

From: Address of Sender

To City of Ammon,

Date

We thank you in advance for reading our testimony and believe you will see many if not all of our comments as valid, factual, and important. The fundamental question of annexation and rezoning of the Rocking R Subdivision and Commercial Development is: Will the change encourage the most appropriate use of the land, and will rezoning it to R-1 and HC-1 be parallel with strategies that strengthen our community, so that people in our communities can thrive?

As concerned neighbors of 45th/Crowley and Sunnyside road would support annexation; however, we are **STRONGLY OPPOSED** to the land being rezoned to R-1 and HC-1. Please add our testimony for the public hearing for Planning and zoning Commission Meeting on May 6, 2020. Our property comprises almost the entire eastern border of the land proposal.

We respectfully ask for NO REZONING TO HC-1, in fact, we ask for NO COMMERCIAL ZONING at all. Rezoning the land to HC- 1 could be declared as “illegal spot zoning”, violates the 2018 City of Ammon Comprehensive Plan buffering plan, is an extreme zone level for what is proposed in the annexation documents and will not be parallel with strategies that strengthen our community, so that people in our communities can thrive. The nearest light commercial is about a mile away. The other 3 corners of the intersection are not currently in the City of Ammon, and any changes in their zoning could be many years away.

We request that the rezoning of the approximately 2.56 acres (111514 SF) to HC- 1 be denied and be rezoned as the remaining land or stay as it is now currently zoned. The developer can ask for the rezoning to commercial (preferably light commercial) when the phase 4 (approximately in 4 years) is ready to begin. We feel this is a fair decision on the city’s part because we do not know the future and what will happen to the large amount of non-annexed land surrounding the 2.56 acres. This would avoid “illegal spot zoning,” and at these unsure times can help better understand how this land will fit in the City of Ammon’s needs in four years. This will also allow for more time for studies and development of healthy designed infrastructures.

Neighbors most impacted by the rezoning are against rezoning the 17.9 acres to R-1 not because we are anti-growth but because we support smart, planned urban development. Our most compelling reasons to oppose Rocking R Subdivision development plan is it includes plans involving our property that we were unaware of, and would not agree to. The ditch along the east of the property line is used for irrigation. The survey of the land done in 2009 shows that at least half of the ditch belongs on our property. We would not agree to covering the ditch and putting a bike trail on it. In fact, the Progressive Irrigation district has an 8 foot easement and the Robertson Corner LLC should plan fences 8 feet from the ditch to protect small children from the canal. We also find the plan to rezone to R-1 is inappropriate with the neighborhood character, violates the City of Ammon’s comprehensive plan, and the plans will detrimentally impact our resources such as water, sewer, trash, traffic and schools. We recommend the rezoning be RE (Residence Estate Zone), and that proper and realistic studies at the expense of Robertson Corner LLC to address the issues before development begins.

The plan violates the *Policies Based on Existing Land Use Patterns*. (Please See 2018 City of Ammon Comprehensive Plan: Chapter 10 Pages 21-22). In Exhibit A found on page2 it shows the 17.9 acres in a yellow outline and how the parcel borders private property with lots size from 3 to 15 acers. The homes across the street are also one acre or more. The homes around the parcel are on larger lots, most with at least an acre of land. When you travel as far as half a mile from the parcel you will find homes defined as low density. (See Exhibits B) The rezoning request of R-1 violates the character of the neighborhood. Low density is a natural feature of this area. Many in this community moved to this area to be in a low density community. We feel strongly about open space, our investment in our land, and in our homes. We have the right to enjoy low air and noise pollution and don’t mind a longer drive into town. Our right to have our land surrounded by low density community is found not just in the 2018 City of Ammon Comprehensive Plan, but in *Idaho Code 67-6502* “(h) To ensure that the development on land is commensurate with the physical characteristics of the land and (d) To ensure that the important environmental features of the City and Area of Impact are protected.”

Exhibit A
4561 E. Sunnyside Rd, Idaho Falls, ID 83406

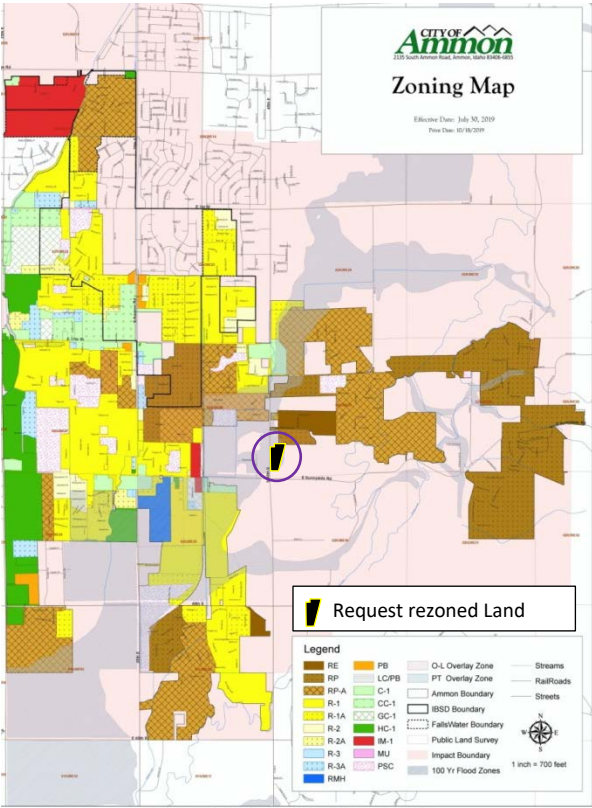
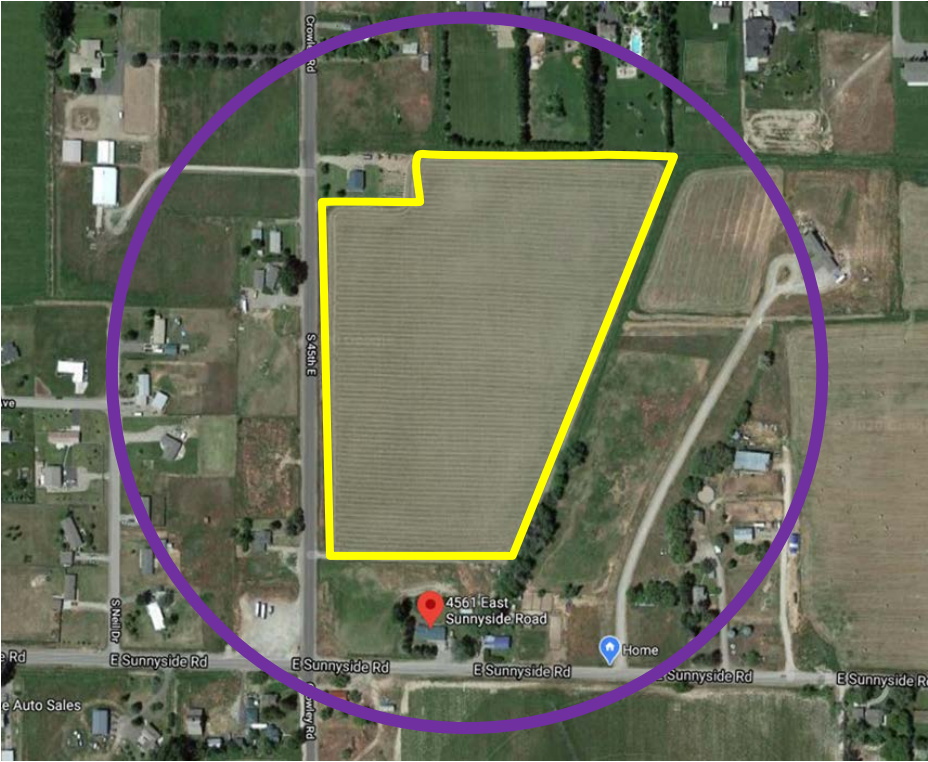
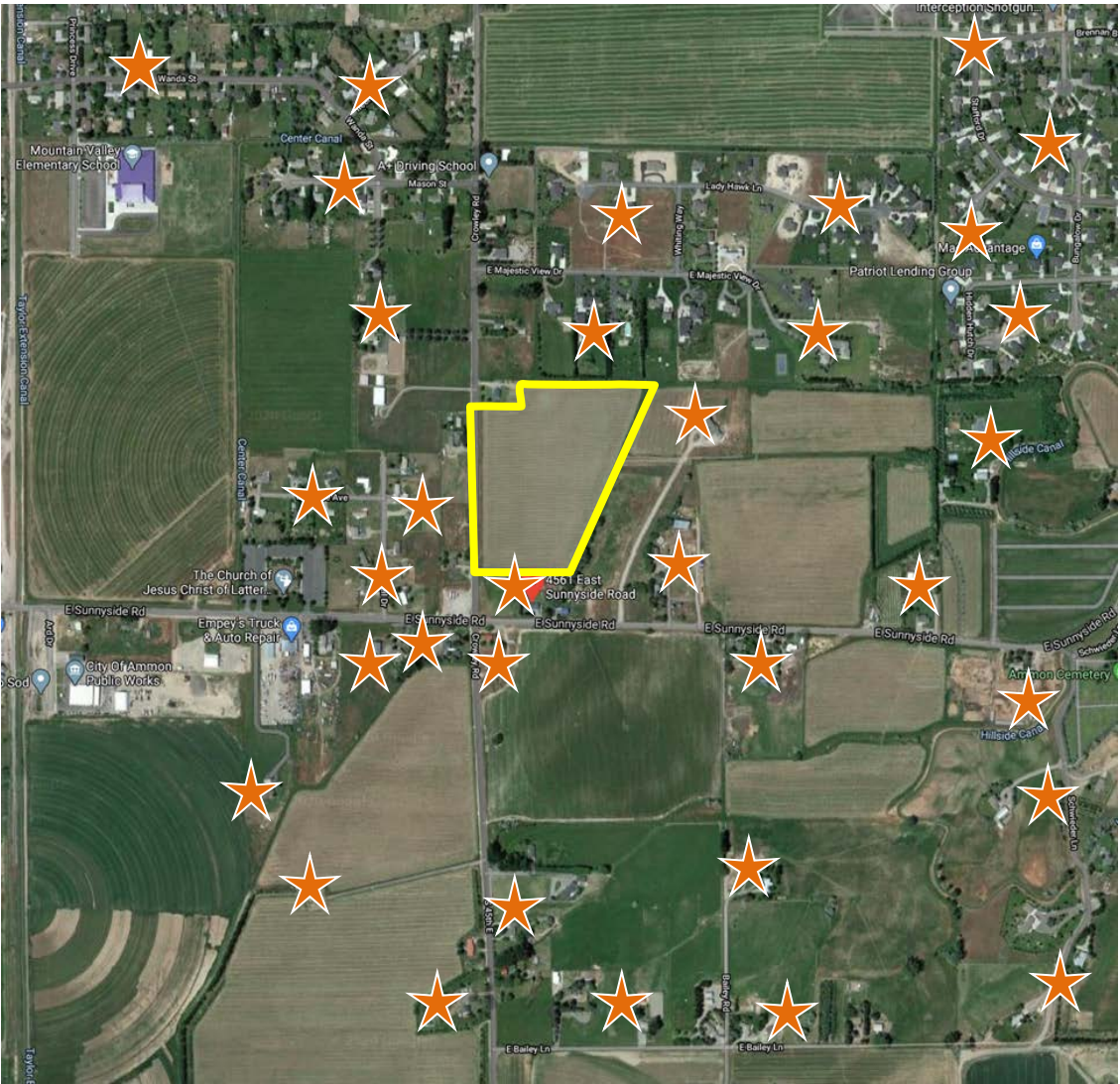


Exhibit B Neighborhood with .75 - 1+ acer lots are marked with a ★



As stated in 2018 City of Ammon Comprehensive Plan “Ammon’s land use goal should be to foster a community which continues to recognize and respect its rural roots” (page 21) and “Development on the foothills is generally proposed to be lower density; therefore, residential densities generally decrease further from regional commercial land uses and 25th East. Densities decrease as one travels farther from commercial land uses.” (Page 22)

Smaller property lots will directly mean smaller homes. Larger lots lean towards larger homes. The home/land value (tax base) should roughly be the same if you have 69 tiny homes without basements verse 17 large homes. Rezoning to RE (Residence Estate Zone) is a win-win, the City of Ammon keeps the increase tax base, but avoids the harm of school overcrowding, crime, clogged traffic, and a congested appearance. We and our neighbors feel threatened of loss of property value and are highly concerned about our tax burden to deal with increased stress on infrastructures.

When we first moved back home to Ammon in 2001 a sign was posted outside the new development of Eagle Point. It read “LIVING IN AMMON COST 40% LESS IN TAXES THAN LIVING IN IDAHO FALLS.” A short 19 years later, living in the City of Ammon cost 6.4% more than Idaho Falls (bestplaces.net). Bonneville County pays the highest levy rates in Idaho. In October of 2017 the rate was \$580 per \$100,000 of taxable value. (See <https://www.idahoednews.org/news/bonneville-homeowners-pay-growing-price-growth/>). Since then the City of Ammon has increased levy rates to cover a \$63.5 million High school, a \$46 million middle school and a \$16 million elementary.

We recommend at the expense of Robertson Corner LLC a professional and certified traffic and safety study on how best to develop the intersection. This will avoid a repeat of the Strip Mall at 17th and Hitt/25th where after multiple traffic accidents and even death required a subpar solution of drivers traveling behind Target Department Store to enter Hitt road. Not only is the path seriously narrowed, but the flow into the opening it not defined and unsafe. The purchase of the land and development of the intersection should be in place before the annexation should be allowed. Along with the study of how to design the intersection a professional and certified cost analysis should be in place. These studies should be at the expense of Robertson Corner LLC. Robertson Corner LLC should be assessed impact fees to fund all stop lights, landscaping and signage. Robertson Corner LLC should also fund walls/fencing needed to separate high traffic & noise from other residential properties.

When doing research we found different numbers than the Robertson Corner LLC studies.

Water:

According to the USGS (Science for a Changing World) on average, each person uses about 80-100 gallons of water per day. (See https://www.usgs.gov/special-topic/water-science-school/science/water-qa-how-much-water-do-i-use-home-each-day?qt-science_center_objects=0#qt-science_center_objects). The average number of person per households in Ammon is 3.9. If this land is allowed 69 homes with 4 family members per home there will be an additional need for 27, 600 gallons of water per day, nearly double the projection in the proposal, on an already deficient water supply.

Traffic:

The impact of these 69 plus homes is not limited to the water; there will be an overwhelming increase of commuters on roads that already experience “rush-hour” traffic. Unlike other residential areas all the commuters will be forced to exit onto 45th/Crowley road. If each home has an average of 2 driver/vehicles in that small stretch of road, 138 cars will be entering and exiting Crowley road.

Air pollution:

According to the EPA (United States Environmental Protection Agency (see <https://www.epa.gov/greenvehicles/greenhouse-gas-emissions-typical-passenger-vehicle>) “A typical passenger vehicle emits about 4.6 metric tons of carbon dioxide per year. Therefore, a passenger vehicle emits about 10,138.40 pounds of pollutions/year. This means 138 cars started-up once a day will emitted 1,259,189 pounds of air pollution/year in the 17.9 acres.

We thank you for your diligent consideration in this matter.

Sincerely,

Name, Date & Signatures

ⁱ “A claim of ‘spot zoning’ is essentially an argument the change in zoning is not in accord with the comprehensive plan.” Evans v. Teton Cnty., 139 Idaho 71, 76, 73 P.3d 84, 89 (2003).

There are two types of “spot zoning.” Type one spot zoning may simply refer to a rezoning of property for a use prohibited by the original zoning classification. The test for whether such a zone reclassification is valid is whether the zone change is in accord with the comprehensive plan. Type two spot zoning refers to a zone change that singles out a parcel of land for use inconsistent with the permitted use in the rest of the zoning district for the benefit of an individual property owner. This latter type of spot zoning is invalid.