

February 3, 2026

7:00 p.m.

Planning Department

City Annex Council Chambers

MEMBERS PRESENT: Commissioners Forrest Ihler Glen Ogden, Dale Storer, Bill Scott, Mary Scales, Matthew Meehan, Glen Ogden, Deanna Harger.

MEMBERS ABSENT: Tia Panter

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

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

MINUTES: Scott moved to accept the minutes of January 6, 2026, Ogden seconded the motion. The motion passed unanimously.

Public Hearings:

1. ANNEX 26-001: ANNEXATION AND INITIAL ZONING OF R1 FOR 2.714 ACRES.

Ihler opened the public hearing.

Applicant: Dan Brunson, 435 Butterfly Drive, Idaho Falls, Idaho, (his parents 2636 South Belin Road). His parents want to annex into the City because of the Grandfather clause that they have right now, they are sharing a well with the neighbor next door. They are wanting to accomplish getting on City water. His parents are both 90 years old and they don't think that they can legally sell the place very well without having water rights. This is their main goal.

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

Scott indicated concern about this annexation creating a County island. Peterson stated that they can annex the property as they are requested. The neighboring properties have not asked for annexation. They are still adjacent to the City on the west side. This property owner would like to annex and is the 1st property on this section of Bellin to request annexation.

Storer confirmed that there is no plat at this point. Peterson confirmed it is only a single lot that will be annexed. When this property develops in the future there will be a right of way plat and possibly a full final plat at that time.

Ihler opened the microphone for public testimony for anyone in support or opposition to this item.

Beck urged the public to not clap or cheer to keep courtroom decorum as this meeting is recorded.

Support/Opposition:

Robert Cromwell, 2720 South Bellin, Idaho Falls, Idaho. Cromwell is a neighbor to the subject property. He came to learn about the process, and they do not have concerns with the annexation. He has shared a well with Brunson for 60 years and this will make clean ties so they can sell when the time comes.

Ihler closed the public hearing.

Meehan stated that when they annex property into the City it is often to provide city utilities and will have no effect on Cromwell.

Storer stated that if they have questions, the Commission can jot them down and they can try to answer at the end of testimony.

Ogden moved to recommend to the Mayor and City Council approval of the Annexation of 2.714 acres with initial zoning of R1, Single Dwelling Residential with the Controlled Development Airport Overlay.

Scott seconded the motion. Storer called for roll call vote: Ogden, yes; Scott, yes; Ihler, yes; Harger, yes; Scales, yes; Storer, yes; Meehan, yes. The motion passed unanimously.

2. ANX 25-005: ANNEXATION AND INITIAL ZONING OF R1 FOR 32.448 ACRES.

Ihler opened the public hearing.

Applicant: Neil Humphreys, Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, Idaho.

Humphreys represents Rockwell Homes. Humphreys stated that this parcel is south of existing Sunterra subdivision. There is external annexation along the right of way from 65th down to 5th West extending to the north. The purpose of the annexation is to facilitate development in the area and the annexation of the right of ways will help to facilitate connectivity for infrastructure. There is an existing City well on 65th South. Humphreys indicated that the City asked if they would help work with the County and developers to include the right of way with the application. They are requesting R1 for zoning.

Storer asked about the width of the right-of-way on 65th South. Humphreys indicated that the right of way will be 100' in total, with 50' either side of the center line.

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

Scott asked about the right of way and if the road would have to be updated to City standards. Long stated that right now it is a County right of way and 65th is an arterial, so it is the responsibility of the City to develop arterials, and it would need to be brought up to City standards. There are no plans by the City to bring that road to City standards at this moment.

Support/Opposition:

Peter Kelsch, 108 E 65th South, Idaho Falls, Idaho. Couch stated that rezoning this area out of agriculture into residential, will be a loss of agricultural ground forever. Idaho does not grant new water rights on agricultural land. Kelsch urged the Commission to not forget the breadbasket that southeast Idaho was built upon. There are plenty of other places to zone residential within City limits. Kelsch stated that to bring it out here to the fertile agricultural land should be reconsidered.

Ralph Herbert, 1455 E Lazy Lane, Idaho Falls, Idaho. Herbert lives Across from Sandy Downs. Herbert testified that he would like reduced density in this application. Herbert provided a printed power point to the Commission, and it is part of the record. Herbert will skim through the power point to stay within the time limits. Herbert stated that the average consumption of water for each individual house is 500 gallons per day. The Department of Water Resources has, as of July 2024, has declared a moratorium on any new uses of the Snake River Aquafer. Last year there is also additional information from the Idaho Department concerning Idaho Falls' new uses of water and requiring 100% mitigation of any additional water that is used. Herbert's concerns are that the density that is being asked for is directly in competition with the agricultural community in the effort to recharge the Snake River Aquafer. Herbert is asking for the application to reduce its density by 50% to 62 housing units. The request would comply better with offsetting County residents in that area. Herbert stated that it is a concern to be in competition and the City has the resources for compensation. Herbert stated that the influence of the wildlife and there is a significant amount of wildlife in that area. There are 54 protected species, in this area, including 26 species of interest and concern of birds and migratory wildlife. Herbert included a list of the species within his power point that is part of the record, including pictures of bald eagles, red tail hawks, geese, ducks, moose, and deer that have been taken in this area. The density that is being asked for is not conducive to the continuation of the species. Herbert spoke with Game and Fish, and they indicated that density matters and County densities are conducive. Herbert is concerned with the traffic. The County Extension Office is being used at a higher rate all the time. The horse trailers that fill the parking lot and side roads are continually being filled on a regular basis. Herbert stated that he has family that goes to the Extension Office for a bull sale and they bring the bulls in and typically they are carrying 10 bulls in a horse trailer, and their stopping distances are being challenged by the impact of urban populations on 65th. You slow down with your trailer; the drivers tailgate and cut you off. It is uncomfortable to drive and the etiquette of new populations that are not used to County considerations is a concern. The War Bonnett Round Up has

trailers and animals and it is a caution of having that traffic come in and then the additional population on 65th would cause a concern and the lower density would help with the impact of traffic.

Allan Kelsch 7466 South 15th West, Idaho Falls, Idaho Kelsch owns the property immediately to the west of the proposal for annexation and along 65th South that is proposed for annexation is the south border of the property. Kelsch is not speaking against the annexation, but the existing County utility right of way along 65th South has a large power line and there is a fiber optic line hung on the power poles that is extremely low. Kelsch stated that when the City came in and originally installed the fiber optic lines there was no input or anything asked to install those and they installed them to the point that they are just a little over 11' off the ground. Kelsch has been to City Power to get those raised and they are given excuses. Kelsch stated that it has been a burden for his farming operation to farm around the fiber optic lines because they are so low. Kelsch stated that they did accidentally clip the fiber optic line this year. The City sent Kelsch a bill for over \$8,000 to fix the line. Kelsch stated that the City Power's excuse is that it is too expensive to bury the line and that is why it is hung on the power poles. Kelsch did pay the City, but is asking this Commission, with this annexation of 65th that the City bury the fiber optic line so they can continue their agriculture operation into the future as they are not planning to develop any time soon. Kelsch does not want to pay for another fiber optic line that gets broke. Kelsch stated that the City did attempt to raise the line in that location, but it is still dangerously low. Kelsch has checked laws and zoning and there is conflict between 11-15' but if it could go to 15' it would be great, but the City says they cannot do it because of the power line restrictions. The other option is to bury the line. Kelsch is asking the Commission to recommend to the City upon annexation to move the overhead fiber optic line and bury it, so it is safe.

David Griffil, 6145 South View Ave., Idaho Falls, Idaho. Griffil echoes and dittos Herbert's comments and concerns.

Peter Kelsch 108 E 65th South, Idaho Falls, Idaho. Kelsch wants to back up Herbert's statements as he has multiple photos of red tail hawks, bald eagles, coyotes, etc. Kelsch wants an endangered species study done before annexation.

Lynette Lenon 6021 South View Ave., Idaho Falls, Idaho. Lenon dittos everything about the water table. Lenon indicated that they have to dig their own wells and they don't want to have to dig deeper and that is expensive. They bought their lot 20 years ago and would like to keep the wildlife in the area, and she would like 50% of the housing proposed and some additional green space between their subdivision and the new subdivision for wildlife.

Beck indicated that some of the comments being made are geared towards the next section so as they contemplate whether this should be annexed, focus on things that pertain to the annexation, and consider the additional comments during the preliminary plat.

Jim Johnson 398 Hallmark Drive, Idaho Falls, Idaho. Johnson stated that he has 1 acre lots within Hallmark Estates. Johnson stated that this application will put 3 houses at the backs of each county lots and 4 houses on the side lots, one neighbor will have 7 homes looking into this lot. It is not reasonable and it devalues the property with small homes. Johnson seconded Herbert's comments regarding the use of water and the protection of the animals. Johnson would like to change this to not put so many homes on the agricultural areas.

There was some discussion between staff, Ihler, and Beck about what is the correct way to open/close the public hearing and rebuttal options for the applicant. Beutler stated that there is no limitation to discussion with applicants and staff after the closing of the public hearing.

Applicant: Neil Humphreys, 1331 Fremont Ave., Eagle Rock Engineering. Humphreys stated that they are trying to make an effort to balance affordable housing with the adjacent properties. The density that they are seeking is one of the least dense things that Idaho Falls offers. He understands the neighbors' concerns with density. Humphreys stated that the right of way and traffic concerns are understandable and with this annexation it will allow City of Idaho Falls to control how the roadways are developed and built out. The annexation should increase the road capacity and safety on the adjacent roadways. The concerns about the

property being agricultural are understandable, but the property owners have property rights, and they are meeting local jurisdictional standards and codes, and this is a good application.

Ihler asked about the water situation and asked if all the lots will be connected to City services. Humphreys stated that there are existing surface water rights. The potable water use will come from the City water supply, and all of the lawn water will need to use surface water rights that are the same they have now to water the ag land.

Ihler closed the public hearing.

Ogden asked if the commission added a condition about the fiber optic line who would be in charge of that cost. Beutler stated that it would be inappropriate during annexation to make a condition and it would be part of the subdivision process in the final subdivision process with a note to staff to look into that and possibly add it to the development agreement. Storer added that it would be brought to the City Council and City Council would be very mindful of the concern.

Ihler added that by it being annexed by the City it does give them more flexibility and control to adjust some things. Ihler feels that City Council would love to hear about the fiberoptic concern. Scott stated that there must be access to the parcel from 65th and does he have to get all his equipment through the 11' line.

Beutler stated that the Commissioners can ask questions, but the questions need to go through the chair.

Peter Kelsch 108 E 65th South, Idaho Falls, Idaho. Kelsch stated that the center red line that goes from the fire station is the highest part of the cable. When he moves equipment, he has to stop and unbolt and fold everything in to get under the cable. It causes him to block the road on a road that is 50 mph. Couch stated that the fiberoptic cable is about 12' high and his equipment reaches to 14' high and that pertains to the next 1.5 miles west on 65th and it is a hinderance on all of the farm ground.

Ogden stated that the annexation is only a small portion to the east of the property that is being farmed and any work that would be done as a final plat would be impacted on that section and not the section that is being farmed. Ogden doesn't feel that they can hold this annexation up based on the fiber optic. Ogden doesn't disagree with the issue but doesn't feel it can be addressed with the annexation.

Scott asked Humphreys about the surface water rights for lawn irrigation and asked where the access is for that water. Humphreys showed on the map in the corner leg of the canal with the existing pump in the previous development and a pressure line runs on the back half of the lots and delivers water to the field on the northwest corner. Scott asked if the water is metered, or what regulates the amount of use. Humphreys stated that they work with Idaho Irrigation for the final plat approval and they review the pump and location and points of diversion and that has to be signed off by Idaho Irrigation. The pumps are designed to limit output. The system is capped from a mechanical standpoint. Scott confirmed that there would be no more water used for residential purposes than for agricultural purposes. Humphreys agreed that 8.97 gallons per acre per minute is all that is allowed.

Beck stated that a lot of the questions are likely part of the preliminary plat. Someone from the audience had a question about what Ogden said about the fiber optic line not being part of the annexation.

Ogden stated that he did not say that it was not part of the annexation as he was talking about the fiber optic line not being part of the annexation.

Meehan clarified that there are 2 public hearing items on the agenda, one with the annexation and one with the preliminary plat.

Ihler is going back and forth between whether it should be R1 or a lower density. Ihler looked at the context of the entire area, and there is R1 up against larger County subdivisions and also RP zone against larger County subdivision lots. Ihler considered rezoning some of the property along Hallmark Estates to be RP. Ihler stated that there are examples of both against existing County neighborhoods. Ihler stated that the RP Zone has a

minimum lot size of 12,000 square feet which is 1/3 of an acre. Ihler is unsure if suggesting a different zone would work as some people will still think that it is too high of a density.

Harger had the same thought looking at the surrounding areas and there is a mix of R1 and RP and because this is up against the County line that it would be appropriate to consider looking at the RP Zone for the annexation. Harger feels that the lesser zone would mitigate the amount of impact.

Ogden does understand the concern of a new development neighboring a County development. Ogden stated that there is contiguous R1 and he has no concern with R1 being the zoning for the entire parcel.

Storer agrees with Ogden that what you are looking at is suburban growth and that is driven by market conditions. Storer wants them to look at whether they want to develop in City or County and the controls with water, sewer, are better than having the property developed in the County as an urban area. Storer agrees with Ogden. The concerns being raised by County residents, he feels they will have better luck with the City addressing those concerns.

Scott agreed with Storer.

Meehan agreed with Ogden that this is a rare instance that they have a developer requesting annexation of R1 which is lower density residential. Meehan stated that this is lower density for what the Commission has seen recently. Meehan has no issue with R1 the entire way.

Storer stated that they should see a decrease in the amount of water used and the ground water will stay the same.

Meehan moved to recommend to the Mayor and City Council approval of the Annexation of 38.450 acres with initial zoning of R1, Single Dwelling Residential with the Controlled Development Airport Overlay Zone. Storer seconded the motion. Ihler called for roll call vote: Ogden, yes; Scales, yes; Scott, yes; Meehan, yes; Ihler, yes; Storer, yes; Harger, yes. The motion passed unanimously.

3. PLT 25-034: PRELIMINARY PLAT FOR ARBOR ESTATES.

Ihler opened the public hearing.

Applicant: Neil Humphreys Eagle Rock Engineering, 1331 Fremont Ave, Idaho Falls, Idaho. Humphreys stated that a portion of the northern area was annexed in 2006 and the remaining portion that was part of the previous annexation. The preliminary plat has 50+ acres, 126 lots 123 buildable ¼ acre for buildable lots. Connectivity is provided on Holmes east and 65th South and connectivity into Sunterra Subdivision on the North and through Hallmark Estates and the road stubs will be provided to the west. Humphreys stated that there is a proposed religious institution lot off of Holmes on the north side. They hosted a neighborhood meeting, and they listened to feedback and talked with Rockwell. Rockwell increased lot size that reduced the number of lots along Hallmark Estates. The lots are larger in the majority of the preliminary Plat. Fences are not something that they will provide, but the homeowners can put in their own fence if they desire. Utilities will be connected to existing water in Sunterra and also bring a line ¼ mile to the east down 65th South to increase potable water. Sewer is connected on 65th South. Turn lanes for traffic will be provided and are shown in the plat. Improvements will be made on Holmes and 65th South so the additional traffic flow will be taken care of. Public Works will review the plans.

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

Meehan asked about the 4-way intersections within the property and what traffic controls will be in place. Long stated that they have not gotten to that point and those will be determined by the City Engineer.

Scales asked about the turn lanes on South Holmes and no left-hand turn traveling east to the property. Long stated that the comment has been made and technical reviews are ongoing and that comment has been made and the final plat will have that. Beutler stated that there is a left turn lane on this drawing and the arrows are blocked by the property lines. Scales clarified that they are talking about 65th heading east on 65th. Long again agreed it has been noted.

Ihler stated that 65th South did adopt a new access management plan and 65th was designated a strategic arterial which means that the intersection distances have to be x distance apart. Ihler asked if that was taken into consideration when they planned to stub into 65th for this development. Long stated that it has been discussed and the access for this was in a different spot and to meet the access management they rearranged the access.

Meehan stated and Long confirmed that the church does not have access to Holmes.

Support/Opposition:

Karen Crapo Harris, 558 Countryside Lane, Idaho Falls. Harris asked again that they reconsider the density. It will change their lives drastically and asked the commission to reduce it by 50%. They would like more details on the water. The neighborhood meeting talked about a water pit, and the prior development was done improperly and so the north development all drains to the water pit in this development, and this seems crazy because there was an error and this new development will have all the water and it will create a water problem. Harris would like to see a park. She would like a nice development with 50% less density and a park.

Neil Klinger, 6076 Southview, Idaho Falls, Idaho. Klinger has a great view on farmland. Klinger is concerned about safety and the new traffic going through the neighborhood will be a safety concern for children. He would like to reconsider changes in density and speed in this area. Klinger is concerned about the children and how to accommodate the education for the children in the new development. Klinger stated that as development grows, you lose wildlife in the area. Klinger would like a less dense development. Klinger would like fencing so there is not a loss of privacy with the homes behind their property. Klinger asked the Commission to accommodate concerns.

David Griffil, 6145 Southview, Idaho Falls, Idaho. Griffil urged the Commission to consider a lower density of housing in this area, with a graduated density with lower density against their subdivision and higher density farther out. Griffil understands the affordable housing issue. Griffil asked about the number of apartment complexes that are supposed to be affordable housing and how much affordable housing do they need and what are the occupancy levels of the current development that have gone on with the apartments. Griffil asked where the need arises from. Griffil stated that lower density along their boundary would be suitable.

Peter Kelsch, 108 E 65th South, Idaho Falls, Idaho. Kelsch is in the middle of the 1 mile, and this subdivision will put another major turn off 65th into a subdivision and there is one ½ mile to the west on Columbia. Kelsch stated that 65th needs to be 35 mph not 50 mph as it is dangerous at that speed. Kelsch asked for a traffic study and 35 mph just like the stretch of 65th one mile west.

Ralph Herbert, 1455 E Lindsey Lane, Idaho Falls, Idaho. Herbert stated that his concerns with the Snake River Aquifer didn't refer to surface water, it was to potable water. Herbert stated that the potable water is accessed from the City, they are still responsible for new development and compensation for every gallon that is being taken. Herbert stated that in the future that needs to be reconsidered. The resource in potable water is a limited resource, and the competition and increased density is limited, and the aquifer has limited access. Herbert is an educated petroleum engineer, and his management of water pressure and reservoirs has lasted for 45 years, and he has been in mitigation for those resources. Herbert stated that they are responsible for the recharge and the mitigations that have been defined come short there will be additional mitigations for any additional resources for that water and density has a direct effect and future densities for that. He understands the need for additional housing, but the resources are limited. Herbert stated that his experience in the oil field gives him insight on impacts of endangered species and the list Herbert provided the Commission is serious. Herbert stated that he worked and dealt with the impacts of having eagles, red tail hawks, and the mitigations that were necessary for those species and densities and the request for those densities are appropriate.

Scott Cook, 6990 South Lindsey Ave., Idaho Falls, Idaho. Cook is concerned with the water. Cook stated that most of the wells are 100-200 feet and the well that the City drilled is 400-500 deep and if the aquifer is drawn down it will affect his well. The City well has a huge pump and more people using it will draw the aquifer down.

Jim Johnson 398 Hallmark Drive, Idaho Falls, Idaho. Johnson is confused about the water they are using for the land. Johnson stated that they have an 8" line that pulls it out of the canal and comes across on 49th and this new subdivision cannot use it. Johnson asked if they are only getting 8 gallons a minute how are they going to serve that many people to water lawns? Johnson stated that they will be in a bind as people will use their home water to water lawns and that it will be more than a 500-gallon draw per home. Johnson stated that density is the big issue. Johnson stated that they want to go little because that is where the money is coming and they want to buy less of a home that is affordable. Johnson asked again to think about the water situation and bring it to the Council and get it worked out so it is workable.

Nate Clark, Rockwell Homes, 3539 Briar Creek Lane, Ammon, Idaho. Clark stated that per state law any property over ½ acre has to be watered by surface water and anything in the City limits that is connected to drinkable water, the landscape or green space cannot be watered by ground water. Any development that has access to surface water, you have to set up a separate pumping system, and every single home has a connection to each residence and the sprinkler lines have to be run off of that system. Clark stated that the church and school district property will be watered by specific surface water rights that will be pumped from the ditch. They are not using an existing system; they have to use a new system that pumps on demand. They have a watering system for addresses to pull the correct amount of water, and this is being enforced at a State level because of the concerns of the water table. Clark stated that they have to abide by every single rule and legality that the municipality provides and they have done that. Clark stated that they have held a neighborhood meeting and they want to help the neighbors understand the plan and the goal. During the meeting there was a concern about the density and the density they provided in this preliminary plat is less. After listening to the residents in the Hallmark Estates, they took 2 of the lots and removed the lots from the bordering Hallmark subdivision and increased the size of the remaining lots around 5 existing homes. Clark stated that they will not put in fencing, but the homeowners can provide fencing if they wish after the home is built. Clark wants to be a good neighbor and be a local developer, but they have to develop where there are City services.

Dave Giffil, 6145 Southview, Idaho Falls, Idaho Griffil is concerned that the surface water coming out of the irrigation ditches is associated with the water right that comes with the ground, but he would like the Commission to look into where the water right lay with other water rights further down the valley including the Magic Valley. When water starts to run short, they are going to cut off water rights, and they will shut you down and you are not allowed to irrigate lawns. Will the City then step up and say that they can use culinary water to water the grass on their lot? This will be a dramatic water season this year with lack of snow fall and water rights can be curtailed until environmental circumstances change.

Alan Kelsch, 108 E 65th South, Idaho Falls, Idaho. Kelsch served as the Chairman of Idaho Irrigation District. Kelsch echoed Clark that they have been working with the Irrigation District to service this residential through the irrigation rights with existing rights. They have not resolved how they are getting the water to the development and they have a right from the north through the existing subdivision. The City has to maintain the line from the north. They are working with the City and Rockwell to bring it down 65th and it is a huge challenge. Kelsch stated the ground water is diminishing and they had to re-drill their domestic well as it went dry at 140' and cost \$28,000 to redrill. They need recharge back into the aquifer. The water rights for the ground, Idaho has a senior water right, and it still could be curtailed this year. The residential will be curtailed with the ag land they have existing rights and it will be curtailed at the same percentage. Kelsch stated that the preliminary plat shows 3 stubs to the west into his property, and he suggested moving the stub further to the north, so the Hallmark Estates doesn't have as much traffic. 30-40 years from now it may develop and if the stub is further north there would be less of a straight street for the traffic moving through. Kelsch thought there were only 2 stubs to the north in the previous plat and now there are 3.

Lynette Lenon, 6021 Southview Ave., Idaho Falls, Idaho. Lenon appreciated Rockwell meeting with the neighborhood, and they did reduce the lots around some of the neighbors. They were the 1st to buy in that subdivision 20 years ago, and they were told that everything around the neighborhood would be like in size and graduate as they go to the center. It is now a new owner, and they are disappointed with the development patterns. She feels that larger lots would be better and warranted. The strip of grass that they moved was supposed to be behind the neighbors in Hallmark and not on the corner of 65th, and they said because of

elevation, they would have to pump it to the original location, which would also act as a park. Lenon asked if they could switch the water retention pond back to where it was originally placed. Lenon stated that the traffic is going to be a pain with the school. Lenon stated that they have foxes, racoons, elk and the denser they develop the animals will go away. Lenon asked again for cutting down the density.

Applicant: Neil Humphreys Eagle Rock Engineering, 1331 Fremont, Idaho Falls, Idaho. Humphreys stated the storm drainage pond lot is in the southwest corner of the preliminary plat for storm water. Humphreys stated that the mistake indicated in Sunterra subdivision is due to a pause in development not a mistake and they are picking up the storm water from the subdivisions to the north. The pond location is slightly different but still within the boundary of this preliminary plat. The location is because they did not think it was ideal to have as many homes off of what would be a future arterial, and because the property naturally drains from the northeast to the southwest, so a storm pond in lowest portion of the area makes sense from an engineering standpoint. Humphreys stated that Clark addressed density and that was also talked about in the annexation. Humphreys stated that they worked closely with staff and Rockwell has gone over and above to make this preliminary plat work on the first try. Humphreys does understand the concern but the roads in Hallmark were stubbed for connectivity, and they will continue to stub out so as the City continues to grow, they are not painted into a corner. The northwest stub does not go into Kelsh property it goes into an existing subdivision. The R1 zone does not require a buffer, and Rockwell has decreased the lot size and has given a reasonable buffer while still utilizing the land for the best and highest use.

Ihler closed the public hearing.

Ihler asked staff if in the R1 zone is green space a requirement. Long stated that there is no requirement as these are all individual lots and no green space requirements.

Meehan asked about the question on parks and asked if the City is developing a park in this area. Long had no knowledge of a park in the area from the City.

Ihler asked about the speed limit on 65th and who can the residents talk to about that issue as speed limit is not a preliminary plat issue. Long and Beutler agreed that the road has been County road and the County has been setting the speed, but Public Works and City Engineer will determine speed limit after annexation.

Meehan views the road stubs as a positive thing to promote connectivity through neighborhoods for the future. Meehan would like the City to address traffic controls on the interior straight roads. Meehan doesn't think the people on Southview would see additional traffic and the layout as proposed will not promote through traffic from new houses onto Southview Ave. Meehan feels Hallmark will see additional traffic as people exit to a major road and head east.

Ihler stated that a lot of people in the neighborhood will be traveling to Holmes and heading north and there is good access provided to get to Holmes. Ihler thinks that they will go down Hallmark if they are one of the 6-10 homes near the end of Hallmark. Ihler feels that this has several good options and has no problem with connectivity. Storer added that speed limit and traffic safety committee will have to address that and to ensure safety and the tendency is to get out of residential to bigger streets.

Ihler stated that he does not know how to increase the lot sizes along the neighboring houses as the zone is max 12,000 square feet and he doesn't know how much of a difference that would make.

Meehan stated that they recommended earlier that this should be zoned R1 and it would be unfair to come to the developer to not approve the plat based on lot size. Ihler stated that they could ask for the lot sizes to be pushed up to 12,000 square feet. Meehan stated that the R1 has a minimum lot size of 7,000 and maximum of 13,500 square feet. Ihler stated that there are several lots that are over 13,500 on corners in this development. The developer has tried to utilize bigger lots on the corners.

Storer stated that growth is a compromise and never a win for everyone. Storer feels that the comments given show the developer is making reasonable efforts to accommodate the issues raised. The water issue is a concern, and it is not the type of issue that is looked at during preliminary plats.

Ihler stated that the developer has met all requirements for this preliminary plat. Ihler stated that water has a lot of stake holders and urged neighbors to reach out for clarification.

Scott stated that there could be a curtailment of surface water and Scott asked if people run a hose out of culinary water what the City will do to enforce that rule.

Beck stated that the water rights do not come into play with today's decision and the decision needs to be made on zoning code and comprehensive plan. Beck stated that water rights are a big concern.

Storer stated that the City does have the ability to issue curtailment orders and that the City Code and City Council should be sensitive to that issue.

Ogden stated that he owns a 2-acre property north of this development water is a big concern all the time. Ogden stated that the impact of water usage is far greater on the 1 acre lots, than anything that will be in this neighborhood. Ogden feels the same that if water is scarce, there will be dry yards. It is a sacrifice to make when living in a desert. Everyone will feel it, not just one or two developments. Beck added that the curtailment order will not just be for one subdivision, it will be for the entire City, and it will not affect County residents.

Ogden moved to approve the Preliminary Plat for Arbor Estates as presented. Meehan seconded the motion. Ihler called for roll call vote: Ogden, yes; Scales, yes; Scott, yes; Meehan, yes; Ihler, yes; Storer, yes; Harger, yes. The motion passed unanimously.

Meehan stated that there are valid concerns raised tonight with school capacity, water usage, utility easements, etc. They are valid concerns and some of those things fall outside of the purview of the Commission. The decision made is based on Comprehensive Plan and Zoning Code. The next vote is a reasoned statement of relevant criteria and standards. It does not make the concerns less valid, it only states that it does not affect the decision.

Ihler added that City Council does read all of the comments and the zoning/annexation will go to City Council and the public can address more concerns to the City Council.

Scales asked about Number 3, as the lot number differs from what was presented. Long stated 128 lots 123 buildable and that is correct. Scales stated that the developer presented 126 and 122.

There was confusion about Scales making a motion on the Reasoned Statement of Relevant Criteria. Scales indicated that she made a motion to make a record of note. Meehan seconded Scales motion. Ihler called for roll all vote: Ogden, yes; Scales, yes; Scott, yes; Meehan, yes; Ihler, yes; Storer, yes; Harger, yes. The motion passed.

Long added that the copy in the staff report of the Reasoned Statement of Relevant Criteria, is the latest from the developer with 128 lots and 123 buildable, the applicant could have misspoke.

Ihler asked for a motion on Reasoned Statement of Relevant Criteria and Standards.

Scales moved to Accept the Reasoned Statement of Relevant Criteria and Standards.

Recording Secretary asked for clarification as to what the previous motion was for. Ihler indicated that it was to make a note of the change before they did the full fledge thing, but if it counted then that is fine. Recording Secretary asked Scales what her intention was. Scales indicated that her intention was to note that there was a discrepancy in the information presented at the beginning versus what was recommended from staff. Recording Secretary asked if a motion is necessary for that. No motion is needed for a change.

Beck suggested, to make the record clear, they do a different vote for the motion on the Reasoned Statement of Relevant Criteria and Standards.

Scales moved to accept the Reasoned Statement of Relevant Criteria and Standards, Meehan seconded the motion. Ogden, yes; Scales, yes; Scott, yes; Meehan, yes; Ihler, yes; Storer, yes; Harger, yes. The motion passed unanimously.

Ihler called for a 5-minute recess.

Ihler called the meeting back to order at 9:16

4. PLT 25-033: PRELIMINARY PLAT FOR ALPINE RIDGE.

Ihler opened the public hearing.

Applicant: Neil Humphreys, Eagle Rock Engineering, 1331 Fremont Ave., Idaho Falls, Idaho.

Humphreys presented Alpine Ridge Preliminary Plat. They are proposing larger lots with connectivity and proposed City right of way through Ronald Avenue, and new road Gordon Avenue on southwest. Ronald will connect to existing right of way on the west side that goes through commercial industrial development and will provide connectivity between that and Holmes. Gordon Ave will extend down off Boge to a knuckle that has a stub with the intent of connectivity to Anderson in the future. The developer has gone back and forth for years and now he is going to do larger lots and sell the lots. There could be amended preliminary plats in the future depending on who buys the lots. There is a proposed turn lane off Holmes into Ronald Ave.

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

Meehan stated that the preliminary lots are labeled as proposed future uses (Commercial/Residential), and not a part of the plat as labeled, they are simply proposed future uses, not actual zones. Stephens agreed that the zoning will stay the same, HC where the pink area is, and LC where the red area is. As the developers come to the City staff this is potential phasing that will be addressed as they bring in divisions. They would potentially start at the northern boundary and work to the south. The initial plan is to build roads and see what happens after that.

Support/Opposition: No one appeared.

Ihler closed the public hearing.

Ogden has no concerns and doesn't feel that this is a volatile situation to discuss.

Ogden moved to approve the Preliminary Plat for Alpine Ridge as presented, as well as acceptance of the Reasoned Statement of Relevant Criteria and Standards. Scott seconded the motion. Ihler called for roll call vote: Ogden, yes; Scales, yes; Scott, yes; Meehan, yes; Ihler, yes; Storer, yes; Harger, yes. The motion passed unanimously.

5. VAR 26-001: VARIANCE TO REDUCE THE MINIMUM 50 FOOT LOT FRONTAGE ONTO A PUBLIC STREET TO ZERO.

Ihler opened the public hearing.

Applicant: Clint Jolley, HLE 101 South Park Ave., Idaho Falls, Idaho. Jolley stated that they have a unique lot and the lots have frontage, but the frontage is Hwy 20 Off Ramp, and Science Center Drive that they cannot access. When they did the original south development, they designed it so the two south access points are on the east side and west side so it would meet fire code. They are trying to go onto the next phase, and the staff reminded them that they have to have 50' of frontage. They are asking for a variance and eliminate the variance since the roads are not accessible.

Ihler asked how wide they would be.

Jolley stated that they are moving in phases and it is a unique property, so they have to take it in little chunks because it is expensive to develop. Meehan asked if the variance is for a specific portion or the entire property. Jolley stated that it is the entire property.

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

Storer stated that this is very unusual as he has never seen an application for a variance without a preliminary plat or final plat and that is unusual because you don't have context under which you can consider whether or not the variance is warranted because you do not have the plat. Storer stated that they are asking for approval of a variance in the abstract and he has a problem with that, as he cannot see what the variance is relative to. Storer is concerned with the lack of access and the lack of Definity and just a sketch of what they are approving. Storer would rather see a preliminary plat so that they can see how that variance would be applied. This is an unusual piece of ground. There used to be a lake in this area, and it is full of basalt and a difficult piece to develop. Storer stated that the frontage issue is a safety issue and can they get police and ambulance into the interior of the development. Storer stated that there are a couple of observations he has made. They approved a plat beside this piece that has access to Science Center and one of the logical solutions would be to partner with that access, so you do have access to Science Center Drive.

Jolley stated that it is the school, and then the other development. Storer asked if they have looked at the second access onto Anderson. Jolley stated they do have 2 access points to Anderson with a cross-access easement. Jolley stated that they are not required to submit a preliminary plat and they are going straight to final and this problem arose during the final plat. Storer asked why they cannot submit a preliminary so that Storer can see the access points. Jolley stated that the existing access easements are shown in the application. Jolley stated that every time they submit Fire dictates that they have correct access for emergency vehicles. Jolley stated and attempted to reassure Storer that it gets looked at for safety and they cannot get approved for the next phase if they do not meet the requirements. Jolley stated that on a preliminary plat they do not show cross access easements. Storer stated that they would show a dedicated street and the width of those streets. Storer doesn't feel the sketch the applicant is using shows much of anything. Storer is concerned. Jolley stated that there are no public streets, only drive isle access to each lot. Storer understands it is a difficult piece of property but is hesitant to approve a variance in the abstract.

Ogden indicated to Storer that you need a variance to get a final plat. Ogden has no concerns or issues with cross-access easements, and there are no public roads in this area. Ogden feels that they are concerning themselves too much whether this is preliminary or not. Ogden does not feel concern. Ogden stated that they are approving a variance to not have 50' of frontage. Storer stated that he does not know the width of the access, and where they are going to be. Ogden indicated that they are listed and clearly drawn. Storer stated that the drawing means nothing, it is just a drawing. Ogden stated that it is the same as what a preliminary plat would be.

Ihler suggested deliberating after the public hearing.

Beutler continued with the staff report.

Ihler clarified that this lot is in a residential zone, so it is a residential subdivision. Each residential lot has to have 50' access and this lot doesn't and so they are relying on the cross-access easements. They are looking for a variance to use the cross-access easements. Beutler clarified that it is 50' of frontage on a dedicated street (Science Center and Hwy), but there is no access. The real question is in order to lay out a subdivision that would function at higher density or commercial use, you would end up with smaller lot configurations where the internal lots do not have frontage on any right of way. The other lots meet the minimum standard and have frontage. They are considering whether it is ok to have internal lots that do not have any frontage similar to a commercial park.

Meehan stated that the variance is granted for the 2 southern potential divisions as the northern 3 have the frontage but no access. Access to the entire lot comes from cross-access easements.

Harger asked for clarification that the variance is for the internal lots within the subdivision could it be said that the applicant can develop the lot with only 3 parcels so it would have the frontage. Harger asked if they are prohibited from development without the variance, or could they create fewer lots. Beutler agreed that currently they could develop the property with frontage and the challenge is deep narrow lots that create additional challenges with development and fire code.

Support/Opposition: No one appeared.

Ihler closed the public hearing.

Ihler stated that this is only happening because of the zone, and if it were LC the cross-access easements would be fine, but because it is residential they need the variance. Ihler stated that LC and R3A are very similar. Ihler is ok with the variance.

Meehan stated that the expected uses would be allowed in the LC zone and granting a variance to something that would be allowed in LC doesn't give him concern. Beutler stated that the minimum requirement is frontage in the zoning ordinance, and the fire code requires access. Meehan stated that they do have access through cross-access easement. Meehan stated that this is a challenge and evolving codes over time has created problems for this property. Meehan stated that if they want to promote infill granting variance is the way to do it.

Scott is not sure on this. Scott stated that he has not been impressed with the attempt to develop this property. Scott stated that the City is attempting to utilize infill, but not every piece of property is the highest and best use. Scott is not in a hurry to see this property develop as he feels there is better use for it. Scott will likely vote to approve the variance but is not comfortable with it.

Storer stated that his concern is with respect to procedure as they are asking for a variance to a subdivision ordinance, but no plat is in front of the Commission to look at the variance. A Preliminary Plat would show easements, width, and access to Anderson. Storer states that the property is unique enough to allow variance, but he finds it difficult to approve variance in abstract with only a sketch.

Ihler understands Storer's concern, but he understands that the variance, because of the topography, they do not know how it will develop and the variance will give them a workable final plat. The variance gives them the tools to bring a final plat to the Commission.

Storer stated that all they have is a sketch and the Commission would be saying that there is probable cause to grant the variance. One criterion to approve a variance is to not compromise public safety and without a plat he cannot determine if public safety is being compromised. Storer doesn't see a reason they cannot have a preliminary plat to show that public safety is taken care of, and without knowing where the access points will be and they only have a sketch. Ihler stated that they have existing current cross access easements and asked Storer why they don't work for him. Storer stated that it is not a plat, it is just a sketch. Ihler stated that these are existing cross-access easements that run through the southern lot currently the variance would allow them to continue the cross-access easements that already exist on the 1st phase.

Ogden stated that Storer's concerns are valid, but staff stated that they cannot have a preliminary plat because there are no dedicated public roads, so the desire for a preliminary plat is moot because you cannot have one. Storer doesn't understand why they cannot have a plat. Ogden stated that there are no dedicated roads in this parcel, and that is when you get a preliminary plat. Storer stated that the purpose of the plat is to get a preliminary indication from both this body as well as City Council so you can see it. Ogden agreed but stated that there are not public roads, so no preliminary plat is available. They cannot get a final plat because the City cannot bring a final plat with an unapproved variance. They have to grant variance and allow some uniqueness to this property so they can get the final plat and then they can debate all the concerns. The willingness to grant a variance does not finalize anything with this property.

Meehan stated that there is no plat that could be brought to the Commission that would satisfy the zoning codes because it does not have road frontage. Storer stated that he understands that and that is why you grant the variance. Meehan agreed that they need to grant the variance. Storer stated that you do not grant the variance without the preliminary plat. Meehan feels that Storer's concerns would be satisfied, as they are not doing anything that would grant a variance to access (public safety), when they do get a plat to review, they can then discuss the access points. Storer stated that they are asking for a variance to the subdivision ordinance.

Scales stated that 10-1-13 and the variances and process, they have met the threshold for that code, there is no outright disagreement for health and safety called out as a preliminary need for seeking a variance. Health and Safety is not called out as a consideration. Scales stated that the variance is the least deviation. Scales stated that if this were LC this would be a non-conversation and looking at NO. 6. the variance is not contrary to the law or code. Scales stated that this is unique. Scales knows they will see a final plat at some point. Storer stated that 10-1-13 subparagraph b(5) "Granting of the variance is not likely to be substantially detrimental to the public safety, health or welfare." That finding has to be made that granting the variance cannot compromise public safety. Storer cannot make that determination in the absence of a plat. Storer stated that it is a timing issue to alleviate the possible public safety issue.

Scott stated that it does state that "strict compliance, extraordinary hardship and it will substantially preclude development of the property. Scott asked if there are no developmental options other than a variance like a rezone to LC or a different lot layout. Ihler stated that they could, but they have it zoned R3A, so it is their right to explore the zone they have. Scott asked if they don't allow variance, will it preclude development, or cause them to develop in a different way. Ihler stated that sending commercial traffic through an apartment complex and a school is not a good development pattern. Ihler stated that they have the right to try and make the residential zone work.

Storer stated that the subsection states that "a variance may be granted only upon an express finding that all of the conditions are made." Storer doesn't think that they have the evidence to make the claim. Storer stated that they only have a simple sketch and no testimony or evidence to support that, finding that you can then grant the variance. If you are granting it in the absence of having evidentiary record to support the finding, that is a procedural issue that you are granting it on a portion of the record.

Harger feels that this property can be developed without the variance and they want more flexibility in plating and maximize the number of lots. Harger asked if that meets the finding that they could develop the property just not in the way the sketch is laid out.

Ogden is comfortable with the 10-1-13 that the information provided satisfies what he needs to grant a variance.

Ogden moved to recommend to the Mayor and City Council approval of the Variance to Reduce the Minimum 50 Foot Lot Frontage onto a Public Street to Zero. Scales seconded the motion. Ihler called for roll call vote: Ogden, yes; Scales, yes; Scott, no; Meehan, yes; Ihler, yes; Storer, no; Harger, no. The motion passed 4-3.

Business:

6. PLT 25-035: FINAL PLAT FOR HODSON ADDITION, SECOND AMENDED.

Applicant: Unavailable to appear.

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

Ogden asked if this is in a Redevelopment District. Peterson indicated it is not.

Meehan moved to recommend to the Mayor and City Council approval of the Final Plat for Hodson Addition, Second Amended. Scott seconded the motion. Ihler called for roll call vote: Ogden, yes; Scales, yes; Scott, yes; Meehan, yes; Ihler, yes; Storer, yes; Harger, yes. The motion passed unanimously.

7. PLT 24-059: FINAL PLAT EXTENSION FOR PETERSON PLACE DIVISION 1.

Long presented the staff report. She gave a brief tutorial on how extensions work and why they are required. Long indicated that they are close to the year time frame on this property and are waiting on a development agreement and they do not want to rush this development. Habitat For Humanity has a new executive director and they want to be able to work through this with no rush. Ernest Drive is on City property and does connect

to Peterson Place. Ernest Drive was on FAA property and that had to be worked through. It is ready for City Council after the development agreement is completed.

Ihler likes the idea to extend to not rush the developer.

Scales stated that she is aware of a previous brownfield location on this property and asked if that has been addressed. Long state that Habitat for Humanity likely addressed that. Scales stated that she would like that to be noted as an awareness for the land surveyor.

Scott moved to recommend approval of the Final Plat Extension for Peterson Place Division No. 1., Storer seconded the motion. The motion passed unanimously.

Beutler applauded the Commission for the meeting tonight.

The office will be doing a workshop/training with the City Council on February 23 3:00 p.m. on PUD and how to engage with them. The Mayor has asked for the Planning Commission to attend and be part of the conversation. It will be noticed as a meeting, and they need quorum in attendance.

Beutler stated that City Council changed their meeting from 7:30 - 6:30 and should this Board change their time to 6:30. Beutler asked for conversation, thumbs up, etc.

Ihler asked the Commission to discuss it at the next meeting and give the Commission to talk about it together. Beutler will add it as a discussion item for next meeting.

Meehan is in favor. Beutler will have Ann send an email about changing the 6:30 start time and then they can work with legal to formally move the meeting time.

Next meeting is March 3, 2026.

Adjourned at 10:20 p.m.

Respectfully Submitted

Beckie Thompson, Recorder