, Idaho 83402

RE: Annexation into the Iona Bonneville Sewer District

Dear Chris,

The IBSD Board of Directors considered and approved the annexation request presented by Liberty Homes at the meeting held December 12, 2018. The property owner has recently submitted the petition, a copy of which is provided for your use. The Board is now officially requesting City of Idaho Falls approval of the annexation of this property into our service area at this time.

The enclosed map is for 68.64 acres to be included in the approved service area. It is requested that the service area be updated with the approved area shown in this petition.

The Board voted to approve the annexation subject to the approval of the City of Idaho Falls, after which, if a positive reply is received, a public hearing will be scheduled for comments and complete the annexation.

Thank you for your consideration on this matter.

Sincerely,

Donna Bridges District Manager

enclosures

PETITION

To: Iona Bonneville Sewer District

The undersigned do hereby Petition the Board of Directors of the Iona Bonneville Sewer District, a quasi-municipal corporation of the State of Idaho, located within Bonneville County, Idaho and do state and represent as follows:

- That the Petitioners are the owners of the property described.
 - a) Owner: Liberty Homes

Address: 2927 E IONA RD

Property Description: See Exhibit A

- That the undersigned as owners have given consent to the inclusion of the property described herein from said District.
- 3. That the petitioners have submitted the filing fee of \$800.00.

WHEREFORE, the undersigned do request that notice be given and published stating the filing of the Petition, the names of the Petitioners, the description of the lands and the request to be included in the District: that the Board set a time, and give notice, that at the office of the Board at said time that any and all persons interested may appear and show cause in writing, if any they have why the Petition should not be granted and that the failure of any person to appear and show cause shall be deemed as a consent on his part to the inclusion of such lands in the District.

Dated this 19th day of Nove	<u>mber</u> , 2019.	ANNE DIA
	CAR)	MY COMMISSION
STATE OF IDAHO		EXPIRES 10-9-2025
COUNTY OF BONNEVILLE)S.S.)	SS/OWNUMBER

On this At day of November, 2019, before me, the undersigned, a Notary Public in and for said State, personally appeared, Levi Jaruis, known to me or identified to me to be the persons whose names are subscribed to the within instrument, and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal the day and year first above written.

Dated this 19th ay of November, 2019



Exhibit A

BEGINNING AT A POINT THAT IS N.89°41'16"W. ALONG THE SECTION LINE 496.53 FEET AND N.00°03'14"E. 38.77 FEET FROM THE SOUTH 1/4 CORNER OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN; THENCE N.89°49'26"W. 815.93 FEET TO THE WEST LINE OF THE EAST 1/2 OF THE SOUTHWEST CORNER OF SAID SECTION 3; THENCE N.00°02'06"E, ALONG SAID WEST LINE 1648.47 FEET; THENCE N.89°48'24"E, 191.83 FEET; THENCE N.00°11'36"W. 500.00 FEET; THENCE N.20°15'26"W. 137.22 FEET TO THE SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 26; THENCE N.49°40'44"E. ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 157.79 FEET; THENCE S.40°19'16"E. 250.48 FEET; THENCE N.49°40'44"E, 249.05 FEET; THENCE N.40°19'16"W. 250.48 FEET TO SAID SOUTHERLY RIGHT OF WAY LINE OF U.S. HIGHWAY 26; THENCE N.49°40'44"E. ALONG SAID SOUTHERLY RIGHT OF WAY LINE A DISTANCE OF 80.00 FEET TO THE EAST-WEST CENTER SECTION LINE OF SAID SECTION 3; THENCE S.89°31'13"E. ALONG SAID EAST-WEST LINE A DISTANCE OF 795.45 FEET TO THE NORTH-SOUTH CENTER SECTION LINE OF SAID SECTION 3; THENCE S.00°02'50"E. ALONG SAID NORTH-SOUTH LINE 2261.05 FEET; THENCE N.89°49'26"W. 187.04 FEET; THENCE S.51°53'53"W. 392.75 FEET; THENCE S.00°03'14"W. 85.89 FEET TO THE POINT OF BEGINNING.

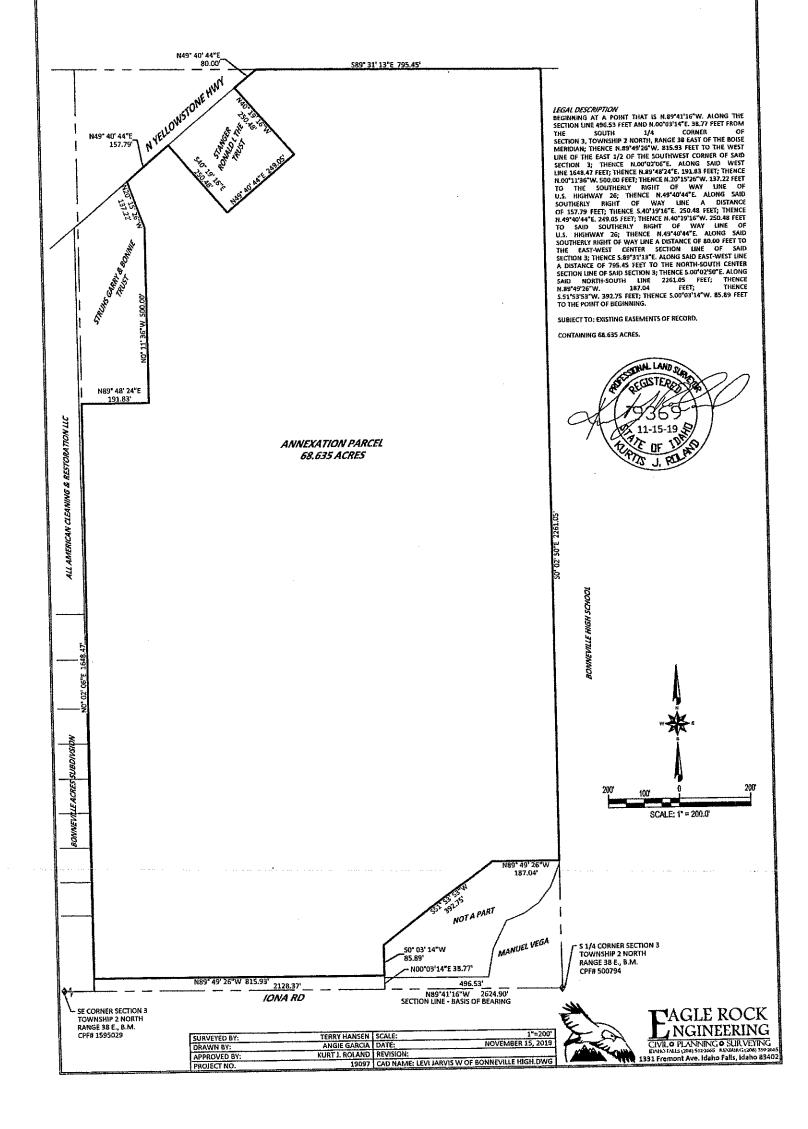
SUBJECT TO: EXISTING EASEMENTS OF RECORD.

CONTAINING 68.635 ACRES



ANNEXATION MAP

A PARCEL IN THE SOUTH 1/4 CORNER OF SECTION 3, TOWNSHIP 2 NORTH, RANGE 38 EAST OF THE BOISE MERIDIAN BONNEVILLE COUNTY, IDAHO



IDAHO FALLS POWER COUNCIL AGENDA



RE:

MEMORANDUM

FROM: Bear Prairie, General Manager

DATE: Friday, December 6, 2019

Regular Agenda – Consulting Services Agreement with Kleinschmidt Associates for Phase I

Relicensing Preparatory Work

Item Description

Proposal for consulting services agreement with Kleinschmidt Associates for Idaho Falls Power (IFP) Phase I Relicensing Preparatory Work.

Purpose

On July 17, 2019, Kleinschmidt Associates provided IFP the first draft of a Strategic Relicensing Plan (Plan) for IFP's two hydroelectric projects: the Idaho falls (P-2842) and Gem State (P-2952) Projects. The Plan provided recommended activities that could be completed in advance of relicensing. IFP requested that Kleinschmidt prepare a proposal to implement these recommendations identified as Phase I Preparatory Work within the Plan. The consulting services agreement will provide document development for the relicensing of the Hydropower Projects for a not-to-exceed cost of \$70,000.00. While the consulting services agreement supports nearly all of the community-oriented results, it specifically speaks of good governance by providing assurance of regulatory and policy compliance to minimize and mitigate risk. The agreement also supports the Strategic Plan's financial area of focus on regulations by maintaining the hydropower relicensing plan and schedule.

Fiscal Impact / Financial Review

Funding to pay for the consulting services agreement is in the 2019/20 Idaho Falls Power fiscal year budget.

Legal Review

Legal has reviewed and approved the consulting services agreement.

Interdepartmental Review

None required per Statute 67-2320, "For work continuing from year to year, previously qualified firms who have a history of working on a project and who have unique knowledge may be selected for continued work."

Recommended Action

The recommended action is to accept and approve the consulting services agreement for Phase I Relicensing Preparatory Work with Kleinschmidt Associates for a not-to-exceed amount of \$70,000.00.





August 30, 2019

VIA ELECTRONIC MAIL

Mr. Richard Malloy Hydropower & Utility Regulatory Compliance Manager Idaho Falls Power 140 So. Capital Idaho Falls, ID 83402

Proposal for Consulting Services (1970002.00)

Idaho Falls Power Phase I Relicensing Preparatory Work

Dear Mr. Malloy:

On July 17, 2019, Kleinschmidt Associates (Kleinschmidt) provided to Idaho Falls Power (IFP) the first draft of a Strategic Relicensing Plan (Plan) for IFP's two hydroelectric projects: the Idaho Falls (P-2842) and Gem State (P-2952) Projects (Projects). The Plan provided recommended activities that could be completed in advance of relicensing. IFP requested that Kleinschmidt prepare a proposal to implement these recommendations identified as Phase I Preparatory Work within the Plan. Per your request, this letter proposal provides our proposed scope, schedule, and budget for the Phase I Preparatory Work.

PROPOSED SCOPE OF WORK

Based on the Plan and subsequent conversations with IFP, the specific tasks to be performed and deliverables to be provided are listed below:

TASK 1 – PROJECT MANAGEMENT

- General project management, administration, review, status updates and task close-out.
- Periodic conference calls, if necessary, and general communication.
- Maintenance of existing SharePoint site to facilitate data transfer and provide an organizing tool for initiating relicensing.

TASK 2 – EXHIBIT G REVISIONS

The most recently approved Exhibit G drawings¹ for the Projects have not yet been located in IFP records or on FERC's eLibrary. Efforts to obtain copies from FERC staff have also been unsuccessful. Efforts will continue to obtain these drawings so that current Project boundaries are known and may be used in the analysis of Project and federal lands. Once current Exhibit G drawings have been obtained, Kleinschmidt will revise the Projects'

¹ Exhibit G drawings were formally referred to as Exhibit K drawings. While the Idaho Falls Project's drawings are still technically labeled as Exhibit K drawings, they will be referred to as Exhibit G drawings in this proposal for ease of discussion.

Exhibit G drawings and develop the required spatial data and documentation according to FERC standards and regulations. This effort generally involves the following subtasks and assumptions:

- Digitization of Project boundaries from current drawings into a GIS format (shapefile or geodatabase), as well as the creation or retrieval of other FERC-required GIS data.
- Where the Project boundaries are defined by the maximum water surface or flood elevations, publicly-available elevation data will be used to generate a digital terrain model and accurate contours for those boundaries.
- Metes and bounds descriptions as depicted on current Exhibit G drawings or land ownership information provided by IFP will be used to plot the existing boundaries where not defined by a contour elevation.
- The digitized Project boundaries will be analyzed to determine whether lands should be removed or added under the current license, including the potential removal of federal lands as analyzed in Task 3. It should be noted that the process of digitizing a historic Project boundary inevitably results in small changes to the Project boundary and acreages due to updated mapping methods (use of digital terrain models) or for the correction of past inaccuracies.
- Exhibit G drawings will be formatted to meet FERC's current standards and regulations, including the review and approval of a licensed surveyor.

TASK 3 – EXHIBIT A REVISIONS

Exhibit A² is FERC's official description of Project works for each development, including, in part, the dimensions or specifications of physical features and mechanical, electrical, and transmission equipment, and any federal lands within the Project boundary. As recommended in the Plan, it will be beneficial for IFP to confirm the accuracy of its Project descriptions to reduce inaccuracies and confusion during the relicensing process. Further, there are two items listed in a license's Exhibit A that are used to determine FERC's annual charges, as they pertain to IFP's Projects: each Project's authorized installed capacity and federal lands acreage. A review of these two items may result in cost savings for IFP prior to a new license. Accordingly, Kleinschmidt's effort related to this task will include the following subtasks and assumptions:

- General review and revision of each Project's current Exhibit A document for accuracy and consistency based on more recent documents prepared by or for IFP.
- Once the most recent Exhibit G drawings for the Projects have been obtained and a
 digital Project boundary created (Task 1), a cursory review of federal lands will be
 conducted to confirm that the acreage listed in current Exhibits A and G and in license
 articles 51 (Idaho Falls Project) and 52 (Gem State Project) are correct and that IFP is not
 being overcharged in FERC's annual use of government lands fees. This analysis should

² Exhibit A was formerly referred to as Exhibit M. While the Idaho Falls Project's description is still technically labeled as Exhibit M, it will be referred to as Exhibit A in this proposal for ease of discussion.

- also consider whether certain federal lands are actually needed in a new license or whether they may be removed prior to relicensing for cost savings.
- A cursory review of efficiency ratings and nameplate capacities for each turbine will be conducted to determine whether the authorized installed capacities listed in each Projects' Exhibit A and license articles 51 (Idaho Falls Project) and 52 (Gem State Project) are accurate and that IFP is not being overcharged in FERC's annual administrative charges. Performing this analysis prior to a relicensing proceeding could result in immediate cost savings. Kleinschmidt is also aware that IFP may currently be developing new efficiency curves that may be used in this analysis.
- Provide a recommendation regarding a potential request to amend to license articles 51 (Idaho Falls Project) and 52 (Gem State Project) to revise FERC's annual charges for administrative costs and use of government lands. Should an amendment be recommended to and accepted by IFP, those actions will be conducted under Task 6.
- Preparation and filing of revised Exhibit A documents.

TASK 4 - REVIEW ADEQUACY OF CURRENT STABILITY AND STRESS ANALYSES

The Code of Federal Regulations, Title 18 (18 C.F.R.), Section 4.41(g) requires that Exhibit F drawings be filed with any license application, consisting of general design drawings of principal project works and supporting information used as the basis of design. Of note are the requirements for a supporting design report that includes stability and stress analyses for all water retaining structures. The Gem State Project is considered a high hazard development and should have recent and accepted analyses in its Supporting Technical Information Document given that a Part 12D inspection was conducted in 2018, and that another will be conducted in 2024 (expected license application in 2027). The Idaho Falls Project, however, consists of three low hazard developments, which may not have been analyzed to the degree needed for this submission. The need for stress and stability analysis of low-hazard projects often arises late in the application process, and occasionally issues are identified that might have had a bearing on an applicant's approach to relicensing. Therefore, it is recommended that stress and stability analyses be completed for all water-retaining structures early in the process in the event that issues are identified that may impact project facilities or economics. Accordingly, an initial, exhaustive search of existing records should be conducted to locate any stress and stability analyses that may have been performed at each development to ensure that a complete supporting design report will be available at the time a Final License Application for each of the Projects is submitted. To assist with this analysis, Kleinschmidt's effort will generally involve the following subtasks and assumptions:

- Review past stress and stability analyses provided by IFP from their records to determine if such analyses are complete and adequate to meet the requirements of 18 C.F.R. Section 4.41(g), specifically the supporting design report that will accompany each Project's Exhibit F drawings.
- Where existing analyses are considered inadequate or non-existent, Kleinschmidt will provide a summary of information that needs to be developed and analyses that should be performed, and a separate proposal to perform the additional analyses.

TASK 5 - NON-CAPACITY AMENDMENT (ALIGNMENT OF EXPIRATION DATES)

The Idaho Falls Project and Gem State Project licenses expire on January 31, 2029, and November 30, 2033, respectively. As recommended in the Plan, it would benefit IFP to amend the Gem State Project license to align the expiration dates of both Projects (January 31, 2029) and conduct a single, coordinated relicensing proceeding. To do so, IFP would file a request to accelerate the expiration date (18 C.F.R. Section 5.4) of the Gem State Project to align with the expiration date of the Idaho Falls Project. This effort will consist of the following subtasks with the assumption that the amendment will not be filed until January 2021 and thus that task, including expected communication with FERC following the submission, is not included in this proposal:

- Research to determine best methods and implications of aligning expiration dates.
- Coordination of early outreach with major stakeholders to determine if there are concerns with a combined licensing approach. This outreach could provide additional value in identifying issues that may not have surfaced previously.
- Preparation of a draft non-capacity amendment to be filed with FERC in January 2021.

TASK 6 - ANNUAL CHARGES AND EXHIBIT AMENDMENT

Tasks 2 and 3 will assess whether an amendment should be requested to alter license articles 51 (Idaho Falls Project) and 52 (Gem State Project) and revise FERC's annual charges for administrative costs and use of government lands. Should those analyses result in a recommendation to request such amendments and IFP's acceptance of those recommendations, this effort will consist of preparing the necessary documents and correspondence to be filed with FERC to make such requests along with the filing of revised Exhibit A documents and Exhibit G drawings.

SCHEDULE

The Proposed Scope of Work will be performed, and documents provided as described in Table 1 below. Kleinschmidt understands that there are no fiscal-year or other hard constraints that require a firm completion date, although IFP has requested that the tasks be scheduled for completion in 2020. Kleinschmidt also understands that the proposed milestone dates may be modified with consultation and approval of IFP.

TABLE 1 PROPOSED SCHEDULE BY MILESTONE

MILESTONE	PROPOSED DATE OF COMPLETION
Obtain approved Exhibit G drawings (Task 2).	2/1/2020
Obtain IFP stress and stability analyses from IFP (Task 4).	0.11.10.000
Digitize current Project boundaries (Task 2).	3/1/2020
Analyze Project boundaries for inaccuracies or proposed changes (Task 2). Investigate a reduction in authorized installed capacity based on the best gate capacities of each turbine (Task 3). Investigate a reduction in federal lands within the Project boundary based on newly digitized boundary (Task 3).	4/1/2020
Provide IFP draft revised Exhibit G drawings (Task 2). Provide IFP draft revised Exhibit A documents (Task 3). Provide IFP recommendations regarding changes to annual charges related to federal acreages and authorized installed capacities (Task 3). Provide results and recommendations regarding stress and stability analyses (Task 4).	5/1/2020
File with FERC revised Exhibit G drawings (Task 2). File with FERC revised Exhibit A documents (Task 3). Potentially request amendment to license articles 51 (Idaho Falls Project) and 52 (Gem State Project) to revise FERC's annual charges for administrative costs and use of government lands (Task 6).	5/15/2020
Provide IFP a draft non-capacity amendment for the alignment of expiration dates (Task 5), with an expected filing date in 2021.	6/1/2020

COST OF SERVICES

Kleinschmidt will perform the proposed work on an Hourly Rate plus Expenses basis for the estimated cost of \$70,000 (Seventy- thousand dollars). The Cost of Services is calculated using Kleinschmidt's Standard Rates. Table 2 presents a breakdown of the costs we anticipate expending on the project for each task of the Proposed Scope of Work. The estimate is not a fixed price or an upper limit. We will not exceed the estimated amount without first discussing the need with you and receiving your authorization to proceed. Attachment A shows the hourly billing rates for 2019; Kleinschmidt will provide IFP a copy of the 2020 rates for approval once they have been finalized.

TABLE 2 ESTIMATED COST PER TASK

TASK	COST BY TASK
Task 1 – Project Management	\$10,000.00
Task 2 – Exhibit G Revisions	\$18,000.00
Task 3 – Exhibit A Revisions	\$23,000.00
Task 4 – Review Adequacy of Current Stability and Stress Analyses	\$7,500.00
Task 5 – Non-Capacity Amendment (Alignment of Expiration Dates)	\$2,500.00
Task 6 – Annual Charges Amendment	\$9,000.00
Total	\$70,000.00

TERMS AND CONDITIONS

The proposed Scope of Work will be performed on an Hourly Rate plus Expenses basis in accordance with this proposal and Kleinschmidt's Standard Terms and Conditions (Attachment B), with exceptions taken on February 25, 2019 by IFP, Method of Payment (Attachment C), and 2019 Rate Schedule, which may be revised in 2020.

Please reference this proposal, Proposal for Consulting Services (1970002.00): Idaho Falls Power Phase I Relicensing Preparatory Work, and the Terms and Conditions with Exceptions Taken on the face of the Purchase Order or Contract used to authorize the work.

cc:

Proposal Distribution

We appreciate the opportunity to assist you with this project. If you have any questions regarding this proposal, please call or e-mail Finlay Anderson at 503.345.0517 or Finlay. Anderson@KleinschmidtGroup.com. If you issue a purchase order as means of authorization of the work, please reference Kleinschmidt Proposal No. 1970002.00 in the purchase order, and note in the purchase order that any terms and conditions on the purchase order are null and void.

Accepted By: Sincerely, IDAHO FALLS POWER KLEINSCHMIDT ASSOCIATES Signature Rebecca L. Noah Casper Finlay M. Anderson Printed Name **Project Manager** Mayor Title Date FMA:MJM Attachments: Attachment A. 2019 Rate Schedule Attachment B. Idaho Falls Power's Exceptions to Kleinschmidt's Standard Terms and Conditions, dated February 25, 2019 Attachment C. Method of Payment

ATTACHMENT A 2019 RATE SCHEDULE

KLEINSCHMIDT ASSOCIATES 2019 RATES (USD)

LABOR CATEGORY	HOURLY BILLING RATE
SENIOR MANAGERS/CONSULTANTS	
Principal Consultant F1	\$220.00
Senior Manager M1G	\$205.00
Team Leader M1T	\$180.00
Engineers	
Senior Engineering Consultant E6	\$195.00
Senior Engineer E5	\$162.00
Project Engineer E4	\$146.00
Engineer E3	\$135.00
Staff Engineer E2	\$125.00
Engineer Technician E1	\$95.00
LICENSING COORDINATORS/PLANNERS	430100
Senior Regulatory/Planner Advisor L/P7	\$210.00
Senior Licensing Coordinator/Planner L/P6	\$170.00
Project Licensing Coordinator/Planner L/P5	\$141.00
Licensing Coordinator/Planner L/P4	\$125.00
Staff Licensing Coordinator/Planner L/P3	\$108.00
Associate Licensing Coordinator/Planner L/P2	\$92.00
Licensing Coordinator/Planner Technician L/P1	\$74.00
Licensing Intern L/P0	\$60.00
SCIENTISTS	Ψ00.00
Senior Science Advisor S7	\$212.00
Senior Scientist S6	\$168.00
Project Scientist S5	\$139.00
Scientist S4	\$123.00
Staff Scientist S3	\$106.00
Associate Scientist S2	\$84.00
Scientist Technician S1	\$72.00
Field Technician S0	\$55.00
PROJECT AND PROGRAM MANAGEMENT	\$33.00
Program Director	\$215.00
Senior Project Manager PM2	\$210.00
Project Manager PM1	\$179.00
Project Controller A6	\$118.00
Senior Project Coordinator/Accountant A5	\$108.00
Project Administrator/Accountant A4	\$98.00
Administrative Staff A3	\$85.00
Associate Administrative Staff A2	\$72.00
Office Assistant A1	\$66.00
DESIGNERS/DRAFTERS	Ψ00.00
Lead Designer D5	\$130.00
Senior Designer D4	\$122.00
Designer D3	\$107.00
Senior Drafter D2	\$92.00
Drafter D1	\$81.00

Kleinschmidt

Effective January 1, 2019

ATTACHMENT B

IDAHO FALLS POWER'S EXCEPTIONS TO KLEINSCHMIDT'S STANDARD TERMS AND CONDITIONS, DATED FEBRUARY 25, 2019

KLEINSCHMIDT ASSOCIATES (A MAINE CORPORATION)

STANDARD TERMS AND CONDITIONS FOR IDAHO FALLS POWER

- 1. Purpose: These Standard Terms and Conditions when combined with a Proposal are intended to form a complete Agreement between Kleinschmidt Associates (Kleinschmidt) and the Client to whom the Proposal is addressed. When Kleinschmidt's signed Proposal has been accepted by the Client, the resulting Agreement shall take the place of all other agreements and representations concerning the subject of the Proposal. This Agreement may be amended only by a writing signed by both parties. Terms and Conditions of any purchase order issued by Client shall not be part of this Agreement unless separately signed by Kleinschmidt.
- 2. Payment: In consideration for Kleinschmidt's performance of the proposed work, Client shall pay Kleinschmidt as stated in the Proposal. Client agrees to pay promptly Kleinschmidt's fees and expenses as submitted on monthly invoices. If any balance remains unpaid thirty days from the date of the invoice, Client shall pay interest on the unpaid balance at the rate of one and one-half percent per month from said thirtieth day and shall, in addition, pay Kleinschmidt's costs of collection including reasonable legal fees.
- 3. Client's Duties: At no cost to Kleinschmidt, Client shall:

Promptly provide to Kleinschmidt the information required by Kleinschmidt for performance of its services.

Provide Kleinschmidt personnel with access to the work site so that they may perform their work without interference.

Designate a Client's representative with authority to transmit instructions, receive information, and define Client's polices concerning this Agreement.

Promptly notify Kleinschmidt of any defect in Kleinschmidt's services as soon as Client becomes aware of it.

Prior to commencement of Kleinschmidt's work, furnish Kleinschmidt with any special design or construction standards, which Client may require Kleinschmidt to follow.

4. <u>Kleinschmidt's Liability</u>: Kleinschmidt's services will be performed with that degree of reasonable care and skill ordinarily exercised by members of the same profession currently practicing under similar circumstances.

The total liability by Kleinschmidt and its agents for all claims relating to the work outlined in the Proposal shall not exceed the compensation received by Kleinschmidt or \$100,000, whichever is greater.

Kleinschmidt shall not be liable for any losses resulting from deficiencies in its services if those deficiencies arise from a cause beyond Kleinschmidt's reasonable control.

- 5. Ownership of Documents: Any drawings, specifications, or reports prepared by Kleinschmidt under this Agreement shall be the property of Client; however, Kleinschmidt shall have the unlimited right to use such drawings, specifications, and reports and the intellectual property therein. Client's use of such drawings, specifications, and reports shall be limited to the project or purpose for which they were prepared. Any use other than that purpose will be at Client's sole risk and without liability to Kleinschmidt and Client shall indemnify and hold harmless Kleinschmidt from all claims, damages, losses, and expenses resulting therefrom.
- 6. Opinions of Probable Cost: Opinions of Probable Cost prepared by Kleinschmidt are merely expressions of Kleinschmidt's judgment based on its experience as a design professional familiar with the industry. Kleinschmidt has no control over market prices, construction methods, or competitive conditions and therefore cannot represent that actual bids or negotiated prices will not vary from Kleinschmidt's Opinions of Probable Cost.



- 7. Patents: Kleinschmidt's work under this Agreement shall not include patent or copyright searches; and Kleinschmidt assumes no responsibility for any patent or copyright searches; and Kleinschmidt assumes no responsibility for any patent or copyright infringement that may arise from its work. Kleinschmidt makes no representation that anything made, used, or sold in connection with its services will be free from such infringement.
- 8. <u>Termination or Suspension</u>: Either party may terminate this Agreement upon reasonable notice to the other. Kleinschmidt shall be paid for the services provided and expenses incurred through the date of termination.

If the Agreement is terminated by the Client without breach by Kleinschmidt or if Kleinschmidt terminates for Client's breach, Kleinschmidt shall also be paid its reasonable and necessary termination costs which may include layoff and demobilization expenses as well as costs of terminating contracts, leases, and other obligations incurred by Kleinschmidt in reliance upon this Agreement. If Client suspends the work, Kleinschmidt shall be reimbursed by Client for such added fees and costs which arise from the suspension and remobilization.

Kleinschmidt shall not be liable to Client for losses resulting from Kleinschmidt's termination or suspension caused by Client's non-payment or other material breach of this Agreement.

- 9. <u>Assignment</u>: Neither party shall assign its rights, interests, or obligations under this Agreement without prior written consent from the other party; but such consent shall not unreasonably be withheld.
- 10. **No Waiver:** The failure of either party to enforce a provision of this Agreement shall not prevent that party from later enforcing it or from pursuing the remedies that may be available for breach of the provision.
- 11. <u>Indemnification</u>: Within its limit of liability Kleinschmidt shall indemnify and hold harmless the Client and its agents from any and all claims and losses caused solely by the negligent acts or omissions of Kleinschmidt or its agents in the performance of services under this Agreement to the extent allowed by Idaho law and the limits of the Idaho Tort Claims Act (Title 6, Chapter 9).
 - Client shall indemnify and hold harmless Kleinschmidt and its agents from any and all claims and losses caused solely by the negligent acts or omissions of Client or its agents with respect to this Agreement.
- 12. Governing Law: This Agreement shall be governed by the laws of the State of Idaho provided that nothing contained in the Agreement shall be interpreted in such a way as to render the Agreement unenforceable under any law of the United States or the law of the place in which the Client is located.
- 13. <u>Time for Acceptance</u>: Kleinschmidt's proposal shall remain firm for no longer than 60 days unless another period is specified in the proposal or the time is specifically extended by Kleinschmidt.



ATTACHMENT C METHOD OF PAYMENT

KLEINSCHMIDT ASSOCIATES METHOD OF PAYMENT

- 1. Client may pay Kleinschmidt either on a negotiated Lump Sum basis or Hourly Rate basis, as defined in the Work Authorization and agreed by the *Client* and Kleinschmidt in writing.
- 2. Client agrees to pay Kleinschmidt for Services the amounts quoted in the Proposal or Work Authorization, in accordance with the compensation terms laid out in the contract. Kleinschmidt agrees not to exceed the estimated consulting costs as stated in the proposal without explaining the need to the Client and obtaining the Client's authorization to proceed.
- 3. For Lump Sum projects, Kleinschmidt will invoice monthly as a percent complete of the project or Work Authorization, unless otherwise defined in the Work Authorization.
- 4. For Time and Materials, or Hourly Rate projects, Kleinschmidt will invoice monthly for all employee time at the hourly billing rate currently in effect, times a number of hours worked on the project plus subconsultant fees and expenses as described below. Client agrees to pay for expert testimony and direct preparation for testimony in any litigation, arbitration, or other legal or administrative proceeding at 150% of the standard billing rates with a minimum daily charge based upon an 8-hour day, plus Reimbursable Expenses.
- 5. For any projects where expenses are invoiced separately from labor, the following apply:
 - a. Client agrees to pay Kleinschmidt a 15% markup for subconsultant services.
 - b. Client agrees to pay 3% of labor costs for telecommunications (e.g., phone, data transmission and storage, fax, conference and video conference, data security).
 - c. Client agrees to pay for specialized computer programs, field equipment, and other unit charges (e.g., photocopies, mileage, photos, drawing reproductions, CD preparation, Sharepoint hosting) according to the current rates in effect.
 - d. Client agrees to pay any other reimbursable expenses actually incurred by Kleinschmidt at cost.

V:\Admin Group\Contractual Documents\2018 Files\KA\Method of Payment KA.docx





MEMORANDUM

FROM: Brad Cramer, Community Development Services Director

DATE: Friday, December 6, 2019

RE: Annexation and Initial Zoning of CC, Annexation and Initial Zoning Ordinances, and

Reasoned Statements of Relevant Criteria and Standards, 2.617 acres, 1754 Milligan Road

Item Description

For consideration on the December 12, 2019, regular agenda is the Annexation and Initial Zoning of CC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 2.617 acres of Section 24, Township 2 North, Range 37 East for a property located at 1754 Milligan Road. The Planning and Zoning Commission considered this item at its November 12, 2019 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Purpose

Annexation and initial zoning is related to the City's goals for good governance and managed, well-planned growth and development.

Fiscal Impact / Financial Review

NA

Legal Review

NA

Interdepartmental Review

NA

Recommended Action

Staff recommends the following actions:

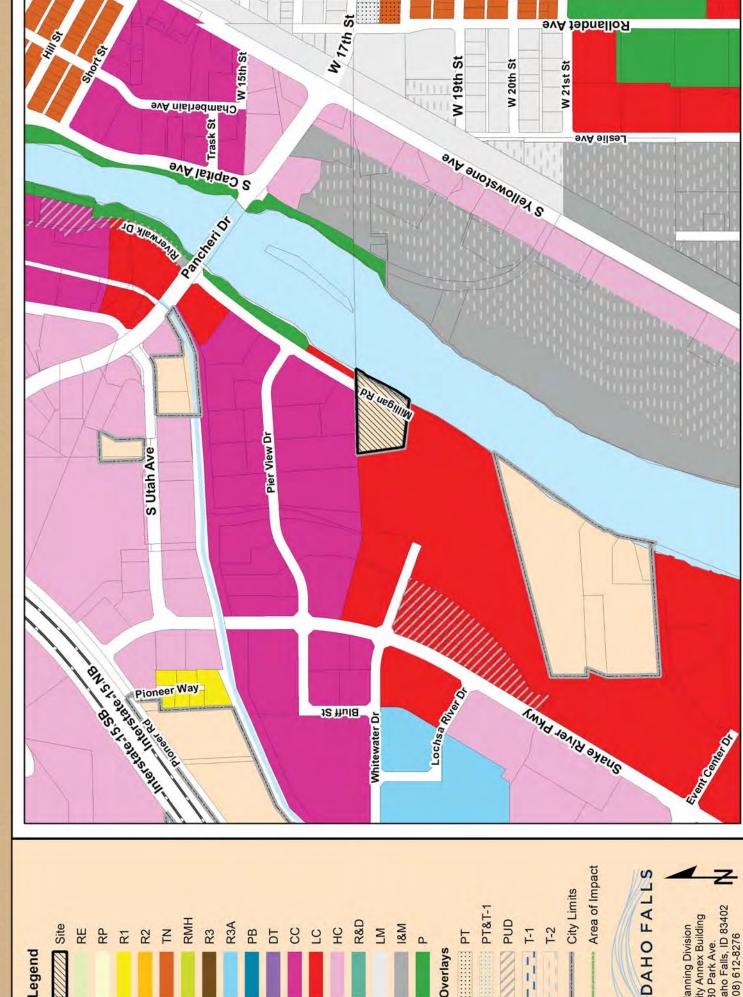
- 1. To approve the Ordinance annexing M&B: 2.617 acres of Section 24, Township 2 North, Range 37 East, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary.
- 2. To approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: 2.617 acres of Section 24, Township 2 North, Range 37 East, and give authorization for the Mayor to execute the necessary documents.

- 3. To assign a Comprehensive Plan Designation of Greenbelt Mixed Uses, and to approve the ordinance establishing the initial zoning for M&B: 2.617 acres of Section 24, Township 2 North, Range 37 East, under the suspension of the rules requiring three complete and separate readings and 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.
- 4. To approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: 2.617 acres of Section 24, Township 2 North, Range 37 East, and give authorization for the Mayor to execute the necessary documents.

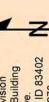


Legend

RMH

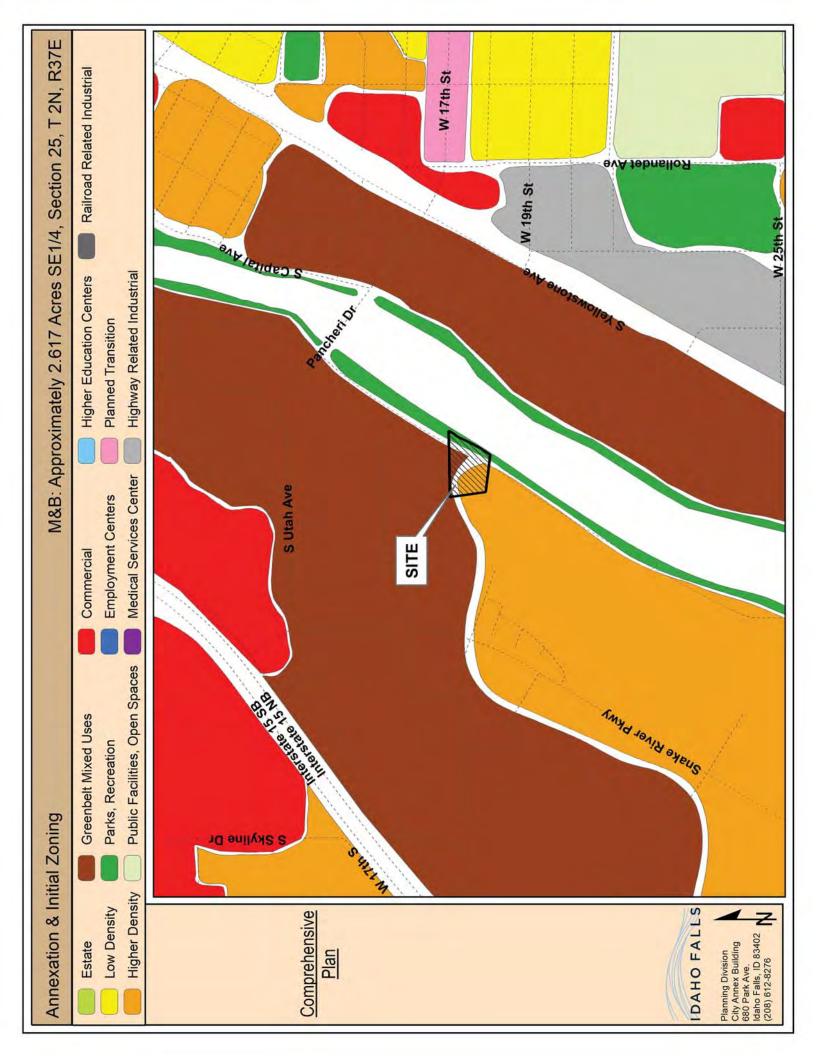


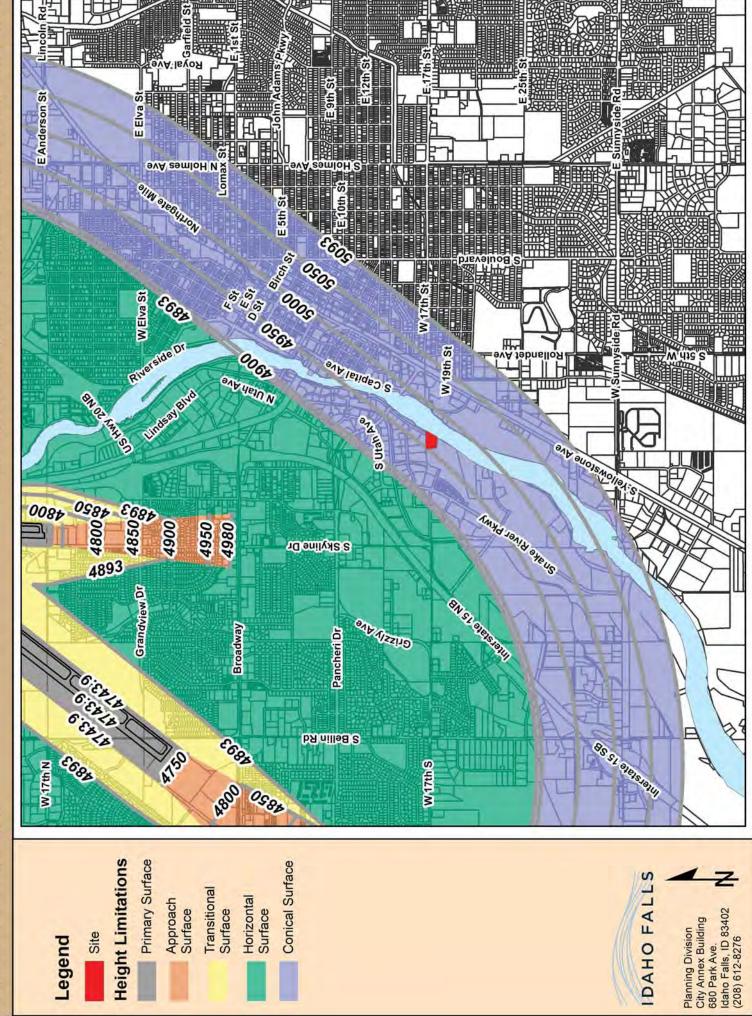
Overlays



City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276 Planning Division



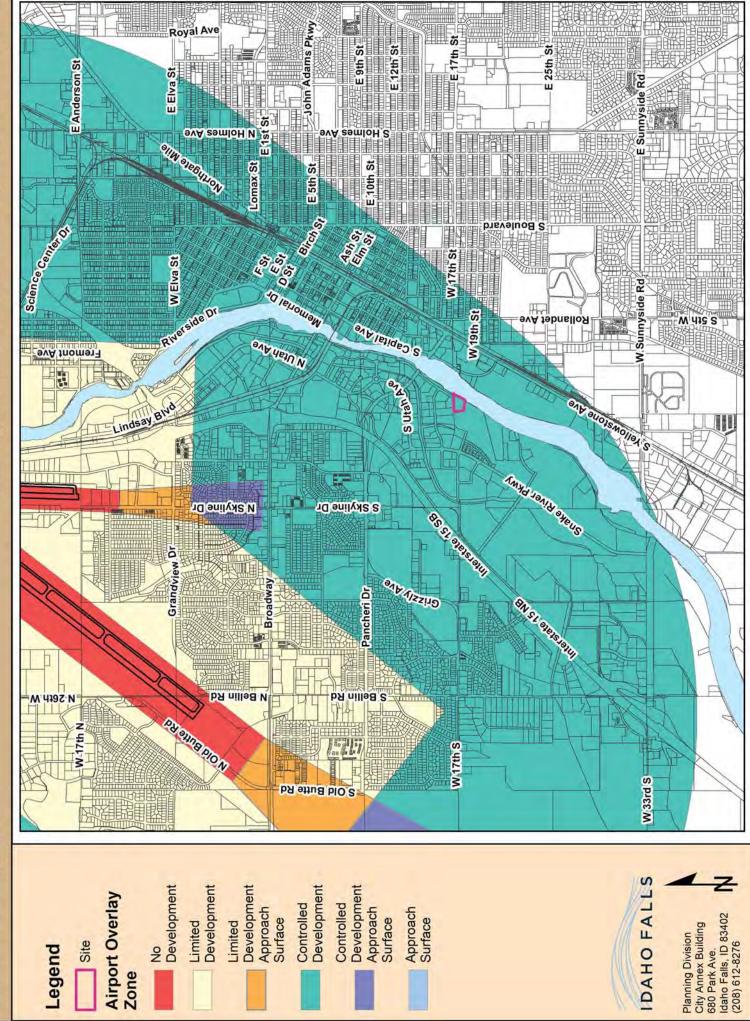




Site

Zone

_egend



Surface

Limited

Limited

Surface

IDAHO FALLS PLANNING AND ZONING COMMISSION STAFF REPORT

Annexation and Initial Zoning of CC M&B: Approximately 2.617 Acres SE1/4, Section 25, T 2N, R37E November 12, 2019



Community Development Services

Applicant: C-21 High Desert

Project Manager: Brian J. Stevens

Location: Generally south of Pier View Dr., west & north of the Snake River, and east of Snake River Pkwy.

Size: 2.617 Acres

Existing Zoning:

Site: County A-1
North: CC & LC
South: LC
East: P, I&M

West: LC

Proposed Zoning: CC

Existing Land Uses:

Site: Vacant Residential North: Commercial

South: Vacant/Undeveloped East: Park and Industrial West: Vacant/Undeveloped

Future Land Use Map:

Greenbelt Mixed, Park Recreation, Higher Density

Attachments:

- 1. Maps
- 2. Aerial photos
- 3. Comp Plan
- 4. Exhibit
- 5. Photos

Requested Action: To **recommend** to the Mayor and City Council approval of the annexation and initial zoning of CC, Central Commercial M&B: Approximately 2.617 Acres SE1/4, Section 25, T 2N, R37E.

Staff Comments: The Property is located just south of Pier View Dr along Milligan Road. The parcel is currently partially developed ground. Several out buildings and a residence exist at this location. The property has frontage on Milligan Road. At the time of site development Milligan Road will be improved to a City streets section. The portion of Milligan Road on this lot is currently gravel. Surrounding land uses include a mix of commercial, residential, and vacant ground.

Annexation: This is a Category "A" annexation. The City's Comprehensive Plan designates this area as Greenbelt Mixed, Park Recreation, and Higher Density. This property happens to sit at the junction of all of those designations.

Zoning: The proposed initial zoning is CC, Centeral Commercial. This zone is consistent with current zoning and land uses to the north. The CC, Central Commercial zone is also consistent with the principles of the comprehensive Comprehensive plan.

Staff Recommendation: Staff recommends approval of the annexation and initial zoning of CC.

Comprehensive Plan Policies:

Encourage development in areas served by public utilities or where extensions of facilities are least costly.

Not only is a compact city convenient but the provision of public facilities is less expensive. Growth does not always occur at the fringe of a community. PG 67

Access to commercial properties shall be designed to minimize disruptive effects on traffic flow.

Every driveway is an intersection. To remove impediments on traffic flow, access should be governed by the principles found in 2012 Updated Access Management Plan prepared by the Bonneville Metropolitan Planning Organization. Besides limiting the number of access drives, shared accesses should also be explored when reviewing new developments. PG 49

Zoning:

CC Central Commercial Zone. This zone provides a mixed use zone which includes a variety of housing types and a variety of commercial uses. For this reason, the Zone is primarily located in the central part of the City where development has already occurred and the street and land use patterns are more densely developed. The CC Central Commercial Zone is characterized by lighted streets, ample pedestrian ways and vehicular parking lots for the convenience and safety of the public. Shops, stores, offices and other buildings are also characteristic of this Zone. Uses which tend to create business "dead spots," cause undue scattering of business, and generally tend to thwart the use of the land for its primary purpose, are excluded from this Zone.

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 = Planning Commission 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.

	Commercial					
Proposed Land Use Classification	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	1	
Animal Care Clinic*	P	P	P	P		
Animal Care Facility*				P		
Bed and Breakfast*		P	P		P	
Boarding /Rooming House		P	P	1	P	
Building Material, Garden and Farm Supplies			P	P		
Cemetery*		C,	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	Р	
Dwelling, Accessory Unit *		P	P	p	P	
Dwelling, Multi-Unit*		P	P		P	
Dwelling, Two Unit					P	
Eating Establishment		P	P		P	
Eating Establishment, Limited	P	P	P	P	P	
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		

Proposed Land Use Classification	PB	CC	LC	HC	PT
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,	C,	C,	C,	C,
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,	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,	C,		C,
Public Service Facility*	C,	C ₂	C,	C ₂	C,
Public Service Facility, Limited	P	P	P	P	P
Public Service Use	P	P	P	P	P
Recreation Vehicle Park*			111	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	1	P
Fuel Station		P	P	P	
Fuel Station, Super		C,	P	P	
Storage Facility, Indoor		P	P	P	P
Storage Facility, Outdoor				P	
Storage Yard*				P	
Transit Station		P'-	P	P	P
Vehicle and Equipment Sales			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,	P	

(Ord. 3210, 8-23-18) (Ord. 3218, 9-13-18) (Ord. 3233, 12-20-18)

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

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	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	

(Ord. 3233, 12-20-18)

- (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.
- (2) In the HC Zone, display space may encroach into the landscape buffer contiguous to the street. Such encroachments may not exceed twenty five percent (25%) of the linear frontage contiguous to the street.
- (3) In the CC Zone, the landscape buffer contiguous to a street may be reduced or removed where a building is located within the required landscape buffer, as determined by teh Zoning Administrator.
- (4) When a multi-unit dwelling or commercial use is developed on a property that adjoins a property zoned RE, RP, R1, R2, TN, or unicorporated land designated for Low Density Residential in the City's Comprehensive Plan and the height of the building is over twenty-four feet (24'), every one foot (1') of additional building height requires an additional two feet (2') in setback with the minimum setback being thirty feet (30'). (Ord. 3233, 12-20-18)
- (5) For commercial uses, lot coverage shall include all areas under roofs and paved surfaces including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.

Council Chambers

<u>MEMBERS PRESENT:</u> Commissioners Margaret Wimborne, Joanne Denney, Brent Dixon, Arnold Cantu, Gene Hicks, Natalie Black, George Morrison. (7 present 6 votes).

MEMBERS ABSENT: George Swaney, Lindsey Romankiw

<u>ALSO PRESENT:</u> Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler, Brent McLane and Brian Stephens; and interested citizens.

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

CHANGES TO AGENDA: None.

<u>MINUTES:</u> Morrison and Dixon had changes to the minutes regarding wording of their comments. (Pages 7, 8, 16 and 17). Cantu moved to approve the October 2, 2019 minutes with the suggested amendments, Black seconded the motion and it passed unanimously.

Business:

1. ANNX 19-012: ANNEXATION/INITIAL ZONING. 1754 Milligan Rd. Annexation and Initial Zoning of CC. Stephens presented the staff report, a part of the record. Dixon asked if they have a picture of how this will tie into the rest of the Snake River Plan. Stephens stated that BMPO has outlined roads and there is a connection that is planned to go in by the park that is coming in at the South of Snake River Landing where ground has been donated. Stephens added that Snake River Landing had no control over the land so they cannot dictate in their plan what this is and this can be developed as long as it is consistent with the City Plan and it will be a continuation of the pathway along the side of the river. Stephens added that once the other County pieces tie in they will expect to see it go all the way through. Dixon confirmed that this is only annexation and not platting. Dixon confirmed that road right of way dedication will be in the future.

Applicant: No applicant present.

Dixon moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of CC for 1754 Milligan Road, as presented, Morrison seconded the motion and it passed unanimously.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 2.617 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE **AUTHORITIES:** AND PROVIDING **PUBLICATION** SUMMARY, SEVERABILITY, BYAND 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 upon compliance with procedures required in 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, the lands to be annexed are contiguous to the City and the 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 does 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 City Council that the lands described hereinbelow 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, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Greenbelt Mixed Uses"; 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. That 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 that 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.

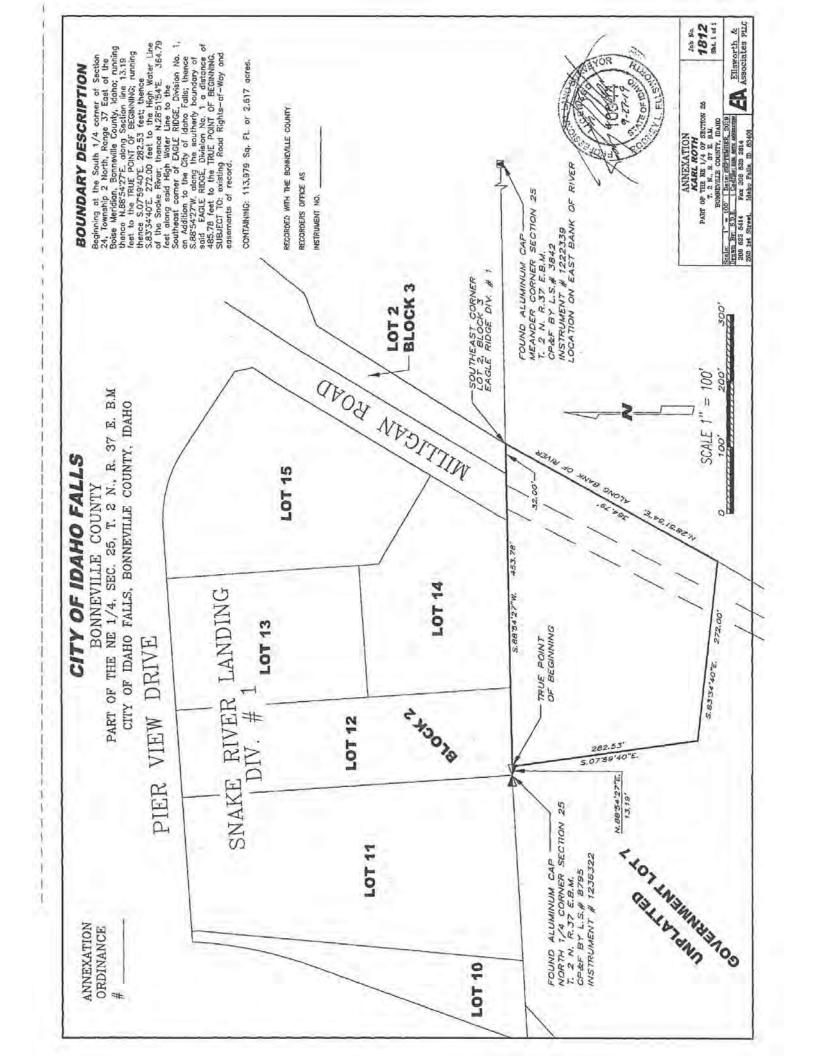
PASSED BY THE, 2019.	COUNCIL ANI	D APPROVED BY THE MAYOR this_	day of
		Rebecca L. Noah Casper, Mayor	_
ATTEST:			
Kathy Hampton, City Clerk			
(SEAL) STATE OF IDAHO) : ss.		
County of Bonneville)		

I, KATHY HAMPTON, 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 APPROXIMATELY 2.617 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton, City Clerk	

(SEAL)





LEGAL DESCRIPTION

Beginning at the South 1/4 corner of Section 24, Township 2 North, Range 37 East of the Boise Meridian, Bonneville County, Idaho; running thence N.88°54'27"E. along Section line 13.19 feet to the TRUE POINT OF BEGINNING; running thence S.07°59'40"E. 282.53 feet; thence S.83°34'40"E. 272.00 feet to the High Water Line of the Snake River; thence N.28°51'54"E. 364.79 feet along said High Water Line to the Southeast corner of EAGLE RIDGE, Division No. 1, an Addition to the City of Idaho Falls; thence S.88°54'27"W. along the southerly boundary of said EAGLE RIDGE, Division No. 1 a distance of 485.78 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO: existing Road Rights-of-Way and easements of record.

CONTAINING: 113,979 Sq. Ft. or 2.617 acres

Submitted by:		
Eng/Survey Firm	Name: _B	ELLSWORTH & ASSOCIATES
Contact Name:	Steve 8	Ellsworth
Phone Number:	208-522	2-5414
	orth@ida	a.net

Page ____ of ____

Application for Annexation



3/30/16

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF PROPERTY LOCATED M&B: APPROXIMATELY 2.617 ACRES SE1/4, SECTION 25, T 2N, R37E.

WHEREAS, the applicant filed an application for annexation on September 30, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on November 12, 2019; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on December 12, 2019; 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, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 2.617 acres located generally south of Pier View Dr., west & north of the Snake River, and east of Snake River Pkwy.
- 3. Surrounding properties are zoned CC, LC, P, and I&M.
- 4. The Comprehensive Plan designates this area as Green Belt Mixed Uses.
- 5. The application is a Category "A" 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 E	BY CITY COUNCIL	OF THE CITY OF IDAHO FA	LLS
THIS	DAY OF	, 2019	
			Rebecca Casper - Mayor

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 2.617 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS CC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is CC Zone for such annexed lands such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Greenbelt Mixed Uses"; and

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

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on November 12, 2019, and recommended approval of zoning the subject property to CC Zone; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public meeting and passed a motion to approve this zoning on December 12, 2019.

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

SECTION 1: Legal Description. The lands described in Exhibit A are hereby zoned as CC Zone.

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned "CC, Zone" 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 Department Offices, 680 Park Avenue.

SECTION 3. 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 4. 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 5. 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 thisday of, 2019.	y the Mayor of the City of Idaho Falls, Idaho,
	CITY OF IDAHO FALLS, IDAHO
ATTEST:	Rebecca L. Noah Casper, Mayor
Kathy Hampton, City Clerk	
(SEAL)	
STATE OF IDAHO) ss:	
County of Bonneville)	
I, KATHY HAMPTON, CITY CLERK OF THE C HEREBY CERTIFY:	TITY OF IDAHO FALLS, IDAHO, DO
That the above and foregoing is a full, trentitled, "AN ORDINANCE OF THE CIMUNICIPAL CORPORATION OF THE FOR THE INITIAL ZONING OF DESCRIBED IN EXHIBIT A OF THIS PROVIDING SEVERABILITY, PUBLICITY ESTABLISHING EFFECTIVE DATE."	TY OF IDAHO FALLS, IDAHO, A STATE OF IDAHO; PROVIDING APPROXIMATELY 2.617 ACRES ORDINANCE AS CC ZONE; AND
Kathy	Hampton, City Clerk

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF CC OF PROPERTY LOCATED M&B: APPROXIMATELY 2.617 ACRES SE1/4, SECTION 25, T 2N, R37E.

WHEREAS, the applicant filed an application for annexation on September 30, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on November 12, 2019; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on December 12, 2019; 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 Zoning Comprehensive plan, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 2.617 acres located generally south of Pier View Dr., west & north of the Snake River, and east of Snake River Pkwy.
- 3. Surrounding properties are zoned CC, LC, P, and I&M.
- 4. The Comprehensive Plan designates this area as Greenbelt Mixed Uses.
- 5. The proposed zoning is consistent the Comprehensive Plan designation.

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 E	BY CITY COUNCIL	OF THE CITY OF IDAHO FA	LLS
THIS	DAY OF	, 2019	
			Rebecca Casper - Mayor



MEMORANDUM

FROM: Brad Cramer, Community Development Services Director

DATE: Friday, December 6, 2019

RE: Annexation and Initial Zoning of I&M, Annexation and Zoning Ordinances, and Reasoned Statements

of Relevant Criteria and Standards, Lot 4, Block 1, Sunnyside Industrial and Professional Park

Item Description

For consideration on the December 12, 2019, regular agenda is the Annexation and Initial Zoning of I&M, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for Lot 4, Block 1, Sunnyside Industrial and Professional Park. The Planning and Zoning Commission considered this item at its December 3, 2019 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Purpose

Annexation and initial zoning is related to the City's goals for good governance and managed, well-planned growth and development.

Fiscal Impact / Financial Review

NA

Legal Review

NA

Interdepartmental Review

NA

Recommended Action

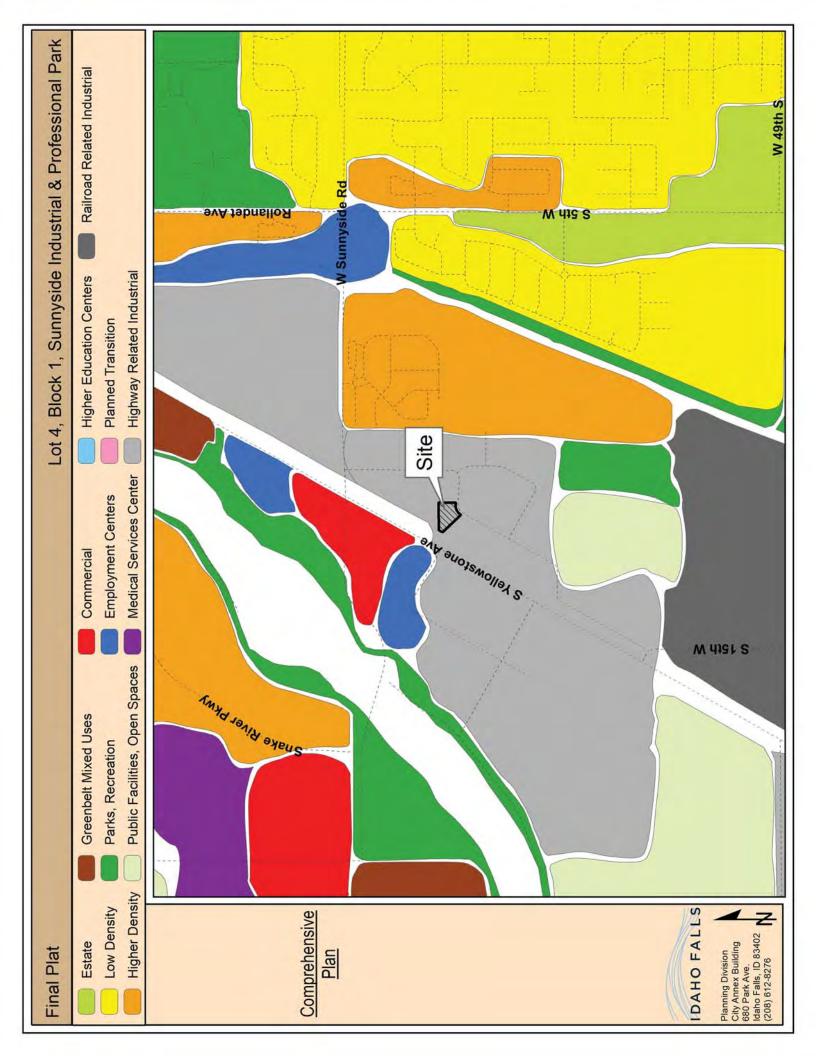
Staff recommends the following actions:

- 1. To approve the Ordinance Lot 4, Block 1, Sunnyside Industrial and Professional Park, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary.
- 2. To approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of Lot
- 4, Block 1, Sunnyside Industrial and Professional Park, and give authorization for the Mayor to execute the necessary documents.

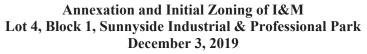
- 3. To assign a Comprehensive Plan Designation of Highway Related Industrial, and to approve the ordinance establishing the initial zoning for Lot 4, Block 1, Sunnyside Industrial and Professional Park, under the suspension of the rules requiring three complete and separate readings and that it be read 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.
- 4. To approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for Lot 4, Block 1, Sunnyside Industrial and Professional Park, and give authorization for the Mayor to execute the necessary documents.







IDAHO FALLS PLANNING AND ZONING COMMISSION STAFF REPORT





Community Development Services

Applicant: BIOLOGIQ INC

Project Manager: Brian J.

Stevens

Location: Generally south of W Sunnyside Rd., west and north of Professional Way, and east of S Yellowstone Ave.

Size: 1.55 Acres

Existing Zoning:

Site: County M-1
North: County M-1, I&M
South: County M-1, I&M
East: County M-1

West: I&M

Proposed Zoning: I&M

Existing Land Uses:

Site: Vacant
North: Vacant
South: Industrial &
Manufacturing

East: Industrial &

Manufacturing

West: Industrial &

Manufacturing

Future Land Use Map:

Highway Related Industrial

Attachments:

- 1. Maps
- 2. Aerial photos
- 3. Comp Plan
- 4. Exhibit
- 5. Photos

Requested Action: To **recommend** to the Mayor and City Council approval of the annexation and initial zoning of I&M, Industrial and Manufacturing, Lot 4, Block 1, Sunnyside Industrial & Professional Park.

Staff Comments: The property is located just south of Sunnyside along Professional Way. The parcel is currently undeveloped land. The property has frontage on Professional Way. Surrounding land uses include a mix of industrial, manufacturing, and vacant ground.

Annexation: This is a Category "A" annexation. The City's Comprehensive Plan designates this area as Highway Related Industrial.

Zoning: The proposed initial zoning is I&M, Industrial and Manufacturing. This zone is consistent with current zoning and land uses to the Sorth. The I&M, Industrial and Manufacturing zone is also consistent with the principles of the comprehensive plan.

Staff Recommendation: Staff recommends approval of the annexation and initial zoning of I&M.

Comprehensive Plan Policies:

Lands served by railroad/airport facilities and near or adjacent to State highways shall be retained for industrial development. To protect our economy, we need to protect those lands offering railroad access or airport access adjacent to major arterial highways. PG 52

Assure industrial and heavy commercial traffic does not move through neighboring residential areas. Locating industrial lands adjacent to highways or arterial streets should prevent truck traffic from moving through residential lands. Unless the industrial area is less than 100 acres, four lane access roads are desirable. Commercial traffic should be directed to collectors and arterials which are not located in residential neighborhoods. PG 53

Encourage development in areas served by public utilities or where extensions of facilities are least costly.

Not only is a compact city convenient but the provision of public facilities is less expensive. Growth does not always occur at the fringe of a community. PG 67

Access to commercial properties shall be designed to minimize disruptive effects on traffic flow.

Every driveway is an intersection. To remove impediments on traffic flow, access should be governed by the principles found in 2012 Updated Access Management Plan prepared by the Bonneville Metropolitan Planning Organization. Besides limiting the number of access drives, shared accesses should also be explored when reviewing new developments. PG 49

Zoning:

I&M Industrial and Manufacturing Zone. This zone provides an industrial zone in which the primary use of the land is a manufacturing, fabricating, processing, and warehousing. Land zoned I&M should be relatively fl at, open land, conveniently located close to transportation, public utilities and other facilities necessary for large employment centers and successful manufacturing operations

11-2-5: ALLOWED USES IN INDUSTRIAL AND SPECIAL PURPOSE ZONES.

Table 11-2-3: Allowed Uses in Industrial Zones

P = permitted use. $C_1 = administrative conditional use$. $C_2 = Planning Commission conditional use$. $C_3 = City Council conditional use$. 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.

	Industrial		Special Purpose		
Proposed Land Use Classification	LM	I&M	R&D	P	
Accessory Use	P	P	P		
Accessory use, Fuel Station*	P	P	P		
Accessory Use, Storage Yard*	P	p	P		
Accessory Use	P	P	P		
Airport	P				
Agriculture*	C,	P		C,	
Agriculture Tourism	C,	P		C ₂	
Amusement Center	P	P			
Amusement Center, Indoor Shooting Range*	P	P			
Amusement Center, Outdoor*	P	P		C ₂	
Adult Business*		P			
Animal Care Clinic*	P	P			
Animal Care Facility*	P	P			
Artist Studio	P	P			
Auction, Livestock		C, -			
Building Contractor Shop	P	P			
Building Material, Garden and Equipment	P	P			
Cemetery*				c,	
Club*	P	P			
Communication Facility	P	P	P		
Correctional Facility or Jail	C,	P			
Day Care*	P	P	P		
Drinking Establishment	P	P			
Drive-through establishment*	P	P			
Dwelling, accessory unit*	P	P			
Eating establishment	P	P			
Eating Establishment, limited	P	P	P		
Equipment assembly and sales	P	P			
Financial Institution	P	P	P		
Food Processing, small scale processing with or without sales	P	P			
Food Products, Processing, with or without retail sales		P			
Food store	P	P			
Fuel Station, Super	P	P			

Proposed Land Use Classification	LM	I&M	R&D	P
Health Care and Social Services			Р	
Higher Education Facilities	P		P	
Hospital*	C,	C,	C,	
Industry, Craftsman	P	P		
Industry, Heavy		P		
Industry, Light	P	P		
Information Technology	P	P	P	
Laundry and Dry Cleaning	P	P		
Lodging Facility	P		C,	
Medical Support Facilities	p		p	
Parking Facility	P	P	P	
Park and Recreation Facility*				P
Pawn Shop	P	P		
Personnel Service	P	P		
Professional Service	P	P	P	
Public Service Facility*	P	P	C,	C,
Public Service Facility, Limited	P	P	P	P
Public Service Use	P	P	P	P
Railroad Freight Terminal and Station		P		
Recreational Vehicle Park*				C,
Research and Development Business	P	P	P	
Retail	P	P		
Storage Facility, Indoor	P	P		
Storage Facility, Outdoor	P	P		
Storage Yard*	P	P		
Terminal Yard, Trucking and Bus		P		
Transit Station	P	P	P	
Vehicle and Equipment Sales	P	P		
Vehicle Body Shop	P	P		
Vehicle Sales	P	P		
Vehicle Washing Facility	P	P		
Warehouse	P	P		
Warehouse, Wholesale with flammable	P	P		

(Ord. 3218, 9-13-18) (Ord. 3233, 12-20-18)

11-3-8: STANDARDS FOR INDUSTRIAL ZONES

(A) Dimensional Standards. Table 11-3-7 Dimensional Standards for the LM and I&M Zones shall be used for determining the minimum site area, minimum setbacks, maximum building height and maximum lot and building coverage in that Zone.

Table 11-3-6: Dimensional Standards for Industrial Zones

	LM	I&M
Site Area- Minimum in acres		
Setbacks - Minimum in ft.		
Front	30	30
Side	0/30*	0/30*
Rear	0/30*	0/30*
Building Height- Maximum	see sub-sections (2) below	
Lot Coverage- Maximum in %	80	
Building Coverage- Maximum in %	50	

of this Zoning Code.

- (1) In the LM and I&M Zones, a setback of thirty feet (30') shall be provided from all residential uses, residential zones, the R3A Zone if occupied by residential uses, or from land designated for low or higher density residential in the City's Comprehensive Plan. (Ord. 3233, 12-20-18)
- Any structure with a height greater than thirty feet (30') shall be set back seventy-five feet (75') from all residential uses, residential zones, the R3A Zone if occupied by residential uses, or land designated for low or higher density residential in the City's Comprehensive Plan, unless

approved as a conditional use by the Planning Commission, as set forth in Section 11-6-5B.

(3) For commercial uses, lot coverage shall include all areas under roofs and paved surfaces including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.

(Ord. 3233, 12-20-18)

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF LOT 4, BLOCK 1, SUNNYSIDE INDUSTRIAL AND PROFESSIONAL PARK, 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 Section 1 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 Section 1 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 upon compliance with procedures required in 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, the lands to be annexed are contiguous to the City and the 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 does 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 City Council that the lands described hereinbelow in Section 1 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, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Highway Related Industrial"; 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. Lot 4, Block 1, Sunnyside Industrial and Professional Park is 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. That 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 that 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 C, 2019.	COUNCIL AN	ND APPROVED BY THE MAYOR this	day of
		Rebecca L. Noah Casper, Mayor	
ATTEST:			
Kathy Hampton, City Clerk			
(SEAL)			
STATE OF IDAHO) : ss.		
County of Bonneville)		

That the above and foregoing is a full, true and correct copy of the Ordinance entitled: "AN ORDINANCE OF THE CITY OF IDAHO FALLS,

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS,

IDAHO, DO HEREBY CERTIFY:

IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF LOT 4, BLOCK 1, SUNNYSIDE INDUSTRIAL AND PROFESSIONAL PARK, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton,	City Clerk

(SEAL)

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF PROPERTY LOCATED LOT 4, BLOCK 1, SUNNYSIDE INDUSTRIAL & PROFESSIONAL PARK.

WHEREAS, the applicant filed an application for annexation on November 19, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on December 3, 2019; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on December 12, 2019; 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, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 1.55 acres located generally south of W Sunnyside Rd., west and north of Professional Way, and east of S Yellowstone Ave.
- 3. Surrounding properties are zoned County M-1 and I&M

- 4. The Comprehensive Plan designates this area as Highway Related Industrial.
- 5. The application is a Category "A" 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 B	Y CITY COUNCIL (OF THE CITY OF IDAHO FA	ALLS
THIS	DAY OF	, 2019	
			Rehecca Casper - Mayor

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF LOT 4, BLOCK 1, SUNNYSIDE INDUSTRIAL AND PROFESSIONAL PLAZA AS I&M ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Section 1 is I&M Zone for such annexed lands such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Highway Related Industrial"; and

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

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public meeting on December 3, 2019 and recommended approval of zoning the subject property to I&M Zone; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public meeting and passed a motion to approve this zoning on December 12, 2019.

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

SECTION 1: Legal Description. Lot 4, Block 1, Sunnyside Industrial and Professional Park is hereby zoned as I&M Zone.

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned "I&M, Zone" 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 Department Offices, 680 Park Avenue.

SECTION 3. 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 4. 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.

passage, approval and publication.	
PASSED by the City Council and APPROV thisday of, 2019.	VED by the Mayor of the City of Idaho Falls, Idaho,
	CITY OF IDAHO FALLS, IDAHO
ATTEST:	Rebecca L. Noah Casper, Mayor
Kathy Hampton, City Clerk	
(SEAL)	
STATE OF IDAHO) ss:	
County of Bonneville)	
I, KATHY HAMPTON, CITY CLERK OF THEREBY CERTIFY:	THE CITY OF IDAHO FALLS, IDAHO, DO
entitled, "AN ORDINANCE OF T MUNICIPAL CORPORATION OF FOR THE INITIAL ZONING INDUSTRIAL AND PROFESSIO	full, true and correct copy of the Ordinance HE CITY OF IDAHO FALLS, IDAHO, A THE STATE OF IDAHO; PROVIDING OF LOT 4, BLOCK 1, SUNNYSIDE NAL PLAZA AS I&M ZONE; AND PUBLICATION BY SUMMARY, AND TE."
	Kathy Hampton, City Clerk

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF I&M OF PROPERTY LOCATED LOT 4, BLOCK 1, SUNNYSIDE INDUSTRIAL & PROFESSIONAL PARK.

WHEREAS, the applicant filed an application for annexation on November 19, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on December 3, 2019; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public meeting on December 12, 2019; 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 Zoning Comprehensive plan, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 1.55 acres located generally south of W Sunnyside Rd., west and north of Professional Way, and east of S Yellowstone Ave.
- 3. Surrounding properties are zoned County M-1 and I&M.
- 4. The Comprehensive Plan designates this area as Highway Related Industrial.
- 5. The proposed zoning is consistent with the Comprehensive Plan Future Land Use Map.

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	Y CITY COUNCIL OF T	THE CITY OF IDAHO FA	LLS	
THIS	_ DAY OF	, 2019		
				Rebecca Casper - Mayor



MEMORANDUM

FROM: Brad Cramer, Community Development Services Director

DATE: Friday, December 6, 2019

RE: Annexation and Initial Zoning of LC, Annexation and Zoning Ordinances, and Reasoned

Statements of Relevant Criteria and Standards, M&B: 27.646 Acres, Section 16, T 2N R 38E

Item Description

For consideration on the December 12, 2019, regular agenda is the Annexation and Initial Zoning of LC, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 27.646 acres in Section 16, Township 2 North, Range 38 East. The Planning and Zoning Commission considered this item at its October 1, 2019 meeting and recommended approval by unanimous vote. Staff concurs with this recommendation.

Purpose

Annexation and initial zoning is related to the City's goals for good governance and managed, well-planned growth and development.

Fiscal Impact / Financial Review

NA

Legal Review

NA

Interdepartmental Review

NA

Recommended Action

Staff recommends the following actions:

- 1. To approve the Ordinance annexing M&B: 27.646 acres, Section 16, Township 2 North, Range 38 East, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary.
- 2. To approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: 27.646 acres, Section 16, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.

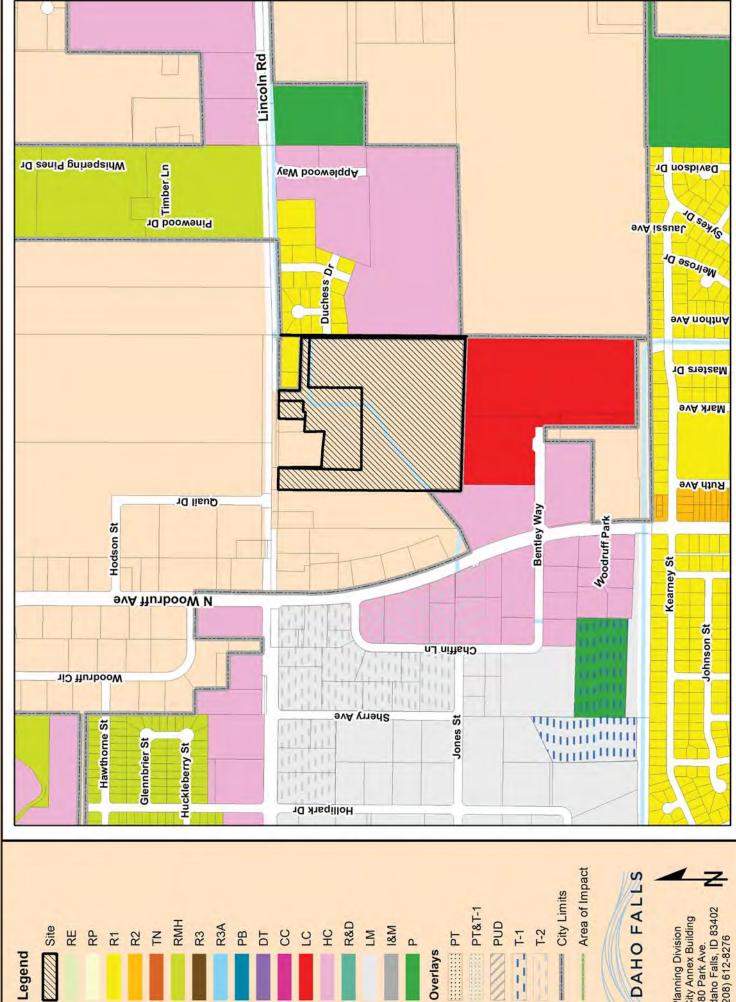
- 3. To assign a Comprehensive Plan Designation of Commercial, Higher Density, and Lower Density, and to approve the ordinance establishing the initial zoning for M&B: 27.646 acres, Section 16, Township 2 North, Range 38 East, under the suspension of the rules requiring three complete and separate readings and 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.
- 4. To approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: 27.646 acres, Section 16, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.



Legend

RMH

R3 R3A



R&D

Z

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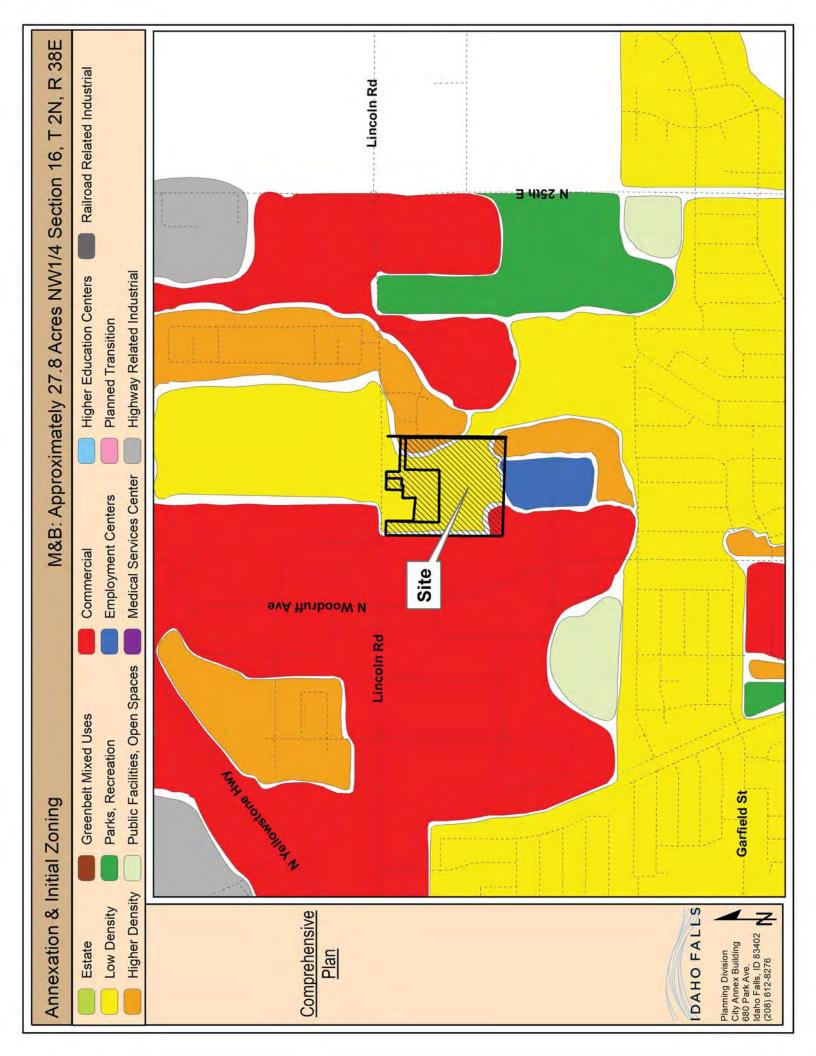
I&M

T4 Overlays



Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276





IDAHO FALLS PLANNING AND ZONING COMMISSION STAFF REPORT

ANNEXATION AND INITIAL ZONING OF LC M&B: Apprx. 27.8 Acres NW¼, Section 16, T 2N R 38E October 1, 2019



Community Development Services

Applicant: Ann Bates

Location: Generally south of Lincoln Rd., west of N 25th E, north of Kearney St., and east of S Woodruff Ave.

Size: Approx. 27.8 acres

Existing Zoning: County R-1

North: County RA-1

South: LC East: R1/HC West: County R-1

Proposed Zoning: LC

Existing Land Uses:

Site: Residential/Agricultural North: Agricultural South: Agricultural

East: Residential/Agricultural

West: Agricultural

Future Land Use Map:

Commercial, Higher Density, Lower Density Residential

Attachments:

- 1. Zoning Information
- 2. Maps and Aerial Photos

Requested Action: To **recommend** approval of annexation and initial zoning of LC to the Mayor and City Council for M&B: Approx. 27.8 Acres in NW¹/₄, Section 16, T 2N R 38E.

Staff Comments: The property is located south of an adjacent to Lincoln Road, a principal arterial. The parcels include a residence and vacant agricultural land. Surrounding land uses are a mix of residential and commercial uses.

Annexation: This is a Category "A" annexation as it is requested by the property owner. The parcel is contiguous to the city. Annexation of the property is consistent with the city's Comprehensive Plan. There are existing utilities in Lincoln Road as well as in new development south of this property. Annexation will encourage development in an area already served by public utilities and within the City's Area of Impact.

Initial Zoning: The proposed initial zoning is LC, Limited Commercial Zone. This zone is consistent with the surrounding zoning and land uses. The proposed zone is compatible with the Comprehensive Plan's Lower and Higher Density Residential and Commercial designations as LC is a mixed use zone and allows for those types of uses. This location adheres to the purposes of the LC Zone, being located on a major street and contiguous to residential uses.

Staff Recommendation: Staff recommends approval of the annexation and initial zoning of LC.

Comprehensive Plan Policies:

Plan for different commercial functions within the City of Idaho Falls. Private developers recognize there are different types of commercial development serving different customers. In our planning, we need to understand these different functions and require different site standards. (p.46)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. (p.67)

Locate regional facilities which generate major traffic on or within one-half mile of regional highways. By locating major traffic generators such as regional shopping centers, regional employment centers, and large public facilities near existing highways with the capacity to handle additional traffic, we prudently use our past investments and assure we, as a community, do not have to build extensive facilities to accommodate traffic generated by growth. (p.68)

Zoning:

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	50
Setbacks - Minimum in ft.				
Front		20	20*	20
Side				
Rear				
Landscape buffer contiguous to street* in ft.		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 %	1	80	80	

- (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.
- (2) In the HC Zone, display space may encroach into the landscape buffer contiguous to the street. Such encroachments may not exceed twenty five percent (25%) of the linear frontage contiguous to the street.
- (3) In all commercial zones, when a development adjoins a residential zone or unincorporated land designated for residential land use in the City's Comprehensive Plan and the height of the building is over twenty-four feet (24'), the building shall set back thirty feet (30') from the property line contiguous to such Zones or land designated for residential land uses.
- (4) For commercial uses, lot coverage shall include all areas under roofs and paved surfaces including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.

Council Chambers

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

MEMBERS ABSENT: None.

<u>ALSO PRESENT:</u> Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler, Brent McLane and Brian Stephens; City Attorney, Michael Kirkham, Esq.; and interested citizens.

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

CHANGES TO AGENDA: None.

<u>MINUTES:</u> Romankiw moved to approve the September 3, 2019 minutes, Cantu seconded the motion and it passed unanimously.

Business:

ANNX 10-010. ANNEXATION/INITIAL ZONING OF LC. Beutler presented the staff report, a part of the record. Dixon asked if there is a right of way on the east boundary. Beutler indicated that there is Crow Creek that is on the east boundary and there are tiny parcels. Beutler clarified that there are multiple parcels and each property owner has requested annexation. Dixon asked if there would be access off Lincoln Rd. Beutler showed that the area immediately south is zoned LC and there is a preliminary plat on record with stub roads going to the north that would provide a network system from Woodruff through to Lincoln. Beutler clarified that LC allows for single family residential as well as commercial, so if a residential development made sense it could develop in the LC zone.

Applicant: No applicant was present.

Swaney moved to recommend to the Mayor and City Council approval of Annexation and Initial Zoning of LC for M&B: Approximately 27.8 Acres NW ¼, Section 16, T 2N R 38 E as presented by staff, Morrison seconded the motion and it passed unanimously.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 27.646 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE **AUTHORITIES:** AND PROVIDING **PUBLICATION** SUMMARY, SEVERABILITY, BYAND 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 upon compliance with procedures required in 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, the lands to be annexed are contiguous to the City and the 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 does 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 City Council that the lands described hereinbelow 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, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Commercial, Higher Density, Lower Density"; 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. That 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 that 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.

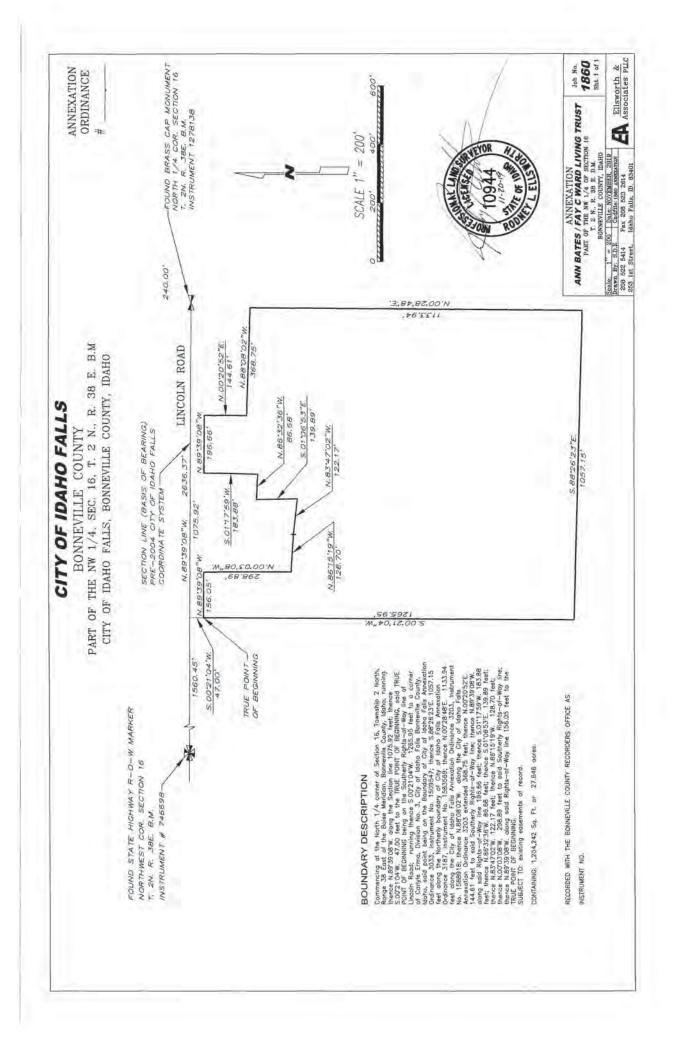
PASSED BY THE 0, 2019.	COUNCIL ANI	O APPROVED BY THE MAYOR this	day of
		Rebecca L. Noah Casper, Mayor	-
ATTEST:			
Kathy Hampton, City Clerk			
(SEAL) STATE OF IDAHO) : ss.		
County of Bonneville)		

I, KATHY HAMPTON, 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 APPROXIMATELY 27.646 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton, City Clerk	

(SEAL)





LEGAL DESCRIPTION

Commencing at the North 1/4 corner of Section 16, Township 2 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho; running thence N.89°39'08"W. along the Section line 1075.92 feet; thence S.00°21'04"W. 47.00 feet to the TRUE POINT OF BEGINNING, said TRUE POINT OF BEGINNING being on the Southerly Rights-of-Way line of Lincoln Road; running thence S.00°21'04"W. 1265.95 feet to a corner of Carlyle Erma, Division No. 3, City of Idaho Falls Bonneville County, Idaho, said point being on the Boundary of City of Idaho Falls Annexation Ordinance 3033, Instrument No. 1509547; thence S.88°26'23"E. 1057.15 feet along the Northerly boundary of City of Idaho Falls Annexation Ordinance 3187, Instrument No. 1583569; thence N.00°28'48"E. 1133.94 feet along the City of Idaho Falls Annexation Ordinance 3203, Instrument No. 1588918; thence N.88°08'02"W. along the City of Idaho Falls Annexation Ordinance 3203 extended 368.75 feet; thence N.00°20'52"E. 144.61 feet to said Southerly Rights-of-Way line; thence N.89°39'08"W. along said Rights-of-Way line 196.66 feet; thence S.01°17'59"W. 183.88 feet; thence N.86°32'36"W. 86.68 feet; thence S.01°06'53"E. 139.89 feet; thence N.83°47'02"W. 122.17 feet; thence N.86°15'19"W. 128.70 feet; thence N.00°03'08"W. 298.89 feet to said Southerly Rights-of-Way line; thence N.00°03'08"W. 298.89 feet to said Southerly Rights-of-Way line; thence N.89°39'08"W. along said Rights-of-Way line 156.05 feet to the TRUE POINT OF BEGINNING.

SUBJECT TO: existing easements of record. CONTAINING: 1,204,242 Sq. Ft. or 27,646 acres.

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511	nmı	men	nv
Ju	OHIL	tted	wy.

Eng/Survey Firm Name: Ellsworth & Associates PLLC

Contact Name: Steve Ellsworth

Phone Number: 208-522-5414

Email: Sellsworth@ida.net

Page of

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF PROPERTY LOCATED M&B: APPROXIMATELY 27.646 ACRES NW1/4, SECTION 16, T 2N, R38E.

WHEREAS, the applicant filed an application for annexation on August 29, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on October 1, 2019; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public meeting on December 12, 2019; 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, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 27.646 acres located generally south of Lincoln Rd., west of N 25th E, north of Kearney St., and east of S Woodruff Ave.
- 3. Annexation of the property is consistent with the city's Comprehensive Plan. The Comprehensive Plan designates this area as Commercial, Higher Density and Lower Density.
- 4. There are existing utilities in Lincoln Road as well as in new development south of this property. Annexation will encourage development in an area already served by public utilities and within the City's Area of Impact.
- 5. The application is a Category "A" 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.

			Rebecca Casper - Mayor
THIS	DAY OF	, 2019	
PASSED B	Y CITY COUNCIL (OF THE CITY OF IDAHO FA	ALLS

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 APPROXIMATELY 27.646 ACRES DESCRIBED IN EXHIBIT A OF THIS ORDINANCE AS LC, LIMITED COMMERCIAL ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibit A is LC, Limited Commercial Zone for such annexed lands such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Commercial, Higher Density, Lower Density"; and

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

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on October 1, 2019, and recommended approval of zoning the subject property to LC Zone; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public meeting and passed a motion to approve this zoning on December 12, 2019.

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

SECTION 1: Legal Description. The lands described in Exhibit A are hereby zoned as LC Zone.

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned "LC, Zone" 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 Department Offices, 680 Park Avenue.

SECTION 3. 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 4. 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.

passage, approval and publication.	
PASSED by the City Council and APPROVED by thisday of, 2019.	the Mayor of the City of Idaho Falls, Idaho
	CITY OF IDAHO FALLS, IDAHO
ATTEST:	Rebecca L. Noah Casper, Mayor
Kathy Hampton, City Clerk (SEAL)	
STATE OF IDAHO) ss: County of Bonneville) I, KATHY HAMPTON, CITY CLERK OF THE CIHEREBY CERTIFY:	TY OF IDAHO FALLS, IDAHO, DO
That the above and foregoing is a full, tru entitled, "AN ORDINANCE OF THE CITMUNICIPAL CORPORATION OF THE FOR THE INITIAL ZONING OF A DESCRIBED IN EXHIBIT A OF THIS OPPROVIDING SEVERABILITY, PUBLICESTABLISHING EFFECTIVE DATE."	TY OF IDAHO FALLS, IDAHO, A STATE OF IDAHO; PROVIDING APPROXIMATELY 27.646 ACRES ORDINANCE AS LC ZONE; AND

SECTION 5. Effective Date. This Ordinance shall be in full force and effect from and after its

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF LC, LIMITED COMMERCIAL OF PROPERTY LOCATED M&B: APPROXIMATELY 27.646 ACRES NW1/4, SECTION 16, T 2N, R38E.

WHEREAS, the applicant filed an application for annexation on August 29, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on October 1, 2019; and

WHEREAS, this matter came before the Idaho Falls City council during a duly noticed public meeting on December 12, 2019; 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 Zoning Comprehensive plan, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 27.646 acres located generally south of Lincoln Rd., west of N 25th E, north of Kearney St., and east of S Woodruff Ave.
- 3. The proposed initial zoning of LC, Limited Commercial Zone is consistent with the surrounding zoning and land uses.
- 4. The proposed zone is compatible with the Comprehensive Plan's Lower and Higher Density Residential and Commercial designations as LC is a mixed use zone and allows for both types of uses.
- 5. This location adheres to the purposes of the LC Zone, being located on a major street and contiguous to residential uses.
- 6. The application is a Category "A" annexation.

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 FA	LLS
THIS	DAY OF	, 2019	
			Rebecca Casper - Mayor



MEMORANDUM

FROM: Brad Cramer, Community Development Services Director

DATE: Friday, December 6, 2019

RE: Annexation and Initial Zoning, Annexation and Zoning Ordinances, and Reasoned

Statements of Relevant Criteria and Standards, Approximately 220 acres

Item Description

For your consideration on the December 12, 2019, agenda is Annexation and Initial Zoning of I&M, LM, HC, LC and R1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East. These properties are generally non-residential land uses. The Planning and Zoning Commission considered this item at its October 1, 2019, meeting and recommended approval of the following according to the areas shown on the attached maps:

Area 1: As presented by a unanimous vote

Area 2: As presented by a vote of 7-1

Area 3: As presented by a unanimous vote

Area 4: As presented by a vote of 7-1

Area 5: As presented by a vote of 7-1

Area 6: As presented by a unanimous vote

Purpose

Annexation and initial zoning is related to the City's goals for good governance and managed, well planned growth and development.

Fiscal Impact / Financial Review

NA

Legal Review

Legal has reviewed and discussed the annexation with CDS throughout the process.

Interdepartmental Review

All applicable departments have been notified of the proposed annexation and been in discussions with CDS regarding throughout the process.

Recommended Action

- 1. To approve the Ordinance annexing M&B: Approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary.
- 2. To approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: Approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.
- 3. To assign a Comprehensive Plan Designation of Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Employment Center, Greenbelt Mixed Use, Parks, Recreation and Public Facilities, Open Space and to approve the ordinance establishing the initial zoning for M&B: Approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East, under the suspension of the rules requiring three complete and separate readings and 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.
- 4. To approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: Approximately 220 acres in Sections 14, 23-25, and 36, Township 2 North, Range 37 East and Sections 7-9, 16-17, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.



IDAHO FALLS PLANNING AND ZONING COMMISSION STAFF REPORT

ANNEXATION & INITIAL ZONING OF I&M, LM, HC, LC, & R1 M&B: Apprx. 220 Acres Sections 14, 23-25, and 36, T 2N, R 37E and Sections 7-9, 16-17, T 2N, R 38E.

October 1, 2019



Community Development Services

Applicant: City of Idaho Falls

Location: Sections 14, 23-25, and 36, T 2N, R 37E and Sections 7-9, 16-17, T 2N, R 38E.

Size: Approx. 220 acres

Proposed Zoning:

I&M, Industrial & Manufacturing LM HC, Highway Com

HC, Highway Commercial LC, Limited Commercial R1, Single Dwelling Residential

Future Land Use Map: Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Employment Center, Greenbelt Mixed Use, Parks, Recreation and Public Facilities, Open Space

Attachments:

- 1. Statement of Annexation Principles
- 2. Maps and Aerial Photos
- 3. Annexation Plan
- 4. Letters/Comments

Requested Action and Staff Recommendation: To **recommend** approval of annexation and initial zoning of I&M, LM, HC, LC, & R1 with an Airport Overlay Designation to the Mayor and City Council for M&B: Approx. 220 Acres in Sections 14, 23-25, and 36, T 2N, R 37E and Sections 7-9, 16-17, T 2N, R 38E.

History: In early 2014 staff was directed to study the effects of the city's past policy to extend utilities outside city limits. Staff found that approximately 300 properties receive city services outside city limits. The Council has directed staff to begin annexation proceedings for eligible properties that coincide with their Statement of Annexation Principles. The city has been systematically processing annexations for these parcels.

Staff Comments: These properties are being considered for annexation because they coincide with the principles of annexation outlined by the Council as follows and attached.

- The land is completely enclaved by City boundaries, but not subject to 50-222(5)(b)(v)(c); OR
- The property as at least one utility connection (regardless of an annexation agreement for the property); OR
- The property has an annexation agreement (regardless of whether or not it receives a City utility); OR
- The parcel is less than 5 acres and:
 - o Is contiguous by more than merely touching corners AND
 - o Includes a primary structure and a primary use that is not agricultural AND
 - O Has immediate access to a utility service

Attached maps identify each parcel and how they coincide wth the principles of annexation.

Annexation: It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities 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 the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe, General Provisions Idaho Statute 50-222.

Continued on next page

This is a Category "B" annexation. A Category "B" annexation requires the preparation of an annexation plan (attached) as well as a public hearing. Properties can be classified as a Category "B" annexation when the area is contiguous or adjacent to the City and is within the City's Area of Impact. Category "B" annexations can also include properties that have been subdivided into lots or parcels of five acres or less.

In a Category "B" annexation implied consent to annex is given when the property is connected to a water or wastewater collection system operated by the city if the connection was requested in writing or was completed prior to July 1, 2008.

Initial Zoning: The proposed initial zoning designations are I&M, LM, HC, LC, & R1 Zones. In determining zoning designations staff considered the existing county zoning, current land use of the property, future land use identified in the Comprehensive Plan and property owner input. The initial zoning for a portion of the properties will also include Airport Overlay Zone designations. These designations do not affect existing uses of the property.

Neighborhood Meeting: Staff held a neighborhood meeting at City Council Chambers on September 17, 2019 to inform property owners about the annexation process and answer questions. Staff has also spoke with and met in person with several individuals with questions about the proposed annexation and the overall process.

Comprehensive Plan Policies:

Land Use Category definitions. (p. 63)

Establish a program of on-going communication and cooperation with other local governments and entities. (p. 64)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. (p.67)

Zoning:

11-3-7: PURPOSE OF INDUSTRIAL ZONES

- (A) LM Light Manufacturing and Heavy Commercial Zone. This zone provides a light industrial zone in which the primary use of land is for non-nuisance industries, and heavy commercial establishments. This Zone is characterized by a wide variety of businesses, warehouses, equipment yards, and light manufacturing and industrial uses, and located convenient to transportation systems.
- (B) I&M Industrial and Manufacturing Zone. This zone provides an industrial zone in which the primary use of the land is a manufacturing, fabricating, processing, and warehousing. Land zoned I&M should be relatively flat, open land, conveniently located close to transportation, public utilities and other facilities necessary for large employment centers and successful manufacturing operations

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.

(D) HC Highway and General Commercial Zone. This zone provides a commercial zone for retail and service uses serving the traveling public. Characteristics of the Zone are buildings set back from the right-of-way line to promote safety on the highway and maintain maximum use of highway right-of way for travel purposes, and a wide variety of architectural forms and shapes. This Zone should be located at specific locations along highways leading into the City.

11-3-3: PURPOSES OF RESIDENTIAL ZONES.

(C) R1 Single Dwelling Residential Zone. This zone provides a residential zone which is representative of a less automobile-oriented, more walkable development pattern, characterized by somewhat smaller lot widths; and a somewhat denser residential environment than is characteristic of the RP Residential Park Zone. The principal uses in the R1 Residential Zone shall be single detached and attached dwelling units. This zone is also generally located near limited commercial services that provide daily household needs.

Table 11-3-6: Dimensional Standards for Industrial Zones

	LM	I&M
Site Area- Minimum in acres		
Setbacks - Minimum in ft.		
Front	30	30
Side	0/20*	0/20*
Rear	0/20*	0/20*
Building Height- Maximum	see sub-sections (2) below	
Lot Coverage- Maximum in %	80	
Building Coverage- Maximum in %	50	

^{*}See explanations, exceptions and qualifications that follow in 11-3-8A (1-2) of this Zoning Code.

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

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	50	50
Setbacks - Minimum in ft.				
Front		20	20*	20
Side				-
Rear				
Landscape buffer contiguous to street* in ft.		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 %	1	80	80	

- (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.
- (2) In the HC Zone, display space may encroach into the landscape buffer contiguous to the street. Such encroachments may not exceed twenty five percent (25%) of the linear frontage contiguous to the street.
- (3) In all commercial zones, when a development adjoins a residential zone or unincorporated land designated for residential land use in the City's Comprehensive Plan and the height of the building is over twenty-four feet (24'), the building shall set back thirty feet (30') from the property line contiguous to such Zones or land designated for residential land uses.
- (4) For commercial uses, lot coverage shall include all areas under roofs and paved surfaces including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.

11-3-4: STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: 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	5,000
Lot Area Maximum in ft ²		1	13,500*			-		
Site Width								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	50
Setbacks, Minimum in ft.								
Front	40	30*	25*	20*	15*	15	15	30
Front Maximum in ft.		-			20*		++-+	
Side	20	7.5/10*	6	6	.5	6	6	10
Rear	40	25	25	25	10	25*	25*	25*
Lot Coverage, Building Height, and Density								
Maximum Lot Coverage in %	30	40	40	80	50	80	80	40
Maximum Building Height in ft*	24	24	24	24	*			24
Maximum Density in net units/acre	1	4	6	17	15	35	35	8
*See explanations, exceptions a	and qualifi	cations in	Section 11-	3-4A,B,C	of this Zor	ning Code.		

(Ord. 3218, 9-13-18)

(A) Minimum and Maximum Lot Area.

- (1) In the R1 Zone, the maximum lot size shall be thirteen thousand five hundred square feet (13,500 ft²), except for corner lots, wedge-shaped lots in cul-de-sacs, or other unusual shaped lots. This shall also not apply to conditional uses such as schools and religious institutions.
- (2) In the R2 zone, seven hundred and fifty square feet (750 ft²) shall be added to the minimum required area for each additional dwelling unit.
- (3) In the TN Zone, the maximum average lot area for subdivisions approved after the adoption of this Code, April 12, 2018, shall be six thousand two hundred and fifty square feet (6,250 ft²) in order to encourage a mix of lot sizes and dwelling types. (Ord. 3210, 8-23-18)

Council Chambers

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

MEMBERS ABSENT: None.

<u>ALSO PRESENT:</u> Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler, Brent McLane and Brian Stephens; City Attorney, Michael Kirkham, Esq.; and interested citizens.

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

CHANGES TO AGENDA: None.

<u>MINUTES:</u> Romankiw moved to approve the September 3, 2019 minutes, Cantu seconded the motion and it passed unanimously.

Public Hearing(s):

Beutler indicated that they held a joint neighborhood meeting on September 17, 2019. Beutler indicated that they have grouped the annexations into commercial and residential annexations. Beutler reviewed the criteria for Category B Annexation.

ANNX 19-009: ANNEXATION/INITIAL ZONING OF I&M, HC, LC, LM, AND R1.

Beutler presented the staff report, a part of the record. Black asked, (4) regarding the area that would require a comprehensive plan amendment prior to the zoning moving forward, what the reasons the property owners were requesting the change in zoning to manufacturing. Beutler stated that the property owners aren't in favor of annexation, but the feedback was that they were concerned that some of their operations might not coincide or comply and they feel that they would be limited to the uses current and future, and they feel the I&M designation would provide more flexibility. Beutler indicated staff is not opposed to the industrial designation. Beutler continued with the staff report.

Dixon asked if the only thing that makes a property enclaved is a road or a right of way such as a canal, does that still consider the property to be enclaved. Beutler indicated that generally no, and you are looking for the City to be completely surrounding the parcel. Dixon stated that a large number of the parcels have a parcel that meets different criteria, and next to it, also enclaved is a parcel that doesn't meet criteria such as less than 5 acres. Beutler stated that the annexation principles are, or statements and the parcels do not have to comply with every criterion. Dixon indicated its hard to tell what is still County on the map because of the color. Dixon stated that his biggest concern is trying to determine the appropriateness of the proposed zone because the proposed zone map doesn't show the surrounding zones. Dixon showed some concern in spot zoning. Beutler indicated that they found the first zone in this instance with the storage units, that would allow the use, so HC was suggested.

Wimborne opened the public hearing.

Applicant: City of Idaho Falls.

No one appeared in support.

Opposition:

Lisa Lorette, 2293 Darrah, Idaho Falls, Idaho. (Slide 1A) Lorette is concerned about the canal being zoned R1 because you cannot build a house over a canal and concerned with the property to the west that zoned R1 and there are no ways to get into or out of the property without going from the church.

Lamoyne Hyde, 4542 N 5th West, Idaho Falls, Idaho. (Slide 2A) Hyde owns Hyde Drift Boats on Pancheri. Hyde indicated that there are 3 parcels that are receiving water and they've tried to hook onto water and power and have not been able to do so. Hyde stated that he built the property next to the business and that is where Colorado connected to Pancheri. Hyde would like it cleaned up because the road is going across his property and he's let it be because he wants people to be able to access Pancheri and Colorado. Hyde believes legally he could shut off the road.

Bruce Hendricks, 2488 Eastview, Idaho Falls, Idaho. (Slide 3A) Hendricks was concerned at the appearance of a piece of property not being annexed, but it was confirmed it is proposed to be annexed the hatch marks are just missing. Hendricks stated that he does have a water hook up that was enacted by the previous owner in 1980. Hendricks stated the purchased the property in 2007 and 2010 he had a sewer issue and now has a cesspool and septic tank between the building and the road and there are only 35' between building and road. Hendricks stated that he was having issues determining whether he was hooked up to City sewer, as he was paying for City sewer, and had paid City Sewer, and in 2016 it was determined that he was not hooked up to City Sewer and he wanted to be hooked up, but the ordinances at the time restricted him from hooking up so he asked the City to refund the money he had been paying since 2007 and the City complied. Hendricks had another sewer issue this year and wanted to resolve his sewer problems. Hendricks was told that he could now connect to the City Sewer and he applied and paid the fee, but since then he has had difficulty in hooking up. Hendricks stated that there is a sewer hookup 10' from his septic tank, but there is a light pole where the connection is and no one can tell for sure whether the connection to the City sewer is under the light pole to on one side or the other and his contractor doesn't want to attempt to find the sewer with the power pole in the way. Hendricks stated it was determined that they wouldn't take the power pole down to find the sewer connection, so his next alternative was to go south to the next parcel and ask for an easement to connect to sewer. Hendricks stated that if he hooked on in the street it would be very expensive, and the easement will cost thousands of dollars, so it seems impossible to hook to City sewer. Hendricks asked that he not be annexed and allow him to operate as he is at this point.

Alan Bradshaw, 255 S 65th W, Idaho Falls, Idaho. (3B Idaho Steele) Bradshaw is against the annexation. Bradshaw stated the property was built in the early 1960's and he understands the problem of connecting to City sewer as it would be impossible for them to connect due to their 4 different septic tanks. Bradshaw stated that logistically there is no way to connect, so there is not advantage. Bradshaw stated that the raise in the tax levy rate from County levy of .0040 to the City levy of .0095 is a large increase.

David Farnsworth, 1895 N Woodruff, Idaho Falls, Idaho. (Slide 4A) Farnsworth is concerned with the annexation. Farnsworth stated that the levy in County of .004 and increased to the City

levy of .0095 would be a 2.3x increase in his property taxes. Farnsworth stated he is currently paying \$7593.70 in taxes and he would increase to \$17,806.61. Farnsworth stated that this building was built in the 70's and he purchased it 3 years ago for a small business and he is trying to grow and make ends meet. Farnsworth believes the tax burden is a "kick to the teeth". Farnsworth stated that Hertz did request to be annexed, and Woodruff Circle is County and then his property is next, then they skip the neighbors and go to Mountain West Rental. Farnsworth is hoping to fight the annexation. Farnsworth is learning that Idaho is one of 4 states that allows the City to annex people without their consent. Farnsworth stated that he feels that he has no options and understands that the annexations are at the request of Mayor Casper and City Council. Farnsworth has asked if there is any way they would reconsider the proposed annexations and has been told that this is what they feel like the City needs and they will move forward. Farnsworth is not opposed to growth, but he feels that it is not always the best for the citizens interest. Farnsworth stated that the City is looking past individual needs. Farnworth asked to not be considered for annexation, or in the alternative the city come up with a better solution for annexing and creating a process that gives him 5 years to work hard so that he can keep his business open and be able to afford the tax raises. Farnsworth also provided written comment.

Corbin Cook, 3455 Crestwood Ln. Idaho Falls, Idaho. Cook stated that in Idaho Statute under Title 50 55-222 which addresses annexations by Cities. Cook stated there is a section that that indicates B Annexations should have a plan that addresses the manner providing tax support municipal services to the land proposed to be annexed. Cook does not believe the City has a plan to provide services to the parcels. Cook stated there has been testimony regarding people that would like sewer that are unable to get that service provided to them. Cook stated that power is an issue and there are substantial costs and issues that have to be addressed in order to bring the parcels in and convert the power to City Power. Cook stated that the plan must also show how to provide fee supported municipal services.

Mark Miskin, 1075 W Sunnyside, Idaho Falls, Idaho. (Slide 6). Miskin stated that his company has been in Eastern Idaho for over 100 years. Miskin is discouraged by the doubled tax rate. Miskin stated that the slide is inaccurate and there has been property sold in the last 90 days that is not accounted for. Miskin stated that 10 acres of ground has 40' bordering the City and he doesn't feel like they are part of Idaho Falls. Miskin stated he recently spent over 100,000 investing in electrical upgrades to the property. Miskin stated that Rocky Mountain Power required them to spend the money to rent the equipment, but they get nothing back when they quit renting the equipment. Miskin stated that they need the high power for their power requirements, and it will go away and they will have to do something with the City for more money. Miskin stated that they are selling 4 lots currently and only 2 are listed to be annexed.

Beutler responded to issues.

Beutler stated that the State Statute does require the City to create an annexation plan and they have done that, and it is included in the packet and available to the property owners. Beutler stated that it generally talks about the ability to provide services. Beutler stated that the properties being considered tonight have services, so the City is able to provide a service. Beutler stated generally speaking the services are available to be provided and the ability to provide the service does exist, however it might take more development to get to the service. Beutler doesn't believe the intent of the statue is to provide or engineer the service for each

parcel and the annexation plan is adequate and the City can and is providing services to the properties. Beutler stated that power is different than water and sewer and power is not mentioned in the Statute. Beutler stated that there is no requirement that a property owner after annexation, change their power service provider and it is the decision of Rocky Mountain Power to allow the customer to change to the City of Idaho Falls.

Beutler stated that slide 1B shows zoning of the canal as R1 and that is common, and it doesn't indicate that a home will be built on the canal and rather they are zoning the canal the same as the surrounding properties. Beutler stated that the property south of the church is owned by the church and this annexation will bring their entire property into the City.

Beutler stated that the Slide 3 had issues when trying to hook onto sewer but had problems. Beutler stated that this is a great example of why the City needs to act on the annexation agreements to keep contiguity in the City and that will keep services easier to obtain. Beutler stated that there might be difficulties in providing the connection to water and sewer, even though the ability to provide the service exists, the specific engineering tasks will have to be done with each property owner and they can work with Public Works on the issues.

Beutler stated, with regards to Slide 6C and the statement from owner that they have sold parcels, the City goes off the parcel information and records provided by Bonneville County so if there is a recent sale or purchase, those records have not been updated when the process was started. Beutler stated that the parcels that are shown are the parcels that actually receive a service and are associated with an annexation agreement.

Beutler stated that the Statement of Annexation Principles that the Council created describes well why the City is now considering the annexations and is an effort to provide efficient and equitable services and clean up the municipal boundaries. Beutler stated that the City provides more services than just utilities to its residents.

Brad Cramer stated that Idaho Law is different in that it considers connection to a municipal utility as consent and the will of the property owner to be annexed. Cramer stated that there is a difference between fee supported and tax supported services. Cramer stated that people get caught up in the fee supported service and not wanting to pay the taxes and those two things are unrelated. Cramer stated that taxes do not pay for sewer, water and power, but rather they pay for tax supported services, and there is already a benefit being derived from the properties from tax supported services, such as police services, roads, fire service and these tax supported services are already a benefit to each of the properties. Cramer stated that part of the tax supported services are also in the County so all of the properties that are in the City, pay a City tax to get the City services and they are also County tax payers, so the inefficiencies that Beutler was referring to is when the County has to service properties that are enclaved by the City, that is a cost to all of the County tax payers and that includes those in the City. Cramer mentioned there is no win with notification, so they stick with the law on time frame notification.

Wimborne closed the public hearing.

Wimborne asked if there are concerns with Slide 1 with a recommendation of R1. There was no discussion amongst the Commissioners.

Wimborne asked if there are concerns with Slide 2. Dixon expressed concern with some parcels being annexed and some not being annexed even though they are entirely enclaved. Beutler

stated that those parcels were discussed and they decided because of the amount of parcels already in this annexation package, they wanted to make it straight forward and deal with the parcels that receive a service and at a later date deal with the enclaved parcels that do not receive any service. Michael Kirkham expressed concern that the hearing has been closed and that they are now deliberating, and it should be conducted within the Commissioners and if they reopen the hearing to get information from Beutler that is fine, but it has to be reopened for everyone. Wimborne stated that the issue of which parcels have been included and which ones haven't had been addressed during the public hearing.

Wimborne reopened the public hearing in order to work through the specific questions. Dixon stated that he is trying to understand the hopscotch pattern.

Dixon asked about the parcel on Utah and why it was not considered for annexation. Beutler stated that the parcel is vacant and undeveloped and receives no service.

Black asked who is responsible for the road on W Colorado. Beutler stated that the City will take over jurisdictional maintenance of the road and the road might receive improvements at a later date.

Wimborne asked about Slide 3. There was no discussion with Commissioners.

Lamoyne Hyde, 4542 N 5th W, Idaho Falls, Idaho. Hyde proposed that they put package 2 under review instead of deciding because there is all of Happy Ville that is in the County and it needs to be looked at conclusively. Hyde stated that the road cannot just be maintained, it is his property and it goes all the way across the road, and it was allowed to have the road go in so they could make a better approach. Hyde wants the whole area to develop. Hyde wants to have City Power. Hyde wants to be annexed. Hyde stated that the Mayor would like to see it done, but it needs to go under review.

Black clarified that Happy Ville is annexed into the City. Beutler indicated that it was annexed, and the only remaining area is in the center. Beutler clarified that there has been some dispute regarding right of way in this area. Beutler stated that annexation will not affect the right of way it will only affect the jurisdiction of the property. Beutler stated that Hyde can request to have the rest of his property annexed and they would process the annexation. Beutler stated that the only parcels being addressed are the ones receiving service and later they will address the ones that are enclaved but do not receive a service.

Dixon asked if the properties when annexed will need to go through a platting process. Beutler stated that they will prior to development, but if development has already occurred there is no requirement to plat unless they do some change to the parcel. Beutler stated that the right of way on Colorado will remain the way it is until there is some type of development action and if there is right of way that needs to be dedicated it would be done at the time of platting for the new development.

Wimborne asked if there are questions on slide 4.

Dixon asked if they are going to have to iterate. Dixon stated that the parcel to the south west of the drive in is not being annexed, but with this annexation will become an enclaved parcel. Dixon asked if they are going to iterate around and these annexations will create new things that are enclaved and now, they must go back. Beutler agreed that it occurs with any annexation.

Dixon stated that on slide 4D the west side north of the sound end of Woodruff Circle, there are two parcels, then a parcel is skipped, then there are two more being considered for annexation. Dixon asked if the properties being skipped have no utilities. Beutler stated that this is the area they are doing further research to see if there are services being received by those parcels.

Wimborne asked if there are questions on slide 5. Dixon asked what zoning is recommended for the 5H (substation) Beutler indicated it is LM.

Wimborne asked if there are questions on slide 6.

Wimborne offered the public another opportunity to address any further issues.

Gary Mills, 777 Linden Place, Idaho Falls, Idaho. Mills believes the North Woodruff area is a prime example of the issue of where a plan coming in place for many of the small businesses who deserve an urban renewal area because it is one of the poorest places in the community for street service, drainage, sidewalks, etc. Mills believes those tax-based services they should receive as they are in a blighted area of town.

Mark Miskin, 1075 W Sunnyside, Idaho Falls, Idaho. Miskin stated that the silver lining in annexation is the lower power rates from City Power, however, if they stay on Rocky Mountain Power, they get the worst of both worlds, with the higher power from Rocky Mountain and the higher taxes from City tax levy.

Wimborne closed the public hearing.

Wimborne suggested the motions be separated out by number and do individual recommendations for each package.

Hicks believes that being annexed into the City, but unable to get City Power, but still have to pay all the other taxes is highly unfair. Hicks wants the City to figure out a way that if they bring the parcels in for annexation, they should have all the benefits apply, instead of a select few.

Swaney stated that the City of Idaho Falls cannot resolve the power issue, because it is established by Board of Public Utilities that the power supplier owns the customer until the power supplier makes an agreement with the customer to release them from their service, and then there are further problems where the hardware that has been rented or leased by the customer and it has to be paid for between the City of Idaho Falls and the customer. Swaney stated that getting City of Idaho Falls Power might have a higher cost, but that is not within the control of the annexation process to relieve the customer of their agreement with the power provider. Swaney stated that there is direction from Mayor and City Council that they have been following to try and annex the properties, not to increase a burden on them financially, and not to increase the size of Idaho Falls, but rather the reason for annexation is to share the cost of the City Services among all the people of Idaho Falls. Swaney stated that the Commission represents the entire City and all citizens and the direction that Mayor and City Council have given the Commission to proceed with annexation is what needs to happen

Black agrees with Swaney and the general principles are to encourage core development, strengthen the tax base, balance property rights with growth, provide public services and amenities that enhance quality of life and support the Comprehensive Plan. Black stated that often when discussing County islands they have to consider the fire and police protection and it puts a cost and burden on those services. Black stated that as City Council goes through and

reviews, she wants them to understand why some people don't want to be annexed into the City and it is because of the great cost of the tax. Black stated that a \$10,000 a year tax increase is extremely dramatic. Black wants them to look when there is a request for tax increase and see what the taxes are used for. Black stated that when they annexed Happy Ville, they wanted the City to put some resources in that area, including a City Park, and the City needs to follow through. Black can see how the tax increase can hurt businesses and push businesses out of the City.

Morrison stated that the law is not always fair in its appearance. Morrison stated that THE CITY NEEDS TO WORK OUT A WAY THAT WHEN THEY ANNEX CERTAIN PROPERTIES, THEY NEED TO PHASE IN THE TAX PAYMENTS SO IT EASES THE BURDEN FOR PEOPLE ON FIXED INCOMES OR SMALL BUSINESSES. Morrison agrees that we do work for the entire City and that is what we consider as a whole, but there could be solutions that could make everyone happier.

Dixon agrees with the comments. Dixon stated that when they discussed Area of Impact there was discussion about a business being located near the City because it was either getting suppliers, customers, employees, or something else from the City and that business was benefiting from being near the City. Dixon believes that if the business doesn't support the City that, that is unfair and if the law allowed them to be annexed then they should be annexed. Dixon stated that the properties that are enclaved but not included in this annexation are the reason he will be voting against certain slides. Dixon stated that both the Idaho Falls Statement of Annexation Principles and the staff notes provided state that if the land is completely enclaved or the property has at least one utility connection, etc. Dixon believes that the criteria given why one property was included and one was excluded is inconsistent.

Morrison moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of slide package #1, Denney seconded the motion and it passed unanimously.

Romankiw moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of slide package #2, Hicks seconded the motion and it passed 7-1. Dixon opposed the motion for the reason previously stated.

Swaney moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of slide package #3, Cantu seconded the motion and it passed unanimously.

Morrison asked if he could eliminate a property from the package. Wimborne believes it would be difficult and the cleaner way is to oppose the motion and provide feedback.

Denney moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of slide package #4, Black seconded the motion and it passed 7-1. Morrison opposed the motion.

Denney moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of slide package #5, Black seconded the motion and it passed 7-1. Dixon opposed the motion for the reason previously stated that the enclaved parcels are not included.

Morrison moved to recommend to the Mayor and City Council approval of the annexation and initial zoning of package #6, Denney seconded the motion and it passed unanimously.

Wimborne called a 5-minute recess.

Wimborne called the meeting back to order.

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<u>connection;</u> or

- annexation agreement; - Property has
- Parcel is:

Less than 5 acres

Contiguous Primary use not agricultural

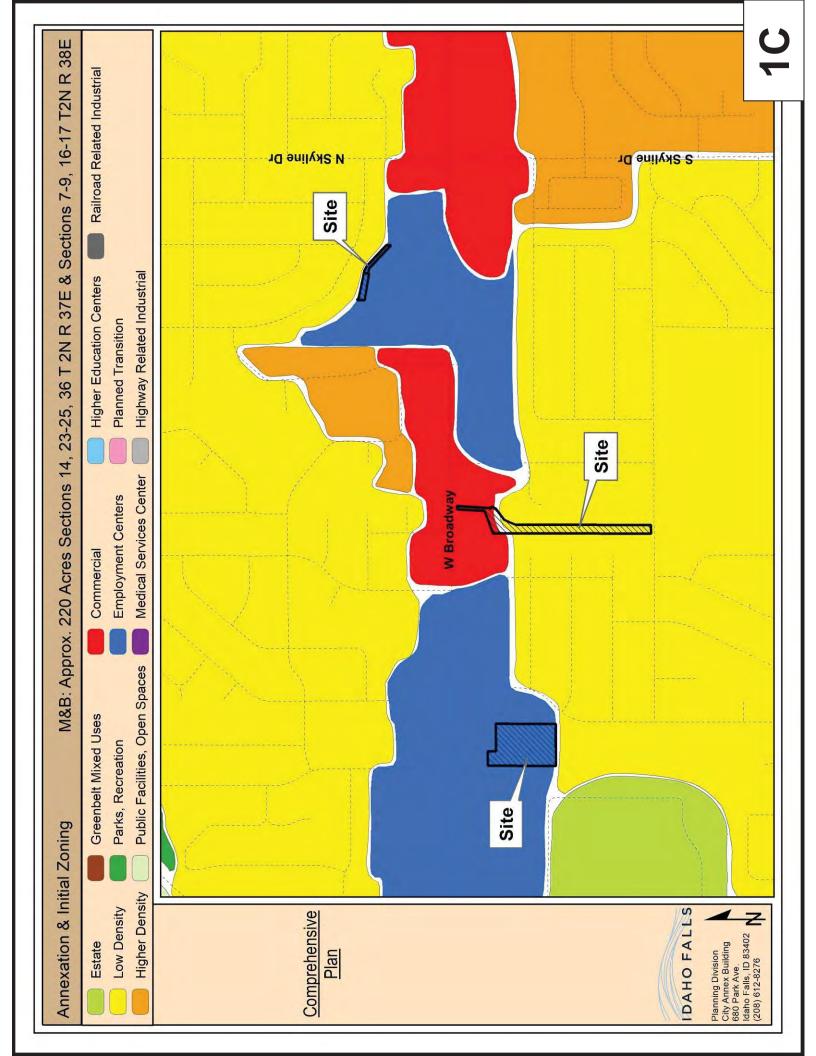
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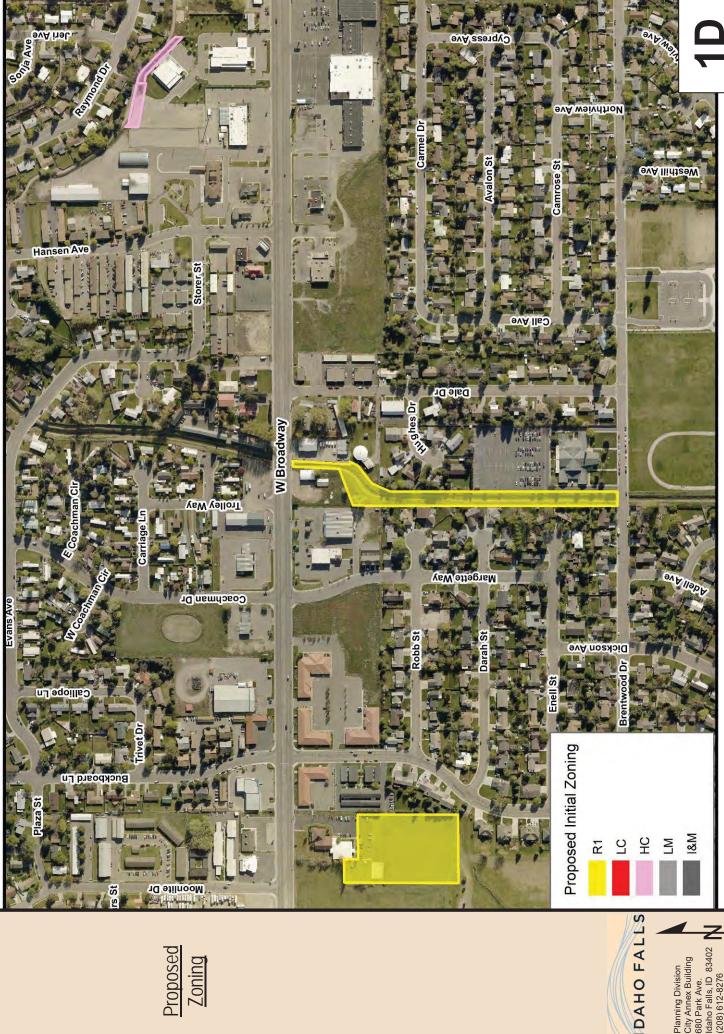
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Proposed Zoning



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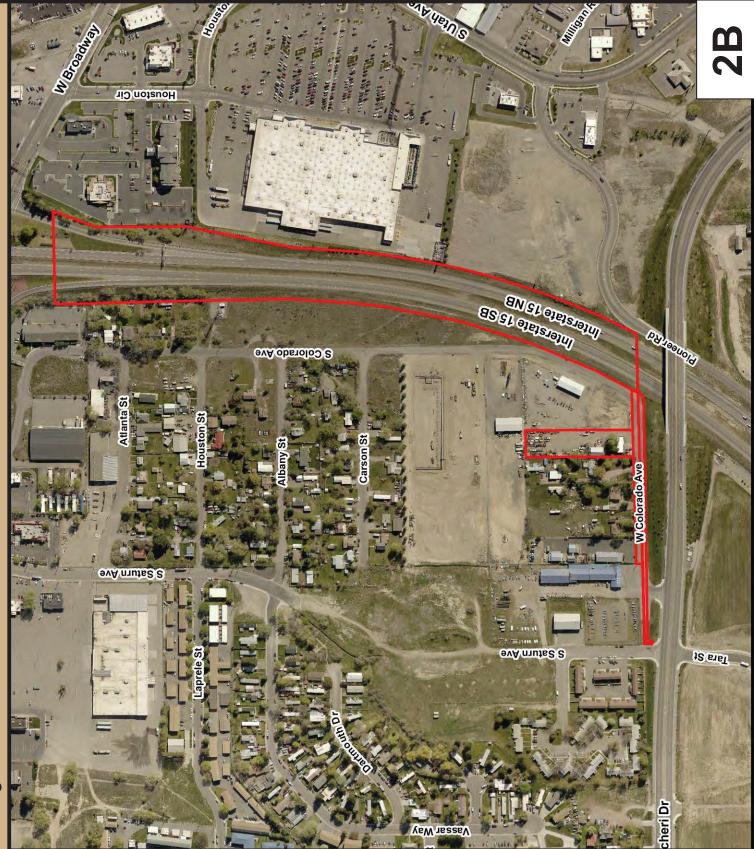
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Primary use not

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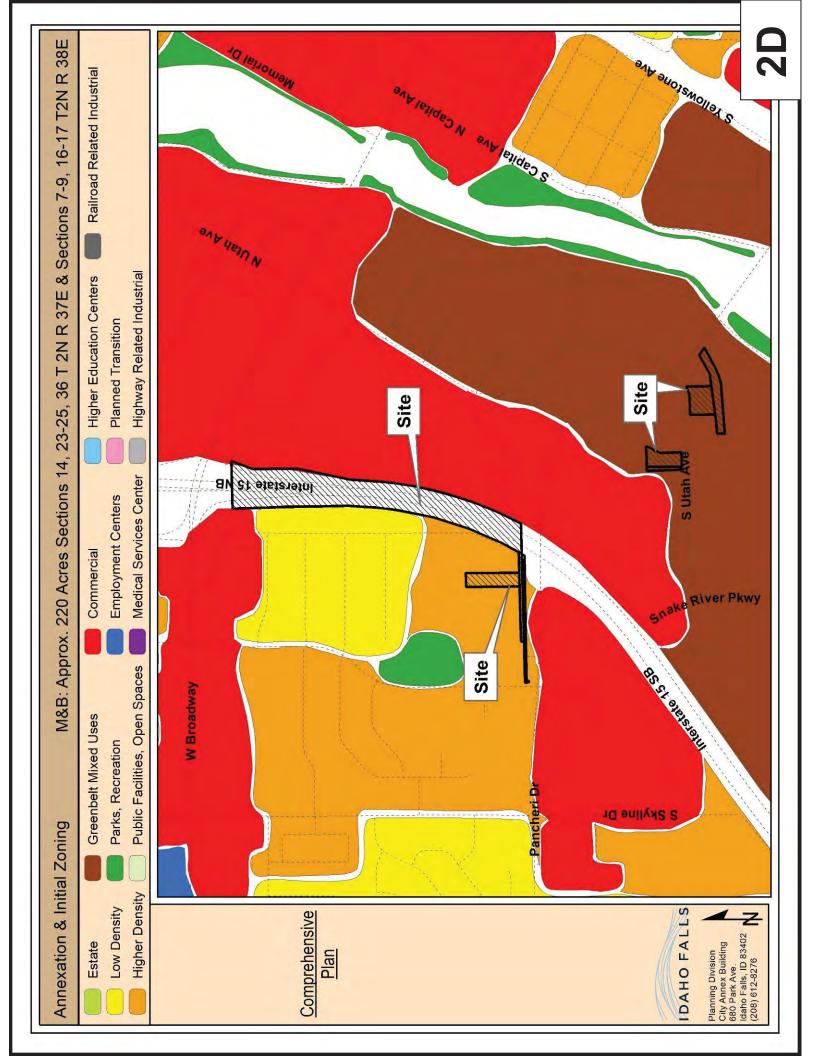
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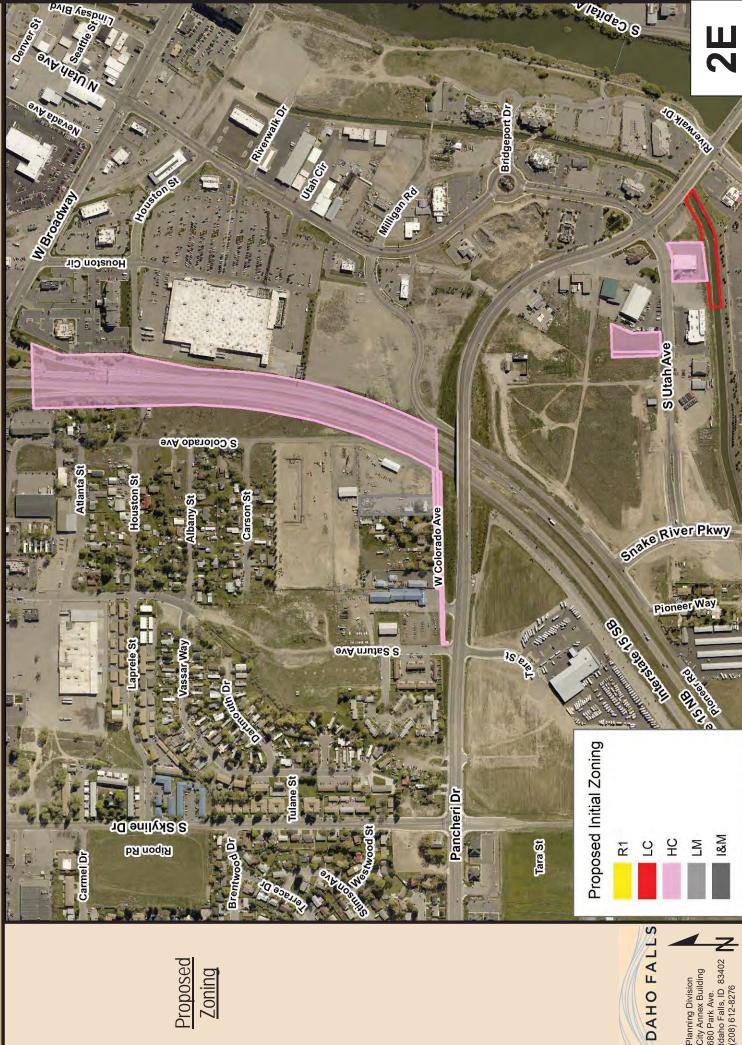
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Proposed Zoning



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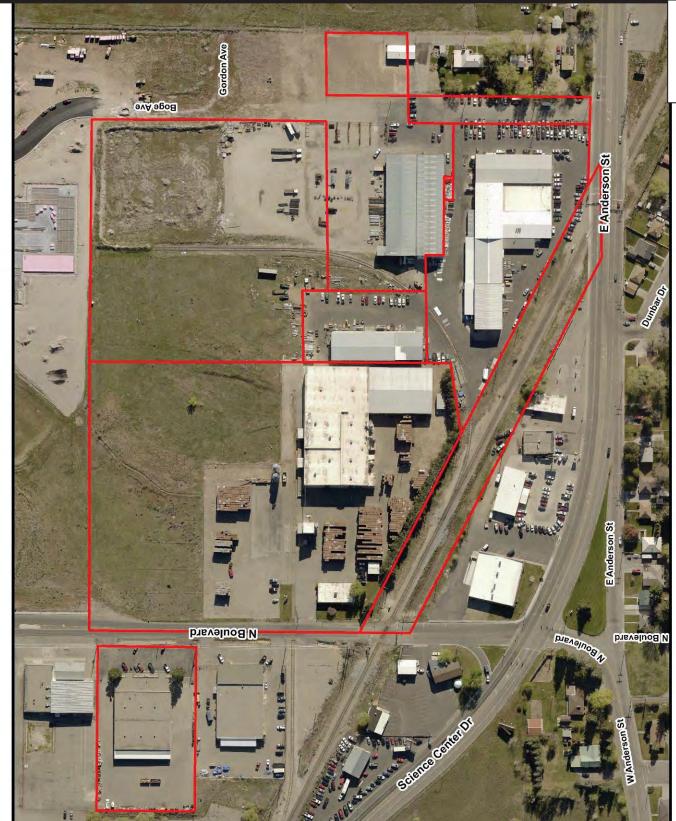
Access to utilities

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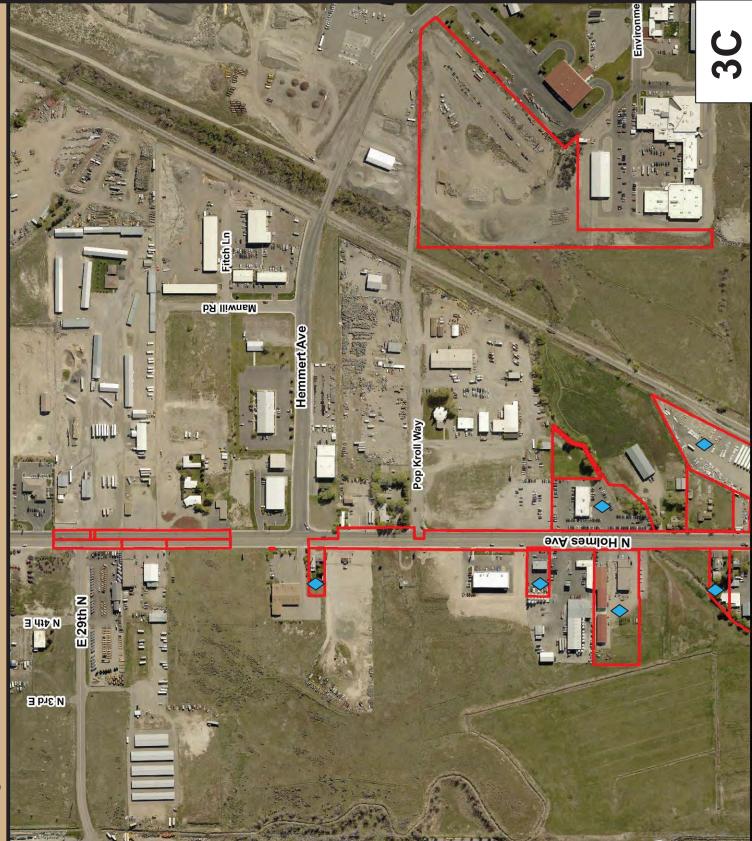
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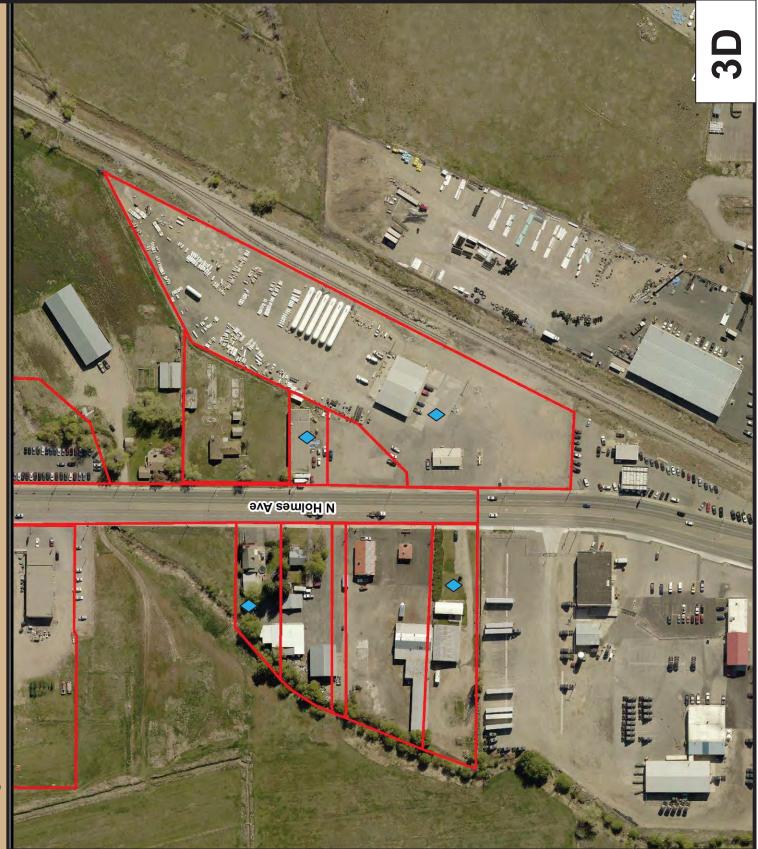
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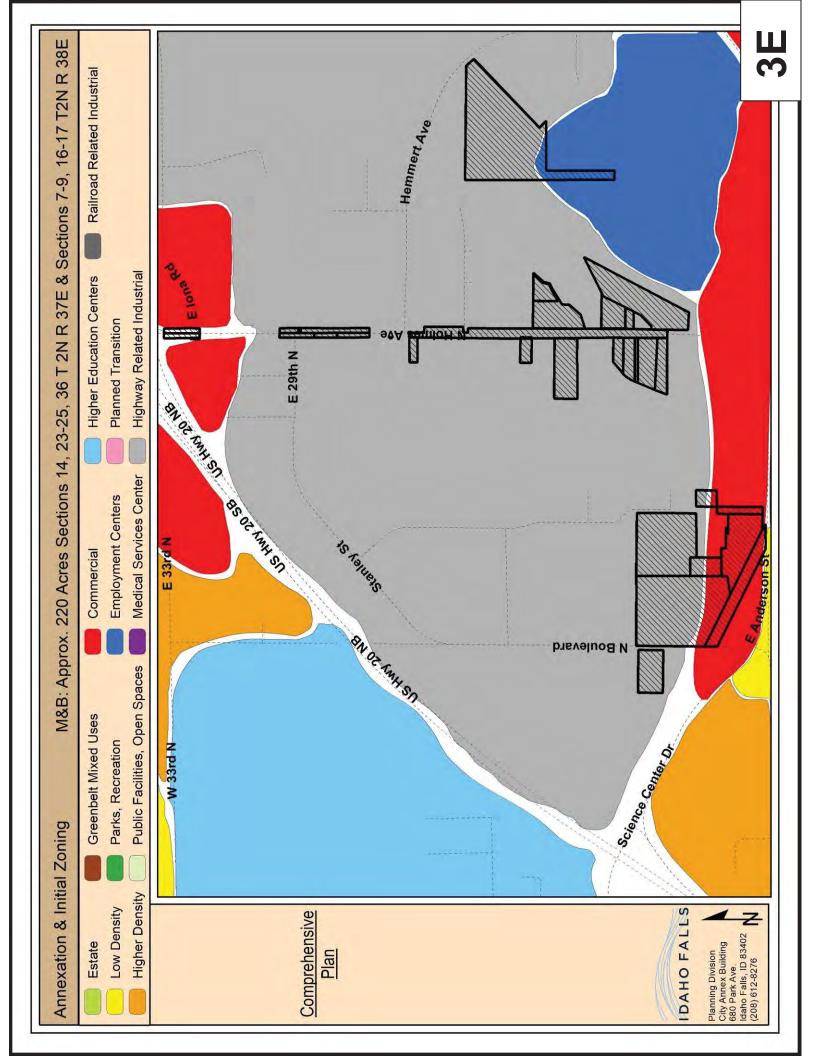
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Proposed Zoning



- Enclaved; or
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- Parcel is:

Less than 5 acres

Contiguous

Primary use not

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Access to utilities

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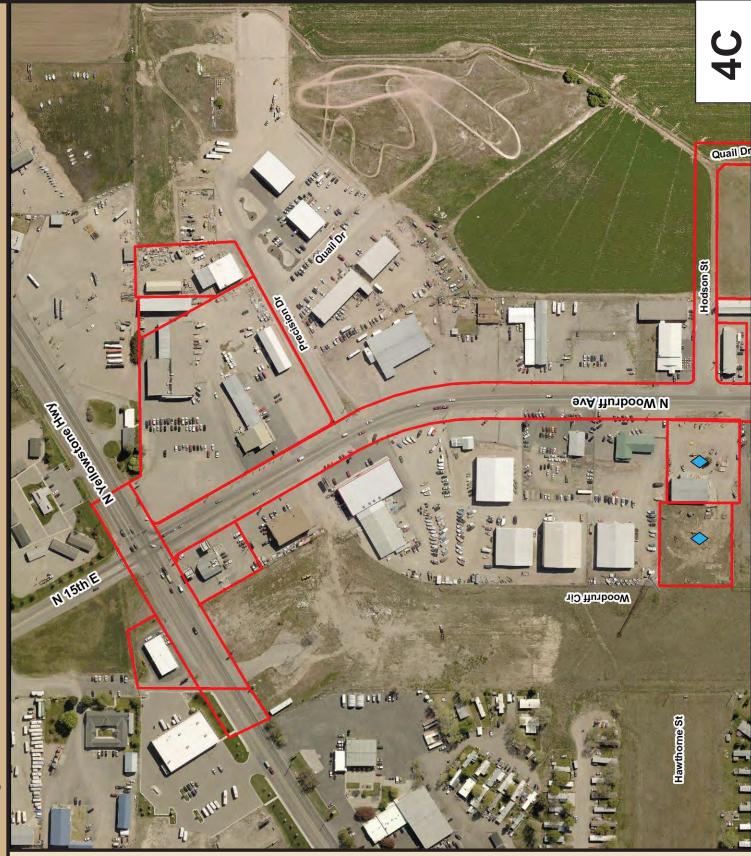
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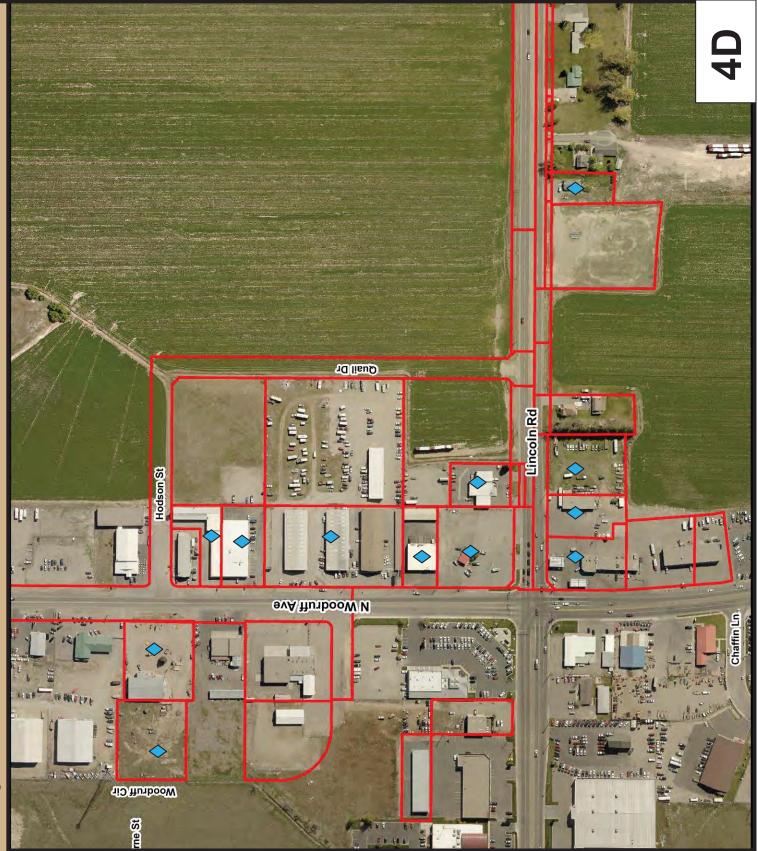
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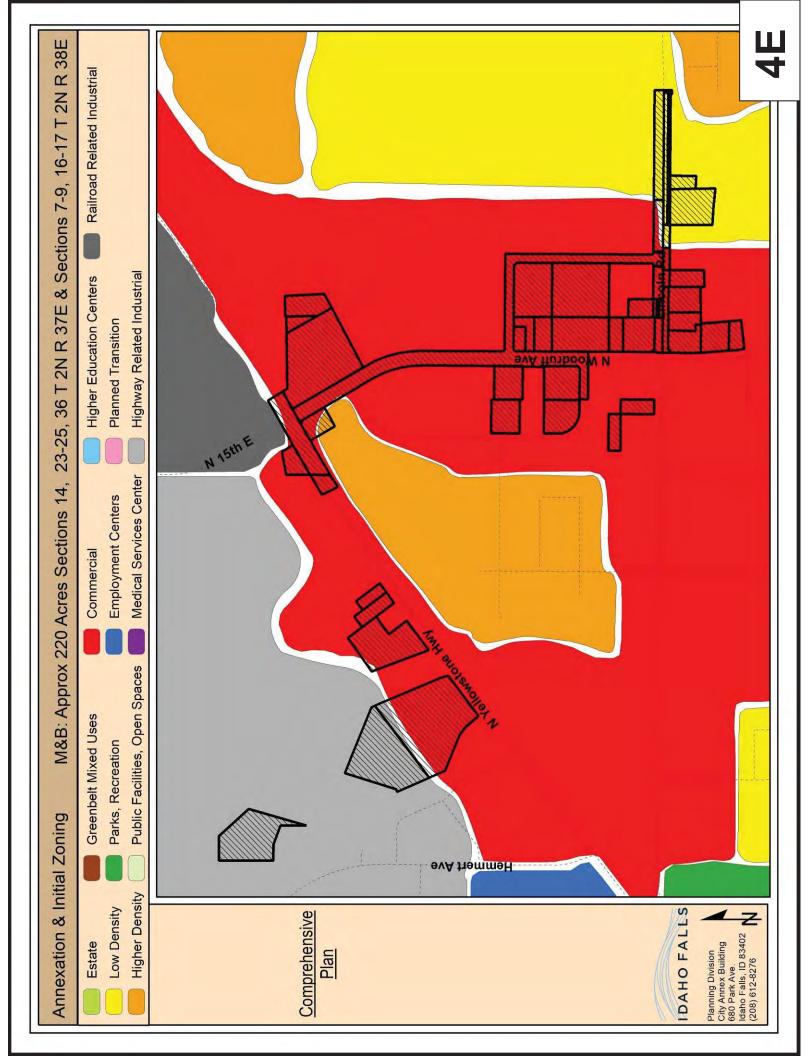
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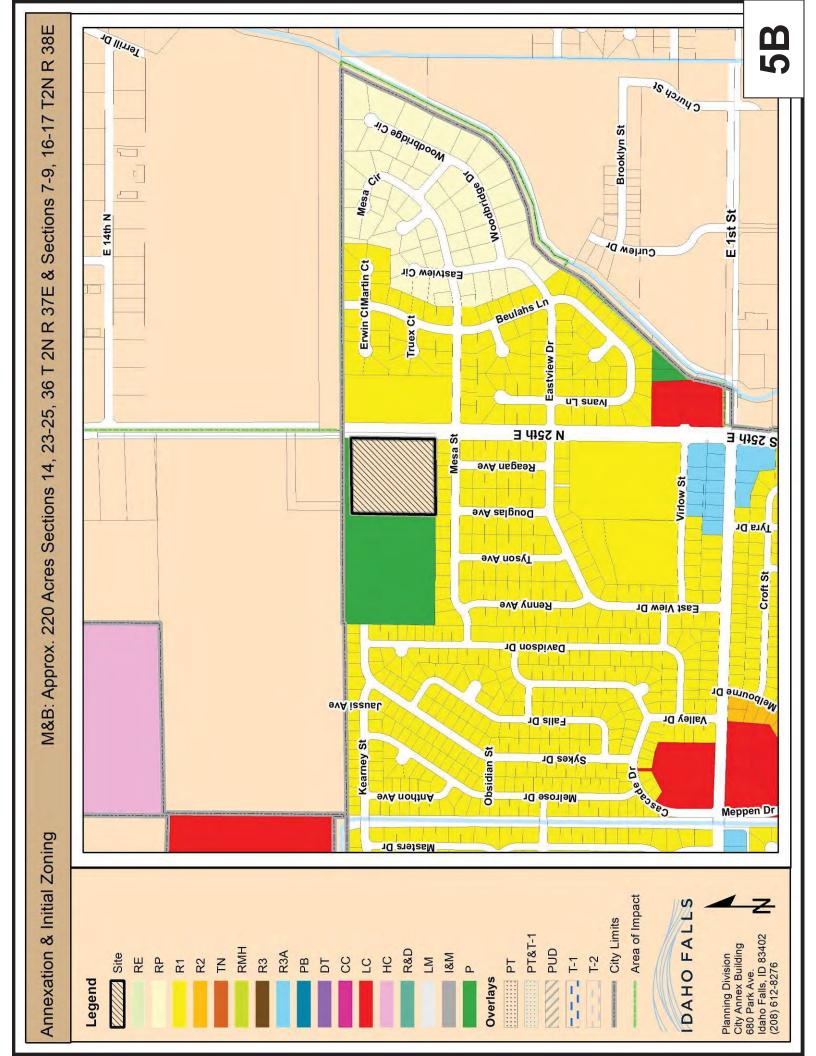
Proposed Zoning

Quail Dr Hodson St **A Moodruff Ave** Woodruff Cir Sherry Ave Wintergreen Ave Hawthorne St Hollipark Dr Rd Proposed Initial Zoning I&M

Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276

DAHO FALLS

M&B: Approx. 220 Acres Sections 14, 23-25, 36 T 2N R 37E & Sections 7-9, 16-17 T2N R 38E Henry St Masters Dr Leona Cir Cariboust Ruth Ave **Carol Ave Bonita** Dr **A Woodruff Ave** Woodruff Park E 1st St **9vA nivioN** Kearney St **EasySt Garfield St** Irving St Johnson St H Kelsey Ave James Pl Winston PI evA noteniW Utley Cir NE Bonneville Dr Kearney PI NW Bonneville Dr Hollipark **Tabor Ave** Spruce Dr Halsey St Johnson St Irving St Kearney St Hemlock St Lovejoy St Redwood Dr Marshall Ave Inden Dr Redwood St Poulson St E Elva St Pinon Dr Northrup Ave Evergreen Dr Annexation & Initial Zoning Area of Impact DAHO FALLS City Limits Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276 PT&T-1 RMH PUD R&D R3A Site I&M 드 Z R3 PB 0 H H Z T-2 RP **R** R2 PT Overlays **Legend**



- Enclaved; or
- Has at least one utility

connection; or

- Property has annexation agreement;
- Parcel is:

Less than 5 acres

Contiguous

Primary use not

agricultural

Access to utilities

Underlined principles indicated those that apply to properties in this slide

Aerial





- Enclaved; or
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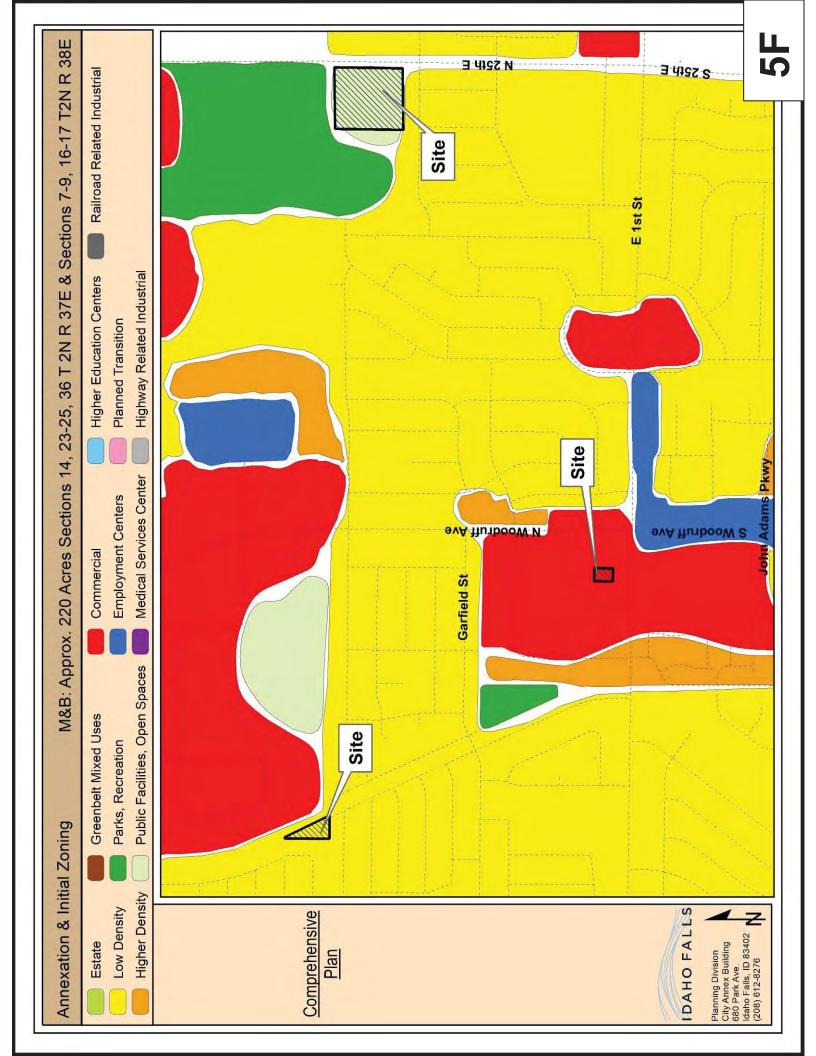
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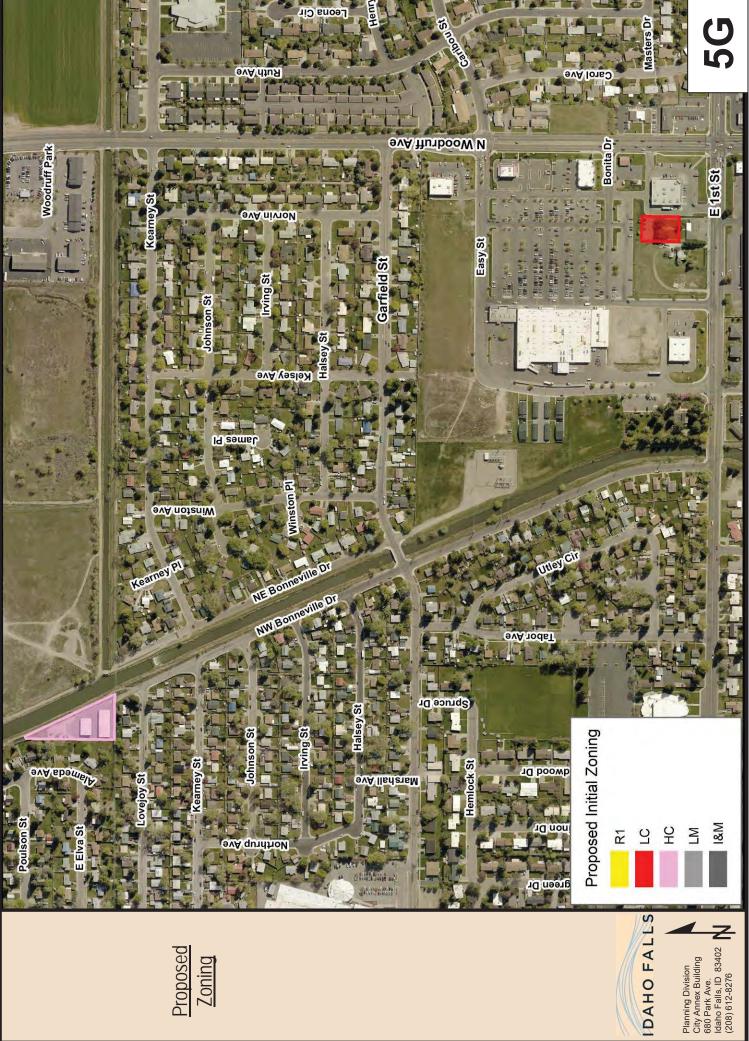
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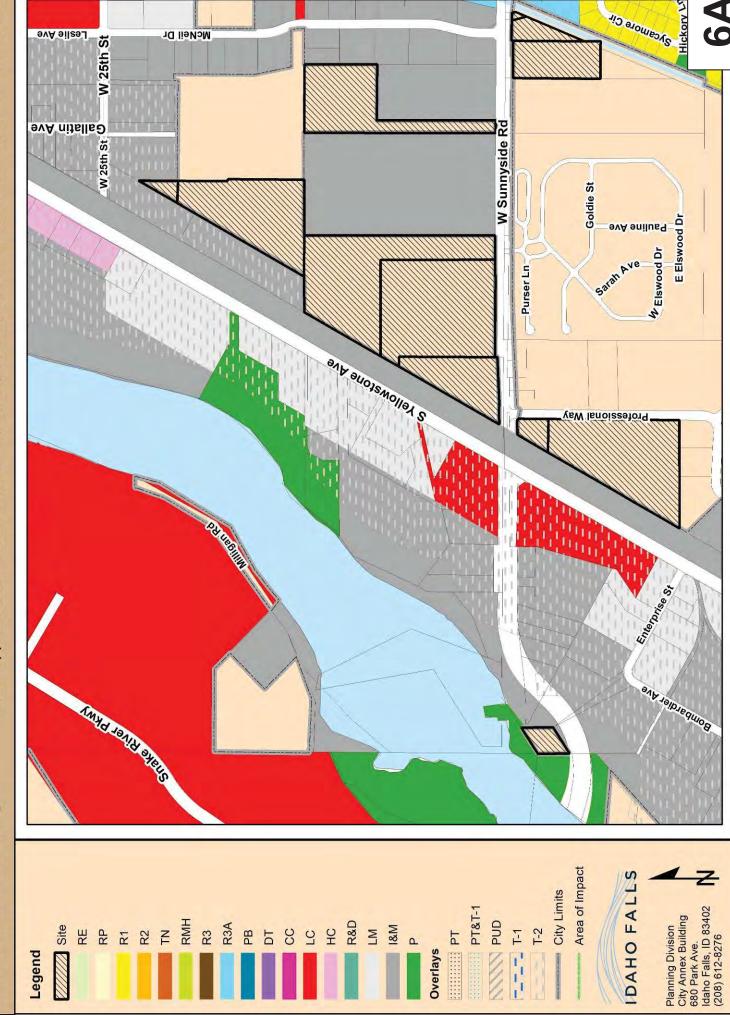
Proposed Zoning



Proposed Zoning



Legend



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Primary use not

agricultural

Access to utilities

Underlined principles indicated those that apply to properties in this slide

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Annexation Principles

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- Has at least one utility

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- Property has

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- Parcel is:

Less than 5 acres

Contiguous

Primary use not

agricultural

Access to utilities

(applies to some)

Underlined principles indicated those that apply to properties in this slide

Aerial



Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276



Annexation Principles

- Enclaved; or
- Has at least one utility

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Property has

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Primary use not

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Access to utilities

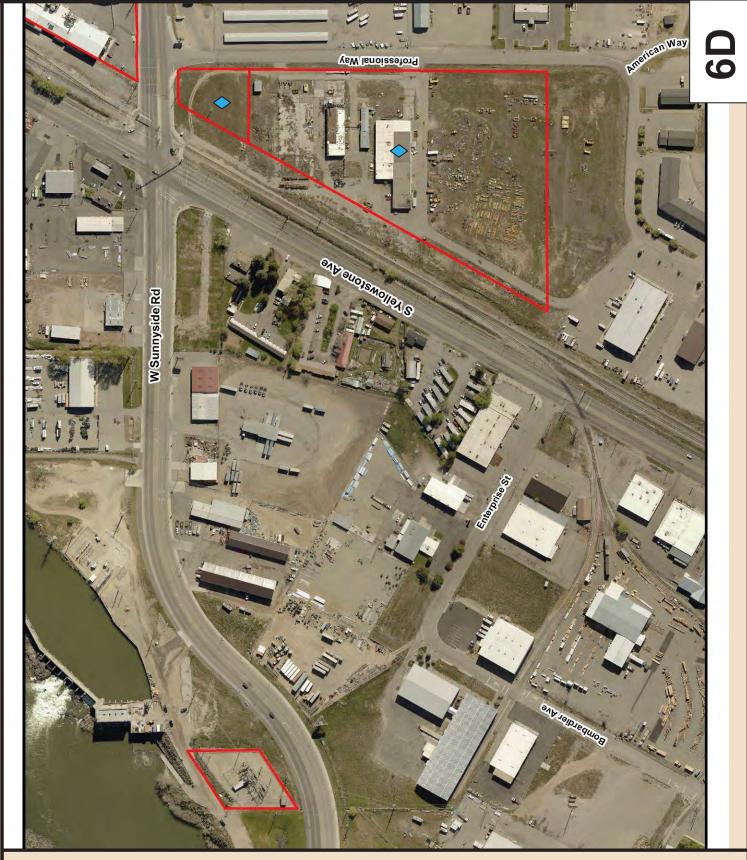
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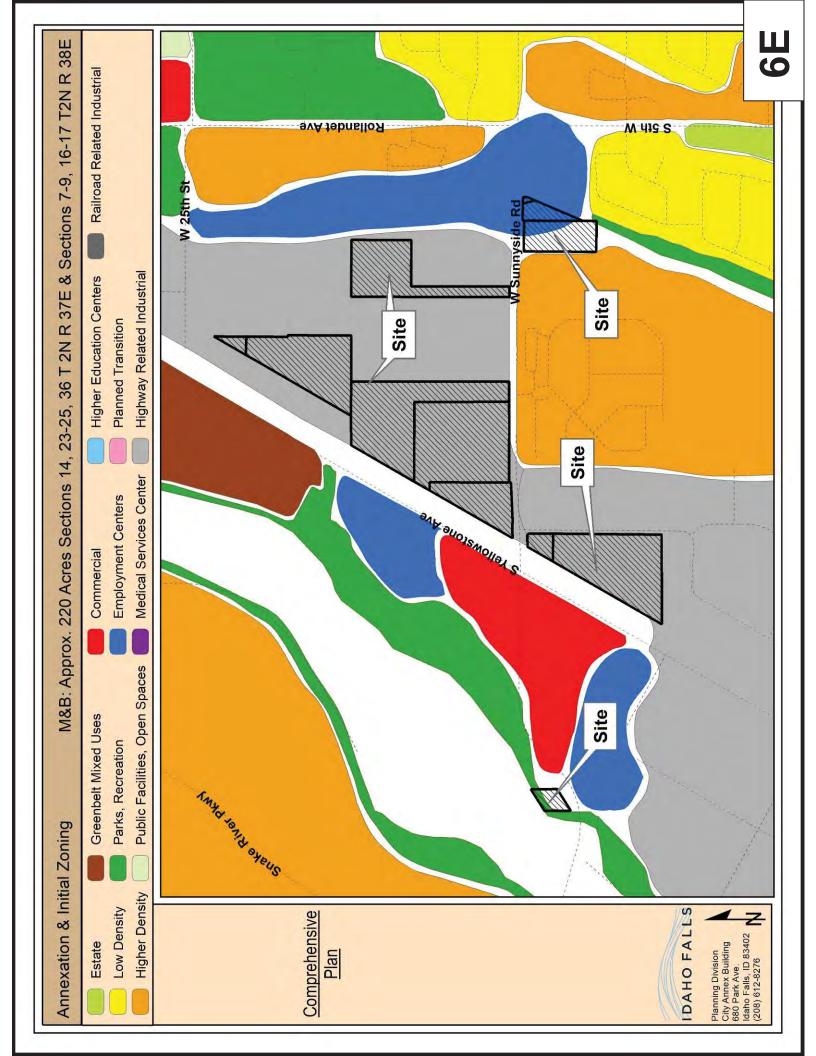
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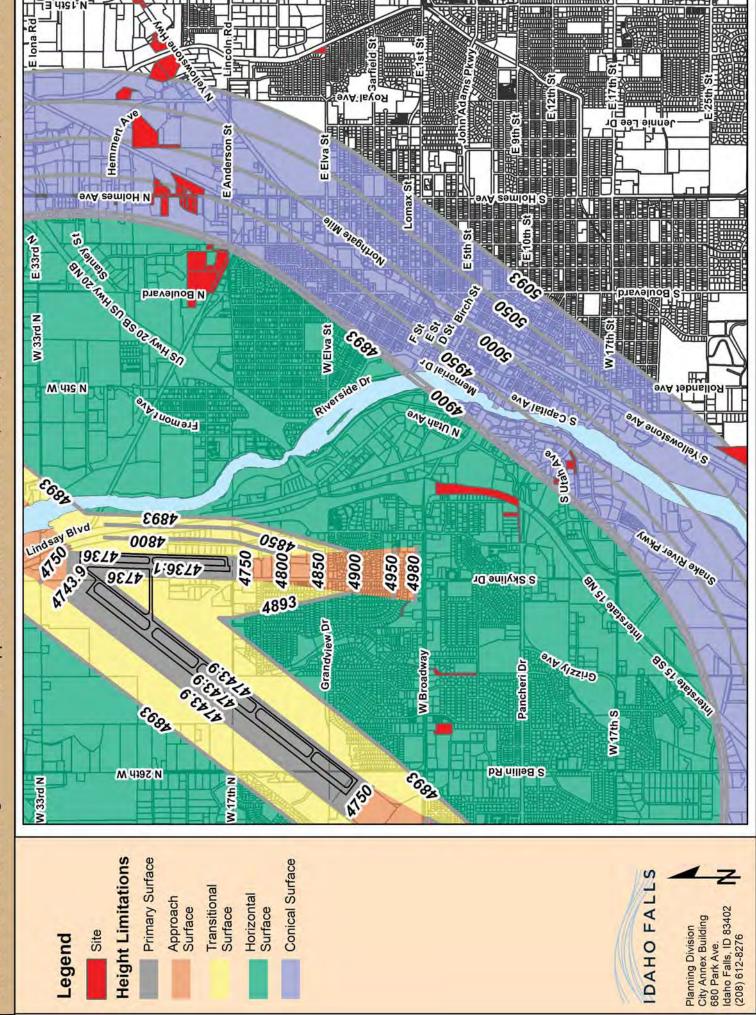
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Proposed Zoning Ø

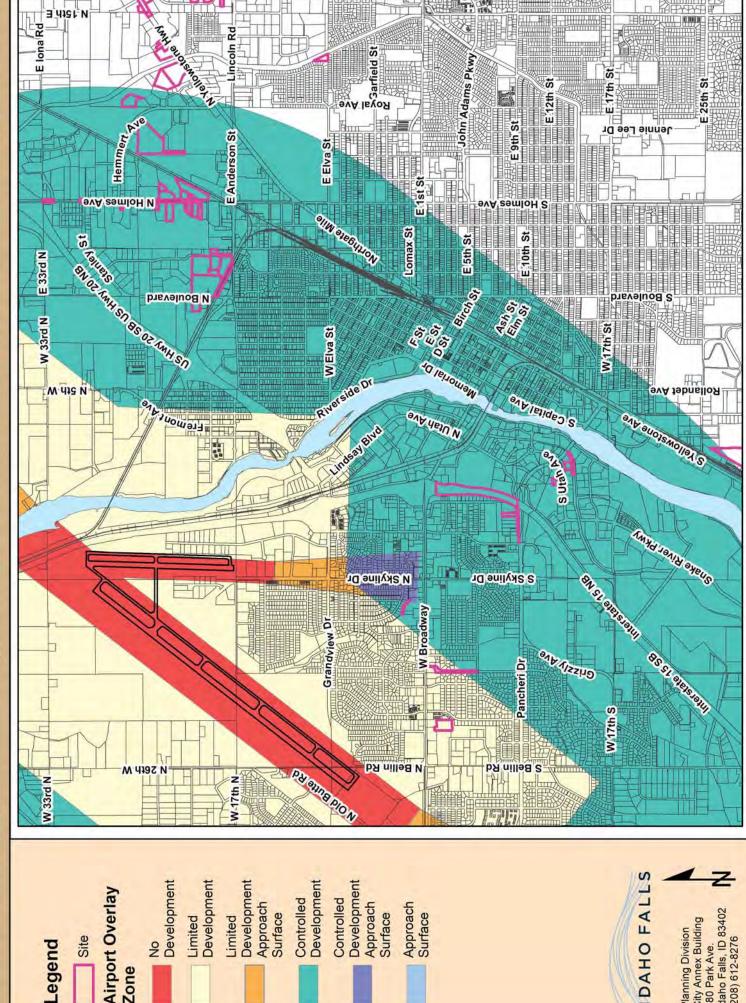
DAHO FALLS Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276



Site

Zone

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Approach

Surface

Approach

Limited

Limited

Surface



Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276

Annexation Plan



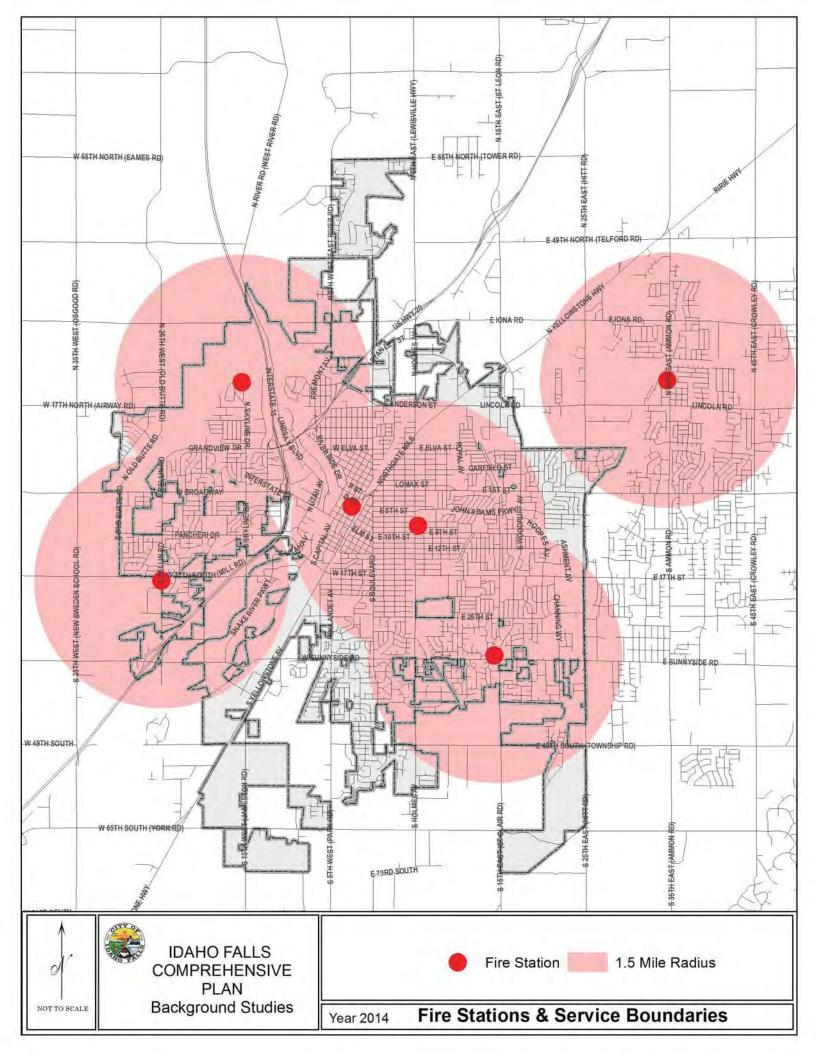
Non-Residential Properties Receive City Services/Enclaved

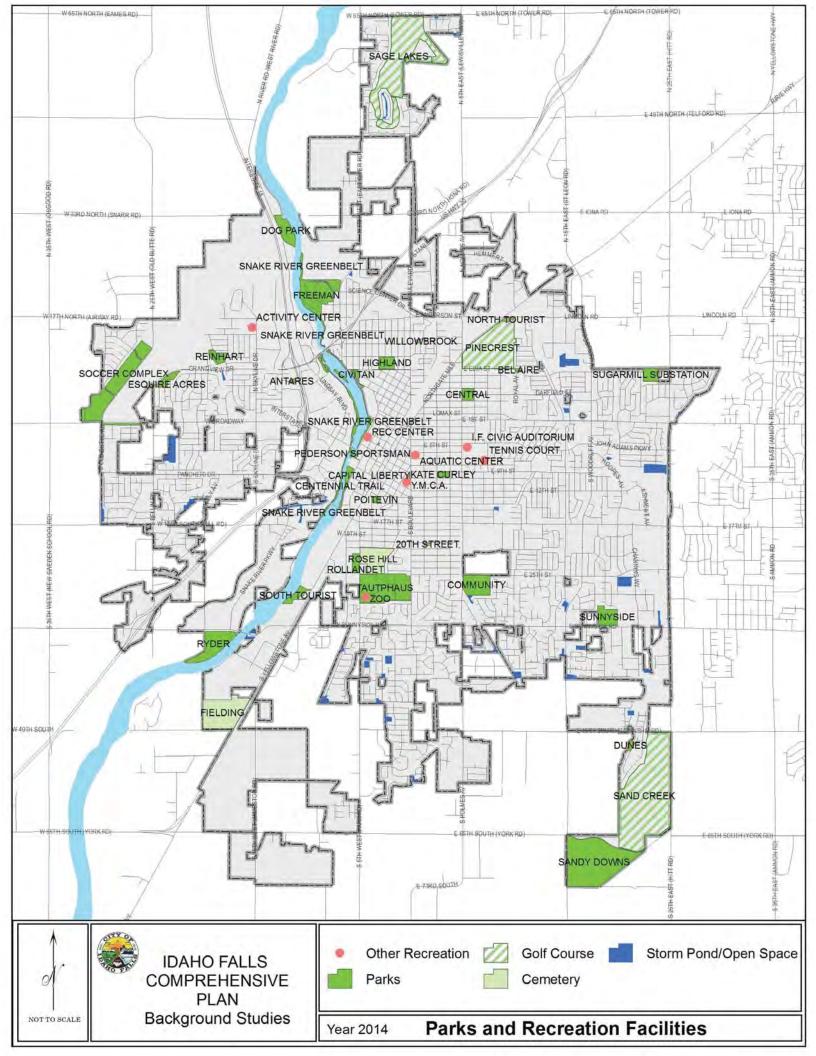
- I. The Manner of Providing Tax-Supported Municipal Services to the Lands Proposed to be Annexed.
 - a. Fire Protection Services: The City of Idaho Falls Fire Department provides fire services within the corporate limits of Idaho Falls. The Fire Department operates out of a central facility located at 343 E Street. The City of Idaho Falls also operates within the Bonneville County Fire Protection District. All of the properties fall within one of these two areas. See attached Fire Station and Service Boundaries Map.
 - b. Parks and Recreation Services: The Idaho Falls Parks and Recreation Division maintains the City's parks, properties, golf courses, zoo, cemeteries and other recreation facilities as well as the City's landscaped medians, rights-of-way, grounds for public buildings, and storm water retention ponds. They also plant and maintain all trees, plants, and flowers on City property and take care of playground equipment and monuments. See the attached Park and Recreation Map.
 - c. Street Services: The properties included in this annexation are completely enclaved by the City boundary or are contiguous to the City boundary and receive a City provided service. City maintained streets must be used for the properties to access any services. The 2013 Background Study of the Comprehensive Plan identifies that the Public Works Department also maintains over 300 miles of City roadways. As part of this maintenance the Streets Division also provides snow removal. Any publicly dedicated and accepted street within this annexation boundary will become responsibility of the City to maintain and provide snow removal.
 - d. Library Services: Public libraries began in Idaho Falls in 1884 when a public reading room containing three to four hundred volumes was opened by the Baptist Church. In 1908, this library was turned over to the City of Idaho Falls. The City created a library board and set a property tax levy exclusively earmarked for library purposes. In 1980, the Bonneville County Commissioners formed a Bonneville County Library District. One year after formation, the Board contracted with the Idaho Falls Public Library to provide free services in Bonneville County outside the City of Idaho Falls. Small library branches supported by the library district are located at the Iona City Hall and the Swan Valley Elementary School. As part of the annexation the properties will no longer be assessed the Bonneville County Library District tax levy.
 - e. Police Protection Services: The City of Idaho Falls Police Department provides police services within the corporate limits of Idaho Falls. The police department operates out of a central facility located at 605 North Capital Avenue, which also houses the Bonneville County Sheriff's operations. The department also operates an animal control center which was built in 1999-2000 as well as the dispatch center that serves all public safety agencies in the City of Idaho Falls, and Bonneville County.
- II. The Changes in Taxation and Other Costs Which Would Result if the Subject Lands Were to be Annexed.
 - a. See attached Cost Differential Comparison sheet for rates and adjusted fees. Property taxes and valuations will continue to be assessed by the County Assessor. Once annexed the properties will also be assessed the City tax rate, some County taxes are no longer applicable and will not continue to be assessed with annexation.

- III. The Means of Providing Fee-Supported Municipal Services, if any, to the Lands Proposed to be Annexed
 - a. Water Services: The Idaho Falls Water Division provides water service within the corporate limits of the City of Idaho Falls. This service consists of water supply, storage, and distribution. For most properties there are City maintained waterlines located within the right-of-way adjacent to each property proposed for annexation or in close proximity. Many of the properties included in this annexation already use the City's water system and the ones that do not will have the ability to connect to the City's water system. Properties that do not currently have a City water service will not be required to connect. The cost of connection to the water system would be borne by the property owner wishing to connect. Those who currently have the City's water service will see a rate reduction when annexed.
 - b. Sanitary Sewer Services: The Idaho Falls Sewer Division provides wastewater service within the corporate limits of the City of Idaho Falls. This service consists of collection, conveyance, treatment, and disposal. Wastewater management also includes storm water collection. Many of the properties included in this annexation already use the City's wastewater system and the ones that do not will have the ability to connect to the City's wastewater system. Properties that do not currently have a City wastewater service will not be required to connect. The cost of connection to the wastewater system would be borne by the property owner wishing to connect. Those who currently have the City's wastewater service will see a rate reduction when annexed.
 - c. Garbage Collection Services: The Idaho Falls Sanitation Division provides garbage collection service within the corporate limits of the City of Idaho Falls. Properties which currently contract their own sanitation service with another agency will be served by the City's Sanitation Division at the standard rates following annexation.
 - d. Recreation Services: The Idaho Falls Parks Department provides recreation service within the corporate limits of the City of Idaho Falls. The Parks and Recreation Department is responsible for the development and implementation of leisure activities for participants of all ages and interests. These program activities take place throughout the City. They manage the Idaho Falls Zoo, three golf courses, the Aquatic Center, the Wayne Lehto Ice Arena, the Activity Center, and the Recreation Center. City rate discounts where applicable will be available to the annexed properties for the recreation programs offered by the department.
 - e. Electric Power Services: The City of Idaho Falls has provided electrical energy services to the residents and businesses of the City since 1900. Currently, the electric utility service area is approximately 20 square miles and provides services to approximately 22,500 residential customers and 3,700 commercial and industrial customers. The City owns and operates four hydroelectric generating facilities located on the Snake River. The annexed properties that are not currently on Idaho Falls Power service will have the option to request to switch providers. Such requests must be coordinated through Idaho Falls Power. Properties that are annexed are eligible to receive power from Idaho Falls Power, only if requested and approved for dis-continuation of service by Rocky Mountain Power. Properties that are approved for disconnection from Rocky Mountain Power will be required to participate in Rocky Mountain Power's buyout process. Currently Idaho Falls Power pays half of the determined buyout cost and the property

owner would be responsible for the remaining half. Properties are not required to discontinue service with their current provider. The ultimate decision whether Idaho Falls Power can provide service is up to Rocky Mountain Power.

- IV. The Proposed Future Land Use Plan and Zoning Designation, Subject to a Public Hearing.
 - a. Comprehensive Plan: The properties located in this annexation area are located within the following designations: (See attached Comprehensive Plan maps) Low and Higher Density Residential, Estate, Employment Centers, Commercial, Highway Related Industrial, Parks, Recreation.
 - b. Zoning: The proposed zoning for each parcel is identified in the attached Zoning Maps. These zones include: R1, Single Dwelling Residential; LC, Limited Commercial; HC, Highway Commercial; LM, Light Manufacturing and Heavy Commercial; I&M, Industrial and Manufacturing





Cost Differential Comparisons for City Services¹

When a property is annexed, there is no requirement to connect to City water, sewer, or power. The rates below are for information purposes only. Please contact a staff member if you would like to discuss specific rates and fees for your property.

Tax Levy Rates²

Bonneville County: .004086985 Idaho Falls: .009583647

Example: Assessment of a residence (with home owner's exemption) valued at \$250,000:

Current County Tax: \$510.87

Additional Idaho Falls Tax, if Annexed: \$1,197.95

Total: \$1,708.82

Water Rates

1" Initial Hookup Fee (If a property doesn't already have the service): \$2,268 (1" Service Connection)

Monthly Non-metered Residential Rate in City: \$21.65

Monthly Rate in County: 200% of Metered Rates or Non-metered Rates

Sewer Rates

Initial Hookup Fee (If a property doesn't already have the service): \$1,096 (1" Service Connection)

Monthly Non-metered Residential Rate in City: \$23.40

Monthly Rate in County: 110% of Metered Rates or Non-metered Rates

Power Rates

Monthly cost for power varies by usage. Idaho Falls Power's base rate can be lower than the cost of Rocky Mountain Power depending on consumption. If you would like a comparison of what your monthly bill would be if you were an Idaho Falls Power customer, please contact Wid Ritchie at 208-612-8143.

Sanitation Rates

Monthly Rate for Residential: \$9.45

¹ Rates and fees are for residential use. Rates and fees may vary for commercial uses.

² This is just a comparison of the City and County levy rates. When annexed, some of the levies, such as Fire District levies, will no longer be assessed. For questions regarding your tax bill please contact the County Assessor's office.

Dear Mayor Casper, City Counsel, Planning and Zoning, and whomever else this may concern:

My name is David Farnsworth, I own Farnsworth Auto Repair and we are located at 1895 N. Woodruff Ave, which is being considered for Annexation. This annexation would increase our taxes enough that we may have to close our doors. We are currently paying \$7,593.70. If we are annexed into the city that number would increase to \$17,806.61.

I have visited with many other individuals who were at the initial "informational meeting" for this annexation. Each has expressed to me great worries and concerns about being annexed into the city limits.

The biggest concern most are facing, is the additional financial burden it will place on them. This applies to individuals and small businesses alike. There are additional concerns of many, such as that of restricted land use. There are people that have had land in their family for over 100 years. They haven't had anything to do with the city, or any of their services and would just like to keep it that way.

As I've checked into this problem, I have found that Idaho is only one of four states that allows cities to annex people in without their consent. This may seem beneficial to the city, but it feels like a big government bully situation to those of us surrounding the city, who intentionally bought outside city limits. In the end, this doesn't benefit anyone. Citizens simply lose trust in their officials concern for them, as individuals and small businesses.

Most of us conscientiously chose where we bought our homes or businesses based off of what we could afford. This applies to the taxes we would pay, and the various ways we would be allowed to use our property. Several of us still live on a tight budget to make ends meet. If we

are annexed in to paying higher taxes, we will lose our small businesses...which are good for the community. Others will lose their homes.

I personally know elderly people who this will affect. They are on a fixed income.

Unfortunately, just because their taxes suddenly double, the rest of their income does not follow suit.

When an annexation takes place, it should not do so in such a way that it forces people into poverty, or causes small business into closure. When it is done in this manner, it is morally wrong.

I would like to see Mayor Casper, City Counsel, and Planning and Zoning choose an option that doesn't force/tax people out of their livelihood. I am certain you can come up with an option that won't burden individuals in your community to this extent.

Some possible alternative options are:

- Grandfathering in current businesses and individuals to current tax rates and land usage, but setting up automatic annexing upon the sale of their home or business.
- 2.) If there is need for a major change that would be beneficial to the community at large, give businesses/individuals at least a 5-10-year warning before annexing takes place. This would give them the chance to attempt to increase profits, or at least time to sell and find a more affordable place.

Thank you for your time and consideration on this urgent matter.

Sincerely,

David Farnsworth

Farnsworth Auto Repair LLC

208-589-8723

PLEASE NOTE: THIS ORDINANCE WILL BE UPDATED PRIOR TO THE MEETING ON DECEMBER 12TH. AT THE TIME OF POSTING THE FINAL EXHIBITS AND LEGAL DESCRIPTIONS WERE STILL BEING ASSEMBLED

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 220 ACRES DESCRIBED IN EXHIBITS A OF THIS ORDINANCE, 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 Exhibits 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 Exhibits A are 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 upon compliance with procedures required in 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, the lands to be annexed are contiguous to the City and the 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 does 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 City Council that the lands described hereinbelow in Exhibits 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, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Employment Center, Greenbelt Mixed Use, Parks, Recreation and Public Facilities, Open Space"; 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 Exhibits 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. That 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 that 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.

	E COUNCIL A	ND APPROVED BY THE MAYOR this	day of
, 2019.			
		Rebecca L. Noah Casper, Mayor	
ATTEST:			
Kathy Hampton, City Cle	erk	-	
(SEAL)			
STATE OF IDAHO) : ss.		
County of Bonneville)		

I, KATHY HAMPTON, 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 APPROXIMATELY 220 ACRES DESCRIBED IN EXHIBITS A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton, City Clerk

(SEAL)

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF PROPERTY LOCATED M&B: Approximately 220 Acres Sections 14, 23-25 & 36, T 2N, R37E & Sections 7-9, 16-17, T 2N, R38E

WHEREAS, the applicant filed an application for annexation on August 28, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on October 2, 2019; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on December 12, 2019; 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, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 220 acres located in Sections 14, 23-25 & 36, T 2N, R37E & Sections 7-9, 16-17, T 2N, R38E.
- 3. Annexation of the property is consistent with the city's Comprehensive Plan. The Comprehensive Plan designates these areas as Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Employment Center, Greenbelt Mixed Use, Parks, Recreation and Public Facilities, Open Space.
- 4. The properties are contiguous or adjacent to the City and are within the City's Area of Impact.
- 5. The application is a Category "B" annexation.
- 6. The properties are consistent with the Idaho Falls Statement of Annexation Principles, which describe how and when the City generally annexes property.

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 T	HE CITY OF IDA	AHO FALLS	
THIS	_ DAY OF	_, 2019		
				Rebecca Casper - Mayor

PLEASE NOTE: THIS ORDINANCE WILL BE UPDATED PRIOR TO THE MEETING ON DECEMBER 12TH. AT THE TIME OF POSTING THE FINAL EXHIBITS AND LEGAL DESCRIPTIONS WERE STILL BEING ASSEMBLED

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 220 ACRES DESCRIBED IN EXHIBITS A OF THIS ORDINANCE AS I&M, LM, HC, LC, & R1 ZONES, INCLUDING AIRPORT OVERLAY ZONE DESIGNATIONS; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibits A is I&M, Industrial and Manufacturing; HC, Highway Commercial; LC, Limited Commercial; and R1, Single Dwelling Residential Zones, including Airport Overlay Zone Designations for such annexed lands such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Employment Center, Greenbelt Mixed Use, Parks, Recreation and Public Facilities, Open Space"; and

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

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on October 1, 2019, and recommended approval of zoning the subject property to I&M, LM, HC, LC, & R1 Zones, including Airport Overlay Zone Designations; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve this zoning on December 12, 2019.

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

SECTION 1: Legal Description. The lands described in Exhibits A are hereby zoned as I&M, LM, HC, LC, & R1 Zones, including Airport Overlay Zone Designations.

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned "I&M, LM, HC, LC, & R1 Zones, including Airport Overlay Zone Designations" 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 Department Offices, 680 Park Avenue.

SECTION 3. 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 4. 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 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

PASSED by the City Courthisday of	icil and APPROVED by the Mayor of the City of Idaho Falls, Ida , 2019.	ιho,
	CITY OF IDAHO FALLS, IDAHO	
	Rebecca L. Noah Casper, Mayor	
ATTEST:		
Kathy Hampton, City Clerk		
(SEAL)		
STATE OF IDAHO)) ss:	
County of Bonneville	J	

I, KATHY HAMPTON, 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 APPROXIMATELY 220 ACRES DESCRIBED IN EXHIBITS A OF THIS ORDINANCE AS LC ZONE; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton, City Clerk

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF I&M, INDUSTRIAL AND MANUFACTURING; HC, HIGHWAY COMMERCIAL; LC, LIMITED COMMERCIAL; AND R1, SINGLE DWELLING RESIDENTIAL ZONES, INCLUDING AIRPORT OVERLAY ZONE DESIGNATIONS OF PROPERTY LOCATED M&B: Approximately 220 Acres Sections 14, 23-25 & 36, T 2N, R37E & Sections 7-9, 16-17, T 2N, R38E.

WHEREAS, the applicant filed an application for annexation on August 28, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public meeting on October 1, 2019; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public meeting on December 12, 2019; 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 Zoning Comprehensive plan, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 220 acres located in Sections 14, 23-25 & 36, T 2N, R37E & Sections 7-9, 16-17, T 2N, R38E.
- 3. The proposed initial zoning of I&M, Industrial and Manufacturing; HC, Highway Commercial; LC, Limited Commercial; and R1, Single Dwelling Residential Zones, including Airport Overlay Zone Designations is consistent with the surrounding zoning and land uses.
- 4. The proposed zones are compatible with the Comprehensive Plan's Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Employment Center, Greenbelt Mixed Use, Parks, Recreation and Public Facilities, Open Space designations.
- 5. The application is a Category "B" annexation.

II. DECISION

Based on the above Reasoned Statemer approved the initial zoning as presented	nt of Relevant Criteria, the City Council of the City of Idaho Falld.
PASSED BY CITY COUNCIL OF TH	E CITY OF IDAHO FALLS
THIS DAY OF	, 2019
	Rebecca Casper - Mayo



MEMORANDUM

FROM: Brad Cramer, Community Development Services Director

DATE: Friday, December 6, 2019

RE: Annexation and Initial Zoning, Annexation and Zoning Ordinances, and Reasoned

Statements of Relevant Criteria and Standards, Approximately 110 acres,

Item Description

For your consideration on the December 12, 2019, agenda is Annexation and Initial Zoning of I&M, LC, R3A, RMH, R2, RE, RP and R1, Annexation and Zoning Ordinances, and Reasoned Statements of Relevant Criteria and Standards for approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North Range 37 East, & Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East. The properties in this annexation are generally residential land uses. The Planning and Zoning Commission considered this item at its October 1, 2019, meeting and recommended the following according to the areas shown on the attached maps:

Area 1: As presented by a vote of 6-1.

Area 2: Delay on consideration of these properties for annexation until further research can be completed on these properties regarding whether the properties are enclaved or not, connection to city water and agreement for annexation are a direct result of ground water pollution from the city dump to the east by a vote of 7-0. (Staff conducted further research and found that the Bonneville County Commission requested in 1992 that the City consider allowing 10 residences to connect to city water because a County ordinance prohibited the location of a landfill within 1,000 feet of a residence or well. None of the homes in this annexation hooked up to services immediately. The first home connected in 1999 and the most recent connection was 2008. All entered into an outside user contract with the city, at the time of connection, that clearly stated that the party agreed to annexation to the City at the option of the City at such time as the City Limits are contiguous to the property.)

Area 3: Approval with an initial zoning for the canal piece to be consistent with the zoning of the canal piece to the south by a vote of 7-0. (Staff has confirmed the initial zoning of the canal is RMH)

Area 4: Approval with the exclusion of the property identified in slide 4B by a vote of 7-0. (Included in this packet is a letter from Nick & Aletha Day indicating that in 1960's the wells in this area were polluted by the Utah Idaho Sugar Factory dumping waste product in an adjacent gravel pit. The home was subsequently connected to City water. No annexation agreement is in place for this property, but it does meet the annexation principles.)

Area 5: Approval with an initial Zoning of RE, Residential Estate by a vote of 6-1. (The Brookhaven Home Owner Association submitted a letter requesting the RE designation because it was more consistent with the current County Zoning of RA-1 and their restrictive covenants prohibiting commercial and high density residential uses. Staff continues to recommend these properties be zoned R3A, as it complies with the principles of the Comprehensive Plan which designates this area as Medical Services Center and continues to allow for the existing single dwelling unit uses.)

Area 6: As presented by a vote of 6-1. Area 7: As presented by a vote of 6-1.

Purpose

Annexation and initial zoning is related to the City's goals for good governance and managed, well planned growth and development.

Fiscal Impact / Financial Review

NA

Legal Review

Legal has reviewed and discussed the annexation with CDS throughout the process.

Interdepartmental Review

All applicable departments have been notified of the proposed annexation and been in discussions with CDS regarding throughout the process.

Recommended Action

- 1. To approve the Ordinance annexing M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North Range 37 East, & Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East, under the suspension of the rules requiring three complete and separate readings and that it be read by title and published by summary.
- To approve the Reasoned Statement of Relevant Criteria and Standards for the annexation of M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North Range 37 East, & Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.
- 3. To assign a Comprehensive Plan Designation of Estate, Lower Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Medical Services Center, Employment Center, and Parks, Recreation and to approve the ordinance establishing the initial zoning for M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North Range 37 East, & Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East, under the suspension of the rules requiring three complete and separate readings and 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.
- 4. To approve the Reasoned Statement of Relevant Criteria and Standards for the Initial Zoning for M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, Township 2 North Range 37 East, & Sections 6, 8, 16, 31, 33, Township 2 North, Range 38 East, and give authorization for the Mayor to execute the necessary documents.



☐ Economic



☐ Livable



oxtimes Governance



 \square Safety



□ Growth



 $\ \square \ Sustainability$



☐ Learning



 \square Transportation

IDAHO FALLS PLANNING AND ZONING COMMISSION STAFF REPORT

ANNEXATION & INITIAL ZONING OF RE, RP, R1, R2, R3A, RMH, LC AND I&M

M&B: Apprx. 110 Acres Sections 1, 14-15, 24-26, 35-36, T 2N R 37E, & Sections 6, 8, 16, 31, 33, T 2N, R 38E (Updated)



Community Development Services

Applicant: City of Idaho Falls

Location: Sections 1, 14-15, 24-26, 35-36, T 2N R 37E, & Sections 6, 8, 16, 31, 33, T 2N, R 38E

Size: Approx. 110 acres

Proposed Zoning:

RE, Residential Estate
RP, Residential Park
R1, Single Dwelling
Residential
R2, Mixed Residential
R3A, Residential Mixed Use
RMH, Residential Mobile
Home
LC Limited Commercial

LC, Limited Commercial I&M Industrial and Manufacturing

Future Land Use Map:

Commercial, Higher Density, Lower Density Residential, Estate, Parks, Recreation, Medical Services Center, Employment Center

Attachments:

- 1. Statement of Annexation Principles
- 2. Maps and Aerial Photos
- 3. Annexation Plan
- 4. Letters/Comments

Requested Action and Staff Recommendation: To **recommend** approval of annexation and initial zoning of RE, RP, R1, R2, R3A, RMH, LC and I&M with an Airport Overlay Designation to the Mayor and City Council for M&B: Approx. 110 Acres in Sections 1, 14-15, 24-26, 35-36, T 2N R 37E, & Sections 6, 8, 16, 31, 33, T 2N, R 38E.

History: In early 2014 staff was directed to study the effects of the city's past policy to extend utilities outside city limits. Staff found that approximately 300 properties receive city services outside city limits. The Council has directed staff to begin annexation proceedings for eligible properties that coincide with their Statement of Annexation Principles. The city has been systematically processing annexations for these parcels.

Staff Comments: These properties are being considered for annexation because they coincide with the principles of annexation outlined by the Council as follows and attached.

- The land is completely enclaved by City boundaries, but not subject to 50-222(5)(b)(v)(c); OR
- The property as at least one utility connection (regardless of an annexation agreement for the property); OR
- The property has an annexation agreement (regardless of whether or not it receives a City utility); OR
- The parcel is less than 5 acres and:
 - o Is contiguous by more than merely touching corners AND
 - Includes a primary structure and a primary use that is not agricultural AND
 - Has immediate access to a utility service

Attached maps identify each parcel and how they coincide with the principles of annexation.

Annexation: It is the policy of the state of Idaho that cities of the state should be able to annex lands which are reasonably necessary to assure the orderly development of Idaho's cities 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 the cost-effective availability of municipal services in urbanizing areas and to equitably allocate the costs of public services in management of development on the urban fringe, General Provisions Idaho Statute 50-222.

This is a Category "B" annexation. A Category "B" annexation requires the preparation of an annexation plan (attached) as well as a public hearing. Properties can be classified as a Category "B" annexation when the area is contiguous or adjacent to the City and is within the City's Area of Impact. Category "B" annexations can also include properties that have been subdivided into lots or parcels of five acres or less.

In a Category "B" annexation implied consent to annex is given when the property is connected to a water or wastewater collection system operated by the city if the connection was requested in writing or was completed prior to July 1, 2008.

Initial Zoning: The proposed initial zoning designations are RE, RP, R1, R2, R3A, RMH, LC and I&M Zones. In determining zoning designations staff considered the existing county zoning, current land use of the property, future land use identified in the Comprehensive Plan and property owner input. The initial zoning for a portion of the properties will also include Airport Overlay Zone designations. These designations do not affect existing uses of the property.

Neighborhood Meeting: Staff held a neighborhood meeting at City Council Chambers on September 17, 2019 to inform property owners about the annexation process and answer questions. Staff has also spoke with and met in person with several individuals with questions about the proposed annexation and the overall process.

Comprehensive Plan Policies:

Land Use Category definitions. (p. 63)

Establish a program of on-going communication and cooperation with other local governments and entities. (p. 64)

Encourage development in areas served by public utilities or where extensions of facilities are least costly. (p.67)

Zoning:

11-3-3: PURPOSES OF RESIDENTIAL ZONES.

- (A) RE Residential Estate Zone. This zone provides a residential zone that permits the continuance of areas which are characterized by lots of sufficient size to accommodate single dwelling units and limited agricultural uses, including animal husbandry. The Zone is generally intended for rural residential areas which were previously developed in the County. This zone is generally not intended for new subdivisions within the City.
- **(B) RP Residential Park Zone.** This zone provides a residential zone which is representative of an automobile-oriented, suburban development pattern and characterized by large lots. The principal use permitted in this Zone shall be single unit dwellings.
- **(C) R1 Single Dwelling Residential Zone.** This zone provides a residential zone which is representative of a less automobile-oriented, more walkable development pattern, characterized by somewhat smaller lot widths; and a somewhat denser residential environment than is characteristic of the RP Residential Park Zone. The principal uses in the R1 Residential Zone shall be single detached and attached dwelling units. This zone is also generally located near limited commercial services that provide daily household needs.

- **(D) R2 Mixed Residential Zone.** This zone provides a residential zone characterized by smaller lots and dwellings, more compact and denser residential development; and higher volumes of vehicular and pedestrian traffic than are characteristic of the RE, RP and R1 Zones. The principal uses permitted in the R2 Zone shall be one (1), two (2), three (3), and four (4) dwelling units. This zone is also generally located near limited commercial services that provide daily household needs.
- (G) 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.
- **(H) RMH Residential Mobile and Manufactured Home Zone.** This zone provides a residential zone which is characterized by a medium density residential environment. A manufactured or mobile home subdivision, mobile home park, or travel trailer park are special facilities specifically designed to accommodate mobile or recreational vehicles which may not conform to the requirements for permanent location within other residential Zones within the City are allowed within this zone.

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.

11-3-7: PURPOSE OF INDUSTRIAL ZONES

(B) I&M Industrial and Manufacturing Zone. This zone provides an industrial zone in which the primary use of the land is a manufacturing, fabricating, processing, and warehousing. Land zoned I&M should be relatively flat, open land, conveniently located close to transportation, public utilities and other facilities necessary for large employment centers and successful manufacturing operations.

11-3-4: STANDARDS FOR RESIDENTIAL ZONES.

Table 11-3-1: 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	5,000
Lot Area Maximum in ft ²		1	13,500*			-		
Site Width								
Site Width at Front Setback, Minimum in ft.	150	60	50	50	25	50	50	50
Setbacks, Minimum in ft.								
Front	40	30*	25*	20*	15*	15	15	30
Front Maximum in ft.		-			20*		++-+	
Side	20	7.5/10*	6	6	.5	6	6	10
Rear	40	25	25	25	10	25*	25*	25*
Lot Coverage, Building Height, and Density								
Maximum Lot Coverage in %	30	40	40	80	50	80	80	40
Maximum Building Height in ft*	24	24	24	24	*			24
Maximum Density in net units/acre	1	4	6	17	15	35	35	8
*See explanations, exceptions a	and qualifi	cations in	Section 11-	3-4A,B,C	of this Zor	ning Code.		

(Ord. 3218, 9-13-18)

(A) Minimum and Maximum Lot Area.

- (1) In the R1 Zone, the maximum lot size shall be thirteen thousand five hundred square feet (13,500 ft²), except for corner lots, wedge-shaped lots in cul-de-sacs, or other unusual shaped lots. This shall also not apply to conditional uses such as schools and religious institutions.
- (2) In the R2 zone, seven hundred and fifty square feet (750 ft²) shall be added to the minimum required area for each additional dwelling unit.
- (3) In the TN Zone, the maximum average lot area for subdivisions approved after the adoption of this Code, April 12, 2018, shall be six thousand two hundred and fifty square feet (6,250 ft²) in order to encourage a mix of lot sizes and dwelling types. (Ord. 3210, 8-23-18)

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

	CC	PB	LC	HC
Site width at front setback - Minimum in ft.		50	50	50
Setbacks - Minimum in ft.				
Front		20	20*	20
Side				
Rear				
Landscape buffer contiguous to street* in ft.		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	

- (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.
- (2) In the HC Zone, display space may encroach into the landscape buffer contiguous to the street. Such encroachments may not exceed twenty five percent (25%) of the linear frontage contiguous to the street.
- (3) In all commercial zones, when a development adjoins a residential zone or unincorporated land designated for residential land use in the City's Comprehensive Plan and the height of the building is over twenty-four feet (24'), the building shall set back thirty feet (30') from the property line contiguous to such Zones or land designated for residential land uses.
- (4) For commercial uses, lot coverage shall include all areas under roofs and paved surfaces including driveways, walks, and parking areas. The remaining lot area shall be landscaped as required by this Code.

Table 11-3-6: Dimensional Standards for Industrial Zones

	LM	I&M
Site Area- Minimum in acres		
Setbacks - Minimum in ft.		
Front	30	30
Side	0/30*	0/30*
Rear	0/30*	0/30*
Building Height- Maximum	see sub-sections (2) below	
Lot Coverage- Maximum in %	80	
Building Coverage- Maximum in %	50	

Council Chambers

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

MEMBERS ABSENT: None.

<u>ALSO PRESENT:</u> Planning Director Brad Cramer; Assistant Planning Directors Kerry Beutler, Brent McLane and Brian Stephens; City Attorney, Michael Kirkham, Esq.; and interested citizens.

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

CHANGES TO AGENDA: None.

<u>MINUTES:</u> Romankiw moved to approve the September 3, 2019 minutes, Cantu seconded the motion and it passed unanimously.

Public Hearing(s):

Beutler indicated that they held a joint neighborhood meeting on September 17, 2019. Beutler indicated that they have grouped the annexations into commercial and residential annexations. Beutler reviewed the criteria for Category B Annexation.

ANNX 19-002: ANNEXATION/INITIAL ZONING OF RP, R3A, R1, R2, LC, RE AND

RMH. Beutler presented the staff report, a part of the record. Dixon asked about the process of how they are getting a mix of what staff is proposing and what property owners are wanting. Beutler stated that during the neighborhood meeting they try to explain the process and help them to understand that zoning is important, and they need to really think about the zoning designation that controls future land use. Beutler then asks them to follow up with staff with any questions or concerns and if it makes sense to modify the zoning designation upon request, they will do that. Beutler continued with the staff report. Dixon asked on slide 3A about the annexation of the canal. Beutler stated that the rest of the canal is annexed into the City and this is the remaining parcel. Beutler explained that canals, like streets will get a zoning designation, but on the maps, it is challenging to read so they show up as white. Dixon asked if the rest of the canal that is immediately west of Hawthorne zoned RMH or is it HC. Beutler stated that he is unsure but typically they try to match the zoning of canals and streets to the adjacent zone so there could be some LC. Beutler stated that he can check, but it doesn't typically make a difference. Dixon is concerned if the canal is zoned HC and then one little section is zoned RMH it will be odd. Beutler continued with the staff report. Black asked for clarification on slide 4B and asked what City is. Beutler showed that Ammon is across the street. Black asked if this parcel receives City services and if that is why it is qualifying. Beutler agreed that this property has a City service and is less than 5 acres. Dixon asked about 4A and the land near Woodruff Park and asked if it is enclaved or not. Beutler indicated that because of the canal it is not enclaved. Dixon asked if canals are treated different than roads because it is property that is owned by a company. Beutler stated that canals are treated different in the annexation Statute. Beutler stated that you can annex across a road or canal and have it be contiguous. Beutler indicated that there has been a preliminary plat that has been approved for the entire area for

development in the City so when development occurs, they will annex and come into the City. Beutler continued with the staff report. Black asked on slide 5 why only the two properties on the end of Crestwood receive City services. Beutler believes it relates to the widening of Sunnyside and the need for additional right of way and services were extended. Black asked if the actual property owners were the ones concerned with the zoning. Beutler stated that he has not heard from the property owners of the homes but rather property owners within the subdivision of Crestwood. Beutler continued with the staff report. Dixon asked why there is medical services on the Comprehensive Plan near Pioneer. Cramer stated that although the east side of town has the medical hub, eventually as I-15 becomes busier it is more common to see the major medical facilities along major freeways, and to recognize that the interchange would develop with a mix of uses and the Comprehensive Plan doesn't have a great mixed use single designation so they put a variety of uses in that area because a variety of things will likely happen in that area. Beutler continued with the staff report.

Wimborne opened the public hearing.

Applicant: City

No one appeared in support.

Opposition:

Kay Frei, 4015 N 5th West, Idaho Falls, Idaho. Frei is protesting her home and 1 acre into the City. Frei stated that when they built the Sage Lakes Golf course you destroyed the road to put the facilities in. Frei stated that at the time they were offered to let her hook onto City water and paid \$2000 to hook on. Frei stated that she is on City Power and that is a blessing, but she cannot afford to pay City taxes.

Sherry Shell, 2000 W Broadway, Idaho Falls, Idaho. Shell stated the proposed zoning for her property is R3A. Shell stated that her property is south of Skyline and her neighbors are a gas station, day care, credit union, rental storage, dentist and she has her residence and her business on the property. Shell is concerned about existing uses. Shell stated that in the 1990s the City tried to close down all home-based businesses, but it was never implemented. Shell is concerned that her property would be non-conforming and allowed to continue until "its not". Shell is concerned for the future of the property and her heirs when she dies. Shell wants to know what assurances she gets that they can continue in their legal/non-conforming uses into the future.

Bill Koester, 3660 S Koester Rd., Idaho Falls, Idaho. Koester read the letter that he presented as part of the record concerning the Red Barn and its 109-year history in the Koester family. Koester stated that the letter from the City states that typically a departure from these principles would occur as a response to an unusual circumstance or need and Koester doesn't feel that there is a possibility of a departure from the principles and feels like it's a slam dunk for the City.

Lamoyne Hyde, 4542 N 5th West, Idaho Falls, Idaho. Hyde would like the three parcels (2B) left alone as it sounds like in the near future the Interstate is likely going to be going through those parcels. Hyde stated that he moved there 40 years ago and the power at the time they were able to buy a permit to be able to hook onto the City and a week later he was denied because Rocky Mountain Power didn't want to lose him as a customer, so he was forced to build his house with a generator because of the conflict between the City and Rocky Mountain Power and that conflict still exists today. Hyde understands that Rocky Mountain can be bought out and he

feels that if the City wants to annex a piece of property they should be forced to buy the customer out of Rocky Mountain and make it so that they can receive Power, water and sewer and that would help divert some of the cost of taxes. Hyde stated that his property will increase by \$5700/year. Hyde stated that several years ago he had a water treatment purification and the City Dump came up against their property and the 12" well casing penetrated the Aquaphor and the sewer was built over the top of that. Hyde stated that the water coming from the well was contaminated. Hyde stated that the test wells in the City area have to be tested often and he has a copy of the report that can be dug up if necessary. Hyde stated that the well was so contaminated that the City agreed to hook them up to water rather than deal with contamination. Hyde stated that he has City water because of the contamination from the City Dump. Hyde proposed that the City buy the customers out from Rocky Mountain so they can have complete services of water, sewer and power. Hyde stated that he is not opposed to paying his fair share, but the sewage from the dump has come to his property and that is why they are hooked to City water. Hyde stated that for 5 years he wasn't charged for water from the City and then when leadership was changed, they started to get charged. Hyde believes that they knew they had a problem and that is why they weren't charging for water. Hyde wants the City to leave the property out of the annexation because it will change again soon, as they are in the final 3 proposed spots for the Interstate.

Laron Shumway, 3496 Crestwood Lane, Idaho Falls. Shumway stated that Crestwood was started 50 years ago by dividing up 10 one acre lots to build a haven. Shumway stated they are trying to maintain their haven and the designation of RA1 in the County allows them to have some animals. Shumway stated that they have covenants in their subdivision that allow for animals to be used on the property. Shumway understands that the end pieces need to be annexed into the City because they do have a City utility, but he would suggest that the zoning be RE instead of R3A as proposed by staff. Shumway stated that R3A allows some professional development and those are opposed in the subdivision covenants. Shumway noticed that the City was conscious of helping existing uses remain in conformance and Shumway would like the zoning to be RE instead of R3A.

Nick Day, 907 N 25th E, Idaho Falls, Idaho. Day lives immediately north of the Substation (4B). Day believes this is a land grab by the City. Day does have City water and the reason they are on City water is because in November of 1960 the Sugar Factory dumped waste into the gravel pit across the road and contaminated wells in the area. Day stated that the Peterson's that homesteaded the property in the 1890's owned the property and still own the farm around Day's property. Day worked for the Peterson's in the 1950's and when they needed to move for health reasons Day bought the 5 acres on the corner. Day stated that there are two plats of land due to a foul up in the platting. Day indicated that he now has 4.586 acres instead of the original 5 acres, because Bonneville County made a raceway out of 25th East (Hitt) when it was widened and that took .5 acres from his property to widen. Day stated that between the water line and losing the ground for the road he is getting hit twice on this property. Day stated that the water originally came out of Falls Valley to his property 1/4 mile away and the next City property is another 1/4 mile away and they are not enclaved. Day indicated that the substation is to his south, Ammon is to the east, and the north and west is agriculture and will remain agriculture for many years, so he will never be enclaved by the City. Day stated that when he moved in 29 years ago, he was getting rusty water as the galvanized pipe had rusted. Day had to put a 2-filter system on the property to make it drinkable. Day stated that when they put the sewer in 25th Street it is 23'

down and there is a stub that he can hook onto. Day stated that he has a functioning septic system and doesn't want to add 80' of line 23' deep to hook on. Day has good water and pays double the water of City residents. Day stated that he pays seasonal water, irrigation water, and once a year water on top of the double City water. Day stated that he pays a lot of water and he only uses City water in the house. Day indicated that he rents out his pasture for people to graze cows and he maintains the fences and watches the cows for the renters. Day is concerned that if he goes 1 year without renting the ground, he will lose the privilege. Day is concerned that at his age he could get sick and not be able to do cows for a year and when he was healthy again, he has lost the ability to have the cows. Day stated that he has complained about the way the city takes care of the thin strip from Falls Valley down to Sugar Mill Park because they were letting weeds grow and not spraying. Day stated that he has historically sprayed the weeds and mowed the weeds himself. Day asked the City if they would buy him spray to spray the weeds and they would not agree to do that, and they contract the spraying out. Day doesn't believe the City will expand past him in the foreseeable future. Day stated that he is trying to maintain his property so he can pass it on to his sons. Day pays \$4500/year in taxes to Bonneville County and they would raise 33% to pay the City taxes. Day was told he doesn't have to buy a library card anymore if he is annexed, and he doesn't feel that is a good trade. Day is against the annexation and he feels that they only want him in the City for property taxes. Day looked into drilling a well now that the water is not contaminated, and he is considering unhooking from City Water to stay out of city annexation.

Clara Jacobson, P.O. Box 52804, Idaho Falls, Idaho. Jacobson is the owner of the Farm that surrounds Nick Day's property. Jacobson's grandparents homesteaded the property in the 1890's. Jacobson has documentation regarding the homesteading. Jacobson agrees with Nick Day's assertion. Jacobson stated that Day's property surrounding his house (<5 acres) is watered through Progressive Irrigation and Day pays taxes to Progressive for his portion of water for flood irrigating of his lawn. Jacobson indicated that her mother had polio in 1910. Jacobson grew up in the house and had a wonderful well with clean water. Jacobson indicated that the Sugar Factor across Hitt Road had a huge gravel pit and they filled it with junk from the factory and it contaminated the well that the cows wouldn't drink the water. Jacobson stated that her father bought a tank and a trailer and got water from the neighbors on Lincoln Road to haul water for the animals. Jacobson stated that her Dad filed a lawsuit against the Sugar Factory for contaminating the well. Jacobson's father got an attorney and met with the Sugar Factory officials on the Courthouse steps and came to an agreement that the Sugar Factory would take care of the water problem by paying to hook up the property to the City water. Jacobson stated that the City made an agreement with her father that for a flat rate for the house and animals. Jacobson stated that she believes the City is assuming that the entire 5-acre parcel is watered by the City Water, and it is not, it is only the house that uses City water. Jacobson went through a genealogy of her father and mother and past history for them. Jacobson objects to the annexation of the property because the water was forced upon them due to the contamination. Jacobson stated that she feels that it is a breach of the agreement that was reached between her father the Sugar Factory and the City originally.

Arnold Leslie Heirs Jr. (Ron Heirs), 1340 Washburn Ave., Idaho Falls, Idaho. Heirs is married to Clara Jacobson. Heirs showed the area that the Sugar Factory put the waste in and showed how it migrated to contaminate the well. Heirs stated that when the Sugar Factory

contaminated the well there was no other option for them to get water and they were forced to hook to the City water. Heirs stated that the City was affected to.

Brett Parmenter, 351 Crestwood Lane, Idaho Falls, Idaho. Parmenter indicated that Crestwood is an island oasis for the people that live there. Parmenter answered Black's question regarding the lot owners not participating because the home on the west side has sold the house and the east side has renters so they don't have a vested interest in the meeting. Parmenter stated that they have a community well. Parmenter is not against the annexation, just wants the property zoned RE to be residentially appropriate. Parmenter indicated that the lots are not big enough to have a semi-commercial vested interest. Parmenter asked for the Commission to consider a residential priority on the 1 acre lots.

William Cutler, 3591 South Glenn Koester Lane, Idaho Falls, Idaho. Cutler opposes the annexation and believes the tax burden will be high. Koester stated that they are hooked up to City water and the annexation around them has changed the property a lot around them. Cutler clarified that they have not moved their house toward the City, the City has moved to them. Cutler is concerned about the water. Cutler stated that there is one line to feed the 4 houses. Cutler is concerned about water meters. Cutler asked about the City paying Rocky Mountain Power out for the customers and he now understands it is 50/50 and it could be thousands of dollars if Rocky Mountain Power decides to release Cutler as a customer. Cutler is concerned that he cannot even ask to see how much until he is annexed to the City. Cutler wanted to know when the procedure changed with the City buying out the customers and asked if Beutler could send that information to him. Cutler stated that it will take decades for him to buy out the power with 50/50.

Clara Jacobson, P.O. Box 52015, Idaho Falls, Idaho. Jacobson owns the farm that her grandparents homesteaded and has met with Ammon Planning and Zoning and City Council and they were trying to annex everything from 25th East (Hitt) to Woodruff. Jacobson feels caught in the crazy zone. Jacobson stated that the only reason they couldn't annex was because the City had the park on Lincoln Rd. and Jacobson had the farm. Jacobson stated that she had made arrangements at that time that the farm could go to the City of Idaho Falls upon her death, to be made into a park. Jacobson tried to give the land to the City until someone in the City decided that it wouldn't be the way Jacobson wanted to give it and they wanted the last 40 acres in a lump sum. Jacobson took all bets off the table at that time.

Brian Robison, 2748 South Pioneer Rd., Idaho Falls, Idaho. Robison is not opposed to paying his fair share and is hooked up to City Sewer. Robison would be happy if there was a water line near that he could hook up to. Robison stated that he appreciates Beutler's efforts to resolve his questions.

Better Muir, 4484 N 5th W, Idaho Falls, Idaho. Muir is a recent widow, lives on a fixed income. Muir has City water because the City came to them and told them the well could be contaminated because of the dump. Muir hooked to City water approximately 10 years ago and pays 2x the regular City amount. Muir stated that her property should be left alone because the Freeway will likely take their houses any way.

Corwin Cook, 3455 Crestwood Lane, Idaho Falls, Idaho. Cook stated that Crestwood was established before the hospital was built. Cook stated that he asked questions at a City meeting to try to protect the area and have a road going out a different direction and was told that because

he was in the county, they could not represent him. Cook feels the City has been making decisions as if Crestwood does not exist. Cook stated that the zoning that exists around Crestwood was created after the subdivision existed. Cook doesn't feel that the City has acknowledged them as a subdivision. Cook stated that the City plan was developed after the subdivision was in existence and the plan intends for the entire area to become medical and failed to consider the homes that exist. Cook asked the Commission to allow the covenants to work the way they should, and the covenants allow the zoning to change when it is time. Cook stated that the recommended zoning of R3A will force a violation/disagreement between the covenants the City zoning. Cook requested the Commission to zone the properties on the end of Crestwood as RE. Cook asked if they are annexing the entire road, which will annex part of the water system, and are the bridal paths behind the properties being annexed as well that have been dedicated to the public. Cook feels that enough developers have not showed enough interest in the area to try to transition it to a medical area.

Wimborne asked the Commissioners if they have any questions about the 7 parcels.

Dixon asked about 2A and asked if the properties are considered enclaved with only corners touching. Beutler indicated that it would be considered enclaved. Beutler stated that the City dump is in the County but is a City parcel and the City has proposed to annex the parcel and they are waiting for a finalization through City Council. Beutler clarified that there are several options that ITD is considering and that is a decision of ITD and not something the City would determine the alignment. Beutler stated that all 5 parcels on 2A have annexation agreements, and he doesn't have information regarding the agreement and the contamination to the wells from the dump. Beutler stated that the annexation agreements indicate that the properties would annex when it was time for annexation. Dixon asked if the agreement was a standard "for access to water" agreement. Beutler stated that they vary a little depending on the era they were done in, but the language is standard. Dixon asked if the water connection was due to the City pollution of ground water but there was a standard agreement to sign, then maybe that is why they have an annexation agreement. Beutler stated that the property owner would have reviewed the agreement at the time and understood the intent as the language is fairly plain.

Wimborne asked if there are questions on package 3. None were raised.

Wimborne asked if there are questions on package 4. Wimborne asked if these properties have an annexation agreement. Beutler indicated that there was no annexation agreement with the property on 4B and the City service is the only reason for annexation, and they are less than 5 acres and it is adjacent to the City. Dixon asked if there is anything in the record that the reason, they have the service is because of an agreement with the Sugar Factory. Beutler stated that the City has not record that he can confirm. Dixon stated that the Statement of Annexation Principles state that the principles do not apply to lands subject to Idaho Code 50-222(5)(b)(v)(c) which exempts land of 5 acres or greater or actively devoted to agriculture as defined in Section 63604-1 of the Idaho Code regardless of whether it is surrounded or abounded on all sides by land within City from City initiated annexation. Dixon asked if that clause is only relative to being enclaved and doesn't have anything to do with the other "Or" conditions as the other "or" conditions don't seem to refer to that portion of the Code. Beutler indicated that the specific Code section was changed in the last legislative section and specifically indicates that land 5 acres or greater that is in active ag use, must have the expressed written permission of the owner for annexation to be considered, so it doesn't relate to the other "or" statements.

Wimborne asked if there are questions on package 5. Wimborne asked if the requested zoning of the neighborhood of RE has been considered by the City. Beutler stated that they have looked at what the appropriate zoning designation would be and they have reviewed it since the neighbors request, but the City's comprehensive plan shows medical service designation for land use and the surrounding zoning is more consistent with the R3A and the R3A does allow for single family residence so it seems more appropriate because it will preserve the covenants and is in sync with the Comprehensive Plan. Morrison asked what can be built on RE. Beutler stated that residential estate is a single dwelling as well as some ag uses and some home businesses; R3A would allow for single dwelling, multi-unit dwelling and professional businesses. Kirkham clarified what real covenants are and what zoning uses are. Kirkham stated that they are independent and can work simultaneously. Kirkham stated that you can have real covenants that are far more restrictive than what the zoning would allow and that is fine, and the covenants will usually trump whatever the zoning is unless its ridiculous and then the Court's won't enforce those. Kirkham stated that the neighborhood can enforce the covenants through civil court action. Kirkham wanted the Commission to keep in mind that the real covenants are not something the City can enforce, and not something the City can take away. Wimborne asked if someone sells a home to someone who wants to build an office building but the covenants in the neighborhood state that its only residential, then how does that work through the system. Kirkham stated that at that point the neighborhood could come and enforce the covenant against their neighbor by going to the property owner and explaining the problem, and the covenants are recorded with the County and if the new owner doesn't want to conform to the covenant then you can enforce the covenant at the District Court level. Black asked what the current zoning is in the County. Beutler indicated in the County it is RA1 and the closest City zoning would be RE designation. Beutler indicated that the bridal paths and right of way will be included in the annexation.

Corwin Cook, 3455 Crestwood Lane, Idaho Falls, Idaho. Cook stated that if the R3A is more restrictive than the RE, then the R3A will be enforced, so it depends on which policy or law is more restrictive.

Laron Shumway, 3496 Crestwood, Idaho Falls, Idaho. Shumway stated that if you zone RE it will prevent the problem of having to face the issue of enforcing the covenants. Shumway suggested that if someone wants to build a community business in the area and its not zoned for that, then she should have to go through the zoning process first in order to help current neighbors preserve their covenants, and that is why they are asking for the RE designation.

Wimborne asked if there are questions on package 6. No questions on 6

Wimborne asked if there are any questions on package 7. Wimborne stated there was an issue regarding the barn and the proposal for zoning is I&M and that was made after consultation and feedback from the property owner. Wimborne asked if the I&M zoning would allow them to continue what they are doing, or would they have to make improvements to continue. Beutler stated that nothing would need to change unless there was a change to the use of the property, such as developing a business, and then they would have to meet the standards for development. Beutler added that they would be able to utilize the barn for cold storage without any changes. Black asked about stopping the use for a year and then wanting to go back and use the property. Beutler stated that if the use was legally established in the County and the new zoning the City doesn't allow for that use it would be considered a non-conforming use and can continue as long

as it continues and there is a spot in the code that states if the use ceases for more than a year then there is the potential that the use can go away, but there are requirements for the City to demonstrate that the use is not longer there. Wimborne asked who determines that the use goes away. Kirkham stated that the one-year term is not correct, and the Legislature amended the code and amended definitions. Kirkham stated that there are statutory criteria for what constitutes that and when it potentially could end. Kirkham stated that Legislature wrote that the City or County can't deprive somebody of a non-conforming use because it stopped if that has been for a period of less than 10 years. Kirkham stated that if the use stops for a decade then the use could go away, but if your use is interrupted temporarily the City will not swoop in and take that use away. Kirkham states that the Code does allow the City to look into it after a year of not using the property and there are some provisions. Wimborne asks what activates the City looking into the use, is it based on complaints? Kirkham stated that he has not run into it. Beutler stated that the burden of proof is on the City to demonstrate the use is not being used. Beutler stated that the city has responsibility to document their actions and the historic use of the property and when the historic use ceased. Wimborne asked if the conforming use pertains to the resident or the property. Kirkham stated that it is the use of the property and not the people using it. The Use can continue forever with the same use and non-conforming until it stops. Beutler has offered residents that if they have a concern about a non-conforming use, he will talk with them and document the use.

Black asked about the property on Pioneer and how long they would have to wait to get City water. Beutler showed where the closest water main is located in the area. Beutler showed where the water is located near the Koester Road property. Beutler stated that both cases the water is there, but the customer would have to pay for the extension.

Nick Day, 907 N 25th East, Idaho Falls, Idaho. Day asked if there will be a time limit on testimony during City Council meeting. Wimborne was unsure and will find the information for him after the meeting. Cramer was able to meet with Mr. Day in the hall to address his concerns.

Arnold Leslie Heirs Jr., 1340 Washburn, Idaho Falls, Idaho. Heirs understands that the law implies that if you provide a service to someone, that gives them implied consent, but what it if the service was forced upon you without your consent.

Jay Anne Hyde, 4542 N 5th West, Idaho Falls, Idaho. Hyde asked if the City water service is the reason for annexation, if they decide not to have City water, would they still be annexed. Beutler indicated that this area (2D) has an agreement for annexation and the properties are enclaved and the City would intend to move forward with the annexation. Beutler stated that the disconnect from City would have to be discussed with the health department in order to drill a well and typically if you are within 300' of a municipal service the health department won't issue the permit to drill a well or septic because you have the utility in close proximity.

Lamoyne Hyde, 4542 N 5th West, Idaho Falls, Idaho. Hyde asked if his 5-acre parcel would make him exempt from annexation and they already have a well.

Beutler stated that the statute requires consent of the property owner, and there is an annexation agreement for this property.

Hyde stated that they were forced into that agreement because they needed water because of the pollution from the City and County.

Karen Daniel, 4400 N 5th West, Idaho Falls, Idaho. Daniel stated that 40 years ago when they went to build their home, they were assured by the City that it would not be the final dump area and they were looking for a new area. Daniel stated that once the home was built, they continued with the dump and finalized that is where the dump would be. Daniel stated they had to have their well tested monthly because they were scared the well was contaminating the well and would make their children sick. Daniel stated that when they started Sage Lakes, they offered them to hook onto City water. Daniel wrote a letter and in it stated that it cost \$2400 to hook on, but that is incorrect, and it cost of \$4000 to hook onto water. Daniel feels that she is being treated unfairly and is very much against being annexed.

Wimborne closed the public hearing.

Black stated that package 4 is a reach since Bonneville County is on one side, there is no annexation agreement and City of Ammon is on the other side. Black wants to be clear with where the emergency personnel are going, but this parcel seems very clear and completely out of the City area. Wimborne clarified that she is only concerned with the property around the substation (Slide 4B) or would it include the other two parcels. Black is fine with the other two parcels and is opposed to the property on Slide 4B.

Black believes the two properties on 5B should be annexed, but is not appropriate to change the zoning and the zoning should be the most restrictive, even though it is in the Comprehensive Plan for Medical services, that is a neighborhood and if you change those two properties that will change the character of the neighborhood that is established. Black doesn't feel they should make the change to allow someone to buy the two properties and change the character of the neighborhood. Morrison agreed with Black's assertion.

Dixon agreed with Black's comments. Dixon stated that he is hesitant about 2A because he doesn't feel that if its just corners touching it is not really enclosed. Dixon would like a legal look at those properties. Dixon stated that even if it is enclosed/enclaved for the three properties that are 5 acres each he is questioning if they are agricultural uses, which would exempt them from the enclaved clause. Dixon stated there are two instances where hooking up to the City utility was not their choice and possibly due to a problem caused by the City where the City may have polluted the ground water. Dixon doesn't feel that the standard agreement is sufficient reason to say that they should be forced annexed, because they were signing the agreement due to a problem the City created. Dixon stated that 1, 5, 6, and 7 there are properties that are also enclaved that are not included because they don't have hook up to the City and that was the complaint he had with the last hearing. Dixon feels it is an inconsistency in the City's statement of annexation principals versus what is being put forward. Dixon agrees with Blacks' comment regarding zoning on package 5, and he disagrees with only annexing the two properties and he believes the entire subdivision should be annexed to enforce that it is a residential neighborhood. Dixon stated that there is another neighborhood to the South of Crestwood now that is not shown in the aerial. Dixon believes RE will be appropriate to protect the neighborhood. Dixon stated that their road isn't developed to the rural road standard and RE allows for a road section that does not include curb and gutter and that is consistent with the area. Dixon stated that 4B appears to have the water hook up due to an arrangement with a 3rd party due to a problem caused by the 3rd party and there is no annexation agreement and that deserves more research to find out more and the implied consent was not there because it was arranged because of the 3rd party.

Morrison moved to recommend to the Mayor and City Council approval of Package 1 for annexation and initial zoning as presented, Denney seconded the motion and it passed 7-1. Dixon opposed the motion for the reason stated regarding the other enclaved properties that are not included.

Dixon moved to recommend to the Mayor and City Council delay on consideration of the properties in package 2 until more research can be completed, and the issues to be researched include: whether they are truly enclaved or not; and if the hook up to City water and the annexation agreement that came with that hook up is due to a direct result of City ground water pollution from the dump and was the hook up coerced by the City, Cantu seconded the motion and it passed unanimously.

Dixon moved to recommend to the Mayor and City Council approval of package 3 for annexation with initial zoning of that portion of the property which is canal property to be consistent with the existing zoning of the canal immediately to the south and for the rest of the parcel to be RMH. Denney seconded the motion and it passed unanimously.

Denney moved to recommend to the Mayor and City Council approval of package 4 for annexation and initial zoning, with the exclusion of slide 4B, Morrison seconded the motion and it passed unanimously.

Black moved to recommend to the Mayor and City Council approval of package 5 for annexation with initial zoning of RE, Morrison seconded the motion and it passed 7-1. Dixon opposed the motion because there are enclaved properties not included in the annexation.

Black moved to recommend to the Mayor and City Council approval of Package 6 for annexation and initial zoning as presented, Denney seconded the motion and it passed 7-1. Dixon opposed the motion because there are enclaved properties not included although some of them might qualify for agricultural exemption based on their size and current use.

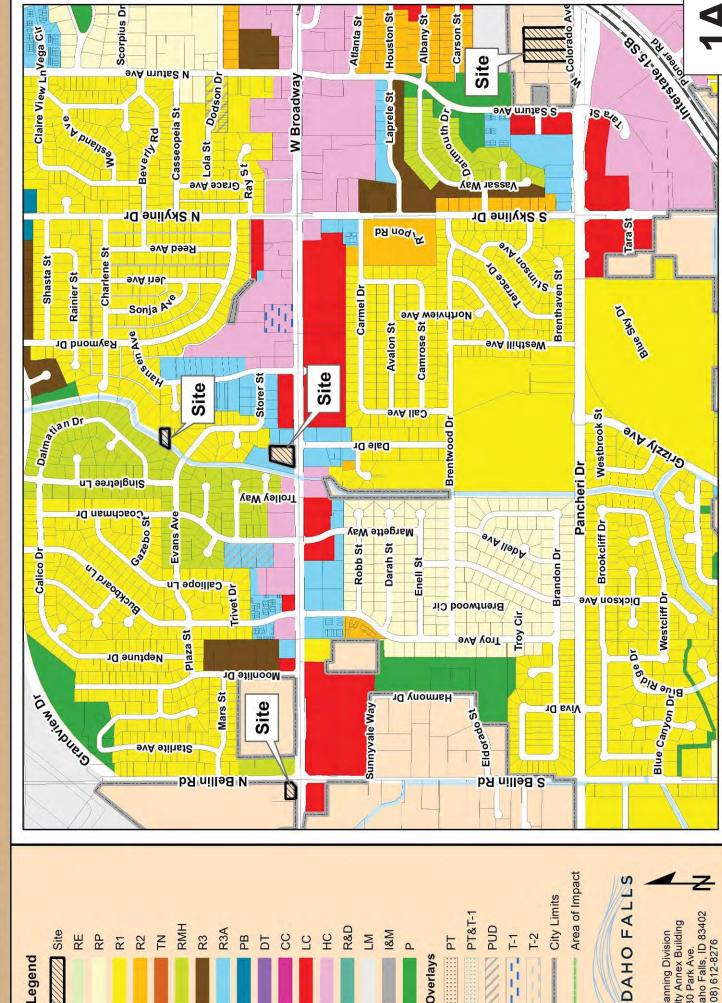
Black moved to recommend to the Mayor and City Council approval of Package 7 for annexation and initial zoning as presented, Denney seconded the motion and it passed 7-1. Dixon opposed the motion because there are enclaved properties that are not included that may qualify for agricultural exemption.

Wimborne adjourned the meeting at approximately 11:45 p.m.

Respectfully Submitted

Beckie Thompson, Recorder

Legend



R&D

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Dverlays

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RMH

RP

Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276

City Limits

PUD

I

- Enclaved; or
- Has at least one utility

connection; or

- Property has annexation agreement;
- Parcel is:

Less than 5 acres

Contiguous

Primary use no

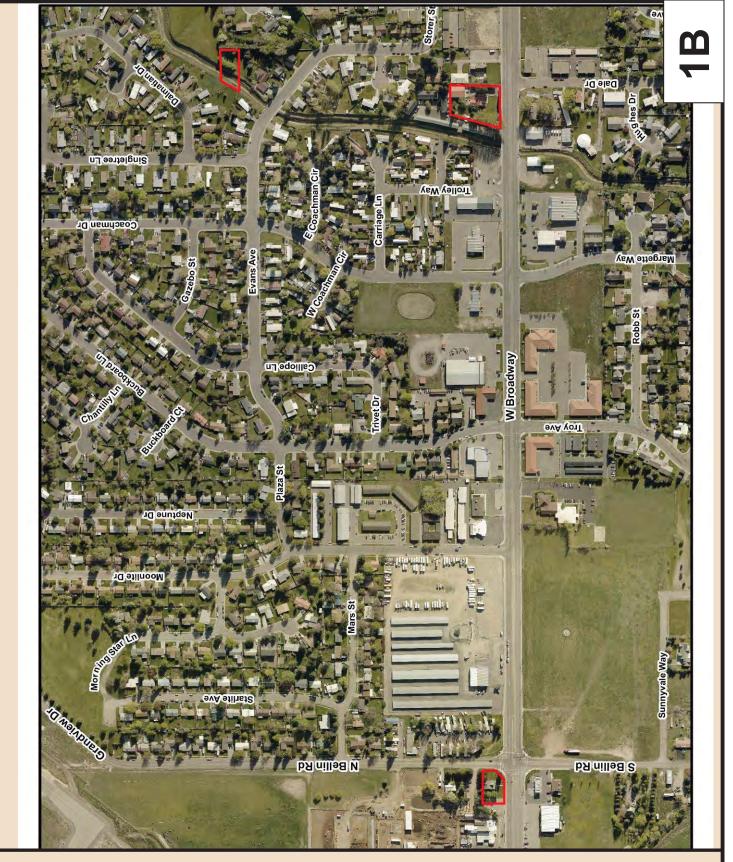
<u>agricultural</u>

Access to utilities

Underlined principles indicated those that apply to properties in this slide

Aerial





- Enclaved; or
- Has at least one utility

connection; or

- Property has annexation agreement;
- Parcel is:

Less than 5 acres

Contiguous

Primary use not

agricultural

Access to utilities

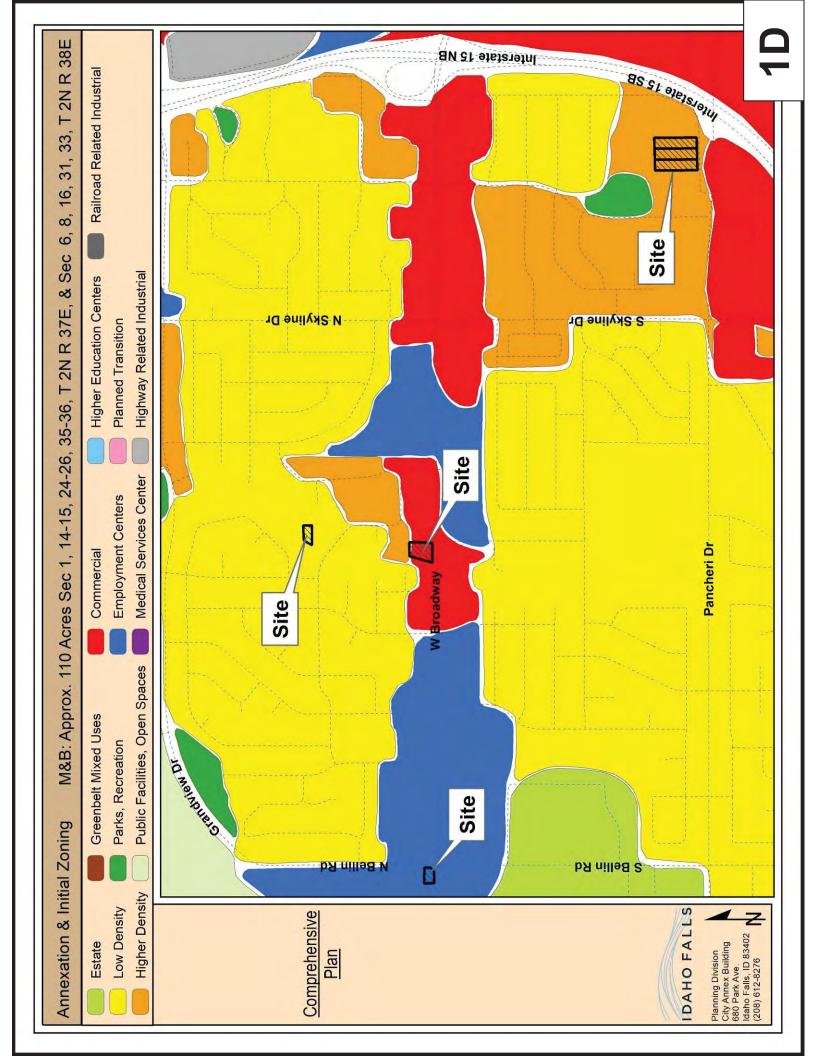
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Aerial







주 10960 Singletree Ln Trolley Way Coachman Dr Margette Way W Broadway Calliope Ln **ΕΝΑ ΚΟΙΤ** Harmony Dr Starlite Ave Proposed Initial Zoning N Bellin Rd RMH R3A R RP R25 DAHO FALLS Proposed Zoning

Esel elsisielní ba reenold S Colorado Ave EN St eleisteith. Pancheri Dr W Colorado Ave eav umess S Saturn Ave Tara St Teton View Ln Proposed Initial Zoning RMH R3A RE RP 2 2

Proposed Zoning

6, 8, 16, 31, 33, T 2N R 38E E 33rd N Eaglewood Dr Pevero Dr River Bend Ln & Sec Jupiter Hills Dr W 33rd N M&B: Approx. 110 Acres Sec 1, 14-15, 24-26, 35-36, T 2N R 37E, Tryall Cir Gleneagles Dr M 415 N Dr. Independence Dr. Co. W 33rd N Annexation & Initial Zoning Area of Impact DAHO FALLS City Limits Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276 RMH R&D PUD R3A I&M Site T-2 유 LM Z R3 PB 00 CC 그 RP R2 **R** THE STATE OF THE PARTY. Overlays **Legend**

- Enclaved; or
- Has at least one utility
- connection; or
- Property has annexation Agreement (�); or
 - Agreement (
 Parcel is:
- Less than 5 acres

Contiguous

Primary use not

agricultural

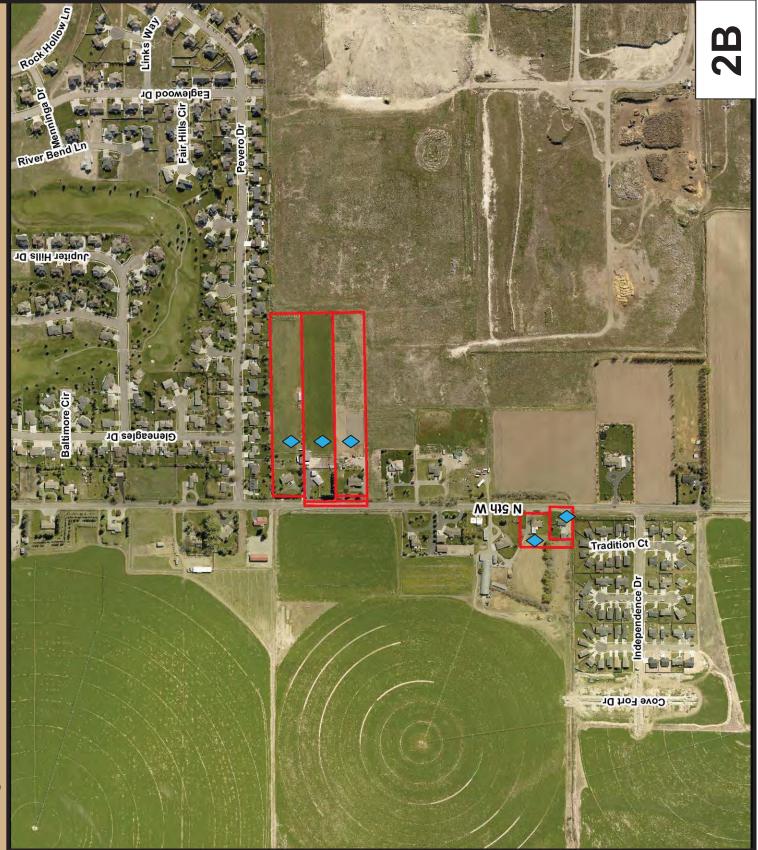
Access to utilities

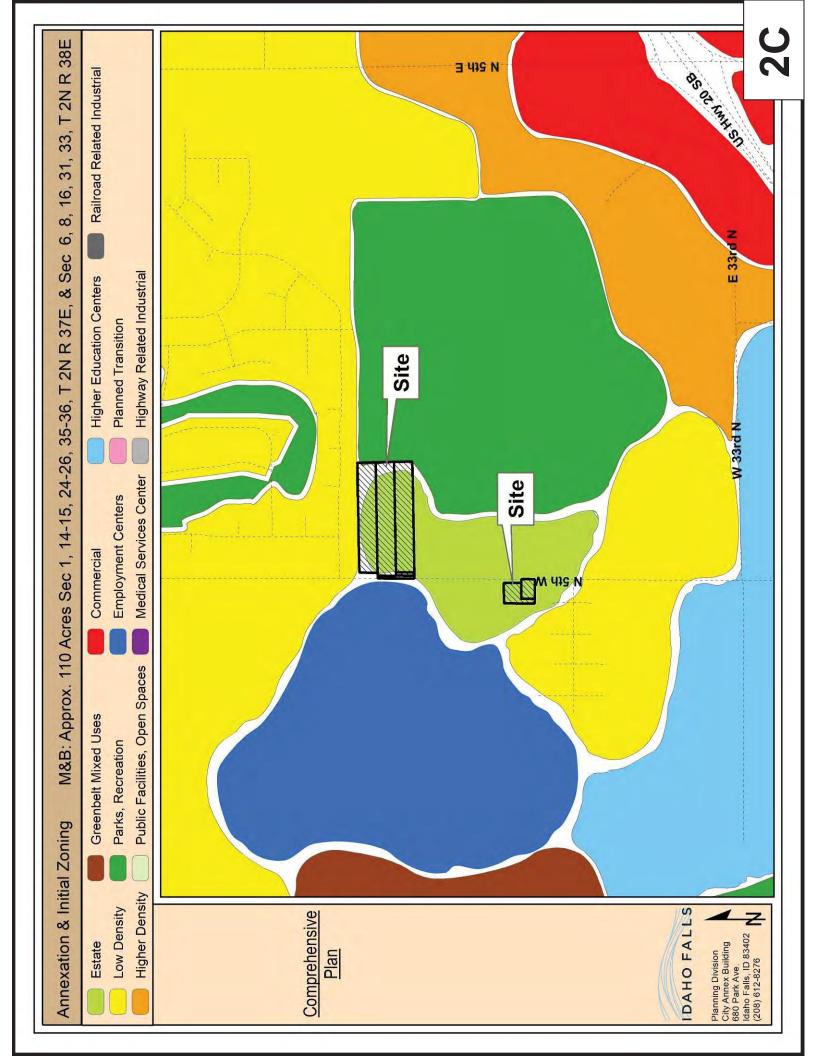
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Rock Eaglewood Dr River Bend Ln Jupiter Hills Dr Gleneagles Dr M QEP M Cove Fort Dr Proposed Initial Zoning RMH R3A RE C 2

Proposed Zoning

16, 31, 33, T 2N R 38E Hodson St precision Dr Woodruff Ave ω 6 Woodruff Cir & Sec Sherry Ave M&B: Approx. 110 Acres Sec 1, 14-15, 24-26, 35-36, T 2N R 37E, Wintergreen Ave Hawthorne St **Huckleberry St** Glennbrier St Hollipark Dr Lincoln Rd Turnbull Dr evA Henned Annexation & Initial Zoning Area of Impact DAHO FALLS City Limits Planning Division City Annex Building 680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276 RMH PUD R&D R3A I&M 일 일 R3 LM 드 Overlays **Legend**

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- annexation agreement; - Property has
- Parcel is:

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Access to utilities

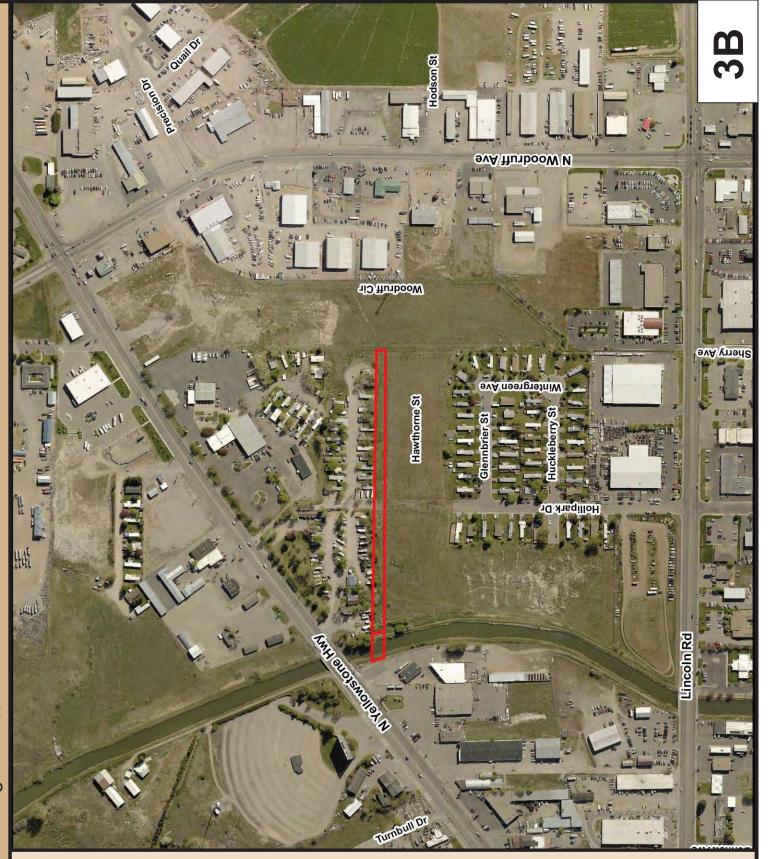
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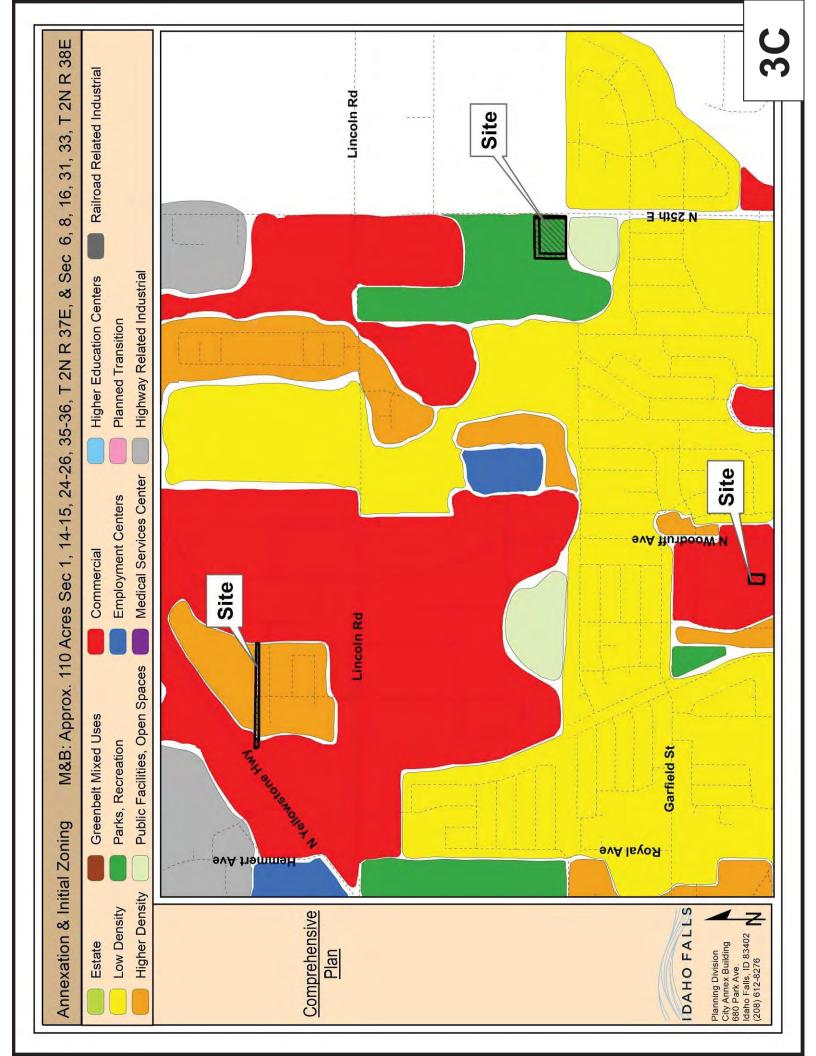
indicated those that apply to properties in this slide **Underlined principles**

Aerial



680 Park Ave. Idaho Falls, ID 83402 (208) 612-8276 Planning Division City Annex Building





9vA IlunbooW M WoodruffCir evA Vried Hawthorne St Hollipark Dr MATH BUOS MONTO F. Proposed Initial Zoning Cottle Dr = RMH R3A RE 2 RP **9vA hammaH**

Proposed Zoning

DAHO FALLS

- Enclaved; or
- Has at least one utility

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- Property has annexation agreement;
- Parcel is:

Less than 5 acres

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Primary use not

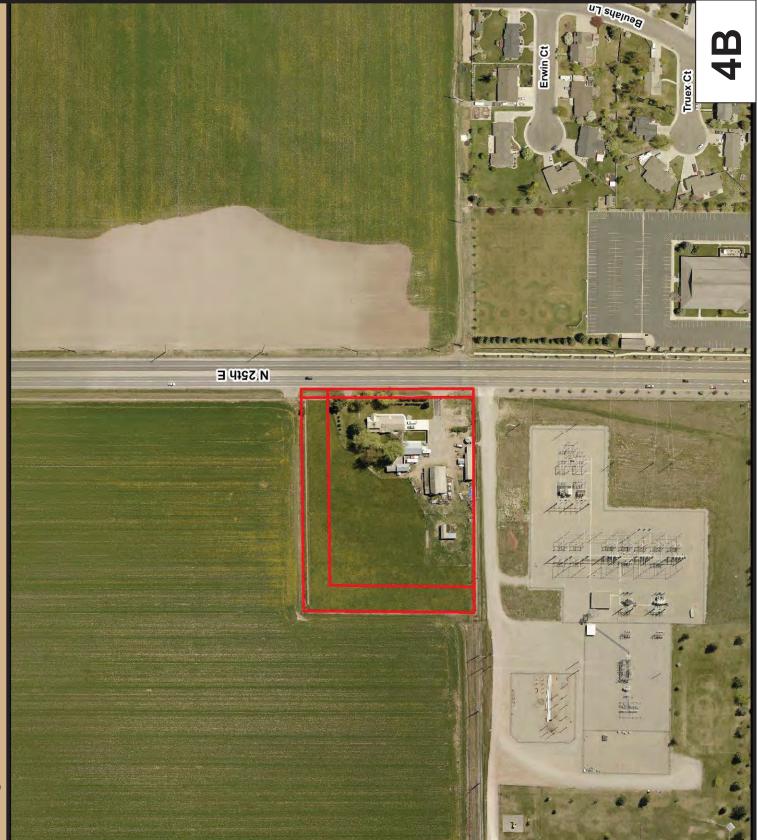
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Access to utilities

Underlined principles indicated those that apply to properties in this slide

Aerial





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Less than 5 acres

Contiguous

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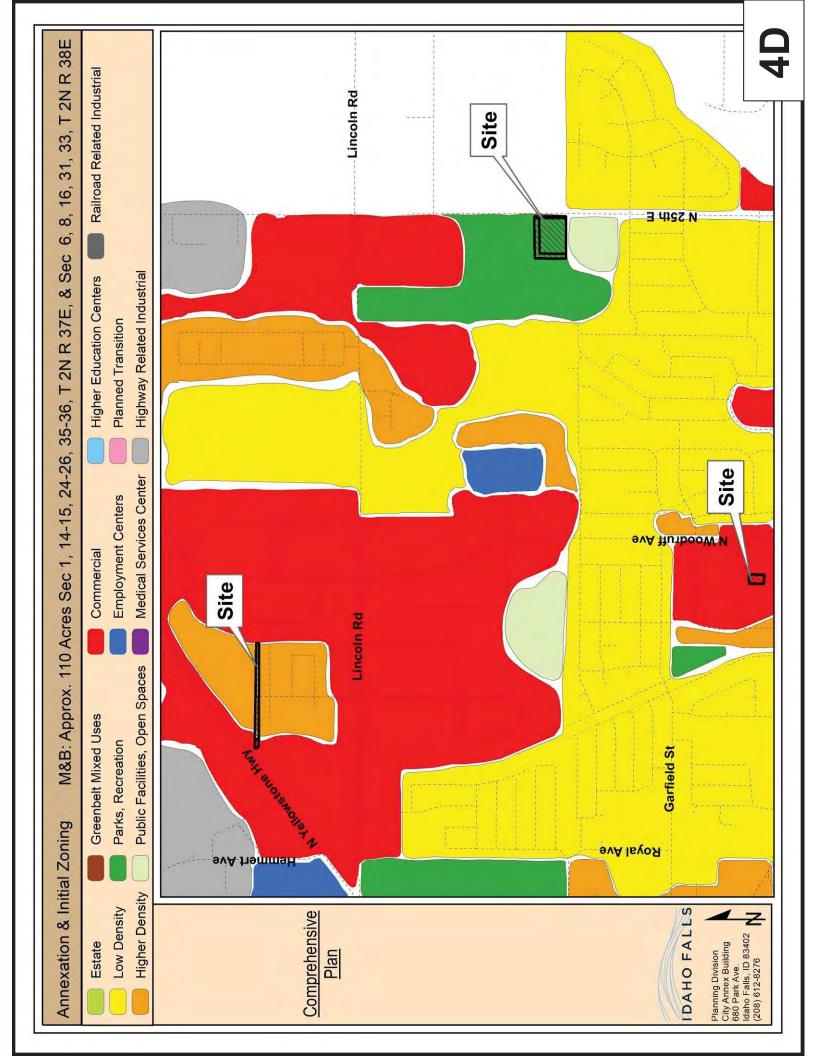
Access to utilities

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u7 Syelne8 **Erwin Ct** Truex Ct - N SPIPE Mesa St Proposed Initial Zoning RMH R3A RE RP **R**2 C $\overline{\Sigma}$ IDAHO FALLS

Proposed Zoning

evA nsol Alturas St Buth Ave Carol Ave S Woodruff Ave **A Moodruff Ave Bonita Dr** E1stSt Easy St Clubhouse Cir Proposed Initial Zoning RMH R3A RE 2 RP 2 Lincoln Dr DAHO FALLS

Proposed Zoning

- Enclaved; or
- Has at least one utility

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Property has

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applies to some

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Access to utilities

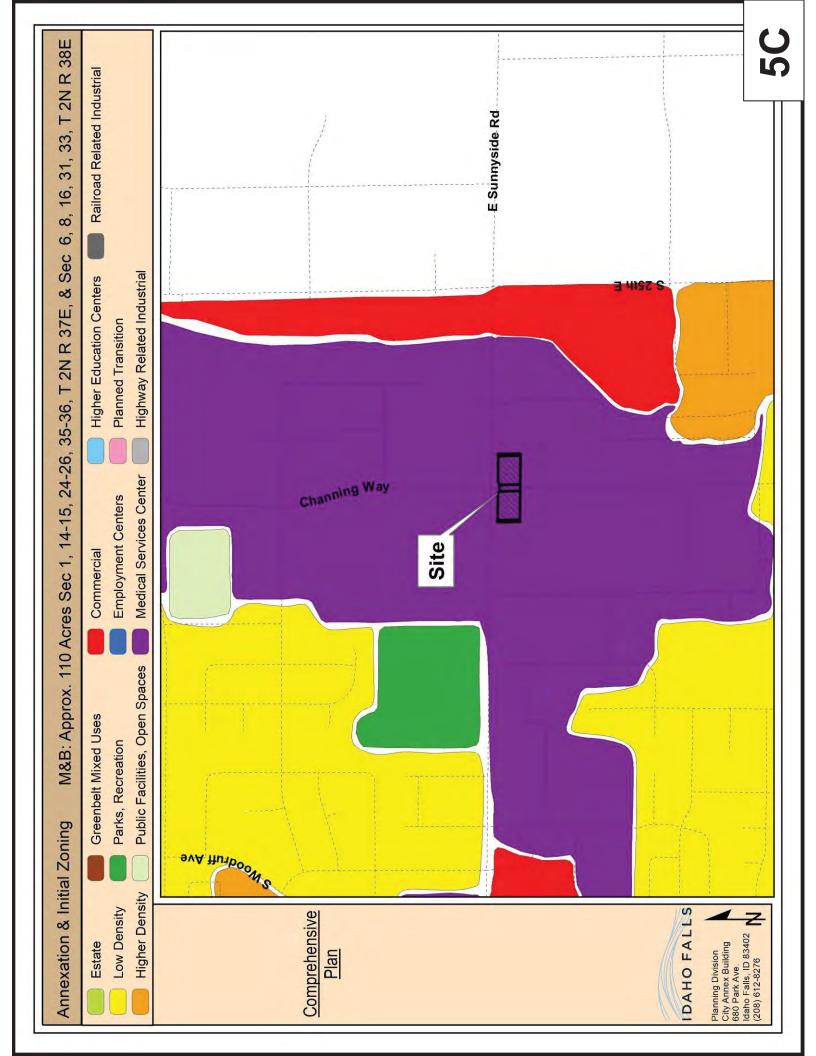
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properties in this slide

Aerial







Valencia Dr Valencia Dr Orange Loop Desoto St Citrus Dr ESunnyside Rd Channing Way Crestwood Ln Washington Pkwy Proposed Initial Zoning RMH R3A 2 2 otomac Way

Proposed Zoning

- Enclaved; or
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Less than 5 acres

Contiguous

Primary use not

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Access to utilities

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Aerial





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Access to utilities

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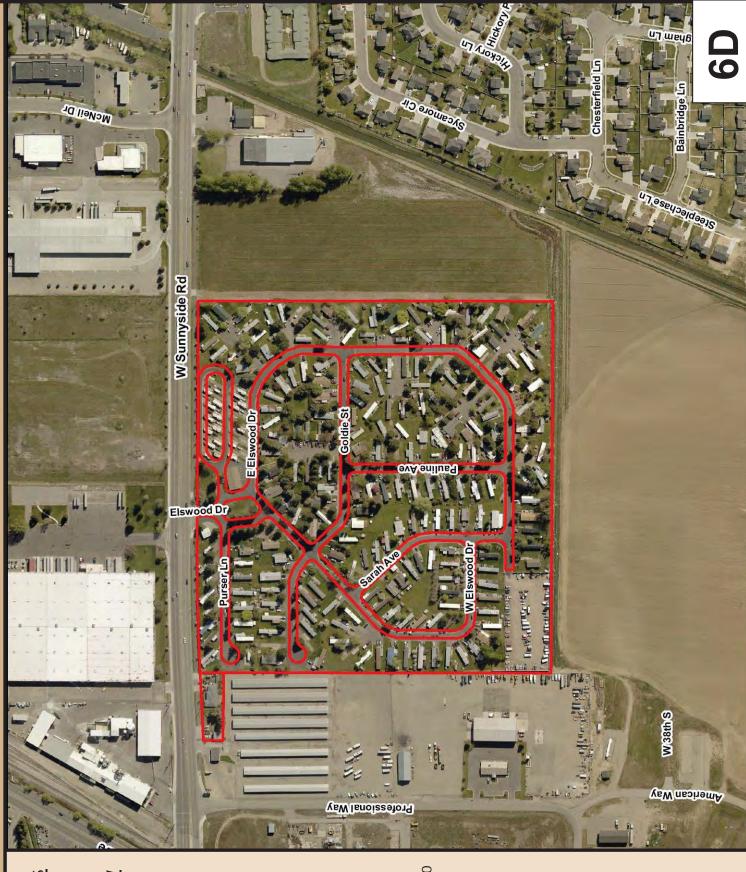
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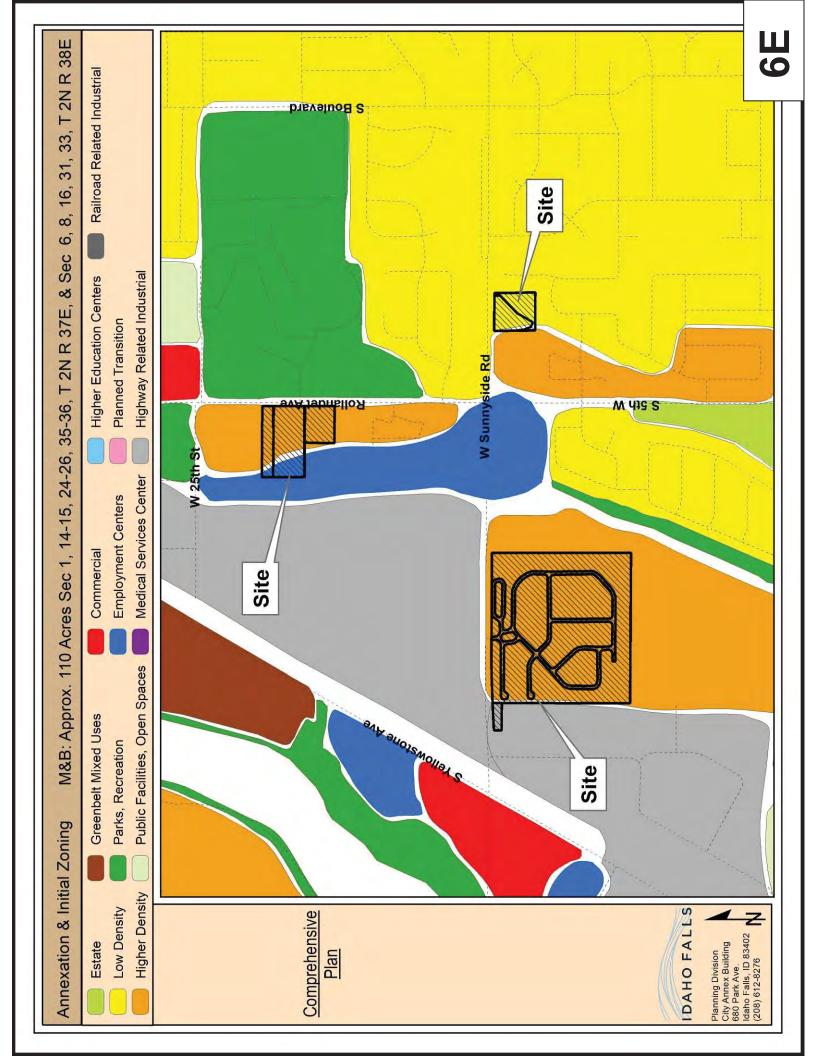
Access to utilities

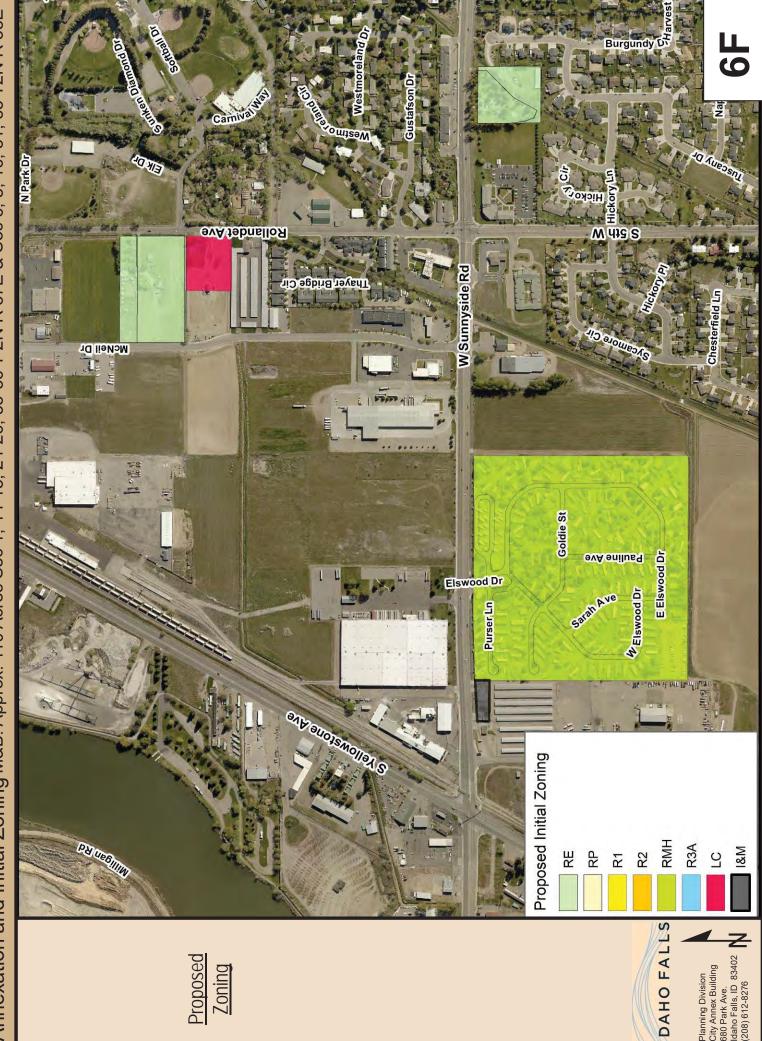
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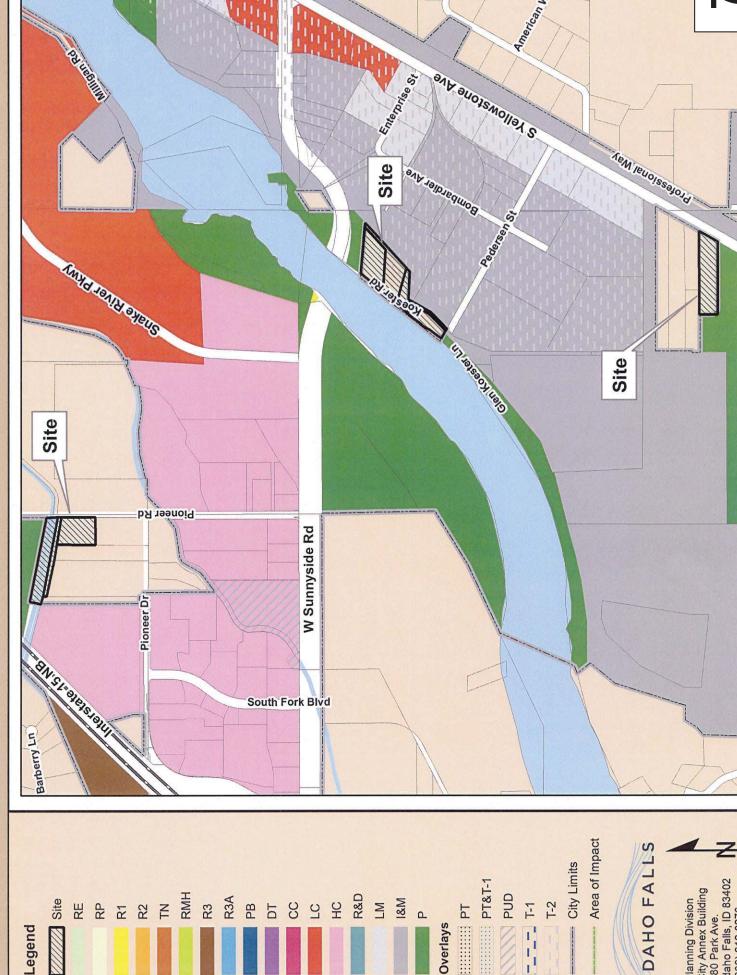








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PUD

Annexation Principles

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- Property has annexation agreement;
- Parcel is:

Less than 5 acres

Contiguous

Primary use not

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Access to utilities

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Aerial





Annexation Principles

Enclaved; or

- Has at least one utility

connection; or

- Property has

annexation agreement

(applies to some):

Parcel is:

Less than 5 acres

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Primary use not

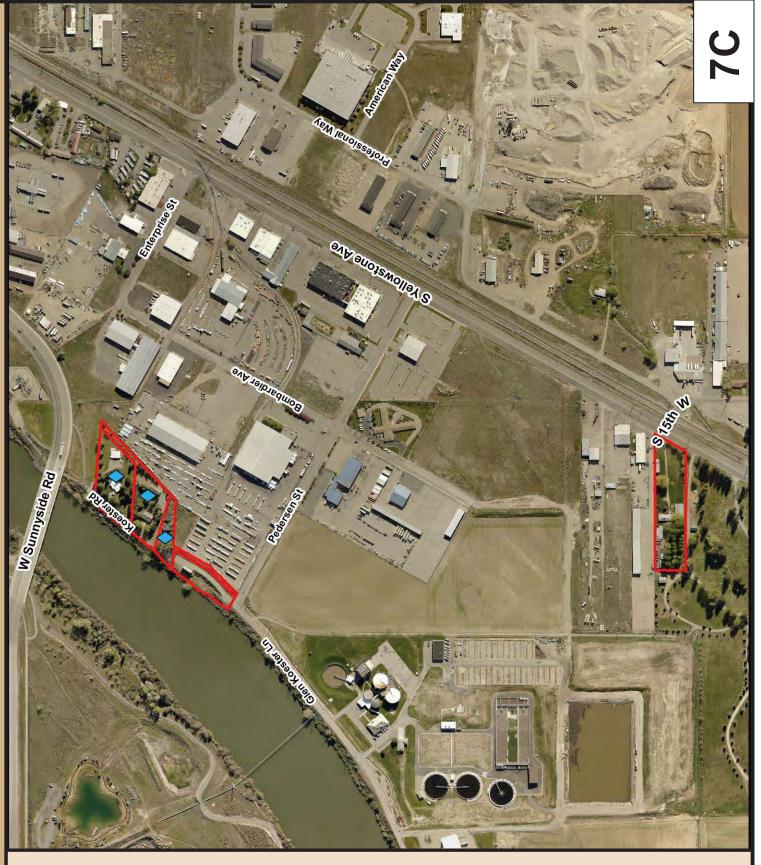
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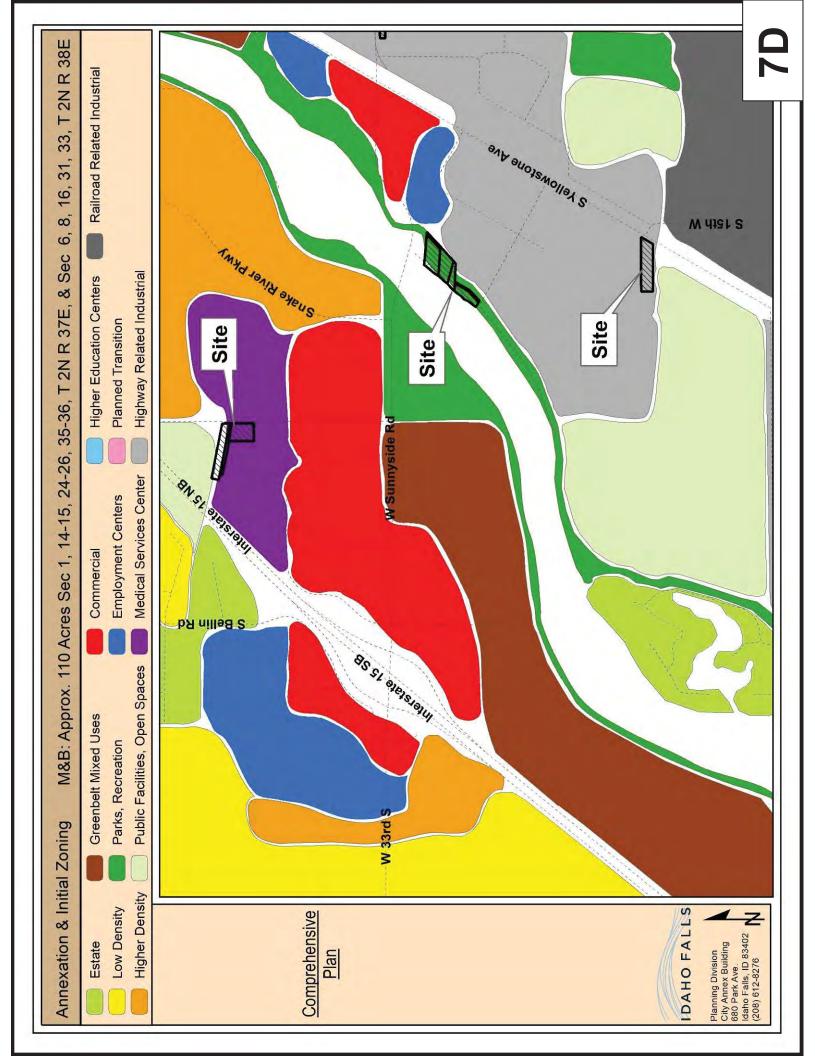
Access to utilities

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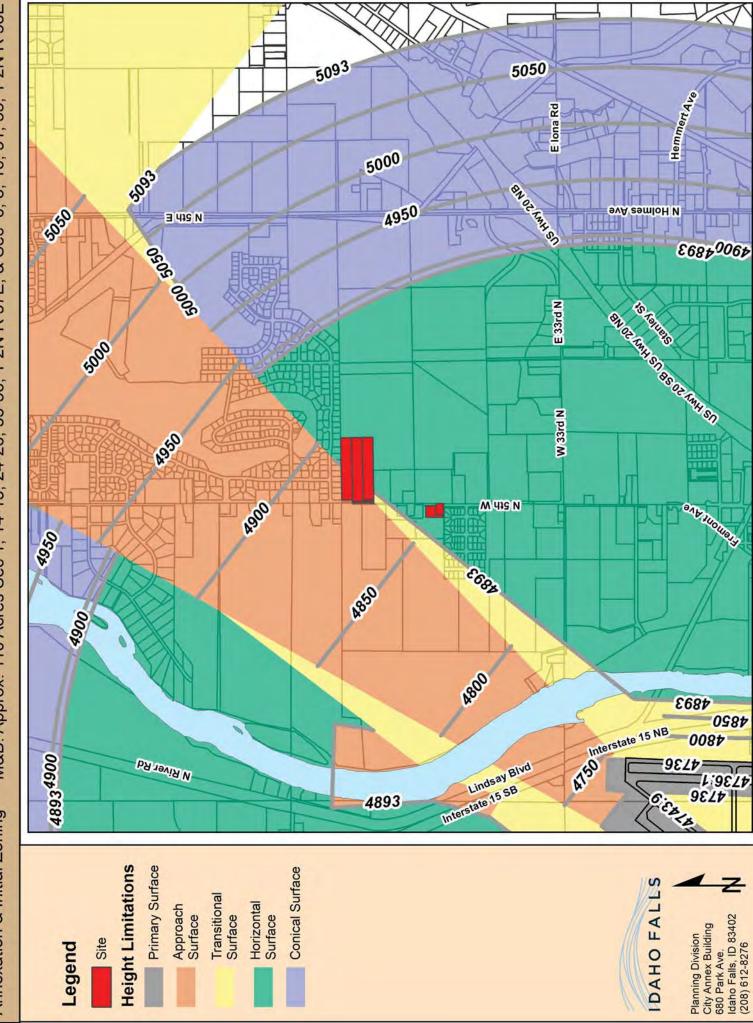
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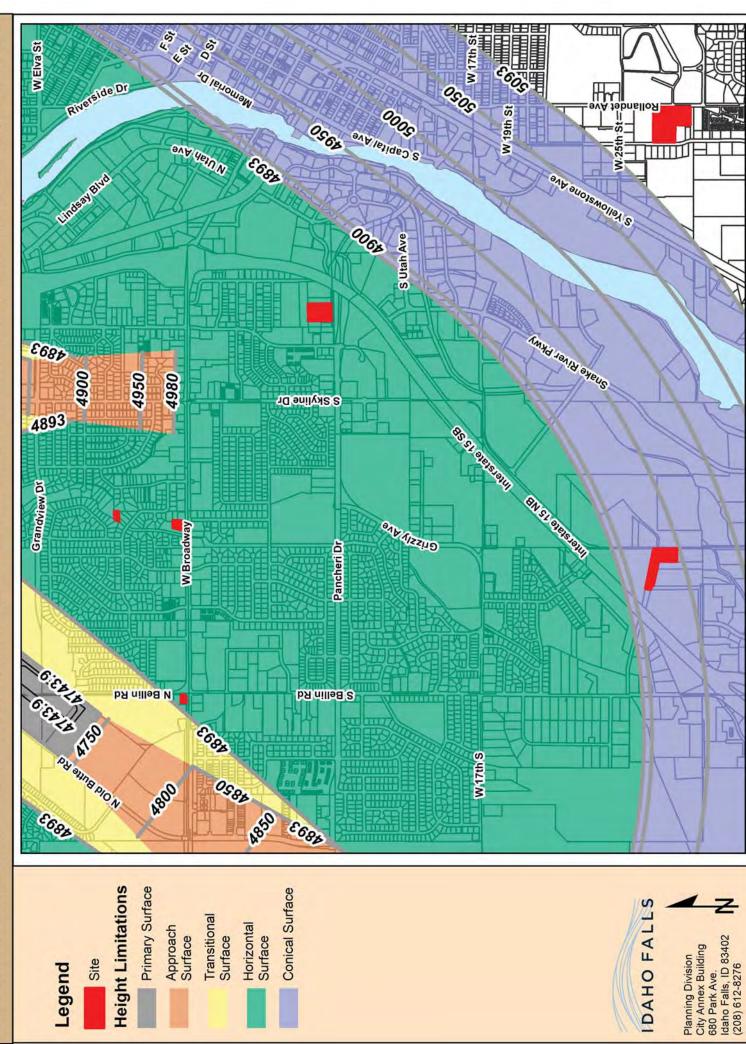






enoiswolley & Swad tevila exerts Pioneer Rd W Sunnyside Rd South Fork Blvd ESSI OFISION ONSI OFISION Proposed Initial Zoning S Bellin Rd RMH I&M Proposed Zoning



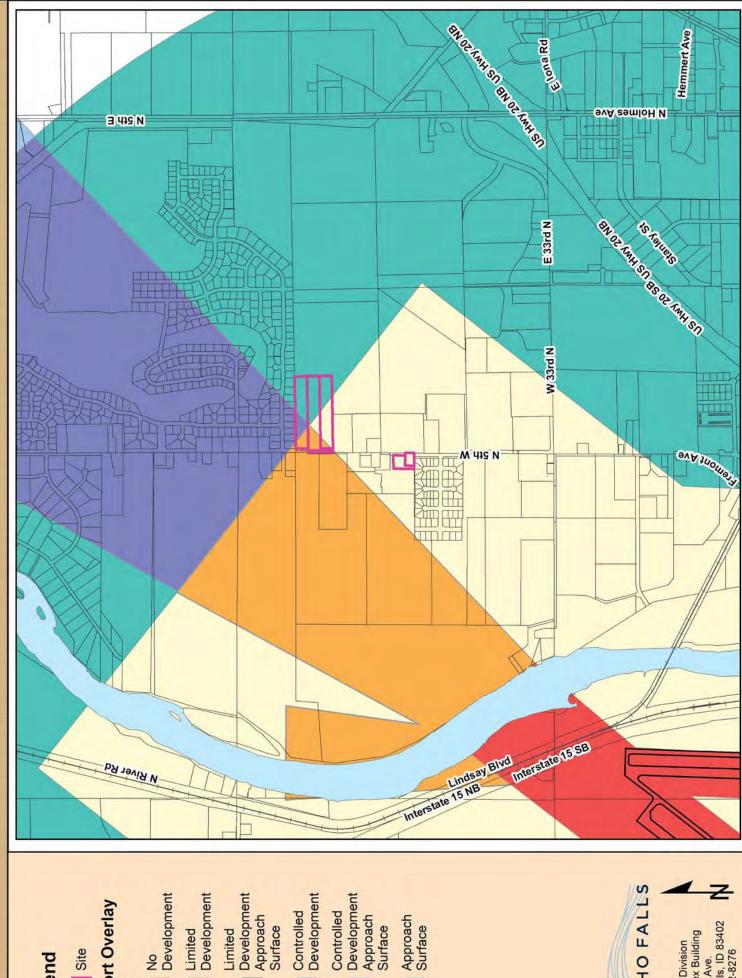


Airport Overlay

Zone

Site

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Controlled

Approach Surface

Limited

Limited

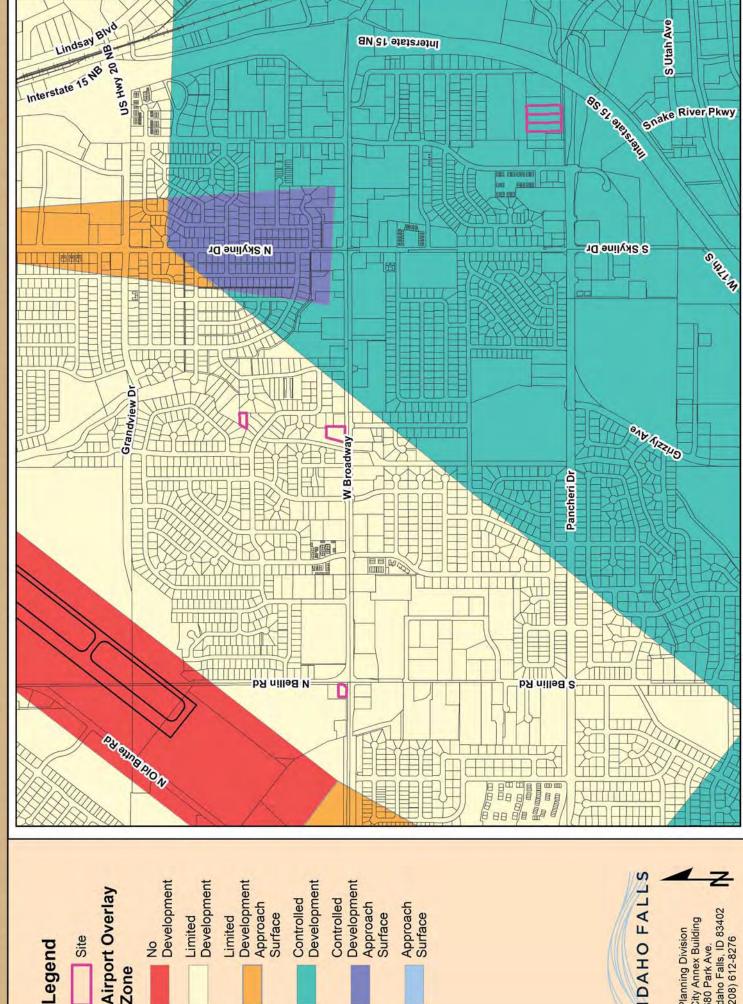
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Approach

Surface

Approach Surface

DAHO FALLS



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Approach

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Site

Zone

Legend

DAHO FALLS

Annexation Plan



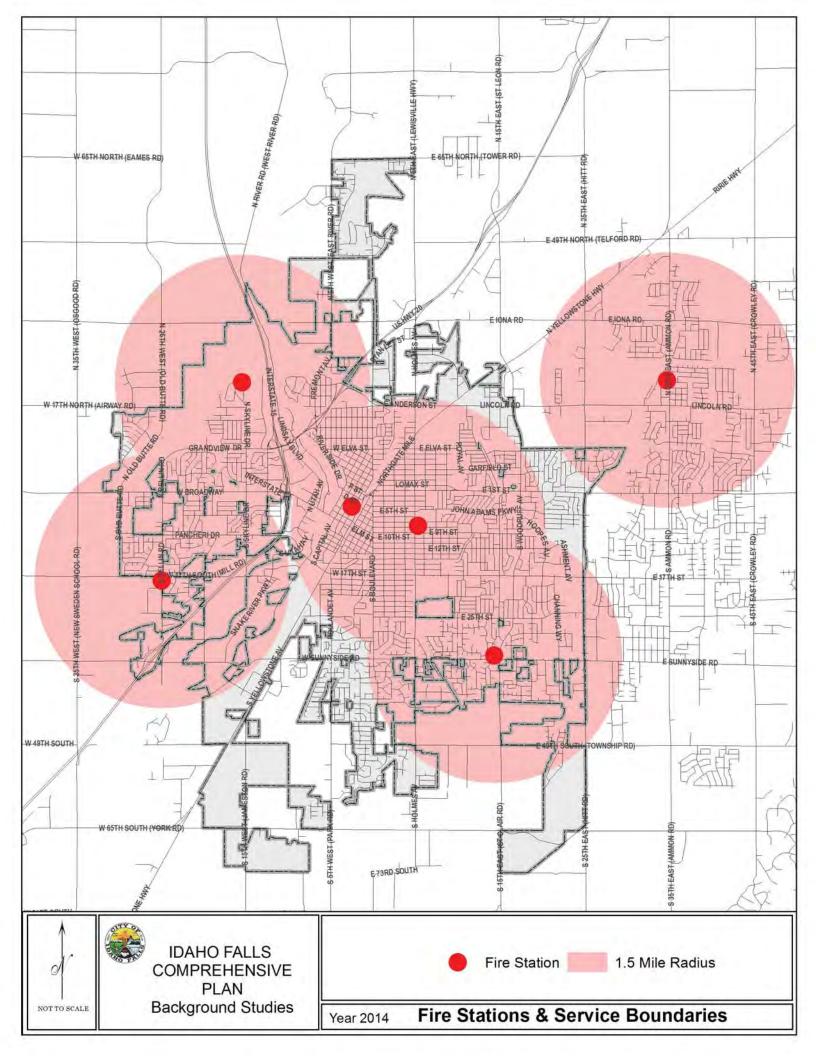
Residential Properties Receive City Services/Enclaved

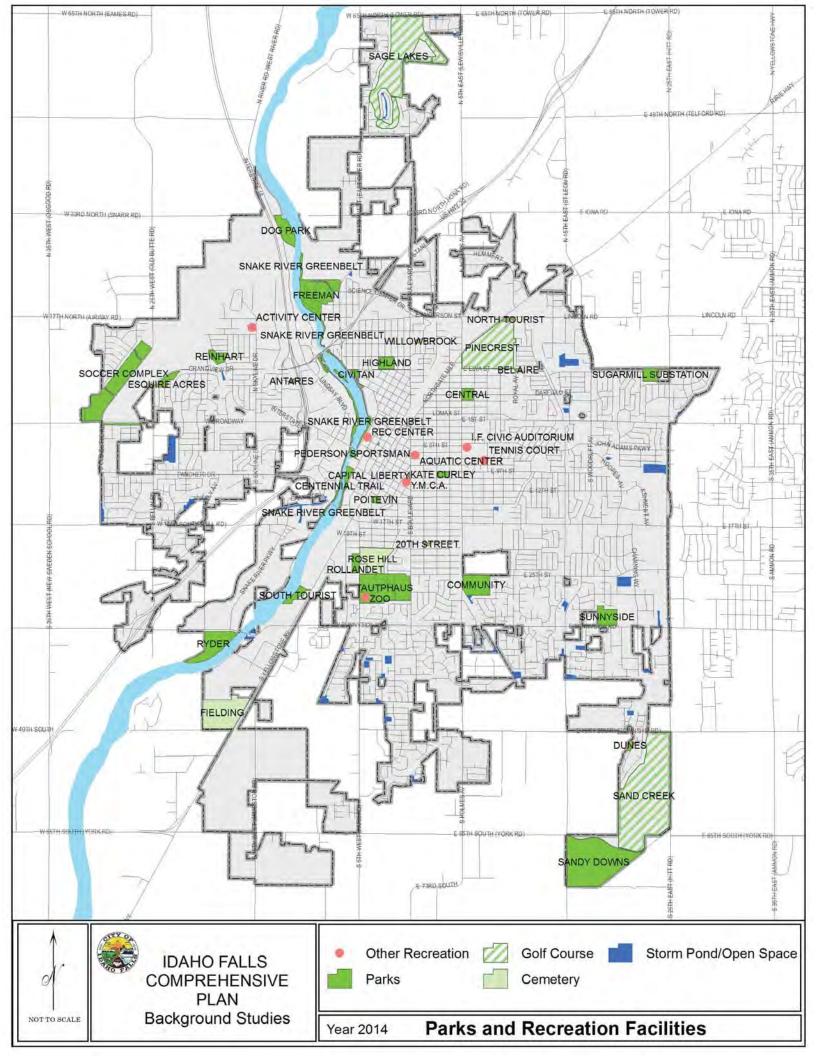
- I. The Manner of Providing Tax-Supported Municipal Services to the Lands Proposed to be Annexed.
 - a. Fire Protection Services: The City of Idaho Falls Fire Department provides fire services within the corporate limits of Idaho Falls. The Fire Department operates out of a central facility located at 343 E Street. The City of Idaho Falls also operates within the Bonneville County Fire Protection District. All of the properties fall within one of these two areas. See attached Fire Station and Service Boundaries Map.
 - b. Parks and Recreation Services: The Idaho Falls Parks and Recreation Division maintains the City's parks, properties, golf courses, zoo, cemeteries and other recreation facilities as well as the City's landscaped medians, rights-of-way, grounds for public buildings, and storm water retention ponds. They also plant and maintain all trees, plants, and flowers on City property and take care of playground equipment and monuments. See the attached Park and Recreation Map.
 - c. Street Services: The properties included in this annexation are completely enclaved by the City boundary or are contiguous to the City boundary and receive a City provided service. City maintained streets must be used for the properties to access any services. The 2013 Background Study of the Comprehensive Plan identifies that the Public Works Department also maintains over 300 miles of City roadways. As part of this maintenance the Streets Division also provides snow removal. Any publicly dedicated and accepted street within this annexation boundary will become responsibility of the City to maintain and provide snow removal.
 - d. Library Services: Public libraries began in Idaho Falls in 1884 when a public reading room containing three to four hundred volumes was opened by the Baptist Church. In 1908, this library was turned over to the City of Idaho Falls. The City created a library board and set a property tax levy exclusively earmarked for library purposes. In 1980, the Bonneville County Commissioners formed a Bonneville County Library District. One year after formation, the Board contracted with the Idaho Falls Public Library to provide free services in Bonneville County outside the City of Idaho Falls. Small library branches supported by the library district are located at the Iona City Hall and the Swan Valley Elementary School. As part of the annexation the properties will no longer be assessed the Bonneville County Library District tax levy.
 - e. Police Protection Services: The City of Idaho Falls Police Department provides police services within the corporate limits of Idaho Falls. The police department operates out of a central facility located at 605 North Capital Avenue, which also houses the Bonneville County Sheriff's operations. The department also operates an animal control center which was built in 1999-2000 as well as the dispatch center that serves all public safety agencies in the City of Idaho Falls, and Bonneville County.
- II. The Changes in Taxation and Other Costs Which Would Result if the Subject Lands Were to be Annexed.
 - a. See attached Cost Differential Comparison sheet for rates and adjusted fees. Property taxes and valuations will continue to be assessed by the County Assessor. Once annexed the properties will also be assessed the City tax rate, some County taxes are no longer applicable and will not continue to be assessed with annexation.

- III. The Means of Providing Fee-Supported Municipal Services, if any, to the Lands Proposed to be Annexed
 - a. Water Services: The Idaho Falls Water Division provides water service within the corporate limits of the City of Idaho Falls. This service consists of water supply, storage, and distribution. For most properties there are City maintained waterlines located within the right-of-way adjacent to each property proposed for annexation or in close proximity. Many of the properties included in this annexation already use the City's water system and the ones that do not will have the ability to connect to the City's water system. Properties that do not currently have a City water service will not be required to connect. The cost of connection to the water system would be borne by the property owner wishing to connect. Those who currently have the City's water service will see a rate reduction when annexed.
 - b. Sanitary Sewer Services: The Idaho Falls Sewer Division provides wastewater service within the corporate limits of the City of Idaho Falls. This service consists of collection, conveyance, treatment, and disposal. Wastewater management also includes storm water collection. Many of the properties included in this annexation already use the City's wastewater system and the ones that do not will have the ability to connect to the City's wastewater system. Properties that do not currently have a City wastewater service will not be required to connect. The cost of connection to the wastewater system would be borne by the property owner wishing to connect. Those who currently have the City's wastewater service will see a rate reduction when annexed.
 - c. Garbage Collection Services: The Idaho Falls Sanitation Division provides garbage collection service within the corporate limits of the City of Idaho Falls. Properties which currently contract their own sanitation service with another agency will be served by the City's Sanitation Division at the standard rates following annexation.
 - d. Recreation Services: The Idaho Falls Parks Department provides recreation service within the corporate limits of the City of Idaho Falls. The Parks and Recreation Department is responsible for the development and implementation of leisure activities for participants of all ages and interests. These program activities take place throughout the City. They manage the Idaho Falls Zoo, three golf courses, the Aquatic Center, the Wayne Lehto Ice Arena, the Activity Center, and the Recreation Center. City rate discounts where applicable will be available to the annexed properties for the recreation programs offered by the department.
 - e. Electric Power Services: The City of Idaho Falls has provided electrical energy services to the residents and businesses of the City since 1900. Currently, the electric utility service area is approximately 20 square miles and provides services to approximately 22,500 residential customers and 3,700 commercial and industrial customers. The City owns and operates four hydroelectric generating facilities located on the Snake River. The annexed properties that are not currently on Idaho Falls Power service will have the option to request to switch providers. Such requests must be coordinated through Idaho Falls Power. Properties that are annexed are eligible to receive power from Idaho Falls Power, only if requested and approved for dis-continuation of service by Rocky Mountain Power. Properties that are approved for disconnection from Rocky Mountain Power will be required to participate in Rocky Mountain Power's buyout process. Currently Idaho Falls Power pays half of the determined buyout cost and the property

owner would be responsible for the remaining half. Properties are not required to discontinue service with their current provider. The ultimate decision whether Idaho Falls Power can provide service is up to Rocky Mountain Power.

- IV. The Proposed Future Land Use Plan and Zoning Designation, Subject to a Public Hearing.
 - a. Comprehensive Plan: The properties located in this annexation area are located within the following designations: (See attached Comprehensive Plan map) Estate, Low and Higher Density Residential, Employment Centers, Commercial, Highway Related Industrial, Medical Services Center and Parks, Recreation.
 - b. Zoning: The proposed zoning for each parcel is identified in the attached Zoning Map. These zones include: RE, Residential Estate; RP, Residential Park; R1, Single Dwelling Residential; R2, Mixed Residential; R3A, Residential Mixed Use; RMH, Residential Mobile Home; LC, Limited Commercial





Cost Differential Comparisons for City Services¹

When a property is annexed, there is no requirement to connect to City water, sewer, or power. The rates below are for information purposes only. Please contact a staff member if you would like to discuss specific rates and fees for your property.

Tax Levy Rates²

Bonneville County: .004086985 Idaho Falls: .009583647

Example: Assessment of a residence (with home owner's exemption) valued at \$250,000:

Current County Tax: \$510.87

Additional Idaho Falls Tax, if Annexed: \$1,197.95

Total: \$1,708.82

Water Rates

1" Initial Hookup Fee (If a property doesn't already have the service): \$2,268 (1" Service Connection)

Monthly Non-metered Residential Rate in City: \$21.65

Monthly Rate in County: 200% of Metered Rates or Non-metered Rates

Sewer Rates

Initial Hookup Fee (If a property doesn't already have the service): \$1,096 (1" Service Connection)

Monthly Non-metered Residential Rate in City: \$23.40

Monthly Rate in County: 110% of Metered Rates or Non-metered Rates

Power Rates

Monthly cost for power varies by usage. Idaho Falls Power's base rate can be lower than the cost of Rocky Mountain Power depending on consumption. If you would like a comparison of what your monthly bill would be if you were an Idaho Falls Power customer, please contact Wid Ritchie at 208-612-8143.

Sanitation Rates

Monthly Rate for Residential: \$9.45

¹ Rates and fees are for residential use. Rates and fees may vary for commercial uses.

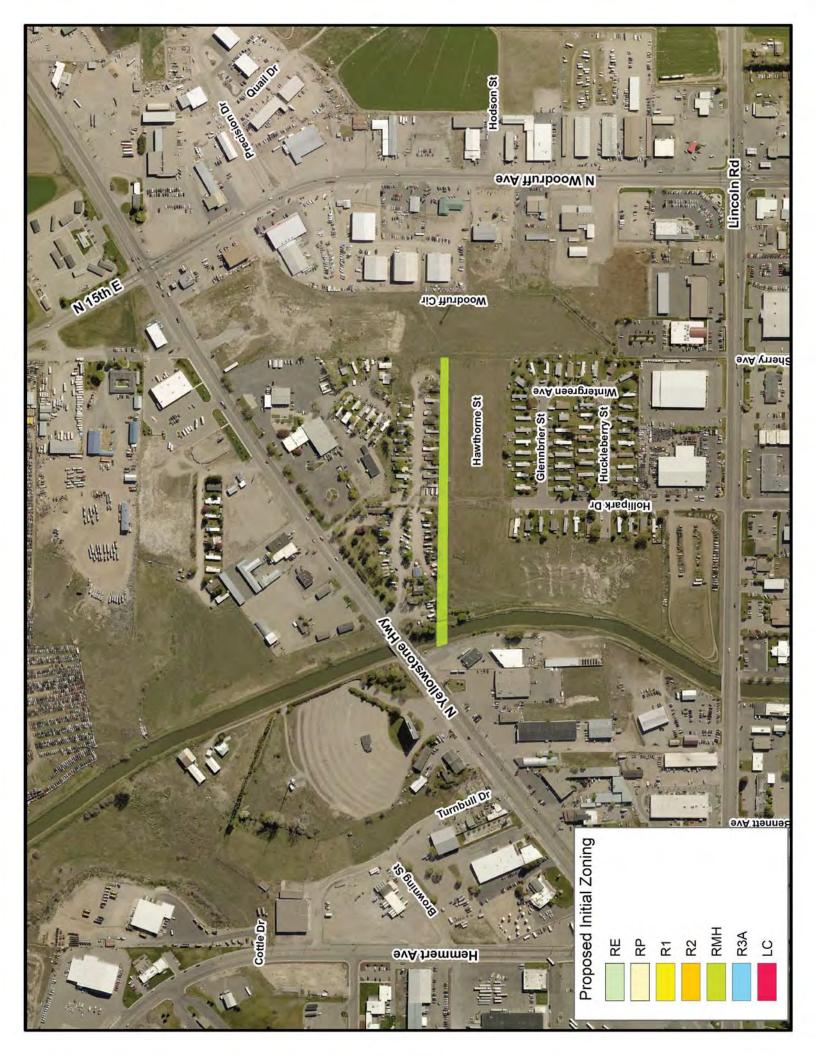
² This is just a comparison of the City and County levy rates. When annexed, some of the levies, such as Fire District levies, will no longer be assessed. For questions regarding your tax bill please contact the County Assessor's office.





















WATER SERVICE CONTRACT (Outside City Limits)

City of Idal	no Falls, a mu	this 28 th da nicipal corpor		19 <u>92</u> , Idaho, a		
part, and _	DORA	TREI	 		 	
as Party of	the Second pa	rt.				

WITNESSETH:

WHEREAS, the Party of the First part owns and operates a municipal water works and supply system within the corporate limits of the City for the benefits of its inhabitants, and

WHEREAS, the Party of the Second part desires to obtain water service to an area outside First Party's corporate limits,

NOW, THEREFORE, this agreement is to specify the terms and conditions by which First Party will provide water service to the said property of Second Party outside the corporate limits of First Party.

- 1. First Party assumes no responsibility for continuation of water service for any period of time, it being understood that the water to be supplied under this contract is surplus water not needed at the present time within the corporate limits of the City, and First Party shall have the right, at its sole discretion, to discontinue water service hereunder at any time without liability to Second Party.
- First Party assumes no responsibility for maintenance or replacement of facilities beyond its corporate limits, and may immediately discontinue service hereunder in the event of leakage or other breakdown in the facilities used to provide service hereunder and which it does not own and control.
- First Party reserves the right to move any meter measuring the amount of water provided hereunder at any time as it may deem necessary or convenient.
- 4. Water service is to be provided to Second Party hereunder at the regular rates established by order of First Party's City Council for service outside its corporate limits, and under such rules and regulations as the City Council may establish in respect to liability for payment of charges. Rates shall be subject to changes from time to time on not less than thirty (30) days notice.
- 5. Second Party agrees to acquire at its own cost and expense, all rights-of-way, easements or other property rights which may be necessary for construction, operation and future maintenance of any waterline required to furnish water to Second Party and to prepare plans for and to construct said waterline in accordance with City Standards and Specifications at its own cost and expense.

6. diameter	It is spec size water	ifically service	understood connection	and to s	agreed erve	that	Second	Party	desires	a 1/2	inch
	ETAMIL										
(Single	Family Resid	dent, Apa	rtment Bui	ding	s, Gas	Stati	on, Wa	rehouse	e, Etc		

located on the following described property:

3965 NORTH 5th WEST (ENST RIUBR ROND)

Attach Building Site Plan, Waterline Plans, Etc., if possible)

Water Service Contract (Outside City Limits) Page 2

and it is further understood and agreed th only the above-described building or usage extensions of or connections or additions	nat this water service connection shall serve e on the above-described property and that no thereto are permitted.
7. Second Party agrees to pay the Ci the rate of \$ 10 per lineal foot of lineal feet), being a total cash fee of \$ the City into the Water and Sewer fund.	ty of Idaho Falls a watermain fee computed at Second Party's property frontage, (100 L000 . Said fee shall be deposited by
8. Second Party agrees to pay to the Connection charges:	e City the following listed Water Service
\$ 200° CONNECTION	FEE (TO BE PAID BY BONN COUNTY)
9. Second Party will prepare and rec street right-of-way and utility easements; described property as is required for the	cord a plat of the area dedicating the necessary; or will dedicate to the public the following street right-of-way for
EAST RIVER POAD PLYNT-OF-WI	(Street, Avenue, Drive)
	(Street, Avenue, Drive)
Description:	
(Sewerline, Waterline, Powerlines, etc.) p Easement Agreement). 10. Second Party agrees to annexatio time as the City Limits are contiguous to 11. (Miscellaneous terms or condition	ourposes (See attached legal description and on to the City at the option of the City at such the subject property.
IN WITNESS WHEREOF, the parties have enter above written.	red into this Agreement the day and year first
	by tomm Carbon Mayor
ATTEST: Chandler City Clerk	(Owner, Etc.)

WATER SERVICE CONTRACT

(Outside City Limits)

An AGREEMENT, made this 14th day December, 2001, by and between the City of Idaho Falls, a municipal corporation of the State of Idaho, as Party of the First part, and Kenneth Lee and Barbara K. Frei, as Party of the Second part;

WITNESSETH

WHEREAS, the Party of the First part owns and operates a municipal water supply system within the corporate limits of the City of Idaho Falls for the benefit of its inhabitants; and

WHEREAS, the Party of the Second part desires to obtain water service to premises located outside the corporate limits of the City of Idaho Falls;

NOW, THEREFORE, this agreement is to specify the terms and conditions by which First Party will provide water service to the said property of Second Party outside the corporate limits of First Party.

- First Party assumes no responsibility for continuation of water service for any period
 of time, it being understood that the water to be supplied under this contract is surplus
 water not needed at the present time within the corporate limits of the City, and First
 Party shall have the right, at its sole discretion, to discontinue water service hereunder
 at any time without liability to Second Party.
- 2. First Party assumes no responsibility for maintenance or replacement of facilities beyond its corporate limits, and may immediately discontinue service hereunder in the event of leakage or other breakdown in the facilities used to provide service hereunder and which it does not own and control.
- 3. First Party reserves the right to move any meter measuring the amount of water provided hereunder at any time as it may deem necessary or convenient.
- 4. Water service is to be provided to Second Party hereunder at the regular rates established by order of First Party's City Council for service outside its corporate limits, and under such rules and regulations as the City Council may establish in respect to liability for payment of charges. Rates shall be subject to changes from time to time on not less than thirty (30) days notice.
- 5. Second Party agrees to acquire at its own cost and expense, all rights-of-way, easements or other property rights which may be necessary for construction, operation and future maintenance of any waterline required to furnish water to Second Party and to prepare plans for and to construct said waterline in accordance with City Standards and Specifications at its own cost and expense.

6. It is specifically understood and agreed that Second Party desires a 1 ½ inch diameter size water service connection to serve: single family residence located @ 4015 North 5th West (Single Family Resident, Apartment Buildings, Gas Station, Warehouse, Attach Building Site Plan, Waterline Plans, Etc., if possible) Located on the following described property: 7. Second Party agrees to pay the City of Idaho Falls a water main fee computed at the rate of \$15.00 per lineal foot of Second Party's property frontage, (181.5 lineal feet), being a total cash fee of \$ 2,722.50. 8. Second Party agrees to pay the City of Idaho Falls the following listed Water Service Connection charges: \$1,240.00 per 1 1/2" service connection (to be paid by Bonneville County) 9. Second Party will prepare and record a plat of the area dedicating the necessary street right-of-way and utility easements; or will dedicate to the public the following described property as is required for the street right-of-way of: North 5th West (East River Road) (Street, Avenue, Drive) Legal Description: (deed attached) Also a ten foot wide utility easement 181.50 feet in length adjacent to the west line of the above described property. 10. Second Party agrees to annexation to the City at the option of the City at such time as the City Limits are contiguous to the subject property. 11. (Special Conditions, Terms or Provisions)

IN WITNESS WHEREOF, the parties have entered into this Agreement the day and year first above written.

Property Owner:

Kennoth L. Frei

Kay Fren

CITY OF IDAHO FALLS

By: ______

Linda Milam, Mayor

Roama ru And et

Rose Marie Anderson, City Clerk

1065407

BON. .LLE COUNTY RECORDER 1065407 DEC17'01 PM1243

RIGHT OF WAY DEED

THIS INDENTURE, made this 30 day of vovember, 2001, between Kenneth L. Frei and Barbara Kay Frei, Husband and Wife, the party of the first part, and the CITY OF IDAHO FALLS, a municipal corporation, County of Bonneville, State of Idaho, the party of the second part.

WITNESSETH

That the said party of the first part, for and in consideration of the sum of ONE AND NO/100 DOLLARS (\$1.00), lawful money of the United States of America, and other good and valuable considerations, to in hand paid by the party of the second part, the receipt whereof is hereby acknowledged, does by these presents remise, release and forever quitclaim unto the said party of the second part, for public street and highway purposes, all the following described real estate, situated in the County of Bonneville, State of Idaho, to-wit:

Beginning at a point which bears \$00°06'14"W 2183.09 feet to the East One-Quarter Corner and \$00°21'07"W 375.91 feet from the Northeast Corner of Section 1, T2N, Range 37 East, B.M., Bonneville County, Idaho, also said point being the Northeast Corner of a parcel described in Instrument No. 788376 filed in the Bonneville County Clerk's Office; running thence N89°28'53"W 40.00 feet; thence N00°21'07"E 230.88 feet; thence \$89°38'53"E 40.00 feet; thence \$00°21'07"W 231.00 feet along said section line to the point of beginning. Basis of Bearing is present City Grid.

Together with all and singular the tenements, hereditaments and appurtenances thereto belonging or in any way appertaining, and the reversion and reversions, remainder and remainders, rents, issues and profits thereof.

TO HAVE AND TO HOLD, all and singular, the said premises, together with the appurtenances and privileges thereto incident, unto the said party of the second part and to its heirs and assigns forever.

IN WITNESS WHEREOF, the party of the first part has hereunto set its hand and seal and executed these presents, the day and year first above written INSTRUMENT NO. minimum minimum DATE INST. CODE Kenneth L. Frei MAGED PGS MINTY OF BONNEVILLE) I hereby certify that the within Sinstrument was moorded. COUNTY OF BONNEVILE denty Records Ronald Langmone Cit, Clah 2001, before me, a hotary public in and for said state, personally appeared Kenneth L. Frei and Barbara Kay Frei, Husband and Wife, known or identified to me and who being first duly sworn, declared that they are the persons whose names are subscribed to within this instrument and acknowledged that they executed the same. NOTARY PUBLIC my commission expires on

1311717

Instrument # 1311919
iDAHO FALLS, BONNEVILLE, IDAHO
9-17-2008 11:19:18 No. of Pages: 7
Recorded for : CITY OF IDAHO FALLS
RONALD LONGMORE Fee: 0.00
Ex-Officio Recorder Deputy

Index to: CONTRACT

RA

WATER SERVICE CONTRACT

(Outside City Limits)

Ins.. ument # 1310574

IDAHO FALLS, BONNEVILLE, IDAHO
9-3-2008 01:19:50 No. of Pages:0

Recorded for: CITY OF IDAHO FALLS

RONALD LONGMORE Fee: 0.00

EX-Officio Recorder Deputy

Index to: CONTRACT

RA

An AGREEMENT, made this **29th** day _______, 20<u>08_____,</u> by and between the City of Idaho Falls, a municipal corporation of the State of Idaho, hereinafter referred to as "City," and Karen Alice and Dayle W. Daniel, hereinafter called "Customer";

WITNESSETH

WHEREAS, the City owns and operates a municipal water supply system within the corporate limits of the City of Idaho Falls for the benefit of its citizens; and

WHEREAS, Customer desires to obtain water service to premises located outside the corporate limits of the City of Idaho Falls;

NOW, THEREFORE, the parties agree as follows:

- 1. <u>Delivery of Water Service.</u> The City agrees to deliver water service to Customer in accordance with all ordinances, resolutions and policies generally adopted by the City of Idaho Falls, and Customer agrees to obey and keep all rules, regulations and obligations set forth therein, as the same now exist or as may be amended hereafter. Water shall be supplied to the ("Property") described in Exhibit "A" attached hereto and by this reference made a part hereof.
- 2. <u>Termination of Water Service.</u> Customer acknowledges that the water to be supplied under this contract is surplus water not needed at the present time for customers located within the corporate limits of the City, and that the City expressly reserves the right, at its sole discretion, to discontinue water service hereunder at any time without liability to Customer, upon the delivery of not less than thirty (30) days advance written notice, provided, however, in the event of any emergency or act of God which disrupts or interferes with the delivery of water service to the inhabitants of the City, the City may forthwith terminate Customer's water service without such advance notice.
- 3. <u>Maintenance</u>. City assumes no responsibility for the maintenance or replacement of any water lines or facilities serving the Customer and located beyond its corporate limits, and the City may immediately discontinue water services to Customer in the event of any leakage or other breakdown in such facilities.
- 4. Rates. Customer agrees to pay for such water service at such rate as may be generally established from time to time by the City Council for all customers similarly situated and located outside the corporate limits of the City. Customer acknowledges that rates for customers located inside the City take into consideration contributions to the capital costs of the system from ad valorem taxes and water system enterprise revenues paid by residents of the City and further that the cost of providing water service outside the corporate limits is greater than such costs for residents of the City. Based upon the foregoing, Customer acknowledges and understands that rates for water service for non-residents of the City may exceed the rates for customers similarly situated and located inside the corporate limits.
- 5. <u>Water Meters.</u> Prior to and as a condition for connection to the City water main, Customer agrees to install a water meter pit at such location and of such design as may be directed by the City Engineer. The City may at any time require Customer to install a water meter within such pit for purposes of metering Customer's water consumption.
- 6. Street and Utility Right of Way. Customer agrees to acquire at his or her own cost and expense all rights of way, easements or other property rights which may be necessary for the construction, operation and maintenance of any water line required to furnish water service to Customer. The construction of any such water line or water main shall conform to such reasonable standards and specifications as may be determined by the City. In consideration of the City's Agreement to provide such extra-territorial utility services, Customer further agrees to convey to the City the street and utility Water Service Contract (Outside City Limits) p. 1

right-of-way described in Exhibit B attached hereto and by this reference made a part hereof. Delivery of such Deed shall be a condition precedent to the delivery of such utility services and the City's delivery of such services without delivery of such Deed shall not be considered as a waiver of such condition.

- 7. Extensions Prohibited. Customer agrees that he or she will not connect or allow to be connected any extension to the water service of the City for the purpose of serving any premises other than the residence and/or buildings located upon the lot at the address stated above.
- 8. <u>Water Main Front Footage Fee.</u> Customer agrees to pay to the City a water main front footage fee in the amount of \$2843.85, due and payable upon execution hereof.
- 9. Connection Fee. Customer agrees to pay to the City a water service connection fee in the amount of \$1240.00, due and payable immediately upon execution hereof.
- 10. Annexation. Customer agrees that the property may be annexed to the City at any time at the Sole discretion of the City. Customer further agrees that the Property may be annexed without prior notice to Customer and Customer expressly waives the right to demand or receive such notice and Customer further waives any and all right to object to such annexation as provided by Idaho Code § 50-222(b). Customer further agrees that such waiver and covenant shall be deemed to be appurtenant to and shall run with the Property.
- 11. <u>Limitations on Use.</u> Customer agrees that water service provided herein shall be limited solely to the following use: Single Family Residence Domestic Use Only.

No other use shall be allowed without the express written permission of the City.

- 12. <u>Special Conditions.</u> City and Customer agree to the Special Conditions attached hereto as Exhibit "C". (If none, type "NONE") NONE
- 13. <u>Complete Agreement.</u> This writing evidences the complete and entire agreement of the parties hereto, and no other understanding, representation, prior written agreement or writing shall be binding upon the parties.
- 14. Approval of Assignment Required. This agreement may not be assigned, encumbered or otherwise conveyed without the express written approval of the City and Customer acknowledges and agrees that no successor in interest to the property shall have any right to water service by the City unless and until such Customer shall sign a written customer application for water service and shall have the same approved by an authorized agent of the City. In the event Customer sells or leases all or any part of such land, Customer agrees to immediately notify the City of such sale or lease, and until such notice is given, Customer shall be responsible for all water service delivered or made available to the premises, irrespective of the identity of the ultimate consumer of beneficiary thereof. Notwithstanding the foregoing, in the event such successor signs such customer application and water service is approved by the City for delivery to the Property, Customer shall be released from any further obligation to pay for water service delivered to the Property after the date of such approval.

IN WITNESS WHEREOF, the parties have set their hands this day and year first above written.

CITY OF IDAHO

Jarea Fuhriman, Mayo

Water Service Contract (Outside City Limits) - p. 2

	() mile	or type name)
STATE OF IDAHO)		
)ss. County of Bonneville)		
notary public for Idaho, pers	cipal corporation that executed	before me , the undersigned, a IMAN, known to me to be the mayor of the the foregoing document, and acknowledged
IN WITNESS WHE	REOF, I have hereunto set my	hand and affixed my official seal the day and
(SEAL)	Notary Pub Residing a	olic for State of Idaho t Idaho Falls, Idaho ssion Expires: 02-14/2012

CUSTOMER:

Acule Hame (Signature)

Karen Daniel

a

ACKNOWLEDGMENT (Individual)

STATE OF IDAHO)
)ss
County of Bonneville)

On this _/7rday of July, 2008, before me, the undersigned, a notary public, in and for said State, personally appeared Karen Alice Daniel and Dayle W. Daniel, known or identified to me to be the persons whose names are subscribed to the within instrument and acknowledged to me that they executed the same.

IN WITNESS WHEREOF, I have hereunto set my hand and affixed my official seal, the day and year in this certificate first above written.

Notary Public for Idaho

Residing at: Ida6

Exhibit "A"

ROW Acquisition City of Idaho Falls

Karen Alice Daniel and Dayle W. Daniel Instrument #1088774.

Whole Parcel

Commencing at the Northwest Corner of Section 6, Township 2 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho and running thence S0°6'21"W 875.22 feet; thence N88°58'35"E 29.17; thence S0°11'55"W 381.40 feet to the True Point of Beginning; running thence S0°11'55"W 189.59 feet; thence N88°58'35"E 1151.41 feet; thence N01°09'37"W 189.53 feet; thence S88°58'37"W 1146.91 feet to the True Point of Beginning. Containing 5.0 acres.

Exhibit "B"

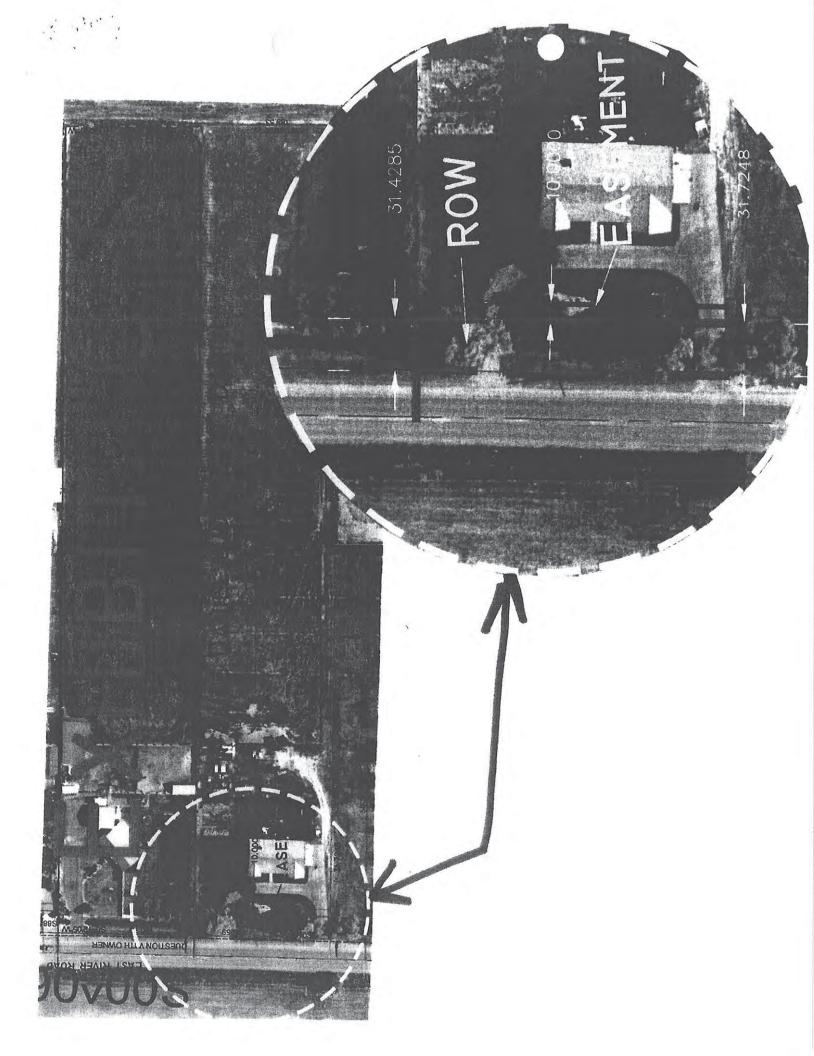
ROW Acquisition City of Idaho Falls

Karen Alice Daniel and Dayle W. Daniel Out of Instrument #1088774

ROW + Easement

Commencing at the Northwest Corner of Section 6, Township 2 North, Range 38 East of the Boise Meridian, Bonneville County, Idaho and running thence S0°14'39"W 1256.68 feet along the newly established section line; thence N88°58'37"E 31.59 feet to the True Point of Beginning being the northwest corner of a parcel as described in Instrument No. 10887747; running thence N88°58'37"E 31.43 feet; thence S0°06'31"W 189.58 feet; thence S88°58'35"W 31.73 feet; thence N00°11'55"E 189.59 feet to the True Point of Beginning. Containing 0.14 acres.

Together with, a 10 foot wide public utility easement 189.58 feet in length lying east of and adjacent to the east line of the above described parcel.



WATER SERVICE CONTRACT

(Outside City Limits)

AGREEMENT, made this 2370da	y <u>lulu</u> , 19 <u>90</u> , by and between the City of Idaho
Falls, a municipal corporation of the State	of Idahe, hereinafter referred to as "City," and
	ereinafter called "Customer";

WITNESSETH

WHEREAS, the City owns and operates a municipal water supply system within the corporate limits of the City of Idaho Falls, for the benefit of its citizens; and

WHEREAS, Customer desires to obtain water service to premises located outside the corporate limits of the City of Idaho Falls;

NOW, THEREFORE, the parties agree as follows:

- 1. Delivery of Water Service. The City agrees to deliver water service to Customer in accordance with all ordinances, resolutions and policies generally adopted by the City of Idaho Falls, and Customer agrees to obey and keep all rules, regulations and obligations set forth therein, as the same now exist or as may be amended hereafter. Water service shall be supplied to the following address:
- 2. <u>Termination of Water Service</u>. Customer acknowledges that the water to be supplied under this Contract is surplus water not needed at the present time for customers located within the corporate limits of the City, and that the City expressly reserves the right, at its sole discretion, to discontinue water service hereunder at any time without liability to Customer, upon the delivery of not less than thirty (30) days' advance written notice, provided, however, in the event of any emergency or act of God which disrupts or interferes with the delivery of water service to the inhabitants of the City, the City may forthwith terminate Customer's water service without such advance notice.
- 3. <u>Maintenance</u>. City assumes no responsibility for the maintenance or replacement of any water lines or facilities serving the Customer and located beyond its corporate limits, and the City may immediately discontinue water service to Customer in the event of any leakage or other breakdown in such facilities.
- 4. <u>Rates</u>. Customer agrees to pay for such water service at such rate as may be generally established from time to time by the City Council for all customers similarly situated and located outside the corporate limits of the City. Customer acknowledges that rates for customers located inside the City take into consideration contributions to the capital costs of the system from <u>ad valorem</u> taxes and water system enterprise revenues paid by residents of the City and further that the cost of providing water service outside the corporate limits is greater than such costs for residents of the City. Based upon the foregoing, Customer acknowledges and understands that rates for water service for non-residents of the City may exceed the rates for customers similarly situated and located inside the corporate limits.
- 5. <u>Water Meters</u>. The City may at any time require Customer to install a water meter for purposes of metering Customer's water consumption.
- 6. Right of Way. Customer agrees to acquire at his or her own cost and expense all rights of way, easements or other property rights which may be necessary for the construction, operation and maintenance of any water line required to furnish water service to Customer. The construction of any such water line or water main shall conform to such reasonable standards and specifications as may be determined by the City.

7. Extensions Prohibited. Customer agrees that he or she will not connect or allow to be connected any extension to the water service of the City for the purpose of serving any premises other than the residence and/or buildings located upon the lot at the address stated above.
8. Water Main Front Footage Fee. Customer agrees to pay to the City a water main front footage fee in the amount of \$ 2850 , due and payable upon execution hereof.
9. Connection Fee. Customer agrees to pay to the City a water service connection fee in the amount of \$, due and payable immediately upon execution hereof.
10. <u>Annexation</u> . Customer agrees that the property for which water service is provided hereunder may be annexed to the City at any time at the sole discretion of the City.
11. <u>Limitations on Use</u> . Customer agrees that water service provided herein shall be limited solely to the following use: Single Tamily Residence
No other use shall be allowed without the express written permission of the City.
12. Special Conditions. City and Customer agree to the Special Conditions attached hereto as Exhibit A. (If none, type "None") Property owner Acres to Deed EAST RIVER PD - PLANT-OF-WAY TO THE CITY UPON EXECUTION HEREOF. (And 10 public 13 Complete Agreement. This writing evidences the complete and entire agreement of the parties hereto, and no other understanding, representation, prior written agreement or writing shall be binding upon the parties.
14. Nature of Agreement. This Agreement shall be personal to the Customers named above and shall not run with the land. No successor in interest to the property served by this Agreement shall have any right to water service by the City. In the event Customer sells or leases all or any part of such land, Customer agrees to immediately notify the City of such sale or lease, and until such notice is given, Customer shall be responsible for all water service delivered or made available to the premises, irrespective of the identity of the ultimate consumer or beneficiary thereof.
IN WITNESS WHEREOF, the parties have set their hands this day and year first above written.
By: Linda Milam, Mayor
(Signature) Muir

(Print or type name)

WATER SERVICE CONTRACT

(Outside City Limits)

An AGREEMENT, made this 25th day November \$7, 2003, by and between the City of Idaho Falls, a municipal corporation of the State of Idaho, as Party of the First part, and LaMoyne and J Ann Hyde, as Party of the Second part;

WITNESSETH

WHEREAS, the Party of the First part owns and operates a municipal water supply system within the corporate limits of the City of Idaho Falls for the benefit of its inhabitants; and

WHEREAS, the Party of the Second part desires to obtain water service to premises located outside the corporate limits of the City of Idaho Falls;

NOW, THEREFORE, this agreement is to specify the terms and conditions by which First Party will provide water service to the said property of Second Party outside the corporate limits of First Party.

- First Party assumes no responsibility for continuation of water service for any period of time, it being understood that the water to be supplied under this contract is surplus water not needed at the present time within the corporate limits of the City, and First Party shall have the right, at its sole discretion, to discontinue water service hereunder at any time without liability to Second Party.
- First Party assumes no responsibility for maintenance or replacement of facilities beyond its
 corporate limits, and may immediately discontinue service hereunder in the event of leakage
 or other breakdown in the facilities used to provide service hereunder and which it does not
 own and control.
- 3. First Party reserves the right to move any meter measuring the amount of water provided hereunder at any time as it may deem necessary or convenient.
- 4. Water service is to be provided to Second Party hereunder at the regular rates established by order of First Party's City Council for service outside its corporate limits, and under such rules and regulations as the City Council may establish in respect to liability for payment of charges. Rates shall be subject to changes from time to time on not less than thirty (30) days notice.
- 5. Second Party agrees to acquire at its own cost and expense, all rights-of-way, easements or other property rights which may be necessary for construction, operation and future maintenance of any waterline required to furnish water to Second Party and to prepare plans for and to construct said waterline in accordance with City Standards and Specifications at its own cost and expense.
- It is specifically understood and agreed that Second Party desires a 1 ½ inch diameter size water service connection to serve: <u>single family residence located @ 4542 North 5th West</u> (Single Family Resident, Apartment Buildings, Gas Station, Warehouse, Attach Building Site Plan, Waterline Plans, Etc., if possible)

Located on the following described property:

4.99 A N1/2 Lot 5, Sec 6, T 2N, R 38

 Second Party agrees to pay the City of Idaho Falls a water main fee computed at the rate of \$15.00 per lineal foot of Second Party's property frontage, (190 lineal feet), being a total cash fee of \$ 2,850.00.

8.	Second Party agrees to pay the City of Idaho Falls the following listed Water Service Connection charges: \$1,240.00 per 1 ½" service connection (to be paid by Bonneville County)
9.	Second Party will prepare and record a plat of the area dedicating the necessary street right-of-way and utility easements; or will dedicate to the public the following described property as is required for the street right-of-way of: North 5 th West (East River Road) Legal Description: (Street, Avenue, Drive)
	EXHIBIT "A"
	Also a ten foot wide utility easement 190.00 feet in length adjacent to the east line of the above described property.
10.	Second Party agrees to annexation to the City at the option of the City at such time as the City Limits are contiguous to the subject property.
11.	(Special Conditions, Terms or Provisions)
IN ' writte	WITNESS WHEREOF, the parties have entered into this Agreement the day and year first en. Property Owner:
	LaMoyne Hyde
	Jay Ann Hyde J. Ann Hyde CITY OF IDAHO FALLS By: Linda Milam, Mayor
	Attest Rosemarie Anderson, City Clerk

above

8.	Second Party agrees to pay the City of Idaho Falls the following listed Water Service Connection charges: \$1,240.00 per 1 1/2" service connection (to be paid by Bonneville County)
9.	Second Party will prepare and record a plat of the area dedicating the necessary street right-of-way and utility easements; or will dedicate to the public the following described property as is required for the street right-of-way of:
	North 5 th West (East River Road) (Street, Avenue, Drive) Legal Description:
	EXHIBIT "A"
	Also a ten foot wide utility easement 190.00 feet in length adjacent to the east line of the above described property.
10.	. Second Party agrees to annexation to the City at the option of the City at such time as the City Limits are contiguous to the subject property.
11	. (Special Conditions, Terms or Provisions)
IN writt	WITNESS WHEREOF, the parties have entered into this Agreement the day and year first ten. Property Owner: LaMoyne Hyde Jan Ann Hyde CITY OF IDAHO FALLS
	By:
	Attest: Rosemarie Anderson, City Clerk
	Nosemane Anderson, City Clerk

EXHIBIT "A"

City of Idaho Falls LaMoyne Hyde Portion of Instrument #537368 ROW

Beginning at the point which bears S0°06'14"W 875.22 feet along the section line and N88°58'28"E 29.17 feet from the Northwest corner of Section 6, T2N, R38E, B.M., Bonneville County, Idaho, and said point being the Northwest corner of a Hyde Parcel as described in Instrument # 537368; running thence N88°58'28"E 30.84 feet along said Hyde Parcel to the Southwest corner of Lot 1, Block 1, Fairway Estates Subdivision Division No. 1; thence S00°06'14"W 190.69 feet along the extended ROW line of said Fairway Estates to the South boundary of said Hyde Parcel; thence S88°58'29"W 31.15 feet to the Southwest corner of said Hyde Parcel; thence N00°11'48"E 190.70 feet to the Point of Beginning. Containing 0.14 acres, more or less.

Together with a 10 foot wide utility easement 190 feet in length east of and adjacent to the east line of the above described property.

Subject to the following 2 access easements over and across the aforesaid description:

Beginning at the point which bears S01°45'26"E 920.40 feet from the Northwest corner of Section 6, T2N, R38E, B.M., Bonneville County, Idaho; running thence S87°52'27"E 30.93 feet; thence S00°06'14"W 15.87 feet; thence N89°28'02"W 30.94 feet; thence N00°11'48"E 16.73 feet to the Point of **Beginning**.

And, **Beginning** at the point which bears S01°31'19"E 1046.40 feet from the Northwest corner of Section 6, T2N, R38E, B.M., Bonneville County, Idaho; running thence N88°07'03"E 31.14 feet; thence S00°06'14"W 18.24 feet; thence S88°33'39"W 31.15 feet; thence N00°11'48"E 15.80 feet to the Point of **Beginning**.

JULY 24, 2008

City of Idaho Falls July 21, 2008

MEMORANDUM

TO: Honorable Mayor and City Council FROM: Chad Stanger, Public Works Director SUBJECT: OUTSIDE-THE-CITY WATER SERVICE

Attached is an Outside-the-City Water Service Agreement between the City and Dayle and Karen Daniel. This property is located at 4400 North 5th West and is one of ten (10) homes near Bonneville County landfill to which the City previously agreed to provide water service.

Public Works recommends approval of this agreement; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Lehto, seconded by Councilmember Hally, to approve the Outside-the-City Water Service Agreement between the City of Idaho Falls and Dale and Karen Daniel for property located at 4400 North 5th West and, further, give authorization for the Mayor to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto

Councilmember Hardcastle Councilmember Taylor Councilmember Hally Councilmember Cornwell

Nay: None

Motion Carried.

City of Idaho Falls July 17, 2008

MEMORANDUM

TO: Honorable Mayor and City Council FROM: Chad Stanger, Public Works Director

SUBJECT: EASEMENT VACATION - SUNNYSIDE CROSSROADS REGIONAL

CENTER NORTH, DIVISION NO. 2

As previously authorized, the City Attorney has prepared attached documents to vacate a road easement located in Sunnyside Crossroads Regional Center North, Division No. 2.

Public Works recommends approval of this easement vacation; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

DECEMBER 13, 2001

City of Idaho Falls December 10, 2001

MEMORANDUM

TO: Honorable Mayor and City Council FROM: Chad Stanger, Public Works Director

SUBJECT: OUTSIDE-THE-CITY WATER SERVICE CONTRACT - KENNETH

AND BARBARA FREI, EAST RIVER ROAD

Attached is an Outside-The-City Water Service Contract for Kenneth and Barbara Frei, East River Road. This service is located in an area in which the City previously agreed to provide water service.

Public Works recommends approval of this Contract; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

Councilmember Rose requested to know the nature of the previous agreement to provide water service to this area. The Public Works Director appeared to explain that this area is within 1,000 feet of an existing Bonneville County landfill. Bonneville County requested the City, in order that the County might avoid liability with possible contamination of wells in that area, to provide service. The City of Idaho Falls agreed to do that.

It was moved by Councilmember Lehto, seconded by Councilmember Groberg, to approve the Outside-The-City Water Service Contract with Kenneth and Barbara Frei and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

> Councilmember Lehto Aye:

Councilmember Rose Councilmember Groberg Councilmember Klingler Councilmember Hardcastle

Nay: None

Motion Carried.

There being no further business	s, it was moved by Councilmember Klingler,
seconded by Councilmember Groberg, that the	meeting adjourn at 8:30 p.m.
3,	3 3 1
	·
CITY CLERK	MAYOR
******	*******

SEPTEMBER 24, 1992

City of Idaho Falls September 21, 1992

MEMORANDUM

TO: Mayor and city Council

FROM: Chad Stanger, Public Works Director

SUBJECT: BID AUTHORIZATION - WELL #11 MODIFICATIONS

Public Works requests authorization to advertise to receive bids on modifications budgeted for Well #11.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Milam, that authorization be given as requested. Roll call as follows: Ayes, Councilmembers Erickson, Mills, Wood, Groberg, Milam and Carlson; No, none; carried.

City of Idaho Falls September 21, 1992

MEMORANDUM

TO: Mayor and City Council

FROM: Chad Stanger, Public Works Director

SUBJECT: OUTSIDE-THE-CITY WATER SERVICES - EAST RIVER

ROAD

The Bonneville County Commission has requested the City Council's favorable consideration in granting outside-the-City water service to ten (10) residences located along East River Road. These residences are located within one-thousand (1,000) feet of the County Landfill. According to the request, a County ordinance prohibits the location of a landfill within one-thousand (1,000) feet of a residence or a well and the County Commission is requesting water service to these residences to avoid possible claims against the County should the domestic water sources, presently serving these residences, become contaminated from the expanded landfill.

Public Works recommends assisting the County Commission in this effort by approving water service to these residences and authorizing the Mayor to sign the necessary documents.

s/ Chad Stanger

There were several questions asked on this item. Public Works Director Stanger answered these questions. It was moved by Councilmember Carlson, seconded by Milam, that these outside-the-City water services be approved. Roll call as follows: Ayes, Councilmembers Milam, Carlson, Mills, Erickson, Wood, and Groberg; No, none; carried.

NOVEMBER 25, 2003

It was moved by Councilmember Hardcastle, seconded by Councilmember Eldredge, to approve the Veterinary Services Independent Contractor Agreement with Dr. Rhonda Aliah (Skyline Animal Clinic) for the Tautphaus Park Zoo and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Lehto

Councilmember Eldredge Councilmember Hardcastle Councilmember Groberg Councilmember Barnes

Nay: None

Motion Carried.

The Public Works Director submitted the following memo:

City of Idaho Falls November 24, 2003

MEMORANDUM

TO: Honorable Mayor and City Council FROM: Chad Stanger, Public Works Director

SUBJECT: OUTSIDE-THE-CITY WATER SERVICE AGREEMENT – LAMOYNE

HYDE

Attached is an Outside-the-City Water Service Agreement between the City and LaMoyne Hyde. This property is located at 4542 North 5th West and is one of ten homes near the Bonneville County Landfill to which the City previously agreed to provide water service.

Public Works recommends approval of this Agreement; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Barnes, seconded by Councilmember Lehto, to approve the Outside-the-City Water Service Contract between the City of Idaho Falls and LaMoyne Hyde subject to the proper signatures being obtained and, further, give authorization for the Mayor and City Clerk to execute the necessary documents. Roll call as follows:

Aye: Councilmember Eldredge

Councilmember Lehto Councilmember Barnes Councilmember Groberg Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls July 19, 1999

MEMORANDUM

TO: Honorable Mayor and City Council FROM: Chad Stanger, Public Works Director

SUBJECT: OUTSIDE-THE-CITY WATER SERVICE AGREEMENT – BILL MUIR

Mr. Bill Muir, 4484 North 5th West, has requested connection to City water through an Outside-the-City Water Service Agreement. This residence is located within a 1,000' radius of the County Landfill, an area in which the City previously agreed to serve.

Public Works recommends approval of this Agreement; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger

It was moved by Councilmember Carlson, seconded by Councilmember Hardcastle, to approve the Outside-the-City Water Service Agreement with Bill Muir and, further, give authorization for the Mayor and City Clerk to sign the necessary documents. Roll call as follows:

Aye: Councilmember Eldredge

Councilmember Carlson Councilmember Mills Councilmember Groberg Councilmember Branson Councilmember Hardcastle

Nay: None

Motion Carried.

City of Idaho Falls July 19, 1999

MEMORANDUM

TO: Honorable Mayor and City Council FROM: Chad Stanger, Public Works Director

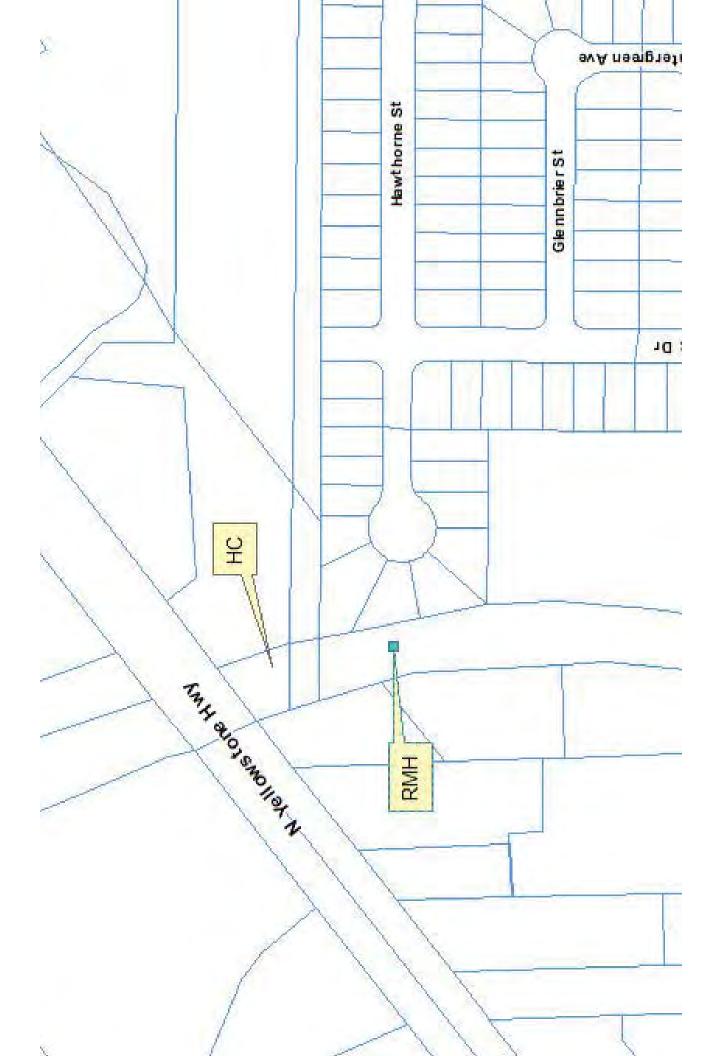
SUBJECT: OUTSIDE-THE-CITY SEWER SERVICE (BONNEVILLE COUNTY

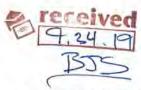
L.I.D. NO. 2) ELDON HALFORD

Attached is a proposed Outside-the-City Sewer Service Agreement for Eldon Halford at 1585 Lincoln Road. This property is located in the Bonneville County L.I.D. No. 2.

Public Works recommends approval of this Agreement; and, authorization for the Mayor and City Clerk to sign the documents.

s/ Chad Stanger



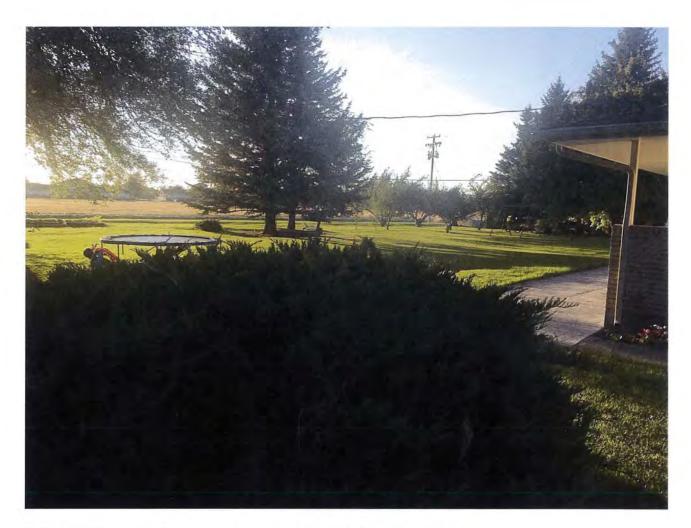


To the Idaho Falls Planning and Zoning Commission and the Idaho Falls City Council Purpose: To request that proposed annexation of the two properties on Crestwood Lane be completed but designated as RE Zone instead of RA3 Zone.

- Brookhaven subdivision is located and currently zoned as Bonneville County property. It has an RA-1 residential agriculture zone.
- Protective covenants currently permit one single family dwelling per property for residential and agricultural purposes. We are in compliance with Bonneville County RA-1 zoning.
- The city annexation and proposed R3A Zoning would allow office and semi commercial buildings which is uncharacteristic of our current development.

Pictures are included of some of the homes in Brookhaven Subdivision. We therefore request that the two annexed properties be zoned as RE instead of RA3. Thank You.

Sincerely, Laron Shumway President Brookhaven Home Owner association

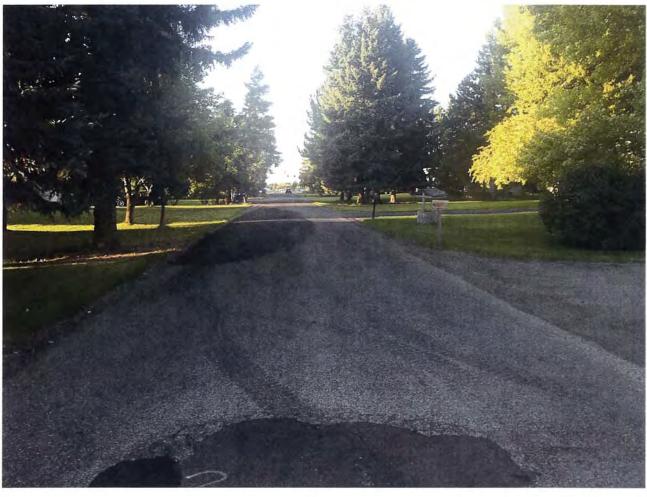














Brookhaven Subdivision Crestwood Lane Idaho Falls, Idaho

To the Members of the Idaho Falls City Council,

On October 1, 2019, the planning and zoning commission voted to recommend to the city council accepting the two properties on Crestwood Lane into the city of Idaho Falls with a Residential Estate (RE) zoning category.

As a subdivision we respectfully request that you support the decision of RE zoning made by the planning and zoning commission at the public hearing, instead of the R3A zoning recommended in the notice of the December 12 city council public hearing letter.

Thank You.

Sincerely,

Laron Shumway President Brookhaven Subdivision

> Crestwood Ln. Res. enclave Map: Zoning East 3



Nick & Aletha Day 907 N. 25th E. Idaho Falls, ID 83401

To the Mayor and City Council of Idaho Falls,

The information provided is submitted in response to the annexation letter sent by the City of Idaho Falls. The information shows why 907 N. 25th E. should not be annexed into the city.

In 1890, this property was homesteaded. This acreage was previously owned by the daughter of Harold Peterson. Mr. Peterson had owned and farmed this land after his father. In the 1960s, the Utah Idaho Sugar Factory dumped beet waste product in the gravel pit across the road. This caused the wells in the area to become polluted.

The provided information shows some of the records kept by Mr. Peterson. The statement marked submission 1 includes the partial cost involved as well as the hardship that the pollution caused. Water had to be physically hauled to the livestock causing a huge undertaking. The Peterson's were then required to hook up to the city water. However, this was not done by choice.

In 1991, we purchased 5 acres. Due to the widening of 25th street, or more commonly known as Hitt Road, we are now left with 4.586 acres. We pay taxes for water shares. In order to water effectively, we flood irrigate our property. This includes the pasture as well as the yard. Watering this much acreage would be nearly impossible and extremely inconvenient.

The financial obligation would be greatly impacted from the increase in property taxes due to the annexation.

We feel that our property should not be annexed into the city of Idaho Falls. We ask you to reconsider the proposed annexation of 907 N. 25th E.

Nick Day

Homeowner

Aletha Day Homeowner

RECEIVED

CITY OF IDAHO FALLS

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to Mov 14 ger day, 5 hours girday - 225 miles 0,12 to ger
15 hrs Q 1,50 pm 2700 1/250 to Hart 30 milioning the for home use = 17 days Q 2,50 grading 4250 Most is I deal I dove - Detre green fitting for broken. 227000 Estimate to put water juge his augurnment Extra cost of city unter over powercosts, et forwell-5 years Q \$50.00 per year estimate 25000 Inconvenience entering privacy of home, loss of source of water detrimental to chealth of self and family, cause of upset neares, loss of sleep Potrice I to bealth of cattle out 14 to cet 30. Loss of time from farmwork and fell work for future crop Alcoresmonder of grant for and or and disconsidered Obligation to Frontierd original ted, "me Bourdens" for water line right away Deterioration to plumbing and fixtures. Loss of neighborly good will.

DATE	MILLIGAN ROAD Phone JA 3-0445	HARTWELL EXCAVATING CO.
19 67		987

NAME

Job Address 70 9 N 2400 KINGOLN

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All Past Due accounts are subject to interest at the legal rate. If this note is sollacted by an attorney, with or without suit, the account of party agrees to pay all costs and expenses, including

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Submission 3



Fresch-Temporing Line Poil Hartwell Course 140 ft 6" main @ \$ 3.00 guift. 1-8" ratur. 8x6"7 reducers to 2" him Est = 8" mais @ 4,25 perft. Ed. 25.00. Je 36.00 Total 1, 332,00 00 #35/200 2,180,00 420,00 833.00 15,00 10,00 36.00 8.00

INVOICE F 29298

Hardware III and industrial supplies Wholesale

P. O. BOX 496 760 W. BROADWAY IDAHO FALLS, IDAHO JA 2-7082

SHIPPED TO DATE SALESMAN SOLD TO SHIPPED VIA CUSTOMER NO. TERMS: ORDERED UNIT SHIPPED SIZE ARTICLES LIST DISC. NET TOTAL

KEEP THIS INVOICE. WE DO NOT ITEMIZE AGAIN. NO REFUND MADE WITHOUT THIS INVOICE,

Bill Koester 6999 E Foothill Rd Idaho Falls, ID 83401



September 15, 2019

Planning and Zoning Commission, Idaho Falls

Dear Planning and Zoning Members,

My grandfather came to Idaho Falls in 1910. He purchased some land and homesteaded land as well. The Red Barn was part of the purchased property and it was on the property prior to the purchase. I am not sure how old the Red Barn is. In the 109-year history that this barn has been in the Koester family, we have not used any city power, city water, city sewer or city garbage. At this time, I do not feel like I need to use any of these city services.

We have not received in the past two decades any help with the gravel road (Koester Road) which is privately owned by four different parties. We have performed our own snow removal and grading in that time.

On the map provided by the city of Idaho Falls, the proposed initial zoning would be R-1. I am the owner of a four-level red barn. The bottom level was once used as a spud cellar. The second level was used for milking dairy cows. The third level was used for farm storage and the fourth level was a hay loft. Once again, no water, no power, no sewer, no garbage. I am sure the Red Barn does not belong in an R-1 zone. The barn is a cold dry storage building.

My concerns are — if I was to be annexed, the increase in taxes would prohibit me from using this cold dry storage building as I am now. I would need to bring the building up to certain standards depending where we land on the zoning. This may not be economically feasible for me. I may be forced to rent the building out to produce income to pay for the increase in taxes and improvements. If this is not economically feasible, I would most likely have to sell the building to another party thus ending the 109 years of ownership in the Koester family.

Ultimately, I feel this 0.179-acre property with a 109+ year old barn that uses no city services should be included in this annexation.

Thank you,

Bill Koester

208-529-6548

Kerry Beutler

From: Sherry Randolph <shebuilds56@gmail.com>
Sent: Thursday, November 14, 2019 11:54 AM

To: Kerry Beutler

Subject: Zoning of 1015 W. Sunnyside Road

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.

Hi Kerry,

My broker and I recently visited with you regarding the annexation and zoning of the above property. Below is a letter from the property owner's father, who has power of attorney, asking the city to consider Industrial zoning in lieu of R2.

Please confirm you've received this email and let me know if you have any questions. Thank you! Sherry Randolph, Realtor Century 21 Greater LandCo Realty

To: kbeutler@idahofallsidaho.gov

Dear Kerry,

I have been given power of attorney to sell my son's home at 1015 W. Sunnyside Road which the City of Idaho Falls is planning on annexing and zoning as R2. The county has had this property zoned as IM1, Industrial and Manufacturing due to the surrounding area and businesses.

The single family dwelling has not been occupied for over a year and is uninhabitable at this time. My son has no intentions of occupying the home and wants it sold.

In talking with my real estate agents they don't feel this can be marketed as a single family dwelling due to the location, surrounding businesses, proximity to Sunnyside Road, and other factors. Because of the location they also don't feel that a duplex or four-plex would be suitable so the R2 zone could prohibit the property selling.

I'm asking the City of Idaho Falls to consider zoning this property as Industrial so that it could be marketed to a business who could convert the home into an office or other similiar commercial use allowed in that zone. My agents have visited with you personally regarding the possibility of this zone and what some of the requirements would be.

If you have any questions or concerns, please contact me or my agents below.

Thank you for your consideration.

Robert Rice 208-589-7295

Agent and Broker:
Sherry Randolph, Realtor
Century 21 Greater LandCo Realty
208-589-8852
shebuilds56@gmail.com

Tracy Wohlschlegel, Broker

Idaho Falls Planning and Zoning Commission Public Hearing Oct. 1, 2019



Annexation

To Whom It May Concern:

James and Betty Oloff, owners of property to be annexed into the City of Idaho Falls, at 3625 S. Koester Rd. request that the Planning and Zoning Commission withdraw the recommendation for annexation.

Being on a fixed income the increase in property taxes would create a financial hardship that would make it difficult to pay our other bills.

Thank you,

James Oloff

Betty Oloff

PLEASE NOTE: THIS ORDINANCE WILL BE UPDATED PRIOR TO THE MEETING ON DECEMBER 12TH. AT THE TIME OF POSTING THE FINAL EXHIBITS AND LEGAL DESCRIPTIONS WERE STILL BEING ASSEMBLED

ORDINANCE	NO.

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE ANNEXATION OF APPROXIMATELY 110 ACRES DESCRIBED IN EXHIBITS A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE **AUTHORITIES**; AND PROVIDING SEVERABILITY. PUBLICATION BYSUMMARY. **AND** ESTABLISHING EFFECTIVE DATE.

WHEREAS, the lands described in Exhibits 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 Exhibits A are 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 upon compliance with procedures required in 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, the lands to be annexed are contiguous to the City and the 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 does 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 City Council that the lands described hereinbelow in Exhibits 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, for consistency with the Comprehensive Plan, the Council desires to designate the lands within the area of annexation as "Low Density Residential, Higher Density Residential, Commercial, Highway Related Industrial, Employment Center, Greenbelt Mixed Use, Parks, Recreation and Public Facilities, Open Space"; 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 Exhibits 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. That 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 that 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, 2019.	COUNCIL A	AND APPROVED BY THE MAYOR this	day of
		Rebecca L. Noah Casper, Mayor	
ATTEST:			
Kathy Hampton, City Clerk		_	
(SEAL)			
STATE OF IDAHO) : ss.		
County of Bonneville)		

I, KATHY HAMPTON, 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 APPROXIMATELY 110 ACRES DESCRIBED IN EXHIBITS A OF THIS ORDINANCE, AMENDING THE LEGAL DESCRIPTION OF THE CITY WITH THE APPROPRIATE COUNTY AND STATE AUTHORITIES; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE."

Kathy Hampton, City Clerk	

(SEAL)

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

ANNEXATION OF PROPERTY LOCATED M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, T 2N R 37E, & Sections 6, 8, 16, 31, 33, T 2N, R 38E

WHEREAS, the applicant filed an application for annexation on August 28, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on October 1, 2019; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on December 12, 2019; 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, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 110 acres located in Sections 1, 14-15, 24-26, 35-36, T 2N R 37E, & Sections 6, 8, 16, 31, 33, T 2N, R 38E.
- 3. Annexation of the property is consistent with the city's Comprehensive Plan. The Comprehensive Plan designates these areas as Commercial, Higher Density, Lower Density Residential, Estate, Parks, Recreation, Medical Services Center, and Employment Center.
- 4. The properties are contiguous or adjacent to the City and are within the City's Area of Impact.
- 5. The application is a Category "B" annexation.
- 6. The properties are consistent with the Idaho Falls Statement of Annexation Principles, which describes how and when Idaho Falls will generally consider annexation of property.

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 FA	ALLS
THIS	DAY OF	, 2019	
			Rebecca Casper - Mayor

PLEASE NOTE: THIS ORDINANCE WILL BE UPDATED PRIOR TO THE MEETING ON DECEMBER 12TH. AT THE TIME OF POSTING THE FINAL EXHIBITS AND LEGAL DESCRIPTIONS WERE STILL BEING ASSEMBLED

AN ORDINANCE OF THE CITY OF IDAHO FALLS, IDAHO, A MUNICIPAL CORPORATION OF THE STATE OF IDAHO; PROVIDING FOR THE INITIAL ZONING OF APPROXIMATELY 110 ACRES DESCRIBED IN EXHIBITS A OF THIS ORDINANCE AS RE, RP, R1, R2, R3A, RMH, LC and I&M ZONES, INCLUDING AIRPORT OVERLAY ZONE DESIGNATIONS; AND PROVIDING SEVERABILITY, PUBLICATION BY SUMMARY, AND ESTABLISHING EFFECTIVE DATE.

WHEREAS, the proposed initial zoning district of lands described in Exhibits A is RE, Residential Estate; RP, Residential Park; R1, Single Dwelling Residential; R2, Mixed Residential; R3A, Residential Mixed Use; RMH, Residential Mobile Home; LC, Limited Commercial and I&M, Industrial and Manufacturing Zones, including Airport Overlay Zone Designations for such annexed lands such zoning is consistent with the current City of Idaho Falls Comprehensive Plan Land use designation "Commercial, Higher Density, Lower Density Residential, Estate, Parks, Recreation, Medical Services Center, Employment Center"; and

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

WHEREAS, Idaho Falls Planning and Zoning Commission held a duly noticed public hearing on October 1, 2019, and recommended approval of zoning the subject property to RE, RP, R1, R2, R3A, RMH, LC and I&M Zones, including Airport Overlay Zone Designations; and

WHEREAS, the Idaho Falls City Council conducted a duly noticed public hearing and passed a motion to approve this zoning on December 12, 2019.

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

SECTION 1: Legal Description. The lands described in Exhibits A are hereby zoned as RE, RP, R1, R2, R3A, RMH, LC and I&M Zones, including Airport Overlay Zone Designations.

SECTION 2. Zoning. That the property described in Section 1 of this Ordinance be and the same hereby is zoned "RE, RP, R1, R2, R3A, RMH, LC and I&M Zones, including Airport Overlay Zone Designations" 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 Department Offices, 680 Park Avenue.

SECTION 3. 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 4. 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 5. Effective Date. This Ordinance shall be in full force and effect from and after its passage, approval and publication.

thisday of		D by the Mayor of the City of Idaho Falls, Idaho
		CITY OF IDAHO FALLS, IDAHO
ATTEST:		Rebecca L. Noah Casper, Mayor
Kathy Hampton, City Clerk	k	
(SEAL)		
STATE OF IDAHO)) ss:	
County of Bonneville	,	

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

I, KATHY HAMPTON, CITY CLERK OF THE CITY OF IDAHO FALLS, IDAHO, DO

HEREBY CERTIFY:

DESCRIBED I PROVIDING	N EXHIBITS <mark>A</mark> OF SEVERABILITY,	THIS ORDINAN PUBLICATION	IMATELY <mark>110</mark> ACRES NCE AS LC ZONE; AND BY SUMMARY, AND		
ESTABLISHIN	G EFFECTIVE DAT	l E.''			
Kathy Hampton, City Clerk					

REASONED STATEMENT OF RELEVANT CRITERIA AND STANDARDS

INITIAL ZONING OF RE, RESIDENTIAL ESTATE; RP, RESIDENTIAL PARK; R1, SINGLE DWELLING RESIDENTIAL; R2, MIXED RESIDENTIAL; R3A, RESIDENTIAL MIXED USE; RMH, RESIDENTIAL MOBILE HOME; LC, LIMITED COMMERCIAL AND I&M, INDUSTRIAL AND MANUFACTURING ZONES, INCLUDING AIRPORT OVERLAY ZONE DESIGNATIONS OF PROPERTY LOCATED M&B: Approximately 110 Acres Sections 1, 14-15, 24-26, 35-36, T 2N R 37E, & Sections 6, 8, 16, 31, 33, T 2N, R 38E.

WHEREAS, the applicant filed an application for annexation on August 28, 2019; and

WHEREAS, this matter came before the Idaho Falls Planning and Zoning Commission during a duly noticed public hearing on October 1, 2019; and

WHEREAS, this matter came before the Idaho Falls City Council during a duly noticed public hearing on December 12, 2019; 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 Zoning Comprehensive plan, the Local Land Use Planning Act, and other applicable development regulations.
- 2. The property is approximately 110 acres located in Sections 1, 14-15, 24-26, 35-36, T 2N R 37E, & Sections 6, 8, 16, 31, 33, T 2N, R 38E.
- 3. The proposed initial zoning of RE, Residential Estate; RP, Residential Park; R1, Single Dwelling Residential; R2, Mixed Residential; R3A, Residential Mixed Use; RMH, Residential Mobile Home; LC, Limited Commercial and I&M, Industrial and Manufacturing, including Airport Overlay Zone Designations is consistent with the surrounding zoning and land uses.
- 4. The proposed zones are compatible with the Comprehensive Plan's Commercial, Higher Density, Lower Density Residential, Estate, Parks, Recreation, Medical Services Center and Employment Center designations.
- 5. The application is a Category "B" annexation.

II. **DECISION**

Rased on the above Reasoned Statement of Relevant Criteria, the City Council of the City of Idaho Falls

	initial zoning as presented		Theria, the City Coun	en of the City of Idaho Falls
PASSED BY	CITY COUNCIL OF TH	HE CITY OF IDA	HO FALLS	
THIS	DAY OF	, 2019		
				Rebecca Casper - Mayor