

January 6, 2026

7:00 p.m.

Planning Department

City Annex Council Chambers

**MEMBERS PRESENT:** Commissioners Glen Ogden, Dale Storer, Bill Scott, Tia Panter, Matthew Meehan, Forrest Ihler, Deanna Harger.

**MEMBERS ABSENT:** Mary Scales

**ALSO PRESENT:** Assistant Planning Director Kerry Beutler, Brian Stevens, Planner; David Peterson Planner; Jacob Beck, Esq, City Attorney, and interested citizens.

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

**MINUTES:** Meehan moved to accept the minutes of December 9, 2025, Ihler seconded the motion. The motion passed unanimously.

**Public Hearings:**

**1. ANNEX 25-004: ANNEXATION AND INITIAL ZONING OF LM FOR 127.603 ACRES.**

Ogden opened the public hearing.

**Applicant: City of Idaho Falls – Brian Stevens presented for the City.**

Stevens presented the staff report, a part of the record. The property is 127+ acres near East River Road (N 5<sup>th</sup> West). The property is owned by the City of Idaho Falls Airport. The application is for a zoning of LM with an airport overlay Approach surface and Limited Development. The property was acquired by the Airport for airport purposes and airport property is zoned LM.

Ogden asked what manufacturing use they can do on this property and what are the height restrictions.

**Ian Turner, Idaho Falls Airport Director.** Turner stated that there will be no manufacturing built on this property and that is why the airport purchased the property, to protect the approach to the airport. The property will stay the way it exists today.

Ogden asked if anything is built on the property then it has height restrictions. Turned indicated that there are divisions between State Law and what the FAA will allow them to use the property for. Turner stated that nothing with steam or exhaust is allowed. Ogden asked if a hanger would be allowed. Turner stated that it would be allowed, but the only placement on the property considered is navigation lights.

Meehan asked if most of the uses of the land that would fall under an LM Zone would not be allowed, why is the airport zoned LM. Stevens stated that the Comprehensive Planning Ordinance has an airport overlay section and there is a stack of uses and conditional uses and when they wrote the code the airport was already in the LM Zone and so they built upon the LM Zone as a primary purpose to house the airport. They created 3 additional components: land use; height; noise. They are trying to protect the airport from blowback on those issues and residents from being impacted. Certain areas like the “red” nothing can be built, “orange” has very small amount of structures. This land is owned by the airport and if the airport doesn’t want to build anything they zone it as LM.

Beutler stated that all the airport is zoned LM and that is a holdover of prior zoning ordinance. A lot of the airport operations have a Light industrial manufacturing feel to them. They do not have a zoning district that would only be for airport use, so they look for the most compatible zone and that is why they chose LM.

Storer asked if farming is permitted use in LM. Stevens indicated that it would be grandfathered as a use. Beutler stated that agriculture is allowed use in the LM Zone.

Scott asked about the overlapping jurisdiction with City and FAA. Who is the ultimate authority if someone wanted to build on this land? Stevens stated that the Airport is the authority and owner and they will apply the

FAA rules for anything they want to build. Scott confirmed that FAA is the most restrictive on terms and rules.

**Support/Opposition:**

**Audrey Jeppson, 5144 Eagle Wood Drive, Idaho Falls, Idaho.** Previously owned 2 residences and previously part owner of the farm on this property. She is thrilled to hear that there are no active plans to build anything, as the property is near and dear to them. There are a lot of residential areas around that area, and access is limited. The main access is 33<sup>rd</sup> North which is paved part way and then the other part of the road is gravel. There is a private lane owned by Gerry and Leora Johnson that connects 33<sup>rd</sup> to the Subject property. If there were to be anything built that would cause traffic in the area, another access would need to be considered, and additional noise would be an issue. The family would ask that there be a buffer zone if anything is going to be built. Jeppson asked about a weather station and asked if there is merit to that rumor.

**Leora Johnson 1000 W 33<sup>rd</sup> North, Idaho Falls, Idaho.** Johnson stated that about 2 years ago they went to the City to request a rezone and they were denied and the City said that the planes flew over and they could not rezone for housing and that there was no access, no utilities and the property was condemned and taken over by eminent domain. NO buildings could be built on the property and only farming could be done on the property.

**Jerry Johnson 1000 W 33<sup>rd</sup> North, Idaho Falls, Idaho.** Johnson was a Green Beret and served his Country. Johnson stated that when they tried to rezone the property and the farm that they moved onto in 947 the County said they have a vector and nothing could be built on there that would pose a hazard to an airplane landing in the area in an emergency. Johnson proposed building a runway that lines up with the current runway. The County indicated that there is no telling where an emergency landing would be. The highest use for the land would be agriculture. This property is right on the river just north of town and the most beautiful property in the area. To use the property as warehouse is inexplicable. Johnson accepted the reality that the best use would be agriculture. Mr. Ball, who was farming the land, took the sprinkler system off because the Airport was going to charge Ball more to farm the land. Without the sprinkler system in place, it cannot be farmed. Johnson could not put houses on the property, and they wanted to do 2 acre lots with a strip down the middle for an airplane to land. They were surprised when they received the notice that they were going to do warehouses as they feel that warehouses would be more hazardous than a house. Johnson asked if they build warehouses, will they observe the vector where houses were not allowed to be built.

Ogden closed the public hearing.

Turner wanted to address allowed uses on the property. Turner stated that they receive grant money that comes with 39 strings and one of which is they have committed to utilizing this property for aeronautic uses only. They are prevented from doing anything that is not aeronautical in nature, including warehouses. The FAA requirements for accepting federal dollars, and the local zoning requirements are different. The property to be annexed has to be zoned with something and LM is the closest thing in the code to choose. Turner stated that there is a catch with how the property was acquired by eminent domain. They are restricted by State Law on what they can use this property for, and it has to be a governmental use. There are a lot of strings attached to this property which will prevent items that were addressed during public comment.

Ogden wants to articulate that the public is concerned about the zoning designation because they have to look down the road as to what could potentially be built under the LM Zone. Ogden feels it is important to add additional information that the strings attached to the property supersede all of the City requirements, a lot of the concerns can be set aside. The purpose for the LM Zone is because there is not a better designation.

Meehan stated that in the absence of a distinct zone for an airport this is the best way to zone airport-controlled land.

Ihler stated that it is highly disappointing that this I prime piece of real estate and it cannot be used for anything else, although he does understand the FAA Rules. Ihler is sure that the City will use this property the best way it can.

Meehan agreed that prime river front land that is zoned industrial use hard to see, but in this case, you can see the runway, and it makes sense to protect the land for airport use.

**Ihler moved to recommend to the Mayor and City Council approval of the Annexation of 127.603 acres with initial zoning of LM, Light Manufacturing and Heavy Commercial and Airport Overlay Zone of Limited Development Approach Surface and Limited Development. Scott seconded the motion. Ogden called for roll call vote: Ogden, yes; Scott, yes; Ihler, yes; Harger, yes; Panter, yes; Storer, yes; Meehan, yes. The motion passed unanimously.**

### Misc.

## 2. Election of Officers

Ogden asked for nominations for a new Chair and Vice-Chair.

Meehan moved to nominate Forrest Ihler for Chair, Ogden seconded the nomination.

Scott moved to nominate Matthew Meehan as Vice-Chair, Ogden seconded the nomination.

Ogden called asked Ihler and Meehan if they had any comments.

Ihler feels confident in running meetings.

Meehan thanked the Chair for his service and thanked Scott for the nomination.

Ogden called for voice vote on nominations. The motion passed unanimously.

Ogden turned the remainder of the meeting over to Forrest Ihler as the new Chair of Planning and Zoning Commission.

## 3. Planning Commission Training.

Beutler stated that they want to discuss how meetings are run and the way they are set out in City Code.

Why Do They have Planning and Zoning Commission Meetings. – There is a distinction between a public hearing and public meeting. All meetings are open to the public. The hearing invites the public to participate and offer comments. There is a distinction on the Agenda about what items are public hearings and what are business. The other reason P&Z is to have meetings is to protect the public interest. They look to planning documents that have been decided as a whole for the community to give direction. There is an obligation to protect private rights of citizens. They need to comply with Idaho Code in all things they are doing. Beutler stated that the formality of the meeting might come across as “not listening” but that is to remain a respectful atmosphere.

Meehan asked if there is a mechanism to request a peace officer at the hearing if there is going to be a controversial item. Beutler stated that they can if they feel that there is an issue arising. The reason that they don't allow clapping, etc. is because it can get the meeting out of hand quickly.

Stevens stated that they have reconfigured the room and the door behind the commissioners is a safe room/safe exit and that door can be locked. To gain access to that safe room staff need a badge. Stevens stated that if there is a need, they can get down and go to that room. Beutler indicated that if there is a heated discussion the Commissioners can hang out before they go to their cars. If there is ever a reason that they do not feel comfortable, please stay, leave together, park on the other side of the building. Anything that makes you feel comfortable is appropriate.

Scott asked about promoting the public interest and understanding the planning and zoning, and how would they do that. Beutler stated that you shouldn't be talking about agenda items, but the commissioner members are free to talk about long-range planning issues, meetings occurring to promote those meetings, if staff reports need to be more open, if they want training held, they are happy to. Land use planning can be promoted. Storer stated that they do need to be careful not to go beyond the scope of the Agenda.

Beutler stated that they need to be careful of things that are on the Agenda.

Ihler asked about things that have been approved, is that ok to talk about. Beutler stated that it needs to be past the appeal window before they discuss things outside of the hearing. Beutler urged Commissioners to call staff if they have a question on whether they can discuss something.

Beutler showed a video presentation on public testimony.

Beutler discussed that the Planning Commission's job is to listen and give the public an opportunity to be heard. Sometimes that public testimony is not something that they can take into consideration for the final outcome, but they need to be allowed to participate.

Beutler reviewed hearing types:

Legislative – guide to direct public – policy decisions, zoning laws, ideas that apply to the City as a whole. (i.e., Comprehensive Plan). Commission has the most ability to discuss and have conversations about.

- Annexation.
- Code Amendments.
- Comprehensive Plan.

Quasi-Judicial – Most of Planning Commission's meetings are quasi-judicial. These meetings apply regulations to applications. The Scope narrows to the rule. Applies to something specific, land, individual, etc. Commission acts as "judge."

- Preliminary Plat.
- Rezone.
- PUD

Zoning for the 1<sup>st</sup> time is policy and rezone is quasi-judicial. Beutler agreed that the community also gets confused.

Beutler asked the Commission if they would like included on the staff report whether it is legislative or quasi-judicial.

Beutler stated that the first time that they put the zone on the property it is legislative because it is the first time to assign something to that property.

Beutler stated that ex-parte communication is communication outside of the hearing. Beutler stated that developers often ask for information on who is on the Commission. People should not be communicating with Commissioners on quasi-judicial hearings. Beutler stated that the Commissioners should not visit properties that are on the agenda, as the discovery of what is going to be heard should be all during the public meeting.

Beck added that the reason for no ex-parte communication during quasi-judicial hearings is to keep outside influences away from the Commissioners as that could be an appealable issue.

Ihler stated that he never knows when it is appropriate to give recommendations. He indicated that PUDs are one hearing item that there is some leeway on what to consider based on public comment.

Beutler talked about PUD's and how there is a natural discussion based on the nature of PUD. Storer indicated that PUD are quasi-judicial and should not have ex-parte communication. Beutler indicated that they will try to advise the commission as they go through PUDs.

Scott has an issue with not visiting the property. Beutler stated that they all live here and are familiar with the property, but do not make a specific trip to the property with the staff report, to get an idea of what might be going on.

Beutler played a video on ex-parte communication.

Beutler stated that the Commission needs to think about the optics, whether the communication was wrong or not, be up front about any communication.

Storer asked about getting letters and emails (written communication) that come to a commissioner and how to shut those down. Beck stated that they should not review the emails they can send to City staff, and it can be included in the packet.

Beutler stated there are 8 commissioners and they need 5 to conduct business. They can continue the meeting if there is a need to recuse yourself in a specific matter if you feel to close or have too much information about a specific item.

Ihler asked if the meeting happened and his friend is asking what happened, how did the meeting go. Beutler stated that you have to be careful if you are within the appeal window. Beutler stated that if it is a business item, talk about it. If it is a quasi-judicial keep it quieter, you can say it was approved or direct them to the live stream.

Meehan asked about the appeal period being the applicant only or can general public appeal. Beutler indicated that any affected party can appeal (applicants, residents, etc.) Beck indicated that anyone could make a motion that they are an affected party, and part of the argument is that they don't have standing. The affected parties are those that have more grounds, like notice requirements, 300' radius, property owners, etc. Beutler added that there is an appeal fee.

Scott asked what happens after an appeal is filed. Beutler stated that the appeal goes to City Council, as most things the Commission is a recommending body (except preliminary plats).

Beutler stated that final plats are a business item and if the plat conforms to the applicable rules the Council "shall" approve the plat and the applicant is entitled to have the plat approved. Business items just apply the rules.

Decision making amongst the Board after a hearing and public has spoken is the deliberation. Without any further unsolicited comment, additional comment can occur, but not randomly, any member of the Commission may solicit questions, and the question should be related to their testimony.

Ihler clarified that it can be any member of the public, not just City Staff. Beutler agreed and indicated that Chair is managing this and the question needs to be related to given testimony.

Beutler stated that the Chair can solicit a question and seek a subjective fact without reopening the hearing. The questions can be asked without reopening the hearing. (This information is in the zoning code).

Beutler stated that the last item is motions and when conditions apply or don't apply. Beutler stated that sometimes they go through deliberation they talk about certain conditions, but then the motion does not include the conditions. If the motion doesn't include the condition (i.e., fence, variance, etc.) then it doesn't apply. If something comes up during the conversation that is new or not part of the staff report, but you want it to be part of the approval, it needs to be a motion with a condition. Beutler stated that as he works on things they are reading meeting minutes 30 years back and if there is no condition in a motion, they do not know that things are supposed to be handled differently.

Ihler stated that sometimes he doesn't want to pin something specific on a developer and wants staff to look into it.

Ogden stated that Ihler could make a motion with a condition and it could die for lack of second or get voted down.

Beutler did caution the Commission to be careful and have the condition that applies be part of the decision making, not just out of left field. Beutler stated that staff will prompt the Commission if they start to get in grey areas with conditions. Beutler stated that they need to be clear in their motion so the staff can understand what they want.

Ihler asked about the order of things during public comment. Open the public hearing 1<sup>st</sup>, then the applicant, then the City presentation, but what they have been doing is opposite. Beutler stated that it is a technicality and everything you are hearing during a public hearing is part of your decision-making reasoning. Beutler added that it would make sense to open the public hearing. Ihler stated that he should open the public hearing 1<sup>st</sup> then hear from applicant and staff, then public testimony. Meehan stated that they have been calling the public hearing the public comment point, but that is all part of the record and public hearing.

Beutler stated that 2026 is looking pretty strong for planning and zoning meetings.

David Peterson introduced himself to the new Planning Commission members. Beutler added that they have Caitlin Long that is not present tonight, and also an opening for a planner they are working to fill.

Stevens stated that he does enjoy these meetings and would like to hear from the Commissioners with questions prior to meetings. It is more comfortable and helpful to use the staff to answer questions.

Beutler stated that they want to get some long-range planning items before the Commission this year.

Meehan asks questions that he already knows the answer to as a matter of getting it into the record.

**Next meeting is February 3, 2026.**

**Adjourned at 8:30 p.m.**

**Respectfully Submitted**

**Beckie Thompson, Recorder**