



CITY OF BLACKFOOT
PLANNING & ZONING
Meeting Minutes
157 N Broadway Street, Blackfoot
January 25, 2022

Meeting called to order:

The meeting of the Planning and Zoning Commission of the City of Blackfoot was called to order at 7:00 PM on January 25, 2022, at The City of Blackfoot council chambers by Chairman Ron Ramirez. This meeting was also made available to the public for viewing by way of the Zoom application.

Pledge of Allegiance:

Commissioner Roll Call:

Those present: Chairman Ron Ramirez, Dine Smith, Vice Chairman, Commissioners Merv Dolan, JoAnne Thomas, Marilyn Jefferis, and Deborah Barlow.

City of Blackfoot staff present:

Kurt Hibbert, Planning & Zoning Administrator, Donna Parkinson, Planning & Zoning Clerk, and Attorney Garrett Sandow.

Report on Conflicts of Interest/Ex parte of Communication:

Commissioner Barlow came forward with two items, one a resident had called her with a question regarding the R1-R lot size and density. The second item was a letter Ms. Barlow received from residents also regarding the R1-R topic that appeared on tonight's meeting agenda. Commissioner Dolan acknowledged that he also received the letter. There were no other items brought forward.

Approval of the January 11, 2022, meeting minutes:

A motion to approve was offered by Commissioner Jefferis; Commissioner Smith then seconded. The motion to approve the January 11, 2022, meeting minutes passed. Commissioner Barlow abstained from voting due to being absent from that meeting.

Election of Planning & Zoning Commission officers for 2022(Not on the agenda):

Chairman Ramirez asked if Co-Chairman Smith would conduct this portion of the meeting. Chairman Ramirez then nominated a member of the commission to the position of chairman. This member declined the nomination and asked that the action be struck from the record. Commissioner Dolan offered a motion to leave the current leadership in place. The city attorney felt there should be two motions; one for election of chairman and the second for election of vice-chairman. First, a motion to re-elect Ron Ramirez as chairman was made by Commissioner Dolan and seconded by Commissioner Thomas; the vote was a unanimous yes. The motion to re-elect Dine Smith as Vice-Chairman was given by Commissioner Jefferis; seconded by Commissioner Thomas. The vote was taken and was unanimous in passing.

Agenda Item 6. a), Variance – Sign - Teton Group of Blackfoot, LLC (Dairy Queen) – Justin Steadman, 845 W. Bridge Street, Blackfoot, Idaho – Action Item:

Chairman Ramirez reminded everyone of the three-minute time limit for the public's testimonies. Mr. Ramirez then asked Administrator Hibbert for the staff report. Mr. Hibbert gave the group a description of the sign variance, indicating that the proposed location was outside of the sign ordinance that was recently passed to allow up to, one-hundred feet in height. Mr. Hibbert then invited the applicant to take the floor to describe the plan.

Todd Hendricks, Rigby, Idaho, owns the property where the proposed sign will be placed. The intent is to erect a sign, eighty feet in height that will attract freeway travelers to the business which will be known as Dairy Queen. Commissioner Thomas asked if there will also be a sign at the front of the business. Mr. Hendricks indicated there would be a pole sign. He explained to the group that the eighty-foot sign would be located in the back of the property, at the northwest corner.

Justin Steadman, Young Electric Sign Company (YESCO), Idaho, Falls, Idaho, introduced himself and said his company would be erecting the sign. He went through and explained some of the details contained in the drawings. There was a question brought up as to if the sign located in the rear of the property would pose a problem for automobile traffic. Mr. Steadman seem to think that wouldn't be an issue. At this time Chairman Ramirez opened up the meeting to the public.

Mr. Ramirez asked anyone in favor of the sign variance to come forward.

Mark Empey, Blackfoot, Idaho, spoke in favor.

Michael Oborn, Blackfoot, Idaho, spoke in favor.

Chairman Ramirez then asked if there was anyone neutral to come forward. There were no respondents. Mr. Ramirez then asked for those opposed to granting the variance to speak. No persons came forward; Chairman Ramirez closed the public hearing and turned the discussion over to the commission. Before the commission began, Mr. Ramirez asked the applicant if he would like to say anything following the public's comments.

Todd Hendricks, Rigby, Idaho, explained some of the challenges they have faced in completing the project. He expressed appreciation to the group and to everyone who has supported them. Mr. Ramirez then gave the application for a variance to the sign code to the commission for discussion.

One of the commissioners asked Attorney Sandow to explain the legal aspects of granting a variance. Another commissioner asked a question about the setback requirements. Mr. Sandow said that all things could be considered and changed under a variance. The group continued discussing with views both for and against. Chairman Ramirez brought the conversation to a close and asked for a motion. Commissioner Jefferis motioned to grant the variance to Teton Group of Blackfoot, LLC (Dairy Queen), 845 W. Bridge Street, Blackfoot, Idaho, legally described as: T3S R35E SC 03 BLKFT T-15997 (PT OF NWNW Plat) (RP1291000), to allow a sign height of eighty feet. Commissioner Thomas seconded the motion, and the vote was 3 to 2 in favor.

Agenda Item 6. b), Zone Change Request – Jerry and Rosemary Stuart, 420 Wilson Ave, Blackfoot, Idaho - Action Item:

At this time, Chairman Ramirez asked Administrator Hibbert to come up and give the staff report. Mr. Hibbert briefly went over the request and the intent is to change the zone so that some housing could be added to the property.

Administrator Hibbert asked the applicant to take some time and explain their intent and answer any questions.

Jerry Stuart, Blackfoot, Idaho, referred to a drawing of the property that had been done back in 2015 and the thought was on lots 3 & 4 of the drawing they were planning to build twin homes. Mr. Stuart also ran by the idea of establishing a tiny home community. Mr. Stuart then distributed sketches of what that would look like. He explained that if this idea was feasible, he would have an engineering firm draw up an official plan. Chairman Ramirez stated that the zone would not have to be changed if a tiny home subdivision is put in. After some more discussion, Mr. Stuart felt like he would still like to pursue the requested zone change, from a single-family Dwelling (R-1) to low density residential 2 (LDR2), located at, 420 Wilson Avenue. The commission asked Mr. Stuart several questions about the plan referring to the sketch he handed out to the group. Administrator Hibbert made clear that LDR-2 is the zone requested and reminded the commission to act on that. Another question brought up was if the zone were changed to LDR-2, would it accommodate a tiny home subdivision? Chairman Ramirez stated that a tiny home subdivision would come in under a Planned Unit Development (PUD) request. At this time Chairman Ramirez opened up the meeting to the public.

Mr. Ramirez asked anyone in favor of the zone change to come forward. There were no respondents.

Chairman Ramirez then asked if there was anyone neutral to come forward. There were no respondents.

Mr. Ramirez then asked for those opposed to granting the zone change to speak.

Michael Oborn, Blackfoot, Idaho, spoke not in favor of the zone change.

Joyce Orton, Blackfoot, Idaho, spoke not in favor of the zone change.

Curran Laddie, Blackfoot, Idaho, spoke not in favor of the zone change.

Chairman Ramirez asked for anyone else opposed to come forward. He then closed the public hearing and allowed Mr. Stuart to comment on the statements from the public.

Jerry Stuart, Blackfoot, Idaho, stated that his intentions are to improve the appearance of the property. He stressed that only duplex or tiny homes would be constructed. After Mr. Stuarts remarks, Chairman Ramirez gave the time to the commission to discuss the proposed zone change. The group viewed the zoning map to get a better idea of where the property was located and surrounding properties as well. After the commission finished, Commissioner Jefferis made the motion to recommend to City Council a zone change for Jerry and Rosemary Stuart, currently single family dwelling (R-1) to low density residential 2 (LDR-2), located at, 420 Wilson Ave, Blackfoot, Idaho, and legally described as: T3S R35E SEC 04 STUART SUBDIVISION LOT 2 PRICED W/12772210, 12772230, 12772240: T3S R35E SEC 04 STUART SUBDIVISION LOT 1 MH1272210; T3S R35E SEC 04 STUART SUBDIVISION LOT 3 PRICED W/12772210, 12772220,

12772240: T3S R35E SEC 04 STUART SUBDIVISION LOT 4 PRICED W/12772210, 12772220, 12772230 (RP1272220, RP1272210, RP1272230, RP1272240). A second to the motion was given by Commissioner Smith, followed by a vote which passed by a majority.

Agenda Item 6. c), Proposed Code Changes – Action Items:

i. Change to R1-R – Lot Size

Commissioner Ramirez asked the City Attorney to give the staff report. Attorney Sandow gave some history behind how the change in lot size description came about. He explained that based on zone definitions from a couple of years ago that RR and R1-R required a one acre minimum in size. The proposed change would allow for property zoned R1-R to have an area of six-thousand square feet. Mr. Sandow made three suggestions to the commission on how to proceed with the code change. First, to leave the ordinance the way it currently is, second, add language to the ordinance stating that all uses require a one-acre minimum lot size, and third, to clarify the language in the ordinance stating that for animal uses that the minimum lot size be one acre, but for development purposes the lot size would be outlined in the R1-R code definition. There was some discussion by the commission and Attorney Sandow on the judicial ruling that involved the property on Camas Street. It was agreed that the first option, to leave the ordinance unchanged, was not favorable. Chairman Ramirez then opened up the meeting to the public.

Mr. Ramirez asked anyone in favor of proposed changes to the code to come forward. There were no respondents. Chairman Ramirez then asked if there was anyone neutral to come forward.

Wes Potter, Blackfoot, Idaho, asked the commission for more clarification on what the ordinance currently states. The reply was one-acre minimum for both RR and R1-R zones.

Mark Empey, Blackfoot, Idaho, had concerns about not being aware of this matter of business and the reason he hadn't been notified.

Mr. Ramirez then asked for those opposed to proposed changes to the code to speak.

Michael Oborn, Blackfoot, Idaho, spoke in opposition to the proposed code change.

Wes Potter, Blackfoot, Idaho, spoke in opposition to the proposed code change.

Brittiany Anderson, Blackfoot, Idaho, spoke in opposition to the proposed code change.

Scott Reese, Blackfoot, Idaho, spoke in opposition to the proposed code change.

Shelley Parks, Blackfoot, Idaho, spoke in opposition to the proposed code change.

Ronald Reese, Blackfoot, Idaho, spoke in opposition to the proposed code change.

Craig Reese, Blackfoot, Idaho, spoke in opposition to the proposed code change.

Chairman Ramirez asked for anyone else opposed to come forward. He then closed the public hearing and turned the discussion over to the commission. There was some debate over what request came from city council and how to proceed with clearing confusion on the code change. Commissioner Barlow brought a motion to recommend to City Council to reject the code change as outlined in the Notice of Hearing. Commissioner Thomas seconded the motion. Commissioner Jefferis asked for a point of clarification, since the Planning & Zoning Commission is denying the proposed changes, would City Council be able to amend the code and send it back again? The answer was yes, they could. After the discussion the vote on the motion was taken and passed unanimously. Another motion was offered by Commissioner Jefferis directing city staff to amend the current code stating that RR and R1-R have a one-acre minimum lot size. The second was given by Commissioner Barlow; the vote passed unanimously. Chairman Ramirez asked Attorney Sandow to have the draft ready for the February work meeting on the 8th.

ii. Changes to 11-3-7

Chairman Ramirez introduced this item of business with Vice Chairman Smith explaining it in more detail, stating that the discussion pertained to 11-3-7, D, Blackfoot City code. Mr. Ramirez asked if Attorney Sandow would elaborate on what the proposed change means. He summarized that the proposed changes would allow more communication with affected parties with city organizations to resolve an impasse before seeking legal avenues. Chairman Ramirez then opened the meeting to the public.

Mr. Ramirez asked anyone in favor of the code change to come forward.

Craig Reese, Blackfoot, Idaho, spoke in favor.

Michael Oborn, Blackfoot, Idaho, spoke in favor.

Scott Reese, Blackfoot, Idaho, spoke in favor.

Chairman Ramirez then asked if there was anyone neutral to come forward. There were no respondents.

Mr. Ramirez then asked for those opposed to the code change to speak.

Brittiany Anderson, Blackfoot, Idaho, was concerned about the 14-day time limit, citing it could be a hardship for

some to take all the steps listed if they had a grievance. Attorney Sandow replied that the time limit and steps are actually from the state code. Mr. Sandow did note that in the event a resident wasn't notified of a hearing that was in the required area, the time would be extended to go through this process.

Ronald Reese, Blackfoot, Idaho, spoke in opposition to the proposed code change.

After the last person responded, Chairman Ramirez closed the public meeting and directed the time to the commission to discuss. After a brief conversation a motion was made by Commissioner Jefferis to recommend to City Council that section 11-3-7, D be adopted as written. A second to that motion was offered by Commissioner Smith and the motion passed unanimously.

iii. 11-3-4, Definition of Primary Structure

Chairman Ramirez clarified that the actual proposed code section would be 11-1-3. This would deal not with a primary structure definition but rather an accessory structure. Mr. Ramirez went through the language pointing out that the proposed changes would apply to residential zones only. Administrator Hibbert was invited to give the staff report. He explained that there has been an increase in residents adding accessory structures that are larger than the primary. In short, Mr. Hibbert said that the proposed definition will say that an accessory structure will not be larger than the primary one in a residential zone. He also said that in some of the residential zones, accessory dwellings are not allowed, the language in city code was written so as not to prevent them. Mr. Sandow made the commission aware that a Notice of Hearing had not been publicly posted and that a motion needed to be made to send this item to public hearing. Commissioner Jefferis offered the motion to have a new draft of the proposed code change to send to public hearing which Commissioner Dolan seconded. Before the vote there was a short discussion on the definition of the size of an accessory structure. Mr. Hibbert said that beside the requirements applied in the specifications, the accessory structure size would be less than the total square footage of the primary. It was agreed that the description needed to be clearer before presenting it to the public. The new draft would be discussed at the February 8th meeting. The vote was taken on the motion and passed.

iv. Commercial Zones

The city map printing machine is still not working. A new map needs to be adopted which clearly defines the location of each of the new commercial zones. Chairman Ramirez thanked Vice Chairman Smith for his work on the draft language for the proposed change in verbiage for the new commercial zones, as well as the rest of the commission and staff. The commission reviewed the new commercial land use table again before final adoption. .

Adjournment:

A motion to adjourn was made by Commissioner Jefferis and seconded by Commissioner Thomas. The meeting was adjourned at 9:45 PM.

Donna Parkinson

City of Blackfoot, Planning & Zoning Clerk
Donna Parkinson