



NOTICE OF PUBLIC MEETING

Monday, March 11, 2019
CITY COUNCIL CHAMBERS
680 Park Avenue
Idaho Falls, ID 83402
3:00 p.m.

The public is invited to attend. This meeting may be cancelled or recessed to a later time in accordance with law. If you need communication aids or services or other physical accommodations to participate or access this meeting or program of the City of Idaho Falls, you may 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.

SPECIAL MEETING (Council Work Session)

Times listed in parentheses are only estimates.

Call to Order and Roll Call

Mayor:

- Acceptance and/or Receipt of Minutes
Action Desired: To receive recommendations from the Planning and Zoning Commission
- Calendars, Announcements and Reports (10)

Council:

- Liaison Reports and Concerns (5)

Community Development Services:

- Board of Adjustment: Additional Responsibilities Proposal (15)

Parks and Recreation:

- Spray Park Design Study Report (45)

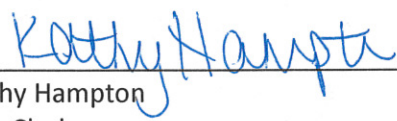
Agency Report:

- Report to Council – Targhee Regional Public Transportation Authority (TRPTA) Director (30)

Council Discussion:

- Public Transit – Bonneville Metropolitan Planning Organization (BMPO) and Idaho Transportation Department (ITD) (30)

DATED this 8th of March, 2019



Kathy Hampton
City Clerk



MEMORANDUM

TO: Honorable Mayor and Council

FROM: Brad Cramer, Director

DATE: March 6, 2019

RE: March 5, 2019, Planning Commission Action

Planning Commission took the following action during the March 5, 2019 meeting.

1. **PLAT16-033: FINAL PLAT. Alderwood Professional Plaza Final Plat.** Generally south of Alan St., west of Ashment Ave., north of E 17th St., and east of Hoopes Ave.¹ On March 5, 2019, the Planning and Zoning Commission recommended, to the Mayor and City Council approval of the final plat as presented.
2. **PLAT19-001: FINAL PLAT. Windsor Addition Division No. 1 First Amended.** Generally south of E 17th St., west of Jennie Lee Dr., north of E 21st St. extended, and east of S Holmes Ave. ¹ On March 5, 2019, the Planning and Zoning Commission recommended, to the Mayor and City Council approval of the final plat as presented.
3. **RZON19-001: REZONE. First Street Welding Rezone TN to CC.** Generally south of Lomax St., west of N Holmes Ave., north of E 1st St., and east of N Higbee Ave. ¹ On March 5, 2019, the Planning and Zoning Commission recommended, to the Mayor and City Council approval of the rezone as presented.
4. **RZON19-002: REZONE. 1381 Elmore 6 lots along Fremont Ave R1 w PT to TN.** Generally south of Science Center dr., west and north of US Hwy 20, and east of Fremont Ave. ¹ On March 5, 2019, the Planning and Zoning Commission recommended, to the Mayor and City Council approval of the rezone as presented.
5. **RZON18-021: REZONE. Amend Comprehensive Zoning Ordinance to Establish Section 11-5-3, Airport Overlay Zone.** ¹ On March 5, 2019, the Planning and Zoning Commission recommended, to the Mayor and City Council approval of the ordinance amendment as presented with the incorporation of the public comment and minutes and the adjustment to maps as discussed..

RECOMMENDED COUNCIL ACTION: To receive recommendation(s) from the Planning and Zoning Commission pursuant to the Local Land Use Planning Act (LLUPA).

PC Action 3/5/2019



Idaho Falls Civic Center for the Performing Arts Committee Meeting Minutes
Wednesday, January 9, 2019

Idaho Falls Civic Center for the Performing Arts Committee of the City of Idaho Falls met in a special committee meeting, Wednesday, January 9, 2019, at the Civic Center for the Performing Arts, 501 S. Holmes Ave., Idaho Falls, Idaho at 1:30 p.m.

In Attendance:

Arthur Kull, Idaho Falls Civic Center for the Performing Arts Committee Member
Carrie Scheid, Idaho Falls Civic Center for the Performing Arts Committee Member
Anne Staton-Voilleque, Idaho Falls Civic Center for the Performing Arts Committee Member
Bonnee Taggart, Idaho Falls Civic Center for the Performing Arts Committee Member
Deidre Warden, Idaho Falls Civic Center for the Performing Arts Committee Member

Others Present:

Pam Alexander, Municipal Services Director
Chandra Witt, General Services Administrator
Ed Morgan, Civic Center for the Performing Arts Manager
Krista Heald, General Services Office Assistant
Terri Frickey, Maeck Foundation
Brandi Newton, Executive Director IF Arts Council
Lara Hill, Events and Rentals Manager, IF Arts Council

Absent:

None

The meeting was called to order by Chair Arthur Kull at 1:32 p.m.

Public Comment:

- None.

Review and Approval of November 26, 2018 and December 12, 2018 Meeting Minutes:

- Chair Arthur Kull called for the approval of the minutes from November 26, 2018 and December 12, 2018. Deidre Warden motioned for the approval and Carrie Scheid seconded the motion. Motion carried.

Discussion of Remaining Renovation Items, Updates, and Budget:

- There was a discussion regarding the status of the remaining renovations. Ed Morgan advised that Dave from Norcon will be out tomorrow. The installation foreman from Norcon came by last week to look at the building. Ed spoke with him



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Wednesday, January 9, 2019

regarding some of the issues they had during the installation of the temporary seats. They are going to have to come up with a different style fastener up in the balcony as the fasteners they put in need two inches and that is about the extent of the concrete up there. There was also discussion regarding seating complaints and what was going to be done for leg room. Ed is going to try to adjust the worst rows on Friday to see if they can make it better for the show this weekend. Everything will be discussed with Dave at Norcon tomorrow on what can be done to fix the problems. Brandi Newton suggested that Ed print out the complaints to provide to Norcon so that they are aware of the exact issues. Capacity is of importance, but if capacity means that people aren't comfortable then it is not worth it. It is okay if we have to lose a row to make it work. Seating chart should hopefully be out within 30 days. Ed will request a production schedule from Dave at Norcon tomorrow. Install still planned for July, along with orchestra shell and the pit lift.

- There was a discussion about the marquee. It is in production and the production schedule was 8 weeks from when the P.O. was submitted to them. Pam Alexander advised that we should be within two weeks from completion of the marquee fabrication. It is going to be digital. Brandi Newton at Idaho Falls Arts Council requested specifications on what can be loaded onto the digital sign.
- The P.O. has been issued for the orchestra shell. It should be installed in July. Ed received an email from the project manager for Wenger.
- Pam provided a printout of the revised budget including the potential sale of the temporary seats. Total cost is \$26,993.13 within budget. There is no certainty on how much the actual seats will cost. Pam Alexander advised that she is trying to find some General Fund savings within Municipal Services to replenish some of the cost for the temporary seats. It won't be the full amount, but she is looking into what she can find. It probably won't be until the end of the year.

Discussion and Planning of Next Renovation Phases:

- Meet with School District 91: Arthur requested that a meeting be scheduled with District 91 to figure out time frames. There was a brief discussion regarding the status of a new bond and potential time frames. There was also a brief discussion on how to apply pressure to the school district and prove to the public that a new location for the school is necessary. Restricting the parking lot on the days where shows are loading in would put pressure on the school district to find a solution.
- Review Phases II and III Items: Chair Arthur Kull advised that he believed that a meeting with District 91 needs to happen first then review Phases II and III items to see if this is what needs to be done. There was a brief discussion on what Phase II items consisted of and what the benefits of those renovations would do for the Civic. (Access to dressing rooms through an elevator; Pop-up dressing rooms next to stage; Access from scene shop to stage; Full use of band room and art room for rehearsals; Additional loading dock(s) and/or storage room; Acquisition of part of East Wing now housing classrooms of IFHS and Little Theater for choir rehearsals)



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and music education) Phase II could be broke into a phase A and B, and do part of phase II prior to the school being vacated. Phase II is not going to be as appealable to the public to get money, so it will need to be funded by the City. Phase III would be more appealable for the public to support. Phase II has a potential of a revenue stream though. Deidre Warden will provide the committee with a copy of what was prepared by an architect for the proposed plan for the school, which contained giving the classrooms back to the Civic.

- Engagement with Architect: Chair Arthur Kull advised that once we find out what the needs are for Phases II and III then the engagement of an architect would be necessary.

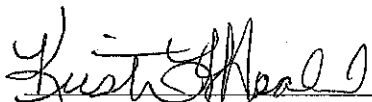
Discussion of Additional Information for Facility Fee Reduction to Final Billings:

- The only thing that was received was the income information from Forgotten Carols. They had a matinee for the first time and made quite a bit of income. The City provided ushers for them and bent over backwards to help. Brandi Newton at the Idaho Falls Arts Council gave background information and advised that Forgotten Carols was delayed on ticket sales as they did not have a seating chart. From a relationship standpoint, Forgotten Carols has been a constant, quality renter of a show that people like, and we need them for the show just as they need us for the facility. Forgotten Carols has had shows at the Civic for the past 26 years. Forgotten Carols outlined what they requested, it was believed to be between \$700.00 and \$800.00. Carrie Scheid moved that Forgotten Carols be given a refund of the amount they requested. Bonnee Taggart seconded, and the motion carried.
- IFYAC has not responded to requests for additional information.

Schedule Future Meeting:

- There was a brief discussion regarding a future meeting date. A meeting date of January 23, 2019 at 1:30 p.m. was agreed upon.

The meeting adjourned at 2:38 p.m.


Krista Heald - Secretary


Arthur Kull - Chair



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In Attendance:

Arthur Kull, Idaho Falls Civic Center for the Performing Arts Committee Member
Carrie Scheid, Idaho Falls Civic Center for the Performing Arts Committee Member
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Bonnee Taggart, Idaho Falls Civic Center for the Performing Arts Committee Member

Others Present:

Pam Alexander, Municipal Services Director
Chandra Witt, General Services Administrator
Ed Morgan, Civic Center for the Performing Arts Manager
Terri Frickey, Maeck Foundation

Absent:

Deidre Warden, Idaho Falls Civic Center for the Performing Arts Committee Member

The meeting was called to order by Chair Arthur Kull at 1:30 p.m.

Public Comment:

- None.

Review and Approval of January 9, 2019, Meeting Minutes:

- Chair Arthur Kull called for the approval of the minutes from January 9, 2019. Anne Staton-Voilleque motioned for the approval and Bonnee Taggart seconded the motion. Motion carried.

Update of Marquee Installation:

- There was a discussion regarding the status of the marquee. Pam Alexander advised that the City of Idaho Falls received an email advising that the marquee was close to being completed as far as manufacturing, and they were looking at an installation date during the week of February 24, 2019. Chandra Witt advised that Yesco provided parameters for electrical that needs to be done, which Ed Morgan is currently working with Building Maintenance to complete. Chair Arthur Kull advised that he solicited funds from Rotary for the marquee. Arthur advised that he informed Rotary that they will get a sign on it, if they give a good amount of money. There was a brief discussion on how much that would be, and it was agreed about half of the amount would constitute a sign for the Rotary. There was further



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Wednesday, January 23, 2019

discussion regarding the circumstances of the solicitation. Arthur advised that he would discuss it with Lindsey at Rotary and then the committee will have further discussion at a later time.

Review Schedule for New Seating Installation:

- Ed Morgan provided an update of what occurred over the past 2 weeks. Dave Beck at Norcon did come to the Civic and the issues with the seats were presented to him. Chandra Witt advised that she talked to Dave Beck this morning, and he advised that the main floor is currently being assembled. He advised that they knew what needed to be done as far as the main floor. Dave Beck advised that the upper balcony is the problem child, and that he was not impressed with how the temporary seats were installed. He advised that installation is part of the problem that we are having with the seats. Dave Beck is not sure if we will be able to change from the high backs in the upper balcony without extending our delivery time. Dave is supposed to be contacting the factory to find out what exactly can be done. It was requested that a meeting be held as soon as something is found out about the status of the seat backs and the cup holders.
- Ed Morgan made some adjustments to some of the seats prior to Brian Regan's show, which helped make the rows better than they were. Chandra Witt advised that Idaho Steel came through again and got Ed Morgan the brackets quickly so that he could make the adjustments.
- Pam Alexander suggested that it might be time to start looking into places to store the seats once they are manufactured. They will need to be placed in a space that is climate controlled and waterproof. If the seats come in containers, then they could be left in the containers and stored at the maintenance garage.
- There was a question as to what will be done to improve the seats on the main floor. Ed Morgan advised that we will probably lose a row, which would add about an inch to each row. For the time being, we are going to adjust the front row forward, and possibly lose a row. If it doesn't work it can be adjusted.

Discussion and Planning Next Renovation Phases:

- Pam Alexander provided an update regarding meeting with Reggie Fuller who is the City's building official to go over the next phases. Reggie Fuller advised that he has some contacts for Architects that he will be contacting to see about potential cost and what exactly can be done. If it is over \$25,000 for professional services, it will have to go through a formal proposal process. If it is under \$25,000, we can proceed and get the work done.
- There was a discussion of combining phases 2 and 3 for fundraising purposes as back of the house will not be as appealing as front of the house. Pam Alexander advised that no matter what it will still need to go to City Council and be part of the budget process. Approximate costs need to be determined so that it can be presented to City Council to hopefully secure funding. City Council will be having a budget



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kick off meeting on the 30th of March. There will most likely be 2 sub-phases for phase 2.

- Terri Frickey at the Maeck Foundation expressed the importance of having a clear and accurate cost of the next 2 phases, as once the Maeck's Estate is transferred over to the Foundation, the Foundation is obligated to give more money than normal. If they do not receive estimated figures for the Civic, there are numerous other organizations that have been soliciting the Foundation for other projects. To sell the Civic to the other 3 trustees, they need to have all the information they can get. There needs to be a better financial picture of what is needed in these next phases so that Terri Frickey does not have to go back to the Foundation for additional funds. Terri Frickey advised that if the Foundation were to make a pledge, she would like the Committee for the Civic to come before the rest of the trustees.
- There was a discussion regarding the need of the committee to get a plan together and figure out what the steps are. There needs to be a meeting with District 91 Superintendent and find out what their schedule is. Also, there needs to be a meeting with an architect to create plans of what can be done with both the front and back of house. There also needs to be a contingency on the amount as well to ensure that things are covered even with the cost of inflation and other unforeseen circumstances. Municipal Services is first locating funds for architect to obtain a conceptual design with estimates. City is hoping to find someone that will do the drawing at this point and then possibly hire them or someone else for the work.
- There was a brief discussion regarding who should be at the meeting with the architect. It should be Pam, Ed, Brandi, Arthur, and Bonnee.

Schedule Future Meeting:

- There was a brief discussion regarding a future meeting date. It was agreed that a future meeting date would be set after more concrete information was obtained regarding the seats.

The meeting adjourned at 2:38 p.m.


Krista Heald - Secretary


Arthur Kull - Chair



PARKS & RECREATION COMMISSION MEETING
FEBRUARY 4, 2019
ACTIVITY CENTER
12:00 Noon

ATTENDANCE:

Members in Attendance: B. Combo, C. White, T. Hersh, K. Hope, J. Forbes, M. Hill, J. Hammon, J. Freeman, R. Campbell, P. Holm, C. Horsley

Members Not In Attendance: B. Lee, J. LoBuono, D. Radford, P. Lloyd, W. Johnson, G. Weitzel

CALL TO ORDER – B. COMBO

B. Combo called the meeting to order at 12:10.

APPROVAL OF MINUTES

T. Hersh motioned to approve the January 7, 2019 minutes. K. Hope seconded. All in favor.

DIRECTOR'S REPORT – G. WEITZEL (ABSENT – REPORTED BY P.HOLM)

P. Holm reported on the following:

- The organizational change in the Recreation Division. Chris Horsley was introduced as the new Recreation Superintendent.
- P. Holm updated the board on the dog park. Since the donation by the Maeck Foundation, a steering committee is working on a plan for improvements, including adding a third section to the park to help with turf management by allowing rotation, and working with the FAA regarding their regulations. There are plans to add water and an agility course, among other things.
- The Maeck Education Center is finished minus a few last minute touches, such as the logo for the front. All Commission members are encourage to attend the ribbon cutting on February 22nd.
- The new playground equipment at Community Park was approved by the City Council and will be replaced this spring. The path at this park will also be finished this spring.
- The RFQ's for a second sheet of ice. We will begin looking for qualifications from companies for this project.

- P. Holm will begin obtaining prices on spray pads. J. Freeman advised the board that they want to get a pad put together at Reinhart Park this summer as we have funds available.
- The Heritage Park project update was given, including the problems with delivery of donated material. We are working with H&K to resolve this.
- The Idaho Canal project ribbon cutting is planned for August or early September.
- P. Holm invited the commissioners to the Parks & Recreation Department meeting on February 6th.
- The draft community survey was reviewed by the commission. P. Holm asked commission members to review the survey and have any changes they'd like to submit by Monday, February 11th.
- The Demographics & Recreational Trends Analysis report was reviewed by commission members.

OTHER DEPARTMENT UPDATES

R. Campbell – Parks Maintenance

- R. Campbell advised that the staff has been working on tree trimming projects and snow removal.

D. Pennock – Zoo

- D. Pennock advised they have been working on their accreditation package.

T. Hersh – Golf

- T. Hersh advised that the Five Year Master Plan is underway, and that the committees that were formed will finalize their recommendations in the next few weeks.

CALL FOR AGENDA ITEMS

Meeting adjourned at 1:02 p.m.

Next meeting will be held March 4, 2019.

*Recorded by:
Tracy Sessions, Clerk, Parks & Recreation*

APPROVED

Idaho Falls Sister City Youth Meeting-Minutes February 6, 2019

Attendees:

Katie Eaton	Abby Gallegos	Stephanie VanAusdeln
David Eaton	Jo Gallegos	Rebecca Smith
Kylie Eaton	Aiden Gallegos	Abel Doyle
Lori Kidwell	Anna St. Michel	Diana Doyle
Sam Hawker	Whitney St Michel	Elliott Boring
Heather Medema	Kendra Peck	Wendy Boring
Charlie Medema	Josi Packer	Maggie Boring
Melida Cebull	Nathan Peck	Charoltte Combs
Charlotte Sun	Nicholas Cebull	Laura Combs

Approval of minutes:

January 14, 2019 meeting minutes was motioned to be approved by Whitney St. Michel and seconded by Kendra Peck.

Treasurer's Report:

Lori Kidwell gave the financial report balances from November 2018, December 2018, and January 2019. January's balance is \$2,903.09.

Contact Information Review:

Every member was asked to confirm their phone number and email address on the "Contact Information" sheet.

Forms and Dues:

The following turned in their forms and paid their dues:

Maggie Boriing	Code of Conduct and application
Elliott Boring	Code of Conduct and application
Abigail Gallegos	Code of Conduct and application
Aiden Gallegos	Code of Conduct and application
Sam Hawker	Code of Conduct
Kylie Eaton	Membership dues paid

Discovery Magazine Ad:

The advertisement will be in the Idaho Falls Discovery Magazine Spring/Summer Issue.

Skyping with Tokai-Muri Students:

Kendra Peck asked the group to pick dates for skyping with students in Tokai-muri. After discussion the group agreed on Saturday, February 23 during the New Year's Party.

Fundraisers:

Update on the Winter Carnival Planning. The fundraiser earned \$1636.00. David Eaton suggested that planning should begin in October or November.

The Cherry Blossom Festival is schedule at the Snow Eagle April 25. Melinda asked for a volunteer to coordinate the Festival. Their job is to keep in touch with the other volunteers. Volunteers are also needed for raffle item collection, putting pictures with description on website, coordinating ticket sales, decorating assemble basket.

Melinda suggested that each family should get a donated items (paper was sent around to the group) and these items should be collected by March 11. The baskets should be assembled and the pictures should be up on the website by the end of March. Ticket sales should begin the first of April.

Paramount fundraiser is scheduled for Friday (2/8/19) and Saturday (2/9/19). Volunteers are asked to sign up to sell coupon book in the lobby of the Paramount. Each shift will last for 30 to 40 minutes. Lori Kidwell will coordinate this.

New Year's Party:

After discussion on the date of the New Year's Party the group agreed on February 23, from 4:00 to 6:00 at the Skyline Activity Center. A variety of games will be played and food will be served.

Meeting format discussion:

David proposed that one time per month the student work on their projects in one room of the library and the adults work on their projects in a separate room at the library. By doing this, students will spend more time learning about the Japanese culture. The group agreed. This will begin on February 20 and continue on the second meeting of every month.

STUDENT MEETING MINUTES**Library Clean-up:**

Charlie Medema suggested last month that the group help with the Koi Pond at the library. Beth Svenson, Librarian for Idaho Falls Public Library spoke with the group about improvements on the Koi Pond area. She suggested cleaning rock, adding greenery, and a traditional sand area. Beth stated that all design ideas need to be presented to the Director of the Library. Ideas of using flowers and cherry trees were stated by students. Whitney suggested that students research gardening ideas before submitting a design. A suggestion that the JACL, the Adult Sister City group and the Friendship garden group, and master gardeners be contacted. It was also suggested that the monies come from donations not the IFSCY funds. IFSCY students should do the work. Students should send their designs to Charlie Medema.

Newsletter:

Every year a newsletter is created. Student members sign up to write a paragraph on the activities that take place in the IFSCY. A sign up sheet was sent around and students signed up. The group agreed that the paragraphs are due by the second meeting in March. [March 11].

Motion to Adjourn meeting Melinda Cebull. Seconded by Kendra Peck. Meeting adjourned.

Approved

Idaho Falls Sister City Youth Meeting-Minutes February 20, 2019

Attendees:

Nicholas Cebull	Heather Medema Charlotte Combs
Anna St. Michel	Gabe Padron David Eaton
Kylie Eaton	Jorge Padron Katie Eaton
Diane Doyle	Aliyah Gamino Kendra Peck
Abel Doyle	Vina Gamino Laura Kelley
Peter Cebull	Whitney Michel Izabel Kelley
Charlie Medema	Laura Combs Rebecca Smith

Approval of minutes:

February 6, 2019 meeting minutes was motioned to be approved by Whitney St. Michel and seconded by Diane Doyle.

Bylaws:

Discussion on bylaws. The bylaws will need to have a few more correction. The proposed bylaws with corrections will be sent out to the group prior to the next meeting for review.

Forms and Dues:

The following turned in their forms and paid their dues:

Gabe Patron - Membership application, Code of Conduct and dues

Aliyah Gamino - Code of Conduct

Izabel Kelley - Membership dues

New Year's Party:

The New Year's Party is scheduled for February 23, from 4:00 to 6:00 at the Skyline Activity Center. A variety of games will be played and food will be served. List of items needed was distributed for members to sign up. Every participant is asked to bring treats.

Skyping with Tokai-Muri Students:

Skyping with Sister City group is scheduled to take place during the New Year's Party from 5:00 to 5:30. Kendra will bring the technology and set it up.

Student Exchange Planning:

No news to update. Planning will begin in March.

Fundraisers:

Paramount fundraiser earned the group \$730.00. The group will decide at the next meeting if they want to do another Paramount fundraiser. In the meantime, Whitney will ask Paramount theater if there are dates and times available at the beginning of March.

The **Cherry Blossom Festival** is schedule at the Snow Eagle April 25. Lori signed up to be coordinator. David [and Melinda] will help her. Families need to solicit donations from local businesses. Sign up sheet was passed around. All donations need to be turned in by March 11th meeting.

Heather volunteered to package all donations (Diane will help) Charlie will take pictures of the baskets and send them to Jorge and Gabe (advertisement). Whitney will help with advertising.

Vina Gamino will put the event on Facebook events and make the event public.

Flyers will be created by Izabele or Anna.

Rebecca will be in charge of event tracking and ticket distribution.

Laura Combs will be in charge of the thank you notes to businesses.

Areas that continue to have volunteers are: Decoration (need to be set up beginning on April 25th at 10:00 am), drawing for the baskets (begins at 8:30 pm), and cleanup which begins after drawing.

Annual garage sale is typically help the third week in May. Kendra offered her home in Shamrock Park to be the place for the garage sale. If that doesn't work Jorge offered the parking lot of his business location on Lomax and Holmes. The group will discuss and decide at a later time.

Library Clean-up:

Heather Medema stated that she and Charlie visited Town and Country. David Eaton talked with the designer of the Sister City gardens area at the library. By the next meeting Heather will meet with both Town and Country and the designer then put a proposal together for the Library Director. She will inform us on the progress at the March 6th meeting.

Newsletter:

A sign up sheet went around for students to sign up to write a paragraph on the activities that take place in the IFSCY. All students are asked to have the paragraphs completed and turned in by the first meeting in March.

Motion to adjourn meeting Whitney St. Michel and seconded by Peter Cebull. Meeting adjourned.

CHAPTER 6 ADMINISTRATION

11-6-1	Purpose
11-6-2	Duties and Authorities
11-6-3	Application Procedures
11-6-4	Decision-Making Procedures
11-6-5	Decision-Making Criteria
11-6-6	Required Improvements
11-6-7	Enforcement

11-6-1 PURPOSE.

The purpose of this Chapter is to set forth the roles, responsibilities, and processes in the administration of permits and decisions that are authorized by this Code consistent with Idaho Code.

11-6-2 DUTIES AND AUTHORITIES.

- (A) City Council. The City Council shall have the authority to set policy and legislation effecting land use and the administration of this Code, including fees as established by resolution of the Council. The Council shall act on:
- (1) Recommendations from the Planning and Zoning Commission in legislative actions and some quasi-judicial applications.
 - (2) Recommendations from the Board of Adjustment on quasi-judicial applications.
 - (3) Decisions on some quasi-judicial applications without prior recommendations from either the Planning and Zoning Commission or Board of Adjustment.
 - (4) Appeals of the Planning and Zoning Commission, Board of Adjustment and Zoning Administrator decisions.
 - (5) It shall be unlawful to erect, construct, move or structurally alter any building or structure, or any part thereof, until after a written permit to do so, has been issued by the Building Official.
- (B) Planning and Zoning Commission. The Planning and Zoning Commission shall be the designated planning agency for the City. The Commission shall be responsible for final action on some site specific permits and for recommendations to the City Council on land use legislation, comprehensive plan amendments, and other policy matters. In undertaking these responsibilities, the Planning and Zoning Commission shall act as follows:
- (1) Provide for citizen meetings, hearings, surveys, or other methods to obtain advice on the planning process, comprehensive plan, and implementation.
 - (2) Promote a public interest in and understanding of the Planning and Zoning Commission's activities.
 - (3) Make recommendations to the Council concerning the comprehensive plan, planning process, or implementation of the comprehensive plan.
 - (4) Initiate proposed amendments to this Code and conduct a review of this Code from time to time.

- (5) Interpret the provisions of this Code and consistency of actions with the Comprehensive Plan.
 - (6) Conduct public hearings, make decisions and recommendations to the City Council based on the required findings and standards for applications as set forth in Section 11-6-4 of this Chapter.
- (C) Board of Adjustment.
- (1) The Board of Adjustment shall be responsible for decisions on site specific applications, including variances ~~and some conditional use permits~~ related to exceptions to this Code, conditional use permits, and appeals of decisions made by the Zoning Administrator.
 - (2) In carrying out its responsibilities, the Board shall conduct public hearings, make decisions and recommendations to the City Council based on the required findings and standards for applications as set forth in Section 11-6-4 of this Chapter.
- (D) Zoning Administrator. The Zoning Administrator shall be the administrative official of this Code. In carrying out this responsibility, the Zoning Administrator or their authorized staff shall act as follows:
- (1) Interpret provisions in the enforcement and administration of this Code.
 - (2) Provide information to the public on planning and zoning matters.
 - (3) Receive and examine applications including, but not limited to, the following:
 - (a) Enter upon any property to make examinations and surveys.
 - (b) Determine the completeness of applications in providing the required information.
 - (c) Maintain records of all materials and correspondence related to land use applications.
 - (d) Maintain records of the Planning and Zoning Commission, Board of Adjustment and City Council hearings and actions.
 - (e) Transmit to the Planning and Zoning Commission, Board of Adjustment and City Council all applications related to their responsibilities as set forth in this Code.
 - (4) Review and act on minor ministerial permits, site plans, adherence to performance standards and compliance with the provisions of this Code.
 - (5) Enforcing the conditions and standards imposed on all permits granted by the city and permitted under this Code.
- (E) Summary of Actions/Decisions. Table 11-6-1 Summary of Actions/Decisions that follows is a list of the actions/decisions the City shall take in the administration of this code, the decision body responsible and the process and findings under which the action shall be granted.

Table 11-6-1: Summary of Actions/Decisions

Notes: BA = Board of Adjustment A = Appeal Process CC = City Council ADM = Administrative Process PZ = Planning and Zoning Commission P = Permit Process ZA = Zoning Administrator PH = Public Hearing Process				
Permit/Decision	Code Cross-reference	Recommending Authority	Final Decision-maker	Process
APPEALS				
Decisions of the Zoning Administrator	11-6-3E		BA	A
Decisions of the Board of Adjustment or Planning and Zoning Commission	11-6-4		CC	A
CONDITIONAL USE PERMITS				
All uses listed as conditional in the Tables of Uses	11-2-3, 11-2-4, and 11-2-5			
C ₁ Conditional Use (Administrative)			ADM	ADM
C ₂ Conditional Use (Planning and Zoning Board of Adjustment)			PZ <u>BA</u>	PH
C ₃ Conditional Use (City Council)		PZ <u>BA</u>	CC	PH
To Allow Structures Buildings Within Seventy-five feet (75') of the Banks of a Designated Natural Flood Channel	11-4-3		BA	PH
Minor amendment to a PUD	11-6-3I (9)		ZA	ADM
Major amendment to a PUD	11-6-3I (9)	PZ	CC	PH
PARKING AND LOADING				
To allow off-street parking on a separate lot	11-4-5A (3)		ZA	ADM
To determine the number of off-street parking spaces required for uses not listed in Table 11-4-2	11-4-5B (2)		ZA	ADM
To waive additional off-street parking for similar uses in the CC and TN Zones	11-4-5B (3)		ZA	ADM
To reduce or waive off-street parking requirements	11-4-5B (4)		ZA	ADM
To allow a transit access credit to reduce the number of required parking spaces	11-4-5C (3)		ZA	ADM
To allow a reduction in off-street parking in a shared parking situation	11-4-5D (2)		ZA	ADM
To approve a parking site plan	11-4-5F		ZA	ADM
To combine off street loading for two (2) or more buildings	11-4-5H (1)		ZA	ADM
To allow combined loading facilities	11-4-5H (1)		ZA	ADM

PERMITS				
Temporary construction use	11-2-6BB		BA	P
Temporary land use	11-2-6CC		ZA	ADM
Boat docks and boat landing facilities along the Snake River	11-4-8B		CC	ADM
Reconstruction of a monopole	11-5-2E (1)		ZA	ADM
Moving Structures	11-6-5D		ZA	P
PLANS				
Landscape Plan	11-4-4D (3)		ZA	P
Site plans	11-4-5F		ZA	P
WAIVER or EXCEPTIONS				
Variance	11-6-5G		BA	PH
Minimum lot size in PT Zone	11-6-5I	PZ	CC	P
ZONING				
Certificate			ZA	ADM
Code amendment	11-6-5I	PZ	CC	PH
Code enforcement	11-6-7		ZA	ADM
Map amendment	11-6-5I	PZ	CC	PH
Map interpretation	11-3-1C	BA	CC	P
Table of Allowed Uses Interpretation	11-2-2A (1)(3)		ZA	ADM
Amendments to Tower Overlay Zones (T-1 and T-2)	11-6-5J	PZ	CC	PH

(Ord. 3210, 8-23-18)

11-6-3 APPLICATION PROCEDURES.

The purpose of this Section is to outline the application procedures for a permit or decision under provisions of this Code.

(A) Application Requirements.

- (1) All uses, structures, or work defined by this Code as requiring review by the City Council, Planning and Zoning Commission, Board of Adjustment or Zoning Administrator must obtain the appropriate permit or permits prior to commencing the use, construction or alteration in or on any property within the City of Idaho Falls.
- (2) All requests for permits and decisions in accordance with this Code shall submit a complete application to the Zoning Administrator on forms approved and provided by the city.
- (3) Some requests for permits and decisions shall require additional application information.
- (4) All information and applications are preferred to be submitted electronically.
- (5) All applications shall be accompanied by a filing fee in an amount as set from time to time by City Council resolution.
- (6) No action shall be taken on an application until the application has been determined to be complete by the Zoning Administrator or their authorized staff.

- (C) Action on the Application. After an application has been determined to be complete, an action or decision shall occur as follows:
- (1) For an administrative decision identified as “ADM” on Table 11-6-1 Summary of Actions/Decisions, the Zoning Administrator shall act upon the application within thirty (30) days.
 - (2) For a permit request identified as “P” on Table 11-6-1 Summary of Actions/Decisions, the decision-making authority shall act upon the application within sixty (60) days.
 - (3) For an application requiring a public hearing identified as on Table 11-6-1 Summary of Actions/Decisions, the initial hearing shall be held no later than sixty (60) days after the date of the determination of completeness, unless waived by the applicant.
- (D) Public Hearing Procedures. All applications subject to a public hearing as identified on Table 11-6-1 Summary of Actions/Decisions, shall follow the public hearing requirements consistent with Idaho Code.
- (E) Appeal Procedures for Decisions of the Zoning Administrator.
- (1) The Board of Adjustment shall hear and decide appeals wherein it is alleged there is error in any order, requirement, decision, or determination made by the Zoning Administrator in the enforcement of this Code and shall have appellate jurisdiction over all decisions and rulings of the Zoning Administrator.
 - (2) Any citizen or person or any officer or department of the City may appeal to the Board of Adjustment by filing a request in writing with the Zoning Administrator within fourteen (14) days from the grant or refusal of a permit by the Zoning Administrator.
 - (3) Notice of the public hearing on an appeal of the Zoning Administrator’s decision shall be made in accordance with Idaho Code.
- (F) Expiration of Action on Applications. All application approvals shall expire one (1) calendar year from the date of approval unless:
- (1) The city issues a building permit for the proposed improvement, development, or use prior to the expiration of the one (1) calendar year; or
 - (2) By condition of approval, a time period for completion of the application has been specified.
- (G) Resubmittal.
- (1) No application that has been denied by the City shall be resubmitted, in substantially the same form for the same use, within ~~one (1) year~~ six (6) months from the date of denial.
 - (2) The Zoning Administrator may waive the ~~one (1) year~~ six (6) months requirement and accept a new application, where the subject property is affected by amendments to the Comprehensive Plan or to this Code.
- (H) Certificate of Occupancy. No certificate of occupancy shall be issued for any approved application until the development has been inspected and determined to be in compliance with all terms and conditions of the permit, including but not limited to, proper installation of all required improvements.

- (I) Application Procedures for a Planned Unit Development (PUD).
- (1) Applications for a planned unit development shall consist of three (3) procedural steps: pre-application conference, Planning and Zoning Commission hearing and recommendation to the Council, and hearing and final plan approval by the Council. With the concurrence of the Zoning Administrator, an applicant may combine the PUD hearings with the hearings required for associated subdivision applications or zoning Zone changes.
 - (2) Prior to the filing of an application for a PUD permit, the applicant shall request and the Zoning Administrator shall schedule a pre-application conference with the Planning Division staff and other City staff, as deemed necessary.
 - (a) A pre-application conference with the Planning Division staff is mandatory for all PUD proposals.
 - (b) At the pre-application conference, the applicant shall submit a sketch plan of the proposed PUD and shall outline and generally discuss the nature of the development and proposed land use. This step represents an opportunity to identify any major problems that may exist and identify solutions to those problems before formal application.
 - (3) Applications shall be filed not later than one hundred and twenty (120) days after the date of the pre-application conference.
 - (a) All applications for a permit shall include information required by the Zoning Administrator.
 - (b) The contents of the application shall be of sufficient clarity, quality and detail to allow the City to determine compliance with the performance standards of this article and the other standards imposed by this Code.
 - (4) Applications for a PUD shall be reviewed as a conditional use and shall follow the public hearing requirements consistent with Idaho Code.
 - (5) The Planning and Zoning Commission shall review the application for compliance with Section 11-2-6W of this Code.
 - (a) If the Commission finds that the proposed plan and uses do not comply with Section 11-2-6W of this Code, it shall make a finding in writing specifying the reasons why the application is not in compliance with such standards and shall deliver the same to the applicant and the Council within forty-five (45) days.
 - (b) The Commission may, at any time, recess the public hearing to a later date and no further public notice shall be necessary, provided the motion to recess and the date of the recessed hearing is duly noted in the minutes of Planning and Zoning Commission.
 - (c) Following the conclusion of the public hearing, the Commission shall forward its recommendation in writing to the Council, which recommendation shall include proposed findings in accordance with its recommendation.
 - (6) The applicant may, at any time prior to the consideration of the application by the Council, request that application be withdrawn and resubmitted at a later date to the Commission for purpose of making modifications recommended by the Planning and Zoning Commission. In the event the applicant requests reconsideration of the application within ninety (90) days after the date of the hearing before the Planning and Zoning Commission, no filing fee shall be required for such amended application.
 - (7) Upon receipt of the recommendation of the Commission, a public hearing before the City Council shall be held, and the Council shall approve or deny the application.

- (a) If the Council denies the application, it shall prepare specific written findings indicating the basis of its denial and the performance standards not met by such application.
 - (b) If the Council approves the application, it shall adopt the findings of the Commission, together with any additional findings or modifications it deems necessary, and order the Zoning Administrator to issue a permit which incorporates the representations made in the application and any other conditions required by the Council in order ensure compliance with this article.
- (8) Approval of the PUD shall expire if no effort is made to complete the PUD within eighteen (18) months from the date of Council's approval of the development plan.
 - (a) The Planning and Zoning Commission may grant a written extension for twelve (12) months based on demonstrated cause.
 - (b) For phased PUDs, the PUD or subsequent phases of the initial PUD shall expire automatically if the phases outlined in the development plan are not completed according to the approved phasing schedule identified in this Section.
- (9) PUD amendments shall follow the following procedures for minor and major changes. Amendments shall be in keeping with previous phases or approved PUD development plans and shall meet the same objectives as the original PUD. If the proposed amendment is intended to alter the previously approved plans objectives the applicant will justify how the amendment fits within the whole of the development.
 - (a) Minor changes to a PUD planned unit development may be approved administratively and in writing whereupon a permit may be issued. Such changes may be authorized without additional public notice at the discretion of the Zoning Administrator. Changes not specifically identified below shall constitute a major change. Minor changes shall be defined as follows:
 - (i) A change of less than five percent (5%) in the approved number of residential dwelling units, provided an increase will not exceed the permitted density of the Zone.
 - (ii) A change of less than five percent (5%) in the amount of commercial square footage within the development.
 - (iii) A change in location or layout of approved common areas and amenities provided there is no decrease.
 - (iv) A change in building location or placement less than twenty percent (20%) of the building width.
 - (b) Major changes to a PUD must follow the same review, public notice and hearing process required for approval of the initial PUD Planned Unit Development. Major changes shall include, but not be limited to the following:
 - (i) A change in the character of the development.
 - (ii) A change of greater than five percent (5%) in the approved number of residential dwelling units.
 - (iii) A change of greater than five percent (5%) in the amount of commercial square footage within the development.
 - (iv) A reduction in the approved common space and/or amenities provided.

- (v) A change in the location and placement of buildings greater than twenty percent (20%) of the building width.
- (vi) An increase in the number of lots above what was approved through the preliminary plan review.
- (vii) Any other change to the plan not defined herein as a minor change.

11-6-4 DECISION-MAKING PROCEDURES.

The purpose of this Section is to describe the manner in which decisions are rendered, the responsibilities in making decisions and the process for appeal of decisions.

(A) General Provisions.

- (1) All decisions and any conditions for the approval of any permit shall be set forth in writing.
- (2) Any city decision-making body may impose conditions upon the approval of any permit, provided such conditions are reasonably necessary to implement or achieve the requirements of this Code.

(B) Decisions of the Board Adjustment and Planning Commission.

- (1) A majority vote of the members present shall be necessary to decide upon any matter upon which a vote is required to pass.
- (2) For applications that do not require the approval of the City Council, the Planning and Zoning Commission or Board of Adjustment shall approve or deny the application on a majority vote.
- (3) If the application requires approval by the City Council, the Planning and Zoning Commission or Board of Adjustment shall forward its recommendations to the Council. The Council shall, within a reasonable time, hold at least one (1) public hearing to consider the application.
- (4) Written notice of decisions of the Board of Adjustment and Planning and Zoning Commission, including conditions and Reasoned Statement of Relevant Criteria and Standards, shall be sent within five days to the applicant and/or their representative, and all persons who have requested a copy of the decision.

(D) Appeal Procedures for Board of Adjustment and Planning and Zoning Commission Decisions.

- (1) Decisions of the Board of Adjustment and Planning and Zoning Commission shall be final unless a written appeal is made to the City Council within fourteen (14) days of the date of the written notice of decision described above in paragraph Section 11-6-4B (4).
 - (a) The written notice of appeal shall be filed with the Zoning Administrator and shall set forth the objections to the decision made by the Board of Adjustment or Planning and Zoning Commission.
 - (b) Upon receipt of the appeal, the Zoning Administrator shall forward to the Council the record of the Board of Adjustment or Planning and Zoning Commission, including the Reasoned Statement of Relevant Criteria and Standards, adopted by the Board or the Commission.
- (2) The concurring vote of a majority of the members of the City Council shall be required to reverse any requirement, decision, or condition of the Board of Adjustment or Planning and Zoning Commission.
- (3) Any person aggrieved by a decision of the Council may seek recourse as provided in Idaho Code, as amended.

11-6-5 DECISION-MAKING CRITERIA.

The purpose of this Section is to identify the criteria for review and decision on certain types of applications and the required Reasoned Statement of Relevant Criteria and Standards consistent with Idaho Code.

- (A) Appeal of Decisions of the Zoning Administrator. The Board of Adjustment is empowered to reverse, or affirm wholly or partly, or modify the order, requirement, decision, or determination of the Zoning Administrator.
- (B) Conditional Use Permit.
 - (1) The City Council, Board of Adjustment or Planning and Zoning Commission shall approve or deny a conditional use permit application and shall issue written Reasoned Statements of Relevant Criteria and Standards and in accordance with Idaho Code.
 - (2) In the event an application is denied, the City Council, Board of Adjustment or Planning and Zoning Commission may make recommendations to the applicant or set forth conditions under which it would approve the application and the applicant may resubmit their application.
 - (3) In addition to the conditions specified by the Zoning Code for conditional uses in each particular Zone, the City Council, Board of Adjustment, or Planning and Zoning Commission may impose additional conditions, including, but not limited to:
 - (a) Minimizing adverse impact on other developments or adjacent properties.
 - (b) Controlling the sequence and timing of development.
 - (c) Controlling the duration of development.
 - (d) Assuring the development is maintained properly.
 - (e) Designating the exact location and nature of development.
 - (f) Requiring landscaping of on-site or off-site public facilities or services.
 - (g) Restricting the hours of operation of any business or other commercial activity conducted on the premises.
 - (h) Such other conditions as may be necessary to preserve the character and harmony of the zone and avoid conflict with the general characteristics of the area designated in the Comprehensive Plan.
 - (4) Prior to granting a conditional use permit, the City Council, ~~or~~ Planning and Zoning Commission, or Board of Adjustment may require studies of the social, economic, fiscal or environmental effects of the proposed conditional use, and may require the submission of a development plan as set forth in Section 11-3-6B of this Code.
 - (5) A conditional use permit is not transferable from one (1) parcel of land to another.
 - (6) Abandonment of or non-use of a conditional use permit for a period of twelve (12) consecutive months shall terminate said conditional use permit, and any privileges granted shall be null and void.
 - (7) Failure to comply with the conditions of approval for a conditional use permit shall be cause for termination of the approval and shall be deemed to be a violation of this Code.
- (C) Conditional Use Permit to Allow Structures Buildings Within Seventy-Five feet (75') of the Banks of a Designated Natural Flood Channel may be approved subject to the following conditions:
 - (1) Adequate measures are taken to insure the uninterrupted flow of water during floods.

- (2) Adequate measures are taken to protect the building or structure from damage due to floods.
 - (3) Flood damage hazard to surrounding land and improvements will not be increased as a result of the construction of a building or structure for which a permit is requested.
 - (4) All structures will be located in accordance with the plan of flood drainage adopted by the Council.
 - (5) Applicant has submitted a complete Flood Elevation Certificate.
- (D) Permit for Moving a Building, Including Locating a Mobile or Manufactured Home on a Permanent Foundation.
- (1) The building and lot on which the building is to be located conform to the requirements of this Code.
 - (2) All dedications and improvements, as required by the City for streets and facilities and buildings, shall be provided in conformity with the standards of the City.
 - (3) For mobile homes, the applicant must provide certification from the State of Idaho and the Department of Housing and Urban Development that the structure meets all applicable codes making the structure suitable for human occupancy.
- (G) Variances.
- (1) A variance is a permit issued by the Board of Adjustment pursuant to Idaho Code.
 - (2) A variances may be issued for the area, width, location, height, and lot coverage requirements as set forth in Chapter 3 Zoning Regulations and Chapter 5 Overlay Zones Regulations of this Code and from the regulations in Chapter 4 Design and Development Regulations of this Code which regulate the manner in which conforming uses are developed.
 - (3) Approval of a variance shall be based on the following findings:
 - (a) Undue hardship results from physical limitations on development unique to the property upon which the variance is requested and such hardship is not generally applicable to other properties in the same Zone.
 - (b) Such hardship is not economic in nature not has it been created by the owner of the property or occupant.
 - (c) Granting the variance will not be in conflict with the public interest or create a nuisance or potential harm to the neighborhood in which the lot is located.
- (H) Waiver from the Minimum Lot Size of Thirty Thousand Square Feet (30,000 ft²) in the PT Zone.
- (1) A waiver maybe allowed based on the following findings:
 - (a) That the use cannot be practicably developed without the reduced minimum lot size.
 - (b) That the applicant can satisfy the performance standards set forth by use of the improvements, premises and facilities of a contiguous use.
 - (2) The issuance of a permit for a use having less than thirty thousand square feet (30,000 ft²) may be conditioned upon the conveyance, dedication, grant or joint use agreement between the applicant and the owner of the contiguous use as may be required by the Commission and Council in order to demonstrate the applicant's ability to meet the performance standards. The documents of conveyance or agreement shall include a provision that the document of conveyance or agreement shall be irrevocable without the express written consent of the Council.

- (I) Amendments to the Zoning Code or Zoning Map. Amendments to the Zoning Code or Zoning Map, including changes to existing zoning map, the existing zoning map, or zoning for proposed areas of annexation, may be allowed subject to the following findings:
 - (1) The Zoning is consistent with the principles of City's adopted Comprehensive Plan, as required by Idaho Code.
 - (2) The potential effects on the following:
 - (a) Traffic congestion as a result of development or changing land use in the area and the need that may be created for wider streets, additional turning lanes and signals, and other transportation improvements.
 - (b) Exceeding the capacity of existing public services, including, but not limited to: schools, public safety services, emergency medical services, solid waste collection and disposal, water and sewer services, other public utilities, and parks and recreational services.
 - (c) Nuisances or health and safety hazards that could have an adverse effect on adjoining properties.
 - (d) Recent changes in land use on adjoining parcels or in the neighborhood of the proposed Zoning Map amendment.
- (J) Amendments to Tower Overlay Zones. In addition to the required findings for zone change as set forth in Section 11-5-6I, amendments to the Tower Overlay Zones may be allowed subject to the following findings:
 - (1) That the requested amendment is consistent with the purposes for Towers and Antennas as set forth in Section 11-5-2A of this Code.
 - (2) That as demonstrated by the applicant, that no existing tower, structure, property within an existing Zone, or alternative technology can accommodate the applicant's proposed antenna. Evidence submitted to demonstrate no existing Zone or technology can accommodate the applicant's proposed antenna may consist of any of the following:
 - (a) No existing towers or structures are located within the existing Zones which meet applicant's engineering requirements in terms of location, height, or structural strength.
 - (b) No existing sites are located within the existing Zones which meet engineering location requirements.
 - (c) The applicant's proposed antenna would cause electromagnetic interference with the antenna on the existing towers or structures, or the antenna on the existing towers or structures would cause interference with the applicant's proposed antenna.
 - (d) The fees, costs, or contractual provisions required by an owner in order to share an existing tower or structure, adapt an existing tower or structure for sharing, or locate a tower or antenna are unreasonable. Costs exceeding new tower development are presumed to be unreasonable.
 - (e) An alternative technology that does not require the use of towers or structures, such as a cable microcell network using multiple low-powered transmitters/receivers attached to a wireline system, is unsuitable. Costs of alternative technology that exceed new tower or antenna development shall not be presumed to render the technology unsuitable.

11-6-6 REQUIRED IMPROVEMENTS.

(A) Standards.

- (1) The Zoning Administrator may specify the manner of installing or constructing all required improvements necessary to assure compliance with the requirements of this Code.
- (2) As determined by the Zoning Administrator improvement drawings and specifications shall be required in the application for a permit.
- (3) The installation of all required improvements shall conform to the City Standard drawings and Engineering specifications and any other design or construction standards adopted by ordinance.
- (4) The applicant shall file improvement drawings and specifications for all required improvements and shall obtain the approval of the Planning Administrator prior to the commencement of their construction.

(B) Inspection. The City may inspect all required improvements during construction, and upon a finding that such improvements are not being constructed in conformity with the specifications set forth in Section 11-6-6A, the City may order construction to cease and may withhold the issuance of any Certificate of Occupancy.

(C) Installation of Required Improvement.

- (1) All required improvements shall be installed at the applicant's expense.
- (2) All requests for phasing required improvements shall be submitted as part of the application for a permit, and phased installation may be permitted if the phasing was a condition for the issuance of the permit.
- (3) Phasing shall be permitted only upon a specific finding Zoning Administrator that such phasing will not violate the performance standards set forth in the review of the application and upon the following additional conditions:
 - (a) One-half of the required improvements shall be commenced within one year from the date the permit is issued.
 - (b) All required improvements shall be completed within three (3) years from the date the permit is issued.

(D) Completion of Required Improvements. All required improvements shall be completed prior to occupancy or use of any portion of the property.

(E) Continuous Obligations for Maintenance.

- (1) All required improvements not dedicated to the public shall be maintained in a good state of care, condition and repair at all times. All such required improvements which become functionally obsolete or worn out shall be replaced with a comparable improvement.
- (2) Any applicant or owner of property who fails to maintain any privately owned required improvement in accordance with the approved plans shall be deemed to be in violation of this Zoning Code.
- (3) The City may enforce against person or entity that fails to complete the required improvements using the procedure set forth in Section 11-6-7 of this Code.

11-6-7 ENFORCEMENT.

- (A) Continuing Obligation. Maintenance of improvements, conditions of approvals, and requirements of this code shall be a continuing obligation of the applicant or their successors. Any failure to meet these obligations shall be deemed a violation of the Code and subject to the penalties set forth in Title 1, Chapter 3 General Penalty Provisions of City Code.
- (B) Violation. Any person or entity that violates any provisions of this Code shall be guilty of a misdemeanor, and upon conviction shall be subject to penalties as set forth in City Code.
- (C) Procedures for Enforcement.
 - (1) A written notice of failure to maintain the required improvements, conditions of approval, or requirements of this Code shall be served upon all owners of record of the property. The notice shall be in writing and shall be mailed to the owner(s)'s or address last shown on the records of the Bonneville County Assessor. Service of the notice shall be deemed to be complete upon its deposit in the U.S. mail, postage prepaid in the manner set forth above. The notice shall contain a brief description of the terms of the maintenance plan, conditions of approval or violation of the Code.
 - (2) Any person receiving the notice, may, within ten (10) days of the date of service, request a hearing before the Board of Adjustment, which request shall be delivered to the Zoning Administrator. Following receipt of the request, the Zoning Administrator shall deliver the request to the Board of Adjustment which shall hold a hearing within twenty (20) days from that date. At the hearing, the person may request a reasonable extension of time for curing their failure to comply or otherwise demonstrate good cause why they should not be required to comply. (Ord. 3210, 8-23-18)
 - (3) If compliance is not completed within sixty (60) days after the date the notice of failure to maintain the public improvements was served, or any extension allowed by the Board of Adjustment, the owner or owners of the property subject thereto shall be deemed to be in violation of this Zoning Code, and shall be subject to the penalties set forth in Title 1, Chapter 3 General Penalty Provisions of City Code.
- (D) Nuisance. Any building or structure which has been set up, erected, constructed, altered, enlarged, converted, moved, remodeled or maintained contrary to the provisions of this Code, and any use of land or building or premises established, conducted, maintained or operated contrary to the provisions of this Code are hereby declared to be unlawful and opposed to the orderly development of the community and shall therefore be considered a public nuisance.