



CITY OF BLACKFOOT  
PLANNING & ZONING  
Meeting Minutes  
157 N Broadway Street, Blackfoot  
February 8, 2022

**Meeting called to order:**

The work meeting of the Planning and Zoning Commission of the City of Blackfoot was called to order at 7:00 PM on February 8th, 2022, at The City of Blackfoot council chambers by Chairman Ron Ramirez. This meeting was also made available to view remotely by way of the Zoom application.

**Pledge of Allegiance:**

**Commissioner Roll Call:**

Those present: Chairman Ron Ramirez, Co-Chairman Dine Smith(remote), Commissioners JoAnne Thomas, Marilyn Jefferis, Deborah Barlow, and Merv Dolan.

**City of Blackfoot staff present:**

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

**Report on Conflicts of Interest/Ex parte of Communication:**

Administrator Hibbert took a moment to explain to the group the procedures that should be followed when reporting. He said that along with sharing any verbal instances, any written form of ex parte communication that members receive should be brought to the attention of the whole commission. Commissioner Barlow brought up the question regarding social media sites. Mr. Hibbert suggested that commission members try and remain invisible, and not be involved with conversations that may take place on the various platforms. Mr. Hibbert did say that if an issue did arise that a commissioner felt like needed attention, to bring it to Administrator Hibbert and city staff members. Mr. Hibbert and Mr. Ramirez gave some examples of how items could be misinterpreted by the public. Chairman Ramirez also mentioned in regard to the informational helps document, he does take care to make sure that is posted for public view.

Commissioner Barlow reported that she was asked a question by a city resident regarding the R1-R zoning change that was being brought up. No one else had anything to report.

**Approval of the January 25, 2022, meeting minutes:**

A motion was offered to approve the minutes as written by Commissioner Jefferis. Commissioner Dolan seconded the motion, and the meeting minutes were approved by unanimous vote.

**Public comment/Information:**

No items were brought up.

**Agenda item 7, Consent Agenda – Finding of Facts -Action Items:**

Chairman Ramirez reviewed the items that had the Finding of Fact and Conclusions completed; Commissioner Barlow made the motion to approve the Consent Agenda. Commissioner Jefferis then seconded the motion, after which the vote in the unanimous was taken. The Finding of Fact and Conclusions can be found in this document at the end of the meeting minutes.

**Agenda Item 8. a), 11-1-3, Change to Definition of Accessory Structure:**

Chairman Ramirez said that the statement requested by Commissioner Barlow in regard to the RR zone was added to the definition. There was some brief discussion on some of the wording in the amended version; the commission

agreed on the suggestions. Commissioner Jefferis moved that the amended code be sent to March's 2022 public hearing. Commissioner Barlow gave a second to the motion and the motion passed unanimously.

**Agenda Item 8. b), Commercial Zones (Map):**

Mr. Ramirez started by directing the groups attention to the newly printed zone map. Administrator Hibbert then went over details of the map, signifying that this map will replace the existing one once the new zones have been adopted. Mr. Hibbert explained that these zones would be in effect inside the city limits and is hopeful the county will accept them within the area of impact. The commission was made aware of some errors on the map, Mr. Hibbert said they would correct them. Chairman Ramirez pointed out that the item the commission would be acting on was commercial zones. More discussion involving frequency of map printing, access to maps online, and official city approval of zoning, verbiage, and maps was covered. After the discussion, Commissioner Barlow introduced a motion to send the Commercial Land Use Table, along with the corresponding map to a public hearing. There was a second given to the motion by Commissioner Jefferis; the vote was unanimous, and the motion passed.

**Agenda Item 8. c), Changes to 10-6 (Sign Ordinance):**

Chairman Ramirez began by talking about electronic billboards. He asked Administrator Hibbert to give the staff report on this. He led in to how the electronic signs, because of the flexibility to display content, become classified as an off-premise sign. Mr. Hibbert shared to the group that He, along with Mr. Ramirez and others have been looking into how other municipalities are handling these signs. He directed the commission to look at the table that was handed to them and replied that spacing of the signs to a minimum of seven hundred and fifty feet would be effective in reducing the clutter. Chairman Ramirez pointed out that the sign types listed on the table are only allowed in commercial zones. Administrator Hibbert emphasized that because of the ability to display countless content, they would amend the code to allow off-premise signage. After some discussion it was decided by the group to leave the free-standing changeable copy signs out of the distance requirement. It was also agreed to include the small electronic reader boards to be exempt from the distance apart requirement. There was discussion on possibly including a setback requirement when bordering residential areas. Mr. Hibbert also said that there are limitations on nighttime brightness and that the new signs have controls that adjust for that. Commissioner Jefferis made a motion to send the amended sign code to public hearing. Commissioner Dolan seconded; voting was unanimous, the motion passed. Administrator Hibbert then asked for a point of clarification, this would be in reference to an application that has recently been submitted, that falls under an off-premise sign. It was decided that if both new requirements are adopted, or the current requirements remain in effect, the application would be in violation of the code.

**Agenda Item 8. d), Discuss 11-4-7 proposed change to R-1 lot size:**

Chairman Ramirez reminded the commission about what the purpose of this item of business was about: to define lot size in both R1-R and RR zones. It was decided that one (1) acre would be designated as the minimum lot size. Commissioner Jefferis made the motion to send the proposed amendment to public hearing. Commissioner Dolan offered a second; voting passed unanimously. Administrator Hibbert then brought before the commission a point of order. This dealt with a warning of changing what someone else may have legislated. Mr. Hibbert cautioned the group that they can make recommendations but cannot make changes. Discussion continued with the group on this subject with all members asking questions to get a better understanding.

**Agenda Item 8. e), Draft of Impact Area Agreement:**

Chairman Ramirez started by sharing an email from Tiffany Olsen, Planning & Zoning Administrator for Bingham County. In the email, Ms. Olsen had asked about the City P & Z Commission's progress on their own AOI draft. Mr. Ramirez brought out the latest draft and highlighted one item contained in the draft, that the county adopts the standards set by the city in the AOI. Mr. Ramirez focused on a map that was also available to the commission and dealt with an annexation study. The markup on the map was pointed out by the Chairman. On a second map, Chairman Ramirez explained that this displayed developments that qualify for being part of the impact area and should be included. Chairman Ramirez then invited members of the commission to discuss the items just introduced. One topic that was mentioned, that once a draft was completed that city and county could agree on, that the agreement would

need to be updated at least every five years. Administrator Hibbert also added the importance of the county adopting the city ordinances in the agreement to help in transitioning properties in the impact area into the city. Mr. Hibbert stressed this is key for the city to continue to grow. Hibbert said that it's a positive step in the right direction that city and county have agreed to work together on this. Commissioner Jefferis made a motion to bring the latest draft, prepared by the City Planning & Zoning Commission to discuss at the February 24th meeting. Commissioner Dolan seconded, and the vote on the motion was unanimous.

**Adjourn:**

A motion to adjourn was given by Commissioner Jefferis and seconded by Commissioner Barlow. The meeting was adjourned at 8:30 PM.

*Donna Parkinson*

Donna Parkinson, City of Blackfoot Planning & Zoning Clerk

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FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
February 8, 2022

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on January 25, 2022, the Board held a public hearing on the request of Teton Group of Blackfoot, LLC (Dairy Queen) for a variance of the maximum height allowed for a sign to allow the Applicant to contrast an 80 foot tall sign. The sign to be constructed at 845 W. Bridge, Blackfoot, Idaho. The application is attached to these findings. A Staff Report was provided by the City of Blackfoot's Planning and Zoning Administrator and is attached hereto. The staff report recommends approval of the request based upon current code requirements. Testimony in favor was presented to the Board by the Applicant. No public testimony against or neutral to the proposal was presented. Upon reviewing the matter and any testimony in the public hearing, the Board finds and concludes as follows:

1. In a review of City Code 11-6A-9 a sign variance may be granted upon a showing of undue hardship because of the characteristics of the site, or unique circumstances relating to the intended use, and that the variance is not in conflict with the public interest.
2. In reviewing this matter, it appears the Applicant would suffer an undue hardship due to the elevation of the site, the proximity to other signs of equal height, the elevation of the interstate traffic entering Blackfoot, and other reasons presented by the applicant.

3. The Board does find that the granting of such relief will not be materially detrimental to the public health, safety or welfare, or injurious to the property of other property owners, or the quiet enjoyment of such property or improvement.

**RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

That the variance for the proposed sign to be 80 feet in height is approved as presented.

These findings of fact, conclusion, and resolution formally were adopted by a majority vote of the planning and zoning board on February 8, 2022.

*Donna Parkinson*  
Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho

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FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
CITY OF BLACKFOOT  
February 8, 2022

**FINDINGS AND CONCLUSIONS:**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on January 25, 2022, the Board held a public hearing on the request of Jerry and Rosemary Stuart to change the zone on property located on 420 Wilson Avenue, Blackfoot, Idaho, from R-1 (Light Residential) to LDR-2 (Low Density Residential) and to consider the recommendations to provide City Council pursuant to the application that is attached hereto and made a part hereof by this reference. During the public hearing, testimony was heard from the Applicant and evaluated by the Board. The matter was discussed with the Planning Administrator with a review of the relevant City Code. Testimony against the proposal was presented primarily focusing on loss of animal rights, increased density of housing, and other similar concerns. After reviewing any documents submitted by the applicant and by any other interested parties, the Board finds and concludes as follows:

**FINDINGS and CONCLUSIONS:**

1. The property currently is zoned R-1. The Applicant has requested a designation of LDR-2 to better suit the adjoining properties that are multi-family zoning.
2. That after consideration of the surrounding areas, the Commission has determined that a zone of LDR-2 is appropriate.
3. The proposed zone change to LDR-2 complies with and advances the goals and objectives of the Comprehensive Plan and is consistent with the uses in the area.
4. The zone change will allow the City to provide and maintain existing future capabilities of public utilities.
5. It appears the amendment to LDR-2 will not adversely affect other property in the vicinity.
6. The proposed zone will not adversely affect the public health, safety or welfare and does more accurately reflect the likely future uses of the area.

**RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

The Board recommends that the City Council amend the zoning of the proposed area from R-1 to LDR-2.

These findings of fact, conclusions, and resolution formally were adopted by a majority vote of the Planning and Zoning Board on February 8, 2022.

Donna Parkinson  
Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho

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FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
February 8, 2022

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on January 25, 2022, the Board held a public hearing on the request of the City of Blackfoot to add an Ordinance regarding the ability for aggrieved patrons to request a Motion to Reconsider to be heard by the City Council prior to any litigation being filed. Recommendations and the basis for those recommendations from the City of Blackfoot Planning and Zoning Administrator were presented and considered by the Board. Several members of the public testified in favor of the proposal. No one testified in opposition. Upon reviewing the matter, the Board found and concluded as follows:

**FINDINGS:**

1. That the current code does not allow an aggrieved party to re-address any issues with City Council. The only option for an aggrieved party is to seek judicial redress. Litigation is expensive and very time consuming. The proposal sought would assist in allowing further communication and discussion regarding issues on any planning and zoning matter that comes before City Council. It is felt this would expedite resolutions and avoid litigation in most cases. The proposed additions are attached hereto and incorporated by reference.
2. That the Board, and the unanimous presentations by the public, recommends the proposed code addition (11-3-7(D)) to have Motions to Reconsider be filed with City Council prior to litigation should be adopted.

**RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

It is recommended to the City Council that the proposed additions to the zoning code to provide for Motions to Reconsider should be adopted.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on February 8, 2022.

Donna Parkinson  
Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho

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FINDINGS OF FACT, CONCLUSIONS  
AND RESOLUTION ADOPTED  
BY THE  
PLANNING AND ZONING BOARD  
OF THE  
CITY OF BLACKFOOT  
February 8, 2022

**FINDINGS AND CONCLUSIONS**

At the regularly scheduled meeting of the Planning and Zoning Board of the City of Blackfoot on January 25, 2022, the Board held a public hearing on the request of the City of Blackfoot to amend the Ordinance regarding R-1R zoning to include a definitional statement on required lot sizes. Recommendations and the basis for those recommendations from the City of Blackfoot Planning and Zoning Administrator were presented and considered by the Board. No one testified in favor of the proposal. Many members of the public testified in opposition to the proposal during the public hearing. Upon reviewing the matter, the Board found and concluded as follows:

**FINDINGS:**

1. That the current definition of an R-1R zone states that the minimum lot size is one acre. The proposal sought clarification that the minimum lot size to protect animals is one acre, but must follow R-1 zoning for development purposes. The proposed additions are attached hereto and incorporated by reference.
2. That the Board, and the unanimous presentations by the public, finds the code to be clear in that the minimum lot size for R-1R zoning is, and should be, one acre.

**RESOLUTION AND CONCLUSIONS**

UPON MOTIONS DULY MADE, SECONDED AND CARRIED,

IT WAS RESOLVED THAT:

It is recommended to the City Council that the proposed amendments to the R-1R zoning code should be denied.

These findings of fact, conclusions, and resolutions were formally adopted by a majority vote of the planning and zoning board on February 8, 2022.

Donna Parkinson  
Secretary of Planning & Zoning Board  
City of Blackfoot, Idaho